



A Handbook for African Journalists on



MULTILATERAL ENVIRONMENTAL AGREEMENTS



CHAPTER ONE



CHAPTER 1

BACKGROUND AND CONTEXT

1.1 Introduction

Most environmental issues are global and therefore do not end at national borders. Sources of environmental concerns may be far off but the impacts are felt regionally or even globally. This therefore calls for regional and global partnership and cooperation to tackle the myriad of environmental challenges. Multilateral Environmental Agreements (MEAs) are central in regional and global efforts towards tackling the world's environmental challenges.

MEAs are international legal instruments that:

A

:Have a goal of environmental protection;

B

:Take measures to remedy, mitigate or otherwise deal with global and/or regional environmental concerns;

C

:Are concluded between a large number of states or international organizations as Parties;

D

:Can be embodied in a single instrument or more related instruments

DCBA

Multilateral Environmental Agreements play a critical role in complementing national legislation and bilateral or regional agreements. They are the over-arching international legal basis for global actions to address particular environmental issues and have been used as a basis to promote and establish environmental management frameworks through which to structure practical international activity with respect to environmental protection and conservation.



A session of the first United Nations Environment Assembly (UNEA) held in Nairobi, Kenya in June 2014

1.2 Rationale for a MEAs Handbook for African Journalists

Africa faces numerous environmental challenges that call for innovative response mechanisms. These challenges include unsustainable exploitation of

biodiversity and other natural resources, invasive and alien species, illegal trade in endangered plant and animal species, indoor and outdoor air pollution, improper waste disposal, exposure to chemicals and other hazardous materials, illegal trans-boundary movement of hazardous wastes and materials, and climate change. These challenges pose a grave threat to the region's sustainable development and green economy prospects.

Over the years hundreds of Multilateral Environmental Agreements (MEAs) have come into force to address the above challenges at the global and regional level. The majority of African states are now parties to many of these MEAs. The achievement of the objectives of MEAs by African states largely depends on the extent to which their general public and decision-makers are aware and understand the content of the relevant MEAs and their respective national obligations. Many African states have either enacted or are in the process of enacting national legislation in a bid to meet their obligations under the MEAs.

The lack of information and knowledge about MEAs, their objectives and status in relation to African countries has been a major impediment in realizing sustainable development goals in the continent. Environmental education and awareness is integral in the achievement of Sustainable Development Goals (SDGs). Mass media and, in particular, journalists, can ensure that the general public and decision-makers are informed to take up sustained environmental actions at different levels in order to meet the sustainable development goals.

Journalists have an important role to play in education and awareness targeting not only the general public but also decision makers on the environmental challenges that affect the environment and human health, and the existing and emerging international responses to these challenges as provided for in MEAs. In addition, journalists have a role in creating public awareness on the national mechanisms to meet the obligations under MEAs. Journalists can also adopt reporting strategies that may influence action towards effective implementation and enforcement of national policies and laws that domesticate provisions of the MEAs.

However, many African journalists lack the capacity to follow through and effectively the current and emerging environmental issues in the continent, the existing and ongoing processes under the various MEAs to which African states are parties, and the national implementation mechanisms for the MEAs. This has hampered accurate reporting and information dissemination to the general public as well as decision-makers.

Building the capacity of African journalists to effectively report on the continent's environmental issues, the MEAs that African states are parties to as

well as the corresponding national policies and laws to implement the MEAs, is therefore critical towards meeting continent's sustainable development and green economy objectives.

This handbook is one of the initiatives aimed at building the capacity of African journalists with a view to:

- i. Deepen their understanding of key environmental challenges in Africa; the MEAs that address those challenges and that African states are parties to, including their obligations thereunder; and the corresponding national implementation mechanisms for the respective MEAs;*
- ii. Increase knowledge of the strategies for effective reporting and coverage of the environmental discourse in Africa, MEAs and their ongoing processes and, national implementation mechanisms.*

This Handbook provides African journalists and other environmental practitioners with a user- friendly compilation of the key environmental issues affecting the African continent together with the MEAs that address these issues. It is a quick, yet detailed, reference material for environmental reporting and information dissemination regarding the critical MEAs that have a bearing on the African continent. The Handbook makes a quick overview and snap-shot of the main MEAs that have a strong bearing on Africa and sets the pace for better environmental reporting and informed decision-making.

1.3 The process and methodology for the development of the Handbook

A participatory approach was adopted for the development of this Handbook. This encompassed rigorous consultations among environmental, legal and media experts in Africa as well as systematic reviews of existing materials on the subject. In addition a workshop with African journalists, environmental lawyers and environmental experts provided further inputs and knowledge for the enrichment of the Handbook.

1.4 The target audience

The main audience targeted by this handbook is African journalists interested in environmental reporting and creating public awareness regarding environmental management and sustainable development. While the handbook is designed specifically to bridge the existing knowledge and information gap on MEAs and communication in the context of environment and sustainable development, it is envisaged that the development of this handbook will

have a knock-on and multiplier effect to other stakeholders and segments of the society who yearn for related environmental information especially a quick-easy-to-read piece that can stimulate awareness and consciousness about sustainable development and green growth, backed by regional and international-level agreements. These stakeholders include communities and community gate-keepers, environmental lawyers, policy and decision-makers, private sector as well as environmental and natural resources managers in both government and non-governmental institutions who consistently grapple with issues regarding MEAs.

1.5 The Main Clusters of Multilateral Environmental Agreements

Many MEAs have been developed, adopted and ratified under the auspices of the United Nations and other inter-governmental organizations. The number of MEAs and institutions has grown steadily over the last few decades especially since the United Nations Conference on Human Environment (UNCHE), held in Stockholm in 1972.

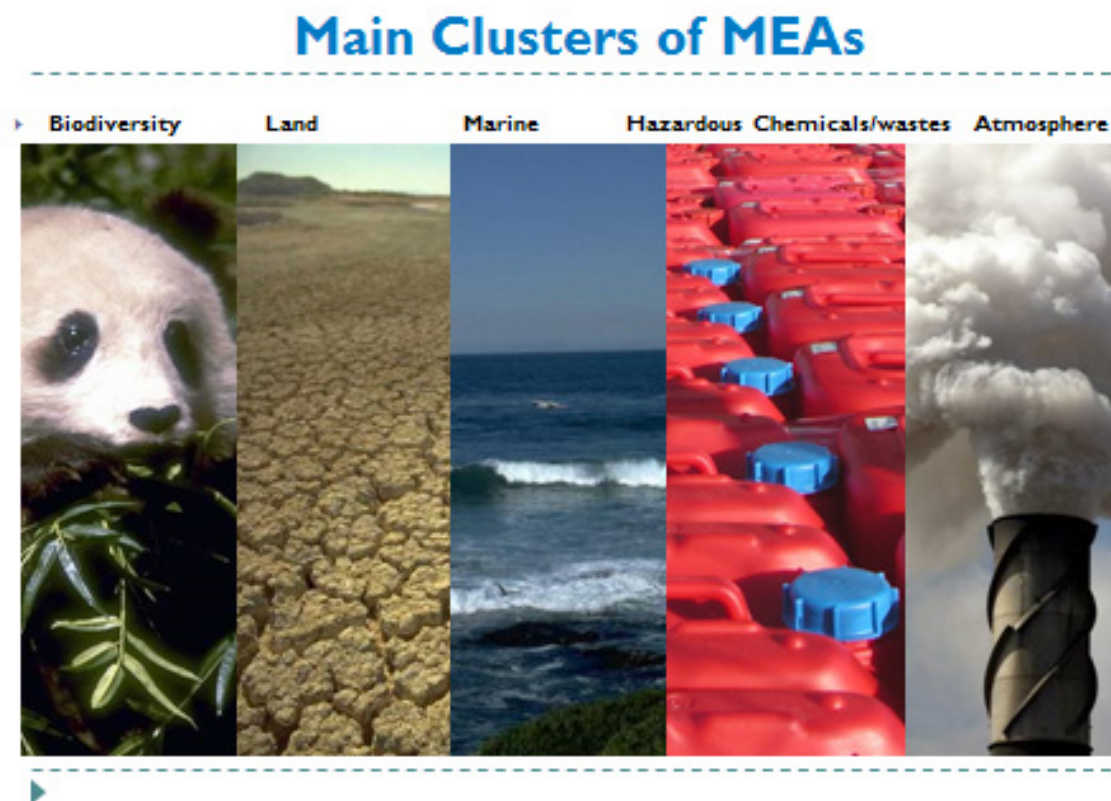
Whereas there are in place several hundreds of MEAs at global and regional levels, this Handbook only focuses on the key MEAs governing environmental issues that have a bearing on Africa. The Handbook provides short yet concise descriptions of each of the key MEAs together with their respective focus areas and implementation mechanisms.

Based on their scope, MEAs can be broadly classified into five categories,



In the subsequent chapters of this Handbook, the specific MEAs under each of the above clusters are discussed in more detail.

Figure 1 below gives a pictorial representation of the five clusters of MEAs.



CHAPTER TWO

BIODIVERSITY MEAs

1.1 Introduction

Biological diversity (also known as biodiversity) refers to the variety of life on earth. It is the variety within and between all species of plants, animals and micro-organisms and the ecosystems within which they live and interact. Biodiversity promotes ecosystem and environmental well-being as well as livelihoods for communities. Stable biodiversity is an indicator of good performance in terms of environmental quality.



There are many MEAs that have been adopted in response to many threats facing biological resources globally. These MEAs seek to protect and conserve biodiversity while ensuring their sustainable exploitation and utilization.

The key Biodiversity MEAs are listed below:

A) Global

- 01
- 02 *Convention on International Trade in Endangered Species (CITES)*
- 03 *Convention on Migratory Species (CMS)*
- 04 *Convention on Biological Diversity (CBD)*
- 05 *Cartagena Protocol on Biosafety*
- 06 *Ramsar Convention on Wetlands of International Importance, Especially as Waterflow Habitat*
- 07 *World Heritage Convention (WHC)*
- 08 *International Treaty on Plant Genetic Resources*
- 09 *International Plant Protection Convention*
- International Convention for the Regulation of Whaling*

B)Regional

01

02

African-Eurasian Waterbirds Agreement (AEWA) on the Conservation of Migratory Water Birds

03

Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas (ASCOBANS)

04

Agreement on the Conservation of the Black Seas, Mediterranean and Contiguous Atlantic Area (ACCOBAMS)

05

African Convention on the Conservation of Nature and Natural Resources

06

Regional Seas Convention

07

Lusaka Agreement on Cooperative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora (Lusaka Agreement)

08

Convention for the Protection, Management, and Development of the Marine and Coastal Environment of the East African Region (Nairobi Convention)

09

Convention for Cooperation in the Protection and Development of the Marine and Coastal Environment of the West and Central African Region (Abidjan Convention)

Protocol Concerning Protected Areas and Wild Fauna and Flora in the Eastern African Region (Protocol to the Nairobi Convention)

Some of the above agreements are discussed in more detail below:

1.2 The Convention on Biological Diversity (CBD)

The Convention on Biological Diversity (CBD) was adopted by state parties and opened for signature at the Rio Earth Summit in Brazil on 5th June 1992. It entered into force on 29th December 1993.

The objectives of the CBD are to ensure:

- the conservation of biological diversity;*
- the sustainable use of its components; and*
- the fair and equitable sharing of the benefits arising out of the utilization of genetic resources, including by appropriate access to genetic resources and by appropriate transfer of relevant technologies, taking into account all rights over those resources and to technologies, and by appropriate funding.*

The CBD recognizes that conservation of biological diversity is a common concern of humankind and is an integral part of the development process. It also recognizes the national sovereignty of countries over their own biological diversity.

1.2.1 Importance of the Convention on Biological Diversity (CBD)

The CBD covers all ecosystems, species and genetic resources and links traditional conservation efforts to the economic goal of using biological resources sustainably. In addition, it provides for the fair and equitable sharing of the benefits arising from the use of genetic resources. It aims at ensuring sustainable exploitation and management of the world's biodiversity resources, which are currently threatened by mainly human-induced pressures.

Importantly, the Convention ensures that state parties that join it are obliged to implement its provisions. However, it has no compliance mechanism nor sanctions possibilities, which make it more of a “framework” Convention that relies on further development of other enforceable instruments such as

Protocols to the Convention.

1.2.2 Scope of the Convention on Biological Diversity (CBD) and obligations of contracting parties

The CBD covers and obliges Contracting Parties to the following areas:

- *Access to Genetic Resources: Recognizing the sovereign rights of States over their natural resources, the authority to determine access to genetic resources rests with the national governments and is subject to national legislation.*
- *Access to and Transfer of Technology: The CBD undertakes to provide and/or facilitate access to and transfer to other Contracting Parties of technologies that are relevant to the conservation and sustainable use of biological diversity or those that make use of genetic resources and do not cause significant damage to the environment.*
- *Exchange of Information: The Contracting Parties under the CBD are obliged to facilitate the exchange of information, from all publicly available sources, relevant to the conservation and sustainable use of biological diversity, taking into account the special needs of developing countries.*
- *Technical and Scientific Cooperation: the Contracting Parties of the CBD are required to promote international technical and scientific cooperation in the field of conservation and sustainable use of biological diversity, where necessary, through the appropriate international and national institutions.*
- *Handling of Biotechnology and Distribution of its Benefits: Each Contracting Party under the CBD is expected to take legislative, administrative or policy measures, as appropriate, to provide for the effective participation in biotechnological research activities by those Contracting Parties, especially developing countries, which provide the genetic resources for such research, and where feasible in such Contracting Parties.*
- *Financial Resources: Each Contracting Party undertakes to provide, in accordance with its capabilities, financial support and incentives in respect of those national activities which are intended to achieve the objectives of the Convention, in accordance with its national plans, priorities and programmes. Developed country Parties are obliged to provide new and additional financial resources to enable developing country Parties*

to meet the agreed full incremental costs to them of implementing the Convention.

- *Mainstreaming Indigenous Knowledge: The Convention also covers the role of indigenous people in preservation and conservation of biodiversity.*

1.2.3 Tools and Mechanisms for Implementation of the CBD

In order to implement the Convention, two Protocols have so far been ratified. These are:

- The Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity. This is an international agreement which aims at ensuring the equitable sharing the benefits arising from the utilization of genetic resources in a fair and equitable way.*
- The Cartagena Protocol on Biosafety. This is an international agreement which aims to ensure the safe handling, transport and use of living modified organisms (LMOs) resulting from modern biotechnology that may have adverse effects on biological diversity, taking also into account risks to human health.*

The Conference of the Parties (COP) is the top governing body of the CBD which advances implementation of the Convention through the decisions it takes at its periodic meetings.

The Secretariat to the CBD based in Montreal, Canada, has its main role as to support the goals of the Convention including organizing meetings, preparing reports, assisting member governments in the implementation of the various programmes of work, coordinating with other international organizations and collect and disseminate information.

The CBD Convention also establishes an open-ended intergovernmental scientific advisory body known as the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) to provide the Conference of the Parties (COP) and its other subsidiary bodies, with timely advice relating to the implementation of the Convention. As a subsidiary body of the COP, SBSTTA is to report regularly to the COP on all aspects of its work. The SBSTTA is open to participation by all Parties and comprises of government representatives competent in the relevant field of expertise. Its functions include:

providing assessments of the status of biological diversity; providing assessments of the types of measures taken in accordance with the provisions of the Convention; and responding to questions that the COP may put to the body.

