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GLOBAL MINISTERIAL ENVIRONMENT FORUM

REPORT ON THE IMPLEMENTATION OF THE DECISIONS OF THE TWENTY-FIRST SESSION
OF THE GOVERNING COUNCIL/GLOBAL MINISTERIAL ENVIRONMENT FORUM

Report of the Fourth Global Meeting of Regional Seas Conventions
and Action Plans, Montreal, 21-23 November 2001

Annexed to the present note is the report of the Fourth Global Meeting of Regional Seas Conventions and Action Plans, which was held in Montreal from 21 to 23 November 2001.

* UNEP/GCSS.VII/1.

Annex I

REPORT OF THE FOURTH GLOBAL MEETING OF REGIONAL SEAS
CONVENTIONS AND ACTION PLANS

Introduction

1. The Fourth Global Meeting of Regional Seas Conventions and Action Plans was held at the Hotel Delta Centre Ville, Montreal, Canada, from 21 to 23 November 2001 at the invitation of the Government of Canada.

I. OPENING OF THE MEETING

A. Opening statements

2. Opening statements were made by Mr Jorge Illueca, Director of the UNEP Division of Environmental Conventions, and Ms Elisabeth Mann Borgese, Honorary Chair of the International Ocean Institute (IOI).

3. Mr Illueca, in his capacity as Chair, welcomed participants to the Meeting on behalf of the Executive Director of UNEP, Mr Klaus Töpfer, and introduced the provisional agenda (UNEP(DEC)/RS.4.0.1). The agenda of the meeting as adopted is given in annex I to the present report.

4. He reiterated the objectives of the Fourth Meeting as set out in the provisional agenda: to streamline the ways in which UNEP provided programme support to the regional seas conventions and action plans, in accordance with the blueprint provided by the decisions of the first three Meetings, in areas complementary to its own programme of work; to boost horizontal cooperation between the various regional seas conventions and action plans so that the longer-established organizations would be twinned with less developed organizations with a view to sharing experience and providing technical cooperation; to build bridges and form links with the secretariats of multilateral environmental agreements, such as the conventions on biodiversity, migratory species, and international trade in endangered species, and other secretariats such as those of the conventions dealing with hazardous chemicals and wastes, in pursuit of the objectives of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities; and to review the follow-up to the Second and Third Meetings.

5. The Fourth Meeting differed from previous Meetings in that the private sector, particularly representatives of the shipping, chemicals and petroleum industries, had been invited to attend. Their input, both financial and in terms of expertise, would be critical for the future of international environmental governance, and it therefore behoved the Meeting to begin building bridges in that area too.

6. The role of the regional seas programmes was evolving from pollution abatement to addressing sustainable development issues. Multisectoral as those issues were, the need for dialogue with the private sector was both implicit and evident.

7. The cooperation between UNEP and the Food and Agriculture Organization of the United Nations (FAO) on fisheries was an example of a sustainable development issue which had been subsumed within an ecosystem-based management approach.

8. He pointed to Governing Council decision 21/13, which mandated cooperation with various other bodies including the International Maritime Organization (IMO), the International Oceanographic Commission of the United Nations Educational, Scientific and Cultural Organization (IOC-UNESCO) and the Convention on Biological Diversity and in consultation with regional seas programmes in exploring the feasibility of establishing a regular process for the assessment of the marine environment with active involvement by Governments and regional agreements, building on ongoing assessment programmes.

9. He then introduced Ms Elisabeth Mann Borgese, Honorary Chair of the International Ocean Institute (IOI), who had been invited by decision of the Third Meeting to address the Fourth Meeting as a special guest.

10. Ms Mann Borgese gave an overview of the history of her organization and drew attention to a presentation paper which included identification of areas of mutual interest between IOI and the regional seas conventions and action plans, and suggestions for cooperation (UNEP(DEC)/RS.4.0.2). IOI had been founded with a view to cooperating with the regional seas programmes because it considered them fundamental to the whole question of governance of the oceans, her organization's *raison d'être*. IOI's operational training centres, which had been established primarily to build the capacity of small and developing countries so that they could argue their case in the global forums on the law of the sea, now offered a virtual university, which enabled its students to obtain internationally recognized masters' degrees in ocean governance, published the Ocean Yearbook and carried out policy research.

11. The IOI "Echo Villages" project in Tamil Nadu, India, built capacity by empowering poor people, particularly women in poor, coastal villages, with microcredit and training to help themselves through environmentally friendly projects of direct usefulness. Such projects were necessary because they built a constituency for sustainable development in a way that top-down development models could never do, by making people's lives better.

12. Under paragraphs 276 and 277 of the Convention on the Law of the Sea, technology transfer centres were supposed to have been set up, but never had been. However, one of the outcomes of the General Assembly consultation process on ocean affairs had been a consensus recommendation that they should be. She pointed out that technology transfer was not the same as it had been even 20 years before: in a high-technology world, technology could not be transferred or bought, it had to be learned, and therefore cooperation in research and development was the only sustainable way to effect such transfers. Such research and development ventures should be 50 per cent funded by Governments, bilateral sources or the Global Environment Facility (GEF) and 50 per cent by the proposing private agency, with a view to building synergy between public and private funding. Nor did such technology transfer centres need to be bricks and mortar; they could be Web-based and thus more cost-effective.

13. The number of programmes, protocols and agreements was becoming overwhelming, and there was a growing need to integrate them all properly into the United Nations Convention on the Law of the Sea and United Nations Conference on Environment and Development process at the operational level within the regional seas framework. Otherwise, the system would break down.

14. She pointed out that tourism was by some counts the planet's largest industry. The overwhelming majority of tourists wished to give something to assist the development of the places they visited and compensate their inhabitants for the social and environmental burden imposed by tourism. At even \$1 per tourist, that was a major potential source of funding. However, participants pointed out that total collaboration would have to be obtained from national ministries of finance, and the opinion was expressed that the World Bank and the International Monetary Fund were no great lovers of environmental protection funds.

