

# **International Legal Instruments Relevant to Fisheries and Fishing Communities: A Handbook**

**Theme IV**  
**Environmental Pollution**



**International Collective in Support of Fishworkers**  
27 College Road, Chennai, India

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## Introduction

This theme provides information on instruments relating to pollution of the marine environment by ships and land-based sources, and on climate change and the ozone layer. Included are eight conventions and a global programme of action.

Environmental pollution has now become an important global issue, gaining rapid importance since the United Nations Conference on the Human Environment (UNCHE, 1972). In the case of the marine environment, the International Maritime Organization (IMO) is the lead organization responsible for formulating a number of international conventions towards the specific protection of the marine environment.

The dumping into oceans of wastes (oil, untreated sewage and heavy metals) by industrialized countries was one of the primary concerns for marine environment pollution in the 1970s, which led to the signing of the London Dumping Convention (LDC) in 1972. In 1993, a review of this Convention was undertaken, which later led to the adoption of the 1996 Protocol to the Convention, which asks States to “individually and collectively protect and preserve the marine environment from all sources of pollution and take effective measures, according to their scientific, technical and economic capabilities, to prevent, reduce and, where practicable, eliminate pollution caused by dumping or incineration at sea of wastes or other matter.”

The International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL 73/78), is the main international convention covering prevention of pollution of the marine environment by ships from operational or accidental causes. It is a combination of two treaties adopted in 1973 and 1978, respectively, and updated by amendments through the years.

The International Convention for the Control and Management of Ship's Ballast Water and Sediments (Globallast), 2004, is another important convention that aims to control invasive alien species that are spread by the transport and exchange of ballast water and sediments by ships. Alien species that are transported across natural barriers are capable of colonizing and exterminating local fauna and flora, and may endanger fisheries either by directly exterminating commercially important species or indirectly, by affecting their habitat and/or food/prey.

The United Nations Environment Programme (UNEP) has been in the forefront of formulating multilateral environmental treaties. The Vienna Convention for the Protection of the Ozone Layer, 1985, aims to protect human health and the environment from the adverse effects to the ozone layer. It provides a list of substances that can modify the chemical and physical properties of the ozone layer, of which chlorofluorocarbons (CFCs), commonly used as refrigerants in fishing vessels, are important.

The United Nations Framework Convention on Climate Change (UNFCCC, 1992) is concerned with global warming and the consequent rise in sea levels that may result in the flooding of coastal areas, and submerging islands, which could adversely affect coastal communities, including fishing communities.

The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (Basel Convention, 1989), the Rotterdam Convention on the Prior Informed Consent (PIC) Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (Rotterdam Convention, 1998) and the Stockholm Convention on Persistent Organic Pollutants (POPs) (Stockholm Convention, 2001) together provide an international framework for the environmentally sound management of hazardous chemicals throughout their life cycles. With illegal dumping of hazardous wastes into marine areas becoming a major problem, and the growing knowledge that many chemicals, including pesticides, that are widely used on land find their way into the oceans and contaminate fish, the global toxics treaties assume great significance.

Another problem is the pollution of coastal waters by land-based activities such as aquaculture, sewage disposal, and physical alteration and destruction of habitat. This was addressed by the Intergovernmental Conference to Adopt a Global Programme of Action (PoA) for the Protection of the Marine Environment from Land-Based Activities (Washington Conference, 1995), which came up with the Global PoA for the Protection of the Marine Environment from Land-Based Activities (GPA-LBA), a non-binding instrument. The Regional Seas Programme of UNEP is the monitoring and implementing agency for this instrument.

Since many fisheries are located near the coast, and artisanal and small-scale fishers often fish close to the coastline, pollution of the coastal areas and destruction of coastal habitats are matters of grave concern for artisanal and small-scale fisheries. The GPA-LBA attempts to mitigate such threats to the marine environment from land-based activities by creating guidelines for the disposal of sewage, physical alteration of habitat, and so on.

# Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972

## SHORT TITLE

London Dumping Convention

## ACRONYM

LDC

## LEGAL STATUS

Binding

## TYPE OF INSTRUMENT

Convention

## OBJECTIVES

To individually and collectively promote the effective control of all sources of pollution of the marine environment.

To take all practicable steps to prevent the pollution of the sea by the dumping of waste and other matter that is liable to create hazards to human health, to harm living resources and marine life, to damage amenities or to interfere with other legitimate uses of the sea.

## CONTENTS

22 Articles

## DATE OF ADOPTION

13 November 1972

## PLACE OF ADOPTION

London, United Kingdom

## DATE OF ENTRY INTO FORCE

30 August 1975

## RATIFICATIONS

81 (LDC), 20 (1978 amendment) and 21 for the 1996 Protocol (as on 24 March 2005)

## ADDITIONAL INSTRUMENTS

- The 1978 amendments on incineration
- The 1978 amendments on disputes
- The 1980 amendments on list of substances
- The 1989 amendments on permits
- The 1993 amendments on banning of dumping of low-level radioactive wastes; phasing out of dumping of industrial wastes; banning of incineration at sea of industrial wastes

The 1996 Protocol to the London Dumping Convention asks States to “individually and collectively protect and preserve the marine environment from all sources of pollution and take effective measures, according to their scientific, technical and economic capabilities, to prevent, reduce and where practicable eliminate pollution caused by dumping or incineration at sea of wastes or other matter”. The Protocol has not yet entered into force (it requires ratification from 26 countries, 15 of whom must be contracting parties of the 1972 convention).

## INITIATING BODY

Inter-Governmental Conference on the Convention on the Dumping of Wastes at Sea, at the initiative of the Government of United Kingdom

## WORKING OF THE INSTRUMENT

*Decision-making body*

Consultative Meeting of the Contracting Parties

***Subsidiary bodies******Scientific Group***

Joint Group of Experts on Scientific Aspects of Marine Environmental Protection (GESAMP)

***Periodicity of meetings***

The contracting parties meet annually.  
Scientific group meets annually.

***Participation in meetings******Meeting of Parties***

*Voting rights:* Countries party to the convention

*Observer status:* Countries not party to the convention, intergovernmental organizations and non-governmental organization

*Scientific Group:* Attendance at these meetings is open to representatives of the Governments of Member States (that is, Contracting Parties), Governments of Observer States (that is, Non-Contracting Parties) and Government and Non-Government Organizations afforded observer status.

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**GUIDELINES**

- Guidelines for the assessment of wastes or other matter that may be considered for dumping
- Guidelines on the national implementation of the 1996 Protocol to the London Dumping Convention 1972
- Waste-specific guidelines for dredged material

- Waste-specific guidelines for sewage Sludge
- Waste-specific guidelines for fish offal & related material
- Waste-specific guidelines for vessels proposed for disposal at sea
- Waste-specific guidelines for platforms and other man-made objects
- Waste-specific guidelines for inert materials
- Waste-specific guidelines for organic wastes
- Waste-specific guidelines for bulky, inert materials
- Guidelines for the application of the *de minimis* concept under the London Convention

**REGIONAL INSTRUMENTS**

- Convention for the Protection of the Marine Environment of the North-East Atlantic (OSPAR Convention), Paris, 1992
- Convention on the Protection of the Marine Environment of the Baltic Sea Area (1992 Helsinki Convention), Helsinki, 1992

Under the UNEP Regional Seas Programme

- The Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean (Barcelona Convention) 1976
- The Protocol for the Prevention and Elimination of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft (Dumping Protocol) 1976
- Kuwait Regional Convention for Co-operation on the Protection of the Marine Environment from Pollution (Kuwait Convention) 1978
- Protocol on the Protection of the Black Sea Marine Environment Against Pollution by Dumping; adopted 1992



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- 1986 Protocol for the Prevention of Pollution of the South Pacific Region by Dumping

## REGIONAL AGENCIES

UNEP Regional Seas Programme

## SELECTED ARTICLES

### *Article IV*

1. In accordance with the provisions of this Convention Contracting Parties shall prohibit the dumping of any wastes or other matter in whatever form or condition except as otherwise specified below:
  - (a) the dumping of wastes or other matter listed in Annex I is prohibited;
  - (b) the dumping of wastes or other matter listed in Annex II requires a prior special permit;
  - (c) the dumping of all other wastes or matter requires a prior general permit.
2. Any permit shall be issued only after careful consideration of all the factors set forth in Annex III, including prior studies of the characteristics of the dumping site, as set forth in sections B and C of that Annex.
3. No provision of this Convention is to be interpreted as preventing a Contracting Party from prohibiting, insofar as that Party is concerned, the dumping of wastes or other matter not mentioned in Annex I. That Party shall notify such measures to the Organization.

### *Article V*

1. The provisions of article IV shall not apply when it is necessary to secure the safety of human life or of vessels, aircraft, platforms or other man-made structures at sea in cases of *force majeure* caused by stress of weather, or in any case which constitutes a danger to human life or

a real threat to vessels, aircraft, platforms or other man-made structures at sea, if dumping appears to be the only way of averting the threat and if there is every probability that the damage consequent upon such dumping will be less than would otherwise occur. Such dumping shall be so conducted as to minimize the likelihood of damage to human or marine life and shall be reported forthwith to the organization.

### *Article VIII*

In order to further the objectives of this Convention, the Contracting Parties with common interests to protect in the marine environment in a given geographical area shall endeavour, taking into account characteristic regional features, to enter into regional agreements consistent with this Convention for the prevention of pollution, especially by dumping. The Contracting Parties to the present Convention shall endeavour to act consistently with the objectives and provisions of such regional agreements, which shall be notified to them by the Organization. Contracting Parties shall seek to co-operate with the Parties to regional agreements in order to develop harmonized procedures to be followed by Contracting Parties to the different conventions concerned. Special attention shall be given to co-operation in the field of monitoring and scientific research.

### *Article XII*

The Contracting Parties pledge themselves to promote, within the competent specialized agencies and other international bodies, measures to protect the marine environment against pollution caused by:

- (a) hydrocarbons, including oil and their wastes;

- (b) other noxious or hazardous matter transported by vessels for purposes other than dumping;
- (c) wastes generated in the course of operation of vessels, aircraft, platforms and other man-made structures at sea;
- (d) radio-active pollutants from all sources, including vessels;
- (e) agents of chemical and biological warfare;
- (f) wastes or other matter directly arising from, or related to the exploration, exploitation and associated off-shore processing of sea-bed mineral resources.

