



**COMMONWEALTH SEMINAR
FOR AFRICA ON THE
IMPLEMENTATION OF INTERNATIONAL
ENVIRONMENTAL INSTRUMENTS
AND POLICY DEVELOPMENT
GRANDE BAIE, MAURITIUS
October 31 – November 6, 2005**

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INTER RELATIONSHIP OF CONVENTIONS

- We have seen that Environmental Conventions expressly or tacitly reserve the role and inter relationship of other Conventions – e.g.:
- **ARTICLE 22 - CBD**
- **The CBD shall not affect rights flowing from other Conventions and shall implement regarding marine diversity pursuant to the Law of the Sea [UNCLOS]**

INTER RELATIONSHIP OF CONVENTIONS

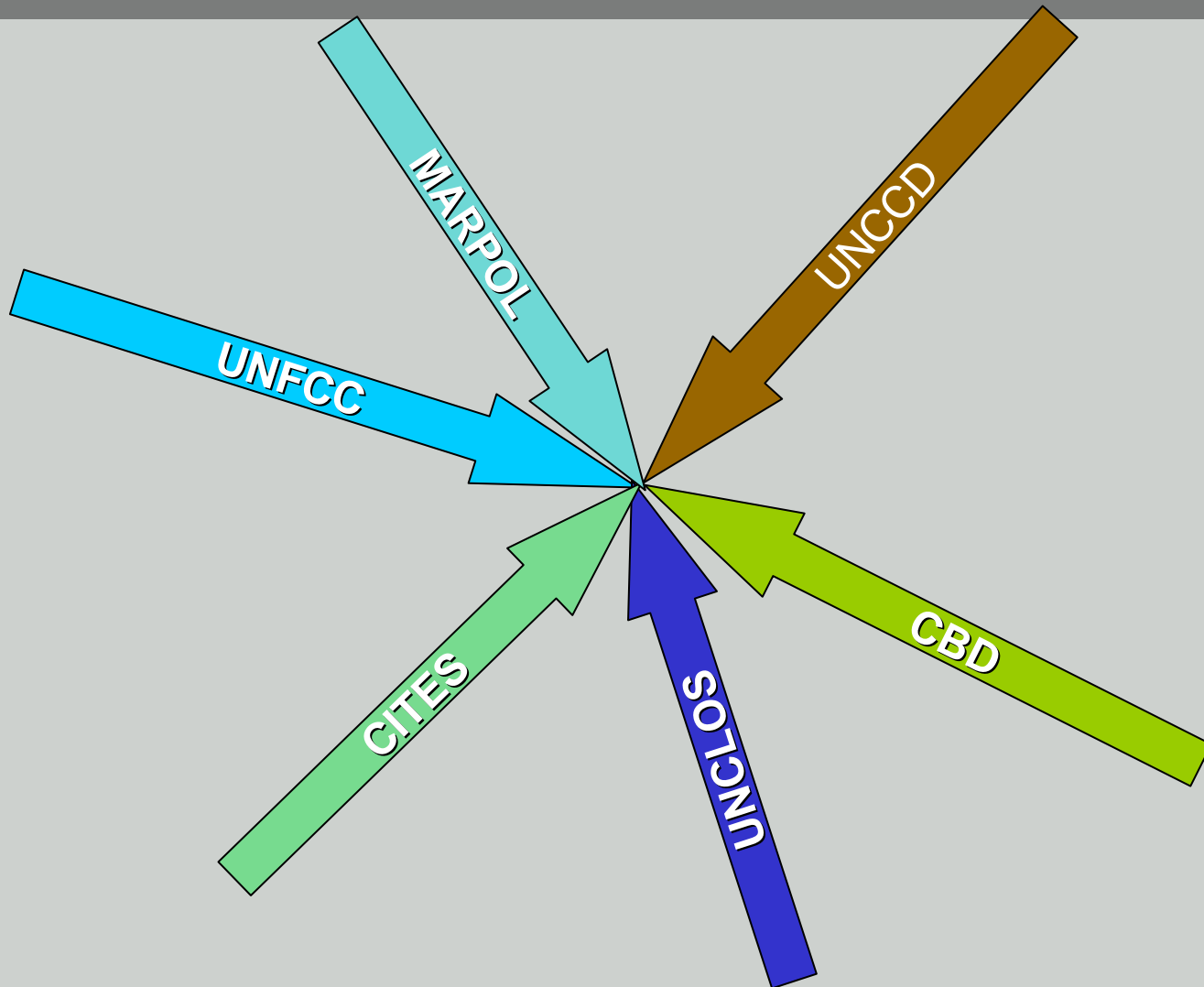
- **Article 8 - UNCCD**
- **Encouragement to coordinate activities of other Conventions, particularly with the UNFCCC and the CBD (including research etc)**