15. The insurance industry, she said, was a major stakeholder in the regional seas/Global Programme of Action process, and was deeply interested in integrated coastal area management from the point of view of risk reduction, where its interests coincided with those of environmental protection and sustainable development. Also, microinsurance could be made available by insurance companies in a manner analogous to the way in which financial institutions made finance available for microcredit. To comments from some participants that in developing countries people were poor and could not afford insurance, and that as a result developing countries' insurance industries were also underdeveloped, Ms Mann Borgese replied that for large facilities such as hydroelectric dams and port facilities, insurance was in place and the insurers were the same big companies as in the developed world. The point was not to milk the insurance industry for funds but rather to draw on their expertise in areas such as disaster risk assessment where the industry's interests coincided with those of environmental protection and sustainable development.

B. Attendance

16. The Meeting was attended by representatives of the following organizations:

(a) Regional seas conventions and action plans: Convention for Cooperation in the Protection and Development of the Marine and Coastal Environment of the West and Central African Region (Abidjan Convention); Convention for the Protection, Management and Development of the Marine and Coastal Environment of the Eastern African Region (Nairobi Convention); Convention for the Protection of the Mediterranean Sea against Pollution (Barcelona Convention); South Asian Seas Environment Programme (SACEP); East Asian Seas Action Plan; Convention for the Protection of the Natural Resources and Environment of the South Pacific Region (Noumea Convention), Convention for the Protection of the Marine Environment and Coastal Area of the South-East Pacific (Lima Convention); Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region (Cartagena Convention); Commission for the Protection of the Marine Environment of the North-East Atlantic (OSPAR Convention); Programme for the Protection of the Arctic Marine Environment (PAME); Caspian Environment Programme (CEP); North-West Pacific Action Plan (NOWPAP);

(b) Global and international agreements: Basel Convention on the Control of Transboundary Hazardous Wastes and their Disposal; Convention on Biological Diversity;

(c) Intergovernmental organizations: International Oceanographic Commission of the United Nations Educational, Scientific and Cultural Organization (IOC-UNESCO); International Atomic Energy Agency (IAEA); Food and Agriculture Organization of the United Nations (FAO); Division for Oceans Affairs and the Law of the Sea (DOALOS), United Nations; Global Programme of Action for the Protection of the Marine Environment from Land-based Activities Coordination Office; Marine Environment Laboratory of the International Atomic Energy Agency (IAEA);

(d) Non-governmental organizations: International Ocean Institute (IOI); World Conservation Union (IUCN); International Oil Pollution Compensation Funds 1971 and 1992 (IOPC Funds); International Tanker Owners Pollution Federation Limited (ITOPF); International Petroleum Industry Environmental Conservation Association (IPIECA); Commission for Environmental Cooperation (CEMTEC); EnviroLaw Solutions.

17. The list of participants is reproduced as annex II to the present report.

II. PROGRESS REPORT ON FOLLOW-UP TO THE DECISIONS OF THE SECOND AND THIRD GLOBAL MEETINGS OF REGIONAL SEAS CONVENTIONS AND ACTION PLANS

18. The Chair introduced a report entitled "Status of implementation of the decisions of the Third Global Meeting of Regional Seas Conventions and Action Plans" (UNEP(DEC)/RS.4.1.1) and briefed the participants on follow-up to the decisions of the Third Meeting calling for closer cooperation between UNEP and IOC-UNESCO on the Global Ocean Observing System (GOOS), the development by IMO of an international forum on response to oil spills, the inventory on chemicals work undertaken by regional seas programmes (UNEP(DEC)/RS.4.1.2), the International Coral Reef Action Network (ICRAN) and the development by UNEP of a financial strategy for mobilizing additional resources for regional seas programmes. The problem of the cutbacks in GEF funding for activities in international waters emerged as a key concern. Presentations were given by Mr Tim Turner of the Caspian Environment Programme on the situation of the Caspian sturgeon (UNEP(DEC)/RS.4/INF/2); by Mr Benedict Satia of FAO on the ecosystem-based approach to fisheries management (UNEP(DEC)/RS.4.1.3 and 4.1.4; UNEP Regional Seas Reports and Studies No. 175); by Ms Sachiko Kuwabara Yumamoto of the Basel Convention secretariat on opportunities for cooperation and coordination between the Basel Convention and the regional seas conventions and action plans (UNEP(DEC)/RS.4.1.5); and by Mr Robert Droop of the Coordination Office for the Global Programme of Action on the state of preparations for the 2001 intergovernmental review of the Global Programme of Action, including the role of the regional seas programmes.

19. A wide-ranging discussion of what should be the way forward ensued, with particular reference to the Meeting's input to the impending review of the Global Programme of Action. It was generally felt that a holistic approach was needed to the problems of proliferating agreements and protocols; of relations between regional seas and regional fisheries bodies; of the proliferation of activity and training centres of one kind and another with duplication of effort; of the evolution from pollution abatement to a sustainable development approach in which ecosystem-based management was key, and not just in the area of fisheries; of the interrelated issues of training and capacity-building; and of the legal basis for any action, which should not run counter to the United Nations Convention on the Law of the Sea. Integrated coastal area management should be viewed as such a holistic approach, in the service not only of the environment but also of sustainable development.

20. In the context of the ecosystem-based management of fisheries, attention was drawn to a paper on the geographical overlapping between regional seas conventions and action plans and marine regional fisheries bodies (UNEP(DEC)/RS.4/INF/3). The question of overlap, both geographical and otherwise, with fisheries and other bodies was retained as an issue for reflection. There was wide-ranging discussion on the way forward, including the promotion of closer collaboration between regional seas programmes and regional fisheries bodies and the development of guidelines for the ecosystem-based management of fisheries as a joint initiative by FAO, UNEP and IOC-UNESCO.

21. In the discussion on closer collaboration between the Basel Convention and the regional seas programmes, concern was expressed about obsolete agricultural chemicals, particularly in Africa. As hazardous chemicals and/or pesticides and/or persistent organic pollutants, such chemicals were a problem under the Basel, Rotterdam and Stockholm Conventions, but also the context of the Global Programme of Action and regional seas programmes, the more so in that they were for the most part stored and deteriorating in seaports.

22. Regarding the Global Programme of Action, the discussion turned to methods of persuading Governments to take action and disburse funding. All present were of the view that the case for action in the context of the Global Programme of Action had been made and that there was no need to restate it.

