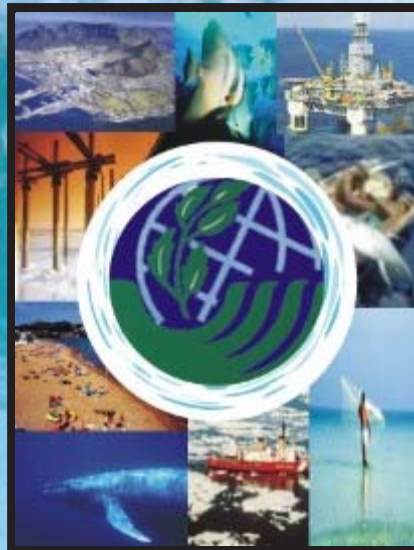


TOWARD MAURITIUS 2005

GLOBAL MULTILATERAL ENVIRONMENTAL AGREEMENTS AND SMALL ISLAND DEVELOPING STATES



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GLOBAL MULTILATERAL ENVIRONMENTAL AGREEMENTS AND SMALL ISLAND DEVELOPING STATES

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Toward Mauritius 2005 Series

This paper series aims to contribute to the deliberations leading up to the Mauritius International Meeting to Review Implementation of the 1994 Barbados Programme of Action for the Sustainable Development of Small Island Developing States.

Work on the series has been sponsored by the UNEP/GPA with the financial support of the Government of the Netherlands and has been carried out through the Global Forum on Oceans, Coasts, and Islands. Many thanks are due to Dr. Veerle Vandeweerd, co-chair, Global Forum on Oceans, Coasts, and Islands, for organizing this initiative.

Editor's Note: Any errors or omissions in this report are the responsibility of the authors in their individual capacities.

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FOREWORD

Agenda 21, the Barbados Programme of Action for the Sustainable Development of Small Island Developing States, and the World Summit on Sustainable Development (WSSD) each underscored that small island states are faced with the greatest complexities and challenges of sustainable development. As Agenda 21 recognized:

Small island developing States and islands supporting small communities are a special case both for environment and development. They are ecologically fragile and vulnerable. Their small size, limited resources, geographic dispersion and isolation from markets, place them at a disadvantage and prevent economies of scale.

As underscored in the Co-Chairs' Reports from both the 2003 and the 2001 Global Conferences on Oceans, Coasts, and Islands, small island developing States (SIDS) also have special problems and opportunities related to the oceans, which need to be recognized and addressed. These nations, small in land area, typically have control and stewardship over huge expanses of ocean within their Exclusive Economic Zones. The ocean zones under the stewardship of SIDS contain high biological diversity, the most extensive coral reef systems in the world, and significant seabed minerals. Small island states have a critical role to play in the sustainable development of oceans.

The WSSD addressed the special issues of SIDS in the Johannesburg Plan of Implementation by setting forth a number of targets and timetables related to SIDS, and called for a review of the implementation of the 1994 Barbados Programme of Action for the Sustainable Development of Small Island Developing States leading to an international meeting in Mauritius in January 2005.

The Global Forum on Oceans, Coasts, and Islands, with funding from UNEP/GPA, has prepared a series of papers to assist with the preparations for Mauritius 2005. In the second paper in this series, we examine SIDS' participation in multilateral environmental agreements (MEAs) related to oceans and coasts. Barriers to and incentives for implementation of these MEAs are also discussed.

We hope that this analysis will be useful to SIDS in their preparation for Mauritius 2005.

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Global Multilateral Environmental Agreements and Small Island Developing States

1. Introduction

This paper identifies and analyzes multilateral environmental agreements (MEAs) relevant to small island developing States (SIDS), particularly those related to ocean and coastal issues, as well as the instruments associated with the MEAs such as technology transfer and capacity building. The paper reviews 19 binding global MEAs of relevance to SIDS¹, which are grouped into five major areas: 1) ocean governance, 2) fisheries and aquaculture, 3) marine pollution and ocean dumping, 4) marine/coastal environment and biodiversity, and 5) climate change. Also addressed in this paper are applicability and reported effectiveness of the MEAs to issues relevant to SIDS, and constraints in the implementation of MEAs in SIDS. See Table 1 for a list of the SIDS discussed in this paper.

2. Background

Generally an overlooked voice in the international policy arena prior to the 1990s, SIDS made a strong showing at the United Nations Conference on Environment and Development (UNCED or “Earth Summit”) in 1992. Their inclusion in Chapter 17 of Agenda 21 brought significant international attention to their constraints and challenges in achieving sustainable development, including scarce land resources, which lead to difficult land use decisions; limited freshwater; education and training needs; health and human settlement requirements; inordinate pressures on coastal and marine environments and resources; and limited means available to exploit natural resources on a sustainable basis. Additionally, Chapter 17 outlined a series of “management-related activities” for SIDS, which includes conducting environmental inventories, monitoring, and short and long-term sustainable development planning (See Appendix A for the complete SIDS section of Chapter 17).

Pursuant to UN General Assembly resolution 47/189, SIDS convened the Global Conference on the Sustainable Development of Small Island Developing States in Barbados in 1994. This was the first global conference on sustainable development and the implementation of Agenda 21, such that it translated “Agenda 21 into specific policies, actions and measures to be taken at the national, regional

and international levels to enable small island developing States to achieve sustainable development” for 14 policy areas, such as climate change, natural disasters, freshwater resources, waste management, coastal and marine resources, and tourism (Barbados Programme of Action 1994).

Ten years after the Earth Summit, in August 2002, the international community met in Johannesburg for the World Summit on Sustainable Development (WSSD). In the months prior to the actual conference, SIDS lobbied tirelessly for the inclusion of oceans, coasts and islands in the conference agenda. In the Plan of Implementation of the World Summit on Sustainable Development, the sustainable development of SIDS is addressed in Chapter 7 of the Johannesburg Plan of Implementation.

Governments at the WSSD committed themselves to a series of targets to further sustainable development; approximately 20 of which apply directly to SIDS (see Box 1). Many of these targets address the ratification and full implementation of other environmental initiatives such as the United Nations Convention on the Law of the Sea (UNCLOS), Agenda 21, International Maritime Organization (IMO) instruments dealing with marine pollution, and the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities (GPA). Additional commitments focus on support for SIDS through capacity building, technology and science transfer, and funds for climate change and hazard mitigation. Finally, general commitments focus on the need to promote sustainable management of fisheries, community-based sustainable tourism initiatives, and the use of management principles such as integrated coastal management (ICM) and the ecosystem approach. Following the WSSD, the United Nations General Assembly adopted Resolution (A/57/262), which called for a 10-year comprehensive assessment of the Barbados Programme of Action for the Sustainable Development of Small Island Developing States (BPoA) at a high-level international meeting, to be held in Mauritius on January 10-14, 2005.

During the preparatory process for the Mauritius International Meeting, SIDS have been reviewing both national and regional progress on BPoA implementation to determine which goals have been achieved and which issue ar-

¹ Note: Non-binding international agreements, such as the International Coral Reef Initiative (ICRI) and the FAO Code of Conduct for Responsible Fishing, may be discussed but are not analyzed in this study. Similarly, the analysis of regional environmental agreements is beyond the scope of this paper.

Table 1. Small Island Developing States and their Exclusive Economic Zones

Country	Region	Km ²	World %
Antigua and Barbuda	Caribbean	102,867	0.10
Bahamas	Caribbean	369,149	0.36
Bahrain	AIMS	--	--
Barbados	Caribbean	183,436	0.18
Belize	Caribbean	12,839	0.01
Cape Verde	AIMS	742,438	0.73
Comoros	AIMS	161,993	0.16
Cook Islands*	Pacific	1,830,000	1.79
Cuba	Caribbean	222,204	0.22
Cyprus	AIMS	--	--
Dominica	Caribbean	24,917	0.02
Dominican Republic	Caribbean	246,454	0.24
Federated States of Micronesia*	Pacific	2,980,000	2.92
Fiji	Pacific	1,260,000	1.23
Grenada	Caribbean	20,285	0.02
Guinea-Bissau	AIMS	86,670	0.08
Guyana	Caribbean	122,017	0.12
Haiti	Caribbean	86,398	0.08
Jamaica	Caribbean	234,780	0.23
Kiribati*	Pacific	3,600,000	3.53
Maldives	AIMS	870,623	0.85
Malta	AIMS	--	--
Marshall Islands*	Pacific	2,131,000	2.09
Mauritius	AIMS	1,274,638	1.25
Nauru*	Pacific	436,490	0.43
Niue*	Pacific	390,000	0.38
Palau*	Pacific	600,900	0.59
Papua New Guinea*	Pacific	3,120,000	3.06
Samoa*	Pacific	109,932	0.11
Sao Tome and Principe	AIMS	142,563	0.14
Seychelles	AIMS	1,288,643	1.26
Singapore	AIMS	--	--
Solomon Islands*	Pacific	1,630,000	1.60
St. Kitts and Nevis	Caribbean	20,400	0.20
St. Lucia	Caribbean	11,483	0.01
St. Vincent and the Grenadines	Caribbean	32,320	0.03
Suriname	Caribbean	119,050	0.12
Tonga*	Pacific	700,000	0.69
Trinidad and Tobago	Caribbean	60,659	0.06
Tuvalu*	Pacific	757,000	0.74
Vanuatu*	Pacific	680,000	0.67
Total		23,062,148	26.3

- Data sources: Tuqiri, 2001 for entries with asterisks (*). All other data from Earthtrends, 2003.
- Note: This compilation of EEZs does not include foreign dependent territories such as the U.S. Virgin Islands.
- Note: Several States, including four SIDS listed above, have not declared EEZs. This may be for various reasons, including, inter alia, boundary disputes with neighboring States

Box 1. Major Targets and Timetables Adopted at the 2002 World Summit on Sustainable Development on SIDS, and Related Oceans and Coasts Commitments

Small island developing States

- Develop community-based initiatives on sustainable tourism in small island developing States by 2004
- Reduce, prevent, and control waste and pollution and their health-related impacts in Small island developing States by 2004 through the implementation of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities
- Support the availability of adequate, affordable and environmentally sound energy services for the sustainable development of small island developing States, including through strengthening efforts on energy supply and services by 2004
- Undertake a comprehensive review of the implementation of the Barbados Programme of Action for the Sustainable Development of Small Island Developing States in 2004

Integrated ocean and coastal management

- Encourage the application of the ecosystem approach by 2010 for the sustainable development of the oceans, particularly in the management of fisheries and the conservation of biodiversity
- Establish an effective, transparent and regular inter-agency coordination mechanism on ocean and coastal issues within the United Nations system
- Promote integrated coastal and ocean management at the national level and encourage and assist countries in developing ocean policies and mechanisms on integrated coastal management
- Assist developing countries in coordinating policies and programs at the regional and sub-regional levels aimed at conservation and sustainable management of fishery resources and implement integrated coastal area management plans, including through the development of infrastructure

Fisheries

- Implement the FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing by 2004
- Implement the FAO International Plan of Action for the Management of Fishing Capacity by 2005
- Maintain or restore depleted fish stocks to levels that can produce their maximum sustainable yield on an urgent basis and where possible no later than 2015
- Eliminate subsidies that contribute to illegal, unreported and unregulated fishing and to overcapacity

Conservation of biodiversity

- Develop and facilitate the use of diverse approaches and tools, including the ecosystem approach, the elimination of destructive fishing practices, the establishment of marine protected areas consistent with international law and based on scientific information, including representative networks by 2012

Protection from marine pollution

- Advance implementation of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities in the period 2002-2006 with a view to achieve substantial progress by 2006

Science and observation

- Establish a regular process under the United Nations for global reporting and assessment of the state of the marine environment, including socioeconomic aspects, by 2004

needs need more attention and resources. A plan to further BPOA implementation will constitute one of the most prominent outcomes of the Mauritius meeting.

Various commitments emanating from the Earth Summit, the Barbados Conference, and the recent WSSD require technology and funding that is beyond the scope of many SIDS. MEAs provide one mechanism for SIDS to both control pollution in coastal and marine areas and provide for the sustainable development of island economies.

MEAs can be effective tools for facilitation of implementation of goals set forth under the BPOA. Indeed, the BPOA specifically calls for the ratification and implementation of several MEAs, including the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal (Basel Convention), the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter (London Convention of 1972), the Convention on Biological Diversity (CBD), Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and “other relevant international and regional conventions.” In particular, BPOA objectives that require global or regional action, such as climate change, are best addressed by MEAs.

3. Small Island Developing States in Context

SIDS have long been recognized for their special attributes and characteristics. SIDS are generally blessed with natural beauty, rich cultural traditions, high biodiversity, and ideal climates for tourism. However, these nations face many constraints to development, including smallness, remoteness, constraints in transportation and communications, great distances from market centers, heavy dependence on a few commodities for foreign exchange earnings, shortage of administrative personnel, and heavy financial burdens (Hein 1985). Their small size limits development of economies of scale and their remoteness increases the cost of transportation and communication.