- **Article 4 - UNFCCC**
- **All Parties shall meet the needs of developing countries – such countries being:**
- **Landlocked and Transit States**

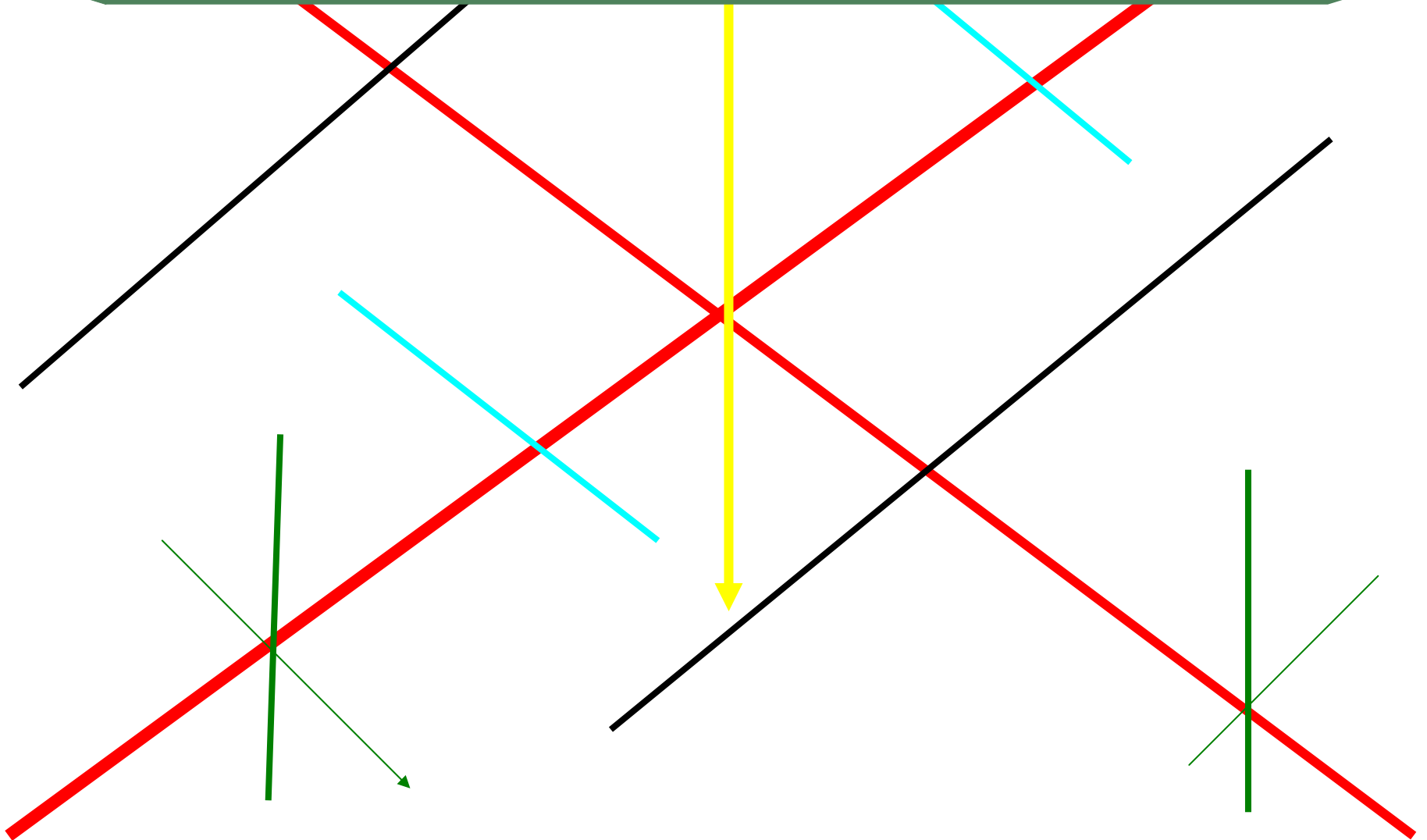
INTER RELATIONSHIP OF CONVENTIONS

- **IMO Resolution – Part 11**
- **Resolution does not derogate from any rights under UNCLOS**
- **Articles 69 & 70 – UNCLOS**
- **Treatment of Landlocked and Geographically Disadvantaged States**

