

## Highlights of Developments in ARF Cooperation on Maritime Security

### Introduction

1. The ARF cooperation on maritime security began in 2003 with the ARF Chairman's *Statement on Cooperation Against Piracy and Other Threats to Maritime Security* which reinforced their intention and commitment to establish a legal framework for regional cooperation to combat piracy and armed robberies against ships.
2. At the 15<sup>th</sup> ARF in Singapore on 24 July 2008, the Ministers established the ARF Inter-Sessional Meeting on Maritime Security (ISM on MS) as an annual forum to hold more focused dialogues and concrete cooperation and to assess basic and common regional needs, capacity building and developing practical forms of cooperation among concerned agencies of all ARF participants dealing with maritime security issues.
3. This information paper is a compilation of excerpts from various reports and statements of the ARF summarizing discussions, agreements and recommendations in the field of maritime security cooperation.

### A. Highlights of the 1<sup>st</sup> – 9<sup>th</sup> ARF Inter-Sessional Meeting on Maritime Security (ISM on MS)

4. 1<sup>st</sup> ARF ISM on MS, Surabaya, 5-6 March 2009
  - a. Discussed maritime security issues, including piracy and armed robbery at sea, trans-national organized crimes at sea, maritime activities in the EEZ, inter-agencies cooperation, and strengthening capacity building.
  - b. Agreed to consider the possibility to develop a work plan of the ARF ISM on MS based on the updated and revised "Stocktaking of ARF Decisions and Recommendations on Maritime Security Issues" and "Matrix of Progress ARF Discussion on Maritime Security Issues", with a possible draft work plan circulated prior to the next ISM on MS in New Zealand in 2010.
  - c. Welcomed the Japanese proposal to develop a reference paper containing good/positive experiences and lessons learned on maritime security, including those related with piracy and armed robbery at sea in Southeast Asia. The said reference paper is expected to be prepared in time for endorsement by the 18<sup>th</sup> ARF in July 2011.
  - d. New Zealand will further develop the list of table of ratification of treaties of the ARF Participants relating to transnational crime and encourage other ARF countries to join the effort with the aim at discussing them at the next ISM on MS.
5. 2<sup>nd</sup> ARF ISM on MS, Auckland, 29-30 March 2010
  - a. Discussed cross-sectoral issues under the purview of both the government and private sectors, namely, facilitating commerce as regard shipping and port security, private sector perspectives on maritime security, regional

response to people smuggling, sharing of information and intelligent and promotion of best practice and capacity building.

- b. The United States proposed that a centre be established, termed the ARF Transnational Threat Information-sharing Centre (ATTIC), which ARF states could join on a voluntary basis. This centre could assist the philosophical shift from “need to know” to “need to share”. ATTIC could collaborate with the open-source Maritime Safety and Security Information System (MSSIS) to ensure members had access to full information. The US also proposed to host a meeting on information sharing in the next six months. It invited feedback on its proposals. New Zealand tabled a draft outline work plan on maritime security as a basis for further discussion.
- c. The co-chairmanship of the ISM on MS by Indonesia, Japan and New Zealand would continue for one more inter-sessional year. The Japanese Co-Chair was giving consideration to hosting the next meeting of the ISM on MS in February 2011.

6. 3<sup>rd</sup> ARF ISM on MS, Tokyo, 14-15 February 2011

- a. Discussed the current situation of information sharing on maritime security in the region, future challenges in maritime security including the potential threat of climate change.
- b. Noted that training and education to develop technical expertise, joint exercises, exchange of expertise and best practice, financial capacity were among the possible measures to deepen existing cooperation. Identification of common issues on the ground which lead to the development of Standard Operating Procedures and common policies were also proposed to further cooperation in maritime security.
- c. Acknowledged the future potential of the ASEAN Maritime Forum (AMF) as a venue to promote better understanding among ASEAN Member States on various dimensions of threats to maritime security in the region, as well as to coordinate maritime cooperation under various ASEAN bodies.
- d. Finalised the draft ARF Work Plan on Maritime Security and agreed to submit the document through the usual ARF channels for eventual consideration and adoption by the Ministers at the 18<sup>th</sup> ARF in July 2011.
- e. Welcomed the offer by Indonesia, the Republic of Korea, and the United States to co-chair the next ISM on MS.

7. 4<sup>th</sup> ARF ISM on MS, San Francisco, 14-15 June 2012

- a. Discussed regional cooperation in civil maritime law enforcement, including interagency and civil-military cooperation in maritime security and existing cooperation among the coast guards in the Asia Pacific region.
- b. Noted the outcomes of the ADMM-Plus Experts' Working Group on Maritime Security (EWG on MS) and the 10<sup>th</sup> ARF ISM on Counter-Terrorism and Transnational Crime, which focused on counter-terrorism in the maritime domain, as part of improving synergy of ARF initiatives with those implemented under other fora.
- c. Encouraged ARF participants to volunteer to lead in priority areas no. 1 and 3 of the ARF Work Plan on Maritime Security which was adopted by the 18<sup>th</sup> ARF in July 2011 to continue advancing the ARF cooperation in maritime security.

