

# **Sustainable Management of Pelagic Fisheries in the South China Sea Region**

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# Outline

- Geo-political situation in the SCS region
- Pelagic fisheries in the SCS region
- Sustainable management of pelagic fisheries in the SCS region
- Potential approaches towards the sustainable management of pelagic fisheries in the SCS region
- Conclusion

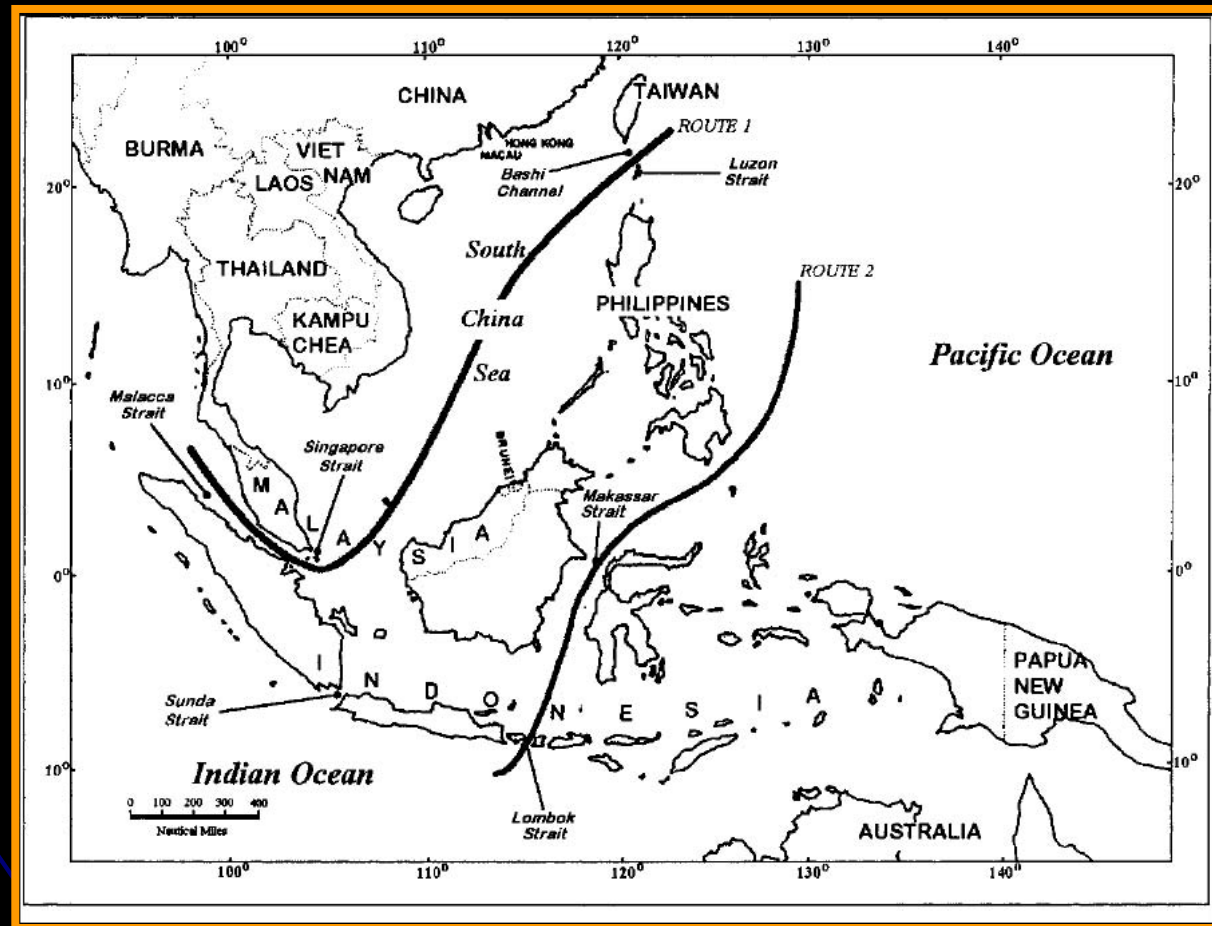
# Geography of the SCS

- 9 Countries
- Large Marine Ecosystem
- Semi-enclosed sea
- Covering 3,500,000 square km
- Over 200 identified islands and reefs



