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INTERAFRICAN BUREAU
FOR ANIMAL RESOURCES

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REPORT ON THE ASSESSMENT OF THE STATUS OF RATIFICATION, ADOPTION AND IMPLEMENTATION OF KEY CONTINENTAL AND INTERNATIONAL INSTRUMENTS RELATED TO AQUATIC BIODIVERSITY CONSERVATION, CLIMATE CHANGE MITIGATION AND ADAPTATION AND ENVIRONMENTAL MANAGEMENT IN THE WEST, CENTRAL AND NORTHERN AFRICAN UNION MEMBER STATES.

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SUMMARY

African Union Inter-African Bureau for Animal Resources (AU-IBAR) contracted the services of a consultant to undertake the Assessment of Global, Continental and Regional Conventions and Agreements (Instruments) related to Environmental Sustainability and Aquatic Biodiversity Conservation to facilitate their Adoption, Ratification and Implementation (West-Central and Northern) Africa Regions; with Cameroon, DR Congo, Ghana and Tunisia as specific case studies for the cited Regions. Effective field work was undertaken within the above-mentioned Countries with the exception of Tunisia. Key stakeholders were identified with additional contacts from AU-IBAR database including Regional Economic Communities (REC`s). We adopted a multi-stakeholder and multi-disciplinary approach to administer a 5-page baseline questionnaire, focused group discussions and one-on-one open-end interviews. We identified three ecosystems, the Guinea Current Large Marine Ecosystem, the Benguela Current Large Marine Ecosystem and the Canary Current Large Marine Ecosystem as major ecosystems adjacent to the identified Regions. A total of 54 Instruments were analysed (42 Global and 12 Continental Instruments). The Instruments were analysed using Trans-boundary Data Analysis, Correlation and Triangulation to obtain the rate of adoption, ratification and implementation within the West-Central and Northern African Regions. The study further revealed that, Countries within the Northern Africa Region have ratified, adopted and are implementing almost 80% of relevant Global Instruments relating to environmental sustainability and aquatic biodiversity conservation with almost half the rate to relevant Continental Instruments, while Countries within the Western Africa Regions have ratified, partially adopted and are poorly implementing 43% of relevant Global Instruments on environmental sustainability and aquatic biodiversity conservation against 70% on Continental Instruments with Countries of the Central Africa Region narrowing down with 37% and 55% as ratification, adopted and implemented respective ratios of relevant Global and Continental Instruments. There is need for greater synergy and greater collaboration from the Regional Economic Communities and the African Union and prospective technical and financial partners to reverse the present trends on the rates of ratification, adoption and implementation of relevant Global and Continental Instruments that will ensure enhanced environmental sustainability and a more sustainable aquatic biodiversity life on Planet Earth.

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ABBREVIATIONS

ABES	African Union Blue Economy Strategy
ABNJ	Areas Beyond National Jurisdiction
ABS	Access and Benefit Sharing
ACCOBAMS	Agreement on the Conservation of Cetaceans in the Black Sea, Mediterranean Sea and contiguous Atlantic area
ACLME	Agulhas Current Large Marine Ecosystem
ACSD	Africa Committee on Sustainable Development
AEWA	Agreement on the Conservation of African-Eurasian Migratory Water-birds
AIS	Automatic ship identification systems
BBNJ	Biological Diversity of Areas Beyond National Jurisdiction Treaty
BCLME	Benguela Current Large Marine Ecosystem
BRS	Basel, Rotterdam and Stockholm
CBD	Convention on Biological Diversity
CCLME	Canary Current Large Marine Ecosystem
CCD	CCD Conference of the Committee on Disarmament
CFP	Common Fisheries Policy
CLC	Civil Liability for Oil Pollution Damage
CMS	Conservation of Migratory Species of Wild Animals
COP	Conference of the Parties
CRTD	Convention on Civil Liability for Damage Caused during Carriage of Dangerous Goods by Road, Rail, and Inland Navigation Vessels
DCF	Data Collection Framework
DGD	Decision Guidance Document
EBSA	Ecologically or Biologically Significant Marine Areas
ECE	Convention on the Protection and Use of Transboundary Watercourses and International Lakes
ECOSOC	UNs Economic and Social Council
EEZ	Exclusive Economic Zone
ENDC	Eighteen Nation Committee on Disarmament
ESM	Environmentally Sound Management
EU	European Union
EUSALP	EU Strategy for the Alpine Region
FAO	The United Nations Food and Agricultural Organization
GCLME	Guinea Current Large Marine Ecosystem
GEF	Global Environment Facility
GESAMP	Group of Experts on Scientific Aspects of Marine Environmental Protection
GES	Good Environmental Status
GPA	Global Programme of Action
HELCOM	Baltic Marine Environment Protection Commission - Helsinki Commission
HNS	Hazardous Noxious Substance
IBC	International Bulk Chemical
ICCAT	International Convention for the Conservation of Atlantic Tunas
ICRW	International Convention for the Regulation of Whaling
ICZM	Integrated Coastal Zone Management

IGC	International Gas Carrier
ILBI	International Legally Binding Instrument
ILC	International Law Commission
IMDG	International Maritime Dangerous Goods
IMO	International Maritime Organization
IPBES	Inter-Governmental Platform on Biodiversity and Ecosystem Services
IPIECA	International Petroleum Industry Environmental Convention Association
ISO	International Organization for Standardization
ISPC	International Ship and Port Facilities Security
ITLOS	International Tribunal on the Law of the Sea
IUCN	International Union for Conservation and Nature
IUU	Illegal, Unreported and Unregulated
JSM	Joint Scientific Meeting
LAF	Legal Acquired Findings
LBA	Land Based Activities
LC	London Convention
LDC	Less Developed Countries
LLMC	Limitation of Liability for Maritime Claims
LME	Large Marine Ecosystem
LMO	Living Modified Organism
LSA	Life-Saving Appliance
MAP	Multi-Annual Work Programme
MDG	Maritime Dangerous Goods
MPA	Marine Protected Area
MSFD	Marine Strategy Framework Directive
MSLME	Mediterranean Sea Large Marine Ecosystem
NBSAP	National Biodiversity Strategies and Action Plan
NFP	National Focal Point
OCP	Official Contact Point
OECD	Organization for Economic Co-operation and Development
OPRC	International Convention on Oil Pollution Preparedness, Response and Co-operation
PERSGA	The "Programme for the Environment of the Red Sea and Gulf of Aden
PESTLE	Political, Economic, Social, Technological, Legal and Environmental
POP	Persistent Organic Pollutant
RAC	Regional Activity Center
RAN	Regional Activity Network
RCU	Regional Coordination Unit
RBO	River Basin Commission
REC	Regional Economic Community
RSCAP	Regional Seas Conventions and Action Plan
RSGA	The Red Sea and Gulf of Aden
RSLME	Red Sea Large Marine Ecosystem
SBI	Subsidiary Body on Implementation
SBSTTA	Subsidiary Body for Scientific, Technical and Technological Advice
SCCLME	Somali Coastal Current Large Marine Ecosystem

SDG	Sustainable Development Goal
SEM	Strategic Ecosystem Management
SSM	Standard Survey Methods
STCW	Standards of Training, Certification and Watch keeping for Seafarers
STOPIA	Small Tanker Oil Pollution Indemnification Agreement
STRP	The Scientific and Technical Review Panel
SWOT	Strength, Weakness, Opportunity and Threat
TBM	Transboundary Movement
TOPIA	Tanker Oil Pollution Indemnification Agreement
TWAP	Transboundary Waters Assessment Programme
UN	United Nations
UNCCD	United Nations Convention to Combat Desertification
UNCED	United Nations Conference on Environment and Development
UNCLOS	United Nations Convention on the Law of the Sea
UNCSD	United Nations Conference on Sustainable Development
UNDP	United Nations Development Programme
UNEP	The United Nations Environment Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNFCCC	United Nations Framework Convention for Climate Change
WHC	World Heritage Center
WHO	World Health Organization
WMO	World Meteorological Organization
WSSD	World Summit on Sustainable Development
WWT	Wildfowl and Wetlands Trust

1. BACKGROUND AND CONTEXT OF THE STUDY

Africa is blessed with highly productive marine ecosystems including the seven African Large Marine Ecosystems (LMEs) as well as vast inland freshwater dense network of Rivers and Lakes: (1) The Agulhas Current LME – ACLME; (2) the Benguela Current LME – BCLME; (3) the Guinea Current LME – GCLME; (4) the Canary Current LME – CCLME; (5) the Mediterranean Sea LME – MSLME; (6) the Red Sea LME; and (7) the Somali Coastal Current LME - SCCLME; River Niger; River Zaire (Congo River), River Nile, River Zambezi, Lake Chad, Lake Victoria, Lake Tanganyika, Lake Malawi, and thousands of relatively smaller Lakes. These waters and associated with vast coastal and inland wetlands and floodplains containing unique and diverse vast amounts of biodiversity. African Union recognizes the critical role of Africa's vast Blue Economy Resources and the need for Blue Growth contribution for realisation of AU Agenda 2063. This requires change in paradigm from the traditional National sector-based approach to a holistic, Multisectoral, National and Regional collaborative concerted approach – BE paradigm. This new BE paradigm seeks to protect, harness and foster efficient and sustainable use of Africa's vital BE resources especially the contained biodiversity/living and non-living resources. To this effect, AU has put in place a Strategy to assist and guide AU-Member States to tap into their vast Blue Economy potential – (The AU Blue Economy Strategy – ABES). AU is Promoting and supporting of ratification, adoption (domestication) and implementation of key Regional, Continental and Global Instruments for management and conservation of aquatic biodiversity. The study involves the West - Central and Northern Africa Regions, with Ghana, Cameroon DR Congo and Tunisia as specific field-case studies with further analysis on all the Countries within the West-Central and Northern Africa respective Regions (see representative map below).

AU-IBAR, with funding from the Swedish Agency for International Development Cooperation (SIDA), is implementing a project on "Conserving Aquatic Biodiversity in African Blue Economy', for three year's period. The overall objective of the project is to enhance the Policy environment, Regulatory Frameworks and institutional capacities of AUMS and RECs to sustainably utilize and conserve aquatic biodiversity and ecosystems.

The specific objectives of the project are as follows:

1. Ratify and/or align relevant International/Regional Instruments related to Blue Economy themes (with specific reference to protecting and conserving biodiversity);
2. Optimize conservation and sustainable use of biodiversity while minimizing conflicts among Blue Economy sub-themes;
3. Strengthen measures for mitigating the negative impacts of coastal and marine tourism, oil, gas, deep Sea mining and climate change on aquatic biodiversity and environment; and,
4. Strengthen gender inclusivity in aquatic biodiversity conservation and environmental management.



Figure 1 : Map of Africa indicating four Countries (Ghana, Cameroon, DR Congo and Tunisia)

2. OBJECTIVE, PURPOSE AND STUDY APPROACH

2. 1 Overall objective

- To assess the relevant Global and Continental Instruments for conservation and management of biodiversity in regards to Member States efforts to ratify, adopt (domesticate) and implement these Instruments, the challenges to ratification and implementation faced.

2. 2 Purpose

- To develop guidelines and priority actions in order to support the AU Member States and RECs in the identification of the Global Instruments to be ratified, benefits for ratification, the ratification process, adoption and the implementation process of Global Instruments for management and conservation of aquatic biodiversity; and,
- To suggest workable solutions for dealing with challenges encountered by AU Member States in ratification, adoption/Domestication and implementing of such critical Instruments.

2. 3 Study Approach

- Extensive literature review and web-based survey;
- Consultations with key Member State Agencies;
- Consultations with key Regional Agencies;
- Assessing of extent of implementation of ratified Instruments;
- Assessment of the opportunities and challenges faced in ratification and implementation of the respective Instruments;
- Existing capacity and gaps in each Member State to / for use of the identified Instruments; and,
- Review of existing Policies, Strategies and management plans for implementation of Global Instruments.

3. PRELIMINARY FINDINGS

3.1 Relevant Instruments (Global and Continental Conventions and Agreements)

3.1.1 GLOBAL CONVENTIONS

3.1.1.1	Alpine Convention together with its nine protocols
3.1.1.2	Barcelona Convention for Protection against Pollution in the Mediterranean Sea, 1976
3.1.1.3	Basel Convention on the Control of Trans-boundary Movements of Hazardous Wastes and their Disposal, Basel, 1989
3.1.1.4	Convention for Co-operation in the Protection and Development of the Marine and Coastal Environment of the West and Central African Region, Abidjan, 198
3.1.1.5	Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency (Assistance Convention), Vienna, 1986
3.1.1.6	Convention on the Ban of the Import into Africa and the Control of Trans-boundary Movements and Management of Hazardous Wastes within Africa, Bamako, 1991
3.1.1.7	Convention on Biological Diversity (CBD), Nairobi, 1992
3. 1.1.8	Convention on Civil Liability for Damage Caused during Carriage of Dangerous Goods by Road, Rail, and Inland Navigation Vessels (CRTD), Geneva, 1989
3. 1.1.9	Convention on the Conservation of Migratory Species of Wild Animals (CMS), Bonn, 1979
3.1.1.10	Convention on Fishing and Conservation of Living Resources of the High Seas
3.1.1.11	Convention on the International Trade in Endangered Species of Wild Flora and Fauna (CITES), Washington, DC, 1973
3.1.1.12	Convention on the Prevention of Marine Pollution by Dumping Wastes and Other Matter
3.1.1.13	Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques
3.1.1.14	Convention on the Protection and Use of Trans-boundary Watercourses and International Lakes (ECE Water Convention), Helsinki, 1992
3.1.1.15	Conventions within the UNEP Regional Seas Programme
3.1.1.16	Espoo Convention on Environmental Impact Assessment in a Trans-boundary Context, Espoo, 1991
3.1.1.17	United Nations Framework Convention on Climate Change (UNFCCC), New York, 1992
3.1.1.18	International Convention for the Conservation of Atlantic Tunas (ICCAT), Rio de Janeiro, 1966
3.1.1.19	International Convention for the Prevention of Pollution from Ships
3.1.1.20	International Convention for the Prevention of Pollution of the Sea by Oil, London, 1954, 1962, 1969
3.1.1.21	International Convention for the Regulation of Whaling (ICRW), Washington, 1946
3.1.1.22	Ramsar Convention on Wetlands of International Importance, especially as Waterfowl Habitat, Ramsar, 1971
3.1.1.25	Vienna Convention for the Protection of the Ozone Layer, Vienna, 1985, including the Montreal Protocol on Substances that Deplete the Ozone Layer, Montreal, 1987
3.1.1.26	Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter (London Convention), London, 1972
3.1.1.27	International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL 73/78), London, 1973 and 1978
3.1.1.28	International Convention on Civil Liability for Oil Pollution Damage (CLC), Brussels, 1969, 1976,1984 and 1992
3.1.1.29	International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage(FUND)1971 and 1992, Brussels, 1971/1992
3.1.1.30	International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea (HNS), London, 1996
3.1.1.31	International Convention on Oil Pollution Preparedness, Response and Co-operation (OPRC), London, 1990
3.1.1.32	International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties Intervention Convention, Brussels, 1969
3.1.1.33	International Petroleum Industry Environmental Convention Association (IPIECA)
3.1.1.34	United Nations Convention on the Law of the Sea (UNCLOS) Convention, Montego Bay, 1982
3.1.1.35	Conventions within the UNEP Regional Seas Programme

3.1.1.36	Organization of American States Convention on Nature Protection and Wild Life Preservation in the Western Hemisphere, Washington, DC, 1940
3.1.1.37	UNESCO Convention Concerning the Protection of the World Cultural and Natural Heritage (a.k.a. the World Heritage Convention), Paris, 1972

3.2 Global agreements

3.2. 1	ASEAN Agreement on Transboundary Haze Pollution
3.2.2	European Agreement Concerning the International Carriage of Dangerous Goods by Inland Waterways (AND), Geneva, 2000
3. 2. 3	European Agreement Concerning the International Carriage of Dangerous Goods by Road (ADR), Geneva, 1957
3. 2. 4	Agreement on the Conservation of Albatrosses and Petrels
3. 2. 5	Agreement on the Conservation of Cetaceans in the Black Sea, Mediterranean Sea and contiguous Atlantic area (ACCOBAMS), Monaco, 1996

3.3 Continental Conventions

3. 3. 1	African Convention on the Convention on the Conservation of Nature and Natural Resources, Algeria. 1968
3. 3.2	African Convention for the Conservation of Nature and Natural Resources signed on July, 2003 in Maputo.
3. 3.3	Convention for Co-operation in the Protection and Development of the Marine and Coastal Environment of the West and Central African Region, Abidjan 1981.

4. PRELIMINARY FINDINGS II: Relevant Instruments:

4. 1 AQUATIC BIODIVERSITY;

- Convention for Cooperation in the Protection and Development of the Marine and Coastal Environment of the West and Central Africa (Abidjan Convention).

4. 2 BIODIVERSITY:

- Carpathian Convention;-
- Convention on the Conservation of Biological Diversity; and,
- Convention on the International Trade in Endangered Species (CITES).

4.3 CLIMATE CHANGE

- United Nations Framework Convention on Climate Change (UNFCCC) 1992.

4.4 CONSERVATION:

- Agreement on the Conservation of African-Eurasian Migratory Water birds;-
- Agreement on the Conservation of Albatros and Petrels;-
- Agreement on the Conservation of Cetaceans of the Black Sea (Monaco);-
- Agreement on the Conservation of Small Cetaceans of the Baltic; and,
- International Convention for the Conservation of ATLANTIC Tunas (ICCAT) Rio de Janeiro.

4.5 ENVIRONMENT:

- African Convention for the Conservation of Nature and Natural Resources signed on July 11, 2003 in Maputo;-

- African Convention on the Convention on the Conservation of Nature and Natural Resources, Algeria;-
- Alpine Convention together with its nine protocols;-
- Barcelona Convention for Protection against Pollution in the Mediterranean Sea, 1976;-
- Convention on the Prevention of Marine Pollution by Dumping Wastes and Other Matter;-
- Conventions within the UNEP Regional Seas Programme;-
- Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, Rotterdam, 1998;-
- International Petroleum Industry Environmental Conservation Association (IPIECA) and,
- UNESCO Convention Concerning the Protection of the World Cultural and Natural Heritage (a.k.a. the World Heritage Convention), Paris, 1972.

4.6 FISH CONSERVATION

- Convention on Fishing and Conservation of Living Resources of the High Seas.

4.7 FINANCIAL MECHANISM

- International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage (FUND) 1971 and 1992, Brussels, 1971/1992; and.
- International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea (HNS), London, 1996.

4.8 LAWS

- International Convention for the Regulation of Whaling (ICRW), Washington, 1946;-
- International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties Intervention Convention, Brussels, 1969; and,
- United Nations Convention on the Law of the Sea LOS Convention, Montego Bay, 1982.

4.9 MARINE BIODIVERSITY

- Convention for the Protection of the Marine Environment of the North-East Atlantic (OSPAR Convention), Paris, 1992.