The Parties will also promote, within the appropriate international organization, the codification of signals to be used by vessels engaged in dumping.

## **KEYWORDS**

IMO, pollution, dumping, hazardous wastes, wastes, dispute resolution, radioactive wastes, precautionary principle, convention, MARPOL, LDC

## **RELEVANCE TO FISHERIES/ FISHWORKERS**

Pollution caused by dumping of wastes at sea is of increasing concern to fishworkers. Wastes such as oil, heavy metals and untreated sewage may be directly toxic to some marine organisms. Release of toxic materials can result in the mass kill of fish in the short term, or it can result in the slow poisoning of fish in the long term, which may result in reduced catch, apart from the disruption of the food web and accumulation of toxics in the fish, which make them unfit for consumption by humans. Eggs and larvae of many commercially important marine organisms are particularly sensitive to the toxic effects of pollutants,

as are organisms living at the ocean surface and on the seabed, where wastes tend to accumulate.

The London Dumping Convention has a global character, and contributes to the international control and prevention of marine pollution. The convention defines “dumping” as the deliberate disposal at sea of wastes or other matter from vessels, aircraft, platforms or other man-made structures, as well as the deliberate disposal of these vessels or platforms themselves.

The convention prohibits the dumping of certain hazardous materials (wastes listed in Annex I – black list), requires a prior special permit for the dumping of a number of other identified materials, and a prior general permit for other wastes or matter (wastes listed in Annex II – grey list). Article V says that when dumping is done because of threat to safety of human beings, it should be done in a manner that causes minimum damage to marine life.

Article XII of the LDC asks the contracting parties to co-operate to protect the marine environment by pollution from various sources such as oils, hazardous wastes being transported, etc. This aspect is once again emphasized in Article 194 of the 1982 UNCLOS.

According to Agenda 21, para 17.18, dumping-at-sea activities contribute to 10 per cent of marine pollution, while para 17.30b calls for: (i) Supporting wider ratification, implementation and participation in relevant Conventions on dumping at sea, including early conclusion of a future strategy for the London Dumping Convention; and (ii) Encouraging the London Dumping Convention Parties to take appropriate steps to stop ocean dumping and incineration of hazardous substances.

# International Convention for the Prevention of Pollution from Ships, 1973 as modified by the Protocol of 1978 relating thereto

## SHORT TITLE

MARPOL Convention

## ACRONYM

MARPOL

## LEGAL STATUS

Binding

## TYPE OF INSTRUMENT

Convention

## OBJECTIVES

To prevent the pollution of the marine environment by the discharge of harmful substances or effluents containing such substances in contravention of the convention.

## CONTENTS

- 20 Articles and six technical Annexes (Annex III – VI are voluntary)
  - Annex I: Regulations for the Prevention of Pollution by Oil
  - Annex II: Regulations for the Control of Pollution by Noxious Liquid Substances in Bulk
  - Annex III: Regulations for the Prevention of Pollution by Harmful Substances Carried by Sea in Packaged Form
  - Annex IV: Regulations for the Prevention of Pollution by Sewage from Ships
  - Annex V: Regulations for the Prevention of Pollution by Garbage from Ships
  - Annex VI: Regulations for the Prevention of Air Pollution from Ships

## DATE OF ADOPTION

2 November 1973 and 17 February 1978 (Protocol)

## PLACE OF ADOPTION

London, United Kingdom

## DATE OF ENTRY INTO FORCE

2 October 1983

## RATIFICATIONS

- 130 (MARPOL 1973/78 and Annex I and II)
- 115 (MARPOL 1973/78 Annex III)
- 100 (MARPOL 1973/78 Annex IV)
- 119 (MARPOL 1973/78 Annex V)
- 20 (MARPOL Protocol 1997 Annex VI) (as on 24 March 2005)

## ADDITIONAL INSTRUMENTS

Amendments (1984, 1985, 1987, 1989, 1990, 1991, 1992, 1994, 1995, 1996, 1997, 1999, 2000, 2001 and 2003) and Protocol I, II and 1997

## INITIATING BODY

International Maritime Organization (IMO)

## WORKING OF THE INSTRUMENT

### *Decision-making body*

Marine Environment Protection Committee (MEPC) of the IMO

### *Subsidiary bodies*

The Sub-Committees on Bulk Liquids and Gases and Flag State Implementation

### *Periodicity of meetings*

MEPC: Regular sessions are once a year.

**Participation in meetings**

*Decision-making body:* MEPC

*Voting rights:* All member states of IMO

*Observers:* NGOs which have been granted consultative status with IMO and IGOs, which have concluded agreements of co-operation with IMO, are also represented at MEPC sessions.

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**GUIDELINES**

Guidelines for the Designation of Special Areas under MARPOL 73/78 and Guidelines for the Identification and Designation of Particularly Sensitive Sea Areas

**REGIONAL AGREEMENTS**

Protocol concerning cooperation in preventing pollution from ships and, in cases of emergency, combating pollution in the Mediterranean Sea (Prevention and Emergency Protocol), 2002 Convention on the protection of the Mediterranean Sea against pollution (Barcelona Convention) and Protocol for the prevention of pollution of the Mediterranean Sea by dumping from ships and aircraft, 1977

**ADDITIONAL INFORMATION**

The Protocol of 1978 relating to the 1973 International Convention for the Prevention of Pollution from Ships (1978 MARPOL Protocol) was adopted at a Conference on Tanker Safety and Pollution Prevention in February 1978, held in response to a spate of tanker accidents in 1976-1977. (Measures

relating to tanker design and operation were also incorporated into a Protocol of 1978 relating to the 1974 Convention on the Safety of Life at Sea, 1974.)

As the 1973 MARPOL Convention had not yet entered into force, the 1978 MARPOL Protocol absorbed the parent Convention. The combined instrument is referred to as the International Convention for the Prevention of Marine Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL 73/78).

**SELECTED ARTICLES****Article 2**

Definitions

- (2) "Harmful substance" means any substance which, if introduced into the sea, is liable to create hazards to human health, to harm living resources and marine life, to damage amenities or to interfere with other legitimate uses of the sea, and includes any substance subject to control by the present convention.
- (4) "Ship" means a vessel of any type whatsoever operating in the marine environment and includes hydrofoil boats, air-cushion vehicles, submersibles, floating craft and fixed or floating platforms.

**Article 8**

Reports on Incidents Involving Harmful Substances

- (1) A report of an incident shall be made without delay to the fullest extent possible in accordance with the provisions of Protocol I to the present Convention.

**KEYWORDS**

Pollution, compensation, compliance, control, discharge, harmful substances, incineration, marine environment, MARPOL, natural resources, oil, pollution,

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precautionary approach, regulations, special areas, ships

### RELEVANCE TO FISHERIES/ FISHWORKERS

The Convention covers pollution by oil, chemicals, harmful substances in packaged form, sewage and garbage. The Convention includes regulations aimed at preventing and minimizing pollution from ships—both accidental pollution and that from routine operations. Better implementation of this convention will have clear benefits for fishers.

In Annexes I, II and V, MARPOL 73/78 defines certain sea areas as “special areas” in which, for technical reasons relating to their oceanographical and ecological condition and to their sea traffic, the adoption of special mandatory methods for the prevention of sea pollution is required. Under the Convention, these special areas are provided with a higher level of protection than other areas of the sea.

A Particularly Sensitive Sea Area (PSSA) is an area that needs special protection through action by IMO because of its significance for recognized ecological or socio-economic or scientific reasons, and which may be vulnerable to damage by international maritime activities.

There are currently six designated PSSAs: the Great Barrier Reef, Australia (designated a PSSA in 1990); the Sabana-Camagüey Archipelago in Cuba (1997); Malpelo Island, Colombia (2002); Around the Florida Keys, United States (2002); the Wadden Sea, Denmark, Germany, Netherlands (2002); and Paracas National Reserve, Peru (2003).

Under Annex I on “Regulations for the prevention of pollution by oil”, Regulation

10 identifies the following special areas with strict controls on discharge of oily wastes: Mediterranean Sea area, Baltic Sea area, Black Sea Area, Red Sea area, “Gulfs” area, Gulf of Aden area, Antarctic area and North West European waters.

In Annex II on “Regulations for the prevention of pollution by Noxious Liquid substances”, Regulation 1 identifies the following special areas with strict controls on tank washing and residue discharge procedures: Baltic Sea area, Black Sea Area and Antarctic area.

In Annex V on “Regulations for the prevention of pollution by Garbage”, Regulation 5 identifies the following special areas, in which there are strict controls on disposal of garbage: Mediterranean Sea area, Baltic Sea area, Black Sea area, Red Sea area, “Gulfs” area, North Sea, Antarctic area (south of latitude 60 degrees south) and Wider Caribbean region, including the Gulf of Mexico and the Caribbean Sea.

When Annex VI on “Prevention of air pollution by ships”, enters into force, it will establish the Baltic Sea area as a special “SOx Emission Control Area” with more stringent controls on sulphur emissions from ships. The North Sea will also become a special SOx emission control area.

The FAO Code of Conduct for Responsible Fisheries asks owners, charterers and managers of fishing vessels to ensure that their vessels are fitted with appropriate equipment required by MARPOL 73/78, and that the crew of fishing vessels should be conversant with proper shipboard procedures in order to ensure that discharges do not exceed the levels set by MARPOL 73/78.

# Vienna Convention for the Protection of the Ozone Layer

## SHORT TITLE

Vienna Convention

## LEGAL STATUS

Binding

## TYPE OF INSTRUMENT

Convention

## OBJECTIVES

To protect human health and the environment against adverse effects resulting or likely to result from human activities which modify or are likely to modify the ozone layer.