- d. Discussed threats to maritime security from transnational crimes at sea including trafficking in persons, trafficking of illicit drugs, piracy and armed robbery, and illegal, unreported and unregulated (IUU) fishing.
  - e. Viewed that future ARF discussion in maritime security should develop a set of norms and standards of the conducts at sea to avoid conflicts and maintain peace and stability, especially among civilian maritime actors such as maritime law enforcement forces, seamen, and fishermen.
  - f. Exchanged views on the implementation of the International Ship and Port Facility Security (ISPS) Code including through such programs as the International Port Security (IPS) Program being conducted by the United States Coast Guard.
  - g. Noted the proposal to share the outcomes of the ISM on MS with other maritime security-related organisations such as the APEC Transport Working Group and its Maritime Experts' Group (MEG) and the International Maritime Organization (IMO), as well as with non-government agencies and the private sector.
8. 5<sup>th</sup> ARF ISM on MS, Seoul, 18-19 April 2013
- a. Noted the outcomes of other maritime security-related activities in the region, i.e. the ADMM-Plus Experts' Working Group on Maritime Security (EWG on MS), the ARF Workshop on Ship Profiling, the 3<sup>rd</sup> AMF and the inaugural Expanded ASEAN Maritime Forum (EAMF), and several maritime security workshops convened by the Pacific Forum CSIS.
  - b. Welcomed the proposal from China and the interest of Malaysia to lead priority area no. 3 (Capacity-building of Maritime Law Enforcement Agencies in the Region) of the ARF Work Plan on Maritime Security. Continued to encourage ARF participants to volunteer to lead in priority area 1 of the Work Plan.
  - c. Exchanged views on civil maritime law enforcement, including best practices in maritime multilateral cooperation, and took note of existing multilateral coast guard interactions participated by several ARF participants, namely the North Pacific Coast Guard Forum (NPCGF) and the Heads of Asian Coast Guard Agencies Meeting (HACGAM).
  - d. Noted the establishment of a new CSCAP Study Group on Principles of Good Order at Sea to support the agenda of the ARF ISM on MS. The study group plans to convene a workshop on the sidelines of the 6<sup>th</sup> ARF ISM on MS in Indonesia in 2014.
  - e. Participants shared their national experiences in implementing the ISPS Code including through legal instruments, measures to enhance maritime security in line with the principles of the Code, and the role of the coast guard in improving port security.
  - f. Agreed that the ARF should also focus on the issue of protecting the marine environment. Took note of the suggestion for the ARF to conduct a regional risk assessment on protection of the marine environment as well as several initiatives to conduct activities on this issue, including the proposed ARF Workshop on Marine Oil Spill and the ARF Workshop on the Protection of Marine Environment from Hazardous and Noxious Substances.

9. 6<sup>th</sup> ARF ISM on MS, Bali, 22-23 May 2014

- a. Noted the briefings by the Chair and Co-Chairs of ASEAN maritime-related bodies and mechanisms, i.e. the 4<sup>th</sup> AMF and the 2<sup>nd</sup> EAMF, the ADMM-Plus Experts' Working Group on Maritime Security (EWG on MS), the Senior Officials Meeting on Transnational Crime (SOMTC) and the ASEAN Working Group on Coastal and Marine Environment (AWGCME) as well as other maritime security-related activities such as the Expanded ASEAN Seafarers Training Workshop on Counter-Piracy (EAST-CP) and the Council for Security Cooperation in the Asia Pacific (CSCAP) Maritime Study Group. Recognised the role of existing ASEAN-led mechanisms on maritime-related issue and emphasised the need for synergy and coordination among these mechanisms.
- b. Noted the review by the ASEAN Secretariat of the implementation of the ARF Work Plan on Maritime Security and emphasised the need to update the Work Plan while continuing to address the current priority areas. Agreed that the current and the next Co-Chairs of the ARF ISM on MS would work together to draft the new ARF Work Plan on Maritime Security and table the draft at the next ARF Inter-sessional Support Group Meeting on Confidence-Building Measures (ISG on CBMs and PD) in Malaysia in November 2014.
- c. Took note of the draft ARF Statement on Cooperation in Prevention, Preparedness, Response and Restoration from Offshore Oil Spill Incidents.
- d. Exchanged views on maritime safety, maritime search and rescue, and cooperation in combating illegal, unreported and unregulated (IUU) fishing. Discussed the relevance of IUU fishing as a maritime security issue to be addressed in an update to the Work Plan due to its potential threat to maritime security.
- e. Noted the suggestion to include search and rescue as a new priority area of the ARF Work Plan on Maritime Security in consideration of this and other maritime security incidents as well as the ARF's past work in this area.
- f. Welcomed the Philippines, Japan and the United States as the incoming Co-Chairs of the ARF ISM on MS for the period of 2014-2017.

