



In the Name of GOD



An Introduction to: **Multilateral Environmental Agreements**

May 2016

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Introduction: Human Being Are Changing the Earth

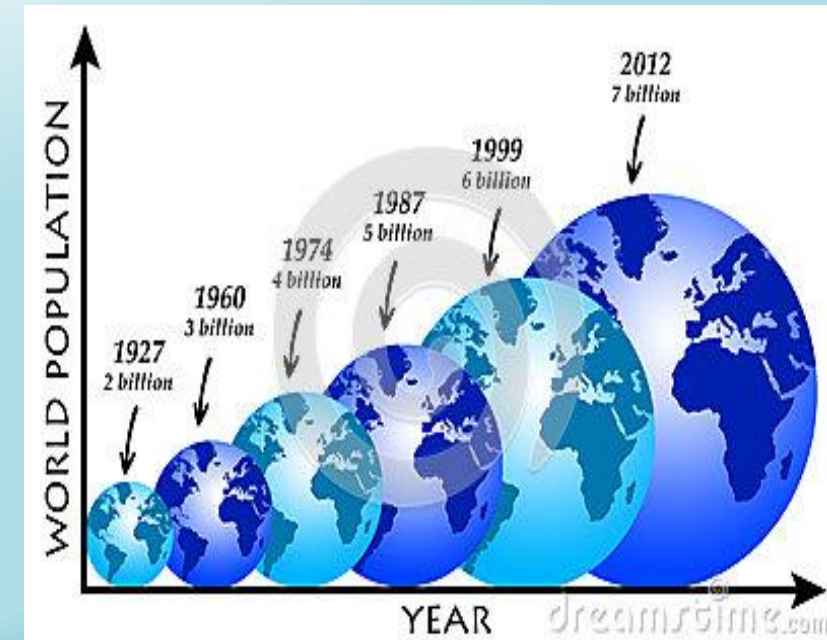
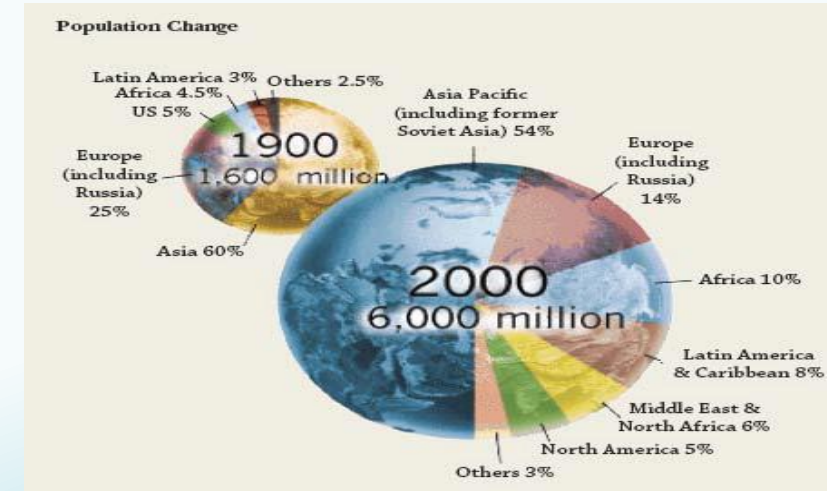
- **People are affecting the Earth's natural environment as we use it for food, shelter, and recreation**
- **Changes occur over time, are gradual and not easily seen**
- **Time-sequenced satellite photos now enable us to see and measure some of these changes.**
- **While changes may seem beneficial in the short term, their impact may be very negative in the long term.**
- **This presentation will highlight some of the changes and hopefully provoke thought regarding our impact on the environment.**

Global Environmental Challenges

- **Several study findings reveal out that economics growth, population and technologies are degrading the planet's resource base and environment**
- **These trends are destabilizing the foundation of the world economy and human prosperity**
- **The main environmental problems relate to:**
 - **Pollution (air, water and soil, wastes, ...);**
 - **Land-use changes;**
 - **Biodiversity loss;**
 - **Resource depletion and degradation;**
 - **Decreased environmental quality**

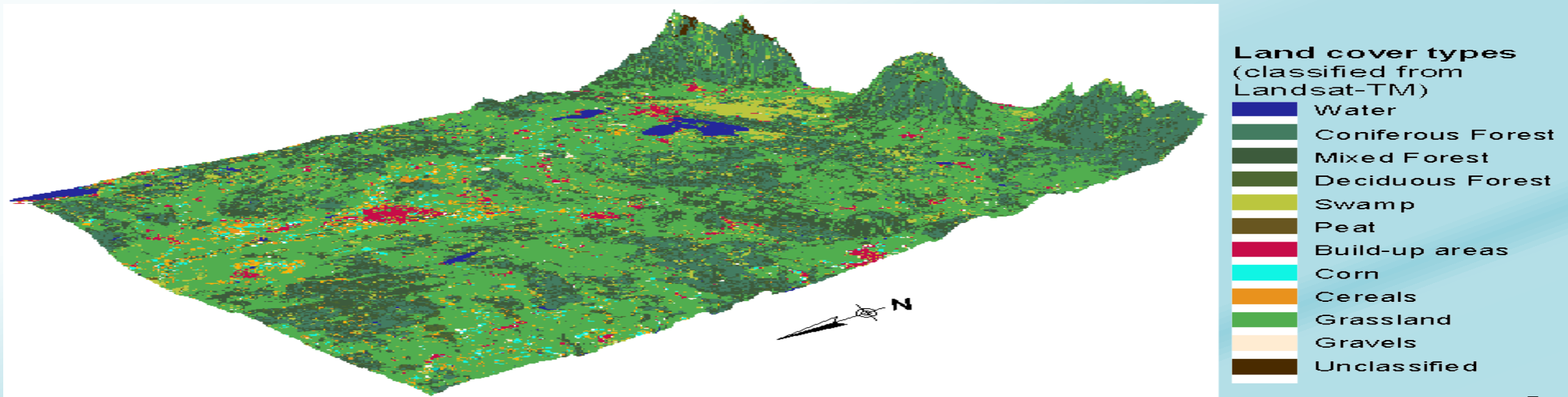
Environment and Natural Resources Degradation

- **Human population growth**
 - 2.5 billion people in 1950 to 7.4 today, to over 9 billion in 2050
 - Adding 74 million people each year
 - 98% will be born in developing countries
 - 80% currently living in developed countries
- **Rapid world economic growth**
 - Increased 9 times since 1950, from \$6 to **\$59.6 trillion in 2005**
 - Impressive expansion in developing countries
- **Technology**
 - Resource-intensive and wasteful



Trends Causing Environmental Resource Degradation

- **Land use changes: Forest Loss and Deforestation**
 - Today's global forest cover is approximately half of original forests of 8,000 years ago
 - Forests are declining 12.5 million acres annually, an area the size of Portugal
 - Loss includes both products—fuel wood, timber and paper—and services (reduced rainfall runoff, water storage and purification, carbon storage and species protection)



Trends Causing Environmental Resource Degradation

- **Land use changes: conversion to croplands, grasslands and human settlements (urban and rural)**
 - Successful food production has kept pace with global population growth; however,
 - Topsoil, a foundation for civilization and food security, has been eroded in one-third of cropland areas; and
 - The world's grasslands are declining; half are already degraded, and 5% of these are degraded severely.