## CONTENTS

21 Articles and two Annexs (I and II)

## DATE OF ADOPTION

22 March 1985

## PLACE OF ADOPTION

Vienna

## OPENED FOR SIGNATURE

21 September 1985

## DATE OF ENTRY INTO FORCE

22 September 1988

## SIGNATORIES

28 (Vienna Convention) and 46 (Montreal Protocol) (as on 19 January 2005)

## RATIFICATIONS

189 (Vienna Convention)  
188 (Montreal Protocol)  
175 (London Amendment)  
164 (Copenhagen Amendment)  
123 (Montreal Amendment)  
86 (Beijing Amendment)  
(as on 19 January 2005)

## ADDITIONAL INSTRUMENTS

Montreal Protocol on Substances that Deplete the Ozone Layer (London Amendment, Copenhagen Amendment, Montreal Amendment and Beijing Amendment of the Protocol)

## INITIATING BODY

United Nations Environment Programme (UNEP)

## WORKING OF THE INSTRUMENT

### *Decision-making body*

Vienna Convention: Conference of Parties (COP)  
Montreal Protocol: Meeting of Parties (MOP)

### *Subsidiary bodies*

Meeting of Ozone Research Managers

### *Monitoring and implementation*

*Vienna Convention:*

- Implementation Committee
- Open-Ended Working Group
- Ad hoc Working Group of Legal Experts on Non-Compliance Procedure

*Montreal Protocol:*

- Scientific Assessment Panel
- Technology and Economics Assessment Panel (TEAP)
- Environmental Effects Assessment Panel

### *Periodicity of meetings*

COP meets every three years (every two years till 1993, six meetings of the COP have been held till 2004).

MOP meets annually. (Fourteen meetings of the MOP have been held till 2004.)

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### *Participation in meetings*

*Decision-making body:* COP and MOP

*Voting Rights:* States party to the convention

*Observers:* The United Nations, its specialized agencies and the International Atomic Energy Agency, as well as any State not party to this Convention, may be represented at meetings of the Conference of the Parties by observers. Any body or agency, whether national or international, governmental or non-governmental, qualified in fields relating to the protection of the ozone layer which has informed the secretariat of its wish to be represented at a meeting of the Conference of the Parties as an observer may be admitted unless at least one-third of the Parties present object. The admission and participation of observers shall be subject to the rules of procedure adopted by the Conference of the Parties.

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## SELECTED ARTICLES

### *Article 2: General obligations*

1. The Parties shall take appropriate measures in accordance with the provisions of this Convention and of those protocols in force to which they are party to protect human health and the environment against adverse effects resulting or likely to result from human activities which modify or are likely to modify the ozone layer.
2. To this end the Parties shall, in accordance with the means at their disposal and their capabilities:
  - (a) Co-operate by means of systematic observations, research and information exchange in order to better understand and assess the effects of human activities on the ozone layer and the effects on human health and the environment from modification of the ozone layer;
  - (b) Adopt appropriate legislative or administrative measures and co-operate in harmonizing appropriate policies to control, limit, reduce or prevent human activities under their jurisdiction or control should it be found that these activities have or are likely to have adverse effects resulting from modification or likely modification of the ozone layer;
  - (c) Co-operate in the formulation of agreed measures, procedures and standards for the implementation of this Convention, with a view to the adoption of protocols and annexes;
  - (d) Co-operate with competent international bodies to implement effectively this Convention and protocols to which they are party.



3. The provisions of this Convention shall in no way affect the right of Parties to adopt, in accordance with international law, domestic measures additional to those referred to in paragraphs 1 and 2 above, nor shall they affect additional domestic measures already taken by a Party, provided that these measures are not incompatible with their obligations under this Convention.
4. The application of this article shall be based on relevant scientific and technical considerations.

## **KEYWORDS**

Ozone, CFC, human health, environment, ecosystems, climate change, convention, technology, transfer of technology, Montreal Protocol

## **RELEVANCE TO FISHERIES/ FISHWORKERS**

The Vienna Convention calls for a precautionary approach towards the use of substances that are likely to modify the ozone layer. It enjoins States to do research and systematic observations on the effects of ultraviolet-B radiation on (a) agricultural crops, forests and other terrestrial ecosystems and (b) the aquatic food web and fisheries, as well as possible inhibition of oxygen production by marine phytoplankton.

According to Annex I of the Convention, the major scientific issues are: (a) Modification of the ozone layer which would result in a change in the amount of

solar ultra-violet radiation having biological effects (UV-B) that reaches the Earth's surface and the potential consequences for human health, for organisms, ecosystems and materials useful to mankind; and (b) Modification of the vertical distribution of ozone, which could change the temperature structure of the atmosphere and the potential consequences for weather and climate.

The annex also lists chemical substances of natural and anthropogenic origin, (not listed in order of priority), that are thought to have the potential to modify the chemical and physical properties of the ozone layer. These include chlorofluorocarbons that are used in refrigeration systems. The Montreal Protocol was designed so that the phase-out schedules could be revised on the basis of periodic scientific and technological assessments, to introduce other kinds of control measures and to add new controlled substances to the list.

It is worth mentioning that the FAO Code of Conduct for Responsible Fisheries makes specific mention of the need for vessels to have equipments that would reduce emissions of ozone-depleting substances (Section 8 of the 1995 Code of Conduct "Protection of the Atmosphere"). The Code of Conduct also calls upon owners or managers of fishing vessels to take appropriate action to retrofit existing vessels with alternative refrigerants to CFCs, HCFCs and halons. It also asks them to follow international guidelines for the disposal of these substances.



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

## SHORT TITLE

Basel Convention

## LEGAL STATUS

Binding

## TYPE OF INSTRUMENT

Convention

## OBJECTIVES

To protect by strict control, human health and the environment against the adverse effects which may result from the generation and management of hazardous wastes and other wastes. This is carried out keeping the three key objectives in mind:

- to minimize the generation of hazardous wastes in terms of quantity and hazardousness;
- to dispose them as close to the source of generation as possible;
- to reduce the movement of hazardous wastes.

## CONTENTS

Preamble, 29 Articles and 9 Annexes

## DATE OF ADOPTION

22 March 1989

## PLACE OF ADOPTION

Basel, Switzerland

## DATE OF ENTRY INTO FORCE

5 May 1992

## SIGNATORIES

52 (Three of them have not ratified)

## RATIFICATIONS

164 (as of 23 February 2005)

## ADDITIONAL INSTRUMENTS

Amendment (Basel Ban), which bans hazardous wastes exports for final disposal and recycling from what are known as Annex VII countries. (Amendment has not entered into force - 54 countries have ratified it so far.)

Protocol (Basel Protocol on Liability and Compensation—not entered into force), asks States to provide for a comprehensive regime for liability and for adequate and prompt compensation for damage resulting from the transboundary movement of hazardous wastes and other wastes and their disposal including illegal traffic in those wastes. (Number of signatories: 13, Number of parties: 4)

## INITIATING BODY

United Nations Environment Programme

## WORKING OF THE INSTRUMENT

*Decision-making body*

Conference of Parties

*Subsidiary bodies*

Expanded Bureau

Open-ended Working Group, and

Compliance Committee

*Periodicity of meetings*

COP: Meetings are held every other year. (There have been seven meetings till December 2004)

OEWG: Meets up to three times between meetings of the COP (there have been three meetings organized till May 2004)

### ***Participation in meetings***

*Decision-making body:* COP

*Voting Rights:* Countries party to the convention

*Observers:* The UN and its specialized agencies, as well as any states not party to the Convention, are invited to participate as observers at meetings of the COP. Any other body or agency, whether international or national, governmental or non-governmental, qualified in the matter of hazardous wastes or other wastes may participate as observers unless one-third of the Parties object.

### ***Secretariat***

Secretariat of the Basel Convention  
International Environment House  
13 - 15 Chemin des Anémones  
CH - 1219 Chatelaine  
Geneva, Switzerland  
Tel: 41 22 917 8218  
Fax: 41 22 797 3454  
E-mail: [sbc@unep.ch](mailto:sbc@unep.ch)  
Website: <http://www.basel.int/>

## **PLAN**

Strategic Plan for the Implementation of the Basel Convention 2000-2010

## **REGIONAL AGREEMENTS**

OECD Council Decision C(2001)107/FINAL on the Control of Transboundary Movements of Wastes Destined for Recovery Operations adopted on 14 June 2001 and on 28 February 2002  
Kuwait Regional Convention for co-operation on the Protection of the Marine Environment from Pollution

## **SELECTED ARTICLES**

### ***Article 4***

General Obligations

1. (a) Parties exercising their right to prohibit the import of hazardous wastes or other wastes for disposal shall inform the other Parties of their decision pursuant to Article 13.

(b) Parties shall prohibit or shall not permit the export of hazardous wastes and other wastes to the Parties which have prohibited the import of such wastes, when notified pursuant to subparagraph (a) above.

(c) Parties shall prohibit or shall not permit the export of hazardous wastes and other wastes if the State of import does not consent in writing to the specific import, in the case where that State of import has not prohibited the import of such wastes.

2. Each Party shall take the appropriate measures to:

- (a) ensure that the generation of hazardous wastes and other wastes within it is reduced to a minimum, taking into account social, technological and economic aspects;
- (b) ensure the availability of adequate disposal facilities, for the environmentally sound management of hazardous wastes and other wastes, that shall be located, to the extent possible, within it, whatever the place of their disposal;
- (c) ensure that persons involved in the management of hazardous wastes or other wastes within it take such steps as are necessary to prevent pollution due to hazardous wastes and other wastes arising from such management and, if such pollution occurs, to minimize the consequences thereof for human health and the environment; and
- (d) ensure that the transboundary movement of hazardous wastes and other wastes is reduced to the minimum consistent with the

## Environmental Pollution

environmentally sound and efficient management of such wastes, and is conducted in a manner which will protect human health and the environment against the adverse effects which may result from such movement.

### KEYWORDS

Hazardous wastes, wastes, transboundary, waste management, transportation, illegal traffic, dispute resolution, compliance, enforcement, guidelines, imports, exports, Basel Convention

### RELEVANCE TO FISHERIES/ FISHWORKERS

The purpose of the Convention is to control and reduce transboundary movements of specified wastes, minimize the generation of hazardous wastes, and assist developing countries in the environmentally sound management of such wastes. The Convention makes special reference to the Parties' responsibilities with respect to the protection and preservation of the marine environment in the context of the Convention.

It defines "environmentally sound management (ESM) of hazardous wastes or other wastes" as all practicable steps taken to ensure that hazardous wastes or other wastes are managed in a manner that will protect human health and the environment against the adverse effects that may result from such wastes.

