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South China Sea:
Dual Track and Win-Win Cooperation

Cooperation in Semi-Enclosed Seas:
Experiences and Implications

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Legal Basis for Cooperation in Semi-Enclosed Seas

UNCLOS, Article 123

- States bordering a semi-enclosed sea should cooperate with each other in the exercise of their rights and in the performance of their duties under the Convention.
- They shall endeavour to co-ordinate their activities either directly or through an appropriate regional organization in :
 - (a) conservation and management of fisheries resources;
 - (b) protection and preservation of the marine environment; and
 - (c) marine scientific research.

Basis for Cooperative Mechanisms

- **1972 UN Conference on the Human Environment, Stockholm**
 - Called for new conventions and measures to control pollution of the marine environment from ocean dumping, ships and land-based activities
 - emphasized in particular the need regional agreements to control marine pollution in enclosed and semi-enclosed seas because they were more at risk from pollution
 - UN Environment Programme and UNEP Regional Seas Programme initiated as a result

Mediterranean Sea - 21 bordering States



Mediterranean Sea – Fisheries Cooperation

- **1949 Agreement for the Establishment of the General Fisheries Council for the Mediterranean (CFCM Agreement), eif 20-02-52**
- **Agreement has been revised regularly in order to incorporate developments in international fisheries law, including:**
 - **1982 UNCLOS**
 - **Agenda 21 of UNCED Conference in Rio**
 - **1995 Fish Stock Agreement**
 - **FAO Instruments**

Mediterranean Sea – Protection of the Marine Environment

- Mediterranean Action Plan adopted in 1975 was the first action plan adopted under the UNEP Regional Seas Programme
- Convention for the Protection of the Marine Environment Against Pollution in the Mediterranean adopted in 1976 (the 1976 Barcelona Convention)
 - Protocol on Pollution from Dumping
 - Protocol on Pollution from by Oil and other Harmful Substances from ships

Mediterranean Sea – Protection of the Marine Environment

- **After 1992 UNCED Conference on the Environment and Development in Rio de Janeiro:**
 - **Amendments to 1976 Barcelona Convention**
 - **Amendments to Dumping Protocol**
 - **New Protocol Concerning Specially Protected Areas and Biological Diversity**
 - **Barcelona Resolution on the Environment and Sustainable Development in the Mediterranean Basin**
- **New protocols and actions plans continue to be adopted**

