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# THE PARADOX OF ASEAN WAY IN MARINE PLASTIC POLLUTION: THE CHALLENGE OF COMPLIANCE AMONG MEMBER STATES

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**Abstract:** ASEAN countries are considered significant contributors to global pollution, particularly concerning marine plastic pollution (MPP), which has emerged as a critical concern in the region. To address this issue, ASEAN has established three specific instruments: the Bangkok Declaration on Combating Marine Debris in 2019, the ASEAN Framework of Action on Marine Debris 2019, and the ASEAN Regional Action Plan for Combating Marine Debris in the ASEAN Member States 2021-2025. However, being soft laws, these instruments lack legally binding force, allowing states to choose not to implement them effectively and promptly, leading to low compliance rates. The root cause of this compliance challenge lies in the ASEAN Way's foundational principle, which promotes non-intervention, resulting in non-legally binding instruments. This raises genuine concerns about the potential inefficacy of implementing ASEAN instruments. Nonetheless, the issue of marine plastic pollution is considered a contemporary environmental catastrophe in the region, demanding Member States to prioritize compliance. Hence, this study delves into two key issues: (1) the ASEAN Way and compliance and (2) regional mechanisms to bolster Member States' adherence in combating marine plastic pollution.

**Keywords:** ASEAN; Member States; Compliance; Regionalism

## INTRODUCTION

Southeast Asian nations have gained notoriety as major contributors to global pollution, particularly in marine plastic pollution (MPP), which has become a pressing issue in the region. A study conducted by Jambeck in 2015 revealed that six out of the eleven Southeast Asian countries rank among the top twenty countries with the highest amounts of mismanaged plastic waste (Jambeck, Geyer, and Wiloex 2015). The countries with the highest contribution to marine plastic pollution in the region are Indonesia (second), the Philippines (third), Vietnam (fourth), Thailand (sixth), Malaysia (eighth), and Myanmar (seventeenth). These nations generate 1.4-3.54 million metric tonnes of plastic waste annually, surpassing China's overall plastic waste production. Cumulatively, these six countries contribute 1.32-1.53 million metric tonnes of plastic waste to the environment each year (Xanthos and Walker 2017).

Given this significant impact, the focus of the debate on marine plastics centers on Southeast Asia as a region with substantial global contributions to the problem (Sabatira 2020b).

Human activities on land and water, combined with a significant increase in plastic imports and inadequate waste management, are the primary drivers of plastic pollution in Southeast Asian nations. According to the International Trade Centre, plastic waste imports in the region reached approximately 2.2 million tonnes annually, accounting for 27 percent of global imports in 2017 (Häder

et al. 2020). The issue of marine plastic pollution is complex and has global implications, as marine pollution transcends borders. This problem affects the polluting countries and poses a common threat to neighboring and distant regions, making it a shared concern for the international community (Cin 2019).

The ASEAN Member States have committed to combating marine pollution through legislative efforts, such as ratifying UNCLOS 1982. They also actively participate in international collaborations, including the United Nations Environment Programme (UNEP) and Global Programme of Action for the Protection of the Marine Environment from Land-based Activities (GPA) (Sabatira 2020a). Moreover, ASEAN has supported this cause since the East Asia Summit Conference on Combating Marine Plastic Debris in 2017, leading to significant milestones like the Bangkok Declaration on Combating Marine Debris in 2019 and the ASEAN Framework of Action on Marine Debris in 2019. Recently, ASEAN established the ASEAN Regional Action Plan for Combating Marine Debris in the ASEAN Member States 2021-2025 (ASEAN 2021). ASEAN has also set up the ASEAN Working Group on Coastal and Marine Environment (AWGCME) to ensure effective implementation as part of its dedicated approach.

While the ASEAN Member States have strategically established a sequence of commitments, the non-binding nature of the instruments leaves room for states to choose not to implement them effectively and immediately. The problem lies not in ASEAN's lack of vision, ideas, or action plans but in ensuring compliance and effective implementation of these instruments (Beckman et al. 2016). The notion of ASEAN centrality, stacked against ASEAN's characteristic informality, has drawn several criticisms from scholars and analysts from the realist and institutionalist schools of international relations that regard centrality as a mirage. Since its establishment as a regional organization, ASEAN's lack of formal institutions, particularly legally binding agreements and mechanisms that ensure compliance, is seen as hampering its ability to manage regional security, including environmental challenges (Caballero-Anthony 2022). A significant obstacle to compliance is rooted in the fundamental principle of the ASEAN Way, which does not permit legally binding instruments. The article will further discuss whether this principle poses a primary reason for non-compliance since it hinders the enforcement of commitments (Koh And Robinson 2002).