CONVENTIONS SPEAK TO EACH OTHER



CROSS CUTTING ISSUES VIS A VIS CONVENTIONS



SUSTAINABLE USE	REL WITH CONVENTS	(N)APS	CAP BLDG/ TRAD KNOW	MONT/ REPRT MECHS	REG/ INT'L COOP	COMM/ ITGOV/ NGO	R&D/ TECH TRANS	PROM OF AWAR	MGNT AUTH	FIN
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UNCCD 4	UNCCD 4, 8	UNCCD 8,9,10,11, 13,14,15	UNCCD 17,19	UNCCD 21,22	UNCCD 3,4,8, 11,15	UNCCD 3,4,12 14	UNCCD 12, 16, 17,18	UNCCD 5; 19	UNCCD 4	UNCCD 4,6,20,21
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CBD13	CBD 5,22	CBD 6	CBD 10,17,18	CBD 7, 13,23,26	CBD 5,22	CBD 16	CBD 12,13, 14,15, 16,18, 19	CBD 8,9, 10,26	CBD 8,9,14	CBD 20,21
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UNFCCC 6	UNFCCC 7	UNFCCC 4	UNFCCC 4	UNFCCC 4,7,12	UNFCCC 6,4	UNFCCC 5	UNFCCC 4,5	UNFCCC 4,6	UNFCCC 6	UNFCCC 7
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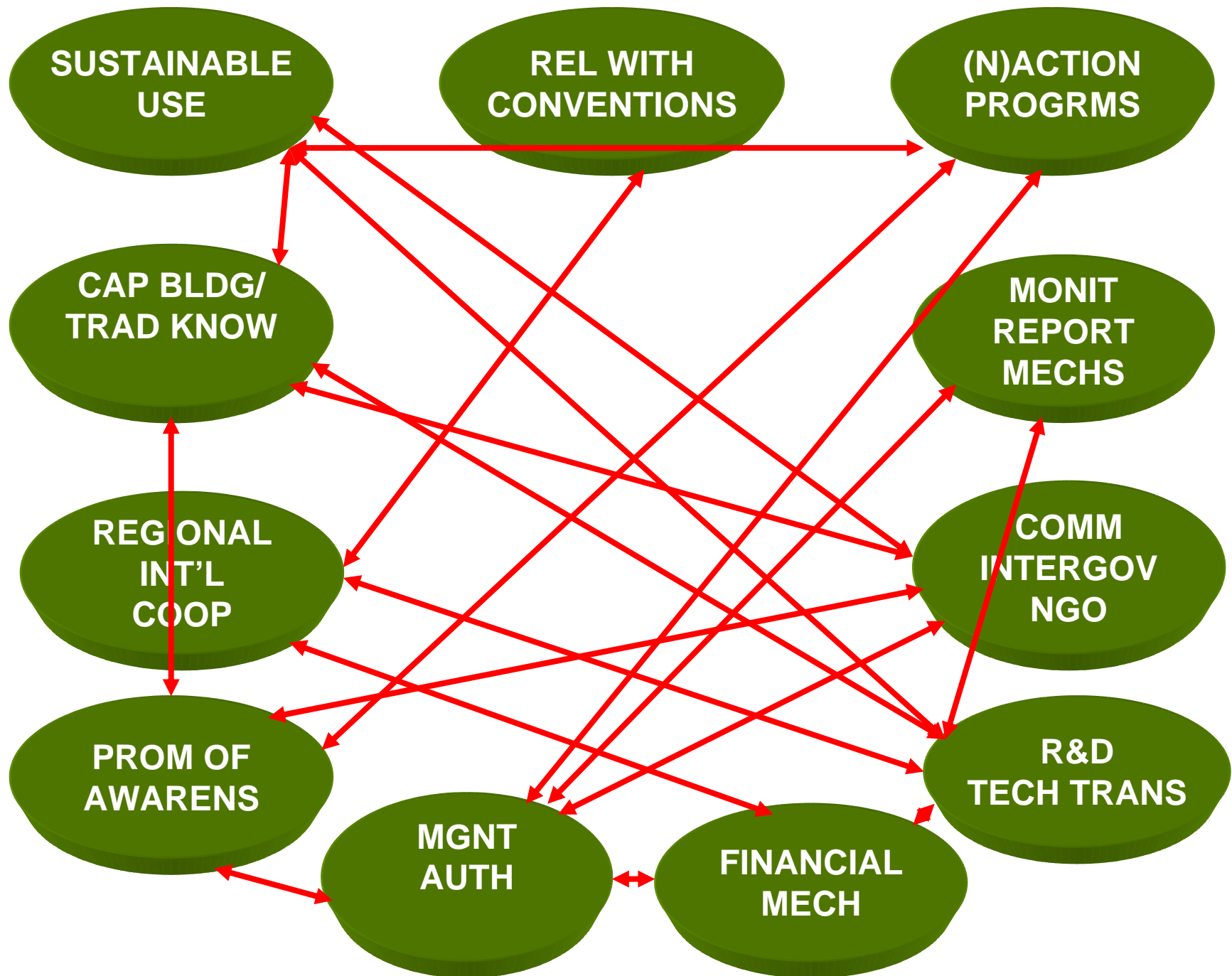
CITES II	CITES XIV			CITES VIII	CITES XI	CITES XI	CITES IV,IX,XII		CITES III-VII ,IX	
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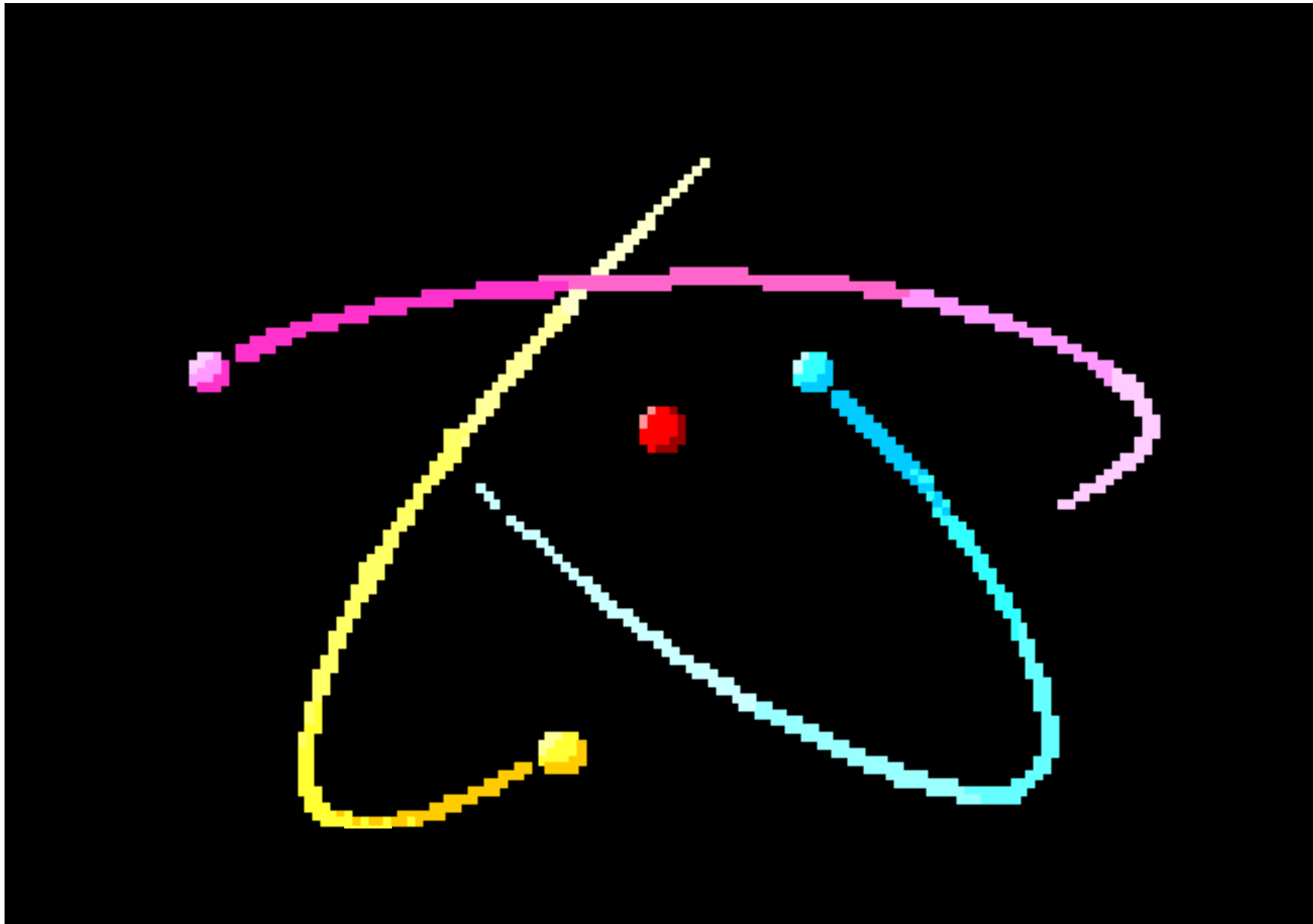
UNCLOS 56,61, 62,69, 70,117- 119,123,125- 129,150,151,153	UNCLOS 29,58,138, 140			UNCLOS 154,155	UNLOS 51,63, 64,69, 70,123- 129		UNCLOS 56,61,6 2 87,119, 123,143 -4		UNCLOS 156..	
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CROSS CUTTING THEMATIC
ISSUES

