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Protecting Our Seas

Climate Change Adaptation: Case of South China Sea

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Synopsis

President Donald Trump has recently pulled the US out of the Paris Agreement on Climate Change at a time when climate impacts in the South China Sea have become visible. Strengthening existing regional mechanisms for marine protection is a pressing issue despite on-going territorial and jurisdictional disputes in the area.

Commentary

MARINE ENVIRONMENTAL protection and management is an important aspect of climate change adaptation. Coastal and marine habitats, especially coral reefs and wetlands, are bastion against waves, erosion and flooding that are predicted to get more frequent and intensified due to climate change.

A report published in the Proceedings of the National Academy of Sciences in early June 2017 confirms this observation by concluding that marine reserves are capable of mitigating and promoting climate change adaptation. At the same time, however, they stand extremely vulnerable to climate-induced sea warming.

Visible Climate Change Effects in the South China Sea

While most countries already put some marine protection measures in place, the management of shared marine environment, especially in contested places like the South China Sea's disputed areas, is less clear. A recent study published in March 2017 shows that 40% of coral reefs in Pratas Islands (also known as the Dongsha

Atoll) at the northern part of South China Sea were bleached due to a rise in sea surface temperature in the area during the El Niño in June 2015.

This climate-induced phenomenon unprecedented at least in the last 40 years, has become visible in part of the South China Sea. Regional mechanisms for the protection and management of shared marine environment need to be strengthened notwithstanding conflicting jurisdictional and territorial claims in the South China Sea.

The cooperation on marine protection and conservation in the region is at the same time a fulfilment of environmental obligations and a strategy to manage the tension in the South China Sea tension. The cooperation of states bordering enclosed or semi-enclosed seas, under which the South China Sea is categorised, is called for in article 123 of the United Nations Convention on the Law of the Sea (UNCLOS).

Marine Protection Cooperation in the South China Sea

While the UNCLOS provides the legal basis for regional marine cooperation, countries in Southeast Asia had already begun such collaborations even before the signing of the Convention in 1982.

In 1981, Indonesia, Malaysia, the Philippines and Thailand adopted the United Nations Environment Programme (UNEP)-led Action Plan for the Protection and Development of the Marine and Coastal Areas of the East Asian Region. The Co-ordinating Body of the Seas of East Asia (COBSEA) was established to support the policy and financial sides of the initiative.

Numerous cooperation including the Partnerships in Environmental Management for the Seas of East Asia (PEMSEA) and the UNEP/GEF Project (2002-2008) entitled “Reversing environmental degradation trends in the South China Sea and Gulf of Thailand” have sprung up afterwards.

The South China Sea disputes indeed provide additional impetus for marine protection cooperation in the region. It is generally believed and agreed that forging partnership on less politically-sensitive issues like marine protection and scientific research will open doors for dialogues and confidence building measures among concerned states. Indonesia has taken the lead in materialising this concept by organising the Workshop on Managing Potential Conflict in the South China Sea (WMP-SCS) since 1990.

The topics discussed in the workshops are mostly technical, such as on tides and sea level change in the South China Sea and marine database. The most recent 26th Workshop organised in 2016 deliberated on the establishment of information hub of the WMP-SCS and Joint Development in the South China Sea.

Existing Mechanisms Good Enough?

At the ASEAN level, the need to strengthen regional cooperation on the protection and management of marine and coastal environment is called for in the Hanoi Plan of Action (1999-2004). Subsequent initiatives such as the ASEAN Working Group on

Coastal and Marine Environment (AWGCME), the ASEAN Working Group on Climate Change (AWGCC), among others, are in place to address marine and coastal cooperation and the larger climate change issues.

ASEAN Member States have also designated Marine Protected Areas (MPAs) within their own territories. Despite various multilateral regional cooperation on marine protection, there is no overarching regional convention or institution governing the management of shared marine environment. Existing mechanisms function mostly as norm-setter through the creation of frameworks, guidelines, action plans, and criteria, and capacity building platform through collaborative study, data collection and knowledge sharing.

In principle, the existing mechanisms rely on individual states to voluntarily implement the regional initiatives within their national boundaries. While this arrangement may work for now, the pressing climate change issues that have become visible in the Pratas Islands/Dongsha Atoll may necessitate a levelling-up of cooperation especially in the disputed areas of the South China Sea.

In as much as marine environment cooperation has been useful in building communications among concerned states, the bigger South China Sea issues have unfortunately hampered the zonation of the Spratlys as an MPA thus far.

US' Exit from Paris Agreement

The apprehension towards establishing collaborative marine environment management in the disputed areas may pose a bigger challenge especially if incidents requiring a response, such as the ramming of Indonesia's Raja Ampat's coral reefs by British-own cruise ship in March this year, take place there.

The absence of collectively-agreed regional regulations and response mechanisms for habitats and resources in transboundary waters, therefore, would likely jeopardise national climate adaptation efforts aimed at contributing to the resilience of regional marine environment in the first place.

The issue is even becoming more pressing now that President Donald Trump has pulled the US out of the Paris Agreement. Although the exit will practically only take effect in four years' time, the US retreat provides all the more reason for the region to step up their own efforts in fighting against climate change including through protecting shared marine environment.

An informal national consultation conducted by the UNEP/GEF Project revealed that country representatives were of the view that existing mechanisms are inadequate to tackle transboundary environmental issues in the South China Sea; as such a legally-binding agreement is needed to strengthen regional inter-governmental cooperation.

Calls for a dedicated inter-governmental regional institution having the mandate and authority to operate international instruments and respond to transboundary marine challenges have been made over the years. With increasing climate pressure on marine habitats in the South China Sea and the US withdrawal from international

climate obligations, it is timely to enhance regional marine environmental protection and re-examine these options more closely.

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