

REPORT OF THE SEVENTEENTH MEETING OF THE ASEAN WORKING GROUP ON NATURE CONSERVATION AND BIODIVERSITY

**3-4 JULY 2007
BANDAR SERI BEGAWAN, BRUNEI DARUSSALAM**

INTRODUCTION

1. The Seventeenth Meeting of the ASEAN Working Group on Nature Conservation and Biodiversity (AWGNCB) was held in Bandar Seri Begawan, Brunei Darussalam, on 3-4 July 2007.

2. The Meeting was attended by delegates from Brunei Darussalam, Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, Philippines, Singapore, Thailand, Viet Nam and a representative from the ASEAN Secretariat. The Executive Director of the ASEAN Centre for Biodiversity was also in attendance. The Meeting was chaired by Ms. Meriden E. Maranan, Supervising Ecosystems Management Specialist, Protected Areas and Wildlife Bureau of the Department of Environment and Natural Resources on behalf of Dr. Theresa Mundita Lim, Chairperson of the AWGNCB, who was not able to attend the Meeting due to unavoidable circumstances. The List of Participants is in **ANNEX 1**.

AGENDA ITEM 1: OPENING OF THE MEETING

3. Mr. Haji Mohd. Zakaria Haji Sarudin, Director of the Department of Environment, Parks and Recreation, Ministry of Development in his welcome remarks welcomed the delegates to Brunei Darussalam and wished the meeting fruitful deliberations and an enjoyable stay in Brunei Darussalam. He emphasized the importance of conservation of biodiversity for the ASEAN Region, and the role of AWGNCB in ensuring effective implementation of relevant initiatives to protect the region's biodiversity.

4. Ms. Maranan in her opening remarks recalled the many substantive initiatives that have been undertaken by AWGNCB, and reminded the meeting of a number of outstanding issues that need to be resolved at the meeting. She hoped that this meeting could move forward progressively on these issues.

AGENDA ITEM 2: ELECTION OF VICE-CHAIRPERSON

5. The Meeting unanimously elected Haji Mohd. Zakaria Haji Sarudin of Brunei Darussalam as Vice Chairperson of the Meeting.

AGENDA ITEM 3: ADOPTION OF AGENDA

6. The Meeting adopted the Agenda as in **ANNEX 2**.

AGENDA ITEM 4: BUSINESS ARRANGEMENTS

7. The Meeting was held in plenary.

AGENDA ITEM 5: MATTERS ARISING FROM THE 17TH MEETING OF THE ASEAN SENIOR OFFICIALS ON THE ENVIRONMENT, 3RD ASEAN PLUS THREE SENIOR OFFICIALS MEETING ON THE ENVIRONMENT, 10TH ASEAN MINISTERIAL MEETING ON THE ENVIRONMENT, 5TH ASEAN PLUS THREE ENVIRONMENT MINISTERS MEETING, 39TH ASEAN MINISTERIAL MEETING AND THE 12TH ASEAN SUMMIT

8. The Meeting noted the ASEAN Secretariat's paper on Matters Arising from the 17th Meeting of the ASEAN Senior Officials on the Environment, 3rd ASEAN Plus Three Senior Officials Meeting on the Environment, 10th ASEAN Ministerial Meeting on the Environment, 5th ASEAN Plus Three Environment Ministers Meeting, 39th ASEAN Ministerial Meeting and the 12th ASEAN Summit as in **ANNEX 3**.

9. The Meeting noted that there are many substantive issues on biodiversity that are being considered by the above Meetings, and that there are some long outstanding matters that need to be considered by the AWGNCB for appropriate action by the above bodies. The Meeting agreed to discuss the follow-up actions on matters arising in the relevant agenda items.

