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VANCE CENTRE ENVIRONMENT PROGRAM**Analysis of the Adoption and Implementation of the Environmental Principles in the Proposed Global Pact for the Environment (Global Pact) in Regional Instruments****Association of Southeast Asian Nations (ASEAN)****1. Overview of document**

This document provides an analysis of how the environmental principles in the Global Pact (**Environmental Principles**) have been adopted or recognized in the regional instruments of ASEAN and how they have been implemented.

2. Overview of ASEAN

ASEAN was established on 8 August 1967 by Indonesia, Malaysia, Philippines, Singapore and Thailand. Brunei Darussalam then joined on 7 January 1984, Viet Nam on 28 July 1995, Lao PDR and Myanmar on 23 July 1997, and Cambodia on 30 April 1999.

The aims and purposes of ASEAN are:

- to accelerate the economic growth, social progress and cultural development in the region through joint endeavours in the spirit of equality and partnership in order to strengthen the foundation for a prosperous and peaceful community of Southeast Asian Nations;
- to promote regional peace and stability through abiding respect for justice and the rule of law in the relationship among countries of the region and adherence to the principles of the United Nations Charter;
- to promote active collaboration and mutual assistance on matters of common interest in the economic, social, cultural, technical, scientific and administrative fields;
- to provide assistance to each other in the form of training and research facilities in the educational, professional, technical and administrative spheres;



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- to collaborate more effectively for the greater utilisation of their agriculture and industries, the expansion of their trade, including the study of the problems of international commodity trade, the improvement of their transportation and communications facilities and the raising of the living standards of their peoples;
- to promote Southeast Asian studies; and
- to maintain close and beneficial cooperation with existing international and regional organisations with similar aims and purposes, and explore all avenues for even closer cooperation among themselves.

3. Analysis

Global Pact Article	Instruments Adopted in the Region	Sections Elaborated
<p>Article 1 – Right to an ecologically sound environment</p> <p>Every person has the right to live in an ecologically sound environment adequate for their health, well-being, dignity, culture and fulfilment.</p>	N/A	N/A
<p>Article 2 – Duty to take care of the environment</p> <p>Every State or international institution, every person, natural or legal, public or private, has the duty to take care of the environment. To this end, everyone</p>	<p>ASEAN Agreement on the Conservation of Nature and Natural Resources</p> <p>http://agreement.asean.org/media/download/20161129035620.pdf</p>	<p>Art 2(1) The Contracting Parties shall take all necessary measures, within the framework of their respective national laws, to ensure that conservation and management of natural resources are treated as an integral part of development planning at all stages and at all levels. , in view of the role of vegetation and forest cover in the functioning of natural ecosystems, take all necessary measures to ensure the conservation of the vegetation cover and in particular of the forest cover on lands under their jurisdictions.</p>

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<p>contributes at their own levels to the conservation, protection and restoration of the integrity of the Earth's ecosystem.</p>	<p>ASEAN Agreement on Transboundary Haze Pollution http://agreement.asean.org/media/download/20140119170340.pdf</p>	<p>Art 3(1) The Parties have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental and developmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment and harm to human health of other States or of areas beyond the limits of national jurisdiction.</p>
<p>Article 3 – Integration and Sustainable Development</p> <p>Parties shall integrate the requirements of environmental protection into the planning and implementation of their policies and national and international activities, especially in order to promote the fight against climate change, the protection of oceans and the maintenance of biodiversity. They shall pursue sustainable development. To this end, they shall ensure the promotion of public support policies, patterns of production and consumption both sustainable and respectful of the environment.</p>	<p>Memorandum of Understanding on ASEAN Sea Turtle Conservation and Protection http://agreement.asean.org/media/download/20140119132533.pdf</p>	<p>Art IV(2) When necessary, Parties to this MOU would consider harmonizing their existing national laws and regulations, and enact new laws on sea turtle conservation and protection to suit with current situations.</p> <p>Art V(3) Each Party shall designate expert(s) to form the Technical Expert Working Group to prepare an ASEAN program and work plan on sea turtle conservation and protection, for the endorsement of the ASEAN Fisheries Working Group and the approval of the Senior Officials Meeting of the ASEAN Ministers on Agriculture and Forestry (SOM-AMAF). This recognises that Parties are to work together and are at least open to promote integration of environmental protection into their laws and regulations, particularly in the area of maintaining biodiversity and protection of oceans.</p>
	<p>ASEAN Agreement on the Conservation of Nature and Natural Resources http://agreement.asean.org/media/download/20161129035620.pdf</p>	<p>Art 1 The Contracting Parties, within the frameworks of their respective national laws, undertake to adopt singly, or where necessary and appropriate through concerted action, the measures necessary to maintain essential ecological processes and life-support systems, to preserve genetic diversity, and to ensure the sustainable utilization of harvested natural resources under their jurisdiction in accordance with scientific principles and with a view</p>