There are also established under the CBD National Focal Points (NFPs) who spearhead implementation of the Convention at country level.

In addition, the Convention has several Working Groups. Examples include:

- *The Working Group on the Review of Implementation of the Convention (WGRI), whose function is to review the impacts and effectiveness of existing processes under the Convention, such as meetings of the Conference of the Parties, the Subsidiary Body on Scientific, Technical and Technological Advice, national focal points and the Secretariat; and to create more effective processes for evaluation, reporting and reviewing implementation of the Convention and the Strategic Plan.*
- *The Working Group on Indigenous Knowledge: The CBD acknowledges the dependency of indigenous and local communities on biological diversity and the unique role of indigenous and local communities in conserving life on earth. It is for this reason that the Convention has obligated Parties to respect, preserve and maintain the knowledge, innovations and practices of indigenous and local communities relevant for the conservation of biological diversity and to promote their wider application with the approval of knowledge holders and to encourage equitable sharing of benefits arising out of the use of biological diversity. A Working group on this and related provisions was established in 1998 by the fourth meeting of the COP.*
- *During the seventh meeting of the COP, held in Kuala Lumpur in February 2004, Parties adopted a decision to establish an Ad Hoc Open-ended Working Group on Protected Areas to explore options for cooperation for the establishment of marine protected areas in marine areas beyond the limits of national jurisdiction, consistent with international law, including the United Nations Convention on the Law of the Sea.*

Other mechanisms for implementing the CBD include:

- *National Biodiversity Strategies and Action Plans (NBSAPs) as the principal instruments for implementing the Convention at the national level as required by Article 6. The Convention requires countries to prepare a national biodiversity strategy (or equivalent instrument) and to*

ensure that this strategy is mainstreamed into the planning and activities of all those sectors whose activities can have an impact on biodiversity.

- *National Reports in accordance with Article 26 of the Convention. The objective of national reporting is to provide information on measures taken for the implementation of the Convention and the effectiveness of these measures.*
- *Financial Resources and Mechanism- the Convention encourages innovative financing mechanisms for ecosystem and biodiversity conservation. These mechanisms include creation of green development banks and funds, trading of emissions, creation of green investor networks, green insurance systems as well as natural capital investments.*
- *CBD Lifeweb Coordination Office whose mission is to facilitate financing that helps secure livelihoods and address climate change through supporting the implementation of the Strategic Plan for Biodiversity 2011-2020 and the CBD Programme of Work on Protected Areas.*
- *Clearing-House Mechanism (CHM) of the Convention on Biological Diversity in line with Article 18 of the Convention. The CHM aims to contribute significantly to the implementation of the CBD and its Strategic Plan for Biodiversity 2011-2020, through effective information services and other appropriate means in order to promote and facilitate scientific and technical cooperation, knowledge sharing and information exchange, and to establish a fully operational network of Parties and partners. The Clearing-House Mechanism consists of the following components:*
 - ✓ *The CBD website, acting as the central node;*
 - ✓ *The network of national Clearing-House Mechanisms; and*
 - ✓ *Various partner institutions.*

1.3 The Cartagena Protocol on Biosafety

The Cartagena Protocol on Biosafety is an international agreement which aims to ensure the safe handling, transport and use of Living Modified Organisms (LMOs) resulting from modern biotechnology that may have adverse effects on biological diversity, taking also into account risks to human health. It was adopted by the Conference of Parties to the CBD on 29th January 2000 and entered into force on 11th September 2003.

1.3.1 Importance of the Cartagena Protocol on Biosafety

The Cartagena Protocol on Biosafety establishes an Advance Information Agreement (AIA) procedure for ensuring that countries are provided with the information necessary to make informed decisions before agreeing to the import of Living Modified Organisms into their territory. At the heart of this protocol is the reference to a precautionary approach in handling, transportation and use of LMOs.

1.3.2 Scope of the s Cartagena Protocol on Biosafety

The Cartagena Protocol on Biosafety is a supplementary agreement to the CBD, which governs the movements of LMOs resulting from modern biotechnology from one country to another. It covers the import, handling and safety of such LMOs within countries territories as well as informed decision-making by Contracting Parties with regard to such transfers and movements.

The key obligations of the Parties to the Protocol include:

- *Assessment and Review: The Protocol requires the Conference of the Parties to undertake, at least every five years, an evaluation of the effectiveness of the Protocol, including an assessment of its procedures and annexes*
- *Capacity Building: The Protocol requires Parties to cooperate in the development and/or strengthening of human resources and institutional capacities in biosafety, including biotechnology to the extent that it is required for biosafety, for the purpose of ensuring the effective implementation of the Protocol. In doing so, they are required to take fully into account the needs of developing country Parties and Parties with economies in transition for financial resources and access to and transfer of technology and know-how*
- *Compliance: Parties are required to fulfill their obligations under the Protocol.*
- *Monitoring and Reporting: Parties are required to monitor implementation of their obligations under the Protocol and to report to the Conference of the Parties serving as the meeting of the Parties to the Protocol (COP-MOP) on measures taken to implement the Protocol.*

- **Public Awareness and Participation:** *The Protocol requires Parties, on their own and in cooperation with other States and international bodies, to promote and facilitate public awareness and education, including access to information, regarding the safe transfer, handling and use of LMOs. It also requires Parties to consult the public in the decision-making process, to make public the final decision taken and to inform public about the means of access to the Biosafety Clearing-House.*
- **Handling, Transport, Packaging and Identification:** *The Protocol sets out obligations on each Party to take measures to require the identification of LMOs in accompanying documentation to ensure safe handling and transportation.*
- **Risk Assessment:** *The Protocol requires Parties to make decisions on import of LMOs for intentional introduction into the environment in accordance with scientifically sound risk assessments.*
- **Risk Management:** *The Protocol requires Parties to adopt measures and strategies for preventing adverse effects and for managing and controlling risks identified by risk assessments. Parties are also required to take measures to prevent unintentional transboundary movements; to ensure that LMOs undergo appropriate periods of observation prior to use; and to cooperate in identifying LMOs and their traits that may pose risks, and in taking appropriate management measures.*
- **Roster of Experts -** *The roster of experts on biosafety was established by the Conference of the Parties to the CBD (COP) in decision EM-I/3 that adopted the Cartagena Protocol on Biosafety in January 2000. The mandate of the Roster is to provide advice and other support, as appropriate and upon request, to developing country Parties and Parties with economies in transition, to conduct risk assessment, make informed decisions, develop national human resources and promote institutional strengthening, associated with the transboundary movements of living modified organisms.*

1.3.3 Tools and Mechanisms for Implementation of the Cartagena Protocol on Biosafety

There are two main sets of procedures under this protocol, one for LMOs intended for direct introduction into the environment, known as the Advance Informed Agreement (AIA) procedure, and another for LMOs intended for direct use as food or feed, or for processing (LMOs-FFP).

Under the AIA procedure, a country intending to export an LMO for intentional release into the environment must notify in writing the Party of import before the first proposed export takes place. The Party of import must acknowledge receipt of the notification within 90 days and must communicate its decision on whether or not to import the LMO within 270 days. Parties are required to ensure that their decisions are based on a risk assessment of the LMO, which must be carried out in a scientifically sound and transparent manner. Once a Party takes a decision on the LMO, it is required to communicate the decision as well as a summary of the risk assessment to a central information system, the Biosafety Clearing-House (BCH).

Under the procedure for LMOs-FFP, Parties that decide to approve and place such LMOs on the market are required to make their decision and relevant information, including the risk assessment reports, publicly available through the BCH.

Other implementation mechanisms include:

- *Financial Mechanism: The COP to the CBD has designated the restructured Global Environment Facility (GEF) to serve as the institutional structure to operate the financial mechanism under the Convention on an interim basis. Article 28 of the Cartagena Protocol provides that the financial mechanism established in Article 21 of the Convention shall, through the institutional structure entrusted with its operation, be the financial mechanism for this Protocol.*
- *Information sharing -Article 20 of the Cartagena protocol establishes the Biosafety Clearing-House (BCH) as a mechanism to facilitate the exchange of information on Living Modified Organisms (LMOs) and assist the Parties to better comply with their obligations under the Protocol.*
- *Liability and Redress-Liability and redress in the context of the Protocol concerns the question of what would happen if the trans-boundary movement of LMOs causes damage. The first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol (COP-MOP) established an Open-ended Ad Hoc Working Group of Legal and Technical Experts on Liability and Redress to fulfill the mandate under Article 27.*
- *National Competent Authorities (NCAs) are established by the Protocol to spearhead its implementation at the national level.*

- National Reporting: The *Parties to the Protocol are encouraged to undertake national-level reporting as the secretariat to the CBD provides guidelines for such reports.*
- *The Nagoya – Kuala Lumpur Supplementary Protocol on Liability and Redress to the Cartagena Protocol on Biosafety, which was adopted Parties to the Cartagena Protocol in 2010 in Nagoya, Japan seeks to provide for compensation against any damage caused by trans-boundary movement of living modified organisms (LMOs).*
- *Other tools for implementing the protocol include training manuals on Risk Assessment, technical tools and guidance for detection and identification of LMOs, LMO quick-links, on-line forums and portals, real-time conference diagnostic tool among others.*

1.4 The Nagoya Protocol on Access to Genetic Resources and Equitable Sharing of Benefits Arising from their Utilization (ABS) to the Convention on Biological Diversity

The Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization (ABS) is a supplementary agreement to the Convention on Biological Diversity. It provides a transparent legal framework for the effective implementation of one of the three objectives of the CBD - the fair and equitable sharing of benefits arising out of the utilization of genetic resources.

The Nagoya Protocol was adopted on 29th October 2010 in Nagoya, Japan and entered into force on 12th October 2014, 90 days after the deposit of the fiftieth instrument of ratification.

1.4.1 Importance of the Nagoya Protocol

The Nagoya Protocol seeks to create greater legal certainty and transparency for both providers and users of genetic resources by:

- *Establishing more predictable conditions for access to genetic resources; and,*
- *Helping to ensure benefit-sharing when genetic resources leave the country providing the genetic resources.*

By helping to ensure benefit-sharing, the Nagoya Protocol creates incentives to conserve and sustainably use genetic resources, and therefore enhances

the contribution of biodiversity to development and human well-being.

1.4.2 Scope of the Nagoya Protocol and Obligations of Contracting Parties

The Nagoya Protocol applies to genetic resources that are covered by the CBD, and to the benefits arising from their utilization. It also covers traditional knowledge (TK) associated with genetic resources that are covered by the CBD and the benefits arising from their utilization.

The Nagoya Protocol sets out core obligations for its contracting Parties to take measures in relation to access to genetic resources, benefit-sharing and compliance. These obligations include the following:

Access obligations

Domestic-level access measures are to:

- *Create legal certainty, clarity and transparency;*
- *Provide fair and non-arbitrary rules and procedures;*
- *Establish clear rules and procedures for prior informed consent and mutually agreed terms;*
- *Provide for issuance of a permit or equivalent when access is granted;*
- *Create conditions to promote and encourage research contributing to biodiversity conservation and sustainable use;*
- *Pay due regard to cases of present or imminent emergencies that threaten human, animal or plant health;*
- *Consider the importance of genetic resources for food and agriculture for food security;*

Benefit-sharing obligations

Domestic level benefit sharing measures are to provide for the fair and equitable sharing of benefits arising from the utilization of genetic resources with the contracting party providing genetic resources.

Utilization includes research and development on the genetic or biochemical composition of genetic resources, as well as subsequent applications and commercialization.

Sharing is subject to mutually agreed terms. Benefits may be monetary or non-monetary such as royalties and the sharing of research results.

Compliance obligations

Contracting Parties are to:

- *Take measures providing that genetic resources utilized within their jurisdiction have been accessed in accordance with prior informed consent, and that mutually agreed terms have been established, as required by another contracting party;*
- *Cooperate in cases of alleged violation of another contracting party's requirements;*
- *Encourage contractual provisions on dispute resolution in mutually agreed terms;*
- *Ensure an opportunity is available to seek recourse under their legal systems when disputes arise from mutually agreed terms;*
- *Take measures regarding access to justice;*
- *Take measures to monitor the utilization of genetic resources after they leave a country including by designating effective checkpoints at any stage of the value-chain: research, development, innovation, pre-commercialization or commercialization.*

1.4.3 Tools and Mechanisms for Implementation of the Nagoya Protocol

The Nagoya Protocol's success requires effective implementation at the domestic level. A range of tools and mechanisms provided by the Nagoya Protocol will assist contracting Parties including:

- *Establishing National Focal Points (NFPs) and Competent National Authorities (CNAs) to serve as contact points for information, grant access or cooperate on issues of compliance;*
- *An Access and Benefit-sharing Clearing-House to share information, such as domestic regulatory ABS requirements or information on NFPs and CNAs;*

- Capacity building *to support key aspects of implementation. Based on a country's self-assessment of national needs and priorities, this can include capacity to:*
 - ✓ *Develop domestic ABS legislation to implement the Nagoya Protocol*
 - ✓ *Negotiate MAT*
 - ✓ *Develop in-country research capability and institutions*
- Awareness-raising;
- Technology Transfer; *and,*
- *Targeted* financial support *for capacity building and development initiatives through the Nagoya Protocol's financial mechanism, the Global Environment Facility (GEF).*

1.5 The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)

The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) is an international agreement that aims to ensure that international trade in specimens of wild animals and plants does not threaten their survival. CITES was drafted as a result of a resolution adopted in 1963 at a meeting of members of IUCN (The World Conservation Union), reaching a final agreement by 80 countries at a meeting of representatives of countries in Washington, D.C., the United States of America, on 3rd March 1973. CITES entered in force on 1st July 1975.

CITES is an international agreement to which contracting state parties adhere voluntarily, and provides a framework to be respected by each Party, which has to adopt its own domestic legislation to ensure that CITES is implemented at the national level. CITES has been among the conservation agreements with the largest membership, with 181 Parties as at August 2015.

1.5.1 Importance of CITES

Endangerment does not only affect the single species but affects the entire ecosystem, which is directly or indirectly dependent on the endangered species. Since trade in wild animals and plants crosses borders between countries, it means that efforts to regulate it require international cooperation to safeguard certain species from overexploitation and endangerment. CITES was conceived in the spirit of such cooperation with the aim of ensuring that

international trade in specimens of wild animals and plants does not threaten their survival.



The poaching menace poses a serious threat to Africa's wildlife

1.5.2 Scope of CITES and Obligations of Contracting Parties

CITES works by subjecting international trade in specimens of selected species to certain controls. All imports, exports, re-export, and also introduction

from the sea, of species covered by the Convention have to be authorized through a licensing regime. The party to the Convention must designate one or more management authorities in charge of administering that licensing system and one or more scientific authorities to advise them on the effects of trade on the status of the species. The species covered by CITES are listed in three Appendices, according to the degree of protection they need.

