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**REPORT OF
COBSEA FORUM ON MARINE POLLUTION RELATED
MULTILATERAL ENVIRONMENTAL AGREEMENTS (MEAS)**

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OPENING AND INTRODUCTION TO THE FORUM

1. Ms. Srisuda Jarayabhand, Coordinator, COBSEA Secretariat, United Nations Environment Programme (UNEP) delivered the opening remarks on behalf of the Director, Division of Environmental Policy Implementation, UNEP. She thanked the Ministry of Environment Protection (MEP), People's Republic of China and the South China Institute of Environmental Sciences (SCIES) and UNEP for their cooperation and collaboration in organizing the COBSEA Forum on Marine Pollution related Multilateral Environmental Agreements (MEAs). She said the regional Forum was organized to increase the understanding of national implementation of the five selected MEAs i.e. International Convention for the Prevention of Pollution from Ships (MARPOL), the International Convention on Oil Pollution Preparedness, Response and Co-operation (OPRC), the Convention on Prevention of Marine Pollution by Dumping of Wastes and Other Matter (London Convention), International Convention for the Control and Management of Ships' Ballast Water and Sediments (BWM) and the Global Programme of Action for the Protection of Marine Environment from Land-based Activities (GPA). In the process, those capacity building needs of member countries in which COBSEA could assist, could be identified .

2. In her welcoming remarks, Ms. Wang Qian, Deputy Director, Division of International Organisations, International Cooperation Department, Ministry of Environment Protection, People's Republic of China, mentioned the role of SCIES in developing the Regional Review on the Status of Implementation of Marine/Coastal related MEAs in the East Asian Seas Region and hoped it would facilitate in ensuring the success of the Forum. As the majority of countries had encountered obstacles in the implementation of these MEAs, capacity building requirements and solutions need to be identified. She believed that the discussions would provide a clearer understanding of the priorities for capacity building activities.

3. The representatives from the COBSEA member countries of People's Republic of China, Indonesia, Republic of Korea, Malaysia, Philippines, Thailand and Viet Nam, other agencies: UNEP/GPA, Northwest Pacific Action Plan (NOWPAP), International Maritime Organization (IMO), SCIES and resource persons were invited to introduce themselves. The provisional list of participants is attached as **ANNEX 1** to this report.

4. Mr. Vellayutham Pachaimuthu, Programme Officer, COBSEA Secretariat gave an overview of COBSEA, its New Strategic Direction and the key elements of the MEA capacity building activities. He then explained briefly the structure of the MEA Forum. His presentation is attached as **ANNEX 2** and the Programme of Work is attached as **ANNEX 3** to this report.

PRESENTATIONS

Implementation of Multilateral Environmental Agreements: the Role of IMO

5. Mr. Javier Llorens, Head, Oil Pollution Prevention and Implementation, Marine Environment Division, IMO, presented on the role of IMO focusing on emerging issues that the Forum could consider. Oil pollution is not an emerging issue nowadays for it may be said that all countries are aware of the damage an oil spill can cause to the marine environment and the need to implement Annex I of MARPOL and the OPRC requirements in order to prevent and/or combat oil pollution, albeit developing countries usually encounter difficulties in providing the necessary resources. There are other emerging issues, however, that need attention from countries in order to raise awareness. Air pollution and inadequacies of port waste reception facilities are weak points of MARPOL implementation. One sensitive emerging issue is that of Sulphur Oxide Emission Control Areas (SECAs) where the sulphur content of oil needs to be met. The revision of MARPOL Annex VI has been agreed recently imposing reduced levels of emission of Sulphur Oxide (SO_x) and Nitrogen Oxide (NO_x) to the atmosphere. This can only be attained by means of reduced content of sulphur in fuel oil in the open seas and extremely reduced in Emission Control Areas and the allowing of alternative technologies for exhaust gas cleaning systems. IMO is also looking at other factors that have to be addressed because reduced crews, fatigue and unreliable equipment can also cause problems in meeting compliances. The presentation from IMO is attached as **ANNEX 4** to this report.

