

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

UNEP Handbook on the Development and Implementation of a National Programme of Action for the Protection of the Marine Environment from Land-based Activities

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Foreword

Coastal and marine environments are a source of wealth, beauty and recreation. We depend on them for sustenance, health and economic development. They need to be protected as much as possible from pollution and degradation coming from the land.

Land-based activities such as clearing vegetation, mining and building roads, homes and hotels can destroy critical habitats and fill rivers and estuaries with mud and silt. Everyday living produces solid waste, litter and sewage that poison groundwater, rivers and lakes, and eventually the oceans. Industrial and agricultural production increases the nutrient and pollutant loading of rivers and near-shore waters, which can result in algal blooms and contaminated seafood products. All these activities generate impacts that cumulatively affect the health of the coastal and marine environments upon which we are dependent. It is therefore essential that we manage our activities on land so as to preserve these ecosystems for sustainable use and development.

The first intergovernmental review meeting of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities (GPA) in November 2001, in Montreal, Canada, reiterated national governments concerns about the state of the world's coastal and marine environments and made firm their commitments in ensuring that through the implementation of the GPA, improved governance of coastal and marine environments can be attained.

The United Nations Environment Programme Handbook on the Development and Implementation of National Programmes of Action for the Protection of the Marine Environment from Land-based Activities provides a guiding tool for environmental managers and national policy makers in the implementation of the GPA at the national level. It outlines a comprehensive but flexible framework for mainstreaming the GPA into national policies, programmes and plans.

A national programme of action developed using the guidance provided in this handbook will be a dynamic and iterative process that calls for the phased implementation of priorities within a cross-sectoral, participatory framework. Its main purpose is to develop concrete projects that mobilize both stakeholders and resources and is mainstreamed into relevant institutional, budgetary and policy frameworks. Therefore, this publication does not only provide a useful guide in the implementation of the GPA, but it provides for the inclusion of concrete actions to address the harmful effects of land-based activities on the coastal and marine environment.

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SECTION 1

A FRAMEWORK FOR NATIONAL ACTION

CHAPTER 1

SETTING THE SCENE FOR NATIONAL ACTION



BACKGROUND

Why Protect Coasts and Oceans from Land-based Activities?

The sustainable use of coastal and ocean resources is linked to public health, food security, and economic and social benefits, including cultural values and traditional livelihoods. More broadly, these elements are understood as decisive elements in the alleviation of poverty. However, coastal and marine environments are mirrors of activities carried out on land. Activities from industrial and agricultural production to daily domestic routines, all generate impacts that cumulatively affect the health of these critical ecosystems and ultimately, the very people that live there and depend on them for sustenance and economic development.

Healthy estuarine, near-shore and oceanic systems provide cultural backdrops, renewable food supplies, tourism opportunities, transportation highways, biotechnology supermarkets, and many more benefits that are frequently overlooked or abused in many parts of the world. Because of the broad range of land-based activities, that when combined have a deleterious impact on these invaluable salt-water ecosystems, their sustainable development and protection pose challenges that demand multidisciplinary and cross-sectoral approaches.

The Global Programme of Action

In 1995, the international community, recognising that the impacts of land-based activities on the marine environment was a local, national and regional problem with global ramifications, initiated the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities (GPA). In short, governments manifested their commitment to preventing the degradation of the marine and coastal environments from land based activities, by initiating actions at the national level and co-operation at the regional level. The primary objective of the GPA is to facilitate “the realization of the duty of States to preserve and protect the marine environment. It is designed to assist States in taking actions”. The GPA framework therefore provides a series of recommendations for action as well as criteria for their development, at the different levels. At the national level, it provides a comprehensive yet flexible framework, to assist countries in fulfilling their duty to preserve and protect the marine environment from sewage, physical alterations and destruction of habitat, nutrients, sediment mobilisation, persistent organic pollutants, oils, litter, heavy metals and radioactive substances.

The Need for National Action

The underlying causes as well as the complex linkages between the sources of environmental degradation and threats, mean that national action must respond to the uniquely specific circumstances and priorities of each country. Each country must select the approach that best suits geographic characteristics, political, institutional and regulatory frameworks, best available science and technology, current assessments, inventories and data. Therefore, no two national approaches to protecting the marine environment from land-based activities (national programmes of action) will have quite the same appearance, scope or focus.

Action at the national level should build upon existing national priorities, policies and development plans

Referring to national programmes of action, the GPA states “This may or may not be a separate document but it should include specific targets and a clear timetable showing the dates by which the State or States involved commit themselves at a political level to achieve these targets.” While national action will in most instances include the preparation of a document, it must be viewed as a

means to an end, and not an end itself. Instead the GPA recommends “continuing and adaptive programmes of action within the framework of integrated coastal area management.”

A Toolbox for National Action

This Handbook is based on the GPA framework, and further develops its recommended actions by providing a more detailed approach to the constitutive elements of the process of developing national programmes of action. The actions outlined in the GPA are integrated into a structure that provides a progressive outline that can be adapted to fit the methodology selected by each country.

As national programmes of action should build upon existing programmes, assessments and research, and that the needs and priorities of countries vary greatly, it should be underscored that this handbook purports only to identify basic elements and activities that can facilitate and strengthen the procedure for developing national action. It describes a basic process. It should be understood as a “tool box” that may be used in accordance with each country’s priorities and circumstances. As such, it focuses on a recommended process for developing a national programme of action. It does not attempt to analyse or detail the potential content of a national programme of action.

An Iterative Process

National programmes of action are iterative processes that call for the phased implementation of priorities identified within a cross-sectoral, participatory framework. By enabling long-term prioritisation, a country’s national programme of action becomes a cyclical process that enables stakeholders to progressively identify and address threats and impacts to the marine and coastal environments. Its fundamental goal is to develop concrete projects that:

- mobilise both stakeholders and resources,
- build upon existing information and programmes,
- are mainstreamed into relevant institutional, budgetary and policy frameworks, and
- incorporate lessons learnt in the process.

THE PURPOSE AND FUNCTION OF A NATIONAL PROGRAMME OF ACTION

The fundamental purpose for implementing a national programme of action is to ensure the health and sustainable use of coastal and marine resources by responding in a strategic and feasible manner, using targeted, integrated and adequately resourced measures, to both sustained and short-term pressures caused by human activities on land.

What is a National Programme of Action?

An Integrated Management and Policy Framework

A National Programme of Action for the Protection of the Marine Environment from Land-Based Activities is envisioned as an integrated management and policy framework. Land-based impacts and threats to the marine and coastal environment are complex and demand long-term, cross-sectoral, multi-disciplinary, and broadly participatory responses. It is therefore not an end in itself but a **useful strategic tool** that can assist governments, industry and local communities in the progressive prioritisation, over an extended period of time, of their sustainable development needs and goals, and in the mobilisation of both political and financial support. It provides for both a multifaceted, integral policy framework and a comprehensive, constantly updated, information base.

The national programme of action should serve as a structure for analysing cross-sectoral linkages, evaluating alternatives, incorporating inputs from diverse stakeholders, and identifying focal points for optimal interventions

A national programme of action may or may not be referred to as a National Programme of Action. Other titles, e.g. National Coastal Policy or National Marine Protection Programme, may be more appropriate, especially if the national programme of action is integrated with other marine programmes, such as fisheries management or marine protected areas. The important issue is not the title, but rather the inclusion of concrete actions to address the harmful effects of land based activities on the marine environment.

Basic Functions of a National Programme of Action

Effective Actions

- To identify, resource and implement actions to **address specific causes** of environmental degradation or threats from land-based activities.
- To **provide a flexible mechanism** for identifying and addressing priority problems through partnerships and consensus amongst stakeholders.
- To **strengthen the public sector's** ability to effectively respond to these causes, and to ensure the sustainability of the actions and projects undertaken.
- To **mobilise resources and partners**, including the private sector, for implementation of specific projects.
- To **heighten awareness** and understanding of the value, benefits and vulnerability of strategic coastal and marine environments.

Why Implement a National Programme of Action?

