

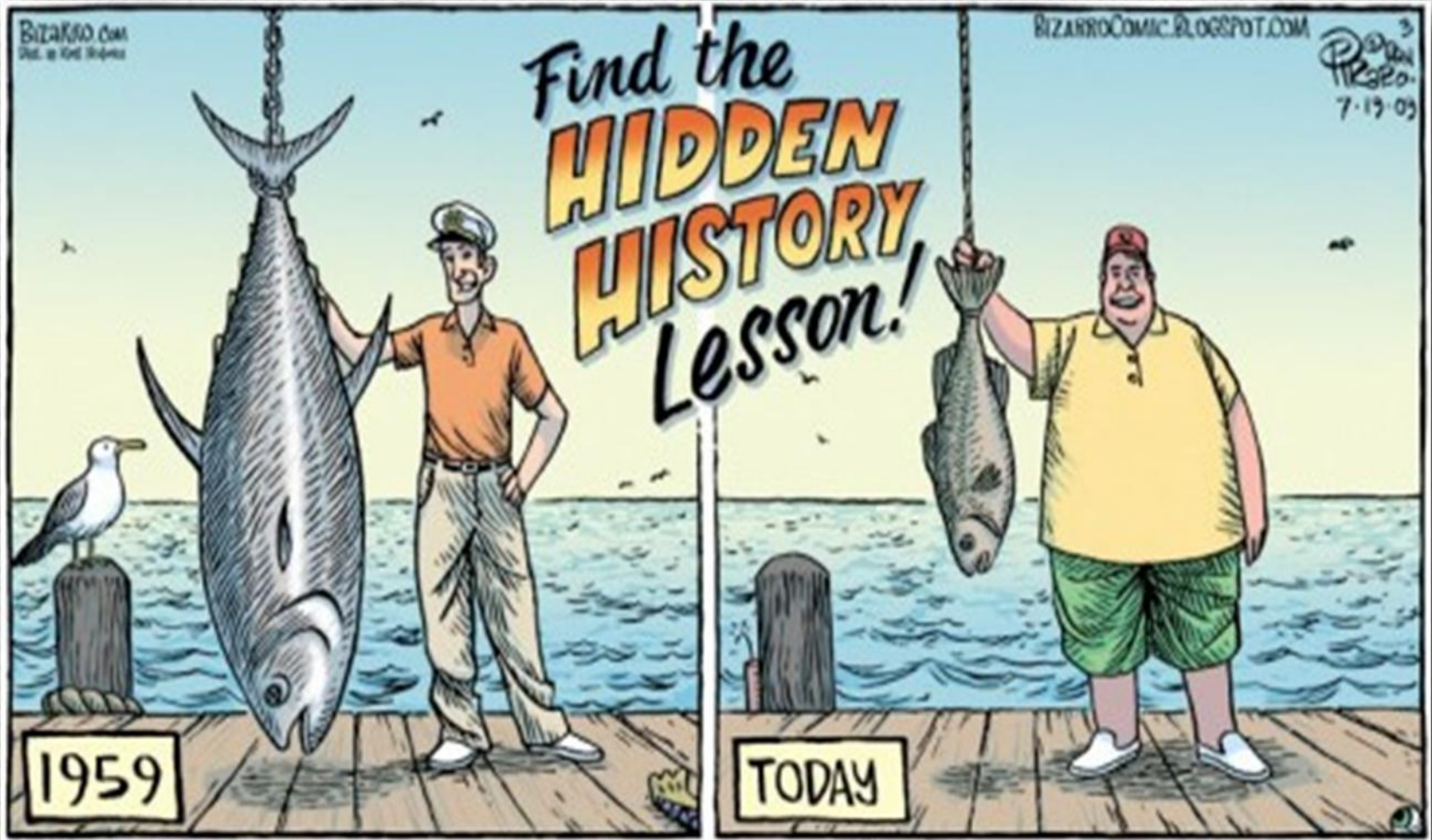


# **Promoting Feasible Fishery Co-operations in the South China Sea**

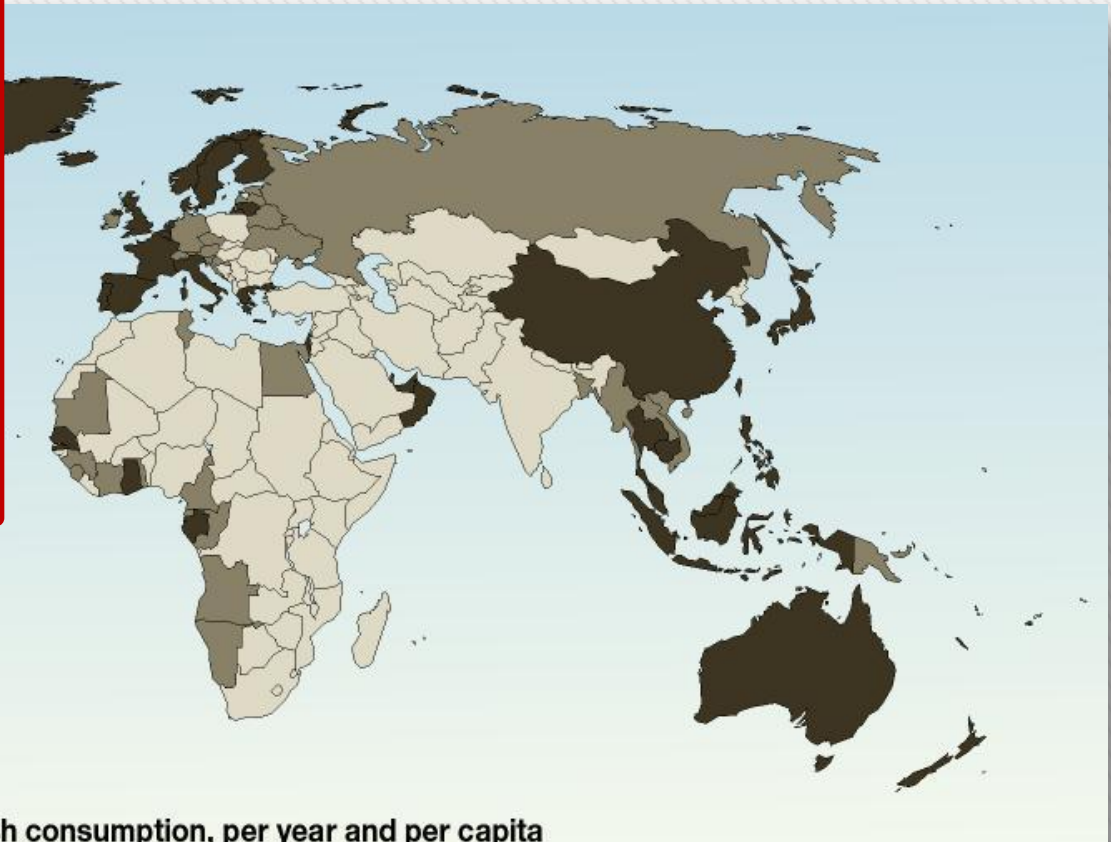
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# OUTLINES

- » What is the situation we are facing now?
- » Multilateral cooperation
- » Bilateral cooperation
- » Conclusion







**Fish consumption, per year and per capita**



Source: *State of the world's fisheries and aquaculture 2006*,  
Food and Agriculture Organization of the United Nations (FAO).

PHILIPPE REKACEWICZ  
MARCH 2008

# Fishery resources in the SCS

- » **The fishery resources of the SCS are of great local, national and international importance as well as being a major contributor to both food and income.**
- » **In total, the SCS produces around 5 million tones of catch each year, about 10% of the total global catch.**

# Fishery Issues in the SCS: EXCESSIVE FISHING CAPACITY

- » **Excessive fishing capacity is a problem that contributes substantially to:**
  - overfishing,**
  - degradation of marine fisheries resources,**
  - breakdown of food chains,**
  - decline of food production, and**
  - significant economic waste.**

# And the most serious is: IUU

Illegal, unreported, and unregulated (IUU) fishing in the area is widespread. Common methods such as dynamite fishing, cyanide poisoning, and bottom trawling have wreaked havoc in regional ecosystems and threaten the future of the regional fishing market.