The diagram features two grey rectangular boxes. The top box is slightly wider and has a 3D effect with a dark grey shadow on its bottom edge. The bottom box is narrower and is positioned directly below the top one. Five arrows of different colors (red, green, yellow, blue, cyan) point towards the boxes from various directions: red from the top-left, green from the left, yellow from the top, blue from the bottom-right, and cyan from the top-right.

VIS A VIS LEGISLATIVE
PROVISIONS





TOWARDS A COMPREHENSIVE LEGISLATION

- Protected Areas/Management of Protected Areas
- Conservation of Biological Diversity
- Coastal Zone Management
- Climate Change Management
- Desertification Management
- Designation of Environment Authority
- Sharing and Technology Transfer

TOWARDS A COMPREHENSIVE LEGISLATION

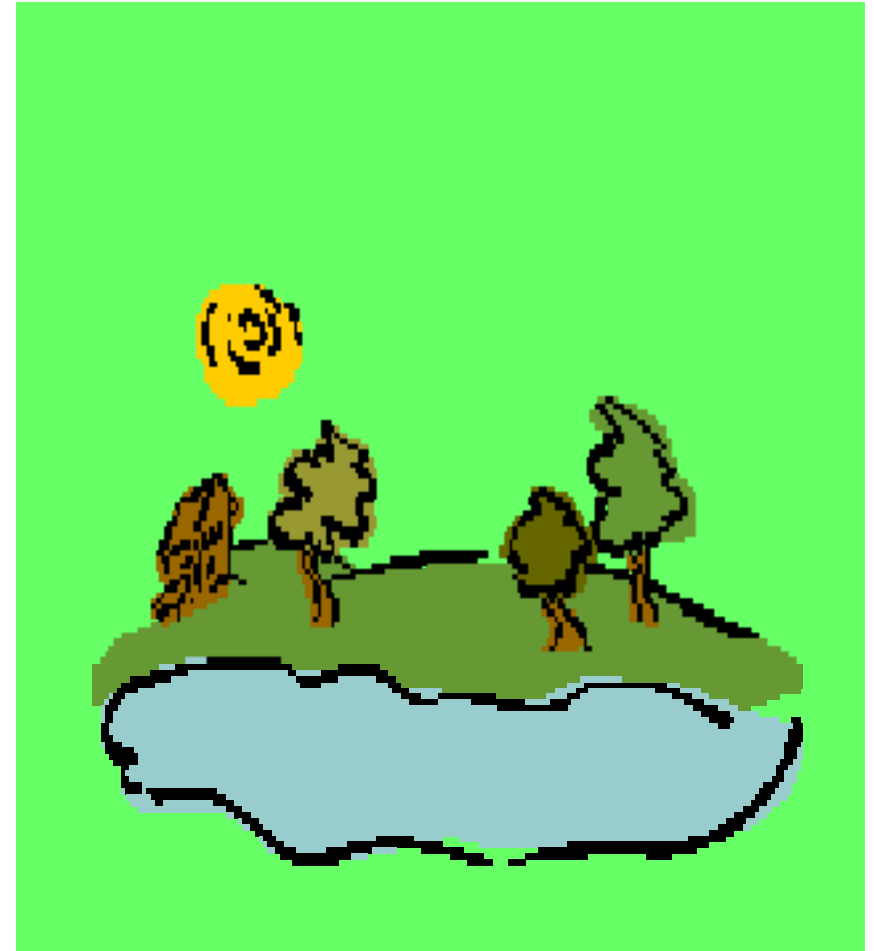
- Protection of Traditional Knowledge
- Sustainable Development
- Recognition of International Obligations
- Regional and International Cooperation
- Establishment of Environment Trust Fund
- Pollution/Waste Control
- Soil/Water Management