4.10 POLLUTION

- Basel Convention on the Control of Trans-boundary Movements of Hazardous Wastes and their Disposal, Basel, 1989;-
- Convention on Civil Liability for Damage Caused during Carriage of Dangerous Goods by Road, Rail, and Inland Navigation Vessels (CRTD), Geneva, 1989; and,
- Convention on the Ban of the Import into Africa and the Control of Trans-boundary Movements and Management of Hazardous Wastes within Africa, Bamako, 1991.

4.11 RISKS:

- Convention on the Trans-boundary Effects of Industrial Accidents, Helsinki, 1992.

4.12 SEA GOVERNANCE

- Conventions within the UNEP Regional Seas Programme.

4.13 TRANSPORT

- European Agreement Concerning the International Carriage of Dangerous Goods by Inland Waterways (AND), Geneva, 2000; and,
- European Agreement Concerning the International Carriage of Dangerous Goods by Road (ADR), Geneva, 1957.

4.14 WATER RESOURCE MANAGEMENT

- Convention on the Protection and Use of Trans-boundary Watercourses and International Lakes (ECE Water Convention), Helsinki, 1992.

4.15 WETLANDS

- The Ramsar Convention on Wetlands of International Importance, especially as Waterfowl Habitat, Ramsar, 1971.

5. ANALYSIS OF EXISTING INSTRUMENTS (Preliminary Findings I and II)

5.1 UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE (UNFCCC) 1992

The United Nations Framework Convention on Climate Change (UNFCCC) established an International environmental Treaty to combat "dangerous human interference with the climate system", in part by stabilizing greenhouse gas concentrations in the atmosphere. It was signed by 154 States at the United Nations Conference on Environment and Development (UNCED), informally known as the Earth Summit, held in Rio de Janeiro from 3rd to 14th June, 1992. It established a Secretariat headquartered in Bonn, Germany, and entered into force on 21st March, 1994. The Treaty called for ongoing scientific research and regular meetings, negotiations, and future Policy Agreements designed to allow ecosystems to adapt naturally to climate change, to ensure that food production is not threatened and to enable economic development to proceed in a sustainable manner.

Objectives

The objective of the Convention is to achieve a stabilization of the concentration of greenhouse gases in the atmosphere at a level that prevents dangerous anthropogenic interference in the climate system.

The Kyoto Protocol, which was signed in 1997 and ran from 2005 to 2020, was the first implementation of measures under the UNFCCC. The Kyoto Protocol was superseded by the Paris Agreement, which entered into force in 2016. By 2022 the UNFCCC had 198 Parties. Its supreme decision-making body, the Conference of the Parties (COP), meets annually to assess progress in dealing with climate change. Because key Signatory States are not adhering to their individual commitments, the UNFCCC has been criticized as being unsuccessful in reducing the emission of carbon dioxide since its adoption.

The Treaty established different responsibilities for three categories of Signatory States. These categories are developed Countries, developed Countries with special financial responsibilities, and developing Countries. The developed Countries, also called Annex 1 Countries, originally consisted of 38 States, 13 of which were Eastern European States in transition to democracy and market economies, and the European Union. All belong to the Organisation for Economic Co-operation and Development (OECD).

Paris Agreement

At the 2015 UN Climate Change Conference in Paris the then-196 Parties Agreed to aim to limit Global warming to less than 2 °C, and try to limit the increase to 1.5 °C. The Paris Agreement entered into force on 4th November, 2016 with those Countries that had ratified the Agreement, in addition to the other Countries that had ratified the Agreement since.

Benefits

As early as 2006, Parties to the Kyoto Protocol recognized the importance of a balanced Regional distribution of CDM projects and welcomed the establishment of the Nairobi Framework, which brings together UN and Regional organizations to support equitable access to the mechanism. In light of the benefits that the CDM can bring to lesser developed Regions, the Nairobi Framework partners and others began funding technical support and capacity-building programmes for the CDM, particularly in Africa. The following points provide a short description of the most important financing and support opportunities available for CDM projects in Africa.

- The possibility of having more financial windows on Green Climate Fund
- The stabilization of changes in climate
- Enhanced capacity-building techniques.

5.2 THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA (UNCLOS)

Definition of UN Convention on the Law of the Sea:

The law of the Sea is a body of public International Law governing the geographic jurisdictions of coastal States and the rights and duties among States in the use and conservation of the Ocean environment and its natural resources. The Law of the Sea is commonly associated with an International Treaty, the Convention on the Law of the Sea (UNCLOS), negotiated under the auspices of the United Nations, which was signed in 1982 by 117 States and entered into force in 1994.

This Convention lays down the general obligations of States to protect and preserve the marine environment. The United Nations Convention on the Law of the Sea (UNCLOS) was adopted in 1982. The legislation for the Sea is the set of Laws and International Agreements related to the use of the Sea, defined as freely and naturally connected expanses of salt water, by the different Countries and business. Since Sea has always represented a wealth of natural resources as well as highly strategic military positions being in the center of geopolitic stakes, regulations about its use have been established for ages and the corpus of laws is now covering a lot of different topics.

Objectives of the UNCLOS

1. To promote the peaceful use of the Seas and Oceans;
2. To facilitate International Communications ;
3. To enable equitable and efficient utilisation of Ocean resources;
4. To protect and preserve the marine environment;
5. To promote Maritime safety

The structure of UNCLOS

UNCLOS is a Framework Convention. This means that it sets out broad commitments and principles for Parties, but leaves the setting of some specific commitments to subsequent International Treaties or National Legislation. For this reason, it is often referred to as the 'constitution of the Oceans'.

"UNCLOS has been described as an 'umbrella' Convention, in the sense that it sets out the basic Framework for States to exercise jurisdiction over most activities at Sea, but it does not contain the detailed Rules to govern those activities. Indeed, UNCLOS expressly calls for the negotiation of additional Instruments through other International institutions to give effect to its provisions, particularly when it comes to fisheries, the protection of the marine environment and deep Seabed mining."

UNCLOS refers to these International institutions as 'competent International Organizations', and includes provisions for them to develop Standards, Regulations and Treaties in specific areas.

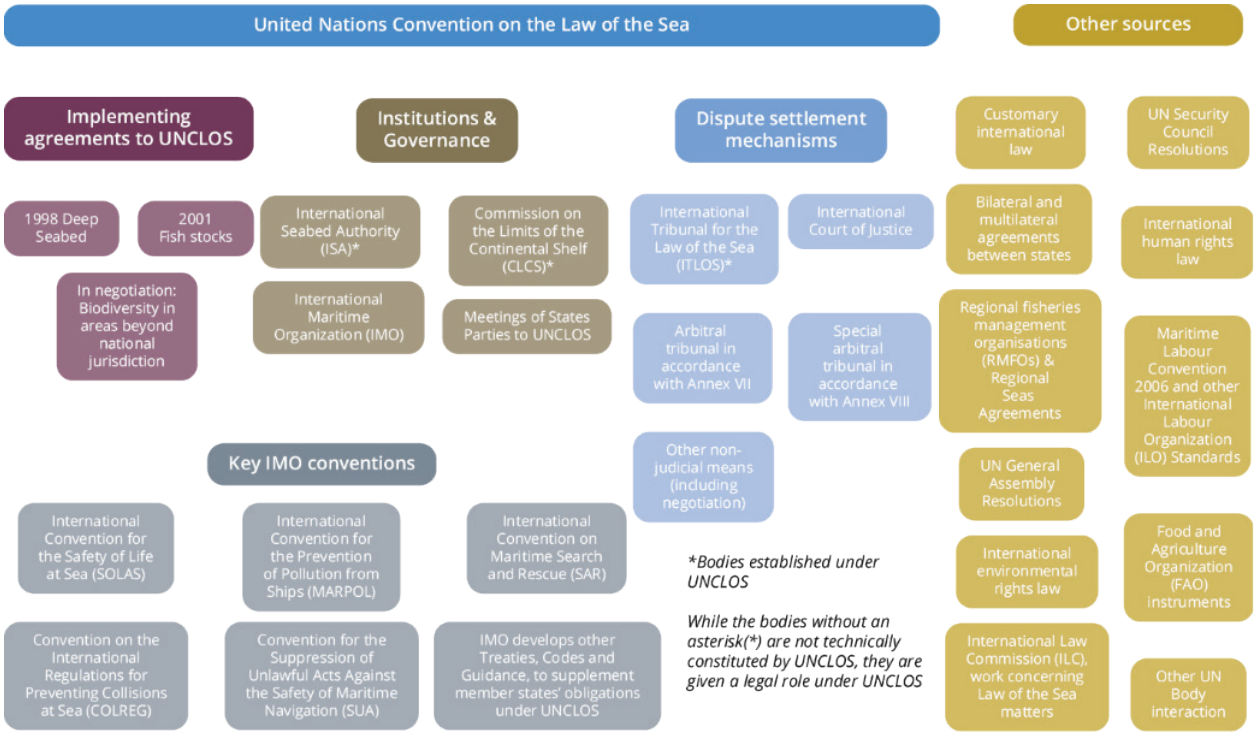


Figure 2 : Shows how some of these key Organisations and Treaties fit together under the UNCLOS umbrella.

Three institutions—the International Seabed Authority, the Commission on the Limits of the Continental Shelf, and the International Tribunal on the Law of the Sea—were directly established by UNCLOS or its

implementing Agreements. Others existed prior to UNCLOS, or were established separately, but continue to play a role in developing the Law of the Sea.

An important competent organization is the International Maritime Organization (IMO), headquartered in London, which is tasked with developing Rules and Standards on shipping under UNCLOS. The history and role of the IMO is discussed in the next analysis.

Challenges

The lack of clarity as to the locus of authority to enforce ecosystem protections is uncharacteristic of UNCLOS, which otherwise exhibits an overriding concern with jurisdictional clarity in the balance it strikes between the competing interests of International navigation and the environmental protection concerns of coastal States.

In general, UNCLOS limits the authority of States to enforce National and International environmental Regulations where such authority conflicts with other principles established under the various legal regimes relating to different categories of Ocean space. For example, coastal State authority to enforce National Laws is subordinated to the right of innocent passage in the territorial Sea; and on the high Seas, only the flag State of an offending vessel has authority to enforce International environmental Regulations, in deference to the principle of freedom of navigation.

Because of such provisions, in the view of some environmentalists, UNCLOS does not provide the basis for full and effective protection of the marine environment, even if its entire agenda of elaborating Agreements is eventually completed.

Benefits

The UNCLOS is an Umbrella Convention which covers the entire marine and maritime activities with the International Maritime Organization as its Long Arm giving the UNCLOS the possibility of stretching-out to other framework Conventions (Ramsar, CBD and ICRW).

The UNCLOS has specific provisions "fair-play-ground" for the Developed and Developing Nations to obtain fair and equitable trials, dispute settlements and judgements amongst power Nations without any prejudice.

The UNCLOS has paved the way for a Global coalition on the sustainable management of natural resources and International Governing Standards, directives and guidelines harping on sustainable development goals agenda.

Conclusion

The UNCLOS has the possibilities and potentials of becoming a Global Framework Policy Convention with the IMO as its long arm also with tentacles as the Ramsar, CBD and ICRW to fully compliment the missing link on ecosystem-based management within the marine World.

5.3 CONVENTION ON THE CONSERVATION OF BIOLOGICAL DIVERSITY (CBD)

Overview

The Convention on Biological Diversity (CBD), known informally as the Biodiversity Convention, is a Multilateral Treaty. The Convention has three main goals: the conservation of biological diversity (or biodiversity); the sustainable use of its components; and the fair and equitable sharing of benefits arising from genetic resources. Its objective is to develop National Strategies for the conservation and sustainable use of biological diversity, and it is often seen as the key document regarding sustainable development.

The Convention was opened for signature at the Earth Summit in Rio de Janeiro on 5th June, 1992 and entered into force on 29th December, 1993. The United States is the only UN Member State which has not ratified the Convention. It has two supplementary Agreements, the Cartagena Protocol and Nagoya Protocol.

The Cartagena Protocol on Biosafety to the Convention on Biological Diversity is an International Treaty Governing the movements of living modified organisms (LMOs) resulting from modern biotechnology from one Country to another. It was adopted on 29th January, 2000 as a supplementary Agreement to the CBD and entered into force on 11th September, 2003.

The Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization (ABS) to the Convention on Biological Diversity is another supplementary Agreement to the CBD. 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.

In the area of marine and coastal biodiversity CBD's focus at present is to identify Ecologically or Biologically Significant Marine Areas (EBSAs) in specific Ocean locations based on scientific criteria. The aim is to create an International Legally Binding Instrument (ILBI) involving area-based planning and decision-making under UNCLOS to support the conservation and sustainable use of marine Biodiversity Beyond areas of National Jurisdiction (BBNJ).

Origin and scope

The notion of an International Convention on biodiversity was conceived at a United Nations Environment Programme (UNEP) Ad Hoc Working Group of Experts on Biological Diversity in November, 1988. The subsequent year, the Ad Hoc Working Group of Technical and Legal Experts was established for the drafting of a Legal text which addressed the conservation and sustainable use of biological diversity, as well as the sharing of benefits arising from their utilization with sovereign states and local communities. In 1991, an intergovernmental negotiating committee was established, tasked with finalizing the Convention's text.

A Conference for the Adoption of the Agreed Text of the Convention on Biological Diversity was held in Nairobi, Kenya, in 1992, and its conclusions were distilled in the Nairobi Final Act. The Convention's

text was opened for Signature on 5th June, 1992 at the United Nations Conference on Environment and Development (the Rio "Earth Summit"). By its closing date, 4th June, 1993, the Convention had received 168 Signatures. It entered into force on 29th December, 1993.

The Convention recognized for the first time in International Law that the conservation of biodiversity is "a common concern of humankind" and is an integral part of the development process. The Agreement covers all ecosystems, species, and genetic resources. It links traditional conservation efforts to the economic goal of using biological resources sustainably. It sets principles for the fair and equitable sharing of the benefits arising from the use of genetic resources, notably those destined for commercial use. It also covers the rapidly expanding field of biotechnology through its Cartagena Protocol on Biosafety, addressing technology development and transfer, benefit-sharing and biosafety issues. Importantly, the Convention is legally binding; Countries that join it ('Parties') are obliged to implement its provisions.

The Convention reminds decision-makers that natural resources are not infinite and sets out a philosophy of sustainable use. While past conservation efforts were aimed at protecting particular species and habitats, the Convention recognizes that ecosystems, species and genes must be used for the benefit of humans. However, this should be done in a way and at a rate that does not lead to the long-term decline of biological diversity.

The Convention also offers decision-makers guidance based on the precautionary principle which demands that where there is a threat of significant reduction or loss of biological diversity, lack of full scientific certainty should not be used as a reason for postponing measures to avoid or minimize such a threat. The Convention acknowledges that substantial investments are required to conserve biological diversity. It argues, however, that conservation will bring us significant environmental, economic and social benefits in return.

Objectives:

Its overall objective is to encourage actions, which will lead to a sustainable future. The conservation of biodiversity is a common concern of humankind. The Convention on Biological Diversity covers biodiversity at all levels: ecosystems, species and genetic resources.

The CBD has 3 main objectives:

1. The conservation of biological diversity
2. The sustainable use of the components of biological diversity
3. The fair and equitable sharing of the benefits arising out of the utilization of genetic resources.

International bodies established

Conference of the Parties (COP)

The Convention's Governing Body is the Conference of the Parties (COP), consisting of all Governments (and Regional Economic Integration Organizations) that have ratified the Treaty. This ultimate authority reviews progress under the Convention, identifies new priorities, and sets work plans for members. The

COP can also make amendments to the Convention, create expert advisory bodies, review progress reports by Member Nations, and collaborate with other International Organizations and Agreements.

The Conference of the Parties uses expertise and support from several other bodies that are established by the Convention. In addition to committees or mechanisms established on an ad hoc basis, the main organs are:

Challenges;

There have been criticisms against CBD that its implementation has been weakened due to resistance of Western Countries to the implementation of pro-South to South provisions of the Convention.

CBD is also regarded as a case of a hard Treaty gone soft in the implementation trajectory. The argument to enforce the Treaty as a Legally Binding Multilateral Instrument with the Conference of Parties reviewing the infractions and non-compliance is also gaining strength.

Although the Convention explicitly states that all forms of life are covered by its provisions, examination of reports and of National Biodiversity Strategies and action plans submitted by participating Countries shows that in practice this is not happening. The fifth report of the European Union, for example, makes frequent reference to animals (particularly fish) and plants, but does not mention bacteria, fungi or protists at all. The International Society for Fungal Conservation has assessed more than 100 of these CBD documents for their coverage of fungi using defined criteria to place each in one of six categories. No documents were assessed as good or adequate, less than 10% as nearly adequate or poor, and the rest as deficient, seriously deficient or totally deficient.

Scientists working with biodiversity and medical research are expressing fears that the Nagoya Protocol is counterproductive, and will hamper disease prevention and conservation efforts, and that the threat of imprisonment of scientists will have a chilling effect on research. Non-commercial researchers and institutions such as natural history museums fear maintaining biological reference collections and exchanging material between institutions will become difficult, and medical researchers have expressed alarm at plans to expand the Protocol to make it illegal to publicly share genetic information, e.g. via GenBank.

Benefits:

It links traditional conservation efforts to the economic goal of using biological resources sustainably. It sets principles for the fair and equitable sharing of the benefits arising from the use of genetic resources, notably those destined for commercial use.

It seeks to conserve the diversity of life on Earth at all levels - genetic, population, species, habitat, and ecosystem,

Through ratification, African Countries have demonstrated their commitment to supporting the CBD: as 46 Member States have ratified.

CONCLUSION

The CBD was the first International Treaty to recognize the primordial role of traditional knowledge, innovations and practices in the area of environment and sustainable development, and promote their protection through Intellectual Property Rights (IPR) or any other means. In view of climate change and the different crises Africa is faced with, (food crisis, energy crisis, economic crisis.), the promotion of the CBD could provide a solution. In fact, the first sign of the modernity of the Convention is the renewal of the very idea of conservation. Biodiversity is then perceived as a social construction, the result of dynamic interaction between human societies and nature. The conservation of biodiversity is all the more effective insofar as the options have not been imposed from outside the Continent, but are based strictly on scientific or Policy criteria.

5.4 THE RAMSAR CONVENTION ON WETLANDS OF INTERNATIONAL IMPORTANCE, ESPECIALLY AS WATERFOWL HABITAT, RAMSAR, 1971

Brief history

The Ramsar Convention on Wetlands of International Importance Especially as Waterfowl Habitat is an International Treaty for the conservation and sustainable use of Ramsar sites (wetlands). It is also known as the Convention on Wetlands. It is named after the city of Ramsar in Iran, where the Convention was signed in 1971.

Overview

Ramsar Sites are wetlands of International importance that have been designated under the criteria of the Ramsar Convention on Wetlands for containing representative, rare or unique wetland types or for their importance in conserving biological diversity.

Parties

As of October, 2020, there are 171 contracting Parties to the Ramsar Convention.

Convention summary

The Convention on Wetlands of International Importance especially as Waterfowl Habitat ('Ramsar Convention' or 'Wetlands Convention') was adopted in Ramsar, Iran in February, 1971 and came into force in December, 1975. It provides the only International mechanism for protecting sites of Global importance and is thus of key conservation significance.