23. Much of the discussion on the Global Programme of Action turned on the issue of how to effectively assess progress in its implementation. It was generally felt that to obtain a sound scientific basis for action in terms of useful statistical and other data would often cost more than taking the action itself and might even result in action being taken too late: the precautionary principle should be paramount. The use of indicators such as indicator fish species was generally held to be poor science even if it made good public relations. Other problems could arise from too simplistic an approach: an example was given of rising levels of polychlorinated biphenyls (PCBs) detected in harbour porpoises in the United Kingdom. A simplistic analysis would have resulted in further legislative clampdowns on PCBs and a huge and expensive effort to identify sources. The correct analysis, taking a wider view of the web of life, showed that the cause was overfishing of the preferred food species, forcing the animals to eat more benthic organisms, and PCB levels were naturally higher in bottom-feeders.

24. Several participants made the point that Governments were unlikely to respond to proposals that to them smacked more of satisfying scientific curiosity than providing useful results. It was agreed that the needs of clients must be taken into account when providing them with information. It was also accepted that some Governments were in dire financial straits. Even so, the point must be made with all necessary forcefulness that money was needed and that commitments had been made to provide it.

25. One indicator that was generally felt to be of use for purposes of persuasion was the economic costs of action and inaction, such as expressing the cost of the destruction of a mangrove swamp in terms of thousands of dollars per metre of beach eroded as a consequence. Integrated coastal area management was held up as the holistic response to the challenge of ensuring that the environment was protected in the service of sustainable development. Also, for all the problems involved in quantifying such costs, and for all the problems involved in getting agreement from national ministries of finance, users such as desalination plants, power generators which used coastal waters for cooling, paper mills and tourists should pay the costs of their activities.

Recommendations

International Ocean Institute (IOI)

26. In the light of the role of IOI in the fields of environmental management, public awareness and education, and bearing in mind the discussion that took place following the presentation by the keynote speaker from IOI before the consideration of agenda item 1, the Meeting recommended:

(a) That UNEP and IOI should develop joint programmes of environmental management and environmental education relevant to the sustainable development of the marine and coastal environment, and that those programmes should be implemented through the regional seas programmes as appropriate;

(b) That intergovernmental organizations, such as the European Union, IMO, IOC-UNESCO, the United Nations Development Programme (UNDP) and UNEP, and other non-governmental organizations should be invited to consider and implement an innovative approach to cooperation by creating tripartite and multipartite projects and by seeking IOI involvement in the development of such projects;

(c) That the recommendations of the General Assembly consultative process on ocean affairs for the establishment of regional centres should be considered by regional seas programmes for implementation in the form of operational training and technology transfer centres, and in the form of virtual centres where appropriate.

International Maritime Organization (IMO)

27. Recognizing the progress made by IMO and UNEP and several regional seas programmes in strengthening their collaborative approach to issues of oil spill preparedness and response, the Meeting recommended:

- (a) That further collaboration should be developed, in particular in the establishment of regional systems for cooperation in preparedness for and response to oil spills. Such collaboration should take the form of developing and amending existing relevant protocols, establishing dedicated regional activity centres, developing regional contingency plans and investing in regional training and exercises;
- (b) That linkages with potential partners, such as the oil and shipping industry, and twinning arrangements with more developed regional seas programmes, should be explored and implemented, in particular for younger and less developed regional seas programmes;
- (c) That further joint activities in the various regions should be developed along the lines indicated at the Third Global Meeting of Regional Seas Conventions and Actions Plans (Monaco, 6-10 November 2000).

Ecosystem-based approach to management of fisheries and the marine and coastal environment

28. Recognizing that the ecosystem-based approach to management of fisheries and the marine and coastal environment is a goal to be pursued, and recognizing also the impact of fisheries activities on the ecosystem, the Meeting recommended:

- (a) That the regional seas programmes should consider the necessary steps to be taken towards the adoption of an ecosystem-based approach to the management of the marine and coastal environment. In that connection, the issues of integrated coastal area management and the ecosystem-based approach to fisheries management are of particular importance;
- (b) That regional seas programmes should follow up the recommendations for closer cooperation with regional fisheries bodies contacted in the report on the ecosystem-based approach to fisheries management (UNEP Regional Seas Reports and Studies, No.175). To that end, it was agreed that the questionnaire on the status and planned development of cooperation between regional seas programmes and relevant fisheries bodies (UNEP(DEC)/RS.4.14) should be completed and returned to UNEP;
- (c) That regional seas programme coordinators should explore opportunities for cooperation with the United Nations Division for Ocean Affairs and the Law of the Sea and with relevant institutions and organizations in their regions and should raise the innovative, ecosystem-based approach to the management of marine and coastal resources, including fisheries for adoption at forthcoming meetings of their contracting parties;
- (d) That IOC-UNESCO should be fully integrated into the joint UNEP/FAO initiative on ecosystem-based management of fisheries. As a first step, a joint programme of work should be developed by UNEP, FAO and IOC-UNESCO in which special attention should be given to the preparation of technical guidelines for best practices in introducing ecosystem considerations into fisheries management.

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

29. Recognizing the potential benefit that could be derived from closer cooperation between the regional seas programmes and the Basel Convention, in particular through the Convention's regional centres for training and for transfer of technology, the Meeting endorsed the actions recommended to enhance cooperation by developing and implementing cost-effective joint actions in such areas as:

- (a) Training in waste management principles, procedures and technologies;
- (b) Public awareness-raising;
- (c) Assistance in developing national legislation and regulatory measures relating to waste management,

(d) Harmonization of reporting requirements under the Basel Convention and the related instruments of the regional seas programmes;

(e) Development of joint waste management programmes in relation to the protection of the marine and coastal environment.

