

*Auditing the Implementation of Multilateral
Environmental Agreements (MEAs): A Primer for Auditors*



UNITED NATIONS ENVIRONMENT PROGRAMME

United Nations Environment Programme



**AUDITING THE IMPLEMENTATION OF
MULTILATERAL ENVIRONMENTAL AGREEMENTS (MEAs):
A PRIMER FOR AUDITORS**



INTOSAI
Working Group
on Environmental
Auditing

Developed in cooperation with INTOSAI-WGEA

Auditing the Implementation of Multilateral Environmental Agreements (MEAs): A Primer for Auditors

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FOREWORD



Since environmental issues entered the international stage in the early 1970s, global environmental politics and policies have been developing rapidly. So have international environmental agreements. It is estimated that there are several hundred international agreements that govern some aspects of



the environment. In 2009 the United Nations Environment Programme (UNEP) identified over 280 agreements, or Multilateral Environmental Agreements (MEAs) which are completely dedicated to environmental protection.

These MEAs, many of which were negotiated under the auspices of UNEP, present enormous opportunities for greener societies and economies which can deliver numerous benefits in addressing food, energy and water security and in achieving sustainable development as well as the United Nations Millennium Development Goals.

But well-functioning markets and societies depend on well functioning institutions. If the rules, norms and regulations are not in place or not followed through, markets will inevitably malfunction or create externalities and political objectives for a better tomorrow will falter.

Over the last few decades Governments have successfully negotiated MEAs on global environmental issues ranging from climate change, biodiversity and desertification, to hazardous waste and chemicals. The fulfillment of their objectives and their effective national implementation are a true litmus test for the international community in the quest for sustainable development.

This PRIMER FOR AUDITORS IN AUDITING THE IMPLEMENTATION OF MULTILATERAL ENVIRONMENTAL AGREEMENTS, which has been developed by UNEP in collaboration with INTOSAI-WGEA, underscores that environmental audits, such as those conducted by Supreme Audit Institutions (SAI) can and do play a crucial and vital role with regard to the implementation of MEAs and can evaluate whether the tools that their governments use to manage and protect the environment and implement MEAs have produced the intended results.

SAI audits can make a difference, and environmental audits have been linked to improved water quality in rivers, strengthened protection of flora and fauna, and reduced desertification and pollution. Benefits to environmental governance include the development of new legislation and regulations and stronger compliance with those that already exist.

Indeed, environmental auditing in the public sector is now a common part of the cycle for good governance and often reported to elected assemblies and government bodies. Elected officials can depend on audits from their SAIs as reliable information about their government's performance.

It is hoped that this publication will serve as a useful resource for auditors worldwide in the area of MEAs and support for their growing work in the field of environment and sustainable development.



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There are hundreds of Multilateral Environmental Agreements (MEAs) dealing with various environmental issues and they are the main method available under international law for countries to work together on global issues. The assessment of the implementation, compliance and effectiveness of multilateral environmental agreements is in many cases complicated and plagued with gaps in data, conceptual difficulties and methodological problems. Most Supreme Audit Institutions (SAIs) with their specific competencies are uniquely poised to assess these gaps and report to parliament and inform the national and international community on the basic question of availability and adequacy of data and information as well as about the compliance and effectiveness of government policy related to the international commitments made.

The objective of this primer, developed in cooperation between the INTOSAI Working Group on Environmental Auditing (WGEA) and the United Nations Environment Programme (UNEP), is to build awareness among auditors around the world on MEAs and to show the important role that auditors can play in the effective implementation of MEAs. The Primer is intended as a first gateway to auditing the implementation of MEAs as well as a good source of general information on different conventions and agreements for auditors.

Chapter 2 gives an overview about the role and purpose of MEAs, how MEAs have historically developed, how they can be categorised and which ones the key global environmental agreements are. The critical stages in the life of an MEA, such as negotiation, entry into force and implementation of the MEAs are also described.

Chapter 3 presents a short overview of environmental auditing, how MEAs can be audited and how they can be a source for audit criteria. Additionally, this chapter includes examples of audits and case studies.

Chapter 4 provides useful information, links, annexes, bibliography, list of terms, indices, etc.

Part II:
**THE ROLE AND PURPOSE OF MULTILATERAL
ENVIRONMENTAL AGREEMENTS (MEAs)**

2.1. What are MEAs?

Since environmental issues entered the international agenda in the early 1970s, global environmental politics and policies have been developing rapidly. Global environmental governance can be defined as “the sum of organizations, policy instruments, financing mechanisms, rules, procedures and norms that regulate the processes of global environmental protection”.¹ Multilateral Environmental Agreements or “MEAs” are one of the most prominent features that regulate this process.

Over the past few decades, the number and scope of international environmental agreements have grown rapidly. It is estimated that there are several hundred or more different international agreements that govern some aspects of the environment; many more are being negotiated at the bilateral, regional and global levels. Some have a few Parties; some have almost global participation. UNEP identified over 280 agreements which are wholly directed to environmental protection as of December 2009.²

MEAs are a subset of the universe of international agreements. What distinguishes them from other agreements is their focus on environmental issues, their creation of binding international law, and their inclusion of multiple countries. The term “Multilateral Environmental Agreement” or MEA is a broad term that relates to any of a number of legally binding international instruments through which national Governments commit to achieving specific environmental goals. These agreements may take different forms, such as “convention,” “treaty,” “agreement,” “charter,” “final act,” “pact,” “accord,” “covenant,” “protocol,” or “constitution” (for an international organization). The 1969 Vienna Convention on the Law of Treaties defines a “treaty” as “an international agreement concluded between States in written form and governed by international law, whether embodied in a single instrument or in two or more related instruments and whatever its particular designation.” As a practical matter, though, “treaty,” “convention,” and “agreement” are often used interchangeably. An “amendment” is a formal alteration of the treaty provisions affecting the parties to a particular agreement.

Generally, and for the purposes of this primer:

An MEA is a legally binding instrument between two or more nation states that deals with some aspect of the environment.

Two elements of the definition are very important to understand:

- **Legally binding**

Multilateral environmental agreements are legal instruments with binding effects on countries that have agreed to become parties to a particular agreement through ratification or accession (more about accession and ratification in Appendix 2). As a principle of inter-

¹ Global Environmental Governance: A Reform Agenda, International Institute for Sustainable Development, 2006, p.3.

² UNEP *Register of International Treaties and other Agreements in the Field of Environment*, available at <http://www.unep.org/law/PDF/INTRODUCTIONadvance.pdf>.

national law, MEAs (as with other international agreements) usually bind only those States who have agreed to be bound by the MEA. However, an MEA can affect non-Parties, for example by prohibiting or restricting trade by Parties with non-Parties. For the countries which have only signed and not as yet ratified, they are nonetheless expected not to do anything that will affect the aims and purposes of the MEA. They are not declarations of intention or avowals (which are non-binding); they are rules of law. As such, they are a powerful tool for the implementation of policies directed at environmental protection and sustainable development goals. MEAs must conform to international public law (as must all international instruments of this type).³ Legally binding and non-legally binding agreements come in many shapes and forms. They can, inter alia, be of the following types or denominated as follows:

<i>Legally binding (MEAs)</i>		<i>Non-Legally binding</i>
Treaties	Accords	Resolutions
Conventions	Pacts	Decisions
Agreements	Charters	Declarations
Protocols	Amendments	Recommendations

- **Between two or more nation states**

MEAs may be between two States, in which case they are usually termed “bilateral.” However, most MEAs are between three or more States, and thus “multilateral.” [For the purposes of this Primer, MEA includes bilateral agreements]. MEAs are multilateral in the sense that they involve many nations. However, for the purposes of this Primer an MEA can be any treaty between two or more nation-states if and when this instrument deals with direct environmental objectives.

The key benefits of an MEA are usually environmental, but may also be economic, socio-political (e.g., empowering the public to become involved), and administrative. The clearest benefits of any particular MEA usually relate to the specific goals of that MEA. Thus, the Convention on International Trade in Endangered Species (CITES) seeks to ensure that no wildlife species becomes or remains subject to unsustainable exploitation through international trade, but it also allows legitimate trade and scientific research; the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal seeks to protect human health and the environment from illegal transboundary movements and disposal of hazardous waste; and so forth.

³ The compliance is guided by the 1969 Vienna Convention on the Law of Treaties. This treaty, which entered into force in 1980, prescribes the components and general guidelines for the development, negotiation and adoption of international treaties.

In addition to these MEA-specific benefits, there are some general benefits of ratifying, implementing, complying with, and enforcing MEAs — and costs associated with not complying:

- *Protecting Public Health and the Environment:* MEAs have a range of environmental and public health benefits, the specifics of which vary from MEA to MEA and State to State. These benefits tend to be both short- and long-term.
- *Improving Governance:* In addition to providing substantive norms of environmental protection, many MEAs improve environmental governance, as well as generally promoting transparency, participatory decision making, accountability, and conflict resolution. Moreover, MEAs often seek to avoid or limit resource-driven conflicts by promoting equitable arrangements, for example regarding access to fresh water within an international watercourse basin.
- *International Political Comity and Respect:* Most MEAs address environmental and public health challenges that are shared by many nations. Many nations contribute to the problem, and many suffer the consequences. Sometimes, they are the same nations; sometimes, the States causing the harm are different from those most affected. In most instances, it is necessary for the international community to unite to find a solution to the challenge. Those States who do not engage in a dialogue on the problem in good faith — or who engage, but do not undertake good faith efforts to ratify, implement, and enforce the MEA — risk international criticism. This criticism can undermine the State's credibility and erode the willingness of States to take action on other, unrelated matters such as trade, development, security, or social issues.
- *Solidarity:* States may wish to become a Party to an MEA to support other States in the environmental challenges they face. In such instances, the particular goals of the MEA might be noble, worthy, and of great importance to other States (for example in the same region), but may be a lower domestic priority.
- *Financial Assistance:* Often, a State needs to be a Party to an MEA in order to access funding from the MEA Secretariat, multilateral sources (such as the GEF)⁴, and certain bilateral sources. Moreover, if a State is not complying with an MEA, this could jeopardize existing funding.
- *Technical Assistance and Networking:* In addition to financial assistance, MEAs often facilitate technical assistance, for example through technology transfer. Additionally, MEA Secretariats often build capacity of governmental authorities to implement the MEA by fostering regional and global networks through which members share experiences.
- *Long-term Economic Benefits:* Analyses by the OECD, the World Bank, and others indicate that in many instances it is economically preferable to develop within

⁴ The Global Environmental Facility (GEF) provides grant and concessional funds to developing countries for projects and programmes targeting Global Environmental issues. Its implementing agencies are UNEP, UNDP and the IBRD (see glossary of terms in Part IV)

the context of environmental regulation. Otherwise, States frequently have had to make large expenditures to redress environmental and public health consequences of environmental neglect. Thus, while the priority of many States may be on development, participation in MEAs can enhance the long-term sustainability of development initiatives. In addition, to the extent that MEAs contribute to a State's ability to address environmental issues earlier rather than later, the result may be a cost-reduction in the long-term since it is often less expensive to prevent environmental harm than to address that harm after the fact.

- *Trade*: In certain instances, MEAs contain provisions that impose obligations on Parties vis-à-vis their trade with non-Parties. The Montreal Protocol and CITES are examples of MEAs containing MEAs of this type.
- *Facilitating Changes in Domestic Environmental Law*: While environmental problems may be evident, a Government or Parliament may be reluctant to develop the necessary laws and institutions to address the problems. Environmental concerns may be viewed as “secondary,” or the State might not want to put domestic businesses at a competitive disadvantage. In this context, an MEA can elevate the international importance of a particular environmental problem, providing additional political motivation domestically (as well as internationally) to address the problem. Moreover, the specific provisions of the MEA can provide a common, basic framework for the State to follow in developing measures to address the problem. Such a common framework could help to ameliorate concerns of competitive disadvantage, and thereby facilitate domestic legislative development.

2.2. History of MEAs

MEAs of some sort have been in place for about a hundred years, but these instruments have flourished in the last decades, especially after the 1972 International Stockholm Conference on Human Environment. As has been noted, some studies have counted hundreds of MEAs currently in place.

Reasons for the proliferation include:

- A response to the gravity of environmental problems.
- Growing understanding that environmental issues are often regional and global and that solutions and tools to deal with them should also be regional and global.

While certainly current and applicable, earlier environmental conventions were quite different from agreements signed and coming into force in the last few decades. The first accords aimed at protecting particular species, for example of fauna. Earlier agreements also dealt with a particular ecosystem, such as oceans. Conceivably this latter matter is due to the fact that the seas were perceived as the main (or only) globally shared resource where nations' actions interacted but where no clear dominion rules were available.

THE 1972 UNITED NATIONS CONFERENCE ON THE HUMAN ENVIRONMENT (STOCKHOLM CONFERENCE)

The United Nations Conference on the Human Environment (also referred to as the Stockholm Conference) was the first major UN conference on international environmental issues, taking place in Stockholm, Sweden, from June 5th to 16th, 1972.

It was attended by the representatives of 113 countries, 19 inter-governmental agencies, and more than 400 inter-governmental and non-governmental organizations. The conference marked a turning point in the development of international environmental politics and is now widely recognized as the beginning of modern political and public awareness of global environmental problems.

The outcomes of the Stockholm Conference included:

- The establishment of UN Environmental programme (UNEP)
- The establishment of an Environmental Fund
- A Declaration of the United Nations Conference on the Human Environment (containing 26 principles concerning the environment and development)
- An Action Plan (with 109 recommendations)
- A Resolution

The Stockholm Conference marked the formal acceptance by the international community that development and the environment are inextricably linked. It laid a framework for future environmental monitoring networks, which led to the creation of global and regional environmental monitoring networks, including the creation of UNEP. The Stockholm Conference also provided the impetus for new national, regional and international environmental legislation worldwide, and prompted a growing body of research that greatly improved understanding and awareness of critical environmental issues over the past three-plus decades.

Segmented approaches were gradually abandoned in the quest of more integrated considerations and, therefore, more integrated mechanisms and solutions. Yet, until the early 1990s, multilateral environmental accords remained sectoral in the sense that they did not incorporate specific sustainability approaches; they basically still dealt with preservationist or conservationist points of view. With the advent of the United Nations Conference on Environment and Development (UNCED) in 1992 (Rio Conference) the acknowledgement of an interaction between society and bio-physical problems began to emerge as well as a broad acceptance of the principle of sustainable development. More recent MEAs fully recognize these aspects as crucial.

UNITED NATIONS ENVIRONMENT PROGRAMME (UNEP)

United Nations Environmental Programme (UNEP) was established after the 1972 UN Conference on the Human Environment, held in Stockholm, Sweden, proposed the creation of a global body to act as the environmental conscience of the UN system. It is a designed entity for addressing environmental issues at the global and regional level. Its mandate is to coordinate the development of environmental policy consensus by keeping the global environment under review and bringing emerging issues to the attention of governments and the international community for action.

UNEP's work consists of:

- assessing global, regional and national environmental conditions and trends;
- developing international agreements and national environmental instruments;
- strengthening institutions for the wise management of the environment;
- integrating economic development and environmental protection;
- facilitating the transfer of knowledge and technology for sustainable development; and
- encouraging new partnerships and mind-sets within civil society and the private sector.

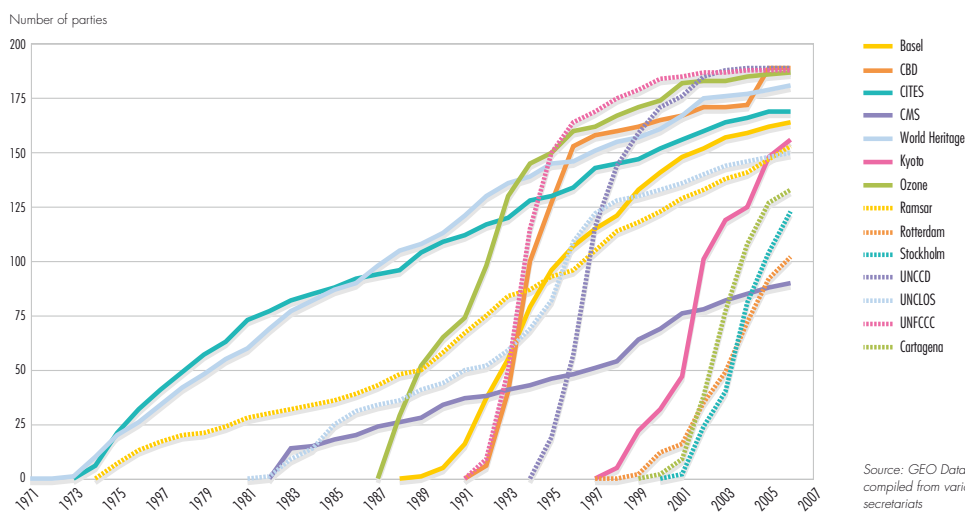
UNEP is the voice for the environment within the United Nations system. Its mission is to provide leadership and encourage partnership in acting for the environment by inspiring, informing, and enabling nations and peoples to improve their quality of life without compromising that of future generations. It focuses on six priority areas: climate change; disaster and conflicts; ecosystem management; environmental governance; harmful substances; resource efficiency; and other thematic areas. UNEP is also an advocate, educator, catalyst and facilitator, promoting the wise use of the planet's natural assets for sustainable development. To promote and facilitate sound environmental management for sustainable development UNEP has seven Divisions: Early Warning and Assessment; Environmental policy Implementation; Technology, Industry and Economics; Regional Cooperation, Environmental Law and Conventions; Global Environment Facility Coordination; and Communications and Public Information.

Major results of UNEP activities include:

- International arrangements to enhance environmental protection.
- Periodic assessment and scientifically sound forecasts to support decision making and international consensus on the main environmental threats and responses to them.
- Support for more effective national and international responses to environmental threats, including policy advice to governments, multilateral organisations and others to strengthen environmental protection and incorporate environmental considerations into the sustainable development process.
- More effective coordination of environmental matters within the UN system.
- Greater awareness and capacity for environmental management among governments, the private sector and civil society.
- Better understanding of the nexus between environmental and human security, poverty eradication, and preventing and mitigating natural disasters.

Over the years, many MEAs have been negotiated and agreed at the international and regional levels. Some have a few Parties; some have almost global participation. It has been said that environmental agreements can be divided into two inter-related and overlapping generations: a first generation, of single issue, use-oriented, and mainly sectoral agreements; and a second generation, that takes a more holistic approach and focuses on sustainable development and sustainable use of natural resources.

Figure 2.1 Ratification of major multilateral environmental agreements



Source: GEO Data Portal, compiled from various MEA secretariats

First generation agreements primarily address the preservation and use of particular natural resources – such as wildlife, air and the marine environment. Examples include the 1971 Convention on Wetlands of International Importance especially as Waterfowl Habitat (Ramsar Convention), the 1972 Convention on the Prevention of Marine Pollution by Dumping of Wastes and other Matter (London Dumping Convention), and the 1973 International Convention for the Prevention of Pollution from Ships (MARPOL). These MEAs set out principles for dealing with threats to living natural resources, global common resources, and the marine environment.

Many of the second generation of more ‘holistic’ MEAs evolved following the United Nations Conference on Environment and Development (UNCED). This Conference, known as the ‘Earth Summit,’ was held in Rio de Janeiro in June 1992 with government representatives from approximately 180 States present. Two new conventions were opened for signature: the UN Framework Convention on Climate Change (UNFCCC), which is sectoral in that it deals with climate and the atmosphere, but recognizes the broader impacts of climate change on ecosystems, food production and sustainable development; and the Convention on Biological Diversity (CBD) which seeks to bring together agriculture, forestry, fishery, land use and nature conservation in new ways. The UN Convention to Combat Desertification (UNCCD) was adopted after the Conference and aims to combat desertification and mitigate the effects of drought. These three conventions are together often referred to as the ‘Rio Conventions.’

THE 1992 UNITED NATIONS CONFERENCE ON ENVIRONMENT AND DEVELOPMENT (RIO CONFERENCE OR EARTH SUMMIT)

The United Nations Conference on Environment and Development (UNCED), also known as the Earth Summit, took place in Rio de Janeiro, Brazil, from June 2-14, 1992. It was held twenty years after the United Nations Conference on the Human Environment (UNCHE) took place in Stockholm, Sweden. Government officials from 178 countries and between 20,000 and 30,000 individuals from governments, non-governmental organizations, and the media participated in this event to discuss solutions for global problems such as poverty, war, and the growing gap between industrialized and developing countries. The central focus was the question of how to relieve the global environmental system through the introduction to the paradigm of sustainable development. This concept emphasizes that economic and social progress depends critically on the preservation of the natural resource base with effective measures to prevent environmental degradation.

The issues addressed included:

- Systematic scrutiny of patterns of production – particularly the production of toxic components, such as lead in gasoline, or poisonous waste including radioactive chemicals;
- Alternative sources of energy to replace the use of fossil fuels which are linked to global climate change;
- New reliance on public transportation systems in order to reduce vehicle emissions, congestion in cities and the health problems caused by polluted air and smog; and
- The growing scarcity of water.

The Summit's message reflected the complexity of the problems facing us: that poverty as well as excessive consumption by affluent populations place damaging stress on the environment. Governments recognized the need to redirect international and national plans and policies to ensure that all economic decisions fully took into account any environmental impact. And the message has produced results, making eco-efficiency a guiding principle for business and governments alike.

The Earth Summit resulted in:

- The Rio Declaration on Environment and Development, enunciating 27 principles of environment and development;
- Agreement on operating rules for the Global Environmental Facility (GEF);
- Agenda 21 and the establishment of the United Nations Commission on Sustainable Development (CSD) on the basis of one of its recommendations;
- Statement of principles for the Sustainable Management of Forests;
- Convention on Biological Diversity (CBD); and the
- Framework Convention on Climate Change (UNFCCC).

2.3. Types of MEAs

MEAs can be, and are, categorized according to different typologies, criteria or groupings. The classifications tend to vary and are not mutually exclusive.

MEAs also come in a variety of forms. They can be:

- **Global or regional:** for example, the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (Basel Convention) applies throughout the world; the Convention on the Ban of the Import into Africa and the Control of Transboundary Movement and Management of Hazardous Waste within Africa (Bamako Convention) applies only within the African region.
- **Appendix-driven or Annex-driven conventions:** the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) is an appendix-driven agreement. Three appendices list animal and plant species in different categories of endangerment, subject to different degrees of regulation. The International Convention for the Prevention of Pollution from Ships (MARPOL) contains Annexes that address different types of pollution (e.g., oil (Annex I), noxious liquid substances (Annex II), harmful substances (Annex III), sewage (Annex IV), garbage (Annex VI), and air pollution from ships (Annex VII)).
- **Framework conventions:** some conventions are stand-alone all-inclusive agreements, like the International Tropical Timber Agreement (ITTA) from 1994. Others, like the UN Framework Convention on Climate Change (UNFCCC), anticipate the adoption of further protocols (agreements), to achieve their objectives. For example, the UNFCCC was agreed in 1992. Its Kyoto Protocol was later agreed in 1997, and builds upon the Convention. The Vienna Convention on the Protection of the Ozone Layer was agreed in 1985. Its Montreal Protocol was later agreed in 1987, and sets timetables for the phase-out of ozone-depleting substances.

Most international agreements that deal with environmental issues have a series of structures that impel their implementation and uphold or run the activities that arise out of the accord. Although there might be more institutional arrangements than these⁵, the basic organizational compositions that are set up after an MEA is adopted are listed in Appendix 1.

2.4. The Negotiation and Entry into Force of MEAs

As stated earlier, MEAs differ in scope and substance. Nevertheless, they tend to be formulated through a similar process that moves through recognizable stages. These stages include pre-negotiation, negotiation, adoption and signature, ratification and accession, and entry into force. Once an MEA 'enters into force' it has legal effect and implementa-

⁵ The following organizational compositions are the more general ones. However, each key MEA can potentially have different bodies (generally organized as committees) and, at times, diverse names for these institutional arrangements. For example, these can be named: Standing Committees, Compliance Committees, Implementation Committees, Non-Compliance Committees, and so on. For instance, the Standing Committee of the Ramsar Convention on Wetlands; the Compliance Committee under the Aarhus Convention, or the Montreal Protocol's Implementation Committee.

tion begins. As implementation goes forward, there may be a need to adapt the MEA's institutions, mechanisms and approaches to be able to adapt to changes in science and knowledge, or to build upon the progress that has been achieved through the negotiation of new decisions, amendments, annexes, appendices or protocols. Each stage of the MEA life cycle has distinct characteristics and distinct outcomes. The basic stages are summarized below and described in detail in Appendix 2.

How does a multilateral agreement enter into force internationally?

MEAs enter into force after a series of institutional processes take place. Subsequent to a global agreement's negotiation, several steps and measures need to be taken at national and international levels to ensure it becomes enforceable. Basically, the phases that an agreement goes through after negotiation of a draft text(s) is agreed are as follows:

- **Adoption:** Upon finalising the negotiation of text, a treaty will be first “adopted” then “signed”. This is a proclamation that usually takes place upon the finalization of a conference specially convened to negotiate the treaty. The adoption of the treaty signals the ending of text negotiation and the beginning of the process that an international treaty passes through **before enforceability**.
- **Signature:** A country begins a process of endorsing a treaty by “signing” it. However, for multilateral agreements, this is a necessary but not sufficient step for the application of the treaty. It is understood that when a state becomes a treaty's signatory it expresses its readiness to proceed with the steps needed to fulfill entering into force procedures. This action is at times called “Signature Subject to Ratification, Acceptance or Approval.”
- **Ratification, acceptance, or approval:** Action by which a state specifies its assent to being bound by the treaty after completion of required national constitutional procedures for ratification or accession or approval depending upon the country's legal system. The treaty's depository keeps track of ratification/acceptance/ approval. This is particularly important since a certain quantity of states must ratify a treaty before it enters into force. Ratification and acceptance/approval also implies that a country will enact national implementing legislation to put national effect to the multilateral treaty.
- **Entry into force:** Normally, multilateral treaties enter into force after an established period has elapsed subsequent to a set number of states ratifying or acceding to the agreement. Some agreements have other terms that must be met so that it enters into force.
- **Accession:** This is the act by which a state accepts to become a Party to an agreement whose text has been negotiated, adopted and signed by other countries. Basically, this act has the same denotation as ratification, the only difference being that accession occurs after negotiations have taken place.
- **Withdrawal or denouncing:** Countries can (and do) withdraw or denounce themselves from some international agreements in accordance with the procedure set in that instrument. If the treaty has a denunciation clause or is silent about this matter, a state may withdraw after a certain period of notice or after consent of contracting parties.

WHAT DOES IT MEAN TO BE A “PARTY” TO AN MEA?

The fundamental principle of international law is *pacta sunt servanda* (“agreements must be observed”). States generally are only bound by those agreements to which they agree to be bound. A State may become Party to an MEA for many reasons: because it is in the State’s best interest, because the State wants to be a responsible international actor, because it wants to access financial or technical resources, because other States encourage it, etc.

Regardless of the reason, once the State is a Party to an MEA, it is bound by the terms of the MEA. Typically, this includes both substantive provisions (to take certain measures to protect the environment) and procedural provisions. A Party is required to fulfill all these obligations, and a State may have fulfilled all the substantive requirements of the MEA but still be declared to be in non-compliance because it has failed, for example, to submit its national report.

To implement an MEA’s requirements, States often have to adopt implementing legislation. States where the constitution prescribes that once ratified an international agreement has the force of law within the State are called “monist” systems. States where the constitution prescribes that once ratified implementing legislation is necessary for the agreement to have legal effect are called “dualist” systems. Strictly speaking, until implementing legislation is passed, a dualist State has binding international obligations to other States but internally the MEA is not in effect. In both cases, though, changes to national laws, standards, and institutions are often required to reflect the new commitments.

Some States require that their laws and institutions conform to the terms of an MEA before the State can become a Party to the agreement. Other States often become a Party to an agreement first, and then proceed with the legal and institutional reforms. Why would States pursue the latter course? While most MEAs provide for some form of technical or financial assistance to implement the MEA, such assistance often is given only to those States that are Parties to the MEA. There is a trend, as reflected in the United Nations Economic Commission for Europe (UNECE) Guidelines for Strengthening Compliance with and Implementation of MEAs in the UNECE region, to encourage States to have the necessary implementing measures in place when they become a Party.

It is noteworthy to mention here that non-compliance is frequently the result of incapacity rather than intentional disregard for an agreement’s rules; and in these circumstances, assistance arguably is more appropriate than penalization. For these reasons, the approach to non-compliance in MEAs has generally been through the use of non-coercive means to bring Parties into compliance (and to prevent them from getting into non-compliance in the first place). There are instances, however, where non-compliance may be the result of negligence or insufficient commitment by a Party to its obligations. Compliance mechanisms may rely upon publicizing information about non-complying Parties as a means to induce compliance (typically referred to as “naming and shaming”). Moreover, compliance mechanisms may call for cases of non-compliance to be brought to the attention of the Conference of the Parties (COP) for potential further action. The COP may be empowered to consider imposing sanctions for severe cases of deliberate non-compliance. This approach can help Parties generate public awareness, mobilize financial resources (if necessary), and build political consensus to undertake the necessary measures.⁵

5. For more information, see *infra* par. 2.5.4 on Compliance Mechanisms.

2.5. Implementing MEAs

Once an MEA has entered into force, the focus of the Parties' work shifts towards "implementation". While much of the 'on-the-ground' implementation is done by Parties at the national level through domestic legislative and administrative arrangements, MEAs can provide for some mechanisms within their terms and structure to help, assist and ensure national level implementation. Such provisions are usually referred as compliance mechanisms and can involve a variety of measures, including:

empowering the MEA's institutions (such as COP, secretariats and other subsidiary bodies)⁶ to periodically assess and evaluate compliance with the MEA and to consider measures aimed at improving compliance;

- requiring Parties to report on, monitor and verify compliance;
- requiring Parties to undertake national implementation plans; and
- setting terms for mechanisms to address and remedy non-compliance.

Such measures may be spelled out in the MEA, or the MEA may simply direct and empower the Conference of the Parties (COP) to develop such measures and mechanisms by a certain date or as soon as feasible. This latter approach may be followed in instances where the need for compliance measures and mechanisms has been recognized, but the specifics have yet to be studied or agreed upon. The structure and scope of the resulting measures and mechanisms will then later be adopted by an official COP decision.

2.5.1 Institutions for Implementation

The competent body of a multilateral environmental agreement can, where authorized to do so, regularly review the overall implementation of obligations under the multilateral environmental agreement and examine specific difficulties of compliance and consider measures aimed at improving compliance.

At the institutional level, the Conference of the Parties (COP) represents the primary decision making body for a given MEA. COPs usually meet once a year to take decisions, though they may meet less frequently. Representatives of all Parties are invited to attend. COPs will often establish 'subsidiary bodies' to facilitate an MEA's progress. For example, the Convention on Biological Diversity (CBD) has a *Subsidiary Body for Scientific, Technical and Technological Advice (SBSTTA)* to make recommendations to the Convention on Biological Diversity (CBD) COP. The SBSTTA is open to all Parties to the CBD. The Climate Change Convention has a *Subsidiary Body for Scientific and Technological Advice (SBSTA)*, as well as a *Subsidiary Body for Implementation (SBI)*. Both bodies develop conclusions to be presented to the UNFCCC COP and are open to participation by all Parties.