Trends Causing Environmental Resource Degradation



- **Freshwaters: The world is suffering a vast water deficit.**
 - **Rivers—Colorado, Yellow, Indus, Ganges, Nile—and lakes—Aral Sea, Chad—are drying up.**
 - **Underground aquifers are being over-pumped and not replenished.**
 - **Water use is 70% agricultural, 20% industrial and 10% home-use.**
 - **1.2 billion people are without access to safe drinking water; 2.4 billion lack sanitation.**
 - **By 2125, estimates say that 3 billion people will live in water-stressed countries.**



Trends Causing Environmental Resource Degradation

- **Climate change**
 - Global warming has the greatest potential to do the world environmental harm.
 - Warming is clearly evident now; 11 of the past 12 years have been the hottest in the Earth's recent history.
 - Warming is causing changes in rainfall patterns and storm intensity, and is withering crops, melting glaciers, raising sea levels, and moving tropical diseases.



Some Hopeful Signs

- Scientific understanding is improving
- Population growth is slowing
- Many needed technologies are available
- We are harnessing market forces
- Environmental laws are increasingly being implemented and enforced
- Information and public education is improving
- Civil society and businesses are organizing
- Governments have adopted UN Millennium Development Goals



In which direction do we go?

- **Become aware of resource and environmental problems**
- **Restructure the energy economy—conservation and efficiency, reduce fossil fuel use, develop and employ renewable energy**
- **Stabilize the climate**
- **Design a more sustainable use economy—reuse, recycle**
- **Raise cropland water productivity for food security**
- **Cultivate sustainable forestry**
- **Design cities for people**
- **Stabilize the population**
- **Eradicate poverty**

Growing Need for International Law

- **Elements of a sustainable world economy are visible, but more needs to be done.**
- **Leadership is needed and will most likely have to come from a movement involving people at the local and state level**
- **many global environmental problems and issue don't stop at the borders and they require attention at global and/or regional scales**
 - **they are caused by sources thousands of kilometers away;**
 - **they can have a regional or even a global impact.**
 - **they cannot be solved by one country alone**

MULTILATERAL ENVIRONMENTAL AGREEMENTS

Overview

What are MEAs?

- **MEAs are International legal instruments that:**
 - **Have a goal of environmental protection/Sustainable Development**
 - **Take measures to remedy, mitigate or otherwise deal with global and/or regional environmental concerns**
 - **Are concluded between a large number of states or international organizations as parties**
 - **Are governed by international law**
 - **Can be embodied in a single instrument or more related instruments (framework agreements)**
 - **Are concluded in written form**

Highlights in the Evolution of MEAs

MEAs have flourished in last 3 decades, especially since:

- **The 1972 International Stockholm Conference on the Human Development:**
 - first attempt to address inter-relationships of environment and development at global level
 - adopted first global action plan for the environment
 - established the United National Environmental Program (UNEP)

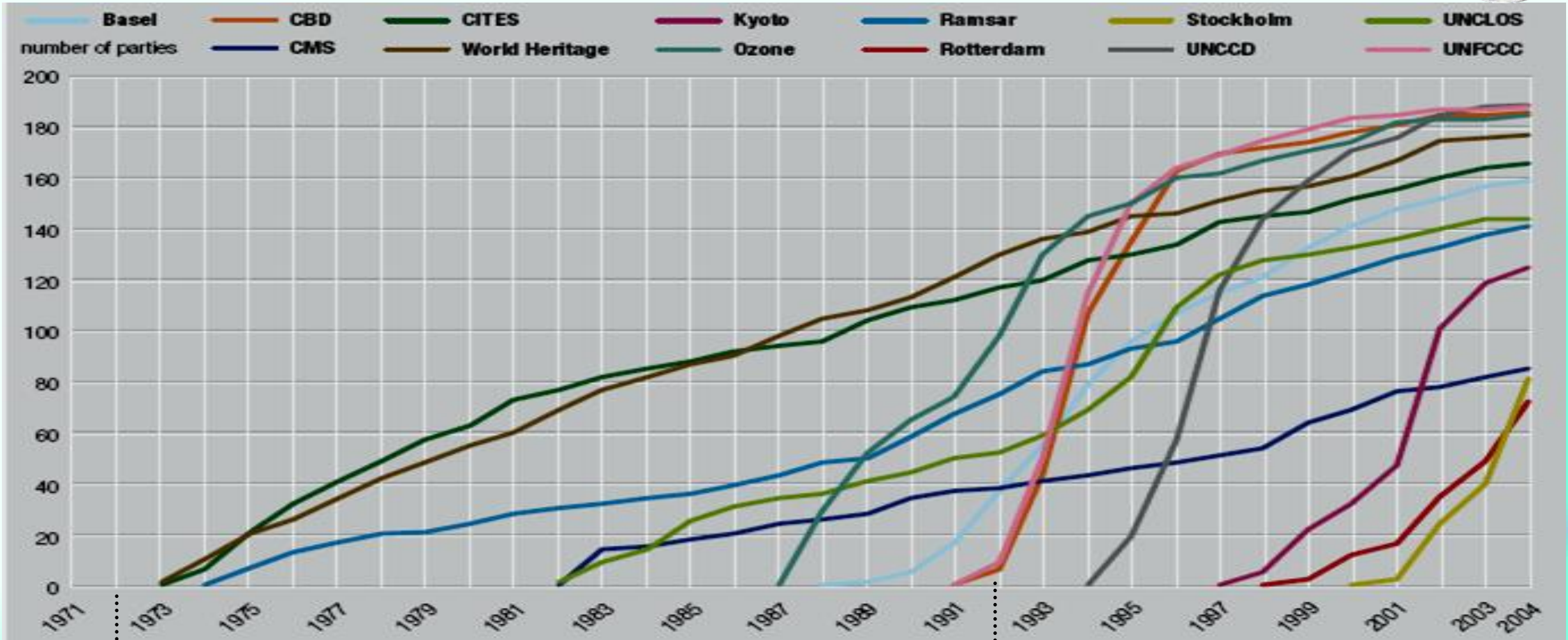
Highlights in the Evolution of MEAs

- **The 1992 United Nations Conference on Environment and Development (UNCED):**
 - National and international policies redirected towards integration of environmental, economic and development objectives
 - Main outputs: “Agenda 21” and “Rio Declaration” (adopted)
 - development of new international regimes stimulated (Accelerated the development of modern MEAs: more than 60% of present MEAs established after 1992)

Reasons:

- Response to the gravity of environmental problems
- Growing understanding of regional and global nature of environmental problems

Background: Number of parties to MEAs



Key Concepts in MEAs?