AGENDA ITEM 6: DRAFT ASEAN FRAMEWORK AGREEMENT ON ACCESS TO, AND FAIR AND EQUITABLE SHARING OF BENEFITS ARISING FROM THE UTILISATION OF, BIOLOGICAL AND GENETIC RESOURCES

6.1 Update on the status of signing of the draft ASEAN Framework Agreement on Access to, and Fair and Equitable Sharing of Benefits Arising From the Utilisation of, Biological and Genetic Resources

10. The Meeting noted the ASEAN Secretariat's paper on the Draft ASEAN Framework Agreement on Access to, and Fair and Equitable Sharing of Benefits Arising from the Utilisation of, Biological and Genetic Resources as in **ANNEX 4**. The Meeting noted that the draft Framework Agreement was finalized in 2004 and that Ministers since the 8th IAMME in 2004 have emphasized the need to expedite the signing of the Framework Agreement, the latest being at the 10th AMME in November, 2006. The Meeting also noted that so far only Lao PDR, the Philippines and Singapore have obtained national clearance to sign the Framework Agreement.

11. The Meeting noted the following status on the progress of obtaining national clearance for signing the draft Agreement.

Brunei Darussalam:	Has almost completed national interagency consultation and will be preparing the necessary papers for obtaining the approval of the Government.
Cambodia:	Indicated that with the expected passage of the Protected Area Management Bill later this year, the Framework Agreement could be cleared for signing early next year.
Indonesia:	Still undertaking national interagency consultation, and indicated concerns on some of the provisions of the Framework Agreement.
Malaysia:	Indicated that the Framework Agreement could only be considered for signing after the passage of national ABS laws/regulations.
Myanmar:	Needs to obtain update from their relevant agency.
Thailand:	Indicated that Thailand is in the process of establishing national functions on ABS for the implementation of the Bonn Guidelines and that it is still undertaking national interagency consultation.
Viet Nam:	Still undertaking national interagency consultation, and indicated that Viet Nam is currently drafting a national biodiversity law.

12. The Meeting noted that the Framework Agreement was drafted to facilitate coordinated actions by ASEAN Member Countries on ABS in view of the shared biodiversity resources, and that the Framework Agreement will help to support national policies and regulations on ABS and to assist in capacity building. The Meeting also noted any further delay will render the Framework Agreement outdated, and the need to complete the signing process as soon as possible in view of the importance of this matter for regional cooperation and the on-going international negotiations on ABS.

13. ASEAN Member Countries agreed to coordinate with their respective ASOEN focal points with the regard to the signing of the Framework Agreement, to facilitate the consideration of the matter at the next ASOEN Meeting.

Action: Relevant ASEAN member countries

6.2 Update on the AADCP-RPS Project on the Implementation of the ASEAN ABS Framework Agreement and CBD Bonn Guidelines In ASEAN Member States

14. The Meeting noted the ASEAN Secretariat's paper on Update on the AADCP-RPS Project on the Implementation of the ASEAN ABS Framework Agreement and CBD Bonn Guidelines in ASEAN Member Countries as in **ANNEX 5**.

15. The Meeting noted that Australia did not endorse the project proposal for funding support. However, the Meeting noted the importance of capacity building for ABS and requested the ACB to include the relevant elements of the proposal in its workplans for implementation

Action: ACB

AGENDA ITEM 7: ASEAN HERITAGE PARKS PROGRAMME

7.1 Update on the nomination of (i) Mu Ko Ang Thong National Park and (ii) Had Chao Mai National Park and Mu Ko Libong Non-hunting Area as the ASEAN Heritage Parks (AHP)

16. The Meeting noted that Thailand is preparing management plans for the above national parks and that the nomination will be submitted for consideration as ASEAN Heritage Parks once the management plans are in place.

Action: Thailand

7.2 Other nominations for the ASEAN Heritage Parks

17. The Meeting noted that the Philippines intends to nominate Mt. Kitanglad Natural Park as an AHP. The other ASEAN Member Countries do not have any immediate plans to nominate additional protected areas as ASEAN Heritage Parks, but will keep this matter under consideration.

