



CO-OPERATION THAT COUNTS

ACP MEAs



# **THE ROLE OF PARLIAMENTARIANS IN DEVELOPMENT AND IMPLEMENTATION OF MULTILATERAL ENVIRONMENTAL AGREEMENTS (MEAs) IN AFRICA**

***A SOURCEBOOK FOR PARLIAMENTARIANS IN AFRICA  
ON MEAs***

**July 2012**

## Preface



Since the Earth Summit of Rio de Janeiro in 1992 and the adoption of Agenda 21, the world community has been made more aware of its responsibilities towards sound environment and natural resources management in general and sustainable development in particular. More recently in 2012, the Rio+20 United Nations Conference on Sustainable Development, outcome document, under paragraph 89, encouraged parties to multilateral environmental agreements (MEAs) to consider further measures to promote policy coherence, improve efficiency and enhance coordination and cooperation among the MEAs.

Africa, like other regions, is engaged in efforts to honour its commitments under MEAs with the view of achieving sustainable development. The lack of adequate capacity and awareness on environmental issues have been identified as major challenges to ensuring that African countries meet their obligations. Thus, in 2009 the African Union Commission (AUC), with support from European Union, established the EC-ACP Capacity Building Project on Multi-lateral Environmental Agreements (MEAs Project) whose main objective is to build the capacity of Africans to adequately implement MEAs.

MEAs are legal instruments that have been put in place by the international community to address environmental issues. Many African countries have ratified most MEAs, including the UNFCCC, the UNCCD, the CBD, Rotterdam Convention, Stockholm Convention, Basel Convention, to name but a few. Apart from these global MEAs, Africa has also adopted its own MEAs to better respond to their specific needs: the Abidjan, Bamako, Maputo and Nairobi. Despite the fact that these Africa regional Conventions have been established to offer the continent the opportunity to address specific regional and national needs related to environmental issues, only few countries have ratified all of them. I wish to, therefore, reiterate the call of the African Union to those Member States that have not done so to ratify and implement the African MEAs. It is my sincere belief that MEAs, if adequately implemented, will greatly

contribute to reducing environmental challenges in Africa.

In order to implement MEAs, African countries need to domesticate these MEAs at national level. Reports have shown that most African countries that have ratified MEAs have not effectively implement them; the main causes being the less-than-desired priority accorded to environmental issues by Governments; inadequate budget allocated to the environmental sector; low level of awareness and limited capacity of the principal actors including legislators. It is against this back drop that the AUC, through its MEAs Project with the technical assistance of UNEP and in collaboration with the Government of Uganda, held a colloquium in June 2012 in Entebbe, Uganda, to raise the awareness of African Parliamentarians on the importance of mainstreaming MEAs into developmental plans and policies and on their role in MEAs development.

As lawmakers, Parliamentarians are instrumental in promoting sustainable development, environmental governance and for advancing law and policy. Parliamentarians are also responsible for policy oversight; as such they play an important role in enforcement and monitoring compliance with environmental legislation and policy in order to achieve sustainable development and poverty reduction. Parliamentarians are, therefore, expected to influence the Executive to mainstream MEAs into developmental plans and policies. Their involvement in MEAs negotiations, albeit within their mandates, is very important as they represent and mobilise the people who benefit from these MEAs. Parliamentarians are also responsible for expenditure and budget review and, in this regard, can influence budget allocation to facilitate effective implementation and enforcement of MEAs. As representatives of their constituents, Parliamentarians are closer to the people than the Executive are and can, therefore, conduct awareness raising campaigns on important issues including MEAs for target groups such as women and the youth. They can also promote development, adoption and implementation of gender and youth sensitive policies; women and the youth being important actors in environmental management.

The views of the parliamentarians and their commitment to MEAs implementation inspired the publication of this sourcebook. I, therefore hope that Parliamentarians across Africa will find this publication useful in their efforts to promote sustainable development in their respective communities and countries and the entire African Continent.

**H.E. Mrs. Tumusiime Rhoda Peace**  
**Commissioner for Rural Economy and Agriculture**  
**African Union Commission**

## Acknowledgments

The EC-ACP Project on Multi-lateral Environmental Agreements (MEAs Project) of the African Union Commission wish to thank various individuals and organizations who made it possible for this sourcebook to be published. The two consultants Mr. Gracian Banda of the Centre for Environmental Policy and Advocacy in Malawi and Dr Christopher Tamasang of the University of Yaoundé in Cameroun worked tirelessly with technical team from UNEP and the AUC to produce this sourcebook. We also wish to thank the European Union, the funding agency for the MEAs Project, for making it possible for the African parliamentary colloquium on multilateral environmental agreements to be held in Entebbe, Uganda, from 4-6 June

2012; it is that colloquium which inspired and provided the material for this publication. Special mention is made of UNEP, in particular UNEP-ROA who not only worked closely with the MEAs Project Coordinators to provide oversight and guidance to the consultants throughout the development of this source book, but also pro-actively participated in the preparation and the organization of the colloquium, producing some of the technical documents and making useful presentations. Last but not least, we wish to thank the Honorable Members of Parliament from different countries in Africa who attended and actively contributed to the colloquium. Their invaluable contribution to the colloquium went towards shaping this sourcebook. Our courtesy is also extended to the Institute for Biodiversity Conservation, NEPAD, UNEP ARENDAL, Pius Utomi Ekpei/ AFP/Getty Images, for using their pictures.

## LIST OF ACRONYMS

ACP	Africa Caribbean Pacific
APU	African Parliamentary Union
AUC	African Union Commission
AU	African Union CBD Convention on Biological Diversity
EAC	East African Community
ECCAS	Economic Community of Central African States
ECOWAS	Economic Community for West African States
UNECA	United Nations Economic Commission for Africa
GMOs	Genetically Modified Organisms
IBC	Institute of Biodiversity Conservation
IPU	Inter Parliamentary Union
ITPGRFA	International Treaty on Plant Genetic Resources for Food and Agriculture
IUCN	International Union for the Conservation of Nature
MEAs	Multilateral Environmental Agreements
MPs	Members of Parliament
NAPA	National Action Plan
NEAP	National Environmental Action Plan
NEPAD	New Partnership for African Development
NGO	Non Governmental Organization
NSSD	National Strategy for Sustainable Development
PAP	Pan African Parliament
PRSP	Poverty Reduction Strategy Paper
SADC	Southern Africa Development Community
UNCCD	United Nations Convention to Combat Desertification
UNEP	United Nations Environment Programme
UNFCCC	United Nations Framework Convention on Climate Change
UNITAR	United Nations Institute for Training and Research



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# 1. Executive Summary



**Participants at the AUC Parliamentarian Colloquium in Entebbe, 4 - 6 June 2012**

This "Sourcebook for Parliamentarians in Africa on MEAs" has been developed with the support of the African component of the ACP Capacity Building Program related to Multilateral Environmental Agreements (MEAs Project). The MEAs Project is housed at the African Union Commission (AUC) and has as overall objective to build the capacity of Africa to adequately implement MEAs thereby contributing to sustainable development and poverty reduction on the continent.