The Benefits of an Integrated Framework

- An integrated framework makes it easier for all stakeholders to **determine the viability and sustainability of proposed or ongoing projects**, measures, policies or initiatives.
- It is an effective tool for the **development of concrete, costed and targeted project proposals** – and therefore, for the mobilisation of potential donors and investors.
- A comprehensive structure makes it simpler to **incorporate environmental considerations** into sectoral, national and regional **development plans**.

- **Cross-sectoral linkages and gaps are more readily identified**, thus avoiding duplication or fragmentation of work.
- **Management needs** that are usually not prioritised, such as capacity-building and institutional strengthening, **can be identified**.
- A **national “project pipe-line” is developed** as impacts are progressively identified and characterised and corresponding projects designed .

Global & Regional Framework for National Action

**Regional
Co-operation
Enhances
National
Action**

The fundamental duty of States to prevent, reduce and control pollution of the marine environment from land-based sources is codified in Article 207 of the United Nations Convention on the Law of the Sea.

The non-binding GPA is a comprehensive international programme that 108 countries and the European Commission adopted in 1995 after extensive negotiations. It reflects the concern of the international community regarding the state of the world’s oceans and coasts, and an implicit commitment to work towards progressively addressing the issues identified.

Relevant regional instruments and strategies should be an integral part of national action

At the First Intergovernmental Review of the GPA in 2001, the international community reaffirmed its concerns regarding the state of the world’s oceans and coasts, and committed to improving and accelerating the implementation of the GPA by mainstreaming the GPA, improving oceans and coastal governance, and financing the GPA (see Montreal Declaration at Annex A).

Regional frameworks, such as the respective Regional Seas programmes, provide clear mandates and platforms for identifying and furthering implementation of regional priorities. Although instruments that address the issue of land-based activities vary from region to region, these often provide the legal mandate for a country to develop a national programme of action.

PLAN OR PROGRAMME? PHASED IMPLEMENTATION OF NATIONAL ACTION

In the context of the GPA, a national programme of action is a system of projects or services intended to meet a public and environmental need. This will require planning, however the plan is not an end, but a means to implementing the programme. A national programme of action is therefore not a product, but a series of systematically integrated actions that are strategic, ongoing and undergoing continuous improvement.

A national programme of action is a dynamic short, medium and long-term agenda for marine protection involving strategic planning, the implementation of concrete, targeted and costed projects, and periodic evaluation to improve performance

Building on Past Successes

A national programme of action is envisioned as a process of phased implementation that builds upon existing national development plans and priorities, and permits a country to gradually address different issues and problems through defined actions. No single model can provide guidance regarding the elaboration of a national programme of action, nor its implementation. The concept of phased implementation reflects this, by providing a flexible framework that can be adapted to the specific circumstances of each country.

A Dynamic and Cyclical Process

A phased programme of action provides for adequate planning and for the mobilisation of resources and partners, even if priorities and viable solutions vary over time. It is a dynamic process, that builds upon existing assessments and data, mainstreams GPA components into relevant policy, institutional and budgetary frameworks, and incorporates lessons learnt as projects and activities are developed and implemented. Effective implementation will depend, however, on its official endorsement by relevant authorities.

Different cyclical phases are identified in this document, each of which contains recommended elements. Countries may therefore determine which phase and elements best assist their national undertaking. In addition, countries may also decide on the simultaneous implementation of certain proposed phases: more than one activity or phase may be developed in parallel.

Chapter II of the GPA (see Annex B), adopted in 1995, provides a series of recommended actions that can assist a country in developing a national programme of action. These are contained in six steps or phases, which aim to ensure that a comprehensive range of issues are identified and addressed. The approach described in the present document builds upon on this proposed structure.

As a cyclical, phased process, it is recommended that countries define modalities for periodically revisiting, adjusting and updating it. Countries, particularly those with large territories, may decide to develop the national programme progressively, on the basis of sub-national units.

Finally, the process of planning and documenting a national programme of action may itself be viewed as a “project” within a process that should be revisited at regular intervals, for example, every 5 years.

The Mechanics of Phased Implementation

Phased implementation of the national programme of action implies the selection of projects over the medium and long term. The process developed through the methodology adopted should be periodically carried out or revisited in order to select new interventions, on the basis of the criteria for prioritisation previously defined. Thus will the phased implementation of the “project pipeline” be achieved.

The Creation and Development of a “National Project Pipeline”

Concrete project proposals may be:

- Implemented in the short or medium term;
- Initiated in the short or medium term, but entail a long implementation process; or,
- Initiated only in the medium or long term.

What is the “national project pipeline”?

As projects are progressively designed and developed within a comprehensive framework, guided by consistent criteria and considerations, the results achieved will incrementally provide solutions to the impacts caused by land-based activities.

The framework established at the outset should facilitate the identification and mobilisation of stakeholders, resources, and partners. This is one of the concrete benefits of a cyclical and sustainable national programme of action.

Considerations regarding Selected Projects

Projects chosen, either as pilot projects or within the general framework for the implementation of the national programme of action, should address two issues:

1. Sustainability:

- a) Financial;*
- b) In terms of the generation of benefits for stakeholders, taking into account social and cultural values; and,*
- c) In terms of its effectiveness for delivering expected outcomes.*

2. Feasibility:

- a) Financial;*
- b) In terms of political support and commitment;*
- c) In terms of stakeholder sense of ownership and involvement; and,*
- d) Possibilities for implementation taking into consideration the operating environment and the institutional and management capacity of responsible agents.*

*A guiding consideration should always be the **establishment of sustaining financial mechanisms.***

GUIDING PRINCIPLES FOR DEVELOPING A NATIONAL PROGRAMME OF ACTION

The following list of principles, to be taken into consideration when developing a national programme of action, is not an exhaustive list. The principles are provided as a guide only and may be added to. The principles listed below are suggested as fundamental principles for achieving sustainable development in coastal and marine environments and are not listed in any order or priority.

1. The economic, environmental, social and cultural values of coastal and marine resources should be identified and the effects of land-based activities on those values should be determined as far as possible.
2. Assessments of the impact of land-based activities at local, national, regional, and global scales should take into account long-term impacts.
3. Cumulative impacts should be taken into account when assessing the impact of land-based activities and determining cooperative action.
4. If there is a risk of serious or irreversible damage to coastal or marine environments as a result of land-based activities, those activities should be permitted only if the damage can be adequately mitigated using cost-effective measures, even in the absence of full scientific certainty concerning the possible damage.
5. Governments should give due consideration to the positive and negative impacts of domestic legislation and policies, including, amongst others, fiscal measures, such as taxation and subsidies, on land-based activities that contribute to the degradation of coastal and marine environments.
6. Effective and high-quality public consultation and participation should be encouraged in both developing and implementing national action. Indigenous interests in, and knowledge of, the coastal zone should also be recognised and incorporated into management arrangements.
7. Local communities should be encouraged to share responsibility for protecting coastal and marine environments from land-based activities.
8. The desirability of maintaining natural habitats and sites of ecological, cultural, archaeological, historic and scientific significance should be taken into account when developing and implementing national action.
9. Consequences arising from the highly dynamic nature of coastal environments should be recognised when devising national action. Natural physical and biological processes in the coastal zone should be safeguarded. Developments should be avoided in locations where natural processes may threaten public safety.
10. The biological diversity of coastal and marine ecosystems should be maintained for future generations. Where environmental qualities have been degraded, remedial action should be initiated to restore these qualities.

CHAPTER 2

INITIATING A NATIONAL PROGRAMME OF ACTION:



A STEPWISE GUIDE TO DEVELOPING A NATIONAL PROGRAMME

An appropriate and methodical approach should be utilised when developing the national programme of action framework so that activities are not undertaken in an *ad hoc* manner. This is important so as to ensure the sustainability and continued development of the national programme over the medium and long term. Moreover, it makes the national programme development process more transparent and accessible to diverse stakeholders and end-users.

The selection of an appropriate method must respond to specific national circumstances and priorities. Therefore, each country is advised to explore different methods, as well as the method proposed in Chapter II of the GPA, “Actions at the National Level” (see below). Other examples of applicable methods and approaches, include integrated coastal zone management, integrated problem analysis or root cause analysis, hot-spot & sensitive area analysis, programmatic goal settings, system analysis, environmental impact assessment, as well as the identification of sector-specific land-based activities which significantly impact the quality and function of a shared water body. While each of these approaches or tools differ slightly in their application, the primary emphasis is on identifying and characterising the causes of environmental degradation (pressure on the environment), determining the resilience, robustness or health of ecosystems (state of the environment), and identifying and implementing appropriate remedial, mitigative or preventative measures (response).