- **Legally-binding agreements (Hard Law):**
 - Binding international agreement between two States (bilateral) or between three or more States (multilateral) committing to achieve specific environmental goals– States have decided to bind themselves
 - General definition: “... an international agreement concluded between States in written form and governed by international law, whether embodied in a single instrument or in two or more related instruments” (Vienna Convention on the Law of Treaties (adopted in 1969), Article 2(1)(a))
 - Set commitments in form of legally-binding targets and time-tables
 - Various forms: Treaties, Conventions, Agreements, Protocols, Accords, Pacts

Key Concepts in MEAs?

- **Non-legally binding instruments (Soft Law):**
 - Set out important issues and priorities,
 - foster discussion and attention, and
 - stimulate new thinking and development of legally-binding instruments
 - Various forms: Resolutions, Decisions, Declarations, Recommendations

Are All Environment-Related International Instruments MEAs?

Hard law

- Legally binding
- MEAs that conform to the 1969 Vienna Convention on the Law of Treaties
- Enforceable in law

Soft law

- Non-binding
- Global or regional instruments that do not strictly conform to the Vienna Convention but could play positive role in national policy-making.
- Important influence on international and national policy
- Can lay the groundwork for multilateral accords

General Characteristics of MEAs?

- **Commonalities:**
 - Shared goal: Sustainable Development
 - Cross-cutting issues: Pollution/Waste management,
 - Common approaches (Precaution, Public participation, Differential obligations, Control of trade to protect environment)
- **MEAs Can be:**
 - stand-alone; e.g. Convention on International Trade in Endangered Species (CITES)
 - framework agreements (e.g. Vienna Convention for the Protection of the Ozone Layer)
- **MEAs Bind only parties, but can affect non-parties (for example, through trade bans under CITES)**

MEAs Development Process: from Negotiation to Ratification

- MEAs are developed through a Negotiation Process among concerned countries
- Often initiated and facilitated/moderated by UNEP
- Resulting in a mutual agreed and signed upon treaty during a high-level related conference, and signed by the signatories (states)
- “Party”/country ratifies (accepts, approves or accedes) the convention
- After ratification of a fixed/defined number of signatories the convention enters into force
- Once a Party has finalized its ratification process, it is subject to all its provisions

How Does an MEA Enter into Force Internationally?

- **The overall process can be summarized in following steps:**
 - *Pre-negotiation*
 - *Negotiation*
 - *Adoption and signature*
 - *Ratification and accession or approval*
 - *Entry into force*
 - *Withdrawal from MEA*

How do MEAs come into force ?

- Initial agreement (international legal instrument) are signed between the signatories (states);
- MEAs include provision on number of ratification from signatories needed to come into force;
- Once a country (or “Party”) ratifies, accepts, approves or accedes an MEA, it is subject to the provisions under the MEA.

MEA implementation

- **Implementation of an MEA**
 - a process of converting international commitments and requirements into national law and policy in order to induce behavioral change of target groups, i.e. those actors causing the problem in question
- **Compliance**
 - refers to whether the countries adhere to the agreement provisions and undertake implementation measures, including procedural measures (e.g. national reporting)
- **Enforcement**
 - Formal (national or international) procedures and actions by which compliance is compelled or noncompliance deterred
- **Effectiveness**
 - whether a MEAs resolved a problem that caused its creation

MEAs and International Law

- **Multilateral environmental agreements must conform to international public law**
- **The compliance is guided by the 1969 Vienna Convention on the Law of Treaties.**
- **This treaty, which entered into force in 1980, prescribes the components and general guidelines for the development, negotiation and adoption of international treaties.**

Focus on Treaty Compliance

- **Capacity-building, coherence, coordination, compliance and synergies**
- **Generally no clearly binding means of international enforcement in MEAs (there is no clear provision for action to be taken against a Party by other Parties or an international body)**
- **Reporting mechanisms, verification, compliance bodies**

Signing, Ratifying, Accessing

- **Different results**
- **Becoming a party commits a country vis-à-vis other nations**
- **Signature:**
 - indicates that the final document reflects the negotiations and is generally understood to indicate an intent to become a party
 - obliges a country to refrain from acts that would defeat the object and purpose of the instrument (VCLT, Art 18)

The Truth about MEA Compliance and Enforcement

- **While MEAs are legally binding, they suffer from the inability or unwillingness of Parties (many of which are developing countries or countries in transition) to implement and enforce them.**
 - **lack of financial and human resources**
 - **the large volume and complexity of associated obligations and responsibilities**
 - **inconsistency in implementation regimes between countries,**
 - **and occasionally a lack of political will.**

Basic Information on the Organisation of MEAs

- **Secretariat**: provide and support for the parties to the conventions
 - Reporting on compliance
 - Upholding information systems related to the convention and the issues it deals with
 - Employing or fostering financial mechanisms for projects dealing with MEA implementation
 - Assisting and servicing the periodic meetings of the Conference of Parties (COP) for MEAs or Meeting of the Parties (MOP) for Protocols or regional agreements

Basic Information on the Organisation of MEAs

- **Conference of the Parties (COP):** Those nations that ratify after adoption and signature or accede to particular agreements are called Parties.
- They meet periodically through Conferences of Parties to assess different aspects and implementation of MEAs.
 - Appraise the implementation process an MEA is going through at the national levels. Evaluating different reports by national governments.
 - Deliberate on all aspects of the MEAs
 - Resolve on new or additional issues that need to be settled for the implementation of the treaty.
 - Revise the multilateral agreement when and if necessary. Some conventions consent to add protocols.

Basic Information on the Organisation of MEAs

- **Scientific Body:** Formal scientific bodies authoritatively accompany MEAs.
- They meet periodically through Conferences of Parties to assess different aspects and implementation of MEAs.

