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## **National Ocean Governance: Some options towards strengthening efforts based on Rio+20**

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*It has been more than two years now since the United Nations Conference on Environment and Development (UNCED) or Rio+20 took place in Rio de Janeiro, Brazil. It is hence an opportune time to refresh on some of the major developments from the conference, before discussing the national situation and need for strengthened national ocean governance, as well as areas where more concerted efforts should be emphasised in line with the aspirations highlighted in the Outcome Document from the conference.*

### **Background**

Oceans, seas, islands and coastal areas form an integrated and essential component of the Earth's ecosystem and are critical for global food security and sustainable economic prosperity and the well-being of many national economies, particularly in developing countries. The importance of oceans for sustainable development is widely recognised by the international community and embodied in Agenda 21 as well as by the various United Nations agencies and conventions such as the 1982 United Nations Convention on the Law of the Sea (UNCLOS), the Commission on Sustainable Development, the Food and Agriculture Organisation (FAO), International Oceanographic Commission (IOC), and the United Nations Environment Programme (UNEP). These organisations have undertaken work in order to promote sustainable ocean development and the protection of marine resources.

Describing briefly, some of the major ocean-related initiatives to date on addressing environmental and resources conservation and management include the 1995 United Nations Agreement for the implementation of the provisions of UNCLOS relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (United Nations Fish Stocks Agreement); 1995 Code of Conduct for Responsible Fisheries adopted as a voluntary instrument by the 28th session of the FAO, which established principles for responsible fishing and fisheries activities; the United Nations Informal Consultative Process on Oceans and the Law of the Sea (ICP) 2000 to enhance the effectiveness of the annual review of developments relating to the UNCLOS; as well as the United Nations-Oceans inter-agency coordination mechanism on ocean and coastal issues 2003 to support integrated management of oceans.

In addition, an Ad Hoc Open-ended Informal Working Group established by the UNGA in 2004 to examine issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction. Adding to the list, International Convention for the Control and Management of Ships Ballast Water and Sediments 2004 was established under the International Maritime Organization (IMO) to prevent the transfer of harmful aquatic organisms and pathogens in ships' ballast water and sediments; a Regular Process for Global Reporting and Assessment of the State of the Marine Environment, including Socio-economic Aspects to strengthen the assessment of the state of the marine environment in 2005; the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IUU) established in 2009 to prevent illegally caught fish from entering international markets through ports; besides the protection of coral reefs for sustainable livelihoods and development adopted by the UNGA in 2011; and several other conventions e.g., the Convention on Biological Diversity (CBD) which mentions oceans and their marine resources and even established ocean-related targets.

More specifically, the United Nations Conference on Environment and Development (UNCED) or Earth Summit was held in 1992, with the aim to achieve environmental sustainability. One of the more significant outcomes from the meeting was Agenda 21, an action plan which offered a practical approach to applying sustainable development policies at the local and national level. Twenty years later, in June 2012, heads of states and governments, and representatives from international agencies and non-governmental organisations met at the UNCED conference – or more commonly known as Rio+20 to discuss issues, progress and achievements on the sustainable development agenda. Malaysia was among the countries that participated.

Overarching requirements for sustainable development as underlined by UNCED include poverty eradication, changing unsustainable and promoting sustainable patterns of consumption and production, and protecting and managing the natural resource base of economic and social development. The Rio+20 meeting essentially took stock of efforts at addressing sustainability concerns whilst discussing some of the most pressing environmental and social challenges faced globally. The main outcome from the conference is the document entitled *The Future We Want*, which reaffirms international commitments to sustainable development in ensuring the promotion of an economically, socially and environmentally sustainable future for present and future generations.

There are numerous challenges in preserving and maintaining the economic, social and environmental benefits of oceans. Some of the problems plaguing the oceans include overfishing and destructive fishing, loss of biodiversity including the depletion of certain fish, ocean acidification, ocean warming, coral reef destruction, watershed-based and marine-based pollution, accidental oil spills, as well as invasive species from ballast water. Emerging issues identified include marine genetic resources, coral reefs management, marine debris, nutrient over-enrichment and eutrophication, geo-engineering, ocean noise, renewable energy and environmental data exchange.

