



◎ 文、圖 | 施義哲

◎ Article, photos | Shi Yi-Jhe

二〇〇七年 海洋事務與海洋法律 國際學術研討會參與心得

Learned from 2007 International Symposium on Marine Affairs and the Law of the Sea

21世紀是發展海洋文明的新紀元，掌握了海洋，就掌握了先機，海洋已成了國際競爭之「新高地」。1982年聯合國海洋法公約生效後，世界各濱海國家無不提出其海洋政策與宣布其國家的海洋權力，更制定了相關的法規以為因應，海洋先進國家如加拿大、美國、英國、法國、澳洲等國家均訂定了海洋政策與法律，與我國鄰近的日本亦於近期通過了「海洋基本法」，增設海洋政策專任大臣，以因應日趨複雜而具爭議性的海洋資源開發、利用等

21 century is a new epoch for the development of marine civilization. Control the ocean, control the future. Ocean has become the international competition "highland". Since the effect of the United Nations Convention on the Law of the Sea in 1982, every sea country had proposed its marine policies and announced it's authority over the sea with relevant regulations enacted further more for collocation. Canada, U.S.A., U.K., and Australia, all these marine advanced countries, have enacted their marine policies and regulations. Japan, a neighboring country to Taiwan, had also recently passed its "Marine Basic Regulations." and established a specialty position to take charge of marine policies in response to handle the growing complexity and arguments in issues of marine resource exploitation and usage revealing its concern over the rights of the sea. In



◆ 海巡署副署長游乾賜擔任主席與海洋大學海法所陳荔彤所長（左一）共同主持會議

Deputy Minister Yu served as the chairperson and hosted the symposium with Director Chen Li-Tong (first left) of Sea Law graduate school of Taiwan Ocean University.



問題，可見該國對其海洋權益之重視。行政院研究發展與考核委員會、行政院海洋推動委員會所屬各單位與國立台灣海洋大學於今（96）年5月10、11日假公務人力發展中心，召開「2007年海洋事務及海洋法律國際學術研討會」（2007 International Symposium on Marine Affairs and the Law of the Sea），邀集十餘位的國際專家學者、國際海洋法庭法官、政府各相關部會、學術與民間團體共同參與，會議針對海洋政策、海洋法公約、海洋環境保護與資源管理，進行2天的討論。研討會的成果將做為台灣未來海洋法及海洋政策的重要指標。

海巡署依「海岸巡防法」掌理各項海域任務之執行，以維護海域及海岸秩序，確保人民生命及財產安全，並以「海域執法」、「海事服務」、「海洋事務」並列三大核心任務。在海洋事務上有諸多的議題必須與國際接軌，例如處理海上的喋血案件，該署需要配合相關部會與他國協調以保護我國漁民權益；又如海上溢油、海洋污染等問題，該署需協助相關單位執行保護我國海洋環境與資源保護工作；漁業巡護與國際公約的落實等，該署亦應邀出席國際海洋相關的國際會議；如海洋部長會議、漁業談判與南海衝突會議等，該署在維護海域安全及為民服務方面更是不遺餘力，扮演著「海洋國家」的推手，積極辦理各項親海、近海活動，以引導民眾建立正確的海洋意識。

在海洋政策議題討論，由國際海洋法庭哈夫曼（Judge Albert J. Hoffmann）與崔維斯（Judge Tullio Treves）兩位法官主持。第一位發表人為美國海洋法委員會執行長安翠琳女士（Ms. Caitlyn Antrim）介紹了「六十年來美國的海洋政策」，包括美國在發展海洋政策與國際海洋法的國內政治與國際法的運作。第二位是中山大學海洋政策研究中心主任胡念祖博士介紹「台灣的海洋政策：演進與展望」其研究指出，從過去的研究資料中可見，我國對於海洋的概念、海洋政策思維的興起，可從1949年退到台灣開始，如在1965年我國參加國際政府間海洋委員會，日後分別成立了3個海洋系所的大

◆ 游副署長晚宴致詞，圖左一為海洋大學李國添校長、右一為海大邱文彥所長

Deputy Minister Yu gave a speech at the dinner party. The first left on the picture is Principal of Taiwan Ocean University, Li Guo-Tian, the first right is Director Chiou Wen-Yian of Taiwan Ocean University.



May 10th and 11th this year, the Research, Development, and Evaluation Commission, Units of Marine Affairs Promotion Commission, Executive Yuan and National Taiwan Ocean University jointly organized the 2007 International Symposium on Marine Affairs and the Law of the Sea at Civil Service Development Institute. A dozen of international scholars, judges of international marine court, government related units, the academic and civilian organizations were invited to participate. The symposium lasted for two days for discussions of marine policies, law of the sea, marine environment protection and resource management. The results of the symposium would serve as an important indicator to future marine laws and policies of Taiwan.

