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PROTECTION OF THE MARINE ENVIRONMENT AS A MODALITY OF INTERNATIONAL
CO-OPERATION: THE PLAN OF ACTION OF THE SOUTH-EAST
PACIFIC AND ECLAC */

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SUMMARY

This report describes the collaboration that has taken place since 1983 between the Economic Commission for Latin America and the Caribbean (ECLAC) and UNEP in respect of the Action Plan for the Protection of the Marine Environment and Coastal Areas of the South-East Pacific.

The analysis provided in this report begins with the first co-operative efforts undertaken by the two organizations in this regard, which dealt with the topic of environmental impact assessments with respect to the sea, and then follows the subsequent extension of such collaboration to a variety of other areas, including the incorporation of environmental considerations into ocean mining activities.

The report also discusses the fact that at the request of experts of the member countries of the Plan, ECLAC began to provide support in respect of their concern about the possible environmental effects in the South-East Pacific of the various uses being made of the resources of the sea and, together with the Regional Adviser of the Action Plan, has promoted a multidisciplinary systemic approach to the issue which addresses its scientific, technological, legal, social, economic and political aspects.

The enormous potential of the Action Plan to serve as a point of convergence for the efforts of the various sectors within the individual countries is evaluated, and its pioneering work in raising an issue never before addressed in the region is underscored.

Reference is also made to the connection between the development of this issue and the guidelines set forth by the successive conferences held at the ministerial level by the countries of the South Pacific system, as well as to how it ties in with the International Development Strategy for the 1980s.

The report also describes the approach taken to the subject of the environmental impacts of ocean mining activities and the emphasis placed on their international dimension. In this connection, special importance is

attributed to UNEP's support of the Latin American countries' concerns in regard to negotiations within world forums relating to the sea.

Finally, the prospects for future co-operation in some spheres are analysed and a number of ideas regarding the exploration of new areas are suggested.

I. INTRODUCTION

In June 1983 a co-operation agreement was signed by the Economic Commission for Latin America and the Caribbean (ECLAC) and the Permanent Commission for the South Pacific (CPPS). The purpose of this agreement was to optimize the effectiveness of these bodies' efforts in their respective areas of competence on behalf of the Latin American countries of the South-East Pacific.

There is no question about the ability of an organization as influential and effective as the CPPS to facilitate ECLAC's fulfilment of many of its mandates in the field of marine resources. Indeed, since its creation in 1952, the CPPS has built up an exemplary system of collaboration which has forged the national capacities of its member countries into a highly efficient system of subregional co-operation.

It was this system which set the scene for the consolidation of the Action Plan for the South-East Pacific and for the positive step represented by Panama's incorporation into the Plan.

When the CPPS and ECLAC arrived at the point of identifying particular areas in which they might initially undertake joint action, they decided that it would be of interest to develop some components of the Action Plan which incorporated socioeconomic elements that called for analysis by ECLAC.

This led to the Seminar/Workshop on the Assessment of Environmental Impacts on the Marine and Coastal Areas of the South-East Pacific, which was held in November 1983. It was at this seminar that the countries of the subregion first grappled with the concept of impacts on the marine environment as they strove to arrive at some relatively common understanding of the issue in order to lay the foundations for future regional strategies.

Upon the conclusion of this seminar, the consensus of the participants was that international bodies should be urged to continue to collaborate with the governments in exploring methods and technologies for assessing

environmental impacts on the marine and coastal areas of the South-East Pacific.^{1/}

As a result of a recommendation made at this seminar, the Workshop on the Assessment of the Impact on the Marine Environment of Potentially Harmful Substances originating from Coastal Sources: A Case Study in Chile, was organized. This workshop focused on the environmental impacts of activities conducted along the Bío-Bío River on the Gulf of Arauco and resulted in an interesting interdisciplinary exchange of a wide range of information based on a number of productive field research projects.^{2/}

In 1985 collaboration among ECLAC, the Permanent Commission for the South Pacific, the United Nations Development Programme (UNDP) and the Federico Santa María Technical University of Chile led to the commissioning of a document wherein a methodology was proposed for carrying out environmental impact assessments of the pollution of Valparaíso Bay. This study made a valuable contribution to the development of concepts relating to the assessment of environmental impacts in the member countries of the Action Plan.^{3/}

Work on the subject of impact assessments was continued within the framework of the Action Plan, and the seminars and courses held in this connection have provided an extremely valuable pool of information on the topic.

In 1987, after a period of almost two years during which the financial crisis affecting the United Nations system had made it necessary for ECLAC to suspend its work in the area of marine resources, collaboration with the CPPS as the focal point for the Action Plan for the South-East Pacific recommenced with the organization of the Seminar/Workshop on Radioactive Pollution in the South-East Pacific. A contribution was made to the Panel on Legal Aspects concerning the legal instruments available within the United Nations system which could be employed in order to undertake an analysis of the radioactive pollution of the sea at the international level.

