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Governance of Oceans through Regional Seas

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Abbreviations

ABNJ-Areas Beyond National Jurisdiction

ACAP- The Agreement on the Conservation of Albatrosses and Petrels

ACCOBAMS- The Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and contiguous Atlantic area

AEWA- The Agreement on the Conservation of African-Eurasian Migratory Waterbirds

AMCEN- African Ministerial Conference on the Environment

ASCOBAMS- The Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas

Basel - Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal

BAT-Best Available Techniques

BEP-Best Environmental Practices

CBD- Convention on Biological Diversity

CITES-Convention on International Trade in Endangered Species of Wild Fauna and Flora

CMS-Convention on Migratory Species

COPs-Conference of Parties

CPR-Committee of Permanent Representatives

DELIC-Division of Environmental Law Conventions

DEPI-Division of Environmental Policy Implementation

EUROBATS- Agreement on the Conservation of Populations of European Bats

GORRILLA AGREEMENT- The Agreement on the Conservation of Gorillas and Their Habitats

MEA-Multilateral Agreement

MOPs-Meetings of Parties

MSFD-Marine Strategy Framework Directive

PIC-Prior Informed Consent

POPs-Persistent Organic Pollutants

PoW-Programme of Work

RCUs- Regional coordinating units

ROs-Regional Offices

RSP-Regional Seas Programmes

SDG-Sustainable Development Goal(s)

UNCLOS-United Nations Convention on the Law of the Sea

UNDAFs-United Nations Development Assistance Frameworks

UNEA- United Nations Environment Assembly

UNEMG- United Nations Environment Management Group

UNEP-United Nations Environment Programme

WADDEN SEA SEALS- Agreement on the Conservation of Seals in the Wadden Sea

WCMC-World Conservation Monitoring Centre

WIO-Western Indian Ocean

1 Introduction

1. The 1972 United Nations Conference on Human Development in Stockholm recommended that Governments take early action to adopt “effective national measures for the control of all significant sources of marine pollution, including land-based sources, and concert and co-ordinate their actions regionally and where appropriate on a wider international basis” (UN 1972)(Recommendation 92)¹.
2. The subsequent meetings of the UNEP Governing Council repeatedly endorsed the regional approach to address marine pollution and requested the development of regional action plans. This was the origin of the UNEP Regional Seas Programme in 1974 that engaged neighbouring countries in comprehensive and specific actions to protect their shared marine environment.
3. The United Nations Convention on the Law of the Sea (UNCLOS) was later adopted in 1982 and sets out the legal framework within which all activities pertaining to the oceans and seas, must be carried out (sometimes known as the ‘Constitution of the Sea’).
4. The Regional Seas Programme (RSP) covers 18 regions of the world: *Antarctic, Arctic, Baltic, Black Sea, Caspian, Eastern Africa, East Asian Seas, Mediterranean, North-East Atlantic, North-East Pacific, North-West Pacific, Pacific, Red Sea and Gulf of Aden, ROPME Sea Area, South Asian Seas, South-East Pacific, Western Africa and the Wider Caribbean*. Fourteen(14) RSPs, are established under the auspices of UNEP out of which, seven (7) are offered secretariat services. Furthermore, 4 partner programmes for the Antarctic, Arctic, Baltic Sea, and North-East Atlantic Regions are members of the Regional Seas.
5. The UNEP Regional Seas programmes function through an Action Plan underpinned with a strong legal framework in the form of a regional Convention and associated Protocols in most cases. All regions, except East Asian Seas, North-West Pacific and South Asian Seas regions, have adopted framework conventions and protocols. (See Figure below)