Caribbean Sea

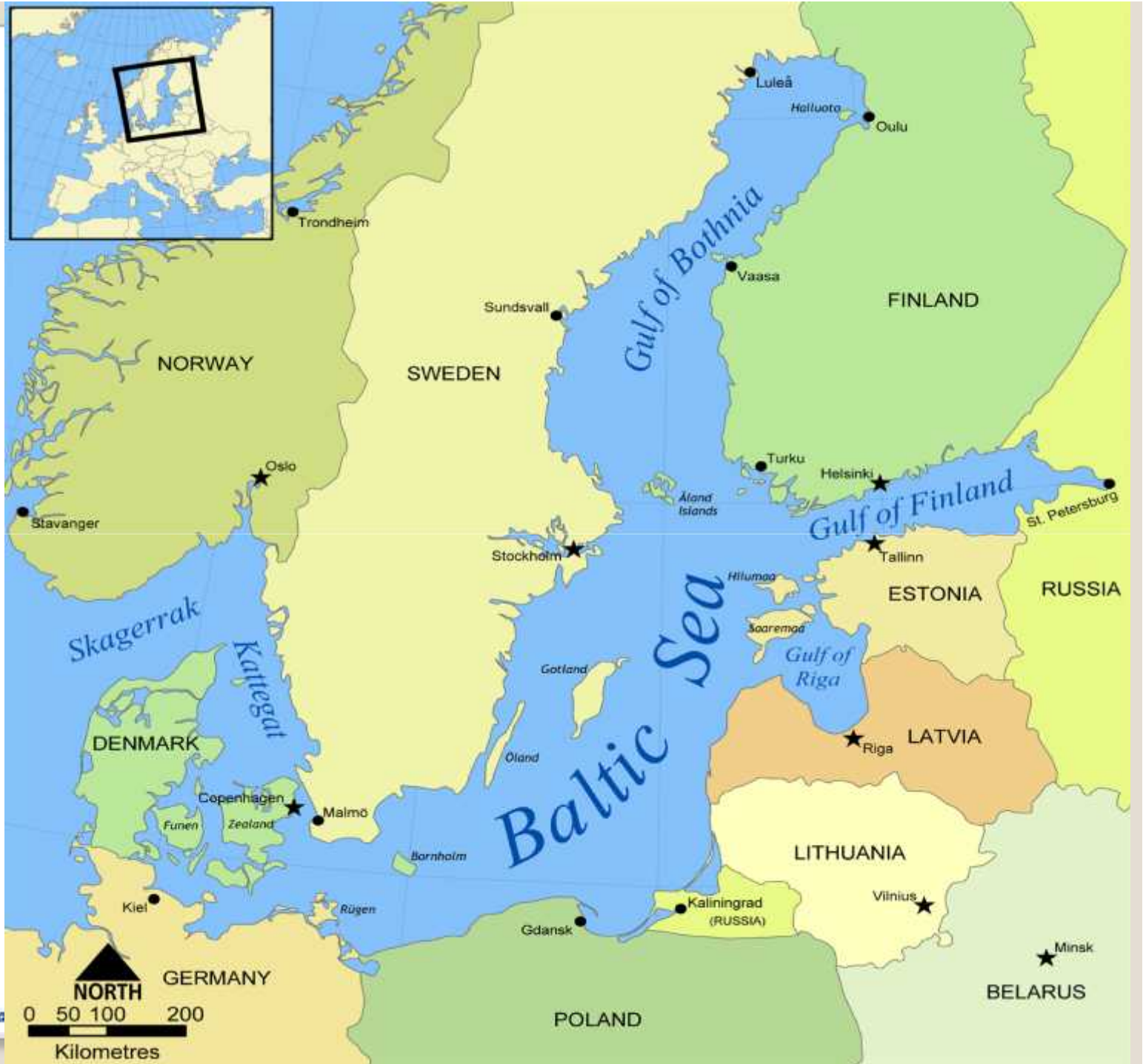


Fisheries Cooperation in Caribbean

- **The Caribbean Community (CARICOM) is regional political body established by Caribbean island States**
- **1991 CARICOM Fisheries Resource Assessment and Management Programme**
- **In 2002 this was superceded by the Caribbean Regional Fisheries Mechanism**

Protection of the Marine Environment in the Caribbean

- **Action Plan for the Caribbean Environmental Programme for the Wider Caribbean**
- **Geographic Scope is wider Caribbean, including coastal and insular territories of the Caribbean Sea and Gulf of Mexico as well as the island nations**
- **1983 Convention for the Protection and Development of the Wide Caribbean Region (Cartegena Convention)**
 - **it is a comprehensive umbrella agreement**
 - **Protocols adopted under it**



Baltic Sea – UNEP Regional Seas Programme

- In 1974, the Baltic Sea States signed the Convention on the Protection of the Marine Environment of the Baltic Sea Area (1974 Helsinki Convention)
- In 1992, the Helsinki Convention was replaced by the new Convention on the Protection of the Marine Environment of the Baltic Sea Area
- In 1992 the Baltic Sea Joint Comprehensive Environmental Action Programme (JCP) was established.
- HELCOM is the coordinating body for the Helsinki Convention and the Action Plan.

Baltic Sea - Further Cooperation

- In 2001, the HELCOM Copenhagen Declaration was signed to ensure the safety of navigation and swift national and trans-national response to maritime pollution incidents.
- In 2003, a HELCOM Ministerial Meeting decided that all HELCOM actions must be based on an “ecosystem approach” to the management of the human activities.
- In 2004 an updated strategy in Hazardous substances was adopted.

UNEP East Asian Seas

East Asia



UNEP East Asian Seas Programme

- Includes China and most ASEAN countries but not Brunei
- Also includes Australia and Korea
- Coordinating Body for East Asian Seas (COBSEA) is located in Bangkok in the UNEP Regional Office for the Asia-Pacific
- Has not agreed to any Conventions
- New Strategic Direction for COBSEA (2008-2012) focuses on the following areas:
 - (1) Marine- and land-based pollution;
 - (2) Coastal and marine habitat conservation; and
 - (3) Management and response to coastal disasters.

South China Sea



South China Sea – Challenges to Cooperative

- 1. Intractable sovereignty disputes to islands**
 - **Must “Set Aside the Disputes and Cooperate”**
- 2. Definition of States bordering the SCS**
 - **China, Vietnam, Philippines, Malaysia, Brunei**
 - **Indonesia and Singapore**
 - **Taiwan / Chinese Taipei ?**
 - **Thailand and Cambodia ?**

South China Sea – Challenges to Cooperation

- Existing Regional mechanisms include States other than bordering States or do not include some bordering States
 - UNEP Regional Seas Programme for East Asian Seas includes Korea & Australia and does not include Brunei
 - ASEAN does not include China and includes Myanmar and Laos (and Thailand and Cambodia)
 - PEMSEA partnership agreements include Japan, Korea, DPR Korea, Lao PDR & Timor Leste

Thanks for your attention

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