Within the ocean and coastal policy arena, SIDS tend to be more focused than other nations on marine issues such as fisheries, marine pollution, climate change, freshwater resources, and tourism. The marine and coastal environment is vital to the livelihoods of SIDS, providing a source of food through fisheries and a source of revenue through tourism. SIDS, therefore, are generally very concerned about the environment and the activities that may impact

the environment. Their particular concern about coastal and marine issues is understandable; even though they are small States, SIDS have jurisdiction over vast ocean areas through their large Exclusive Economic Zones (EEZs).

For example, Palau has a population of 20,000 residing on a land area of 487 square kilometers, but is responsible for overseeing an EEZ exceeding 600,000 square kilometers. Within the Pacific Islands and Territories, the per capita EEZ is approximately 11 square kilometers; each Pacific Islander is theoretically responsible for 11 square kilometers of ocean space.² Managing fishing activities throughout the expansive EEZs of SIDS countries is difficult. Illegal, unregulated, and unreported fishing (IUU fishing), a global problem, is a particular challenge for SIDS.

In addition, effects of global environmental issues such as terrestrial habitat fragmentation and loss of biodiversity are exacerbated in SIDS due mainly to their small size. SIDS are particularly susceptible to natural and environmental disasters, but have a limited capacity to respond to and recover from such disasters. In particular, SIDS, due to their low-lying topography and high ratio of coastal land area to total land area, are vulnerable to the adverse effects of climate change, including sea level rise, seawater intrusion of limited groundwater resources, increased tropical storm activity, and increased incidence of vector-borne diseases. The Intergovernmental Panel on Climate Change has projected with high confidence (67-95%) that climate change could exacerbate coastal erosion, loss of land and property, dislocation of people, risk from storm surges, saltwater intrusion into freshwater resources, and high resource costs to respond or adapt to these changes.

Agenda 21 recognizes that SIDS constitute a special case for environment and development, and that developing nations play a vital role in the drafting and implementation of MEAs. As recognized in Chapter 39 of Agenda 21,

“39.1(c) At the global level, the essential importance of the participation in and the contribution of all States, including the developing States, to treaty-making in the field of international law on sustainable development [should be taken into account]. Many of the existing international legal instruments and agreements in the field of environment have been developed without adequate participation and contribution of developing States, and thus may require review in order to reflect the concerns and interests of developing States and to ensure a balanced gov-

² Excluding Papua New Guinea (PNG). If PNG is included, the ratio drops to 4.6 square kilometers per capita. Source: McCall, n.d. Nissology: A debate and discourse from below. Center for South Pacific Studies. University of New South Wales, Australia.

ernance of such instruments and agreements.

“39.1(d) Developing States should also be provided with technical assistance in their attempts to enhance their national legislative capabilities in the field of environmental law.”

4. Overview of Multilateral Environmental Agreements Relevant to SIDS

The earliest multilateral agreement related to the environment, the Rhine Convention, dates back to 1868. Since then, the number of international agreements has risen to at least 502 international treaties and other agreements related to the environment, of which 323 are regional. Nearly 60 percent of these treaties have been initiated since 1972 (UNEP 2001). As previously mentioned, this paper focuses on international MEAs of interest to SIDS, particularly those related to ocean and coastal issues.

The following section of this paper provides a brief overview of 19 MEAs of relevance to SIDS. The MEAs have been divided into five categories as follows: 1) ocean governance, 2) fisheries and aquaculture, 3) marine pollution and ocean dumping, 4) marine/coastal environment and biodiversity, and 5) climate change. The MEAs are listed in Box 2.

In addition to recommending the ratification and implementation of several MEAs, the BPoA states that, “[t]he implementation of the Programme of Action shall be consistent with a number of parallel international processes important to the sustainable development of small island developing States that contain relevant provisions.” Specifically, global MEAs named in the BPoA include:

- United Nations Framework Convention on Climate Change;
- Convention on Biological Diversity;
- United Nations Agreement on Straddling Fish Stocks and Highly Migratory Fish Stocks;
- United Nations Convention on the Law of the Sea;
- International Conference on Population and Development;
- Global Programme of Action for the Protection of the

Marine Environment from Land-based Activities³;

- The Intergovernmental Negotiating Committee for the Elaboration of a Convention to Combat Desertification in those States Experiencing Serious Drought and/or Desertification, particularly in Africa (precursor to the UN Convention to Combat Desertification);
- Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal;
- Convention on International Trade in Endangered Species of Wild Fauna and Flora; and
- Convention on Wetlands of International Importance Especially as Waterfowl Habitat.

5. SIDS Participation in MEAs: Applicability and Effectiveness

This section describes the major MEAs relevant to SIDS and discusses both global ratification and ratification by SIDS. The applicability to and effectiveness for SIDS is discussed for each MEA. The issue of MEA applicability to SIDS focuses on the relevance of the MEA at addressing issues faced by SIDS, while reported effectiveness focuses on how well the provisions of the MEAs are able to successfully address the intended issues.

Ratification of the environmental agreements under the above-mentioned six broad categories is discussed below and a full listing of ratifications is shown in Table 2. For the purposes of the study and the table, the SIDS referenced are those 41 States recognized by either the UN Department of Economic and Social Affairs (UN DESA) or the Alliance of Small Island Developing States (AOSIS) as SIDS and by the United Nations as sovereign nations. That is, dependent territories are omitted from the study. When reference is made to percentage of non-SIDS ratification, a total of 150 non-SIDS States are used (the current total of 191 United Nations Member States minus the 41 SIDS). Being a party to a given MEA indicates accession or ratification of the MEA; parties to a given MEA are bound by its provisions. Signatories to a given MEA are not necessarily parties and are not bound by its provisions.

³ The GPA was a work in progress in 1994; the BPoA refers to the intergovernmental negotiations on land-based sources of marine pollution of UNEP, which evolved into the GPA

Box 2. Major Global Binding Multilateral Environmental Agreements (MEAs) of Relevance to SIDS

Ocean Governance

- 1982 United Nations Convention on Law of the Sea (UNCLOS)
- Agreement relating to the implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982 (Agreement on UNCLOS Part XI)

Fisheries and Aquaculture

- Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (1995 U.N. Fish Stocks Agreement)
- 1993 Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas (High Seas Fishing Vessels Agreement)
- International Convention for the Regulation of Whaling (ICRW)

Marine Pollution and Ocean Dumping

- Basel Convention on the Control of Transboundary Movement of Hazardous Waste (Basel Convention)
- 1972 Convention on the Prevention of Marine Pollution by Dumping Wastes and Other Matter (London Convention of 1972)
- International Convention for the Prevention of Pollution from Ships (MARPOL 73/78)
- The International Convention on Oil Pollution Preparedness, Response, and Cooperation (the OPRC Convention)
- Stockholm Convention on Persistent Organic Pollutants (Stockholm Convention)
- Rotterdam Convention on Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (Rotterdam Convention)

Marine/Coastal Environment and Biodiversity

- Convention on Biological Diversity (CBD)
- Cartagena Protocol on Biosafety
- Convention on International Trade of Endangered Species of Flora and Fauna (CITES)
- Convention on Wetlands of International Importance Especially as Waterfowl Habitat (Ramsar Convention)
- Convention on Migratory Species of Wild Animals of 1979 (Bonn Convention)
- United Nations Convention to Combat Desertification (UNCCD)

Climate Change

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

OCEAN GOVERNANCE

1982 United Nations Convention on the Law of the Sea (UNCLOS)

Described by then United Nations Secretary-General in 1982 as “possibly the most significant legal instrument of this century,” the United Nations Convention on the Law of the Sea (UNCLOS) represents the first attempt by the international community to regulate all aspects of ocean resource uses, including navigational rights, territorial sea limits, and protection of the marine environment.

UNCLOS addresses delineation of, and respective rights in, maritime zones, including internal waters, the territorial sea, EEZ, continental shelf, and the high seas; protection and preservation of the marine environment from vessel-source, land-based, and seabed-mining related pollution and from ocean dumping; marine scientific research; and seabed mining. UNCLOS also creates several new international institutions and provides for binding dispute settlement.

As of February 2004, 145 States were party to UNCLOS, which entered into force on November 16, 1994. 92% of SIDS are Parties to UNCLOS, as compared to 71% of all non-SIDS nations (United Nations 2004). With the ratification of UNCLOS, small island states increased their jurisdictional power through delineation of 200-mile EEZs. In many cases, SIDS’ EEZs far exceed their land area. For example, while Barbados has an approximate land area of 430 km², it has jurisdiction over approximately 167,000 km² of ocean space. Tuvalu, one of the smallest SIDS in the world, has a land area of 26 km², yet has jurisdiction over approximately 900,000 km² of ocean space. With increased sovereignty over ocean resources comes increased responsibility for management. Through the associated jurisdiction granted through UNCLOS, SIDS may regulate marine pollution from ships and commercial fisheries, among other activities. However, managing a large EEZ with limited human resources and capacity can prove extremely difficult. SIDS and other developing nations are in need of assistance with respect to EEZ delimitation, surveying, monitoring, and management.

Agreement relating to the implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982 (Agreement on UNCLOS Part XI)

To address certain difficulties with the seabed mining provisions contained in Part XI of UNCLOS, which had been raised primarily by the industrialized States, the Secretary-General of the United Nations convened in July 1990 a series of informal consultations which culminated in the adop-

tion, on 28 July 1994, of the Agreement relating to the implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982 (United Nations n.d.).

As of February 2004, 117 States were Parties to the Agreement on UNCLOS Part XI, which entered into force on July 28, 1996. SIDS participation in this Agreement is roughly equivalent to global participation, with 59% of SIDS ratifying or acceding to the Agreement as compared to 62% of non-SIDS States.

FISHERIES AND AQUACULTURE

As described below, major MEAs that address fishery resources include the 1993 Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas (Fishing Vessels Agreement) and the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (Straddling Fish Stocks). These agreements emphasize the use of maximum sustainable yields and allowable catch for nearshore and offshore commercial fisheries.

It should be noted that although aquaculture is considered an emerging use of the ocean, it is not specifically dealt with in most fisheries agreements. Given the growth of the aquaculture industry coupled with concerns about its impacts on the marine environment, it is anticipated that existing agreements may be amended to explicitly influence aquaculture management. The Food and Agriculture Organization Code of Conduct for Responsible Fisheries, described below under “Fisheries Soft Law,” does contain guidance for development of aquaculture; however, this agreement is non-binding.

The United Nations Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (1995 U.N. Fish Stocks Agreement)

The United Nations Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (1995 U.N. Fish Stocks Agreement) sets out principles for the conservation and management of those fish stocks and establishes that such management must be based on the precautionary approach and the best available scientific information. The 1995 U.N. Fish Stocks Agreement elabo-

rates on the fundamental principle established in UNCLOS: States should cooperate to ensure conservation and promote the objective of the optimum utilization of fisheries resources both within and beyond the EEZ.

The 1995 U.N. Fish Stocks Agreement attempts to achieve this objective by providing a framework for cooperation in the conservation and management of those resources. It promotes good order in the oceans through the effective management and conservation of high seas resources by establishing, among other things, detailed minimum international standards for the conservation and management of straddling fish stocks and highly migratory fish stocks; ensuring that measures taken for the conservation and management of those stocks in areas under national jurisdiction and in the adjacent high seas are compatible and coherent; ensuring that there are effective mechanisms for compliance and enforcement of those measures on the high seas; and recognizing the special requirements of developing States in relation to conservation and management as well as the development and participation in fisheries for the two types of stocks mentioned above.

The Fish Stocks Agreement was adopted on August 4, 1995 by the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks. The Agreement entered into force on December 11, 2001, and currently has 51 Parties (United Nations 2004), 17 of which are SIDS. Ratification by non-SIDS nations stands at 23%, with SIDS ratification at 41%.

Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas (1993 High Seas Fishing Vessels Agreement)

The Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas (1993 High Seas Fishing Vessels Agreement) was adopted in Rome by consensus of the United Nations Food and Agricultural Organization (UN FAO) Conference on November 24, 1993.

The 1993 High Seas Fishing Vessels Agreement is based on Article 91 of UNCLOS, which obligates flag states to ensure that a genuine link exists between themselves and the vessels they register. The UNCLOS Article was intended to prevent reflagging or unjustified registration with non-member states, but has not achieved this result. This Agreement strengthens the general principles of UNCLOS to improve the effectiveness of multilateral fishing organizations. The 1993 High Seas Fishing Vessels Agreement, which is binding upon Party States, specifies the responsibilities of a state for ships flying its flag that fish on the high seas, requires flag-state authorization for such fishing, and

obligates a state to ensure that fishing by vessels under its flag do not undermine international conservation and management efforts. A State is not to allow the use of its flag unless it can effectively exercise its Compliance Agreement responsibilities (Juda 2001). This agreement is not widely ratified, with current ratification at 15% for SIDS and 15% for non-SIDS States. Low ratification of this Agreement could be attributed to nations' need to focus on their territorial seas and EEZs before attempting to manage or enforce behavior on the high seas.