ESM means addressing the issue through an "integrated life-cycle approach",

which involves strong controls from the generation of a hazardous waste to its storage, transport, treatment, reuse, recycling, recovery and final disposal.

Under the Convention, transboundary movements of hazardous wastes or other wastes can take place only upon prior written notification by the State of export to the competent authorities of the States of import and transit (if appropriate).

It calls upon Parties to ensure that the generation of hazardous wastes and other wastes within it is reduced to a minimum, taking into account social, technological and economic aspects.

The Convention also considers illegal traffic in hazardous wastes or other wastes as criminal. Article 13 asks Parties to inform other States immediately, whenever it comes to their knowledge, in the case of an accident occurring during the transboundary movement of hazardous wastes or other wastes or their disposal, which are likely to present risks to human health and the environment in other States. The same Article also calls for annual reports on such accidents as well as disposal operations within the territories of the state and the measures taken by the Party for the reduction and/or elimination of the production of hazardous wastes. Annex IV of the Convention, on disposal operations, includes releases of toxics into seas/oceans. All this is of direct relevance to the fisheries sector.

# United Nations Framework Convention on Climate Change

## SHORT TITLE

Rio Convention (The Convention was opened for signature at the Rio summit in June 1992.)

## ACRONYM

UNFCCC

## LEGAL STATUS

Binding

## TYPE OF INSTRUMENT

Convention

## OBJECTIVES

- To stabilize the greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system. Such a level to be achieved within a time frame sufficient to allow ecosystems to adapt naturally to climate change;
- To ensure that food production is not threatened and to enable economic development to proceed in a sustainable manner.

## CONTENTS

26 Articles and three Annexes

## DATE OF ADOPTION

9 May 1992

## PLACE OF ADOPTION

New York

## OPENED FOR SIGNATURE

4 June 1992

## DATE OF ENTRY INTO FORCE

21 March 1994

## SIGNATORIES

166 (UNFCCC) (as on 21 March 2005)

84 (Kyoto Protocol) (as on 21 March 2005)

## RATIFICATIONS

189 (UNFCCC) (as of 21 March 2005)

145 (Kyoto Protocol) (as of 21 March 2005)

## ADDITIONAL INSTRUMENTS

Kyoto Protocol (adopted on 11 December 1997, entered into force on 16 February 2005) shares the concerns and principles of the Convention, and builds on these by adding new commitments, which are stronger and far more complex and detailed than those in the Convention. It assigns national targets to industrialized countries (Annex I) and offers additional flexibility to countries with economies in transition.

## INITIATING BODY

The Intergovernmental Negotiating Committee (INC). The INC negotiated the Convention and fell directly under the UN General Assembly.

## WORKING OF THE INSTRUMENT

### *Decision-making body*

Conference of Parties (COP)

### *Subsidiary bodies*

Subsidiary Body for Scientific and Technological Advice (SBSTA)

Subsidiary Body for Implementation (SBI)

### *Constituted bodies (January 2005)*

Clean Development Mechanism (CDM)  
Executive Board

Consultative Group of Experts on National Communications from Non-Annex I Parties (CGE)

Expert Group on Technology Transfer (EGTT)

***Advisory bodies***

In the process of being set up.

***Periodicity of meetings***

COP meets once a year (as of February 2005, the Conference of Parties have met ten times)

***Participation in meetings***

*Decision-making body:* COP

*Voting rights:* States party to the Convention

*Observers:* According to Article 7 of the Convention, "6. The United Nations, its specialized agencies and the International Atomic Energy Agency, as well as any State member thereof or observers thereto not Party to the Convention, may be represented at sessions of the Conference of the Parties as observers. Any body or agency, whether national or international, governmental or non governmental, which is qualified in matters covered by the Convention, and which has informed the secretariat of its wish to be represented at a session of the Conference of the Parties as an observer, may be so admitted unless at least one third of the Parties present object. The admission and participation of observers shall be subject to the rules of procedure adopted by the Conference of the Parties."

***Secretariat***

United Nations Framework Convention on Climate Change (Main Office)

Haus Carstanjen

Martin-Luther-King-Strasse 8

D-53175 Bonn

Germany

Tel: 49 228 815 1000

Fax: 49 228 815 1999

E-mail: [secretariat@unfccc.int](mailto:secretariat@unfccc.int)

Website: <http://unfccc.int>

**SELECTED ARTICLES**

***Article 3***

***Principles***

In their actions to achieve the objective of the Convention and to implement its provisions, the Parties shall be guided, *inter alia*, by the following:

1. The Parties should protect the climate system for the benefit of present and future generations of humankind, on the basis of equity and in accordance with their common but differentiated responsibilities and respective capabilities. Accordingly, the developed country Parties should take the lead in combating climate change and the adverse effects thereof.
2. The specific needs and special circumstances of developing country Parties, especially those that are particularly vulnerable to the adverse effects of climate change, and of those Parties, especially developing country Parties, that would have to bear a disproportionate or abnormal burden under the Convention, should be given full consideration.
3. The Parties should take precautionary measures to anticipate, prevent or minimize the causes of climate change and mitigate its adverse effects. Where there are threats of serious or irreversible damage, lack of full scientific certainty should not be used as a reason for postponing such measures, taking into account that policies and measures to deal with climate change should be cost-effective so as to ensure global benefits at the lowest possible cost. To achieve this, such policies and measures should take into account different socio-economic contexts, be comprehensive, cover all relevant

sources, sinks and reservoirs of greenhouse gases and adaptation, and comprise all economic sectors. Efforts to address climate change may be carried out cooperatively by interested Parties.

## KEYWORDS

Climate change, UNEP, UNFCCC, greenhouse effect, coastal state, islands, oceans, developing countries, energy, environmental management, sea-level rise, SIDS, coastal areas, marine ecosystems, forests, industries, technology, convention, Kyoto Protocol, precautionary measures

## RELEVANCE TO FISHERIES/ FISHWORKERS

Human activities release greenhouse gases (e.g. carbon dioxide, methane, nitrous oxides, halons) into the atmosphere. Rising levels of greenhouse gases are absorbing more infrared radiation. This is resulting in increased global temperatures and change in climatic regimes. The United Nations Framework Convention on Climate Convention is the foundation of global efforts to combat global warming.

It sets an “ultimate objective” of stabilizing “greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic (human-induced) interference with the climate system.” The objective does not specify what these concentrations should be, only that they be at a level that is not dangerous.

It directs that “such a level should be achieved within a time-frame sufficient to allow ecosystems to adapt naturally to climate change, to ensure that food production is not threatened, and to enable economic development to proceed in a sustainable manner.” This

highlights the main concerns about food production—probably the most climate-sensitive human activity—and economic development.

The Convention tries to make sure that any sacrifices made in protecting our shared atmosphere will be shared fairly among countries in accordance with their “common but differentiated responsibilities and respective capabilities and their social and economic conditions”. It notes that the largest share of historical and current emissions originates in developed countries. Its first basic principle is that these countries should take the lead in combating climate change and its adverse impacts. Specific commitments in the treaty relating to financial and technological transfers apply only to the very richest countries. The Convention emphasizes the need for education, training and public awareness related to climate change.

The Protocol sets legally binding targets and timetables for cutting developed country emissions. The Protocol innovates by giving Parties credit for reducing emissions in other countries. It establishes an emission-trading regime, which will allow industrialized countries to buy and sell emission credits amongst themselves.

With reference to fisheries, it is expected that the global yield from marine fisheries should remain unchanged by global warming. The principal effects will be felt at the national and local levels, as the mix of species changes and people respond by relocating fisheries. These possible local effects could threaten the food security of countries that are highly dependent on fish. In general, some of the positive effects of climate change could include longer growing seasons, lower natural winter mortality, and faster growth rates at higher latitudes. The negative ones could include upsets in

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established reproductive patterns, migration routes, and ecosystem relationships.

The mean sea level is expected to rise, resulting in the flooding of coastal areas and low-lying islands. Higher sea levels could also cause extreme events such as high tides, storm surges, and seismic sea waves (tsunamis) to reap more destruction. Sea-level rise could also damage key economic sectors such as fisheries and aquaculture in coastal areas. Rising sea levels could also invade coastal freshwater supplies, placing additional stress on coastal communities, including fishing communities, in obtaining freshwater. Climate change is also expected to affect human health—studies using remote sensing have shown a correlation between cholera cases and sea surface temperature in the Bay of Bengal. There is also evidence of an association between El Niño (which warms the waters of the southwestern Pacific) and epidemics of malaria and dengue. Enhanced production of aquatic pathogens and biotoxins may jeopardize

the safety of seafood. Warmer waters would also increase the occurrence of toxic algal blooms. Settlements that depend heavily on commercial fishing, subsistence agriculture and other natural resources are particularly vulnerable.

Concern for climate change and sea-level rise is high in the case of the small island developing States. Their concerns include the flooding of coastal areas as well as the damage to coral reefs, and the alteration of the distribution of the zones of upwelling which could affect both subsistence and commercial fisheries production. In the national, regional and international action for this section in the Programme of Action for the sustainable development of SIDS (Barbados Plan of Action), the call is for early ratification of the UNFCCC, monitoring and data collection on sea-level rise, integrated coastal management, assessment of the impact of climate change on marine resources, and access to technology and other resources to help the SIDS to combat climate change.



# Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade

## SHORT TITLE

Rotterdam Convention

## ACRONYM

PIC

## LEGAL STATUS

Binding

## TYPE OF INSTRUMENT

Convention

## OBJECTIVES

- To promote shared responsibility and cooperative efforts among Parties in the international trade of certain hazardous chemicals in order to protect human health and the environment from potential harm and
- To contribute to their environmentally sound use, by facilitating information exchange about their characteristics, by providing for a national decision-making process on their import and export and by disseminating these decisions to Parties.

