

INTOSAI

**The Audit of
International
Environmental
Accords**

INTOSAI Working Group on
Environmental Auditing

ARCHIVED

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1 Introduction

1.1 The importance of auditing environmental accords

World wide in the 1990s there were more than 900 international accords (mostly binding) that were either fully directed to environmental protection or had more than one important provision addressing the issue. About 150 accords were totally directed to environmental issues. During the last 30 years the number of accords has grown at a great rate – in the 1970s there were a few dozen. Also, the range of issues subject to such accords expanded, and the substantive and procedural requirements contained in the accords became more stringent, detailed and comprehensive. Moreover, a growth of parties to accords can be observed (Brown Weiss & Jacobson, 1998).

The mere existence of environmental accords does not guarantee a higher degree of environmental protection. Actually, very little is known about national implementation and compliance with accords, despite their importance and growing number. The Global Environmental Outlook 2000 (GEO 2000), published by the United Nations Environmental Programme (UNEP), states that assessment of implementation, compliance and effectiveness of environmental accords *is complicated and plagued with gaps in data, conceptual difficulties and methodological problems.*

This deficiency makes the basic question of availability and adequacy of data and information about compliance and effectiveness of environmental policy relevant: are the government and parliament well informed on the state of execution of policies related to environmental accords? Supreme Audit Institutions (SAIs),

with their specific competencies, could play an important role in assessing data gaps, and even make an effort to examine the state of affairs concerning national implementation, compliance and effectiveness of accords. SAIs could provide information not previously reported and make recommendations for improvement in the future. Co-operation between SAIs in this field could meet the cross-border character of environmental problems. Best practices in policy design and implementation could be identified, and brought to the attention of policy makers in respective states.

1.2 Aim of this publication

In 1998 the Working Group on Environmental Auditing of the International Organisation of Supreme Audit Institutions (INTOSAI) published the booklet *How SAIs may co-operate on the audit of international environmental accords*. The aim of that booklet was to outline the approaches by which audits of international environmental accords might be carried out and to describe ways of co-operation between SAIs. Audits of international environmental accords can be carried out either as compliance audits or as performance audits (which includes the audit of economy, efficiency and effectiveness). SAIs can conduct these concurrently, jointly or in a co-ordinated fashion.

At the XVII INTOSAI Congress of Supreme Audit Institutions (INCOSAI, October 2001) the Working Group on Environmental Auditing will also publish *Guidance on Conducting Audits of Activities with an Environmental Perspective*. The purpose of this guide is to provide SAIs with a basis for understanding the nature of environmental auditing as it so far has developed in the governmental sphere. This basis is intended to provide SAIs a sound starting point for initiating audits of activities with an environmental perspective.

In this booklet ideas are presented to take those two publications one step further to the practical auditing process. The aim is to stimulate

the thinking in SAIs about auditing international environmental accords and to provide some stepping-stones. Chapter 2 presents a 'line of reasoning', which consists of a number of criteria that can be helpful in selecting an environmental accord to audit. Chapter 3 briefly describes important international environmental accords. Chapter 4 applies the line of reasoning, to these accords, fully applying it from a global point of view.

At the sixth meeting in April 2000 of the INTOSAI Working Group on Environmental Auditing in Cape Town, South Africa, SAIs were invited to provide examples of audits on accords for inclusion in this booklet. These examples might help other SAIs. Chapter 5 contains these examples.

Finally, sources are listed and an annex with regional accords on marine and fresh water issues is attached. Regional accords are not the focus of this booklet, but they are equally interesting and relevant for SAIs to focus their attention on.

2 Selecting an accord to audit

2.1 Line of reasoning

If SAIs have the mandate to audit compliance with international environmental accords, it still is impossible for SAIs to audit *all* the accords their respective governments have ratified. There are simply too many accords for an in-depth examination by SAIs of every one of them. Choosing the subject of audits carefully and systematically is a precondition for effectiveness of audits. And when cross-border co-operation between SAIs is to succeed, clear starting points and criteria for choosing a subject are a necessity.

The line of reasoning that is described in the following paragraphs is designed to make transparent the choice of an environmental accord to audit. It contains two criteria that deal with aspects of *national implementation of accords* (paragraph 2.1.1):

- I. Available information on an accord
- II. Signs of non-compliance with an accord

Next, four criteria related to *characteristics of accords* are dealt with (paragraph 2.1.2):

- III. Environmental risks underlying an accord
- IV. Obligation to comply with an accord
- V. Period of implementation of an accord
- VI. Strictness of an accord

Finally it contains a criterion about *the topicality and timeliness of an audit report* (paragraph 2.1.3):

- VII. Important coming events

2.1.1 National implementation of accords

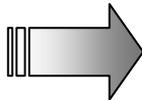
I. Available information on an accord

A precondition to an insight into compliance, implementation, and effectiveness of accords is the availability of information.

Governments themselves are responsible for organising an adequate stream of sufficient and reliable information that can support implementation processes and monitoring of goal attainment.

Governments are often obliged to report to their parliament to account for the efforts undertaken. In addition, there might be an international mechanism in place (such as a secretariat or a standing commission), which requires periodical reports on compliance.

Inadequacy of basic information about an accord, and the use and reliability of that information, could be a strong argument for auditing by the SAI.



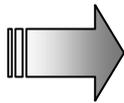
To be able to decide what kind of audit would be most useful (compliance or performance audit) it is necessary to first assess the availability of information. For a performance audit SAIs are particularly dependent on the availability of sufficient and reliable information. Specialist knowledge of how to measure effectiveness in the field of ecology will often not be available within an SAI.¹

For background information on an accord the SAI could call on the secretariat that is linked to it. The secretariat is able to provide insight into the availability of information on the accord. For example, the International Maritime Organisation (IMO), which co-ordinates several conventions (including *Marpol* and the *London Convention*), publishes a catalogue containing the titles of studies it has available. IMO also publishes a quarterly magazine, which could be useful (*IMO News*).

