Action Plan for the Protection, Management and Development of the Marine and Coastal Environment of the North-West Pacific Region Sept. 1994

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Action Plan for the Protection, Management and Development of the Marine and Coastal Environment of the North-West Pacific Region

September 1994

The NOWPAP is an important sub-regional environmental agreement. The Northwest Pacific was one of the last of the 16 regions now covered by such plans (the first was the Mediterannean established in 1975; other plans cover Southeast Asia, Southwest Pacific, etc). The long delay was due largely to the division of the Korean Peninsula and the non-UN membership of the two Koreas until 1992. The draft NOWPAP commits governments not only to a range of conservation, preservation and rational use policies for the Sea of Japan/East Sea of Korea and the Yellow Sea, but also to regional integrated coastal zone management. The latter commitment is crucial as it entails a far reaching coordination of urban industrial and riverrine watershed management policies and practices that surpass greatly any economic or

*political dialogue in the region. This draft was current as of the end of 1992 and may have been revised since then.*Member countries have also filed National Reports which may be obtained in hard copy from APRENet by special request.

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CONTENTS

1 INTRODUCTION

0. 1.1 UNEP Regional Seas Programme

1.2 North-West Pacific Action Plan

1.3 Geographic coverage

2 GOALS AND OBJECTIVES

0. 2.1 Goals

2.2 Objectives

3 ACTIVITIES AND TASKS

0. 3.1 Objective 1

3.2 Objective 2

3.3 Objective 3

3.4 Objective 4

3.5 Objective 5

4 INSTITUTIONAL AND FINANCIAL ARRANGEMENTS

0. 4.1 The NOWPAP Inter-Governmental Forum

4.2 Regional Convention and Protocols

4.3 Coordination and implementation

4.4 Financial arrangements

1 INTRODUCTION

1.1 The UNEP Regional Seas Programme

1. The UNEP Regional Seas Programme was initiated in 1974 as a global programme implemented

through regional components. It has been repeatedly endorsed by the UNEP Governing Council as a regional approach to the control of marine pollution and the management of marine and coastal resources. The Regional Seas Programme at present comprises 12 regions, and a further two regions are currently being developed. There are nearly 140 coastal States and Territories participating in the Programme. It is conceived as an action-oriented Programme having concern not only for the consequences but also for the causes of environmental degradation and encompassing a comprehensive approach to combating environmental problems through the integrated management of coastal and marine areas.

2. The fulcrum for each regional programme is the Action Plan. All action plans are structured in a similar manner and designed to link assessment of the quality of the marine environment with the causes of its deterioration, leading to activities designed for rehabilitation and improvement in the short-term and comprehensive protection and management for sustainable development in the longer term. Action plans usually include the following elements :

Environmental Assessment which comprises baseline studies, research and monitoring of the quality of the marine environment and the factors that may influence it. It is not to be confused with the Environmental Impact Assessment (EIA) process.

Environmental Management which includes cooperative training in assessment methodologies, ecosystem management, control of industrial, agricultural and domestic wastes, and the formulation of contingency plans for dealing with pollution emergencies.

Environmental Legislation which seeks legal commitments in the form of conventions, protocols and similar instruments on a regional basis as well as ratifying and implementing legislation at the national level.

Institutional Arrangements which determine frequency of meetings, setting of objectives, reviewing progress and approving activities and budgets, as well as provide a secretariat to coordinate activities.

Financial Arrangements through which UNEP often provides "seeding finance" until the participating Governments are able to assume full responsibility for budgetary requirements, at which stage, UNEP usually assumes responsibility for administering trust funds that are set up.

3.The initial Objectives and Goals adopted by the various regions do have a common thread. However, there is sufficient flexibility in the system to allow for particular emphases and priorities as perceived by the Governments concerned. While Action Plans are fashioned in a similar mould for all regions, the priorities differ from region to region. There could even be differences within the same region over time, through the consolidation of some objectives and the weakening of others.

4. The key to the success of any regional action plan is a common understanding and a mutual commitment by the participating governments, to act collectively or individually towards common regional goals. This commitment is usually in the form of conventions and protocols.