The Administration is in charge of the enforcement of marine services based on Coastal Patrol Law to maintain the order of marine and coastal areas, ensure the safety of the public's lives and property and enlists maritime law enforcement, maritime services and marine affairs as three core missions. There are many issues of marine affairs have to meet the international level, such as the dealing of bloodshed on the sea, the Administration has to cooperate with relevant units and to negotiate with other country to keep the rights of our fishermen. More examples such as marine spill and marine pollution, the Administration also has to provide assistance to relevant units to protect national marine environment and resources, as fishery protection and implementation of international laws, the Administration was also invited to attend related international meetings, such as meeting of ministers of marine affair, fishery negotiation, and Southern Sea conflict negotiation meeting. Further more, the Administration has done every effort in protecting marine safety and providing services to the public. It plays a pushing role of marine country and actively organize marine and near sea activities to promote a correct awareness of the sea among the public.

In the discussion of marine policies, the section was hosted by Albert J. Hoffmann and Tullio Treves, judges of International Tribunal for the Law of the Sea. The first person to speak was Ms. Caitlyn Antrim, CEO of American Commission on the Law of the Sea. She introduced the American marine policy in the past six decades, including the operating methods in domestic politic and International law on the development of marine policies and international marine laws. The second person to speak is Dr. Hu Nian-Zu, director of Center of Marine Policy Studies of National Sun Yat-Sun University. His speech was titled : " Taiwan's Marine Policy: Development and Future". His research shows that the marine concept and thinking of



學發展海洋，分別是文化大學、台灣大學與海洋學院（現今的國立台灣海洋大學），尤其文化大學海洋系是由海軍關世傑少將擔任設系，關將軍所強調該系所扮演的角色與任務，是發展海洋、鞏固與確保海洋發展，以強化海域安全為主。比美國1966年國會立法還要早，美國在1969年時「海洋事務」字眼的出現、1970年出現了「海洋政策」、1977年出版了Marine Police期刊，日後發展海洋政策「學位」與海洋政策成為「學術領域」，但是後來推行海洋事務與政策上，卻與各國不同調，隨著政府政策的不斷演變，台灣的海洋學術研究機構由盛轉衰。第三位是澳洲海岸管理公司凱伊博士（Dr. Robert Kay）介紹了「氣候變遷與海平面上升對於國內和國際海岸與海洋政策的意涵」，由於南海海嘯事件發生後，全世界各國紛紛重視全球暖化與海平面上升問題，凱伊博士指出台灣是一個海島國家，海岸地區是人口稠密與高生態敏感區，氣候變遷對於海岸地區存有衝擊危機，他整理出氣候變遷對於台灣的潛在衝擊因素，包含了生物物理、土地使用與社會經濟等方面的衝擊，並提出澳洲氣候變遷海岸評估與監測經驗供台灣未來研擬策略之參考建議。第四位報告人為東吳大學高聖惕教授介紹了「貿易措施作為促進遵守區域性漁業管理組織保育及管理措施之工具－以大西洋鮪類資源保育委員會之法令及實踐為中心」，由於前（94）年年底份所召開第19屆大西洋鮪魚保育國際委員會（ICCAT）年度會議做出對我國歷來最嚴厲懲罰決議，制裁我國未能有效管制漁民濫捕，在我國大西洋的大目鮪漁獲配額被大量裁減，另通過嚴苛的附帶決議，要求我國需減延繩釣船數，引發朝野各界抨擊及漁民反彈，政府相關單位不得不重視其實踐問題。