The ASEAN Way is characterized by consensual decision-making, non-confrontational dispute settlement, respect for sovereignty, and non-intervention principles. While this approach was advantageous in the organization's early years (1960s and 1970s), allowing Member States to handle domestic affairs independently, the current need for effectiveness demands a transition towards a rules-based regime and deeper regional integration. However, the lack of robust enforcement mechanisms stemming from this principle means that governments often rely on amicable dispute resolution rather than facing more forceful consequences for non-compliance or breaching agreements. This raises legitimate concerns about the potential ineffectiveness of implementing ASEAN instruments (Kheng-Lian, Robinson, and Lin-Heng 2016).

Given the gravity of marine plastic pollution, Member States must enhance their compliance efforts to combat this issue effectively. As the primary body, ASEAN is expected to establish a robust mechanism to facilitate the execution of this agenda (Andreas Pramudianto 2018). However, the presence of the ASEAN Way may pose challenges to achieving compliance targets, necessitating exploring solutions to bridge these gaps. This article will discuss two main topics: (1) ASEAN Way and compliance, and (2) regional mechanism in reinforcing Member States' compliance to combat marine

plastic pollution. This study employs a normative method with a descriptive analysis approach. Primary and secondary data sources are utilized alongside literature study approaches, examining pertinent regulations, books, and scientific journals about the addressed issues (Purwati 2020).

## DISCUSSION

### ASEAN Way and Compliance: Seeking its Relevancy

#### *Pros and Cons of the ASEAN Way*

The 2007 ASEAN Charter, signed during the 13th ASEAN Summit in Singapore on 20th November 2007, serves several key purposes (Sukmana 2019). Firstly, it aims to foster cooperation among member countries by establishing binding agreements. Doing so strengthens ASEAN's collaboration with its partner nations. Secondly, the charter outlines plans and strategies for developing the ASEAN Economic Community, ASEAN Security Community, and ASEAN Socio-Cultural Community, thus enabling more effective measures for their advancement. Thirdly, the charter provides a roadmap for future progress in various areas such as trade, economy, politics, social affairs, culture, security, democratization, human rights protection, and environmental preservation through integration efforts (Indeo 2019).

Apart from these objectives, the 2007 ASEAN Charter also plays a role in resolving disputes between member countries. While prioritizing peaceful and diplomatic means, the charter serves as a legal framework for dispute resolution. Friendly negotiations are typically favored as the primary approach for resolving conflicts following the mechanisms established in the charter. As part of this research, the opportunities and benefits of dispute resolution within the provisions of the 2007 ASEAN Charter will be examined, considering the defined form and nature of settlement mechanisms (Shimizu 2008).

#### The Strength of ASEAN Way

The ASEAN charter incorporates a mechanism called friendly negotiation, which serves as a means of communication between ASEAN parties. To achieve the goals of ASEAN, member countries adhere to the fundamental principles outlined in existing ASEAN instruments. These principles encapsulate:

- a) Respect for the independence, sovereignty, equality, territorial integrity, and national identity of all ASEAN member countries.
- b) A shared commitment and collective responsibility in promoting the region's peace, security, and prosperity.
- c) Rejection of aggression, threats, or the use of force, and any actions contrary to international laws that may disrupt peace.
- d) Advocating for peaceful settlement of disputes.

