

REVISION OF THE LBSA PROTOCOL TO THE BUCHAREST CONVENTION

UNEP's INVOLVEMENT

“Black Sea Ecosystem Recovery Project (BSERP)
Final Seminar

Istanbul, Turkey, 14 - 15 February 2008



Rossana Silva Repetto
Legal Officer, UNEP



Phase I BSERP – LBS Protocol Revision Process

Under Phase I BSERP (2002-2004):

- TDA and Strategic Action Plan
 - Identified the overriding significance of eutrophication with long-term impact effects on the Black Sea.
- The BSERP PiU requested UNEP to:
 1. **Prepare recommendations for a revised draft LBS Protocol, and**
 2. **Propose a Work Programme to Enhance the Implementation of the LBS Protocol taking into consideration the GPA objectives.**
- Inter-Agency Agreement (IAA) between UNEP/GPA and UNOPS (August 2003).
 - Component 2 of BSERP: “Regional actions for improving LBA and legislation to control eutrophication and tackling emergent problems”.

Phase I BSERP – LBS Protocol Revision Process

- UNEP (GPA and ROE), in consultation with the BSERP-PiU and the BSC-PS, undertook the relevant process:
 1. Exchange of views at the 2nd Meeting of the BSERP SC (Sept. 03, Istanbul);
 2. Exchange of views at the 10th Meeting of the BSC (Oct. 03, Istanbul);
 3. Consultative meeting on the revision of the LBS Protocol, GPA Work Programme for the Black Sea, the EU Water Framework Directive and the EU Marine Strategy (Jan. 04, Istanbul) (Docs available at www.gpa.unep.org/meetings/black_sea/default.htm)

Phase I BSERP – LBS Protocol Revision Process

4. Collection of up-to-date information relevant to the formulation of the two documents under UNEP's responsibility, through the direct and full involvement of the relevant national focal points, members of the BSC LBS AG, PS BSC (Reports available at: <http://www.unep.ch/roe>);
5. 2nd Consultative Meeting on the revision of the LBS Protocol, GPA Work Programme for the Black Sea, the EU Water Framework Directive and the EU Marine Strategy (May 04, Istanbul),
6. Joint Meeting of the BSC LBS AG and Working Group on Water Framework Directive (July 04, Istanbul);
7. Two working meetings among the international consultants and UNEP officers (UNEP/GPA The Hague).

Phase I BSERP – LBS Protocol Revision Process

- UNEP submitted on 16 Sept. 2004 the final report of the IAA to UNOPS, BSERP-PIU and BSC-PS, including the two products entrusted to it.
- BSC invited UNEP to present the above deliveries to its 11th Meeting (Nov. 2004, Istanbul).
- The BSERP PiU also invited UNEP to present these deliveries to the Inception Meeting of the II Phase of the project (Nov. 2004, Istanbul).
- The BSC at its 11th Meeting decided:
 1. To approve the proposed Draft Revised BS LBS Protocol, including its annexes, submit it for national consultations and possible adoption at the Ministerial Meeting to be held in 2007(8).
 2. To approve the proposed WP BS GPA and to inter-calibrate it with the proposed WP of the PS BSC 2004-2005.
 3. To approve that the proposed WP of the PS BSC 2004-2005 be subject to national consultations within a month's time.

Phase II BSERP – LBS Protocol Revision Process

How to continue and finalise the process?

- Consultations among BSERP, BSC-PS and UNEP, June 06
- It was agreed that UNEP would assist in:
 1. Finalization of the Draft Revised LBA Protocol, and
 2. Facilitation of the process for national negotiations.

Under Phase II BSERP:

- Objective 2: “Development of policy guidelines, legal and institutional instruments for nutrient reduction from LBA, and protection of ecosystems of the Black Sea and its coastal zones”.
- UNEP/GPA & UNOPS signed an IAA (Dec. 05) to support the BSERP-PiU in the implementation of:
 1. Activity 2.1. Finalisation of the annexes to the revised LBA Protocol.
 2. Activity 2.2. Organisation of national capacity-building workshops.
 3. Activity 2.3. Facilitation of national negotiations process and further implementation of the Revised LBA Protocol.

