



INTERNATIONAL WATERS EXPERIENCE NOTES

<http://www.iwlearn.net/experience>

2007-006

Piloting a New Convention: How GloBallast Pilot Countries Catalyzed Approval of the Ballast Water Convention



Abstract: In anticipation of the new Ballast Water Management Convention, IMO joined forces with the GEF and UNDP to implement the Global Ballast Water Management Programme (GloBallast). The convention is the first IMO instrument where reliance on modern equipment and ballast water treatment technologies is combined with an adequate understanding of the quality and the impact of ballasting operations on coastal waters. Globallast directly contributed to passage of international environmental legislation which is now moving through the process of country ratification and entry into force. The GEF project was instrumental in building awareness, building consensus amongst countries north and south, helping to push the decision making process, and leveraging significant co-financing. The following lessons can be gleaned from the GloBallast experience: environmental protection efforts can be greatly enhanced when the governmental agencies are directly responsible, countries involved in pilot efforts can be instrumental with respect to generating regional or global concerted action, it is very important that all key stakeholders are involved in the discussions when a major convention is under debate and while GEF projects can be instrumental in developing support for international conventions, they can also suffer obstacles and delays in achieving project objectives – when tied to the outcomes of these often lengthy international legal negotiations. GloBallast established new environmental champions amongst the pilot countries, possessing technical knowledge and experience that can aid other countries – north and south. The project serves as an example of positive working relations with the shipping industry on an important global environmental issue that will entail significant additional costs to it.

Alan Fox
Alan.fox@transboundaryconsulting.com

Piloting a New Convention: How GloBallast Pilot Countries Catalyzed Approval of the New Ballast Water Convention

Experience of the GEF - sponsored

GEF/UNDP: Removal of Barriers to the Effective Implementation of Ballast Water Control and Management Measures in Developing Countries

GEFID: 610, GLO/99/G31

PROJECT DESCRIPTION

The long term objective of the project is to assist developing countries in reducing the transfer of harmful organisms in ship's ballast water. The project was designed to increase the extent to which ships calling on developing country ports adhere to the (then) voluntary international guidelines of the International Maritime Organization (IMO), and to assist these developing countries in the development of programmes necessary to implement an anticipated Ballast Water Management Convention.

In anticipation of adoption of the new Ballast Water Management Convention, IMO joined forces with the Global Environment Facility (GEF) and the United Nations Development Programme (UNDP) to implement the Global Ballast Water Management Programme (GloBallast). The Development Objectives of this technical cooperation programme (2000-2004) were to assist developing countries to:

- ◆ reduce the transfer of harmful aquatic organisms and pathogens in ships' ballast water,
- ◆ implement the then existing IMO Guidelines, and
- ◆ prepare for the implementation of a new Ballast Water Management Convention.

The Programme aimed to achieve these objectives through six initial demonstration sites, located in six Pilot Countries (Brazil, China, India, I.R. Iran, South Africa and Ukraine) representing six developing regions of the world. Activities carried out at these sites focused on institutional strengthening and capacity building and included establishment of National Lead Agencies and Focal Points for ballast water issues, formation of cross-sector / inter-ministerial National Task Forces, communication and awareness raising activities, ballast water

risk assessments, port biota baseline surveys, training in implementation of the IMO Ballast Water Guidelines, in-country research and development projects, assistance with national ballast water legislation and regulations, training and technical assistance with compliance monitoring and enforcement, assistance with developing national ballast water management strategies and action plans, assistance with developing self-financing mechanisms, and initiation of cooperative regional arrangements for ballast water management.

THE EXPERIENCE

Issues and Challenges

The introduction of aquatic species to new environments, including through ships' ballast water and sediments, is considered to be one of the greatest threats to the world's coastal and marine environments. It is estimated that from 3 to 5 billion tonnes of ballast water are carried around the world by ships each year. While ballast water is essential to the safe operation of ships, it also poses a serious environmental threat, in that more than 7,000 different species of microbes, plants and animals may be carried globally in ballast water each day. When discharged into new environments these organisms may become invasive, severely disrupt the native ecology, and seriously impact on the economy and cause human diseases and even death.

Developing countries are among the largest "importers" of ballast water due to their significant exports of bulk commodities. Exports of oil, ores, phosphates and other raw materials and bulk cargoes are in many cases the primary source of revenue for developing countries and an important component of their national economies. On the other hand, developing countries are frequently dependent on their coastal and marine environments as the main

source of living for coastal populations and as a major tourist attraction. Countries where ballast water is loaded, are also under pressure to see that the ballast is safe enough to be discharged at the destination ports

There have been numerous global calls for action at the international level to deal with the invasive species threat from the transport and discharge of ballast water across the world's oceans. Existing international laws, including the UN Convention on the Law of the Sea and the Convention on Biological Diversity, were viewed as helpful yet not specific enough. They include mandates governing the intentional or accidental introduction of harmful or alien species to the marine environment, however they do not specifically address the complex dynamics of shipping and ballast water management – where ship safety and marine environmental protection must be reconciled.