PROTECTED AREAS AND THEIR MANAGEMENT



PROTECTED AREAS AND THEIR MANAGEMENT

- Legislation can designate and list what is a Protected Area
- Legislation should also address establishment of eg Marine Parks etc

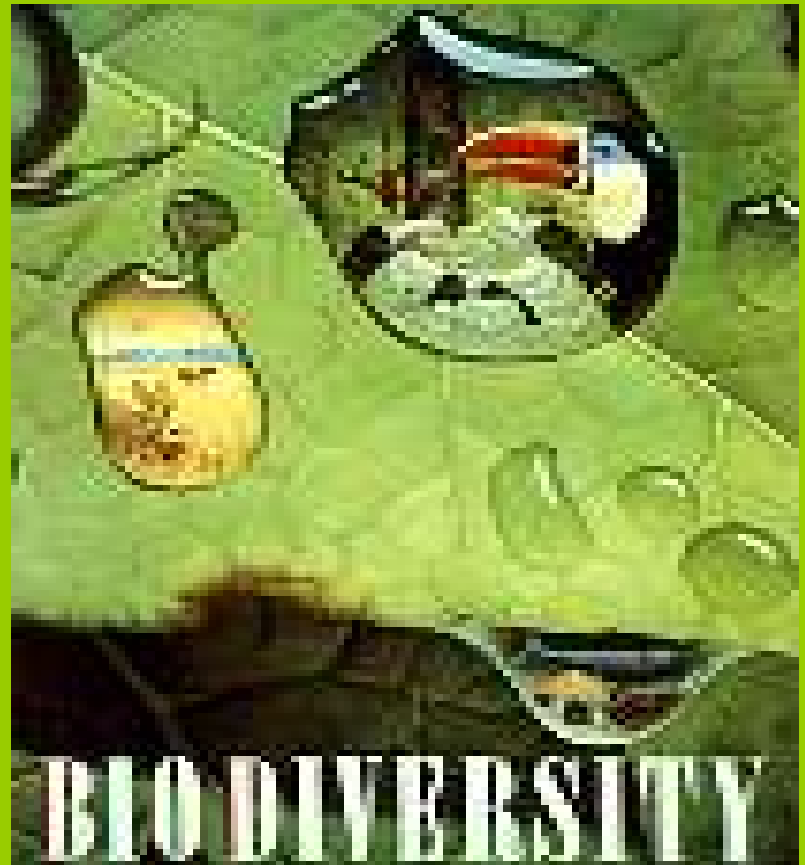


CONSERVATION OF BIO DIVERSITY

- Legislation should address strategy pursuant to the Conventions and national policies
- Legislation could seek to embrace the components of diversity and include matters relating to:

CONSERVATION OF BIO DIVERSITY

- Wildlife
- Threatened and Endangered Species
- Pests and Invasive Species
- Conservation of Ecosystems and Habitats
- Forest Management
- Fisheries Management



COASTAL ZONE MANAGEMENT

- Legislation must state the national policy on the Management of the Coastal Zone



COASTAL ZONE MANAGEMENT

- Legislation may include:
- Public Access to the beach
- Coastal Zone Management Plan
- Treatment of sand mining; vegetation; waste disposal; beach recreational activities etc;
- Development Strategies of the beach/coast



CLIMATE CHANGE MANAGEMENT



- **Legislation may include:**
- **Statement on Climate Change Management and Policy**
- **Collaborative legislative arrangements for disaster preparedness and emergency management and responses as a result of natural disasters such as flooding; hurricanes; cyclones; tsunamis**

