

Implementing International Agreements

in the ASEAN Region

and Dialogue Partners in the Tenth IAMME

EXECUTIVE SUMMARY



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Implementing International Agreements

**In the ASEAN Region
and Dialogue Partners in the Tenth IAMME**

Submitted to

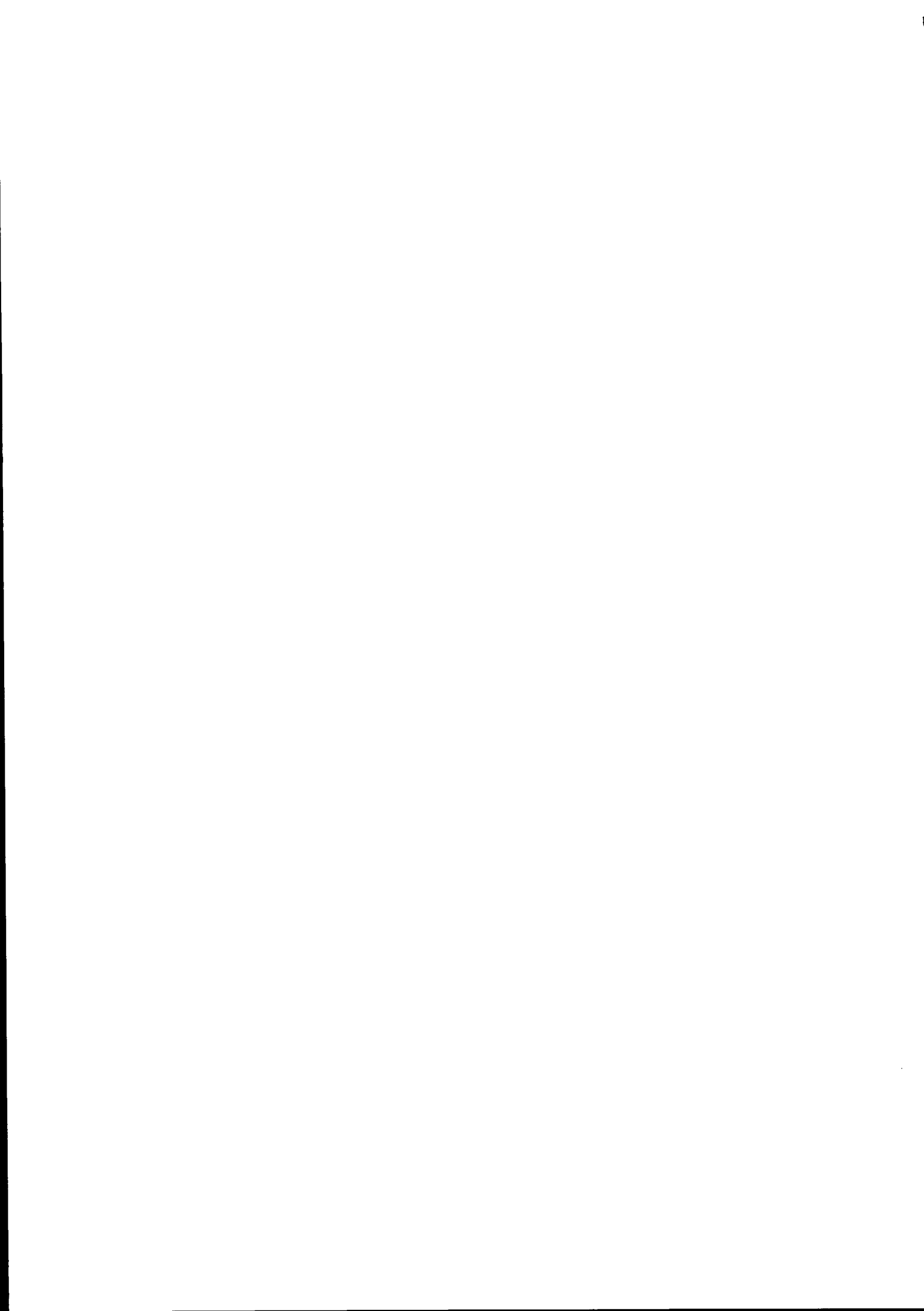
Office of the Permanent Secretary

Ministry of Natural Resources and Environment

Prepared by

Sustainable Environment Co., Ltd.

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Preface

Conduction of the project “Implementing International Agreement Agreements in the ASEAN Region and Dialogue Partners in the Tenth IAMME” is proceeded to establish a database on international agreements in the ASEAN region and dialogue partners on natural resources and environment for serving as a tool in expressing intention and standpoint of Thailand in the tenth IAMME and subsequent meeting. In data compilation process, data of international agreements on natural resources and environment, situation of implementing agreements and results of brainstorm meetings are integrated to analyze for finding strengths and weaknesses of Thailand on each agreement. Furthermore, impacts of being an associate member in agreements, as well as conflicts and harmony of laws and regulations in Thailand are also taken into consideration. Intention and standpoint are set based upon potentials and limitations of the country, in terms of economy, social, culture and environment. All together create the natural resources and the environment more efficiently to achieve the utmost benefits for planning and management on the environment by Thailand as well as by the ASEAN region on a sustainable basis.

Office of International Cooperation on Natural Resources and Environment



Acknowledgement

The Office of International Cooperation on Natural Resources and Environment has proceeded a project: "Implementing International Agreements in the ASEAN Region and Dialogue Partners in the Tenth IAMME". In this project, Sustainable Environment Co., Ltd. was assigned to do the study. The purpose of the project is composed of 3 activities: 1) To compile data related to international agreements in the ASEAN region and dialogue partners on natural resources and environment, 2) To establish a database on international agreements in the ASEAN region and dialogue partners to serve as negotiating perspectives in the tenth IAMME and to serve as databases for subsequent meeting and 3) To develop a website with a database on international agreements in the ASEAN region to serve as negotiating perspectives in the tenth IAMME and to serve as a database for the subsequent meeting.

