USCSCAP Workshop on
Maritime Security and the Marine Environment
Honolulu, Hawaii – March 30, 2015
Key Findings

The US Committee of the Council for Security Cooperation in the Asia Pacific (USCSCAP) sponsored a workshop at the Hilton Hawaiian Village Hotel in Honolulu, Hawaii USA on March 30, 2015 to examine the relationship between maritime security and the marine environment of the Asia Pacific. It brought together 54 participants from throughout the Asia-Pacific region and beyond, including many who were attending an ASEAN Regional Forum (ARF) Inter-Sessional Meeting on Maritime Security, the following two days at the Asia-Pacific Center for Security Studies in Honolulu. Participants examined the global regimes associated with preservation of the marine environment, regional environmental protection programs and their role in promoting cooperation, the role of maritime disaster response and programs to preserve living resources in building confidence and trust, and the general impact of programs to promote good order at sea on maritime security in the Asia-Pacific region. Throughout the discussion, participants were asked to focus on recommendations for improving functional cooperation as a means for enhancing adherence to the global regimes and implementing them. This is not a consensus document but a summary of key ideas that emerged from the discussions. Key findings from this meeting are as follows:

- Based on the existing global regimes governing maritime spaces, all states have a general obligation to prevent pollution and preserve the marine environment. In meeting these obligations they are required to avoid causing trans-boundary harm, to conduct environmental impact assessments, and notify other states in the event of damage in the process of exploiting marine resources. States also have a general obligation to cooperate with neighboring states and adopt a precautionary approach to exploiting marine resources.

- Gaps in the global regimes occur largely through the lack of implementation guidance associated with principles contained in the global regimes. The key challenge is not in the gaps themselves but in the lack of national and regional implementation mechanisms.

- Most of the global regimes associated with preservation of the marine environment have been in place for decades, yet many states have not acceded to or ratified several key regimes. The ARF should encourage all member states to implement the regimes and a study should be undertaken to assess the risks and vulnerabilities associated with the lack of implementation. A study could determine why states are not implementing/ratifying the regimes, assess how other regions of the world are addressing the requirements to promote regional cooperation in preserving the marine environment, examine the potential for overlap among regional implement guidance contained in global regimes, and determine where capacity is needed to address shortfalls.

 - The Partnerships in Environmental Management of Seas in East Asia (PEMSEA) and the Coral Triangle Initiative on Coral Reefs, Fisheries and Food Security (CTI-CFF) are both successfully implementing integrated coastal management programs in East Asia, Southeast Asia and parts of Melanesia despite the lack of a broader legal framework. By taking a practical approach and focusing on functional cooperation at the local level, these programs have been able to integrate the requirements of the global marine preservation and biodiversity regimes into their programs and foster regional cooperation based on criteria established by technical working groups.

- The Coral Triangle Initiative on Coral Reefs, Fisheries and Food Security (CTI-CFF) has facilitated the development of a regional marine protected area system framework and action plan which has involved extensive regional cooperation among the six CT countries. Enabling factors in this process have been a regional information sharing program to track progress (www.ctatlas.reefbase.org) and strategic technical assistance provided through CT partner organizations. It provides a model for future cooperative regimes.

- The increased number of disasters in East Asia has led to some improvement in regional cooperation in responding to maritime disasters, but there remains a general lack of trust among states in the region, preventing fully effective regional marine disaster response capabilities.

- Several states in East Asia have not acceded to or ratified key maritime disaster response regimes. As a result, there is a general lack of coherence and standardization in disaster response efforts to maritime incidents in East Asia. A key to improving this situation is for all responders to have common definitions and operating procedures.

- The proliferation of humanitarian assistance and disaster response centers in East Asia, while positive on the surface, has created some uncertainty regarding the responsibilities of each and the relationships among the various centers.

- Initiatives undertaken by the ASEAN Fisheries Consultative Forum and the APEC Ocean and Fisheries Working Group have led to better cooperation among regional states in improving sustainable utilization of living aquatic resources despite the lack of a regional mandate. Given these successes, a stocktaking of their achievements is necessary and specific action should be taken to promote regional cooperation at the operational level.

- A common theme throughout the discussion was the lack of trust among states in East Asia. While the causes for this lack of trust may be difficult to assess, it was seen as a key impediment to developing effective cooperative mechanisms in all areas of cooperation.

- Some participants viewed the recent activity in the South China Sea as evidence that the 2002 Declaration on the Conduct of Parties in the South China Sea (DOC) had failed to achieve its stated goal to "enhance favorable conditions for a peaceful and durable solution of differences and disputes among countries concerned."

- More specifically, there has been a failure among claimants "to exercise self-restraint in the conduct of activities that would complicate or escalate disputes and affect peace and stability including, among others, refraining from action of inhabiting on the presently uninhabited islands, reefs, shoals, cays, and other features and to handle their differences in a constructive manner." Claimants should be challenged to return to the *status quo ante* (i.e., pre-2002 conditions) to demonstrate their commitment to the DOC.

- The increased tension created by maritime territorial disputes has created new tensions and has led to a general sense that good order at sea among military and civilian maritime forces has suffered as a result and made mechanisms like the Code for Unplanned Encounters at Sea (CUES) more important. While CUES provides useful guidelines, it is still voluntary, applies primarily to navies and not coast guards, and does not deal with air activities. More work needs to be done to operationalize and expand CUES.

- An ecosystem approach to good order at sea is needed, recognizing that good order at sea is directly related to good governance on land. This approach requires a whole of nation approach to ensure that government, private enterprise, and non-governmental organization must work together to address maritime security threats.

- Various CSCAP maritime cooperation working groups have developed and forwarded to CSCAP and ARF co-chairs numerous memoranda with specific concrete proposals for promoting good order at sea and related maritime issues. These are summarized on the attachment that follows. A more detailed summary of the challenges and recommendations from the USCSCAP meeting is also provided as food for thought; it is not a consensus statement or series of official CSCAP recommendations but is offered to stimulate conversation.

For more information, please contact the authors Ralph Cossa [RACPacForum@cs.com] or Carl Baker [carl@pacforum.org]. These findings reflect the view of the authors; this is not a consensus document. A full summary of the workshop proceedings will be available upon request shortly.