CLIMATE CHANGE MANAGEMENT

- Legislation may in this Part or generally address the Precautionary Principle and specific activities required pursuant to the UNFCCC



DESERTIFICATION MANAGEMENT



- The legislation will need to speak very clearly to the UNCCD.
- The legislation will have to address involvement at the community; local and regional levels

DESERTIFICATION MANAGEMENT

- National and regional action programmes could be mentioned here or separately as discrete provisions on those programmes
- Similar arrangements will apply for scientific research and financial arrangements



DESIGNATION OF ENVIRONMENT AUTHORITY

- Legislation should create this body and define its: -
- General Role
- Reporting Function (Per Conventions)



DESIGNATION OF ENVIRONMENT AUTHORITY

- Authority for National Action Programmes

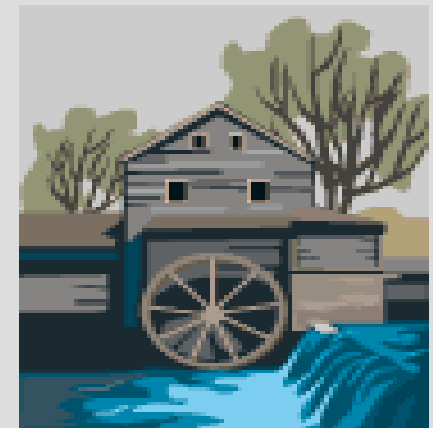


- Responsibility for Public Awareness/
Education/Participation of NGOs & Local
Communities



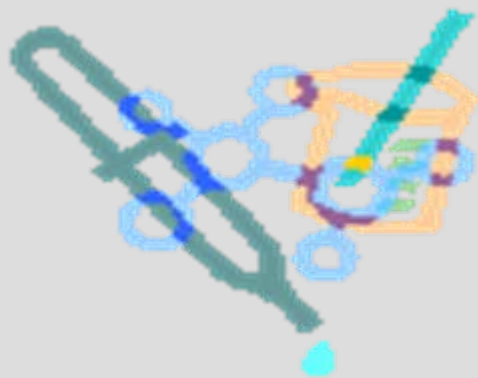
SHARING AND TECHNOLOGY TRANSFER

- Capacity Building, Sharing and Technology Transfer as well as Research could be treated in a discrete Part of the legislation. This runs throughout the Conventions.



SHARING AND TECHNOLOGY TRANSFER

- Legislation will need to speak to the provisions of the Conventions and seek to secure them further through the elaboration of regional/bilateral arrangements



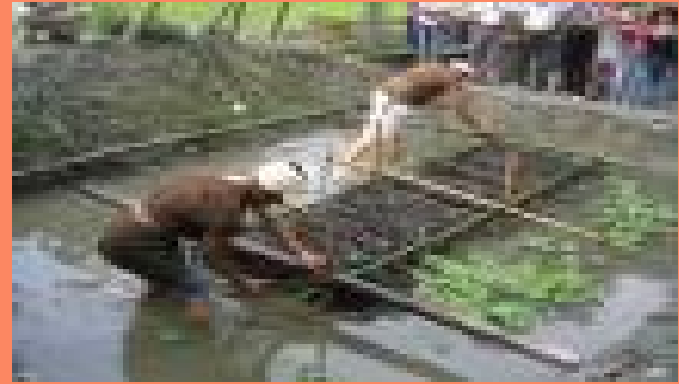
SUSTAINABLE DEVELOPMENT

- The ultimate goalpost for the Conventions is to ensure that developing countries can achieve sustainable development.



CONSERVATION OF TRADITIONAL KNOWLEDGE

- **Need to legislate for the recognition and protection of traditional knowledge.**
- **This could relate to: farming, medicines etc.**



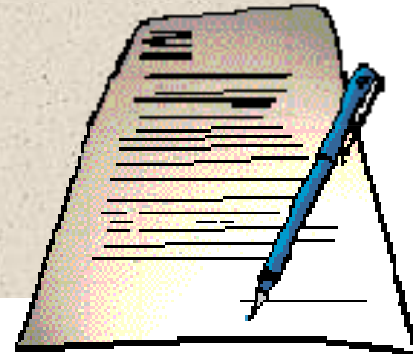
CONSERVATION OF TRADITIONAL KNOWLEDGE

- This is a most substantial area of constant international negotiation and might be well advised to be viewed in a separate fashion. A cross reference to this area of the law in any legislation is still worthy.