International Convention for the Regulation of Whaling (ICRW)

The International Convention for the Regulation of Whaling which was signed in Washington DC on December 2, 1946, establishing the International Whaling Commission (IWC). The purpose of the Convention and the IWC is to provide for the proper conservation of whale stocks and thus make possible the orderly development of the whaling industry. The Convention entered into force on November 10, 1948.

The main duty of the IWC is to keep under review and revise as necessary the measures laid down in the Convention which govern the conduct of whaling throughout the world. These measures, among other things, provide for the complete protection of certain species; designate specified areas as whale sanctuaries; set limits on the numbers and size of whales which may be taken; prescribe open and closed seasons and areas for whaling; and prohibit the capture of suckling calves and female whales accompanied by calves. The compilation of catch reports and other statistical and biological records is also required.

Fifty-two (52) States are party to the Convention, that is, eight SIDS (20%) and 44 non-SIDS States (29%). (International Whaling Commission 2004).

“Soft Law” for Fisheries and Aquaculture

In addition to binding MEAs, soft law instruments, such as declarations, programmes of action, codes of conduct, and frameworks are developed to manage environmental issues at a global or regional scale. These initiatives provide several instruments and tools for enhanced management of resources such as fisheries, particularly for developing States; thus, they constitute an excellent incentive and a potential source of funds to pursue sustainable development.

FAO Code of Conduct for Responsible Fisheries (FAO Code of Conduct)

In recognition of the importance of fisheries for sustenance,

employment, income and recreation worldwide, the Food and Agriculture Organization of the United Nations (FAO) developed the FAO Code of Conduct for Responsible Fisheries in 1995 (FAO Code of Conduct). This voluntary Code aims to ensure that all people working in fisheries and aquaculture commit themselves to its principles and goals and take practical measures to implement them.

The Code of Conduct, which consists of a collection of principles, goals and elements for action, represents a global consensus or agreement on a wide range of fisheries and aquaculture issues. Governments, in cooperation with their industries and fishing communities, have the responsibility to implement the Code. FAO provides technical support, but governments have the primary responsibility to implement the Code through national fishing plans and policies. Implementation of the Code will be most effectively achieved when governments are able to incorporate its principles and goals into national fishery policies and legislation.

The Code of Conduct was adopted by over 170 FAO member nations in 1995.

International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA for IUU Fishing)

Illegal, unreported and unregulated (IUU) fishing has been identified in a wide range of international fora as being a major constraint to the achievement of responsible fisheries. FAO developed the International Plan of Action (IPOA) for IUU fishing as a voluntary instrument within the framework of the Code of Conduct for Responsible Fisheries. The IPOA for IUU fishing makes specific mention of SIDS, stating, “States, with the support of FAO and relevant international financial institutions and mechanisms, where appropriate, should cooperate to support training and capacity building and consider providing financial, technical and other assistance to developing States, including in particular the least developed among them and small island developing States, so that they can more fully meet their commitments under the IPOA and obligations under international law, including their duties as flag States and port States” (FAO 2001).

MARINE POLLUTION AND OCEAN DUMPING

A number of MEAs address the critical issue of marine pollution, whether marine pollution is the sole focus of the initiative or is addressed in the larger context of its impacts on the marine and coastal environment. These agreements address both marine pollution from maritime activities, such

as ocean dumping from vessels, as well as marine pollution from land-based sources, such as runoff. The 1972 Convention on the Prevention of Marine Pollution by Dumping Wastes and Other Matter (London Convention) and International Convention for the Prevention of Pollution from Ships (MARPOL 73/78) are the two primary agreements addressing marine pollution from maritime activities. The Preamble to the 1996 Protocol to the London Convention makes note of the need to recognize the special considerations of developing states, in particular SIDS (Heathcote and Nawadra 2004).

Basel Convention on the Control of Transboundary Movement of Hazardous Waste (Basel Convention)

The Basel Convention on the Control of Transboundary Movement of Hazardous Waste (Basel Convention) was negotiated between 1987 and 1989, following several high-profile cases of hazardous waste dumping in developing States. The Basel Convention aims to both minimize the production of hazardous waste materials and to control and reduce their transboundary movements so as to protect human health and the environment. This Convention generally prohibits waste export to: 1) Antarctica; 2) those States that have banned waste importation as a matter of national policy; and 3) non-Party States. Hazardous waste transfers that are permitted under the Basel Convention are subject to the mechanism of prior notification and consent, which requires Parties not to export hazardous waste to another party unless the ‘competent authority’ in the importing state has been properly informed and has consented to the trade (Krueger 2001).

The Basel Convention is the primary global MEA to address the transboundary movement of hazardous wastes. Difficulties in assessing the progress achieved by SIDS since the Basel Convention entered into force can be attributed to poor data submission at the national level. The Convention requires Parties to report and transmit national definitions of hazardous waste, national regulations, and information regarding transboundary movements; however, less than half of signatory Parties reported the required information for 2001, with 70 out of 140 Parties reporting. Of the 26 SIDS who are party to the Basel Convention, only seven SIDS (27% of Parties) reported in 2001 (Secretariat of the Basel Convention n.d.).

While data remain unavailable to quantitatively assess the impacts of the Convention, the Basel Convention has placed an international spotlight on the practice of richer, developed States exporting their waste to poorer, developing States and created an international consensus that this practice should cease to occur. The Basel Convention has

linkages with several regional MEAs, most notably the Waigani Convention which prohibits the import of hazardous waste into Pacific Island developing States (Krueger 2001).

The Basel Convention entered into force in May 1992 and, as of February 2004, had 159 Parties, 26 of which were SIDS. 89% of non-SIDS States have ratified the Basel Convention, while 63% of SIDS have ratified this Convention (Basel Convention Secretariat 2004).

1972 Convention on the Prevention of Marine Pollution by Dumping Wastes and Other Matter (London Convention of 1972)

The purpose of the 1972 Convention on the Prevention of Marine Pollution by Dumping Wastes and Other Matter (London Convention of 1972) is to control all sources of marine pollution and prevent pollution of the sea through regulation of dumping into the sea of waste materials. A so-called “black- and grey-list” approach is applied for wastes, which can be considered for disposal at sea according to the hazard they present to the environment. For the black-list items, dumping is prohibited, while dumping of the grey-listed materials requires a special permit from a designated national authority under strict control and provided certain conditions are met. All other materials or substances can be dumped after a general permit has been issued.

The regime established by the London Convention ensures a considerable degree of transparency. It allows not only relevant international organizations, such as specialized agencies of the United Nations, e.g., the International Atomic Energy Agency, but also a range of nongovernmental organizations to attend as observers and make statements, submit documents, and participate freely in plenary and working discussions. The main deficiencies of the regime are reported to be the inability to recruit sufficiently wide participation, especially among developing coastal states, and an inadequate compliance system. It is also reported that obligations to lodge national reports on dumping and management activities are widely ignored (Stokke 1998/1999).

The 1996 Protocol to the London Convention is more restrictive: application of a “precautionary approach” is included as a general obligation; a “reverse list” approach is adopted, which implies that all dumping is prohibited unless explicitly permitted; incineration of wastes at sea is prohibited; export of wastes for the purpose of dumping or incineration at sea is prohibited (London Convention website n.d.).

There are presently 80 Parties to the London Convention, 19 of which are SIDS (46%), and 61 of which are non-SIDS (41%). The 1996 Protocol has 19 parties, three of which are SIDS (7% ratification by SIDS versus 11% ratification by non-SIDS).

International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL 73/78)

The International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL 73/78) is the main international convention concerned with the prevention of pollution from accidental and operational causes in ships. The original MARPOL convention, the International Convention for the Prevention of Pollution from Ships, was adopted by the International Conference on Marine Pollution convened by the International Maritime Organization in 1973. This convention was subsequently modified by the Protocol of 1978, which was adopted by the International Conference on Tanker Safety and Pollution Prevention (International Maritime Organization n.d.).

The Convention is implemented through six technical annexes that regulate various pollutants:

Annex I Regulations for the Prevention of Pollution by Oil

Annex II Regulations for the Control of Pollution by Noxious Liquid Substances in Bulk

Annex III Prevention of Pollution by Harmful Substances Carried by Sea in Packaged Form

Annex IV Prevention of Pollution by Sewage from Ships (entry into force date 27 September 2003)

Annex V Prevention of Pollution by Garbage from Ships

Annex VI Prevention of Air Pollution from Ships (adopted September 1997 - not yet in force)

States Parties must accept Annexes I and II, but the other Annexes are voluntary and require separate ratification. To date (February 2004), all Annexes are in force except Annex VI. See Table 2 for details on ratification by SIDS and non-SIDS States. Refer to Figure 1 for a graphical summary of MEA ratification by SIDS and non-SIDS States.

Table 2. Ratification Status of Major Binding Global Multilateral Environmental Agreements Relevant to SIDS

	UNCLOS (Law of the Sea)	Agmt. on UNCLOS Part IX	1995 U.N. Fish Stocks Agmt.	High Seas Fishing Vessels Agmt.	ICRW (Regulation of Whaling)	Basel Conv. (Transboundary Waste)	London Dumping Conv. of 1972	MARPOL I/II (Oil/Noxious)	MARPOL III (Harmful Substances)	MARPOL IV (Sewage)	MARPOL V (Garbage)	MARPOL VI (Air Pollution)	OPRC (Oil Pollution)	Stockholm Conv. (POPs)	Rotterdam Conv. (Pesticides)	Conv. On Biological Diversity	Cartagena Protocol on Biosafety	Ramsar Conv. (Wetlands)	CITES (Trade in End. Species)	Bonn Conv. (Migratory Species)	UNCCD (Desertification)	UNFCCC (Climate Change)	Kyoto Protocol	STATE TOTAL	STATE PERCENTAGE	
AIMS NATIONS	Bahrain	R				R								S		R		A			A	R		6	26%	
	Cape Verde	R				A	R	R	R	R	R	R	R			R					R	R		11	48%	
	Comoros	R				A		R	R	R	R			S		R		A	A		R	R	A	13	57%	
	Cyprus	R	R	R	A	A	R	R			R				S	R		R	R	R	A	R	A	15	65%	
	Guinea-Bissau	R												S	S	R			R		R	R		6	26%	
	Maldives	R	R	R		A										R		A	A	R		R	R	9	39%	
	Malta	R	R	R			R	R	R					S		R		A	A	R	R	R	R	15	65%	
	Mauritius	R	R/A	R	A	A		R	R	R	R	R		S		R		A	R		R	R		16	70%	
	Sao Tome & Principe	R						R	R	R	R	R		S		R			A	R		R		10	43%	
	Seychelles	R	R	R	A	A	A	R	R	R	R	R	S	R	S	R	R	S		A	R	R	R	13	57%	
	Singapore	R	R			A	A	R	R	R	R	R	R	R	S		R		A		R	R		12	52%	
	REGION	100%	55%	45%	27%	0%	73%	36%	73%	55%	36%	64%	9%	55%	0%	0%	100%	18%	55%	27%	100%	100%	45%	126	50%	
	PACIFIC ISLANDS	Cook Islands	R	A	R												R	S				A	R	R	7	30%
		Fiji	R		R									R			R	R	R	A		A	R	R	9	39%
Kiribati		A	R/A			A	R						S			A	S				A	R	R	8	35%	
Marshall Islands		A		R		A		R	R	R	R	A	R	A	A	R					A	R	R	16	70%	
Micronesia		A	R	R		A			R	S			S			R					R	R	R	8	35%	
Nauru		R	R/A	R		A	R						S			R	A	A			A	R	R	10	43%	
Niue		S											S			A					A	A	R	5	22%	
Palau		A	R/A										S			A		R	R/A		A	A	A	9	39%	
Papua New Guinea		R	R/A	R		A	R	R	R	R	R	R	R	R		R			A	A	A	R	R	16	70%	
Samoa		R	R/A	R		S		R	R	R	R	R	R		A	R	R	R			A	R	R	13	57%	
Solomon Islands		R	R	R			R									R					A	R	A	9	39%	
Tonga		A	R	R			R	R	R	R	R	R		R	S	A		A			A	A	A	13	57%	
Tuvalu		R	R				R	R	R	R	R	R			A		R				A	A	R	11	48%	
Vanuatu							S	R	R	R	R	R	R	R	S					A		R	A	11	48%	
REGION	86%	71%	64%	0%	14%	36%	43%	43%	43%	43%	43%	14%	21%	29%	14%	100%	50%	14%	0%	100%	100%	93%	145	45%		

Table 2. Ratification Status of Major Binding Global Multilateral Environmental Agreements Relevant to SIDS (Continued)