⁶ A body, usually created by a governing body of an international agreement or international organization with a specific mandate. See glossary terms part IV.

Other ‘subsidiary bodies’ may include convention secretariats, Bureaus, or other established executive bodies. In some cases, administrative and policy support may be provided by an inter-governmental organisation. For example, UNEP works as the Secretariat for the CITES; and the Secretariat of the Ramsar Convention is assisted by the International Union for Conservation of Nature (IUCN). Secretariats assist Parties by facilitating sessions of the COP and its subsidiary bodies, compiling and transmitting reports, and undertaking other functions specified in the MEA or that may be determined by the COP.

2.5.2 Reporting, Monitoring and Verification

Multilateral environmental agreements can include provisions for reporting, monitoring and verification of the information obtained on compliance. These provisions can help promote compliance by, inter alia, potentially increasing public awareness.

- **Reporting:** Parties may be required to make regular, timely reports on compliance, using an appropriate common format. Simple and brief formats could be designed to ensure consistency, efficiency and convenience in order to enable reporting on specific obligations. Multilateral environmental agreement secretariats can consolidate responses received to assist in the assessment of compliance. Reporting on non-compliance can also be considered, and the parties can provide for timely review of such reports;
- **Monitoring:** Monitoring involves the collection of data and in accordance with the provisions of a multilateral environmental agreement can be used to assess compliance with an agreement, identify compliance problems and indicate solutions. States that are negotiating provisions regarding monitoring in multilateral environmental agreements could consider the provisions in other multilateral environmental agreements related to monitoring;
- **Verification:** This may involve verification of data and technical information in order to assist in ascertaining whether a Party is in compliance and, in the event of non-compliance, the degree, type and frequency of non-compliance. The principal source of verification might be national reports. Consistent with the provisions in the multilateral environmental agreement and in accordance with any modalities that might be set by the conferences of the parties, technical verification could involve independent sources for corroborating national data and information.

MEAs can require that Parties monitor, report, and verify environmental compliance data. Reporting, monitoring, and verification measures can assist States in tracking their compliance under the respective MEAs. These requirements vary in formality and reporting methodologies. As technology has evolved, compliance-related information systems with computerized databases are increasingly used to collect, sort, and process this information. The advantages of using compliance-related information systems include increased transparency, ease of data analysis and verification, and increased efficiency, organization, and prompt compilation of data.

Where limited resources mean that computerized databases are not available to track environmental data, other more traditional methods can be used.

The most important feature of reporting is that it requires Parties to MEAs to assess — in a transparent manner — the measures that they have taken to implement their commitments and consider the effectiveness of those measures. This helps the Parties, the MEA Conference of Parties (COP) and Secretariat, and other interested bodies to discern potential trends in compliance and enforcement, identify innovative approaches that might serve as models for other States, and allocate resources to improve compliance and enforcement.

Two reports by the United Nations examined national reporting under MEAs. In 2003, the Division for Sustainable Development of the UN Department of Economic and Social Affairs (DESA) prepared a provisional matrix containing the UN national reporting provisions relating to issues of concern to the Commission on Sustainable Development (CSD). In 2004, the UN Secretary-General submitted a report to the 12th session of the CSD that reviewed the improvements made in national reporting and highlighted further work to be undertaken on indicators of sustainable development. Together, these studies identify many common approaches and lessons learned, as well as some new innovations.

They noted that national reports are one of the main instruments by which MEA COPs fulfill their mandate to monitor and review activities undertaken by Governments to implement the treaties. The MEA Secretariat is usually the lead organization for developing the report format, receiving and disseminating the reports, and generally administering the national reports, although other agencies are sometimes involved. For most MEAs, the national focal point prepares the national report. Usually, the national focal point (for MEAs) is the Ministry of Environment, but sometimes they are other ministries such as the Ministry of Agriculture, Foreign Affairs, or Industry.

For most MEAs, national reporting is mandatory and reports are usually submitted in advance of COP meetings. The periodicity of national reports varies from one MEA to another: from every six months for developed countries under the UNFCCC, to triennial reports for the Ramsar Convention. Reports for international meetings not associated with a particular MEA — for example, the 2002 World Summit on Sustainable Development (WSSD) and the annual CSD reports — are often generated voluntarily. In some instances, reports are prepared by regional groupings of States.

Reporting methodologies tend to be generally qualitative, although some statistical data often is incorporated. Many MEA Secretariats have developed guidelines or manuals to assist States in fulfilling their reporting obligations. These guidance materials usually are available on the Secretariats' web sites.

To assist States in reporting as required by the MEA, many Secretariats have established standardized reporting formats. This also makes it easier to identify potential compliance problems (or successes) for a particular nation, facilitates the use of electronic databases for analyzing the data, and assists in trend analysis over time and across countries.

CITES has standardized a number of its reporting documents. These standardized forms include recommended formats for annual and biennial reports, as well as the ICPO-Interpol ECOMESSAGE and ivory and elephant product seizure data collection form and explanatory notes⁷.

⁷ Adopted at the first Meeting of the Parties of the Aarhus Convention, the Format for Aarhus Convention Implementation Report Certification Sheet is available on the Internet at <http://www.unece.org/env/pp/reporting%20intro.htm>

The CBD also has a standardized reporting format. As noted above, this facilitates analytic reviews, and there is a thematic analyzer on the CBD's website <http://www.biodiv.org> that draws upon the standardized reports.

NATIONAL REPORTS UNDER THE CONVENTION ON BIOLOGICAL DIVERSITY (CBD)

Article 26 of the CBD requires Parties to report to the Conference of the Parties (COP) on measures taken to implement the Convention and their effectiveness in achieving the objectives of the Convention. Decisions II/17, V/19, VI/25, and VII/25, respectively, invited CBD Parties to submit three national reports and six thematic reports. [Some thematic or voluntary reports were also called for in other decisions.] As of May 2010, the CBD Secretariat had received a total of 149 first, 133 second, 148 third and 108 fourth national reports (out of 193 CBD Parties). A number of thematic reports have been received as well. In general, the submission of national reports by the respective deadlines set in relevant COP decisions was very low for various reasons, including limited human, technical, and financial resources.

The information in national and thematic reports provides information on trends, progress, and challenges. Accordingly, various meetings under the Convention — in particular meetings of SBSTTA and COP — regularly review the information contained in these reports. A number of meetings under the Convention reviewed the reporting process and provided recommendations on how to improve the reporting guidelines and process. Recently, the first meeting of the Working Group on Review of Implementation suggested that measures be taken to facilitate timely reporting, including giving more time to Parties to prepare reports and expediting access to funds. More importantly, it suggested that the fourth and future national reports should be outcome-oriented and focus on the status and trends of biodiversity, implementation of National Biodiversity Strategies and Action Plans (NBSAPs), and progress toward the 2010 target and the goals and objectives of the Strategic Plan. It also suggested promoting harmonization of reporting under related conventions to increase synergies and reduce reporting burdens.

The Global Environment Facility (GEF) has been requested in a number of COP decisions to provide funds and expedite funding for preparing national reports. The GEF usually provides such funds through biodiversity enabling activities of eligible countries. To expedite funding, the GEF and its implementing agencies recently adopted an umbrella project approach by which eligible countries can apply for and receive funds from the GEF implementing agencies (which apply for a funding package on behalf of eligible countries), instead of presenting applications individually to the GEF, which usually takes more time.

All the national and thematic reports received so far have been posted on the website of the Convention. They can be accessed at <http://www.biodiv.org/reports/default.aspx>. In addition, an analytical tool had been developed for the second and third national reports and all the thematic reports, which can be accessed at <http://www.biodiv.org/reports/analyzer.aspx>. For more information, contact secretariat@biodiv.org

2.5.3 National Implementation Plans

National implementation plans can be required in a multilateral environmental agreement, which could potentially include environmental effects monitoring and evaluation in order to determine whether a multilateral environmental agreement is resulting in environmental improvement.

National Implementation Plans (NIPs) seek to promote compliance in a deliberate and proactive manner. Generally, these plans set forth in a protective manner how a State will strive to reach its obligations under an MEA. Components can include identifying sources of non-compliance (e.g., laws, institutions, lack of capacity, social norms, public and private sector considerations, etc.), methods for addressing these sources, monitoring implementation, and identifying funding resources. NIPs can also provide for the establishment of a national implementation agency or organization that works with the MEA Secretariat to promote implementation.

Several MEAs require Parties to develop NIPs that detail how they intend to comply with their obligations under an MEA. These include, for example, the Convention on Biological Diversity (CBD), the Cartagena Protocol, the Convention to Combat Desertification (UNCCD), the Stockholm Convention on Persistent Organic Pollutants (POPs), and the Rotterdam Convention on Prior Informed Consent (PIC). The case studies below highlight many of these.

For other MEAs, NIPs might be required to access funding. Thus, while the Montreal Protocol does not require Parties to prepare NIPs, those developing countries wishing to access financial and technical assistance from its financial mechanism, the Multilateral Fund must develop a comprehensive national survey that the State plans to follow to eliminate its consumption and production of Ozone Depleting Substances (ODS), known as a “Country Programme”. The procedures for the development of a country programme for the Multilateral Fund can be found in the Policies, Procedures, Guidelines and Criteria of the Fund, available at <http://www.multilateralfund.org>.

The specific process for developing a NIP and the contents of a NIP are usually set by the particular MEA and the MEA Secretariat, although financial mechanisms such as the Multilateral Fund and the Global Environment Facility (GEF) that provide funding to nations to develop country programmes and NIPs may also develop guidelines covering the preparation of such plans. For example, the UNCCD requires each Party to the Convention to develop a National Action Plan (NAP). The NAP is one of the essential implementation tools of the UNCCD, and its production is guided by principles provided in the Convention. These principles stress the importance of consultation and participation in its implementation. The NAP preparation process begins with community and regional consultations to sharpen awareness among the various stakeholders. The second stage is the holding of a National Forum to formulate priorities. The drafting of the NAP is, therefore, partly the product of a consultative, participatory, multi-stakeholder process.

In addition to promoting the objectives of MEAs, NIPs can assist States in many ways. NIPs can identify legal, policy, and institutional strengths and weaknesses. The process

can also assist States in identifying and evaluating the costs of implementation. As implementation can impose significant economic burdens at different stages, States may wish to assess costs at all stages in the process to allow for sufficient planning and budgeting. Thus, for example, national implementation plans can assist States in identifying priorities for requests for donor funding, as well as necessary allocations of domestic budgetary resources to implement MEAs.

In addition to NIPs that address a specific MEA, NIPs can apply to a group of MEAs. For example, GEF and its implementing institutions have supported the National Capacity Self-Assessment (NCSA) process in many States. States conducting an NCSA review national laws, policies, institutions, and initiatives to assist in identifying priorities or capacity building and to provide a framework for national implementation of the Rio Conventions (CBD, UNCCD, and UNFCCC) and possibly other MEAs.

A variety of national and international institutions are involved in funding, preparing, reviewing, and implementing NIPs. The MEA Secretariats and COPs usually provide the initial mandate, and they generally monitor the development and submissions of NIPs. Through COPs, MEA Secretariats and Parties can — and sometimes do — establish a core group of experts to provide advice and assistance to States in developing NIPs. The Global Environment Facility (GEF) and its implementing agencies (especially UNEP, UNDP, and the World Bank) provide funding to many States to facilitate the development of NIPs under various MEAs, through GEF “enabling activities.” These include NIPs (by one name or another) pursuant to the UNFCCC, CBD, Cartagena Protocol, and POPs Convention. Many of these are summarized in the case studies that follow.

NATIONAL IMPLEMENTATION PLANS UNDER THE STOCKHOLM CONVENTION ON PERSISTENT ORGANIC POLLUTANTS

NIPs are the primary tool for a Party to prepare for compliance under the Stockholm Convention on Persistent Organic Pollutants (POPs). Under Article 7 of the Convention, a NIP should: be tailored to the needs of the Party, use existing national structures, integrate national sustainable development strategies, and retain flexibility to respond to the listing of new chemicals. There is a five-step process for developing a POPs NIP:

1. Determining coordinating mechanisms and organizations;
2. Establishing a POPs inventory and assessing national infrastructure and capacity;
3. Setting priorities and determining objectives;
4. Formulating a prioritized and costed NIP and Specific Action Plans on POPs; and
5. Endorsement of the NIP by stakeholders.

When a State prepares its national profile, it assesses its infrastructure capacity and institutions to manage POPs, including regulatory controls; needs; and options for strengthening them. The State also assesses its enforcement capacity to ensure compliance. Based on the inventory, infrastructure, capacity, priorities, and objectives identified, the NIP can include a variety of possible activities to implement the Convention, including: drafting of new legislation and/or regulations; strengthening of compliance and enforcement of existing regulations; and capacity building activities.

UNEP, supported by the Global Environment Facility (GEF), is executing a pilot project in 12 States aimed at developing and implementing NIPs. In some instances, these pilot projects are facilitating the development of the necessary implementing measures to enable States to ratify the Stockholm Convention. In addition, UNEP is supporting a further 42 States in developing their NIPs, and in total 120 NIPs are being supported by the GEF through projects executed by UNEP and other GEF implementing and executing agencies (including UNDP and UNIDO).

For more information, see <http://www.pops.int> or contact ssc@chemicals.unep.ch

2.5.4 Compliance Mechanisms

States can consider the inclusion of non-compliance provisions in a multilateral environmental agreement, with a view to assisting parties having compliance problems and addressing individual cases of non-compliance, taking into account the importance of tailoring compliance provisions and mechanisms to the agreement's specific obligations. The following considerations could be kept in view:

- The parties can consider the establishment of a body, such as a compliance committee, to address compliance issues. Members of such a body could be party representatives or party-nominated experts, with appropriate expertise on the relevant subject matter;

- Non-compliance mechanisms could be used by the contracting parties to provide a vehicle to identify possible situations of non-compliance at an early stage and the causes of non-compliance, and to formulate appropriate responses including, addressing and/or correcting the state of non-compliance without delay. These responses can be adjusted to meet varying requirements of cases of non-compliance, and may include both facilitative and stronger measures as appropriate and consistent with applicable international law;
- In order to promote, facilitate and secure compliance, non-compliance mechanisms can be non-adversarial and include procedural safeguards for those involved. In addition, non-compliance mechanisms can provide a means to clarify the content, to promote the application of the provisions of the agreement and thus lead significantly to the prevention of disputes;
- The final determination of non-compliance of a Party with respect to an agreement might be made through the conference of the parties of the relevant multilateral environmental agreement or another body under that agreement, if so mandated by the conference of the parties, consistent with the respective multilateral environmental agreement.

Non-compliance can be a challenging issue to address in any international agreement. States sign agreements voluntarily and are usually free to withdraw at any time in accordance with the specified procedure for withdrawal in the particular agreement (those who do withdraw will have to face the loss of treaty benefits and privileges, which may be considerable). Non-compliance is frequently the result of incapacity rather than intentional disregard for an agreement's rules; and in these circumstances, assistance arguably is more appropriate than penalization. For these reasons, the approach to non-compliance in MEAs has generally been through the use of non-coercive means to bring Parties into compliance (and to prevent them from getting into non-compliance in the first place).

Compliance mechanisms created by, or pursuant to, the provisions of an MEA use a variety of approaches to address non-compliance. Parties typically are encouraged to self-report non-compliance, particularly when lack of capacity may be the cause and assistance may be in order. A compliance body may be created to review and assess instances of non-compliance and to provide or facilitate capacity assistance to Parties having difficulties.

There are instances, however, where non-compliance may be the result of negligence or insufficient commitment by a Party to its obligations. Compliance mechanisms may rely upon publicizing information about non-complying Parties as a means to induce compliance (typically referred to as "naming and shaming"). Moreover, compliance mechanisms may call for cases of non-compliance to be brought to the attention of the Conference of the Parties (COP) for potential further action. The COP may be empowered to consider imposing sanctions for severe cases of deliberate non-compliance.

In proposing, developing, and implementing compliance mechanisms, both developing and developed countries can play significant roles. For example, it was on the suggestion of Trinidad and Tobago that the Montreal Protocol established an Implementation Committee.

AN EXAMPLE OF A COMPLIANCE MECHANISM: THE CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA (CITES)⁸

A compliance mechanism has evolved under CITES during its more than 30 years of operation, which relates to obligations under the Convention and takes into account relevant resolutions. The compliance mechanism has paid particular attention to the: designation of at least one Management Authority and one Scientific Authority (Art. IX); permitting of trade in CITES-listed specimens only to the extent consistent with the procedures laid down in the Convention (Arts. III, IV, V, VI, VII, and XV); taking of appropriate domestic measures to enforce the provisions of the Convention and to prohibit trade in violation thereof (Art. VIII, para. 1); maintenance of records of trade and submission of periodic reports (Art. VIII, paras. 7 and 8); and provision of responses to communications of the Secretariat or the Standing Committee related to information that a species included in Appendix I or II is being adversely affected by trade in specimens of that species or that the provisions of the Convention are not being effectively implemented (Article XIII). As the supreme body of the Convention, the Conference of the Parties (COP) directs and oversees the handling of compliance matters, particularly through the identification of key obligations and procedures. As the executive body of the Convention, the Standing Committee, acting in accordance with instructions from and authority delegated by the COP, examines general and specific compliance matters.

Experience with the compliance mechanism has highlighted that certain, special aspects of CITES seem to have contributed to the effectiveness of its compliance mechanism.

These include:

- precise obligations to which Parties have committed to under the Convention;
- specificity of the Convention;
- a pro-active Secretariat with a strong and clear role afforded by the Convention, including the ability to trigger the compliance mechanism;
- the possibility of decision-making by a qualified majority of the Parties (rather than unanimity or consensus);
- the possibility for non-Parties to participate in trade under certain conditions;
- use of an existing subsidiary body, the Standing Committee, as a compliance committee;
- the Convention's nature as an environmental and trade treaty; and
- the straightforward approach generally taken by Parties to address issues that arise within the Convention.

For more information, see <http://www.cites.org> or contact cites@unep.ch

8. See more examples of compliance mechanisms in Appendix 3.

In reviewing a potential case of non-compliance, compliance mechanisms typically consider the totality of circumstances: the State, history, nature of violation, etc. This broader view is important in determining an appropriate response. Often violations occur due to lack of awareness, and in these instances a facilitative response to bring the Party back into compliance would be the most appropriate. At the same time, there is the potential of free riders, for which stronger responses are necessary. Thus, compliance mechanisms need to distinguish between violations arising from a lack of will to comply and those arising from a lack of capacity to comply.

In addition to the more formal compliance mechanisms (which make up most of the examples listed here), there are some less formal approaches. These include, for example, the Montreux Record under the Ramsar Convention by which Parties can voluntarily list Ramsar sites that are facing particular challenges. This approach can help Parties generate public awareness, mobilize financial resources (if necessary), and build political consensus to undertake the necessary measures.⁸

2.6. Key global and regional MEAs and their objectives

The following is very basic information on the most important global MEAs and other agreements mentioned in this publication. Much information and analysis is available from all sorts of different sources. However, a good point to start gathering information or keeping abreast of changes and developments is the agreement's own web page. It is listed in the following chart for the conventions highlighted in this primer. Some of these conventions are directly administered by UNEP while others fall within different United Nations or other regional organization's administration.

A helpful general source of information on international treaties of all kinds (not only for environmental agreements) is the United Nations Treaty Collection. All bilateral or international treaties are generally deposited at this section of the UN. The basic as well as specific information on treaties, and information, for example regarding what countries are Party to a treaty, can be found on the UN division web page: <http://treaties.un.org/>. For a comprehensive list of MEAs, actual texts, provisions, articles visit the web page at http://www.unep.org/Law/Law_instruments/law_instruments_global.asp

⁸ For a list of examples of compliance mechanisms in various MEAs see Appendix 3. See also UNEP Manual on Compliance with and Enforcement of Multilateral Environmental Agreements available at http://www.unep.org/dec/docs/UNEP_Manual.pdf; and UNEP Compliance Mechanisms under Selected Multilateral Environmental Agreements available at UNEP Compliance Mechanisms under Selected Multilateral Environmental Agreements.

A. NATURE CONSERVATION/BIODIVERSITY-RELATED MEAs

1) The Ramsar Convention on Wetlands

Other Names	Ramsar Convention	The Convention's objective is to promote the conservation and wise use of all wetlands through local, regional, and national actions and international cooperation, as a contribution towards achieving sustainable development worldwide.
Place and Date of Signature	Ramsar 02.02.1971	
Date of Entry into force	01.12.1975	
Number of Parties (as of May 2010)	159	
Web Link for the Secretariat	http://www.ramsar.org	
Secretariat contact	Ramsar@ramsar.org	

2) Convention on Trade of Endangered Species (CITES)

Other Names	CITES	The Convention aims at ensuring that international trade in specimens of wild animals and plants does not threaten their survival. To this aim, it imposes a duty on Parties to subject international trade in specimens of selected species to certain controls via licensing of import, export, re-export, and introduction from the sea of species.
Place and Date of Signature	Washington, D.C 03.03.1973	
Date of Entry into force	01.07.1975	
Number of Parties (as of May 2010)	175	
Web Link for the Secretariat	http://www.cites.org	
Secretariat contact	info@cites.org	

3) Convention on the Conservation of Migratory Species of Wild Animals

Other Names	CMS or Bonn Convention	The Convention aims at conserving terrestrial, marine, and avian species that migrate across or out of national limits by conserving or restoring their habitats and mitigating the obstacles to their migration.
Place and Date of Signature	Bonn 23.06.1979	
Date of Entry into force	01.11.1983	
Number of Parties (as of May 2010)	113	
Web Link for the Secretariat	http://www.cms.int	
Secretariat contact	secretariat@cms.int	

4) Convention on Biological Diversity

Other Names	CBD	The Convention aims at conserving biological diversity, the sustainable use of its components and the fair and equitable sharing of the benefits arising out of the utilization of genetic resources, taking into account all rights over those resources.
Place and Date of Signature	Rio de Janeiro 05.06.1992	
Date of Entry into force	21.03.1994	
Number of Parties (as of May 2010)	193	
Web Link for the Secretariat	http://www.cbd.int	
Secretariat contact	secretariat@cbd.int	

5) International Tropical Timber Agreement

Other Names	ITTA	The Agreement aims at promoting the application of guidelines and criteria for the management, conservation and sustainable development of all types of timber producing forests.
Place and Date of Signature	Geneva 26.01.1994	
Date of Entry into force	01.01.1997	
Number of Parties (as of May 2010)	56	
Web Link for the Secretariat	http://www.itto.int	
Secretariat contact	itto@itto.int	

6) Convention to Combat Desertification in Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa

Other Names	UNCCD	The Convention's purpose is to fight desertification and mitigate drought effects in nations with serious drought and/or desertification issues, particularly in Africa, through effective action at all levels, supported by international cooperation and partnership arrangements, in the framework of an integrated approach, and contributing to the achievement of sustainable development in affected areas.
Place and Date of Signature	Paris 17.06.1994	
Date of Entry into force	24.06.1998	
Number of Parties (as of May 2010)	193	
Web Link for the Secretariat	http://www.unccd.int	
Secretariat contact	secretariat@unccd.int	

7) Convention Concerning the Protection of the World Cultural and Natural Heritage

Other Names	World Heritage Convention	The aim of this Convention is to encourage the identification, protection and preservation of cultural and natural heritage around the world considered to be of outstanding value to humanity.
Place and Date of Signature	Paris 23.11.1972	
Date of Entry into force	17.12.1975	
Number of Parties (As of June 2010)	187	
Web Link for the Secretariat	http://whc.unesco.org	
Secretariat contact	wh-info@unesco.org	

8) Inter-American Convention for the Protection and Conservation of Sea Turtles

Other Names	Inter-American Sea Turtle Convention	The Convention aims to promote the protection, conservation and recovery of the populations of sea turtles and those habitats on which they depend, on the basis of the best available data and taking into consideration the environmental, socioeconomic and cultural characteristics of the Parties.
Place and Date of Signature	Caracas 01.12.1996	
Date of Entry into force	02.05.2001	
Number of Parties (As of October 2010)	15	
Web Link for the Secretariat	http://www.iacseaturtle.org/	
Secretariat contact	contact@iacseaturtle.org	

9) International Plant Protection Convention

Other Names	IPPC	The Convention aims to secure common and effective action to prevent the spread and introduction of pests of plants and plant products, and to promote appropriate measures for their control.
Place and Date of Signature	Rome 6.12.1951	
Date of Entry into force	03.04.1952	
Number of Parties (As of October 2010)	177	
Web Link for the Secretariat	http://www.ippc.int/	
Secretariat contact	ippc@fao.org	

10) International Treaty on Plant Genetic Resources for Food and Agriculture

Other Names	Plant Genetic Resources Treaty	The objective of the Convention is the conservation and sustainable use of plant genetic resources for food and agriculture, and the fair and equitable sharing of benefits arising out of their use, in accordance with the Convention on Biological Diversity.
Place and Date of Signature	Rome 3.11.2001	
Date of Entry into force	29.06.2004	
Number of Parties (As of October 2010)	126	
Web Link for the Secretariat	http://www.planttreaty.org	
Secretariat contact	pgrfa-treaty@fao.org	

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

Other Names	Aarhus Convention	The Convention aims at protecting the right of every person of present and future generations to live in an environment adequate to his or her health and well-being, guarantee the rights of access to information, public participation in decision-making, and access to justice in environmental matters. The Convention was open for signature for member states of the Economic Commission for Europe as well as States having consultative status with the Economic Commission for Europe.
Place and Date of Signature	Aarhus 25.06.19981	
Date of Entry into force	25.06.1998	
Number of Parties (as of May 2010)	44	
Web Link for the Secretariat	http://www.unece.org/env/pp	
Secretariat contact	public.participation@unece.org	

B. CLIMATE CHANGE/ATMOSPHERE-RELATED MEAs

1) Convention for the Protection of the Ozone Layer

Other Names	Vienna Convention	The Convention aims at establishing a framework for cooperation, development of policies, and formulation of agreed measures in order to protect human health and the environment against adverse effects resulting or likely to result from human activities which modify the ozone layer.
Place and Date of Signature	Vienna, 22.09.1985	
Date of Entry into force	1988	
Number of Parties (as of May 2010)	196	
Web Link for the Secretariat	http://ozone.unep.org	
Secretariat contact	ozoneinfo@unep.org	

2) Montreal Protocol on Substances that Deplete the Ozone Layer

Other Names	Montreal Protocol	The Protocol aims at protecting the ozone layer by taking measures to control global emissions of substances that deplete it. Its definitive objective is the elimination of these materials based on scientific developments, taking into account technical and economic considerations as well as developmental needs of developing countries.
Place and Date of Signature	Montreal, 16.09.1987	
Date of Entry into force	01.01.1989	
Number of Parties (as of May 2010)	196	
Web Link for the Secretariat	http://ozone.unep.org	
Secretariat contact	ozoneinfo@unep.org	

3) United Nations Framework Convention on Climate Change

Other Names	UNFCCC	The Convention aims achieving stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with climate by setting emission limits to be accomplished within a determined timeframe to allow ecosystems to adapt naturally to climate change, to ensure the non-threat to food production and to enable economic development to proceed in a sustainable way.
Place and Date of Signature	New York 09.05.1992	
Date of Entry into force	21.03.1994	
Number of Parties (as of May 2010)	192	
Web Link for the Secretariat	http://unfccc.int	
Secretariat contact	secretariat@unfccc.int	

4) Protocol to the United Nations Framework Convention on Climate Change

Other Names	Kyoto Protocol	The Protocol's objective is to ensure that aggregate anthropogenic carbon dioxide equivalent emissions of the greenhouse gases listed in Annex A to the Protocol do not exceed the assigned amounts, with a view to reducing overall emissions of such gases by at least 5 per cent below 1990 levels in the commitment period 2008 – 2012. Besides setting binding constraints on greenhouse gas emissions, the Protocol encourages the use of economic incentives to meet with the changes. The Kyoto Protocol is an amendment to the UN Framework Convention on Climate Change.
Place and Date of Signature	Kyoto 11.12.1997	
Date of Entry into force	16.02.2005	
Number of Parties (as of May 2010)	191	
Web Link for the Secretariat	http://unfccc.int	

C. HAZARDOUS MATERIALS/WASTE AND CHEMICAL-RELATED MEAs

1) Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal

Other Names	Basel Convention	The Convention's objective is to ensure that the management of hazardous wastes and other wastes, including their transboundary movement and disposal, is consistent with the protection of human health and the environment whatever the place of disposal.
Place and Date of Signature	Basel 22.03.1989	
Date of Entry into force	08.05.1994	
Number of Parties (as of May 2010)	173	
Web Link for the Secretariat	http://www.basel.int	
Secretariat contact	sbc@unep.ch	

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

Other Names	Rotterdam Convention/ PIC	The Convention aims at promoting shared responsibility and cooperative efforts among Parties in the international trade of certain hazardous chemicals in order to protect human health and the environment from potential harm and to contribute to their environmentally-sound use.
Place and Date of Signature	Rotterdam 10.09.1998	
Date of Entry into force	24.02.2004	
Number of Parties (as of May 2010)	134	
Web Link for the Secretariat	http://www.pic.int	
Secretariat contact	pic@pic.int	

3) Convention on Persistent Organic Pollutants

Other Names	Stockholm Convention/POPs	The Convention's objective is to protect human health and the environment from persistent organic pollutants. The Convention guards human health from chemicals that remain intact in the environment for long periods, become widely distributed geographically, accumulate in the fatty tissue of living organisms and are toxic to humans and wildlife.
Place and Date of Signature	Stockholm 22.05.2001	
Date of Entry into force	13.02.2005	
Number of Parties (as of May 2010)	170	
Web Link for the Secretariat	http://www.pops.int	
Secretariat contact	ssc@pops.int	

4) Protocol on Biosafety to the Convention on Biological Diversity

Other Names	Cartagena Protocol	The Protocol's objective is to ensure an adequate level of protection in safe transfer, handling and use of living modified organisms resulting from biotechnology that may have adverse effects on the conservation and sustainable use of biological diversity, taking also into account risks to human health, and specifically focusing on transboundary movements.
Place and Date of Signature	Montreal 29.1.2000	
Date of Entry into force	11.09.2003	
Number of Parties (as of May 2010)	158	
Web Link for the Secretariat	http://www.biodiv.org	

D. MARINE AND FRESHWATER-RELATED MEAs

1. United Nations Convention on the Law of the Sea

Other Names	UNCLOS	The Convention establishes national sovereignty over marine resources lying within coastal waters and aims to provide countries with incentive to better manage these resources, by obligating Parties to protect and preserve the marine environment.
Place and Date of Signature	Montego Bay 10.12.1982	
Date of Entry into force	16.11.1994	
Number of Parties (As of October 2010)	161	
Web Link for the Secretariat	http://www.un.org/Depts/los	
Secretariat contact	doalos@un.org	

