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IMPLEMENTATION OF THE GLOBAL PROGRAMME OF ACTION  
FOR THE PROTECTION OF THE MARINE ENVIRONMENT  
FROM LAND-BASED ACTIVITIES  
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**A REVIEW OF BINDING AND NON-BINDING REGIONAL AGREEMENTS RELATING  
TO THE IMPLEMENTATION OF THE GLOBAL PROGRAMME OF ACTION FOR THE  
PROTECTION OF THE MARINE ENVIRONMENT FROM LAND-BASED ACTIVITIES**

**NORMATIVE AND INSTITUTIONAL FRAMEWORKS AT THE  
REGIONAL LEVEL TO SUPPORT THE IMPLEMENTATION OF  
THE GLOBAL PROGRAMME OF ACTION**

Executive Summary

Action at the regional level is necessary to implement the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities. This document gives an overview of binding and non-binding agreements to support the implementation of the GPA in 17 regional seas. For this purpose, the normative and institutional frameworks that define GPA-relevant action in each of these 17 regions are examined. The status of each region's Regional Programme of Action or Strategic Action Plan to deal with land-based activities is also presented. The document concludes with lessons learned on the enhancement of regional cooperation to achieve GPA goals.

I. Introduction

1. The 1995 Global Programme of Action for the Protection of the Marine Environment from Land-Based Activities (hereafter, GPA) recognizes the crucial importance of regional cooperation in realizing its aims. The GPA, therefore, puts special emphasis on regional and subregional arrangements and actions to support the primary role of States in the implementation of the GPA.
2. As a source of conceptual and practical guidance to be drawn upon by regional authorities in devising and implementing sustained action to prevent, reduce, control and/or eliminate marine degradation from land-based activities, the GPA in its paragraph 30 identifies the major objectives of

regional cooperation and outlines the activities that should be undertaken at the regional and subregional level to achieve these objectives:

To strengthen and, where necessary, create new regional cooperative arrangements and joint actions to support effective action, strategies and programmes for:

- a) Identification and assessment of problems;
- b) Establishment of targets and priorities for action;
- c) Development and implementation of pragmatic and comprehensive management approaches and processes;
- d) Development and implementation of strategies to mitigate and remediate land-based sources of harm to the coastal and marine environment.

3. The activities that are envisaged at the regional level to attain these objectives consist of actions undertaken by States (a) to intensify and expand their participation in regional and sub-regional arrangements and (b) to promote the effective functioning of regional and subregional arrangements. The GPA also specifies particular lines of concerted regional action to deal with each of the following land-based source categories of marine environmental degradation: sewage, persistent organic pollutants, radioactive substances, heavy metals, oils (hydrocarbons), nutrients, sediment mobilization, litter, and physical alteration and destruction of habitats.

4. Under the GPA, UNEP was tasked to promote and facilitate the implementation of the GPA through, *inter alia*, the revitalization of the Regional Seas Programme. It is in this context that the UNEP/GPA Coordination Office, in the framework of UNEP's Regional Seas Programme, has assisted regions in developing and implementing their respective Regional Programmes of Action on Land-based Activities. A Regional Programme of Action on Land-based Activities, also known in some regions as a "Strategic Action Plan on Land-based Activities", is the primary instrument to deliver the GPA at the regional level. A Regional Programme of Action on Land-based Activities (hereafter, RPA) sets priorities and management objectives, lays down strategies and supportive actions, draws a time-table, and defines programme support elements with respect to land-based activities. In a few regions, the implementation of operational projects identified under their respective RPAs is underway.

5. The efficient and cost-effective implementation of a regional programme of action on land-based activities, or any regional strategy on land-based activities for that matter, requires a strong and stable normative and institutional framework for international cooperation at the regional level. Paragraph 31 of the GPA thus urges States to secure their participation in regional arrangements by way of the following activities:

- a) Pursue more active participation, including accession or ratification, as appropriate, in regional seas and other international marine and freshwater agreements, conventions and related arrangements;
- b) Strengthen existing regional conventions and programmes, and their institutional arrangements;
- c) Negotiate, as appropriate, new regional conventions and programmes.

6. The centrality of regional cooperation in the overall global strategy to address the problem of land-based activities (hereafter, LBA) as well as the critical role of regional cooperation in promoting and harmonizing actions at the national level, cannot be over-emphasized. For this reason, the UNEP GPA Coordination Office commissioned a study to analyze and compare GPA-relevant binding and non-binding agreements in the various regional seas settings. These binding and non-binding agreements establish the basis for regional cooperation on LBA. Dr. Peter B. Payoyo carried out this study, whose partial findings are reported in this document. For the purposes of this document, the findings reported do not address the actual implementation of regional LBA agreements, nor assess their effectiveness.

7. The aim of this document is to give an overview of the existing binding and non-binding agreements at the regional level to support the implementation of the GPA. Thus far, there are 17 Regional Seas where regional programmes on LBA have been developed, or are being developed, or will soon be developed. In each of these Regional Seas, the question may be asked: What normative and institutional mechanisms are in place to support the implementation of a Regional Programme of Action on Land-based Activities?

8. Section II of this Note will give a summary of the mechanisms of regional cooperation in each of the 17 Regional Seas, on the basis of LBA instruments or LBA-related instruments adopted by States in each region. These instruments are in the form of legally binding Conventions or Protocols (“hard-law” instruments) and/or non-binding agreements (“soft-law” instruments) such as RPAs, regional guidelines, and regional “strategic action plans”. The LBA agreement/s governing any one Regional Sea had been concluded either before or after the adoption of the 1995 GPA. Section III will describe how States in several regional seas, through the adoption of regional LBA instruments, are adjusting regional norms and re-orienting their regional institutions in response to the requirements of the GPA. Finally, Section IV provides some conclusions by way of lessons learned.

## II. Regional Norms and Institutional Arrangements on LBA

9. There are 17 Regional Seas that have been identified by the UNEP GPA Coordination Office as having relevant RPA projects. Of the 17 regions, 14 fall within the framework of UNEP's Regional Seas Programme: the Black Sea, the Caribbean, East Asian Seas, Eastern Africa, the Mediterranean, Northeast Pacific, North-West Pacific, the Red Sea and Gulf of Aden, the ROPME Sea Area, South Asian Seas, South-East Pacific, South Pacific, Upper South-West Atlantic, and West and Central Africa. The three regions not associated with the UNEP's Regional Seas Programme, but which are considered UNEP partner regions, are the Arctic, the Baltic, and North East Atlantic. The Antarctic, the fourth UNEP partner regional sea, does not have a region-wide project especially focussed on LBA as such.

10. From the standpoint of normative and institutional development, the RPA of a particular region associated with UNEP's Regional Seas Programme may be regarded as that region's follow-up action to the general LBA-related mandate or mandates in its regional sea legislative programme. Historically, the development of UNEP's Regional Seas Programme in any particular region has followed a process involving the initial adoption of a non-binding Regional Sea Action Plan, followed by the adoption of a framework Convention for that region, and then the further adoption of the Convention's associated Protocols. A region's RPA is a non-binding agreement that refines or elaborates in greater specificity the LBA provisions in a particular Regional Sea Action Plan, or a particular regional sea framework Convention, or the LBA Protocol to that regional sea Convention.

11. The normative arrangements and institutional mechanisms to implement the GPA in the regions covered by UNEP's Regional Seas Programme vary according to the stage of development or maturity of a region's “Action Plan”, the core instrument in any Regional Sea Programme. These arrangements and mechanisms can be seen initially in the location of the regional governing authority which deals with LBA (or the location of the “competent regional organization”, under the terms of Article 207 and 213 of the 1982 United Nations Convention on the Law of the Sea).

12. For the majority of regions that have framework Regional Seas Conventions or LBA Protocols to these Conventions, the governing authority or competent regional organization is the Meeting of Contracting Parties to the Convention or the Protocol, or else a special regional Commission/Council created under a particular regional Convention. This is the case for the Black Sea, the Caribbean, Eastern Africa, the Mediterranean, Red Sea and Gulf of Aden, the ROPME sea area, South-East Pacific, South Pacific, and West and Central Africa. The Baltic and North-East Atlantic, as UNEP partner regions, may also be included in this grouping.

13. For UNEP regions that have not developed a binding instrument by way of a regional Convention, but have adopted only a Regional Sea Action Plan, the most relevant governing authority becomes the Inter-governmental Meeting, or the general authority, established under the Regional Sea Action Plan. This situation obtains in the East Asian Seas, South Asian Seas, and North-West Pacific.

14. Presently, there is no identifiable regional institution or regional governing authority to implement the GPA in the Upper South-West Atlantic or in the Northeast Pacific regions, where neither a Regional Sea Action Plan nor a framework regional sea Convention has been adopted. In the case of the Upper South-West Atlantic, UNEP provides some form of secretariat support to assist the three cooperating countries involved in developing and implementing a RPA. In the case of the Northeast Pacific, where UNEP also provides *interim* secretariat support, a “Plan of Action for the Protection and Sustainable Development of the Marine and Coastal Environment of the Northeast Pacific” and a “Convention for the Protection and Sustainable Development of the Marine and Coastal Environment of the Northeast Pacific” were recently endorsed by a meeting of high-level government designated experts in August 2001. When the Plan of Action and the Convention are adopted by a Conference of Plenipotentiaries (planned for December 2001/January 2002), the normative and institutional framework under the Regional Sea Action Plan becomes immediately operative. At that point, and pending the entry into force of the Convention for the Northeast Pacific, the competent regional authority on LBA in this region will be the Intergovernmental Meeting established under the Plan of Action.

