

TRACK 4 : GOVERNANCE AND PARTNERSHIP

Session 5 – Tuesday 27 Nov 2018 – 15:45-17:45

**Legal and Institutional Mechanisms to Manage
the Marine Environment in the Seas of Southeast Asia:
*Status and Way Forward***

Session Highlight

This session aimed to investigate and discuss the extent to which regional institutions can and may foster a common understanding of applicable international law and facilitate implementation. An underlying question in this investigation was to assess the possibility of following an ASEAN-way and bypassing the need for a regional, binding, and overarching agreement for the protection of the marine environment.

The three presentations focused on: Principles and rules of international marine law applicable to the seas of Southeast Asia; Regional Institutions and the protection of the marine environment in Southeast Asia; and Application of international marine law to the seas of Southeast Asia, with the examples of sensitive marine areas, the IOSEA Marine Turtle Memorandum of Understanding and Fisheries Refugia. The speakers brought together the overarching international legal framework, comparisons of regional cooperative mechanisms and specific examples of application of the international legal framework by regional bodies.

The commentators first emphasised the preeminence of international law and the law sea specifically, and the relevance of other environmental treaties in its interpretation, including the list of threatened and endangered species attached to the Conventions on Migratory Species and Illegal Trade of Endangered Species. Second, it was emphasised that the time may be ripe for a regional organisation in charge of the protection of the marine environment as a whole in Southeast Asia, although the difficult determination of the geographic scope, as well as the importance of ASEAN for any cooperation in this region, was recognised.

In the discussion with participants, several other points were made, including the following.

- the possibility of including Southeast Asia in the scope of the Western and Central Pacific Fisheries Commission
- the nascent efforts for a development of a new form of governance for oceans starting at the UN level and into regional seas programmes
- that studies show that the development of 'super-bodies' does not work and it is more effective to strengthen coordination by tightening links between bodies
- the challenging condition for regional coordination to be successful is to ensure sustainable financing, no overlap between existing bodies and that any additional body would complement the work of existing ones.