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MEETING OF THE OPEN-ENDED INTERGOVERNMENTAL  
GROUP OF MINISTERS OR THEIR REPRESENTATIVES  
ON INTERNATIONAL ENVIRONMENTAL GOVERNANCE

New York, 18 April 2001

**International Environmental Governance:**

**Multilateral Environmental Agreements (MEAs)**

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## EXECUTIVE SUMMARY

### Introduction

1. This report on the status of Multilateral Environmental Agreements (MEAs) (hereafter referred to as the MEAs Report) has been prepared as an input to the UNEP Executive Director's Report on International Environmental Governance in pursuance of UNEP Governing Council decision 21/21. The paper is meant to be descriptive and not prescriptive concerning international environmental governance as it relates to MEAs. In chapter IV we have taken the opportunity to summarize proposals presented by MEA secretariats concerning challenges and problems facing environmental conventions and related international agreements. These are presented in the form of recommendations.

2. The 9<sup>th</sup> Meeting on Coordination of Secretariats of Environmental Conventions, convened by the Executive Director of UNEP in Nairobi from 11 to 12 February 2001, agreed on a process for involving MEAs in the follow-up to UNEP Governing Council decision 21/21, including a meeting of MEAs immediately following the first meeting of the Intergovernmental Group of Ministers that will review this paper in New York on 18 April 2001. Consequently, the elaboration of options concerning improved international environmental governance will be addressed more appropriately in subsequent drafts or papers.

3. The MEAs Report is based on information submitted by twenty MEA Secretariats in the form of responses to a questionnaire which was agreed upon at the 9<sup>th</sup> Meeting on Coordination of Secretariats of Environmental Conventions. This meeting was attended by representatives of the secretariats of the following 13 global MEAs and 3 regional seas conventions and action plans: the Convention on Biological Diversity (CBD), the United Nations Framework Convention on Climate Change (UNFCCC), the United Nations Convention to Combat Desertification (UNCCD), the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), the Ramsar Convention on Wetlands of International Importance Especially as Waterfowl Habitat, the Convention on Migratory Species (CMS), the World Heritage Convention, the Vienna Convention for the Protection of the Ozone Layer, the Montreal Protocol on Substances that Deplete the Ozone Layer, the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, the Rotterdam Convention on the Prior Informed Consent Principle for Certain Hazardous Chemicals and Pesticides in International Trade, the future Stockholm Convention on Persistent Organic Pollutants, the Global Programme of Action for the Protection of the Marine Environment from Land-Based Activities (GPA), the Barcelona Convention for the Protection of the Mediterranean Sea against Pollution, the Cartagena Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region and the South Asian Cooperative Environment Programme (SACEP). In addition to these 16 Secretariats, four other independent regional agreements developed under CMS, namely, the Agreement on the Conservation of African-Eurasian Migratory Waterbirds (AEWA), the Agreement on the Conservation of Bats in Europe (EUROBATS), the Agreement on the Conservation of Cetaceans of the Black Sea, the Mediterranean Sea and Contiguous Atlantic Area (ACCOBAMS) and the Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas (ASCOBANS), provided responses to the questionnaire. Subsequently, comments were requested from the twenty MEA secretariats on chapters I-IV of this report. Fifteen provided their views on chapters I-IV plus additional information not contained in their responses to the questionnaire.

### I. Status of Multilateral Environmental Agreements

4. Today there are over 500 international treaties and other agreements related to the environment, of which over 320 are regional. Nearly 60 percent date from 1972, the year of the Stockholm Conference, to the present. Since 1972, there has been an accelerated increase in MEAs; over 300 agreements were negotiated.

5. In this report, MEAs are divided into three categories: (a) core environmental conventions and related agreements of global significance whose negotiation, development and/or activities have been associated with UNEP's work, which is further reflected in a number of Governing Council decisions dating back to the establishment of UNEP; (b) global conventions relevant to the environment, including regional conventions of global significance that were negotiated independently of UNEP and (c) others, largely restricted by scope and geographic range. The first category of MEAs is the focus of the MEAs Report; these are listed in Table 1.

6. The core environmental conventions and related international agreements are basically divided into five clusters: the biodiversity-related conventions, the atmosphere conventions, the land conventions, the chemicals

and hazardous wastes conventions, and the regional seas conventions and related agreements. The objectives and priorities of MEAs vary significantly from one agreement to another, even within a cluster. The common aspects include the sustainable development focus of the three Rio Conventions (CBD, UNCCD and UNFCCC), the sustainable use of natural resources and the environment, or the protection of the environment in such a way as to ensure its sustainable use. None of the core environmental agreements are exclusively oriented to protection and conservation.

7. Given the different stages of implementation of the core MEAs, the variation in priorities is quite broad. There are crosscutting priorities for many that are primarily of a functional nature, such as strengthening of the capacities of Parties or member states to meet their obligations or responsibilities under these agreements, enhancing membership of governments, public education and awareness, strengthened scientific basis for decision-making, and strengthened international partnerships. One of the most important thematic crosscutting issues is the assessment and management of pollution, which cuts across the chemicals and hazardous wastes conventions, some biodiversity-related conventions and the regional seas conventions and related agreements.

8. Of the 41 MEAs listed in Table 1, all but 6 are legally binding instruments. Sixteen are framework conventions such as UNFCCC, CBD, the Basel Convention and the Barcelona Convention that can develop protocols for addressing specific subjects requiring more detailed and specialized negotiations. Eight are self-contained conventions that work through annexes or appendices, rather than protocols, which are revised periodically through the decisions of the Conferences of the Contracting Parties (COPs) of the respective MEAs. These include CITES, the World Heritage Convention, the Lusaka Agreement, UNCCD, the Rotterdam Convention, the Stockholm Convention, the Helsinki Convention for the Protection of the Marine Environment of the Baltic Sea Area and the Convention for the Protection of the Marine Environment of the North-East Atlantic (OSPAR). CMS is the only MEA that operates like an umbrella convention. It has fostered 5 independent regional treaties—the Agreement on the Conservation of Seals in the Wadden Sea, EUROBATS, ASCOBANS, ACCOBAMS and AEWAs, all of which continue to work closely with CMS. Although the agreements concluded under the auspices of CMS are self-standing international legal instruments, they are also the primary means of implementing the goals of the parent convention. CMS has also developed 3 Memoranda of Understanding (MOUs) and 1 Action Plan with Party-Range States that operate as “soft law” instruments for the conservation and management of selected migratory species.

9. The regional seas conventions and action plans have the distinction of being closely, and in some cases systematically, linked to global conventions and agreements, and are proving to be useful regional instruments in supporting their implementation.

10. The 6 MEAs that are not legally binding are all oceans-related agreements, of which two are global in nature—the GPA and ICRI—and 4 are regional seas programmes—South Asian Seas Programme (SAS), the North-West Pacific Action Plan (NOWPAP), the East Asian Seas Action Plan (EAS) and the Protection of the Arctic Marine Environment (PAME), which receives its mandate from a non-legally binding declaration, adopted in 1996 by the 8 Arctic States. The three other regional seas programmes operate with action plans that were adopted in intergovernmental meetings by the respective member states.

11. MEAs adopted after 1972 generally have the following institutional elements: a Conference of the Parties (COP), a secretariat, advisory bodies, a clearing-house mechanism and a financial mechanism. The Conference of the Parties (COP) of each convention or the Meeting of the Parties (MOP) of a protocol to a convention are the ultimate decision-making bodies regarding the overall implementation and development of their respective MEA, including the programme of work, budget and the revision of annexes, where applicable. An important function of the COP is the adoption of protocols and annexes. The bureaux of the COPs and MOPs of several conventions (Vienna Convention, CBD, UNCCD) and protocols (Montreal Protocol) meet intersessionally to discuss matters within their bureau mandates. Most non-binding agreements (SAS, NOWPAP and EAS) also have intergovernmental bodies for decision making. Most MEAs have established or are associated with subsidiary bodies and assessment bodies that are generally advisory in nature and present their recommendations to the COP or MOP of the respective agreement. Several MEAs have clearing-houses, generally operated by the secretariats, to promote and facilitate technical and scientific cooperation or facilitate the exchange of scientific, technical, environmental and legal information and assist developing country Parties in the implementation of the MEA concerned. A few conventions (Basel Convention) have established or are in the process of establishing regional centres. The purposes of these centres range from training and technology transfer, to the provision of assistance in the implementation of the MEA. Corporate or Business Plans and strategic plans that form the basis for MEA implementation and governance are periodically adopted under most

MEAs. Practically all of the newer MEAs that have not entered into force or have only recently entered into force are yet without corporate or business plans.

12. While the scope and mandate of MEA secretariats can vary, from a functional point of view they can be divided into two categories: (a) secretariats that prepare and service the meetings of the COPS and their subsidiary bodies and coordinate with other international organizations (UNFCCC, the Montreal Protocol, CBD, the Ramsar Convention, CMS, AEWA, ASCOBANS, EUROBATS, the Rotterdam Convention and the Stockholm Convention); and (b) secretariats that, while carrying out the functions of the first category, are also involved in implementing programmes or projects at the regional and country levels (WHC, CITES, the Basel Convention, the UNCCD, the GPA and regional seas conventions and action plans). An important function of most secretariats is the monitoring and evaluation of the implementation of their MEA, proposing formats for national reports, receiving and analyzing reports submitted, and providing the COP or MOP with syntheses of the information contained in national reports.

13. All MEAs and their secretariats work to different degrees with other international organizations that support the implementation of their convention or protocol. Some have formal arrangements with defined roles for organizations that act as advisory bodies on specific issues and in providing training. Most MEAs have voluntary cooperative arrangements with international organizations, NGOs and bilateral donor agencies, or collaboration arrangements called for by COPs on specific issues.

14. The last two years has seen a marked rise in cooperation through both formal and informal arrangements between conventions, signaling a period of increasing political will for MEAs to collaborate more closely in the implementation of the programmes of work of their respective agreements. However, this has been concentrated principally in two clusters: the biodiversity-related conventions and the regional seas conventions and action plans.

15. In most conventions, NGOs, private industry, civic groups, local communities and indigenous groups are invited and allowed to participate in the deliberations of the Parties. However, in some cases this does not necessarily apply to meetings that are not open-ended such as those of technical expert groups and liaison groups. Some secretariats maintain regular contacts with civil society organizations for exchange of information and views, receipt of documentation and preparation of background papers. Some also work with civil society groups and private industry in the implementation of activities. Conventions recognize the involvement of all relevant stakeholders as fundamental. Examples of roles being played by the major groups of the civil society in the implementation of MEAs include: (a) providing technical knowledge; (b) awareness raising; (c) assisting the secretariat in communicating with non-parties; (d) promoting implementation in the field; (e) gathering and transmitting information about possible non-compliance; (e) implementation of relevant national policies; (f) pressuring governments to implement the MEAs; and (g) participating in the decision making process.

## **II. Review of Strengths and Weaknesses of Existing Arrangements**

16. In the responses to the questionnaire, MEA secretariats identified a number of strengths and weaknesses such as the following.

### Strengths:

- Growing commitment by MEAs to explore opportunities for synergies, particularly within clusters where MEAs have much in common in terms of issues to be addressed, as well as across clusters on issues that are cross-cutting in nature such as trade, capacity building and the development of national legislation that supports the implementation of conventions and protocols at the country level.
- Increasing opportunities for cooperation among the scientific bodies of MEAs.
- The increase in arrangements for cooperation among conventions to work together in a more integrated manner, leading to the development of joint programmes of work in areas of common interest.

### Weaknesses:

- Reluctance of some MEAs to cooperate with others.
- Inadequate attention to the harmonization of national reporting among MEAs although actions have started under UNEP with an initiative for the streamlining of national reporting focusing on the global biodiversity-related conventions.

- Inadequate implementation and coordination of MEAs at the national level
- Inadequate Compliance and Enforcement
- Lack of environmental and performance indicators for measuring the effectiveness of an MEA.
- Inadequate funding for selected MEAs:

17. Specific issues that are not being addressed effectively by MEAs include:

- Control of new ozone-depleting substances
- Impact of climate change on migratory waterbirds
- Commercial fishing from an environmental perspective
- The impact of high seas fisheries on marine species such as mammals and birdlife
- Lack of sites on the World Heritage list nominated for their marine values
- Coastal zone management and information
- Impact of population, poverty and urbanization on coastal resources
- Forests
- Tropical timber trade
- Freshwater resources
- River ecosystems
- The role of poverty and corruption in relation to environmental management practices
- The failure to identify and make available alternatives to bad environmental practices
- The failure to quantify and publicize the economic benefits from good environmental practices
- Economic instruments and incentives
- Practical indicators for measuring performance of MEAs
- Compliance and enforcement

### **III. Financing International Environmental Governance: the Situation of MEAs**

18. The operation of MEAs, including their Secretariat costs and funding for their programme of work, are financed through various means: (a) the use of traditional trust funds, one or more of which may be established by an MEA, some for specialised purposes; (b) other multilateral financing mechanisms intended to address specific subject areas (the Multilateral Fund for the Montreal Protocol (MLF), the Global Environment Fund (GEF), and the Kyoto Protocol climate-related mechanisms), the World Bank and regional development banks; (c) bilateral arrangements with donor countries; (d) foundations such as the UN Foundation; (e) private sector donors; and (f) NGOs.

19. Traditional trust funds are generally administered by the international organisations that provide the Secretariats. These organisations have the responsibility of effectively managing the resources of the MEAs, and may assist them in programming, budgeting, accounting and meeting all their financial reporting requirements. For UNEP-administered conventions, UNEP serves as the Trustee. Most MEAs have agreed financial rules adopted by the Parties, and financial rules and regulations are strictly applied to trust funds. Trustees are able to provide guidelines for the transactions and accounts of the conventions and agreements, including systems and facilities that allow MEAs to undertake their programmatic activities effectively. Budgets are proposed by the Secretariats and approved by the conferences or meetings of the Parties. Activities should be in line with the contributions to their trust funds. The accounts and finances of the MEAs and their Secretariats are audited and reported.

20. Further analysis on the funding of MEAs will be undertaken subject to the provision of additional information from secretariats and the completion of the information contained in Table 5.

### **IV. Recommendations and Options**

21. In responding to the questionnaire, views were presented that lead to some general recommendations for improving international environmental governance. Most proposals for enhancing international environmental governance focused on coordination among MEAs on substantive grounds and not along restructuring at the institutional level.

- Several of the secretariats felt that that closer cooperation and opportunities for synergies should be promoted at the cluster level. Opportunities for cooperating and synergies on specific non-cluster thematic and functional issues also existed and should be further developed.
- Several secretariats feel that greater cooperation among conventions at the scientific and technical level was desirable.
- Some convention secretariats proposed that there needs to be a holistic approach to compliance and enforcement of MEAs.
- Some conventions proposed that much greater attention needs to be given to enhancing coordination among MEAs at the national level.
- The issue of co-location of secretariats was applicable principally to the global MEAs. Most that are not co-located do not feel that their geographic location has adversely affected their operations, and those that are co-located in Geneva and nearby Gland strongly felt that co-location contributes to closer collaboration, particularly with conventions in the same cluster.
- Recognizing the difficulties and obstacles for improving international environmental governance, one secretariat proposed that the best approach may be for incremental improvements based on an analysis of needs and global benefits, rather than on new mechanisms that may not be practical to operationalize in the short term.
- Some convention secretariats underlined the importance of UNEP in promoting, facilitating and nurturing thematic and programmatic cooperation among MEAs and between MEAs and UNEP, including the monitoring of the implementation of MEAs.

22. Some thought has to be given to the enhancement of collaboration with the conventions relevant to the environment that are listed in Table 4. Most of these conventions have secretariats provided by basically 5 organizations of the UN system: (a) IMO; (b) the UN General Secretariat; (c) FAO; (d) ILO; and (e) IAEA. Of the 41 core environmental conventions, protocols and related international agreements in Table 1, UNEP provides the secretariat for 22 and has working relationships with all the core environmental conventions, albeit to different degrees. The possibility of establishing an interagency mechanism for promoting and facilitating collaboration among MEAs and relevant international conventions, comprised of these six organizations, could be explored.

23. Specific options for improved international environmental governance will be considered in follow-up consultations with MEAs.

# **INTERNATIONAL ENVIRONMENTAL GOVERNANCE**

## **Multilateral Environmental Agreements (MEAs)**

### **Introduction**

1. The Malmö Ministerial Declaration, adopted on 31 May 2000 at the First Global Ministerial Environment Forum convened by the United Nations Environment Programme (UNEP), calls for the 2002 review of the implementation of the outcome of the United Nations Conference on Environment and Development (UNCED) to “review the requirements for a greatly strengthened institutional structure for international environmental governance based on an assessment of the future needs for an institutional architecture that has the capacity to effectively address wide-ranging environmental threats in a globalizing world.”
2. Subsequently, the Governing Council of UNEP at its 21<sup>st</sup> session, in operative paragraph 2 of decision 21/21 decided “to establish an open-ended Intergovernmental Group of ministers or their representatives, with the Executive Director as an ex-officio member, to undertake a comprehensive policy-oriented assessment of existing institutional weaknesses as well as future needs and options for strengthened international environmental governance, including the financing of UNEP, with a view to presenting a report containing analysis and options to the next meeting of the Global Ministerial Environmental Forum”.
3. Operative paragraph 4 of this decision also “requests the Executive Director, in consultation with governments to review the state of international environmental governance and elaborate a report to be submitted to the Intergovernmental Group at its first meeting”, which will take place in April 2001 in New York during the 9<sup>th</sup> session of the Commission on Sustainable Development.
4. The Governing Council through the same decision, in operative paragraph 6 further “decides that the next meeting of the Global Ministerial Environmental Forum should undertake in depth discussion of the report with a view to providing its input on future requirements of international environmental governance in the broader context of multilateral efforts for sustainable development to the 10<sup>th</sup> session of the Commission on Sustainable Development acting as the preparatory body for the World Summit on Sustainable Development at its meeting at the Ministerial level in May 2002 as a contribution to the WSSD”.
5. The 9<sup>th</sup> Meeting of Coordination of Conventions convened by the Executive Director of UNEP in Nairobi from 11 to 12 February 2001, analyzed and agreed upon the information to be provided by the secretariats of environmental conventions and related agreements to UNEP for the preparation of the report referred to above in operative paragraph 4. The meeting was attended by representatives of the secretariats of the following 13 global MEAs and 3 regional seas conventions and action plans: the Convention on Biological Diversity (CBD), the United Nations Framework Convention on Climate Change (UNFCCC), the United Nations Convention to Combat Desertification (UNCCD), the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), the Ramsar Convention on Wetlands of International Importance Especially as Waterfowl Habitat, the Convention on Migratory Species (CMS), the World Heritage Convention, the Vienna Convention for the Protection of the Ozone Layer, the Montreal Protocol on Substances that Deplete the Ozone Layer, the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, the Rotterdam Convention on the Prior Informed Consent Principle for Certain Hazardous Chemicals and Pesticides in International Trade, the future Stockholm Convention on Persistent Organic Pollutants, the Global Programme of Action for the Protection of the Marine Environment from Land-Based Activities (GPA), the Barcelona Convention for the Protection of the Mediterranean Sea against Pollution, the Cartagena Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region and the South Asian Cooperative Environment Programme (SACEP).
6. It was agreed that the report should concentrate primarily on the status of the environmental conventions and related international agreements. It was also agreed that the secretariats would be given the opportunity to present their views on problems and challenges that they perceive regarding

international environmental governance, but that, given the early stage in the assessment process, this was not as important as the provision of the information on the status of these multilateral environmental agreements (MEAs).

7. The 9<sup>th</sup> Meeting agreed that the information required should be requested by UNEP from the secretariats in the form of a questionnaire containing the elements agreed to in the meeting. The responses are contained in Annexes 1 to 20 of this paper. In addition to receiving responses from the 16 secretariats that participated in the meeting, four other independent regional agreements developed under CMS provided responses to the questionnaire.

8. The 9<sup>th</sup> Meeting on Coordination of Conventions also agreed on an overall process for involving MEAs in the follow-up to UNEP Governing Council decision 21/21, including the review of this paper. Subsequently, comments were requested from the twenty MEA secretariats on chapters I-III of this report, with thirteen providing their views plus additional information not contained in their responses to the questionnaire. Immediately following the first meeting of the Intergovernmental Group of ministers or their representatives that will review this paper (New York, 18 April 2001), a meeting of MEAs will be convened by the Executive Director of UNEP at the same venue to discuss follow-up.

## **I. Status of Multilateral Environmental Agreements**

### **A. Development of MEAs**

9. The earliest multilateral treaty related to the environment dates back to 1868. Since then, the number has risen to at least 502 international treaties and other agreements related to the environment, of which 323 are regional. Nearly 60 percent, or 302, date from 1972, the year of the Stockholm Conference, to the present.

10. Many of the earlier MEAs were restricted in scope to specific subject areas, e.g., certain species of marine wildlife, selected chemicals, and quarantine procedures for plants and animals, among others, and were regional in focus. The largest cluster of pre-1972 MEAs, albeit very disjointed, accounting for 40% of the total were the biodiversity-related agreements, with one-half dealing with marine wildlife and three-fourths being regional in character. Four global agreements which today continue to be of major relevance to Governments are the International Convention for the Regulation of Whaling (1946), the International Plant Protection Convention (1951, revised in 1979 and 1997), the Convention on Fishing and Conservation of the Living Resources of the High Seas (1958) and the Ramsar Convention (1971). Another large cluster, with several MEAs also in the first cluster, dealt with the marine environment, accounting for one-fourth of the total. Particularly significant in this cluster were the International Maritime Organization (IMO) conventions and amendments on marine pollution (see Table 2) adopted between 1954 and 1971. A third but smaller cluster of approximately 20 global and regional conventions addresses nuclear energy, testing of nuclear weapons and nuclear radiation. Agreements were negotiated in a few international freshwater basins, mainly in Europe and Africa. Conspicuous in their absence or paucity in the years before 1972 are MEAs dealing with land degradation, atmosphere and chemicals and hazardous wastes, with all but a few being regional in character.

11. The period 1972 to the present witnesses an accelerated increase in MEAs. Of the 302 agreements negotiated, 197, or nearly 70%, are regional in scope, as compared to 60% for the earlier period. The emergence of regional integration bodies concerned with the environment in regions such as Europe and Central America has contributed to this trend. In many cases, regional MEAs are closely linked to global MEAs. Of greatest impact has been the emergence of the 17 multisectoral regional seas conventions and action plans that account for 46 conventions, protocols, amendments and related agreements (see Table 1). By far the largest cluster of MEAs is related to the marine environment, accounting for over 40% of the total, and is distinguished by the United Nations Convention on the Law of the Sea (UNCLOS) (1982), new IMO marine pollution conventions and protocols (see Table 2), the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities (1995), as well as the regional seas MEAs and regional fisheries conventions and protocols. Biodiversity-related conventions form a second important but smaller cluster, including most of the key global conventions: the Convention concerning the Protection of the

World Cultural and Natural Heritage (1972), CITES (1973), CMS (1979) and its associated Agreements and CBD (1992). As in the earlier period, the cluster of nuclear-related MEAs remains important with the addition of 9 global conventions and protocols and several regional agreements.

12. Unlike the pre-1972 period, two new important clusters of MEAs emerge: the chemicals and hazardous wastes conventions that are primarily of a global nature, and the atmosphere-related conventions. Several of the first are Industrial Labor Organization (ILO) conventions that address occupational hazards in the workplace. Most recently, we have the adoption of the Rotterdam Convention (1998) and it is expected that the new POPs convention will be adopted in Stockholm in May 2001. At the forefront of the atmosphere/energy-related conventions is the Vienna Convention for the Protection of the Ozone Layer (1985) and its Montreal Protocol (1987) and the UNFCCC (1992). MEAs for international freshwater basins are historically the most difficult to negotiate. A number of conventions and protocols have been adopted, but are concentrated in 6 and 4 international freshwater basins in Europe and Africa respectively.

13. From a combined global and regional perspective, the resultant proliferation of MEAs has placed an increasing burden on Parties and member states to meet their collective obligations and responsibilities to implement environmental conventions and related international agreements. For example, according to the European Environment Agency, European Community countries are Parties to as many as 65 global and regional environmental conventions and agreements.

14. For the purposes of this paper, multilateral treaties are divided into three categories: (a) core environmental conventions and related agreements of global significance whose negotiation, development and/or activities have been associated with UNEP's work, which is further reflected in a number of Governing Council decisions dating back to the establishment of UNEP; (b) global conventions relevant to the environment, including regional conventions of global significance that were negotiated independently of UNEP and (c) others, largely restricted by scope and geographic range. The first are listed in Table 1 and the second in Table 4. Regional seas conventions and action plans have been included in the first category since together they serve as a global mosaic for addressing a wide spectrum of environmental issues in oceans and coastal areas and because of their direct linkages in supporting the implementation of several global MEAs. Likewise, regional fisheries conventions have been included in the second category since they are also a global mosaic for addressing the development and management of fisheries, although they lack the programmatic and institutional characteristics that are commonly shared by regional seas conventions and action plans. The focus of this paper as regards MEAs will be on the first category. Linkages between the first and second categories of agreements will be highlighted later in the paper. While the latter category, which make up three-fourths of the multilateral agreements, are important, it is not practical to consider them in this paper, given their more limited focus.

**B. Scope of the Core Environmental Conventions and Related International Agreements**

15. The core environmental conventions and related international agreements are basically divided into five clusters: the biodiversity-related conventions, the atmosphere conventions, the land conventions, the chemicals and hazardous wastes conventions, and the regional seas conventions and related agreements. Although the Vienna Convention is an atmospheric agreement, its Montreal Protocol could also be considered a chemicals agreement since it deals with the phasing out of the production and consumption of selected chemicals.

<b>Table 1</b>		
<b>Core Environmental Conventions and Related Agreements of Global Significance</b>		
MEA	Date adopted	Secretariat
<u>Atmosphere Conventions:</u>		
1. United Nations Framework Convention on Climate Change (UNFCCC)	1992	UN
2. Kyoto Protocol to the United Nations Framework Convention on Climate Change	1997	UN
3. Vienna Convention for the Protection of the Ozone Layer	1985	UNEP

4. Montreal Protocol on Substances that Deplete the Ozone Layer	1987	UNEP
<u>Biodiversity-related Conventions:</u>		
5. Convention on Biological Diversity	1992	UNEP
6. Cartagena Protocol on Biosafety to the Convention on Biological Diversity	2001	UNEP
7. Convention on International Trade in Endangered Species (CITES)	1973	UNEP
8. Convention on Migratory Species (CMS)	1979	UNEP
9. Agreement on the Conservation of African-Eurasian Migratory Waterbirds (AEWA) <sup>1</sup>	1995	UNEP
10. Agreement on the Conservation of Bats in Europe (EUROBATS) <sup>1</sup>	1991	UNEP
11. Agreement on the Conservation of Cetaceans of the Black Sea, the Mediterranean Sea and Contiguous Atlantic Area (ACCOBAMS) <sup>1</sup>		ACCOBAMA Sec.
12. Agreement on the Conservation of Seals in the Wadden Sea <sup>1</sup>	1990	Ind. Sec.
13. Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas (ASCOBANS) <sup>1</sup>	1991	UNEP
14. Ramsar Convention on Wetlands	1971	IUCN
15. World Heritage Convention	1972	UNESCO
16. International Coral Reef Initiative (ICRI)	1995	ICRI Sec
17. Lusaka Agreement on Cooperative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora	1994	KWS
<u>Chemicals and Hazardous Wastes Conventions:</u>		
18. Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal	1989	UNEP
19. Basel Ban Amendment	1995	UNEP
20. Basel Protocol on Liability and Compensation	1999	UNEP
21. Rotterdam Convention on the Prior Informed Consent Principle for Certain Hazardous Chemicals and Pesticides in International Trade	1998	UNEP/FAO
22. Future Stockholm Convention on Persistent Organic Pollutants	2001	UNEP <sup>2</sup>
<u>Land Conventions:</u>		
23. United Nations Convention to Combat Desertification	1992	UN
<u>Regional seas conventions and related agreements<sup>3</sup></u>		
24. Global Programme of Action for the Protection of the Marine Environment from Land-based Activities	1995	UNEP
25. Convention for the Protection of the Mediterranean Sea against Pollution (Barcelona)	1976	UNEP
26. Kuwait Regional Convention for Cooperation on the Protection of the Marine Environment from Pollution	1978	ROPME <sup>4</sup>
27. Convention for Cooperation in the Protection and Development of the Marine and Coastal Environment of the West and Central African Region (Abidjan)	1981	UNEP
28. Convention for the Protection of the Marine Environment and Coastal Area of the South-East Pacific (Lima)	1981	CPPS <sup>4</sup>
29. Regional Convention for the Conservation of the Red Sea and Gulf of Aden Environment (Jeddah)	1982	PERSGA <sup>4</sup>
30. Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region (Cartagena)	1983	UNEP
31. Convention for the Protection, Management and Development of the Marine and Coastal Environment of the Eastern African Region (Nairobi)	1985	UNEP
32. Convention for the Protection of the Natural Resources and Environment of the South Pacific Region (Noumea)	1986	SPREP <sup>4</sup>
33. Convention for the Protection of the Marine Environment of the Baltic Sea Area (Helsinki)	1992	HELCOM <sup>4</sup>
34. Convention on the Protection of the Black Sea from Pollution (Bucharest)	1992	BSEP <sup>5</sup>
35. Convention for the Protection of the Marine Environment of the North-East Atlantic	1992	OSPAR <sup>5</sup>

36. Draft Convention for the Protection and Sustainable Development of the Marine and Coastal Environment of the Northeast Pacific <sup>5</sup>		UNEP <sup>2</sup>
37. Draft Convention for the Protection of the [Marine] [Environment] of the Caspian Sea <sup>5</sup>		
38. The East Asian Seas Action Plan	1981	UNEP
39. Protection of the Arctic Marine Environment	1991	PAME <sup>6</sup>
40. The Northwest Pacific Action Plan (NOWPAP)	1994	UNEP
41. South Asian Seas Action Plan	1995	SACEP <sup>4</sup>

<sup>1</sup>The 17 regional seas conventions and action plans are a global mosaic of agreements with one overarching objective: the protection and sustainable use of marine and coastal resources. Protocols, amendments and agreements of regional seas conventions are not listed.

<sup>2</sup>Non-UN regional organizations.

<sup>3</sup>UNEP is providing the secretariat on an interim basis.

<sup>4</sup>Negotiations are expected to be completed in 2001.

<sup>5</sup>Regional body with its own secretariat established by the Arctic Council.

<sup>6</sup>These agreements, while independent treaties, were concluded under the auspices of CMS.

### Objectives and Priorities

16. The objectives and priorities of MEAs can vary significantly from one agreement to another, even within a cluster (for specific details please refer to the annexes). However, there are common threads that link them together. While the sustainable development focus of the three Rio Conventions (CBD, UNCCD and UNFCCC) are well known, most other multilateral environmental agreements address the sustainable use of natural resources and the environment or the protection of the environment in such a way as to ensure its sustainable use.

17. Given the different stages of implementation of the core MEAs, the variation in priorities is even greater. Nevertheless, there are crosscutting priorities for many that are primarily of a functional nature, which are listed below. Leading the list are the strengthening of the capacities of Parties or member states to meet their obligations or responsibilities under these agreements, enhancing membership of governments, public education and awareness, strengthened scientific basis for decision-making, and strengthened international partnerships. The most important thematic crosscutting issue is the assessment and management of pollution, which cuts across the chemicals and hazardous wastes conventions, some biodiversity-related conventions and the regional seas conventions and related agreements.

- (a) Strengthening the capacity of Parties or member states through technical or financial assistance to meet their obligations or responsibilities under these agreements (UNFCCC, Montreal Protocol, CITES, Ramsar Convention, AWEA, ASCOBANS, ACCOBAMS, Basel Convention, Stockholm Convention, UNCCD, Cartagena Convention, SACEP);
- (b) Mobilizing additional resources for implementing their respective MEAs (CITES, CMS, Ramsar Convention, AWEA);
- (c) Provision of financial assistance to Parties or member states related to transfer of technologies (Montreal Protocol, Basel Convention);
- (d) Strengthened scientific basis for decision-making (Montreal Protocol, CBD, CITES, CMS, ASCOBANS, EUROBATS, AWEA)
- (e) Assessment and management of pollution (Basel Convention, Rotterdam Convention, Stockholm Convention, ASCOBANS, EUROBATS, AWEA, Barcelona Convention, Cartagena Convention, SACEP, GPA)
- (f) Sustainable development (CBD, CITES, UNCCD, Barcelona Convention)
- (g) Integrated coastal zone management (Barcelona Convention, SACEP)

- (h) The development and use of indicators (CBD);
- (i) Compliance and monitoring of implementation of the convention (Montreal Protocol, Basel Convention, CITES)
- (j) Public education and awareness (UNCCD, CBD, CITES, Ramsar Convention, EUROBATS, AEWA, Basel Convention, Barcelona Convention);
- (k) Incentives (CBD)
- (l) Enhance membership by governments (CITES, CMS, AEWA, Ramsar Convention, Basel Convention, Stockholm Convention, Barcelona Convention)
- (m) Strengthened international partnerships, including with other conventions (CITES, CMS, AEWA, Ramsar Convention, Basel Convention, Cartagena Convention)
- (n) Enhanced civil society role through the participative approach (UNCCD)

#### Cluster 1: biodiversity-related conventions

18. The scope of the biodiversity-related conventions ranges from the conservation of individual species (CITES and the Lusaka Agreement) via conservation of species, their migration routes and their habitats (CMS, AEWA, EUROBATS, ASCOBANS, ACCOBAMS and various MOUs) to the protection of ecosystems (CBD, the Ramsar Convention, the World Heritage Convention and the International Coral Reef Initiative--ICRI). However, it should be noted that CITES is concerned with ecosystems, specifically with ensuring that trade in specimens of CITES-listed species is limited to as to ensure those species are maintained throughout their range at a level consistent with the roles in the ecosystems in which they occur and well above the level at which they might become eligible for inclusion in Appendix I (Article IV, paragraph 3 of the Convention). The Cartagena Protocol of the CBD specifically aims at protecting both species and ecosystems by promoting the safe transfer, handling and use of living modified organisms resulting from modern biotechnology. Five regional seas conventions (the Mediterranean, the North-East Atlantic, East Africa, the Wider Caribbean and the South-East Pacific) have protocols or annexes on specially protected areas and wildlife (SPAWs) that cover both individual species and ecosystems. While all of these agreements aim at conserving species and/or ecosystems, several also promote their sustainable use (CBD, CITES, Ramsar and ICRI). The Cartagena Protocol promotes measures related to safeguarding the sustainable use of biodiversity against adverse effects that could be caused by living modified organisms. Likewise, the SPAWs, which are closely linked to CBD, CITES, Ramsar and ICRI, support the sustainable use of marine and coastal species and ecosystems.

#### Cluster 2: the atmosphere conventions

19. The Vienna Convention on the Protection of the Ozone Layer and its Montreal Protocol on Substances that Deplete the Ozone Layer and the United Nations Framework Convention on Climate Change and its Kyoto Protocol are closely associated in protecting the environment by eliminating or stabilizing anthropogenic emissions that threaten to interfere with the atmosphere. While the former focuses on the impacts that ozone depletion can have on human health, the latter addresses concerns that climate change may have on food production and economic development. The Montreal Protocol is well on its way to achieving its goal of gradually phasing out 96 listed ozone-depleting substances. Its overriding priority is to provide financial assistance through the Multilateral Fund to eligible developing countries to comply with the provisions of the Protocol and its amendments. The UNFCCC is in an earlier phase of implementation, with much of its future success depending on the operationalization of its Kyoto Protocol.

### Cluster 3: the land conventions

20. This cluster is comprised of only one major global convention. As stated in the text, the main objective of the UNCCD is to combat desertification and mitigate the effects of drought in countries experiencing serious drought and/or desertification, particularly in Africa. This objective is to be achieved through effective action at all levels, supported by international cooperation and partnership arrangements, in the framework of an integrated approach which is consistent with Agenda 21, with a view to contributing to the achievement of sustainable development in affected areas. There are very few regional agreements in the fields of arid lands and land degradation. Most notable are the Agreement for the Establishment of the Arab Centre for the Studies of Dry and Barren Land (1970) and the Convention Establishing a Permanent Inter-States Committee for Drought Control in the Sahel (CILSS) (1973). Given the sustainable development focus and the strong substantive linkages between climate change, desertification and drought and loss of biodiversity, the UNCCD is very much associated with the UNFCCC and the CBD.

### Cluster 4: the chemicals and hazardous wastes conventions

21. The overarching objective of the chemicals and hazardous wastes conventions is the protection of human health and the environment from pollution by specific chemicals and hazardous substances. In the case of the Rotterdam Convention, it specifically addresses certain banned or severely restricted chemicals, as well as severely hazardous pesticide formulations, subject to international trade. The Stockholm Convention has as its priorities the phasing out of an initial list of 9 chemicals, the restriction to certain acceptable purposes the production and use of DDT, and the reduction or elimination of unintentionally produced chemicals (dioxin and furans). The Convention also has provisions to add further POPs to the treaty, and will require parties with new chemical programmes to prevent the introduction of new POPs onto the marketplace. The scope of the Basel Convention covers a broad range of hazardous wastes, including chemical wastes, subject to transboundary movements, aiming to reduce these movements to a minimum by minimizing the quantity and hazardousness of the wastes generated and by promoting the treatment and disposal of hazardous wastes and other wastes as close as possible to their source of generation. These global MEAs are complimented by regional agreements such as the Bamako Convention and the Waigani Convention, as well as the Protocol to the Barcelona Convention for the Protection of the Mediterranean Sea against Pollution from Land-Based Sources.

### Cluster 5: Regional seas conventions and related agreements

22. By far the largest cluster of MEAs, the 17 regional seas conventions and action plans are a global mosaic of agreements with one over-arching objective: the protection and sustainable use of marine and coastal resources. In the early years shortly after the Stockholm Conference, the regional seas programmes focused on marine pollution control. In the ensuing 25 years they have involved into multi-sectoral agreements addressing integrated coastal area management, including in several cases links to the management of contiguous freshwater basins; land-based sources of pollution; conservation and sustainable use of living marine resources; and impacts of offshore exploration and exploitation of oil and gas. The Barcelona Convention (1976), the oldest of these agreements, fostered the establishment of the Mediterranean Commission for Sustainable Development which is serviced by the Secretariat of the Convention.

23. Also included in this cluster are the Global Programme of Action for the Protection of the Marine Environment from Land-Based Activities (GPA) and the International Coral Reef Initiative (ICRI) which were both adopted in 1995. The purpose of ICRI is to mobilize governments and a wide range of stakeholders to improve management practices, increase capacity and political support and share information on the health of coral reefs and related ecosystems, including mangroves and sea grass beds. In both agreements, the regional seas conventions and action plans are regional building blocks and vehicles for the implementation of the global agreements. From a substantive point of view, the GPA is closely related to the chemicals-related conventions on issues such as agrochemicals, persistent organic pollutants and heavy metals. Likewise, the work of ICRI is closely associated with the biodiversity-related conventions, specifically CBD, CITES and Ramsar.

C. The Legal Framework of the Core MEAs

24. Of the 41 MEAs listed in Table 1, all but 6 are legally binding instruments. Sixteen are framework conventions such as UNFCCC, CBD, the Basel Convention and the Barcelona Convention that can develop protocols for addressing specific subjects requiring more detailed and specialized negotiations. Eight are self-contained conventions that work through annexes or appendices, rather than protocols, which are revised periodically through the decisions of the Conferences of the Contracting Parties (COPs) of the respective MEAs. These include CITES, the World Heritage Convention, the Lusaka Agreement, UNCCD, the Rotterdam Convention, the Stockholm Convention, the Helsinki Convention for the Protection of the Marine Environment of the Baltic Sea Area and the Convention for the Protection of the Marine Environment of the North-East Atlantic (OSPAR). As in the case of the latter, if a new annex were added, it would have to go through a ratification process before entering into force. CMS is the only MEA that operates like an umbrella convention. It has fostered 5 independent regional treaties—the Agreement on the Conservation of Seals in the Wadden Sea, EUROBATS, ASCOBANS, ACCOBAMS and AEWAs, all of which continue to work closely with CMS. Although the agreements concluded under the auspices of CMS are self-standing international legal instruments, they are also the primary means of implementing the goals of the parent convention. CMS has also developed 3 Memoranda of Understanding (MOUs) and 1 Action Plan with Party-Range States that operate as “soft law” instruments on, respectively, the Siberian Crane, the Slender-billed Curlew, the Marine Turtles of the Atlantic Coast of Africa and of the Indian Ocean and the Sahelo-Saharan Antelope.

Table 2 Regional Seas Conventions							
Conventions	Protocols, Amendments or Convention Annexes by Subject						
	Pollution from Oil and Harmful Substances	Land-based Pollution	Special Prot. Areas & Wildlife	Radio-activity	Trans-boundary Movement of wastes	Offshore Exploration and Exploitation	Dumping
1. Convention for the Protection of the Mediterranean Sea against Pollution	*	**	**		*	*	**
2. Kuwait Regional Convention for Cooperation on the Protection of the Marine Environment from Pollution	*	*				*	
3. Convention for Cooperation in the Protection and Development of the Marine and Coastal Environment of the West and Central African Region	*						
4. Convention for the Protection of the Marine Environment and Coastal Area of the South-East Pacific	**	*	*	*			
5. Regional Convention for the Conservation of the Red Sea and Gulf of Aden Environment	*						
6. Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region	*	*	*				
7. Convention for the Protection, Management and Development of the Marine and Coastal Environment of the Eastern African Region	*		*				
8. Convention for the Protection of the Natural Resources and Environment of the South Pacific Region	*						*
9. Convention on the Protection of the Marine Environment of the Baltic Sea Area <sup>1</sup>	***	*				*	*
10. Convention on the Protection of the Black Sea against Pollution	*	*					*
11. Convention for the Protection of the Marine Environment of the North-East Atlantic <sup>1</sup>		*	*			*	*
12. Draft Convention for the Protection and Sustainable Development of the Marine and Coastal Environment of the Northeast <sup>2</sup> Pacific							
13. Draft Framework Convention for the Protection of the [Marine] [Environment] of the Caspian Sea <sup>2</sup>							

<sup>1</sup>Instead of protocols, the Helsinki Convention and OSPAR have related Annexes.

<sup>2</sup>Negotiations are expected to be completed in 2001.

25. The 6 that are not legally binding are all oceans-related agreements, of which two are global in nature—the GPA and ICRI—and 4 are regional seas programmes—SACEP, the North-West Pacific Action Plan (NOWPAP), the East Asian Seas Action Plan and the Protection of the Arctic Marine Environment (PAME). The GPA was adopted by over 100 countries as a non-legally binding programme of action in Washington, D.C. in 1995. That same year 40 countries adopted the ICRI Call to Action and the Framework for Action. Established in 1991, PAME is under the umbrella of the Arctic Council, which receives its mandate from a non-legally binding declaration, adopted in 1996 by the 8 Arctic States. The three other regional seas programmes operate with action plans that were adopted in intergovernmental meetings by the respective member states.

26. Despite being regional in nature, the 11 regional seas conventions because of their multisectoral nature are the most comprehensive of the framework conventions (please see Annex 21). The Barcelona Convention leads the cluster with 6 protocols, two of which have been amended (land-based sources of pollution and dumping) and a third, which is in the process of revision (emergencies). The regional seas conventions have 5 principle sets of protocols, amendments or annexes. As indicated in Table 2, the largest with 13 protocols, amendments and annexes deals with pollution from oil and harmful substances. Only OSPAR does not have a protocol or annex in this area. However, the Northeast Atlantic is covered by separate treaties in this area—the Agreement for Cooperation in Dealing with Pollution of the North Sea by Oil and other Harmful Substances (1983) and the Cooperation Agreement for the Protection of the coasts and waters of the North-East Atlantic against Pollution (1990). The second largest set addresses land-based sources of pollution. Three important sets cover specially protected areas and wildlife, pollution caused by dumping from ships and aircraft, and pollution resulting from off shore exploration and exploitation.

27. The regional seas conventions have the distinction of being closely, and in some cases systematically, linked to global conventions and agreements, and are proving to be useful regional instruments in supporting their implementation. The protocols, amendments and annexes on pollution from oil and harmful substances and on dumping from ships and aircraft are operationally linked to the IMO marine pollution conventions in these areas. The protocols on land-based sources of pollution are also operationally linked to the GPA. Although developed independently, the protocols and annexes of the regional seas conventions on specially protected areas and wildlife are closely linked to CBD, CITES, the Ramsar Convention and ICRI and efforts are on-going to formally increase collaboration. In the specific instance of CMS, ACCOBAMS and ASCOBANS, collaborative efforts have existed with the Barcelona Convention for the Mediterranean, the Bucharest Convention for the Black Sea and the Helsinki Convention for the Baltic Sea. The Protocol on the Prevention of Pollution of the Mediterranean Sea by Transboundary Movements of Hazardous Wastes and their Disposal (1996) was negotiated in close consultation with the Basel Convention Secretariat.

28. It should also be noted that the four regional seas action plans without legally-binding instruments—PAME, SACEP, NOWPAP and the East Asian Seas Action Plan—are also engaged in similar activities concerning pollution from oil and harmful substances, pollution from land-based activities and conservation and sustainable use of marine biodiversity. On the first two issues they work closely with IMO and the GPA. The East Asian Seas Action Plan actively participates in the implementation of ICRI.

#### D. Institutional and Governance Structure

29. Multilateral environmental agreements adopted after 1972 generally have the following institutional elements: a Conference of the Parties (COP), a secretariat, advisory bodies, a clearing-house mechanism and a financial mechanism.

30. The Conference of the Parties (COP) of each convention or the Meeting of the Parties (MOP) of a protocol to a convention are the ultimate decision-making bodies regarding the overall implementation and development of their respective MEA, including the programme of work, budget and the revision of annexes, where applicable. An important function of the COP is the adoption of protocols and annexes. The bureaux of the COPs and MOPs of several conventions (Vienna Convention, CBD, UNCCD) and

protocols (Montreal Protocol) as a standard function meet intersessionally to discuss matters within their bureau mandates.

31. The World Heritage Convention is structured differently in the sense that instead of a COP it has A General Assembly of States Parties to the Convention, which meets during the UNESCO General Conference. The World Heritage Committee is responsible for the implementation of the convention and its members are elected at the General Assembly. The work of the World Heritage Committee is prepared by the World Heritage Bureau.

32. The GPA has no regular COP or intergovernmental body as do other non-binding agreements such as SACEP, NOWPAP, the East Asian Seas Action Plan and PAME. Decisions on its work and budget are left to the Governing Council of UNEP, which provides the secretariat. Periodically the implementation of the GPA is subject to an intergovernmental review. The Global Programme of Action was adopted in 1995 and the First Intergovernmental Review will take place in November of 2001 in Montreal.

### Subsidiary Bodies

33. Some, such as CITES, CMS, the Ramsar Convention, CBD, the Cartagena Convention and the South Asian Seas Action Plan have established standing committees or intersessional meetings that represent their COP, review progress in the implementation of the MEA and advise the secretariat on the implementation of the programme of work. It should be noted that the standing committees, although a subsidiary body of their respective COPs, differ fundamentally from the subsidiary bodies in paragraph 34 since they represent the authority of the COPs intersessionally. The Parties to the standing committees of CITES, CMS, the Ramsar Convention and the Cartagena Convention are elected, while the CBD Intersessional Meetings are open-ended. The Consultative Committee of the South Asian Seas Action Plan is comprised of the diplomatic representatives of the member states in Sri Lanka where SACEP, the secretariat, is located.

34. Subsidiary bodies are generally advisory in nature and present their recommendations to the COP or MOP of the respective agreement. Several conventions and protocols have subsidiary scientific and technical bodies that provide the COP or MOP with advice and recommendations on the scientific and technical aspects of the implementation of their MEA. Some of these are listed in Table 3 along with a description of the scope of their work. Others with subsidiary scientific and technical bodies include the Cartagena Convention for its protocols on specially protected areas and wildlife and on land-based sources of pollution, ACCOBAMS, AEW, ASCOBANS and EUROBATS. It should be noted that the latter four CMS Agreements combine the role of the standing committee and scientific/technical committee in one (variously called the advisory or technical committee). While the World Heritage Convention does not have its own subsidiary scientific and technical body, it works with three external organizations that provide it with expert advice.

35. The valuable assessments carried out by the scientific and technical panels under the Montreal Protocol have been particularly important in demonstrating important lessons learned:

- Wide membership: the members of the Panels ensured that the research and knowledge from all areas of the world were taken into account, as equitably as possible since Parties wanted real advice;
- Low cost: no consultants or consulting firm could have done this job at such a low cost to the Trust Funds;
- Excellence: the best scientists and experts of the world were engaged;

Table 3

**Scientific and Technical Bodies of Selected Environmental Conventions and Their Protocols**

Convention	Name of the Body	Scope
CBD	The Subsidiary Body on Technical and Technological Advice (SBSSTA)	The SBSTTA of CBD was established under Article 25 to provide the COP and, as appropriate, its other subsidiary bodies with timely advice relating to the implementation of the Convention. Under the authority of and in accordance with guidelines laid down by the Conference of the Parties, and upon its request, SBSTTA (a) provides scientific and technical assessments of the status of biological diversity; (b) prepares scientific assessments of the effects of types of measures taken in accordance with the provisions of this convention; (c) identifies innovative, efficient and state-of-the-art technologies and know-how relating to the conservation and sustainable use of biological diversity and advises on the ways and means of promoting development and/or transferring of such technologies; (d) provides advice on scientific programmes and international cooperation in research and development related to conservation and sustainable use of biological diversity; (e) and responds to scientific, technical, technological and methodological questions that the Conference of the Parties and its subsidiary bodies may put to the body.
CITES	<ul style="list-style-type: none"> <li>• The Animals Committee</li> <li>• The Plants Committee</li> <li>• The Nomenclature Committee</li> </ul>	CITES has two scientific bodies, the Animals Committee (AC) and the Plants Committee (PC)—comprised of elected experts from all CITES regions that provide advice to the Conference of the Parties. There is also a nomenclature Committee comprised of a zoologist and a botanist. THE CITES COP established the AC and PC as its main scientific bodies. The Nomenclature Committee has an advisory role to the AC and PC. The next meeting of the Standing Committee will consider a secretariat proposal to establish a body for dealing with technical and implementation issues under the convention. In addition, the Convention receives a great deal of scientific inputs from the NGO community, which attends the COPs as observers.
CMS	The Scientific Council	The CMS has a Scientific Council established under Article VIII, to provide advice on scientific matters. Since COP 2 in 1988, the Scientific Council has meet in conjunction with every COP and between COPs. Article VIII defines the functions of the Scientific Council, which are: (a) providing scientific advice to the Conference of the Parties, to the Secretariat, and, if approved by the Conference of the Parties, to any body or Agreement set up under the Convention or any Party; (b) recommending research and the co-ordination of research on migratory species and reporting to the Conference of the Parties on such status and measures for its improvement; (c) making recommendations to the COP as to the migratory species to be included in Appendices I or II, together with an indication of the range of such migratory species; (d) making recommendations to the COP as to specific conservation and management measures to be included in Agreements on migratory species; and (e) recommending to the COP solutions to problems relating to the scientific aspects of the implementation of the Convention, in particular with regard to the habitats of migratory species.
Ramsar Convention	The Scientific and Technical Review Panel (STRP)	Composed of experts from the convention's 6 geographical regions elected by the COP, the STRP advises the COP, the Standing Committee and the secretariat on scientific and technical issues.
Montreal Protocol to the Vienna Convention	<ul style="list-style-type: none"> <li>• Scientific Assessment Panel</li> <li>• Environmental Effects Assessment Panel</li> <li>• Technology and Economic Assessment Panel</li> </ul>	The Montreal Protocol to the Vienna Convention for the Protection of the Ozone Layer in Article 6 defines the following assessment process: "Beginning in 1990, and at least every four years thereafter, the Parties shall assess the control measures provided for in Article 2 and Articles 2A to 2H on the basis of available scientific, environmental, technical, and economic information. At least one year before each assessment, the Parties shall convene appropriate panels of experts qualified in the fields mentioned and determine the composition and terms of reference of any such panels. Within one year of being convened, the panels will report their conclusions, through the Secretariat, to the Parties." The First meeting of the Parties in May 1989 endorsed the composition and the Terms of Reference of the Assessment Panels. Each scientific assessment, in 1989, 1991, 1994 and 1998, has served as a basis for the Amendments and Adjustments to the Montreal Protocol adopted in London (1990), Copenhagen (1992), Vienna (1995), Montreal (1997) and Beijing (1999). The next assessment will be ready in 2002. Another important issue is the interaction between some of the scientific advisory processes, e.g., between the Montreal Protocol's Scientific Assessment Panel and the Technology and Economic Assessment Panel and the Intergovernmental Panel on Climate Change.

