

Sensitive and protected marine areas under international law and the value of MPA network in the South China Sea

1st CSARC Workshop on Marine Environmental Protection in the South China Sea

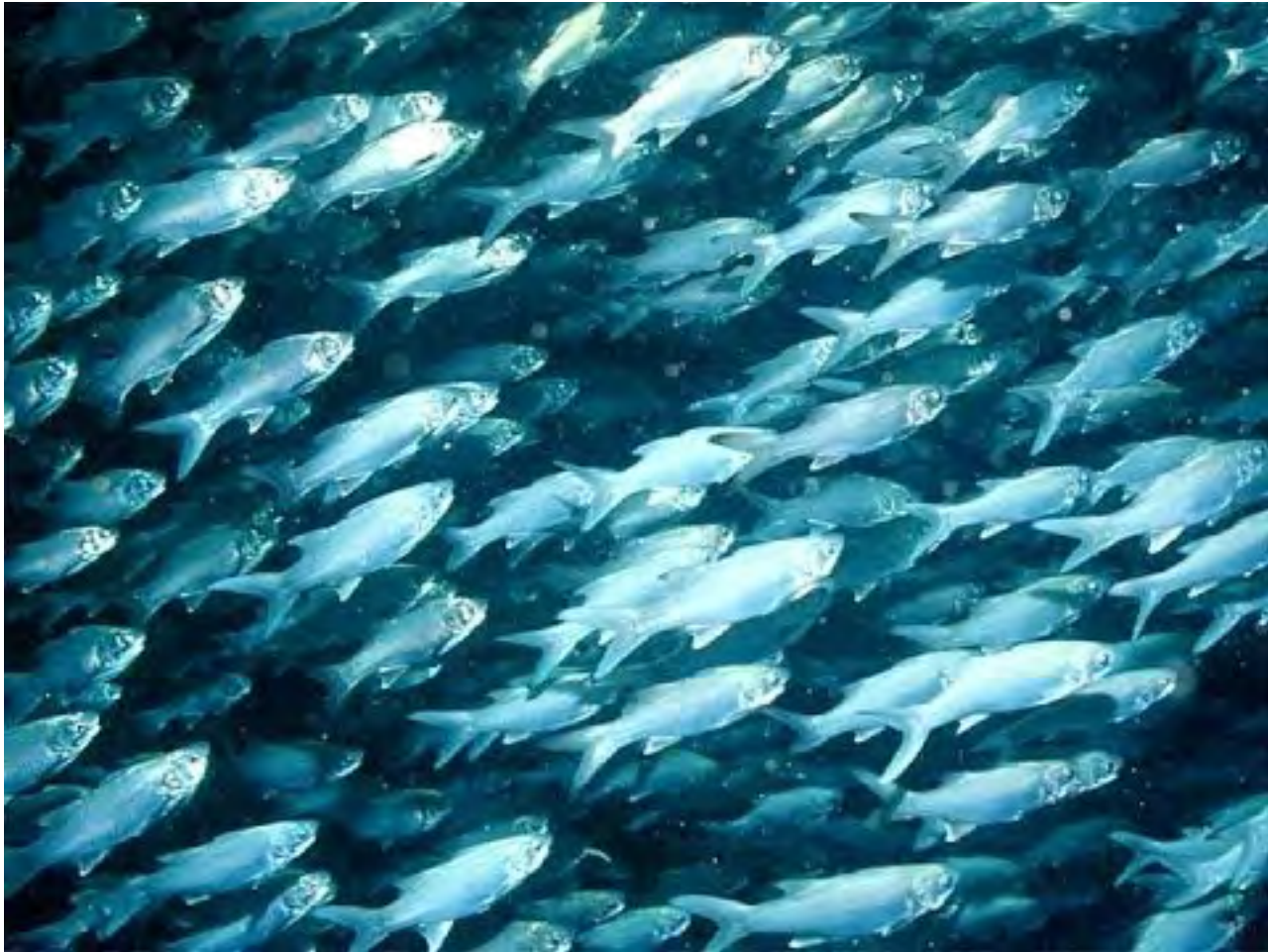
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“I have a dream that one day every valley shall be exalted, every hill and mountain shall be made low, the rough places will be made plain, and the crooked places will be made straight...”











