

COOK ISLANDS

REPORT

CASE STUDY

ON

INTERLINKAGES, SYNERGIES AND COORDINATION AMONG MULTILATERAL ENVIRONMENTAL AGREEMENTS (MEAS)

**SOUTH PACIFIC REGIONAL ENVIRONMENT PROGRAMME
(SPREP)**

In collaboration with

THE UNITED NATIONS UNIVERSITY



Executive Summary

The study investigated the situation of three Pacific small island nations concerning. While the detail of the specific situations varied there were several common underlying themes which probably apply to a majority of smaller developing countries seeking to negotiate, ratify and implement national responsibilities for MEAs. The attached reports address the specific situations of the Cook Islands, Palau and Vanuatu. This summary addresses some current and potential broader issues for the South Pacific_Region and more generally for developing Island countries.

MEAs have become an increasingly important mechanisms for addressing global environmental issues. The conventions address management of biological diversity, management of wastes and pollution affecting the environment and recognition and protection of sites of global significance. Increasingly eligibility for international funding to assist nations to address such issues depends upon those nations being party to the relevant conventions or protocols.

The study looked at 29 MEAs with particular interest in the Waigani and Basel Conventions as an instance of regional and global synergy. The study found that in each of the countries the MEA processes place substantial demands on the capacity of a broad range of government agencies. At times these demands have to compete with domestic policy implementation for generally limited resources. While the MEA processes may in the medium to longer term hold keys to building up resources and capacities to address the full range of environmental issues, in the short term they can impose additional stress.

A number of common themes emerged.

In each of the countries negotiation and signature of protocols requires substantial internal coordination involving the Ministry responsible for Foreign Affairs, the Ministry responsible for the environment and others that may be involved in implementation and enforcement. Individual situations differ but it is rarely possible for small countries to have delegations with high levels of technical background at negotiating sessions. Where line departments have limited staff it is often not possible for adequate time to be allocated to the development of briefings on complex issues. The first matter which has to be addressed is achieving adequate technical briefing of the negotiator whose professional background is typically more likely to be legal/diplomatic than scientific /technical.

A second issue, after return from sessions is achieving effective reporting back from the delegation and appropriately broad availability of materials distributed during the negotiating session. The Republic of Palau has addressed this through the establishment of the Office of Environment Response Coordination which offers a model which may be adaptable to the situations of other countries.

Much of the technical background to negotiating sessions is complex but generic. There is scope for Convention Secretariats and regional organisations to assist countries by developing clear briefing papers with executive summaries on the technical issues. There is also scope for regional organisations to assist countries in identification and provision of materials to help countries develop their response to negotiation issues and consider the merits of consolidated regional positions.

Ratification and implementation processes depend on the constitutional requirements of countries and differ considerably in the timelines and political complexity for achieving necessary legislation. There is probably not much that can be achieved by Secretariats or regional organisations to help countries in this process other than through the production of clear technical documentation and executive summaries as supporting materials covering the commitments and responsibilities of countries implementing the convention in question.

Implementation of many of the MEAs requires coordinated activities at the National, Provincial, Municipal and rural community levels. An early requirement is for analysis, during the negotiation and ratification processes of the human and financial resource, training and public information requirements for implementation of conventions. This is specialist and resource intensive task and an area in which the international community and regional organisations could usefully support countries.

In many situations, and particularly in regard to the marine ecosystems of the territorial seas and exclusive economic zones of small island oceanic countries, the role of these countries in addressing environmental goals is of fundamental global significance. If it is to be done effectively it requires resources beyond the internal scope of the economies of those countries. It will become increasingly important that, subject to appropriate needs analysis, the global community including the UN family, regional and bilateral funding agencies and non-government organisations develop a strategy for medium to long term support for the small island developing countries to meet their responsibilities under MEAs.

There are 2 key needs. One is for means to enable the countries to manage and meet their responsibilities under conventions and protocols to which they are Parties. The other is for regional support mechanisms which can achieve economies of scale while reflecting regional interests. The support provided to strengthen capacity in-country should reflect regional interests and positions in the global context. For the global community and the regional organisations there is a need to achieve a balance between the need for technical capacity and support at the national level and benefits and efficiency of collective capacity at the regional level.

Multilateral Environment Agreements have a critically important role in addressing global environmental issues. However, there is a need to develop means for developing countries and particularly small island developing states enabling their participation in the work of MEAs. This, should not disrupt or overload their capacity to implement environmental management. In the context of preparations for the Johannesburg Environment Summit it may be appropriate to explore the potential for development of a system for strengthening national capacities and maximising synergy at the regional and global levels. Such an exploration should address possible roles and mechanisms for the Global Environment Facility and other potential sources of support for funding and capacity building in establishing and operating such a system.

1. INTRODUCTION

Multilateral Environmental Agreements (MEAs) have developed to become one of the principal means for achieving regional and global cooperation in addressing trans-boundary and national issues of conservation and sustainable development. They are likely to become increasingly important in the context of economic and social policy as global trade and development assistance strategies address the underlying and inevitable requirements for sustainable production and use of natural resources and the ecological systems that produce them.

MEAs have been identified as one of the leading areas for regional environmental cooperation. In the context of the South Pacific, SPREP serves to promote regional cooperation in the negotiation and implementation of MEAs.

While MEAs can have significant benefits, experience shows that the processes for negotiating, ratifying and implementing them can be extremely demanding of staff time and expertise. Experience has also shown that in many countries, the negotiation and implementation of MEAs are often disjointed as a result of lack of co-ordination among various national Agencies, lack of involvement of civil society and lack of effective education and public awareness programs.

The Informal Regional Consultation on Interlinkages held in Kuala Lumpur Malaysia on 26-27 February, 2001 identified the need to strengthen national governance structures within negotiation, ratification, and implementation of MEAs by using synergies and inter-linkages. The Kuala Lumpur Workshop also agreed that this could best be achieved by carrying out case studies to examine the use of linkages in strengthening national governance structures, identifying gaps and obstacles in the use of synergies between MEAs and develop practical solutions for national governance structures while encouraging greater regional and international coordination.

The case studies require a preliminary assessment of existing national frameworks. Gaps and obstacles in the use of synergies and inter-linkages between MEAs in the negotiation, ratification and implementation process will be identified leading to the formulation of options, solutions and recommendations for follow up activities at the national, regional and global levels.

The Cook Islands was selected as one of the South Pacific case studies (along with Palau and Vanuatu). The key objective of the Study is to assist the Cook Islands through examining the constraints and opportunities of the interlinkages approach to effective regional implementation of MEAs. The study is part of a 3 year United Nations University initiative which is intended to provide input to the World Summit for Sustainable Development (Rio + 10) in 2002. The objective is to identify ways to promote a more integrated and comprehensive approach to negotiation, ratification and implementation of MEAs. It also aimed at providing a solid basis for the maximum use of national, regional and global available resources when negotiating, ratifying and implementing MEAs

2. METHODOLOGY

The Informal Regional Consultation held in Kuala Lumpur agreed that three Pacific Island countries, including Cook Islands, would be used as case studies with the objective of strengthening national governance structures with regard to MEAs. Subsequently a study team comprising Jacques Mougeot (SPREP), Ms Hiroko Shimizu (UNU) and Martin Tsamenyi (Centre for Maritime Policy, University of Wollongong, Australia) visited Cook Islands 7-10 August 2001 to undertake the Cook Islands' case study. The specific objectives of the visits included:

- Assessment of the existing national institutional framework for the negotiation, ratification and implementation of MEAs;
- Identification of gaps and obstacles in the use of synergies and inter-linkages between MEAs in the negotiation, ratification and implementation of MEAs; and
- The development of recommendations on how to improve the negotiation and implementation of MEAs in the Cook Islands to achieve effective cooperation on regional environmental agreements.

The visit to the Cook Islands was coordinated by the International Environmental Advisory Unit of the Environment Service. The study was conducted over four days. The first three days consisted of a number of face-to-face discussions with individual Agencies, Ministries as well as NGOs. The final day of the Consultation took the form of a Workshop in which all the Ministries, Agencies and NGOs consulted on the previous three days were invited. The general public was informed about the case study and the meetings through the media (TV interviews and News Paper).

The objective of the Workshop was to present a preliminary finding of the meetings and to further explore some of the issues identified during the individual consultations. The Workshop was well attended by NGOs and one person from the Industry sector. The Ministry of Foreign Affairs and Immigration also attended and made a presentation on the MEAs signed, ratified or acceded to by the Cook Islands.

This Report begins with a general overview of the status of MEAs in the Cook Islands and then follows the format of the presentation at the Workshop. At the end, the key recommendations that emerged from the various discussions are drawn together. The Agenda for the visit is in **Attachment 1**.

To facilitate consultation with the individuals, Ministries and Agencies a Questionnaire was developed and sent to the Cook Islands through the International Environmental Advisory Unit ahead of the visit. The Questionnaire is in **Attachment 2**. The Questionnaire sought to identify and explore the issues arising in connection with negotiation, ratification and implementation of MEAs. However, with the exception of the Ministry of Transport, responses to the Questionnaire were not provided by any other Ministry. Consequently, the meetings concentrated on verbal exploration of key issues addressed in the Questionnaire. It was agreed through prior consultation between SPREP and the Cook Islands that the Report should focus on institutional and governance aspects of Synergies and Inter-linkages. In this respect, the discussions sought particularly to identify opportunities for synergy in the

management of conventions in order to achieve the necessary levels of efficiency for effective functioning of the MEA system in the Cook Islands.

3. OVERVIEW OF MEAs IN THE COOK ISLANDS

Generally speaking, the environment is central to Cook Islands' economy as a whole. This is emphasized by the Cook Islands Government Budget Policy Statement of 2001/2002. This document identifies four overarching goals. One of the goals is aimed at "protecting the country's security and promoting national interests abroad by working actively with the international community." This goal is directly relevant to the implementation of MEAs by the Cook Islands. To achieve these goals, five Strategies have been identified. These include: (a) Economic Sustainability; (b) Outer Island Empowerment; (c) Social Cohesiveness; (d) Infrastructure Advancement; and (e) Good Governance. A clean environment is central to the realization of these objectives. The document explicitly mandates the Environment Service to make further efforts to provide the appropriate legislative framework for the protection and management of the environment throughout the Cook Islands. The Service will increase its capability in waste management initiatives, institute environmental impact assessments as a routine procedure, and to continue to promote public awareness on environmental issues. The commitment of the Cook Islands to environmental issues is also evidenced by the establishment of an Environmental Fund in which a portion of all departure taxes collected are paid into for environmental protection.

The scope of MEAs ratified or acceded to by Cook Islands is determined, to a large extent, by its history. In 1965, the Cook Islands became a self-governing State in free association with New Zealand as a result of the Cook Islands Constitution Act 1964. As far as the study team has been able to ascertain, there are currently 20 MEAs binding on the Cook Islands in accordance with international law. It has also been ascertained that the Cook Islands has signed 4 MEAs but has not yet ratified them. The next MEAs to be ratified as a priority by the Cook Islands are the Basel Convention, the United Nations Climate Change Convention and the Montreal Protocol. The list of MEAs binding on the Cook Islands and those signed but not yet ratified is in **Attachment 3**. A summary of significant MEAs, which are relevant to the Study, is in **Attachment 4**. The study shows that there are several opportunities for regional and global institutional support to assist Cook Islands to develop the capacity to address responsibilities under MEAs.

4. NEGOTIATION OF MEAs

Historically, the responsibility for the negotiation of MEAs by the Cook Islands has rested on the Ministry of Foreign Affairs and Immigration even where the implementation of specific Convention obligations is the responsibility of other Agencies.

In February 2001, the International Environmental Advisory Unit was established within the Environmental Service portfolio to co-ordinate the negotiation and implementation of all MEAs in the Cook Islands. The establishment of this Unit was seen by many of the Agencies, Ministries and NGOs the team met as a positive development. However, this development can also lead to the lack of unified view or position between the International Environmental Advisory Unit and the Ministry of Foreign Affairs and Immigration unless some of the concerns highlighted below are urgently addressed.

It was noted that the Ministry of Foreign Affairs and Immigration has not developed any formalised procedures for consultation with regard to the negotiation and ratification of MEAs. The nature of consultation and who are consulted are determined on a case by case basis depending on the issues in question and the agenda. Usually, before negotiation meetings, Briefing Notes are prepared, identifying the key issues and talking points. Preparation for global meetings are more difficult than regional meetings because of the complexity of the issues and the large number of States involved.

The study Team explored a number of key issues to determine the scope of synergies and inter-linkages during the negotiation phase of MEAs. Although the current situation was generally acknowledged to work reasonable well, a number of concerns were expressed, suggesting that some improvements are required.

Lead Agency Responsibility

One particular issue which came up several times during the meetings relates to which Ministry or Agency should play the lead role in the negotiation and implementation of MEAs. Historically, the Ministry of Foreign Affairs and Immigration has been the lead agency in the negotiation of international obligations. This is intended to achieve a coordinated government approach on matters of international relations to ensure consistency. The Ministry of Foreign Affairs and Immigration also plays a supporting role in other cases where technical Agencies have carriage of negotiations.

During the meetings, concerns were expressed regarding the lack of or poor consultation between the Ministry of Foreign Affairs and Immigration and other Ministries and Agencies, especially those Ministries and Agencies responsible for the eventual implementation of and compliance with MEAs. For example, it was noted that the Waigani Convention was not referred to any other Ministry during the negotiation of that Convention, even though its implementation requires the active involvement of other Ministries.