UNFCCC	Subsidiary Body for Scientific and Technological Advice (SBSTA)  Intergovernmental Panel on Climate Change (IPCC)	Article 9 establishes SBSTA to provide the COP and its other subsidiary bodies with information and advice on scientific and technological matters relating to the convention. Under the guidance of the COP, the SBSTA has the following specific functions: (a) to provide assessments of the state of scientific knowledge relating to climate change and its effects; (b) to prepare scientific assessments on the effects of measures taken in the implementation of the convention; (c) to identify innovative, efficient and state-of-the-art technologies and know-how and advise on the ways and means of promoting development and/or transfer of such technologies; (d) to provide advice on scientific programmes, international cooperation in research and development related to climate change, as well as on ways and means of supporting endogenous capacity building in developing countries; and (e) to respond to scientific, technological and methodological questions that the COP and its subsidiary bodies may put to it.  The IPCC was established jointly by UNEP and WMO in 1988 and is today the world's authoritative scientific and technical source of climate change information. Its assessments provided the basis for the negotiations of the UNFCCC and its Kyoto Protocol. Although not an institution of the convention, it continues to provide vital scientific input to the climate change process. The SBSTA acts as a link between the COP and the IPCC, and a joint working group of the Bureaux of the two bodies meets regularly to ensure coordination.
UNCCD	Committee on Science and Technology	The Committee provides the COP with information and advice on scientific and technological matters relating to combating desertification and mitigating the effects of drought.
Basel Convention	Technical Working Group	The Technical Working Group was established by the Conference of the Parties to provide the COP and its other subsidiary bodies with information and advice on scientific and technical matters relating to the convention, including the preparation of technical guidance for the environmentally sound management of hazardous wastes and the development of criteria on which wastes are suitable for recovery and recycling operations. Taking into account the development of the Basel Convention, the Technical Working Group is actively involved in defining more clearly, identifying and clarifying what hazardous waste is under the convention. Other tasks for the Technical Working Group include inter alia the preparation of technical guidelines on clinical wastes, disposal of waste tyres, waste batteries, recycling/reclamation of metals and metal compounds and wastes resulting from the surface treatment of plastics. The Technical Working Group is also responsible for reviewing the lists of wastes contained in Annexes VIII and IX of the convention.
Rotterdam Convention	Chemical Review Committee (CRC)	According to Article 18, paragraph 6, the 1 <sup>st</sup> COP shall establish a Chemical Review Committee (CRC) that will perform the functions assigned to it by the Convention. Those functions are to review information provided with notifications of final regulatory actions and proposals for inclusion of severely hazardous pesticide formulations, and recommend to the COP on the inclusion of such chemicals, pesticides and hazardous pesticide formulations under the Convention. The CRC will also draft decision guidance documents for the chemicals, pesticides and hazardous pesticide formulations that it recommends for inclusion and forward those documents to the COP for adoption.

- Source and transfer of knowledge: the experts of the Panels from more than 80 developed and developing countries were the reference points for technical, scientific and environmental knowledge;
- Independence: the members of the Panels and Technical Options Committees had a security of tenure and were free to provide their opinions;
- Long term process: scientists and experts have been involved since the 1970s;
- Cooperation and contribution: International Agencies (FAO, UNEP, WHO, WMO, etc), regional bodies (EC), national agencies (NASA, NOAA, FAA, BMFT), Governments, industry (AFEAS), universities, research institutions, NGOs (national regional, global), among others, have been involved;
- Respect by the Parties: no Meeting of the Parties has disputed the facts, the options with the results, or the implications for policy formulations. What remained was only the political bargaining.

36. MEAs such as UNFCCC, the Montreal Protocol and the Basel Convention have Subsidiary Bodies for Implementation to assist the COPs in assessing and reviewing the effective implementation of the convention, including reviewing national communications or reports. The Open-ended Intersessional Meetings of the CBD also undertake this latter function. An Implementation Committee reviews implementation and non-compliance aspects of the Montreal Protocol. At the same time, the Montreal Protocol has an Open-ended Working Group of the Parties that meets annually to consider technical and policy issues relevant to the implementation of the protocol and make recommendations to the MOP

37. The COPs and MOPs can establish, as required, additional subsidiary organs with limited and defined mandates. For CBD, these include the Working Group on Biosafety, the Expert Panel on Access and Benefit-sharing, the Working Group on Access and Benefit-sharing, the Working Group on Article 8(j) (indigenous knowledge related to the conservation and sustainable use of biodiversity) and the Intergovernmental Committee on the Cartagena Protocol (ICCP). The terms of reference, duration and composition of these bodies is determined by the COP.

38. In a very unique case, under the Montreal Protocol a Multilateral Fund has been established with an Executive Committee comprised of 14 members representing the Parties, which considers and approves projects for phasing out ozone depleting substances in developing countries. Further details are provided in Chapter III.

#### Clearing-House Mechanisms (CHM)

39. Several conventions and protocols and related international agreements have clearing-houses, generally operated by the secretariats. The CBD CHM was established to promote and facilitate technical and scientific cooperation. Under the Montreal Protocol, the UNEP/OzonAction Programme operates a clearinghouse mechanism, funded by the Multilateral Fund. A CHM has also been established under the Cartagena Protocol to the CBD to facilitate the exchange of scientific, technical, environmental and legal information on living modified organisms and to assist developing country Parties in the implementation of the protocol. The GPA in cooperation with other UN organizations has developed a clearing-house on the 9 land-based sources of pollution, including technologies and opportunities for mitigating or eliminating their impacts. The Stockholm Convention will set up a clearing-house on persistent organic pollutants.

#### Regional Centres

40. A few conventions have established or are in the process of establishing regional centres. The Basel Convention has as one of its priorities the further development of regional and sub-regional centres for training and technology transfer to facilitate the effective implementation of the Convention. UNCCD has also begun to set up regional centres to assist in the implementation of the convention. In its strategic action plan, CITES is looking into establishing regional offices that may be linked to the secretariats of regional seas programmes or to UNEP's regional offices. Some regional seas conventions and action plans (Barcelona Convention, Cartagena Convention and NOWPAP) have regional activity centres (RACs) that assist in the implementation of their agreements. These are further described below under the functions and operations of secretariats.

### Corporate or Business Plans

41. A Strategic Plan for CMS for 2000-2005 was adopted at COP 6 in November 1999. In April of last year, the COP of CITES approved the convention's first Strategic Vision, covering the period 2000 to 2005, and an accompanying Action Plan. The COP of UNCCD adopted a Strategic Plan at its Third Session in November 1999. That same month the COP of the Basel Convention adopted the Basel Declaration on Environmentally Sound Management that provides the strategy and priorities for the decade 2000-2010. The MOP of AEWAs adopted in November 1999 the "International Implementation Priorities 2000-2004. In July 2000 the ASCOBANS MOP adopted the ASCOBANS Triennium Work Plan 2001-2003. That same month the EUROBATS Conservation and Management Plan with an Action Plan for 2000-2003 was adopted by its MOP.

42. Strategic action plans on certain issues are adopted every year by the World Heritage Committee. The GPA has a Strategic Action Plan on Municipal Wastewater and has developed regional programmes of action on land-based sources of pollution with regional seas conventions and action plans.

43. The Multilateral Fund of the Montreal Protocol has a three-year rolling plan that corresponds to the Multilateral Fund's three-year replenishment cycle. In addition it has annual business plans comprised of the annual business plans of the four implementing agencies of the Fund, as well as those of several bilateral governmental agencies.

44. Others are currently preparing strategic action plans. The Open-ended Intersessional Meeting of the CBD will consider the Strategic Plan of the convention in November of 2001 and it is expected that it will be adopted at COP 6 in 2002. A strategic action plan for the next decade is being prepared for the Basel Convention.

45. Regional seas programmes generally do not have strategic plans since it is the practice for a regional seas convention to serve as the legal framework for an action plan. Both are negotiated in parallel by member states. However, most action plans, consisting mainly of programmatic elements, lack a comprehensive strategy for implementation with objectives, priorities, specific activities, timetables, identification of partners, involvement of stakeholders and budgetary estimations. Instead, they rely on programmes of work adopted by COPs that are limited in scope by the contributions that participating states are willing to make which often fall far below what is needed. An exception would be a few programmes such as the Barcelona Convention with a strong legal framework, a focused programme of work and higher levels of commitment by governments that translates into adequate and predictable financing. Nevertheless, some programmes are addressing this issue more forcefully. The member states of the East Asian Seas Action Plan are considering the document a "Vision and Plan—A Systematic Approach" that proposes to systematically and pragmatically coordinate the conservation, restoration and sustainable use of the marine environment in the East Asian Seas region. Although the COP of the Cartagena Convention at its last meeting in February 2000 considered the Strategy for the Financial Sustainability of the Caribbean Environment Programme, it deferred its further consideration and approval to the joint Thirteenth Meeting of the Monitoring Committee and Special Meeting of the Bureau of Contracting Parties and the next COP.

46. Practically all of the newer MEAs that have not entered into force or have only recently entered into force are without corporate or business plans.

### E. Functions and Operations of MEA Secretariats.

47. While the scope and mandate of MEA secretariats can vary, from a functional point of view they can be divided into two categories. The first are those such as the secretariats for UNFCCC, the Montreal Protocol, CBD, the Ramsar Convention, CMS, AEWAs, ASCOBANS, EUROBATS, the Rotterdam Convention and the Stockholm Convention that prepare and service the meetings of the COPS and their subsidiary bodies and coordinate with other international organizations. They provide administrative, technical and scientific support to the COP and the subsidiary bodies, as well as advice on implementation to Parties when requested. A major focus of their work is the preparation of background documentation for the meetings of the convention and in coordinating the work carried out under the convention with that of other relevant institutions and conventions. As required, they provide support to on-going negotiations. They are not involved with the actual implementation of the convention at the country or regional level, other than in an advisory capacity.

48. The second category are those convention secretariats that, while carrying out the functions of the first category of secretariats, are also involved in implementing programmes or projects at the regional and country levels. However, the degree of implementation work can vary from little or moderate to substantial. Because of the much greater number of Parties in global conventions, these tend to be less involved in implementation than regional conventions. In this group are CITES (capacity-building, monitoring activities, development of conservation management plans for species), CMS (provision of technical support to Party-Range States in developing Agreements, MOUs and Action Plans), the Basel Convention (capacity building, training, development of guidelines and methodologies, project development, facilitation of national and regional programmes and public awareness), and the UNCCD (public awareness. The World Heritage Convention is an exception among the global conventions in that it is actively involved in implementation in areas such as training, technical cooperation, monitoring and assessment, identification of heritage and educational activities for young people on world heritage. ). The GPA is another exception since it is actively involved in the development and implementation of national and regional demonstration and pilot projects addressing land-based sources of pollution.

49. The CITES Secretariat is different from other conventions by the amount of scientific work that it is expected to carry out directly. This includes the following: (a) to undertake scientific and technical studies in accordance with programmes authorized by the COP that will contribute to the implementation of the Convention, including studies concerning standards for appropriate preparation and shipment of living specimens and the means of identifying specimens; (b) to study the reports of Parties and to request from Parties such further information with respect thereto as it deems necessary to ensure implementation of the Convention; (c) to invite the attention of the Parties to any matter pertaining to the aims of the Convention; (d) to publish periodically and distribute to the Parties current editions of Appendices I, II and III together with any information which will facilitate identification of specimens of species included in those Appendices; (e) to prepare annual reports to the Parties on its work and on the implementation of the Convention and such other reports as meetings of the Parties may request and to make recommendations to the COPs for the implementation of the aims and provisions of the Convention, including the exchange of information of a scientific or technical nature. Each Party is required to have a management authority as well as a scientific authority to facilitate flow of information with the Secretariat and between and among Parties as well as the NGO fraternity.

50. In the second category, the cluster of secretariats of regional seas conventions and related agreements is the most actively involved of MEAs in implementation. These can include regional projects in marine pollution monitoring and assessment funded from their trust funds to the implementation of regional projects funded by multilateral donors, bilateral donors and the Global Environment Facility (GEF) in areas such as integrated coastal area management, biodiversity conservation and sustainable use, persistent organic pollutants, and land-based sources of pollution, among others.

51. Some regional seas programmes have established regional activity centres (RACs) coordinated by the secretariats that are responsible for supporting implementation of selected programmatic elements of their respective action plans, largely through capacity building programmes aimed at the Parties or member states. The Barcelona Convention Secretariat which is based in Athens coordinates 7 RACs, including the Regional Marine Pollution Emergency Response Centre for the Mediterranean (REMPEC) in Malta, the Priority Actions Programme Regional Activity Centre (PAP/RAC) in Split, Croatia, the Specially Protected Areas Regional Activity Centre (SPA/RAC) in Tunis, the Blue Plan Regional Activity Centre (BP/RAC) in Valbonne, France, the Environment Remote Sensing Regional Activity Centre (ERS/RAC) in Palermo, the Regional Activity Centre for Cleaner Production (CP/RAC) in Barcelona and the Programme for the Protection of Coastal Historic Sights (100 HS) in Marseille. NOWPAP has 4 RACs covering marine pollution emergency response in Taejon, Republic of Korea, marine pollution monitoring in Vladivostok, Russian Federation, special assessments in Toyama, Japan and information management in Beijing. The Cartagena Convention has two RACs responsible for capacity building linked to the implementation of their protocols on oil spills and biodiversity: the Marine Pollution Emergency Information and Training Regional Activity Centre for the Wider Caribbean Region (REMPEITC-Carib) in Curacao and the Specially Protected Areas and Wildlife Regional Activity Centre (SPAW/RAC) in Guadeloupe.

52. Most framework conventions with protocols are serviced by joint secretariats that oversee the overall implementation of the convention and its protocols. This is the case for The Vienna Convention and the Montreal Protocol, the CBD and the Cartagena Protocol, the UNFCCC and the Kyoto Protocol, the Cartagena Convention and its 2 protocols, and the Barcelona Convention and its 7 protocols and 2 amendments. An exception would be CMS in which the four regional agreements it fostered—EUROBATS, ASCOBANS, ACCOBAMS and AEWA—are

independent but linked treaties with independent secretariats. However, recently, three—AEWA, EUROBATS and ASCOBANS) were co-located in Bonn where the CMS Secretariat is located.

#### Monitoring and Evaluation of the Implementation of MEAs

53. An important function of most secretariats (UNCCD, CBD, CITES, the Ramsar Convention, the World Heritage Convention, the Montreal Protocol, the Basel Convention, the Rotterdam Convention and the Stockholm Convention) is the monitoring and evaluation of the implementation of their MEA, proposing formats for national reports, receiving and analyzing reports submitted, and providing the COP or MOP with syntheses of the information contained in national reports. On national reports, the role of the UNFCCC Secretariat is more restricted in that it compiles and transmits the reports to the Subsidiary Body on Implementation, which is responsible for assessing and reviewing the implementation of the convention. The CMS Secretariat also collates the reports of the Parties; similarly, CMS and its associated Agreements collect and collate information from other sources, including through the establishment and management of databases. With the assistance of UNEP-WCMC, it is carrying out a systematic review of needs and possibilities related to reporting. At COP 5 of the UNCCD, consideration will be given to the establishment of the Committee to Review the Implementation of the Convention, which will function as a permanent subsidiary body of the COP.

54. The role of some conventions in this area such as the Basel Convention and CITES goes much further. They have increased their cooperation with existing networks such as Interpol, the World Customs Organization and others to improve its monitoring and evaluation of the implementation of the convention.

55. The regional seas conventions and action plans generally do not require national reports from Parties or member states. The evaluations on implementation largely are the responsibility of the secretariats, which present reports to the COPs or intergovernmental meetings for consideration. In the case of the Barcelona Convention, the evaluations prepared by the secretariat take into account the results of the MEDPOL monitoring system on the extent of and trends in marine pollution in the Mediterranean Sea. In the framework of the GPA Intergovernmental Review of Implementation, Governments, regional seas secretariats, UN agencies, IFIs and other stakeholders have been invited to prepare reports highlighting examples of successes and failures and identifying barriers and needs, which will be used in preparing multi-stakeholder workprogrammes for 2002-2006.

#### UNEP-administered Secretariats of MEAs

56. Of the 41 core MEAs, UNEP provides the secretariats of 22—12 of the 18 global MEAs and 10 of the 22 regional MEAs that have secretariats, including 7 of the 17 regional seas conventions and action plans. These secretariats are under the institutional and administrative structure of the UNEP secretariat and their staff are employed as UNEP staff members. UNEP through the United Nations Organization in Nairobi (UNON) provides them with administrative support. As such, they are under the same rules and regulations of the United Nations and the Executive Director of UNEP is responsible for the hiring of staff and the supervision of their administration and management. The policies, budgets and programmes of work of UNEP-administered MEAs, while mostly drafted and proposed by the secretariats in consultation with their Parties, are exclusively decided upon by their COPs or MOPs, taking into account UN rules and regulations. Because they are UNEP-administered, UNEP also provides them with strategic programmatic support in the form of scientific and technical expertise and financial resources.

57. For the other 19 core MEAs that are not UNEP-administered, UNEP also promoted and facilitated the negotiations of 13. With these 13 and the remaining 6 conventions and agreements, UNEP maintains a working relationship, albeit at different degrees of support. For most, it also provides scientific and technical expertise and strategic financial support. Of the 14 regional seas conventions and action plans brokered by UNEP, 7 are not UNEP-administered. This is largely due to the policy of UNEP to establish regional seas secretariats in competent regional organizations wherever these existed, subject to the approval of their COPs or intergovernmental meetings.

58. The UNEP-administered conventions can also be divided into two groups: (a) the secretariats of MEAs that operate as self-contained units with administrative capabilities whose staff and operations are financed from the budgets approved by their COPs or MOPs with funds drawn from their respective trust funds administered by UNEP and (b) the secretariats of 3 global MEAs (Rotterdam Convention, Stockholm Convention, GPA) that are embedded within a functional unit of UNEP and whose operations are largely, but not exclusively, covered from UNEP's

Environment Fund. This is a different governance structure than other MEAs. In the cases of the Rotterdam and Stockholm Conventions, this means that the overall UNEP Chemicals Programme becomes a joint programme of UNEP's Governing Council along with the governing bodies of the two agreements. The Secretariat of the GPA is a unit of UNEP's Division of Policy Implementation; decisions relevant to its implementation emanate from UNEP's Governing Council, although periodic intergovernmental reviews of implementation (the first being in November 2001) are built into the GPA structure. There are strong signs that Governments are interested in expanding this concept, as reflected in recent chemicals-related decisions of the Governing Council. In many ways, this latter model resembles the institutional arrangements for the IMO-, ILO-, IAEA- and FAO-administered conventions listed in Table 4 in which the secretariat functions are embedded into the organizations themselves.

#### F. Partnerships with International Organizations

59. All MEAs and their secretariats work to different degrees with other international organizations that support the implementation of their convention or protocol. Some such as the World Heritage Convention have formal arrangements with defined roles for organizations such as the World Conservation Union (IUCN), the International Council of Monuments and Sites (ICOMOS) and the International Centre for the Study of the Preservation and restoration of Cultural Property (Rome Centre) (ICCROM). The first two are advisory bodies in charge of evaluating natural and cultural nominations to the World Heritage List. ICCROM is responsible for cultural heritage training. Most other MEAs have voluntary cooperative arrangements with international organizations or collaboration called for by COPs on specific issues.

60. Because it is a large cluster of MEAs, biodiversity-related conventions are involved collectively with a large number of international partners, including several international non-governmental organizations (NGOs). Three of the 5 international organizations with cooperative arrangements with 3 or more conventions in this cluster are NGOs, led by IUCN, followed by Wetlands International and Birdlife International. The other two are UNEP and the International Whaling Commission. As a whole, the cluster of biodiversity-related conventions has cooperative arrangements with the World Bank (CBD), the Intergovernmental Oceanographic Commission (IOC) of UNESCO (CBD), the Food and Agriculture Organization of the United Nations (FAO) (CBD, CITES), UNEP (CBD, CITES, World Heritage Convention), the World Trade Organization (WTO) (CITES), the United Nations Conference on Trade and Development (UNCTAD) (CBD), IUCN (CBD, CITES, CMS, Ramsar Convention, World Heritage Convention), World Wildlife Fund (WWF) (Ramsar Convention, CMS, CITES), the International Whaling Commission (CITES, CMS, ACCOBAMS, ASCOBANS), the Bern Convention on the Conservation of European Wildlife and Natural Habitats (ACCOBAMS, EUROBATS), the Helsinki Convention (ASCOBANS), OSPAR (ASCOBANS), Nordic Council (ASCOBANS), Wetlands International (CMS, AEW, Ramsar Convention), Birdlife International (CMS, AEW, Ramsar Convention, CITES), the International Crane Foundation (CMS), the Nature Conservancy (Ramsar Convention), ICPO-Interpol (CITES) and the World Customs Organization (CITES).

61. The atmosphere-related conventions are the smallest cluster and work with a smaller group of international organizations made up principally of organizations from the United Nations system and bilateral donor agencies largely linked to the Montreal Protocol Multilateral Fund. The Montreal Protocol and its Multilateral Fund have cooperative arrangements with UNDP, UNIDO, UNEP, WHO, WMO, FAO, WCO, WTO, the World Bank, GEF, GTZ, Casse Francaise de development, SIDA and CIDA. UNFCCC has no formal partners but receives inputs from some of the above organizations, including UNDP, UNEP, WMO and the World Banks, as well as from UNITAR, FAO and ILO.

62. Like the atmosphere conventions, the chemicals and hazardous wastes conventions cluster is small. However, these conventions work with a broad range of organizations largely from the UN system. The Basel Convention has cooperative arrangements with Interpol, the World Customs Organization, IMO, the Organization for Economic Cooperation and Development (OECD), the Organization for the Prohibition of Chemical Weapons, the United Nations Conference on the Transport of Dangerous Goods, WHO, ILO, FAO, UNIDO, UNCTAD, IAEA, UN regional commissions and the Organization of African Unity. For both the Rotterdam and Stockholm Conventions, the Inter-Organization Programme for the Sound Management of Chemicals (IOMC) is a key partner. The IOMC is comprised of UNEP, FAO, ILO, UNIDO, OECD, WHO and UNITAR, with IMO soon to join. In addition, UNEP has an MOU with the World Bank on POPs, which will be extended to the Stockholm Convention.

63. Because of their regional character and global significance, the cluster of regional seas conventions and action plans works with a broad range of global and regional partners. However, they work with a core of 5 UN organizations whose work is associated with oceans. UNEP, IOC/UNESCO and IAEA play an important role in supporting the work of the regional seas programmes in monitoring and assessment of the marine and coastal environment. IMO is engaged with these agreements in the field of emergency response to marine pollution from oil and other hazardous substances. To a lesser degree, FAO works with some of the programmes in the area of living marine resources.

64. Other organizations that cooperate with regional seas conventions and action plans include UNDP, WHO, WMO, the World Bank, the Global Environment Facility (GEF), regional development banks, bilateral donor organizations, the UN Commission on Sustainable Development and a wide range of regional intergovernmental and non-governmental organizations. In the implementation of the GPA clearing-house, MOUs and letters of agreement have been signed with several UN organizations, FAO, WHO, IMO, IAEA and UNEP. This cooperation is based on UN General Assembly Resolution 51/189.

65. The role of IMO as the secretariat of the major global marine pollution conventions is important. Ten of the 11 regional seas conventions have protocols on pollution from oil and harmful substances. All are assisted by IMO in their implementation. Regional seas programmes without legal frameworks such as NOWPAP and SACEP that have programmes on marine pollution are also assisted by IMO in their development and implementation. Where RACs have been established on emergency response to oil spills and other accidents with hazardous substances, such as in the Mediterranean, the Wider Caribbean and the North-West Pacific, these have been done through MOUs agreed to by UNEP, IMO and the host governments. Moreover, a joint IMO/UNEP forum on emergency response to marine pollution is being established with a view to exchange experiences and to discuss issues of common concern among the regional seas conventions and action plans.

66. IOC/UNESCO is also involved in supporting the monitoring and assessment programmes of several regional seas programmes. At the Third Global Meeting of Regional Seas Conventions and Action Plans held in Monaco in November 2000, it was agreed that UNEP will work closely with the Coastal Global Ocean Observing System (GOOS), directed by IOC/UNESCO, through a cooperative arrangement to ensure that the scientific and technical needs of regional seas programmes are fully taken into account in the development, management and implementation of the Coastal GOOS in particular, as well as the overall work of the Global Ocean Observing System, including the need to implement supportive capacity building activities in regional seas programmes as required.

#### G. Cooperative Agreements between MEAs

67. The last two years has seen a marked rise in the signing of memoranda of understanding (MOUs) between conventions, signaling a period of increasing political will for MEAs to collaborate more closely in the implementation of the programmes of work of their respective agreements. However, this has been concentrated principally in two clusters: the biodiversity-related conventions and the regional seas conventions and action plans. In addition to endorsing these MOUs, the COPS of some of these conventions have begun to adopt decisions calling for their secretariats to explore with other secretariats the development of joint programmes of work.

68. Within the biodiversity-related conventions cluster, some important MOUs have been signed in recent years. The CBD Secretariat has negotiated MOUs with the secretariats of the following MEAs:

- The Ramsar Convention;
- CITES;
- CMS
- The Bern Convention on the Conservation of European Wildlife and Natural Habitats

Joint work plans have been developed between CBD and the Ramsar Convention and CBD and CITES. An MOU and joint work plan is being developed between CITES and CMS. In the area of enforcement, an MOU has also been signed between CITES and the Lusaka Agreement. In addition to its MOU with CBD (which covers all Agreements and MOUs under CMS), the CMS secretariat has MOUs with the Ramsar Convention (which similarly extends to AEWA and the two MOUs for endangered waterbirds) and with the International Convention on the Regulation of Whaling (which covers ASCOBANS and ACCOBAMS). The CMS secretariat is currently

negotiating an MOU with the World Heritage Bureau. Besides its MOUs with CBD and CITES, the Ramsar Convention Bureau also has an MOU with the World Heritage Convention. In addition to its MOUs with the Ramsar Convention, the World Heritage Convention has MOUs with CBD.

69. MOUs have also been signed between conventions in the biodiversity-related conventions cluster and conventions in other clusters. Particularly important have been the MOUs between biodiversity-related conventions and regional seas conventions and related international agreements. The CBD has also taken the lead in the negotiation of MOUs with conventions from other clusters:

- The UNCCD
- The Cartagena Convention and its Protocol on Specially Protected Areas and Wildlife;
- The Lima Convention for the Protection of the Marine Environment and Coastal Area of the South-East Pacific and its Protocol on Specially Protected Areas and Wildlife.
- The Barcelona Convention and its Protocols on

An umbrella MOU (2000) has been signed between CBD and the GPA, which involves the regional seas conventions and action plans, for cooperation in the protection of marine and coastal habitats. The Ramsar Convention Bureau and the World Heritage Bureau also have MOUs with UNCCD. The Barcelona Convention has an MOU with the Ramsar Convention. ACCOBAMS is drafting MOUs with the Barcelona Convention and the Bucharest Convention for the Black Sea. ASCOBANS has a cooperative arrangement with the Helsinki Convention for the Baltic Sea.

70. As noted earlier, regional seas conventions and their protocols have several MOUs with biodiversity-related conventions. The Barcelona Convention has MOUs with CBD and the Ramsar Convention. In addition to MOUs with CBD and the Ramsar Convention, the Cartagena Convention has a letter of agreement (LOA) with the GPA for the development of a clearinghouse. The Cartagena Convention is also exploring the possibility of MOUs with CITES and CMS. A new trend since 2000 is the adoption of twinning arrangements between regional seas conventions that can be divided into two groups. The first are those in which more developed regional seas programmes provide technical cooperation to less developed programmes. Such an example is the Twinning Arrangement between the Baltic Marine Environment Protection Commission and the United Nations Environment Programme as the secretariat of the Convention for the Protection, Management and Development of the Marine and Coastal Environment of the Eastern African Region (Nairobi Convention), signed in Malmö, Sweden on 30 May 2000. Other such arrangements are in the process of being negotiated. The second group of twinning arrangements promotes cooperation between neighboring regional seas programmes. An example of this is the twinning between the Red Sea and Gulf of Aden Environment Programme and the Regional Organization for the Protection of the Marine Environment (ROPME), as well as the Memorandum of Understanding for closer cooperation between the Red Sea and Gulf of Aden Environment Programme and ROPME and the Council of Arab Ministers Responsible for the Environment and UNEP (May 2000).

71. In the atmosphere conventions cluster, no MOUs with other MEAs have been developed. The Vienna Convention and its Montreal Protocol have ad hoc agreements with other MEAs in areas of common interest. The UNFCCC has cooperative arrangements with CBD, UNCCD and the Ramsar Convention, but no MOUs.

72. In the chemicals and hazardous wastes conventions cluster, there are also no MOUs with other MEAs. The Basel Convention has ad hoc cooperative arrangements with CITES, the Vienna Convention and its Montreal Protocol, the London Convention and its 1996 Protocol, MARPOL, the Bamako and Waigani Conventions and several regional seas conventions and their protocols. The Rotterdam and Stockholm Conventions have not entered into force and, therefore, have no MOUs with other MEAs. Nevertheless, close cooperation on an informal basis is taking place between the Basel Convention, the Rotterdam Convention and the Stockholm Convention.

73. As indicated earlier, some COPs and MOPs are adopting decisions calling for closer cooperation between conventions. The Helsinki Commission for the Baltic Sea in recommendation 17/2 called for harmonization of reporting schemes with ASCOBANS. The MOP of the Montreal Protocol and the COP of the UNFCCC have adopted a decision to work together on addressing substitutes of ozone depleting substances that at the same time are greenhouse gases.

## H. Participation of Civil Society in the Implementation of MEAs

### Participation in Meetings

74. In conventions such as the Basel Convention, CBD, CITES and the Ramsar Convention, NGOs, private industry, civic groups, local communities and indigenous groups are allowed to participate in the deliberations of the Parties. For the CBD, this does not necessarily apply to meetings that are not open-ended such as technical expert groups and liaison groups. The Meetings of the World Heritage Committee are attended by intergovernmental organizations and NGOs as representatives, observers or advisers, while representatives of local communities and indigenous groups are allowed as members of a State Party delegation or an NGO. Sometimes representatives of private industry are invited to Committee Meetings. For some biodiversity-related conventions, such as the Ramsar Convention, CMS, ACCOBAMS, AEWAs, ASCOBANS and EUROBATS, civil society representatives are primarily NGOs.

75. The MOPs of the Montreal Protocol are open to NGOs, private industry, scientists and expert organizations in the field of ozone protection as observers. NGOs, private industry, and academia are invited to the meetings of the Executive Committee of the Montreal Protocol Multilateral Fund and its subsidiary bodies. There are almost 400 NGOs accredited to participate as observers in the meetings of the COP, SBSTA and SBI of the UNFCCC, unless at least one-third of the Parties object, and are given the opportunity to address these meetings. They are divided into three main constituency groups: environmental NGOs, business and industry associations, and local governments and municipal authorities.

76. The Rotterdam Convention, the Stockholm Convention, the Vienna Convention and its Montreal Protocol have always encouraged the participation of civil society—NGOs, business and industry associations, labour unions, academia, civic groups and indigenous groups—in its meetings. The participation of civil society in the Rotterdam Convention will be decided when it enters into force. In the case of the Stockholm Convention over 300 non-state organizations, including environmental, indigenous people, industry and academia groups have been allowed to participate.

77. In the UNCCD, the participation of civil society is expected at all levels. Article 6 of the Regional Implementation Annex for Africa establishes a consultative and participatory process involving appropriate levels of government, local communities and NGOs. A Supplementary Fund has been established to support the participation of accredited NGOs from affected developing countries to attend meetings as observers

78. Given its multisectoral scope and its focus on sustainable development, the Barcelona Convention meetings are open to a broad range of civil society representatives, including NGOs, civic groups, local communities and industry as observers. Representatives of these groups can serve as members of the Mediterranean Commission for Sustainable Development and are elected by the Parties to the convention. A similar range of civil society representatives are invited as observers to the meetings of the Cartagena Convention. For SACEP, no arrangements have been made for the participation of non-state actors.

### Relation of Civil Society to MEA Secretariats

79. Secretariats such as that of the CBD and the Basel Convention maintain regular contacts with civil society organizations for exchange of information and views, receipt of documentation and preparation of background papers. The CITES Secretariat works closely with civil society groups, particularly private industry. Wetlands International in the past has assisted the AEWAs Secretariat in technical documents for the MOP. The Ramsar Convention Bureau maintains close working relations with NGOs and encourages the participation of stakeholders and local communities. The World Heritage Bureau receives information from representatives of civil society on the state of conservation of cultural and natural properties.

80. The UNFCCC has an IGO Outreach Officer and an NGO Outreach Officer whose roles are to maintain contact with the accredited IGOs and NGOs intra and intersessionally.

81. Civil society has been encouraged to provide inputs to the activities of the Basel Convention Secretariat. The secretariat also participates in activities organized by NGOs and industry associations. The relationship of civil

society to the Rotterdam Convention Secretariat has not yet been decided. For the Stockholm Convention, the relationship is primarily limited to the exchange of information.

82. The UNCCD Secretariat is responsible for the accreditation process of NGOs and ensuring an adequate flow of information to NGOs regarding the convention. It also maintains regular contacts with them regarding activities being implemented and required follow-up.

83. The secretariats of regional seas programmes such as the Barcelona and Cartagena Conventions actively foster closer working relations with civil society, the former with its Mediterranean Commission for Sustainable Development and the latter primarily with biodiversity and marine pollution groups.

#### Participation of Civil Society in the Implementation of MEAs

84. Conventions such as the CBD and CITES recognize the involvement of all relevant stakeholders as fundamental. In the case of the CBD, particular emphasis is placed on the involvement of indigenous and local communities. In CITES civil society plays an important role in (a) providing technical knowledge, (b) awareness raising, (c) assisting the secretariat in communicating with non-parties, (d) promoting implementation in the field and (e) gathering and transmitting information about possible non-compliance. The Ramsar Convention encourages the participation of stakeholders, local communities and NGOs in the implementation of the convention. IUCN, ICOMOS and ICCROM support the implementation of the convention, the first two in a formal advisory capacity and the latter in capacity building. NGOs assist CMS in developing conservation projects that support the implementation of the convention, and in some countries play very important roles in the implementation of relevant national conservation policies. Wetland International executes some projects in support of AWEA. NGOs also assist Parties to ASCOBANS, EUROBATS and AWEA in implementing these agreements at the national level.

85. For the Montreal Protocol, representatives of civil society such as the International Pharmaceutical, Aerosol Consortium (IPAC), the Alliance for Responsible Atmospheric Policy, Friends of the Earth, the Pesticide Action Network, the Stockholm Environment Institute and Greenpeace act as catalysts and protagonists for the elimination of ozone depleting substances. They also monitor progress in the implementation of the protocol, identify alternative ozone-friendly substances and propose constructive measures for phasing out ozone depleting substances for the consideration of the Parties.

86. In the Basel Convention civil society plays a central role in its implementation, largely through the provision of scientific and technical expertise. This role has yet to be decided for the Rotterdam Convention. It is expected that civil society will play a role in pressuring governments to ratify and implement the convention and to alert authorities as to possible violations of convention obligations.

87. The decisions of the Parties to the UNCCD on the design and implementation of programmes to combat desertification and/or mitigate the effects of drought are to be taken with the participation of populations and local communities.

88. In regional seas programmes such as the Barcelona Convention and Action Plan, civil society collaborates closely in the implementation of programmes and projects. In the Cartagena Convention they are active in the development of project ideas, the dissemination of information and in generating support from governments. They also assist in monitoring compliance by reporting on the governments to their constituencies.

#### I. Other Global Conventions Relevant to the Environment, including Regional Conventions of Global Significance

89. This is the second category of conventions, protocols and amendments referred to earlier in paragraph 14. While the first category of MEAs in Table 1 have been largely facilitated or influenced by UNEP, or have developed relations with UNEP, the second category listed in Table 4 have been developed independently of UNEP, with 45% adopted or negotiated before the creation of UNEP.

90. Despite numbering nearly 100 international legally binding instruments, they are neatly divided into 6 clusters. The first consists of the 25 marine pollution conventions, protocols and amendments that are under IMO. The second cluster is comprised of the global oceans-related conventions, such as UNCLOS, that with one exception

are under the UN General Secretariat. The third and largest cluster is made up 35 conventions, agreements and protocols on fisheries, of which all but 4 are regional in scope. Unlike the first two clusters, there is no dominant organization that provides the secretariats for these agreements. FAO provides the secretariat for 5 of the regional fisheries bodies and 1 global agreement. The UN General Secretariat serves as the secretariat for two of the most important global agreements—the Convention on Fishing and Conservation of the Living Resources of the High Seas and the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 Relating to the Conservation and Management of Straddling Fish Stocks and High Migratory Fish Stocks. The remaining regional agreements, which make up the bulk of the cluster, have independent regional fisheries bodies as their secretariats. A fourth but small cluster of plant conventions, with one exception, has secretariats provided by FAO. The fifth cluster is the 10 occupational hazards conventions that all fall under ILO. The sixth cluster is the nuclear-related conventions and protocols that with few exceptions are under IAEA.

91. To different degrees these clusters interact with the clusters of the core environmental conventions and related agreements. The strongest interaction, which has been described above in different sections, is between the IMO marine pollution conventions and the regional seas conventions and action plans. The two sets of protocols of the regional seas programmes on marine pollution from oil and hazardous substances and on marine pollution from dumping by ships and aircraft were negotiated in consultation with IMO and are fully complementary to the global marine pollution agreements.

92. To a lesser degree there has been interaction between the regional seas conventions and the UN oceans conventions. In fact, the regional seas programmes were developed as complimentary instruments to UNCLOS. While the legal office of the UNCLOS Secretariat has played an advisory role in the development of regional seas conventions and protocols, this support has unfortunately been sporadic in recent years.

93. There has been irregular and very limited interaction between the regional seas conventions and action plans and the regional fisheries conventions and agreements. The regional seas conventions and the regional fisheries bodies in the Baltic Sea have had cooperation. In one unique case, the Permanent Commission for the South Pacific (CPPS), serves as the secretariat for the Lima Convention and Action Plan for the Southeast Pacific and the corresponding regional fisheries agreement, which is not listed in Table 4. Otherwise, the interaction between the two sets of agreements is practically non-existent. However, efforts are underway to change this. UNEP and FAO in July 2000 began collaboration in the preparation of a paper entitled “Ecosystem-based management of fisheries: opportunities for collaboration between regional seas conventions and regional fisheries bodies”. The paper was presented to the Third Global Meeting of Regional Seas Conventions and Action Plans convened by UNEP in Monaco in November of 2000 and its recommendations for cooperation between the two sets of agreements were endorsed and expanded. After being revised to reflect the changes recommended in Monaco, the paper was presented to the Second Meeting of FAO and NON-FAO Fisheries Bodies convened by FAO in Rome in February 2001. Unlike the Monaco meeting, which endorsed specific actions for promoting collaboration, the Rome meeting only accepted in principle the need for collaboration between the two sets of agreements. UNEP and FAO will consult on the follow-up required.

94. The collaboration between the plant conventions under FAO with the cluster of biodiversity-related conventions has been restricted primarily to CBD which is addressing the sustainable use of biodiversity and its components which includes species and their genetic resources, as well as ecosystems.

<b>Table 4</b>		
<b>Global Conventions Relevant to the Environment, including Regional Conventions of Global Significance</b>		
MEA <sup>1</sup>	Date adopted	Secretariat/ responsible body
<b>Marine Pollution Conventions<sup>1</sup></b>		
1. International Convention for the Prevention of Pollution of the Sea by Oil (amended in 1962 and 1969)	1954	IMO
2. International Convention on Civil Liability for Oil Pollution Damage (amended 1976, 1981, 1984)	1969	IMO
3. International Convention Relating to Intervention in the High Seas in Cases of Oil	1969	IMO

<u>Pollution Casualties</u>		
4. Amendments to the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, Concerning Tank Arrangements and Limitation of Tank Size	1971	IMO
5. Amendments to the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, Concerning the Protection of the Great Barrier Reef	1971	IMO
6. International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage (amended 1976, 1984, 1994)	1971	IOPCF
7. Convention Relating to Civil Liability in the Field of Maritime Carriage of Nuclear Material	1971	IMO
8. Convention for the Prevention of Marine Pollution by Dumping from Ships and Aircraft (amended 1983, 1989 and again in 1989)	1972	IMO
9. Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter (amended)	1972	IMO
10. Protocol Relating to Intervention in the High Seas in Cases of Marine Pollution by Substances Other than Oil	1973	IMO
11. International Convention for the Prevention of Pollution from Ships (MARPOL)	1973	IMO
12. Convention on Limitation of Liability for Maritime Claims	1976	IMO
13. Protocol to the International Convention on Civil Liability for Oil Pollution Damage	1976	IMO
14. Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships (MARPOL), 1973	1978	IMO
15. Amendments to Annexes to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter Concerning Incineration at Sea	1978	IMO
16. Agreement for Cooperation in Dealing with the Pollution of the North Sea by Oil and Other Harmful Substances	1983	IMO
17. Protocol to Amend the International Convention on Civil Liability for Oil Pollution Damage.	1984	IMO
18. International Convention on Salvage	1989	IMO
19. International Convention on Oil Pollution Preparedness, Response and Cooperation	1990	IMO
20. Protocol of 1992 to Amend the International Convention on Civil Liability for Oil Pollution Damage, 1969	1992	IMO
21. Protocol of 1992 to Amend the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage	1992	IMO
22. 1996 Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972	1996	IMO
23. Protocol of 1996 to amend the Convention on Limitation of Liability for Maritime Claims, 1976	1996	IMO
24. International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea	1996	IMO
25. Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972	1996	IMO
<u>Oceans-related conventions</u>		
26. Convention on the Territorial Sea and the Contiguous Zone	1958	UN
27. Convention on the High Seas	1958	UN
28. Convention on the Continental Shelf	1958	UN
29. Convention for the International Council for the Exploration of the Sea (amended 1970 and 1975)	1964	ICES <sup>2</sup>
30. United Nations Convention on the Law of the Sea	1982	UN
31. Agreement Relating to Implementation of Part XI of the United Nations Convention on the Law of the Sea	1994	UN
32. Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 Relating to the Conservation and Management of Straddling Fish Stocks and High Migratory Fish Stocks	1995	UN
<u>Fisheries Conventions<sup>3</sup></u>		
33. International Convention on the Regulation of Whaling	1946	IWC
34. Agreement for the Establishment of a General Fisheries Commission for the Mediterranean	1948	FAO
35. Convention for the Establishment of an Inter-American Tropical Tuna Commission	1949	IATTC
36. Agreement for the Establishment of a General Fisheries Council for the Mediterranean (amended 1963 and 1976)	1949	FAO
37. Protocol Amending the International Convention for the High Seas Fisheries of the North Pacific Ocean (1952)	1978	NPAFC
38. Protocol to the International Convention on the Regulation of Whaling	1956	IWC
39. Convention on Fishing and Conservation of the Living Resources of the High Seas	1958	UN
40. Convention Concerning Fishing in the Black Sea	1959	
41. Agreement concerning Co-operation in Marine Fishing	1962	
42. Agreement on the Protection of the Salmon in the Baltic Sea	1962	
43. Fisheries Convention	1964	

44. International Convention for the Conservation of Atlantic Tunas (amended 1984 and 1992)	1966	ICCAT
45. Convention on Conduct of Fishing Operations in the North Atlantic	1967	
46. Agreement Establishing the Southeast Asian Fisheries Development Center	1967	
47. Convention on the Conservation of the Living Resources of the South-East Atlantic	1969	FAO
48. Convention on Fishing and Conservation of the Living Resources in the Baltic Sea and Belts	1973	IBFSCS
49. South Pacific Forum Fisheries Agency Convention	1979	SPFFA
50. Convention on Future Multilateral Cooperation in the North-East Atlantic Fisheries	1980	Canada
51. Convention on the Conservation of Antarctic Marine Living Resources	1980	CCAMLR
52. Convention on Future Multilateral Cooperation in North-East Atlantic Fisheries <sup>5</sup>	1980	NEAFC
53. Convention for the Conservation of Salmon in the North Atlantic Ocean	1982	NASCO
54. Amendments to the Convention on Fishing and Conservation of the Living Resources in the Baltic Sea and the Belts	1982	IBFSCS
55. Eastern Pacific Ocean Tuna Fishing Agreement	1983	Council
56. Protocol relating to Modification of the International Convention for the Conservation of Atlantic Tunas	1984	
57. South Pacific Fisheries Treaty	1987	
58. Agreement on the Network of Aquaculture Centres in Asia and the Pacific	1988	FAO
59. Convention for the Prohibition of Fishing with Long Drift Nets in the South Pacific	1989	SPFFA
60. Convention on Fisheries Cooperation among African States bordering the Atlantic Ocean	1991	FAO
61. Agreement of Cooperation in research, Conservation and Management of Marine Mammals in the North Atlantic	1992	NAMMCO
62. Convention for the Conservation of Anadromous Stocks in the North Pacific Ocean	1992	NPAFC
63. Convention for the Conservation of Southern Bluefin Tuna	1993	CCSBT
64. Agreement for the Establishment of the Indian Ocean Tuna Commission	1993	FAO
65. Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas	1993	FAO
66. Convention on the Conservation and Management of Pollock Resources in the Central Bering Sea	1994	ICCAT
67. Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 Relating to the Conservation and Management of Straddling Fish Stocks and High Migratory Fish Stocks	1995	UN
<u>Plant conventions</u>		
68. International Plant Protection Convention (text revised in 1979 and 1997)	1951	FAO
69. Plant Protection Agreement for Asia and the Pacific Region (amended 1967, 1969, 1979, 1983, 1983 and 1990)	1956	FAO
70. Convention Placing the International Poplar Commission within the Framework of the Food and Agriculture Organization of the United Nations	1959	FAO
71. International Convention for the Protection of New Varieties of Plants (amended 1972, 1977, 1978, 1981, 1991)	1961	IUPNVP
72. Amendment of the Plant Protection Agreement for the Asia and Pacific Region	1967	FAO
73. Amendment to the Convention Placing the International Poplar Commission with the Framework of FAO	1967	FAO
<u>ILO occupational hazards conventions</u>		
74. Convention Concerning the Protection of Workers against Ionizing Radiations	1960	ILO
75. Convention Concerning Protection against Hazards of Poisoning Arising from Benzene	1971	ILO
76. Convention Concerning Prevention and Control of Occupational Hazards Caused by Carcinogenic Substances and Agents	1974	ILO
77. Convention Concerning the Protection of Workers against Occupational Hazards due to Air Pollution, Noise and Vibration	1977	ILO
78. Convention Concerning Occupational Safety and Health and the Working Environment	1981	ILO
79. Convention Concerning Occupational Health Services	1985	ILO
80. Convention Concerning Safety in the Use of Asbestos	1986	ILO
81. Convention Concerning Safety in the Use of Chemicals at Work	1990	ILO
82. Convention Concerning the Prevention of Major Industrial Accidents	1993	ILO
83. Convention Concerning Safety and Health in Mines	1995	ILO
<u>Nuclear-related conventions<sup>6</sup></u>		
84. Paris Convention on Third Party Liability in the Field of Nuclear Energy (amended 1964, 1968, 1982)	1960	OECD
85. Convention Supplementary to the Paris Convention on Third Party Liability in the Field of Nuclear Energy (amended in 1964, 1974 and 1982)	1963	OECD
86. Vienna Convention on Civil Liability for Nuclear Damage	1963	IAEA

87. Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water	1963	
88. Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Sea Bed and the Ocean Floor and in the Subsoil Thereof	1971	
89. Convention on Physical Protection of Nuclear Material	1979	IAEA
90. Convention on Early Notification of a Nuclear Accident	1986	IAEA
91. Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency	1986	IAEA
92. Joint Protocol relating to the Application of the Vienna Convention [on Civil Liability for Nuclear Damage] and the Paris Convention [on Third Party Liability in the Field of Nuclear Energy]	1988	IAEA
93. Convention on Nuclear Safety	1994	IAEA
94. Comprehensive Nuclear Test Ban Treaty	1996	
95. Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management	1997	IAEA
96. Protocol to Amend the Vienna Convention on Civil Liability for Nuclear Damage	1997	IAEA
97. Convention on Supplementary Compensation for Nuclear Damage	1997	IAEA

<sup>1</sup>There is a total of 34 conventions, protocols and Amendments related to IMO. Not all are listed here.

<sup>2</sup>Established in 1902.

<sup>3</sup>As in the case of the regional seas conventions and action plans, the regional fisheries conventions form a global mosaic of agreements that focus on the development and management of fisheries. Unlike the multisectoral regional seas programmes, regional fisheries agreements can be very species specific.

<sup>4</sup>The convention was initially adopted in 1951.

<sup>5</sup>Superseded the North-East Atlantic Fisheries Convention, 1959.

<sup>6</sup>There are a total of 12 conventions and protocols related to IAEA. Not all are listed here.

95. Interaction between the core environmental conventions and the cluster of ILO occupational hazards conventions has been limited for the moment to the Basel Convention on the issue of occupational health. However, opportunities for cooperation between the chemicals and hazardous wastes conventions and the ILO conventions should be examined more systematically.

96. Some interaction has taken place between the core environmental conventions and related agreements and the IAEA nuclear-related conventions, but very little. One exception has been the Basel Convention, which cooperates closely with IAEA, in particular in the development of IAEA's Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management, as well as on the development of technical guidelines by the Technical Working Group. One regional seas convention, the Lima Convention, has a protocol on nuclear contamination. Radionuclides are one of the 9 land-based sources of pollution addressed by the GPA. IAEA is responsible for the provision of information in the GPA Clearing-house related to this source pollutant.

## II. Review of Strengths and Weaknesses of Existing Arrangements

97. The synthesis of strengths and weaknesses of existing arrangements as regards MEAs is based on the responses to the questionnaire provided by the secretariats in Annexes 1 to 20.

### A. Strengths

#### Clustering and Opportunities for Synergies

98. The core environmental conventions within each cluster have much in common and opportunities exist for closer cooperation. Opportunities for collaboration appear strongest for those MEAs within the cluster of biodiversity-related conventions. In this regard, the secretariat of CMS recommended closer involvement in the cluster with IWC. The MEAs within the chemicals and hazardous wastes conventions cluster are also open to increasing cooperation, as are those in the regional seas cluster.

99. Opportunities for collaboration along functional rather than substantive cluster lines also exist. Because they are trade-related instruments conventions such as CITES, the Montreal Protocol, the Basel Convention, the Rotterdam Convention and the Stockholm Convention have much in common: implementation and enforcement issues, identification of materials in the Harmonized System of the World Customs Organization, and training and capacity building.