Consequently, in the case of any dispute or conflict between the ASEAN Member States, priority is given to resolving it peacefully (Wiwoho and Kaukab 2020). The primary advantage of

friendly negotiation is its distinctiveness and prioritization within ASEAN whenever disputes arise between member countries (Irewati 2014). The strength of friendly negotiation lies in its uniqueness and priority, which ASEAN always emphasizes when there are country disputes. Furthermore, ASEAN's approach to dispute resolution is tailored to suit the needs of regional relations. This approach, often referred to as the ASEAN Way, as described by Acharya, is characterized by the following elements (Darmawan and Kuncoro 2019):

- a) Adherence to non-intervention, non-violence, and peaceful conflict resolution methods.
- b) Promotion of regional autonomy and collective decision-making.
- c) Rejection of multilateral military agreements or pacts.
- d) Preference for informal consultation and consensus based on socio-cultural norms rather than relying solely on legal-rational norms for decision-making.

ASEAN prioritizes safeguarding its Member States' sovereignty when addressing regional issues. These characteristics, collectively known as the ASEAN Way, dictate that problems in ASEAN are addressed through decision-making based on consensus and the principle of non-intervention in the internal affairs of member countries (Howe and Park 2017). Respect for the recognition of independence, sovereignty, equality, territorial integrity, national identity, and peaceful dispute resolution between ASEAN member countries are key components of this approach.

### **The "Slim" Chances of ASEAN Way**

Regarding the regional mechanism prospects within the ASEAN Charter framework concerning the establishment of the ASEAN community, ASEAN has opportunities to guide conflicting member countries to focus on the political agreements made collectively by all ten ASEAN member nations (Mangku 2011). These agreements form a solid foundation for advancing regional cooperation, enhancing economic and social stability, and upholding peace and security in Southeast Asia. The objective is to resolve every dispute peacefully, adhering to the principles stated in the 1976 Treaty of Amity and Cooperation in Southeast Asia (TAC) and the ASEAN Charter (Wilson 2015). By following these mechanisms, ASEAN endeavors to effectively address issues and maintain harmonious relations among its member countries, fostering the growth and prosperity of the ASEAN community. However, the existence of the ASEAN Way lacks absolute authority and suffers from unsystematic problem-solving, leading to a considerably low chance of resolving any issues effectively. Furthermore, in the legislation process, incorporating the ASEAN Way will prioritize making all provisions amicable, signifying the avoidance of sanction-based or obligatory agreements (Tekunan 2014).

### **Compliance and the International Law**

Compliance focuses on the conceptual basis of each mechanism and how they differ. It is advocated that a more thorough distinction between these approaches is crucial, including understanding the behavioral logic behind state actions and the influence tactics employed to induce behavioral changes (Yusliwidaka, Roisah, and Setiyono 2022). This differentiation proves valuable in clarifying the reasons and methods by which states ratify international treaties and modify their

domestic practices, as it has significant implications for understanding the rates and patterns of international law ratification. Compliance characteristics are divided into coercion, persuasion, and acculturation (Avdeyeva 2006).

1. Coercion is the initial approach of social influence, where nations and international organizations pressure other states to change their behavior by imposing penalties for non-compliance and offering rewards for conformity. The logic behind coercion is based on altering the cost-benefit calculations of states rather than their normative attitudes. Hence, states are likely to adhere to international treaties if they perceive it to be in their material interest. Coercion elucidates how nations are compelled to follow international agreements, but it does not account for why nations ratify agreements they have no intention or capability to uphold (Vorderbruggen 2018).
2. The vast literature on persuasion in international relations has various explanations for how it operates. Some scholars propose that international law acts as a conduit for introducing new norms, leading to changes in state norms and behaviors. When a state signs and ratifies an international convention, it adopts new guidelines for its internal policies. This perspective suggests that the learning process, in which states actively embrace new normative guidelines, is how international law influences state behavior (Avdeyeva 2006). Instead of using incentives to coerce actors into changing their conduct, persuasion involves active discussions and deliberations of ideas to convince players of the appropriateness and validity of new norms, leading to behavioral changes.
3. Acculturation is a growing interdisciplinary field that introduces another mechanism of social influence. It refers to how individuals respond to the social and cultural influences of their surrounding environment, leading to the assimilation of other actors within a group. Governments often feel pressure to conform by imitating the actions and formally adopting other governments' ideologies, norms, and perspectives. A common strategy to demonstrate alignment with other states is by officially adopting their practices and beliefs, thus showing that a state shares its norms and behaviors and is not acting in a deviant manner. The fundamental idea behind acculturation is that states, as social actors, are compelled to associate and align with other states (Avdeyeva 2006).

