

Multilateral Environmental Agreements (MEAs): Overview & Perspectives

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BACKGROUND

Nowadays, the governance of global environmental affairs is facilitated by a sophisticated web of treaties, agreements and organizations. Though treaties and agreements on aspects of environmental management go back almost to the turn of the century, since 1972, over 300 agreements have been negotiated and ratified. Together the Multilateral Environmental Agreements (MEAs) constitute a loose structure of institutions and activities, addressing fundamentally similar, and often related, issues. The human and financial resources devoted to this enterprise are substantial.

It must be noted however, that the growth in the existing system of MEAs has been a cumulative affair. The system has grown in response to manifold environmental pressures and events. These agreements (global, regional and/or sub-regional) respond to broad-based environmental concerns or concerns that are issue specific. It may be argued that though such an individualized *ad hoc* approach has given mutual strength to each separate instrument, at the same time gaps and overlaps may have been created to the possible disadvantage of the overall effectiveness of the legislation.

The core environmental conventions and related international agreements can basically be divided into five clusters:

- The biodiversity-related conventions,

- The atmosphere conventions,
- The land conventions,
- The chemicals and hazardous wastes conventions, and
- The regional seas conventions and related agreements.

The table below is an attempt to organize the various MEAs into thematic clusters.

Core Environmental Conventions and Related Global Agreements		
MEA	Date adopted	Secretariat
<u>Atmosphere Conventions:</u>		
1. United Nations Framework Convention on Climate Change (UNFCCC)	1992	UN
2. Kyoto Protocol to the United Nations Framework Convention on Climate Change	1997	UN
3. Vienna Convention for the Protection of the Ozone Layer	1985	UNEP
4. Montreal Protocol on Substances that Deplete the Ozone Layer	1987	UNEP
<u>Biodiversity-related Conventions:</u>		
5. Convention on Biological Diversity	1992	UNEP
6. Cartagena Protocol on Bio-safety to the Convention on Biological Diversity	2001	UNEP
7. Convention on International Trade in Endangered Species (CITES)	1973	UNEP
8. Convention on Migratory Species (CMS)	1979	UNEP
9. Agreement on the Conservation of African-Eurasian Migratory Waterbirds (AEWA) ¹	1995	UNEP
10. Agreement on the Conservation of Bats in Europe (EUROBATS) ¹	1991\	UNEP
11. Agreement on the Conservation of Cetaceans of the Black Sea, the Mediterranean Sea and Contiguous Atlantic Area (ACCOBAMS) ¹		ACCOBAM S Sec.
12. Agreement on the Conservation of Seals in the Wadden Sea ¹	1990	Ind. Sec.
13. Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas (ASCOBANS) ¹	1991	UNEP
14. Ramsar Convention on Wetlands	1971	IUCN
15. World Heritage Convention	1972	UNESCO
16. International Coral Reef Initiative (ICRI)	1995	ICRI Sec
17. Lusaka Agreement on Cooperative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora	1994	KWS
<u>Chemicals and Hazardous Wastes Conventions:</u>		
18. Basel Convention on the Control of Trans-boundary Movements of	1989	UNEP

