

## **ARF Workshop: Implementing UNCLOS and other International Instruments to address Emerging Maritime Issues**

### **I. Background**

1. A secure and stable maritime domain is critical for the stability and prosperity of South East Asia and the wider Indo-Pacific region. In addition to inter-state disputes over maritime entitlements, the region is confronted to changing patterns of criminality at sea, covering piracy, armed robbery, human trafficking, drug and weapons smuggling, etc. So-called non-traditional security challenges are further compounding the picture, confronting regional countries to the profound impacts of IUU fishing, marine pollution, marine debris accumulation, interaction of plastics with the biosphere, natural disasters and climate change. These challenges are contributing to deep changes in the health of the regional marine environment, including fish stocks, marine biodiversity and marine living resources, rising sea levels, erosion of the coastline, warming ocean temperatures, ocean acidification, and changes in ocean circulation. They in turn fragilize the livelihoods of littoral communities and the economies of regional states.

These developments were not anticipated during the establishment of the legal framework to govern the oceans. Consequently, they pose unprecedented challenges for the law of the sea at the global as well as regional and local levels. Moreover, given the transboundary nature of these issues, they can only be addressed through effective coordination of national, regional and international actions in accordance with national legislation and international law.

2. The Hanoi Plan of Action to Implement the ARF Vision Statement envisaged the ARF to support the work of the ARF ISM on MS as a regional framework to address maritime security issues and promote compliance and adherence to relevant international legal instruments. Pursuant to the Hanoi Plan of Action, the first and second ARF Seminars on UNCLOS, held in March 2011 and May 2014 in the Philippines, focused on how UNCLOS regulates maritime traditional issues such as maritime zones and dispute settlement mechanisms.

3. In February 2019, a third seminar was organized in Nha Trang, Vietnam, to consider the two issues of sustainable management and conservation of marine resources and climate change, as well as the ways to address them under UNCLOS.

4. In January 2018 and March 2019, two ARF workshops on enhancing Regional Maritime Law Enforcement Cooperation have been organized. Their focus was on the guidelines and principles to be adopted to foster cooperation among maritime law enforcement agencies in the region, as a way to manage the risk of conflict and mitigate some of the negative impacts of sovereignty disputes in the maritime domain.

5. The interpretation and implementation of legal obligations under UNCLOS necessarily integrates other frameworks, Conventions and protocols. The evolution of inter-state disputes, mixed with the imperative of regional cooperation over maritime safety and security on the one hand, over climatic and environmental challenges on the other, requires that ARF participating countries continue their conversation over the options available for effectively addressing these pressing challenges. Concertation over UNCLOS provisions and recent developments can help solidify the legal framework necessary for the enforcement of good order at sea. It also facilitates cooperative initiatives in the fight against pollution (including plastics), depletion of fish stocks, degradation of the biosphere and coastlines, etc.

6. Key topics for consideration in this regard include recent developments having a bearing on the interpretation of UNCLOS provisions, the potential role of regional cooperation mechanisms, strengthened implementation and application of signed and ratified instruments,

enhanced regulation of national and flag vessels, dispute settlement procedures as well as new legal instruments.

## **II. Objectives**

Following the first two ARF seminars on UNCLOS in 2011 and 2014, and in direct connection with the third ARF Workshop “Implementing UNCLOS to address emerging maritime issues” held on 26 – 27 February 2019 in Nha Trang, Vietnam, a fourth workshop should be organised in late 2019 – early 2020. The title would remain “Implementing UNCLOS to address emerging maritime issues”. The objectives of the Workshop are to:

- update participants of recent developments in the legal conversation over UNCLOS provisions and associated frameworks.
- review implementation gaps in the region, with a focus on maritime security and environmental cooperation among participating countries.
- Identify specific regulatory gaps, pertaining to new or evolving maritime challenges, including plastic pollution, climate change, criminality at sea.
- Share knowledge, experiences and best practices among government officials in the implementation of the law of the sea and other legal instruments to address emerging maritime issues in the region.
- Hold working group discussions on specific recommendations to be brought forward to ARF participating countries, with the view to reinforce the effective implementation and, where needed, suggest reforms of existing legal instruments.

## **III. Co-chairs and Participants**

### **Viet Nam and the European Union will co-chair the workshop.**

All ARF participating countries are invited to send representatives with responsibility for implementing maritime legal instruments from relevant ministries/ agencies overseeing foreign affairs, maritime issues, fisheries, environmental issues and shipping to the Workshop. Participants are encouraged to present their views/ideas on relevant topics of choice. Regional and international experts will be invited as speakers.

## **IV. Reporting**

The outcomes and recommendations of the Workshop will be reported to the ARF SOM and Foreign Ministers.

## **V. Administrative Arrangements**

The Co-chairs will provide venues, luncheons and light refreshments during the course of the event. Participants are responsible for their own travel, accommodation and other incidental costs.

*As of 13 March 2019*