Recent Trends

- **Sectoral agreements → holistic agreements (1st and 2nd generation agreements)**
- **Increasing role of private sector**
- **Increasing participation of civil society**
- **Increasing focus on compliance**

First and Second Generation Agreements

- **First generation agreements** – generally address particular natural resource use and preservation (marine environment, wildlife, air)
 - Convention on Wetlands of International Importance especially as Waterfowl Habitat (Ramsar Convention)

- **Second generations agreements** – look at broader impacts and bring together many sectors that impact the environment
 - Convention on Biological Diversity (CBD), UNFCCC

Framework Conventions

- **Provide a decision-making and organizational framework for the adoption of subsequent complementary agreements**
- **Contain obligations of a general institutional nature**
- **First step toward the adoption of much more specific obligations (e.g. targets, timetables, mechanisms) in subsequent protocols on the same matter**

Increasing Role of Private Sector

- **Project-based mechanisms of the Kyoto Protocol involve approval of proposals from legal entities (generally private companies) by decision-making bodies constituted under the Protocol**
- **Increasing involvement of civil society**

Civil society participation: Rio Principle 10 and MEAs

- Principle 10 of the Rio Declaration on Environment and Development provides a basis for civil society participation through the overall access to justice and to the particular rights indicated below:
 - access to information
 - access to judicial measures and proceedings
 - access to administrative processes
 - access to redress, and
 - access to remedy.

Principle 10:

“Environmental issues are best handled with the participation of all concerned citizens, at the relevant level. At the national level, each individual shall have appropriate access to information concerning the environment that is held by public authorities, including information on hazardous materials and activities in their communities, and the opportunity to participate in decision-making processes. States shall facilitate and encourage public awareness and participation by making information widely available. Effective access to judicial and administrative proceedings, including redress and remedy, shall be provided.”

Strengths and Weaknesses of MEAs

STRENGTHS

- Joint strategy to deal with global issues;
- Clearly defines who should do what;
- Conflict settlement instruments;
- Provides increased attention to preventive - precautionary approach.

WEAKNESSES

- Lack of synergy among MEAs;
- Inadequate funding for many MEAs;
- Lack of performance indicators;
- Inadequate coordination among MEA's at national level;
- No international enforcement mechanisms in most MEAs.

How to strengthen MEAs ?

How to **overcome the perceived weaknesses** ?

- More integrated application for specific targets groups (e.g. industry);
- Utilization of other concepts/methodologies (e.g. Cleaner Production).

How can **Cleaner Production contribute to MEAs** ?

- Wider use of prevention as the strategy of environmental protection;
- Issue linkage and providing positive incentives for compliance and implementation of MEAs;
- Strengthening synergies among MEAs;
- Adding flexibility to the agreements.

Basic information on selected MEAs

- Sources of information:
 - Agreement's own web page
 - United Nations Treaty Collection: <http://untreaty.un.org/>
 - Earth Negotiations Bulletin (www.iisd.ca)
 - ❖ *MEA Bulletin*
 - ❖ *ENB Negotiation Coverage*

Looking at Different MEAs

- MEAs can be, and are, categorized according to different typologies, criteria or groupings,
- The classifications tend to vary and are not mutually exclusive
- A very broad one can be to catalogue them by two broad spheres:
 - *Geographic classification: global, regional, multilateral and/or bilateral*
 - *Regulatory tools classification: stand-alone, framework or appendix-driven*

MEAs Clustering Approach

- **Overlaps, fragmentation, and proliferation of MEAs have resulted in the following obstacles:**
 - Increasing “double-work” and potential conflict or confusion between different multilateral accords;
 - Increasing requests for co-ordination among and between different MEA structures;
 - Increasing funding required by developing nations and non-State actors to participate in the different MEA-originated systems.

MEAs Clustering Approach

- To resolve these obstacles, some international agencies, countries, and practitioners have called for a “clustering” approach.
- The general idea has been that grouping (i.e. clustering), conceptually merging, or integrating agreements according to different variables can result in an improved and more robust international governance system.

Organizations with Environmental Mandate

Agriculture	Air Pollution	Biodiversity	Chemicals	Climate change	Desertification	Energy	Fisheries	Forests	Invasive species	Trade in endangered species	Water
UNCCD CSD ECA FAO IFAD ILO ITC ITU IUCN OCHA SSO UNCTAD UNDP UNEP World Bank WTO	CSD ECE ECLAC ESCAP ESCWA GEF ICAO ILO LRTAP OECD OHCHR UNECE UNEP UN-Habitat WHO World Bank WMO	Cartagena Protocol CBD CITES CMS Ramsar ECA ECLAC ESCAP ESCWA FAO GEF IUCN UNDP UNEP UNESCO UNU WIPO World Bank WTO	CSD FAO GEF IAEA IFAD ILO IMO OECD OHCHR SBC UNCTAD UNDP UNECE UNEP UNEP UN-Habitat UNHCR UNICEF UNIDO UNITAR UPU WFP WHO WMO WTO	CBD CSD ESCAP ESCWA GEF ICAO IEA IPCC ISDR OECD UNCTAD UNDP UNEP UNESCO UNFCCC UNITAR WHO WMO World Bank WTO	CBD CSD UNCCD ECA ESCAP FAO IFAD ISDR ITU OECD OCHA UNDP UNEP WTO	CSD ECLAC GEF IAEA IEA UNDP UNEP UPU World Bank	CBD CITES CSD FAO ILO IMO ITLOS IWC WTO UNEP UNEP WTO WWC	CBD CSD GEF FAO IFAD ITTO IUCN UNEP UNFF UNHCR World Bank WTO	CBD FAO GEF GISP IMO IUCN UNEP	Bonn CBD CITES Interpol IUCN UNEP	CBD CSD Ramsar ECA ESCAP ESCWA GEF IMO ITU UNDP UNECE UNEP UNESCO UNFPA UNICEF UNU WHO WMO World Bank WWC

Main Clusters: Scope of MEAs



BIODIVERSITY



LAND



ATMOSPHERE



CHEMICALS & HAZARDOUS
WASTE



SEAS

Main Clusters:

A. Nature Conservation/Biological Diversity and Land Related MEAs

MEAs related to protection and conservation of BIODIVERSITY

- **Convention on Biological Diversity (CBD);**
- **Convention to Combat Desertification in Countries Experiencing Serious Drought and/or Desertification**
- **Ramsar Convention on Wetlands**
- **Convention on Trade of Endangered Species (CITES)**
- **Others include, CMS, ITTS, IPPC, etc.**

The Ramsar Convention on Wetlands

<i>Other Names: Ramsar Convention</i>	
<i>Place and Date of Signature</i>	<i>Ramsar 02.02.1971</i>
<i>Date of Entry into force</i>	<i>01.12.1975</i>
<i>Number of Parties (as of May 2010)</i>	<i>159</i>
<i>Web Link for the Secretariat</i>	<i>http://www.ramsar.org</i>
<i>Objectives</i>	<i>The Convention's objective is to promote the conservation and wise use of all wetlands through local, regional, and national actions and international cooperation, as a contribution towards achieving sustainable development worldwide.</i>
<i>Covered thematic areas</i>	<i>Wise use of wetlands; Listing of wetlands of international importance; International cooperation; Reserves and training; Communicating the Ramsar message.</i>
<i>Main Bodies</i>	<i>Conference of the Contracting Parties; Standing Committee; Secretariat; Administrative Authorities and diplomatic notification; Scientific and Technical Review Panel; Ramsar Regions; National Ramsar Committees.</i>