Appendix I lists animal and plant species that are the most endangered. They are threatened with extinction and CITES prohibits international trade in specimens of these species except when the purpose of the import is not commercial, for instance for scientific research. In these exceptional cases, trade may take place provided it is authorized by the granting of both an import permit and an export permit (or re-export certificate).

Appendix II lists animal and plant species that are not necessarily now threatened with extinction but that may become so unless trade is closely controlled. It also includes so-called “look-alike species”, i.e. species whose specimens in trade look like those of species listed for conservation reasons. International trade in specimens of Appendix-II species may be authorized by the granting of an export permit or re-export certificate.

Appendix III is a list of species included at the request of a Party that already regulates trade in the species and that needs the cooperation of other countries to prevent unsustainable or illegal exploitation. International trade in specimens of species listed in this Appendix is allowed only on presentation of the appropriate permits or certificates.

Species may be added to or removed from Appendix I and II, or moved between them, only by the Conference of the Parties (COP), either at its regular meetings or by postal procedures. But species may be added to or removed from Appendix III at any time and by any Party unilaterally. Parties may also enter reservations with respect to any species listed in the Appendices.

1.5.3 Tools and Mechanisms for Implementation of CITES

The Convention is governed by a Conference of the Parties (COP) that provides the overall decisions and direction.

There is also the CITES Secretariat, administered by UNEP, and located in Geneva, Switzerland. It has a pivotal role, performing essential functions including:

- *playing a coordinating, advisory and servicing role in the working of the Convention;*
- *assisting with communication and monitoring the implementation of the Convention to ensure that its provisions are respected;*
- *arranging meetings of the Conference of the Parties and of the permanent Committees at regular intervals and servicing those meetings (i.e. organizing them, preparing and circulating meeting documents, making necessary arrangements for delegates to attend the meetings, providing advice and support, etc.);*
- *providing assistance in the fields of legislation, enforcement, science and training;*
- *undertaking, under agreed programmes, occasional scientific and technical studies into issues affecting the implementation of the Convention;*
- *making recommendations regarding the implementation of the Convention;*
- *acting as the repository for the reports, sample permits and other information submitted by the Parties;*
- *distributing information relevant to several or all Parties, for example, proposals to amend the Appendices, sample permits, information about enforcement problems, national legislation, reference material or news of a new Party;*
- *issuing new editions of Appendices I, II and III, whenever there is a change, as well as of the Resolutions and Decisions adopted by the Conference of the Parties at its meetings, and information to assist identification of species listed in the Appendices; and*
- *preparing annual reports to the Parties on its own work and on the implementation of the Convention.*

Besides, the Convention has a Standing Committee and two Specific Committees dealing with plants and animals respectively –to deal with specific technical animal and plant issues.

National Focal Points (NFPs) *have also been established to improve collaboration and communication on a number of specific enforcement issues between agencies responsible for wildlife law enforcement in different countries.*

Other tools and mechanisms for implementation of CITES are:

- *Encouraging economic incentives for the conservation of CITES-listed species such as the International Finance Corporation Biodiversity Portfolio*
- *National reporting mechanisms and guidance*
- *Certification processes*
- *Integrated assessments of impacts relating to policies, plans and projects relating to trade of CITES-listed species*
- *Development of national legislation on CITES - empowers government officials to act and places limits on human actions and articulates policy in relation to the regulation of international wildlife trade*
- *Capacity building and awareness raising through development of toolkits, guidelines and factsheets*
- *Electronic permitting systems to trade in CITES specimens*
- *E-commerce of CITES-listed species*
- *CITES Trust Fund – core administrative costs of the Secretariat, the Conference of the Parties and its subsidiary bodies, the Standing Committee and the other permanent committees, are financed from the CITES Trust Fund.*

1.6 The Lusaka Agreement on Cooperative Enforcement Operations Directed at Illegal Trade in Wild Flora and Fauna

The Lusaka Agreement on Cooperative Enforcement Operations Directed at Illegal Trade in Wild Flora and Fauna (Lusaka Agreement) was adopted in Lusaka, Zambia on 8 September 1994 and was borne from recognition of the need for cooperation among African states in law enforcement to reduce and ultimately eliminate illegal trade in wild fauna and flora. The Agreement is a regional mechanism under CITES, and came into force in December 1996.

1.6.1 Importance of the Lusaka Agreement

The Lusaka Agreement recognizes the problems of intense poaching, which has resulted in the severe depletion of certain wildlife populations in African states, and that this poaching is fuelled by illegal trade. It further recognizes that illegal poaching of wild flora and fauna cannot be curtailed until such illegal trade is eliminated through cooperative enforcement among African states.

1.6.2 Scope of the Lusaka Agreement and Obligations of Contracting Parties

This Agreement applies to the area comprised of the land, marine and coastal areas within the limits of national jurisdiction of the Parties to this Agreement including their air space and internal waters.

The obligations of contracting parties to the Lusaka Agreement are to:

- individually and/or jointly, take appropriate measures in accordance with this Agreement to investigate and prosecute cases of illegal trade;*
- co-operate with one another and with the Task Force to ensure the effective implementation of the Agreement;*
- provide the Task Force on a regular basis with relevant information and scientific data relating to illegal trade;*
- provide the Task Force with technical assistance relating to its operations, as needed by the Task Force;*
- accord to the Director, Field Officers and the Intelligence Officers of the Task Force while engaged in carrying out the functions of the Task Force in accordance with the Agreement, the relevant privileges and immunities;*

- *protect information designated as confidential that becomes available to any of the Parties in connection with the implementation of the Agreement;*
- *encourage public awareness campaigns aimed at enlisting public support for the objective of the Agreement;*
- *adopt and enforce such legislative and administrative measures as may be necessary for the purposes of giving effect to this Agreement;*
- *return to the country of original export or country of re-export any specimen of species of wild fauna and flora confiscated in the course of illegal trade; Convention*
- *pay its contribution to the budget of the Task Force as determined by the Governing Council; and*
- *report to the Governing Council on implementation of its obligations under the agreement at intervals as determined by the Governing Council.*

1.6.3 Tools and Mechanisms for Implementation of the Lusaka Agreement

A Governing Council is the top decision-making organ for implementing the Agreement. In addition, the agreement requires contracting parties to designate or establish a governmental entity as its National Bureau who is to:

- *Provide to and receive from the Task Force information on illegal trade; and*
- *Coordinate with the Task Force on investigations that involve illegal trade*

A Taskforce to implement the Agreement has been set up to:

- *facilitate co-operative activities among the National Bureaus in carrying out investigations pertaining to illegal trade;*
- *investigate violations of national laws pertaining to illegal trade, at the request of the National Bureaus or with the consent of the Parties concerned, and to present to them evidence gathered during such investigations;*
- *collect, process and disseminate information on activities that pertain to illegal trade, including establishing and maintaining databases;*

- *provide, upon request of the Parties concerned, available information related to the return to the country of original export, or country of re-export, of confiscated wild fauna and flora; and*

1.7 The s Ramsar Convention on Wetlands of International Importance, especially as Waterfowl Habitat

The Ramsar Convention on Wetlands of International Importance, especially as Waterfowl Habitat is an intergovernmental treaty adopted on 2nd February 1971 in the Iranian city of Ramsar. Thus, though nowadays the name of the Convention is usually written “Convention on Wetlands (Ramsar, Iran, 1971)”, it has come to be known popularly as the “Ramsar Convention”. The Convention entered into force in 1975 and now there are presently 167 contracting parties to the Convention.

The Convention’s mission is the conservation and wise use of all wetlands through local, regional and national actions and international cooperation, as a contribution towards achieving sustainable development throughout the world.

1.7.1 Importance of the Ramsar Convention

The Ramsar Convention on Wetlands was developed as a means to call international attention to the rate at which wetland habitats were disappearing, in part due to a lack of understanding of their important functions, values, goods and services. Governments that join the Convention are expressing their willingness to make a commitment to reversing that history of wetland loss and degradation.

In addition, many wetlands are international systems lying across the boundaries of two or more states, or are part of river basins that include more than one State. The health of these and other wetlands is dependent upon the quality and quantity of the transboundary water supply from rivers, streams, lakes, or underground aquifers. The Convention provides a framework for international action for the conservation of wetlands.



Wetlands provide important ecosystem services such as habitat for water birds

1.7.2 Scope of the Ramsar Convention and Obligations of Contracting Parties

The Convention uses a broad definition of the types of wetlands covered in its mission, including swamps and marshes, lakes and rivers, wet grasslands and peatlands, oases, estuaries, deltas and tidal flats, nearshore marine areas, mangroves and coral reefs, and human-made sites such as fish ponds, rice paddies, reservoirs, and salt pans.

Because wetlands are important for maintaining key ecological processes, for their rich flora and fauna and for the benefits they provide to local communities and to human society in general, the broad objective of the Convention is to ensure their conservation and wise use, which all parties to the Convention commit to. Thus the Ramsar Convention obliges parties to ensure the wise-use and sustainable management of all wetlands within their jurisdiction for purposes of continuing to provide the essential goods and services.

States that join the Convention accept four main commitments:

- Listing of wetlands of international importance - the first obligation under the Convention is for a Party to designate at least one wetland at the time of accession for inclusion in the List of Wetlands of International Importance (the “Ramsar List”) and to promote its conservation, and in addition to continue to designate suitable wetlands within its territory for the List.*
- Wise use Convention - Under the Convention there is a general obligation for the Contracting Parties to include wetland conservation considerations in their national land-use planning. They have committed themselves to formulate and implement this planning so as to promote, as far as possible, “the wise use of wetlands in their territory”.*
- Establishing reserves and training Convention - Contracting Parties undertake to establish nature reserves in wetlands, whether or not they are considered to be internationally important and included in the Ramsar List, and they also endeavor to promote training in the fields of wetland research, management and wardening.*
- International cooperation Convention Contracting Parties have also agreed to consult with other Contracting Parties about implementation of the Convention, especially in regard to trans-boundary wetlands, shared water systems, and shared species.*

1.7.3 Tools and Mechanisms for Implementation of the Ramsar Convention

The implementation of the Ramsar Convention is a continuing partnership between the Contracting Parties, the Standing Committee, and the Convention Secretariat, with the advice of the subsidiary expert body, the Scientific and Technical Review Panel (STRP), and the support of the International Organization Partners (IOPs), the latter comprising of Birdlife International, Wetlands International, IUCN, International Water Management Institute (IWMI)

and WWF.

Every three years representatives of the Contracting Parties meet as the Conference of the Contracting Parties (COP), the policy-making organ of the Convention which adopts decisions (Resolutions and Recommendations) to administer the work of the Convention and improve the way in which the Parties are able to implement its objectives.

The Framework for Implementation of the Ramsar Convention, first adopted at the 1984 Conference of the Parties, set out both the long-term commitments and the priorities for the attention of the Contracting Parties to the Convention – subsequent meetings of the Conference have updated the Framework in light of decisions of the COP, and, within this framework, priority objectives have been agreed for the Parties, the Standing Committee, and the Secretariat for each coming triennium. Since 1996, this has been done instead by means of a Strategic Plan which sets out, in the context of the priority objectives, the actions expected or requested of the Parties, the Standing Committee, the Secretariat, the STRP, the IOPs, and other collaborators. The Convention is presently operating under its third Strategic Plan, for the period 2009-2015 and in the last COP (COP 12), June 1-9 in Punta Del Este, Uruguay; parties adopted a new strategic Plan (2015-2025).

1.8 The Convention Concerning the Protection of the World Cultural and Natural Heritage (World Heritage Convention)

The World Heritage Convention, whose full title is “The Convention Concerning the Protection of the World Cultural and Natural Heritage,” was adopted by UNESCO in 1972 in Paris, France. The Convention seeks to encourage the identification, protection and preservation of cultural and natural heritage around the world considered to be of outstanding value to humanity.

1.8.1 Importance of the World Heritage Convention

The World Heritage Convention recognizes that parts of the cultural and/or natural heritage are of outstanding interest and should be preserved as part of the world heritage of mankind as a whole. Its primary mission is to define and conserve this heritage, by drawing up a list of sites of outstanding value and to ensure their protection through a closer co-operation among nations. The Convention is premised on the fact that both cultural and natural heritage are increasingly threatened with destruction not only by the traditional causes of decay, but also by changing social and economic conditions

which aggravate the situation with even more formidable phenomena of damage or destruction.

1.8.2 Scope of the World Heritage Convention and Obligations of Contracting Parties

The Convention links together, in a single document, the concepts of nature conservation and the preservation of cultural properties. The Convention recognizes the way in which people interact with nature, and the fundamental need to preserve the balance between the two.

By signing the Convention, each country pledges to conserve the cultural and nature sites situated on its territory, some of which may be recognized as World Heritage. Their preservation for future generations then becomes a responsibility shared by the international community as a whole.

In particular, State Parties to the Convention have the responsibility to:

- ensure the identification, nomination, protection, conservation, presentation, and transmission to future generations of the cultural and natural heritage found within their territory, and give help in these tasks to other State Parties that request it;*
- adopt general policies to give the heritage a function in the life of the community;*
- integrate heritage protection into comprehensive planning programmes;*
- establish services for the protection, conservation and presentation of the heritage;*
- develop scientific and technical studies to identify actions that would counteract the dangers that threaten the heritage;*
- take appropriate legal, scientific, technical, administrative and financial measures to protect the heritage;*
- foster the establishment or development of national or regional centres for training in the protection, conservation and presentation of the heritage and encourage scientific research in these fields;*
- not take any deliberate measures that directly or indirectly damage their heritage or that of another State Party to the Convention;*

- *submit to the World Heritage Committee an inventory of properties suitable for inclusion in the World Heritage List;*
- *make regular contributions to the World Heritage Fund, the amount of which is determined by the General Assembly of States Parties to the Convention;*
- *consider and encourage the establishment of national, public and private foundations or associations to facilitate donations for the protection of World Heritage;*
- *give assistance to international fund-raising campaigns organized for the World Heritage Fund;*
- *use educational and information programmes to strengthen appreciation and respect by their peoples of the cultural and natural heritage Convention and to keep the public informed of the dangers threatening this heritage provide information to the World Heritage Committee on the implementation of the World Heritage Convention and state of conservation of properties.*
- *inventory, recognize and protect unique and irreplaceable properties of universal value.*

1.8.3 Tools and Mechanisms for Implementation of the World Heritage Convention

- *The World Heritage List: on signing the Convention, each country pledges to conserve the cultural and natural sites within its borders that are recognized by the Convention as being of exceptional and universal value. In return, the international community helps to protect these treasures. To define these significant sites the Convention has established the World Heritage List. The cultural and natural properties proposed to the list must meet specific criteria defined by the World Heritage Committee.*
- *The World Heritage Fund: this fund has been established under the Convention for the protection of world cultural and natural heritage of outstanding universal value. It is financed by contributions from member nations and from private organizations and individuals. The fund is used to respond to requests by member countries for international cooperation in supporting their efforts to protect their World Heritage Sites, as well as to meet urgent conservation needs of properties on the danger list.*

- The World Heritage Committee. *The Convention is administered by a World Heritage Committee consisting of 21 nations elected from those nations that are party to the Convention. Elections are held every two years. The executive body of the World Heritage Committee is the World Heritage Bureau. The committee's main tasks are to;*
 - ✓ *identify those nominated properties of outstanding universal value that are to be protected under the Convention and included on the World Heritage List;*
 - ✓ *place threatened properties on the List of World Heritage in Danger;*
 - ✓ *delete from the World Heritage List those properties that have lost their World Heritage values through damage or deterioration.*
 - ✓ *administer the World Heritage Fund; and*
 - ✓ *inform the public about all of the above.*
- The World Heritage Centre: *this is established to carry out, rapidly and efficiently, activities related to the implementation of the World Heritage Convention*

1.9 The Convention on Conservation of Migratory Species of Wild Animals (CMS)

The Convention on Conservation of Migratory Species of Wild Animals (also known as Convention on Migratory Species) was concluded in 1979 and came into force in 1983. This treaty under the aegis of the United Nations Environment Programme (UNEP) aims to facilitate close cooperation on the conservation of migratory species of wild animals between the countries and continents through which these animals travel on their annual journeys of migration.