RECOGNITION OF INTERNATIONAL OBLIGATIONS/COOPERATION

- Because of the nature of these instruments, this is a constant theme.
- Legislation will have to recognise this.
- Legislation may wish to specifically mention the particular treaties being handled by this law



RECOGNITION OF REGIONAL OBLIGATIONS/COOPERATION

- Legislation will indicate the level of regional cooperation pursuant to the Conventions as well as existing regional arrangements.
- Legislation should also define modalities for such cooperation through, eg the Environment Authority



RECOGNITION OF REGIONAL OBLIGATIONS/COOPERATION

- Concomitant with this recognition is the need to elaborate regional/bilateral treaties of cooperation

TREATIES	AREAS OF COOPERATION	COUNTRIES
CITES,CBD	TRAFFICKING IN ENDANGERED SPECIES	SOUTHERN AFRICA
UNCCD,UNFCC	RESEARCH/PROGRAMMES ON CLIMATE CHANGE	BOTSWANA, NAMIBIA
UNFCCC, CBD	TRANSFER TECHNOLOGIES	SOUTHERN AFRICA
MARPOL	ESTABLISHING CLEAN SEAS	MAURITIUS,SEYCHELLES
UNCLOS	TRANSIT AND ACCESS TO THE SEA BY LLGDS	BOTSWANA, THE GAMBIA, LESOTHO, SWAZILAND

ESTABLISHMENT OF ENVIRONMENT TRUST FUND

- The suite of Conventions calls for some form of a financing mechanism.
- The establishment of an Environment Trust Fund can be deemed to be a central solution



NATIONAL ACTION PROGRAMMES/PUBLIC AWARENESS

- The legislation can provide for this with the appropriate structure of eg a body corporate with the regular components such as a Board of Trustees.
- Representatives from international/regional environmental agencies could be members as well to ensure that funds are utilised for the environment



POLLUTION/WASTE CONTROL

- The Legislation may choose to address:-
 - the definition of what constitutes pollution
 - the management thereof
 - penalties for offenders



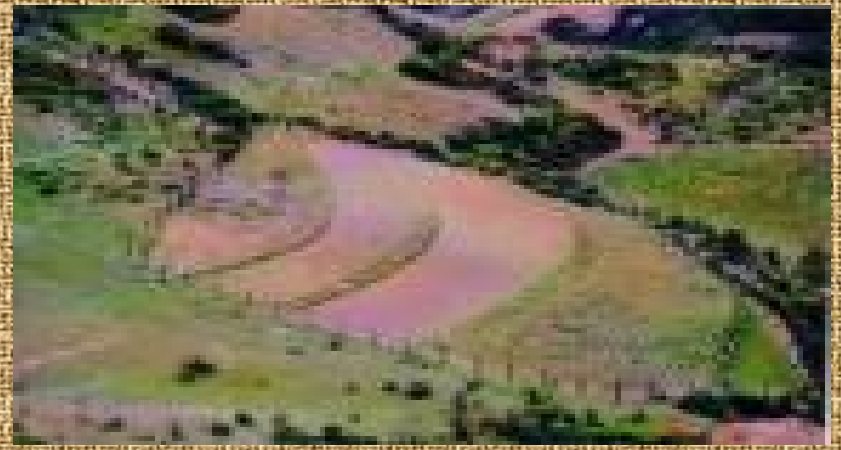
SOIL/WATER MANAGEMENT

- The legislation would declare the watershed areas of the country for conservation



SOIL/WATER MANAGEMENT

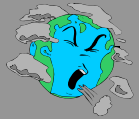
- The legislation may address soil conservation through the control of grazing etc and the use of farming/planting techniques



CONCLUSION



The challenges to redress the threats to the environment call for a concerted legal and scientific approach



The ratification of an international instrument signals the commencement of policy by a member state to be bound by such an instrument



The lack of an enabling legal environment renders policy useless and results in environmental damage

CONCLUSION



The need to fully develop policy and enable instruments speaks for itself



The process of developing policy and legislation will equally serve to allow the member country to focus on the particular environmental challenges of the country as well as the region

THE END

