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# A Condominium in the South China Sea?

Nengye Liu & Michelle Lim, Singapore, 15 January 2019

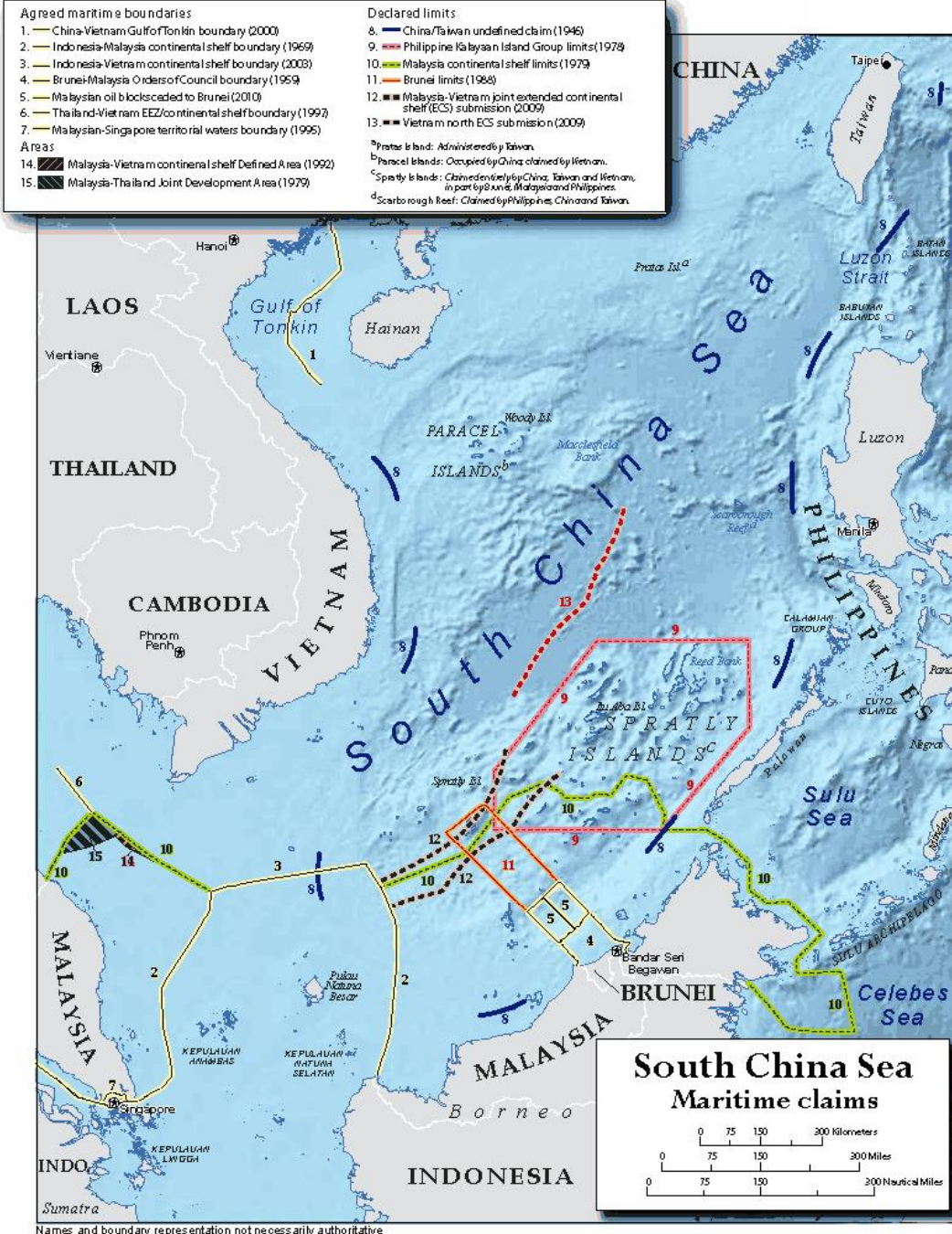
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Source: US EIA 2013

# What is a Condominium?

- Two or more states exercise joint sovereignty over a territory
  - Tenancy in common – can have unequal shares
  - Right to possession of whole property
  - No exclusive possession to any part
  - Colonial practice / temporary for dispute settlement
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# Why? Law and Policy basis