Whilst the political and diplomatic roles of the Ministry of Foreign Affairs and Immigration were acknowledged, it was felt by many people that to ensure effective implementation of obligations assumed, it is preferable that Agencies responsible for the eventual

implementation of and compliance with MEAs assume the lead role in their negotiation. The fact that the Ministry of Foreign Affairs and Immigration has no specialised desk for international environmental issues was noted by some people.

In the context of MEAs in particular, although the recent establishment of the International Environmental Advisory Unit was recognised as a positive development, the view was expressed by many people that the relationship between the Ministry of Foreign Affairs and Immigration and the International Environment Advisory Unit in the negotiation and implementation of MEAs requires urgent clarification. If the relationship is properly developed, the creation of the International Environmental Advisory Unit would seem to have a lot of potential in enhancing the effective implementation of Cook Islands' obligation under MEAs and for harnessing funding opportunities for Cook Islands under such Conventions.

The issue of focal point goes beyond the role of the Ministry of Foreign Affairs and Immigration. Other examples of the lack of clarity on lead agency roles in the negotiation and implementation of MEAs include:

- The PACPOL/PACPLAN Program, which is intended to implement the SPREP Convention, is under the Ministry of transport despite the fact that there is a pollution component of the Program and the Environment Service is the overall Focal Point for the SPREP Convention. The Ministry of Transport intends to recruit a Marine Pollution Officer under the Program, with a potential risk of duplication with Environment Service. It would also appear that Environment Service was not involved in the development of legislation related to marine pollution and aimed at implementing IMO Conventions and the Protocols to the SPREP Convention.
- The International Waters Project is under the Ministry of Marine Resources but there does not appear to be a co-ordinated relationship between the Ministry of Marine Resources and the Environment Service with regard to implementation of this Project. At the time of drafting this report, no meeting had been organised between the Ministry of Marine Resources and Environment Service.
- The CBD is under Environment Service and yet its related protocol on Biosafety is under Ministry of Agriculture.

Summary of Concerns Regarding the Negotiation and Ratification of MEAs

The general concerns expressed with regard to the negotiation of MEAs by the Cook Islands are summarised below.

- Lack of an effective, well developed and transparent process for the development and articulation of national positions on key issues before delegates attend international meetings to negotiate MEAs;
- Absence of an effective national process to consolidate views of government Agencies and other stakeholders. The view was expressed that in many cases the position of the Ministry of Foreign Affairs becomes the de facto national position. It was also noted that

the International Environmental Advisory Unit is currently attempting to develop a process of seeking a better informed national position on the negotiation of MEAs;

- Lack of clear guidelines/process of seeking mandate by delegates attending negotiation meetings;
- Lack of feed back request from other Ministries and Agencies which results in lack of a national position or sometimes a national position being made by default. It was noted that where a regional position has been developed through SPREP, the regional position usually determines the national position. In recalling the role of SPREP as only adviser and not negotiator during meetings the need to strengthen the negotiation capacity of the Cook Islands and other Pacific Island Countries was reiterated.
- Inconsistency and lack of national delegation. The point was made repeatedly that because MEAs usually involve international travel, selection of national delegates becomes a political matter. In some cases national delegation has been selected for personal and political reasons, thereby preventing experienced Cook Islander from attending such meetings;
- Sometimes, late notices for meetings and agenda papers together with late nomination of delegates, result in the development of inadequate or weak national position, lack of confidence for effective negotiation. This does not allow for capacity building.
- Too many meetings involve senior officials, most of whom attend meetings because of the travel benefits associated with international travel and not because of their expertise per se. However, the lack of human resources which requires that all senior Officials be multi-skilled could justify this situation.
- Lack of involvement by other Ministries and NGOs on national delegation, with the result that a whole national perspective is often not reflected in outcomes.

5. RATIFICATION OF MEAs

Once negotiated, the ratification of a particular MEA by the Cook Islands is an Executive decision, which does not require Parliamentary approval. The domestic implementation of the MEA, however, requires domestic legislation. The bill to implement an international Agreement is presented to Parliament by the Ministry of Foreign Affairs and Immigration, usually (but not always) in consultation with the implementing national agency. In the Cook Islands, all ratified Conventions require domestic legislation to implement them.

Generally, the process of ratification appears to proceed satisfactorily. Too often, the main concerns expressed relate to the -break down in consultation between the Ministry of Foreign Affairs and Immigration and the implementing Agencies. For example, it was noted by many people that there seems to be no well-established protocols and procedures between the Office of International Law of the Ministry of Foreign Affairs and Immigration and other

Agencies. Similarly, consultation with the Crown Law Office, which is eventually responsible for advice on domestic legislation following ratification of a Convention, seems to be ad-hoc. Although the Solicitor General is a member of the Core Agency Committee, which is a body responsible for vetting all Cabinet Submissions, there seems to be no coherent process of co-ordination between the Solicitor General and the Office of International Law.

The implementation of MEAs requires significant time and resources to address policy considerations for ongoing dialogue as a convention signatory as well as for implementation of national commitments under ratified conventions. For a small country such as the Cook Islands these requirements are very large in relation to the total number of personnel and their other responsibilities.

During the ratification process there is also a need for good information and communication so that Agencies which are to acquire responsibilities through the ratified convention can be prepared, well informed and reasonably resourced and trained to meet new responsibilities by the time the new legislation is passed. This means that MEA responsibilities flowing to departments or Agencies should be identified during the ratification process so that they can be taken into account in business plans and program budgets.

The process of ratification and particularly the development of necessary legislation implies that sufficient information be made available through, among others, the reports of delegates attending the negotiation meetings and other document/papers collected at these meetings.

6. IMPLEMENTATION OF MEAs

MEAs usually address a multiplicity of inter-locked environmental, economic and social issues, which cut across the responsibilities of different government Agencies. Given this the implementation of MEAs requires coordinated activities at the national, and community levels along with regional and global efforts.

One of the key problems identified in the implementation of MEAs in the Cook Islands is the lack of linkages and synergy between the objectives of MEAs and actions required to be addressed under them and domestic environmental issues. The general sentiments expressed by many people interviewed by the study Team, was that MEAs are not useful or considered as a priority to address national environmental issues and are not deemed to be relevant to local circumstances. Many people interviewed were not aware of obligations under MEAs and how they link into actions at the local and community levels. This is despite the fact that there is a great number of domestic environmental compliance issues, such as waste management or nature conservation, which already fulfil obligations under MEAs.

The study Team also found that there is lack of synergy between activities currently undertaken by other Government Agencies and community groups and obligations under MEAs. The issues of synergy and linkages are particularly important at the level of implementation because the same Agencies and people are often responsible for several MEAs. With appropriate management there is the potential to develop workplans and budgets

for teams with responsibilities for complementary activities under several conventions. The sharing of resources, skills and programs for training or monitoring has the potential to achieve efficient use of resources and significant strengthening of national capacity and performance.

During the meetings, a number of obstacles affecting the implementation of MEAs in the Cook Islands were identified. These are summarised below:

- Lack of awareness by politicians of the significance of international environmental issues;
- Cost of attendance at conference of parties of many MEAs (the meetings are usually held in Europe or North America where the Cook Islands has no diplomatic representation);
- Absence of sufficient regional cooperation in the South Pacific, despite the effective role played by SPREP;
- A number of environmental NGOs operating in the Cook Islands undertake community conservation and education projects in isolation of the implementation of particular MEAs;
- Many government Agencies do not see environmental issues, let alone MEAs as part of their agenda;
- The Natural Heritage data base which seeks to identify and document Cook Islands' plants and animals actually implements many of the obligations under the Biodiversity Convention and yet no linkage seems to exist between the Natural Heritage Program and other biodiversity initiatives in the Cook Islands;
- The Ministry of Works and Energy, although not directly responsible for any MEA, undertakes a number of activities such as waste treatment and coastal protection which all feed into existing MEA obligations (e.g. the Convention on Biological Diversity, the Convention to Combat Desertification and the Climate Change Convention);
- The Ministry of Works and Energy has also collected a lot of national data over the past two years, but such data does not seem to be integrated into a national system of compliance and implementation of MEAs.

Contrary to what seems to be a widespread view in the Cook Islands, the prevailing MEAs and regional environmental agreements are often designed to provide a framework for international cooperation and support to address specific domestic environmental issues. MEAs in general and regional environmental conventions in particular, allow States to better monitor environmental standards at the domestic level. It is important to take into consideration what global organisations can offer the Cook Islands. For example, the GEF guidelines for the implementation of the POPs Convention will make money available for signatories. It is important to ensure that the annual budget takes into consideration planned activities under MEAs.

The challenge for those implementing MEAs in the Cook Islands is how to translate international obligations in MEAs into local environmental agendas to make them meaningful to the general public and to receive political support.

7. CONSULTATION AND CO-ORDINATION

The effective implementation of MEAs requires cooperation and collaboration at the national level. This is also a requirement under all the MEAs. For example, the Convention on Biological Diversity (CBD) requires co-ordination with a number of local Agencies. To implement the CBD, the Cook Islands has established a Steering Committee with representatives from all sectors of government and the Outer Islands.

The need for an adequate framework for consultation in all aspects of environmental issues, including the negotiation and implementation of MEAs was identified by many people consulted. It was noted that some degree of consultation takes place in the Cook Islands. For example, the Ministry of Works and Energy collaborates with the Ministry of Agriculture to implement the Convention to Combat Desertification. Collaboration also takes place between the Ministry of Works and Energy and Environment Service to implement the waste strategy and with the Ministry of Health and Environment Services on water quality. Another example is the Meteorological Services collaborating with the Ministry of Health on matters related to research on the relationship between climate change and the increasing cases of dengue fever.

The components of many MEA Programs in the Cook Islands have set up national co-ordinating bodies. Examples include:

- The NBSAP (*National Biodiversity Strategy and Action Plan*) Steering Committee for the Convention on Biological Diversity;
- The National Task Force for the International Waters Program (this Task Force is defunct, but attempts are being made to re-activate it with expanded membership to include NGOs and the business community).
- The Country Team for the implementation of the Climate Change Convention through PICCAP (*Pacific Islands Climate Change Assistance Programme*). The composition of the Country Team includes Environment Service, Meteorological Services, Ministry of Foreign Affairs and Immigration, the Office of the Prime Minister, Office of the Deputy Prime Minister, the Disaster Management Office, Ministry of Works and Energy and the Ministry of Agriculture.
- The Core Agency Committee, consisting of the Solicitor-General, the Public Services Commission, the Chief of Staff of the Prime Minister's Office and the Secretary to Cabinet. The role of this Committee is to vet all cabinet submissions before they are presented to Cabinet.
- Generally, the view was expressed that consultation between NGOs and Government Agencies has improved, especially since the establishment of the International Environmental Advisory Unit. Several instances of positive relations were cited. For example, the World Wide Fund (WWF) South Pacific has entered into a Memorandum of Understanding (MOU) with the Cook Islands Government providing a framework for cooperation on environmental issues generally. Furthermore, an operational agreement is in the process of being negotiated between the Cook Islands Government and WWF Cook Islands to facilitate synergy, more transparency and information sharing. WWF Cook

Islands is also exploring the possibility of developing an MOU with SPREP with regard to the implementation of SPREP projects in the Cook Islands.

- Despite these forms of consultation, the general view was that the level of consultation in the Cook Islands with regard to the implementation of MEAs is ad-hoc and not formalised. It was noted that usually, the consultation process is disrupted between the negotiation, ratification and implementation phases. A practical problem identified is the lack of inter-linkages among the different Agencies and Programs established under various MEAs. There is also the lack of clarity regarding allocation of responsibilities among Ministries and Agencies. As an illustration, consultation with regard to the NEMS (*National Environmental Management Strategy and Action Plan*) was cited. In this case consultation was carried out only at the stage of formulation but not implementation which has been left to Environment Service. The success of the NEMs was only due largely to the dynamic and the proactive role played by the Chairman.
- The need for a transparent and formalised consultation process and the better planning on national events was stressed. It was noted, for example, that the 2001 National Constitution Day had the theme: “*Embrace your Culture and Conserve your Environment* “ and yet the Environment Service was not notified nor involved in the planning. This would have been an excellent opportunity to link environmental issues with general national and cultural aspirations.

The Cairns Sub Regional awareness meeting on POPs/PIC/Basel/Waigani Conventions in February 2001 was considered as a very good move in terms of collaboration when attending meetings. The Cooks Islands were represented by the Ministry of Agriculture along with Environment Service. However, it was noted that when the time comes for deciding which Convention should be ratified, some problems could arise because the POPs treaty is a priority for Environment Service but not for the Ministry of Agriculture.