## CONTENTS

- 30 Articles and five annexes
  - Annex I: Information requirements for notifications made pursuant to Article 5
  - Annex II: Criteria for listing banned or severely restricted chemicals in Annex III
  - Annex III: Chemicals subject to the prior informed consent procedure

- Annex IV: Information and criteria for listing severely hazardous pesticide formulations in Annex III
- Annex V: Information requirements for export notification

## DATE OF ADOPTION

10 September 1998

## PLACE OF ADOPTION

Rotterdam, The Netherlands

## OPENED FOR SIGNATURE

11 September 1998

## DATE OF ENTRY INTO FORCE

24 February 2004

## SIGNATORIES

73 (as of 24 March 2005)

## RATIFICATIONS

86 (as of 24 March 2005)

## INITIATING BODY

United Nations Environment Programme (UNEP) and Food and Agriculture Organization of the United Nations (FAO)

## WORKING OF THE INSTRUMENT

### *Decision-making body*

Conference of Parties (COP)

### *Subsidiary bodies*

Chemicals Review Committee

### *Periodicity of meetings*

The meeting of the Conference of Parties (COP) will be held once a year. The first COP was held in September 2004.



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### *Participation in meetings*

*Decision-making body:* COP

*Voting rights:* States party to the convention

*Observers:* The United Nations, its specialized agencies and the International Atomic Energy Agency, as well as any State not Party to this Convention, may be represented at meetings of the Conference of the Parties as observers. Any body or agency, whether national or international, governmental or non-governmental, qualified in matters covered by the Convention, and which has informed the Secretariat of its wish to be represented at a meeting of the Conference of the Parties as an observer may be admitted unless at least one third of the Parties present object. The admission and participation of observers shall be subject to the rules of procedure adopted by the Conference of the Parties.

### *Secretariat*

*Geneva*

Secretariat for the Rotterdam Convention

UNEP Chemicals

11-13 Chemin des Anémones

CH-1219 Châtelaine GE

Geneva

Switzerland

Tel: 41 22 917 8183 / 917 8177 / 917 8511

Fax: 41 22 797 3460

Email: [pic@unep.ch](mailto:pic@unep.ch)

Website: [www.pic.int](http://www.pic.int)

*Rome*

Secretariat for the Rotterdam Convention

Plant Protection Service

Plant Production and Protection Division  
FAO

Viale delle Terme di Caracalla

00100 Rome

Italy

Tel: 39 06 5705 3441

Fax: 39 06 5705 6347

Email: [pic@fao.org](mailto:pic@fao.org)

Website: [www.fao.org](http://www.fao.org)  
[www.pic.int](http://www.pic.int)

## SELECTED ARTICLES

### *Article 3*

Scope of the Convention

1. This Convention applies to:
  - (a) Banned or severely restricted chemicals; and
  - (b) Severely hazardous pesticide formulations.
2. This Convention does not apply to:
  - (a) Narcotic drugs and psychotropic substances;
  - (b) Radioactive materials;
  - (c) Wastes;
  - (d) Chemical weapons;
  - (e) Pharmaceuticals, including human and veterinary drugs;
  - (f) Chemicals used as food additives;
  - (g) Food;
  - (h) Chemicals in quantities not likely to affect human health or the environment provided they are imported:
    - (i) For the purpose of research or analysis; or
    - (ii) By an individual for his or her own personal use in quantities reasonable for such use.

### *Article 4*

Designated national authorities

1. Each Party shall designate one or more national authorities that shall be authorized to act on its behalf in the performance of the administrative functions required by this Convention.
2. Each Party shall seek to ensure that such authority or authorities have sufficient resources to perform their tasks effectively.
3. Each Party shall, no later than the date of the entry into force of this Convention for it, notify the name and address of such authority or authorities to the Secretariat. It shall forthwith notify the Secretariat of any changes in the name and address of such authority or authorities.

4. The Secretariat shall forthwith inform the Parties of the notifications it receives under paragraph 3.

**KEYWORDS**

PIC, export, import, pesticides, chemicals, health and safety, UNEP, FAO

**RELEVANCE TO FISHERIES/  
FISHWORKERS**

The Convention establishes the principle that export of a chemical covered by the Convention can only take place with the prior informed consent (PIC) of the importing party. The Convention establishes a "Prior Informed Consent procedure", a means for formally obtaining and disseminating the decisions of importing countries as to whether they wish to receive future shipments of specified chemicals and for ensuring compliance with these decisions by exporting countries. The Convention also contains provisions for the exchange of information among Parties about potentially hazardous chemicals that may be exported and imported. The Convention covers pesticides and industrial chemicals that have been banned or severely restricted for health or environmental reasons by Parties and which have been notified by Parties for inclusion in the PIC procedure.

The Convention establishes a first line of defence by giving importing countries the tools and information they need to identify potential hazards, and exclude chemicals they cannot manage safely. If a country agrees to import chemicals, the Convention promotes their safe use through labelling standards, technical assistance, and other forms of support. It also ensures that exporters comply with the requirements.

The dramatic growth in chemicals production and trade during the last three decades has highlighted the risk posed by hazardous chemicals and pesticides. This Convention is of importance because of the widespread use of pesticides and other chemicals in daily life today. Many chemicals reach the marine environment from land-based activities, and can affect marine aquatic resources including fish and shellfish. They can also be accumulated in fish and shellfish, and consumption of these contaminated fish may affect human beings as well. In the long term, such chemicals may affect the quality/quantity of fish production and hence the relevance of this convention to fisheries. Severely hazardous pesticide formulations that present a hazard under conditions of use in developing countries or countries with economies in transition may also be nominated for inclusion in the procedure.

**RELEVANCE TO SMALL-SCALE  
FISHERIES/FISHWORKERS**

Small-scale fisheries are often confined to nearshore areas. Most of the chemical pollutants from land-based activities, including agriculture, that use pesticides reach the marine environment and have greater effect on aquatic species along the coastline. If these chemicals are washed out into the sea in higher concentrations during episodes of flooding, they may have immediate toxic effects on fish species, resulting in mass mortality of fish during a short period of time. In the longer term, bioconcentration and bioaccumulation of these chemicals may result in the disruption of the physiological functions of both marine species and human beings who consume these contaminated fish and shellfish.

# Stockholm Convention on Persistent Organic Pollutants

## SHORT TITLE

Stockholm Convention

## ACRONYM

POPs

## LEGAL STATUS

Binding

## TYPE OF INSTRUMENT

Convention

## OBJECTIVES

To protect human health and the environment from persistent organic pollutants

## CONTENTS

30 Articles and six annexes

## DATE OF ADOPTION

22 May 2001

## PLACE OF ADOPTION

Stockholm, Sweden

## OPENED FOR SIGNATURE

23 May 2001

## DATE OF ENTRY INTO FORCE

17 May 2004

## SIGNATORIES

151 (as on 24 March 2005)

## RATIFICATIONS

96 (as on 24 March 2005)

## INITIATING BODY

United Nations Environment Programme

## WORKING OF THE INSTRUMENT

### *Decision-making body*

Conference of Parties

### *Subsidiary bodies*

Persistent Organic Pollutants Review Committee

Expert Group on Best Available Techniques and Best Environmental Practices

### *Periodicity of meetings*

Once a year (the first meeting of the COP was held in Uruguay in May 2005).

### *Participation in meetings*

*Decision-making body:* COP

*Voting rights:* Conference of Parties

*Observers:* The United Nations, its specialized agencies and the International Atomic Energy Agency, as well as any State not Party to this Convention, may be represented at meetings of the Conference of the Parties as observers. Any body or agency, whether national or international, governmental or non-governmental, qualified in matters covered by the Convention, and which has informed the Secretariat of its wish to be represented at a meeting of the Conference of the Parties as an observer may be admitted unless at least one third of the Parties present object. The admission and participation of observers shall be subject to the rules of procedure adopted by the Conference of the Parties.

## Secretariat

Secretariat for the Stockholm  
Convention on Persistent Organic  
Pollutants  
11-13 Chemin des Anémones  
1219 Châtelaine  
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Tel.: 41 22 917 8191  
Fax: 41 22 797 3460  
Email: ssc@chemicals.unep.ch  
Website: www.pops.int

## ADDITIONAL INFORMATION

During the interim period between adoption and entry into force of the Convention, the Intergovernmental Negotiating Committee (INC) of the Stockholm Convention was preparing for the first meeting of the COP.

## SELECTED ARTICLES

*Article 3: Measures to reduce or eliminate releases from intentional production and use*

1. Each Party shall:
  - (a) Prohibit and/or take the legal and administrative measures necessary to eliminate:
    - (i) Its production and use of the chemicals listed in Annex A subject to the provisions of that Annex; and
    - (ii) Its import and export of the chemicals listed in Annex A in accordance with the provisions of paragraph 2; and
  - (b) Restrict its production and use of the chemicals listed in Annex B in accordance with the provisions of that Annex.
2. Each Party shall take measures to ensure:
  - (a) That a chemical listed in Annex A or Annex B is imported only:
    - (i) For the purpose of environmentally sound disposal as set

forth in paragraph 1 (d) of Article 6; or  
(ii) For a use or purpose which is permitted for that Party under Annex A or Annex B.

- (b) That a chemical listed in Annex A for which any production or use specific exemption is in effect or a chemical listed in Annex B for which any production or use specific exemption or acceptable purpose is in effect, taking into account any relevant provisions in existing international prior informed consent instruments, is exported only:
  - (i) For the purpose of environmentally sound disposal as set forth in paragraph 1 (d) of Article 6;
  - (ii) To a Party which is permitted to use that chemical under Annex A or Annex B; or
  - (iii) To a State not Party to this Convention which has provided an annual certification to the exporting Party. Such certification shall specify the intended use of the chemical and include a statement that, with respect to that chemical, the importing State is committed to:
    - a. Protect human health and the environment by taking the necessary measures to minimize or prevent releases;
    - b. Comply with the provisions of paragraph 1 of Article 6; and
    - c. Comply, where appropriate, with the provisions of paragraph 2 of Part II of Annex B.

The certification shall also include any appropriate supporting documentation, such as legislation, regulatory instruments, or administrative or policy guidelines. The exporting Party shall transmit the certification to the Secretariat within sixty days of receipt.

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6. Any Party that has a specific exemption in accordance with Annex A or a specific exemption or an acceptable purpose in accordance with Annex B shall take appropriate measures to ensure that any production or use under such exemption or purpose is carried out in a manner that prevents or minimizes human exposure and release into the environment. For exempted uses or acceptable purposes that involve intentional release into the environment under conditions of normal use, such release shall be to the minimum extent necessary, taking into account any applicable standards and guidelines.

