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Conference reports

Maritime Cooperation and Ocean Governance 2021: Symposium report

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ABSTRACT

In the context of the COVID-19 pandemic and rising geopolitical tension, the global ocean's peaceful use and sustainable development face challenges. On November 9–10, the 2021 Symposium on Global Maritime Cooperation and Ocean Governance was hosted in Sanya, China, both online and offline. The conference covered a wide range of topics, from objective challenges over ocean governance to regional institutions building. Staff from academia and government agencies were brought together to discuss the current direction of the issues.

1. Introduction

On November 9, 2021, the Symposium on Global Maritime Cooperation and Ocean Governance 2021 was held in Sanya, Hainan. The symposium was co-hosted by the China-Southeast Asia Research Center on the South China Sea (CSARC), the National Institute for South China Sea Studies (NISCSS), and the China Oceanic Development Foundation. The event was co-organized by the Center for International Security and Strategy of Tsinghua University, the Institute for China-America Studies (ICAS), the Institute for China-Europe Studies, and other partners. More than 800 experts, academics, former political leaders, senior foreign diplomats, representatives of international organizations, and government officials from more than 30 countries and regions attended the symposium in person or virtually.

At the Opening Ceremony, Chinese State Councilor and Foreign Minister Wang Yi delivered a video keynote speech, asserting that China stands ready to work with other countries to establish a maritime community with a shared future. Wang Yi mentioned four points for joint efforts, namely, calling upon global consensus for staying committed to multilateralism and safeguarding the maritime order, stressing regional consensus on dialogue and consultation and promoting peace of the ocean, striving for a deeper maritime cooperation by embracing openness and inclusiveness, and practicing green development and marine environmental protection.

Wu Jianghao, Assistant Minister of Foreign Affairs of China, further elaborated on the Chinese government's efforts and expectations on bridging maritime cooperation and building ocean governance in his keynote speech at the main venue in Sanya, well echoing the four points previously made by Wang Yi.

Wang Hong, Vice Minister of Natural Resources and Administrator of the State Oceanic Administration, combining the fundamental challenges and opportunities faced in his work, suggested strengthening policy coordination among states to enhance mutual trust, expand green cooperation based on sustainable maritime development, and promote institutional trust-building by better managing differences.

Wang Bin, Vice Governor of Hainan Province, delivered welcoming remarks at the opening ceremony on behalf of the People's Government

of Hainan Province, recalling the achievements of the Hainan Free Trade Port. Hainan Island has shared a close relationship with the South China Sea over its long history. As a strategic fulcrum of the 21st-Century Maritime Silk Road, Hainan promotes good regional maritime cooperation and a global ocean governance system.

Former Philippine President Gloria Macapagal Arroyo cast her sights on the threat of war and the path to peace in the South China Sea. Given that the South China Sea tensions and turbulence threaten the region's stability and recovery progress, Madam Arroyo suggested harnessing the valuable elements of "western" and "eastern" schools of thought. "Eastern" wisdom can expand economic and diplomatic ties while quietly managing matters of dispute, while "western" wisdom focuses on addressing the balance of power. With the ongoing military buildup, respect and constant dialogue, confidence building, and economic and social cooperation must never be given up.

UN Deputy Secretary-General Liu Zhenmin called attention to the ocean's withering health caused by overfishing and illegal, unreported, and unregulated (IUU) fishing, enormous amounts of plastic pollution, and excessive absorption of CO₂ from human activities. To tackle these challenges facing the ocean, it is necessary to build holistic governance of ocean activities at the global and regional levels, better coordinate between regional organizations with different mandates, and enhance transboundary cooperation.

Secretary-General of International Seabed Authority (ISA) Michael Lodge briefly introduced how ISA manages deep-sea and "the Area" exploitation under the mandates of the Convention (UNCLOS). He also shared examples of the cutting-edge ocean governance ISA currently employs to uphold the sustainable use of seabed mineral resources and equitable distribution of benefits, attributing to marine environmental protection based on scientific approaches, examining the potential damages of deep-sea exploitation, and encouraging more significant amounts of marine scientific research.

Chair of the Commission on the Limits of the Continental Shelf Adnan Rashid Nasser Al-Azri delivered remarks virtually, presenting the ongoing developments of the fifty-third session of the Commission, the first session after the pandemic. Mr. Adnan introduced how UNCLOS shapes the current Continental Shelf regime and how the delineation of

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the outer limits of the continental shelf can both benefit from and encourage cooperation, composing a standing interest in certainty and stability for contemporary ocean governance to a great extent.

Admiral Prof. Jayanath Colombage, Secretary, Foreign Ministry of Sri Lanka, was invited to deliver a keynote speech on the symposium's second day. The trickiest challenges and threats faced by the Indian Ocean states during the COVID-19 pandemic were listed, and maritime cooperation was called for. He highlighted the role of the Belt and Road Initiative (BRI) in improving connectivity, which will promote infrastructure investment for Indian Ocean states or even the world to develop the marine economy.