Global Programme of Action for the Protection of the Marine Environment from Land-based Activities (GPA)

6. Mr. Anjan Datta, Officer-in-charge, GPA Coordination Office, gave a brief background about the adoption of GPA in 1995 through the Washington Declaration. It is a non-binding global programme of action with UNEP as the secretariat aimed at preventing, reducing and controlling land-based activities and sources of pollution. Since then, there have been two Intergovernmental Review meetings and 70 countries are engaged in the implementation of the GPA. Regional Seas Programmes, like COBSEA, facilitate as a platform for regional level implementation. He emphasised the need to incorporate coastal and marine resources management into overall national sustainable development and human well being. There is a need for hard evidence to show that the environment can generate resources. As countries' commitments are to Millennium Development Goals (MDGs), this could be a starting point to the development of National Programmes of Action for the Protection of the Marine Environment from Land-based Activities (NPAs) and an effective tool to this end. NPAs may include specific goals and targets in relation to national development goals and a clear timetable showing the dates by which the Government commits itself, at a political level in terms of allocation of resources, to achieve these targets. Governments need to take the lead and GPA would then extend its cooperation and mobilize some resources for national action towards this commitment. The presentation from GPA is attached as **ANNEX 5** to this report

The Role of Regional MEAs in Strengthening Regional Cooperation under Global MEAs in the East Asian Seas Region

7. Mr. Robert S. Jara, Executive Director, Coastal and Marine Management Office, Department of Environment and Natural Resources, Philippines in his personal capacity as a resource person gave an overview of the implementation of marine pollution-related MEAs and explained in some detail about the Regional Seas Programmes (RSP). He touched on the challenges encountered in regional cooperation and what options were there to strengthen regional cooperation in the East Asian Seas. In his review on the MEAs in the RSP he explained the mechanisms involved, the methods of implementation, the processes in decision-making, the advantages of conventions and emphasised the need for countries to look at opportunities for regional cooperation. Lessons from RSP implementation indicate that there is enhanced cooperation where states claim ownership of programmes. Cooperation is strongest under a regional convention while high levels of cooperation can be achieved with an action plan provided there is political will. An active secretariat supported by a network of scientists can foster effective cooperation. However, processes and mechanisms must also suit the regional culture. However, there are challenges in regional cooperation. With many regional agreements and arrangements, challenges pertaining to jurisdictional overlaps do exist so there is the need to be focused. It is a challenge to convince states to ratify and accept global conventions and not regard them as added costs. States should consider the benefits and the reasons why they do not become Parties and address these impediments to achieve effective implementation of the MEAs. Countries have to understand the importance of strengthened regional cooperation. They should be guided by the basic principle of "one voice, one action" for the region. The presentation is attached as **ANNEX 6** to this report.

Legal and Institutional Framework for Ratification and Accession to the MEAs: a sharing of Australia's experiences

8. Mr. Hugh Kirkman presented in his personal capacity as a resource person and a consultant who assisted in completing the National Questionnaire for Australia on the Review of the Status of Implementation of Marine/Coastal Pollution-related Multilateral Environmental Agreements in the East Asian Seas Region. He stated that it is necessary for Australia to efficiently implement global environmental agreements because of the country's geographical isolation, the increasing global interactions, its unique natural ecosystems, its small population and high level of public awareness. The implementation of the MEAs related to marine pollution rests with different departments within the government. MARPOL and OPRC are the responsibility of the Australian Maritime Safety Authority while the London Convention and GPA are under the Department of Environment, Water, Heritage and the Arts. The BWM falls under the jurisdiction of the Department of Agriculture, Fisheries and Forestry. There is a very comprehensive process in preparing the nation for any treaty. The National Interest Analysis (NIA) takes into consideration economic, environmental, social and cultural implications. It also considers the nation's obligations, the financial cost, mode of

implementation domestically, the various consultations that have been carried out and whether withdrawal or denunciation is possible. After the NIA, the proposal will go through the Joint Standing Committee on Treaties (JSCOT), the Commonwealth-State-Territory Standing Committee on Treaties (SCOT) and the Treaties Council. Australia's legal and institutional framework for ratification and accession contribute to the efficient compliance with environmental agreements. The presentation is attached as **ANNEX 7**.

Singapore's Experience in Implementing MARPOL 73/78

9. Mr. Robert Beckman, Associate Professor, Faculty of Law, National University of Singapore presented in his personal capacity as a resource person and a consultant who assisted in completing the National Questionnaire for Singapore. His presentation was on the implementation of MARPOL in Singapore. He first gave a comprehensive overview of the MARPOL, touching on the enforcement requirements of MARPOL and on why state Parties need to keep abreast of amendments to MARPOL's technical requirements. In sharing Singapore's experiences, he attributed the successful implementation of MARPOL to institutional arrangements, experts, implementation of legislation and strict enforcement. The Maritime and Port Authority of Singapore as the lead agency for IMO, is responsible for managing pollution of the marine environment. It is also responsible for studying whether Singapore should become a party to the IMO conventions. The Ministry of Environment and Water Resources is responsible for managing pollution on land and in rivers and reservoirs. In outlining the lessons from Singapore on the implementation of MARPOL, he attributed the success to the involvement of shipping experts, delegation of power to lead agencies to implement amendments and the imposition of heavy penalties on offenders as deterrents, to comply with requirements. The presentation is attached as **ANNEX 8** to this report.