Convention on Trade of Endangered Species

<i>Other Names: CITES</i>	
<i>Place and Date of Signature</i>	<i>Washington, D.C 03.03.1973</i>
<i>Date of Entry into force</i>	<i>01.07.1975</i>
<i>Number of Parties (as of May 2010)</i>	<i>175</i>
<i>Web Link for the Secretariat</i>	<i>http://www.cites.org</i>
<i>Objectives</i>	<i>The Convention aims at ensuring that international trade in specimens of wild animals and plants does not threaten their survival. To this aim, it imposes a duty on Parties to subject international trade in specimens of selected species to certain controls via licensing of import, export, re-export, and introduction from the sea of species.</i>
<i>Covered thematic areas</i>	<i>Licensing system of international trade in specimens of selected species listed in three Appendices.</i>
<i>Main Bodies</i>	<i>Conference of the Parties; Standing Committee; Secretariat; UNEP; Animals and Plants Committees.</i>

Convention on the Conservation of Migratory Species of Wild Animals

<i>Other Names: CMS or Bonn Convention</i>	
<i>Place and Date of Signature</i>	<i>Bonn 23.06.1979</i>
<i>Date of Entry into force</i>	<i>01.11.1983</i>
<i>Number of Parties (as of May 2010)</i>	<i>113</i>
<i>Web Link for the Secretariat</i>	<i>http://www.cms.int</i>
<i>Objectives</i>	<i>The Convention aims at conserving terrestrial, marine, and avian species that migrate across or out of national limits by conserving or restoring their habitats and mitigating the obstacles to their migration.</i>
<i>Covered thematic areas</i>	<i>Working Groups on: CMS Future Shape; CMS Strategic Plan; Migratory Land birds in the African-Eurasian Region; Minimizing the Risk of Poisoning to Migratory Birds; Climate Change; Flyway; Scientific Task Forces on Avian Influenza and Wild Birds.</i>
<i>Main Bodies</i>	<i>Conference of the Parties; Standing Committee; Scientific Council; Secretariat.</i>

Convention to Combat Desertification in Countries Experiencing Serious Drought and/or Desertification

<i>Other Names: UNCCD</i>	
<i>Place and Date of Signature</i>	<i>Paris 17.06.1994</i>
<i>Date of Entry into force</i>	<i>24.06.1998</i>
<i>Number of Parties (as of May 2010)</i>	<i>193</i>
<i>Web Link for the Secretariat</i>	<u>http://www.unccd.int</u>
<i>Objectives</i>	<i>The Convention's purpose is to combat desertification and mitigate drought effects in countries experiencing serious drought and/or desertification issues, particularly in Africa, through effective action at all levels, supported by international cooperation and partnership arrangements, in the framework of an integrated approach, and contributing to the achievement of sustainable development in affected areas.</i>
<i>Covered thematic areas</i>	<i>Science, Technology and Knowledge; Reporting Review and Assessment; Awareness Raising; Thematic Priorities; Synergies among the Rio Conventions; Capacity Building.</i>
<i>Main Bodies</i>	<i>Conference of the Parties; Committee on Science, Technology and Knowledge; Committee for the Review of the Implementation of the Convention; Secretariat.</i>

Convention Concerning the Protection of the World Cultural and Natural Heritage

<i>Other Names: World Heritage Convention</i>	
<i>Place and Date of Signature</i>	<i>Paris 23.11.1972</i>
<i>Date of Entry into force</i>	<i>17.12.1975</i>
<i>Number of Parties (as of May 2010)</i>	<i>187</i>
<i>Web Link for the Secretariat</i>	<i>http://whc.unesco.org</i>
<i>Objectives</i>	<i>The aim of this Convention is to encourage the identification, protection and preservation of cultural and natural heritage around the world considered to be of outstanding value to humanity; Modern Heritage Program; Natural World Heritage in the Congo Basin; Reducing Disasters Risks at World Heritage Properties; Sharing best practices in World Heritage management; Small Island Developing States Program; World Heritage and Sustainable Development.</i>
<i>Covered thematic areas</i>	<i>Astronomy and World Heritage Thematic Initiative; Climate Change and World Heritage; Cultural Landscapes; Human Evolution: Adaptations, Dispersals and Social Developments; Initiative on Heritage of Religious Interest; World Heritage and Sustainable Tourism Program; World Heritage Centre's Natural Heritage Strategy; World Heritage Cities Program; World Heritage Earthen Architecture Program; World Heritage Education; Forest; Marine Programs.</i>
<i>Main Bodies</i>	<i>World Heritage Committee; General Assembly; Statutory Meetings; States Parties; Advisory Bodies; World Heritage Center.</i>

International Plant Protection Convention

<i>Other Names: IPPC</i>	
<i>Place and Date of Signature</i>	<i>Rome 6.12.1951</i>
<i>Date of Entry into force</i>	<i>03.04.1952</i>
<i>Number of Parties (as of May 2010)</i>	<i>177</i>
<i>Web Link for the Secretariat</i>	<i>http://www.ippc.int/</i>
<i>Objectives</i>	<i>The Convention aims to secure common and effective action to prevent the spread and introduction of pests of plants and plant products, and to promote appropriate measures for their control.</i>
<i>Covered thematic areas</i>	<i>Governance; Standard setting; Information exchange; Dispute avoidance and dispute settlement; Capacity development; Reviewing the global status of plant protection; Plant Protection review; Implementation review and support system.</i>
<i>Main Bodies</i>	<i>Contracting Parties; Commission on Phytosanitary Measures (CPM); CPM Bureau; IPPC Secretariat; Regional Plant Protection Organizations; International Organizations.</i>

International Treaty on Plant Genetic Resources for Food and Agriculture

<i>Other Names: Plant Genetic Resources Treaty</i>	
<i>Place and Date of Signature</i>	<i>Rome 3.11.2001</i>
<i>Date of Entry into force</i>	<i>29.06.2004</i>
<i>Number of Parties (as of May 2010)</i>	<i>126</i>
<i>Web Link for the Secretariat</i>	<i>http://www.planttreaty.org</i>
<i>Objectives</i>	<i>The objective of the Convention is the conservation and sustainable use of plant genetic resources for food and agriculture, and the fair and equitable sharing of benefits arising out of their use, in accordance with the Convention on Biological Diversity.</i>
<i>Covered thematic areas</i>	<i>Farmers' Rights; Benefit-sharing Fund; Multilateral System; Sustainable Use; Global Information System.</i>
<i>Main Bodies</i>	<i>Governing Body; Contracting Parties; Secretary.</i>

