

# PACIFIC REGION REPORT ON ENVIRONMENTAL GOVERNANCE

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# Discussion Points

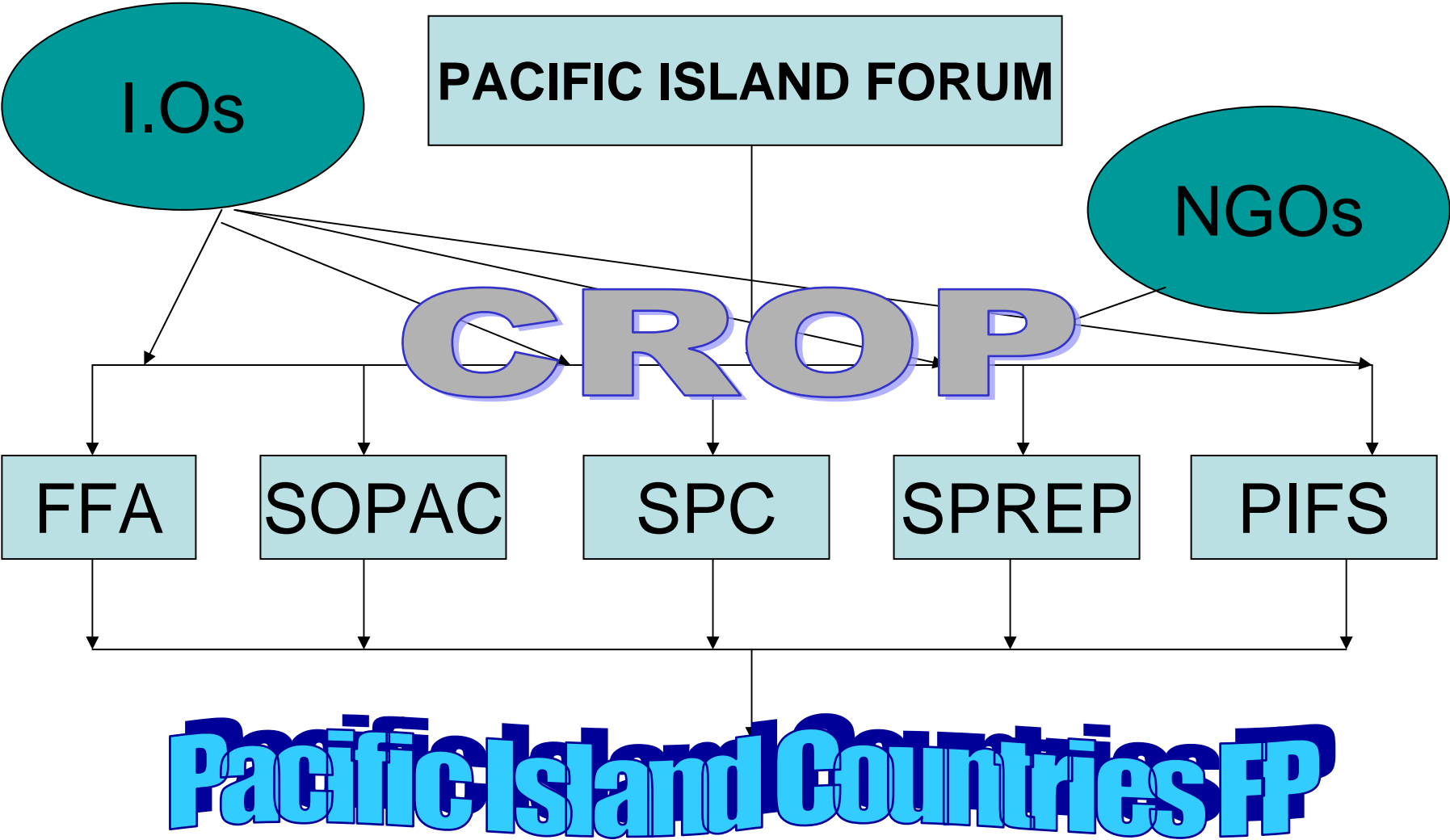
- Where is the Pacific
- Regional Governance Arrangements
- Regional Organizations and Environmental Governance
- NGOs and the Pacific

# Cont..

- Observations on Trends of Regional Organizations in Delivering Environmental Governance Programmes in the Pacific
- PNG Experience
- Conclusion
- Observations For African States



# Regional Governance Arrangements



# Council Regional Organizations in the Pacific

- Pacific Plan
  - 6<sup>th</sup> Pillar =  
Environmental  
sustainability
- Pacific Island  
Regional Ocean  
Policy
  - Still in draft