The barriers to effective consultation and cooperation in the implementation of MEAs identified include:

- Limited capacity to service all meetings required under MEAs;
- The often back-to-back organization of international and regional meetings result in officials not having time to consult and report on outcomes of meetings;
- Lack of formalised policy for consultation and co-ordination;
- The lack of a framework for public consultation and information sharing;
- The failure to involve NGOs in the negotiation and implementation of MEAs;
- The absence of a more effective process to work with the civil society on the implementation of MEAs

To improve the consultation process, a number of suggestions were made. These include:

- The Creation of a Roster for Cook Islands Experts on Environmental Issues (meetings could be called of relevant people on the roster to deal with specific concerns; or

- The establishment of National Environmental Committee, using the National Country Team for Climate Change, the National Steering Committee for the Biodiversity and the National Task Force for the International Waters Program as examples.
- It was also suggested that the National Disaster Management Office which is responsible for the development and maintenance of plans, programs and procedures for the prevention; preparedness; response; rehabilitation and reconstruction activities, could be used as the framework for consultation and coordination on MEAs in the Cook Islands. The positive aspects of the National Disaster Management Office relates to its broad membership which includes: the Commissioner of Police, (Chairperson), Director, National Disaster Management Office, Director, Meteorological Service, Chief of Staff, Prime Minister's Office, Secretary, Ministry of Works, Secretary, Agriculture Department, Secretary, Foreign Affairs Department, Secretary, Education Department, Chairperson, Religious Advisory Council, Director, Health Department, Chief Executive Officer, Telecom Cook Islands, Chief Executive Officer, Civil Aviation Authority, Radio AKTIV, Chamber of Commerce, Secretary, Ministry of Finance & Economic Management, Electric Power Authority (Te Aponga) a representative of NGOs and a representative of the Red Cross. The major disadvantage of the National Disaster Management Office is the fact it meets only once a year.

The International Environmental Advisory Unit was urged to request the Prime Minister to convene a meeting of all government Agencies to discuss and agree on an effective method of achieving national cooperation and collaboration on the implementation of MEAs.

8. REPORTING

A good system for reporting on outcomes of international meetings at the negotiation and implementation phases of MEAs serves as an effective consultation process. From information made available to the study team, it would appear that the framework for reporting in the Cook Islands requires improvement in many respects.

The team found that there is no substantially developed mechanism for feed-back reporting in the Cook Islands. There are instances of in-house briefing and reporting on meeting outcomes. There is also some evidence of mandatory reporting on meetings attended. However, the system lacks homogeneity; and there is no real policy on format. Generally, there is an improvement within the Environment Service regarding reporting on meetings. Now, the reports include the specific outcomes of the meetings and a set of recommendations.

Much of the problem would appear to be the lack of a national policy to guide reporting procedure and format with the result that different Agencies and Ministries have developed their own reporting procedures. For example, according to information provided by Environment Service, delegates attending Conference of Parties of the Convention on Biological Diversity are only required to report to the Minister for the Environment and the

Environment Council. There are no established mechanisms on how such reports are to be distributed to other government Agencies. There is also no national format or standard on reporting.

9. LEGAL FRAMEWORK FOR IMPLEMENTATION

One of the problems the Cook Islands faces in the implementation of MEAs is the absence of an effective and comprehensive legal framework. It was noted that the Cook Islands does not have a national environmental legislation. The existing legislation, the *Rarotonga Environment Act 1944-1995* applies only to Rarotonga and does not apply to the outer Islands. Since 1992, and with a view to developing a comprehensive national environment legislation, an Environment Bill has been proposed. However, this proposal is still in the form of a bill. The latest draft, The Environment draft Bill 2001 is intended to repeal the *Rarotonga Environment Act 1944-1995*, and to provide for the adoption of By-laws for the Outer Islands. The Bill proposes the setting up of an Environment Council to formulate national environmental policy and co-ordinate the implementation of environmental policy. The Bill also proposes the establishment of a National Environmental Forum to meet at least once every 12 months. One of the functions of the Forum will be to consider and advise on the Cook Islands' compliance with its international and treaty obligations in relations to the environment, and take such action as is required to ensure full compliance is maintained.

Many people expressed concern about the delay by Parliament in passing the Environment Bill. The general view was that the legislative implementation of MEAs in the Cook Islands is not adequate. It was noted that the Government appears to regard domestic issues as more important than international environmental concerns and, consequently, is reluctant to push for legislation to implement MEA obligations. Another problem identified is the lack of consultation with all stake-holders in developing legislation to implement MEAs. Generally, it would appear that the Crown Law Office is not consistently involved in the negotiation and provision of legal advice regarding the implementation of MEAs.

The lack of legal capacity in the Crown law Office was also identified as another important factor affecting the legal implementation of MEAs in the Cook Islands. For example, for the past two years, the Crown Law Office is staffed with only two lawyers. The situation has been slightly improved with the addition of a lawyer from New Zealand to assist with legislative drafting. However this additional position is only for one year. Furthermore, there is no international legal adviser in the Crown Law Office.

10. INFORMATION/DATA COLLECTION

One of the key issues identified as militating against the development of a better synergistic implementation of MEAs in the Cook Islands is information/data collection and dissemination. During the consultations, many people recognised need for standard format for data collection, examination and dissemination. Several people expressed concern about the flow and availability of information amongst officials, concerning the negotiation, signature, ratification and implementation of MEAs. It became apparent that many government Agencies and NGOs in the Cook Islands carry out functions which can assist in the implementation of MEAs. For example, the Natural Heritage and the Ministry of Works and Energy have databases which can form integral parts of the implementation of MEAs in the Cook Islands. It would appear that there are on-going discussions on establishment of a central point for the collection, examination and dissemination data. This development needs to be properly coordinated. The proposed establishment of Pacific Environmental Information Network within the International Environmental Advisory Unit also needs to be integrated into the proposed National Environmental Data base.

The key short -comings of the current approach identified include;

- Excessive documentation, usually via e-mail without clear identification of essential issues;
- Lack of plain language presentation of materials and reports;
- Absence of an open and transparent system for information exchange;
- Lack of knowledge on the national obligations under MEAs;
- Lack of effective national communication strategy on MEAs;
- Lack of national data-base on environmental data and information;
- Difficulty of access to information by NGOs;
- Poor quality of information provided by government Agencies to NGOs;
- Duplication as a result of a number of Agencies independently developing their data bases

A number of suggestions were made at the meetings to overcome the problem of information collection and dissemination. These include:

- The development of a national inventory of all activities with a view to achieving better synergy of the implementation of MEAs by the Cook Islands.
- The development of a website containing a list and summary in accessible language of all treaties binding on the Cook Islands, international meetings on MEAs and a summary of the issues emanating from the meetings.

11. EDUCATION AND AWARENESS RAISING

The responses from the meetings indicated that there is a good level of educational and awareness raising on environmental issues in the Cook Islands. The current Programs include the weekly education Program by Environment Service. In addition the Ministry of Works and Energy has produced some material for Schools. The Cultural Heritage Division also has an education program targeting schools. It was also pointed out that SPREP has a well developed media and education Program and that education materials are frequently sent by SPREP to the national focal points. There seems to be a break down in the distribution of such materials when they get to the Cook Islands.

The need for high quality and co-ordinated approach to environmental education and awareness raising was highlighted by many people at the meetings. Suggestions for improvement include:

- The need to translate global issues to more local and common actions;
- The development of linkages—in education materials linking problems, ecosystems and solutions;
- The need to seek more support from NGOs and private sector in developing educational material;
- Need for government to inform the public about details of international negotiations and agreements through media;
- The need to develop a system for effective distribution of educational material;
- The need to improve the quality of communication and understanding between the government and NGOs.

12. FUNDING ISSUES

Many of the Government Agencies and Ministries met, expressed views on the availability of funding for the implementation of MEAs in the Cook Islands. The general limited sources of funding for environmental matters were noted. It was also felt that the perceived availability of funding has been a criterion for preference by the Government for global Conventions over regional Conventions. However, it was pointed out that the current donor-driven approach to the implementation of global Conventions does not allow for continuation and sustainability of projects. It was argued that this situation is contrary to the idea of synergy and inter-linkages. As an example the Waigani Convention was given as the frame of reference or excellence to synergise activities under a number of related Conventions such as the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade; the Stockholm Convention on POPs, the Basel Convention and a number of IMO related Conventions. Another funding issue identified is the lack of interest of donors in funding bodies to support national request for staffing. In this respect, the possible role of Regional Organizations like SPREP can play to assist with consolidated regional positions to address this issue was highlighted. In this

regard, the example of the International Waters which will provide funding for recruitment of staff was mentioned.

Financing

The possible strategies to address the funding issue include:

- The Development of partnership with the business sector;
- Greater support for the active and effective role of the International Environmental Advisory Unit ;
- Request the Prime Minister to set up a meeting with all heads of Agencies to discuss the problems of co-ordination, responsibilities and associated issues;
- Need to take ownership of Conventions and to translate them into local action to make them relevant.

13. CAPACITY BUILDING

A key problem identified by all the Ministries and Agencies relates to capacity building. Many people expressed the urgent need for capacity building to address physical, human resource and skills requirements. The most abundant needs identified in the meetings were for the development of skills addressing a wide range of fields including international law, communications, public and community education, program management, and staff training. The key issues and problems identified are summarised below:

- It was generally agreed that the Cook Islands lacks a human resource development policy, although there are some recognised exceptions such as the training in-house Programs developed by the Ministry of Works and Energy;
- The large volume of information produced by Convention Secretariats and the quick response time required from Secretariats makes it difficult to cope with the issues. This is made worse by the shortage of personnel in many government Agencies
- Officers are usually multi-tasked and there are critical gaps in the capacity of key Agencies to negotiate and implement MEA obligations. For example, it was noted that the Ministry of Foreign Affairs and Immigration has no specialised environmental desk. Another example relates to the newly established International Environmental Advisory Unit which is not adequately funded and resourced to deal with the complexity of tasks involved in its work. Whilst the negotiation and implementation of MEAs require people with high intellectual skills including an International Environmental Lawyer, the Unit has only two tertiary qualified. The Education and Awareness Program of the Unit is under an officer who is not media trained;
- Lack of employment for people trained under specific Programs. A good example given was the PICCAP Project. It was noted that suitable employment could not be found for the person trained to co-ordinate this Project after the Project came to an end;

- Government rationalisation policy in the mid-1990s resulted in the exodus of many experienced and well trained Cook Islanders to New Zealand;
- The high cost of engaging local consultants previously working as Governments officials;
- Lack of national policy on many issues, with the result that decisions are often made in a policy vacuum;
- Increasing devolution of political power to the Outer Islands has exacerbated the problem of shortage of skilled and trained people;
- Lack of full capacity to develop project proposals;
- Need to address capacity of the International Environment Advisory Unit in view of the increasing international obligations arising from MEAs was highlighted.

The role of SPREP in addressing some of these problems was recognised and highlighted by many people. Among other things, it was suggested that SPREP should develop a synergistic training Program and produce models for the synergistic implementation of key MEAs; develop training Program on proposal writing; and conduct International Environmental Law training.

Given the inter-linkages in the implementation of MEAs, the importance of a broad based capacity building for the implementation of MEAs was noted.

14. TOWARDS LINKAGES AND SYNERGY: THE WAY FORWARD

From the consultations, the key issues preventing effective linkages and synergy in the implementation of MEAs in the Cook Islands would appear to be the following:

- Lack of clear guidelines on representation and focal points;
- Lack of a policy framework for consultation regarding all aspects of MEAs;
- Lack of consistent policy on reporting on outcomes of meetings;
- Lack of effective framework for information/data collection and dissemination;
- Funding constraints;
- Capacity building constraints;
- Lack of coordinated communication/awareness/public education programs;
- Lack of regional and global co-ordination.

In the course of the meetings and discussions within the study team, a number of recommendations emerged in order to promote better linkages and synergy in the negotiation and implementation of MEAs by the Cook Islands. These are outlined below for consideration by the Government of the Cook Islands.

14.1 Representation and Focal Point

The national focal point for a convention is a critical element in strategy, policy development and coordination. The role of the national focal point calls for a combination of technical, legal, communication and management skills. With a potential total of 20 MEAs it can be expected that the same individual will be focal point for several MEAs. Obviously, the current system creates uncertainty and lack of synergy in the implementation of MEAs. At present there seems to be no transparent documentation on the focal points for MEAs.

There is an urgent need to resolve the issue of level of participation and representation of relevant Ministries and Agencies at MEAs meetings. There is also an urgent need to clearly identify the focal points for the implementation of all MEAs which are of binding nature for the Cook Islands. If the issue is not resolved it could create tension among the various Agencies and Ministries.

Recommendation: To address this potentially disruptive situation, it is recommended that consideration be given to a clear identification of representative roles of various Agencies and Ministries. It is also recommended that the focal points for each of the MEAs be clearly identified. To be effective, it is preferable that the Ministry or Agency with direct responsibility for compliance with a particular Convention be the focal point for that Convention.

Recommendation: The establishment of the International Environmental Advisory Unit is a positive development which will assist the Cook Islands to achieve national and international co-ordination and effectiveness of MEAs. It is recommended that the Government continues to support this initiative by strengthening the Unit in terms of its capacity to co-ordinate the increasing obligations of the Cook Islands under MEAs,

14.2 Framework for Consultation

The effective implementation of MEAs requires cooperation and collaboration at the national level. Consultation within government and with civil society is, in fact, a requirement under all MEAs. There is an urgent need for the development of a national policy on consultation. To improve the current framework for consultation in the Cook Islands, the following recommendation would require consideration.

Recommendation: It is recommended that consideration be given to the establishment of a National Committee to oversee the negotiation and implementation of MEAs. In the establishment of a National Committee, consideration should be given to formalizing the Country Team approach under the Climate Change Convention. To be effective, membership of such a Committee should include all relevant government Agencies and Ministries, NGOs, the business sector and representatives of the Outer Islands. The National Committee approach need to be supported by a strong national communication strategy which will ensure synergy among

the various Conventions and Agencies. To avoid rivalry among various Agencies and Ministries and to ensure a whole of government approach to the implementation of MEAs, the National Committee could be located in the Office of the Prime Minister.