Phase II BSERP – LBS Protocol Revision Process

Activity 2.1. Finalisation of the annexes to the revised LBA Protocol

- UNEP with the assistance of 2 international consultants (legal and technical) undertook the final drafting.
- Input and views were sought from countries & PS-BSC through:
 - ⇒ 9th meeting of the BSC LBS AG (Sept. 05): Discussion on the Draft Protocol art. by art. (written comments from Turkey, Russian Federation, Georgia, UNECE & EBRD)
 - ⇒ UNEP sent communication to BSC-PS on key outstanding issues, legal implications & considerations (Oct. 05)

Phase II BSERP – LBS Protocol Revision Process

- ⇒ PS-BSC produced a table with consolidated countries' comments (Dec. 05)
- ⇒ 13th meeting of the BSC (Feb. 06): To continue taking into consideration comments. Seek support from BSERP & UNEP
- ⇒ *UNEP delivered to BSERP third version of Draft Revised LBSA Protocol, cc.BSC, BSC-PS (Aug. 06)*
- ⇒ UNEP submitted to BSERP Explanatory Note on the Draft Revised LBSA Protocol –proposed amendments to the LBS Protocol in force, since initial discussions (Nov. 06)
- ⇒ BSERP SC Meeting (May 07): Recommended countries to start negotiation process to finalise the Draft LBSA Protocol **to be agreed prior to and**

Phase II BSERP – LBS Protocol Revision Process

Activity 2.2. Organisation of national capacity-building workshops

- ⇒ Preparation, negotiation and signing of MoUs.
- ⇒ Identification of participants and venue.
- ⇒ Preparation and delivery of workshop documents.
- ⇒ Translation of documents, as pertinent.

- ***“National Workshops in support of Capacity-building of National and Local Authorities Responsible for the Implementation of the LBSA Protocol” are held:***

- ⇒ *Russian Fed.: Olginka, Krasnodar, 29-30 Aug. 06;*
- ⇒ *Turkey: Istanbul, 23-24 Jan. 07;*
- ⇒ *Romania: Constanta, 8-9 Feb. 07;*
- ⇒ *Ukraine: Odessa, 1-2 March 07;*
- ⇒ *Bulgaria, 22-23 March 07;*
- ⇒ *Georgia: Tbilisi, 12-13 June 07.*

Phase II BSERP – LBS Protocol Revision Process

- **Workshops objectives:** To inform and discuss with national and local authorities about:
 1. International legal instruments addressing the issue of the LBSA;
 2. The status of the revision of the BS LBSA Protocol;
 3. The main legal and technical issues involved in the effective implementation of the BS LBSA Protocol.

LBSA Protocol Workshop in Bulgaria (March 07)



Phase II BSERP – LBS Protocol Revision Process

- Workshops attendance:
 1. A wide range on national institutions (representatives from the Ministries of the Environment, Agriculture, Tourism, Health, Planning, Marine Affairs, Foreign Affairs, etc.);
 2. Local authorities and institutions
 3. Academia, scientists, private sector, NGOs, etc.
 4. The PS-BSC and the BSERP PiU.

Phase II BSERP – LBS Protocol Revision Process

- Workshops reports:

1. Prepared by UNEP and submitted to the respective BS country MoU's focal point for comments -on the report and further comments on the Draft Revised Protocol.
2. Comments on the Draft Rev. Protocol incorporated to reports as their last Annex.
3. Final report officially submitted to governments cc. BSERP, PS-BSC and BS Commissioners.

LBSA Protocol Workshop in the Russian Federation (Aug. 06)



Phase II BSERP – LBS Protocol Revision Process

Activity 2.3.

Facilitation of national negotiations process and further implementation of the Revised LBA Protocol.

- The workshops provided an excellent opportunity for UNEP to draw attention on outstanding issues in the Draft Revised LBSA Protocol to the different national and local authorities in each country. It was not necessary to organise specific national negotiating meetings.
- *Awareness-raising leaflets on the need and reasons to revise the LBS Protocol have been produced -translated into the national languages of the 6 BS countries.*

Next steps – Further UNEP support

- UNEP is submitting to the BSERP PiU (cc. BSC PS, BS Commissioners) the edited version of the Draft Revised LBSA Protocol and the comments gathered in the national workshops together with an introductory/explanatory note.
- UNEP is printing the awareness-raising leaflets –after finalising translation- and distributing them.
- UNEP will assist the BSC PS, as appropriate and requested, in the official submission of the latest version of the Draft Revised Protocol to governments requesting them to initiate the internal procedures for approval and signing at the BS Ministerial Meeting 2008.
- UNEP ratifies its readiness to further assist in the process of negotiation, adoption, ratification and implementation, as requested and appropriate.