

A FUNCTIONALIST PERSPECTIVE OF OCEAN GOVERNANCE

功能主义的海洋治理视角

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Recent Developments in the South China Sea Dispute

The Prospect of a Joint Development Regime

Edited by
Wu Shicun and Nong Hong

2014



14 Functional cooperation and joint development

A way ahead in the South China Sea

Rommel C. Banlaoi

Establishing a 'joint development regime' in the South China Sea remains contested because of the claimants' existing differences on definitional issues of joint development and on procedural concerns on how to implement it. Prospects for joint development became more uncertain at the conclusion of the 21st Summit of the Association of Southeast Asian Nations (ASEAN) in Phnom Penh on 19 November 2012 when Cambodia, a well-known ally of China, hijacked the agenda of the summit. Cambodia declared that ASEAN 'would not internationalize the South China Sea from now on' – a statement that the Philippines vehemently opposed.¹ The holding in Brunei of the 46th ASEAN Foreign Ministerial Meeting on 1 July 2013 and the 20th ASEAN Regional Forum Meeting on 2 July 2013 also failed to see real progress on the discussion on joint development other than a general statement saying that ASEAN and China will exert best efforts 'to reach an early conclusion of a Code of Conduct in the South China Sea (East Sea), which will serve to enhance peace, stability and prosperity in the region.'²

There is no doubt that differences among claimants continue to obstruct the pursuance of a joint development regime in the South China Sea. Despite these differences, all claimants agree in principle that there must be joint development in the disputed waters and land features in the South China Sea if a peaceful management of the conflict is desired.

This chapter contends that the ethnocentric, irredentist and primordialist outlooks of claimants pose tremendous obstacles for the pursuance of joint development. But claimants can surmount all these obstacles if there is a strong willingness among them to promote functional cooperation in the South China Sea. This chapter describes the principle of functionalism and discusses how functional cooperation can help facilitate the creation of a joint development regime as a way ahead for the peaceful management of the complex nature of territorial conflicts in the South China Sea.

Obstacles to joint development

Although all claimants endorse the general idea of joint development, they have varying understandings and contending definitions of the concept. Since the Deng

NATIONAL DEFENSE COLLEGE OF THE PHILIPPINES



THE ASEAN REGIONAL FORUM, THE SOUTH CHINA SEA DISPUTES, AND THE FUNCTIONALIST OPTION

Rommel C Banlaoi

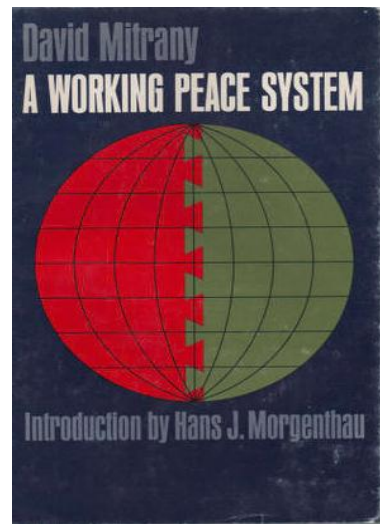
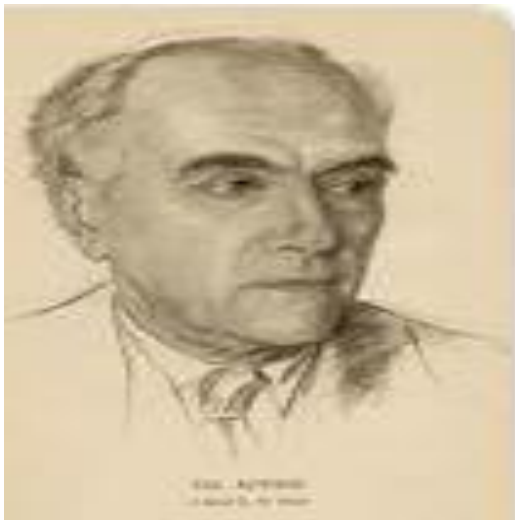


NDCP Monograph No. 3
2001

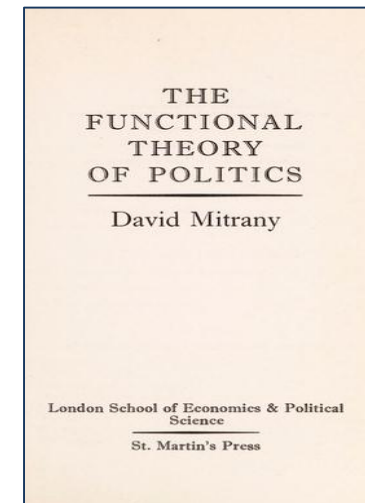
WHAT IS A FUNCTIONALIST PERSPECTIVE?