NISCSS Founding President Wu Shicun, President of China Oceanic Development Foundation Lu Bin, and NISCSS President Wang Sheng delivered welcoming remarks noting the underlying intentions behind the symposium, which is to build a permanent platform focusing on global ocean issues, discussing ocean governance, and promoting maritime cooperation.

The two-day symposium gathered leading delegates, experts, and academics to share their advanced research on topics under six parallel sessions. The agenda involved views exchanged on opportunities and challenges to global ocean governance, outcomes, and challenges in regional ocean governance in the South China Sea and the Arctic. The symposium also had two sessions dedicated to "Frontier Research on International Law of the Sea" and "International Cooperation on Maritime Security and Safety under the Influence of Covid-19" to encourage visionary thinking and discussion on emerging issues in global ocean governance. The three pillars of ocean governance addressed during the symposium included the dimensions of maritime security, protection of the marine environment, and economics.

2. Opportunities and challenges to Global Ocean Governance

The session aimed to define a background scope of global ocean governance for the conference. Ocean governance encompasses many elements. It includes all rules, policies, laws and institutions designed by governmental and/or non-governmental actors on all levels of decision-making, which regulate any human activities concerning the ocean [1]. The session focused on states since states are the central actors that regulate the use and protection of marine areas. The subheading helps to narrow the focus to the opportunities and challenges faced by the order for global ocean governance under a new round of adjustment, by the existing legal framework on states' practices, and by China as a rising power's role expected to play in the global ocean governance. More importantly, the speakers identified that the contested regions posed a great challenge to global ocean governance cooperation, which is a prominent characteristic worldwide.

With the pandemic's impacts and increasing trend of deglobalization, international ocean governance has witnessed numerous challenges. Dr. Wu Shicun concluded in the latest paper that the effects of "deglobalization" and anti-multilateralism are restraining the willingness and momentum of global maritime cooperation. The geopolitical competition among powers is increasingly fierce in the maritime domain. Against such a backdrop, the international rules-based maritime governance system is under unprecedented erosion, and the dominant players of the current maritime order are working hard to eliminate the inevitable role of China [2]. To cope with the risks, it is necessary to establish a universal concept of maritime security and development and explore regional mechanisms' demonstrative roles by building a cooperation mechanism among the South China Sea coastal countries.

Meanwhile, multiple international mechanisms comprise the current ocean governance system, where challenges exist. Professor David VanderZwaag, Canada Research Chair in Ocean Law and Governance; Director, Marine & Environmental Law Institute, Dalhousie University, investigated one of the institutions, the Convention on Biological Diversity (CBD). He had researched Canadian efforts in marine

biodiversity obligation [3]. CBD plays a significant role in laying a legal framework, raising public awareness, setting agenda, and concluding relevant agreements. Nevertheless, the compliance challenges of the convention and fragmentation in governance are still prominent.

Along its path of becoming a great maritime power, China faces obstacles, especially from water disputes that impede its involvement in global maritime governance. According to Professor Zheng Yongnian, Founding Director, the Advanced Institute of Global and Contemporary China Studies, the Chinese University of Hong Kong suggested. The significance of the South China Sea for China's transformation to a sea power cannot be underestimated [4]. He argued that China needs new mindsets in the current state of affairs. The Southeast Asian countries' flexible attitude towards China and the US implies that they are unlikely to become agents of either power. Given this, China will probably feel more tolerant and open on some sensitive issues. He also put forward a controversial idea that the definition of sovereignty commonly practiced in modern international law is based on western definitions. At the same time, it is possible to separate the ownership and land-use rights in Chinese practices. For instance, in the equal-field system, the emperor possessed the land while the right to use was allocated to each class descending in steps. This case might offer innovative thoughts on resolving the South China Sea disputes.

Professor Stuart Kaye, Director, Australian National Centre for Ocean Resources and Security, University of Wollongong, has long researched conflicts over maritime boundaries and their impacts on ocean governance. He pointed out in his early paper that the content of international law must be drawn from the practice and actions of states, and any delimitation resolved by judicial means must avoid the use of force [5]. Contested waters can be extended from disputes over land territorial sovereignty, maritime jurisdiction, and pending maritime boundaries. A number of options, including joint development arrangements, buffer zones, provisional maritime boundaries, the division of maritime jurisdiction based on functionality, etc., can be adapted to comply with international law. He recently went beyond to see if a possible new customary norm on the reality that climate change and sea-level rise might change defining baselines limits and boundaries of ocean states in the Pacific [6].