2. The United Nations Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks

Other Names	United Nations Fish Stocks Agreement	The objective of this Convention is to ensure the long-term conservation and sustainable use of straddling fish stocks and highly migratory fish stocks. It sets out principles for the conservation and management of these fish stocks and provides a framework for cooperation in the conservation and management of these resources.
Place and Date of Signature	New York 4.08.1995	
Date of Entry into force	11.12.2001	
Number of Parties (As of October 2010)	77	
Web Link for the Secretariat	www.un.org/Depts/los	
Secretariat contact	doalos@un.org	

3. International Convention for the Prevention of Pollution from Ships

Other Names	MARPOL	The Convention is the main international convention covering prevention of pollution of the marine environment by ships from operational or accidental causes. Its aim is to minimize pollution of the seas, including dumping, oil and exhaust pollution. Its stated object is: to preserve the marine environment through the complete elimination of pollution by oil and other harmful substances and the minimization of accidental discharge of such substances.
Place and Date of Signature	London 02.11.1973/ 17.02.1978	
Date of Entry into force	02.10.1983	
Number of Parties (as of May 2010)	150	
Web Link for the Secretariat	http://www.imo.org	
Secretariat contact	info@imo.org	

4. International Convention for the Regulation of Whaling

Other Names	Whaling Convention	The Convention aims to establish a system of international regulation for the whale fisheries to ensure proper and effective conservation and development of whale stocks and thus make possible the orderly development of the whaling industry.
Place and Date of Signature	Washington DC 02.12.1946	
Date of Entry into force	10.11.1948	
Number of Parties (As of October 2010)	88	
Web Link for the Secretariat	http://www.iwcoffice.org	
Secretariat contact	secretariat@iwcoffice.org	

5) Regional Seas Conventions and Actions Plans

Other Names	UNEP Regional Seas Programme	UNEP's Regional Seas Programme involves 18 Regional Seas and marine environments and it promotes the conservation of marine ecosystems and coastal areas concerning about 140 nations. It functions through Regional Seas Conventions and their pertaining Action Plans. These regional conventions relate to the following: Antarctic, Arctic, Baltic, Black Sea, Caspian, Eastern Africa, East Asian Seas, Mediterranean, North-East Atlantic, North-East Pacific, North-West Pacific, South Pacific, Red Sea and the Gulf of Aden, ROPME Sea Area, South Asian Seas, South-East Pacific, the Western and Central Africa and the Wider Caribbean.
Place and Date of Signature	Various	
Date of Entry into force	Various	
Link	http://www.unep.org/regionalseas	

6) Convention on the Protection of the Black Sea Against Pollution

Other Names	Bucharest Convention	The Convention's objective is to prevent, reduce and control pollution in the Black Sea in order to protect and preserve the marine environment and to provide a legal framework for co-operation and concerted actions to fulfill this obligation.
Place and Date of Signature	Bucharest 21.04.1992	
Date of Entry into force	15.01.1994	
Number of Parties (As of October 2010)	6	
Web Link for the Secretariat	http://www.blacksea-commission.org	
Secretariat contact	secretariat@blacksea-commission.org	

7. Convention on the Protection of the Marine Environment of the Baltic Sea Area

Other Names	Helsinki Convention	The aim of this Convention is to prevent and abate pollution and to protect and enhance the marine environment of the Baltic Sea Area.
Place and Date of Signature	Helsinki 22.03.1974	
Date of Entry into force	03.05.1980	
Number of Parties (As of October 2010)	10	
Web Link for the Secretariat	http://www.helcom.fi	
Secretariat contact	See http://www.helcom.fi/helcom/secretariat/en_GB/contactus/	

8. Convention for the Protection of the Marine Environment of the North-East Atlantic

Other Names	OSPAR	The Convention aims to prevent and eliminate pollution in the marine environment of the North-East Atlantic, and takes measures to protect the maritime area against the adverse effects of human activities so as to safeguard human health, conserve marine ecosystems, and when practicable, restore marine areas which have been adversely affected.
Place and Date of Signature	Paris 22.09.1992	
Date of Entry into force	25.03.1998	
Number of Parties (As of October 2010)	16	
Web Link for the Secretariat	http://www.ospar.org	
Secretariat contact	secretariat@ospar.org	

9. Convention on Cooperation for the Protection and Sustainable Use of the Danube River

Other Names	Convention on the Danube River	The Convention aims to ensure sustainable and equitable water management of the Danube River, including the conservation, improvement and the rational use of surface waters and ground water in the catchment area; to control the hazards originating from accidents; and to contribute to reducing the pollution loads of the Black Sea from sources in the catchment area.
Place and Date of Signature	Sofia 29.06.1994	
Date of Entry into force	22.10.1998	
Number of Parties (As of October 2010)	15	
Web Link for the Secretariat	http://www.icpdr.org	
Secretariat contact	icpdr@unvienna.org	

Generally, the role of the Supreme Audit Institutions (SAIs)⁹ is to audit government activities, compliance and spending. A Supreme Audit Institution (SAI) provides the highest level of external audit of government bodies in a country. Most SAIs report their findings to a national legislative body who holds the government accountable. Being independent and presenting their reports also to the wider public, SAIs play a key role in building governance and accountability within their respective country.

SAIs are key to enabling and maintaining accountability as they supply the information needed by the legislature and the public to hold governments accountable. As such, they are fundamental institutions of accountability. A very cost-effective means of promoting transparency and openness in government operations, audits can contribute to improving government performance through not only identifying shortcomings but also acting as a deterrent for abuse of power by providing valuable information about government actions to the public.

SAIs can undertake different kinds of audits aimed at ensuring better accountability. These include financial audits, assessing the accuracy and fairness of accounting procedures and financial statements; compliance audits, scrutinising the use of funds for approved purposes through compliance with laws and regulations; and performance audits (also known as “value for money” audits), analysing the operational efficiency and general effectiveness of government programmes.

One of the fast growing trends is for SAIs to audit environmental and sustainable development matters. This may include auditing how well governments are implementing legislation in the field of the environment, whether spending on improving environmental outcomes is providing value for money for taxpayers, or whether the government is managing natural resources in accordance with sustainability principles.

SAIs are unique. Their mandates vary as do their governments’ environmental activities. Therefore not all SAIs can audit environmental issues in the same way. Public sector auditors work in courts of audit, offices of the auditor general, and chambers of accounts. SAIs may also be called chambers, tribunals, or comptrollers.

SAIs are making great gains in working together to share knowledge and audit methods in the global community of environmental auditing.

3.1. Environmental Auditing

Governments work to protect the environment in their countries. Issues such as waste management, contaminated sites, and national park management often fall within national boundaries. Domestic action can involve a variety of public policy tools, including legislation, taxes, enforcement, market incentives, regulations, and policies. These tools are

⁹ By Supreme Audit Institution (SAI) is meant such public body of a state or supranational organisation that exercises by virtue of law the highest public auditing function of that state or supranational organisation in an independent manner, with or without jurisdictional competence.

necessary if nations are to implement domestic environmental protection and these tools are often used to implement MEAs in a respective country.

Auditors can play an important role in auditing governments' commitments. Furthermore, as MEAs involve two or more countries, cooperative audits of these agreements could serve as one of the bases for the international community to meet the common objectives and commitments made to address global environmental issues. SAIs can play a major role in evaluating whether the government response has given the intended results and whether the environmental policies are implemented in an economic, efficient and effective manner. Environmental audits, like all other audits, essentially compare the current situation with what it should be. For public sector auditors of the environment, the audit criteria are derived from different sources like legislation and regulations, policies, programs, and enforcement requirements as well as multi-jurisdictional agreements (such as MEAs). Environmental audits also incorporate traditional audit criteria that are grounded in principles of good management and accountability.

There are no significant differences in audit methodology and approach between environmental auditing and other types of auditing. The full range of auditing tools can be applied to environmental auditing.

Financial audits, for example, can assess whether environmental costs and liabilities are reflected in financial statements.

Compliance audits can provide assurance that government activities are conducted in accordance with environmental laws, standards and policies, both at the national and international levels.

Performance audits are widely used by SAIs to assess the government's management of environmental programs. These can determine, for example, whether environmental programs are managed with due regard to economy, efficiency, and environmental impact, and whether there are measures in place to determine how effective the programs are.

All three types of audits — financial, compliance and performance — can address environmental, natural resource and sustainable development issues. In some cases, the governing legislation for the SAI specifies environmental requirements. Environmental auditing may be addressed by using a combination of these three types of audits (compliance, financial, and performance) from an environmental perspective.

INTERNATIONAL ORGANIZATION OF SUPREME AUDIT INSTITUTIONS (INTOSAI) WORKING GROUP ON ENVIRONMENTAL AUDITING (WGEA)

The International Organization of Supreme Audit Institutions (INTOSAI) is the internationally recognised leader in public sector auditing. It is a non-governmental organisation with special consultative status with the Economic and Social Council of the United Nations. As of 2010, over 2,000 environmental audits have been conducted by Supreme Audit Institutions (SAIs) from around the world. The INTOSAI Working Group on Environmental Auditing (INTOSAI WGEA) was established in 1992 with a mission to assist SAIs in acquiring a better understanding of the issues involved in environmental auditing, to facilitate the exchange of information and experience between SAIs and to publish guidelines and other information for their use.

Currently the INTOSAI WGEA has over 70 SAIs as members. Since it was established the INTOSAI WGEA has developed nearly 20 studies and guidelines giving an overview on emerging topics and/or giving guidance on how to audit different environmental issues, such as biodiversity, climate change, waste, water, etc. Additionally, several regional cooperative audits have been conducted and also a global coordinated audit on climate change with 14 participating SAIs all over the world. To share knowledge and experiences, to build a network of peers, and to influence the future direction, working group meetings are held every one and a half years. More information about the INTOSAI WGEA and all published documents can be found on its website www.environmental-auditing.org.

3.2. Auditing MEAs

As mentioned earlier, auditing environmental issues is not different from auditing other areas of government activity. In recent years the number of environmental audits as well as topics covered has constantly been growing according to surveys on environmental auditing.¹⁰ The reasons that SAIs are seeing the environment as an important topic may include:

- more than ever, countries are facing challenges caused by poor management of environmental resources, which has a direct effect on economy and human health, and requires more public resources;
- the environment and its related issues, including harm to the environment, go beyond country borders and have affected political relationships between countries;
- a lack of resources to accommodate the growing human population is a challenge for a number of countries.

¹⁰ Every three years the INTOSAI WGEA conducts a survey on environmental auditing among the SAIs all over the world. Surveys are instrumental in the development of each INTOSAI WGEA work plan and serve the needs of INTOSAI members. Practitioners of environmental auditing can use the results of the survey to compare their work to that of other countries. The survey asks questions on auditing mandates, environmental audits, environmental auditing capacity, Internet capacity, cooperation among SAIs, and about products developed by the working group. As of 2010, six surveys have been conducted.

The focus of an audit, including timing and the audit criteria, is by best practice decided by SAIs themselves. If clear and straight forward policy, laws and regulations are implemented in a country, this leads to a relatively easy process to audit compliance with those policies and regulations. Naturally, this is not the case when the regulation is weak, unclear or not comprehensive enough.

It is up to each SAI to look for and decide on good audit criteria. Very often SAIs face difficulties deciding on good criteria for performance audits. International cooperation might be a good solution – to look into worldwide best practices and international legislation, including multilateral environmental agreements. According to the surveys on environmental auditing, since 2003, more than a third of SAIs have used multilateral environmental agreements as a source of audit criteria to audit topics such as climate change, biodiversity, hazardous waste, ozone protection, wetlands, etc.

There are several ways to audit MEAs. If the country has signed an MEA, the most common approach is to evaluate how well the country has met the responsibilities and obligations under the MEA; how these responsibilities have been given effect by national legislation and governance. Some examples of different approaches to audit MEAs are described below.

Common approaches to auditing MEAs

- If a country is a Party to an MEA, the audit can consider whether the government has developed sufficient and appropriate domestic policy and procedures to meet the commitments in the MEA. This type of audit requires the auditor to find out what the commitments really are and how these commitments are implemented in the country's legislation and what are the governance mechanisms.
 - What are my country's commitments related to a specific MEA?
 - Is there domestic policy and legislation in place?
 - Can the policy and legislation assure the compliance with these commitments?
 - Is there a proper governance mechanism?
- When the domestic policy and procedures are in place, they should be a good source of criteria for evaluating if they actually are implemented and enforced. The audit can consider whether the policy is implemented in the most efficient, economic, and effective manner. These types of audits can be more complicated as they involve the assessment whether the aims of the policy are met as well as whether the domestic policy actually serves the purpose (and commitments) of the MEA.
 - Is the policy and related legislation actually implemented and enforced?
 - Is it implemented in the most economic, efficient and effective manner?
 - Does the policy implementation meet the commitments of the MEA?

- Furthermore, if periodic reporting required under an MEA is not being done in a timely fashion, or if the information provided is not meeting the spirit and intent of the requirements, this may also be a subject of an audit. Validating the reporting material provided to international bodies is one way of drawing the legislature's attention to meeting the international commitments. In addition, the expectation has grown that such environmental reports should be a subject to an independent audit.
- Is my country providing sufficient, appropriate and timely information/reports to the MEA secretariat?
 - Is this information/report correct?
 - Is this information reviewed by a national parliament?
- If my country is not a Party to an MEA, then the MEA can still be a good source of audit criteria for the SAI. Many agreements can be referred as a best practice or a benchmark for better environmental governance. Also, the reasons not to be the "signatory" for the MEA can be exercised and brought to public attention.
- What are the reasons why my country is not a Party and are the reasons still valid?
 - Is my country policy in accordance with the MEA and can it be used as a benchmark for evaluation?

Other challenges and considerations when auditing MEAs and using MEAs as a source of criteria for environmental audits

- Lack of reliable information available regarding the status of implementation and/or enforcement of MEAs. Access to information might exist, but could be not relevant or sufficient. Collecting additional information and/or data by the SAIs is often not possible or reasonable and in general it is not the role of the SAI to do that. In these instances SAIs might choose to recommend improved reporting as well as data collection by the Government but will not be able to give relevant conclusions about the effectiveness of MEA implementation.
- In some cases, the language used in MEA could be interpreted in several ways. Phrases as "do as appropriate" or "in as far as possible" do not provide clear expectations for governments nor for auditors. This makes it challenging for SAIs to audit results and compliance.
- MEAs might not have very clear and tangible enforcement mechanisms in place. This makes it difficult for SAIs to prove the relevance of the implementation, other than against on global or regional environmental concern.
- Auditing MEAs might not be significant to a country by another means. For example, the environmental issues involved in an MEA may not be a serious concern to the country, the timing of such an audit would not be (politically) best, etc.

AUDIT OF FOUR MEAs IN NEW ZEALAND, 2001

The audit covered the Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES), the Convention on Wetlands of International Importance (RAMSAR), the Montreal Protocol on Substances that Deplete the Ozone Layer, and the United Nations Framework Convention on Climate Change (UNFCCC). The main aim of the audit was to report to Parliament whether or not resources had been applied effectively and efficiently and in a manner consistent with Government policy. The compliance with and implementation of environmental accords was evaluated. The specific accords were chosen to give a selection of older and more recent accords as well as to analyse a wide range of central government departments, regional and local activities. Audit questions included:

- Were Parliament and interested groups notified and consulted with at the negotiation stage of the agreements?
- Were impact statements prepared for proposed new agreements covering: reasons for being Party to the agreement, advantages and disadvantages to being Party, imposed obligations, economic, social, cultural and environmental effects, the costs of compliance, measures to be adopted, provision for withdrawal from the agreements, statements setting out consultation with stakeholders?
- Was the original wording of the agreements used in new legislation or amendments to existing legislation in order to implement the agreements?
- Did the responsible agencies get roles and responsibilities assigned, and were these properly documented and understood? Were there any gaps between agencies roles and responsibilities?
- Were resources allocated, empowering legislation and/or Cabinet direction for the fulfilment of the agreements' obligations matching the allocation of roles and responsibilities?
- Was New Zealand (NZ) meeting the obligations of the Agreement (Sample examples):
 - Had NZ designated at least one wetland of international importance (Ramsar Convention)?
 - Had NZ adopted national policies to mitigate climate change through limiting anthropogenic (human induced) greenhouse gas and sink reservoirs (UNFCCC)?
 - Had NZ taken appropriate measures to enforce the convention and prohibit trade in specimens in violation of the Convention (CITES)?
 - Had NZ introduced control measures to initially reduce the consumption of chlorofluorocarbons (Montreal Protocol)?
- Was planning, budgeting, operational commitment, and monitoring and reporting to Parliament of achievements and under-achievements to meet the obligations adequate?
- Were the agreements' obligations being met, monitored and reported and where appropriate, amalgamated as a single composite report when there were several responsible agencies?
- Had the consequences of any shortfall in meeting the obligations been explicitly considered and reported to Parliament?
- Had benefits and costs used to justify ratification been accrued, or variances been reported to Parliament?

Source: the SAI of New Zealand

The value of auditing MEAs has proven to be twofold. First, the national parliaments and governments can use the audit reports, findings and recommendations to improve domestic actions, policies and tools. Second, through audit reports MEA secretariats have a good source of information for developing mechanisms that can aid the implementation as well as future development of MEAs.

The INTOSAI Working Group on Environmental Auditing (WGEA) has published guidance on audits of MEAs, including the *Audit of International Environmental Accords* (2001) and *How SAIs may Cooperate on the Audit of International Environmental Accords* (1998). These documents are available on www.environmental-auditing.org.

The previous example illustrates the different approaches and questions in auditing MEAs in New Zealand.

Canada has signed more than 100 international environmental agreements over the years committing it to act on crucial issues such as ocean pollution, fisheries conservation, and the protection of endangered species. A status report has been published that looked at the federal government's management of information on international environmental agreements.

MANAGEMENT TOOLS AND GOVERNMENT COMMITMENTS – INTERNATIONAL ENVIRONMENTAL AGREEMENTS, CANADA, 2008

In 2008, the Commissioner of the Environment and Sustainable Development of Canada published a status report that looked at the federal government's management of information on international environmental agreements.

In 2004, it was reported that lead departments for the agreements had varying degrees of knowledge about whether they were achieving the objectives of the agreements. Some departments did not always know the environmental results they were achieving under the agreements or, in some cases, the results they were supposed to achieve. Nor were all the departments reporting on the results they had achieved. In 2005, it was reported that the government still had no action plan for meeting its 2002 World Summit on Sustainable Development (WSSD) commitments.

For this status report, the Commissioner assessed the progress made since 2004. 20 international environmental agreements in four departments were examined—Environment Canada, Fisheries and Oceans Canada, Transport Canada, and Foreign Affairs and International Trade Canada. The availability and fairness of the information they had about the agreements' objectives, the means they had established to meet the objectives, their current targets, and their reporting on progress were assessed. The Commissioner also examined how the government planned and reported on progress made against its WSSD commitments.

The Commissioner did not consider the extent to which the agreements were successful but rather at whether enough information was available for parliamentarians and other interested Canadians to judge whether Canada was meeting its environmental commitments to the international community.

Findings

The government had made unsatisfactory progress toward providing a complete and understandable picture of the results expected from Canada's international environmental agreements. While Environment Canada, Fisheries and Oceans Canada, Transport Canada, and Foreign Affairs and International Trade Canada generally make information available on Canada's obligations under the agreements, they provide less information on the programs and means in place to meet the obligations. In addition, the departments did not generally make complete and understandable information available on the results the government both expected to achieve and had achieved toward fulfilling obligations under the agreements.

The government had made unsatisfactory progress in planning, monitoring, and reporting the extent to which Canada is meeting its commitments from the World Summit on Sustainable Development in 2002. While it had followed the United Nations Commission on Sustainable Development approach to monitoring and reporting, it still had no longer-term plan for ensuring that it will be in a position to report significant progress on its commitments, while taking into account the review timetable established by the UN.

Source: the SAI of Canada

3.3. Cooperation among SAIs

One notable trend in environmental auditing that is gaining momentum is where several SAIs auditing an issue cooperatively. Border protected areas, shared bodies of water, trans-boundary air pollutants and multilateral environmental policy tools have played a large part in SAIs working more closely together. In fact, countries with numerous neighbours and trans-boundary issues are producing the majority of cooperative environmental audits.

Benefits of cooperative audits for environmental auditors and policymakers include benchmarks for comparing country results, common reports that can be easily distributed internally and internationally, joint recommendations that may make it easier to resolve common issues, and the mutual exchange of methods. For example, eight SAIs conducted a cooperative audit of the Helsinki Convention, which addresses the transportation of hazardous waste in the Baltic Sea. This method was appropriate for this particular audit, because the objectives of this Convention were based on joint decisions and cooperation, and the signatory countries bordered the Baltic Sea. The case study on the audit is presented later in chapter 3.5.3. Waste and Chemical-related MEAs.

SAIs also work cooperatively to build capacity for environmental audits. Cooperative audits, especially those of MEAs, help auditors build knowledge, learn about auditing techniques, compare audit findings with other countries, and benchmark results. The INTOSAI WGEA published guidance for SAIs on how to conduct cooperative audits in 2007, emphasising the importance of cooperation and providing some practical suggestions on how SAIs can work together effectively.¹¹

3.4. Jurisdictional Limits of SAIs – Challenges and Considerations when Auditing MEAs

The extent to which SAIs can audit MEAs will depend on the SAI's mandate and on a country's government structure. Some SAIs have the mandate to audit national and sub-national legislation relating to MEAs. For example, the SAI of India has the mandate to audit national, state and local legislation¹² while Canada's SAI's mandate focuses on federal legislation.¹³ The governmental structure of some states, particularly more centralised and/or smaller ones, may only have a single level of government allowing for their SAIs to audit the implementation of MEAs throughout a country's legislation. Furthermore, since MEAs are often needed to be implemented at the sub-national level as well as at the national level, the extent to which a SAI can audit the implementation of an MEA through the various levels of a country's government will vary.

11 INTOSAI Working Group on Environmental Auditing *Cooperation Between SAIs: Tips and Examples for Cooperative Audits*, 2007.

12 Controller and Auditor General of India. Sections 13, 16 and 17 of the C&AG's (DPCS) Act, 1971 www.cag.gov.in/aranachal%20pradesh/Arunachal%20website/Audit%20Mandate.htm.

13 Office of the Auditor General of Canada. www.oag-bvg.gc.ca/internet/English/au_fs_e_371.html

An additional factor influencing the jurisdiction of a SAI is the extent to which a state has translated its obligation to an MEA into domestic tools (e.g. national legislation and policy). In other words, the SAI may have the challenge of auditing the implementation of its country's domestic tools to adhere to the MEA at the national level; and/or auditing a government's compliance to a particular MEA at the international level. The question arises as to whether SAIs can audit MEAs where their states have not yet adopted implementing legislation. This may be a matter of government policy, which the majority of SAIs would not have the mandate to question.

Traditionally, the implementation of MEAs was audited only when respective governments had had the opportunity to implement them at the national level and to develop domestic policies to comply with them. However, some SAIs are beginning to go a step forward from this strict audit criteria of only being able to audit national legislation derived from MEAs. Indeed, there are other criteria that can be used to determine which MEA to audit and how to audit them. These audit criteria can include: signing and/or ratification of the accord; signs of non-compliance of the accord; environmental risks underlying the accord; obligation to comply with the accord; strictness of an accord; as well as topicality and timeliness of audit reports (e.g. releasing audit reports in conjunction with international summits). Moreover, SAIs may find it more important to audit an environmental issue of current importance to its country and then look at relevant MEAs that have been signed and/or ratified rather than first choosing to audit a particular MEA.

In terms of feasibility of formulating robust audit criteria relating to an MEA, there exists a spectrum according to whether a state has: not signed; signed; ratified; adopted domestic instruments to implement an MEA's objectives; and whether it is reporting its results to an MEA Secretariat (Figure X and Y).

Figure X illustrates the degree to which robust audit criteria can be formulated as state progresses from a non-signatory to an MEA to ultimately reporting its national results to the MEA Secretariat.

Figure 3.1. State's feasibility of carrying out an audit on the implementation of an MEA

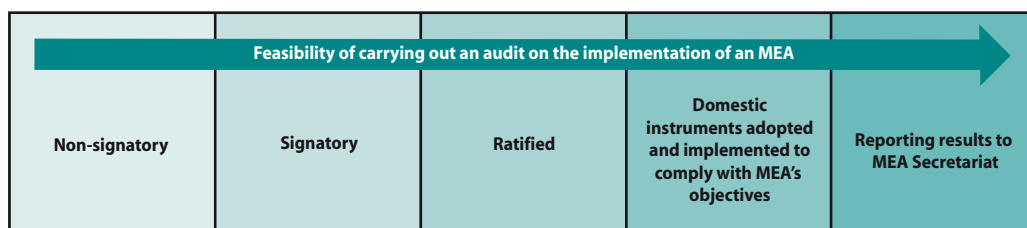
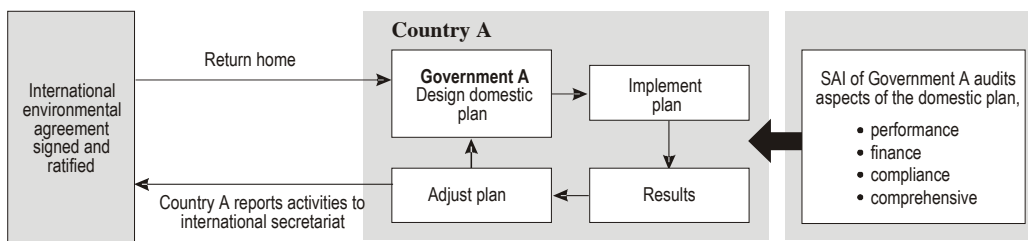


Figure Y illustrates one SAI auditing one international agreement. It also shows that governments can use the audit recommendations to improve their domestic actions and report back to the MEA Secretariat with improved results.

Figure 3.2 One SAI auditing one international environmental agreement (Source: INTOSAI WGEA, 2007, *Evolution and Trends in Environmental Auditing*)



It is significantly easier to audit a state’s implementation of an MEA when it has ratified it and is reporting on its results to an MEA Secretariat rather than to audit an MEA to which a state is still not formally a Party, although there are examples of countries auditing MEAs as Non-Parties. For example the United States of America has not ratified the Kyoto Protocol to the United Nations Framework Convention on Climate Change (UNFCCC), but to identify the key themes and lessons learned from the Emissions Trading Scheme (ETS), and the Kyoto Protocol’s Clean Development Mechanism (CDM) that could influence decision-making in the United States, the SAI of the United States did a study on lessons learned from the European Union’s ETS and CDM.

There are instances where SAIs can audit MEAs where their governments have not yet adopted implementing legislation. Indeed, some governments may have just recently ratified an MEA or not have had the resources or political will to institute national legislation, targets and/or strategies and other domestic instruments. By directly auditing a state’s international commitment to an MEA, SAIs can play an important role in assessing data gaps, compliance and effectiveness of MEAs. Additionally, SAIs can provide information not previously reported to MEA Secretariats and make recommendations for improvement in the future.

In the case of the United Nations Framework Convention on Climate Change (UNFCCC), several of the above-mentioned audit criteria are relevant, and some audits have been undertaken to assess whether national governments have complied with their international climate change obligations. For example, the SAI of Canada conducted a performance audit in 2006 to assess its government commitment to its Kyoto Protocol obligations even though Canada had not adopted its own national strategy. The audit revealed, inter alia, that Canada’s government had yet to create an effective governance structure for managing its climate change activities. The SAI of Ukraine also conducted a performance audit in 2009 to assess its government’s implementation of its Kyoto Protocol commitments. In the absence of adopted implementing legislation in the Ukraine that could have served as criteria, the SAI of Ukraine used as audit criteria the UNFCCC and the Kyoto Protocol commitments to assess the government’s response to climate change. These examples illustrate that some SAIs may be becoming more flexible in conducting audits beyond national legislative jurisdiction. However, regardless of a SAI’s jurisdiction to audit the implementation of an MEA, the success of MEAs ultimately depends on action initiated at the national level.

3.5 Case Studies and Examples

The case studies included here provide some examples of audits completed on MEAs to illustrate different approaches of SAIs. They have been divided under three subchapters: auditing biodiversity-related MEAs, climate change and atmosphere-related MEAs, and waste and chemical-related MEAs.

3.5.1 Auditing Biodiversity-related MEAs

Accordingly to the report Global Biodiversity Outlook 3, launched in 2010 by the Secretariat of the Convention on Biological Diversity, the five principal pressures directly driving biodiversity loss (habitat change, overexploitation, pollution, invasive alien species and climate change) are either constant or increasing in intensity.

To combat the main threats to biodiversity, governments use a variety of tools, such as the establishment of national parks and protected areas (both on land and in coastal waters), regulate exploitation activities, control pollutions and land use. Protection tools include the establishment of laws, policies, programs, public education and international agreements.

One of the main MEAs related to biodiversity is the Convention on Biological Diversity (CBD). Signed in 1992, the CDB was the first international agreement to address all aspects of biodiversity. The objectives of this Convention are the conservation of biological diversity, the sustainable use of its components and the fair and equitable sharing of the benefits arising out of the utilisation of genetic resources, including by appropriate access to genetic resources and by appropriate transfer of relevant technologies, taking into account all rights over those resources and to technologies, and by appropriate funding.

SAIs have used the CDB as audit criteria when evaluating national biodiversity strategies and other actions to protect biodiversity. Several countries have conducted audits to evaluate how their governments have applied its commitments under CBD. A case study from Iceland is included as an example.

EFFORTS OF THE GOVERNMENT OF ICELAND UNDER THE CONVENTION ON BIOLOGICAL DIVERSITY (CBD), 2006

Audit objective

Examine how the national government applied its commitments under the CBD, including activities of the Ministry of Environment, along with its institutions for the execution and implementation of CBD in Iceland.

Criteria

Both, the CBD and Icelandic legislation and public policy in the field of biological biodiversity were used as criteria.

Results

- Signing the CBD had a very limited effect on Icelandic legislation and public policy related to biodiversity.
- Nationwide plans for protecting and monitoring biological diversity had not been made.
- The government had conducted little research regarding the status of Icelandic biodiversity, contrary to the requirements of the CBD.
- It was not clear which government department or agency had the principal responsibility for carrying out commitments under the CBD.
- Implementation of the CBD was random and unsystematic.

The full report is available on the INTOSAI WGEA website at www.environmental-auditing.org

On 29 January 2000, the Conference of the Parties to the Convention on Biological Diversity adopted a supplementary agreement to the Convention known as the *Cartagena Protocol on Biosafety*, the first legally binding international agreement governing the international movement of GMOs. The Protocol seeks to protect biological diversity from the potential risks posed by living modified organisms resulting from modern biotechnology.