7.3 Report on the 2nd ASEAN Heritage Parks Conference and 4th Regional Conference on Protected Areas

18. The Meeting noted the ACB's paper on the Report of the 2nd ASEAN Heritage Parks Conference and 4th Regional Conference on Protected Areas, as in **ANNEX 6**. The Meeting noted that the Report of the Conference has yet to be finalized, and that this Report will be submitted to member countries as soon as the report is completed.

19. The Meeting noted the importance of the Annual ASEAN Heritage Parks Conference on capacity building of ASEAN Heritage Parks and to remain focused on adding value to the effective management of ASEAN Heritage Parks. The Meeting requested ACB to emphasize such implementation support for the ASEAN Heritage Parks so that member countries could see benefits in nominating national protected areas as ASEAN Heritage Parks. The Meeting also requested ACB to assist AMCs in ensuring AHPs are effectively managed as a show case of meeting the objective of reducing the rate of biodiversity loss in the region.

Action: ACB

7.4: UPDATE ON THE HEART OF BORNEO INITIATIVE

20. The Meeting noted the updates from Brunei Darussalam, Indonesia and Malaysia regarding the Trilateral Meeting scheduled for 18-19 July, 2007 and associated steering committee and task force meetings. The Meeting also noted

actions being taken to prepare national action plans for implementation of the Heart of Borneo Initiative.

AGENDA ITEM 8: REVIEW OF THE ASEAN AGREEMENT ON THE CONSERVATION OF NATURE AND NATURAL RESOURCES

21. The Meeting noted the ASEAN Secretariat's paper on the ASEAN Agreement on the Conservation of Nature and Natural Resources as in **ANNEX 7**. The Meeting recalled that the 16th Meeting of ASOEN requested member countries to provide their inputs to the ASEAN Secretariat on the review of the provisions of the Agreement, taking into account the implications for those countries which have already ratified the Agreement, before the 16th meeting of the AWGNCB in 2006. The Meeting further recalled that the deadline was extended by the 17th ASOEN Meeting at the request of the 16th AWGNCB Meeting to 28th February, 2007. However, as of date no member country has submitted their inputs to the ASEAN Secretariat.

22. The Meeting noted the ASEAN Secretariat's information that the ASEAN Charter being drafted will address the status of all existing agreements in ASEAN with a view to incorporating an enabling clause in the Charter with regard to their adoption, applicability etc. ASEAN sectoral bodies are required to provide advice on the status of those 'pending' agreements which have not been signed, ratified or yet to enter into force. In this respect there is an urgent need to determine the status of this Agreement which was signed by all the then six ASEAN Member Countries, but have not entered into force as Brunei Darussalam, Malaysia and Singapore have yet to ratify the Agreement.

23. The Meeting noted that member countries have yet to complete their national interagency consultation. The Meeting agreed the AWGNCB members will coordinate with their national ASOEN focal points to have this matter considered at the next ASOEN Meeting.

Action: AMCs

AGENDA ITEM 9: ASEAN CENTRE FOR BIODIVERSITY (ACB)

9.1 Progress on the Ratification of the Agreement on the Establishment of the ACB

24. The Meeting noted that only the Philippines and Viet Nam have ratified the Establishment Agreement and that the other member countries have yet to complete their national process for ratification. The Meeting recognized the urgency to ratify the Agreement to ensure ACB is formally established and requested the relevant member countries to expedite their approval for ratification.

Action: Relevant AMCs

9.2 Update on ACB Work Programme 2007-2008

25. The Meeting noted the approved ACB Work Programme 2007/2008, and ACB's update on the 1st Progress Report for 2006/2007 and the progress report for April to June 2007 as in **ANNEX 8**. The Meeting noted that as the progress reports were sent just before the Meeting, member countries were not able to comment on the progress reports. The Meeting requested member countries to submit their comments on the progress reports to ACB and the AWGNCB members before **11 July, 2007**.

Action: AWGNCB members

26. The Meeting noted that numerous activities with a budget of Euro 1.9 million has been approved for 2007/2008, and the remaining implementation period left is only about 7 months. The Meeting requested ACB to focus on timely and effective implementation of these activities according to the approved work plan.