**Table 1**

REGIONAL INSTRUMENT AND COMPETENT REGIONAL ORGANIZATION ON LBA				
UNEP REGIONAL SEAS			NON-UNEP REGIONAL SEAS	
Regional Sea Action Plan	Regional Framework Convention in force	Regional Convention & LBA Protocol in force	Regional Cooperation Initiative	Regional Convention In force
(East Asian Seas) <b>Inter-governmental Meeting</b> under Action Plan	(Caribbean) <b>Meeting of Contracting Parties</b>	(Black Sea) <b>Istanbul Commission</b>	(Arctic) <b>Arctic Council</b> , a Bi-annual Ministerial Meeting, though its <b>PAME Working Group</b>	(Baltic) <b>Helsinki Commission/ HELCOM</b>
(South Asian Seas) <b>Inter-governmental Meeting</b> under Action Plan	(Eastern Africa) <b>Meeting of Contracting Parties</b>	(Mediterranean) <b>Meeting of Contracting Parties</b> to the Protocol		(North East Atlantic) <b>OSPAR Commission</b>
(North-West Pacific) <b>Inter-governmental Meeting</b> under Action Plan	(Red Sea and Gulf of Aden) <b>PERSGA Council</b>	(ROPME Sea Area) <b>ROPME Council</b>		
(Northeast Pacific) <b>Inter-governmental Meeting</b> under Plan of Action - operational, end-2001/early-2002	(South Pacific) <b>Meeting of Contracting Parties</b>	(South-East Pacific) <b>Session of Contracting Parties</b> to the Protocol		
	(West and Central Africa) <b>Meeting of Contracting Parties</b>			

15. The competent LBA organizations or governing bodies in all regional seas identified above can be compared across-the-board with reference to the normative scope and material extent of their respective authority to implement the GPA. The following criteria, distilled from the relevant provisions of the GPA and the 1982 United Nations Convention on the Law of the Sea, lay down an initial check-list of desired conditions for regional organization to address LBA:

- (a) authority to execute and coordinate implementation of RPA;
- (b) basin-wide range of decisions on LBA;

- (c) power to promulgate uniform rules, common standards, and criteria at the regional level in order to harmonize national norms and actions across the region;
- (d) mandate to supervise national action and review national implementation;
- (e) authority to enforce compliance with its decisions;
- (f) provision for dispute-prevention and dispute-settlement;
- (g) solid financial support for the competent regional organization; and
- (h) adequate secretariat support to back the competent regional organization.

**Table 2**

Competent Regional Organization on LBA	GPA- and UNCLOS-relevant Criteria on the Scope and Extent of Authority Yielded to Implement the GPA							
	Authority to execute and coordinate RPA	Authority to take/pursue Basin-wide Action	Authority to create or harmonize Rules and standards	Supervision / Compliance Mechanisms		Dispute prevention/resolution mechanisms	Solid Financial Support*	Secretariat support
				National Reporting	Enforcement			
Istanbul Commission (Black Sea)	✓		✓	✓		✓		✓
MCP to Cartagena Convention (Carib)	✓	✓	✓	✓		✓		✓
MCP to the Nairobi Convention (East Afr)	✓		✓	✓		✓		✓
COBSEA (East Asia)	✓							✓
ROPME Council (Kuwait Convention Sea Area)	✓	✓	✓	✓	✓	✓	✓	✓
MCP to the Barcelona Convention and/or to the Athens Protocol (Mediterranean)	✓	✓	✓	✓	✓	✓	✓	✓
Action Plan Intergovernmental Meeting (North-West Pacific)	✓							✓ (interim)
PERSGA Council (Red Sea-Gulf of Aden)	✓		✓	✓	✓	✓	✓	✓
Action Plan Intergovernmental Meeting (South Asian Seas)	✓							✓
MCP to the Lima Convention and/or Session of the High Contracting Parties to the LBS Protocol (South-East Pacific)	✓		✓	✓		✓		✓
MCP to the Noumea Convention (South Pacific)	✓		✓	✓		✓	✓	✓
MCP to the Abidjan Convention (West and Central Africa)	✓		✓	✓	✓			✓ (interim)
No regional governing body has yet been established for the Upper South-West Atlantic and Northeast Pacific regions.								
Arctic Council / PAME	✓			✓			✓	✓
HELCOM (Baltic)	✓	✓	✓	✓		✓	✓	✓
OSPAR Commission (North-East Atlantic)	✓	✓	✓	✓	✓	✓	✓	✓

MCP = Meeting of Contracting Parties

✓ = Yes, for affirmative position

\* = from an internal UNEP document "Regional Seas: Financial Status Rating"

16. From the summary comparison of competent regional organizations made in Table 2 above, it becomes apparent that some regions are in a better position than others to proceed with the operational phase of RPA implementation. The check-list indicates which regions are in a more favorable position to facilitate, coordinate or enforce national actions to address LBA. The normative structures and legal

institutions required to deliver the GPA in the region are already in place in these regional seas. The Mediterranean, the ROPME Sea Area, the Baltic, and the North-East Atlantic regions, for instance, have settled the normative and institutional issues for the regional implementation of the GPA. In contrast, some regions are just beginning to grapple with the question of regional norms and institutions or are still in the process of developing a consensus on the competent regional authority to deal with LBA. For example, while a RPA has been developed for the Upper South-West Atlantic, the competent regional authority at the inter-governmental level that will have to assume direct oversight responsibilities for this RPA has not been determined. The Annex to this document gives some details on the normative and institutional mechanisms for management action on LBA that obtain in each of the 17 regional seas.

17. Under the GPA, agreement on a regional programme of action is the recommended vehicle to deliver the GPA at the regional or subregional level, allowing the competent regional authorities to: identify and assess problems; establish priorities; set management targets for priority problems; pursue implementation strategies, measures and management approaches; and provide for programme support elements. All governments participating in the regional seas agreements referred to above agree on the need for a RPA in their own regions, affirming the basic principle that States have the primary role and responsibility in implementing the GPA.

18. A majority of the regions are in the process of finalizing or adopting their respective RPAs. While some regions conceive their respective RPA as a planning tool to assist regional States in clarifying and developing GPA-related programmes and institutions, other regions would formulate their RPAs as a tool to implement or put into operation existing LBA legal regimes. Furthermore, for some regions, RPAs as implementation/operational tools also take the form of, or are styled as, "Strategic Action Programmes" or "Strategic Action Plans". These Strategic Action Programmes or Plans (SAPs) are being developed with the end in view of attracting financial support for a region's RPA, or are advanced as major potential investment projects supported by the GEF.

**Table 3**

Region	RPA as Planning Tool	RPA as Implementation Tool
Black Sea		Strategic Action Plan for the Rehabilitation and Protection of the Black Sea (BS-SAP, endorsed by Istanbul Commission, 1996)  (Draft RPA for specific high priority land-based pollutants (nutrients) under consideration)
Wider Caribbean		(RPA proposed to be developed)
Eastern Africa		(Strategic Action Plan for Land-based Sources and Activities Affecting the Marine, Coastal and Associated Freshwater Environment in the Eastern African Region, being finalized)  (RPA under consideration)
East Asia	Regional Programme of Action for the Protection of the Marine Environment from the Effects of Land-based Activities (adopted by COBSEA, 2000)	
ROPME Sea Area		Programme of Action for the Protection of the Marine Environment against Pollution from Land-based Activities (Endorsed by ROPME, 1997)
Mediterranean		Strategic Action Programme to Address Pollution from Land-based Activities – SAP MED (adopted by MCP to Barcelona Convention, 1997)
Northeast Pacific	(RPA incorporated in the Plan of Action for	

	the Protection and Sustainable Development of the Marine and Coastal Environment of the Northeast Pacific, ready for adoption)	
North West Pacific	RPA presently in the form of a NOWPAP "Regional Monitoring Programme" (adopted by Inter-governmental Meeting to the NOWPAP Action Plan, 1999)	(Strategic Action Plan to Address Pollution of the Marine Environment from Land-based Activities in preparation)
Red Sea & Gulf of Aden	(RPA under consideration)	Strategic Action Programme for the Red Sea and the Gulf of Aden (adopted by PERSGA Council, 1997)
South Asian Seas	(RPA under consideration)	
South-East Pacific		(RPA under consideration)
South Pacific	(Regional Programme of Action for the Protection of the Marine Environment of the South Pacific Region from Effects of Land-based Activities, adopted by a regional workshop and referred to SREP Member Countries, 1999)	
Upper South-West Atlantic	(Regional Programme of Action for the Protection of the Marine Environment of the Upper South Western Atlantic Ocean from Effects of Land-based Activities, developed and under consideration by governments)	
West and Central Africa	(RPA under consideration)	
Arctic	Regional Programme of Action for the Protection of the Arctic Marine Environment from Land-based Activities (adopted by Arctic Council, 1998)	
Baltic	Strategic Action Plan denominated as Joint Comprehensive Environmental Action Programme for the Baltic Sea, 1993-2012 (adopted in 1992, updated 1998, by HELCOM PITF [Programme Implementation Task Force] as the coordinator of this joint project)	
North East Atlantic		OSPAR Action Plan, 1998-2003 (originally adopted by the OSPAR Commission in 1992 and updated regularly)