The session covered a wide range of status quo challenges in global ocean governance. The panelists discussed various factors affecting ocean governance, from a macroscope of a deglobalization trend and the limits of international institutions to microcosmic disputes over sovereignty and maritime boundaries. Advanced experiences from Europe and the Mediterranean were also introduced in the later comments. The discussion did not thoroughly include all aspects of global ocean governance, but it highlighted a novel mindset concerning power engagement in the international rules-based maritime governance system, the reconsolidation of the current legal framework, and the exploration of management pathways in contested waters.

3. Reframing the security architecture in the South China Sea

The South China Sea is one of the most contested areas in the world. The core issue revolves largely around the territorial dispute over the features of the Nansha Islands (the Spratly Islands), which involves five countries and six parties in total [7]. Vietnam also claims sovereignty rights of the Xisha Islands (the Paracel Islands) and maritime jurisdiction rights around. China regards its sovereignty over the Nanhai Zhudao (the South China Sea Islands) as indisputable. These territorial contests undermine the trust among the coastal parties around the South China Sea. The increasing frequency of a military presence by extra-regional parties, such as the U.S., raises the possibility of unexpected and unintentional collisions in the area. Thus, Session II explored an effective security architecture to promote stability and peace, laying a foundation for ocean governance cooperation. This raised questions concerning the roles of regional players and examined the existing mechanisms.

Having long observed the South China Sea situation and put forward

multilayer options on building the maritime regime within the region [8], Dr. Mark J. Valencia, Adjunct Senior Scholar, NISCSS, expressed his worry that an increasingly militarized nuclear-proliferation threat of power competition is imposed on ASEAN. They need to go back to the basics of upholding international treaties to ban potential nuclear-militarized competition in the region [9]. Dr. Rommel C. Bantolao, President, Philippine Association for Chinese Studies, reported achievements and challenges of China-Southeast Asia in promoting peaceful security architecture in the South China Sea, namely the implementation of the 2002 Declaration on the Conduct (DOC) and ongoing China-ASEAN negotiation on the Code of Conduct (COC). Some contentious issues including but are not limited to the legal character of COC, the geographic scope of COC, activities of COC, the role of external powers, accessions, and accountabilities in COC negotiation, are gradually exposed to the public. From the perspective of the Philippines, a prior agenda was President Duterte's hedging approach with China and the United States, which largely benefitted the Philippines from the current situation [10]. The Philippines also promotes strategic cooperation with other ASEAN countries for the COC at the same time [11].

In addition to considering how to maneuver under the current security structure, the type of security architecture adopted is also essential for the South China Sea coastal states. Mr. Herizal Hazri, Chief Executive, Institute of Strategic and International Studies Malaysia, mentioned that the existing mechanisms are becoming more likely to not deal with the current challenges [12]. Any adjustments on the security architecture in the South China Sea need to consider whether coastal countries can benefit from it and the thorough background of strategic competition among powers. The future South China Sea security architecture shall be expanded to manage all the stakeholders sticking to the negotiations. Professor Nguyen Nam Duong, Deputy Director-General of the East Sea Institute, Diplomatic Academy of Vietnam, recently worked on explicit Vietnam's conceptualizations of maritime security [13]. When broadening his research on reframing the security structure in the South China Sea, Professor Nguyen believes it is preferable to enhance current mechanisms instead of creating a new one. The scope of an effective security architecture shall surpass the South China Sea and cover Asia.

Professor Hu Bo, Director, Centre for Maritime Strategy Studies, Peking University, shared his thoughts on four necessary conditions for an effective maritime security order in the South China Sea. First, the power competition between China and the US in the South China Sea can be controlled to a certain extent, at least without military confrontation and conflict and at best having a set of shared rules for military interaction. Second, claimants could shelve the disputes. Third, other ASEAN member states should keep a neutral position. Fourth, non-residential powers ought to exercise restraint and patience. Professor Hu highlighted some particularities of US-China competition that make the formation of maritime security order in the South China Sea even trickier. They involve current contradictions and unstable issues mainly on the sea, and land domains, rather than the nuclear domain, asymmetric capacities and interests, highly transparent bargaining environment, tremendous differences in strategic culture, or the uncertainty technology development brings [14].

It is worth noting that this panel's speakers extensively discussed the difficulties of the South China Sea cooperation under the current maritime security architecture. Dr. Shafiah Muhibat, Director, Department of International Relations, Centre for Strategic and International Studies, Indonesia, explained the factors that could ensure states continue to cooperate amidst increasing tension. She pointed out that the first is to make sure the constant efforts on making regional rules cooperatively. Additionally, an increasing number of maritime security issues are becoming eye-catching in the South China Sea, which should be included in the discussion of future security structures. Moreover, the ongoing situation of the region depends on whether the outside powers will reduce their unilateral actions and whether more forces will be willing to support cooperation. Last but not least, the COC's consultation

might not be the only way to solve all the problems.