- **Functionalist Theory of International Relations**

- Falling under the Liberal Theory of IR (states can cooperate and can live in perpetual peace with each other) as a challenge to the Realist Theory (states always compete and in perpetual conflict)
- Functionalism: Developed by David Mitrany in his book, *A Working Peace System*.



1943



1975

WHAT IS A FUNCTIONALIST PERSPECTIVE?

- **Functionalist Theory of International Relations**
 - It offers alternative approach to inter-state conflict by pursuing cooperation in ***low politics*** or ***functional areas***.
 - ***High or Hard Politics*** are inherently controversial and politically sensitive: sovereignty, territorial integrity, national security.
 - ***Low or Soft Politics*** are inherently non-controversial and less politically sensitive: economic prosperity, healthy environment, human welfare (human security)

WHAT IS A FUNCTIONALIST PERSPECTIVE?

- **Functionalist Theory of International Relations**
 - Issues of *low politics* are areas where states can cooperate for the benefit of all humankind: **health, education, economics, environment, science, technology, culture, and sports among others.**
 - States can enjoy these functional areas by not fighting.
 - States can achieve human needs and welfare through functional cooperation in order to build a world community of common destiny and shared future.

WHAT IS A FUNCTIONALIST PERSPECTIVE?

- **Functionalist Theory of International Relations**
 - Cooperation can start from non-political players: *experts, scientists, academics, scholars, technicians and specialists* (epistemic communities) whose primordial interest is to seek knowledge and not power.
 - Mitrany argues that “the emergence of technical issues would lead first to the felt or perceived need for collaborative action, devoid of political or conflictual content” and therefore can be assigned to technical experts “whose approaches were essentially based on apolitical considerations.”

WHAT IS A FUNCTIONALIST PERSPECTIVE?

- **Functionalist Theory of International Relations**
 - Mitrany adheres to the idea that cooperation among epistemic (knowledge) communities (Track 2) can encourage cooperation among state leaders and officials (Track 1) through his doctrine of *ramification effects*.
 - The doctrine states that “Successful cooperation in one functional setting would enhance incentive for collaboration in other fields”.
 - The “perceived need in one functional task would itself contribute to change in attitudes in favor of even greater cooperation over a widening spectrum of issues” that can attract state leaders and politicians to get involved.

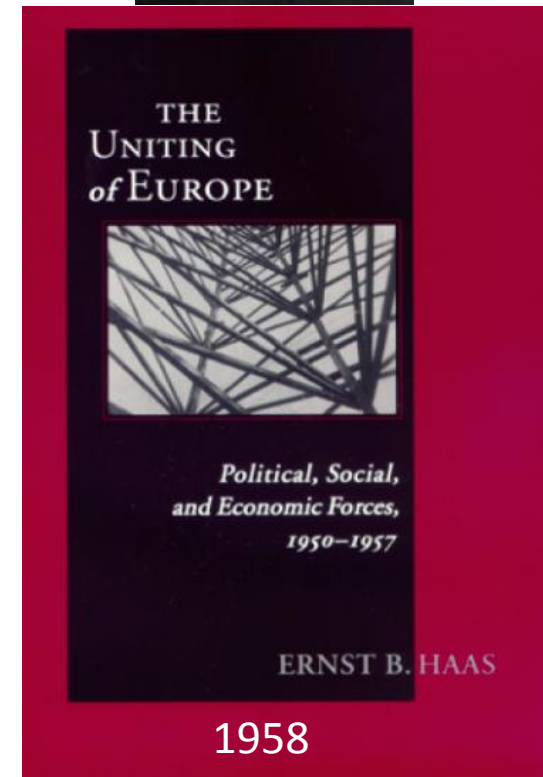
WHAT IS A FUNCTIONALIST PERSPECTIVE?

- **Functionalist Theory of International Relations:** **Successful Applications**
 - European Union (EU): from ECSC, Euratom, EEC, EC
 - Association of Southeast Asian Nations (ASEAN)
 - South Asian Association for Regional Cooperation (SAARC)
 - Pacific Union (PU)
 - Organization for Islamic Conference (Cooperation): OIC
 - The Union of South American Nations (USAN)
 - African Union (AU)
 - United Nations (UN)

WHAT IS A FUNCTIONALIST PERSPECTIVE?

