

The  
G7 Research Group  
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presents the

## **2015 Schloss Elmau G7 Summit Final Compliance Report**

9 June 2015 to 6 May 2016

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*“We have meanwhile set up a process and there are also independent institutions monitoring which objectives of our G7 meetings we actually achieve. When it comes to these goals we have a compliance rate of about 80%, according to the University of Toronto. Germany, with its 87%, comes off pretty well. That means that next year too, under the Japanese G7 presidency, we are going to check where we stand in comparison to what we have discussed with each other now. So a lot of what we have resolved to do here together is something that we are going to have to work very hard at over the next few months. But I think that it has become apparent that we, as the G7, want to assume responsibility far beyond the prosperity in our own countries. That’s why today’s outreach meetings, that is the meetings with our guests, were also of great importance.”*

Chancellor Angela Merkel, Schloss Elmau, 8 June 2015

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## 10. Regional Security: Maritime

“We are committed to maintaining a rules-based order in the maritime domain based on the principles of international law, in particular as reflected in the UN Convention on the Law of the Sea”

*G7 Schloss Elmau Summit Declaration*

### Assessment

	Lack of Compliance	Work in Progress	Full Compliance
Canada		0	
France			+1
Germany			+1
Italy			+1
Japan		0	
United Kingdom			+1
United States			+1
European Union			+1
Average		+0.75	

### Background

The world’s waterways hold 90 per cent of the resources and “routes ... for intercontinental trade.”<sup>407</sup> To avoid the unjust impediment of the economic, resource, and territorial rights of seafaring countries, the G7 Leaders have “committed to maintaining a rules-based order in the maritime domain based on the principles of international law.”<sup>408</sup> The rules and principles in question are, principally, those outlined in the United Nations Convention on the Law of the Sea (UNCLOS).

On 15 April 2015 at Lübeck, the G7 Foreign Ministers declared that they “strongly oppose any attempt to assert territorial or maritime claims through the use of intimidation, coercion or force.”<sup>409</sup> In their Declaration on 8 June 2015 at Elmau, the G7 Leaders declared that they “endorse [this] Declaration ... issued by G7 Foreign Ministers in Lübeck.”<sup>410</sup>

In this light, of particular concern to the G7 are the recent actions of China in the South China Sea. The waterway is immensely vital economically, seeing USD5 trillion in trade annually, and is reported to be resting on vast oil and gas reserves.<sup>411</sup>

In recent months, Beijing has commenced construction of artificial islands in the Spratly Islands region of the South China Sea, extending its reach into approximately 90 per cent of the waterway, and has been accused of housing military aircraft thereon by Vietnam (the contesting claimant of the Spratly Islands), despite China’s reports that it “has no hostile intent.”<sup>412,413,414</sup>

<sup>407</sup> G7 Foreign Ministers’ Declaration on Maritime Security. Access date: 15 January 2016.

<http://www.g8.utoronto.ca/foreign/formin150415-maritime.html><http://www.g8.utoronto.ca/foreign/formin150415-maritime.html>

<sup>408</sup> Leaders’ Declaration: G7 Elmau Summit, 8 June 2015. Access date: 14 January 2016.

<http://www.g8.utoronto.ca/summit/2015elmau/2015-G7-declaration-en.html>

<sup>409</sup> G7 Foreign Ministers’ Declaration on Maritime Security. Access date: 15 January 2016.

<http://www.g8.utoronto.ca/foreign/formin150415-maritime.html><http://www.g8.utoronto.ca/foreign/formin150415-maritime.html>

<sup>410</sup> Leaders’ Declaration: G7 Elmau Summit, 8 June 2015. Access date: 14 January 2016.

<http://www.g8.utoronto.ca/summit/2015elmau/2015-G7-declaration-en.html>

<sup>411</sup> Vietnam protests after China lands plane on disputed Spratly islands, The Guardian, 3 January 2016. Access date: 15 January 2016. <http://www.theguardian.com/world/2016/jan/03/vietnam-protests-after-china-lands-plane-on-disputed-spratly-islands>

<sup>412</sup> UN tribunal at The Hague to rule on rival claims to South China Sea islands, The Guardian, 23 November 2015. Access date: 15 January 2016. <http://www.theguardian.com/world/2015/nov/23/south-china-sea-dispute-hague-competing-claims>

Vietnam is not the only party to insist that China's actions have encroached on its sovereignty. Brunei, Malaysia, Taiwan, and the Philippines have all claimed sovereignty over the region.<sup>415</sup> The Philippines has explicitly condemned China's actions as "contrary to the convention [UNCLOS] and without lawful effect to the extent that they exceed ... China's maritime entitlements under UNCLOS."<sup>416</sup> When taken to the permanent court of arbitration in The Hague by the Philippines over the matter, China announced it does not recognize the authority of the court and "will neither accept nor participate in the arbitration unilaterally initiated by the Philippines."<sup>417</sup>

### **Commitment Features**

The G7 leaders endorsed the foreign ministers' declaration, which states that the dispute in the South China Sea ought to be resolved peacefully and in line with the terms of UNCLOS. The path to a diplomatic resolution is complicated by China's refusal to participate in negotiations (as currently constructed), but full compliance requires that the G7 member work towards agreeable, diplomatic settlements in the South China Sea. Military steps or coercive incentives of any kind constitute intimidation and coercion, and thus directly contradict the professed commitment of the G7 leaders. As such, any actions of this sort constitute noncompliance.