The session's panelists heatedly discussed the security framework of the South China Sea region. The potential influences of increasing military activities, the existing regional frameworks of DOC and ongoing negotiation of COC, the strategic choices of Southeast Asian states, and the role of the US were all included. Some scholars mentioned that the centrality of ASEAN needs to be supported, and the military activities within the region shall be in charge, which currently is out of control. On the future power struggle between US and China in the South China Sea, some experts said there is a need to introspect the commonly-held concept of "sea power competition", which did not exist in Chinese strategic culture. De-escalation and better management of disputes caused by power competition are highlighted under the situation intensifying. The session exclusively focused on South China Sea coastal state voices which have disputes over territorial sovereignty, and did not include the perspectives of extra-regional parties. The role of extra-regional parties in reframing the security architecture in the South China Sea ought to be emphasized in the future as the geopolitical competition intensifies. However, the degree of relevance of extra-regional parties diminishes as territorial disputes prior to the "EEZ dispute" [15] in the South China Sea. Thus may be considered not ideal in some situations if the voices of extra-regional parties were to cover the issues of regional states.

4. Ocean governance practices in the South China Sea

Though the territorial disputes over the South China Sea islands place difficulties to practically promote ocean governance at the regional level, it does not mean that these efforts are wasted nor should dialogue cease. Session III identifies the fields that appealed to ocean governance practices, including the establishment of marine protected areas, fisheries governance, marine microplastics management, etc. The non-traditional issues were stressed, which are usually overlooked in geopolitical realities.

Experts from or outside the South China Sea region conducted in-depth discussions regarding what methods can be considered adequate for regional cooperation. Professor Xue Guifang, KoGuan Law School, Shanghai Jiao Tong University, suggested that relevant regional rules and mechanisms are necessary to establish marine protected areas (MPAs) in the South China Sea with adequate multilateral cooperation. These MPAs must be based on the common interest of marine biodiversity conservation of the neighboring countries, and the existing basis of cooperation between China and ASEAN, bilateral and multilateral cooperation related to MPAs should be actively promoted. Meanwhile, the South China Sea coastal states can learn from the experience of the Mediterranean and establish a regional legal system according to its own features and needs [16].

Professor Wang Kuan-Hsiung, Graduate Institute of Political Science, Taiwan Norman University, discussed the current status and development of fisheries cooperation in the South China Sea, especially in the context of global governance. The ongoing collaborative developments based on the UN Sustainable Development Goal (SDG) 14, primarily focusing on combating and deterring illegal fishing activities, were also reviewed. For the fishery cooperation in the region, various forms of cooperation projects were introduced globally, such as WCPFC, SEAFDEC, and the maritime delimitation agreement in the Gulf of Tonkin, which mainly can be divided into two categories: bilateral and multilateral fishery cooperation [17]. Dr. Vu Hai Dang, Senior Fellow, Centre for International Law, National University of Singapore, retraced the successful process of Vietnam's ocean governance policy-making from adopting the Maritime Strategy of Vietnam in 2008 to the new Strategy for Sustainable Development of Marine Economy of Vietnam in 2018. Dr. Vu also raised several suggestions for China's ocean reform based on this process. It was suggested that China should learn from Vietnam to improve its legislation to facilitate public participation and enthusiasm in regulating MPAs. At present, Chinese legislation lacks effective

enforcement mechanisms at the national level to enable the public to be involved in marine environment protection [18].

Additionally, the panelists also discussed other aspects of ocean governance in the South China Sea. Professor David Ong, Nottingham Law School, Nottingham Trent University, the U.K., stated that the whole spectrum of international law should be applied to the myriad problems currently besetting the South China Sea, not just the UNCLOS and thus, a staged, nested, multi-layered approach to achieving South China Sea governance, rather than trying to apply a 'one-size fits all' approach, based solely on the 1982 UNCLOS should be accepted. Professor Zou Xinqing, School of Geography and Oceanography, Nanjing University, demonstrated that microplastics had been widely found in the sea, bringing a number of adverse effects to the marine environment that they can absorb and release toxic substances are ingested by marine biota, including seafood species. Microplastic pollution's direct and indirect effects may cause potential human health risks. Public concern has inspired policy initiatives to address marine microplastics. However, the risks have not yet been shown, and dangers to some ecosystems have only recently been primarily demonstrated.

This session mainly discussed feasible approaches to effectively establish MPAs in the South China Sea. The speakers highlighted that cooperation among littoral states was fundamental to achieving this goal. They raised potential avenues, including all littoral states' establishment of regional MPAs network for scientists to conduct joint research and share scientific data, which could even cover disputed waters. Nevertheless, whether existing political will and leadership from the parties involved are sufficient is a big question. The session provided technical advice and drafted governance blueprints, which was expected to facilitate consultations within track one diplomacy.

