

**UNITED
NATIONS**

EP

UNEP/WBRS.17/INF9



**United Nations
Environment
Programme**

Distr.: General
16 October 2015

Original: English



**The 17th Global Meeting of the Regional Seas
Conventions and Action Plans
Istanbul, Turkey
20 October - 22 October 2015**

Governance of Oceans through Regional Seas

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Abbreviations

ABNJ-Areas Beyond National Jurisdiction

ACAP- The Agreement on the Conservation of Albatrosses and Petrels

ACCOBAMS- The Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and contiguous Atlantic area

AEWA- The Agreement on the Conservation of African-Eurasian Migratory Waterbirds

AMCEN- African Ministerial Conference on the Environment

ASCOBAMS- The Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas

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

BAT-Best Available Techniques

BEP-Best Environmental Practices

CBD- Convention on Biological Diversity

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

CMS-Convention on Migratory Species

COPs-Conference of Parties

CPR-Committee of Permanent Representatives

DELC-Division of Environmental Law Conventions

DEPI-Division of Environmental Policy Implementation

EUROBATS- Agreement on the Conservation of Populations of European Bats

GORRILLA AGREEMENT- The Agreement on the Conservation of Gorillas and Their Habitats

MEA-Multilateral Agreement

MOPs-Meetings of Parties

MSFD-Marine Strategy Framework Directive

PIC-Prior Informed Consent

POPs-Persistent Organic Pollutants

PoW-Programme of Work

RCUs- Regional coordinating units

ROs-Regional Offices

RSP-Regional Seas Programmes

SDG-Sustainable Development Goal(s)

UNCLOS-United Nations Convention on the Law of the Sea

UNDAFs-United Nations Development Assistance Frameworks

UNEA- United Nations Environment Assembly

UNEMG- United Nations Environment Management Group

UNEP-United Nations Environment Programme

WADDEN SEA SEALS- Agreement on the Conservation of Seals in the Wadden Sea

WCMC-World Conservation Monitoring Centre

WIO-Western Indian Ocean

1 Introduction

1. The 1972 United Nations Conference on Human Development in Stockholm recommended that Governments take early action to adopt “effective national measures for the control of all significant sources of marine pollution, including land-based sources, and concert and co-ordinate their actions regionally and where appropriate on a wider international basis” (UN 1972)(Recommendation 92)¹.
2. The subsequent meetings of the UNEP Governing Council repeatedly endorsed the regional approach to address marine pollution and requested the development of regional action plans. This was the origin of the UNEP Regional Seas Programme in 1974 that engaged neighbouring countries in comprehensive and specific actions to protect their shared marine environment.
3. The United Nations Convention on the Law of the Sea (UNCLOS) was later adopted in 1982 and sets out the legal framework within which all activities pertaining to the oceans and seas, must be carried out (sometimes known as the ‘Constitution of the Sea’).
4. The Regional Seas Programme (RSP) covers 18 regions of the world: *Antarctic, Arctic, Baltic, Black Sea, Caspian, Eastern Africa, East Asian Seas, Mediterranean, North-East Atlantic, North-East Pacific, North-West Pacific, Pacific, Red Sea and Gulf of Aden, ROPME Sea Area, South Asian Seas, South-East Pacific, Western Africa and the Wider Caribbean*. Fourteen(14) RSPs, are established under the auspices of UNEP out of which, seven (7) are offered secretariat services. Furthermore, 4 partner programmes for the Antarctic, Arctic, Baltic Sea, and North-East Atlantic Regions are members of the Regional Seas.
5. The UNEP Regional Seas programmes function through an Action Plan underpinned with a strong legal framework in the form of a regional Convention and associated Protocols in most cases. All regions, except East Asian Seas, North-West Pacific and South Asian Seas regions, have adopted framework conventions and protocols. (See Figure below)