### III. Overview of Regional Responses to the GPA

19. Since the adoption of the GPA in 1995, two "hard law" instruments specifically governing regional cooperation on LBA have been adopted by governments: the 1996 Protocol for the Protection of the Mediterranean Sea against Pollution from Land-based Sources and Activities, and the 1999 Protocol to the Cartagena Convention for the Wider Caribbean Region Concerning Pollution from Land-based Sources and Activities. Neither protocol is in force. Parenthetically, it must be noted that the 1996 Mediterranean LBA Protocol is a revision of the 1980 LBA Protocol, which has been in force since 1983. In addition, moves are underway to update the 1992 Protocol on Land-based Sources for the Black Sea. Furthermore, two new LBA protocols to the regional seas conventions for the Red Sea and Gulf of Aden and for the Eastern African Region are in the process of being considered. In the South-East Pacific, all binding instruments governing this regional sea, including the Protocol on Land-based Sources, will be reviewed during the Meeting of the High Contracting Parties to the Lima Convention for the South-East Pacific in December 2001. Lastly, the cooperating States of the Northeast Pacific region have developed a framework "Convention for the Protection and Sustainable

Development of the Marine and Coastal Environment of the Northeast Pacific". This Convention, to be adopted soon by a conference of regional plenipotentiaries, contains detailed LBA provisions. Without doubt, the completed or on-going deliberations and negotiations to adopt all these binding agreements, or review existing agreements, have taken into consideration the normative requirements and institutional recommendations contained in the GPA. The texts of these instruments, even if none is yet in force, demonstrate the potential translation of the GPA into binding regional regimes.

20. The most notable innovations in normative development introduced by these legal instruments are illustrated in the provisions of 1996 Mediterranean LBA Protocol and the 1999 Caribbean LBA Protocol. While these provisions are not yet legally in force, their implementation is already being realized through the regional process of developing or adopting a RPA. These provisions are shown in Table 4 below.

**Table 4**

Some Innovative Provisions to Implement the GPA	
1996 Mediterranean LBA Protocol	1999 Caribbean LBA Protocol
1. Expansion of the Protocol Area to cover the "Hydrologic Basin" or the catchment area of the Mediterranean  2. Priority setting: substances that are toxic, persistent and liable to bioaccumulate to be given priority attention  3. Mandatory application of the precautionary principle and the polluter pays-principle  4. Obligation to use of best available techniques (BAT) and best environmental practice (BEP)  5. RPA and National Programmes of Action on LBA to contain not only measures but also timetables for their implementation	1. Establishment of regional effluent standards and timetables to achieve effluent limitations for municipal wastewater  2. Directive to use innovative financial arrangements to fund the implementation of the Protocol  3. Opportunity provided for public participation in national decision-making processes concerning the implementation of the Protocol, including implementation of programmes on environmental education and awareness for the public  4. Obligation to use "Most Appropriate Technology" (BAT and BEP) and management approaches like Integrated Coastal Area Management  5. Obligation to develop national plans and programmes to implement the Protocol

21. It is in the formulation and adoption of RPAs that the full impact of the GPA - as a source of both conceptual and practical guidance to be drawn upon by regional authorities in regional policy-making and institution-building - is seen. All States participating in the 17 regional seas have, in one way or another, responded to, and commenced their implementation of, the GPA by developing or adopting their respective RPA. Depending on actual needs, priorities and conditions in the regions concerned, these RPAs, as it was stated earlier, have been or are being evolved either as planning tools or as implementation tools.

22. From the experience of regions with operational RPAs, *i.e.*, a RPA as an implementation tool, the exercise has definitely proven worthwhile. First, the RPAs serve as the mechanism to update regional norms and standards according to the conceptual framework and the specific terms of the GPA. Ideas like the "precautionary principle", the "ecosystem/river-basin approach", "common but differentiated responsibilities", "capacity building", "clearing house mechanism", and "management objectives and priorities" find their various expressions in these RPAs. Secondly, some of these RPAs, quite significantly, are extending the geographical reach of regional management initiatives on LBA further

inland, making these RPAs not only “coastline” agreements, or not only agreements on “integrated coastal zone management”, but also “freshwater” agreements, which incorporate or take into consideration associated river basin arrangements. Lastly, these RPAs are enabling some regional authorities to create, strengthen, or further evolve regional institutions, in order to fulfil GPA-related management objectives and to directly realize sustainable development goals. Some of these accomplishments are outlined in the following Table.

**Table 5**

RPA/SAP	Illustrative Contribution to Regional Institution-building
1996 Strategic Action Plan for the Rehabilitation and Protection of the Black Sea	Development of a basin-wide strategy to address the eutrophication problem; establishment of Regional Activity Centres
1997 ROPME Programme of Action for the Protection of the Marine Environment against Pollution from Land-based Activities	Development of a river-basin management programme
1997 Strategic Action Programme to Address Pollution from Land-based Activities (SAP MED)	Capacity Building: implementation of regional training courses on the operation and maintenance of wastewater treatment facilities
1999 NOWPAP "Regional Monitoring Programme"	Establishment of Regional Activity Centers: e.g., designation of the North West Pacific Region Environment Cooperation Center as the "Special Monitoring and Coastal Environment Assessment Center"
1998 Regional Programme of Action for the Protection of the Arctic Marine Environment from Land-based Activities	Regional support for National Programmes of Action (NPAs), e.g., PAME priority to support the Russian NPA-Arctic project
1992/1998 Strategic Action Plan denominated as Joint Comprehensive Environmental Action Programme for the Baltic Sea (JCP)	A GEF Baltic Sea regional project which support implementation of the JCP by serving as a mechanism for managing the common resources of the Baltic Sea ecosystem through strengthened cooperation among three international bodies - HELCOM, the International Baltic Sea Fisheries Commission (IBSFC), and the International Council for the Exploration of the Sea (ICES) – and the recipient countries by addressing transboundary environmental issues such as sustainable production of biological resources, conservation of living marine resources, and control of non-point pollution from agriculture and other contaminants threatening the health of the ecosystem.

#### IV. Lessons Learned

23. The GPA has certainly spurred intense activity on the part of States at the regional level. Given the sustained coordinating and catalytic role played by UNEP to promote the implementation of the GPA, the high level of interest so far displayed by States to address GPA-related issues should be maintained. An important indicator of the extent to which States commit themselves to their primary responsibility to implement the GPA will be their participation in regional cooperative arrangements on LBA, irrespective of whether these arrangements have been established on the basis of binding or non-binding regional agreements.

24. The framework of regional cooperation provided by UNEP's Regional Seas Programme provides an adequate platform for States to implement the GPA on a regional scale. However, the quality and kind of regional cooperation that is called for to effectively pursue the agenda of the GPA vary from region to region. In a regional sea where pre-GPA norms and management standards still prevail, or where the predominant norms are dictated by the concepts underlying a coastline approach to LBA,

regional cooperation must be directed towards updating these norms and standards along the normative requirements of the GPA. This is already being undertaken in the Black Sea, in Eastern Africa, in the Red Sea and Gulf of Aden, and in the Southeast Pacific.

25. Similarly, in regions where the institutional basis for regional cooperation is either weak or non-existent, regional cooperation must be geared towards revitalizing or re-establishing the institutional set-up that is necessary to allow States to make collective decisions on a regular basis and “get their act together”. This entails negotiating, adopting and bringing quickly into force regional Conventions or Protocols establishing the competent regional organizations or governing bodies on LBA. This could also entail the adoption of general Regional Sea Action Plans, as in the case of the Northeast Pacific. In other cases, like in West and Central Africa, this could mean taking the necessary steps to conclude and activate a Regional Programme of Action on LBA which, *inter alia*, gives a clear mandate on the rejuvenation, in accordance with an agreed timetable, of the governing body with overall competence on LBA.

26. On the other hand, in regions where the institutional mechanisms of regional cooperation are already in place and where the normative framework for dealing with LBA issues has been set in motion in accordance with the conceptual guidance provided by the GPA, the challenge for States is to adopt, through their competent regional organization, a Regional Programme of Action to implement a regional regime on LBA. This entails fulfilment of the crucial management requirements specified in the GPA: identification and assessment of problems, establishment of priorities, development of strategies and comprehensive management approaches, and addressing programme support elements. In and of itself, discharging these executive tasks is “institution building” in the region. In this regard, the undertakings in the Mediterranean and the Caribbean regional seas, as well as in the Baltic and North-East Atlantic, are exemplary.

27. In the majority of cases, the action that is needed to induce a meaningful level regional cooperation to address LBA issues involves a combination of initiatives. These include renegotiating Conventions or Protocols to keep up-to-date the normative content of regional LBA regimes; strengthening existing institutional mechanisms, including Secretariat capabilities; widening the scope of participation in regional arrangements; and adopting or re-adapting a RPA to facilitate action, increase capacities and augment financial resources both at the regional and national levels. In regard to the financing needs of regions and countries, it should be noted that the Global Environment Facility (GEF) has made pivotal contributions world-wide to address LBA issues.

28. There is a potentially significant role that can be played by sub-regional initiatives in the process of developing norms and institutions on LBA at the regional level. In East Asia for instance, sub-regional projects (e.g. PEMSEA and the South China Sea Project) focus efforts on very specific issues and problems associated with LBA. This gives an enormous motivation to authorities whose task is to implement regional as well as national programmes of action on LBA.