AUDIT OF HOW GENETICALLY MODIFIED ORGANISMS (GMO) ARE MANAGED IN POLAND, CARTAGENA PROTOCOL ON BIOSAFETY, 2008

Audit findings

- Not all issues related to the release of GMOs into the environment had been regulated.
- Comprehensive data on the presence of GMOs in the environment and in the market was not available.
- Cultivation of genetically modified plants was carried out without any restrictions, permits and safeguards to protect against their uncontrolled spreading.
- No rules had been set to ensure environmentally safe handling of GMO crops in the agricultural system – there was co-existence with conventional and organic crops, which means lack of principles of sustainable cultivation.
- The system of supervision and control over the GMOs released into the environment and introduced to the market was incomplete and ineffective.

Feedback

The conclusions and recommendations formulated on the basis of the audit results was used in the work of the Inspectorates charged with inspecting GMO management, and provided information to the Ministry of Environment drafting the new legislation (as of October 2009, the draft law, following notification to the European Commission, was approved by the Polish Government and sent to the Sejm – lower chamber of Polish Parliament).

Source: the SAI of Poland

Considering that biodiversity is a broad and diverse subject area, many other MEAs can be considered by auditors when auditing policies and programmes aiming to protect and preserve biodiversity. For example, the *Convention on Wetlands of International Importance Especially as Waterfowl Habitat (the Ramsar Convention on Wetlands)* is the main convention on wetlands, and it is the only one that specifically protects a single habitat. The first obligation to the Parties is to designate at least one wetland to be included on the List of Wetlands of International Importance (the “Ramsar List”), to promote its conservation and, where appropriate, wise use of its resources. The SAI of Switzerland has conducted an audit on how the obligations under the convention have been applied.

The *Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)* aims to ensure that the international trade of wild animals and plants does not threaten their survival. Levels of exploitation of some animal and plant species are high and the trade in them, with other factors, such as habitat loss, is capable of bringing some species close to extinction. The trade of wild animals and plants cross geopolitical borders, therefore efforts to regulate it require international cooperation. The SAI of Poland has conducted an audit of the application of national obligations under CITES in Poland.

APPLYING THE RAMSAR CONVENTION TO THE LAKE CONSTANCE REGION (SWITZERLAND), 2004

Audit objectives

- Examine the application of the Ramsar Convention on Wetlands.
- Determine whether the condition of nature reserves in the Lake Constance region meet the obligations of the Convention.

Main environmental risks investigated

- Decline and loss of species
- Unsustainable use of resources
- Contamination of ecosystems

Scope

- One region in Switzerland (Lake Constance) bordering Germany and Austria (three cases)
- Coordination between federal and regional authorities
- Coordination between federal departments

Criteria

- Ramsar Convention on Wetlands
- Swiss law and the laws and regulations of the cantons (regions)

Findings

- The Swiss Agency for Environment has integrated Ramsar components in its environmental laws.
- Legislation had not been implemented at all sites. In one canton, the Agency faced many difficulties:
- The canton and commune (local area) were not interested in carrying out legislation.
- The canton and commune did not enforce the requirements concerning signposts that must indicate the existence of nature reserves.
- The canton had yet to submit an order for the required supervision of the reserve that would be federally subsidised.
- There were relationship difficulties between the federal and the regional levels.
- There were coordination problems within the federal agency and between the federal agency and the regional levels.

Recommendations

- Develop a national strategy for wetlands.
- Establish more and better contacts with neighbouring countries (Austria and Germany).
- Include border guards in training sessions for nature reserve wardens.
- Improve coordination within the Swiss Agency of Environment (several divisions are involved with implementing the Convention).
- Promote acceptance of the nature reserve through increased public outreach.
- Work hard to eliminate delays in implementing the Convention.
- Promote cooperation with Baden-Wuttemberg, to meet the Convention goal of creating cross-border nature reserves where ecological units exist.

The full report is available on the INTOSAI WGEA website at www.environmental-auditing.org.

NATIONAL OBLIGATIONS UNDER CITES AGREEMENT (POLAND), 1999, 2002

Audit objective

Verify the activities of Polish public administration bodies and other organisations (such as businesses and NGOs) aimed at protecting animals, especially those that house and transport animals. A follow-up audit was performed in 2002.

Scope

Eighty-nine entities, including the National Veterinary Inspectorate, border veterinary inspectorates, and customs offices.

Criteria

- CITES
- National laws and regulations

Findings

- The Ministry of the Environment did not issue regulations to execute the Animal Protection Act (1997) that enforces the obligations under CITES.
- In 1998 and in the first half of 1999, the Ministry issued 488 permissions to import wild animals under CITES. It refused to issue several permissions, citing that the animals were wild-caught or that the importer was not able to prove their origin.
- During that period, under the power granted by the veterinary law, the Chief Veterinarian also issued permissions, independently from CITES, to import over 10,000 wild animals—309 of which were issued in the first half of 1999. Most of them were incomplete, making it impossible to determine whether CITES should be applied.
- Customs offices registered 62 cases of animals being imported in violation of CITES provisions (12 of them concerned 360 living animals that represented 6 species).
- Pet wholesalers and shops selling exotic animals did not always have certificates stating the origin and health of their animals, and the animals were not always covered by a veterinary inspection.
- The Ministry did not report annually to the CITES Secretariat on how well it met its obligations under CITES.

Impact of the audit reflected in the follow-up

- In 2002, a regulation of the Animal Protection Act (1997) came into force that incorporated provisions of CITES and was geared towards restricting and regulating international trade in the animal species listed under CITES.
- The Ministry launched a media campaign informing citizens of regulations that resulted from obligations under CITES.
- Customs Services and Border Veterinary Inspection reached an agreement to restrict trade in wild animals, through which customs officers were trained to enforce the provisions of CITES.
- Recommendations from the 1999 audit resulted in veterinary inspection rules being extended to pet wholesalers and shops.
- During the audit period, only isolated shipments containing animals covered under CITES into Poland were reported.
- Veterinary permissions to import wild animals continued to be issued independently from CITES permissions (as had been disclosed in the 1999 audit). As they still did not contain the full species names, it was still impossible to identify whether the imported animals should have been protected under CITES.

Source: the SAI of Poland

Another threat to biodiversity, the invasive species, is addressed by the International Plant Protection Convention (IPPC) adopted in 1951 by the Food and Agriculture Organization of the United Nations. Under its obligations, countries must act to prevent the introduction and spread of pests of plants and plant products, and to promote appropriate control measures. The SAI of United Kingdom carried out an audit in 2003 on preventing the introduction of invasive species; the IPPC was used as audit criteria.

PROTECTING THE UNITED KINGDOM FROM PLANT PESTS AND DISEASES, 2003

In 2003, the National Audit Office of the United Kingdom carried out a value-for-money (performance) audit on preventing the introduction of invasive species.

Audit objective

To examine the way the Department for Environment, Food and Rural Affairs protects England and Wales from the risks of plant pests and diseases.

Scope

- Key risks posed by plant pests and diseases
- Department's record in dealing with outbreaks
- Department's work to detect pests and diseases and prevent them from spreading

Criteria

- The UN Food and Agriculture Organization's International Plant Protection Convention (IPPC)
- National legislation
- Requirements of the World Trade Organization
- European Union Directive 2000/29/EC

Findings

The Department

- played a key part in the country's good record in preventing major outbreaks of pests and diseases;
- needs to focus more on key risks and results;
- must better coordinate its work, particularly with industry and foreign counterparts;
- had insufficient means to assure the quality of work of its inspectors; and
- must focus on acquiring the necessary scientific capacity in coming years.

The full report is available on the website of the National Audit Office of the UK www.nao.org.uk/publications and on the INTOSAI WGEA website at www.environmental-auditing.org.

To encourage SAIs to audit biodiversity issues, the INTOSAI WGEA has developed the guideline *Auditing Biodiversity: Guidance for Supreme Audit Institutions*, 2007 and a specific web page named Focus on Biodiversity.¹⁴ Both tools present detailed information about biodiversity audits and biodiversity related MEAs.

3.5.2 Auditing Climate Change and Atmosphere-related MEAs

With regard to air pollution, governments' responses to climate change include reduction of greenhouse gas emissions (mitigation) and adaptation to future impacts climate change pose to societies, economies and environment (adaptation). There are also efforts towards others types of air pollutions, which may contribute to reduction of local air quality or ozone layer.

Among relevant MEAs the United Nations Framework Convention on Climate Change (UNFCCC) is directly related to climate change commitments and policies stating mitigation and adaptation commitments.

Different audit approaches when designing climate change audits

MEAs set out commitments relevant as criteria when auditing how the Parties implement their international agreements. The diversity of commitments requires plans, monitoring systems, measures, reporting, funding, implementation and transfer of technologies, and cooperation on scientific research. Relative to each Party's commitments, several approaches will be possible when setting the audit scope. In general, national targets and criteria should supplement international commitments.¹⁵ The setting of audit scope will also depend on the risks identified in the government's implementation of the selected MEAs, and the added value of auditing the selected topics.

In addition, as countries have addressed climate change as a global environmental and economic threat, a unique cooperative effort to audit climate change programs was launched by the INTOSAI WGEA in 2007. In 2010, the joint final report *Coordinated International Audit on Climate Change: The Climate Is Changing — How Are Governments Performing?* was published including the findings of fourteen countries.

¹⁴ www.environmental-auditing.org.

¹⁵ For climate change mitigation issues, the Annex I and II Parties have the most concrete commitments suitable as audit criteria.

COORDINATED INTERNATIONAL AUDIT ON CLIMATE CHANGE: THE CLIMATE IS CHANGING – HOW ARE GOVERNMENTS PERFORMING? UNFCCC AND ITS KYOTO PROTOCOL, INTOSAI WGEA, 2010

In June 2007, 14 SAIs embarked on a project to cooperate in the design and undertaking of national audits of their respective governments' climate change programs and performance. The project involved a diverse group of offices—from Australia, Austria, Brazil, Canada, Estonia, Finland, Greece, Indonesia, Norway, Poland, Slovenia, South Africa, the United Kingdom, and the United States—that have varying degrees of experience in auditing governments' programmes to address climate change. The governments of all these countries have indicated that climate change is an important issue and have made commitments to reducing greenhouse gas emissions and to addressing adaptation to climate change.

Audit Objectives and Criteria

- The partners were together to develop a common framework of audit objectives, questions and criteria. Each SAI selected from this framework and designed their audits according to their respective national priorities and mandates.

Scope of audits/report

- A variety of topics regarding mitigation and adaptation, including compliance with international commitments, assessment of risks and vulnerabilities, coordination and management across government agencies, and availability of reliable information to support decision-making.

Highlights of the findings

- Dealing with climate change presents a formidable challenge for countries around the world. The audits found a wide variety of efforts underway to address climate change in the countries examined.
- Emission reduction targets, objectives or commitments are generally in place but are not always supported by comprehensive and specific national, regional or sectoral strategies and plans.
- Conflicts between programs in other areas and climate change targets, objectives, or actions have impeded effectiveness.
- Work to assess risks from climate change and plan for adaptation is at an early stage despite long-standing international commitments to plan for adaptation.
- Emissions trading, Joint Implementation, and the Clean Development Mechanism, important policy tools under the Kyoto Protocol, have not yet driven significant emissions reduction.
- Weak management structures impair coordination and alignment among levels of government.
- High-quality information on climate change efforts is important but often lacking.
- Evaluation of key policy choices and instruments was not always in place.

Lessons learned for SAIs

- This coordinated project has demonstrated the breadth of the understanding and value that auditors can bring from audits of climate change mitigation and adaptation in their country.
- Identify and audit the governance of government actions on climate change.
- Use audit findings and experience to recommend appropriate interim milestones and measures to track progress.
- Establish their countries' reliance on emissions reductions in other countries and, if they are significant, validate the assurance for the reductions achieved.
- Examine financial management controls.
- Determine whether donor funding from other countries supports mitigation or adaptation, and if material, audit their government's assurance on the proper receipt and use of the funding.
- Build capacity in their SAI, but do not hesitate to seek specialist expertise to audit climate change.
- Share knowledge with peers and undertake cooperative work where this will add value.

As a result of the social, economic, and environmental implications of government policies and the magnitude of public expenditures related to climate change, the actions governments take in the coming years are likely to have significant and historic implications for generations to come.

The full report Coordinated International Audit on Climate Change: The Climate Is Changing – How Are Governments Performing? is available on the INTOSAI WGEA website at www.environmental-auditing.org.

Mitigation

Government action to mitigate climate change is relevant in several sectors such as industry, transport, energy and petroleum. Mitigation actions thus require both the coordination of activities in several sectors and activities in particular sectors. The selected audit approach could therefore cover government's cross-sectoral or sector-specific efforts. Initially, the audit could attempt to determine whether the country, as a Party to the UNFCCC, has developed efficient plans and strategies and then whether the government has adequate information to support decision-making in line with their international commitments. Following assessments of implemented plans and strategies, another audit approach could be to determine whether proper monitoring systems are in place to assess whether strategies and policies are efficient and effective. This approach could be based on the UNFCCC's reporting and inventories requirements. For example the SAI of Estonia has addressed the quality of its National GHG inventory reported to the UNFCCC.

AUDITING THE QUALITY OF GREENHOUSE GAS (GHG) INVENTORIES AND PROJECTIONS IN UNFCCC REPORTING IN ESTONIA, 2009

Audit objectives

- Does the state have the information about greenhouse gas levels (emissions + absorption) for climate policymaking?
- Is the climate policy managed and planned in a coordinated manner and have measures been developed for reduction of GHG emissions?

Scope

- Inventory reports submitted by Estonia to the UNFCCC Secretariat;
- Inventory review reports by the UNFCCC Secretariat;
- Contracts for preparation of the inventories;
- List of costs the Ministry of Environment and its authorities have incurred in connection to GHG inventories and for the preparation of GHG forecasts;
- Inventory reports of selected countries;
- Interviews;
- Analysis of sector-based development plans and GHG mitigation measures;
- Forecasts of GHG emissions submitted to the European Union;
- GHG forecasts of selected countries.

Criteria

- The calculation of GHG emissions is accurate and reliable if:
 - the emissions or removals of GHG are calculated on the basis of all sectors where they may be generated;
 - the inventory report complies with the requirements of the manual of the UN Climate Secretariat. The manual limits the possibility to correct the GHG emissions inventory report in comparison with the inventory reports to be submitted in the coming years (7% a year of the total emission (excl. forestry and land use), 20% throughout the Kyoto trading period);
 - the uncertainty of the GHG emissions data has been calculated reliably;
 - quality control systems are used.
- Adequate and realistic goals related to GHG emissions can be set only if various ministries cooperate and the impact of the implemented and planned activities on the total GHG emissions as well as future projections are known.
- The projections have to be based on reliable and adequate data, be in compliance with states development plans. Reliable and suitable tool (computer programme) should be used.

Findings

- GHG inventory:
 - Some GHG sources are not included in the inventory and GHG removal levels may be overestimated by up to 30% - therefore the actual greenhouse gas emission levels may be higher than reported in the GHG inventories;
 - Insufficient quality control;
 - Uncertainty calculations need improvement.
- Mitigation measures and projections:
 - Current GHG mitigation action plan is out-dated and needs to be renewed. Need for better co-ordination between the Ministry of Environment, the Ministry of Economic Affairs and the Ministry of the Agriculture;
 - There are no adequate GHG mitigation goals;
 - There is no knowledge about the effectiveness of policy tools implemented so far;
 - Forecasts of GHG emissions are not realistic.

Full report of the audit "State's efforts of reducing greenhouse gas emissions" is available in English at www.riigikontroll.ee and www.environmental-auditing.org.

AUDITING PUBLIC POLICIES REGARDING MITIGATION OF GREENHOUSE GAS EMISSIONS IN THE LEGAL AMAZON FOREST REGION (UNFCCC) IN BRAZIL, 2009

Audit objectives

- Assess greenhouse gases emissions mitigation public policies for the Legal Amazon forest region.

Scope

- To assess if public policies for the Legal Amazon creating relevant negative impacts on the emissions have mechanisms to compensate or reduce those impacts; if public policy planning is done in a way that takes GHG emission mitigation into consideration; if there are coordination, integration, governance and accountability actions done to promote GHG emission reduction.
- Audited entities: Civil Cabinet of the Presidency, Ministry of Environment, Ministry of Agriculture, Ministry of Transportation, Ministry of Planning, Ministry of Science and Technology, Ministry of Agriculture, Ministry of National Integration, National Institute of Colonization and Agricultural Reform, and Superintendency of the Amazon Region Development.

Criteria

- Climate Change National Plan (2008) and UNFCCC – Article 4.

Audit findings and evidence

- Supervision, control and monitoring actions conducted by the Ministry of Environment and the Ministry of Science and Technology have had significant results in reducing deforestation and, as a consequence, the GHG emissions of the sector.
- However, actions of other government institutions in the region, such as policies related to the agriculture and livestock sector and to rural settlements, do not yet have a significant effect on GHG emissions of the related activities, despite the growing importance of environmental matters in the executive agenda of those institutions.
- Actions to promote sustainable productive activities - important for maintaining a continuous drop in deforestation - are not yet properly structured.
- The Climate Change National Plan was important to identify and organize climate change public policies, and bringing the matter into the spotlight. Additionally, specific targets were proposed to reduce GHG emissions for the forest sector. However, the Plan did not detail the mechanisms necessary to implement the proposed actions.
- Furthermore, aspects of governance and accountability are still an issue. This might compromise the expected results, considering the low historical level of cooperation among the Federal Government institutions responsible for the group of policies related to deforestation in the Legal Amazon region.

Recommendations

- The responsible institutions for coordinating the Climate Changes National Plan must make a action plan with activities, roles, responsibilities and resources necessary for implementing the proposed measures and mitigation targets, as well as making information available in the Internet about actions and results achieved;
- The Ministries with public policies in the region should promote conservation, environmental measures and sustainable productive activities, according to the opportunities for improvement identified in the audit.

The audit is available on www.environmental-auditing.org

Monitoring of inventories and reporting requirements is closely linked to an assessment of target achievement stated in the Kyoto Protocol. Yet another audit approach could be to determine whether the Party will achieve its emission targets. As an example the SAI of Norway has conducted an audit covering all relevant mitigation sectors, the SAI of Brazil on the other hand chose to focus on the sector with the biggest emissions, the forestry sector.

Certain national policies are implemented in order to contribute to efficient target achievements. The international flexible mechanisms and substantial funding are made available in order to meet international commitments. In that area the SAI of the United States has reviewed the mechanisms in a report on lessons learnt from the European Union's Emission Trading Scheme and the Kyoto Protocols Clean Development Mechanism¹⁶.

Adaptation

Vulnerability assessments are required in order to understand the threats that climate change poses to different sectors. An overall plan or strategy should be developed by the government to address key vulnerabilities. A potential audit approach could therefore be to determine whether the government has properly assessed key vulnerabilities and if an efficient and effective overall strategy has been developed. In the United Kingdom, an audit added value to the early stages of the Government's follow-up of national legislation to incorporate adaptation into ministries' policies.

Adaptation requires coordinated action among many players. Another audit approach could therefore be to determine whether effective governance and coordination arrangements have been effectuated. It is also relevant to see if governments have identified and undertaken modelling and monitoring activities and programmes prescribed by the UNFCCC. Such audit questions could be raised in order to query the overall level (between ministries) or among different management levels within one sector. For example the SAI of Brazil has conducted several audits to see how the most relevant sectors follow up on climate change vulnerabilities (agriculture, coastal zones and forestry).

16 For further information, see www.gao.gov/new.items/d09151.pdf

THE UNFCCC COMMITMENTS AND ADAPTING TO CLIMATE CHANGE IN THE UNITED KINGDOM, 2009

Audit objectives

This report provides an overview of government policy on adapting to climate change, and progress across government departments in identifying and managing risks from future climate change impacts.

Scope

The report presents departments' self-assessment of their current capacity to assess and manage climate change risks. The methodological approach uses a framework for effective climate change risk management developed by the SAI of United Kingdom for the purpose of the report. This approach is based on five themes: leadership, policy and strategy, people, partnerships, and processes.

Criteria

- The Climate Change Act 2008 established a statutory framework for work on climate change adaptation, including the requirement to undertake a UK-wide climate change risk assessment.
- The cross-government Adapting to Climate Change (ACC) Programme was established in 2008 to bring together and drive forward work in government and the wider public sector on adaptation.
- The Department for Environment, Food and Rural Affairs (Defra) provides the ACC Programme delivery team, but responsibility for embedding adaptation into individual government policies is given to the relevant government department.

Audit evidence

- Government departments showed signs of growing awareness and understanding, progress in identifying and assessing risks, and examples of individual policy responses.
- The government departments were at different stages of including climate change risk assessment and management: five departments were at the implementation stage, and four were at a capacity building stage. However, all departments were able to highlight relevant risks to their objectives, and give examples of policy responses.
- Departments highlighted that climate change risk management is a challenge because of the long timescales and uncertainties involved, the difficulty in prioritising resources between addressing current needs and future risks, and the need to build capacity.

The audit is available on http://www.nao.org.uk/publications/0809/adapting_to_climate_change.aspx

An adaptation audit is not necessarily directly related to overall adaptation commitments; it could focus on actual challenges facing the country due to climate change. The SAI of Tanzania have conducted an audit to see how the government handled flooding in their land use planning, and the SAI of Cyprus have carried out an audit to determine whether the government has reached the target on fresh water supply. Another possible audit approach, used by the SAI of Canada, could be to see how the government manages severe weather events¹⁷.

¹⁷ All these audits are available on INTOSAI WGEA website www.environmental-auditing.org

AUDITING ADAPTATION MEASURES TOWARDS AGRICULTURE AND LIVESTOCK SECTOR CONSIDERING CLIMATE CHANGE SCENARIOS (UNFCCC) IN BRAZIL, 2009

Audit objectives

To verify the extent to which the actions of the Federal Public Administration are promoting successfully the adaptation of the livestock and agriculture sector to possible climate change scenarios. Activities in this sector is highly dependent on climate factors, which in turn means that climate change can have significant impact on the productivity of these sectors. Ultimately these impacts could have major effects on food safety, the Brazilian balance of trade, and could cause serious social problems.

Scope

To assess if the main vulnerabilities resulting from the identified risks in the agriculture and livestock sector were mapped; if there are adaptation actions in place to enable the agriculture and livestock sector to respond to the identified risks; and if there are established appropriate systems of coordination, integration, governance, and accountability for those actions.

Criteria

- The Climate Change National Plan of 2008 and UNFCCC, Article 4.

Audit findings and evidence

- The main finding relates to deficiencies in identifying potential climate change risks. The primary cause of these difficulties is poor access to meteorological data. A large part of that data is still in printed version (books, notebooks, maps, etc.), and needs to be digitalized.
- Poor data means that low-resolution climate-change models have to be used. This affects identification of the country's vulnerabilities in relation to possible climate change scenarios, which makes the identification of risks more difficult.
- The adaptation actions of the sector are still in their very early stages, and are insufficient, in their current form, to deal with problems that could come from climate change. The possible reason for this is the lack of clear instructions to agencies to consider climate change scenarios when planning and implementing public policies for the agriculture and livestock sector.
- The Climate Change National Plan has not yet set guidelines for adaptation actions in the sector. More studies and a high resolution climate model are necessary to better predict Brazil's risks and vulnerabilities to climate change.
- There were also deficiencies in the coordination, integration, governance and accountability of the government actions in relation to climate change. Significant deficiencies relate to the lack of accurate definition of roles to be taken by various public agencies and by the overlapping activities of several institutions.

Recommendations

- Promote actions to make policy makers aware of the need to consider climate change scenarios when planning and elaborating public policies for the sector.
- The Climate Change National Plan needs to include guidelines for adaptation actions to the sector, establishing targets and due dates to implement the measures.
- More clearly define the roles and responsibilities of entities in charge of climate change actions, in order to better organize actions and avoid overlapping of activities.
- Better coordinate and integrate government actions addressed to tackle climate change, in order to increase effectiveness.
- Monitor the implementation of Climate Change National Plan, in order to verify if entities are following guidelines in the Plan.
- Make short- and long-term meteorological data available for research institutions responsible of carrying out studies on climate change, especially the ones responsible for developing regional climate models.
- Consider climate change scenarios when planning and designing adaptation actions for the sector.
- Put in place measures to promote studies to map vulnerabilities relating to water availability and planned water management; consider climate change scenarios when authorizing water uses.
- See if there is an opportunity to integrate existing meteorological data networks.

The audit is available on www.environmental-auditing.org

Other MEAs relevant to climate change and atmosphere-related issues

In addition to the UNFCCC and among other MEAs the *Convention on Biodiversity (CBD)*, presented in section 3.5.1., is relevant when protecting threatened species and ecosystems against future climate changes.

INVESTIGATION INTO THE EXERCISING OF AUTHORITY WITH A VIEW TO REDUCING NITROGEN OXIDE EMISSIONS IN NORWAY, GOTHENBURG PROTOCOL, 2008

Nitrogen oxides are an important pollution component and they are harmful to fish, vegetation and health. Norway signed the Gothenburg Protocol in 1999.

Audit objective

- To examine if Norway is to meet its commitments to reduce the emissions by 39,000 tonnes. It was committed to reduce the annual emissions of nitrogen oxides by 2010.

Criteria

- The Gothenburg Protocol
- Relevant national laws, regulations and policies

Findings

- The use of policy instruments in relation to the most important sources of emissions had led to only a limited reduction in emissions.
- The authorities had not exercised their right to stipulate national emission requirements for ships.
- The use of the Pollution Control Act had contributed little to reducing emissions from the petroleum industry offshore and from industry on the mainland.
- It was questioned whether the authorities had made sufficient use of their right to stipulate requirements for the use of low nitrogen oxide technology in offshore power plants.
- The reduction in emissions of nitrogen oxides from the year 2000 was largely due to reduced emissions from road traffic. The proportion of the total emissions caused by road traffic had been reduced from 34 percent in 1990 to slightly less than 20 percent in 2005.
- In 2007, it was decided to introduce a tax on emissions of nitrogen oxides, but it was too low for it alone to meet the commitments.
- Agreement had been reached with 14 industry associations on the contents of an environmental agreement whereby enterprises will be exempted from the tax in return for reducing their nitrogen oxide emissions. Under this agreement it was possible to implement 7,000 tonnes of the reduction in emissions by 2011.

The audit concluded that it was not very probable that Norway would meet its commitment under the Gothenburg Protocol to reduce emissions of nitrogen oxides by 2010.

The report is available on the INTOSAI WGEA website at www.environmental-auditing.org.

The Gothenburg Protocol of the Convention on Long-range Transboundary Air Pollution sets out specific targets for each Protocol Partner, aimed at reducing annual emission of gases that lead to acidification, eutrophication and ground-level ozone, e.g. nitrogen oxides and sulphur oxides, by 2010. The Gothenburg Protocol commitments set criteria for auditing effectiveness in relation to target achievements and use of policy tools. The SAI of Norway pursued this approach when auditing nitrogen oxide emission reductions (NO_x).

The Convention for the Protection of the Ozone Layer, known also as Vienna Convention, and its Montreal Protocol relate to air issues, they are aimed to control chemicals that are destroying the tropospheric ozone layer.

Recently the SAIs of Austria, the Czech Republic, the Slovak Republic and the Republic of Slovenia have conducted a cooperative audit on ozone layer protection and they examined how their governments respected the commitments to the Montreal Protocol and to other air-related conventions.

In 2010, to address the importance of climate change issue the INTOSAI WGEA published a guideline *Auditing the Government Response to Climate Change: Guidance for Supreme Audit Institutions* to encourage SAIs to audit their government's management of climate change and its different aspects. Additionally, a web page *Focus on Climate Change* was developed on the INTOSAI WGEA website where all relevant material can be found including a step-by-step e-learning course.¹⁸

¹⁸ www.environmental-auditing.org.

COORDINATED AUDIT OF AIR AND OZONE LAYER PROTECTION AND IMPLEMENTATION OF RELATED INTERNATIONAL AGREEMENTS, 2008

The SAIs of Austria, the Czech Republic, Slovak Republic and Slovenia conducted a coordinated audit of issues relating to compliance with legal regulations in regard of the use of funds for air and ozone layer protection and the execution of measures to ensure the implementation of international obligations in the field of air, climate and ozone layer protection. Every SAI conducted an audit in their respective country with slightly different approaches relevant to them. Later common audit topics, conclusions and recommendations were defined.

Common audit topics

- Compliance with international agreements – meeting limits and targets
- Implementation for national conditions – system of responsibilities and obligations, measures, legislation, national strategies and action programs
- Emissions trading system
- Financing system

Criteria

- The Convention on Long-range Transboundary Air Pollution and its Montreal Protocol on Substances that Deplete the Ozone Layer
- The United Nations Framework Convention on Climate Change and its Kyoto Protocol

Common conclusions

- Commitments relating to international commitments on air and ozone layer protection were fulfilled in principle.
- In the Czech Republic, Slovak Republic and Slovenia the monitoring detected the exceeding of thresholds of certain pollutants, specifically PM10 particles.
- The Czech Republic and Slovak Republic are meeting the Kyoto targets.
- Difficulties were detected in creation of comprehensive policy on climate change in Slovenia. The greenhouse gas emission mitigation principles were not incorporated into other key sectoral policies (e.g. agriculture, transport and energy).
- Austria is unlikely to achieve the Kyoto targets due to development of emissions in the sectors of housing, industry and traffic.

Main recommendations

- Implementation of measures taken to meet objectives and targets relating to international regulations on air and ozone layer protection should be regularly revised by responsible bodies to meet set targets.
- All sectors involved in mapping all programs and projects for which funds are provided should cooperate closely.
- National measures for the mitigation of greenhouse gas emissions must have priority over buying certificates in the system of the flexible Kyoto mechanisms.

The national emissions trading system should pay regard to the state of the art and energy efficiency of individual plants during the allocation process.

The full communiqué is available on the INTOSAI WGEA website at www.environmental-auditing.org.

3.5.3 Auditing Waste and Chemical-related MEAs

Several MEAs regarding waste exist, some of them are international and some are regional. There are various chemicals-related MEAs. For instance, the chemicals that destroy the tropospheric ozone layer brought the development of specific MEAs to control them. In general, MEAs cover the management of hazardous waste and radioactive waste. However there are some, as described below, that cover non-hazardous waste, also called solid waste.

COOPERATIVE AUDIT OF THE HELSINKI CONVENTION, 2004

The Helsinki Convention was ratified in 1974 and signed by countries bordering the Baltic Sea to protect against pollution. In recent years, the Baltic Sea has seen a dramatic increase in oil shipping and the transportation of other hazardous substances. This growth in traffic is a cause for concern, as it inherently increases the risk of collision and damage to marine ecosystems. The objectives of the Helsinki Convention are pursued through joint decisions and agreements, joint declarations and recommendations, and broad cooperation in environmental protection. Good environmental protection depends on thorough coordination of preventive, contingency, and combative measures, and requires fast and effective action by the responsible national authorities and international cooperation.