When SAIs decide to conduct a joint or co-ordinated audit, the specific knowledge and experience each SAI brings to the audit can

¹ The *Guidance on Conducting Audits of Activities with an Environmental Perspective* of the Working Group deals with some aspects of employment of external experts by SAIs.

be helpful. If SAIs have specific knowledge of a certain accord, which can be shared with others, this could make the audit more efficient. For example, the Netherlands Court of Audit has investigated the Netherlands' fulfilment of the obligations arising from the RAMSAR Convention on wetlands and two directives issued by the European Union on natural habitats and wild birds (the audit format is included in chapter 5). It has also examined whether the Ministry of Agriculture, Nature Management and Fisheries adequately supervised the implementation of the agreement. The Netherlands Court of Audit decided to translate the audit of the RAMSAR Convention into English and Spanish, to make its audit plan available for other SAIs that are interested in auditing RAMSAR in their respective region.²



II. Signs of non-compliance with an accord

Actual signs of non-compliance or inadequate implementation might be a reason for SAIs to direct attention towards the accord. It seems SAIs' contribution to the quality of public policy is most effective when their energy is directed towards problematic issues involving risks. Preliminary assessment of non-compliance and poor implementation at the national level is therefore advisable when selecting an accord to audit.

An example of non-compliance with certain obligations contained in an accord is the case of the implementation review mechanism of the London Convention (included in chapter 3). The basic principle of the regime based on the London Convention is that disposal at sea of hazardous wastes is forbidden, except in cases where all other options are deemed more harmful. A black and grey list system is applied, in which black items may not be dumped and grey items require special permits from a designated national authority. The issuing of permits has to be reported by states to the secretariat of the Convention, located with the International Maritime Organisation.

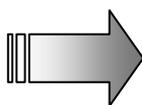
² The website of the INTOSAI Working Group on Environmental Auditing contains a list of environmental audits that SAIs across the world have so far carried out:
<http://www.environmental-auditing.org/>

Stokke (1998) reports that the obligations to lodge national reports on dumping and management activities are widely ignored. On average, half of the contracting parties have failed to lodge reports. Moreover, there is scant opportunity for the secretariat or other parties to assess critically the validity of reports. This is a case of non-compliance, which could lead to actual environmental risks from ineffectiveness of the environmental regime (Stokke 1998).

2.1.2 Characteristics of accords

III. Environmental risks underlying an accord

Maybe the most important criterion for SAIs choosing an accord to audit is the urgency of environmental issues. Not all environmental issues have the same weight. The environmental risks resulting from inadequate implementation vary between accords. *Consequently, auditing an environmental accord with high environmental risks might need priority.*



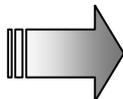
The Working Group on Environmental Auditing chose ‘fresh water’ as a main theme to focus on. All over the world there are environmental problems relating to fresh water pollution or scarcity, with direct risks for human health and well being. If all SAIs would focus on more or less the same theme, a body of knowledge will be built up and a fruitful base for cross-border co-operation between of SAIs could be established.

Good candidates for auditing are regional conventions related to fresh water management issues. In all regions there are bi- and multilateral accords in effect on river basins and lakes, that do impose clear and stringent obligations on the parties (the annex contains a list).

But the exact character of environmental problems can also vary from region to region. For example, in Africa major environmental challenges include deforestation, soil degradation, desertification, and water scarcity (Global Environmental Outlook 2000, UNEP).

Auditing the *Convention to Combat Desertification* could be especially relevant for this region (included in chapter 3).

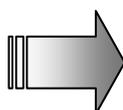
IV. Obligation to comply with an accord



An environmental accord is best suited for auditing by SAIs when respective states have ratified it and are therefore obliged to comply with it. When states have ratified an accord audit conclusions can be more straightforward. When international comparisons are made between states that have ratified a treaty, the starting point for the analysis is the same.

For example, by April 1988 188 states had ratified the *Basel Convention* on control of transboundary movements of hazardous wastes and their disposal (included in chapter 3). Of course, states might interpret and implement the imposed obligations differently, but the requirements stem from the same source. Differences in interpretation and implementation provide opportunities for co-operating SAIs to identify and report on *poor, better, and best practices*.

V. Period of implementation of an accord

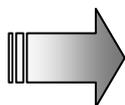


Accords can only be audited when respective governments have had the opportunity to implement them at the national level and to develop policies to comply with the accords. An accord could have been in effect for a number of years without government action at the national level, and might have been 'forgotten'. In that case an audit could place the accord back on the agenda.

The conventions within the United Nations Regional Seas Programme have all been in effect long enough for SAIs to audit them. There are so far nine regional conventions within the Regional Seas Programme, covering the Black Sea (1994), the wider Caribbean (1986), the East African seaboard (1996), the Persian Gulf (1979), the Mediterranean (1978), the Red Sea and the Gulf of Aden (1985), the South Pacific (1990), the South-East Pacific (1986), and the Atlantic coast of West and Central Africa (1984). Some of these

regional conventions have quite recently entered into force, while others have been in force for longer.

VI. Strictness of an accord



When an accord imposes clear and stringent obligations on states, which can easily be recognised as matters of compliance, SAIs can obtain clear audit standards from the accord itself. As with the Obligation to Comply (criterion IV) this ensures that comparison between countries is possible and audit conclusions can be clearly formulated.

For example, the International Convention for the Prevention of Pollution from Ships (MARPOL 73/78) imposes structural and equipment standards ships, which must eliminate or reduce the sources of dirty discharges (included in chapter 3 and 5). Marpol 73/78 seeks to reduce vessel pollution by regulating shipboard operations. It requires that ships have the equipment necessary to retain oily residues on board until they can be discharged into port reception facilities. Parties to the Convention are obliged to provide adequate facilities for reception of residues and oily mixtures at loading terminals, repair ports, and other ports frequented by ships, which have oily residues to discharge.