100. On programmatic issues of a crosscutting nature that MEAs could collaborate on, the following were proposed:

- Implementation and compliance at the country level;
- Common problems of the trade-related MEAs
- Capacity building for state of the environment assessment, risk assessment and subsequent decision-making, including a better link between science and policy

101. The dialogue between MEAs, particularly those that are trade-related instruments, and WTO needs to continue.

102. Opportunities exist for MEAs to work together in capacity building programmes related to the development of national legislation that supports the implementation of conventions and protocols at the country level. On cross-cutting issues such as the prevention and combating of illegal traffic, MEAs should cooperate with other international organizations like Interpol and the World Customs Organization.

#### Opportunities for Scientific Cooperation

103. The opportunity exists for closer cooperation among the scientific bodies of MEAs. One MEA secretariat felt that the chairs of these bodies should meet periodically to maximize the benefits of the limited human and financial resources available for their functioning and operation. It went further in proposing that a comprehensive report integrating the findings of the different scientific assessments should be issued on a biennial basis. This would facilitate the work of governments both locally and globally.

104. Problematic issues between MEAs need cooperation where there exists scientific commonality, such as linked issues in ozone protection and climate change. This is also true for used ozone-depleting substances traded under the Montreal Protocol and exempted from treatment as hazardous waste under the Basel Convention.

105. Opportunities for collaboration at the scientific level among biodiversity-related conventions and among the chemicals and hazardous wastes conventions was viewed positively by several MEAs. It was felt the exchange of scientific data and information should be encouraged.

#### Increase in Arrangements for Cooperation among Conventions

106. The rise in MOUs between MEAs in recent years described in chapter I concretely demonstrates a growing political will and commitment by MEAs, particularly within the biodiversity-related conventions cluster and the

cluster of regional seas conventions and related international agreements, to work together in a more integrated manner. In several cases, this is leading to the development of joint programmes of work in areas of common interest, such as between CBD and the Ramsar Convention, CBD and CITES, CBD and the regional seas conventions and action plans, and CBD and the GPA. The development of MOUs and other cooperative arrangements are being endorsed and supported by the decisions of the COPs of some of these agreements. A joint work programme between CMS (as lead partner for migratory species) and CBD is under development and it is hoped that it will be ready for endorsement at the COPs of the two conventions in 2002.

## B. Weaknesses

107. Cooperation among conventions within clusters may be hampered by differences in stages of implementation, variety in scope, speed of development and different memberships. However, this might present opportunities for the more developed agreements to assist the less developed as has been the case with the twinning arrangements between regional seas conventions.

### Reluctance of some MEAs to Cooperate with Others

108. One convention secretariat felt that considerable lip service is paid to the synergies paradigm, but when it comes to implementation, many conventions continue to be inward looking and are reluctant to share or give away part of what they perceive as their “sovereignty”.

### Inadequate Attention to the Harmonization of National Reporting among MEAs

109. Greater attention needs to be given to the harmonization of national reporting among MEAs. Little has been done in this area. The joint secretariat of the Vienna Convention and its Montreal Protocol and the secretariat of the Montreal Protocol Multilateral Fund have had some success in streamlining the reports of Parties to the Montreal Protocol and Parties that are beneficiaries of the Multilateral Fund. However, in the case of the Montreal Protocol the specificity of the reporting requirements do not allow for harmonization with the national reports of other MEAs. A new initiative supported by UNEP has been launched for the streamlining of national reporting of the 5 global biodiversity-related conventions (CBD, CITES, CMS, Ramsar Convention and World Heritage Convention) and 2 regional seas conventions with biodiversity-related protocols (the Barcelona Convention and the Cartagena Convention), and will be implemented in a pilot project involving voluntary Parties. Attention needs to be given on harmonizing the reporting of trade-related MEAs in areas of common interest, such as work linked to customs and port authorities.

### Inadequate Implementation and Coordination of MEAs at the National Level

110. Although coordination among MEAs has focused on cooperation among MEA COPs and MOPs, secretariats and their subsidiary bodies, insufficient attention is being given to the more critical issue of coordinating implementation of MEAs at the national level. Moreover, the implementation of some conventions is often spread out among different national institutions, sometimes resulting in conflicting priorities in national governments. Oftentimes, human and financial resources at the national level are inadequate for implementation of a convention, protocol or related agreement.

### Inadequate Compliance and Enforcement

111. On the issue of enforcement and compliance, some such as the Montreal Protocol Multilateral Fund felt there was inconsistency at the national level. Some agreements (Montreal Protocol and Ramsar Convention) lack verification mechanisms. The Ramsar Convention and the Barcelona Convention secretariats felt that weak and ineffective national focal points constitute the main impediment for the implementation of their conventions. The Basel Convention’s Legal Working Group is looking into the establishment of a mechanism for implementation and compliance.

112. The CITES Secretariat presented strong views on the issue of enforcement and compliance. It felt that a holistic approach is required that emphasizes adequate financial resources, the establishment of specialized teams, access to technical expertise and the development of core skills. Multi-agency and multi-level task forces need to be established at the national level and template supportive legislation needs to be developed. The role of non-State actors such as NGOs and the private sector in relation to compliance and enforcement needs to be clearly defined. Verification mechanisms are required to analyze the reasons for and responses to compliance and enforcement problems. Examples of successful compliance and enforcement need to be identified and shared with other MEAs, including analysis of the key operational skills that led to success.

113. Closely related to the need for a holistic approach is the concern of the Barcelona Convention secretariat that within the biodiversity cluster, including the biodiversity protocols of regional seas conventions, there often is a disjointed approach by 4 to 5 conventions to the conservation and management of the same species. This can result in an incoherent compliance and enforcement regarding a particular species.

114. Inadequate funding for some conventions such as CMS and ASCOBANS was perceived as a major obstacle for instituting effective compliance and enforcement mechanisms.

115. Once convention secretariat proposed the establishment of an inspection mechanism on enforcement and compliance under UNEP.

#### Lack of Environmental and Performance Indicators for Measuring the Effectiveness of an MEA

116. The overwhelming majority of MEAs do not have scientifically or technically based indicators for appraising the performance of the MEA in improving the quality and sustainability of the environment. The Montreal Protocol has environmental and performance indicators for measuring its effectiveness in stabilizing the concentration of ozone depleting substances in the upper stratosphere. The first looks at the stabilization of the upper stratosphere and the latter at compliance by each Party. Perhaps more than any other MEA, the Barcelona Convention through its Mediterranean Commission for Sustainable Development has adopted the most comprehensive and practical indicators comprised of a set of 130 national and regional indicators, covering a range of subjects such as marine pollution, economic activities such as tourism and demography, among others. CITES uses the Significant Trade Review process in assessing its effectiveness in bringing about the sustainable use of biotic resources. The UNCCD through its Committee on Science and Technology (CST) continues to work on the development of benchmarks and indicators. Through its Global POPs Monitoring Network and the POPs Master Plan, the Stockholm Convention will have the baseline for performance monitoring. The Ramsar Convention has also worked on the development of indicators, but it has proven difficult to devise an agreed suite of indicators that can be readily applied in all circumstances and in a globally consistent manner. Likewise, its Parties are required to have in place the use of indicators the levels of reporting are very inadequate. In several of its 5 thematic programmes—marine and coastal biodiversity, agricultural biodiversity, forest biodiversity, inland waters biodiversity and dry and sub-humid lands—the CBD is promoting the development of indicators. The Basel Convention is currently exploring the development of hazardous waste indicators and to this end is collaborating with the Rotterdam and Stockholm Conventions.

#### Issues that are not Being Addressed Effectively by MEAs

117. According to the MEA secretariats, there are significant gaps in terms of issues not being addressed effectively. Among these are:

- Control of new ozone-depleting substances
- Impact of climate change on migratory waterbirds
- Commercial fishing from an environmental perspective
- The impact of high seas fisheries on marine species such as mammals and birdlife
- Lack of sites on the World Heritage list nominated for their marine values
- Coastal zone management
- Information policies
- Impact of population, poverty and urbanization on coastal resources
- Forests

- Tropical timber trade
- Freshwater resources
- River ecosystems
- Minimization of the production of wastes, including hazardous wastes
- Prevention and combating of illegal traffic in substances, animals and plants covered by MEAs
- The role of poverty and corruption in relation to environmental management practices
- The failure to identify and make available alternatives to bad environmental practices
- The failure to quantify and publicize the economic benefits from good environmental practices
- Economic instruments and incentives
- Practical indicators for measuring performance of MEAs
- Compliance and enforcement

#### Inadequate Funding for Selected MEAs

118. Some MEAs, including the Ramsar Convention, CITES, CMS, ASCOBANS, EUROBATS and several regional seas conventions and action plans, strongly feel that inadequate funding hampers the effective implementation of their agreements, including the required support needed by many developing countries. This includes inability or difficulties on the part of some to access support from the GEF. Particularly affected by inadequate funding are the development of synergies and cooperative activities among conventions. Cooperation among all MEAs and international organizations such as the World Bank and the World Intellectual Property Organization in the field of transfer of new technologies to developing countries and countries with economies in transition could increase dramatically the level of implementation of MEAs.

#### C. The Role of UNEP in Preparing a Consolidated Overview of the Effectiveness of Implementation of MEAs

119. Some MEA secretariats such as the Montreal Protocol Multilateral Fund, the Basel Convention, the Barcelona Convention and the GPA felt that UNEP should have as one of its mandates the monitoring of the implementation of MEAs. One expressed the view that UNEP should periodically report on this subject to the Governing Council, its Committee of Permanent Representatives and annually to the UN General Assembly. This, however, would need to be done in close cooperation with the various MEAs and should be done through an open and wide-ranging consultative process. Another felt that a comparative analysis of MEA implementation should be undertaken by UNEP with a view to identifying concrete lessons that could assist MEAs in their work. In evaluating the overall implementation of MEAs, CMS, ASCOBANS and EUROBATS felt that special emphasis should be placed on crosscutting issues that go beyond the responsibilities and competence of any single agreement, thus acting on behalf and in the interest of a multitude of MEAs and their respective Parties. The ACCOBAMS Secretariat felt that any such overview by UNEP should be used to identify subjects for synergies, overlapping and gaps with a view to improving coordination at the thematic level. The World Heritage Convention was of the view that UNEP should facilitate exchange of information among MEAs, in addition to playing a coordinating role.

120. One agreement—ACCOBAMS—felt that for UNEP to effectively perform the above functions it needs to strengthen its work in promoting collaboration among MEAs and in providing strategic support to their implementation.

121. Four representatives of convention secretariats felt that UNEP should not have this role unless invited by the Conference of the Parties.

### III. Financing International Environmental Governance: the Situation of MEAs

122. Information in this chapter is mainly based on the responses to the questionnaire on international environmental governance provided by the secretariats of the 20 MEAs listed in Table 5. Their completed questionnaires are found in Annexes 1- 20. These conventions and agreements are all classified in the same category, i.e. as core environmental conventions and related agreements of global significance, and represent fifty percent of the forty in that category (Table 1).

#### A. Sources of Funding for MEAs

123. Although the priorities of MEAs differ, strengthening the capacity of Parties or member states to meet their obligations and commitments through financial assistance ranks as a high priority for all MEAs. MEAs must also find ways to finance the operation of their Secretariats and their programmes of work, special projects, and other activities. This is mainly accomplished through the use of traditional mandatory and voluntary trust funds, one or more of which may be established by an MEA, some for specialised purposes. Other sources of funding are also accessed, such as the formal multilateral financing mechanisms intended to address specific subject areas, (the Multilateral Fund for the Montreal Protocol (MLF), the Global Environment Fund (GEF), and the Kyoto Protocol climate-related mechanisms). The World Bank and Regional Development Banks, and bilateral arrangements with donor countries, foundations such as the UN Foundation, private sector donors, and NGOs, provide other financing opportunities.

124. Most MEAs have financial mechanisms in place, either on a permanent or interim basis. The GEF is the principal financial mechanism on an interim basis for the CBD and the Stockholm Convention, and the designated financial mechanism for the UNFCCC. The financial mechanism of the Stockholm Convention will not be determined before their first COP. Some MEAs, such as ACCOBAMS, UNCCD and GPA, have not yet established their financial mechanisms, and therefore are largely or totally dependent on voluntary contributions. Financing opportunities for MEAs can be divided into the following groups:

#### Traditional Mandatory and Voluntary Trust Funds

125. Most MEAs have trust funds supported by contracting or concerned Parties for funding secretariat operations and the implementation of work programme activities. Traditional trust funds are financed either by mandatory or voluntary contributions from Parties, or both [see Table 5 [and Table 6]]. Generally only developed countries and Countries with Economies in Transition (CEITs), are required to make mandatory contributions, while voluntary contributions can come from any Party. A high percentage of the voluntary contributions to MEAs is provided by a small number of donor countries. Competition for external funds among MEAs, as well as UNEP, should be avoided. Voluntary contributions may be on a one-time basis or recurring, and frequently are earmarked for specific purposes.

126. Voluntary contributions are rare and increasingly difficult to obtain. Donor countries have made several voluntary contributions to AEWA, ASCOBANS, EUROBATS, Ramsar and the Stockholm Convention "POPs Club". UNF recently allocated US\$ 40 million for natural World Heritage sites with a biodiversity component. The Barcelona Convention receives voluntary contributions from the European Union and subsidies for specific programmes of work. Parties may contribute to other activities such as assistance in hosting of meetings. Some projects are financed through external and multilateral funds such as GEF, LIFE, and the Mediterranean Economic Development Assistance (MEDA).

127. Member states of the Cartagena Convention give extraordinary contributions to the Caribbean Trust Fund. Other parties can co-finance projects or activities with grants or other forms of participation (e.g., "in-kind"). The Co-ordination Unit receives voluntary contributions from the States Parties to the Convention and from any other country. Individual agencies of regional and extra-regional governments (e.g., US AID, SIDA) are contributors to the Programme. The Unit also has successfully acquired GEF

and UNEP resources and different bilateral development organisations (e.g., Inter-American Development Bank) for specific projects.

128. The Secretariat of the Basel Convention receives regularly voluntary contributions from a non-Party, and is exploring possible financial mechanisms, such as contribution by companies or foundations, access to GEF Funding (through UNEP), enlargement of the Technical Cooperation Trust Fund (BD Trust Fund) of CBD, regional development banks, green funds and other new equity funds being established by private banks.

129. Some MEAs determine the rate of both mandatory and voluntary contributions on the basis of the UN scale of assessment, modified as required to suit their individual needs. The final assessment rates are subject to approval by Parties. Generally an upper limit on assessed contributions has been established, and this has been frequently set at 25% following the UN rules. In some cases a lower limit on assessed contributions has also been set, defined either in absolute or fixed percentage terms. One MEA, the World Heritage Convention, receives assessed contributions based on 1% of Parties' UNESCO dues. Another MEA, SACEP uses the SAARC scale of assessment, which specifies a maximum assessment rate of 35% and a minimum of 5%.

#### The Global Environment Facility (GEF)

130. Global Environment Facility (GEF): GEF was created in 1991, to promote international cooperation and foster actions to protect the global environment. Earth Summit in 1992, in Agenda 21, recognized GEF as a means to achieve sustainable development by providing funding to developing countries and countries with economies in transition for project activities targeting global benefits in one or more of four focal areas: biodiversity, climate change, international waters and ozone layer protection. Land degradation, particularly deforestation and desertification activities, as they relate to the four focal areas are also eligible for funding. Therefore not all MEAs are eligible for GEF funding. According to the Instrument for the Establishment of the Restructured Global Environment Facility of 1994, the three implementing agencies (World Bank, UNDP and UNEP) are accountable to the GEF Council for their GEF-related activities and for the implementation of operational policies, strategies, programmes and decisions of the Council within their respective areas of competence. Countries with Economies in Transition, which are not eligible to receive Multilateral Fund assistance, may apply to the GEF for such assistance.

#### The Multilateral Fund for the Montreal Protocol

131. The Montreal Protocol on Substances that Deplete the Ozone Layer mandates the creation of a Financial Mechanism to assist developing countries to meet their protocol obligations. The mechanism includes a trust fund, called the Multilateral Fund for the Montreal Protocol. The mechanism also includes other means of multilateral, regional and bilateral cooperation. The Fund meets on a grant or concessional loan basis as appropriate, and according to criteria established by the Parties, the incremental costs of developing countries in order to enable their compliance with the control measures of the Protocol. The Fund finances clearing-house functions, country programme development, technical cooperation, training and costs of the Fund Secretariat. The Multilateral Fund operates through four implementing agencies; UNEP, UNIDO UNDP and the World Bank.

#### Joint Implementation (JI)

132. Joint Implementation is project-based activity under the Kyoto Protocol in which one country can receive emission reduction credits when it funds a project in another country where the emissions are actually reduced. Specific modalities and rules for the operation of JI are yet to be discussed and agreed. Given the complexity of the issues involved, considerable time would be required before its operationalization.

#### Clean Development Mechanism (CDM)

133. The purpose of the CDM is to assist Parties to the Kyoto Protocol that are not included in its Annex I of the UNFCCC (developing countries) in achieving sustainable development and in contributing to the ultimate objective of the UNFCCC, which is to "stabilize the concentration of greenhouse gases in the atmosphere at a level that would

prevent dangerous anthropogenic interference with the climate system". At the same time CDM should assist the countries in Annex I (developed countries and countries with economies in transition) in achieving compliance with their quantified emission limitation commitment under the Kyoto Protocol. CDM will be carried out as joint clean development projects between Annex I and non-Annex I countries. The operational details of CDM, such as procedures for verification and certification of emission reduction, and modalities and procedures for operationalizing the CDM, are being worked out by the Parties to the UNFCCC, and proposals will be discussed and eventually agreed by the Conference of the Parties. According to some estimates, the net value of CDM market in 2010, or the net gain of non-Annex I countries, is estimated to be in the range of \$US 200 million to 2.5 billion. According to several estimates, the net carbon emission reduction would be between the range of 67 to 200 million tonnes in the year 2010.

#### B. Administration of MEA Funds

134. Traditional trust funds are generally administered by the international organizations that provide the Secretariats. These organizations have the responsibility of effectively managing the resources of the MEAs, and may assist them in programming, budgeting, accounting and meeting all their financial reporting requirements. The programming and budgeting may entail firstly assisting the Secretariats with the preparation, review and justification of the respective programmes presented to their Conference of Parties. Secondly, the Secretariats may be assisted with the design and revision of projects to implement the objectives of their MEAs. The guidelines for project design and the approval process may be those laid down by trust fund administrators, or by the parties themselves.

135. Most MEAs have agreed financial rules adopted by the Parties, and financial rules and regulations are strictly applied to trust funds. Trustees are able to provide guidelines for the transactions and accounts of the conventions and agreements, including systems and facilities that allow them to undertake their programmatic activities effectively. Budgets for MEAs' proposed activities should be in line with the contributions to their trust funds. The accounts and finances of the MEAs and their Secretariats are audited and reported.

136. For UNEP-administered conventions such as the Basel Convention, CBD, CITES, the Convention on Migratory Species (CMS), the Vienna Convention and its Montreal Protocol, the Barcelona Convention (Mediterranean), the Cartagena Convention (Wider Caribbean) and the Nairobi Convention (East African regional seas), UNEP serves as the Trustee. For international agreements such as the Global Programme of Action (GPA) for the Protection of the Marine Environment from Land-Based Activities, UNEP as the Secretariat of the GPA administers the trust fund for financing the operations of the secretariat in The Hague.

#### C. Funding MEA Secretariats, Programmes and Activities

137. Budgets are proposed by the Secretariats, both for the operations of the Secretariat itself, and for the programme of work. Budgets are negotiated and agreed to at meetings and conferences of Parties. An exception is the Montreal Protocol, where the total funding for each triennium is negotiated at Meetings of the Parties. Annual budgets from the triennium replenishment for the MLF and work plans for each year are then approved by the Executive Committee (EXCOM) for the Multilateral Fund for the Montreal Protocol, and then ultimately approved by the Meeting of the Parties. Budgetary periods of two or three years are common, with the fiscal year equating to the calendar year in all cases.

138. Conferences and meetings of Parties are financed either through Secretariats core budgets, or through separate budgets earmarked for this purpose. In most cases, the host country will cover most or all of the costs of meetings when volunteering to host meetings. Special meetings and activities are financed either with core funds, voluntary contributions, private sector contributions, or funds secured from international financial institutions. Part or all of the cost of operating an MEA Secretariat may be covered by the host country, under terms, which are specified in a legally binding host-country agreement.

139. Developing countries are the recipients of programme funds to enable them to implement their MEA obligations. In some cases funds are allocated on either a grant or a concessional loan basis. Concessional loans are loans made under favourable conditions, such as low interest rates or long pay pack periods. Essentially all trust fund money that has been allocated by MEAs to date for programme work has been allocated on a grant basis.

140. Table 5 shows the budgets of MEAs including funds for secretariat costs and programme activities (including meetings and funds for developing country participation), for the years 2000 and 2001. No analysis of the information in table 5 will be done until the Table is further refined.

**Table 5: Budget of MEAs (millions US\$) for years 2000 and 2001, showing secretariat and programme costs from the different financial mechanisms**

(m) = mandatory contributions, (v) = voluntary contributions, (av)=Agreed voluntary

MEA	Financial Mechanism	Secretariat Budget		Programme Budget		Totals		Notes
		2000	2001	2000	2001	2000	2001	
<b>Atmosphere Conventions</b>								
UNFCCC	<ul style="list-style-type: none"> <li>• trust fund</li> <li>• GEF</li> </ul>	12 (m)	12 (m)					
Vienna Convention and its Montreal Protocol	<ul style="list-style-type: none"> <li>• Trust Fund for the Vienna Convention</li> <li>• Trust Fund for the Montreal Protocol</li> <li>• Multilateral Fund</li> <li>• GEF</li> </ul>	3.7 (av)	3.7 (av)					<ul style="list-style-type: none"> <li>• App figure US\$3,700,000 per year</li> <li>• Av- US\$120 million</li> </ul>
		3 (m)		120 (m) 140	120 (m)			
<b>Totals</b>								
<b>Biodiversity-related Conventions</b>								
CBD	<ul style="list-style-type: none"> <li>• BY Trust Fund</li> <li>• Special Voluntary Trust Fund (BE)</li> <li>• Special Voluntary Trust Fund (BZ)</li> <li>• GEF</li> <li>• Host country</li> </ul>		8.6 (m)		2.6 (v) 2.0 (v)			
CITES	<ul style="list-style-type: none"> <li>• CITES Trust Fund</li> </ul>		3.2 (m)		2.3 (m)			Need to see attachment for external funding
CMS	<ul style="list-style-type: none"> <li>• Trust Fund</li> <li>• Voluntary</li> </ul>							Need to see Annex 9 – 2001-2 budget
AEWA	<ul style="list-style-type: none"> <li>• Trust Fund</li> <li>• Voluntary</li> </ul>	0.38 (m)	0.39 (m)					
EUROBATS	<ul style="list-style-type: none"> <li>• Trust Fund</li> <li>• Voluntary contributions</li> </ul>		0.19 (m)	DM50,000	DM50,000			
ASCOBANS	<ul style="list-style-type: none"> <li>• Trust Fund</li> <li>• Voluntary contributions</li> </ul>		0.17 (m)	DM 50,000 SK100,000				
ACCOBAMS								No decisions have been taken by the Parties yet
Ramsar	<ul style="list-style-type: none"> <li>• Core budget</li> <li>•</li> <li>•</li> <li>•</li> </ul>	SF 3m (m)	SF 3m (m)	3m (v)	3m (v)			Average for each is given as core:SF3.1 million - need to split to secretariat and programme costs;

World Heritage Convention	<ul style="list-style-type: none"> <li>Trust Fund</li> <li>World Heritage Fund</li> <li>Extrabudgetary resources</li> <li>UNF</li> <li>UNDP</li> <li>Parties</li> <li>Private sector</li> </ul>	1.9		0.53 5.6 (m&v) 3.8					US\$40 million allocated by UNF to a project on natural world heritage sites with a BD component
<b>Totals</b>									
<b>Chemicals and Hazardous Wastes Conventions</b>									
Basel Convention	<ul style="list-style-type: none"> <li>Trust Fund for the Implementation of the Basel Convention</li> <li>Technical Coop. Trust Fund</li> </ul>	4.2 (av)	4.2 (av)	0.3 (m)  1.9 (v)	0.3 (m)  2.1m (v)	4.5  2.6 (v)	4.5  2.1 (v)		Technical cooperation trust fund assists developing countries and other countries in need of assistance to implement the convention.
Rotterdam Convention	<ul style="list-style-type: none"> <li>Trust Fund</li> </ul>	2.3 (v)	2.3 (v)						Total for 2001 is mentioned as 2.4m
Stockholm Convention	<ul style="list-style-type: none"> <li>Trust Fund "POPs Club"</li> <li>GEF – interim financial mechanism</li> <li>Others</li> </ul>	3.5 (v)	3.5 (v)						Year1 is mentioned as 3.6m and year2 and onwards, 3.5m
<b>Totals</b>									
<b>Land Conventions</b>									
UNCCD	Trust Fund Special Trust Fund No access to formal financial mechanism			6.8 (m) 4.4 (v)	6.8 (m)				Total programme budget for 2000-1 is mentioned as 13.7m
<b>Totals</b>									
<b>Regional Seas Conventions and Related Agreements</b>									
Barcelona Convention	<ul style="list-style-type: none"> <li>Med. Trust Fund</li> <li>Voluntary</li> <li>GEF,LIFE,MEDA</li> </ul>	1.3 (m) 0.4 (v)	1.3 (m) 0.4 (v)	0.9 (m)	0.9 (m)	0.22 (v)	0.22 (v)		
Cartagena Convention	<ul style="list-style-type: none"> <li>Caribbean Trust Fund</li> <li>Extraordinary contributions</li> <li>Co-financing of projects</li> </ul>	1 (av)	1.4 (av)	0.92 (av)	0.54 (av)				

South Asian Seas	<ul style="list-style-type: none"> <li>• South Asian Seas Trust Fund</li> <li>• Voluntary for projects</li> </ul>	0.09 (av)							
GPA	<ul style="list-style-type: none"> <li>• Trust Funds and counterpart contributions</li> </ul>	0.97 (v)	0.97 (v)	0.7 (v)	0.3 (v)				
<b>Totals</b>									

<sup>1</sup>This table has not been finalized and will be subject to further revisions based on inputs received from MEA secretariats.



#### IV. Recommendations and Options

141. As was stated in the Introduction, this paper has focused on the status of environmental conventions and related agreements. In other words, this paper is meant to be descriptive and not prescriptive concerning international environmental governance as it relates to MEAs. It has relied largely on information provided by MEA secretariats in response to the questionnaire agreed upon at the 9<sup>th</sup> Meeting on Coordination of Conventions. The 9<sup>th</sup> Meeting agreed on a process for involving MEAs in the follow-up to UNEP Governing Council decision 21/21, including a meeting of MEAs immediately following the first meeting of the Intergovernmental Group of Ministers that will review this paper in New York on 18 April 2001. Consequently, the elaboration of options concerning improved international environmental governance will be addressed more appropriately in subsequent drafts or papers. Nevertheless, in responding to the questionnaire, views were presented that lead to some general recommendations for improving international environmental governance.

142. Most proposals for enhancing international environmental governance focused on coordination among MEAs on substantive grounds and not along restructuring at the institutional level.

143. Several of the secretariats felt that that closer cooperation and opportunities for synergies should be promoted at the cluster level. This is particularly so for the chemicals and hazardous wastes conventions, the biodiversity-related conventions, and the regional seas conventions and related agreements clusters. The secretariats of the multi-sectoral regional seas conventions and action plans with their biodiversity-related and hazardous substances protocols and annexes are particularly keen to be involved in mutually supportive activities within the biodiversity-related conventions and chemicals and hazardous wastes conventions clusters.

144. Other secretariats felt that opportunities for cooperating and synergies on specific non-cluster thematic and functional issues also exist and should be further developed. The Montreal Protocol Secretariat, for example, feels that beyond the obvious interlinked issues in ozone protection and climate change, there is a strong linkage with the Basel Convention on the issue of ozone-depleting substances traded under the Montreal Protocol that are exempted from treatment as a hazardous waste under the Basel Convention. The Basel Convention secretariat is ready to work with the Rotterdam Convention, the Stockholm Convention, the Montreal Protocol and CITES on implementation and enforcement issues, the development of a harmonized customs code system, and training and capacity building activities. CITES supports promoting practical synergies among the other trade-related MEAs: the Montreal Protocol, the Basel Convention and the Rotterdam Convention. The Rotterdam Convention secretariat feels that consideration should be given to the exchange of experiences and lessons learned on the prior informed consent/advanced informed agreement schemes of the Rotterdam Convention, the Basel Convention and the Cartagena Protocol on Biosafety of the CBD. Others, such as the Barcelona Convention secretariat feel that MEAs need to work together on the important cross-cutting issues of compliance and enforcement and liability and compensation.

145. Several secretariats feel that greater cooperation among conventions at the scientific and technical level was desirable (Multilateral Fund of the Montreal Protocol, CITES, Ramsar Convention, World Heritage Convention, Cartagena Convention). The Secretariat of the Multilateral Fund of the Montreal Protocol proposed that the chairs of assessment panels of different conventions and protocols should meet periodically to maximize the benefits of the limited human and financial resources available for their functioning and operation. An attempt should be made to prepare a comprehensive biennial report providing a synopsis of the reports of the panels of different but related MEAs, which would also help promote interlinkages and synergies. Some such as CMS, AEWa and ASCOBANS focussed on the need for improved exchange of scientific data and information among the biodiversity-related conventions.

146. Some convention secretariats such as CITES and the Barcelona Convention proposed that there needs to be a holistic approach to compliance and enforcement of MEAs.

147. Some conventions proposed that much greater attention needs to be given to enhancing coordination among MEAs at the national level (Multilateral Fund of the Montreal Protocol, CITES, Ramsar Convention, World Heritage Convention).

148. On the issue of co-location of secretariats, this is applicable principally to the global MEAs. Most that are not co-located do not feel that their geographic location has adversely affected their operations (Montreal Multilateral Fund, UNFCCC, and CBD). CITES, the Ramsar Convention and Basel Convention secretariats strongly feel that their location in Geneva and nearby Gland contributes to closer collaboration with other co-located conventions, including the Rotterdam Convention, as well as UN organizations such as WTO, UNEP's Trade and Environment Unit and nearby NGOs such as IUCN and WWF. The Rotterdam Convention and Stockholm Convention interim secretariats strongly support the co-location of the chemicals and hazardous wastes secretariats in Geneva for purposes of collaboration and promoting synergies, but does not see co-

location with non-cluster convention secretariats as essential. The Ramsar Convention secretariat would welcome the establishment of other MEA secretariats in Geneva. The CMS secretariat and three of the CMS Agreements secretariats are co-located in Bonn, but beyond this no further advantages to co-location with MEAs in general were cited. Some secretariats (AEWA, ASCOBANS and EUROBATS) felt that co-location with other biodiversity-related conventions such as Ramsar, CBD and the relevant regional seas programmes would have a positive effect on their activities. The GPA secretariat sees advantages to being co-located with the CBD or the Basel Convention secretariats. While half of the MEA secretariats recognized the benefits of co-location to different degrees, for the other half the co-location of MEA secretariats is considered a non-issue.

149. Recognizing the difficulties and obstacles for improving international environmental governance, the Ramsar Convention secretariat proposes that the best approach may be for incremental improvements based on an analysis of needs and global benefits, rather than on new mechanisms that may not be practical to operationalize in the short term.

150. Some of the convention secretariats underlined the importance of UNEP in promoting, facilitating and nurturing thematic and programmatic cooperation among MEAs and between MEAs and UNEP. As indicated earlier in the report, several MEA secretariats feel that UNEP should have as one of its mandates the monitoring of the implementation of MEAs.

151. While the preceding summary of proposals reflects the views of the secretariats of core environmental conventions and related international agreements, thought has to be given to the enhancement of collaboration with the conventions relevant to the environment that are listed in Table 4. As stated in section I of Chapter I, most of these conventions have secretariats provided by basically 5 organizations of the UN system: (a) IMO for the 25 marine pollution conventions, protocols and amendments; (b) the UN General Secretariat for the 6 oceans-related conventions and agreements plus the Agreement for the Implementation of the Provisions of UNCLOS Relating to the Conservation and Management of Straddling Fish Stocks and High Migratory Fish Stocks; (c) FAO for several (7) regional fisheries agreements and conventions and for 5 plant conventions, agreements and amendments; (d) ILO for the 10 occupational hazards conventions; and (e) IAEA for the 8 nuclear-related conventions and protocols. Of the 41 core environmental conventions, protocols and related international agreements in Table 1, UNEP provides the secretariat for 22. It also promoted and facilitated the negotiations for 13 other conventions and agreements. With these 13 and the remaining 6 conventions and agreements, UNEP maintains a working relationship, albeit at different degrees of support. In short, UNEP is the principal organization providing secretariats to the core environmental conventions and with working relationships with all the core environmental conventions. This means that there are basically six UN organizations that play an important role in supporting MEAs and conventions and protocols relevant to the environment. Thought could be given to the establishment of an interagency mechanism for promoting and facilitating collaboration among these agreements that would be comprised of these six organizations. Already, as indicated earlier, there is a very close collaboration between the regional seas conventions and action plans and the IMO marine pollution conventions, protocols and amendments promoted jointly by UNEP and IMO.

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## ANNEX 1

### VIENNA CONVENTION FOR THE PROTECTION OF THE OZONE LAYER AND ITS MONTREAL PROTOCOL ON SUBSTANCES THAT DEplete THE OZONE LAYER

#### 1. The scope of your MEA

##### a. What are the objectives?

- (i) To protect the ozone layer by taking precautionary measures to control equitably total global emissions of ozone-depleting substances;
- (ii) To protect human health and the environment against adverse effects resulting from modification of the ozone layer.

##### b. What is your legal framework?

The Vienna Convention for the Protection of the Ozone Layer and its Montreal Protocol on Substances that Deplete the Ozone Layer. The Montreal Protocol provides for the Parties to gradually phase out ninety-six listed ozone-depleting substances in annexes a, b, c and e according to the phase out schedule in articles 2 and 5 of the protocol.

##### c. What are your priorities?

Phasing out ozone-depleting substances with high ozone depletion potential (ODP) in annexes a and b (CFCs, Halons and other fully halogenated CFCs) of the protocol for both developed and developing countries is the first priority under the protocol. Another group of substances in annexes c and e of the protocol then follow. Phasing out ozone-depleting substances in developing countries is dependent on technical and financial assistance by the Multilateral Fund.

##### d. Does the scope of your MEA address social and economic issues such as the following?

- **Meeting the demand for food**  
Yes. Refrigeration technology. The economic impact of refrigeration technology is very significant. 300 million tonnes of goods are refrigerated.
- **Meeting demands for fiber and wood**  
Yes. Fumigation of wood.
- **Meeting demands for water**  
No.
- **Meeting demands for energy, industrial goods and employment**  
Yes. Industrial goods needed have to be products that are ozone-friendly and energy efficient i.e. products like air conditioning systems, refrigeration systems, industrial solvents, fumigants and chemicals produced and used in industrial cleaning systems have to be free of ozone-depleting chemicals.
- **Health and security of populations**  
Yes. The continued use of ozone-depleting substances results into adverse effects to human health e.g. increased incidence of skin cancer, eye cataracts, weakening of the immune system, etc. effects to plants include adverse effects on the growth, photosynthesis, protein and pigment content and reproduction of marine phytoplankton thus affecting the food chain.

#### 2. Contracting Parties/Member States

##### a. Who are your Contracting Parties/Member States?

This is a global Protocol. All States and regional economic integration organisations are invited to be Parties to the Protocol since there is virtually no country on earth that does not use ozone-depleting substances. At present there are 176 parties to the Vienna Convention for the Protection of the Ozone Layer and 175 parties to the Montreal Protocol on Substances that Deplete the Ozone Layer. Also the

London, Copenhagen, Montreal and Beijing Amendments to the Montreal Protocol have to be ratified separately.

**b. What kinds of meetings do you have and at what level of participation?**

We have triennial meetings of the parties to the Vienna Convention for the Protection of the Ozone Layer and the annual Meetings of the Parties to the Montreal Protocol. Meetings of the Parties to the Montreal Protocol are preceded by the meetings of the open-ended working group of the parties to the Montreal Protocol which considers policy and technical issues on the agenda and make recommendations to the Meetings of the Parties for decision. Meetings of subsidiary bodies like the Bureau of the Vienna Convention and the Montreal Protocol, the Implementation Committee and the Executive Committee of the Multilateral Fund and Assessment Panels also make recommendations for the consideration by Parties.

**3. Your institutional and governance structure**

**a. How are you structured institutionally (governing bodies and subsidiary bodies, secretariat)?**

The two principal governance bodies are the Conference of the Parties to the Vienna Convention and the Meeting of the Parties to the Montreal Protocol. The two Bureaus, each for the Convention and the Protocol elected at each Conference or Meeting of the Parties represent the parties intersessionally on matters within the bureau mandate. The joint secretariat of the convention and protocol oversees the overall implementation of the Convention and Protocol including monitoring implementation and organising and servicing the meetings of the parties. Subsidiary bodies include the Executive Committee of the Multilateral Fund (considers and approves projects for phasing out ozone-depleting substances in developing countries); the Implementation Committee (considers implementation and non-compliance aspects of the Montreal Protocol); the Open-Ended Working Group of the Parties to the Montreal Protocol (is an advisory body that is convened annually under the Montreal Protocol to consider both technical and policy issues relevant to the implementation of the Montreal Protocol and make recommendations to the Meeting of the Parties).

**b. Do you have a corporate or business plan or an equivalent plan such as a strategic action plan?**

NO. Except that all technical and policy issues developed and adopted by parties from time to time are by and large guided and influenced by the phase out schedule of all ozone-depleting substances as provided under the Montreal Protocol.

**4. Administration and finance**

**a. What is your budget (secretariat, programme of work)?**

The annual budget of the Secretariat for the Vienna Convention and the Montreal Protocol is about US\$ 3,700,000 which also covers the entire Programme of Work for the year but excludes resources available under the Multilateral Fund to assist developing countries to phase out ozone-depleting substances. These resources are managed separately by the Executive Committee of the Multilateral Fund.

**b. What is the contribution of the individual Parties to your MEA and how is it determined?**

The financial contributions of Parties to the Vienna Convention and the Montreal Protocol Trust Funds are based on the budget prepared by the Secretariat and approved by the Parties. The United Nations Scale of Assessment is used to determine the level of annual contributions.

**c. What access to other financial mechanisms, if any, do you have?**

The Global Environment Facility assists countries with economies in transition to phase out ozone depleting substances by approving projects for this purpose.

**d. What are the resources of these financial mechanisms and who are the contributors?**

Contributions to the Trust Fund of the Multilateral Fund amounts to over US\$ 1.2 billion since 1991. Replenishment of the fund is done every three years at a level decided by the Parties, based on a scale of contributions agreed by the Meeting of the Parties. Contributors to this fund are mainly developed countries but also all countries whose average per capita consumption of ozone depleting substances in annexes a and b of the Protocol is more than 0.3 and 0.2 kilogrammes respectively.

**e. How does the location of your secretariat affect your operations in terms of finance and administration?**

The location of the secretariat at the UNEP headquarters in Nairobi makes financial and administrative operations very efficient and cost effective.

**f. Would physical co-location with other convention secretariats help and, if yes, with which ones?**

We are not in favour of any co-location as the Ozone Protection Programme is self-reliant.

**5. Functions and operations of the secretariat**

**a. How would you describe the way your convention's secretariat operates?**

Effectively and efficiently by advising Parties and other stakeholders on the implementation of decisions, policies and other directives by the parties.

**b. Is your focus exclusively on servicing the Parties?**

Although our main focus is to service the Parties, we also service other players in ozone protection like the industry, NGOs, independent researchers, academia, intergovernmental bodies, etc. by providing information and advice.

**c. Is your secretariat involved in implementation?**

Yes, we implement Decisions of the Parties but not any projects at the country level.

**d. If so, what general categories of activities do you implement?**

**e. How does the MEA monitor and evaluate the implementation?**

Through mandatory regular information and data reporting under articles 7 and 9 of the Montreal Protocol and the non-compliance procedure under article 8 of the Montreal Protocol.

**f. What role does the secretariat play in monitoring and evaluating implementation of the MEA?**

The Secretariat receives and analyses data and information from Parties, prepares status reports and makes preliminary recommendations before submission of reports to the Implementation Committee and the Meeting of the Parties for recommendations and decisions. The Secretariat also monitors and prepares regular reports on the implementation of the Decisions of the Parties for consideration by the Bureau and the Meeting of the Parties.

**g. What cooperative arrangements do you have with other MEAs (MOUs, letters of agreement, etc.)?**

We have had ad hoc co-operation with other MEAs based on issues of common concern or interlinked. No formal Memoranda or Letters of Agreement have been signed with any multilateral agreement except for specific decisions and on specific issues adopted by the Parties to the Protocol and conventions concerned.

**h. Which are the international organizations that are partners in the implementation of your MEA?**

UNDP, UNEP, UNIDO, WHO, WMO and the WORLD BANK.

**6. Participation of Non-State actors**

**a. What sectors of civil society (NGOs, private industry, civic groups, local communities, indigenous groups) are allowed to participate in the deliberations of the Parties to the MEA?**

Mainly NGOs and private industry but also any body or agency qualified in fields relating to the protection of the ozone layer.

**b. What relations does civil society have with your secretariat?**

They are allowed to participate in the proceedings of the meetings as observers.

**c. What role does civil society have in the implementation of your MEA?**

Not only cases of IPAC (International Pharmaceutical, Aerosol Consortium, greenpeace, etc. They act as catalysts and campaigners for elimination of ozone depleting substances. They monitor progress in the implementation of the Montreal Protocol, identify alternative ozone-friendly substances and also propose constructive measures that ought to be taken by Parties to the Montreal Protocol to phase out ozone-depleting substances.

**7. Challenges, problems, bottlenecks, gaps and overlaps**

**If time permits, please provide recommendations on the following questions from your perspective as a secretariat.**

**a. What overlaps and opportunities for synergies do you see such as through clustering?**

Synergies with the UNFCCC and BASEL Convention.

**b. Which are the most significant gaps in terms of issues not being addressed effectively (e.g., forests, water)?**

Control of new ozone-depleting substances.

**c. On programmatic linkages, what are the opportunities for scientific commonality and cooperation directed at a sound science base?**

The respective Parties to the two instruments address interlinked issues in ozone protection and climate change. The same is true for used ozone-depleting substances traded under the Montreal Protocol and exempted from treatment as hazardous waste under the Basel Convention.

**d. What opportunities exist for programmatic linkages with crosscutting conventions for horizontal issues (i.e., Aarhus Convention)?**

No comment

**e. What are the experiences or opportunities for harmonized reporting and shared information management and joint capacity building programmes?**

The reporting requirements of the Montreal Protocol are too specific and can not be harmonized with those of any other Multilateral Environmental Agreement.

**f. What should be the role of UNEP in preparing a consolidated overview of the effectiveness of implementation of MEAs?**

The Montreal Protocol has a comprehensive review procedure on the effectiveness of control measures of the Protocol, a fact, which is attested by the numerous adjustments, and amendments that have been made to the Protocol since 1987. A consolidated overview may be unnecessary since the respective Parties to various MEAs have review mechanisms in their conventions. Where this procedure is unavailable. Perhaps, that is where UNEP should go in. When a Multilateral Environmental Agreement (MEA) is addressing an environmental problem that is within the UNEP Environment Fund Programme, UNEP should be involved. There should be requests from UNEP for information on issues that the Parties to the MEA are already evaluating or looking at on their own.

**g. Do environmental indicators exist for the subject area of your MEA and, if so, what is the performance against them?**

The indicators are full compliance by each Party with the phase out schedule of each ozone-depleting substance as listed under the Montreal Protocol; mandatory reporting of data and information on an annual basis; monitoring and evaluation of information reported; and provision of adequate technical and financial assistance to developing countries and countries with economies in transition to ensure compliance.

**h. What needs to be done to enhance enforcement and compliance, taking into account the following?**

- **Fragmentation weakens compliance**
- **Inconsistent implementation at the national level (weak ministries, low capacity)**
- **Non-State actors and other State actors**
- **Verification**
- **Any provision on liability and compensation**

The Secretariat's contribution on this important issue through participation in a workshop and meeting organised by UNEP's Division of Policy Implementation in 1999 is well documented by the Division concerned.

**i. Any other recommendations for improving international environmental governance?**

## ANNEX 2

### MULTILATERAL FUND FOR THE IMPLEMENTATION OF THE MONTREAL PROTOCOL ON SUBSTANCES THAT DEplete THE OZONE LAYER

#### 1. The scope of your MEA

**a. What are the objectives?**

Assist developing countries to phase of the production and consumption of their ozone-depleting substances.

**b. What is your legal framework?**

The Montreal Protocol and its amendments.

**c. What are your priorities?**

Provide financial and technical assistance to eligible developing countries to comply with the provisions of the Protocol and its amendments.

**d. Does the scope of your MEA address social and economic issues such as the following:**

- Meeting demands for fiber and wood
- Meeting demands Meeting the demand for food
- for water
- Meeting demands for energy, industrial goods and employment
- Health and security population

Indirectly, by providing funding to convert industrial facilities, e.g., cold storage (for food conservation) to the use of non-ozone depleting substance, thus avoiding the risk of obsolescence when the ozone depleting substance needed are no longer available. Another example is providing financial and technical assistance to replace methyl bromide which is used for soil and grain fumigation with environmentally sound alternatives. Provide assistance for the safe handling of ODS substitutes (e.g., hydrocarbons).

#### 2. Contracting Parties/Member States

**a. Who are your Contracting Parties/Member States?**

175 Parties to the Montreal Protocol.

**b. What kinds of meetings do you have and at what level of participation?**

Three meetings of the Executive Committee per year.

The level of participation by countries in the Executive Committee ranges from a Minister to a Director level

#### 3. Your institutional and governance structure

**a. How are you structured institutionally (governing bodies and subsidiary bodies, secretariat)?**

The Executive Committee consists of 14 members representing the 175 Parties to the Protocol. Governing bodies: Executive Committee (reports to the Meeting of the Parties annually) and its Subcommittees Secretariat of the Multilateral Fund: reports to the Executive Committee at least three times a year.

**b. Do you have a corporate or business plan or an equivalent plan such as a strategic action plan?**

The Fund has a 3-year rolling business plan corresponding to the 3-year replenishment cycle. The Fund also has annual business plan which comprises the annual business plans of the four international implementing agencies of the Fund, as well as those of several bilateral governmental agencies.

#### 4. Administration and finance

**a. What is your budget (secretariat, programme of work)?**

The budget of the Fund Secretariat which incorporates the cost of the meetings of the Executive Committee, including travel and DSA of developing countries' participants, amounts to US \$3 million per year. The programme budget of the Fund has averaged US \$120 millions per year over the past 10 years.

**b. What is the contribution of the individual Parties to your MEA and how is it determined?**

Only developed countries-parties to the Protocol contribute to the Fund. The contributions of each of these Parties is calculated by applying the UN scale of assessment to the amount of replenishment decided every three years by the Meeting of the Parties to the Montreal Protocol (please see attached list for the triennium 2000-2002).

**c. What access to other financial mechanisms, if any, do you have?**

None, however countries with economies in transition who are not eligible to receive Multilateral Fund assistance may apply to the Global Environment Facility (GEF) for such assistance.

**d. What are the resources of these financial mechanisms and who are the contributors?**

Assessed contributions as mentioned in 4(b) above.

It should be noted that since its establishment in 1991 the contributing Parties have been paying about 85% of their pledged contributions.

**e. How does the location of your secretariat affect your operations in terms of finance and administration?**

Since the Secretariat of the Multilateral Fund is administratively linked with UNEP headquarters in Nairobi, the location of the Secretariat in Montreal might have contributed to slower actions regarding personnel matters. The function of the geographic location here is the absence of personal follow-ups on these matters. This, however, has not affected the work of the Secretariat.

**f. Would physical co-location with other convention secretariats help and, if yes, with which ones?**

Not necessarily.

**5. Functions and operations of the secretariat**

**a. How would you describe the way your convention's secretariat operates?**

Ours is a Secretariat of a Financial Mechanism, not a Convention Secretariat.

**b. Is your focus exclusively on servicing the Parties?**

Not only that. We coordinate the work of four international implementing agencies and some bilateral agencies. We provide the Fund's Executive Committee with annual , as well as triennial, financial planning on its basis all the implementing agencies plan their work. We review all requests for funding and make recommendations on them to the Executive Committee. We monitor the progress in implementation of the approved projects and evaluate the results of such implementation. We report on all of these to the Executive Committee. We also engage Governments at the highest possible level in the promotion of the Montreal Protocol and its Financial Mechanism with the view of ensuring compliance. We also provide the Executive Committee with policy papers for its decision.

**c. Is your secretariat involved in implementation?**

Not directly, but as mentioned above, we monitor implementation.

**d. If so, what general categories of activities do you implement?**

Policies of the Executive Committee regarding project funding and monitoring and evaluation of its implementations..

**e. How does the MEA monitor and evaluate the implementation?**

The Secretariat includes a function for monitoring and evaluation. Additionally, all of the Fund's Implementing Agencies report annually on the progress in implementation of all projects and activities funded by the Multilateral Fund. Also recipient countries are required to report annually on the implementation of their country programmes.

**f. What role does the secretariat play in monitoring and evaluating implementation of the MEA?**

We provide reports emanating from our activities under d & e above to the Executive Committee.

**g. What cooperative arrangements do you have with other MEAs (MOUs, letters of agreement, etc.)?**

None.

**h. Which are the international organizations that are partners in the implementation of your MEA?**

UNDP, UNEP, UNIDO, the World Bank in addition to GTZ (Germany), Casse Francais de development (France), SIDA (Sweden), CIDA (Canada), and others.

## 6. Participation of Non-State actors

What sectors of civil society (NGOs, private industry, civic groups, local communities,

indigenous groups) are allowed to participate in the deliberations of the Parties to the MEA?

- b. What relations does civil society have with your secretariat?
- c. What role does civil society have in the implementation of your MEA?

NGOs whether environmental or industrial, as well as academia are invited to participate at the regular meetings of the Executive Committee and those of its subsidiary bodies. Civil society involvement in the implementation of the Montreal Protocol is decided by the recipient countries not by the Executive Committee.

## 7. Challenges, problems, bottlenecks, gaps and overlaps

If time permits, please provide recommendations on the following questions from your perspective as a secretariat.

- a. **What overlaps and opportunities for synergies do you see such as through clustering?**

Agreements relating to chemicals in general and the Basel Convention. However, since some of the Conventions and Protocols are at an advanced stage of implementation, it might not be feasible to initiate clustering at the Convention/Protocol level (Secretariats), this, however, should be at Governments levels first.

- b. **Which are the most significant gaps in terms of issues not being addressed effectively (e.g., forests, water)?**

Water, desertification, ecosystems of rivers (this is a personal opinion only).

- c. **On programmatic linkages, what are the opportunities for scientific commonality and cooperation directed at a sound science base?**

The different assessment (Science & Environmental impact as well as economic) panels of different Conventions and Protocol. Chairs of these panels should meet periodically to maximize the benefits of the limited human and financial resources available for their functioning and operation. Reporting of the panels is widespread, then a comprehensive report to be issued on biennial basis providing synopsis of the different panels of different but related MEA should be contemplated. It will facilitate governments' response locally and globally.

- d. **What opportunities exist for programmatic linkages with crosscutting conventions for horizontal issues (i.e., Aarhus Convention)?**

Implementation and compliance on a country level.