30. The Meeting also recommended that interested regional seas conventions and action plans and the Basel Convention secretariat should consider negotiating and implementing a memorandum of understanding covering specific actions such as:

(a) Formalizing, on a reciprocal basis, the observer status of the regional seas programmes at meetings of the parties to the Basel Convention and of the relevant subsidiary bodies and structures coordinating the work of the Basel Convention regional centres;

(b) Exchanging data and information of mutual interest and relevance available within the secretariats of the regional seas programmes, the secretariat of the Basel Convention and at the Basel Convention regional centres;

(c) Establishing joint advisory panels comprising the regional seas programmes and the Basel Convention, including the Basel Convention regional centres, and organizing joint technical meetings on subjects of mutual interest;

(d) Seeking support for jointly agreed activities by the regional seas programmes and the Basel Convention through multilateral associations and through cooperation with the relevant global conventions, such as the Stockholm Convention on Persistent Organic Pollutants, the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, the International Convention for the Prevention of Pollution from Ships (MARPOL) and the London Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, and the regional components of global programmes such as the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities and the IOC Global Ocean Observing System (GOOS);

(e) Designing and implementing joint programmes between the regional seas programmes and the Basel Convention, and by the Basel Convention regional centres as appropriate, taking fully into account the respective mandates, objectives and scope of those conventions;

(f) Coordinating with the Basel Convention the implementation of existing and future protocols to the regional seas conventions for the control of transboundary movements of wastes and their disposal by adopting a common approach to their development and implementation and harmonizing the reporting requirements.

31. The Meeting recommended further that UNEP should facilitate the development of cooperative arrangements between the Basel Convention and the regional seas programmes.

Global Programme of Action for the Protection of the Marine Environment from Land-based Activities

32. Recognition was given to the work of the Global Programme of Action Coordination in the preparation for the first Intergovernmental review of the Global Programme of Action scheduled for the following week. Final arrangements regarding participation by regional seas programmes were reviewed and agreed upon, including the final designation of the 12 regional seas programmes that would present progress reports on the implementation of the Global Programme of Action during informal session on the margins of the plenary sessions of the review meeting.

33. It was also agreed that further thought needed to be given to the development of indicators for measuring progress in the implementation of the Global Programme of Action at the global and regional levels for future intergovernmental reviews of the Global Programme of Action.

III. GLOBAL ASSESSMENT OF THE STATE OF THE MARINE ENVIRONMENT

34. The Chair drew attention to documents UNEP(DEC)/RS.4.2.1 and 4.2.2 concerning the feasibility of establishing a regular process for the assessment of the state of the marine environment and recalled UNEP Governing Council decision 21/13 calling for the feasibility of establishing a regular process for the assessment of the state of the marine environment to be explored and requesting the Executive Director to submit a progress report on the issue to the Council at its twenty-second session.

35. Mr Geoffrey L. Holland of IOC-UNESCO gave a presentation on the decisions and actions taken by the IOC Assembly in response to UNEP Governing Council decisions 21/13 and 21/28. The Assembly had met in Paris from 3 to 13 July 2001, and the question of potential collaboration between the Commission and UNEP had been raised in the specific context of the regional seas programmes. Discussions on cooperation had also taken place on related programme areas such as integrated coastal area management, the monitoring of coral reefs, large marine ecosystems and possibilities for an assessment of the marine environment.

36. The IOC Assembly had strongly endorsed the development of close links between the Commission and the regional seas programmes, and had instructed the Executive Secretary:

- (a) To enhance mutual awareness, transparency and knowledge concerning the activities being carried out by IOC and the regional seas programmes;
- (b) To complete the development of a memorandum of understanding as a formal instrument between the regional seas programmes and IOC-GOOS;
- (c) To coordinate projects of mutual interest;
- (d) To develop further cooperation between IOC regional bodies and the relevant regional seas programmes;
- (e) To examine possibilities for establishing joint regional activity centres;
- (f) To provide input from GOOS to the UNEP/FAO initiative on ecosystem-based approaches to fisheries management;
- (g) To ensure that GOOS contributes to the feasibility study on the Global Ocean Assessment process;
- (h) To inform the respective governing bodies concerning programmes of mutual interest.

37. IOC also had several programmes in the area of ocean science in relation to living resources, many of which, including the coral reef monitoring programme, were of direct relevance to the ecosystem-based approach. The Assembly had instructed the IOC secretariat to work closely with FAO and UNEP on issues related to the ecosystem-based approach to fisheries management in order to further the ecosystem-based approach within the United Nations system.

38. The discussion brought out many of the difficulties that would have to be resolved and due benefits that would have to be evaluated in future discussions and decisions on the question of the assessment of the global marine environment. Much of the necessary data would be available from programmes and projects carried out to satisfy national and regional priorities other than marine environmental assessment, but their data would be both necessary and useful in any such assessment. Governments and regional seas programmes should, however, ensure that their observation programmes were both compatible and consistent. Existing organizations could assist by facilitating the cooperation and interactions necessary to assemble from available national sources the expertise and the data required to produce answers to help solve the regional and global problems of the marine environment. Organizations such as the IAEA Marine Environment Laboratory in Monaco could play an important role in the global assessment.

Recommendations

International Oceanographic Commission of the United Nations Educational, Scientific and Cultural Organization (IOC-UNESCO)

39. In view of the progress made in enhancing collaboration between IOC-UNESCO and regional seas programmes, the Meeting recommended:

(a) That cooperation between the organizations should be further strengthened and developed along the lines of the joint plan of work presented to the Meeting;

(b) That an umbrella memorandum of understanding between the organizations should be developed. To that end, the Meeting welcomed the ongoing preparations for the signature of a memorandum of cooperation between the Caribbean Environment Programme and IOCaribe, the regional IOC body for Latin America and the Caribbean, which would identify scope for collaboration for GOOS and data exchanges;

(c) That practical measures aimed at the establishment of joint regional seas programme/IOC-GOOS regional office regional activity centres should be explored and implemented on a cost/benefit basis.

Governing Council decision 21/13

40. In view of the potential benefit to Governments and to regional seas programmes of having direct access to comprehensive and broadly based global and regional assessment reports on the state of the marine environment as tools to support their decision-making, the Meeting recommended:

(a) That the conduct of the feasibility study for establishing a regular process for the assessment of the state of the marine environment mandated by the Governing Council at its twenty-first session should be facilitated, and that the regional seas programmes should become full participants in the consultations carried out in the context of that study;

(b) That UNEP should establish a regular process of global coordination of ongoing assessment activities in full cooperation with IOC, the Convention on Biological Diversity and other relevant international and scientific organizations;

(c) That the regional seas programmes should play a major role in that global coordination process.