27. The Meeting also emphasized that ACB should remain focused on implementation of the agreed regional activities in ASEAN initiated by AWGNCB, ASOEN and the other relevant sectoral bodies.

Action: ACB

9.3 Update on the Status of ASEAN Member Countries Contribution to ACB

28. The Meeting noted the ACB's Matrix of Indicative List of Eligible Costs as in **ANNEX 9**. The Meeting emphasized that contributions for events organized in member countries such as payments for accommodation, conference packages etc. which involve actual cash payments should be considered as cash contributions. The Meeting requested ACB to revise the Matrix taking into consideration this comment and other inputs provided at the Meeting and table the Matrix for consideration at the next ACB Governing Board Meeting.

29. The Meeting also noted the concerns of member countries that the information provided by them on their cash and in-kind contribution has not been captured in the financial statements so far. As this is a standard requirement, and this matter has been reminded by EC a number of times, the Meeting requested ACB to pay particular attention to this matter. The Meeting requested ACB to ensure that future financial statements should conform to this standard requirement.

Action: ACB

9.4 Other Issues Related to ASEAN Centre for Biodiversity

30. The Meeting noted the certified financial statements tabled by ACB for the information of the Meeting as in **ANNEX 10**. The Meeting noted that ACB financial statements will be subjected to the due process of vetting and external auditing, and the EC has stressed that any expenditure, though budgeted, which do not follow the financial rules or deemed ineligible will not be allowed and steps taken to recover such expenses. The Meeting again therefore stressed the importance of proper accounting and control over the funds of the ACB.

31. The Meeting expressed concern over some discrepancies/inconsistency on preliminary consideration of the certified financial statements. For example, on the summary of expenses for the special AWGNCB Meeting on 29 April, 2007, the certified statement indicated a total of US\$4,504 was paid as DSA to AWGNCB members, averaging US\$500.00 for each participant, in addition to accommodation costs and dinner allowance. AWGNCB members do not recall being paid such an amount of DSA. The Meeting requested ACB to furnish before **11 July, 2007** the statements for receipt of DSA by AWGNCB members, as receipt of such monies need to be properly reported and accounted for at the national level.

32. The Meeting noted that ACB has requested Birdlife International to provide a statement of actual expenses with the corresponding original receipts and other supporting documents, among others for the 3rd CBS, which the Meeting was informed has yet to be received. However, in the certified financial statements for the CBS series, a breakdown of expenses for the allocation given to BirdLife has been provided.

33. The Meeting reminded ACB that such discrepancies have occurred many times over the past, no proper explanation was forthcoming from ACB staff when requested, and further the discrepancies discovered were only those within the knowledge of AWGNCB. The Meeting emphasized that ACB should sort this matter out and report to the next GB meeting to resolve this matter from recurring again. The ACB Executive Director requested the AWGNCB members that if there are any further discrepancies in the certified financial reports to bring it to the attention of ACB for appropriate action.

34. The Meeting requested ACB to ensure that all papers are circulated at least two weeks before meetings for the consideration of member countries, following standard ASEAN practice.

Action: ACB

AGENDA ITEM 10: ASEAN-ROK FLAGSHIP PROJECT: RESTORATION OF DEGRADED FOREST ECOSYSTEM IN THE SOUTHEAST ASIAN TROPICAL REGIONS PHASE II

35. The Meeting noted the ASEAN Secretariat's paper on the ASEAN ROK Flagship Project: Restoration of Degraded Forest Ecosystem in the Southeast Asian Tropical Regions Phase II, as in **ANNEX 11**.

36. The Meeting noted that ROK is keen to continue cooperation on environment after the end of this flagship project in June 2008, and is currently consulting member countries on ideas for the next phase. The ROK project proponents have suggested setting up an ASIAN Environmental Institute as a mechanism to provide sustained and long term support to environmental activities especially for ASEAN Member Countries. The Meeting agreed that member countries will provide their suggestions for the next phase of ASEAN ROK environmental cooperation by **4th October, 2007** through the ASEAN Secretariat.