We would like to extend our appreciation to Dr. Amphan Pintukanok, Director of the Office of International Cooperation on Natural Resources and Environment for valuable advised suggestion contributing to the accomplishment of this project. Also, we would like to express gratitude to representative from Pollution Control Department, Office of National Resources and Environmental Policy and Planning, Department of Environmental Quality Promotion, Royal Forest Department, National Park, Wildlife and Plant Conservation Department, Department of Marine and Coastal Resources, Department of Public Works and Town & Country Planning, Industrial Estate Authority of Thailand, National Housing Authority, Department of Industrial Works, Geo-Informatics and Space Technology Development Agency (Public Organization), Thai Meteorological Department, National Economic and Social Development Board, Marine Department, Department of Health, Department of Water Resources, Inland Fisheries Resource Research and Development Institute, Department of Fisheries, Agricultural Technology and Sustainable Agriculture Policy, Ministry of Agriculture and Cooperatives, Department of Mineral Resources, Food and Drug Administration, Department of Primary Industries and Mines, Royal Irrigation Department, Office of Tourism Development, Department of Livestock Development, Department of Agriculture Extension, Department of Highways, and Department of Asian Affairs, Ministry of Foreign Affairs .

Lastly, The Office of the Permanent Secretary, Ministry of National Resources and Environment would like to express gratitude to every contribution. We are also willing to accept every comment and suggestion giving to Implementing International Agreement Agreements in the ASEAN Region and Dialogue Partners in the Tenth IAMME".

Office of International Cooperation on Natural Resources and Environment
September 2007



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Acronym

ACB	ASEAN Centre for Biodiversity
AEF	ASEAN Environment Fund
AEEAP	ASEAN Environmental Education Action Plan 2006 – 2010
AEGE	ASEAN Experts Group on the Environment
AMCs	ASEAN Member Countries
AMME	ASEAN Ministerial Meeting on the Environment
AMMH	ASEAN Ministerial Meeting on Haze
ANWRA	ASEAN Network of Water Resources Agencies
ASEM	Asia – Europe Meeting
ASEAN	Association of Southeast Asian Nations
ASEAN+3	ASEAN – China, Japan, and the Republic of Korea Cooperation
ASOEN	ASEAN Senior Officials on the Environment
ASOEN- HTTF	ASEAN Senior Officials on the Environment Haze Technical Task Force
AWG	ASEAN Work Group
AWGCME	ASEAN Working Group on Coastal Marine and Environment
AWGESC	ASEAN Working Group on Environmentally Sustainable Cities
AWGMEA	ASEAN Working Group on Multilateral Environmental Agreements
AWGNCB	ASEAN Working Group on Nature Conservation and Biodiversity
AWGWRM	ASEAN Working Group on Water Resources Management
CBD	Convention on Biological Diversity
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
COST	ASEAN Committee on Science and Technology
COP	Conference of Parties
CPB	Cartagena Protocol on Biosafety
EU	European Union
FAO	Food and Agriculture Organization of the United Nations
FTA	Free Trade Area
GEF	Global Environment Facility
HPA	Hanoi Plan of Action

Acronym (Cont'd)

HTTF	Haze Technical Task Force
IAMME	Informal ASEAN Ministerial Meeting on the Environment
IUCN	International Union for the Conservation of Nature and Natural Resources
JPOI	Johannesburg Plan of Implementation for WSSD
MEAs	Multilateral Environmental Agreements
NARBO	Network of ASEAN River Basin Organizations
NBF	National Biosafety Frameworks
POPs	Persistent Organic Pollutants
ROAP	Regional Office for Asia and Pacific
UN	United Nations
UNDESD	United Nations Decade of Education for Sustainable Development
UNEP	The United Nations Environment Programme
UNEP GC	United Nations Environment Programme Governing Council
UNFCCC	United Nations Framework Convention on Climate Change
VAP	Vientiane Action Programme
WTO	World Trade Organization
WHO	World Health Organization
WSSD	World Summit on Sustainable Development

EXECUTIVE SUMMARY

ASEAN member countries consist of: State of Brunei Darussalam, Kingdom of Cambodia, Lao People's Democratic Republic, Malaysia, the Union of Myanmar, Republic of the Philippines, Republic of Singapore, Kingdom of Thailand, Republic of Indonesia and Socialist Republic of Vietnam. In light of their concerted commitment regarding the Organization's environmental strategic plans which have to be efficiently executed they set up the ASEAN Senior Officials on the Environment (ASOEN) especially to monitor and supervise environmental works and projects, with particular responsibility to submit propositions on the region's environmental policies and their administrative coordination; on the promotion of the environmental collaborations both in the ASEAN region itself and between ASEAN and other regions or with other international organizations as well as making report presentation to the ASEAN Ministerial Meeting on the Environment, which is supervising and monitoring both the implementation and the policies.

As for the Kingdom of Thailand, the Office of the Permanent Secretary of Ministry of Natural Resources and Environment is the Chairman of ASOEN, While the Office of International Cooperation on Natural Resources and Environment, Office of the Permanent Secretary of the Ministry of Natural Resources and Environment is the Secretariat both primarily working to analyst, coordinate, and monitor the relevant projects' on going process, so as to ensure the most expedient compliance to effective environmental implementation.

The Tenth Informal ASEAN Ministerial Meeting on the Environment (IAMME) 2007 was organized by the Kingdom of Thailand to provide the ASEAN ministers and those of the dialogue partners with an opportunity to meet and exchange views as well as to have informal discussions and consultation on importance environmental issues prior to the ASEAN ministerial meeting on the environment which is held every three years. The Tenth

Informal ASEAN Ministerial Meeting was participated by the 10 ASEAN member countries and the other 3 dialogue partners, namely People's Republic of China, Japan and Republic of Korea.

Therefore, in line with the imperative concerning the preparation of information to be used as the data-base for decision-making on Thai position during the official ministerial meeting, it was necessary to carry out the list of activity to comply with the international agreements in the ASEAN Region and the Dialogue Partners made during the Tenth Informal ASEAN Ministerial Meeting on the Environment (IAMME). For use as data-base for all concerned agencies as well as for use as reference for decision making during the meeting, with the emphasis on the program made in compliance to the said international agreements, as well as the analysis on the linkages between/among those international agreements that may be in compliant with or different to one another. This Project is to collect and develop the data-base on the website on the international agreements in the ASEAN Region and in the countries of the dialogue partners so as to unify the activities on the natural resources and the environment more efficiently to achieve the utmost benefits for planning and management on the environment by Thailand as well as by the ASEAN region on a sustainable basis.