The Convention covers all aspects of wetland conservation and 'wise use'. It has three main 'pillars' of activity:

- The designation of wetlands of International importance as Ramsar Sites;
- The promotion of the wise use of all wetlands in the territory of each Country; and,
- International co-operation with other Countries to further the wise use of wetlands and their resources.

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.

Contracting Parties make a commitment to:

- Designate at least one site that meets the Ramsar criteria for inclusion in the List of Wetlands of International Importance;
- Promote the conservation and wise use of wetlands;
- Include wetland conservation within their National land-use planning;
- Establish nature reserves on wetlands and promote wetland training; and,
- Consult with other Contracting Parties about the implementation of the Ramsar Convention.

The purpose of the Ramsar Convention

The Convention works on three pillars that define the purpose of the Ramsar Convention:

- Wise Use – To work towards the wise use of all wetlands;
- List of Wetlands of International Importance – Designate suitable wetlands under the Ramsar List to effectively manage those; and,
- International Cooperation–To bring cooperation Internationally over the transboundary wetlands, shared wetland systems and shared species.

Wetlands

As per the broad definition of Ramsar Convention, "Wetlands are "areas of marsh, fen, peat–land or water, whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or salt, including areas of marine water the depth of which at low tide does not exceed six metres."

Examples of Wetlands are:

- Marine and coastal areas
- Estuaries
- Lakes and Rivers
- Marshes and peatlands
- Groundwater and human-made wetlands such as rice paddies, shrimp ponds, and reservoirs

Other partners

The Convention collaborates with a network of partners:

- Biodiversity-related Conventions including the Convention on Biological Diversity (CBD);
- The Convention to Combat Desertification (UNCCD), Convention on Migratory Species (CMS), The World Heritage Convention (WHC);
- The Convention on International Trade in Endangered Species (CITES);

Project funding bodies including Global environmental funds, Multilateral development banks and Bilateral donors; UN Agencies such as UNEP, UNDP, UNESCO, and the UN Economic Commission for Europe, and specific programmes such as UNESCO's Man and the Biosphere Programme (MAB);

Non-governmental organizations including the Nature Conservancy, Conservation International, the Society of Wetland Scientists, the International Association for Impact Assessment, and many others;

Since 1998 the Convention has also benefited from a strong partnership with Danone including the Évian brand, and since 2007 from the Biosphere Connections partnership with the Star Alliance airline network.

Important Facts about the Ramsar Convention

1. It is the only International Treaty that addresses a specific ecosystem (wetland.)
2. Originally, the Treaty focussed on the conservation of the habitats for water-birds.
3. The official name of the treaty is The Convention on Wetlands of International Importance, especially as Waterfowl Habitat.
4. With time, the Treaty has broadened its horizon and covers all aspects of wetland conservation.
5. The Ramsar Conventions contains three important subjects:
    - The contracting Parties which are now 171 in numbers have to designate suitable wetlands in their territory under the Ramsar List of Wetlands of International Importance;
    - The designated wetlands have to be wisely used and taken care of; and,
    - Shared wetland systems over the territories of more than one contracting Party have to be used wisely by the Parties concerned after due consultation;
6. As of June, 2021, there are 2422 wetlands in the list of wetlands of International importance;
7. Ramsar Convention is not a regulatory regime;
8. Ramsar Convention was modified by the Paris Protocol in 1982 and by the Regina Amendments in 1987;
9. Montreux Record – It is a mechanism that was launched in 1990 and is associated with the Ramsar Advisory Mission. It is a register of the list of those Ramsar Sites that need urgent attention;
10. World Wetlands Day – It was first celebrated in 1997. It is celebrated each year on 2nd February to mark the anniversary of the Ramsar Convention and promote its mission;
11. A conference of the contracting parties (COP) to the Convention meets every three years;
12. The Ramsar Convention has six International Organization Partners:
    - Birdlife International
    - IUCN
    - Wetlands International
    - WWF
    - International Water Management Institute
    - Wildfowl and Wetlands Trust
13. The Convention comes with a six-year strategic plan. The latest one is the 4th Ramsar Convention Strategic Plan 2016-2024 which was approved at COP12 of the Convention;
14. Ramsar Convention's Standing Committee has 18 members that are elected at COP till the next COP elects new members; and,
15. The Convention works in three languages – English, Spanish and French.

Challenges

- The difficulty to develop indicators as basis for monitoring, audit and refocusing objectives;
- The difficulty in coordinating National and local activities and
- The difficulty in ensuring consistency due to the cross-sectoral nature of the Convention
- Benefits
- It addresses the conservation and wise use of wetlands e.g. water-related ecosystems;
- It combines conservation and the sustainable use of resources and
- It makes use of the ecosystem-based approach.

5.5 BASEL ROTTERDAM STOCKHOLM

5.5.1 BASEL

The (BRS) Convention Intergovernmental Platform on Biodiversity and Ecosystem Services (IPBES)

Brief History

The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, usually known as the Basel Convention, is an International Treaty that was designed to reduce the movements of hazardous waste between nations, and specifically to prevent transfer of hazardous waste from developed to less developed Countries (LDCs). It does not, however, address the movement of radioactive waste. The Convention is also intended to minimize the rate and toxicity of wastes generated, to ensure their environmentally sound management as closely as possible to the source of generation, and to assist LDCs in environmentally sound management of the hazardous and other wastes they generate. The Convention was opened for Signature on 21st March, 1989, and entered into force on 5th May, 1992. As of September, 2022, there are 190 Parties to the Convention.

The Basel, Rotterdam and Stockholm (BRS) Conventions: Overview

Waste Management (BASEL)

- Basel underlying objective: Environmentally sound management ("ESM") of hazardous and other wastes;
- ESM: "taking all practicable steps to ensure that hazardous wastes or other wastes are managed in a manner which will protect human health and the environment against the adverse effects which may result from such wastes" (Art. 2);
- ESM further defined through technical guidelines, for instance on ESM of POPs as wastes;
- Basel requires each Party:
- To minimize waste generation and transboundary movements of hazardous and other wastes;
- To ensure availability of disposal facilities for ESM located, to the extent possible, within its own territory;
- To strictly control transboundary movements and disposal operations (including storage, treatment, reuse, recycling, recovery and final disposal);
- To prevent pollution from hazardous waste management and, if occurs, minimise the consequences thereof for human health and the environment;

5.5.2 ROTTERDAM

Waste Management (STOCKHOLM)

- Parties must develop strategies to identify POPs wastes and manage them in an environmentally sound manner;
- POPs content of wastes generally to be destroyed or irreversibly transformed;
- Prevent the creation of POPs in waste management practices; and,
- Requirement to apply Best Available Techniques (BAT) and Best Environmental Practices (BEP);

Hazard Communication and Replacement

- Hazard communication; and,
- The three Conventions require Parties to communicate hazard information to the secretariat, other Parties and/or the public;

5.5.3 STOCKHOLM

Replacement

- Stockholm requires information exchange and research on POPs alternatives;
- It obliges each Party using DDT to develop an action plan, including for implementation of alternative products;

Environmental Releases

- Stockholm's principal articles aim to reduce or eliminate releases of POPs from:
- Intentional production and use
- Unintentional production
- Stockpiles and wastes

5.6 CONVENTION ON THE INTERNATIONAL TRADE IN ENDANGERED SPECIES (CITES)

Overview:

(CITES) (Shorter name for the Convention on International Trade in Endangered Species of Wild Fauna and Flora, also known as the Washington Convention) is a Multilateral Treaty to protect endangered plants and animals from the threats of International trade. It was drafted as a result of a resolution adopted in 1963 at a meeting of members of the International Union for Conservation of Nature (IUCN). The Convention was opened for signature in 1973 and CITES entered into force on 1st July, 1975.

Background

CITES is one of the largest and oldest conservation and sustainable use Agreements in existence. There are three working languages of the Convention (English, French and Spanish) in which all documents are made available. Participation is voluntary and Countries that have Agreed to be bound by the Convention are known as Parties. Although CITES is legally binding on the Parties, it does not take the place of National Laws. Rather it provides a framework respected by each Party, which must adopt their own domestic legislation to implement CITES at the National level.

Originally, CITES addressed depletion resulting from demand for luxury goods such as furs in Western Countries, but with the rising wealth of Asia, particularly in China, the focus changed to products demanded there, particularly those used for luxury goods such as elephant ivory or rhinoceros horn. As of 2022, CITES has expanded to include thousands of species previously considered unremarkable and in no danger of extinction such as manta rays or pangolins.

Objectives

To ensure that International trade (import/export) in specimens of animals and plants included under CITES, does not threaten the survival of the species in the wild. This is achieved via a system of permits and certificates. CITES affords varying degrees of protection to more than 38,000 species.

Benefits of joining CITES

The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) is the only UN body that combines wildlife and trade themes within a Legally Binding Instrument. It covers over 35,000 listed species of wild animals and plants in International trade, ensuring legality, sustainability, and traceability.

The benefits of joining CITES are multi-fold:

CITES ensures Legal and sustainable trade

- Government to Government certification system;
- Assistance in combating illegal trade and over-exploitation;
- Regulation of International trade with positive impacts on populations of species; supports species conservation and management;

CITES promotes International cooperation

- Global system accepted and controlled worldwide, among 181 Parties;
- Participation and right to vote at triennial Conference of the Parties;
- Information and intelligence sharing on wildlife trade;

CITES encourages multi-sector collaboration

- Brings together Government sectors (agriculture, fisheries, forestry, trade, customs, law enforcement, etc.);
- Private sector contribution is also encouraged through Internationally Agreed licensing arrangement.

CITES allows access to capacity building programmes

- Technical assistance/support in making legal acquisition findings (LAF), non-detriment findings (NDF) and in combating illegal trade;
- Support in drafting legislation through the National legislation project;
- Species-based interagency support (FAO-CITES sharks project, CITES-ITTO timber project); and,
- Tailored assistance to new Parties and other capacity building opportunities – see overleaf.

5.7 CONVENTION ON THE CONSERVATION OF MIGRATORY SPECIES OF WILD ANIMALS, 1979

Overview

Migratory species are especially vulnerable to a wide range of threats, including habitat loss in breeding areas, excessive hunting along migration routes and degradation of feeding grounds. In the early 1960s, International conservation organizations began to draw attention to these problems and called for a Convention on migratory species.

In response, the Convention on the Conservation of Migratory Species of Wild Animals (CMS) was adopted in 1979 and entered into force in 1983. CMS, also known as the Bonn Convention, recognizes that States must be the protectors of migratory species that live within or pass through their National jurisdictions. CMS aims to conserve terrestrial, marine and avian migratory species throughout their ranges.

Parties

Currently has 121 Parties.

Benefits:

- Coordinate measures to maintain, or restore, favourable conservation conditions for African-Eurasian migratory water birds;
- Give special attention to endangered species and those with an unfavourable conservation status;
- ensure that any interaction with migratory water birds is based on best available knowledge of their ecology and is sustainable;
- identify and encourage the protection, management, rehabilitation and restoration of sites and habitats;
- coordinate efforts to ensure a network of suitable habitats is maintained or restored;
- investigate problems caused by human activity and take remedial action;
- cooperate in emergencies requiring an International response;
- ban the deliberate introduction of non-native water birds into the environment and try to prevent their unintentional release;
- initiate and support research, including monitoring programmes, into the birds' biology and ecology; and,
- analyse training requirements for surveys, monitoring, ringing and wetland management.

5.8 INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION FROM SHIPS (MARPOL), 1973

Brief History

International Convention for the Prevention of Pollution from Ships (MARPOL), 1973 (Convention), 1978 (1978 Protocol), 1997 (Protocol - Annex VI); Entry into force: 2nd October, 1983 (Annexes I and II).

The International Convention for the Prevention of Pollution from Ships (MARPOL) is the main International Convention covering prevention of pollution of the marine environment by ships from operational or

accidental causes.

The MARPOL Convention was adopted on 2nd November, 1973 at IMO. The Protocol of 1978 was adopted in response to a spate of tanker accidents in 1976-1977. As the 1973 MARPOL Convention had not yet entered into force, the 1978 MARPOL Protocol absorbed the parent Convention. The combined Instrument entered into force on 2nd October, 1983.

In 1997, a Protocol was adopted to amend the Convention and a new Annex VI was added which entered into force on 19th May, 2005. MARPOL has been updated by amendments through the years.

The Convention includes regulations aimed at preventing and minimizing pollution from ships–both accidental pollution and that from routine operations–and currently includes six technical Annexes. Special Areas with strict controls on operational discharges are included in most.

Objectives

The main purpose of the Convention is to eliminate intentional marine environment pollution through hydrocarbons and other toxic substances and to reduce the accidental discharge of such substances.

- It is a binding Instrument which makes implementation easy through enforcing the provisions;
- It was expanded in 1997 to regulate air pollution and emissions from ships;
- It has provisions for remedies including environmental restoration and it is a very good Instrument for protection of aquatic ecosystems and biodiversity;
- 160 Countries are Parties (signed on) to the Convention;
- 17 African Countries have ratified and are implementing MARPOL; and,
- Others indicate financial constrain, that Instrument not a priority, limited knowledge, lack of technical capacity.

Binding Provisions

The OPRC Convention, in its legally binding provisions, refers to the MARPOL Convention.

The MARPOL Convention provides States Parties with the legal basis to:

a) Enforce compliance by ships flying the National flag and ships flying the flag of a third State, as well as by fixed or floating platforms engaged in exploration and exploitation of oil and gas in the maritime areas under their jurisdiction, with the (applicable) provisions of the MARPOL Convention, including concerning: Discharge into the Sea of oil and oily mixtures;
   The shipboard emergency plan;
   The obligation to immediately notify and to report on incidents involving the discharge or possible discharge of oil (or other harmful substances); and
b) Sanction breaches of the provisions of the Convention either through the legislation of the authority on which the ship or platform depends or through the legislation of the Party in whose jurisdiction the breach was committed.

Challenges

The challenges were obtained through the Strength, Weaknesses, Opportunities and Threat (SWOT) and Political, Economic, Social, Technological, Legal and Environmental (PESTLE) Analysis.

The analysis of the major challenges that can be encountered were done using a SWOT analysis of the regulator organisation, and then an overall PESTLE analysis was done to highlight those opportunities and threats. This analysis was specifically targeting the implementation of MARPOL

Benefits

- Prohibits dumping hazardous wastes within 12 nautical miles of the nearest land;
- It protects the environment from degrading;
- It ensures sustainability within aquatic marine life; and,
- It reduces the rate of pollution within the marine environment.

5.9 INTERNATIONAL CONVENTION ON OIL POLLUTION PREPAREDNESS, RESPONSE AND CO-OPERATION (OPRC), LONDON, 1990

Brief History

International Convention on Oil Pollution Preparedness, Response and Co-operation (OPRC) is an International Maritime Convention establishing measures for dealing with marine oil pollution incidents Nationally and in co-operation with other Countries. As of November, 2018, there are 112 State Parties to the Convention.

OPRC Convention was drafted within the framework of the International Maritime Organization (IMO) and adopted in 1990 entering into force in 1995. In 2000 a Protocol to the Convention relating to hazardous and noxious substances (HNS) was adopted (the OPRC-HNS Protocol). In accordance with this Convention and its Annex, States-Parties to the 1990 Convention undertake, individually or jointly, to take all appropriate measures to prepare for and respond to oil pollution incidents.

Scope

The Convention applies to:

- Vessels of any type whatsoever operating in the marine environment including hydrofoil boats, Air-cushion vehicles, submersibles, and floating craft of any type;
- Fixed or floating offshore installations or structures engaged in gas or oil exploration, Exploitation or production activities, or loading or unloading of oil; and
- Sea ports and oil handling facilities (those facilities which present a risk of an oil pollution incident, including, inter alia, Sea ports, oil terminals, pipelines and other oil handling facilities).
- The Convention does not apply to warships, naval auxiliary or other ships owned or operated by a State and used only on Government non-commercial service. However, Parties to the Convention ensure by the adoption of appropriate measures that such ships act in a manner consistent with the Convention.

Objectives:

To strengthen the Legal Framework for the control of environmental pollution by oil, in general, and marine pollution by oil in particular.

Summary of provisions:

Article 2 defines inter alia oil pollution incident, offshore unit, Sea ports and oil handling facilities (art. 2). Parties Agree to ensure that all ships flying their flags have made oil pollution emergency plans on the basis of prescriptions in the Convention (art. 3) and report all incidents of oil discharge (art. 4). The Party receiving such report is to take appropriate control action, and to pass the information to all States whose interests are likely to be affected (arts. 5, 6 and 7). The Convention contains provisions for collaborative initiatives, in research and development, and in technical operations, in the search by the Parties for appropriate controls to oil pollution incidents (arts. 8, 9 and 10).

Benefits

- It provides adequate capacities to reduce accidents due to pollution.
- It provides emergency responses in cases of oil pollution.
- It ensures preparedness, response and co-operation in cases of oil pollution.

5.10 TREATY ON THE PROHIBITION OF THE EMPLACEMENT OF NUCLEAR WEAPONS AND OTHER WEAPONS OF MASS DESTRUCTION ON THE SEABED AND OCEAN FLOOR AND IN THE SUBSOIL THEREOF (SEABED ARMS CONTROL TREATY)

Brief History

In the 1960s, advances in the technology of Oceanography and greatly increased interest in the vast and virtually untapped resources of the Ocean floor led to concern that the absence of clearly established Rules of Law might lead to strife. And there were concurrent fears that Nations might use the Seabed as a new environment for military installations, including those capable of launching nuclear weapons.

In keeping with a proposal submitted to the U.N. Secretary General by Ambassador Pardo of Malta in August, 1967, the U.N. General Assembly, on 18th December, 1967, established an ad hoc committee to study ways of reserving the Seabed for peaceful purposes, with the objective of ensuring "that the exploration and use of the Seabed and the Ocean floor should be conducted in accordance with the principles and purposes of the Charter of the United Nations, in the interests of maintaining International peace and security and for the benefit of all mankind." The Committee was given permanent status the following year. At the same time, Seabed-related military and arms control issues were referred to the Eighteen Nation Committee on Disarmament (ENDC) and its successor, the Conference of the Committee on Disarmament (CCD). In a message of 18th March, 1969, President Nixon said the American delegation to the ENDC should seek discussion of the factors necessary for an International Agreement prohibiting the emplacement of weapons of mass destruction on the Seabed and Ocean floor and pointed out that an agreement of this kind would, like the Antarctic and Outer Space Treaties, "prevent an arms race before it has a chance to start."

Overview

In the 1960s, there were concerns that due to recent advances in Oceanographic technologies, nations might use the Seabed as a new environment for nuclear-related military installations. The Soviet Union and the United States submitted two separate drafts that differed on what was to be prohibited and verification measures. On 7th October, 1969, the two States submitted a joint draft to the Conference of the Committee on Disarmament (CCD). During the deliberations in the CCD, coastal States raised concerns about the protection of their rights and smaller States had doubts whether they could check on violations. The final draft was approved by the United Nations General Assembly's Resolution 2660 (XXV) on 7th December, 1970 by a vote of 104 to 2 (El Salvador, Peru), with two abstentions (Ecuador, France). The Seabed Treaty was opened for signature on 11th February, 1971 and entered into force on 18th May, 1972, when the Soviet Union, the United States, and the United Kingdom, as well as more than 22 Nations had deposited Iinstruments of ratification.