Rio+20 discussed international commitments, successes, remaining gaps, challenges and emerging issues in the area of oceans and marine resources management. It was largely acknowledged that the overall progress in implementing international decisions to further sustainable development of the oceans has been slow and that most of these challenges were interlinked and could not be addressed in isolation. There was also a general concern for the gap between the adoption of many commitments made at UNCED and their implementation. The need was expressed for greater efforts at implementation particularly at the national level to advance the sustainable development agenda. According to the report by the Secretary-General some of the major challenges faced by countries include maritime delimitation, implementation and enforcement, capacity-building, integrated management of oceans and seas, vulnerable marine ecosystems and ecologically or biologically significant areas.

### **Situation in Malaysia and matters for consideration**

There are a number of factors to be considered and addressed when discussing ocean governance and general management of the national waters. These have been among the major areas of concern prior to Rio+20 to present times and include the following:

- (i) The seas play host to many more activities than before and involve the management of a myriad of activities coexisting in a sea or coastal area. The situation in Malaysia is not much different. As a maritime nation, the increasingly complex sea use structure demands changes in sea management objectives and approaches. This has taken many different forms in many countries but the approach is always intended to resolve conflicts between the different uses of the sea, promote economic development and to protect the marine environment.
- (ii) Malaysia's maritime sector consists of interlinked social and natural parameters that are subject to internal and external factors (i.e., international trends, conventions and treaties). In this sense, the sector is dynamic and continuously changing, where it provides goods and services and in turn is often affected by its utility. The management of Malaysia's seas should therefore be based on balancing the need to continue the provision of goods and services from the sea while allowing for development and economic activities.

- (iii) The maritime sector in Malaysia is generally managed in a sectoral manner. This management approach is based on a tiered system structured around the federal and state government, ministries and agencies and to a lesser extent the local authorities. The management system is dependent on each tier of governance where planning and coordination, implementation and enforcement, and developmental roles within the confines of their jurisdiction are defined by the constitution, laws and governmental directives.
- (iv) There is an increasing need to identify new opportunities and industries for wealth generation from the seas such as marine ecotourism and renewable energy while enhancing existing ones such as fisheries and aquaculture. It is clear that appropriate policy initiatives in these areas could support the traditional maritime sector such as ports and shipping towards strengthening the national economy.

### **Options towards strengthening national ocean governance**

Considering and to be in line with the outcomes of the Rio+20, the following course of actions are recommended towards improving ocean governance and general management of the national waters:

- i) Promote integrated and sustainable management of natural resources and ecosystems in a holistic and cross-sectoral manner to support, inter alia, economic, social and human development while facilitating ecosystem conservation, regeneration and restoration and resilience in the face of new and emerging challenges, towards achieving sustainable development;
- ii) Strengthen the science-policy interface by bringing together dispersed information and assessments, and building on existing assessments;
- iii) Enhance evidence-based decision-making at all levels and contribute to strengthening ongoing efforts at capacity-building for data collection and analysis;
- iv) Adopt realistic targets and goals that could be fully implemented to achieve strong outcomes for oceans, fisheries and biodiversity;
- v) Enhance education and training in marine science, technology and innovation to provide for new human capability through better coordination, linkages and investment to meet current and future demand for qualified marine scientists and technologists;
- vi) Support the growth and development of marine industries through expanded engagement between industry and marine research and innovation providers, based on innovative technologies development and solutions, and improved partnerships;
- vii) Enhance cooperation among stakeholders including the government, civil society and the private sector to achieve concrete measures and effective outcomes on ocean governance;

- viii) Take stock of gaps in the implementation of existing laws, conventions or treaties to improve outcomes on food security, pollution, climate change, and invasive alien species;
- ix) Adopt and implement EAFM (Ecosystem Approach to Fisheries Management) to achieve sustainable fisheries and environmental goals at the national level;
- x) Adopt the National Ocean Policy as an overarching document and a national approach to guide ocean governance in Malaysia; and
- xi) Strengthen regional and international cooperation to address challenges related to common resources.

The marine domain is crucial to Malaysia's economy through its resources and maritime transport that supports its international trade, and to national security. How Malaysia uses, manages and conserves its ocean areas and environmental assets for maximum economic, environmental and social outcomes will be a major factor in the nation's continued wellbeing and prosperity.