- e. **What are the experiences or opportunities for harmonized reporting and shared information management and joint capacity building programmes?**

The Parties to the Montreal Protocol have to report annually to the Ozone Secretariat. Parties that are beneficiaries of the Multilateral Fund have also to report annually to the Fund Secretariat. The two Secretariats have tried with some success to streamline these reportings.

- f. **What should be the role of UNEP in preparing a consolidated overview of the effectiveness of implementation of MEAs?**

The role of UNEP should be that of the international organization that has as one of its mandates the monitor of the implementation of the MEAs. UNEP should periodically report on this to its Governing Council, Committee of Permanent Representatives and annually to the United Nations General Assembly.

- g. **Do environmental indicators exist for the subject area of your MEA and, if so, what is the performance against them?**

Chlorine loading in the upper stratosphere is the main indicator and also the size of the ozone hole. The performance against the first is positive since the concentration of ozone depleting substances in the upper stratosphere has stabilized. As to the ozone hole, there are other factors that interfere.

**h. What needs to be done to enhance enforcement and compliance, taking into account the following:**

- **Fragmentation weakness compliance**
- **Inconsistent implementation at the national level (weak ministries, low capacity)**
- **Non-State actors and other State actors**
- **Verification**
- **Any provision on liability and compensation**

More consistency has to be enacted by Governments to coordinate implementation at the national level. Verification mechanism (by a UN agency or a Convention Secretariat) is missing in the ozone treaty.

**i. Any other recommendations for improving international environmental governance?**

None.

## ANNEX 3

### UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE (UNFCCC)

#### 1. The scope of your MEA

##### a. What are the objectives?

The ultimate objective of the UNFCCC is the stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system. Such a level should be achieved within a time-frame sufficient to allow ecosystems to adapt naturally to climate change, to ensure that food production is not threatened and to enable economic development to proceed in a sustainable manner (UNFCCC Art. 2).

##### b. What is your legal framework?

The Convention of the Parties (COP) is the supreme body of the UNFCCC and shall keep under regular review the implementation of the Convention and any related legal instruments that the COPs may adopt, and shall make within its mandate, the decisions necessary to promote the effective implementation of the Convention (UNFCCC Article 7.2).

##### c. What are your priorities?

To provide support for the intergovernmental process, support the in-depth review of national communications of developed countries and compile information on the national communications and to facilitate assistance to developing countries.

##### d. Does the scope of your MEA address social and economic issues such as the following:

- Meeting the demand for food
- Meeting demands for fiber and wood
- Meeting demands for water
- Meeting demands for energy, industrial goods and employment
- Health and security of populations

The UNFCCC and its Kyoto Protocol\* address all of the above. Some examples of references to the above issues are as follows:

Article 2 of the UNFCCC states "... a level should be achieved within a time-frame sufficient to allow ecosystems to adapt naturally to climate change, to ensure that food production is not threatened and to enable economic development to proceed in a sustainable manner."

Article 4.1 of the UNFCCC states:

(c) Promote and cooperate in the development, application and diffusion, including transfer, of technologies, practices and processes that control, reduce or prevent anthropogenic emissions of greenhouse gases not controlled by the Montreal Protocol in all relevant sectors, including the energy, transport, industry, agriculture, forestry and waste management sectors,

(e) Cooperate in preparing for adaptation to the impacts of climate change; develop and elaborate appropriate and integrated plans for coastal zone management, water resources, and agriculture, and for the protection and rehabilitation of areas, particularly in Africa, affected by drought and desertification, as well as floods;

(f) ... minimizing adverse effects on the economy, on public health and on the quality of the environment, of projects or measures undertaken by them to mitigate or adapt to climate change;

(h) ... exchange of relevant scientific, technological technical, socio-economic and legal information related to the climate system and climate change, and to the economic and social consequences of various response strategies;

Article 2.1 of the Protocol states:

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\* yet to enter into force.

- (a) (i) Enhancement of energy efficiency in relevant sectors of the national economy;
- (ii) ... promotion of sustainable forest management practices, afforestation and reforestation;
- (iii) Promotion of sustainable forms of agriculture in light of climate change considerations;
- (iv) Research on, and promotion, development and increased use of, new and renewable forms of energy, of carbon dioxide sequestration technologies and of advanced and innovative environmentally sound technologies;

## **2. Contracting Parties/Member States**

### **a. Who are your Contracting Parties/Member States?**

As of 7 September 2000, a total of 185 States and the European Economic Community (EEC) have ratified the UNFCCC. A complete list is posted in the UNFCCC website at [www.unfccc.int](http://www.unfccc.int) under "Parties."

### **b. What kinds of meetings do you have and at what level of participation?**

The climate change process revolves around the annual sessions of the COP, usually held over two weeks, and often in parallel with sessions of the Subsidiary Body for Scientific and Technological Advice (SBSTA) and the Subsidiary Body for Implementation (SBI). A few thousand participants attend these sessions, including government delegates and observers.

The subsidiary bodies are the main working bodies of the Convention and meet once or twice between the COP sessions. The sessions of the SBSTA and the SBI held outside the annual COP are also important events in the climate change process, but attract somewhat fewer participants (around 1,500).

The COP Bureau usually meets two or three times in between COP sessions, while the COP President may also choose to convene high-level informal consultations to pave the way for maximum progress at the next session.

A practice that is becoming more common in the climate change process is to convene informal workshops and consultations on specific issues in between sessions of the Convention bodies. These are held in Bonn or elsewhere (by invitation), and are organized by the secretariat, under the guidance of the subsidiary body Chairmen, with attendance from an invited representative group of Parties. Representatives of observer organizations may also be invited, subject to the availability of physical resources and depending on the mandate. The aim of these inter-sessional meetings is to promote informal discussion and to explore options, without entering into negotiations or taking decisions. Some are technical in nature, and NGO experts may be invited to provide their technical inputs on specific issues.

## **3. Your institutional and governance structure**

### **a. How are you structured institutionally (governing bodies and subsidiary bodies, secretariat)?**

The COP as the "supreme body" of the Convention, is the highest decision-making authority. It is an association of all the countries that have ratified or acceded to the Convention.

The COP is responsible for keeping international efforts to address climate change on track. It reviews the implementation of the Convention and examines the commitments of Parties in light of the Convention's objective, new scientific findings and experience gained in implementing climate change policies.

The Convention also established two standing "subsidiary bodies": the Subsidiary Body for Scientific and Technological Advice (SBSTA) and the Subsidiary Body for Implementation (SBI). These bodies give advice to the COP and each has a specific mandate.

The SBSTA and SBI make recommendations for draft decisions, which are forwarded to the COP for consideration and adoption. In addition, the subsidiary bodies adopt conclusions, which are included in their reports.

The work of the COP and each subsidiary body is guided by the Bureau, elected by Parties to the Convention at the start of each session of the COP.

The Intergovernmental Panel on Climate Change (IPCC) is not an institution of the Convention but it provides vital scientific input to the climate change process. The SBSTA acts as a link between the COP and the IPCC, and a joint working group of the Bureaux of the two bodies meets regularly to ensure coordination.

### **b. Do you have a corporate or business plan or an equivalent plan such as a strategic action plan?**

Every two years, the Executive Secretary proposes a Programme Budget, setting out the main tasks to be performed by the secretariat in the coming biennium and the funding needed to carry out this work. This proposed Programme Budget is considered in the SBI, which then recommends the Programme Budget for approval by the COP.

## **4. Administration and finance**

**a. What is your budget (secretariat, programme of work)?**

For the current biennium 2000-2001, the Programme Budget for the secretariat stands at around US\$12 million per year, and is funded by contributions from Parties, their shares being based on the UN scale of assessment.

**b. What is the contribution of the individual Parties to your MEAs and how is it determined?**

Please see above.

**c. What access to other financial mechanisms, if any, do you have?**

The Convention also established a financial mechanism to provide funds on a grant or concessional basis to help developing countries to implement the Convention and address climate change. The Convention assigned the role of operating the financial mechanism to the Global Environmental Facility (GEF).

**d. What are the resources of these financial mechanisms and who are the contributors?**

Please see above.

**e. How does the location of your secretariat affect your operations in terms of finance and administration?**

We have become increasingly independent from the United Nations Office at Geneva.

**f. Would physical co-location with other convention secretariats help and, if yes, with which ones?**

The secretariat of the CCD is co-located in Bonn.

**5. Functions and operations of the secretariat**

**a. How would you describe the way your convention's secretariat operates?**

The COP, subsidiary bodies and Bureaux are serviced by a secretariat, whose mandate is laid out in general terms in Article 8 of the Convention. The main functions of the secretariat are to make practical arrangements for sessions of the Convention bodies, to assist Parties in implementing their commitments, to provide support to on-going negotiations and to coordinate with the secretariats of other relevant international bodies, notably the Global Environmental Facility (GEF) and the Intergovernmental Panel on Climate Change (IPCC). Specific tasks of the secretariat include the preparation of official documents for the COP and subsidiary bodies, the coordination of in-depth reviews of Annex I Party national communications and the compilation of greenhouse gases inventory data. The greater technical work needed by the Kyoto Protocol (e.g. on the mechanisms, methodologies and land-use change and forestry) is leading to a trend of increased expertise within the secretariat. The Convention secretariat will also serve the Protocol when it enters into force.

**b. Is your focus exclusively on servicing the Parties?**

Yes.

**c. Is your secretariat involved in the implementation?**

No.

**d. If so, what general categories of activities do you implement?**

Not applicable.

**e. How does the MEA monitor and evaluate the implementation?**

The Subsidiary Body on Implementation was established to assist the COP in the assessment and review of the effective implementation of the Convention. Participation includes all Parties and government representatives who are experts on matters related to climate change (UNFCCC Art. 10).

**f. What role does the secretariat play in monitoring and evaluating implementation of the MEA?**

The secretariat's functions are to make arrangements for the sessions of the COP and its subsidiary bodies; to compile and transmit reports submitted to it; and to assist Parties, particularly developing country parties, in the compilation and communication of information required (UNFCCC Art. 8.2).

**g. What cooperative arrangements do you have with other MEAs (MOUs, letters of agreement, etc.)?**

UNFCCC has cooperative arrangements with CBD, CCD, and Ramsar Convention. There are no MOUs.

**h. What are the international organizations that are partners in the implementation of your MEA?**

There are no “formal” partners, but the UNFCCC secretariat receives inputs from UNEP, UNDP, World Bank, UNITAR, WMO, FAO, ILO, etc.

## **6. Participation of Non-State actors**

### **a. What sectors of civil society (NGOs, private industry, civic groups, local communities, indigenous groups) are allowed to participate in the deliberations of the Parties to the MEA?**

Several categories of observer organizations also attend sessions of the COP and its subsidiary bodies. These include: Representatives of the UN secretariat units and bodies (e.g. UNEP and UNCTAD), as well as its specialized agencies and related organizations (e.g. WMO); Intergovernmental organizations (IGOs), such as the OECD and its International Energy Agency (IEA); and Non-governmental organizations (NGOs). Observer delegates routinely outnumber State representatives at sessions of the Convention bodies.

Currently, almost 400 non-governmental organizations and about 35 intergovernmental organizations are accredited. In order to be accredited as observers, non-governmental organizations must be legally constituted entities, “not for profit”, and competent in matters related to the Convention. A broad spectrum of NGOs represent different interests, including environmental groups, business and industry associations, local governments and municipal authorities, research and academic institutes, parliamentarians, labour organizations and religious bodies. Three main constituency groupings have emerged to facilitate interaction: Environmental groups; Business and industry associations; and Local governments and municipal authorities.

Observers may attend meetings of the Convention bodies (COP, SBSTA and SBI meetings) without the right to vote, unless at least one-third of Parties object. At COP4, it was formally decided to allow observers to attend open-ended contact groups, subject to the same proviso. However, the contact group Chairman may close the group to observers at any time. Informal closed meetings are not open to observers. Observers may make interventions during meetings subject to the approval of the Chairman. An opportunity is also extended to NGOs to address the COP and subsidiary bodies in plenary meetings. These statements are encouraged to be on behalf of a broad constituency.

Limited logistical support is made available to the NGO constituencies during meetings. A tradition of “special events” and “exhibits” has developed on the margins of the official meetings. These are mainly organized by the NGO community and provide a forum for exchange of information between observers, Party delegates, UN bodies and agencies, and IGOs. The special events, including workshops and seminars, allow for interaction between the various players in the Convention process and provide a forum for civil society to voice its concerns and ideas to Parties and the media. The exhibits provide participants with a variety of climate related information, including new technologies, scientific information on climate change, activities related to climate change mitigation or adaptation, project results, videos, and a host of other related materials.

### **b. What relations does civil society have with your secretariat?**

The secretariat has an Outreach section which has an IGO Outreach Officer and an NGO Outreach Officer, whose roles are to maintain contact with the accredited IGOs and NGOs, intra and inter sessionally in addition to carrying out the formal processes of observer attendance of sessions.

### **c. What role does civil society have in the implementation of your MEA?**

This is not applicable to the UNFCCC.

## ANNEX 4

### CONVENTION ON BIOLOGICAL DIVERSITY (CBD)

#### 1. The scope of your MEA

##### a. What are the objectives?

They are stated in Article 1 of the Convention as follows:

The objectives of this Convention, to be pursued in accordance with its relevant provisions, are the conservation of biological diversity, the sustainable use of its components and the fair and equitable sharing of the benefits arising out of the utilization of genetic resources, including by appropriate access to genetic resources and by appropriate transfer of relevant technologies, taking into account all rights over those resources and to technologies, and by appropriate funding.

##### b. What is your legal framework?

The Convention is a legally binding instrument (although it is not entirely clear to the Secretariat what is meant by this question).

##### c. What are your priorities?

###### Thematic Programmes

The COP has initiated work on five thematic work programmes, addressing

- marine and coastal biodiversity
- agricultural biodiversity
- forest biodiversity
- inland waters biodiversity, and
- dry and sub-humid lands

Each thematic programme establishes a vision for, and basic principles to guide, future work; sets out key issues for consideration; identifies potential outputs; and suggests a timetable and means for achieving these outputs. The COP has explicitly directed that the consideration of certain cross-cutting should be integrated into the thematic work programmes. Periodic review of the implementation of the work programme by the COP and SBSTTA is provided. It is envisaged that implementation of the work programmes will involve contributions from Parties, the Secretariat, relevant intergovernmental organisations and other organisations.

###### Cross-Cutting Issues

Over and above the thematic programmes there are a number of other items on the COP's agenda addressing key cross-cutting issues of relevance to all thematic areas. Essentially these correspond to the issues addressed in the Convention's substantive provisions in Articles 6-20. For example, work has been initiated on biosafety; access to genetic resources; traditional knowledge, innovations and practices (Article 8(j)); intellectual property rights; indicators; taxonomy; public education and awareness; incentives; and alien species.

Some cross-cutting initiatives directly support work under thematic programmes, for example the work on indicators. Others are developing discrete products, which in some instances are quite separate from the thematic programmes - for example, the negotiations for a protocol on biosafety. These cross cutting issues have an important role to play in bringing cohesion to the work of the Convention as they provide the substantive bridges or links between the thematic programmes.

The complete list of cross-cutting issues is as follows:

- \* Access and benefit-sharing;
- \* Alien species;
- \* Economics, trade and incentives;

- \* Ecosystem approach;
- \* Education and public awareness;
- \* Global taxonomy initiative;
- \* Impact assessment, liability and redress;
- \* Indicators;
- \* Protected areas;
- \* Scientific assessments;
- \* Sustainable tourism; and
- \* Traditional knowledge
- \* Meeting the demand for food

**d. Does the scope of your MEA address social and economic issues such as the following?**

- Meeting demands for fiber and wood
- Meeting demands for water
- Meeting demands for energy, industrial goods and employment
- Health and security of populations

Yes all of the above. In fact Article 20.4 provides:

The extent to which developing country Parties will effectively implement their commitments under this Convention will depend on the effective implementation by developed country Parties of their commitments under this Convention related to financial resources and transfer of technology and will take fully into account the fact that economic and social development and eradication of poverty are the first and overriding priorities of the developing country Parties.

**2. Contracting Parties/Member States**

**a. Who are your Contracting Parties/Member States?**

The Convention has been ratified by 180 countries. The complete list of Parties can be found in annex I or in the Convention's web site (<http://www.biodiv.org> <<http://www.biodiv.org>> ).

**b. What kinds of meetings do you have and at what level of participation?**

The Convention has many different types of meetings involving many different sectors of society and decision-makers, which range from open-ended intergovernmental meetings that attract up to 2000 participants to small informal expert meetings of scientists. For more detail about the range of meetings see our reply to the questions in Section 3.a.

**3. Your institutional and governance structure**

**a. How are you structured institutionally (governing bodies and subsidiary bodies, secretariat)?**

The Convention establishes the standard institutional elements of a modern treaty, namely a Conference of the Parties (COP), a Secretariat, advisory bodies, a clearing-house mechanism and a financial mechanism.

**i. Conference of the Parties**

The governing body of the Convention is the COP, established under Article 23. Its key function is to keep under review the implementation of the Convention and to steer its development. Other important functions of the COP include adoption of the budget for the Convention, the consideration of national reports, the adoption of protocols or annexes, and the development of guidance to the financial mechanism. A list of functions of the COP is set out in Article 23.

To date, there have been five ordinary meetings of the COP, and the next meeting will take place in April 2002 in The Hague, The Netherlands. At COP 5, it was decided that ordinary meetings of the COP shall be held every two years. Meetings of the COP are open to all Parties to the Convention, as well as to observers from non-Parties, intergovernmental organizations and non-governmental organizations. In

accordance with its rules of procedure, the COP can also hold extraordinary meetings. (e.g. the first extraordinary meeting of the COP adopted the Biosafety Protocol).

ii. Subsidiary Body on Scientific, Technical and Technological Advice

Article 25 of the Convention establishes an open-ended intergovernmental scientific advisory body, the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) to provide the COP with advice and recommendations on scientific, technical and technological aspects of the implementation of the Convention. Its functions include: providing assessments of the status of biological diversity; assessments of the types of measures taken in accordance with the provisions of the Convention; and responding to questions that the COP may put to it.

To date, SBSTTA has held five meetings. It submits its advice to the COP in the form of SBSTTA recommendations. The COP considers SBSTTA's advice on relevant issues before adopting its decisions. In some instances, the COP has explicitly endorsed specific SBSTTA recommendations in whole or in part.

The current modus operandi of SBSTTA is set out in Annex I to Decision IV/16, as amended by paragraph 21 of Decision V/20. Additional guidance on the functioning of SBSTTA is given in Part II of the Decision V/20. SBSTTA's modus operandi envisages the use of small groups of experts, in liaison groups, to facilitate the preparation and review of documentation for SBSTTA meetings. It also envisages meetings of ad hoc technical groups of experts on particular issues. At its fifth meeting, the COP decided upon terms of reference for three ad hoc technical expert groups: on marine and coastal protected areas; mariculture; and forest biological diversity. It also requested SBSTTA to establish a further ad hoc technical expert group to develop the programme of work adopted on dry and sub-humid lands. Ad hoc technical expert groups are composed from rosters of experts on particular issues drawn up by the Secretariat on the basis of nominations by governments.

iii. Secretariat

Article 24 establishes a Secretariat whose principal functions are to prepare for and service meetings of the Conference of the Parties and other subsidiary bodies of the Convention and to co-ordinate with other relevant international bodies. The host institution of the Secretariat is UNEP. The Secretariat is located in Montreal, Canada.

The Secretariat provides administrative as well as technical and scientific support to the COP, SBSTTA and other Convention bodies. It represents the day-to-day focal point of the Convention, organizes all meeting under the Convention and provides background documentation for those meetings. The Secretariat plays a significant role in co-ordinating the work carried out under the Convention with that of other relevant institutions and conventions, and represents the Convention at meetings of other relevant bodies.

iv. Financial mechanism

Article 21 establishes a mechanism for the provision of financial resources to developing countries for the purposes of the Convention. In Article 20 developed countries undertake to provide "new and additional financial resources to enable developing country Parties to meet the agreed full incremental cost" of implementing the obligations of the Convention. Article 39 appointed the Global Environment Facility (GEF) on an interim basis to operate the financial mechanism of the Convention, and the GEF continues to fulfill this function. The financial mechanism functions under the authority and guidance of, and is accountable to the COP. The first meeting of the COP adopted comprehensive guidance for the financial mechanism. This guidance has been refined and augmented at each of the subsequent meetings of the COP. The GEF reports to each meeting of the COP on its implementation of the guidance.

v. Clearing house mechanism

Paragraph 3 of Article 18 anticipated the establishment of a clearing-house mechanism (CHM) to promote and facilitate technical and scientific co-operation. A pilot phase of the CHM, administered by the Secretariat, was established under decisions I/3 and II/3 of the Conference of the Parties. At the end of 1998, an independent review of the pilot phase of the CHM was initiated. COP 5 supported the implementation of a Strategic Plan for the CHM and endorsed a longer term programme of work for the CHM. An informal advisory committee has been established for the CHM.

vi. Additional subsidiary organs

In the course of its consideration of specific issues, the COP has seen fit to establish a number of other subsidiary organs with limited and defined mandates. These include:

- \* Working Group on biosafety;
- \* Expert Panel on Access and Benefit-sharing;
- \* Working Group on Access and Benefit Sharing;
- \* Working Group on Article 8(j) and Related Provisions; and
- \* Intergovernmental Committee on the Cartagena Protocol (ICCP).

These bodies have been established to provide advice and recommendations on specific issues. In each case, the COP has decided the terms of reference of the organ, and has given guidance on its duration and composition.

vii. Other relevant activities

In addition to the formal establishment of subsidiary bodies, over the life of the Convention a wide range of other activities have supported its work. These include:

- workshops and meetings on specific issues organized under the auspices of the Convention, often by the Secretariat in collaboration with one or more sponsoring governments or organizations;
- conferences and other events sponsored by governments or institutions outside the auspices of the Convention but with result being made available at meetings of the COP or SBSTTA (for example, in information documents);
- regional and subregional meetings and activities on implementation of the Convention and by way of preparation for meetings of the COP;
- initiatives on specific issues, such as the Global Invasive Species Programme and the Global Taxonomy Initiative; and
- information gathering exercises: for example calls for case studies from Parties and institutions for synthesis in COP documents.

How these various institutions and activities relate to one another is described in the figure below:

Institutions of the Convention COP

**b. Do you have a corporate or business plan or an equivalent plan such as a strategic action plan?**

Pursuant to Article 6 Parties are required to develop a national biodiversity strategy and action plan (NBSAPs). 53 Parties have provided copies of NBSAPS that have been adopted. The Secretariat is aware of a further 60 Parties that have also adopted a NBSAP.

Pursuant to decision V/20, the Convention process itself is also developing a Strategic Plan for adoption at COP 6 (2002).

**4. Administration and finance**

**a. What is your budget (secretariat, programme of work)?**

See answer to question (b) below.

**b. What is the contribution of the individual Parties to your MEA and how is it determined?**

The Conference of the Parties has established three Trust Funds to meet the costs of administering the Convention, including the costs of the Secretariat. They are:

1. The core budget (BY Trust Fund);
2. The Special Voluntary Trust Fund (BE) for Additional Voluntary Contributions in Support of Approved Activities; and
3. The special voluntary Trust Fund (BZ) for facilitating participation of developing country Parties, in particular the least developed and the small island developing States amongst them, and other Parties with economies in transition.

COP 5 approved a programme budget of US\$ 8,594,000 for the year 2001 and of US\$ 10,049,900 for the year 2002 for the core budget (BY Fund). The costs of the Secretariat are mainly borne by the core budget.

COP 5 approved a programme budget of US\$ 2,547,500 for the year 2001 and of US\$ 2,128,900 for the year 2002 for the Special Voluntary Trust Fund (BE) for Additional Voluntary Contributions in Support of Approved Activities.

COP 5 approved a programme budget of US\$ 2,011,600 for the year 2001 and of US\$ 2,988,700 for the year 2002 for the Special Voluntary Trust Fund (BZ) for Facilitating Participation of Parties in the Convention Process.

All Parties contribute to the budget of the Convention. The Parties have not yet finally agreed the financial rules governing contributions to the Trust Fund, but in practice contributions are weighted in accordance with the UN scale of assessments.

**c. What access to other financial mechanisms, if any, do you have?**

Developing country Parties are eligible for financial assistance for the agreed full incremental costs to them of implementing measures which fulfil the obligations of this Convention and which costs are agreed between a developing country Party and the financial mechanism in accordance with policy, strategy, programme priorities and eligibility criteria of the Conference of the Parties.

**d. What are the resources of these financial mechanisms and who are the contributors?**

The current tranche of the GEF (GEF II) has US\$2.75 billion. The GEF anticipates that about 40% of the total amount will be applied to projects and activities that directly assist Parties implement the Convention. Other projects and activities of the GEF for other purposes (e.g. international waters) will also assist Parties to implement the Convention.

Contributing Participants to the GEF are listed in Annex II. They can also be found in GEF's web site (<http://gefweb.org/public/instrume/instrum7.htm>).

**e. How does the location of your secretariat affect your operations in terms of finance and administration?**

The host country contributes US\$ 2 million per biennium. Otherwise, the location does not affect the operations of the Secretariat.

**f. Would physical co-location with other convention secretariats help and, if yes, with which ones?**

Neither the Secretariat nor any other body of the Convention has considered this issue.

**5. Functions and operations of the secretariat**

**a. How would describe the way your convention's secretariat operates?**

[not clear what type of response this question aims to elicit].

**b. Is your focus exclusively on servicing the Parties?**

Yes, see Article 24. COP decisions requesting the Executive Secretary to coordinate and collaborate with other bodies are for the purpose of transmitting the views of the COP, furthering the implementation of decisions, or preparing advice and reporting back to COP - so all such activities can be categorised as servicing the Parties.

**c. Is your secretariat involved in implementation?**

If the question is intended to ask whether the secretariat is engaged in implementation at the country or regional level, the answer is no.

**d. If so, what general categories of activities do you implement?**

N/A.

**e. How does the MEA monitor and evaluate the implementation?**

Through the system of national reports on measures taken for implementation and the effectiveness of these measures (Article 26).

**f. What role does the secretariat play in monitoring and evaluating implementation of the MEA?**

Proposing formats for national reports under Article 26, receiving and analysing reports submitted, providing the COP with syntheses of the information contained in national reports.

**g. What cooperative arrangements do you have with other MEAs (MOUs, letters of agreement, etc.)?**

The Bureau of the Convention on Wetlands of International Importance especially as Waterfowl Habitats (Ramsar Convention), The Secretariat of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), The Secretariat of the Convention on the Conservation of Migratory Species of Wild Animals (CMS), The Secretariat of the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region (Cartagena Convention) and its Protocol concerning Specially Protected Areas and Wildlife (SPAW), The World Bank, The Secretariat of the Intergovernmental Oceanographic Commission of UNESCO, The Food and Agriculture Organization of the United Nations (FAO), The UNEP World Conservation Monitoring Centre, The United Nations Conference on Trade and Development (UNCTAD), The Secretariat of DIVERSITAS, The Foundation for International Environmental Law and Development (FIELD), The United Nations Educational, Scientific and Cultural Organization (UNESCO), The Secretariat of the Permanent Commission of the South Pacific, The Secretariat of the United Nations Convention to Combat Desertification (UNCCD), The Council of Europe and UNEP as Joint Secretariat of the Pan-European Biological and Landscape Diversity Strategy (PEBLDS), The Council of Europe as Secretariat of the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention), The Coordinating Unit of the Mediterranean Action Plan, IUCN - the World Conservation Union, plus MOU between the COP and the Council of the GEF.

**h. Which are the international organizations that are partners in the implementation of your MEA?**

See answers c, d and g.

**6. Participation of Non-State actors**

**a. What sectors of civil society (NGOs, private industry, civic groups, local communities, indigenous groups) are allowed to participate in the deliberations of the Parties to the MEA?**

The rules of procedure (Rule 7) state:

- i. The Secretariat shall notify any body or agency, whether governmental or non-governmental, qualified in fields relating to the conservation and sustainable use of biological diversity, which has informed the Secretariat of its wish to be represented, of meetings of the Conference of the Parties so that they may be represented as observers unless at least one third of the Parties present at the meeting object.
- ii. Such observers may, upon invitation of the President, participate without the right to vote in the proceedings of any meeting in matters of direct concern to the body or agency they represent unless at least one third of the Parties present at the meeting object.  
In practice this has meant that any civil society organization that has either pre-registered or turned up to an open-ended meeting under the CBD has been admitted as an observer. Parties, non-Party states and non-state observers have reached an understanding that non-state observers can observe and make statements at open-sessions (plenaries, committees of the whole, in-session working groups). The practice has been that, when the chair agrees, non-state observers have attended contact groups and have often intervened, including making suggestions on text. There is an agreement that Parties can decide that observers should not participate in drafting and, on a few occasions, an explicit statement to this effect has been made in order to limit presence at drafting to groups to Parties and non-Party states. (It is worth noting that the same convention has on occasions been used to limit drafting to Parties, excluding non-Party states).

All categories of non-state actors listed in the questionnaire participate in meetings of Parties.

The above does not necessarily apply to meetings that are not open-ended (e.g. technical expert groups, liaison groups etc), although experts from non-state organizations will typically be included amongst experts selected.

In accordance with the modus operandi of SBSTTA, the roster of experts maintained by the secretariat includes experts nominated by 'relevant bodies'.

**b. What relations does civil society have with your secretariat?**

The secretariat maintains contact with civil society organizations for exchange of information and views, receipt of case studies and other documentation, preparation of background papers, in addition to activities connected with organization of meetings.

**c. What role does civil society have in the implementation of your MEA?**

Involvement of all relevant stakeholders is recognised as a key element in the implementation of the Convention. It is recognised as such in the text of the Convention and of the Cartagena Protocol, and specifically in COP decisions establishing programmes of work on thematic and cross-cutting issues. Particular emphasis is given to the involvement of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity.

**7. Challenges, problems, bottlenecks, gaps and overlaps**

**If time permits, please provide recommendations on the following questions from your perspective as a secretariat:**

- a. **What overlaps and opportunities for synergies do you see such as through clustering?**
- b. **Which are the most significant gaps in terms of issues not being addressed affectively (e.g. forests, water)?**
- c. **On programmatic linkages, what are the opportunities for scientific commonality and cooperation directed at a sound science base?**
- d. **What opportunities exist for programmatic linkages with crosscutting conventions for horizontal issues (i.e. Aarhus Convention)?**

- e. **What are the experiences or opportunities for harmonized reporting and shared information management and joint capacity building programmes?**

MEAs secretariats have held one meeting in November 2000 to consider report harmonization. A project was established and pilot experiences with voluntary Parties will take place during 2001.

- f. **What should be the role of UNEP in preparing a consolidated overview of the effectiveness of implementation of MEAs?**

- g. **Do environmental indicators exist for the subject area of your MEA and, if so, what is the performance against them?**

- h. **What needs to be done to enhance enforcement and compliance, taking into account the following?**

- **Fragmentation weakens compliance;**
- **Inconsistent implementation at national level (weak ministries, low capacity);**
- **Non-State actors and other State actors;**
- **Verification;**
- **Any provision on liability and compensation.**

- i. **Any other recommendations for improving international environmental governance?**

## ANNEX 5

### CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA (CITES)

#### 1. The scope of your MEA

##### a. What are the objectives?

There are no formally stated objectives in the text of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). The Strategic Plan for the Convention adopted during the 11th meeting of the Conference of the Parties (Nairobi, 10-20 April 2000), however, states that its purpose is to ensure that no species of wild fauna or flora becomes or remains subject to unsustainable exploitation because of international trade.

##### b. What is your legal framework?

The text of the Convention comprises 25 legally binding Articles and four Appendices. There are no protocols. An amendment (the Bonn Amendment), allowing Parties to adopt financial provisions at their meetings, was adopted by the Conference of the Parties in 1979 and entered into force in 1987. A second amendment (the Gaborone Amendment), permitting the European Union to become a Party, was adopted in 1982 but has not yet entered into force.

Appendices I and II are amended at each meeting of the Conference of the Parties to add, delete or clarify listed species. Appendix III is amended by individual Parties. Appendix IV is the original format for a CITES permit. Although it has never been amended, a new permit format was adopted by the Conference of the Parties in 1997.

There is a significant body of non-legally binding Resolutions and Decisions, agreed by the Conference of the Parties, that guide interpretation and implementation of various terms, provisions and aims of the Convention.

##### c. What are your priorities?

CITES' priorities for 2000-2005 are detailed in the Strategic Plan of the Convention (attached), namely: (1) enhance the ability of each Party to implement the Convention; (2) strengthen the scientific basis of the decision-making process; (3) contribute to the reduction and ultimate elimination of illegal trade in wild fauna and flora; (4) promote greater understanding of the Convention; (5) increase cooperation and conclude strategic alliances with international stakeholders; (6) progress toward full global membership; and (7) provide the Convention with an improved and secure financial and administrative basis.

##### d. Does the scope of your MEA address social and economic issues such as the following?

- **Meeting the demand for food**  
Yes, in the context of wildlife resources being traded internationally as food (e.g. whales, queen conch, turtles, sturgeon, bushmeat).
- **Meeting demands for fiber and wood**  
Yes, in that the Convention covers international trade in vicuña wool and some timber species (e.g., mahogany) and may be extended in the future to cover others.
- **Meeting demands for water**  
No.
- **Meeting demands for energy, industrial goods and employment**  
No.
- **Health and security of populations**  
Yes, in that the Convention covers wild animals and plants that are used in traditional medicines and encourages the reduction of human/wildlife conflict (i.e. through the

involvement of local populations in managing and obtaining benefits from wildlife resources).

## **2. Contracting Parties/Member States**

### **a. Who are your Contracting Parties/Member States?**

There are currently 152 Contracting Parties representing all geographic regions in the world (see attachment).

### **b. What kinds of meetings do you have and at what level of participation?**

The Conference of the Parties meets every 2 to 3 years. It is attended by the heads or other representatives of the CITES Management (and often Scientific Authorities) of each Party and, increasingly, the ministers of environment or natural resources. Some countries also bring enforcement officers.

The Standing Committee meets annually and is attended by (i) regional representatives (usually the heads of CITES Management Authorities) elected by Parties in each of the six regions within CITES, (ii) representatives of the previous and next host country as well as the Depositary and (iii) observers representing other Parties.

The Animals Committee and Plants Committee meet annually and are attended by scientific experts who are elected on a regional basis. The Nomenclature Committee consists of a biologist and a zoologist, elected to serve in their individual capacities, and meets as necessary.

## **3. Your institutional and governance structure**

### **a. How are you structured institutionally (governing bodies and subsidiary bodies, secretariat)?**

The Convention provides for a Conference of the Parties and a Secretariat. The Conference of the Parties additionally has established four permanent committees: the Standing Committee; the Animals Committee; the Plants Committee and the Nomenclature Committee.

### **b. Do you have a corporate or business plan or an equivalent plan such as a strategic action plan?**

Yes, the 11th meeting of the Conference of the Parties (Nairobi, 10-20 April 2000) adopted a Strategic Vision through 2005 and accompanying Action Plan (see attachment).

## **4. Administration and finance**

### **a. What is your budget (secretariat, programme of work)?**

The Conference of the Parties at its 11<sup>th</sup> meeting approved the budget of US\$ 5,062,000 for the year 2001 and US\$ 5,948,000 for the year 2002 respectively for maintaining the Secretariat, financing the programme of work and the 12<sup>th</sup> meeting of the Conference of the Parties scheduled for 2002. The budget for the biennium 2001-2002 is attached.

The summary of estimated expenditures for the current biennium by main categories of expenditures is as follows:

i. Staff costs and office maintenance costs	US\$ 6,470,000
ii. Programme of work	US\$ 2,552,000
iii. COP 12	US\$ 722,000
iv. Programme Support Costs (13%)	US\$ 1,266,000

The biennial budget of US\$ 11,010,000 is financed from the CITES Trust Fund through annual contributions of the Parties and from the accumulated balance of the CITES Trust Fund. In addition the Secretariat seeks external donor funding for implementation of various decisions and resolutions of the Conference of the Parties, species projects and COP delegates project, for which the funding is not available from the Trust Fund budget. Information about the level of external funding received for implementation of CITES programme in the triennium 1998-2000 is attached.

### **b. What is the contribution of the individual Parties to your MEA and how is it determined?**

The contributions of individual Parties to the CITES Trust Fund 2001-2002 are in accordance with the agreed scale of contributions as adopted by the 11<sup>th</sup> meeting of the Conference of the Parties. The scale of contributions for the current biennium is attached. The contributions to the CITES Trust Fund are based on the United Nations scale of assessment, as amended from time to time, adjusted to take account of the fact that not all members of the United Nations are Parties. Any proposal to change the basic scale of contributions from that currently in use is decided by the Conference of the Parties.

**c. What access to other financial mechanisms, if any, do you have?**

At present CITES programmes are financed either from the CITES Trust Fund or through the external funding provided by various donors.

**d. What are the resources of these financial mechanisms and who are the contributors?**

An overview of the counterpart contributions received in the years 1998-2000 by various donors is attached.

**e. How does the location of your secretariat affect your operations in terms of finance and administration?**

Geneva as a major UN Centre is a venue for various international meetings and conferences related to environmental, trade and sustainable development issues. The Secretariat's location in Geneva enables the Secretariat's staff to attend these meetings at no extra cost. The presence of diplomatic missions facilitates contacts with the Parties. Switzerland is the Depositary for the Convention and also a location for various organizations dealing with environmental issues, such as IUCN, WWF and UN environmental conventions or bodies, with which the Secretariat coordinates its programmes to avoid duplication of activities. UNOG's location in Geneva also benefits the Secretariat in facilitating the organization of meetings and workshops. Importantly, the WTO is based in Geneva thereby facilitating collaborative meetings with the CITES Secretariat on trade and environment issues. In addition, UNEP's Environment and Trade Unit is based in Geneva.

**f. Would physical co-location with other convention secretariats help and, if yes, with which ones?**

The Secretariat is currently co-located with relevant trade-related MEAs (e.g. Secretariats for the Basel Convention and the Rotterdam Convention) as well as UNEP's Environment and Trade Unit. The Ramsar Secretariat is located nearby in Gland. This close physical location facilitates an exchange of information and joint programming, thus contributing to cost effectiveness.

**5. Functions and operations of the secretariat**

**a. How would you describe the way your convention's secretariat operates?**

The CITES Secretariat operates in a practical and pro-active manner and has placed increased emphasis on being transparent, helpful and accountable to the Parties.

**b. Is your focus exclusively on servicing the Parties?**

No, although this is the primary focus.

**c. Is your secretariat involved in implementation?**

Yes, in that the Secretariat provides advice on a daily basis to Parties concerning interpretation and application of the Convention and has a strong commitment to longer-term capacity building. It also is charged, on occasion, with coordinating operational programmes (e.g. MIKE).

**d. If so, what general categories of activities do you implement?**

The Secretariat organizes and participates in regional capacity-building workshops, convenes Dialogue Meetings of range States for species of concern, undertakes technical and political missions, works with Parties to develop and raise funds for administrative or species projects, prepares and distributes Convention documentation, and provides technical assistance in the areas of scientific decision-making, quota-setting, legislation and compliance and enforcement.

It also has responsibility for developing conservation management plans for species in collaboration with the relevant range States and for providing objective information on the biological status of species of conservation concern.

**e. How does the MEA monitor and evaluate the implementation?**

Decisions of the Conference of the Parties set timeframes for action and require reporting on implementation items. Meetings of the Conference of the Parties and subsidiary bodies review the actions reported, take decisions and recommend follow-up actions.

**f. What role does the secretariat play in monitoring and evaluating implementation of the MEA?**

The Secretariat gathers and analyses information from the Parties and other relevant sources, prepares reports on the basis of that information and proposes recommendations to the Convention bodies.

**g. What cooperative arrangements do you have with other MEAs (MOUs, letters of agreement, etc.)?**

The CITES Secretariat has an MOU and joint work plan with the Secretariat of the Convention on Biological Diversity. An MOU and joint work plan now are being developed with the Secretariat for the Convention on Migratory Species. In the area of scientific/technical advice, the CITES Secretariat has agreed an MOU with IUCN-The World Conservation Union. In the area of enforcement, MOUs have been agreed with: the Lusaka Agreement Task Force; ICPO-Interpol; the World Customs Organization; the United States Fish and Wildlife Service, Division of Law Enforcement, Clark R. Bavin National Wildlife Forensics Laboratory; and the United Kingdom Management Authority/H.M Customs & Excise/Police. On an informal basis, the CITES Secretariat works with other MEAs in improving practical synergy with the World Trade Organization and cooperates with the Secretariat of the Basel Convention, as well as other MEAs in a series of workshops for port and customs authorities. The CITES Secretariat has observer status in the WTO Committee on Trade and Environment.

**h. Which are the international organizations that are partners in the implementation of your MEA?**

CITES' key implementing partners are the UNEP World Conservation Monitoring Centre, ICPO-Interpol, World Customs Organization, IUCN-The World Conservation Union and TRAFFIC. Increasingly, CITES has been working with the Food and Agriculture Organization of the United Nations and the WTO.

**6. Participation of Non-State actors**

**a. What sectors of civil society (NGOs, private industry, civic groups, local communities, indigenous groups) are allowed to participate in the deliberations of the Parties to the MEA?**

All, although the primary participants historically have been NGOs.

**b. What relations does civil society have with your secretariat?**

There is a very close working relationship with some civil society groups, as mentioned above. The Secretariat generally refers specific queries from private industry to the relevant Management Authorities but tries to provide general guidance where possible.

**c. What role does civil society have in the implementation of your MEA?**

Civil society has an important role in: (a) providing technical expertise/knowledge; (b) raising awareness of CITES issues and the decisions/procedures of the Convention; (c) assisting the Secretariat in communicating with non-Parties; (d) promoting implementation of the Convention at the field level; and (e) gathering and transmitting information about possible non-compliance with the Convention.

## **7. Challenges, problems, bottlenecks, gaps and overlaps**

**If time permits, please provide recommendations on the following questions from your perspective as a secretariat.**

**a. What overlaps and opportunities for synergies do you see such as through clustering?**

CITES is committed to the concept of practical synergy, that is, undertaking concrete joint actions with other MEAs. Although CITES shares a number of substantive issues with the other biodiversity-related MEAs, its operational structure is more akin to the other trade-related instruments such as the Basel Convention, the Montreal Protocol and the Rotterdam Convention.

**b. Which are the most significant gaps in terms of issues not being addressed effectively (e.g., forests, water)?**

The commercial fishing and tropical timber trade. The role of poverty and corruption in relation to environmental management practices. The failure to identify, and make available, alternatives to bad environmental practices as well as economic benefits from good environmental practices.

**c. On programmatic linkages, what are the opportunities for scientific commonality and cooperation directed at a sound science base?**

Capacity building for state of the environment assessment, risk assessment and subsequent decision-making (including a better link between science and policy).

**d. What opportunities exist for programmatic linkages with crosscutting conventions for horizontal issues (i.e., Aarhus Convention)?**

CITES already has established links with the international trade regime and is open to other programmatic linkages that are practical in nature.

**e. What are the experiences or opportunities for harmonized reporting and shared information management and joint capacity building programmes?**

CITES recognizes the potential for shared information management at the national and international level, though this must take account of its unique concern with trade-related data. There has been positive experience with the joint capacity-building programme for port/customs authorities being undertaken with the Basel Convention as well as other workshops that bring together the biodiversity-related MEAs. There is a possibility of working with UNITAR to address environmental legislation in a capacity building programme.

**f. What should be the role of UNEP in preparing a consolidated overview of the effectiveness of implementation of MEAs?**

In addition to gathering the necessary information in a standard format, UNEP might do a comparative analysis of MEA implementation and identify concrete lessons that could assist all MEAs.

**g. Do environmental indicators exist for the subject area of your MEA and, if so, what is the performance against them?**

The Significant Trade Review process is the barometer that shows CITES as an effective tool in bringing about sustainable utilization of biotic resources.

**h. What needs to be done to enhance enforcement and compliance, taking into account the following?**

- **Fragmentation weakens compliance**

There needs to be a holistic approach to environmental compliance and enforcement, with an emphasis on accessing financial resources, establishing specialized teams, making use of available technical expertise and developing core skills (e.g. targeting).

- **Inconsistent implementation at the national level (weak ministries, low capacity)**

Examples of successful implementation need to be identified and shared, including the key operational elements that led to success. Multi-agency and multi-level task forces should be created. Template legislation should be developed.

- **Non-State actors and other State actors**

In general the role of non-State actors, such as NGOs and the private sector, should be clarified in relation to compliance/enforcement. Good actions (e.g. the passing of reliable and objective information to enforcement authorities) should be praised and inappropriate action (e.g. the publicizing of baseless rumors or allegations) should be pointed out and discouraged. With regard to State actors, the key is to demonstrate what actions are best for the signatory Parties—the “enlightened self interest” approach. Parties need to benefit directly from the sustainable management of their wildlife resources—their “bio-wealth”. Effective enforcement can generate revenue that otherwise might be lost through non-compliance.

- **Verification**

Self-regulation is the better goal. Nevertheless, technical and political missions to range and consumer States to explore the reasons for and responses to compliance and enforcement problems have proven to be useful, complementary tools.

- **Any provision on liability and compensation**

The Convention provides for the re-patriation of illegally-traded specimens.

- i. **Any other recommendations for improving international environmental governance?**

It would seem more useful to focus on exactly how international environmental governance can be made more effective at the substantive level rather than on how it might be further restructured at an institutional level.

## ANNEX 6

### CONVENTION ON THE CONSERVATION OF MIGRATORY SPECIES OF WILD ANIMALS (CMS)<sup>1</sup>

#### The scope of your MEA

##### a. What are your objectives ?

CMS aims to conserve migratory species (avian, terrestrial and aquatic) over the whole of their range. The Convention provides a framework within which Parties may act to conserve migratory species and their habitats by:

- adopting strict protection measures for species in danger of extinction
- concluding Agreements for the conservation and management of species that have an unfavourable conservation status
- undertaking joint research and monitoring activities

In common with all other biodiversity-related conventions, CMS promotes the principles of conservation and sustainable use. Please also refer to the CMS Guide and the Convention text.

##### b. What is your legal framework

CMS is an international treaty with two key elements:

a binding commitment on Parties to strictly protect those endangered species listed on Appendix I (including habitat protection/restoration and mitigation of barriers to migration, and

an encouragement to develop tailored, multilateral Agreements for species conservation. Some Agreements although concluded under CMS (AEWA, ASCOBANS, ACCOBAMS, EUROBATS) are independent international treaties. Some instruments are “soft law” Memoranda of Understanding. Stand-alone Action or Conservation Plans are also possible.

##### c. What are your priorities ?

The CMS Strategic Plan (2000-2005) was adopted as Resolution 6.4 at COP6 (Cape Town, November 1999). This Resolution also acknowledged the importance of UNEP/CMS/Conf 6.12 as a useful tool for selecting priority actions. It identified the following key objectives:

- to promote the conservation of migratory species included in major animal groups listed in the CMS Appendices
- to focus and prioritise conservation actions for migratory species
- to enhance global membership in CMS through targeted promotion of the Convention’s aims
- to facilitate and improve implementation of the Convention

##### d. Does the scope of your MEA address social and economic issues such as the following ?

**meeting the demand for food**  
**meeting demands for fibre and wood**  
**meeting demands for water**  
**meeting demands for energy, industrial goods and employment**  
**health and security of populations**

The Convention’s aims are the conservation and management (understood to include sustainable use) of migratory species, bio-resources which should benefit future generations. The preamble to the Convention recognises the value of migratory species for environmental, ecological, genetic, scientific, aesthetic, recreational, cultural, educational, social and economic reasons (also reflected in AEWA). The Convention also recognises the special needs of traditional subsistence users.

Among the estimated 4,000-10,000 migratory species worldwide, there are a number which are very important economically, either for food supply (eg the millions of waterbirds shot each year for subsistence or as a source of sports hunting) or eco-tourism. Waterbirds of course are dependent on wetlands which in turn depend on fresh water.

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<sup>1</sup> Attachments provide with the questionnaire are not included.

## **2. Contracting Parties/Member States**

### **a. Who are your Contracting Parties/Member States ?**

A list of Contracting Parties to CMS is attached. It should however be noted that the Convention is in part implemented through regional, species-specific Agreements and Memoranda of Understanding, Parties or signatories to which are not necessarily members of the parent Convention. The attached map shows CMS Parties and those countries not Party to the parent Convention which participate in Agreements or MoUs.

### **b. What kinds of meetings do you have and what kind of participation is allowed ?**

#### Meetings

Conferences of the Parties (COP1, Bonn, 1985 through COP6, Cape Town, 1999; COP7, Bonn, September 2002); Standing Committee (next meeting, Bonn, December 2001); Scientific Council (10<sup>th</sup> Meeting, Edinburgh, May 2001), Range States Meetings for MoUs; Meetings of Parties of Agreements; Meetings of Advisory Committees for Agreements; negotiation meetings for proposed Agreements.

#### Participation

##### COP:

Full participants: Parties;

Observers by right from the UN, its specialised agencies, any States not Party to the Convention, designated bodies representing CMS Agreements;

Observers (subject to approval by the Parties) international agencies or bodies, either governmental or non-governmental, and national governmental agencies and bodies; national non-governmental agencies or bodies which have been approved by the State in which they are located which are technically qualified in protection, conservation and management of migratory species.

##### Standing Committee

The Standing Committee represents the COP intersessionally and draws its authority from Resolution 6.6. It is made of representatives of the Convention's regions (two each from Africa and Europe, one each from North & Central America, Latin America, Asia and Oceania), the Depository and, if appropriate, the host of the next COP. The Chairman of the Standing Committee has discretion to invite relevant organisations as observers. BirdLife International and Wetlands International attended the last meeting of the Standing Committee as observers.

##### Scientific Council

The Council comprises nominated national experts from the Parties together with six specialists appointed by the COP. Bodies and organisation to be invited to attend the Scientific Council are:

SBSTTA of CBD; STRP of Ramsar Convention; Wetlands International; BirdLife International; International Whaling Commission; CITES; WCMC; IUCN; WWF; CCAMLR

## **3. Your institutional and governance structure**

### **a. How are you structured institutionally (governing bodies and subsidiary bodies, secretariat) ?**

The primary decision-making body of the Convention is the Conference of the Parties (held every two and a half to three years). A Standing Committee meets inter-sessionally. Technical advice is provided by the Scientific Council. The Secretariat services these, as well as any Working Groups established by them.

A diagram of the organisational structure is attached at Annex 8.

### **b. Do you have a corporate or business plan or an equivalent plan such as a strategic action plan.**

A Strategic Plan for the years 2000-2005 was adopted under Resolution 6.4 at COP6. It is attached (see also 1.c above).

**4. Administration and Finance**

**a. What is your budget (secretariat, programme of work) ?**

The budget adopted at COP6 for 2001-2002 is attached.

**b. What is the contribution of individual Parties to your MEA and how is it determined ?**

CMS uses the UN Scale of Assessment. The contributions for the Parties (as at the time of COP6) is attached.

**c. What access to other financial mechanisms, if any do you have ?**

Voluntary contributions are made by some Parties. The costs of negotiations meetings are often met by participating countries (eg Albatross Agreement - the negotiation meeting was organised and financed by South Africa, Australia, United Kingdom and New Zealand). CMS is involved in a GEF project for wetlands and migratory waterbirds which is being led by the International Crane Foundation. Also, the French Government will request the CMS Secretariat to act as the coordinator (including for financial matters) for a large project on Sahelo-Saharan Antelopes. In total however, voluntary contributions are rare and increasingly difficult to receive owing to certain regulations by UNEP/UNON.