The G7 Foreign Ministers' Declaration also calls upon seafaring G7 members to effectively promote initiatives aimed at increasing safety at sea and stifling piracy, smuggling, pollution of waters and marine ecosystems, and other illegal maritime actions. These include the Convention for the Safety of Life at Sea, the International Ship and Port Facility Security Code, the International Convention for the Prevention of Pollution from Ships, and the International Maritime Organization's Guidance to seafarers.<sup>418</sup> Adherence to these rules is necessary for compliance.

Importantly, the G7 foreign ministers (and G7 leaders) have committed to curbing maritime crime by addressing its possible causes on land, namely "the absence of effective, fair, accountable, and transparent governmental institutions."<sup>419</sup> Concrete participation in initiatives aimed at furthering these goals (such as the European Union Strategy and Action Plan in the Gulf of Guinea) is an important factor when considering assigning a rating of full compliance.

The G7 members are also committed to the facilitation of scientific and technological research that aims to further maritime security. Facilitation or stifling of these efforts where they arise should be considered when considering assigning full compliance. Importantly, the G7 condemns any "deliberate obstruction of sea lanes aimed at interrupting trade, traffic and tourism, [and] threats against critical sea-borne infrastructure."<sup>420</sup> Any actions of this sort constitute noncompliance.

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<sup>413</sup> Vietnam protests after China lands plane on disputed Spratly islands, The Guardian, 3 January 2016. Access date: 15 January 2016. <http://www.theguardian.com/world/2016/jan/03/vietnam-protests-after-china-lands-plane-on-disputed-spratly-islands>

<sup>414</sup> Vietnam protests after China lands plane on disputed Spratly islands, The Guardian, 3 January 2016. Access date: 15 January 2016. <http://www.theguardian.com/world/2016/jan/03/vietnam-protests-after-china-lands-plane-on-disputed-spratly-islands>

<sup>415</sup> UN tribunal at The Hague to rule on rival claims to South China Sea islands, The Guardian, 23 November 2015. Access date: 15 January 2016. <http://www.theguardian.com/world/2015/nov/23/south-china-sea-dispute-hague-competing-claims>

<sup>416</sup> UN tribunal at The Hague to rule on rival claims to South China Sea islands, The Guardian, 23 November 2015. Access date: 15 January 2016. <http://www.theguardian.com/world/2015/nov/23/south-china-sea-dispute-hague-competing-claims>

<sup>417</sup> UN tribunal at The Hague to rule on rival claims to South China Sea islands, The Guardian, 23 November 2015. Access date: 15 January 2016. <http://www.theguardian.com/world/2015/nov/23/south-china-sea-dispute-hague-competing-claims>

<sup>418</sup> G7 Foreign Ministers' Declaration on Maritime Security, Lübeck, 15 April 2015. Access date: 15 January 2016. <http://www.g8.utoronto.ca/foreign/formin150415-maritime.html>

<sup>419</sup> G7 Foreign Ministers' Declaration on Maritime Security, Lübeck, 15 April 2015. Access date: 15 January 2016. <http://www.g8.utoronto.ca/foreign/formin150415-maritime.html>

<sup>420</sup> G7 Foreign Ministers' Declaration on Maritime Security, Lübeck, 15 April 2015. Access date: 15 January 2016. <http://www.g8.utoronto.ca/foreign/formin150415-maritime.html>

**Scoring Guidelines**

-1	Member takes concrete steps that contravene the terms of UNCLOS OR does not promote initiatives aimed at the furtherance of maritime security OR fails to take concrete action against those that contravene the terms of UNCLOS in their domain.
0	Member adheres to the terms of UNCLOS AND promotes initiatives aimed at the furtherance of maritime security, BUT takes few or no concrete steps to implement and/or further them. Where required, member takes appropriate action against those who contravene the terms of UNCLOS.
+1	Member adheres to the terms of UNCLOS AND takes concrete steps to implement initiatives aimed at the furtherance of maritime security. Where required, member takes appropriate action against those who contravene the terms of UNCLOS.

*Lead Analyst: Thomas G. Feore*

**Canada: 0**

Canada has partially complied with its commitment to upholding maritime security in accordance with the terms and conditions outlined in the UN Convention on the Law of the Sea (UNCLOS).