14.3 Reporting on Meetings

A good system for reporting on outcomes of international meetings at the negotiation and implementation phases of MEAs is important to achieve national and regional synergy in the implementation of obligations.

Recommendation: To improve the situation in the Cook Islands, it is recommended that consideration be given to the development of a standardized format for reporting on international meetings dealing with the negotiation and implementation of MEAs. The format must include statements on the objectives, outcomes and follow-up action required on meetings and a distribution and follow-up flow-chart.

14.4 National Data Base and Information Dissemination

The significance of developing a national data base on the implementation of MEAs was recognised as crucial to the effective implementation of MEA obligations. A number of the specific comments during meetings related to concerns about the flow and availability of information amongst officials concerning the processes of negotiation, signature, ratification and implementation.

Recommendation: To improve the current situation, it is recommended that consideration be given to developing a standardized format for national information/data gathering and storage to assist in the implementation of MEAs.

14.5 Financing

It was clear from the study that the Agencies with responsibilities under existing and potential MEAs are under pressure and that most staff are heavily loaded, even overloaded. There is synergy between the objectives of MEAs and the policies and programs of relevant Agencies. However, many of the measures needed to meet obligations under MEAs require additional and skilled work. Effective implementation of MEAs brings substantial work program and resource implications. It seems clear that in the foreseeable future it is unlikely that the Cook Islands economy will be of a scale sufficient to support all of the infrastructure and skilled staff resources needed to implement obligations under MEAs.

Recommendation: It is recommended that as a matter of policy that there be assessments of resourcing needs and priorities to achieve basic competence in implementation of MEAs. Such a review should be

designed to feed into the processes of national budgeting, work planning and fund raising from the global donor community.

Recommendation: It is recommended that the Government of the Cook Islands recognises the need for analysis of the work program and resource requirements for implementation of international conventions to which it is a party and that provision be made for development and consideration of such an analysis as part of the regular national budgetary cycle.

Recommendation: It is recommended that, subject to appropriate needs analysis, the global community including the UN family, regional and bilateral funding Agencies and non-government organisations develop a strategy for medium to long term support for the Government of the Cook Islands to meet its responsibilities under MEAs.

14.6 Capacity Building

There are widespread needs for capacity building to address physical, human resource and skills requirements. There would appear to be the need for the Cook Islands to develop a human resource development policy on the implementation of MEA obligations. The most important needs include development of skills addressing a wide range of fields including international law, communications, public and community education, program management, international negotiation and staff training.

Recommendation: It is recommended that the Government of the Cook Islands conducts of an analysis of capacity building needs and priorities for meeting national policies and obligations with respect to MEAs with a view to developing a national policy to address national capacity building to implement MEAs.

Recommendation: It is recommended that the Government of the Cook Islands works in cooperation with SPREP to develop training Programs in synergies and linkages, international negotiation and project proposal writing.

14.7 Communication/Awareness/Public Education

There are well established community education programs operated by the some Ministries and Agencies in the Cook Islands. However the system needs to be co-ordinated and improved. There is a need for clear materials for officials and community leaders describing the nature of the MEA process, the responsibilities it confers and the timelines or flow chart from signature to implementation. MEAs are means to address widespread and long term local issues. Most are developed with the explicit intention to provide for future generations. It is very important that high quality locally relevant syllabus and teacher support kit materials continue to be available to all schools in the Cook Islands.

Recommendation: It is recommended that focal points for each MEA develop simple explanatory materials for distribution to NGOs, schools and government Ministers.

Recommendation: It is recommended that consideration be given to the creation of a National Flow Chart on implementation of MEAs. The flow-chart should provide procedural details on the role of lead Agencies and individuals in relation to the negotiation, consultation, ratification and reporting on MEAs.

Recommendation: It is recommended that the Government of the Cook Islands work with SPREP and the Secretariats of MEAs to acquire, translate into appropriate language and illustrate with local examples high quality education materials relating to MEAs.

14.7 Regional and Global Coordination

Most of the recommendations emerging from these meetings identify matters to be addressed by the Government of the Cook Islands. It is likely that similar recommendations would apply to most of the Governments of South Pacific and other Small Island Developing States. There is clearly great potential and great need for the global community to identify potential synergies in subject matter and regional issues and economies of scale so that the demands of MEAs upon small island governments and communities can reasonably be met.

Recommendation: It is recommended that the global community, the United Nations Family, Regional Organisations and Non Governmental Organisations work together as a matter of urgency to ensure that the governments and people of small island countries can achieve sustainable development, conservation of biological diversity, waste management and maintenance of ecological processes through the effective implementation of MEA obligations.

14.8 Strengthening of Regional Framework

An effective way to develop better synergy and linkages in the implementation of MEAs at the national level is to strengthen regional Conventions. In this respect, more emphasis could be given, at the national and regional levels, to the regional legal framework comprising the Apia, SPREP and Waigani Conventions as the vehicle to coordinate environmental issues arising at the global levels.

Recommendation: It is recommended that SPREP considers taking a more pro active role in the development of a Handbook for the implementation of several environmental conventions. This should be done in coordination with the relevant Global Secretariats of .the POPs, Rotterdam and the Basel Conventions. It is also important that SPREP endeavours to consolidate the collaboration between the SPREP Convention and the IMO-related Conventions and between the Apia Convention and the Secretariats of the Convention on Biological Diversity, the Climate Change Convention, CITES and the Ramsar Convention.

**TENTATIVE PROGRAMME FOR SPREP AND UNITED
NATIONS UNIVERSITY
(UNU) TEAM TO THE COOK ISLANDS**

MONDAY 6TH – FRIDAY 10TH AUGUST 2001

OFFICIAL:

Ms Hiroko Shimizu
Mr Jacques Mougeot
Mr Martin Tsamenyi

UNU
SPREP Environmental Law Officer
University of Wollongong/Consultant

PURPOSE:

The team from SPREP and UNU will be in the Cook Islands with the aim of identifying ways to promote a more integrated and comprehensive approach to negotiate, ratification and implementation of Multilateral Environmental Agreements (MEA's).

At the Informal Regional Consultation on Inter-Linkages: Synergies and Coordination among Multilateral Environmental Agreement (MEA's) held on 26-27 Feb 2001 it was confirmed that three Pacific Islands countries, Cook Islands, Palau and Vanuatu would carry out a Case Study in their respective countries, with the aim to strengthening national governance structures within negotiations, ratification and implementation of MEA's by using synergies and inter-linkages.

Objectives:

- assessment of existing national and if possible regional legal and institutional frameworks;
- identification of gaps and obstacles in the use of synergies and inter-linkages between MEAs in the negotiations, ratification and implementation phases; and
- development of options and solutions.

TUESDAY 7TH AUGUST 2001

8-8.30am	Mr Vaitoti Tupa, Director and Staff VENUE: ENVIRONMENT SERVICE	CONFIRMED
11am-12pm	Mr Edwin Pittman, Secretary of Foreign Affairs and Immigration VENUE: FOREIGN AFFAIRS	CONFIRMED

12-12.30pm	LUNCH	
12.30-1.30pm	Mr Arona Ngari, Director of Meteorology Services	CONFIRMED
	Mr Sonny Williams, Secretary of Culture	CONFIRMED
	VENUE: ENVIRONMENT SERVICE OFFICE	
1.30-2.30pm	Mr Trevor Pitt, Deputy CEO for the Prime Minister	CONFIRMED
	VENUE: ENVIRONMENT SERVICE OFFICE	
2.45-3.45pm	Mr Gerald McCormack, Natural Heritage	CONFIRMED
	VENUE: ENVIRONMENT SERVICE OFFICE	

WEDNESDAY 8TH AUGUST 2001

8-8.45am	Mr Aukino Tairea, Secretary of Transport	CONFIRMED
	VENUE: MARITIME OFFICE, AVATIU	
9-10am	Mr Ata Herman, Secretary of Ministry of Works	CONFIRMED
	VENUE: MINISTRY OF WORKS, ARORANGI	
10.30am	Media Interview	ARRANGE
11.15-12pm	Ms Janet Maki, Solicitor General	CONFIRMED
	VENUE; CROWN LAW OFFICE, AVARUA	
12-1.20pm	LUNCH	
1.30-2.30pm	Mr Tupu Araitu, Secretary of Health	TERAI TO KK
	VENUE: HEALTH ADMINISTRATION, AVARUA	
2.30-3.30pm	Mr Taukeu Rau, Secretary of Office of the Minister for Island Administration	CONFIRMED
	VENUE: OMIA OFFICE, AVARUA	
3.30-4pm	Mr Chris Wong, Director of Tourism	ARRANGE
	VENUE: TOURISM OFFICE	
4pm	NGOs Briefing	CONFIRMED
	VENUE: USP EXTENSION CENTRE	

THURSDAY 9TH AUGUST 2001

9am-12pm

MEETING FOR ALL ABOVE
STAKEHOLDERS AND THE PUBLIC
VENUE: USP CENTRE

CONFIRMED

FRIDAY 10TH AUGUST 2001

TEAM DEPARTS

INTERLINKAGES, SYNERGIES AND COORDINATION AMONG MULTILATERAL ENVIRONMENTAL AGREEMENTS (MEAs): COOK ISLANDS CASE STUDY
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PREPARATORY QUESTIONNAIRE

1. Negotiation of Conventions

- **For each convention:**
 - *Which departments or Agencies had/have a role?*
 - *What is the role of each department*
 - *Where 2 or more departments or Agencies have a role, what coordination mechanisms exist?*
- **How are delegations for negotiations selected?**
 - *On the basis of diplomatic negotiation skills?*
 - *On the basis of technical expertise in the subject matter?*
- **How are delegations prepared and briefed?**
- **How is the negotiating position established?**
 - *Nationally*
 - *Regionally*
 - *Globally e.g. with SIDS, G77?*
- **Which is the lead agency of the delegation?**
- **How is the lead agency selected?**
- **How are costs of participation funded?**
- **If negotiations lead to multiple drafting or working groups and there are more such groups than there are members of the delegation, how is the allocation of team members to tasks managed?**
- **Are there alliances with like minded delegations?**
- **If so are common positions negotiated beforehand?**
- **What are the arrangements for consultation with the government during negotiations?**
- **If the delegation needs technical advice during negotiations how is this organised?**
- **How are Agencies informed of the outcome of negotiations?**
- **How are Agencies informed of necessary action or consequential changes in their area of operation?**
- **What is the role of SIDS**
- **What is the role of SPREP?**

2. Ratification

➤ For each convention:

- *Which departments or Agencies have a role?*
- *What is the role of each department*
- *Where 2 or more departments or Agencies have a role, what coordination, mechanisms exist?*

➤ Who initiates ratification?

- *What are the constitutional/jurisdictional requirements for ratification?*
 - *Is there a flow chart of steps for ratification?*
 - *What are the impediments to ratification? – please list*

➤ Is there an inventory of ratified conventions?

- *If so who keeps it?*
- *Who is responsible for ensuring that newly ratified conventions or amendments are added to the list?*
- *Who has access to the list?*
- *Who has responsibility for communicating advice of ratification outcomes to departments and Agencies whose activities are or may be affected?*

➤ Who is responsible for ongoing dialogue with the convention secretariats?

- *Action Agencies, departments of Foreign Affairs?*
- *Who is responsible for advising the convention secretariats of ratification decisions?*
- *What is the role of permanent missions (e.g. New York, Nairobi) in routine liaison with secretariats?*

3. Implementation

3.1 Global – linkages with other partners

➤ For each convention:

- *Which departments or Agencies had/have a role?*
- *What is the role of each department*
- *Where 2 or more departments or Agencies have a role, what coordination ,mechanisms exist?*

➤ Who attends meetings of conferences of parties?

➤ Who is responsible for reporting the outcomes of COP discussions to all relevant national parties?

➤ Who handles routine mail and email correspondence with COP secretariats and other convention parties on matters relating to the convention?

➤ Who is responsible for ensuring that any amendments to the convention are recorded in the record of conventions ratified by the nation?

➤ Is there a routine mechanism to follow up COP outcomes at the Regional and or sub-Regional level?