Audit Objective and Criteria

- Given the increased traffic on the Baltic Sea and the collaborative nature of the Helsinki Convention, eight SAIs (Denmark, Estonia, Finland, Latvia, Lithuania, Poland, Russia, and Sweden) participated in a parallel audit. It was agreed upon terms of reference, scope, audit objectives, criteria, and methods.
- The audit looked at the level of implementation of the Convention in each country.

Findings

- All countries have taken necessary measures to implement the Convention.
- However, they also found that, due to dramatic increases in oil shipments, there was an urgent need for comprehensive risk assessment, a need for more cooperation, and a need to exchange information on research and on good practices.
- This audit ensured that the spirit of international cooperation that created the Convention was applicable to the dynamic conditions on the Baltic Sea.
- The joint audit report of the eight countries was shared with HELCOM (the Helsinki Convention governing body). HELCOM endorsed the SAIs' findings and recommendations, in which the governments of the contracting parties must act on their national program and legislations.

IMPLEMENTATION OF THE OSPAR CONVENTION REGARDING INDUSTRY, SEWAGE AND AGRICULTURE IN NORWAY, 2000

The SAI of Norway conducted a concurrent performance audit focusing on the Convention for the Protection of the Marine Environment of the North East Atlantic (OSPAR Convention). The audit focuses on particular sections of the OSPAR Convention, namely regarding pollution from land-based sources in particular in agriculture, industry and sewage (nutrient enrichment and toxic waste).

Audit objective

- To assess whether the competent national authorities have chosen suitable means and measures to comply with relevant sections of the OSPAR Convention.
- In addition, to achieve experience by conducting an audit based on the principles set out in INTOSAI WGEA's document How SAIs May Cooperate on the Audit of International Environmental Accords, 1998.

Criteria:

- OSPAR Convention
- Relevant national laws, rules, regulations and policies

Conclusions

- The share of violation of the environmental regulations within industry and wastewater management has been high during the audited period.
- Within the industrial sector, 40% of the companies checked were found to have breached their permitted emission levels. In addition, 59% of the companies holding emission licences reported themselves that they had exceeded the approved levels.
- Within the municipal wastewater management sector, one also finds a high percentage of breaches of the regulations – 55% of the facilities investigated.
- Only to a limited extent of the authorities follow up by imposing sanctions on manufacturing companies and on municipal waste water facilities that breach environmental regulations.
- 57% of the municipalities have not executed their control duties as laid down in the regulations. The national pollution control authorities are less stringent in respect of municipalities than they are with industry and other private businesses that pollute the environment.
- No report giving an overview of the total emissions of phosphorous and nitrogen from the agricultural sector to water deposits had been produced.
- Lack of updated environmental information will make it difficult to adapt measures and instruments in an appropriate manner.
- Within those areas where the need to reduce emissions of phosphorous and nitrogen is greatest the implementation of certain measures is least prevalent.

Feedback

- It was noticed that the Norwegian authorities have established those systems that the OSPAR-convention requires to regulate polluting operations and to control that, but the regulations should be followed up.
- The auditee agreed that the authorities only to a limited degree react with stringent sanctions when there are contraventions of permitted emission levels. It was also agreed that the authorities should follow up with the national laws and regulations. In addition, the Ministry of the Environment will consider if more stringent sanctions should be used more often.

The reporting system that gives an overview of the total emissions of phosphorous and nitrogen from the agricultural sector to water deposits will be improved.

Full report is available on the INTOSAI WGEA website at www.environmental-auditing.org.

Agreements including non-hazardous waste

The convention on the Prevention of Marine Pollution by Dumping of Waste and Other Matter, also called the London Convention, and its associated London Protocol as well as the MARPOL Convention for the Prevention of Pollution from Ships were designed to protect oceans from waste discharge which could include non-hazardous waste as well as hazardous waste.

European SAIs have conducted several audits pertaining to the protection of oceans against pollution. For instance, the SAI of Norway in collaboration with the SAIs of Denmark and Iceland performed an audit on how their respective SAIs have implemented the OSPAR Convention. Another example is about a cooperative audit of the Helsinki Convention conducted by eight SAIs bordering the Baltic Sea. Case studies of these audits are presented in this section.

In addition, countries from the Organisation for Economic Co-operation (OECD) have developed binding agreements for its member countries regarding the trans-boundary movements of waste.

Agreements regarding hazardous waste

Because some developed countries were exporting hazardous waste to developing countries, MEAs were developed to protect the environment and human health of those countries receiving waste. *The Convention of the Control of Transboundary Movements of Hazardous Wastes and Their Disposal – Basel Convention* is the main MEA regarding hazardous waste. One of its objectives is the prevention and monitoring of illegal traffic.

Several SAIs have conducted audits of their countries regarding the compliance with the Basel Convention and how it is implemented in national laws and regulations. The Czech Republic and Slovak Republic undertook a coordinated audit in this area, and the case study is outlined below.

It is important to note that for SAIs in Africa and the Pacific Islands it would be more appropriate to audit how their countries have implemented the following regional agreements, respectively:

- Convention on the Ban of the Import into Africa and the Control of Transboundary Movement and Management of Hazardous Waste within Africa, also called the Bamako Convention.
- Waigani Convention in the Pacific Islands.

COORDINATED AUDITS OF THE STATE FUND MANAGEMENT AND PERFORMANCE OF INTERNATIONAL OBLIGATIONS IN HAZARDOUS WASTE TREATMENT, BASEL CONVENTION, 2006

The SAIs of the Czech Republic and Slovak Republic agreed to carry out coordinated audits in order to learn about the performance of international obligations in the management of hazardous waste, operation and scope of exchange of information among the signatories to the Basel Convention, a system of financing of measures aimed at improving the environment, and the level of international cooperation.

Audit objectives

- To assess the implementation of the Basel Convention. Besides, the management of state funds purposefully allocated for the disposal of hazardous waste was also audited.

Results

- The feedback including a flow of up-to-date information and operative cooperation with the Secretariat of the Basel Convention is not sufficient for the existing needs of the Parties to the Convention.
- The import of waste into the Czech Republic and Slovakia for disposal is prohibited and it is subject to exceptions. Due to ambiguous legislation there are numerous entities that declare waste as a product. With the current state of legislation these entities cannot be controlled.
- Penalisation of illegal transport of waste across the Czech Republic through bonds is ineffective due to insufficient legal regulations.
- The system of collection and payment of charges for depositing hazardous waste into landfills is complicated, not transparent and not very effective.
- Landfill operators do not send reports on charges to the final beneficiary in the Czech Republic; motions with regional authorities to issue a decision to pay the charge are not filed in Slovakia and therefore charges cannot be subsequently recovered.
- Considering the relatively high number of cases when the Waste Act was breached and the low number of imposed fines, it is clear that the imposition of fines was not sufficiently effective as a penal instrument.
- Vague legal regulations in the field of waste management and inaccurate definitions of terms often lead to frequent legislative amendments, leading to low effectiveness and high complexity of this legislation.

Joint conclusions

- After customs controls were abolished at border crossings due to the accession to the EU, illegal import of waste from neighbouring countries increased both in the SR and CR. In this context, intra-state controls of transboundary transport of waste became crucially important. However, this situation was not sufficiently reflected in valid legislation in a flexible manner.
- Pertinent state administration bodies lack sufficient powers to effectively prevent illegal transport of waste.
- With regard to the existing low effectiveness of fines, which are in practice imposed at the lowest level of the penalty range, there is a need to increase not only the upper limit, but also the lowest limit of fines.
- Measures taken in waste management resulted neither in a decrease in the generation of hazardous waste nor in an increase of their recovery and hence the amount of hazardous waste disposed of has not been reduced.
- Vague legal regulations on waste management, which allow ambiguous interpretation, their frequent amendments, complexity and belatedness result in their low effectiveness.

The joint report is available on the INTOSAI WGEA at website www.environmental-auditing.org.

Chemical-related MEAs

Because of their different nature, there is no single MEA covering all chemicals. However, the international community has developed specific MEAs for some products such as the persistent organic pollutants (POP) and the trade of pesticides (Convention on Persistent Organic Pollutants – the Stockholm Convention on POPs). Also, the Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides on International Trade – the Rotterdam Convention deals with chemicals.

The case box from the SAI of Costa Rica emphasises the importance of the MEAs to be implemented in the country and gives a brief overview about the management of pesticides in their country and how it was respecting the Rotterdam Convention requirements.

EVALUATE THE MANAGEMENT OF THE STATE IN RELATION TO THE CONTROL OF AGRICULTURAL PESTICIDES IN COSTA RICA

(Vienna Convention, Rotterdam Convention, Basel Convention, Stockholm Convention)

Audit criteria

The SAI of Costa Rica has not yet developed specific studies about the fulfilment of the MEAs, however, several aspects mentioned on those agreements have served as criteria within the structure of the findings included in the respective reports.

Background

This situation is serious as Costa Rica presents highest world indices in consumption of pesticides. For example in the year 2000 it was of 19.75 kilograms of active ingredient by hectare and the average in the rest of Central America was 7.18; thus, as a result of the increase pesticides importation during the last 15 years.

Findings

It indicates about the absence of a clear national policy in order to promote the reduction of the use of pesticides in the agricultural activities of the country, in concordance with the call of the international organisms to control and reduce the use of these substances; the executed actions are the opposite to some proposals of the National Development Plan regarding the integral handling of plagues outlines, the use of good agricultural practices, organic agriculture and other forms of alternative production that try to diminish the negative increasing impacts of the use of pesticides in the atmosphere and the human health.

Recommendations

Due to this delicate subject and to the different existing interests, it becomes necessary for the Government to take part in exerting a regulating function on the use of agrochemicals in the country. It is essential to guarantee to the agriculturists the availability of effective products in markets, for the combat of the plagues and, at the same time, the protection of the health of the citizenship and the right to a healthy atmosphere and ecological balance.

Source: the SAI of Costa Rica

The INTOSAI WGEA has encouraged SAIs to audit waste issue by developing in 2004 the guidance Towards Auditing Waste Management. Management of non-hazardous waste is often audited at domestic level. However, management of hazardous waste and in particular radioactive waste have to follow international rules set under MEAs. The INTOSAI WGEA has also developed a specific web page Focus on Waste with a sub-section that focuses on international agreements. The specific web page also provides a link to environmental audit reports on waste. Readers will find more detailed information related to waste in the above WGEA guidelines and on the INTOSAI WGEA website.¹⁹

¹⁹ www.environmental-auditing.org

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Part IV:
**RESOURCES FOR AUDITING THE
IMPLEMENTATION OF MEAS**

4.1 Appendices

Appendix 1 – Basic Organizational Structure of an MEA

1. Conference of the Parties (COP): the meeting of negotiators from countries that have ratified a Convention. It meets periodically (often once a year) to review Convention implementation and to take decisions on how to improve the implementation process. The Conferences are open to civil society representatives under certain terms. These conferences have the following goals:

- *Appraise* the implementation process an MEA is going through at the national levels. This is done by evaluating the different reports submitted by national governments to the COP.
- *Deliberate* on all aspects of the MEAs.
- *Resolve* on new or additional issues that need to be settled for the implementation of the treaty.
- *Revise* the multilateral agreement when and if necessary. Some conventions also consent the COP to add protocols or amend the original treaty where new state of affairs guarantees it.

2. Meeting of the Parties (MOP): similar to a Conference of the Parties. The term ‘MOP’ is used to describe meetings of the Parties to a Protocol to a Framework Convention, for e.g. the Kyoto Protocol or Biosafety Protocol, to distinguish these meetings from the Conferences of the Parties to the framework conventions themselves (for e.g. the UNFCCC or CBD). A MOP will often be held in conjunction with a COP.

3. Plenary: the main meeting of the Conference of the Parties. At plenary meetings, each delegation is represented and all delegations sit in a single large room. State representatives can have an opportunity to address the Convention. All votes take place in the plenary meeting.

4. Bureau: The Bureau is the presidium of the negotiating committee that may oversee the running of a COP or MOP. Bureaus are usually made up of members from each of the different regional blocs. In practice, the Bureau and its residing officer – and the chief executive officer of the conveying agency – play a large role in the success (or failure) of the negotiations. These individuals and institutions can keep negotiation moving and provide impulses where negotiations have been stalled by expressing their personal stands on certain matters, proposing negotiation methods, consult informally with the relevant states, and undertake other similar measures.

5. Secretariat: Secretariats are set up with manifold mandates, yet all concentrating upon the implementation of the agreement itself. Secretariats provide support for the parties to the conventions in tasks such as:

- reporting on compliance;
- upholding information systems related to the convention and the issues it deals with;
- employing or fostering financial mechanisms for projects dealing with MEAs implementation;
- assisting and servicing the periodic meetings of the Conference of the Parties (COP) for MEAs or Meeting of the Parties (MOP) for Protocols or regional agreements.

6. Scientific Bodies: Formal scientific bodies authoritatively accompany MEAs. They provide a more comprehensive evaluation of how the environmental issue that the MEA deals with is being confronted, as well as explore scientific and technical issues related to the agreement's issues. Although nominated by Parties (i.e. countries that are a part of the accord) an MEA's scientific group is meant to act independently in providing its assessments as well as advise. This is an area of a convention where civil society members (many academics) have a strong role to play. The UNFCCC has a Subsidiary Body for Scientific and Technological Advice (SBSTA), and a Subsidiary Body for Implementation (SBI). The CBD has a Subsidiary Body for Scientific, Technical and Technological Advice (SBSTTA).

7. Ad-Hoc Groups: may be created to address specific issues of concern that require focused attention. For example, an Ad hoc Technical Expert Group on Biological Diversity and Climate Change was established (under CBD decision V/4) to consider ways to promote synergies at the national level between the UNFCCC and its Kyoto Protocol and the CBD, when implementing climate change activities, as well as their relation to the conservation and sustainable use of biodiversity. An Ad Hoc Working Group on Article 3.9 was created (under Kyoto Protocol decision 1/CMP.1) to consider future greenhouse gas reduction and limitation commitments under the Kyoto Protocol.

8. Informal Bodies: The President of the COP or the Chair of a subsidiary body may establish 'informal consultations' or other groups to help find consensus among the diverse interests of MEA Parties. The Chair may appoint individuals to preside over these informal sessions. Some of these informal groups include:

- **Friends of the Chair/President:** A few prominent negotiators invited to form a group to assist the Chair or President in informally developing consensus on issues.
- **Working Group:** A group convened by the COP or by one of the subsidiary bodies to work on large scale issues. The Chair or Co-chairs must be designated by the Chair of the body calling the Working Group, and membership is open to all Parties. Example might be a Working Group on Mechanisms, or a Working Group on Compliance.

- **Joint Working Group:** Two working groups, each convened by a different subsidiary body, brought together to work on cross cutting issues. For example, the Climate Convention's Joint Working Group on Compliance.
- **Contact Group:** A group formed to resolve a specific issue on which there is disagreement. Membership is open to all Parties, but is usually limited to those Parties individually invited by the Chair to participate, due to their different viewpoints.
- **Joint Contact Group:** Two contact groups created separately and brought together to resolve differences between them.
- **Informal Group:** A group called into being by one or more of the Parties, for purposes of informal consultation.
- **Non-group:** If there is extreme reluctance to enter into negotiation, non-groups can be called into being by the Chair in order to encourage communication without the pressure of negotiations.

Appendix 2 – The Stages of Negotiation and Entry into Force of MEAs

1. Pre-negotiation

In the pre-negotiation phase, national governments or inter-governmental organizations set out to address environmental issues that have implications beyond national boundaries, or that involve issues of global concern. The first step involves a decision as to whether there is a need for action, and whether joint action is feasible. Informal or formal consultations at this stage can take place at the national, regional or international level.

Scientific analysis is usually a key component of pre-negotiation analysis. Intergovernmental organisations may call for the creation of a scientific body to investigate particular issues. For instance, in 1988, the United Nations Environment Programme (UNEP) and the World Meteorological Organisation (WMO) called for the creation of the Inter-governmental Panel on Climate Change (IPCC) to provide independent scientific analysis concerning the rising threat of climate change. The IPCC's findings, set out in its First Assessment Report in 1990, provided the scientific basis for the negotiation of the UN Framework Convention on Climate Change. In 1995, the UNEP Governing Council passed a decision inviting various organisations, including the Intergovernmental Forum on Chemical Safety, to assess the need for and feasibility of an international legal mechanism addressing persistent organic pollutants. The resulting consultation report ultimately served as the foundation for negotiations of the 1998 Stockholm Convention on Prior Informed Consent.

The pre-negotiation phase also involves the assessment of existing legal regimes. This often includes a review of national laws and regulations, and binding and nonbinding international agreements that address similar environmental issues.

2. Negotiation

The negotiation process begins with the establishment of a negotiating structure. Negotiating structures usually arise when international bodies, such as the UN or UNEP, convene an ***Intergovernmental Negotiating Committee*** (INC).

INTERGOVERNMENTAL NEGOTIATING COMMITTEE (INC)

Intergovernmental Negotiating Committee (INC) is a forum established to negotiate an international agreement. INCs bring together Governments, inter-governmental institutions, and non-governmental organizations, and they have the mission of drafting and adopting an MEA. Many of the earlier MEAs were first elaborated by international working groups of legal and technical experts but the more recent MEAs are often negotiated by Intergovernmental Negotiating Committees (INCs). The INC was first introduced as a negotiating format on the occasion of the UNFCCC.

With the establishment of an INC, a secretariat is designed to manage the necessary administrative and logistical matters. This secretariat also typically drafts the first version of an agreement, which will serve as a basis for discussion and negotiation. For many MEAs, UNEP provided such a secretariat, such as for the Regional Seas Conventions.⁴

Before negotiations begin, **preparatory committees** ('PrepComs') may be established to address issues of procedure and cost. When this process is concluded, the INC may organise an *ad hoc* conference, designed specifically for the purpose of negotiating an agreement. Intergovernmental organisations often provide secretariats to oversee *ad hoc* conferences. This was the case, for example, in the negotiations of the 1998 Convention on Prior Informed Consent, where UNEP and FAO jointly provided a secretariat. The INC may also establish subsidiary bodies, such as a Bureau to help organise the negotiating process and working groups to focus on specific negotiating issues. If rules of procedure were not agreed upon during the preparation process, the *ad hoc* conference's first order of business may be to create procedural rules to help guide the negotiation process itself.

In the *ad hoc* conference, participants may engage in 'formal' and 'informal' negotiations. Formal negotiations take place primarily in the 'plenary' body where all parties are present. Informal negotiations, in contrast, occur largely behind closed doors with smaller groups of key players.

COMMON TERMS USED IN NEGOTIATIONS DEFINED IN THE 1969 CONVENTION ON THE LAW OF TREATIES

The Vienna Convention on the Law of Treaties is quite specific in defining terms as they are to be used in international accords. Its Article Two defines the following terms for international agreements in specific terminology:

- "treaty" means an international agreement concluded between States in written form and governed by international law, whether embodied in a single instrument or in two or more related instruments and whatever its particular designation;
- "ratification", "acceptance", "approval" and "accession" mean in each case the international act so named whereby a State establishes on the international plane its consent to be bound by a treaty;
- "full powers" means a document emanating from the competent authority of a State designating a person or persons to represent the State for negotiating, adopting or authenticating the text of a treaty, for expressing the consent of the State to be bound by a treaty, or for accomplishing any other act with respect to a treaty;
- "reservation" means a unilateral statement, however phrased or named, made by a State, when signing, ratifying, accepting, approving or acceding to a treaty, whereby it purports to exclude or to modify the legal effect of certain provisions of the treaty in their application to that State;
- "negotiating State" means a State which took part in the drawing up and adoption of the text of the treaty;
- "contracting State" means a State which has consented to be bound by the treaty, whether or not the treaty has entered into force;
- "Party" means a State which has consented to be bound by the treaty and for which the treaty is in force;
- "third State" means a State not a Party to the treaty;
- "international organization" means an intergovernmental organization.

3. Adoption and Signature

Upon conclusion of the negotiation phase, attention shifts to the next phase – adoption and signing. The formal adoption and signing of an MEA may take place at either a diplomatic conference or a **conference of plenipotentiaries** (a ‘plenipotentiary’ is someone entrusted with full authority to act on behalf of his or her government or other organization, for example, an ambassador). An enabling decision is adopted by the convening body (e.g. the UN or specialised agencies) which details the purpose, dates, and venue of the adoption and signature conference.

As in the negotiation phase, the adoption and signature conference is guided by established procedural rules. However, in practice, parties enter into an agreement to extend the procedural rules which were applied to the negotiating sessions. Parties may agree upon new procedural rules at this stage of the MEA process.

In theory, a conference for adoption and signature could be convened just hours after the completion of negotiations. However, in practice, these conferences take place some time after the conclusion of negotiations. This allows time for both the INC secretariat to prepare necessary documents, and time for negotiators to report the results of the negotiations to their respective governments.

4. Ratification and Accession

A State is bound by an agreement when it becomes a Party to the agreement (in certain instances, non-State actors, such as the European Community and other regional economic integration organisations, can also become Party to an agreement). It can do so by ratifying, accepting, approving, or acceding to the convention. The 1969 Vienna Convention on the Law of Treaties defines “ratification,” “acceptance,” “approval,” and “accession” as “the international act so named whereby a State establishes on the international plane its consent to be bound by a treaty.” Ratification is the act by which the governmental authority empowered by a State’s constitution to conclude treaties (be it the legislature or the executive) confirms the treaty signed by the plenipotentiaries and consents for the State to be bound by it. Acceptance and approval are simplified versions of ratification, and they are generally used by States that do not provide explicitly for ratification. Accession is the means by which a State can become a Party to an agreement when it did not sign the treaty within the established period; and accession usually occurs after the agreement enters into force. The specific procedure by which any particular State becomes Party to an international agreement depends on the State, and is often set forth in the State’s Constitution.

When a State becomes Party to an agreement, it may (if the agreement allows) submit reservations or understandings that limit or interpret the terms of the agreement in a particular way.

In order for a State to become a Party, it must **deposit its instrument of ratification, acceptance, approval, or accession** with the institution serving as the depository. In certain instances, such instruments may be exchanged between the contracting states, or formal notification may serve in lieu of actually depositing the instrument. It is not uncommon

for a State to have taken all the internal, national measures necessary to become a Party ... only to have the instrument of ratification fail to be deposited for an extended period of time (during which time the State is formally not a Party). Accordingly, it is recommended that the relevant State agency or ministry follow up to ensure that instruments of ratification are duly deposited.

5. Entry into force

During the pre-negotiation or negotiation phases, parties will agree to specific rules regarding entry into force of the MEA. Most MEAs employ a system in which entry into force depends on a particular number of ratifications, acceptances, approvals, or accessions received. This ensures the achievement of a ‘critical mass’ of participating States so that the Parties that commit to the agreement are capable of realizing its goals and objectives. Normally, MEAs require anywhere from 20 percent to 30 percent participation of potential Parties.

Another trend with environmental agreements has seen entry into force linked with the mandatory participation of certain parties. The 1997 Kyoto Protocol to the United Nations Framework Convention on Climate Change represents an example of this strategy. The Kyoto Protocol had two requirements for entry into force. It required: (1) ratification by at least 55 Parties to the UNFCCC; and (2) ratification by Annex I Parties (developed country Parties) accounting for at least 55 percent of the total 1990 level of carbon dioxide emissions from all developed country Parties listed in Annex I. Both of these requirements had to be met before the Protocol could enter into force. This level of participation was designed to ensure that major developed countries participated. It also was designed to ensure broad participation, in recognition of the economic implications of ratification and compliance with Kyoto’s emission reduction targets.

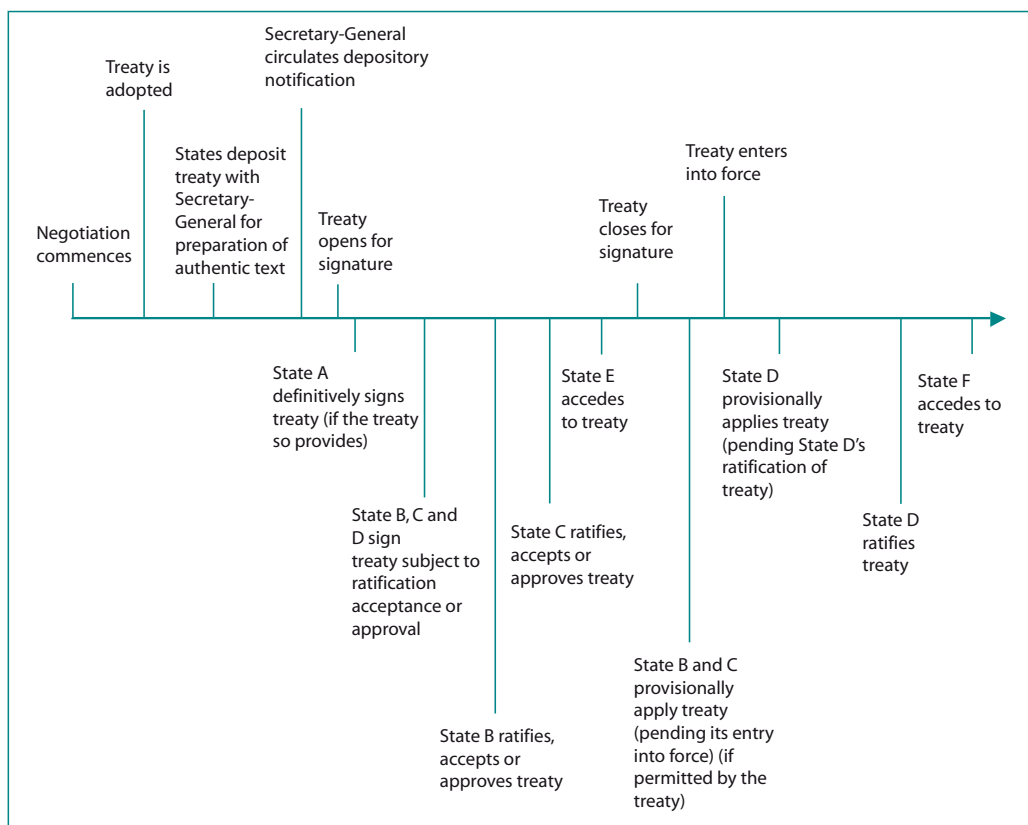
An international agreement “**enters into force**” when the terms for entry into force as specified in the agreement are met. This typically happens within a specified time (e.g., 30, 60, or 90 days) after a specified number of States (usually 20 percent to 30 percent of the Signatories) have ratified the agreement (or accepted/approved/adopted it, depending on national jurisdictions). Bilateral treaties usually enter into force when both parties agree to be bound.

Before an international agreement enters into force, the Signatories to the agreement may meet on a regular (e.g., once a year) basis in **Meetings of the Signatories** (MOS) to discuss ratification and implementation of the agreement. Once an agreement enters into force, the **Conference of the Parties** (COP) or **Meeting of the Parties** (MOP) becomes the body that is responsible for making the decisions regarding implementation and operation of the agreement. The COP or MOP consists of the nations who are Party to the Convention, and it meets regularly (e.g., once every year, two years, or three years), as specified in the MEA. The **Secretariat** of an agreement may administer the agreement, but the COP or MOP makes the key decisions. In addition to the Secretariat, an MEA may provide for other bodies (such as a Subsidiary Body on Scientific, Technical and Technological Advice or SBSTTA) to assist in the administration and implementation of the MEA in-between the

COPs or MOPs. Subsidiary bodies might also be established by the Conference of the Parties after the adoption of an MEA (such as the permanent committees of CITES).

To assess and track how effective an MEA is over time, periodic reviews may be conducted regarding the general operation of the MEA or focusing on specific aspects. Because MEAs often need to evolve over time, the existing international legal regime may need to be modified (for example to revisit responsive, voluntary provisions and make them binding obligations). Such modification can entail re-opening an MEA's text for negotiation. More often, the Parties develop new instruments (such as protocols) to strengthen the compliance with and enforcement of the old MEA regime.

Timeline of possible sequence as treaties enter into force



Source: *Treaty Handbook* United Nations - Office of Legal Affairs Treaty Section, <http://treaties.un.org/doc/source/publications/THB/English.pdf>

6. Withdrawal

Occasionally, a State may decide that it is no longer in its best interest to be a Party to an agreement. Where an agreement so provides, States can **withdraw** from (or **denounce**) the agreement; where the agreement does not explicitly allow for withdrawal, a State can withdraw only if it can be shown that the States Parties intended to allow for withdrawal

or a right of withdrawal may be implied from the nature of the agreement. Withdrawal or denunciation is an extreme step and it rarely happens. When it does, it frequently brings international condemnation. However, it is the prerogative of each State Party.

Article 19 of the 1985 Vienna Convention for the Protection of the Ozone Layer sets forth a standard approach to withdrawal:

1. At any time after four years from the date on which this Convention has entered into force for a Party, that Party may withdraw from the Convention by giving written notification to the Depositary.
2. Except as may be provided in any protocol, at any time after four years from the date on which such protocol has entered into force for a Party, that Party may withdraw from the protocol by giving written notification to the Depositary.
3. Any such withdrawal shall take effect upon expiry of one year after the date of its receipt by the Depositary, or on such later date as may be specified in the notification of the withdrawal.
4. Any Party which withdraws from this Convention shall be considered as also having withdrawn from any protocol to which it is Party.

Most global and regional MEAs (including for e.g. the UNFCCC/Kyoto Protocol, Basel Convention, CITES, and CBD) follow a similar approach to withdrawal. The primary differences are with respect to:

- the number of years a Party must wait after the entry into force of the agreement before it can denounce the agreement (generally ranging from 0 to 4 years); and
- the length of time it takes for a withdrawal to become effective after notification to the Depositary (usually up to one year, but almost never immediately).

Withdrawal is not necessarily permanent. For example, the United Arab Emirates withdrew from CITES and rejoined later.

NATIONAL PHASES

The phases stated above are the stages that a country meets vis-à-vis the international aspects of a multilateral agreement. Nonetheless, there are also steps that states go through at the national level in order to provide with domestic effect to the international rule.

The nationwide stages vary somewhat from country to country depending upon the national administrative and legal architecture a country possesses with regard to international treaties. Some states have legal system set in their constitution where by simply ratifying it an accord automatically becomes enforceable within that particular country. Other countries require parliamentary review and approval of the treaty as well as eventual implementing legislation for the agreement to have a normative effect domestically.

7. MEA Expansion and Evolution

Many MEAs address complex issues that evolve over time. For this reason, MEAs must be able to adapt to changes in science and knowledge, build upon the progress that has been achieved, and adapt to new challenges in achieving their objectives. Two broad methods exist by which MEAs can adapt to changing circumstances:

1. Negotiation of decisions or amendments to adjust an MEA's content;
2. Negotiation of new, independent agreements that can extend the scope or reach of the current agreement (e.g. new protocols, new annexes, or new appendices).²⁰

First, Parties to an MEA may decide to *adjust* the MEA's scope through the adoption of *decisions or amendments*. Certain of these 'adjustments' may only require a majority vote in order to become binding on all parties. For example, the Montreal Protocol includes a provision to allow for a two-thirds majority vote on amendments if parties fail to reach consensus. The Kyoto Protocol allows for amendments by consensus, or failing consensus, but a $\frac{3}{4}$ majority. CITES allows for the listing of a species in two of its Appendices upon a $\frac{2}{3}$ majority vote. However, once an amendment is agreed by the Parties, it may nevertheless not enter into force and become effective until it goes through a new process of ratification by each Party (or by a certain number of Parties). The text of the MEA itself usually provides rules for the adoption of decisions and amendments.