¹ <http://www.un-documents.net/aconf48-14r1.pdf>

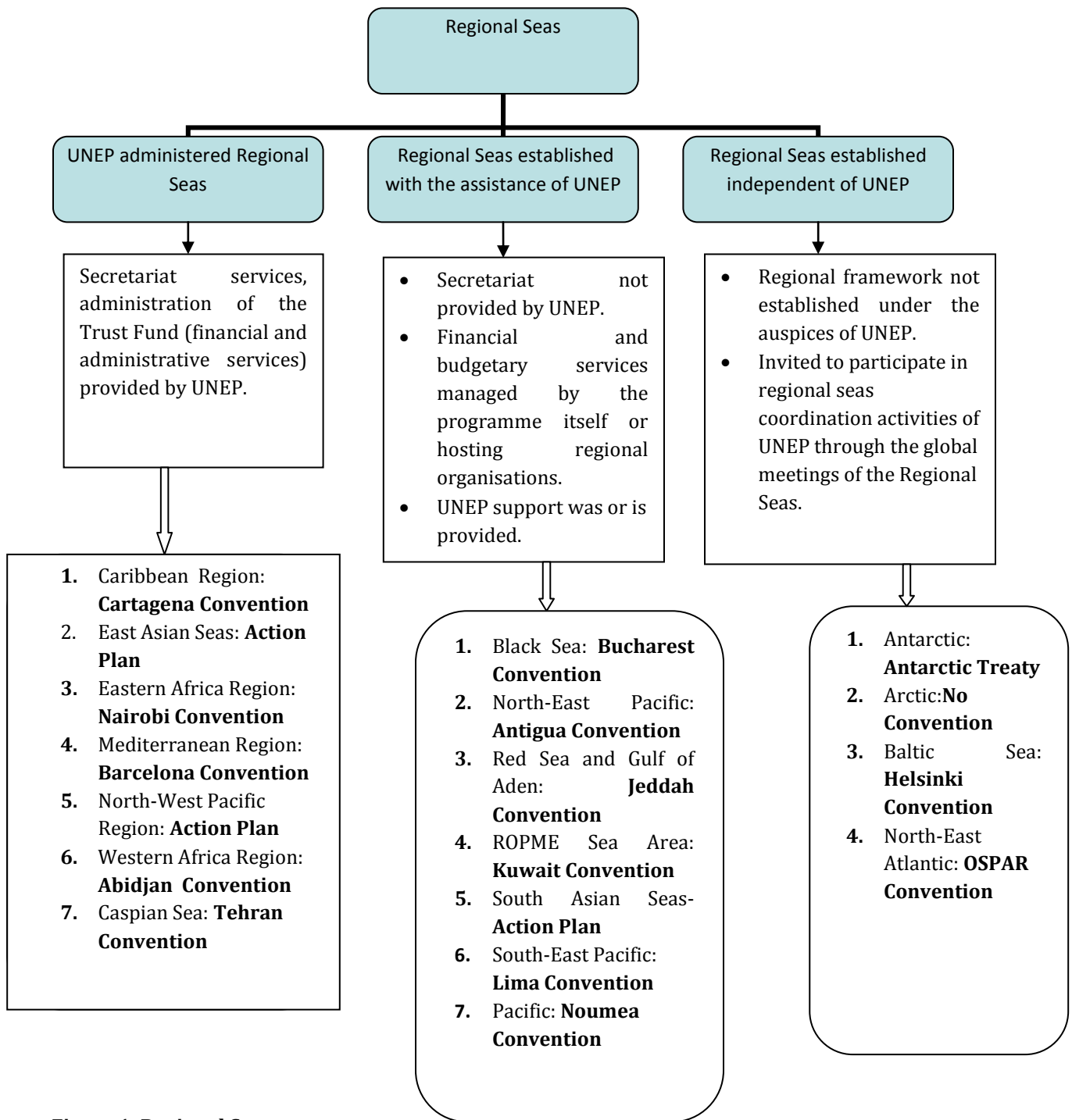


Figure 1: Regional Seas

6. While regional oceans governance is mainly provided for by the Regional Seas Conventions and Action Plans (RSCAPs), global governance is laid out in the 1982 UNCLOS as shown in the diagram below².