10. 7<sup>th</sup> ARF ISM on MS, Honolulu, 30 March – 2 April 2015

- a. Noted the briefings by the Chair and Co-Chairs of ASEAN maritime-related bodies and mechanisms, i.e. the 5<sup>th</sup> AMF and the 3<sup>rd</sup> EAMF, the ADMM-Plus Experts' Working Group on Maritime Security (EWG on MS) and the ASEAN Working Group on Coastal and Marine Environment (AWGCME) as well as other maritime security-related activities such as the Expanded ASEAN Seafarers Training Workshop on Counter-Piracy (EAST-CP) and the Council for Security Cooperation in the Asia Pacific (CSCAP) Workshop on Maritime Security and the Marine Environment. Took note of the suggestion to establish an ASEAN Coast Guards' Meeting as well as a single regional point of contact on maritime security to ensure coordination between countries in the region.
- b. Exchanged views on maritime security, maritime safety and protection of the marine environment. Topics discussed include the latest updates on regional and international counter-piracy operations, measures to address IUU fishing, regional cooperation on marine environment protection, oil spill response strategies, lessons learned in international search-and-rescue (SAR) operations and implementation of the Code for Unplanned Encounters at Sea (CUES).

- c. Conducted breakout sessions on maritime security, maritime safety and marine environment which aimed at identifying common reference points and shared principles as well as activities to help strengthen those principles that could be included in the ARF Work Plan on Maritime Security.
- d. Noted the review by the ASEAN Secretariat of the implementation of the ARF Work Plan on Maritime Security which emphasised, among others, that the priority areas should be focused in issues where the ARF could bring the most added value to existing maritime security initiatives, particularly those of ASEAN. Discussed the draft ARF Work Plan on Maritime Security 2015-2017, prepared by the Co-Chairs, which features the pillar structure consisting of the maritime security, safety of navigation and protection of the marine environment pillars. Each pillar will be led by one Co-Chair of the ARF ISM on MS and consist of the original three priority areas as the guiding principle for activities under each pillar. Participants agreed to submit further inputs and feedback to the draft Work Plan
- e. Noted the concept papers for activities to be implemented in the inter-sessional year 2015-2016, including the ARF Workshop on Emergency Management of Offshore Oil Spill, ARF Workshop on Maritime Risks Management, ARF Workshop on Increasing Regional Security by Improving Fisheries Management and ARF Capacity Building Workshop on Ship Profiling. Also noted the draft ARF Statement on Strengthened Cooperation on Marine Environmental Protection and Conservation, prepared by the United States.
- f. Underscored that the ARF should continue to strengthen cooperation in maritime security while being mindful of discussions and activities conducted under other ASEAN-related maritime security mechanisms such as the AMF/EAMF and the ADMM-Plus.

11.8<sup>th</sup> ARF ISM on MS, Manila, 6-7 April 2016

- a. Noted the briefings by the Chair and Co-Chairs of ASEAN maritime-related bodies and mechanisms, i.e. the 6<sup>th</sup> AMF and the 4<sup>th</sup> EAMF, the ADMM-Plus Experts' Working Group on Maritime Security (EWG on MS) and the ASEAN Maritime Transport Working Group (MTWG) as well as other maritime security-related activities such as the ASEAN-EU High-Level Dialogue on Maritime Security and the Council for Security Cooperation in the Asia Pacific (CSCAP) Study Group on Marine Environment Protection. Also noted the briefing by the ASEAN Secretariat on the new ASEAN Political-Security Community (APSC) Blueprint 2025 and the action lines related to maritime security.
- b. Exchanged views on the marine environment and sustainable development, safety of navigation, and maritime security. Topics discussed include the increasing tensions in the South China Sea, the threat and adverse effects of IUU fishing to economic and food security, marine environmental governance, protection of marine biodiversity, public-private cooperation in addressing piracy and armed robbery at sea, and implementation of the Code for Unplanned Encounters at Sea (CUES). Participants discussed the possibility and viability of expanding CUES to be utilised by coast guard vessels in addition to naval vessels.
- c. Noted the concept papers for activities to be implemented in the inter-sessional year 2016-2017, including the ARF Workshop on Best Practices in

Implementing Safety of Navigation Instruments and the ARF Workshop on Management Marine Hazards in the Asia-Pacific. Also noted the proposal from Viet Nam for an ARF Ministerial Statement on Enhancing Cooperation among Maritime Law Enforcement Agencies.

