

General Assembly II

Report of the Joint Project Workshop on the Security of Ocean in Asia By Naoya Okuwaki (on behalf of Professor Tadao Kuribayashi)

I.

Our Joint Project on “Security of Ocean in Asia”, this year, focused on the issues of “Building Cooperative Scheme for the Protection of Environment in Asian Seas.” At the outset, Professor Tadao Kuribayashi, who took chair in our workshop, explained first the relation of the Marine Environment to the concept of “Security of Ocean,” which concept is not necessarily confined to military security in its traditional narrow sense, but also includes much broader issues of sustainable development of ocean resources, marine environment, marine scientific research, marine education, safety of navigation, maritime security, sea piracy and maritime terrorism, and etc. He stressed that these issues should only be managed in an integrated manner, taking into consideration the quality of human life on land.

II.

In the first part of our workshop, we have discussed a general framework of the Law of the Sea Convention and international law in general, on which any cooperative scheme for the protection of marine environment should only be based. For this purpose, Professor Atsuko Kanehara, from Japan, pointed out that the jurisdictional balance agreed upon in the Law of the Sea Convention has begun to be modified to deal with newly emerged problems, such as the IUU fisheries, Proliferation of Weapons of Mass Destruction and especially the marine pollution. Professor Hanling Wang, from China, has presented comprehensive design for the application of the ecosystem management approach to large marine ecosystems (LMEs). Professor Keun-Gwan Lee, from Korea, commented on both presentations, and suggested the need of replacing the principle of freedom of the high seas into the principle of fair and equitable use of high seas, but the ecosystem approach is still remain kind of political slogan and should be made operational somehow.

In the second part, we have taken up rather specific problems of the Malacca and Singapore Straits and the South China Sea. Professor Robert Beckman, from Singapore, introduced the cooperative mechanism recently discussed among littoral states and user states, for the maintenance and replacement of navigational aids in the area, and how this will be agreed among various stakeholders. Commenting on the Beckman’s presentation, Professor Shigeki Sakamoto, from Japan, raised questions relating to

Article 43 of the LOS Convention. Professor Julia Xue, from China, has informatively explained the general treaty regime applicable in the South China Sea region. Mr. John DeSilva, from India, has shown factors preventing cooperative scheme. He pointed out that there exist unusual intra-national as well as international conflict of interests, particularly because the Asian seas are mostly semi-enclosed sea.

III.

In the concluding remark, Professor Naoya Okuwaki, from Japan, have suggested the move from conflict to confidence-building seems to have taken place among Asian ASEAN countries, which also contributes to the building of cooperative scheme in South China Sea and Malacca and Singapore Straits. South China Sea Code of Conduct to avoid armed conflict was declared in 2002. I have also stressed the importance of initiatives taken to solve territorial issues by Malaysia and Indonesia and by Malaysia and Singapore. China, Japan and Korea also have agreed to contribute for the safety of navigation in Malacca and Singapore Straits, in collaboration with littoral States in the area. The move towards confidence-building still remains confined in their geographical scope, but surely constitute the first big step towards building a cooperative scheme for the integrated ocean management of Asian seas in the future.

In concluding the Workshop, Professor Kuribayashi suggested that any proposal for the integrated ocean management should be cautiously designed in consonance with international law, and proposed that our joint project among international law peoples should continue within the SCA, focusing on various problems that are most urgent at each year. The proposal was agreed among all the participants of our Workshop.