The Free Market
Fish Pond

Carol
Simpson
©1999

OK. I ate
all the little
fish. Now
what?

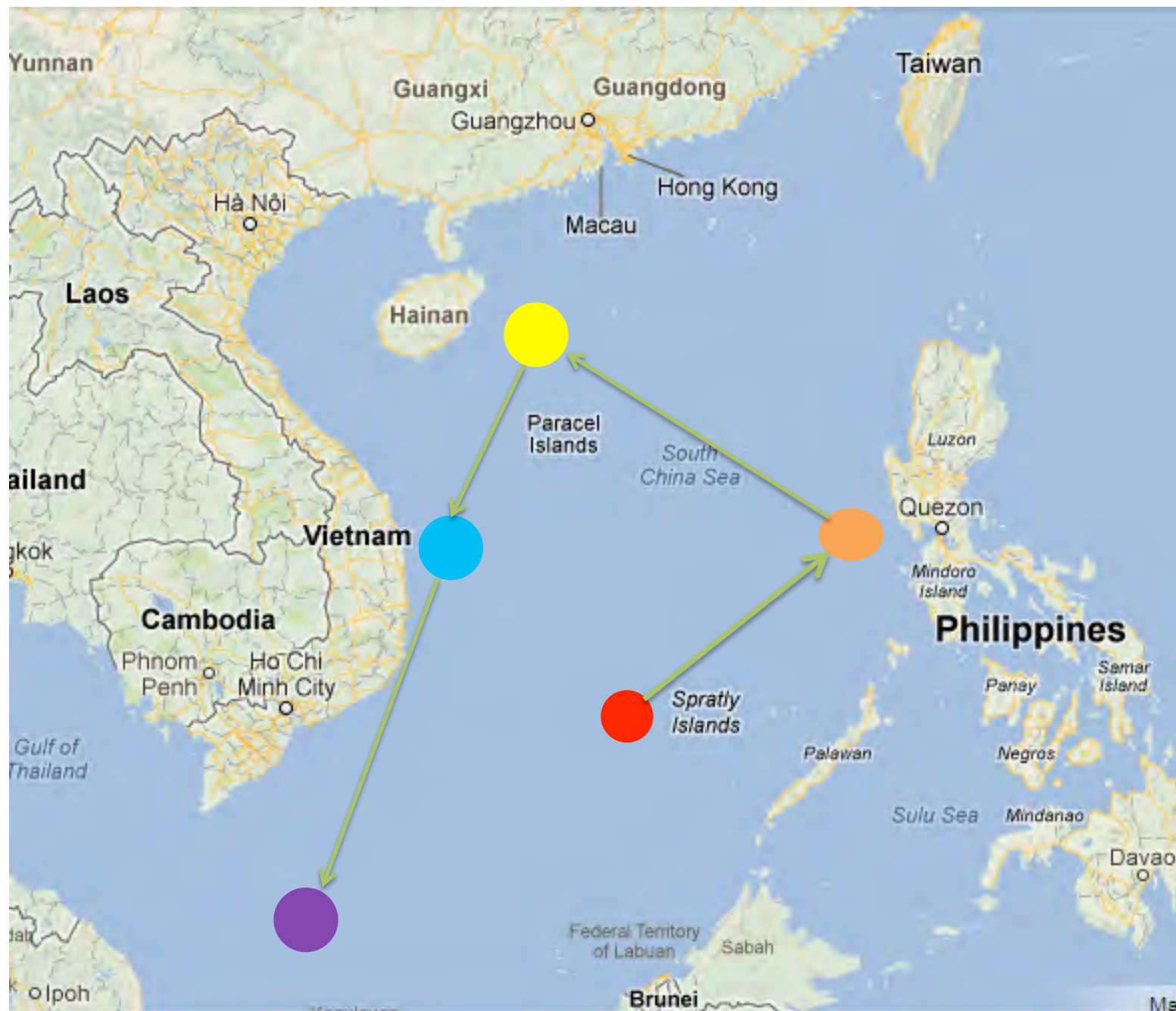




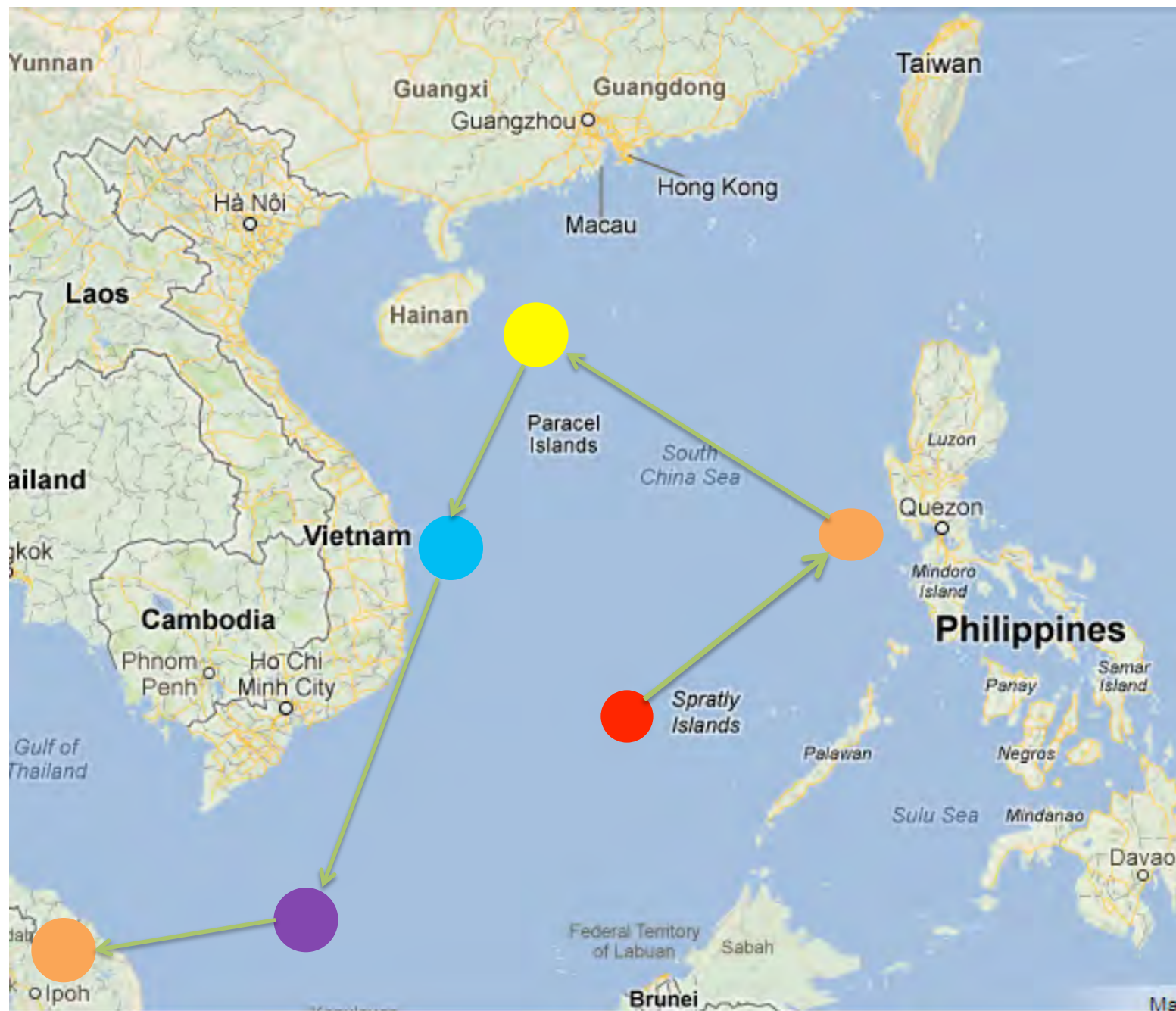














Options towards a Network of Marine Protected Areas in the South China Sea

Focusing on National Actions to Establish MPAs

- Establishing National Marine Protected Areas in Consideration of Regional Conservation Targets
