

Cooperating to Protect and Preserve the Marine Environment : Regional Initiatives to Prevent, Reduce and Control Marine Pollution

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Relevant Provisions in the UN Convention on the Law of the Sea

- Art 192 – States have the obligation to protect and preserve the marine environment
- Art 194(1) States shall take all measures to prevent reduce and control pollution of the marine environment from any source using the best practicable means at their disposal and endeavouring to harmonize their policies in this connection.

Relevant Provisions in the UN Convention on the Law of the Sea

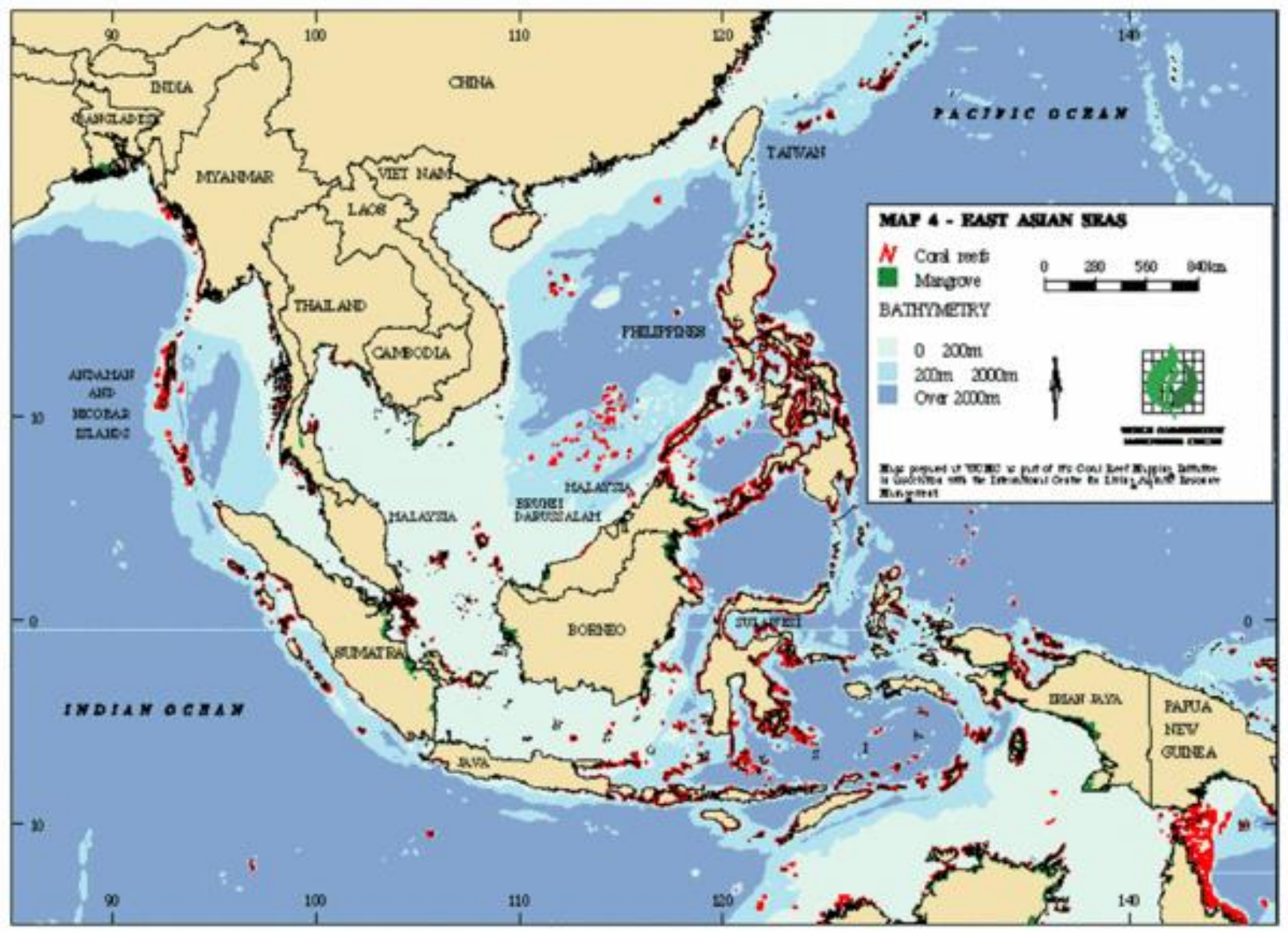
- Art 194(2) - States shall take all measures necessary to ensure that activities under their jurisdiction and control are so conducted so as not to cause damage by pollution to other States and their environment and that pollution arising from such activities does not spread beyond the areas where they exercise sovereign rights.
- Art 197 – States shall cooperate on a global basis and **on a regional basis**, directly or through competent international organizations in formulating and elaborating international rules, standards and recommended practices and procedures for the protection and preservation of the marine environment, taking into account characteristic regional features
- Art 123 – States bordering enclosed or semi enclosed sea should cooperate with respect to the protection and preservation of the marine environment

