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Third Negotiations Meeting on the
Text of the Integrated Coastal Zone Management
Protocol to the
Amended Nairobi Convention

Zanzibar Tanzania, 21-24 November 2016

SECOND NEGOTIATED DRAFT

**PROTOCOL ON INTEGRATED COASTAL ZONE MANAGEMENT IN WESTERN INDIAN
OCEAN REGION**

(MARCH 2016)

First Negotiated Draft on Integrated Coastal Zone Management Protocol to the Nairobi Convention.

Summary

The *Integrated Coastal Zone Management (ICZM) Protocol to the Amended Nairobi Convention* is being developed pursuant to decision CP6/3.3 of the Sixth Conference of Parties of the Nairobi Convention (COP6) to strengthen the legal framework of the Nairobi Convention for a more effective management of marine and coastal ecosystems across sectors and national boundaries to achieve sustainable development.

Pursuant to the decision the Nairobi Convention in partnership with the Indian Ocean Commission organised seven intergovernmental meetings of the Ad hoc Legal and Technical Working Group on ICZM to develop the protocol that will provide a framework for addressing a number of threats to marine and coastal environment. The threats include anthropogenic pressures such as growing intensity of human settlements and unsustainable socioeconomic activities; natural disasters and climate change; and lack of adequate coordination of various sectors that have contributed to the haphazard coastal development, habitat degradation and a decline in ecosystem services in the WIO region.

At their seventh meeting (LTWG7) held in Maputo, Mozambique on 6 to 8 August 2012, the *Ad hoc* Legal and Technical Working Group on ICZM concluded the drafting of the protocol and prepared the *Seventh Draft ICZM Protocol to the Amended Nairobi Convention*. The experts recommended the draft text for consideration by the Contracting Parties to the Nairobi Convention during the Seventh Conference of Parties to the Nairobi Convention (COP7) for a decision on the next steps that will include negotiations, and adoption of the text negotiated text by a Conference of plenipotentiaries.

The LTWG7 also considered and approved *Draft Guidelines for Drafters and Negotiators of the Protocol on ICZM to the Nairobi Convention*. The purpose of the guidelines is to assist drafters and negotiators to have common conceptual and textual understanding of the various issues covered in the proposed protocol. It is envisaged that the guidelines will support the remaining phases of consultation, drafting and negotiation of the Protocol. The draft guidelines are presented to the COP7 for noting.

For reasons of economy, this document is printed in a limited number. Delegates are kindly requested to bring their copies to meetings and not to request additional copies.

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Title: PROTOCOL ON INTEGRATED COASTAL ZONE MANAGEMENT IN WESTERN INDIAN OCEAN REGION

PREAMBLE

The Contracting Parties to this Protocol,

Being Parties to the Amended Nairobi Convention for the Protection, Management and Development of the Marine and Coastal Environment of the Western Indian Ocean (“the Amended Nairobi Convention”);

Bis: [Recalling the 1982 United Nations Convention on the Law of the Sea]. (Madagascar to provide text)

Conscious of the socio-economic value and the services rendered by [healthy](#) coastal and marine ecosystems;

Considering that the coastal zones constitute important components of the natural and cultural heritage of the Western Indian Ocean;

Recalling the positive developments in ICZM in the region over the years, including the 1993 Arusha Declaration and subsequent processes, the development and implementation of ICZM projects and the gradual establishment and strengthening of ICZM policies, institutional frameworks and legal instruments;

Recognising the principles upon which ICZM is founded, including equity, justice, good governance, right to information, right of access to coastal and associated marine resources, regional cooperation particularly for transboundary issues, polluter-pays principle, precautionary principle, ecosystem based management; and the preservation of biodiversity;

Concerned about the threats arising from increased pressures on the fragile coastal and marine areas of the Region, resulting from biodiversity loss, pollution of coastal and associated marine areas, degradation due to growing intensity of human settlement and unsustainable socio-economic activities, risks threatening coastal zones due to natural disasters and climate change including special vulnerability to sea level rise of low lying coastal areas and Small Island States;

Concerned also about the lack of or inadequate [\[Sey: enforcement and monitoring, Mada – control surveillance\]](#) coordination or integration of various sector activities, programmes and plans affecting the coastal and associated marine areas in the WIO Region;

[Concerned about the inadequate monitoring and enforcement systems within the West Indian Ocean region \[SEY and SA proposal\]](#)

[\[KEY: Mindful of the environmental impacts of socio-economic developments such as oil and gas as well as other extractive industries on the coastal zone.](#)

Committed to meet the needs for better governance, integration, coordination and management of various sector activities, programmes and plans, by ensuring the sustainable development of coastal and associated marine areas and conservation of biodiversity and ecosystem services through the implementation of integrated coastal zone management (ICZM) taking into consideration issues of climate change;

Determined to develop and strengthen the existing legal, institutional, administrative and technical capacities of the Contracting Parties for improved and sustained ICZM implementation; mobilize and drive financial resources for the implementation of ICZM standards and *frameworks* ; and to fill gaps in the existing Nairobi Convention framework concerning ICZM;