- **Neo-Functionalism**

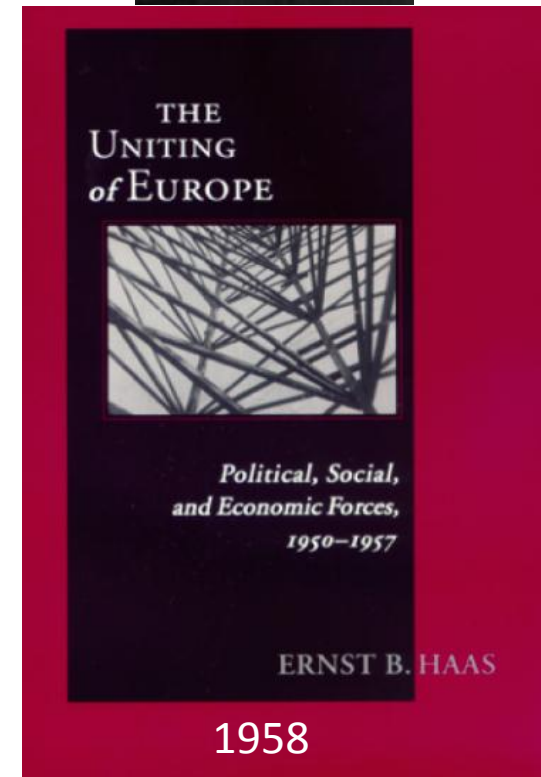
- While the role of epistemic communities is essential, politicians matter in international cooperation
- European integration proceeded as a result of the work of relevant political elite who supported cooperation for pragmatic considerations.
- Haas underscored: “Elites anticipating that they will gain from activity within a supranational organizational framework are likely to seek out similarly minded elites across national frontiers”.



WHAT IS A FUNCTIONALIST PERSPECTIVE?

- **Neo-Functionalism**

- International cooperation occurs because it meets the pragmatic needs of elites, state leaders and officials (Track 1) who matter in decision-making needed by the epistemic communities (Track 2).
- Haas developed the doctrine of ***spill-over effects***: cooperation in one functional area may lead to further cooperation in other areas through gradual politicization. Power oriented governmental activities (Hard Politics) can lead to welfare-oriented actions (Soft Politics) through increased commitment to a larger organizational unit.

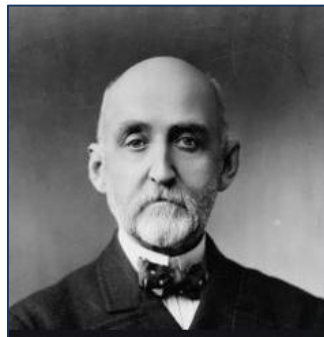


THE CONCEPT OF OCEAN GOVERNANCE

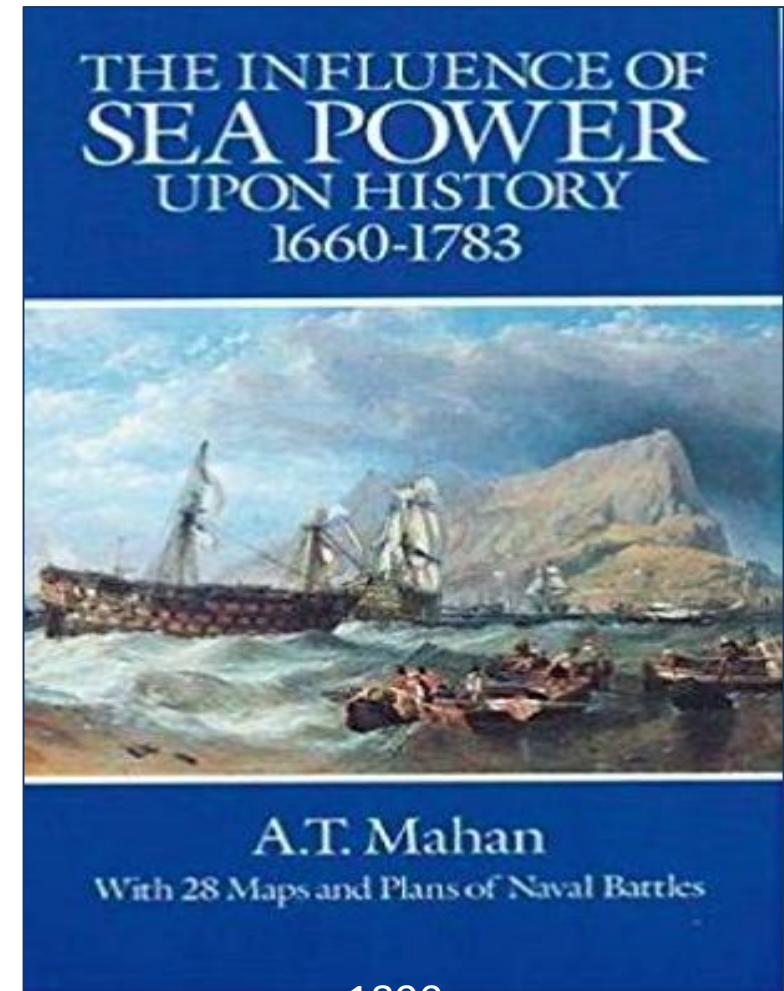
GEOPOLITICS

“Whoever rules the waves rules the world”

谁统治海洋，谁统治世界



Alfred Thayer Mahan, 1859-1896



THE CONCEPT OF OCEAN GOVERNANCE

Who will rule the Oceans? How Oceans should be ruled?