12.9<sup>th</sup> ARF ISM on MS, Tokyo, 8-9 February 2017

- a. Noted the briefings by the Chair and Co-Chairs of ASEAN maritime-related bodies and mechanisms, i.e. the ADMM-Plus Experts' Working Group on Maritime Security (EWG on MS), the ASEAN Maritime Transport Working Group (MTWG), the ASEAN Senior Officials' Meeting and the ASEAN Transport Ministers Meeting, and other maritime security-related activities namely the ASEAN-EU High-Level Dialogue on Maritime Security and the Council for Security Cooperation in the Asia Pacific (CSCAP) Study Group on Marine Environmental Protection.
- b. Exchanged views on the current challenges in maritime security including IUU fishing and noted the presentations of representatives from the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP), International Maritime Organization (IMO), and Partnerships in Environmental Management for the Seas of East Asia (PEMSEA) on safety of navigation, maritime security cooperation, and sustainable marine development.
- c. Noted the concept papers for activities to be implemented in the inter-sessional year 2017-2018, including the ARF Workshop on Ferry Safety, the ARF Workshop on Sustainable Fisheries Management and Food Security in Southeast Asia and the ARF Workshop on Best Practices in Maritime Data Analysis to Combat Transnational Organised Crime. Also noted the proposal for the ARF Workshop on Enhancing Regional Maritime Law Enforcement Cooperation as an implementation of the ARF statement on the same topic which was adopted last year.
- d. Discussed the development of the new ARF Work Plan on Maritime Security 2018-2020 and emphasised the need to ensure that initiatives undertaken by the ARF are closely aligned with other maritime security mechanisms in the region such as the ADMM-Plus and the EAS to avoid duplication of efforts. Also noted the importance of information sharing and the need to identify gaps in maritime agreements and frameworks in order to develop a robust and effective Work Plan.
- e. Noted the issues to be followed up as below:
  - Incoming Co-Chairs Viet Nam, Australia and the EU to prepare the draft ARF Work Plan on Maritime Security 2018-2020 and present it at the next ISM on MS in 2018.
  - ARF participants to identify the ASEAN co-chair for the new proposed activities.
  - The ARF Unit to develop a stocktaking paper on the initiatives undertaken by various maritime-related mechanisms.
  - The ARF ISG on CBMs and PD Co-Chairs to highlight the timeframe and process of updating ARF Work Plans.
  - The co-sponsors of the draft ARF Statement on Cooperation to Prevent, Deter and Eliminate IUU Fishing to provide an update on the status of the draft.

## **B. Highlights of Other ARF Meetings and Activities on Maritime Security**

### **13. 2<sup>nd</sup> ARF Inter-Sessional Meeting on Counter-terrorism and Transnational Crime (ISM on CTTC), Manila, 30-31 March 2004**

- a. The participants considered sea transport infrastructure and services as probably among the most vulnerable targets for terrorist attacks under current circumstances. The participants expressed their full support to ARF efforts on maritime security.
- b. At the domestic level, the participants presented the various measures adopted by their countries. These measures include the establishment of coordinating agencies looking into maritime security, enhancement of sea communications systems and port facilities, and the conduct of highly specialized training programs. New laws have also been put in place by their countries to regulate security matters on all types of transport.
- c. Recognising the importance of intensifying bilateral, regional and international cooperation in maritime security, some countries are initiating agreements in critical areas, such as customs cooperation and the conduct of border patrols. Some participants called for enhanced international cooperation in maritime security similar to arrangements in the air transport services sector.

### **14. ARF Workshop on Maritime Security, Kuala Lumpur, 22-24 September 2004**

The following recommendations were made:

- a. ARF participants should identify national focal points, enhance cooperation in intelligence and information sharing and develop national contingency plans involving all stakeholders.
- b. Establish inter-governmental agreements, such as standard operating procedures, and undertake national and regional assessments and capacity gap analysis.
- c. Conduct more confidence-building activities and promote common understanding of maritime threats.
- d. Hold workshops on legal aspects of international maritime security cooperation, including on the definition and parameters of maritime crimes.
- e. In the context of the Straits of Malacca, the participants welcomed the coordinated patrol between Indonesia, Malaysia and Singapore and other bilateral cooperation with India, noting that this was in line with the primary role of the littoral states of the Straits of Malacca and the Singapore Straits. The participants emphasized the importance of respecting the sovereignty of the littoral states in managing their territorial waters under their jurisdiction.

### **15. ARF Confidence Building Measures on Regional Cooperation in Maritime Security, Singapore, 2-4 March 2005**

- a. A consensus around three broad principles emerged from this Meeting: 1) the primary responsibility for the safety and security of key waterways like the Malacca and Singapore Straits lay with the littoral states; 2) there is a multiplicity of stakeholders, e.g. interested countries, international organisations, the shipping community, and even multinational corporations; and 3) cooperation should proceed on the basis of consultation and in accordance with international law.
- b. The ARF should play an important role in forging regional cooperation in maritime security.