Addressing the Issue

IMO responded to the ballast water management issue by:

- ◆ forming a Ballast Water Working Group under its Marine Environment Protection Committee (MEPC),
- ◆ adopting *Guidelines for the Control and Management of Ships' Ballast Water to Minimize the Transfer of Harmful Aquatic Organisms and Pathogens* (Assembly Resolution A.868(20), hereafter referred to as the IMO Guidelines),
- ◆ joining forces with the Global Environment Facility (GEF) and United Nations Development Programme (UNDP) to assist developing countries to prepare for the Ballast Water Convention, through the *Global Ballast Water Management Programme* (GloBallast-<http://globallast.imo.org>).
- ◆ developing a new international legal instrument (Convention) on ballast water management (entitled *International Convention for the Control and Management of Ships' Ballast Water and Sediments*, hereafter referred to as the Ballast Water Management Convention), that was adopted by an IMO Diplomatic Conference in early 2004.

New international convention on ballast water management

The Ballast Water Management Convention took 14 years of complex negotiations between IMO member States before being adopted by consensus at a Diplomatic Conference held at IMO Headquarters in London on Friday 13 February 2004.

Traditionally, IMO conventions aim at the improvement of ships, equipment and procedures and are mainly directed at flag States. Many of the requirements under the Ballast Water Management Convention fall into this category. However, this is the first IMO instrument where reliance on modern equipment and ballast water treatment technologies (flag States) is combined with an adequate understanding of the quality and the impact of ballasting operations on coastal waters (coastal States). It is a unique situation where the important role of the coastal State is explicitly acknowledged by an IMO Convention. The Convention provides a critically needed set of management tools through which the maritime industry can be regulated in a manner that is predictable, transparent and responsive with regard to environmental benefits, technological achievability and international consistency. Moreover, the Convention also provides for processes through which the ballast water performance standard may be adjusted, based on the availability of technology to meet that standard, as determined by a pre-implementation review process, which again is a unique feature of this Convention.

Adoption of the new Convention provided a much needed standardised, international regime to address this global threat. Considering the enormous scientific and technological challenges, and the highly complex and multi-disciplinary nature of the problem, development of this new instrument is a significant global environmental achievement, and its successful adoption was greatly aided by the GEF project, and its six pilot countries.

During the extensive deliberations prior to adoption of the convention, the leadership of the six pilot countries: Brazil, China, India, Iran, South Africa and Ukraine, was considered instrumental in building support amongst the IMO members. It was notable that these leading "developing" countries were in the forefront of the effort. Their experience and credibility, forged through the GEF project, was critical in

swaying doubters, especially amongst the major shipping nations.

RESULTS AND LEARNING

The GEF project has directly contributed to passage of international environmental legislation which is now moving through the process of country ratification and entry into force. The Diplomatic Conference to adopt the Convention was presided by India, one of the Pilot Countries. All Pilot Countries signed the final act of the Convention. Currently, 10 countries have ratified the convention: Barbados, Egypt, Kiribati, Maldives, Nigeria, Norway, Saint Kitts and Nevis, Spain, Syrian Arab Republic and Tuvalu. All GloBallast pilot countries have indicated their intention to ratify and are currently engaged in their internal country ratification procedures.

The GEF project was instrumental in:

- ◆ Building awareness and then support for a technically complex subject – with significant economic impact for countries and their marine industries.
- ◆ Utilizing developing country support to build consensus amongst countries north and south
- ◆ Helping to push the decision making process at the IMO to take actions that will limit the invasive species threat from ship ballasting operations.
- ◆ Spurring consensus in support of developing an international environmental-related convention
- ◆ Catalyzing an unprecedented international cooperation, that is gaining further momentum
- ◆ Leveraging significant co-financing from participating countries and industry
- ◆ Enabling passage of the convention even as the technical remedies were under development

The following lessons can be gleaned from the GloBallast experience:

- ◆ Environmental protection efforts can be greatly enhanced when the governmental agencies directly responsible – in this case – marine and coastal protection, are significant actors – along with environmental agencies.
- ◆ The countries involved in pilot efforts can be

instrumental with respect to generating regional or global concerted action. In this case, the involvement of leading maritime developing countries; China, India, Brazil, Iran, South Africa and Ukraine, provided significant political weight when the issue was debated at IMO. These countries were able to argue persuasively that this was an issue of global importance and was not the case of the (developed) countries foisting an expensive initiative onto the developing world.