1. Cooperation and Environmental Implementations Plan of ASEAN

1.1 ASEAN Environmental Cooperation

ASEAN has embarked upon the environmental cooperation for the first time in 1977, in which the ASEAN Subregional Environment Programme I (ASEP I) was carried out with assistance from the United Nations Environment Programme (UNEP) and in which the ASEAN Experts' Group on the Environment (AEGE) served as an operator under the ASEAN Committee on Science and Technology (COST). The managerial approach under ASEAN environmental cooperation is conducted in three levels of meeting as following:

- 1) ASEAN Ministerial on the Environment
- 2) ASEAN Senior Officials on the Environment –ASOEN
- 3) ASEAN Working Groups Related to the Environment as following:

- (1) ASEAN Working Group on Nature Conservation and Biodiversity:
AWGNCB
- (2) ASEAN Working Group on Coastal and Marine Environment:
AWGCME
- (3) ASEAN Working Group on Multilateral Environmental Agreements:
AWGMEA
- (4) ASEAN Working Group on Water Resources Management:
AWGWRM
- (5) ASEAN Working Group on Environmental Sustainable Cities:
AWGESC

1.2 The ASEAN Environmental Action Plan

1) Hanoi Plan of Action (HPA)

During the sixth ASEAN Summit in 1998, ASEAN has en bloc produced the action plan to realize its Vision 2020, the course of which was to run six years (1999–2004), stipulating that “environmental preservation and sustainable development must go hand in hand”. To accomplish the HPA, ASOEN had come up with the draft action plan running from 1999 to 2004 with following: forest fire and haze, nature conservation and biodiversity, coastal and marine environment, and global environmental issues such as climate change, hazardous wastes disposal.

2) Vientiane Action Plan (VAP)

The Plan covers the period between 2004 and 2010 and is the second action plan following the HPA, with its main concept being: “Towards shared prosperity destiny in an integrated, peaceful and caring ASEAN Community”. Under the goals of natural resources and environment is the issue of encouraging sustainable existence of environment and proper environmental care through proper mechanisms. Preventive and management mechanism for the prevention and termination of environmental disasters must be developed. In order to enable VAP to action its goals, strategies in terms of natural resources and environmental management have been set into twelve areas as follows:

- (1) Global environmental issues
- (2) Land and forest fires and transboundary haze pollution
- (3) Public awareness and environmental education
- (4) Promotion of environmentally sound technologies
- (5) Urban environmental management and governance
- (6) Sustainable development, monitoring and reporting/ database harmonisation
- (7) Coastal and marine environment
- (8) Nature conservation and biodiversity
- (9) Freshwater resources
- (10) Ensuring Sustainable management of land-based resources while enhancing optimum agricultural production
- (11) Promoting forest management as a model in sustainable development by harmonizing environmental, social and economic policies
- (12) Strengthen cooperation in the rational utilization of mineral resources

2. Connections and Relations of Agreements on Natural Resources and the Environment

When considering significant matters of the agreements, it should be pointed out that from the past until now, there are several agreements that Thailand has made with the Dialogue Partners, and categorizes important issues to reflect the connections in many aspects as the followings:

1) Most agreements have at least 2 important subjects:

- The first issue is the agreement itself, which is intended on particular subjects such as on biological diversity, be it the Agreement on Transboundary Haze Pollution, the Basel Convention on the Control of Boundary Movements of Hazardous Wastes and Their Disposal or the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade.

- The second issue is that of the agreements that do not indicate the issue which should be specifically proceeded, but indicating in terms of overall integrated development nation at regional and international levels. However, there are also links on issues of cooperation framework to cover the aspects of natural resources and the environment, such as the ASEAN Socio-Cultural Community Plan of Action, the Agreement between the Governments of the ASEAN countries and the Governments of the Russian Federation on Economic and Development Cooperation.

2) Even the agreements that were made between Thailand and other nations, when analyzing important aspects of each agreement, it can be seen that they all have similar issues, which support one and other. Therefore, there are need to consider consistency/inconsistency of all the issues, and group similar agreements together, such as the group of agreements on biological diversity, a group of agreements on chemical management to link the issues, and make them operate with unity, and in the same direction.

3) Once Thailand has signed/ratified agreements, she is bound to change her procedures in many respects to obtain results of the country's position to comply with the agreements, even though each agreement was made voluntarily. Therefore, the results of those agreements affect procedures in many aspects, such as state policy, defining of roles, and the missions of responsible organizations, action plan, including financial support, developments of legal mechanism, domestic regulations and conditions. In addition connection to agreements on natural resources and the environment, in some cases, procedures regarding the agreements may be obstacles to economic and social development.

3. Thailand's Stance and Intent

3.1 International Agreements on Natural Resources and Environment within the ASEAN Framework

3.1.1 Transboundary Haze Pollution Agreement

1) ASEAN Agreement on Transboundary Haze Pollution

The objectives of this agreement are to prevent and monitor the transboundary haze pollution matters due to land fire and/or forest fire. Thailand has ratified on September 17, 2003 and implemented to comply the obligations such as establishing the subcommittee for the work related to the zero-open burning issue, establishing the prototypical plans on open burning (2004-2008) etc.

Advantages and Disadvantages to Thailand

Thailand successfully implements the zero burning policy, which can be a role model as a good practice for countries in ASEAN.

Framework for Thailand's Stance and Intent

- Support the establishment of the ASEAN coordinating Centre for Transboundary Haze Pollution Control.
- Support the establishment of ASMC in Singapore since the centre does have the different working aspects comparing with the ASEAN coordinating Centre for Transboundary Haze Pollution Control. Furthermore, the operation of both centres is a complemeatry with each other.
- Be neutral on ratification of Indonesia on the Agreement.
- Thailand has proposed the draft ASEAN Mekong River Cooperation Project.

3.1.2 The Natural Resources and Biodiversity Agreements

1) ASEAN Framework Agreement on Access to, and Fair and Equitable Sharing of Benefits Arising from the Utilisation of, Biological and Genetic Resources: ABS

ABS has been established, by which AMC's are required to stipulate laws and approaches to fair and equal access to resources for all sectors, especially for the local communities which are entitled to fair and equitable rights as well as to the access to resources for education, development and commerce.

There has not yet been signed, due to the fact that the concerned Subcommittee is setting up the clear paradigm of the international regime on access to genetic resources and sharing of benefits, with reference to the Bonn Guidelines.

Advantages and Disadvantages to Thailand

The issue of provident fund support (item no.12 of the agreement on the issue of common fund for biodiversity preservation), which, though on voluntary basis as cited in item no. 4, further states in item no.6 that, in light of imperativeness the alliance entities may resort for additional funds needed as for this agreement to those concerned international organizations.

Framework for Thailand's Stance and Intent

Thailand should not sign on the agreement because there are complicated issues related to the Biodiversity Convention, which, at the present, Thailand is implementing.

2) Agreement on the Conservation of Nature and Natural Resources

Thailand has ratified the Agreement on July 9, 1985.