1.9.1 Importance of the Convention on Migratory Species

Migratory movements of species of wild animals tend to be regular and largely predictable. They may take place over large fronts or along thin, traditional routes; in one single, continuous journey or as a series of legs interspersed with rests. Migratory species of wild animals are, on average, more at risk of becoming endangered than non-migratory species. This results from their greater requirements: they need suitable habitat along their migratory routes

both for reproduction and also during the off-season. In an ever-changing world, human pressure is high on some of those habitats, and also often on the animals themselves (hunting, incidental catch, etc.). As a result, many migratory species that were once common are becoming increasingly rare.

Even though migratory species of wild animals represent only a fraction of the total biodiversity, they are a very significant portion of the world's genetic resources. They have evolved in intricate interrelationships with resident plant and other animal species. They also play a unique role as indicators for the interdependence of and linkages between ecosystems and for ecological change. Their protection and conservation is therefore very important.

1.9.2 Scope of the Convention on Migratory Species and Obligations of Contracting Parties

The Convention on Migratory Species aims to conserve terrestrial, marine and avian migratory species throughout their range. Migratory species threatened with extinction are listed in Appendix I of the Convention. Parties to the Convention strive towards strict protection of these animals, conserving or restoring the places where they live, mitigating obstacles to migration and controlling other factors that might endanger them.

Parties are encouraged to use the full range of measures at the disposal of the Convention to:

- promote the conservation of species throughout their migratory range;*
- deploy finite resources in a strategic manner, building on natural regional affinities while working within a global framework with wider benefits; and*

1.9.3 Tools and Mechanisms for Implementation of the Convention on Migratory Species

One of the strengths of the Convention on Migratory Species is the wide-ranging suite of measures listed in its Appendices to promote the conservation of migratory species. These include concerted actions for Appendix I species and various co-operative arrangements to promote the conservation of species listed in Appendix II, ranging from Action Plans and Memoranda of Understanding to formal Agreements.

Several Agreements have been concluded under the auspices of Convention on Migratory Species with the aim of conserving different species including:

- Cetaceans of the Mediterranean Sea, Black Sea and contiguous Atlantic area*

- *African-Eurasian migratory water birds*

In addition, several Memoranda of Understanding have been concluded to date under the auspices of CMS. They also aim to conserve different species including the following:

- *Slender-billed curlew*
- *Marine turtles of the Atlantic coast of Africa*
- *Marine turtles of the Indian Ocean and South-East Asia*
- *Bukhara deer*
- *Aquatic warbler*
- *West-African populations of the African elephant*
- *Saiga antelope*

The Secretariat under the auspices of UNEP provides administrative support to the Convention.

The Conference of Parties is Convention's decision-making organ.

A Standing Committee provides policy and administrative guidance between the regular meetings of the Conference of the Parties.

The Scientific council consisting of experts appointed by individual member states and by the Conference of the Parties, gives advice on technical and scientific matters.

1.10 The African-Eurasian Waterbird Agreement (AEWA)

This is an intergovernmental treaty dedicated to the conservation of migratory waterbirds and their habitats across Africa, Europe, the Middle East, Cen-

tral Asia, Greenland and the Canadian Archipelago. Developed under the framework of the Convention on Migratory Species (CMS) and administered by the United Nations Environment Programme (UNEP), AEWA brings together countries and the wider international conservation community in an effort to establish coordinated conservation and management of migratory water birds throughout their entire migratory range.

This Agreement is the largest of its kind developed so far under the Convention on Migratory Species. It entered into force in November 1999 and provides for coordinated and concerted action to be taken by the range states throughout the migration system of the water birds to which it applies. Parties to the agreement are called upon to engage in a wide range of conservation actions, which are described in a comprehensive action plan. This detailed plan addresses such key issues as: species and habitat conservation, management of human activities, research and monitoring, education and information, and implementation.

1.10.1 Importance of AEWA

AEWA covers 255 species of birds ecologically dependent on wetlands for at least part of their annual cycle, including many species of divers, grebes, pelicans, cormorants, herons, storks, rails, ibises, spoonbills, flamingos, ducks, swans, geese, cranes, waders, gulls, terns, tropic birds, auks, frigate birds and even the South African penguin. The Agreement provides for coordinated and concerted action to be taken by the Range States throughout the migration system of the water birds to which it applies.

1.10.2 Scope of AEWA and obligations of contracting Parties

The Agreement area stretches from the northern reaches of Canada and the Russian Federation to the southernmost tip of Africa, covering 119 Range States from Europe, parts of Asia and Canada, the Middle East and Africa. Currently 74 countries plus the European Union (EU) have become Contracting Parties to AEWA (as of 1 May 2015).

3.9.3 Tools and Mechanisms for the Implementation of AEWA

The Agreement has three main bodies, namely:

- The Meeting of the Parties (MOP): *This is the principal decision-making body for the Agreement. Observers of non-Party Range States as well as any agencies or bodies technically qualified in relevant conservation matters or in research on migratory waterbirds may also be represented at sessions of the MOP (in accordance with the Rules of Procedure). The MOP may make recommendations to the Parties, the Secretariat, the other AEWA subsidiary bodies and stakeholders by adopting relevant resolutions and take decisions on substantive or administrative matters, after considering and reviewing issues such as:*
 - ✓ *actual and potential changes in the conservation status of migratory waterbirds and the habitats important for their survival, as well as factors which may affect them;*
 - ✓ *progress made and any difficulty encountered in the implementation of the Agreement;*
 - ✓ *matters relating to the financial and administrative arrangements for this Agreement and its Secretariat;*
 - ✓ *specific actions to improve the effectiveness of the Agreement; and*
 - ✓ *proposals to amend the Agreement or its annexe*
- The Standing Committee; *this is a subsidiary body to the Agreement. It provides policy and administrative guidance on behalf of the Meeting of the Parties to the Secretariat between sessions of the MOP. In this context, its main activities are to:*
 - ✓ *provide guidance on the implementation of the Agreement and management of the Secretariat's programmes;*
 - ✓ *oversee the development and execution of the Secretariat's budget and also all aspects of fundraising undertaken by the Secretariat;*
 - ✓ *liaise with Parties and promote the flow of information to Parties and vice versa;*
 - ✓ *maintain regular contact to non-Party range States and promote their accession to AEWA; and*
 - ✓ *report to the MOP on the activities that have been carried out between ordinary sessions of the MOP.*

- *The Technical Committee: this Committee has the following general functions:*
 - ✓ *It provides scientific and technical advice and information to the Meeting of the Parties and, through the Agreement Secretariat, to Parties;*
 - ✓ *It makes recommendations to the Meeting of the Parties concerning the Action Plan, implementation of the Agreement and further research to be carried out;*
 - ✓ *It prepares a report on its activities for each ordinary session of the Meeting of the Parties; and*
 - ✓ *It carries out any other tasks referred to it by the Meeting of the Parties.*
- *The UNEP/AEWA Secretariat: this is the Agreement's coordinating body. Its functions include:*
 - ✓ *organization and servicing of sessions of the Meeting of the Parties (MOP) and meetings of the Technical Committee (TC) and the Standing Committee (StC);*
 - ✓ *implementation of tasks referred to it by the Meeting of the Parties;*
 - ✓ *promotion and supervision of research and conservation projects;*
 - ✓ *encouragement of exchange of information between the Parties; and*
 - ✓ *liaison with international governmental and non-governmental organizations.*

1.11 The African Convention on the Protection of Nature and Natural Resources (Algiers Convention)

In 1968 African countries under the auspices of the Organization for African Unity (OAU) (now the African Union, AU) adopted the African Convention on the Conservation of Nature and Natural Resources, in Algiers, Algeria. The goal of the Algiers Convention was to encourage individual and joint action for the conservation, use and development of soil, water, flora and fauna, for the present and future welfare of humankind.

The objectives of the Convention are to:

- *enhance environmental protection;*
- *foster the conservation and sustainable use of natural resources; and*
- *harmonize and coordinate policies in these fields with a view to achieving ecologically rational, economically sound and socially acceptable development policies and programmes*

This Convention was later revised by the Maputo Convention in 2003. The Maputo Convention builds on the Algiers Convention and brings it into line with the challenges of the twenty-first century, with the renewed commitment of African countries to conserve Africa's natural riches.

1.11.1 Scope of the Algiers Convention and obligations of Contracting Parties

The Convention on the Protection of Nature and Natural Resources (Algiers Convention) applies to:

- *all areas which are within the limits of national jurisdiction of any Party; and*
- *the activities carried out under the jurisdiction or control of any Party within the area of its national jurisdiction or beyond the limits of its national jurisdiction*

Under the Algiers Convention parties undertake to:

- *adopt effective measures to conserve and improve the soil; and to control erosion and land use;*
- *establish policies to conserve, use and develop water resources; to prevent pollution; and to control water use;*
- *protect flora and ensure its best use; to ensure good management of forests; and to control burning, land clearance and overgrazing;*
- *conserve fauna resources and use them wisely; to manage populations and habitats; to control hunting, capture and fishing; and to prohibit the*

use of poisons, explosives and automatic weapons in hunting;

- *control the traffic in trophies, in order to prevent trade in illegally killed and illegally obtained trophies; and*
- *reconcile customary rights with the Convention.*

1.11.2 Tools and Mechanisms for the Implementation of the Algiers Convention

The Conference of the Parties is established at ministerial level, as the decision-making body of this Convention.

In addition, there is established under the convention a Secretariat whose functions include to:

- *arrange for and service meetings of the Conference of the Parties and of its subsidiary bodies;*
- *execute the decisions addressed to it by the Conference of the Parties;*
- *draw the attention of the Conference of the Parties to matters pertaining to the objectives of this Convention and its implementation*
- *gather and disseminate among the Parties the texts of laws, decrees, regulations and instructions in force which are intended to ensure the implementation of this Convention, as well as reports pertaining to such implementation;*
- *administer the budget for the Convention and if established, its conservation fund;*
- *enter into such administrative and contractual arrangements as may be required for the effective discharge of its functions;*
- *prepare studies and reports on its activities carried out in the implementation of its functions under this Convention and present them to the Conference of Parties;*
- *coordinate its activities with the secretariats of other relevant international bodies and Conventions;*
- *provide information for the general public concerning the Convention and its objectives; and*

- *perform such other functions as may be assigned to it by this Convention, or determined by the Conference of the Parties*

The other mechanisms for the implementation of this Convention are the establishment of a Financial Mechanism and the need for parties to mobilize resource to realize the Convention's objectives. Financial resources towards the budget of the Convention consist of assessed contributions from Parties, annual contributions by the AU, and contributions from other institutions.



CHAPTER THREE

ATMOSPHERE MEAS

1.1 Introduction

Atmospheric resources provide life-supporting goods and services. The air contains oxygen, carbon dioxide and nitrogen that are essential for life and livelihoods. The clouds, with their accompanying lightning phenomenon and rainfall, play a critical role in supporting life on earth. Rainfall is a source of water for people, animals and plants, and for rain-fed agriculture. The ozone layer, found in the stratosphere, protects human beings from harmful ultraviolet radiation. The sun's rays provide light and energy. The sun, wind and rivers are sources of energy for direct use or electricity generation.



Anthropogenic emissions from sources such as industries interfere with the earth's atmosphere

The following MEAs are closely interlinked in protecting the environment by eliminating or stabilizing anthropogenic emissions that threaten to interfere with the atmosphere:

- i. *Vienna Convention for the Protection of the Ozone Layer and its Montreal Protocol on Substances that Deplete the Ozone Layer*
- ii. *United Nations Framework Convention on Climate Change and its Kyoto Protocol*

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 ecosystem stability, food production and economic development.

1.2 The Vienna Convention for the Protection of the Ozone Layer

The Vienna Convention for the Protection of the Ozone Layer is the global framework for the protection of the ozone layer. It was adopted in 1985 and entered into force on 22nd September 1988. In 2009, the Vienna Convention became the first Convention of any kind to achieve universal ratification.

1.2.1 Importance of the Vienna Convention

The ozone layer is the protective layer in the atmosphere, about 15 miles above the ground that absorbs some of the sun's ultraviolet rays, thereby reducing the amount of potentially harmful radiation that reaches the earth's surface.

The objective of the Convention is to promote cooperation among Parties by means of systematic observations, research and information exchange on the effects of human activities on the ozone layer and to adopt legislative or administrative measures against activities likely to have adverse effects on the ozone layer.

1.2.2 Scope of the Vienna Convention for the Protection of the Ozone Layer and Obligations of the Contracting Parties

The Vienna Convention does not expressly require countries to take concrete actions to control ozone depleting substances. Instead, in accordance with the provisions of the Convention, the countries of the world agreed the Montreal Protocol on Substances that Deplete the Ozone Layer under the Con-

vention to advance that goal.

Contracting parties to the Vienna Convention have many obligations and these include to:

- *take appropriate measures in accordance with the provisions of the Convention and its protocols to protect human health and the environment against adverse effects resulting or likely to result from human activities which modify or are likely to modify the ozone layer;*
- *co-operate by means of systematic observations, research and information exchange in order to better understand and assess the effects of human activities on the ozone layer and the effects on human health and the environment from modification of the ozone layer;*
- *adopt appropriate legislative or administrative measures and co-operate in harmonizing appropriate policies to control, limit, reduce or prevent human activities under their jurisdiction that are likely to have adverse effects on the ozone layer;*
- *(co-operate in the formulation of agreed measures, procedures and standards for the implementation of the Convention, with a view to the adoption of protocols and annexes;*
- *co-operate with competent international bodies to effectively implement the Convention and its protocols to which they are party.*

1.2.3 Tools and Mechanisms for Implementation of the Vienna Convention for the Protection of the Ozone Layer

The most important mechanisms for the implementation of the Vienna Convention is the Montreal Protocol on Substances that Deplete the Ozone Layer.