IAEA Marine Environment Laboratory, Monaco

41. Recognizing the benefit to the regional seas programmes of using the services of and being assisted by the Marine Environment Laboratory in developing national and regional monitoring programmes and in capacity-building, the Meeting recommended:

(a) That UNEP and IAEA should finalize the agreement on the modalities of co-sponsorship and co-ownership of the Laboratory by IAEA and UNEP;

(b) That regional seas programmes should participate in the Laboratory's activities and use it as a principal tool to assist them in establishing and maintaining monitoring of the marine environment in their regions;

(c) That the Laboratory should continue to play a part in capacity-building and as a scientific advisory body to regional seas secretariats and member States that so request;

(d) That UNEP should endeavour to incorporate the Laboratory's expertise and capabilities into projects and activities under the Global Programme of Action;

- (e) That UNEP should participate in funding the Laboratory's budget by financing additional regional seas programmes which would in turn purchase services from the Laboratory;
- (f) That the regional seas programmes which should be selected first for capacity-building under this scheme are the Nairobi Convention (Eastern Africa), the Abidjan Convention (West Africa), SACEP (South Asia) and the Lima Convention (south-east Pacific);
- (g) That IOC-UNESCO should remain as a partner in and a member of the inter-agency advisory group on the Laboratory together with IAEA and UNEP, and should resume its contribution to the Laboratory's activities.

IV. PANEL DISCUSSION ON COOPERATION BETWEEN THE PRIVATE SECTOR AND THE REGIONAL SEAS CONVENTIONS AND ACTION PLANS

42. Mr Ian White of the International Tanker Owners' Pollution Federation Ltd. (ITOPF), Mr Masamichi Hasebe of the International Oil Pollution Compensation (IOPC) Funds 1971 and 1992, Mr Eric Calonne of the International Petroleum Industry Environmental Conservation Association (IPIECA) and Ms Wanda Hoskin of the UNEP Division of Technology, Industry and Economics gave presentations and then formed a panel with Mr Lucien Chabason, Coordinator of the Coordinating Unit for the Mediterranean Action Plan, acting as Moderator.

43. Mr White informed the Meeting that shipping was probably the most highly regulated international industry: shipowners and associated groups had to comply not only with conventions but with a plethora of national and regional regulations. Each major accident tended to result in further controls, adding to the high cost of compliance. Nevertheless, relatively few international associations looked after the interests of the shipping industry: in the fields of safety and pollution prevention the main associations were his own organization, the International Association of Independent Tanker Owners (INTERTANKO), the Oil Companies International Marine Forum (OCIMF) and the International Chamber of Shipping (ICS).

44. ITOPF focused its attention on spill preparedness and response. On matters of mutual interest there was a high level of coordination between his own and the aforementioned bodies and other industry associations such as IPIECA to ensure that limited resources were used to maximum benefit. That all those organizations had secretariats based in London made the task of coordination easier. He stressed that whilst all the international shipping associations cooperated extensively with private-sector and public-sector players at the national, regional and international levels, none was able to finance major projects. They did, however, provide expertise to assist capacity-building. The numerous calls for such assistance meant that priorities had to be established at a global level which might not always coincide with regional priorities. He summarized the memberships and main objectives of INTERTANKO, OCIMF and ITOPF and drew attention to their various publications.

45. Tanker shipping was now safer and of a higher quality than ever before, as shown by the dramatic reduction in the annual incidence of major spills over the past three decades. Nevertheless, the world expected zero accidents. Both INTERTANKO and OCIMF were working hard to achieve that goal, but tanker owners and charterers were only two of the links in the chain of responsibility, and the continued improvement in the quality of international tanker shipping required among other things the active participation of Governments by imposing port controls and uniformly enforcing conventions and regulations.

46. The principal role of ITOPF was to respond to marine oil spills on behalf of its tanker owner members and shipowner associates, their third-party-liability insurers and the IOPC Funds. At the site of a spill staff gave objective, non-partisan advice to those in charge of the response operations on the most appropriate clean-up techniques to maximize effectiveness and reduce the damage to the environment and economic resources. The practical experience that ITOPF had gained worldwide was now used to enhance preparedness among maritime States by providing assistance with contingency planning and training and

disseminating technical information. Realistic contingency plans for various levels of risk and good organization and management of response operations were crucial. However, despite enormous efforts over many years, realistic plans still did not exist in many high-risk countries. Plans were best developed hands-on by the people who would carry them out, not by employing consultants, because the development process was more important than the final plan. A sustained commitment on the part of responsible government officials was required, which was occasionally lacking until they were confronted by a major spill.

47. The ITOPF series of country profiles summarized oil spill risk, response arrangements and states of preparedness in some 160 maritime States and could be found on the organization's Web site www.itopf.org. He requested those present to assist ITOPF in keeping the information up to date, noting that on the basis of information in the country profiles, ITOPF had in 1996 produced a report on the risk of oil spills and the state of preparedness in 13 regional seas areas. ITOPF was interested in working with UNEP and other interested parties to extend and update the report as a starting point for enhanced cooperation. Regional seas conventions and action plans, moreover, should consider urging their member countries to accede to the IMO civil liability conventions, which would give them access to the IOPC Funds, which he described as "free insurance", as an additional source of funding for post-spill clean-up operations.

48. Mr Hasebe of the IOPC Funds explained the conditions attached to disbursements from the Funds, the sums available and how they were spent. The purpose of the Funds was to provide supplementary compensation to persons who suffered damage caused by pollution resulting from the escape or discharge of oil from ships, and to ensure that the oil cargo interests shouldered a part of the economic consequences of such damage, to the relief of the shipping industry. The sums were raised not from Governments but from petroleum customers which purchased over 150,000 tonnes per year. The size of the funds had been increased within the past decade by about 50 per cent to 203 million SDR¹, although over 95 per cent of spills had not reached the pay-out limit even before the increase. Moves were being made to add a third tier of coverage, but only the most costly spill imaginable would breach the 203 million SDR ceiling. However, payments from the Funds for environmental damage per se were not made.

49. Mr Calonne of IPIECA explained that the oil and gas industry was interested in risk reduction and accident prevention and that his organization assisted that process by circulating information on best practices - in which connection he mentioned his organization's Web site www.ipieca.org - and by developing cost-effective, science-based and socially and economically acceptable solutions for when the inevitable did happen. Given the constraints, its approach was to identify hot spots and work on them. In that connection he pointed to the interactive sensitivity maps available on the Web site www.unep-wcmc.org/imaps.

