

# Response to International and Regional Agreements

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## **I. INTRODUCTION: ARAB COUNTRIES' RESPONSES TO MULTILATERAL ENVIRONMENTAL AGREEMENTS (MEAS)**

The ratification of MEAs by any country, including the Arab countries, has a multitude of benefits. The clearest benefits of any particular MEA usually relate to the specific goals of that MEA. For example, the Basel Convention seeks to protect human health and the environment from illegal transport and disposal of hazardous waste, thus protecting human health and the environment specifically in developing countries where capacity to deal with such hazardous wastes is weak. In addition to these MEA-specific benefits, there are some general benefits of ratifying, implementing, complying with, and enforcing MEAs. Some of these benefits are:

### **Improving Natural Resources Governance**

Many MEAs improve the governance and management of natural resources. For example, MEAs often seek to avoid or limit resource-driven conflicts by promoting equitable arrangements, for instance regarding access to fresh water within an international watercourse basin.

### **International Political Commitment and Respect**

Most MEAs address global environmental challenges that are shared by many nations. It is therefore necessary for the international community to unite to find a solution to those global challenges. Those countries that do not engage in a dialogue on the problem in good faith – or who engage, but do not undertake good faith efforts to ratify, implement, and enforce the MEA – risk international criticism. This criticism can undermine the country's credibility and erode the willingness of other countries to take action on other, unrelated matters such as trade, development, security, or social issues. That is, there are linkages between international cooperation on environmental issues and cooperation in other areas.

### **Financial Assistance**

Often, a country considers becoming party to an MEA in order to access funding through the MEA,

multilateral sources (such as the GEF), and certain bilateral sources. Except for the GCC countries which are ineligible for aid, in most of the cases of bilateral and multilateral funding of environmental initiatives in the Arab countries, ratification of some MEAs were a prerequisite for funding.

### **Technical Assistance and Networking**

In addition to financial assistance, MEAs often facilitate technical assistance, for example through technology transfer. Additionally, MEA secretariats often help build capacity of governmental authorities to implement the MEA by fostering regional and global networks through which members share experiences. A good example of this case is the Basel Convention Regional Centre for Training and Technology Transfer for Arab States in Egypt.

### **Long-term Economic Benefits**

Analyses by the OECD, the World Bank, and others indicates that in many instances it is economically more profitable to develop within the context of environmental management. Thus, while the priority of many countries may be on development, participation in MEAs can enhance the long-term sustainability of development initiatives. MEAs have been a driving force for many environmental initiatives in the Arab countries.

### **Trade**

In certain instances, it is necessary to be a Party to an MEA (and to comply with and enforce that MEA) in order to be able to engage in trade and to avoid trade sanctions. The Montreal Protocol and CITES are two such examples.

### **Facilitating Changes in Domestic Environmental Law**

While environmental problems may be evident, governments or parliaments may not place the necessary environmental laws and institutions in their lists of priorities in order to address those problems. Environmental concerns may be viewed as “secondary”, or the country might not want to put domestic businesses at a competitive disadvantage. In this context, an MEA can elevate the international importance of a particular

environmental problem, providing additional political motivation domestically (as well as internationally) to address the problem. Moreover, the specific provisions of the MEA can provide a common, basic framework for the country to follow in developing measures to address the problem. For instance, legal banning of trade in hazardous wastes in Arab countries has been mostly driven by their ratification of the Basel Convention (UNEP, 2006).

Arab countries have developed a range of procedures for deciding whether and how to become a party to MEAs. Information available about those procedures is rare or even non-existent. To some extent, the various considerations set forth above can factor into such decision making processes, although it is often done on an informal basis.

One example is the case of Egypt where an organizational unit was created within the Egyptian Environmental Affairs Agency (EEAA) to coordinate such activity. When considering whether to ratify or accede to an international agreement, the unit identifies the major stakeholders and seeks their inputs. This is usually done through forming an ad hoc committee comprising representatives of those stakeholders from government, as well as non-governmental organizations. The committee then discusses the benefits and costs to the country of becoming a party to a specific convention, reviews the agreement's articles and finally develops a recommendation on whether Egypt should be a party to the treaty in question. The recommendation is then deliberated upon at a meeting of the Board of the EEAA before a final decision is taken. The board decision is then sent to the Ministry of Foreign Affairs which is responsible for Egypt's ratification of all international agreements. Different departments within the Ministry usually review the different aspects of the treaty before sending their final recommendations to the Cabinet. Once the Cabinet takes a decision to ratify the convention or agreement, it is sent to the Parliament to endorse it.

At the national level, institutional arrangements for environmental governance in the Arab region have evolved over the last two decades and have become increasingly structured in their ability to address a variety of issues within the sustainable



development framework. However, while institutions have developed, political support, human capacity, institutional coordination and financial resources remain limited. National environmental laws have also facilitated the creation of institutions responsible for coordinating, supervising and monitoring environmental management in the Arab countries. New institutions have been created and, sometimes, old ones rehabilitated. However, many of these institutions are experiencing significant shortages of skilled personnel, inadequate funding and uneasy relations with other government institutions whose cooperation is essential in dealing with environmental issues. Some countries have environmental ministries (such as Lebanon, Jordan, Iraq, Qatar, Oman,