Decisions on the convention are made by the Conference of the Parties (COP). *The COP also agrees on and adopts rules of procedure and financial rules for itself and for any subsidiary bodies it may establish, as well as financial provisions governing the functioning of the* Ozone Secretariat *which is based at UNEP.*

The functions of the Secretariat *include to:*

- *arrange for and service meetings;*
- *(prepare and transmit relevant reports;*
- *perform the functions assigned to it by any protocol;*
- *ensure the necessary co-ordination with other relevant international bodies, and in particular to enter into such administrative and contractual arrangements as may be required for the effective discharge of its functions; and*
- *Perform such other functions as may be determined by the Conference of the Parties.*

1.3 The Montreal Protocol on Substances that Deplete the Ozone Layer

The Montreal Protocol on Substances that Deplete the Ozone Layer was adopted on 16th September 1987 in Montreal, Canada, and came into force on 1st January 1989. The Protocol aims to implement the Vienna Convention by reducing the production and consumption of ozone depleting substances in order to reduce their abundance in the atmosphere, and thereby protect the earth's fragile ozone Layer.

The protocol was designed in such a way that the phase-out schedules for ozone depleting substances could be revised on the basis of periodic scientific and technological assessments. Following such assessments, the protocol was adjusted to accelerate the phase-out schedules. It has also been amended to introduce other kinds of control measures and to add new controlled substances to the list.

1.3.1 Scope of the Montreal Protocol and Obligations of Contracting Parties

The Montreal protocol controls ozone depleting substances through a phase-out process that establishes phase-out targets for many chemical compounds with potential of depleting the ozone layer. These chemical substances are categorized as follows:

- *Annex A - Group I: Chlorofluorocarbons (CFC-11, CFC-12, CFC-113, CFC-114 and CFC-115)*
- *Annex A - Group II: Halons (halon 1211, halon 1301 and halon 2402)*

- *Annex B - Group I: Other fully halogenated CFCs (CFC-13, CFC-111, CFC-112, CFC-211, CFC-212, CFC-213, CFC-214, CFC-215, CFC-216, CFC-217)*
- *Annex B - Group II: Carbon tetrachloride*
- *Annex B - Group III: 1,1,1-trichloroethane (methyl chloroform)*
- *Annex C - Group I: HCFCs (consumption)*
- *Annex C - Group I: HCFCs (production)*
- *Annex C - Group II: HBFCs*
- *Annex C - Group III: Bromochloromethane*
- *Annex E - Group I: Methyl bromide*

1.3.2 Tools and Mechanisms for Implementation of the Montreal Protocol

The Montreal Protocol establishes the Multilateral Fund whose functions include to:

- *meet, on a grant or concessional basis as appropriate, and according to criteria to be decided upon by the Parties, the agreed incremental costs;*
- *assist Parties operating under paragraph 1 of Article 5, through country specific studies and other technical co-operation, to identify their needs for co-operation;*
- *facilitate technical co-operation to meet these identified needs;*
- *distribute information and relevant materials, and hold workshops, training sessions, and other related activities, for the benefit of Parties that are developing countries;*
- *facilitate and monitor other multilateral, regional and bilateral co-operation available to Parties that are developing countries;*
- *finance the secretarial services of the Multilateral Fund and related support costs.*

The Multilateral Fund is financed by contributions from Parties not operating under paragraph 1 of Article 5 on the basis of the United Nations scale of

assessments.

The Trust Fund for the Montreal Protocol on Substances that Deplete the Ozone Layer was also established by Parties to provide financial support to the Protocol, including the operations of the Ozone Secretariat, the organizational costs of meetings of the Open Ended Working Group, the Implementation Committee, the Bureau and the Meeting of the Parties along with provision of support to developing countries and countries with economies in transition to participate in those meetings. The Trust Fund is financed by voluntary contributions of the Parties to the Protocol and other governmental, intergovernmental and non-governmental organizations and other sources.

1.4 The United Nations Framework Convention on Climate Change (UNFCCC)

In 1992, countries joined an international treaty, the United Nations Framework Convention on Climate Change (UNFCCC), to cooperatively consider what they could do to limit average global temperature increases and the resulting climate change, and to cope with whatever impacts were, by then, inevitable.

1.4.1 Importance of the UNFCC

The UNFCCC sets an overall framework for intergovernmental efforts to tackle the challenge posed by climate change. It recognizes that the climate system is a shared resource whose stability can be affected by industrial and other emissions of greenhouse gases such as carbon dioxide and methane.



1.4.2 Scope of the UNFCCC and Obligations of Contracting Parties

The ultimate objective of the UNFCCC is to stabilize greenhouse gas concentrations at a level that would prevent dangerous anthropogenic interference

with the climate system. There are 195 Parties to the Convention as of August 2015.

Parties to the UNFCCC are classified as follows:

- Annex I: There are 43 Parties to the UNFCCC listed in Annex I of the Convention, including the European Union. These Parties are classified as industrialized (developed) countries and “economies in transition” (EITs). The 14 EITs are the former centrally-planned (Soviet) economies of Russia and Eastern Europe.*
- Annex II: There are 24 Parties to the UNFCCC listed in Annex II of the Convention, including the European Union. These Parties are made up of members of the Organization for Economic Cooperation and Development (OECD). Annex II Parties are required to provide financial and technical support to the EITs and developing countries to assist them in reducing their greenhouse gas emissions (climate change mitigation) and manage the impacts of climate change (climate change adaptation).*
- Annex B: Parties listed in Annex B of the Kyoto Protocol are Annex I Parties with first- or second-round Kyoto greenhouse gas emissions targets. The first-round targets apply over the years 2008–2012. As part of the 2012 Doha climate change talks, an amendment to Annex B was agreed upon containing a list of Annex I Parties who have second-round Kyoto targets, which apply from 2013–2020. The amendments have not entered into force.*
- Least Developed Countries (LDCs): 49 Parties are LDCs, and are given special status under the treaty in view of their limited capacity to adapt to the effects of climate change.*
- Non-Annex I: Parties to the UNFCCC not listed in Annex I of the Convention are mostly low-income^{developing countries}. Developing countries may volunteer to become Annex I countries when they are sufficiently developed.*

Under the UNFCCC, Parties commit to:

- gather and share information on greenhouse gas emissions, national policies and best practices;*

- *launch national strategies for addressing greenhouse emissions and adapting to expected impacts, including the provision of financial and technological support to developing countries;*
- *cooperate in preparing for adaptation to the impacts of climate change;*
- *establish national inventories of greenhouse gas (GHG) emissions and removals, which were used to create the 1990 benchmark levels for accession of Annex I countries to the Kyoto Protocol and for the commitment of those countries to GHG reductions;*

1.4.3 Tools and Mechanisms for Implementation of the UNFCCC

The UNFCCC itself does not set any binding limits on greenhouse gas emissions for individual countries and contains no enforcement mechanisms. The treaty is considered legally non-binding. However, it provides a framework for negotiating specific protocols that may set binding limits on greenhouse gases.

The implementing mechanisms for UNFCCC include:

- *The Secretariat whose main function is to support the operations of the Convention.*
- *The Intergovernmental Panel on Climate Change (IPCC) which aims at gaining consensus through meetings and the discussion of various strategies.*
- *The Global Environment Facility (GEF): the Convention has set up the GEF as a system of grants and loans to finance climate change adaptation and mitigation activities. have been set up through the Convention and are managed by the*
- *Technology Transfer: Industrialized countries also agree to share technology with less-advanced nations.*
- *Reporting: Industrialized countries (Annex I) have to report regularly on their climate change policies and measures, including issues governed by the Kyoto Protocol (for countries which have ratified it). They must also submit an annual inventory of their greenhouse gas emissions, including data*

for their base year (1990) and all the years since. Developing countries (Non-Annex I Parties) on the other hand report in more general terms on their actions both to address climate change and to adapt to its impacts - but less regularly than Annex I Parties do, and their reporting is contingent on their getting funding for the preparation of the reports, particularly in the case of the Least Developed Countries.

- *Clean Development Mechanism (CDM) – is established under the Kyoto Protocol to the UNFCCC as a flexible mechanism for emissions reduction projects which generate Certified Emission Reduction units which may be traded in emissions trading schemes. CDM is intended to meet two objectives:*
 - i. *to assist parties not included in Annex I in achieving sustainable development and in contributing to the ultimate objective of the UNFCCC; and*
 - ii. *to assist parties included in Annex I in achieving compliance with their quantified emission limitation and reduction commitments*
- *The Adaptation Committee: this was set up under the Cancun Adaptation Framework as part of the Cancun Agreements..*
- *The Adaptation Fund is an international fund that finances projects and programs aimed at helping developing countries to adapt to the harmful effects of climate change. It is set up under the Kyoto Protocol to the UNFCCC. The Adaptation Fund was officially launched in 2007, although it was established in 2001 at the 7th Conference of the Parties (COP7) to the UNFCCC in Marrakech, Morocco.*

In addition, the Convention has subsidiary bodies. Subsidiary bodies include:

- *The Subsidiary Board of Implementation (SBI) that makes recommendations on policy and implementation issues to the COP and, if requested, to other bodies.*
- *The Subsidiary Board of Scientific and Technological Advice (SBSTA) that serves as a link between information and assessments provided by expert sources (such as the IPCC) and the COP, which focuses on setting policy.*
- *Ad Hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol (AWG-KP)*

- Ad Hoc Working Group on Long-term Cooperative Action (AWG-LCA)

1.5 The Kyoto Protocol to the UNFCCC

The Kyoto Protocol is an international agreement linked to the UNFCCC which commits its Parties by setting internationally binding emission reduction targets. It is based on the recognition that that developed countries are principally responsible for the current high levels of GHG emissions in the atmosphere as a result of more than 150 years of industrial activity. The Kyoto Protocol places a heavier burden on developed nations under the principle of common but differentiated responsibilities.

The Kyoto Protocol was adopted in Kyoto, Japan, on 11th December 1997 and entered into force on 16th February 2005. The Protocol has had two commitment periods, the first of which lasted from 2005-2012, and the second 2012-2020.

1.5.1 Scope of the Kyoto Protocol and Obligations of Contracting Parties

All Annex I Parties, excluding the US, have participated in the 1st Kyoto commitment period. 37 Annex I countries and the EU have agreed to second-round Kyoto targets. These countries are Australia, all members of the European Union, Belarus, Croatia, Iceland, Kazakhstan, Norway, Switzerland, and Ukraine. Belarus, Kazakhstan and Ukraine have stated that they may withdraw from the Protocol or not put into legal force the Amendment with second round targets. Japan, New Zealand, and Russia have participated in Kyoto's first-round but have not taken on new targets in the second commitment period. Other developed countries without second-round targets are Canada (which withdrew from the Kyoto Protocol in 2012) and the United States.

In addition to the Kyoto Protocol, parties to the UNFCCC have agreed to further commitments. These include the Bali Action Plan (2007), the Copenhagen Accord (2009), the Cancun agreements (2010), and the Durban Platform for Enhanced Action (2012).

- Bali Action Plan: *As part of the Bali Action Plan, adopted in 2007, all developed country Parties have agreed to quantified emission limitation and reduction objectives, while ensuring the comparability of efforts among them, taking into account differences in their national circumstances. Developing country Parties agreed to Nationally Appropriate Mitigation Actions (NAMAs) in the context of sustainable development, supported and enabled by technology, financing and capacity-building, in a measurable, reportable and verifiable manner.*

- *Copenhagen Accord and Cancun Agreements: As part of the 2009 Copenhagen negotiations, a number of countries produced the Copenhagen Accord. The Accord states that global warming should be limited to below 2.0 °C (3.6 °F). This may be strengthened in 2015 with a target to limit warming to below 1.5 °C. The Accord does not specify what the baseline is for these temperature targets (e.g., relative to pre-industrial or 1990 temperatures). According to the UNFCCC, these targets are relative to pre-industrial temperatures. Many aspects of the Copenhagen Accord were brought into the formal UNFCCC process as part of the Cancun agreements. The Cancun agreements were adopted by the COP in 2010. As part of the Cancun agreements, developed and developing countries have submitted mitigation plans to the UNFCCC. These plans are compiled with those made as part of the Bali Action Plan.*
- *Durban Platform: In 2011, parties adopted the Durban Platform for Enhanced Action. As part of the Durban Platform, parties agreed to develop a protocol, another legal instrument or an agreed outcome with legal force under the Convention applicable to all Parties. This new treaty is due to be adopted at the 21st COP, and implemented in 2020. The 21st COP is scheduled to held in 2015.*

1.5.2 Tools and Mechanisms for Implementation of the Kyoto Protocol

Countries with commitments under the Kyoto Protocol to limit or reduce greenhouse gas emissions must meet their targets primarily through national measures. As an additional means of meeting these targets, the Kyoto Protocol introduced three market-based mechanisms, thereby creating what is now known as the “carbon market.” The Kyoto mechanisms are aimed to:

- to stimulate sustainable development through technology transfer and investment;*
- help countries with Kyoto commitments to meet their targets by reducing emissions or removing carbon from the atmosphere in other countries in a cost-effective way; and*
- encourage the private sector and developing countries to contribute to emission reduction efforts.*

The Kyoto mechanisms are:

- *Emissions Trading*
- *The Clean Development Mechanism (CDM)*

- *Joint Implementation (JI)*

JI and CDM are the two project-based mechanisms which feed the carbon market. JI enables industrialized countries to carry out joint implementation projects with other developed countries, while the CDM involves investment in sustainable development projects that reduce emissions in developing countries. The carbon market is a key tool for reducing emissions worldwide. Annex I Parties must provide information in their national communications under the Protocol to demonstrate that their use of the mechanisms is supplemental to domestic action to achieve their targets.

The Constituted Bodies under the Kyoto Protocol are:

- *Clean Development Mechanism (CDM) Executive Board - supervises the CDM under the Kyoto Protocol and prepares decisions for the CMP. It undertakes a variety of tasks relating to the day-to-day operation of the CDM, including the accreditation of operational entities*
- *Joint Implementation Supervisory Committee - supervises the verification of emission reduction units (ERUs) generated by JI projects following the verification procedure under the JISC.*
- *Compliance Committee - The compliance regime consists of a Compliance Committee made up of two branches: a Facilitative Branch and an Enforcement Branch.*



CHAPTER FOUR

CHEMICALS AND HAZARDOUS WASTES MEAs

1.1 Introduction

Whereas the use of chemicals of various categories have immense benefits to human beings, their unsustainable management and use poses threats to human well-being at many levels: it threatens the sustainability of the environment which provides the goods and services essential for people's livelihoods; undermines human health; threatens physical security; and reduces the ability of communities to care for themselves and, especially, for children.

Chemicals present both known and unknown risks. Some chemicals, including heavy metals, persistent organic pollutants (POPs) and polychlorinated biphenyls (PCBs) present known risks. Lead and mercury, for example, have serious and irreversible impacts on the mental development of children. Certain chemical additives persist in human organisms over time: this phenomenon is known as "bio-accumulation". For example, DDT can be found in human breast-milk, as it accumulates through the food chain.

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.