Chapter II of the GPA sets out a range of cross-sectoral considerations that underpin the strategic nature of coastal and marine resources. These recommended considerations form the “basis for action” at the national level. They follow a logical process and are cyclical in nature. Each cycle should build upon the successes of the previous revolution. The following six steps for national action are recommended:

1. **Identification and assessment of problems**, taking into consideration such issues as food security, public and ecosystem health, and economic benefits and uses. A wide range of source categories and areas which may be affected or threatened by environmental degradation are suggested.



2. The **establishment of priorities** builds upon the previous identification exercise, and outlines considerations that should be taken into account, including relative severity of impacts, ICZM approaches, and linkages to freshwater environments, as well as relevant existing programmes and strategies at the national, regional and global level. The application of the precautionary approach is emphasised.



3. On the basis of the priorities established, countries are requested to **set management objectives for priority problems**, with respect to both source categories and areas affected, that include concrete elements such as specific targets and timetables.



4. The **identification, evaluation and selection of strategies** to achieve these management objectives should include steps to promote the sustainable use of marine and coastal resources, and to protect or remediate affected areas, and such measures as internalisation of environmental costs, technical assistance/co-operation, education and public awareness, identification of data-collection and research needs, identification of institutional arrangements

to undertake associated management tasks, and identification of financial sources for carrying out identified strategies and programmes.



- 5. Criteria for evaluating the effectiveness of strategies and measures** should include cross-cutting elements such as environmental effectiveness, economic costs and benefits, equity, and flexible and effective administrative structures.



- 6. Programme support elements** stress the need to ensure that the necessary administrative and management structures are in place to support the national programme over the long term, including legal and financial mechanisms, contingency plans and public participation measures

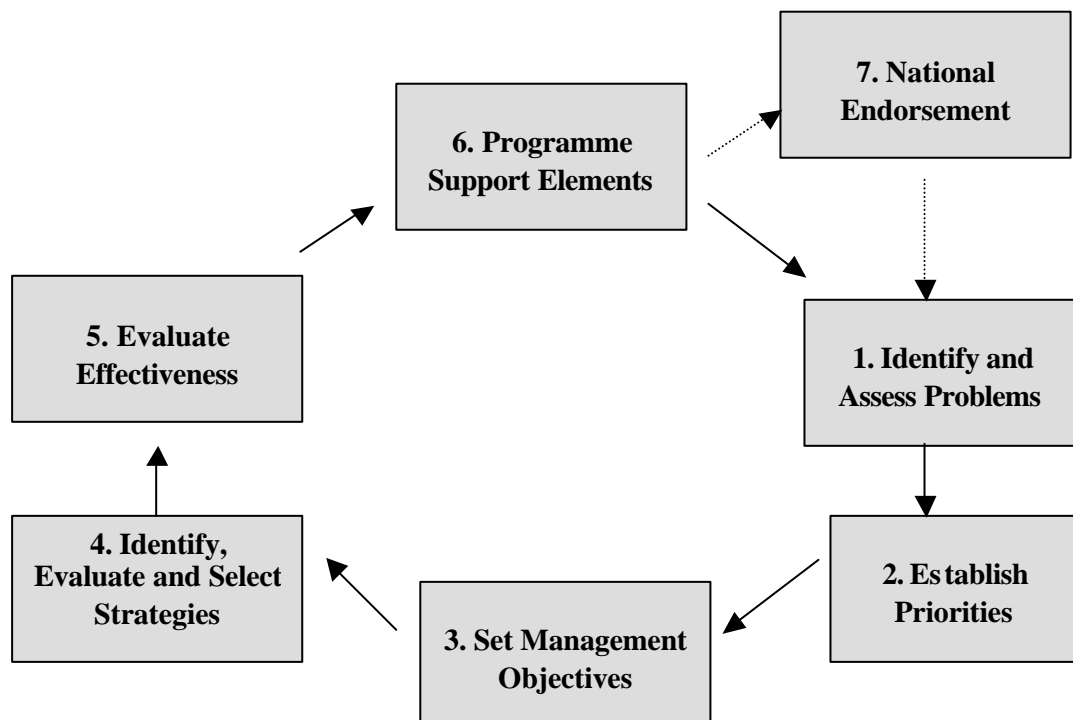
PLEASE NOTE:

Experience has demonstrated that a national programme of action has a higher probability of successful implementation if the cycle outlined above begins with Step 6: Programme Support Elements.

Once the development process has run its course through each of the steps outlined above, the following seventh step is critical to the long-term implementation of the nation programme:

7. Formal **endorsement at the national and sub-national levels**, conferring legitimacy on the process and providing solid political, institutional and financial support from relevant government authorities.

The National Programme of Action Cycle



Action: Establish Initial Programme Support Elements

Designate a Lead Agency

Assign Responsibilities & Develop Work Plan

A lead or coordinating agency should be designated which will spearhead the development of the national programme, and co-ordinate activities among relevant institutions and stakeholders. To the extent possible, existing mechanisms should be used or strengthened. The lead or coordinating agency should initially:

- **Define basic institutional arrangements for the development of the national programme;**
- **Identify key government authorities and agencies, as well as other relevant stakeholders;**
- **Develop an initial work plan and time table; and,**
- **Assign specific responsibilities.**
- **Arrange one to three meetings which should involve all relevant stakeholders and parliamentarians in the process**
- **Organize meetings at the beginning stages of the process to define scope and other relevant issues**
- **Conduct halfway reviews of preliminary results and endorsement of work**

Establish an Institutional Framework

Assessment of Institutions & Evaluation of Existing Capacity

The process of initiating a national programme of action should endeavour to build upon existing capacity and institutions. Therefore, the following activities should be carried out:

- An assessment of existing institutions, agencies and associations with relevant mandates, both in the private and public sectors;
- Evaluation of existing capacity for the allocation of human, financial and technical resources; and,
- Identification of capacity building requirements, at the national, sub-national and local levels. Capacity requirements that may be associated with specific projects, particularly at the local level, should continue to be identified within the programme development process.

This assessment should provide necessary information for mainstreaming the national programme of action into the relevant policy and strategy frameworks at the national and sub-national level, into the institutional arrangements of relevant government agencies, and into budget definition processes. As a long-term process, a national programme of action should also have sustainability mechanisms built in. Therefore, it is recommended that although there be a lead co-ordinating agency, an institutional web is created along with the consolidation of any required institutional arrangements, so that the continued implementation of the programme is ensured, even in the case of administration changes.

Assess Existing Information, Data Bases & Inventories

Development of an Integrated Basis of Analysis

Because the national programme of action should build upon current information, assessments, databases and inventories, it is strongly recommended that a comprehensive evaluation be undertaken in order to evaluate current status, and identify research and information gaps. The evaluation should be carried out regardless of the number of existing assessments in order to gauge their quality and level. It is necessary to develop an integrated basis of analysis because assessments, databases or inventories can overlap, present gaps, or be impossible to compare and conciliate. Projects must be based on sound science. The identification of research gaps will assist in the definition of responsibilities and tasks.

Assess Policy and Legal Frameworks and Gaps

Define the National Policy Framework

In order to develop a comprehensive framework for action, the national programme of action should build upon the existing national policy framework. Therefore, an assessment of relevant policies, legislation, and regulations is essential.

Action: Identify and Assess the Problems

Define the Scope of National Action

What steps will be undertaken to develop the national programme?

Given the complex and interlinked range of issues that should be addressed in a national programme of action, and taking into account other national plans, priorities and circumstances, national governments will determine the focus of their initiative. The methodology chosen will assist in defining the scope of the undertaking. The GPA, for example, outlines a process for action (as described above), which has been applied by several countries, and which provides a useful referent in determining the ambit of the initiative.

The nature of the issues, and the cross-cutting interactions among them, indicate that a national programme of action should be an iterative and phased process, whose scope may be progressively broadened.

Two additional specific aspects may also assist in defining the scope of a national programme of action:

What issues and geographic areas will it address?

