OVERVIEW OF ASEAN WORK ON MARINE ENVIRONMENTAL PROTECTION

**International Conference on Regional Cooperation
for the Protection of the Marine Environment**

Singapore, 15-16 January 2019

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RESEARCH QUESTIONS

- Types of cooperative measures adopted for the protection of the marine environment:
  - ASEAN bodies
  - Forms (action plan, MOU, etc)
  - Subject matters
- The extent to which these measures are implementing international law on the protection of the marine environment

OUTLINE

- ASEAN Socio-Cultural Pillar

- ASEAN Economic Pillar

- ASEAN Political-Security Pillar

- Case Study: ASEAN MOU on Sea Turtle

- Conclusion

ASEAN

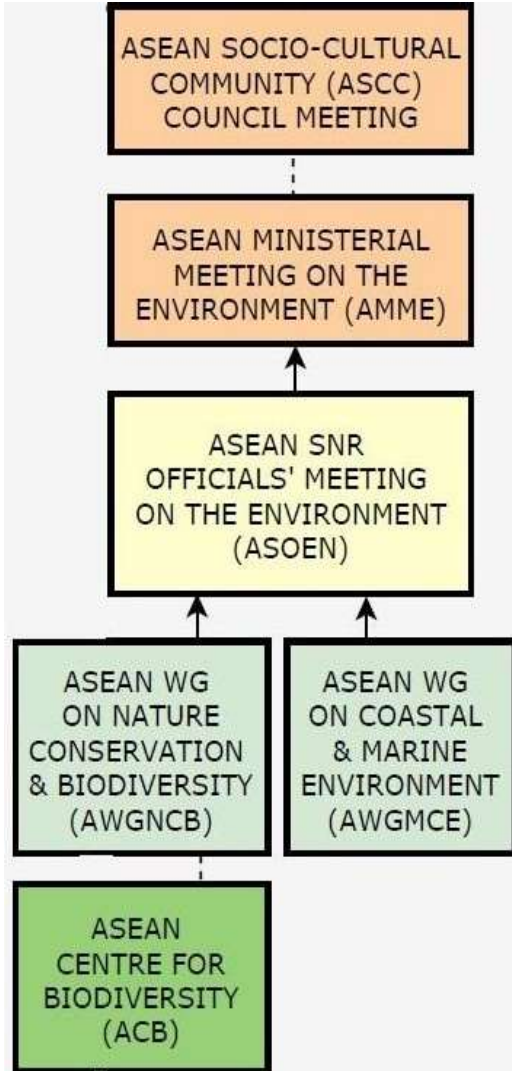OVERVIEW OF ASEAN WORK ON MARINE ENVIRONMENTAL PROTECTION

SOCIO-CULTURAL PILLAR

ASEAN SOCIO-CULTURAL COMMUNITY (ASCC) COUNCIL MEETING

ASEAN MINISTERIAL MEETING ON THE ENVIRONMENT (AMME)

ASEAN SNR OFFICIALS' MEETING ON THE ENVIRONMENT (ASOEN)

ASEAN WG ON NATURE CONSERVATION & BIODIVERSITY (AWGNCB)

ASEAN WG ON COASTAL & MARINE ENVIRONMENT (AWGMCE)

ASEAN CENTRE FOR BIODIVERSITY (ACB)

Policy Document/Action Plan

- **ASEAN Socio-Cultural Community Blueprint 2025**
  - Cooperation for the <u>protection, restoration</u> and sustainable use of <u>coastal and marine environment</u>, respond and deal with the <u>risk of pollution</u> and threats to marine ecosystem and coastal environment, in particular in respect to ecologically <u>sensitive areas</u>
  - Strengthen policies on the impact of development projects on coastal and international waters and transboundary environmental issues
  - **<u>Utilise existing regional and international institutions and agreements</u>**

