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Dr Sam Bateman retired from the Royal Australian Navy as a Commodore and is now a professorial research fellow at the Australian National Centre for Ocean Resources and Security (ANCORS) at the University of Wollongong, and an adviser to the Maritime Security Programme at the S. Rajaratnam School of International Studies (RSIS) in Singapore. He has written extensively on defence and maritime issues in Australia, the Asia-Pacific and Indian Ocean, and completed a PhD at the University of NSW with a dissertation on *“The Strategic and Political Aspects of the Law of the Sea in East Asian Seas”*.

Presentation: *Time for a New Approach to Dealing with Incidents at Sea?*

Incidents at sea involving warships, patrol vessels, military aircraft, fishing vessels or research vessels of regional countries occur regularly. Incidents in the South China Sea have also involved naval vessels, naval auxiliaries and military aircraft of extra-regional countries. The risks of such a situation are growing as naval activity in the region increases and more warships, patrol vessels and surveillance aircraft are deployed into disputed waters. This trend is likely to continue unless effective measures are put in place to prevent and manage such incidents.

While there are several existing agreements in the region to manage incidents at sea, notably the Western Pacific Naval Symposium (WPNS) Code for Unplanned Encounters at Sea (CUES), these agreements are mainly documents covering actions at the tactical level i.e. for implementing by ships and aircraft at sea. This paper will identify the need for a policy level agreement for implementation at a strategic and operational level by government authorities ashore, including operational headquarters. The types of issue to be covered in such a document will also be discussed.