2.1.3 Topicality and timeliness of audit reports

The topicality of audit reports is dependent on many factors. A Parliamentary debate or a commission of inquiry about a certain subject might direct broad attention towards a related accord. Or even a major disaster may bring a specific accord to attention (but, of course, such an event cannot be anticipated). Major international summits that are planned a few years ahead can be anticipated, and might be a factor to keep in mind when selecting an accord to be audited.

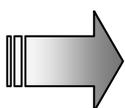
VII. Important coming events

For example, in June 1992 in Rio de Janeiro, Brazil, the United Nations Conference on Environment and Development (UNCED) took place, better known as the Earth Summit. This meeting brought together 172 nations, 108 heads of state, 1400 non-governmental organisations (NGO's), and about 8000 journalists from all over the world. Government and press attention was naturally focused on the issues that were dealt with at the Summit.

But, as UNCED Secretary General Maurice F. Strong said in his opening address:

The Earth Summit is not an end itself but a new beginning. The measures you agree on here will be but first steps on a new pathway to our common future. Thus, the results of this conference will ultimately depend on the credibility and effectiveness of its follow up...³

Assessing the adequacy of the follow up that participating countries gave to the conference could well be taken up by SAIs. This would be especially relevant in the year 2001, because the next Earth Summit is taking place in 2002: the Rio+10 Conference. It is certain that media and government attention again will be focused on the issues that will be spoken about. *SAIs can enhance the effectiveness of their audits of accords by placing it in the context of important coming events like the Earth Summit Rio+10.*



Resulting documents of the first Earth Summit were:

- The Rio Declaration on Environment and Development
- Agenda 21
- The Statement of Forest Principles
- United Nations Framework Convention on Climate Change (UNFCCC)
- United Nations Convention on Biological Diversity (CBD)

UNFCCC and CDB are included in chapter 3 of this booklet. Agenda 21 is briefly described in the following box.

UNCED: Agenda 21

Agenda 21 contains a global blueprint for sustainable development. Many issues are dealt with in Agenda 21, amongst which in chapter 18 the theme of the INTOSAI Working Group on Environmental Auditing, 'fresh water'. Principles, goals, and instruments of fresh water management are described. Further recommendations to support the implementation of chapter 18 were taken by the Commission on Sustainable Development at its second (1994) and sixth (1998) sessions and by the United Nations General Assembly at its nineteenth Special Session to review the implementation of Agenda 21 (1997). National implementation could be audited by SAIs, bearing in mind that international comparison may be difficult because of the non-binding and recommendational character of the text. Agenda 21 does not contain clear and stringent obligations for states.

Not only the large international conferences create opportunities for SAIs to increase the effectiveness of their audits of international accords. All accords are periodically discussed at Conferences of Parties (COPs). On the World Wide Web calendars of forthcoming events are published, planning about a year ahead (for web sites see next chapter).

³ M. F. Strong, UNCED secretary-general, statement at opening of UN Conference on Environment and Development, Rio de Janeiro, Brazil, 3 June 1992.

3 Important international environmental accords

3.1 Introduction

This chapter contains a short description of a selection of important international environmental accords. These accords were chosen for inclusion in the booklet because of their global importance and weight in relation to the main worldwide environmental protection issues.

The Yearbook of International Co-operation on Environment and Development of the Fridtjof Nansen Institute was the main source.⁴ This book, which is annually updated, is very useful for SAIs in need of more information on regional and international multilateral environmental accords. It contains detailed information on accords about precise rules and standards, monitoring and implementation procedures, decision-making bodies, etc.

3.2 Nine global accords

1) Convention on Control of Transboundary Movements of Hazardous Wastes and their Disposal (Basel Convention 1989)

Objectives:

To control and reduce transboundary movements of wastes subject to the Convention to a minimum consistent with their environmentally sound management.

⁴ <http://www.ext.grida.no/ggynet>

To minimise the hazardous wastes generated, ensuring their environmentally sound management, including disposal and recovery operations, as close as possible to the source of generation. To assist developing countries and countries with economies in transition in environmentally sound management of the hazardous and other wastes they generate.

The Convention entered into force on 5 May 1992. By June 1999, 127 parties had ratified the Convention.

Secretariat:

Secretariat of the Basel Convention (SBC)

International Environment House

11-13 chemin des Anémones, Building D,

CH-1219 Châtelain, Switzerland

Telephone: +41-22-9178218

Telefax: +41-22-7973454

<http://www.unep.ch/basel>

2) Convention on the Prevention of Marine Pollution by Dumping Wastes and other Matter (London Convention 1972)

Objectives:

To prevent indiscriminate disposal at sea of wastes liable to create hazards to human health, to harm living resources and marine life, to damage amenities, or to interfere with other legitimate uses of the sea. The fundamental principle of the Convention is the prohibition of dumping of certain wastes (black list), the requirement of a specific permit prior to dumping of others (grey list), and the demand for a general permit for the rest.

The Convention entered into force on 30 August 1975. In April 1999 there were 77 parties to the Convention. The 1996 Protocol to the Convention, which contains additional provisions to eliminate pollution, is not in force yet.

Secretariat:
International Maritime Organization (IMO)
4 Albert Embankment
London SE1 7SR, United Kingdom
Telephone: +44-171-7357611
Telefax: +44-171-5873210
<http://www.imo.org>

3) International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 (MARPOL 73/78)

Objectives:

To eliminate pollution of the sea by oil, chemicals, and other harmful substances which might be discharged in the course of operations.

To minimize the amount of oil which could be released accidentally in collisions or strandings by ships, including also fixed or floating platforms.

To improve further the prevention and control of marine pollution from ships, particularly oil-tankers.

The Convention entered into force on 2 October 1983. By 1999 there were 106 parties to the Convention (94% of the world tonnage).