5. Frontier research on international law of the Sea

UNCLOS is an excellent example of the combined wisdom of humanity and mutual concessions of nation-states. It is the cornerstone of global ocean governance, which regulates the usage of the ocean and its resources. However, the establishment of the Law of the Sea regime did not resolve all concerns and disputes. Different states' practices and interpretations towards specific articles, new regimes developed under UNCLOS, peoples' awareness raised on certain maritime issues, etc., require constant research around UNCLOS. Otherwise, divergences will bring trouble to the states' practices and cause incompatible conflicts. The panelists of the session presented their frontier research on various topics which might still be at an initial stage or incomplete at the time of presentation.

Currently, the negotiations over an internationally legally binding instrument for the Conservation and Sustainable Use of Marine Biodiversity in Areas beyond National Jurisdiction (BBNJ) under UNCLOS have reached a crucial stage. However, divergences among States still exist in BBNJ intergovernmental negotiations. Professor Shi Yubing, Vice Dean, South China Sea Institute, Xiamen University, discussed the proposals for the settlement of disputes in the BBNJ Agreement [19] and an ideal way to properly deal with the relationship between UNCLOS and BBNJ negotiations. His view on the latter question was shared in the Symposium. It is essential to understand the BBNJ needs to be in accordance with UNCLOS, work under the UNCLOS, and do no harm to UNCLOS. He added that the BBNJ shall not bring down the efficiency of UNCLOS and shall not repeat the mandates and duties that other branches (e.g., ITLOS, ISA, etc.) already have.

Another cutting-edge research is related to the Anthropocene epoch humans currently live in and UNCLOS's role. The Anthropocene is an age dominated by humans and characterized by a "profound shift in the relationship between humans and the rest of nature." [20] Professor Karen N. Scott, School of Law, University of Canterbury, used geo-engineering as an ideal case study to evaluate international environmental law's scope, extent, and limits in the Anthropocene [21]. Similarly, Professor Scott believes that climate changes and ocean

acidification, two critical issues relevant to human activities in the Anthropocene, can be used to examine the extent to which UNCLOS and international law more generally can be interpreted and developed. She argued that UNCLOS and international law adjustments have basically caught up with the two phenomena. UNCLOS provides the foundation for the law of the sea in the Anthropocene, but it still must be dynamically interpreted, applied, and developed to remain relevant and practical.

In recent years, the world has witnessed a series of armed conflicts in certain countries, making the territorial entry of third states in search and rescue operations a continuing legal problem. Namely, the bargaining between the evolving norms of civilian protection and intervention in crisis situations by the third party in Libya, Syria, Ukraine, etc. and the coastal state's sovereign rights. Professor Zhang Xinjun, Tsinghua University School of Law, shared pieces of his latest research. Two scenarios entering foreign territorial seas to rescue people in distress were compared. One is waiting for prior permission, and the other is the U.S. Right of Assistance entry without requiring prior approval from the coastal states. He argued that neither the treaty obligations nor the institutional development purports to legalize a rescue mission to enter a foreign territorial sea without permission. However, the right to rescue may entail obligations *erga omnes* and justify territorial entry if the coastal State is unaware, unable, or unwilling to fulfill its obligation to rescue.

Plastic pollution is a global problem, particularly in Asia's waters. Dr. Naporn Popattanachai, Assistant Dean for Administration and Assistant Professor in International Law, Thammasat University, introduced a series of institutional arrangements, including UNCLOS, to address the issue. At the same time, no international binding and potentially competing for norms in provisions through existing regimes [22] has restrained the effectiveness. He urgently called for assessing the situation and impact of the plastic life-cycle. The coastal countries need to reach a consensus on data collection and scientific analysis.

Professor Akira Mayama, Osaka School of International Public Policy, Osaka University, discussed the international legal status of Maritime Law Enforcement Agencies in times of peace and armed conflict. He divided the legal status of coast guards operating in the East and South China Seas into three categories. He argued that international disputes are unlikely to occur in most cases as they are restrained by the measures under the scope of the proportionality required for law enforcement. However, preventing escalation is essential during the change of the legal statutes.

This session emphasized frontier research on UNCLOS, such as the relations between UNCLOS and BBNJ, the ties between UNCLOS and the Anthropocene, territorial entry in search and rescue operations, regional blueprints for dealing with plastic pollution, and the changing legal status of Maritime Law Enforcement Agencies in a new era. The commentators of the session admitted that the current UNCLOS regime indeed has some side effects and that its vagueness and limitations require constant upkeep both in practice and design. Another issue about the legal problems of the Japanese government dumping nuclear wastewater into the ocean was also brought into the discussion. Both legal [23] and political approaches were called for to handle the issue together. Cooperation is essential in setting new disposal standards and lowering the risks as much as possible.