Thematic: It may be based, *inter alia*, on environmental issues, sectoral approaches, or pollutant source categories. A decision may be taken for including priority issues which might not constitute land-based activities but are impacted by them, such as fisheries or accessibility and quality of associated freshwater resources.

Geographic: This often reflects the relative size of a country. Whereas the national programme of action for a small island state might cover the entire territory, larger countries might wish to focus their action on specific sub-national region(s) or site(s), and develop a national programme progressively. It may also reflect a decision to organise the national programme on the basis of, for example, catchment areas.

Action: Establish Priorities for Action

Define Criteria for the Establishment of Priorities

Criteria give the process continuity & consistency

Because the wide range of causes that impact on the marine and coastal environments cannot be addressed simultaneously, a key element of success, regardless of what method is chosen, is defining criteria for establishing national priorities. This exercise is valuable for all countries, even those that have advanced in the identification and characterisation of harmful land-based activities, or that have already identified priorities, because it ensures continuity, consistency, and coherence throughout the phased implementation of the national programme.

The priority setting process should consider environmental and socio-economic issues, policy and legislative frameworks, and the management, institutional, and technical infrastructure available.

Decisions are more transparent, and assist in mobilising Stakeholders

Clear and explicit criteria for prioritising action will generate the following benefits:

- decisions within the process are transparent;
- a climate of equity and consistency, and therefore trust, will be created;
- effective participation by different stakeholder groups is encouraged;
- short term perspectives are transcended;
- a consistent and coherent approach to the progressive identification and characterisation of issues is generated; and,
- socio-economic considerations are included.

Criteria must reflect the circumstances and overall priorities of each country. The GPA framework, in Chapter II “Actions at the National Level”, provides detailed guidance for the establishment of priorities.

*In the definition of priorities, **key governance elements are often overlooked**, such as*

- *rationalisation/harmonisation of relevant legislation*
- *clarification of agency mandates*
- *identification of jurisdictional overlaps*
- *resolution of statutory ambiguities*

The implementation or sustainability of a given project may be undermined by this.

Use the Criteria to Prioritise

Assign Priority and Move Forward

Once the criteria for establishing priority problems have been articulated, it is important to proceed with applying those criteria to the problems identified earlier and then to move forward to the next step of setting management objectives for the priority problems. The temptation to re-prioritise again and again, prior to proceeding to the next step in the process, should be avoided. It is important to remember that the process outlined here is a cyclical process and the opportunity to re-prioritise will avail itself in later revolutions of the cycle.

Prioritising should not be a time consuming or expensive process.

Action: Set Management Objectives for Priority Problems

Set Integrated Management Objectives

For the priority problems identified earlier, it is important that integrated management objectives be defined via a process involving as many stakeholders as possible. Chapter II of the GPA recommends that objectives be set forth in terms of:

- overall goals, targets and timetables;
- specific targets and timetables for the geographical areas affected; and
- specific targets and timetables for industrial, agricultural, urban and other sectors.

The Process of Setting Objectives can be used to Engender Ownership

While the lead agency may develop an initial work plan and timetable for the consideration of other stakeholders, the process of setting integrated management objectives for national action should not be carried out by a single government department or stakeholder in isolation of other stakeholders. A key element to successful implementation of the national programme of action is ownership by all stakeholders and therefore they must be engaged when setting management objectives.

Management objectives can be both quantitative and qualitative. They must be realistic. They should also demonstrate a commitment to action on the ground, and generate awareness, support, and incentives for the continued development of the national programme.

As with the process establishing priority problems, once management objectives have been articulated, it is important to proceed to the next step of selecting appropriate strategies and measures for meeting those objectives. The temptation to re-visit the objectives again and again, prior to proceeding to the next step in the process, should be avoided. It is important to remember that the process outlined here is a cyclical process and the opportunity to re-visit the objectives will avail itself in later revolutions of the cycle.

Encourage Regional Cooperation

In most instances, successful actions to protect the marine environment from land-based activities are dependent on regional and sub-regional cooperation. This is particularly relevant in enclosed or semi-enclosed seas. Regional cooperation supports an ecosystem approach to environmental management, and produces more efficient and cost-effective actions. Consequently, the activities and objectives of regional bodies, such as the respective Regional Seas programmes and regional economic organisations, must also be considered when determining national management objectives for the national programme of action.

Action: Identify, Evaluate and Select Strategies

Chapter II of the GPA recommends that Strategies and programmes to achieve these management objectives should include a combination of:

- (a) Specific measures
- (b) Requirements and incentives to induce action to comply with measures
- (c) Identification/designation of the institutional arrangement with the authority and resources to carry out management tasks associated with the strategies and programmes, including implementation of compliance provisions
- (d) Identification of short-term and long-term data-collection and research needs
- (e) Development of a monitoring and environmental-quality reporting system
- (f) Identification of sources of finance and mechanisms available to cover the costs of administering and managing the strategies and programmes.

The following elaborates on some of these:

Define Responsibilities & Timetable

**A
Cross-sectoral
Approach
Requires
Diligent
Co-ordination**

The definition and assignation of responsibilities for identified tasks and activities is an ongoing process that evolves in parallel with the development of the national programme of action itself and of pilot project(s).

The core team should ensure that throughout the process responsibilities are clearly defined and assigned, with their respective timetables, as the GPA itself recommends. Because of the multi-disciplinary and cross-sectoral approach the national programme of action requires, a lack of clarity in the assignment of tasks may result in duplication or fragmentation of work, or oversight of given activities. The definition of a calendar of implementation or timetable will help participants to co-ordinate the delivery of various outputs. Evidently, activity schedules for the first year(s) of the national programme of action will be more detailed, and those for subsequent years may be more indicative.

Develop a Financial Strategy

A concrete financial strategy, that mobilises public-private partnerships, is required for:

- Development & implementation of selected projects; and,
- Development of the national programme of action framework itself.

i) Definition of financial resource needs

**Definition
of Financial
Resource
Needs**

The financial strategy for the implementation of concrete projects, both pilot projects and those undertaken within the scheme of phased implementation, should include, where feasible:

- Detailed cost estimates, including the cost of no action whenever possible;
- Assessment of benefits derived from the project, both in general terms and in terms of specific stakeholder groups;
- Valuation of relevant resources and environmental services;
- Technical / feasibility studies;
- Pre-investment studies; and,
- Identification of further investment opportunities.
- Identify opportunities for promoting public-private partnerships (both domestic and foreign)

In addition, and as feasible, the financial strategy should also assess the cost of support elements such as capacity building, training, monitoring and evaluation, and enforcement.

ii) Identification and mobilisation of partners

Required tasks:

Identification & Mobilisation of Partners

- Assessment of existing financial mechanisms and of the availability of financial resources for investment in the environment (the GPA Annex on “Illustrative List of Funding Sources and Mechanisms” provides a solid overview) ;
- Assessment of the specific requirements, budget cycles, priorities, and financial services and products offered by each potential partner; and,
- Assessment of availability of funding sources for the private sector, through *inter alia*, development grants, subsidies, “soft loans”, and/or new lending facilities that provide credit at preferential rates.

iii) Development of Public-Private Partnerships (PPP)

Given the need to mobilise new and additional financial resources to address priority pollution and degradation problems, these PPP between public authorities, the private sector, and financial institutions, must be mobilised.

In this task, the capacity of the public sector to negotiate sustainable investment contracts with the private and financial sectors needs to be strengthened, one of the priorities of the GPA Co-ordination Secretariat. It is recommended that:

- Checklists on issues to address when negotiating contracts be developed;
- Overviews of alternative options for each of these issues be prepared;
- Clear guidance on sustainable practices be developed; and,
- Projects that have a solid demonstration function be identified and developed.

As noted above, it is strongly recommended that round table or partnership meetings with representatives from key sectors and financial institutions be convened in order to involve them as stakeholders from the outset, and promote the investment process. Similarly, pre-investment and feasibility studies should be carried out as solid inputs into the process.

Key objective: Establishment of sustained financial mechanisms in order to ensure that the national programme of action as a process evolves over the medium and long term.