10. During the ensuing discussions, answering a question from Ms. Brenda V. Pimental from IMO, the speakers from Australia and Singapore, mentioned that national legislation are in place for implementation, before ratification. To her question on whether there are any existing laws in Singapore that can bar those found guilty of previous offences from being involved in future shipping activities, Mr. Beckman replied that there are no such extreme measures as the offenders had paid their dues. Mr. Datta from GPA commented that the cases in both countries are ideal but in reality most countries ratify and then attempt to implement MEAs. He requested the speaker's views. Mr. Beckman replied that the approach was easy for technical conventions like MARPOL but that the same may not apply for other MEAs. However, in Singapore an interagency committee providing feedback for ratification of MEAs was applied. As lack of legal expertise is a constraint, capacity building in developing the legal expertise for the region would be useful. Mr. Manjit Iqbal, UNEP Law Consultant commented that active participation of developing countries from the inception of the negotiation process that determines the framework of the MEAs, needs to be addressed. Ms. Indraningsih from Indonesia agreed that limited legal and other expertise and lack of coordination were impediments to implementation. Mr. Beckman observed that capacity building is a serious problem in many countries in the region especially with their large number of ports and that the Forum should take note of the capacity building needs.

Review Findings and Recommendations

11. Mr. Li Kaiming, Deputy Director, SCIES presented a detail account of the review findings and recommendations. He gave a brief overview of the objectives of the review and the five MEAs selected for the study. On the five MEAs, he gave a breakdown of the status of COBSEA members in each and the national programmes and initiatives in the respective countries. All members are parties to MARPOL and Annex I and II. While the national laws and regulations in Australia, China, Republic of Korea and Singapore are advanced, the enforcement capability and awareness of legal instruments in other countries need to be further improved. There are also inadequacies in the institutional arrangements of many countries. Some have stated the lack of technical and financial resources as impediments to the implementation of MEAs. Other than Australia, China and Singapore, others have stated various needs for capacity building in one or more areas. Most countries recommend the organization of regional training workshops and the facilitation of information exchange between countries. In this regard, Australia and Singapore have great capacity to share their experiences with other COBSEA member countries. The presentation is attached as **ANNEX 9** to this report.

12. In the ensuing discussions, Ms Cherdchinda Chotiyaputta of Thailand informed the meeting that further information on gaps and the status of implementation in Thailand of the five MEAs would be provided to SCIES. Mr. Li hoped that other countries too would respond similarly for SCIES to update the information in the Review. He was surprised that there was no representative from Cambodia at the Forum and that, in his opinion, Cambodia was behind others in its need for support to implement the MEAs. Ms. Jarayabhand informed the meeting that Cambodia had to cancel its attendance at the last moment because the nominated delegate was required to attend to another urgent matter.

Northwest Pacific Action Plan (NOWPAP) Activities related to Implementation of MEAs

13. Ms. Jeung Sook Park, Scientific Affairs Officer, NOWPAP, describing COBSEA as NOWPAP's closest partner, explained explicitly about the Action Plan for Protection, Management, and Development of the Marine and Coastal Environment of the Northwest Pacific Region. She emphasized that China and the Republic of Korea are members of both COBSEA and NOWPAP, but in both the UNEP administered Regional Seas Programmes there is no duplication of activities but only synergy. She gave a comprehensive account of the four NOWPAP Regional Activity Centres (RACs) i.e. Special Monitoring and Coastal Environment Assessment Regional Activity Centre (CEARAC), Data and Information Network (DINRAC), Marine Environment Emergency Preparedness and Response Regional Activity Centre (MERRAC) and Pollution Monitoring Regional Activity Centre (POMRAC). She also elaborated on NOWPAP activities related to implementation of MEAs including harmful algal blooms and remote sensing, NOWPAP Regional Oil Spill and HNS Spill Contingency Plan, Integrated Coastal Areas and River Basin Management Plan and Marine Litter Activity. NOWPAP will primarily focus on the MARPOL and BWM in the future. The presentation is attached as **ANNEX 10** to this report.