Capacity development in Africa is needed in several areas including in the area of mainstreaming MEAs into developmental plans and processes by policy makers. Capacity is needed to facilitate the development and establishment of appropriate approaches, mechanisms and processes in support of decision-making including Parliamentarians to enable mainstreaming of MEAs into national and regional policies and strategies.

Parliaments as legislative bodies of states are crucial partners for promoting sustainable development, environmental governance and advancing environmental law and policy. The main roles of Parliaments are to develop, review, debate, enact and ratify laws and agreements including those

relating to the environment. They are also responsible for policy oversight and should therefore monitor government efforts to protect the environment in order to achieve sustainable development and poverty reduction. Accordingly, the technical capacities of Parliamentarians, in as far as environment management is concerned, must be enhanced and supported in order for them to fulfill their roles in society and also compliment the roles of other institutions of the state.

The African Union Commission, as the Secretariat of the African Union, is responsible, inter-alia, for promoting environmental sustainability on the continent. Its principal role in this regard is to coordinate and facilitate implementation of programs and strategies related to the environment, to enhance capacity of Africans in environmental management, and to raise environmental awareness. Among the organs of the African Union (AU) is the Pan African Parliament (PAP) which forms part of the Africa parliamentary governance and has its headquarters in South Africa. In addition to the national assemblies in each member state across the continent there are several parliamentary bodies at the sub-regional levels, such as the East African Legislative Assembly, the SADC Parliamentary Forum, the Parliament of

ECOWAS, IGAD Inter-Parliamentary Union, the network of Parliament Members of Central Africa. There are other parliamentary organizations that support the above assemblies such as the Parliamentary Centre based in Accra.

The United Nations Environment Program (UNEP) is the secretariat to many MEAs and plays a crucial role in MEAs development by supporting the negotiations and implementation of MEAs. In addition, UNEP also supports countries to develop legal and institutional mechanisms for the ratification and effective domestication of MEAs. It also supports African Union and its member states in human and institutional capacity-building including development and implementation of MEAs.

It is on the basis of the foregoing that the AUC in collaboration with the Government of Uganda and with assistance from UNEP held the African Parliamentary Colloquium on Multilateral Environmental Agreements in Entebbe, Uganda, from 4 – 6 June 2012 to raise awareness of Parliamentarians in Africa on the importance of MEAs and also build their capacity to mainstream MEAs into developmental plans and policies. The colloquium took the form of expert presentations and highly interactive panel discussions among the

Members of Parliament (MPs). The participants had the opportunity to share their experiences relating to negotiations and implementation of MEAs in the context of national and regional development.

The Parliamentarians who attended the Colloquium adopted the Entebbe Declaration on “The Role of Parliamentarians in the Development and Implementation of Multilateral Environmental Agreements.” The Entebbe Declaration, among others, called upon Parliaments across Africa to address the issues of environmental mainstreaming in general and MEAs implementation in particular in development policies, plans and program. The Declaration together with summary of the main issues raised during the colloquium and some important recommendations from the observations of the proceedings, are annexed to this Sourcebook.

This Sourcebook for Parliamentarians in Africa on MEAs is a result of the outcomes of the colloquium and is intended to provide policy guidance to assist members of Parliament across Africa in their task of integrating MEAs in sustainable development planning and processes.

## 2. Environmental Challenges and Opportunities in Africa

### Challenges

Africa is one of the continents facing serious environmental challenges. In the same vein, there several opportunities that Africa can take advantage to protect the environment and propel the continent to sustainable development.

#### Challenges

1. Loss of biodiversity arising from, among others, land clearance for agriculture and other economic activities such as bleaching;



*Coral Reefs in Seychelles*



- 2) **Pollution** due to unregulated discharge of industrial effluent and chemicals disposal, poor sanitation and waste management;



Waste Stockpile



Dead Tilapia due to Pollution

- 3) **Bush fires, land degradation, drought** leading to environmental disasters



Drought



Bush Fire

- 4) **vulnerability to climate change** and limited coping mechanisms,



Flooding in an African country

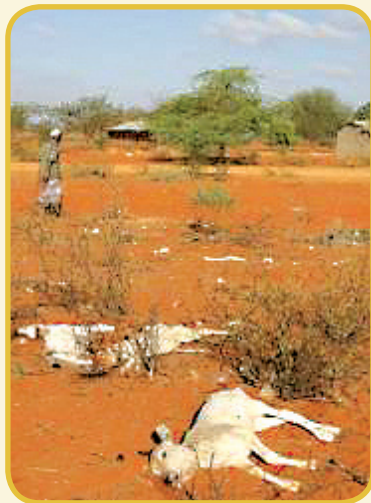


- 5) **Increased population** causing pressure on the environment and its resources,



Street vendors in Lagos, Nigeria

- 6) **Food scarcity and famine** due to, among others, droughts, floods and poverty; and



Food Scarcity and Famine

- 7) **Rapid urbanization** exerting pressure on infrastructure, sanitation and waste management services



## Opportunities

Africa equally possesses a number of opportunities which the continent can leverage on. These include:

- Abundant natural resources such as forests, minerals, fresh water and wildlife;
- Abundant sources of renewable energy sources such as solar, geothermal, hydro power and wind which the continent can exploit



- political willingness and technical capacity to translate the opportunities into sustainable development pathways.

Africa therefore has sufficient potentials to enable it overcome environmental threats. The adequate implementation of MEAs provides one of the frameworks for meeting these challenges and taking advantages of the opportunities available.

