

海洋事務研究委員會專區

Maritime Affairs Research Council



聯合國大會2010年 有關海洋事務和海洋法的報告： 海事安全量能建構部份之概述

2010 UN General Assembly-Report
on Oceans and the Law of the Sea :
Overview of Maritime Security Capacity-building

文 | 宋燕輝

Article | Song Yan-huei

聯合國大會秘書長於今（2010）年三月向聯合國大會第六十五屆會議提交有關海洋事務和海洋法的綜合報告（以下簡稱「2010年海洋和海洋法報告」），主要內容是審查包括海洋科學研究在內的海洋事務和海洋法「量能建構」（capacity-building）相關議題。此報告有六個章節，英文版本全文共88頁，外加245個註腳。此報告對我國涉及海洋事務與海洋法之所有政府機關、事業部門、民間團體、以及學術教育與研究單位有重要參考價值。

「2010年海洋和海洋法報告」第一章導言概述秘書長提交報告之依據、資料來源、及內容；第二章說明量能建構的關聯性和範圍；第三章敘述各國在海洋科學與海洋事務和海洋法其他領域的量能建構需求；第四章審視實施這些量能建構活動和倡議的方式；第五章論及實施量能建構活動和倡議所面臨的挑戰，以及指明取得進展的機會；第六章是結論。

本文主要目的在概述「2010年海洋和海洋法報告」有關實施海事安全相關量能建構之活動與倡議的方式，並在文末提出我國在建構海事安全量能上之應有作法建議。但在進行敘述之前，有必要先說明量能建構之意涵與國家量能建構的需求。

The Secretary-General of the United Nations submitted his annual comprehensive report on developments and issues relating to oceans and the law of the sea (hereinafter as "2010 Oceans and the LOS Report") to UN General Assembly at its sixty-fifth session in March 2010. The report examines the relevance and scope of capacity-building, presents an overview of the capacity-building needs of States in marine science and other areas of ocean affairs and the law of the sea and reviews current capacity-building activities and initiatives in those areas. The report has 6 chapters, 88 pages in the English Edition, with 245 footnotes. The report has important reference value for all government agencies, public undertaking departments, private associations, academic & educational organizations and research institutions related to ocean affairs and the law of the sea in our country.

Introduction to Chapter 1 of "2010 Oceans and the LOS Report" summarizes the basis on which the Secretary-General submitted the report, data source and contents; Chapter 2 explains relevance and scope of capacity-building; Chapter 3 gives an account of capacity-building requirements of various States in marine sciences, ocean affairs and the law of the sea as well as other fields; Chapter 4 surveys the means of implementation of capacity-building activities and initiatives; Chapter 5 discusses the challenges faced with implementing capacity-building activities and initiatives, and points out the opportunities for ways forward; Chapter 6 is the conclusion.

This analysis is mainly targeted for an overview of implementation of maritime security related capacity-building activities and initiatives according to "2010 Oceans and the LOS Report" and puts forwards suggestions on applicable practice in building maritime security capacity of our country. But before the depiction, it is necessary to explain the meaning of capacity-building and capacity-building requirements of our country.

「量能建構」之意涵

聯合國會員國在大會所通過之各項決議，以及在「聯合國海洋和海洋法問題不限成員名額非正式協商進程」會議等場合中一再表示，有必要在包括海洋科學在內的海洋事務和海洋法領域進行量能建構。聯合國大會第64/71號決議特別重申：「亟需透過量能建構和移轉海洋技術等途徑開展合作，確保各國，...既能執行《聯合國海洋法公約》，也能從海洋的永續開發中獲益，並能充分參加處理海洋和海洋法問題的全球與區域論壇和進程」。其他與海洋事務和海洋法相關的國際法律文件，例如，《執行1982年12月10日聯合國海洋法公約有關養護和管理跨界魚類種群和高度洄游魚類種群規定的協定》、《21世紀議程》、《約翰尼斯堡執行計畫》、《聯合國千禧年宣言》等，也都列有建構量能的要求。