29. The importance of inter-regional dialogue and cooperation in improving the conditions of intra-regional action to address LBA cannot be underestimated. The Global Meeting of Regional Seas Conventions and Action Plans, of which three have been held to date, is an indispensable forum for the exchange of regional experiences and insights. Furthermore, “twinning” or partnerships between regions can prove to be a promising avenue to advance the goals of the GPA, as demonstrated by precedent-setting twinning arrangement between the HELCOM and Eastern African regions.

30. The GPA provides an outstanding opportunity for each of the 17 existing regional seas to consolidate, strengthen and enrich the normative and institutional basis of regional cooperation for sustainable development.

**ANNEX: UNEP/GPA/IGR.1/INF.2**

**NORMATIVE AND INSTITUTIONAL MECHANISMS TO IMPLEMENT THE GPA AT THE REGIONAL LEVEL**

LBA REGIONS and BASIC INSTRUMENTS	COMPETENT REGIONAL AUTHORITY/ GOVERNING BODY	SECRETARIAT	CREATION AND HARMONIZATION OF RULES AND NORMS	MANDATE TO CARRY OUT SUPERVISION/ COMPLIANCE / ENFORCEMENT	NATIONAL REPORTING REQUIREMENTS	AVOIDANCE AND RESOLUTION OF DISPUTES
REGIONS WITH BINDING LBA AGREEMENTS						

<p>MEDITERRANEAN</p> <p>20 States + EU</p> <p><u>LBA Agreements</u></p> <p>1. 1980 Protocol for the protection of the Mediterranean Sea against Pollution from Land-based Sources and Activities (in force 1983, rev. 1996)</p> <p>2. 1997 Strategic Action Programme to Address Pollution from Land-based Activities (SAP MED)</p> <p><u>Other Supporting Instruments</u></p> <p>3. 1976 Mediterranean Convention for the Protection of the Mediterranean Sea (in force 1978, rev. 1995) [Barcelona Convention, or BC ]</p> <p>4. Mediterranean Action Plan (1975; MAP II, 1996)</p> <p>Under Art. 3, the Protocol Area consists of</p> <ul style="list-style-type: none"> <li>- the Mediterranean Sea Area as defined in article 1 of the BC</li> <li>- the hydrologic basin (catchment)of the Mediterranean Sea Area</li> <li>- Waters to the landward side of Territorial Sea (TS) baselines and, in the case of watercourses, up to freshwater limit</li> <li>- Brackish waters, coastal salt waters including marshes and coastal lagoons, and ground waters communicating with the Mediterranean Sea.</li> </ul>	<p>1.Meeting of the Contracting Parties (MCP) to the Barcelona Convention (Art. 18 BC)</p> <p>2. Meeting of Parties to the Protocol (Art. 14 P)</p>	<p>Coordinating Unit for the Mediterranean Action Plan (MEDU)</p> <p>Programme for the Assessment and Control of Pollution in the Mediterranean Region (MED POL III) under the MEDU (Art. 17 and 2(b) BC )</p> <p>Art. 6 (3) P parties may request the MEDU for assistance re structures for inspection of compliance with national regulations</p>	<p>Under Art. 18(2) BC, MCP has power to keep under review the implementation of the BC and the Protocol</p> <p>Under Art. 14 and 15 P, the Meeting of Parties to the Protocol can formulate or adopt action plans, programmes and measures as well as common guidelines, standards or criteria</p> <p>The MCP (10th Ordinary Meeting, Nov. 1997) adopted the SAP MED</p>	<p>Under Art. 27 BC on “Compliance Control”, MCP after assessing compliance on the basis of periodical reports, can recommend appropriate steps to bring about full compliance and promote the implementation of decisions and recommendations</p>	<p>Art 26 BC: CP to transmit to the MEDU national reports</p> <p>Art. 13 P requires Parties to submit bi-annual reports to the MCP on measures taken, results achieved, and difficulties encountered, including statistical data, data from monitoring, quantities of pollutants, together with action plans, programmes and measures</p>	<p>Art. 28 BC on disputes concerning the interpretation or application of the BC or P</p> <p>Art. 12 P on disputes involving transboundary pollution</p>
<p>LBA REGIONS and BASIC INSTRUMENTS</p>	<p>COMPETENT REGIONAL AUTHORITY/ GOVERNING BODY</p>	<p>SECRETARIAT</p>	<p>CREATION AND HARMONIZATION OF RULES AND NORMS</p>	<p>MANDATE TO CARRY OUT SUPERVISION/ COMPLIANCE / ENFORCEMENT</p>	<p>NATIONAL REPORTING REQUIREMENTS</p>	<p>AVOIDANCE AND RESOLUTION OF DISPUTES</p>

<p>NORTH-EAST ATLANTIC (UNEP Regional Sea Programme (RSP) Partner)</p> <p>15 States + EU</p> <p><u>LBA Instruments</u> 1. 1992 Convention for the Protection of the Marine Environment of the North-East Atlantic (in force 1998) 2. OSPAR Action Plan (1992, updated for 1998-2003)</p> <p>“Maritime Area” means the internal waters and the territorial seas of the Contracting Parties, the sea beyond and adjacent to the TS under the jurisdiction of the Coastal State to the extent recognized by international law, and the high seas, including the bed of all those waters and its sub-soil, situated within specified limits</p>	<p>OSPAR Commission – made up of representatives of contracting parties (Art. 10)</p>	<p>Permanent Secretariat (Art. 12)</p>	<p>Under Art. 10 (2) OSPAR Commission to supervise the implementation of the Convention and draw up programmes and measures (including economic instruments) for the prevention and elimination of pollution and for the control of activities which may adversely affect the maritime area</p> <p>Commission makes binding decisions and non-binding recommendations.</p> <p>Under Art. 3, Annex 1 (on land-based sources of pollution) the Commission has the duty to draw up</p> <ul style="list-style-type: none"> <li>- plans for the reduction and phasing out of substances that are toxic, persistent and liable to bio-accumulate arising from land-based sources</li> <li>- when appropriate, programmes and measures for the reduction of inputs of nutrients from urban, municipal, industrial, agricultural and other sources</li> </ul>	<p>Under Art. 23 Commission shall</p> <ul style="list-style-type: none"> <li>- assess compliance on the basis of periodical reports</li> <li>- decide upon and call for steps to bring about full compliance and to promote implementation of recommendations, including measures to assist a party to carry out obligations</li> </ul>	<p>Under Art. 22 Contracting parties report at regular intervals on</p> <ul style="list-style-type: none"> <li>- measures taken</li> <li>- effectiveness of measures</li> <li>- problems encountered</li> </ul>	<p>Under Art. 21, in cases of trans-boundary pollution, pursue:</p> <ul style="list-style-type: none"> <li>- conclusion of cooperation agreement</li> <li>- Commission recommendation</li> </ul> <p>Under Art. 32, if inquiry or conciliation within the Commission is unavailing, then arbitration</p>
<p>LBA REGIONS and BASIC INSTRUMENTS</p>	<p>COMPETENT REGIONAL AUTHORITY/ GOVERNING BODY</p>	<p>SECRETARIAT</p>	<p>CREATION AND HARMONIZATION OF RULES AND NORMS</p>	<p>MANDATE TO CARRY OUT SUPERVISION/ COMPLIANCE / ENFORCEMENT</p>	<p>NATIONAL REPORTING REQUIREMENTS</p>	<p>AVOIDANCE AND RESOLUTION OF DISPUTES</p>

<p>BLACK SEA</p> <p>6 States</p> <p><u>LBA Instrument</u></p> <p>1. 1992 Protocol on Protection of the Black Sea Marine Environment Against Pollution from Land-based Sources (in force 1994)</p> <p>(an overall RPA has been developed in the form of the BS-SAP (see no. 4 below); a specific RPA for high priority land-based pollutants is currently being developed)</p> <p><u>Other Supporting Instruments</u></p> <p>2. 1992 Convention on the Protection of the Black Sea Against Pollution (in force 1994)</p> <p>3. 1993 Ministerial Declaration on the Protection of the Black Sea (Odessa Declaration)</p> <p>4. 1996 Strategic Action Plan for the Rehabilitation and Protection of the Black Sea (BS-SAP)</p> <p>(Black Sea as defined in Art. 1 of the Convention includes the Territorial Sea and the Exclusive Economic Zone of each Contracting Party. In the LBS Protocol, the coverage is the above area and, in addition, the waters landward of the baselines from which the breadth of the Territorial Sea is measured, and in case of fresh-water courses, up to the fresh-water limit.)</p>	<p>Meeting of the Contracting Parties to the (Bucharest) Convention on the Protection of the Black Sea Against Pollution (Art. XIX, Bucharest Convention )</p> <p>- to decide on measures for implementation, decide on financial matters and to revise the Convention/Protocols</p> <p>The Commission for the Bucharest Convention (Istanbul Commission) to adopt/revise the workprogramme and formulate technical and other recommendations</p>	<p>Permanent Secretariat (based in Istanbul) to assist the Commission (Art. XVII (6) established in 2000</p> <p>Initially, GEF "Black Sea Environment Programme" (BSEP) with UNDP Programme Coordinating Unit in Istanbul, established in June 1993, informally served as <i>interim</i> secretariat</p> <p>Presently: BSEP Project Implementation Unit as "the body to provide support for specific projects (nutrient and toxics reduction) related to the implementation of the SAP"</p>	<p>Under Art. XIX, the primary function of the Meeting of the Contracting Parties shall be to review the implementation of the Bucharest Convention</p> <p>Under Arts. XVII &amp; XVIII, the Commission on the Protection of the Black Sea Against Pollution (consisting of one representative each from the contracting parties and the Chair), whose decisions and recommendations shall be adopted unanimously shall:</p> <ul style="list-style-type: none"> <li>- "promote the implementation of the Convention"</li> <li>- make recommendations on measures necessary for achieving aims of the Convention</li> <li>- (Also under Art. 6, of Protocol) elaborate criteria on pollution prevention, reduction and control and recommendations on measures</li> </ul> <p>Common emission standards and timetable for the implementation of the Programme and measures on LBS shall be fixed by the Contracting Parties and periodically reviewed (Art. 6 Protocol)</p>		<p>Under Art. 7 of Protocol, "the Contracting Parties shall inform one another, through the Commission, of measures taken, results achieved or difficulties encountered in the application of the Protocol"</p> <p>The Secretariat is currently elaborating a reporting procedure relating to the overall implementation of the Convention, the Protocols and the BS-SAP</p>	<p>Dispute resolution by peaceful means on issues concerning the interpretation and implementation of the Convention (Art. XXV)</p>
<p>LBA REGIONS and BASIC INSTRUMENTS</p>	<p>COMPETENT REGIONAL AUTHORITY/ GOVERNING BODY</p>	<p>SECRETARIAT</p>	<p>CREATION AND HARMONIZATION OF RULES AND NORMS</p>	<p>MANDATE TO CARRY OUT SUPERVISION/ COMPLIANCE / ENFORCEMENT</p>	<p>NATIONAL REPORTING REQUIREMENTS</p>	<p>AVOIDANCE AND RESOLUTION OF DISPUTES</p>