TABLE 1 RATIFICATIONS OF MEAS BY ARAB COUNTRIES

States	POPs	Biosafety	UNCCD	CBD	UNFCCC
<b>Algeria</b>	09/22/2006	08/05/2004	05/22/1996	08/14/1995	06/09/1993
<b>Bahrain</b>	01/31/2006		07/14/1997 (a)		12/28/1994
<b>Comoros</b>			03/03/1998	09/29/1994	10/31/1994
<b>Djibouti</b>	03/11/2004	04/08/2002 (a)	12/08/1997 (a)	09/01/1994	08/27/1995
<b>Egypt</b>	05/02/2003	12/23/2003	07/07/1995	06/02/1994	12/5/1994
<b>Iraq</b>					
<b>Jordan</b>	11/8/2004	11/11/2003	10/21/1996	11/12/1993	11/12/1993
<b>Kuwait</b>	06/12/2006		06/27/1997	08/02/2002	12/28/1994 (a)
<b>Lebanon</b>	01/3/2003		05/16/1996	12/15/1994	12/15/1994
<b>Libya</b>	06/14/2005 (a)	06/14/2005 (a)	07/22/1996	07/12/2001	06/14/1999
<b>Mauritania</b>		07/22/2005 (a)	08/07/1996	08/16/1996	01/20/1994
<b>Morocco</b>	06/15/2004		11/07/1996	08/21/1995	12/28/1995
<b>Oman</b>	01/19/2005	04/11/2003 (a)	07/23/1996 (a)	02/08/1995	02/08/1995
<b>Palestine</b>					
<b>Qatar</b>	12/10/2004(a)	12/06/2007 (a)	03/15/1999(a)	08/21/1996	04/18/1996(a)
<b>Saudi Arabia</b>		07/11/2007 (a)	06/25/1997 (a)	10/03/2001 (a)	12/28/1994(a)
<b>Somalia</b>			07/24/2002 (a)		
<b>Sudan</b>	08/29/2006	06/13/2005 (a)	11/24/1995	10/30/1995	11/19/1993
<b>Syria</b>	08/05/2005	04/01/2004 (a)	06/10/1997	01/4/1996	01/04/1996(a)
<b>Tunisia</b>	06/17/2004	01/22/2003	10/11/1995	07/15/1993	07/15/1993
<b>UAE</b>	07/11/2002		10/21/1998(a)	02/10/2000	12/29/1995(a)
<b>Yemen</b>	01/09/2004	12/01/2005 (a)	04/14/1997 (a)	02/21/1996	02/21/1996

Sources: WTO, ESCWA, UNEP and MEA secretariat homepages  
(a) Accession  
R: Ratified

Morocco, Tunisia and Syria), others have general directorates and/or environmental councils or agencies (such as in Bahrain, Kuwait, and Saudi Arabia), and few have both (such as Egypt, United Arab Emirates and Yemen).

Continuous changes in institutional structures and responsibilities reflect the changing attitude of states to developments in environmental management (UNEP, 2000). In Arab states in particular, environmental institutions tend to be politically weak. UNEP attributes this weakness to a number of main reasons: (a) relatively recent establishment and restructuring; (b) power politics; (c) limited institutional mandates; (d) comparatively smaller roles as advisors or coordinators; (e) limited budgets; (f) limited capacity to generate income; and (g) overlapping institutional jurisdictions (UNEP, 2007).

Within this imperfect legislative and institutional framework, the Arab countries have to implement a large number of MEAs; this large number has in turn been a main obstacle to compliance with such MEAs. This is primarily because gov-

ernment institutions have become overloaded with the reporting requirements and meetings called for by the growing number of conventions and protocols.

In addition to the weak institutional capacities stated earlier, several other challenges exist, namely inadequate financing; low public awareness; limited negotiation capacity; and marginal involvement of civil society and the private sector. This has limited the ability of some Arab states to meet certain MEA commitments in the region.

Table 1 reveals that in many cases, Arab countries only joined the treaties after their entry into force (in 49% of the cases). This can be attributed mainly to two reasons: either they had not played an active role in negotiating the MEAs, or the ratification processes are slow in the respective countries. Further, it was found that the Vienna Convention, Kyoto Protocol, and Cartagena Protocol have the largest number of accessions by Arab states among the MEAs. The same table indicates that both Saudi Arabia and Qatar have the largest number of accessions to MEAs.

Kyoto	Basel	Kuwait	Jeddah	Vienna	Barcelona
16/02/2005 (a)	12/15/1998(a)			20/10/1992 (a)	16/02/1981(a)
31/01/2006 (a)	10/15/1992	07/01/1979		27/04/1990 (a)	
				31/10/1994 (a)	
12/03/2002 (a)	05/31/2002(a)			30/07/1999 (a)	
12/01/2005	01/08/1993(a)		05/21/1990(a)	09/05/1988 R	30/05/1990 (a)
		07/01/1979			
17/01/2003 (a)	06/22/1989		11/09/1988	31/05/1989 (a)	
11/03/2003 (a)	10/11/1993	07/01/1979		23/11/1992 (a)	
13/11/2006 (a)	12/21/1994			30/03/1993 (a)	08/11/1977 (a)
24/08/2006 (a)	07/12/2001(a)			11/07/1990 (a)	31/01/1979
22/07/2005 (a)	08/16/1996(a)			26/05/1994 (a)	
25/01/2002 (a)	12/28/1995(a)			28/12/1995	15/01/1980
19/01/2005 (a)	02/08/1995(a)	07/01/1979		30/06/1999 (a)	
			03/31/1982		
11/01/2005 (a)	08/09/1995	07/01/1979		22/01/1996 (a)	
31/01/2005 (a)	03/07/1990	03/26/1982	03/22/1985	01/03/1993 (a)	
			03/01/1988	01/08/2001 (a)	
02/11/2004 (a)	01/09/2006(a)		06/01/1984	29/01/1993 (a)	
27/01/2006 (a)	01/22/1992			12/12/1989 (a)	26/12/1978 (a)
22/01/2003 (a)	10/11/1995(a)			25/09/1989 (a)	30/07/1977
26/01/2005 (a)	11/17/1992	03/01/1980		22/12/1989 (a)	
15/09/2004 (a)	02/21/1996(a)		08/29/1982	21/02/1996 (a)	

As mentioned above, then, the implementation of MEAs has been largely slow, due to the reasons mentioned. Other factors have also played a role in impeding the swift implementation of MEAs, including: international commitments, political pressures and the limited availability of financial mechanisms for implementation. Among the various MEAs, the Montreal Protocol has been most successfully implemented in the region, and this can be directly attributed to the financial and technical resources made available to countries of the region to achieve their commitments under the Protocol. Research needs to be undertaken to study the effects of bilateral and multilateral funding in meeting the commitments under different MEAs in the Arab countries.

The implementation of most MEAs in the region was focused on the setting of frameworks, priorities, development of strategies and action plans, in addition to mobilizing funds. The mode of compliance with MEAs thus relied on the development of legal and institutional frameworks for addressing issues related to MEAs. As such, it can be said that progress has

been achieved since new environmental institutions have been created and many environmental laws promulgated, which are prerequisites to implementing provisions in many MEAs. The United Nations Framework Convention on Climate Change (UNFCCC) and the Kyoto Protocol have witnessed the most involvement by Arab countries during both their negotiation and implementation stages. This is because most, if not all of the Arab countries are vulnerable to the potential environmental and economic impacts of climate change. On the other hand, some conventions of primary interest to the region have not achieved significant progress because of a lack of resources. This is most evident in the case of the United Nations Convention to Combat Desertification (UNCCD), which remained outside the funding mandate of the Global Environment Facility (GEF) until very recently. Weak international interests and limited external funding, combined with inadequate national and regional resources, infrastructures and expertise, have prevented a number of MEAs from being adequately implemented (ESCWA, 2002).