**d. What are the resources of these financial mechanisms and who are the contributors ?**

-

**e. How does the location of your secretariat affect your operations in terms of finance and administration ?**

Sharing office accommodation with other UN bodies leads to economies of scale. This was achieved in respect of CMS in 1996. Three CMS Agreements Secretariats are co-located and administratively integrated with the CMS Secretariat. Telecommunications in Germany are reliable. International transport links to Bonn are good, with motorway, mainline railway and international airports in easy reach. Attending meetings which UNEP convokes regularly in Nairobi or Geneva is expensive and time-consuming for CMS (and this will be true in future for the Agreement Secretariats)

**f. Would physical co-location with other convention secretariats help and, if yes, with which ones ?**

No, the financial advantages of the CMS Secretariat and Agreement Unit's location are dominant.

**5. Functions and operations of the secretariat**

**a. How would you describe the way your convention's secretariat operates**

Ideally, the main functions would be in accordance with the requests of the Convention and the COP: servicing meetings; administering projects; promoting agreements; managing information. However, administrative burdens detract from the Secretariat's ability to concentrate on these core tasks.

**b. Is your focus exclusively on servicing the Parties ?**

The Convention's primary focus is on the conservation and management of migratory species (see 1 above)

**c. Is your secretariat involved in implementation**

No.

**d. If so, what general categories of activities do you implement ?**

Not applicable

**e. How does the MEA monitor and evaluate the implementation ?**

Parties are required to present a report on implementation to the COP. Response rates could be higher. The quality and quantity of the information provided varies widely. CMS has been actively involved in efforts to harmonise reporting for the biodiversity-related conventions, as well as developing its own information management plan. In addition, the

CMS Secretariat is committed by its Parties to report to all bodies at their respective meetings and to inform the Parties and the public (the constituency of interested conservationists and users) regularly.

**f. What role does the secretariat play in monitoring and evaluating implementation of the MEA ?**

The Secretariat collates and publishes the Parties' reports. How to utilise this information further to assess the effectiveness of implementation is the focus of the second phase of the CMS Information Management Plan currently being undertaken by UNEP-WCMC under contract to CMS.

**g. What cooperative arrangements do you have with other MEAs (MOUs, letters of agreement, etc)?**

CMS has MOUs with CBD, the Ramsar Convention, IWC, Wetlands International. MoUs are under negotiation with IUCN and UNESCO (WHC/MAB) and negotiations may start in the course of the year with CITES. There is an LoA with Wetlands International (Asia-Pacific) whereby WIAP has undertaken to help promote CMS in that region.

**h. Which are the international organisations that are partner in the implementation of your MEA ?**

Wetlands International, BirdLife International and the International Crane Foundation are our most active INGOs. Regular contacts and consultations have been held with IUCN and working groups of the Species Survival Commission and the Environmental Law Centre. Occasional contact is made with WWF and other smaller NGOs specialised in project work (eg EURONATUR, GNF). CBD is the most obvious partner among IGOs. IWC has expertise in matters relating to cetaceans which are a concern for CMS and two of its Agreements (ASCOBANS and ACCOBAMS). CITES is potentially an important partner (sturgeons and elephants).

**6. Participation of Non-State Actors**

**a. What sectors of civil society (NGOs, private industry, civic groups, local communities, indigenous groups) are allowed to participate in the deliberations of the Parties to the MEA ?**

BirdLife International, Wetlands International, Conseil International de la Chasse, Global Nature Fund, IUCN, WWF attended the last COP.

The GEF project in which the Secretariat is involved recognises the need to maximise the participation of all stakeholders, including commercial interests and local communities.

**b. What relations does civil society have with your secretariat ?**

Companies have been involved in some promotional work - such as sponsoring a poster competition. Generally, the involvement of private companies in the work of the CMS Secretariat is very modest.

**c. What role does civil society have in the implementation of your MEA ?**

A number of NGOs (BLI and WI) have worked closely with the Secretariat over a number of years and have helped developed practical conservation projects to implement the Convention. The role of civil society in the implementation of national conservation policies varies in the different Parties; in some countries NGOs play a substantial role.

**7. Challenges, problems, bottlenecks, gaps and overlaps**

**a. What overlaps and opportunities for synergies do you see such as through clustering?**

Working with other Conventions to achieve common aims has presentational advantages in terms of economy of effort and in providing holistic solutions to issues. CBD, CITES, Ramsar and WHC would be obvious partners for CMS at a global level; there are also regional conventions with interests shared by CMS. Some CMS Agreements, such as AEWA and ACCOBAMS, refer to other MEAs. IWC has specialised expertise relating to cetaceans which is of considerable value to CMS and related Agreements (MoU with IWC signed in 2000; good relations between IWC and ASCOBANS)

**b. Which are the most significant gaps in terms of issues not being addressed effectively (eg forests, water) ?**

Funds ! With almost no financial potential in comparison with the funds allocated to GEF for CBD, FCCC and other globally important subjects, CMS has no chance of becoming really effective.

Gaps for CMS are geographic - low representation in certain areas - especially North and Central America and the Far East - and in terms of regional agreements for Appendix II species in Africa (currently under examination by the Standing Committee).

High Seas fisheries have significant impacts on marine species and this area needs to be explored further.

Institutional and structural shortcomings are also a problem: Division of responsibility for key policy areas across different national institutions; conflicting priorities in national governments; lack of human and financial resources.

**c. On programmatic linkages, what are the opportunities for scientific commonality and cooperation directed at a sound science base ?**

There is wide scope for scientific data exchange between CMS and others (with CBD generally, with IWC as mentioned above, with Ramsar - where CMS is species-oriented and Ramsar habitat-orientated)

**d. What opportunities exist for programmatic linkages with crosscutting conventions for horizontal issues (ie, Aarhus Convention) ?**

There is undoubtedly considerable scope for collaboration with other conventions outside the biodiversity field on "horizontal" issues. However, limited staff resources have meant that this potential has not been explored.

**e. What are the experiences or opportunities for harmonised reporting and shared information management and joint capacity building programmes ?**

This issue is being addressed through the UNEP-WCMC. CMS has been in the vanguard of those promoting common reporting requirements, both for CMS and its Agreements and for all biodiversity-related Conventions. Harmonised reporting is a theme recognised in CMS's own information management plan.

**f. What should be the role of UNEP in preparing a consolidated overview of the effectiveness of implementation of MEAs ?**

Ideally, UNEP would take up cross cutting issues which go beyond the responsibilities and competence of any single convention, thus acting on behalf and in the interest of a multitude of MEAs and their respective Parties.

**g. Do environmental indicators exist for the subject area of your MEA and, if so, what is the performance against them ?**

-

**h. What needs to be done to enhance enforcement and compliance, taking account the following:**

- a. fragmentation weakens compliance**
- b. inconsistent implementation at the national level (weak ministries, low capacity)**
- c. non-state actors and other state actors**
- d. verification**
- e. any provision on liability and compensation**

Encouragement of Parties to make use of international instruments, to identify common priorities and through collaborative efforts, achieve objectives in a cost effective way.

Promote exchanges of lessons learnt and best practice guidance; encourage partnerships between industrialised and developing countries

All players, whether state or non-state should be encouraged - but much depends on national traditions and the development of the non-state sector

Lack of staff resources would prevent CMS from "policing" implementation; there would also be presentational considerations to address as the relationship between Parties and Secretariat would alter ("carrot and stick" approach)

Some Parties do operate liability/compensation systems with regard to conservation policy. Regard must be had to the resources available to national authorities and the needs of the local inhabitants

The Secretariats should be better positioned to provide the service which the bodies of the Conventions and Agreements would expect - and have the right to expect - from them.

UNON/UNEP's bureaucratic procedures need to be reduced and the limitation of the Secretariat's competence and responsibilities need to be clarified, especially the institutional relationship between the UN and the Convention bodies.

**i. - Any other recommendations for improving international environmental governance**

## ANNEX 7

### AGREEMENT ON CONSERVATION OF MEDITERRANEAN, NEAR ATLANTIC AND BLACK SEA CETACEANS AND THEIR HABITATS (ACCOBAMS)

#### 1. The scope of your MEA

- a. **What are the objectives?**  
Cetacean's conservation
- b. **What is your legal framework?**  
Agreement under article IV(4) of CMS
- c. **What are your priorities?**  
Implementing the Action Plan of the Agreement aimed to the conservation of Mediterranean, near Atlantic and Black sea cetaceans and their habitats.
- d. **Does the scope of your MEA address social and economic issues such as the following?**  
No
  - Meeting the demand for food
  - Meeting demands for fiber and wood
  - Meeting demands for water
  - Meeting demands for energy, industrial goods and employment
  - Health and security of populations

#### 2. Contracting Parties/Member States

- a. **Who are your Contracting Parties/Member States?**  
Black Sea and Mediterranean Sea riparian states, Portugal and European Commission. States whose vessels are engaged in activities in the Agreement area which may affect the conservation of Cetaceans can also become Parties.
- b. **What kinds of meetings do you have and at what level of participation?**  
Meeting of the Parties and Scientific Committee; both should be open to Parties, IGO and NGO but the Agreement is not yet in force thus we will have to wait the approval of the Rules of procedures at the first meeting of the Parties.

#### 3. Your institutional and governance structure

- a. **How are you structured institutionally (governing bodies and subsidiary bodies, secretariat)?**  
Meeting of the Parties with a Bureau, Scientific Committee and a Secretariat
- b. **Do you have a corporate or business plan or an equivalent plan such as a strategic action plan?**  
Not Yet

#### 4. Administration and finance

Most of these questions need to wait the first meeting of the Parties to be answered.

- a. **What is your budget (secretariat, programme of work)?**
- b. **What is the contribution of the individual Parties to your MEA and how is it determined?**
- c. **What access to other financial mechanisms, if any, do you have?**
- d. **What are the resources of these financial mechanisms and who are the contributors?**
- e. **How does the location of your secretariat affect your operations in terms of finance and administration?**
- f. **Would physical co-location with other convention secretariats help and, if yes, with which ones?**

The Agreement will be implemented with the participation of already existing intergovernmental structures in the area. For this purpose was created the sub-regional coordinating units. Link with these structures, with the CMS secretariat and others CMS related Agreement will be built in order to benefit a maximum of synergies.

If Parties agreed the offer of Monaco to host the executive Secretariat, it will be free of charge for the Parties; the budget in this case will be devoted to implementation of the Agreement.

#### 5. Functions and operations of the secretariat

Most of these questions need to wait the first meeting of the Parties to be answered.

- a. **How would you describe the way your convention's secretariat operates?**
- b. **Is your focus exclusively on servicing the Parties?**
- c. **Is your secretariat involved in implementation?**
- d. **If so, what general categories of activities do you implement?**
- e. **How does the MEA monitor and evaluate the implementation?**
- f. **What role does the secretariat play in monitoring and evaluating implementation of the MEA?**
- g. **What cooperative arrangements do you have with other MEAs (MOUs, letters of agreement, etc.)?**  
To be drafted: Bonn, Barcelona and Bucharest Conventions, International Commission for Scientific Exploration of the Mediterranean.
- h. **Which are the international organizations that are partners in the implementation of your MEA?**

The organizations quoted here above and Bern Convention, IWC.

## **6. Participation of Non-State actors**

- a. **What sectors of civil society (NGOs, private industry, civic groups, local communities, indigenous groups) are allowed to participate in the deliberations of the Parties to the MEA?**  
It will be propose to the Parties that IUCN and European Cetacean Society becomes full member of the Scientific Committee. It is also anticipated that NGO participate as observers to the meetings and that they will play an important role in implementation of ACCOBAMS.
- b. **What relations does civil society have with your secretariat?**  
The ACCOBAMS bulletin is fully open to article from NGO and they have already brought a big number of contributions to the three issued.
- c. **What role does civil society have in the implementation of your MEA?**

## **7. Challenges, problems, bottlenecks, gaps and overlaps**

If time permits, please provide recommendations on the following questions from your perspective as a secretariat.

- a. **What overlaps and opportunities for synergies do you see such as through clustering?**
- b. **Which are the most significant gaps in terms of issues not being addressed effectively (e.g., forests, water)?**
- c. **On programmatic linkages, what are the opportunities for scientific commonality and cooperation directed at a sound science base?**
- d. **What opportunities exist for programmatic linkages with crosscutting conventions for horizontal issues (i.e., Aarhus Convention)?**
- e. **What are the experiences or opportunities for harmonized reporting and shared information management and joint capacity building programmes?**  
This question is essential for thematic or specific coverage MEA. ACCOBAMS interim Secretariat is working this question with the Barcelona Convention RAC/SPA and knows that he could receive some advice from WCMC.
- f. **What should be the role of UNEP in preparing a consolidated overview of the effectiveness of implementation of MEAs?**  
Identify subjects for synergies, overlapping, and gaps with the view of establishing coordination not at the administrative level but at the thematic one.
- g. **Do environmental indicators exist for the subject area of your MEA and, if so, what is the performance against them?**  
Not yet
- h. **What needs to be done to enhance enforcement and compliance, taking into account the following?**

- **Fragmentation weakens compliance**
  - **Inconsistent implementation at the national level (weak ministries, low capacity)**

At this level the lack of interministerial coordination (or the existing interministerial competitions) is the reflect (or his reflected by) of the lack of synergies and cooperation between the various MEA.

- **Non-State actors and other State actors**
- **Verification**
- **Any provision on liability and compensation**

**i. Any other recommendations for improving international environmental governance?**

The strengthening of the Convention Unit in Nairobi, aimed to work at the level of the objectives of the various MEA, their implementation and the cooperation with the Parties could be a big help to the MEA's Secretariats.

## ANNEX 8

### AGREEMENT ON CONSERVATION OF AFRICAN-EURASIAN MIGRATORY WATERBIRDS (AEWA)

#### 1. The scope of your MEA

##### a. What are your objectives?

The Agreement on the Conservation of African-Eurasian Migratory Waterbirds (AEWA) aims to create a legal basis for a concerted conservation and management policy by the Range States for migratory waterbirds. The Agreement consists of the Agreement text with the legal provisions/ obligations and an Action Plan. The latter contains activities that Parties shall take for the species listed in Table 1, annexed hereto.

##### b. What is your legal framework?

Although AEWA is included under the Convention on the Conservation of Migratory Species of Wild Animals (CMS), AEWA is a fully independent international treaty with a similar status as Ramsar Convention, CMS, etc.

##### c. What are your priorities?

In general the priorities are implementation of the Agreement and promotion of AEWA. The latter is quite important because the Agreement is still very young, it just entered into force in 1999. More specific priorities were set at the MOP1 (Cape Town, November 1999). In the resolutions (see Annex 1) adopted by the Meeting it is clearly indicated what it is expected from the Secretariat. It is worth mentioning Resolution 1.4 "International Implementation Priorities for 2000-2004". In the IIP 2000-2004, 33 projects were identified. In accordance with paragraph 7 of the Resolution the Secretariat is instructed to disseminate the IIP 2000-2004, to coordinate closely with related conventions and international organizations for their implementation and to seek appropriate donors.

##### d. Does the scope of your MEA address social and economic issues such as the following?

**meeting the demand for food**  
**meeting demands for fibre and wood**  
**meeting demands for water**  
**meeting demands for energy, industrial goods and employment**  
**health and security of populations**

In the preamble of the Agreement it is stated that:

The Contracting Parties,

CONSIDERING that migratory waterbirds constitute an important part of the global biodiversity which, in keeping with the spirit of the Convention on Biological Diversity, 1992, and the Agenda 21 should be conserved for the benefit of present and future generations;

AWARE of the economic, social, cultural and recreational benefits accruing from taking of certain species of migratory waterbirds and of the environmental, ecological, genetic, scientific, aesthetic, recreational, cultural, educational, social and economic values of waterbirds in general.

CONVINCED that any taking of migratory waterbirds must be conducted on a sustainable basis, taking into account the conservation status of the species concerned over their entire range as well as their biological characteristics.

This means that in the scope of AEWA directly or indirectly some of the issues mentioned above are included. A good example is, meeting the demand for water. AEWA species are depending on wetlands. There would be no wetlands without water. For the conservation of the species the conservation of wetlands is extremely important, at the same time, for wetlands conservation we need good water quality and quantity.

#### 2. Contracting Parties

##### a. Who are the Contracting Parties/ Member States?

A list of Contracting Parties is attached as Annex 3

**b. What kind of meeting do you have and at what level of participation?**

Meetings of the Parties (MOP1, Cape Town, 1999- MOP2, scheduled for 2002 in Bonn);  
Meetings of the Technical Committee (TC 1, Bonn, 2000-TC 2, scheduled for 2001, Egypt);  
Meetings of working groups under the Technical Committee. (Brent Goose Management Plan working group, scheduled for 2001, Denmark).

Participation?

MOP: full participants: Parties; the United Nations, its Specialized Agencies, the Atomic Energy Agency, any State not a Party to the Agreement, secretariats of international conventions concerned inter alia with the conservation, including protection and management of migratory waterbirds may be represented by observers; any agency or body technically qualified in such conservation, measures or in research on migratory waterbirds may be also represented by observers unless one third of the Parties presents object.

TC: participation at the TC meetings is limited to the 15 members or their Alternates (9 representatives from the regions, 3 representatives of International Non-Governmental Organisations and 3 experts). In addition, the Chairman may allow 4 representatives from specialized international inter-governmental and non-governmental organizations to participate at the TC meetings as observers.

Working groups: participation in working groups takes place on invitation by the Secretariat.

In general the level for MOP, as well as TC working groups is senior policy officers, scientist /experts.

**3. Your institutional and governance structure**

**a. How are you structures institutionally (governing bodies and subsidiary bodies, secretariat)?**

The Meeting of the Parties is the governing body, which meets every three years. The Technical Committee meets inter-sessionally and provides scientific and technical advice and information to the MOP.

**b. Do you have a corporate or business plan or equivalent plan such as a strategic plan?**

Besides the above-mentioned International Implementation Priorities 2000-2004 there is no other plan at the moment.

**4. Administration and Finance**

**a. What is the budget (secretariat, programme of work)?**

The budget adopted at the MOP1 may be found on page 31 of the Proceedings of MOP1 as attached hereto as Annex 1.

**b. What is the contribution of individual Parties to your MEA and how is it determined?**

AEWA uses the UN-scale of Assessment. The contribution of the Parties may be found on page 32 of Annex 1.

**c. What access to other financial mechanisms and who are the contributors?**

Some Western European countries made some voluntary contributions to implement the International Implementation Priorities for 2000-2004. From January 1996 to July 2000 the Netherlands provided an Interim Secretariat and hosted the MOP1 (Cape Town, 1999) at their expenses. Also through the Ministry of Development Cooperation a number of projects to implement the Agreement were/ are supported in Africa and Eastern Europe. Furthermore, GEF is supporting the development (PDF-B) of the African-Eurasian Flyway GEF project.

**d. What are the resources of these financial mechanisms and who are the contributors?**

See above.

**e. How does the location of your secretariat affect your operations in terms of finance and administration?**

The location at the UN-Premises in Bonn is not affecting operation of the Secretariat. However, the move of the Secretariat, 6 months ago, from the Netherlands to Bonn, probably would have some impact. The Netherlands always fully supported the activities of the Secretariat and is the main contributor to the implementation of AEWA. Although I do hope that this support will continue I am concerned now. AEWA is not based in the Netherlands and is also integrated to UNEP. It is foreseen that Germany, although we receive annually a modest voluntary contribution, will not take over the active role of the Netherlands regarding AEWA.

The AEWA Secretariat is administrated by UNEP. Being new in the 'UNEP-Family' I have noticed that until now the procedures for approval of financial commitments are time consuming and long lasting. If this continues, more staff members would be required.

Finally, it is recognized that co-location with CMS and its related Agreements has some benefits in terms of information exchange.

**f. Would physical co-location with other convention secretariat help and, if yes, with which ones?**

Although we have reliable electronic communications, it could be very useful to meet people of other secretariats more informally. The co-location with the CMS Secretariat and its related Agreements already proved to be very useful, e.g. to avoid duplication of our activities. Important Conventions for AEWA are CBD and RAMSAR. Co-location with these would certainly have a positive impact on our activities.

**5 Functions and operations of the secretariat**

**a. How could you describe the way your convention's secretariat operates?**

The main functions of the Secretariat are: servicing meetings; promoting the Agreement and CMS, managing and disseminating information; seeking support for implementation of the Agreement; administering projects and coordinating activities related to AEWA. To enable the small Secretariat (only two staff members) to fulfill all these functions the Secretariat is working close together with other Conventions and international NGOs.

**b. Is your focus exclusively on servicing the Parties?**

The Secretariat provides services to Parties and Non Parties. Of course priority is given to Parties.

**c. Is your Secretariat involved in implementation?**

Yes and No. We are not directly involved in the implementation on national level. Indirectly, e.g. the Secretariat tries to establish twinning between industrialised countries and countries with economies in transition or developing countries to support them in the implementation of the Agreement. However, we are involved in implementation of International Implementation Priorities for 2000-2004. The Secretariat is also involved in the African-Eurasian Flyway GEF project as member of the Steering Committee.

**d. If so, what general categories of activities do you implement?**

In the AEWA Action Plan the activities are divided in the following categories: Species Conservation, Habitat Conservation, Management of Human Activities, Research and Monitoring and Information and Education. As indicated in the previous question, the Secretariat is involved in implementation of AEWA at an international level. Although the substance of each implementation activity differs from other activity, the Secretariat tries to pay equal attention to the categories mentioned in the Action Plan.

**e. How does the MEA monitor and evaluate the implementation?**

Parties are required to submit their national report on implementation to the MOP. For the first time, this will happen at the MOP2 in 2002. It is foreseen that the Secretariat will summarize these report and will provide an overview of the progress made in the implementation of AEWA. Furthermore, it is foreseen that International NGOs, will be involved in the implementation at international level and/ or the Secretariat will report to the MOP.

**f. What role does the Secretariat play in monitoring and evaluating implementation of the MEA?**

See above.

**g. What cooperative arrangements do you have with other MEAs (MOUs, Letters of Agreements, etc)?**

The MOUs of CMS with CBD, Ramsar Convention, Wetlands International include also AEWA.

**h. Which are the international organizations that are partner in the implementation of your MEA?**

Wetlands International, BirdLife International, FACE and CIC are the most active INGOs.

**6. Participation of Non-State actors**

**a. What sectors of civil society (NGOs, private industry, civic groups, local communities, indigenous groups) are allowed to participate in the deliberation of the Parties to MEA?**

Wetlands International, BirdLife International, Conseil International de la Chasse (CIC), FACE, IUCN, BASC (UK), NACRES (Georgia), National Museums Kenya, Nature Protection Society (Congo), Tour du Valat. OMPO, Globe South Africa, WWF, Wildfowl and Wetlands Trust (UK), etc participated at the MOP1 as observers.

The status of Wetlands International, CIC and IUCN, being members of the Technical Committee, has been legally arranged by the Agreement text. Their status is similar to the status of the representatives of regions. This Committee plays an extremely important role in the preparations of documents, resolutions and recommendations for the MOPs and in the implementation of AEWA.

In the AEWA GEF project, in which the Secretariat is involved, it is recognised the need to maximise the participation of all stakeholders and in particular of local communities.

**b. What relation does civil society have with your Secretariat?**

The Secretariat works closely together with Wetlands International. This organisation was contracted to prepare all the technical documents for MOP1. Also Wetlands International is the executing agency for the AEWA GEF project. Furthermore, Wetlands International executes some of the projects of the International Implementation Priorities 2000-20004.

With CIC/ OMPO, FACE and BirdLife the Secretariat has contact on a regular basis to discuss issues of common interest.

With the private sector there is no relation until now. However, on a medium term the Secretariat would like to make contact with some companies to seek support for the implementation of the Agreement.

**c. What role does civil society have in the implementation of your MEA?**

Wetlands International role is crucial for the implementation of AEWA. Also the other organisations mentioned-above play an important role in implementing AEWA.

**7. Challenges, problems and bottlenecks, gaps and overlaps**

**a. What overlaps and opportunities for synergies do you see such through clustering?**

Between AEWA and the Ramsar Convention there is quite an overlap regarding conservation of important wetlands as habitats for waterfowl. However, the Ramsar Convention shifted its activities to the conservation of other values of wetlands. Taking this into account and the fact that Ramsar Convention is not focusing on conservation of migratory waterbirds on flyway level, there are good opportunities to develop the Agreement as a strong tool for the conservation of migratory waterbird species. Through the joint work programme of Ramsar/ CBD and through the (draft) work programme of CMS/CBD (incl. AEWA), we could take over that part of CBDs responsibility by implementation of wetlands and migratory species related activities.

**b. Which are the most significant gaps in terms of issues not being addressed effectively (e.g. forests, water)?**

The most important gaps in terms of issues are the impact of human activities on migratory waterbirds whereas:

- Climate change;
- Industrial fisheries for the coast of Africa.

(It is also important to know that some regions in the Agreement area are poorly known regarding species and sites. Unfortunately these areas being the Central Asian Republics and the Middle East are lowly represented among the Parties. To enable Wetlands International to monitor the conservation status of AEWA species there is a need for a so-called gap-filling census in 2003.

**c. On programmatic linkages, what are the opportunities for scientific commonality and cooperation directed at a sound science base.**

The data exchange between AEWA and RAMSAR takes place through Wetlands International. This organisation is gathering data for both treaties. Wetlands International is also working for CMS.

**d. What opportunities exist for programmatic linkages with crosscutting conventions for horizontal issues (i.e. Aarhus Conventions)**

As indicated before, the AEWA entered into force on 1-11-1999. Currently the Secretariat is concentrating on establishing a good cooperation with the Biodiversity related conventions. Probably on long term we should consider to explore opportunities with crosscutting conventions.

**e. What are the experiences or opportunities for harmonized reporting and shared information management and joint capacity building programmes?**

There is a need to harmonize the reporting system. In particular, in developing countries, one person pays a lot of time and energy to draft the national report for each convention/ agreement. Therefore, CMS took the lead to address this problem and currently UNEP-WCMC is developing a harmonised reporting system for all biodiversity related conventions/agreements.

UNEP-WCMC is also involved in the development of the Agreement's website. The idea is that this interactive website could provide the user with all relevant information on species, habitats, Ramsar sites, etc. It took quite some time to get approval of the various organisations to get access to their data. However not only AEWA Secretariat will benefit of this info but also the organisations that will provide the data.

Capacity building programmes are included, e.g. the West Africa Programme, funded by the Netherlands, the AEWA GEF project. These programmes never solely focussing on AEWA but also include CMS, Ramsar Convention, CBD, etc.

**f. What should be the role of UNEP in preparing a consolidated overview of the effectiveness of implementation of MEAs?**

On request of the MOP UNEP through WCMC could coordinate and carry out a review.

**g. Do environmental indicators exist for the subject area of your MEA and, if so, what is the performance against them?**

The conservation status of Waterbird Populations is an indicator. However, to explain incline or decline of an specific populations more detailed, info on e.g. changes in availability of habitat (quantity/quality), hunting bags, etc. is needed. Wetlands International has long-standing experiences in gathering this information and for some species we do know the bottleneck. For other species like the Slender-billed Curlew we don't know where the specie is breeding so we cannot explain why the specie is on the brink of extinction.

**h. What needs to be done to enhance enforcement and compliance, taking into account the following?**

For the implementation of CBD, only Contracting Parties of this convention, if eligible, could apply for funds from GEF. Due to this important benefit a lot of countries are willing to join CBD. We should learn from this, and urge donor countries, that in case they receive a request for support for an implementation of a specific convention/ agreement, priority e given to Contracting Parties. Furthermore, we should address that conservation of biodiversity is a common responsibility of the global community. Therefore, industrialised

countries should support countries with economies in transition or developing countries to fulfill their obligations. Regarding implementation, the conventions should cooperate as much as possible.

**i. Any other recommendations for improving international environmental governance?**

## ANNEX 9

### AGREEMENT ON CONSERVATION OF SMALL CETACEANS OF THE BALTIC AND NORTH SEAS (ASCOBANS)

#### 1. The scope of your MEA

##### a. What are the objectives?

The Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas (ASCOBANS) aims to achieve and maintain a favourable conservation status for small cetaceans in the agreement area. To this end, Parties undertake to cooperate closely and in particular to implement, within the limits of their jurisdiction, the Conservation and Management Plan annexed to the Agreement (cf. Article 2 paragraphs 2.1, 2.2).

##### b. What is your legal framework?

ASCOBANS is an independent international treaty.

##### c. What are your priorities?

Bycatch is the primary threat to small cetaceans in the Agreement area. Consequently, bycatch mitigation is high on the list of ASCOBANS priorities. Further priorities are set out in the ASCOBANS Triennium Work Plan for 2001 – 2003, adopted by MoP 3, held in Bristol, UK in July 2000 (attached as Annex 1).

##### b. Does the scope of your MEA address social and economic issues such as the following?

- Meeting the demand for food
- Meeting demands for fiber and wood
- Meeting demands for water
- Meeting demands for energy, industrial goods and employment
- Health and security of populations

Since the major threats to cetaceans in the Agreement area emanate from commercial activities, such as shipping, extraction of natural resources and in particular fisheries, the implementation of the Agreement indirectly affects issues such as meeting the demand for food and energy.

#### 2. Contracting Parties/Member States

##### a. Who are your Contracting Parties/Member States?

The Agreement currently has the following eight Parties:

- Belgium
- Denmark
- Finland
- Federal Republic of Germany
- The Netherlands
- Poland
- Sweden
- United Kingdom

##### b. What kinds of meetings do you have and at what level of participation?

Meeting of Parties (MoP)

##### Participation:

+ Full Participants: Parties

+ Observers: The United Nations, the Secretariats of CMS, CITES, the Convention on the Conservation of European Wildlife and Natural Habitats, OSPARCOM, HELCOM) the Common Secretariat for the Co-operation on the Protection of the Wadden Sea, the North-East Atlantic Fisheries Commission, IWC, ICE S, IUCN and all non-Party Range States and Regional Economic Integration Organisations bordering on the waters concerned. Any other body qualified in cetacean conservation and management which has informed the Secretariat not less than 90 days before the Meeting of its desire to be represented at the Meeting by observers, unless at least one-third of the Parties have opposed their application at least 30 days before the meeting. (Rule 2 of the Amended Rules of Procedure for the Meeting of Parties to ASCOBANS as adopted by the Third Meeting of Parties to ASCOBANS, Bristol, July 2000, attached at Annex 2).

Advisory Committee:

Participation:

+ Full Participants: Parties

+ Observers: All non-Party Range States and Regional Economic Integration Organizations bordering on the waters concerned; Any body or individual qualified in cetacean conservation and management if two-thirds of the Parties accept their application. (Rule 2 of the Rules of Procedure of the Advisory Committee, as adopted by the 7<sup>th</sup> Meeting of the Advisory Committee, Bruges, Belgium, March 2000)

### **3. Your institutional and governance structure**

**a. How are you structured institutionally (governing bodies and subsidiary bodies, secretariat)?**

The following bodies are provided for in the Agreement (cf. Articles 4 – 6):

- The Meeting of Parties (MoP): Primary decision-making body, meets triennially.
- The Advisory Committee (AC): Meets annually to provide political, technical and scientific guidance between meetings of the MoP
- Secretariat

**b. Do you have a corporate or business plan or an equivalent plan such as a strategic action plan?**

ASCOBANS Triennium Work Plan 2001 - 2003, adopted by MoP 3 (attached at Annex 1)

### **4. Administration and finance**

**a. What is your budget (secretariat, programme of work)?**

The budget adopted by MoP 3 is attached at Annex 4

**b. What is the contribution of the individual Parties to your MEA and how is it determined?**

The contribution of Parties is determined according to UN scales of assessment. A table of contributions (as at the time of MoP 3) is attached at Annex 5.

**c. What access to other financial mechanisms, if any, do you have?**

Voluntary contributions are made by some Parties. The Federal Republic of Germany makes an annual voluntary contribution of DEM 50,000. In 2000, Sweden provided a voluntary contribution of SEK 100,000 to fund the final meeting of the ASCOBANS Baltic Discussion Group.

**d. What are the resources of these financial mechanisms and who are the contributors?**

cf. 4.c. above

**e. How does the location of your secretariat affect your operations in terms of finance and administration?**

Geographically, the location of the ASCOBANS Secretariat is ideal as Bonn is centrally located in Europe with excellent transport links and telecommunications infrastructure. The co-location of the Secretariat with other UN bodies at the UN premises in Bonn leads to economies of scale and certain synergies. The proximity of the CMS Secretariat and the Secretariats of other regional Agreements under the Bonn Convention (EUROBATS; AEWA) in particular have proven beneficial. Administration of and support to the Secretariat by the German Federal Agency for Nature Conservation, which ended on 31 December 2000 due to the integration of the Secretariat into the UNEP/CMS Agreements unit, were highly efficient and greatly facilitated the work of the Secretariat. It is hoped that after an initial period of transition, cooperation with UNON will reach a comparable degree of efficiency.

**f. Would physical co-location with other convention secretariats help and, if yes, with which ones?**

Co-location with the Secretariats of other relevant Agreements, in particular those dealing with marine life, would be useful.

### **5. Functions and operations of the secretariat**

**a. How would you describe the way your convention's secretariat operates?**

The Secretariat is the coordinating hub of the Agreement. It provides administrative support, gathers and disseminates information relevant to the implementation of the Agreement, prepares, organizes and services the Meetings of the Parties and the Advisory Committee. The Executive Secretary represents

ASCOBANS at the national and international level, liaising with heads or senior members of governmental and non-governmental institutions and organizations with a view to seeking support and new membership of the Agreement. However, an increase in administrative burdens, coupled with a reduction in working hours for the ASCOBANS assistant under the new budget for 2001 – 2003 is increasingly becoming a hindrance to substantive work.

**b. Is your focus exclusively on servicing the Parties?**

The Agreement's focus is on the conservation and sustainable management of small cetaceans in the Baltic and North Seas. In this context, the Secretariat has a service function to perform.

**c. Is your secretariat involved in implementation?**

No.

**d. If so, what general categories of activities do you implement?**

Not applicable, cf. 5.c. above.

**e. How does the MEA monitor and evaluate the implementation?**

Parties are obliged by the Agreement to present a brief report on implementation to the Secretariat annually (Article 2 paragraph 5). Triennial reports by Parties are submitted to the Meetings of Parties. The Secretariat reports to the MoP on, *inter alia*, progress made and difficulties encountered in the past triennium. Moreover, Parties and Range States are encouraged to submit data on a variety of issues such as strandings, acoustic disturbance etc.

**f. What role does the secretariat play in monitoring and evaluating implementation of the MEA?**

The Secretariat collates the Parties' reports for publication and disseminates information as appropriate.

**g. What cooperative arrangements do you have with other MEAs (MOUs, letters of agreement, etc.)?**

Joint IWC-ASCOBANS Working Group on Harbour Porpoises; harmonization of reporting schemes regarding HELCOM Recommendation 17/2

**h. Which are the international organizations that are partners in the implementation of your MEA?**

ASCOBANS cooperates to varying degrees with a number of relevant IGOs operating in the Agreement area or neighbouring areas, such as IWC, HELCOM, OSPARCOM, Nordic Council, EC, ACCOBAMS. Moreover, a number of NGOs are actively involved in ASCOBANS work (WDCS, ECS, GZR and others).

**6. Participation of Non-State actors**

**a. What sectors of civil society (NGOs, private industry, civic groups, local communities, indigenous groups) are allowed to participate in the deliberations of the Parties to the MEA?**

ASCOBANS invites representatives of NGOs to participate in meetings of Agreement bodies (cf. Rule 2 paragraph 2 of the Rules of Procedure of the ASCOBANS MoP and AC, attached at Annex 2 and 3). Thus, the following were represented at the 3<sup>rd</sup> Meeting of Parties: GSM, IFAW, American Society for International Law, WWF/EPO, RSPCA, ECS, SSMAR, WDCS, WWF, Scottish Fishermen's Federation.

**b. What relations does civil society have with your secretariat?**

Regular contacts with relevant NGOs (cf. 5.h, 6.a. above). The Secretariat is currently working to gain support from the private sector.

**c. What role does civil society have in the implementation of your MEA?**

NGOs play a substantial role in the implementation of the national conservation policies of some Parties. The Secretariat cooperates with a number of NGOs (cf. 6.a., 6.b. above).

**7. Challenges, problems, bottlenecks, gaps and overlaps**

**If time permits, please provide recommendations on the following questions from your perspective as a secretariat.**

**a. What overlaps and opportunities for synergies do you see such as through clustering?**

Cooperation with other relevant international institutions with a view to avoiding duplication of work, pooling expertise and economizing is indispensable for a small Agreement such as

ASCOBANS. ASCOBANS seeks to promote such cooperation wherever possible (cf. 5.h., 6.a. above). Co-location of other relevant UN Agreements with the UNEP/CMS family at the United Nations Premises in Bonn would facilitate this.

**b. Which are the most significant gaps in terms of issues not being addressed effectively (e.g., forests, water)?**

The Agreement's lack of sufficient financial and human resources and the increasing budgetary constraints at the national level, where nature conservation generally does not rank high in the list of political priorities, are hampering ASCOBANS in achieving its objectives. This situation is compounded by a division of competency for relevant policy areas and conflicting priorities in national governments.

**c. On programmatic linkages, what are the opportunities for scientific commonality and cooperation directed at a sound science base?**

There is considerable scope for exchange of scientific data between ASCOBANS and other relevant international institutions.

**d. What opportunities exist for programmatic linkages with crosscutting conventions for horizontal issues (i.e., Aarhus Convention)?**

There is considerable scope for such programmatic linkages, which ASCOBANS seeks to promote wherever possible.

**e. What are the experiences or opportunities for harmonized reporting and shared information management and joint capacity building programmes?**

A joint reporting scheme pursuant to HELCOM Recommendation 17/2 has been initiated.

**f. What should be the role of UNEP in preparing a consolidated overview of the effectiveness of implementation of MEAs?**

Monitoring with respect to cross cutting issues and the achievement of overall aims and objectives of nature conservation.

**g. Do environmental indicators exist for the subject area of your MEA and, if so, what is the performance against them?**

**h. What needs to be done to enhance enforcement and compliance, taking into account the following?**

- Fragmentation weakens compliance
- Inconsistent implementation at the national level (weak ministries, low capacity)
- Non-State actors and other State actors
- Verification
- Any provision on liability and compensation

Range States should be encouraged to accede to Agreements, Parties to make use of the international instruments they have acceded to. Lack of financial and human resources as well as the fragmentation of competencies need to be overcome. Exchange of information at the national and international levels need to be enhanced. In some cases, there is room for enhanced cooperation between State and non-State actors. Secretariats should be better positioned to exercise their service functions.

**i. Any other recommendations for improving international environmental governance?**

## ANNEX 10

### AGREEMENT ON THE CONSERVATION OF BATS IN EUROPE (EUROBATS)

#### 1. The scope of your MEA

a. **What are the objectives?**

The Agreement on the Conservation of Bats in Europe (EUROBATS) aims to achieve and maintain a favourable conservation status for bats in the Agreement area. To this end, Parties undertake to cooperate closely and in particular to implement, within the limits of their jurisdiction, the Conservation and Management Plan as established at MoP 1 and revised at MoP 3 (attached as Annex 1).

b. **What is your legal framework?**

EUROBATS is an independent international treaty.

c. **What are your priorities?**

The priorities are set out in the above mentioned Conservation and Management Plan (see 1.a.).

d. **Does the scope of your MEA address social and economic issues such as the following?**

- **Meeting the demand for food**
- **Meeting demands for fiber and wood**
- **Meeting demands for water**
- **Meeting demands for energy, industrial goods and employment**
- **Health and security of populations**

Since some of the major threats to bats in the Agreement area emanate from activities, such as agriculture and forestry, the implementation of the Agreement indirectly affects issues such as meeting the demand for food, timber and energy.

#### 2. Contracting Parties/Member States

a. **Who are your Contracting Parties/Member States?**

The Agreement currently has 22 Parties (List attached as Annex 2).

b. **What kinds of meetings do you have and at what level of participation?**

Meeting of Parties (MoP)

Participation:

+ Full Participants: Parties

+ Observers: The United Nations, the Secretariats of CMS, the Convention on the Conservation of European Wildlife and Natural Habitats, IUCN and all non-Party Range States and Regional Economic Integration Organisations. Any other body qualified in bat conservation and management which has informed the Secretariat not less than 90 days before the Meeting of its desire to be represented at the Meeting by observers, unless at least one-third of the Parties have opposed their application at least 30 days before the meeting. (Rule 2 of the Rules of Procedure for the Meeting of Parties to EUROBATS as adopted by the Third Meeting of Parties to EUROBATS, Bristol, July 2000, attached at Annex 3).

Advisory Committee:

Participation:

+ Full Participants: Parties

+ Observers: All non-Party Range States and Regional Economic Integration Organisations; Any body or individual qualified in bat conservation and management if two-thirds of the Parties accept their application. (Rule 2 of the Rules of Procedure of the Advisory Committee, as adopted by the 5<sup>th</sup> Meeting of the Advisory Committee, Zagreb, Croatia, February 2000. Attached as Annex 4).

#### 3. Your institutional and governance structure

**a. How are you structured institutionally (governing bodies and subsidiary bodies, secretariat)?**

The following bodies are provided for in the Agreement (cf. Article 5):

- The Meeting of Parties (MoP): Primary decision-making body, meets triennially.
- The Advisory Committee (AC): Meets annually to provide political, technical and scientific guidance between meetings of the MoP
- Secretariat

**b. Do you have a corporate or business plan or an equivalent plan such as a strategic action plan?**

This is covered by the above mention Conservation and Management Plan (see 1.a.).

**4. Administration and finance**

**a. What is your budget (secretariat, programme of work)?**

The budget adopted by MoP 3 is attached at Annex 5

**b. What is the contribution of the individual Parties to your MEA and how is it determined?**

The contribution of Parties is determined according to UN scales of assessment. A table of contributions (as at the time of MoP 3) is attached at Annex 6.

**c. What access to other financial mechanisms, if any, do you have?**

Voluntary contributions are made by some Parties. The Federal Republic of Germany makes an annual voluntary contribution of DEM 50,000.

**d. What are the resources of these financial mechanisms and who are the contributors?**

cf. 4.c. above

**e. How does the location of your secretariat affect your operations in terms of finance and administration?**

Geographically, the location of the EUROBATS Secretariat is ideal as Bonn is centrally located in Europe with excellent transport links and telecommunications infrastructure. The co-location of the Secretariat with other UN bodies at the UN premises in Bonn leads to economies of scale and certain synergies. The proximity of the CMS Secretariat and the Secretariats of other regional Agreements under the Bonn Convention (ASCOBANS; AEWA) in particular have proven beneficial. Administration of and support to the Secretariat by the German Federal Agency for Nature Conservation, which ended on 31 December 2000 due to the integration of the Secretariat into the UNEP/CMS Agreements unit, were highly efficient and greatly facilitated the work of the Secretariat. It is hoped that after an initial period of transition, cooperation with UNON will reach a comparable degree of efficiency.

**f. Would physical co-location with other convention secretariats help and, if yes, with which ones?**

Co-location with the Secretariats of other relevant Agreements would be useful.

**5. Functions and operations of the secretariat**

**a. How would you describe the way your convention's secretariat operates?**

The Secretariat is the coordinating hub of the Agreement. It provides administrative support, gathers and disseminates information relevant to the implementation of the Agreement, prepares, organizes and services the Meetings of the Parties and the Advisory Committee. The Executive Secretary represents EUROBATS at the national and international level, liaising with heads or senior members of governmental and non-governmental institutions and organisations with a view to seeking support and new membership of the Agreement. However, an increase in administrative burdens, is increasingly becoming a hindrance to substantive work.

**b. Is your focus exclusively on servicing the Parties?**

The Agreement's focus is on the conservation of populations of European bats. In this context, the Secretariat has a service function to perform.

**c. Is your secretariat involved in implementation?**

No.

- d. If so, what general categories of activities do you implement?**  
Not applicable, cf. 5.c. above.
- e. How does the MEA monitor and evaluate the implementation?**  
Parties are obliged by the Agreement to present a triennial report on implementation to the MoP (Article 6). Annual reports by Parties are submitted to the Meetings of the Advisory Committee. The Secretariat reports to the MoP on, inter alia, progress made and difficulties encountered in the past triennium. Moreover, Parties and Range States are encouraged to submit data on a variety of issues dealt with in intersessional working groups established by the Advisory Committee.
- f. What role does the secretariat play in monitoring and evaluating implementation of the MEA?**  
The Secretariat collates the Parties' reports for publication and disseminates information as appropriate.
- g. What cooperative arrangements do you have with other MEAs (MOUs, letters of agreement, etc.)?**  
None.
- h. Which are the international organizations that are partners in the implementation of your MEA?**  
The Convention on the Conservation of European Wildlife and Natural Habitats.

## **6. Participation of Non-State actors**

- a. What sectors of civil society (NGOs, private industry, civic groups, local communities, indigenous groups) are allowed to participate in the deliberations of the Parties to the MEA?**  
EUROBATS invites representatives of NGOs to participate in meetings of Agreement bodies (cf. Rule 2 paragraph 2 of the Rules of Procedure of the EUROBATS MoP and AC, attached at Annex 3 and 4).
- b. What relations does civil society have with your secretariat?**  
Regular contacts with relevant NGOs (cf. 5.h, 6.a. above).
- c. What role does civil society have in the implementation of your MEA?**  
NGOs play a substantial role in the implementation of the national conservation policies of some Parties. The Secretariat cooperates with a number of NGOs (cf. 6.a., 6.b. above).

## **7. Challenges, problems, bottlenecks, gaps and overlaps**

**If time permits, please provide recommendations on the following questions from your perspective as a secretariat.**

- a. What overlaps and opportunities for synergies do you see such as through clustering?**  
Cooperation with other relevant international institutions with a view to avoiding duplication of work, pooling expertise and economizing is indispensable for an Agreement such as EUROBATS. EUROBATS seeks to promote such cooperation wherever possible (cf. 5.h., 6.a. above). Co-location of other relevant UN Agreements with the UNEP/CMS family at the United Nations Premises in Bonn would facilitate this.
- b. Which are the most significant gaps in terms of issues not being addressed effectively (e.g., forests, water)?**  
The Agreement's lack of sufficient financial and human resources and the increasing budgetary constraints at the national level, where nature conservation generally does not rank high in the list of political priorities, are hampering EUROBATS in achieving its objectives. This situation is compounded by a division of competency for relevant policy areas and conflicting priorities in national governments.
- c. On programmatic linkages, what are the opportunities for scientific commonality and cooperation directed at a sound science base?**  
There is considerable scope for exchange of scientific data between EUROBATS and other relevant international institutions.
- d. What opportunities exist for programmatic linkages with crosscutting conventions for horizontal issues (i.e., Aarhus Convention)?**  
There is considerable scope for such programmatic linkages, which EUROBATS seeks to promote wherever possible.
- e. What are the experiences or opportunities for harmonized reporting and shared information management and joint capacity building programmes?**

This is an issue being dealt with at present in close co-operation with the UNEP/CMS Secretariat.

**f. What should be the role of UNEP in preparing a consolidated overview of the effectiveness of implementation of MEAs?**

Monitoring with respect to cross cutting issues and the achievement of overall aims and objectives of nature conservation.

**g. Do environmental indicators exist for the subject area of your MEA and, if so, what is the performance against them?**

**h. What needs to be done to enhance enforcement and compliance, taking into account the following?**

- **Fragmentation weakens compliance**
- **Inconsistent implementation at the national level (weak ministries, low capacity)**
- **Non-State actors and other State actors**
- **Verification**
- **Any provision on liability and compensation**

Range States should be encouraged to accede to Agreements, Parties to make use of the international instruments they have acceded to. Lack of financial and human resources as well as the fragmentation of competencies need to be overcome. Exchange of information at the national and international levels need to be enhanced. In some cases, there is room for enhanced cooperation between State and non-State actors. Secretariats should be better positioned to exercise their service functions.

**i. Any other recommendations for improving international environmental governance?**

## ANNEX 11

### RAMSAR CONVENTION ON WETLANDS

#### 1. The scope of your MEA

##### a. What are the objectives?

The Convention's mission is defined as "the conservation and wise use<sup>2</sup> of wetlands by national action and international cooperation as a means to achieving sustainable development throughout the world".

There are eight "general objectives" for the Convention articulated in the Strategic Plan 1997-2002, each with a number of operational objectives and associated actions:

1. To progress towards universal membership of the Convention.
2. To achieve the wise use of wetlands by implementing and further developing the Ramsar Wise Use Guidelines.
3. To raise awareness of wetland values and functions throughout the world and at all levels.
4. To reinforce the capacity of institutions in each Contracting Party to achieve conservation and wise use of wetlands.
5. To ensure the conservation of all sites included in the List of Wetlands of International Importance (Ramsar List).
6. To designate for the Ramsar List those wetlands which meet the Convention's criteria, especially wetland types still under-represented in the List and transfrontier wetlands.
7. To mobilize international cooperation and financial assistance for wetland conservation and wise use in collaboration with other conventions and agencies, both governmental and non-governmental.
8. To provide the Convention with the required institutional mechanisms and resources.

##### b. What is your legal framework?

The Convention on Wetlands is an independent intergovernmental treaty. The depositary is UNESCO and the World Conservation Union (IUCN) performs "the continuing bureau [secretariat] duties under this Convention until such time as another organization or government is appointed by a majority of two-thirds of all Contracting Parties" (Article 8.1). The Ramsar Bureau (secretariat) shares office facilities with IUCN in Gland, Switzerland, and receives administrative services from IUCN, but operates under the authority of the Conference of the Contracting Parties and, between sessions, of a 15-Contracting Party Standing Committee elected by the Conference.

##### c. What are your priorities?

Current priorities include:

a) encouraging and assisting Parties to designate for the Ramsar List as many of their wetlands as meet the criteria of international importance (especially of wetland types presently under-represented in the List, such as coral reefs, mangroves, sea grass beds, and peatlands), by means of wetland inventory and strategic planning of designations, in order to "develop and maintain an international network of wetlands which are important for the conservation of global biological diversity and for sustaining human life";

b) encouraging and assisting Contracting Parties to plan for the sustainable use of all of their wetland resources, chiefly by means of national wetland policies or similar instruments, by harmonizing their national legislation as needed, and by employing the "wise use" principle and the ecosystem approach; and

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<sup>2</sup> The Conference of the Contracting Parties has defined "wise use" as follows: "The wise use of wetlands is their sustainable utilization for the benefit of mankind in a way compatible with the maintenance of the natural properties of the ecosystem." At the same time, "sustainable utilization" was defined as: "Human use of a wetland so that it may yield the greatest continuous benefit to present generations while maintaining its potential to meet the needs and aspirations of future generations." "Natural properties of the ecosystem" were defined as: "Those physical, chemical and biological components, such as soil, water, plants, animals and nutrients, and the interactions between them."

c) actively using the Convention's framework for international cooperation on wetland-related matters and in particular "in the case of a wetland extending over the territories of more than one Contracting Party or where a water system is shared by Contracting Parties" (Article 5). Obtaining financial and technical support for developing countries and countries in transition for the implementation of the Convention constitutes a high priority in the area of international cooperation.

Other priorities include raising public awareness of the values and functions of wetlands and helping to build capacity in the Parties through training and other forms of assistance.

**d. Does the scope of your MEA address social and economic issues such as the following?**

- **Meeting the demand for food**
- **Meeting demands for fiber and wood**
- **Meeting demands for water**
- **Meeting demands for energy, industrial goods and employment**
- **Health and security of populations**

The Convention addresses all of these issues as desirable benefits to humans to be derived from the sustainable use of wetland resources. Meeting the demand for water would be first on the list, followed by demand for food, but demands for wetland products for fuel and building material, for production of items for sale, for employment through wetland-based activities (particularly but not only ecotourism), also loom large in the work of the Convention. Health and security issues are less explicitly targeted but are present to some extent.