It was also deemed advisable to co-ordinate efforts with ECLAC in order to prepare documentation for use in an informational and training course on the legal aspects of radioactive pollution. The seminar participants also felt that the existing mechanisms for co-operation between ECLAC and the United Nations Economic and Social Commission for Asia and the Pacific (ESCAP) could provide a suitable framework for co-ordination between the

countries and institutions on both sides of the Pacific Basin in respect of their concerns about radioactive pollution.^{4/}

Then, in September of that same year, the Seminar on Sea-Bed Mineral Resources: Technical, Legal and Environmental Aspects of Exploration and Exploitation, was organized as part of the first phase of work on the Action Plan component concerning the mineral resources of the sea. One of the contributions made by ECLAC to this seminar was an analysis of the possible environmental impacts of deep-sea ocean mining activities in the international area of the sea-bed and ocean floor.

Attention was also drawn to the great importance of UNEP's assistance in analysing the effects of ocean mining activities on the environment.^{5/}

In this connection, the experts who participated in the Meeting of the Ad-Hoc Advisory Expert Group of the Latin American Group in the Preparatory Commission for the International Sea-Bed Authority and for the International Tribunal for the Law of the Sea which was convened by ECLAC in November 1988 felt that the present status of negotiations in this forum and the situation that would exist once the Convention entered into effect demanded a relatively comprehensive understanding of the effects of ocean mining on the environment.^{6/}

Along these same lines, collaboration between ECLAC and the Action Plan was furthered by a document prepared for the Meeting of Experts for Co-operation in the field of Ocean Mining and Uses of the Sea: Scientific, Technological, Legal, Environmental and Planning Components, which set forth an analysis of various aspects of international significance relating to the competence of ECLAC in the fields of ocean-use planning, environmental protection and technology transfer in respect of marine minerals.^{7/}

The recommendations made by this meeting concerned, inter alia, the continuation of joint efforts as regards the consideration of the draft protocol on environmental impact assessments; a code of conduct applying to mining activities in the Area based on the United Nations Convention on the Law of the Sea and a study of the applicability of the UNEP document "Offshore Mining and Drilling" (Environmental Law: Guidelines and Principles series, No. 4); the organization of a seminar/workshop on the integrated planning and management of coastal zones; and the link between the inventory of the technical, human and bibliographic resources at the disposal of the various institutions of the member countries of the Action Plan and the

proposals for action made by the Ad-Hoc Advisory Expert Group of the Latin American Group in the Preparatory Commission for the International Sea-Bed Authority at its meeting at ECLAC headquarters in 1988 as regards how Latin American human resources, institutions, infrastructure, technology, entrepreneurial organizations and financial resources could best be used to facilitate the formulation of a regional strategy for training in the field of ocean mining.

Finally, the Special Symposium on Regional Co-operation for the Environmental Protection of the Marine and Coastal Areas of the Pacific Basin, which was promoted by UNEP and the Permanent Commission for the South Pacific and held during the Sixth Inter Congress of the Pacific Science Association (Viña del Mar, Chile, 7-10 August 1989), provided an opportunity to evaluate the co-operation that has taken place between the Plan's regional advisor and ECLAC as part of the effort to draw attention to the topic of environmental impact assessments as a significant factor in the economic and social dimension of the management of Latin America's natural resources.

In view of the global nature of some of the issues which, as noted by the Deputy Director of UNEP during the course of this seminar, should be addressed within the context of an interregional dialogue, ECLAC and the regional advisor of the Plan proposed that the subject of the environmental effects of mining activities in the international sea-bed area be incorporated into this dialogue in such a way as to link the activities provided for by the action plans for both sides of the Pacific Basin with the negotiations undertaken within the framework of the Preparatory Commission for the International Sea-Bed Authority.

II. ANALYSIS OF CO-OPERATION EXPERIENCES TO DATE

Collaboration between ECLAC and UNEP with regard to the Action Plan has focused on new areas, and the innovative approaches that have been advanced in this connection have encouraged experts in the relevant disciplines, both in the member countries and in countries of other subregions, to play an active role in these efforts.

The joint work undertaken by these two bodies over the years has provided a valuable example of how the effectiveness of national capacities in dealing with regional concerns may be maximized.

The informal efforts of experts from the countries have made it possible to accomplish more in respect of the various subject areas than what can often be achieved within a more formal organizational setting due to the limits imposed on the latter by the need to arrive at political agreements.

Special recognition should be accorded to the regional advisor of the Action Plan, who has developed extremely valuable approaches and made major substantive contributions by serving as a catalyst for multidisciplinary efforts while ensuring that at all times such efforts are in keeping with the systemic focus inherent in the more general objectives of the Plan.

The rapid progress made in carrying out the tasks that have been undertaken has facilitated agreements on the texts of the draft protocols on protected areas and on radioactive pollution and has permitted major advances to be made in respect to the text of a future protocol on environmental impact assessments in the South-East Pacific region.