Collaborative Initiatives Protect the Marine Environment of East Asia and the Pacific

- Over the last two decades, there are some practical examples of regional initiatives that have been taken in East Asian Seas to protect the shared marine environment and contribute to preventing, reducing and controlling marine pollution in the region.
- Partnerships in Environmental Management in East Asian Seas (PEMSEA) programmes reflect a common concern among East Asian States their shared marine environment in the semi-enclosed seas of East Asia and the Pacific ocean areas to the east of Japan and the Philippines.

PEMSEA

- A group of 11 States and 20 Non State entities are partners in PEMSEA which was established as a regional project of the Global Environment Facility (GEF) in 1994 with the initial aim of preventing and managing marine pollution in the East Asian seas
- PEMSEA's mission has progressed to the more comprehensive objective of building interagency, inter-sectoral and intergovernmental partnerships for achieving the sustainable development of East Asian seas.



PEMSEA Area – Marine Pollution Pressures

- About 50% of the world's oil supply and 30% of the world's commerce pass through the Straits of Malacca and Singapore which are located within PEMSEA's area of coverage.
- There were 77,973 transits of the Malacca Strait in 2013 by vessels of 300 gt or more, passing the previous high of 76,381 in 2008 (Nippon Maritime Centre).
- In the South China Sea more than 41,000 ships pass through annually.

PEMSEA Partners

- State partners – Cambodia, PRC, DPRK, Indonesia, Japan, Lao PDR, Philippines, ROK, Singapore, Timor Leste, Vietnam
- Non State Partners – ASEAN Centre for Biodiversity, Conservation International Philippines, Coastal Management Centre, IOC Sub Commission for the Western Pacific, International Ocean Institute, Korea Environment Institute, Korea Maritime Institute, Korea Ocean Research Development Institute, Ocean Policy Research Foundation, Oil Spill Response and East Asia Response Limited, Plymouth Marine Laboratory, Swedish Environmental Secretariat for Asia, UNDP/GEF Small Grants Programme, UNEP Global Programme of Action, UNDP GEF Yellow Sea LME Project, UNEP Northwest Pacific Action Plan, International Environmental Management of Enclosed Coastal Seas Center, IUCN – Asia Regional Office, Korea Marine Environment Management Corporation, PEMSEA Network of Local Governments for Sustainable Coastal Development.

PEMSEA

- PEMSEA has been engaged in forming the necessary partnerships, capacity and operating mechanisms to implement the 2002 World Summit on Sustainable Development (WSSD) plan and the Millennium Development Goals for protecting life support systems and enabling the sustainable use of coastal and marine resources of the region.
- It has established a track record in the East Asia of forging links between multiple actors in the region and beyond with common objectives in the conservation of marine biodiversity and sustainable use of marine resources.