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		<p>to attaining the goal of sustainable development.</p> <p>Art 2(1) The Contracting Parties shall take all necessary measures, within the framework of their respective national laws, to ensure that conservation and management of natural resources are treated as an integral part of development planning at all stages and at all levels.</p> <p>Art 3(2) To that end, they shall adopt appropriate measures to conserve animal and plant species whether terrestrial, marine and freshwater, and more specifically:</p> <ul style="list-style-type: none"> a) Conserve natural, terrestrial, freshwater and coastal or marine habitats; b) Ensure sustainable use of harvested species; c) Protect endangered species; d) Conserve endemic species; and e) Take all measures in their power to prevent the extinction of any species or sub-species.
	<p>Charter of the Association of Southeast Asian Nations http://asean.org/storage/images/archive/publications/ASEAN-Charter.pdf</p>	<p>Preamble Resolved to ensure sustainable development for the benefit of present and future generations and to place the well-being, livelihood and welfare of the peoples at the centre of the ASEAN community building process;</p> <p>Art 1 The purposes of ASEAN are:...9. To promote sustainable development so as to ensure the protection of the region's environment, the sustainability of its natural resources, the</p>



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		preservation of its cultural heritage and the high quality of life of its peoples.
<p>Article 4 – Intergenerational Equity</p> <p>Intergenerational equity shall guide decisions that may have an impact on the environment. Present generations shall ensure that their decisions and actions do not compromise the ability of future generations to meet their own needs</p>	<p>ASEAN Agreement on the Conservation of Nature and Natural Resources</p> <p>http://agreement.asean.org/media/download/20161129035620.pdf</p>	<p>Preamble Recognising the importance of natural resources for present and future generations...</p>
<p>Article 5 – Prevention</p> <p>The necessary measures shall be taken to prevent environmental harm. The Parties have the duty to ensure that activities under their jurisdiction or control do not cause damage to the environments of other Parties or in areas beyond the limits of their national jurisdiction. They shall take the necessary measures to ensure that an environmental impact assessment is conducted</p>	<p>ASEAN Agreement on the Conservation of Nature and Natural Resources</p> <p>http://agreement.asean.org/media/download/20161129035620.pdf</p>	<p>Art 12(1) The Contracting Parties shall, wherever possible in the implementation of their development planning, give particular attention to the national allocation of land usage. They shall endeavour to take the necessary measures to ensure the integration of natural resource conservation into the land use planning process and shall, in the preparation and implementation of specific land use plans at all levels, give as full consideration as possible to ecological factors as to economic and social ones.</p> <p>Art 13(4) Contracting Parties shall, in respect of any protected area established pursuant to this Agreement:</p> <p>a) prepare a management plan and manage the area on the basis of this plan...</p>