1.2 The North-West Pacific Action Plan

5. The Governing Council of UNEP at its Fifteenth Session (Decision 15/1 "Strengthening the role and effectiveness of the United Nations Environmental Programme", part VI.3) approved the "preparation of new action plans for seas not yet covered by the regional seas programme (North-West Pacific, Black Sea)" as one of the activities listed within the "Supplementary Programme of Environment Fund Activities for the Biennium 1990-1991" attached as an Annex to the quoted decision. The countries that make up the North-West Pacific region are: the Democratic People's Republic of Korea, Japan, the People's Republic of China, the Republic of Korea, and the Russian Federation.

6. As a first step in this process, UNEP initiated a series of consultations with representatives of the governments of the region and with other organizations within the United Nations system. This culminated in the First Meeting of Experts and National Focal Points on the Development of the North- West Pacific Action Plan which was held in Vladivostok from 28 to 31 October 1991 in cooperation with the Centre for International Projects and the Pacific Oceanological Institute.

7. Experts and National Focal Points presented reports on aspects of the marine environment in their region. They also agreed on the scope and format of national reports which they undertook to prepare and which were to review the state of the marine environment and the coastal areas within the countries, comment on national policies, measures and relevant activities dealing with marine pollution problems, make proposals on ways and means for solving environmental problems, and finally propose activities for the Action Plan. The meeting also agreed on a workplan and timetable towards the preparation of a draft Action Plan and a draft Regional Overview.

8. At the Second Meeting of Experts and National Focal Points on the Development of the North-West Pacific Action Plan, held in Beijing from 26 to 30 October 1992, the first draft of the Action Plan was discussed. Subsequently, UNEP arranged for revisions and improvements to the draft and a final draft was discussed and agreed to by the participants at the Third Meeting of Experts and National Focal Points on the Development of the North-West Pacific Action Plan, which was held in Bangkok from 25 to 29 October 1993.

1.3 Geographic coverage

9. The geographic scope within which the Action Plan is to be applied was agreed at the Vladivostok meeting as the "marine environment and the coastal areas of the Sea of Japan and the Yellow Sea, which are generally considered as the area north of the line between the mouth of Changjiang River and Cheju-do Island, without prejudice to its possible future extension to cover additional marine environment and coastal areas of the participating countries as may be determined at a later stage". This scope was endorsed at the Beijing meeting.

10. The North-West Pacific Region is therefore defined as the general area surrounding and including the Yellow Sea and the Sea of Japan; bounded on the west by the Asian mainland and on the east by the Japanese islands and Sakhalin Island, and divided by the Korean peninsula.

11. Concern has been expressed regarding the terminology for some areas of sea and other natural features in the region which are known differently in the different countries. In this document, references to these areas and features are kept to a minimum. Where it is unavoidable to name them, the terminology used does not imply the expression of any opinion whatsoever on the part of UNEP, and neither does it prejudice any further discussions or negotiations which might be undertaken in an effort to reach consensus on the terminology.

2 GOALS AND OBJECTIVES

2.1 Goals

12. The overall goal of the North-West Pacific Action Plan is:

The wise use, development and management of the coastal and marine environment so as to obtain the utmost long-term benefits for the human populations of the region, while protecting human health, ecological integrity and the region's sustainability for future generations.

13. NOWPAP States have also adopted three subsidiary, and complementary goals as follows:

i) The control, halting and prevention of any further degradation and deterioration of the coastal and marine environment and its resources;

ii) The recovery and rehabilitation of coastal and marine environments that have been degraded and which still have the potential for such a recovery;

iii) The long term sustainability of coastal and marine environmental quality and resources as assets for the present anf future human populations of the region).

2.2 Objectives

14. The key to a successful strategy for applying remedies where needed, and protecting what is still of good quality, lies in good management. This must be preceeded by a clear understanding of the environment and resources that are to be managed. Resource information needs to be organized in a useable and accessible format. Then, there is a need to plan for management. The strategy for good management of the North-West Pacific coastal and marine environment should therefore consist of 5 main elements -

0. assessment of the environmental condition efficient and effective information base integrated coastal area planning integrated coastal area management collaborative and cooperative legal framework