The main Chemicals and Hazardous Wastes MEAs of relevance to Africa are:

- i. Rotterdam Convention on Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade.*
- ii. Stockholm Convention on Persistent Organic Pollutants*
- iii. Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal*
- iv. Bamako Convention on the ban on the Import into Africa and the Control of Transboundary Movement and Management of Hazardous Wastes within Africa*
- v. Minamata Convention on Mercury*

1.2 The Rotterdam Convention on the Prior Informed Consent Procedure (PICP) for Certain Hazardous Chemicals and Pesticides in International Trade

In 1985 the Food and Agricultural Organization (FAO) launched its International Code of Conduct on the Distribution and Use of Pesticides. Shortly thereafter, in 1987, UNEP established the London Guidelines for the Exchange of Information on Chemicals in International Trade. In 1989, the two organizations jointly introduced the voluntary Prior Informed Consent (PIC) procedure into these two instruments. In 1998 the international community adopted the Rotterdam Convention to replace the voluntary PIC procedure. The Convention entered into force in 2004.

The Rotterdam Convention is an agreement designed to promote shared responsibility and cooperative efforts among Parties in the international trade of certain hazardous chemicals, in order to protect human health and the environment from potential harm and, to contribute to their environmentally sound use by facilitating information exchange about their characteristics, providing for a national decision-making process on their import and export and disseminating these decisions to Parties. The Convention enables the world to monitor and control the trade in certain hazardous chemicals.

1.2.1 Importance of the Rotterdam Convention

The Rotterdam Convention specifically addresses certain banned or severely restricted chemicals as well as severely hazardous pesticide formulations subject to international trade. It establishes the principle that export of a chemical covered by the Convention can only take place with the prior informed consent of the importing party. An importing Party is thus able to make an informed decision as to whether it can handle the risks connected with a chemical substance.

1.2.2 Scope of the Rotterdam Convention and Obligations of Contracting Parties

The Rotterdam Convention is a multilateral treaty that seeks to promote shared responsibilities in relation to importation of hazardous chemicals. The Convention promotes open exchange of information and calls on exporters of hazardous chemicals to use proper labeling, include directions on safe handling, and inform purchasers of any known restrictions or bans. Parties can decide whether to allow or ban the importation of chemicals listed in the treaty, and exporting countries are obliged to make sure that producers within their jurisdiction comply.

There are many chemicals regulated under the Rotterdam Convention including :

- *2,4,5-T and its salts and esters*
- *Alachlor*
- *Aldicarb*
- *Aldrin*
- *Asbestos – Actinolite, Anthophyllite, Amosite, Crocidolite, and Tremolite only*
- *Benomyl (certain formulations)*
- *Binapacryl*
- *Captafol*
- *Carbofuran (certain formulations)*
- *Chlordane*
- *Chlordimeform*
- *Chlorobenzilate*
- *DDT*
- *Dieldrin*
- *Dinitro-ortho-cresol (DNOC) and its salts*
- *Dinoseb and its salts and esters*

- *1,2-dibromoethane (EDB)*
- *Endosulfan*
- *Ethylene dichloride*
- *Ethylene oxide*
- *Fluoroacetamide*
- *Hexachlorocyclohexane (mixed isomers)*
- *Heptachlor*
- *Hexachlorobenzene*
- *Lindane*
- *Mercury compounds including inorganic and organometallic mercury compounds*
- *Methamidophos (certain formulations)*
- *Methyl parathion (certain formulations)*
- *Monocrotophos*
- *Parathion*
- *Pentachlorophenol and its salts and esters*
- *Phosphamidon (certain formulations)*

- *Polybrominated biphenyls (PBB)*
- *Polychlorinated biphenyls (PCB)*
- *Polychlorinated terphenyls (PCT)*
- *Tetraethyl lead*
- *Tetramethyl lead*
- *Thiram (certain formulations)*
- *Toxaphene*
- *Tributyl tin compounds*
- *Tris (2,3-dibromopropyl) phosphate (TRIS)*

Tools and Mechanisms for Implementation of the Rotterdam Convention

To achieve its objectives the Convention includes two key provisions, namely the Prior Informed Consent (PIC) Procedure and Information Exchange.

- *Prior Informed Consent (PIC) procedure – The PIC procedure is a mechanism for formally obtaining and disseminating the decisions of importing Parties as to whether they wish to receive future shipments of those chemicals listed in Annex III of the Convention and for ensuring compliance with these decisions by exporting Parties.*
- *Information Exchange - The Convention facilitates information exchange among Parties for a very broad range of potentially hazardous chemicals. The Convention requires each Party to notify the Secretariat when taking a domestic regulatory action to ban or severely restrict a*

chemical.

The institutional structures to facilitate the implementation of the Convention are as follows:

- *Parties and their Designated National Authorities (DNAs) – Parties are countries or regional economic integration organizations that have ratified, accepted, approved or acceded to the Convention. Each Party must designate one or more national authorities (DNAs) which are the primary contact points for matters related to the operation of the Convention and are authorized to perform the administrative functions required by the Convention. DNAs are also the key contact point for matters related to the Convention for other Parties and the Secretariat.*
- *Conference of the Parties (COP) – this is the main decision making organ of the Convention. It oversees the operation of the Convention and makes decisions regarding amendments to the Convention, including the addition of chemicals to Annex III.*
- *Chemical Review Committee (CRC) – this is a subsidiary body of the COP. Its members are government designated experts in chemicals management. Its responsibilities include reviewing notifications and proposals from Parties, and making recommendations to the COP on the addition of chemicals to Annex III.*
- *Secretariat - The functions of the Secretariat include making administrative arrangements for meetings of the COP and its subsidiary bodies, verifying information accompanying notifications and proposals, disseminating import responses provided by the Parties, facilitating assistance to developing country Parties, facilitating information exchange between Parties and fostering collaboration and cooperation with other international organizations*

1.3 The Stockholm Convention on Persistent Organic Pollutants

The Stockholm Convention is a global treaty developed to protect human health and the environment from Persistent Organic Pollutants (POPs). The Convention was adopted on 22nd May 2001 and entered into force on 17th May 2004.

POPs are organic chemical substances, that is, they are carbon-based. They possess a particular combination of physical and chemical properties such that, once released into the environment, they:

- *remain intact for exceptionally long periods of time, usually many years;*
- *become widely distributed throughout the environment as a result of natural processes involving soil, water and, most notably, air;*
- *accumulate in the fatty tissue of living organisms including humans, and are found at higher concentrations at higher levels in the food chain; and*
- *are toxic to both humans and wildlife.*

As a result of releases to the environment over the past several decades due especially to human activities, POPs are now widely distributed over large regions (including those where POPs have never been used). This extensive contamination of environmental media and living organisms includes many foodstuffs and has resulted in the sustained exposure of many species, including humans, for periods of time that span generations, resulting in both acute and chronic toxic effects.

1.3.1 Importance of the Stockholm Convention

The Stockholm Convention aims at phasing out of an initial list of 12 POPs, commonly referred to as the “dirty dozen”, their interim restriction to certain acceptable purposes, phasing out the production and use of DDT, and the reduction or elimination of unintentionally produced chemicals (dioxin and furans). The Convention also makes provision for the inclusion of further POPs, and requires Parties with new chemical programmes to prevent the introduction of new POPs onto the marketplace.

1.3.2 Scope of the Stockholm Convention and Obligations of Contracting Parties

Initially, twelve POPs have been recognized as causing adverse effects on humans and the ecosystem and these can be placed in the following 3 categories:

- *Pesticides: aldrin, chlordane, DDT, dieldrin, endrin, heptachlor, hexachlorobenzene, mirex, toxaphene;*
- *Industrial chemicals: hexachlorobenzene, polychlorinated biphenyls (PCBs); and*

- By-products: *hexachlorobenzene; polychlorinated dibenzo-p-dioxins and polychlorinated dibenzofurans (PCDD/PCDF), and PCBs.*

At its fourth and fifth meetings held in 2009 and 2011, the Conference of the Parties (COP) adopted amendments to Annexes A (elimination), B (restriction) and C (unintentional production) of the Stockholm Convention to list ten additional chemicals as POPs.

The obligations of the contracting parties under the Stockholm Convention include agreement by Parties that:

- *2 years after the Convention entered into force they would develop an action plan to minimize or eliminate releases of Annex C POPs including:*
 - ✓ *Initial inventory of sources and releases of Annex C POPs;*
 - ✓ *Evaluation of efficacy of laws and policies to address such releases;*
 - ✓ *Identification of priority source categories;*
 - ✓ *Strategies and measures with timelines to achieve continuing minimization and where feasible, ultimate elimination of Annex C POPs, considering the guidelines on BAT and guidance on BET and the identified priority source categories*
- *4 years after entry into force, they would phase in requirements for Best Available Techniques (BAT) for new sources, and remove use of BAT and Best Environmental Practices (BEP) for existing sources. In this case:*
 - ✓ *For new sources: Require use of best available techniques (BAT) for the identified priority source categories; and promote use of BAT for other source categories; and promote use of best environmental practices (BEP);*
 - ✓ *For existing sources: Promote use of BAT&BEP for the identified priority source categories*

1.3.3 Tools and mechanisms of implementing the Stockholm Convention

The Stockholm Convention has several mechanisms including:

- Compliance mechanism - *the Conference of the Parties develops and approves procedures and institutional mechanisms for determining non-compliance with the provisions of the Convention and for the treatment of Parties found to be in non-compliance.*
- Ad hoc working group on non-compliance
- National Focal Points: *the Convention requires each party to establish a national focal point for information exchange. For the purpose of its work, the Convention secretariat requests Governments to designate a national focal point, regardless of their signatory or party status.*
- Trust Fund *for the Stockholm Convention on Persistent Organic Pollutants*
- Master List of Actions: *To assist in coordinating efforts for the elimination of POPs, UNEP has developed a master list of actions that address POPs and their releases. This master list consists of actions aimed at reducing or eliminating releases of POPs. The master list facilitates coordination and cooperation between and among activities at the national, regional and international levels in countries and organizations, thereby helping to avoid duplication of efforts and ensuring the efficient use of resources*

1.4 The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal

The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (referred to as “the Basel Convention”) was adopted in 1989, in response to a public outcry following the discovery, in the 1980s, in Africa and other parts of the developing world of deposits of toxic wastes imported from abroad.

1.4.1 Importance of the Basel Convention

Awakening environmental awareness and corresponding tightening of environmental regulations in the industrialized world in the 1970s and 1980s had led to increasing public resistance to the disposal of hazardous wastes – in accordance with what became known as the NIMBY (Not In My Back Yard) syndrome – and to an escalation of disposal costs. This in turn led some operators to seek cheap disposal options for hazardous wastes in Eastern Europe and the developing world, where environmental awareness was much less developed and regulations and enforcement mechanisms were lacking. It was against this background that the Basel Convention was negotiated. It was adopted in 1989 and entered into force in 1992.



Illegal dumping of electronic and other hazardous waste is rampant in many African Countries

1.4.2 Scope of the Basel Convention and Obligations of Contracting Parties

The Basel Convention covers a broad range of hazardous wastes, including chemical wastes, subject to transboundary movements. It aims 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.

The central goal of the Basel Convention is “environmentally sound management”, the aim of which is to protect human health and the environment by minimizing hazardous waste production whenever possible. Environmentally sound management means addressing the issue through an integrated life-cycle approach. This involves strong controls from the generation of a hazardous waste to its storage, transport, treatment, reuse, recycling, recovery and final disposal.

One of the guiding principles of the Basel Convention is that, in order to minimize the threat, hazardous wastes should be dealt with as close to where they are produced as possible. Accordingly, under the Convention, transboundary movements of hazardous wastes or other wastes can take place only upon prior written notification by the State of export to the competent authorities of the States of import and transit, if appropriate. Each shipment of hazardous waste or other waste must be accompanied by a movement document from the point at which a transboundary movement begins to the point of disposal.



The Basel Convention encourages, as far as possible, disposal of hazardous waste at the source of generation

1.4.3 Tools and Mechanisms for implementing the Basel Convention

The key institutions through which the Convention works include:

- *The Conference of the Parties (COP) – this is the governing body of the Basel Convention and is composed of all governments that have ratified or acceded to it.*
- *The Open Ended Working Group (OEWG) – is mandated to assist the COP in developing and keeping under continuous review the implementation of the Convention's work plan, specific operational decisions taken by the COP.*
- *The Expanded Bureau provides administrative and general operational directions to the secretariat between the meetings of the Conference of the Parties; performs functions requested by the Conference of the Parties or the Open-ended Working Group, especially administrative tasks, taking into account the approved budget.*
- *The Compliance Committee: its mandate is to administer the mechanism for promoting implementation of and compliance with the obligations under the Convention. Its objective is to assist Parties to comply with their obligations under the Convention.*

Parties to the Basel Convention commit to sound environmental management through control of transboundary movement of hazardous wastes and disposal. The Convention has a number of mechanisms to achieve this objective;

- *Establishment of Regional Focal Points and National Competent Authorities; and*
- *raising public awareness and building partnerships;*
- *Harmonized System Codes of transboundary wastes;*
- *Establishment of Basel Convention Regional Centres (BCRCs) which are Regional and Coordinating Centers for Capacity Building and Technology Transfer. The BCRCs were created to address specific regional or sub-regional needs;*
- *Compliance mechanisms- a compliance committee is established, for promoting implementation and compliance. The Committee gets di-*

rection from the Conference of the Parties and reviews general issues of compliance and implementation under the Convention. Such issues may relate, inter alia, to:

- ✓ Ensuring the environmentally sound management and disposal of hazardous and other wastes;*
 - ✓ Training customs and other personnel;*
 - ✓ Accessing technical and financial support, particularly for developing countries, including technology transfer and capacity-building;*
 - ✓ Establishing and developing means of detecting and eradicating illegal traffic, including investigating, sampling and testing;*
 - ✓ Monitoring, assessing and facilitating reporting under article 13 of the Convention; and*
- Technical Cooperation Trust Fund – established by the Conference of Parties to assist Contracting Parties that are developing countries or countries with economies in transition in cases of emergency and compensation for damage resulting from incidents arising from transboundary movements of hazardous wastes and other wastes and their disposal.*
 - The Strategic Framework consisting of a vision, guiding principles, strategic goals and objectives , means of implementation, indicators for measuring achievement and performance and evaluation. Parties are encouraged to take specific actions to implement the strategic framework through the activities listed in the biennial programme of work, taking into account regional and national diversities and specificities, especially those of developing countries, countries with economies in transition and small island developing States.*
 - The Secretariat cooperates closely with parties, Basel Convention regional and coordinating centres and other stakeholders to support the development and implementation of the activities called for in the strategic framework. In particular, the technical assistance and capacity-building activities undertaken by the Secretariat support parties and other stakeholders, such as regional centres, in implementing the strategic framework.*

The Bamako Convention is a response to Article 11 of the Basel Convention which encourages parties to enter into bilateral, multilateral and regional agreements on hazardous waste. It is a treaty of African nations prohibiting the import of any hazardous (including radioactive) waste. The Convention was negotiated by 12 countries of the Organization of African Unity (now African Union) in Bamako, Mali, in 1991.

Impetus for the development of the Bamako Convention came from the failure of the Basel Convention to prohibit trade of hazardous waste to less developed countries, and from the realization that many developed countries were exporting toxic wastes to Africa. The Convention uses a format and language similar to that of the Basel Convention, but is much stronger in prohibiting all imports of hazardous waste, and in not allowing the exceptions, such as those for radioactive materials, admitted by the Basel Convention.