Advantages and Disadvantages to Thailand

The agreement is required to make implementation for the good of natural resources preservation of the member countries. Thailand operations have been fulfilled in all obligations; infacts Thailand coutries has already signed her name in confirmation for over 20 years.

Framework for Thailand's Stance and Intent

Thailand supports the remaining three members countries (that are Malaysia, Singapore and Brunei) to ratify the Agreement with the ASEAN Secretariat so that it can enter into force.

3) ASEAN Centre for Biodiversity (ACB)

The ACB's objectives are to facilitate the cooperation and coordination between/amongst AMCs and with other governments, regional organizations and concerned international organizations in relation to the conservation and utilization of biodiversity on continual basis as well as for fair and equitable sharing of benefits arising from utilization of biological resources in ASEAN.

Thailand has signed her name to this Agreement on September 12, 2005 to enable the ASEAN to receive budget funding from the EC. At present, Thailand has not yet made contribution to the ASEAN Biodiversity Fund. Nor has the operation been endorsed by the ACB as the country has not received any request on the matter.

Advantages and Disadvantages to Thailand

Thailand has received quite a small amount of benefits from the ACB establishment, contrary to the Philippines. Thailand may need to set the budget greater than Euro 800,000, or more than Thai Baht 36 M, for the course of 5 years of this project, nearly doubling that of the Philippines.

Framework for Thailand's Stance and Intent

Thailand remain reserved in the matter of donation to ASEAN Biodiversity Fund for fact that at present there has not yet been any specific allocation of funds, criteria for one to make a contribution, and benefits a nation shall receive. At present, as for the ACB, there has not been any impact concerning Thailand. Studies in impacts must be conducted as for the establishment of ACB. As such, Thailand should not take any further actions until the Centre operation and its financial system are finalized.

3.1.3 Marine and Coastal Environmental Cooperation

ASEAN has developed the sea water quality criteria for its own, with 17 important parameters to protect aquatic life, and another one humankind's. The criteria for protection of national seabed and preserve zones are intended to cover the boundary of management of both original and new areas, to ensure the shared marine water quality.

Advantages and Disadvantages to Thailand

At present, Thailand possesses laws used for domestic affairs; nevertheless, Thai laws in force are currently not as strict as supposed to be. In addition, the work of coastal resources management and the wiser way to utilize them to users' most benefits, as well as the zoning of coastal preserves, are all of utmost benefit, yet demanding a tremendous amount of budget and requiring a consideration for authorities in question, all of which signify but the significant factors of the nation's deliberations and response accordingly. Also, Thailand still lacks relevant information as well as promotion, hence rendering but an insubstantial volume of local direct participation and precedence given accordingly.

At present, Thailand possesses laws used for domestic affairs; nevertheless, Thai laws in force are currently not as strict as supposed to be. In addition, the work on coastal resources management and the enlightened way to utilize them to users' most benefits are important issues. Furthermore, the lacks of relevant information as well as the promotion render an unsubstantiated volume of local direct participation and importance.

Framework for Thailand's Stance and Intent

Thailand should be supporting the public participation in marine and coastal environmental management. As such, promotion and public relations so as to foster knowledge and promote research projects are indeed worth considering; so is the subject matter of ecotourism promotion as for yielding sufficient amount of time for natural restoration.

3.1.4 Agreement on Water Resource Management

Objectives are to solve problems concerning water resource management. Therefore, focus on the regional cooperation for water resource management by means of integrated management has been made. Thailand is implementing projects in order to abide by the agreement, such as ASEAN Water Resources Operation Project under Vientiane Framework (2004-2010), Agreement on the Cooperation for the Sustainable Development of the Mekong River Basin.

Advantages and Disadvantages to Thailand

Thailand has cooperated with ASEM and NARBO, giving rise to knowledge about hybrid water resource management and water allocation.

Framework for Thailand's Stance and Intent

- Thailand should support implementation of preparation for information and current status in hybrid water resource management, capacity building on knowledge transference and research, and development for project between ASEAN countries (Such as Khong River case study).
- Thailand should consider result of the implementation of basin sub-committee, in terms of management effectiveness and efficiency in order to be an example for ASEAN countries.

3.1.5 Agreement on Environmentally Sustainable Cities

1) Framework for Environmentally Sustainable Cities in ASEAN

The framework for Environmentally Sustainable ASEAN is to set a goal in the development of quality cities' environment to be sustained. This would represent, perceptively, the sustainable management of Clean Air, Clean Water and Clean Land, which will play important roles in the development of cities' environment. This framework will be initiated by the cooperation amongst the governments, the private sectors, the people as well as international organizations.

Advantages and Disadvantages to Thailand

- The agreement has upgraded the urban environmental quality of the provinces, spending mainly capital budget.
- Thailand shall seek to receive the technical know-how and budget from donors outside of ASEAN.
- Some disadvantages may occur in the nomination of Bangkok, Chiang Mai, Phuket and Krabi to compete in the ASEAN sustainable cities award. This is due to the environmental quality of these cities are below the standard set in the framework and may cause Thailand to lose the competition.

Framework for Thailand's Stance and Intent

- Thailand supported the implementation of the framework continuously in order to upgrade the quality of life and environment in the cities,
- Thailand should use this opportunity to implement framework of the Agreement, in terms of promoting to the public and driving to the policy level.

3.1.6 Additional Agreement on the Environment

1) ASEAN Environment Fund

The objective of establishing the fund is to use for managing sustainable environment in ASEAN countries. The establishment of this Fund would bring good consequences to the AMCs in their environmental management. Thailand recognized and accepted the AEF Fund establishment. Currently, Thailand is discussing on the possibility of making contribution.

Advantages and Disadvantages to Thailand

Thailand signed the contribution agreement per se. Advantage and disadvantage to Thailand depend on the amount of the contribution and the benefit received. Thailand being the 2nd GDP ranking in ASEAN only after Indonesia, with 17.92 % of the total GDP of ASEAN countries and the Thai's contribution based on common international practice, Thailand turns out to be a main donor to the Fund. Therefore an

agreement on the amount of the contribution must be discussed with careful consideration of the country's condition and benefits.

Framework for Thailand's Stance and Intent

Thailand shall consider each ASEAN countries' conditions before signing, as some of the new members may have financial difficulty. The expected benefits for Thailand must be compared to the amount of money to be donated by her.