40 percent of the SCS fish stocks have already disappeared and 70 percent of the SCS coral reefs are rated to be in fair or poor condition.

Nina Hachigian, "The Other Problem in the South China Sea", *The Diplomat*, 08 April 2015.

# Fishery Cooperation: Multilateral



# Fisheries Related Organization and Arrangement in the SCS

- » Asia-Pacific Fishery Commission (APFIC)
- » The Southeast Asia Fisheries Development Center (SEAFDEC)
- » The International Center for Living Aquatic Resources Management (ICLARM)



# Asia-Pacific Fishery Commission (APFIC)

- The APFIC is an FAO regional fishery body that acts as consultative forum working in partnership with other regional organizations, arrangements, and members.
- It provides advice, coordinates activities and acts as an information broker to increase knowledge of fisheries and aquaculture in the Asia Pacific region.



# The Southeast Asia Fisheries Development Center (SEAFDEC)



- » SEAFDEC is an autonomous intergovernmental body established as a regional treaty organization in 1967 to promote fisheries development in Southeast Asia.
- » SEAFDEC aims specifically to develop the fishery potentials in the region through training, research and information services to improve the food supply by rational utilization and development of the fisheries resources.





# The International Center for Living Aquatic Resources Management (ICLARM)

- ❑ ICLARM is a Rockefeller-initiated scientific center, created as an international, non-governmental, non-profit fisheries research center with its headquarters in the Philippines and established in 1977.
- ❑ Its goal is to carry out research and stimulate discussion and the flow of information on fisheries and other living aquatic resources in economically developing countries.





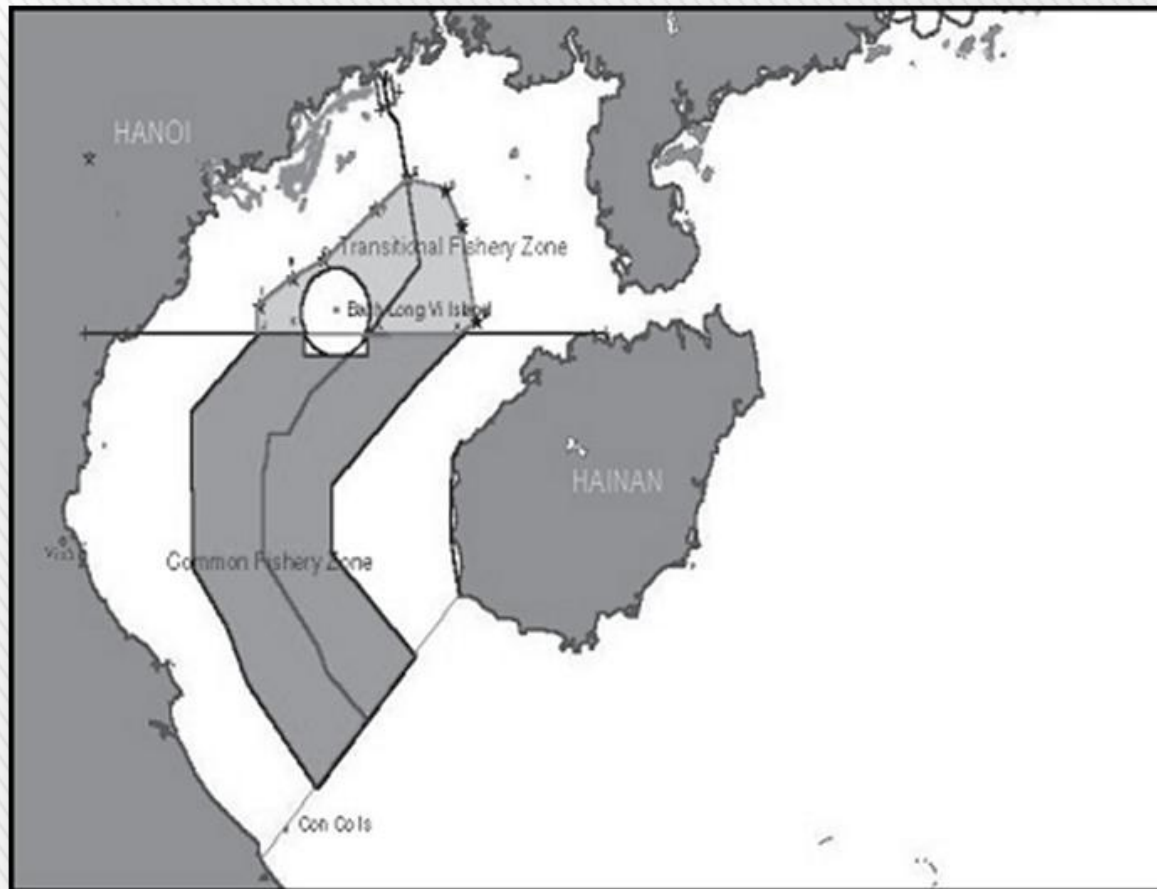
# The International Center for Living Aquatic Resources Management (ICLARM)