Overall, these three mechanisms can influence compliance in tandem or independently. Coercion may compel compliance when persuasion or acculturation fails, while persuasion and acculturation can foster voluntary compliance and alignment with shared norms and values.

The interplay of these mechanisms can shape the level of compliance and cooperation between states within the international system.

## Complying through the ASEAN Way

### *Coercion in ASEAN Way's Compliance to Marine Plastic Pollution*

The ASEAN Way avoids coercion and emphasizes the importance of dialogue, consultation, and peaceful conflict resolution. It aims to promote trust and cooperation among Member States rather than resorting to coercive measures that may strain relationships and lead to conflict.

While the ASEAN Way does not entirely rule out differences or disputes among Member States, it encourages using diplomatic channels and friendly negotiations to address issues. This approach has played a significant role in maintaining stability and peace in the Southeast Asian region over the years. However, the terms of coercion in managing marine plastic pollution differ from their traditional definition. In the context of compliance through coercion, a state is compelled to join an international agreement merely out of obligation. This characteristic of compliance with the ASEAN Way involves acknowledging the numerous marine plastic instruments such as the Bangkok Declaration 2019, ASEAN Framework on Marine Debris 2019, and ASEAN Regional Plan 2021-2025 (these three instruments are further referred to as ASEAN Instruments). To have it simple, coercion means that states comply because they can and have no reason not to comply. Moreover, the non-binding nature of these agreements reflects the ASEAN Way by only setting the standard and regional objectives without posing sanctions, allowing Member States to comply based on their capacities. Hence, the ASEAN Way in this characteristic is merely an acknowledgment.

### **Persuasion in ASEAN Way's Compliance to Marine Plastic Pollution**

Regarding persuasion, the ASEAN Instruments is a collective agreement that serves the common good and offers mutual benefits to participating states. As a regional organization, ASEAN views marine plastic pollution as a shared challenge. Subscribing to the regional legal framework enables Member States to access support and resources from other nations, emphasizing the significance of cooperation in addressing common issues. Persuasion in compliance comes hand in hand with reputational consequences for non-compliance. For example, Indonesia's reputation concerning marine plastic pollution is severely lacking. To put it mildly, Indonesia is the world's second-largest plastic polluter, ranking just behind China, and has the fourth-largest population. These undeniable facts have negatively impacted Indonesia's standing in the international community, prompting the country to take compliance actions. Thus, Indonesia, as a member state of ASEAN, is persuaded to strengthen its compliance with managing marine plastic pollution. In this sense, the ASEAN Way will be a potential tool for Indonesia to strengthen its compliance by promoting the non-coercive path, for instance, enhancing the friendly negotiation approaches between Member States to tackle marine plastic pollution between ASEAN Member States.

### **Acculturation in ASEAN Way to Marine Plastic Pollution**

In domestic compliance, international law must align or be relevant to the domestic legal system. Acculturation involves imitating other states' behaviors based on their values and norms. For ASEAN to effectively comply with managing marine plastic pollution, it must identify common ground between different cultures. To achieve this, a technique known as "vernacularizing" is employed. Vernacularizing refers to adapting concepts and behaviors from universal international organizations into terms and actions that suit the ideals and practices of local contexts (Seekings 2021). Vernacularizing is divided into three mechanisms. Firstly, translation involves ensuring that society can easily understand and apply the ASEAN Charter through translation efforts. Secondly, "vernacular" entails making the ASEAN Way a primary technique when assigning responsibilities to each member state. Lastly, framing requires Member States to consider the community's limitations, resistance, and

specific target groups while establishing regulations, such as creating specific rules for traditional communities. In acculturation, compliance with the ASEAN Way in managing marine plastic pollution is by enhancing consensus based on socio-cultural norms (Kachika 2020).

