

論自印度洋至西太平洋之海線交通安全

Security of SLOCs through the Indian Ocean to the Western Pacific Ocean

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壹、前 言

只要是有人類海洋活動之處，就必須考量海洋安全議題；但整個海洋安全的核心議題，其實就必然是海上交通線的安全問題。根據亞洲開發銀行在2006年所出版的官方刊物『2006年亞洲發展大勢』中所作之統計，亞洲整個區域內在2005年整體國內生產毛額總計平均成長率為極讓人欽羨之7.4%，同時展望2006年全年的表現還有可能再有所突破。無可置疑地，除非在政治軍事上發生損失極為慘重的兵災戰禍，此種經濟發展大勢在可見之未來仍然還會保持同樣的勢頭。

I. Introduction

Wherever there are maritime activities, there are concerns of maritime security. The fundamental concern of the maritime security is, inevitably, the security of SLOCs (Sea Lanes of Communication). According to the statistics provided by the Asian Development Bank in its official publication titled "Asian Development 2006", Asia is a region with an impressive aggregate GDP (gross domestic product) growth of 7.4% in 2005 and an even more optimistic final outcome

has been expected for 2006. Undeniably, the a mega-trend may reasonably extend for the time being unless any drastic politico-military calamity would ever happen in the foreseeable future.

不過，在過去三十年間，整個亞洲沿海地區此種令人稱道的經濟成長，其實還是必須要靠海洋運輸來支持整個出口導向的經濟策略，同時整個亞洲最終亦因此從而形成其經濟架構。從印度洋至西太平洋沿海各國，均視用於運輸貨物商品的海上自由通航權為其最核心之國家利益；因此，在此等國家之戰略算計及政策規擘目標排行榜上，海線交通安全總是名列前茅。

Nevertheless, such a remarkable advancement of the economic development almost around the whole Asian littoral zone in the past three decades has been essentially relied on maritime transportation that facilitates their export-oriented development strategy and, eventually, economic structure. All the coastal states from the Indian Ocean to the Western Pacific Ocean treat the free passage of goods across the sea as their vital national interests. Hence, we should never be surprised that SLOC security always stays at the top of these states' strategic calculation and poli-

cy formulation list.

儘管近年在此海上交通網絡週邊各國，不論是僅以其一己之力，亦或藉群策群力全心提升海線交通安全，然仍未能盡其全功，海線安全事故仍未能完全排除。區域內沿海各國內部政情不穩、海洋領土爭議與主張擴大海洋司法管轄權之聲浪時有多起。面對挑戰公海航行自由以及過境權之異見，依目前所見恐難獲得皆大歡喜互贏之解。除此之外，新興問題諸如海盜侵襲、油品洩漏、海洋污染以及海上跨國犯罪——運毒、偷捕及濫捕漁品——都尚須投注更多心力，方有可能妥為應對。

Although enormous efforts, regardless individually or collectively, have already been paid by states along these sea routes to promote the SLOC security in recent years, yet, insecurities still exist. Risks such as political instability among regional states, maritime territorial disputes as well as conflicting maritime jurisdictional claims have never been totally defused. Problems such as different perspectives regarding the freedom of the seas as well as rights of passage principles are still too early to say that can be mutually satisfactorily-solved. New emerging threats such as piracy, oil-spillage, marine pollution and trans-national maritime crimes like drug-trafficking, poaching and over-fishing have not yet been well-managed.

依據近年來聯合國商貿發展會報逐年出刊之海事運輸年報，全球海洋商貿活動數量仍續維持逐年擴張之勢，同時只要全球經濟成長之勢得以維持現有之榮景，則此勢將仍可在近期內維持不變。只要自該刊隨機摘取幾個統計數字，諸如在2006年年初時全球商業海運噸位廣續成長7.2%，而達9億6千萬載重噸之高；同時全球商船隊平均船齡亦向下

略減至12.2年——凡此皆足證未來全球商業海運均朝正面發展之種種氣象。然在此等正面跡象之後，蓬勃昌盛之亞洲商貿與航運活動實乃功不可沒之最大主因。

According to those annual Review of Maritime Transport reports edited by the United Nations Conference on Trade and Development (UNCTAD) in recent years, global maritime trade activities continue to expand and may sustain such a tendency as long as the global economic growth may still uphold. A glimpse of statistics such as a 7.2 per cent expansion of merchant fleet reaching 960.0 million deadweight tons at the beginning of 2006 as well as an improvement of the average age of world merchant fleet to 12.2 years tells us a very positive indication for the future of the global maritime transportation. Behind those positive indications, the boost of the maritime activities around Asian waters provides the main thrust.