Create an Enabling Environment for Investments

An Essential Aspect of the Promotion of Investments

For many countries an important consideration may be that of strengthening the investment scenario, for both domestic and foreign sources. A comprehensive evaluation of existing policies and regulations regarding foreign investment may be called for, in order to ensure that investments in projects identified within the national programme of action process are promoted. There may be a need to create an “enabling” scenario for investments. Consideration may be given to economic and fiscal incentives to catalyse private sector investment and to promote environmentally sound technologies, operations and practices.

Investments need to be both promoted and protected.

Action: Evaluate the Effectiveness of National Strategies and Measures

Monitor and Evaluate

Lessons Learnt: What works & what does not

A national programme of action should incorporate a strong monitoring and evaluation component, because:

- Ongoing monitoring and assessment of activities under the national programme is essential for their sustainability and continued relevance;
- Evaluation is necessary both during the implementation of a project, and once it is finalised; and,
- Evaluation of the effectiveness of proposed steps and projects sets the basis for the iterative process of adjusting and updating the national programme of action.

Key element: Development of specific criteria and mechanisms for evaluating the effectiveness of proposed steps and projects: “*what works and what does not*”.

Indicators should be

- Objectively verifiable
- Clearly specified
- Not very complex, taking into consideration that different groups and levels of stakeholders should participate in monitoring and evaluation activities.

According to the GPA, criteria should address:

- Environmental effectiveness;
- Economic costs and benefits;
- Equity (costs and benefits of the strategy or programme are being shared fairly);
- Flexibility in administration;
- Effectiveness in administration;
- Timing; and,
- Inter-media effects (the achievement of the objectives of the strategy or programme creates a net environmental benefit).

Report Periodically

Stakeholders Need Timely & Sufficient Information

For its part, monitoring and the establishment of an environmental-quality reporting system imply not only the collection and analysis of information that can assist in evaluating project performance and decision-making, but also mechanisms for ensuring that such results are communicated to all stakeholders, given that effective participation is based on access to sufficient and relevant information. Thus, periodic reports or reviews are encouraged.

Action: Strengthen the Programme Support Elements

Programme Support Elements

The GPA stresses the need to “ensure that there are administrative and management structures necessary to support the national programmes of action”. The following is an indicative list of some elements that should be established or strengthened:

Administrative & Management Elements

- Organizational and institutional arrangements to coordinate among sectors and sectoral institutions;
- Legal and enforcement mechanisms;
- Financial mechanisms;
- Means of identifying and pursuing research and monitoring requirements in support of the programme;
- Contingency planning;
- Human resources development and education;
- Public participation and awareness; and,
- Co-ordination with relevant regional programmes and mandates.

Action: Obtain Appropriate Endorsement for the National Programme of Action

Endorsement at the National, and Sub-National Levels

The national programme must be explicitly supported by relevant authorities and reflected in existing frameworks

As a long-term strategic programme designed to change government, corporate and public behaviour, the national programme of action, including the initial planning phase, must be formally endorsed by relevant government authorities at both national and sub-national levels in order to ensure that it is adequately incorporated into planning and budgetary processes at the national and sub-national (e.g., state, province, district, municipal) levels.

One of the key requirements for the successful implementation of the national programme of action, and activities or strategies developed within its framework, including pilot projects, is solid political, institutional and financial support from relevant government authorities at all appropriate levels. Precisely because it addresses a complex and cross-sectoral range of issues, the national programme of action must be mainstreamed into relevant frameworks, including policy, legal and budget provisions, enforcement mechanisms, and technical and scientific information and expertise.

Official adoption of the national programme of action is also necessary in order to confer the process with the legitimacy and support that will be required in order to bring on board a wide range of stakeholders, both from the public and private spheres.

MAINTAIN THE MOMENTUM

As mentioned above, the six basic steps outlined in the GPA follow a logical process and are cyclical in nature. Each cycle should build upon the successes of the previous revolution, thus maintaining positive momentum and outcomes. Obtaining and maintaining momentum is perhaps the most important issue for successfully addressing the harmful effects of land-based activities on the marine environment. To steer a ship it must first be moving forward.

The cyclical evolution of the national programme of action calls for periodic assessment of, *inter alia*:

- Priorities;
- State of implementation of selected interventions;
- Consultations with stakeholders regarding the above items;
- Financial mechanisms and financial sustainability of projects;
- Developments within the institutional framework; and,
- Developments at the regional and global levels.

Assessment then leads to improvement. As the national programme of action begins to produce results it will garner increased political support and financial resources, thus allowing further improvement. The scope of influence of the national programme of action begins to spiral outwards, and visible results will become evident in the coastal and marine environment.

Recommendations for strengthening the implementation of a national programme of action include:

- Promotion of Best Available Techniques (BAT) and Best Environmental Practices (BEP);
- Introduction of cleaner production practices;
- Application of Best Management Practices (BMP);
- Use of appropriate, environmentally sound and efficient technologies;
- Product substitution; and
- Measures to modify contaminants or other forms of degradation after generation, such as waste recovery and treatment, and recycling



SECTION 2

FOCUSSING ON CRITICAL ELEMENTS FOR SUCCESS

CHAPTER 3

ENCOURAGING BROAD STAKEHOLDER PARTICIPATION



DEVELOP OWNERSHIP THROUGH STAKEHOLDER PARTICIPATION

As noted in Section 1, the national programme of action is expected to be widely participatory and consultative. The guiding objective is to ensure that the full range of stakeholders develop a sense of ownership, and therefore a commitment, to proposed measures and activities that comprise the national programme of action. This produces both effectiveness and efficiency. Without broad stakeholder participation in the process of developing and implementing a national programme, actions by governments, industry and civil society will be ad hoc, non-complementary and may even be in opposition.

Identify the Stakeholders

- Developing a Sense of Ownership**
- The identification of stakeholders:
- is an ongoing process that should be further developed and refined over time;
 - should be tailored to address different levels, i.e. national, sub-national, and local ; and,
 - requires an assessment of the needs and concerns of different stakeholder groups.

POTENTIAL STAKEHOLDERS INCLUDE:

- *Government representatives, parliamentarians, legislators and regulators;*
- *Local authorities and representatives of local and indigenous communities;*
- *Private sector representatives (industry, services and financial sectors) ;*
- *Potential investment partners, both domestic and international;*
- *Non-governmental organisations with relevant expertise;*
- *Experts from academia and scientific institutions (from scientific, technical and socio-economic backgrounds); and,*
- *The media, with a view to strengthening public awareness of the national programme and generating support for it.*
- *Financial institutions both domestic and internal e.g. for microfinancing and entrepreneur financing*

ENGAGE THE PRIVATE SECTOR

The private sector needs to be involved during the planning stages, not once project proposals have been finalised. A sense of ownership in the process and in relevant projects should be fostered.

Promote Solid Partnerships

The mobilisation of the private sector can be initiated through existing institutional frameworks, such as chambers of commerce, export promotion agencies, micro-financing institutions or the World Business Council for Sustainable Development. Focal points or main contact persons should be identified, who will liaise during development of the national programme of action framework, and follow up the implementation of specific activities and projects.

Public-Private Partnerships Can Generate More Benefits

However, it is important to promote solid partnerships, including public-private partnerships, that build upon an awareness of greater potential and mutual benefits, and that are not aimed solely at the mobilisation of resources. A key long-term objective is to achieve a change in attitude and values, for which an understanding that adequate environmental management generates benefits and profits is essential. Industries that directly depend on the health and maintenance of coastal resources, such as the fishery and tourism sectors, can assist in strengthening the involvement of other industries.

The private sector should be motivated to change production processes or policies in order to ensure better environmental management and long-term sustainability of their own operations. In this context, the following may be promoted:

- Voluntary standards, codes, and award programmes;
- Environmental accounting;
- Environmental management tools such as Environmental Management Systems (EMS), and Environmental Impact Assessments (EIA); and,
- Best Environmental Practices (BEP) and cleaner production.

DEVELOP A COMMUNICATIONS AND PARTICIPATION STRATEGY

The interests and priorities of the different users of the coastal interface may vary and even conflict. Therefore, multi-stakeholder approaches for the identification and resolution of problems and conflicts should be developed. This requires ongoing consultations with various parties, and strong leadership and co-ordination capacities by the core team.

Objectives of a Communications & Participation Strategy

The key objectives of a communication and participation strategy are to generate and strengthen:

- Awareness of the impacts of land-based activities, and the strategic importance of coastal and marine ecosystems,
- Interest in the national programme of action, and
- Investments for specific projects.