- c. The IMO could play a role with regard to enhancing the security of vital regional sea lanes while ensuring continued freedom of trade and navigation through them. The Meetings therefore supported the continued involvement of the IMO in future ARF maritime security initiatives.
  - d. Agreed that the exchange of information among maritime agencies in ARF countries was an important first step in developing wider cooperative arrangements. In this regard, the Meeting welcomed the adoption of the Regional Arrangement on Cooperation in Anti-Piracy in Asia (or ReCAAP) and the impending establishment of the ReCAAP Information Sharing Center (ISC) in Singapore. The ReCAAP ISC was set up in Singapore. in November 2007.
  - e. Noted the proposal for undertaking ARF maritime security exercise as an operational CBM and to develop common procedures or SOPs for multilateral exercises.
  - f. Called for sustained capacity building and technology exchange initiatives at the regional and sub-regional levels. In this regard, the Meeting welcomed India's proposal to host a CBM on Training in Maritime Security, Japan's proposal to host an ARF Workshop on Capacity Building in Maritime Security, as well as the United States' informal efforts to assist the littoral states in capacity building in maritime security.
  - g. Agreed on the need for constant communication and coordination between government and the shipping industry in implementing measures to enhance maritime security.
  - h. Agreed on the need to develop linkage or coordination among coast guard and maritime police assets.
16. ARF Workshop on "Training for Cooperative Maritime Security", Kochi, 26-28 October 2005
- a. Discussed the idea of having a regional initiative such as a regional maritime training center to provide maritime security training. This issue was raised within the context of the absence of a comprehensive maritime security training curriculum, which could be used by all countries across the spectrum of maritime security.
  - b. There was a general agreement and understanding among participants of the need for a database as a starting point, which could list the existing resources available with ARF participating states. Such a database could include, for example, an inventory of existing bilateral/multilateral arrangements/agreements among countries on issues related to maritime security. In the context of creating such an ARF database, mention was made of the existing databases with bodies like the IMO and the International Maritime Bureau (IMB).
  - c. Agreed on the need to provide requisite capacity, in terms of technology, assets and development of human resources to effectively meet the challenges of maritime security, examine and further develop the possibility of establishing a regional training centre to coordinate collaborative efforts.
17. ARF Workshop on Capacity Building of Maritime Security, Tokyo, 19-20 December 2005
- a. Discussed measures to follow up the previous ARF CBMs on maritime security. These measures included creation of a database which could identify



existing bilateral and multilateral initiatives on a voluntary basis. They concurred that such a database should also be able to identify the maritime agencies of various ARF participants and if possible, focal points. The participants also agreed to undertake a stocktaking of ongoing maritime security cooperation among the participants.

- b. Reiterated the importance of the following:
- Designating focal points to facilitate information sharing and communication among the ARF participants. The participants will convey the full contact details to the ARF Unit;
  - Stocktaking and building-up of a maritime security cooperative database to compile and to consolidate among others the available training/HRD activities and ongoing initiatives on a national, bilateral or multilateral basis;
  - Enhanced capacity building including improving human resources and gearing up institutions and legal frameworks;
  - Continued information exchange on national, bilateral and multilateral initiatives would be useful;
  - To further explore and implement the suggestion of having a regional centre for maritime training;
  - Examining the possibility of organizing joint coordinated efforts through expanded bilateral and multilateral arrangements while involving the user states; and
  - Emphasis on the importance of private sector cooperation, particularly the shipping and insurance industries, in maritime security activities.

18. ARF Maritime Security Shore Exercise, Singapore, 22-23 January 2007

- a. In line with the efforts of moving forward the ARF process to the preventive diplomacy stage, the first ever ARF Maritime Security Shore Exercise was conducted in Singapore on 22-23 January 2007. This exercise provided an opportunity to the ARF participants to exchange operational experiences through table top and scenario-based maritime security exercises held at the Tactical Training Center in Changi. The Shore Exercise is an important step in ARF's progress from dialogue to forging concrete and practical cooperation in the area of maritime security.
- b. Agreed that while the approaches to maritime security varied, the key to addressing the transnational nature of maritime security threats was through multilateral and inter-agency information sharing and cooperation. The presence of different agencies and countries at the exercise provided a broader perspective on the issue of maritime security. The participants noted that Indonesia's proposal for environmental protection could be discussed in future ARF events.

19. ARF Roundtable Discussion on Maritime Security Issues, Bali, 24-25 August 2007

- a. Agreed that the main threats to maritime security includes, sea piracy and armed-robberies, over-lapping claims and territorial disputes, terrorism, environmental degradation and the smuggling of goods and persons.
- b. Agreed on the importance of addressing the root cause of the problem and employing a comprehensive approach in dealing with maritime security.