Convention on Access to Environmental Information, Public Participation in Environmental Decision-making and Access to Justice

<i>Other Names:</i> Aarhus Convention	
<i>Place and Date of Signature</i>	<i>Rome 3.11.2001</i>
<i>Date of Entry into force</i>	<i>29.06.2004</i>
<i>Number of Parties (as of May 2010)</i>	<i>126</i>
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Convention on Biological Diversity

<i>Other Names: CBD</i>	
<i>Place and Date of Signature</i>	<i>Rio de Janeiro 05.06.1992</i>
<i>Date of Entry into force</i>	<i>21.03.1994</i>
<i>Number of Parties (as of May 2010)</i>	<i>193</i>
<i>Web Link for the Secretariat</i>	<u>http://www.cbd.int</u>
<i>Objectives</i>	<i>The Convention aims at conserving 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, taking into account all rights over those resources.</i>
<i>Covered thematic areas</i>	<i>Thematic programs: Agricultural biodiversity; Dry and sub-humid lands biodiversity; Forest biodiversity; Inland waters biodiversity; Island biodiversity; Marine and coastal biodiversity; Mountain biodiversity Cross-cutting issues: Aichi biodiversity targets; Access to genetic resources and benefit-sharing; biological and cultural diversity; Biodiversity for development; Climate change and biodiversity; Communication, education and public-awareness; Economics, trade and incentive measures; Ecosystem approach; Ecosystem restoration; Gender and biodiversity; Global strategy for plant conservation; Global taxonomy initiative; Impact assessment; Identification, monitoring, indicators and assessments; Invasive alien species; Liability and redress; Protected areas; Sustainable use of biodiversity; Tourism and biodiversity; Traditional knowledge, innovations and practices; Technology transfer and cooperation.</i>
<i>Main Bodies</i>	<i>Conference of the Parties; Scientific Body (SBSTTA); Subsidiary Body on Implementation (SBI); Working Group on Access and Benefit-Sharing (ABS); Working Group on Article 8(j); Working Group on Protected Areas; Working Group on the Review of Implementation of the Convention (WGRI); Open-ended Ad Hoc Intergovernmental Committee (ICNP) for the Nagoya Protocol on ABS; Secretariat.</i>

Topic to Discuss:

1. How relevant are these objectives to your country?
2. Please describe, the level of priority (**High/Medium/Low**) your country accords to the implementation of following articles, provisions and relevant programmes of the work of the Convention:

- Cooperation with other parties (Article 5)
- Traditional Knowledge (Article 8(j))
- Sustainable use of components of biodiversity (10)
- Incentive measures (11)
- Research and training (Article 12)
- Public education and awareness (Article 13)
- Access to genetic resources (Article 15)

Topic to Discuss: (cont.)

3. Article 6 of the CBD states that “each Contracting Party shall, in accordance with its particular conditions and capabilities: Develop national strategies, plans or programs for the conservation and sustainable use of biological diversity or adapt for this purpose existing strategies, plans or programs which shall reflect, inter alia, the measures set out in this Convention relevant to the Contracting Party concerned”.

Questions:

- If your country has a National Biodiversity Strategy and Action Plan (NBSAP), how does it address article 6?
- If your country has a NBSAP, what are its primary strengths and weaknesses?

Main Clusters:

B. Climate change/Atmosphere-related MEAs

MEAs aimed at protection of the **Atmosphere from Pollutants**

- **UN Framework Convention on Climate Change (UNFCCC)**
- **Protocol to the United Nations Framework Convention on Climate Change**
- **Montreal Protocol on substances that deplete the ozone layer**
- **Convention for the Protection of the Ozone Layer**

B. Climate change/Atmosphere-related MEAs

Convention for the Protection of the Ozone Layer

<i>Other Names:</i> Vienna Convention	
<i>Place and Date of Signature</i>	Vienna, 22.09.1985
<i>Date of Entry into force</i>	1988
<i>Number of Parties (as of May 2010)</i>	196
<i>Web Link for the Secretariat</i>	<u>http://ozone.unep.org</u>
<i>Objectives</i>	<i>The Convention aims at establishing a framework for cooperation, development of policies, and formulation of agreed measures in order to protect human health and the environment against adverse effects resulting or likely to result from human activities which modify the ozone layer.</i>
<i>Covered thematic areas</i>	<i>Technology and Economic Assessment Panel; Scientific Assessment Panel; Environmental Effects Assessment Panel.</i>
<i>Main Bodies</i>	<i>Ozone Secretariat UNEP; Conference of Parties; Ozone Research Managers; Bureau of the Conference of Parties.</i>

Montreal Protocol on Substances that Deplete the Ozone Layer

<i>Other Names:</i> Montreal Protocol	
<i>Place and Date of Signature</i>	<i>Montreal, 16.09.1987</i>
<i>Date of Entry into force</i>	<i>01.01.1989</i>
<i>Number of Parties (as of May 2010)</i>	<i>196</i>
<i>Web Link for the Secretariat</i>	<i>http://ozone.unep.org</i>
<i>Objectives</i>	<i>The Protocol aims at protecting the ozone layer by taking measures to control global emissions of substances that deplete it. Its definitive objective is the elimination of these materials based on scientific developments, taking into account technical and economic considerations as well as developmental needs of developing countries.</i>
<i>Covered thematic areas</i>	<i>Technology and Economic Assessment Panel; Scientific Assessment Panel; Environmental Effects Assessment Panel.</i>
<i>Main Bodies</i>	<i>Ozone Secretariat UNEP; Meeting of Parties (MOP); Open-ended Working Group (OEWG); Bureau of the Meeting of Parties; Multilateral Funds (ExCom); Non-Compliance Procedure (Impcom); Assessment Panels (Scientific; Environmental Effects; Technology and Economics).</i>

United Nations Framework Convention on Climate Change

<i>Other Names:</i> UNFCC	
<i>Place and Date of Signature</i>	<i>New York 09.05.1992</i>
<i>Date of Entry into force</i>	<i>21.03.1994</i>
<i>Number of Parties (as of May 2010)</i>	<i>192</i>
<i>Web Link for the Secretariat</i>	<i>http://unfccc.int</i>
<i>Objectives</i>	<i>The Convention aims achieving stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with climate by setting emission limits to be accomplished within a determined timeframe to allow ecosystems to adapt naturally to climate change, to ensure the non-threat to food production and to enable economic development to proceed in a sustainable way.</i>
<i>Covered thematic areas</i>	<i>Science and climate change; Cooperation and support; Adaptation; Mitigation; GHG Data; Land use and climate change; Gender and climate change.</i>
<i>Main Bodies</i>	<i>Conference of Parties; Subsidiary Body for Scientific and Technological Advice (SBSTA); Subsidiary Body for Implementation; Bureau of the COP; Compliance Committee; Executive Board of the Clean Development Mechanism; Joint Implementation Supervisory Committee; Technology Executive Committee; Advisory Board of the Climate Technology Centre and Network; Adaptation Committee; Executive Committee of the Warsaw International Mechanisms for Loss and Damage; Standing Committee on Finance; Adaptation Fund Board; Least Developed Countries; Secretariat, ...</i>

