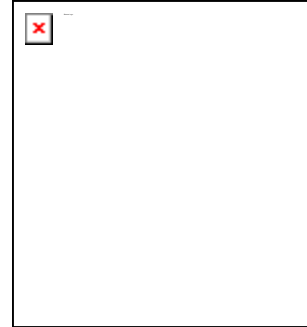


*The Ramsar Convention on Wetlands*

# **International Environmental Governance: Multilateral Environmental Agreements (MEAs)**

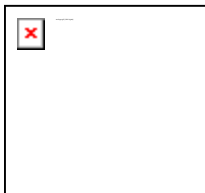


(Note: This is an HTML reprint of the original document, which can be downloaded from the UNEP Web site, a very large file which includes the annexes of raw survey data which have been omitted here.)

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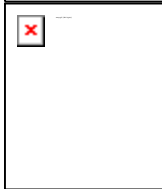
Distr.

**Environment**

GENERAL

**Programme**

UNEP/IGM/1/INF/3



6 April 2001

ENGLISH ONLY

**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)**

**Advance Unedited Copy**

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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 AEWA, 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 bureaus 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, AEW, 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.

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## **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.

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## **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>		
<b>MEA</b>	<b>Date adopted</b>	<b>Secretariat</b>

<b>Atmosphere Conventions:</b>		
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
<b>Biodiversity-related Conventions:</b>		
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>		ACCOBAMS 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
<b>Chemicals and Hazardous Wastes Conventions:</b>		
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>
<b>Land Conventions:</b>		
23. United Nations Convention to Combat Desertification	1992	UN
<b>Regional seas conventions and related agreements<sup>3</sup></b>		
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, AEW, ASCOBANS, ACCOBAMS, Basel Convention, Stockholm Convention, UNCCD, Cartagena Convention, SACEP);
- b. Mobilizing additional resources for implementing their respective MEAs (CITES, CMS, Ramsar Convention, AEW);
- 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, AEW)
- e. Assessment and management of pollution (Basel Convention, Rotterdam Convention, Stockholm Convention, ASCOBANS, EUROBATS, AEW, 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, AEW, Basel Convention, Barcelona Convention);
- k. Incentives (CBD)
- l. Enhance membership by governments (CITES, CMS, AEW, Ramsar Convention, Basel Convention, Stockholm Convention, Barcelona Convention)

- m. Strengthened international partnerships, including with other conventions (CITES, CMS, AWEA, 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, AWEA, 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 AEWA, 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.

<b>Table 2</b>	
<b>Regional Seas Conventions</b>	
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 Move-ment of wastes	Offshore Explora-tion 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, AEWA, 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>	<p>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.</p>
UNFCCC	<p>Subsidiary Body for Scientific and Technological Advice (SBSTA)</p> <p>Intergovernmental Panel on Climate Change (IPCC)</p>	<p>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.</p> <p>The IPCC was established jointly by UNEP and WMO in 1988 and is today the world's authoritative scientific and technical</p>

		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
- 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 AEWA 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, AEW, 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 (SPA/W/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, AEW, 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 AEWB 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 interessionally.

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 AEWA. NGOs also assist Parties to ASCOBANS, EUROBATS and AEWA 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 Pollution Casualties	1969	IMO
4. Amendments to the International Convention for the Prevention of	1971	IMO

Pollution of the Sea by Oil, 1954, Concerning Tank Arrangements and Limitation of Tank Size		
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
<b>Oceans-related conventions</b>		
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
<b>Fisheries Conventions<sup>3</sup></b>		
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
<b>Plant conventions</b>		
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
<b>ILO occupational hazards conventions</b>		
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
<b>Nuclear-related conventions<sup>6</sup></b>		
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
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<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.

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## 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.

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### **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<sup>1</sup>**

(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	• trust fund	12	12						

	<ul style="list-style-type: none"> <li>• GEF</li> </ul>	(m)	(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 (m)	3.7 (av)	120 (m) 140	120 (m)			<ul style="list-style-type: none"> <li>• App figure US\$ 3,700,000 per year</li> <li>• Av-US\$ 120 million</li> </ul>	
Totals									
<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) 2.0 (v)		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> </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	
Totals									
<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		
Totals										
<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	
Totals										
<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)					
Totals										

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

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## **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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## LIST OF ANNEXES

### CLUSTER ONE: ATMOSPHERE-RELATED CONVENTIONS

Annex 1: Vienna Convention for the Protection of the Ozone Layer and its Montreal Protocol on Substances that Deplete the Ozone Layer

Annex 2: Multilateral Fund for the Implementation of the Montreal Protocol on Substances that Deplete the Ozone Layer

Annex 3: United Nations Framework Convention on Climate Change (UNFCCC)

#### CLUSTER TWO: BIODIVERSITY-RELATED CONVENTIONS

Annex 4: Convention on Biological Diversity (CBD)

Annex 5: Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)

Annex 6: Convention on the Conservation of Migratory Species of Wild Animals (CMS)

Annex 7: Agreement on Conservation of Mediterranean, near Atlantic and Black Sea Cetaceans and their habitats (ACCOBAMS)

Annex 8: Agreement on Conservation of African-Eurasian Migratory Waterbirds (AEWA)

Annex 9: Agreement on Conservation of Small Cetaceans of the Baltic and North Seas

Annex 10: Agreement on the Conservation of Bats in Europe (EUROBATS)

Annex 11: Ramsar Convention on Wetlands

Annex 12: World Heritage Convention

#### CLUSTER THREE: CHEMICALS-RELATED CONVENTIONS

Annex 13: Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal

Annex 14: Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (PICs)

Annex 15: Intergovernmental Negotiating Committee for a Treaty on Persistent Organic Pollutants (POPs)

#### CLUSTER FOUR: LAND-RELATED CONVENTIONS

Annex 16: United Nations Convention to Combat Desertification (UNCCD)

#### CLUSTER FIVE: REGIONAL SEAS CONVENTIONS AND RELATED AGREEMENTS

Annex 17: Barcelona Convention for the Protection of the Mediterranean Sea Against Pollution

Annex 18: Cartagena Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region

Annex 19: Action Plan for the Protection and Management of the Marine and Coastal Environment of the South Asian Seas Region (SACEP)

Annex 20: Global Programme of Action for the Protection of the Marine Environment from Land-Based Activities (GPA)

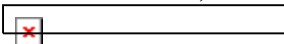
#### OTHER ANNEXES

Annex 21: List of Regional Seas Conventions, Protocols, Amendments and Related Annexes

Annex 22: Parties to Selected Core Environmental Conventions and Related Agreements

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Posted 20 May 2001, Dwight Peck, Ramsar.