<p>BALTIC SEA (UNEP RSP Partner)</p> <p>9 States + EU</p> <p><u>LBA instruments</u></p> <p>1. 1992 Convention on the Protection of the Marine Environment of the Baltic Sea Area (in force 2000)</p> <p>2. 1992 Joint Comprehensive Environmental Action Programme for the Baltic Sea 1993-2012 (JCP, updated 1998)</p> <p>"Baltic Sea Area" shall be Baltic Sea and entrance thereto, including internal waters – landward of TS baselines up to landward limit according to the designation by the Contracting Parties</p>	<p>Baltic Marine Environmental Protection Commission (Art. 19) Helsinki Commission (HELCOM)</p>	<p>Executive Secretary (Art. 21) of HELCOM</p> <p>1993 HELCOM Programme Implementation Task Force (Joint endeavor which includes Helcom States, catchment area states, European Commission, 4 international financial institutions, and International Baltic Sea Fisheries Commission) as governing body and HELCOM Secretariat as Secretariat of JCP</p>	<p>Under Art. 20, the Commission, taking decisions unanimously, shall <i>inter alia</i>:</p> <ul style="list-style-type: none"> <li>- keep implementation of Convention under continuous observation</li> <li>-make recommendations on measures</li> <li>-define pollution control criteria</li> </ul> <p>Under Art. 6 (2) measures on LBA shall be taken by each Contracting Party in the catchment area of the Baltic Sea without prejudice to its sovereignty</p> <p>Under Annex III, CP to apply criteria and measures in Annex III concerning prevention of pollution from land-based sources in the whole catchment area and take into account BEP and BAT</p> <p>Twinning arrangement with Eastern African RSP</p>		<p>Under Art. 16 Contracting Parties report to the Commission at regular intervals on:</p> <ul style="list-style-type: none"> <li>- measures taken</li> <li>- effectiveness of measures</li> <li>- problems encountered and upon request provide information on</li> <li>-discharge permits</li> <li>-emission data</li> <li>-data on environmental quality</li> </ul> <p>Under Art. 7 (1) a Contracting Party shall notify the Commission and any affected Contracting Party of a proposed activity subject to EIA with transboundary impact</p>	<p>Rules concerning responsibility for damage to be developed (Art. 25)</p> <p>Peaceful resolution of disputes regarding interpretation and application of Convention</p> <p>Under Art. 7 (2) Consultations after EIA between Contracting Party of origin and affected Contracting party</p> <p>Under Art. 7(3) cooperation to ensure that potential impacts are fully investigated within EIA and take appropriate joint measures</p>
<p>LBA REGIONS and BASIC INSTRUMENTS</p>	<p>COMPETENT REGIONAL AUTHORITY/ GOVERNING BODY</p>	<p>SECRETARIAT</p>	<p>CREATION AND HARMONIZATION OF RULES AND NORMS</p>	<p>MANDATE TO CARRY OUT SUPERVISION/ COMPLIANCE / ENFORCEMENT</p>	<p>NATIONAL REPORTING REQUIREMENTS</p>	<p>AVOIDANCE AND RESOLUTION OF DISPUTES</p>

<p>WIDER CARIBBEAN</p> <p>28 States + EU + French Departments + Caribbean territories of UK and Netherlands</p> <p><u>LBA Instrument</u> 1. 1999 Protocol Concerning Pollution from Land-based Sources and Activities (not in force)</p> <p>(RPA under consideration)</p> <p><u>Other Instruments</u> 2. 1983 Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region (in force 1986) 3. 1981 Action Plan for the Caribbean Environment Programme (CEP)</p> <p>"Convention Area" defined in Art. 1 of Convention; Art. 1 (d) of the Protocol gives the geographical coverage when it defines "land-based sources and activities" as "those sources and activities causing pollution of the Convention area from coastal disposal or from discharges that emanate from rivers, estuaries, coastal establishments, outfall structures, or other sources on the territory of a Contracting party, including atmospheric deposition originating from sources located on its territory"</p>	<p>Meeting of the Contracting Parties to the Convention (Art. 16) Bi-annual Ordinary Mtgs.</p> <p>Meeting of the Contracting Parties to the Protocol (Art. XV P) Meetings generally held in conjunction with Meetings of CPs to the Convention</p>	<p>UNEP (Art. 15) - the Organization</p> <p>UNEP CAR/RCU is the Secretariat for the Action Plan for the CEP</p>	<p>Under Art. 16, Meeting of Contracting Parties shall keep under review implementation of Convention and Protocols</p> <p>Meeting of Contracting Parties to the Protocol to - keep under review implementation of protocol and effectiveness of actions: - review and adopt regional reports developed by Scientific and Technical Advisory Committee (STAC) as well as information transmitted to Meeting of the Contracting Parties to the Protocol - take appropriate action with regard to the recommendations of the STAC</p> <p>Under Art. XIV the STAC is to -provided guidance to the Contracting Parties on the development of plans, programmes and measures for the implementation of the Protocol - advise on the formulation of common criteria, guidelines and standards - propose priority measures for the management of pollution from land-based sources and activities</p>	<p>Article VI of the Protocol requires the Parties to assess the effectiveness of the measures taken to implement the Protocol</p> <p>Article XII requires that each Party submits regular reports on measures taken, results obtained and problems encountered</p> <p>Under Art XIII of Protocol, each CP to designate a focal point to serve as liaison with the Organization on the technical aspects of the implementation of the Protocol</p> <p>Under Art. XIV, Scientific, Technical and Advisory Committee (STAC) responsible for reporting to and advising the Contracting Parties regarding implementation of Protocol</p>	<p>Contracting Parties to transmit to UNEP information on measures adopted to implement Convention and Protocols (Art. 22)</p> <p>Contracting Parties to the Protocol to submit reports to UNEP on - measures adopted - results obtained - difficulties experienced</p> <p>Under Annex IV (Agricultural non-point sources) each CP shall report on its plans for the prevention, reduction and control of pollution from these sources</p>	<p>Under art. 15, Contracting Parties to adopt rules and procedures in the field of liability and compensation</p> <p>Peaceful settlement of disputes concerning interpretation or application of Convention or protocols (Art. 23)</p>
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<p>LBA REGIONS and BASIC INSTRUMENTS</p>	<p>COMPETENT REGIONAL AUTHORITY/ GOVERNING BODY</p>	<p>SECRETARIAT</p>	<p>CREATION AND HARMONIZATION OF RULES AND NORMS</p>	<p>MANDATE TO CARRY OUT SUPERVISION/ COMPLIANCE / ENFORCEMENT</p>	<p>NATIONAL REPORTING REQUIREMENTS</p>	<p>AVOIDANCE AND RESOLUTION OF DISPUTES</p>
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<p>SOUTH-EAST PACIFIC</p> <p>5 States</p> <p><u>LBA Instrument</u></p> <p>1. 1983 Protocol for the Protection of the South-East Pacific against Pollution from Land-Based Sources (in force 1986)</p> <p>(RPA under review)</p> <p><u>Other Supporting Instruments</u></p> <p>2. 1981 Convention on the Protection for the Marine Environment and Coastal Area of the South-East Pacific (in force 1986)</p> <p>3. 1981 Action Plan for the Protection of the Marine Environment and Coastal Areas of the Southeast Pacific (rev. 1986)</p> <p>Under Art. I of Protocol, sea area of the South-East Pacific within 200-mile maritime area and waters on landward side up to freshwater limit as this is determined by each state</p>	<p>Meeting (ordinary and extraordinary) of the High Contracting Parties; Ordinary Meetings every two years (Art. 12 Conv)</p> <p>Session (ordinary and extraordinary) of the High Contracting Parties; Ordinary Sessions every two years</p>	<p>Permanent Commission of the South Pacific (CPPS) as Executive Secretariat to the Convention and the Protocol (Art. XVI P)</p> <p>Secretary General, CPPS</p>	<p>Generally, under Art. II P, Contracting Parties shall endeavor to harmonize policies at the regional level</p> <p>Under Art. XV P, Sessions will examine the formulation, drafting and adoption of programmes and measures, rules and standards, as well as practices and procedures;</p>	<p>Under Art. XV P, Sessions of the High Contracting Parties (HCP) shall examine extent to which Protocol is being implemented and effectiveness of measures taken and the need to develop other kinds of activities to further protocol objectives</p> <p>Under Art. IV &amp; V P, Annex I substances (Persistent, toxic and liable to bioaccumulate) and Annex II substances (less noxious) subject to a system of self-monitoring and control at national level</p>	<p>Information on emergency situations communicated to HCP and to the Exec Secretariat (Art. 6 (2) C)</p> <p>Reports on measures adopted to implement convention and protocols to be transmitted to Exec Sec, which will bring these reports to the attention of the HCP (Art. 14)</p> <p>Under Art. IX P, HCP exchange among themselves and transmit to the Exec Sec information on:</p> <ul style="list-style-type: none"> <li>- competent national organizations, bodies, authorities on LBS</li> <li>- research programmes on LBS</li> <li>- measures taken, results achieved and difficulties encountered including statistical data, data on monitoring, quantities of pollutants and measures taken re annexes I &amp; 2</li> </ul> <p>HCP report on LBS-punitive legislative measures and regulations (Art XIII)</p>	<p>Under Art. 3(5) C &amp; Art. XI P, HCP shall take all measures necessary to ensure that activities under their jurisdiction or control do not cause damage by pollution to others or to their environment</p> <p>Under Art. 6 C, obligation to notify other HCP of cases re danger and damage</p> <p>Civil liability and compensation procedures for damage (Art. 11 C)</p> <p>Consultations between Parties when LBS pollution from one party likely to affect adversely interest of other CP to the Protocol; Session of HCP may make recommendations for a solution (art XII, P)</p>
<p>LBA REGIONS and BASIC INSTRUMENTS</p>	<p>COMPETENT REGIONAL AUTHORITY/ GOVERNING BODY</p>	<p>SECRETARIAT</p>	<p>CREATION AND HARMONIZATION OF RULES AND NORMS</p>	<p>MANDATE TO CARRY OUT SUPERVISION/ COMPLIANCE / ENFORCEMENT</p>	<p>NATIONAL REPORTING REQUIREMENTS</p>	<p>AVOIDANCE AND RESOLUTION OF DISPUTES</p>