IMO Regional Presence for Technical Co-operation in East Asia

14. Ms. Pimentel, IMO Regional Coordinator for East Asia, gave a presentation under the subject Access to Funding from Convention Secretariat for Capacity Building Initiatives. Her discussion focused on the Integrated Technical Co-operation Programme (ITCP) as a treaty enforcement based co-operation programme aimed at assisting member States ratify and implement IMO conventions and instruments. IMO's capacity building activities are delivered through upgrading of institutional arrangements, developing and updating of national legislation, trainings and regional and sub-regional collaborations. In this regard, an activity on the strengthening of the ASEAN-Oil Spill Response Plan (ASEAN-OSPAR) will be undertaken under the ITCP in 2008. Likewise, a national seminar on the MARPOL Convention will be delivered in the Philippines in July 2008 for the purpose of assisting the country in finalizing the national legislation on MARPOL implementation. The ITCP is reviewed every two years and inputs such as the needs of developing countries, as target beneficiaries, and donor requirements in relation to thematic priorities of maritime safety, security, marine pollution prevention and legislation go into such review. Technical assistance as provided by IMO takes the form of any of the following: advisory services, short and long-term training and assistance in drafting or updating national maritime legislation and regulations. The ITCP is funded through the IMO Technical Co-operation Fund (mainly generated from sale of IMO publications), multi-lateral trust funds, bi-lateral trust funds, one-off cash donations, in-kind support and GEF funding. The success of the technical co-operation programmes have seen national maritime administrations being upgraded, national regulations and model legislations developed, maritime training institutions established, national and regional oil spill contingency plans formulated, all of which contribute to the prevention of pollution of the environment. The presentation is attached as **ANNEX 11** to this report.

Promoting Environmental Chemical Analysis and Monitoring Capacities

15. Mr. Fukuya Iino, from the United Nations University (UNU), Tokyo was unable to be present at the Forum but was linked via Skype to give his presentation entitled "Promoting Environmental Chemical Analysis and Monitoring Capacities". The presentation focused on the MEA for specific pollutants, i.e., Persistent Organic Pollutants (POPs) that pose global risks, namely the Stockholm Convention and touched on the importance of the chemical analysis capacity that UNU has in Asia. The presentation is attached as **ANNEX 12** to this report.

Panel Discussion on Emerging Issues

16. The panelists were Mr. Jae-Young Lee, Republic of Korea, Mr. Chalernpol Wangsomcholk, Thailand, Mr. Llorens, IMO and Mr. Iqbal, UNEP. The session was moderated by Mr. Beckman. Each panelist was given 10 minutes to describe their topics.

17. Mr. Lee explained briefly on the recent changes to the ministries involved in MEA implementation. Previously the implementation was under the Ministry of Marine Affairs and Fisheries (MOMAF) but with the changes, it is now the Ministry of Land, Transport and Maritime Affairs that is in charge. Another is the Ministry of Environment and there are still conflicts with GPA implementation as two ministries are involved. He also explained the various legislation that is in force and the agencies involved. Generally, in Korea, the legal framework is satisfactory but there is conflict between the public and private sectors. The Masan Bay pilot project for GPA could be a model for other countries. Currently, the government is interested in strategies for addressing climate change, sea level rise and global warming issues.

18. Mr. Wangsomcholk discussed the available analysis methods for Tributyltin (TBT) from anti-fouling paints in water and sediment but dwelt on the non-availability of standard methods for the analysis of TBT in anti-fouling paint. There could be significant errors in the analysis of the anti-fouling paint and a comprehensive standard method is needed. A standard solution of tin/TBT in the anti-fouling paint needs to be developed and effective digestive reagent is required. The International Convention on the Control of Harmful Anti-fouling Systems on Ships, 2001 will be effective on September 1, 2008. Therefore, there is a need for a more comprehensive recommendation from IMO on the rapid analysis of TBT as this is an emerging issue for countries.

19. Mr. Beckman commented on the need for Thailand to ensure that everything is in order at the national level to assist the enforcement of the International Convention on the Control of Harmful Anti-fouling Systems on Ships, 2001 that comes into force on September 1, 2008.

20. Mr. Llorens explained about the importance of BWM. He commented that ballast water is one of the greatest threats to marine ecosystems and marine bio-invasion is one of the four greatest threats to our oceans. Ballast water is a major vector for invasive species that can cause great economical loss. This global issue needs global partnership and solution. The IMO Globallast Partnership Programme is such a catalyst for global partnership. It would prepare developing countries for the BWM through technical cooperation, capacity building and institutional strengthening.

21. Mr Iqbal gave a brief background about the development of Regional Seas Programmes (RSP). He also mentioned that UNEP encourages regional cooperation and agreements as these are easier to negotiate and implement because of fewer parties, common shared resources, similar problems, solutions and less cost. He then explained about the structure of Regional Seas Action Plans and the elements of an MEA. He emphasized the importance of country participation in the negotiation phase to safe guard their interests. He noted that countries should encourage enhancing regional cooperation, i.e., regionalization rather than globalization. COBSEA needs to explore how developed countries like Australia, Korea and Singapore can transfer their experience to less developed countries. Good scientific analysis is now needed for decision-making.

