



Fisheries cooperation in the South China Sea: Evaluating the options

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ABSTRACT

Given the complicated nature of the South China Sea (SCS) disputes, resolving the disputes in the foreseeable future remains highly unlikely. Proper management of these disputes to ensure stability in the South China Sea becomes a priority. There is a general consensus that the best approach for managing the disputes in the SCS is to set aside the sovereignty disputes and jointly develop and manage the natural resources, such as fisheries. While advancing fisheries cooperation in the SCS has been increasingly recognized as a political, ecological, socio-economic and security imperative, two crucial questions remain insufficiently addressed: what objectives should be achieved via fisheries cooperation in the SCS and are the prevailing fisheries cooperation options feasible and effective in achieving these objectives? The author makes the case that three primary objectives need to be accomplished, namely, 1) achieving food security and economic development, 2) ensuring sustainable fishery and protecting marine environment, and 3) preventing fishing conflicts and disputes. Using these three objectives as evaluation criteria, the author then investigates the feasibility and effectiveness of three prevailing options, including Marine Protected Areas (MPA)/Marine Peace Park, Regional Fishery Management Organizations (RFMO), and aquaculture.

1. Introduction

Given the complicated nature of the South China Sea (SCS) disputes which involve multiple parties with disagreements over sovereignty of the islands or rocks, maritime delimitation, resources utilization as well as other matters, resolving the disputes in the foreseeable future remains highly unlikely. Proper management of these disputes to ensure stability in the South China Sea, thus, becomes a priority for the claimant parties as well as the international community [1]. There is a general consensus that the best approach for managing the disputes in the SCS is for the claimant parties to set aside the sovereignty disputes to focus on joint development and management of the natural resources, which is also the concept promoted by Deng Xiaoping, the late paramount leader of China in the 1980s [2–10]. In late April 2017, during an exclusive interview ahead of his visit to the ASEAN Summit, Indonesian President Joko Widodo proposed that joint projects in maritime research and the fishing industry could be a building block for a Code of Conduct in the South China Sea [11]. Similarly, a Task Force on U.S.-China Policy- a group of prominent China specialists from the United States-suggested functional cooperation in fisheries management, resource exploitation, and environmental protection to manage the SCS disputes [2]. Furthermore, according to Article 123 of the 1982 United Nations Convention on the Law of the Sea (UNCLOS), the States of a semi-closed sea such as the SCS “should cooperate” with one other

in the area of fisheries [4,12].

Theoretical and empirical evidence generally shows that effective cooperation on the issues of low politics, such as fisheries cooperation, can generate strategic trust needed for cooperation on matters of high politics, territorial issues in particular [4,6,9,12–14]. It is, therefore, advisable that the states in the SCS region start with issues of low political sensitivity, simple implementation, and common needs. Examples include conservation and management of fisheries resources, protection of the marine environment, and joint marine scientific studies. In fact, in recent years, fisheries cooperation of various forms has been undertaken by SCS countries, particularly at the bilateral level. In the aftermath of the SCS Arbitration, China held talks with Philippines, Indonesia, Malaysia, Vietnam, and other Southeast Asian countries on shared rights to fish and harvest fossil fuels in the disputed South China Sea [15,16]. In particular, some sort of provisional fishery agreement appeared to be reached among China, Philippines and Vietnam in the Scarborough-once a synonym for the South China Sea tension [17].

Although advancing fisheries cooperation in the SCS has been increasingly recognized as a political, ecological, socioeconomic and security imperative and various policy options have been proposed by scholars, commentators, and security analysts [3–9,18–22], two crucial questions remain insufficiently addressed: what objectives should be achieved via fisheries cooperation in the SCS, and are the prevailing options feasible and effective in achieving these objectives? To close

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this gap, the author makes the case that there should be three primary objectives that need to be accomplished in the SCS, namely, 1) achieving food security and economic development, 2) ensuring sustainable fishery and protecting marine environment, and 3) preventing fishing conflicts and disputes. Hence, all three objectives should serve as the evaluation criteria for feasibility and effectiveness of these policy options. The rest of the paper is organized as follows. Section two discusses the importance of fisheries cooperation in the SCS, and section three lists the three primary policy objectives for fisheries cooperation in the SCS. Using these three key objectives as evaluation criteria, section four investigates the feasibility and effectiveness of three major fisheries cooperation proposals, namely Marine Protected Areas (MPA)/ Marine Peace Park, Regional Fishery Management Organizations (RFMO), and aquaculture. In the conclusion section, some new ideas are presented.

2. The importance of fisheries cooperation in SCS

2.1. Fishery incidents emerge as a key maritime threat

Illegal, unreported, and unregulated (IUU) fishing has clearly emerged as a key maritime threat to Asian seas, including the SCS [23]. With annual catch production accounting for over 10 percent of global total, the fishery resources are very important to population of 190 million in the coastal areas of the SCS, where over 77 percent rely on pelagic fishery resources for their daily protein intake and livelihood. However, since the 1980s, IUU fishing has caused overfishing and marine environmental destruction [24]. According to the Indonesian Minister of Marine Affairs and Fisheries-Susi Pudjiastuti, the eradication of IUU fishing is necessary not only because it costs the country over USD 20 billion annually, but also because IUU fishing is often a vehicle for other crimes, such as people smuggling, drugs smuggling, and slavery” [25].