Sustainable Development Strategy for the Seas of East Asia (SDS- SEA)

- In 2003, participating countries in PEMSEA adopted SDS-SEA as a management framework for integrated implementation of various IMO marine pollution conventions and other multilateral instruments addressing the coastal and marine environments
- SDS-SEA has more than 50 action programmes many of which focus on prevention, reduction and control of marine pollution

SDS-SEA Program - Practical Examples

- Port Safety Health and Environmental Management System
- Framework of Agreement of Oil Spill Preparedness and Response in the Gulf of Thailand

Port Safety Health and Environmental Management System

- First phase was to develop a Port Safety Audit Manual.
- Intended for use by independent and trained local auditors who are tasked to assess regulatory and port authorities, port management, port and terminal operators and other parties on their compliance with their own policies, national requirements and international recommendations.

Port Safety Audit Manual

- Auditors identify strengths weaknesses and gaps in port regulations and policies, enforcement monitoring and reporting, facilities and services, emergency response planning and preparedness and human resource training and development.
- Complete a comprehensive audit report, detailing any non compliance; and
- Prepare a proposed action plan for management to rectify any detected non compliance.

Port Safety Health and Environmental Management System

- Second phase was the development of a Port Environment Safety and Health Management Code
- Aim of the second phase was to provide assistance to ports in the East Asian region in establishing formal management systems that ensure safe and environmentally friendly port and cargo operations and also the protection of the health of both port employees and populations living adjacent to ports.

Port Environment Safety and Health Management Code



- PSHEM Code developed for voluntary use by port authorities and companies operating in ports whose operations may have effects on the health and safety of people, the environment, port installations and cargo.
- The Code integrates the key elements of recognised international standards ISO 9001, ISO 14001 and OSHAS 18001 and involves ports adopting a Port Environment Safety and Health Management System (PSHEMS)
- PSHEMSs have been adopted and demonstrated at a range of ports in the region including the Port of Tanjung Pelepas, Malaysia and the Port of Bangkok, Thailand.

Framework of Agreement of Oil Spill Preparedness and Response in the Gulf of Thailand

- Involves 3 PEMSEA State partners – Cambodia Thailand and Vietnam
- On 12 Jan 2006 Ministers from the 3 countries issued a joint statement on partnership in Oil Spill Preparedness and Response Cooperation (OPRC) in the Gulf of Thailand which contains a tripartite intergovernmental agreement committing participating countries to mutual support and assistance in combating oil spills in the Gulf of Thailand region and endorses a Framework Programme for achieving this.



Framework Programme for Joint Oil Spill Preparedness and Response in the Gulf of Thailand

- The Framework Programme integrates the implementation of the OPRC Convention, the 1971 Fund Convention and the 1969 Civil Liability Convention in relation to damage compensation and is a working model for integrated implementation of these international instruments at the sub-regional level.
- PEMSEA has also provided technical advice on the development of some oil spill contingency plans in the East Asia region.



Manila Bay Oil Spill Contingency Plan

- PEMSEA has provided technical services in developing the Manila Bay Oil Spill Contingency Plan
- The Manila Bay plan was completed as a joint effort of the Philippines Coast Guard, the petroleum industry, the shipping industry and the local governments in Manila Bay.



Integrated Technical Co-operation Programme (ITCP)

- PEMSEA has played a significant role in enhancing IMO's activities in the region particularly the ITCP.
- Multiple training courses and workshops have been undertaken by the Regional Programme for ITCP on chemical and oil pollution control and response and on port safety and environmental management.

Conclusions

- PEMSEA has sponsored a number of maritime safety and security programmes to strengthen the capacity of port States in the East Asian region to fulfil their obligations under MARPOL 73/78, SOLAS, the 2001 Anti-Fouling Convention and the 2004 Ballast Water Convention.
- In view of the large number of international shipping movements in the East Asian region, this project is beneficial for the environmental integrity of marine ecosystems both within and beyond the region.