# Importance of the SCS region

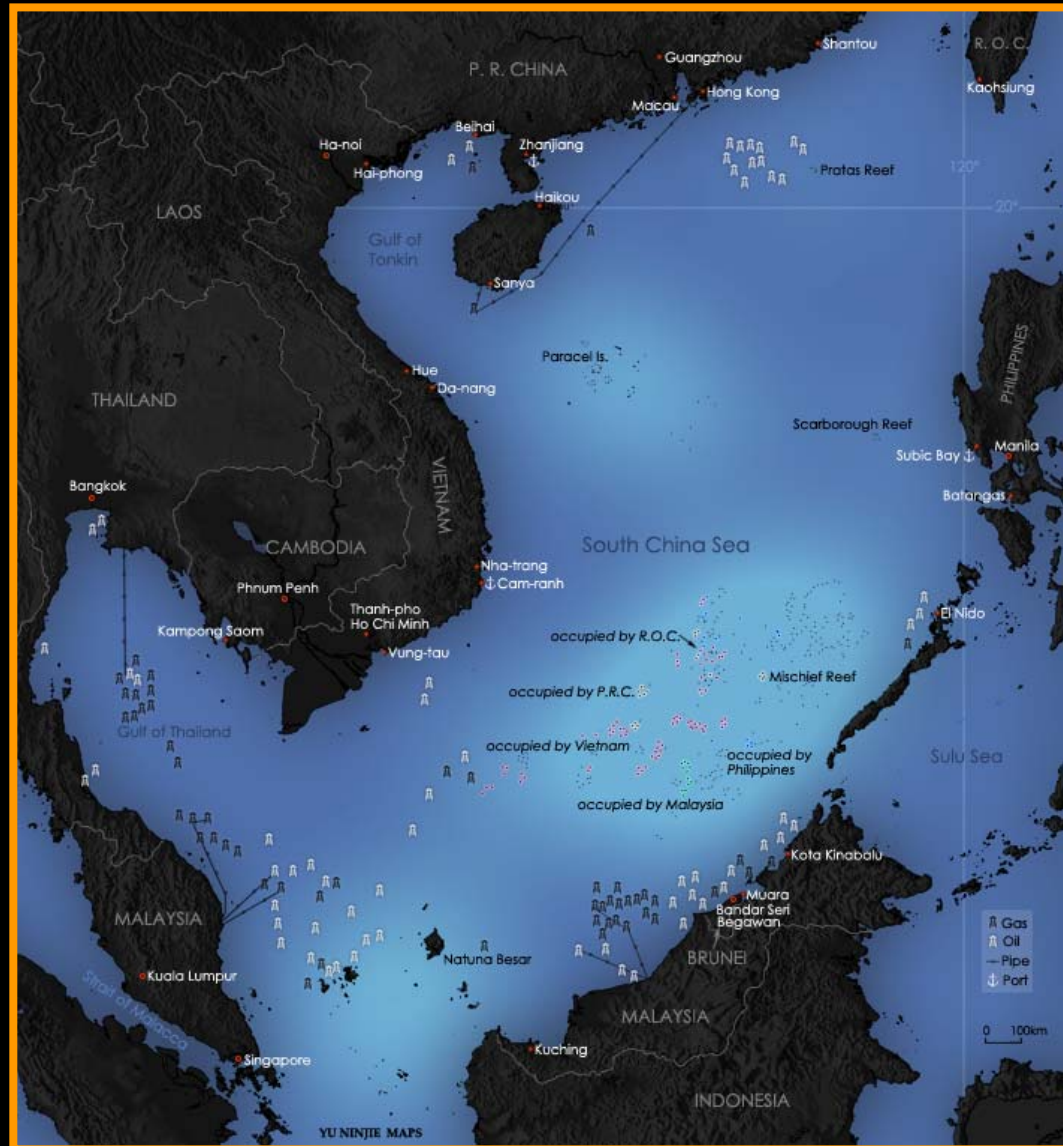
- Strategic points



2 main sea lanes link NE Asia & Western Pacific to the Indian Ocean and Middle East

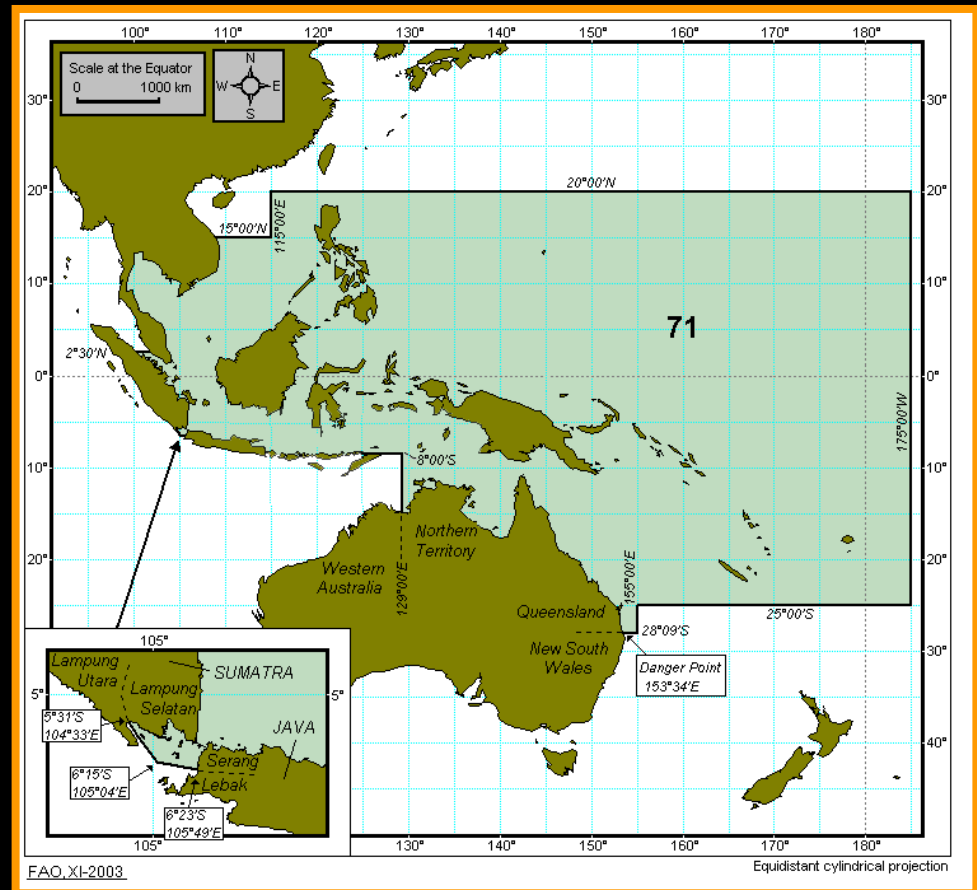
# Importance of the SCS region

- Hydrocarbon resources (oil, gas)