Objectives

The Treaty prevents placement of NBC weapons on the Seabed and Ocean floor to eliminate the possibility of an underwater arms race and promote the peaceful exploration of water bodies.

To exclude the Sea-bed, the Ocean floor and the subsoil thereof from the arms race as a step towards disarmament, the reduction of International tensions and the maintenance of World peace.

The 1971 Seabed Treaty prohibits the placement of nuclear weapons, weapons of mass destruction, launching installations, and any other provisions designed for testing or storing such weapons beyond a 12-mile (22,2 km) coastal zone.

Treaty Obligations

The Treaty forbids States Parties from implanting or placing on the Seabed or Ocean floor or in the subsoil thereof, beyond a 12-mile territorial zone, any nuclear weapons or any other types of weapons of mass destruction or structures, launching installations, or any other facilities specifically designed for storing, testing, or using such weapons.

Verification

The Treaty allows for verification through observation by the States Parties of the activities of other States Parties, provided that observation does not interfere with such activities. If after such observation reasonable doubts remain, further procedures for verification may be Agreed upon, including inspections. After completion of the further procedures for verification, an appropriate report shall be circulated to other Parties by the Party that initiated such procedures.

Compliance

If consultation and cooperation have not removed the doubts concerning the activities and there remains a serious question concerning fulfilment of the obligations assumed under this Treaty, a State Party may, in accordance with the provisions of the Charter of the United Nations, refer the matter to the Security Council, which may act in accordance with the Charter.

Conclusion

The 1971 Seabed Treaty prohibits the placement of nuclear weapons, weapons of mass destruction, launching installations, and any other provisions designed for testing or storing such weapons beyond a 12-mile coastal zone. The seabed Treaty is amongst the most conspicuous weapons law Treaty treating issues of environmental sustainability, aquatic life and Seabed preservation using the precautionary principle.

5.11 A POLITICAL DECLARATION AND IMPLEMENTATION PLAN OUT OF WORLD SUMMIT ON SUSTAINABLE DEVELOPMENT (WSSD), 2002.

Brief history

The 2002 World Summit on Sustainable Development in Johannesburg adopted a Political Declaration and Implementation Plan which included provisions covering a set of activities and measures to be taken in order to achieve development that considers respect for the environment. In doing so, this Summit, which saw the participation of more than a hundred Heads of State and Government and tens of thousands of Government representatives and non-governmental organizations, resulted, after several days of deliberations, decisions that related to water, energy, health, agriculture, biological diversity and other areas of concern.

In the area of water, the Plan of Implementation encouraged partnerships between the public and private sectors based on Regulatory Frameworks established by Governments. With regard to energy, the need to diversify the energy supply was highlighted, as well as the need to add renewable energy sources to the Global energy supply. In the area of health, the commitments made in the fight against HIV/AIDS were reaffirmed and the emphasis was placed on the right of States to interpret the Agreement on Trade-Related Aspects of Intellectual Property Rights in order to promote universal access to medicines.

Background

The predecessor to the WSSD, the U.N. Conference on Environment and Development (known popularly as the Rio Earth Summit), was held 3rd – 14th June, 1992, in Rio de Janeiro, Brazil. That date was chosen to coincide with the 20th anniversary of the 1972 Stockholm Conference on the Human Environment, which was the first Global environmental conference held by the United Nations. The 1992 conference was a product of growing International concern over the Global environment. It provided an opportunity for National leaders to reach consensus on how to promote CRS-2 "sustainable development" integrating the linkages between environmental, economic, social and development priorities. The broader focus reflected a realization that environmental goals would be optimally achieved in the context of appropriate social and economic development.

UNCED was the largest summit of National leaders ever held, attracting well over 100 Heads of State or Government. In addition, more than 20,000 people from non-governmental organizations (NGOs) and various professional groups attended the constellation of events surrounding the conference, including the very large "Global Forum" organized by NGOs, with daily parallel events during the course of the UNCED. The Conference produced wide Agreement on the goal of environmentally sustainable development, but there were few specifics or definitions attached to the term in the statements and objectives in UNCED

documents.

Defining sustainable development in operational terms has remained one of the major challenges of UNCED follow-up activities.

The Rio Earth Summit produced three documents intended to provide recommendations and guidance for sustainable development. They were not legally binding, although they were negotiated word-for-word and adopted by a consensus resolution:

The Rio Declaration on Environment and Development, a relatively short statement of 27 Guiding Principles that represent consensus on the basis for sustainable development;

Main objective

To regenerate, at the highest political level, a Global commitment to sustainable development and to accelerate action to implement Agenda 21.

Global objective

The objective of the World Summit on Sustainable Development (WSSD) was to examine the implementation of resolutions made at the conference in Rio, with a particular focus on Agenda 21. Problems such as social justice, dialogue between cultures, health and development were given greater weight than at the previous summits in Stockholm (1972) and Rio de Janeiro (1992). Furthermore, a clearer link was drawn between poverty and the state of the environment.

Purposes

To tackle a huge and controversial agenda;

To take steps to alleviate poverty and halt environmental degradation of the planet.

Specifically, the aims were to:

- Review progress since the 1992 United Nations Conference on the Environment & Development, the 'Earth Summit' held in Rio de Janeiro, Brazil;
- Identify ways in which sustainable development can be progressed by reaffirming and setting new targets, timetables and laying out action plans for adoption by all Nations; and,
- Identify mechanisms, programmes and resources to achieve the Millennium Declaration Goals, Agreed at the United Nations Millennium Summit, September, 2000 in New York.

5.12 CONVENTION ON THE PREVENTION OF MARINE POLLUTION BY DUMPING OF WASTES AND OTHER MATTER (LONDON CONVENTION).

Overview

The Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter 1972, commonly called the "London Convention" or "LC '72" and also abbreviated as Marine Dumping, is an

Agreement to control pollution of the Sea by dumping and to encourage Regional Agreements supplementary to the Convention. It 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. It entered into force in 1975. As of September, 2016, there were 89 Parties to the Convention.

The London Convention consists of 22 Articles and three Annexes. It 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.

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 specialised experts nominated by the IMO, FAO, UNESCO, IOC, WMO, WHO, IAEA, UN, and UNEP. A scientific group on dumping, composed of Government experts from the Parties to the Convention a 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.

Objectives

Contracting Parties shall individually and collectively protect and preserve the marine environment from all sources of pollution and take effective measures, according to this scientific, technical, economic capabilities, to prevent, reduce and where practicable eliminate pollution caused by dumping or incineration at Sea of wastes or other matter, whose appropriate, they shall harmonise their Policies in this regard.

General benefits arising from being a Party to the London Protocol.

Access to technical support and cooperation

State Parties benefit from a wealth of practical tools, scientific information and expertise to support implementation of the London Protocol (e.g. Specific Waste Assessment Guidelines for various waste streams, generic waste assessment guidelines, monitoring guidelines, training tools, technical meetings, low technology low cost guidance, etc.).

Parties can participate in the Compliance Group and enjoy the benefits of its work in effective implementation and promotion of compliance with the Protocol.

Access to information and expertise of the Scientific Group Meetings and GESAMP.

Economic benefits through better protection of the marine environment;

- Clean coasts and
- Protocol membership enables efficiencies in trade negotiations by allowing all Countries to build trade relationships from a uniform level of environmental protection.

Social and Political benefits

- Being Party to the London Protocol effectively supports achieving Sustainable Development Goal14 and its targets; and,
- The London Protocol facilitates International relations by providing easier access to other International bodies, focused information exchanges, and by fostering dialogue between.

Member States about coastal management issues.

- Protocol membership may have a positive effect when applying to join other influential organizations, such as the Organization for Economic Co-operation and Development (OECD); and,
- Being Party to the most modern Treaty for protecting the marine environment from Ocean dumping and other new activities at Sea provides Countries with a seat at the table to influence future regulation in the area of marine environmental protection.

Benefits for Parties ratifying the London protocol

Convention Parties that ratify the London Protocol will benefit from;

- The London Protocol's greater protection of the marine environment, in part due to the introduction of the "precautionary approach to environmental protection";-
- The London Protocol being clearer than the Convention about what is and what is not permitted for dumping;-
- The London Protocol's more pragmatic orientation towards commonly generated wastes rather than contaminants;-
- Continuity through application of the same technical waste assessment standards and procedures as are used by the Convention;-
- The implementation of provisions of the London Protocol being less burdensome and cost-intensive for National competent authorities because most dumping activities are prohibited;-
- Environmental protection in internal waters and a level playing field with other Protocol Parties who are also obliged to take similar measures; and,
- The opportunity to benefit from and shape amendments to address emerging marine pollution issues under the London Protocol because the Convention is no longer being amended.

5.13 BARCELONA CONVENTION FOR PROTECTION AGAINST POLLUTION IN THE MEDITERRANEAN SEA 1976

Overview

The Convention for the Protection of the Mediterranean Sea against Pollution was adopted on 16th February, 1976 in Barcelona and entered into force in 1978. The Barcelona Convention was amended in 1995 and renamed as the Convention for the Protection of the Marine Environment and the Coastal

Region of the Mediterranean. The amendments to the Barcelona Convention entered into force in 2004.

Brief history

The Convention was adopted in the framework of the Mediterranean Action Plan (MAP) constitute the principal Regional legally binding Multilateral Environmental Agreement (MEA) in the Mediterranean.

"The Contracting Parties to the Barcelona Convention agree to individually or jointly take all appropriate measures in accordance with the provisions of the Convention and the Protocols in force to which they are Party to prevent, abate, combat and to the fullest possible extent eliminate pollution of the Mediterranean Sea Area and to protect and enhance the marine environment in that Area so as to contribute towards its sustainable development. They cooperate in the formulation and adoption of Protocols, prescribing agreed measures, procedures and standards for the implementation of this Convention."

Main objective

- The main aim of the Convention and the Protocols is to protect the marine environment and the coastal Region of the Mediterranean Sea.

Objectives

The Convention's main objectives are:

- To assess and control marine pollution;
- To ensure sustainable management of natural marine and coastal resources;
- To integrate the environment in social and economic development;
- To protect the marine environment and coastal zones through prevention and reduction of pollution, and as far as possible, elimination of pollution, whether land or Sea-based;
- To protect the natural and cultural heritage;
- To strengthen solidarity among Mediterranean coastal States;
- To contribute to improvement of the quality of life.

5.13 CONVENTION WITHIN THE UNEP REGIONAL SEAS PROGRAMME

Brief History

The UNEP Regional Seas Programme is UNEP's most important Regional mechanism for conservation of the marine and coastal environment since its establishment in 1974. It is an action-oriented programme that implements Region-specific activities, bringing together stakeholders including Governments, scientific communities and civil societies. These Multilateral Environmental Agreements are governed by their own meetings of the Contracting Parties.

The Regional Seas Conventions and Action Plans (RSCAPs) provide inter-governmental frameworks to address the degradation of the Oceans and Seas at a Regional level, initially focusing on pollution at Sea, such as oil spills and movement of hazardous waste, as well as land-based sources of pollution, for example plastics, wastewater and excess nutrients. Now, many have embraced the ecosystems approach to managing marine resources and have protocols on protected areas, marine litter, combating oil spills,

pollution from ships, transboundary movement of waste including their disposal, integrated coastal zone management (ICZM) and land-based sources of pollution (LBS) through which disaster reduction, climate change adaptation and sustainable consumption and production issues can be addressed. The focus is on promoting Regional Oceans governance to deliver the Global Oceans agenda and respond to emerging issues, new Policies and initiatives such as the Blue Economy.

The Regional Seas and their governance processes, with regular meetings of governing bodies (CoPs, IGMs), senior officials as well as technical bodies (such as thematic working groups), contribute to strengthening UNEP's strategic Regional presence, propelling the work of UNEP towards Regional and Global consensus and Policy coherence on key issues relating to the environmental dimension of sustainable development, as envisaged in the UNEP Medium Term Strategy 2018-2021.

The individual Regional Seas Conventions and Action Plans have both a normative and implementation mandate. They provide an expression of common Regional priorities, including those in the delivery of Global mandates such as the 2030 Agenda, provisions of Multilateral Environmental Agreements (MEAs) and United Nations Environment Assembly (UNEA) resolutions. They also provide platforms for acting, including through integrated assessment, Policy development, capacity building and exchange, as well as through implementation of projects.

By building on the mandates of Regional Seas in addressing adverse impacts to the marine and coastal environment, UNEP can enhance impact and sustainability of efforts by utilization of advantages of the Regional Seas under the programme of work at the Regional level.

Objectives;

The Regional Seas Programme helps Countries monitor and report on implementation of SDG 14, building on its decades of data, reports, and assessments. For example, the Programme is developing indicators to assess the state of the marine environment, enabling Governments and citizens to assess progress.

The Regional Legal Framework provided by the Conventions and Protocols enables participating Countries to jointly agree on their priorities and plan and develop programmes for the sustainable management, protection, and development of their marine and coastal environment.

The framework also offers a unique forum for intergovernmental debates on their Regional environmental challenges, and strategies to address them. In view of the pattern that evolved in the development on the drafting of the Regional Seas action plans and the role UNEP played and the influence it had in that process, it is not surprising that most if not all of the existing Regional Seas Conventions do also follow a similar pattern in their development process, contents, and issues covered by each of them.

To date, UNEP's Regional Seas Programme consists of three types of Regional Seas Conventions and Action Plans (RSCAPs), across 18 different Regions:

Challenges;

- Geographical fragmentation, the lack of implementation, the lack of capacities and the lack of coordination between entities;
- Limited scope of their action as most RSCs do not have the mandate to apply management measures to Areas Beyond National Jurisdictions (ABNJ);
- The need for harmonization of scientific assessments and strengthening of monitoring and data/ information sharing to support development of targets and indicators;
- Opportunities to build on existing collaborations and to harmonize and streamline Strategies and Policies;
- Securing and optimizing resources to facilitate implementation of SDGs and Aichi Targets;
- Enhance the application of the ecosystem approach and ecosystem-based management;
- Strengthen the effectiveness of area-based management tools.

Benefits;

- They conduct objective assessment of problems affecting the marine environment and its living resources in specific bodies of water;
- Prepare survey of the activities of International and Regional Organizations dealing with conservation and management of the living resources of the Oceans;
- Assist Nations in identifying and controlling land-based sources of pollution, particularly those which reach the Oceans through Rivers;
- Stimulate International and Regional Agreements for the control of all forms of pollution of the marine environment and especially Agreements relating to particular bodies of water;
- Develop programmes for the monitoring of marine pollution and its effects on marine ecosystems, paying particular attention to the special problems of specific bodies of water including some semi-enclosed Seas, if the Nations concerned so agree;
- Reduce marine pollution in line with SDG target 14.1 (preventing and reducing marine pollution, particularly from land-based activities);
- Increase resilience in line with SDG 13 (climate action) and the Paris Agreement on climate change through mainstreaming climate action into Regional and National Policies, assessing climate impacts to propose adaptation Strategies, supporting climate research, and facilitating access to climate finance;
- Develop integrated, ecosystem-based Regional Ocean Policies and Strategies for the sustainable use of marine and coastal resources; and,
- Enhance the effectiveness of Regional Seas Conventions and Action Plans to support integrated Ocean Policies and management.

5.14 UNESCO CONVENTION CONCERNING THE PROTECTION OF THE WORLD CULTURAL AND NATURAL HERITAGE

Brief History

The idea of creating an International movement for protecting heritage emerged after World War I. The 1972 Convention concerning the Protection of the World Cultural and Natural Heritage developed from

the merging of two separate movements: the first focusing on the preservation of cultural sites, and the other dealing with the conservation of nature.

The World Heritage Convention was adopted by the United Nations Educational, Scientific and Cultural Organisation (UNESCO) General Conference at its 17th session in Paris on 16th November, 1972. The Convention came into force in 1975. In August, 1974, Australia became one of the first Countries to ratify the Convention.

Objectives

The main objective of the Convention was to protect and safeguard cultural heritage, considered valuable for the society. The Convention recognizes that the cultural heritage and the natural heritage are increasingly threatened with destruction by different causes. It also admits that protection at the National level often remains incomplete because of the scale of the resources which it requires.

The World Heritage Convention aims to promote cooperation among Nations to protect heritage around the World that is of such outstanding universal value that its conservation is important for current and future generations.

It is intended that, unlike the seven wonders of the ancient World, properties on the World Heritage List will be conserved for all time.

The role and responsibility of participating nations

States that are Parties to the Convention agree to identify, protect, conserve, and present World Heritage properties. States recognise that the identification and safeguarding of heritage located in their territory is primarily their responsibility. They agree to do all they can with their own resources to protect their World Heritage properties.

They agree, amongst other things, as far as possible to:

- Adopt a general Policy that aims to give the cultural and natural heritage a function in the life of the community and to integrate the protection of that heritage into comprehensive planning programs';
- Undertake 'appropriate legal, scientific, technical, administrative and financial measures necessary for the identification, protection, conservation, presentation and rehabilitation of this heritage'; and,
- Refrain from 'any deliberate measures which might damage, directly or indirectly, the cultural and natural heritage' of other Parties to the Convention, and to help other Parties in the identification and protection of their properties.

The World Heritage List

The Convention establishes a list of properties that have outstanding universal value, called the World Heritage List. These properties are part of the cultural and natural heritage of States that are Parties to the Convention.

At June, 2016 there were 1031 sites on the World Heritage List. The List includes 802 cultural properties, 197 natural properties and 32 properties that meet both cultural and natural criteria.

The World Heritage Fund

A trust fund, the World Heritage Fund for the Protection of World Cultural and Natural Heritage of Outstanding Universal Value (the World Heritage Fund), is established under the Convention.

The Fund is financed by contributions from State Parties and contributions from private organisations and individuals.

Funds are used when State Parties request assistance to protect their World Heritage-listed sites, and to meet the urgent conservation needs of properties on the List of World Heritage in Danger.

State Parties can request International assistance from the World Heritage Fund for studies, provision of experts and technicians, training of staff and specialists, and the supply of equipment. They can also apply for long-term loans and, in special cases, non-repayable grants.

The Convention concerning the Protection of World Cultural and Natural Heritage was adopted by the General Conference of UNESCO on 16th November, 1972. The same General Conference adopted on 16th November, 1972 the Recommendation concerning the Protection, at National Level, of the Cultural and Natural Heritage.

The most significant feature of the 1972 World Heritage Convention is that it 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.

The Convention has five strategic pillars termed (Five Cs);

Credibility, Conservation, Capacity Building, Communication and Communities.

Challenges

Armed conflict and war, earthquakes and other natural disasters, pollution, poaching, uncontrolled urbanization and unchecked tourist development pose major problems to World Heritage sites.

Benefits

The overarching benefit of ratifying the World Heritage Convention is that of belonging to an International community of appreciation and concern for universally significant properties that embody a world of outstanding examples of cultural diversity and natural wealth.

The States Parties to the Convention, by joining hands to protect and cherish the World's natural and cultural heritage, express a shared commitment to preserving our legacy for future generations.

The prestige that comes from being a State Party to the Convention and having sites inscribed on the World Heritage List often serves as a catalyst to raising awareness for heritage preservation.