2) ASEAN Environmental Education Action Plan 2006-2010

The main objective of the plan is to provide framework in the environmental education work heading for the sustainable development and being a part of national development. Besides, the progressive environmental education is elevated to be the main factor to bring the ASEAN and the regional countries to the goal of sustainable development. Thailand is now discussing the draft National Environmental Education Strategy Plan. Thailand has settled some of the issues, such as the environmental education curriculum for all study levels, local environmental education curriculum, training of media, preparing the environmental education teachers or school/Sufficient Economic Approach Learning Center.

Advantages and Disadvantages to Thailand

- Encourage all ages and levels of the Thai government to pay attention to environmental education. This would include the continuous development of the local environmental education, in particular to encourage the conscience of the people.
- Dispatch the outcomes to several organizations prioritizing the topic of Environmental Studies in curricula, as well as implementation plans of their agencies.
- To partake in developing the Thai population into the environment-friendly living society at large, taking into account significantly the issues of pollution and environment, with surveillance taken, as well as monitoring the environment quality based upon the edifice of proper sense of knowledge and comprehension, hence leading towards the sufficiency living within but quality environments.
- Thailand can encourage people in neighboring countries to learn and understand more about the environment, thus long-term transboundary environmental impacts (problems) can be reduced.

Framework for Thailand's Stance and Intent

Thailand is about to become the ASEAN leader in the upcoming round and ready for in its implementation, Thailand thus should encourage the use of the aforementioned AEEAP 2006-2010, ramifications of which will be auspiciously yielded unto any actions taken in accordance with the Vientiane Action Programme as well. In regard to the domestic operation, the Strategic Plan of National Environment should be driven towards the realm of efficiency so as for the desirable outcomes of harmonious implementations in line with the AEEAP.

3) Vientiane Action Programme (VAP)

The framework of Vientiane Action Programme is to last 6 years between 2004 and 2010, intended to carry on that of Hanoi Plan of Action (HPA) in aims at achieving the ASEAN 2020 vision. VAP operation shall be based upon 2 main dimensions; id est., that of "One Cohesive ASEAN Community", and determining new strategies in order to reduce the development gaps via more rapid aggregation, closer cooperation which also entails one's manner of working with a certain negotiator-nation in question, fierce campaigns for more support by political bodies, and resource compilation for the good of VAP efficient operations.

The framework of VAP was to last 6 years between 2004 and 2010, and was intended to carry on the Hanoi Plan of Action in its aims at achieving the ASEAN 2020 Vision. VAP operation was based on 2 main dimensions: (1) one cohesive ASEAN community" and (2) determining new strategies to reduce the development gap via more rapid aggregation, closer cooperation (which also entails one's manner of working with a certain Dialogue Partner concerned), fierce campaigns for more support by political entities, and resource compilation for the good of VAP efficient operations.

Advantages and Disadvantages to Thailand

- Most of commitments are useful to the country but not subject to penalties.
- Thailand's capacity in taking actions in nearly all items included therein, with the exception of a few items that might be in need of the more concrete form. Such as; there should be information compilation on work patterns, operation plans,

or strategic plans, all of which have been carried out by Thailand, yet are to be in accordance with VAP as soon as possible.

Framework for Thailand's Stance and Intent

- Thailand as the "next" ASEAN Secretariat needs to play a significant role in driving to the highest the ASEAN action programme.
- Thailand is strongly determined to act in compliance with the Vientiane approaches, as evident in her agreement to the decreased timeframe in which the goals of ASEAN Vision 2000 and ASEAN Concord II are to be achieved sooner in the year 2015 in accordance of the "Cebu Declaration on the Establishment of the ASEAN Community by 2015".

3.2 International Agreements on ASEAN and Dialogue Partners' Framework

3.2.1 Financing Agreement between the European Community (EC) and ASEAN for the Project on the ASEAN Centre for Biodiversity (ASEAN-EC for ACB)

The EU members have approved grants to ASEAN, to be utilized for ACB Centre operations, amounting to Euro 6 M from the total budget of Euro 7.3 M. The fund support is given in continuation to that given to the Philippines in 1999 for the establishment of the aforementioned Centre. Support has been discontinued in 2004. But the EU had specified the obligations in setting up the said establishment as officially being a Regional Centre on that occasion. Thus acknowledged by the AMCs, efforts have been made to materialize the Centre in the Philippines by means of AMCs' signing, including Thailand's, for the Agreement on the Establishment of the ASEAN Centre for Biodiversity.

Consideration of Contribution Amount

Customarily, the initial amount of contribution and the annual contribution shall be specified, the former, shall be made equally by AMC while, the latter is to be calculated in proportion to their GDP ratio for a certain minimum amount, to which more than that may be contributed, as follows:

- **Initial Contribution:** This depends on the joint agreement by all AMCs as to what should be the appropriate amount, for which Thailand alone has no authority to stipulate. Nevertheless, the past record exhibit that is has been specified at US\$ 50,000 per country.

- **Annual Contribution:** This is to be calculated in proportion with the GDP ratio of each AMC, for which Thailand ranks No. 2. As for the ACB operations, it has received donation the initial from the European Commission amounting to Euro 6 M, and AMCs were to contribute Euro 1.3 M. In practice, the AMCs all together had contributes Euro 5 M for the 5-year term of operation.

3.2.2 ASEAN+3 Framework Agreement

The ASEAN+3 Cooperation (China, Japan and the Republic of Korea) commenced in 1997, in which the first discussions between AMCs and the leaders of the People's Republic China, Japan and the Republic of Korea took place in Kuala Lumpur in December of the year.

1) ASEAN-China Cooperation

The relations between ASEAN and China than developed at high level since the finalization of cooperation statements in accordance with the "Joint Declaration on Strategic Partnership for Peace and Prosperity Issues" during the 7th ASEAN-China Summit at Bali, Indonesia in October 2003, and was acknowledgment in the form of the the five-year ASEAN-China Plan of Action that was put into action during the 8th ASEAN-China Summit at Vientiane, Lao PDR in November 2004. Between 2005 and 2006 plan the five-year operation had garnered some success, while the rest of the plan is under way.

Framework for Thailand's Stance and Intent

Exchange of academic knowledge, techniques and technologies on natural resource and environmental management as well as personnel in terms of the sharing of experiences on the environment with China should be encouraged as China possesses high capacity and advanced technological development.

