



Kenya NGO Earth Summit 2002 Forum

IMPORTANT ENVIRONMENTAL TREATIES AND CONVENTIONS KENYA IS SIGNATORY TO

*A REPORT ON CIVIL SOCIETY REVIEW OF THE IMPLEMENTATION OF
AGENDA 21 IN KENYA*

**By Edward Alitsi
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List of treaties

Kenya is a party to sixteen International Environmental treaties, these are.

- 1) Convention on Biological Diversity (CBD);
- 2) African Convention on the Conservation of Nature and Natural Resources;
- 3) Convention for the Protection, Management and Development of the Marine and Coastal Environment of the Eastern African Region (Nairobi Convention);
- 4) Vienna Convention for the Protection of the Ozone Layer;
- 5) Montreal Protocol and (London Amendment) on Substances that Deplete the Ozone layer;
- 6) Convention on Wetlands of International Importance Especially as Waterfowl Habitat (Ramsar Convention);
- 7) Convention on International Trade In Endangered Species of Wild Fauna and Flora (CITES);
- 8) Convention on the Conservation of Migratory Species of Wild Animals (Bonn Convention or CMS);
- 9) Convention of the Prevention of Marine Pollution by Dumping of Wastes and other matter (as amended);
- 10) International Convention for the Prevention of Pollution from Ships;
- 11) United Nations Convention on the Law of the Sea (UNCLOS);
- 12) Lusaka Agreement on Cooperative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora (Lusaka Agreement);
- 13) United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and /or Desertification, Particularly in Africa;
- 14) Convention Concerning the Protection of the World Cultural and Natural Heritage;
- 15) Convention for the Establishment of the Lake Victoria Fisheries Organization; and
- 16) United Nations Framework Convention on Climate Change.

2.0 CONVENTION ON BIOLOGICAL DIVERSITY

2.1 Objectives

The objective of the convention are; the conservation of biological diversity, the sustainable use of its components and the fair and equitable sharing of the benefits arising out of the utilization of genetic resources including the access to the genetic resources and by appropriate transfer of the relevant technologies, taking into account all rights over those resources and to technologies and by appropriate funding.

2.2 Obligations

- (1) Each contracting party is supposed to develop national strategies, plans or programmes for the conservation and sustainable use of biological diversity or adapt existing strategies, plans or programmes, which shall reflect the measures set out in the convention.
- (2) Integrate as appropriate the conservation and sustainable use of biological diversity into relevant sectoral or cross sectoral plans, programmes and policies.
- (3) Identify Ecosystems and habitats; containing high diversity, large numbers of endemic or threatened species and communities that are threatened for its conservation and sustainable use and monitor, through sampling and other techniques the components of biological diversity. Identify, paying particular attention to those requiring urgent conservation measures.
- (4) Maintain and organize data derived from identification and monitoring activities.
- (5) Establish a system at protected areas where special measure need to be taken to conserve biological diversity and regulate or manage biological resources important for conservation
- (6) Promote the protection of ecosystems, natural habitats and maintenance of viable populations of species in natural surroundings.
- (7) Promote environmentally sound and sustainable development in areas adjacent to the protected areas.
- (8) Rehabilitate and restore degraded ecosystems and promote the recovery of threatened species.
- (9) Maintain or establish means to regulate, manage or control the risks associated with the release of living modified organisms.
10. Prevent the introduction of alien species, which threaten ecosystems and or control or eradicate the species.
11. Respect, preserve and maintain knowledge innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity and promote their wider application and encourage equitable sharing of benefits arising from the utilization of such knowledge, innovation and practices.
12. Develop and maintain necessary legislation for the protection of threatened species
13. Adopt measures for the recovery and rehabilitation of threatened species and for their reintroduction into their natural habitats.
14. Integrate consideration of the conservation and sustainable use of the biological resources into national decision making and adopt measures relating to the use it biological resources to avoid or minimize adverse impacts on biological diversity.
15. Establish and maintain programmes for scientific and technical education and training in measures for the identification conservation and sustainable use of biological diversity and promote and encourage research.

16. Environmental impact assessment should be undertaken for all projects that are likely to have significant adverse effects on biological diversity where appropriate public participation should be allowed.

3.0 AFRICAN CONVENTION ON THE CONSERVATION OF NATURE AND NATURAL RESOURCES

The convention established an African convention on the conservation of nature and natural resources

3.1 Objectives

The conservation, utilization and development of natural resources in Africa in accordance with scientific principles and with due regard to the best interests of the people.