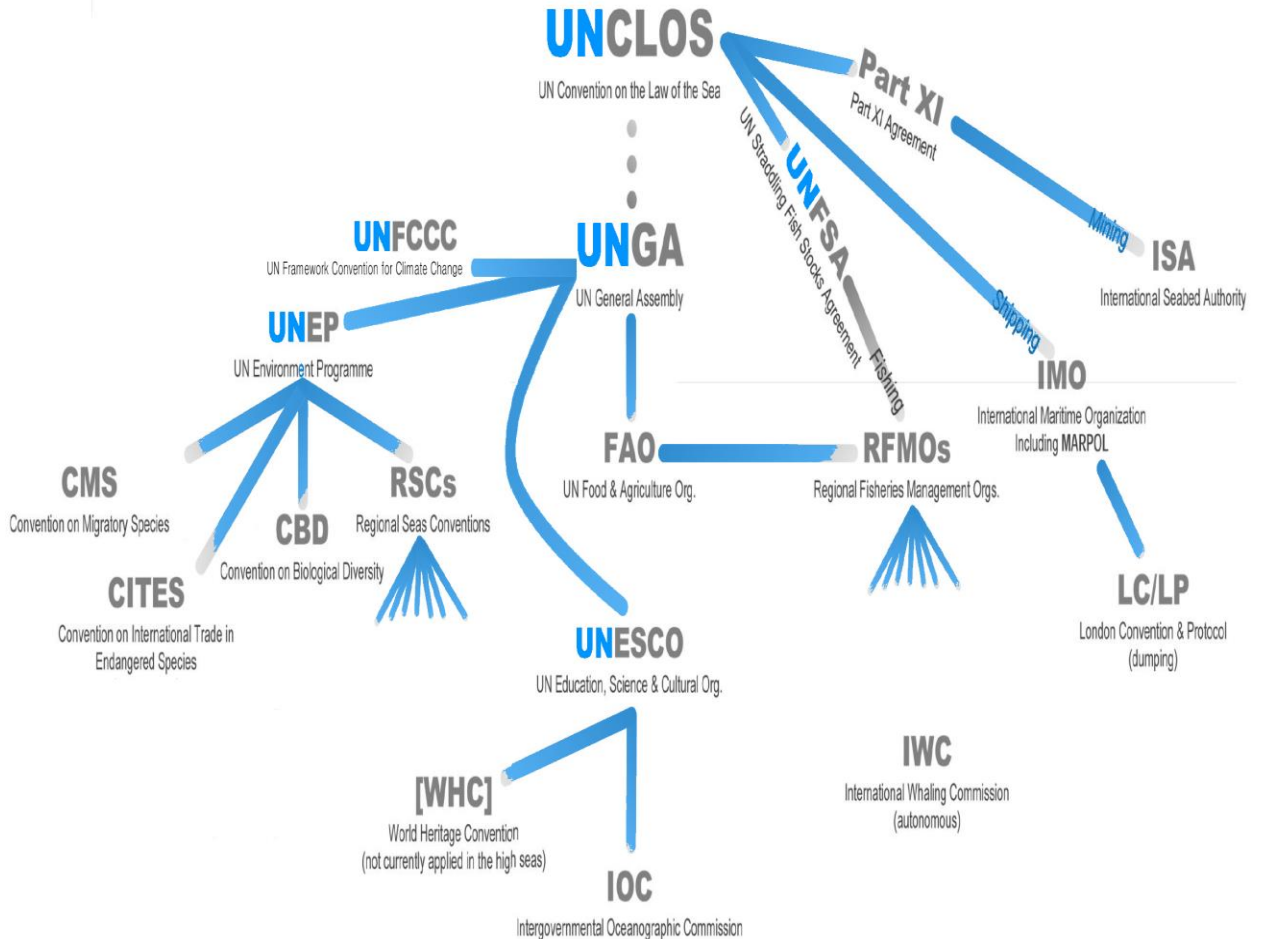


Figure 2: Adapted from Poster on ‘Ocean Governance: Sustainability Pathways for the High Seas’ by Sebastian Unger, Jeff Ardron, Katherine Houghton, IASS Potsdam 2014³

²In addition, there are several other multilateral agreements negotiated under CMS including: The Agreement on the Conservation of Albatrosses and Petrels (ACAP), The Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and contiguous Atlantic area (ACCOBAMS), The Agreement on the Conservation of African-Eurasian Migratory Waterbirds (AEWA), Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas (ASCOBANS), Agreement on the Conservation of Populations of European Bats (EUROBATS), The Agreement on the Conservation of Gorillas and Their Habitats (Gorilla Agreement), Agreement on the Conservation of Seals in the Wadden Sea (Wadden Sea Seals). Some are independent and others administered by UNEP.

³ Available at <http://publications.iass-potsdam.de/pubman/item/escidoc:468945:2/component/escidoc:468946/468945.pdf>

7. From the diagram, it is clear that a large number of institutions and agreements are currently mandated to regulate sectoral issues including regional Seas(UNEP), shipping (the International Maritime Organisation – IMO), fishing (the global network of regional fisheries management organisations –RFMOs) and mining (the International Seabed Authority). In this context, the purpose of this paper is to stimulate discussion on oceans governance by RSPs.
8. Generally, for all RSPs, it identifies two main gaps on governance namely: a) lack of a defined common framework for delivery of messages from key themes, from similar outcomes common to two or more regions; b) lack of an integrating framework and philosophy for oceans governance as a whole and/or thematically; and c) lack of a framework to discuss regional issues that impact global issues and vice versa at the regional level for example, the Sustainable Development Goals(SDGs) and the Areas Beyond National Jurisdictions(ABNJ) discussions.
9. Within the UNEP administered Regional Seas Conventions and Action Plans (RSCAPs)⁴, their approach is structurally and programatically impaired as: a) the normative relationship of RSCAPs as Multi-lateral Agreements(MEAs) with other global and regional MEAs is muted by divisional structures, as RSCAPs are hosted in the Division of Environmental Policy Implementation (DEPI), while the Division of Environmental Law Conventions(DELC) is the focal division for all the other MEAs. For example the Nairobi Convention is hosted in DEPI and the Convention for Biodiversity(CBD) focal point is hosted in DELC as the focal division for all other MEAs. Schematically, the relationship between any two MEAs, should be bilateral. However UNEP as the Secretariat for e.g the Nairobi Convention, also having appointed a Focal Point for the CBD in DELC should lead in the process to create synergy between the two MEAs, for instance for better implementation of the Jakarta Mandate for Conservation and Sustainable Use of Marine and Coastal Biodiversity. However, this is rarely the case because of divisional structures.; b) the programmatic work of UNEP RSP in the regions is muted by the absence of obvious bridges between RSCAPs and the UNEP Regional Offices(ROs) that support coordination and implementation of activities in the regions. This is despite the articulation of how to achieve UNEP's regional presence, delivery, and engagement with Member States in the newly published UNEP Policy Paper on Strengthened Regional Strategic Presence, 2015; c) Arguably, the role of regional seas in the global oceans governance dialogue, is equally

⁴ These include: the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region (Cartagena Convention), Convention for the Protection, Management and Development of the Marine and Coastal Environment of the Western Indian Ocean(Nairobi Convention), The Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean (Barcelona Convention), Abidjan Convention for Co-operation in the protection and Development of the Marine and Coastal Environment of the West and Central African Region (Abidjan Convention) and The Framework Convention for the Protection of the Marine Environment of the Caspian Sea(Tehran Convention)

limited by lack of an effective mechanism to harness and consolidate RSCAPs Conference of Parties (COPs) priorities and decisions into United Nations Environment Assembly(UNEA) decisions.