THE CONCEPT OF OCEAN GOVERNANCE

Who will rule the Oceans? How Oceans should be ruled?



THE CONCEPT OF OCEAN GOVERNANCE

Who will rule the Oceans? How Oceans should be ruled?



THE CONCEPT OF OCEAN GOVERNANCE

- The 1982 United Nations Convention on the Law of the Sea (UNCLOS) is the constitution of the oceans.
- UNCLOS is an attempt to promote ocean governance.
- It covers the use and conservation of marine resources and jurisdictional and navigational rights, based on a premise that “problems of ocean space are closely interrelated and need to be considered as a whole.” (Preamble)

www.un.org

1982 United Nations
Convention on the
Law of Sea
(UNCLOS)

THE CONCEPT OF OCEAN GOVERNANCE

Ocean governance is the integrated conduct of the policy, actions and affairs regarding the world's oceans **to protect ocean environment, to promote sustainable use of coastal and marine resources as well as to conserve of its biodiversity.**

Widi A. Pratikto, Ph.D.
Executive Director of CTI-CFF Regional Secretariat

November 2016

THE CONCEPT OF OCEAN GOVERNANCE

- Ocean governance is the conduct of the policy, actions and affairs regarding the world's oceans.
- Within governance, it incorporates the influence of non-state actors, i.e. stakeholders, NGOs and so forth, therefore the state is not the only acting power in policy making.

Boesch, D.F. (1999) "The role of science in ocean governance", *Ecological Economics*.

THE CONCEPT OF OCEAN GOVERNANCE

**DOALOS/ UNITAR Briefing on
Developments in Ocean Affairs and the LOS
– 20 years After the Conclusion of UNCLOS –
UN-HQ, NY, September 25 & 26, 2002**

Ocean Governance: Towards an Oceanic Circle



International Ocean Institute

Dr. Francois Bailet
Deputy Executive Director
IOI-Headquarters

- Three elements of Ocean Governance
 1. Legal
 2. Institutional
 3. Mechanism for Implementation

WHY DO WE NEED OCEAN GOVERNANCE?

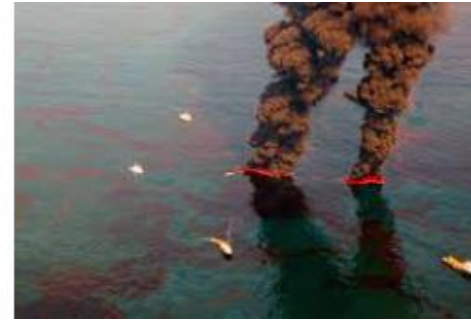
- To address the problem of “**anarchy at sea**”
- To promote cooperation and avoid conflicts in maritime areas not owned by no one (*res nullius*).
- To protect the Ocean as the “common heritage of humankind” (*res communis*)
- To manage ocean resources through sustainable development in order to avoid the “**tragedy of the commons**”.

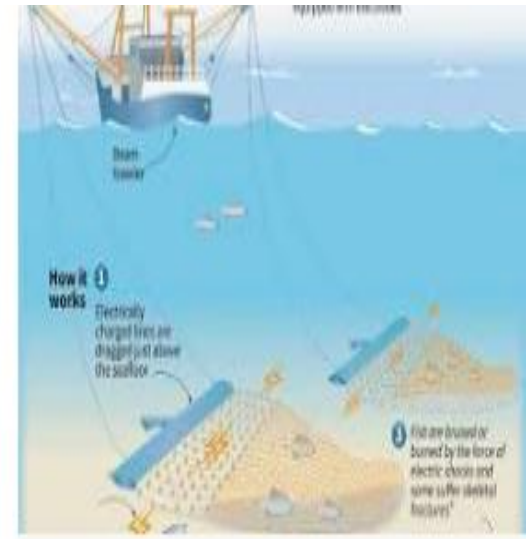
WE NEED TO PURSUE EFFECTIVE OCEAN GOVERNANCE BECAUSE THE WORLD'S SEAS ARE AT RISK DUE TO:

- Illegal, unreported, and unregulated fishing activities
- Increased acidification of the world's oceans due to excessive human economic activities (pollution associated with rapid extraction) and climate change
- Transnational criminal activities
- Military activities