貳、亞洲水域中之海洋運輸及海上交通線

起自印度洋而至西太平洋間之海上交通線，必須航經數目眾多之船運扼制點，其主要均為諸如曼德海峽(Bab el Mandeb)、荷姆茲海峽(Strait of Hormuz)、麻六甲海峽(Strait of Malacca)、巽他海峽(Sunda Strait)、龍目海峽(Lombok Strait)、馬加撒海峽(Makassar Strait)、巴士海峽(Bashi Channel)、臺灣海峽(Taiwan Strait)、對馬海峽(Tsushima Strait)、津輕海峽(Tsugaru Strait)、宗谷海峽(Soya/La Perouse Strait)以及大隅海峽(Osumi Strait)等國際海峽所在地。除此等國際海峽之外，亞洲水域中尚有為數眾多之水道、海峽及各群島間指定之航道，主要係供區域內海上輸運使用，其輸運通航量雖不及前述之國際海

峽，然其重要性亦不容輕忽。

II. SLOCs and Maritime Transportation in Asian Waters

From the Indian Ocean to the Western Pacific Ocean, SLOCs may include numerous choke points, mainly international straits such as Bab el Mandeb, Strait of Hormuz, Strait of Malacca, Sunda Strait, Lombok Strait, Makassar Strait, Bashi Channel, Taiwan Strait, Tsushima Strait, Tsugaru Strait, Soya (La Perouse) Strait and Osumi Strait. Apart from these major international straits, there are numerous waterways, channels, as well as passages among archipelagos around Asian waters with less navigational significances which mainly serve the intra-regional maritime transportation.

海上交通線誠屬維繫亞洲沿海各國經濟繁榮之棟樑；根據國際貨幣基金會2005年4月所作估算，全球依國內生產毛額帳面總值排序前三十名國家或地區，就有七個經濟體緊鄰自印度洋至西太平洋之海上交通線。其依序為日本（全球第二名——國內生產毛額總值四兆伍仟七百餘億美元）、中共（全球第四名——國內生產毛額總值二兆四仟餘億美元）、大韓民國（全球第十名——國內生產毛額總值七仟九百餘億美元）、印度（全球第十二名——國內生產毛額總值七仟七佰餘億美元）、澳洲（全球第十五名——國內生產毛額總值七仟零七十餘億美元）、中華民國（全球第二十一名——國內生產毛額總值三仟四佰餘億美元）以及印尼（全球第二十六名——國內生產毛額總值二千七佰餘億美元）。前述各國無一不為全球性之商貿強國；其中日本穩坐第二名多年，展望未來亦恐無他國能輕易取而代之。中共與印度這兩個挺身振作之經濟巨人後勢看好，未來數十年中可望

再將其排名向前推進。不過未來這一切願景能否實現，亦或是美夢成空其實端賴未來是否可確保海上交通線之安全無虞。

SLOCs are the vital mechanism to sustain the prosperity of the Asian littoral states. Based on the estimation made by the International Monetary Fund in April 2005, seven states of the top thirty GDP producers in world rank are located next to the SLOCs from the Indian Ocean to the Western Pacific Ocean. They are Japan (rank 2-4,571,314 million USD), People's Republic of China (rank 4 - 2,406,021 million USD), Republic of Korea (rank 10-793,070 million USD), India (rank 12-775,410 million USD), Australia (rank 15-707,992 million USD), Republic of China (rank 21-346,141 million USD) and Indonesia (rank 26-276,004 million USD). All of them are global trading powers with no exception. Japan has been seated on the chair of the second biggest GDP producers for years. It is less likely to be easily replaced for the moment. Two emerging economic giants, China and India, may have a good chance to improve their rank in coming decades. Nevertheless, whether such an ambition can be achieved or otherwise turns to be an illusion is virtually depending on the security of SLOCs in the future.