1.5.1 Importance of the Bamako Convention

The Bamako Convention aims to:

- *Prohibit the import of all hazardous and radioactive wastes into the African continent for any reason;*
- *Minimize and control transboundary movements of hazardous wastes within the African continent;*
- *Prohibit all ocean and inland water dumping or incineration of hazardous wastes;*
- *Ensure that disposal of wastes is conducted in an environmentally sound manner;.*
- *Promote cleaner production over the pursuit of a permissible emissions approach based on assimilative capacity assumptions; and*
- *Establish the precautionary principle in the management of hazardous wastes in Africa.*

1.5.2 Scope of the Bamako Convention and Obligations of Contracting Parties

The Bamako Convention covers more wastes than covered by the Basel Convention as it not only includes radioactive wastes but also considers any waste with a listed hazardous characteristic or a listed constituent as a hazardous waste. The Convention also covers national definitions of hazardous waste. Finally, products that are banned, severely restricted or have been the subject of prohibitions are also covered under the Convention as wastes. These include:

- *Agricultural wastewater*
- *Biodegradable waste*
- *Brown waste*
- *Chemical waste*
- *Construction waste*
- *Demolition waste*
- *Electronic waste*
- *Food waste*
- *Green waste*
- *Hazardous waste*
- *Heat waste*
- *Industrial waste*

- *Litter*
- *Marine debris*
- *Biomedical waste*
- *Mining waste*
- *Municipal solid waste*
- *Open defecation*
- *Photodegradation*
- *Post-consumer waste*
- *Radioactive waste*
- *Sewage*
- *Toxic waste*
- *Wastewater*

Under this Convention, parties commit to ban the import of hazardous and radioactive wastes as well as all forms of ocean disposal. For intra-African waste trade, parties must minimize the transboundary movement of wastes and only conduct it with consent of the importing and transit states among other controls. They should minimize the production of hazardous wastes and cooperate to ensure that wastes are treated and disposed of in an environmentally sound manner. All parties are obliged to prohibit the import of all hazardous wastes, for any reason, into Africa from non-contracting parties.

1.5.3 Tools and Mechanisms for Implementing the Bamako Convention

There are various measures in place to achieve the Convention's objectives. These include:

- *International/Regional Cooperation*
- *Transmission of Information*
- *Establishment of Competent authorities, Dumpwatch, and focal points that have been designated by them pursuant to Article 5 of this Convention*
- *Regional centres for training- Parties agree that, according to the specific needs of different regions and sub-regions, regional or sub-regional centres for training and technology transfers regarding the management of hazardous wastes and the minimization of their generation should be established, as well as appropriate funding mechanisms of a voluntary nature*
- *Secretariat whose functions are: to arrange for, and service, meetings; prepare and transmit reports; prepare reports on its activities carried out in the implementation of its functions under this Convention and present them to the Conference of the Parties; ensure the necessary co-ordination with relevant international bodies, and in particular to enter into such administrative and contractual arrangements as may be required for the effective discharge of its functions; communicate with focal points, competent authorities and Dumpwatch established by the Parties in accordance with Article 5 of this Convention as well as appropriate inter-governmental and non-governmental organisations which may provide assistance in the implementation of this Convention; compile information concerning approved national sites and facilities of Parties available for the disposal of their hazardous wastes and to circulate this information; receive and convey information from and to Parties.*

1.6 The Minamata Convention on Mercury

The Minamata Convention on Mercury is a global treaty to protect human health and the environment from the adverse effects of mercury. It was agreed at the fifth session of the Intergovernmental Negotiating Committee in Geneva, Switzerland on 19th January 2013. The Convention was adopted and opened for signature on 10 October 2013, at a Conference of Plenipotentiaries (Diplomatic Conference) in Kumamoto, Japan, preceded by a Preparatory Meeting from 7–8 October 2013. The European Union and 86 countries signed the Convention on the first day it was open. A further 5 countries signed the Convention on the final day of the Diplomatic Conference, 11 October 2013.

The Convention will enter into force 90 days after it has been ratified by 50 nations. During the interim period, further meetings of the INC will be held to address such details as the organization of a permanent secretariat.

1.6.1 Importance of the Minamata Convention on Mercury

The Convention draws attention to a global and ubiquitous metal that, while naturally occurring, has broad uses in everyday objects and is released to the atmosphere, soil and water from a variety of sources. Controlling the anthropogenic releases of mercury throughout its lifecycle has been a key factor in shaping the obligations under the convention. The major highlights of the Minamata Convention on Mercury include a ban on new mercury mines, the phase-out of existing ones, control measures on air emissions, and the international regulation of the informal sector for artisanal and small-scale gold mining.

1.6.2 Scope of the Minamata Convention on Mercury

The convention has prohibited a myriad of products containing mercury, and their production and trade will be altogether prohibited by 2020. These products include batteries, compact fluorescent lamps, switches and relays, soaps and cosmetics, thermometers, and blood pressure devices. Furthermore, delegates went as far as prohibiting vaccines containing mercury, as well as dental fillings which use mercury amalgam. The biggest mercury release comes from coal-fired power stations and usage of mercury to separate gold from ore-bearing rock. Mercury from the factories is released into a river system. The Convention requires countries to come up with plans to reduce the amount of mercury used by gold miners. The treaty will also organize and support financially mercury awareness campaigns by which it will give support for mercury-free alternatives.

1.6.3 Tools and Mechanisms for Implementation of the Minamata Convention on Mercury

At its sixth session held from 3 to 7 November 2014 in Bangkok, the intergovernmental negotiating committee on mercury (INC6) established an ad hoc working group of experts on financing, with the mandate to provide input to INC7 in implementing the decision of the Conference of Plenipotentiaries, as outlined in paragraph 6 of resolution 2 of the Final Act, on financial arrangements, which is :

“ ... to develop for consideration by the Conference of the Parties at its first meeting a proposal for the hosting institution for the specific international programme, including any necessary arrangements with the hosting institution, as well as guidance on operation and duration of that programme”.

The ad hoc working group of experts on financing comprises the two co-chairs appointed by INC6 as well as a total of 19 experts, drawn from each of

the five UN regional groups. Currently the Minamata Convention is assisted by an interim secretariat.

INC6 also requested the interim secretariat to invite and compile comments from INC parties on the mandate of the ad hoc working group of experts, as well as subsequently to prepare a document outlining options for hosting institutions for the specific international programme and any necessary information available on arrangements with the hosting institutions, in order to inform the work of the ad hoc working group of experts.

CHAPTER FIVE



GREEN NATURE

The main MEA with a focus on land and its resources is United Nations Convention to Combat Desertification (UNCCD).

1.1 The United Nations Convention to Combat Desertification (UNCCD)

Desertification, along with climate change and the loss of biodiversity were identified as the greatest challenges to sustainable development during the 1992 Rio Earth Summit. Established in 1994, UNCCD is the sole legally binding international agreement linking environment and development to sustainable land management.

The UNCCD was adopted in June 1994 and entered into force in December 1996. The main objective of the UNCCD is to resist the spread of desertification and to mitigate the effects of drought, 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.

1.1.1 Importance of the UNCCD

The major contributors to increasing desertification in Africa include declining overall precipitation, the degradation and depletion of natural resources due to over-cultivation, extensive fuel-wood gathering and inappropriate land management systems, as Africa's population, more than that of any other continent, is highly dependent on land. The problem is further exacerbated by unfavourable economic and agricultural policies. In many areas, desertification has led to significant losses of biomass and soil fertility, thereby impeding agricultural production and sustainable yields. UNCCD is important especially for Africa as it seeks to forge a global partnership to reverse and prevent desertification/land degradation and to mitigate the effects of drought in affected areas in order to support poverty reduction and environmental sustainability.



Desertification is threatening the livelihoods of many communities in the African continent

1.1.2 Scope of the UNCCD and Obligations of Contracting Parties

The scope and obligations set out in the Convention relate principally to international cooperation in implementing the Convention in all areas, particularly those involving collection, analysis and exchange of information; research; technology transfer; capacity-building; awareness raising; the promotion of an integrated approach in developing national strategies to combat desertification and assistance in ensuring that adequate financial resources are available for programmes to combat desertification and mitigate the effects of drought.

1.1.3 Tools and mechanisms for implementation of the UNCCD

- *The Global Mechanism (GM) offers strategic advisory services to developing countries on how to increase investments in sustainable land management. Established by the UNCCD, the GM began its operations in October 1998 and aims to increase the effectiveness and efficiency of existing financial mechanisms For combating desertification in addition to attracting and channeling investments from innovative financial sources such as climate change funds, private sector operations and micro-finance.*
- *The Global Environment Facility (GEF) as Financial Mechanism of the UNCCD: In 2002, the World Summit on Sustainable Development called on the Second GEF Assembly to consider making the GEF a financial mechanism of the Convention. Shortly after, in October 2002, the GEF Second Assembly declared that the Facility should be available as a financial mechanism of the UNCCD if the Conference of the Parties should so decide. At COP 6 in the GEF was accepted as a financial mechanism of the UNCCD by the Conference of Parties. This was followed by a Memorandum of Understanding between the COP and GEF to foster collaboration in supporting countries. In May 2010, the Fourth GEF Assembly amended the GEF Instrument to list UNCCD among the treaties for which the facility is playing the role of financial mechanism.*

CHAPTER SIX



SEAS AND INLAND WATER RELATED MEAs

A variety of human induced activities are contributing to the rapid degradation of the marine and coastal environment. These activities include unplanned urbanization, the discharge of untreated municipal waste water and industrial effluent, destructive fishing practices, overexploitation of resources and alteration and destruction of the habitat.

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. The Major Seas and Inland Water MEAs are discussed below in this chapter.



Pollution of marine and inland waters is a growing global problem

1.1 The United Nations Convention on the Law of the Seas (UNCLOS)

The United Nations Convention on the Law of the Seas (UNCLOS) also referred to as the Law of the Sea Convention, is the international agreement that resulted from the third United Nations Conference on the Law of the Sea (UNCLOS III), which took place between 1973 and 1982.

The Convention which was concluded in 1982 and came into force in 1994, replaced four 1958 treaties namely:

- *Convention on the Territorial Sea and Contiguous Zone;*
- *Convention on the High Seas;*
- *Convention on Fishing and Conservation of the Living Resources of the High Seas;*
- *Convention on the Continental Shelf.*

1.1.1 Importance of the UNCLOS

The Law of the Sea Convention defines the rights and responsibilities of nations with respect to their use of the world's oceans, establishing guidelines for businesses, the environment, and the management of marine natural resources.

1.1.2 Scope UNCLOS and Obligations of Contracting Parties

UNCLOS establishes a comprehensive legal regime covering all aspects of the seas and oceans. These include:

- *universally agreed limits on the territorial sea, contiguous zone and the exclusive economic zone and the continental shelf;*
- *the regimes of innocent passage through the territorial sea, transit passage through straits used for international navigation and archipelagic sea lanes passage through archipelagic waters;*
- *a framework for conservation and utilization of the living marine resources; a new regime for the deep seabed beyond national jurisdiction;*
- *rules for protection and preservation of the marine environment from pollution; new rules on marine and scientific research; and,*

- *the peaceful settlement of disputes concerning the interpretation and application of the provisions of the Convention.*

UNCLOS requires States to conserve and manage living marine resources in the areas that are within their jurisdiction or the areas over which they exercise sovereign rights. States are also required to cooperate to conserve and manage specific stocks, particularly straddling fish stocks and highly migratory species without prejudice to the rights of the coastal state where such stocks occur within their jurisdiction or in areas where the coastal state exercises sovereign rights.

There are varying degrees of rights and duties of states with respect to the conservation and management of fisheries resources and the factors that have to be taken into account in different regimes. However, the common basic principle of conservation and management of fisheries resources that applies in many of these regimes is that the allowable catch shall be determined and that conservation measures be adopted to maintain or restore populations of harvested species at levels which can produce maximum sustainable yield, as qualified by relevant environmental and economic factors.

1.1.3 Tools and Mechanisms for Implementation of UNCLOS

At global level, the UN General Assembly (UNGA) and UN Informal Consultative Process on the Law of the Sea (ICP) address global fisheries issues among other responsibilities. There is also the International Tribunal of the Law of the Sea (ITLOS) as the competent body for resolving conflict between States. The Food and Agriculture Organization (FAO) is the UN specialized Agency with a global mandate for fisheries policy through its Committee on Fisheries (COFI).

At regional level, a number of regional fisheries bodies operate with mandates ranging from data collection and assessment to management.

At national level, specialised ministries for fisheries have been established, sometimes under ministries for agriculture or the environment.

The International Seabed Authority, headquartered in Kingston, Jamaica, is an autonomous international organization established under the 1982 United Nations Convention on the Law of the Sea and the 1994 Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea.

The Commission on the Limits of the Continental Shelf is established to facilitate the implementation of the United Nations Convention on the

Law of the Sea in respect of the establishment of the outer limits of the continental shelf beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured.

The International Tribunal for the Law of the Sea (ITLOS) is an independent judicial body established by UNCLOS to adjudicate disputes arising out of the interpretation and application of the Convention.

ITLOS Trust Fund- is established to provide financial assistance to States parties to the Convention for expenses incurred in connection with cases submitted, or to be submitted, to the Tribunal, including its Seabed Disputes Chamber and any other Chamber.

Other implementation mechanisms include:

- *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 Highly Migratory Fish Stocks. New York, 4 August 1995*
- *Agreement on the Privileges and Immunities of the International Tribunal for the Law of the Sea. New York, 23 May 1997*
- *Protocol on the Privileges and Immunities of the International Seabed Authority. Kingston, 27 March 1998*
- *Settlement of Disputes Mechanism under UNCLOS*

1.2 The Barcelona Convention for the Protection of the Mediterranean Sea against Pollution

The Barcelona Convention for Protection of the Mediterranean Sea against Pollution is a regional treaty to prevent and abate pollution from ships, aircraft and land based sources in the Mediterranean Sea. This includes, but is not limited to, dumping, run-off and discharges.

Parties to this Convention agreed to cooperate and assist in dealing with pollution emergencies, monitoring and scientific research. Signed on 16th February 1976, the Convention came into force on 12th February 1978. The treaty was revised in Barcelona, Spain, on 10 June 1995 as the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean.

1.2.1 Importance of the Barcelona Convention

The goal of the Barcelona Convention is to reduce pollution in the Mediterranean Sea and protect and improve the marine environment in the area, thereby contributing to its sustainable development. To achieve this number of objectives have been agreed upon, including:

- *To prevent, reduce, combat and, as far as possible, eliminate pollution in the Zone of the Mediterranean Sea.*
- *To attain the objective of sustainable development, taking fully into account the recommendations of MCSD.*
- *To protect the environment and to contribute to sustainable development:*
 - ✓ *By applying the precautionary principle and that the polluter should pay*
 - ✓ *By performing Environmental Impact Assessments (EIA)*
 - ✓ *By promoting cooperation between coastal States in EIA procedures.*
 - ✓ *To promote the integrated management of coastal zones, taking into account the protection of zones of ecological and landscape interest and the rational use of natural resources. To apply the Convention and its Protocols:*
 - ✓ *By adopting programmes and measures with defined deadlines for completion.*
 - ✓ *By using the best techniques available and the best environmental practices.*
- *To formulate and adopt Protocols that prescribe agreed measures, procedures and regulations to apply the Convention.*
- *To promote, within the relevant international bodies, measures relating to the application of sustainable development programmes and environmental protection, conservation and rehabilitation and the natural resources of the Mediterranean Sea.*

1.2.2 Scope of the Barcelona Convention and Obligations of Contracting Parties

The Barcelona Convention is applicable to the 'Zone of the Mediterranean Sea'. This is defined as 'the maritime waters of the Mediterranean as such, with all its gulfs and tributary seas, bounded to the west by the Strait of Gibraltar and to the east by the Dardanelle Strait'.