6. Ocean governance practices in the arctic

The Arctic is progressively becoming an essential area of geopolitical interest, attracting worldwide attention. Currently, the area is dominated mainly by the military and security interests and naval capacity of Russia, Canada, the United States, Norway and Denmark [24]. Meanwhile, the exclusivity of the region has been challenged by the activities of stakeholders from outside the region, including international organizations and non-Arctic states, who show strong interests in scientific research, shipping and resource development. Although the high-level

intergovernmental forum of the Arctic Council that promotes cooperation, coordination and interaction among the Arctic States with 8 Arctic States and 6 Arctic indigenous organizations has been established, [25] the emerging attention on oil and gas reserves in the continental shelves of the northern seas and visions of new trans-Arctic sea routes complicate the region's governance. Thus the conference held the region as a critical topic to discuss.

Except for traditional Arctic states, non-Arctic states and other international groups also show a growing presence in this region. Dr. Hong Nong, Executive Director & Senior Fellow, the Institute for China-America Studies, presented the ever-increasing interests of the three East Asia States, with a focus on China, among a select group of non-Arctic states in the Arctic and explored their interests and motivations in increasing their presence in the region. It provided an insight into the Chinese white paper concerning its Arctic policy and indicated that although China's Arctic strategy is still in the beginning stages, and it still faces many challenges, China has emphasized a key theme, that is cooperation, which will be crucial to the country's relationship with other stakeholders in the years to come [26]. Professor Suzanne Lalonde, Public International Law and International Law of the Sea, University of Montreal, focused on the North American Arctic as an example of successful maritime collaboration. It highlighted that how despite a long-standing disagreement between Canada and the United States on the legal status of the Northwest Passage, the two sides still established suitable cooperative mechanisms of resolving issues of mutual interest and concern in the Arctic, such as NORAD and the Agreement between Canada and the United States on Arctic Cooperation in 1988 [27].

Professor Bai Jiayu, Nankai University School of Law, China, stated that Arctic affairs, as a part of global affairs, cannot be developed without the Arctic stakeholders, commonly known as China, Japan, and the Republic of Korea, sharing similar demands and interests on the formation of their Arctic policies. China, Japan, and the Republic of Korea's Cooperation in Arctic affairs can improve the efficiency of implementing the policies. Their previous cooperation on the Arctic climate and environment, scientific exploration, resource development, and channel utilization laid the foundation of cooperation in Arctic affairs, which provides a reliable path to promote the three party's cooperation in Arctic affairs with feasibility [28].

With climate change, the melting sea ice and snow in the Arctic increase the probability of states carrying out activities in the Arctic. Professor Aldo Chircop, Schulich School of Law, Dalhousie University, provided sights into the ocean governance considerations of low-impact corridors, focusing on Canadian Arctic waters. The Canadian application of low impact corridors in the Northwest Passage aims at focusing hydrographic surveys and navigational support services in the corridors to incentivize shipping to navigate safely in the corridors, which can preserve the marine environment, but also protect the fundamental rights of Inuit people to whom the region is their homeland. Ultimately, the corridors would be subject to collaborative governance [29]. Ms. Sakiko Hataya, Research Fellow, Ocean Policy Research Institute of the Sasakawa Peace Foundation, spoke on the challenges and opportunities regarding the Northern Sea Route (NSR), specifically following the 6-day obstruction of the Suez Canal in 2021, which showed the necessity to expand global shipping routes and secure global supply chains. She suggested that the NSR provides an alternative to the Suez Canal route to spread risk in the future, which will further attract financial support and invoke stakeholders to reassess their regulations and work together to safeguard the sustainable development of the Arctic Ocean [30].

Experts in this session further examined the efficiency of the Corridor initiative in the Arctic governance, the possibility that China provides another similar version of it for the South China Sea region, and China's adoption of the "golden rule" as guidance to participate in the Arctic. It was stressed that China's expanding engagement in the Arctic has continually been in the content of cooperation and collaboration. Although the interaction between different regional and international regimes and agreements is unclear and unchecked regarding Arctic

issues, significant players in the Arctic will continue collaborating to enhance the region's economic potential and resolve conflicts before they emerge, as opportunities in the Arctic continue to strengthen. The role of UNCLOS in Arctic governance was also mentioned.

7. International cooperation on maritime security and safety under the influence of Covid-19

The prevalence of Covid-19 poses unprecedented challenges on international maritime security cooperation. Multiple actors including states' maritime enforcement agencies, specialized ocean governance institutions, and seafarers are all facing challenges of travel restrictions, rising maritime crimes, the refugee population migrations and unauthorized arrival of asylum seekers, and the delayed deliveries of assets or even the development of critical infrastructure. The session paid attention to those actors and their challenges, and held the expectation of potential policy discussions to address the problems.