¹ <http://www.un-documents.net/aconf48-14r1.pdf>

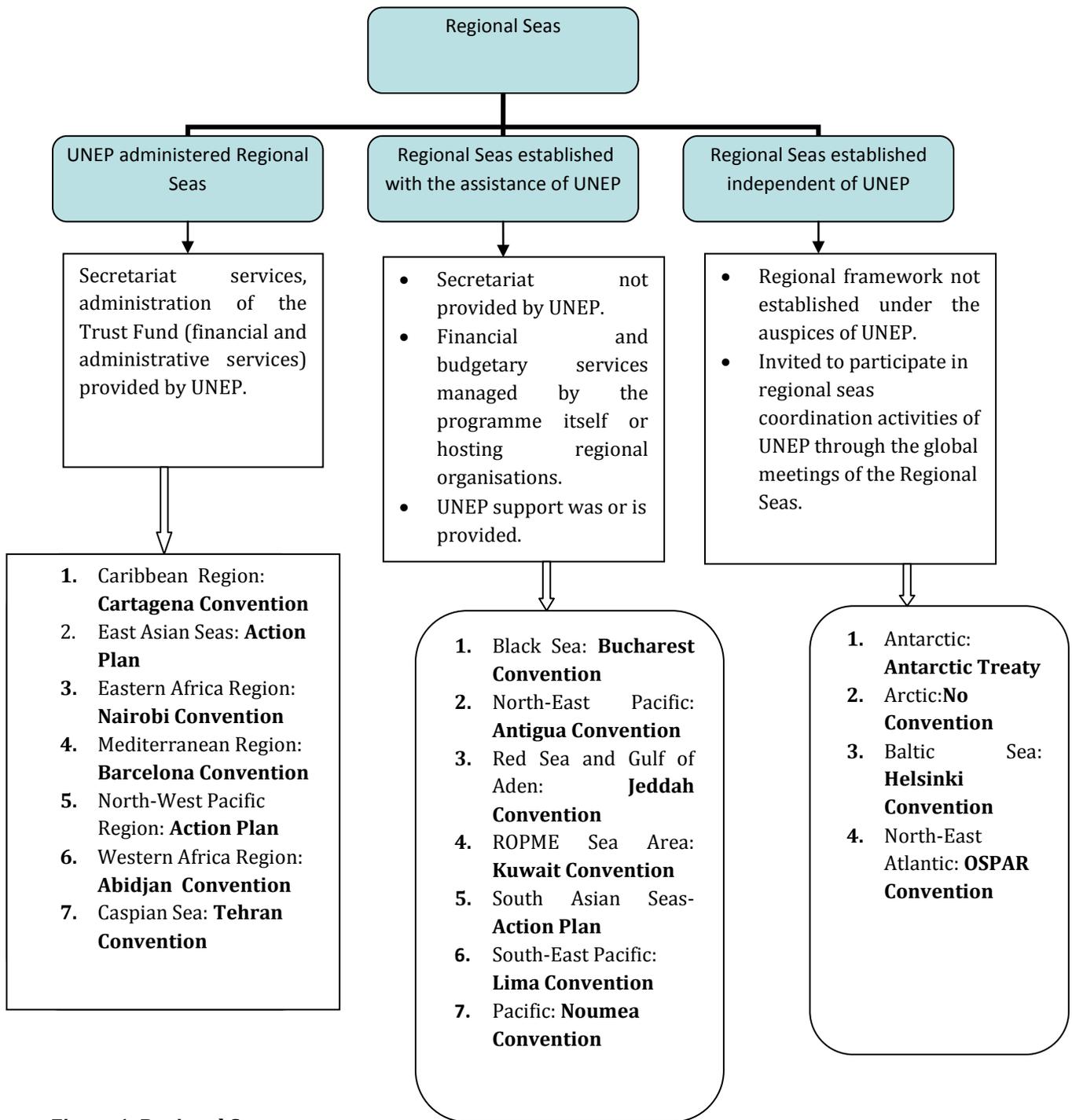


Figure 1: Regional Seas

7. From the diagram, it is clear that a large number of institutions and agreements are currently mandated to regulate sectoral issues including regional Seas(UNEP), shipping (the International Maritime Organisation – IMO), fishing (the global network of regional fisheries management organisations –RFMOs) and mining (the International Seabed Authority). In this context, the purpose of this paper is to stimulate discussion on oceans governance by RSPs.
8. Generally, for all RSPs, it identifies two main gaps on governance namely: a) lack of a defined common framework for delivery of messages from key themes, from similar outcomes common to two or more regions; b) lack of an integrating framework and philosophy for oceans governance as a whole and/or thematically; and c) lack of a framework to discuss regional issues that impact global issues and vice versa at the regional level for example, the Sustainable Development Goals(SDGs) and the Areas Beyond National Jurisdictions(ABNJ) discussions.
9. Within the UNEP administered Regional Seas Conventions and Action Plans (RSCAPs)⁴, their approach is structurally and programatically impaired as: a) the normative relationship of RSCAPs as Multi-lateral Agreements(MEAs) with other global and regional MEAs is muted by divisional structures, as RSCAPs are hosted in the Division of Environmental Policy Implementation (DEPI), while the Division of Environmental Law Conventions(DELC) is the focal division for all the other MEAs. For example the Nairobi Convention is hosted in DEPI and the Convention for Biodiversity(CBD) focal point is hosted in DELC as the focal division for all other MEAs. Schematically, the relationship between any two MEAs, should be bilateral. However UNEP as the Secretariat for e.g the Nairobi Convention, also having appointed a Focal Point for the CBD in DELC should lead in the process to create synergy between the two MEAs, for instance for better implementation of the Jakarta Mandate for Conservation and Sustainable Use of Marine and Coastal Biodiversity. However, this is rarely the case because of divisional structures.; b) the programmatic work of UNEP RSP in the regions is muted by the absence of obvious bridges between RSCAPs and the UNEP Regional Offices(ROs) that support coordination and implementation of activities in the regions. This is despite the articulation of how to achieve UNEP's regional presence, delivery, and engagement with Member States in the newly published UNEP Policy Paper on Strengthened Regional Strategic Presence, 2015; c)

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