

Multilateral Environmental Agreements

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1. Introduction to Multilateral Environmental Agreements

- Definition
- Types of MEAs
- Standard elements
- Basel Convention
- CBD
- UNFCCC

Definition

Multilateral Environmental Agreements:

- “agreement between several States and/or other subjects of international law dealing with environmental matters”
- Agreement = convention = treaty = covenant = protocol
- Subject to rules of international law governing treaties

Types of MEAs

- Regional, international
- Resource management, sustainable development
- Appendix-driven, annex-driven
- Framework conventions

Standard elements

- Preamble
- Definitions
- Objective and principles
- General provisions/ scope
- Control provisions
- Institutions
- Compliance, communication and reporting
- Dispute settlement
- Treaty mechanisms
- Annexes

Basel Convention 1982

- Purpose: protect human health and environment against adverse effects from generation and other management of hazardous and other wastes
- Strict control of transboundary movement of hazardous wastes
- Environmentally sound management of hazardous wastes
- National and international enforcement

Framework instrument

Conservation of biodiversity

Sustainable use of components of biodiversity

Fair and equitable sharing of benefits

Cartagena Protocol on Biosafety 2000

Bonn Guidelines 2002

UNFCCC 1992

- Aim: stabilize emissions so ecosystems can adapt naturally to climate change
- General protective actions
- Annex 1 commitments
- Kyoto Protocol 1997

2. Creation of Multilateral Environmental Agreements

Creation of MEAs

- Pre-negotiation
- Initiation
- Negotiation
- Conclusion

Pre-negotiation

- Problem identification
- Exploration and analysis
- Develop common interest in creating multilateral mechanism to regulate

Initiation

- Launch of international negotiations
 - Convene International Negotiating Committee (INC)
 - Mandate
- Design of negotiation process and machinery
 - Rules
 - Agenda
 - Timetable

Negotiation

- Commencement
- Drafting, revisions
- Formula-building, revisions, coalition-building, revisions
- Revisions, bargaining, revisions

Agreement and adoption

- Agreement
- Adoption
- Signature
- Ratification
- Entry into force
- Reservations and interpretive declarations

3. Implementation and evolution of Multilateral Environmental Agreements

- Implementation institutions
- Monitoring and verification
- Compliance
- Expansion and evolution

Implementation institutions

- Conference of parties (COP)
- Subsidiary bodies
 - Scientific and technical committees
 - Secretariat

Monitoring and verification

- Information is crucial to effective implementation
- Typically rely on countries to report on progress
- May establish mechanisms for verification

Compliance

- Increasing focus
- Typically rely on voluntary compliance
- May establish mechanisms to facilitate

Expansion and evolution

- Negotiation of adjustments
- Negotiation of new agreements to expand reach
- Accession of new members

4. COP bodies



Formal bodies

Informal bodies

Regional groupings

Coalitions and blocs

Observers

Formal bodies

- COP
- Meeting of Parties (MOP)
- COP/MOP (“CMP”)
- Subsidiary bodies
- Ad hoc groups
- Contact groups
- Secretariat
- Bureau

Informal bodies

- Friends of the Chair/ President
- Committee of the Whole
- Working Group
- Joint Working Group
- Informal Group
- Non-group
- Drafting group
- Legal drafting group

Regional groupings

- Africa
- Asia (includes the Pacific),
- Central and Eastern Europe,
- Latin America and the Caribbean (“GRULAC”)
- Western Europe and Others (‘others’ includes Australia, Canada, Iceland, Norway, Switzerland, NZ and the US)

Coalitions and blocs

- Major negotiating coalitions
 - G77 + China
 - LDCs
 - EU
 - AOSIS
 - Umbrella Group
- Issue-specific coalitions
- Other groups

Observers

- NGOs
 - Significant impact on negotiations
 - Wide range of interests
- IGOs
 - More neutral, technical advice and servicing
 - International and regional
- Non-Party States

5. COP procedures



Meeting procedures

Drafting

Documents

Role of the Chair

Typical day during MEA negotiations

Meeting Procedures

- Formation of rules
- Agenda
- Decisions
- Recommendations
- Role of the Chair/ President

COP documents

- Pre-sessional documents
- In-session documents
 - Conference Room Paper
 - L. Documents
 - Non-papers
 - Chair's text
- Report of the meeting

Drafting

- [**Delete:** All governments should consider the importance of the global transition to sustainability].
- [**New:** *The new generation of global sustainability challenges require new forms of partnership and solidarity between nations*].
- [**Revised:** It is particularly important that developed country governments consider the importance of the global transition to sustainability].

Role of the Chair/President

- Functions and power
- Relationship with secretariat
- Supervision by the COP

Typical day during COP

- Morning meetings
- Formal sessions
- Ad hoc meetings
- Side events