# Pacific Island Forum Secretariat (PIFS)

## MAJOR FUNCTION

*Head of CROP and major task is to coordinate crosscutting development agendas for the pacific*

## PROGRAMME RELEVANT TO MEAs

- **Pacific Plan = environmental sustainable development is a major pillar of the plan**

# Cont....

- **Major role in CRQP, is a process of synergy with ROs programmes, ultimately complimenting Pacific Plan**
  
- **Political, social, economic, security and sustainable environment**
  - **EPA/Cotonou Agreement:**
    - **CDM, & ABS Genetic resources**

# South Pacific Geo Sciences Commission (SOPAC)

## MAJOR FUNCTION

*Provide geological science  
advice for its members*

## PROGRAMME RELEVANT TO MEAs

- LOSC = Deep Sea Bed Mining, MSR and Delimitation maritime boundaries



# Cont...

- UNFCCC = vulnerability programme on climate adaptation i.e. Disaster Management Programme and mitigation of GHGs (Regional Energy Plan)
- EVI = Environmental Vulnerability Index

# Secretariat Pacific Regional Environmental Programme

## **MAJOR FUNCTION**

*Assist member countries  
on implementing  
regional environmental  
programmes*

**PROGRAMME RELEVANT  
TO MEAs**

**UNFCCC = Pacific Islands  
Framework for Action  
on Climate Change**

# Cont...

- Biosafety Protocol =  
UNEP & SPREP
- Project for members
- CITIES = Nil = bilateral support for PICs by Australia and NZ
  - CBD = Nil = plans underway for support from UNU IAS
  - Ramser = Nil = bilateral support for PICs by Australia and NZ
  - CMS = Nil = NGO Driven

# Cont...

- **Convention on the Conservation of Nature in the South Pacific (Apia, 1976)**
- **The South Pacific Nuclear Free Zone Treaty (Rarotonga, 1985)**
- **Convention for the Protection of Natural Resources and Environment of the South Pacific Region (Noumea, 1986)**
- **Protocol for the Prevention of Pollution of the South Pacific Region by Dumping (Nouméa, 1986)**
- **Protocol Concerning Co-operation in Combating Pollution Emergencies in the South Pacific Region (Nouméa, 1986)**
- **Agreement Establishing the South Pacific Regional Environment Programme (Apia, 1993)**
- **Convention to ban the Importation into the Forum Island Countries of Hazardous Wastes and Radioactive Wastes and to control the Transboundary Movement and Management of Hazardous Wastes within the South Pacific (Waigani, 1995)**

# Secretariat of the Pacific Community (SPC)

## MAJOR FUNCTION

- Assisting member countries in socio cultural development programmes

## PROGRAMME RELEVANT TO MEAs

- Model Traditional Knowledge Model Law
  - UNESCO/CBD

# Forum Fisheries Agency

## MAJOR FUNCTION

Assist member countries in technical governance issues associated with fisheries management

## PROGRAMME RELEVANT TO MEAs

- Region has developed its own international law on conserving tuna species e.g. VDS

# Cont...

- **South Pacific Forum Fisheries Agency Convention (Honiara, 1979)**
- **Nauru Agreement Concerning Cooperation in the Management of Fisheries of Common Interest (Nauru, 1982)**
- **Treaty on Fisheries between the Governments of Certain Pacific Island States and the Government of the United States of America (South Pacific Tuna Treaty (SPTT), 1987) Convention for the Prohibition of Fishing with Longline**
- **South Pacific Fisheries Treaty (Port Moresby, 1987)**
- **Driftnets in the south Pacific (Wellington, 1989)**
- **Niue Treaty on Cooperation in Fisheries Surveillance and Law Enforcement in the South Pacific Region (Niue, 1992)**

# NGO Initiatives

- WWF = Bismark Eco Region (Papua Province, PNG, Solomon Islands)
  - Leatherback turtle sanctuary
- TNC = model local level law on conservation using traditional practices and scientific advice
- FSPI (IUCN Oceania) = socio economic modelling on environmental sustainability

# Cont...

- Green peace pacific = sustainable fishing at community level and also regional fisheries arrangements
- LMMA = Goli Goli legislation

# Regional Organizations and Environmental Governance

- Heavily focus on ocean related environmental laws
- Clear absence of the CBD, CITIES gaining any prominence in ROs
- Programmes focus on Small Island States e.g. UNFCCC exclusively to adaptation and no consideration on KP