### *Article 4: Register of specific exemptions*

2. The Register shall include:
  - (a) A list of the types of specific exemptions reproduced from Annex A and Annex B;
  - (b) A list of the Parties that have a specific exemption listed under Annex A or Annex B; and
  - (c) A list of the expiry dates for each registered specific exemption.

### *Article 10: Public information, awareness and education*

1. Each Party shall, within its capabilities, promote and facilitate:
  - (a) Awareness among its policy and decision makers with regard to persistent organic pollutants;
  - (b) Provision to the public of all available information on persistent organic pollutants, taking into account paragraph 5 of Article 9;
  - (c) Development and implementation, especially for women, children and the least educated, of educational and public awareness programmes on persistent organic pollutants, as

well as on their health and environmental effects and on their alternatives;

- (d) Public participation in addressing persistent organic pollutants and their health and environmental effects and in developing adequate responses, including opportunities for providing input at the national level regarding implementation of this Convention;
- (e) Training of workers, scientists, educators and technical and managerial personnel;
- (f) Development and exchange of educational and public awareness materials at the national and international levels; and
- (g) Development and implementation of education and training programmes at the national and international levels.

## KEYWORDS

POP, pesticides, bioaccumulation, migratory species, UNEP, environment, pollution, dispute resolution, human health, women, trade, environmental management, convention, standards, waste management, public awareness

## RELEVANCE TO FISHERIES/ FISHWORKERS

The Convention recognizes that persistent organic pollutants (POPs) possess toxic properties, resist degradation, bioaccumulate, and are transported, through air, water and migratory species, including fish, across international boundaries, and deposited far from their place of release, where they accumulate in terrestrial and aquatic ecosystems.

POPs are chemicals that remain intact in the environment for long periods, become widely distributed

geographically, accumulate in the fatty tissue of living organisms, and are toxic to humans and wildlife. POPs circulate globally and can cause damage wherever they travel. POPs accumulating in the marine environment affect breeding populations of fish. Fish caught with high concentrations of chemicals in their tissues become unacceptable for consumption.

The Convention addresses the health concerns, especially in developing countries, resulting from local exposure to POPs, in particular, the impacts upon

women and, through them, upon future generations.

It acknowledges that indigenous communities are particularly at risk because of the biomagnification of POPs and that contamination of their traditional foods is a public-health issue.

Significantly, Article 10 of this Convention requires States to create public awareness about POPs, including by providing all available information on POPs. It also encourages States to seek the participation of the public in responding to the threats posed by POPs.

# International Convention for the Control and Management of Ships' Ballast Water and Sediments

## SHORT TITLE

BWM Convention (Globallast)

## LEGAL STATUS

Binding

## TYPE OF INSTRUMENT

Convention

## OBJECTIVES

To prevent, minimize and ultimately eliminate the risks to the environment, human health, property and resources arising from the transfer of harmful aquatic organisms and pathogens through the control and management of ships' ballast water and sediments, as well as to avoid unwanted side-effects from that control and to encourage developments in related knowledge and technology.

## CONTENTS

Article 22 and Annex

## DATE OF ADOPTION

13 February 2004

## PLACE OF ADOPTION

London, UK

## DATE OF ENTRY INTO FORCE

(Will enter into force 12 months after ratification by 30 States, representing 35 per cent of world merchant shipping tonnage)

## INITIATING BODY

International Maritime Organization (IMO)

## WORKING OF THE INSTRUMENT

*Decision-making body*

Conference of Parties (COP)

*Subsidiary bodies*

Marine Environment Protection Committee (MEPC), Ballast Water working group

*Secretariat*

Office of Ballast Water Management  
Marine Environment Division  
International Maritime Organization  
4 Albert Embankment  
London SE1 7SR  
United Kingdom  
Tel: 44 0 20 7587 3247  
Fax: 44 0 20 7587 3261  
Website: [www.globallast.imo.org](http://www.globallast.imo.org),  
[www.imo.org](http://www.imo.org)

## GUIDELINES

Guidelines for the Control and Management of Ships Ballast Water to Minimize the Transfer of Harmful Aquatic Organisms and Pathogens, 1997

## ADDITIONAL INFORMATION

IMO has joined forces with the Global Environment Facility (GEF), the United Nations Development Programme (UNDP), member governments and the shipping industry to assist less-industrialized countries to tackle the ballast water problem.

The full title of this project is Removal of Barriers to the Effective Implementation of Ballast Water Control and Management Measures in Developing Countries.



It is more simply referred to as the Global Ballast Water Management Programme, or GloBallast.

The Conference also adopted four resolutions:

- Conference resolution 1: Future work by the Organization pertaining to the International Convention for the Control and Management of Ships' Ballast Water and Sediments
- Conference resolution 2: The use of decision-making tools when reviewing the standards pursuant to Regulation D-5
- Conference resolution 3: Promotion of technical co-operation and assistance
- Conference resolution 4: Review of the Annex to the International Convention for the Control and Management of Ships' Ballast Water and Sediments

## SELECTED ARTICLES

### *Article 2*

#### General Obligations

3. Nothing in this Convention shall be interpreted as preventing a Party from taking, individually or jointly with other Parties, more stringent measures with respect to the prevention, reduction or elimination of the transfer of Harmful Aquatic Organisms and Pathogens through the control and management of ships' Ballast Water and Sediments, consistent with international law.
4. Parties shall endeavour to co-operate for the purpose of effective implementation, compliance and enforcement of this Convention.
5. Parties undertake to encourage the continued development of Ballast Water Management and standards to prevent, minimize and ultimately eliminate the transfer of Harmful

Aquatic Organisms and Pathogens through the control and management of ships' Ballast Water and Sediments.

6. Parties taking action pursuant to this Convention shall endeavour not to impair or damage their environment, human health, property or resources, or those of other States.

### *Article 4*

Control of the Transfer of Harmful Aquatic Organisms and Pathogens Through Ships' Ballast Water and Sediments

1. Each Party shall require that ships to which this Convention applies and which are entitled to fly its flag or operating under its authority comply with the requirements set forth in this Convention, including the applicable standards and requirements in the Annex, and shall take effective measures to ensure that those ships comply with those requirements.
2. Each Party shall, with due regard to its particular conditions and capabilities, develop national policies, strategies or programmes for Ballast Water Management in its ports and waters under its jurisdiction that accord with, and promote the attainment of the objectives of this Convention.

### *Article 5*

#### Sediment Reception Facilities

1. Each Party undertakes to ensure that, in ports and terminals designated by that Party where cleaning or repair of ballast tanks occurs, adequate facilities are provided for the reception of Sediments, taking into account the Guidelines developed by the Organization. Such reception facilities shall operate without causing undue delay to ships and shall provide for the safe disposal of such Sediments that does not impair



## Environmental Pollution

or damage their environment, human health, property or resources or those of other States.

2. Each Party shall notify the Organization for transmission to the other Parties concerned of all cases where the facilities provided under paragraph 1 are alleged to be inadequate.

## Annex

- Regulations for the Control and Management of Ships Ballast Water and Sediments
- Section B- Management and Control Requirements for Ships
- Regulation B-1 Ballast Water Management Plan
- Section C – Special Requirements in Certain Areas
- Section D - Standard for Ballast Water Management
- Section E – Survey and Certification Requirements for Ballast Water Management

## KEYWORDS

Alien species, ballast water, conservation, danger, discharge, environment, Flag State, harmful aquatic organisms, invasive species, management, marine environment, pollution, precautionary approach, regulations, sediments, ships, standards, vessel size, pathogens, ships

## RELEVANCE TO FISHERIES/ FISHWORKERS

Invasive alien species have been recognized as one of the major threats to the marine environment. One of the most important ways of accidental introduction of alien species is by the discharge of ballast water and sediments. Ballast water is water carried by ships to ensure trim, stability and structural integrity. Globally, some three to ten billion tonnes of ballast water are moved annually.

Many marine species have planktonic stages in their life cycle. Even if adults are too large and unlikely to be taken in ballast water, the planktonic stages may be transported. On finding suitable niches, they may colonize new environments and lead to the suppression of indigenous species, or may disrupt food webs.

For example, in the US, the European Zebra Mussel *Dreissena polymorpha* has infested over 40 per cent of internal waterways, and may have required between US\$750 mn and US\$1 bn in expenditure on control measures between 1989 and 2000. In southern Australia, the Asian kelp *Undaria pinnatifida* is invading new areas rapidly, displacing the native seabed communities. In the Black Sea, the filter-feeding North American jellyfish *Mnemiopsis leidyi* has, on occasion, reached densities of 1kg of biomass per sq m. It has depleted native plankton stocks to such an extent that it has contributed to the collapse of entire Black Sea commercial fisheries. In several countries, introduced microscopic 'red-tide' algae (toxic dinoflagellates) have been absorbed by filter-feeding shellfish, such as oysters. When eaten by humans, these contaminated shellfish can cause paralysis and even death.

The Convention provides Parties the right to take, individually or jointly with other Parties, more stringent measures with respect to the prevention, reduction or elimination of the transfer of harmful aquatic organisms and pathogens through the control and management of ships' ballast water and sediments, consistent with international law. It asks Parties to ensure that ballast-water management practices do not cause greater harm than they prevent to their environment, human health, property or resources, or those of other States. The

Convention defines “ships” as vessels of any type whatsoever operating in the aquatic environment and includes submersibles, floating craft, floating platforms, floating storage units (FSU)s and floating production storage and offloading units (FPSOs).

According to Section B of the Annex on “Management and Control

Requirements for Ships”, ships are required to have on board, and implement, a Ballast Water Management Plan approved by the Administration. The Ballast Water Management Plan is specific to each ship, and includes a detailed description of the actions to be taken to implement the requirements and practices of ballast-water management.