但什麼是「量能建構」？其範圍又是如何？《21世紀議程》第三十七章指出，所謂「量能」指的是一個國家有關人力、科學、技術、組織、體制和資源等方面的能力。世界銀行認為「量能」即是個人、機構、和社會解決問題、作出知情選擇、界定優先事項、以及規劃未來的能力。聯合國開發計畫署認為「量能建構」之發展是一個長期演變的過程，透過此過程，「在一定時間內個人、組織和社會獲取、加強、及維持設定和實現其發展目標的能力」。儘管有關「量能」之定義與概念不盡完全相同，一般而言，「量能建構」是指量能發展，或指可透過雙邊或多邊支援達成目標的能力發展，此透過技術和財政援助，以及體制建構進行。聯合國開發計畫署認為量能建構應由社會層面（有利環境）、機構層面（體制建構和強化）、以及個人層面（人力資源開發）同時著手進行，蓋這些層面是一個整合性的系統，而「各個層面以動態方式彼此影響，每一層面的力量依賴並決定其他層面的力量」。

Meaning of "capacity-building"

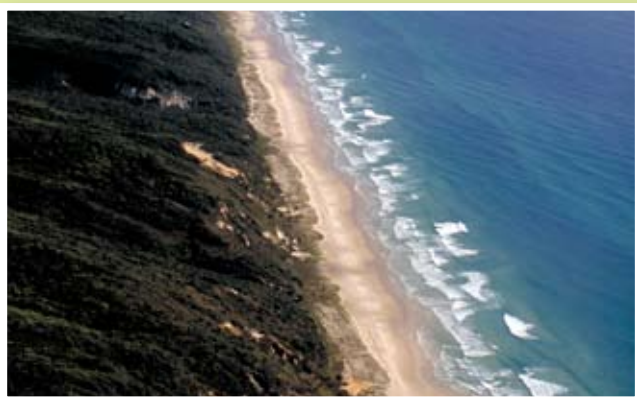
It was expressed once and again in various resolutions approved by UN member States and in conferences such as "United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea" etc. that it is necessary to carry out capacity-building in the fields of ocean affairs and the law of the sea including marine sciences. UN General Assembly Resolution No.64/71 especially restated that: "It is desiderated to develop cooperation through channels such as capacity-building and transferring maritime technologies to ensure all States, ...implement the "United Nations Convention on the Law of the Sea", and benefit from sustainable marine development, and fully participate in global and regional forums and processes in processing ocean and the law of the sea problems". Other international legal instruments concerned with oceans and the law of the sea such as The United Nations Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, Agenda 21, Johannesburg Plan of Implementation, Millennium Declaration etc. all have requirements for capacity building.

But what is "capacity-building"? What's its scope? Chapter 37 of "Agenda 21" indicates that the so-called "capacity" means a State's capacity in aspects of human source, sciences, technologies, organizations, system and resources etc. World Bank deems that "capacity" is the capacity of an individual, an organization or a society to solve problems, make reasonable choices, and define matters of priority and plan for the future. The United Nations Development Programme recognizes "capacity-building" development as a long-term evolution progress, through which, "the capacity to obtain, enhance, maintain, establish and realize the development targets of an individual, an organization or a society within a certain period". Although definitions and conceptions of "capacity" are not completely the same, generally, "capacity-building" indicates capacity development, or capacity development through bilateral or multilateral supports to achieve the target, which is carried out by technical and financial supports as well as system building. The United Nations Development Programme recognizes that capacity-building should be carried out in social level (beneficial environment), organizational level (system building and strengthening), and personal level (human source development) in the same time. These levels constitutes an integral system, and "these levels influence each other in a dynamic way, with strength of each level depending on and deciding that of other levels"

國家「量能建構」的需求

各國為了執行包括1982年《聯合國海洋法公約》在內的國際公約、進行與海洋事務與海洋法相關的跨部會與多層面協調、發展基礎設施、技術和設備、進行海洋繪圖、海洋劃界和海區劃分、進行人力資源開發、爭取財政資源、強化執法能力、保育與管理海洋資源、永續開發海洋資源、加強國際合作等，有必要採取海洋事務與海洋法相關的量能建構措施。在海洋科學研究方面更是如此，蓋海洋科學是永續管理海洋及其資源，以及減緩、調適自然災害和極端現象的基礎。基此，各國必須發展國家海洋科學、技術和海洋服務基礎設施，取得相關海洋資訊。