# Observations on Trends of Regional Organizations in Delivering Environmental Governance Programmes in the Pacific

- The concept of CROP is working in so far as awareness, but actual partnership and synergy remains hostile:
  - Funding loss to ROs and none are willing to take the step
- Partnerships with NGOs are becoming necessary to facilitate MEAs ROs are unable to assist member countries

# PNG Experience

- Papua New Guinea Biodiversity Institute
- 9 programmes:
  - Biodiversity database, Protected Areas, CDM, drug discovery, Biotechnology, Cottage industries, bio energy
  - Secretariat, education and awareness and law and policy



# Cont...Law and Policy

- CBD
  - Access Benefit Sharing Arrangements
    - Reform IPR laws to facilitate TK under sui generis systems and graduation mechanisms for patenting in innovation for TK owners and Scientists;
    - SPS and TBT standards on process and product are safe for consumption;
    - Collaboration Agreements from collection to development.

# Cont...UNFCCC

- UNFCCC & KP
  - NCDM DRAFT ARRANGEMENTS
    - To facilitate both adaptation measures as well as carbon trading on GHG mitigation
    - National Policy draft
    - Drafting Instructions for legislation

# Cont..CDM Policy

- identify what is CDM and its relation to the UNFCCC and also the Kyoto Protocol;
- Two major goals of the policy and that is:
  - Assist GHG emission reductions of Developed Countries by using CDM Projects and brokering arrangements on carbon credits;
  - Use the CDM Policy to achieve sustainable development objectives:
    - Social Pillar;
    - Economic Pillar;
    - Environmental Pillar.
- Institutional Framework:
  - Linkages to other key policies such as the MTDS, Health etc;
  - Department of National Planning and Rural Development to take the lead in developing the operations of facilitating CDM in PNG for three years on the commencement of the Policy. Therefore the Department will be referred to as the Designated National Authority (DNA);
  - It is envisaged that in three years after the operation of the DNA, the next step is to then graduate the structure to a semi government entity and that is a National CDM Authority;
  - Benefit sharing arrangements.

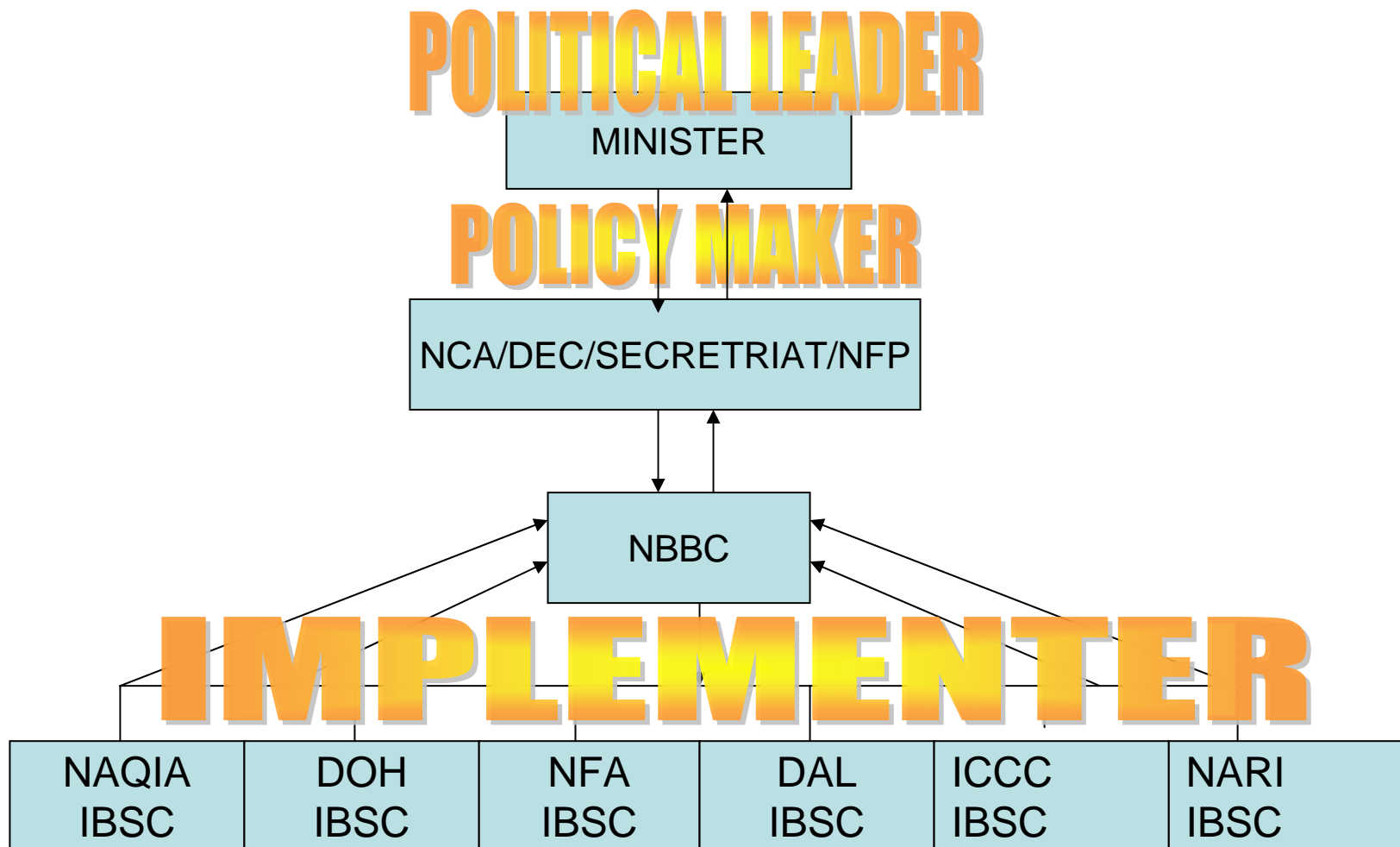
# Cont...Drafting Instructions For A CDM Bill