- c. Agreed that the ARF should move ahead from discussions to implementation of concrete and practical measures.
- d. The common concerns in the area of maritime security are as follows:
  - Concentrate on capacity building of the implementer including training involving military and civilian at tactical and strategic levels;
  - Intensified the possibility of enhancement of military training assistance program and engagement to other partners;
  - Enhance possible regional cooperation to identify and to collect the practice of maritime security laws to strengthen member's legislation in the area of enforcement;
  - Exchange experience and information at the regional and international levels;
  - Increase capability and equipment required for monitoring and patrolling maritime areas;
  - Diversify intelligence maritime capability by establishing integrated information and networking as well as intelligence gathering and sharing;
  - Need for coordinated approach including cooperation between government agencies and private sectors;
  - Regional cooperation should encourage national implementation to curb smuggling;
  - Promotion of dialogue and communication between the government and people living by the coastal area.

20. ARF Training Programme on Maritime Security, Chennai, 24-29 March 2008

- Exchanged views and shared expertise on areas such as search and rescue; smuggling; piracy; hijacking and armed robbery; port security and ship security; confiscation and repatriation of ships; fishing rights including fishing by foreign vessels; drug trafficking and narco terrorism.

21. ARF Seminar on Measures to Enhance Maritime Security: Legal and Practical Aspects, Brussels, 19-20 November 2009

- a. Discussed common understanding on definitions of key maritime security concepts, improving legal regimes and enhancing inter-agency cooperation and overview of current solutions and sharing of best practices.
- b. Underscored the need to undertake a review involving the full range of stakeholders. The aim of such a review would be to develop a comprehensive picture covering all ARF participants of the key issues that arise from the lack of comprehensive international legislative framework.
- c. Proposed that the issue of implementation of international conventions can be used as a discussion topic in future ARF seminars and more attention is given to exchange of Best Practices.

22. ARF Seminar on the United Nations Convention on the Law of the Sea (UNCLOS), Manila, 8-9 March 2011

- Discussed four topics which touched on some of the key aspects of UNCLOS, namely: 1) Various Maritime Zones; 2) Cooperative Mechanisms Under UNCLOS; 3) Dispute Settlement Under Part XV; and 4) Maritime Environmental Protection.

23. ARF Workshop on Ship Profiling, Kuala Lumpur, 15-16 April 2013

- a. Discussed the definition and scope of ship profiling, the international regulatory and compliance regime of ship profiling, enhancing maritime domain awareness, ways and means to implement effective ship profiling, case studies on the practice of ship profiling, and ARF participants' national approaches to ship profiling.
- b. Exchanged views on the challenges in implementing ship profiling methods, the challenges in implementing the International Ship and Port Facility Security (ISPS) Code in ports, the role of intelligence and information sharing in ship profiling, and applying safety and security measures in marine vessels without disrupting the flow of regular maritime trade and activities.
- c. Identified the need to develop a set of best practices on ship profiling to complement the range of provisions in the International Convention for the Safety of Life at Sea (SOLAS) and the ISPS Code which provides essential information for ship profiling purposes. Participants took note of the suggestion to discuss the development of the best practices in follow-up activities in this area.

24. ARF Maritime Security Workshop on Marine Environmental Protection Cooperation: Preparedness and Response to Pollution Incidents Involving Hazardous and Noxious Substances, Honolulu, 4-5 March 2014

- a. Discussed recent developments in offshore oil and gas exploration, the effects of pollution in incidents such as Deepwater Horizon, and existing regional mechanisms and cooperative arrangements on marine environment disaster preparedness and response.
- b. Highlighted the importance of bringing together both the government and the industry sector in managing pollution incidents involving hazardous and noxious substances.
- c. Suggested for the outcomes of the Workshop as well as the follow-up ARF Seminar on Regional Cooperation on Offshore Oil Spills to be incorporated into a statement recommending a way forward for ARF cooperation in this area.

25. ARF Seminar on the Regional Cooperation on Offshore Oil Spill, Qingdao, 27-28 March 2014

- a. Exchanged views on preparedness for oil spill incidents through monitoring, early warning and forecasting, contingency planning and emergency response to offshore oil spills, and identification, assessment and ecological remediation of offshore oil spills.
- b. Welcomed China's proposal for establishing an Expert Network of Oil Spill Response (ENOSR), which aims to provide a forum for the provision of scientific and technical advice to support regional offshore oil spill response operations and the coordination of programmes to enhance the effectiveness and capacity of spill response agencies among ARF participants.
- c. Suggested the following key tasks for ARF participants to accomplish:
  - Encourage ways to determine gaps in regional protocols, awareness, capabilities and institutional capacity in oil spill preparedness and response;
  - Increase the region's potential to prevent, prepare, respond and recover from offshore pollution incidents by creating opportunities to share best practices and provide training to alleviate shortcomings in capacity and

- capabilities, to understand regulatory frameworks through engagement with international organisations and to facilitate government-industry collaboration and cooperation; and
- Encourage the provision of a cooperative approach for mutual assistance amongst ARF participants in the event of a major oil spill incident that exceeds the response capabilities of national governments or crosses the national boundaries.