自印度洋至西太平洋沿岸地區聚居著約三十億之人口，所有居住此間眾人之生計，其實或多或少均與海洋運輸息息相關。至少其生活品質必然要仰賴海洋輸運所賜，因其所能擇選之進口商品，或是製造國內生產商品所需進口原材，無一不賴海洋輸運在其後支持，方能交貨上市供消費者所選用。

There are over three billion populations living in the littoral zone around the Indian Ocean to the Western Pacific Ocean. Most of them live on

some sort of economic activities associated with maritime transportation. At least, their quality of life surely depends on maritime transportation because whether they may have more choices in selecting commodities all relies on either foreign imports or materials from oversea for supporting domestic manufacturing processes.

因此亞洲各國自然就會挑起全球海洋輸運之大樑，同時亦自然會在某些特定項目具有宰制全局的地位。依據2004年海事運輸年報，全球35.8%的貨櫃輪所有權掌控在亞洲各國之手，45.7%的貨櫃運輸作業、60.4%的海員、62.3%的貨櫃轉口作業、64.7%的港口貨櫃裝卸作業、83.2%的貨櫃輪新建作業以及99%的拆船作業，若非由亞洲各國所掌控或提供，就是由亞洲各港營運績效所達成。由過去這兩年來亞洲各國經濟發展一片榮景來看，前述統計數字百分比到如今必然還會有所成長。

Asian nations, therefore, naturally become major actors in global maritime transportation, and inevitably hold significant shares in a number of specific items. According to figures noted in the 2004 Review of Maritime Transport, nations in Asia accounted for 35.8 per cent of container ship ownership, 45.7 per cent of container operation, 60.4 per cent of seamen, 62.3 per cent of container port throughout, 64.7 per cent of container port operators, 83.2 per cent of container ship building and 99 per cent of ship demolition. Given the impressive positive economic development among most of the Asian states in the past two years, we may reasonably expect an even bigger share at this instant.

此外與世界上其他各大洲相比，亞洲各國在海運出口百分比方面具有絕對性之優勢，在2004年中全球37.2%的海洋輸運總噸

位係由亞洲各國所締造，此為全球其他各洲難望其項背之佔有率。同樣地，在過去幾年中，由於經濟榮景不斷，因此亞洲幾個特定原材料供應國擴張出口來滿足訂單需求，而茲此同時幾乎所有亞洲各國之製造業亦有所成長並同樣地擴張出口量，因此吾人深信此一總噸位佔有率理應再有所提升。其實在2003年時所作之預估，就顯示在2005年及2006年兩年中，東亞與南亞各國單就貨櫃裝運之商貿總噸位可望達到年成長率11%的水準；此皆賴亞洲各國區域內交易量，以及中共對北美地區及歐盟各國出口量大量擴張所賜。基於此種強勢之市場需求，吾人對全球海運企業五十強其中就有28家源於亞洲或其總部設於亞洲，就不應感到任何訝異。此外全球前二十名的貨櫃海運公司，其中就有半數若非亞洲本土企業，就是將其營運管理中心設於亞洲。同樣地，全球前六大貨櫃輸運港，或是全球前三十大貨櫃港就有20個是緊鄰自印度洋至西太平洋之海上交通線。東亞航運前六強——日本、中共、大韓民國、中華民國、香港及新加坡，其所有商船總噸位之和，超過全球總額30%。再加上亞洲各國近年來無一不在發展海洋輸運能力，未來亞洲各國海上商運船舶總噸位佔有率，近期內勢必將會更加向上提升。