The COVID-19 pandemic has largely influenced the global shipping industry and other marine sectors. Professor Zhang Renping, College of International Collaboration, Dalian Maritime University, pointed out that the shipping industry plays a vital role in the global response to the COVID-19 pandemic. Still, the world's 1.9 million seafarers have faced critical challenges, including crew change crisis, without access to medical care and vaccination. It needs governments and maritime administrations such as the International Maritime Organization (IMO), International Labour Organization (ILO), and International Chamber of Shipping (ICS) to enhance the international cooperation to facilitate crew change and repatriation. To tackle seafarers' challenges, Mr. Hartmut Hesse, Former Special Representative of the IMO Secretary-General for Maritime Security and Anti-Piracy Programmes, revealed further details and made a comprehensive analysis of IMO's work during the pandemic. For example, IMO had established a special working group and had taken many measures to increase the rate of seafarers' vaccination. Over 41% of seafarers worldwide had completed vaccine registration until November 2021. Dr. Ann Fenech, Head of the Marine Litigation Department, Fenech & Fenech Advocates, Malta, has extensive experience in disputes and has acted and advised some of the most important international maritime operators. She reported the effects of Covid-19 on the Maltese shipping industry and safety measures taken by the government on the maritime sector.

Despite the pandemic, Dr. Jay T. Tarruela, Commander, Philippine Coast Guard, posited that cooperation on maritime safety and maritime security, particularly within the South China Sea region and with the US, Japan, and Australia, remained robust. Moreover, the objective of such cooperation is anchored on all parties' intent of ensuring rules-based maritime order by capably supporting these Southeast Asian countries to counter state and non-state actors that are not in adherence to international law. Captain Martin Sebastian, Former Head, Center for Maritime Security and Diplomacy of Maritime Institute of Malaysia, echoed Dr. Tarruela's presentation that cooperation is still continuing in the South China Sea region. He outlined Malaysia's challenges, such as smuggling/trafficking activities, and how International Cooperation played a major role in addressing maritime security and safety during the pandemic. For example, Malaysia and the Australian Border Agency cooperated to tackle migration movement on the bilateral side. In addition, Malaysia, the Philippines, and Indonesia had combated illegal fishing, offshore oil rigs, and drug trafficking in the South China Sea through tripartite cooperation.

The speakers in this session emphatically focused on maritime cooperation that involved countries outside the South China Sea during the pandemic. Some observers remained concerned that the increasing presence of non-regional countries in the South China Sea, such as the US and Japan, will escalate the situation and undermine peace and stability over the region. Among coastal countries in the South China Sea, in the meantime, recent developments unfolded, which suggested that despite disputes and differences, agreement to cooperate on oil

exploration and maritime security as well as safety may be feasible and could be realized.

8. Blue economy and sustainable ocean development

The World Bank defines the blue economy as “the sustainable and integrated development of economic sectors in healthy oceans” [31]. The concept was invoked to capture the multi-sectoral and multi-scalar objectives of ocean governance. Institutional arrangements and technological capacity are considered to be enabling components of the Blue Economy because they can facilitate the achievement of ecological, economic and social sustainability [32]. As a result, the session stressed the components of the blue economy mentioned above and explored the cases of China’s coastal provinces and island states such as Malta.

The concepts of blue economy and sustainable ocean development are presented in SDG 14 – Life Below Water, where various actors, including international organizations, states, local governments, civil communities, individuals, etc. are devoted. Experiences of these actors were reported in the panel. Mr. Adrian Lai, Deputy Secretary-General, Asian Academy of International Law, maps his view on developing a sustainable marine economy in the Guangdong-Hong Kong-Macao Greater Bay Area (GBA). He stated that upholding the policy documents and fundamental principles, the maritime economy of GBA can be facilitated by the supporting services of green financing, carbon emission trading, and other legal services.

For the island states, getting along with the ocean and earning a living is a ‘forever’ agenda. Professor Godfrey Baldacchino, University of Malta, conducted many research projects on island development [33]. He stressed that though small islands had long been shadowed by brazen geopolitics. Currently, the development paths of small islands come with opportunities and dangers. The small island states have become luminary examples of economies and societies that have shifted to a more sustainable lifestyle, with international bilateral and multilateral finance willing to support investments in green development and blue growth on such islands, to serve as showcases to the rest of the world.