<p>Regional Organization for the Protection of the Marine Environment (ROPME) Sea Area</p> <p>8 States</p> <p><u>LBA Instruments</u></p> <p>1. 1990 Protocol for the Protection of the Marine Environment against Pollution from Land-based Sources (in force 1993)</p> <p>2. 1997 ROPME Programme of Action for the Protection of the Marine Environment against Pollution from Land-Based Activities</p> <p><u>Other Supporting Instruments</u></p> <p>3. 1978 Regional Convention for Cooperation on the Protection of the Marine Environment from Pollution (in force 1979)</p> <p>4. 1978 Action Plan for the Protection of the Marine Environment and the Coastal Areas of Bahrain, Iran, Iraq, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates</p> <p>Geographical coverage includes sea area defined in Art. II C together with waters on the landward side of the TS baselines up to freshwater limit and incl. inter-tidal zones and salt water marshes communicating with the sea (Art. II P)</p> <p>Provision for obligations concerning watercourse shared by Contracting states with Contracting (cooperation for full P application) or non-Contracting States (cooperation for possible full application of P) (Art. XI)</p>	<p>ROPME Council (Art XIV P) to decide</p> <ul style="list-style-type: none"> <li>- unanimously on substantive matters</li> <li>-3/4 majority on procedural matters</li> </ul> <p>(The Kuwait Convention, under Art. XVI, established the Regional Organization for the Protection of the Marine Environment consisting of three organs: the Council, the Secretariat and the Judicial Commission for the Settlement of Disputes)</p>	<p>ROPME Secretariat (Art. XVIII C)</p>	<p>Under Art. XIV P, the Council keep under review implementation of Protocol, and shall formulate, adopt and review programmes and measures well as regional guidelines standards or criteria on:</p> <ul style="list-style-type: none"> <li>-source control</li> <li>-joint/combined effluent treatment</li> <li>-regional and local regulations/permits for release of waste</li> <li>-monitoring and data management</li> <li>-scientific and technical cooperation and assistance</li> </ul> <p>The Council also has power to revise and amend any of the annexes (on pollution abatement through source control; joint/combined effluent treatment, guidelines, regulations and permits for release of wastes)</p>	<p>Under Art. XIV P, the Council shall keep under review implementation of Protocol and:</p> <ul style="list-style-type: none"> <li>- consider efficacy of measures adopted and advisability of adopting other measures (a) P</li> <li>-formulate procedures for exchange of info and consider this info</li> <li>- establish other institutional mechanism</li> </ul> <p>Under Art. XXIV C, on Compliance Control, parties to develop procedures for effective application of Convention, including detection of violations, including procedures for reporting and accumulation of evidence</p>	<p>Under art XII P, Exchange of information on measures taken, results achieved and difficulties encountered including on:</p> <ul style="list-style-type: none"> <li>- statistical data</li> <li>- data from monitoring</li> <li>- quantities of pollutants</li> <li>-measures taken</li> </ul> <p>Parties cooperate to develop procedures to disseminate reports on EIA (Art. VIII P)</p>	<p>Under Art. XXV, if disputes on interpretation and application of Convention and Protocols cannot be settled by negotiation or other peaceful means, the dispute shall be submitted to (the third organ of the ROPME) the Judicial Commission for the Settlement of Disputes (art. XVI (b)(iii) C)</p> <p>Under Art. XIII, contracting states to develop rules and procedures on liability and compensation</p>
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REGIONS WITH NON-BINDING LBA AGREEMENTS / REGIONAL PROGRAMMES OF ACTION	COMPETENT REGIONAL AUTHORITY/ GOVERNING BODY	SECRETARIAT	CREATION AND HARMONIZATION OF RULES AND NORMS	MANDATE TO CARRY OUT SUPERVISION/ COMPLIANCE / ENFORCEMENT	NATIONAL REPORTING REQUIREMENTS	AVOIDANCE AND RESOLUTION OF DISPUTES
A. REGIONS WITH REGIONAL SEAS CONVENTIONS						
<p>EASTERN AFRICA</p> <p>9 States + EU + East African territories of France</p> <p><u>LBA Instrument</u> 1. Strategic Action Plan (SAP) for Land-based Sources and Activities Affecting the Marine, Coastal and Associated Freshwater Environment in the Eastern African Region (presented and discussed in the Regional Workshop on Implementation of the GPA for the Protection of the Marine Environment from Land-based Activities in the East African Region (Zanzibar, Oct. 1997) and discussed at the 2<sup>nd</sup> Meeting of Contracting Parties, Mauritius, Nov. 1999))</p> <p>(RPA under discussion)</p> <p><u>Other Supporting Instruments</u> 2. 1985 Convention for the Protection, Management and Development of the Marine and Coastal Environment of the Eastern African Region (in force 1996) 3. 1985 Action Plan for the Protection, Management and Development of the Marine and Coastal Environment of the Eastern African Region</p> <p>Under Art. 2 C, area covers marine and coastal environment of part of Indian Ocean with jurisdiction of Contracting Parties</p>	<p>Meeting of Contracting Parties (Ordinary, every two years)</p> <p>SAP recommends operationalization and strengthening of Nairobi Convention to a more effective regional co-ordinating mechanism (pp 50, 53)</p>	<p>Under Art. 16 C, UNEP designated as Secretariat</p> <p>Under SAP, EAF/RCU, together with Bureau of CP, shall act as secretariat (p 58)</p>	<p>General Obligations on LBA laid down for: -pollution from land-based sources (Art. 7) -specially protected areas (Art. 10)</p> <p>CPs endeavor to harmonize policies Art. 4 (3) C)</p> <p>Under Art. 17, Meeting of Contracting Parties to keep under review the implementation of the Convention by - consider information submitted by CP -asses periodically state of environment in Convention area - consider and adopt decisions on cooperative activities</p> <p>twinning arrangement with HELCOM</p>	<p>Under SAP, RCU shall develop a programme that will support the regional institutions as well as guide national institutions. This will be achieved through technical committees / Working Groups operating in regional activity centers (ACs) (p 58)</p>	<p>CP shall transmit regularly to UNEP information on measures adopted in implementing Convention and protocols (Art. 23)</p>	<p>Rules and procedures on liability and compensation for damage to be formulated (Art. 15 C)</p> <p>Disputes concerning interpretation and application of Convention if not settled by other peaceful means referred to arbitration (Art. 24 C)</p>