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<p>prior to any decision made to authorise or engage in a project, an activity, a plan, or a program that is likely to have a significant adverse impact on the environment. In particular, States shall keep under surveillance the effect of an above-mentioned project, activity, plan, or program which they authorise or engage in, in view of their obligation of due diligence.</p>	<p>ASEAN Agreement on Transboundary Haze Pollution http://agreement.asean.org/media/download/20140119170340.pdf</p>	<p>Art 10(1) The Parties shall jointly or individually develop strategies and response plans to identify, manage and control risks to human health and the environment arising from land and/or forest fires and related haze pollution arising from such fires.</p>
<p>Article 6 – Precaution Where there is a risk of serious or irreversible damage, lack of scientific certainty shall not be used as a reason for postponing the adoption of effective and proportionate measures to prevent environmental degradation.</p>	<p>N/A</p>	<p>N/A</p>
<p>Article 7 – Environmental Damages The necessary measures shall be taken to ensure an adequate remediation of environmental damages. Parties shall immediately notify other States of any</p>	<p>N/A</p>	<p>N/A</p>



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<p>natural disasters or other emergencies that are likely to produce sudden harmful effects on the environment of those States. Parties shall promptly cooperate to help concerned States.</p>		
<p>Article 8 – Polluter Pays</p> <p>Parties shall ensure that prevention, mitigation and remediation costs for pollution, and other environmental disruptions and degradation are, to the greatest possible extent, borne by their originator.</p>	<p>ASEAN Agreement on the Conservation of Nature and Natural Resources</p> <p>http://agreement.asean.org/media/download/20161129035620.pdf</p>	<p>Art 10(d) The Contracting Parties, with a view to maintaining the proper functioning of ecological processes, undertake, wherever possible, to prevent, reduce and control degradation of the natural environment and, to this end, shall endeavour to undertake, in addition to specific measures referred to in the following article; as far as possible to consider the originator of the activity which may lead to environmental degradation responsible for its prevention, reduction and control as well as, wherever possible, for rehabilitation and remedial measures required.</p>
<p>Article 9 – Access to Information</p> <p>Every person, without being required to state an interest, has a right of access to environmental information held by public authorities. Public authorities shall, within the framework of their national legislations, collect and make available to the public relevant environmental information.</p>	<p>N/A</p>	<p>N/A</p>



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<p>Article 10 – Public Participation</p> <p>Every person has the right to participate, at an appropriate stage and while options are still open, to the preparation of decisions, measures, plans, programmes, activities, policies and normative instruments of public authorities that may have a significant effect on the environment.</p>	<p>ASEAN Agreement on the Conservation of Nature and Natural Resources</p> <p>http://agreement.asean.org/media/download/20161129035620.pdf</p>	<p>Art 16(2) [The Contracting Parties] shall circulate as widely as possible information on the significance of conservation measures and their relationship with sustainable development objectives, and shall, as far as possible, organise participation of the public in the planning and implementation of conservation measures.</p>
<p>Article 11 – Access to Environmental Justice</p> <p>Parties shall ensure the right of effective and affordable access to administrative and judicial procedures, including redress and remedies, to challenge acts or omissions of public authorities or private persons which contravene environmental law, taking into consideration the provisions of the present Pact.</p>	<p>N/A</p>	<p>N/A</p>



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<p>Article 12 – Education and Training</p> <p>The Parties shall ensure that environmental education, to the greatest possible extent, is taught to members of the younger generation as well as to adults, in order to inspire in everyone a responsible conduct in protecting and improving the environment. The Parties shall ensure the protection of freedom of expression and information in environmental matters. They support the dissemination by mass media of information of an educational nature on ecosystems and on the need to protect and preserve the environment.</p>	<p>ASEAN Agreement on the Conservation of Nature and Natural Resources</p> <p>http://agreement.asean.org/media/download/20161129035620.pdf</p>	<p>Art 16(1) The Contracting Parties shall endeavour to promote adequate coverage of conservation and management of natural resources in education programmes at all levels.</p>
<p>Article 13 – Research and Innovation</p> <p>The Parties shall promote, to the best of their ability, the improvement of scientific knowledge of ecosystems and the impact</p>	<p>ASEAN Agreement on the Conservation of Nature and Natural Resources</p> <p>http://agreement.asean.org/media/download/20161129035620.pdf</p>	<p>Art 15 The Contracting Parties shall individually or in co-operation with other Contracting Parties or appropriate international organisations, promote and, whenever possible, support scientific and technical programmes of relevance to the conservation and management of natural resources, including monitoring, research, the exchange of technical information and the evaluation of results.</p>