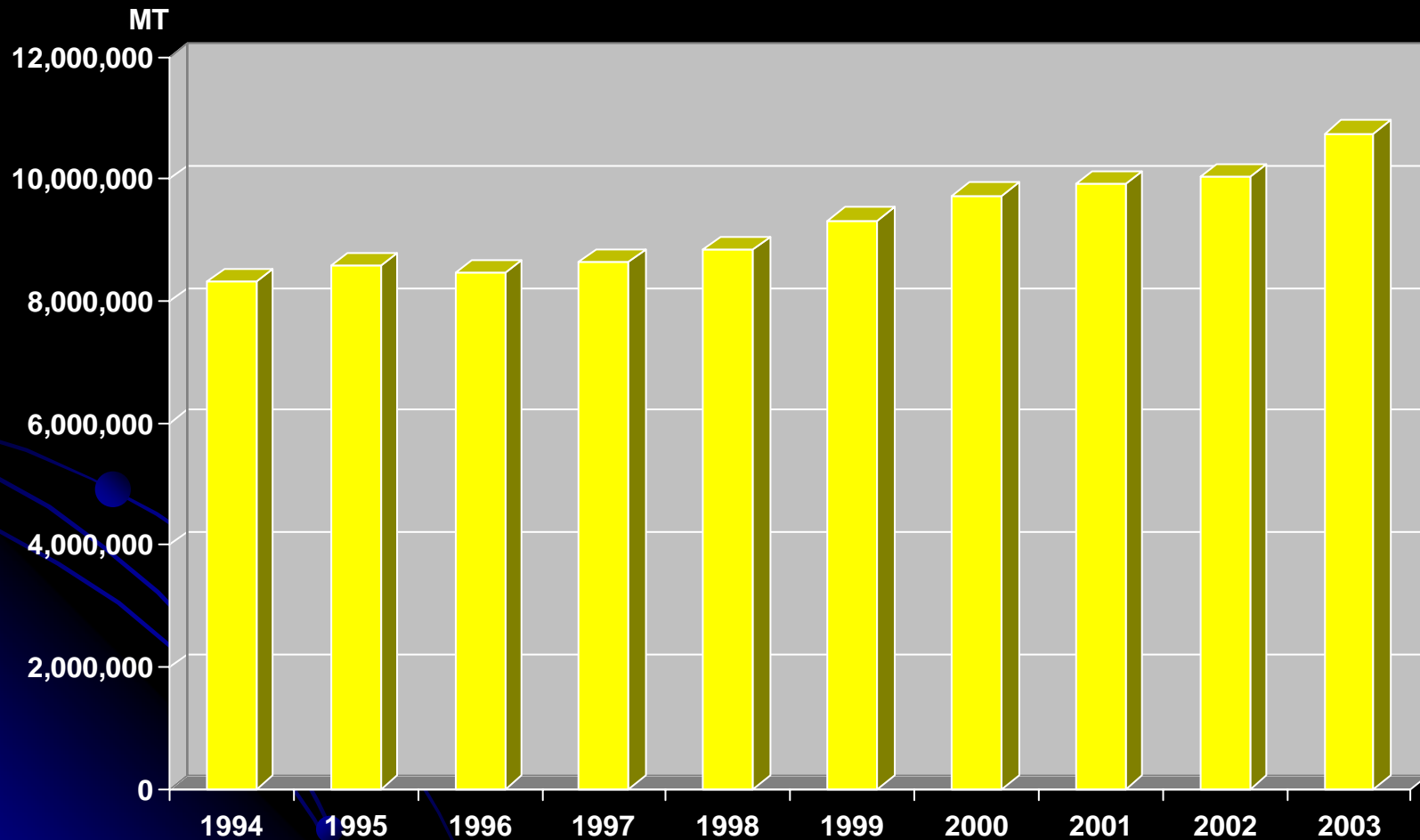


# Importance of the SCS region

- Fisheries resources
  - High productivity
  - High diversity
  - Fishery production (Area 71) : majority with EEZs of SCS countries



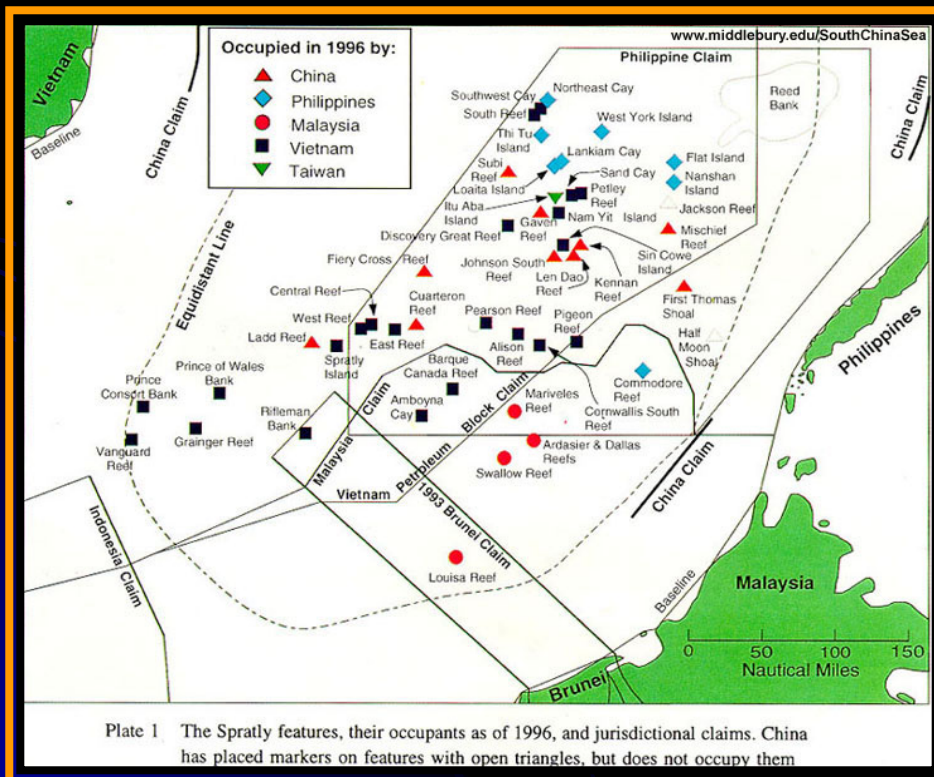
# Total fishery production by countries in the SCS region