It is important to note that the degree of importance attributed to MEAs by Arab countries varies both between countries and between the MEA in question. Among the most important MEAs are the UNCCD, the United Nations Convention on Biological Diversity (UNUNCBD), the UNFCCC, and the Kyoto protocol. Other global conventions of significant importance to the region are the Vienna Convention on the Protection of the Ozone Layer, the Montreal Protocol on Substances that Deplete the Ozone Layer, and the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal.

Table 1 clearly shows that apart from Iraq, Palestine, Somalia, and in some cases Lebanon, which have special political situations, the rest of the Arab countries have already ratified these conventions. Exceptions are few and include Saudi Arabia that has not yet ratified the Stockholm Convention on Persistent Organic Pollutants (POPs). In addition, the Cartagena Protocol on biosafety has not yet been ratified by a large number of Arab countries, for reasons which will be discussed below. These countries include Bahrain, Kuwait, Lebanon, and UAE.

Additionally, for the last two decades, MEAs have catalyzed regional coordination on common environmental concerns through regional organizations. Sustainable development issues are now addressed through several Arab ministerial forums. The Council of Arab Ministers Responsible for the Environment (CAMRE) provides a forum for environmental ministers in the region. The Gulf Cooperation Council (GCC), Mediterranean Action Plan (MAP), Regional Organization for the Conservation of the Environment of the Red Sea and Gulf of Aden (PERSGA) and the Regional Organization for the Protection of the Marine Environment (ROPME) councils provide sub-regional forums for addressing global and regional environment, development and trade agreements. CAMRE, in collaboration with UNEP/ROWA and UNESCWA has been trying to coordinate activities of the Arab countries related to some of the MEAs. Three standing committees were formed, one of which is responsible for the UNFCCC and the Kyoto Protocol, the second is responsible for chemical management, and the third one is

responsible for protection of the ozone layer. The memberships of these committees include representatives of the Arab member countries, Arab League organizations, and some Arab experts. These committees meet regularly to discuss the agenda items of the respective MEAs with the aim of information and expertise exchange, and coordination of the Arab countries' positions. This does not mean that consensus on a specific issue within a certain MEA is reached in all cases.

In the following section, levels of implementation by the Arab countries of different MEAs will be discussed.

## II. THE STATUS OF MEAS IN THE ARAB COUNTRIES

### *Vienna Convention and Montreal Protocol for the protection of the ozone layer*

Under the auspices of the United Nations Environment Programme (UNEP), the governments of the world arrived at the Vienna Convention on the Protection of the Ozone Layer in 1985. Through this Convention, governments committed themselves to protect the ozone layer and to cooperate with each other in scientific research to improve understanding of atmospheric processes. Countries could not agree on specific control measures, making the Vienna Convention a framework treaty for controls development that also facilitated cooperation on research. It was on September 16, 1987, that the Montreal Protocol on Substances That Deplete the Ozone Layer was adopted and signed by 24 countries. The Montreal Protocol committed parties to implement actual controls on the production and consumption of ozone-depleting substances. This included reducing the consumption of CFCs, by the late 1990s, to 50% of 1986 levels. Also included was a 1992 freeze on the consumption of halons at 1986 levels. Developing countries were given a grace period of ten years. The Protocol is quite complex. However, it has the important feature of having a provision which allows for the control of all ozone-depleting substances (ODS), not just those originally identified in the agreement. Amendments can be made as advancements are made enhancing scientific and technological

understanding. Trade measures to build support for the Montreal Protocol were also unique.

Based on the report of the multilateral fund for the implementation of the Montreal Protocol (Multilateral Fund for Implementation of the Montreal Protocol, 2007), and the Report of the Implementation Committee under the Non-compliance Procedure for the Montreal Protocol on the work of its thirty-ninth meeting (UNEP, 2007), it was found that the following Arab countries have failed to meet their obligations regarding control measures to reduce consumption of ozone-depleting substances (ODS), as their consumption levels of some ODS were found to be above their baseline levels as per the Montreal Protocol. These countries include Comoros, Egypt, Libya, Morocco, Oman, Qatar, Saudi Arabia, and the UAE. Thus these countries are currently given the non-compliance status by the implementation committee. Furthermore, Djibouti failed to meet some of its reporting obligations under the Protocol and it is likewise seen as non-compliant by the implementation committee.

### **Basel Convention on the Control of Trans-boundary Movements of Hazardous Wastes**

The Basel Convention on the Control of Trans-boundary Movements of Hazardous Wastes and their Disposal, which is the most comprehensive global environmental agreement on hazardous and other wastes, was drafted in 1989, and came into force in 1992. The Convention has 170 Parties and aims to protect human health and the environment against the adverse effects resulting from the generation, management, trans-boundary movements and disposal of hazardous and other wastes. The main principles of the Basel Convention are:

- Trans-boundary movements of hazardous wastes should be reduced to a minimum consistent with their environmentally sound management.
- Hazardous waste should be treated and disposed of as close as possible to their source of generation.
- Hazardous waste generation should be reduced and minimized at source.
- Export of hazardous waste from developed to developing countries is banned.

In order to achieve these principles, the Convention aims to:

- Control all trans-boundary movements of hazardous and other wastes.
- Provide assistance regarding the implementation of the Basel Convention.
- Provide assistance for the environmentally sound management of hazardous wastes.
- Monitor and prevent illegal traffic in hazardous wastes.
- Promote co-operation in this field between the Parties to the Convention.