A key benefit of ratification, particularly for developing Countries, is access to the World Heritage Fund. Annually, about US$4 million is made available to assist States Parties in identifying, preserving and promoting World Heritage sites. Emergency assistance may also be made available for urgent action to repair damage caused by human-made or natural disasters. In the case of sites included on the List of World Heritage in Danger, the attention and the funds of both the National and the International community are focused on the conservation needs of these particularly threatened sites.

5.15 CONVENTION ON FISHING AND CONSERVATION OF LIVING RESOURCES OF THE HIGH SEAS, 1958

Overview

The Convention on Fishing and Conservation of Living Resources of the High Seas is an Agreement that was designed to solve through International cooperation the problems involved in the conservation of living resources of the high Seas, considering that because of the development of modern technology some of these resources are in danger of being overexploited. The Convention opened for Signature on 29th April, 1958 and entered into force on 20th March, 1966.

It is a UN Convention focusing with conservation of living resources of the high Seas in face of the development of modern technology which due to efficiency poses danger of overexploitation.

Objectives

Through International cooperation, to solve the problems involved in the conservation of the living resources of the high Seas, considering that through the development of modern techniques some of these resources are in danger of being over-exploited.

Challenges

Governing High Seas Fisheries: The Interplay of Global and Regional Regimes.

The Legal and political difficulties of managing fish stocks that straddle both National waters and the high Seas were not abolished by the introduction of exclusive economic zones. Here, chapters explain the wave of bitter disputes that arose in the 1990s over such straddling stocks.

They show how Regional responses to those challenges shaped the negotiation of a 1995 UN Fish Stocks Agreement and helped strengthen the Global High Seas Fisheries Regime. Keen attention is paid to whether and how evolving regimes meet the scientific, Regulatory, and compliance-related tasks of effective management and the significance of Regime interplay in this regard.

Certain developments in International fisheries Law, particularly crucial to effective management of high Seas fisheries, are examined: reconceptualization of the freedom of the high Seas; Legal measures to

control the harvesting of vessels flying flags-of-convenience; the dispute settlement apparatus; and emerging procedures for compliance-control activities by others than the flag State.

These Global developments are related to six Regional case studies featuring management of straddling stocks in the Grand Banks of Canada, the Southern Ocean, the Doughnut Hole of the Bering Sea, the Peanut Hole of the Okhotsk Sea, the Loophole of the Barents Sea, and the Banana Hole of the Northeast Atlantic.

Two important Global Agreements:

- The 1993 FAO Compliance and the 1995 UN Fish Stocks Agreement, provides an overview of the developments that occurred on the new methods for law enforcement and control of foreign fishing vessels at both Regional and Global levels to solve the flags of convenience problem.
- The Bering Sea Doughnut Hole Convention: Regional Solution, Global Implications.

The evolution of a governance system for the pollock fishery in the Bering Sea Doughnut Hole is laid out in this chapter. It reviews the background and elements of the 1994 Convention on the Conservation and Management of Pollock Resources in the Central Bering Sea ('the Convention'), a Treaty that the six nations involved formatted to manage the pollock fishery of the Doughnut Hole. The relationship of the Convention to other developments in the International Law of fisheries, particularly the Fish Stocks Agreement is also analysed in this chapter.

Benefits

- Challenges with the process is that Convention is NOT a priority as majority were not engaged in high Seas fishing
- Lack of technical capacity
- Lack of financial resources.

5.16 INTERNATIONAL CONVENTION ON THE ESTABLISHMENT OF AN INTERNATIONAL FUND FOR COMPENSATION FOR OIL POLLUTION DAMAGE (FUND) 1971 AND 1992.

Brief history

The International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1992, often referred to as FUND92 or FUND, is an International maritime Treaty, administered by the International Maritime Organization. The original FUND Convention in 1969 was drawn up as an enhancement to CLC meant on one hand to relieve ship owners from unfair liabilities due to unforeseeable circumstances and on the other hand remove liability caps that some Member States thought were too low.

The fund is obliged to pay victims of pollution when damages exceed the shipowner's liability, when there is no liable shipowner, or when the shipowner is unable to pay its liability. The fund is also required to "indemnify the shipowner or his insurer" in spills where a ship is in full compliance with International

Conventions, and no wilful misconduct caused the spill.

The 1992 Convention came into force on 30th May, 2006. As of November, 2018, the Convention had been ratified by 115 States representing 95 per cent of the gross tonnage of the World's merchant fleet. The Bolivian, North Korean, Honduran, Lebanese, and Mongolian flags of convenience have not ratified the Treaty.

Objectives

The International Convention on Civil Liability for Oil Pollution Damage, 1992 (1992 CLC) was adopted by the International Maritime Organization to make ship-owners strictly liable for oil pollution damage from a ship and thus ensuring that compensation is available.

The 1992 Fund Convention establishes an oil pollution compensation fund made up of contributions from receivers of oil by ship in State Parties.

The International liability and compensation Regime, created by the 1992 Civil Liability and Fund Conventions, was intended to ensure an appropriate proportion of the economic consequences of marine oil spills from tankers between the shipping and oil industries.

In order to address the imbalance created by the establishment of the Supplementary Fund, which will be financed by the oil industry, the International Group of P&I Associations (a group of 13 mutual insurers that between them provide liability insurance for approximately 90% of the World's tanker tonnage) introduced two Agreements, the Small Tanker Oil Pollution Indemnification Agreement (STOPIA) 2006, and the Tanker Oil Pollution Indemnification Agreement (TOPIA) 2006.

These Agreements are voluntarily concluded among shipowners and indemnify the compensation made by the 1992 Fund and the Supplementary Fund in accordance with the Convention. Under STOPIA, the 1992 Fund will be indemnified by the shipowner of the compensation payments it has made to claimants up to SDR 20 million (USD 26.6 million). Under TOPIA 2006, the Supplementary Fund will be indemnified by the shipowner of 50% of the compensation payments it has made to claimants.

In 2016, these Agreements were reviewed and amended based on the 10 years' experience of claims since the entry into force of the Agreements. The new versions, the Small Tanker Oil Pollution Indemnification Agreement (STOPIA) 2006 (as amended 2017) and the Tanker Oil Pollution Indemnification Agreement (TOPIA) 2006 (as amended 2017), became effective on 20th February, 2017.

Key elements

The 1992 Fund Convention is intended to supplement the liability of the ship-owner established under the International Convention on Civil Liability for Oil Pollution Damage, 1992. Thus, it ensures the sharing of the financial burden between the ship-owner and the cargo interests.

The total amount of compensation available for a single incident is 203 million Special Drawing Rights, including the ship owner's liability.

The 1992 Fund provides compensation when:

- The ship owner's limit of liability is exceeded;
- The ship-owner is exempt from liability; and,
- The ship-owner is financially incapable of meeting their obligations and their insurance is insufficient to compensate.

The 1992 Fund Convention creates an International Organization known as the International Oil Pollution Compensation Fund and sets out the governance of the Organization. It also sets out the obligations for reports and contributions to be made annually to the Fund.

Expected results

The 1992 Fund Convention expected to achieve the creation of an International compensation fund that supplements the liability of the shipowner and that provides compensation to those affected by losses or damage resulting from oil pollution from tankers.

Benefits

The advantages for a State being Party to the 1992 Civil Liability Convention and the 1992 Fund Convention can be summarised as follows.

If a pollution incident occurs involving a tanker, compensation is available to Governments or other authorities which have incurred costs for clean-up operations or preventive measures and to private bodies or individuals who have suffered damage as a result of the pollution. For example, fisher-folk whose nets have become polluted are entitled to compensation, and compensation for loss of income is payable to fisherfolk and to hoteliers at Seaside resorts.

Being Party to the 1992 Fund Convention promotes Global uniformity and ensures that a compensation Regime is in place for ships carrying oil as cargo in its waters.

This is independent of the flag of the tanker, the ownership of the oil or the place where the incident occurred, provided that the damage is suffered within a State Party.

The 1992 Civil Liability Convention and the 1992 Fund Convention provide a wider scope of application on several points and much higher limits of compensation than the Conventions in their original versions. For these reasons, it is recommended that States which have not already done so should accede to the 1992 Protocols to the Civil Liability Convention and the Fund Convention (and not to the 1969 Convention) and thereby become Parties to the Conventions as amended by the Protocols (the 1992 Conventions).

The 1992 Conventions would enter into force for the State in question 12 months after the deposit of its Instrument(s) of accession.

States which are already Parties to the 1969 Civil Liability Convention are advised to denounce that Convention at the same time as they deposit their Instruments in respect of the 1992 Protocols, so that the denunciation of that Convention would take effect on the same day as the 1992 Protocols enter into force for that State.

As regards the Supplementary Fund Protocol, a State will have to consider whether, in light of its particular situation, ratification of or accession to the Protocol is in the interests of that State.

5.17 INTERNATIONAL CONVENTION ON LIABILITY AND COMPENSATION FOR DAMAGE IN CONNECTION WITH THE CARRIAGE OF HAZARDOUS AND NOXIOUS SUBSTANCES BY SEA (HNS), LONDON 1996

Brief History

The International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea, 1996 – known as the HNS Convention – aims to ensure adequate, prompt and effective compensation for damage to persons and property, costs of clean up and reinstatement measures and economic losses resulting from the maritime transport of hazardous and noxious substances.

Overview

The Legal Committee of the International Maritime Organization established a Correspondence Group to assist the Committee in monitoring the implementation of the HNS Convention. The Legal Committee has Agreed an overview of the HNS Convention in order to provide straightforward but fundamental information on the key issues that fall within the scope of the Convention.

Challenges

The HNS Convention contains provisions on so-called channelling of liability identical to those contained in the 1992 CLC. However, the HNS Convention differs in one crucial aspect as it prohibits claims against the servants and agents of the shipowner or members of the crew as well as claims against the pilot or any other person who, without being a member of the crew, performs services for the ship. It also prohibits claims against any charterer (including a bareboat charterer), manager or operator of the ship, against any person performing salvage operations with the consent of the shipowner or on the instructions of a competent public authority and against any person taking preventive measures, as well as claims against the servants or agents of any of these Parties.

Benefits

HNS covered by the Convention include: oils; other liquid substances defined as noxious or dangerous; liquefied gases; liquid substances with a flashpoint not exceeding 60°C; dangerous, hazardous and harmful materials and substances carried in packaged form or in containers; and solid bulk materials defined as possessing chemical hazards.

The HNS Convention establishes the principle that the 'polluter pays' by ensuring that the shipping and HNS industries provide compensation for those who have suffered loss or damage resulting from an HNS incident.

The shipping, oil, gas, chemical, petrochemical and other HNS industries are committed to paying such compensation through an International system, and the HNS Convention provides the framework just such a system.

The HNS Convention benefits all State Parties (producing, receiving and coastal States) by establishing a system of strict liability and clear claims criteria.

The current HNS Convention was adopted in 2010, amending a previous Instrument that had been adopted in 1996. However, the 2010 HNS Convention has still not entered into force; States must ratify it before this can happen.

5.18 INTERNATIONAL CONVENTION FOR THE REGULATION OF WHALING (ICRW), WASHINGTON, 1946.

The Convention

The International Convention for the Regulation of Whaling was signed in 1946 and it is the International Whaling Commission's founding document.

The Convention includes a legally binding Schedule which, amongst other things, sets out catch limits for commercial and aboriginal subsistence whaling. The Schedule is an integral part of the Convention, but its provisions, for example catch limits, may be amended by the Commission. In practice, amendments to the Schedule are almost always Agreed at the Commission's biennial meetings.

Rules of Procedure

The Commission's Rules of Procedure provide the framework for, amongst other things, the conduct of biennial meetings, decision making, and the role of the Commission's officers. Separate documents also describe the Commission's Financial Regulations and Rules of Debate. The Headquarters Agreement sets out the relationship between the Government of the United Kingdom and the IWC.

Objectives

The Preamble to the ICRW includes amongst its aims 'the proper conservation of whale stocks and the orderly development of the whaling industry'. Thus, it preserves the historical binary objectives of conserving whale stocks and preserving the industry.

To protect all species of whales from overfishing and safeguard for future generations the great natural resources represented by whale stocks and to establish a system of International Regulation for the whale fisheries to ensure proper conservation and development of whale stocks.

Challenges

Wide-ranging threats

In the more than 50 years since the Convention text was adopted, it has become impossible to separate the threats presented by commercial whaling from those of marine pollution, commercial by-catch, or over-fishing. It is far preferable, and of greater potential conservation to cetaceans, to now address all of the threats to cetacean populations in a broad, Multilateral context, as the IWC has begun to do.

The ICRW is currently the only International Instrument available to formally address all cetaceans and all threats to their continued existence. The IWC must continue to expand its scope to address the other human activities which threaten cetaceans and focus action on ensuring the survival of the most threatened species.

The lack of common understanding, and the acrimonious atmosphere between the members of the Whaling Commission, has had a paralysing effect on the functioning of the Commission, and has led to International litigation.

As has been correctly observed, the ICJ's decision revealed the weaknesses of the review process within the IWC and its Scientific Committee, where science mixed with politics, not an uncommon phenomenon in inter-governmental fora where political considerations habitually determine outcomes.

In relation to the Whaling case, there were views expressed that the current ecosystem approach and the notion of common heritage of humankind may be considered by states as matters that give rise to obligations erga omnes and erga omnes partes, and thus result in redress pursuant to Article 48 of the International Law Commission (ILC) Articles on State Responsibility (Simone Borg, 'The Influence of International Case Law on Aspects of International Law Relating to Conservation of Living Marine resources beyond National Jurisdiction,' (2012).

Benefits

An analysis by the Carnegie Council determined that while the International Convention for the Regulation of Whaling has had "ambiguous success" owing to its internal divisions, it has nonetheless "successfully managed the historical transition from open whale hunting to highly restricted hunting. It has stopped all but the most highly motivated whale-hunting Countries. This success has made its life more difficult, since it has left the hardest part of the problem for last."

Conclusions

Science cannot solve all International governance issues related to resource use, and it is in many instances not even neutral, since science needs to be funded and its objectives are often politically determined. However, it is clear that science provides better guidance to difficult International negotiations than political coercion and cultural imperialism since it provides a more rational playing field. It is for this reason that the fundamental principle of science-based Policy and Rule-making has become the primary paradigm of resource management.

The United Nations Convention on the Law of the Sea (UNCLOS) Article 65 and Article 120 (which extends the provisions of Article 65 to the high Seas) states that the IWC is the most appropriate International Organization for management of cetaceans. Additionally, United Nations' Agenda 21 recognizes the responsibility of the IWC for the conservation and management of whale stocks and the regulation of whaling pursuant to the ICRW, as well as the work of the IWC Scientific Committee in undertaking studies of cetaceans.

Despite this clear Global mandate, and the preamble to the ICRW that declares a desire to conclude a "Convention to provide for the proper conservation of whale stocks and thus, make possible the orderly development of the whaling industry," disagreement still exists among the members as to whether its mandate addresses conservation and welfare of cetaceans and if its jurisdiction extends to all cetacean species, not just the "great whales" that were the target of commercial whaling.

5.19 INTERNATIONAL CONVENTION RELATINGTO INTERVENTION ONTHE HIGH SEAS IN CASES OF OIL POLLUTION CASUALTIES INTERVENTION CONVENTION, BRUSSELS, 1969 (INTERVENTION CONVENTION)

The International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties 1969 (INTERVENTION 1969) is an International Maritime Convention affirming the right of a coastal State to "take such measures on the high Seas as may be necessary to prevent, mitigate or eliminate grave and imminent danger to their coastline or related interests from pollution or threat of pollution of the Sea by oil, following upon a maritime casualty or acts related to such a casualty".

Objectives:

To enable Countries to act on the high Seas in cases of a maritime casualty resulting in danger of oil pollution of the Sea and coastlines while ensuring that such action does not affect the principle of freedom of the high Seas.

Summary of provisions:

Parties may take such measures on the high Seas as may be necessary to prevent, mitigate or eliminate grave and imminent danger to their coastline or related interests from pollution or threat of pollution of the Sea by oil (art. 1). Before acting, a coastal State should notify the flag State of the ship, consult independent experts and notify any person whose interests may reasonably be expected to be affected by such action. In cases of extreme urgency measure may be taken at once. In any case the coastal State must endeavour to protect human life and assist persons in distress (art. 3). Such measures are not to go beyond what is reasonably necessary to achieve the end mentioned in article 1, and are to be proportionate to the damage, actual or threatened (art. 5).

The Convention applies to all Seagoing vessels except warships or other vessels owned or operated by a State and used on Government non-commercial service.

While exercising the right to take measures "necessary to prevent, mitigate or eliminate grave and imminent danger to their coastline or related interests" from oil pollution, the coastal State is obligated to:

- Prior to taking measures to consult other affected States, including the flag State, ship-owner, cargo owner and independent experts from the list maintained by the International Maritime Organization (excluding cases of extreme urgency requiring measures to be taken immediately);
- Use its best endeavours to avoid any risk to human life and to afford persons in distress any assistance which they may need, and in appropriate cases to facilitate the repatriation of ships crews;
- Notify all interested States, owners of ships and cargoes and the IMO of all measures taken;
- Ensure that all measures are proportionate to actual or threatened damage, and;
- Pay compensation to the extent of the damage caused by measures which exceed those reasonably necessary to achieve the end.

Challenges

The aspects of aligning with other instruments e.g. UNCLOS and MARPOL.

Benefits

The Convention affirms the right of a coastal State to take such measures on the high Seas as may be necessary to prevent, mitigate or eliminate danger to its coastline or related interests from pollution by oil or the threat thereof, following upon a maritime casualty.

The Intervention Convention and UNCLOS Article 221: The EEZ factor

In the field of International Law of the Sea, the right of a coastal State to intervene beyond its territorial Sea was first regulated by the International Convention relating to the Intervention on the High Seas in cases of Oil Pollution Casualties (the 'Intervention Convention'). This Multilateral Treaty was adopted on 29th November, 1969 by the International Legal Conference on Marine Pollution Damage convened by IMCO (now IMO) and held in Brussels.

The scope of this Treaty was extended to pollution casualties other than oil by the Protocol Relating to the Intervention on the High Seas in Cases of Pollution by Substances other than Oil. The Protocol was adopted on 2nd November, 1973 by the International Conference on Marine Pollution convened in London by the Inter-Governmental Maritime Consultative Organization (IMCO).

Years later, this right of intervention became regulated by Article 221 (1) of UNCLOS. This provision echoes the main features of the right of intervention by the coastal States regulated by the Intervention Convention of 1969 and its Protocol of 1973, in respect of incidents involving, respectively, a major discharge of oil or of substances other than oil.

A major difference between the Intervention Convention and UNCLOS Article 221 reflects the consequences of the incorporation into UNCLOS of the notion of the Exclusive Economic Zone (EZZ). While the Intervention Convention defines the right to intervene beyond the territorial Sea as a right of intervention 'in the high Seas', UNCLOS Article 221 defines the right of the coastal State to intervene within a Legal and geographical context fundamentally different, namely to intervention 'beyond the territorial Sea' without any further distinction, thus including not only the high Seas but the EEZ as well.

