

Perspectives on Marine Environmental Protection in Brunei Darussalam

Overview

East Asia is predominantly a maritime region and is dependent on its marine environment for resources, trade and communication. This makes the sustainability of marine resources in addition to the safety and security of sea lines of communication extremely crucial.

In the past decade, the region has gone through tremendous maritime and land development that increasingly threatens the marine ecosystem as a whole. This is especially in terms of excessive extraction of resources from the sea through fishing and drilling, overcrowding of sea lanes by both commercial and non-commercial shipping, and implications of extensive reclamation work on marine environment in the South China Sea. Other incidences caused by vessels such as oil spill and dumping of waste that damages coral reefs and other marine inhabitant effects the longevity of critical resources in the marine environment. Tensions and disputes driven by resources competition further compounded challenges for the safety and security in the maritime domain.

This paper shares the protection of Brunei Darussalam’s marine environment which highlights the role of national agencies involved, national legal instruments that are in place, and ways to enhance regional efforts in marine environmental protection.

Marine Environmental Protection in Brunei

In recent years, there have been an increasing levels of awareness among the population on the importance of the marine environment and the need to protect it. The acts of preserving the marine environment are addressed by a growing participation among the public and private sectors in the country including non-governmental organisations and marine enthusiasts’ individuals. These efforts are important and in line with the National Development Programmes and strategies towards achieving Vision 2035. A few selected examples on how certain local conservation initiatives are further strengthened with the enforcement of national laws:

Initiatives	Enforcement
Managing the overexploitation of fish resources	<ul style="list-style-type: none">• Controlling and specifying the fishing methods and equipment that are allowed and types of fish allowed to be catch
Maintaining breeding grounds	<ul style="list-style-type: none">• Established Marine Protected Areas• Introduction of manmade reefs to increase the number of breeding areas.
Turtle conservation	<ul style="list-style-type: none">• Banning of the sales of turtle eggs
River clean up	<ul style="list-style-type: none">• Establishment of the Department of Environment, Park and Recreation to ensure the cleanliness of local rivers

National agencies involved in Marine Environmental Protection

As other countries in the region, Brunei continues to pursue economic diversification for sustainable economic growth. There is a growing recognition on the need for delicate balance in pursuit of economic development including through industrialisation vis-à-vis the sustainability of marine environment. This requires close coordination, consultation and cooperation among agencies and ministries. At the same time, the protection of marine environment needs related agencies between countries to work together, bilaterally and/or multilaterally as the challenges and impact to the marine environment are transboundary in nature.

Domestically, in Brunei Darussalam, there are several ministries that are directly and indirectly involved in safeguarding the marine environment. This includes several agencies and departments from the Prime Ministers’ Officer, Ministry of Energy and Industry, Ministry of Communications, Ministry of Primary Resources and Tourism, Ministry of Development, Ministry of Health, Marine Police and the Royal Brunei Armed Forces; as well as numerous oil and gas industries located inshore and offshore.

Depending on the area of the marine environment, each agency or department have implemented certain policies, regulations and legal instruments that serve to protect the overall marine environment. This ranges from issues related to deterring illegal fishing activities, monitor breeding grounds and coral reefs within the EEZ and rivers, river-friendly land activities, ensure proper inflow and outflow of sewage, designating waste dumping areas, river clean up, and environmental impact by industrial related activities including oil spills and waste etc.

The main front liners in dealing with the protection of the marine environment are the Maritime Port Authority and the Department of Fisheries. Below are its role and examples of the national legal instruments that are adopted and in place and some regional legal instruments or conventions that Brunei are party to and other initiatives involved:

Main Agencies	Role / Areas of responsibilities	National legal instruments	Regional legal instruments/conventions/initiatives
Maritime Port Authority, Ministry of Communications	<p>Impose regulation on vessels going in and out of the country (in line with IMO)</p> <p>Monitor pollution caused by vessels going in and out of the country and fixed platforms</p>	<p>Ports Act, 1984</p> <p>Prevention of Pollution of the Sea Order, 2005</p> <p>Maritime Offences (Ships and Fixed Platforms) Order, 2007</p>	<p>Brunei ratified Annex 1 to 5 of the International Convention for the Prevention of Pollution from Ships (MARPOL)</p> <p>Implementation of the International Ships and Port Facilities Security Code (ISPS Code)</p>