Hazardous Wastes and Their Disposal		
19. Basel Ban Amendment	1995	UNEP
20. Basel Protocol on Liability and Compensation	1999	UNEP
21. Rotterdam Convention on the Prior Informed Consent Principle for Certain Hazardous Chemicals and Pesticides in International Trade	1998	UNEP/ FAO
22. Stockholm Convention on Persistent Organic Pollutants	2001	UNEP
Land Conventions:		
23. United Nations Convention to Combat Desertification	1992	UN
Regional seas conventions and related agreements		
24. Global Programme of Action for the Protection of the Marine Environment from Land-based Activities	1995	UNEP
25. Convention for the Protection of the Mediterranean Sea against Pollution (Barcelona)	1976	UNEP
26. Kuwait Regional Convention for Cooperation on the Protection of the Marine Environment from Pollution	1978	ROPME
27. Convention for Cooperation in the Protection and Development of the Marine and Coastal Environment of the West and Central African Region (Abidjan)	1981	UNEP
28. Convention for the Protection of the Marine Environment and Coastal Area of the South-East Pacific (Lima)	1981	CPPS
29. Regional Convention for the Conservation of the Red Sea and Gulf of Aden Environment (Jeddah)	1982	PERSGA
30. Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region (Cartagena)	1983	UNEP
31. Convention for the Protection, Management and Development of the Marine and Coastal Environment of the Eastern African Region (Nairobi)	1985	UNEP
32. Convention for the Protection of the Natural Resources and Environment of the South Pacific Region (Noumea)	1986	SPREP
33. Convention for the Protection of the Marine Environment of the Baltic Sea Area (Helsinki)	1992	HELCOM
34. Convention on the Protection of the Black Sea from Pollution (Bucharest)	1992	BSEP
35. Convention for the Protection of the Marine Environment of the North-East Atlantic	1992	OSPAR
36. Draft Convention for the Protection and Sustainable Development of the Marine and Coastal Environment of the Northeast Pacific		UNEP
37. Draft Convention for the Protection of the [Marine] [Environment] of the Caspian Sea		
38. The East Asian Seas Action Plan	1981	UNEP
39. Protection of the Arctic Marine Environment	1991	PAME
40. The Northwest Pacific Action Plan (NOWPAP)	1994	UNEP
41. South Asian Seas Action Plan	1995	SACEP

Note: Although the Vienna Convention is an atmospheric agreement, its Montreal Protocol could also be considered a chemicals agreement since it deals with the phasing out of the production and consumption of selected chemicals.

OVERVIEW

Cluster 1: biodiversity-related conventions

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

Cluster 2: the atmosphere conventions

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

The UNFCCC is in an earlier phase of implementation, with much of its future success depending on the operationalization of its Kyoto Protocol (KP). KP creates legally binding obligations for industrialized countries to return their emissions of GHGs to an average of approximately 5.2 percent below their 1990 levels as an average over the period 2008-2012.

Cluster 3: the land conventions

This cluster is comprised of only one major global convention. The main objective of the UNCCD is to combat desertification and mitigate the effects of drought in countries experiencing serious drought and/or desertification, particularly in Africa. This objective is to be achieved through effective action at all levels, supported by international cooperation and partnership arrangements, in the framework of an integrated approach which is consistent with Agenda 21, with a

view to contributing to the achievement of sustainable development in affected areas. There are very few regional agreements in the fields of arid lands and land degradation. Most notable are the Agreement for the Establishment of the Arab Centre for the Studies of Dry and Arid Land (ACSAD, 1970) and the Convention Establishing a Permanent Inter-States Committee for Drought Control in the Sahel (CILSS) (1973).

Cluster 4: the chemicals and hazardous wastes conventions

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. Rotterdam Convention specifically addresses certain banned or severely restricted chemicals, as well as severely hazardous pesticide formulations, subject to international trade. The Stockholm Convention has as its priorities the phasing out of an initial list of 12 chemicals; the restriction to certain acceptable purposes the production and use of DDT, and the reduction or elimination of unintentionally produced chemicals (dioxin and furans). The Convention also has provisions to add further POPs to the treaty, and will require parties with new chemical programmes to prevent the introduction of new POPs onto the marketplace.

The scope of the Basel Convention covers a broad range of hazardous wastes, including chemical wastes, subject to transboundary movements, aiming to reduce these movements to a minimum by minimizing the quantity and hazardousness of the wastes generated and by promoting the treatment and disposal of hazardous wastes and other wastes as close as possible to their source of generation. These global MEAs are complimented by regional agreements such as the Bamako Convention and the Waigani Convention, as well as the Protocol to the Barcelona Convention for the Protection of the Mediterranean Sea against Pollution from Land-Based Sources.

