

Marine Plastic Pollution Regulation in Indonesia

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Overview

- International laws
- ASEAN and Indonesian laws
- Indonesian laws
- Conclusion



International laws: UNCLOS



- Imposes legally binding obligations on Member States for prevention, reduction and control of land-based sources of pollution
- Article 192: “states have the obligation to protect and preserve the marine environment.”
- Article 194: measures to prevent, reduce and control marine pollution
 - Applies to all pollution sources including contaminants, heat, noise

International laws: MARPOL

- IMO's principal convention
- Focuses on prevention of marine pollution by ships
- Annex V prohibits discharge of plastics
 - Revised Annex V is broader, includes the prohibition of all domestic and operational waste, all plastics, cargo residues, fishing gear
 - Plastic mixed with other waste material is to be treated as if it were all plastic

International laws: London Convention and Protocol

- Targets dumping of marine plastic litter from vessels, aircraft, platforms, man-made structures at sea
- Reviewed in 2015
- Review report suggested standardized procedures for extracting, identifying and quantifying plastics in sludge and sediments



International laws: Convention of Biological Diversity

- For conservation of biological diversity in general
- Aichi Biodiversity Targets:
 - Targets 8 and 10 cover pollution and the ocean and its ecosystem respectively
- Decision XIII/10
 - Parties to “assess whether different sources of microplastics and different products and processes that include...microplastics are covered by legislation, and strengthen...the existing legal framework”

ASEAN Framework of Action on Marine Debris

- Member States encouraged to implement relevant international laws and agreements related to waste management
 - e.g. MARPOL Annex V ship-generated waste



G20 Action Plan on Marine Litter



- In 2017, the G20 adopted an Action Plan on Marine Litter
- Pledged to “take action to prevent and reduce marine litter of all kinds, including from single-use plastics and micro-plastics”
- Launched a voluntary Global Network of the Committed
 - A platform for information exchange, linked to the UNEP Global Partnership on Marine Litter

COBSEA Regional Action Plan on Marine Litter

- Adopted in 2019 by countries participating in the East Asian Seas Action Plan
- COBSEA Action Plan comprises four main actions:
 1. Prevent and reduce marine litter from land-based and
 2. Sea-based sources
 3. Monitor and assess marine litter
 4. Activities supporting implementation of Action Plan

CTI-CFF Regional Plan of Action

- Adopted in 2009
- Seeks to conserve and sustainably manage coastal and marine resources within the Coral Triangle region



**CORAL TRIANGLE
INITIATIVE**
ON CORAL REEFS, FISHERIES
AND FOOD SECURITY

PEMSEA SDS-SEA Implementation Plan

- Adopted in 2003
- Updated version adopted in 2015
- Four main targets, including target of introducing national coastal and ocean policies and supporting legislation in all PEMSA countries by 2021



Indonesian laws: National

- Law No. 32 Year 2014 on the Sea
 - Article 1(11): marine pollution defined as the “entering or inclusion of a living being, substance, energy, and/or other components into the sea environment by human activities that exceed the marine environmental quality standards established.”
- Law No. 32 Year 2009 on Protection of the Environment
 - Article 63(1)(l): Government’s duty to implement “policies on the protection of the marine environment
- No specific mention of marine plastic pollution

Indonesian laws: National

- Presidential decree No. 83 Year 2018 on Marine Waste Management
- Established National Action Plan for Handling Marine Waste for 2018-2025
- Three-pronged approach:
 1. Coordination between institutions responsible for waste management
 2. Application of technology to control plastic debris
 3. Societal efforts to reduce, recycle and reuse plastic debris

Indonesian laws: Jakarta

- Regional Regulation No. 3 Year 2013
 - Prohibits air, land, and water pollution
 - No specific article on plastic waste
 - Brief mention of plastic bags, goggles, and head protection gear



Indonesian laws: Jakarta

- Governor Regulation No. 122 Year 2005
 - Prevention and management of soil and groundwater pollution
- Governor Regulation No. 142 Year 2019
 - Prohibition on single-use plastic bags
 - Criticized for failing to prohibit styrofoam, a major component of plastic waste in Jakarta



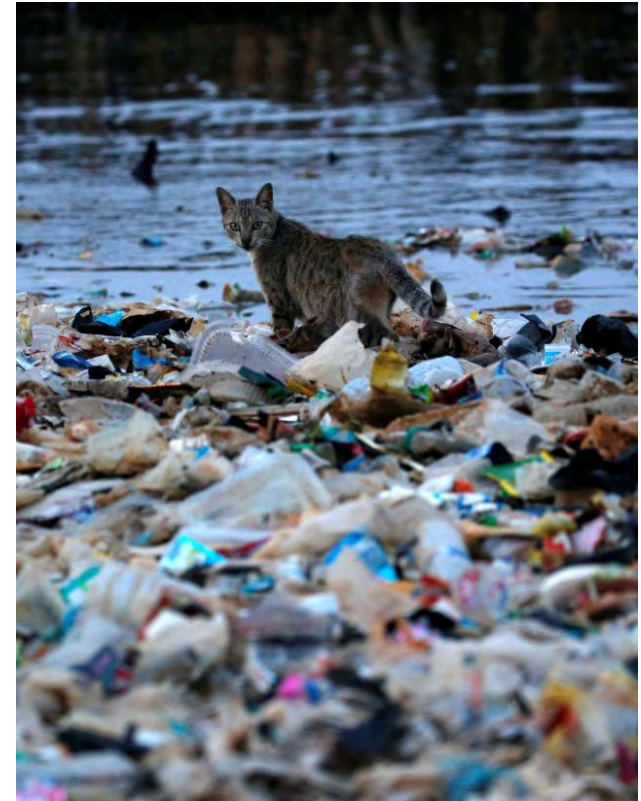
Indonesian laws: Surabaya

- Regional Regulation No. 12 Year 2016
 - Focuses on household waste
- Regional Regulation No. 5 Year 2014
 - Focuses on industrial wastewater
- Neither regulation addresses marine plastic pollution specifically



Indonesian laws: Surabaya

- Governor Regulation No. 10 Year 2009
 - Quality Standards for Wastewater from Industrial and Business Activities
- Governor Regulation No. 72 Year 2013 j.o. No. 52 Year 2014
 - Ambient Air Quality Standards and Stationary Emission Sources
- Do not address plastic pollution specifically in terms of wastewater



Conclusion

- Highly inadequate legal instruments correlate with high plastic pollution debris
 - Jakarta and Surabaya have high levels of marine plastic pollution debris, and a lack of stringent and adequate laws to prevent and manage such pollution
- Regional laws in Indonesia need to catch up to international and national laws
- Focusing only on land-based sources of pollution is insufficient, a more holistic approach is required