- ◆ It is very important that all key stakeholders are involved in the discussions when a major convention is under debate which has significant implications for governments and industry. The GloBallast Project Management Unit, and IMO, maintained a close working relationship with industry during the course of the convention drafting effort. Industry members were on the GloBallast project steering committee and were closely involved in the negotiations on drafting the treaty and subsequently in drafting regulations. As a consequence, there has not been a strong industry push against the effort, and consequently governments have not had to balance conflicting pressures.
- ◆ Some of the GloBallast project outputs and activities were directly tied to passage of the Ballast Water Management Convention. However countries were reluctant to make rapid regulatory changes or institute specific procedures for ballast water management, for instance reporting procedures, until the convention specifics, and IMO guidelines, were established. This suggests that while GEF projects can be instrumental in developing support for international conventions, they can also suffer obstacles and delays in achieving project objectives – when tied closely to the outcomes of these often lengthy international legal negotiations.

REPLICATION

The GloBallast success in support of an international convention can be replicated for other similar environmental conventions; however there are critical factors that must be taken into account to achieve a similar high level of success:

- ◆ International shipping is an industry with long experience dealing with international

conventions and regulations, so the Ballast Water Management Convention sits atop a number of accepted international environmental requirements (MARPOL). Other industries that are regulated through national and local requirements may be more resistant to setting out international norms.

- ◆ The industry that is directly related to the Ballast Water Management Convention is comparatively narrow and generally well-financed. If the requirements are universally adopted, then there is no strategic advantage from one shipper to another, thus providing the industry a level playing field. It also then enables the costs to be passed on to those who contract to have their goods shipped. Efforts with a more diffuse impact on industry may find it difficult to generate the same degree of industry support and approval, and consequently may encounter greater resistance.
- ◆ IMO is well considered for its technical competence on maritime issues. It has strong support from member states and shipping-related industries, and has long success in approving treaties and having them ratified by its member states. For future efforts, stakeholder perceptions of the technical competence and 'fairness' of the executing agency will certainly have an impact on the chances for adopting new international laws.
- ◆ As noted in the lessons learned section above, the selection of pilot countries is critical if one of the goals is to champion new international norms. The GloBallast pilots had a strong self-interest to deal with the problem; they had leverage with their shipping industries, and clout amongst the IMO membership. Future GEF efforts must take into account the role that pilot countries can play as regional champions.
- ◆ The GloBallast effort was seen by IMO as a crucial tool for convention passage, a spur to research and development, and vital for providing technical assistance on ballast water management to member states. Future GEF projects can achieve similar outcomes if they likewise are closely linked to the ongoing technical assistance priorities of the executing agency.

SIGNIFICANCE

As a direct result of the GloBallast project, IMO

has set in motion a major shift in ship ballast water management, with an expected significant reduction in the risk of marine invasive species. GloBallast established new environmental champions amongst the pilot countries, possessing technical knowledge and experience that can aid other countries – north and south. GloBallast serves as an excellent example of positive working relations with industry on an important global environmental issue that will entail significant additional costs (billions of dollars) to the shipping industry. The GloBallast project provided an opportunity for GEF to achieve close cooperation with IMO and maritime authorities. This cooperation continues with a follow up project (GloBallast partnerships), in the pipeline for early 2008 start up, which will extend cooperation on ballast water management to 13 regions and 44 countries world-wide.

REFERENCES

Additional information on the GloBallast Project, its successor (GloBallast Partnerships) and the status of the IMO Ballast Water Convention is available.

- ◆ To view the homepage of the GEF Global Ballast Water Management Programme: <http://globallast.imo.org/index.asp>
- ◆ For information on the new convention: <http://globallast.imo.org/index.asp?page=me pc.htm&menu=true>
- ◆ The general contact information for the International maritime Organization: <http://www.imo.org/>

KEYWORDS

- ◆ Ballast Water
- ◆ GloBallast
- ◆ International Maritime Organization
- ◆ International Convention for the Control and Management of Ships' Ballast Water and Sediments
- ◆ Invasive Aquatic Species

The Global Environment Facility (GEF) **International Waters Experience Notes** series helps the transboundary water management (TWM) community share its practical experiences to promote better TWM. **Experiences** include successful practices, approaches, strategies, lessons, methodologies, etc., that emerge in the context of TWM.

To obtain current *IW Experience Notes* or to contribute your own, please visit <http://www.iwlearn.net/experience> or email info@iwlearn.net.