The importance of this distinction is obvious. In the EEZ the hybrid status of the coexistence of sovereign rights over natural resources with a residual high Sea status otherwise, works in favour of a robust type of coastal State intervention: up to 200 miles from the coastline the coastal State can intervene to protect resources which have a similar status as those within the territorial Sea. Hence, for most coastal States, the high seas addressed by the Intervention Convention has become, up to 200 miles from the coast, a Sea zone over which it has Sovereign Jurisdiction to exploit and defend its natural resources.

An important question to be considered is whether the Intervention Convention has been superseded by Article 221 of UNCLOS (Measures to avoid pollution arising from maritime casualties) or whether both the Intervention Convention and UNCLOS Article 221 can be read together, so that the old Intervention Convention can provide a residual or added value to the application of UNCLOS Article 221. This question is particularly relevant for any domestic lawmaker in Countries Party to both Treaties.

The Right to Intervention in UNCLOS and its Relationship with the Intervention Convention

Article 221(1) UNCLOS

UNCLOS recognizes the rights of States, 'pursuant to International Law, both customary and conventional, to take and enforce measures beyond the territorial Sea proportionate to the actual or threatened damage to protect their coastline or related interests, including fishing, from pollution or threat of pollution following upon a maritime casualty which may reasonably be expected to result in major harmful consequences'.

Before the pertinent texts of Intervention Convention and UNCLOS are compared in more detail, it is important to establish the way in which the first relates to the second in terms of the Treaty.

In its text, UNCLOS not only recognizes the existence of IMO's work through continuous references to the obligation to abide by Rules and Standards adopted by 'the Competent International Organization'. It also enhances the effectiveness of these Rules and Standards by incorporating them into a comprehensive jurisdictional framework.

UNCLOS is acknowledged to be an 'umbrella Convention' because most of its provisions, being of a general kind, can be implemented only through specific operative Regulations contained in other International Agreements. There is widespread consensus that references in UNCLOS to generally accepted shipping International Rules and Standards on safety of navigation and prevention of marine pollution from vessel source means references to IMO Rules and Standards.

In the case of prevention of marine pollution from vessels' source, the relationship between UNCLOS and IMO Rules and Standards becomes particularly interdependent due to the peculiar features of UNCLOS Part XII, which deals exclusively with the protection and preservation of the marine environment: UNCLOS Part XII is more than an 'umbrella Convention' vis-à-vis IMO Rules, because it contains provisions which are in themselves of an operative kind: they can be directly implemented and, as such, should be read together with other operative provisions contained in IMO Treaties and recommendations dealing with the protection of the marine environment.

The possibility of 'reading together' the Intervention Convention and UNCLOS is further reaffirmed by UNCLOS, Article 237. In accordance with paragraph 1 of this Article, the provisions contained in UNCLOS, part XII are applicable:

Without prejudice to the specific obligations assumed by States under special Conventions and Agreements concluded previously which relates to the protection and preservation of the marine environment and to Agreements which may be concluded in furtherance of the general principles set forth in this Convention.

The Intervention Convention should be included among the Conventions and Agreements concluded before the adoption and entry into force of UNCLOS. Moreover, the correspondence between the text of the Intervention Convention and the general principles set forth in UNCLOS is reaffirmed by the fact that Article 221, paragraph 1 of UNCLOS in fact reproduces the essential features of the right to intervene regulated Article I, paragraph 1 of the Intervention Convention. There is therefore no doubt that the provisions contained in the Intervention Convention can be carried out 'in a manner consistent with the general principles and objectives' of UNCLOS in accordance to its Article 237, paragraph 2.

In spite of this compatibility, the question arises whether in the cases of States Parties to both the Intervention Convention and UNCLOS the exercise of the right to intervene conferred by UNCLOS Article 221 needs to be necessarily complemented with the Regulations included in the Intervention Convention. Even a superficial reading of both texts shows that while the Intervention Convention conditions the right to intervention with the application of carefully regulated restrictions, the text of UNCLOS Article 221 is strikingly more flexible and comprehensive.

Rather than defining the right of intervention as a Treaty, restrictive exception to the Rule of non-intervention, UNCLOS appears to acknowledge the existence of such a right in terms of both customary and conventional International Law. Certainly, UNCLOS Article 221 implicitly refers to the Intervention Convention when it acknowledges the rights of States to intervene 'pursuant to International Law'.

However, UNCLOS immediately indicates that International Law in this regard can be 'both customary and conventional', thereby indicating the legality of the right to intervene not only in accordance with Treaty but also customary Law. It seems as if, unlike the Intervention Convention, UNCLOS explicitly recognized the right to protect coastline or related interests as customary Law.

The distinctions made in the preceding paragraph can be easily reconciled in the 'reading together' of both the Intervention Convention and UNCLOS. The first was adopted at a time of Legal uncertainty arising not only from the fact that there was no consensus as to the geographical extent of the territorial Sea, but also bearing in mind that no consuetudinary practice of intervention had been developed in the face of a phenomena then relatively new, as was the navigation of super tankers carrying oil and the catastrophic risks involved in the occurrence of an accidental oil spill. Against this background, the Intervention Convention could only regulate rights to be exercised under exceptional circumstances that needed to be properly defined.

What it could not do was to proclaim the existence of a regime of consuetudinary International Law. Only a general Treaty regulating fundamental principles of the Law of the Sea and adopted after coastal States intervention had become customary could do so, and this is what UNCLOS did thirteen years after the birth of the Intervention Convention.

Bearing in mind the preceding distinctions, coastal States may intervene beyond their territorial Sea irrespective of whether or not they are Party to the Intervention Convention or indeed, to UNCLOS:

- If they are Party to the Intervention Convention they may apply the mechanism of consultation and notification regulated by this Treaty.

Conclusion

The Intervention Convention and the UNCLOS are both International Multilateral Instruments which collaborate to treat aspects of Pollution, Maritime Activities, Environment and Aquatic Biodiversity within the context of the International Maritime Organization (IMO) as such Regional Initiatives can tap from its TRIPLE Effect Policies.

5.20 INTERNATIONAL CONVENTION FOR THE CONSERVATION OF ATLANTIC TUNAS (ICCAT) RIO DE JANEIRO

Brief history

The International Commission for the Conservation of Atlantic Tunas (ICCAT) is a tuna Regional fishery management Organisation, responsible for the management and conservation of tuna and tuna-like species in the Atlantic Ocean and adjacent Seas. The Organization was established in 1966, at a conference in Rio de Janeiro, Brazil, and operates in English, French and Spanish.

Overview

International Commission for the Conservation of Atlantic Tunas:

- Convention signed in Río de Janeiro, 1966. Amendment process currently underway, final text agreed to in 2019, pending formal ratification
- 52 Contracting Parties + 5 with cooperating status. Over 75% of ICCAT Contracting Parties are classified as developing Countries.

Objective:

To maintain populations of tuna and tuna-like fish in the Atlantic Ocean at levels permitting the maximum sustainable catch for food and other purposes.

Scope

- The Convention area covers all water of the Atlantic Ocean, including the adjacent Seas,
- Over 30 species of tuna and tuna-like fishes,
- Also manages shark species,
- Management measures on other by-catch species such as Sea-birds and turtles have also been taken,
- Currently 17,000 vessels on the ICCAT Record(s) – can increase significantly during certain fishing

seasons,
- In total, almost 150 reporting requirements, between management and scientific.

Challenges

One of the major challenges is to provide incentives to CPCs to comply with conservation and management measures.

The organisation has been strongly criticised by scientists for its repeated failure to conserve the sustainability of the tuna fishery by consistently supporting over-fishing – an internal review branded ICCAT's Policies on the eastern Atlantic bluefin tuna fishery a "travesty of fisheries management", and an "International disgrace". Conservationists often refer to ICCAT as "The International Conspiracy to Catch All Tuna".

Since its inception, the International Commission for the Conservation of Atlantic Tunas has been driven by short-term commercial fishing interests, not the conservation ethic implied by its name. ICCAT's actions and inactions highlight the need to take these issues to CITES—the Convention on International Trade in Endangered Species.

Benefits

- Online Reporting – WG established in 2017 – work ongoing. First module for reporting summary now completed;
- Streamlining of measures / requirements - linked to above to avoid duplications / redundancies;
- Capacity building – currently assistance to developing Countries is limited mainly to scientific and data collection capacity – more emphases needed on compliance;
- Schedule of actions –classification of the severity of the non-compliance issue and possible consequences;
- Learning from other fora – ideas for best practices.

5.21 INTERNATIONAL CONVENTION ON CIVIL LIABILITY FOR OIL POLLUTION DAMAGE (CLC), BRUSSELS, 1992

Overview

The International Convention on Civil Liability for Oil Pollution Damage, 1969, renewed in 1992 and often referred to as the CLC Convention, is an International Maritime Treaty administered by the International Maritime Organization that was adopted to ensure that adequate compensation would be available where oil pollution damage was caused by maritime casualties involving oil tankers (i.e. ships that carry oil as cargo).

Objectives:

To ensure that adequate compensation is available to persons who suffer damage caused by pollution resulting from the escape or discharge of oil from ships and to standardise International Rules and Procedures for determining questions of liability and adequate compensation in such areas.

Summary or provisions:

The owner of a ship at the time of an incident causing oil pollution damage is to be liable for any damage so caused, unless the incident is caused by act of war, exceptional natural phenomenon, malicious act of a third Party or negligence of a Government or other authority in maintaining navigational aids (art. 3). Contributory liability on the part of the plaintiff may be established in certain cases (art. 3). Where two or more ships have caused such damage, the owners are to be jointly and severally liable (art. 4). Limits to liability are established (art. 5). Ships carrying over 2,000 tons of oil as cargo must maintain insurance (art. 7). Limitations of three and six years for rights of action are provided (art. 8). Warships are excluded (art. 11).

Scope of Application

The CLC Convention applies to pollution damage caused on the territory, including the territorial Sea, and in exclusive economic zones of States Parties, established in accordance with International Law or, where appropriate, in an area beyond and adjacent to the territorial Sea of that State, determined by that State in accordance with International Law, in area not more than 200 nautical miles from the baselines used to determine the breadth of the territorial Sea.

Challenges

- Most of the Ship owners do not have valid insurance Covers (Policies);
- Most of the ships carrying oil are involved in corrupt practices of bribery; and,
- Most of the insurance companies are out of the African Continent, thereby rendering follow-up procedures difficult for African Countries.

Benefits

- Countries benefit from oil spill compensation payments;
- Aquatic biodiversity is ensured and insured;
- Greater attention is paid during oil transportation processes to avoid oil spills;
- Ship-owners are encouraged to insure their ships;
- Parties to the CLC do benefit from Article 7 (Compensation due to oil spill;
- The Convention on Biological and Aquatic Biodiversity and Environment are strictly respected.

Conclusion

- This is a Convention which all African Countries should Ratify, Adopt and Access
- The Convention is advantageous to African Countries because most of the oil spill cases are found within the waters of Africa
- The Framework Convention is very attractive because it assembles other Conventions (Biodiversity, Training, Risks, Insurance, Pollution, Oil) etc.

5.22 INTERNATIONAL CONVENTION RELATINGTO INTERVENTION ONTHE HIGH SEAS IN CASES OF OIL POLLUTION CASUALTIES INTERVENTION CONVENTION, BRUSSELS, 1969

Objectives:

To enable Countries to act on the high Seas in cases of a maritime casualty resulting in danger of oil pollution of the Sea and coastlines while ensuring that such action does not affect the principle of freedom of the high Seas.

As of October, 2016, the Convention has 89 State Parties.

Summary of provisions

Parties may take such measures on the high Seas as may be necessary to prevent, mitigate or eliminate grave and imminent danger to their coastline or related interests from pollution or threat of pollution of the Sea by oil (art. 1). Before acting, a coastal State should notify the flag State of the ship, consult independent experts and notify any person whose interests may reasonably be expected to be affected by such action. In cases of extreme urgency measure may be taken at once. In any case the coastal State must endeavour to protect human life and assist persons in distress (art. 3). Such measures are not to go beyond what is reasonably necessary to achieve the end mentioned in article 1, and are to be proportionate to the damage, actual or threatened (art. 5).

International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties 1969 (INTERVENTION 1969) is an International Maritime Convention affirming the right of a coastal State to "take such measures on the high Seas as may be necessary to prevent, mitigate or eliminate grave and imminent danger to their coastline or related interests from pollution or threat of pollution of the Sea by oil, following upon a maritime casualty or acts related to such a casualty".

History

The 1967 Torrey Canyon disaster when the oil spilled from the tanker severely damaged coastal and marine environment and wildlife of the coastal State signalled a need to empower coastal State to take necessary measures to protect itself from pollution incidents outside this State's territory, i.e. on the high Seas. In doing so, it was also deemed necessary to protect the legitimate interests of ship-owners, cargo owners and the flag States and the principle of the freedom of the high Seas.

The new Convention was drafted within the framework of the International Maritime Organization (IMO) and adopted at the international conference in Brussels, Belgium in 1969 entering into force in 1975. In 1973, the Protocol relating to Intervention on the High Seas in Cases of Marine Pollution by Substances other than Oil was adopted extending the provision of the 1969 Convention to other hazardous substances. The list of hazardous substances covered by Protocol was amended and extended in 1991, 1996 and 2002.

While exercising the right to take measures "necessary to prevent, mitigate or eliminate grave and imminent danger to their coastline or related interests" from oil pollution, the coastal State is obligated to:

- Prior to taking measures to consult other affected States, including the flag State, ship-owner, cargo owner and independent experts from the list maintained by the International Maritime Organization (excluding cases of extreme urgency requiring measures to be taken immediately);
- Use its best endeavours to avoid any risk to human life and to afford persons in distress any assistance which they may need, and in appropriate cases to facilitate the repatriation of ships crews;
- Notify all interested States, owners of ships and cargoes and the IMO of all measures taken;
- Ensure that all measures are proportionate to actual or threatened damage;
- Pay compensation to the extent of the damage caused by measures which exceed those reasonably necessary to achieve the end.

Challenges

Recruitment and effective presence of stand by officer in the bunkering manifold. If he sees any oil or leakage near that area immediately shout "stop" to the bunker supplying vessel loudly or in the VHF. If remote switch is supplied, immediately press the switch.

Impossible to avoid overflows while refuelling by knowing the capacity of your tank and leaving some room for fuel expansion.

Failure to timely shut off your bilge pump while refuelling.
Regular purchase and use of an absorbent pad or a fuel collar to catch drips.

Always keep a stash handy.

Benefits

The automatic turn-off of the bulge button when the reservoir is full

Reservoirs are embedded with extra space for fuel expansion.

5.22 CONVENTION ON THE PROTECTION AND USE OF TRANSBOUNDARY WATERCOURSES AND INTERNATIONAL LAKES (ECE WATER CONVENTION), HELSINKI 1992

Brief history

The Convention on the Protection and Use of Transboundary Watercourses and International Lakes, also known as the Water Convention, is an International environmental Agreement and one of five UNECE's negotiated environmental Treaties.

The Convention on the Protection and use of transboundary watercourses and International Lakes, also known as the Water Convention, is an International environmental Agreement and one of five UNECE's negotiated environmental Treaties. The purpose of this Convention is to improve National attempts and measures for protection and management of transboundary surface waters and groundwater's. On the International level, Parties are obliged to cooperate and create joint bodies. The Convention includes

provisions on: monitoring, research, development, consultations, warning and alarm systems, mutual assistance and access as well as exchange of information.

It was opened for Signature in Helsinki on 17th March, 1992 and entered into force on 6th October, 1996. As of September, 2018, it has been ratified by 43 Parties, which includes 42 States and the European Union. It has been signed but not ratified by the United Kingdom.

Background

Most environmental problems cross national borders and may even be Global in nature. This is why the Lisbon Treaty (Article 191 of the Treaty on the Functioning of the European Union) tasks the EU with promoting international measures to tackle Regional or worldwide environmental problems.

The EU is competent for negotiating and Signing International environmental Agreements. It has done so in many areas, whether under the auspices of the United Nations or at Regional or sub-regional level. It has ratified 6 Conventions dealing with water.

Summary

The Water Convention strengthens transboundary water cooperation and measures for the ecologically-sound management and protection of transboundary surface waters and groundwater's. The Convention fosters the implementation of integrated water resources management, in particular the basin approach. The Convention's implementation contributes to the achievement of the Millennium Development Goals and other International commitments on water, environment and sustainable development.

Obligations of the Parties

- Licensing of waste-water discharges by the competent National Authorities and monitoring of Authorized discharges
- Best environmental practice for non-point pollution sources
- Minimization of the risk of accidental pollution

Benefits

- The RBOs addresses new topics such as climate change
- The UNECE Water Convention provides a Global Legal and intergovernmental platform for Countries and RBOs Organizations.
- Identifies common interest among riparians, including benefit-sharing
- Develops effective transboundary cooperation
- Promotes exchange/share experiences
- Raises awareness and builds capacity of Parties

(i) 1997 UN Watercourses Convention

– Negotiated by the International Law Commission and General Assembly

-In force since August, 2014,

-Currently without an intergovernmental framework

(ii) 1992 UNECE Water (Helsinki) Convention

– Negotiated by UNECE Countries
– In force since 1996
– With an intergovernmental framework

In 2003, the Convention was amended to allow non-European Countries to join. The amendment entered into force on 6th February, 2013 and Decision 2013/790/EU marked its acceptance. Since March, 2016 all UN Member States can accede to it.

5.23 THE CONVENTION ON ENVIRONMENTAL IMPACT ASSESSMENT IN A TRANSBOUNDARY CONTEXT, (ESPOO, 25th FEBRUARY, 1991)

The Espoo Convention sets out the obligations of Parties to assess the environmental impact of certain activities at an early stage of planning and lays down general obligations of States to notify and consult each other on all major projects under consideration that are likely to have a significant adverse environmental impact across boundaries.

Objectives:
To promote environmentally sound and sustainable economic development, through the application of environmental impact assessment, especially as a preventive measure against trans-boundary environmental degradation.

Summary of provisions:
Article 1 defines terms used in the Convention, such as: Party of origin, affected Party, environmental impact assessment, trans-boundary impact. The Convention contains provisions stating the basic responsibilities of the Parties (art. 2). Parties are under an obligation to take Policy, Legal and administrative measures to control adverse trans-boundary impact arising from proposed activities. Where a proposed activity is likely to cause a significant adverse trans-boundary impact, Parties are to notify and negotiate with affected Parties (art. 3). Environmental impact assessment are to be comprehensive (incorporating the specific items listed in Appendix II), and should be the basis of consultation between the concerned Parties (arts. 4, 5 and 7). Parties are to undertake research to improve methods of environmental impact assessment, and promote sustainable economic activity.

Institutional mechanisms:
Provision is made for regular meetings of the Parties, to keep under review the working of the Convention (art. 11). A procedure for the settlement of disputes is established by art. 15.

Convention on Environmental Impact Assessment in a Transboundary Context
The Convention on Environmental Impact Assessment in a Transboundary Context (informally called the Espoo Convention) is a United Nations Economic Commission for Europe (UNECE) Convention Signed in Espoo, Finland, in 1991 that entered into force in 1997. The Convention sets out the obligations of Parties that is States that have agreed to be bound by the Convention—to carry out an environmental impact assessment of certain activities at an early stage of planning. It also lays down the general obligation of

States to notify and consult each other on all major projects under consideration that are likely to have a significant adverse environmental impact across boundaries.