For the purposes of this Convention, the Mediterranean Sea area shall mean the maritime waters of the Mediterranean Sea proper, including its gulfs and seas, bounded to the west by the meridian passing through Cape Spartel lighthouse, at the entrance of the Straits of Gibraltar, and to the east by the southern limits of the Straits of the Dardanelles between the Mehmetcik and Kumkale lighthouses.

Members are allowed to extend the application of the Convention to the coastal areas within their own territory. The contracting parties to this Convention are: Albania, Algeria, Bosnia and Herzegovina, Croatia, Cyprus, Egypt, European Community, France, Greece, Israel, Italy, Lebanon, Libya, Malta, Monaco, Morocco, Serbia and Montenegro, Slovenia, Spain, Syria, Tunisia, and Turkey.

The Convention covers the following:

- *Pollution caused by Dumping from ships and aircrafts*
- *Pollution from exploration and exploitation of the continental shelf and sea-bed and its subsoil*
- *Pollution from land-based sources*

Under the Barcelona Convention, party states agree to take specific measures:

- *against pollution due to dumping from ships and air planes and against incineration at sea,*
- *against pollution due to discharges from ships,*
- *against pollution caused by prospection for, and exploitation of, the continental shelf, the seabed and its subsoil,*
- *against land-based pollution,*

- *to cooperate in pollution incidents giving rise to situations of emergency,*
- *to protect biological diversity,*
- *against pollution due to transboundary movements of dangerous wastes and to eliminate them,*
- *to monitor pollution,*
- *to cooperate in science and technology*
- *to apply environmental legislation, and*
- *to facilitate public access to information and public participation.*

The contracting parties are also required to:

- *Cooperate in taking necessary measures for dealing with pollution emergencies in the Mediterranean sea*
- *Endeavour to establish, in close co-operation with the international bodies which they consider competent, complementary or joint programmes, Including, as appropriate, programmes at the bilateral or multilateral levels, for pollution monitoring in the Mediterranean Sea area and shall endeavour to establish a pollution monitoring system for that area.*
- *Designate the competent authorities responsible for pollution monitoring within areas under their national jurisdiction and shall participate as far as practicable in international arrangements for pollution monitoring in areas beyond national jurisdiction.*
- *Undertake to cooperate in the formulation, adoption and implementation of such Annexes to this Convention as may be required to prescribe common procedures and standards for pollution monitoring*
- *Undertake as far as possible to co-operate directly, or when appropriate through competent regional or other international organizations, in the fields of science and technology and to exchange data as well as other scientific information for the purpose of this Convention.*

- *Develop and co-ordinate their national research programmes relating to all types of marine pollution in the Mediterranean Sea area and to co-operate in the establishment and implementation of regional and other international research programmes for the purposes of this Convention.*
- *Undertake to co-operate in the provision of technical and other possible assistance in fields relating to marine pollution, with priority to be given to the special needs of developing countries in the Mediterranean region.*
- *Undertake to cooperate as soon as possible in the formulation and adoption of appropriate procedures for the determination of liability and compensation for damage resulting from the pollution of the marine environment deriving from violations of the provisions of this Convention and applicable Protocols.*

1.2.3 Tools and Mechanisms for Implementation of the Barcelona Convention

The Convention has a 25-year Strategic Action Programme adopted in 1997 to address Pollution from Land-Based Activities (and a new Strategic Action Programme for the Conservation of Biological Diversity adopted 2003.

The Mediterranean Action Plan was adopted in Barcelona, Spain, in 1975 by 16 Mediterranean States and the then European Community, under the auspices of UNEP. Its legal framework is based on the Barcelona Convention adopted in 1976 and revised in 1995, and six protocols covering specific aspects of environmental protection. Since its adoption by all the Mediterranean States and the European Community, the Action Plan has served as the basis for the development of a comprehensive environment and development programme in the region involving the Mediterranean coastal States, specialist organizations within the United Nations system and intergovernmental and non-governmental programmes and organizations. The Action Plan covers coastal zone management, pollution assessment and control, protection of ecosystems and preservation of biodiversity. In 1995, it was revised to become a more action-oriented programme and an instrument for sustainable development in the region. African countries that are parties to this agreement include Algeria, Egypt, Libyan Arab Jamahiriya, Morocco and Tunisia.

UNEP is designated as the Secretariat responsible for carrying out the following functions:

- *to convene and prepare the meetings of Contracting Parties and conferences provided for in Articles 14, 15 and 16;*

- *to transmit to the Contracting Parties notifications, reports and other information received in accordance with Articles 3, 9 and 20;*
- *to consider inquiries by, and information from, the Contracting Parties, and to consult with them on questions relating to this Convention and the Protocols and Annexes thereto;*
- *to perform the functions assigned to it by the Protocols to this Convention;*
- *to perform such other functions as may be assigned to it by the Contracting Parties;*
- *to ensure the necessary co-ordination with other international bodies which the Contracting Parties consider competent, and in particular, to enter into such administrative arrangements as may be required for the effective discharge of the secretariat functions.*

1.3 The London Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter

The Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter 1972, commonly called the “London Convention” is an agreement to control pollution of the sea by dumping and to encourage regional agreements supplementary to the Convention.

1.3.1 Importance of the London Convention

The main objective of the London Convention is to prevent indiscriminate disposal at sea of wastes that could be liable for creating hazards to human health; harming living resources and marine life; damaging amenities; or interfering with other legitimate uses of the sea. It entered into force in 1975.

1.3.2 Scope of the London Convention and Obligations of Contracting Parties

The London Convention extends its scope over all marine waters other than the internal waters of the State parties and prohibits the dumping of certain

hazardous materials. It further requires a prior special permit for the dumping of a number of other identified materials and a prior general permit for other wastes or matter.

The Convention covers the deliberate disposal at sea of wastes or other matter from vessels, aircraft, and platforms. It does not cover discharges from land-based sources such as pipes and outfalls, wastes generated incidental to normal operation of vessels, or placement of materials for purposes other than mere disposal, providing such disposal is not contrary to aims of the Convention.

The Convention consists of 22 Articles and three Annexes and follows a “black list/grey list” approach to regulating ocean dumping; Annex I materials (black list) generally may not be ocean dumped (though for certain Annex I materials dumping may be permissible if present only as “trace contaminants” or “rapidly rendered harmless” and Annex II materials (grey list) require “special care”. Annex III lays out general technical factors to be considered in establishing criteria for issuance of ocean dumping permits.

Since its entering into force in 1975, the Convention has provided a framework for international control and prevention of marine pollution within which the contracting parties have achieved continuous progress in keeping the oceans clean. Among its milestones are the 1993 ban on ocean disposal of low-level radioactive wastes and the resolutions to end the dumping and incineration of industrial wastes.

1.3.3 Tools and Mechanisms for Implementation of the London Convention

The efforts of the Parties are supported by a permanent Secretariat hosted by the International Maritime Organization (IMO). The Consultative Meeting of the contracting parties to the London Convention is the governing and political decision-making body of the Convention. It takes advice on issues needing multidisciplinary expertise from the Joint Group of Experts on Scientific Aspects of Marine Environmental Protection (GESAMP) which is composed of specialized experts.

A Scientific Group on Dumping, composed of government experts from the parties to the Convention are responsible to address any scientific requests from the consultative meeting, including the preparation of lists of hazardous substances, developing guide-lines on the implementation of the Convention, and maintaining awareness of the impacts on the marine environments of inputs from all waste sources.

1.4 The Convention for Cooperation in the Protection and Development of the Marine and Coastal Environment of the West, Central and Southern African Region (Abidjan Convention)

The Convention for Cooperation in the Protection, Management and Development of the Marine and Coastal Environment of the Atlantic Coast of the West, Central and Southern Africa Region (Abidjan Convention) is a comprehensive umbrella agreement for the protection and management of the marine and coastal areas. It was adopted in 1981 and entered into force in 1984.

1.4.1 Importance of the Abidjan Convention

The Convention covers the marine environment, coastal zones and related inland waters falling within the jurisdiction of the States of the west, central and southern Africa region, from Mauritania to South Africa, which have become contracting parties to the Convention. It lists the sources of pollution which require control: - pollution from ships, dumping, land based sources, exploration and exploitation of the sea-bed, and pollution from or through the atmosphere.

1.4.2 Scope of the Abidjan Convention and Obligations of Contracting Parties

Countries in the Abidjan Convention area: are Angola, Benin, Cameroon, Cape Verde, Congo (Democratic Republic of), Congo (Republic of), Côte d'Ivoire, Equatorial Guinea, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mauritania, Namibia, Nigeria, Sao Tome e Principe, Senegal, Sierra Leone, South Africa and Togo.. The Convention covers the marine area from Mauritania to South Africa which has a coastline of just over 14,000 km.

Under its articles, the Convention lists the sources of pollution that require control as: ships, dumping, land-based activities, exploration and exploitation of the seabed, and atmospheric pollution. Contracting parties are to take measures to control these sources of pollution.

1.4.3 Tools and mechanisms for the implementation of the Abidjan Convention

For years, particularly from 1985 to 1999, the Abidjan Convention was bedeviled by many difficulties and, as a result, made slow progress. Today, however, the Convention is revitalized, gaining an increasing number of ratified countries, greater payments to its Trust Fund, holding regular meetings and implementing a number of planned activities.

The key implementing mechanisms and institutions of the Abidjan Convention include the following:

- *Adoption of a Regional Contingency Plans and other Means of Preventing and Combating Pollution Incidents (2011);*
- *Additional Protocol to the Abidjan Convention concerning cooperation in the protection and development of marine and coastal environment from land-based sources and activities in the Western, Central and Southern African Region (the LSBA Protocol - 2012);*
- *The Ad Hoc Committee on Science and Technology (created 2014)*
- *Regional Coordination Centre for Marine Pollution Emergency of the Abidjan Convention;*
- *Secretariat of the Abidjan Convention - The activities of the Abidjan Convention are coordinated directly by the Nairobi-based Joint Implementation Unit of the Nairobi and Abidjan Conventions and the Abidjan-based Regional Coordination Unit will increasingly be coordinated at the regional level through collaborations and partnership between the Convention and the GEF-sponsored Large Marine Ecosystem projects under implementation in the Convention area. The Convention designated Cote d'Ivoire as the Depository, and UNEP as the Secretariat. The Regional Coordinating Unit is based in Abidjan.*
- *Conference of Parties (COP)- The premier decision-making organ of the Abidjan Convention is the Conference of Parties (COP), a biennial meeting that brings together the ministers of environment and technical experts from all the countries that are party to the Convention.*
- *National Focal Points - the Convention provides for the designation of an appropriate national authority by each Contracting Party to be responsible for the coordination of national efforts for implementing the Convention and its related protocols. Each national authority serve as the channel of communication between the Contracting Party and the Organization. The Institutional strengthening through designation of focal points and establishment of a focal points forum was in consonance with the Article and requirement for representation as implemented in 2002.*

1.5 The Convention for the Protection, Management and Development of the Marine and Coastal Environment of the Eastern African

Region (Nairobi Convention)

The Nairobi Convention is a comprehensive umbrella agreement applicable to the eastern Africa region for the protection, management and development of its marine and coastal environment. It was signed in 1985 and came into force in 1996, making it one of 17 regional seas Conventions and action plans. The Convention was amended and adopted in April, 2010.

1.5.1 Importance of the Nairobi Convention

The Nairobi Convention provides a mechanism for regional cooperation, coordination and collaborative actions, and enables the contracting parties to harness resources and expertise from a wide range of stakeholders and interest groups towards solving interlinked problems of the coastal and marine environment including critical national and transboundary issues.

The Nairobi Convention plays a coordinating role in the implementation of a series of intervention projects developed under the New Partnership for Africa's Development (NEPAD) environment initiative. The aim is to stem any further degradation of the marine environment and to reverse the degradation and destruction of critical habitats.

The Nairobi Convention is an important platform for dialogue between Governments and the civil society at the regional and national level. Partnerships between the Nairobi Convention and regional non-governmental organizations such as The World Conservation Union (IUCN) and Western Indian Ocean Marine Science Association (WIOMSA) have encouraged government focal points to work together with NGOs to share expertise and experience with an aim of stemming the multitude of problems associated with unplanned urbanization and poor regulatory regimes.

It also provides a forum for inter-governmental discussions that lead to better understanding of regional environmental problems and the strategies needed to address them; develops and implements regional programmes and projects that address critical national and transboundary issues; and promotes sharing of information and experiences in the WIO region and with the rest of the world.

1.5.2 Scope of the Nairobi Convention and Obligations of Contracting Parties

The Contracting Parties to the Nairobi Convention are the Western Indian Ocean (WIO) countries of Comoros, Kenya, Madagascar, Mauritius, Mozambique,

Seychelles, Somalia, Tanzania and South Africa.

The Nairobi Convention offers a legal framework and coordinates the efforts of the countries of the region to plan and develop programmes that strengthen their capacity to protect, manage and develop their coastal and marine environment sustainably.

The Convention lists the sources of pollution that require control, identifies the environment management issues that need cooperative efforts and also deals with specially protected areas, cooperation in cases of emergencies, environmental impact assessment and technical cooperation.

1.5.3 Tools and Mechanisms for Implementation of the Nairobi Convention

The Nairobi Convention is implemented through two protocols:

- *Protocol Concerning Protected Areas and Wild Fauna and Flora in the Eastern African Region – adopted in Nairobi on 21 June 1985 and came into force on 30 May 1996*
- *Protocol Concerning Co-operation in Combating Marine Pollution in Cases of Emergency in the Eastern African Region – adopted in 1985 and came into force in 1996*

Other implementation mechanisms include:

- *Establishment of national focal points*
- *Co-coordinating Unit /Regional Co-ordination Unit - Programmatic Co-ordination, Secretariat for the Nairobi Convention - the Regional Coordinating Unit was established in 1997*
- *Bureau of Contracting Parties*

- Clearing house; *the Nairobi Convention Clearinghouse and Information Sharing System is destined to be a sustainable 'data shop', providing accurate and relevant data and information for improved management and protection of the coastal and marine environment in the in the Western Indian Ocean region. The Nairobi Convention Clearinghouse falls within the auspices of the Nairobi Convention.*
- Mechanism for regional cooperation, coordination and collaborative actions- *The Nairobi Convention provides a mechanism for regional cooperation, coordination and collaborative actions, and enables the Contracting Parties to harness resources and expertise from a wide range of stakeholders and interest groups towards solving interlinked problems of the coastal and marine environment*
- Reporting- *National reports for each of parties*



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