### 3. What is Environmental Sustainability Mainstreaming?

**E**nvironmental sustainability mainstreaming refers to the process of achieving informed inclusion of environmental considerations into the decisions of institutions that drive national, local and sectoral development policy, rules, plans, investment and action.

In Africa, the environment is the bedrock of all development; hence environmental sustainability mainstreaming is important because economic and social development and the environment are fundamentally interdependent. Most African economies are struggling to fight poverty in order to achieve economic and social growth. In addition, most African countries rely on natural resources to feed their people. The environment constitutes the single most important asset for the countries and the poor people. The continent needs to find ways in which the linkage between the environment and the fight against poverty can work together.

There are a number of approaches to ensuring integration of environmental sustainability considerations into the development process. They range from strengthening the capacity of environmental institutions to enable them better manage environmental issues and facilitate the integration of environmental considerations in various development programs; to creating a system of environmental safeguards such as environmental impact assessments or strategic environmental assessments. These approaches have their own limitations. Environmental mainstreaming is a strategic response to reactivate environmental safeguarding and should in essence address individual and institutional value change.

MEAs have been responsible for development of important environmental principles and concepts which have informed policy development worldwide. MEAs also provide frameworks for much needed technical and financial assistance as well as technology transfer benefits which are built into their overall framework to facilitate compliance and implementation. These provide pathways for developing countries in Africa to facilitate sustainable development

#### Policy Action on Mobilising Resources for MEAs Implementation

*For this to happen, African countries must build on domestic resources, appropriate policies and legal frameworks; in particular they must bridge the gap between commitment and effective implementation of MEAs and mainstream environment in development plans and processes.*

at national, regional and international levels. Mainstreaming MEAs into the development process therefore promises

#### Policy Action on Mainstreaming

*There is need therefore to promote the role that Parliamentarians can play to strengthen 'official' mainstreaming and ensure the process effectively contributes to long term national development. This mainstreaming should include MEAs into PRSPs.*

to bring these global benefits for national and local development.



Environmental mainstreaming may also be focused on the tools available to integrate environmental considerations in the planning, budgeting and financing of development. Such a focus must consider the environment-poverty linkage and policy responses that can be advocated by Parliamentarians. In this regard, emphasis is placed on the Parliaments' role in financing of instruments such as the Poverty Reduction Strategy Papers (PRSPs) or their equivalent in addressing poverty reduction and the extent to which MEAs can contribute to strengthening the synergy between envi-

ronmental management and poverty reduction strategies. In a number of cases, the implementation of MEAs has been undertaken with donor support on a project basis. In addition, NGOs have taken up much of the advocacy and project implementation work, making the process of mainstreaming MEAs into the development process more difficult to achieve as these are largely outside policy processes.

## 4. What are Multilateral Environmental Agreements (MEAs)?

**MEAs** are a generic term used for treaties, conventions, protocols and other instruments related to the environment applying to more than two states. They result from international action by States to develop standards through hard law or soft law instruments. Hard law MEAs refer to legally binding instruments which may take such forms as Conventions, Treaties, Agreements, Charter, Final Act, Pact, Accord, Covenant, Protocol, etc. The United Nations Framework Convention on Climate Change (UNFCCC) is one such MEA. The UNFCCC is accorded high importance by the African Union and African Heads of State are even involved in its negotiation process, establishing a common African position and a Conference of African Heads of State on Climate Change (CAHOSCC). Soft law MEAs are non-binding legal instruments in the nature of declarations, recommendations, guidelines, stipulations, resolutions, statements, principles, etc. The AMCEN Declarations and Libreville Declaration on Health and Environment in Africa is good examples of a soft law multilateral environment agreement.



High Level African Panel at UNFCCC COP 17 at Durban. Panelists include the President of Ethiopia and Congo, the Chairperson of AUC and the Executive Secretary of UNECA.

High Level Africa Panel at UNFCCC COP 17 at Durban. Panelists include the Presidents of Ethiopia and Congo, the Chairperson of AUC and the Executive Secretary of UNECA.

### Importance of MEAs

- *Protecting public health;*
- *Improves governance;*
- *International comity, respect, and solidarity;*
- *Financial and technical assistance;*
- *Facilitates long term economic benefits;*
- *sustainable development;*
- *Facilitates trade; and*
- *Facilitates changes in domestic environmental law and policy by elevating the importance of an issue*

Whether they are hard law or soft law instruments, the usual fora for the development of such environmental norms are intergovernmental fora such as conferences. Most MEAs are a result of scientific findings, evaluation of policy options, prioritization of issues, reflection of stakeholder's view - pressure groups, and agreed terms among policy makers.

## 4.1. Why have MEAs?

**MEAs** are made to address or promote sustainable development and international co-operation, such as in resource management, conservation, use, protection, pollution control, quality control, risk management, protecting human health and cultural and aesthetic values; controlling over exploitation; dangers and implication of environmental problems; setting general or specific policy commitments,

setting environmental principles, establishing rules, procedures, institutional arrangements, setting up funding structures, norms and standards; and balancing economic, social and environmental concerns.

### Why MEAs?

MEAs provide internationally agreed policy responses and strategies that are and can be used by countries across the globe including those in Africa to facilitate their own policy development.

Environmental changes have various implications for African economies in general and development in particular. Some of these include challenges in meeting Africa's development needs; achieving MDGs and their overall effect on economic growth, peace, social stability and poverty eradication. This calls for robust mechanisms to ensure the goal of sustainable development is met.

MEAs are established to achieve certain objectives, for instance:

- The three Rio Conventions (CBD, UNFCCC, and UNCCD) are widely considered core sustainable development MEAs;
- Many others address sustainable utilization of specific natural resources such as water, coastal resources etc
- MEAs provide a number of advantages for parties that are important for national development. These include strengthening capacity of parties to meet their obligations through technical and financial support; strengthening scientific basis for decision making; and strengthening international cooperation.

MEAs address a number of specific sector issues including agriculture resources, wildlife, pollution control, and water resources management.