- ❑ ICLARM became **WorldFish Center** in 1992 and a research center of the Consultative Group on International Agricultural Research (CGIAR).
- ❑ The CGIAR is an informal association of more than 60 public and private sector members.



# Fishery Cooperation: Bilateral

# China Vietnam Agreement on Fishery Co-operation, 2000



# China Vietnam Agreement on Fishery Co-operation, 2000

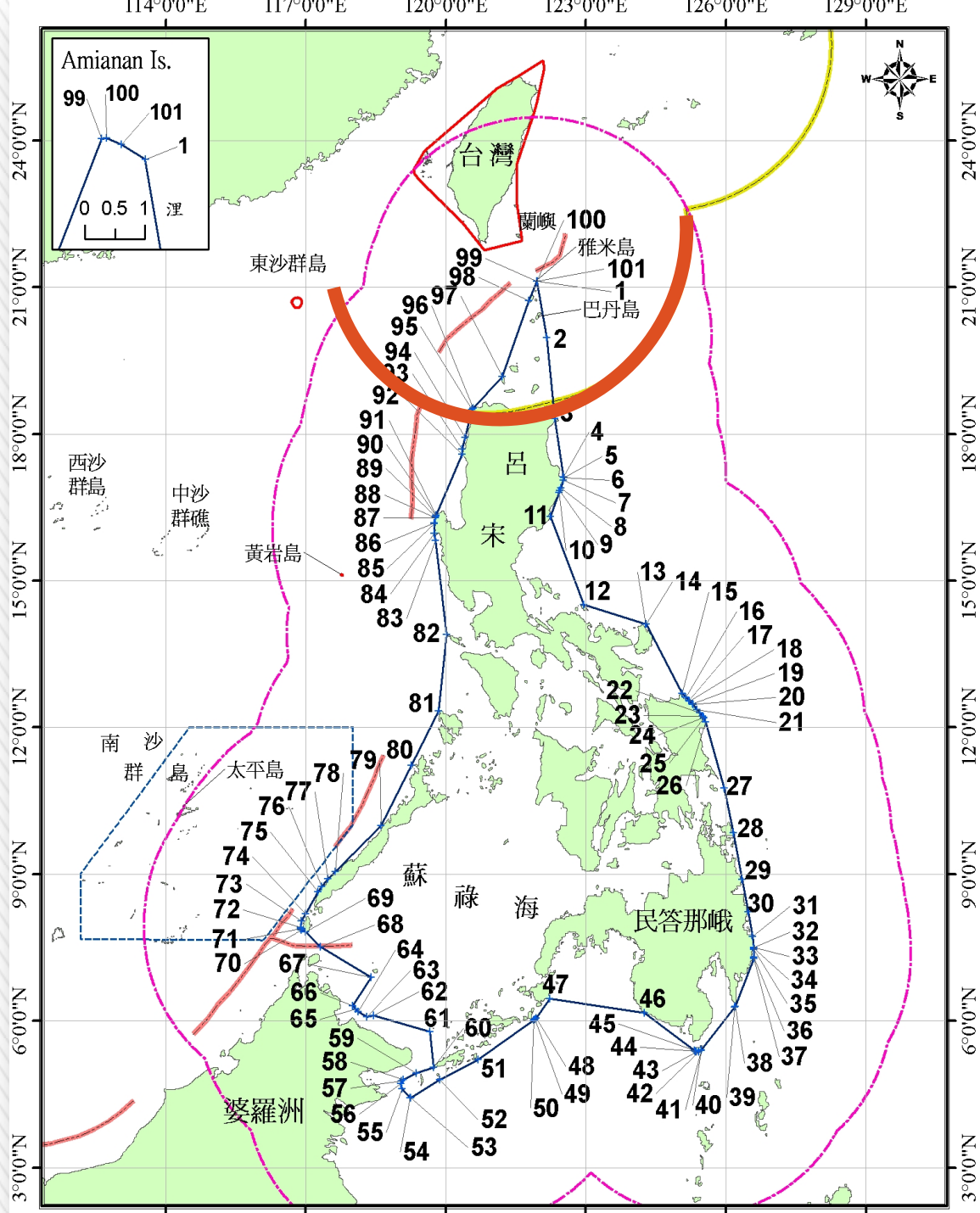
- » Signed: 25 December 2000
- » Effective Date: 30 June 2004
- » The agreements address three key issues.
  - Reaffirm each country's exclusive rights over fishery resources and fishing activities in its own EEZ.
  - Establish general principles for reciprocal fishing access in each other's EEZ.
  - Create a cooperative management regime for their shared fishery resources.