Despite its dedication to maintaining its own Maritime security, Canada has not been active in working to uphold global Maritime security. The Canadian government has remained neutral on the issue of the rising tensions in the South China Sea.<sup>421</sup> Fu-Kuo Liu, a professor at Taiwan's National Chengchi University, claims that Canada could have an important role in brokering a deal between the conflicting countries due to its position as a Pacific middle power.<sup>422</sup> Nevertheless, Canada has yet to take any concrete action towards promoting a diplomatic solution to the tensions in the South China Sea.

Canada's newly elected government under Prime Minister Justin Trudeau has pledged CAD40 million to fund ocean science and monitoring programs.<sup>423</sup> In addition, the Trudeau government has promised to formalize "the moratorium on crude oil tanker traffic on British Columbia's North Coast ... and ensure that ecologically sensitive areas and local economies are protected from the devastating impacts of a spill."<sup>424</sup>

The Canadian government has taken (and pledges to take further) measures to uphold its maritime security, and has done so in accordance with the terms of UNCLOS. However, Canada's neutrality regarding the tensions surrounding the East and South China Seas (in spite of its influence in the region) undermines its commitment to uphold order within the global maritime domain. As a result, Canada earns a score of 0.

*Analyst: Tyler Rogerson*

**France: +1**

France has fully complied with its commitment to promote order and stability within the maritime domain in accordance with the United Nations Convention on the Law of the Sea (UNCLOS).

<sup>421</sup> Room for Canada in South China Sea talks, says Pacific security researcher, Embassy (Ottawa) 17 November 2015. Access date: 20 January 2016. <http://www.embassynews.ca/news/2015/11/16/room-for-canada-in-south-china-sea-talks-says-pacific-security-researcher/47871>

<sup>422</sup> Room for Canada in South China Sea talks, says Pacific security researcher, Embassy (Ottawa) 17 November 2015. Access date: 20 January 2016. <http://www.embassynews.ca/news/2015/11/16/room-for-canada-in-south-china-sea-talks-says-pacific-security-researcher/47871>

<sup>423</sup> Trudeau announces plan to protect Canada's oceans, Liberal Party of Canada (Ottawa) 10 September 2015. Access date: 20 January 2016. <https://www.liberal.ca/trudeau-announces-plan-to-protect-canadas-oceans/>

<sup>424</sup> Trudeau announces plan to protect Canada's oceans, Liberal Party of Canada (Ottawa) 10 September 2015. Access date: 20 January 2016. <https://www.liberal.ca/trudeau-announces-plan-to-protect-canadas-oceans/>

On 6 November 2015, France announced that it would be sending its largest warship to join counter-terrorism efforts in the fight against the Islamic State in Syria and Iraq.<sup>425</sup>

In addition to France's dedication to counter-terrorism and anti-piracy obligations, France has worked to improve its diplomatic relationship with China and quell tensions regarding territorial disputes in the South China Sea. On 1 December 2016, a French warship commenced a tour of the South China Sea to partake in exercises on accidental encounters at sea with ships of the Chinese navy.<sup>426</sup> The naval exercises between the French and Chinese navies were designed to increase the level of mutual trust and establish a greater perception of cooperation between the two navies.<sup>427</sup>

France has been an active party in leading naval counter-terrorism and anti-piracy efforts, and has also worked to improve its diplomatic relationship with China in order to promote stability and security in the South China Sea. Therefore, France earns score of +1.

*Analyst: Tyler Rogerson*

### **Germany: +1**

Germany has fully complied with its commitment to further promote and implement the rules and principles outlined in the United Nations Convention on the Law of the Sea (UNCLOS).

In early October 2015, the German Navy committed two naval vessels to EUNAVFOR MED Operation Sophia, a European Union operation committed to cracking down on Human smugglers smuggling migrants or participating in human trafficking on trans-Mediterranean routes. The naval vessels are to patrol the seas off the Libyan coast, and aid and rescue migrants attempting the journey.<sup>428</sup>

By January 2015, the German Navy had taken responsibility for rescuing 9,874 refugees travelling from Libya to Italy as a part of its commitment to Operation Sophia.<sup>429</sup>

Germany's actions constitute full compliance with the G7's commitment to the upholding of UNCLOS and that of contributing to international maritime security. As such, Germany earns a score of +1.

*Analyst: David Browne*

### **Italy: +1**

Italy has fully complied with its commitment to adhere to the terms of United Nations Convention on the Law of the Sea (UNCLOS) and promote initiatives aimed at the furtherance of maritime security. It is examining pertinent aspects of maritime policy in future legislation and has identified several measures for present and future implementation.

On 24 June 2015, the European Council under Italian presidency approved the European Union Maritime Security Strategy (EUMSS). This strategy aims to serve as a fundamental tool to "combine different laws,

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<sup>425</sup> France ramps up IS fight, Maritime Security Review, 6 November 2015. Access date: 21 January 2016.