The geographical scope of the Convention covers all the global seas. The Arctic, Mediterranean, Baltic Red and Black Seas, the Gulf of Aden, and the Persian Gulf are special areas in which oil discharge is virtually prohibited, and the wider Caribbean and the North Sea are special areas subject to more stringent requirements governing the disposal into the sea of ship-generated garbage.

Secretariat: International Maritime Organization (IMO)
4 Albert Embankment
London SE1 7SR, United Kingdom
Telephone: +44-171-7357611
Telefax: +44-171-5873210
<http://www.imo.org>

4) Convention on Wetlands of International Importance especially as Waterfowl Habitat (Ramsar Convention, 1971)

Objectives:

The conservation and wise use of wetlands by national action and international co-operation as a means to achieving sustainable development throughout the world.

The Ramsar Convention entered into force on 21 December 1975. By April 1999 there were 114 Parties to the Convention.

Secretariat: Ramsar Convention Bureau
Rue Mauverney 28
CH-1196 Gland, Switzerland
Telephone: +41-22-9990170
Telefax: +41-22-9990169
<http://www.ramsar.org>

5) Convention to Combat Desertification (CCD, 1994)

Objectives:

To combat desertification and mitigate the effects of drought in countries experiencing serious drought and/or desertification, particularly in Africa, through effective actions at all levels, supported by international co-operation and partnership arrangements, in the framework of an integrated approach which is consistent with Agenda 21, with a view to contributing to the achievements of sustainable development in affected areas.

The convention entered into force on 26 December 1996. In 1999 151 countries were party to the Convention. The Convention is divided in two parts: a part for affected-country parties and a part for developed-country parties, each with specific measures to be taken. It contains four regional implementation annexes, for Africa, Asia,

Latin America and the Caribbean, and the Northern Mediterranean.
The Africa Annex is the most elaborate.

Secretariat:

Secretariat of the Convention to Combat Desertification

Haus Carstanjen

Martin-Luther-King-Straße 8

D-53175 Bonn

Germany

Telephone: 49-228-8152800

Telefax: 49-228-8152899

<http://www.unccd.de>

6) Convention on Biological Diversity (CBD, 1992)

Objectives:

To ensure the conservation of biological diversity and the sustainable use of its components; and to promote a fair and equitable sharing of the benefits arising out of the utilization of genetic resources, including by appropriate access to genetic resources and by appropriate transfer of relevant technologies (taking into account all rights over those resources and to technologies) and by appropriate funding

The Biological Diversity Convention entered into force on 29 December 1993. By May 1999 there were 175 Parties to the Convention.

Secretariat of the Convention on Biological Diversity

World Trade Centre

393 rue St Jacques, office 300

Montreal, Quebec H2Y 1N9

Canada

Telephone: +1-514-2882220

Telefax: +1-514-2886588

<http://www.biodiv.org>

7) United Nations Framework Convention on Climate Change (UNFCCC)

Objectives:

To stabilize greenhouse-gas concentration in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system, within a timeframe sufficient to allow ecosystems to adapt naturally to climate change.

To ensure that food production is not threatened.

And to enable economic development to proceed in a sustainable manner.

The UNFCCC entered into force in 1994. In 1999 178 parties had ratified the convention. In 1997 160 countries reached agreement on the Kyoto Protocol to the UNFCCC, but it is currently not yet in force. The Kyoto Protocol contains individual emission limitations and reduction commitments, covering the six main greenhouse-gases.

Climate Change Secretariat (UNFCCC)

Haus Carstanjen

Martin-Luther-King-Strasse 8

D-53175 Bonn

Germany

Telephone: +49-228-8151000

Telefax: + 49-228-8151999

<http://www.unfccc.int>

8) Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES, 1973)

Objectives:

To ensure, through international co-operation, that the international trade in species of wild fauna and flora does not threaten survival in the wild of the species concerned.

To protect certain endangered species from over-exploitation by means of a system of import-export permits issued by a management authority under the control of a scientific authority.

CITES entered into force on 1 July 1975. By May 1999 there were 145 Parties to the Convention.

Secretariat:

UNEP/CITES Secretariat

15 chemin des Anémones, CP 456

CH-1219 Châtelaine, Geneva, Switzerland

Telephone: +41-22-91781-39/40

Telefax: +41-22-7973417

<http://www.cites.org/>

9) Vienna Convention for Protection of the Ozone Layer (1985), including the Montreal Protocol on Substances that Deplete the Ozone Layer (1987)

Objectives of the Vienna Convention:

To protect human health and the environment against adverse effects resulting or likely to result from human activities which modify or are likely to modify the ozone layer.

To adopt agreed measures to control human activities found to have adverse effects on the ozone layer.

To co-operate in scientific research and systematic observation.

To exchange information in the legal, scientific, and technical fields.

Objectives of the Montreal Protocol:

To protect the ozone layer by taking measures leading to total elimination of global emissions of ozone-depleting substances (ODS) on the basis of developments in scientific knowledge, taking into account technical and economic considerations and the needs of developing countries.

The Vienna Convention entered into force on 22 September 1988.
The Montreal Protocol entered into force on 1 January 1989. By June 1999 there were 169 Parties to the Vienna Convention and 168 to the Montreal Protocol.

Secretariat:

UNEP, Ozone Secretariat

PO Box 30552

Nairobi, Kenya

Telephone: +254-2-621234/623851

Telefax: +254-2-623913/521930

<http://www.unep.org/ozone>

4 Applying the ‘line of reasoning’

4.1 Introduction

SAIs need to set priorities when choosing subjects to audit. When SAIs choose to initiate an audit of an international environmental accord a lot of options are still open. In chapter 2 of this booklet some arguments have been presented which can be taken into account when an SAI is in the process of choosing an environmental accord to audit.