3.2 Main requirements

1. Each party is required to establish land use plans based on scientific investigations (ecological, economic, and sociological and, in particular classification of land-use capability, when implementing agricultural practices and agrarian reforms the parties should;
 - (a) Improve soil conservation and introduce improved farming methods, which ensure long-term productivity of the land
 - (b) Control erosion caused by various forms of land-use which may lead to loss of vegetation cover.
2. The contracting states are required to establish policies for conservation, for utilization and development of underground and service water and endeavor to guarantee for their populations a sufficient and continuous supply of suitable water. In order to meet the above obligations appropriate measures are to be undertaken.
 1. The study of water cycles and the investigation of each catchment area.
 2. Co-ordination and planning of water resources development projects.
 3. Administration and control of all water utilization
 4. Prevent and control water pollution
3. The parties are required to protect the flora and ensure best utilization and development and to conserve threatened and or special scientific or aesthetic value, plant-species or communities by;
 - (i) Adopting scientifically- based conservation, utilization and management plans of forests and rangelands.
 - (ii) Pay particular attention to control bush fires, exploitation, clearing for cultivation and overgrazing.
 - (iii) Set aside forest reserves and carry out afforestation programmes.
 - (iv) Limit forest grazing to allow forest regeneration.
 - (v) Establish botanical gardens to perpetuate plant species of particular interest.
4. For conservation of the Fauna resources states are required to manage wild life populations inside designated areas and manage aquatic environments with a view of minimizing deleterious affects of any water. The states were required to;

- Adopt adequate legislation on hunting, capture and fishing- using properly regulated permits.
 - Prohibiting-unauthorized methods- this include any method liable to cause a mass destruction of wild animals, use of drugs and poisons, use of explosives, use of mechanically propelled vehicles, use of fire, use of fire alarms capable of firing more than one round at each pull of a trigger, hunting at night, use of missiles containing detonators, except where exempted (if undertaken a competent authority)
5. Under the treaty the threatened species are totally protected within the territory of contracting states and hunting, killing, capture or collection of species can only be permitted on the authorization by the highest authority and only it required in the national interest i.e. scientific purposes.
 6. For the non endangered species each contracting state is required to regulate trade in and transportation of species and trophies and prevent trade in specimens and trophies of those illegally captured or obtained.
 7. The contracting states are required to establish additional conservation areas in order to protect the ecosystems, which are most representatives i.e. peculiar to their territories and ensure conservation of all species. They are also required to establish zones within which competent authorities will control activities detrimental to the protected natural resources.
 8. Contracting states are required to take all necessary legislative measures to reconcile customary rights with the provisions of the convention. Encourage and promote research in conservation, utilization and management of natural resources and to ensure that their citizens appreciate their close dependence on natural resources and the rational utilization of those resources by including it in educational programs at all levels and through information campaigns
 9. Conservation and management of natural resources should be treated as an integral part of national and regional development plans but where such plan is likely to affect the natural resources of another state the latter shall be consulted.

4.0 CONVENTION FOR THE PROTECTION MANAGEMENT AND DEVELOPMENT OF THE MARINE AND COASTAL ENVIRONMENT OF THE EASTERN AFRICAN REGION

4.1 Introduction

The convention is a comprehensive, umbrella agreement for the protection, management and development. It lists the sources of pollution, which require control; pollution from ships, dumping, land based resources and seabed activities. The convention has two additional protocols namely; the protocol concerning protected areas and wild fauna and flora in the Eastern Africa region and the protocol concerning co-operation in combating marine pollution in cases of emergency in the Eastern African region. Under the convention no body can become a contracting party without also becoming a party to at least one protocol.

4.2 Obligations

Each party is obliged by the convention and its protocols to prevent, reduce and combat pollution of the Eastern Africa region and to ensure sound environmental management of natural resources in conformity with the international law.

The contracting party is also required to harmonize their environmental management policies in conformity to the convention and other international laws:

1. Develop technical and other guide lines to assist the planning of major development projects, asses (within and each contracting parties capabilities) the potential environmental effects of major projects which are expected to cause substantial pollution or harmful changes, develop procedures for the dissemination of information.
2. With the assistance of competent regional and international organization, engage in scientific research monitoring and exchange of data for the purpose of the convention and establish regional networks of national research centers and institutes to ensure compatible results and offer technical and other assistance to other contracting parties.
3. Co-operate, directly or with the assistance of competent regional and international organizations with a view to formulate and adopt appropriate rules and procedures in the field of compensation for damage resulting from pollution of the convention area.

4.3 PROTOCOL CONCERNING PROTECTED AREAS AND WILD FAUNA AND FLORA IN THE EASTERN AFRICAN REGION

4.3(1) General Undertaking

1. The contracting parties shall take all appropriate measures to maintain essential ecological processes and life support systems, to preserve genetic diversity and to ensure the sustainable utilization of harvested natural resources under their jurisdiction. In particular the contracting parties shall endeavor to protect and preserve rare or fragile ecosystems as well s rare, depleted, threatened or endangered species of wild fauna and flora and their habitats in the Eastern Africa region.
2. The contracting parties shall develop national conservation strategies and co-ordinate, it appropriate, such strategies within the framework of regional conservation activities.
 - i. Under the convention the following were declared protected species and the contracting parties should take appropriate measures such as to prohibit activities having adverse effects