Source : FAOStat Data

# Disputes in the SCS region

- 2 Aspects
  - Maritime boundary disputes
  - Territorial disputes
- Spratly Islands
  - China
  - Philippines
  - Malaysia
  - Vietnam
  - Taiwan

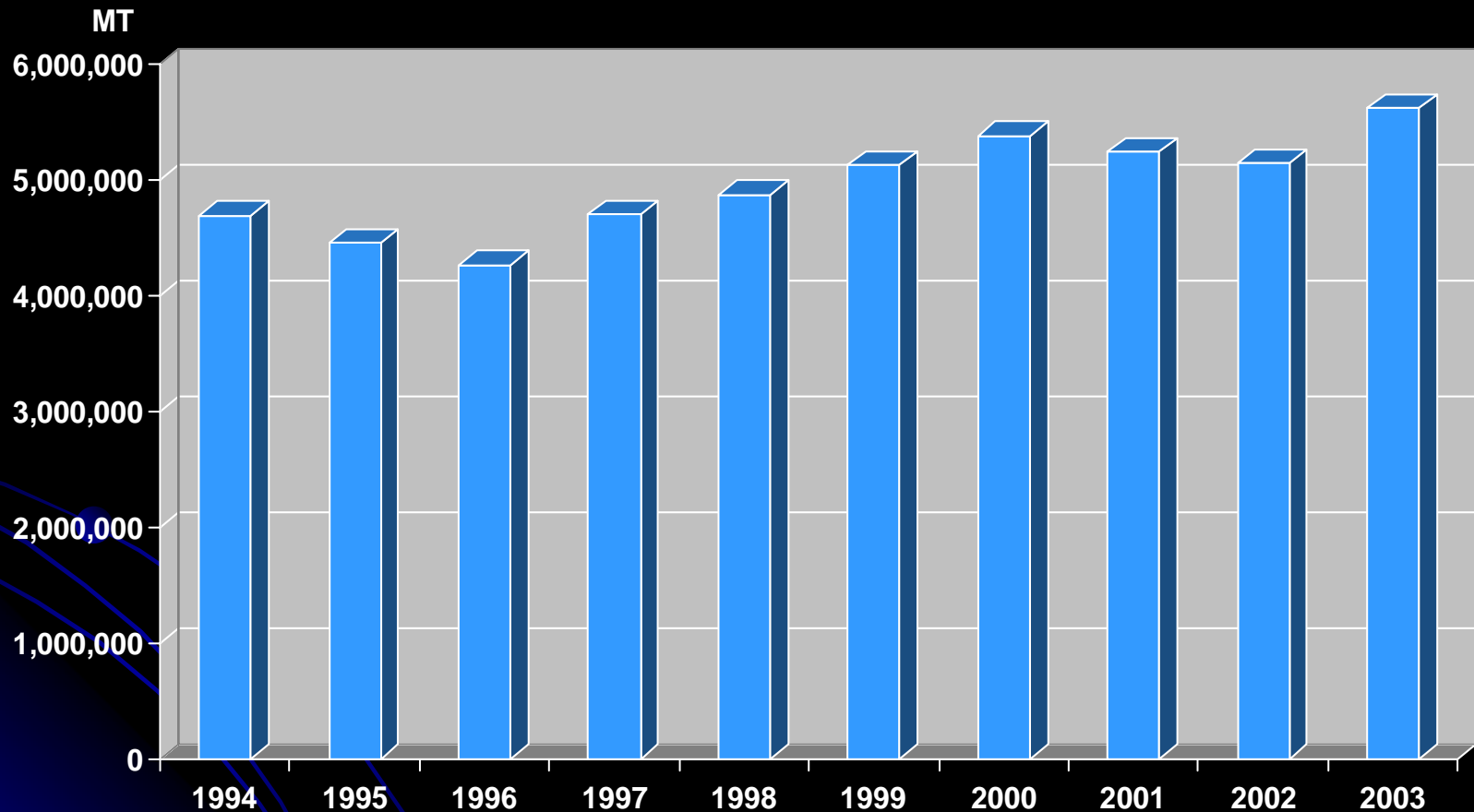




# Pelagic Fisheries in the SCS Region

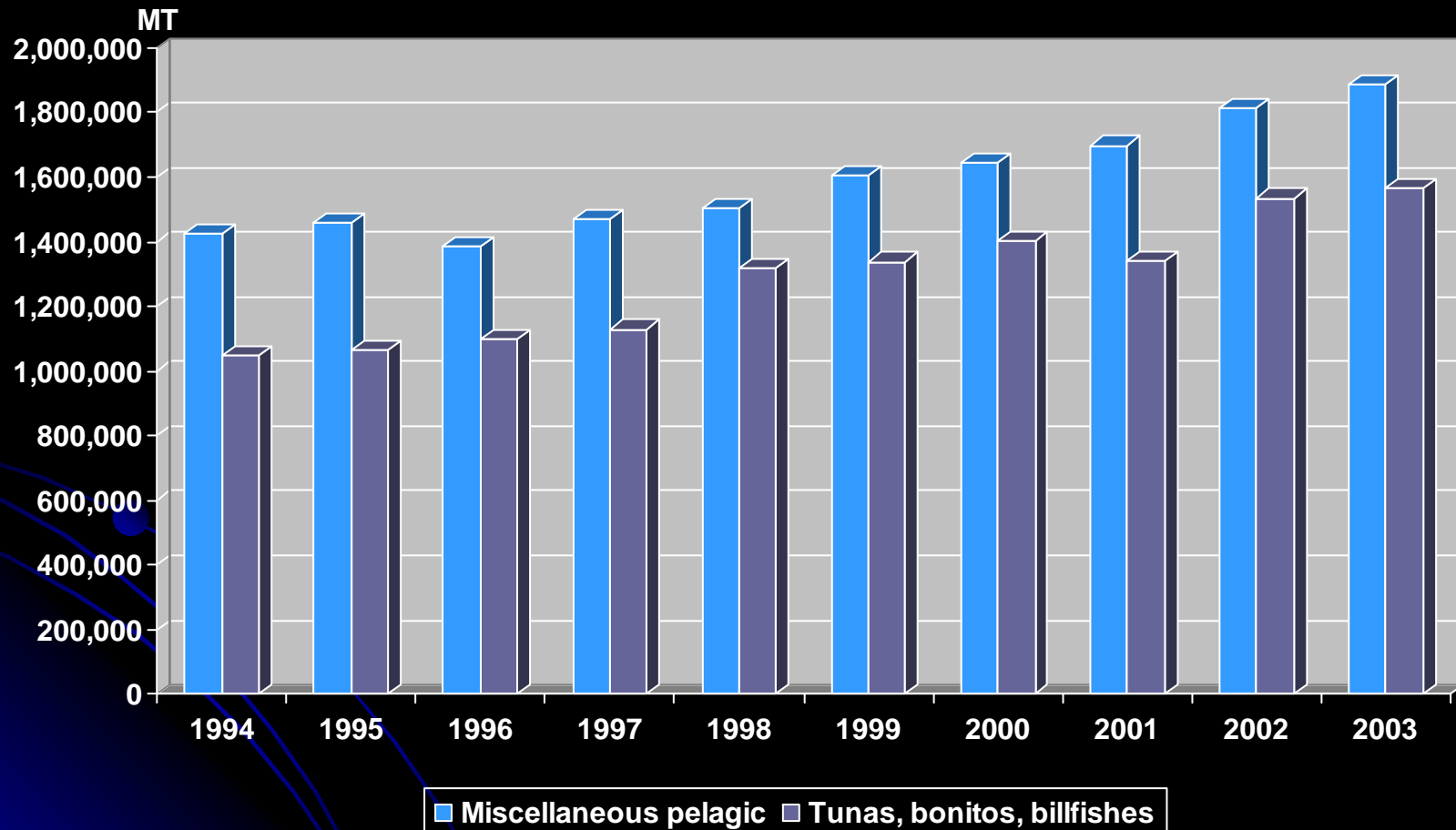
- Fisheries status in the SCS region
  - Food security & economies
  - Fish per capita 26.1 kg/year (World 16.3 kg/year, 2000-2003)
  - Contribute to employment and income
  - Top fishery exporters
  - Many varieties of fishing gears

# Fish landings in the SCS region



Source: University of British Columbia Fisheries Center

# Pelagic fishery production by countries in the SCS region



Source : FAOStat Data

# Sustainable Management of Pelagic Fisheries in the SCS Region

- Aspects of pelagic fisheries management problems
  - Resources aspects (multi-species, MSY)
  - EEZ delimitation aspects (fishing disputes)
  - Fisheries aspects
    - Overexploitation & overfishing
    - Excess fishing capacity
    - IUU fishing

# Sustainable Management of Pelagic Fisheries in the SCS Region

- Regional instruments
  - SEAFDEC : Information Collection for Sustainable Pelagic Fisheries in the SCS Program  
(Brunei, Cambodia, Indonesia, Malaysia, Philippines, Singapore, Thailand, Vietnam)  
Conference by the end of 2006

