



Book - Unit 5 - Land-Based Sources of Marine Pollution

Book - Unit 3 - Land-Based Sources of Marine Pollution

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Course: Introductory Course to the International Legal Framework on Marine Pollution

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Table of contents

1. Land-based pollution
2. Global Programme of Action for the Protection of the Marine Environment from Land-based Activities
3. Regional approach
 - Regional conventions
 - Regional protocols concerning land- based sources of marine pollution

1. Land-based pollution

The vast majority of marine pollution comes from land-based sources. These include sewage outfalls, industrial discharges, runoff from urban storm water and agriculture, river borne and airborne pollution and litter. Land-based sources of marine pollution can also be transported through the air, such as by vehicle emissions. Enclosed or semi-enclosed seas are especially vulnerable to land-based sources.

2. Global Programme of Action for the Protection of the Marine Environment from Land-based Activities

Recognizing that control of land-based sources of marine pollution was failing, the 1992 United Nations Conference on Environment and Development agreed to advance the subject. Agenda 21 invited the United Nations Environment Programme to convene a meeting on land-based sources as soon as practicable and identified priority actions for control of these sources and recommended updating the 1985 Montreal Guidelines for the Protection of the Marine Environment against Pollution from Land Based Sources, assessing the effectiveness of regional agreements on land-based sources and the formulating of new regional agreements where appropriate, and providing guidance on appropriate technologies and the development of policy guidance for relevant global funding mechanisms.

The proposed international conference on land-based sources of marine pollution was held in Washington, DC, in November 1995. It produced the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities (GPA), for which UNEP is Secretariat. Financing for some aspects of implementation is available through the International Waters Funds of the Global Environment Facility (“GEF”).

The GPA is the only global intergovernmental mechanism directly addressing the connectivity between terrestrial, freshwater, coastal and marine ecosystems and its aim is to sustain action to prevent, reduce, control and/or eliminate marine degradation from land-based activities. Countries and regions formulate national and regional programmes of action to implement the GPA.

Intergovernmental Review Meetings (IGR) are organized every 5 years to review the progress made by countries in the implementation of the GPA through their respective National Action Plans and to provide direction on future implementation. The GPAs has identified nutrients management, marine litter and wastewater as priority source categories to address and established global partnerships on each one of these issues.

3. Regional approach

International management of land-based sources of marine pollution lends itself more to regional approaches than to global ones. As the most intense pollution from land-based sources tends to be local and its effects magnified in enclosed and semi-enclosed sea areas, and as states located in a common region tend to share a common level of economic development and common environmental conditions, regional arrangements are more apt.

Regional conventions

The first regional regimes for land-based source of marine pollution were adopted for the Baltic and Northeast Atlantic Seas. These were the 1974 Convention on the Protection of the Marine Environment of the Baltic Sea Area (“Helsinki Convention”) and the 1974 Convention for the Prevention of Marine Pollution from Land-Based Sources. In 1992 each was revised and updated. Respectively, they are now in Annex III of the 1992 Convention on the Protection of the Marine Environment of the Baltic Sea Area (“Helsinki Convention”) and in Annex I of the 1992 Convention for the Protection of the Marine Environment of the North-East Atlantic (“OSPAR Convention”).

The regional conventions and protocols each adopt similar definitions of land-based sources of marine pollution and similar regulatory approaches. They cover marine pollution from the coast, watercourses and through the atmosphere. They vary from each other in relation to coverage of offshore installations and waste disposal under the seabed accessed by tunnel or pipeline.

The regional conventions also adopt similar approaches to the regulation of land-based sources of marine pollution. Release into the marine environment of “black listed” substances set out in an annex is prohibited. Most of the conventions black list heavy metals such as cadmium and mercury, persistent organic compounds such as organohalogens and organochlorines and radioactive substances. Release into the marine environment of “grey” list substances set out in another annex is typically restricted and subject to authorization by the coastal state.

Authorization is conditioned on such factors as the characteristics and composition of the substance, impacts on the receiving environment and the availability of alternatives such as waste production avoidance and alternative disposal methods. Airborne pollution is addressed merely by referring to an obligation to comply with other existing and applicable international standards, of which there are few.

Regional protocols concerning land- based sources of marine pollution

Regional protocols concerning land-based sources of marine pollution are in place for several regions, note that not all of the Protocols are into force:

- Mediterranean Sea (1980 Protocol on the Protection of the Mediterranean Sea against Pollution from Land-Based Sources)
- South-East Pacific (1983 Protocol for the Protection of the South East Pacific Against Pollution from Land-Based Sources)
- Arabian Gulf (1990 Protocol for the Protection of the Marine Environment against Pollution from Land-Based Sources)
- Wider Caribbean Region (1999 Protocol Concerning Pollution From Land-Based Sources and Activities)
- Red Sea and Gulf of Aden (2005 Protocol Concerning the Protection of the Marine Environment from Land-Based Activities in the Red Sea and Gulf of Aden)
- Black Sea (2009 Revised Protocol on the Protection of the Marine Environment of the Black Sea from Land-Based Sources and Activities)
- East Africa (2010 Protocol for the Protection of the Marine and Coastal Environment of the Western Indian Ocean from Land-Based Sources and Activities)