- on the habitats of such species, uncontrolled picking, collection, cutting or uprooting, to ensure their protection.
- ii. The following were declared endangered wild fauna and appropriate measures are to be taken to protect them i.e.
 - Prohibit activities that adversely affect habitats of such species.
 - Where required prohibit all forms of capture keeping or killing and destruction or taking of eggs.
 - Possession of and internal trade in these animals, alive or dead.
 3. The following harvestable species of wild fauna are depleted and or threatened and appropriate measures should be taken to ensure their protection by:
 - Regulating their exploitation in order to maintain the population at optimum levels by developing, adopting and implementing management plans for the exploitation of such species i.e. closed seasons temporary of local prohibition, regulation of sale, keeping for sale and transport.
 - Prohibition of the use of all indiscriminate means of capture and killing.
 - Safeguarding breeding stocks of such species and their critical habitats in protected areas.
 4. The following were recognized as migratory special and should be protected as the harvestable species.
 5. The contracting parties are to take appropriate measures to prohibit the international or accidental introduction of alien or new species, which may cause significant or harmful changes to the region.
 6. The contraction parties shall where necessary establish protected areas with a view to safeguarding the natural resources of the region.
 7. The contracting parties shall, in promulgating projective measures, take into account the traditional activities of their local population in the areas to be protected so long as such activities are not detrimental to the wild fauna or flora.
 8. The contracting parties shall encourage and develop, scientific and technical research on their protected areas and on the ecosystems, wild fauna and flora, and archaeological heritage. They shall also endeavor to inform the public as widely as possible of the significance and interest of protected areas and protecting the wild fauna and flora.

4.4 PROTOCOL CONCERNING COOPERATION IN COMBATING MARINE POLLUTION IN CASES OF EMERGENCY IN THE EASTERN AFRICAN REGION

4.4(1) Objective

1. Protection of the marine and coastal environment from pollution incidents and the establishment of means of responding to marine pollution incidents and reducing the risk of marine pollution through enactment of relevant legislation.
2. Development of machinery to respond to marine pollution and designation of a national authority responsible for the implementation of the treaty.

4.4(2) Obligations

Each contracting party is obliged to

- Periodically exchange with other contracting parties as update information regarding the implementation of the protocol.
- Establish appropriate procedures to ensure that information regarding marine pollution incidents are reported as rapidly as possible i.e. require appropriate officials, ships flying its flag and offshore facilities in the contracting parties jurisdiction and those in the vicinity of its coasts to report marine pollution incidents involving their ship or facility.
- On receipt of a report regarding marine pollution incident the contracting party is obliged to notify other contracting parties whose interests are likely to be affected and also contract international organisations and take measures to reduce the impact of pollution
- Each contracting party shall render assistance within its available capabilities to other contracting parties on request in the event of marine pollution and also facilitate the movement into, though and out of its territory of technical personnel, equipment and material necessary for responding to a marine pollution incident.

5.0 VIENNA CONVENTION FOR THE PROTECTION OF THE OZONE LAYER

5.1 Introduction

In 1981 UNEP Governing council established an Adhoc working group of legal and technical experts for the elaboration of a global frame work for the protection of Ozone layer. The groups aim was to secure a general international treaty to tackle Ozone depletion. The draft was presented to the parties for adoption as the Vienna conference, known as the convention for the protection of Ozone layer in 1985 and was opened for signature on 22 March 1985. It recognizes the possibility that worldwide emissions and use of fully halogenated chloro fluoro-carbons (CFC) and other chlorine- containing substances can significantly deplete and otherwise modify the ozone layer, leading to potentially adverse effects on human health, crops, marine life, materials and climate.

5.2 Requirements

The Vienna convention for the protection of the Ozone layer consists of pledges to

1. Take appropriate measures in accordance to the convention and protocols that may arise as a result, to protect human health and the environment against adverse effects resulting or likely to result from human activities which modify or are likely to modify the ozone layer.
2. Co-operate in systematic observation, research and information exchange, on the effects of human activities on the Ozone layer and the effects on human health and environment from its modification of the ozone layer.

3. Adopt legislative measures and harmonize appropriate policies to control, limit, reduce or prevent human activities under their jurisdiction if it is found that such activities have or are likely to modify the Ozone layer.
4. Co-operate in the formulation of agreed measures procedures and standards for the implementation of the convention or adoption of protocols and annexes and to co-operate with competent international bodies to implement them.
5. The parties shall co-operate, consistent, with their national laws, regulations and practices and taking into account in particular the needs of the developing countries in promoting directly or through competent international bodies the development and transfer of technology and knowledge by:
 - Facilitation of the acquisition of alternative technology
 - Provision of information on alternative technologies and equipment
 - Appropriate training and facilities for research

5.3 MONTREAL PROTOCOL ON SUBSTANCES THAT DEplete THE OZONE LAYER

The Vienna conference in 1985 adopted a resolution empowering UNEP to convince negotiations for a protocol to the convention, to include control measures for Ozone depleting substances and on 16th September 1987, 46 countries signed then Montreal protocol on substances that deplete the Ozone layer.