Inadequate hazardous waste management in the Arabic countries generates considerable public health and environmental problems, including contamination of soil and water. It also prevents the countries of the region from meeting their obligations under the Basel Convention. A regional centre was established in Cairo to assist Arab countries in meeting their obligations under the Basel Convention. The centre was established in response to the needs indicated by Arab countries to the secretariat of the convention, which were also identified by a needs assessment study as part of the feasibility of establishing the regional centre. These needs can be summarized as follows:

- Guidance in setting up hazardous waste criteria;
- Advice on efficient means for drawing up hazardous waste generation inventories and inventories of existing hazardous wastes disposal options.
- Guidance in drafting legislation that transposes Basel Convention provisions into national law, in terms of both waste management and shipment requirements;
- Assistance in developing documentation systems for hazardous wastes generation, transport and disposal;
- Information exchange concerning best practice in managing various types of hazardous wastes; and
- Information exchange regarding waste minimization and cleaner production techniques.

The availability of data on hazardous waste and waste producing activities in the Arab region, although very important to develop proper policies and hazardous waste management plans, is

very scarce. This is reflected in the results of a recent survey done by the regional centre. A questionnaire was sent to the 22 Arab countries, but only five countries responded. Two countries (Bahrain and Morocco) out of the five respondents are considered to hold and maintain a hazardous waste inventory.

National legislation is one of the most powerful tools for controlling and limiting the impact of hazardous waste problems. Many of the countries of the region have included in their national legislation provisions to control hazardous waste management. The enforcement of these laws has brought to light several weaknesses of the legislation, and revision of the pieces of legislation is deemed necessary. The regional centre will assist the countries of the region to review their hazardous wastes national legislation towards more efficient and sound management of hazardous wastes and to comply with the provisions and fulfil national commitments under the Basel Convention (Basel Convention Regional Center for Training and Technology Transfer for Arab States in Egypt, 2006).

Pursuant to Article 13, Parties must transmit, before the end of each calendar year, a report on the previous calendar year containing information regarding trans-boundary movements of hazardous wastes or other wastes in which they have been involved. Table 2 indicates that only Morocco and Qatar have regularly submitted their annual national reports from 1999 until 2005, the latest reported year by the Secretariat of the Basel Convention. It is worth noting that Egypt used to report regularly until 2003, and stopped afterwards. Bahrain has submitted its annual reports since 2000 till 2005. Lebanon, Mauritania and Comoros have submitted their national reports only once. The following countries, despite being parties to the convention, have never met their reporting commitments: Djibouti, Libya, Saudi Arabia, Sudan, Syria, the UAE, and Yemen.

### **The Stockholm Convention on POPs**

The Stockholm Convention was adopted at a Conference of Plenipotentiaries held on 22-23 May 2001 in Stockholm, Sweden. Over 150 countries signed the Convention and it entered

into force on 17 May 2004, 90 days after its ratification by the fiftieth country. The Stockholm Convention focuses on eliminating or reducing releases of 12 Persistent Organic Pollutants (POPs), the so-called "Dirty Dozen." It set up a system for tackling additional chemicals identified as unacceptably hazardous. It recognizes that a special effort may sometimes be needed to phase out certain chemicals for certain uses and seeks to ensure that this effort is made. The Convention also channels resources into the cleaning up of the existing stockpiles and dumps of POPs that litter the world's landscape. The Global Environmental Facility (GEF) is the designated interim financial mechanism for the Stockholm Convention.

Pursuant to Article 7(b) of the Stockholm Convention, parties are required to submit National Implementation Plans. Arab countries which failed to do so include Bahrain, Kuwait, Libya, Mauritania, Oman, Qatar, Saudi Arabia, the UAE, and Yemen.

### **United Nations Convention on Climate Change (UNFCCC) and the Kyoto Protocol**

The UNFCCC, adopted at the United Nations Conference on Environment and Development (UNCED) in 1992, has at its ultimate objective the "stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system." Being a framework treaty, the UNFCCC contained only a non-binding recommendation for industrialized countries to return to the 1990 emission levels of CO<sub>2</sub> and other greenhouse gases (not controlled by the Montreal Protocol) by the year 2000.

The Kyoto Protocol, adopted in 1997, contains, for the first time, greenhouse gas reduction targets for most industrialized countries. The targets, however, range from an obligation to reduce emissions by 8 percent (for the European Union and many Central European countries) to a permission to increase emissions by 10 percent (Iceland) and 8 percent (Australia). Overall, industrialized countries are required to reduce their aggregate emissions to at least 5 percent below the 1990 level in the period 2008-12. The Kyoto Protocol entered into force on 16

TABLE 2 NATIONAL REPORTING TO THE BASEL CONVENTION

	1999	2000	2001	2002	2003	2004	2005
<b>Algeria</b>		X	X	X		X	X
<b>Bahrain</b>		X	X	X	X	X	X
<b>Comoros</b>		X					
<b>Djibouti</b>							
<b>Egypt</b>	X	X	X	X	X		
<b>Iraq</b>							
<b>Jordan</b>		X	X	X			
<b>Kuwait</b>	X		X				
<b>Lebanon</b>					X		
<b>Libya</b>							
<b>Mauritania</b>		X					
<b>Morocco</b>	X	X	X	X	X	X	X
<b>Oman</b>	X	X	X				
<b>Palestinian Authority</b>							
<b>Qatar</b>	X	X	X	X	X	X	X
<b>Saudi Arabia</b>							
<b>Sudan</b>							
<b>Somalia</b>							
<b>Syria</b>							
<b>Tunisia</b>	X						X
<b>United Arab Emirates</b>							
<b>Yemen</b>							

Source: <http://www.basel.int/natreporting/index.html>

February 2005, and has to date been ratified by 182 parties. Because it will affect virtually all major sectors of the economy, the Kyoto Protocol is considered to be the most far-reaching agreement on environment and sustainable development ever adopted (UNFCCC website).

Nineteen Arab countries have ratified or acceded to the UNFCCC, only Egypt has ratified the Kyoto protocol, and seventeen other Arab countries have acceded to it (Table 1). Amongst those countries that are parties to the UNFCCC, only Comoros has not acceded to the protocol.

Articles 4 and 12 of the UNFCCC require all signatories to the Convention to communicate information to the Conference of the Parties (COP). Article 12 specifies that each Party not included in Annex I to the Convention (non-Annex I Party) shall make its initial communication within three years of the entry into force of the Convention for that Party, or of the availability of financial resources in accordance with Article 4, paragraph 3. Countries that are Least Developed Countries (LDCs) may make their

initial communication at their discretion. Currently, only 14 Arab countries have submitted their first national communication. Countries that have not submitted their first national communications include Iraq, Libya, Oman, Qatar, Somalia, Syria, and the UAE. To date, none of the Arab countries have submitted a second national communication.