### Challenges Affecting Implementation of MEAs

There are a number of challenges affecting their implementation both at national, regional and global levels. In the first

place, there are too many MEAs competing for the attention of national implementation authorities. Many states have little or no capacity to implement MEAs and the lack of synergy among these many MEAs makes it even more difficult to allocate already limited resources to address them. Other challenges include:

- Lack of environmental and performance indicators to measure effectiveness of MEAs.
- Inadequate implementation and coordination: different focal points (FPs) in different ministries (e.g. agriculture, forestry, environment, tourism, trade, etc.).
- different ministerial mandates or technical expertise - hence affecting national representation and follow up in intergovernmental processes

## 4.2. Examples of Key Global and Regional MEAs

In terms of subject matter MEAs may be divided into the following clusters:

- Biodiversity related conventions such as the Convention on Biological Diversity (CBD) and its protocols, and the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA),
- Atmosphere related conventions such as the United Nations Framework Convention on Climate Change (UNFCCC), the Ozone Convention and the Protocols thereunder;
- The land conventions such as the United Nations Convention to Combat Desertification (UNCCD);
- Chemicals and hazardous wastes conventions such as the Basel, Stockholm conventions; and the convention on Persistent Organic Pollutants (POPs); and
- Water conventions such as the regional seas conventions such as the Convention for the Protection of the Mediterranean Sea; Nairobi Convention for the Protection, Management, and Development of the Marine and Coastal Environment of the Eastern African Region; and the Abidjan Convention for Cooperati

on in the Protection and Development of the Marine and Coastal Environment of the West and Central African Region.

There are Africa specific MEAs: the Maputo Convention on the Conservation of Nature and Natural Resources, the Bamako convention on the Ban of the Import into Africa and the Control of Trans-boundary Movement and Management of Hazardous Wastes Within Africa; Nairobi Convention for the Protection, Management, and Development of the Marine and Coastal Environment of the Eastern African Region; and the Abidjan Convention for Cooperation in the Protection and Development of the Marine and Coastal Environment of the West and Central African Region.

### 4.3. THE ROLE OF MEAS IN SUSTAINABLE DEVELOPMENT

At this juncture, it is perhaps important to qualify the all important concept of sustainable development. The Brundtland's Commission Report of .... and Agenda 21 defines sustainable development as development which meets the needs of the present without compromising the ability of future generations to meet their own needs.

As stated above, MEAs address a number of specific sector issues including agriculture resources, wildlife, pollution control, and water resources management. The objective is to ensure that as the basis of development, environmental assets must be rationally utilized so as to serve both present needs and those in the future.

MEAs also provide some important policy instruments in terms of agreed and tested good practices that can be replicated at national level in the interest of achieving sustainable development. They also have some inbuilt mechanisms that can be used by developing countries in Africa to leverage their capacity to implement MEAs in general and enhance sustainable development efforts in particular. These include provisions for technology transfer, technical assistance and international funding frameworks that can be tapped on by member states. A number of steps may be taken at national and international levels to improve MEAs implementation. At international levels these include:

- Improve cooperation at global and regional levels;
- Develop regional agreements to supplement MEAs and promote their application at regional levels – cooperation;
- Coordinating capacity building and tech

nology transfer initiatives at regional levels;

- Promote consistency in international commitments; and
- Avoiding overlaps when negotiating MEAs.

## 5. MEAs, Environment and Poverty Reduction

The poverty-environment link cannot be overlooked as it underpins what has been referred to as a vicious cycle. There is ample evidence today that the degradation of the environment can be caused by poverty and that a degraded environment exacerbates poverty.

### Steps to be taken at National Level to Improve Implementation of MEAs

- *Removal of inter-institutional conflicts - reduce institutional fragmentation and overlaps, promote synergies among related MEAs;*
- *Enhance cooperation across sectors (water, land, fisheries, forestry);*
- *Form national committees to identify synergies, inter-linkages, and ways to implement MEAs simultaneously;*
- *Enhance ability to mobilize greater expertise within the country;*
- *Promote efficient use of national budgets/resources;*
- *Integrate MEA's into national poverty reduction and other development plans; and*
- *Develop national laws, policies and institutions to implement MEAs collectively*

- Statistics point to the fact that the African continent is rich in terms of natural resources but is paradoxically the poorest continent in the world. Survival of the people is paramount hence poverty drives them into irrational exploitation of natural resources



leading not only to resources depletion but also to the degradation of the environment.

- Resource depletion and environmental degradation is caused by unsustainable utilization and mismanagement. The environment is the basis for development and if development must be sustainable, then it is important to ensure rational exploitation of resources and the environment.
- For this, sensitization and awareness raising of all the stakeholders, Parliamentarians inclusive, on principles, methods, techniques etc of natural resources exploitation and environmental protection for sustainability are important entry points.
- MEAs provide the much needed framework to reconcile poverty reduction and environmental protection. A wide number of MEAs address problems of poverty and environment in one way or the other.
- Effective MEAs implementation can lead to rational resources exploitation and reduced environmental degradation; reduce poverty, and enhancement of sustainable development in the continent. African Parliamentarians are called to action involving sensitizing and educating the electorate of the trends and the status of the environment and natural resources on which survival depends.

## 6. Integrating Environmental Sustainability in Agriculture

**A**griculture is the mainstay of most African economies and will remain as such for the foreseeable future. Agricultural activities, however, may have deleterious effects on the environment thereby making the task of achieving sustainable development even more difficult. On the other hand, agriculture is also affected by environmental disasters.

There is therefore need to integrate environmental sustainability in agriculture and ensure that it meets present needs without subverting long term development considerations.

**The following important issues need to be taken into account:**



Parliamentarians should encourage, in their various constituencies using their small projects constituency budgets, environmental conservation projects that blend local and modern knowledge systems.

- Considering that Africa's population will increase by 2025, there will be increased food demand; and the agriculture sector will be expected to meet such increase. The implication is that the environment as the basis of agricultural will be overworked if food security needs must be met. Unfortunately, this will have far reaching implications not only on the economy but also on the environment as the present agricultural systems are undertaken with little environmental considerations
- The increased use of pesticides and fertilizers to meet the growing demand for food adversely affects the environment
- A number of initiatives are being promoted in some countries such as promotion of upland rice to reduce pressure on wetlands; buffer zones to protect the flow of pesticides and fertilizers
- Climate change is causing rapid changes in

ecological zones; leading to less land for agriculture and putting pressure on those who bear the most burden in agricultural activities – women.