Several substances were listed as controlled substances because of their Ozone depletion characteristics.

Since Kenya is a developing country its obligation falls under article five of the convention.

All developing parties, whose annual calculated level of consumption of the controlled substances is less than 0.3 Kilograms per capital on 1st January 1989 and ten years thereafter, shall in order to meet its basic domestic needs entitled to delay its compliance with the control measures. However such party shall not exceed an annual calculated level of consumption of 0.3 Kilograms per capita.

The parties to the Montreal protocol undertook to facilitate access to environmentally safe alternative substances and technology to parties that are developing and assist them to make expeditious use of such alternative. Parties also undertook to facilitate bilaterally or multilaterally the provision of subsidies, aid, credits, guarantees or insurance programmes to parties that are developing for the use of alternative technology and for substitute products.

Kenya as a party, individually, jointly or through competent international bodies should co-operate in promoting public awareness of the environmental effects of the emissions of controlled substances that deplete the ozone layer

Kenya is also supposed to submit to the secretariat a summary of the activities it has conducted towards research development public awareness and exchange of information.

5.4 LONDON AMENDMENT TO THE MONTREAL PROTOCOL ON SUBSTANCES THAT DEplete THE OZONE LAYER.

The London Amendment (1990) added methyl chloroform, carbon tetrachloride and a further range of CFCs to the phase-out scheduled and established a mechanism for financial and technical assistance to the developing parties.

5.4(1) Requirements

1. From 1 January 1993, each party should ensure that their annual calculated level of consumption and production controlled substances (Group 1) does not exceed 80% of its calculated level of consumption /production in 1989.
2. From 1st January 1997, each party should ensure that their annual calculated level of consumption and or production of controlled substances (Group 1) do not exceed fifteen percent of its calculated levels in 1989.
3. Each party shall ensure that from 1st January 2000 and subsequent years, their annual calculated level of consumption and or production of controlled substances (Group 1) does not exceed zero.
4. Each party shall ensure that from 1st January 1995, its annual calculated level of consumption and or production of controlled substances in-group 11 do not exceed 15% of its annual calculated levels of in 1989.
5. Each party shall ensure that from 1st January 1995 its annual calculated level of consumption and or production of the controlled substances in-group 111 do exceed seventy percent of the annual calculated levels in 1989. From 1st January 2000 thus annual consumption production should further be reduced to 7 - 30% of the calculated levels of 1989. This should further be reduced to zero consumption/ production levels by 1st January 2005.
6. As of 1st January 1990, each party shall bare the import of the controlled substances in annex A from any state non party to the protocol and those in annex B one year after the entry into force of the protocol.
7. Each party shall ban the export of any controlled substances in Annex A to non-party state by 1st January 1993 and those in Annex B, one year after the date of entry into force of the amendments of the protocol.
8. By 1st January 1992, the parties shall elaborate in an annex a list of products containing controlled substances in annex A
9. Within three years of the date of the entry into force of the amendments the parties shall elaborate in an annex a list of products containing controlled substances in annex B

These measures do not apply to developing countries

6.0 RAMSAR CONVENTION ON WETLANDS OF INTERNATIONAL IMPORTANCE ESPECIALLY AS WATER FOWL HABITAT

6.1 Introduction

The convention was signed at Ramsar, Iran on 2nd February 1971. It was amended by the protocol of 3rd December 1982 and the amendments of 28th May 1987.

The convention is an initiative to conserve the wetlands and their flora and fauna especially waterfowl by combining far sighted national policies with co-ordinate international action.

6.2 Obligations

1. Each contracting party shall designate suitable wetlands within its territory for inclusion in a list of wetlands of international importance, which is maintained by the bureau. Each contracting party shall designate at least one wetland to be included in the list when signing the convention. The boundaries of each wetland shall be precisely described and also delimited on a map and they may incorporate riparian and coastal zones adjacent to the wetlands. These wetlands should be selected for the list on account of their international significance in terms of ecology, botany, zoology, limnology or hydrology.
2. Each contracting party shall consider its international responsibilities for conservation management and wise use of migratory stocks of waterfowl.
3. The contracting parties shall formulate and implement their planning so as to promote the conservation of the wetlands included in the list.
4. In case the ecological character of any wetlands included in the list has changed, is changing or is likely to change due to technological developments, pollution or other human interference, information on such changes shall be passed without delay to the organisation or government responsible.
5. To promote consideration of wet lands and water fowl each contracting party shall establish natural reserves on wetlands whether included in the list of not.
6. If a contracting party deletes or restricts the boundaries of wetlands included in the list, it should as far as possible compensate the loss of the wetlands resources by creating additional nature reserves for water fowl.
7. The contracting party shall encourage research and the exchange of data and publications regarding wetlands and their flora and fauna and also train personnel.
8. The contracting party shall endeavor through management to increase waterfowl populations on appropriate wetlands.
9. They shall endeavor to coordinate and support present and future policies and regulations concerning the consideration of wetlands ecosystem and consult with each other about implementing obligations.

