Regional Cooperation in the South China Sea and the Arctic: Lessons to Be Learned?

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Introduction

The idea that lessons relevant to the South China Sea (SCS) region might be garnered from regional governance developments in the Arctic might at first appear an academic fantasy given the numerous geopolitical differences. The South China Sea, comprising an area of about 3,500,000 km², is tropical in nature having some 12 per cent of the world's mangroves and 34 per cent of the world’s coral reefs, while the Arctic Ocean has an area of nearly 14 million km², largely covered with ice for most of the year although ice-cover is diminishing. Human population surrounding the South China Sea is dense, with an estimated 270 million people corresponding to five per cent of the

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world’s population, compared to the sparsely populated Arctic, with about four million inhabitants. While the South China Sea faces immense human use pressures from within the region including extensive coastal pollution, threats to the Arctic marine environment largely emanate from outside the region, such as long-range transport of persistent organic pollutants (POPs) and heavy metals. The South China Sea hosts some of the most complicated and potentially explosive territorial and jurisdictional disputes in the world, whereas only one relatively minor land dispute, contested ownership by Canada and Denmark/Greenland over tiny Hans Island, exists in the Arctic in addition to several relatively benign maritime jurisdictional disputes.

Although research efforts comparing the geopolitical situation between two regions exist, models other than the Arctic have dominated scholarly discussions to date in the quest for possible ways forward in advancing regional

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6 For more details about the threats to the marine environment of the South China Sea, see: United Nations Environment Programme (UNEP), Strategic Action Programme for the South China Sea, UNEP/GEF/SCS Technical publication No. 16 (2008) [SAP]; Sherman and Hempel, supra note 2; C. Wilkinson C. et al., South China Sea, GIWA Regional Assessment 54 (Kalmar: University of Kalmar, 2005); and Talau-McManus, supra note 1.
7 For more details about the threats to the Arctic marine environment, see: Sherman and Hempel, supra note 2, 458; Linda Nowlan, Arctic Legal Regime for Environmental Protection (Gland: IUCN, 2001), 4; and Melissa A. Verhaag, “It is Not Too Late: The Need for a Comprehensive International Treaty to Protect the Arctic Environment,” Georgetown International Environmental Law Review 15(3) (2003), 555 at 559.
8 The most well-known territorial disputes in the South China Sea are those relating to sovereignty over the Paracel and Spratly islands and the Chinese U-shaped line claim. See: Gillian Triggs, Maritime Boundary Disputes in the South China Sea: International Legal Issues, Sydney Law School Research Paper No. 09/37 (May 2009); and Ralf Emmers, Geopolitics and Maritime Territorial Disputes in East Asia (New York: Routledge, 2010).