- NCDMA Board:
  - General features of membership, powers, functions and delegation.
- NCDMA:
  - General features on membership, powers, functions and delegation Director.
- Financial Arrangements:
  - establishment and governance of Trust Account arrangements;
  - royalty and governance of Benefit Sharing arrangements;
- CDM Project Arrangements:
  - Certification;
  - Brokering;
  - Security of tenure.
- Miscellaneous Arrangements:
  - Monitoring procedures;
  - Enforcement procedures.

# Biosafety Protocol

- Completed Draft  
National Biosafety  
Framework
- Draft Policy
- Draft Bill

# Draft Biosafety Bill

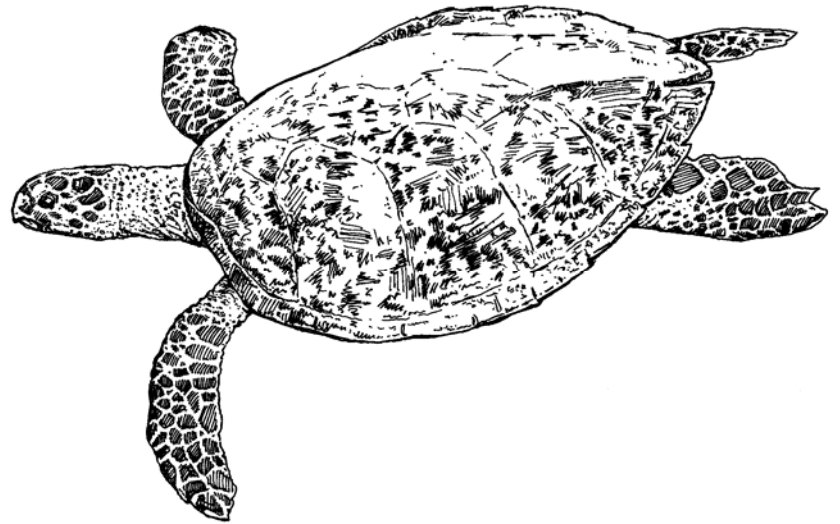


# Protected Areas

- RAPPAM and Protected Areas Initiative
  - Law reform in current policy and legislative scheme
    - Both marine and terrestrial areas;
    - Lower tiers of government model legislation combining customary practices and scientific datum to protect areas

# Marine Related MEAs

- CROP (UNCLOS) = National Ocean Policy;
- SPC = (IMO) Marine Pollution Bill;
- FFA = VDS and other regional conventions



# Conclusion

- Regional integration may not develop key arrangements, members have to take own initiatives;
- Regional integration may marginalize national priorities;
- However, those initiatives developed by ROs will indeed assist member countries on TA in implementing MEAs.