個人遺憾的無法全程參與，出席此次會議場次個人些許獲益與心得分享如下：

一、持續參與各項相關會議，提升海巡署國際海洋事務舞台：

該署過去以查緝走私、偷渡犯罪等不法為

marine policy began in 1949, when the National Government retreated to Taiwan from Mainland China. Since then, the government joined the international marine commission in 1965, and later established three maritime-related department in university, which were Chinese Culture University, National Taiwan University and Ocean College (later known as Taiwan Ocean University). Among them, the Oceanology Department of the Chinese Culture University was formed by Navy general Guan Shi-Jie, who emphasized that the role and mission of this Department was to develop, maintain and ensure the development of the sea and enforce maritime safety. It was even earlier than the legislation of similar laws in American congress in 1966. The term "marine affairs" appeared in the U.S. in 1969. "Marine policies" appeared in 1970 and periodical Marine Police was first published in 1977. Later, academic degree of marine policy was developed and marine policy had become an academic field. However, marine affairs and policies were not synchronized with other countries later. With the continuous evolution of government policies, the marine policy study institutes in Taiwan turned weakened. The third person to speak was Dr. Robert Kay of Australian Coastal Management Company. He introduced "The Meaning of National and International Coastal and Marine Policy in Response to Climate Change and the Rising of Sea Level". Because of the event of tsunami in Southern Asia, countries all over the world have gradually concerned about global warming issue and rising sea level. Dr. Kay indicated that Taiwan is an island so the coastal areas are densely populated and highly ecologically sensitive. Climate change has brought impacts to coastal areas. He analyzed the potential threats to Taiwan because of the climate change. His considerations have taken into impacts to biological physics, land use and social economics. He also proposed the evaluation and monitoring experiences of Australia to serve as references for future policy-making mechanism in Taiwan. The fourth person to speak is professor Gao Shen-Ti of Soochow University. His title of the speech is "Trading Serves as a Measure to Promote (in Promoting) Obeying Conservation and management of Regional Fishery Management Organization: Take the Regulation and Enforcement of the Atlantic Tuna Conservation Commission as an Example". Because the 19th ICCAT Annual Meeting held in the end of 2005 has made the harshest punishment ever to Taiwan, for the sanction of ineffective regulation of tuna fishing, so the amount of tuna that should be caught by us was greatly decreased. Furthermore, the convention also passed another harsh incidental resolution to demand Taiwan to decrease the amount of fishing boats. This resolution has attracted wide criticism and fishermen's resentment. The government cannot but put focus on this issue.

Unfortunately, I couldn't participate the whole symposium. The following are my opinions learned from the participation of certain meetings.

1. Continual participation in any relevant meetings to promote the stage of the Administration in international marine affairs:



主要任務，為落實推動「海洋立國」政策，積極推動轉型以「海域執法」、「海事服務」、「海洋事務」並列三大核心任務，此三大核心任務賦予該署相當的國際舞台與空間，況且海洋事務不是單純的執法與社會經濟問題，而是攸關國家發展與海域安全的議題，面對複雜而多元的海洋事務，我們必須要有新思維與國際觀。因此，該署在海洋國際事務應積極主動參與，以提升本署將來處理國際海洋事務之能量。

二、培訓海巡署海洋涉外事務專才，課程可與國際研討會結合並資源共享：

為儲備該署海洋涉外事務人才，掌握國際海洋事務脈動、國際海洋組織發展趨勢及汲取國內外海洋相關單位人員經驗；企劃處海洋事務科業已辦理該署2階段海洋涉外事務人員訓練，採理論與實務並重的課程安排，深獲該署所有參與同仁之肯定與好評，承辦單位更用心的將授課資料上載於本署內部網站供同仁參考。此次會議，如參與訓練人員能共襄盛舉，更是能學以致用，將課堂中所學知識藉由會議討論獲得驗證。

三、提升海巡署同仁的外文能力，厚植涉外案件處理能量：

參加國際研討會主要的目的，除了研討的專業議題外；其次，目的就是藉此研討會平台磨練同仁的外文能力，藉由會中發言與參與討論，檢視或練習平日所學語文。國際研討會與會者來自世界各地，除英語外尚有其他各國賓客，參與同仁可以藉此機會練習。海巡署副署長游乾賜應主辦單位邀請主持第一天晚宴，副署長以英文致詞，展現該署具國際化能力。況且該署之勤、業務具有相當的國際性，能有一定的外語基礎，可使其在涉外案件的執勤能力達一定成效。海巡署有些單位也落實執行此觀念，例如勤務中心的狀況彙報，部分採用英文報導；企劃處辦理海洋涉外事務相關課程，未來更規劃了國際會議演練的課程；該署巡防處在處長林肇成的支持下，同仁每週利用少許時

The Administration used to focus its core missions on seizing smuggling and illegal immigrants. In order to consolidate the policy of "ocean founded country", the Administration actively enlisted maritime law enforcement, maritime service and marine affairs as three core missions. The three core missions give the Administration spacious international stage and room. Furthermore, the marine affairs is not simply the matter of law enforcement and social economics, it is about the issue of national development and marine safety. Facing the complex marine affairs, we must have new ways of thinking and an international view. Therefore, the Administration should actively attend international marine affairs to elevate the capacity of the Administration in dealing with international marine affairs in the future.

2. Cultivate the Administration personnel with foreign marine affairs dealing specialty, the courses can be integrated into the international symposiums and share the resources:

To cultivate the Administration personnel with foreign marine affairs dealing specialty, control the trend of international marine affairs and the development of international organizations, and learn the experiences from national and international marine affair staffs, the Marine Affairs unit of Planning department had organized a two-phase dealing foreign marine affairs personnel training course. The syllabus of the course was divided among theory and practical exercises and had earned great recognition from the attending Administration personnel. The executive unit even posted the content of the course on the Administration's website for colleague's reference. If the trainees can cooperate with this project and apply what they learned from the course, the content taught in the course would be verified through discussion in symposiums.