## 7. Importance of Indigenous and Traditional Knowledge in MEAs

**P**arliamentarians represent the interests of their constituents. These constituents include rural communities that rely on natural resources and the associated indigenous or traditional knowledge for the utilization of these resources. Local communities utilize traditional knowledge for agriculture, medicine and other conservation efforts to address livelihood challenges they face and utilize opportunities nature provide them with. The following issues should be noted:

- Indigenous and traditional knowledge systems have, since time immemorial, contributed to environmental conservation across Africa;
- MEAs at the global and regional levels have recognized the importance of local knowledge and the involvement of the holders of such knowledge systems in environmental protection;
- Africa is endowed with a wealth of indigenous and traditional knowledge institutions which if adequately tapped can protect the environment for the present and future generations thereby ensuring sustainable development;
- The concept of sustainable development widely used in contemporary environmental literature is a revival of the three-fold traditional concept of wisdom of the African people: land and natural resources that have been passed on from one generation to the next with the requisite knowledge required for sustainability.
- Unfortunately, policy makers on the continent have not effectively utilized such knowledge fountain, Instead they have focused on conventional science which cannot be easily assimilated into traditional lifestyle;
- It is necessary for policy makers to launch an elaborate study of local knowledge systems to find out those

There is need therefore for Parliamentarians to assist their constituents to protect and harness the traditional knowledge to achieve sustainable development.

which are progressive or sustainable so that Parliamentarians could weave them with the modern methods in legislative crafting in order to pay greater service to the environment and its resources;

## 8. Importance of Networking

- African countries have undergone various policy changes in the development and environment field which have considerable impact on shaping the direction they should take to achieve sustainable development. There a number of institutions, forums and initiatives that provide opportunities for Parliamentarians to enhance their capacity and thereby enable them facilitate environmental mainstreaming into development programs and policy. It is worthy to note the following:
- Throughout the continent, there exist sub-regional

There is equally need for parliamentary commissions at the national level to synergize with other groups, civil society organizations, NGOs, community-based organizations and the executive arm of governments, as this could be helpful in information sharing that could in turn be useful in implementation of MEAs and the control of government action via the exercise of Parliamentary oversight functions.

Parliamentary networks such as the Parliamentary Center based in Kenya.

- and working on environment and natural resource issues for their respective sub-regions;
- These Parliamentary networks can be used to share experiences on various policies options and strategies adopted at the sub-regional levels to address environmental challenges as prescribed by MEAs;

- There is need to build synergies among sub-regional parliamentary networks through collaboration and cooperation;

## 9. Role of Parliamentarians in Sustainable Development

**A**s defined above sustainable development is a multi-dimensional concept comprising principles, process,

Parliamentarians as representatives of the people can, through policy oversight and legislative development:

- Improve governance and integrate poverty reduction and environmental management issues in policies, plans and budgets, decentralization processes, empowerment of civil society, monitoring, pro-poor regulation;
- Enhance the assets of the poor through granting resource and access rights, capacity, access to appropriate technology;
- Improve the quality of economy growth by promoting pro-poor fiscal reforms;
- Reform international and industrial country policies by promoting pro-poor and pro-environment investment, sustainable consumption and production, enhance contribution of MEAs to poverty reduction, trade policies;
- Integrate non-income and distributional dimensions of well-being in agriculture policies (livelihoods, assets, skills);
- Consider compensation mechanisms (social benefits to offset negative impacts); and
- Understand the risk of extreme events and invest in reducing or mitigating vulnerability.

rights and obligations that are embodied in the social, economic and environmental pillars. The environmental dimension is the foundation of the concept of sustainable development. The reason is that social and economic development is clearly hinged on the environment. It follows therefore that its achievement requires the efforts of very many actors and Parliamentarians are one of the critical actors because of the constitutional roles they play in citizen representation, law making and policy oversight.

Parliamentarians are responsible for developing, debating and approving legislation as well as providing oversight and monitoring implementation of national policies and legislation. They vote funds for development programs and in that regard, hold the key to changing certain spending practices and patterns that can facilitate the attainment of sustainable development. In a number of countries, environmental legislation can facilitate clean development by penalizing unsustainable development practices such as industrial pollution; it can also be used to promote clean technology by providing fiscal incentives to those investing in such technologies.

In addition to the foregoing, there are a number of critical domains in which the work of Parliamentarians can enhance sustainable development. Such are discussed below.

### 9.1 Role of Parliamentarians in MEAs Development: Negotiation and Implementation

**N**egotiating MEAs is invariably the constitutional function of the Executive branch of the state across the continent. However, there are many variations across the continent on the role of Parliaments. In some countries Parliamentarians, as law making bodies, are called upon to ratify or approve MEAs after they have been negotiated and signed by the Executive. In other countries Parliamentarians are called upon to domesticate MEAs into national legislation once the ratification has taken place. It follows therefore, that Parliamentarians need to be aware of MEAs when they are being developed and, where possible, contribute to the stakeholder debates at various levels during the processes of negotiation. How this can be achieved will vary from state to state but a process of national consultations during negotiation of MEAs can provide the requisite space to enable various stakeholders including Parliamentarians to contribute to national positions to be used in the negotiations.



In addition, most Parliaments have committees responsible for environmental or natural resources issues through which parliamentary contributions to MEAs negotiations can be undertaken. Hence, the committees can call upon government departments responsible for MEAs negotiation for briefings and ministers responsible can be required to answer questions and issue statements in the Parliamentary chamber regarding the negotiations their ministries are undertaking. Where possible members of parliament can be invited to form part of the government delegations in the MEAs negotiations and can contribute to national positions at international negotiations.

Involving Parliamentarians in MEAs negotiations has various advantages. As representatives of the people, parliamentarians carry direct grassroots messages and experience which can contribute to MEAs development and implementation. Parliamentarians can also better contribute to MEAs domestication and implementation if they have followed the debate culminating in their adoption and signing. In addition Parliamentarians can better integrate MEAs into development policy including voting necessary resources for implementation where they have full information and appreciation of the background of the MEAs. Their veritable involvement in MEAs negotiation and implementation in the ways outlined above will undoubtedly and ultimately enhance sustainable development efforts.