4.2 Seven criteria and nine accords

Criterion in chapter 2, *available information on an accord*, focuses on the adequacy of the information stream that is organised by the government to support policy implementation and monitoring of goal attainment. Inadequate information availability and use implies risks for implementation of and compliance with an accord. Thus, information availability is an important factor in determining which *type* of audit can be conducted. A fully-fledged performance audit, including assessment of effectiveness of the policy regime, implies a high need for good quality information, whereas an audit which assesses basic compliance with an accord might be initiated more easily.

Criteria II, signs of non-compliance with an accord and III environmental risks underlying an accord, refer to the urgency of the environmental accords. Accords with a high urgency might need priority in respect to auditing by SAIs.

Criteria IV, V, and VI all have to do with the ‘auditability’ of accords. Accords that states *are obliged to comply with* (ratified),

which *include strict obligations*, and that have been *in effect* for a number of years are best suitable for auditing by SAIs.

Criteria VII refers to *the context the audit results will be received in*. Placing an audit in the context of important international events like a world summit can make the message of it more salient for policy makers. For example, the ‘Rio+10 Conference’ in 2002 can be anticipated on.

In table 1 the nine accords that were briefly described in chapter 3 are compared with the seven criteria of the line of reasoning, which are applied to the accords from a global point of view. But, of course, the first and second criteria, *available information on an accord* and *compliance with an accord*, need scrutiny at country level. Also the criterion *environmental risks underlying an accord*, although included in table 1, needs further examination on regional or even country level. For example, fresh water pollution is an environmental issue with great urgency all over the world, but the exact character, causes and consequences of it can be quite different from region to region.

Of course, the line of reasoning cannot be applied statically. We should bear in mind that the arguments are intertwined and may turn out to be contradictory. When SAIs decide to co-operate, the weighing of each argument could take place in the context of the discussions between SAIs preceding their actual co-operation.

Table 1

| § | International Environmental Accord | I. Available information | II. Non-compliance | III. Environmental risks | IV. Obligation to comply | V. Period of implementation | VI. Strictness | VII. Upcoming events |
|----|-------------------------------------|----------------------------------|----------------------------------|--------------------------|--------------------------------|---------------------------------------|----------------|---|
| 1. | Basel Convention: hazardous wastes | To be assessed on national level | To be assessed on national level | + | Ratified by 127 states | Since 1992 | Strict | Conference of Parties: May 2002 (Geneva) (every 2 years) |
| 2. | London Convention: marine pollution | idem | idem | + | Ratified by 77 states | Since 1975 | Strict | IMO Assembly: November 2001 (every 2 years) |
| 3. | MARPOL 73/78: marine pollution | idem | idem | + | Ratified by 106 states | Since 1983 Recent annex since 1998 | Strict | IMO Assembly: November 2001 (every 2 years) |
| 4. | Ramsar Convention: wetlands | idem | idem | + | Ratified by 114 states | Since 1975 | Quite strict | Conference of Parties: November 2002 in Spain |
| 5. | Desertification Convention | idem | idem | + | Ratified by 151 states | Since 1996 | Quite strict | Conference of Parties: December 2000 in Bonn (every year) |
| 6. | Biodiversity Convention | idem | idem | + | Ratified by 175 states | Since 1993 | Quite strict | Conference of Parties: May 2000 (every two years) |
| 7. | UNFCCC: climate change | idem | idem | + | Ratified by 178 states | Since 1994 | Quite strict | Conference of Parties: November 2001 in Morocco |
| 8. | CITES: endangered species | idem | idem | + | Ratified by 145 states | Since 1975 | Strict | Conference of Parties: April 2000 (every two years) |
| 9. | Vienna Convention/Montreal Prot. | idem | idem | + | Ratified by 169 and 168 states | Since 1988 | Strict | Meeting of Parties: december 2000 in Burkina Faso |

4.3 Conclusion

The main conclusion that follows from table 1 is that all accords that are included are possible starting points for audits by SAIs. From a global level point of view, no barriers can be observed preventing SAIs from initiating audits focused on one or more of these accords. But, of course, two main criteria of the line of reasoning are not represented in that global point of view. Assessing the *availability of information* on the national level and the *state of (non-) compliance* of national governments is an inevitable step to make a comprehensive decision. SAIs need to make an in-depth analysis at the national level of these two criteria, to make a sound decision on which accord needs priority in their region at a particular time.

5 Examples of audits of accords

5.1 Introduction

The following paragraphs contain examples of audits on the following environmental accords:

- OSPAR Convention (SAI of Norway)
- CITES, RAMSAR Convention, the Montreal Protocol, UNFCCC (SAI of New Zealand)
- RAMSAR Convention (SAI of the Netherlands)
- Biological Diversity Convention (SAI of Canada)
- MARPOL Convention (SAI of the Netherlands)

This chapter is focused on the basic characteristics of the above mentioned audits by different SAIs: type of audit, exact subject of the audit, goal, audit questions and criteria, audit activities, and product.

5.2 Audit on OSPAR Convention (SAI of Norway)

Audit Name: Norway's implementation of the OSPAR Convention regarding industry, sewage and agriculture.

Type of Audit: Concurrent performance audit in Norway, Denmark and Iceland. On beforehand an agreement was concluded between partaking SAIs, based on the principles set out in the booklet "How SAIs may co-operate on the audit of International Environmental Accords". This format describes the Norwegian audit approach.

Accord to Audit: The focus of the audit is on the Convention for the Protection of the Marine Environment of the North East Atlantic (OSPAR Convention), Paris, 1992. The OSPAR Convention consists of environmental objectives and a set of general guidelines for the

implementation of programmes and measures. National governmental administrations are therefore relatively free to interpret the Convention and to adjust means and measures in a national setting.

The OSPAR Convention co-operates closely with the North Sea Conferences. Chosen measures and efforts taken by national authorities are meant to achieve objectives of the North Sea Declarations as well as the OSPAR Convention. National implementation of the OSPAR Convention has therefore been seen in association with the Declarations from the North Sea Conferences.