<http://www.marsecreview.com/2015/11/france-ramps-up-is-fight/>

<sup>426</sup> Amid Washington-Beijing Row, French Frigate Sails to South China Sea, Sputnik News, 28 November 2015. Access date: 21 January 2016. <http://sputniknews.com/asia/20151028/1029251601/south-china-sea-france.html>

<sup>427</sup> Amid Washington-Beijing Row, French Frigate Sails to South China Sea, Sputnik News, 28 November 2015. Access date: 21 January 2016. <http://sputniknews.com/asia/20151028/1029251601/south-china-sea-france.html>

<sup>428</sup> Mediterranean Refugee Crisis: EU Launches 'Operation Sophia' To Intercept, Seize Traffickers' Boats, International Business Times, 7 October 2015. Access date: 22 January 2016. <http://www.ibtimes.com/mediterranean-refugee-crisis-eu-launches-operation-sophia-intercept-seize-traffickers-2130427>.

<sup>429</sup> German Navy Ship 'Berlin' Rescues Refugees in Mediterranean, Deutsche Welle, 18 January 2016. Access date: 22 January 2016. <http://www.dw.com/en/german-navy-ship-berlin-rescues-refugees-in-mediterranean/a-18941502>.

structures, and programmes within the framework of our [EU] common security.”<sup>430</sup> As well, the EUMSS seeks to strengthen communication between EU countries in order to create more effective responses to emergency situations. Furthermore, the strategy aims to partner with major international organizations such as the United Nations Human Rights Council in order to work in accordance with supranational legal frameworks.

On 8 October 2015, command of the EU Naval Force (EU NAVFOR) Somalia was transferred to the Italian Navy.<sup>431</sup> The naval force is working in coordination with Operation Atlanta, which is tasked with anti-piracy measures in support of the World Food Programme’s mission in Somalia. Furthermore, the mission is tasked with monitoring fishing activity off the coast of Somalia and is in constant communication with EU missions aimed at increasing maritime security.<sup>432</sup>

Italy has identified and implemented specific collaborative measures regarding maritime security. Furthermore, it has promoted an effective agenda regarding maritime policy during its Presidency of the European Council. Thus, the Italy has been awarded a score of +1.

*Analyst: Bardia Monavari*

### **Japan: 0**

Japan has partially complied with its commitment to maintaining a rules-based order in the maritime domain based on the principles of international law, particularly the United Nations Convention on the Law of the Sea (UNCLOS).

In June 2015, Japan condemned China’s placement of its oilrig in Haiyan-Shiyou-981, near the Vietnamese coast.<sup>433</sup> Japan further called on China to halt construction of oil and gas platforms in the East China Sea near the Japanese coast.<sup>434</sup> The Japanese government issued a defense white paper that stated Chinese construction of approximately 16 oil rigs would be used to exploit the resources of Japan’s waters.<sup>435</sup> Japan also released photographs of Chinese oilrigs in the East China sea, accusing it of breaching the 2008 agreement that called upon joint development between the two countries.<sup>436</sup> It has refrained from military action and adopted diplomatic methods to condemn Chinese actions.

However, Japan has not complied with the G7 Foreign Ministers’ Declaration regarding the protection of marine ecosystems. Japan declared it would be resuming its whaling activities in Antarctica despite the International Court of Justice (ICJ) ruling that found these activities illegal. Japan argued its whaling plan, which reduces catches by two thirds to 333 since the ICJ ruling, is “scientifically reasonable” and thus

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<sup>430</sup> talian Presidency of the European Council Minister Pinotti: “European Citizens Feel Europe Closer When It Tackles Emergencies, Italian Ministry of Defence, 8 July 2014. FebruaryAccess date: 9 February 2016. [http://www.difesa.it/EN/Primo\\_Piano/Pagine/20140708\\_ItalianPresidencyoftheEuropeanCouncilMinisterPinottiEuropeancitizensfeelEuropecloserwhentackleemergencies](http://www.difesa.it/EN/Primo_Piano/Pagine/20140708_ItalianPresidencyoftheEuropeanCouncilMinisterPinottiEuropeancitizensfeelEuropecloserwhentackleemergencies)”.aspx.

<sup>431</sup> Spain Hands Over Force Command of Operation Atalanta to Italy, European Union External Action, European Union, 8 October 2015. FebruaryAccess date: 9 February 2016.

<sup>432</sup> Spain Hands Over Force Command of Operation Atalanta to Italy, European Union External Action, European Union, 8 October 2015. Access date: 9 February 2016.