# Observations For African States

- Regional collaboration maybe a tool to implement multilateral arrangements specifically for regional or sub regional needs;
- Nonetheless some MEAs may not fall in the above and requires national policy and law

# Cont...

- Further decentralization of lower tiers of government and also developing appropriate regimes for implementation;
  - Utilizing traditional practices
  - Incentives for private freeholders in environmental management
- Partnerships are extremely important to build in synergy and coordination of implementing MEAs
- Graduation is the key for developing policy and law

**We do not inherit the  
earth from our  
ancestors,**

**We are borrowing it  
from our children.**

Thank You

**Falefale Lava**

**Taniku Kamukamu**

**Winaka Vaka Lewi**

# **Commonwealth Seminar on the Implementation of International Environmental Instruments and Policy Development**

## **THE ASIAN EXPERIENCE**

**Brunei, Maldives and Singapore**

# Outline

- National Environmental Regulatory Initiatives and Policies
- Issues and Problems
- Regional Bodies
- Regional Instruments and Agreements
- How to Translate Regional Initiatives at National Level
- Policy Directive
- Advice to Governments to Legislate Consequences of Natural Disasters – Asian Tsunami

# National Environmental Regulatory Initiatives and Policies

## ■ BRUNEI

- Sectoral Laws – environment matters regulated by sectoral laws governing the various economic activities
- National Committee on the Environment (NCE) sets environment policies under the NDP (96-00)
- Department of Environment and Recreational Parks – mainstreaming role
- National Forestry Policy of the Forestry Department – sustainable forestry management

# Issues and Problems

## ■ BRUNEI

- No framework or umbrella legislation on environment
- Jurisdictional and coordination problems between Ministries and Departments
- Lack of Expertise
- Existing laws are too brief and pre-date the current interests in environmental protection and do not incorporate modern environmental principles
- Different levels of enforcement

# National Environmental Regulatory Initiatives and Policies

## ■ MALDIVES

- Environment Protection and Preservation Act enacted in 1993
- Sectoral Laws – to regulate environmental matters e.g. Fisheries Law, Tourism Law
- National Commission for Protection of the Environment (NCPE) established in 1984
- Ministry of Environment and Construction as the main Regulatory Body

## ■ MALDIVES (Cont...)

- National Environment Action Plan (NEAP) developed in 1989 to address the planning and management needs of Maldives. Basis for future actions to prevent environmental hazards. Over-exploitation of natural resources restricted.
- National Development Plan (NDP)

# Issues and Problems

## ■ MALDIVES

- Low levels of enforcement and implementation – vast geographic area and dispersed population
- Lack of technical expertise, plans of action and guidelines
- Issues of coordination between Ministries and Departments
- Needs urgent review of most of the laws relating to environment

# National Environmental Regulatory Initiatives and Policies

## ■ SINGAPORE

- Sectoral Laws to regulate environmental matters
- Eg:- Prevention of Pollution of the Sea Act under the Maritime and Port Authority of the Ministry of Transport
- Eg:- Nature conservation under National Parks Board
- Ministry of Environment and Water Resources and National Environment Agency (NEA) – coordinating roles

## ■ SINGAPORE (Cont...)

- The Concept Plan – outlines land use policies
- Development Guide Plans – local levels
  - Over 50 DGPs to cover Singapore
- Master Plan Committee (various government reps) – implementation of DGPs
- Singapore Green Plan 2012– the blueprint towards environmental sustainability for the next decade. It represents Singapore's response to the global challenge on sustainable development
  - Target – 5% to be set aside for nature conservation

# Issues and Problems

## ■ SINGAPORE

- Dispersed Authority
- General public unaware of laws which protect flora and fauna
- Various licenses and permits are required

# Regional Bodies

## ■ ASIA

- Very diverse region
- Biggest countries incl. India and China with mega populations
- Smallest countries incl. Maldives with fewer populations
- Fastest economic growth
- Different interests

# Regional Bodies

- ASIA (Cont...)
  - ASEAN (Association of South East Asian Nations) – excludes Maldives
  - SAARC (South Asian Association for Regional Co-operation)– excludes Brunei and Singapore
  - SACEP (South Asia Co-operative Environment Programme) – excludes Brunei and Singapore
  - IOC (Indian Ocean Commission) - excludes Maldives, Brunei and Singapore
  - UNESCAP – members from Asia and the Pacific

# Regional Instruments and Agreements

- ASEAN Haze Prevention Agreement – excludes Maldives
- Male' Declaration on Prevention of Air Pollution and its Likely Transboundary Effects for South Asia – excludes Brunei and Singapore
- South Asia Regional Seas Action Plan and Resolutions concerning its Implementation – excludes Brunei and Singapore
- Indian Ocean Sea Turtle Conservation Agreement under CMS

# Regional Instruments and Agreements

## ■ UNESCAP Initiatives

- Asia-Pacific Environment Ministerial Conference  
1995, 2000

## ■ Outcomes

- Phnom Penh Regional Platform on Sustainable Development for Asia and the Pacific
  - Priority Issues in the Region Include – capacity building for sustainable development, poverty reduction, cleaner production and sustainable energy, land management and biodiversity conservation, access to freshwater, oceans and marine resources and sustainable development of SIDS and action on atmosphere and climate change