SOCIO-CULTURAL PILLAR
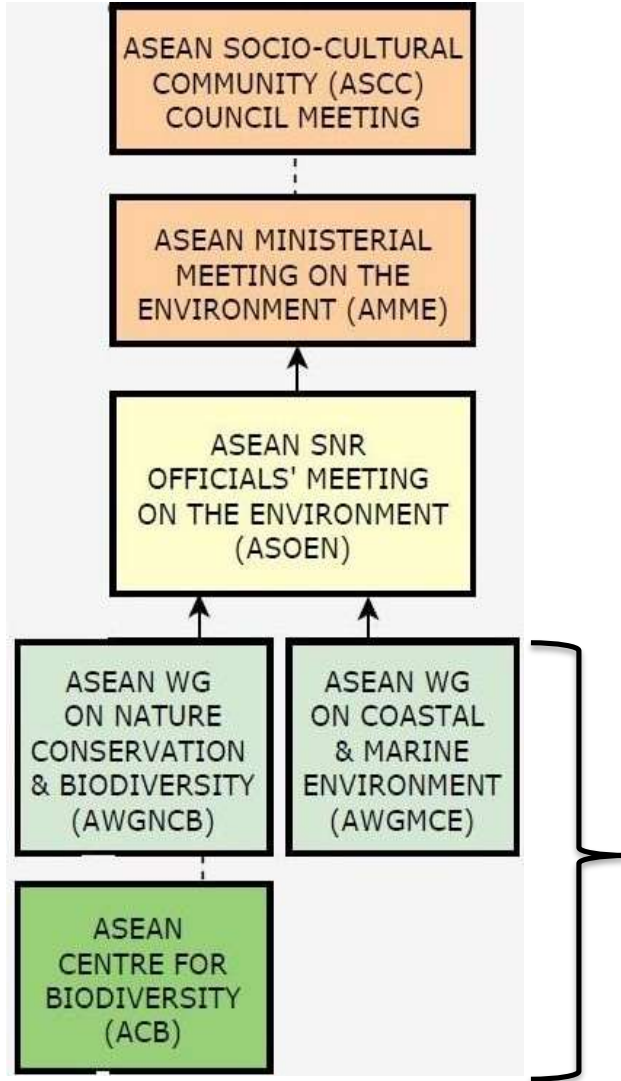
Declaration/Joint Statement/Non-Binding Agreement

- **2003 ASEAN Declaration on Heritage Parks**
  - Encouraged conservation of biological diversity as provided for by the **Convention on Biological Diversity**
- Established ASEAN Heritage Parks
  - The **ASEAN Centre for Biodiversity** acts as the 'Secretariat' of the ASEAN Heritage Parks

