



UNITED NATIONS ENVIRONMENT PROGRAMME

*Co-operative programmes sponsored
by UNEP for the protection of the
marine and coastal environment
in the wider Indian Ocean region*

UNEP Regional Seas Reports and Studies No. 58

PREFACE

The organizers of the Conference on Economic, Scientific and Technical Co-operation in the Indian Ocean in the Field of Marine Affairs in the context of the New Ocean Regime (Colombo, Sri Lanka, 15-20 July 1985) invited the United Nations Environment Programme to participate in the Conference. Subsequently it was agreed that UNEP would present to the Conference a review of co-operative programmes sponsored by UNEP for the protection of the marine and coastal environment in the wider Indian Ocean region. This document represents UNEP's contribution to the meeting.

The document describes the basic approach of UNEP to the environmental problems of oceans and coastal areas, the strategy used in the implementation of UNEP's ocean-related programme and the major co-operative programmes supported by UNEP in the wider Indian Ocean region. The document also contains a set of suggestions which may be considered when discussing the co-operation in the field of environmental protection of the Indian Ocean as a whole. A short summary of the document is contained in the following paragraphs.

While recognizing that the problems of the oceans are global in nature, UNEP is approaching them through a series of highly structured regional "action plans" in the framework of the Regional Seas Programme of UNEP. The action plans are formulated, adopted and implemented by the governments concerned. Each action plan has clearly defined objectives and goals and contains a set of programme elements (activities) related to the assessment of the environmental problems and to their solution through management measures. A detailed description of the five Indian Ocean Action Plans constitutes the main body of the review.

Most of the action plans are supported by legally binding regional conventions, supplemented with protocols dealing with specific problems. The financial support to activities carried out under the action plans are from the participating governments, from UNEP and from third parties, the specialized organizations of the United Nations in particular. UNEP provides for an overall co-ordination of the Regional Seas Programme and acts as the secretariat for a number of adopted action plans and conventions.

The Regional Seas Programme at present includes eleven regions^{1/} involving more than 120 coastal states. In the framework of the programme five action plans have been adopted or are being developed in the Indian Ocean region. Inter-regional co-operation between these five action plans is proposed as the most rational and cost/effective approach towards the environmental problems of the Indian Ocean region.

^{1/} Mediterranean Region, Kuwait Action Plan Region, West and Central African Region, Wider Caribbean Region, East Asian Seas Region, South-East Pacific Region, South Pacific Region, Red Sea and Gulf of Aden Region, Eastern African Region, South-West Atlantic Region and South Asian Seas Region.

TABLE OF CONTENTS

	<u>Page</u>
I. INTRODUCTION	1
Concern for the Oceans	1
The Regional Approach	2
The Action Plan Formula	3
The Role of UNEP	6
Stockholm Revisited	6
The Indian Ocean	9
The Health of the Indian Ocean	10
Regional Seas Progress Worldwide	12
II. THE FIVE INDIAN OCEAN ACTION PLANS	13
1. The Eastern African Region	13
A. Issues addressed	13
B. The Eastern African Action Plan	17
2. The Red Sea and Gulf of Aden Action Plan	24
3. The Kuwait Action Plan	29
A. Issues addressed	29
B. The Kuwait Action Plan	30
4. The South Asian Seas Region	37
A. Issues addressed	37
B. Co-operation towards an Action Plan	40
5. The East Asian Seas Action Plan	42
III. GLOBAL PROGRAMMES	51
Global Management Programmes, including Global Legal Agreements	52
Contribution of Regional Programmes to Global Activities	54
IV. AVENUES FOR THE FUTURE	55
ANNEXES	
Annex I : The Indian Ocean - Geographical layout	59
Annex II : UNEP Regional Seas Programme - Geographical coverage	61
Annex III: Participants in UNEP's Regional Seas Programme	63
Annex IV : Preparatory meetings for an Action Plan in the East Asian Seas	65
Annex V : Priority programme of activities in the Eastern African Region	67
Annex VI : Acronyms and Abbreviations	71
Annex VII: Reference Publications	77

I. INTRODUCTION

Concern for the Oceans

1. The environmental concerns of the 1960's and anxieties about the future of the human environment led to the United Nations Conference on the Human Environment, convened in Stockholm in June 1972 and were crystallized in the Declaration adopted at its conclusion. World-wide concern for the fate of the Oceans was a major element in the environmental thinking of twenty years ago and has not declined since.

2. The Stockholm Declaration ^{1/} expressed the common conviction that man bears the responsibility to protect and improve the environment for present and future generations (Principle 1) and that the natural resources of the earth must be safeguarded through careful planning and management (Principle 2). It also stated that States shall take all possible steps to prevent pollution of the seas (Principle 7).

3. Indeed, the Stockholm Conference outlined a "masterplan" for the world's environment. As inseparable elements of a global strategy it identified three components:

- (a) environmental assessment;
- (b) environmental management; and
- (c) supporting measures.

