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## UNDP/GEF PROJECT ENTITLED “REDUCING ENVIRONMENTAL STRESS IN THE YELLOW SEA LARGE MARINE ECOSYSTEM”

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UNDP/GEF/YS/RSP.3/6f  
Date: 3 November 2006  
English only

### **Third Meeting of the Regional Scientific and Technical Panel for the UNDP/GEF Yellow Sea Project**

*Jeju Island, Republic of Korea, 20-22 November 2006*

### **Regional Governance Analysis**

Regional Working Group for the Investment Component (RWG-I) conducted national governance analyses individually for China and Republic of Korea. The analyses examined governance issues in respective countries from the perspective of stakeholder, institution, and legal and policy. Those national governance analyses successfully provided not only the information relevant to root causes of the Yellow Sea’s environmental problems, but also the basic foundation for identifying possible future interventions.

The implementation of the national governance analyses as mentioned above revealed the necessity of a **regional** governance analysis. Having discussed this issue, the 3<sup>rd</sup> RWG-I Meeting decided to propose a regional governance analysis study as a new activity for 2007, and to present a possible study outline for the RSTP to consider.

A final draft outline for the regional governance analysis was prepared by Dr. Suh-Yong Chung, RWG-I member. RWG-I members as well as other regional experts in relevant field reviewed the first draft. Having considered comments made by the members, then, Dr. Chung finalised the outline and presented it below.

*RSTP will be invited to review the draft outline and suggest recommendations to improve it. Specifically, the participants should focus on: (i) the overall approach that the proposed regional analysis will take; and (ii) the elements/topics that the analysis will address to identify necessary actions for policy, legal, and institutional reforms in order to secure environmental governance in the region.*

## **Regional Governance Analysis in the Yellow Sea Region (Draft Outline)** *prepared for the UNDP/GEF YSLME Project*

by Suh-Yong Chung, Myongji University

The transnational nature of environmental stress in the Yellow Sea region requires cooperative responses from the region's states including China, Democratic People's Republic of Korea (DPRK) and Republic of Korea (ROK). The YSLME project is one such cooperative effort at the regional level. For the efforts of the YSLME project to be more effective, it is necessary to take several elements into consideration for current and future plans.

First, identifying the major environmental problems of the Yellow Sea region may provide a useful background for regional governance analysis. The coastal states share responsibility for some of these problems, while others may be rooted in differing priorities among states on economic development and other issues.

Second, analysis of primary stakeholders is important. Primary stakeholders at the regional level include state governments, relevant international organisations, the private sector and NGOs. The focus of this analysis should be on assessing stakeholders' interaction and exercise of influence on the process and identifying issues that need to be tackled to bring better and more effective implementation of the YSLME project.

Third, analysis of existing international cooperative mechanisms may help the YSLME project pursue more effective activities while avoiding duplications and decreasing inefficiencies. The scope of analysis includes identifying bilateral, regional and global cooperative mechanisms which have significant implications for the YSLME project, evaluating the success and limitations of these mechanisms in the context of the YSLME project, and developing possible solutions to consider for improved overall performance. Cooperative mechanisms that need to be considered include the bilateral cooperation between China's SOA and Korea's MOMAF, NOWPAP, GPA and PEAMSEA.

Fourth, it is also vital to identify the roles and implications of existing legal institutions.<sup>1</sup> Legal institutions frequently provide guidelines to actors on cooperative levels, scope of standards to be developed, etc. Some of these are global, such as the United Nations Convention of the Law of the Sea. Others, such as China and Korea's agreement on the fisheries between them, are bilateral. The focus of analysis should be on the standards and institutions these legal institutions have developed and their implications on the YSLME project activities.

Fifth, Northeast Asia is regarded as one of the most difficult regions in which to form cooperative mechanisms due to its unique geopolitical features. Thus, any cooperative efforts, including the YSLME project, need to consider how to address this situation. In particular, DPRK, a vital player and necessary member of a complete Yellow Sea coalition, is an important variable. Further study must be done on DPRK's impact on the region and securing DPRK participation, which will be important not only for the YSLME project, but also for peace and prosperity in the region as a whole.

Finally, based on the findings and implications of the analysis on the issues mentioned above, the recommendations on policy, legal and institutional reforms within the context of the YSLME project may need to be provided to address current problems and limitations.

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<sup>1</sup> It should be noted that comparison of the national legal institutions of each state goes beyond the scope of the regional governance analysis and belongs mainly to the area of the national governance analysis. However, the results of this analysis may be included in regional governance analysis to aid in creating policy suggestions for harmonizing national legal institutions.