ECONOMIC PILLAR
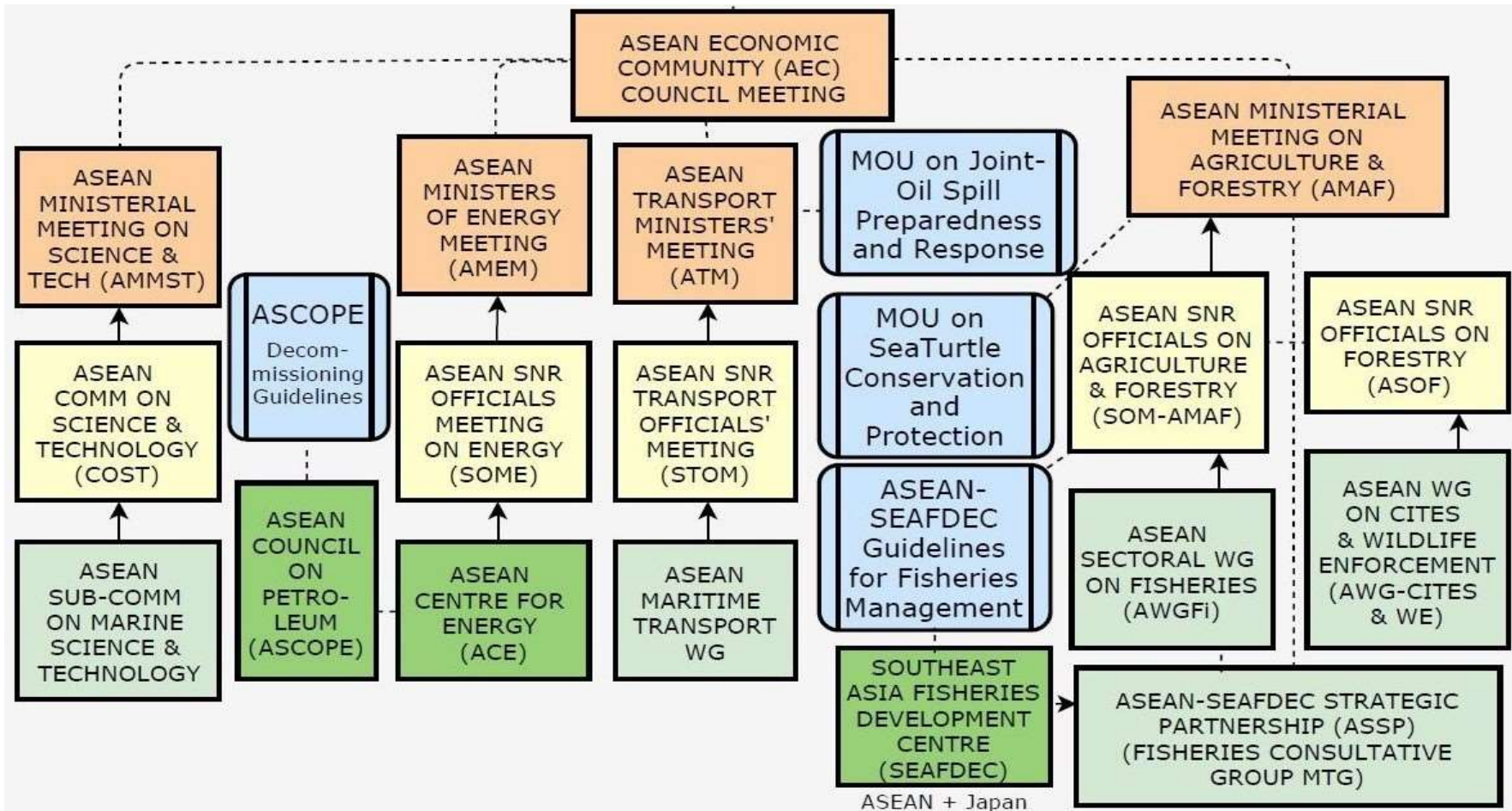
OVERVIEW OF ASEAN WORK ON MARINE ENVIRONMENTAL PROTECTION

ECONOMIC PILLAR

ASEAN MINISTERIAL MEETING ON SCIENCE & TECH (AMMST)
ASEAN COMM ON SCIENCE & TECHNOLOGY (COST)
ASEAN SUB-COMM ON MARINE SCIENCE & TECHNOLOGY

Policy Document/Action Plan

- **ASEAN Plan of Action on Science, Technology and Innovation (APASTI) 2016-2025: Implementation Plan**
  - The Work Plan of Sub-Committee on Marine Science and Technology (SCMSAT) contains specific activities/projects on, including:
    - Ocean acidification and its ecological impacts;
    - Conservation of migratory marine mammals and other endangered marine organisms;
    - Response to cross border oil spill incidents;
    - ASEAN Tropical Marine Ecosystem Network; and
    - Climate change impacts and coastal adaptation of coastal community within the South China Sea.

ECONOMIC PILLAR
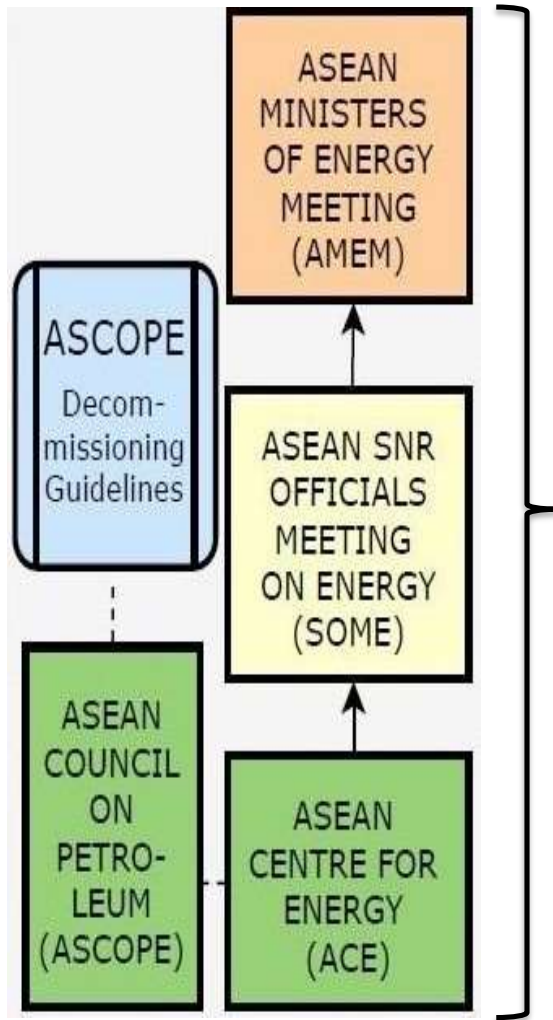
Declaration/Joint Statement/Non-Binding Agreement