Strengthen Awareness, Participation, Ownership, & Investment

One key aspect of any national programme is the need to ensure that it is a highly participatory process, in which a broad range of stakeholders are identified and actively involved. Active participation is largely based on:

- the provision of timely and sufficient information, and
- the creation of accessible mechanisms for stakeholder involvement.

Information must be tailored to different levels, sectors and needs. The information requirements of a specific industry, of a local fishermen's community or of local authorities in a watershed area may vary significantly.

Round Table Meetings & Consultations

When developing a national programme of action, the lead or coordinating agency should convene at least two or three round table meetings with representatives from key sectors (both private and public) and financial institutions in order to:

- *Learn about the industry or sector's concerns, and the challenges or constraints faced;*
- *Explore its potential involvement and benefits to be derived from participation in the national programme of action; and,*
- *Find out about relevant ongoing projects or programmes of specific sectors.*

Consultations with stakeholders, at national and/or local levels, are strongly encouraged, throughout the process. Their successful outcome requires:

- *A clear and agreed agenda;*
- *Previous understanding of the needs or concerns of specific groups;*
- *Awareness of potential conflicts between resource users, as well as good facilitation and conflict resolution skills on the part of the organisers; and,*
- *Transparency regarding options and their implications, and available or estimated financial resources.*
- *Good facilitation and conflict resolution skills on the part of the organisers.*

FACILITATE EDUCATION AND AWARENESS

Even in countries where key industries and a large segment of the population depend on marine and coastal resource bases, the complex interactions of these environments, and the wide range of impacts from land-based activities, are often not well understood. A national programme of action should strive to deliver greater awareness of their value and importance in terms of services and functions provided. Information can be provided in terms of potential benefits versus corresponding loss of opportunities.

In developing a strategy for strengthening the participation of stakeholders, the possibility of creating or strengthening clearing house nodes, at both the regional and/or national level should be explored, as these can be used, *inter alia*, for information management regarding the programme of action, and for presenting project proposals.



CHAPTER 4

PILOT PROJECTS



THE DEMONSTRATION VALUE OF PILOT PROJECTS

Most countries considering the preparation of a national programme of action have already identified priorities, based on existing assessments, research and development plans. Addressing these priorities may not require lengthy planning exercises. Therefore, it is recommended that countries launch their national programme of action process by developing one or more pilot projects that have a clear demonstration value, are high visibility, and are viable and financially feasible.

Characteristics & Objectives of Pilot Projects

The pilot project(s) should:

- demonstrate a commitment to action on the ground;
- generate awareness, support, and incentives for the continued development of the national programme of action;
- encourage development of new partnerships with different stakeholders and partners; and,
- contribute to the development of a model that can be replicated and updated.

Demonstration Value

High Visibility

Financially Feasible

Initial priorities can be organised around projects that are very visible or may have a big impact on a site or a cause of degradation, but that do not imply a large financial outlay. The pilot project may be an ongoing project, such as remediation of a harbour or control of a polluting industry, which can be strengthened by framing it in the national programme of action. Ideally, a pilot project should activate the involvement of different stakeholder groups.

In order to galvanise support for the national programme of action, a pilot project may be developed early in the process. The pilot project can become an incentive for future projects, and generate stakeholder commitment. It should serve to demonstrate that although assessments and evaluation are necessary, concrete actions are the real objective.

DEVELOP A PILOT PROJECT(S)

The activities for developing a pilot project should be viewed as a sub-set of the methodical approach to developing and implementing a national programme of action, as outlined in Chapter 2 of the Handbook. The implementation of the following key elements may facilitate and strengthen the development of a pilot project(s):

- **Establishment of Co-ordination Arrangements**
- **Establishment of Institutional Arrangements**
- **Identification of Stakeholders**
- **Endorsement at National and, as appropriate, Sub-national and Local Levels**
- **Establishment of an Institutional and Policy Framework**
- **Development of a Participation Strategy**
- **Information, Research and Monitoring**
- **Development of a Financial Strategy**

**Define
a Core
Group**

Action: Establish Co-ordination Arrangements

Similar to the broader national programme, it is necessary to designate a lead agency or core group which will spearhead the preparation of the project proposal, and co-ordinate relevant institutions and stakeholders. To the extent possible existing mechanisms should be used or strengthened.

Action: Define Institutional Arrangements

**Assign
Responsibilities
&
Develop
Work Plan**

Initially, the core agency or team needs to:

- Define the necessary institutional arrangements for the development and implementation of the pilot project, as well as associated management tasks; and,
- Develop a work plan and time table; and,
- Assign specific responsibilities.

Action: Identify the Stakeholders

**A Key Initial
Activity**

As with the national programme of action, pilot projects are expected to be widely participatory and consultative. Therefore, the first objective of the core team is the identification and involvement, as early as possible, of key stakeholders, from both the public and private sectors, as well as civil society. The objectives are:

- To make potential investors and/or donors aware of the benefits and scope of the project;
- To ensure that the interests of all relevant stakeholders, including those of the private sector, are represented; and,
- To generate a sense of ownership, and of commitment, to the proposed activities and measures.

Action: Endorse Project at the National, and as appropriate, Sub-National Levels

Pilot projects must have adequate political, institutional and financial support from relevant government authorities at all appropriate levels. The pilot project should

Mainstreaming is a Decisive Element be officially endorsed by relevant authorities, and be integrated into existing planning and budgetary processes. Similarly, the pilot project should be mainstreamed into relevant frameworks, including policy and legal provisions, enforcement mechanisms, and technical and scientific information and expertise.

In the short-term, domestic financial resources must be allocated to the pilot project from the annual budget; longer-term financial mechanisms should also be identified, earmarked or developed, that will ensure sustainability. Mainstreaming at all levels is a prerequisite for the effective implementation of the pilot project.

Action: Strengthen the Institutional & Policy Framework

Assessments in order to Build upon Existing Capacity & Institutions The pilot project should be mainstreamed into, and build upon, existing capacity and institutions beyond the lead agency or core group designated to coordinate the project. Therefore, key requirements are:

- Assessment of existing capacity for the allocation of human, financial and technical resources;
- Identification of possible capacity building requirements, particularly at the local level – depending on the type of project; and,
- Assessment of relevant policies, legislation, and regulations.

This exercise should be undertaken with a view to adequately providing for the sustainability of the pilot project. Aspects such as the need to harmonise legislation or clarify agency mandates may be decisive in the successful implementation of the pilot project.

Action: Develop a Participation Strategy

Provide Timely & Sufficient Information, A solid participation strategy may be a driving force of the pilot project. Flexibility is important, as different stakeholders will require diverse approaches, and different types and levels of information. Efforts should be made to use existing groupings, such as local community associations, trade associations, chambers of commerce or inter-ministerial working groups.

The basic objectives of the participation strategy are:

- To generate solid political endorsement of the project;
- To engage the private sector and civil society; and,
- To develop a sense of ownership on the part of all relevant stakeholders.

Create Accessible Mechanisms Elements for effective participation are:

- The provision of sufficient, transparent and timely information, and
- Creation of accessible participatory mechanisms.

Incentives for participation will be heightened if people fully understand

- Concrete benefits to be derived for each stakeholder group; and,
- Potential loss of opportunities if the intervention is not carried out (cost of no action).

Participation of the Private Sector

Engage the Private Sector from the Earliest Stage Possible As key partners for sustainability, the private sector should be specifically targeted and engaged in the development of the proposed pilot project as early as possible. However, the private sector should not be approached merely as a potential source of financial resources, but as a partner that can benefit from the pilot project (in terms, for example, of corporate image, or of operational savings in possible fines for non-compliance with environmental regulations). Sectors such as tourism or

fisheries, which depend directly on the health and sustainable development of coastal and marine resources, already have vested interests.

The participation of the private sector from the outset of the process creates solid public-private partnerships whereby:

- Specific interests, concerns and needs can be addressed;
- Ongoing or proposed projects and initiatives of the private sector can be built upon;
- Resources & expertise are maximised, and the duplication of initiatives is avoided; and,
- Potential sources of conflict can be resolved.
-

EFFECTIVE INFORMATION SHOULD BE

- *Timely*
- *Easily understood*
- *Formulated in terms of the potential benefits to be derived from specific activities and projects*

The cost of no action can be a powerful tool for generating awareness.

