



Regional Environmental Agreements

*Informal Brainstorming Workshop on Enhancing
Regional Integration in the Greater Mekong: the
Opportunity for Asia's first Regional Climate Change
Adaptation agreement*

22 July 2009

Century Park Hotel, Bangkok



Defining regional environmental agreements

- Regional environmental agreements are a subset of international treaties
- Governed by international treaty law, specifically, Vienna Convention on the Law of Treaties (1969)
- Vienna Convention - provides general guidelines and rules for the development, negotiation, adoption and entry into force of international treaties



Defining regional environmental agreements (2)

Types of regional EA?

- Legal effect classification
 - Legally binding (hard law)
 - Conventions
 - Treaties
 - Agreements
 - Charters,
 - Accords
 - Covenants
 - Pacts
 - Statute
 - Protocols
 - Non-legally binding (soft law)
 - Declaration
 - Principles
 - Guidelines



Defining Regional EA (3)

Types of regional EA?

- Geographic classification
 - Regional
 - Sub-regional
- Regulatory tool classification
 - Stand-alone (including all necessary components in a single text)
 - Framework conventions (with further negotiated protocols)
 - Appendix-driven or Annex-driven conventions



How a REA is developed?

- Pre-negotiation
 - problem identification, fact-finding, rule-setting/organization work, and issue-definition/framing
- Negotiation
 - Negotiation commencement, consolidation of views, express of initial positions, drafting, formula-building, coalition-building, bargaining, agreement and adoption
- Post negotiation
 - Signature, ratification acceptance/approval & accession, depository, etc.



What are the key elements of a Regional EA?

- Preamble
- Objective
- Principles
- Strategies, policies, programmes, measures
- Information & data
- Monitoring & reporting
- Research, education
- Institutional arrangements
- Compliance
- Funding mechanisms
- Dispute resolution
- Amendments
- Signature
- Ratification, acceptance, approval & accession
- Depositary
- Entry into force
- Withdrawal
- Other misc. clause
- Annexes



How REAs are operated?

Key bodies

- Governing Body (COP)
- Scientific and technical bodies
- Implementation body
- Secretariat



Institutional arrangements

Other bodies

- Expert groups (to address certain urgent issues)
- Technical centres (CLRTAP, ASEAN)
- Preparatory body for further development (CLRTAP)
- Task forces (action-oriented to assist the implementation)



Example: ASEAN Haze Agreement

- Conference of the Parties
- Committee under COP
 - Sub-Regional MSC on Transboundary Haze Pollution
- TWG – Technical Working Group (southern region)
- TWG Mekong: Technical Working Group in Mekong Sub-Region
- Secretariat
- ASEAN Transboundary Haze Pollution Control Fund (ASEAN Haze Fund)



Issues for a possible Mekong Region agreement

- **Type of agreement**
 - legally binding?
 - non-legally binding?
- **Name - a designated term** (e.g., agreement, convention, treaty, charter, accords, protocol, covenant and pact, etc.)
- **Regulatory approach**
 - stand alone?
 - linking with existing agreements?
 - developing a new framework agreement?
- **Processes** – how to go about it?
- **Contents** – IOs and donors can help scope them, but it's up to governments what they wish to cover