- **Who takes responsibility for carriage of national interests in the preparation of submissions to regional or global bodies for funding to implement convention activities?**

3.2 National – Legal

- **For each of the agreements or conventions signed:**
 - *What are the national policy and constitutional processes for development of legislation to ratify a convention?*
 - *Who is involved?*
 - *Who has the responsibility to initiate action?*
 - *Have the necessary legislative instruments been prepared?*
- **For each of the conventions ratified:**
 - *Who took responsibility for initiation of the process?*
 - *What consultative process was followed with other Agencies?*
 - *Was there any consultation with adjacent jurisdictions to maximise consistency of approach?*
- **Was any further consequential legislation needed, for example establishment of an agency, amendment to planning or pollution regulations?**
 - *If consequential legislation is in place:*
 - *What mechanisms were used to publicise the new law and to educate and inform the affected public, industry groups, enforcement Agencies and the judiciary to ensure effective implementation?*
 - *If consequential legislation not in place:*
 - *What has constrained the development of the legislation?*
 - *Is there a program for it to be prepared?*

3.3 National – Institutional Arrangements

- **For each ratified treaty or convention is there a lead agency with designated responsibilities for ensuring national implementation?**
- **If so:**
 - *Is there an office/official position clearly responsible?*
 - *Is there an individual who is known to be the point of contact for ensuring that treaty/convention issues are addressed?*
 - *If the designated person is head of agency*
 - *Do they carry out the responsibilities personally?*
 - *What other responsibilities do they have?*
 - *Is there an individual officer within the agency who is known to be the point of contact for ensuring that treaty/convention issues are addressed?*
- **How does the lead agency coordinate with others?**
 - *Is there a formal system?*
- **Is there documentation on the legislative responsibilities and policy background for each of the Agencies involved in implementation?**

- *If so, who is responsible for keeping this up to date?*
- *Who attends regional/sub-regional meetings on coordination of implementation?*

3.4 National – Capacity and Resources for Implementation

As relevant, considering the Federal, State/Provincial, Local Government/traditional owners and the general affected community:

- **Has there been a recent analysis of human resource needs and training for implementation?**
- **Are there current education/information materials or a program, which provides for all affected people to know their responsibilities under the convention?**
- **Is there an enforcement strategy to achieve a reasonable level of compliance with the convention?**
- **Are there arrangements for coordination with adjacent nations on enforcement?**
- **Is there an inventory of plant and equipment allocated for implementation of the convention?**
- **Is there a maintenance program which ensures that plant and equipment is operational?**
- **Is there a program of monitoring or performance evaluation to identify whether implementation is discharging the responsibilities achieving the objectives of the convention?**
- **Are there regular meetings of representatives of all Agencies and groups involved in implementation?**
 - *If so, is there a system for feedback and consideration of policy and legislative matters relating to the convention?*
- **Is there an up to date statement of financial resources available for implementation? If so:**
 - *Are resources adequate?*
 - *Is there a strategy to address current resource needs?*
 - *Is there a long-term strategy to achieve sustainable resourcing?*
 - *Are there arrangements with adjacent nations for coordination on requests to international bodies for support in resource and capacity building?*

COOK ISLANDS MULTILATERAL TREATY LIST

ENVIRONMENTAL AGREEMENTS SIGNED BY NEW ZEALAND AND DECLARED APPLICABLE TO THE COOK ISLANDS (2)

1951

6 December, Rome

“International Plant Protection Convention”

- Entered into force 3 April 1952.
- Signed by New Zealand 6 December 1951. Ratified by New Zealand 16 September 1952.
- Entered into force for New Zealand 16 September 1952.
- On ratification, New Zealand declared Convention applicable to the Cook Islands, Niue and the Trust Territory of Western Samoa.
- Depository: FAO
- Spanish text of Convention amended by modifications signed by New Zealand and other Governments, Rome, 6 December 1951.
- Amended by Amendments, Rome, 28 November 1979.
- Supplemented by regional Agreement, Rome, 27 February 1956.

1956

27 February, Rome

“Plant Protection Agreement for the Asia and Pacific Region”

- Entered into force 2 July 1956.
- New Zealand adhered 17 December 1975.
- Entered into force for New Zealand 17 December 1975.
- On adherence New Zealand declared Convention applicable to the Cook Islands, and Niue but not to Tokelau.
- Depository: FAO
- Amended by Amendments, Rome, 3 November 1967, 22 June 1979 and 3 November 1983.
- New Zealand’s adherence to Convention had the effect of including the 1967 Amendment.
- By the amendments adopted at Rome in June 1979 the above title of the Agreement was substituted for the original title which referred to the South East Asia and Pacific Region.

1967

3 November, Rome

“Amendment to the Plant Protection Agreement for the South East Asia and Pacific Region of 27 February 1956”

- Entered into force 16 August 1969.
- New Zealand adherence to the 1956 Agreement had the effect of including the above Amendment which accordingly entered into force for New Zealand 17 December 1975.
- Applied to the Cook Islands and Niue.

1971

2 February, Ramsar (Iran)

“Convention on Wetlands of International Importance especially as Waterfowl Habitat”

- Entered into force 21 December 1975.
- Signed by New Zealand without reservation as to ratification 13 August 1976.
- Entered into force for New Zealand 13 December 1976.
- On signature New Zealand declared Convention applicable to the Cook Islands, Niue and Tokelau.
- Duration; 5 years for each State, thereafter terminable on 4 months’ notice.
- Depository: UNESCO
- Amended by protocol, Paris, 3 December 1982, and Amendments, Regina, 3 June 1987.

COOK ISLANDS MULTILATERAL TREATY LIST

ENVIRONMENTAL AGREEMENTS

1976

12 June, Apia

“Convention on Conservation of Nature in the South Pacific Region”
[Apia Convention]

- Entered into force 26 June 1990.
- Cook Islands acceded 27 March 1987.
- Entered into force for the Cook Islands 25 June 1987.

1982

10 December, Montego Bay

“United Nations Convention on the Law of the Sea”
[UNCLOS]

- Entered into force 16 November 1994.
- Signed by the Cook Islands 10 December 1982.
- Cook Islands ratified 15 February 1995.
- Depository; Secretary General of the United Nations

1985

6 August, Rarotonga

“South Pacific Nuclear Free Zone Treaty, with Annexes (including map), and three Protocols of 8 August 1986”
[Treaty of Rarotonga]

- Entered into force 11 December 1986.
- Signed by the Cook Islands 6 August 1985. Ratified by the Cook Islands 28 October 1985.
- Entered into force for the Cook Islands 11 December 1986.
- Depository: South Pacific Bureau for Economic Cooperation (now Pacific Islands Forum Secretariat).
- Protocol 1 (adopted 8 August 1986) is open for signature and ratification by the French Republic, United Kingdom and United States of America, only.

- Protocols 2 and 3 (similarly adopted 8 August 1986) are open for signature and ratification by the French Republic, the People’s Republic of China, the Union of Soviet Socialist Republics, the United Kingdom and United States of America, only.

1986

24 November, Noumea

“Convention for the Protection of the Natural Resources and Environment of the South Pacific Region and related Protocols”
[SPREP or Noumea Convention]

- Entered into force 22 August 1990.
- Signed by the Cook Islands 25 November 1986. Ratified by the Cook Islands 9 September 1987. Entered into force for the Cook Islands 22 August 1990.
- Depository: South Pacific Bureau for Economic Cooperation (now Pacific Islands Forum Secretariat).
- Article 23 envisages that Protocol to the Convention may be adopted (see below).
- See also Protocols (2), Noumea, 25 November 1986 and Agreement, Apia, 16 June 1993.

1986

25 November, Noumea

“Protocol for the Prevention of Pollution of the South Pacific Region by Dumping”
[Protocol on Dumping]

- Entered into force 22 August 1990.
- Signed by the Cook Islands 25 November 1986. Ratified by the Cook Islands 9 September 1987.
- Entered into force for the Cook Islands 22 August 1990.

1986

25 November, Noumea

“Protocol concerning Co-operation in combating Pollution Emergencies in the South Pacific Region to the Convention for the Protection of the Natural Resources and Environment of the South Pacific Region”
[Protocol on Pollution Emergencies]

- Entered into force 22 August 1990.
- Signed by the Cook Islands 25 November 1986. Ratified by the Cook Islands 9 September 1987.

- Entered into force for the Cook Islands 22 August 1990.

1987

2 April, Port Moresby

“Treaty on Fisheries between the Governments of Certain Pacific Island States and the Government of the United States of America”

- Entered into force 15 June 1988.
- Signed by the Cook Islands 2 April 1987. Ratified by the Cook Islands 17 June 1987.
- Depository: Papua New Guinea
- For amendments to Annexes and Schedules to Treaty, see under Amendments, Port Moresby, 12 October 1992. Various subsequent corrections to the Annexes and Schedules made in 1994 were circulated to parties by depositary Notifications 270 – 24 – 3/6 and 3/7 of 14 January and 15 April 1994 respectively.
- For text of Treaty Annexes and Schedules amended/corrected as above, see “Multilateral Treaty on Fisheries”, revised ed. Publ. By Forum Fisheries Agency, Honiara, 1994.
- On 2 April 1987, Treaty signatories signed an Agreed Statement On Observer programme, relating to Annex I, Part 6 of Treaty. For text see “Multilateral Treaty on Fisheries” (last citation above).
- See also related Agreement, Port Moresby, 2 April 1987.

1987

2 April, Port Moresby

“Agreement among Pacific Island States concerning the Implementation and Administration of the Treaty on Fisheries between the Governments of Certain Pacific Island States and the Government of the United States of America”
[Internal Agreement]

- Entered into force 15 June 1988.
- Signed by the Cook Islands 2 April 1987. Ratified by the Cook Islands 17 June 1987.
- Entered into force for the Cook Islands 17 July 1987.
- Duration: ceases to have effect for a contracting party if the Treaty on Fisheries of same date ceases to have effect, upon the distribution of all accounts held.
- Depository: Papua New Guinea
- Related to Treaty, Port Moresby, 2 April 1987 (above).
- Schedule amended by Amendments, Nadi, 27-28 July 1992. For text as so revised see p.41 “Multilateral Treaty on Fisheries”: publ. By Forum Fisheries Agency, Honiara, 1994.

1989

24 November, Wellington

“Convention for the Prohibition of Fishing with Long Drift Nets in the South Pacific”
[Wellington Convention]

- Entered into force 17 May 1989.
- Signed by the Cook Islands 29 November 1989. Ratified by the Cook Islands 24 January 1990.
- Entered into force for the Cook Islands 17 May 1991.
- Depository: New Zealand
- The Convention is pursuant to Art. 9, supplemented by Protocols I and II, done at Noumea, 20 October 1990, which are open for signature and ratification by states outside the Convention area. The Protocols enter into force for each ratifying state on the date of deposit of the instrument of ratification. Protocol I entered into force for the United States of America 28 February 1992. Protocol II entered into force for Chile 5 October 1993. Canada signed Protocol II 24 September 1991 and ratified 28 August 1998.

1992

9 July, Honiara

“Niue Treaty on Fisheries Surveillance and Law Enforcement in the South Pacific Region”

- Entered into force 20 May 1993.
- Signed by the Cook Islands 9 July 1992. Ratified by the Cook Islands 15 February 1993.
- Entered into force for the Cook Islands 15 February 1993.
- Depository: Niue.

1992

9 May, New York

“United Nations Framework Convention on Climate Change”

Entered into force 21 March 1994.

Signed by the Cook Islands 12 June 1992. Ratified by the Cook Islands 20 April 1993.

Entered into force for the Cook Islands 21 March 1994.

Duration; withdrawal possible on 1 year’s notice after Convention has been in force for 3 years for Party concerned.

Depository: Secretary General of the United Nations.

1992

5 June, Rio de Janeiro

“United Nations Convention on Biological Diversity”

- Entered into force 29 December 1993.
- Signed by the Cook Islands 12 June 1992. Ratified by the Cook Islands 20 April 1993.
- Entered into force for the Cook Islands 20 July 1993.
- Duration; withdrawal possible on 1 year’s notice after Convention has been in force for 2 years for Party concerned.
- Depository: Secretary General of the United Nations.

1993

16 June, Apia

“Agreement establishing the South Pacific Regional Environment Programme (SPREP)”

- Entered into force 30 August 1995.
- Acceded by the Cook Islands 30 August 1995.
- Depository: Western Samoa
- The 1993 Agreement established SPREP as an intergovernmental organisation.

1993

13 January, Paris

“Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, with Annexes”
[Chemical Weapons Convention]

- Entered into force 29 April 1997.
- Signed by the Cook Islands 14 January 1993. Not yet ratified by the Cook Islands.
- Entered into force for the Cook Islands 29 April 1997.
- Depository: Secretary General of the United Nations.

1994

17 June, Paris

“United Nations Convention to Combat Desertification and Drought”

- Acceded by the Cook Islands 21 August 1998.
- Depository; Secretary General of the United Nations.

1995
4 August, New York

“Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks”

- Entered into force 28 July 1996.
- Cook Islands acceded 15 February 1995.
- Entered into force for the Cook Islands 17 March 1995.

1995
16 September, Waigani

“Convention to Ban the Importation into Forum Island Countries of Hazardous and Radioactive Wastes and to Control the Transboundary Movement and Management of Hazardous Wastes within the South Pacific Region”
[Waigani Convention]

- Entered into force 21 October 2001
- Signed by the Cook Islands 17 September 1995. Ratified 30 October 2000.
- Duration: withdrawal possible on 1 year’s notice after Convention has been in force 3 years for Party concerned.
- Depository: Secretary General of the Pacific Islands Forum Secretariat.

1996
24 September, New York

“Comprehensive Nuclear-Test-Ban Treaty”
[CTBT]

- Not yet in force.
- Signed by the Cook Islands December 1 1997. Not yet ratified by the Cook Islands.
- Duration: unlimited; but a review conference to be held ten years after date of entry into force.
- Depository: Secretary General of the United Nations.

1997

11 December, Kyoto

“Kyoto Protocol to the United Nations Framework Convention on Climate Change”
[Kyoto Protocol]

- Signed by the Cook Islands 16 September 1998. Not yet ratified by the Cook Islands.
- On signature, the Cook Islands made the following declaration:
 - “The Government of the Cook Islands declares its understanding that signature and subsequent ratification of the Kyoto Protocol shall in no way constitute a renunciation of any rights under international law concerning State responsibility for the adverse effects of the climate change and that no provision in the Protocol can be interpreted as derogating from principles of general international law.
 - In this regard, the Government of the Cook Islands further declares that, in light of the best available scientific information and assessment on climate change and its impacts, it considers the emissions reduction obligation in Article 3 of the Kyoto Protocol to be inadequate to prevent dangerous anthropogenic interference with the climate system”.
- Depository: Secretary General of the United Nations.