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<p>of human activities. They shall cooperate through exchanges of scientific and technological knowledge and by enhancing the development, adaptation, dissemination and transfer of technologies respectful of the environment, including innovative technologies.</p>	<p>ASEAN Agreement on Transboundary Haze Pollution http://agreement.asean.org/media/download/20140119170340.pdf</p>	<p>Art 16(1)(b) In order to increase the preparedness for and to mitigate the risks to human health and the environment arising from land and/or forest fires or haze pollution arising from such fires, the Parties shall undertake technical co-operation in this field, including the following: Promote the exchange of relevant information, expertise, technology, techniques and know-how.</p> <p>Art 17 The Parties shall individually or jointly, including in co-operation with appropriate international organisations, promote and, whenever possible, support scientific and technical research programmes related to the root causes and consequences of transboundary haze pollution and the means, methods, techniques and equipment for land and/or forest fire management, including firefighting.</p>
<p>Article 14 – Role of Non-State Actors and Subnational Entities</p> <p>The Parties shall take the necessary measures to encourage the implementation [of this Pact] by non-State actors and subnational entities, including civil society, economic actors, cities and regions taking into account their vital role in the protection of the environment.</p>	<p>N/A</p>	<p>N/A</p>



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<p>Article 15 – Effectiveness of Environmental Norms</p> <p>The Parties have the duty to adopt effective environmental laws, and to ensure their effective and fair implementation and enforcement.</p>	<p>ASEAN Agreement on the Conservation of Nature and Natural Resources</p> <p>http://agreement.asean.org/media/download/20161129035620.pdf</p>	<p>Art 1 The Contracting Parties, within the frameworks of their respective national laws, undertake to adopt singly, or where necessary and appropriate through concerted action, the measures necessary to maintain essential ecological processes and life-support systems, to preserve genetic diversity, and to ensure the sustainable utilization of harvested natural resources under their jurisdiction in accordance with scientific principles and with a view to attaining the goal of sustainable development.</p> <p>Art 2(1) The Contracting Parties shall take all necessary measures, within the framework of their respective national laws, to ensure that conservation and management of natural resources are treated as an integral part of development planning at all stages and at all levels.</p> <p>Art 3(2) To that end, [the Contracting Parties] shall adopt appropriate measures to conserve animal and plant species whether terrestrial, marine and freshwater, and more specifically</p> <ul style="list-style-type: none"> a) Conserve natural, terrestrial, freshwater and coastal or marine habitats; b) Ensure sustainable use of harvested species; c) Protect endangered species; d) Conserve endemic species; and e) Take all measures in their power to prevent the extinction of any species or sub-species.



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<p>Article 16 – Resilience</p> <p>The Parties shall take necessary measures to maintain and restore the diversity and capacity of ecosystems and human communities to withstand environmental disruptions and degradation and to recover and adapt.</p>	<p>ASEAN Agreement on the Conservation of Nature and Natural Resources</p> <p>http://agreement.asean.org/media/download/20161129035620.pdf</p>	<p>Art 4 The Contracting Parties shall pay special attention to harvested species, and, to that effect, shall endeavour to</p> <ol style="list-style-type: none"> 1) develop, adopt and implement management plans for those species, based on scientific studies and aiming at <ol style="list-style-type: none"> a) preventing decrease in the size of any harvested population to levels below those which ensure its stable recruitment and the stable recruitment of those species which are dependent upon, or related to them; b) maintaining the ecological relationship between harvested, dependent and related populations of living resources of the ecosystem considered; c) restoring depleted populations to at least the levels referred to in sub-paragraph (a) of this paragraph; d) preventing changes or minimising risk of changes in the ecosystem considered which are not reversible over a reasonable period of time. 2) Take the appropriate and necessary legislative and administrative measures on harvesting activities in the light of their national interests whereby: <ol style="list-style-type: none"> a) Such activities must conform to the management plans referred to above; b) The conduct of such activities is controlled by a permit system; c) also contemplates implementation of management plans,

