

Greater Mekong Subregion Environmental Agreement – Background Information

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22 July 2009



Background Study Conducted

- WWF commissioned a background study in January 2009, covering:
- Review of legislative framework in GMS – MEAs, REAs, national laws and policies;
- Environmental agreements in other regions;
- Possible strategy for Mekong Charter/Protocol;
- Recommendations – advocacy strategy, content of the agreement, and implementation issues

Broad Findings of the Study

- Long history in all GMS countries that supports the principles of sustainable development
- Signed numerous MEAs
- Signed several REAs (except China)

But...

- Most MEAs and REAs are regarded as “soft law” as they are often not binding unless there is parallel enabling legislation at the national level.
- GMS is unusual in not having a subregional environment agreement

Environment Agreements Signed

Table 1 Multilateral Environment Agreements in the GMS

Agreement/Convention	Cambodia	Lao PDR	Myanmar	PR China	Thailand	Vietnam
Biodiversity	√	√	√	√	√	√
Climate Change	√	√	√	√	√	√
Kyoto Protocol	√	√	√	√	√	√
Combating Desertification	√	√	√	√	√	√
Trade in Endangered Species	√	√	√	√	√	√
Hazardous Wastes	√			√	√	√
Marine Life Conservation	√			√	√	
Ozone Layer Protection	√	√	√	√	√	√
Ship Pollution	√		√	√		√
Tropical Timber	√		√	√	√	
Wetlands	√			√	√	√
Whaling	√			√		
Law of the Sea		√		√	signed	

ASEAN REAs Signed

- ASEAN Declaration on Heritage Parks and Reserves (1984)
- Agreement on the Conservation of Nature and Natural Resources (1985)
- Agreement on Transboundary Haze Pollution (2002)
- ASEAN Biodiversity Centre Agreement (2005)
- ASEAN-China Cooperation on Environment (TBD)

Subregional Environment Agreements

- Agreement on Cooperation for the Sustainable Development of the Mekong River Basin (1995)
- GMS Core Environment Program (endorsed by GMS Leaders' Summit) – no specific agreement or treaty
- Heart of Borneo Tri-national Agreement – Brunei, Malaysia, Indonesia
- Sulu-Sulawesi Marine Ecoregion Trilateral Agreement – Indonesia, Malaysia, Philippines
- Coral Triangle Initiative – Philippines, Malaysia, Indonesia , plus 3 Pacific Island countries

Other Subregional EAs

- ✓ Globally, most subregions already have some form of EA.
- ✓ Bilateral transboundary EAs also exist.
- These are crafted to...
 - Facilitate implementation of **environmental cooperation arrangements** between trade partners
 - Provide for **technical assistance and cooperation** between developed and developing countries; or
 - Establish **institutional mechanisms** (including specific institutions) and arrangements for protection and management of shared resources.
- And for bilateral agreements...
 - Emphasis is usually on environmental cooperation in the border regions.
 - **GMS IS UNUSUAL IN NOT HAVING A SUBREGIONAL EA.**

Benefits of a Subregional EA

- Will attract and hold the attention of the subregion's political leaders;
- Will assist implementation of ASEAN's Vientiane Action Plan on Environment;
- Will convince multiple donors that GMS is moving on from the current informal arrangements;
- Will engage multi-stakeholder cooperation in environmental management of the subregion, as roles are clearly defined;
- Will enable greater cooperation and collaboration among the GMS member countries on issues like climate change and biodiversity that are already identified as priority issues; and
- Will facilitate capacity building, harmonization of regulations and standards, and strengthen the subregion's environment agencies.



Strategic Options for a GMS EA

- **Strategy 1;** Cluster together existing environment and sustainable development initiatives that the GMS countries have agreed to at the international and regional level.
- **Strategy 2;** Link the proposed Agreement to, and/or draw appropriate text from, an existing environmental charter or treaty that has been widely adopted at the global or regional level.

Strategic Options (cont.)

- **Strategy 3;** Revise and expand the 1995 Agreement on Cooperation for the Sustainable Development of the Mekong River Basin. (*MRC agreement*)
- **Strategy 4;** Revive the 1985 ASEAN Agreement on the Conservation of Nature and Natural Resources (or similar ASEAN agreement) and develop a protocol specific to the GMS.
- **Strategy 5;** Start from scratch to develop a new and targeted REA for Conservation or Climate Change?

Possible Success Factors

- Persistence – often initiated by an NGO and promoted opportunistically before governments become involved;
- Champions – with access to top decision makers and a wide network of supporters;
- Incentives – financial or other incentives;
- Secretariat – strong secretariat with funding and recruitment powers;
- Sanctions – cost of failure has to hurt those responsible for implementation.

Possible Failure Factors

- Donor driven – without any defined exit strategy and no financial commitment from governments;
- Inadequate political will – sustained political support is essential;
- No backing legislation – or legislation that conflicts with other government priorities;
- No clear responsibility – roles of stakeholders not defined and nobody holding those responsible to account;
- Performance monitoring – no targets or goals set, no intermediate milestones, and no routine monitoring of performance and reporting to subregional leaders.

Final Words

- To start the GMS economic cooperation program, an informal process was essential so that a rapid start could be made, but over the years this program has increasingly moved to formal agreements (e.g. transborder power trade, GMS tourism, GMS visa, one stop customs procedure etc.). Environment has not made the same progress.
- There are several subregional environment agreements within the ASEAN community, but GMS stands out as an exception.
- It will take time to convince governments to adopt a GMS environment agreement, but we need to take the first step.