26. 2<sup>nd</sup> ARF Seminar on UNCLOS, Manila, 28-29 May 2014

- a. Discussed the recent developments in the implementation and practice of UNCLOS in both territorial waters and the Exclusive Economic Zone (EEZ), cooperation under UNCLOS, settlement of disputes under Part XV of UNCLOS and current issues for UNCLOS including conservation and sustainable use of biodiversity in areas beyond national jurisdiction.
- b. Suggested for on-going and in-depth discussions on issues such as implementation of joint development of resources in disputed areas, a potential regional mechanism for dispute settlement in the South China Sea, and further promotion of cooperation on counter-piracy and armed robberies in the region.

27. ARF Seminar on Sea Lines of Communications (SLOCs) Security, Beijing, 7-9 December 2014

- Evaluated the current SLOCs security in Asia-Pacific, discussed national experiences in handling maritime incidents, piracy and terrorism at sea and exchanged views on ways to enhance multilateral cooperation to promote mutual understanding and capacity building.

28. ARF Seminar on Counter Piracy and Armed Robbery in Asia, Tokyo, 3-4 March 2015

- a. Exchanged views on the introduction of legal systems to criminalise piracy and armed robbery against ships, establishing and strengthening maritime law enforcement agencies, and the identification of challenges and possible steps to enhance measures against piracy and armed robbery against ships in Asia.
- b. Underscored the importance of further enhancing the following measures to combat piracy and armed robbery against ships:
  - strengthen regional and international cooperation for the capacity building of maritime law enforcement agencies of coastal states;
  - enhance regional and international cooperation to facilitate the information exchanges on piracy and armed robbery against ships through existing mechanisms; and
  - promote exchanges among maritime law enforcement agencies to share experiences and lessons learned through both bilateral and multilateral frameworks.

29. ARF Seminar on Regional Confidence Building and the Law of the Sea, Tokyo, 3-4 December 2015

- a. Discussed how state practices and jurisprudence developed the international legal regime applicable to maritime areas pending delimitation as well as that for peaceful settlement of maritime disputes.

- b. Exchanged views on what role international law can play in regional confidence building and on how states can build their capacity for negotiations on maritime delimitation in the future.
30. ARF Workshop on Maritime Risks Management and Cooperation, Beijing, 13-15 December 2015
- Exchanged views on maritime security cooperation and crisis management in the Asia Pacific, current maritime piracy trend and its implication in the Indian Ocean, marine disaster warning and mitigation in China, confidence measures in the South China Sea, and maritime security and safety cooperation through bilateral and multilateral mechanism in the Asia Pacific.
31. ARF Workshop on Illegal, Unregulated and Unreported (IUU) Fishing Bali, Indonesia, 19- 21 April 2016
- a. Underlined that IUU fishing is a major threat to global fisheries, the security of the marine environment, and the sustainability of marine resources.
  - b. Encouraged countries in the region to ratify the Port State Measures Agreement (PSMA) and its provision, whereby such Agreement should be promoted and adopted as regional norms.
  - c. Stressed the need for a regional forum for fisheries inspectors as an avenue for building networks and enhancement of capacity and thoroughness of training among marine law enforcement.
  - d. Showcased the draft on ARF Statement to Prevent, Deter and Eliminate IUU Fishing.
32. ARF Workshop on National Maritime Single Points of Contact, Cebu, 28-29 April 2016
- a. Exchanged views on regional maritime security cooperation and coordination, shared experiences in the development of national coordination mechanisms to enhance maritime security, and discussed law enforcement aspects of maritime security.
  - b. Conducted breakout group discussions and a Senior Leaders' Seminar comprised of the heads of delegations which identified the benefits and challenges of establishing national maritime single points of contact as well as the required elements to ensure that the national maritime single points of contact has the mandate, capability and capacity to achieve their desired objectives.
  - c. Affirmed the need to develop the concept of national maritime single points of contact further including by examining inter-agency arrangements at the national and multilateral levels.
33. ARF Capacity Building Workshop on Ship Profiling, Kuala Lumpur, 24-25 May 2016
- a. Explored case studies on the practice of ship profiling and craft risk assessment in a number of areas including maritime enforcement, border control, biosecurity and maritime insurance.
  - b. Conducted a table-top exercise on ship profiling tools, methodologies and processes.
  - c. Emphasised the importance of information and intelligence sharing between agencies on national and regional level and furthermore on global scale to