2000

29 January, Montreal

Cartagena Protocol on Biosafety to the Convention on Biological Diversity
[Cartagena/Biosafety Protocol]

- Signed by the Cook Islands 21 November 2000. Not yet ratified.
- Depository: Secretary General of the United Nations.

INTERLINKAGES: SYNERGIES & COORDINATION AMONG MULTILATERAL ENVIRONMENTAL AGREEMENTS

SUMMARY OF MEAs OF RELEVANCE FOR THE SOUTH PACIFIC CASE STUDIES

1. **BASEL CONVENTION ON THE CONTROL OF TRANSBOUNDARY MOVEMENTS OF HAZARDOUS WASTES AND THEIR DISPOSAL**

Adopted: 22.3.1989 *Entered into Force:* 5.5.92

Objectives (Preamble):

To protect, by strict control, human health and the environment against the adverse effects which may result from the generation and management of hazardous wastes and other wastes, by:

- Minimising the generation of hazardous wastes in terms of quantity and hazardousness
- Disposing of them as close as possible to their source of generation
- Reducing the movement of hazardous wastes (Environmentally sound management” (ESM))
- Prohibit shipments of hazardous wastes to countries lacking the capacity to manage and dispose them in an environmental sound manner;
- Provide assistance to developing countries and countries with economies in transition for the management of wastes that themselves generates;
- Ensure strict control over the movements of hazardous wastes across borders as well as the prevention of illegal traffic

National obligations (Art 2-5 and Annex 1 &11)

- Implement and enforce the provisions (Protect human health and the environment) including measures to prevent and punish conduct in contravention of the Convention. (Art. 2);
- Adopt appropriate legislative or administrative measures to harmonise policy control (Art.4).

International Action (Art. 7)

- To co operate by means of systematic observation, research and information exchange to understand the effects of human activities on the ozone layer (Art.3);
- Co operate in the formulation of agreed measures, procedures and standards (Art.4);
- Co operate for purposes of effective implementation of the convention (Art.5);

- Provide training and technical advice in the Management and Minimisation of Hazardous Wastes.

Meetings (Art. 6)

Conference of Parties is to meet for ordinary meetings at times and intervals as shall be determined by the conference (Art. 7) but at least every year.

Reporting of Hazardous Wastes

Each party to the Convention is required to report information on the generation and movement of hazardous wastes.

Every year, a questionnaire is sent out to member countries, requesting information on the generation, export and import of hazardous wastes covered by the Convention. The Secretariat compiles and reviews this information, then prepares an annual report.

2. CONVENTION TO BAN THE IMPORTATION INTO FORUM ISLAND COUNTRIES OF HAZARDOUS AND RADIOACTIVE WASTES AND TO CONTROL THE TRANSBOUNDARY MOVEMENT AND MANAGEMENT OF HAZARDOUS WASTES WITHIN THE SOUTH PACIFIC REGION (WAIGANI CONVENTION)

Adopted: 16 September 1995. *Entered into Force :* 21 October 2001

Objective (Preamble)

- To prohibit the importation of hazardous and radioactive wastes into Pacific Island Developing Parties;
- To reduce the transboundary movement of hazardous wastes to a minimum consistent with their environmentally sound way;
- To treat and dispose hazardous wastes as close as possible to their source of generation in an environmentally sound way;
- To minimise the generation of hazardous waste

Key Obligations

National Definitions of Hazardous Wastes (Article 3)

- Each Party shall, within six months of becoming a Party to this Convention, inform the Secretariat of the wastes, other than those listed in Annex I of this Convention, considered or defined as hazardous under its national legislation and of any requirements concerning transboundary movement procedures applicable to such wastes;

- Each Party shall subsequently inform the Secretariat of any significant changes to the information it has provided pursuant to paragraph 1 of this Article;
- The Secretariat shall forthwith inform all Parties of the information it has received pursuant to paragraphs 1 and 2 of this Article;
- Parties shall be responsible for making the information transmitted to them by the Secretariat of this Article available to their exporters, importers and other appropriate bodies.

General Obligations (Article 4)

Hazardous Wastes and Radioactive Wastes Import and Export Ban

- Each Pacific Island Developing Party shall take appropriate legal, administrative and other measures within the area under its jurisdiction to ban the import of all hazardous wastes and radioactive wastes from outside the Convention Area. Such import shall be deemed an illegal and criminal act; and
- Each Other Party shall take appropriate legal, administrative and other measures within the area under its jurisdiction to ban the export of all hazardous wastes and radioactive wastes to all Forum Island Countries, or to territories located in the Convention Area with the exception of those that have the status of Other Parties in accordance with Annex IV. Such export shall be deemed an illegal and criminal act.

To facilitate compliance with paragraph 1 of this Article, all Parties:

- Shall forward in a timely manner all information relating to illegal hazardous wastes and radioactive wastes import activity within the area under its jurisdiction to the Secretariat who shall distribute the information as soon as possible to all Parties; and
- Shall cooperate to ensure that no illegal import of hazardous wastes and radioactive wastes from a non-Party enters areas under the jurisdiction of a Party to this Convention.

Ban on Dumping of Hazardous Wastes and Radioactive Wastes at Sea

- Each Party which is a Party to the London Convention, the South Pacific Nuclear Free Zone Treaty, 1985, the 1982 United Nations Convention on the Law of the Sea or the Protocol for the Prevention of Pollution of the South Pacific Region by Dumping, 1986, reaffirms the commitments under those instruments which require it to prohibit dumping of hazardous wastes and radioactive wastes at sea; and
- Each Party which is not a Party either to the London Convention or the Protocol for the Prevention of Pollution of the South Pacific Region by Dumping, 1986, should consider becoming a Party to both of those instruments.

4. Wastes Located in the Convention Area

Each Party shall:

- Ensure that within the area under its jurisdiction, the generation of hazardous wastes is reduced at its source to a minimum taking into account social, technological and economic needs;
- Take appropriate legal, administrative and other measures to ensure that within the area under its jurisdiction, all transboundary movements of hazardous wastes generated within the Convention Area are carried out in accordance with the provisions of this Convention;
- Ensure the availability of adequate treatment and disposal facilities for the environmentally sound management of hazardous wastes, which shall be located, to the extent practicable, within areas under its jurisdiction, taking into account social, technological and economic considerations. However, where Parties are for geographic, social or economic reasons unable to dispose safely of hazardous wastes within those areas, cooperation should take place as provided for under Article 10 of this Convention;
- In cooperation with SPREP, participate in the development of programmes to manage and simplify the transboundary movement of hazardous wastes which cannot be disposed of in an environmentally sound manner in the countries in which they are located. Provided that such programmes do not derogate from the environmentally sound management of hazardous wastes as required by this Convention, they may be registered as arrangements;
- Develop a national hazardous wastes management strategy which is compatible with the PREP South Pacific Regional Pollution Prevention, Waste Minimization and Management Programme;
- (f) Submit to the Secretariat such reports as the Conference of the Parties may require regarding the hazardous wastes generated in the area under its jurisdiction in order enable the Secretariat to produce a regular hazardous wastes report;
- Subject to Article 11 of this Convention, prohibit within the area under its jurisdiction hazardous wastes from being exported to or imported from non-Parties within the Convention Area; and
- Take appropriate legal, administrative and other measures to prohibit vessels flying its flag or aircraft registered in its territory from carrying out activities in contravention of this Convention.

5. Radioactive Wastes

- Parties shall give active consideration to the implementation of the IAEA Code of Practice on the International Transboundary Movement of Radioactive Wastes and such other international and national standards which are at least as stringent; and

- Subject to available resources, Parties shall actively participate in the development of the Convention on the Safe Management of Nuclear Waste.

6. Domestically Prohibited Goods:

- Subject to available resources, Parties shall endeavour to participate in relevant international fora to find an appropriate global solution to the problems associated with the international trade of domestically prohibited goods; and
- Nothing in this Convention shall be interpreted as limiting the sovereign right of Parties to act individually or collectively, consistent with their international obligations, to ban the importation of domestically prohibited goods into areas under their jurisdiction.

Competent Authorities and Focal Points (Article 5)

- Each Party shall designate or establish one competent authority and one focal point. A Party need not designate or establish new or separate authorities to perform the functions of the competent authority and the focal point;
- The competent authority shall be responsible for the implementation of notification procedures. The Secretariat shall be informed about such designation within three month of the date of the entry into force of the Convention. it will be responsible for receiving the notification of a transboundary movement of hazardous wastes and any information related to it, and for responding to such a notification;
- **The focal point shall be responsible for transmitting and receiving information in accordance with the provisions of Article 7 of this Convention;**

Illegal Traffic:

Illegal traffic is considered as criminal and the Parties shall adopt national legislation to prevent and punish illegal traffic. The state responsible for the illegality has to ensure the proper disposal of the wastes, if necessary by re-importation into the State of origin. Any transboundary movement of hazardous wastes taking place in contravention of the provisions of the Convention is considered as illegal traffic: movement without notification to all countries concerned; movement without the consent of a country concerned; consent is obtained from country through falsification, misinterpretation, fraud; consent does not conform with the supporting documentation; deliberate disposal of hazardous wastes in contravention with other relevant international instruments and general principles of international law; movement in contravention with the the import-export ban.

Meetings (Article 3)

- The Conference of the Parties be convened not later than one year after the entry into force of this Convention;

- Ordinary meetings of the Conference of the Parties shall be held at regular intervals to be determined by the Conference at its first meeting.

3. SOUTH PACIFIC NUCLEAR FREE ZONE TREATY

Adoption: 6.8.85

Entered into Force: 11.12.86

Objective (Preamble)

Create a nuclear free zone in the South Pacific by prohibiting the testing, manufacture, acquisition and stationing of nuclear explosive devices in the territory of parties to the Treaty and the dumping of radioactive wastes at sea.

National Obligations (Art. 3-7)

- To renounce any nuclear explosive devices;
- Conduct peaceful nuclear activities (the Treaty requires all parties to apply full scope International Atomic Energy Agency safeguards to all their peaceful nuclear activities);
- Prevent the stationing, testing or dumping radioactive waste at sea of nuclear explosive devices in its territory or the South Pacific Nuclear Free Zone;
- Exchange information .

International Action (Art. 8)

Establish a comprehensive control system for purposes of compliance comprising of report system, consultation and complaints procedure.

Meetings (Art.10 & Annex 3)

A consultative committee is established and is to be convened by the Director (Annex 3) In addition to the consultations among Parties, the Director shall at the request of a party convene a meeting of he Consultative Committee.

Reporting (Art. 9)

As soon as practicable each party is to report to the Director and each other party any significant event within its jurisdiction affecting implementation. (Annex 4)

Director has to report annually to the South Pacific Forum on the status of the treaty. (Matters arising, reports and communication)

4. CONVENTION ON CONSERVATION OF NATURE IN THE SOUTH PACIFIC (APIA CONVENTION)

Adoption: 12.6.72

Entered into Force: 28.6.90

Objective (Preamble & Art 1)

To take action for the conservation, utilization and development of the natural resources of the South Pacific region through careful planning and management for the benefit of present and future generations.

National Obligations (Art. 2-6)

Parties shall:

- Create protected areas to safeguard representative samples of natural ecosystems, superlative scenery, striking geological formations, regions and objects of aesthetic, historic, cultural or scientific value (art.2);
- Preserve National Parks and prohibit commercial exploitation, hunting and collection of species of the National Parks (art.3);
- Create and maintain lists of indigenous fauna and flora in danger of extinction and to give such species as complete protection as possible (art. 5);
- Make provision as appropriate for customary use of areas and species in accordance with traditional cultural practices (art.6);
- Co-operate in promoting interchange and developing programmes of education and public awareness conducting research of personnel in accordance with the objectives of this Convention.

International Action (Art 8-9)

Parties are to work in consultations with one another with the object of giving effect to the provisions of this Convention.

The South Pacific Commission is to be established to provide continuing bureau duties including the circulation to the Contracting Parties of information and documents to be provided by the Parties

Meetings and Reporting

- Parties are to maintain consultations to give effect to the convention.

5. CONVENTION FOR THE PROTECTION OF THE NATURAL RESOURCES AND ENVIRONMENT OF THE SOUTH PACIFIC REGION (SPREP CONVENTION)

Adopted: 24.11.86

Entered into Force: 22.8.90

Objectives (Preamble)

Strengthen the implementation of the general objective of the Action Plan for the management of the natural resources and the environment of the south pacific region. It provides for cooperation in preventing pollution of the coastal and marine environment

National Obligation (Art.2-21)

Each Party shall endeavour to

- Exploit, develop and manage their own natural resources pursuant to their own policies, taking into account their duty to protect and preserve the environment;
- Prevent, reduce and control pollution of the Convention Area, from any source, and to ensure sound environmental management and development of natural resources;
- Co-operate in the formulation and adoption of other Protocols prescribing agreed measures, procedures and standards to prevent, reduce and control pollution from all sources or in promoting environmental management;
- Establish laws and regulations for the effective discharge of the obligations prescribed in this Convention;
- Individually or jointly, take all appropriate measures to protect and preserve rare or fragile ecosystems and depleted, threatened or endangered flora and fauna as well as their habitat in the Convention Area designate an appropriate national authority to serve as the channel of communication.