SDG 14

UNCLOS

- Article 63 – Shared fish stocks
  - **Article 123 – Cooperate in coordination management, conservation, exploration and exploitation of living resources of semi-enclosed sea.**
  - **Article 192 – General Obligation to protect marine environment**
  - Article 194 – Measures to prevent, reduce and control pollution
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# Why? Generating political will

- From joint development to joint conservation
  - Condominium is a device that could be used to resolve disputes among several States and not only when the dispute involves two States
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# Recent Positive Signs

- China-Philippines Joint Statement (2016)
  - Commitment to Declaration on Conduct
  - Early conclusion of a code of conduct

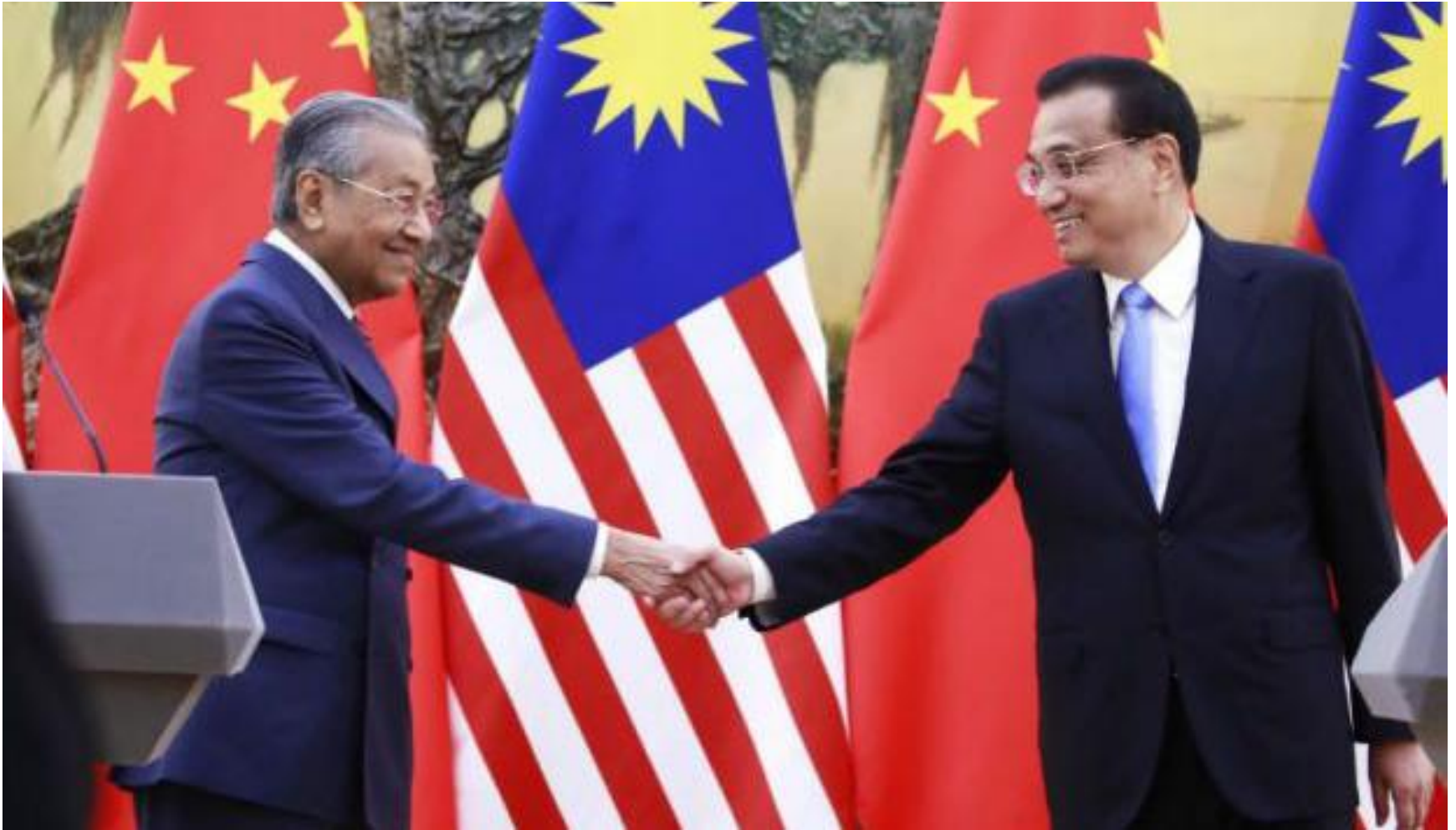


Photo credit: Xinhua

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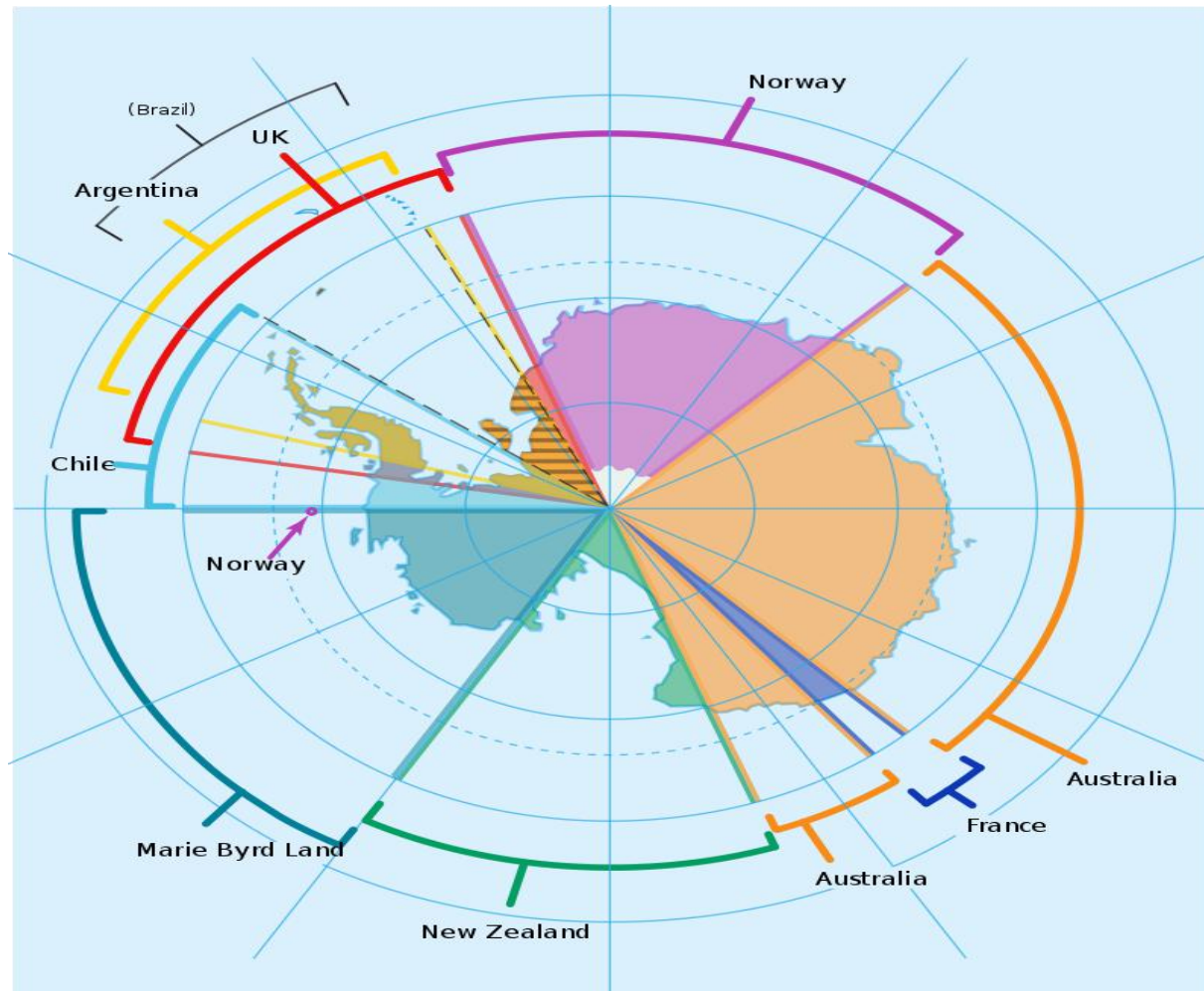