## 9.2 Role of Parliamentarians in Mainstreaming MEAs

The need for environmental mainstreaming in development policy has been motivated by the realisation that the economy and society as a whole especially in Africa are intimately dependent upon the health of the environment and that a large proportion of the wealth of developing countries and poor people consists of environmental assets and services;

Parliamentarians have a crucial role to play in facilitating MEAs mainstreaming in the development process through their representational capabilities and oversight and law making functions. Across the continent, parliamentarians have used different tools and mechanisms for engaging the executive arm of the state in the development process. The implementation of MEAs and their mainstreaming, however, remain a challenge especially because of the dominance of the executive in MEAs negotiation, domestication and implementation.

In addition to executive oversight and policy monitoring, parliaments are responsible for approving resource allocation

for various sector development plans and therefore hold the key to mainstreaming environmental considerations into the sector and national budgets. A number of regional declarations have been issued regarding resource allocations to key sectors such as health and agriculture in order to improve productivity and the access to services. Parliaments have a crucial role to insist on meeting these regional commitments during national budget debates.

**There are a number of advantages that environmental mainstreaming can bring. These include:**

- Good environmental management; poor environmental management threatens development and complicates poverty reduction efforts;
- Mainstreaming promises not only to minimize risks and problems in the development process but also to assist in highlighting environmental potentials to enhance sustainable development;
- Mainstreaming has the potential to facilitate in corporation of local beliefs, norms and values into national development policy; including , implementation of provisions on indigenous knowledge systems as provided for under the CBD and protections of farmers rights under the ITPGRFA??? in full can easily be integrated into the development process;
- Integrated policy interventions avoids development versus environment arguments;
- More efficient planning of environmental assets and environmental hazard management;
- Support technological innovation that is inspired and informed by nature;
- Informed debates on policy formulation on big issues; and
- Improve productivity, resilience and adaptability of social and economic systems.

**The following are some of the general principles to be taken into account in mainstreaming MEAs**

- Leadership, focusing on mobilization of political will to enhance or boost the process, engaging with champions
- Integration, strengthening the development-envi

## How Parliamentarians in Africa can contribute to Main Streaming MEAs

- Greater participation and interaction between environment and development stakeholders. Agenda 21 has provided significant impetus to public and community mobilization;
- Integrated environment-development policy and associated political will/leadership
- Inclusion of environment-development linkages in national and sector plans: the NAPAs, NEAPs, and NSSDs have drawn considerably from MEAs processes to inform national actions;
- Inclusion of environment-development linkages in budgets and fiscal instruments;
- Improved domestic and foreign resource mobilization for environmental investments;
- Sustained behavioral change by individuals, institutions and society in both private and public domain; and
- Production, consumption and waste management in sectors and localities are informed by environmental considerations.

Environment interface

- Focusing on key sectors, especially the economic sectors
- Strengthening dialogue and ownership
- Subsidiarity – making sure decisions are made at the lowest level where change is expected
- Utilize upstream processes, existing analytical/ planning processes
- Transparency and accountability, information on issues, decisions made and reasons
- Environmental sustainability: the process should

take into account major environmental processes, potentials, stresses and limits.

## 9.3. Role of Parliamentarians in Compliance and Enforcement

Compliance and enforcement of MEAs involves a number of activities, many of which are the direct responsibility of the Executive branch of the state. Most MEAs have reporting requirements to be met. State parties are also required to comply with various obligations under MEAs such as development of policy, administrative measures or legislation to implement specific provisions of the MEAs. If sustainable development is the objective, then Parliamentarians have an important role to play in ensuring that the executive complies with its obligations under MEAs. Firstly, parliamentary committees can summon government departments to provide reports on MEAs implementation. Parliamentarians can also use parliamentary question time to ministers responsible for certain MEAs to answer questions related to the implementation of the MEAs. Through their oversight and monitoring functions, parliamentarians can undertake inspections and verification missions in the field to determine impact of certain policies intended to implement MEAs. They can propose the establishment of adequate monitoring structures/facilities and recruitment of personnel so as to ensure so as to ensure better compliance.

### How to Support Enforcement and Compliance through Parliamentary Work

- Ask government departments to report on MEAS Implementation.
- Undertake field inspections and verification missions to determine impact of certain policies intended to implement MEAs.
- Develop policies, legislation and administrative guidelines to facilitate implementation and enforcement of MEAs.
- Carry out expenditure reviews to determine utilization of funds on MEAs.
- Demand access to information to enable them track progress and verify claims

The development of policies, legislation and administrative guidelines can provide opportunity for Parliamentarians to facilitate implementation and enforcement of MEAs. As law making bodies, parliaments have the exclusive mandate to legislate for specific domains that promote MEAs implementation in the national interest. In addition, parliaments are responsible for budgetary allocations for various development programs which give them opportunity to insist that certain policies and programs including those implementing MEAs be funded for effective implementation. They also carry out expenditure review to determine how the executive has utilized the funds; this provides further chance to facilitate effective implementation and enforcement of MEAs for sustainable development.

Finally, parliamentarians require access to information on how government policies and programs are operating. Invariably the executive have monopoly over information. Parliamentarians can demand access to information to enable them track progress and verify claims; in addition, parliamentarians may do well to develop their own information databases so as to reduce reliance on the executive who may be selective when it suits them.

## 9.4. Role of Parliamentarians in Information, Public Awareness and Empowerment

Information, public awareness and empowerment are salient ingredients for compliance and implementation of environmental laws in general and MEAs in particular. The availability of environmental information, the diffusion of such information in order to raise awareness and the empowerment especially of crucial groups such as women and youth are likely to contribute to environmental sustainability and poverty reduction. For this to happen, parliament needs to be proactive but also reactive by crafting legislation that guarantees these and other environmental procedural rights provided for by most MEAs. Specifically, the following issues must be noted:

- That there is limited public knowledge concerning MEAs, deficit of information flow at negotiations, ratification and implementation and these weaken the process of achieving sustainable development.
- It is important to provide information to women and youth, invest in research; put emphasis on education on the environment; women and youth are key actors and are more adversely

affected by environmental outcomes; Parliamentarians can support programs and policies that empower women and the youth and promote ratification of gender sensitive/youth sensitive policies.

- Parliament should source information from the field because other stakeholders may not readily and timeously provide these for use by parliament.

## 10. Conclusion

The environment is the key asset that African economies can harness to transform their economies to withstand the shocks and stresses brought about by global financial and climate crises. The continent, however, faces a number of environmental threats including loss of biodiversity, pollution, fresh water resources degradation and land degradation that directly impact on the livelihoods of the majority of the population who depend on the environment and natural resources.