10. To this end, this paper makes recommendations for a better integrated framework for collective and similar outcomes for all Regional Seas Programmes. Also, it identifies the pathways to strengthen UNEP's Regional Seas Programme in the context of its catalytic role at the regional level to enhance UNEP's regional presence in line with the Rio+20 Summit mandate and contribution towards 2030 Agenda for Sustainable Development and the Sustainable Development Goals, and the ongoing ABNJ discussions. It also identifies possible institutional arrangements within the UNEP that will promote regional cooperation in oceans governance and management of the marine environment in line with UNEP's Programme of Work(PoW).

CONCERNS

All Regional Seas Programmes

- a) lack of a defined common framework for delivery of messages from key themes from similar outcomes, common to two or more regions
- b) lack of an integrating framework or philosophy for oceans governance as a whole and/or thematically.
- c) Lack of a framework to discuss regional issues that impact global issues and vice versa at the regional level for example, the SDG process and the ABNJ discussions.

UNEP-Administered RSCAPs

- a) normative relationship of RSCAPs as Multi-lateral Agreements(MEAs) with other global and regional MEAs is weak and muted by divisional structures, as RSCAPs are hosted in DEPI while DELC is the focal division for all the other MEAs
- b) absence of obvious bridges on implementation of activities in the regions of RSCAPs with the Regional Offices(ROs) that support coordination and implementation of activities in the regions which can also benefit from technical support from RSCAPs on marine issues in parallel.
- c) lack of an effective mechanism to harness and consolidate RSCAPs Conference of Parties (COPs) priorities and decisions into United Nations Environment Assembly(UNEA) decisions.

2 The Global Approach in Oceans Governance vis a vis the Regional Approach

11. Proponents of the global approach in ocean governance argue that global common problems such as climate change, biodiversity loss, ocean acidification, etc, require common solutions from all countries that contribute to the problem or are affected by the problem. Consequently, some environmental problems are successfully framed as global problems (biodiversity loss), but others are not e.g . deforestation, loss of mangroves or coral reefs and degradation along national coastlines. Equally, a number of transboundary or local-cumulative problems such pollution of an enclosed sea, or pollution of a river basin though at times have global impacts due to the transboundary nature of the issues, are more readily addressed by a smaller group of concerned countries and this is true for all the RSCAPs.
12. A holistic approach to oceans management was explicitly articulated by Agenda 21, as developed at the 1992 United Nations Conference on Environment and Development (UNCED or Rio Summit). Chapter 17 observes that the marine environment, including the oceans and all seas and adjacent coastal areas, forms an integrated whole. For this reason, marine and coastal area management requires an approach that is integrated in content, at the national, subregional, regional and global levels and the involvement of all sectors, compatibility between policies and activities, as well as a balance of uses.(Billé, Chabason, Drankier, Molenaar, and Rochette 2014). At Rio+20, in Rio de Janeiro, in 2012, the 20 year old commitments were reaffirmed again in the oceans section of the outcome document ‘The Future We Want’⁵ under the common goal described as ‘Oceans and Seas’.
13. Thereafter, the UN Secretary General launched ‘The Oceans Compact ‘⁶ on 12 August 2012 which sets out a strategic vision for the UN system to deliver on its ocean related mandates in a more coherent and effective manner. In the section “strengthening ocean knowledge and the management of oceans”, management frameworks along with coordinated global, regional and national mechanisms are highlighted as measures for integrated ecosystem management, and protection of coastal populations.
14. The decision to concentrate attention on regional approaches to the control of marine pollution and the management of marine and coastal resources was made at the Third Session of the UNEP Governing Council in 1975 by the then UNEP governing body. The

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<http://www.uncsd2012.org/content/documents/727The%20Future%20We%20Want%2019%20June%201230pm.pdf>

⁶ http://www.un.org/depts/los/ocean_compact/SGs%20OCEAN%20COMPACT%202012-EN-low%20res.pdf

decision was based on several factors. First, was continuing evidence of the further serious qualitative deterioration of semi-landlocked bays, gulfs and seas marginal to continents. Second was the real and perceived success of the Helsinki Convention on the Baltic Sea-the first regional marine treaty to cover pollution from several distinct sources. Third was the realization that insufficient regional cooperation amongst governments was probably the single most important impediment to the implementation of effective management plans in such areas as the Mediterranean, Caribbean, Persian Gulf, and elsewhere.(Needham and Copley 1989)