Similarly, Malaysia is very concerned about IUU fishing that occurs within its national jurisdictions and the high seas. IUU fishing results in widespread environmental, social, and economic consequences [26]. In the case of the Philippines, figures released by the country's Bureau of Fisheries and Aquatic Resources showed that illegal fishing caused overfishing in 10 out of 13 major fishing grounds surveyed in the country. As a result, in January 2017, the Philippines' government announced that it will clampdown on illegal fishing in a campaign that is as severe as President Duterte's war on drugs and criminality [27].

Apart from IUU fishing, fishery disputes and maritime incidents involving fishermen in the SCS pose acute threats to the maritime security and stability in the SCS. In recent years, as lingering sovereignty and maritime boundary disputes get increasingly entangled with increasing competition for the limited fishery resources, a growing number of maritime incidents involving regional fishermen in the SCS have been reported [28,29]. Some maritime incidents even triggered diplomatic and security tension between in the SCS. For instance, the Philippine Navy's arrest of Chinese fishing vessels in the disputed Scarborough Shoal in April 2012 resulted in the month-long standoff between Philippine warships and Chinese ships [30]. Moreover, the fishing incident off the Natuna islands on 19 March 2016 led to serious diplomatic tensions between China and Indonesia [31].

In fact, illegal fishing and fishery disputes constitute a particularly common pair of issues at the heart of many militarized disputes even between the developed countries. For decades, the “Western world” has been hailed as a community of states approaching the ideal of a zone of democratic peace as no other region. However, there have been incidents within this community where force was threatened or even used almost always took place in the context of fishery disputes. It is estimated that since the end of World War Two, fishing disputes involving a North American or Western European democracy comprised nearly 90 percent of disputes [32]. Between the 1950s and 1970s, Iceland and Britain had engaged in a series of clashes over fishing rights in Icelandic

waters. The peak of the Cod Wars saw armed clashes resulting in several cases of injuries and casualties after 37 Royal Navy warships were dispatched to protect British trawlers fishing in the disputed waters. In the 1980s, Canada and France, for example, fought two militarized disputes over French fishing vessels exceeding the limit on cod catches in a disputed fishing zone near Newfoundland [33]. Another example is the Turbot War, the Canada-Spain dispute over Northwest Atlantic fisheries conservation in 1995. Hence, history shows that even though fishing is not the root cause of disputes over sovereignty in the SCS, it could result in a full-fledged crisis or even an armed conflict in the SCS [34].

2.2. Fishery offers great potential for cooperation in the SCS

Fisheries could also be used as a vehicle for fostering cooperation on both bilateral and regional levels in the SCS. Very often, fisheries are seen as a more “neutral” area which is capable of stimulating cooperation more easily than cooperation in the military field, sovereignty-related issues or even oil and gas exploration. For decades, while joint development has been considered as the most important approach to manage the SCS disputes, previous attempts has been focused mostly on joint development of the hydrocarbon resources. However, due to a variety of reasons previous attempts has been focused on joint development of the hydrocarbon resources has proven to be very difficult, as in the case of the failed tripartite agreement related to joint research of petroleum resource in 2005. Fisheries cooperation is arguably easier than joint oil and gas development in the SCS for several reasons. Fish does not respect borders, and some of the fishery species in the SCS such as tuna and tuna-like fish are highly migratory. As regional fishermen often target the same groups of fish, regional fishery faces common threats of overfishing and climate change. Overfishing beyond a country's borders could also have great impact on the fish stocks within its territorial boundaries. Without cooperation and coordination, if regulations and enforcement increase in one area, fishing pressures will normally increase in other areas [35]. This means in general, fisheries cooperation among countries is not a choice but a necessity.

In fact, various forms of fisheries cooperation arrangement already exist in the SCS region in spite of rising tensions. At broader regional level, most of the SCS countries are members of the Asia-Pacific Fishery Commission (APFIC) which was established in 1948 by the Food and Agriculture Organization of the United Nations. At ASEAN level, the Southeast Asian Fisheries Development Center (SEAFDEC), an autonomous inter-governmental body, was established in 1967 with the mandate of developing and managing the potential of fisheries in the region. At the bilateral level, China and Vietnam signed the Gulf of Tonkin Fishery Agreement in 2000 to undertake measures to preserve, manage, and sustain the utilization of the living resources in the common fishing zone. In September 2004, China and Philippines signed the Memorandum of Understanding on Fisheries Cooperation related to fishing, sea water aquaculture, and aquatic product processing.

Furthermore, a fishery arrangement for regulating current activities is better than introducing new activities to an already complicated region. Developing fishery resources can be less costly than undertaking joint oil and gas exploitation [7]. Making a decision to engage in a capital-intensive project such as petroleum exploration and exploitation is clearly a time-consuming process which requires a measure of confidence among the parties. According to Lagoni [36], provisional arrangements on the exploration and/or exploitation of the natural resources of the continental shelf face much greater problems than exploitation of fishing resources. Making use of these resources require considerable time, funds, clear legal circumstances, and political stability. Therefore, in the case of the SCS, fisheries cooperation arrangement may be more feasible, which could then pave the way for more high-profile projects in the future.

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