# **Intergovernmental Conference to Adopt a Global Programme of Action for the Protection of the Marine Environment from Land-Based Activities**

## **SHORT TITLE**

Washington Conference

## **ACRONYM**

GPA-LBA

## **LEGAL STATUS**

Non-binding

## **TYPE OF INSTRUMENT**

Conference Declaration

## **OBJECTIVES**

To protect and preserve the marine environment from the impacts of land-based activities

## **CONTENTS**

Preamble with 18 paragraphs

## **NAME OF DECLARATION**

Washington Declaration on Protection of the Marine Environment from Land-based Activities

## **PLACE OF DECLARATION**

Washington, USA

## **DATE OF DECLARATION**

1 November 1995

## **INITIATING BODY**

United Nations Environment Programme (UNEP)

## **WORKING OF THE INSTRUMENT**

*Decision-making body*

UNEP Governing Council

*Monitoring and implementation*

UNEP/GPA Co-ordination Office - The Hague

UNEP Regional Seas Programme

*Periodicity of meetings*

The regular session of the Governing Council of the UNEP meets once in every two years

*Participation in meetings*

*Decision-making body:* Governing Council of the UNEP

*Voting rights:* Each member of the Council has one vote.

*Observers:* According to Para 69 of the Rules of Procedure "International non-governmental organizations having an interest in the field of the environment, referred to in section IV, paragraph 5, of General Assembly resolution 2997 (XXVII), may designate representatives to sit as observers at public meetings of the Governing Council and its subsidiary organs, if any. The Governing Council shall from time to time adopt and revise when necessary a list of such organizations. Upon the invitation of the President or Chairman, as the case may be, and subject to the approval of the Governing Council or of the subsidiary organ concerned, international non-governmental organizations may make oral statements on matters within the scope of their activities".

**Secretariat**

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**GUIDELINES**

- Guidelines on Municipal Wastewater Management, Version 3, Feb 2004 (and 10 Key points for local and national action)
- Strategy Options for Sewage Management to Protect the Marine Environment
- Key Principles for Port and Harbour Development (September 2004)

**PLAN**

Global Programme of Action for the Protection of the Marine Environment from Land-Based Activities

**REGIONAL INSTRUMENTS**

- Convention on the Protection of the Marine Environment of the Baltic Sea Area (Helsinki Convention); adopted 1992, in force 2000 (Helsinki Commission)
- Convention on the Protection of the Black Sea Against Pollution (Bucharest Convention); adopted 1992, in force 1994
- Protocol on Protection of the Black Sea Marine Environment Against Pollution from Land-based Sources; adopted 1992, in force 1994
- Convention for the Protection, Management and Development of the Marine and Coastal Environment of the Eastern African Region (Nairobi Convention); adopted 1985, in force 1996

- Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean (Barcelona Convention); adopted on 16 February 1976, in force 12 February 1978; revised in Barcelona, Spain, 9-10 June 1995 as the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean (not yet in force)
- Protocol for the Protection of the Mediterranean Sea against Pollution from Land-Based Sources (LBS Protocol); adopted in Athens, Greece, on 17 May 1980, in force 17 June 1983, amended in Syracuse, Italy, 6 - 7 March 1996 as the Protocol for the Protection of the Mediterranean Sea against Pollution from Land-Based Sources and Activities (not yet in force) (UNEP)
- Convention for the Protection of the Marine Environment of the North-East Atlantic (OSPAR Convention); adopted 1992, in force 1998 (OSPAR Commission)
- Regional Convention for the Conservation of the Red Sea and Gulf of Aden Environment (Jeddah Convention); adopted 1982, in force 1985
- Kuwait Regional Convention for Co-operation on the Protection of the Marine Environment from Pollution (Kuwait Convention); adopted 1978, in force 1979
- Kuwait Regional Protocol for the Protection of the Marine Environment against Pollution from Land-Based Sources; adopted 1990, in force 1993
- Convention for the Protection of the Marine Environment and Coastal Area of the South-East Pacific (Lima Convention), adopted 1981; in force 1986
- Protocol for the Protection of the South-East Pacific against Pollution

## Environmental Pollution

from Land-based Sources; adopted 1983, in force 1986

- Convention for the Protection of Natural Resources and Environment of the South Pacific Region (Noumea Convention); adopted 1986, in force 1990
- Convention for Co-operation in the Protection and Development of the Marine and Coastal Environment of the West and Central African Region (Abidjan Convention); adopted 1981, in force 1984
- Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region (Cartagena Convention); adopted 1983, in force 1986
- Protocol Concerning Pollution from Land-based Sources and Activities to the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region (LBS Protocol), adopted 1999

“Institutional arrangements for the implementation of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities” endorsed the Washington Declaration and stressed the need for States to take the necessary measures for the implementation of the Global Programme of Action at the national and, as appropriate, the regional and international levels.

## SELECTED PARAGRAPHS

1. Setting as their common goal sustained and effective action to deal with all land-based impacts upon the marine environment, specifically those resulting from sewage, persistent organic pollutants, radioactive substances, heavy metals, oils (hydrocarbons), nutrients, sediment mobilization, litter, and physical alteration and destruction of habitat;
4. Co-operating to build capacities and mobilize resources for the development and implementation of such programmes, in particular for developing countries, especially the least developed countries, countries with economies in transition and small island developing States (hereinafter referred to as “countries in need of assistance”);
5. Taking immediate preventive and remedial action, wherever possible, using existing knowledge, resources, plans and processes;
6. Promoting access to cleaner technologies, knowledge and expertise to address land-based activities that degrade the marine environment, in particular for countries in need of assistance; and

## REGIONAL AGENCIES

UNEP Regional Seas Programmes:

Black Sea, East Asian Seas, Eastern Africa, Mediterranean, North-East Pacific, North-West Pacific, Red Sea and Gulf of Aden, ROPME Sea Area (Kuwait), South Asian Seas, South Pacific, South-East Pacific, South-West Atlantic, West and Central Africa, Wider Caribbean  
Other regional seas programmes: Arctic, Baltic, North-East Atlantic, Antarctic.

## SUBSEQUENT MEETINGS

First Intergovernmental Review Meeting of the Implementation of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities, 2001.

## SUBSEQUENT UNGA RESOLUTIONS

Resolution 51/189 (adopted at the 51st session of the United Nations General Assembly on 16 December 1996) on

17. Acting to develop, in accordance with the provisions of the Global Programme of Action, a global, legally binding instrument for the reduction and or elimination of emissions, discharges and, where appropriate, the elimination of the manufacture and use of the persistent organic pollutants identified in decision 18/32 of the Governing Council of the United Nations Environment Programme. The nature of the obligations undertaken must be developed recognizing the special circumstances of countries in need of assistance. Particular attention should be devoted to the potential need for the continued use of certain persistent organic pollutants to safeguard human health, sustain food production and to alleviate poverty in the absence of alternatives and the difficulty of acquiring substitutes and transferring of technology for the development and/or production of those substitutes;

## KEYWORDS

ICAM, marine environment, pollution, habitat, poverty, industry, coastal communities, stakeholder, cooperation, capacity building, sewage, POPs, radioactive substances, heavy metals, oils (hydrocarbons), nutrients, sediments, litter, physical alteration and destruction of habitat

## RELEVANCE TO FISHERIES/ FISHWORKERS

Pollution and degradation of coastal and marine resources is arguably one of the most important threats facing the fisheries sector today, with clear implications for the livelihoods of small-scale fishworkers and their communities. The Declaration expresses the commitment of States to protect and preserve the marine environment from the impacts of land-based activities, and recognizes the interdependence of human populations and the coastal and marine environments, and the growing and serious threat from land-based activities, to both human health and well-being and the integrity and productivity of coastal and marine ecosystems and biodiversity. It sets up common goals for governments to develop sustained and effective action to deal with all land-based impacts upon the marine environment, specifically those resulting from sewage, POPs, radioactive substances, heavy metals, oils (hydrocarbons), nutrients, sediment mobilization, litter, and physical alteration and destruction of habitat.

It calls for action against physical alteration and destruction of habitat, which is of great importance, as habitat alteration of mangroves, coral reefs and seagrass beds lead to negative effects on the fishery resources and their productivity.

# **Global Programme of Action for the Protection of the Marine Environment from Land-Based Activities**

## **SHORT TITLE**

Global Programme of Action

## **ACRONYM**

GPA

## **LEGAL STATUS**

Non-binding

## **TYPE OF INSTRUMENT**

Plan of Action

## **OBJECTIVES**

The Global Programme of Action aims at preventing the degradation of the marine environment from land-based activities by facilitating the realization of the duty of States to preserve and protect the marine environment. It is designed to assist States in taking actions individually or jointly within their respective policies, priorities and resources, which will lead to the prevention, reduction, control and/or elimination of the degradation of the marine environment, as well as to its recovery from the impacts of land-based activities. Achievement of the aims of the Programme of Action will contribute to maintaining and, where appropriate, restoring the productive capacity and biodiversity of the marine environment, ensuring the protection of human health, as well as promoting the conservation and sustainable use of marine living resources.

## **CONTENTS**

154 Paragraphs (in 5 main sections, section V deals with various sources of pollution) and Annex

## **SUBSEQUENT UNGA RESOLUTIONS**

Resolution 51/189 (adopted at the 51st session of the United Nations General Assembly on 16 December 1996) on "Institutional arrangements for the implementation of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities" endorsed the Washington Declaration and stressed the need for States to take the necessary measures for the implementation of the Global Programme of Action at the national and, as appropriate, the regional and international levels.