15. UNCLOS emphasizes regional cooperation and makes particular mention of regional approaches in its provisions on enclosed and semi-enclosed seas⁷, environmental protection⁸, high seas living resources⁹, and regional marine scientific and technological centres.¹⁰ Article 197 further provides that States shall cooperate on a global basis and, as appropriate, on a regional basis, directly or through competent international organizations, in formulating and elaborating international rules, standards and recommended practices and procedures consistent with this Convention, for the protection and preservation of the marine environment, taking into account characteristic regional features.
16. In this context, regional ocean governance has mainly been taking place through: (i) Regional Seas Conventions and Action Plans, many of them supported or coordinated by UNEP (ii) Regional Fisheries Bodies, placed under the Food and Agriculture Organisation (FAO) umbrella; and (iii) through GEF supported projects on Large Marine Ecosystems (LMEs) .
17. The regional approach to marine environmental protection provides an appropriate scale for the implementation of an ecosystem approach to conservation, and often allows for political consensus among limited numbers of parties that share similar history, culture and interests in the region (Rochette, Unger and Wright 2014).
18. In his address at the first session of the United Nations Environment Assembly, UNEP Executive Director Mr. Achim Steiner stressed that stricter adherence by states to the existing regime of regional oceans governance of the 18 regional seas Conventions and Action Plans - led for the last 40 years by the UNEP Regional Seas Programme - was critical to reversing the rapidly accelerating degradation of the oceans by engaging neighbouring countries with more comprehensive and specific actions to protect their shared marine environment.

⁷ Article 123

⁸ Part XII

⁹ Articles 117-119

¹⁰ Article 276

19. The development of regional governance for the protection of the environment is unquestionably a cornerstone of international environmental policies. Despite the fact that UNEP reported 10 years ago that regional agreements¹¹ make up two-thirds of all international treaties, regional cooperation and regional agreements has by comparison either received scant attention or been conceptually and empirically lumped together with global treaties (Barlsiger and Prys 2014) despite their differences in all aspects. As such regions are not microcosms of the global level¹². However, literature on international environmental governance frequently treats “international” and “global” synonymously, creating the impression that the universe of international environmental cooperation is principally populated by “global” environmental treaties. Yet, early work on international environmental politics was mainly inspired by regional cooperation (Barlsiger and Prys 2014).
20. The value-Added of Regional Seas Programme in the Context of UNEP’s Work is catalyzing and accelerating transformative changes towards ocean governance. UNEP has served as the institutional opinion leader and change agent for environmental action and coordination within the United Nations System and many of its successful efforts are derived from the 1974 Regional Seas Programme.(Needham and Copley 1989).

3 UNEP Regional Seas Programme Engagement on Key Current Issues

3.1 Sustainable Development Goals

21. As the world transitions to an inclusive green economy and looks towards oceans natural capital –blue natural capital- for the 2030 Agenda for Sustainable Development, countries will continue to rely on the Regional Seas Programme "shared seas" approach to restore the health, productivity and resilience of oceans and marine ecosystems, and to maintain their biodiversity as envisaged under the Sustainable Development Goals(SDGs).
22. SDG No. 14’s goal to conserve and sustainably use the oceans, seas and marine resources for sustainable development and its targets are important to the RSCAPs. While appreciating SDG No. 14, it is recognized that all the SDGs focus on the three pillars of sustainable

¹¹ Article 2(1)(a) of the 1969 Vienna Convention on the Law Treaties states that a treaty is 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.” In this context, the designation employed in a document does not determine whether it is a treaty and an international agreement falling under the above definition is considered to be a treaty. Further, under Article 18 of the 1969 Vienna Convention a State is obliged to refrain from acts which would defeat the object and purpose of a treaty when: (a) it has signed the treaty or has exchanged instruments constituting the treaty subject to ratification, acceptance or approval, until it shall have made its intention clear not to become a party to the treaty; or (b) it has expressed its consent to be bound by the treaty, pending the entry into force of the treaty and provided that such entry into force is not unduly delayed.”

¹² Ibid

development– the economic, social or environmental – and their integrated nature and their goals and targets are also relevant for RSCAPs for example the goals on poverty eradication, food security, health, water and sanitation among others.

23. SDG14, evidently calls for strategic positioning of the UNEP’s Regional Seas Programme as the anchor of RSCAPs from an operational “delivery mechanism for capacity building and support” to a framework of a new form of sustainability pathway. UNEP needs to take its place and be a more proactive change agent for a longer-term political and programmatic agenda by setting a well structured regional approach in the implementation of transformative regional projects and as a provider of solutions to the marine and coastal environment. In particular, RSCAPs can be used to implement SDGs by using the regional approach and to support the Environment Management Group of the United Nations (UNEMG) system-wide global action on the marine and coastal environment .

3.2 Regional Seas Conventions and Action Plans s and United Nations Environment Assembly(UNEA)

24. Engaging UNEP’s RSP with UNEA to take decisions on the global environment is also vital. For instance, there is opportunity for engagement of the UNEA Bureau with the Bureaus of MEAs including RSCAPs bureaus as independent ocean entities. Alternatively, UNEP as the global coordinator of the RSP under which RSCAPs anchor, could have a specific independent seat in UNEA as a representative of RSCAPs with full inputs from the CoPs. This will provide an opportunity for UNEP as coordinator of the RSP to independently engage in UNEA debates and report to it on regional activities on the marine environment and ultimately contribute to political decisions of the global oceans governance. In this context, the Global Regional Seas Meeting could be the appropriate platform to discuss RSCAPs input and engagement with UNEA through UNEP RSP and the main basis for holding the meeting.
25. From UNEA, contribution to other relevant high level political processes such as the United Nations General Assembly and the High Level Political Forum on Sustainable Development as the recognized executing arm of UNCLOS Part XII presents a much strategic and larger role for UNEP’s Regional Seas Programme.