15. The above 5 elements provide an excellent framework for the development of the 5 Objectives through which NOWPAP States will achieve their adopted Goals. These Objectives will be pursued

through activities or tasks which in turn, will generate specific project proposals. Therefore, after analyzing the objectives selected by other regional seas, giving effect to the discussion at the Second Meeting of Experts and National Focal Points on the Development of the North-West Pacific Action Plan, and guided by the Overall Goal and three Subsidiary Goals adopted for NOWPAP above, the Objectives proposed for the North-West Pacific Action Plan for the short and medium term are:

i) To assess the regional marine environmental condition by coordinating and integrating the monitoring and data gathering systems on a regional basis, making the best use of the expertise and facilities available within the region on a collective and consistent basis;

ii) To collate and record environmental data and information to form a comprehensive database and information management system which will serve as a repository of all relevant, available data, act as the sound basis for decision-making, and serve as a source of information and education for specialists, administrators, and others;

iii) To develop and adopt a harmonious approach towards coastal and marine environmental planning on a holistic and integrated basis, and in a pre-emptive, predictive and precautionary manner;

iv) To develop and adopt a harmonious approach towards the integrated management of the coastal and marine environment and its resources, in a manner which combines protection, restoration, conservation and sustainable use;

v) To develop and adopt a regional framework of legislative and other agreements for mutual support in emergencies, collaboration in the management of contiguous bodies of water, and cooperation in the protection of common resources as well as in the prevention of coastal and marine pollution.

3 ACTIVITIES AND TASKS

16. In adopting the North-West Pacific Action Plan (NOWPAP), member States have agreed to undertake a number of activities and tasks in pursuit of their chosen goals and objectives. These activities and tasks are listed below according to the specific objective that they support.

3.1 Objective 1: To assess the regional marine environmental condition by coordinating and integrating monitoring and data gathering systems on a regional basis, making the best use of the expertise and facilities available within the region on a collective and consistent basis.

17. The wise use, development and management of resources requires a sound information base, adequate knowledge of natural processes, an understanding of the interrelationships between living resources and between them and their environment, as well as their range of tolerance to environmental stress. This assessment and recording of living recources, environmental characteristics, as well as human uses, is needed on a comprehensive, regional basis, according to agreed, consistent and compatible procedures. It is also important to establish a baseline against which the NOWPAP activities can be evaluated. Such an evaluation will be a continuing process and

comprises monitoring, sampling and review.

18. The following tasks, involving investigative research, resources surveys and documentation of human needs will contribute towards this Objective, and have been selected for implementation by NOWPAP member States:

(a) Prepare and publish a Directory of Marine Environmental Institutions in the NOWPAP Region, including a list of the leading scientists and other workers together with their areas of interest and expertise;

(b) Assess the capabilities of national scientific, academic and other research institutions to investigate, and record environmental processes, resources and their characteristics. Such an assessment will involve the identification of institutions which can serve as regional activity centres, and the degree to which they may need to be strengthened in order to assume such a role;

(c) Develop collaborative research projects on aspects of environment, resources, and their uses; facilitate sharing of certain specialist equipment and facilities such as laboratories and research vessels; exchange scientists, technicians and other specialists, between institutions within the region;

(d) Establish a collaborative, regional monitoring programme, targeted to specific indicative parameters, and undertaken according to agreed, consistent procedures, following intercalibration to ensure regional and international compatibility;

(e) Emphasize research, survey and monitoring of environmental characteristics which extend beyond national boundaries, and resources which are shared on a regional basis, as well as research and survey of socio-economic activities, human needs and quality of life.

3.2 Objective 2: To collate and record environmental data and information to form a comprehensive database and information management system which will serve as a repository of all relevant, available data, act as the sound basis for decision-making, and serve as a source of information and education for specialists, administrators, and others throughout the region.

19. The countries of the North-West Pacific Region are rich in data and information. Other data systems have also been developed by international agencies such as IOC and FAO on a regional basis. The above activity will generate even more data on a region-wide basis. This information and data is useless unless it is properly organized and managed in a manner which will make it accessible by those who need it most (usually, not the scientists and others who collated it in the first place).