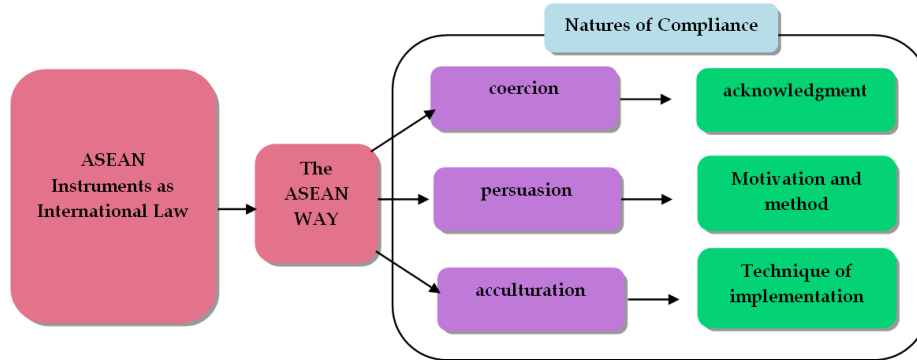


Figure 1: Complying Through the ASEAN Way (Source: Adaptation from research by Simmons 1998; Avdeyeva 2006; and Van Aaken and Simsek 2021)

Figure 1 shows how the ASEAN Way as a principle works in executing Member States’ compliance towards marine plastic management. The ASEAN Instruments generally coerce the ASEAN Way as a primary principle in discussions relating to the Member States. Therefore, the output of coercion in complying through the ASEAN Way is acknowledgment or recognition. It is different in persuasion, where the coercion is manipulated due to poor reputation. The consequence a member state holds due to its marine plastic pollution record costs it its integrity in the community’s spotlight. The ASEAN Way of persuasion compliance is a method and motivation to coach the action’s urgency. Finally, acculturation is where compliance is seen as fulfilled or unfulfilled. Acculturation is crucial in making the ASEAN Way a technique to implement ASEAN instruments regarding marine plastic pollution among Member States.

### Regional Mechanism in Reinforcing Member States’ Compliance to Combat Marine Plastic Pollution

#### *The ASEAN Way: National Interest and Compliance Paradox*

The international community has instituted many instruments to combat marine plastic pollution as a testament to their dedication to addressing this pressing issue. However, it is noteworthy that the principal instruments operating at both global and regional levels are grounded in political commitment but are classified as soft law, denoting their non-legally binding nature and absence of obligatory compliance (Ferraro and Failler 2020). Although these instruments strongly encourage their member nations to take action, implementing policies and laws at the international level remains the responsibility of individual countries. Among the soft law instruments are the Bangkok Declaration on Combating Marine Debris in 2019 and the ASEAN Framework of Action on Marine Debris 2019, which paved the way for the establishment of the ASEAN Regional Action Plan for Combating Marine Debris in the ASEAN Member States for the period 2021-2025(ASEAN 2021).

Despite many ASEAN Member States (AMS) having their own national goals to reduce plastic waste, no regional binding instrument is currently in place (Sabatira 2020b).

In tackling regional issues, ASEAN employs a combination of formal methods of conflict management and diplomacy, along with informal approaches, to achieve remarkable regional order, considering the diversity of its members and the multitude of problems the region faces (Kunnamas 2020). Scholars argue that while regional environmental governance can effectively address collective action problems, it falls short when dealing with severe environmental challenges like marine plastic pollution. This is because the model of ASEAN cooperation, known as the ASEAN Way, is deeply ingrained in the process of regional governance, and Member States find it challenging to envision ASEAN functioning differently. According to Severino (2006), the ASEAN Way is considered a “doctrine” - an ideological framework that must be strictly adhered to (Muhamad Varkkey 2020). Consequently, while ASEAN states may desire to resolve the plastic pollution problem, they struggle to balance this desire with their stronger inclination to adhere to broader ASEAN Way norms, emphasizing non-interference and decision-making through consensus (Caballero-Anthony 2022).

Furthermore, the strict adherence to the ASEAN Way, a set of principles guiding the organization’s approach, presents challenges in addressing environmental issues like marine plastic pollution. The non-interference principle hampers collective problem-solving methods, prohibiting external pressure on Member States to act following collective interests (Darmawan and Kuncoro 2019). This dilemma poses difficulties for ASEAN Member States in balancing respect for their neighbors’ right to self-determination and collaboratively tackling the plastic pollution issue that affects the entire region.