# Regional Instruments and Agreements

- Outcomes (Cont...)
  - Regional Action Programme for Environmentally Sound and Sustainable Development, 2001-2005 (RAP)
    - Kitakyushu Initiative for a Cleaner Environment
      - Major initiative to implement RAP
  - 2005 and Beyond

# Regional Instruments and Agreements

- 2005 and Beyond
  - Asia Pacific Environment Ministers Meeting in Seoul, Korea, March 2005
  - Ministerial Declaration
  - Adopt Regional Implementation Plan for Sustainable Development 2006-2010

# Translation of Regional Initiatives at National Level

- Policy challenges for sustainable development
- Institutional reform and good governance
- Enable informed decision-making
- Promote partnership and partnership with major groups
- Identify national priorities
- Develop relevant laws and regulations
- Develop national strategies and action plans

# Policy Directive

- Strengthen the existing Environmental Protection Acts (EPAs) to facilitate implementation of International and Regional Initiatives and Agreements

# The Asian Tsunami



# Advice to Governments

- Natural Disasters need to be listed as a priority and incorporate into National development planning
- Setup a Regional Body for information dissemination
  - Pacific Tsunami Early Warning Center
  - Caribbean Tsunami Early Warning Center
- Setup and strengthen National Institutions for Natural Disaster Management
- Develop a Regional Agreement on Natural Disaster Management

**THANK YOU**

# **Commonwealth Seminar on the Implementation of International Environmental Instruments**

Mauritius, 31 Oct. - 7 Nov., 2005

## **The Caribbean Experience**

Presented by:

Gladys Young

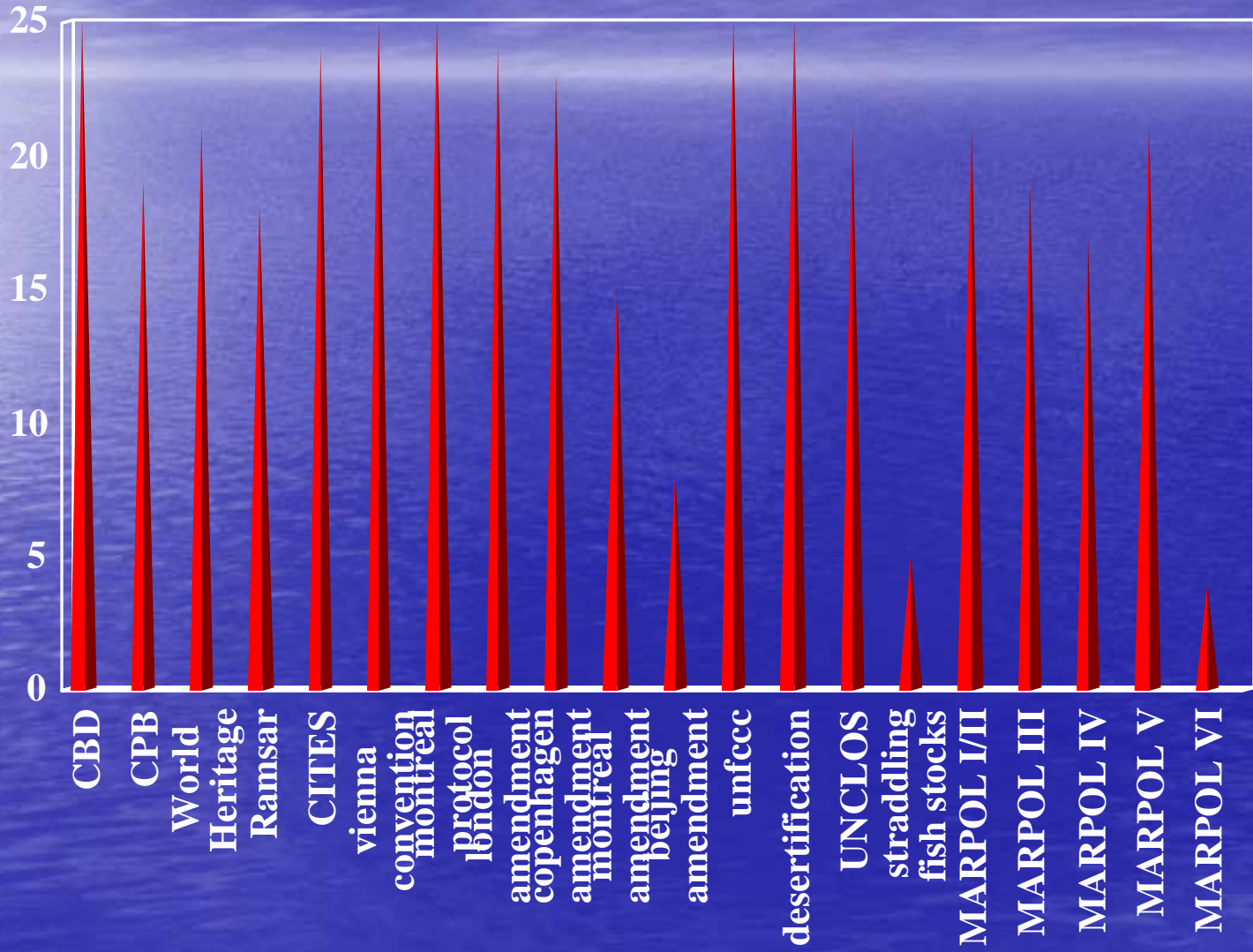
Assistant Attorney General (Actg)

