

Cooperative Management of the South China Sea: Lessons from other Seas

Fides A. Quintos
Foreign Service Institute

Center for International Relations and Strategic Studies

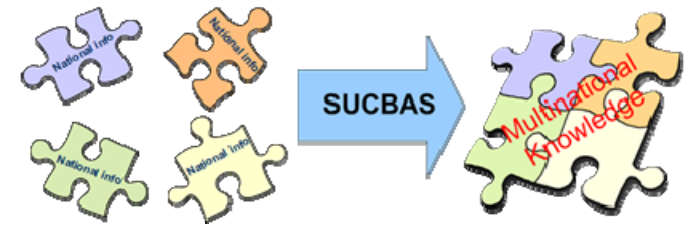


What is Maritime Security?

- No universal legal definition of term
- Broad topic covering many policy sectors
- Elements of maritime security regime:
 - International peace and security
 - Security from crimes at sea
 - Resource security
 - Environmental security
 - Security of seafarers and fishers

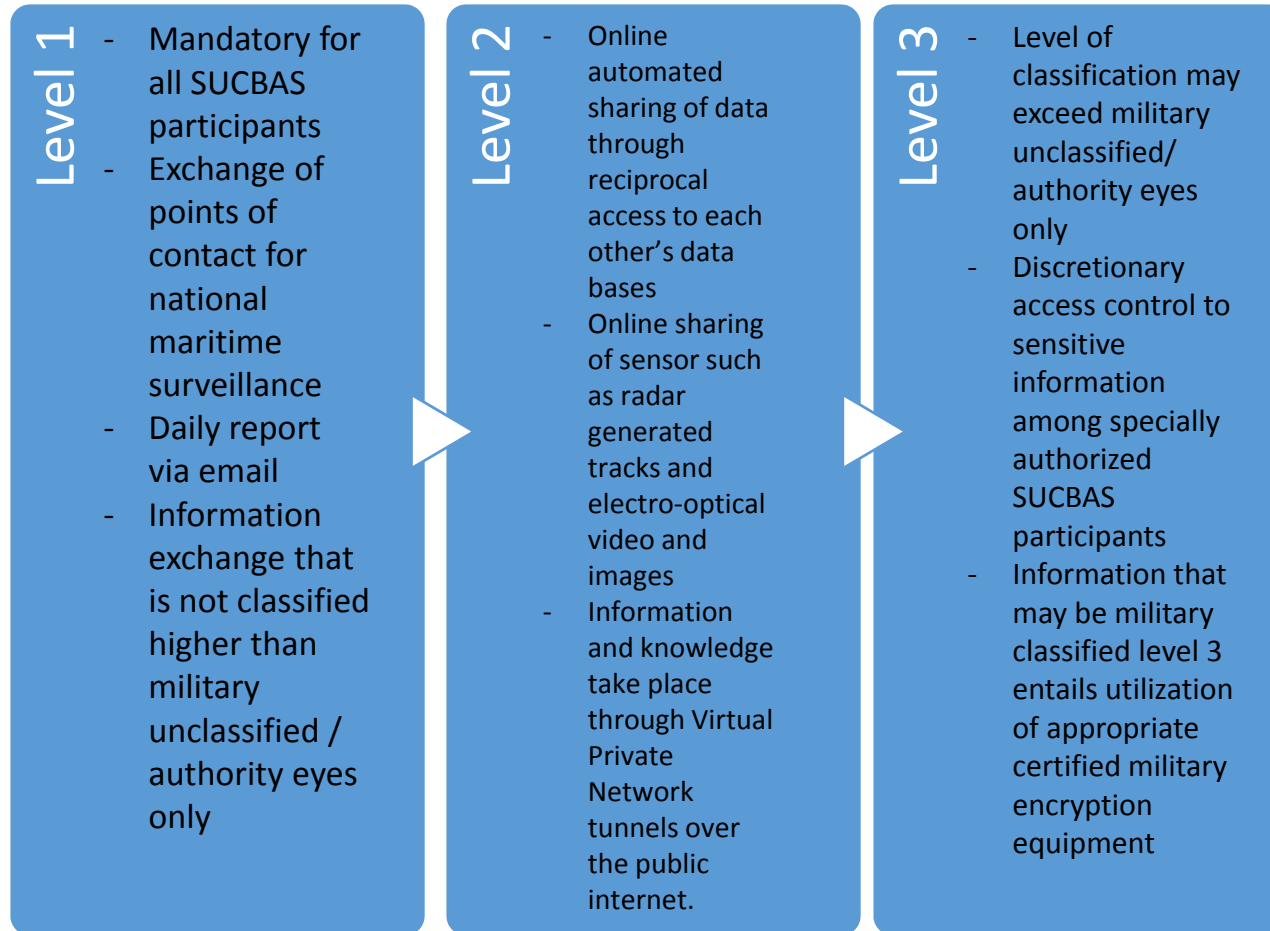


Information-sharing



- Sea surveillance information exchange and co-operation within the Baltic Sea (SUCBAS)
 - Finland, Sweden, Denmark, Germany, Estonia, Lithuania, Poland, and Latvia
 - Started in March 2009 with manual exchange of reports
 - In 2012, automated solutions to support establishment of a sustainable multinational maritime situational awareness system was implemented
 - Objectives: enhance maritime situational awareness, support national authorities regarding environmental hazards, maritime law enforcement, and border control.