However, some scholars argue that these criticisms are flawed, as states do not blindly adhere to the ASEAN Way out of habit. Instead, they follow these principles when they align with their interests. For instance, establishing The ASEAN Agreement on Transboundary Haze Pollution in 2002 was considered a legally binding instrument because haze pollution had significant political and economic impacts on the ASEAN Member States, prompting them to take decisive action. This illustrates the essence of the ASEAN model of regionalism, where Member States drive the decision-making process. This model allows them to shape regionalism in ASEAN according to their national interests, enabling flexibility in adhering to ASEAN Way norms (Varkkey 2020).

Thus, decision-making in ASEAN is heavily influenced by the interests of its Member States, and the ASEAN Way can be seen as a tool for political action that states can selectively utilize based on their interests (Tekunan 2014). As a result, AMS prefers hard law for economic cooperation but seeks greater flexibility when dealing with non-economic matters like environmental issues. Consequently, marine plastic pollution, not being immediately tied to economic consequences, has not been prioritized as an “emerging” issue. This leads to ASEAN environmental initiatives relying on voluntary cooperation, non-binding agreements, and weak institutional infrastructure, emphasizing aspirational policy statements and rhetoric over actual implementation (Wibisono 2017).

Embracing the ASEAN Way allows national governments to avoid committing to joint tasks that they may find administratively demanding, politically challenging (especially if they conflict with dominant national interests), or not a top priority amid their national agendas. Party adhering to non-interference norms emphasizes the supremacy of national laws, policymaking, and implementation.



However, this approach can become paradoxical when considering alternative perspectives, as the ASEAN Way can be seen as a safeguard rather than a challenge. In terms of compliance, powerful states might be reluctant to adhere to the instruments, while weaker states may lack the capacity to comply, placing the burden of compliance on mid-range states. Therefore, it could be more practical to start with a non-binding agreement initially and eventually rely on third-party supervision to ensure states' adherence to the agreement (Beckman et al. 2016).

In this context, it is essential to acknowledge that, in one way, the ASEAN Way significantly influences compliance with ASEAN instruments, but achieving better compliance goes beyond mere enforcement. Laws are not followed solely due to sanctions, but states will also be reluctant to comply with any law that requires them to bear significant costs for the common good without effective enforcement. States with less interest in a matter are unlikely to incur costs voluntarily to benefit other members (Beckman et al. 2016). Further, compliance is a multifaceted process involving effectiveness, implementation, organizational and resource structures, lawmaking, and enforcement. Therefore, it is clear that successful enforcement of legally binding instruments does not necessarily guarantee compliance (hard law  $\neq$  compliance).

It is fair to say that the ASEAN Way might not directly contribute to non-compliant behavior, as its influence is primarily on an instrument's lawmaking and enforcement processes (Beckman et al. 2016). However, its existence does increase the complexity of achieving compliance. Recognizing that effective implementation does not always equate to compliance, addressing implementation issues will significantly impact the current situation. Legally binding instruments will bridge the gap through coercion and persuasion, compelling Member States to conform. The presence of legally binding instruments also serves as a motivator for compliance. Consequently, setting aside the ASEAN Way and encouraging AMS to establish coercive-based instruments will likely enhance, if not accelerate, compliance levels.

### **Addressing Compliance Challenges: Optimizing ASEAN's Role in Regional Cooperation**

The achievement of compliance relies on the integration of well-established instruments, organizational capacity, and effective enforcement. In the future, if the ASEAN Member States (AMS) come to recognize the significance of the marine plastic issue to the extent that they are willing to deviate from the traditional ASEAN Way and establish a legally binding instrument, they should then take additional steps to support and implement this agenda. In this regard, establishing a supervisory body becomes essential to ensure success. To illustrate, the European model of regionalism emphasizes the pooling of sovereignty, while the ASEAN model prioritizes the maintenance of national sovereignty (Wibisono 2017). This distinction in their approach to sovereignty elucidates why environmental regionalism in Europe has been prosperous, whereas it has encountered challenges in Southeast Asia. The European Union's success can be attributed to its supranational institutions acting as primary drivers, whereas the ASEAN organization relies on the collective efforts of its Member States. Consequently, to enhance the ASEAN Member States (AMS) compliance status, the most suitable entity to take on this responsibility is the Secretariat itself. By serving as a supplementary entity, the Secretariat can play a crucial role in ensuring compliance through collective monitoring (Tiquio, Marmier, and Francour 2017).