Within the context of regional efforts, the activities carried out within the framework of the Action Plan for the South-East Pacific provide an inspiring and dynamic example of what a group of countries can achieve through a deep commitment to co-operation when national experts transcend their countries' borders and join together to work on an interactive basis.

III. SOME IDEAS FOR THE FUTURE

The co-operation that has taken place between ECLAC and the regional co-ordination unit of the Action Plan for the South-East Pacific has been a highly productive experience which warrants the intensification of such efforts.

It would appear that the subject of environmental impact assessments should continue to be an important component of such collaboration, particularly in view of the socioeconomic factors that are involved and the importance of such assessments for the sustained development of the region.

Within this context, the future approval of a protocol on environmental impact assessments will provide a suitable framework for the furtherance of co-operation in these areas.

In addition, the adoption of a protocol on the conservation and management of protected areas in the South-East Pacific will provide an opportunity for developing co-operative initiatives in many areas of concern which have arisen in the course of joint activities over the years.

In view of the role which the subject of environmental management and coastal planning is likely to play in future ECLAC programmes of work, the Marine and Coastal Environmental Management Plan for the South-East Pacific will also provide an opportunity for fruitful joint undertakings.

Furthermore, given the complex challenge facing the countries in respect of international negotiations within the framework of the Preparatory Commission for the International Sea-Bed Authority and, once the Convention enters into force, of the Authority itself, the countries will require ongoing support in connection with environmental considerations pertaining to the fulfilment by registered pioneer investors of their obligations and to the drafting of a mining code for the international sea-bed area.

The work done at the Sixth Inter Congress of the Pacific Science Association by the special panel formed by UNEP and CPPS on regional

co-operation for the environmental protection of the marine and coastal areas of the Pacific Basin, which designated a number of priority areas for interregional efforts (e.g., climatic change, environmental impact assessments and the management of coastal zones), paves the way for the identification of spheres in which the collaboration that has become customary between ECLAC and UNEP in regard to the Action Plan could be broadened to include the analysis of a trans-Pacific framework for co-operation based on the former's links with the United Nations Economic and Social Commission for Asia and the Pacific.

Finally, insofar as the specific objectives of the Permanent Commission for the South Pacific are concerned, the priorities set out in the statement issued by the third meeting of the Foreign Ministers of the CPPS member States (Quito, December 1987) in reference to economic and social development projects, artisanal fisheries and the elimination of absolute poverty --all of which clearly have an environmental component-- appear to provide a suitable orientation for future co-operation.

This orientation would, in addition, enhance the relevance of the efforts undertaken by ECLAC and UNEP as regards the Action Plan to the main concerns of the region as the 1980s draw to a close.

Above and beyond the multitude of possible areas of co-operation suggested by so crucial an issue as the environmental protection of the South-East Pacific, the most significant aspect of the years of joint efforts by ECLAC and UNEP concerning the Action Plan is that they have demonstrated the continuing validity of regional co-operation as a development tool and have provided the people working at ECLAC with an example of the efficient utilization of national capacities to pursue the shared aims of a group of countries.

The regional advisory unit of the Plan deserves special recognition for its work in providing invaluable professional and personal assistance to the national and international experts who have had the privilege of participating in some of the many initiatives of the Action Plan.

Notes

1/ ECLAC/CPPS, Informe del Seminario-Taller sobre Evaluaciones de Impacto Ambiental en el Medio Marino y Areas Costeras del Pacifico Sudeste, CPSS, Seminarios y Estudios series, No. 6, 1986.

2/ ECLAC, Informe del Taller sobre la Evaluación del Impacto Ambiental de Sustancias potencialmente Nocivas provenientes de Fuentes Costeras en el Medio Marino: Estudio de un Caso en Chile (IC/L.325), Santiago, Chile, 19 February 1985.

3/ ECLAC/CPPS/UNDP/Federico Santa María Technical University, "Valparaíso, Chile: Descontaminación de la Bahía. Estudios de Evaluación de Impactos Ambientales. Proposición Metodológica", October 1986.

4/ CPSS/UNEP/ECLAC, Informe del Seminario-Taller sobre la Contaminación Radioactiva en el Pacifico Sudeste, Santiago, Chile (UNEP/CPSS/ECLAC/WG.158/27), August 1987.

5/ CPSS/UNEP/ECLAC/UNOALOS, Informe del Seminario sobre los Recursos Minerales de los Fondos Marinos: Aspectos Técnicos, Jurídicos y Ambientales de su Exploración y Explotación, Cartagena, Colombia, 12 February 1988.

6/ ECLAC, Report of the Meeting of the Ad-Hoc Advisory Expert Group of the Latin American Group in the Preparatory Commission for the International Sea-Bed Authority and for the International Tribunal for the Law of the Sea (IC/G.1543), Santiago, Chile, 16 August 1989.

7/ ECLAC, Los recursos minerales en la planificación de los usos del mar: hacia el fortalecimiento de la dimensión internacional (IC/R.762), Santiago, Chile, 16 May 1989.