50. For many oil spills the clean-up cure proved worse than the disease. The regional seas conventions and action plans could assist by ensuring that their regional activity centres passed on the educative message to the extent possible so that clean-up operations were handled optimally from the environmental point of view, using the "reasonable restoration" criterion. IPIECA would do what it could to place its members' expertise at the disposal of the regional seas programmes, which included vetting contingency plans on the basis of net environmental benefit analysis. He noted that clean-up operations mostly used local equipment and manpower: cleaning up oil spills was not a high-technology exercise, although a huge amount of cooperation of all kinds was involved.

51. He drew attention to the joint IMO/IPIECA global initiative to boost developing countries' contingency planning and preparedness for oil spills and encourage them to ratify and implement the International Convention on Oil Pollution Preparedness, Response and Cooperation and the conventions relating to oil spill compensation from the IOPC Funds.

52. There was a shared perception that the regional seas programmes could usefully encourage their member countries to ratify the various conventions and compensation arrangements described by the industry spokesmen. However, it was also noted that the IOPC Funds did not pay out for environmental

¹ On 31 December 2000, ISDR was worth US\$1,30736.

damage per se. The exclusion clauses on pay-outs from the IOPC Funds were noted. Participants expressed the view that distinctions between sources of oil spills, such as that between bunker oil and oil carried as cargo, were otiose.

53. Ms Hoskin of the UNEP Division of Technology, Industry and Economics gave a presentation on the experience of UNEP with voluntary initiatives by the financial, tourism, advertising and telecommunications industries in the area of protection of the marine environment as examples of what could be achieved. The concept of partnership was crucial, not only in the interests of enhancing horizontal cooperation and operationalizing programmes but also to proper recognition of the economic impacts involved. Even if the approach taken to industry and the private sector was regulatory rather than cooperative, they needed to be persuaded of the advantages they would derive from acting in a particular way, and only in partnership with them was it possible to find out how they perceived such advantages. In that connection, a report entitled Carrots for the Sea (GPA Report Series No. 2) was circulated.

54. It was pointed out that entering into a partnership with the private sector did not mean being in anyone's pocket. Many private enterprises resisted giving money to ministries responsible for the environment because, unlike the regional seas programmes, they were not directly accountable. Passed through the regional seas programmes, the money would for the most part be spent in the target country or countries for the desired purpose and in a manner which would satisfy an auditor or meeting of shareholders. Also, such programmes did not adopt legislation or regulations, so there could be no allegations of influence-peddling if they were given money. In the scientific area, industries were often happy to contribute to projects when they could share data of interest to them. The feeling was general that, with the private sector, there should be an appropriate mix of regulatory and voluntary approaches, "sticks" and "carrots", and that in more environmentally sensitive societies, "carrots" were more effective than elsewhere.

Recommendations

Environmental damage

55. The Meeting recommended that the issue of compensation for environmental damage should be further explored by UNEP and the IOPC Funds in consultation with ITOPF and that the clearer picture of compensation schemes for environmental damage which emerged should be presented to Governments in order to increase their awareness of how to recover expenses incurred in reasonable restoration activities carried out on environmental goods which were affected by oil spills.

Strengthening relations between regional seas programmes and the oil and shipping industries

56. In view of the potential mutual benefits of enhancing collaboration between regional seas programmes and global and regional oil and shipping industry organizations, the Meeting recommended:

(a) That UNEP and the regional seas programmes should encourage their coastal States members to ratify the Civil Liability and IOPC Fund Conventions;

(b) That UNEP, regional seas secretariats and the IOPC Funds, in collaboration with IMO, should organize, where and when required, regional workshops to facilitate the process of ratification of those conventions;

(c) That UNEP and regional seas secretariats and the IOPC Funds should participate in future meetings of mutual relevance such as general assemblies and conferences of parties, in order to enhance awareness and play an active role in capacity-building in oil spill preparedness and response and in increasing the membership of global compensation schemes for oil-spill-related damage;

(d) That UNEP, the regional seas programmes, IPIECA and ITOPF should cooperate in developing joint training activities and producing relevant educational material such as paper publications, video productions, material for posting on Web sites and the like to assist countries in capacity-building and in establishing oil spill preparedness and response systems;

(e) That the UNEP Division of Environmental Conventions should serve as a link between the regional seas programmes and the private sector, with particular attention to the insurance industry and to liability and compensation issues;

(f) That the Regional Seas Unit and ITOPF should collaborate in updating the document “An assessment of the risk of oil spills and the state of preparedness in 13 UNEP regional seas areas”.

V. THE ONGOING DISCUSSIONS ON INTERNATIONAL ENVIRONMENTAL GOVERNANCE: THE ROLE OF REGIONAL SEAS CONVENTIONS AND ACTION PLANS

57. The Coordinator of the Global Programme of Action Coordination Office stressed the need to strengthen cooperation between regional seas programmes and the Global Programme of Action as the former were the principal implementation platforms for projects and activities carried out under the Global Programme of Action at the regional level. Such cooperation should proceed from an identification of problems and setting of priorities by the regional seas programmes, while the Global Programme of Action could serve as the principal instrument for identifying partners and donors and forming links with them. The Global Programme of Action could also assist the regional seas programmes in developing national and regional plans of action and protocols on land-based activities and in drafting project proposals and overcoming financial bottlenecks. In that connection, GEF was only one potential donor, and other sources should be identified. Joint approaches by UNEP, the Global Programme of Action and a particular regional seas programme were more likely to receive funding.

58. She expressed that hope that the regional seas programmes would be active participants in the first intergovernmental review of the Global Programme of Action, which was to be conducted the following week, noting that they had been allocated special time slots during the review meeting to present their achievements and plans for the future and to attract potential funding partners.

59. The representative of the Convention on Biological Diversity emphasized that the Convention secretariat wished to work closely with the regional seas programmes and promised collaboration in projects and activities of mutual interest.

60. The representative of the United Nations Division for Ocean Affairs and the Law of the Sea noted the importance of the regional seas programmes in the context of the United Nations Convention on the Law of the Sea and promised his Division's continuing interest in and collaboration with them.