In addition, the mainstreaming environment will facilitate the integration of environmental considerations into development plans, programs and policies so as to achieve the goal of sustainable development.

Almost all African countries are parties to key multilateral environmental agreements such as the CBD, the UNFCCC. These agreements have provided scientific and policy leadership that have permeated in national and regional policy frameworks. the agreements also provide the technical and financial support that African economies can harness to achieve sustainable development. Hence, the mainstreaming of MEAs into development policies, plans and programs provides an important opportunity to utilize global resources to address development concerns at local level.

Parliamentarians have important responsibilities towards achieving sustainable development across Africa. As representatives of the people that are dependent on the environment and natural resources, Parliamentarians can bring to policy making and implementation the voice of the



voiceless; they can also bring practice and knowledge that has been tested and trusted. As law makers they vote funds for development activities, debate and adopt legislation and are responsible for oversight of policy implementation by the executive. These functions provide parliamentarians the unique opportunity to infuse environmental considerations into development policies, plans and programs.

The negotiations and adoption of MEAs is however a core function of the Executive; Parliamentarians invariably intervene after MEAs have been signed and the state is already committed, internationally. In recent times there have been initiatives to involve Parliamentarians in MEAs negotiation, but this is mostly informal when they are included as part of Government delegation. Nevertheless these initiatives can be used by Parliamentarians to contribute to MEAs development and implementation. In addition, Parliamentarians have other mechanisms they can tap into including use

of question time, committee proceedings, as well as their overall policy oversight functions to seek information, check progress of ratification processes and other implementation procedures; and in general monitor the overall impacts of MEAs on environment and development.

For Parliamentarians to effectively carry out their functions they require access to information. Parliaments need to develop their own sources of information to supplement that which they get from other stakeholders such as the Executive or NGOs. They also need to enhance networking; in this regard a number of institutions, initiatives and programs are available which can enhance

the capacity of Parliamentarians to better carry out their functions to mainstream the environment in general and MEAs in particular, into the development process.

# Annex 1: Summary of Discussions at Parliamentarian Colloquium

## 1.1) Mainstreaming and MEAs Implementation

- Development in Africa is based on natural resources and most economies rely on natural resources extraction for their revenues; however the extractive industry can create conflicts and environmental degradation unless sustainably managed. There are a number of examples in Africa.
- Poverty and environment are thus intimately linked, poverty thrives where the environment is heavily degraded and vice versa;
- Environmental sustainability should be at the heart of economic development. Environment issues and other development objectives should be mutually reinforcing.
- It was observed that African countries have chosen development paths that do not facilitate sustainability; development programmes are pursued without taking into account their long term effects; hence poverty and environmental degradation are widespread
- It was further observed that Ministries of Environment are not at the centre of planning for national development; they are relegated to issuing permits and dealing with waste/garbage disposal
- Participants observed that Parliamentarians are well placed to catalyze change by putting pressure on the executive to allocate resources to sectors which affect the environment like agriculture, infrastructure, and housing, among others.
- It was further noted that in some instances as a result of the close relationship between government officials and the private sector investors, it is difficult for the executive to monitor compliance. Parliaments should utilize their oversight and policy monitoring functions to ensure compliance with environmental legislation.
- Participants further noted that the top down approach of the executive in law making and budgeting does not facilitate mainstreaming environmental considerations into development planning.
- The executive drafts legislation and budgets and in a majority of cases these are foisted on the legislature who do not have the requisite background information to make meaningful contribution before passing such legislation, budgets or ratification of MEAs.
- In relation to mainstreaming it was noted that it is not necessary for all funds budgeted for environment to go to the ministry of environment; what is important is for sector ministries and sub national governments to identify environmental issues which should be budgeted for.

## 1.2) Domestication and Policy Development

- In most countries the environment ministry and or agency is responsible for coordinating environmental policy and legislation as well as MEAs.
- A major concern is existing conflicts and gaps in mandates as a number sectors also addressed environment related legislation and MEAs; yet the coordination agency is usually politically, financially and technically weak.
- There is even little consensus as to what coordination entails. Is it possible that efforts to link environment to development may in fact further weaken environment ministries?
- There is need for the executive to be required to transmit to Parliament all MEAs it is negotiating or has signed or ratified to enable the latter to effectively carry out its oversight functions.



- Intervention by environment committees in environment budgeting may improve funding for environment; example from Liberia;
- The question was raised as to why despite enabling policies and MEAs that have standardized approaches and strategies for environmental managed, Africa in particular still have grim figures on deforestation, environmental hazards, malnutrition, among other environment related ills?
- It was noted that Africa has high exposure to chemicals that cause cancer and other diseases;
- Very few countries have domesticated the Basel convention or even become a party to the African one: Bamako;
- Very few countries have requisite policy and legislation on chemicals, or can effectively implement what they have; this poses great danger to society considering the lack of capacity on the continent ;
- It was further noted that traditional products have been replaced by those from abroad; yet the composition of these is hardly known.
- There is need to address transboundary compliance. Some regions have made progress on adopting requisite regulatory instruments; implementation may still be a challenge;
- It was noted that it is easy to strengthen national laws but the biggest problem is the implementation; some private sector actors such as Shell in Nigeria are too big to manage?
- What is the status of illegal trafficking of hazardous chemicals and waste in Africa? What is the role of Parliamentarians.

### 1.3) Integrating environmental sustainability in agriculture

- Considering the projected world population of 8.5 billion in 2025, there will be increased food demand; and the agriculture sector will be the engine of growth; however at present agriculture is undertaken without environmental considerations;
- There is increased use of pesticides and fertilizers to meet the increased demand for food but this adversely affects the environment; agriculture development also leads to deforestation; introduction of new technologies- GMOs may have adverse effects on the environment;
- This calls for more research and new technologies to achieve sustainable agriculture: consider reduction in public research funding over the years: what can be done?
- A number of initiatives are being promoted in some countries such as promotion of upland rice to reduce pressure on wetlands; buffer zones to protect the flow of pesticides and fertilizers.
- Need to create synergy in different ministries dealing with agriculture (different actors); dialogue with different actors and if possible put all these issues under one committee? Need to involve all actors including farmers, communities, politicians etc.
- Women and youth who are direct victims of environmental degradation are not involved in the MEAs.
- Parliaments need to take a lead in empowering women and youth through gender sensitive laws and oversight; through also monitoring and control of projects
- Climate change is causing rapid changes in ecological zones ; leading to less land for agric and putting pressure on those who bear the most burden in agricultural activities – women.