- **2015 ASCOPE Decommissioning Guideline for Oil and Gas Facilities**
  - Takes **environmental protection** into consideration
  - Expressly refers to the <u>global and regional conventions and guidelines</u>, such as:
    - *UNCLOS;*
    - *1958 Geneva Convention on the Continental Shelf;*
    - *1989 IMO Guidelines and Standards;*
    - *1972 London Dumping Convention;*
    - *1996 Protocol to the 1972 London Dumping Convention;*
    - *etc.*

ECONOMIC PILLAR

ASEAN TRANSPORT MINISTERS' MEETING (ATM)

MOU on Joint- Oil Spill Preparedness and Response

ASEAN SNR TRANSPORT OFFICIALS' MEETING (STOM)

ASEAN MARITIME TRANSPORT WG
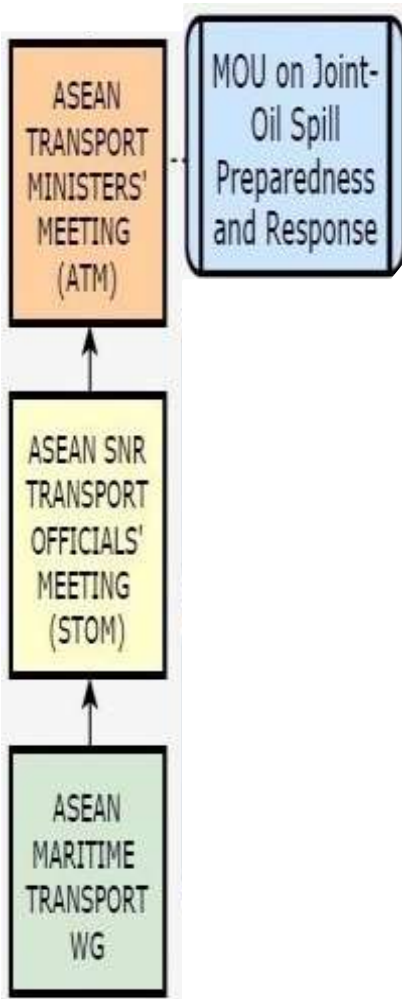
Declaration/Joint Statement/Non-Binding Agreement

- **2014 Memorandum of Understanding on ASEAN Cooperation for Joint Oil Spill Preparedness and Response**
  - Refers to the International Convention on Oil Pollution Preparedness, Response and Cooperation 1990
  - Recalls the ASEAN Strategic Transport Plan 2011-2015 on regional cooperative mechanism for oil spill preparedness and response
  - The ASEAN Maritime Transport WG is responsible to coordinate national focal points to implement the MOU

ECONOMIC PILLAR

Declaration/Joint Statement/Non-Binding Agreement

- **2015 ASEAN Guidelines for Preventing the Entry of Fish and Fishery Products from IUU Fishing Activities into the Supply Chain**
  - Developed based on international and regional instruments, including:
    - *FAO Code of Conduct for Responsible Fisheries;*
    - *International and Regional Plan of Action to Prevent, Deter and Eliminate IUU Fishing;*
    - *European Commission Regulation 1005/2008;*
    - *etc.*

The diagram on the left shows:
- ASEAN MINISTERIAL MEETING ON AGRICULTURE & FORESTRY (AMAF)
- MOU on SeaTurtle Conservation and Protection
- ASEAN SNR OFFICIALS ON AGRICULTURE & FORESTRY (SOM-AMAF)
- ASEAN SNR OFFICIALS ON FORESTRY (ASOF)
- ASEAN-SEAFDEC Guidelines for Fisheries Management
- ASEAN SECTORAL WG ON FISHERIES (AWGFi)
- SOUTHEAST ASIA FISHERIES DEVELOPMENT CENTRE (SEAFDEC)
- ASEAN-SEAFDEC STRATEGIC PARTNERSHIP (ASSP) (FISHERIES CONSULTATIVE GROUP MTG)
- ASEAN + Japan