在海洋事務與海洋法領域進行的「量能建構」活動與倡議包括：《聯合國海洋法公約》統一和一致性的適用、海區的劃定及劃界、海洋的綜合管理及採用生態系統方法、保育與管理海洋生物資源、保育與永續利用海洋生物多樣性、永續利用非生物資源和發展海洋可再生能源、保護和保全海洋環境，防止陸基與海基活動所造成的污染、氣候變化和海洋、海洋運輸和航行、海事安全、保護考古和歷史文物、爭端解決、國際合作與協調等。以上量能建構活動與倡議主要目的是透過技術移轉，提供訊息資料與財政資源協助發展中國家，尤其是發展中小島國家和低度開發國家。本文僅介紹實施海事安全量能建構相關活動與倡議之作法。



"Capacity-building" needs of States

To execute international conventions including The United Nations Convention on the Law of the Sea (1982), conduct trans-ministerial and multi-level negotiation concerned with ocean affairs and the law of the sea, develop infrastructure, technologies and equipment, make ocean mapping, maritime delimitation and delineation, develop human resources, strive for financial resources, strengthen law enforcement capability, conserve and manage marine resources, keep developing marine resources sustainable, and intensify international cooperation etc., it is necessary to adopt capacity-building measures concerned with ocean affairs and the law of the sea. It is even more of the case in relation to research on marine sciences, since marine sciences are the basis for sustainable management of the oceans, marine resources and reduction and adjustment of natural calamities and extreme phenomena. Therefore, various States must develop national marine sciences, technologies and marine service infrastructure and obtain relative marine information.

"Capacity-building" activities and initiatives in the field of ocean affairs and the law of the sea include: uniform and consistent application of The United Nations Convention on the Law of the Sea, marine boundary division and delimitation, comprehensive ocean management, application of ecological system methods, conservation and management of living marine resources, conservation and sustainable utilization of living marine organism diversity, sustainable utilization of non-living resources and development of renewable marine energy sources, protection and preservation of marine environment, prevention against pollution, climatic changes, the ocean, and marine changes caused by continent-based and sea-based activities, maritime transportation, navigation, maritime security, protection of cultural and historical relics, disputes settlement, international cooperation and negotiation etc. The above capacity-building activities and proposals are mainly targeted for help developing States, especially medium-sized and small island States and less developed States through technology transfer, offering information, data and financial resources. This study only introduces the practices to implement maritime security capacity-building related activities and proposals.

海事安全方面的量能建構實施方式

「2010年海洋和海洋法報告」第四章所審視與實施海事安全量能建構相關活動與倡議的方式主要圍繞在處理以下三大海事安全威脅：海盜和武裝搶劫船舶行為；涉及航運、沿岸設施和其他海洋利益的恐怖行為；以及跨國組織犯罪。分述於下：

(一)海盜和武裝搶劫船舶行為

聯合國安理會、大會和索馬利亞沿海海盜問題聯絡小組都強調有必要提高各國打擊海盜的能力。基於認識，國家和政府間組織已在全球和區域層級，透過雙邊合作，開始進行一些能量建構活動。

在全球層級，國際海事組織自1988年以來一直執行長期的反海盜專案計畫。此計畫分兩個階段：第一階段，舉辦由世界上海盜較常出沒區域的國家政府代表出席的區域研討會和講習班；第二階段，向不同區域派出專家團進行評估。國際海事組織積極推動擬定有關執行反海盜措施區域協定的工作，也透過一系列該組織的文件，就如何預防、防備和因應海盜和武裝搶劫船舶的事件提供指導。此外，聯合國海洋事務和海洋法司也積極協助各國統一和一致的適用《聯合國海洋法公約》有關根據國際法打擊海盜的條款。海洋事務和海洋法司目前正與國際海事組織和聯合國毒品和犯罪問題辦公室（以下簡稱禁毒辦）制訂海盜問題國家立法彙編，作為國家和政府間組織的參考資源。

Implementation ways of capacity-building related to maritime security.