International action

All parties shall Co-operate:

- With global, regional and sub-regional organisations to establish and adopt recommended practices, procedures and measures to prevent, reduce and control pollution from all sources and to promote sustained resource management and to ensure the sound development of natural resources;
- Conclude bilateral or multilateral agreements, including regional or sub-regional agreements, for the protection, development and management of the marine and coastal environment of the Convention Area;
- Co-operate, in scientific research environmental monitoring and provision to other Parties of technical and other assistance in fields relating to pollution and sound environmental management, in the Convention Area;
- The Parties shall transmit to the Organisation information on the measures adopted.

Institutional Arrangements

SPREP is the Secretariat for this Convention. It carries out institutional arrangements, calls meetings of Parties and act as an information clearing- house.

MEETINGS (Art 22)

Ordinary

The Parties shall hold ordinary meetings once every two years.

Extraordinary

Upon request of any Party or upon the request of the Organisation convene an extraordinary meeting, provided that such requests are supported by at least two-thirds of the Parties.

Reports

To be made and considered by the South Pacific Conference and South Pacific Forum as required

6. CONVENTION ON THE INTERNATIONAL TRADE IN ENDANGERED SPECIES-CITES

Adoption: 3.3.73

Entered into Force: 1.7.75

Objective (Preamble)

To protect certain endangered species from over-exploitation by means of a system of import/export permits.

Domestic Obligations

- CITES operates on a permit system corresponding to species listed on three Appendices;
- Both an import and an export permit (or re-export certificate) are required for the extremely limited trade allowed in Appendix I species;
- Parties are to specify special ports of exit and entry for all animal and plant specimens that pass through the nation.

Enforcement (Article VIII)

Each Party is to establish legislation implementing CITES, including penalising trade activities that violate the provisions of the treaty.

Parties are also required to confiscate specimens (living or dead) that are being illegally traded. If the specimens are living, Management Authorities are responsible for their care, by

sending them either to the State of origin or to some other suitable site for their care. Dead specimens may be sent to museums or to facilities that train enforcement officers in identification. Seized Appendix I specimens may not be put into commercial trade

International Action

Any international trade of species on the Appendices requires proper permits or certificates of exemption

- International trade in Appendix III species may require one of three documents:
 - **Export Permit:** granted for species coming from the country that listed it on Appendix III;
 - **Re-export Certificate:** granted for Appendix III species being exported from a country that previously imported it;
 - **Certificate of Origin:** issued by a country that did not list the species, but the specimen originated in that country. In this case, there is no requirement to show that trade in the specimen would not be detrimental to the species' survival since it is not part of the original population that was listed.

The Secretariat

It organizes meetings of the Parties, prepares reports for those meetings, publishes annual reports on the work and accomplishments of the Convention, and contracts for scientific and technical studies to aid CITES' implementation.

The Secretariat is also responsible for directing the attention of the Parties to issues that may affect implementation, printing up-to-date editions of the Appendices, studying Party reports, making recommendations to members, and performing other duties that may be assigned to it by the Parties.

The Management and Scientific Authorities

Response for granting or denying CITES permits.

Parties have developed their Management Authorities along different lines.

The Scientific Authorities advise the Management Authorities about whether trade will endanger a species' survival.

Meetings

The Parties meet roughly every two years at a COP to evaluate implementation of the treaty and consider efforts which would improve CITES' success

Conferences of the Parties

CITES requires that a COP convene once every two years, unless more or less frequent Conferences are agreed upon by the Parties, to evaluate the implementation of CITES and make necessary financial provisions to enable the Secretariat to perform its duties.

The Parties also deliberate and adopt amendments to the Appendices, review the recovery and conservation of listed species, review and consider reports presented by the Secretariat or any Party, and make recommendations for improving CITES implementation.

There is an open invitation for the United Nations, its specialised Agencies, the International Atomic Energy Agency, and non-member States to attend. Also, any international or national body (governmental or not) that is "technically qualified in protection, conservation or management of wild fauna and flora" may send observers. The latter must obtain approval from their Management Authority and notify the Secretariat of intent to attend a Conference and may be excluded from attendance if one-third of the Parties protest a certain organization's presence.

Committees

Several Committees were created that meet more frequently. Five permanent committees exist: the Standing Committee, the Plant Committee, the Animal Committee, the Nomenclature Committee, and the Identification Committee.

The Standing Committee focuses on budget, administrative, and internal affairs, and is composed of six representatives (as elected by their respective regions), a representative from the depository government (Switzerland), and delegates from the host countries of the previous and upcoming COPs.

The Plant and Animal Committees, each having six regional representatives, advise the COPs on plant and animal issues respectively, review Appendix II species trade data, and reassess the condition of listed species to determine if continued protection is warranted.

The Nomenclature and Identification Committees Membership is voluntary, and for each, a Chairperson and Vice-Chairperson are elected.

The Nomenclature Committee concentrates on developing and maintaining standardised nomenclature for all listed species.

The Identification Committee gathers information to assist in identification of specimens and parts for customs officials.

Reporting

Under CITES each Party is to compile and submit a detailed annual record of exports and imports of listed species.

Parties are further required to produce biennial reports on the regulatory, administrative, and legislative actions they have taken to enforce CITES.

7. CONVENTION ON WETLANDS OF INTERNATIONAL IMPORTANCE ESPECIALLY AS WATERFOWL HABITAT

Adoption: 2.2.71

Entered into Force: 21.12.75

Objective

To stem the progressive encroachment on and loss of wetlands now and in the future, recognizing the fundamental ecological functions of wetlands and their economic, cultural, scientific and recreational value.

Domestic Obligation

Each Party is to:

- Designate at least one national wetland for inclusion in a List of Wetlands of International Importance (art.2);
- Consider their international responsibilities for conservation, management and wise use of migratory stocks of wildfowl (art.2);
- Establish wetland nature reserves;
- Cooperate in the exchange of information and train personnel for wetland management (art. 4).

International Action

The Contracting Parties shall:

- Form International Union for the Conservation of Nature and Natural Resources to perform the continuing bureau duties under this Convention (Art 8);
- Consult with each other about implementing obligations arising from the Convention (Art 7);
- Coordinate and support present and future policies and regulations concerning the conservation of wetlands and their flora and fauna. (Art 5).

Meetings

Conferences on the conservation of wetlands and waterfowl are to be convened as the need arises. Art 6.

Reporting

No specific requirements.

8. CONVENTION ON BIOLOGICAL DIVERSITY (CBD)

Adoption 22.5.92

Entry into Force:

29.12.93

Objectives (Art.1)

- Conservation of biological diversity;
- Promote sustainable use of its components;
- Fair and equitable sharing arising from the utilization of genetic resources.

Domestic Obligations

Conserve biological diversity within their jurisdiction, (Art. 4):

- Develop and integrate national strategies, plans adopt incentives, identify and monitor the components for conservation and sustainable use of biodiversity Art. 6;
- Establish protected areas or areas where special measures are needed, promote environmentally sound and sustainable development that protect the ecosystems and natural habitats and to regulate or manage biological resources important to biodiversity Art 8;
- Preserve and maintain knowledge and practices of indigenous and local communities embodying traditional lifestyles by preventing introduction of species from outside a country which could threaten native ecosystems or species;
- Establish, develop or maintain means to regulate, manage and control risks for the protection of threatened species and populations;
- Cooperate in providing financial and other support, maintain facilities, adopt measures for recovery for conservation, particularly to developing countries Art. 5;
- Establish programs for scientific and technical education and training in identification, conservation, sustainable use of biodiversity and promote research that contributes to biodiversity;
- Have programs for public education and awareness Art 13 Other provisions deal with exchange of information, technical and scientific cooperation, and handling of biotechnology and distribution of its benefits;
- The create, authorise, and facilitate genetic access subject to prior informed consent Art 15;
- Take legislative or policy measures, give financial incentives, with the aim of sharing in a fair and equitable way the results of research and development and benefits from commercial utilization, on mutually agreed terms.

International Action, Meetings and Reports

Establishment of a Conference of Parties, with a Secretariat, to keep under review the implementation of the Convention (arts. 23, 24 and 25).

9. CONVENTION ON CLIMATE CHANGE

Adoption: 6.8.85

Entered into Force:

Objectives (Art.2)

To protect the global climate for present and future generations. The ‘ultimate objective’ is to stabilise greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic (human-induced) interference with the climate system

National Obligation

In all their activities states are to protect the climate system for present and future generations by limiting greenhouse gas emissions (Art 3)

Commitments

- Develop, periodically update, publish and make available to the Conference of the Parties, in accordance with Article 12, national inventories of anthropogenic emissions by sources and removals by sinks of all greenhouse;
- Formulate, implement, publish and regularly update national and, where appropriate, regional programmes containing measures to mitigate climate change;
- Promote sustainable management, and promote and cooperate in the conservation and enhancement;
- Develop and elaborate appropriate and integrated plans for coastal zone management, water resources and agriculture, and for the protection and rehabilitation of areas, particularly in Africa, affected by drought and desertification, as well as floods;
- Promote and cooperate in the full, open and prompt exchange of relevant scientific, technological, technical, socio-economic and legal information related to the climate system and climate change, and to the economic and social consequences of various response strategies;
- Promote and cooperate in education, training and public awareness related to climate change;
- Enact effective environmental legislation with environmental standards, management objectives and priorities reflecting the environmental and developmental context to which they apply (protection of the climate system) States are to ensure that activities within

their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction;

- Promote, cooperate and participate in an effective and appropriate international response, in accordance with their common but differentiated responsibilities and respective capabilities and their social and economic conditions.

Developed countries (Parties included in Annex I)

Parties are to adopt national policies and take corresponding measures on the mitigation of climate change by:

- Providing new and additional financial resources to meet the agreed full costs incurred by developing country Parties in complying with their obligations under Article 12, paragraph 1;
- Promoting, facilitating and financing, as appropriate, the transfer of, or access to, environmentally sound technologies and know-how to other Parties, particularly developing country Parties, to enable them to implement the provisions of the Convention;
- Communicating, detailed information on its policies and measures;
- Coordinating with other such Parties, relevant economic and administrative instruments developed to achieve the objective of the Convention; and
- Identifying and periodically reviewing their own policies and practices which encourage activities that lead to greater levels of anthropogenic emissions of greenhouse gases.

International Action

A Conference of the Parties and a secretariat are established (Art. 7 & 8) to:

- Periodically examine the obligations of the Parties;
- Promote and facilitate the exchange of information;
- Promote and guide, the development and periodic refinement of comparable methodologies;
- Assess the implementation of the Convention by the Parties, the overall effects of the measures taken pursuant to the Convention, in particular environmental, economic and social effects as well as their cumulative impacts
- Consider and adopt regular reports;
- Make recommendations;
- Mobilize financial resources;
- Consider the establishment of a multilateral consultative process, available to Parties on their request, for the resolution of questions;
- Establish such subsidiary bodies such as (subsidiary body for scientific and technological advice (Art.10) and the subsidiary body for implementation, financial mechanism (Art.11);
- Review reports submitted by its subsidiary bodies;
- Coordinate research and exchange results of scientific research;
- Agree upon and adopt, by consensus, rules of procedure and financial.

Meetings

First session of the Conference of the Parties shall be convened by the interim secretariat, thereafter as and when necessary. Extraordinary sessions of the Conference of the Parties shall be held at such other times as may be deemed necessary

10. KYOTO PROTOCOL

Adoption: 6.8.85

Entered into Force

Objectives:

Reduce net emissions of certain greenhouses (primarily carbon dioxide)

National/Annex 1 Parties Obligations

- Limit and reduce emission to promote sustainable development (Art 3);
- Enhance energy efficiency;
- Elaborate policies and measures in accordance with its national circumstances for the protection and enhancement of sinks and reservoirs of greenhouse gases not controlled by the Montreal Protocol;
- Promote sustainable forms of agriculture in light of climate change;
- Research on, and promotion, development and increased use of, new and renewable forms of energy, of carbon dioxide sequestration technologies and of advanced and innovative environmentally sound technologies;
- Undertake reforms in relevant sectors aimed at promoting policies and measures which limit or reduce emissions of greenhouse gases;
- Limit and/or reduce emissions of greenhouse gases not controlled by the Montreal Protocol in the transport sector; aviation and marine;
- Limit and/or reduce methane emissions through recovery and use in waste management, as well as in the production, transport and distribution of energy;
- Cooperate with other such Parties to enhance the individual and combined effectiveness of their policies and measures adopted under this Art 4);
- Incorporate in their annual inventory of anthropogenic emissions by sources and removals by sinks of greenhouse gases not controlled by the Montreal Protocol, submitted in accordance with the relevant decisions of the Conference of the Parties;
- Include in their national communications information on programmes and activities undertaken;
- Provide new and additional financial resources to meet the agreed full costs incurred by developing country Parties in advancing the implementation of existing commitments under transfer of technology;
- Submit information on programmes which contain measures that the Party believes contribute to addressing climate change and its adverse impacts, including the abatement of increases in greenhouse gas emissions, and enhancement of and removals by sinks, capacity building and adaptation measures.

International Action

- Inter-governmental Panel on Climate Change to agree on Methodologies for estimating anthropogenic emissions or submit supplementary information necessary to demonstrate compliance;
- Formulate, coordinate and cooperate in the promotion, implement, publication of effective modalities for the development, application and diffusion of; and take all practicable steps to promote, facilitate and finance, as appropriate, the transfer of, or access to, environmentally sound technologies, know-how, practices and processes pertinent to climate change, in particular to developing countries, including the formulation of policies and programmes for the effective transfer of principles, modalities, rules and guidelines, in particular for verification, reporting and accountability for emissions trading.