22. In the general discussion that followed, Mr. Llorens suggested that the findings of the analysis of TBT should be submitted to IMO for their comments.

23. Mr. Kirkman commented on the importance of oil spill contingency plans to protect the rich habitats of the region. He said if it is deemed as a low priority, the consequences could be high should any major incident of oil spill occur in the region. He further added that, any planned conferences or seminar should not only involve the governments but also the oil companies that have all the necessary expertise. There was support from members on the need to address the problem of oil spills. There was also a call for an updating of the existing oil spill contingency plans.

Panel Discussion on MEAs – Challenges to Effective Implementation

24. The panelists were Mr. Huang Zhengguang, China, Ms. Indraningsih, Indonesia, Mr.

Hashim Daud, Malaysia, Mr. Beckman, Mr. Lee, Republic of Korea, Ms. Tran Thi Le Anh, Viet Nam and Mr. Iqbal, UNEP. The session was moderated by Mr. Kirkman. Each panelist was given 10 minutes to describe their topics.

25. Mr. Huang briefly outlined some challenges faced by China. The first was the enforcement of regulations. There are many small ships that ply the river and the coasts and it is a major challenge to carry out enforcement activities. There are also small ports with lack of waste reception facilities. Other challenges included the lack of public awareness and government officials and the difficulty of completing the GPA National Programme of Action, that was initiated in 2006 by 2009.

26. Ms. Indraningsih outlined the challenges and strategies to the effective implementation of MEAs in Indonesia. The political will of decision makers at national/local level for government, parliament, political groups, NGOs or the private sector is important. In the ratification process enhancement of institutional arrangement and coordination is needed. Incorporating international law into national laws to harmonise with existing regulation and law enforcement are equally challenging. The mainstreaming of issues related to MEA implementation into national/local planning and budgetary processes is also important. Incentive programmes to involve the private sector by providing soft loan or free import tax for equipment can increase participation. The implementation of MEAs can be enhanced by building capacities through training, workshops and public awareness campaigns.

27. Mr. Hashim Daud briefly outlined the challenges in implementing MEAs in Malaysia. There is a need to do some form of assessment of the implications and obligations required before ratification is made and a certain period of time is required for this. It has to examine texts of treaties and conventions and to ascertain whether there are national laws in place or to promulgate new ones to meet the obligations. Capacity building is important and training is required for personnel of key agencies and stakeholders. Identification of the right agency to take the lead for implementing the MEAs is also necessary. The lead agency for OPRC implementation is the Department of Environment (DOE) although it has no ships and is dependent on other agencies, especially the Marine Department. However, the implementation has been satisfactory due to good collaboration between agencies with a major national oil spill contingency plan in place. The DOE is also the lead agency for GPA implementation although it cuts across many jurisdictions and responsibilities. As for marine pollution, it is expected that the newly established Malaysian Maritime Enforcement Agency will be the lead agency and capacity building of its personnel will be important to shoulder this responsibility. This is further needed for agencies and personnel to meet obligations under new or emerging treaties such as anti-fouling system, ship recycling, ballast water management and responses to global climate change. Malaysia supports the idea of regional consultations before IMO meetings and training workshops for new or emerging issues. It is also in favour of information database whereby COBSEA can facilitate the information exchange and assist in providing experts to advise on impacts of proposed treaties and their obligations. Malaysia also suggest for COBSEA to assist in making arrangements for regional consultations before countries enter into negotiations with any proposed treaty.

28. Mr. Beckman raised some issues for thought. There was a lack of legal expertise and, as the nature of some conventions like MARPOL are very technical, the legal experts therefore need to follow the meetings continuously to understand the conventions. When and how they are used is also important. The next issue of concern is the lack of coordination at national, local and provincial government level. This then leads to the question of capacity building when workshop or training attendees are not involved in the work after being trained or attending the workshops. In some countries the governance structure too is not effective so countries should look at the possibility of involving NGOs or others as watch dogs.

29. Mr. Lee made a brief presentation on the NPA in Korea. To overcome problems of land-based activities, from 1992 there was an emergence of a new concept of addressing the issues that led to the formulation of institutions from 1996-2001. From 2001-2006 it was a watershed-based approach and in 2006 the NPA was launched with a new ecosystem-based approach. The NPA's goals were to enhance ecosystem health, to improve water and sediment qualities and to strengthen the legal and institutional base. It was to be achieved with the application of three principles namely, ecosystem-based management, the precautionary approach and integrated management. This was supported by three implementation strategies for consolidation of the coastal watershed management regime: i.)

strengthening the decision making support system, capacity building and public involvement, ii.) revision of legal and institutional framework and iii.) international/regional cooperation.