NAPAs (national adaptation programmes of action) provide a process for LDCs to identify priority activities that respond to their urgent and immediate needs with regard to adaptation to climate change. The rationale behind NAPAs is built on a recognition of the limited ability of LDCs to adapt to the adverse effects of climate change. In the NAPA process, prominence is given to community-level input as an important source of information, recognizing that grassroots communities are the main stakeholders (UNFCCC website). NAPA is requested from the six Arab countries listed as least developed, namely Comoros, Djibouti, Mauritania, Somalia, Sudan and Yemen. Both Somalia and Yemen have not submitted their NAPA yet.

The Clean Development Mechanism (CDM) is one of three flexibility mechanisms of the Kyoto Protocol. Annex I countries that have ratified the Kyoto Protocol can invest in projects that both reduce GHGs and contribute to sustainable development in non-Annex I countries. A CDM project provides certified emissions reductions (CERs) to Annex I countries, which they can use to meet their GHG reduction commitments under the Kyoto Protocol. While many factors influence the size and stability of the global carbon market, facts indicate that this market would move billions of dollars a year, increasing foreign investment capital flow in developing countries. In this context, the CDM projects offer many opportunities for developing countries to promote sustainable development through investment, technology transfer, and capacity building. The Arab participation in this mechanism has been very low; only four Arab countries have participated in the CDM since its inception in 2005. They are namely Egypt, Morocco, Tunisia, and lately Qatar. The large CDM potential in the region has not been fully utilized yet.

At the regional level, the Conference of Arab Ministers Responsible for the Environment (CAMRE) has been hosting two regional committees on climate change aiming at following up on the climate change negotiations and coordinating Arab countries' positions in the Kyoto deliberations. The first committee comprises governments' representatives from the Arab Meteorological Institutions, and the second one represents oil experts from the Arab oil producing countries (OAPEC). At its last meeting from 24-26 November 2007, the first committee called on the Arab countries to develop their institutional capacities to make use of the opportunities offered by the Clean Development Mechanism (CDM). Recommendations of both committees have to be endorsed by CAMRE. CAMRE is currently developing an "Arab Action Plan on Climate Change" which is to be presented to the upcoming Arab Development Summit to be held in Kuwait at the end of 2008 (LAS, 2007).

From the perspective of international trade, the Kyoto Protocol is very important to the oil producing countries. Measures that parties of the Kyoto protocol may take to meet their commitments could have significant trade implications. Arab countries, together with the *G77* and China

have stressed the need for technology transfer, financial assistance and capacity building to cope with the potential adverse effects of climate change. Most of the Arab countries, if not all, are vulnerable to the adverse impacts of climate change ranging from sea level rise, to water shortage, desertification and widening the food gap in the region, and so forth.

The GCC states, together with other oil producing countries such as the OPEC group have been playing an active role in the Kyoto deliberations. This is mainly because of the potential economic impacts resulting from the response measures by developed countries to meet the Kyoto commitments. One study has shown that the losses experienced by the GCC region, whether in GDP or welfare terms, are higher than when compared to an Annex B country like Japan, or even when compared to other energy exporting regions such as Venezuela or North Africa. Thus, with the assumption that the international price of oil will fall and that import prices of energy-intensive goods will rise in the GCC region, the terms of trade will deteriorate nearly 9% and 7%, respectively, in the GCC and North African regions (Babiker).

### **Convention on Biodiversity**

One of the key agreements adopted at Rio in 1992 was the UN Convention on Biological Diversity (UNCDB). It sets out commitments for maintaining the world's ecological underpinnings as we pursue economic development. The Convention establishes three main goals: the conservation of biological diversity, the sustainable use of its components, and the fair and equitable sharing of the benefits from the use of genetic resources (UNCBD website).

The UNCBD was opened for signature at the Earth Summit in Rio in 1992. It entered into force on 23 December, 1993. To date, the number of parties to the convention has reached 191.

Article 6 of the Convention states that each Contracting Party shall, in accordance with its particular conditions and capabilities:

- Develop national strategies, plans or programmes for the conservation and sustainable use of biological diversity or adapt for this pur-

pose existing strategies, plans or programmes which shall reflect, inter alia, the measures set out in this Convention relevant to the Contracting Party concerned; and

- Integrate, as far as possible and as appropriate, the conservation and sustainable use of biological diversity into relevant sectoral or cross-sectoral plans, programmes and policies.

Arab countries which have not prepared National Biodiversity Strategies and Action Plans are Bahrain, Kuwait, Libya, Saudi Arabia, and the UAE.

In addition, Article 26 of the Convention states that the objective of national reporting is to provide information on measures taken for the implementation of the Convention and the effectiveness of these measures. Until now, three periodic national reports have been submitted by parties to the UNCBD. Only Kuwait and Libya have not submitted any national reports. Algeria, Bahrain and Yemen have submitted the first national reports. UAE has submitted only the third national report. Jordan has submitted the first and third national reports. The rest of the Arab countries have already submitted the three national reports.

### ***The Cartagena Protocol on Biosafety***

On 29 January 2000, the Conference of the Parties to the Convention on Biological Diversity adopted a supplementary agreement to the Convention known as the Cartagena Protocol on Biosafety. The Protocol seeks to protect biological diversity from the potential risks posed by living modified organisms resulting from modern biotechnology. It establishes an advance informed agreement (AIA) procedure for ensuring that countries are provided with the information necessary to make informed decisions before agreeing to the import of such organisms into their territory. The Protocol contains reference to a precautionary approach and reaffirms the precaution language in Principle 15 of the Rio Declaration on Environment and Development. The Protocol also establishes a Biosafety Clearing-House to facilitate the exchange of information on living modified organisms and to assist countries in the implementation of the Protocol (UNCBD website).