Moreover, compared with other continents of the world, Asian countries keep a noteworthy preponderance of seaborne world export, actually, 37.2 per cent of the total tonnage in 2004, the largest share of the world then. Again, we may also reasonably believe a growth of share in the past few years because the increasing export of both raw materials from specific Asian suppliers and manufactured goods from almost all Asian states may contribute to such tendency. Actually, a prediction already made in 2003 noted that con-

tainerized trade of South and East Asian nations would have a chance to grow at an annual rate of 11 per cent in 2004 and 2005 due to a growth of intra-Asian trade and Chinese export to North America and Europe. Given such a strong demand, we have no surprise to notice that 28 of the global top 50 liner shipping companies are based in Asia. Half of the first twenty largest container shipping lines in the world are owned by Asian states or based in Asia. Also, the top six largest container ports and twenty of the world's top thirty container ports are located along those SLOCs from the Indian Ocean to the Western Pacific Ocean. Six major ship owners in East Asia including Japan, PRC, ROK, ROC, Hong Kong and Singapore hold more than thirty per cent of the total world shipping tonnage. Adding efforts paid by other Asian states, we may foresee an even bigger share in the near future.

展望未來在亞洲海域進一步拓展海洋運輸之中長期前景，其實就必須考量諸如東亞——尤其是整個東北亞地區——糧穀產量不敷所需，以及對基本能源——原油、煤炭、液化天然氣或液化石油氣——需求不斷成長等結構性因素。此外只要亞洲各國在製造業方面仍然得以保持商貿優勢，就算製造商會隨亞太區域內既存之垂直分工體系，自某些國家次遞向區域內其他國家移轉，但對諸如鐵礦石等相關原材之整體需求量，勢必在未來數十年間仍會維持穩定成長。當然在十年前1997年亞洲金融風暴的確對整個發展大勢造成相當顯著之衝擊，同時也確實造成區域內海洋輸運需求量之頓挫。不過，在此區域內大部份國家很快地以令人訝異的速度，重續其原來經濟發展計畫之進程，充份地展現出這些國家確實具有維持下一世代長期經濟成長之高度潛能。因此未來對於海上輸運需求

仍應維持擴張之勢，至少其幅度可望與國內生產毛額總值成長相互匹配。同理，其他方面之海洋活動，亦可望伴隨經濟發展同步成長。

The mega-trend for a further expansion of maritime transportation in Asian waters in the medium-term and long-term perspectives is actually based on some structural demands such as insufficient grain production around East Asia, predominantly Northeast Asia, as well as growing energy demands from crude oil, coal to LPG/LNG. Furthermore, as long as the Asian states still hold the economical leverage in manufacturing production, the demand of raw materials such as iron ore will increase steadily in coming generations though the venders may shift from states to states within the region as the vertical labor of division already existed in the Asian-pacific. Of course, the 1997 Asian financial crisis happened a decade ago had affected some mega-trend significantly and indeed ever caused a brief setback of regional demand for maritime transportation. However, most of states within the region resumed their economic development agenda amazingly quick thus indicated the high potential of a sustainable economic growth in next generation. Subsequently, the growing demand of maritime transportation will stay at the same time and at least the same rate as GDP growth. Likewise, other dimensions of maritime activities may also march forward accompanied with economic growth.

參、吾人之共業同榮

就能與其國家利益相接軌的國家數目而言，吾人實在不可能找到任何能與海洋輸運相匹敵的案例。在亞洲海域內之海洋輸運作

業，與其利益相關者其實並不僅限於亞洲各國；假如要一一列舉出來，這份名單很可能會遠遠超出任何人之想像。假若在從印度洋到西太平洋的海上交通線上任何一點發生事故，導致某艘商船遇難而沉沒，此時要列舉出來與此一海事案件有關的國家，或是因其國民權益受損而能依法主張償付的國家，恐怕將會寫出一張令人訝異萬分的冗長名單。

III. Our Commonage and Commonweal

We could never find another example like maritime transportation that may associate with so many nations' interests. Maritime transportation activities conducted within Asian waters are not merely related to those interests of Asian states. The list of parties concerned may extend to far beyond your best imagination. Should any maritime insecurity happen at any point along the sea routes from the Indian Ocean to the Western Pacific Ocean that caused a loss of a merchant vessel, we may need to write a long list of states that could involve in such a sad event, or even claim a right for their own nationals.