The ways to review and implement maritime security capacity-building related activities and proposals in Chapter 4 of "2010 Oceans and the LOS Report" mainly focus on resolution of the following maritime security threats: piracy and armed robbery against ships; terrorism against shipping, coastal facilities and other marine interests; and transnational organized crime, which are stated as follows :

(1) piracy and armed robbery against ships

United Nations Security Council, UN General Assembly and Contact Group on Piracy off the Coast of Somalia all have emphasized the necessity to enhance anti-piracy capacity of all States to piracy. Based on this, international and intergovernmental organizations have started on some capacity building activities in global and regional levels through bilateral cooperation.

In global level, International Maritime Organization has been implementing long-term anti-piracy project plan since 1988. The plan falls into 2 phases: the first phase is to hold regional forums and training classes attended by governmental representatives in whose States or districts pirates emerge frequently; the second phase is to dispatch experts to different districts for evaluation. International Maritime Organization actively push formulation of regional agreement on anti-piracy measures implementation, and offer instructions on how to prevent and guard against and deal with piracy and armed robbery against ships through serious of its documents. Besides, United Nations Division for Ocean Affairs and the Law of the Sea also actively assist various States in uniform and consistent application of anti-piracy clauses according to international laws in The United Nations Convention on the Law of the Sea. At present, United Nations Division for Ocean Affairs and the Law of the Sea are formulating State anti-piracy legislation collections with International Maritime Organization and The United Nations Office on Drugs and Crimes (hereinafter as UNODC) as a reference for international and intergovernmental organizations.

在區域層級方面，各國正透過分享資訊和最佳實踐做法，以及特設的、非正式、或較正式的安排來分享資源，發展自己的反海盜能力。例如，《打擊亞洲海盜行為和武裝搶劫船舶區域合作協定》設立的資訊共用中心採取一些措施，加強各締約國因應海盜和武裝搶劫的能力，此包括演習、訓練講習班和分享最佳實踐做法的技術援助方案。資訊共用中心與其他機構一起於2010年4月29日在新加坡舉行了2010年海盜和海上搶劫問題會議。

在處理索馬利亞沿海海盜和武裝搶劫船舶問題，聯合國安理會鼓勵各國「協力加強該區域相關各國打擊海盜行為的能力，包括司法能力」。2009年元月，在國際海事組織的協助下，西印度洋與亞丁灣的相關國家簽署了《關於打擊西印度洋和亞丁灣海盜和武裝搶劫船舶的吉布地行為準則》作為該區域國家打擊海盜的一個不具約束力的合作機制。該準則包含有關量能建構的條款，簽署國承諾合作打擊海盜和武裝搶劫，並透過國家協調中心和資訊中心共用資訊。該準則還計畫建立一個區域培訓中心。國際海事組織已開展廣泛的能量建構措施，協助上述準則之簽署國執行該準則。目前已有一個由多方捐助出資的吉布地準則信託基金被設立。此外，2009年1月，索馬利亞沿海海盜問題聯絡小組成立，其目的是促進各國和各組織討論和協調打擊索馬利亞沿海海盜的行動。

(二) 涉及航運、沿岸設施和其他海洋利益的恐怖行為

預防涉及航運、沿岸設施和其他海洋利益的恐怖行為，仍然是海事安全部門量能建構活動的優先事項。目前由政府間組織提供的援助涵蓋了批准和實施相關的海事安全法律文件。除頒布立法外，執行工作的目的是制定切實措施，改善港口安全、船舶安全和各國的監測、控制和監視能力，以防止可能發生的恐怖行為。雙邊援助可發揮重要作用，補充政府間組織滿足各國在這方面的具體需求的努力。

In regional level, various States are sharing their resources and develop their anti-piracy capacity through information sharing and optimal practice, special, informal or relatively formal arrangements. For example, the Information Sharing Center established by The Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia has taken some measures to intensify capacity of various treaty powers in dealing with piracy and armed robbery, which include maneuver, training classes and technical support plan sharing optimal practices. Information Sharing Center held the 2010 Piracy and Marine Robbery Problems Conference with other organizations on April 29th, 2010 in Singapore.