61. The Chair described the review of international environmental governance taking place within UNEP as requested by the Secretary General, reporting in depth on the current situation of the multilateral environmental agreements and on how they were or could be clustered. The difficulties of ensuring proper coordination and collaboration between so many independent secretariats were compounded by their geographical dispersion. However, proposals for co-location of secretariats had encountered fierce opposition, as secretariats differed in their views of which cluster they should be in and host Governments were unwilling to lose secretariats. The point was made that whereas the Ozone Secretariat, which looked after the multilateral environmental agreement which was generally accepted as the most successful, was based in Nairobi, there was no interest in co-locating other secretariats there.

62. On the issue of proliferating protocols and agreements, there was consensus that any new legal instrument must represent added value. However, the point was made that although much talk had been heard about the “fragmentation” of international law, a close reading of the various multilateral environmental agreements and related instruments showed a degree of overlap but very few contradictions. Even overlap was not necessarily a bad thing: while duplication of effort was to be deplored, mutual reinforcement was not. Nevertheless, no new instrument should be introduced unless it could be shown to be more specific, more detailed and tougher than the applicable global legislation in the field. It was felt, however, that there should be no vacuums in the global commons of the ocean: loopholes and lacunae in applicable international law and legislation were invitations to trouble.

63. On the proliferation issue in general, it emerged that the causes of problems tended to lie more at the national than the international level. The regional bodies already cooperated and coordinated amongst themselves well enough that they were unlikely to try to reinvent the wheel. Similarly, it was unlikely that any regional body of interest to the Meeting would actively wish to be out of step with analogous bodies elsewhere in the world, which also operated within the framework of applicable international law; however, it was Governments that made the agreements founding them and made the decisions in their governing bodies. Also, it was a common experience that focal points for the various agreements could be based in different ministries in a country and sometimes appeared to be in disharmony. Equally, Governments' perceptions of national interest lay behind the proliferation of "centres" in some areas and had even led to rival "centres" being set up within the same country. Even getting representatives of some Governments to talk together was no mean achievement in some cases.

Recommendations

International ocean governance

64. The Meeting recognized the mutual benefits of speaking with a single voice in discussions of international environmental governance. Also, if clustered together, the horizontal linkages and cooperation between contiguous regional seas programmes would be facilitated. It was stressed that the regional seas programmes could serve as platforms for implementing relevant global conventions on a regional basis and that clustering would facilitate regional coordination in so doing. Clustering would also enable the regional seas programmes to serve better as foci for collaborating with the regional divisions of other organizations in the United Nations system.

65. The Meeting recommended that the regional seas conventions should be grouped in a single cluster addressing oceans in close collaboration with relevant multilateral environmental agreements such as the Convention on Wetlands of International Importance, especially as Waterfowl Habitat, the Convention on Biological Diversity, Convention on International Trade in Endangered Species of Wild Fauna and Flora, the Global Programme of Action and the Basel Convention and key ocean partners such as the United Nations Division of Ocean Affairs and Law of the Sea, IMO, IOC-UNESCO, IAEA, FAO and relevant regional organizations.

66. The Meeting recommended that GEF/UNEP and GEF/UNDP, UNDP, the World Bank, other multilateral and bilateral donors and partners from industry should be invited to send representatives to the next Meeting of Regional Seas Conventions and Action Plans in order to develop a dialogue and to examine possibilities for partnerships and project development and for finding innovative and realistic forms of funding with the involvement of regional-level resource providers.

67. The Meeting agreed that ocean governance would be strengthened through the following actions, bearing in mind that regional seas conventions and action plans are the best-placed platforms for promoting the protection and sustainable use of the marine and coastal environment:

(a) Because of their multisectoral nature, regional seas programmes could and should provide complementary regional frameworks for the implementation of global multilateral environmental agreements and global conventions relevant to the environment, including the biodiversity-related Conventions, the hazardous chemicals and wastes Conventions, the Global Programme Action, the Rio Conventions, the IMO marine pollution Conventions and Protocols and the United Nations Convention on the Law of the Sea;

(b) Horizontal cooperation between regional seas conventions and action plans on issues of common concern, including the provision of technical cooperation by the more developed regional seas programmes to those that are less developed, should be promoted further;

(c) Cooperation between the regional bodies of international organizations, including UNEP (specifically the regional seas programmes), FAO, IOC-UNESCO, IMO and IAEA, among others, must be increased in order to enhance governance and management of the marine and coastal environment;

(d) Regional clustering of activities carried out by global multilateral environmental agreements regional seas conventions and action plans, international organizations and other regional bodies should be implemented in order to carry out activities in a more coordinated and cost-effective manner, particularly in areas such as capacity-building, technology transfer, development of supportive national legislation, assessment and monitoring, and public awareness and information exchange;

(e) In particular, greater efforts should be made to pool resources for developing collective regional technology transfer centres for the protection and sustainable use of the marine and coastal environment in support of regional seas programmes, global multilateral environmental agreements and other international initiatives.

VI. ROUND-TABLE DISCUSSION WITH SECRETARIATS OF REGIONAL SEAS CONVENTIONS AND ACTION PLANS

A. Preparations for the World Summit on Sustainable Development

68. Following a discussion in which concern was expressed that the regional seas programmes might not be sufficiently involved in the preparations for the World Summit on Social Development in Johannesburg in 2002, the Chair undertook to present the issues of relevance to the regional seas programmes at the coming "Oceans and Coasts" meeting organized in Paris IOC-UNESCO and the Center for marine Policy of the University of Delaware and to ensure that the regional seas programmes were well represented in the preparation process for the Summit taking place within UNEP and its regional offices. There would also be an opportunity to provide input to the Summit from the regional seas programmes through the forthcoming Global Ministerial Environment Forum to be held in Cartagena, Colombia in February 2002, at which a major side event on oceans was being organized. He also undertook to clarify in due time the question of participation in the Summit by the regional seas programmes and to ascertain the source of funding for such participation.

69. Regional seas coordinators agreed on the need to develop a new and improved booklet on regional seas based on the current one entitled "Regional seas: a survival strategy for our oceans and coasts". The new booklet should aim to enhance the visibility of the regional seas programmes to potential funding partners and should present the strategic goals of each programme by setting out achievable and practical operational targets for the coming 5 to 10 years. The booklet should also set forth the commitments and planned inputs of Governments, as donors wanted to see a matching effort on the part of States. To the extent possible, the booklet should also include descriptions of the links between the regional seas programmes and international organizations and global initiatives.