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		<p>permit systems, and regulations into legislative and administrative frameworks, though this is ‘in the light of [parties’] national interests’.</p> <p>This places a heavy emphasis on maintenance and restoration of diversity of ecosystems.</p>
<p>Article 17 – Non-regression</p> <p>The Parties and their sub-national entities refrain from allowing activities or adopting norms that have the effect of reducing the global level of environmental protection guaranteed by current law.</p>	<p>N/A</p>	<p>N/A</p>
<p>Article 18 – Cooperation</p> <p>In order to conserve, protect and restore the integrity of the Earth’s ecosystem and community of life, Parties shall cooperate in good faith and in a spirit of global partnership for the</p>	<p>ASEAN Agreement on the Conservation of Nature and Natural Resources</p> <p>http://agreement.asean.org/media/download/20161129035620.pdf</p>	<p>Preamble Wishing to undertake individual and joint action for the conservation and management of their living resources and the other natural elements on which they depend; Recognising that international co-operation is essential to attain many of these goals; Convinced that an essential means to achieve such concerted action is the conclusion and implementation of an Agreement...</p> <p>Art 1(2) [The Contracting Parties] shall develop national conservation strategies, and shall co-ordinate such strategies within the framework of a conservation strategy for the Region.</p>



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<p>implementation of the provisions of the present Pact.</p>		<p>Art 13(6) Contracting Parties shall co-operate in the development of principles, objectives, criteria and guidelines for the selection, establishment and management of protected areas in the Region with a view to establishing a co-ordinated network of protected areas throughout the Region, giving particular attention to those of regional importance.</p> <p>Art 18(1) The Contracting Parties shall cooperate together and with the competent international organisations, with a view to coordinating their activities in the field of conservation of nature and management of natural resources and assisting each other in fulfilling their obligations under this Agreement.</p>
	<p>Agreement on the Establishment of the ASEAN Centre for Biodiversity http://agreement.asean.org/media/download/20140423133605.pdf</p>	<p>Art 2 The purpose of the Centre shall be to facilitate cooperation and coordination among the members of ASEAN, and with relevant national governments, regional and international organisations, on the conservation and sustainable use of biological diversity and the fair and equitable sharing of benefits arising from the use of such biodiversity in the ASEAN region.</p>
	<p>Agreement on Transboundary Haze Pollution http://agreement.asean.org/media/download/20140119170340.pdf</p>	<p>Art 12(1) If a Party needs assistance in the event of land and/or forest fires or haze pollution arising from such fires within its territory, it may request such assistance from any other Party, directly or through the ASEAN Centre, or, where appropriate, from other States or international organisations.</p> <p>Art 21 The Parties shall co-operate in the formulation and adoption of protocols to this Agreement, prescribing agreed measures, procedures and standards for the implementation of this Agreement.</p>



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<p>Article 19 – Armed Conflicts</p> <p>States shall take pursuant to their obligations under international law all feasible measures to protect the environment in relation to armed conflicts.</p>	<p>N/A</p>	<p>N/A</p>
<p>Article 20 – Diversity of National Situations</p> <p>The special situation and needs of developing countries, particularly the least developed and those most environmentally vulnerable, shall be given special attention. Account shall be taken, where appropriate, of the Parties’ common but differentiated responsibilities and respective capabilities, in light of different national circumstances.</p>	<p>N/A</p>	<p>N/A</p>