<sup>433</sup> China oil rig to keep drilling in waters disputed with Vietnam, Reuters, 25 August 2015. Access date: 20 January 2016. <http://www.reuters.com/article/us-southchinasea-china-vietnam-idUSKCN0QUUG20150825>

<sup>434</sup> Japan demands China halt oil exploration in part of East China Sea, Reuters, 21 July 2015. Access date: 20 January 2016. <http://www.reuters.com/article/us-japan-defence-idUSKCN0PV04420150721>

<sup>435</sup> Japan releases photographs of Chinese offshore rigs, The Guardian, 23 July 2015. Access date: 20 January 2016. <http://www.telegraph.co.uk/news/worldnews/asia/japan/11757251/Japan-releases-photographs-of-Chinese-offshore-rigs.html>

<sup>436</sup> Japan releases photographs of Chinese offshore rigs, The Guardian, 23 July 2015. Access date: 20 January 2016. <http://www.telegraph.co.uk/news/worldnews/asia/japan/11757251/Japan-releases-photographs-of-Chinese-offshore-rigs.html>

justified.<sup>437</sup> Japan proposed disputes regarding its whaling activities should be arbitrated under UNCLOS mediation instead of the International Court of Justice.

Japan has made concrete initiatives in keeping with the G7 Foreign Ministers' Declaration to improve maritime security. In response to the piracy crisis in Somalia, on 24 July 2015, Japan decided to extend the mandate of the current operation under "Act of Punishment and Countermeasures against Piracy" until 23 July 2016.<sup>438</sup> At the Shangri-La Dialogue, Japanese Defense Minister Gen Nakatani introduced the Shangri-La Dialogue Initiative, which calls for greater promotion of common law at sea, maritime security through enhancing regional domain awareness, and improvement of disaster response capability.<sup>439</sup>

Japan has focused on improving capacity of the Association of Southeast Asian Nations to address the crisis in the South China Sea. As a result of the Indo-Japanese agreement concluded in October 2015, Japan joined US-India Exercise Malabar as a permanent member.<sup>440</sup> The agreement emphasized the importance of all parties refraining from unilateral military actions. In October 2015, Prime Minister Shinzo Abe also announced Japan would be providing Vietnam with an aid grant worth USD1.7 billion for Vietnam's maritime security, in addition to providing patrol vessels to improve Vietnamese security capabilities in face of Chinese actions.<sup>441</sup> Prime Minister Abe further agreed to discuss the transfer of defence equipment and technology from the Japan Self-Defence Forces to the Armed Forces of Philippines in November 2015.<sup>442</sup>

In April 2016, Japan seized a Taiwanese fishing vessel it claimed was operating within the exclusive economic zone (EEZ) of Japan. The vessel was operating near the Okinotori reef in the western Pacific Ocean. On 29 April, Taiwanese Foreign Affairs Minister David Y. L. Lin stated that the reef does not qualify as an island under the UNCLOS.<sup>443</sup> Under the UNCLOS, a reef is entitled to only "12 miles of territorial waters from its baseline," whereas an island "while an island enjoys the rights to a contiguous zone, a 200-nautical-mile exclusive economic zone and a continental shelf."<sup>444</sup>

Japan has promoted appropriate initiatives to strengthen maritime security, and taken appropriate action against offenders of the UNCLOS. However, it has recently violated the terms of the UNCLOS by claiming an EEC greater than the treaty permits. Therefore, Japan is awarded a score of 0.

*Analyst: Sanjana Shah*

### **United Kingdom: +1**

The United Kingdom has fully complied with its commitment to adhere to the terms of United Nations Convention on the Law of the Sea (UNCLOS) and promote initiatives aimed at the furtherance of maritime security.

<sup>437</sup> Japan under fire over decision to resume whaling, The Guardian, 29 November 2015. Access date: 20 January 2016. <http://www.theguardian.com/world/2015/nov/29/japan-to-resume-whaling-programme>

<sup>438</sup> Japan's Actions Against Piracy Off The Coast Of Somalia, Ministry of Foreign Affairs of Japan, 7 August 2015. Access date: 20 January 2016. [http://www.mofa.go.jp/policy/piracy/ja\\_somalia\\_1210.html](http://www.mofa.go.jp/policy/piracy/ja_somalia_1210.html)

<sup>439</sup> Shangri-La Dialogue 2015, Asia Maritime Transparency Initiative. Access date: 20 January 2016. <http://amti.csis.org/shangri-la/>

<sup>440</sup> Malabar 2015: Strategic Power Play in the Indian Ocean, The Diplomat, 28 October 2015. Access date: 20 January 2016. <http://thediplomat.com/2015/10/malabar-2015-strategic-power-play-in-the-indian-ocean/>

<sup>441</sup> The Japan-Vietnam Maritime Security Relationship, The Diplomat, 07 October 2015. Access date: 20 January 2016. <http://thediplomat.com/2015/10/the-japan-vietnam-maritime-security-relationship/>