- develop a comprehensive profile and data base on vessels and its safety standards.
- d. Identified the need to develop a set of best practices of information sharing as well as on ship profiling to complement the range of provisions in the International Ship and Port Facility Security (ISPS) Code and Tokyo MOU in applying safety and security measures in marine vessels without disrupting the flow of regular maritime trade and activities.
  - e. Welcomed the suggestion to have a joint exercise between 2 to 3 Port Authorities to standardise and streamline ship profiling activities.
34. ARF Workshop on Best Practices in Implementing Safety of Navigation Instruments, Manila, Philippines, 11-12 July 2017
- a. Discussed best practices on the implementation of the Convention on the Safety of Life At Sea (SOLAS), International Regulations for Preventing Collisions at Sea (COLREGs) and other international safety of navigation arrangements in the Asia Pacific.
  - b. Developed recommendations on capacity-building towards the enhancement of a rules-based maritime regime in the region, including a mechanism to promote a regular dialogue between ARF and the International Maritime Organization (IMO).
  - c. Recognised the need of burden sharing with due regard to the sovereignty of coastal states in maintaining the security and safety of the waters and to identify the legitimate interests of different stakeholders in the implementation of safety standards and regulations.
  - d. Discussed the possibility of cooperation on a track 1.5 and track 2 level.

### **C. ARF Statements on Maritime Security**

35. The ARF has issued the following statements, which contain agreements to cooperate on various areas relative to maritime security:
- a. ARF Statement on Cooperation Against Piracy and Other Threats to Maritime Security, Phnom Penh, 18 June 2003;
  - b. ARF Statement on Strengthening Transport Security Against International Terrorism, Jakarta, 2 July 2004;
  - c. ARF Statement on Strengthening Coordination and Cooperation in Maritime and Aeronautical Search and Rescue, Nay Pyi Taw, 10 August 2014;
  - d. ARF Statement on Cooperation in Prevention, Preparedness, Response and Restoration from Offshore Oil Spill Incidents, Nay Pyi Taw, 10 August 2014;
  - e. ARF Statement on Strengthened Cooperation on Marine Environmental Protection and Conservation, Kuala Lumpur, 6 August 2015;
  - f. ARF Ministerial Statement on Enhancing Cooperation among Maritime Law Enforcement Agencies, Vientiane, 26 July 2016; and
  - g. ARF Statement on Cooperation to Prevent, Deter, and Eliminate Illegal, Unreported and Unregulated Fishing, Manila, 7 August 2017.

#### **D. Latest Developments**

36. At the 18<sup>th</sup> ARF in Bali on 23 July 2011, the Ministers adopted the ARF Work Plan on Maritime Security and tasked the ARF Senior Officials to work out the details of the Work Plan, including specific projects and list of Lead Countries or Co-Sponsors that ARF participants may wish to submit to the Work Plan. The 6<sup>th</sup> ARF ISM on MS agreed to review and update the Work Plan while continuing to address the current priority areas.
37. The 2015-2017 ARF Work Plan on Maritime Security, prepared by the Philippines, Japan and the United States as the Co-Chairs of the ARF ISM on MS for the 2015-2017 cycle, was adopted by the 22<sup>nd</sup> ARF in Kuala Lumpur on 6 August 2015. Taking into consideration that the current Work Plan will soon expire, the 9<sup>th</sup> ISM on MS held in February 2017 agreed that the Work Plan will be updated for the next implementation cycle. Vietnam, Australia and the EU as the Co-Chairs of the ARF ISM on MS for 2018-2020, will present the draft Work Plan at the upcoming 10<sup>th</sup> ARF ISM on MS in 2018 for discussion. Upon the consensus of all ARF participants, the draft will then be submitted to the ARF ISG on CBMs and PD and ARF SOM for consideration and subsequently for adoption of the 25<sup>th</sup> ARF in 2018. The 10<sup>th</sup> ARF ISM on MS is scheduled to be held in Brisbane, Australia, on 27-28 March 2018.
38. In the inter-sessional year 2017-2018, the activities under the ARF Work Plan on MS include:
- a. Topic 1: Maritime Security and Cooperation
    - ARF Workshop on Enhancing Regional Maritime Law Enforcement Cooperation, co-chaired by Vietnam, Australia and the EU and held in Nha Trang, Viet Nam, on 18-19 January 2018;
    - ARF Workshop on Maritime Domain Awareness, co-chaired by Malaysia and Japan and held in Tokyo, Japan on 7-8 March 2018; and
    - ARF Workshops on Best Practices in Using Maritime Data to Combat Transnational Organized Crime, co-chaired by Indonesia and the United States.
  - b. Topic 2: Safety of Navigation
    - ARF Workshop on Ferry Safety, co-chaired by Philippines and China and held in Guangzhou, China, on 12-13 December 2017; and
    - ARF Workshop on National Single Points of Contact, co-chaired by Malaysia, Australia and United States.
  - c. Topic 3: Marine Environment and Sustainable Development
    - ARF Workshop on Sustainable Fisheries Management and Food Security, co-chaired by Thailand, United States and China and held in Bangkok, Thailand, on 13-14 March 2018.

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