# China-Malaysia Joint Statement 2018



# Why? Successful practice

- Antarctic Treaty System





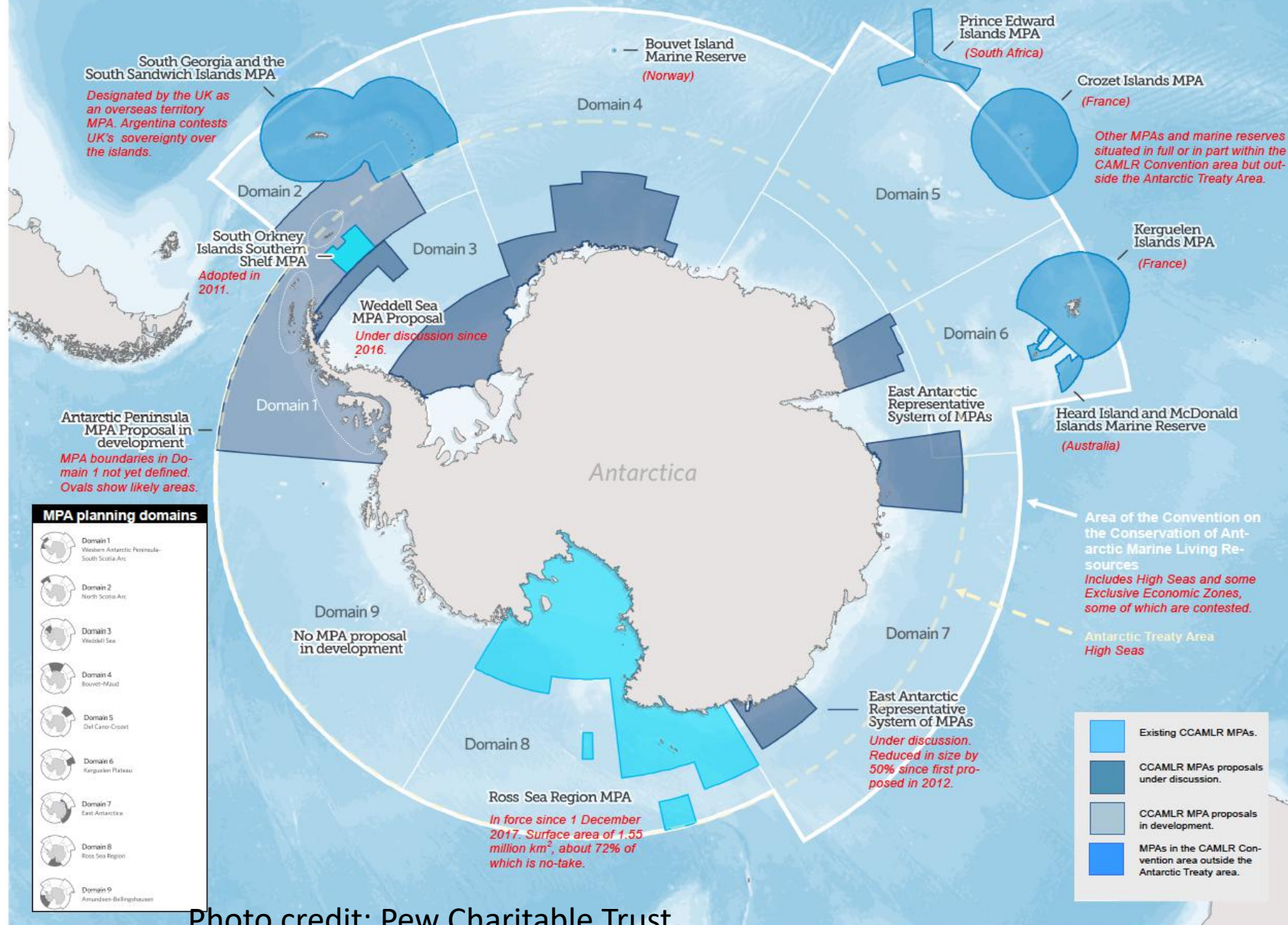
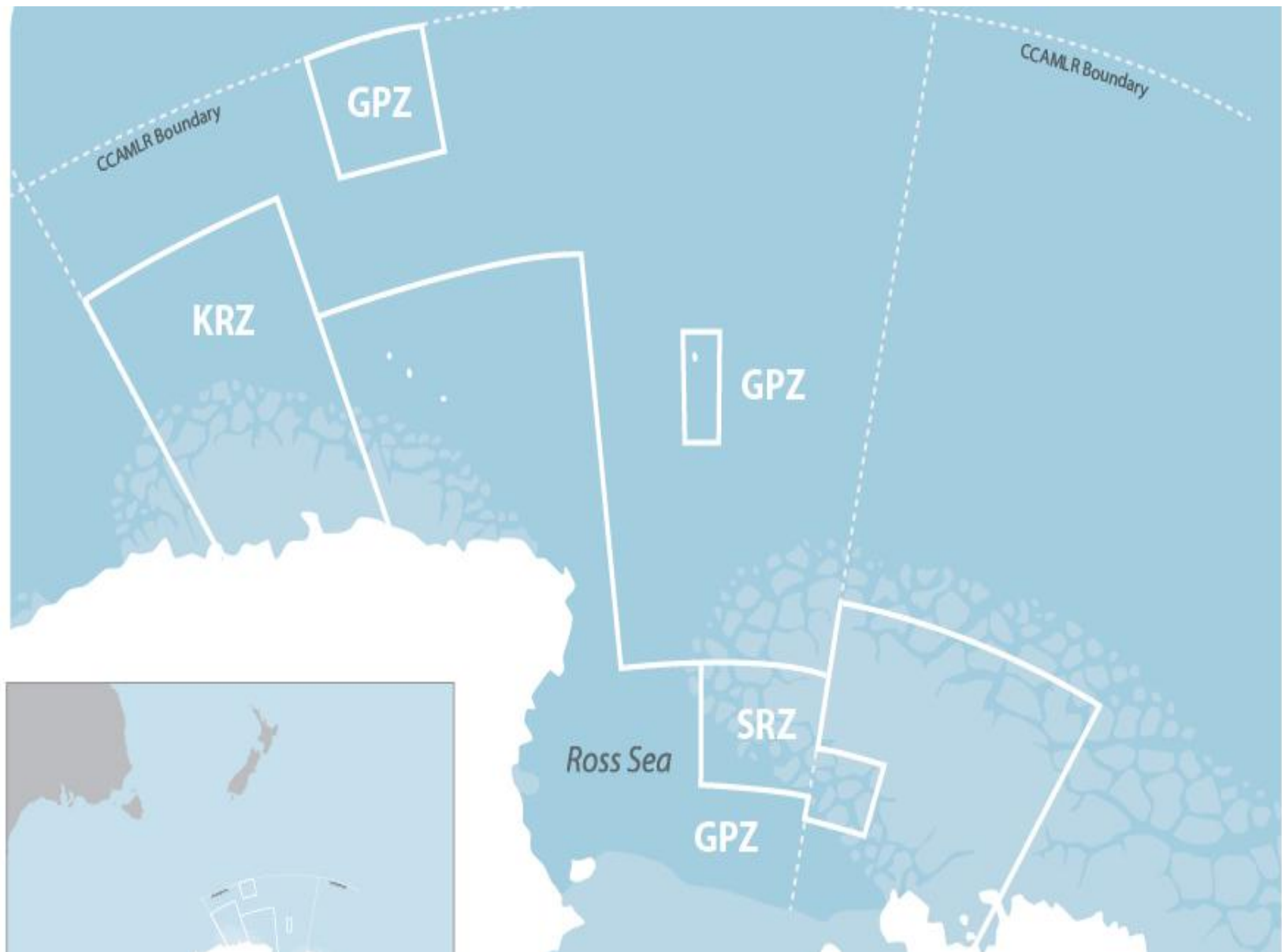


