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# A Critical Look at Chapter 17 of the Agenda 21 and Malaysian Challenges.

## [An Appraisal of Issues Facing the Malaysian Marine Environment]

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# A CRITICAL LOOK AT CHAPTER 17 OF THE AGENDA 21 AND MALAYSIAN CHALLENGES

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## 1.0 A BRIEF OVERVIEW OF CHAPTER 17 OF AGENDA 21

The seventeenth chapter of Agenda 21 is titled " Protection of the Oceans, All Kinds of Seas, Including Enclosed and Semi-Enclosed Seas, and Coastal Areas and the Protection, Rational Use and Development of their Living Resources". The main thrust of the chapter is to provide a framework upon which "national, regional, subregional and international activities can be undertaken to achieve the above. The framework is based on the recognition that the problems facing coastal regions and open oceans are complex and require concerted national as well as international efforts if they are to be resolved (WWF 1992).

The chapter recognizes the value of the above ecosystems and their resources "as essential components of the global life support system" (Anon 1992), and the threats facing them. Some of the threats identified are over-exploitation of coastal and high seas fish stocks; non-sustainable coastal development (including urbanization, industrialization, and agriculture); deforestation of catchments leading to erosion and subsequent siltation in coastal areas; and pollution from land-based and marine based sources.

The chapter establishes the "rights and obligations of States and provides the international basis upon which to pursue the protection and sustainable development of the marine and coastal environment and its resources" (Anon 1992). This quest is embodied in the seven programme areas (listed below) aimed at addressing the wide-range of issues countries face in managing their marine environment and its resources. The programme areas are:

(a) Integrated management of and sustainable development of coastal areas, including exclusive economic zones;

(b) Marine environmental protection;

(c) Sustainable use and conservation of marine living resources of the high seas;

(d) Sustainable use and conservation of marine living resources under national jurisdiction;

(e) Addressing critical uncertainties for the management of the marine environment and climate change;

(f) Strengthening international, including regional cooperation and coordination; and

(g) Sustainable development of small islands.

Within each programme area, a series of guidelines is provided to assist countries in building national programmes which should include among others the identification of policy needs and new policy initiatives; assessment of technical capabilities and identification of areas for capacity building; collection, collation and analysis of data and information; and identification of financial needs as well as sources of funds. In formulating such national programmes, countries are also encouraged to look into ways of establishing or improving cooperation and coordination at regional and international levels.

One of the key elements in Chapter 17 is the call for Governments as well as national and international institutions to adopt "approaches which are integrated in contents and are precautionary and anticipatory in ambit". The adoption of the above principles constitutes an important first step in enabling Governments and institutions to anticipate and prevent further degradation of the marine environment and reduce the risk of long term or irreversible effects on the oceans (Keating 1993). This is important in dealing with some of the uncertainties linked to the predicted rise of sea levels as a result of global warming, and in safeguarding

the marine environment from potential impacts of the exploitation of newly discovered resources and of known resources not already being used.

The issues mentioned above constitute some of the more pressing problems countries face in managing their maritime environment, and the fact that an agreement was reached at UNCED with regard to the ways that they should be overcome can be considered an achievement, on the other hand there are several key issues or factors which were not addressed at UNCED that could have contributed further to improving the management and conservation of the marine environment.

Chapter 17 in particular, and the United Nations Conference on Environment and Development (UNCED) in general failed to call for the universal ratification of the United Nations Convention on Law of the Sea (UNCLOS). The treaty is the first to establishes a comprehensive international legal framework for the marine environment encompassing important concepts such as environmental impact assessment, habitat and ecosystem protection, prevention of transboundary pollution and integrated pollution control (WWF 1992). A call for a universal ratification of UNCLOS at UNCED would no doubt have expedited the implementation of UNCLOS. Despite the missed opportunity however, there is now enough ratification for UNCLOS to come into force.

## 2.0 PURPOSE AND SCOPE OF PAPER

The main objective of the paper is to examine the implications of Chapter 17 of Agenda 21 on several aspects of the management and development of the Malaysian marine environment in particular the implications of the chapter on existing and proposed policies; management and development strategies and programmes; and conservation priorities. The paper will consider the relationship between Chapter 17 and the situations concerning the Malaysian

marine environment on a generic basis focusing on the common issues shared by the different sectors as mentioned above rather than focusing on the specific programme areas of the chapter. Reference will however be made to existing policies, national and local level programmes as well as the existing body of legislation governing the management and development of the Malaysian marine resources.

A preliminary assessment of the present mechanism which may assist in implementing Chapter 17 in particular, and Agenda 21 in general will also be included.

## 3.0 IMPLICATIONS OF CHAPTER 17 ON THE MANAGEMENT AND CONSERVATION OF THE MALAYSIAN MARINE ENVIRONMENT

On the outset, it is important to note that there are other elements of Agenda 21 which have relevance (e.g., the Convention on Biological Diversity and the Framework Convention on Climate Change) to the marine environment. These elements and other relevant conventions or treaties will be referred to as and when appropriate.

### 3.1 POLICY AND LEGISLATIVE IMPLICATIONS

One of the programme areas of Chapter 17 (programme (a) see 1.0) identifies the need for an integrated policy and decision making process as its main objective. Key to achieving this and integrated management and sustainable development of coastal area and resources management in general is the existence of a cohesive body of policies and legislation. These institutional tools are important as guidelines for resource management and development; and as instruments for enforcing environmental and developmental standards to control such processes.