UNITED NATIONS



UNEP

United Nations Environment Programme Distr. LIMITED

UNEP(DEPI)/RS.9/Inf.6 9 October 2007

Original: ENGLISH

Ninth Global Meeting of the Regional Seas Conventions and Action Plans

Jeddah, Kingdom of Saudi Arabia, 29-31 October 2007

PROPOSAL FOR A MANUAL ON THE ECOSYSTEM APPROACH FOR THE REGIONAL SEAS

An Outline

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A Manual on the application of the ecosystem approach in the Regional Seas has been commissioned by the UNEP Regional Seas Programme and WCMC to Mr. Alan Simcock. The present document is a draft outline of the manual, prepared by Mr. Simcock.

Proposal for a Manual on the Ecosystem Approach for the Regional Seas

This note sets out a proposal for a manual to help the Regional Seas Conventions and Action Plans follow up the commitments of the 2002 Johannesburg World Sustainable Development Summit to "encourage the application by 2010 of the ecosystem approach" to the management of human activities that may affect the oceans. The meeting is asked to consider whether such a manual would be helpful, whether the attached initial sketch covers the right issues, and how the regional seas organisations might help with its development.

1. The 2002 Plan of Implementation of the World Summit on Sustainable Development (the Johannesburg Implementation Plan) gave prominence, in its section on the oceans and seas, to a commitment to "[e]ncourage the application by 2010 of the ecosystem approach, noting the Reykjavik Declaration on Responsible Fisheries in the Marine Ecosystem and decision V/6 of the Conference of Parties to the Convention on Biological Diversity".

2. The Johannesburg Implementation Plan went on to make a commitment to "[s]trengthen regional cooperation and coordination between the relevant regional organizations and programmes, the regional seas programmes of the United Nations Environment Programme, regional fisheries management organizations and other regional science, health and development organizations".

3. Urgent consideration is needed of how the combined intentions of these two sets of commitments can be achieved at the regional level.

4. This implementation at regional level also needs to be linked to the implementation of the parallel commitment to "[p]romote integrated, multidisciplinary and multisectoral coastal and ocean management at the national level and encourage and assist coastal States in developing ocean policies and mechanisms on integrated coastal management".

5. The ecosystem approach does not imply any novel regulatory measures or any new departures in management techniques. Rather, it is concerned with the inter-relationships between the many existing régimes which cover human activities that may affect the sea. It implies a systematic effort to ensure that these inter-relationships are considered in such a way that what is maximised is total ecosystem health and sustainability, not merely the aims of a single sector of human activities or interests.

6. The ecosystem approach will therefore require the regional seas organisations and the other regional bodies to adopt a systematic method to review their regulatory activities to ensure that their separate activities at the regional level, taken all together and considered alongside the regulatory activities of the various States in the region, constitute the ecosystem approach, without any gaps and without any contradictions.

7. It seems that a framework setting out the issues that need to be addressed, and a set of examples of good practice in dealing with those issues could facilitate the adoption of such a systematic method. This framework and examples could usefully be set out in a Manual on the Ecosystem Approach for Regional Seas. Such a manual would help to ensure that there is as much consensus as possible about what needs to be covered. It could also assist in overcoming possible reluctance on the part of some to address issues that need to be covered by showing that there is wide consensus on what needs to be addressed.

8. An initial sketch of such a manual is set out at Annex A. The passages in regular type are suggested material for an eventual manual. The passages in italics are comments on what would need to be done. Any such manual should be developed as a partnership to provide an organic

growth of check-lists and examples that respond to the issues identified by those who will need to make the systems work.

- 9. If there is agreement that such a manual could be of use, the proposal would be that:
 - a. in the light of the discussion of this initial sketch at this meeting, a first draft would be prepared by the end of 2007. The total size would be about 50 pages. This first draft would be circulated to all Regional Seas Organisations and other regional bodies for comment. It would be for each organisation to decide whether and, if so, how to comment;
 - b. the first draft would incorporate material suggested by the Regional Seas Organisations in the light of this discussion;
 - c. the GRAME Group of Experts on the Assessment of Assessments would be invited, at their meeting in November to consider this initial sketch and an oral report of the comments at this meeting. The purpose of this would be to ensure that developments on assessments of the marine environment and the methods for adopting an ecosystem approach are, as much as possible, in step with each other. Their comments would be taken into account in the first draft;
 - d. a target-date would be fixed for the receipt of comments on the first draft; in the light of those comments, and any further work that this meeting suggests, a second draft would be prepared for checking by the Regional Seas Organisations;
 - e. a final version would be prepared for approval and publication by UNEP and any other organisations involved in supporting the project.
- 10. This meeting is asked to consider:
 - a. whether a Manual on the Ecosystem Approach for Regional Seas would be helpful;
 - b. whether the attached initial sketch covers the right issues;
 - c. whether the sequence set out in the previous paragraph is a suitable way of proceeding;
 - d. how far the regional seas organisations can help with the development of the manual.