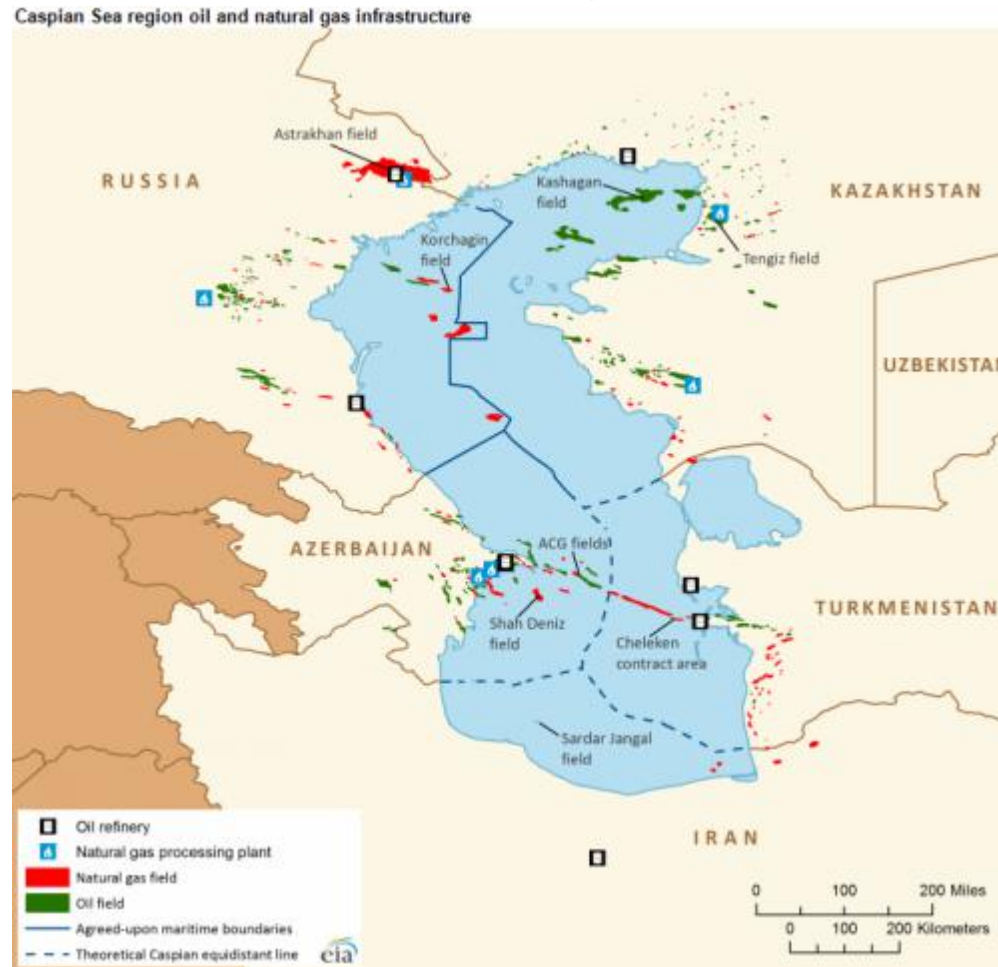
Photo credit: Pew Charitable Trust.