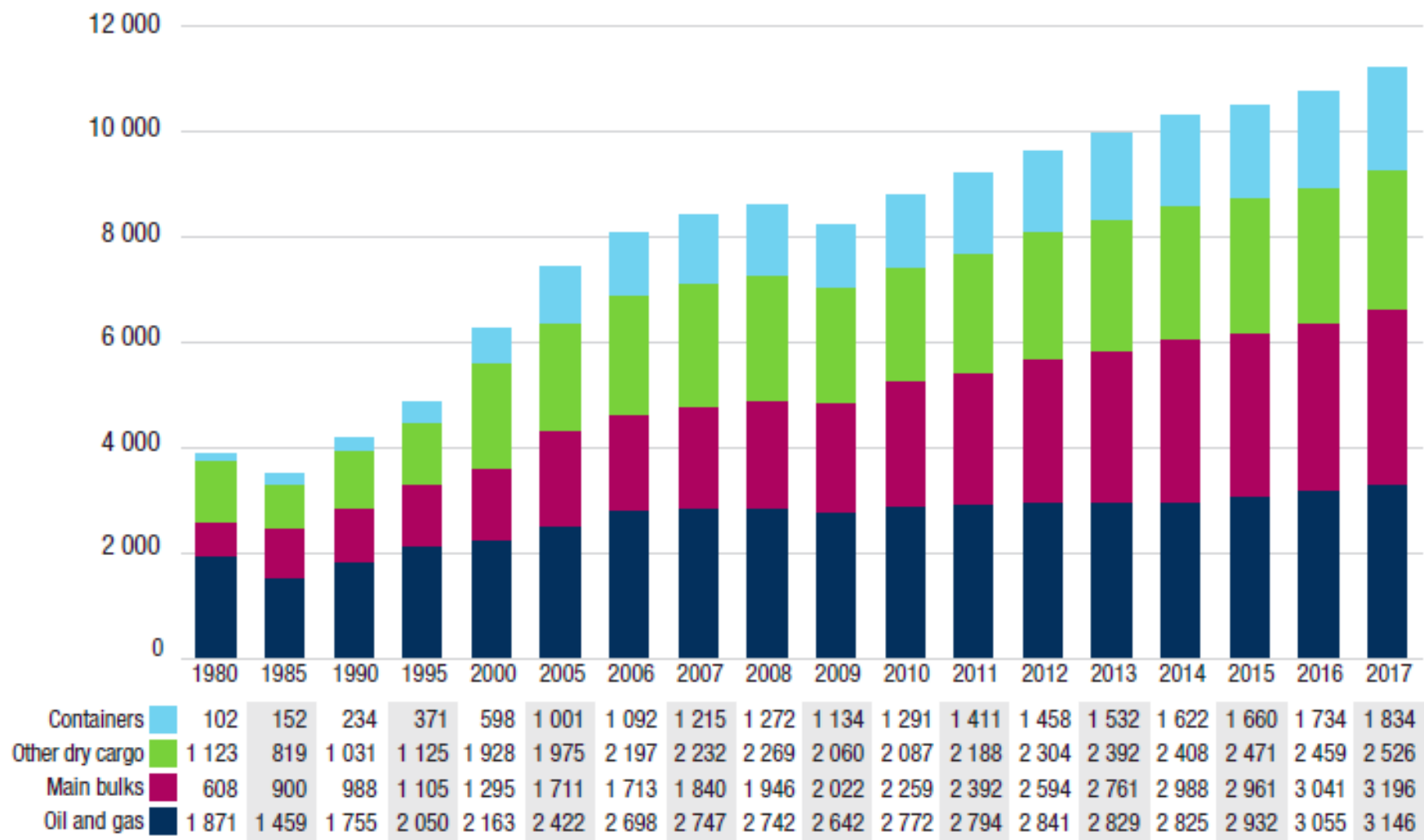






United States
Environmental Protection
Agency

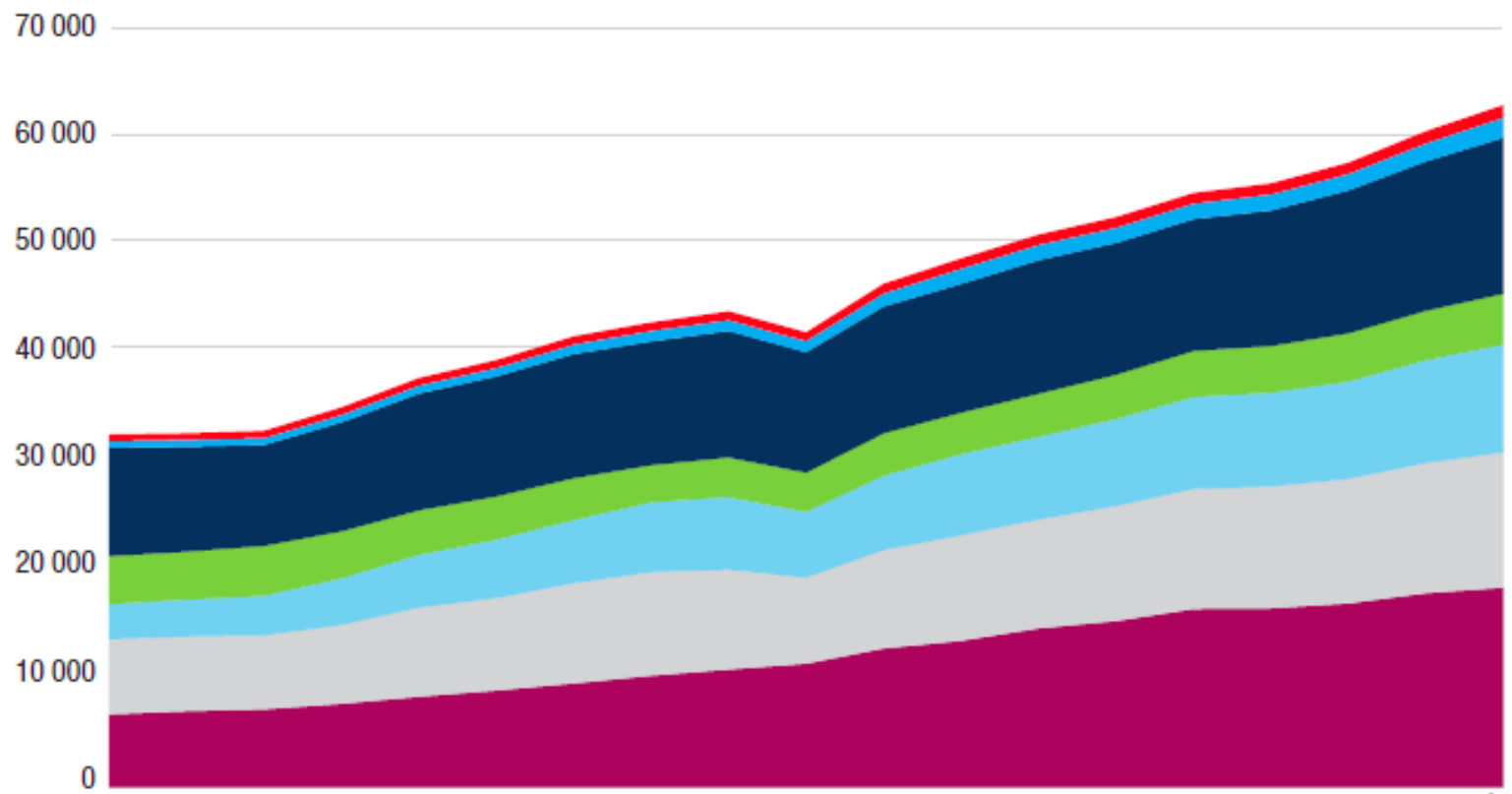
Figure 1.1 International seaborne trade, selected years
(Millions of tons loaded)



Source: *Review of Maritime Transport*, various issues. For 2006–2017, the breakdown by cargo type is based on Clarksons Research, 2018a.

Notes: 1980–2005 figures for main bulks include iron ore, grain, coal, bauxite/alumina and phosphate. Starting in 2006, main bulks include iron ore, grain and coal only. Data relating to bauxite/alumina and phosphate are included under "other dry cargo".

Figure 1.4 World seaborne trade in cargo ton-miles, 2000–2018
(Billions of ton-miles)



	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017 ^a	2018 ^b