**2. Contracting Parties/Member States**

**a. Who are your Contracting Parties/Member States?**

There are presently 123 Contracting Parties to the Convention. Membership is open to any member of the United Nations or of one of the specialized agencies or of the IAEA or party to the Statute of the International Court of Justice. Regional organizations are not eligible for membership according to the terms of the treaty.

**b. What kinds of meetings do you have and at what level of participation?**

Meetings of the Conference of the Parties are held every three years (1980, 1984, 1987, 1990, 1993, 1996, 1999, 2002). At COP7 in San José, Costa Rica, 1999, credentials were accepted from 106 of the then-113 members states, though several other member states were in fact present but without adequate credentials; 15 observer states were also present, as well as 14 international governmental organizations, about 20 international NGOs, and about 70 national NGOs from about 30 countries. Approximately 1,000 individuals were in attendance. Government representation at meetings of the COP runs a full range from technical experts from focal-point agencies and associated agencies to heads of those agencies to, in some cases, ministers.

The Standing Committee, composed of 15 members states elected by the COP (and several permanent observers), meets once a year as well as just before and after meetings of the COP. At the SC's 25<sup>th</sup> meeting, October 2000, there were about 65 participants (excluding staff and interpreters) from 15 member states, 2 permanent observers states, and 17 other Contracting Parties attending as observers states, as well as from the 4 International Organization Partners, 2 non-Party observer states, and 2 other NGOs. Government representation normally includes heads of focal-point agencies or their delegates.

The Scientific and Technical Review Panel (STRP), composed of 13 individual experts and representatives of the four International Partners (IOPs), meets at least once a year, more frequently if needed. At the 9<sup>th</sup> STRP meeting, June 2000, all but one member attended as well as 12 representatives of the IOPs, representatives of six observer technical organizations, and eight invited experts.

Regional and sub-regional meetings are normally held in advance of each COP in order to coordinate regional responses to issues before the COP. Government representation normally includes technical experts and sometimes heads of agencies.

The Convention also sponsors an array of other training, technical, and awareness-raising workshops on a regular basis.

**3. Your institutional and governance structure**

**a. How are you structured institutionally (governing bodies and subsidiary bodies, secretariat)?**

- The Conference of the Contracting Parties is the decision-making body of the Convention and agrees the parameters for the Convention's work over the succeeding triennium.
- The Standing Committee, composed of 15 Parties elected by the COP plus the host Parties of the most recent and next COPs, with two permanent observer Parties and International Organization Partners (all NGOs at present), prepares advice for the COP and is able to take decisions within the parameters established by the COP.

The COP has established six geographical regions: Africa, Asia, Europe, Neotropics, North America and Oceania. Representation on the Standing Committee is based on a proportional system: one country for each 15 Contracting Parties (or fraction thereof) in the six regions.

- The Scientific and Technical Review Panel (STRP) is the Convention's subsidiary expert body, composed of experts elected by the COP in their individual capacities (not as representatives of their countries) plus representatives of the four IOPs; the STRP advises the COP, Standing Committee, and secretariat on technical issues, but takes no decisions. The composition of the STRP is regionally-based and mirrors that of the Standing Committee.
- The Ramsar Bureau (secretariat) manages the daily operations of the Convention and takes actions within the parameters established by the COP and the Standing Committee. The staff of the secretariat are legally employees of IUCN, but the Secretary General is responsible to the Standing Committee. (See question 1.b) above.)

**b. Do you have a corporate or business plan or an equivalent plan such as a strategic action plan?**

The Parties, Standing Committee, STRP, Bureau, and International Organization Partners work under the objectives and actions laid out in the Strategic Plan 1997-2002 (adopted by COP6, 1999) – the drafting process is currently under way for the next Strategic Plan, for 2003-2008. To provide for the implementation of the Strategic Plan, each COP adopts a Work Plan for the Convention for the next triennium (currently for 2000-2002), which itemizes the responsibilities of Parties, Standing Committee, STRP, Bureau, and IOPs in fulfilling the Strategic Plan. Within that Work Plan for the Convention and based upon its tasks outlined by the COP, the STRP develops its own work plan for the triennium, which is adopted by the Standing Committee. And in addition, the Ramsar Bureau works to an annual detailed Work Plan which is likewise adopted by Standing Committee.

**4. Administration and finance**

**a. What is your budget (secretariat, programme of work)?**

The core budget of the Convention during the 2000-2002 triennium is approximately 3.1 million Swiss francs per year. An approximately equal amount is received from voluntary contributions from the Parties and interested organizations and disbursed as project funding.

**b. What is the contribution of the individual Parties to your MEA and how is it determined?**

Each Party make a contribution to the core budget which is calculated on the basis of the United Nations scale of assessments, except that there is a minimum level of contribution fixed at 1000 Swiss francs.

**c. What access to other financial mechanisms, if any, do you have?**

Ramsar Contracting Parties that are also Parties to CBD and/or UNFCCC can obtain GEF funding for wetland-related projects that respond to the GEF operational strategy.

The Ramsar Bureau operates two small grants mechanisms:

- a) the Ramsar Small Grants Fund for Wetland Conservation and Wise Use, for assistance to developing countries and countries in transition (maximum 40,000 Swiss francs per project); and
- b) the Wetlands for the Future Initiative, for training and capacity building projects in Latin America and the Caribbean (maximum US\$ 20,000 per project).

In addition, the Ramsar Bureau has a full time position of Senior Advisor on Environment and Development Cooperation, whose function is to work with the donor community to generate more interest and know-how to provide assistance for wetland-related conservation and development projects.

**d. What are the resources of these financial mechanisms and who are the contributors?**

Small Grants Fund: voluntary contributions from Contracting Parties and NGOs, with an average annual level of some 400,000 Swiss francs. Since its inception in 1990, the Fund has been chronically under-funded in comparison

with the demand. The establishment of a Trust Fund is currently under consideration.

Wetlands for the Future: an annual US Government voluntary contribution of around US\$ 250,000 since 1995.

**e. How does the location of your secretariat affect your operations in terms of finance and administration?**

The location of the secretariat is extremely advantageous for the work of the Convention because of 1) its centrality in Europe, 2) its proximity to the expertise in the IUCN and WWF International headquarters, both in Gland, and its proximity to the UNEP Geneva offices, the offices of a number of other key organizations there, and the permanent missions to the UN in Geneva; 3) the excellent transportation and communications infrastructure of Switzerland; and 4) the benefits conferred upon the secretariat, in terms of tax breaks and other assistance, by the Government of Switzerland.

**f. Would physical co-location with other convention secretariats help and, if yes, with which ones?**

The present advantageous situation of the Ramsar secretariat could be further improved if more of the other convention secretariats were to locate or re-locate in the Geneva area.

**5. Functions and operations of the secretariat**

**a. How would you describe the way your convention's secretariat operates?**

The secretariat takes a very proactive approach in pursuing the objectives of the Convention by:

a) encouraging, stimulating and exercising gentle pressure on Contracting Parties always to do more in relation to the priorities mentioned under question 1.c) above on priorities.

b) monitoring Contracting Parties' implementation of their obligations under the treaty, in particular in relation to the maintenance of the "ecological character" of the sites included in the List of Wetlands of International Importance (Articles 2.5, 2.6, 3.1 and 3.2) and the commitment to "formulate and implement their planning so as to promote . . . as far as possible the wise use of wetlands in their territories" (Article 3.1);

c) actively promoting the establishment of National Ramsar/Wetland Committees with the participation of all relevant stakeholders, governmental and non-governmental;

d) providing technical advice and assisting in the acquisition of international financial and technical support for developing countries and countries in transition;

e) trying to ensure that Contracting Parties submit their National Reports on the occasion of each meeting of the Conference of the Contracting Parties;

f) preparing proposals for consideration by the Standing Committee of guidelines and resolutions that could be transmitted to the Conference of the Parties for approval;

g) actively pursuing synergies and effective cooperation with other environment-related treaties and appropriate international and regional organizations;

h) collaborating as closely as possible with non-governmental organizations, both national and international, in particular with the four official International Organization Partners: BirdLife International, Wetlands International, the World Conservation Union (IUCN), and the World Wide Fund for Nature (WWF), and more recently with the private sector; and

i) undertaking an active awareness programme, within the limits of available resources, to promote the recognition of wetland values and functions as assets for sustainable development.

**b. Is your focus exclusively on servicing the Parties?**

The treaty stipulates the core mandate of the secretariat, which is to organize meetings of the COP, to maintain the List of Wetlands of International Importance, to receive notification from the Parties about alterations in the List and to forward notification to the other Parties, and to inform Parties of the recommendations of the COP about alterations to their wetlands.

Resolutions of the COPs, however, and successive Work Plans adopted by the COPs have vastly expanded the real mandate of the secretariat. The many charges now given to the Bureau have mostly to do with 1) advising the Parties directly on technical and policy issues, and coordinating their implementation of the Convention at regional level; 2) taking the lead in the preparation of technical and policy guidance on a wide range of wetland issues, for adoption by the COP; 3) informing the worldwide public about the values and benefits of wetlands and about the objectives of the Convention, and assisting the Parties in doing that; 4) collaborating with other organizations and conventions in furtherance of mutually-shared objectives; and 5) assisting the Parties to secure financial support for implementing the Convention through establishing liaisons with the development assistance community.

**c. Is your secretariat involved in implementation?**

The secretariat does not implement the terms of the Convention at the field level but actively assists the Parties to implement the Convention in a number of ways. Nevertheless, the secretariat is involved in an advisory capacity in the implementation of a number of field projects, in particular GEF-funded projects.

**d. If so, what general categories of activities do you implement?**

The secretariat is actively involved in assisting implementation of both policy and technical objectives, at regional, national and site levels, through regular liaison between Bureau staff and the Convention's "Administrative Authorities" in the Parties; through the organizing of both formal and informal technical assistance missions to threatened sites, involving Bureau staff and/or expert consultants; through the sponsoring and co-sponsoring of workshops and conferences intended to develop capacity via technical training, to assist in policy formulation, and to promote the Convention's values; and through the development of practical guidance on a wide range of implementation issues.

**e. How does the MEA monitor and evaluate the implementation?**

Parties are required to submit National Reports on their implementation prior to each triennial meeting of the COP. These are analyzed comparatively and presented to each COP for discussion of trends in implementation nationally, regionally, and globally, and both the analyses and the National Reports themselves are published by the Bureau.

In addition, Parties are required by Article 3.2 to report any change or threatened change to the ecological character of their Ramsar sites "without delay" to the Bureau, which then advises the Parties concerned if needed and notifies the other Parties so that discussion and cooperation on these sites can take place. When informed by NGOs or citizens of such changes or threatened changes, the Bureau discusses these issues with the Parties, and notifies the other Parties of the results if the situations warrant that.

**f. What role does the secretariat play in monitoring and evaluating implementation of the MEA?**

The secretariat plays the central role in the above evaluation methods.

**g. What cooperative arrangements do you have with other MEAs (MOUs, letters of agreement, etc.)?**

The Bureau has been extremely active in developing carefully constructed memoranda of cooperation or understanding with a variety of global and regional MEAs that have similar or overlapping objectives. Memoranda of Cooperation exist between Ramsar and the following global treaties:

- Convention on Biological Diversity, including a highly specific Joint Work Plan formally adopted by the COP, now in its second term;
- United Nations Convention to Combat Desertification in Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa;
- Convention on the Conservation of Migratory Species of Wild Animals; and
- the UNESCO World Heritage Centre concerning natural properties listed under the Convention Concerning the Protection of World Cultural and Natural Heritage. A programme of joint activities is presently being developed with the Man and the Biosphere programme, probably under an umbrella memorandum with UNESCO which would include World Heritage as well.

Joint Web sites exist for five biodiversity-related conventions (CBD, CITES, CMS, Ramsar, and World Heritage) and for Ramsar and MAB together.

Concerning regional treaties, Ramsar has agreements with the following treaties:

- Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region (Cartagena Convention);
- The Coordinating Unit of the Mediterranean Action Plan of the Secretariat of the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean (Barcelona Convention); and
- International Commission for the Protection of the Danube River (ICPDR).

An MOU with the HELCOM, the Helsinki Convention on the Protection of the Marine Environment of the Baltic Sea, is awaiting final approval.

**h. Which are the international organizations that are partners in the implementation of your MEA?**

The Convention has formal memoranda of cooperation and agreement with its four formally-recognized International Organization Partners – BirdLife International, IUCN-The World Conservation Union, Wetlands International, and the World Wide Fund for Nature (WWF). In addition, there are Memoranda of Cooperation or Understanding with the Society of Wetland Scientists, The Nature Conservancy, Eurosite, the Center for International Earth Science Information Network (CIESIN) at Columbia University, and the Global Biodiversity Forum. A memorandum with Ducks Unlimited is in preparation.

**6. Participation of Non-State actors**

**a. What sectors of civil society (NGOs, private industry, civic groups, local communities, indigenous groups) are allowed to participate in the deliberations of the Parties to the MEA?**

Four NGOs are formally recognized as International Organization Partners of the Convention and are permanent invited observers to meetings of the COP and Standing Committee; they also serve as full members of the STRP. Many other international and national NGOs also participate in the meetings of the COP and Standing Committee after their admission as observers, which is assumed unless one-third of the Parties should object (which has not happened). According to the Rules of Procedure “Any body or agency, national or international, whether governmental or non-governmental, qualified in fields relating to the conservation and sustainable use of wetlands, which has informed the Bureau of its wish to be represented at meetings of the Conference of the Parties may be represented at the meeting by observers, unless at least one third of the Parties present at the meeting object.” In practice this means that all institutions with an interest in wetland issues can freely register to attend the Ramsar COP as observers, and to a large extent the meetings of the Standing Committee as well.

**b. What relations does civil society have with your secretariat?**

The Bureau maintains extremely close working relations with the four International Organization Partners as well as with other NGOs with which it has memoranda of cooperation (including Society of Wetland Scientists, The Nature Conservancy, Eurosite, CIESIN, and Global Biodiversity Forum, and soon Ducks Unlimited). The secretariat relies upon the efforts of NGOs and citizen and local community groups to carry out the work of the Convention, and therefore expends a good deal of effort in cultivating and maintaining mutually beneficial liaisons with such groups. In addition, the Convention formally encourages the Parties (in various Guidelines adopted by the COP) to involve stakeholders and local communities in wetland management and planning, and particularly urges Parties to practice the Guidelines called “Establishing and Strengthening Local Communities’ and Indigenous People’s Participation in the Management of Wetlands” (Resolution VII.8, 1999).

In addition, the Bureau understands the need for public awareness of the values and benefits of wetlands and of the important role of the Convention, and so it devotes a great deal of effort in public outreach activities ranging from its public-oriented Web site, e-mail discussion list-serve groups, newsletters and informative videos to promotional items like posters, stickers, and brochures. The Bureau very actively supports World Wetlands Day, by providing materials and by reporting on all activities on its Web site, in order to highlight wetland values at all levels of the population.

**c. What role does civil society have in the implementation of your MEA?**

As indicated just above, it is widely understood within the Convention that its objectives can only be achieved by the cooperative efforts of all levels of the population, from government agencies perhaps more importantly to the local people living within or near wetlands. It is accepted that sustainable use can not be fully achieved by legislation alone

and requires an understanding by all stakeholders that wise use will be to everyone's benefit. Therefore, there is a sense in which the Convention looks to civil society for a major part of its implementation.

## **7. Challenges, problems, bottlenecks, gaps and overlaps**

If time permits, please provide recommendations on the following questions from your perspective as a secretariat.

### **a. What overlaps and opportunities for synergies do you see such as through clustering?**

We have been, and still are, fervent advocates of true synergies among the conventions that belong to the biodiversity cluster. We consider that to a large extent there is not real "overlap" among the conventions but considerable scope for complementarities. Some of them are obvious and factual, others could be established through appropriate decisions in that direction by the respective Conferences of the Parties.

"Joint work plans" and "joint implementation" at the country level could be very effective mechanisms. This should be pursued not only on a bilateral basis (two conventions) but also with a multilateral approach (several conventions working together).

Our experience shows that considerable lip service is paid to the synergies paradigm but, when it comes to implementation, each convention continues to be inward-looking and afraid of sharing or giving away part of their "sovereignty". This is not very different from the behavior of the nation-states that are still using the notion of "national sovereignty" as if the globalization of the economy and of communications had not happened.

### **b. Which are the most significant gaps in terms of issues not being addressed effectively (e.g., forests, water)?**

Forest and water may be the two big issues still unresolved as far as the biodiversity-related cluster is concerned. But more important than the issues not yet addressed is the question of the effectiveness in implementation of the existing treaties. Most of them lack teeth as far as enforcement is concerned, and all of them (in spite of the GEF) lack true and effective international cooperation mechanisms that could assist developing countries and countries in transition with effective implementation within the framework of sustainable development action plans.

### **c. On programmatic linkages, what are the opportunities for scientific commonality and cooperation directed at a sound science base?**

Each Convention has its own scientific body but very little has been done to harmonize their work and see how they could complement one another. And very little seems to have been done to coordinate the effort of the scientific bodies with other agencies and projects that are working in the same field. There seems to be a lot of anarchy and duplication, with everyone still claiming that decision-makers do not yet have sound scientific basis to operate from. A true situation or a good excuse of inaction?

### **d. What opportunities exist for programmatic linkages with crosscutting conventions for horizontal issues (i.e., Aarhus Convention)?**

The opportunities may be there, but it would not be advisable to try to pursue all issues in all directions at the same time.

### **e. What are the experiences or opportunities for harmonized reporting and shared information management and joint capacity building programmes?**

The Ramsar Convention is participating in the UNEP-WCMC pilot project on the feasibility of harmonized reporting. We consider that there is a lot of potential in this initiative and that it should be pursued decisively, providing strong leadership and effective administration of the project.

### **f. What should be the role of UNEP in preparing a consolidated overview of the effectiveness of implementation of MEAs?**

UNEP is the natural candidate to undertake such overview, which should be done carefully, taking into account all relevant indicators and through an open and wide-ranging consultative process.

**g. Do environmental indicators exist for the subject area of your MEA and, if so, what is the performance against them?**

Many wetland ecosystem and wetland species indicators have been developed in different places and for different purposes, but experience to date indicates that it has proved difficult to devise an agreed suite of indicators that can be readily applied in all circumstances and in a globally consistent manner: some countries, e.g. the United Kingdom and Australia, have detailed and complex sets of “state of the wetland” environment indicators and extensive data collection mechanisms supporting them, but many other countries lack the resources, capacity and/or data to operate such indicators. In 1999 the Convention approved a Risk Assessment Framework (Resolution VII.10) which included guidance on the use of early warning indicators of change in the ecological character of wetlands. The Convention’s Scientific & Technical Review Panel (STRP) is currently examining issues of ecological character and indicators with a view to providing further guidance to Parties.

Under Article 3.2 of the Convention, Contracting Parties are required to have in place arrangements, which implicitly require the use of environmental indicators (including early warning indicators), to identify and report on change, or likely change, in the ecological character of sites listed as Wetlands of International Importance. Whilst no evaluation has been specifically made of performance against this requirement, our experience is that levels of reporting are very inadequate, and we are taking steps to improve this. Furthermore, less than half such sites as yet have management plans (the mechanism through which indicators would be established and reported on) in place, further implying severe limitations to Parties’ capacity to use and report on indicators.

**h. What needs to be done to enhance enforcement and compliance, taking into account the following?**

- **Fragmentation weakens compliance**

The solution is joint, complementary implementation.

- **Inconsistent implementation at the national level (weak ministries, low capacity)**

Raise awareness of high level decision-makers about the value of effective implementation of MEAs and how they can benefit their nations and societies. In our experience, weak and ineffective national focal points constitute the main impediment for the implementation of the convention. But to increase the visibility of the convention requires the elevation of the subject of the treaty in the national agenda. As long as this is not done, the responsibility for implementation of the Convention will continue to lie with under-resourced and under-staffed government agencies.

- **Non-State actors and other State actors**

A key issue. These are the actors that in many cases will make the difference. Mainstreaming the issues that the conventions deal with within the “hard ministries” and the social sectors with political clout is the only guarantee to success in the long term.

- **Verification**

Another key issue. As long as compliance is voluntary, with no serious and neutral “peer-review”, most Contracting Parties will not feel compelled to pursue effective implementation. It will take some time, though, to induce the Conferences of the Parties to agree to more stringent verification mechanisms if these were not in place at the time of drafting the treaties.

- **Any provision on liability and compensation**

**i. Any other recommendations for improving international environmental governance?**

Is the world ready to take action in this direction? If the need is not felt yet, it will be difficult to put in place mechanisms that will work. Incremental improvements, based on need analysis and global benefits, could be the best way to make progress.

## ANNEX 12

### WORLD HERITAGE CONVENTION

#### 1. The scope of your MEA

##### a. What are the objectives?

The objective of the World Heritage Convention is to identify and conserve the world's cultural and natural heritage, by drawing up a list of sites whose outstanding universal values should be preserved for all humanity and to ensure their protection through a closer co-operation among nations.

##### b. What is your legal framework?

The World Heritage Convention adopted by UNESCO's General Conference in Paris, France, on 23 November 1972. It came into force in 1978.

##### c. What are your priorities?

The protection of world's outstanding cultural and natural heritage through ensuring the identification, protection, conservation, presentation and transmission of this heritage to future generations.

##### d. Does the scope of your MEA address social and economic issues such as the following?

- Meeting the demand for food
- Meeting demands for fiber and wood
- Meeting demands for water
- Meeting demands for energy, industrial goods and employment
- Health and security of populations

It addresses directly and indirectly all of these (with the possible exception of industrial goods and energy) by protecting critical environments (e.g. larger water bodies, cloud forests, biodiversity etc.) within the States Parties.

#### 2. Contracting Parties/Member States

##### a. Who are your Contracting Parties/Member States?

As of 1 March 2001, there are 162 States Parties to the Convention, for a full list please consult our web page at [www.unesco.org/whc/](http://www.unesco.org/whc/).

##### b. What kinds of meetings do you have and at what level of participation?

The statutory bodies of the Convention are General Assembly, World Heritage Committee and Bureau.

The World Heritage Committee meets once a year and consists of 21 representatives of the States Parties to the Convention. The Committee is responsible for the implementation of the World Heritage Convention and decides whether or not a site is inscribed on the World Heritage List and on the List of World Heritage in Danger. Equally, it examines reports on the state of conservation of listed sites, and asks States Parties to take action when sites are not being properly managed. The Committee is also responsible for allocating finance from the World Heritage Fund for sites in need of repair or restoration, for emergency action if sites are in immediate danger, for providing technical assistance and training, and for promotional and educational activities. Seven members of the Committee make up the World Heritage Bureau, a smaller executive body that meets mid-year to prepare the work of the Committee. The Committee is assisted by the secretariat, the World Heritage Centre. Three NGO's/IGO's provide advise to the Committee: IUCN, ICOMOS, ICCROM.

#### 3. Your institutional and governance structure

**a. How are you structured institutionally (governing bodies and subsidiary bodies, secretariat)?**

The World Heritage Committee is responsible for the implementation of the World Heritage Convention. Members to Committee are elected during the General Assembly of States Parties to the Convention, which meets during the UNESCO General Conference.

The World Heritage Bureau prepares the work of the World Heritage Committee.

The General Assembly includes all States Parties to the Convention. It meets once every two years during the ordinary session of the General Conference of UNESCO to elect the World Heritage Committee, to examine the statement of accounts of the World Heritage Fund and decide on major policy issues.

The UNESCO World Heritage Centre as a secretariat of the WH Convention is in charge of the day-to-day management of the Convention.

Advisory bodies to the Convention ICOMOS, IUCN and ICCROM. IUCN and ICOMOS are in charge of the evaluations of natural and cultural nominations to the World Heritage List. ICCROM is in charge of cultural heritage training.

**b. Do you have a corporate or business plan or an equivalent plan such as a strategic action plan?**

The Centre prepares a work plan submitted to the Committee every year and strategic action plans on certain issues (e.g. representativity of the World Heritage List). At the same time the Centre is incorporated into the UNESCO biennium, mid-term and long-term planning.

**4. Administration and finance**

**a. What is your budget (secretariat, programme of work)?**

For 2000 the regular budget for indirect and direct programme costs was US\$ 534 450 and US\$ 1 928 850 for staff costs. The World Heritage Fund budget was 5,6 Million US\$ and the extrabudgetary resources amounted to US\$ 3 849 161. The total was US\$ 11 912 461.

**b. What is the contribution of the individual Parties to your MEA and how is it determined?**

1% of the dues to UNESCO are paid to the World Heritage Fund (obligatory and voluntary contributions) – defined by General Assembly;

**c. What access to other financial mechanisms, if any, do you have?**

Access to other financial mechanisms in the UN system and outside for specific projects to protect sites (including GEF, etc.), UNF, UNDP, States Parties and private sectors etc.

**d. What are the resources of these financial mechanisms and who are the contributors?**

Many different resources, but UNF allocated US\$ 40 million for natural World Heritage sites with a biodiversity component.

**e. How does the location of your secretariat affect your operations in terms of finance and administration?**

Secretariat in UNESCO depends on UNESCO's financial and administrative rules and procedures.

**f. Would physical co-location with other convention secretariats help and, if yes, with which ones?**

Would be difficult as the World Heritage Convention covers both cultural and natural heritage.

**5. Functions and operations of the secretariat**

**a. How would you describe the way your convention's secretariat operates?**

It provides all documents for statutory meeting, follows up on every day work (nominations, state of conservation, international assistance etc.);

**b. Is your focus exclusively on servicing the Parties?**

No, it includes also strategic planning beyond States Parties and collaboration with NGOs;

**c. Is your secretariat involved in implementation?**

Yes, definitively;

**d. If so, what general categories of activities do you implement?**

- International assistance: training, preparatory assistance, technical co-operation
- State of conservation: reactive monitoring, periodic reporting
- Identification of heritage: global strategy, preparation of nominations, follow-up
- Documentation, information: documentation centre; joint web-page
- Education for young people on world heritage
- Promotional activities: international, regional, national, local

**e. How does the MEA monitor and evaluate the implementation?**

- International assistance: external and UNESCO-internal audits
- State of conservation: by periodic reporting to be completed by the States Parties every six years on the legislative and administrative provisions they have adopted and other actions which they have taken for the application of the Convention, including the state of conservation of the World Heritage properties located on their territories. Information on the state of conservation of the sites is received also through reactive monitoring procedures, where the World Heritage Centre together with the advisory bodies assesses the information received either from the States Parties or from other sources and if necessary, undertakes field missions. Reports are presented at each Bureau and Committee session (all reports on the web-pages).
- Other functions: evaluation unit in UNESCO

**f. What role does the secretariat play in monitoring and evaluating implementation of the MEA?**

See above;

**g. What co-operative arrangements do you have with other MEAs (MOUs, letters of agreement, etc.)?**

MOU with Ramsar; (also direct MOU with IUCN);  
other MOUs between UNESCO and UN Convention to Combat Desertification and with the Convention on Biological Diversity;  
Letter of Agreement with UNEP-TIE;

**h. Which are the international organizations that are partners in the implementation of your MEA?**

IUCN – The World Conservation Union  
ICOMOS – The International Council on Monuments and Sites  
ICCROM – The International Centre for Study of the Preservation and Restoration of Cultural Property  
WCMC – The World Conservation Monitoring Centre  
NWHO – The Nordic World Heritage Office  
ICOM – The International Council of Museums  
OWHC – The Organization of World Heritage Cities  
And many others

**6. Participation of Non-State actors**

- a. What sectors of civil society (NGOs, private industry, civic groups, local communities, indigenous groups) are allowed to participate in the deliberations of the Parties to the MEA?**

Participants allowed to attend the Committee meetings are indicated in the Rules of Procedure for the World Heritage Committee Section III Rules 6 to 8. Intergovernmental or non-governmental organizations may attend the meetings in an advisory capacity or if they have activities in the fields covered by the Convention they can participate as representatives or observers.

Representatives of local communities and indigenous groups can participate as members of a State Party delegation or NGO. Some times representatives from private industry have been invited in the Committee meetings.

Centre works on daily basis with all levels of society involved in the protection of sites.

- b. What relations does civil society have with your secretariat?**

We receive information e.g. on the state of conservation of cultural and natural properties and a large range of other issues from representatives of civil society. Promotional activities and education are addressed for the civil society and there is a special project on education on World Heritage for young people.

- c. What role does civil society have in the implementation of your MEA?**

Promote the awareness of the Convention and its implementation and to assist in the protection of the properties;

## **7. Challenges, problems, bottlenecks, gaps and overlaps**

**If time permits, please provide recommendations on the following questions from your perspective as a secretariat.**

- a. What overlaps and opportunities for synergies do you see such as through clustering?**

- b. Which are the most significant gaps in terms of issues not being addressed effectively (e.g., forests, water)?**

There are still some underrepresented categories within the World Heritage List. For example out of 138 natural sites, there are only about ten sites, which have been nominated for their marine values. The World Heritage Centre is trying to identify the gaps and enhance the protection of underrepresented categories by e.g. UNF project for World Heritage Biodiversity Sites, which is focused for identification of tropical marine, karst and forest sites.

- c. On programmatic linkages, what are the opportunities for scientific commonality and co-operation directed at a sound science base?**

Improved scientific collaboration is necessary (e.g. identification of specialists)

- d. What opportunities exist for programmatic linkages with crosscutting conventions for horizontal issues (i.e., Aarhus Convention)?**

World Heritage Convention is a crosscutting Convention (between cultural and natural heritage);

- e. What are the experiences or opportunities for harmonized reporting and shared information management and joint capacity building programmes?**

We would be very interested in exchange of experiences on periodic reporting, in particular with Ramsar, as this is also a site specific Convention and has a parallel system (e.g. List of World Heritage in Danger – Montreux Record)

- f. What should be the role of UNEP in preparing a consolidated overview of the effectiveness of implementation of MEAs?**

Co-ordination role; Information through joint web-page;

- g. Do environmental indicators exist for the subject area of your MEA and, if so, what is the performance against them?**

Site specific

**h. What needs to be done to enhance enforcement and compliance, taking into account the following?**

- **Fragmentation weakens compliance**

Better co-ordination

- **Inconsistent implementation at the national level (weak ministries, low capacity)**

Institutional capacity building and training

- **Non-State actors and other State actors**

Inclusion of NGOs and civil society

- **Verification**

Improved reporting system

- Any provision on liability and compensation

**i. Any other recommendations for improving international environmental**

## ANNEX 13

### BASEL CONVENTION ON THE CONTROL OF TRANSBOUNDARY MOVEMENTS OF HAZARDOUS WASTES AND THEIR DISPOSAL

#### 1. The scope of your MEA

##### a. What are the objectives?

The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal was adopted in 1989 and entered into force on May 5, 1992. The Convention is the response of the international community to the problems caused by worldwide production of wastes which are hazardous to people or the environment because they are toxic, poisonous, explosive, corrosive, flammable, eco-toxic, or infectious.

The objectives of the Basel Convention are:

- Transboundary movements of hazardous wastes should be reduced to a minimum consistent with their environmentally sound management.
- Hazardous wastes and other wastes should be treated and disposed of as close as possible to their source of generation.
- Quantity and hazardousness of the wastes generated should be minimized.

In order to achieve these objectives the Convention aims to:

- Control all transboundary movement of hazardous wastes
- Provide assistance regarding implementation of the Basel Convention
- Provide assistance for the environmentally sound management of hazardous wastes
- Monitor and prevent illegal traffic in hazardous wastes
- Promote co-operation in this field between Parties
- Develop manuals regarding the implementation of the Basel Convention provisions
- Develop technical guidelines for the management of hazardous wastes.

##### b. What is your legal framework?

- *The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal (The Basel Convention)*

- *The Amendment to the Basel Convention (The Ban Amendment)*

The Third Meeting of the Conference of the Parties (1995) adopted a decision to amend the Convention that bans export of hazardous wastes from countries listed in a proposed new annex to the Convention (Annex VII – Basel Convention Parties that are members of the EU, OECD, Liechtenstein) to all countries not listed in this annex. In accordance with Article 17 of the Convention, the Amendment has to be ratified by three fourths of the Parties present at the time of the adoption of the amendment (62 Parties) in order to enter into force. Upon its entry into force, the Amendment will be implemented as a new Article 4 A of the Convention. As of 22 February 200, the Ban Amendment has been ratified by 22 States and the European Community<sup>3</sup>.

- *The Basel Protocol on Liability and Compensation for Damage Resulting from Transboundary Movements of Hazardous Wastes and Their Disposal*

The Basel Protocol was adopted by the Fifth Meeting of the Conference of the Parties to the Basel Convention in 1999.

The objective of the Basel Protocol is to provide for a comprehensive regime for liability as well as adequate and prompt compensation for damage resulting from the transboundary movement of hazardous wastes and other wastes, including incidents occurring because of illegal traffic in those wastes.

- *The Ministerial Declaration on Environmentally Sound Management (The Basel Declaration)* adopted at the Fifth Meeting of the Conference of the Parties (1999). The Ministerial Declaration and its associated decisions will guide the activities of the Convention during the next decade. The main areas of focus includes:
  - (1) prevention, minimization, recycling, recovery and disposal of hazardous and other wastes subject to the Basel Convention

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<sup>3</sup> The European Community has enacted legislation transposing the ban amendment which is binding for all fifteen Member States, i.e. Belgium, Denmark, Germany, Greece, Spain, France, Ireland, Italy, Portugal, Luxembourg, the Netherlands, Austria, Finland, Sweden and the United Kingdom.

- (2) active promotion and use of cleaner technologies and production
- (3) further reduction of transboundary movements of hazardous and other wastes,
- (4) prevention and monitoring of illegal traffic,
- (5) improvement of institutional and technical capacity-building, as well as the development and transfer of environmentally sound technologies, especially for developing countries and countries with economies in transition,
- (6) further development of regional and sub regional centres for training and technology transfer,
- (7) enhanced information exchange, education and public awareness in all sectors of society,
- (8) greater cooperation at all levels between countries, public authorities, international organizations, industry, NGOs and academia,
- (9) the development of mechanisms for assuring implementation of the Convention (and amendments) and monitoring compliance.

**c. What are your priorities?**

In just short 10 years, the Basel Convention has succeeded in building a strong framework within which the world community can work to protect the human health and the environment from hazardous wastes. But although a great deal has been achieved, much remains to be done. The next 10 years will require continued commitment and the willingness to take on new and challenging tasks (some of which are outlined under paragraph 7 and 8 below).

Specifically the Basel Convention/the Secretariat of the Basel Convention must address the following priorities:

1. Enhance the ability of each party to implement the Basel Convention and its amendments by promoting:
  - improved accessibility and understanding of the requirements of the Convention, its amendments and protocol
  - assistance in policy formulation and capacity building
  - national legislation and law enforcement capability
  - partnership among all stakeholders
  - transfer of technology and know-how
  - availability of information to monitor compliance and decision-making.
2. Develop and implement national and international programmes on environmental sound management of hazardous waste, including:
  - prevention, minimization, recycling, recovery and disposal of hazardous and other wastes subject to the Basel Convention
  - promotion and use of cleaner technologies
  - further reduction of the transboundary movements of such wastes
  - prevention and monitoring of illegal traffic
  - improvement and promotion of institutional and technical capacity-building and transfer of environmentally sound technologies
  - further development of regional and sub-regional centres for training and technology transfer
  - enhancement of information exchange, education and awareness-raising
  - cooperation and partnership between countries, public authorities, international organizations, the industry sector, non-governmental organizations and academic institutions
  - development of mechanisms for compliance with and the monitoring and effective implementation of the Convention and its amendments.
3. Strengthen regional cooperation for the effective implementation of the Basel Convention and relevant regional agreements through the strengthening of the role of the regional and sub-regional centres of the Basel Convention and implementation of joint project activities.
4. Promote global membership of the Basel Convention by strengthening communication and cooperation with non-member countries, through:
  - consultations
  - dissemination of information materials
  - participation in training seminars and other capacity-building activities related to the Convention
  - enhancing knowledge and awareness of the objectives of the Convention.

**d. Does the scope of your MEA address social and economic issues such as the following?**

- **Meeting the demand for food**
- **Meeting demands for fiber and wood**
- **Meeting demands for water**

- **Meeting demands for energy, industrial goods and employment**
- **Health and security of populations**

The Basel Convention addresses directly the issue of health and security of population.

Furthermore, management of hazardous wastes has cross-sectoral effects on:

- agriculture policy (e.g., need for policy reform of pesticides issues)
- energy policy; patterns of consumption and production and on employment (e.g., in the service sector, in industry, in enforcement, etc)
- quality of water resources. (e.g., if wastes are not disposed of in an environmentally sound manner, water resources could be contaminated and passed on to the food chain and eventually affect human health.

## **2. Contracting Parties/Member States**

### **a. Who are your Contracting Parties/Member States?**

As of 01 March 2001, 142 States plus the European Community are Parties to the Basel Convention. There are 33 Parties among African countries and Asia and the Pacific respectively; 29 Parties among Western European and Others (including the European Community); 20 Parties from Central and Eastern Europe and 28 Parties in Latin America and the Caribbean.

**The Basel Convention Update outlining the status of ratification to the Basel Convention and its amendment as of 01 March 2001 is enclosed for your information.**

### **b. What kinds of meetings do you have and at what level of participation?**

In addition to meetings of the governing and subsidiary bodies of the Convention (please refer to section 3 below), the Secretariat of the Basel Convention organizes and conducts:

- a number of training workshops and seminars, in particular through the Basel Convention Regional Centres<sup>4</sup> (approximately 15-20 training workshops per year).
- regional conferences, including on current issues, e.g., environmentally sound management of obsolete pesticides.

The training workshops and regional conferences are where relevant organized and implemented in close cooperation with other UNEP Programmes and /or UN organizations.

The Secretariat frequently initiates and/or participates in inter-agency consultations/meetings.

The level of participation at the meetings of the Secretariat of the Basel Convention is in general very high.

## **3. Your institutional and governance structure**

### **a. How are you structured institutionally (governing bodies and subsidiary bodies, Secretariat)?**

- Conference of the Parties (COP) – The COP is the governing body of the Convention. It meets each second year to review the Convention's progress. The COP can establish subsidiary bodies as deemed necessary for the implementation of the Convention. The COP is assisted by a Bureau responsible for directing the work of the COP. Its 5 members are delegates elected by the five regional groups.

The COP has established four subsidiary bodies:

- The Expanded Bureau – Composed of actual Bureau members and previous Bureau members of the COP. It provides general policy and general operational directions to the Secretariat of the Basel Convention between meetings of the COP and provides guidance and advice to the Secretariat on the preparation of agendas and other requirements of meetings and in any other matters brought to it by the Secretariat in the exercise of functions, in particular regarding financial and institutional matters.
- The Working Group for implementation – one of the subsidiary bodies established to facilitate implementation of the Convention. Its tasks includes preparation of draft decisions for the consideration of the COP, to consider matters related to the budget of the Basel Convention as well as matters related to implementation of

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<sup>4</sup> There are 12 designated Regional Centres around the world in Uruguay, Argentina, El Salvador, Trinidad and Tobago, Nigeria, Egypt, South Africa, Senegal, Slovakia, Russia, China, and Indonesia. The overall goal of the Regional Centres is to facilitate improved hazardous wastes management and wastes minimisation in the countries of the regions through capacity building

the Convention.

- The Legal Working Group (LWG)
- The Technical Working Group (TWG)
- The Secretariat of the Basel Convention (SBC) – responsible for servicing the COP and subsidiary bodies and facilitating their decision-making.

**b. Do you have a corporate or business plan or an equivalent plan such as a strategic action plan?**

The business plan of the Secretariat is based on the following elements:

- Decisions of the Conference of the Parties
- The Basel Declaration on Environmentally Sound Management
- Work programmes of the Technical and legal Working Groups and the Working Group for Implementation
- Article 16 of the Basel Convention (functions of the Secretariat)

**Further to the Basel Declaration and associated decisions adopted by the Fifth Meeting of the Conference of the Parties (mentioned above) a strategic action plan for the next decade is being prepared.**

**4. Administration and finance**

**a. What is your budget (secretariat, programme of work)?**

The total budget for the Trust Fund for the Implementation of the Basel Convention (see below) is 4,201,854 US Dollars for 2001 and 4,201,854 US Dollars for 2002<sup>5</sup>. Out the total budget 3,001,854 are to be covered by contributions from Parties, while 1,200,000 will be deducted from the Reserve and Fund Balance.

The paid contributions from Parties to the Trust Fund for the Implementation of the Basel Convention normally amounts to approximately 80 per cent of the annual budget to be covered by the Parties.

The total budget for the Technical Cooperation Trust Fund to Assist Developing Countries and Other Countries in need of assistance in the implementation of the Basel Convention is 2,056,600 US Dollars for 2001 and 2,056,600 US Dollars for 2002<sup>6</sup>.

The paid contributions from Parties to the Technical Cooperation Trust Fund to Assist Developing Countries and Other Countries in need of assistance in the implementation of the Basel Convention normally amounts to approximately 30 – 40 per cent of the annual budget.

**b. What is the contribution of the individual Parties to your MEA and how is it determined?**

**The contribution of individual Parties to the Basel Convention are in the form of:**

- Agreed contributions by the Parties to the Trust Fund for the Implementation of the Basel Convention (Basel Convention Trust Fund) based on the United Nations scale of assessment with 25 per cent ceiling. Currently countries that contributes less than 0,1 per cent to the UN are not paying<sup>7</sup>.
- Voluntary contribution from Parties to the Technical Cooperation Trust Fund to Assist Developing Countries and Other Countries in need of assistance in the implementation of the Basel Convention (BD Trust Fund)

In addition, the Secretariat of the Basel Convention receives regularly contributions from a signatory to the Convention (the United States of America).

**c. What access to other financial mechanisms, if any, do you have?**

The Basel Convention has no other financial mechanisms.

**d. What are the resources of these financial mechanisms and who are the contributors?<sup>8</sup>**

<sup>5</sup> The total operational costs are 3,718,455; the 13% Programme Support Cost amounts to 483,339.

<sup>6</sup> The total operational costs are 1,820,000; the 13% Programme Support Cost amounts to 236,600.

<sup>7</sup> In line with the UNGAS document A/55/521/Add.1, the Secretariat will request the Expanded Bureau to the Basel Convention to propose to the Parties a reduction of the 25% ceiling to 22%.

<sup>8</sup> The information related to question 4.c and 4.d is provided under one heading.

**In line with the spirit and content of the Basel Declaration on Environmentally Sound Management, the Secretariat of the Basel Convention is exploring possible financial mechanisms to implement the Basel Convention and other regional programme of action. This includes:**

- Contribution by companies or foundations
- Access to GEF Funding (through UNEP)
- Enlargement of the Technical Cooperation Trust Fund (BD Trust Fund) to address and fund specific activities (e.g., emergencies)
- Having regional development banks trustees for funds allocated by Governments for specific regional activities
- Access to green funds and other new equity funds being established by private banks, indicating that the “waste sector” is destined for solid and sustainable economic development
- Facilitating use of financial instruments at the local level (e.g. private/public pollution fund, deposit – refund system; etc)

**e. How does the location of your secretariat affect your operations in terms of finance and administration?**

The current location of the Secretariat, in Geneva, has no major impact on the operation of the Secretariat in terms of finance and administration.

The secondment by UNON of an Administrative and Fund management Officer has facilitated smooth cooperation with UNON and UNOG.

**f. Would physical co-location with other convention secretariats help and, if yes, with which ones?**

Physical co-location with other convention Secretariats facilitates operative or planning collaboration, including on a day-to-day basis. A number of common events and meeting activities can be carried out jointly, e.g., briefings.

It could be considered to re-assess economies of scale for administrative services, through a common administrative support for all UNEP based/administered activities in Geneva.

**5. Functions and operations of the secretariat**

**a. How would you describe the way your convention’s secretariat operates?**

The Secretariat of the Basel Convention operates within the programmatic framework outlined by decisions of the Conferences of the Parties and Article 16 of the Convention covering the secretariats functions.

In addition, the Secretariat carries out a number of ad hoc activities based on requests for specific advice and assistance from Parties and other stakeholders.

**b. Is your focus mainly on servicing the Parties?**

**To a large extend the focus of the SBC is on servicing the Parties, including facilitating effective implementation and further development of the Convention as well as ensuring coordination with relevant international bodies and promote synergies, in order to avoid duplication of activities and make best possible use of resources.**

In addition, the Secretariat develops appropriate frameworks and strategies for the strengthening of institutional capacities for the implementation of the Convention and to ensure the environmentally sound management of hazardous wastes by developing guidelines and manuals.

Concerted efforts are being made to facilitate Non-Parties to ratify the Basel Convention, its amendment and the Basel Protocol, e.g., in collaboration with UNEP Regional Offices, through the Basel Convention Regional Centres and by providing bilateral assistance.

Furthermore, expansion of services to other stakeholders is being made (IGO, NGO, industry sector and general public), through e.g.:

- enhancement of cooperation and partnership with industry sector, non-governmental organizations and academic institutions, to include various experiences, needs and interest of different regions and sectors for the implementation of the Basel Convention

- enhancement of information dissemination and exchange, educations and awareness-raising in all sector of society, addressing the need for improved access to information and public participation

**c. Is your secretariat involved in implementation?**

The Secretariat implements programme and project activities in accordance with the decisions of the Conference of the Parties and Article 16 of the Basel Convention.

**d. If so, what general categories of activities do you implement?**

**The categories of activities carried out by the Secretariat includes:**

- Training, including training of trainers
- Assistance and advisory services
- Development of guidelines and methodologies
- Project development
- Assessments and evaluations, including assessments of hazardous wastes treatment facilities
- Promotion and public awareness
- Information gathering and dissemination
- Networking and match-making
- Analysis to facilitate decision making by the Conference of the Parties

**e. How does the MEA monitor and evaluate the implementation?**

The Basel Convention provides for the review and evaluation of the implementation of the Convention by the Conference of the Parties e.g., through periodic progress and evaluation reports.

In addition, the Convention contains some specific provisions on monitoring and evaluation. One of the main provisions is related to national reporting by Parties to the Convention. Parties are required to provide information on e.g., generation, export and import, disposal of hazardous wastes, as well as information on the measures adopted by them in implementing of the Convention. This information is reviewed and compiled by the Secretariat and is presented in an annual report. The report(s) are being examined by the Working Group for Implementation.

Furthermore the Fifth Meeting of the Conference of the Parties addressed specifically the question how to follow-up the progress made, in the implementation of the Convention, during the early years of the 21st century. If the Convention's first decade was dedicated to developing an operational framework for controlling transboundary movements, the next decade will place an increasing emphasis on the implementation and enforcement of the commitments. The Basel Declaration calls e.g., for the development of mechanisms for assuring implementation of the Convention and amendments and monitoring compliance.

The compliance procedure of the Basel Convention is still in its early stage of development, dealing so far only with data reporting. If a party believes that another party is in breach of its obligations under the Convention, it is required to inform the Secretariat – but yet no established procedure to ensure compliance. However, if illegal traffic arises because of conduct on the part of an exporter, the State of export is generally required to take back the wastes involved.

The Parties to the Convention have recognized the need to develop the compliance system further. Further work to develop a mechanism for monitoring the implementation of and compliance with the Convention's obligations is being carried out by the Legal Working Group for adoption the Conference of the Parties in 2002.

**f. What role does the secretariat play in monitoring and evaluating implementation of the MEA?**

The Secretariat of the Basel Convention plays a central - but mostly facilitative - role in monitoring and evaluating implementation of the Convention by providing analyses and reports to COP and the subsidiary bodies of the Convention.

Increased cooperation between the Secretariat and other MEA secretariats, and other existing networks such as Interpol, the World Customs Organization, INECE, IMPL, ECPP etc. has facilitated better monitoring and evaluation by the Secretariat of the Basel Convention.

The draft document on an implementation and compliance mechanism under discussion in the Legal Working Group allocates specific functions to the Secretariat.

**g. What cooperative arrangements do you have with other MEAs (MOUs, letters of agreement, etc.)?**

The Secretariat of the Basel Convention has cooperative arrangements with a number of other MEA secretariats, including:

- UNEP-Chemicals (the Rotterdam Convention and the future POPs Convention)
- CITES
- Ozone Convention and the Montreal Protocol
- The London Convention (IMOLC72) and its Protocol of 1996
- MARPOL
- Regional MEAs, including Bamako Convention and Waigani Convention and the UNEP Regional Seas Conventions and Protocols

**h. Which are the international organizations that are partners in the implementation of your MEA?**

The international organizations that are partners in the implementation of the Basel Convention are:

- Interpol – through cooperation on compliance and enforcement issues, including intelligence gathering, information exchange, guidance on codes of best practice and training.
- World Customs Organization (WCO) – through harmonisation of customs codes for wastes under the WCO Harmonised System and enforcement.
- International Maritime Organisation (IMO) – Cooperation in the area of prevention of dumping of wastes in the sea, ship wastes disposal and recently on the disposal of wastes from the dismantling of ships and the transport of dangerous goods and wastes.
- Organization for Economic Cooperation and Development (OECD) – through harmonisation of legislations and procedures with regard to transboundary movements of wastes, including the classification of wastes and development of the concept of environmentally sound management of wastes; cooperation on OECD/EUROSTAT questionnaire on the State of the Environment to ensure streamlining of data collection on hazardous wastes.
- Organisation for the Prohibition of Chemical Weapons (OPCW) – through streamlining and exchange of information on the destruction/disposal of chemical weapons (some of which fall under the scope of the Basel Convention as they may demonstrate or possess toxic properties under Annex III of the Basel Convention) and the decontamination of military sites.
- United Nations Conference on the Transport of Dangerous Goods (UNCETDG) – through formulation of procedures for and labelling of the transportation of dangerous goods, including chemicals and wastes.
- WHO on biomedical and health care wastes.
- ILO on occupational health.
- FAO regarding issues of obsolete stock of pesticides.
- UNIDO on wastes minimisation in relation to the national cleaner production centres.
- WTO on trade and environment.
- UNCTAD on technical assistance.
- International Atomic Energy Agency (IAEA) on issues related to disposal of radioactive wastes.
- UN regional commissions.
- Human Rights Commission.
- OAU on the Bamako Convention and the follow-up action to the Rabat Declaration and Programme of Action on the Environmentally Sound Management of unwanted Stockpiles of Hazardous Wastes and their Prevention.
- Regional organisations, e.g.: SADC, IGAD, ECOWAS, SPREP, CEPI, PAHO, etc.

**6. Participation of Non-State actors**

**a. What sectors of civil society (NGOs, private industry, civic groups, local communities, indigenous groups) are allowed to participate in the deliberations of the Parties to the MEA?**

Basel Convention Parties have always been open to, and indeed encouraged, the participation of civil society.

Environmental and development international/local NGOs, business/industry associations, labour unions, academic, civic groups, indigenous groups are participating in the deliberations of the Parties to the Basel Convention.

**b. What relations does civil society have with your secretariat?**

**Environmental and development international/local NGOs, business/industry associations, labour unions, academic, civic groups, indigenous groups participate and provide input to SBC activities. And the Secretariat participates in NGO and industry associations driven activities.**

**c. What role does civil society have in the implementation of your MEA?**

Civil society plays a central role in the implementation of Basel Convention through direct, concrete and constructive contributions in the work of the COP and its subsidiary bodies, e.g., by providing technical and scientific expertise.

**7. Challenges, problems, bottlenecks, gaps and overlaps**

**a. What overlaps and opportunities for synergies do you see such as through clustering?**

Synergies between the Basel Convention and other environmental conventions and institutions should be pursued through carefully planned coordination that build on inter-linkages among scientific and overlapping environmental issues.