- Establishing Transboundary Marine Protected Areas
- Promoting and Supporting National Efforts to Achieve Regional Targets
- Regularly Updating Regional Conservation Targets

Enhancing regional cooperation relating to MPAs

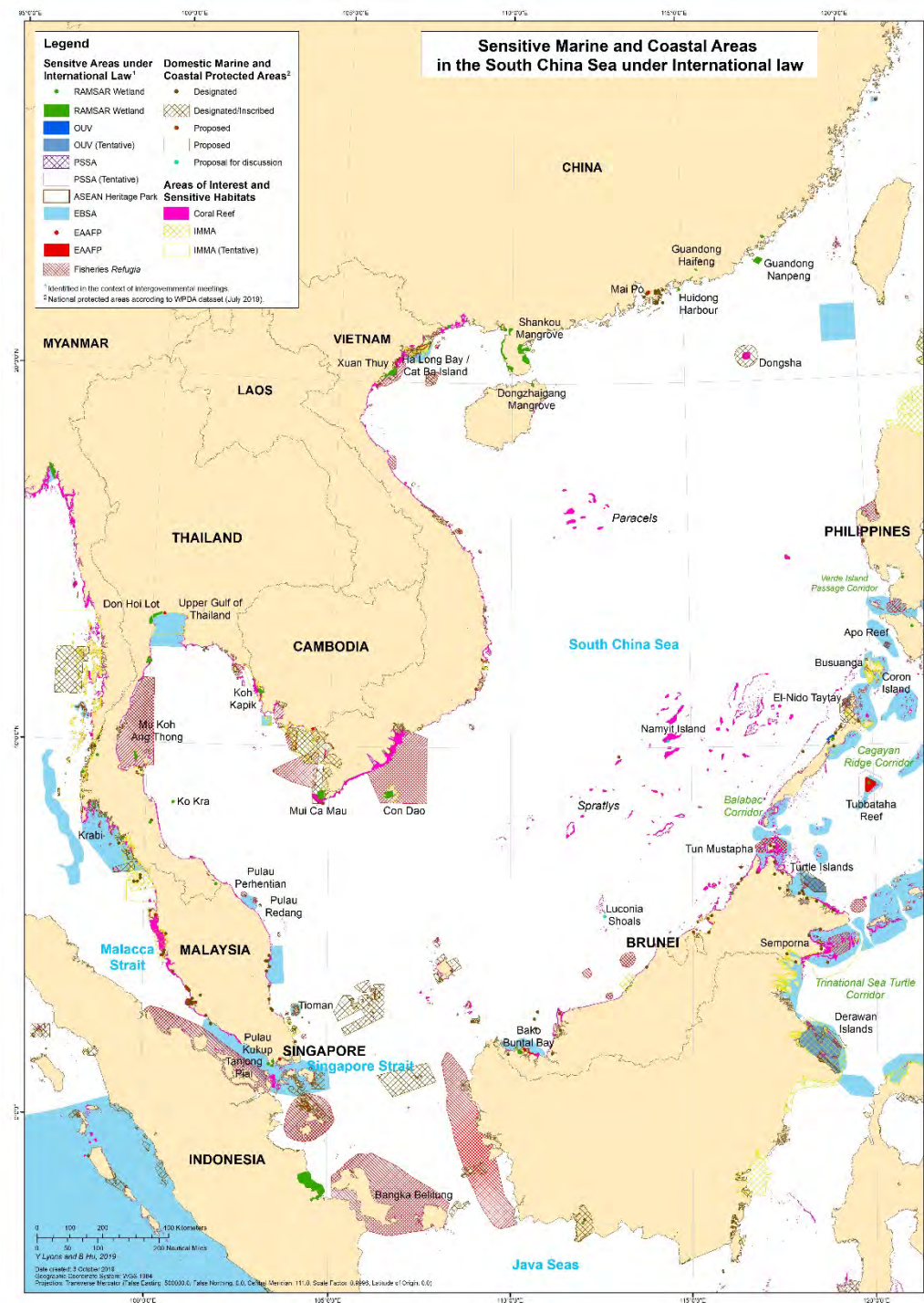
- Implementing the South China Sea Fisheries Refugia Project
- Strengthening the ASEAN Heritage Parks Programme
- Designating Sites of Importance for Migratory Species in the South China Sea
- Developing South China Sea-Wide Networks under International Processes
- Designating Area-Based Conservation Measures against Vessel-Source Pollution
- Implementing More Scientific Researches in Support of Candidate Sites in Areas of Overlapping Claims Where Necessary