3.3 Governance in Areas Beyond National Jurisdiction

26. Over the past decades, the international community has become increasingly aware of the growing threats of biodiversity of Areas Beyond National Jurisdiction (ABNJ). As a result, discussions have commenced on the conservation and sustainable use of marine biodiversity in ABNJ both under auspices of the United Nations General Assembly and with different regional organisations.(Unger,Wright,Rochette 2014). The ABNJ discussion is another example in which UNEP RSCAPs should play a key role by engaging with regional

constituencies. Despite the global context, of the ABNJ discussions, state delegations and observers (including international and regional organizations, NGOs, research centres e.t.c) are also increasingly discussing the possible role of regional organisations within the framework of any future international instrument under UNCLOS. (Unger, Wright, Rochette 2014).

27. For instance, four Regional Seas programmes currently have a mandate covering ABNJ: the Mediterranean through the Barcelona Convention; the Southern Ocean through the Convention for the Conservation of Antarctic Marine Living Resources (CCAMLR); the North East Atlantic through the OSPAR Convention and the South Pacific through the Nouméa Convention. Three RSPs have already developed specific actions in the ABNJ through the establishment of Marine Protected Areas (MPAs). (Unger, Wright, Rochette 2014).
28. These regional initiatives and cooperation make it possible to: advance ABNJ governance while the UNCLOS negotiations are ongoing; raise awareness around the importance of conserving marine biodiversity in ABNJ; and develop relevant scientific knowledge and management tools .(Unger, Wright, Rochette 2014). Nonetheless, these regional initiatives suffer a limitation as they are only binding for Contracting Parties to the regional organisation and there is no mechanism for the creation of internationally recognised legally binding MPAs. Moreover, Regional Seas have no mandate for the regulation of many activities e.g. fishing, navigation, seabed mining ..(Unger, Wright, Rochette 2014).
29. Thus cooperation and coordination with relevant global and regional organisations and within RSP is needed. UNEP has not been visibly active in the ABNJ discussions and it is time for UNEP to appropriately position itself and offer leadership as the as RSP coordinator through which RSCAPs anchor by collective engagement in the ABNJ upcoming regime by: a) quantifying the value of ecosystem goods and services in the ABNJ; and b) developing tools to manage biodiversity and ecosystems in the ABNJ and use the knowledge for key strategic negotiations and implementation support in the ABNJ process.

4 UNEP Regional Seas Programmes in the Regions

30. While acknowledging the complexity of engagement of RSPs with Regional Offices, there is great opportunity for UNEP for coupling the RSCAPs and ROs for a stronger UNEP in the regions. This can assist countries, sub-regions and regions to work towards global and regional consensus and policy coherence on key issues relating to the marine environment. The UNEP ROs can creatively pursue opportunities and approaches that are available regionally, and foster effective and relevant partnerships for oceans governance. This can be done in consideration of regional geographical specificities. For example, the Nairobi and Abidjan Conventions cover Africa and the Barcelona Convention brings different regions together.

31. At the Rio +20, the international community reiterated the need for an even stronger UNEP in the regions to develop solutions to environmental sustainability by considering regional and sub-regional characteristics, capacities and needs. The relationship between RSCAPs with UNEP Regional Offices (ROs) is thus an important one as ROs have played a central role in coordinating UNEP's Programme of Work in the regions to ensure effective and efficient delivery of interventions, in response to regional, sub-regional and national needs, and better coherence and coordination in the effective delivery of environmental capacity-building and technical support at all levels in response to a country needs and priorities.
32. It will also enhance the integrated delivery of UNEP's Programme of Work (PoW) at regional and country levels, leading to higher relevance, results and ultimately impact. Furthermore, UNEP's regional presence and leadership will enable closer engagement in dialogues, discussions and forums held in the regions. Intelligence of and responsiveness to issues and needs important to the Member States will foster increased awareness of views and solutions. Collectively, regional Member States and UNEP's regional presence will provide better informed and strategic inputs and engagements at global forums of UNEP and Member States such as UNEA and the Committee of Permanent Representatives(CPR). (UNEP Policy Paper on Strengthened Regional Strategic Presence 2015).
33. In addition, the RSCAPs interaction with countries supported by Regional Offices can be strengthened through programmes and activities that will enhance UNEP's visibility in the development and implementation of selected activities under the United Nations Development Assistance Frameworks (UNDAFs). In this context, national UNDAFs can be used by countries to deliver Regional Seas Programmes as a priority and implement the relevant actions at the country level and thus enhance regional presence.
34. Further, RSCAPs' engagement with ROs will result in increased involvement of regional economic communities enabling stronger political and economic participation and uptake of those organisations of work on marine environment. For example, the Cairo Declaration of the African Ministerial Conference on the Environment(AMCEN) 2015 agreed to support activities on marine ecosystems, the development of marine spatial planning and area-based planning, marine protected areas and valuation and natural capital accounting tools in collaboration with regional seas programmes, the Intergovernmental Oceanographic Commission of the United Nations Educational, Scientific and Cultural Organization, the Food and Agriculture Organization of the United Nations and regional fisheries management organizations.¹³ The Cairo Declaration of AMCEN reiterated support for the regional seas programmes in Africa as regional platforms for the implementation of the Africa Integrated Marine Strategy 2050 and Agenda 2063 on Ecosystem-Based Management Approaches for marine resources in the exclusive economic zones and adjacent waters. This

¹³ <http://www.unep.org/roa/Portals/137/AMCEN15Docs/Cairo%20declaration.pdf>

is a good example of having a coordinated approach and partnership with regional organisations through RSCAPs to deliver coherently.

