



MULTILATERAL ENVIRONMENTAL AGREEMENTS (MEAs) IN NATIONAL AND REGIONAL DEVELOPMENT

AN OVERVIEW OF MEAs AT GLOBAL AND REGIONAL LEVELS

Presented at the **AFRICAN PARLIAMENTARIAN COLLOQUIUM ON MEAs**
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UNITED NATIONS ENVIRONMENT PROGRAMME

OUTLINE

- An Over-View of MEAs – What, Nature + Objectives
- Principles in MEAs – with a few selected
- Clusters Of MEA
- Policy Options
 - The Nairobi Convention-An Example

What are MEAs?

- Multilateral Environmental Agreements (**MEAs**): a generic term used for **treaties, conventions, protocols and other instruments** related to environment applying to more than 2 States
- MEAs result from **international action** by States to develop standards through treaties or soft law instruments, intergovernmental fora, declarations, resolutions and conferences
- Foundation of many MEAs are a result of:
 - **scientific findings**
 - **evaluation of policy options**
 - **prioritization of issues**
 - **reflection of stakeholder's view - pressure groups**
 - **agreed terms among policy makers**

NATURE OF MEAs

- MEAs can be **binding** when they are ratified and acceded to by States or non-binding also referred to as “soft law instruments”
- **non-binding** instruments include declarations, action plans, principles, guidelines, codes of conduct, recommendations, while binding include treaties, conventions, agreements, protocols, etc
- **goodwill of States** is expected to ensure compliance, no sanction can be undertaken to compel States to comply if they choose not to
- Some MEAs, however, have mechanisms to **assist parties** - funding, dispute settlement mechanisms, non compliance procedures

OBJECTIVES OF MEAs

- MEAs were developed to address or **promote sustainable development and international co-operation**, such as in:
 - resource **management**, conservation, use, protection, pollution control, quality control, risk management, protecting human health and cultural and aesthetic values; controlling over exploitation
 - dangers and implication of **environmental problems**
 - Setting general or specific **policy commitments**, setting environmental principles, establishing rules, procedures, institutional arrangements, setting up funding structures, norms and standards
 - balancing **economic, social and environmental concerns**
- ❑ Post Rio MEAs (2002) incorporate sustainable development principles

PRINCIPLES IN MEAs

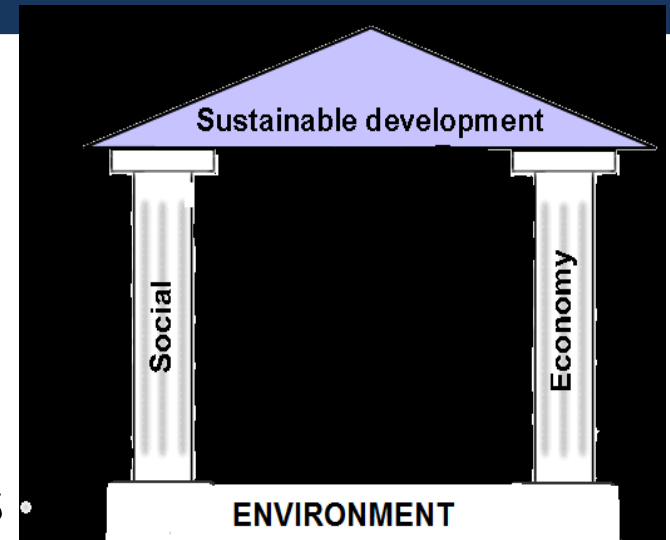
Relevance of principles to MEAs

- emerged from **scientific findings** and **warnings** prompting countries to act in searching for solutions (MEAs).
- Reflects past growth and future evolution of **science, policy and law**
- Constitute fundamental **norms** and fill in policy gaps
- Provide guidance in **interpreting legal norms**
- Are referred to in and influence national and international **policy**

A Few Selected Environmental Principles

Sustainable Development

- **Compromise between environment protection and development that meets the needs of the present without compromising the ability of future generations to meet their own needs.**



State Responsibility

- **general responsibility for breaches of their obligations**
- **responsibility to take measures to ensure that activities within jurisdiction or control do not cause significant injury or harm to the environment of another state or areas beyond national jurisdiction**

Inter- Generational Equity

- present generation to use resources to meet current development needs without jeopardizing interests of future generations, i.e. present generation hold's earth's natural resources in trust for future generations including the unborn
- present generations not to leave future generations worse off by the choices we make today
- Importance of intergenerational equity is best seen in climate change - the long lag-time between emissions and their removal

Polluter Pays Principle (PPP)

- the cost of preventing and eliminating pollution should be borne by the polluter

Participatory Principle

- environmental information to be made public and disseminated as widely as possible
- public participation should be guaranteed in decision-making on projects, plans and programmes with significant environmental implications,
- access to justice should be granted to the public in environmental matters.

Precautionary Principle

- Lack of scientific certainty should not be used as a reason to postpone cost-effective measures to prevent harm.
- Based on preventive action and avoidance of risk.