Chemicals	580	589	620	632	650	676	713	747	759	783	848	888	903	925	920	961	993	1 058	1 111
Gas	576	591	611	662	717	735	833	913	956	958	1 148	1 344	1 333	1 337	1 381	1 421	1 462	1 595	1 766
Oil	9 614	9 303	8 938	9 665	10 348	10 654	10 984	10 981	11 211	10 679	11 255	11 420	11 831	11 657	11 659	11 993	12 657	13 216	13 809
Other dry cargo	4 233	4 245	4 414	4 150	3 920	3 818	3 712	3 257	3 517	3 481	3 723	3 645	3 795	3 923	4 065	4 139	4 242	4 384	4 497
Containers	3 111	3 279	3 512	4 124	4 687	5 158	5 601	6 178	6 431	5 815	6 588	7 206	7 352	7 712	8 157	8 290	8 635	9 117	9 535
Minor dry bulks	6 638	6 573	6 538	6 965	7 876	8 170	8 852	9 160	8 817	7 586	8 705	9 312	9 624	10 172	10 617	10 775	11 018	11 510	11 967
Main Bulks	6 509	6 793	6 937	7 448	8 061	8 626	9 245	9 941	10 476	11 006	12 336	13 019	14 099	14 764	15 828	15 897	16 314	17 217	17 729