Recommendation

70. The Meeting recommended:

(a) That a second edition of the booklet on the regional seas conventions and action plans should be developed, setting forth future strategies and agreed targets for the next 5 to 10 years based on firm and clear ideas and taking into account the limitations, and informing potential donors of the commitments made by Governments;

(b) That the booklet should contain approximately 500 words on each of the regional seas and should reflect also the linkages between those programmes, other international organizations, non-governmental organizations and regional marine fisheries bodies.

B. Regional activity centres

71. The different status of regional activity centres in the various regional seas programmes was discussed. The Meeting also discussed the problems, benefits, advantages and disadvantages of decentralizing the work of the regional coordinating units and secretariats and the various political and financial problems surrounding the operation of regional activity centres that were not integral parts of the system but were instead operated by host Governments. The Meeting concluded that no one model could fit all regions or all functions. Some participants felt that the regional seas programmes should revisit the role and definition of the regional activity centres in order to adjust to the changing environmental and socio-economic contexts of their constituencies.

72. The proliferation of “centres” other than regional activity centres with the evidently useful function of responding to oil spills and other pollution emergencies was viewed in an analogous light. For every “centre” which did excellent work there were more whose output was less than ideal. It was generally felt that serious rationalization of the system in the broadest sense was required, not least in order to make the most of limited resources. Any “centre” must represent added value, and serious thought must be given to the possibility of generating synergies by having “centres” for various purposes, agreements and bodies under one, possibly virtual, roof. As a general principle also, no new bureaucracies should be established.

Recommendation

73. The Meeting recommended that further discussions and exchanges of knowledge and experience concerning the issue should take place. It was also recommended that thought should be given to establishing regional coordinating units along the lines of the UNEP World Conservation Monitoring Centre, whose director is a UNEP staff member. In such an arrangement, the director of the regional activity centre would be a staff member reporting directly to the Director of the regional coordinating unit of the regional seas programme, thus ensuring close coordination with the programme’s secretariat and the programme of work adopted by member States.

C. Other issues of concern to regional seas conventions and action plans

74. Examples were given of fruitful horizontal cooperation between regional seas programmes, such as that between the Mediterranean and north-west Pacific action plans and the ongoing development of cooperation between the Baltic Marine Environment Protection Commission and the Nairobi Convention. Coordinators of other regional seas programmes expressed a commitment to develop cooperation between their programmes.

75. Concern was expressed regarding the lack of a legal framework for cooperation between conventions and with action plans. However, it was accepted that Governing Council decision 21/28 called for just such horizontal cooperation.

76. The problem was raised of the very difficult financial situation facing UNEP in the coming biennium. A substantial cut would be required in the activities of all UNEP divisions, which would severely affect the ability of the Division of Environmental Conventions to offer support to the regional seas programmes.

77. Following a discussion, the regional seas coordinators expressed regret that potential funding partners had not been invited to attend the Meeting.

Recommendations

78. The Meeting recommended that the regional seas programmes should endeavour to build up their trust funds to the extent possible and engage in resource mobilization from their member States and other sources of funding.

79. The Meeting also recommended that potential funding partners and donor organizations should be invited to future Meetings of the regional seas conventions and action plans.

80. The Meeting recommended further that existing “twinning” arrangements between regional seas programmes should be developed and that horizontal linkages should be forged or reinforced, particularly between programmes covering contiguous areas.

D. Venue of the Fifth Global Meeting of the Regional Seas Conventions and Action Plans

81. The Meeting gratefully accepted the offer by the Executive Director of the North-West Pacific Region Environmental Cooperation Center to host the Fifth Global Meeting of Regional Seas Conventions and Action Plans in Toyama, Japan in 2002.

IV. ADOPTION OF THE REPORT OF THE MEETING

82. The present report was adopted on the basis of the draft that had been prepared by the secretariat, taking into account written corrections provided in writing by the participants and on the understanding that finalization of the report would be entrusted to the secretariat, subject to review.

V. CLOSURE OF THE MEETING

83. In their closing remarks, participants noted that the calendar of meetings which it would be desirable for them to attend in the next year and beyond was extremely full. Indeed, the absence of representatives of for regional seas programmes from the current Meeting was attributable to that heavy load of meetings. No coping strategy could be completely successful. The Global Meetings remained, however, of great importance to their programmes. It had been very helpful that the agenda of the Meeting had not been over-heavy.

84. The Chair concluded that the future of international environmental governance nevertheless remained positive in that the channels for dialogue remained open, whether or not they lay in formal meetings. In that connection, he was confident that the critical issues for the regional seas programmes would be successfully laid before the World Summit on Sustainable Development in 2002. He noted that the ecosystem-based approach to the management of the marine and coastal resources held out great promise for the future. The future looked positive also in that closer cooperation with IOC-UNESCO in particular was assured and that partnership was growing also between the regional seas programmes, UNEP, FAO and other bodies such as the oil and shipping industry associations represented at the current Meeting. In the light of earlier comments, he took it that representatives of the insurance industry should be amongst those invited to attend the Fifth Global Meeting.

85. The Chair thanked participants for their valuable contributions and expressed his wish that representatives of all regional seas programmes would attend the next Meeting.

86. After the customary exchange of courtesies, the Chair declared the Meeting closed at 4.45 p.m. on Friday, 23 November 2001.

Annex IAgenda of the Meeting

1. Opening of the Meeting
 - (a) Introductory statement by the representative of the Executive Director of the United Nations Environment Programme (UNEP);
 - (b) Address by Professor Elisabeth Mann Borgese, International Oceans Institute (IOI).
2. Progress report on follow-up to the decisions of the Second and Third Global Meetings of Regional Seas Conventions and Action Plans
3. Global assessment of the state of the marine environment
4. Panel discussion on cooperation between the private sector and the regional seas conventions and action plans.
5. The ongoing discussions on international environmental governance: the role of regional seas conventions and action plans.
6. Round-table discussion with secretariats of Regional Seas Conventions and Action Plans
 - (a) Preparations of Regional Seas Programmes for the World Summit on Sustainable Development;
 - (b) Regional activity centres;
 - (c) Other issues of concern to regional seas conventions and action plans.
7. Adoption of the report of the Meeting.
8. Closure of the Meeting.

Annex II

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