20. The development of a cooperative regional approach to databases and related tools which will overcome these difficulties, comprises the following tasks:

(a) Develop and establish a Regional Information Referral System (RIRS) on projects related to the

protection and management of the marine and coastal zone environment;

(b) Develop a digitized map base for the entire region at a scale no less than 1:250,000, to serve as the base for an electronic database in the form of a Geographic Information System (GIS). The GIS will become the repository for all environmental and resource information and serve as the basis for decision-making on resource use. Each country GIS will be complete and self-contained, but each would be compatible and in harmony with, as well as contribute, to the regional whole;

(c) Review, and give due consideration to, similar electronic databases, developed on a sectoral basis by a number of international agencies, as a starting point for the development of a comprehensive regional GIS;

(d) In order to ensure that the responsibility of maintaining and updating the GIS passes quickly to an in-country institution, appropriate equipment and training must be made available in each participating country;

(e) Since the number of users of a GIS will be somewhat limited for the foreseeable future, the GIS Database will be used to produce and publish a printed Atlas of Coastal and Marine Resources for each country. Such an atlas will be able to reach planners and managers, students, special interest groups, tourists and members of the general public.

3.3 Objective 3: To develop and adopt a harmonious, region-wide approach towards coastal and marine environmental planning on a holistic and integrated basis, and in a pre-emptive, predictive and precautionary manner;

21. Environmental planning is an orderly and rational process which prepares for the protection, management and wise use of the environment, its resources, and the actions of those who live in it. The aim of environmental planning is to predict the likely consequences of decisions and actions on the wide environment and provide an opportunity to eliminate or minimize them. Environmental planning prevents "surprises"; it also prevents embarrassment through unexpected impacts. The process of environmental planning sets or underscores existing goals and objectives, identifies and helps resolve conflict, provides a framework for rational and purposeful decisions, guides the deployment of finite resources, and provides a mechanism by which the performance of environmental managers can be measured.

22. In their endeavour to achieve regional harmony in the management of coastal and marine resources, NOWPAP member States have recognized that wise management must be based on adequate planning. A number of tasks towards such an objective are listed below :

(a) Survey national environmental goals, objectives, strategies and policies, and identify aspects which require strengthening in order to enable the environmental perspective to be incorporated in all developments, from the early planning stage;

(b) Provide advice and assistance where needed for the development of resource planning procedures including conflict resolution and multiple use strategies and, where appropriate,

facilitate public involvement in this process;

(c) Provide advice and assistance for the establishment of an Environmental Impact Assessment Process which will apply to all proposals and developments which are likely to have consequences on the environment. Such a Process must not only identify the potential impacts, but it must also evaluate alternative options, seek ways and means of reducing impacts, propose mitigation measures, plan monitoring procedures, set in place contingency plans, and identify which party is responsible for what activity;

(d) Provide professional training for environmental planners and managers, at university and other institutions both within the region and outside. Those institutions within the region which have the potential, should be developed into specialized centres of excellence to serve the region;

(e) In zoning areas of coast and seabed, select special areas to be set aside as marine parks and recreation reserves for the continued enjoyment of local people and visitors;

(f) Set aside and protect representative examples of the regional environment as genetic reserves. Protect the best of the remaining resources, that gave the region its distinctive ecological character.

3.4 Objective 4: To develop and adopt a harmonious approach towards the integrated management of the coastal and marine environment and its resources, in a manner which combines protection, restoration, conservation and sustainable use.

23. The NOWPAP region is among the most highly-populated regions of the world, and the pressures and demands that this large population brings to bear on the environment are considerable. It is possible to strike a wise balance between providing for human needs, the use of resources, and development on one hand, and protection, enhancement and sustainability of the environment on the other hand. Such a balance will be struck through an effective management system that in turn relies on good planning. The components of good management for environmental protection, restoration, conservation, and sustainable use in the North-West Pacific region, include the following tasks:

(a) Survey and monitor human health, in particular the incidence of conditions related to pollution. The results of the marine environmental regional assessments repeated regularly, will provide an important indicator of the success or otherwise of the NOWPAP;

(b) Zone bodies of water for particular purposes according to mutually-agreed and pre-determined criteria, and control discharges and other inputs to ensure that water quality is maintained at levels such that it can be used for whatever purpose it has been set aside; to introduce compulsory environmental impact assessment according to national criteria.