In general, there have been limited capacities to manage biosafety issues in the Arab region, in addition to the problems of weak political will and a low level of public awareness. As in many developing countries, the majority of Arab countries have not yet developed operational biosafety systems that regulate the release and trade in Genetically Modified Organisms (GMOs). Generally, information on the status of GMOs in the Arab countries remains uncertain due to the limited availability of reliable data. According to the FAO, there only exists official information about Egypt – on the cultivation of genetically engineered (GE) tomatoes and the testing of nine Genetically Engineered crops (cotton, corn, groundnut, potato, soybean, squash, sugar cane, sweet potato, and wheat) – and Saudi Arabia, where genetically modified mushrooms are cultivated (Makdisi and Choufani Cherfane, 2005). But with the increasing volume and trade of GMOs, and the corresponding urgent need to formulate clear policies regarding the handling and transfer of GMOs, many Arab signatories of the UNCBD have now ratified the Cartagena Protocol (Table 1). Accordingly, there have been several initiatives on the national level to build capacity and develop new legislations or amend existing ones in line with the Cartagena protocol.

It should be noted that the restrictions on trade in GMOs, as provided by the Cartagena Protocol, are in many ways at odds with the policies of the World Trade Organization (WTO), and perhaps for this reason many Arab countries have not ratified the Cartagena Protocol.

Each Party is required, in accordance with Article 33 of the Protocol, to monitor the implementation of its obligations under the Protocol and to report to the Conference of the Convention Parties serving as the meeting of the Parties to the Protocol (COP-MOP) on measures taken to implement the Protocol. National reports are to be submitted 12 months prior to COP-MOP meetings at which they will be considered, with a frequency of every four years. The deadline for submission of the first regular national reports was 11 September 2007. Only three Arab parties have submitted their first national report, namely Qatar, Sudan, and Syria.

Further, in its Decision BS-I/9, the COP-MOP approved a format for the interim national report



on implementation of the Protocol which is set out in its Annex. The deadline for submission of the interim national reports was 11 September 2005. Only two Arab countries have met this obligation, namely Algeria and Egypt.

#### **United Nations Convention to Combat Desertification (UNCCD)**

The question of how to tackle desertification was a major concern for the United Nations Conference on Environment and Development (UNCED), which was held in Rio de Janeiro in 1992. The conference called on the United Nations General Assembly to establish an Intergovernmental Negotiating Committee (INC) to prepare, by June 1994, a Convention to Combat Desertification, particularly in Africa. The Convention was adopted in Paris on 17 June 1994 and opened for signature there on 14-15 October 1994. It entered into force on 26 December 1996, 90 days after the fiftieth ratification was received (UNCCD website).

Article 10 of the convention states that the purpose of national action programmes is to identify the factors contributing to desertification and practical measures necessary to combat desertification and mitigate the effects of

drought. National Action Programmes (NAP) are among the key instruments in the implementation of the Convention. They spell out the practical steps and measures to be taken to combat desertification in specific ecosystems. In spite of the vital importance of combating desertification in the Arab region, only twelve Arab countries have submitted their NAPs. They are: Algeria, Djibouti, Egypt, Morocco, Sudan, Tunisia, Lebanon, Oman, Saudi Arabia, Syria, UAE, and Yemen. (For more on desertification, see chapter 7.)

Pursuant to Article 26 of the convention, each Party shall communicate to the Conference of the Parties for consideration reports on the measures which it has taken for the implementation of the Convention. Twelve Arab countries have submitted three periodic reports each, Qatar and Kuwait have submitted two reports, and Bahrain has submitted only the first report in 2002.

### **III. REGIONAL ENVIRONMENTAL AGREEMENTS**

Regional conventions and agreements have generally achieved a greater level of compliance by countries of the region since they deal with issues

that directly interest certain Arab states. As such, it is easier for them to secure national political support. Key agreements include the regional seas conventions, namely the Mediterranean Action Plan (MAP; Barcelona, 1976), Regional Organization for the Protection of the Marine Environment (ROPME; Kuwait, 1978), Protection of the Environment in the Red Sea and Gulf of Aden (PERSGA; Jeddah, 1982). These conventions have proven to be useful instruments for the protection and sustainable use of regional marine and coastal resources (ESCWA 2002). Ratifications of those regional agreements have reached 100% by the respective Arab countries (table 1).

### **MAP Barcelona convention**

In 1975, 16 Mediterranean countries and the European Economic Community adopted the Mediterranean Action Plan (MAP), the first-ever Regional Seas Programme under UNEP's umbrella. In 1976 these Parties adopted the Convention for the Protection of the Mediterranean Sea against Pollution (Barcelona Convention). Six Protocols addressing specific aspects of Mediterranean environmental conservation complete the MAP legal framework:

1. Dumping Protocol (from ships and aircraft);
2. Prevention and Emergency Protocol (pollution from ships and emergency situations);
3. Land-based Sources and Activities Protocol;
4. Specially Protected Areas and Biological Diversity Protocol;
5. Offshore Protocol (pollution from exploration and exploitation);
6. Hazardous Wastes Protocol.

The Contracting Parties also adopted an amended version of the Barcelona Convention of 1976, renamed Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean (UNEP MAP website). Parties to the Barcelona convention are those Arab countries east and south of the Mediterranean, namely Morocco, Algeria, Tunisia, Libya, Egypt, Lebanon, and Syria.

Table 3 indicates that all Arab Mediterranean countries have ratified the Barcelona conventions and its six protocols except for the Protocol for the Protection of the

Mediterranean Sea Against Pollution Resulting from Exploration and Exploitation of the Continental Shelf and the Sea-bed and its Subsoil adopted in Madrid in 1994. Only Tunisia has signed this protocol in 1994.

### **ROPME (Kuwait convention)**

In 1978 Kuwait recognized the importance of the regional approaches in protection of the marine environment by inviting the eight countries surrounding the Gulf for a conference which was convened under the auspices of UNEP within its Regional Seas Programme. That conference adopted the following documents:

- Kuwait Action Plan for the Protection and Development of the Marine Environment and the Coastal Areas.
- Kuwait Regional Convention for Cooperation on the Protection of the Marine Environment from Pollution.
- Protocol concerning Regional Cooperation in Combating Pollution by oil and other Harmful Substances in Cases of Emergency.