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<p>RED SEA &amp; GULF OF ADEN</p> <p>7 States</p> <p><u>LBA Instrument</u> 1. 1997 Strategic Action Programme for the Red Sea and Gulf of Aden (on the development of a regional framework for the protection of the environment and sustainable development of coastal and marine resources (adopted by PERSGA Council)</p> <p>(LBA Protocol and RPA - Draft Regional Programme of Action for the Protection of the Marine Environment from Land-based activities in the Red Sea and Gulf of Aden - under consideration)</p> <p><u>Other Supporting Instruments</u> 2. 1982 Regional Convention for the Conservation of the Red Sea and Gulf of Aden Environment (Jeddah Convention, in force 1985) 3. 1982 Action Plan for the Conservation of the Marine Environment and Coastal Areas of the Red Sea and Gulf of Aden (rev. 1985)</p> <p>Art. II C defines geographical coverage which does not include internal waters of CPs unless otherwise states</p>	<p>PERSGA Council (Ordinary Meetings every year) deciding unanimously on substantive/important matters including amendments to convention or protocols</p> <p>Under Art. XVI, The Regional Organization for the Conservation of the Red Sea and Gulf of Aden Environment with three organs - Council - General Secretariat - Committee for the Settlement of Disputes</p> <p>PERSGA "The Regional Organization for the Conservation of the Red Sea and Gulf of Aden" formally established in 1996 by all CP</p>	<p>PERSGA Secretariat</p>	<p>General Obligations on LBA laid down for: - pollution from land-based sources (Art. VI) - pollution from other human activities, e.g. land reclamation and dredging (Art VIII)</p> <p>CP endeavor to harmonize national policies by appointing the National Authority (Art. III(3) C)</p> <p>Council to keep under review implementation of the Convention, its Protocols and the 1982 Action Plan for the Conservation of the Marine Environment of the Red Sea and Gulf of Aden; adopt, review and amend Convention and protocols including annexes; adopt and conclude agreements with States and other Organizations; review and evaluate state of the marine environment (Art XVIII C)</p> <p>PERSGA with responsibility to implement "Strategic Action Programme for the Red Sea and Gulf of Aden" (SAP 1998)</p>	<p>CP to consider reports submitted by CP and reports prepared by Secretariat (Art. XVIII (h) C)</p> <p>CP to cooperate in development and implementation of procedures for effective application of convention and protocols, including detection of violations (Art. XXIII on Compliance Control)</p>	<p>CP to submit Reports to Secretariat on measures taken to implement Convention and protocols</p>	<p>Council will endeavor to settle differences or disputes between CP on the interpretation or implementation of the Convention (Art XVIII (i) C)</p> <p>Under Art XXIV settlement of disputes on interpretation and application of Convention or Protocols proceeds in three stages: - amicable means - reference to Council - submission to Committee for Settlement of Disputes</p>

LBA REGIONS and BASIC INSTRUMENTS	COMPETENT REGIONAL AUTHORITY/ GOVERNING BODY	SECRETARIAT	CREATION AND HARMONIZATION OF RULES AND NORMS	MANDATE TO CARRY OUT SUPERVISION/ COMPLIANCE / ENFORCEMENT	NATIONAL REPORTING REQUIREMENTS	AVOIDANCE AND RESOLUTION OF DISPUTES
<p>SOUTH PACIFIC</p> <p>19 States + dependencies and territories of the France, New Zealand, UK, and US</p> <p><u>LBA Instrument</u> 1. Regional Programme of Action for the Protection of the Marine Environment of the South Pacific Region from Effects of Land-based Activities (Endorsed by Apia regional Workshop, Oct. 1999 and submitted to SPREP member countries)</p> <p><u>Other Supporting Instruments</u> 2. 1986 Convention for the Protection of the Natural Resources and Environment of the South Pacific Region (SPREP/Noumea Convention, in force 1990) 3. Action Plan for Managing the Environment of the Pacific Island Region, 2001-2004 (Adopted by 11<sup>th</sup> SPREP Meeting, Oct 2000, update of 1982 Action Plan)</p> <p>Convention Area is South Pacific Region defined under Arts. 2 and 3 to include EEZs of 24 South Pacific countries, high seas enclosed on all sides by these EEZs, and areas added by a Party; generally would not include internal waters and archipelagic waters (Art 1 (2))</p>	<p>Under Art. 22, Meeting of Contracting Parties (Ordinary Meetings every 2 years)</p>	<p>South Pacific Regional Environment Programme (SPREP) as Secretariat</p> <p>Agreement on SPREP as an autonomous international organization (1993, in force 1995)</p> <p>Convention initially designated South Pacific Commission as Secretariat (Art. 2 (g) C)</p>	<p>General Obligations on LBA laid down for:</p> <ul style="list-style-type: none"> <li>-pollution from land-based sources (Art. 7)</li> <li>- airborne pollution (Art. 9)</li> <li>- mining and coastal erosion (Art. 13)</li> <li>- specially protected areas and protection of wild flora and fauna (Art. 14)</li> </ul> <p>Parties to endeavor to harmonize policies at the regional level (Art. 5 (1) on General Obligations)</p> <p>Parties to cooperate in formulating and adopting other protocols prescribing agreed measures, procedures and standards (Art. 5 (3) on General Obligations)</p> <p>Under RPA, the SPREP Member countries and SPREP will take action to:</p> <ul style="list-style-type: none"> <li>- establish regional agreements for standards and national waste management plans</li> <li>- establish regional agreement for the management of solid waste</li> <li>- implement regional programme to collect industrial waste discharge data</li> <li>-establish regional integrated coastal zone management programmes</li> <li>- establish regional marine water quality standards and monitoring programmes</li> </ul>	<p>Meeting of CP to review implementation of SPREP Convention (Art. 22):</p> <ul style="list-style-type: none"> <li>- assess periodically state of environment</li> <li>-consider information submitted by parties</li> <li>- consider and adopt decisions on cooperative activities</li> </ul> <p>Regular Meetings of Council of Regional Organizations in the Pacific (CROP) as avenue for collaboration among several regional intergovernmental organizations (p 26 AP)</p>	<p>CP to transmit to Secretariat:</p> <ul style="list-style-type: none"> <li>- information on measures adopted (Art. 19)</li> <li>- results of EIAs</li> </ul> <p>Party to notify Secretariat and other countries of cases of pollution as well as of measures taken (Art 15(2) C)</p>	<p>Disputes concerning interpretation and application of Convention to be settled peacefully or through arbitration (Art 26)</p> <p>Rules and procedures on liability and compensation to be formulated and adopted (Art. 20)</p> <p>Best endeavor to ensure that implementation of Convention does not result in increase in pollution of areas outside Convention Area</p>

LBA REGIONS and BASIC INSTRUMENTS	COMPETENT REGIONAL AUTHORITY/ GOVERNING BODY	SECRETARIAT	CREATION AND HARMONIZATION OF RULES AND NORMS	MANDATE TO CARRY OUT SUPERVISION/ COMPLIANCE / ENFORCEMENT	NATIONAL REPORTING REQUIREMENTS	AVOIDANCE AND RESOLUTION OF DISPUTES
<p>WEST AND CENTRAL AFRICA</p> <p>21 States</p> <p><u>LBA-Relevant Instruments</u></p> <p>1. 1981 Convention for Co-operation in the Protection and Development of the Marine and Coastal Environment of the West and Central African Region (in force 1984)</p> <p>2. 1981 Action Plan for the Protection and Development of the Marine and Coastal Areas of the West and Central African region</p> <p>(RPA under discussion)</p> <p>Under Art. 1, geographical coverage includes marine environment, coastal zones and related inland waters of WACAF states</p>	<p>Meeting of the Contracting Parties (Ordinary Meetings every two years) (Art. 17)</p> <p>5<sup>th</sup> Meeting of Parties in 2000</p>	<p>UNEP (Art. 16) WACAF/RCU</p> <p>Established in Abidjan 1996</p> <p>With 1 "acting coordinator" (on secondment)</p>	<p>General Obligations on LBA laid down for:</p> <ul style="list-style-type: none"> <li>-pollution from land-based sources (Art. 7)</li> <li>- pollution from or through the atmosphere (Art. 9)</li> <li>- coastal erosion (Art. 10)</li> <li>- specially protected areas (Art. 11)</li> </ul> <p>CPs shall endeavor to harmonize national policies (Art. 4 (3))</p>	<p>Under Art. 17, Meeting of CP to keep under review implementation of the Convention, to:</p> <ul style="list-style-type: none"> <li>-consider reports</li> <li>- review state of pollution of convention area</li> </ul> <p>National Authority to be designated as channel of communication between CP and Secretariat (Art. 16 (2))</p> <p>Under Art 23 (Compliance Control) CP undertake to cooperate in development of procedures enabling them to control the application of the Convention and Protocols</p>	<p>CP submit bilateral or multilateral agreements for the Protection of the ME to UNEP (Art 3 (1))</p> <p>CP who becomes aware of pollution emergency to notify Secretariat and other affected CP (Art. 12 (2))</p> <p>CP to transmit the Secretariat reports on measures adopted in implementation of Convention</p>	<p>CPs in taking measures will act so as not to transfer damage or hazards from one area to another or transform one type of pollution to another (Art. 4 (5))</p> <p>CP to formulate and adopt rules and procedures on liability and compensation (Art. 15)</p>