Aware of other existing international legal and policy commitments for the realization of ICZM, including the 1982 United Nations Convention on the Law of the Sea, in particular Part XII thereof; the 1992 Convention on Biological Diversity and especially its Marine and Coastal Program; the 1992 United Nations Framework Convention on Climate Change; the 1996 London Dumping Convention; the 1971 Ramsar Convention and its amendments; the 1972 Cultural Heritage Convention; the 1994 UN Convention to Combat Desertification; various IMO Conventions; the 1992 Agenda 21; the 2012 Rio+20 “Our Common Vision”; and the 1994 Barbados Programme of

Action for the Sustainable Development of Small Island States and the 2005 Mauritius Strategy; the Action Plan for Islands Biodiversity, among others;

Determined to implement the Amended Nairobi Convention, in particular Article 4(1) and (2) thereof, as well as its related Protocols;

Have agreed as follows:

PART I: GENERAL PROVISIONS

ARTICLE 1

(Definitions)

For the purposes of this Protocol,

Alternative texts

“Integrated coastal zone management is a continuous and dynamic process that unites government and the community, science and management, sectoral and public interests in preparing and implementing an integrated plan for the protection and development of coastal ecosystems and resources.” (Mozambique, Somalia, Tanzania, Kenya);

“Integrated coastal zone management” is a dynamic process for the sustainable management and use of coastal zones, taking into account at the same time the fragility of coastal ecosystems and landscapes, the diversity of activities and uses, their interactions, the maritime orientation of certain activities and uses and their impact on both the marine and land parts; (Comoros/France/Madagascar);

Integrated coastal zone management means a dynamic process of governance that unites science, management and participatory stakeholders’ involvement in ensuring sustainable development while mitigating adverse impacts on the coastal and marine ecosystems through the integration of environment and socio-economic activities (Mauritius/Seychelles);

“Coastal zone” means the geomorphologic area where the land meets the sea including the seaward and landward areas made up of biotic and abiotic components coexisting and interacting with each other and with human communities and socio-economic activities;

or

“Coastal zone” means the geomorphologic area where the land interacts with the sea comprising of terrestrial and marine areas made up of biotic and abiotic components and systems coexisting and interacting with each other and with socio-economic activities including coastal watersheds, coastal plains, wetlands, beaches and dunes, mangrove and littoral forests, deltas, lagoons, estuaries, reefs and other geomorphologic areas and ecosystems;

or

“Coastal zone” is the geomorphologic area on either side of the seashore in which the interaction between the marine and land parts occurs in the form of complex ecological and resource systems made up of biotic and abiotic components coexisting and interacting with human communities and relevant socio-economic activities;

“Contracting Party” means any state or regional economic, political or other organization, of which at least one member is a coastal state of the Western Indian Ocean Region and which exercises competence in the fields covered by this Protocol, and that has become a party to this Protocol; or a non-coastal state which is upstream and riparian to watercourses draining into or connected with the Western Indian Ocean;

“Convention” means the Amended Nairobi Convention for the Protection, Management and Development of the Marine and Coastal Environment of the Western Indian Ocean Region;

“National Focal Point” means the National Focal Point established under Article 22 of this Protocol;

“Organization” means the body designated as responsible for carrying out secretariat functions pursuant to Article 16 of the Convention and Article 20 of this Protocol;

“Protocol” means the Protocol on Integrated Coastal Zone Management in Western Indian Ocean Region, and, unless the context refers to the contrary, such as other protocols to the Amended Nairobi Convention;

“Secretariat” means the Secretariat of the Convention;

‘Region’ means Western Indian Ocean region.

ARTICLE 2

Geographical Coverage [Protocol Area]

1. The geographical coverage of the Protocol [the Protocol Area] shall be:
 - (a) the landward limit of the coastal zone as defined by each Contracting Party; and
 - (b) the seaward limit of the coastal zone extending to the outer limits of the exclusive economic zone.
2. Notwithstanding paragraph 1 (b) a Contracting Party may define its seaward limit to an extent that is less than the outer limit of its exclusive economic zone.
3. Each Contracting Party shall notify the other Contracting Parties through the Organisation of the extent of the land and sea ward limits.

Alternative Text for Paragraph 2 and 3

2. (a) *Each Contracting Party shall notify the other Contracting Parties through the Organisation of the extent of the land limit;*

(b) If, within the limits of its sovereignty, a Party establishes a seaward limit that is less than the external limit of the exclusive economic zone, it shall communicate a declaration to the Depositary at the time of the deposit of its instrument of ratification, acceptance, approval of, or accession to this Protocol, or at any other subsequent time.