In settling the problem of piracy and armed robbery against ships off the coast of Somalia, United Nations Security Council encourages various States to "cooperate to intensify anti-piracy capacity of various States in the region, including jurisdiction capacity." In Jan, 2009, in cooperation with International Maritime Organization, States concerned along the west Indian Ocean and Gulf of Aden signed The Code of Conduct concerning the Repression of Piracy and Armed Robbery against Ships in the Western Indian Ocean and the Gulf of Aden (Djibouti Code of Conduct) as a cooperative anti-piracy system without constraining force for States in the region. The Code includes capacity-building related clauses, where signatory States promised to cooperate in repression of piracy and armed robbery, and share information through national negotiating center and information center. The Code also plans to establish a regional training center. International Maritime Organization has taken extensive capacity building measures to assist signatory States of the above Code to conduct it. At present a Djibouti Code of Conduct Trust Fund contributed by various parties has been established. Besides, Contact Group for Piracy off the Coast of Somalia was established to facilitate various States and organizations to discuss and negotiate in repression of piracy and armed robbery against the coast of Somalia in January 2009.

(2) Terrorism against shipping, coastal facilities and other marine interests

It is still a matter of priority in maritime security sectors' capacity-building activities to prevent terrorism against shipping, coastal facilities and other marine interests. Now supports provided by intergovernmental organizations cover authorization and implementation maritime security legal instruments concerned. Other than legislation issuance, the target to implement the work is to formulate practical measures to improve harbor security, ship security, monitoring and controlling and observation capacity by various States to prevent possible terrorism. Bilateral assistance may exert important effects, and complement efforts made by intergovernmental organizations to satisfy specific requirements by various States in this aspect.

國際海事組織透過全球海事安全計畫協助各國進行海事安全需求評估，並透過國家和區域研討會、講習班或課程提供培訓。這些活動的目的是透過瞭解和執行下列文書的海事安全條款來改進海事安全：《國際海上人命安全公約》第十一章第二條及其《國際船舶和港口設施保安規則》、1988年《制止危及海上航行安全非法行為公約》、1988年《制止危及大陸礁層固定平臺安全非法行為議定書》、以及2005年兩項議定書。國際海事組織還在實施船舶的遠端識別和跟蹤方面向各國提供援助。

聯合國安全理事會反恐怖主義委員會與會員國合作，評估各國執行安理會第1373（2001）號決議的情況，包括關於批准國際反恐怖主義公約，以及將《制止危及海上航行安全非法行為公約》、《制止危及大陸礁層固定平臺安全非法行為議定書》、和2005年兩項議定書等相關國際法律文書中具體述及的犯罪編入其國內立法的規定的執行情況。反恐執行局的評估還涵蓋《國際海上人命安全公約》第十一章第二條及其《國際船舶和港口設施保安規則》的執行情況；與邊界管制、執法和國際合作打擊包括海上犯罪在內的恐怖犯罪有關的其他實際措施。

(三) 跨國組織犯罪

跨國組織犯罪涵蓋有組織的犯罪集團在海上實施的多種罪行，其中包括海上非法販運麻醉藥品和精神藥物，以及海上走私和販運人口。這方面的量能建構活動的目的是協助各國執行有關的國際文書，如1988年《聯合國禁止非法販運麻醉藥品和精神藥物公約》和《聯合國打擊跨國組織犯罪公約》及其議定書，以及加強港口安全、貨櫃安全和執法量能。開展打擊跨國組織犯罪方面的雙邊合作，也可透過促進移轉情報以及現代執法技術和最佳實踐做法方面的知識，有助於此領域的能量建構。

International Maritime Organization assists various States in maritime security requirement evaluation through global maritime security plan, and offer training through national or regional forums, lectures or classes. The target of these activities is to improve maritime security by understanding and implementing maritime security clauses in the followings documents : Article 2, Chapter 11 of International Convention for the Safety of Life at Sea and its International Ship and Port Facility Security Code, Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation (1988), Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf (1988), and 2 protocols in 2005. International Maritime Organization also offers assistance to various States in implementing remote identity and tracking of ships.