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ECONOMIC PILLAR

Declaration/Joint Statement/Non-Binding Agreement

- **2005 ASEAN Statement on Launching of the ASEAN Wildlife Enforcement Network**
  - Previously, ASEAN **CITES** Enforcement Task Force in the ASEAN Regional Action Plan on Trade in Wild Fauna and Flora (2005-2010)
  - Launched by the <u>ASEAN Ministers responsible for the implementation of</u> **<u>CITES</u>**

Meeting Report/Meeting Press Release

- ASEAN Experts Group on **CITES** and ASEAN Wildlife Enforcement Network were merged into <u>ASEAN WG on **CITES** and Wildlife Enforcement </u>(2016/2017)

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POLITICAL-SECURITY PILLAR
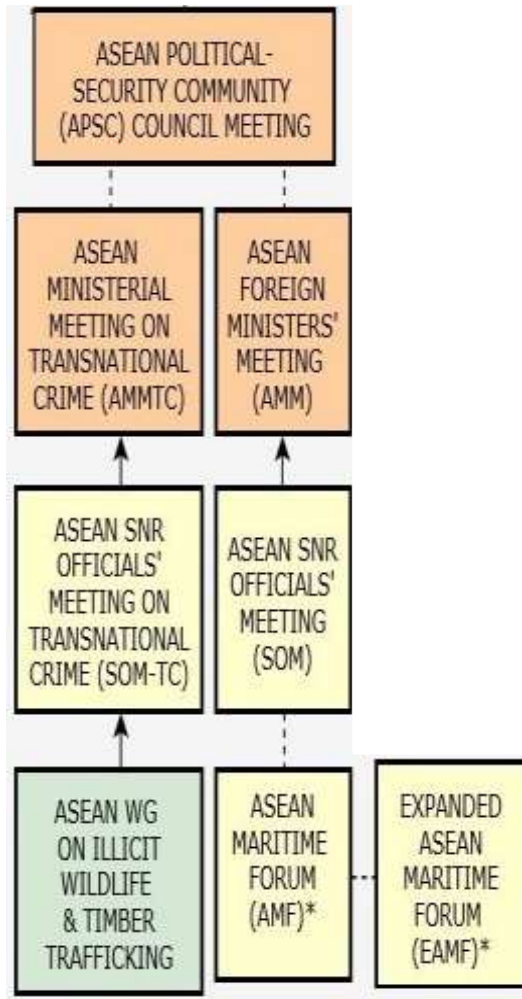
Policy Document/Action Plan

- **2016-2025 ASEAN Plan of Action in Combating Transnational Crime**
  - Focuses on **illicit trafficking of wildlife and timber** as one of the transnational crimes

Declaration/Joint Statement/Non-Binding Agreement

- **2015 Kuala Lumpur Declaration in Combating Transnational Crime**
  - Endorsement of **illicit trafficking of wildlife and timber** as new areas of transnational crimes

CASE STUDY

Memorandum of Understanding on ASEAN Sea Turtle Conservation and Protection

- Targets certain species of sea turtles and their habitats
- Establishes a <u>Technical Expert Working Group</u> (Coordinator: Malaysia)
- Cooperation and collaboration with <u>SEAFDEC</u>