7.0 CONVENTION ON INTERNATIONAL TRADE IN SPECIES OF WILD FAUNA AND FLORA (CITES)

7.1 Introduction

This convention was signed at Washington, D.C on 3 March 1973 and amended at Bonn, on 22 June 1979. It recognizes that peoples and states are and should be the best protection of certain species of against over exploitation through international trade.

According to the convention the wild fauna and flora is categorized into 3

1. Appendix 1-, which consists of all species that, are threatened with extinction and may be affected by trade. Trade in these species should be subjected to stick regulation to protection.

2. Appendix 2- All species which although not necessarily now threatened with extinction may become so unless trade in those species is subject to strict regulation.
3. Appendix 3- All species which any party identifies as being subject to regulation within its jurisdiction for the purpose of preventing and restricting exploitation.
Parties are not allowed to trade in species listed in appendix 1,11, & 111

7.2 Objectives

1. To take appropriate measures to enforce the convention and to prohibit trade in specimens listed in Appendix 1, 2, & 3
2. To maintain a record of trade in specimens of species included in appendices 1, 2, or 3. These records should cover the names and address of exporters and importers, the number and types of permits and certificates granted, quantity, names of species size and sex of specimens.
3. Prepare periodic- Reports on the implementation of the convention. This report should contain a summary of the details of specimens traded in and the names of exporters and importers and biennial report on legislature, regulatory and administrative measures taken to enforce the convention. This information should be available to the public.
4. Each party shall designate; one or more management authorities competent to grant permits on behalf of that party and one or more scientific authorities. These management authorities should process the formalities required for trade with a minimum delay.
The scientific authority shall monitor both the export permits granted by the state, and the actual export.
5. Export permits shall only be granted when a management authority of the state is satisfied that the specimen was not obtained in contravention of the laws of the state for the protection of flora and fauna and that the specimen will be shipped safely.
6. Parties should penalize trade in or possession of endangered species and provides for the confiscation and return of a specimen captured during illegal translocation.

8.0 CONVENTION ON THE CONSERVATION OF MIGRATORY SPECIES OF WILD ANIMALS

8.1 Objective

The objective of this agreement shall be to restore the migratory species concerned to a favorable conservation status or to maintain it in such a status.

Migratory species are classified into two

- (i) Appendix 1 which consist of endangered migratory species
- (ii) Appendix 2 which consist of migratory species which have an unfavorable consideration status and which require international agreements for their conservation and management.

8.2 Obligations

1. Parties that are range states (areas of land or water that migratory species inhabits) of a migratory species listed in Appendix 1 shall endeavor to conserve and where feasible and

appropriate, restore those habitats of the species, minimize as appropriate the adverse effects of activities or obstacles that seriously impede or prevent migration, prevent, reduce or control factors that are endangering the species and prohibit taking of animals except for scientific purposes, enhancing propagation or to accommodate the needs of traditional subsistence users.

2. Parties that are range states of migratory species listed in appendix 2 shall endeavor to conclude agreements, which will benefit the species. Each agreement should identify the migratory species, described the range migration route, designate the national authority for each party for the implementation of the agreement and establish appropriate machinery to assist in carrying out the aims of the agreement.
3. Parties should keep the secretariat informed in regard to which of the migratory species listed in appendices 1&11 they consider themselves to be range states. They should also inform the secretariat of their future plans on measures that they are taking to implement the provisions of this convention, at least six months prior to each ordinary meeting of the conference,
4. Any party may appoint a qualified expert as a member of the scientific council.

9.0 CONVECTION OF THE PREVENTION OF MARINE POLLUTION BY DUMPING OF WASTES AND OTHER MATTER.

9.1 Objectives

To prevent and preserve marine environment from all sources of pollution and take effective measures, according to the scientific, technical and economic capabilities, to prevent, reduce and where practicable eliminate pollution caused by dumping or incineration at sea of wastes or other matter.

9.2 Obligations

1. Contracting parties should prohibit dumping of wastes or other matter into the sea with the exception of dredge material, sewage sludge, bush waste, vessels and platforms or other man made structures at sea, inert & inorganic geological material, organic material of natural origin, bulky items comprising iron, steel, concrete etc.
2. Permits shall be issued for the dumping of wastes mentioned above. Contracting parties shall adopt administrative or legislative measures to ensure assurance of permits and permit conditions. Dumping should not be in favour of environmentally preferred alternatives.
3. Contracting parties shall prohibit incineration at sea of wastes and other matter.
4. Contracting parties shall not allow the export of wastes or other matter to other countries for dumping or incineration at sea.
5. Each contracting party shall designate an appropriate authority to
 - Issue permits according to the protocol
 - Keep records of the nature and qualities of all wastes dumped, the quantities dumped and the location, time and method of dumping.
 - Monitor the conditions of sea for the purposes of the protocol.
6. Each contracting party directly or through a secretarial establish under a regional agreement, report to the organisation set our for the purpose of this convention and to the other parties. This report should give the details of the waste dumped, the administrative and legislative measures taken to implement the protocol including a summary of the enforcement measures.