這份名單將包括下列各方所屬國籍各國：船東、貨主、船員、船隻保險商、貨品保險商、前述保險商之再保險商、船籍註冊國，以及最後還是要不免一提大家都可能輕忽的要角——前述各方因此商運行為所獲信貸之金主，其中包括船隻本身同時也要考量承載貨品。所以在亞洲海域所發生之海事案件，必然有可能會在世界上其他角落，激起憂傷、慌亂以及甚至是怨懟，發生在亞洲海域之船難，其所引起之波瀾絕無可能僅止於亞洲。

This list will start with states of the following parties: ship's owners, cargoes' owners, ship's

crews, ship's insurers, cargoes' insurers, re-insurers of corresponding insurers, ship's registration, and the last but not the least, associated loan providers-both for the ship itself and for the cargoes. Maritime insecurity happened in Asian waters may easily cause sorrow, mayhem and even hatred in many other places around the world. The impact can not be confined within the Asia only.

近年來在亞洲海域海洋活動的範疇確實有擴張之趨勢，除以往既存之海洋輸運與漁業撈捕外，吾人將可發現海洋採礦作業日見興盛，特別是在外海油源以及天然氣之探採作業更是重點。此外海洋遊樂事業興起，導致海上豪華郵輪旅遊活動成為休閒新寵，隨之而起就是造船業獲得大量此等郵輪之訂單。甚至私人遊艇的訂單亦有所成長，俾以因應亞洲各個社會中暴發新貴菁英人士對此之需求。養殖漁業則在養魚場之規模、深度、容積與數量上都有所成長，此皆拜漁業養殖科技進步所賜。所有此等趨勢都使得亞洲人對於海洋活動之依賴程度逐步加深，但平心而論，對於海上交通線安全之考量，仍然會穩居所有亞洲各國施政藍圖首頁。

In recent years, the tendency of expanding the scope of maritime activities does take places in Asian waters. In addition to those existing maritime transportation as well as fishery industry, we have also noticed that a growth of oceanic mining activities, particularly, drilling and pumping crude oil as well as natural gas at sea. Moreover, tourism at sea leads to a boost of cruising business and subsequently, a demand of cruisers that may accommodate tourists at sea or even private sailing yachts that serve those newly-rich wealthy social elites among different Asian societies. An expansion of fish farms including their size, depth, vol-

ume, and quantity, has been substantiated due to the improvement of the aquaculture technology. All these tendencies make our Asian people even more depend on the maritime activities. And to some extent, the concern of securing SLOCs will still firmly sit on the top of any Asian state's political agenda in the future.

畢竟就任何海洋活動而言，其在本質上就都具備延及全球之特性；此即為何在海上所犯之刑事罪行，若是其所涉及之範圍超過單一船舶，諸如海盜、販奴以及人口走私等犯罪行為，就會被視為人人得而誅之的萬國公罪。平心而論，海線交通安全實應視為符合眾人共同利益的公共財。基於此念，全球各方不論其實際身處何地，均應果敢肩承海線交通安全之責，此因任何海上危安事件必將直接亦或間接使其利益受損。然坐而言不如起而行，空言萬千無濟於事；對於海洋安全議題之覺醒與認知，特別若是針對海線交通，將其視為吾人之共業同榮，則必然能深思窮究出可行之策。

After all, any maritime activity is in essence a matter of global reach. This is the reason why any crime committed at sea and beyond the scope of any individual vessel such as piracy, slavery, and population smuggling will be naturally viewed as a universal crime that can be prosecuted as well as morally condemned by all states in the world. Indeed, SLOCs security as a public good should serve everyone's interest. On the same token, everyone should also shoulder the task of securing the SLOCs security regardless of their geographical locations because any SLOCs insecurity may ultimately undermine their interests. Yet, saying much without any substantial action will merely serve nothing. An awareness of maritime security, particularly, the security of

SLOCs is our commonweal will eventually lead to some measures more applicable.