37. The Meeting also requested ACB to be actively involved with ROK in the development of the next phase to ensure its continued sustainability. In this respect, the Meeting requested ACB to consider organizing jointly the final Conference on the

ASEAN-ROK Project for review of outputs and planning for next phase to be held next year.

Action: AWGNCB, ACB

AGENDA ITEM 11: ASEAN REGIONAL ACTION PLAN ON TRADE IN WILD FAUNA AND FLORA, 2005-2010

11.1 Report on the 2nd Meeting of the ASEAN Wildlife Enforcement Network (2nd ASEAN-WEN), 21-23 May 2007, Taman Safari Indonesia, Bogor, Indonesia

38. The Meeting noted Indonesia/ASEAN Secretariat's paper on the Report on the 2nd Meeting of the ASEAN Wildlife Enforcement Network (2nd ASEAN-WEN) which was held on 21-23 May 2007 in Taman Safari Indonesia, Bogor, Indonesia, as in **ANNEX 12**.

39. The Meeting noted the importance of this initiative for wildlife conservation, and requested ACB to work closely with ASEAN-WEN in the implementation of this initiative.

Action: ACB

AGENDA ITEM 12: DISCUSSION ON AWGNCB'S KEY ACTIVITIES TO IMPLEMENT THE VIENTIANE ACTION PLAN (2004 –2010)

40. The Meeting noted ASEAN Secretariat's paper on AWGNCB's Key Activities to Implement the Vientiane Action Programme, 2004-2010 as in **ANNEX 13**.

41. The Meeting also noted the consolidated matrix of respective member countries' activities / progress reports to implement the relevant VAP measures on biodiversity. The Meeting requested member countries which have not submitted their respective progress reports to this meeting to submit their report to the ASEAN Secretariat before **11 July 2007**. The Meeting further recalled its earlier decision for AWGNCB members to submit a progress report at least one month before AWGNCB meetings.

42. The Meeting noted the updates provided by member countries at the Meeting. Singapore's and Thailand's updates appear as in **ANNEXES 14 and 15**.

Action: ASEAN member countries, ASEAN Secretariat

AGENDA ITEM 13: OTHER MATTERS

13.1 Discussion on inputs for the proposed ASEAN Leader's Declaration on Environmental Sustainability at the 13th ASEAN Summit

43. The Meeting noted that the 13th ASEAN Summit is due to issue a Declaration on Environmental Sustainability. The Meeting noted that the issue of climate change and biodiversity, land degradation, joint efforts and policies to protect the regions biodiversity such as ABS and Biosafety could be considered for the Declaration. The Meeting agreed that AWGNCB members would provide any further inputs to the ASEAN Secretariat.

Action: AWGNCB

AGENDA ITEM 14: DATE AND VENUE OF THE NEXT MEETING

44. The Meeting noted that the 18th Meeting of the AWGNCB will be held in Seam Reap, Cambodia next year and the date of the meeting to be determined by consultation.

AGENDA ITEM 15: CONSIDERATION AND ADOPTION OF THE REPORT

45. The Meeting considered and adopted the Report of the Seventeenth Meeting of the AWGNCB.

ACKNOWLEDGEMENT

46. The delegates from Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, Philippines, Singapore, Thailand, Viet Nam, ASEAN Secretariat and ACB expressed their appreciation to the Government and people of Brunei Darussalam for the warm hospitality accorded to them and the excellent arrangements made for the Meeting. The Meeting also thanked the ASEAN Secretariat for the assistance rendered. The Meeting was held in the traditional spirit of ASEAN solidarity and cordiality.

SEVENTEENTH MEETING OF ASEAN WORKING GROUP ON NATURE CONSERVATION AND BIODIVERSITY (AWGNCB)

3RD – 4TH JULY 2007

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