30. Ms. Tran Thi Le Anh provided some information on the status of coastal and marine management in Viet Nam and also proposed some recommendations to overcome the problems. She mentioned that with its long coastline, rich natural resources, high industrial development and increased tourism, Viet Nam faced various coastal and marine related problems. This had prompted the government to approve a Master Plan, introduce new policy and legislation and establish a new organization to handle marine affairs. However, there are still many challenges. There is a lack of environmental standards and a lack of public awareness. Viet Nam needs to understand the implications of ratifying conventions as it faces difficulties in interpreting each convention in terms of its national strategy, the role of the government, the role of NGOs and how it will assist the administrators and local government. There is a lack of expertise and there is a need to enhance capacity building in handling oil spills. A regional monitoring system would be useful. There is also the need for sharing of information between the member countries and COBSEA could facilitate this.

31. Mr. Iqbal gave a brief presentation highlighting capacity building in terms of environmental law. He said UNEP is mandated to assist developing countries in capacity building of environmental law. Assistance is provided to review existing environmental legislation and develop/revise laws for the implementation of MEAs. The assistance should contain fundamental environmental principles, economic instruments, penalties and sanctions, strengthening of EIA system, the setting of environmental standards, support for appropriate environmentally friendly technologies, support for scientific research, strengthening of institutions, mechanisms for dispute resolution, harmonisation of national laws and regulations, training of human resources and strengthening of public participation. To further assist countries, UNEP has developed guidelines or soft law and manuals on compliance and enforcement of environmental law .

32. During the discussion, Mr. Supawat Kan-atireklap of Thailand commented that, in Thailand, small ports have no waste reception facilities and oil spills from small boats are also problems. Sometimes it is difficult to determine the source of the oil spill that sometimes reaches the beaches. Claims for compensation too cannot be paid as the local government officials lack the knowledge to estimate cost. He suggested that capacity building on economic valuation would be helpful. The problem with ballast water is that there is no comprehensive database on alien invasive species to know if they have been really introduced from outside sources.

33. Ms. Jarayabhand responded to the comments from Mr. Beckman that Ministries, such as the Ministry of Environment (MOE), that are not involved in the implementation of MARPOL, should not attend workshops or meetings as they cannot provide any positive contribution. She said that it is necessary for other ministries to attend to enhance collaboration as the lack of coordination among agencies is a major problem in countries and other agencies have to be educated on the issues, too. As for claims, she said they can be recovered using national laws under civil liability. Mr. Beckman acknowledged the explanation on the attendance of MOE., He advised that countries, like Thailand, should ensure that they are party to the International Convention on Civil Liability for Oil Pollution Damage (CLC 92) as the liability is on the ship owner, especially in cases of major oil spills. Under this convention ship owners contribute to a fund that is a contingency fund for damage done by an oil spill. If there are no assets of the ship owner held by the country, recovery under civil liability may not be possible.

34. Mr. Jara commenting on the challenges, said there is a need for effective national coordination to tackle major oil spills. He emphasised the importance of the involvement of the local government, documentation, responsibilities of agencies and proper documentation of timing of the oil spills for the claims process for compensation. He cited an example of a case in Philippines where the use of dispersants caused more damage to a mangrove ecosystem than the oil spill itself but there was no documentation describe this misuse. He suggested that COBSEA should consider some capacity building activity in areas of concern related to oil spills.

35. Mr. Beckman again reminded that parties of CLC 92 and that they should be conscious of the importance of the documentation process when making their claims.

Requirements that apply to developed countries may sometimes be applied in developing countries without them understanding the background to such requirements.

36. Mr. Datta shared the experiences of the GPA in an implementation process that has made a departure from the norm. The GPA reaches out to the key players, like the Ministry of Planning or Ministry of Finance and the other line ministries. The broad-based approach evolves with valuation or evidence of the ecosystem services. With the Bali Strategic Plan, UNEP, being a non-resident entity, is now mandated to offer capacity building assistance.

37. Both Mr. Lee and Ms. Park commented that these were diverse topics with too many challenges and with limited time, it was necessary to be more focused on prioritizing the issues.

38. Mr. Iqbal explained that in view of countries' difficulties with legislation, the approach of assistance has changed. Previously, UNEP would send an expert to discuss with the country and develop draft legislation. Now with the 'home-grown' approach, there is a needs assessment, a national task force with national legal experts and a draft is developed. This is then discussed at the national commission with multi-stakeholder representation in which there is even public participation.