Meetings (Art.13)

- The Conference of the Parties is to serve as the meeting of the Parties;
- The COP shall at its first session, periodically thereafter and review, guidelines for the preparation of the information required under this Article, taking into account guidelines for the preparation of national communications by Parties included in Annex I adopted by the Conference of the Parties;
- Periodically review this Protocol in the light of the best available scientific information and assessments on climate change and its impacts, as well as relevant technical, social and economic information;
- Meetings are to be convened by the secretariat in conjunction with the first session of the Conference of the Parties at such other times as may be deemed necessary (Art 14);
- Extraordinary sessions of the Conference of the Parties shall be held as and when the parties request;
- The United Nations, its specialized Agencies and the International Atomic Energy Agency, as well as any State member thereof or observers thereto not party to the Convention, may be represented at sessions of the Conference of the Parties serving as the meeting of the Parties to this Protocol as observers.

Reports

- States are to submit the inventory due under the Convention for the first year of the commitment period after this Protocol has entered into force for that Party. Each such Party shall submit the information required under paragraph 2 above as part of the first national communication due under the Convention;
- Thereafter the inventory is to be submitted annually;
- Regularly review the implementation of this Protocol and shall make, within its mandate;

11. VIENNA CONVENTION FOR THE PROTECTION OF THE OZONE LAYER

Adopted: 22.3.85

Entered into Force: 22.9.88

Objective:

- To take "appropriate measures...to protect human health and the environment against adverse effects resulting or likely to result from human activities which modify or are likely to modify the Ozone Layer;
- Encourage research, cooperation among countries and exchange of information to improve understanding of the atmospheric processes.

Obligations

Co-operate by means of

- Systematic observations, research and information exchange;
- Formulation of agreed measures, procedures and standards for the implementation Art 2;
- Adoption of appropriate legislative or administrative measures;
- Harmonising appropriate policies to control, limit, reduce or prevent human activities under their jurisdiction or control should it be found that these activities have or are likely to have adverse effects resulting from modification or likely modification of the ozone layer;
- Undertake and conduct research and scientific assessments Art 3;
- Collection, validation and transmission of research and observational data through appropriate world data centres;
- Systematic observation of the state of the ozone layer and other relevant parameters, as elaborated in annex I;
- Transmission of information in the legal, scientific and technical field Art 5.

Meetings (Art 7)

Conference of the Parties shall be the meeting of the Parties

The first interim meeting is to be held not later than one year after entry into force of this Convention. Thereafter, ordinary meetings of the Conference of the Parties shall be held at regular intervals to be determined by the Conference at its first meeting;

- Extraordinary meetings of the COP shall be held at such other times as may be deemed necessary by the Conference, request of any Party. Parties are to agree on rules of procedure.

Reporting

The Conference of the Parties shall keep under continuous review the implementation of this Convention.

12. MONTREAL PROTOCOL ON SUBSTANCE THAT DEplete THE OZONE LAYER

Adoption: 6.8.85

Entered into Force

Objective

- Protect the stratospheric ozone layer;
- To phase out the production and consumption of compounds, which deplete ozone in the stratosphere-chlorofluorocarbons (CFCs), halons, carbon tetrachloride, and methyl chloroform by 2000 (2005 for methyl chloroform).

Obligations

National Obligations

Each State is to

- Ensure its level of consumption of the controlled substances does not exceed its calculated level;
- Party is to ban the import of the controlled substances from any State not party to this Protocol;
- Make contributions to the Multilateral Fund.

International action

Each Party is to:

- Co-operate for Research, Development, Public Awareness and Exchange of Information;
- Establish a mechanism for the purposes of providing financial and technical cooperation, including the transfer of technologies;
- Contribute to the Multilateral Fund.

Meetings

- The Parties shall hold meetings at regular intervals;
- The first meeting of the Parties is to be held within one year after the date of the entry into force of this Protocol and in conjunction with a meeting of the Conference of the Parties to convention;
- Subsequent ordinary meetings of the parties shall be held, unless the Parties otherwise decide, in conjunction with meetings of the Conference of the Parties to the convention;
- Extraordinary meetings of the Parties shall be held at such other times as may be deemed necessary by a meeting of the Parties, or at the written request of any Party, provided that, within six months of such a request being communicated to them by the secretariat, it is supported by at least one third of the Parties.

Reporting

Assessment and Review of Control measures

- Beginning in 1990, and at least every four years thereafter, the Parties are to assess the control measures provided for in the convention, on the basis of available scientific, environmental, technical and economic information;
- At least one year before each assessment, the Parties shall convene appropriate panels of experts qualified in the fields mentioned and determine the composition and terms of reference of any such panels;
- Within one year of being convened, the panels will report their conclusions, through the secretariat, to the Parties.
- Each party is to provide to the Secretariat, within three months of becoming a Party, statistical data on its production, imports and exports of each of the controlled substances and Statistical data on its annual production of controlled substances.

13. ROTTERDAM CONVENTION ON PRIOR INFORMED CONSENT FOR CERTAIN HAZARDOUS CHEMICALS AND PESTICIDES IN INTERNATIONAL TRADE (PIC)

Adopted: 10 September 1998

Entered into Force:

Objective (Art 1)

To promote shared responsibility and cooperative efforts among Parties in the international trade of certain hazardous chemicals in order to protect human health and the environment from potential harm and to contribute to their environmentally sound use, by facilitating information exchange about their characteristics, by providing for a national decision-making process on their import and export and by disseminating these decisions to Parties.

National Obligations

- Designate authorities to act and provide sufficient resources to perform on its behalf in the performance of the administrative functions required by this Convention. Party must designate one or more national authorities authorised to act on its behalf in the performance of the administrative functions required by the Convention;
- Promote a shared responsibility between exporting and importing countries in protecting human health and the environment from the harmful effects of chemicals by applying the *Prior Informed Consent (PIC) procedure* (obtaining and disseminating the decisions of importing countries as to whether they wish to receive future shipments of a certain chemical and for ensuring compliance to these decisions by exporting countries);
- Participate in *exchange of information* among Parties about potentially hazardous chemicals that may be exported and imported and provides for a *national decision-making process* regarding import and compliance by exporters with these decisions.

In this regarding information exchange include:

- Inform other Parties of each ban or severe restriction on a chemical it implements nationally;
- Developing country Party or a Party with an economy in transition to inform other Parties that it is experiencing problems caused by a severely hazardous pesticide formulation under conditions of use in its territory;
- The requirement for a Party that plans to export a chemical that is banned or severely restricted for use within its territory, to inform the importing Party that such export will take place, before the first shipment and annually thereafter;
- The requirement that an exporting Party, when exporting chemicals that are to be used for occupational purposes, shall ensure that a safety data sheet that follows an internationally recognized format, setting out the most up-to-date information available, is sent to the importer;
- The requirement that exports of chemicals included in the PIC procedure and other chemicals that are banned or severely restricted domestically, when exported, are subject to labeling requirements that ensure adequate availability of information with regard to risks and/or hazards to human health or the environment.

International Action

The implementation of the Convention will be overseen by a Conference of the Parties.

A Chemicals Review Committee will be established to review notifications and nominations from Parties, and make recommendations to the Conference of the Parties on which chemicals should be included in PIC procedure. The Convention requires that the entire process be conducted in an open and transparent manner.

Meetings/Reports

PIC procedure previously operated by UNEP and FAO that are based on the amended London Guidelines for the Exchange of Information on Chemicals in International Trade and the International Code of Conduct on the Distribution and Use of Pesticides will continue on an interim basis until ratification.

UNEP and FAO have also been assigned the responsibility for the Secretariat of the Convention.

14. STOCKHOLM CONVENTION ON THE POPS

Adoption:

Entered into Force:

Objective (Art 1)

Protect human health and the environment from persistent organic pollutants by reducing and eliminating 12 POPs

National Obligations

- Takes measures to reduce or eliminate releases from intentional production and use, import and export chemicals listed in the annexes and prohibit and/or take the legal and administrative measures necessary to this end;
- Identify and register specific exemptions and submit a verified listing of all chemicals under the annexes;
- Take measures to reduce the total releases derived from anthropogenic sources of each of the chemicals listed in Annexes;
- Develop an action plan, on a regional or subregional level within two years of the date of entry into force of this Convention, evaluate current and projected releases, the efficacy of the laws and policies Strategies to meet the obligations, take steps to promote, any schedule for implementation of the action plan, including for the strategies and measures identified therein and review these strategies every five years;
- Implement, transmit, review and update, consult their national stakeholders, utilise a plan to implement the convention;
- Facilitate or undertake the exchange of information on reduction or elimination of the production harmful substances;
- Develop and implement, promote and facilitate education awareness and training programmes, public information on persistent organic pollutants;
- Undertake appropriate research, development, monitoring and cooperation pertaining to persistent organic pollutants and, where relevant, to their alternatives and to candidate persistent organic pollutants. Harmonise methodologies;
- Provide technical assistance and financial resources and mechanisms.

International Action

There is to be established a COP, Secretariat, and a subsidiary body Persistent Organic Pollutants Review Committee.

Meetings

- The first meeting of the Conference of the Parties is to be convened by the Executive Director of the United Nations Environment Programme within 1 year of ratification. COP is to continuously review and evaluate implementation of the convention;
- Extraordinary meetings of the Conference of the Parties shall be held at such other times as may be deemed necessary by the Conference.

Reporting

- To the Conference of the Parties on the measures, Statistical data on its total quantities of production, import and export of each of the chemicals listed in Annex A and Annex B or a reasonable estimate of such data; a list of the States from which it has imported each such substance and the States to which it has exported each such substance and measures it has taken to implement the provisions of this Convention and on the effectiveness of such measures in meeting its objectives;
- Commencing four years after the date of entry into force of this Convention, and periodically thereafter at intervals to be decided the Conference shall evaluate the effectiveness of this Convention available scientific, environmental, technical and economic information, including:

Reports and other monitoring information provided, national reports on non-compliance information provided pursuant to the procedures established.

15. PROTOCOL TO THE CONVENTION ON DUMPING OF WASTE AND OTHER MATTER

Adoption: 7 November 1996

Entered into Force:

Objectives:

Protect and preserve the marine environment from all sources of pollution and take effective measures, according to their scientific, technical and economic capabilities, to prevent, reduce and where practicable eliminate pollution caused by dumping or incineration at sea of wastes or other matter.

National Obligations

- Apply a precautionary approach to environmental protection from dumping of wastes or other matter;
- Promote practices whereby those it has authorised to engage in dumping or incineration at sea bear the cost of meeting the pollution prevention and control requirements for the authorised activities;
- Limit damage or likelihood of damage from one part of the environment to another or transform one type of pollution into another;
- Prohibit the dumping of any wastes or other matter without a permit, incineration at sea or export of such wastes or other matter to other countries for dumping or incineration at sea;
- Designate an appropriate authority or authorities to issue permits, keep records of the nature and quantities of all wastes, monitor condition of the sea;
- Report to the Organization information specified, administrative and legislative measures taken to implement the convention;

Apply the measures required to implement vessels and aircraft registered, loading believed to be engaged in dumping or incineration at sea in areas, punish acts contrary to the Protocol and co-operate in the development of procedures.

International Action (Art. 17)

- There is to be established an Organization responsible for Secretariat duties in relation to this Protocol;
- Parties are to enhance regional co-operation including the conclusion of regional agreements consistent with this Protocol for the prevention, reduction and where practicable elimination of pollution caused by dumping or incineration at sea of wastes or other matter;
- Collaborate and co-ordinate with other competent international organizations, promote bilateral and multilateral support for the prevention, reduction and where practicable elimination of pollution, training of scientific and technical personnel for research, monitoring and enforcement, information and technical co-operation access to and transfer of environmentally sound technologies and corresponding know-how;
- Establish subsidiary bodies.

Meetings/Reports

- Meeting of Contracting Parties is to be held within 2 years of entry into force to shall keep under continuing review the implementation of this Protocol;
- Special Meetings of Contracting Parties are to be held on notice.

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

Adoption: 29.12.1972

Entered into Force:

Objectives (Art.1)

To control pollution of the sea by dumping, and to encourage regional agreements supplementary to the Convention.

National Obligations

- Avoid all deliberate disposals of wastes other than that incidental to the normal operation of ships, aircraft in all seas;
- Prohibit dumping of matter listed in annex I, II and III except by a special/general permit. (art. 4);

- Establish authorities to issue permits, keep records and monitor the condition of the seas (art. 6);
- Enforce measures on all flag aircraft and ships, as well as ships and aircraft loading within their territories/territorial seas (art. 7);
- Enter into regional agreements to prevent marine pollution (art. 8);
- Collaborate in training personnel, supplying equipment for research and monitoring, and disposing of and treating wastes (art. 9);
- Developed procedures for assessment of liability and settlement of disputes (art. 10);
- Parties to promote measures to prevent pollution by hydrocarbons, other matter transported other than for dumping, wastes generated during operation of ships etc., radioactive pollutants and matter originating from exploration of the sea bed;
- (Art. 12).

Meetings/Reports:

- There is to be established a Secretariat and parties are to designate a competent Organisation existing at the time of that meeting to be responsible for Secretariat duties in relation to this Convention;
- Secretariat is to convene consultative meetings of the Contracting Parties not less frequently than once every two years;
- A special meeting of the Parties can be held at any time on the request of two-thirds of the Parties;
- Consultative or special meetings of the Contracting Parties shall keep under continuing review the implementation of this Convention.