## **SELECTED PARAGRAPHS**

18. To develop comprehensive, continuing and adaptive programmes of action within the framework of integrated coastal area management which should include provisions for:
- (a) Identification and assessment of problems;
  - (b) Establishment of priorities;
  - (c) Setting management objectives for priority problems;
  - (d) Identification, evaluation and selection of strategies and measures, including management approaches;

- (e) Criteria for evaluating the effectiveness of strategies and programmes;
  - (f) Programme support elements.
21. The identification and assessment of problems is a process of combining five elements:
- (a) Identification of the nature and severity of problems in relation to:
    - (i) Food security and poverty alleviation;
    - (ii) Public health;
    - (iii) Coastal and marine resources and ecosystem health, including biological diversity;
    - (iv) Economic and social benefits and uses, including cultural values;
  - (b) Contaminants: (not listed in order of priority)
    - (i) Sewage;
    - (ii) Persistent organic pollutants;
    - (iii) Radioactive substances;
    - (iv) Heavy metals;
    - (v) Oils (hydrocarbons);
    - (vi) Nutrients;
    - (vii) Sediment mobilization;
    - (viii) Litter;
  - (c) Physical alteration, including habitat modification and destruction in areas of concern;
  - (d) Sources of degradation:
    - (i) Point sources (coastal and upstream), such as: (not listed in order of priority)
      - A. Waste-water treatment facilities;
      - B. Industrial facilities;
      - C. Power plants;
      - D. Military installations;
      - E. Recreational/tourism facilities;
      - F. Construction works (e.g., dams, coastal structures, harbour works and urban expansion);
      - G. Coastal mining (e.g., sand and gravel);
      - H. Research centres;
      - I. Aquaculture;
      - J. Habitat modification (e.g., dredging, filling of wetlands or clearing of mangrove areas);
      - K. Introduction of invasive species;
    - (ii) Non-point (diffuse) sources (coastal and upstream), such as: (not listed in order of priority)
      - A. Urban run-off;
      - B. Agricultural and horticultural run-off;
      - C. Forestry run-off;
      - D. Mining waste run-off;
      - E. Construction run-off;
      - F. Landfills and hazardous waste sites;
      - G. Erosion as a result of physical modification of coastal features;
    - (iii) Atmospheric deposition caused by:
      - A. Transportation (e.g., vehicle emissions);
      - B. Power plants and industrial facilities;
      - C. Incinerators;
      - D. Agricultural operations;
  - (e) Areas of concern (what areas are affected or vulnerable): (not listed in order of priority)
    - (i) Critical habitats, including coral reefs, wetlands, seagrass beds, coastal



- lagoons and mangrove forests;
- (ii) Habitats of endangered species;
- (iii) Ecosystem components, including spawning areas, nursery areas, feeding grounds and adult areas;
- (iv) Shorelines;
- (v) Coastal watersheds;
- (vi) Estuaries and their drainage basins;
- (vii) Specially protected marine and coastal areas; and
- (viii) Small islands.

149. The increase of populations and economic activities in coastal areas is leading to an expansion of construction and alterations to coastal areas and waters. Excavation, oil and gas exploration and exploitation, mining, such as sand and aggregate extraction, the building of ports and marinas and building of coastal defences and other activities linked to urban expansion are giving rise to alterations of coral reefs, shorelands, beachfronts and the seafloor. Important habitats are being destroyed. Wetlands are being transformed into agricultural lands and through coastal development. Tourism, unrestricted and uncontrolled aquaculture, clearance of mangroves and destructive fishing practices, such as the use of dynamite and chemicals, are also causing the physical destruction of important habitats. The introduction of alien species can also have serious effects upon marine ecosystem integrity. Spawning grounds, nurseries and

feeding grounds of major living marine resources of crucial importance to world food security are being destroyed. This destruction of habitat exacerbates overharvesting of these living marine resources leading to a growing risk that they are being depleted. This is an increasing threat to the food security of coastal populations, in particular in developing countries.

### KEYWORDS

Aquaculture, best practices, clearing house, coastal areas, coastal communities, coastal resources, coral reefs, Destructive Fishing Technology, food security, GEF, habitat, habitat destruction, heavy metals, indigenous communities, Intellectual Property Rights, land based pollution, litter, livelihoods, mangroves, mariculture, marine debris, marine environment, marine pollution, natural resources, non-point sources, nutrients, oil, Physical Alteration and Destruction of Habitats (PADH), plastics, policy, poverty, precautionary approach, radioactive substances, regional seas, sediments, sewage, stakeholders, sustainable development, tourism, waste management, wastes

### RELEVANCE TO FISHERIES/ FISHWORKERS

Land-based activities constitute the largest sources of pollution in the marine environment. The GPA is not a legally binding instrument, but it draws, and is built, upon existing international law, and provides the international basis upon which to pursue the protection and sustainable development of the marine and coastal environment and its resources. The GPA-LBA focuses on nine source categories. Litter is one area of

focus and is of relevance to fisheries—turtles, fish, birds, dolphins, seals and other marine mammals have all fallen victim to plastic litter, which they ingest. Worldwide, an estimated 100,000 marine mammals and turtles are now killed annually by plastic litter. Physical alteration and destruction of habitats (PADH) is another area of focus and of particular relevance to fisheries because of the extensive conversion of coastal ecosystems such as mangroves into shrimp aquaculture farms, which has resulted in loss of livelihood to small-scale fishing communities, apart from pollution of coastal areas due to antibiotics and other chemicals used in aquaculture, and the reduction of coastal biodiversity.

#### **RELEVANCE TO SMALL-SCALE FISHERIES/FISHWORKERS**

The Plan of Action recommends States to look into the nature and severity of problems in relation to food security and

poverty, public health and economic and social benefits and uses. In the processes of establishing priorities for action, it asks States to apply integrated coastal area management approaches, including provisions to involve stakeholders, in particular local authorities and communities and relevant social and economic sectors, including non-governmental organizations, women, indigenous people and other major groups. It also asks States to consider the basic linkages between sustainable development of coastal and marine resources, poverty alleviation and protection of the marine environment.

The Plan of Action calls upon States to protect critical habitats, using community-based participatory approaches that are consistent with current approaches to conservation, and compatible with sustainable development.

# **First Intergovernmental Review Meeting on the Implementation of the Global Programme of Action for the Protection of the Marine Environment from Land-Based Activities**

## **LEGAL STATUS**

Non-binding

## **TYPE OF INSTRUMENT**

Conference Declaration

## **OBJECTIVES**

To review the implementation of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities (GPA-LBA).

## **CONTENTS**

15 paragraphs

## **NAME OF DECLARATION**

Montreal Declaration

## **PLACE OF DECLARATION**

Montreal, Canada

## **DATE OF DECLARATION**

30 November 2001

## **SELECTED PARAGRAPHS**

2. We are concerned that:

- (a) The marine environment is being increasingly degraded by pollution from sewage, persistent organic pollutants, radioactive substances, heavy metals, oils, litter, the physical alteration and destruction of habitats, and the alteration of timing, volume and quality of freshwater inflows with resulting changes to nutrient and sediment budgets and salinity regimes;

- (b) The significant negative implications for human health, poverty alleviation, food security and safety and for affected industries are of major global importance;
- (c) The social, environmental and economic costs are escalating as a result of the harmful effects of land-based activities on human health and coastal and marine ecosystems and that certain types of damage are serious and may be irreversible;
- (d) The impacts of climate change on marine environments are a threat to low-lying coastal areas and small island States due to the increased degradation of the protective coastal and marine ecosystems;
- (e) Greater urgency is not accorded to taking action at the national and regional levels for meeting the objectives of the Global Programme of Action.

3. We are concerned also about the widespread poverty, particularly in coastal communities of developing countries, and the contribution that the conditions of poverty make to marine pollution through, for example, lack of even basic sanitation; and how marine degradation generates poverty by depleting the very basics for social and economic development.

9. We further commit ourselves to improve and accelerate the implementation of the Global Programme of Action by:

- (a) Taking appropriate action at the national and regional levels to strengthen institutional co-operation between, *inter alia*, river-basin authorities, port authorities and coastal zone managers, and to incorporate coastal management considerations into relevant legislation and regulations pertaining to watershed management in particular transboundary watersheds;
- (b) Strengthening the capacity of local and national authorities to obtain and utilize sound scientific information to engage in integrated decision-making, with stakeholder participation, and to apply effective institutional and legal frameworks for sustainable coastal management;
- (c) Strengthening regional seas programmes to play a role in, as appropriate, coordination and cooperation:
  - (i) In the implementation of the Global Programme of Action;
  - (ii) With other relevant regional organizations;
  - (iii) In regional development and watershed management plans;
  - (iv) With global organizations and programmes relating to implementation of global and regional conventions;
- (d) Supporting this new integrated management model for oceans

and coastal governance as an important new element of international environmental governance;

- (e) Improving scientific assessment of the anthropogenic impacts on the marine environment, including, *inter alia*, the socio-economic impacts;
- (f) Enhancing the state-of-the-oceans reporting to better measure progress towards sustainable development goals, informing decision-making (such as setting management objectives), improving public awareness and helping assess performance;
- (g) Improving technology development and transfer, in accordance with the recommendations of the United Nations General Assembly.

## KEYWORDS

Coastal areas, coastal communities, coastal environment, economic development, food security, human health, marine environment, marine pollution, oceans, policy, pollution, poverty, sanitation, social development, stakeholders, waste management

## RELEVANCE TO SMALL-SCALE FISHERIES/FISHWORKERS

The First Intergovernmental Review Meeting recognizes the link between marine degradation and poverty, and calls for acceleration of the implementation of the GPA-LBA. It emphasizes stakeholder participation in the process.

**International Legal Instruments Relevant  
to Fisheries and Fishing Communities:  
A Handbook**

**Published by**

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# **International Legal Instruments Relevant to Fisheries and Fishing Communities: A Handbook**

*International Legal Instruments Relevant to Fisheries and Fishing Communities: A Handbook* provides detailed information for a wide range of legal instruments relevant to fisheries and fishworkers. It covers 114 legal instruments, categorized into the following seven themes:

- Human Rights, Food Security, Women and Development
- Environment and Sustainable Development
- Oceans and Fisheries Management
- Environmental Pollution
- Fishing Vessels and Safety at Sea
- Labour
- Trade

The handbook also includes the working of the instruments (decision-making bodies, monitoring and implementation agencies, periodicity of meetings, rules for participation in meetings of the decision-making bodies and implementation agencies for States and non-governmental organizations), regional instruments/agencies and follow-up. Apart from being a ready reckoner to the instruments, it highlights the important sections of relevance to fisheries/small-scale fisheries/fishworkers.

The companion CD-ROM provides the full texts of the instruments in a searchable database. The handbook will be useful for fishworker and non-governmental organizations, and also for researchers and others interested in fisheries issues. It is also available online at [www.icsf.net](http://www.icsf.net)



ICSF is an international NGO working on issues that concern fishworkers the world over. It is in status with the Economic and Social Council of the UN and is on ILO's Special List of Non-Governmental International Organizations. It also has Liaison Status with FAO. Registered in Geneva, ICSF has offices in Chennai, India and Brussels, Belgium. As a global network of community organizers, teachers, technicians, researchers and scientists, ICSF's activities encompass monitoring and research, exchange and training, campaigns and actions, as well as communications.

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