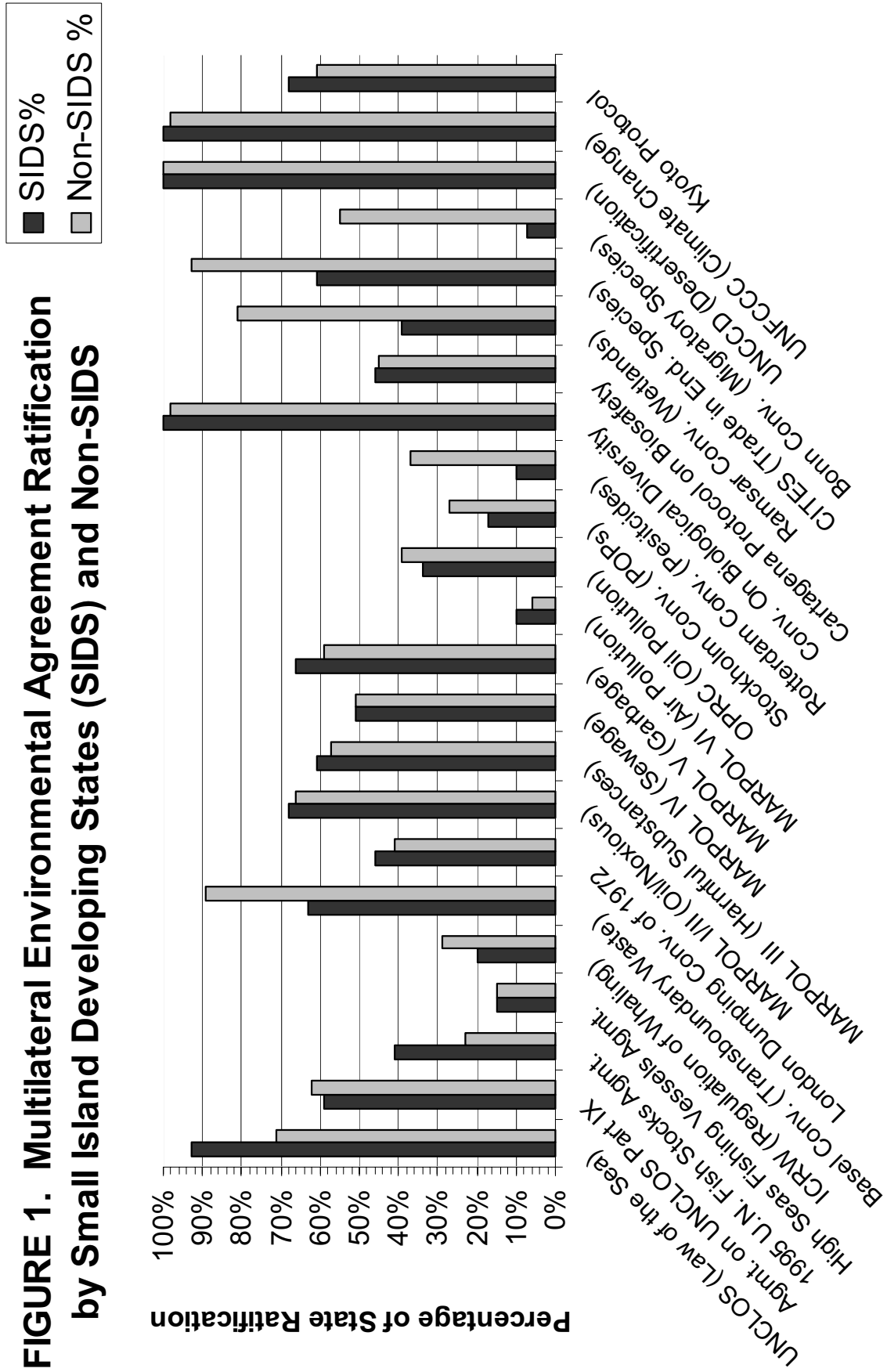
	UNCLOS (Law of the Sea)	Agmt. on UNCLOS Part IX	1995 U.N. Fish Stocks Agmt.	High Seas Fishing Vessels Agmt.	ICRW (Regulation of Whaling)	Basel Conv. (Transboundary Waste)	London Dumping Conv. of 1972	MARPOL I/II (Oil/Noxious)	MARPOL III (Harmful Substances)	MARPOL IV (Sewage)	MARPOL V (Garbage)	MARPOL VI (Air Pollution)	OPRC (Oil Pollution)	Stockholm Conv. (POPs)	Rotterdam Conv. (Pesticides)	Conv. On Biological Diversity	Cartagena Protocol on Biosafety	Ramsar Conv. (Wetlands)	CITES (Trade in End. Species)	Bonn Conv. (Migratory Species)	UNCCD (Desertification)	UNFCCC (Climate Change)	Kyoto Protocol	STATE TOTAL	STATE PERCENTAGE	
CARIBBEAN NATIONS	Antigua & Barbuda	R ¹			R	A	R	R	R	R	R	R	R	S		R	R				R	R	R	14	61%	
	Bahamas	R	R/A	R	A	A	R	R	R	R	R	R	R	S		R	R	R	A		A	R	A	16	70%	
	Barbados	R	R/A	R	A	A	R	R	R	R	R	R	R		S	R	R	A	A		A	R	A	16	70%	
	Belize	R	R/A		R	A	R	R	R	R	R	R	R	S		R	R	A	A		A	R	A	15	65%	
	Cuba	R	A			A	R	R	R	R	R	R	R	S	S	R	R	R/A	A		R	R	R	13	57%	
	Dominica	R				A	R	R	R	R	R	R	R	A		R			A		A	A		11	48%	
	Dominican Republic	S				A	R	R	R	R	R	R	R	S		R		R/A	A		A	R	A	12	52%	
	Grenada	R	R/A		R	A		R	R	R	R	R	R	R		R		R	A		A	R	A	9	39%	
	Guyana	R				A		R	R	R	R	R	R	R		R		R			A	R	A	12	52%	
	Haiti	R	R/A				R	R	R	R	R	R	R	S		R		R			R	R	A	7	30%	
	Jamaica	R	R/A				A	R	R	R	R	R	R	R	S	A	R	S	A		A	R	A	16	70%	
	St. Kitts & Nevis	R			A	R	A	R	R	R	R	R	R			R		A			A	R		13	57%	
	St. Lucia	R	R	R	A	R	A	R	R	R	R	R	R	A	S	A	A	R			A	R	S	16	70%	
	St. Vincent & the Grenadines	R					A																			
	Suriname	R				R	A		R	R	R	R	R	S	A	R	A	A	A		R	A	S	12	52%	
	Trinidad & Tobago	R	R				A	R	R	R	R	R	R	R	A		R	A	A		A	R	R	12	52%	
	REGION	94%	50%	19%	19%	38%	81%	56%	88%	81%	69%	88%	6%	31%	19%	13%	100%	63%	50%	88%	0%	100%	100%	63%	211	57%
	SIDS TOTAL	38	24	17	6	8	26	19	28	25	21	27	4	14	7	4	41	19	16	25	3	41	41	28	482	
	SIDS %	93%	59%	41%	15%	20%	63%	46%	68%	61%	51%	66%	10%	34%	17%	10%	100%	46%	39%	61%	0%	100%	100%	68%	51%	
	GLOBAL TOTAL	145	117	51	28	52	159	80	127	111	97	116	13	73	48	59	188	87	138	164	85	191	188	120	2437	
GLOBAL % ²	76%	61%	27%	15%	27%	83%	42%	66%	58%	51%	61%	7%	38%	25%	31%	98%	46%	72%	86%	45%	100%	98%	63%	55%		
Non-SIDS% ³	71%	62%	23%	15%	29%	89%	41%	66%	57%	51%	59%	6%	39%	27%	37%	98%	45%	81%	93%	55%	98%	61%				

¹ R = ratification (State is bound by convention); S = signatory (non-binding); A = accession (non-binding)

² The global percentage is the number of convention parties divided by 191, the total number of United Nations Member States

³ The non-SIDS percentage is the total number of non-SIDS Parties divided by 150, the total number of United Nations Member States that are not SIDS

FIGURE 1. Multilateral Environmental Agreement Ratification by Small Island Developing States (SIDS) and Non-SIDS



The International Convention on Oil Pollution Preparedness, Response, and Cooperation (OPRC Convention)

The International Convention on Oil Pollution Preparedness, Response, and Cooperation (OPRC Convention) aims to assist governments in combating major oil pollution incidents. The OPRC Convention calls for the establishment of oil spill emergency plans to be developed for all ships, ports, and oil handling facilities. The OPRC Convention also established a framework for international cooperation in responding to pollution emergencies in order that resources are mobilized as quickly as possible; this includes a requirement for Parties to the convention to provide assistance to others in the event of a pollution emergency. A Protocol on Preparedness, Response and Cooperation to Pollution Incidents by Hazardous and Noxious Substances (HNS Protocol) provides similar guidelines for HNS marine spills (Heathcote and Nawadra 2004).

The OPRC Convention entered into force on May 13, 1995 and included 73 Parties by August 2003, 14 of which are SIDS (34%) and 59 of which are non-SIDS (39%). The HNS Protocol was adopted in March of 2000 and has not yet entered into force. As of August 2003, seven states are Parties to the Protocol, with Malta being the only SIDS (YBICED 2003).

Stockholm Convention on Persistent Organic Pollutants (Stockholm Convention)

The Stockholm Convention is a global treaty to protect human health and the environment from persistent organic pollutants (POPs). The Stockholm Convention requires Parties to implement measures to reduce or eliminate releases from intentional and unintentional production and use of POPs. Parties are also required to develop an Action Plan within two years from the date of entry of this Convention to reduce the total releases of POPs, and to promote the use of the best available techniques and environmental practices for both existing and new sources in accordance with the Action Plan (Stockholm Convention on Persistent Organic Pollutants website n.d.).

Fifty States are currently party to the Convention, which entered into force on May 17, 2004. Seven SIDS are Parties to the Stockholm Convention (17%) versus 43 non-SIDS Parties (27%).

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

The Rotterdam Convention was adopted on 10 September 1998 by a Conference of Plenipotentiaries in Rotterdam, The Netherlands. The Convention establishes the principle that export of a chemical covered by the Rotterdam Convention can only take place with the prior informed consent (PIC) of the importing party. PIC serves as a means for formally obtaining and disseminating the decisions of importing States as to whether they wish to receive future shipments of specified chemicals and for ensuring compliance with these decisions by exporting States. The Convention also contains provisions for the exchange of information among Parties about potentially hazardous chemicals that may be exported and imported.

The Convention initially covers 22 pesticides (including five severely hazardous pesticide formulations) and 5 industrial chemicals, but many more are expected to be added in the future (which will be determined by Parties to the Convention).

The Convention entered into force on 24 February 2004, and currently has 60 Parties, only four of which are SIDS (10%) versus 56 non-SIDS States (37%) (Rotterdam Convention website 2004).

International Convention for the Control and Management of Ships Ballast Water and Sediments (Ballast Water Convention)

The International Convention for the Control and Management of Ships Ballast Water and Sediments (Ballast Water Convention) is the most recent convention established to protect the oceans and its marine resources. Invasion by species that may harm human health or the environment is an increasing problem to which transportation of species in ballast water contributes heavily. To help control such invasions, the International Convention for the Control and Management of Ships Ballast Water and Sediments (Ballast Water Convention) was adopted in London on 13 February 2004 at a meeting of 74 IMO member States and by 18 international NGOs. The convention aims to prevent, minimize and ultimately eliminate the transfer of harmful aquatic organisms and pathogens through the control and management of ships' ballast water and sediments. The Convention will enter into force 12 months after ratification by 30 States, representing 35% of the world merchant shipping tonnage (Article 18, IMO 2004).

The IMO, GEF and UNDP, as well as member governments and the shipping industry, developed a programme titled “Removal of Barriers to the Effective Implementation of Ballast Water Control and Management Measures in Developing Countries” (or simply Global Ballast Water Management Programme, or Globallast), to assist less-industrialized countries in tackling ballast water problems. This program assists developing countries in implementing effective measures to control the introduction of foreign marine species through a set of six demonstration sites, which are intended to represent the six main developing regions of the world: Africa, Asia/Pacific, South Asia, Eastern Europe, the Kuwait region and the Red Sea, and South America (IMO 2004). No archipelagic region has yet been included in the list of demonstration sites.

As of October 2004, no State had yet ratified the Ballast Water Convention.

MARINE/COASTAL ENVIRONMENT AND BIODIVERSITY

A number of global MEAs deal with biodiversity although few binding agreements deal specifically with marine and coastal biodiversity. Discussed below are the Convention on Biological Diversity and its associated Cartagena Protocol on Biosafety, the Convention on International Trade in Endangered Species, the Ramsar Convention, the Bonn Convention, and the United Nations Convention to Combat Desertification.

Convention on Biological Diversity (CBD)

The Convention on Biological Diversity (CBD), commonly referred to as the Biodiversity Treaty, was one of two major treaties opened for signature at the United Nations Conference on Environment and Development (UNCED) in 1992. The treaty defines biodiversity as “the variability among living organisms from all sources including, inter alia, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems.” Parties to the CBD “affirm sovereign rights over the biological resources found within their States, while accepting responsibility for conserving biological diversity and using biological resources in a sustainable manner,” according to an IUCN—The World Conservation Union assessment of the treaty (CIESIN n.d.).