7. Each contracting party shall take appropriate measures in accordance to the international law to prevent and if necessary punish acts contrary to the provisions of the protocol.
8. Since the protocol does not apply to vessels and aircraft entitled to sovereign immunity each contracting party shall ensure by the adoption of appropriate measures that such vessels and aircraft operate in a manner consistent with the object of the protocol.
9. Contracting parties shall take appropriate measures to promote and facilitate scientific and technical research on the prevention, reduction and possible elimination of pollution by dumping.
10. Before dumping an audit should be conducted on the waste material to assess the type, amounts and relative hazard of the waste, details of the production process and the source of waste, feasibility of the waste/reduction techniques.
11. An application to dump wastes or other matter shall demonstrate that appropriate consideration has been given i.e. reuse, offsite recycling, destruction of hazardous constituents, disposal on land, into air or in water.
12. A detailed description and characterization of the waste is essential for a decision as to whether a waste can be dumped. If a waste is so poorly characterized that proper assessment cannot be made of its potential impacts on the environment that waste should not be dumped.
13. Each party shall develop a national action list to provide a mechanism of screening candidate wastes and their constituents on the basis of their potential effects on the environment.

10.0 INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION FROM SHIPS

10.1 Objectives

To eliminate international pollution of the marine environment by oil and other harmful substances and the minimization of accidental discharge of such substances from ships

10.2 Obligations

The convention binds each party to

- Sanctions shall be established under the law in case of any harmful discharge from a ship. The party will confront the administration of the ship with evidence and the administration of the ship shall promptly inform the party of the action taken. If penalty will be charged on the administration of the ship for the violation. This penalty shall be adequate in severity to discourage violations of the convention.
- To issue their flag bearing ships with a certificate according to the provisions of the protocol.
- A ship required to hold a certificate in accordance with the provisions of the convention is subject, while in the ports or offshore terminals under the jurisdiction of the party, to inspection by officers, duly authorized by that party. Any such inspection shall be limited to verifying that there is on board a valid certificate, unless there are clear grounds for believing that the condition of the ship or its equipment does not correspond substantially with the particulars of the certificate. In such a case the party will ensure that the ship shall not sail until it can proceed to sea without presenting an unreasonable threat to the marine environment.

- If a party denies a foreign ship carry or ports or offshore terminals under its jurisdiction or takes action against such a ship for the reason that the ship does not comply with the provisions of the convention, the party shall immediately inform the consul or diplomatic representative of the party whose flag the ship is entitled to fly. The same rules apply for ships belonging to non-party countries.
- Upon the request of another party, a party may inspect a ship to which the present convention applies with the other party has discharged harmful substances or events. The report of such investigation shall be sent to the party requesting it and the administration of the ship.
- A report of any incident shall be made without delay to the fullest extent possible in accordance with the provisions of the protocol. This report will be communicated to the administration of the ship and to other party states.

11.0 UNITED NATIONS LAW OF THE SEA

11.1 Objective

To set up a comprehensive new legal regime for the sea and oceans and, as far as environmental provisions are concerned to establish material rules concerning environmental standards as well as enforcement provision dealing with pollution in the marine environment.

11.2 Duties of the coastal state

1. The coastal state shall not hamper the innocent passage of foreign ships through the territorial sea except in accordance with this convention. In particular, in the application of this Convention or of any laws or regulations adopted in conformity with this Convention, the coastal state shall not:
 - (a) Impose requirements on foreign ships which have the practical effect of denying or impairing the right of innocent passage; or
 - (b) Discriminate in form or in fact against the ships of any state or against carrying cargo to, from or on behalf of any state
2. Exercise the necessary, control of its territorial sea by preventing infringement of its customs, local, immigration or situations laws and regulations within its territory or territorial sea and punish the infringement.
3. State bordering straits shall adopt laws and regulations in respect to the following
 - Safety of navigation
 - Preventing, reduction and control of pollution
 - Prevent fishing including stowage of gear
 - Loading or unloading at any commodity
 - States shall give doc purposely for all such laws and publication.
4. The coastal state taking into account the best scientific evidence available to it, shall ensure through proper conservation and management measures the maintenance of resources. The state shall collaborate with other organizations for the endeavor.
5. The coastal state shall promote the objective of optimum utilization of the living resources in the enclosure economics zone.
6. The coastal states shall develop laws and regulations consistent with the convention for the conservation measures of resources i.e.