Subject: The OSPAR Convention was selected because of the importance of the prevention of pollution in the sea and internal waters (high environmental risk). The audit focuses on particular sections of the OSPAR Convention, namely regarding pollution from land-based sources in particular in agriculture, industry and sewage (nutrient enrichment and toxic waste).

Goal: To assess whether the competent National authorities have chosen suitable means and measures to comply with relevant sections of the OSPAR Convention. The audit report is sent to the Storting (the Norwegian Parliament). In addition it was a goal to achieve experience by conducting an audit based on the principles set out in INTOSAI's booklet on how SAIs may co-operate on the audit of international environmental accords. The SAIs of Denmark, Iceland and Norway have evaluated the co-operation. The evaluation report will be accessible on the home page of the INTOSAI working group on Environmental Auditing.

Audit questions and criteria:

The audit questions in the Norwegian performance audit of the implementation of the OSPAR Convention are:

1. Administrative systems: To what extent have the administrative authorities accessible suitable means to comply with the relevant sections of the OSPAR Convention?

To answer this question it was focused on:

- Responsibilities of the different authorities
- Establishment of a system for inspections to assess compliance with authorisations and regulations

- What kinds of sanctions are available for competent authorities
- Establishment of a reporting systems that ensures superior management and control

2. *Administrative practice:*

- How are competent authorities following up the OSPAR Convention regarding industry, sewage and agriculture?
- What goals are established to fulfil the intention of the OSPAR Convention?
- Are chosen actions and means sufficient to follow up the convention?
- To what extent are inspections and sanctions actually carried out?
- Do responsible authorities have sufficient management and control over how the convention is followed up?

According to the terms of the OSPAR Convention, the contracting parties shall take all possible steps to prevent and eliminate pollution and take the necessary measures to protect the maritime area. “The precautionary principle” and “the polluter pays principle” shall be applied when programmes and measures are adopted. Further, the application of “best available techniques” and “best environmental practice” shall be defined. The prevention and elimination of pollution from land-based sources are specially focused on in the audit. The Convention decides that point source discharges to the maritime area shall be strictly subject to authorisation or regulation by the competent authorities. To assess compliance, a system for regular monitoring and inspections shall also be provided.

Audit activities: The audit started with a document analysis of the relevant sections of the OSPAR Convention and relevant national laws, rules, regulations and policy documents. Audit criteria were derived from these documents. Evaluation reports from the administration were of central value to assess goal achievement. Formals in-depth interviews were performed with representatives of central authorities (Ministry of the Environment, Ministry of Agriculture and the Norwegian Pollution Control Authority). Three questionnaires have been used. The first questionnaire was answered by the Ministry of the Environment and was carried out in

order to assess where and how the chosen means and measures were implemented by the Norwegian authorities and to describe responsibilities of the different public bodies. Regional governmental representatives answered the second questionnaire. A central purpose of this questionnaire was to collect data that mainly answered questions regarding competent authorities control of emission standards and sanctions carried out on the three sectors. The local authorities answered the third questionnaire. Focus was mainly on the sewage sector, and to some extent the agricultural sector.

Product: Report to Parliament, consisting of audit questions, criteria, findings and conclusions.

5.3 Audit on Four Accords (SAI of New Zealand)

Audit Name: Multilateral Environmental Agreements.

Type of audit: Performance audit.

Accords to audit: The Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES), the Convention on Wetlands of International Importance (RAMSAR), the Montreal Protocol on Substances that Deplete the Ozone Layer, and the United Nations Framework Convention on Climate Change (FCCC).

Goal: To report to Parliament whether or not resources have been applied effectively and efficiently and in a manner consistent with Government policy.

Subject: Compliance with and implementation of environmental accords. The specific accords were chosen to give a selection of older and more recent accords as well as to analyse a wide range of central government departments, regional and local activities.

Audit questions and criteria:

- Were Parliament and interested groups notified and consulted with at the negotiation stage of the agreements?
- Were impact statements prepared for proposed new agreements covering: reasons for being party to the agreement, advantages and disadvantages to being party, imposed obligations, economic, social, cultural and environmental effects, the costs of

compliance, measures to be adopted, provision for withdrawal from the agreements, statements setting out consultation with stake holders?

- Was the original wording of the agreements used in new legislation or amendments to existing legislation in order to implement the agreements?
- Did the responsible agencies get roles and responsibilities assigned, and were these properly documented and understood? Are there any gaps between agencies roles and responsibilities?
- Were resources allocated, empowering legislation and/or Cabinet direction for the fulfilment of the agreements' obligations matching the allocation of roles and responsibilities?
- Is New Zealand meeting the obligations of the Agreement (Sample examples)
 - Has NZ designated at least one wetland of international importance (Ramsar Convention)?
 - Has NZ adopted a national policies to mitigate climate change through limiting anthropogenic (human induced) greenhouse gas and sink reservoirs. (UNFCCC)?
 - Has NZ taken appropriate measures to enforce the convention and prohibit trade in specimens in violation of the Convention (CITES)?
 - Has NZ introduced control measures to initially reduce the consumption of chlorofluorocarbons (Montreal Protocol)?
- Is planning, budgeting, operational commitment, and monitoring and reporting to Parliament of achievements and under-achievements to meet the obligations adequate?
- Are the agreements obligations being met, monitored and reported and where appropriate, amalgamated as a single composite report when there are several responsible agencies?
- Have the consequences of any shortfall in meeting the obligations been explicitly considered and reported to Parliament?
- Have benefits and costs used to justify ratification been accrued, or variances been reported to Parliament?