2) ASEAN-Japan Cooperation

International cooperation between ASEAN and Japan will be in the cooperation, in terms of projects, such as the following projects:

- An Assessment for the Establishment of an ASEAN Regional Network to Promote Environmentally Sound Technologies;
- A Study for the Establishment and Operationalization of an Emergency Response and Strategic Planning Institute for Environmental Disasters;

Framework for Thailand's Stance and Intent

Either ASEAN-Japan or Japan-Thailand cooperation does not take precedence on the issues of environmental cooperation as it should be. Most of the cooperation has recently been significantly focused upon the economy. In the future, there may be such cooperation as in terms of the environment, Thailand thus should be prepared for the matter, be it of cooperation, plan, and request for financial support or know-how exchange.

3) ASEAN-KOREA Framework Agreement

There have been projects under Korean support are the ASEAN-ROK Flagship Project: Restoration of Degraded Forest Ecosystem in the Southeast Asian Tropical Regions Phase II. On this phase, mechanisms for general research cooperation at both regional and global levels on the topic of long-term forest management had been instituted, under which there is a subproject entitled Management for Restoration of Degraded Logged-Over Forest Land through Collaboration Effort, by the Faculty of Forestry, Kasetsart University.

Framework for Thailand's Stance and Intent

Recently, the Thai-Korean cooperation has been focused mainly on know-how exchanges and sharing of experience and training; therefore, Thailand should continue requesting for this kind of support. Additionally, cooperation on environmental management technology and expansion of technologies to commercial should be further cooperated since Korea is skilled for these topics.

3.3 International Agreements on the Multilateral Agreement under the ASEAN Framework

3.3.1 The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal

The Basel Convention's spirit is to protect human health sanitation, as well as the environment against toxic wastes and to prevent environment from toxic dangers in developing countries. Its three main objectives include; (1) To minimize the transboundary movements of hazardous wastes and their disposal; (2) To maximize the on-site disposal of hazardous waste; (3) To reduce the generation of hazardous waste in terms of volume and toxicity.

Benefits of the Convention to Thailand

- Preventing the illegal traffic and dumping of hazardous wastes into the country from parties. This is due to the fact that the Basel Convention stipulates that the exporting party is liable to re-import or indemnify the subsequent damages and defines that such transport is illegal.
- The compliance with the provisions of the Basel Convention can provide advance information if there is going to be import, transit movement and export of hazardous wastes.
- Membership results in the determination of measures and rules for controlling the exporting, the importing and the transit movement of hazardous wastes, as well as the provision of equipment and locations for disposing of hazardous wastes inside the country.
- The entitlement to export hazardous wastes for disposal to a member country that has appropriate technologies and capability for the disposing of these hazardous wastes.
- Capability to trade with member countries in exporting and importing hazardous wastes for industries making use of these hazardous wastes as raw materials in their production process.

- Being protected and supported with academic and financial assistance from the revolving funds to address problems related to accidents resulting from the transport, the movement and the disposal of the hazardous wastes.
- Being entitled to receiving academic and technological assistance from developed member countries to improve and address problems related to the management of hazardous wastes inside the country.
- Protecting human health and sanitation, as well as health of consumers, workers, women, children, the educationally underprivileged, and the environment of the country from long-lasting polluting substances.
- Knowing in advance of the importation, transit or exportation of hazardous wastes and be able to make preparation and watch out to ensure safety to life and natural resources of the country much better than not being a member.

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- Thailand should support the drawing up of the recommendations on the OEWG's plan of action for the development of standards and qualitative rules on being hazardous wastes for presentation to the high-level meetings.
- Since Thailand is in agreement with Singapore on the compilation of the e-waste definition, Thailand should therefore prepare the necessary data related to the e-waste that is to be exchanged.
- The Notification of the Department of Industrial Works on the Condition for the Permission on the importation of Used Electrical and Electronical Appliances that are Hazardous into the Kingdom B.E.2546 (2003) does help the importation of the remains of used electrical and electronical appliances that would only but increase the rubbish in the countries. However, this Notification is not applicable to other types of hazardous wastes that are under the umbrella of the Basel Convention and, therefore, the concerned authorities will have to enact legislation on the control of hazardous wastes be clearly defining the composition of the "hazardous wastes", be they those that are specified by the Basel Convention or those that are not.
- There should be established, under the administration of the Pollution Control Department, a "fund" to assist in an emergency, such as may arise

during the shipment or the clandestine importation of wastes into Thailand as well as in the case that private companies in Thailand illegally export waste substances oversea. This fund should be in line with the Ministry of Finance's regulations pertaining to the setting up of funds. It may be a new fund, or one that is already in existence, if that is appropriate.

- The government should expeditiously approve the (draft) Act on the Promotion of the Management of Used Hazardous Products in order to give rise to the hazardous wastes management system which will help in the collection of hazardous wastes and in reducing the need for foreign imports.

- The concerned agencies, such as the Pollution Control Department and the Department of Industrial works, should adopt the plan of action under the Strategic Plan in other to seek the channels of assistance on the clean technology, on the reduction in the volume of wastes, on the increase in personnel's capability in the illegal importation of hazardous wastes, as well as to make recommendations on the training centres in connection to those in the People's Republic of China and Indonesia.

- The Pollution Control Department and the Department of Industrial Works should recommend the setting up of an Asian network to prevent the illegal transboundary movements of wastes, the development of a protect for technical assistance and joint creation of capability, in order to raise the cooperation level to be higher than just the exchange of information.

3.3.2 Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade: PIC

The purpose is to illicit information on the said chemicals, in advance, from the exporting to the importing countries, with a view to cooperation and joint responsibility among member countries on the subject of certain hazardous chemicals in international trade. This is to protect human health and sanitation and the environment from chemical hazards and to promote the non-hazardous utilization of chemicals on the environment, by exchanging information on the nature of the substances such that their import and export could be decided upon at the highest national level, and by disseminating the said decisions to all members.

Benefits of the Convention to Thailand¹

- Protection of human health and the environment from chemicals.
- The ability to strictly and systematically control the import/export of hazardous chemical wastes.
- The reception of necessary and varied information pertaining to the chemicals that disposes of plants and animals and other hazardous substances.
- The improvement in the chemical-control laws of other member countries through the Convention's mechanism which is instrumental in their domestic chemical management.
- The reception of such information that is used in analyzing the risks from chemical usage.
- Maintenance of the right to submit lists of chemical mixtures that dispose of plants and animals and is very hazardous.
- Receiving technical assistance and financial support in the handling and management of chemical substances.
- Prevention of illegal transboundary importation/exportation of hazardous chemical substances.
- Protection against illegal dumping of hazardous chemicals onto the country.
- A chance for Thailand to play a role in acting in accordance of obligations to the United Nations Conference on Environment and Development (UNCED) in the solution of the world's environmental problems under Agenda 12 (Plan of Action) in relation to chemical substances as contained in Chapter 19 of the Action Plan.