- Licensing of fisherman, fishing vessels and equipment including payment of fees
 - Determining the species, which may be caught fixing quotas in relation to particular stocks over a period of time.
 - Regulating seasons and areas of fishing, types, size, and the amount of gear and number of fishing vessels.
 - Fixing age and size of fish and other species
 - Specifying information required by fishing vessels including catch and effort statistics and research.
 - Placing observers on board of vessels
 - Enforcement procedure.
7. Where some stocks exists the exclusive economic zones of two or more coastal states, this states shall seek appropriate sub regional organizations for the management of such resources.
 8. Coastal states shall ensure conservation of migratory species and marine mammals by cooperating directly through appropriate international organizations.
 9. The state of origin of anadromous stocks shall ensure their conservation by the establishment of appropriate regulatory measures for fishing.
 10. A coastal state in whose waters catadronous species spend the greater part of their life cycle shall have responsibility for the management of these species and shall ensure the ingress and egress of migrating fishes. Harvesting of catadronous species shall be conducted only in waters land ward of the outer limits.
 11. The coastal state shall establish the outer edge of the continental margin wherever the margin extends, beyond 200 nautical miles from the baseline.
 12. The coastal state shall make payments or contributions in kind in respect of exploitation of the non-leaving resources of the continental shelf beyond 200 nautical miles. A developing state, which is a net importer of a mineral resource produced from its continental shelf, is exempted from such payment.
 13. Shall take measures for ships flying its flag to ensure the safety of the sea. In case of any damage caused by the ship the state shall pay for the damage.
 14. All states shall cooperate in the suppression of
 - (i) Illicit traffic in narcotic drugs and psychotropic substances engaged in by ships on the high seas
 - (ii) Pirating
 - (iii) Unauthorized broadcasting from the high seas

12.0 LUSAKA AGREEMENT ON CO-OPERATIVE ENFORCEMENT OPERATIONS DIRECTED AT ILLEGAL TRADE IN WILD FAUNA AND FLORA

12.1 Objectives

The objectives of this agreement are to reduce and ultimately eliminate illegal trade in wild fauna and flora and to establish a permanent task force for this purpose.

12.2 Obligations of the parties

1. The parties are obliged to take measures to investigate and prosecute cases of illegal trade in local fauna and flora.

2. Parties should undertake measures to review, develop and strengthen their national wildlife management laws and regulations to incorporate the provisions of the agreement.
3. A party should encourage public awareness campaigns aimed at enlisting public support for the objective of this agreement. The said campaigns should be so designed as to encourage public reporting of illegal trade.
4. Any specimens of wild fauna and flora confiscated in the course of illegal trade shall be returned to the country of original export if it can be identified. The cost of returning such specimens of wild fauna and flora are to be borne by the country receiving the specimens.
5. Parties should undertake to harmonize their national wildlife management laws and regulations with those of the other parties to the agreement.

13.0 UNITED NATIONS CONVENTION TO COMBAT DESERTIFICATION IN THOSE COUNTRIES EXPERIENCING SERIOUS DROUGHT AND /OR DESERTIFICATION PARTICULARLY IN AFICA.

The United Nations convention to combat desertification was adopted in 1994 and come into force in December 1996. The agreement includes annex concerning specific regions, Africa, Latin, America and the Caribbean, Asia and the Northern - Mediterranean.

The preamble defines the causes of desertification as complex interactions among physical, biological, political, social, culture and economic factors.

13.1 Objectives

The immediate objective of the convention is to combat desertification and mitigate the effects of drought and to achieve sustainable development in affected areas through international cooperation and partnership arrangements, in the framework of an integrated approach.

The long-term objective is to improve productivity of land, the rehabilitation and the conservation and sustainable management of land and water resources.

13.2 Obligations

1. The parties shall adopt an integrated approach addressing the physical, biological and socio-economic aspects of the processes of desertification and drought. Furthermore the parties shall give due attention of the situation of affected developing country parties with regard to international trade etc. With a view to establishing and enabling an international economic environment conducive to the promotion of sustainable development.
2. The parties shall integrate for poverty eradication into efforts to combat desertification and mitigate the effects of drought. Furthermore, the parties shall strengthen sub-regional, regional and international co-operation.
3. The affected country parties shall give due priority to combating desertification and mitigating the effects of drought, and allocate adequate resources in accordance with their circumstances and capabilities.
4. Affected countries shall address the underlying causes of desertification, and address the socio-economic factors contributing to desertification processes.
5. Parties shall raise awareness and facilitate the participation of local populations with support of NGOs, in effort to combat desertification and the effects of drought.

6. Developed countries parties shall actively support the effort of affected countries, and provide financial resources to help implement long term plans and strategies to combat the problems.
7. National Action plan shall be implemented to identify the factors contributing to desertification and practical measures necessary to combat desertification and mitigate the effect of drought.
8. The action plan shall emphasize the implementation of such strategies, and integrate them into national policies of sustainable development. The Action plan will also establish, or strengthen early warning systems, including local, national and joint system at the sub-regional and regional level and mechanism for assisting environmentally displaced persons. Establish food security systems, including storage and marketing facilities, establish alternative livelihood projects to provide income in drought prone areas, develop sustainable programmes for both crops and livestock.