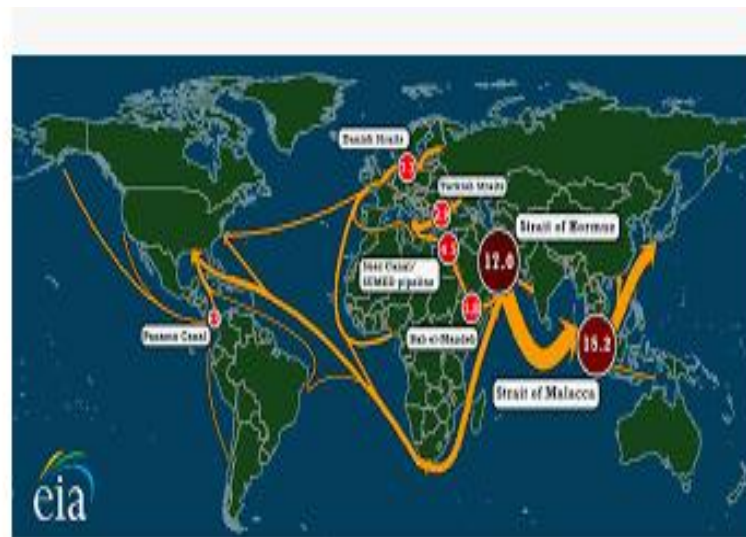
Source: UNCTAD secretariat calculations, based on data from Clarksons Research, 2018a.

^a Estimated.

^b Forecast.







2013年海洋状况报告



OVERVIEW

CURRENT WORK

EARTH SYSTEM

STRESSORS

WORKSHOPS

The State of the Ocean report 2013

- **Human actions have resulted in warming and acidification of the oceans and are now causing increased hypoxia**

Studies of the Earth's past indicate that warming, acidification and hypoxia are three symptoms that indicate disturbances of the carbon cycle associated with each of the previous five mass extinctions on Earth.

- **The speeds of many negative changes to the ocean are near to or are tracking the worst-case scenarios from IPCC and other predictions. Some are as predicted, but many are faster than anticipated, and many are still accelerating**

Consequences of current rates of change already matching those predicted under the 'worst case scenario' include: the rate of decrease in Arctic Sea Ice and in the accelerated melting of the Greenland ice sheet and the Antarctic ice sheets; sea level rise; release of trapped methane from the seabed. These 'worst case' effects are compounding other changes more consistent with predictions, for example: changes in the distribution and abundance of marine species; changes in primary production; changes in the distribution of harmful algal blooms; increases in health hazards in the oceans; loss of large, long-lived fish species causing the simplification and destabilisation of food webs in marine ecosystems.

- **The magnitude of the cumulative impacts on the ocean is greater than previously understood**

Interactions between different impacts can be negatively synergistic (negative impact greater than sum of individual stressors) or they can be antagonistic (lowering the effects of individual impacts).

- **Timelines for action are shrinking**

The longer the delay in reducing emissions the higher the annual reduction rate will have to be and the greater the financial cost. Delays will mean increased environmental damage with greater socioeconomic impacts and costs of mitigation and adaptation measures.

- **Resilience of the ocean to climate change impacts is severely compromised by the other stressors from human activities, including fisheries, pollution and habitat destruction**

Examples include the overfishing of reef grazers, nutrient runoff, and other forms of pollution (e.g. presence of pathogens or endocrine disrupting chemicals) reducing the ability of reefs to recover from temperature-induced mass coral bleaching. These multiple stressors promote the phase-shift of reef ecosystems from being coral-dominated to algal-dominated. The loss of genetic diversity from overfishing reduces the ocean's ability to adapt to stressors.

- **Ecosystem collapse is occurring as a result of both current and emerging stressors**

Stressors include chemical pollutants, agriculture run-off, sediment loads and over-extraction of many components of food webs, which singly and together severely impair the functioning of ecosystems. Consequences include: the potential increase of harmful algal blooms in recent decades; the spread of oxygen-depleted or dead zones; the disturbance of the structure and functioning of marine food webs, to the benefit of planktonic organisms of low nutritional value such as jellyfish or other gelatinous-like organisms; dramatic changes in the microbial communities, with negative impacts at the ecosystem scale; the impact of emerging chemical contaminants in ecosystems.

