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### *Protecting Our Seas*

## **Marine Environmental Protection and Cooperation: An ASEAN-China Framework?**

*By Julius Cesar Trajano*

### **Synopsis**

*Marine environmental protection (MEP) in the South China Sea may hold the key to building mutual trust and confidence among claimant states. ASEAN together with China may form a cooperative management framework with MEP as one of its main pillars.*

### **Commentary**

AS ASEAN marks its 50th anniversary, the South China Sea disputes remain a critical security issue, effectively testing the unity and centrality of the regional organisation. Eager to contain an escalation in the maritime disputes, China and ASEAN recently finalised in May 2017 a draft framework of the Code of Conduct of the Parties in the South China Sea.

Despite the collective efforts of ASEAN and China to ease the tensions, the marine environment in the disputed waters continues to be problematic, without an overarching marine environmental regime framework. The international arbitral ruling at The Hague on the South China Sea acknowledged the irreparable destruction of the coral reef ecosystem due to clam-coral poaching, overfishing, land reclamation and illegal fishing activities in the South China Sea. But MEP remains the most ignored aspect of the regional maritime disputes. The issue of MEP can serve as a starting point of constructive dialogue for cooperation among claimant states with ASEAN as the main driver.

### **Why ASEAN and China Should Cooperate on MEP**

The South China Sea is one of the world's most diverse global marine ecosystems, hosting 76 percent of the world's coral species and 37 percent of reef-fish species. According to the Southeast Asian Fisheries Development Centre (SEAFDEC), each decade, 30 percent of seagrass, 16 percent of mangrove, and 16 percent of live coral cover are lost due to unsustainable exploitation by the more than 270 million people living along its coast.

Marine scientists estimated that human activity had destroyed 16,200 hectares of coral reefs, nearly 10 percent of the total reefs in the South China Sea. Filipino marine scientist Prof Edgardo Gomez estimated that the current rate of reef destruction means that the South China Sea littoral states suffer US\$5.7 billion a year in potential economic loss. The transboundary impact of degrading marine ecosystem in the South China Sea should not be underestimated.

Evidently, while a regional regime governing MEP in the South China Sea may be difficult to achieve due to the disputes, a regional cooperative strategy to identify a course of action is necessary. It should be premised firstly on the understanding reached in the 2002 Declaration on the Conduct of Parties in the South China Sea: "Pending a comprehensive and durable settlement of the disputes, the Parties concerned may explore or undertake cooperative activities. These may include the following: a. marine environmental protection; b. marine scientific research..."

Secondly, The ASEAN Socio-Cultural Community Blueprint 2025 encourages member states to "[p]romote cooperation for the protection, restoration and sustainable use of coastal and marine environment, respond and deal with the risk of pollution and threats to marine ecosystem and coastal environment..."

### **ASEAN Marine Protected Areas**

ASEAN with China may consider establishing marine protected areas (MPAs) and networks of MPAs through joint mapping of all natural resources, habitats, and human activities in the South China Sea. An MPA involves the protective management of coral reefs, mangrove forests and seagrass, including marine wildlife. MPA is not a new concept in ASEAN.

Individually, since the 1990s, Southeast Asian states have designated MPAs along their coastlines, but none so far have extended their MPAs to the South China Sea. ASEAN signed the ASEAN Declaration on Heritage Parks and Reserves in 1984, and agreed to designate 11 protected areas to be inscribed as the ASEAN Heritage Parks (AHP) which also include coral reef and marine protected areas.

ASEAN Member States and China can build on existing marine ecosystem protection through MPAs, but it needs to be expanded beyond coastal and inshore areas to include the South China Sea. But participating states should have mutual understanding that establishing MPAs in the South China Sea is without prejudice to individual sovereignty claims.

### **Specialised Regional Networks**

There are also specialised ASEAN sectoral bodies that may serve as platforms for proposing MEP cooperative frameworks. Hoping to elevate coastal and marine protection in the region, the ASEAN Working Group on Coastal and Marine Environment (AWGCME) has just recently proposed the integration of all regional environmental efforts for both land and water ecosystems, given that both ecosystems are interconnected.

This Working Group may be a good avenue to further engage China and other Dialogue Partners to pool resources and expertise in managing marine life in the South China Sea.

There should be enhanced cooperation among the region's coast guards and maritime enforcement agencies, with increased focus on prevention of human activities that destroy the South China Sea's marine environment.

The ASEAN Maritime Forum and specially ASEAN Coast Guard Forum (ACGF) currently serve as a platform for dialogue among the ASEAN coast guards and maritime law enforcement agencies; however, a framework for MEP cooperation among them is still lacking. If Chinese maritime agencies are invited to participate in ACGF, it could be another platform where China can be constructively engaged by ASEAN to forge greater collaboration necessary to deal with MEP and sustainable fishing management.

ASEAN and China may also consider the establishment of a regional network of marine scientists and sharing of scientific data. There was an attempt to do so through the UN Environment Programme South China Sea project, *'Reversing Environmental Degradation in the South China Sea and Gulf of Thailand'* which started in 2002 and ended in 2008.

It achieved some positive outcomes, particularly the increased collaboration among the scientists of participating countries, but increased geopolitical tensions prevented the momentum of scientific cooperation to be translated to tangible regional policy on MEP in the South China Sea.

### **Geopolitics versus Marine Environment**

The 'depoliticisation' of MEP, viewed as a "softer issue" than joint oil and gas development, in the South China Sea may hold the key to building mutual trust and confidence among claimant states. Instead of further militarising the troubled water, ASEAN together with China may form a cooperative management framework in the South China Sea with marine environment protection as one of its main pillars.

As the marine environment in the South China Sea has been quickly degrading, it has become more urgent for relevant states to separate geopolitics or sovereignty claims from the need for crucial civil maritime cooperation on non-traditional security issues, primarily MEP. The urgency of accelerating marine conservation in the South China Sea can hardly be overstated.

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