<sup>442</sup> Philippines and Japan Strengthen a Twenty First Century Security Partnership, Asia Maritime Transparency Initiative, 17 December 2015. Access date: 20 January 2016. <http://amti.csis.org/philippines-and-japan-strengthen-a-twenty-first-century-security-partnership/>

<sup>443</sup> MOFA minister protests Japan's Okinotori reef actions, Taiwan Today (Taipei) 2 May 2016. Access date: 4 May 2016. <http://www.taiwantoday.tw/ct.asp?xItem=244319&ctNode=2194&mp=9>

<sup>444</sup> MOFA minister protests Japan's Okinotori reef actions, Taiwan Today (Taipei) 2 May 2016. Access date: 4 May 2016. <http://www.taiwantoday.tw/ct.asp?xItem=244319&ctNode=2194&mp=9>

The UN appointed tribunal at the permanent court of arbitration is currently hearing the case of a territorial dispute between the Philippines and China. The Philippines have accused China of establishing illegal bases in its waters.<sup>445</sup>

The UK has requested to join the process under a “natural observer” status as its territory is involved in the conflict. It is not clear, however, whether the Foreign Office will monitor the case full time, as it has not taken a position on the legitimacy of rival and overlapping claims in the South China Sea.<sup>446</sup>

At the second Japan-UK Foreign and Defence Ministerial Meeting, the United Kingdom discussed many points relating to maritime policy.<sup>447</sup>

The British Minister supported the decisions of the arbitration case under UNCLOS between the Philippines and China. They noted that the decision of the tribunal would be legally binding and would be fully supported by the UK.<sup>448</sup>

In January 2016, two Filipino pilots were threatened over radio while flying near artificial islands made by China. Other countries have also voiced concerns over attempts to restrict freedom of navigation and over flight in the disputed area. The UK has strongly condemned the incident and has stated that it will not accept China’s unilateral annexation of international space.<sup>449</sup>

To combat human trafficking and smuggling, the UK had already promised prior to the Elmau summit to offer a supply of drones and intelligence-gathering equipment and to set up military headquarters to combat smugglers operating in Libya.<sup>450</sup>

In June 2015, the UK government also announced that it would send out a task force to tackle human trafficking gangs. The team will work together with Europol and with countries in the Horn of Africa along the smugglers’ route.<sup>451</sup>

The UK has contributed to the international community’s fight against smuggling, piracy and other criminal activities relating to maritime policy. In the case of the tribunal regarding the South China Sea dispute, the UK has supported the tribunal and is effectively strengthening the decisions of international organization.

Because the United Kingdom has successfully complied with the commitment, it is awarded a score of +1.

*Analyst: Friederike Wilke*

#### **United States: +1**

The United States has fully complied with its commitment to uphold the terms of the United Nations Convention on the Law of the Sea (UNCLOS), as well as initiatives aimed at the furtherance of maritime

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<sup>445</sup> UK requests observer status in legal dispute over South China Sea islands, The Guardian, 25 November 2016.. Access date: 24 January 2016 <http://www.theguardian.com/politics/2015/nov/25/uk-requests-observer-status-spratly-islands-dispute>

<sup>446</sup> UK requests observer status in legal dispute over South China Sea islands, The Guardian, 25 November 2015. Access date: 24 January 2016 <http://www.theguardian.com/politics/2015/nov/25/uk-requests-observer-status-spratly-islands-dispute>

<sup>447</sup> Second Japan-UK Foreign and Defence Ministerial Meeting, Foreign & Commonwealth Office and The Rt Hon Philip Hammond MP, GOV.UK, 8 January 2016, Access date: 24 January 2016 <https://www.gov.uk/government/news/second-japan-uk-foreign-and-defence-ministerial-meeting>

<sup>448</sup> UK requests observer status in legal dispute over South China Sea islands, The Guardian. 25 November 2015. Access date: 24 January 2016 <http://www.theguardian.com/politics/2015/nov/25/uk-requests-observer-status-spratly-islands-dispute>

<sup>449</sup> South China Sea dispute: British ambassador steps into row over pilot ‘intimidation,’ The Guardian. 19 January 2016. Access date: 24 January 2016 <http://www.theguardian.com/world/2016/jan/19/south-china-sea-dispute-british-ambassador-steps-into-row-over-pilot-intimidation>

<sup>450</sup> UK to offer drones to help combat people-smugglers in Libya, The Guardian. 18 May 2015. Access date: 24 January 2016 <http://www.theguardian.com/world/2015/may/18/uk-drones-combat-people-smugglers-libya>

<sup>451</sup> UK taskforce will ‘smash’ Mediterranean people-smuggling operations, The Guardian. 24 June 2015. Access date: 24 January 2016 <http://www.theguardian.com/world/2015/jun/24/uk-taskforce-will-smash-mediterranean-people-smuggling-operations>

security. These include the facilitation of naval research and peaceful cooperation with the parties involved in the South China Sea sovereignty dispute.