Attorney-General's Chambers

Kingston, Jamaica

# What region are we speaking of?





# Hemispheric / Wider Regional Instruments, Arrangements and/or Declarations

- Inter-American Convention on the Protection of Sea Turtles (Hemispheric)
- Inter-American Biodiversity Information Network (OAS)
- Summit on Sustainable Development (OAS)
- Plan of Action for the Sustainable Development of the Americas (OAS)

# Inter-American Biodiversity Network (IABIN)

- Recognition of the need to exchange biodiversity information
- The objectives of the IABIN include:
  - to promote the training of more bioinformatics specialists in the region.

# ACS Sustainable Tourism Zone

- Creates a Sustainable Tourism Zone
- Establishes a body that will look into indicators to measure whether countries promoting tourism in sustainable manner.
- Will also rate countries based on sustainable tourism development

# Regional Instruments (UNEP)...

- Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region (UNEP)
  - Protocol Concerning Cooperation in Combating Oil Spills in the Wider Caribbean Region (UNEP)
  - Protocol concerning Land Based Sources of Marine Pollution in the Wider Caribbean Region (UNEP)
  - Protocol concerning Specially Protected Areas of Wildlife Flora and Fauna in the Wider Caribbean Region (UNEP)

# Cartagena Convention for the Protection and Preservation of the Marine Environment

- Revolutionary Regional Framework Agreement
- Covers various aspects of marine pollution – measures to be adopted
  - Aimed at preventing reducing and controlling pollution of following
    - From ships, dumping, seabed activities, airborne, landbased sources and activities
    - Parties take appropriate measures to protect and preserve rare/fragile ecosystems and habitats of depleted threatened or endangered species
    - Develop technical and other guidelines for planning and EIAs of important development projects
  - Requirements include:-
    - Establishing Protected Areas Re: Wetlands, Mangroves.
    - Provides basis for more specific Agreements on Oil Pollution, Land based Sources of marine Pollution and Specially Protected Flora and Fauna.
    - Provides basis for collaboration

# Oil Spills

- Applies to oil spill incidents that have resulted in or pose a threat
- Establish response mechanism
  - Preparation of contingency plans
  - Competent authority
  - Mutual Assistance
  - Promotes sub-regional arrangements for implementation
- Promotes exchange of information

# SPA W PROTOCOL

- Protect, preserve and manage in sustainable way:
  - Areas that require protection to safeguard their special value;
  - Threatened or endangered species
- Includes requirements for:
  - Planning and Management Regimes
  - Establishment of Buffer Zones
- Provides for cooperation and mutual assistance.

# Land-based Sources

- Develop and implement appropriate plans, programmes and measures
- Promotes integrated coastal area management
- Promotes cooperation re: regional and sub-regional management
- Monitoring and Assessment
- Education (joint and individual)

# ANDEAN COMMUNITY

- Regional Biodiversity Strategy
- Environmental Management
- Trade for Sustainable Development

# CENTRAL AMERICAN SYSTEM

- Convention for the Conservation of the Biodiversity and Protection of Priority Wilderness Areas in Central America, 1992;
- Regional Agreement on Transboundary Movements of Hazardous Wastes, 1992;
- Regional Convention for the Management and Conservation of the Natural Forest Ecosystems and the Development of Forest Plantations in Central America, 1993;
- Regional Agreement on Climate Change, 1993 (Central America)