35. In similar fashion, the European Union uses RSCAPs to implement its ocean directives in Europe. The European Union Marine Strategy Framework Directive (MSFD)¹⁴ provides that to achieve coordination in developing marine strategies, Member States shall, where practical and appropriate, use existing regional institutional cooperation structures, including those under Regional Sea Conventions, covering that marine region or subregion¹⁵ and also use and structures of Regional Sea Conventions to coordinate their actions with third countries having sovereignty or jurisdiction over waters in the same marine region or subregion¹⁶. Freire-Gibb, Koss, Margonski and Papadopoulou also argue that regional sea conventions have a leading and supporting role in the implementation of the MSFD in EU marine regions (Freire-Gibb, Koss, Margonski and Papadopoulou 2013).

5 Regional Seas Conventions and Action Plans Links with UNEP's PoW and Institutional Structure

36. As the Regional Seas Programme also promotes the implementation of cluster or thematic MEAs, such as biodiversity-related conventions like the Convention on Biological Diversity (CBD), the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), the Convention on Migratory Species (CMS), the World Heritage Convention and the Convention on Wetlands (Ramsar Convention) and Chemicals and Waste Management Conventions (Basel, PICs, POPs, BAT/BEP, etc.) and the relevant Atmospheric Conventions, like Ozone Convention and its protocols and UNFCCC, they naturally complements UNEP's Programme of Work and all sub-programmes.
37. The objectives of most of RSCAPs on climate change mirror for example, the objective of UNEP's subprogramme 1 on climate change to strengthen the ability of countries to move towards climate-resilient and low emission pathways for sustainable development and human well-being through: i) fostering climate change outreach, awareness and education actions; ii) supporting development and implementation of policies, plans and climate actions in countries in the form of pilots that can be scaled up through partner organizations and iii) sharing lessons through networks and outreach e.t.c. For instance, the Contracting Parties to the Nairobi Convention for the Protection, Management and Development of the Marine and Coastal Environment for the Western Indian Ocean Region

¹⁴ <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32008L0056&from=EN>

¹⁵ Article 6.1

¹⁶ Article 6.2

(Nairobi Convention) adopted the Climate Change Strategy for the Nairobi Convention Area in 2015 for similar objectives.

38. Another example is subprogramme 3 on ecosystem management that aims to promote a transition to integrating the conservation and management of land, water and living resources to maintain biodiversity and provide ecosystem services sustainably and equitably among countries. The use of the ecosystem approach has been a key component of UNEP's RSP to maintain ecosystem services and sustainable productivity of coastal and marine systems. Subprogramme 3 designates DELC as the lead division to create synergies between tools, approaches and multilateral initiatives on biodiversity, ecosystem resilience, climate change adaptation and disaster prevention identified and integrated with development planning, poverty reduction measures, strategic investment partnerships and national obligations for biodiversity related MEAs.
39. The work of RSCAPs is especially linked to subprogramme 4 on environmental governance to strengthen synergies and coherence in environmental governance to facilitate the transition towards environmental sustainability in the context of sustainable development. This is especially relevant in light of the expected outcome that the United Nations system and multilateral environmental agreements bodies, respect the mandates of each other and demonstrate coherence and synergy of actions on environmental issues. RSCAPs are also best placed to support the capacity of countries to develop and enforce laws and strengthen institutions to achieve internationally agreed environmental objectives and goals on the marine and coastal environment.
40. Subprogramme 6 on resource efficiency and sustainable consumption and production focuses on promotion of sustainable resource management in a life cycle perspective for goods and services. This requires a combination of new policies, redirected investment, application of environmentally sound technologies, international cooperation, and capacity building to reshape national economies as well as the global economy. RSCAPs have a lead role in supporting the member states to change their production processes to more efficient mode thereby reducing the flow of pollutants into the marine environment. Under subprogramme 7 on environment under review for example, the First Regional State of Coast Report for the Western Indian Ocean (WIO) was launched in June 2015 to empower countries in their policy and decision making by providing scientific information and knowledge on the state of the marine and coastal environment in the WIO.

6 Institutional Structure and Coordination

41. The responsibility for managing and operating UNEP's RSP is coordinated by UNEP's Freshwater and Marine Ecosystems Branch in the Division of Environmental Policy

Implementation, based at the Nairobi Headquarters. Further, Regional Coordinating Units (RCUs) have been established to support the secretariat functions of UNEP administered RSCAPs. However, there is need for a stronger RSPs office within UNEP for enhanced delivery, and coordination between and among divisions and RSCAPs .