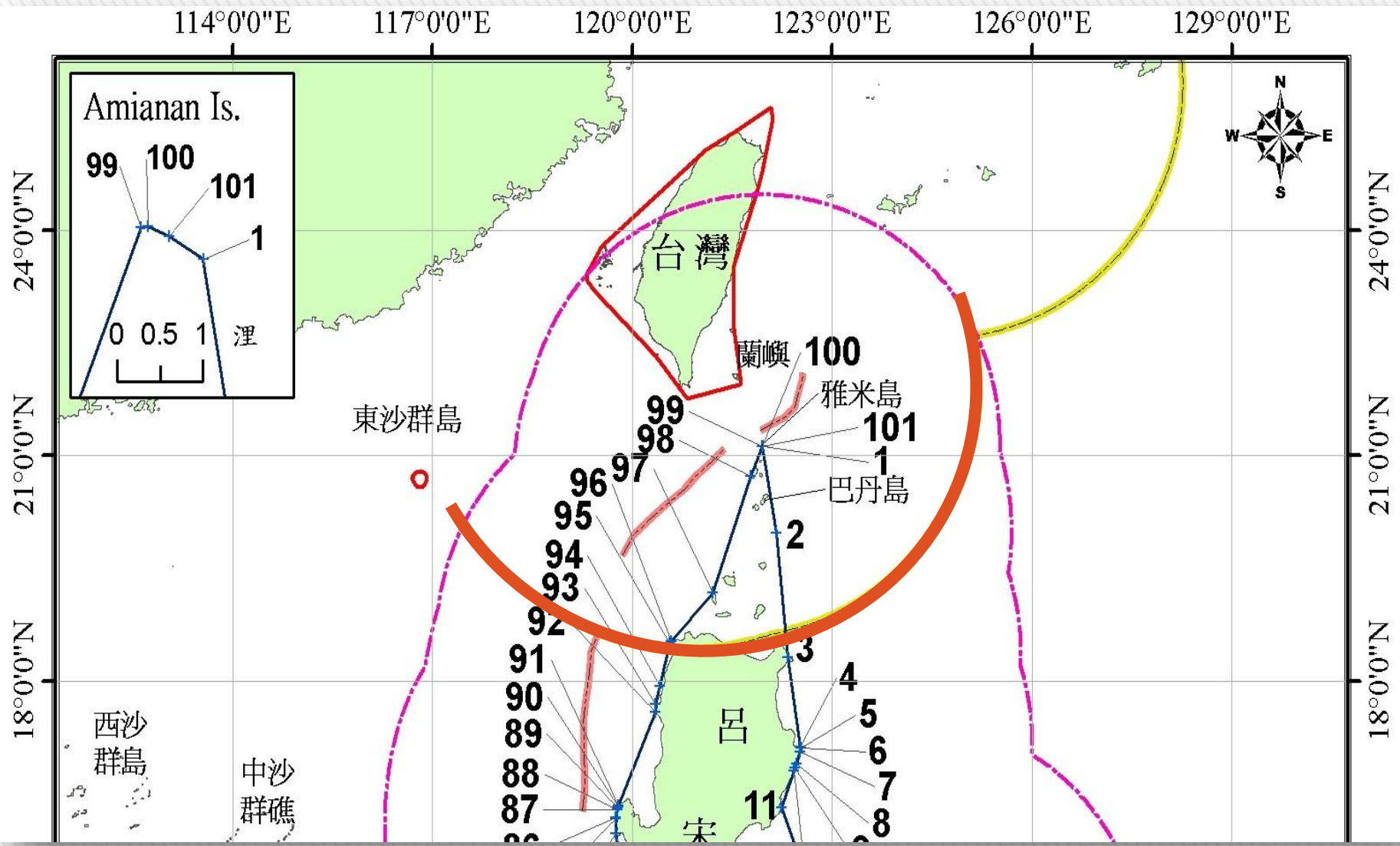


# Maritime Disputes between Taiwan and the Philippines

- » Overlapping EEZ claims
- » Fisheries Disputes









# Guang Da Xing No. 28 Incident

- » 2013/05/09, Taiwanese fishing boat *Guang Da Xing No. 28* shot, 52 shootings, by the Philippine Coast Guard patrol boat Maritime Control Surveillance 3001
- » In the overlapping EEZ between TW and PH
- » Caused death of a TW fisherman by gunfire from the PH vessel





- » A series of talks between TW and PH on regulating law enforcement since then.
- » **2015/11/5, TW and PH signed *Agreement Concerning the Facilitation of Cooperation on Law Enforcement in Fisheries Matters***

# Cooperation on Law Enforcement Agreement

» Signed on 2015/11/05

» Cooperation includes:

- law enforcement cooperation mechanism;
- Emergency notification system;
- Prompt release mechanism;
- Other co-operations.

# Cooperation on Law Enforcement Agreement

- » **Set up contact windows and hotlines;**
- » **Notify**, without delay, the other Party when law enforcement action taken;
- » **Establish notification system**, includes the methods, procedures, and follow-up measures employed when law enforcement conducted;
- » **Share law enforcement methods and procedures as well as laws and regulations;**

# Cooperation on Law Enforcement Agreement

- » Prompt release of arrested fishing vessels and their crew, includes:
  - Informing** the other Party about the arrest;
  - Vessel and crew shall be **released** without delay after posting of a reasonable bond or other security, or payment of fine;
  - Vessel and crew shall be **treated** in an appropriate manner during the period of detention.