(c) In an effort to improve water quality throughout the region, the member States will cooperate to control and reduce the total discharges from land-based sources of domestic wastes, industrial effluents and those from agricultural non-point sources;

(d) In an effort to improve water quality throughout the region, the member States will cooperate to control and reduce discharges from ships, platforms and other marine structures, whether operational or accidental;

(e) Develop recommendations on the establishment and maintenance of national means of responding to marine emergencies which constitute a substantial pollution danger.

(f) While encouraging tourism development as a source of income and employment in the region, exercise control over the adverse impacts of development of hotel accommodation and other facilities.

(g) In managing the coastal environment, special efforts should be made to protect as far as possible, all estuarine systems, saltmarshes, wetlands, and other coastal margins. Endeavour to maintain them as functioning systems.

3.5 Objective 5: To develop and adopt a regional framework of legislative and other agreements for collaboration in the management of contiguous bodies of water, and cooperation in the protection of common resources;

24. The depth of the commitment to act collectively or individually towards agreed common goals is best demonstrated through the exchange of legal undertakings in the form of a regional convention and necessary protocols. Such a convention and protocols also provide the reassurance needed for States to rely on the collective regional capabilities to cope with marine and coastal emergencies many of which transcend national boundaries.

25. The following tasks will be undertaken as and when appropriate by NOWPAP member States:

(a) Survey national environmental legislations, assessing in particular provisions for the control of pollution, provisions for the prevention of environmental damage caused by the exploration and exploitation of non-renewable resources, maintenance of the quality of life, protection of critical habitats and species at risk, and ensuring sustainability.

(b) Establish a meaningful dialogue to work towards the development of a regional convention for the protection and management of the coastal and marine environment and its resources;

(c) Explore the possible protocols that could be adopted to formalize the commitment to mutual cooperation, assistance and collaboration especially in the case of emergencies;

(d) Develop and adopt a regional agreement on cooperation in combating pollution resulting from accidental causes;

(e) Seek and obtain advice and assistance to enable all member States to harmonize environmental legislation within the region and to facilitate their accession to, and compliance with, regional

agreements.

4 INSTITUTIONAL AND FINANCIAL ARRANGEMENTS

4.1 The NOWPAP Inter-Governmental Forum

26. The North-West Pacific Action Plan, with its Goals, Objectives and first set of Activities and Tasks, has been set in train by the approval of the first few projects for implementation under the various Activities. The Goals and Objectives are not expected to require significant amendment in the short or medium term. However, the Activities may require review from time to time, and their relative priority could change to reflect the changing regional situation. The Projects will certainly be finite and those completed successfully will need to be wound up and evaluated, and new ones will need to be adopted. These changes in Activities and the closing of old Projects and adoption of new ones is something which will need to happen regularly - annually, or at least biennially. The body charged with this review function, which will be known as the NOWPAP Inter-Governmental Forum, must be made up of senior representatives of the member States. It is expected that representatives of various regional and international organizations whose aims and interests are in harmony with those of the NOWPAP, will also participate in the Forum as observers.

27. NOWPAP States have therefore decided to set up a specific intergovernmental forum to provide policy guidance and decision-making for the Action Plan. The NOWPAP Intergovernmental Forum will operate according to the following procedures and terms of reference

The NOWPAP Inter-Governmental Forum (NOWPAP-IGF) will make decisions concerning all substantive and financial matters related to the action plan and, in particular, will -

0. Meet annually in one of the participating countries on a rotational basis;

Provide the overall policy direction for programme planning and execution;

Develop, adopt and review continuously a work plan for the implementation of the action plan programme, and assign relative priorities;

Receive, assess and approve project proposals within the scope of the NOWPAP Goals and Objectives, and bearing in mind the relative priorities;

Approve the budgetary resources requested for project implementation and determine their allocation;

Take an active part in seeking the financial support required for the execution of the agreed, adopted programme;

Review progress achieved in implementing the action plan programme since the previous meeting;

Monitor, review and evaluate the results of projects completed or still in progress, in terms of the NOWPAP Goals and Objectives;

Serve as the focal point for all regional initiatives on the protection and management of the marine

environment in the North-West Pacific region.

4.2 Regional Convention and Protocols

28. NOWPAP States will work towards the development of a regional convention for the protection and management of the coastal and marine environment and the resources of the North-West Pacific Region, and will explore the possible protocols that could be adopted to formalize the commitment to mutual cooperation, assistance and collaboration especially in emergencies.