B. REGIONAL SEAS WITH NO REGIONAL CONVENTIONS	COMPETENT REGIONAL AUTHORITY/ GOVERNING BODY	SECRETARIAT	CREATION AND HARMONIZATION OF RULES AND NORMS	MANDATE TO CARRY OUT SUPERVISION/ COMPLIANCE / ENFORCEMENT	NATIONAL REPORTING REQUIREMENTS	AVOIDANCE AND RESOLUTION OF DISPUTES
<p>SOUTH ASIAN SEAS</p> <p>5 States</p> <p><u>LBA-Relevant Instruments</u></p> <p>1. 1995 Action Plan for the Protection and Management of the Marine and Coastal Environment of the South Asian Seas Region</p> <p>2. Regional Overview and Regional Programme of Action for the Implementation of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities (2000, prepared by Integrated Coastal and Marine Management, Dept of Ocean Development, Chennai)</p> <p>(Draft RPA under consideration)</p>	<p>Intergovernmental Meeting of the South Asian Seas Programme (annual)</p>	<p>Director, South Asia Cooperative Environment Programme; (SACEP) as SAS Action Plan Secretariat</p> <p>Re Sewage, RPA recommends that SAS Secretariat should also act as hub for flow of information relating to BAT, interested donors for funding, etc (p. 31)</p> <p>RPA recommends a clearing mechanism On POPs, and Radioactive substances (p 32); regional training programmes on the matter of nutrients (p 39); and familiarization/ application of ICZM (p. 40)</p>	<p>SAS Action plan identifies 4 priority areas of activities:</p> <ol style="list-style-type: none"> <li>1. ICZM</li> <li>2. National and Regional Oil Spill Contingency Planning</li> <li>3. Human resources development through strengthening regional Centres of Excellence</li> <li>4. Protection of the Marine and Coastal Environment from Land-based activities</li> </ol>	<p>Recommended that time targets be left for individual countries to determine</p>		

LBA REGIONS and BASIC INSTRUMENTS	COMPETENT REGIONAL AUTHORITY/ GOVERNING BODY	SECRETARIAT	CREATION AND HARMONIZATION OF RULES AND NORMS	MANDATE TO CARRY OUT SUPERVISION/ COMPLIANCE / ENFORCEMENT	NATIONAL REPORTING REQUIREMENTS	AVOIDANCE AND RESOLUTION OF DISPUTES
<p>EAST ASIAN SEAS</p> <p>10 States</p> <p><u>LBA Instrument</u></p> <p>1. Regional Programme of Action for the Protection of the Marine Environment From the Effects of Land-based Activities (2000, adopted by the Coordinating Body on the Seas of East Asia (COBSEA) but not yet implemented)</p> <p><u>Supporting Instrument</u></p> <p>2. 1981 Action Plan for the Protection and Development of the Marine Environment and Coastal Areas of the East Asian Region (rev. 1994)</p> <p>3. The EAS/RCU Vision and Plan – A Systematic Approach (2000, adopted by COBSEA as a ten-year plan of action )</p>	<p>Coordinating Body on the Seas of East Asia (COBSEA) - Annual Intergovernmental Meeting</p> <p>--As decided by the Meeting of Plenipotentiaries on the East Asian Seas Action Plan (Bangkok, 26-27 October 1994),</p>	<p>UNEP-EAS/RCU (East Asian Seas Regional Coordinating Unit)</p>	<p>RPA recommends a regional agreement to deal with (1) Water Cycle Management and (2) criteria and standards for release of sewage and urban run-off into waterways, and that a regional action plan be developed accordingly (pp 12-13, 21)</p>			

LBA REGIONS and BASIC INSTRUMENTS	COMPETENT REGIONAL AUTHORITY/ GOVERNING BODY	SECRETARIAT	CREATION AND HARMONIZATION OF RULES AND NORMS	MANDATE TO CARRY OUT SUPERVISION/ COMPLIANCE / ENFORCEMENT	NATIONAL REPORTING REQUIREMENTS	AVOIDANCE AND RESOLUTION OF DISPUTES
<p>NORTH-WEST PACIFIC</p> <p>4 States</p> <p><u>LBA-Relevant Instrument</u> 1994 Action Plan for the Protection, Management and development of the Marine and Coastal Environment of the Northwest Pacific Region (finalized 1996)</p> <p>(Strategic Action Plan for NOWPAP Region to address LBA in preparation)</p> <p>Geographical coverage to cover marine and coastal environment of Japan, PRC, Rep of Korea and Russian Federation (par. 9 AP)</p>	<p>NOWPAP Intergovernmental Meetings (annual)</p>	<p>UNEP (interim) RCU to be established</p>	<p>Action plan enumerates activities and tasks to achieve five objectives which are relevant to LBA programme</p>	<p>4 Regional Activity Centers (RACs) established</p> <p>GPA Workshop on Sewage scheduled for 2002 in Toyama</p>		

LBA REGIONS and BASIC INSTRUMENTS	COMPETENT REGIONAL AUTHORITY/ GOVERNING BODY	SECRETARIAT	CREATION AND HARMONIZATION OF RULES AND NORMS	MANDATE TO CARRY OUT SUPERVISION/ COMPLIANCE / ENFORCEMENT	NATIONAL REPORTING REQUIREMENTS	AVOIDANCE AND RESOLUTION OF DISPUTES
<p>UPPER SOUTH-WEST ATLANTIC</p> <p>3 States</p> <p><u>LBA-Relevant Documents</u> Draft Regional Programme of Action for the Protection of the Marine Environment of the Upper Southwestern Atlantic Ocean (USWAO) from the Effects of Land-based Activities</p> <p>Overview of Land-based Sources and Activities Affecting the Marine, Coastal and Associated Freshwater Environment of the Upper Southwest Atlantic Ocean (UNEP Regional Seas Reports Series, 2000)</p>		<p>UNEP facilitates cooperation among Argentina, Brazil, and Uruguay</p>		<p>Overview Document recommends "Regional Development Plans",</p> <ul style="list-style-type: none"> <li>- establishment of an intergovernmental mechanism to integrate all policies related to marine and coastal environmental protection, at regional and national scales (p. 39)</li> <li>-establish and/or harmonize legal instruments among three countries in order to allow similar lines of action (p. 37)</li> <li>- establish a regional system for coastal protected areas</li> </ul>		

LBA REGIONS and BASIC INSTRUMENTS	COMPETENT REGIONAL AUTHORITY/ GOVERNING BODY	SECRETARIAT	CREATION AND HARMONIZATION OF RULES AND NORMS	MANDATE TO CARRY OUT SUPERVISION/ COMPLIANCE / ENFORCEMENT	NATIONAL REPORTING REQUIREMENTS	AVOIDANCE AND RESOLUTION OF DISPUTES
<p>ARCTIC (UNEP RSP Partner)</p> <p>8 States</p> <p><u>LBA Instrument</u></p> <p>1998 Regional Programme of Action for the Protection of the Arctic Marine Environment from Land-based Activities (Adopted by Arctic Council of Ministers, Iqaluit, 1998)</p>	<p>Arctic Council (Bi-annual Ministerial Meeting) - an intergovernmental initiative with all decisions made by consensus</p> <p>through</p> <p>PAME (Protection of the Arctic Marine Environment) Working Group of the Arctic Council - implements of RPA</p>	<p>PAME Secretariat (started 199)</p> <p>1998 Iqaluit Declaration recognized role of PAME in the implementation and further development of the RPA</p>	<p>For POPs and Heavy Metals (regional priority source categories) , level regional actions include</p> <ul style="list-style-type: none"> <li>- implement measures needed to met obligations under UNECE LRTAP POP Protocol</li> <li>- develop and adopt Arctic-wide environmental Guidelines on mining</li> <li>-explore and establish non-binding arrangements to reduce or eliminate heavy metals pollution in the marine and coastal environment (pp 10-11)</li> </ul> <p>PAME support for Russian NPA-Arctic project</p>		<p>RPA requires open and transparent reporting (p. 12)</p>	

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<p>NORTHEAST PACIFIC (Regional Sea Action Plan and Regional Sea Convention ready for adoption)</p> <p>6 States (participation of US and Canada under consideration)</p> <p><u>LBA-relevant documents</u>  1. Convention for the Protection and Sustainable Development of the Marine and Coastal Environment of the Northeast Pacific (for adoption)  2. Plan of Action for the Protection and Sustainable Management of the Marine and Coastal Environment of the Northeast Pacific Regional Sea (for adoption)</p> <p>Proposed Convention area is the sea area , including coastal areas, of the Northeast Pacific within the 200-mile area of sovereignty and jurisdiction of the CPs, each country to define the extent of its coastal area</p>	<p>Meetings (Ordinary and Extraordinary) of the Contracting Parties</p> <p>Meetings held every two years coinciding with the Intergovernmental (General Authority) Meeting of the Plan of Action</p>	<p>UNEP as Executive Secretariat</p>	<p>CPs undertake to carry out the integrated management and sustainable development of coastal areas and the marine environment, through:</p> <ul style="list-style-type: none"> <li>- formulating and implementing plans and programmes</li> <li>- integration of sectoral programmes in a master plan</li> </ul>	<p>Meeting of Contracting Parties to examine extent to which the provisions of the Convention are being implemented by CP, the effectiveness of measures taken and the need to examine other kinds of activities</p>	<p>CPs undertake, in accordance with their respective national rules, to exchange information and transmit info to Secretariat on:</p> <ul style="list-style-type: none"> <li>- competent national authorities, organizations and bodies</li> <li>- research programmes</li> </ul> <p>Rules, standards practices and procedures to implement Convention to be communicated to the Secretariat</p>	<p>When transboundary effect of activities under CP jurisdiction is likely to cause damage, the concerned parties should be informed and consulted when the activity is planned</p> <p>Information obtained from observations during emergencies to be communicated to other CP and the secretariat</p> <p>Rules and procedures on liability and compensation for damage resulting from pollution of the Convention area</p> <p>CP to establish mechanisms to solve and handle problems resulting from allocation of uses of coastal areas</p>