INITIAL SKETCH of 8 OCTOBER 2007

Manual on the Ecosystem Approach for Regional Seas

TABLE OF CONTENTS

This will, of course, depend on the eventual shape of the text of the manual.

SUMMARY

The document will need to open with a short summary showing how each of its Chapters and Sections gives guidance on how to deliver the important regional component of the global commitment to applying an ecosystem approach to the management of human activities that affect, or may affect, the marine environment.

CHAPTER I – INTRODUCTION: THE COMMITMENT TO AN ECOSYSTEM APPROACH

1. When the world's leaders gather in Johannesburg in September 2002 to consider how best to promote sustainable development, they stressed that "Oceans, seas, islands and coastal areas form an integrated and essential component of the Earth's ecosystem and are critical for global food security and for sustaining economic prosperity and the well-being of many national economies, particularly in developing countries."

2. They further emphasised that "Ensuring the sustainable development of the oceans requires effective coordination and cooperation, including at the global and regional levels, between relevant bodies".

3. One of the actions that they identified to these ends was "Encourage the application by 2010 of the ecosystem approach, noting the Reykjavik Declaration on Responsible Fisheries in the Marine Ecosystem¹ and decision V/6 of the Conference of Parties to the Convention on Biological Diversity;²"

4. As the leaders' parallel commitment to "Promote the implementation of chapter 17 of Agenda 21" showed, this commitment to the ecosystem approach is a natural development of the approach of Agenda 21, emphasising the need for the integration of all policies affecting the oceans and seas. The substance of chapter 17 of AGENDA 21 is a programme of action for achieving the sustainable development of oceans, coastal areas and seas through its programme areas of integrated management and sustainable development of coastal areas, including exclusive economic zones; marine environmental protection; sustainable use and conservation of marine living resources; addressing critical uncertainties for the management of the marine environment and climate change; strengthening international, including regional, cooperation and coordination; and sustainable development of small islands.

5. At the global level, many important steps have already been taken to implement this programme of AGENDA 21:

- a. the Implementation Agreement on Part XI of the UN Convention on the Law of the Sea was adopted, and in consequence that Convention entered into force in 1995;
- b. the UN Agreement on Straddling and Highly Migratory Fish Stocks, and the Code of Conduct on Responsible Fisheries was adopted in 1995;

¹See Food and Agriculture Organization of the United Nations document C200/INF/25, appendix I.

² See UNEP/CBD/COP/5/23, annex III.

- c. the Global Programme of Action to Protect the Marine Environment from Land-Based Activities was adopted in 1995, and has been twice reviewed by Governments;
- d. International Conventions have been developed on anti-fouling treatments of vessels, on ballast-water and sediment management (to control the introduction of alien species), and on bunkers.

6. Many regions and States have also acted to improve their approach to the integration of the management of human activities that may affect the seas.

7. Nevertheless, there is still a massive need for further improvement. As the Johannesburg Implementation Programme makes clear, the regional level has a very important role to play in improving this integration.

8. This Manual is therefore aimed at helping in this work at the regional level. It aims to set out practical ways of developing the ecosystem approach, by showing what issues need to be addressed, by providing check-lists of actions that can help address those issues, and by giving short descriptions of good examples of those actions (with directions to the places where further details of those examples can be found). This will help all those involved by enabling them having to reinvent for themselves techniques and processes which have already been developed elsewhere, by showing the range of issues that need to be addressed and by demonstrating the agreement that exists about workable, practical measures to implement the commitment to the ecosystem approach.

CHAPTER 2 – WHAT IS AN ECOSYSTEM APPROACH?

1. Many different 'ecosystem approaches' exist. There is no single, overriding answer to the question "what is an ecosystem approach?". In 2006, at the 7th United Nations Open-Ended Informal Consultative Process on Oceans and the Law of the Sea (UNICPOLOS), delegates agreed that "there is no universally agreed definition of an ecosystem approach, which is interpreted differently in different contexts."³ Likewise, the Conference of the Parties of the Convention on Biological Diversity (CBD) has stressed that there is no single way to implement the ecosystem approach, as it depends on local, provincial, national, regional or global conditions.

2. To start making an ecosystem approach operational, however, we first need to understand that is it is an approach to the management of human activities that affect, or may affect, the marine environment. It is not helpful to talk about "managing the ecosystem". We can only manage the human activities that affect, or may affect, the ecosystem. Nevertheless, it is often a convenient shorthand to speak of "managing the ecosystem" when we mean "managing the human activities that affect, of may affect, the ecosystem".

3. Secondly, the natural structure and processes of ecosystems are the essential context in which human activities have to be managed. An ecosystem approach therefore has to take into account both:

- a. the natural variation and changes in the ecosystems, and
- b. the changes that human activities induce in it, both by direct actions on the marine ecosystem (eg fisheries) and by changing the chemical and physical environment of the ecosystem (eg through discharges of chemicals or physical changes to coasts).