# CARICOM

- Revised Treaty of Chaguaramas establishing the Caribbean Community, including the CARICOM Single Market and Economy (CARICOM)
- Agreement Establishing The Caribbean Community Climate Change Centre (CCCC)
- Agreement Establishing The Caribbean Disaster Emergency Response Agency (CDERA)
- Agreement Establishing The Caribbean Environmental Health Institute (CEHI)
- Integrated Watershed And Coastal Areas Management Project (Regional/CARICOM) – To Check
- Agreement Establishing The Caribbean Regional Fisheries Mechanism (CRFM)
- Agreement Between The Secretariat Of The United Nations Convention To Combat Desertification In Countries Experiencing Serious Drought And/Or Desertification, Particularly In Africa And The Secretariat Of The Caribbean Community, 2002
- St. Georges Declaration of Principles for Environmental Sustainability (OECS)

# REVISED TREATY

- Revised Treaty of Chaguaramas establishing the Caribbean Community Including the CARICOM Single Market and Economy
  - Environmental Protection
  - Sustainable Tourism Development
  - Natural Resources Management
  - Fisheries Management and Development
  - Forest Management and Development
  - Council for Trade and Economic Development (COTED)

# Caribbean Regional Fisheries Mechanism

- Promotes sustainable fisheries policy
  - efficient management and sustainable development
  - co-operative arrangements re: shared, straddling or highly migratory marine and other aquatic resources;
  - technical advisory and consultative services body

# Caribbean Community Climate Change Centre

Objectives include

- enhancing regional institutional capabilities for the co-ordination of national responses to the negative effects of climate change;
- providing comprehensive policy and technical support in the area of climate change and related issues and spearheading regional initiatives in those areas; and
- Executing agency for regional environmental projects relating to climate change.

# Natural Disasters...

- Hurricanes
- Flooding
- Landslides
- Earthquakes
- Volcanoes ...

# Caribbean Disaster and Emergency Response Agency (CDERA)

- CDERA Agreement
  - Recognizes that the fragile economies and ecosystems of Caribbean States are extremely vulnerable to natural and man-made disasters
  - The Agency's purposes include providing an immediate and coordinated response re: disaster relief.

# CDERA ...

- Establishes an administrative budget and an Emergency Relief Fund
- Specifically recognizes importance of NGOs in the functioning of such a body
- Success dependent on establishment of national competent authority/focal point to coordinate on the ground

# CEHI

- Main purpose Environmental management as it relates to environmental health
- acts as:-
  - a regional reference centre for the collection and dissemination of technical and scientific information;
  - a focal point for various environmental monitoring networks for the collection and dissemination of environmental data, especially health-related, in the Caribbean Region.

# Biodiversity Strategy and Action Plan

The Bahamas	Guatemala
Barbados	Guyana
Belize	Honduras
Colombia	Jamaica
Costa Rica	Mexico
Cuba	Nicaragua
Dominica	Panama
El Salvador	St. Lucia
Grenada	

# World Heritage Sites

- Belize
- Colombia
- Costa Rica
- Cuba
- Dominica
- Dominican Republic
- El Salvador
- Guatemala
- Haiti
- Honduras
- Mexico
- Nicaragua
- Panama
- St. Kitts and Nevis
- St. Lucia
- Suriname
- Venezuela

# Colombia

- Legislation covers a wide range of environmental concerns including:-
  - Protected Areas
  - Ex situ conservation
  - Biodiversity

# Grenada

- Legislation governs wide range of issues including
- Protection of forests,
- soil and water conservation,
- management of fisheries,
- protection of marine reserves,
- protection of wildlife and habitats,
- control of species and pollution and waste management

# Bahamas

- Some legislation including:
  - Wild Bird Protection Act
  - Bahamas National Trust Act
  - Fisheries Resources (Jurisdiction and Conservation) Act

# Barbados

- several plans and policies in place regarding environmental management. Among the legislative initiatives
  - Coastal Zone Management Act;
  - Fisheries Act;
  - National Conservation Commission Act
  - Wild Birds Protection Act;
  - Barbados Territorial Waters Act;
  - Marine Boundaries and Jurisdiction Act;

# Jamaica

- A number of policies, plans and laws governing conservation and management of the environment, including:-
  - Natural Resources and Conservation Authority Act;
  - Forest Act
  - Endangered Species (Conservation and Regulation of Trade) Act
  - Trade (Prohibition of Importation) (Equipment containing CFC's) Order
  - Trade (Restriction on Importation) (CFC's) Order

# Translation of Regional Initiatives at the National Level

- Some of the initiatives have been implemented at the national level although to varying degrees in different Member States
- More can be done:-
  - Education
  - Training
  - Legislation
- Government Commitment

Why do we need legislation?

Jamaican CITES Case Study

**LET US ENSURE THAT FUTURE  
GENERATIONS ARE ABLE TO ENJOY  
A CLEAN ENVIRONMENT**