An outcome of Kuwait Regional Convention for Co-Operation on the Protection of the Marine Environment From Pollution was the establishment of the Regional Organization for the Protection of the Marine Environment (ROPME) hosted in Kuwait. Since then, ROPME has been playing an essential role to harmonize the exerted efforts of the Member States towards protection of the marine environment and to follow up the activities of each Member States. In conformity with the provisions of the Protocol concerning Regional Cooperation in Combating Pollution by oil and other Harmful Substances in Cases of Emergency, the Marine Emergency Mutual Aid Centre (MEMAC) was established in Bahrain and started functioning in 1983. With a view of strengthening governance in the Region, ROPME has developed protocols addressing the critical areas of environmental management. These protocols included – in addition to the above Protocol:

- Protocol concerning Marine Pollution resulting from Exploration and Exploitation of the Continental Shelf (1989)

TABLE 3 RATIFICATION OF BARCELONA CONVENTION AND ITS PROTOCOLS

	Algeria	Egypt
Convention for the Protection of the Mediterranean Sea against pollution	16.2.1981 (AC)	24.8.1978 (AP)
Protocol for the prevention of pollution of the Mediterranean Sea by Dumping from Ships and Aircraft	16.3.1981 (AC)	24.8.1978 (AP)
Protocol concerning cooperation in combating pollution of the Mediterranean Sea by Oil and Other Harmful Substances in Cases of Emergency	16.3.1981 (AC)	24.8.1978 (AP)
Protocol for the Protection of the Mediterranean Sea against pollution from Land-Based Sources	2.5.1983 (AC)	18.5.1983 (AC)
Protocol concerning Mediterranean Specially Protected Areas	16.5.1985 (AC)	8.7.1983 (R)
Protocol for the Protection of the Mediterranean Sea against pollution resulting from Exploration and Exploitation of the Continental Shelf and the Sea-bed and its Sub-soil		

AC: Acceptation      AP: Aproval      R: Ratified      S: Signed  
Sources: WTO, ESCWA, UNEP and MEA secretariat homepages

- Protocol for the Protection of the Marine Environment against Pollution from Land-Based Sources (1990)
- Protocol on the Control of Marine Transboundary Movements and Disposal of Hazardous Wastes and Other Wastes (1998)
- Protocol concerning the conservation of biological diversity and the establishment of protected areas.

#### **PERSGA (Jeddah convention)**

PERSGA is a regional organization based in Jeddah, Saudi Arabia, responsible for the development and implementation of regional programmes for the protection and conservation of the marine environment of the Red Sea and Gulf of Aden, and was formally established in September 1996. A major function of PERSGA includes the implementation of the Jeddah Convention. It has also been given responsibility for preparation and implementation of the Strategic Action Plan (SAP) and related activities. PERSGA has played an active role in promoting regional cooperation and has recently supported regional workshops concerning environmental assessment (EA), Marine Protected Areas, navigation risks and living marine resources. In addition, a series of national workshops have been sponsored by PERSGA to facilitate the development and review of Country Reports prepared as part of the SAP process. A Regional Marine Emergency Mutual Aid Centre (MEMAC) is

being established in Hurghada, Egypt to coordinate activities in the event of oil spills. PERSGA Council of Ministers approved a “Draft Action Plan for the Development of National Systems and Regional Mechanism for Preparedness and Response to Major Marine Oil Spills in the Red Sea and Gulf of Aden” in 2003. PERSGA continues to work with its member countries to harmonize oil spill contingency plans and uses the MEMAC centre as a focus for those efforts (UNEP 2007). Parties of the Jeddah Convention are: Djibouti, Egypt, Jordan, Saudi Arabia, Somalia, Sudan and Yemen.

In accordance with Article III of the Jeddah Convention, PERSGA formulated three additional protocols: The Protocol Concerning the Regional Cooperation in Combating Pollution by Oil and other Harmful Substances in Cases of Emergency (1982); the Protocol Concerning the Conservation of Biological Diversity and the Establishment of Network of Protected Areas in the Red Sea and Gulf of Aden (2005); and the Protocol Concerning the Protection of the Marine Environment from Land-Based Activities in the Red Sea and Gulf of Aden (2005). The present Consolidated Jeddah Convention comprises the Convention, its associated Protocols and legal documents produced during 1982–2006 (PERSGA, 2006).

For more information on MAP, PERSGA and ROPME, see chapter 6 of this report.

Lebanon	Libya	Morocco	Syria	Tunisia
8.11.1977 (AC)	31.1.1979 (R)	15.1.1980 (R)	26.12.1978 (AC)	30.7.1977 (R)
8.11.1977 (AC)	31.1.1979 (R)	15.1.1980 (R)	26.12.1978 (AC)	30.7.1977 (R)
8.11.1977 (AC)	31.1.1979 (R)	15.1.1980 (R)	26.12.1978 (AC)	30.7.1977 (R)
27.12.1994 (AC)	6.6.1989 (AP)	9.2.1987 (R)	1.12.1993 (AC)	29.10.1981 (R)
27.12.1994 (AC)	6.6.1989 (AP)	22.6.1990 (R)	11.9.1992 (AC)	26.5.1983 (R)
				14.10.1994 (S)

#### IV. TRADE AND ENVIRONMENT IN THE ARAB REGION

The level of awareness in the Arab region for the issues of trade and environment has been very low. Few trade and environment working groups or committees have been formed in some countries such as Egypt and Tunisia. However, there has been no evidence that these committees are effective. Recently, CAMRE recommended that Arab countries establish national committees on trade and environment to facilitate inter-ministerial coordination and discussion with civil society on this topic. During the last few years, the issues of trade and environment have become clearer to most of Arab officials, especially after the WTO meetings such as in Seattle and Doha, and the World Summit on Sustainable Development (WSSD) in Johannesburg. It is noticeable that the Arab Declaration To The World Summit On Sustainable Development failed to recognize the relationships between environment, trade, and sustainable development; rather, it stipulated that: "Negotiations at the WTO should work towards the objectives it was established for, i.e. opening the markets for exports without allowing obstacles that would limit developing countries ability to compete for these markets" (UN Economic and Social Council, 2001). It is obvious that until 2001, the priority issue for the Arab countries within the WTO was only the issue of market access.

Recently, Kuwait, Morocco, Yemen, and Lebanon established their committees on trade and environment. Consequently, Arab countries have become more active in the WTO Committee on Trade and Environment. It is also remarkable that the issue of trade and environment appeared on the agenda of the 19th session of CAMRE held in Algeria in 19-20 December, 2006. This was followed by an Expert Group Meeting on Trade and Environment Priorities in the Arab Region that was held in Cairo 11-13 November, 2007. In this meeting, the League of Arab States (LAS) summarized the priorities of the Arab countries as follows (Al Mallah, 2007):

- Strengthening the Arab negotiating capacity in trade and environment issues.
- Improving Arab participation in the Committee on Trade and Environment (CTE) within WTO.
- Enforcement of the MEAs and fighting illegal trade.
- The liberalization of trade in wastes and used goods.
- Environmental goods and services.

