

**REQUIREMENT FOR AN OCEAN GOVERNANCE
FRAMEWOK FOR THE PROTECTION OF
ENVIRONMENT AND BIOLOGICAL RESOURCE IN
THE SOUTH CHINA SEA FOR SUSTAINABLE
DEVELOPMENT**

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I. Biodiversity, fishery resource and the environment of the South China Sea

- The South China Sea is very rich in the biological resource.
- The natural resources of the SCS provide goods and services for socio-economic development at surrounding countries and countries outside the region.
- Many countries surrounding the SCS, such as Indonesia, China, the Philippines, Cambodia and Vietnam have a large population dependant on fishing.
- Nowadays, fishery resource in the SCS has been seriously depleted by overfishing, illegal fishing, destroying of ecological systems and habitats, invasive species, construction of artificial islands and island reclamation etc.
- The SCS environment is also seriously degraded due to land base pollution loads and sea born wastes, and due to unregulated use and exploitation of natural resources, or use and exploitation of natural resources not following rational planning.
- Territorial disputes also worsen the problem due to un-cooperation between disputing countries.

I. Biodiversity, fishery resource and the environment of the South China Sea

- Among countries surrounding the SCS, China is now aday the largest fishing state in the world.
- In 2010, the total number of licensed fishing vessels in China is 300,000.
- Total present fish catch of more than 17 millitons, four times larger than the catch of its nearest competitor and the second largest fish catch of China is from the SCS.
- Coral groupers and Napoleon wrasse in the past eight years alone have seen 80 percent declined.

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- Destructive fishing methods (electric shock, cyanide or bottom trawling, cyanua).
- Disputes due to unlawful claim of China of about 87% of the SCS, including the EEZ of many coastal states, further worsen the problem.
- Often, in the situation of dispute, every country seeks to gain an advantage over another with the thinking that if we do not catch, others will do.
- Destruction of valuable coral ecosystem by artificial island construction and island reclamation.
- Strong current system in the sea help transporting pollutants from one place to the others.
- Spilled Oil can also easily be transported over entire SCS. For example, from January to April 2007, crude oil was continuously drifted to the beach of Central Viet Nam, but following investigations found no source of pollution.

I. Biodiversity, fishery resource and the environment of the South China Sea

- Without concerted efforts, the biodiversity and fishery resource in the SCS will degrade until a level that it may be very difficult to be recovered;
- Many species may face extinction.

I. Biodiversity, fishery resource and the environment of the South China Sea

- Causes for living resource degradation and environmental pollution in the SCS:
 - 1) Weak governance in coastal states, even in states with a relatively complete law system on the regulation of fishery, conservation and protection of marine living resource and ecological systems, and protection of marine environment;
 - 2) Difficult for coordinating and cooperating coastal states in the regulation of fishery, conservation and protection of marine living resource and ecological systems, and protection of marine environment due to territory and sea area disputes;
 - 3) Large scale island reclamation by China damages the most valuable coral ecological systems;
 - 4) Lack of an effective regional ocean governance mechanism, also due to territory and sea area disputes.

II. Ocean governance for management of fishery resource and environment at regional level

- Existing coordinating and cooperating mechanisms are not effective;
- DOC: *“refraining from action of inhabiting on the presently uninhabited islands, reefs, shoals, cays, and other features and to handle their differences in a constructive manner”* and *“Pending a comprehensive and durable settlement of the disputes, the Parties concerned may explore or undertake cooperative activities. These may include ...marine environmental protection”*.

II. Ocean governance for management of fishery resource and environment at regional level

- Ocean governance is an approach for management activities in the ocean with priorities and cooperation, coordination system.
- The governance can be implemented at global, local and national scales. The governance creates a common framework for management.
- The governance is established from constitution, regulations and conventions, international agreements on maritime activities and on the use and exploitation of natural resources, conservation and protection of marine environment and ecological systems for socio-economic development.

II. Ocean governance for management of fishery resource and environment at regional level

- International conventions that can be used for development of the governance of coasts and ocean for sustainable development: United Nation Convention on the Law of the Sea (UNCLOS), Convention on biodiversity (CBD), United Nation Framework Convention on the Climate Change (UNFCCC), Marpol 73/78 Convention etc.
- It is necessary to have regional efforts for coordination and cooperation to ensure that the management efforts cannot be segmented and divided, and with the participation of all stakeholders.
- There should be an appropriate mechanism for connecting the responsibilities of countries, international and other stakeholders.

III. Ocean governance framework for the protection of environment and biological resource in the SCS for sustainable development

- The joint efforts governance mechanism in the SCS:
 - 1) Helping states parties to understand and apply the UNCLOS for the conservation, protection and exploitation of living resource and environment in the sea under jurisdiction, and cooperate in the conservation, protection and exploitation of living resource and environment in the high sea. This also includes the scientific survey and cooperative scientific survey to determine with a reasonable accuracy the fishery resources in country's maritime area under jurisdiction, and the fishery resource in the high sea.
 - 2) Helping states parties to at least temporarily determine the maritime boundary strictly according to the UNCLOS;
 - 3) Strengthening the cooperation between states parties.
 - 4) Setting up some international conservation areas surrounding some areas under disputes, such as the Spratlys.
 - 5) Enabling joint scientific research in the sea to get data, especially data for setting up a joint sustainable fisheries management plan.

III. Ocean governance framewok for the protection of environment and biological resource in the SCS for sustainable development

- An ocean governance framework needs a clarification of sea areas under state jurisdiction, and high sea
- The mechanism is not possible now, but no start, never reaching the end;
- Judge of the Permanent Court of Arbitration in the case of the Philippines versus China may help determine the legal status of the U-shaped dotted line, then enable China to set an appropriate claims

III. Ocean governance framework for the protection of environment and biological resource in the SCS for sustainable development

- **Hopes:**

- 1) China is a large, powerful and responsible country;
- 2) Chinese scholars may help the government to understand the real situation and take appropriate actions;
- 3) Conferences, workshop, open-ended consultation processes etc may help determining details of the coordinating and cooperating mechanism.

HOPE AND TRY OUR BEST
THANK YOU

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