Although is not legally binding, it might also be of importance to mention the Strategic Approach to International Chemicals Management (SAICM) which was adopted recently by the International Conference on Chemicals Management (ICCM) February 2006 in Dubai, United Arab Emirates. SAICM supports the achievement of the goal agreed at the 2002 Johannesburg World Summit on Sustainable Development of ensuring that, by the year 2020, chemicals are produced and used in ways that minimize significant adverse impacts on the environment and human health.

Cluster 5: Regional seas conventions and related agreements

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. They have evolved into multi-sectoral agreements addressing integrated coastal area management, including in several cases links to the management of contiguous freshwater basins; land-based sources of pollution; conservation and sustainable use of living marine resources; and impacts of offshore exploration and exploitation of oil and gas. The Barcelona Convention (1976), the oldest of these agreements, fostered the establishment of the Mediterranean Commission for Sustainable Development which is serviced by the Secretariat of the Convention. Also included in this cluster are the Global Programme of Action for the Protection of the Marine Environment from Land-Based Activities (GPA) and the International Coral Reef Initiative (ICRI) which were both adopted in 1995. The purpose of ICRI is to mobilize governments and a wide range of stakeholders to improve management practices, increase capacity and political support and share information on the health of coral reefs and related ecosystems, including mangroves and sea grass beds. In both agreements, the regional seas conventions and action plans are regional building blocks and vehicles for the implementation of the global agreements. From a substantive point of view, the GPA is closely related to the

chemicals-related conventions on issues such as agrochemicals, persistent organic pollutants and heavy metals. Likewise, the work of ICRI is closely associated with the biodiversity-related conventions, specifically CBD, CITES and Ramsar.

PERSPECTIVES & RECOMMENDATIONS

Multilateral Environmental Agreements (MEAs) have been developed and adopted in response to specific environmental pressures and events, and thus varied in terms of their importance and implementation around the world and in the Arab region.

Arab States have generally expressed positive attitudes to global and regional issues by signing, ratifying and accepting most international and regional environmental conventions and agreements (however, some time a bit late, e.g., KP). Compliance has been rather modest in few Arab countries due to the lack of implementation strategies and awareness campaigns especially targeting decision-makers, stakeholders and the public. Some of the most important global conventions for the region are the Convention to Combat Desertification (CCD), the Convention on Biological Diversity (CBD), the Montreal Protocol on Substances that Deplete the Ozone Layer (MP), the United Nation Framework Convention on Climate Change (UNFCCC), the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (BASEL), Stockholm Convention (SC), and the MARPOL 73/78 Convention. Other global MEAs which have gained political commitment include Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES); RAMSAR Convention on Wetlands, Convention on Migratory Species (CMS), and Vienna Convention for the Protection of the Ozone Layer. The Strategic Approach to International Chemicals Management (SAICM) has been notably gaining popularity in the Arab Region as well.

Some regional MEAs have also been adopted by relevant countries of the region, such as the Barcelona Convention for protection of the Mediterranean against pollution. The Mediterranean Action Plan (MAP), Kuwait Regional Convention for Cooperation on the Protection of the Marine Environment from Pollution (ROPME), and Regional Convention for the Conservation of the Environment of the Red Sea and Gulf of Aden (PERSGA).

A successful MEAs compliance and enforcement system should be designed (globally and regionally) not only to ensure effective responses to pressing environmental problems or concerns, but also to integrate the Sustainable Development concept. The key elements of such a coherent MEAs system include:

- Monitoring global (& regional) environmental conditions and priorities,
- Developing appropriate and fair international policies and mechanisms,
- Promoting optimal strategies for collective actions and leveraging implementation,
- Ensuring compliance and timely achievement of effective results, and
- Clustering and consistency in the work of MEAs in order to avoid contradiction, overlap and/or duplication.