There is little specific information on the Arab position with respect to conflicts between WTO and the trade provisions of MEAs, despite the inclusions of these relationships as a subject for discussion within the Doha Development Agenda. This is supported by the fact that there was only one submission by an Arab country –

namely, a “non-paper” submitted by Egypt in 1996 – in the CTE prior to the Doha Declaration in 2001; and only one submission that refers to MEAs after Doha, by Saudi Arabia (Makdisi and Chouchani Cherfane, 2005).

Current concerns about trade and environment issues in the Arab region are focused on points raised in the Doha Development Agenda, as well as other measures that involve the implementation of trade-related MEAs and progress towards sustainable development in the region. The majority of governments have addressed most of their attention to the negative impact of environmental requirements on market access for Arab exports (particularly in OECD markets). The impact of energy subsidies in developed countries for oil-based economies is also of concern, as well as to some degree the liberalization of environmental goods and services. Attention to trade-related MEAs currently focuses on the implications of the Kyoto Protocol for the region. Sometimes media and NGOs started to focus on the issue of biosafety, especially as related to GMOs. The Basel Convention and illegal trafficking of hazardous wastes also frequently received significant attention, especially when some cases of illegal trafficking were made visible by NGOs or media. The enforcement of Trade Related Intellectual Property Rights (TRIPS) remains high on the agenda of many Arab countries and NGOs, many of whom are very concerned about public-health issues and access to affordable medicine. Egypt is a good example in this case.

The most recognized trade and environment issue in the Arab countries has been the issue of market access and its effects on Arab exports. The Doha Development Agenda calls for negotiations on the reduction or elimination of all tariffs and non-tariff barriers on all non-agricultural products, particularly those of interest to developing countries. Arab concerns were well spelled out in the official statements of the Arab countries delivered during the Doha Ministerial Conference in 2001 and the Cancun Ministerial Conference in 2003. The second issue of concern to the Arab countries is the issue of regulations as technical barriers to trade. Arab countries are also particularly concerned whether the application of the increasing number of environmental, health and safety standards are protectionist in nature or legitimate according to free trade provisions. Another trade



and environment issue of concern to the Arab countries has been the issue of subsidies and environmental taxes. Arab petroleum exporting countries consider the environmental taxes imposed on oil products in many OECD countries to be a non-tariff barrier that harms their competitiveness and the ability of consumers to choose their preferred source of energy. A submission by Saudi Arabia to the Commission on Trade and Environment (CTE) states that both Europe and the USA continue to tax oil under the environmental umbrella while heavily subsidizing highly polluting coal-burning plants, which raises the question of double standards. On the other hand, another major policy issue for petroleum-exporting countries in the Arab region is found in subsidizing petroleum products prices in domestic markets. It is believed that this has enabled some oil producing countries to use their natural resources as a means to promote industrialization or attract investment in a manner that can strengthen the development and the competitiveness of their national industrial sector. For instance, aluminium and steel production are energy intensive industries that are expanding in the GCC region, particularly in Bahrain and Saudi Arabia. Expansion in the aluminium sector is largely attributed to the low cost of energy inputs. This has been a contentious issue for Saudi Arabia in the accession negotiations, particularly as Saudi Arabia pursues an aggressive economic diversification policy based on expanding manufacturing and heavy industries.

## REFERENCES

- Al Mallah, Fatma, Arab Priorities issues on trade and environment, Expert Group Meeting on Trade and Environment Priorities in the Arab Region, Cairo, 11-13 November, 2007.
- Babiker, Mustafa, "Economic Impacts of Climate Change Response Measures on GCC Countries", Arab Planning Institute (API), unpublished paper.
- Basel Convention Regional Centre for Training and Technology Transfer for Arab States in Egypt, Progress Report 2006.
- ESCWA. Assessment Report For The Escwa Region. E/ESCWA/ENR/2002/19, 2002.
- ESCWA, World Summit On Sustainable Development "Kyoto Protocol." UNFCCC website. [http://unfccc.int/kyoto\\_protocol/items/2830.php](http://unfccc.int/kyoto_protocol/items/2830.php) (accessed February 22, 2008).
- LAS, Climate Change Committee, 2007.
- Makdisi, Karim, and Carol Chouchani Cherfane, Southern Agenda on Trade and Environment Phase II: Arab Region, ICTSD-IISD-RING, resource paper, April 2005.
- Multilateral Fund For The Implementation Of The Montreal Protocol. Country Programme And Compliance Summary Sheets. July 2007. <http://ozone.unep.org/Publications/country-programme-and-compliance-sheets-july07.pdf> (accessed March 4, 2008).
- "National Adaptation Programmes of Action (NAPAs)." UNFCCC website. [http://unfccc.int/national\\_reports/napa/items/2719.php](http://unfccc.int/national_reports/napa/items/2719.php) (accessed February 22, 2008).
- PERSGA. Consolidated Jeddah Convention 1982-2006. <http://www.persga.org/UI/English/ShowContent.aspx?ContentId=2&SubContentId=21> (accessed March 12, 2008).
- Procedure for the Montreal Protocol on the work of its thirty-ninth meeting. UNEP/OzL.Pro/ImpCom/39/7, November 2007.
- UN Economic and Social Council, "Arab Declaration to the World Summit on Sustainable Development." E/CN.17/2002/PC.2/5/Add.3, December 2001.
- UNCBD (Convention on Biological Diversity) website. <http://www.cbd.int/convention/guide.shtml> (accessed May 27, 2008).
- UNCCD website. <http://www.unccd.int/convention/menu.php> (accessed March 5, 2008).
- UNEP. *GEO 2000*. 2000.
- UNEP MAP website. <http://www.unepmap.org/index.php?module=content2&catid=001001004> (accessed March 5, 2008).
- UNEP, Manual On Compliance With And Enforcement Of Multilateral Environmental Agreements, UNEP, 2006.
- UNEP. Report of the Implementation Committee under the Non-compliance.
- UNEP, South-South Cooperation In Environmental Management: The Arab Oil And Gas Sector. 2007.