14.0 CONVENTION FOR THE PROTECTION OF THE WORLD CULTURAL AND NATURAL HERITAGE

14.1 Objective

Participation and protection of the cultural and natural heritage of outstanding universal value.

14.2 Obligations

1. It is the duty of each party state to ensure the identification, protection, conservation, presentation and transmission to future generations the cultural and natural heritage situated in its territory. The international community could offer assistance and cooperation in particular financial, artistic, scientific, and technical assistance.
2. Each state should adopt a general policy, which aims to give the cultural and natural heritage a function in the life of the community and to integrate the protection of that heritage into comprehensive planning programs.
3. States should set up institutions with appropriate staff where for the protection, consideration and presentation of the cultural and natural heritage
4. To develop scientific and technical studies and research and to work out such operating methods as will make the state capable of counteracting the dangers that threaten its cultural and natural heritage.
5. To take appropriate measures to rehabilitate the cultural and natural heritage.
6. To establish or develop national or regional centers for training in the protection consideration, preservation of the cultural and natural heritage.
7. Each state should submit to the world heritage committee an inventory properly forming part of the cultural and natural heritage, situated in its territory and suitable for inclusion in the world heritage list.
8. States parties to the convention shall encourage the establishment of national, public and private foundations or associations whose purpose is to invite donations for the protection of the cultural and natural heritage.
9. States should endeavor to strengthen appreciation and respect of cultural and natural heritage by its people through education and other means.

15.0 CONVENTION FOR THE ESTABLISHMENT OF LAKE VICTORIA ORGANIZATION

15.1 Objective

To initiate and implement a five-year programme to strengthen regional coordination in the management of Lake Victoria resources, including fisheries, water and other resources.

15.2 Requirements

1. Two task forces shall be formed; one will address fisheries management, and control of water hyacinth and other invasive weeds, while the other shall address management of water quality and land use including wetlands.
2. Each party shall establish two national working groups and a national secretariat to prepare national proposals for incorporation into regional programme components. The membership shall include administrative and scientific personnel, academic institutions, private sector, NGOs etc.
3. The two national working group shall prepare national proposals for regional actions in respect of
 - (i) Fisheries management and control of water hyacinth and other measure used
 - (ii) Management of water control and land use.
4. The national secretariat in each country shall lend logistical support to the national working groups, integrate findings of the working groups and prepare national documents for regional deliberations.
5. The Kenya government is responsible for the regional task force dealing with water quality and land use, including wet lands, while the Tanzanian government is responsible for regional secretariat; and the Ugandan government is responsible for the other task force.

16.0 UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE (UNFCCC)

16.1 Introduction

The climate change convention was signed in 1992 at UNICED. The convention addresses the principles of common but differentiated responsibility and precautionary action.

16.2 Objectives

The primary objective of the UNFCCC is to achieve the stabilization of green house gases concentrations in the atmosphere at a level that prevents dangerous anthropogenic interference with the climate systems. This is to be done within a certain timeframe, which will allow ecosystems to adopt naturally to climate change, to ensure that food production is not threatened and to enable economic development to proceed in a sustainable manner.

In 1997 the parties signed the Kyoto protocol to the United Nations framework convention on climate change. The protocol provides for the emission limitation and reduction commitments for developed countries and those in transition.

16.3 Overview of main requirements

The main provisions of the UNFCCC are summarized as follows.

1. The parties should protect the climate system for the benefit of present and future generations of humankind.
2. The parties shall take account of the special needs of developing countries especially those that are particularly vulnerable to the adverse effects of the climate change i.e. small island states.
3. Developing countries are to be given full consideration under the UNFCCC. Their economic and social development and poverty eradication are the first and over lending priorities
4. Developed countries are to provide new and additional financial resources to developing countries to meet costs of compliance
5. The parties should take precautionary measures to anticipate, prevent or minimize the causes of climate change and mitigate its adverse affects. Policies and measures to protect the climate system against human-induced change should be appropriate to the specific conditions of each party, and should be integrated into national development programmes.
6. The parties should co-operate to promote a supportive and open international economic system that would lead to sustainable economic growth and development in all parties.
7. The parties should develop and periodically update national inventories of anthropogenic emissions, and publish national and regional programmes containing measures to mitigate climate change, and to facilitate adequate adoption to climate change.
8. The parties shall promote sustainable management, and co-operate for adaptation to the impact of climate change, develop and elaborate appropriate and integrated plans for coastal zone management, water resource management and agriculture, and for the protection and rehabilitation of areas affected by drought, desertification and floods.
9. The parties shall take climate change considerations into account in their relevant social, economic and environmental policies and actions.
10. Furthermore, the parties shall adopt national policies and corresponding measures on the mitigation of climate change, by limiting its anthropogenic emissions of greenhouse gases and protection and enhancing gas sinks and reservoirs
11. The parties shall promote and co-operate in scientific, technological, social-economic and other research, and the exchange of such information. The parties shall promote and co-operate in training, education and the raising of public awareness, and encourage the widest participation in this process.

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