肆、吾人必須長久關注之重點

誠如前述，所有足以威脅海線交通安全之因素，對吾人而言，其實早已知曉並無訝人新義。回顧自印度洋至西太平洋間此等潛在之威脅，或許應更確切名為值得關切之處，將可凸顯某些恆久不移之常理。首先，在亞洲海域海上交通線週邊各國國內之政情動盪，的確令人不敢掉以輕心完全釋然；誠然此等政治動亂的確看起來不太可能波及海上，再度產生像70年代末期中南半島周邊海域難民充斥的慘劇。但在此一世紀之初葉，吾人處處可見亞洲各國政治傳承與政權交替，尚以非民主及不合法理，同時或許算是非正義之方式達成。儘管其多數此等政治動亂並實質影響海線交通安全，但是吾人對此仍有疑慮。只要想起以往有那些窮凶惡極之國，對海上位處狹窄水域之無辜過往商船濫射導彈時，要花上好長一段時間才能自此種慘劇中恢復和平常態，全身就實在會不寒而慄。

IV. Our Long Lasting Concerns

As mentioned above, factors that threatened SLOCs security are by no means anything new to us. A brief review of these potential threats, more precisely, concerns, about the SLOCs security from the Indian Ocean to the Western Pacific Ocean may indicate some fundamental truth of SLOCs security. First, political instability among states next to the SLOCs in Asian waters does cause utmost concerns though the possibility of these political chaos in these states cause serious turmoil at sea like those refugees that we had ever seen around Indo-China peninsula in

late 1970s is relatively unlikely. At the dawn of this century, we have still seen some political successions in Asian states through non-democratic and non-legitimate, and arguably injustice, process. Although most of these political disorders never substantially affected the SLOCs security, yet, the potential still exists. It takes a long time to recover from some horrendous incidents caused by rough regimes shooting missiles toward innocent merchant vessels in narrow waters.

區域內各國相互較勁，實有可能最終淪為敵對衝突甚至開火熱戰，實為維繫海線交通安全另一隱憂。許多政治人物往往會利用既存之海上領土爭議——此即區域內戰略關注焦點之所在，將其挑起俾供國內政治消費之用。然令人扼腕的是這些尚未解決之海上領土爭議，往往就緊鄰許多國家賴以生存之海上生命線。或許這正就是為何目前各國都願意擱置爭議，將這些議題暫予降溫，因為唯有如此方能有利於發展海上輸運共謀眾人之利。其實許多區域組織以及事涉各方，都已經長久努力共同營建出諸如共同行為準則等等之機制，俾以化解或約制此等爭端。然吾人必須坦言，假若此等機制未能見效，美國、日本及中共相互間之戰略較勁與未來可能發生之對立，則必將攪亂整個大局。

Rivalry among states that may possibly further direct to ultimate enmity or even hot war is another concern. Maritime territorial disputes where those strategic hot spots located can be raised by politicians in these states in order to satisfy domestic political consumptions. Ironically, many unsettled maritime territorial disputes happen to situate next to those vital lifelines for many states. Perhaps this is why these disputes can be suspended or cooled down in a way to serve collective interests brought by facilitating

maritime transportation. Some mechanism such as certain code of conducts has been established based on the persistent efforts made by the regional organizations as well as parties concerned. Strategic competitions and potential rivalry among powers like the US, Japan and the PRC may worsen the situation, should these mechanism do not function well as expected.

其次，近年來沿海各國對於海洋主權意識有所覺醒，因此紛紛尋求各種法條上有關海洋活動對本身最有利之法意解釋，俾以增進國家利益。目前著重之焦點在於規範外國戰艦航經領海無害通過，以及航經國際海峽之穿越方式；同時亦著力於限制外國軍艦在專屬經濟海域或鄰接之周邊海域，實施各項海軍操演或作業。近年來的新焦點則轉向關注載運危險廢棄物之船舶，航經其領海及專屬經濟區的議題。基本上，不論提出來討論的議題為何，其實就是一再顯現出多年來沿海國要維護其海洋權益，有時擴及整體國家安全利益，與海洋強權希冀維護其既有海上行動自由相互間之對抗與對峙關係。