Second, if amendments or adjustments are insufficient to respond to changing circumstances, the Parties may decide to create *new agreements* to advance an MEA's objectives -- called *protocols*. Protocols retain a strong link to existing MEAs, but in reality serve as independent and autonomous agreements. MEAs often utilize protocols to regulate a specific aspect of a larger environmental concern. Examples of such MEAs with protocols include the 1985 *Vienna Convention* and its 1987 *Montreal Protocol*, the 1992 *UNFCCC* and its 1997 *Kyoto Protocol*, and the 1992 *CBD* and its 2000 *Cartagena Protocol on Biosafety*. Other protocols may be used to substantially update an earlier convention, e.g., the 1972 *London Dumping Convention* and its 1996 *Protocol*. States that are Parties to the parent convention are not obliged to become Parties to protocols unless the convention requires its Parties to do so. In some cases, non-Parties can voluntarily comply with requirements set out in protocols.

MEAs may also evolve by expanding their *membership* to more Parties, to reach beyond the Parties originally targeted. The 1998 Aarhus Convention, for example, which originally applied to members of the Economic Commission for Europe, includes within it a provision that allows member countries of the United Nations to accede to the Convention upon approval by the Meeting of the Parties.

²⁰ Timoshenko, A., *Environmental Negotiator Handbook* (Kluwer Law International, 2003), p.234.

Appendix 3 – Examples of Compliance Mechanisms in Various MEAs

1. Montreal Protocol on Substances that Deplete the Ozone Layer

Pursuant to Article 8 of the Montreal Protocol, the first Meeting of the Parties (MOP) in 1989 appointed an Ad-Hoc Working Group of Legal Experts to develop procedures and institutional mechanisms to determine and address issues of non-compliance. A set of interim procedures and institutional mechanisms was adopted a year later, and the 4th MOP (in 1992) formally adopted a final non-compliance procedure (with an Implementation Committee) as well as an “Indicative List of Measures that Might be Taken by a Meeting of the Parties in Respect of Non-compliance with the Protocol.”

To summarize briefly, the procedure worked as follows:

- If one of the Parties has “reservations regarding another Party’s implementation of its obligations under the Protocol, those concerns may be addressed in writing to the Secretariat.” The reply from the State at stake and the original submission shall be transmitted to an Implementation Committee. The Committee consists of members from 10 Parties.
- This Implementation Committee may also be informed by a Party that “despite having made its best *bona fide* efforts, it is unable to comply fully with the obligations under the Protocol”. It can also, in some specific cases, be informed by the Secretariat of the Protocol itself that a Party may be in non-compliance with the Protocol.
- The functions of the Implementation Committee consist of gathering and requesting information in those cases where it is involved, “with a view to securing an amicable solution of the matter on the basis of respect for the provisions of the Protocol.” The Implementation Committee submits its report to the MOP, which reviews the information and recommendations to decide the best way “to bring about full compliance with the Protocol.” The Implementation Committee may assist the MOP in that task, but the MOP — not the Committee — is charged with making the decision. As a practical matter, the MOP thus far has accepted all of the recommendations of the Implementation Committee.

By 1994, the Montreal Protocol reporting system had revealed that some Parties experienced large-scale compliance problems. In particular, the Newly Independent States that were formerly part of the Soviet Union were experiencing profound economic, political, and social transitions that affected their ability to comply. The findings, which were reported initially to the Secretariat and key members of the Implementation Committee and technical advisory panels, were confirmed by a joint statement from the Parties and a subsequent letter from the Russian Prime Minister, stating that Russia did not expect to be able to comply with deadlines for phasing out Ozone Depleting Substances (ODS).

The Secretariat and the Implementation Committee decided to respond with a “plan and review” approach, rather than sanctions, which are provided for under the Protocol’s

non-compliance system. The Parties were asked by the Implementation Committee to present detailed plans for ensuring compliance with their phase-out obligations as soon as possible. Once approved, these were recommended to the GEF for financial support, conditional on the Parties adhering to the plans. The blend of encouragement and assistance proved successful, and the Parties made significant progress, with several coming into compliance within a few years. The Protocol does not include a specific provision for reviewing the effectiveness of the compliance mechanism. However, after the Protocol and the Implementation Committee had been functioning for a number of years, the non-compliance procedure of the protocol went through a formal review by the Parties and was revised in 1998. At the Ninth Meeting of the Parties in 1997, it was considered that a regular review of the non-compliance procedure was necessary, and an Ad-Hoc Working Group of Legal and Technical Experts on Non-Compliance was appointed to undertake a review. One year later, at the 1998 MOP, the Working Group presented a report concluding that although “in general the non-compliance procedure [had] functioned satisfactorily (...) further clarification was desirable and that some additional practices should be developed to streamline the procedure.” Accordingly, minor changes to the non-compliance procedures were adopted that year, and the Implementation Committee was required to not only gather information but also to “identify the (...) possible causes leading to non-compliance.” The non-compliance procedures were reviewed again in 2002, but no changes were introduced. The 1998 non-compliance procedure is still in effect.

The text of the non-compliance procedure can be found in Annex II of the report of the Tenth MOP http://www.unep.org/ozone/Meeting_Documents/mop/10mop/10mop-9.e.pdf.

For more information, contact the Ozone Secretariat at ozoneinfo@unep.org

2. Cartagena Protocol on Biosafety

The Compliance Committee for the Cartagena Protocol was established by Decision I/7, pursuant to Article 34 of the Protocol. The Committee is mandated to, inter alia:

- identify specific circumstances and possible causes of individual cases of non-compliance referred to it;
- consider information submitted to it regarding matters relating to compliance and cases of non-compliance;
- provide advice and/or assistance, as appropriate, to a Party in non-compliance with a view to assisting it to comply with its obligations under the Protocol;
- review general issues of compliance by Parties with their obligations; and
- take measures, as appropriate, or make recommendations, to the Conference of the Parties serving as the meeting of the Parties to the Protocol (COP-MOP).

The Committee may receive, through the Secretariat, submissions relating to compliance from any Party with respect to itself or any other Party, which is affected or likely to be affected, with respect to another Party. On receipt of a submission, the Secretariat shall

make the submission available to the Party concerned within 15 days. Once it has received a response, the Secretariat must transmit the submission, the response, and information to the Committee. Parties that have received submissions regarding their compliance with the provisions of the Protocol are required to respond within a specified timeframe.

Parties that make a submission and those that are the subject of a submission are entitled to participate in the deliberations of the Committee. However, these Parties cannot participate in the elaboration or adoption of a recommendation of the Committee.

The Compliance Committee may take a number of measures with a view to promoting compliance and addressing cases of non-compliance. These include:

- providing advice or assistance to the Party concerned;
- making recommendations to the COP-MOP regarding the provision of financial and technical assistance, technology transfer, training and other capacity building measure
- requesting or assisting the Party concerned to develop a compliance action plan regarding the achievement of compliance with the Protocol within a timeframe to be agreed upon between the Committee and the Party; and
- inviting the Party concerned to provide progress reports to the Committee on the efforts it is making to comply with the obligations under the Protocol.

Moreover, the COP-MOP may, upon the recommendations of the Committee:

- provide financial and technical assistance;
- issue a caution to the concerned Party;
- request the Executive Secretary to publish cases of non-compliance in the Biosafety Clearing-House; and
- in cases of repeated non-compliance, take such measures as may be decided by COP-MOP at its third meeting.

The Compliance Committee consists of 15 members nominated by Parties and elected by the COP-MOP, with three members from each of the five regional groups of the United Nations. They are elected for a period of four years, this being a full term. At the first COP-MOP, 5 members, one from each region, were elected for half a term, and 10 members for a full term. Each time thereafter, the COP-MOP shall elect for a full term, new members to replace those whose term has expired. This electoral process is calculated to guarantee continuity in the membership of the Committee. Members cannot serve for more than two consecutive terms.

The Committee shall consider relevant information from (a) the Party concerned; and (b) the Party that has made a submission with respect to another Party. The Committee may also seek or receive information and consider information from other sources, such as the Biosafety Clearing-House, the Conference of the Parties to the Convention, the COP-MOP, and subsidiary bodies of the CBD and the Protocol. There is, thus, a clear distinc-

tion between submissions and information. Submissions can only be made by a Party with respect to itself or with respect to another Party where it is affected or is likely to be affected by the non-compliance of the other Party. On the other hand, information can be sought or received from a variety of sources.

For more information, see <http://www.biodiv.org> or contact secretariat@biodiv.org.

3. Basel Convention Compliance Committee

In 2002, the 6th COP of the Basel Convention established a Compliance Committee that is designed to be “non-confrontational, transparent, cost-effective and preventive in nature, simple, flexible, non-binding and oriented in the direction of helping parties to implement the provisions of the Basel Convention.” The Committee includes 15 members (3 from each UN region) with relevant scientific, technical, socio-economic, and/or legal expertise; and they are required to “serve objectively and in the best interest of the Convention.”

The Committee may consider submissions from a Party (regarding non-compliance by itself or another Party) or from the Secretariat. The Committee may dismiss submissions that it considers *de minimis* or “manifestly ill-founded.” The Committee may pursue a facilitating procedure, by which it could provide advice, non-binding recommendations, and information. If such facilitation is insufficient, the Committee may recommend that the COP pursue additional measures, including: (1) additional technical and financial support; or (2) a cautionary statement and providing advice. At the request of the COP, the Committee also can review general issues of compliance and implementation under the Convention.

In carrying out its functions, the Committee may, *inter alia*:

- Request further information from all Parties on issues of compliance and implementation;
- Consult with other bodies of the Convention;
- Request further information from any source and draw upon outside expertise, either with the consent of the Party concerned or as directed by the COP;
- Undertake, with the agreement of a Party(ies), information gathering in its or their territories
- Consult with the Secretariat and request information of the Secretariat, where appropriate; and
- Review the national reports of Parties.

The Committee strives to make decisions “on all matters of substance by consensus.” As a last resort, the Committee may make decisions by a “two-third majority of the members present and voting or by eight members, whichever is the greater.” In which case, the final report and recommendations are required to reflect the views of all the Committee members.

For more information, see <http://www.basel.int/legalmatters/compcommittee/index.html> or contact sbc@unep.ch

4.2 List of Relevant Contacts

This Annex provides a list of international, regional and non-governmental organizations relevant to compliance and enforcement (C&E) of environmental laws and multilateral environmental agreements (MEAs). The contact list is not exhaustive.

1. INTERNATIONAL ORGANIZATIONS

International Maritime Organization (IMO)

4 Albert Embankment
London SE1 7SR
United Kingdom
Tel: +44-(0)20-7735-7611
Fax: +44-(0)20-7587-3210
Email: info@imo.org
Web: <http://www.imo.org>

United Nations Institute for Training and Research (UNITAR)

UNITAR Palais de Nations
CH-1211 Geneva 10
Switzerland
Tel: +41-22-917-8400
Fax: +41-22-917-8047
Web: <http://www.unitar.org>

United Nations University (UNU)

5-53-70 Jingumae
Shibuya-ku, Tokyo 150-8925
Japan
Tel: +81-3-5467-1212
Fax: +81-3-3499-2828;
Email: mbox@hq.unu.edu
Web: <http://www.unu.edu>

International Organization of Supreme Audit Institutions (INSTOSAI)

Web: <http://www.intosai.org> (address).

Working Group on Environmental Auditing (WGEA)

National Audit Office of Estonia
Narva mnt 11a
15013 Talin
Estonia
Tel: +352-6400-765/100/113
Fax: +372-6400-101
Email: info@wgea.org
Web: <http://www.environmental-auditing.org>

UNITED NATIONS ENVIRONMENT PROGRAMME (UNEP)

UNEP Headquarters²¹

P.O. Box 30552
 Nairobi 00100, Kenya
 Tel: +254-20-7621234
 Fax: +254-20-7624489/90
 Telex: 22068 / 22173
 Email: info@unep.org
 Web: <http://www.unep.org>²²

UNEP Divisions and Branches²³

Division of Early Warning and Assessment (DEWA)
 Tel: +254-20-7623231
 Fax: +254-20-7623943
 Email: dewa.director@unep.org
 Early Warning; Environmental Assessment.

Division of Environmental Policy Implementation (DEPI)

Tel: +254-20-7623508
 Fax: +254-20-76239179
 Email: depiinfo@unep.org
 Capacity Building; Global Programme of Action for the Protection of the Marine Environment (GPA); Disaster Management; Implementation of Environmental Law.

Division of Technology, Industry and Economics (DTIE)

15 rue de Milan
 75441 Paris Cedex 09
 France
 Tel: +33-1-4437-1450
 Fax: +33-1-4437-1474
 Email: unep.tie@unep.fr
 Web: <http://www.unep.fr>
 International Environmental Technology Centre (IETC); Production and Consumption; Chemicals; Energy; Ozone Action; Economics and Trade.

²¹ All UNEP Divisions are located at UNEP Headquarters with the exception of DTIE.

²² Internet access to all UNEP Divisions and additional e-mail addresses are available from the UNEP web site <http://www.unep.org>

²³ Divisional list compiled according to the UNEP Operational Manual (available from UNEP, Chief Programme Coordination and Management Unit, P.O. Box 055, Nairobi 00100, Kenya). Branches and units located outside UNEP Headquarters are listed under UNEP Outposted Offices and Collaborating Centres, below.

Division of Regional Cooperation (DRC)

Tel: +254-20-7623517

Fax: +254-20-7623695

Email: drc@unep.org

Regional Offices: Africa; Europe; Asia and the Pacific; West Asia; Latin America and the Caribbean; North America.

Division of Environmental Law and Conventions (DELCO)

Tel: +254-20-7624011

Fax: +254-20-7624300

Email: delc@unep.org

Support to implementation, compliance with, and enforcement of environmental conventions, and facilitation of synergies and interlinkages among them.

Communications and Public Information (DCPI)

Tel: +254-20-7621234

Fax: +254-20-7624489

Email: unepinfo@unep.org

Media Services; Audio-visual and Graphics; Outreach and Special Events; Children and Youth/Sports and the Environment; Library and Documentation; Publishing.

Division of Global Environment Facility Coordination (DGEF)

Tel: +254-20-76212345

Fax: +254-20-7624489

Email: unepinfo@unep.org

Biodiversity/Biosafety; International Waters; Persistent Toxic Substances; Climate Change/Ozone Depletion; Medium Six Projects; Scientific and Technical Advisory Panel (STAP) Secretariat.

UNEP REGIONAL OFFICES**Regional Office for Africa (ROA)**

P.O. Box 30552

Nairobi 00100, Kenya

Tel: +254-20-762-4284

Fax: +254-20-762-3928

Email: mounkaila.goumandakoye@unep.org

Regional Office for Europe (ROE)

111 – 13 Chemin des Anémones

1219 Chatelaine - Geneva

Switzerland

Tel: +41-22-917-8279

Fax: +41-22-917-8024 / +41-797-3420

Email: roe@unep.ch

Regional Office for Asia and the Pacific (ROAP)

United Nations Building
Rajdamnern Nok Avenue
Bangkok 10200
Thailand
Tel: +66-2-288-1870-4
Fax: +66-2-280-3829
Email: uneproap@un.org

Regional Office for West Asia (ROWA)

P.O. Box 10880
Manama, Kingdom of Bahrain
Tel: +973-1781-2777
Fax: +973-1782-5110 / 1782-5111
Email: uneprowa@unep.org

Regional Office for Latin America and the Caribbean (ROLAC)

Clayton, Ciudad del Saber
Edificio 103
Panamá
República de Panamá
Tel: +507-305-3100
Fax: +507-305-3105
Email: enlace@pnuma.org

Regional Office for North America (RONA)

UNEP
1707 H St. NW, Suite 300
Washington, D.C. 20006
United States of America
Tel: +1-202-785-0465
Fax: +1-202-785-2096
Email: info@rona.unep.org

UNEP OUTPOSTED OFFICES AND COLLABORATING CENTRES

(including UNEP Branches and Units located outside their Divisions)

Mediterranean Action Plan (UNEP/MAP) – Athens Greece

48, Vassileos Konstantinou Ave.
11635 Athens
Grece
Tel: +30-210-727-3100
Fax: +30-210-725-3196-7
Email: unepmedu@unepmap.gr
Web: <http://www.unepmap.org/>

Joint Secretariat of the International Coral Reef Initiative (ICRI)

France:

Initiative Internationale pour les Recifs Coralliens
International Coral Reef Initiative Secretariat (ICRI)
C/O Ministère de l'outre-mer
DéGéOM - SPP/DELDAD
27, rue Oudinot - 75007 Paris
France
Mail : fstaub@iciriforum.org
Web: <http://www.iciriforum.org>

Global International Waters Assessment (GIWA)

SE - 391 82 Kalmar
Sweden
Tel: +46-480-446-000
Fax: +46-480-447-355
Email: info@giwa.net
Web: <http://www.unep.org/dewa/giwa/>

UNEP System Wide Earthwatch Coordination Office – Geneva, Switzerland

International Environnent House
Chemin des Anémones 11
1219 Châtelaine
Switzerland
Tel : +41-22-917-8176
Fax : +41-22-917-8029
Email : earthwatch@grid.unep.ch
Web : <http://earthwatch.unep.net/>

Post-Conflict and Disaster Management Branch (PCDMB) – Geneva, Switzerland

International Environnent House
Chemin des Anémones 11
1219 Châtelaine
Switzerland
Tel : +41-22-917-8530
Fax : +41-22-917-8064
Email : postconflict@unep.ch

UNEP World Conservation Monitoring Centre (UNEP-WCMC)

219 Huntingdon Road
Cambridge CB3 0DL
United Kingdom
Tel: +44-1223-277314
Fax: +44-1223-277136
Web: <http://www.unep-wcmc.org>

Global resource Information Database (GRID)-Arendal

Postboks 183
N-4802 Arendal
Norway
Tel: +47-47-644-555
Fax: +47-37-035-050
Email: grid@grida.no
Web: www.grida.no

Global resource Information Database (GRID)-Geneva

International Environment House
11 Chemin des Anémones
1219 Châtelaine
Switzerland
1st Floor A Block
Tel: +41-22-917-8294/95
Fax: +41-22-917-8029
Email: infogrid@grid.unep.ch
Web: <http://www.grid.unep.ch/>

Global resource Information Database (GRID)-Sioux Falls

USGS National Center of EROS
47914 252nd Street
Sioux Falls, SD 57198-0001
Phone: 1-605-594-6117
Fax: 1-605-594-6119
Web: <http://na.unep.net/>

UNEP Risøe Centre on Energy, Climate and Sustainable Development (URC)

Risøe National Laboratory for Sustainable Energy
Technical University of Denmark
Frederiksborgvej 399, Building 142
P.O. Box 49
DK 4000 Roskilde
Denmark
Tel: +45-46-322-288
Fax: +45-46-321-999
Email: unep@risoe.dk
Web: <http://www.uneprisoe.org>

UNEP Collaborating Centre on Water and Environment (UCC-Water)

Agern Allé 5
DK 2970 Hørsholm
Denmark
Tel: +45-4516-9200
Fax: +45-4516-9292
E-mail: ucc-water@dhi.dk
Web: <http://www.ucc-water.org>

Global reporting Initiative (GRI)

PO Box 10039
1001 EA
Amsterdam
The Netherlands
Tel: +31-20-531-0000
Fax: +31-20-531-0031
Email: info@globalreporting.org
Web: <http://www.globalreporting.org>

Basel Agency for Sustainable Energy (BASE)

Elisabethenstrasse 22
CH-4051 Basel
Switzerland
Tel: +41-61-274-0480
Fax: +41-61-271-1010
Email: contact@energy-base.org
Web: <http://www.energy-base.org/>

CONVENTION SECRETARIATS

Secretariat of the Convention on Biological Diversity (CBD)

413, Saint Jacques Street, Suite 800
Montreal, Quebec
Canada H2Y 1N9
Tel: +1-514-288-2220
Fax: +1-514-288-6588
Email: secretariat@cbd.int
Web: <http://www.cbd.int>

Secretariat of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)

International Environment House
11 Chemin des Anémones
CH-1219 Chatelaine, Geneva Switzerland
Tel: +41-22-917-8139 / 40
Fax: +41-22-797-3417
Email: info@cites.org
Web: <http://www.cites.org>

Secretariat of the Vienna Convention and the Montreal Protocol (Ozone Secretariat)

United Nations Environment Programme
United Nations Avenue, Gigiri
P.O. Box 30552
Nairobi 00100
Kenya
Tel: +254-20-762-3851/3611
Fax: +254-20-762-46-91/92/93
Email: ozoneinfo@unep.org
Web: <http://www.ozone.unep.org>

Secretariat of the Multilateral Fund for the Implementation of the Montreal Protocol

Suite 4100
1000, de la Gauchetière Street West
Montreal, Quebec
H3B 4W5
Canada
Tel: +1-514-282-1122
Fax: +1-514-282-0068
Email: secretariat@unmfs.org
Web: <http://www.multilateralfund.org>

Secretariat of the Convention on the Conservation of Migratory Species of Wild Animals (CMS)

Hermann-Ehlers Strasse 10
53113 Bonn
Germany
Tel: +49-228-815-2426
Fax: +49-228-815-2449
Email: secretariat@cms.int
Web: <http://www.cms.int>

Secretariat of the Basel Convention

International Environment House
13-15, Chemin des Anémones
CH - 1219 Chatelaine
Geneva
Switzerland
Tel: +41-22-917-8218
Fax: +41-22-797-3454
Email: sbc@unep.ch
Web: <http://www.basel.int>

UNEP-Vienna Interim Secretariat of the Carpathian Convention

P.O. Box 500
A-1400 Vienna
Austria
Tel: +43-1-26060-5338/4545
Fax: +43-1-26060-7-75338
Email: unep@unvienna.org
Web: <http://www.carpathianconvention.org>

Secretariat of the Rotterdam Convention on the Prior Informed Consent (PIC) Procedure for Certain Hazardous Chemicals and Pesticides in International Trade

Geneva :
United Nations Environment Programme (UNEP)
11-13, Chemin des Anémones
CH-1219 Chatelaine
Geneva, Switzerland
Tel: +41-22-917-8296
Fax: +41-22-797-8082
Email: pic@pic.int
Web: <http://www.pic.int>

Rome:
Food and Agriculture Organization of the United Nations (FAO)
Viale delle Terme di Caracalla
00100 Rome
Italy
Tel: +39-06-5705-2188
Fax: +39-06-5705-6347
Email: pic@pic.int
Web: <http://www.pic.int>

Secretariat of UN Framework Convention on Climate Change (UNFCCC)

Haus Carstanjen
Martin-Luther-King-Strasse 8
53175 Bonn
Germany
Tel: +49-228-815-1000
Fax: +49-228-815-1999
Email: secretariat@unfccc.int
Web: <http://unfccc.int>

Secretariat of the Stockholm Convention on Persistent Organic Pollutants (POPs)

International Environment House
11-13, Chemin des Anémones
1219 Chatelaine
Geneva
Switzerland
Tel: +41-22-917-8729
Fax: +41-22-797-8098
Email: ssc@pops.int
Web: <http://www.pops.int>

Secretariat of UN Convention to Combat Desertification (UNCCD)

Hermann-Ehlers-Str. 10
P.O. Box 260129
D-53113 Bonn
Germany
Tel: +49-228 / 815-2800
Fax: +49-228 / 815-2898/99
Email: secretariat@unccd.int
Web: <http://www.unccd.int/>

Secretariat of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention)

Environment, Housing and Land Management Division
United Nations Economic Commission for Europe
Palais des Nations, Av. de la Paix 10
1211 Geneva 10
Switzerland
Tel: + 41-22-917-2682/1502
Fax: + 41-22-917-0634
Email: public.participation@unece.org
Web: <http://www.unece.org/env/pp>

Global Environment Facility (GEF)

GEF Secretariat
1818 H Street, NW
MSN G6-602
Washington, DC 20433
United States of America
Tel: +1-202-473-0508
Fax: +1-202-522-3240 / 3245
Email: secretariatofgef@worldbank.org
Web: <http://www.thegef.org/gef/>

United Nations Development Programme (UNDP)

Ms. Veerle Vandeweerd
Director
Environment & Energy Group
Bureau for Development Policy
United Nations Development Programme
304 East 45th Street, 9th Floor
New York, NY 10017 , U.S.A.
Tel: +1-212-906-5020
Fax: +1-212-906-6973
Email: environmentandenergy@undp.org
Web: <http://www.undp.org/energyandenvironment/>

World Bank

1818 H Street, NW
Washington, DC 20433
United States of America
Tel: +1-202-473-1000
Fax: +1-202-477-6391
Email: eadvisor@worldbank.org (for EAspecific inquiries)
Web: <http://www.worldbank.org>

REGIONAL DEVELOPMENT BANKS

African Development Bank

Environment and Sustainable Development (OESU)
Rue Joseph Anoma
01 BP 1387 Abidjan 01
Cote d'Ivoire
Tel: +225 20 41 26
Fax: +225 20 50 33
Email: afdb@afdb.org
Web: <http://www.afdb.org>

Asian Development Bank

Office of Environment and Social Development (OESD)

P.O. Box 789

0980 Manila

The Philippines

Tel: +632-632-4444

Fax: +632-636-2444

Email: information@adb.org

Web: <http://www.adb.org>

Caribbean Development Bank

Office of Environment and Social Development (OESD)

P.O. Box 408

Wilkey

St. Michael

Barbados, W.I.

Tel: +206-431-1600

Fax: +206-426-7269

Email: info@caribank.org

Web: <http://www.caribank.org>

European Bank for Reconstruction and Development

One Exchange Square

London EC 2A 2JN

England

Tel: +44-20-7338-6000

Fax: +44-20-7338-6100

Email: environmentandsocial@ebrd.com

Web: <http://www.ebrd.com>

Inter-American Development Bank

Environment Division

Sustainable Development Department

1300 New York Avenue N.W.

Washington, DC 20577

United States of America

Tel: +1-202-623-1000

Fax: +1-202-623-3096

Email: waltera@iadb.org

Web: <http://www.iadb.org/>

2. INTERNATIONAL NGOS, NETWORKS, AND INSTITUTIONS

The following international and regional NGOs, networks, and institutions undertake activities that promote effective compliance and enforcement of domestic environmental laws and international environmental agreements.

Africa Law Institute

240 Sparks Street
P.O. Box 55062
Ottawa, Ontario
K1P 1A1
Canada
Email: info@africalawinstitute.org
Web: <http://www.africalawinstitute.org>

Center for International Environmental Law

1367 Connecticut Ave. NW, Suite 1100
Washington, DC 20036
Tel: +1-202-785-8700
Fax: +1-202-785-8701
Email: info@ciel.org
Web: <http://www.ciel.org>

Comisión Centroamericana de Ambiente y Desarrollo

Blvd. Orden de Malta No. 470
Urbanización Santa Elena, Antiguo Cuscatlan
El Salvador
Tel: +503-2248-8843
Fax: +503-2248- 8899
Email: infoccad@sica.int
Web: <http://www.ccad.ws/>

Earth Day Network (EDN)

1616 P Street NW, Suite 340
Washington, DC 20036
United States of America
Tel: +1-202-518-0044
Fax: +1-202-518-8794
Email: rogers@earthday.net
Web: <http://www.earthday.net/>

Environmental Law Institute (ELI)

2001 L Street NW, Suite 620
Washington, DC 20036
United States of America
Tel: +1-202-939-3800
Email: law@eli.org
Web: <http://www.eli.org>

European Law Enforcement Organization (Europol)

P.O. Box 908 50
2509, LW The Hague
The Netherlands
Tel: +31-703-025-000
Fax: +31-070-381-1301
Web: <http://www.europol.europa.eu>

European Union Network for the Implementation and Enforcement of Environmental Law (IMPEL)

Gulledelle 96
Bruxelles
B-1200
Belgium
Email: info@impel.eu
Web: <http://impel.eu/>

Foundation for International Environmental Law and Development (FIELD)

3 Endsleigh Street
London WC1H 0DD
England
Tel: +44-(0)20-7872-7200
Fax: +44-(0)20-7388-2826
Email: field@field.org.uk
Web: <http://www.field.org.uk/>

International Network for Environmental Compliance and Enforcement (INECE)

Durwood Zaelke, Director
INECE Secretariat
2141 Wisconsin Ave. NW, Suite D2
Washington, DC 20007
United States of America
Tel: +1-202-338-1300
Fax: +1-202-338-1310
Email: inece@inece.org
Web: <http://www.inece.org>

INTERPOL

General Secretariat
200, quai Charles de Gaulle
69006 Lyon
France
Fax: +33-4-72-44-71-63
Email: cp@interpol.int
Web: <http://www.interpol.int/>

IUCN Environmental Law Programme

IUCN Environmental Law Centre
Godesberger Allee 108-112
53175 Bonn
Germany
Tel: +49-228-269-2231
Fax: +49-228-269-2250
E-mail: ELCSecretariat@iucn.org
Web: <http://www.iucn.org/law>

Royal Institute of International Affairs (RIIA)

Chatham House
10 St James's Square
London SW 1Y 4LE
England
Tel: +44-(0)20-7957-5700
Fax: +44-(0)20-7957-5710
Email: contact@chatamhouse.org.uk
Web: <http://www.chatamhouse.org.uk>

South Asia Cooperative Environment Programme (SACEP)

10, Anderson Road
Colombo – 5
Sri Lanka
Tel: +94-11-2589787
Fax: +94-11-2589369
Email: info@sacep.org
Web: <http://www.sacep.org/>

Pacific Regional Environment Programme (SPREP)

P.O. Box 240
Apia, Samoa
Tel: +685-21929
Fax: +685-20231
Email: sprep@sprep.org
Web: <http://www.sprep.org>

Regional Environment Center (REC) for Central and Eastern Europe

Ady Endre ut 9-11
2000 Szentendre, Hungary
Tel: +36-26-504-000
Fax: +36-26-311-294
Web: <http://www.rec.org>

TRAFFIC International

219a Huntingdon Road
Cambridge CB3 0DL
United Kingdom
Tel: +44-(0)1223-277427
Fax: +44-(0)-1223-277237
Email: traffic@traffic.org
Web: <http://www.traffic.org/>

World Customs Organisation (WCO)

Rue du Marché 30
B-1210 Brussels
Belgium
Tel: +32-2-209-92-11
Fax: +32-2-209-92-62
Email: information@wcoomd.org
Web: <http://www.wcoomd.org>

World Wide Fund for Nature (WWF) – International

Av. du Mont-Blanc
1196 Gland
Switzerland
Tel: +41-22-364-88-36
Fax: +41-22-364-91-11
Web: <http://www.wwf.org/>, <http://www.panda.org/>

4.3 List of Selected References

- United Nations Environment Programme (UNEP), Guide for Negotiators of Multilateral Environmental Agreements (UNEP, 2007), available at <http://www.unep.org/DEC/docs/Guide%20for%20Negotiators%20of%20MEAs.pdf>
- United Nations Environment Programme (UNEP), Negotiating and Implementing MEAs: A Manual for NGOs (UNEP, 2007), available at <http://www.unep.org/dec/docs/MEAs%20Final.pdf>
- United Nations Environment Programme (UNEP), Manual on Compliance with and Enforcement of Multilateral Environmental Agreements (UNEP, 2007), available at http://www.unep.org/dec/docs/UNEP_Manual.pdf
- United Nations Environment Programme (UNEP), Compliance Mechanisms under Selected Multilateral Environmental Agreements (UNEP, 2007), available at <http://www.unep.org/dec/docs/Compliance%20mechanisms%20Under%20selected%20MEAs.pdf>
- United Nations Environment Programme (UNEP), Glossary of Terms for Negotiators of Multilateral Environmental Agreements (UNEP, 2007), available at <http://www.unep.org/DEC/docs/Glossary%20of%20terms%20for%20Negotiators%20of%20MEAs.pdf>
- United Nations Environment Programme (UNEP), Organization Profile (UNEP), available at <http://www.unep.org/PDF/UNEPOrganizationProfile.pdf>
- United Nations Environment Programme (UNEP), About UNEP/United Nations Environment Programme: Environment for Development (UNEP, 2006), available at http://www.unpe.org/PDF/ABOUT_UNEP_ENGLISH.pdf
- World Bank, Supreme Audit Institutions, available at <http://go.worldbank.org/GBO079L98P0>
- Anti-Corruption Resource Centre, Supreme Audit Institutions, Practitioners' Queries, available at <http://www.u4.no/helpdesk/helpdesk/queries/query6.cfm>

Selected Internet Resources

There is a wealth of information on the Internet relating to compliance with and enforcement of MEAs. One challenge is to identify the most relevant and reliable sites for a given purpose. This Annex includes some of the key sites, but there is much more available. If you do not find precisely what you are looking for on these sites, try: (1) using a search engine such as Google (<http://www.google.com>); (2) use an internal search engine on a likely site; and (3) try some of the links to other web pages on a promising site.