42. The relationship between RSCAPs and DELC is vital as the division designated as UNEP's corporate Focal Point for Multilateral Environment Agreements. In this role, DELC, works in close cooperation with the MEA Secretariats (who oversee the advancement of the major environmental conventions including Protocols), and stakeholders and provides support to States towards the implementation of MEAs.
43. In particular, improving compliance with and enforcement of MEAs is a key focus of DELC's work within UNEP. As highlighted earlier in paragraph 36, the RSCAPs are also a conduit for the implementation of biodiversity-related conventions such as the CBD, CITES, CMS, the World Heritage Convention, Ramsar Convention, Chemicals and Waste Management Conventions and the relevant Atmosphere and Climate Change Conventions. Consequently, a close working relationship and collaboration with DELC in a structured mechanism would be suitable to ensure that synergies and coherence for UNEP's support for implementation of MEAs is further strengthened and built as envisaged under paragraph 89 of the Future We want outcome document.
44. DELC also focuses on facilitating synergies and inter-linkages among environmental conventions, as well as enhancing effective participation in regional and global environmental fora, including Conferences and Meetings of the Parties (COP/MOPs). Whilst other sub-programmes within UNEP and UN agencies are mandated to strengthen the implementation of individual MEAs (such as UNEP's climate change sub-programme and the UN Framework Convention on Climate Change) DELC works more broadly across MEAs, which have been categorised under the following thematic areas: Biodiversity- and Land-related, Climate- and Atmosphere-related and Chemicals and Waste and regional seas related is one such theme which needs to be enhanced under this governance mechanism.
45. As UNEP's emphasis will now be on consolidating and strengthening the existing locations of its ROs (and associated sub-regional, country and liaison offices)(UNEP Policy on Strategic Regional Presence 2015), the collaboration of RSCAPs with UNEP-ROs is more feasible at the moment to offer a foundation for regional delivery and presence and thus demonstrate as such practically. UNEP is already well-positioned in the regions, including through six regional offices: for Africa in Nairobi, Kenya; Asia and the Pacific in Bangkok, Thailand; Europe in Geneva, Switzerland; Latin America and the Caribbean in Panama City, Panama; West Asia in Manama, Bahrain; and North America in Washington DC, USA. UNEP has also established five new sub-regional offices to further enhance UNEP's effective engagement with Member States. The offices are in the Caribbean; Central Asia; the Pacific;

South America with a primary focus on the Southern Cone; and West Africa. For example, the Secretariat of the Tehran Convention is located within UNEP's Regional Office for Europe in Geneva, Switzerland and the secretariat of Abidjan Convention is located in the same office building with UNEP's subregional Office for West Africa.

46. The RSCAPs in their current form, can also compliment the UNEP-ROs by acting as thematic centres of excellence on oceans/marine themes with support from other UNEP affiliated centres such World Conservation Monitoring Centre(WCMC) and GRID-Arendal.

7 Conclusion

47. The contribution of UNEP's RSP through RSCAPs to SDGs especially goal No. 14 and other related goals, through the established regional mechanisms, COPs as platforms to report progress, or RSCAPs as governing bodies to UNEA, are an important coordinated implementation approach at regional level for the conservation of marine and coastal ecosystems.
48. Behind the strong corporate interest by UNEP to enhance its regional presence lies huge opportunities to strengthen its engagement with RSCAPs. These opportunities come, hand in hand, with the significantly greater prominence of RSCAPs in UNEP's Programme of work and the need for UNEP to play a more visible and active role in the political and developmental arenas of ocean governance.
49. The RSCAPs partnership, together with the strategic directives that will be adopted should enhance UNEP's strategic presence in the regions, responsiveness to regional needs, and as well as enhance RSCAPs contribution in oceans dialogue. The strategic directives should also seek to build synergies between RSCAPs and UNEP's PoW across the divisions, with special reference to MEAs Focal Points in the ROs.
50. UNEP's leadership role on oceans will also in part be dependent on RSCAPs contribution to scientific assessments, partnership building and decision making through UNEA. Proactively, the MEAs bureaus including those of the RSCAPs should participate in the UNEA process.

8 Recommendations

47. There is a need for a stronger coordination framework for activities related to the marine environment and ocean governance by RSPs. This paper makes the following recommendations:

- i. The development of an integrating framework for all Regional Seas Programmes to guide the delivery of messages from key themes from similar outcomes, and define a common philosophy for the management and governance of the marine and coastal environment.
- ii. The development of a Strategy/Action Plan on how the work of RSCAPs through the RSP can be integrated in the UNEP Programme of Work including a clarity of divisional and office roles and responsibilities. This can be achieved for example by mainstreaming different themes on marine and coastal environment in specific sub-programmes and implemented by different UNEP divisions and subprogramme coordinators.
- iii. RSCAPs as conveners of Conference of Parties (COPs) are important stakeholders in global ocean governance, and should be participants and mobilisers in UNEA work together with other MEAs to contribute to scientific assessments, partnership building and decision making.
- iv. A close working relationship and collaboration of RSCAPs with DELC in a structured mechanism should be developed to ensure that synergies and coherence for UNEP's support for implementation of MEAs is strengthened.
- v. The relationship between RSCAPs with UNEP Regional Offices (ROs) and regional economic communities needs to be strengthened to coordinate UNEP's Programme of Work in the regions.
- vi. It is important to define how UNEP contributes to the achievement of SDGs especially SDG No. 14 by using the regional approach.
- vii. UNEP should strategically engage in the ongoing ABNJ discussions through the RSP and provide member states with updates.

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