ROUND TABLE MEETINGS

At least one or two round table meetings with representatives from key sectors (both private and public) and financial institutions should be convened in order to, inter alia:

- *learn about the industry or sector;*
- *understand concerns, challenges and constraints;*
- *explore opportunities for involvement; and*
- *identify potential benefits to be derived.*

Action: Analyse Information, Research & Monitoring

Ensure the Project is Based on Solid Science

Given that pilot projects will most likely build upon current information, assessments, data bases and inventories, these should be analysed in order to:

- Evaluate their current state, and,
- Identify potential data-collection, information, and research needs.

The sustainability of the project may require the development of a monitoring and evaluation system.

Action: Prepare a Financial Strategy

Mobilisation of Partners & Resources

The financial strategy should :

- Assess existing domestic financial sources and mechanisms in order to identify solid funding possibilities for the specific project ;
- Define concrete steps for the mobilisation of financial resources and partners (closely linked with the identification of stakeholders, during the actual definition phase of the project); and,
- Build upon existing projects and identify opportunities for linkages with ongoing initiatives/programmes

Financial resource needs should be defined in detail. Project proposals should have realistic, detailed and targeted budgets which include, where feasible:

- Detailed cost estimates, including the cost of no action whenever possible;
- Assessment of benefits derived from the project, both in general terms and in terms of specific stakeholder groups; and,
- Valuation of relevant resources and environmental services.

A key objective of the financial strategy is the establishment of sustaining financial mechanisms.

If feasible, the financial strategy should also assess the cost of support elements such as capacity building, training, monitoring and evaluation, and enforcement.

The pilot project may provide an opportunity to develop or strengthen relevant feasibility and pre-investment studies. Similarly, efforts should be made to identify of further investment opportunities.

Potential financial partners include:

- Industry and Trade sectors
- Financial Institutions: National, Regional (regional development banks), and Global (e.g. World Bank and GEF)
- Bilateral donors
- Non-governmental organisations

Pre-Investment Studies

The objective of pre-investment studies is to determine the viability of investing in a given investment project (IP) through an analysis of, inter alia, the feasibility of the idea, its potential economic advantages, technical requirements, and environmental limitations, impacts, or benefits. Pre-investment studies are multidisciplinary and may address a range of issues including economic, social, political, and environmental considerations. The research, planning and analyses carried out during this phase are activities that may themselves require funding. The data obtained from the preparation of the pre-investment study provides the main inputs for the feasibility study and business plan.

CREATE AN ENABLING INVESTMENT SCENARIO

Protection of the marine environment from land-based activities cannot be achieved through government action alone or by depending entirely on public funds. It is therefore important to also create an “enabling” scenario for private sector investments in pilot projects. This is a fundamental component in the mobilisation of the private sector, at both domestic and international levels, as well as of international financial institutions.

Elements of a Positive Investment Scenario

Promotion & Protection of Investments

There are many elements that may have bearing upon a positive investment scenario. The following is an indicative list, not in order of priority, of some of these:

- Stable, clear and non-discriminatory rules of the game for investments and effective legal actions for protection, including protection against all forms of expropriation.
- Stable and unambiguous tax laws, including regarding repatriation of returns.
- Reasonable obligation of local participation, if any.
- Monetary stability, and a transparent and solid monetary system.
- Reasonable convertibility of currency.
- Clear and stable regulations and laws regarding property acquisition or land use rights, including exploitation of natural resources.
- Clear and transparent requirements regarding implementation of environmental regulations, and mitigation or remediation of environmental impacts.
- Adequate, reliable services (at a reasonable cost) and infrastructure (inter alia, electricity, transportation, communications).
- Transparent labour laws regarding, *inter alia*, direct and indirect payroll taxes.
- Reasonable labour laws and mechanisms for conflict resolution and negotiation.
- Sensible import and export regulations, regarding, for example, machinery and spare parts.
- Sensible immigration laws regarding work permits for foreign workers (both temporary and permanent).
- Clear and accessible information regarding economic and social indicators.
- Absence of corruption.

MONTREAL DECLARATION ON THE PROTECTION OF THE
MARINE ENVIRONMENT FROM LAND-BASED ACTIVITIES

1. We, the representatives of 98 Governments, with the valued support and concurrence of delegates from international financial institutions, international and regional organizations, the private sector, non-governmental organizations, other stakeholders and major groups, meeting in Montreal, Canada, from 26 to 30 November 2001, for the first Intergovernmental Review Meeting on the Implementation of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities, agree as follows;
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.
4. We acknowledge that the United Nations Convention on the Law of the Sea and Agenda 21 provide the key framework for implementing the Global Programme of Action.
5. We declare that implementation of the Global Programme of Action is primarily the task of national Governments. Regional seas programmes also play an important role in implementation and both should include the active involvement of all stakeholders.
6. We shall cooperate to improve coastal and ocean governance for the purpose of accelerating the implementation of the Global Programme of Action, by mainstreaming, integrating coastal area and watershed management, and enhancing global, regional and national governance processes.
7. We shall also cooperate to identify new and additional financial resources to accelerate the implementation of the Global Programme of Action, by building capacity for effective partnerships among Governments, industry, civil society, international organizations and financial institutions, and by making better use of domestic and international resources.

Mainstreaming of the Global Programme of Action

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

- (a) Incorporating the aims, objectives and guidance of the Global Programme of Action into new and existing activities, action programmes, strategies and plans at the local, national, regional and global levels and into sectoral policies within our respective jurisdictions;
- (b) Strengthening the capacity of regional seas organizations for multi-stakeholder cooperation and action, including through participation in partnership meetings focused on concrete problem identification and solution;
- (c) Supporting the ratification of existing regional seas agreements and development of additional ones, as appropriate, and promoting collaboration between existing regional seas organizations, including through twinning mechanisms;
- (d) Calling on the United Nations agencies and programmes and international financial institutions to incorporate, where appropriate, the objectives of the Global Programme of Action into their respective work programmes, giving priority in the period 2002-2006 to addressing the impacts of sewage, physical alteration and destruction of habitats and nutrients on the marine environment, human health, poverty alleviation, food security and safety, water resources, biodiversity and affected industries;
- (e) Calling upon regional seas programmes in light of assessments of their marine environment to:
 - (i) Identify priorities with particular regard to those set out in paragraph 8(d) above;
 - (ii) Prepare action plans to address the implementation of those priorities and work, as appropriate, with national authorities to implement those plans;
 - (iii) Produce interim reports on the carrying out of these action plans with a view to completing full reports at the time of the next Global Programme of Action review.

Oceans and coastal governance

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 cooperation 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.

Financing of the Global Programme of Action

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

- (a) Strengthening the capacity of local and national authorities with relevant financial and other resources to identify and assess needs and alternative solutions to specific land-based sources of pollution; and to formulate, negotiate and implement contracts and other arrangements in partnership with the private sector;
- (b) Calling on international financial institutions and regional development banks and other international financial mechanisms in particular the World Bank and the Global Environment Facility, consistent with its operational strategy and policies, to facilitate and expeditiously finance activities related to the implementation of the Global Programme of Action at regional and national levels;
- (c) Giving due consideration to the positive and negative impacts of domestic legislation and policies, including, inter alia, fiscal measures, such as taxation and subsidies, on land-based activities degrading the marine and coastal environment;
- (d) Taking appropriate action at the national level including, inter alia, institutional and financial reforms, greater transparency and accountability, the development of multi-year investment programmes and providing an enabling environment for investment.

Other provisions

11. We welcome the Strategic Action Plan on Municipal Wastewater and urge the United Nations Environment Programme to finalize this document as a tool for implementing the objectives of the Global Programme of Action.

12. We call upon Governments to ratify the Stockholm Convention on Persistent Organic Pollutants, the 1996 Protocol to the London Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter and other relevant agreements in particular regional conventions, such as the 1999 Aruba Protocol to the Cartagena Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region and protocols dealing with the prevention of pollution of the marine environment as a means of implementing the Global Programme of Action. We also stress the need for increased international cooperation on chemicals management.