Levels of Cooperation



- No command structure; participation at an equal level
- No central infrastructure; all cooperation is done by voluntary cooperation on agreed standards
- SUCBAS participants in their area of responsibility evaluate issues like: ships records of dubious or criminal activities, previous port calls, cargo being transported, seaworthiness, and navigational behavior observed



Marine Environment Protection

- 1995 Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean
 - In 1975, 16 Mediterranean countries and the European Community adopted the Mediterranean Action Plan (MAP), the first-ever Regional Seas Programme under UNEP's umbrella.
 - 1976 Barcelona Convention for the protection of the Mediterranean Sea against pollution
 - Although MAP's initial focus was aimed at marine pollution control, over the years, its mandate gradually widened to include integrated coastal zone planning and management.
 - Albania, Algeria, Bosnia and Herzegovina, Croatia, Cyprus, Egypt, the European Community, France, Greece, Israel, Italy, Lebanon, Libya, Malta, Monaco, Montenegro, Morocco, Slovenia, Spain, Syria, Tunisia, Turkey



- The Convention's main objectives are:
 - to assess and control marine pollution
 - to ensure sustainable management of natural marine and coastal resources;
 - to integrate the environment in social and economic development;
 - to protect the marine environment and coastal zones through prevention and reduction of pollution, and as far as possible, elimination of pollution, whether land or sea-based;
 - to protect the natural and cultural heritage;
 - to strengthen solidarity among Mediterranean coastal States;
 - to contribute to improvement of the quality of life.



- **Protocols**

- Protocol for the Prevention of Pollution in the Mediterranean Sea by Dumping from Ships and Aircraft
- Protocol Concerning Cooperation in Preventing Pollution from Ships and, in cases of emergency, combating pollution of the Mediterranean Sea
- Protocol for the Protection of the Mediterranean Sea against Pollution from Land-Based Sources and Activities
- Protocol Concerning Specially Protected Areas and Biological Diversity in the Mediterranean
- Protocol for the Protection of the Mediterranean Sea against Pollution Resulting from Exploration and Exploitation of the Continental Shelf and the Seabed and its Subsoil
- Protocol on the Prevention of Pollution of the Mediterranean Sea by Transboundary Movements of Hazardous Wastes and their Disposal
- Protocol on Integrated Coastal Zone Management in the Mediterranean



- **General Obligations under the Convention**
 - Application of the precautionary principle to prevent environmental degradation
 - Polluter pays principle
 - undertake environmental impact assessment for proposed activities that are likely to cause a significant adverse impact on the marine environment
 - Cooperate environmental impact assessment procedures with other states whose marine environment might be affected by proposed activities on the basis of notification, exchange of information and consultation



- Structure

- A rotating Bureau of six representatives of the Contracting Parties
- MAP Coordinating Unit (MEDU) serves as Secretariat
- Mediterranean Commission on Sustainable Development (MCSD) is an advisory body to the Contracting Parties forming, on equal footing, a think-tank on policies for promoting sustainable development in the Mediterranean Basin
- Compliance Committee
 - Modes of intervention (Self-trigger; Party to Party trigger; Secretariat trigger; Referral to the committee on its own initiative)
 - In cases of serious, on-going or repeated situations of non-compliance by a Party, the Contracting Parties may publish cases of non-compliance, and take additional actions as necessary



- MAP's regional influence is very much a product of its close interaction with various UN agencies and other inter-governmental organizations, that share MAP's commitment to the welfare of the Mediterranean region and its peoples.



Marine Scientific Research

- Arctic Council Task Force for Enhancing Scientific Cooperation
 - Established May 2013
 - Mandated to work towards a legally-binding agreement on scientific cooperation
 - Drafting the text of the agreement: terms to be used, access to scientific data, infrastructure, and simplification of movement of scientists and their equipment



- **Antarctic Treaty**

- Entered into force on 23 June 1961
- Number of Parties: 53 states, of which 12 are original members and Consultative Parties, 29 Consultative Parties with voting status at Antarctic Treaty Consultative Meetings, and 24 Non-Consultative Parties with observer status
- The Treaty covers everything south of 60° South latitude, now known as the Antarctic Treaty Area (ATA).



- the UN designated 1 July 1957 to 31 December 1958 the “International Geophysical Year (IGY)”
- By the time of the IGY, seven of the 12 original signatory countries (Australia, New Zealand, United Kingdom, France, Norway, Chile, and Argentina) had already laid territorial claims in Antarctica



“... Antarctica shall continue for ever to be used exclusively for peaceful purposes and shall not become the scene or object of international discord”

“Continuation and development of [international] cooperation on the basis of freedom of scientific investigation in Antarctica”



- Salient provisions

- *Antarctica shall be used for peaceful purposes only; military activities are prohibited (Art. 1)*
- *Freedom of scientific investigation in Antarctica and cooperation toward that end ... shall continue (Art. II)*
- *Scientific observations and results from Antarctica shall be exchanged and made freely available (Art. III)*
- *No acts or activities taking place while the present Treaty is in force shall constitute a basis for asserting , supporting or denying a claim to territorial sovereignty in Antarctica or create any rights of sovereignty in Antarctica. No new claim, or enlargement of an existing claim to territorial sovereignty in Antarctica shall be asserted while the present Treaty is in force. (Art IV)*



Conclusion

- Multilateral cooperation in functional areas can be considered the best way to ensure maritime security
- Cooperation is possible despite the existence of disputes
- Cooperation should not hinder states from seeking other approaches toward the final resolution of disputes



THANK YOU FOR YOUR ATTENTION.

For comments or inquiries:
fides.quintos@gmail.com

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