5.24 ALPINE CONVENTION TOGETHER WITH ITS NINE PROTOCOLS

The Alpine Convention is an International territorial Treaty for the sustainable development of the Alps. The objective of the Treaty is to protect the natural environment of the Alps while promoting its development. This Framework Convention involves the European Union and eight States (Austria, Germany, France, Italy, Liechtenstein, Monaco, Slovenia, and Switzerland). opened to Signature in 1991 and consisting of a Framework Convention, various implementation Protocols and Declarations, it entered into force in 1995, contributing to reinforce the recognition of special qualities and specific characteristics of the Alps, going beyond National boundaries and seeking International action.

Challenges

The Alpine Conventions are sensitive to ecosystems and landscapes that are the result of a millenary interaction between natural systems and human activities. The Region faces the challenge of protecting its environment while also meeting the socio-economic aspirations of local populations. These challenges at local level are exacerbated by threats posed by Global warming and a rapidly evolving World economy. A sustainable balance can actually be achieved in the Region through more effective spatial planning and better management of natural resources.

Benefits

The Alpine Convention is a Framework Convention for the protection and sustainable development of the Alpine Region. The Contracting Parties undertake to achieve this goal together.

It also adheres to the Monaco Principality theory.

The Alpine Convention calls for a holistic Policy approach which is implemented by the Contracting Parties through nine Protocols: spatial planning and sustainable development, nature protection and landscape conservation, mountain farming, mountain forests, tourism, soil conservation, energy, transport, and solution of litigations. The Protocols are independent implementation Agreements under International Law and have to be ratified individually.

The Multi-Annual Work Programme (MAP) is a tool for ensuring that the Alpine Convention and its Protocols are proactively implemented over the long term. The MAP also sets joint priorities for the activities of the Alpine States. The XIV Alpine Conference (2016) adopted the new Multi-Annual Work Programme 2017-2022. The joint work will focus on six cross-sectoral areas until 2022.

The Alpine Convention has enhanced focus on People and culture, acting on climate change, conserving and valuing biodiversity and the landscape, greening the economy, promoting sustainable transport and playing a leading role in the macro-regional strategy for the Alpine Region (EUSALP).

5.25 CONVENTION ON THE TRANS-BOUNDARY EFFECTS OF INDUSTRIAL ACCIDENTS, HELSINKI, 1992

Overview

The Convention on the Transboundary Effects of Industrial Accidents is a United Nations Economic Commission for Europe (ECE) Convention Signed in Helsinki, Finland, on 17th March, 1992 that entered into Force on 19th April, 2000. The Convention is designed to protect people and the environment against industrial accidents.

Brief History

The Convention on the Transboundary Effects of Industrial Accidents supports the prevention of and response to industrial accidents that can affect the population and the environment of another Country (i.e., transboundary effects) by outlining requirements to prepare for and respond to accidents, if they occur. The Convention assists Countries to establish better industrial safety Policies, and promotes active International cooperation between Countries, before, during and after an industrial accident.

Objectives;

The aim of the Convention on the Transboundary Effects of Industrial Accidents is to help Parties to prevent industrial accidents that can have transboundary effects, to prepare for them and to respond to them. The Convention also encourages Parties to help each other in the event of such an accident, to cooperate on research and development, and to share information and technology.

Summary of provisions;

Article 1 defines important terms used in the Convention, such as: industrial accident, hazardous activity and trans-boundary effects. Nuclear accidents or radiological emergencies, accidents at military installations, dam failures, accidental release of genetically modified organisms, spills of oil and other harmful substances at Sea are not covered by the Convention (art. 2). Article 3 enumerates the general obligations of the Parties, such as the protection of human beings and the environment, and the taking of Legal and Policy measures necessary for the prevention of industrial accidents (art. 3). Parties undertake to consult with (art. 4), inform (art. 6), cooperate with, and share in assistance mutually with one another, in the enhancement of preparedness for coping with industrial accidents with trans-boundary effects (arts. 6, 8, 9, 10, 12, 14, 15 and 16).

Benefits

The 1992 Convention on the Trans-boundary Effects of Industrial Accidents is designed to protect people and the environment against industrial accidents.

The Convention aims to prevent accidents from occurring or reduce their frequency and severity and mitigate their effects, if required.

The Convention also promotes active International cooperation between Countries before, during, and after an industrial accident.

It also facilitate the provision of assistance in the event that only one Country is affected, but the polluting incident is of sufficient magnitude to justify a request for assistance from the other Country.

5.26 EUROPEAN AGREEMENT CONCERNING THE INTERNATIONAL CARRIAGE OF DANGEROUS GOODS BY INLAND WATERWAYS (ADN), GENEVA, 2000.

Brief history

The European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterways (ADN) was done at Geneva on 26th May, 2000 on the occasion of a Diplomatic Conference held under the joint auspices of the United Nations Economic Commission for Europe (UNECE) and the Central Commission for the Navigation of the Rhine (CCNR).

It entered into force on 29th February, 2008. ADN consists of a main legal text (the Agreement itself) and annexed Regulations and aims at: 1) Ensuring a high level of safety of International carriage of dangerous goods by inland waterways; 2) Contributing effectively to the protection of the environment by preventing any pollution resulting from accidents or incidents during such carriage; and 3) Facilitating transport operations and promoting International trade in dangerous goods.

5.27 AGREEMENT ON THE CONSERVATION OF CETACEANS OF THE BLACK SEA, MEDITERRANEAN SEA AND CONTIGUOUS ATLANTIC AREA, (Three Maritime Waters)

Brief history

The Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and contiguous Atlantic Area, or ACCOBAMS, is a Regional International Treaty that binds its States Parties on the conservation of Cetacea in their territories. The Agreement aims is to reduce threats to Cetaceans in the Mediterranean and Black Seas, as well as in the contiguous Atlantic area west of the Straits of Gibraltar.

Overview (ACCOBAMS)

The Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and contiguous Atlantic area (ACCOBAMS) is a Legal conservation tool based on cooperation. It is the first Agreement on cetacean conservation binding the Countries of these sub-regions, enabling them to work together on a matter of general interest. It was created under the auspices of the Bonn Convention (UNEP/CMS) and resulted from consultation between the Secretariats of four Conventions:

Conventions

- Barcelona Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean and its Protocol concerning Specially Protected Areas and Biological Diversity in the Mediterranean;
- Bonn Convention on the Conservation of Migratory Species of Wild Animals;
- Bern Convention on the conservation of European wildlife and natural habitats;
- Bucharest Convention on the Protection of the Black Sea against Pollution.

ACCOBAMS was signed on 24th November, 1996 and entered in force on 1st June, 2001. The Permanent Secretariat is hosted by the Principality Monaco through a Head Quarters Agreement.

The Agreement Area consists of all the maritime waters of the Black Sea, the Mediterranean and the contiguous Atlantic area west of the Straits of Gibraltar. The Area includes the Pelagos Sanctuary dedicated to marine mammals in the North-West Mediterranean and established by France, Italy and Monaco. The extension of the geographical scope of the ACCOBAMS Area to the Exclusive Economic Zones of Spain and Portugal was adopted in 2010. In January, 2014, 23 Countries of the ACCOBAMS area were Parties to the Agreement.

Benefits

The Agreement reduces threats to cetaceans notably by improving current knowledge on these animals, Regional consultations and finances are made available to members, and technical capacities are reinforced.

Important Conclusion:

The ONLY Agreement on the conservation of cetaceans of the black Sea, Mediterranean Sea and contiguous Atlantic area, involving Three Maritime Waters.

More so, only Countries of the Northern African Region are Parties to the Cetaceans of the Black Sea, Mediterranean Sea and contiguous Atlantic Area, it is very important to note that this Convention ACCOBAMS was created under the auspices of the Bonn Convention (UNEP/CMS) and resulted from consultation between the Secretariats of four (Barcelona, Bonn, Bern and Bucharest) Conventions.

5.28 IPIECA, THE GLOBAL OIL AND GAS INDUSTRY ASSOCIATION FOR ENVIRONMENTAL AND SOCIAL ISSUES.

Brief history

IPIECA is a Global not–for–profit oil and gas industry association for environmental and social issues, headquartered in London. The association was established in 1974 in response to the formation of the United Nations Environment Programme (UNEP), as the International Petroleum Industry Environmental Conservation Association and changed its name in 2002.

IPIECA Association has developed an Environmental and Petroleum guidance Rules designed to help sustainability managers, communications professionals and environmental, health and safety or socio-economic specialists in oil and gas companies develop voluntary corporate-level reporting for internal and external stakeholder audiences.

Description

IPIECA is the Global oil and gas industry association for environmental and social issues. Established in 1974 in response to the formation of the United Nations Environment Programme (UNEP), IPIECA remains the industry's principal channel of communication with the UN.

Vision: An oil and gas industry whose operations and products meet society's environmental and social performance expectations.

Objectives;
IPIECA operates Globally and seeks to achieve its Vision by:

Developing, sharing and promoting sound practices and solutions – Enhancing and communicating knowledge and understanding - Engaging members and others in the industry - Working in partnership with key stakeholders.

Activities;
IPIECA helps the oil and gas industry improve its environmental and social performance by, Developing, sharing and promoting good practices. - Engaging the industry. - Providing the latest thinking on key issues. - Communicating industry actions. - Networking and partnerships. - Providing United Nations liaison.

Challenges
- Sustainability Pillar
- Industry action on the SDG`s
- Getting on-board National Governments

Benefits
- Exclusive insight and engagement opportunities with senior UN representatives;-
- The opportunity to work with world leading experts from member companies and stakeholders on the biggest sustainability challenges facing the planet;
- Contributing to the development of Internationally recognized good practice used throughout the oil, gas and renewable industries;
- A network of over 1,000 climate, environmental, social performance and sustainability professionals from across the industry value chain;
- Access to peer expertise and the latest thinking on climate, ESG and sustainability issues, and;
- Joining a leadership group of companies contributing to low-emissions pathways and a net-zero future.

5.29 AFRICAN CONVENTION FOR THE CONSERVATION OF NATURE AND NATURAL RESOURCES (2003, MAPUTO)

Overview
"Africa's ambitious new biodiversity Laws come with teeth, will protect people too".

The African Convention on the Conservation of Nature and Natural Resources (known also as Algiers Convention) is a Continent-wide Agreement signed in 1968 in Algiers by then it was Considered the most forward-looking Regional Agreement of the time, it influenced significantly the development of environmental Law in Africa. It supersedes the Convention relative to the preservation of fauna and Flora in their natural state of 1933 but it has been superseded by the African Convention on Conservation of

Nature and Natural Resources (revised) and Signed in Maputo, in 2003.

Brief history

In 2016, the 2003 Revised African Convention on the Conservation of Nature and Natural Resources, otherwise known as the Maputo Convention, came into force. This is a document exclusively adopted for the African Continent.

During colonial Rule, Africa had two Regional Conventions geared towards conservation. The first was established in 1900 and was called the Convention on the Preservation of Wild Animals, Birds, and Fish in Africa. This was practical and looked at controlling wildlife harvesting at the time. But Signatories did not ratify it and it never came into Force.

A second attempt was the Convention relative to the Preservation of Fauna and Flora in their Natural State. This Convention entered into Force in 1936. As the name indicates, plant-based resources were included here. Akin to the first Convention, the use of animals and plants by people was a primary concern.

After decolonisation and independence, a new conservation document was needed, one that looks after the needs of the people. This resulted in the above 1936 Convention being revised with the help of UNESCO and other bodies. It also resulted in the 1968 African Convention of the Conservation of Nature and Natural Resources, or Algiers Convention. Even though this Convention was lauded it did not have enough teeth to enforce what was in the Convention.

As a result, various attempts were made to revise it. Eventually, in 2003, the Maputo Convention was adopted. It is the first revision of Africa's environmental Framework Law in 48 years. This event provides a much-needed injection of contemporary environmental norms into African environmental Law.

The Maputo Convention contains a number of new provisions but importantly it also contains progressive content. The main difference between the Maputo Convention and its predecessors is its potential to enforce the Convention. Complementing this is its recognition of sustainable development and the concept of sustainable use.

Summary of provisions:

The Contracting States undertake to adopt the measures necessary to ensure the conservation, utilisation and development of soil, water, floral and faunal resources in accordance with scientific principles and with due regard to the best interests of the people (art. II). They Agree to take effective measures to conserve and improve the soil and to control erosion and land use (art. IV). Furthermore, they are to establish Policies to conserve, utilise and develop water resources, prevent pollution and control water use (art. V). Parties also undertake to protect flora and ensure its best utilization, the management of forests and control of burning, land clearance and overgrazing (art. VI). They are to conserve faunal resources and use them wisely, manage populations and habitats, control hunting, capture and fishing, and prohibit the use of poisons, explosives and automatic weapons in hunting (art. VII). Protected species in list A enjoy full total protection, while those in list B may be taken only with authorization (art. VIII). Traffic in trophies is to be

tightly controlled, to prevent trade in illegally killed and obtained trophies (art. IX). Conservation areas are to be established and maintained (art. X), while customary rights are to be reconciled with the Convention (art. XI). Conservation education is to be undertaken at all levels (art. XIII) and conservation and ecological factors are to be considered in development plans (art. XIV). Parties undertake to cooperate wherever necessary in implementing the Convention (art. XVI). The Organization of African Unity (now the African Union) is to carry out the function of Secretariat to the Convention. Regular meetings of the Parties are not provided for.

Objectives

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

5.30 THE ABIDJAN CONVENTION

Overview

The Convention covers the marine environment, coastal zones and related inland waters falling within the jurisdiction of the States of the West and Central and Southern Africa Region, from Mauritania to the Western coast of South Africa inclusive a distance of just over 14,000 kilometres along the coast.

The coastal waters within the Convention area contain highly productive ecosystems that support rich fisheries. The coastal area also supports coastal tourism, industries and numerous busy ports. These ecosystems provide an important livelihood for many coastal communities. The coastal waters of the Convention area contain highly productive ecosystems that support rich fisheries. However, there have been serious conflicts resulting in immense human suffering and poverty.

In the last three decades or so, the rapid development, improper use of resources and extensive pollution has harmed coastal ecosystems. The Region, however, has seen serious conflicts resulting in immense human suffering and poverty. In the last three decades or so, the rapid development, improper use of resources and extensive pollution has impacted negatively on the coastal ecosystems.

Coastal erosion and floods are key problems, likely to be exacerbated by climate change. Destruction of critical habitats is widespread in the Convention area, and coastal communities are both the perpetrators and victims of this destruction.

Introduction

The Convention for Cooperation in the Protection, Management and Development of the Marine and Coastal Environment of the Atlantic Coast of the West and Central Africa Region (Abidjan Convention) came into Force in 1984. Recognizing the ecological uniqueness of the marine environment and coastal areas in the Region, the threats to it and the need for action, the Countries of the Region met in 1981 and Signed the Convention and its Protocol. They also adopted a plan of action for the protection and development of the

marine environment and coastal zones of the Region. The Convention and its Protocol on Cooperation in Combating Pollution in the Event of Emergencies were Signed in 1981. South Africa, which was not a Party to the Convention in 1981, applied for accession in 2000 and ratified it in 2002. In 2017, the Convention received instruments of ratification from Angola and Namibia. Cape Verde has recently (2019) acceded to the Convention. As of today, the Convention has 19 Contracting Parties.

The Abidjan Convention is a framework Agreement which was born out of the need for a Regional approach to prevent, reduce and control pollution of the marine environment, coastal waters and related river waters in West, Central and Southern Africa. The Convention provides a framework for cooperation on marine and coastal environments, knowledge, environmental hazards, pollution, habitats, biodiversity, sustainable resource use and other activities that may have a negative impact on the health of ecosystems.

The Convention promotes scientific and technological collaboration (including exchanges of information and expertise) as a means of identifying and managing environmental issues.

The Convention's secretariat states its mission as to "Protect, Conserve and Develop the Abidjan Convention Area and its Resources for the Benefit and Well-being of its People."

5.31 CONVENTION ON THE BAN OF THE BAN OF THE IMPORT INTO AFRICA AND THE CONTROL OF TRANS-BOUNDARY MOVEMENTS AND MANAGEMENT OF HAZARDOUS WASTES WITHIN AFRICA, BAMAKO, 1991

Overview

The Bamako Convention (in full: Bamako Convention on the Ban of the Import into Africa and the Control of Trans-boundary Movement and Management of Hazardous Wastes within Africa) is a Treaty of African Nations prohibiting the import of any hazardous (including radioactive) waste. The Convention was negotiated by twelve Nations of the Organisation of African Unity at Bamako, Mali in January, 1991, and came into force in 1998.

Impetus for the Bamako Convention arose from the failure of the Basel Convention to prohibit trade of hazardous waste to less developed Countries (LDCs), and from the realization that many developed nations were exporting toxic wastes to Africa.

The Bamako Convention uses a format and language similar to that of the Basel Convention, but is much stronger in prohibiting all imports of hazardous waste. Additionally, it does not make exceptions on certain hazardous wastes (like those for radioactive materials) made by the Basel Convention.

Challenges

- African Countries are facing an increasing exposure to chemicals due to the growth in World trade;
- Hazardous wastes are dumped in Africa in several disguises, such as the dumping of outdated mercury process and production equipment, e-wastes, agricultural wastes etc;
- Toxic wastes are being dumped into our waters and harm many plants and animals in the Ocean.

About 25 million tons of waste including scrap metal, chemicals, and acids were dumped into the Ocean in a span of ten years;
- Toxic substances in these wastes can quickly be passed along the food chain and may eventually end up in our systems and will have adverse health and environmental impacts; and,
- Huge amounts of obsolete pesticides and other chemical wastes are stocked in Africa and contribute to land degradation and water contamination, resulting in serious health implications.

Economic and Social Benefits of the Convention?

There are many reasons why the Bamako Convention is important for the Region:

- It provides an effective protective mechanism to stop waste traders from making Africa an International waste dump;
- It will prevent Africa from becoming a dump for 'products' that have been banned or deregistered in developed Countries;
- It will prevent dumping of hazardous waste at Sea or on (or below) the Seabed;
- It ensures that trade in waste within Africa is controlled and thus prevent more industrialized States in Africa from victimizing other African States and likewise prevents hazardous waste generators from avoiding liability for pollution.

Benefits

- The Bamako Convention is an African convention that speaks on the ban on the Import into Africa and the Control of Trans-boundary Movement and Management of Hazardous Wastes within Africa;
- This Convention is Africa's Regional response to curb the environmental threat posed to the Continent and its people by hazardous wastes, which negatively impact on human health and the environment;
- The Convention prohibits all imports of hazardous waste into Africa, including radioactive waste;
- The Bamako Convention provides strong legal prohibitions on hazardous waste import and dumping by declaring such activity an illegal and criminal act;
- The prohibition also applies to products which have been banned, cancelled or withdrawn from registration for environmental or health reasons;
- The Convention also prohibits hazardous waste incineration at Sea or their disposal in the Seabed and sub-Seabed;
- Establishes the precautionary principle; and,
- Provides for the sound management of these wastes within the Continent.

Conclusion

All of these Instruments are important and complement each other.