GROUP DISCUSSION

39. Ms. Jarayabhand briefed the participants on the Guidance for Break-out Discussions attached as **ANNEX 12** to this report. The participants were then divided into two groups with each group appointing a chairperson and a rapporteur. Both groups addressed the same issues outlined in the guidance focusing on the priority areas and capacity building activities. They were first requested to identify which MEA or MEAs or even a particular area of the MEA that could most benefit the countries. At the same time, they were asked to identify any emerging issue that may need attention. They were then requested to propose capacity building activities that could be carried out to address the above and in doing so identify potential countries and institutions that could provide the support for such capacity building activities.

Group 1

40. Group 1 was chaired by Mr. Daud, Malaysia and the rapporteur was Ms. Park, NOWPAP. The MEAs were grouped in the prioritised order of MARPOL, Ballast Water, GPA, OPRC (HNS), and London. Under MARPOL, the group, while focusing on Annexes IV and V, identified garbage and port waste reception facilities as emerging issues; in Ballast Water, invasive species and engineering (treatment systems including physical and chemical) were considered important; in the GPA, non-point sources focusing on pesticides and nutrients; in OPRC, CLC and the International Fund for Compensation for Oil Pollution Damage (FUND) were considered priorities. However the group did not identify emerging issue for the OPRC-HNS Protocol and the London Convention. For the prioritised MEAs, Group 1 also identified areas for capacity building which included knowledge-based information exchange: legal/technical experts and focal points for each MEA concerned; technology (including equipment); and lessons learned. Consultative meetings (at least once a year) were proposed. Training and workshops on prioritised MEAs focusing on agreed emerging issues and on-the-job training were also proposed.

Group 2

41. Group 2 was chaired by Ms. Indraningsih, Indonesia and the rapporteur was Ms. Vilma T. Cabading, Philippines. The group took a slightly different approach by identifying the MEAs of priority and key capacity needs. It also proposed actions to address the needs. The group identified MARPOL and GPA as priority MEAs. The key capacity needs that were identified were: development, revision and harmonization of policies and legislation; addressing institutional fragmentation or better coordination; compliance and enforcement; valuation of ecosystem services; resource mobilization through market-based instruments/economic instruments; public awareness and outreach; and lack of experts and funding. The proposed actions were: workshops and training; a network of academic and research institutions; a Forum of policy advocates, policy makers and policy implementers; creating a platform for sharing of information on best environmental practices (BEPs) and best available techniques (BAT); production of outreach materials to reach stakeholders at various levels;

periodic reporting and update on the status of the coastal and marine environment based on selected indicators (in the light of MARPOL and GPA objectives); IMO/UNEP GPA to be contacted to support national efforts for the preparation and development of legislation and enhance related technical skills and knowledge. COBSEA Secretariat is to facilitate this on behalf of the member states and identify potential "centres of excellence" for their cooperation. The COBSEA Secretariat must start with feasible activities immediately, and explore the possibility of partnering with others to implement comprehensive work plans; and further studies are needed on the establishment of Regional Activity Centres (RACs).

42. During the ensuing discussions, Ms. Jarayabhand requested comments on the different priorities of the two groups as Group 1 had identified Ballast Water as the second priority while Group 2 identified GPA, though both identified MARPOL as the top priority. It will be good for the COBSEA Secretariat to be given some direction to initiate capacity building activities. Ms. Indraningsih, said Group 2 had identified one sea-based MEA and one land-based MEA while Mr. Daud, the chairperson of Group 1, said there was no issue about ranking as all the MEAs are important. In this regard, Mr. Jara proposed that the COBSEA Secretariat identify details of capacity building within a time frame by conducting a valuation workshop to identify short-term, mid-term and long-term activities. However, Ms. Jarayabhand informed the participants that it will not be possible to organize such a workshop. She explained that it would be helpful if the Forum can agree on the prioritized MEAs so that the COBSEA Secretariat can incorporate capacity building activities into the 2010-2011 workplan of COBSEA. This could even be in the form of a concept paper that can be tabled to the next meeting of COBSEA.

43. Mr. Datta was of the view that incorporating it into the 2010–2011 workplan would mean a delay of about one and half years from GPA's perspective, as countries have shown keen interest in GPA implementation. However, Ms. Jarayabhand explained that COBSEA would continue with on-going activities such as those associated with knowledge-based information exchange but new capacity building activities which need an additional budget will have to be incorporated into the 2010–2011 workplan. However, the COBSEA Secretariat would be willing to initiate any activity now if there is support from GPA.