Building a regional regime for MPAs

- Forming a Regional Forum for Marine Protected Area-based Experts
- Adopting a Regional Framework Agreement for Marine Protected Areas
- Institutionalizing the Regional Cooperation on Marine Protected Areas
- Creating an Inventory of Natural Sites of Conservation Interest
- Formulating a List of Marine Protected Areas of South China Sea Importance
- Establishing a Regional Monitoring Program for Marine Protected Areas
- Establishing a Specialized Regional Compliance Mechanism



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Purpose of the Map

- Map seeks to include marine areas identified as ‘sensitive’ under different international and regional legal instruments (hard and soft law)
- ‘Sensitive’ is used broadly to include any area identified by an intergovernmental meeting as (1) having a particular ecological, socio-economic, cultural or scientific value, and therefore (2) potentially deserving stricter protection than the surrounding waters
- MPAs identified unilaterally outside the context of intergovernmental meetings are also included on the basis of the WDPA dataset

Sensitive Marine Areas in the SCS

Criteria generally shared across legally developed sets of criteria

Identify:

1. Areas that are unique or rare or have ecologically distinctive characteristics
2. Areas that are required for a population to survive and thrive/support critical life-history stages of individual species (eg breeding/nesting sites)
3. Areas containing habitat important for the survival and recovery of threatened/endangered/declining species and/or habitats and/or communities
4. Areas containing sensitive habitats or species that are functionally fragile or with slow recovery
5. Area containing high diversity of ecosystems/habitats/communities/species or high genetic diversity
6. Area with high degree of naturalness or ecological integrity
7. Biological productivity of an area / ability to support large aggregations

Youna Lyons, Robert Beckman, Loke Ming Chou and Danwei Huang, “Moving from MPAs to Area-based Management Measures in the South China Sea” in the *International Journal on Marine and Coastal Law* 35 (2019) 1 – 31.

Comparison between national laws on MPAs of China, Philippines and Viet Nam

Vu Hai Dang, “National MPA Laws in the South China Sea: A Comparison and Suggestions for MPA Law Reform in China” in Aldo Chircop, Scott Coffen-Smout Moira McConnell, *Ocean Yearbook 30* (Leiden, 2016).



- Regulations on Nature Reserves, 1994;
- Measures on Administration of Marine Nature Reserves, 1995;
- Measures on Administration of Special Marine Reserves, 2010



Amended NIPAS Act 1992

- Biodiversity Law, 2003 and Implementing Decrees
- Fisheries Management Decrees



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- All endorsing international law objectives and goals on MPAs and MPAs network
- All characterising an MPA as an area of the sea with a valuable ecosystem and species that need protection
- Same criteria for establishment and generally similar criteria for management