29. The depositary for the Convention and protocols will be one of the governments selected from among the NOWPAP member States.

4.3 Coordination and Implementation

30. The implementation of the Action Plan will comprise a number of projects running in parallel. These projects will be entrusted to national institutions to the extent that the institutions are capable. In this, the institutions will be supported by relevant regional and international organizations particularly those that are already active in the region. Where necessary, national institutions will be strengthened to enable them to participate effectively in the various projects (see Objective 1). Until such time as national and regional institutions can undertake all activities under the Action Plan, and whenever a particular project so requires, local capabilities will be supplemented by assistance of experts from outside the region.

31. In view of the multiple projects that are possible and the scattered nature of the various activities, as well as the wide scope of input possible from both within and outside the region, implementation of the Action Plan must be coordinated.

32. . NOWPAP states, with the assistance of UNEP, will therefore work towards the establishment of a Regional Coordinating Unit (RCU) to ensure the integrated and managed execution from within the Region, of projects under the Action Plan.

33. Until such time as an RCU is established and functioning effectively, the member Governments designate UNEP as the organization responsible for the coordination of the implementation of the Action Plan, and invite the Executive Director of UNEP to prepare, in cooperation with the competent international, regional and national organizations, a detailed programme document describing the operational details of projects to be developed on the basis of priorities identified by the member Governments.

4.4 Financial arrangements

34. The activities agreed upon as part of the implementation of the action plan will be financed principally by contributions from the Governments, international rganizations and non-governmental organizations. Direct financial support from UNEP and in-kind contributions from United Nations and other bodies will be made available in the initial stages. However, participating States acknowledge the need for financial commitments on their part and the ratio of members' financial contributions to contributions from the United Nations system, will increase until the financing of

the action plan is independent of funding from the United Nations system. Nevertheless, United Nations bodies and other international and regional organizations, may continue to make contributions, in cash or in kind, to the work being carried out under the action plan.

35. The participating Governments agree to establish a Trust Fund for the Protection and Management of the Coastal and Marine Environment and the Resources of the North-West Pacific region, to be known as the NOWPAP Trust Fund.

36. The NOWPAP Trust Fund will be contributed to by each of the member States. The frequency of contributions will be annual. The overall amount will be agreed to mutually, according to the budget set at the beginning of each year or biennium; and, the relative amounts will be according to the established United Nations formula.

37. More specifically, the Terms of Reference of the NOWPAP Trust Fund shall be as follows :

The NOWPAP Trust Fund is established to provide financial support for the implementation of the Action Plan adopted by the Inter-Governmental Meeting on the Protection, Management and Development of the Marine and Coastal Environment of the North-West Pacific Region.

The administration of the NOWPAP Trust Fund shall be entrusted to the Secretary-General of the United Nations and, should he deem it necessary, to the Executive Director of the United Nations Environment Programe (UNEP).

The administration and management of the NOWPAP Trust Fund shall be governed by the Financial Regulations and Rules of the United Nations, the Staff Regulations and Rules of the United Nations, and other administrative policies or procedures promulgated by the Secretary-General. It is understood that these rules provide that the United Nations shall make a deduction equal to 13 per cent of all expenditures financed from the Trust Fund to defray administrative support costs.

The expenditures of the NOWPAP Trust Fund shall be financed from contributions in accordance with the decisions on financial arrangements adopted by the Inter-Governmental Meeting on the Protection, Management and Development of the Marine and Coastal Environment of the North-West Pacific Region. No expenditure from the NOWPAP Trust Fund shall be made before a minimum of US$ 50,000 has been contributed to the Trust Fund.

All contributions shall be paid in fully convertible United States dollars. The first contributions from the States of the region shall be due on the 01 January 1994 and further annual contributions shall fall due on the same day of each year thereafter.

Contributions received into the NOWPAP Trust Fund and not immediately required to finance activities shall be invested at the discretion of the United Nations, and any income shall be credited to the Trust Fund.

The NOWPAP Trust Fund shall be subject to audit by the United Nations Internal Audit Service.

The Secretary-General, or the organization designated by him to administer the NOWPAP Trust Fund, shall submit annual reports on the administration of the Trust Fund to the annual meetings of the NOWPAP Inter-Governmental Forum.

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