# Sustainable Management of Pelagic Fisheries in the SCS Region

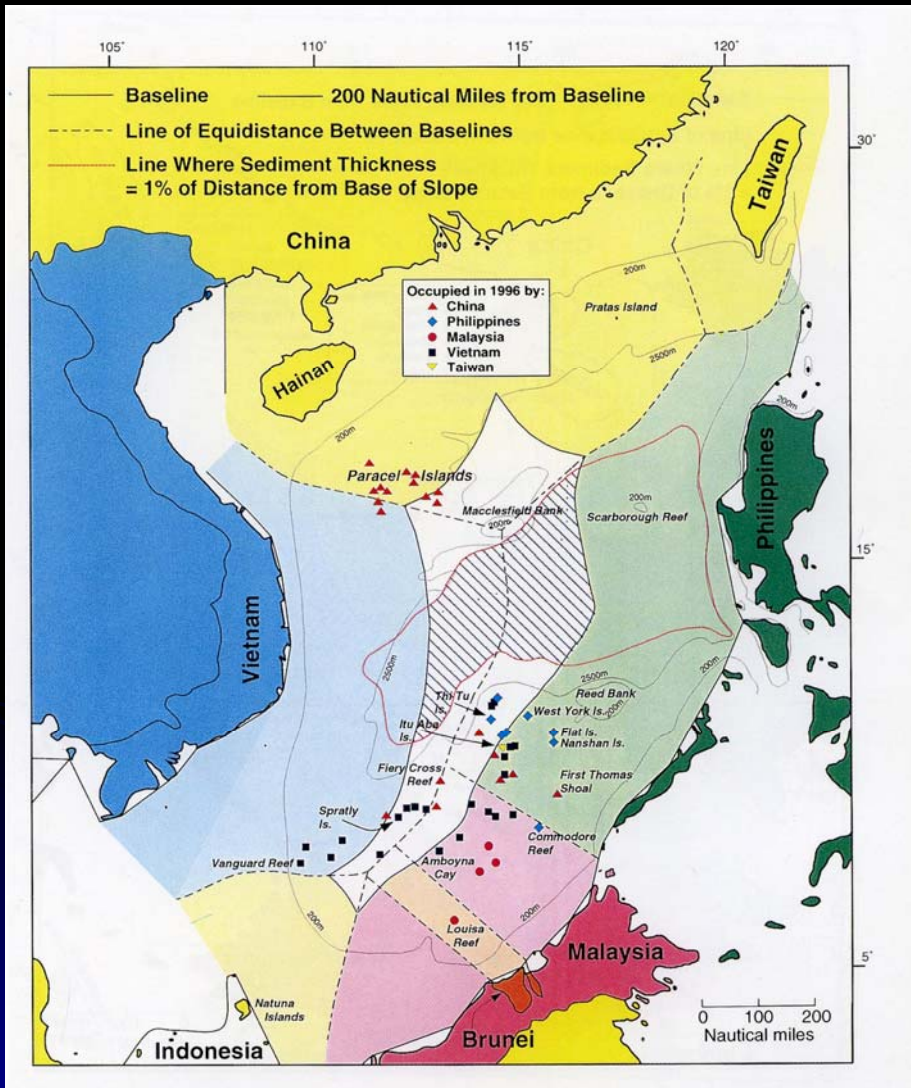
- International instruments
  - The Law of the Sea Convention
  - The 1995 UN Fish Stocks Agreement
  - The Compliance Agreement
  - The Code of Conduct
  - The FAO International Plans of Action
    - IPOA-SEABIRDS
    - IPOA-SHARKS
    - IPOA-CAPACITY
    - IPOA-IUU

- The 1982 United Nations Convention on the Law of the Sea
  - Came in to force 1994.
  - Sets new legal frameworks for marine fisheries and environmental protection.
    - 320 Articles, 9 Annexes
    - Revolutionary features: EEZ, High Sea, Dispute resolution, ITLOS
  - 152 parties including all SCS States except **Cambodia & Thailand** (as at 8 November 2006)

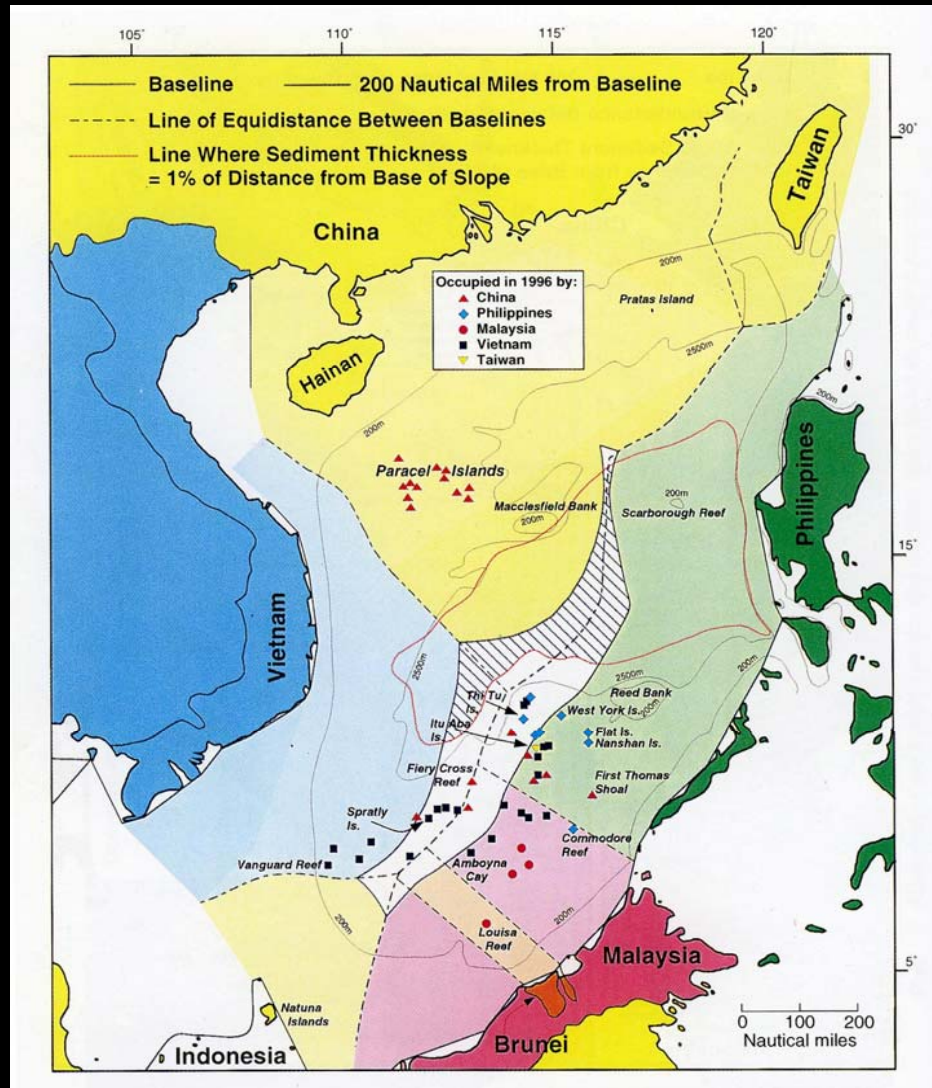
- The 1995 UN Fish Stocks Agreement
  - Since adoption of LOSC & establishment of EEZ **so** Catches of straddling fish stocks & highly migratory fish stocks **increasing**.
  - LOSC is too general, may not sufficient.
  - UNCED (Rio, 1992)
  - Adopted on 4 August 1995.
  - Elaboration of the LOSC dealing with conservation & management of...
  - 62 parties, **none of SCS States** (as at 8 November 2006)