Hainan has attracted global attention since the Overall Plan for the Construction of Hainan Free Trade Port (FTP) was announced in 2020. As an island with comparatively modest development in China, the marine and maritime sectors are likely to be Hainan’s main thrust [34]. Dr. Liao Minsheng, Vice President of Hainan Tropical Ocean University, discussed the impacts on the Hainan tourism industry with the RCEP coming into force. He viewed future opportunities and advantages positively, namely RCEP, which will bring good products, services, talents, and investments to the Hainan tourism industry. To better prepare for the vision, Hainan needs to practice the strategy on tourist industrial transformation and upgrading, boosting medical, air, cruise, and yacht tourism [35] in addition to shopping tourism. Mr. Zhu Huayou, Research Fellow, China Institute for Free Trade Ports Studies with Chinese Characteristics, stated that Hainan should build the marine industry as FTP highlights. He argued that Hainan needs to better utilize the FTP policies and cultivate large-scale industry. He suggested that fostering marine ranching, offshore oil and gas production, offshore wind power, sea travel, and maritime transport are all good starts. Mr. Fu Xuanguo, Secretary of Party Leadership Group, Hainan University, emphasized that Hainan must adopt a low-carbon, ecologic, and environmentally friendly path to construct a new marine industry landscape with appropriate resources aggregated. Constant efforts contributed to synergistic protection mechanisms for land and sea, joint prevention mechanisms for local pollution, and conservation mechanisms for coastal lines consolidate a framework to achieve a healthy blue economy.

The session laid a vision on promoting the blue economy and sustainable ocean development in the view of GBA, Hainan, and island states. In the discussion, the experiences of Thailand and Japan were also demonstrated. A series of measures deserve note as well, such as developing the merchant shipping industry, taking the institutional

arrangements of CPTPP and FTA into account, coping with divergencies (IUU, armed robbery, etc.) at sea, and cooperating with other actors around the world.

9. Conclusion

Under the lasting influence of the global pandemic of COVID-19 and the emerging return of power competitions, maritime cooperation and ocean governance are under tremendous threat. The convening of the symposium offered a platform to discuss the urgent maritime issues, bringing all relevant parties into, leaving inspiration over policy implication for decision makers. As the multiple aspects discussed, different regions displayed idiosyncrasy. In Asia, inter-governmental cooperation on ocean affairs is significant, though the foremost challenges of maritime security concerns exist. The Arctic sets a sample for the collaboration under the divergences, which might facilitate dealing with the relations among the coastal countries of the South China Sea and extra-regional parties. Enhancing cooperation on ocean governance is a regional consensus, while there is divergence on how to achieve it based on the practices of each country. In developing its national ocean strategy [36], China has promoted the concept of a maritime community that has shared interests, values, and future that China with the rest of the world [37]. At present, China’s national ocean strategy has not fully emerged. At an operational level, the higher norms, the Basic Law of the Sea, for instance, have not been set yet. With this concept requiring further clarification and development, China is expected to promote maritime cooperation and ocean governance in theory and substance.

Some policy implications can be drawn out following the symposium. First, nation states remain the primary actors for global ocean governance, maritime disputes inevitably harm the willingness to cooperate. Regarding the South China Sea disputes, although the territorial disputes and maritime disputes increase the tension among coastal states, the Southeast Asian nations involved in the disputes adopt neutrality as power competition intensifies. Second, inconsistency exists between countries’ ambitions to address non-traditional issues such as marine plastic pollution, marine environment protection, fisheries management, etc., and their actual collaboration in the South China Sea. The fields of science, industries, NGOs and civil society, rather than states, might be better positioned to take a leading role. Third, governments and intergovernmental organizations should collaborate to protect the safety and rights of the workers in marine-related fields. Fourth, deficiencies such as vagueness and different interpretations of UNCLOS require room for consultation. The establishment of the UNCLOS regime is to manage the sea peacefully, and the coming BBNJ needs to be supported. Lastly, the blue economy redefines the relations between human beings and the sea. It is a sustainable approach to balancing environmental protection and economic development. For island countries, advocating for more international support and imitation is essential. For a coastal province like Hainan, exploring how to merge the beneficial policy with the blue economy is a continuing area of consideration.

Overall, some improvements might be made for the organizers to convene the symposium on global ocean governance in the future. Currently, states are still the main actors to be studied. In the future Symposium, except for sticking to strengthening the implementation of the global rule of law and the law of the sea, a broader range of actors such as civil communities and technical experts on various marine-related fields may also be enrolled. A wider range of ocean governance-related issues, including the impacts of the overexploitation of marine resources, inequitable distribution of access to and benefits from marine ecosystem services, and inadequate or inappropriate adaptation to changing ocean conditions should be addressed in the Symposium’s future agenda [38]. What’s more, addressing issues that undermine the effectiveness of ocean governance, such as conflicts between multiple actors, inconsistencies in sectoral approaches, jurisdictions with overlapping mandates, and poor communication among

governance institutions should also be considered [39].

Declaration of Competing Interest

The authors declare that they have no known competing financial interests or personal relationships that could have appeared to influence the work reported in this paper.

Data availability

No data was used for the research described in the article.

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