Audit activities:

Each agreement will be examined to determine New Zealand's obligations and compared with reports of its fulfilment. Interview key agency staff and examine files and other documentation to determine pre-signing processes, implementation arrangements, and reporting to Parliament. Fulfilment of obligations will be determined by examination of performance reporting documents. Agency roles and responsibilities will be examined through a mix of interviews, examination of legislation, agencies own accountability documents and budgets.

Product: A report to Parliament covering:

- The robustness and completeness of the processes of negotiating and accepting the environmental agreements. In particular will be described pre-signing consultations with interest groups, the reasons, advantages and disadvantages, obligations, impacts, and costs and the means of ratifying the agreements.
- The fulfilment of the obligations of the agreements.
- The adequacy of the information provided to parliament.
- Lessons for future multilateral environmental agreements.

5.4 Audit on RAMSAR Convention (SAI of the Netherlands)

Audit Name: Compliance with International Agreements on Wetlands

Type of Audit: Compliance audit

Accord to Audit: The Convention on Wetlands of International Importance especially as Waterfowl Habitat (RAMSAR Convention, 1971). Also the European Union Wild Birds Directive (1981) and the Natural Habitats Directive (1994) are of direct relevance to this audit.

Subject: The object of the RAMSAR Convention is to protect wetlands' ecological function through wise use of their other functions (economic, recreational, cultural). The audit assesses whether the Convention has been adequately implemented on the national level and if adequate measures have been taken to comply

with the obligations concerning knowledge, conservation, management and use of wetlands.

Goal: To form an opinion on the Netherlands' fulfilment of the RAMSAR Convention and to contribute to the effectiveness of the Convention's implementation by making recommendations to the Minister responsible.

Audit questions and criteria:

- Do policy formulation and elaboration comply with the RAMSAR Convention?
- Is knowledge of wetlands being increased?
- Do conservation, management and use of wetlands comply with the convention?
- How are wetlands designated for the RAMSAR Convention?
- How does this agree or disagree with the designation of wetlands for the Natural Habitats and/or Wild Birds Directives?
- Are there significant differences in the conservation, management and use of designated and non-designated areas?
- Does the minister have insight into short- and long-term results?

Audit activities: A general analysis will be made of policy formulation, the conservation, management and use of wetlands and the designation of wetlands for the RAMSAR bureau. To this end 64 wetlands were selected, some of them are also designated under the Natural Habitats or Wild Birds Directive of the European Union. The analysis is focused on the availability and evaluation of management and/or restoration plans, the evaluation of wise use and the availability of progress reports.

Ten wetlands are investigated in detail in order to obtain an in-depth understanding of the practical problems of wetland management. Furthermore, differences in status between designated and non-designated areas and in the practical aspects of management and restoration were examined.

Product: A report to Parliament. The report was translated in English and Spanish.

5.5 **Audit on Biodiversity Convention (SAI of Canada)**

Audit Name: Canada's Biodiversity Clock is Ticking.

Type of Audit: Value-for-Money environmental Audit

Accord to Audit: United Nations Convention on Biological Diversity

Subject: Biodiversity is the variability among living organisms from all sources including, among others, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part. This includes diversity within species and between species and diversity of ecosystems (as defined in the Convention). The audit examined the commitments and obligations of the federal government to the Convention on Biological Diversity and the implementation of the Canadian Biodiversity Strategy, including whether the information needed to fully implement the Strategy was being reported to the United Nations Secretariat.

Goal: To assess the progress made by the federal government in implementing the requirements of the Convention on Biological Diversity and the Canadian Biodiversity Strategy.

Audit questions and criteria:

- Has the federal government met its commitments with respect to the Convention on Biological Diversity, that is, the development of the Canadian Biodiversity Strategy?
- Has the federal government consulted with and solicited input from all principal stakeholders during the development and implementation of the Strategy?
- Has the federal government developed a federal action plan for implementing the Strategy, which would include time frames, resources to be allocated, expected results and performance indicators?
- Has the federal government met deadlines for key deliverables?
- Has the federal government established measurable targets and time frames for reporting on the results of its efforts in accordance with the requirements and guidelines of the Convention on Biological Diversity?

Audit activities: The audit approach consisted of a review of documentation, and interviews with a wide range of stakeholders

including federal departmental officials and experts from other sectors. The current status of implementation was compared with the expectations laid out by the government in its own planning documents. In order to gain insight into how departments are implementing the Canadian Biodiversity Strategy, the biodiversity action plan of one department (Agriculture and Agri-Food Canada) was reviewed (a case study).

Product: Chapter 4 of the 1998 Report of the Commissioner of the Environment and Sustainable Development to the federal House of Commons (Parliament).

5.6 Audit on MARPOL (SAI of the Netherlands)

Audit Name: Co-ordinated Audit on Marine Pollution from Ships at Sea and in Ports.

Type of Audit: Co-ordinated performance audit. Partaking SAIs so far are The Netherlands Court of Audit and the National Audit Office of the United Kingdom. This format describes the Dutch audit approach.

Accord to Audit: The International Convention for the Prevention of Pollution from Ships (MARPOL 73/78), London, 1973 and 1978, is the point of departure of the audit. Other relevant agreements related to co-operation of states in dealing with marine pollution and included in the audit are: International Convention on Oil Pollution Preparedness, Response, and Co-operation (OPRC), London, 1990, and the Bonn Agreement, 1983.

Subject: Oil, chemicals and garbage pollution from ships are the main source of marine pollution by ships in the region (high environmental risk). Included in the audit are both illegal operational discharges of these substances by ships, as well as involuntary incidents that happen at sea. The audit has two aspects. Firstly, measures taken in order to prevent pollution from ships (for example requirements for construction and equipment of sea ships and port reception facilities). Secondly, dealing with pollution from ships (tracing pollution and sources of pollution, cleaning up, and prosecuting (recovery)). Central question of the audit is: Is the

national policy for preventing and dealing with pollution effective and efficient? What policy or executive aspects need improvement?

Goal: To make recommendations for the national policy and the implementation process. And to describe possibilities for improvement on cross-country level.