Protocol to the United Nations Framework Convention on Climate Change

<i>Other Names: Kyoto Protocol</i>	
<i>Place and Date of Signature</i>	<i>Kyoto 11.12.1997</i>
<i>Date of Entry into force</i>	<i>16.02.2005</i>
<i>Number of Parties (as of May 2010)</i>	<i>191</i>
<i>Web Link for the Secretariat</i>	<i><u>http://unfccc.int</u></i>
<i>Objectives</i>	<i>The Protocol's objective is to ensure that aggregate anthropogenic carbon dioxide equivalent emissions of the greenhouse gases listed in Annex A to the Protocol do not exceed the assigned amounts, with a view to reducing overall emissions of such gases by at least 5 per cent below 1990 levels in the commitment period 2008 – 2012. Besides setting binding constraints on greenhouse gas emissions, the Protocol encourages the use of economic incentives to meet with the changes. The Kyoto Protocol is an amendment to the UN Framework Convention on Climate Change.</i>
<i>Covered thematic areas</i>	<i>N.A.</i>
<i>Main Bodies</i>	<i>Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol; Subsidiary Body for Scientific and Technological Advice; Subsidiary Body for Implementation; Bureau; Clean Development Mechanism Executive Board; Joint Implementation Supervisory Committee; Compliance Committee.</i>

Topic to Discuss:

- 1. How relevant are these objectives to your country?**
- 2. To what extent are the provisions and mechanisms in these MEAs mandatory or voluntary?**
- 3. Analyze the national implementing legislation for UNFCCC**
 - Is it comprehensive? Are there any apparent gaps? If so, why do these gaps exist?**
 - Are the objectives (stated and implicit) in the UNFCCC and the respective implementing legislation the same? If there are differences, what are they? Why are they different? What is the potential effect of differing objectives?**
 - Is the legislation effective?**
 - What would need to be changed?**

Main Clusters:

C. Hazardous Materials/ Waste and Chemicals-Related MEAs

MEAs dealing with hazardous impact of **Wastes and Chemicals pollution**

- **Basel Convention on the control of trans-boundary movement of hazardous wastes and their disposal;**
- **Rotterdam Convention on the prior informed consent for certain hazardous chemicals and pesticides in international trade;**
- **Stockholm Convention on Persistent Organic Pollutants (POPs)**



3 MEAs with direct relevance to industrial activities

C. Hazardous Materials/ Waste and Chemicals-Related MEAs

Convention on the Control of Trans-boundary Movements of Hazardous Wastes and their Disposal

<i>Other Names: Basel Convention</i>	
<i>Place and Date of Signature</i>	<i>Basel 22.03.1989</i>
<i>Date of Entry into force</i>	<i>08.05.1994</i>
<i>Number of Parties (as of May 2010)</i>	<i>173</i>
<i>Web Link for the Secretariat</i>	<u>http://www.basel.int</u>
<i>Objectives</i>	<i>The Convention's objective is to ensure that the management of hazardous wastes and other wastes, including their trans-boundary movement and disposal, is consistent with the protection of human health and the environment whatever the place of disposal.</i>
<i>Covered thematic areas</i>	<i>Strategic framework; Controlling trans-boundary movements; Country Led Initiatives; E-Waste; Mercury Wastes; PoPs Wastes; Ship dismantling.</i>
<i>Main Bodies</i>	<i>Conference of the Parties; Bureau; Open-ended Working Group; Implementation and Compliance Committee; Synergies.</i>

Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides on International Trade

<i>Other Names:</i> Rotterdam Convention/ PIC	
<i>Place and Date of Signature</i>	<i>Rotterdam 10.09.1998</i>
<i>Date of Entry into force</i>	<i>24.02.2004</i>
<i>Number of Parties (as of May 2010)</i>	<i>134</i>
<i>Web Link for the Secretariat</i>	<i>http://www.pic.int</i>
<i>Objectives</i>	<i>The Convention aims at promoting 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.</i>
<i>Covered thematic areas</i>	<i>Industrial chemicals; Pesticides; Severity hazardous; Pesticide formulations; Public Awareness.</i>
<i>Main Bodies</i>	<i>Conference of the Parties; Chemical Review Committee; Bureau; Synergies.</i>

Convention on Persistent Organic Pollutants

<i>Other Names: Stockholm Convention/POPs</i>	
<i>Place and Date of Signature</i>	<i>Stockholm 22.05.2001</i>
<i>Date of Entry into force</i>	<i>13.02.2005</i>
<i>Number of Parties (as of May 2010)</i>	<i>170</i>
<i>Web Link for the Secretariat</i>	<i>http://www.pops.int</i>
<i>Objectives</i>	<i>The Convention's objective is to protect human health and the environment from persistent organic pollutants. The Convention guards human health from chemicals that remain intact in the environment for long periods, become widely distributed geographically, accumulate in the fatty tissue of living organisms and are toxic to humans and wildlife.</i>
<i>Covered thematic areas</i>	<i>Programs of Work on BAT, BEP and DDT; Financial Mechanism; Import and Export of POPs; Global Monitoring Plan; New POPs; NIPs; PCBs; POPs Free; Unintentional POPs; Waste and Stockpiles; Public Awareness.</i>
<i>Main Bodies</i>	<i>Conference of the Parties; POPs Review Committee; Bureau; Synergies.</i>

Protocol on Biosafety to the Convention on Biological Diversity

<i>Other Names: Cartagena Protocol</i>	
<i>Place and Date of Signature</i>	<i>Montreal 29.1.2000</i>
<i>Date of Entry into force</i>	<i>11.09.2003</i>
<i>Number of Parties (as of May 2010)</i>	<i>158</i>
<i>Web Link for the Secretariat</i>	<u>http://www.biodiv.org</u>
<i>Objectives</i>	<i>The Protocol's objective is to ensure an adequate level of protection in safe transfer, handling and use of living modified organisms resulting from biotechnology that may have adverse effects on the conservation and sustainable use of biological diversity, taking also into account risks to human health, and specifically focusing on trans-boundary movements.</i>
<i>Covered thematic areas</i>	<i>Assessment and review; Capacity building; Compliance; Financial Mechanism; Handling, Transport, Packaging and identification; Information sharing; Liability and redress; Monitoring and reporting; Public awareness and participation; Risk assessment; Sampling, detection and identification, Socio-economic considerations; Unintentional trans-boundary movements.</i>
<i>Main Bodies</i>	<i>COP-MOP (Governing Body) Bureau</i>

Topic to Discuss:

1. Review the national institutional arrangements responsible for implementing and enforcing each MEA of this cluster

- ❑ **How are the arrangements similar? How are they different? Why?**
- ❑ **How effective are the various institutions in implementation?**
- ❑ **How effective are the various institutions in enforcement?**
- ❑ **Have the institutions developed the necessary implementing regulations and standards?**
- ❑ **Is there adequate funding and staffing?**

P.S. Institutional arrangements are the policies, systems, and processes that organizations use to legislate, plan and manage their activities efficiently and to effectively coordinate with others in order to fulfill their mandate.