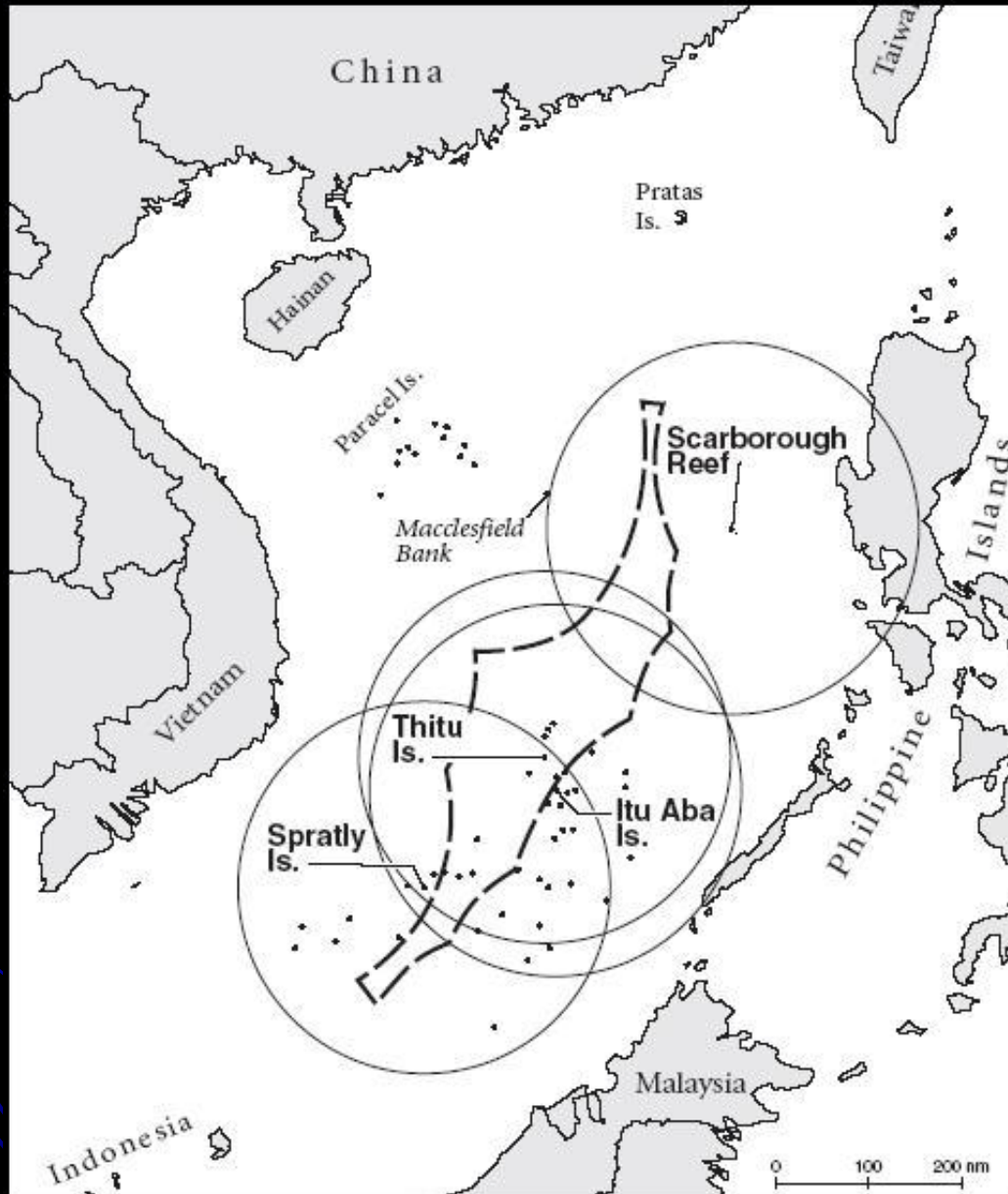
Are there “high seas” in the SCS?



Ignoring the Spratly Islands & the Paracel Islands



Ignoring only the Spratly Islands



Consider the effect of extending EEZs from the Spratly Islands

- **The Compliance Agreement**
  - Approved by FAO Conference at its 27th session, 24 November 1993.
  - Entered into force 24 April 2003.
  - Fits within framework of multilateral, regional & bilateral agreements.
  - Aims to deter the practice of re-flagging fishing vessels & IUU fishing.
  - By strengthening the responsibilities of flag States.
  - 35 parties, **none of SCS States** (as at 8 November 2006)

- The 1995 Code of Conduct for Responsible Fisheries
  - Adopted at 28th session of FAO Conference on 31 October 1995 by 170 members.
  - Voluntary
  - Aims to establish principles for responsible fishing to ensure the effective conservation, management and development of living aquatic resources.
  - 52 members having fisheries management plans that incorporate of the Code.
  - SEAFDEC : Project on Regionalization of the Code of Conduct for Responsible Fisheries.