¹ Waste and Hazardous Substance Management Bureau, Pollution Control Department (2007) the Rotterdam Convention on the PIC, (online) Available: http://www.pcd.go.th/info_serv/haz_rotterdam.html

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- There should be a development of a proper chemical management system, especially in the aspects of law, of encouraging an integrated management, of establishing a chemical management database and the increase in related researches.
- Reduction of risk of hazardous chemicals by developing and supporting agriculture, which is safe for health and environment, and safety of chemical use in industry.
- Supporting awareness of the public on the danger from chemicals, and on chemical safety management.

3.3.3 The Montreal Protocol on Substance that Deplete the Ozone Layer

The principle of this Protocol is in the cooperation to reduce and end the use of substances that deplete the ozone layer in accordance of the various Annexes attached to the Protocol, which envisaged a certain plan to end the use of the said substances as well as certain measures to control the trading in the said substances and the goods that produce or packaged by the said substances with countries that are not members to the Vienna Convention and the Montreal Protocol.

Benefits of the Convention to Thailand

- Admission from the United Nations Environment Programme as the first country in the Article 5(1) groups that's giving up CFC.
- Receive funding from multilateral and environmental funds
- Obtain knowledge of proper handling of the ODS and transfers into other ASEAN countries.

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- An attempt by ASEAN countries to reduce Methyl Bromide usage through the use of other substances.
- On the Ozone-Depleting Substances (ODS), there must be procedure to monitor the ODS management by using the PIC process.

- Support public relations to make people understand the importance of ozone layer conservation.

3.3.4 United Nations Framework Convention on Climate Change: UNFCCC

The purpose of this Convention is the maintenance of the greenhouse gases' density in the atmosphere at a safe level so as to enable nature to take care of itself by adjusting itself to ensure the sustenance of food security and the sustainable economic development. But, so far, there has as yet no attempt to designate the level or the volume of greenhouse gases thought to be necessary to maintain the density at a safe level in numerical order.

Benefits of the Convention to Thailand

- Acknowledgement from the world community that Thailand is one of the countries that realize the climate change problem.
- Creation of learning and relevant researches.
- Receiving the funding for relevant researches, projects, and appropriate knowledge in the utilization of technology.
- Receiving the right to express opinions in relation to Thailand.
- Receiving the benefits from international investment.

Negative Impacts of the Agreement to Thailand

As a Convention's member, Thailand is obliged to carry out implementation right through the agreement. Every proceeding needs responsible units to manage, which would incur loss of the budget. Besides, Thailand also lacks experts, leading to dependence on the foreign experts, which also creates budgetary loss.

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- Research and analysis should be carried out on the biodiversity in relation to climate change.
- Development and capacity building of the new generation of researchers is necessary to continue.

- Expand the researches and studies on climate change and disseminate up-to-date information on the issue to minimize financial expenditures in research and development.
- More resources and funding should be allocated to improve and secure more progressive and up-to-date data collecting tools and equipment.
- A climate model should be developed particularly for Thailand or countries in the ASEAN region.
- A central data hub or center should be established to store and disseminate all data and information relevant to climate change to serve the increasing needs of different agencies.

3.3.5 Stockholm Convention: Persistent Organic Pollutants : POPs

The purpose of the convention is to protect human health and sanitation from the persistent organic pollutants (POPs). Twelve preliminary POPs chemicals are: aldrin, chlordane, DOT, dieldrin, endrin, heptachlor, hexachlorobenzene, mirex, toxaphene, polychlorinated biphenyls (PCBs), polychlorinated dibenzo-p-dioxin (PCDDs) and polychlorinated dibazofurans (PCDFs).

Benefits of the Convention to Thailand ²

- Protecting human health and sanitation, the health of the consumers, workers, women, children and the educationally disadvantaged people, as well as the national environment, from the POPs.
- Gaining a systematic and strict control on the import/export of the hazardous chemical substances and POPs, which is conducive to the control of the hazardous chemical substances and the internal management of chemical substances.
- Protection against the international illegal import/export of hazardous chemical substances and the POPs.

² Waste and Hazardous Substance Management Bureau, Pollution Control Department (2007) the Stockholm Convention on the POPs, (online) Available: http://www.pcd.go.th/info_serv/haz_pops.htm

- Preventing the illegal dumping of hazardous chemical substances and POPs onto the Kingdom.

- Receiving the protection as well as the assistance, both technically and financially, from the World Environment Fund and from the other international organizations, both bilaterally and multilaterally, such as from the UNEP, GEF, UNIDO, UNDP, DANCED and the World Bank.

- Receiving various technical and technological assistances from the developed member countries for the systematic and all conclusive protection and the solutions of problems pertaining to the hazardous chemical substances and the POPs.

- The promotional adoption of the list of the POPs' emission to be used in considering the means and measures to reduce, protect and solve the POPs problems.

- Promotion of the transfer of technology for the development of the basic infrastructure, efficiency and the ability to manage the chemical substances right through their life cycles.

- The development of the industrial sector, in particular, the promotion of safety from hazardous chemicals, as well as the development in the efforts to search for safer substitution substances by which the trading and investment potentials could be increased.

- Expressing the Thailand's role for implementing commitments of the United Nations Conference on Environment and Development (UNCED), in terms of alleviating world's environmental issues, especially the cooperation on the Chapter 19 of Agenda 21.

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- Preparation of implementation report dealing with the successes and problems related to the POPs in order to be a case study for other ASEAN countries. Progress on both the participation in the POPs Review Committee (POPRC) and the Groups of Experts on the Best Available Techniques, and on the Best Environmental Practices, should be informed to AWGMEA as well.

- Convene national and ASEAN forum in order to share lessons and to learn among the national focal points in order to develop capacity in ASEAN agencies.
- Implement the National Action Plan in accordance of the Stockholm Convention by relying on continuous and meaningful co-operation from the agencies concerned, with periodic reviews of the efficiency and the effectiveness of the operations that are in accordance of the said Action Plan, and with the regular exchange of views and experiences internationally.
- Thailand will have to subscribe to the membership in the convention in accordance of the United Nations' practice, while the private sector may have to foot the expenses in switching to a more environmental-friendly production process. Yet this burden in increased investment to preserve the environment will be more than compensated by the returns form the sharpened competitiveness in the global trading arena be the saving in the national budget on public medical expenditure that would otherwise result from illness caused by the hazardous substances.