The CBD, in its article on objectives, commits Parties to “fair and equitable sharing of the benefits arising out of the utilization of genetic resources.” Another major issue addressed by the treaty is the level of financial commitment

required of developed States in support of developing States. Article 20 stipulates that “developed country Parties shall provide new and additional financial resources to enable developing country Parties to meet the agreed full incremental costs to them of implementing” the treaty, a commitment considered by some to be weaker than that sought by developing nations. Article 21 mandates establishing a mechanism for distributing financial aid to developing States, but similarly does not suggest a mandatory funding level.

The Jakarta Mandate is a program of action for implementing the CBD with respect to conservation and sustainable use of marine and coastal biodiversity. The program was adopted in 1995 and a formal program of work was later adopted in 1998, focusing on integrated marine and coastal area management, the sustainable use of living resources, protected areas, mariculture and alien species (CBD website n.d.).

Each government that joins the Convention is required to report on what it has done to implement the accord, and how effective this is in meeting the objectives of the Convention. These reports are submitted to the Conference of the Parties (COP)—the governing body that brings together all States that have ratified the Convention—and are public in nature. The Convention secretariat works with national governments on reporting issues and on the derivation of indicators to monitor progress associated with the Convention’s implementation. The CBD entered into force December 29, 1993. Currently, 188 States are party to the CBD, including all 41 SIDS (100% of SIDS versus 98% of non-SIDS).

The CBD has recently been focusing on the protection and management of oceans as well as on SIDS. The last COP-7 agreed on investing additional effort towards the management of the SIDS’ natural resources by providing practical support on national and regional implementation. As a consequence, the CBD technical groups are expected to provide support to integrated management of coastal and marine resources, the development of national ocean policies, and the development of Island Biodiversity Plans in SIDS. By decision of the COP7 (Decision VII/31, of the COP7), an Ad Hoc Group on island biodiversity was created, which is expected to develop a preparatory process on island biodiversity, as well as follow up on the Mauritius International Meeting outcomes.

Cartagena Protocol on Biosafety

The Conference of the Parties of the CBD adopted a supplementary agreement to the CBD known as the Cartagena Protocol on Biosafety on January 29, 2000. The Protocol seeks to protect biological diversity from the potential risks

posed by living modified organisms resulting from modern biotechnology. It establishes an advance informed agreement (AIA) procedure for ensuring that States are provided with the information necessary to make informed decisions before agreeing to the import of such organisms into their territory. The Protocol contains reference to a precautionary approach and reaffirms the precaution language in Principle 15 of the Rio Declaration on Environment and Development. The Protocol also establishes a Biosafety Clearing-House to facilitate the exchange of information on living modified organisms and to assist States in the implementation of the Protocol (Cartagena Protocol on Biosafety, n.d.). Eighty-seven (87) States are Parties to the Cartagena Protocol, 19 of which are SIDS (46%) and 68 of which are non-SIDS (45%) (Convention on Biological Diversity website 2004).

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

The Convention on International Trade of Endangered Species of Flora and Fauna (CITES) was adopted in March 1973 and entered into force on July 1, 1975. The aim of CITES is to ensure that international trade in specimens of wild animals and plants does not threaten their survival. CITES works by subjecting international trade in specimens of selected species to certain controls. These require that all import, export, re-export and introduction from the sea of species covered by the Convention must be authorized through a licensing system ('Re-export' means export of a specimen that was imported).

The species covered by CITES are listed in three Appendices, according to the degree of protection they need: Appendix I includes species threatened with extinction. Trade in specimens of these species is permitted only in exceptional circumstances. Appendix II includes species not necessarily threatened with extinction, but in which trade must be controlled in order to avoid utilization incompatible with their survival. Appendix III contains species that are protected in at least one country, which has asked other CITES Parties for assistance in controlling the trade.

Each Party to the Convention must designate one or more Management Authorities in charge of administering the licensing system and one or more Scientific Authorities to advise them on the effects of trade on the status of the species. A specimen of a CITES-listed species may be imported into or exported (or re-exported) from a State party to the Convention only if the appropriate document has been obtained and presented for clearance at the port of entry or exit.

The BPOA specifically calls for nations to ratify and implement CITES, as well as to make greater use of import restrictions under CITES on products from endangered species endemic to small island developing States.

Presently, 164 States are Parties to the CITES treaty, 25 of which are SIDS (61% of SIDS versus 93% of non-SIDS States (CITES 2004).

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

The Convention on Wetlands is an intergovernmental treaty adopted on February 2, 1971 in the Iranian city of Ramsar, on the southern shore of the Caspian Sea. Thus, this Convention has come to be known popularly as the "Ramsar Convention." More than 1310 wetlands have been designated for inclusion in the List of Wetlands of International Importance, covering some 120.4 million hectares.

The treaty includes four main commitments that Parties have agreed to by joining, including: 1) Designate at least one wetland for inclusion on the "List of Wetlands of International Importance"; 2) Include wetland conservation considerations in national land-use planning; 3) Establish nature reserves in wetlands; and 4) Participate in international cooperative efforts, including consultation with other Parties to the Convention, especially in regard to transfrontier wetlands, shared water systems, and shared species. Parties are required to submit triennial national reports on progress achieved under the Convention, which become part of the public record (Ramsar Convention n.d.).

The Ramsar Convention entered into force in 1975 and as of September 2003 has 138 Contracting Parties, 17 of which are SIDS (39% of SIDS versus 81% of non-SIDS States. Perhaps this low participation by SIDS is due to a lack of wetlands on certain SIDS, particularly those formed from coral atolls.

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

The Convention on the Conservation of Migratory Species of Wild Animals (Bonn Convention) was adopted in 1979 in Bonn, Germany and entered into force on November 1, 1983.

Member Parties work together to conserve migratory species and their habitats by providing strict protection for endangered migratory species (listed in Appendix 1 of the Convention), concluding multilateral Agreements for the conservation and management of migratory species which require or would benefit from international cooperation (listed in Appendix 2), and by undertaking cooperative research activities.

Although the Convention has 85 country Parties, only 3 SIDS are Parties to the Convention, that is, Cyprus, Malta, and Sao Tome & Principe (7% of SIDS versus 55% of non-SIDS). Jamaica has signed the Convention but has not yet ratified it (UNEP 2004).

United Nations Convention to Combat Desertification (UNCCD)

The international community has long recognized that desertification is a major economic, social and environmental problem of concern to many States in all regions of the world. Desertification is the degradation of land in arid, semi-arid, and dry sub-humid areas. It is caused primarily by human activities and climatic variations. Desertification does not refer to the expansion of existing deserts. It occurs because dryland ecosystems such as those found on many SIDS, are extremely vulnerable to over-exploitation and inappropriate land use, such as deforestation, overgrazing, or bad irrigation practices (United Nations Convention to Combat Desertification n.d.).

The question of how to tackle desertification was a major concern for the United Nations Conference on Environment and Development (UNCED), which called on the United Nations General Assembly to establish an Intergovernmental Negotiating Committee to prepare, by June 1994, a Convention to Combat Desertification, particularly in Africa (United Nations Convention to Combat Desertification n.d.). The United Nations Convention to Combat Desertification (UNCCD) was adopted in Paris on 17 June 1994 and opened for signature there on 14-15 October 1994. It entered into force on 26 December 1996, 90 days after the fiftieth ratification was received.

The CCD has universal participation, both globally and among SIDS. All 191 United Nations Member States are Parties to the CCD, as are all 41 SIDS.

CLIMATE CHANGE

SIDS have actively participated in international negotiations related to climate change, particularly due to their vulnerability to sea level rise and other natural disasters. The primary environmental agreements directly addressing climate change are the United Nations Framework Convention on Climate Change (UNFCCC) and its associated Kyoto Protocol. The Jakarta Mandate urges the UNFCCC to examine the impacts of climate change on marine and coastal resources, especially given evidence that climate change is the primary cause of coral reef bleaching. In addition to advocating the ratification or accession of the Kyoto Protocol, the Barbados Programme of Action as-

serts the need for improving adaptive capacity of SIDS to climate change through information and technology exchange.

United Nations Framework Convention on Climate Change (UNFCCC)

The United Nations Framework Convention on Climate Change (UNFCCC) sets an overall framework for inter-governmental efforts to address climate change. It establishes an objective and principles and spells out commitments for different groups of States according to their circumstances and needs. It also provides a set of institutions to enable governments to monitor efforts to implement the Convention and to share insights on how best to pursue the goals of the Convention.

The Convention divides States into three main groups according to differing commitments:

Annex I Parties include the industrialized States that were members of the OECD (Organisation for Economic Cooperation and Development) in 1992, plus States with economies in transition (the EIT Parties), including the Russian Federation, the Baltic States, and several Central and Eastern European States. A requirement that affects only Annex I Parties is that they must adopt climate change policies and measures with the aim of reducing their greenhouse gas emissions to 1990 levels by the year 2000.

Annex II Parties consist of the OECD members of Annex I, but not the EIT Parties. They are required to provide financial resources to enable developing States to undertake emissions reduction activities under the Convention and to help them adapt to adverse effects of climate change. In addition, they have to “take all practicable steps” to promote the development and transfer of environmentally friendly technologies to EIT Parties and developing States.

Non-Annex I Parties, as they are termed for ease of reference, are mostly developing States. Certain groups of developing States are recognized by the Convention as being specially vulnerable to the adverse impacts of climate change, including States with low-lying coastal areas and those prone to desertification and drought. Others (such as States that rely heavily on income from fossil fuel production and commerce) feel more vulnerable to the potential economic impacts of climate change response measures. The Convention emphasizes activities that promise to answer the special needs and concerns of these vulnerable States, such as investment, insurance and technology-transfer. The 48 States classified as least developed States (LDCs) by the United Nations are given special consideration under the Convention on account of their limited capacity to respond to climate change and adapt to its adverse effects.

All Parties to the Convention – those States that have ratified, accepted, approved, or acceded to it – are subject to more efficient allocation of financial and to general commitments to respond to climate change. They agree to compile an inventory of their greenhouse gas emissions, and submit reports – known as national communications – on actions they are taking to implement the Convention (UNFCCC 2003).

As of February 2004, the UNFCCC had 188 Parties, including all 41 SIDS (UNFCCC 2004).

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

The Kyoto Protocol to the United Nations Framework Convention on Climate Change (Kyoto Protocol) supplements and strengthens the UNFCCC. Only Parties to the UNFCCC can become Parties to the Protocol. The Protocol is founded on the same principles as the Convention and shares its ultimate objective, as well as the way it groups States into Annex I, Annex II and non-Annex I Parties.

Central to the Protocol are its legally binding emissions targets for Annex I Parties. Generally, Parties must reduce or limit their emissions relative to their 1990 levels (the base year). Parties may offset their emissions by increasing the amount of greenhouse gases removed from the atmosphere by carbon sinks in the land use, land-use change and forestry sectors. However, only certain activities that remove greenhouse gases are eligible and these are subject to defined rules.

Emissions targets must be achieved as an average over the first commitment period of 2008-2012. However, in order to show early action, Parties must have already made ‘demonstrable progress’ towards meeting their commitments under the Kyoto Protocol by 2005, and must submit a progress report on this matter by 1 January 2006. The Protocol does not specify what form these should take but leaves such decisions to national governments (UNFCCC 2003).

Before the Protocol can enter into force, however, at least 55 Parties to the Convention need to ratify (or approve, accept, or accede to) the Protocol, including a sufficient number of Annex I Parties to encompass 55 percent of that group’s carbon dioxide emissions in 1990. Currently, 126 States are party to the Protocol; 28 of these are SIDS, and 33 are Annex I parties, which are responsible for 44.2% of the global CO₂ emissions (UNFCCC 2004). Although 100% of SIDS have ratified the UNFCCC, only 68% have ratified the Kyoto Protocol. Non-SIDS ratification of the UNFCCC and Kyoto Protocol are 98% and 61%, respectively. It should be noted that the Pacific Island nations have a very high proportion of Kyoto Protocol ratification

at 93%, which is not surprising given that some of the nations most susceptible to climate change (i.e., the most low-lying nations), including Tuvalu, are in the Pacific region.

TOURISM

It should be noted that no global MEAs are specifically dedicated to tourism, and the issue is rarely addressed within broader MEAs. SIDS are especially dependent on tourism, which comprises a major component of most SIDS nations’ gross domestic products (GDPs) and employment sectors. In the Caribbean, for example, tourism accounts for 20 percent or more of the gross domestic product of some States in the region (Miller 1996). The 1994 Barbados Programme of Action for the Sustainable Development of Small Island Developing States is the primary environmental initiative that addresses tourism, stressing the need for measures that include environmental impact assessment of tourism activities, incorporation of tourism into integrated coastal management activities, and protection of the cultural integrity of SIDS in the face of tourism development.