13. We welcome also the work done by the Global Programme Coordination Office, commend its 2002-2006 work programme to the Governing Council of the United Nations Environment Programme and encourage it to implement the programme at a strengthened level, subject to availability of resources.

14. We note the outcome of the first Intergovernmental Review of the Global Programme of Action as a valuable contribution to the implementation of Agenda 21. We request that the next Global Ministerial Environment Forum endorse this outcome. We commend the outcome to the attention of the Monterey International Conference on Financing for Development, as well as of the Third World Water Forum to be held in Kyoto, Japan in 2003. We request the preparatory process of the World Summit on Sustainable Development to take full account of the outcome of this meeting and the objective of the Global Programme of Action as it considers measures on protection of the marine environment.

15. We request the Executive Director of the United Nations Environment Programme to convene the second Intergovernmental Review Meeting in 2006 and seek support for organizing the meeting.

Adopted by the Intergovernmental Review Meeting
on the Implementation of the Global Programme of
Action for the Protection of the Marine Environment
from Land-based Activities at its first meeting on
Friday, 30 November 2001

CHAPTER II
OF THE GLOBAL PROGRAMME OF ACTION

ACTIONS AT THE NATIONAL LEVEL

Basis for action

16. Sustainable use of the oceans depends on the maintenance of ecosystem health, public health, food security, and economic and social benefits including cultural values. Many countries depend on sources of income from activities that would be directly threatened by degradation of the marine environment: industries such as fishing and tourism are obvious examples. The subsistence economy of large coastal populations, in particular in the developing countries, is based on marine living resources that would also be threatened by such degradation. Also to be considered are the impacts of such degradation on maritime culture and traditional lifestyles.

17. Food security is threatened, in particular in developing countries, by the loss of marine living resources that are vital for the adequate provision of food and for combating poverty. Public health considerations from a degraded marine environment manifest themselves through the contamination of seafood, direct contact, such as through bathing, and the use of sea water in desalination and food-processing plants.

Objectives

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.

Actions

19. States should, in accordance with their policies, priorities and resources, develop or review national programmes of action within a few years and take forward action to implement these programmes with the assistance of the international cooperation identified in chapter IV, in particular to 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"). The effective development and implementation of national programmes of action should focus on sustainable, pragmatic and integrated environmental management approaches and processes, such as integrated coastal area management, harmonized, as appropriate, with river basin management and land-use plans.

20. Recommended actions to give effect to the objectives in the development of national programmes of action by States are summarized in sections A, B, C, D, E and F below. They are illustrated in more detail in the actions and targets identified in chapter V below.

A. Identification and assessment of problems

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.

B. Establishment of priorities

22. Priorities for action should be established by assessing the five factors described above and should specifically reflect:

(a) The relative importance of impacts upon food security, public health, coastal and marine resources, ecosystem health, and socio-economic benefits, including cultural values, in relation to:

- (i) Source-categories (contaminants, physical alteration, and other forms of degradation and the source or practice from which they emanate);
- (ii) The area affected (including its uses and the importance of its ecological characteristics);

(b) The costs, benefits and feasibility of options for action, including the long-term cost of no action.

23. In the process of establishing priorities for action and throughout all stages of developing and implementing national programmes of action, States should:

(a) Apply integrated coastal area management approaches, including provision 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;

(b) Recognize the basic linkages between the freshwater and marine environments through, inter alia, application of watershed management approaches;

(c) Recognize the basic linkages between sustainable management of coastal and marine resources, poverty alleviation and protection of the marine environment;

(d) Apply environmental impact assessment procedures in assessing options;

(e) Take into account the need to view such programmes as an integrated part of existing or future comprehensive environmental programmes;

(f) Take steps to protect: (i) critical habitats, using community-based participatory approaches that are consistent with current approaches to conservation and uses compatible with sustainable development; and (ii) endangered species;

(g) Integrate national action with any relevant regional and global priorities, programmes and strategies;

(h) Establish focal points to facilitate regional and international cooperation;

(i) Apply the precautionary approach and the principle of intergenerational equity.

24. The precautionary approach should be applied through preventive and corrective measures based on existing knowledge, impact assessments, resources and capacities at national level, drawing on pertinent information and analyses at the subregional, regional and global levels. Where there are threats of serious or irreversible damage, lack of full scientific certainty should not be used as a reason for postponing cost-effective measures to prevent the degradation of the marine environment.

C. Setting management objectives for priority problems

25. On the basis of the priorities established, States should define specific management objectives, both with respect to source categories and areas affected. Such objectives should be set forth in terms of overall goals, targets and timetables, as well as specific targets and timetables for areas affected and for individual industrial, agricultural, urban and other sectors. Wherever possible, States should take immediate preventive and remedial action using existing knowledge, resources, plans and processes.

D. Identification, evaluation and selection of strategies and measures

26. Strategies and programmes to achieve these management objectives should include a combination of:

(a) Specific measures, including, as appropriate:

(i) Measures to promote sustainable use of coastal and marine resources and to prevent/reduce degradation of the marine environment, such as:

- a. Best available techniques¹ and best environmental practices, including substitution of substances or processes entailing significant adverse effects;
- b. Introduction of clean production practices, including efficient use of energy and water in all economic and social sectors;
- c. Application of best management practices;
- d. Use of appropriate, environmentally sound and efficient technologies;
- e. Product substitution;

(ii) Measures to modify contaminants or other forms of degradation after generation, such as:

- a. Waste recovery;
- b. Recycling, including effluent reuse;
- c. Waste treatment;

(iii) Measures to prevent, reduce or ameliorate degradation of affected areas, such as:

- a. Environmental quality criteria, with biological, physical and/or chemical criteria for measuring progress;
- b. Land-use planning requirements, including criteria for siting of major facilities;
- c. Rehabilitation of degraded habitats;

(b) Requirements and incentives to induce action to comply with measures, such as:

- (i) Economic instruments and incentives, taking into account the "polluter pays" principle and the internalization of environmental costs;
- (ii) Regulatory measures;

¹ For the purposes of this Programme, "best available techniques" is understood to include socio-economic factors.

- (iii) Technical assistance/cooperation, including training of personnel;
- (iv) Education and public awareness;

(c) Identification/designation of the institutional arrangement with the authority and resources to carry out management tasks associated with the strategies and programmes, including implementation of compliance provisions;

(d) Identification of short-term and long-term data-collection and research needs;

(e) Development of a monitoring and environmental-quality reporting system to review and, if necessary, help adapt the strategies and programmes;

(f) Identification of sources of finance and mechanisms available to cover the costs of administering and managing the strategies and programmes.

E. Criteria for evaluating the effectiveness of strategies and measures

27. A key element in successful strategies and programmes is to develop ongoing means of determining whether they are meeting their management objectives. States should develop specific criteria to evaluate the effectiveness of such strategies and programmes. While such criteria must be tailored to the particular mix of elements (illustrated in section C above) in each strategy or programme, they should address:

- (a) Environmental effectiveness;
- (b) Economic costs and benefits;
- (c) Equity (costs and benefits of the strategy or programme are being shared fairly);
- (d) Flexibility in administration (the strategy or programme can adapt to changes in circumstances);
- (e) Effectiveness in administration (management of the strategy or programme is cost-effective and accountable);
- (f) Timing (the timetable needed to put the strategy or programme in place and to begin producing results);
- (g) Inter-media effects (the achievement of the objectives of the strategy or programme creates a net environmental benefit).

F. Programme support elements

28. The long-term objective of national programmes of action should be to develop integrated strategies and programmes to address all action priorities in relation to impacts upon the marine environment from land-based activities. In addition, the programmes of action must themselves be integrated with overall national objectives and other relevant programmes in relation to sustainable development. States therefore should seek to ensure that there are administrative and management structures necessary to support the national programmes of action. These include, as appropriate:

- (a) Organizational arrangements to coordinate among sectors and sectoral institutions;
- (b) Legal and enforcement mechanisms (e.g., need for new legislation);
- (c) Financial mechanisms (including innovative approaches to provide continuing and predictable programme funding);
- (d) Means of identifying and pursuing research and monitoring requirements in support of the programme;
- (e) Contingency planning;
- (f) Human resources development and education;
- (g) Public participation and awareness (e.g., based on integrated coastal area management principles).