4. Approaches for Improving Capacity of Thailand under the Framework of Natural Resources and Environment Agreements in ASEAN

In order to make the implementation of the country conforms to the framework of natural resource and environmental agreements and supports effective management mechanism; the government should have a policy and strategy for the effective implementation as follows.

1) Policy support: The master plan and action plan should be designed for the actual implementation. This is because plan acts as a tool for the actual implementation. Moreover, in the process of creating plans, all stakeholders should participate throughout the entire process.

2) Setting implementation mechanism: The focal point and supporting agencies should be clearly appointed. In order to have a mutual understanding in working at executive level, framework brainstorming on the implementation should be held by all parties. Besides, collaboration for forming special committees for playing roles in supporting, cooperating, and pushing for implementation is very important.

3) Financial Support: Financial support is cooperation with the Bureau of the Budget. Sufficient financial support for all working agencies should be allotted so as to implement the plans. The budget supported by the government should be used for managing various aspects, including making agencies stronger through:

(1) Administration of the office/department/agency: Spending budget is important, especially for supporting new emerging agencies in their structural re-engineering and for internal administration in the offices.

(2) Supporting personnel, officers, experts, and working officials: Knowledge and special technical proficiency (including international negotiations) can be obtained through training, meetings, conference, knowledge exchange and intensive training courses.

(3) Research and development: Research for finding answers to support the implementation is very crucial; however, developments of the economy, society, culture, and national security have to be contemplated for the implementation simultaneously with the finding of answers. Sometimes, research and development have to rely upon networks, such as educational institutes.

(4) Support for implementing activities of the action plan: Financial support for related external organizations including local communities and the public sector may be required for the implementation of the action plan at the grassroots level. The ability to cooperate for funding from environmental funds in the country and from international sources would be very helpful.

4) Creating understanding for the public: It is a communication process with the society at large in order to have the social sector to see the importance of the implementation of the natural resource and environmental framework agreements. The method for the communication should be focusing on two-way communication, which has various forms, as listed as the following:

(1) Website containing details of progresses that can be distributed to the public.

(2) Television, newspapers, radio and other publications can be used to communicate current situation on each agreement.

(3) National Information Center for Natural Resources and Environments related to the agreements can be a center for collecting up-to-date information, which can be quickly, correctly and precisely used, such as the GIS data.

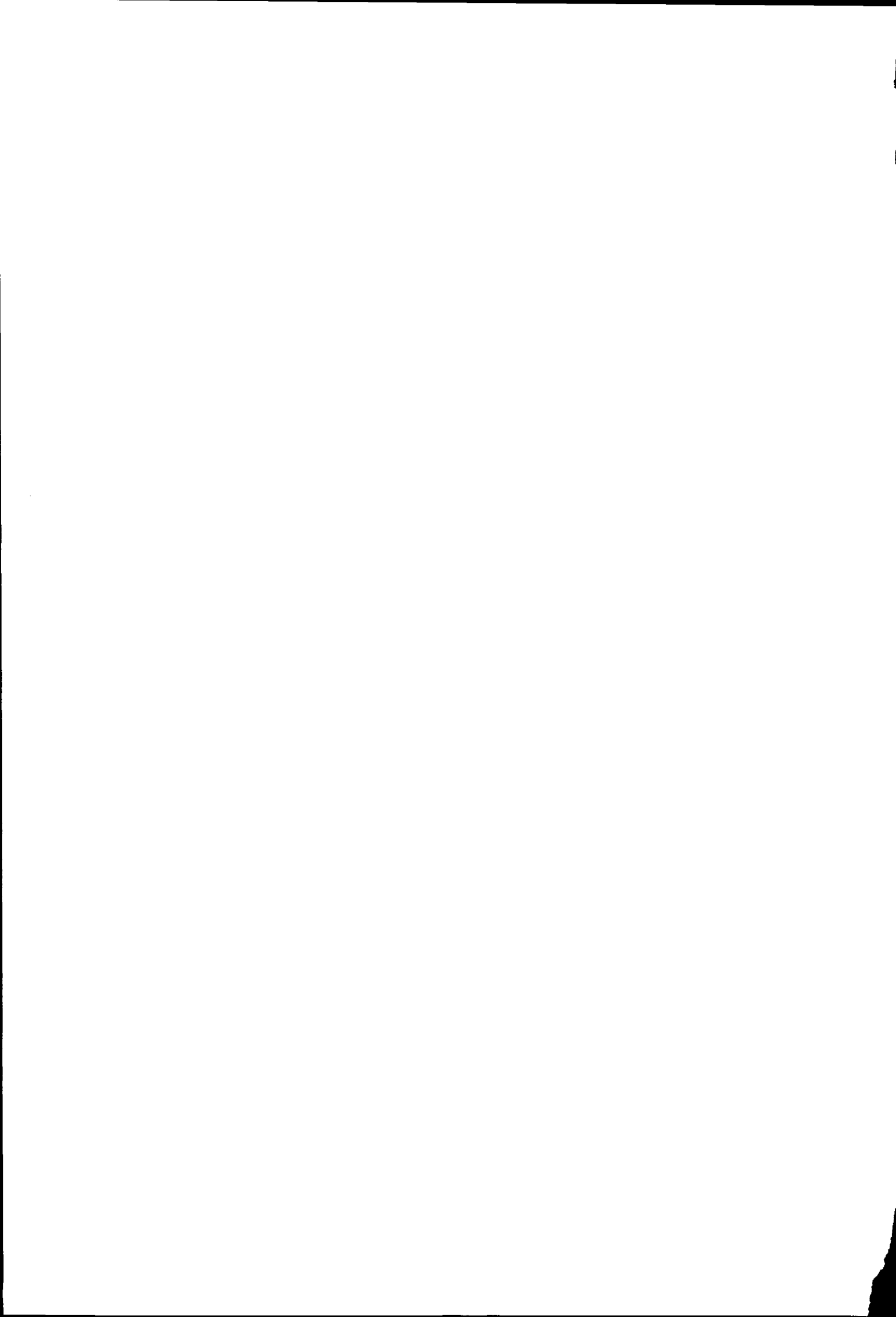
(4) National conference for evaluating situation and reporting progress should be convened at least 1-2 times per year. Focal point agency of each agreement should be responsible for the conference.

(5) Annual report containing data related to analyzing situation, tendency, direction and the readiness of the country for the implementation should be submitted to the Environmental National Committee and distributed to the public.



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