6. Constraints in Implementing Multilateral Environmental Agreements

The same factors that increase the need for SIDS to participate in international agreements, including small populations and limited capacity, also increase the difficulty in implementation of these agreements. According to recent discussions among Pacific Island States and Territories, implementation of multilateral environmental agreements is constrained by several factors, primarily at the national level but also at the regional and international levels (Wilkinson 2003). Additional studies have been conducted for the Caribbean region, including a 2000 study on MEA implementation in the Caribbean (Anderson 2000). Constraints in the implementation of international environmental agreements identified for the national level for the Pacific and the Caribbean include the following:

- Lack of technical capacity, particularly with respect to the legal and scientific technical language contained in many environmental agreements
- Lack of time and human resources to implement environmental agreements
- Lack of financial capacity, both to send high level staff to environmental agreement negotiations and, subsequently, to implement environmental agreements
- Perceived disjointedness between economic development and environmental concerns along with an em-

phasis at the national level on economic development

- Weak enforcement mechanisms and government infrastructure
- Non-compliance with the law, even when laws are in place
- Weak monitoring frameworks, lack of baseline data, and lack of standardized set of indicators by which to measure implementation of environmental agreements

Regional and international constraints include the following:

- Lack of coordination among environmental agreement secretariats
- Lack of regional standardized surveying and monitoring
- Lack of a standardized format for environmental agreement reports.

To achieve more effective implementation of environmental agreements, the following actions are recommended by the International Marine Project Activities Centre final report on strengthening implementation of MEAs in Pacific Islands and Territories:

- Establish or strengthen institutions for research, data compilation, and monitoring at the national level
- Mobilize financial resources to effectively implement international environmental agreements
- Raise levels of awareness about international environmental agreements through education in addition to establishment of an information bank, such as a centralized website to disseminate information to all stakeholders
- Where necessary, establish or strengthen a National Coordination Mechanism for Sustainable Development to integrate economic, social, and economic sectors
- Establish or strengthen national baseline data related to international agreement implementation, which would support compliance and information sharing among Parties.

Additional measures that would reduce MEA implementation burdens on SIDS were outlined in the Co-chairs' Report from the 2001 Global Conference on Oceans, Coasts and Islands (Bernal et al. 2002). The report called for development of joint reporting mechanisms for MEAs to re-

duce the reporting burden on SIDS. Also, for certain international agreements, national representation at international conferences could be relegated to the regional level to reduce time and money spent traveling.

7. Instruments Provided by International Agreements to Achieve Environmental Sustainability within SIDS

MEAs provide mechanisms and procedures for negotiating necessary rules and standards, settling disputes, and supervising implementation and compliance with treaties and customary rules. They facilitate and promote cooperation among states, international organizations, and constitute the process of international environmental governance, international law-making and regulation.

MEAs also provide several specific instruments and mechanisms that facilitate implementation within SIDS and other developing nations. As shown in Table 3, twelve categories of instruments within MEAs were identified: cooperation among nations at large, technical and scientific cooperation, transfer of technology, exchange of information, access to the natural resources under the agreements, capacity building, financial assistance, and special conditions to assist developing nations in their implementation. In addition some of these agreements have special bodies to implement the agreements, as well as mechanisms for dispute resolution (e.g., International Tribunal for the Law of the Sea, and the International Court of Justice).

Appendix C identifies the major instruments provided by the binding MEAs discussed in this paper, which may support SIDS in the implementation of their goals as well as BPoA goals.

Of the MEAs addressed in this paper, the UNFCCC and its associated Kyoto Protocol most extensively address problems concerning developing nations and SIDS in particular, due to the seriousness of the effects of climate change and sea-level rise on these nations. These MEAs provide not only mechanisms for exchange of information and technology, but also complex financial mechanisms for implementation. The Kyoto Protocol is not yet in force due to lack of ratification by major producers of greenhouse gas emission nations, such as the USA and Australia. However, it is fundamental for SIDS to ratify the Protocol in order to be eligible for future assistance. Within this context, UNFCCC and Kyoto protocol working groups and scientific bodies are an important source of scientific and technological information, as well as of support on the development of integrated coastal zone plans and preparedness for adaptation on climate change.

Table 3. Major Instruments Provided by Selected Multilateral Environmental Agreements

INSTRUMENTS	London	MarPol 73/78	OPRC	Rotterdam	Stockholm	Basel	CBD	Ramsar	CITES	UNFCCC & Kyoto Protocol	UNCLOS	Part XI	Straddling-/HM Fish Stocks	Fishing Vessels
Cooperation	X	X	X	X		X	X	X	X	X	X	X	X	X
Technical and Scientific Cooperation	X	X	X			X	X			X			X	X
Transfer of Technology		X	X		X	X	X			X	X	X	X	
Exchange of Information		X	X	X	X		X		X	X			X	
Financial Resources and Incentives						X	X			X	X	X	X	
Compensation							X			X				
Access to Resources							X			X			X	
Capacity Building	X	X	X		X	X	X			X			X	
Public Education and Awareness				X	X		X			X	X	X		
Special Bodies							X			X	X	X		
Settlement of Disputes		X	X				X			X	X	X	X	X
Special conditions for Developing States/SIDS	X			X	X	X	X			X			X	

Both UNCLOS and the most recent international environmental agreements fully recognize the importance of developing nations, in particular SIDS, within the environmental context, as well as the constraints on the implementation of these agreements. Therefore, they include special provisions to assist developing nations on its implementation.

Some of the objectives and instruments in several conventions overlap, which offers the opportunity for achieving potential synergies when these conventions are implemented. Such is the case with CBD, UNFCCC, UNCLOS and Kyoto Protocol. Integration of the existing assistance mechanisms for the implementation of the CBD, UNFCCC, Kyoto Protocol, and UNCLOS, would allow SIDS to:

- comprehensively develop integrated management plans of coastal and marine resources as well as to adapt to climate-change and sea level rise; and
- maximize the use of the available human and financial resources, as well as avoid overlapping and duplication of efforts.

8. Conclusions

SIDS rely heavily on their environmental resources, which, due to land scarcity, are generally concentrated in coastal and ocean areas. As SIDS develop, environmental resources are placed under increasing pressure due to expansion of existing coastal uses and emergence of new uses. Certain environmental dilemmas, such as climate change, sea level rise, depletion of fish stocks, and marine pollution, must be dealt with at both global and regional scales and therefore require the harmonious and equitable participation of all nations through MEAs.

The 1994 BPoA is the primary initiative that addresses environmental issues as a whole in SIDS, by setting the agenda within the framework of sustainable development. Both the BPoA and Agenda 21 encourage ratification and implementation of a number of MEAs; development of strategies and implementation plans for those MEAs are also encouraged.

As noted in Section 2, the BPoA specifically calls for the ratification and implementation of several MEAs, including the Basel Convention, the London Convention, the Convention on Biological Diversity (CBD), CITES and “other relevant international and regional conventions.” The good news is that every SIDS nation has ratified the CBD. However, SIDS exhibit lower than average ratification or accession on the Basel Convention (63% of SIDS are Par-

ties while 89% of non-SIDS States are Parties to the convention) and CITES (61% of SIDS are Parties to CITES compared to 93% of non-SIDS States). The London Convention is not extensively ratified among SIDS or globally, with ratification at 46% of SIDS and 41% of non-SIDS States.

Regionally, each group of States exhibits similar levels of participation in environmental agreements. With respect to ratification of or participation in the 19 agreements discussed in this paper, AIMS nations have ratified about 50%, of agreements, the Pacific Island nations have ratified about 45%, and the Caribbean region is somewhat higher with about 57%. Within the AIMS region, Mauritius shows the highest level of ratification; it is a party to 70% of the selected MEAs. Within the Pacific region, Marshall Islands and Papua New Guinea each exhibit 70% ratification as well. Trinidad and Tobago leads the Caribbean with 74% of MEAs ratified and Bahamas, Barbados, Jamaica, and St. Lucia at 70% ratification.

On the whole, SIDS have shown high levels of ratification of many international environmental agreements, but face serious constraints in fulfilling their convention commitments. The funding and assistance provisions within the conventions themselves have not proven adequate to assist SIDS to fully implement the initiatives. As called for in Agenda 21, additional funding, technical support, and capacity building are needed from the international community to assist SIDS in achieving full implementation of MEAs. Assistance is particularly needed in nations with low participation in MEAs, such as Bahrain, Guinea-Bissau, Singapore, Sao Tome & Principe, Cook Islands, Federated States of Micronesia, Kiribati, Niue, and Haiti (each with 20-35% participation in MEAs).

The full implementation of international environmental agreements is one of the major goals of the BPoA (BPoA, Paragraph 26 A.IV), as these sections of the BPoA recognize sustainable management of resources as the fundamental basis for economic and sustainable development.

Both UNCLOS and the most recent MEAs fully recognize the importance of developing nations, namely SIDS, within the global environmental context, as well as the constraints these countries face in the implementation of MEAs. Therefore, the most recent agreements have developed special provisions to assist developing nations on implementation.

The MEA instruments discussed within this paper are based on international cooperation, which may assist SIDS with the sustainable planning and management of their resources, including marine and coastal resources. These in-

struments primarily relate to technical and research cooperation, exchange of information, financial and technical assistance and capacity building.

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Appendix A

Sustainable Development of Small Islands, Agenda 21, Chapter 17, Section G

Basis for action

17.123. Small island developing States, and islands supporting small communities are a special case both for environment and development. They are ecologically fragile and vulnerable. Their small size, limited resources, geographic dispersion and isolation from markets, place them at a disadvantage economically and prevent economies of scale. For small island developing States the ocean and coastal environment is of strategic importance and constitutes a valuable development resource.

17.124. Their geographic isolation has resulted in their habitation of a comparatively large number of unique species of flora and fauna, giving them a very high share of global biodiversity. They also have rich and diverse cultures with special adaptations to island environments and knowledge of the sound management of island resources.

17.125. Small island developing States have all the environmental problems and challenges of the coastal zone concentrated in a limited land area. They are considered extremely vulnerable to global warming and sealevel rise, with certain small low-lying islands facing the increasing threat of the loss of their entire national territories. Most tropical islands are also now experiencing the more immediate impacts of increasing frequency of cyclones, storms and hurricanes associated with climate change. These are causing major set-backs to their socio-economic development.

17.126. Because small island development options are limited, there are special challenges to planning for and implementing sustainable development. Small island developing States will be constrained in meeting these challenges without the cooperation and assistance of the international community.

Objectives

17.127. States commit themselves to addressing the problems of sustainable development of small island developing States. To this end, it is necessary:

(a) To adopt and implement plans and programmes to support the sustainable development and utilization of their

marine and coastal resources, including meeting essential human needs, maintaining biodiversity and improving the quality of life for island people;

(b) To adopt measures which will enable small island developing States to cope effectively, creatively and sustainably with environmental change and to mitigate impacts and reduce the threats posed to marine and coastal resources.

Activities

A) Management-related activities

17.128. Small island developing States, with the assistance as appropriate of the international community and on the basis of existing work of national and international organizations, should:

(a) Study the special environmental and developmental characteristics of small islands, producing an environmental profile and inventory of their natural resources, critical marine habitats and biodiversity;

(b) Develop techniques for determining and monitoring the carrying capacity of small islands under different development assumptions and resource constraints;

(c) Prepare medium- and long-term plans for sustainable development that emphasize multiple use of resources, integrate environmental considerations with economic and sectoral planning and policies, define measures for maintaining cultural and biological diversity and conserve endangered species and critical marine habitats;

(d) Adapt coastal area management techniques, such as planning, siting and environmental impact assessments, using Geographical Information Systems (GIS), suitable to the special characteristics of small islands, taking into account the traditional and cultural values of indigenous people of island States;

(e) Review the existing institutional arrangements and identify and undertake appropriate institutional reforms essential to the effective implementation of sustainable develop-

ment plans, including intersectoral coordination and community participation in the planning process;

(f) Implement sustainable development plans, including the review and modification of existing unsustainable policies and practices;

(g) Based on precautionary and anticipatory approaches, design and implement rational response strategies to ad-

dress the environmental, social and economic impacts of climate change and sea level rise, and prepare appropriate contingency plans;

(h) Promote environmentally sound technology for sustainable development within small island developing States and identify technologies that should be excluded because of their threats to essential island ecosystems.