Please note that websites often are reorganised or even moved to a new address. If the particular reference is not available at the Internet site listed below, try a Google search to find the new address.

MEA-Specific Web Sites

Antarctic Treaty

<http://www.ats.aq/>

<http://www.scar.org/treaty/>

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

<http://www.basel.int>

Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR)

<http://www.ccamlr.org/>

Convention concerning the Protection of the World Cultural and Natural Heritage (World Heritage Convention)

<http://whc.unesco.org/>

Convention on Biological Diversity (CBD) and the Cartagena Protocol on Biosafety

<http://www.biodiv.org>

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

<http://www.cites.org>

Convention on the Conservation of Antarctic Marine Living Resources (CCAMLR)

<http://www.ccamlr.org/>

Convention on the Conservation of Migratory Species of Wild Animals (CMS)

<http://www.cms.int>

Convention on the Law of the Non-navigational Uses of International Watercourses

<http://www.un.org/law/ilc/texts/nnavfra.htm>

Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter (London Dumping Convention)

<http://www.londonconvention.org/main.htm>

Convention on Wetlands of International Importance especially as Waterfowl Habitat (Ramsar Convention)

<http://www.ramsar.org>

Framework Convention for the Protection and Sustainable Development of the Carpathians

<http://www.carpathianconvention.org>

International Convention for the Prevention of Pollution from Ships, 1973, as Modified by the Protocol of 1978 Relating Thereto (MARPOL 73/78)

http://www.imo.org/Conventions/contents.asp?doc_id=678&topic_id=258

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

<http://www.pic.int>

Stockholm Convention on Persistent Organic Pollutants (POPs)

<http://www.pops.int>

United Nations Convention on the Law of the Sea (UNCLOS)

<http://www.un.org/Depts/los/index.htm>

United Nations Convention to Combat Desertification in Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa (UNCCD)

<http://www.unccd.int>

United Nations Framework Convention on Climate Change (UNFCCC) and the Kyoto Protocol to the UNFCCC

<http://unfccc.int/>

<http://www.iisd.ca/climate/other.html> (Selected Internet Resources on Climate Change)

Vienna Convention for the Protection of the Ozone Layer and the Montreal Protocol on Substances that Deplete the Ozone Layer

<http://www.unep.org/ozone>

<http://www.unep.fr/ozonaction/> (OzonAction Programme – Selected Resources on Implementation)

General Internet Resources for MEAs

Atlas of International Freshwater Agreements

<http://www.transboundarywaters.orst.edu/publications/atlas/> (on-line atlas)

<http://ocid.nacse.org/cgi-bin/qml/tfdd/treaties.qml> (International Freshwater Treaties Database)

Center for International Earth Science Information Network (CIESIN)

<http://www.ciesin.org/> (home page)

<http://www.ciesin.org/TG/PI/TREATY/sources.html> (Sources of Environmental Treaties, with links)

ECOLEX

<http://www.ecolex.org> (searchable by subject, keywords, country, and year)

Electronic Information System for International Law: International Environmental Law

http://www.eisil.org/index.php?sid=479972656&t=sub_pages&cat=18 (including MEAs and resource materials for specific topics in international environmental law)

Environmental Treaties and Resource Indicators (ENTRI)

<http://sedac.ciesin.columbia.edu/entri/index.jsp> (MEA text, status data, and other related information)

FAOLEX

<http://faolex.fao.org/faolex/> (searchable database with MEAs and national laws and regulations on food, agriculture, and renewable natural resources)

- International Environmental Agreements Website (by Professor Ronald B. Mitchell)
<http://www.uoregon.edu/~rmitchel/iea/> (including 700 MEAs, a list of bilateral environmental agreements, and a hyperlinked list of over 200 intergovernmental secretariats addressing environmental agreements)
- Multilaterals Project (Fletcher School of Tufts University)
<http://fletcher.tufts.edu/multilaterals.html> (with atmosphere and space, biodiversity, cultural protection, marine and coastal, and other environmental MEAs)
- Pace Virtual Environmental Law Library
<http://joshua.law.pace.edu/env/generalcategoryalpha.html> (grouped in general agreements, Antarctic treaties, seas and fisheries, air pollution, climate change, hazardous substances, nature and biodiversity, impact assessment)
- Pacific Regional Environment Programme (SPREP)
<http://www.sprep.org.ws/> (for the Waigani Convention and Apia Convention, and related materials)
- Regional Seas Conventions and Action Plans (linking to specific regions)
<http://www.unep.ch/seas/> (including conventions and other legal instruments)
<http://fletcher.tufts.edu/multi/marine.html> (marine and coastal MEAs)
- United Nations Treaty Collection
<http://untreaty.un.org/> (available in English and French)
- United Nations Economic Commission for Europe (UNECE)
<http://www.unece.org/env/> (for the UNECE MEAs, including the Aarhus Convention, Espoo Convention, Helsinki Convention, LRTAP, and other agreements)
- UNEP.Net
<http://www.unep.net> (with information grouped thematically, regionally, and nationally; including legal, policy, technical, educational, and activity information)
- UNEP Register of Environmental Conventions
<http://www.unep.org/SEC/reg3.htm>
- Yearbook of International Co-operation on Environment and Development
<http://www.greenyearbook.org/about/ab-ind.htm#Website> (complementing the print version, the on-line Yearbook includes detailed information on MEAs, international organizations, international NGOs, and selected thematic articles)

Web Sites Focused on Compliance and Enforcement, Generally

ECOLEX (treaties, national legislation, court decisions, and literature): <http://www.ecolex.org>

European Law Enforcement Organization (Europol): <http://www.europol.eu.int>

European Union Network for the Implementation and Enforcement of Environmental Law (IMPEL): <http://europa.eu.int/comm/environment/impel>

Food and Agriculture Organisation (FAO)

FAOLEX (national laws and regulations on food, agriculture, and renewable natural resources): <http://faolex.fao.org/faolex/>

FAO legal papers on-line: <http://www.fao.org/legal/prs-ol/paper-e.htm>

Green Customs Initiative: <http://www.greencustoms.org>

International Network for Environmental Compliance and Enforcement (INECE): <http://www.inece.org> including the INECE Bibliography (compiling more than 450 articles, books, and manuals authored by leading experts and institutions in the field of environmental implementation, enforcement, and compliance, available at <http://www.inece.org/library/bibliography.html>).

INTERPOL: <http://www.interpol.int>

Web Sites with Specific Publications

Kyoto, POPs and Straddling Stocks: Understanding Environmental Treaties by Linda Nowlan & Chris Rolfe (Jan. 2003): <http://www.wcel.org/wcelpub/2003/13929.pdf>

International Ocean Governance: Using International Law and Organizations to Manage Marine Resources Sustainably, by Lee A. Kimball (2001): <http://www.iucn.org/themes/marine/pdf/IUCN%20book.pdf>

Assistance in Environmental Law Drafting in the SEE by the Regional Environment Centre for Central and Eastern Europe (Dec. 2003): <http://www.rec.org/REC/Programs/REREP/Documents/update/AssistanceInLawDrafting.pdf>

See also <http://www.rec.org/REC/Programs/REREP/AIMS/>

4.4 Glossary of Terms

User notes

When an acronym, word, or phrase in a definition is underlined, the acronym, word, or phrase has its own separate definition in the glossary. When a definition is the definition provided under an MEA, the source has been provided in parenthesis (e.g. “CBD”).

A	
ABS	Access to genetic resources and benefit sharing. Acronym used in the context of the <u>biodiversity</u> negotiations.
ACAP	Agreement on the Conservation of Albatrosses and Petrels. One of the <u>agreements</u> under the Convention on Migratory Species of Wild Animals (<u>CMS</u>). Adopted in 2001, and entered into force in 2004.
ACCOBAMS	Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea, and Contiguous Atlantic Area. One of the <u>agreements</u> under the Convention on Migratory Species of Wild Animals (<u>CMS</u>). Adopted in 1996, and entered into force in 2001.
Accord	A written agreement between two states or sovereigns that is legally binding.
ACTM	Antarctic Treaty Consultative Meeting. The governing body of the Antarctic Treaty (see <u>ATS</u>). Meets annually.
Ad hoc	Latin word meaning “this purpose.” An ad hoc <u>committee</u> , for example, is created with a unique and specific purpose or task and once it has studied and reported on a matter, it is discontinued.
Add.	Stands for “addendum”. Used to reference additions to existing documents.
Additionally	<ol style="list-style-type: none"> 1. Funding principle meaning that projects would not be undertaken in absence of funds from the Global Environment Facility. 2. Approval test for projects under the Clean Development Mechanism (CDM) of the Kyoto Protocol. CDM projects are considered additional if they would not have taken place in the absence of the Clean Development Mechanism.

Adoption	<ol style="list-style-type: none"> 1. Adoption by a country of an international <u>agreement</u> refers to the process of its incorporation into the domestic legal system, through signature, ratification or any other process required under national law. 2. Adoption by the international community of an international agreement is the formal act by which the form and content of a proposed treaty text are established. 3. Adoption of a <u>decision</u>, <u>resolution</u>, or <u>recommendation</u> is the formal act (e.g. strike of gavel) by which the form and content of a proposed decision, resolution or recommendation are approved by <u>delegations</u>.
AEWA	African-Eurasian Migratory Waterbird Agreement. One of the <u>agreements</u> concluded under the Convention on Migratory Species of Wild Animals. Adopted in 1995, and entered into force in 1999.
Agenda	Programme of work during a <u>meeting</u> .
Agenda 21	Programme of action on <u>sustainable development</u> adopted at the UN Conference on Environment and Development in 1992, often referred to as the “Blueprint for Sustainable Development.” Agenda 21 has 40 chapters dealing with all aspects of sustainable development, including social and economic dimensions (combating poverty and promoting human health), conservation and resource management, major groups (e.g. women, indigenous people, business and unions), and means of implementation (e.g. financial resources, transfer of technology, public awareness and education).
Agreement	<ol style="list-style-type: none"> 1. Generic term for an international legally binding instrument. In this sense, encompasses several instruments, such as treaties, conventions, protocols or oral agreements. 2. Specific term used to designate international instruments that are <i>sic</i> “less formal”, thus corresponding to soft law and deal with a narrower range of subject matter than treaties.
Alien species	Species occurring in an area outside of its historically known natural range as a result of intentional or accidental dispersal by human activities. Alien species are not necessarily <u>invasive species</u> .
Amendment	<ol style="list-style-type: none"> 1. A modification or addition to an existing legal instrument (e.g., treaty, convention, or protocol). 2. A modification to a proposal under negotiation (e.g., draft decision, draft recommendation, or draft resolution).

Annex	Attachment, appendix, or addition, especially to a larger or more important document
Appendix	An attachment or accompaniment, specifically, a text added to the end of a document.
Accession	An act whereby a State becomes a <u>Party</u> to an international <u>agreement</u> already negotiated and closed for signature. Accession has the same legal effect as <u>ratification</u> , although an acceding State has not signed the agreement.
Aarhus Convention	Shorthand for the <u>UNECE</u> Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters. Adopted in Aarhus, Denmark, in 1998, and entered into force in 2001.
ASCOBANS	Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas. One of the <u>agreements</u> under the Convention on Migratory Species of Wild Animals (<u>CMS</u>). Adopted in 1991 and entered into force in 1994.
ATS	<p>Antarctic treaty System. Refers to all instruments adopted within the framework of the Antarctic Treaty, adopted in 1959, entered into force in 1961.</p> <p>In addition to measures adopted annually by the Antarctic Treaty Consultative Meeting (<u>ACTM</u>), the following treaties compose the ATS:</p> <ol style="list-style-type: none"> 1. The Convention of the Conservation of Antarctic Seals (<u>CCAS</u>) 2. The Convention on the Conservation of Antarctic Marine Living Resources (<u>CCAMLR</u>) 3. The Convention for the Regulation of Antarctic Mineral resource Activities (<u>CRAMRA</u>) 4. The 1991 Protocol on Environmental Protection of the Antarctic Treaty 5. Agreed Measures for the Conservation of Antarctic Fauna and Flora
B	
Ballast Water Convention	Shorthand for the International Convention for the Control and Management of Ships' Ballast Water and Sediments. Adopted in 2004, not yet entered into force.
Bamako Convention	Convention on the Ban of the Import into Africa and the Control of Transboundary Movement and Management of Hazardous Waste within Africa

Basel Convention	Shorthand for the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal. Adopted in 1989, and entered into force in 1989.
Basel Protocol	Shorthand for the Basel Protocol on Liability and Compensation to the Basel Convention on Hazardous Wastes. Adopted in 1999, not yet entered into force.
BAT	<u>Best available technique</u> or <u>best available technology</u> .
Bern Convention	Shorthand for the Convention on the Conservation of European Wildlife and Natural Habitats. Adopted in 1979, and entered into force in 1982.
Best available technique	Most effective and advanced technique, the environmental impacts of which are limited.
Binding	Adjective which means that an instrument entails an obligation (usually for States) under international law.
Biodiversity	Shorthand for biological diversity. Variability among living organisms from all sources including terrestrial, marine and other aquatic ecosystems, and the ecological complexes of which they are part; this includes diversity within species, between species and of <u>ecosystems</u> (CBD).
Biological resources	Genetic resources, organisms or parts thereof, populations, or any other biotic component of <u>ecosystems</u> with actual or potential use or value for humanity (CBD).
Biosafety	Safety aspects related to the application of biotechnologies (see <u>biotechnology</u>) and to the release into the environment of transgenic plants and other organisms, particularly microorganisms, that could negatively affect plant genetic resources, plant, animal or human health, or the environment.
Biosafety Protocol	Protocol to the Convention on Biological Diversity. Also referred to as the “Cartagena Protocol.” Adopted in 2000, and entered into force in 2004. The Protocol regulates the <u>transboundary movement</u> , transit, handling and use of living modified organisms that may have an adverse effect on the conservation and <u>sustainable use</u> of <u>biodiversity</u> .
Biotechnology	Any technological application that uses biological systems, living organisms, or <u>derivatives</u> thereof, to make or modify products or processes for specific use (CBD).
Bonn Convention	Convention on Migratory Species of Wild Animals. Also called the “Bonn Convention”. Adopted in 1979, entered into force in 1983.

Bretton Woods Institution	International Bank for Reconstruction and Development (<u>IBRD</u>) (now one of five institutions in the World Bank Group) and the International Monetary Fund (<u>IMF</u>). Established by the Bretton Woods Agreements in 1944, Bretton Woods, New Hampshire, USA.
Bucharest Convention	Shorthand for the Convention on the Protection of the Black Sea Against Pollution. Adopted in 1992, entered into force in 1994.
Bureau	A formal structure that oversees the running of <u>meetings</u> . The Bureau is usually composed of representatives of each regional group and a <u>Secretariat</u> representative. In some instances, such as the International Conference on Chemicals Management an extended bureau may be created that includes intergovernmental organizations and non-governmental organizations.
Bushmeat	Meat for human consumption derived from wild animals.
C	
Carbon tax	Tax by governments on the use of carboncontaining fuels.
Cartagena Convention	Shorthand for the Cartagena Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region. Adopted in 1983, and entered into force in 1986.
Cartagena Protocol	Protocol to the Convention on Biological Diversity. Also referred to as the “Cartagena Protocol.” Adopted in 2000, entered into force in 2004. The Protocol regulates the transboundary movement, transit, handling and use of living modified organisms that may have an adverse effect on the conservation and sustainable use of biodiversity, taking also into account human health.
CBD	Convention on Biological Diversity. Adopted in 1992, and entered into force in 1993. One of the <u>Rio Conventions</u> .
CCAMLR	Convention for the Conservation of Antarctic Marine Living Resources. One of the <u>agreements</u> of the Antarctic Treaty System (<u>ATS</u>). Adopted in 1980, and entered into force in 1982. Acronym also used for the Commission, which administers the Convention.
CCAS	Convention for the Conservation of Antarctic Seals. One of the <u>agreements</u> of the Antarctic Treaty System (<u>ATS</u>). Adopted in 1972, and entered into force in 1978.
CDM	Clean Development Mechanism
CER	Certified Emissions Reductions

Certified Emissions Reductions	Unit equal to one metric ton of carbon dioxide equivalent, which may be used by countries listed in Annex I of the <u>Kyoto Protocol</u> towards meeting their <u>binding</u> emission reduction and limitation commitments (<u>UNFCCC</u>).
CFCs	Chlorofluorocarbons. A category of chemical substances that contributes to the depletion of the ozone layer. Regulated under the <u>Montreal Protocol</u> .
Chair	Presiding officer of a <u>meeting</u> .
Chapeau	Phrase at the beginning of an article or paragraph to guide the interpretation of this article or paragraph.
Charter	<ol style="list-style-type: none"> 1. a written instrument or contract (as a deed) executed in due form. 2. a grant or guarantee of rights, franchises, or privileges from the sovereign power of a state or country.
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora. Adopted in 1973, and entered into force in 1975
Clean development Mechanism	One of the three market-based mechanisms under the <u>Kyoto Protocol</u> to the UN Framework Convention on Climate Change (<u>UNFCCC</u>), whereby developed countries may finance <u>greenhouse gas</u> emissions-avoiding projects in developing countries, and receive credits for doing so which they may apply towards meeting mandatory limits on their own emissions (<u>UNFCCC</u>).
Clean technologies	Both process and product engineering that reduces the pollutants and environmental impacts inherent in industrial production.
Clearing house	Mechanism, which facilitates and simplifies exchange of information or transactions among multiple <u>Parties</u> .
Climate change	Change of climate, which is attributed directly or indirectly to human activity that alters the composition of the global atmosphere and which is in addition to natural climate variability observed over comparable time periods (<u>UNFCCC</u>).
Climate conventions	The UN Framework Convention on Climate Change (<u>UNFCCC</u>) and the <u>Kyoto Protocol</u> . CMS Convention on Migratory Species of Wild Animals. Also called the “Bonn Convention”. Adopted in 1979, and entered into force in 1983.
CMS	Convention on Migratory Species of Wild Animals. Also called the “Bonn Convention”. Adopted in 1979, entered into force in 1983.

Committee	Subset of a Plenary, open to all <u>Parties</u> , established to perform particular tasks (e.g., drafting committee), address a particular issue (e.g., credentials committee) or a particular set of <u>agenda items</u> (then equivalent to a <u>working group</u>). Committees make <u>recommendations</u> to the Plenary.
Committee of the Whole	Also known as CoW. Often created by a <u>COP</u> to aid in negotiating text. It consists of the same membership as the <u>COP</u> . When the Committee has finished its work, it turns the text over to the <u>COP</u> , which finalized and then adopts the text during a plenary session.
Competent Authority	Governmental authority designated by a <u>Party</u> to be responsible for receiving the notification of a <u>transboundary movement of hazardous wastes</u> or other <u>wastes</u> , and any information related to it, and for responding to such a <u>notification</u> (<u>Basel Convention</u>).
Complementary	Funding principle according to which funded activities must be coherent with national programmes and policies to maximize global environmental benefits.
Compliance	Fulfilment by a <u>Party</u> of its obligations under an international <u>agreement</u> .
Compliance Committee	<u>Committee</u> mandated to review <u>compliance</u> with the provisions of an international <u>agreement</u> . The powers of compliance committees vary according to each agreement.
Conference of the Parties	One of the designations for the main negotiating body under an international <u>agreement</u> . The COP is a policy-making body that meets periodically to take stock of <u>implementation</u> of the agreement and adopt <u>decisions</u> , <u>resolutions</u> , or <u>recommendations</u> for the future implementation of the agreement.
Consensus	A mode of <u>adoption</u> of <u>decisions</u> , <u>resolutions</u> , or <u>recommendations</u> without voting. A decision is adopted by consensus if there is no formal explicit <u>objection</u> made. Whether there is consensus on an issue or not is determined by the presiding officer on the basis of the views expressed by <u>delegates</u> and his/her subjective assessment of the sense of the <u>meeting</u> .
Contact Group	A group formed during negotiations to reach <u>consensus</u> on an issue proving particularly contentious. May be established by the COP or a <u>Committee of the Whole</u> and is open to all Parties and sometimes to <u>observers</u> .
Contracting party	A phrase used to refer to a State that has ratified a treaty.
Contracting State	A State which has consented to be bound by the treaty, whether or not the treaty has entered into force.

Contribution	Amount that a Party owes annually to the general trust fund of an <u>agreement</u> or an international organization. Determined on the basis of an indicative scale adopted by the governing body of the agreement or the international organization.
Convention	A binding agreement between States. Generally used for formal multilateral instruments with a broad number of Parties.
COP or CoP	Conference of the Parties
COP/MOP	<u>Conference of the Parties</u> to a Convention serving as Meeting of the Parties to a Protocol (e.g., <u>Biosafety Protocol</u> COP/MOP).
Corr.	Stands for “corrigendum”. Used to reference corrected versions of documents during a <u>meeting</u> .
Council of Europe	A regional political organization founded in 1949. Should be distinguished from the <u>Council of the European Union</u> .
Council of the European Union	The Council of the <u>European Union</u> forms together with the European Parliament the legislative arm of the EU. It is composed of Ministers from all the EU Member States and presided by the representative of the country currently holding the residency of the EU. Should be distinguished from the <u>Council of Europe</u> .
CRAMRA	Convention for the Regulation of Antarctic Mineral Resource Activities. One of the <u>agreements</u> of the Antarctic Treaty System (<u>ATS</u>). Adopted in 1988, not yet entered into force.
Credentials	A document evidencing a person’s authority. Signed by the Head of State or Government or other high authority. Without credentials in order, a person is not considered a <u>delegate</u> and cannot legally act on behalf of his/her State and participate in decision making.
CSD	Commission for Sustainable Development
D	
DCPI	Division of Communications and Public Information of <u>UNEP</u> .
Decision	Formal expression of the will of the governing body of an international organization or international agreement. Usually binding but may also correspond to soft law.
Declaration	A formal statement of aspirations issued by a meeting. Usually issued by high-level representatives. A declaration is not binding.
Declaratory	Said of something that declares an intention, opinion or reserve, rather than expresses an agreed commitment.

Declaratory interpretation	Statement made at the time of <u>signature</u> or <u>ratification</u> of an international <u>agreement</u> . Spells out a State's interpretation of one or more of the provisions of the agreement.
Deep seabed	Synonym for " <u>The Area</u> " under the UN Convention on the Law of the Sea (<u>UNCLOS</u>).
Deforestation	The direct human-induced conversion of forested land to non-forested land (<u>UNFCCC</u>).
DELIC	Division of Environmental Law and Conventions of <u>UNEP</u> .
DEPI	Division of Environmental Policy Implementation of <u>UNEP</u> .
Delegate	Representative of a State or organization who has been authorized to act on its behalf and whose <u>credentials</u> are in order.
Delegation	Team of <u>delegates</u> to a <u>meeting</u> from the same country or organization.
Derivate	Any processed part of an animal, plant or body fluid.
DESA	United Nations Department on Economic and Social Affairs
Desertification	Degradation of land in arid, semi-arid and dry sub-humid areas, resulting from various factors, including climatic variations and human activities (<u>UNCCD</u>).
Designated National Authority	The national agency responsible for addressing specific issues or acting as the <u>focal point</u> for an <u>MEA</u> .
DEAA	Division of Early Warning and Assessment of <u>UNEP</u> .
Dispute	Disagreement on a point of law (e.g., the interpretation of an international <u>agreement</u>) or fact (e.g., an action taken by a State).
DNA	Designated National Authority
DPDL	Division of Policy Development and Law of <u>UNEP</u> .
DRC	Division of Regional Cooperation of <u>UNEP</u> .
DTIE	Division of Trade, Industry and Economics of <u>UNEP</u> .
E	
Earth Summit	UN Conference on Environment and Development (UNCED)
EC	European Community
ECOMESSAGE	INTERPOL uniform intelligence data reporting system used to report all forms of Environmental crime.

Economic Instruments	One of the tools for environmental protection that make use of fiscal incentives (subsidies) and deterrents (taxes), as well as market measures such as tradable emissions permits, rather than regulating specific outcomes.
Ecosystem	Dynamic complex of plant, animal, microorganism communities and their non-living environment, interacting as a functional unit (<u>CBD</u>). Ecosystems are irrespective of political boundaries.
Ecosystem approach	Strategy for the integrated management of land, water and living resources that promotes conservation and <u>sustainable use</u> in an equitable way (<u>CBD</u> , <u>FAO</u>).
Ecosystem services	Processes and functions provided by natural <u>ecosystems</u> that sustain life and are critical to human welfare.
EIA	Environmental Impact Assessment
Emissions trading	Mechanism under the <u>Kyoto Protocol</u> through which <u>Parties</u> with emissions commitments may trade units of their emissions allowances with other Parties (<u>UNFCCC</u>).
Endemic	Native and restricted to a specific geographic area, usually referring to plants or animals
Enforcement	Range of procedures and actions taken by a State and its competent authorities to ensure that persons or organizations failing to comply with laws or regulations are brought back into <u>compliance</u> or punished through appropriate action.
Entry into force	Coming into legal effect of an international <u>agreement</u> , i.e. time at which an international agreement becomes legally <u>binding</u> for the States that have ratified it or acceded to it or otherwise expressed their consent to be bound by the agreement.
Environmental Impact Assessment	Process by which the environmental consequences of a proposed project or programme are evaluated and alternatives are analyzed. EIA is an integral part of the planning and decision-making processes.
ESA	European Free Trade Association (EFTA) Surveillance Authority
EU	European Union
EUROBATS	Agreement on the Conservation of Populations of European Bats. One of the <u>agreements</u> under the Convention on Migratory Species of Wild Animals (<u>CMS</u>). Adopted in 1991, and entered into force in 1994.

European Commission	The executive body of the <u>European Union</u> . Alongside the European Parliament and the Council of the European Union, it is one of the three main institutions governing the Union. Its primary roles are to propose and implement legislation, and to act as ‘guardian of the treaties’ which provide the legal basis for the EU. The Commission negotiates international trade agreements (in the World Trade Organization) and other international agreements on behalf of the EU in close cooperation with the <u>Council of the European Union</u> .
European Community	Most important one of the three European Communities. Originally European Economic Community. That name changed with the Maastricht Treaty in 1992, which at the same time effectively made the European Community the first of three pillars of the <u>European Union</u> , called the Community (or Communities) Pillar.
European Union	The European Union (EU) is an intergovernmental and supranational union of 25 democratic member states. The European Union was established under that name in 1992 by the Treaty on European Union (the Maastricht Treaty). Member in its own right of several international organizations and a <u>Party</u> to various international <u>agreements</u> , sometimes alongside its <u>Member States</u> .
EUROSAI	European Organization of Supreme Audit Institutions
Ex officio	Latin phrase meaning “by virtue of one’s position or function.”
Ex situ	Latin phrase meaning “not the original or natural environment.”
ExCOP / Ex-COP	Extraordinary <u>Conference of the Parties</u> . Conference of the Parties held outside the normal scheduled cycle of meetings of the Conference of the Parties.
Extraterritorial	Said of measures or laws that apply beyond a State’s jurisdiction.
F	
FAO	Food and Agriculture Organization of the United Nations. The UN specialized organization for agriculture, forestry, fisheries and rural development. Established in 1945.
Final clauses/ provisions	Clauses/provisions of an international <u>agreement</u> that set the rules of the functioning of the agreement.
Financial rules	Rules governing the financial administration of an international organization, a <u>Conference of the Parties</u> , <u>subsidiary bodies</u> , and the <u>Secretariat</u>
FoC	Friends of the Chair

Focal point	An official or agency designated by a government to serve as the focus or channel of communications for a particular issue or <u>agreement</u> .
Framework convention	<u>Convention</u> that provides a decision-making and organizational framework for the adoption of subsequent complementary <u>agreements</u> (e.g., <u>Protocol</u>). Usually contains substantial provisions of a general nature, the details of which can be provided in the subsequent agreements.
Friends of the Chair	An informal group of a few prominent negotiators invited to assist the <u>Chair</u> of a <u>meeting</u> , <u>working group</u> , or <u>contact group</u> to develop a <u>consensus</u> proposal on a specific issue.
Full powers	A document emanating from the competent authority of a State designating a person or persons to represent the State for negotiating, adopting or authenticating the text of an international <u>agreement</u> , for expressing the consent of the State to be bound by an international agreement, or for accomplishing any other act with respect to an international agreement.
G	
GATT	General Agreement on Tariffs and Trade. The countries who signed the GATT occasionally negotiated new trade agreements. Each such set of agreements was called a “round”. The Uruguay round in 1993 created the World Trade Organization <u>WTO</u> to replace the GATT.
GC	Governing Council
GEF	Global Environment Facility
General Assembly	Shorthand for the UN General Assembly. The main political body of the United Nations. It is composed of representatives of all <u>Member States</u> , each of which has one vote.
General clauses/provisions	Clauses/provisions of an international <u>agreement</u> or <u>decision</u> that create the context, principle and directions helping the understanding and application of the rest of the agreement or decision.
Genetic Restriction Use Technologies	Genetic engineering of plants to produce sterile seeds.
GEO	Global Environment Outlook
GEOSS	Global Earth Observation System of Systems, a global system of earth observation systems (10 year implementation plan agreed in 2005).