4. In other words, a strategy for:

- (a) increasing knowledge on existing and changing environmental conditions;
- (b) carefully planning and taking action to improve the environment, to safeguard natural resources through rational use, and to minimize undesirable effects; and
- (c) complementing direct action with indirect activities which would ensure that improvements are well founded and long-lasting.

5. Following the recommendations of Stockholm, the United Nations Environment Programme (UNEP) was created by the United Nations ^{2/} and has since then served as a focal point for global environmental action, and for co-ordination within the UN system. The Governing Council of UNEP defined this environmental action as encompassing a comprehensive, trans-sectoral approach to environmental problems which should deal not only with the consequences but also with the causes of environmental degradation.

^{1/} The full text of the Stockholm Declaration and Action Plan is reproduced in: Compendium of Legislative Authority, produced for UNEP by Pergamon Press, Oxford 1978.

^{2/} General Assembly Resolution 2997 (XXVII) of 15 December 1972.

6. Already at the first meeting of the UNEP Governing Council attention was focused on the protection of oceans and the marine environment, on initiating assessment and monitoring activities, and on the control of pollution, including international and regional agreements with this objective ^{3/}.

7. This attitude was further strengthened by the General Assembly which emphasized the need for protecting and conserving the total living resources of ocean space and stipulated that the Governing Council of UNEP should direct special attention to the question of environmental protection of the seas and oceans ^{4/}.

The Regional Approach

8. Although problems of the seas and oceans are of a global nature, the Governing Council chose to deal with them through a regional approach to be applied, inter alia, to the control of marine pollution and management of marine and coastal resources. Regional agreements on the protection of specific bodies of water from pollution were to be encouraged and the study, conservation and wise management of living resources, including whales and other mammals, were to be promoted ^{5/}.

9. By adopting this approach, it is possible to focus on specific problems of high priority to the States of a given region, thereby responding more readily to the needs of the Governments and helping to mobilize more fully their own national resources. In addition, it was considered that the undertaking of activities on a regional basis would, in due time, provide the basis for dealing effectively with the environmental problems of the oceans as a whole.

10. With this in mind, the Regional Seas Programme of UNEP was initiated following the 1974 Governing Council Decision and a Regional Seas Programme Activity Centre (RS/PAC) instituted in 1977. The Regional Seas Programme has often been referred to as one of the most successful of UNEP's Programmes; at present it comprises eleven regions with more than 120 coastal States participating in it, more than 30 of them around the Indian Ocean alone.

11. The Regional Seas Programme is conceived as an action-oriented programme having concern not only for the consequences but also for the causes of environmental degradation, and encompassing a comprehensive approach to preventing and abating environmental problems through the proper management of marine and coastal areas.

12. In reviewing the activities of the Regional Seas Programme during the last ten years the Regional Action Plan approach will be discussed first.

^{3/} Governing Council Decision 1 (I), Section II, para 12e, of 1973.

^{4/} General Assembly Resolution 3133 (XXVIII) of 13 December 1973

^{5/} Governing Council Decision 8 (II), Section AI, Chapter 4, of 1974.

The Action Plan Formula

13. At this point it is necessary to briefly describe the method used by the Regional Seas Programme of UNEP and participating States in all regions to address their particular environmental problems. Either intuitively (as originally in the Mediterranean) or after careful consideration and identification of environmental problems and priorities (as lately in the Eastern African region), States have agreed on a Plan of Action.

14. Action Plans are not identical. They are formulated according to the wishes of participating Governments and reflect the particular concerns of the region at the period of their adoption. They incorporate issues on which consensus for action is reached; they also take into account the experience gained in the implementation of previous Action Plans. They constitute the basic element of agreement; they need not, however, be static. Indeed, they are constantly amplified at periodic meetings. In the Mediterranean a complete review will probably be attempted after the first ten years.

15. Each regional Action Plan is designed to link assessment of the quality of the marine environment and the causes of its deterioration with activities for the management and development of the marine and coastal environments. The Action Plans promote the parallel development of regional legal agreements and of action-oriented programme activities. As each regional programme is aimed at benefiting the States of that region, Governments are involved from the very beginning in the formulation of an Action Plan.

16. An Action Plan is formally adopted by an intergovernmental meeting of the Governments of a particular region before the programme enters an operational phase. In the preparatory phase leading to the adoption of the Action Plan, Governments are consulted through a series of meetings and missions about the scope and substance of an action plan suitable for their region. In addition, with the co-operation of appropriate global and regional organizations, reviews on the specific environmental problems of the region are prepared in order to assist the Governments in identifying the most urgent problems in the region and the corresponding priorities to be assigned to the various activities outlined in the action plan. UNEP co-ordinates directly, or in some regions indirectly through existing regional organizations, the preparations leading to the adoption of the action plan.