APPENDIX B: Articles and Paragraphs of Particular Interest to SIDS within the Major Multilateral Environmental Agreements					
MEA	OCEANS GOVERNANCE	FISHERIES AND AQUACULTURE	MARINE POLLUTION AND OCEAN DUMPING	MARINE/COASTAL ENVIRONMENT AND BIODIVERSITY	CLIMATE CHANGE
United Nations Convention on Law of the Sea (UNCLOS)	The territorial sea, the contiguous zone, the exclusive economic zone and the continental shelf of the island are determined in accordance with the provisions of this Convention applicable to other land territory (Part VIII, Article 121)	The coastal State shall determine the allowable catch of the living resources in its exclusive economic zone. Such [management] measures shall also be designed to maintain or restore populations of harvested species at levels which can produce the maximum sustainable yield, as qualified by relevant environmental and economic factors, including the economic needs of coastal fishing communities and the special requirements of developing States...(Part V, Article 61)	States shall take...all measures consistent with the Convention that are necessary to prevent, reduce, and control pollution of the marine environment from any source... (Part XII, Article 194) States shall endeavor, as far as practicable, directly, or through the competent international organizations, to observe, measure, evaluate and analyze, by recognized scientific methods, the risks or effects of pollution on the marine environment (Part XII, Article 204) Specific obligations assumed by States under special conventions, with respect to the protection and preservation of the marine environment should be carried out in a manner consistent with the general principles and objectives of this Convention (Part XII, Article 237)	States shall take all measures necessary to prevent, reduce and control pollution of the marine environment resulting from the use of technologies under their jurisdiction or control, or the intentional or accidental introduction of species, alien or new, to a particular part of the marine environment, which may cause significant and harmful changes thereto (Part XII, Article 196) In the exclusive economic zone, the coastal State has...jurisdiction as provided for in the relevant provisions of this Convention with regard to: (i) the establishment and use of artificial islands, installations and structures; (ii) marine scientific research; (iii) the protection and preservation of the marine environment (Part V, Article 56)	

**APPENDIX B: Articles and Paragraphs of Particular Interest to SIDS
within the Major Multilateral Environmental Agreements**

MEA	OCEANS GOVERNANCE	FISHERIES AND AQUACULTURE	MARINE POLLUTION AND OCEAN DUMPING	MARINE/COASTAL ENVIRONMENT AND BIODIVERSITY	CLIMATE CHANGE
<p>Agreement relating to the Implementation of Part XI of the United Nations Convention on Law of the Sea</p>	<p>The International Seabed Authority... shall... organize and control activities in the Area, particularly with a view to administering the resources of the Area (Section 1.1)</p> <p>The special interests to be represented shall include those of States with large populations, States which are land-locked or geographically disadvantaged, island States... and least developed States (Section 3.15)</p>				
<p>Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (1995 Fish Stocks Agreement)</p>		<p>Coastal States and States fishing on the high seas shall, in accordance with the Convention, pursue cooperation in relation to straddling fish stocks and highly migratory fish stocks either directly or through appropriate subregional or regional fisheries management organizations (Article 8.1)</p> <p>States shall cooperate to strengthen existing subregional and regional fisheries management</p>	<p>[States shall] minimize pollution, waste, discards, catch by lost or abandoned gear, catch of non-target species, both fish and non-fish species and impacts on associated or dependent species (Article 5f)</p>	<p>[States shall] protect biodiversity in the marine environment (Article 5g)</p>	

**APPENDIX B: Articles and Paragraphs of Particular Interest to SIDS
within the Major Multilateral Environmental Agreements**

MEA	OCEANS GOVERNANCE	FISHERIES AND AQUACULTURE	MARINE POLLUTION AND OCEAN DUMPING	MARINE/COASTAL ENVIRONMENT AND BIODIVERSITY	CLIMATE CHANGE
		<p>organizations and arrangements in order to improve their effectiveness in establishing and implementing conservation and management measures for straddling fish stocks and highly migratory fish stocks (Article 13)</p> <p>States shall take into account the special requirements of developing States, in particular...the need to avoid adverse impacts on, and ensure access by, subsistence, small-scale and artisanal fisheries and women fishworkers, as well as indigenous people in particularly small island developing States (Article 24.2.b)</p>			
<p>1993 Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas</p>		<p>Each Party shall take such measures as may be necessary to ensure that fishing vessels entitled to fly its flag do not engage in any activity that undermines the effectiveness of international conservation and management measures</p>			

**APPENDIX B: Articles and Paragraphs of Particular Interest to SIDS
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MEA	OCEANS GOVERNANCE	FISHERIES AND AQUACULTURE	MARINE POLLUTION AND OCEAN DUMPING	MARINE/COASTAL ENVIRONMENT AND BIODIVERSITY	CLIMATE CHANGE
<p>FAO Code of Conduct for Responsible Fisheries</p>	<p>States should ensure that only fishing operations allowed by them are conducted within waters under their jurisdiction and that these operations are carried out in a responsible manner (Article 8.1.1)</p>	<p>(Article 3) States should apply a precautionary approach widely to conservation, management and exploitation of living aquatic resources in order to protect them and preserve the aquatic environment, taking account of the best scientific evidence available (Article 6.5) States should consider aquaculture, including culture-based fisheries, as a means to promote diversification of income and diet. In doing so, States should ensure that resources are used responsibly and adverse impacts on the environment and on local communities are minimized (Article 6.19) States should develop policies for increasing stock populations and enhancing fishing opportunities through the use of artificial structures (Article 8.11.1) States should ensure that an</p>	<p>States should introduce and enforce laws and regulations based on MARPOL 73/78 (Article 8.7.1)</p>	<p>States and users of living aquatic resources should conserve aquatic ecosystems (Article 6.1) All critical fisheries habitats in marine and fresh water ecosystems, such as wetlands, mangroves, reefs, lagoons, nursery and spawning areas, should be protected and rehabilitated as far as possible and where necessary. Particular effort should be made to protect such habitats from destruction, degradation, pollution, and other significant impacts resulting from human activities that threaten the health and viability of the fishery resources (Article 6.8)</p>	

APPENDIX B: Articles and Paragraphs of Particular Interest to SIDS within the Major Multilateral Environmental Agreements					
MEA	OCEANS GOVERNANCE	FISHERIES AND AQUACULTURE	MARINE POLLUTION AND OCEAN DUMPING	MARINE/COASTAL ENVIRONMENT AND BIODIVERSITY	CLIMATE CHANGE
		appropriate policy, legal and institutional framework is adopted to achieve the sustainable and integrated use of the resources, taking into account the fragility of coastal ecosystems and the finite nature of their natural resources and the needs of coastal communities (Article 10.1.1)			

**APPENDIX B: Articles and Paragraphs of Particular Interest to SIDS
within the Major Multilateral Environmental Agreements**

MEA	OCEANS GOVERNANCE	FISHERIES AND AQUACULTURE	MARINE POLLUTION AND OCEAN DUMPING	MARINE/COASTAL ENVIRONMENT AND BIODIVERSITY	CLIMATE CHANGE
<p>International Convention for the Regulation of Whaling (ICRW)</p>		<p>The Commission may... [adopt] regulations with respect to the conservation and utilization of whale resources, fixing (a) protected and unprotected species; (b) open and closed seasons; (c) open and closed waters, including the designation of sanctuary areas; (d) size limits for each species; (e) time, methods, and intensity of whaling (including the maximum catch of whales to be taken in any one season); (f) types and specifications of gear and apparatus and appliances which may be used; (g) methods of measurement; and (h) catch returns and other statistical and biological records (Article V(1))</p>			
<p>Basel Convention on the Control of Transboundary Movement of Hazardous Waste</p>	<p>Each Party shall take the appropriate measures to not allow the export of hazardous wastes or other wastes belonging to a State or group of States belonging to an economic and/or political integration</p>		<p>Each Party shall...ensure that persons involved in the management of hazardous wastes or other wastes within it take such steps as are necessary to prevent pollution due to hazardous wastes and other wastes</p>	<p>Each Party shall... ensure that the transboundary movement of hazardous wastes and other wastes is reduced to the minimum consistent with the environmentally sound and efficient management of such wastes, and is conducted in a manner which will protect human</p>	

APPENDIX B: Articles and Paragraphs of Particular Interest to SIDS within the Major Multilateral Environmental Agreements					
MEA	OCEANS GOVERNANCE	FISHERIES AND AQUACULTURE	MARINE POLLUTION AND OCEAN DUMPING	MARINE/COASTAL ENVIRONMENT AND BIODIVERSITY	CLIMATE CHANGE
	organization that are Parties, particularly developing countries, which have prohibited by their legislation all imports (Article 4.2.e)		<p>arising from such management and, if such pollution occurs, to minimize the consequences thereof for human health and the environment (Article 4.2.c)</p> <p>Parties may enter into bilateral, multilateral, or regional agreements or arrangements regarding transboundary movement of hazardous wastes or other wastes with Parties or non-Parties (Article 11.1)</p>	health and the environment against the adverse effects which may result from such movement (Article 4.d)	
Convention on the Prevention of Marine Pollution by Dumping Wastes and other Matter (London Convention)			<p>Contracting Parties shall individually and collectively promote the effective control of all sources of pollution of the marine environment, and pledge themselves especially to take all practicable steps to prevent the pollution of the sea by the dumping of waste and other matter that is liable to create hazards to human health, to harm living resources and marine life, to damage amenities or to interfere with other legitimate uses of the sea (Article 1)</p> <p>The Convention includes</p>	Contracting Parties with common interests to protect the marine environment in a given geographical area shall endeavor, taking into account characteristic regional features, to enter into regional agreements consistent with this Convention for the prevention of pollution, especially by dumping (Article 8)	
International	Through MARPOL, the				

**APPENDIX B: Articles and Paragraphs of Particular Interest to SIDS
within the Major Multilateral Environmental Agreements**

MEA	OCEANS GOVERNANCE	FISHERIES AND AQUACULTURE	MARINE POLLUTION AND OCEAN DUMPING	MARINE/COASTAL ENVIRONMENT AND BIODIVERSITY	CLIMATE CHANGE
<p>Convention for the Prevention of Pollution from Ships (MARPOL 73/78)</p>	<p>IMO designates “special areas” which are considered to be so vulnerable to pollution by oil that oil discharges within them have been completely prohibited, with minor and well-defined exceptions. The 1973 Convention identified the Mediterranean Sea, the Black Sea, and the Baltic Sea, the Red Sea and the Gulfs area as special areas.</p>		<p>regulations aimed at preventing and minimizing pollution from ships both accidental pollution and that from routine operations :</p> <p>Annex I : Regulations for the Prevention of Pollution by Oil</p> <p>Annex II: Regulations for the Control of Pollution by Noxious Liquid Substances in Bulk</p> <p>Annex III: Prevention of Pollution by Harmful Substances Carried by Sea in Packaged Form</p> <p>Annex IV: Prevention of Pollution by Sewage from Ships</p> <p>Annex V: Prevention of Pollution by Garbage from Ships</p> <p>Annex VI: Prevention of Air Pollution from Ships</p>		
<p>The International Convention on</p>			<p>Parties to the OPRC convention are required to establish measures for</p>		

APPENDIX B: Articles and Paragraphs of Particular Interest to SIDS within the Major Multilateral Environmental Agreements					
MEA	OCEANS GOVERNANCE	FISHERIES AND AQUACULTURE	MARINE POLLUTION AND OCEAN DUMPING	MARINE/COASTAL ENVIRONMENT AND BIODIVERSITY	CLIMATE CHANGE
Oil Pollution Preparedness, Response, and Cooperation (the OPRC Convention)			<p>dealing with pollution incidents, either nationally or in co-operation with other countries.</p> <p>Ships are required to report incidents of pollution to coastal authorities...</p> <p>Parties to the convention are required to provide assistance to others in the event of a pollution emergency and provision is made for the reimbursement of any assistance provided.</p>		
Stockholm Convention on Persistent Organic Pollutants			<p>The objective of this convention is to protect human health and the environment from persistent organic pollutants (Article 1)</p> <p>Each Party that has one or more regulatory and assessment schemes for new pesticides or new industrial chemicals shall take measures to regulate with the aim of preventing the production and use of new pesticides or new industrial chemicals which exhibit the characteristics of persistent organic pollutants (Article</p>	<p>For exempted uses or acceptable purposes that involve intentional release into the environment under conditions of normal use, such release shall be to the minimum extent necessary, taking into account any applicable standards and guidelines (Article 3.6)</p>	

**APPENDIX B: Articles and Paragraphs of Particular Interest to SIDS
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MEA	OCEANS GOVERNANCE	FISHERIES AND AQUACULTURE	MARINE POLLUTION AND OCEAN DUMPING	MARINE/COASTAL ENVIRONMENT AND BIODIVERSITY	CLIMATE CHANGE
			3.3)		
<p>Rotterdam Convention on Prior Informed Consent Procedures for Certain Hazardous Chemicals and Pesticides in International Trade</p>				<p>Any Party that is a developing country or a country with an economy in transition and that is experiencing problems caused by a severely hazardous pesticide formulation under conditions of use in its territory, may propose to the Secretariat the listing of the severely hazardous pesticide formulation in Annex III (Article 6.1)</p>	
<p>Convention on Biological Diversity</p>		<p>Each Contracting Party shall...subject to its national legislation, respect, preserve, and maintain knowledge, innovations, and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity and promote their wider application with the approval and involvement of the holders of such knowledge, innovations and practices and encourage the equitable sharing of the benefits arising from the utilization of such knowledge, innovations and practices (Article 8j)</p>		<p>Each Contracting Party shall... ...Develop national strategies, plans or programmes for the conservation and sustainable use of biological diversity or adapt for this purpose existing strategies, plans, or programmes which shall reflect, inter alia, the measures set out in this Convention relevant to the Contracting Party concerned (Article 6a) ...Establish a system of protected areas or areas where special measures need to be taken to conserve biological diversity (Article 8a) ...Introduce appropriate procedures requiring environmental impact assessment of its proposed projects</p>	