# Cooperation on Law Enforcement Agreement

- » A Technical Working Group (TWG) established.
  - Through TWG, determine cooperation schemes and ways to implement cooperation.
  - TWG shall meet annually.
  - Interim meeting or consultation may be held when necessary.

# Cooperation on Law Enforcement Agreement

## » About TWG works

- 2015/11/05 (1<sup>st</sup>): one-hour advance notification; released within three days after posting bond/security/payment
- 2016/03/15 (2<sup>nd</sup>): hotline in line with the notification procedure; fighting illegal, unreported, and unregulated fishing (IUU fishing)

# CONCLUSION

- » Fishery resources are important not only as a source of protein consumption, but also for the role that seafood plays in the gastronomy and cultural identity of Asian cultures.
- » Fish is a migratory and exhaustible resource so that rational utilization of it and the preservation of its marine environment are significant.
- » Thus co-operation among the parties concerned in the region is essential. This is especially true in a semi-enclosed sea.

# CONCLUSION

- » **International fisheries law shall be developing under the following directions:**
  - linkage between trade and environmental protection issues shall be much tighter,
  - less freedom of fishing on the high seas,
  - regional or sub-regional fishery management organizations shall play a much more important role.



# CONCLUSION

## » Possible ways to mitigate conflicts:

- Delimitation (74 and 83)
- Provisional arrangements (74(3) and 83(3))
- Joint development/cooperation (resources)
- Cooperation on law enforcement (function)**

THANK you



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