In light of growing tensions in the South China Sea, the US has consistently advocated for the diplomatic settlement of disputes in line with UNCLOS standards. In a joint statement with Singapore on 22 January 2016, the US emphasized the need for all parties with claims in the South China Sea to “resolve their claims calmly and peacefully in accordance with international law, including the 1982 United Nations Convention on the Law of the Sea (UNCLOS),” and further urged all parties to “avoid action that would escalate tensions, including the further militarization of outposts in the [South China Sea].”<sup>452</sup>

This position was echoed by a testimony given by Michael Fuchs, Deputy Assistant Secretary of the US Bureau of East Asian and Pacific Affairs, on President Barack Obama’s participation to the November 2015 Asia-Pacific Economic Co-operation leaders’ summit and the East Asia Summit, in which the United States outlined its strategy in the South China Sea as including “building regional consensus behind principles that undergird the rules-based order; standing up for the right of claimants to pursue peaceful dispute settlement mechanisms such as the arbitration process; enhancing maritime capacity of claimants; strengthening coordination with and among partners and allies on maritime issues; increasing our military presence; urging reciprocal steps by all claimants to lower tensions; and, engaging candidly and consistently with Beijing at all levels to underscore our expectation that China will adhere to assurances about not militarizing outposts, upholding freedom of navigation and overflight, and peacefully resolving disputes.”<sup>453</sup>

In terms of concrete action on enhancing maritime security in the South China Sea, the United States has committed to providing over USD250 million in “maritime assistance” to the Philippines, Vietnam, Indonesia, and Malaysia over the next two years in order to “support the maritime capabilities of Southeast Asian countries.”<sup>454</sup> These funds are to be allocated not only to the development of Southeast Asian defense capabilities, but also to the development of law enforcement capabilities in the region in order to combat illegal maritime activities.<sup>455</sup>

The US has also shown commitment to initiatives aimed at increasing safety at sea, and the stifling of illegal maritime actions such as piracy, smuggling, and pollution. At the US-East Asian Summit held in Kuala Lumpur on 22 November 2015, President Barack Obama adopted a statement on Maritime Cooperation sponsored by Indonesia, committing East Asian Summit members to “[cooperation] in tackling regional maritime problems, including preventing incidents at sea, illegal, unreported and unregulated fishing, irregular migration and piracy, and to work together to protect the maritime environment.”<sup>456</sup>

The US has also demonstrated leadership in countering illegal, unreported and unregulated fishing (IUU). On 5 October 2015, Secretary of State John Kerry announced the launch of the Sea Scout global initiative, “[uniting] governments and stakeholders worldwide in the fight against [IUU fishing] by focusing global assets and partnerships on identifying, interdicting and prosecuting IUU fishing organizations and networks around the world” in addition to “[strengthening] at-sea fisheries enforcement through integration of existing and emerging technologies, expanded use of internet-based tools, enhanced coordination and information

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<sup>452</sup> Joint Statement on the 4<sup>th</sup> United States-Singapore Strategic Partnership Dialogue, US Department of State (Singapore) 22 January 2016. Access date: 23 January 2016. <http://www.state.gov/r/pa/prs/ps/2016/01/251668.htm>.

<sup>453</sup> U.S. Strategic Interests and the APEC and East Asia Summits, US Department of State (Washington) 2 December 2015. Access date: 23 January 2016. <http://www.state.gov/p/eap/rls/rm/2015/12/250315.htm>.

<sup>454</sup> U.S. Strategic Interests and the APEC and East Asia Summits, US Department of State (Washington) 2 December 2015. Access date: 23 January 2016. <http://www.state.gov/p/eap/rls/rm/2015/12/250315.htm>.

<sup>455</sup> FACT SHEET: U.S. Building Maritime Capacity in Southeast Asia, Office of the Press Secretary (Washington) 17 November 2015. Access date: 23 January 2016. <https://www.whitehouse.gov/the-press-office/2015/11/17/fact-sheet-us-building-maritime-capacity-southeast-asia>.

<sup>456</sup> U.S. Strategic Interests and the APEC and East Asia Summits, US Department of State (Washington) 2 December 2015. Access date: 23 January 2016. <http://www.state.gov/p/eap/rls/rm/2015/12/250315.htm>.

sharing, and capacity building.” The US has also led the development and implementation of new technology for targeting illegal fishing, such as the Visible Infrared Imaging Radiometer Suite.<sup>457</sup>