## 1.4) Role of Parliaments in MEAs: Information, Public Awareness and Empowerment

- Limited public knowledge concerning MEAs deficit of information flow at negotiations, ratification and implementation.
- Need to use and verify the information from the field and verified by all actors including NGOs, MPs, farmers, executive etc.
- It is important to provide information to women, invest in research; put emphasis on education on the environment; women are key actors and are more adversely affect by environmental outcomes; they should be given information.
- Parliament should source information from the field because other stakeholders may not readily and timeously provide for use by to Parliament.

## Annex 2: Summary of Recommendations

- Environmental sustainability should be at the heart of economic development. Environment issues and other development objectives should be mutually reinforcing. For this reason parliamentarians need to promote strategies for mainstreaming environmental considerations in their legislative, policy oversight and monitoring functions.
- Parliamentarians are well placed to catalyze change by putting pressure on the executive to allocate resources to sectors which affect the environment like agriculture, infrastructure development, and housing, among others.
- Parliaments should utilize their oversight and policy monitoring functions to ensure compliance with environmental legislation thereby check executive power and influence by powerful interest groups.
- There is need for parliaments to promote research and development of new technologies to facilitate sustainable agriculture and thereby ensure that agriculture development does not degrade the environment.
- There is need for parliaments to have access to information on policy, legislation linking environment and development including fiscal instruments to enable them fully appreciate and meaningfully contribute to environmental mainstreaming.
- There is need for the executive to be required to transmit to Parliament all MEAs it is negotiating or has signed or ratified to enable the latter to effectively carry out its oversight functions.
- Parliaments need to take a lead in empowering women and youth through gender sensitive laws and oversight; through also monitoring and control of development projects
- Parliaments need to develop their own information databases to enable their members make informed decisions about their interventions instead of relying on the executive all the time
- Parliaments need to provide oversight in relation to the extent to which policy and legislation protect coastlines on the African continent and ensure there are projects that facilitate protection of the coastline
- Parliament need to ensure there is enabling policy and specific development programmes to address desertification which poses a threat to a number of African countries
- Parliaments must champion the mainstreaming of indigenous knowledge systems in the development process including facilitating access and benefit sharing from the exploitation of genetic resources

- Parliament should ensure that environmental issues are integrated in school curricula
- African Union, African Governments, RECs and other international organisations should undertake capacity building programmes to equip parliamentarians with knowledge of MEAs to enable them effectively mainstream MEAs into development process
- There should be greater involvement of local governments in the process of mainstreaming environment in development planning

## Annex 3: The Entebbe Declaration

### Entebbe, 6 June 2012 Preamble

We the Parliamentarians from Africa meeting in Entebbe on 4-6 June 2012 for the African Colloquium on Multilateral Environmental Agreements (MEAs) under the theme "Multilateral Environmental Agreements in National and Regional Development" which was opened by the Honourable Speaker of the Uganda Parliament,

Considering the state of environmental and natural resources degradation on the African continent and its impact on poverty and sustainable development;

Recognizing that in Africa, the environment is the bedrock of all development activities and that it constitutes the most important asset for achieving social and economic development in general and poverty reduction in particular.

Noting the challenges faced by African countries and the role that Parliamentarians can play in facilitating implementation of MEAs through their law making, policy oversight, monitoring and mobilization functions;

Considering the critical role that local and indigenous communities have in the sustainable management of the environment and natural resources through their indigenous knowledge systems;

Recognizing the various efforts, resolutions and recommendations that African Parliaments, governments, institutions and people including the AUC, RECs, IUCN, IPU, and UNITAR have made in sustainable development

Hereby declare that we commit to:

1. Facilitate the integration of MEAs in national governance, development plans and processes and strategies;
2. Provide the executive requisite assistance in the negotiation of MEAs;
3. Establish and strengthen the capacity of Parliaments both at national and regional levels including parliamentary environmental committees/commissions so as to enhance the participation of the legislature in sustainable development
4. Enhance access to information, public participation and access to justice and empower vulnerable groups in environmental management for sustainability;
5. Enhance the capacity of Parliaments and create initiatives such as exchange and training programmes to enable parliamentarians better implement mainstreaming environmental consideration into the development process;
6. Ensure that appropriate budgets are allocated to specific national themes that deal with environment management and sustainability;
7. Promote and reinforce parliamentary oversight and monitoring of environmental institutions;

8. Fast tracking ratification, domestication and implementation of MEAs so as to contribute to sustainable development;
9. Facilitate local and indigenous knowledge in policy and law making and the development process as required under various MEAs;
10. Create partnerships with civil society organizations to increase awareness among the citizens and ensure that environmental laws and policies of our countries and communities are effectively complied with and enforced;

## **We further:**

11. Call upon governments to regularly report to Parliaments on the status of negotiations and implementation of MEAs;
12. Call for involvement of regional Parliaments of SADC, EAC, ECCAS, ECOWAS, CEMAC and related institutions in the implementation of MEAs;
13. Call upon governments to strengthen coordination mechanisms of MEAs at national levels;
14. Urge political parties to embrace environmental sustainability as a core underpinning of their political programmes in order that parliamentarians urge international institutions such as UNITA, UNECA, NEPAD, UNEP, IUCN, IPU and APU, MEAs Secretariats and other international organizations to support the efforts of parliamentarians in implementing MEAs;
15. Request the AUC and UNEP to continue facilitating more interactions and fora that bring together parliamentarians in Africa, and supporting the establishment and strengthening of networks of parliamentarians for the environment in Africa.

## **Done at Entebbe, 06/06/2012**

## **Further Reading**

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5. UNEP (2007) Multilateral Environmental Agreements Negotiators Handbook. University of Joensuu. Finland.
6. UNEP (2009) Integrating Policy Making for Sustainable Development: A Reference Manual. UNEP. Geneva
7. World Bank Institute & CIDA, Handbook on Parliamentarians and Policies to Reduce Poverty



CO-OPERATION THAT COUNTS

ACP MEAs



<http://sp.au.int/MEAS/resources/documents>