Second, the awareness of maritime sovereign rights makes littoral states seek favorable interpretations of judiciary codes regarding maritime activities in order to better serve their national interests. Efforts mainly target on how the foreign warships should practice the right of innocent passage in littoral states' territorial sea as well as transit passage through international straits. Some efforts also allocate to add restrictions of naval activities in EEZ or adjacent waters. New focus in recent years shifted to put tighter control on those shipments of hazardous wastes passing territorial seas and exclusive economic zones. In essence, no matter what has been adopted as the excuse, it is a long lasting rivalry between coastal states for

safeguarding their maritime interests, and sometimes overall security interests, and maritime powers for sustaining freedom of action at sea that they always enjoy.

其實從17世紀初葉荷蘭海洋法大師格老休斯首倡公海自由原則至今，整個法律辯論的現實本意並無改變；所有在此方面所作之算計，原則上就是那些採取主動者要確保其自由不受到約制，但在此同時卻希冀對他人的自由儘量加以約束或削減。迄今為止仍有許多學者專家擔憂沿海各國紛紛向外擴張主權管轄範圍，此種趨勢終將使可供自由航行之公海所剩無幾。此外在某種程度上，此種趨勢亦必將損及海線交通之安全。吾人是否能夠在此種海洋管轄權上之利益衝突中找到妥協點，其實尚在未定之天。不過基於海洋輸運對於支持沿海各國經濟發展來說，其實是件相當重要之因素；因此吾人認為在可預見之未來中，應當沿海國都不會採取真正過激之舉動來威脅公海航行自由及海運交通安全。但是不免偶而還是會不時發出一些言辭激昂的聲明，俾用以化解國內政治上之壓力。但歸根究底假若要以犧牲經濟實利，作為擴展周邊海域司法管轄範圍宣揚國威的代價，兩者相比實在是太過懸殊。

The reality of the freedom of the seas does not change too much since such principle was first advocated by the famous Dutch maritime judiciary guru Hugo Grotius in the early 17th century. Any effort made in this dimension is literally to secure freedom for those who initiated the effort, and meanwhile, putting restrictions on others. Many researchers quite concern whether all these sovereign rights claimed by the littoral states may eventually confine the space of free maneuver at high seas. Also, to some extent, the tendency of expanding sovereign rights may under-

mine the SLOCs security. Whether we may successfully find a trim point for this conflict of interest in the maritime judiciary arena is still quite uncertain. Nevertheless, since maritime transportation is so important for those coastal states to sustain their economic development in the future. We may expect no radical stance will present for the time being. Some provocative claims or declarations made by governments to soothe pressure caused by internal politics seem unavoidable. However, the stake of surrendering economic interests as quid pro quo for national pride acquired from expanding sphere of maritime jurisdiction is simply too high.

最後還是要不免一提，跨越國界的海洋犯罪行為——諸如海盜、海洋污染、盜捕魚獲、濫捕魚群及油品洩漏——都可能對海洋運輸帶來不可輕忽之負面影響。雖然環顧亞洲海域，沿海各國對此業已投注相當心力；針對海上執法行動、特別側重於肅清海盜之多邊合作方案，目前正是東南亞國協各會員國全心投注之課題。以往多年之外交折衝斡旋總算是能開花結果，修得各國以正面態度面對海洋事務營建區域合作之善報。對於引進區域外國家所提供之助力，許多國家對此仍不免有所疑慮，此因懷疑此舉恐將引狼入室，使外國獲得政治干預之操作基點。對此，本人認為應正面回應區域外各國所願提供之助力。平心而論，對維護亞洲海域之海線交通安全而言，此等區域外各個國家確實具有其合法地位與權利，此蓋因所有發生在本區域內之海上危安事件，終究將會衝擊到世界各地其他國家之權益。因此假若吾人能視派遣維和部隊，至世界上其他地區執勤係基於服膺全人類之善良公益，則對區域外世界各國願對維護亞洲海域海線交通安全提供助力，就不該加以擋駕而拒人於千里之外。