<p>REGULATORY & ENFORCEMENT</p>	<p>Chairman of the Brunei National Oil Spill Contingency Plan (NOSCOP) and serve as the focal point and lead agency</p>	<p>Merchant Shipping (Civil Liability and Compensation for Oil Pollution) Order, 2008 Maritime and Port Authority of Brunei Darussalam Order, 2017</p>	<p>ASEAN Maritime Transport Working Group (ASEAN MTWG) and BIMP-EAGA through the Sea Linkages Working Group (BIMP-EAGA SLWG) Bilateral agreement with Malaysia on oil spill matters</p>
<p>Department of Fisheries, Ministry of Primary Resources and Tourism</p> <p>REGULATORY & ENFORCEMENT (with assistance from RBN)</p>	<p>Conduct patrolling along the EEZ for any illegal activities together with Marine Department and Royal Brunei Navy</p> <p>Conservation of the sensitive breeding ground of marine resources</p> <p>Focal point in marine scientific research</p>	<p>Brunei Darussalam Fishery Limits Act (Act No. 5 of 1983)</p> <p>1972 Fisheries Enactment</p> <p>Chapter 130 Fisheries Limit</p> <p>Chapter 61 Fisheries Order</p> <p>Environmental Protection and Management Order 2016</p>	<p>The Coordination Committee of the Regional Plan of Action (RPOA) to promote responsible fishing practices</p> <p>The East Asia Summit Track II Study on Enhancing Food Security through Sustainable Fisheries Management and Marine Environment Conservation</p> <p>Participate in ASEAN Fisheries Working Group activities including SEAFDEC</p> <p>Joint ASEAN-SEAFDEC Declaration on Regional Cooperation for Combating IUU and Enhancing the Competitiveness of ASEAN Fish and Fishery Products</p>

Importance of Marine Environmental Protection

Safeguard one's sovereignty, sovereignty rights and jurisdiction

As stated in Article 56 of UNCLOS where coastal states has the *sovereign rights* 'for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the waters superjacent to the seabed and of the seabed and its subsoil, and with regard to other

activities for the economic exploitation and exploration of the zone, such as the production of energy from the water, currents and winds.’

The Article 56 also provide support for coastal states to exercise its jurisdiction to establishment and use of artificial islands, installations and structures; conduct marine scientific research; and protect and preserve its marine environment. This is also stipulated in Brunei’s EEZ Proclamation of 1994, Article 7, rights within the Zone.

Huge source of economic income and revenue

Marine resources have always been a great source of economic revenue which makes it even more crucial for its resources to be properly managed, preserved and not overexploited. Brunei Darussalam is no stranger to IUU where in 2014, Brunei lost \$19 million which is an increase of \$6million compared to 2011 where most cases were done by illegal foreign fishing vessels, fishing without a license and destructive fishing practices with the use of poison and explosives. Brunei Darussalam, through the Department of Fisheries, is currently strengthening its efforts to protect its marine environment especially in deterring IUU within its EEZ and territorial waters. In this matter, the Royal Brunei Navy provide support to the Department of Fisheries in the enforcement of IUU.

Brunei has also been exploring its opportunities to expand and widen its investment especially in capturing fisheries, aquaculture and seafood processing. The fisheries and aquaculture have great potential where by 2023, it is estimated to worth around B\$400 million and B\$200 million per year respectively.

Preservation and Conservation of marine life and environment

The protection of marine environment is vital for the whole underwater ecosystems as “they regulate the climate, prevent erosion, accumulate and distribute solar energy, absorb carbon dioxide, and maintain biological control” despite being vulnerable to climate-induced sea warming. Coastal and marine habitats such as coral reefs and wetlands such as mangroves and peat swamp help to prevent erosion and flooding.

Efforts to promote climate change adaptation through preservation and conservation in marine life and environment have been carried out by relevant agencies and even non-government organisations. The Department of Fisheries has done numerous initiatives including the preservation of mangroves and man-made reefs to encourage the progressive growth of shrimp and fish production. Apart from that, there are also diving operators such as Oceanic Quest who conduct its own project to conserve the marine environment including installation of artificial reefs as breeding grounds. Currently, Oceanic Quest is conducting a project to increase the nation’s coral coverage and to ensure they are able to endure the rising ocean temperature.

Way Forward

The region's marine environment faces increasing challenges today are a consequence of numerous factors varying from overfishing, rapid development on land and sea, oil and gas explorations, natural phenomenon and climate change. Although there have been several initiatives done in trying to 'put back what we have taken out of the ocean' at domestic level, more is needed at the regional level. The preservation and protection of marine environment is a life-long endeavour.

ASEAN member states consists of maritime countries and invariably linked to the sea with Indonesia, Vietnam and Myanmar being the top 10 fish producing countries globally; while the Philippines, Indonesia, Thailand and Vietnam invested hugely in aquaculture. Ongoing cooperation is necessity as ASEAN member states pursue its economic sustainability and endeavour to fulfil an ASEAN Economic Community. Further considerations to strengthen cooperation in maritime issues from safety, security and marine environment through:

- Improve coordination and collaboration with one another in addressing a wide range of marine environment issues
- Learn best practices including legal aspects and HR related matters that is most suitable for each of their marine environment, and
- Invest in land and marine-friendly technologies and have the technology-know-how to ensure the sustainability of its marine environment.