- **The extinction threat to marine species is increasing rapidly**

The main causes of extinctions of marine species to date are over-exploitation and habitat loss. However, climate change is an increasing threat to species, as evidenced by the recent IUCN Red List Assessment of reef-forming corals. Some other species ranges have already extended or shifted polewards and into deeper cooler waters, though this may not be possible for some species to achieve, potentially leading to reduced habitats and more extinctions. Shifts in currents and temperatures will affect the food supply of animals, including at critical early stages, potentially testing their ability to survive.

FUNCTIONAL COOPERATION TO UPHOLD EFFECTIVE OCEAN GOVERNANCE

开展职能合作以维护有效的海洋治理

- The 2002 DOC between China and ASEAN provides excellent templates for functional cooperation in the maritime domain:
 - *Marine environmental protection*
 - *Marine scientific research*
 - *Safety of navigation and communication at sea*
 - *Search and rescue operations, and*
 - *Combatting transnational crimes including terrorism*

《宣言》敦促中国和东盟在以下领域开展合作：
— **海洋环境保护**
— **海洋科学研究**
— **海上航行和通讯安全**
— **搜救行动，以及**
— **打击包括国际恐怖主义在内的跨国犯罪**

FUNCTIONAL COOPERATION TO UPHOLD EFFECTIVE OCEAN GOVERNANCE

开展职能合作以维护有效的海洋治理

- On 3 August 2018, Foreign Ministers of China and ASEAN adopted the ***Single Draft South China Sea Code of Conduct Negotiating Text***, which will serve as the basis for the eventual conclusion of a COC.
- The most important provision in the *Single Draft*, also known as the Single Draft Negotiating Text (SDNT), is the “**Duty to Cooperate**” in the South China Sea as already identified in the DOC.
- 2018年8月3日，中国和东盟外长通过了南海行为准则单一磋商文本草案，为最终达成南海行为准则奠定了基础。
- 南海各方行为宣言单一磋商文本草案中最重要条款是南海各方行为宣言已经确定的“在南海进行合作的义务”。

FUNCTIONAL COOPERATION TO UPHOLD EFFECTIVE OCEAN GOVERNANCE

开展职能合作以维护有效的海洋治理

- The SDNT highlights the following:
 - China's proposal on *cooperation in maritime economy* to be carried out by littoral states and not states outside the South China Sea region;
 - Philippine proposal *to respect the exercise of traditional fishing rights* by fishermen in the South China Sea;
- 单一磋商文本草案强调以下内容：
- 中国建议海洋经济合作应由南海地区沿岸国而非域外国家实施；
 - 菲律宾建议尊重渔民在南海行使传统捕鱼权；

FUNCTIONAL COOPERATION TO UPHOLD EFFECTIVE OCEAN GOVERNANCE

开展职能合作以维护有效的海洋治理

- China and the Philippines joint proposal for *“just and humane treatment of all persons in distress in the South China Sea”*;
 - 中菲关于“公正、人道对待在南海一切遇险人员”的联合倡议；
- Vietnam’s proposal *to respect maritime zones of littoral states as mandated by UNCLOS*;
 - 越南提出尊重《联合国海洋法公约》授权的沿岸国海洋区域；

FUNCTIONAL COOPERATION TO UPHOLD EFFECTIVE OCEAN GOVERNANCE

开展职能合作以维护有效的海洋治理

- Malaysian proposal *to define the geographic scope of COC*;
- Indonesian proposal for Parties *to respect the EEZ and continental shelf* of coastal states; and

- 马来西亚建议确定南海行为准则的地理范围；
- 印度尼西亚建议各方尊重沿海国家的专属经济区和大陆架；
- 和

FUNCTIONAL COOPERATION TO UPHOLD EFFECTIVE OCEAN GOVERNANCE

开展职能合作以维护有效的海洋治理

– China’s proposal *to discourage military activities* in the South China Sea, unless “conducive to enhancing mutual trusts” like mutual ports call of military vessels, joint patrols on a regular basis, and joint military exercises between China and ASEAN.

中国提出，除非“有助于增进互信”，如军舰互访停靠、定期联合巡航、中国与东盟联合军演等活动，否则不鼓励在南海开展军事活动。

COC in the South China Sea can serve as an excellent template to have COC for Effective Ocean Governance

《南中国海行为守则》是
《海洋治理行为守则》的绝
佳模板

Vision for Maritime Cooperation under the Belt and Road Initiative

PRINCIPLES

- Shelving differences and building consensus
- Openness, cooperation and inclusive development
- Market-based operation and multi-stakeholder participation
- Joint development and benefits sharing

Vision for Maritime Cooperation under the Belt and Road Initiative

BLUE ECONOMY

- Green development
- Ocean-based prosperity
- Maritime security
- Innovative growth
- Collaborative governance

THANK YOU

谢谢