44. Ms. Indraningsih commented that COBSEA should follow-up if there is any potential institution offering assistance in capacity building. However, Mr. Daud added that though Group 1 supports capacity building activities, due consideration must be given to logistical and bureaucratic practices that may demand ample notice and require an internal budget, even for attachment training programmes.

45. Mr. Iqbal reminded the Forum members that the Agenda (as stated in the Guidance for Break-out discussions) had mentioned recommendations for the COBSEA Secretariat to incorporate capacity building activities into the 2010–2011 work plan. This is, therefore, a planning meeting for the COBSEA Secretariat to take further.

46. Mr. Datta commented that a number of countries had expressed interest in the GPA programme and that its programme is approved for a five year period, unlike the COBSEA work plan that is approved on a biennium basis. GPA would therefore continue to explore this further with COBSEA.

47. Ms. Pimentel commented that IMO appreciates the opportunity which the Forum accorded to the Organization in order for it to understand how COBSEA is addressing issues relating to the implementation of the MEAs. The Forum helped identify areas where IMO and COBSEA may further collaborate. Ms. Pimentel, in response to query of Ms. Jarayabhand if COBSEA can propose concrete proposals to IMO such as support to further consultative meetings, stated that at the moment it is not possible as there is no existing partnership between the two agencies. She suggested for COBSEA to seek support from other regional arrangements such as PEMSEA or ASEAN or to explore the forging of an MOU between IMO and COBSEA in areas of common concern/ interest.

48. Mr. Datta suggested that the Regional Seas Programme Headquarters at Nairobi could facilitate this as UNEP has been working closely with IMO and there are such ongoing activities between UNEP and IMO.

49. Ms. Jarayabhand suggested that since the basic outcomes of both the Group 1 and 2 are similar and complementary, both outcomes be incorporated and integrated into one. She

asked if the meeting would be interested to further discuss the matter or leave the task to the Secretariat. There was consensus from the members that the work of consolidating both findings into one should be left to the Secretariat. It was given a time line of one week to produce the first draft and that countries be given another two weeks to respond to any comments or changes. This draft summary of the group discussions is attached as **ANNEX 13** to this report.

CLOSURE OF FORUM

50. Mr. Huang on behalf of Mr. Li Kaiming, Deputy Director of SCIES officially closed the Forum. Ms. Jarayabhand thanked all the participants for their active participation and useful inputs to the discussions.

ANNEX 1

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ANNEX 13

SUMMARY OF GROUP DISCUSSIONS

Participants were divided into two groups to discuss the outcomes of the regional review, the presentations and the ensuing discussions that took place during the Regional Forum. The outcomes of the group discussion were as follows:

Priority MEAs

The five MEAs were prioritized as:

1. Marpol Convention
2. GPA
3. Ballast Water
4. OPRC/ HNS Protocol
5. London Convention

Emerging issues on each of the prioritized MEAs

1. MARPOL focusing on Annexes IV and V
 - Garbage
 - Poor or lack of port waste reception facilities development
 - Needs for development and revision of legislation
 - Need for national coordination
 - Lack of experts and funding
 - Poor or lack of valuation of ecosystem services/ economic instruments
 - Poor public awareness and outreach
2. GPA
 - Point and non-point sources focusing on pesticides and nutrients
 - Needs for development and revision of legislation
 - Need for national coordination
 - Lack of experts and funding
 - Poor or lack of valuation of ecosystem services/ economic instrument
 - Poor public awareness and outreach
3. Ballast water
 - Invasive species
4. OPRC
 - HNS Protocol
 - CLC and Fund Convention

Proposed Activities

1. Knowledge-based information exchange
 - Legal/technical experts, Focal Points and policy makers for each of the MEAs concerned
 - Best Available Techniques (including equipment)

- Lessons learned and best practices
 - Network of quality controlled academic and research institutions
2. Consultative meetings (at least once a year)
 3. Training and workshops on prioritized MEAs focusing on agreed emerging issues on each MEA
 4. On-the-job training (as attachment to institutions)
 5. Production of educational materials at all levels
 6. Incorporate reports and updates on the status of coastal and marine environment relevant to prioritized MEAs into “EAS Environment Outlook”
 7. COBSEA Secretariat to identify and approach potential “centers of excellence” for their cooperation
 8. COBSEA Secretariat to contact IMO/UNEP/GPA for specific support when required by member states.

Countries with existing institutions with potential for technical support

The group identified COBSEA member countries with national institutions that could take a lead in organizing training for other member countries:

- MARPOL: led by Singapore (MPA) and Korea
- Ballast Water: led by Australia and Korea
- GPA: led by China and Malaysia
- OPRC: led by Singapore (MPA) and Korea