Main Clusters:

D. Marine and Freshwater-Related MEAs

MEAs relevant to Freshwaters; Regional Seas and Marine Environment

- **17 Regional Seas Conventions**
- **A number of Protocols on land-based sources of pollution of marine environment**
- **Global Program of Action for the protection of the marine environment from land-based activities (GPA)**
- **Stockholm Convention on Persistent Organic Pollutants (POPs)**



3 MEAs with direct relevance to industrial activities

D. Marine and Freshwater-Related MEAs

Protocol on Biosafety to the Convention on Biological Diversity

<i>Other Names:</i> UNCLOS	
<i>Place and Date of Signature</i>	<i>Montego Bay 10.12.1982</i>
<i>Date of Entry into force</i>	<i>16.11.1994</i>
<i>Number of Parties (as of May 2010)</i>	<i>161</i>
<i>Web Link for the Secretariat</i>	<i>http://www.un.org/Depts/los</i>
<i>Objectives</i>	<i>The Convention establishes national sovereignty over marine resources lying within coastal waters and aims to provide countries with incentive to better manage these resources, by obligating Parties to protect and preserve the marine environment.</i>
<i>Covered thematic areas</i>	<i>Marine biological diversity beyond areas of national jurisdiction Ocean noise: UNCLOS and Sustainable Development; Peer-reviewed scientific studies; Ecosystem approaches; Oceans and climate change; Piracy</i>
<i>Main Bodies</i>	<i>Meeting of States Parties; United Nations Open-ended Informal Consultative Process; Commission on the Limits of the Continental Shelf; International Seabed Authority; International Tribunal for the Law of the Sea; ITLOS Trust Fund.</i>

International Convention for the Prevention of Pollution from Ships

<i>Other Names:</i> MARPOL	
<i>Place and Date of Signature</i>	<i>London</i> 02.11,1973/ 17.02.1978
<i>Date of Entry into force</i>	02.10.1983
<i>Number of Parties (as of May 2010)</i>	150
<i>Web Link for the Secretariat</i>	<u>http://www.imo.org</u>
<i>Objectives</i>	<i>The Convention is the main international convention covering prevention of pollution of the marine environment by ships from operational or accidental causes. Its aim is to minimize pollution of the seas, including dumping, oil and exhaust pollution. Its stated object is: to preserve the marine environment through the complete elimination of pollution by oil and other harmful substances and the minimization of accidental discharge of such substances.</i>
<i>Covered thematic areas</i>	<i>Group of Experts on the Scientific Aspects of Marine Environmental Protection; GloBallast Partnerships; Global Marine Litter Information Gateway; London Convention 1972; REMPEITC-Carib; Regional Marine Pollution Emergency Response Centre for the Mediterranean Sea; Regional Program for Marine Pollution Prevention and Management in the East Asian Seas region.</i>
<i>Main Bodies</i>	<i>Assembly; Council; Maritime Safety Committee; The Marine Environment Protection Committee; Sub-Committees; Legal Committee; Technical Cooperation Committee; Facilitation Committee; Secretariat.</i>

Regional Seas Conventions and Actions Plans

<i>Other Names: UNEP Regional Seas Program</i>	
<i>Place and Date of Signature</i>	<i>Various</i>
<i>Date of Entry into force</i>	<i>Various</i>
<i>Number of Parties (as of May 2010)</i>	http://www.unep.org/regionalseas
<i>Web Link for the Secretariat</i>	<i>Various</i>
<i>Objectives</i>	<i>UNEP's Regional Seas Programme involves 18 Regional Seas and marine environments and it promotes the conservation of marine ecosystems and coastal areas concerning about 140 nations. It functions through Regional Seas Conventions and their pertaining Action Plans. These regional conventions relate to the following: Antarctic, Arctic, Baltic, Black Sea, Caspian, Eastern Africa, East Asian Seas, Mediterranean, North-East Atlantic, North- East Pacific, North-West Pacific, South Pacific, Red Sea and the Gulf of Aden, ROPME Sea Area, South Asian Seas, South- East Pacific, the Western and Central Africa and the Wider Caribbean.</i>
<i>Covered thematic areas</i>	<i>N.A.</i>
<i>Main Bodies</i>	<i>N.A.</i>

Topic to Discuss:

- 1. Have these MEAs (related to freshwaters and marine environments) obligations been translated into your national legislation?**
 - If so, are they reflected substantively in the legislation?**
(Please, consider all relevant laws (including new laws on natural resources, EIA, biological diversity, natural protected areas, etc.)
- 1. What policy and institutional process was adopted?**
- 2. Have internal or sub-regional norms been developed to build upon these MEAs objectives and requirements?**

Topic to Discuss

List the MEAs that you think would be included in the following groupings. What kind of overlaps and fragmentation do you see?

Possible cluster	Which MEAs?
Sustainable Development	
Atmosphere	
Endangered species	
Chemicals / hazardous wastes	
Oceans (regional, etc.)	
Cleaner production	
Genetic resources	

Summary

- MEAs are generally defined as legally binding instruments between two or more nation states that deal with some aspect of the environment.
- Multilateral environmental agreements are cornerstones to the international environmental governance debate and policy.
- A key factor of MEAs is their wide-ranging first-hand acknowledgement of civil society involvement in all facets of the negotiating, implementing, and monitoring aspects of international accords that deal with sustainable development concerns.

Summary

- MEAs have been proliferating in the last decade as awareness of the global dimension of environmental issues has extended.
- This proliferation has brought positive aspects (greater consciousness, larger number of instruments to deal with the issues, etc.); yet, it has also brought about negative aspects (overlaps, dispersed efforts, and so on).
- There are sets of analysis and efforts that are taking place in the global and regional levels to attempt to agglomerate MEAs in order to facilitate functions as well as to establish the rules of limitations and synergies of differing international systems.