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MEA	OCEANS GOVERNANCE	FISHERIES AND AQUACULTURE	MARINE POLLUTION AND OCEAN DUMPING	MARINE/COASTAL ENVIRONMENT AND BIODIVERSITY	CLIMATE CHANGE
				<p>that are likely to have significant adverse effects on biological diversity... (Article 14.1a)</p> <p>Contracting Parties shall implement this Convention with respect to the marine environment consistently with the rights and obligations of States under Law of the Sea (Article 22.2)</p>	
<p>Cartagena Protocol on Biosafety</p>				<p>The Party of export shall notify, or require the exporter to ensure notification to, in writing, the competent national authority of the Party of import prior to the intentional transboundary movement of a living modified organism that falls within the scope of Article 7, paragraph 1 (Article 8(1))</p>	
<p>Convention on Wetlands of International Importance Especially as Waterfowl Habitat (Ramsar Convention)</p>				<p>Each Contracting Party shall designate suitable wetlands within its territory that may incorporate riparian and coastal zones adjacent to the wetlands, and islands, or bodies of marine water deeper than six meters at low tide lying within the wetlands (Article 2.1)</p>	
<p>Convention on International Trade in Endangered Species (CITES)</p>				<p>1. Appendix I shall include all species threatened with extinction which are or may be affected by trade. Trade in specimens of these species must be subject to particularly strict regulation in</p>	

**APPENDIX B: Articles and Paragraphs of Particular Interest to SIDS
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MEA	OCEANS GOVERNANCE	FISHERIES AND AQUACULTURE	MARINE POLLUTION AND OCEAN DUMPING	MARINE/COASTAL ENVIRONMENT AND BIODIVERSITY	CLIMATE CHANGE
				<p>order not to endanger further their survival and must only be authorized in exceptional circumstances.</p> <p>2. Appendix II shall include:</p> <p>(a) all species which although not necessarily now threatened with extinction may become so unless trade in specimens of such species is subject to strict regulation in order to avoid utilization incompatible with their survival; and (b) other species which must be subject to regulation...</p> <p>3. Appendix III shall include all species which any Party identifies as being subject to regulation within its jurisdiction for the purpose of preventing or restricting exploitation, and as needing the co-operation of other Parties in the control of trade.</p> <p>4. The Parties shall not allow trade in specimens of species included in Appendices I, II and III except in accordance with the provisions of the present Convention. (Article 2)</p> <p>Appendix I shall list migratory species which are endangered</p>	
The Convention on the					

**APPENDIX B: Articles and Paragraphs of Particular Interest to SIDS
within the Major Multilateral Environmental Agreements**

MEA	OCEANS GOVERNANCE	FISHERIES AND AQUACULTURE	MARINE POLLUTION AND OCEAN DUMPING	MARINE/COASTAL ENVIRONMENT AND BIODIVERSITY	CLIMATE CHANGE
<p>Conservation of Migratory Species of Wild Animals (Bonn Convention)</p>				<p>(Article 3.1)</p> <p>Parties that are Range States of a migratory species listed in Appendix I shall endeavor: a) to conserve and, where feasible and appropriate, restore those habitats of the species which are of importance in removing the species from danger of extinction; b) to prevent, remove, compensate for or minimize, as appropriate, the adverse effects of activities or obstacles that seriously impede or prevent the migration of the species; and c) to the extent feasible and appropriate, to prevent, reduce or control factors that are endangering or are likely to further endanger the species, including strictly controlling the introduction of, or controlling or eliminating, already introduced exotic species (Article 3.4)</p>	
<p>United Nations Convention to Combat Desertification</p>				<p>... Parties shall: (a) adopt an integrated approach addressing the physical, biological and socio-economic aspects of the processes of desertification and drought; (b) give due attention... to affected developing country Parties with regard to international trade, marketing arrangements and debt</p>	<p>For the purposes of this Convention:</p> <p>(a) "desertification" means land degradation in arid, semi-arid and dry sub-humid areas resulting from</p>

**APPENDIX B: Articles and Paragraphs of Particular Interest to SIDS
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MEA	OCEANS GOVERNANCE	FISHERIES AND AQUACULTURE	MARINE POLLUTION AND OCEAN DUMPING	MARINE/COASTAL ENVIRONMENT AND BIODIVERSITY	CLIMATE CHANGE
				<p>with a view to establishing an enabling international economic environment conducive to the promotion of sustainable development; (d) promote cooperation among affected country Parties in the fields of environmental protection and the conservation of land and water resources, as they relate to desertification and drought (Article 4)</p>	<p>various factors, including climatic variations and human activities</p>
<p>United Nations Framework Convention on Climate Change</p>				<p>Promote sustainable management, and promote and cooperate in the conservation and enhancement, as appropriate, of sinks and reservoirs or all greenhouse gases not controlled by the Montreal Protocol, including biomass, forests and oceans, as well as other terrestrial, coastal and marine ecosystems (Article 4.1.d)</p>	<p>The specific needs and special circumstances of developing country Parties, especially those that are particularly vulnerable to the adverse effects of climate change, and those Parties, especially developing country Parties, that would have to bear a disproportionate or abnormal burden under the Convention, should be given full</p>

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MEA	OCEANS GOVERNANCE	FISHERIES AND AQUACULTURE	MARINE POLLUTION AND OCEAN DUMPING	MARINE/COASTAL ENVIRONMENT AND BIODIVERSITY	CLIMATE CHANGE
					<p>consideration (Article 3.2)</p> <p>The Parties should take precautionary measures to anticipate, prevent, or minimize the causes of climate change and mitigate its adverse effects...lack of full scientific certainty should not be used as a reason for postponing such measures (Article 3.3)</p>
Kyoto Protocol to the United Nations Framework Convention on Climate Change					<p>The clean development mechanism shall assist Parties not included in Annex I in achieving sustainable development and in contributing to the ultimate objective of the UNFCCC (Article 12.2)</p>

Appendix C

Examples of Funding and Assistance Provisions for SIDS in Multilateral Environmental Agreements

UNCLOS, Part XII, Section 3, Technical Assistance

States shall, directly or through competent international organizations:

(a) promote programmes of scientific, educational, technical and other assistance to developing States for the protection and preservation of the marine environment and the prevention, reduction and control of marine pollution. Such assistance shall include, inter alia:

- (i) training of their scientific and technical personnel;
- (ii) facilitating their participation in relevant international programmes;
- (iii) supplying them with necessary equipment and facilities;
- (iv) enhancing their capacity to manufacture such equipment;
- (v) advice on and developing facilities for research, monitoring, educational and other programmes;

(b) provide appropriate assistance, especially to developing States, for the minimization of the effects of major incidents which may cause serious pollution of the marine environment;

(c) provide appropriate assistance, especially to developing States, concerning the preparation of environmental assessments.

Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (1995 UN Fish Stocks Agreement), Article 24

States shall, either directly or through UNEP, FAO, GEF, SDS and other appropriate international and regional organizations and bodies, provide assistance to developing states.

1995 UN Fish Stocks Agreement, Article 26

1. States shall cooperate to establish special funds to assist developing States in the implementation of this Agreement, including assisting developing States to meet the costs involved in any proceedings for the settlement of disputes to which they may be Parties.

2. States and international organizations should assist developing States in establishing new subregional or regional fisheries management organizations or arrangements, or in strengthening existing organizations or arrangements, for the conservation and management of straddling fish stocks and highly migratory fish stocks.

1993 High Seas Fishing Vessels, Article 7

Parties shall cooperate, at global, regional, subregional or bilateral level, and, as appropriate, with the support of FAO and other international or regional organizations, to provide assistance, including technical assistance, to Parties that are developing States in order to assist them in fulfilling their obligations (Article 7)

FAO Code of Conduct, Article 5

In order to achieve the objectives of this Code and to support its effective implementation, States, relevant international organizations, whether governmental or non-governmental, and financial institutions should give full recognition to the special circumstances and requirements of developing States, including in particular the least-developed among them, and small island developing States. States, relevant intergovernmental and non-governmental organizations and financial institutions should work for the adoption of measures to address the needs of developing States, especially in the areas of financial and technical assistance, technology transfer, training and scientific cooperation and in enhancing their ability to develop their own fisheries as well as to participate in high seas fisheries, including access to such fisheries.

Ramsar Convention, The Ramsar Small Grants Fund for Wetland Conservation and Wise Use (SGF)

Established in 1990 by the Conference of the Contracting Parties (at that time under the name “Wetland Conservation Fund”), and reliant on voluntary contributions, the SGF provides small grants (maximum Swiss francs 40,000 per project) for projects in developing States and States with economies in transition. The target established by the Conference of the Parties for the Ramsar SGF is one million US dollars per year.

Ramsar Convention, Wetlands for the Future (WFF) Assistance Programme

The Bureau of the Convention on Wetlands, the U.S. State Department, and the U.S. Fish and Wildlife Service operate a special initiative, the WFF training program, to benefit Latin American and Caribbean institutions and individuals through capacity building and training in the conservation and wise use of wetlands.

UNFCCC, Article 11

A mechanism for the provision of financial resources on a grant or concessional basis, including for the transfer of technology...shall function under the guidance of and be accountable to the Conference of the Parties, which shall decide on its policies, programme priorities and eligibility criteria related to this Convention.

UNFCCC, Article 21

The Global Environment Facility of the United Nations Development Programme, the United Nations Environment Programme and International Bank for Reconstruction and Development shall be the international entity entrusted with the operation of the financial mechanism referred to in Article 11 on an interim basis. In this connection, the Global Environment Facility should be appropriately restructured and its membership made universal to enable it to fulfill the requirements of Article 11.

Kyoto Protocol to the UNFCCC, Article 12

The purpose of the clean development mechanism shall be to assist Parties not included in Annex I in achieving sustainable development and in contributing to the ultimate objective of the Convention, and to assist Parties included in

Annex I in achieving compliance with their quantified emission limitation and reduction commitments under Article 3. The clean development mechanism shall assist in arranging funding of certified project activities as necessary.

London Convention, Article IX

The Contracting Parties shall promote, through collaboration within the Organization and other international bodies, support for those Parties which request it for: (a) the training of scientific and technical personnel; (b) the supply of necessary equipment and facilities for research and monitoring; (c) the disposal and treatment of waste and other measures to prevent or mitigate pollution caused by dumping; preferably within the States concerned, so furthering the aims and purposes of this Convention.

Basel Convention, Article 14

1. The Parties agree that, according to the specific needs of different regions and subregions, regional or sub-region centers for training and technology transfers regarding the management of hazardous wastes and other wastes and the minimization of their generation should be established. The Parties shall decide on the establishment of appropriate funding mechanisms of a voluntary nature.

2. The Parties shall consider the establishment of a revolving fund to assist on an interim basis in case of emergency situations to minimize damage from accidents arising from transboundary movements of hazardous wastes and other wastes or during the disposal of those wastes.

Convention on Biological Diversity, Article 20

1. Each Contracting Party undertakes to provide, in accordance with its capabilities, financial support and incentives in respect of those national activities which are intended to achieve the objectives of this Convention, in accordance with its national plans, priorities and programmes.

2. The developed country Parties shall provide new and additional financial resources to enable developing country Parties to meet the agreed full incremental costs to them of implementing measures which fulfill the obligations of this Convention...

6. The Parties shall also take into consideration the special conditions resulting from the dependence on, distribution and location of, biological diversity within developing country Parties, in particular small island States.

Convention on Biological Diversity, Article 21

There shall be a mechanism for the provision of financial resources to developing country Parties for purposes of this Convention on a grant or concessional basis.

Convention on Biological Diversity, Article 39

Provided that it has been fully restructured in accordance with the requirements of Article 21, the Global Environment Facility of the United Nations Development Programme, the United Nations Environment Programme and the International Bank for Reconstruction and Development shall be the institutional structure referred to in Article 21 on an interim basis, for the period between the entry into force of this Convention and the first meeting of the Conference of the Parties or until the Conference of the Parties decides which institutional structure will be designated in accordance with Article 21.

Stockholm Convention on Persistent Organic Pollutants (Stockholm Convention), Article 13

1. Each Party undertakes to provide, within its capabilities, financial support and incentives in respect of those national activities that are intended to achieve the objective of this Convention in accordance with its national plans, priorities and programmes.

4. The extent to which the developing country Parties will effectively implement their commitments under this Convention will depend on the effective implementation by developed country Parties of their commitments under this Convention relating to financial resources, technical assistance and technology transfer.

Stockholm Convention, Article 14

The institutional structure of the Global Environment Facility, operated in accordance with the Instrument for the Establishment of the Restructured Global Environment Facility, shall, on an interim basis, be the principal entity entrusted with the operations of the financial mechanism referred to in Article 13, for the period between the date of entry into force of this Convention and the first meeting of the Conference of the Parties, or until such time as the Conference of the Parties decides which institutional structure will be designated in accordance with Article 13.

Rotterdam Convention, Article 16

The Parties shall, taking into account in particular the needs of developing States and States with economies in transition, cooperate in promoting technical assistance for the development of the infrastructure and the capacity necessary to manage chemicals to enable implementation of this Convention. Parties with more advanced programmes for regulating chemicals should provide technical assistance, including training, to other Parties in developing their infrastructure and capacity to manage chemicals throughout their life-cycle.