UN Security Council Counter-Terrorism Committee cooperates with its member States to evaluate execution of UN Security Council Resolution No.1373(2001) by various States, including approving Comprehensive Convention against International Terrorism and grouping the crimes specifically described in Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation, Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf and 2 protocols in 2005 and international legal documents concerned into their domestic legislation. Evaluation by Counter-Terrorism Committee Executive Directorate also covers execution of Article 2, Chapter 11 of International Convention for the Safety of Life at Sea and its International Ship and Port Facility Security Code; and other practical measures concerning boundary administration, law enforcement and international cooperation in repression of terrorist crimes including maritime crimes.

(3) Transactional organized crime

Transnational organized crimes cover various maritime crimes committed by organizational criminal groups, which include illicit maritime traffic in narcotic drugs and psychotropic substances, smuggling and human trafficking. Capacity-building activities in this aspect is targeted for assisting various States in implementing pertinent international documents, such as United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances(1988) and United Nations Convention Against Transnational Organized Crime and its protocols, and intensifying harbor security, container security and law enforcement capability. Bilateral cooperation to repress transnational organized crimes can also assist with capacity building in this field by facilitating transference of information and knowledge in modern law enforcement technology and optimal practice codes.

禁毒辦促進批准《聯合國打擊跨國組織犯罪公約》及其議定書，並協助各會員國進行執行工作。目前禁毒辦正在實施一些量能建構計畫和倡議，具體協助各國打擊海上非法販運麻醉藥品和精神藥物的活動。這些計畫和倡議主要涉及《聯合國禁止非法販運麻醉藥品和精神藥物公約》相關條款的執行、港口和貨櫃安全以及海事執法。禁毒辦還在區域層級提供培訓，以及此相關的技術援助。

關於港口和貨櫃安全方面，由禁毒辦和世界海關組織共同執行的全球貨櫃管制計畫，協助有關政府在選定的海港建立可持續執法結構，以儘量減少利用海運貨櫃進行跨國組織犯罪的風險，如非法販運毒品或其他形式的黑市活動。

在區域層級，一個相關的例子是美洲組織的美洲管制藥物濫用委員會。該委員會在其促進公共／私營部門合作加強國家港口安全計畫中提供能量建構。此委員會還向各成員國官員提供培訓和技術援助，以提高其識別和攔截非法毒品及相關海上運輸的違禁品的能力。禁毒辦計畫在加勒比海地區建立有關海事安全和執法合作、執法和司法機構、法證和城市犯罪等方面的英才中心。禁毒辦還在「執法和情報合作打擊從拉丁美洲到西非的古柯鹼販運」計畫專案框架下，創建了交換資訊的安全系統，14個國家的緝毒當局、兩個受益國、以及歐洲聯盟派駐這些國家的聯絡官可查閱這些資訊。日本海上保安廳和禁毒辦於2009年12月在東京聯合主辦了亞太海上禁毒執法研討會。該研討會的目的是透過促進資訊交流和共用經驗，增強東亞和東南亞夥伴國家之間的多邊合作。海上禁毒執法能量建構活動也在雙邊層面展開。

The United Nations Office on Drugs and Crime (UNODC) facilitates approval of United Nations Convention against Transnational Organized Crime and its protocols, and assists its member States in execution. At present, UNODC is performing some capacity-building plans and proposals to assist various States in suppressing illicit maritime traffic in narcotic drugs and psychotropic substance in detail. These plans and proposals are mainly involved with execution of clauses concerned with United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, harbor and container security and maritime law enforcement. UNODC also offers trainings and relative technical supports in regional level.

In terms of harbor and container security, the global container administration plan performed together by UNODC and World Customs Organization assists governments concerned to establish sustainable law enforcement structure in selected harbors to maximally reduce risks of transnational organized crime in marine transportation containers, such as illicit maritime traffic in narcotic drugs or other black market activities.