Therefore the Secretariat of the Basel Convention is ready to take the lead in thematic and joint project activities in particular with the Rotterdam Convention, the future POPs Convention, the Montreal Protocol, CITES on e.g.,

- implementation and enforcement issues
- identification of materials in the Harmonized System of the WCO
- training and capacity building activities, in particular through the Basel Convention Regional Centres.

The Secretariat supports and is actively involved in correlation between different reporting systems. The secretariat is keenly interested in the outcome of the pilot projects of UNEP-WCMC, where a more harmonized approach to national reporting to international agreements in the context of “biodiversity cluster”. This would facilitate the Secretariat to examine the relevance of the outcome in the context of the Basel Convention and explore possibilities of forming a “chemical cluster” consisting of relevant MEAs.

Further joint project activities will provide cumulative knowledge or experience, for resource use efficiencies, to fill in gaps and avoid duplication of efforts.

**b. Which are the most significant gaps in terms of issues not being addressed effectively (e.g., forests, water)?**

The following significant gaps in terms of issues should be more effectively addressed:

- Development and implementation of activities within the framework of integrated life-cycle management:
  - to prevent to the extent possible the minimization of the generation of hazardous wastes
  - to treat and dispose of those wastes in such a way as they do not cause harm to health and the environment,
  - and reduce transboundary movement of hazardous wastes.
- Decoupling between growth and wastes production
- The issue of environmentally sound and proven technology transfer and know how
- Economic instruments and incentives
- Precautionary principle
- Development of concrete and workable indicators for hazardous wastes

**c. On programmatic linkages, what are the opportunities for scientific commonality and cooperation directed at a sound science base?**

Clear programmatic links exist regarding the destruction of POPs as wastes, on the disposal of ODS and in regard to the management of toxic chemicals in trade.

However, when considering clustering of activities it should be born in mind that the Basel Convention is broader in scope and application than the some of the recent MEAs, such as the Rotterdam Convention and the future POPs Convention.

**d. What opportunities exist for programmatic linkages with crosscutting conventions for horizontal issues (i.e., Aarhus Convention)?**

The Basel Convention, the Rotterdam Convention and the future POPs Convention represent a unique opportunity and the only international framework to work within the concept of integrated life-cycle management of materials from prevention to regional implementation.

With the adoption of the Basel Declaration improved access to information has been placed high on the agenda. The secretariat of the Basel Convention has initiated cooperation with UN/ECE-ENHS (secretariat for the Aarhus Convention) on ways and means to promote access to information, including making information available. The secretariat is taking steps to implement further cooperation on this matter.

**e. What are the experiences or opportunities for streamlining reporting and shared information management and joint capacity building programmes?**

**Experiences**

**The most advanced experiences or opportunities for streamlining reporting and shared information management is with OECD, both in terms of exchange of information, attempts to harmonize some reporting functions, and moving towards an almost complete harmonization of the OECD control system for transboundary movements of wastes for recovery with the control system of the Basel Convention.**

**Opportunities**

As for the data sharing activity, there is room for further networking with relevant partners such as UNEP-Chemicals, IMO, WCO, OECD, UNIDO, WHO, ILO, UN Statistical Division, EUROSTAT (Statistical Office of the European Communities), ETC/W (European Topic Centre on Waste) etc. to enhance the efficiency of dissemination of information.

However in order to consider opportunities for streamlining of reporting, it is necessary to assess the exact nature of the information requirements of possible relevant partners.

**f. What should be the role of UNEP in preparing a consolidated overview of the effectiveness of implementation of MEAs?**

The Secretariat welcomes the mandate provided by Governing Council Decision 21/21 on International Environmental Governance for UNEP to undertake review of existing weakness as well as future needs and options for strengthened international environmental governance. The Secretariat is prepared to provide input to UNEP through guidance given by the Parties to the Basel Convention.

The consolidated overview of the effectiveness of implementation of MEAs should take into account the findings and recommendations with the UNEP Workshop on Enforcement of and compliance with MEAs<sup>9</sup>, including specific recommendations from the Basel, the CITES and the Ozone Working Groups. UNEP may wish to consider revitalizing the workshop approach initiated by the mentioned workshop.

**g. Do environmental indicators exist for the subject area of your MEA and, if so, what is the performance against them?**

The Secretariat of the Basel Convention has been participating in the development of methodologies for sustainable development indicators for hazardous wastes in collaboration with UN/DSD in accordance with recommendations of the CSD.

COP5 mandated the secretariat to explore the development of hazardous waste indicators. The secretariat is currently organizing a small expert meeting with representatives from relevant organizations, including related UNEP conventions, such as PIC and POP's, in order to progress with this task.

**h. What needs to be done to enhance enforcement and compliance, taking into account the following?**

- **Fragmentation weakens compliance**
- **Inconsistent implementation at the national level (weak ministries, low capacity)**
- **Non-State actors and other State actors**
- **Verification**
- **Any provision on liability and compensation**

The work of the Legal Working Group on establishment of a mechanism for implementation of and compliance with the Basel Convention will upon approval by COP make an important step in addressing the issue.

One feature of particular interest, and of possible relevance for other MEAs, is the role of non-state actors (NGOs) in the non-compliance procedure currently being discussed under Basel.

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<sup>9</sup> The workshop was held in Geneva from 12 – 14 July 1999.

One critical factor is that compliance mechanism is of non-confrontational nature. Consequently, the most important action is to assist these Parties that are experiencing difficulties to comply with the provisions of the Convention.

It is therefore essential to enhance the ability of each party to implement the Basel Convention and its amendments by promoting:

- improved accessibility and understanding of the requirements of the Convention, its amendments and protocol
- assistance in policy formulation and capacity building
- national legislation and law enforcement capability
- partnership among all stakeholders
- transfer of technology and know-how
- availability of information to monitor compliance and decision-making. is Technical, legal and institutional assistance is required.

The entering into force of the Protocol on liability and compensation adopted on December 1999 will contribute to compliance with the provisions of the Basel Convention.

The regional centres are promising vehicles for the strengthening of the capacity at national level to implement the Convention. The fifth Conference of the Parties of the Basel Convention placed the Regional Centres for Training and Technology Transfer (RTC) high on the agenda for the Convention's next decade, seeing them as a logical and efficient means for raising awareness of the Convention's obligations and assisting in their implementation. Towards those ends, a central task over the coming years will be to design a more permanent structure for Regional Centres, based on a comprehensive strategy able to ensure their long-term sustainability and to promote and facilitate the implementation of the Basel Treaty and associated COP decisions at regional and national level.

The Secretariat of the Basel Convention has initiated discussions with main stakeholders on the key elements of that strategy, which include:

- institutional arrangements for the Centres as a whole
- harmonization of Centre activities
- promoting collaboration with Basel Convention Centres in other regions and sub regions, as well as with relevant programmes and offices of UNEP, such as UNEP/UNIDO national cleaner production centres and other organizations (e.g. industry federations, research institutes, NGOs)
- fundraising

#### **i. Any other recommendations for improving international environmental governance?**

The strengthening and operation of existing MEAs needs to be given top priority to enable the international community, in a multi-stakeholder partnership, to fulfill the obligations it has imposed on itself to protect human health and the environment.

Further to e.g., the Malmö Declaration, there is a need for Parties to MEAs to demonstrate in concrete terms their continued support for effective implementation of the political commitments entered into by them self.

Good international environmental governance implies the existence of strong MEAs with adequate funding and a corresponding strong UNEP capable of nurturing mutually supportive actions.

This governance also requires that UNEP receive adequate support to administer the MEAs and facilitate thematic and programmatic cooperation among MEAs and between MEAs and UNEP.

There is a need for improved coherence in decision-making on environmental matters among competent bodies, including UNEP, CSD, Regional Commissions and others.

Good governance means there is a need for scientific cross-fertilization between UNEP and MEAs.

## ANNEX 14

### ROTTERDAM CONVENTION ON THE PRIOR INFORMED CONSENT PROCEDURE FOR CERTAIN HAZARDOUS CHEMICALS AND PESTICIDES IN INTERNATIONAL TRADE (PICs)

#### 1. The scope of your MEA

##### a. What are the objectives?

The objective is to promote shared responsibility and cooperative efforts among Parties in the international trade of certain hazardous chemicals in order to protect human health and the environment from potential harm and to contribute to their environmentally sound use, by facilitating information exchange about their characteristics, by providing for a national decision-making process on their import and export and by disseminating these decisions to Parties.

##### b. What is your legal framework?

Convention (multilateral treaty).

Adopted on 10 September 1998. Not yet entered into force.

##### c. What are your priorities?

Operate procedures to protect human health and the environment from certain banned or severely restricted chemicals, and severely hazardous pesticide formulations, in international trade.

##### d. Does the scope of your MEA address social and economic issues such as the following?

- Meeting the demand for food: No
- Meeting demands for fiber and wood: No
- Meeting demands for water: No
- Meeting demands for energy, industrial goods and employment: No
- Health and security of populations: Yes

#### 2. Contracting Parties/Member States

##### a. Who are your Contracting Parties/Member States?

The Convention is open to States and Regional Economic Integration Organisations. As of 26 February 2001 there are 73 signatories and 13 Parties to the Convention.

##### b. What kinds of meetings do you have and at what level of participation?

A Conference of Parties has been established by the Convention and is expected to meet annually when the Convention has entered into force.

A subsidiary body - the Chemical Review Committee - consisting of government-designated experts in Chemicals Management will be established and meet regularly to recommend on the inclusion of new chemicals under the Convention.

#### 3. Your institutional and governance structure

##### a. How are you structured institutionally (governing bodies and subsidiary bodies, secretariat)?

1. Conference of Parties.
2. Chemicals Review Committee (subsidiary body).
3. Secretariat (provided jointly by UNEP and FAO jointly).

##### b. Do you have a corporate or business plan or an equivalent plan such as a strategic action plan?

During the interim period, until the Convention enters into force, operation is based upon a Resolution on Interim Arrangements, adopted on 11 September 1998 by the Conference of Plenipotentiaries in Rotterdam. The

operation during this period is overseen by the Intergovernmental Negotiating Committee who also prepares for the first meeting of the CoP.

#### **4. Administration and finance**

**a. What is your budget (secretariat, programme of work)?**

Total budget approved by the INC:

**2001: US\$ 2,370,994**

**2002: US\$ 2,308,336**

**b. What is the contribution of the individual Parties to your MEA and how is it determined?**

**During the interim period: Voluntary contributions to a Trust Fund operated by UNEP.**

**c. What access to other financial mechanisms, if any, do you have?**

N/A

**d. What are the resources of these financial mechanisms and who are the contributors?**

N/A

**e. How does the location of your secretariat affect your operations in terms of finance and administration?**

At present the interim secretariats of the Rotterdam and the future Stockholm Convention are part of UNEP Chemicals in Geneva. UNEP Chemicals provides managerial, administrative and logistic support to those two convention secretariats, thus providing a cost-effective and very synergetic operational platform. Geneva is well located for meetings with European donors and co-ordination with other main actors in international chemicals management. Given the excellent state of telecommunications and computer services in Geneva, day-to-day communication with Parties, would-be Parties, and both donors and recipients works very well.

The first meeting of the CoP will determine the location of the secretariat.

**f. Would physical co-location with other convention secretariats help and, if yes, with which ones?**

Co-location with other convention secretariats and organisations involved in the lifecycle of chemicals management is extremely important. This is currently the case with the Basel Convention (wastes), Rotterdam Convention (PIC), and the future Stockholm Convention (POPs) housed in the same building, the International Environment House, in Geneva. Co-location with other convention secretariats is not essential since necessary communication takes place through joint secretariat meetings, bilateral visits and E-mail and telephone communication. Close location with the secretariat for the UNECE/LRTAP convention and its protocols has been valuable.

#### **5. Functions and operations of the secretariat**

**a. How would you describe the way your convention's secretariat operates?**

Article 19 of the Convention provides that the functions of the Secretariat shall be:

- (a) To make arrangements for meetings of the Conference of the Parties and its subsidiary bodies and to provide them with services as required;
- (b) To facilitate assistance to the Parties, particularly developing Parties and Parties with economies in transition, on request, in the implementation of this Convention;
- (c) To ensure the necessary co-ordination with the secretariats of other relevant international bodies;

- (d) To enter, under the overall guidance of the Conference of the Parties, into such administrative and contractual arrangements as may be required for the effective discharge of its functions; and
- (e) To perform the other secretariat functions specified in this Convention and such other functions as may be determined by the Conference of the Parties.

**b. Is your focus exclusively on servicing the Parties?**

See above (a)

**c. Is your secretariat involved in implementation?**

See above (a)

**d. If so, what general categories of activities do you implement?**

N/A

**e. How does the MEA monitor and evaluate the implementation?**

Article 18 provides that the Conference of the Parties shall continuously review and evaluate the implementation of this Convention. As the Convention has not yet entered into force, no such mechanisms have been developed.

**f. What role does the secretariat play in monitoring and evaluating implementation of the MEA?**

N/A

**g. What cooperative arrangements do you have with other MEAs (MOUs, letters of agreement, etc.)?**

None

**h. Which are the international organizations that are partners in the implementation of your MEA?**

UNEP and FAO

**6. Participation of Non-State actors**

**a. What sectors of civil society (NGOs, private industry, civic groups, local communities, indigenous groups) are allowed to participate in the deliberations of the Parties to the MEA?**

To be decided when the Convention enters into force. The meetings of the INC during the negotiating process and the interim period have been open to observers accredited to UNEP and/or FAO.

**b. What relations does civil society have with your secretariat?**

Not yet decided

**c. What role does civil society have in the implementation of your MEA?**

To be decided

**7. Challenges, problems, bottlenecks, gaps and overlaps**

If time permits, please provide recommendations on the following questions from your perspective as a secretariat.

**a. What overlaps and opportunities for synergies do you see such as through clustering?**

The potential overlaps between the Rotterdam Convention and other chemicals related conventions, including the Stockholm and Basel conventions, have been carefully avoided. There are opportunities for synergies in the areas of export to non-party notifications (Stockholm) and waste related guidelines development (Basel). As Rotterdam, Basel and CBD/Biosafety all have “prior informed consent/advanced informed agreement type schemes, the potential of learning lessons should be considered.

**b. Which are the most significant gaps in terms of issues not being addressed effectively (e.g., forests, water)?**

N/A

**c. On programmatic linkages, what are the opportunities for scientific commonality and cooperation directed at a sound science base?**

Addressed through the IOMC

**d. What opportunities exist for programmatic linkages with crosscutting conventions for horizontal issues (i.e., Aarhus Convention)?**

N/A

**e. What are the experiences or opportunities for harmonized reporting and shared information management and joint capacity building programmes?**

Important for Rotterdam, Stockholm, Basel and UNECE/LRTAP Conventions.

**f. What should be the role of UNEP in preparing a consolidated overview of the effectiveness of implementation of MEAs?**

None, unless invited by Parties.

**g. Do environmental indicators exist for the subject area of your MEA and, if so, what is the performance against them?**

N/A

**h. What needs to be done to enhance enforcement and compliance, taking into account the following?**

Assist countries to develop and/or strengthen their capacity and implement the programs necessary to enable them to meet their obligations under the convention.

## ANNEX 15

### INTERGOVERNMENTAL NEGOTIATING COMMITTEE FOR A TREATY ON PERSISTENT ORGANIC POLLUTANTS (POPs)

#### 1. The scope of your MEA

##### a. What are the objectives?

The objective is to protect human health and the environment from persistent organic pollutants.

##### b. What is your legal framework?

Freestanding multilateral agreement of global scope.

##### c. What are your priorities?

- eliminate the production and use of an initial list of 9 chemicals, aldrin, chlordane, dieldrin, endrin, heptachlor, hexachlorobenzene, mirex, toxaphene and PCBs;
- restrict to only certain acceptable purposes the production and use of an initial list of one chemical, DDT;
- reduce or eliminate the release of an initial list of unintentionally produced chemicals, dioxin and furans;
- identify further chemicals that are to be address under the Convention; and
- enable all countries to ratify and implement the Convention including the provision of technical and financial assistance where necessary.

##### d. Does the scope of your MEA address social and economic issues such as the following?

- **Meeting the demand for food:** No
- **Meeting demands for fiber and wood:** No
- **Meeting demands for water:** No
- **Meeting demands for energy, industrial goods and employment:** No
- **Health and security of populations:** Yes

In addition, in determining the control measures for additional chemicals to be covered by the Convention an evaluation of socioeconomic considerations must be undertaken and considered.

#### 2. Contracting Parties/Member States

##### a. Who are your Contracting Parties/Member States?

##### b. What kinds of meetings do you have and at what level of participation?

At least two kinds of meetings are envisioned:

- Conference of the Parties with participation by senior officials of foreign affairs ministries and/or senior officials of environmental ministries, and representatives of relevant intergovernmental and non-governmental organizations; and
- POPs Review Committee (subsidiary to the COP) with participant by Government-designated technical experts, and representatives of relevant intergovernmental and non-governmental organizations.

Until the convention enters into force, an interim programme is in effect.

#### 3. Your institutional and governance structure

**a. How are you structured institutionally (governing bodies and subsidiary bodies, secretariat)?**

As the Convention has not yet been adopted, the existing structure is that of the negotiation process that involves an Intergovernmental Negotiating Committee, any necessary subsidiary body established by the INC, and a secretariat provided by UNEP. It is expected that this structure will be maintained throughout the interim period between adoption and entry-into-force although the mandate of the INC will shift from negotiation to preparation for the first COP and implementation of any interim activities associated with the convention. Following entry-into-force, the COP will establish the POPs Review Committee and any other subsidiary bodies it deems necessary. UNEP will provide the permanent secretariat to the convention and is designated by the treaty.

**b. Do you have a corporate or business plan or an equivalent plan such as a strategic action plan?**

UNEP Chemicals is currently developing the programme of work for the first two years of the interim period and the budget to go with it. During the interim period until the convention enters into force, operation will be based upon interim resolutions taken at the Stockholm Conference of Plenipotentiaries.

**4. Administration and finance**

**a. What is your budget (secretariat, programme of work)?**

For the interim secretariat, including meeting costs, the budget is expected to be approximately US\$ 3.6 million in year1 and US\$ 3.5 million in year2 and outyears. Not included in these figures are the cost of managing a capacity assistance network to help governments implement the convention which are expected to be US\$ 1-6-2.6 million in year1 and US\$ 1.2-2.1 million in year2 and outyears.

**b. What is the contribution of the individual Parties to your MEA and how is it determined?**

Contributions to the interim secretariat, including meetings and the capacity assistance network are voluntary and made to a UNEP Trust Fund account ("POPs Club"). The convention, when it enters into force, establishes a financial mechanism under the authority of the COP, the make up, structure of, and rules for which are to be determined by the COP. On an interim basis, that is until the COP decides otherwise, the GEF will serve as the principal entity entrusted with the operations of the financial mechanism.

**c. What access to other financial mechanisms, if any, do you have?**

The financial mechanism is to include other entities providing multilateral and bilateral assistance.

**d. What are the resources of these financial mechanisms and who are the contributors?**

Resources are either in the form of grants or loans provided by foreign ministries or aid agencies from developed countries.

**e. How does the location of your secretariat affect your operations in terms of finance and administration?**

At present the interim secretariats of the Rotterdam and the future Stockholm Convention are part of UNEP Chemicals in Geneva. UNEP Chemicals provides managerial, administrative and logistic support to those two convention secretariats, thus providing a cost-effective and very synergetic operational platform. Geneva is well located for meetings with European donors and travel is uncomplicated to World Bank and GEF headquarters in Washington. Given the excellent state of telecommunications and computer services in Geneva, day-to-day communication with Parties, would-be Parties, and both donors and recipients works very well. The first meeting of the CoP will determine the location of the secretariat.

**f. Would physical co-location with other convention secretariats help and, if yes, with which ones?**

Co-location with other convention secretariats involved in the lifecycle of chemicals management is extremely important. This is currently the case with the Basel Convention (wastes), Rotterdam Convention (chemicals in trade), and the future Stockholm Convention (management of production, use and environmental release of POPs) housed in the same building, the International Environment House, in Geneva. Co-location with other convention secretariats is not essential since necessary communication takes place through joint secretariat meetings, bilateral visits and E-mail and telephone communication. Close location with the secretariat for the UNECE/LRTAP convention and its protocols has been valuable.

## **5. Functions and operations of the secretariat**

### **a. How would you describe the way your convention's secretariat operates?**

The secretariat will serve INC during the interim and COP following entry-into force and any subsidiary bodies thereto, including preparing for and conducting meetings, ensuring that intersessional work is completed in a timely manner, managing all financial aspects, conducting ratification and implementation training workshops, facilitating the provisions of financial and technical resources needed by countries to implement their obligations under the convention and doing other tasks requested by the INC or COP. The secretariat will also need to maintain a number of registers (e.g., country specific exemptions, DDT use, etc.)

### **b. Is your focus exclusively on servicing the Parties?**

The main focus is on servicing the Parties directly or through the INC or COP process, but non-Party governments, intergovernmental organizations (e.g., the Secretariat of Basel Convention and WHO), non-governmental organizations and the public are involved in various aspects of the convention to which the secretariat will providing a service or be involved in cooperative activities.

### **c. Is your secretariat involved in implementation?**

The secretariat will conduct workshops to support ratification and implementation of the convention and will facilitate the provision of technical and financial assistance to countries needing such assistance through a capacity assistance network or similar mechanism.

### **d. If so, what general categories of activities do you implement?**

- make arrangements and serve as secretariat for meetings of the COP (and INC in the interim) and its subsidiary bodies including ensuring completion of any intersessional work and enter into administrative and contractual arrangements and other activities necessary to discharge COP functions
- manage process for identifying additional chemicals to be covered by the convention;
- facilitate assistance to Parties to implement the convention
- assist/facilitate processes to develop guidance, guidelines, performance standards, release limits, strategies, etc
- serve as a clearing-house mechanism for information on POPs
- manage various registers/databases covering: certifications of exports to non-Parties; country specific exemptions; notices for articles in use exemption; notices for closed-system site-limited intermediate exemption; DDT production and use registration;
- receive Parties implementation plans including action plans for unintentionally produced POPs, reports regarding progress toward eliminating PCBs and other reporting information from Parties and report to the COP ;
- assemble monitoring and other information to be used by the COP to evaluate the effectiveness of the convention;
- ensure coordination with secretariats of other relevant IGOs; and
- receive and circulate Party proposals for amendments to convention and its annexes.

Note: as the final structure, composition and rules of the financial mechanism will not be determined before the first COP, determining those activities to be undertaken by the secretariat in regard to Article 13 are not yet known.

### **e. How does the MEA monitor and evaluate the implementation?**

The convention includes Article 15, "Effectiveness Evaluation" which includes the provision of monitoring data as well as national reports submitted under Article 15 and non-compliance information provided under Article 17.

**f. What role does the secretariat play in monitoring and evaluating implementation of the MEA?**

The secretariat will need to receive, and where requested collect, information pertaining to the effectiveness evaluation required under Article 17, and provide this information to the COP.

**g. What cooperative arrangements do you have with other MEAs (MOUs, letters of agreement, etc.)?**

No such agreements exist although close collaboration with the Rotterdam and Basel convention secretariats take place informally on a daily basis.

**h. Which are the international organizations that are partners in the implementation of your MEA?**

World Bank, Global Environment Facility, UNDP and other organizations participating in the IOMC (ILO, WHO, FAO, UNIDO, UNITAR, OECD and (future) IMO).

**6. Participation of Non-State actors**

**a. What sectors of civil society (NGOs, private industry, civic groups, local communities, indigenous groups) are allowed to participate in the deliberations of the Parties to the MEA?**

Over 300 NGOs including environmental, indigenous people, industry, and academia groups are allowed and encouraged to participate in the process.

**b. What relations does civil society have with your secretariat?**

Also all documents are available on the Internet, the general public can make themselves aware of what is going on in the process and contact the secretariat for information. The public is most effectively represented through interests groups or by contacting the government representatives.

**c. What role does civil society have in the implementation of your MEA?**

The public can assist in the implementation of the convention by pressuring their governments, either directly or through interest groups, to ratify and implement the convention in a effective manner. The public can also alert authorities as to possible violations of convention obligation that they may be aware of.

**7. Challenges, problems, bottlenecks, gaps and overlaps**

**If time permits, please provide recommendations on the following questions from your perspective as a secretariat.**

**a. What overlaps and opportunities for synergies do you see such as through clustering?**

The potential overlaps between the Stockholm Convention and other conventions involving POPs including the Rotterdam and Basel conventions have been carefully avoided. There are opportunities for synergies in the areas of export to non-party notifications (Rotterdam) and waste related guidelines development (Basel). There are potential overlaps with regional POPs agreements although we are not aware of any at the present.

**b. Which are the most significant gaps in terms of issues not being addressed effectively (e.g., forests, water)?**

N/A

**c. On programmatic linkages, what are the opportunities for scientific commonality and cooperation directed at a sound science base?**

Addressed through the IOMC

**d. What opportunities exist for programmatic linkages with crosscutting conventions for horizontal issues (i.e., Aarhus Convention)?**

N/A

- e. What are the experiences or opportunities for harmonized reporting and shared information management and joint capacity building programmes?**

Important for Rotterdam, Stockholm, Basel and UNECE/LRTAP Conventions.

- f. What should be the role of UNEP in preparing a consolidated overview of the effectiveness of implementation of MEAs?**

None, unless invited by Parties.

- g. Do environmental indicators exist for the subject area of your MEA and, if so, what is the performance against them?**

The Global POPs Monitoring Network is being established and, together with the POPs Master Plan, will provide the baseline for performance monitoring.

- h. What needs to be done to enhance enforcement and compliance, taking into account the following?**

Assist countries to develop and/or strengthen their capacity and implement the programs necessary to enable them to meet their obligations under the convention. Improved information on releases of POPs into the environment on a regular basis.

## ANNEX 16

### UNITED NATIONS CONVENTION TO COMBAT DESERTIFICATION (UNCCD)

#### 1. The scope of your MEA

##### a. What are the objectives?

As stated in the text of the Convention the main objective is combat against desertification and mitigation of the effects of drought in countries experiencing serious drought and/or desertification, particularly in Africa. This objective is to be achieved through effective action at all levels, supported by international cooperation and partnership arrangements, in the framework of an integrated approach which is consistent with Agenda 21, with a view to contributing to the achievement of sustainable development in affected areas.

##### b. What is your legal framework?

The United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa.

##### c. What are your priorities?

- Combating desertification and mitigating the effects of drought. The UNCCD aim to reach this goal through effective action at all levels, supported by international cooperation and partnership arrangements, with a view to contributing to the promotion of sustainable development in affected areas.
- Elaboration of National Action Programmes to identify factors contributing to desertification and practical measures necessary to combat desertification and mitigate the effects of drought.
- Reaching sustainable economic growth, social development and the eradication of poverty in fragile ecosystems within the framework of a sustainable development plan.
- In providing support to affected developing country Parties, priority is given to African country Parties and to least developed country Parties.
- As the UNCCD stipulates “achieving this objective will involve long-term integrated strategies that focus simultaneously, in affected areas, on improved productivity of land, and the rehabilitation, conservation and sustainable management of land and water resources, leading to improved living conditions, in particular at the community level.

##### d. Does the scope of your MEA address social and economic issues such as the following?

- Meeting the demand for food: Yes, Preamble and article 10.3 and 19, Annex I art. 8.3, Annex II arts. 2 and 4
- Meeting demands for fiber and wood: Yes, Article 19.1
- Meeting demands for water: Yes, Article 2, 3 (c), 4.2, 17.1(g), Annex I 8.3.(b) (i)
- Meeting demands for energy, Yes, Articles 10.4, 19.1 (f), Annex I arts. 8.3 (b), 11, 13 (d), Annex III art. 4 (i) industrial goods Yes, Annex IV art. 2 and employment Yes, Annex I art. 8.3 (a)
- Health and security of populations Yes, Preamble and Annex II art. 2 (d)

#### 2. Contracting Parties/Member States

##### a. Who are your Contracting Parties/Member States?

(See attached list)

##### b. What kinds of meetings do you have and at what level of participation?

- Sessions of the Conference of the Parties: Participation of all the country Parties to the Convention. The United Nations, its specialized agencies and any State member thereof or observers thereto not Party to the Convention, may be represented at sessions of the Conference of the Parties as observers. Also national or international, governmental or non-governmental organizations, which are qualified in matters covered by the Convention and accredited to the Conference of the Parties can be represented at sessions as observers.
- Regional focal point meetings: These are regional meetings organized by the country Parties in the different regions (Africa, Asia, Latin America and the Caribbean and Northern Mediterranean). The participation is similar to the sessions of the Conference of the Parties.
- Inter-regional meetings: Platform of co-operation Africa-LAC and Africa-Asia.

- Scientific Meetings and workshops: These are organized for the exchange of information among the scientific community in areas related to the principles of the UNCCD.
- National Awareness Seminars: Meetings organized at the national level with the aim of raising awareness among all the sectors of the society.

### **3. Your institutional and governance structure**

#### **a. How are you structured institutionally (governing bodies and subsidiary bodies, secretariat)?**

The Conference of the Parties is the supreme body of the Convention, thereafter a Permanent Secretariat has been designated to service the COP and the Committee on Science and Technology as its subsidiary body. The Conference of the Parties can establish subsidiary bodies as are deemed necessary for the implementation of the Convention.

#### **b. Do you have a corporate or business plan or an equivalent plan such as a strategic action plan?**

There are two different strategic plans with different applications:

- One general for the Convention, which is the Recife Initiative. The document was approved during the COP.3 (decision 8/COP.3) to enhance implementation of the obligations of the UNCCD and completed with the declaration on the commitments to enhance the implementation of the obligations of the Convention (decision 8/COP.4)
- And on the other hand, there is a specific strategic plan for the UNCCD Secretariat. Decision 2/COP.3 stipulates its the medium-term strategy in the context of the implementation of the Convention and programme proposals.

### **4. Administration and finance**

#### **a. What is your budget (secretariat, programme of work)?**

The programme budget for the biennium 2000-2001 is an amount of US\$ 13,660,400.

#### **b. What is the contribution of the individual Parties to your MEA and how is it determined?**

The contribution from each country Party depends on a scale of contributions (UN indicative scale) which is updated for each budgetary period and adjusted so as to ensure that no Party contributes less than 0.001 per cent of the total, that no one contribution exceeds 25 per cent of the total and that no contribution from a least developed country exceeds 0.01 per cent of the total.

#### **c. What access to other financial mechanisms, if any, do you have?**

The UNCCD has no access to a centralized financial mechanism.

#### **d. How does the location of your secretariat affect your operations in terms of finance and administration?**

Delays in getting financial reports.

#### **e. Would physical co-location with other convention secretariats help and, if yes, with which ones?**

No.

### **5. Functions and operations of the secretariat**

#### **a. How would you describe the way your convention's secretariat operates?**

Standard secretariat duties as for similar secretariats servicing Conferences of the Parties.

#### **b. Is your focus exclusively on servicing the Parties?**

No.

#### **c. Is your secretariat involved in implementation?**

Yes, but not at the operational level.

#### **d. If so, what general categories of activities do you implement?**

The UNCCD-Secretariat is specially involved in facilitating the implementation processes of the Convention, particularly regarding the timely elaboration of action programmes at various levels. The role of the Secretariat also focuses on the mobilization of international cooperation partners and specialized agencies for the implementation of the Convention. The Secretariat has also an awareness raising responsibility. Accordingly, it has to ensure an efficient dissemination of relevant information to all partners.

#### **e. How does the MEA monitor and evaluate the implementation?**

Through the establishment of benchmarks and indicators that have been identified by the CST (Scientific subsidiary body of the COP), as well as through initiatives decided by the COP such as the “Declaration on the commitments to enhance the implementation of the obligations of the Convention”. In addition, the Conference of the Parties receives and considers reports presented by each country Party on the measures which it has taken for the implementation of the Convention.

**f. What role does the secretariat play in monitoring and evaluating implementation of the MEA?**

Facilitation of implementation through the collection and analysis of data.

**g. What cooperative arrangements do you have with other MEAs (MOUs, letters of agreement, etc.)?**

Convention on Biological Diversity and the Ramsar Convention.

**h. Which are the international organizations that are partners in the implementation of your MEA?**

As non-operational body, the UNCCD needs to rely on the different institutions of UN System to ensure that their comparative advantage in their different field expertise is brought to the implementation process. It has therefore to rely on a Global institutional partnerships focussed on implementation.

## **6. Participation of Non-State actors**

**a. What sectors of civil society (NGOs, private industry, civic groups, local communities, indigenous groups) are allowed to participate in the deliberations of the Parties to the MEA?**

Taking into consideration that the UNCCD is based on the bottom-up approach principle, the participation of the civil society takes place at all levels. In this regard, Article 6 of the Regional Implementation Annex for Africa is very clear in promoting the establishment of a consultative and participatory process involving appropriate levels of government, local populations, communities and non-governmental organizations. The non-governmental organizations are also allowed to participate in the sessions of the Conference of the Parties. A specific fund, called the Supplementary fund has been established to support the participation of representatives of NGOs from affected developing country Parties to attend these meetings as observers. In order to participate in the meetings, the non-governmental organizations must be accredited by the Conference of the Parties. A two half-day open dialogue sessions have been allocated for the non-governmental organizations to discuss, in the plenary of the COP, all issues deemed relevant.

The national awareness seminars and the different workshops for the elaboration of the National Action Programmes are other fora where civil society is allowed to participate in the deliberations together with the Parties at the national level.

**b. What relations does civil society have with your secretariat?**

The Secretariat is in charge of servicing the accreditation process (examination of the documents presented and the preparation of the report, etc.) and ensuring an adequate flow of information to the NGOs regarding the UNCCD process. Furthermore NGOs and the Secretariat maintain contacts on a regular basis regarding activities being implemented and follow-up required.

**c. What role does civil society have in the implementation of your MEA?**

Civil society plays a crucial role in the implementation of the UNCCD. As article 3 of the CCD states: “The Parties should ensure that decisions on the design and implementation of programmes to combat desertification and/or mitigate the effects of drought are taken with the participation of populations and local communities”.

## **7. Challenges, problems, bottlenecks, gaps and overlaps**

**If time permits, please provide recommendations on the following questions from your perspective as a secretariat.**

**f. What overlaps and opportunities for synergies do you see such as through clustering?**

**g. Which are the most significant gaps in terms of issues not being addressed effectively (e.g., forests, water)?**

**h. On programmatic linkages, what are the opportunities for scientific commonality and cooperation directed at a sound science base?**

- i. **What opportunities exist for programmatic linkages with crosscutting conventions for horizontal issues (i.e., Aarhus Convention)?**
- j. **What are the experiences or opportunities for harmonized reporting and shared information management and joint capacity building programmes?**
- k. **What should be the role of UNEP in preparing a consolidated overview of the effectiveness of implementation of MEAs?**
- l. **Do environmental indicators exist for the subject area of your MEA and, if so, what is the performance against them?**
- m. **What needs to be done to enhance enforcement and compliance, taking into account the following?**
  - **Fragmentation weakens compliance**
  - **Inconsistent implementation at the national level (weak ministries, low capacity)**
  - **Non-State actors and other State actors**
  - **Verification**
  - **Any provision on liability and compensation**
- n. **Any other recommendations for improving international environmental governance?**

## ANNEX 17

### BARCELONA CONVENTION FOR THE PROTECTION OF THE MEDITERRANEAN SEA AGAINST POLLUTION

#### 1. The scope of your MEA

##### a. What are the objectives?

the main objectives are:

- to ensure sustainable management of natural marine and land resources and to integrate the environment in social and economic development, and land-use policies;
- to protect the marine environment and coastal zones through prevention of pollution, and by reduction and, as far as possible, elimination of pollutant inputs, whether chronic or accidental;
- to protect nature, and protect and enhance sites and landscapes of ecological or cultural value;
- to prevent pollution from land-based activities through a Strategic Action Programme (SAP);
- to strengthen solidarity among Mediterranean coastal States in managing their common heritage and resources for the benefit of present and future generations, and
- to contribute to the improvement of the quality of life.

##### b. What is your legal framework?

The legal framework of MAP, the Barcelona Convention was signed in Barcelona in 1975. The amended Barcelona Convention /The Action Plan for the Protection of the Marine Environment and the Sustainable Development of the Coastal Areas of the Mediterranean (MAP Phase II) was adopted in Barcelona, at the Conference of Plenipotentiaries on the Convention for the Protection of the Mediterranean Sea against Pollution and its Protocols (Barcelona, 9-10 June 1995) and is in the process of ratification by the Contracting Parties. In addition to the Convention, 6 Protocols have been adopted. Two of them (LBS and Dumping) were amended in 1995-1996; three are new (Biodiversity, Off-shore Activities and Dangerous Wastes) and the final one (Emergencies) is under revision.

##### c. What are your priorities?

The Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean (Barcelona Convention)

- to ensure ratification of the legal instruments (new or amended) ;
- to establish an efficient mechanism for reporting;
- to improve the level of public information on MAP activities and achievements;
- to implement the Strategic Action Programme to address pollution from land-based sources;
- to implement the Protocol concerning Specially Protected Areas and Biological Diversity in the Mediterranean, which recently came into force, and to prepare a Strategic Action Programme for Biodiversity in the Mediterranean
- to extend MAP activities to the prevention of maritime accidents (oil and chemical spills);
- to develop a more efficient policy on coastal zone management;
- to ensure follow-up and visibility to the recommendations of the Mediterranean Commission on Sustainable Development (MCSDD);
- to contribute to the Rio+10 process.

##### d. Does the scope of your MEA address social and economic issues such as the following:

- Meeting the demand for food
- Meeting demands for fiber and wood
- Meeting demands for water
- Meeting demands for energy, industrial goods and employment

- **Health and security of populations**

Even though our MEA (Convention and Protocols) does not address directly social and economic issues, the programme of work of MAP includes several activities related to such issues, and notably through the Mediterranean Commission on Sustainable Development (MCSD):

- water resources and management of water demand for which a series of recommendations and proposals for action were approved by the Contracting Parties;
- tourism (recommendations approved through MCSD)
- industry (work under progress)
- management of urban development (work on going)
- trade and the environment in the new Mediterranean context;

**2. The Contracting Parties/Member States:**

**a. Who are your Contracting Parties/Member States?**

Albania, Algeria, Bosnia & Herzegovina, Cyprus, Egypt, European Union, Croatia, France, Greece, Israel, Italy, Lebanon, Libya, Malta, Monaco, Morocco, Slovenia, Spain, Tunisia and Turkey.

**b. What kinds of meetings do you have and at what level of participation?**

Working group meetings at experts' level, MCSD annual plenary session, Bureau Meetings with the participation of high governmental officials or Ministers from the countries-members of the Bureau, and Contracting Parties meetings at the level of high governmental officials or Ministers.

**3. The institutional and governance structure is:**

**a. How are you structured institutionally (governing bodies and subsidiary bodies, secretariat)?**

The Contracting Parties Meeting takes place every two years, and is prepared by the meeting of MAP National Focal Points;

The Bureau of the Contracting Parties meets twice a year;

The MCSD meets once a year;

The Secretariat is composed by one Coordinating Unit (MEDU) and seven Regional Activity Centres;

**b. Do you have a corporate or business plan or an equivalent plan such as a strategic action plan?**

No

**4. Administration and Finance:**

**a. What is your budget (secretariat, programme of work)?**

Breakdown is as follows:

FOR 2000

FUND	AMOUNT (IN US\$)			FOR
	PERSONNEL/ OFFICE COSTS	ACTIVITIES	TOTAL	
Mediterranean Trust Fund	\$1,826,500	\$828,000	\$2,654,500	MEDU
Mediterranean Trust Fund	\$863,000	\$956,000	\$1,819,000	MEDPOL
Greek Counterpart Contribution	\$800,000	\$0	\$800,000	MEDU/MEDPOL
UNEP	\$0	\$100,000	\$100,000	MEDU
European Union	\$0	\$137,000	\$137,000	MEDU
European Union	\$0	\$90,000	\$90,000	MEDPOL
Monaco		\$25,700	\$25,700	MEDU
European Union (Subsidy)	\$0	\$86,039	\$86,039	MEDU
<b>TOTAL BUDGET FOR 2000-2001</b>	<b>\$3,489,500</b>	<b>\$2,222,739</b>	<b>\$5,712,239</b>	

**b. What is the contribution of the individual Parties to your MEA and how is it determined?**

Contributions are made by the Contracting Parties to the Barcelona Convention, based on the UN Scale of contributions. See attached table of percentages of contributions for the Biennium 2000 - 2001 to the Mediterranean Trust Fund for the MAP Programme.

**c. What access to other financial mechanisms, if any, do you have?**

**d. What are the resources of these financial mechanisms and who are the contributors?**

Other contributions come from the European Union in the form of voluntary contribution, or as a subsidy for a specific programme of work. Other contributors are the Contracting Parties who, in addition to their pledged contribution may contribute to other activities generally assistance to hosting of meetings. Some projects are financed through external and multilateral funds such as Global Environmental Facility (GEF), LIFE, Mediterranean Economic Development Assistance (MEDA).

**e. How does the location of your secretariat affect your operations in terms of finance and administration?**

Location of the Secretariat does not affect in any way operations in terms of finance & administration

**f. Would physical co-location with other convention secretariats help and, if yes, with which ones?**

Physical co-location with other Convention Secretariats is not needed for the time being.

CONTRIBUTIONS FOR 2000-2001 (IN US DOLLARS):

Contracting Parties	%	Ordinary Contributions to MTF for 2000* (in US \$)	Ordinary Contributions to MTF for 2001** (in US \$)
Albania	0.07	3,387	3,455
Algeria	1.05	50,817	51,834
Bosnia and Herzegovina	0.3	14,520	14,810
Croatia	0.97	46,944	47,883
Cyprus	0.14	6,776	6,911
EU	2.5	120,993	123,413
Egypt	0.49	23,715	24,189
France	37.97	1,837,629	1,874,382
Greece	2.81	135,995	138,714
Israel	1.47	71,143	72,566
Italy	31.37	1,518,210	1,548,574
Lebanon	0.07	3,387	3,455
Libya	1.97	95,342	97,249
Malta	0.07	3,387	3,455
Monaco	0.07	3,387	3,455
Morocco	0.28	13,552	13,823
Slovenia	0.67	32,426	33,074
Spain	14.99	725,469	739,978
Syria	0.28	13,552	13,823
Tunisia	0.21	10,163	10,367
Turkey	2.25	108,893	111,071
Sub-total	100	4,839,689	4,936,483
Host Country(Greece)		400,000	400,000
UNEP Environment Fund		50,000	50,000
<b>TOTAL</b>		<b>5,289,689</b>	<b>5,386,483</b>

\* The 2000 Contributions represent a 2% increase over the 1999 Ordinary Contributions to the MTF.

\*\* The 2001 Contributions represent a 2% increase over the 2000 Ordinary Contributions to the MTF.

**5. Functions and operations of the secretariat**

**a. How would you describe the way your convention's secretariat operates?**

The main objective of the Convention's Secretariat is to assist the Mediterranean governments to assess and control marine pollution, to formulate their national environment policies, to improve the ability of governments to identify better options for alternative patterns of development and to make better rational choices for allocation of resources. The Secretariat operates through the Coordinating Unit in Athens and its Regional Centres (in Split, Sophia Antipolis, Malta, Tunis, Barcelona, Palermo and Marseille). The Coordinating Unit performs diplomatic, political and public relations role. It is responsible for the follow-up and implementation of legal documents and MAP's information strategy. MEDU also performs all secretarial functions such as the organisation of major institutional meetings (Contracting Parties and Bureau meetings) and programmes and the management of MAP finance. It cooperates also with NGOs and other relevant international organizations. The Mediterranean Marine Pollution Monitoring and Research Programme (MEDPOL) is the scientific and technical component of MAP. MEDU has also the responsibility to manage the activities of MEDPOL. The Regional Activity Centres play key roles in the implementation of various components of the Programme at regional, national and local levels. Financially are supported by MAP Contracting Parties and respective host countries.

**b. Is your focus exclusively on servicing the Parties**

Yes

**c. Is your secretariat involved in implementation**

Yes

**d. If so, what general categories of activities do you implement?**

Only certain regional projects are implemented by the Secretariat, while the overall implementation of the projects is done by the Mediterranean governments.

**e. How does the MEA monitor and evaluate the implementation?**

The implementation is monitored by the Secretariat (MEDU and RACs) or the Mediterranean governments and evaluated every two years at the Contracting Parties meeting.

**f. What role does the secretariat play in monitoring and evaluating implementation of the MEA?**

Through recommendations addressed to the Secretariat, the Contracting Parties used to request the Secretariat to contribute to the implementation of the MEA on certain issues generally of regional or sub-regional interest. Evaluation is provided by the MEDpol monitoring system (which covers the marine environment) and the reporting system (in progress).

**g. What cooperative arrangements do you have with other MEAs (MOUs, letters of agreement, etc.)?**

MOUs and letters of agreements signed with RAMSAR Convention, Convention on Biological Diversity, and European Environment Agency (EEA) (in progress);

**h. Which are the international organizations that are partners in the implementation of your MEA?**

UNEP, UNESCO/IOC, IMO, IAEA, WHO, WMO, FAO, UNCSD, RAMSAR, CBD, EEA, World Bank;

**6. Challenges, problems, bottlenecks, gaps and overlaps**

**a. What sectors of civil society (NGOs, private industry, civic groups, local communities, indigenous groups) are allowed to participate in the deliberations of the Parties to the MEA?**

NGOs, civic groups, local communities, industry, as observers in MAP meetings and members of the MCSD (see list attached);

**b. What relations does civil society have with your secretariat?**

There is a list of organizations that have been selected, according to criteria set by MAP, and are invited to participate in MAP meetings as observers (see list attached).

**c. What role does civil society have in the implementation of your MEA?**

Participation in meetings, collaboration in programmes and projects.

**7. Challenges, problems, bottlenecks, gaps and overlaps**

**If time permits, please provide recommendations on the following questions from your perspective as a secretariat**

**a. What overlaps and opportunities for synergies do you see such as through clustering?**

Issues that clustering are biodiversity and marine

**b. Which are the most significant gaps in terms of issues not being addressed effectively (e.g. forests, water)?**

Coastal zone management and information policies are MAP's most significant gaps.

**c. On programmatic linkages, what are the opportunities for scientific commonality and cooperation directed at a sound science base?**

MAP has become action oriented against pollution and protecting marine biodiversity. Yet, there is room for scientific cooperation specially through IOC.

**d. What opportunities exist for programmatic linkages with crosscutting conventions for horizontal issues (i.e. Aarhus Convention)?**

Cooperation between conventions should be undertaken in the following circumstances.

- whenever there is a risk of overlapping in addressing the same issues – dumping, hazardous wastes-
- whenever is a potential of synergy – i.e. CBD, RAMSAR-

e. **What are the experiences or opportunities for harmonized reporting and shared information management and joint capacity building programmes?**

Harmonizing reporting is starting in the field of biodiversity -

Joint capacity building programmes could be a very important tool for the implementation of actions.

f. **What should be the role of UNEP in preparing a consolidated overview of the effectiveness of implementation of MEAs?**

Major and pilot role.

g. **Do environmental indicators exist for the subject area of your MEA and, if so, what is the performance against them?**

The Mediterranean CSD adopted a set of 130 indicators to be calculated both at the regional and national levels. So far, we use part of this set, for demography, marine pollution, economic activities such as tourism, etc.

-

h. **What needs to be done to enhance enforcement and compliance, taking into account the following:**

- **Fragmentation weakens compliance**

We feel that especially in the field of biodiversity there is a stratification of conventions. For instance, some marine species are protected by four or five conventions which weakens the picture.

- **Inconsistent implementation at the national level (weak ministries, low capacity)**

It is clear that departments in charge with the environment have to be strengthened and their capacity reinforced by additional human and financial resources. Because of the development of legal tools at the international level, it is obvious that small departments face many difficulties to meet their obligations.

- **Non-State actors and other State actors**

Processing NGOs complaints following the appropriate process

- **Verification**

Establish a mechanism for inspection under UNEP.

- **Any provision on liability and compensation**

This topic should be put first on the international legal agenda for action for the next decade in the framework of Montevideo III.

i. **Any other recommendations for improving international environmental governance?**

## ANNEX 18

### CARTAGENA CONVENTION FOR THE PROTECTION AND DEVELOPMENT OF THE MARINE ENVIRONMENT OF THE WIDER CARIBBEAN REGION

#### 1. The scope of your MEA

##### a. What are the objectives?

The objectives of the Cartagena Convention are to prevent, reduce and control pollution of the Convention Area and to ensure sound environmental management. This is to be accomplished by:

- Providing assistance to all countries of the region
- Strengthening national and subregional institutions
- Co-ordinating international assistance
- Stimulating technical co-operation among countries

##### b. What is your legal framework?

The Convention for the Protection and Development of the Marine Environment in the Wider Caribbean Region was adopted in Cartagena, Colombia on 24 March 1983 and entered into force on 11 October 1986, for the legal implementation of the Action Plan for the Caribbean Environment Programme.

The Convention has been supplemented by three Protocols:

A Protocol Concerning Co-operation in Combating Oil Spills in the Wider Caribbean Region which was also adopted in 1983 and entered into force on 11 October 1986;

A Protocol Concerning Specially Protected Areas and Wildlife (SPA) in the Wider Caribbean Region which was adopted on 18 January 1990. The Protocol has entered into force on 18 June 2000.

A Protocol Concerning Pollution from Land-Based Sources and Activities (LBS). The adoption of this Protocol took place on 6 October 1999 in Aruba. Sixteen Member States signed the Final Act to adopt the Protocol, and six (Colombia, Costa Rica, Dominican Republic, France, the Kingdom of the Netherlands, and the United States of America) signed the Protocol itself.

##### c. What are your priorities?

The legal structure of the Convention is such that it covers the various aspects of marine pollution for which the Contracting Parties must adopt measures. Thus, the Convention requires the adoption of measures aimed at preventing, reducing and controlling pollution from the following sources:

- pollution from ships
- pollution caused by dumping
- pollution from sea-bed activities
- airborne pollution
- pollution from land-based sources and activities.

In addition, the Parties are required to take appropriate measures to protect and preserve rare or fragile ecosystems, as well as the habitats of depleted, threatened or endangered species. Also, to develop technical and other guidelines for the planning and environmental impact assessments of important development projects in order to prevent or reduce harmful impacts on the area of application.

The Cartagena Convention is the only Regional Multilateral Environmental Agreement applicable in the region. However, other applicable global agreements include the Convention on Biological Diversity, MARPOL 73/78, CITES, the Basel Convention, Ramsar and others.

##### d. Does the scope of your MEA address social and economic issues such as the following?

- **Meeting the demand for food:** the protection of coastal and marine resources under the Cartagena Convention has direct positive impacts on the demands for food (fish, crustacean, algae, etc.)
- **Meeting demands for fiber and wood:** watershed conservation, soil protection to reduce sedimentation.
- **Meeting demands for water:** recreational uses of coastal areas are taken into consideration in pollution control programmes, freshwater resources are also protected through integrated ecosystem management projects and activities
- **Meeting demands for energy, industrial goods and employment:** the Cartagena Convention focuses on sustainable coastal communities, including employment in the fisheries and tourism sectors

- **Health and security of populations:** water quality, climate change, etc.

## **2. Contracting Parties/Member States**

### **a. Who are your Contracting Parties/Member States?**

Antigua and Barbuda*	Grenada*	St Kitts-Nevis
Bahamas	Guatemala*	St. Lucia*
Barbados*	Guyana	St Vincent and the Grenadines*
Belize*	Haiti	Suriname
Colombia*	Honduras	Trinidad and Tobago*
Costa Rica*	Jamaica*	United Kingdom of Great Brit. and Northern Ireland*
Cuba*	Mexico*	United States of America*
Dominica*	Netherlands*	Venezuela*
Dominican Republic*	Nicaragua	
France*	Panama*	

\* Indicates Contracting Party to the Cartagena Convention as of 27 February 2001

### **b. What kinds of meetings do you have and at what level of participation?**

CAR/RCU organises meetings of experts (scientific, technical and advisory committees for the protocols, and manages arrangements for the meetings of the Monitoring Committee and Bureau of Contracting Parties and biennial Intergovernmental Meetings and Meetings of the Parties. The biennial Intergovernmental Meetings/Meetings of the Parties (IGM) is a joint meeting of the highest decision making body. Participation in the IGM is usually below the ministerial level and has participation from the Ministries of Foreign Affairs and Environment. Among other things, the IGM agrees to a biennial workplan and budget.