³ UNICPOLOS (2006), p.2

4. Thirdly, we need to consider the overall aims of applying the ecosystem approach. CBD has stated:

"The ecosystem approach is a strategy for the integrated management of land, water and living resources that promotes conservation and sustainable use in an equitable way. Thus, the application of the ecosystem approach will help to reach a balance of the three objectives of the Convention: conservation; sustainable use; and the fair and equitable sharing of the benefits arising out of the utilization of genetic resources."⁴

5. Against this background, there are several important points that help to indicate the particular features of the ecosystem approach:

- a. **ecosystems include humans.** An ecosystem encompasses the biological structure, processes, functions and interactions among organisms (including humans) and their environment. This means that human (social and economic) uses affect and are affected by the ecosystems on which humans depend.
- b. **both conservation and the sustainable use of coastal and ocean resources must be included.** UNICPOLOS states that the ecosystem approach should "seek the appropriate balance between, and integration of, conservation and sustainable use of marine biological diversity."⁵
- c. **the ecosystem approach has no particular scale.** A focus on structure, processes, functions and interactions is consistent with the definition of "ecosystem" provided in Article 2 of the Convention on Biological Diversity: "Ecosystem' means a dynamic complex of plant, animal and micro-organism communities and their non-living environment interacting as a functional unit." This definition does not specify any particular spatial unit or scale. Thus, the term "ecosystem" does not, necessarily, correspond to the terms "biome" or "ecological zone", but can refer to any functioning unit at any scale. Indeed, the scale of analysis and action should be determined by the problem being addressed;
- d. **ecosystems are complex and dynamic.** We do not have complete knowledge or understanding of their functioning. Ecosystem processes are often non-linear, and the outcome of such processes often shows time-lags. The result is discontinuities, leading to surprise and uncertainty. Adaptive management is therefore required, making adjustments to respond to the outcomes of uncertainties, and to take account of increases in knowledge. Measures may need to be taken even when some cause-and-effect relationships are not yet fully established scientifically;
- e. **the ecosystem approach is not exclusive.** Other management and conservation approaches (such as biosphere reserves, protected areas, and single-species conservation programmes) and other national policies and legislation can co-exist with it. The ecosystem approach dpoes not supersede them. Rather, it offers a way to integrate all these approaches and other methodologies to deal with complex situations.

6. On the basis of these fundamental points, CBD has agreed the following 12 principles for the ecosystem approach. They must be taken as a whole, since they are complementary and interlinked:

Principle 1: The objectives of management of land, water and living resources are a matter of societal choice.

Rationale: Different sectors of society view ecosystems in terms of their own economic, cultural and societal needs. Indigenous peoples and other local communities living on the

⁴ Convention on Biological Diversity, Decision V/6 (2000), Sec.A.1.

⁵ UNICPOLOS (2006), p.3

land are important stakeholders and their rights and interests should be recognized. Both cultural and biological diversity are central components of the ecosystem approach, and management should take this into account. Societal choices should be expressed as clearly as possible. Ecosystems should be managed for their intrinsic values and for the tangible or intangible benefits for humans, in a fair and equitable way.

Principle 2: Management should be decentralized to the lowest appropriate level. Rationale: Decentralized systems may lead to greater efficiency, effectiveness and equity. Management should involve all stakeholders and balance local interests with the wider public interest. The closer management is to the ecosystem, the greater the responsibility, ownership, accountability, participation, and use of local knowledge.

Principle 3: Ecosystem managers should consider the effects (actual or potential) of their activities on adjacent and other ecosystems.

Rationale: Management interventions in ecosystems often have unknown or unpredictable effects on other ecosystems; therefore, possible impacts need careful consideration and analysis. This may require new arrangements or ways of organization for institutions involved in decision-making to make, if necessary, appropriate compromises.

Principle 4: Recognizing potential gains from management, there is usually a need to understand and manage the ecosystem in an economic context. Any such ecosystem-management programme should:

- (a) Reduce those market distortions that adversely affect biological diversity;
- (b) Align incentives to promote biodiversity conservation and sustainable use;
- (c) Internalize costs and benefits in the given ecosystem to the extent feasible.

Rationale: The greatest threat to biological diversity lies in its replacement by alternative systems of land use. This often arises through market distortions, which undervalue natural systems and populations and provide perverse incentives and subsidies to favour the conversion of land to less diverse systems. Often those who benefit from conservation do not pay the costs associated with conservation and, similarly, those who generate environmental costs (e.g. pollution) escape responsibility. Alignment of incentives allows those who control the resource to benefit and ensures that those who generate environmental costs will pay.

Principle 5: Conservation of ecosystem structure and functioning, in order to maintain ecosystem services, should be a priority target of the ecosystem approach.

Rationale: Ecosystem functioning and resilience depends on a dynamic relationship within

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