回顧2005年年底亞洲所發生之大海嘯災難，許多區域外各國均參與災後處理與救難工作，此因其國民亦身陷其中，故其自然就享有合法地位涉身其中。同理，其亦應對維護亞洲海域海線交通安全享有一定程度之發言權，此因任何海上危安事件，終將會有可能危及合法權益。

Last but not the least, transnational maritime crimes or incidents like piracy, marine pollution, poaching, over-fishing and oil spillage bring considerable negative impacts to maritime transportation. Some efforts have been made by many coastal states in Asian waters. Multi-lateral cooperation on maritime law enforcement, particularly anti-piracy, has been addressed by ASEAN states. Diplomatic efforts finally prevail and thus create an atmosphere suitable for regional cooperation on maritime affairs. A fundamental speculation on inviting external involvement has been submitted by some states due to the concern of a potential foreign political intervention behind these assistances. For this, I would like to suggest a positive attitude to embrace assistances provided by states outside the region. Actually, it is their legitimate interests to involve in sustaining SLOCs security in Asian waters since any insecurity happened in this region may subsequently affect other's interests any where in the world. We should also think about if we can dispatch PKO forces to other continent for good cause then there is no reason to decline states from other region to provide aids on SLOCs security affairs. Just think about the Southeast Asia tsunami happened in late 2005. Many nations from other regions do have a right to involve in post-disaster management because the loss of their nationals. On the same token, they do have same

right to participate the task of promoting SLOCs security in Asian waters since any insecurity may endanger their legitimate interest.

伍、吾人之決心與政策

中華民國政府身處臺灣面對維護亞洲海域海線交通安全此等國際公益事項，內心絕不願置身事外袖手旁觀；然迫於政治現實，中華民國仍為舉世公認積極進取之政治實體，但仍時時被拒之門外。儘管如此，我國仍願盡全力為謀公益，而善加維護臺灣周邊海域之海線交通安全。中華民國政府近年致力投資營建我方搜索救難、助航導航、海道測繪、油污處理、適航安檢、海域執法及針對商業船運需求之氣象預報能量，期以確保我方周邊海域海線交通安全之服務品質，以及確保航運安全。吾人篤信自印度洋至西太平洋間之航運安全攸關全球各國國家利益，因此不容有任何盲點及缺憾。

V. Our Commitments

The Republic of China on Taiwan would never wish to be a missing link of the SLOCs security in Asian waters. Ironically, it might be a sad fact due to political reality though the ROC is indeed a viable political entity in the world. Nevertheless, we still commit ourselves to assure the security of the SLOCs in the vicinity of Taiwan. The ROC government has persistently invested in our capacity of SAR (Search and Rescue), navigational aid, hydrographic survey, oil-spillage management, vessel seaworthy inspection, maritime law-enforcement and weather forecast service for merchant vessels. We wish to sustain our pride of providing safe sea routes in our neighboring waters. No one can and should tolerate any imperfection on the security of SLOCs

from the Indian Ocean to the Western Pacific Ocean.

然海峽兩岸目前之政治分歧確實對我方致力提升海線交通安全各項努力多所窒礙；臺灣身為全球海洋活動之要角，但面對許多協調磋商眾人共同海洋利益之多邊性海洋事務會談，卻往往不得其門而入。在此要呼籲北京當局實應反躬自省，對我改以建設性積極正面態度應對，如此方能在未來提升海線交通安全。總之，古有明訓『我為人人，人人為我』，實為中華民國政府以嚴正態度所推動，維護臺灣周邊海域海線交通安全堅定信念之最佳寫照。

Nevertheless, the political differences across the Taiwan Strait actually negate some of our efforts of assuring SLOCs security. Taiwan as a major player in the global maritime activities should not be excluded from many multi-lateral arenas for negotiating our common maritime interests. We also like to ask Beijing to consider some constructive maritime cooperation with us that may in due course promote regional SLOCs security. In summary, the motto "all for one, and one for all" may best describe how solemn the commitment of the ROC to the security of the SLOCs in the waters around Taiwan.

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