Common but Differentiated Responsibility

- Different countries have different capacities to take measures in view of their social and economic needs and hence different responsibilities to do so.
- Consequently, special needs of developing countries have been recognized in that their responsibility to take remedial measures would be different.
- Developed nations have contributed more towards degradation and have greater economic and other resources to take remedial measures.

CLUSTERS OF MEAs

MEAs can be divided into four main clusters:

- **Biodiversity**
- **Hazardous wastes and chemicals**
- **Freshwater and Marine Environment**
- **Protection of the Atmosphere**



Biodiversity Conventions

Primary Objectives:

- Ecosystems management
- conservation and sustainable/wise use
- fair and equitable sharing of the benefits
- Protecting endangered species

Main MEAs:

- Biological Diversity (CBD), International Trade in Endangered Species, Migratory Species, Wetlands, Cultural Heritage, Biosafety, Genetic Resources, Combating Desertification, Forests

African Conventions: Maputo, Lusaka on Cooperative Enforcement, wildlife Conservation in SADC, Victoria Fisheries



Chemicals & Hazardous Waste

Primary objectives:

- reduction of trans-boundary movements of wastes
- treatment and disposal of hazardous and other wastes
- minimizing the generation of wastes

Main MEAs :

- Control of Transboundary Movement of Hazardous Wastes and Their Disposal (Basel)
- Prior Informed Consent for Certain Hazardous Chemicals and Pesticides (Rotterdam)
- Persistent Organic Pollutants (POPs) (Stockholm)
- (Mercury?)

African Conventions: Maputo, Bamako



Marine and Freshwater Environment

Primary objectives:

- Management of trans-boundary water resources
- protection of the marine environment
- Land and sea based sources of pollution
- Marine emergencies

Main MEAs:

- International water conventions: UNCLOS, (UN Water Convention, draft UN aquifers law), (Ramsar), IMO, MARPOL, transboundary river basin agreements, 17 Regional Seas Conventions

African conventions: Maputo, Nairobi, Abidjan, Mediterranean Conventions and their protocols, 21 transboundary Freshwater



Protection of the Atmosphere

Primary objectives:

Addressing the uncertainties associated with climate change

Prevention of stratospheric ozone depletion

Main MEAs:

- Vienna on Ozone Protection
- Montreal Protocol on Substances Depleting the Ozone Layer
- UN Framework Convention on Climate Change (UNFCCC)
- Kyoto Protocol

African conventions: Maputo, Regional Framework Agreements on Air Pollution (east, southern, west and central)

Weaknesses of MEAs

- Too many MEAs - 500+
- Lack of synergies among MEAs- different reporting requirements.
- Weak capacity to implement, comply and enforce
- Inadequate funding for selected MEAs
- Lack of environmental and performance indicators to measure effectiveness of MEAs
- Inadequate implementation and coordination: different focal points (FPs) in different ministries (e.g. agriculture, forestry, environment, tourism, trade, etc.)
- different ministerial mandates or technical expertise - hence affecting national representation and follow up in intergovernmental processes

Policy options for MEAs (1)

At the international level

- **Improve cooperation between Global and Regional levels**
- **Develop Regional agreements to supplement MEAs and promote their application at regional levels – cooperation**
- **Coordinating capacity building and technology transfer initiatives at regional levels**
- **Promote consistency in international commitments**
- **Avoiding overlaps when negotiating MEAs**

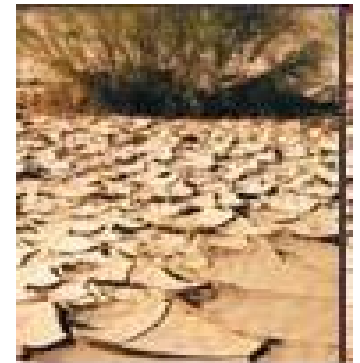
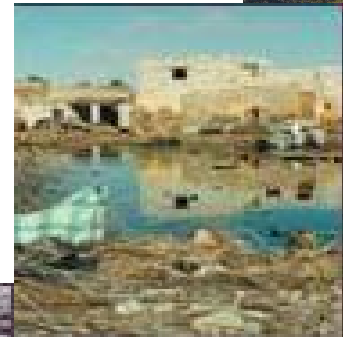
Policy options for MEAs (2)

At the national level

- **Remove inter-institutional conflicts - reduce institutional fragmentation and overlaps, promote synergies among related MEAs.**
- **Enhance cooperation across sectors (water, land, fisheries, forestry)**
- **Form national committees to identify synergies, inter-linkages, and ways to implement MEAs simultaneously**
- **Enhance ability to mobilize greater expertise within the country**
- **Promote efficient use of national budgets/resources**
- **Integrate MEA's into national poverty reduction and other development plans**
- **Develop national laws, policies and institutions to implement MEAs collectively**



THANK YOU



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UNEP, Regional Office for Africa