- The FAO International Plans of Action
  - FAO Committee on Fisheries (COFI)
  - To manage the concerned issues in compliance with the Code.
  - Voluntary
  - 3 IPOAs adopted in February 1999.
    - IPOA-SEABIRDS
    - IPOA-SHARKS
    - IPOA-CAPACITY
  - 1 IPOA adopted in March 2001.
    - IPOA-IUU

- IPOA-SEABIRDS

- Apply to all States engage in longline fisheries.
- Key longline fisheries for incident seabirds, ex. tuna, swordfish, billfish.
- Set out the activities for States, assessment the problem, adopting NPOA-SEABIRDS.
- In SCS region, this problem has not been reported.

(Southern Ocean, North Atlantic, North Pacific)

## ● IPOA-SHARKS

- Apply to all States engage in shark fisheries.
- Set out the activities, assess the problem, adopt NPOA-SHARKS.
- In SCS region, shark fisheries have been conducted for decades, and are increasing.
- Problems: Lack of accurate data on catch, effort, discards, trade data and Stock Assessment Report. (None NPOA)
- SEAFDEC : Report on the Study on Shark Production, Utilization and Management



## ● IPOA-CAPACITY

- Apply to all States engage in capture fisheries.
- Set out the **urgent actions** and identifies mechanisms to promote the implementation.
  - Assessment and monitoring of fishing capacity.
  - Preparation and implementation of national plan.
  - Having international considerations.
- 9 countries have national plan, 42 countries are in processes of drafting the plan.

## ● IPOA-IUU

- Apply to all States and all fishers.
- Contain the implementation of measures to prevent, deter and eliminate IUU fishing.
- Focus on all State responsibilities (flag State, coastal State, port State), as well as internationally agreed market-related measures, research and regional fisheries management organizations.
- 35 States have developed the plans.

It is obvious that ...

- Management only at the national level is not enough.
- However sustainable use need to be applied with specific fisheries instruments at international, regional and national level. So...

**Potential Approaches towards the Sustainable Management of Pelagic Fisheries in the SCS Region are...**

# Ratification and implementation of the international fishery instruments

- The SCS States should be seriously encouraged to ratify or accept and implement the international fishery instruments which are...
  - The Law of the Sea Convention
  - The 1995 UN Fish Stocks Agreement
  - The Compliance Agreement
  - The Code of Conduct
  - The 4 FAO International Plans of Action

Why?...

- The Law of the Sea Convention
  - One of the most comprehensive international treaties.
  - Basis of the other international agreements.
  - Providing the legal framework.
  - Granting coastal States sovereign rights over living resources in their EEZs and protecting them, promoting scientific research.
  - Disadvantages for non-party States : international fisheries & freedom of navigation.
    - Thailand vs. Malaysia

- Others international fishery instruments

- Support and elaborate on the rights and obligations under the LOSC which is also necessary.

# Cooperation in the conservation and management of marine resources

- LOSC, in Article 123, provides that States bordering an enclosed or semi-enclosed sea should cooperate with each other in the exercise of their rights and in the performance of their duties under the LOSC.

So the SCS States should...

- Coordinate the management, conservation, exploration and exploitation of marine living resources as well as to coordinate their scientific research policies and undertake the appropriate joint programs.
- Undertaken directly or through an appropriate regional organization.



- The management measures taken in one State should be compatible with similar measures adopted by other States, particularly if fish the same stocks.
- Cooperation through regional institutions should reduce the likelihood of countries becoming involved in fisheries disputes.
- Regional fishery organizations should aim to recover the cost of conservation, management and research activities from their members.
  - SEAFDEC : Scientific researches

- The future tasks for the SCS states as well as RFMOs will be to develop collaborative agreements on how to exploit the shared stocks rationally, with careful consideration of catch allocation, fishing regulation, surveillance and fisheries laws.
- Might need the assistance from the impartial bodies such as FAO and APFIC.
- Also help to abate the active disputes.

# Ecosystem management

- The impact of an activity on one element in the ecosystem may have consequences on other components of the same system.
- Ecosystem management should be conducted on the basis of scientific findings. Marine scientific researches, surveys, and explorations as well as stock assessments are therefore essential.

So in order to avoid the excess capacity of pelagic resources that will severely affect to the ecosystem in the SCS region, the SCS States should...

- have resource exploitation governed by adequate fisheries laws and regulations as well as monitored through a reliable fisheries data collection system.

- support monitoring of pelagic fishery resources and the marine environment, which is fundamental to the conservation and rational utilization of fishery resources.
- Also a need to promote independent scientific studies and reviews of pelagic stocks in the SCS region for facilitating the role of RFMOs and provide a point of comparison with analysis provided by the organizations.

# Conclusion

- In the SCS region, SEAFDEC plays an important role as a regional fisheries management organization for pelagic fisheries management but....

it is confining to develop statistical databases and collect biological and bio-economic information on the exploited pelagic stocks.

- At the international level, there are several notable effective fisheries instruments such as the LOSC, the 1995 UN Fish Stocks Agreement, the Compliance Agreement, the Code of Conduct and the four IPOAs of FAO but....

the frameworks provided under these international instruments will depend on the extent to which States are willing to be states parties and implement their provisions.

- The direction of future tasks to be assisted by impartial bodies such as FAO and APFIC should be towards the development of collaborative agreements on the exploitation of shared stocks rationally, with careful consideration of catch allocation, fishing regulation, surveillance and fisheries laws.



At present, those available instruments are creative and if successfully implemented they would provide a reliable system of sustainable resources management not only for pelagic fisheries in the SCS region but also all marine fisheries resources in the world.

**Thank you**