(Photo Credit: New Zealand Government)

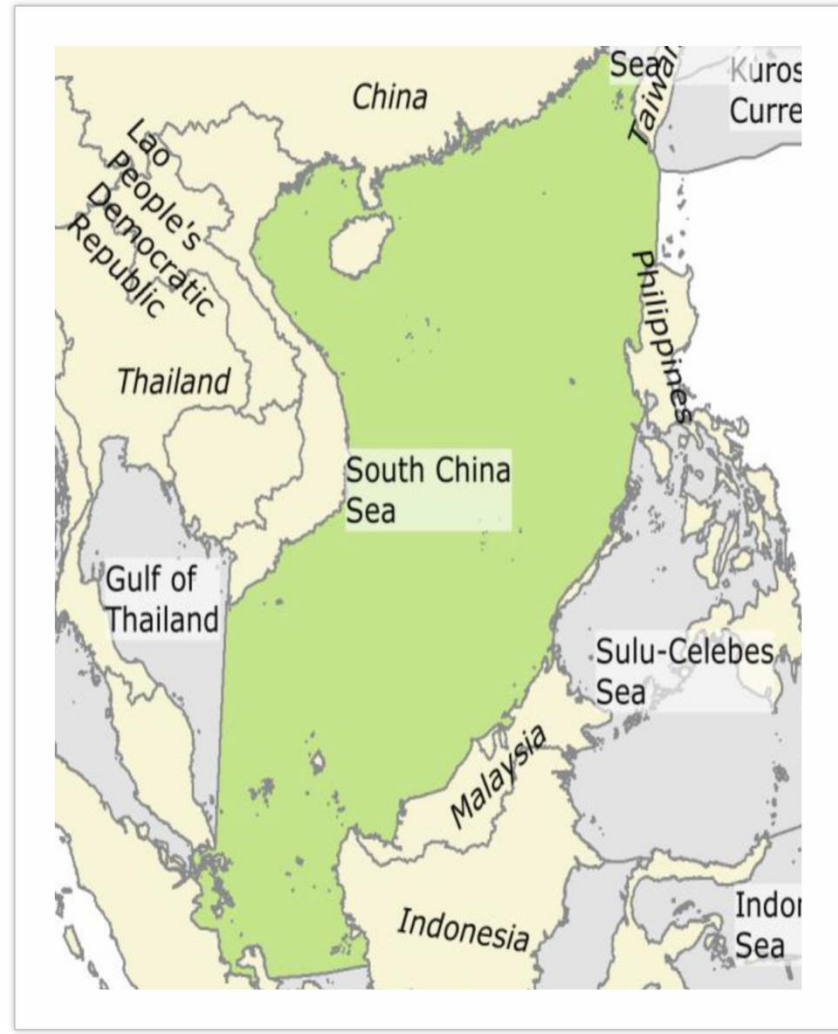
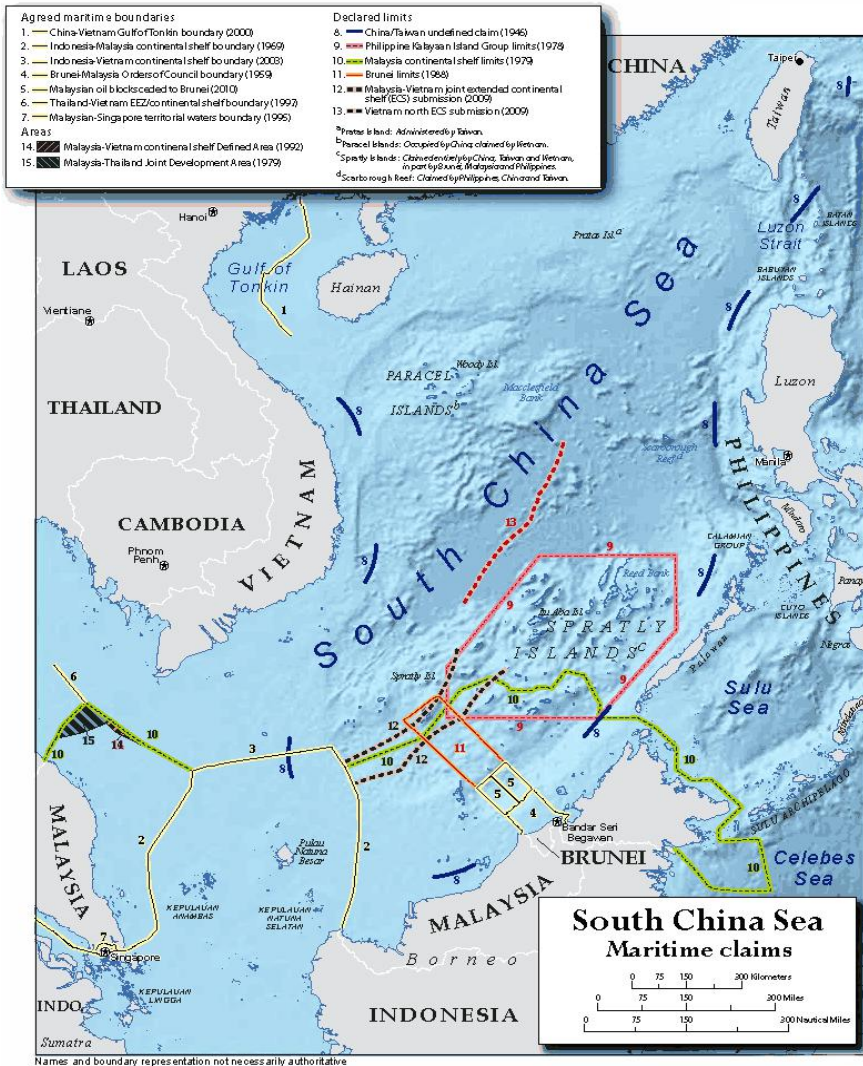
# Why? Successful practice

- 2018 Convention on the Legal Status of Caspian Sea





# How? The Boundary





# How? Institution

## Arctic Model

- South China Sea Council/Commission
- From rotary to permanent Secretariat: Singapore? Hong Kong? Or Darwin?
- Voting powers: SCS coastal States only
- Observers without voting rights: United States, EU, Japan, South Korea, India and Australia

# How? ecosystem approach?

- Seeks to implement the 3 objectives of CBD (1992)
    - Conservation
    - Sustainable use
    - Fair and equitable sharing of benefits
  - All SCS states are parties (ascension/ratification)
  - Advances sustainability
  - Combined science and governance tools
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