Audit questions and criteria:

1) Prevention of marine pollution by ships

- Is an adequate national policy on prevention of pollution from ships in place?
- Is national policy adequately translated into operational plans?
- Are ship surveys of sufficient quality?
- Is the required number of inspections carried out?
- Is targeting of ships for inspection effective (based on risk analysis)?
- Are performed inspections of sufficient quality?
- Is information from inspections used efficiently and effectively in order to prevent pollution from ships?
- Has the administration sufficiently ensured the provision of adequate and efficient port reception facilities?
- Is there an adequate national policy on port reception facilities?
- Has the administration sufficiently ensured that illegal disuse of port reception facilities is minimal?
- Is detection of pollution from ships, and tracing and sanctioning of offenders carried out in such a way that they can reasonably be expected to deter intentional oil pollution?
- Is an adequate response to deficiencies and offences ensured?
- Is information about the response to deficiencies shared adequately?
- Is an adequate system for evaluation of the policy in place?

2) Dealing with marine pollution from ships

- Is there an adequate national contingency plan to ensure an adequate response to pollution incidents?
- Are the means for application of the national contingency plan adequately realized?
- Are contingency plans that are in place at various levels compatible and consistent?

- Is there an adequate detection plan?
- Is information about what has been detected disseminated in such a way as to ensure prompt and adequate response, and is it used?
- Is detection effective?
- Is detection from pollution from ships in ports adequate?
- Do adequate first response scenarios for pollution incidents exist and are they used?
- Is the response to pollution incidents sufficient?
- Are there adequate facilities and mechanisms in place to trace spills and illegal discharges to the offenders?
- Is information about traced polluters shared adequately?
- Is an adequate administrative and legal response to pollution incidents ensured?
- Is information about response to deficiencies shared adequately?
- Is there an adequate evaluative system for (the separate parts of) the policy?

Audit activities: The audit starts out with three case studies, focused on activities carried out in case of inspections of ships and oil spills. This way the comprehensiveness of the audit format is tested. Next, staff of agencies that have responsibility for policy implementation are interviewed and agencies files are examined. Also agencies that are not covered by the Court's mandate are asked to voluntarily provide information (branches of local authorities, private parties like classification societies, the International Maritime Organisation).

Product: a report to parliament, consisting of findings, conclusions and recommendations for improvement of preventing and dealing with marine pollution from ships. Since the audit was designed to be carried out by more SAI at the same time (co-ordinated), the audit could lead to a joint report containing ideas for improvement based on best practices.

6 Sources

- Audit Plan of the SAI of New Zealand: Multilateral Environmental Agreements (03/05/2000).
- Audit Proposal: Co-ordinated audit on Marine Pollution by Ships (May 2000)
- Audit Proposal: Wetlands – The Netherlands Court of Audit (December 1997).
- Canada’s Biodiversity Clock is Ticking – 1998 Report of the Commissioner of the Environment and Sustainable Development.
- Compliance with International Agreements on Wetlands – The Netherlands Court of Audit (27 August 1998).
- Global Environmental Outlook 2000 (overview) – United Nations Environment Programme.
- Guidance on Conducting Audits of Activities with an Environmental Perspective (draft 1999) – INTOSAI Working Group on Environmental Auditing.
- Victor, David G., Raustiala, K. & Eugene B. Skolnikoff (1998) The implementation and effectiveness of international environmental commitments. Theory and practice.
- Weis, E.B. & Jacobson, H.K. (ed.) (1999) Engaging Countries. Strengthening compliance with international environmental accords. MIT press.
- Yearbook of International Co-operation on Environment and Development 1998/1999. The Fridtjof Nansen Institute / Earthscan.

Annex Selection of interesting regional accords

Regional Agreement on Air Pollution

Convention on Long-range Transboundary Air Pollution (Europe and North America)

Regional Agreements on Marine Environment

Convention for the Protection of the Marine Environment of the North East Atlantic (OSPAR Convention, 1992)

Convention on the Protection of the Marine Environment of the Baltic Sea Area (Helsinki Convention, 1992)

UNEP Regional Seas Programme

Convention on the Protection of the Black Sea against Pollution (Bucharest, 1992)

Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region (Cartagenas de Indias, 1983)

Convention for the Protection, Management, and Development of the Marine and Coastal Environment of the Eastern African Region (Nairobi, 1985)

Kuwait Regional Convention for Co-operation on the Protection of Marine Environment from Pollution (Kuwait, 1978)

Convention for the Protection and Development of the Marine Environment and Coastal Region of the Mediterranean Sea (Barcelona Convention, 1976)

Regional Convention for the Conservation of the Red Sea and Gulf of Aden Environment (Jeddah, 1982)

Convention for the Protection of the Natural Resources and Environment South Pacific Region (Noumea, 1986)

Convention for the Protection of the Marine Environment and Coastal Area of the Southeast Pacific (Lima, 1981)

Convention for Co-operation in the Protection and Development of the Marine and Coastal Environment of the West and Central African Region (Abidjan, 1985)

Regional Agreements on River Basins and Lakes

| | |
|--------------------------|---|
| Africa | Kagare River Basin |
| | Niger River Basin |
| | Senegal River basin |
| | Volta River Basin |
| | Zambezi River Basin |
| | Lake Victoria |
| | Nooroewer |
| Asia | Ganges River Basin |
| | Indus River Basin |
| | Mekong River Basin |
| Europe | Danube River Basin |
| | Elbe River Basin |
| | Mosel River Basin |
| | Rhine River Basin |
| | Lake Constance |
| | Lake Inari |
| Middle East | Nile River Basin |
| North America | U.S. and Canada |
| | U.S. and Mexico |
| South America | Amazon River Basin |
| | Plata River Basin |
| Europe and North America | Convention on the Protection and use of transboundary Watercourses and International Lakes (Helsinki, 1992) |