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### *Protecting Our Seas*

## **Marine Environmental Governance in the South China Sea**

*By Rini Astuti*

### **Synopsis**

*By meeting the UN's Sustainable Development Goal 14 on Life Below Water, parties in the South China Sea can enhance transboundary partnerships for a more sustainable approach to marine environmental governance.*

### **Commentary**

AS THE United Nations Ocean Conference meets in New York this week from 5–9 June 2017, it is imperative to restate the issue of environmental protection in the South China Sea. The Ocean Conference will discuss the strategies, challenges, and issues in achieving Goal 14 of the Sustainable Development Goals (SDGs) *Life Below Water*. Goal 14 of the SDGs is to conserve and sustainably use the oceans, seas and marine resources. The goal provides a path for nations to collaborate to achieve the target of sustainably managing and protecting marine and coastal ecosystems to avoid significant adverse impacts.

The SDG 14 also aims to reduce the rate of Illegal, Unregulated and Unreported (IUU) fishing to replenish fish stocks, especially in the contested waters where actors are competing to extract resources due to the absence of management bodies and monitoring apparatuses. Goal 14 urges governments to enhance collaboration in scientific studies to strengthen conservation of marine species and evidence-based policy making. Most importantly, Goal 14 encourages nations to implement and respect the United Nations Convention on the Law of the Sea (UNCLOS) as basic guidance on the sustainable use of oceans and their resources.

## **Tragedy of the Commons in the South China Sea**

The South China Sea provides enormous economic resources for its ten surrounding countries. It is predicted that more than four million fishers depend on this region. Contributing 12% of the total global fishing catch in 2012, the disputed water is worth US\$21.8 billion per annum from its fishery sector alone. However, a study by scientists from the University of Wollongong and the University of British Columbia found that under a 'business as usual' scenario, the ocean species in the South China Sea will deteriorate up to 59% by 2045. The scientists further agree that over the last three decades the fish stock has decreased by a third, while coral reefs declined at a staggering rate of 16 % in the past 10 years.

Environmental degradation in the South China Sea has reached an alarming point, with reported 162 square kilometres of coral reef destruction and wildlife poaching, including the capture and sales of endangered sea turtles, giant clams and sharks. Studies have found that the reclamation of islands and military infrastructure development are the culprits behind the destruction of the coral ecosystem. Meanwhile, the food industry and the market for exotic medicine boost the IUU fishing in the South China Sea.

The disputed region has always been in the limelight with various actors trying to pursue their interests both in their geopolitical and economic agendas. Despite the global outcry for parties to heed environmental protection commitments, such commitments have always been peripheral; cast aside by issues of geopolitical concerns. Centering the agenda on marine environmental protection becomes imperative to avoid a "tragedy of the commons", where despite knowing the detrimental effects of overexploitation of a shared resource, parties still act in their own immediate and selfish interests.

## **Enhancing Transboundary Partnership**

The latest climate change governance commitment, the Paris Agreement, provides an example for effective transboundary marine governance. The Agreement has been widely acknowledged as successful in driving political action and creating a tipping point for global collaboration. It stresses the collective responsibilities of all countries in addressing climate change while respecting nations' differentiated capacities.

By learning from the climate change accord, countries in the South China Sea need to gather leaders of the 10 neighbouring countries and have them accept that urgent action is required to mitigate ecological degradation in the region. The question that arises is where do they start? Firstly, the governments need to engage with scientists and non-governmental organisations to set up the common objective of protecting marine environmental ecosystem. The objective has to take into consideration the goals of SDG 14 and rely on scientific evidence for a rigorous regional policy. Various regional mechanisms have been established to address marine ecological degradation in East Asia and other regions.

These mechanisms are, for example, ASEAN Working Group on Coastal and Marine

Environment, the ASEAN Maritime Forum, the Coral Triangle Initiative, Partnerships in Environmental Management of Seas in East Asia, and the UN-led Coordinating Body on the Seas of East Asia.

### **Need for New and Bolder Commitments**

The most pressing issue is, therefore, to strengthen the existing mechanisms with new and bolder commitments. Following the example of the Paris Agreement, each state can be encouraged to come forward with a pledge to achieve the common objective of sustaining the South China Sea marine ecosystem. A joint periodic monitoring and reporting system can ensure the effective implementation of marine conservation.

Scientists suggest the policymakers to harness technological innovation and big data to create an effective monitoring system. An initiative such as Global Fishing Watch aims for ocean transparency where citizens with Internet access, journalists, environmental activists, and other concerned parties, can monitor commercial fishing around the world. The availability of advanced technology coupled with democratisation of data can help in creating smarter decisions for marine protection and reducing unsustainable fishing practices.

Secondly, the call for action has to be broadened to also involve the private sector, especially the fisheries and food industries. The private sector is one of the significant drivers of sustainable economic growth and will play an important role in achieving the SDG 14 Goal. Improving fisheries' traceability in the region, in which the companies provide information on the sources of their fish products can combat IUU fishing, and reduce pressure on the marine resources in the South China Sea.

Another effort to bring governments and industries together is through the notion of the Blue Economy - a set of sustainability principles in managing economic development in the oceans. Inclusivity, biodiversity protection and environmental justice are among the many principles that signify the economic concept coined by Professor Gunter Pauli.

Lastly, the marine governance architecture that takes into account notions of both procedural and substantive justice is what is needed to sustain the South China Sea. A multitude of aspects needs to be taken into consideration to create an ecologically sound conservation strategy without sacrificing millions of small-scale fishers whose livelihoods depend on the contested region.

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