17. After adoption of the plan, its implementation is carried out, under the overall authority of the Governments concerned, by national institutions nominated by their Governments. UNEP acts as an overall co-ordinator for the development and implementation of regional Action Plans - although, in some cases, this role is limited to the initial phase of the activities.

18. Financial support is initially provided by UNEP and other international and regional organizations. As a programme develops, however, it is expected that the Governments of each region will assume increasing financial responsibility for its implementation, through specific regional trust funds or other suitable mechanisms. Additional assistance continues to be made available by other bodies within the United Nations system - e.g. for technical assistance and provision of expert advice, training, or technical support. The bodies concerned are encouraged to provide this assistance as part of their normal programmes, and to finance activities through their own funding mechanisms.

19. All Action Plans are structured in a similar way (although the specific activities for any region are dependent upon the needs and priorities of that

region) along the line recommended by the Stockholm Action Plan with its three-pronged approach: environmental assessment - environmental management - supporting measures.

20. This structure has been retained throughout the life of the United Nations Environment Programme and its validity is not questioned. For the purposes of this report, however, it has been found advisable to distinguish some aspects contained within the three areas, for the following reasons:

- (a) whereas financial arrangements can, for all theoretical purposes, be termed "supporting measures", practice has shown that they constitute a chapter in themselves and are in many instances a prerequisite for further co-operative action;
- (b) similarly, institutional arrangements and legal provisions, including national environmental legislation and international agreements, while being unquestionably management tools, again constitute important aspects and should be treated in separate sections; and
- (c) finally, it has been shown that the inclusion of such basic provisions (financial, institutional and legal), under the original Stockholm chapters tends to detract from the importance of other management or supporting measures; indeed, the adoption of a legal framework or even the provision of adequate financial means has often produced exultation and self-satisfaction and left some parties with the impression that "action" was now complete; concrete action is of course what comes afterwards, through implementation of legislation, through wise use of financial resources and through the actual carrying-out of a series of management and supporting activities which should therefore be treated separately.

21. Thus, Action Plans will be viewed in this report as including, with varying degrees, the following components:

- (a) Environmental assessment. This concerns assessing and evaluating the causes of environmental problems as well as their magnitude and impact on the region. Emphasis is given to such activities as: baseline (i.e. present situation) studies; research and monitoring of the sources, levels and effects of marine pollutants; eco-system studies; studies of coastal and marine activities and social and economic factors that may influence, or may be influenced by, environmental degradation. Environmental assessment is undertaken to assist national policy makers to improve the management of their natural resources in a more effective and sustainable manner and to provide information on the effectiveness of legal/administrative measures taken to improve the quality of the environment.
- (b) Environmental management. Each regional programme includes a wide range of activities in the field of environmental management. Examples of such activities are: management of coastal areas; water management policies; control of industrial, agricultural and domestic wastes; contingency plans for dealing with pollution emergencies; establishment of protected areas such as marine parks and wetlands.
- (c) Environmental legislation. An umbrella regional convention, elaborated by specific technical protocols, most often provides the legal framework for co-operative regional and national actions. The legal commitment of Governments clearly expresses their political will to manage individually and

jointly their common environmental problems. By progressively enacting national legislation which reflects the spirit of the Action Plan and lies within the area of application of the Convention, Governments further promote its implementation in harmony with the environmental measures deemed appropriate within the region.

- (d) Institutional arrangements. When adopting an Action Plan, Governments agree upon an organization to act as the secretariat of the Action Plan. Governments decide upon the periodicity of intergovernmental meetings which are to be responsible for reviewing the progress of the agreed workplan and for approving new activities and the necessary budgetary support.
- (e) Financial arrangements. UNEP, together with selected United Nations and other organizations, provides "seed money" or catalytic financing in the early stages of regional programmes. As a programme develops, Governments of the region progressively assume full financial responsibility through annual contributions. Funds are administered by the organization responsible for the secretariat functions of the Action Plan. In addition, Governments contribute by supporting their national institutions participating in the programme or by financing specific project activities.
- (f) Supporting measures. One of the most important and most lasting effects of an Action Plan has been found to be Environmental Awareness. This is created by a series of measures including environmental education at all levels of instruction, training of cadres and technical personnel in environmental management techniques, encouraging direct participation in environmental action and arousing public interest not only through publicizing environmental disasters but also through environmental awareness campaigns, books and other publications, magazine and newspaper articles, newsletters, pamphlets, posters etc, and by publicizing correct environmental data. Supporting measures have not received adequate attention in Action Plans to date.

22. It is essential to bear in mind that all components of a regional programme are interdependent. Assessment activities identify the problems that need priority attention in the region. Legal agreements are negotiated to strengthen co-operation among States in managing the identified problems. They also provide an important tool for national policy-makers to implement national control activities. Management activities, aimed at controlling existing environmental problems and preventing the development of new ones, are one of the means by which States fulfill their treaty obligations. Co-ordinated assessment activities then continue to assist Governments by providing scientific information by which to judge whether the

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