5.32 CONVENTION FOR COOPERATION IN THE PROTECTION AND DEVELOPMENT OF THE MARINE AND COASTAL ENVIRONMENT FOR THE WEST AND CENTRAL AFRICA (NAIROBI CONVENTION)

Brief History

The Nairobi Convention, which was first signed in 1985 and entered into force in 1996, is part of

UNEP's Regional Seas Programme. The programme aims to address the accelerating degradation of the World's Oceans and coastal areas through the sustainable management and use of the marine and coastal environment. It does this by engaging Countries that share the Western Indian Ocean in actions to protect their shared marine environment. The Contracting Parties to the Convention are part of more than 143 Countries that participate in 18 Regional Seas initiatives.

Objectives:
To protect and manage the marine environment and coastal areas of the Eastern African Region.

Nairobi Convention Work Programme
The work programme is based on the priorities of the Western Indian Ocean Countries, partner initiatives, linkages between different environmental themes, socio-economic development issues and science and Policy. The work programme is funded by Governments, through the East African Trust Fund, as well as by partners/donors.

Challenges
While there are many existing environmental regimes in the Western Indian Ocean, the majority of these regimes have a specific scope of issues and Countries that they address.3 As a result, the regional framework appears to have gaps in the implementation of Policies related to coastal zone management, the protection of marine biodiversity, and the management land-based sources and activities. The Nairobi Convention is attempting to address all of these issues, but it is unclear as to how effective it has been in protecting the coastal and marine environment since its adoption.

Benefits
A Regional Ocean governance regime defined by Wowk (2011) is a "social institution composed of geographically proximate States that maintain agreed upon (sustainable) principles, norms, Rules, procedures, and programs that govern the interactions of actors in their respective Ocean area." Regional regimes take an ecosystem-based approach to management, integrating the knowledge of biological and physical systems of the ecosystem with the needs of humans. In effect, this encourages science, conservation, and location-based measures to be taken within transboundary areas for the protection of the ecosystem.

1. These regimes function as a legal framework for a specific location to develop a common willingness to protect the environment; and,
2. One such Regional Ocean governance framework system that has evolved over the past forty years is the UNEP Regional Seas Programme. Through an Action Plan and associated Protocols on Protected Areas and Biodiversity, and Cooperation in Combating Marine Pollution in Emergency Situations in the East African Region, the Nairobi Convention aims to increase the capacity of the Western Indian Ocean Nations to protect, manage, and develop the coastal and marine environment. Since coming into force in 1996, the Member States of the Nairobi Convention have come together to address the current and emerging issues of the Western Indian Ocean. In 2010, in an effort to further incorporate the transboundary issues of climate change, marine and land-based pollution, integrated coastal management, and the importance of biological diversity, the Member States adopted an amended text of the Nairobi Convention and a new Protocol that addresses the Management of Land-Based

Sources and Activities. The "Amended" Nairobi Convention demonstrates the renewed commitment of Member States in protecting the coastal and marine environment of the Western Indian Ocean.

6. CHALLENGES

Challenges in ratification, adoption (domestication) and implementation of Instruments

6.1 RATIFICATION

- Difficulty in securing political commitment;-
- Limited or lack of 'Conference of Parties' or concerned agencies in ratification process beyond securing signatures;-
- Lack of knowledge and limited number of professionals required to spearhead the effort;-
- Lack of quantitative and qualitative scientific information to MS on the existing aquatic biodiversity benefits for ratification and implementation of Global Instruments;-
- AU-MS policy makers not prioritizing Blue Economy sectors (especially fisheries and aquaculture) into National development plans hence financing becomes a challenge;-
- Global and Continental Depositories of binding Instruments' failure to follow-up and guide the MS on implementation processes; and,
- Limited collaboration especially on trans-boundary aquatic biodiversity conservation and on resources that are beyond National jurisdiction.

6.2 DOMESTICATION

- Difficulty in engaging the several sectors and different stakeholders in the implementation, debate and to focus on the gaps in existing legislation and planned actions/activities;-
- Little or no attention paid to economic activities of the developing communities and attendant communities by the depositories;-
- Global and Continental Depositories of binding Instruments failure to follow-up and guide the MS on domestication and implementation processes;-
- Several important issues (such as genetic erosion in isolated populations; genetic aspects of introduced species; consequences of invasions by alien species) are only marginally considered in most National strategies;-
- Failure for MS to appreciate the economic/genetic benefits that accrue from domestication and implementation of Global Instruments, to clearly push the agenda forward;-
- Access to genetic resources and National property rights were seen as an area of ongoing International negotiation. Most National strategies make no commitments on this issue; and,
- Because of the cross-cutting nature of the issues, of specific Conventions', contents do not fall under the purview of the traditional sectoral competencies that currently exist; and information is scanty in regards to the respective existing institutions that are responsible.

6.3 IMPLEMENTATION

- Lack of political commitment and insufficient public awareness;-
- Lack of guidelines for implementation and even for collaboration mechanism hence, difficulty in

developing indicators for achieving biodiversity objectives that may contradict those for industrial, agricultural and or forestry development;-

- Lack of budgetary resources for implementation of numerous Conventions;-
- Lack of adjacent community committees and networks that would act as stewards and or champions for the respective Global instruments;-
- Existence of significant and several gaps in National legislations, Policies, strategies, plans and programs of action for implementation of domesticated actions;-
- Modifying/Adjusting and alignment of economic Policies and indicators at the Regional and sub-regional (RECs) levels have made little progress in regards to ratification, adoption and or implementation of relevant Instruments for aquatic biodiversity conservation;-
- Global and Continental Depositories of binding Instruments' failure to follow-up and guide the MS on implementation processes;-
- For many Conventions, there are political challenges/difficulties in determining the Government Directorates/Department or sector responsible for the coordination of activities in elaborating the National Strategy;-
- The interval between successive COPs is too short to achieve objectives;-
- National institutions have limited capacity hence a heavy workload because of numerous or need to implement both existing and new Conventions on biodiversity; and because of this, National institutions are bogged down with need for new communication and coordination of tasks regarding the increased number of Policy issues;-
- Roles, Duties of Directorates/Departments other than environment and fishery are difficult to define in regards to aquatic biodiversity, creating a challenge to assign responsibilities for coordination of the ratification, adoption and or implementation;-
- Creating and implementing sustainable use strategies for various industries and sectors based on aquatic resources is challenging, and choice of Instruments to guide such industries in aquatic biodiversity conservation is normally not available and or not formulated;-
- Overall planning framework for biodiversity has become rather complex, and not all initiatives pertinent to the specific Convention's implementation are always explicitly identified as being a part of the National strategy for biological diversity;-
- Lack of operational networks among scientists and organizations that address pertinent issues at the National and/or Regional levels, as well as a lack of funding for pertinent joint undertakings of planned activities, makes challenging for MSs to adopt relevant Instruments;-
- Lack of methodologies and standards for assessing the value and status of aquatic biodiversity, and appropriate International Instruments for conservation of such biodiversity; and,
- General approaches are either extremely Country-specific or too broad to allow for multiple interpretations, making implementation varied and challenging to coordinate between sectors and across borders.

7. MEMBER STATES RESPONSES

7.1 WEST AFRICA (GHANA)

Existing laws are undergoing reviews, distribution of sectoral and anchorage of frontline Ministries.

7.2 CENTRAL AFRICA (CAMEROON)

Review of existing laws, interwoven portfolios and lack of decrees of implementation.

7.3 CENTRAL AFRICA (DR CONGO)

Maritime law under review, special decrees attributing multiple functions to the Transport sector and Environmental law under review.

7.4 NORTH AFRICA (TUNISIA)

Environmental law updated, Hydraulic and Transport laws reviewed.

Table 1 : *Findings from Member States Desk review, and responses to ratification, adoption and implementation of identified Instruments for environmental sustainability and aquatic biodiversity management and conservation*

Member States	**Instrument Ratified**			**Implementation Status**	**Key challenges raised**
	Ratified	**Adopted**	**Implemented**		
Cameroon	25	7	18	Low	Lack of financial, technical capacity, unaware of the Instruments
DR Congo	31	9	14	Low	Lack of financial, technical capacity, unaware of the Instruments.
Ghana	29	11	14	Low	Lack of financial, technical capacity, unaware of the Instruments.
Tunisia	43	34	39	High	Review of existing laws (Transport, Maritime, Environment, Trade and Finance.

8. SOLUTIONS

Assessment of the opportunities that accrue when a Country ratifies and implements the Global Instrument, the challenges faced in ratification, domestication and implementation of the respective Instruments.

Proposed solutions to challenges in ratification, adoption and implementation of Regional and International Instruments.

8.1 RATIFICATION

- Use of sub-regional, Regional and International peer pressure and from the 'Conference of Parties' for ratification of key Instruments;-
- Support for cross-sectoral engagement and coordination at National level in identification and adoption of key Instruments; and,
- Need to support AU-MS to conduct Valuation of the benefits of ratification, domestication and implementation of Global Instruments and establishment of sub-regional and National committees to push/coordinate the ratification of selected key Instruments.

8.2 ADOPTION

- Need to sensitize and engage MSs to create awareness on benefits of ratifying, adopting and implementing Global Instruments in terms of economic and genetic benefits to the MSs targeting the heads of MDAs responsible to generate the need to ratify, domesticate and implement Global Instruments; and;
- Support to development of a National Strategy which has cross-sectoral participation and ownership through wide circulation and engagement of all stakeholders.

8.3 IMPLEMENTATION

- Establishment of an African chapter on the Global Instruments especially on the UN binding Instruments in order to facilitate a close monitoring, guidance and implementation as well as resources mobilisation and information sharing;-
- Development of action plans so as to translate the National Policies and strategies into actions with measurable targets for the different actors and stakeholders;-
- Development of guidelines for implementation of specific Global Instruments;-
- Development of indicators as a basis for monitoring, audit and refocusing objectives of different National and community level plans/programs and actions;-
- Fostering good practice in implementation and management of environmental sustainability and aquatic biodiversity Conservation Global and Continental Instruments;-
- Preferably the schedule of action should be for every three years as that between COPs is normally short to achieve stated objectives; and,
- Financial mechanisms for specific Convention's implementation should be viewed within a Regional or sub-regional framework that also includes a sharing mechanism.

9. CONCLUSIONS

- There are a number of Regional and International Instruments that have been developed for purposes of environmental sustainability and conservation of aquatic biodiversity in Africa;-
- There is a challenge of mandates between different MDAs and coordination of the processes of ratification, adoption and implementation at Country level due to cross-sectoral nature of the Global Instruments and the limited technical capacity that is scattered across sectors within any one Member State;-
- Existing Instruments for management and conservation of aquatic biodiversity and environmental sustainability are at various stages of ratification, adoption and implementation;-
- Member States in West, Central and Northern Africa are comparatively much lower in number of Instruments ratified, adopted and or being implemented;-
- Several critical challenges, including lack of technical capacity and information, limited financial resources, and poor cross-sectoral coordination among others were cited to be hindering the processes of ratification, adoption and or implementation of required Instruments;-
- Leading is the lack of support from COPs and or Depository Agencies with the Instruments whose interest and support is mostly limited to signing off the Instruments;-
- Many AU Member States have ratified and adopted several Instruments but the implementation has been greatly limited;
- There is generally limited technical support from the depositories of the Instruments, and all Countries are challenged in one way or the other in ratification, adoption and implementation of the Instruments;- and,
- Member States will derive additional Political, Economic, Social, Technological, Legal, Environmental, Financial and Professional benefits from the ratification, adoption and implementation of Global Instruments related to aquatic biodiversity, Climate Change and environmental sustainability.

10. RECOMMENDATIONS

- Regional Economic Communities (REC`s) are the highest institutions which converges, conveys and convenes regular meetings for all Heads of States (Presidents) from all African-Union Member States at the Continental level, charged with the responsibilities of proposing reforms of Global, Continental and Regional interest as such the RECs occupy the best position to present the urgent-request in terms of absolute-necessity (reasons) for adopting, ratifying and implementing Global, Continental and Regional Instruments relating to environment sustainability and aquatic biodiversity. REC`s should prepare consistent-elements, present to the Heads of State during official sessions;
- Eutrophication, pollution, and irresponsible fishing resulted in an overall decline of biological resources;
- Develop a Regional plan of action to fight IUU fishing and related activities in the Black Sea due to the lack of common rules shared by Black Sea riparian States, coupled with the joint dimension of the problems posed by IUU fishing, and (2) Elaborate a Regional strategy to regulate small scale fisheries in the Black Sea due to the fact that small scale fisheries account for an important share of the fish caught;
- African Union should propose to Member States the need for the creation of functional Regional Fishery Commissions for the West, Central and Northern African respective Regions to ensure well-coordinated efforts within the environmental and aquatic biodiversity sub-sectors;
- African Union should contract the services of Expert International Consultants on the basis of a short-term consultancy (STC) to build and reinforce the capacities of the Regional Economic Communities and Ministries of Foreign Affairs within the West-Central and Northern Regions of Africa to enable a balanced understanding on the importance and necessity of ratifying, adopting and implementing Global and Continental Instruments relating to environmental sustainability and aquatic biodiversity;
- Many apparent obstacles can be addressed with improved and coordinated training and capacity building (manuals, training workshops, information provision, and electronic data publication) as well as proactive information sharing and management initiatives;
- Arrange for specific studies for each Member State so as to analyze the level and challenges of ratification, adoption and implementation of the different key International Instruments;
- Put in place a Regional or sub-regional unit to link with the depositories of the Instruments or COPs to provide technical guidance and support to Member States in ratification, adoption and implementation of key selected Instruments;
- There is need for National and Regional harmonization of roles of different sectors and Agencies in a manner that promotes collaboration and creation of platforms for support to the ratification, adoption and implementation of the different Instruments;
- Member States should designate specific sector managers and or desk officers responsible for coordinating ratification, adoption and implementation of key selected if not all the Global Instruments or grouping those that are similar and related to aquatic biodiversity conservation, and contacts shared with AU, RECs and depositories of respective Instruments;
- Each AU–Member State should be supported and encouraged to establish a platform for all the

desk offices so established to deepen resource mobilization, coordination and implementation of Global Instruments and also establish guidelines for coordination of different MDAs on every respective Global Instrument;

- Put in place an AU framework for support to the ratification, adoption and implementation of aquatic biodiversity conservation and management Instruments, akin to the functioning of Global Environmental Facility of UN but tailor made for Africa with improvements in some of the elements of GEF; and,
- There is need for technical assistance and capacity building for key responsible Agencies and experts in Member States in the ratification, adoption and implementation of International Instruments for aquatic biodiversity.

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ANNEXES

Annex 1: Stakeholders Consulted

N°	NAME	ORGANIZATION/ MINISTRY	POSITION	ADDRESS
			DR CONGO	
1	KALIBU MINO KAHOZI	Ministère de la Pèche et de l`Elevage	Directeur des Pêches et Ressources Halieutiques	Kinshasa, DR Congo Tel: +243 81 775 24 00 / +243 84 011 77 11 Email: kalibujustin53@gmail.com
2	Prof Raymond	ICCN/ WWF, Ministère de l`Environnement	Directeur	Kinshasa, DR Congo Tel : +243 97 600 61 01
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3	Mr Samuel Quaatey	Ministry of Fisheries	Special Adviser	+233 543077358
4	Mr Fred KWESI ANTWIBOADU	Ghana Fishery Commission	Executive Director	Email: fkboadu@yahoo.com
5	Dr NDIAGA GUEYE	FAO Representative (O-i-C) of Ghana	Regional Coordinator, Fisheries and Aquaculture System	Accra, Ghana Tel: +233 303 610930 Email: ndiaga.gueye@fao.org
6	Prof Francis Nunoo	Ministry of Higher Education, University of Ghana	Dean, Fac Dept of Marine Fisheries Ocean Teacher Global Academy	Accra, Ghana Tel: +233 24 298 15 47
7	Michael Arthur-Dadzie, Esq.	Chief Executive Officer, Baduwa Legal Consult,	University of Cape Coast, Cape Coast - Ghana.	Accra, Ghana Tel: +233 244 735 506 Email: michad@yahoo.com
			CAMEROON	
8	Mr Agbor James Eyong	Ministry of Justice	Chief Justice, Vice President of the SW Court of Appeal	Tel: 237 677650908 Email: agborjames@gmail.com
9	Elvis HENE NGWANE	Ministry of Transport	Sub-Director for Navigation Safety and the Protection of Marine and Inland Waterways Environment	Yaoundé, Cameroon Tel: +237 678818107 / 670743111 Email: henengwane@yahoo.com
10	DAMOU LAMTOING Antoine	Ministry of Environment, Protection of Nature and Sustainable Development	Director, Technical Adviser N° 2 to the Minister of Environment	Yaoundé, Cameroon Tel: +237 677400707 / 694799198 Email: damoulamtoing@yahoo.fr
11	MAKOBE Francis Eugene	Ministry of Fishery and Animal Husbandry	Chef de service des Industries Halieutiques à la Direction des Pêches, de l'Aquaculture et des Industries Halieutiques.	Yaoundé, Cameroon Tel: +237 699207789 Email: fmakobe317@gmail.com
12	Dr Sabina NANYONGE NGANDO	Ministry of Higher Education	University of Buea/ Executive Secretary the Blue Ocean NGO	Buea, Cameroon Tel: +237 681113602 / Email: sabinn2000@yahoo.com
			GABON	
13	Dr Baschirou Moussa Demsa	CEEAC	Consultant sur les questions relatives au développement des ressources animales dans la région.	B.P 2112, Libreville, Gabom Tel : (+241) 02106070 Email : moussademsa.baschirou@gmail.com baschiroudemsa@yahoo.fr Skype: md.baschirou

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Annex 2: List of Identified Relevant Ministries consulted for the Environment and Aquatic Biodiversity within the West (Ghana), Central (Cameroon and DR Congo) and Northern (Tunisia) African Regions as Case Studies.

Case Study 1: GHANA (West Africa)

- Ministry of Transport
- Ministry of Fisheries and Aquaculture Development
- Ministry of Tourism, Arts and Culture
- Ministry of Environment, Science, Technology and Innovation
- Ministry of Foreign Affairs and Regional Integration.

Case Study 2: CAMEROON (Central Africa)

- Ministry of Environment, Protection of Nature and Sustainable Development
- Ministry of Transport
- Ministry of Tourism
- Ministry of Fisheries and Animal Husbandry
- Ministry of External Relations
- Ministry of Justice
- Ministry of Economy, Planning and Territorial Development
- Ministry of Finance
- Ministry of Trade and Industrial Development
- Ministry of Commerce

Case Study 3: DR CONGO (Central Africa)

- Deputy Prime Minister,
- For the Environment and Sustainable Development
- For Foreign Affairs
- Minister of State
- For Justice
- For Planning
- Ministers
- Transport, Commerce and Linkages
- Fisheries and Livestock
- Natural Economy
- Industry
- Hydrocarbons
- Water Resources and Electricity
- Foreign Trade
- Tourism.

Case Study 4: TUNISIA (Northern Africa)

- Ministry of Justice
- Ministry of Transport and Logistics
- Ministry of Economy, Finance and Investment Support
- Ministry of Trade and Export Development
- Ministry of Agriculture, Hydraulic Resources and Maritime Fisheries
- Ministry of Local Affairs and the Environment
- Ministry of Industries, Energy and Mines
- Ministry of Tourism



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