As for threats to maritime ecosystems posed by pollution, the US announced the launch of several research initiatives to understand the effects of ocean acidification, maritime debris, and rising carbon dioxide levels on marine life. Such initiatives include the USD582 million US Ocean Observatories Initiative and USD21 million Southern Ocean Carbon and Climate Observations and Modeling project, both announced at the Our Ocean Conference, held in Chile on 5-6 October 2015. These programs debuted alongside announcements of new maritime research partnerships with Chile, Cuba, China and the Caribbean Environment Programme of the United Nations Environment Programme. Kerry also announced the intention of the United States to host the 2016 Our Ocean Conference.<sup>458</sup> In building “maritime capacity” in Southeast Asia, the US has also made provisions for the transfer of research vessels in order to facilitate naval research in the interest of the region’s maritime security.<sup>459</sup>

The US has established itself as a leader in maritime security and the maintenance of UNCLOS as a global standard. Furthermore, it has demonstrated constant engagement with global initiatives aimed at expanding naval research operations for the benefit of both environmental practices and maritime law enforcement. Thus, the United States receives a score of +1.

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### **European Union: +1**

The European Union has fully complied with the commitment on maintaining a rules-based order in the maritime domain. It has proposed strategies to promote transportation safety by Maritime Common Information Sharing Environment (CISE) along with creating the Gulf of Guinea action plan.<sup>460,461</sup> The European Union has taken steps to raise awareness of pollution and aquaculture.<sup>462</sup>

On 13 November 2015, the European Union has taken appropriate action to address Thailand about taking steps to decrease its illegal fishing, as well as child and slave labour. The European Union has maintained contact with Thailand about these issues, and is expected to set a date to review Thailand’s statutes.<sup>463</sup>

To raise awareness of aquaculture the European Union has started providing schools with kits that assist teachers in integrating aquaculture awareness into lesson plans and encourages students to learn about aquaculture in their community.<sup>464</sup> This allows children and teenagers to become more aware of aquaculture issues and gets them involved.

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<sup>457</sup> Fact Sheet: Preserving and Protecting Oceans and America’s Waterways for Future Generations, The White House (Washington) 5 October 2015. Access date: 23 January 2016. <https://www.whitehouse.gov/the-press-office/2015/10/05/fact-sheet-preserving-and-protecting-oceans-and-americas-waterways>.

<sup>458</sup> Our Ocean 2015 Initiatives, Our Ocean, US Department of State (Valaparaíso) 6 October 2015. Access date: 23 January 2016. <http://www.state.gov/documents/organization/248156.pdf>.

<sup>459</sup> FACT SHEET: U.S. Building Maritime Capacity in Southeast Asia, Office of the Press Secretary (Washington) 17 November 2015. Access date: 23 January 2016. <https://www.whitehouse.gov/the-press-office/2015/11/17/fact-sheet-us-building-maritime-capacity-southeast-asia>.

<sup>460</sup> The EU Maritime Security Strategy and Action Plan, European Union External Action Service. Access date: 24 January 2016. [http://eeas.europa.eu/maritime\\_security/docs/maritime-security-information-toolkit\\_en.pdf](http://eeas.europa.eu/maritime_security/docs/maritime-security-information-toolkit_en.pdf)

<sup>461</sup> Integrated Maritime Surveillance, European Commission, 15 January 2015. Access date: 24 January 2016. [http://ec.europa.eu/maritimeaffairs/policy/integrated\\_maritime\\_surveillance/index\\_en.htm](http://ec.europa.eu/maritimeaffairs/policy/integrated_maritime_surveillance/index_en.htm)

<sup>462</sup> EU promotes Aquaculture at Green Week in Berlin, European Commission, 20 January 2016. Access date 24 January 2016. [http://ec.europa.eu/information\\_society/newsroom/cf/mare/itemlongdetail.cfm?item\\_id=28552&subweb=342&lang=en](http://ec.europa.eu/information_society/newsroom/cf/mare/itemlongdetail.cfm?item_id=28552&subweb=342&lang=en)

<sup>463</sup> Prawit: EU Pleased with Thai IUU Efforts, Bangkok Post (Bangkok) 22 January 2016. Access date: 24 January 2016. <http://www.bangkokpost.com/news/general/836048/prawit-eu-pleased-with-thai-iuu-efforts>

<sup>464</sup> EU promotes Aquaculture at Green Week in Berlin, European Commission, 20 January 2016. Access date: 24 January 2016. [http://ec.europa.eu/information\\_society/newsroom/cf/mare/itemlongdetail.cfm?item\\_id=28552&subweb=342&lang=en](http://ec.europa.eu/information_society/newsroom/cf/mare/itemlongdetail.cfm?item_id=28552&subweb=342&lang=en)

The European Union has proposed and developed multiple plans to improve maritime security. It has taken appropriate action in confronting other members whose actions contravene the terms of the United Nations Convention on the Law of the Sea, as per its commitment at Elmau. It has promoted the sharing of maritime information, improving international cooperation in the maritime domain. Finally, the EU has also taken steps to generate awareness and address the management of maritime resources. Therefore, the European Union earns a score of +1.

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