3. Elevate the foreign language ability of the Administration and cultivate the ability to deal with diplomatic issues

Except researching into professional Issues, the main purpose of the participation in international symposiums is to take advantage of the symposium to allow members to improve their language ability. Through the chances to speak and discuss, we can review the language we learned. Besides English, the participants of the symposium are from many countries and the participating members of CGA can take advantage of the chance to practice. Deputy Minister Yu was invited by the organizer to host the dinner party at the first night. Deputy Minister Yu gave a speech in English, which showed that the Administration has acquired Internationalized abilities. Furthermore, because of the services and businesses of the Administration involve a certain degree of internationality, having foreign language background allows the Administration to perform at a certain standard in dealing the foreign cases. Some of our units also carry into execution of this idea. Such as the situation briefing of the Assignment Command (service) center is partially conducted in English. The Department of Planning has outlined courses of mock international conferences in future marine



間針對英、日文，編語文講義與教學影帶，營造學習英文的環境，讓同仁聽、說、讀、寫，提升同仁的外語能力。

四、國際會議分工小組應持續運作，藉以熟稔各類海洋事務：

海巡署前些年曾經成立專責小組或功能性分工小組，每個小組有幾位成員，其規劃構想除加強外語能力外並熟稔國際議事規則，同時與國內相關領域之專家學者保持聯繫，吸收知識、累積相關經驗與資料庫之建立。小組成員已經累積相當出席國際會議之經驗、運作模式與經驗累積，因此可結合小組成員加以運用處理海洋事務，更能駕輕就熟，提升該署執行與推動海洋事務之效率。

本次會議最後討論的建議有：一、對於海洋評估的機制與管理的系統，應包含海事安全以確保持續的改進與回饋；二、加速行動方案以釐清區域的海域劃界；三、持續的促進國際間的合作與協調，進而處理海洋問題與分享彼此經驗；四、強調海洋各學科間整合的重要性，以應付海洋管理的挑戰；五、持續支持國際合作和共同研究；六、持續的支持我國發展海洋經濟產業；七、持續發展國家海洋政策與計畫，以確保永續的海洋與海岸管理。此次會議邀集各國專家學者與國際海洋法庭法官與會，針對會議報告人與與會者之建議，乃至於綜合討論之結果，可提供我國與海巡署在發展海洋事務與海洋政策之參考，及後續應努力或研究的議題，以達我國海洋立國之願景。

（本文作者任職於海岸巡防署巡防處）

diplomacy courses. With support of Director Lin of the Coastal Control (Patrol) Division, the members edit English and Japanese language teaching handouts and videos with some little time every week and create (This creates) an English learning environment for the members to elevate their ability in listening, speaking, writing and reading.

4. The international conference team should continue its operation to get acquaintance with all kinds of marine affairs

Years ago, the Administration established special teams or functional teams. Each team is composed of several members. The concept of the planning is to enhance foreign language ability and get acquaintance with the rules of international conferences. At the same time, teams have to keep contact with relevant domestic experts and scholars to learn new knowledge, accumulate experiences and build a databank. The members of teams have accumulated enough experiences in attending international conferences and acquire experience of operation mode. Thus teams can be more experienced in dealing with marine affairs to elevate the Administration's efficiency in enforcement and development of marine affairs.

The final suggestions of this symposium are: 1. The evaluation mechanism and management system of the ocean should include marine affair safety to ensure continued improvements and feedbacks. 2. Speed up the action projects to divide the regional marine areas. 3. Continuously to carry out international cooperation and coordination to deal marine affairs and share experiences. 4. Focus on the importance of Integration among each marine discipline in response to the challenge of marine management. 5. Continuously to support international cooperation and joint researches. 6. Continuously support national development of marine economic businesses. 7. Continuously to develop national marine policies and plans to ensure sustainable marine and coastal management. The symposium invited experts and scholars from the world and judges of International Tribunal for the Law of the Sea. The reports in the symposium and the results of the discussions can serve as the reference for the Administration in the development of marine affairs and policies and as the issue for future efforts and study to establish the vision as an oceanic country.

(The author of this article serves at the Coastal Control Department of CGA.)



◆ 游副署長與澳洲Dr. Robert Kay（右二）、澳洲Dr. Devinder Grewal（右三）餐敘情形

The scene of Deputy Yu dining with guests. (the second right) is Dr. Robert Kay from Australia, (the third right) is Dr. Devinder Grewal from Australia.