## **3. Your institutional and governance structure**

### **a. How are you structured institutionally (governing bodies and subsidiary bodies, secretariat)?**

As a sub-programme of UNEP's Regional Seas Programme (Division of Environmental Conventions), CAR/RCU is under the administration of the UNEP Headquarters in Nairobi, however it is also responsible to the member Governments of the Wider Caribbean Region as the Secretariat of the Action Plan for the Caribbean Environment Programme and Cartagena Convention.

Governing bodies include the joint Intergovernmental Meeting on the Action Plan of the Caribbean Environment Programme and Meeting of the Contracting Parties to the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region. Additionally, there is also a joint meeting of the Monitoring Committee of the Action Plan and Special Meeting of the Bureau of Contracting Parties.

The SPAW Protocol has a Scientific and Technical Advisory Committee (STAC) and (until it enters into force) the Protocol on Land-based sources has an Interim Scientific, Technical and Advisory Committee (ISTAC).

In addition to the Regional Co-ordinating Unit in Kingston, Jamaica, one Regional Activity Centre (RAC) has been established for the SPAW Protocol on the island of Guadeloupe and another RAC for the Oil Spill Protocol will begin operation in June 2001 in Curacao. A RAC for the LBS Protocol is under negotiation as of February 2001.

### **b. Do you have a corporate or business plan or an equivalent plan such as a strategic action plan?**

The Cartagena Convention comes from the Action Plan (adopted 1981) for the implementation of the Caribbean Environment Programme.

The Intergovernmental Meeting approves both the working plan and the budget for a two-year period (current one is for 2000-2001). Parties have developed various draft strategic plans, but have opted not to adopt one.

## **4. Administration and finance**

**a. What is your budget (secretariat, programme of work)?**

The CAR/RCU operational budget for the Secretariat (i.e., for overall co-ordination and common costs) for 2000 was over USD 1 million and the budget to be approved for 2001 is USD 1,426,000.

The budget for the programme of work includes implementation of three major programmes, namely, Assessment and Management of Environmental Pollution (AMEP), Specially Protected Areas and Wildlife (SPA), CEP Information Systems (CEPNET) and their respective subprojects and/or protocols. For 2000 the workplan budget was USD 921,000 and USD 540,000 for 2001.

**b. What is the contribution of the individual Parties to your MEA and how is it determined?**

The Parties make ordinary and/or extraordinary contributions, voluntarily to the Caribbean Trust Fund. The amount to be paid by each Party is determined and agreed by the IGM. Though it is loosely based on the assessment structure of the United Nations, it does not exactly mirror that system. The minimum contribution is \$9,322. The following table indicates the participation of each country.

Level of Contributions from the Member States to the CTF\*

States and Territories of the Wider Caribbean Region	Indicative ordinary contributions 2000	Indicative ordinary contributions 2001
ANTIGUA & BARBUDA	9,322	9,322
BAHAMAS	9,322	9,322
BARBADOS	9,322	9,322
BELIZE	8,500	8,500
COLOMBIA	17,534	17,534
COSTA RICA	10,143	10,143
CUBA	17,534	17,534
DOMINICA, Commonwealth	9,322	9,322
DOMINICAN REP.	10,964	10,964
FRANCE	212,513	212,513
GRENADA	9,322	9,322
GUATEMALA	10,143	10,143
GUYANA	9,322	9,322
HAITI	9,322	9,322
HONDURAS	9,322	9,322
JAMAICA	14,168	14,168
KINGDOM OF THE NETHERLANDS		
ARUBA	8,500	8,500
NETHERLANDS ANTILLES.	9,322	9,322
MEXICO	40,000	40,000
NICARAGUA	9,322	9,322
PANAMA	10,143	10,143
ST. KITTS-NEVIS	2,500	2,500
ST. LUCIA	8,500	8,500
ST. VINCENT & THE GRENADINES	8,500	8,500
SURINAME	9,322	9,322
TRINIDAD AND TOBAGO	10,964	10,964
UNITED KINGDOM		
ANGUILLA	9,322	9,322
CAYMAN ISLANDS	5,175	5,175
BRITISH VIRGIN ISLANDS	5,500	5,500
MONTSERRAT	2,500	2,500
TURKS & CAICOS ISLANDS	4,500	4,500
USA	190,000.00	190,000.00
VENEZUELA	130,341	130,341
TOTAL	840,486	840,486

\* Table does not reflect actual contributions received, simply the amount agreed by the Parties.

**c. What access to other financial mechanisms, if any, do you have?**

Member states can give extraordinary contributions to the Caribbean Trust Fund. Other parties can co-finance projects or activities with grants or other forms of participation (e.g., "in-kind")

**d. What are the resources of these financial mechanisms and who are the contributors?**

The Co-ordination Unit receives voluntary contributions from the States Parties to the Convention and from any other country. Individual agencies of regional and extra-regional governments (e.g., US AID, SIDA) are contributors to the Programme. The Unit also has successfully acquired GEF and UNEP resources and different bilateral development organisations (e.g., Inter-American Development Bank) for specific projects.

**e. How does the location of your secretariat affect your operations in terms of finance and administration?**

Sometimes the physical distance (and time difference) between the Co-ordinating Unit and UNEP headquarters can create difficulties. However, these can usually be avoided with good planning and fluid communication.

Currency conversions through the national financial system of Jamaica (as required by UNON) can mean financial losses to the Secretariat, as it has to use the to convert funds to the local currency, at disadvantageous rates fixed by the bank (as opposed to legal cambios).

**f. Would physical co-location with other convention secretariats help and, if yes, with which ones?**

If other environmental conventions for the Wider Caribbean Region were to exist, a co-location would permit important economies in the administration of common systems (travel arrangements, support services, etc.). Currently, no other Convention Secretariats exist in the Region.

**5. Functions and operations of the secretariat**

**a. How would you describe the way your convention's secretariat operates?**

Through the Intergovernmental Meetings and the Monitoring Committee Meetings that define the workplan, budget and supervise the convention implementation.

**b. Is your focus exclusively on servicing the Parties?**

The servicing of the parties to the Cartagena Convention is the main focus of the Secretariat. Where appropriate, the CAR/RCU collaborates with global conventions and assists the Division of Environmental Conventions in its activities.

**c. Is your secretariat involved in implementation?**

CAR/RCU is not an implementing body per se, but rather co-ordinates the activities for the Parties. Often this "co-ordination" borders on implementation however.

**d. If so, what general categories of activities do you implement?**

Training workshops and project development.

**e. How does the MEA monitor and evaluate the implementation?**

Through the Intergovernmental Meetings and the Monitoring Committee and other technical meetings (such as STAC and ISTAC) that define the workplan, budget and supervise the Convention implementation. Outputs such as State of the Coast reports, Inventories of Marine Protected Areas, and Inventories of Land-Based Sources of Pollution can also serve to monitor implementation.

**f. What role does the secretariat play in monitoring and evaluating implementation of the MEA?**

Produces or co-ordinates the production of reports and studies and by organising the different meetings. Every two years CAR/RCU produces a Report of the Executive Director on the Implementation of the Caribbean Environment Programme which highlights the outputs of the Programme.

**g. What co-operative arrangements do you have with other MEAs (MOUs, letters of agreement, etc.)?**

MOUs exist with the Convention on Biological Diversity (CBD) and with the RAMSAR Convention. A letter of agreement with the Global Programme of Action (GPA) was also signed to co-ordinate the development of a clearing-house node for the WCR. CAR/RCU is evaluating the possibility of MOUs with CITES and CMS.

**h. Which are the international organisations that are partners in the implementation of your MEA?**

IMO, UNDP, World Bank (GEF), IDB and bilateral development organisations have all participated in the implementation of the Cartagena Convention.

## **6. Participation of Non-State actors**

- a. What sectors of civil society (NGOs, private industry, civic groups, local communities, and indigenous groups) are allowed to participate in the deliberations of the Parties to the MEA?**

All of these sectors are invited to participate in the different meetings of the Secretariat, either as observers or to present their experiences or point of view.

- b. What relations does civil society have with your secretariat?**

Civil society has good relations with the Programme. Many groups are interested in the Programme on SPAW, while we are currently building relationships with groups on marine pollution.

- c. What role does civil society have in the implementation of your MEA?**

Civil society participates in the meetings of the Secretariat, development of project ideas, promotes the Programme among governments and disseminates information. They also assist in monitoring compliance by "reporting" on the governments to their constituencies.

## **7. Challenges, problems, bottlenecks, gaps and overlaps**

**If time permits, please provide recommendations on the following questions from your perspective as a secretariat.**

- a. What overlaps and opportunities for synergies do you see such as through clustering?**

Not sure what is meant by "clustering".

- b. Which are the most significant gaps in terms of issues not being addressed effectively (e.g., forests, water)?**

- c. On programmatic linkages, what are the opportunities for scientific commonality and co-operation directed at a sound science base?**

Opportunities exist though there is a significant amount of co-ordination that must take place in order to identify relevant and priority areas.

- d. What opportunities exist for programmatic linkages with crosscutting conventions for horizontal issues (i.e., Aarhus Convention)?**

Many opportunities exist for programmatic linkages with other conventions of a more specific nature though being unfamiliar with the Aarhus Convention is it difficult to see the connection.

- e. What are the experiences or opportunities for harmonised reporting and shared information management and joint capacity building programmes?**

Opportunities are great in this area and we believe this to be an important area to be developed. Following on the meeting on reporting on wildlife conventions last year at UNEP-WCMC, we believe this area should be further developed in this and other issues/conventions (e.g., GPA and LBS Protocol).

- f. What should be the role of UNEP in preparing a consolidated overview of the effectiveness of implementation of MEAs?**

- g. Do environmental indicators exist for the subject area of your MEA and, if so, what is the performance against them?**

We do not currently have any specific indicators.

- h. What needs to be done to enhance enforcement and compliance, taking into account the following?**

- **Fragmentation weakens compliance**
- **Inconsistent implementation at the national level (weak ministries, low capacity)**
- **Non-State actors and other State actors**
- **Verification**
- **Any provision on liability and compensation**

Currently the Cartagena is self-enforcing by the Parties. The SPAW Protocol has just entered into force last year and is a true test for compliance and enforcement. So far the best monitors tend to be civil society.

Proper compliance and enforcement is still limited by institutional, technological and financial capabilities in many countries. Efforts are being made through the Secretariat to improve this situation.

**i. Any other recommendations for improving international environmental governance?**

## ANNEX 19

### ACTION PLAN FOR THE PROTECTION AND MANAGEMENT OF THE MARINE AND COASTAL ENVIRONMENT OF THE SOUTH ASIAN SEAS REGION (SACEP)

#### 1. The scope of your MEA

##### a. What are the objectives?

The objective of the Action Plan is to protect and manage the marine environment and related coastal ecosystems of the region. This objective includes the promotion of sustainable development and sound management of regional marine and coastal resources by:

- Establishing and enhancing consultations and technical co-operation among States of the region;
- Emphasising the economic and social importance of the resources of the marine and coastal environment; and
- Establishing a regional co-operative network of activities concerning concrete subjects/projects of mutual interest for the whole region.

The general goals of the Action Plan are:

- To promote policies and management practices for the protection and development of the marine and coastal environment on a national and regional level, including appropriate legislation at the national level;
- To prevent deterioration of the region's marine and coastal environment originating from activities within and outside the States of the region;
- To provide for protection and rational development of the marine and coastal resources of the region, which are a natural heritage with important economic and social values and potential, through the preservation of habitats, the protection of species and careful planning and management of human activities that affect them;
- To strengthen and encourage, through increased regional collaboration, the activities of institutions within the region involved in the study of marine and coastal resources and ecosystems;
- To improve training, technical assistance and exchange of scientific and statistical data at all levels and in all fields relating to the protection and development of the marine and coastal environment; and
- To stimulate the growth of public awareness at all levels of society of the value, interest and vulnerability of the region's marine and coastal environment.

More specifically, the activities of the Action Plan aims at;

- (I) Assessment and evaluation of the causes, magnitude and consequences of environmental problems, in particular the assessment of marine pollution from land and sea based sources, and the study of activities and social and economic factors that may influence or be influenced by environmental degradation;
- (II) Promotion of methods and practices for the management of social and economic development activities that safeguard environmental quality and utilise resources rationally on a sustainable basis;
- (III) Promotion of national legislation, if necessary, for the protection and development of the marine and coastal environment which will facilitate mutual collaboration and operational efficiency of the Action Plan, having due regard to the need for and suitability of such a framework;

(IV) Promotion of research and development and exchange and sharing of their findings among the member states; and

(V) Strengthening of institutional machinery and adoption of financial arrangements required for the successful implementation of the Action Plan.

**b. What is your legal framework?**

No legal framework. Only an Action Plan signed on 24<sup>th</sup> March 1995 (Umbrella Convention is the Law of the Sea)

**c. What are your priorities?**

1. Integrated Coastal Zone Management
2. Development and Implementation of National and Regional Oil and Chemical Spill Contingency Planning
3. Human Resources Development through Strengthening Regional Centres of Excellence
4. Protection of the Marine Environment from Land-based Activities

**d. Does the scope of your MEA address social and economic issues such as the following?**

- Meeting the demand for food
- Meeting demands for fiber and wood
- Meeting demands for water
- Meeting demands for energy, industrial goods and employment
- Health and security of populations

Not applicable.

**2. Contracting Parties/Member States**

**a. Who are your Contracting Parties/Member States**

Bangladesh, India, Maldives, Pakistan & Sri Lanka

**b. What kinds of meetings do you have and at what level of participation?**

- (i) Intergovernmental Meetings
- (ii) Consultative Committee Meetings

**3. Your institutional and governance structure**

**a. How are you structured institutionally (governing bodies and subsidiary bodies, secretariat)?**

The regular periodic meeting of the Governments (INTERGOVERNMENTAL MEETINGS) will be the sole authority in determining the content, review, progress and approval of the workplan of the regional programme. The purview of the Intergovernmental Meeting will also include the financial implications of the regional programme.

The meetings of Governments of Bangladesh, India, Maldives, Pakistan and Sri Lanka shall normally be held every two years, or as the need arises. Participation of the meetings will be normally at Ministerial Level.

The South Asia Co-operative Environment Programme, which is the Secretariat for the Action Plan, shall make all arrangements for the conducting of all the meetings at a suitable venue as decided by the meeting of Governments. The Director General SACEP would act as the Secretary to the Meeting.

A CONSULTATIVE COMMITTEE comprising of the diplomatic representatives of the Member States of the South Asian Seas in Sri Lanka would meet quarterly at the SACEP Secretariat. The Director General SACEP would act as the Secretary to the Committee.

The functions of the Consultative Committee would be mainly:

- (i) to deliberate on the activities which require immediate action; and
- (ii) to review the progress achieved in implementing the Action Plan.

**c. Do you have a corporate or business plan or an equivalent plan such as a strategic action plan?**

Yes. South Asian Seas Action Plan – Adopted at a Meeting of Plenipotentiaries held in New Delhi on 24<sup>th</sup> March 1995.

**4. ADMINISTRATION AND FINANCE**

**a. What is your budget (secretariat, programme of work)?**

The member countries contribute to a South Asian Seas Trust Fund. This is specifically for the running of the Secretariat and this is determined by the Secretariat and approved at the Intergovernmental Meeting. The Secretariat approaches various UN agencies, funding organisations for support for the priority programmes and projects.

**b. What is the contribution of the individual Parties to your MEA and how is it determined?**

Given below are the contributions received/to be received from the Member Countries since the establishment of the South Asian Seas Programme.

Country	1997 in US \$	1998 in US \$	1999 in US \$	2000 in US \$
Bangladesh	10,367.50	11,020	12,120	13,335
India	25,025.00	26,600	29,260	32,185
Maldives	4,647.50	4,940	5,435	5,975
Pakistan	21,092.50	22,420	24,660	27,130
Sri Lanka	10,367.50	11,020	12,125	13,335
Total	71,500.00	76,000	83,600	91,960

The basis for determining the contributions from the member countries are as follows:

All participating States shall on an annual basis, contribute to the South Asian Seas Trust Fund according to the same ratios in the SAARC Scale of Assessment agreed upon by SAARC Member States, where the maximum contribution from a Member State is 35% whilst the minimum contribution to be 5%.

**SAARC SCALE OF ASSESSMENT**

CONTRIBUTOR	A	B
BANGLADESH	11.35	14.50
INDIA	32.10	35.00
MALDIVES	5.00	6.50
PAKISTAN	23.85	29.50
SRI LANKA	11.35	14.50
TOTAL	83.65	100.00

COLUMN A: Percentage contribution to the SAARC Secretariat

COLUMN B: Contribution to the proposed South Asian Seas Fund based on A with a maximum contribution being 35% and minimum being 5%.

**c. What access to other financial mechanisms, if any, do you have?**  
Not applicable

- d. **What are the resources of these financial mechanisms and who are the contributors?**  
Not applicable
- e. **How does the location of your secretariat affect your operations in terms of finance and administration?**  
Not applicable
- f. **Would physical co-location with other convention secretariats help and, if yes, with which ones?**  
Not applicable

**5. Functions and operations of the secretariat**

- a. **How would you describe the way your convention's secretariat operates?**  
Not Applicable
- b. **Is your focus exclusively on servicing the Parties?**  
Yes. Servicing the South Asian Seas Action Plan
- c. **Is your secretariat involved in implementation?**  
Yes, mainly through the National Focal Points
- d. **If so, what general categories of activities do you implement?**  
Priority Programmes and Projects
- e. **How does the MEA monitor and evaluate the implementation?**  
No such mechanism developed yet other than for individual projects
- f. **What role does the secretariat play in monitoring and evaluating implementation of the MEA?**  
Not applicable
- g. **What cooperative arrangements do you have with other MEAs (MOUs, letters of agreement, etc.)?**  
None so far
- h. **Which are the international organisations that are partners in the implementation of your MEA?**  
Does not arise

**6. Participation of non-state actors**

- a. **What sectors of civil society (NGOs, private industry, civic groups, local communities, indigenous groups) are allowed to participate in the deliberations of the Parties to the MEA?**  
No such arrangements
- b. **What relations does civil society have with your secretariat?**  
No such arrangements
- c. **What role does civil society have in the implementation of your MEA?**  
No such arrangements

**7. Challenges, problems, bottlenecks, gaps and overlaps**

**If time permits, please provide recommendations on the following questions from your perspective as a secretariat.**

- a. **What overlaps and opportunities for synergies do you see such as through clustering?**  
No such arrangements yet. However there is a need to develop a network among Regional Seas programmes which have common issues.

- b. Which are the most significant gaps in terms of issues not being addressed effectively (e.g., forests, water)?**  
Impact of Population, Poverty and Urbanisation on Coastal Communities and Resources
- c. On programmatic linkages, what are the opportunities for scientific commonality and co-operation directed at a sound science base?**  
Not applicable since we are presently involved mainly in management and co-ordination
- d. What opportunities exist for programmatic linkages with crosscutting conventions for horizontal issues (i.e., Aarhus Convention)?**  
No opportunities at present.
- e. What are the experiences or opportunities for harmonised reporting and shared information management and joint capacity building programmes?**  
Urgent need for scope for such opportunities
- f. What should be the role of UNEP in preparing a consolidated overview of the effectiveness of implementation of MEAs?**  
Prior to preparation of consolidated overview on the Regional Seas Programme, a thorough review is necessary by a group of experts.
- g. Do environmental indicators exist for the subject area of your MEA and, if so, what is the performance against them?**  
Not worked out yet
- h. What needs to be done to enhance enforcement and compliance, taking into account the following?**
- **Fragmentation weakens compliance**
  - **Inconsistent implementation at the national level (weak ministries, low capacity)**
  - **Non-State actors and other State actors**
  - **Verification**
  - **Any provision on liability and compensation**  
Not Applicable
- i. Any other recommendations for improving international environmental governance?**

## ANNEX 20

### GLOBAL PROGRAMME OF ACTION FOR THE PROTECTION OF THE MARINE ENVIRONMENT FROM LAND-BASED ACTIVITIES (GPA)

#### 1. The scope of your MEA

**a. What are the objectives?**

To protect the marine environment from land-based activities.

**b. What is your legal framework?**

Non-binding programme of action, adopted at an Intergovernmental Meeting (Washington, 1995), but ruled by Conventions and Protocols in many regions as well as supported by UNCLOS.

**c. What are your priorities?**

In accordance with the GPA, the priorities include 8 pollutant-source categories (sewage, POPs, radioactive substances, heavy metals, oils, nutrients, sediment mobilisation, and litter) and physical alteration, including habitat modification and destruction.

**d. Does the scope of your MEA address social and economic issues such as the following?**

- **Meeting the demand for food**

Food security related to marine natural resources (as an objective and one criterion in assessment of problems)

- **Meeting demands for fiber and wood**

No

- **Meeting demands for water**

As an objective: ascertaining marine environmental protection demands protection of surface waters as major source of fresh water supply or as a major carrier of pollutants to the ocean.

- **Meeting demands for energy, industrial goods and employment**

Employment: Yes (e.g. destruction of habitats vs. tourism; sewage pollution vs. tourism)

- **Health and security of populations**

Public health (as an objective and one criterion in assessment of problems)

#### 2. Contracting Parties/Member States

**a. Who are your Contracting Parties/Member States**

No Contracting Parties; all Governments and other stakeholders (including NGOs, private sector, IOs, IFIs, academics, wider public) belong potentially to the GPA constituency (but at regional implementation level, restrictions may apply in regional Conventions and Protocols; ref. answer to question 1.b)

**b. What kinds of meetings do you have and at what level of participation?**

Regular Intergovernmental Review Meetings (once in 5-6 years)

Ad-hoc meetings, including Expert group Meetings, meeting of stakeholders, meetings within the framework of the UNEP Regional Seas Programme.

#### 3. Your institutional and governance structure

**a. How are you structured institutionally (governing bodies and subsidiary bodies, secretariat)?**

Secretariat (UNEP)

**b. Do you have a corporate or business plan or an equivalent plan such as a strategic action plan?**

**plan?**

- (i) Institutional Arrangements (UNEP/GC.19/Inf.4)
- (ii) Strategy, providing guidance to the work of the GPA Coordination Office
- (iii) Strategic Action Plan on Municipal Wastewater
- (iv) Regional programmes of Action on lba in several regions

**4. Administration and finance**

**a. What is your budget (secretariat, programme of work)?**

2000: US\$ 1,700,160 (of which US\$ 972,000 for salaries of staff)  
2001: US\$ 1,253,000 (of which US\$ 969,000 for salaries of staff)

**b. What is the contribution of the individual Parties to your MEA and how is it determined?**

Voluntary contributions only, through Trust Funds and Counter Part contributions  
2000: US\$ 859,000 voluntary contributions

**c. What access to other financial mechanisms, if any, do you have?**

**d. What are the resources of these financial mechanisms and who are the contributors?**

None (except that GPA implementation projects may qualify for GEF IW support if complying to normal operational criteria)

**e. How does the location of your secretariat affect your operations in terms of finance and administration?**

The Government of The Netherlands hosts the secretariat.  
Being located away from NBO Headquarters, maximum administrative and financial delegation of responsibilities is required. This is not the case at present.

**f. Would physical co-location with other convention secretariats help and, if yes, with which ones?**

For administrative/financial synergies: any secretariat;  
For substantive synergies: primarily CBD and Regional Seas Programme;  
Possibly Basel Secretariat.

**5. Functions and operations of the secretariat**

**a. How would you describe the way your convention's secretariat operates?**

Initiating action: e.g. strategic action, guidance, normative function;  
Facilitating actions (e.g. GEF project on development of national programmes of Action);  
Secretariat function: review of progress on implementation.

**b. Is your focus exclusively on servicing the Parties?**

To the GPA constituency belong Governments, private sector, NGOs, international organisations, IFIs, regional seas programmes, and all other stakeholders.

**c. Is your secretariat involved in implementation?**

Through several projects, including GEF (co-)funded, and donor funded projects at regional and national level.

**d. If so, what general categories of activities do you implement?**

Development of plans and programmes (e.g. National Programmes of Action)  
Development of Strategic Action Plans at regional and national level  
Development of investment portfolios at appropriate levels.

**e. How does the MEA monitor and evaluate the implementation?**

Through the UNEP Governing Council meetings and the 5-yearly Intergovernmental Review Meetings, and by regular consultations with RSPs and Governments.

- f. What role does the secretariat play in monitoring and evaluating implementation of the MEA?**  
Aggregation of data from global, regional and national reporting; organizing the Intergovernmental review Meetings.
- g. What cooperative arrangements do you have with other MEAs (MOUs, letters of agreement, etc.)?**  
MoU with CBD  
Several types of agreements with various regional seas programmes;  
MoUs and LoAs with UN agencies for the development of the GPA clearing-house
- h. Which are the international organizations that are partners in the implementation of your MEA?**  
All UN agencies with competencies on land-based activities, including WHO, UNHCS(Habitat), IMO, UNDP, UNIDO, IAEA, WMO, UNESCO/IOC, FAO, UN; as well as regional intergovernmental organisations (e.g. CPPS, SPREP, PAHO, OSPAR, HELCOM, Black Sea Convention)

## **6. Participation of Non-State actors**

- a. What sectors of civil society (NGOs, private industry, civic groups, local communities, indigenous groups) are allowed to participate in the deliberations of the Parties to the MEA?**  
No restrictions for participation from non-governmental stakeholders (subject to decisions by the UNEP Governing Council).
- b. What relations does civil society have with your secretariat?**  
No apparent role (except as beneficiaries and as polluters)
- c. What role does civil society have in the implementation of your MEA?**  
Through regional seas programmes, NGOs primarily.

## **7. Challenges, problems, bottlenecks, gaps and overlaps**

**If time permits, please provide recommendations on the following questions from your perspective as a secretariat.**

- a. What overlaps and opportunities for synergies do you see such as through clustering?**  
Overlaps primarily with activities from some UN agencies → No clustering achievable in the short term  
Synergies possible at substantive level with CBD
- b. Which are the most significant gaps in terms of issues not being addressed effectively (e.g., forests, water)?**  
GPA can contribute to sustainable forestry management i.e. aimed at reduction of sediment mobilisation.  
GPA can address water issues (on qualitative level).  
Atmospheric pollution (and related deposition at sea) is not addressed adequately as yet.
- c. On programmatic linkages, what are the opportunities for scientific commonality and cooperation directed at a sound science base?**  
Synergies in research possible with management of living marine resources, water management, clean technologies, and best environmental practices.
- d. What opportunities exist for programmatic linkages with crosscutting conventions for horizontal issues (i.e., Aarhus Convention)?**  
Not immediate and apparent.
- e. What are the experiences or opportunities for harmonized reporting and shared information management and joint capacity building programmes?**  
Joint capacity building: several opportunities with CBD, Basel, regional seas conventions and action plans, and with FAO, Habitat, WHO, etc.  
Reporting should be focussed at the specific needs in time and purpose; further harmonisation will prove to be difficult (based on preliminary studies for synergies with reporting in the framework of CSD, Basel, regional seas programmes, etc)

Shared information management through the GPA clearing-house and linkages with UN, regional and national nodes of information on land-based activities.

- f. What should be the role of UNEP in preparing a consolidated overview of the effectiveness of implementation of MEAs?**  
Strategic: with a view to possible future institutional arrangements for sustainable (environmental) development, and to evolve decision-making in the various intergovernmental regional bodies.
- g. Do environmental indicators exist for the subject area of your MEA and, if so, what is the performance against them?**  
No indicators exist as yet.
- h. What needs to be done to enhance enforcement and compliance, taking into account the following?**
- **Fragmentation weakens compliance**  
Emphasis on costs/benefits of action and no-action.
  - **Inconsistent implementation at the national level (weak ministries, low capacity)**  
Normative functions further developed.
  - **Non-State actors and other State actors**  
Guidance on relevant subjects, focussing on voluntary action.
  - **Any provision on liability and compensation**  
Primary channel through Regional Seas Conventions and Action Plans, thereby supporting consistent, self-enhancing and self-monitoring action at national level on all relevant subject areas (i.e. bio-diversity, forestry, water, agriculture, municipal wastewater, etc.).
- i. Any other recommendations for improving international environmental governance?**  
Improve land-water-marine eco-system linkages.  
Exploit existing (economic, social, environmental) linkages between stakeholder groups.



Mediterranean - Continued	Protocol on the Prevention of Pollution of the Mediterranean Sea by Transboundary Movements of Hazardous Wastes and their Disposal Adopted: (Izmir, 1.10.1996) Entry into Force: Not yet					*		
Kuwait Regional Convention for Cooperation on the Protection of the Marine Environment from Pollution Adopted: (Kuwait, 24.4.1978) Entry into Force: 1.7.1979	Protocol Concerning Regional Cooperation in Combating Pollution by Oil and other Harmful Substances in Cases of Emergency Adopted: (Kuwait, 24.4.1978) Entry into Force: 1.7.1979  Protocol Concerning Marine Pollution Resulting from Exploration and Exploitation of the Continental Shelf Adopted: (Kuwait, 29.3.1989) Entry into Force: 17.2.1990  Protocol for the Protection of the Marine Environment Against Pollution from Land-Based Sources Adopted: (Kuwait, 21.2.1990) Entry into Force: 2.1.1993	*		*			*	
Convention for Cooperation in the Protection and Development of the Marine and Coastal Environment of the West and Central African Region Adopted: (Abidjan, 23.3.1981) Entry into Force: 5.8.1984	Protocol Concerning Cooperation in Combating Pollution in Cases of Emergency in the West and Central African Region Adopted: (Abidjan, 23.3.1981) Entry into Force: 5.8.1984	*						
Convention for the Protection of the Marine Environment and Coastal Area of the South-East Pacific Adopted: (Lima, 12.11.1981) Entry into Force: 19.5.1986	Agreement on Regional Cooperation in Combating Pollution of the South-East Pacific by Hydrocarbons or other Harmful Substances in Cases of Emergency Adopted: (Lima, 12.11.1981) Entry into Force: 14.7.1986  Supplementary Protocol to the Agreement on Regional Cooperation in Combating Pollution of the South-East Pacific by Hydrocarbons or Other Harmful Substances Adopted: (Quito, 22.7.1983) Entry into Force: 205.1987  Protocol for the Protection of the South-East Pacific Against Pollution from Land-based Sources Adopted: (Quito, 22.7.1983) Entry into Force: 21.9.1986  Protocol for the Conservation and Management of Protected Marine and Coastal Areas of the South-East Pacific Adopted: (Paipa, 21.9.1989) Entry into Force: 18.10.1994  Protocol for the Protection of the South-East Pacific against Radioactive Contamination Adopted: Paipa, 21.9.1989 Entry into Force: 25.1.1995	*		*		*		
Regional Convention for the Conservation of the Red Sea and Gulf of Aden Environment Adopted: (Jeddah, 14.2.1982) Entry into Force: 20.8.1985	Protocol Concerning Regional Cooperation in Combating Pollution by Oil and Other Harmful Substances in Cases of Emergency Adopted: (Jeddah, 14.2.1982) Entry into Force: 20.8.1985	*						
Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region	Protocol Concerning Cooperation in Combating Oil Spills in the Wider Caribbean Region Adopted: Cartagena de Indias, 24.3.1983 Entry into Force: 11.10.1986	*						

<p>Adopted: (Cartagena de Indias, 24.3.1983)</p>	<p>Protocol Concerning Specially Protected Areas and Wildlife to the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region Adopted: Kingston, 18.1.1990 Entry into Force: Not yet</p> <p>Protocol Concerning Marine Pollution from Land-Based Sources and Activities Adopted: Kingston, October 1999</p>			*				
<p>Convention for the Protection, Management and Development of the Marine and Coastal Environment of the Eastern African Region Adopted: (Nairobi, 21.6.1985) Entry into Force: 30.5.1996</p>	<p>Protocol Concerning Protected Areas and Wild Fauna and Flora in the Eastern African Region Adopted: Nairobi, 21.6.1985 Entry into Force: 30.5.1996</p> <p>Protocol Concerning Cooperation in Combating Marine Pollution in Cases of Emergency in the Eastern African Region Adopted: (Nairobi, 21.6.1985) Entry into Force: 30.5.1996</p>	*		*				
<p>Convention for the Protection of the Natural Resources and Environment of the South Pacific Region Adopted: (Noumea, 25.11.1986) Entry into Force: 22.8.1990</p>	<p>Protocol Concerning Cooperation in Combating Pollution Emergencies in the South Pacific Region Adopted: (Noumea, 25.11.1986) Entry into Force: 22.8.1990</p> <p>Protocol for the Protection of Pollution of the South Pacific Region by Dumping Adopted: (Noumea, 25.11.1986) Entry into Force: 22.8.1990</p>	*						*
<p>Convention on the Protection of the Marine Environment of the Baltic Sea Area Adopted: (Helsinki, 9.4.1992) Entry into Force: 17 January 2000</p>	<p>Annex I: Harmful Substances</p> <p>Annex II: Criteria for the Use of Best Environmental Practice and Best Available Technology</p> <p>Annex III: Criteria and Measures Concerning the Prevention of Pollution from Land-based Sources</p> <p>Annex IV: Prevention of Pollution from Ships</p> <p>Annex V: Exemptions from the General Prohibition of Dumping of Waste and Other Matter in the Baltic Sea Area</p> <p>Annex VI: Prevention of Pollution from Offshore Activities</p> <p>Annex VII: Response to Pollution Incidents</p>	*		*			*	*
<p>Convention on the Protection of the Black Sea against Pollution Adopted: (Bucharest, 21.4.1992) Entry into Force: Not yet</p>	<p>Protocol on Protection of the Black Sea Marine Environment Against Pollution from Land-based Sources Adopted: (Bucharest, 21.4.1992) Entry into Force: 15 January 1994</p> <p>Protocol on Cooperation in Combating Pollution of the Black Sea Marine Environment by Oil and Other Harmful Substances in Emergency Situations Adopted: (Bucharest, 21.4.1992) Entry into Force: 15 January 1994</p> <p>Protocol on the Protection of the Black Sea Marine Environment Against Pollution by Dumping Adopted: (Bucharest, 21.4.1992)</p>	*		*				*

<p>Convention for the Protection of the Marine Environment of the North-East Atlantic          Adopted: (Paris, 22.9.1992)          Entry into Force: 28 March 1998</p>	<p>Entry into Force: Not yet</p> <p>Annex 1: On the prevention and elimination of pollution from land-based sources          Adopted: (Paris, 22.9.1992)          Entry into Force: 28 March 1998</p> <p>Annex 2: On the prevention and elimination of pollution by dumping and incineration          Adopted: (Paris, 22.9.1992)          Entry into Force: 28 March 1998</p> <p>Annex 3: On the prevention and elimination of pollution from offshore sources          Adopted: (Paris, 22.9.1992)          Entry into Force: 28 March 1998</p> <p>Annex 4: On the assessing of the quality of the marine environment          Adopted: (Paris, 22.9.1992)          Entry into Force: 28 March 1998</p> <p>Annex 5: On the protection and conservation of the ecosystems and biological diversity of the maritime area          Adopted: (Sintra, Portugal, 23.7.1998)          Entry into Force: Not yet</p>		<p>*</p>	<p>*</p>		<p>*</p>	<p>*</p>
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**ANNEX 22**

**PARTIES TO SELECTED CORE ENVIRONMENTAL CONVENTIONS AND RELATED AGREEMENTS**

**AFRICAN GROUP**

COUNTRY	Vienna Convention	MLF for the Montreal Protocol	UNFCCC	CBD	CITES	CMS	ACCOBAMS	AEWA	ASCOBANS	EUROBATS	Ramsar Convention	World Heritage	Basel Convention	Rotterdam Convention	POPs	UNCCD	Barcelona Convention	Cartagena Convention	SACEP	GPA
ALGERIA	X	X	X	X	X						X	X	X			X	X			
ANGOLA			X	X								X				X				
BENIN	X	X	X	X	X	X		X				X	X			X				
BOTSWANA	X	X	X	X	X						X	X	X			X				
BURKINA FASO	X	X	X	X	X	X					X	X				X				
BURUNDI	X	X	X	X	X							X	X			X				
CAMEROON	X	X	X	X	X	X						X				X				
CAPE VERDE			X	X								X	X			X				
CENTRAL AFRICAN REP.	X	X	X		X							X				X				
CHAD	X	X	X	X	X	X					X	X				X				
COMOROS	X	X	X	X	X						X		X			X				
CONGO	X	X	X	X	X	X		X			X	X				X				
COTE D'IVOIRE	X	X	X	X	X						X	X	X			X				
DEM. REP. OF THE CONGO	X	X	X	X	X	X					X	X	X			X				
DJIBOUTI			X	X	X											X				
EGYPT	X	X	X	X	X	X		X			X	X	X			X	X			
EQUATORIAL GUINEA		X		X	X											X				
ERITREA			X	X	X											X				
ETHIOPIA	X	X	X	X	X											X				
GABON	X	X	X	X	X						X	X				X				
GAMBIA	X	X	X	X	X			X			X	X	X			X				
GHANA	X	X	X	X	X	X					X	X				X				
GUINEA	X	X	X	X	X	X		X			X	X				X				
GUINEA BISSAU			X	X	X	X					X					X				
KENYA	X	X	X	X	X	X					X	X				X				
LESOTHO	X	X	X	X												X				
LIBERIA	X	X	X	X	X											X				
LIBYAN ARAB JAMAHIRIYA	X	X	X	X								X				X				

COUNTRY	Vienna Convention	MLF for the Montreal Protocol	UNFCCC	CBD	CITES	CMS	ACCOBAMS	AEWA	ASCOBANS	EUROBATS	Ramsar Convention	World Heritage	Basel Convention	Rotterdam Convention	POPs	UNCCD	Barcelona Convention	Cartagena Convention	SACEP	GPA
MADAGASCAR	X	X	X	X	X						X	X				X				
MALAWI	X	X	X	X	X						X	X	X			X				
MALI	X	X	X	X	X	X		X			X	X				X				
MAURITANIA	X	X	X	X	X	X					X	X	X			X				
MAURITIUS	X	X	X	X	X							X	X			X				
MOROCCO	X	X	X	X	X	X	X				X	X	X			X	X			
MOZAMBIQUE	X	X	X	X	X							X	X			X				
NAMIBIA	X	X	X	X	X						X		X			X				
NIGER	X		X	X	X	X		X			X	X	X			X				
NIGERIA	X	X	X	X	X	X						X	X			X				
RWANDA			X	X	X											X				
SAO TOME AND PRINCIPE			X	X												X				
SENEGAL	X	X	X	X	X	X		X			X	X	X			X				
SEYCHELLES	X	X	X	X	X							X	X			X				
SIERRA LEONE			X	X	X											X				
SOMALIA			X	X	X	X														
SOUTH AFRICA	X	X	X	X	X	X					X	X	X							
SUDAN	X	X	X	X	X			X				X				X				
SWAZILAND	X	X	X	X	X											X				
TANZANIA	X	X	X	X	X	X		X				X	X			X				
TOGO	X	X	X	X	X	X		X			X	X				X				
TUNISIA	X	X	X	X	X	X					X	X	X			X	X			
UGANDA	X	X	X	X	X	X					X	X	X			X				
ZAMBIA	X	X	X	X	X						X	X	X			X				
ZIMBABWE	X	X	X	X	X							X				X				

ASIA GROUP

COUNTRY	Vienna Convention	MLF for the Montreal Protocol	UNFCCC	CBD	CITES	CMS	ACCOBAMS	AEWA	ASCOBANS	EUROBATS	Ramsar Convention	World Heritage	Basel Convention	Rotterdam Convention	POPs	UNCCD	Barcelona Convention	Cartagena Convention	SACEP	GPA
AFGHANISTAN			X		X							X				X				
AUSTRALIA	X	X	X	X	X	X					X	X	X			X				
BANGLADESH	X	X	X	X	X						X	X	X			X			X	
BHUTAN			X	X																
BRUNEI DARUSSALAM	X	X			X															
CHINA	X	X	X	X	X	X					X	X	X			X				
COOK ISLANDS			X	X												X				
DEMOC. REP. OF KOREA	X	X	X								X	X								
FIJI	X	X	X	X	X							X				X				
GUAM																				
HONG KONG, CHINA																				
INDIA	X	X	X	X	X	X					X	X	X			X			X	
INDONESIA	X	X	X		X						X	X	X			X				
IRAN, ISLAMIC REP. OF	X	X	X	X	X						X	X	X			X				
JAPAN	X	X	X	X	X						X	X	X			X				
KINGDOM OF CAMBODIA			X	X	X						X	X				X				
KIRIBATI	X	X	X	X												X				
KOREA, REPUBLIC OF	X	X	X	X	X							X	X			X				
LAO PDR	X	X	X	X								X				X				
MALAYSIA	X	X	X	X	X						X	X	X							
MALDIVES	X	X	X	X								X	X						X	
MARSHALL ISLANDS	X	X	X	X												X				
MICRONESIA	X	X	X	X									X			X				
MONGOLIA	X	X	X	X	X						X	X	X			X				
MYANMAR	X	X	X	X	X							X				X				
NEPAL	X	X	X	X	X						X	X	X			X				
NEW ZEALAND	X	X	X	X	X	X					X	X	X							
NIUE ISLANDS			X	X												X				
PAKISTAN	X	X	X	X	X	X					X	X	X			X			X	

COUNTRY	Vienna Convention	MLF for the Montreal Protocol	UNFCCC	CBD	CITES	CMS	ACCOBAMS	AEWA	ASCOBANS	EUROBATS	Ramsar Convention	World Heritage	Basel Convention	Rotterdam Convention	POPs	UNCED	Barcelona Convention	Cartagena Convention	SACEP	GPA
PAPUA NEW GUINEA	X	X	X	X	X						X	X	X							
PHILIPPINES	X	X	X	X	X	X					X	X	X							
REPUBLIC OF NAURU			X	X												X				
REPUBLIC OF PALAU				X												X				
REPUBLIC OF SINGAPORE	X	X	X	X	X								X			X				
SAMOA	X	X	X	X												X				
SOLOMON ISLANDS	X	X	X	X								X				X				
SRI LANKA	X	X	X	X	X	X					X	X	X			X			X	
THAILAND	X	X	X	X	X						X	X	X			X				
TONGA	X	X	X	X																
TUVALU	X	X	X	X												X				
VANUATU	X	X	X	X	X											X				
VIET NAM	X	X	X	X	X						X	X	X			X				

**EUROPE GROUP**

COUNTRY	Vienna Convention	MLF for the Montreal Protocol	UNFCCC	CBD	CITES	CMS	ACCOBAMS	AEWA	ASCOBANS	EUROBATS	Ramsar Convention	World Heritage	Basel Convention	Rotterdam Convention	POPs	UNCCD	Barcelona Convention	Cartagena Convention	SACEP	GPA
ALBANIA	X	X	X	X							X	X	X				X			
ANDORRA												X	X							
ARMENIA	X	X	X	X							X	X	X			X				
AUSTRIA	X	X	X	X	X						X	X	X			X				
AZERBAIJAN REPUBLIC		X	X	X	X							X				X				
BELARUS	X	X	X	X	X							X								
BELGIUM	X	X	X	X	X	X			X		X	X	X			X				
BOSNIA-HERZEGOVINA												X					X			
BULGARIA	X	X	X	X	X	X		X		X	X	X	X							
CROATIA			X	X	X	X		X		X	X	X	X			X	X			
CYPRUS	X	X	X	X	X							X	X				X			
CZECH REPUBLIC			X	X	X	X				X	X	X								
DENMARK	X	X	X	X	X	X		X	X	X	X	X				X				
ESTONIA	X	X	X	X	X						X	X	X							
EUROPEAN COMMUNITY	X	X	X	X		X							X			X	X			
FINLAND	X	X	X		X	X		X	X	X	X	X	X			X				
FRANCE	X	X	X	X	X	X		X		X	X	X	X			X	X	X		
GEORGIA	X	X	X	X	X	X					X	X	X			X				
GERMANY	X	X	X	X	X	X		X	X	X	X	X	X			X				
GREECE	X	X	X	X	X	X					X	X	X			X	X			
HOLY SEE												X								
HUNGARY	X	X	X	X	X	X				X	X	X				X				
ICELAND	X	X	X	X	X						X	X	X			X				
IRELAND	X	X	X	X		X		X		X	X	X	X			X				
ISRAEL	X	X	X	X	X	X					X		X			X	X			
ITALY	X	X	X	X	X	X					X	X	X			X	X			
KAZAKHSTAN	X	X	X	X	X							X				X				
KYRGYZSTAN				X								X	X			X				
LATVIA	X	X	X	X	X	X					X	X	X							

COUNTRY	Vienna Convention	MLF for the Montreal Protocol	UNFCCC	CBD	CITES	CMS	ACCOBAMS	AEWA	ASCOBANS	EUROBATS	Ramsar Convention	World Heritage	Basel Convention	Rotterdam Convention	POPs	UNCCD	Barcelona Convention	Cartagena Convention	SACEP	GPA
LIECHTEN-STEIN	X	X	X	X	X	X					X	X	X							
LITHUANIA	X	X	X	X							X	X	X							
LUXEMBOURG	X	X	X	X	X	X		X		X	X	X				X				
MACEDONIA			X	X	X	X		X		X	X		X							
MALTA	X	X	X	X	X	X				X	X	X				X	X			
MOLDOVA	X	X	X	X		X				X			X			X				
MONACO	X	X	X	X	X	X	X	X		X	X	X				X	X			
NETHERLANDS	X	X	X	X	X	X		X	X	X	X	X	X			X		X		
NORWAY	X	X	X	X	X	X				X	X	X	X			X				
POLAND	X	X	X	X	X	X			X	X	X	X	X							
PORTUGAL	X	X	X		X	X				X	X	X	X			X				
ROMANIA	X	X	X	X	X	X		X		X	X	X	X			X				
RUSSIAN FEDERATION	X	X	X	X	X						X	X	X							
SAN MARINO			X	X								X				X				
SLOVAKIA REPUBLIC			X	X	X	X				X	X	X	X							
SLOVENIA			X	X	X	X					X	X	X				X			
SPAIN	X	X	X	X	X	X	X	X			X	X	X			X	X			
SWEDEN	X	X	X	X	X	X		X	X	X	X	X	X			X				
SWITZERLAND	X	X	X	X	X	X		X			X	X	X			X				
TAJKISTAN	X	X	X	X		X										X				
TURKEY	X	X		X	X						X	X	X			X	X			
TURKMEN-ISTAN	X	X	X	X								X	X			X				
UKRAINE	X	X	X	X	X	X				X	X	X	X							
UNITED KINGDOM	X	X	X	X	X	X		X	X	X	X	X	X			X		X		
UZBEKISTAN			X	X	X	X						X	X			X				
YUGOSLAVIA	X	X	X	X							X	X								

LATIN AMERICAN GROUP

COUNTRY	Vienna Convention	MLF for the Montreal Protocol	UNFCCC	CBD	CITES	CMS	ACCOBAMS	AEWA	ASCOBANS	EUROBATS	Ramsar Convention	World Heritage	Basel Convention	Rotterdam Convention	POPs	UNCCD	Barcelona Convention	Cartagena Convention	SACEP	GPA
ANTIGUA AND BARBUDA	X	X	X	X	X							X	X			X		X		
ARGENTINA	X	X	X	X	X	X					X	X	X			X				
BAHAMAS	X	X	X	X	X						X		X					X		
BARBADOS	X	X	X	X	X								X			X		X		
BELIZE	X	X	X	X	X						X	X	X			X		X		
BERMUDA																				
BOLIVIA	X	X	X	X	X						X	X	X			X				
BRAZIL	X	X	X	X	X						X	X	X			X				
CHILE	X	X	X	X	X	X					X	X	X			X				
COLOMBIA	X	X	X	X	X						X	X	X			X		X		
COSTA RICA	X	X	X	X	X						X	X	X			X		X		
CUBA	X	X	X	X	X							X	X			X		X		
DOMINICA	X	X	X	X	X							X	X			X		X		
DOMINICAN REPUBLIC	X	X	X	X	X							X				X		X		
ECUADOR	X	X	X	X	X						X	X	X			X				
EL SALVADOR	X	X	X	X	X						X	X	X			X				
GRENADA	X	X	X	X	X							X				X		X		
GUATEMALA	X	X	X	X	X						X	X	X			X		X		
GUYANA	X	X	X	X	X							X				X		X		
HAITI			X	X								X	X			X		X		
HONDURAS	X	X	X	X	X						X	X	X			X		X		
JAMAICA	X	X	X	X	X						X	X				X		X		
MEXICO	X	X	X	X	X						X	X	X			X		X		
NICARAGUA	X	X	X	X	X						X	X	X			X		X		
PANAMA	X	X	X	X	X	X					X	X	X			X		X		
PARAGUAY	X	X	X	X	X	X					X	X	X			X				
PERU	X	X	X	X	X	X					X	X	X			X				
ST. KITTS AND NEVIS	X	X	X	X	X							X	X			X		X		
SAINT LUCIA	X	X	X	X	X							X	X			X		X		
ST VINCENT & GRENADINES	X	X	X	X	X								X			X		X		
SURINAME	X	X	X	X	X						X	X						X		

COUNTRY	Vienna Convention	MLF for the Montreal Protocol	UNFCCC	CBD	CITES	CMS	ACCOBAMS	AEWA	ASCOBANS	EUROBATS	Ramsar Convention	World Heritage	Basel Convention	Rotterdam Convention	POPs	UNCCD	Barcelona Convention	Cartagena Convention	SACEP	GPA
TRINIDAD AND TOBAGO	X	X	X	X	X						X		X					X		
URUGUAY	X	X	X	X	X	X					X	X	X			X				
VENEZUELA, BOLIVARIAN REP	X	X	X	X	X						X	X	X			X		X		

WEST ASIA GROUP

COUNTRY	Vienna Convention	MLF for the Montreal Protocol	UNFCCC	CBD	CITES	CMS	ACCOBAMS	AEWA	ASCOBANS	EUROBATS	Ramsar Convention	World Heritage	Basel Convention	Rotterdam Convention	POPs	UNCCD	Barcelona Convention	Cartagena Convention	SACEP	GPA
BAHRAIN	X	X	X	X							X	X	X			X				
IRAQ												X								
JORDAN	X	X	X	X	X	X		X			X	X	X			X				
KUWAIT	X	X	X	X	X							X	X			X				
LEBANON	X	X	X	X							X	X	X			X	X			
QATAR	X	X	X	X								X	X			X				
SAUDI ARABIA	X	X	X		X	X						X	X			X				
SULTANATE OF OMAN	X	X	X	X								X	X			X				
SYRIAN ARAB REPUBLIC	X	X	X	X							X	X	X			X				
UNITED ARAB EMIRATES	X	X	X	X	X								X			X				
YEMEN	X	X	X	X	X							X	X			X				

**NORTH AMERICAN GROUP**

COUNTRY	Vienna Convention	MLF for the Montreal Protocol	UNFCCC	CBD	CITES	CMS	ACCOBAMS	AEWA	ASCOBANS	EUROBATS	Ramsar Convention	World Heritage	Basel Convention	Rotterdam Convention	POPs	UNCCD	Barcelona Convention	Cartagena Convention	SACEP	GPA
CANADA	X	X	X	X	X						X	X	X			X				
USA	X	X	X		X						X	X	X			X		X		