GHGs	<u>Greenhouse gases</u>
Global Environmental Facility	Launched in 1991, the Global Environment Facility (GEF) provides grant and concessional funds to developing countries for projects and programmes targeting global environmental issues: climate change, biological diversity, international waters, ozone layer depletion, land degradation and persistent organic pollutants. Its implementing agencies are <u>UNEP</u> , <u>UNDP</u> , and the <u>IBRD</u> . Designated as the operating entity of the financial mechanism for some <u>MEAs</u> (e.g., the <u>CBD</u> and the <u>UNFCCC</u>).
Global Environmental Outlook	A periodic report that provides a comprehensive overview of the state of the global environment. Published every five years by <u>UNEP</u> . Completed by the <u>GEO Yearbooks</u> , published annually.
GMO	Genetically modified organism. Organism, plant or animal modified in its genetic characteristics by inserting a modified gene or a gene from another variety or species.
Gothenburg Protocol	Protocol to Abate Acidification, Eutrophication and Ground-level Ozone, protocol to the Convention on Long-range Transboundary Air Pollution (LRTAP) The Protocol sets emission ceilings for 2010 for four pollutants: sulphur, NO _x , VOCs and ammonia. Adopted in 1999, entered into force in 2005.
Governing Council	The decision-making body of the UN Agencies, Programme and Funds, e.g.: Environment Programme (<u>UNEP</u>). Meets annually through regular and special sessions..
Greenhouse gases	Atmospheric gases that trap the heat and are responsible for warming the earth and <u>climate change</u> . The major greenhouse gases are: carbon dioxide (CO ₂), methane (CH ₄) and nitrous oxide (N ₂ O). Less prevalent – but very powerful – greenhouse gases are hydrofluorocarbons (HFCs), perfluorocarbons (PFCs) and sulphur hexafluoride (SF ₆). Those gases are regulated under the UN Framework Convention on Climate Change (<u>UNFCCC</u>) and the <u>Kyoto Protocol</u> . Some greenhouse gases are also regulated under the <u>Montreal Protocol</u> for their effects on the ozone layer.
GRID	Global Resources Information Database. The basis for <u>UNEP</u> 's environmental assessment programme.
H	
Habitat	<ol style="list-style-type: none"> 1. Place or type of site where an organism or population naturally occurs (<u>CBD</u>). 2. Shorthand for <u>UN-Habitat</u>.

Hard law	Term used to describe the legally <u>binding</u> nature of various <u>agreements</u> or provisions, which leave little room for discretion. Often opposed to <u>soft law</u> .
Hazardous wastes	<u>Wastes</u> that exhibit one or more hazardous characteristics, such as being flammable, oxidizing, poisonous, infectious, corrosive, or ecotoxic (<u>Basel Convention</u>).
Haze Agreement	Shorthand for the ASEAN Agreement on Transboundary Haze Pollution. Adopted in 2002, and entered into force in 2003.
HCFCs	Hydrochlorofluorocarbon. Regulated under the <u>Montreal Protocol</u> .
HELCOM	The Helsinki Convention governing body
Helsinki Convention	Shorthand for the Convention on the Protection of the Marine Environment of the Baltic Sea Area. Adopted in 1992, entered into force in 2000.
HFCs	Hydrofluorocarbons. Regulated under the UN Framework Convention on Climate Change (<u>UNFCCC</u>) and the <u>Kyoto Protocol</u> , as well as under the <u>Montreal Protocol</u> .
HNS Convention	International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea. Adopted in 1996, not yet entered into force.
Hotspot	<ol style="list-style-type: none"> 1. Area particularly rich in total numbers of species (“<u>biodiversity hotspot</u>”). 2. Area of especially high concentrations of pollutants.
I	
IBRD	International Bank for Reconstruction and Development also known as World Bank. One of the <u>Bretton Woods Institutions</u> .
ICPO - Interpol	International Criminal Police Organization
ICRW	International Convention for the Regulation of Whaling. Adopted in 1946, and entered into force in 1948. Also called the “ <u>Whaling Convention</u> .”
IEC	Information, Education, and Communication (under the <u>Montreal Protocol</u>).
IET	International Emissions Trading

IMF	International Monetary Fund. International organization established to, inter alia, promote international monetary cooperation, foster economic growth and high levels of employment, and provide temporary financial assistance to countries to help ease balance of payments adjustment. Established in 1945 as one of the <u>Bretton Woods Institutions</u> .
IMO	International Maritime Organization. UN organization, created in 1948, to address shipping activities.
Implementation	For a <u>Party</u> to an international <u>agreement</u> , process of adopting relevant policies, laws and regulations, and undertaking necessary actions to meet its <u>obligations</u> under the agreement.
In situ	Latin phrase meaning “within the original place.” In situ condition is the condition of genetic resources in their <u>ecosystems</u> and natural <u>habitats</u> and, in the case of domesticated or cultivated species, in the surroundings where they have developed their distinctive properties (<u>CBD</u>).
INC	Intergovernmental Negotiating Committee. Forum established to negotiate an international agreement.
Indigenous people/s	No universal, standard definition. Usually considered to include cultural groups and their descendants who have a historical continuity or association with a given region, or parts of a region, and who currently inhabit or have formerly inhabited the region either before its subsequent colonization or annexation, or alongside other cultural groups during the formation of a nation-state, or independently or largely isolated from the influence of the claimed governance by a nation-state, and who furthermore have maintained, at least in part, their distinct linguistic, cultural and social / organizational characteristics, and in doing so remain differentiated in some degree from the surrounding populations and dominant culture of the nation-state. Also includes people who are self-identified as indigenous, and those recognized as such by other groups.
Inter alia	“Among other things.” Often used in legal documents to compress lists of <u>Parties</u> etc.
Interlinkages	Connections between and among processes, activities, or international <u>agreements</u> .
International Emissions Trading	Regime that allows <u>Parties</u> subject to emissions reduction targets to buy and sell emissions credits among them (within the <u>Kyoto Protocol</u> context).
INTOSAI	International Organization of Supreme Audit Institutions

Invasive species	Introduced species that invades natural <u>habitats</u>
IPCC	Intergovernmental Panel on Climate Change. Established jointly by the World Meteorological Organization (WMO) and UNEP in 1998 to assess the scientific, technical and socio-economic impacts of climate change.
ITPGRFA	International Treaty on Plant Genetic Resources for Food and Agriculture. Adopted in 2001, and entered into force in 2004.
ITTA	International Tropical Timber Agreement. Commodity <u>agreement</u> that regulates trade in tropical timber. Adopted in 1983 and renegotiated periodically.
ITTO	International Tropical Timber Organization. Established under the International Tropical Timber Agreement (<u>ITTA</u>) to administer the Agreement.
IUCN	The World Conservation Union. A hybrid international organization, the membership of which is composed of governments and nongovernmental organizations.
IUU	Illegal, Unregulated, and Unreported (fishing).
J	
Johannesburg Plan of Implementation	One of the outcomes of the 2002 World Summit on Sustainable Development (<u>WSSD</u>). Outlines a framework for action to implement the commitments undertaken at the 1992 UN Conference on Environment and Development (<u>UNCED</u>), including goals and time-bound targets.
K	
Kyoto Protocol	Protocol to the UN Framework Convention on Climate Change (<u>UNFCCC</u>). Provides for <u>binding</u> emission reductions for Annex I <u>Parties</u> to the UNFCCC. Adopted in 1997, and entered into force in 2005.
L	
LDCs	Least Developed Countries
Least Developed Countries	Countries at the lowest level of the scale of development. Status defined according to level of income, human resources, and economic vulnerability.
Listing	Inclusion of a product or species in a list of regulated products or species.

LMO	Living modified organism. Any living organism that possesses a novel combination of genetic material obtained through the use of modern <u>biotechnology</u> (<u>Biosafety Protocol</u>).
London Convention	Shorthand for the Convention on the Prevention of Marine Pollution by Dumping Waste and Other Matter. Adopted in 1972, and entered into force in 1975. Will be replaced by the 1996 Protocol to the London Convention, when the Protocol enters into force.
LRTAP	Shorthand for the Convention on Long-range Transboundary Air Pollution. Negotiated under the auspices of the UN Economic Commission for Europe. Adopted in 1979, and entered into force in 1983.
M	
MA	<u>Millennium Ecosystem Assessment</u> . Sometimes also wrongly abbreviated as <u>MEA</u> .
Mandate	What a meeting, organization or individual has been given authority to do.
MARPOL	Shorthand for the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the <u>Protocol</u> of 1978 relating thereto. Entered into force in 1983.
MAT	Mutually agreed terms, within the context of the Convention on Biological Diversity (<u>CBD</u>).
May	As negotiating language, “may” entails discretionary action and creates no obligation for the addressee. It is not <u>binding</u> .
MEA	Multilateral Environmental Agreement
Meeting	Generic term used for conferences, <u>summits</u> , <u>sessions</u> , etc.
Meeting of the Parties	A body equivalent to the <u>Conference of the Parties</u> . The terminology differs according to <u>agreements</u> . In practice, there is a tendency within environment negotiating fora to use “Conference of the Parties” for the <u>conventions</u> and Meeting of the Parties for the <u>protocols</u> .
Member State	State which is a member of an international organization.
Micro-organism	Group of microscopic organisms, some of which cannot be detected without the aid of a light or electron microscope, including viruses, prokaryotes (bacteria and archaea), and eukaryotic life forms, such as protozoa, filamentous fungi, yeasts and micro-algae.

MIKE	Monitoring the Illegal Killing of Elephants. A monitoring system established to contribute to an assessment of the impact of <u>decisions</u> on the illegal hunting of elephants, adopted under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (<u>CITES</u>).
Millennium Ecosystem Assessment	A global assessment of the earth's ecosystems supported by the UN <u>Secretary-General</u> . The MA completed its work in 2005 with the publication of its report. The acronym MEA is often used wrongly for the MA.
Montreal Protocol	Shorthand for the Montreal Protocol on Substances that Deplete the Ozone Layer. <u>Protocol</u> to the Vienna Convention for the Protection of the Ozone Layer. Adopted in 1987, and entered into force in 1989.
MOP or MoP	Meeting of the Parties
MOS	Meeting of the Signatories
Multilateral Environmental Agreement	A generic term for <u>treaties</u> , <u>conventions</u> , <u>protocols</u> , and other <u>binding</u> instruments related to the environment. Often it is applied to instruments the geographic scope of which is wider than a few <u>Parties</u> , but it is also used to include bilateral agreements (i.e., between two States).
Mutatis Mutandis	Latin phrase meaning "with the necessary changes" (e.g., "the dispute settlement provisions of the Convention apply mutatis mutandis to the Protocol").
N	
NAFTA	North American Free Trade Agreement
NAP	National Action Plan. Required under the UN Convention to Combat Desertification (<u>UNCCD</u>) for the <u>implementation</u> of the Convention.
NBSAPs	National Biodiversity Strategies and Action Plans
NCSA	National Capacity Self-Assessment
Negotiating State	A State which took part in the drawing up and adoption of the text of the treaty.
NGO(s)	<u>Non-governmental organization(s)</u>
NIPs	National Implementation Plans

Non-governmental organization	Applied to community groups and not-for-profit organizations. In the UN system, it also includes business associations. The term gathers organizations with different mandates (e.g., research, education and awareness building, lobbying, technical assistance, field projects, etc.).
Non-Party	A State that has not ratified a treaty.
Notification	Formal communication that bears legal consequences (e.g., start of a time-bound period).
Noumea Convention	Shorthand for the Convention for the Protection of the Natural Resources and Environment of the South Pacific Region. Adopted in 1986, entered into force in 1990.
O	
Objection	Oral or written <u>statement</u> by which a <u>delegation</u> informs a <u>meeting</u> that it objects to the <u>adoption</u> of a proposed <u>decision</u> , <u>resolution</u> , <u>recommendation</u> , or measure.
Obligation clauses/provisions	Clauses/provisions of an international <u>agreement</u> or <u>decision</u> that provide for the actions to be taken, individually or jointly, by the <u>Parties</u> to achieve the objectives of the agreement or decision.
Observer	Non-state actors who are invited to participate in a limited manner in the negotiations, or States that are not Parties to a treaty but nevertheless may participate in a limited manner.
ODS	Ozone Depleting Substances
Open-ended	Said of a <u>meeting</u> or a group which is not time-bound (unless specified otherwise) and participation is not restricted.
Operative paragraphs	Paragraphs of an international <u>agreement</u> , <u>decision</u> , <u>resolution</u> , or <u>recommendation</u> that provide for the actions to be taken, individually or jointly, by the <u>Parties</u> to achieve the objectives of the agreement, decision, resolution, or recommendation.
OPRC	Convention on Oil Pollution Preparedness, Response and Cooperation. Adopted in 1990, and entered into force in 1995.
Order	1) “Call to order”: direction by the presiding officer of a <u>meeting</u> that a <u>delegate</u> or group of delegates should be silent to allow the meeting’s proceedings to take place in an orderly manner. 2) “Out of order”: the status of something that is not in accordance with the <u>rules of procedure</u>
OSPAR Convention	Shorthand for the Convention for the Protection of the Marine Environment in the North-East Atlantic. Adopted in 1992, entered into force in 1998.

Ozone Secretariat	Secretariat administered by <u>UNEP</u> . Services the <u>Vienna Convention</u> and the <u>Montreal Protocol</u> .
P	
Pact	A written agreement between two states or sovereigns which is legally binding.
PAH	Polycyclic Aromatic Hydrocarbon
PAMs	Policies and Measures
Party	Refers to a State that has ratified, acceded to, or otherwise formally indicated its intent to be bound by an international <u>agreement</u> , and for which the agreement is in force. Also called “Contracting Party.” While most Parties have signed the instrument in question, it is not usually a necessary step in order to become a Party (see “ <u>accession</u> ”).
Patent	Government grant of temporary monopoly rights on innovative processes or products.
Persistent Organic Pollutants	Chemicals that remain intact in the environment for long periods of time. Regulated under the <u>Stockholm Convention</u> .
PFCs	Perfluorocarbons. Regulated under the UN Framework Convention on Climate Change (<u>UNFCCC</u>).
PIC	<ol style="list-style-type: none"> 1. <u>Prior informed consent</u>. Used in the context of negotiations on access to genetic resources and benefit sharing, as well as on <u>traditional knowledge</u> of local and indigenous communities (see <u>indigenous people</u>). Also used in the context of the <u>PIC Convention</u>. 2. Pacific Island Country
PIC Convention	Shorthand for the Rotterdam Convention on the Prior Informed Consent Procedure For Certain Hazardous Chemicals and Pesticides in International Trade. Also called the “ <u>Rotterdam Convention</u> .”
Plenary	The main meeting format of a <u>Conference of the Parties</u> or a <u>Subsidiary Body</u> . <u>Decisions</u> or <u>recommendations</u> approved by sub-sets of the Plenary have to be forwarded to the Plenary for formal final <u>adoption</u> .
Plenipotentiary	Individual who carries or has been conferred the <u>full powers</u> to engage the State he or she represents.

Policies and measures	Steps taken or to be taken by countries to achieve <u>greenhouse gas emissions targets</u> under the <u>Kyoto Protocol</u> (UNFCCC).
POPs	Persistent Organic Pollutants, Shorthand for the Stockholm Convention on Persistent Organic Pollutants.
POPs Convention	Shorthand for the <u>Stockholm Convention on Persistent Organic Pollutants</u> .
Preamble	Set of opening <u>statements</u> , called “ <u>recitals</u> ,” of an international <u>agreement</u> , <u>decision</u> , <u>resolution</u> , or <u>recommendation</u> that guides the interpretation of the document.
Preambular paragraphs	The paragraphs found in the <u>Preamble</u> to an international <u>agreement</u> , <u>decision</u> , <u>resolution</u> , or <u>recommendation</u> and that help interpreting the document.
Prep Com / PrepCom	Preparatory Committee. A <u>committee</u> mandated to prepare a <u>meeting</u> . It can be mandated to address substantive issues or not. The phrase is often used to refer to the meetings of the preparatory committee.
Primary forest	Forest largely undisturbed by human activities. Also called “natural forest.”
Prior Informed Consent	Consent to be acquired prior to accessing genetic resources or shipping internationally regulated chemicals, substances or products. Granted by competent authorities on the basis of the information provided by the partners to a prior informed consent agreement.
Protected area	Geographically defined area which is designated or regulated, and managed to achieve specific conservation objectives (CBD).
Protocol	<ol style="list-style-type: none"> 1) International legal instrument appended or closely related to another <u>agreement</u>. 2) Rules of diplomatic procedure, ceremony and etiquette. 3) Department within a government or organization that deals with relations with other missions.
Q	
Quantified emissions limitation of reduction commitments	Legally <u>binding</u> targets and timetables under the <u>Kyoto Protocol</u> for the limitation or reduction of <u>greenhouse-gas</u> emissions by developed countries (UNFCCC).

R	
Ramsar	Shorthand for the Ramsar Convention on Wetlands of International Importance Especially as Waterfowl Habitat. Adopted in 1971, and entered into force in 1975.
Range State	A State whose territory is within the natural range of distribution of a species
Rapporteur Delegate	(more specifically, a member of the <u>Bureau</u>) elected/nominated to prepare or oversee the preparation of the report of a <u>meeting</u> .
Ratification	Formal process by which a Head of State or appropriate governmental official or authority signs a document which signals the consent of the State to become a <u>Party</u> to an international <u>agreement</u> once the agreement has entered into force and to be bound by its provisions.
Recitals	Set of opening <u>statements</u> of an international <u>agreement</u> , <u>decision</u> , <u>resolution</u> , or <u>recommendation</u> that guides the interpretation of the document. Also referred to as “ <u>Preamble</u> ” or “ <u>preambular paragraphs</u> .”
Recommendation	Formal expression of an advisory nature of the will of the governing body of an international organization or international agreement. It is not binding.
Reforestation	The direct human-induced conversion of nonforested land to forested land through planting, seeding and/or the human-induced promotion of natural seed sources, on land that was forested but that has been converted to non-forest land (<u>UNFCCC</u>).
Reservation	A unilateral statement, however phrased or named, made by a State, when signing, ratifying, accepting, approving or acceding to a treaty, whereby it purports to exclude or to modify the legal effect of certain provisions of the treaty in their application to that State.
Resolution	Formal expression of the opinion or will of the governing body of an international organization or international <u>agreement</u> . Usually non- <u>binding</u>
Rev.	Stands for “revision”. Used to reference revised versions of documents during negotiations.

Rio Conference	<p>Shorthand for the United Nations Conference on Environment and Development (UNCED), held in Rio de Janeiro, Brazil, in 1992. The outcomes of the Conference include:</p> <ul style="list-style-type: none"> - The UN Framework Convention on Climate Change (<u>UNFCCC</u>) - The Convention on Biological Diversity (<u>CBD</u>) - <u>Agenda 21</u> - The establishment of the Commission on Sustainable Development (<u>CSD</u>) - The <u>Rio Declaration</u> on Environment and Development - The Non-Legally Binding Authoritative Statement of Principles for a Global Consensus on the Management, conservation and sustainable Development of all Types of Forests (also known as “the Forest Principles”) <p>UNCED also led to the negotiation and adoption of the UN Convention to Combat Desertification (<u>UNCCD</u>).</p>
Rio Convention (s)	Used to designate the <u>conventions</u> negotiated and adopted during the <u>Rio Conference</u> in 1992. These Conventions are the Convention on Biological Diversity (<u>CBD</u>) and the UN Framework Convention on Climate Change (<u>UNFCCC</u>), to which the UN Convention to Combat Desertification (<u>UNCCD</u>), adopted in 1994, is also added.
Rio Declaration	Shorthand for the Rio Declaration on Environment and Development adopted at the <u>Rio Conference</u> , the UN Conference on Environment and Development in 1992. Set of 27 Principles on <u>sustainable development</u> .
RMPs	Refrigerant Management Plans
Roster of experts	Experts nominated to perform certain tasks as defined by the governing body of an international <u>agreement</u> or international organization.
Rotterdam Convention	Shorthand for Rotterdam Convention on the <u>Prior Informed Consent</u> Procedure For Certain Hazardous Chemicals and Pesticides in International Trade. Also referred to as the “PIC Convention.” Adopted in 1998, and entered into force in 2004.
Rules of procedure	Set of rules adopted by a <u>meeting</u> to govern the work and decision making of its formal settings (i.e., for <u>Plenary</u> or <u>working groups</u>).

S	
SAI	In the context of the UN Framework Convention on Climate Change (UNFCCC), the Subsidiary Body for Implementation. Advises the Conference of the Parties to the Convention and/or the Meeting of the Parties to the Kyoto Protocol in the form of recommendations and draft decisions.
SBI	Subsidiary Body for Implementation
SBSTA	In the context of the UN Framework Convention on Climate Change (UNFCCC), the Subsidiary Body for Scientific and Technological Advice. Advises the Conference of the Parties to the Convention and/or the Meeting of the Parties to the Kyoto Protocol in the form of recommendations and draft decisions.
SBSTTA	In the context of the Convention on Biological Diversity (CBD), the Subsidiary Body for Scientific, Technical and Technological Advice. Provides advice to the Conference of the Parties to the Convention and/or the Meeting of the Parties to the Biosafety Protocol in the form of recommendations.
Scale of assessment	Agreed formula for determining the scale of <u>contribution</u> of each <u>Member State</u> of an international organization.
Secretariat	The body established under an international <u>agreement</u> to arrange and service <u>meetings</u> of the governing body of that agreement, and assist <u>Parties</u> in coordinating <u>implementation</u> of the agreement. Also performs other functions as assigned to it by the agreement and the <u>decisions</u> of the governing body.
Secretary-General	Head of the UN Secretariat.
Session	<u>Meeting</u> or series of meetings of a particular body (e.g., Eighth Special Session of <u>UNEP Governing Council</u> ; “ <u>working group II</u> met in four sessions”).
Severely hazardous Pesticide Formulation	Chemical formulated for pesticidal use that produces severe health or environmental effects observable within a short period of time after single or multiple exposure, under conditions of use (<u>PIC Convention</u>).
Should	As negotiating language, “should” entails an advice, not an obligation, to do something. However, while non- <u>binding</u> , it implies a stronger imperative than “may.”
Signature	Act by which the head of State or government, the foreign minister, or another designated official indicates the authenticity of an international <u>agreement</u> and, where <u>ratification</u> is not necessary, it may also indicate the consent of the State to be bound by the agreement.

Soft law	Term used to describe an <u>agreement</u> or provisions that are so flexible in terms and nature and leave much room for discretion that they have a less <u>binding</u> nature. It may be used to encourage broader adherence to a proposal.
SPAW Protocol	Shorthand for the Protocol Concerning Specially Protected Areas and Wildlife (to the Cartagena Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region). Adopted in 1990, and entered into force in 2000.
Stakeholder	Individuals or institutions (public and private) interested and involved in a process or related activities.
Status quo	Latin phrase meaning “the current state of affairs.”
State	A country
Statement	Oral or written expression of opinion.
Stockholm Conference	Shorthand for the UN Conference on the Human Environment, held in Stockholm, Sweden, in 1972. The outcomes of the Stockholm Conference were: <ul style="list-style-type: none"> - the establishment of the UN Environment Programme (<u>UNEP</u>) - the establishment of an Environment Fund - an Action Plan - the <u>Stockholm Declaration</u>
Stockholm Convention	Shorthand for the Stockholm Convention on Persistent Organic Pollutants. Adopted in 2001, and entered into force in 2004. Also referred to as the “ <u>POPs</u> Convention.”
Stockholm Declaration	One of the outcomes of the 1972 <u>Stockholm Conference</u> . A set of 26 Principles on environmental protection.
Subsidiary body	A body, usually created by the governing body of an international <u>agreement</u> or international organization, with a specific mandate (e.g., Subsidiary Body for Scientific, Technical and Technological Advice under the Convention on Biological Diversity). Different from a <u>working group</u> in that it is usually permanently established to assist the governing body.
Sui generis	“Being the only example of its kind; constituting a class of its own; unique”. Often used to describe a unique (legal) system.
Summit	<u>Meeting</u> at which the participants are high-level officials, such as Heads of State or Government.
Sustainable development	Development that meets the needs of the present without compromising the ability of future generations to meet their own needs.

Sustainable use	Use in a way and at a rate that does not lead to the long-term degradation of the environment, thereby maintaining its potential to meet the needs and aspirations of present and future generations.
Synergies	Result of joint activities that goes beyond the sum of individual activities, making efforts more effective and efficient.
T	
Taxonomy	Naming and assignment of biological organisms to taxa.
Terms of reference	The <u>mandate</u> and scope for work of a body or individual.
The area	The seabed and ocean floor and subsoil thereof, beyond the limits of national jurisdiction. Used interchangeably with “deep seabed.” Regulated under Part XI of the UN Convention on the Law of the Sea (<u>UNCLOS</u>).
Third State	A State not a Party to the treaty
Traditional knowledge	The knowledge, innovations and practices of <u>indigenous people</u> and local communities. Traditional knowledge is the object of various <u>MEA</u> provisions, including Article 8(j) of the Convention on Biological Diversity (<u>CBD</u>).
Transboundary movement	Movement from an area under the national jurisdiction of one State to or through an area under the national jurisdiction of another State or to or through an area not under the national jurisdiction of any State.
Treaty	International <u>agreement</u> concluded between States in written form and governed by international law, whether embodied in a single instrument or in two or more related instruments and whatever its particular designation (Vienna Convention on the Law of Treaties).
TRIPS Agreement	Agreement on Trade-Related Aspects of Intellectual Property Rights. One of the <u>agreements</u> under the World Trade Organization (<u>WTO</u>).
Type II Partnership	A multi- <u>stakeholder</u> partnership involving, inter alia, governments, <u>non-governmental organizations</u> , businesses, universities, and/or other institutions. Type of partnership launched at the <u>World Summit on Sustainable Development (WSSD)</u> to implement commitments embedded in the <u>Johannesburg Plan of Implementation</u> .

U	
UNCCD	UN Convention to Combat Desertification in Countries Experiencing Serious Drought and/or Desertification, especially in Africa. Adopted in 1994, entered into force in 1996. Often referred to as one of the Rio Conventions, as impetus for the Convention was gathered at the 1992 UN Conference on Environment and Development, held in Rio, Brazil (see Rio Conference).
UNCED	UN Conference on Environment and Development, held in Rio, Brazil, in 1992 (see Rio Conference).
UNCHE	UN Conference on the Human Environment, held in Stockholm, Sweden, in 1972.
UNCLOS	UN Convention on the Law of the Sea. Adopted in 1982, entered into force in 1994.
UNECE or UN/ECE	Economic Commission for Europe. One of the regional commissions of ECOSOC.
UNEP	United Nations Environment Programme. Established in 1972 to lead and coordinate UN environment-related work.
UNESCO	UN Educational, Scientific and Cultural Organization. Created in 1945.
UNFCCC	UN Framework Convention on Climate Change. Adopted in 1992, entered into force in 1994. One of the Rio Conventions.
UN-Habitat	United Nations Human Settlements Programme. Established in 1978 to promote socially and environmentally sustainable towns and cities with the goal of providing adequate shelter for all.
UNIDO	United Nations Industrial Development Organization
V	
Verbatim	Latin phrase meaning “word-for-word,” “in full.” Way of recording a <u>meeting’s</u> discussions
Vienna Convention	<ol style="list-style-type: none"> 1) Vienna Convention for the Protection of the Ozone Layer. Adopted in 1984, and entered into force in 1985. 2) Vienna Convention on the Law of Treaties. Adopted in 1969, and entered into force in 1980. 3) Vienna Convention on Succession of States in respect of Treaties. Adopted in 1978, and entered into force in 1996.

W	
Waigani Convention	Shorthand for the Convention to Ban the Importation into Forum Island Countries of Hazardous and Radioactive Wastes and to Control the Transboundary Movement and Management of Hazardous Wastes within the South Pacific Region. Adopted in 1995, and entered into force in 2001.
Wastes	Substances or objects which are disposed of or are intended to be disposed of or are required to be disposed of by the provisions of national law (<u>Basel Convention</u>).
WCMC	UNEP World Conservation Monitoring Centre. The <u>biodiversity</u> assessment and policy <u>implementation</u> arm of <u>UNEP</u>
(INTOSAI) WGEA	(INTOSAI) Working Group on Environmental Auditing
Whaling Convention	Shorthand for the International Convention for the Regulation of Whaling (<u>ICRW</u>).
WHC	World Heritage Convention. Shorthand for the Convention Concerning the Protection of the World Cultural and Natural Heritage. Adopted in 1972 under the aegis of <u>UNESCO</u> , and entered into force in 1975.
WHYCOS	World Hydrological Cycle Observing System. Global programme to strengthen the technical and institutional capacities of hydrological services, establish a global network of national hydrological observatories, and promote and facilitate the dissemination and use of water-related information.
Wise use	Sustainable utilization for the benefit of humankind in a way compatible with the maintenance of the natural properties of <u>ecosystems</u> .
Working group	<ol style="list-style-type: none"> 1. During a <u>meeting</u>, a sub-division of the Plenary mandated to negotiate specific issues of the <u>agenda</u>, usually arranged by clusters. Open to all <u>Parties</u>. 2. Between meetings, a <u>subsidiary body</u> established by the governing body of an international <u>agreement</u> to provide it with advice on specific issues. These working groups can be <u>open-ended</u> and meet periodically or be time-bound and meet once only. Open to all Parties. Example: the Ad Hoc Open-Ended Working Group on Access to Genetic Resources and Benefit Sharing under the <u>Convention on Biological Diversity</u>.

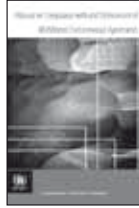
World heritage site	Designation for places on earth that are of outstanding universal value to humanity and as such, have been included on the World Heritage List to be protected for future generations to appreciate and enjoy, according to the World Heritage Convention (<u>WHC</u>).
WMO	World Meteorological Organization. One of the UN specialised agencies, established in 1950 to address matters related to meteorology (weather and climate), operational hydrology and related geophysical sciences.
WSSD	World Summit on Sustainable Development. Held in 2002, in Johannesburg, South Africa. The outcomes of the WSSD are: <ol style="list-style-type: none"> 1. The Johannesburg Declaration on Sustainable Development 2. The <u>Johannesburg Plan of Implementation</u> 3. <u>Type II Partnerships</u>
WTO	World Trade Organization. An international organization established in 1995 to provide a forum for trade negotiations, handle trade <u>disputes</u> , monitor national trade policies and provide technical assistance and training for developing countries, among others.

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