Regional cooperation mechanisms should be harmonized with suitable compliance monitoring, advising, and enforcement strategies to address marine plastic pollution effectively. Compliance monitoring aims to incentivize states to adhere to their commitments. In this context, the book “Promoting Compliance” authored by Beckman et al. (2016) puts forth various strategic approaches for implementing a compliance monitoring mechanism that can be applied to manage marine plastic pollution effectively:

1. Enhancing the role of the ASEAN Secretariat in compliance monitoring.

In the effort of compliance monitoring, the ASEAN Secretary-General is entrusted with the responsibility of aiding and overseeing the advancement of the implementation of ASEAN frameworks. Nevertheless, no prescribed protocol exists for the Secretary-General, the ASEAN Secretariat, or ASEAN Member States to adhere to regarding the compliance monitoring mechanism. Consequently, once ASEAN determines the need for technical guidelines, the monitoring function can be executed effectively.

2. Adopting the rules of procedure in compliance monitoring.

ASEAN needs to adopt rules of procedures to clarify the roles of the ASEAN Secretary-General and other relevant bodies in effectively monitoring compliance. The foremost rule entails the establishment of a compliance checklist by the ASEAN Secretariat, containing indicators that member countries must provide to facilitate compliance monitoring. Subsequently, the ASEAN Member States must prepare reports detailing the implementation of the SEAN Framework to combat marine plastic pollution, utilizing the specified indicators, and submit these reports to the Secretariat. Upon receipt of these submissions, the Secretariat will consolidate the reports and prepare its comprehensive monitoring report. Lastly, the reports will undergo examination by the appropriate ASEAN body, which will provide constructive recommendations to bolster the implementation status of Member States.

1. Adopting the rules of procedure for cases of non-compliance.

The rules of procedure ought to incorporate provisions that address the situation wherein Member States do not fulfill their commitments. These clauses should encompass mechanisms for offering legal and technical assistance to non-compliant Member States.

2. Incorporating the rules of procedure for the compliance monitoring of pre-Charter instruments.

Throughout the legislation process, ASEAN Member States could contemplate the adoption of a streamlined binding mechanism that confers authority to the Secretary-General to oversee adherence to pre-Charter instruments. Such a measure would facilitate the organization’s streamlining, coordination, and centralization of compliance monitoring.

According to the authors, substantial progress in addressing marine plastic issues is achievable by effectively overcoming compliance challenges by establishing a strategic regional cooperative mechanism involving ASEAN as a unified entity and its Member States as implementers,

## CONCLUSION

Embracing the principles of the ASEAN Way allows national governments to avoid committing to joint tasks that might pose administrative challenges, clash with dominant national interests, or not align with their immediate priorities. However, this approach becomes paradoxical when considering broader perspectives. While it may seem beneficial for individual states, the region could suffer from the long-term impacts of marine plastic pollution.

Consequently, the existence of soft laws alone will not ensure compliance; states will also be hesitant to adhere to any law that entails high costs for the common good without effective enforcement. Recognizing that achieving overall compliance solely through legally binding instruments may not be feasible, AMS must acknowledge the need to depart from the ASEAN Way and encourage the establishment of coercive-based instruments to enhance, if not accelerate, compliance levels potentially.

Moreover, to fully realize the potential of compliance, AMS must commit to integrating well-established instruments, enhancing organizational capacity, and ensuring effective enforcement. The article proposes supplementary regionalism through compliance monitoring as an essential step toward effectively managing marine plastic pollution.

This endeavor can be achieved through four key efforts: (1) enhancing the role of the ASEAN Secretariat; (2) adopting rules of procedures for future instruments; (3) implementing rules of procedures for addressing non-compliance cases, and (4) incorporating rules of procedure for monitoring compliance with pre-charter instruments. By taking these steps, AMS can work together to mitigate the harmful impacts of marine plastic pollution and foster a more sustainable future for the region.

## CRediT AUTHOR STATEMENT

**Ria Wierma Putri:** Methodology, supervision, resources, validation.

**Febryani Sabatira:** Conceptualization, data curation, writing - original draft preparation, writing - reviewing and editing, visualization.

All authors have read and agreed to the published version of the article.

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