In regional level, a relative example is the Inter-American Drug Abuse Control Commission organized by the US. The commission offers capacity building in its Facilitating Public/Private Sector Cooperation & Intensifying State Harbor Security Initiative. The commission also offers training and technical support to officials of its member States to enhance their capacity to identify and intercept illicit narcotic drugs and relative maritime traffic in contrabands. UNODC plans to establish an Elites Center concerning maritime security, law enforcement cooperation, law enforcement and judicial bodies, legal evidences and urban crimes etc. in Caribbean regions. UNODC also established an information exchanging security system under the project frame of "law enforcement and information cooperation in repression of Cocaine trafficking from Latin America to West Africa", which is accessible for narcotics authorities of 14 States, 2 beneficial States and liaison officers accredited in these States from European Community. Japan Coast Guard and UNODC cooperated to hold the Asia-Pacific National Drug Law Enforcement Forum in Dec, 2009. The forum was targeted for intensifying bilateral cooperation between partner States of East Asia and Southeast Asia by facilitating information communication and experience sharing. And maritime drug prohibition law enforcement capacity building activities have also been developed in bilateral level.

由於我國不是聯合國會員國，因此無法參與聯合國內部所設處理有關海事安全業務單位，以及其所主辦或協助舉辦之各種與海事安全量能建構相關之活動與倡議，包括聯合國法律事務廳海洋事務和海洋法司，以及聯合國毒品和犯罪問題辦公室。我國也無法參與聯合國系統下所設立之專門機構，例如，國際海事組織、聯合國開發計畫署、聯合國環境規劃署、聯合國教育、科學及文化組織、以及世界海關組織等。在區域層級，台灣之政治地位也同樣制約、阻礙了我國參與區域性有助量能建構之活動與倡議，例如，台灣無法簽署《打擊亞洲海盜行為和武裝搶劫船舶區域合作協定》，因此在參與打擊亞洲海盜行為和武裝搶劫船舶相關區域性活動也受到相當大限制。其他亞太地區有關海事安全量能建構的亞洲海岸防衛機構首腦會議與亞太海事安全機構首腦論壇等，我國之參與也是相當有限。

基於以上困境，我國回應國際社會有關加強海事安全量能建構之呼籲的務實作法，除了繼續蒐集研析相關國際法律文書規定，以及政府間和民間組織有關海事安全量能建構之種種活動與倡議外，更應積極研議如何將相關國際公約予以內國法化，尋求以觀察員或透過特定安排參與和海事安全量能建構相關之機制或活動，並主動採取包括國內政府各機關、業界、民間、甚至個人之所有利害關係人參與的國內海事安全量能建構活動與倡議，如此才能與世界接軌，建構與強化我國處理海事安全相關議題之量能。

(本文作者現職為中央研究院歐美所研究員、國立中興大學國際事務處國際長)

Not being a UN member State, our country couldn't participate in various activities and proposals concerning maritime security capacity-building sponsored or assisted by sectors in UN to deal with maritime security businesses, which include United Nations Division for Ocean Affairs and the Law of the Sea and UNODC. We can not participate in specialized agencies established under the UN system, such as International Maritime Organization, The United Nations Development Programme, The United Nations Environment Programme, United Nations Educational, Scientific and Cultural Organization and World Customs Organization etc. In regional level, Taiwan's political status also restricted and blocked us to participate in regional activities and proposals made for capacity-building. For example, Taiwan failed to sign The Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia, and thus is subject to quite a restriction in participating regional activities concerning combating piracy and armed robbery against ships. Our participation in maritime security capacity-building Heads of Asian Coast Guard Agencies Meeting and Asia Pacific Heads of Maritime Safety Agencies Forum etc. in other Asia-Pacific is also quite limited.

Due to the above difficulties, our country, in response of intensifying maritime security capacity-building appealed for in international societies, take practical actions to continue collect, research and analyze stipulations by pertinent international legal documents, various activities and proposals concerning maritime security capacity-building by intergovernmental or nongovernmental organizations, and aggressively study and discuss how to legalize pertinent international conventions, participate systems or activities concerning maritime security capacity-building by dispatching observers or specific arrangements, and initiatively conduct domestic maritime security capacity-building activities and proposals participated by all interested persons such as those from domestic governmental agencies, industrial base, the folk and even individuals so as to keep up with the world, build and intensify the item of capacity related to our handling of maritime security.

(The writer currently works as a researcher at the Institute of European and American Studies, Academia Sinica, and Dean of Office of International Affairs, National Chung Hsing University)