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1993 **1997** **2001**

First ASEAN Symposium on Marine Turtle

IOSEA Sea Turtles MOU

ASEAN WG on Nature Conservation

1990
Marine turtle issue raised

1995-96
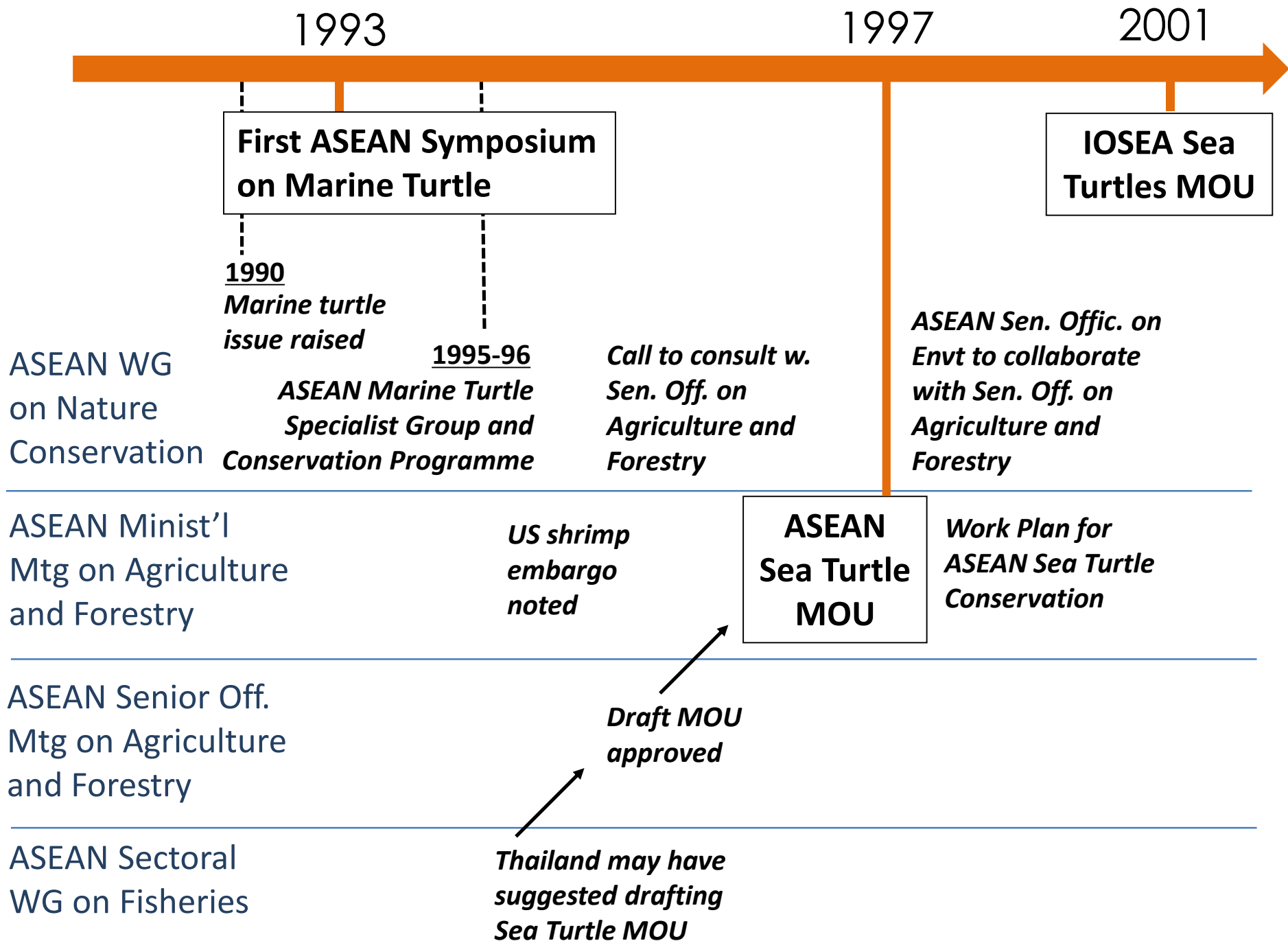*ASEAN Marine Turtle Specialist Group and Conservation Programme*

Call to consult w. Sen. Off. on Agriculture and Forestry

ASEAN Sen. Offic. on Envt to collaborate with Sen. Off. on Agriculture and Forestry

ASEAN Minist'l Mtg on Agriculture and Forestry

US shrimp embargo noted

ASEAN Sea Turtle MOU

Work Plan for ASEAN Sea Turtle Conservation

ASEAN Senior Off. Mtg on Agriculture and Forestry

Draft MOU approved

ASEAN Sectoral WG on Fisheries

Thailand may have suggested drafting Sea Turtle MOU

IMPLEMENTATION OF INTERNATIONAL LAW BY ASEAN BODIES

Examples of references to international law and institutions contained in ASEAN documents:

1. ASEAN Socio-Cultural Community Blueprint 2025
2. 2003 ASEAN Declaration on Heritage Parks
3. 2015 ASCOPE Decommissioning Guideline for Oil and Gas Facilities
4. 2014 MOU on ASEAN Cooperation for Joint Oil Spill Preparedness and Response
5. 2015 ASEAN Guidelines for Preventing the Entry of Fish and Fishery Products from IUU Fishing Activities into the Supply Chain
6. 2005 ASEAN Statement on Launching of the ASEAN Wildlife Enforcement Network

CONCLUSION

- Protecting the marine environment is within ASEAN's interest even though the preferred measures are mostly soft-law instruments, such as action plans, MOUs, declarations, etc.

- ASEAN works across all pillars show *de facto* implementation of international law on marine environmental protection.

THANK YOU

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