ARTICLE 3

Purpose of the Protocol

The purpose of this Protocol is to provide a [Mada add: legal] framework for regional and national integrated coastal zone management for sustainable development [SA replace: the Western Indian Ocean".] [within the geographical coverage of the Protocol]. -Sev

ARTICLE 4 **AGREED 21.03.16****Preservation of Rights**

1. Nothing in this Protocol shall affect: a) the sovereignty, sovereign rights and jurisdiction of the coastal state in areas under its national jurisdiction; b) the rights and obligations of other states in areas under the national jurisdiction of the coastal state.
2. Nothing in this Protocol or the Convention shall affect the immunity of warships and other government ships operated for non- commercial purposes. Each Contracting Party shall ensure that its vessels and aircraft entitled to sovereign immunity under international law including the 1982 United Nations Convention on the Law of the Sea, act in a manner consistent with the Protocol.
3. The provisions of this Protocol shall be without prejudice to stricter provisions respecting the protection and management of the coastal zone contained in existing or future national or international instruments or programmes.
4. Nothing in this Protocol nor any act adopted on the basis of this Protocol shall prejudice the rights, the present and future claims or legal views of any Party relating to the Law of the Sea, in particular the nature and the extent of marine areas, the delimitation of marine areas between States with opposite or adjacent coasts, the right and modalities of passage through straits used for international navigation and the right of innocent passage in territorial seas, as well as the nature and extent of the jurisdiction of the coastal State, the flag State or the port State.

Comment [H1]: Kenya, Mauritius and Seychelles propose to use the words "Protocol Area"

South Africa, Mozambique, Tanzania and Madagascar propose to use the words "Geographical Coverage".

Comment [H2]: South Africa propose s to amend the title of the protocol to read ... "the Western Indian Ocean".

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5. No act or activity undertaken on the basis of this Protocol shall constitute grounds for claiming, contending or disputing any claim to national sovereignty or jurisdiction.

~~3.6.~~ Nothing in this Protocol shall prejudice national security and defence activities and facilities; however, each Party agrees that such activities and facilities should be operated or established, so far as is reasonable and practicable, in a manner consistent with this Protocol.

Article 4 bis

Proposal by SOM:

If coastal border disputes will arise between two Contracting Parties, the dispute shall be settled through amicable negotiations.

ARTICLE 5 AGREED 21032016

General Obligations

1. The Contracting Parties shall individually or jointly take appropriate measures in conformity with international law and in accordance with the Convention and this Protocol, to ensure implementation of integrated coastal zone management in the Region.
2. The Contracting Parties shall take all appropriate measures in conformity with international law for proper and effective discharge of their obligations under the Convention and this Protocol and may, to this end, endeavour to harmonise their programmes, policies, laws and other regulatory frameworks.
3. The Contracting Parties, may co-operate with competent and relevant international, regional and sub-regional and national organizations, to ~~promote~~~~ensure the~~ effective implementation of this Protocol.
4. The Contracting Parties shall, as soon as possible after entry into force of this Protocol, develop and adopt procedures and mechanisms needed at the national level to facilitate ~~assess and promote~~ compliance and enforcement of the Protocol. AGREED TO MOVE TO ARTICLE 22 bis
5. Each Contracting Party shall take all appropriate measures, consistent with its capabilities and relevant international obligations ~~law~~ to comply with and enforce this Protocol at the national level, including by enacting relevant domestic legislation and establishing or strengthening institutions.

Comment [H3]: Further deliberation should be considered on how countries establish mechanisms of implementing the concept of cooperation.

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ARTICLE 6

Objectives of ICZM

Contact group: MADA, FR, KEY, COM, TZ.

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To draft whole article and submit to plenary. Also look at areas of capacity and research and report after tea break today.

The objectives of integrated coastal zone management are to:

(a) ~~promote sustainable management development of the marine and coastal ecosystems zone, for the benefit of present and future generations;~~

France. bis: to guarantee harmonious planning of diverse and multiple activities in the coastal zone;

(~~a~~)(b) ~~conserve the ecological integrity and value of coastal and marine ecosystems;~~

(~~b~~)(c) ~~provide for preparedness, adaptation, mitigation, reduction, and monitoring of the effects of natural and anthropogenic hazards, especially those caused by pollution or associated with climate change;~~

(~~e~~)(d) ~~promote the development and implementation of regional and national integrated coastal zone management frameworks;~~

France merge a) and d) bis: promote sustainable development in the use of natural resources and ecosystem services and sustainable development of the coastal zone for the benefit of present and future generations

COM: encourage elaboration of capacities building

(~~d~~)(e) ~~ensure sustainable and equitable use and benefit sharing of coastal and marine resources; FR~~

(~~e~~)(f) ~~encourage involvement of all stakeholders to participate in planning and implementation of ICZM;~~

(~~f~~)(g) ~~minimize harmful effects of anthropogenic activities on the coastal and marine resources and environment.~~

Comment [H4]: Comoros: proposes to end the sentence at the word "...coastal zone."

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Comment [H5]: South Africa propose s to add the word "anthropogenic"

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ARTICLE 6

Objectives of ICZM

The objectives of integrated coastal zone management are to:

- a) promote sustainable use and equitable benefit sharing of coastal and marine resources;
- b) conserve the ecological integrity and value of coastal and marine ecosystems and their valuable ecosystem services;
- c) provide for ~~monitoring~~ monitoring, preparedness, reduction, mitigation and adaptation, mitigation, reduction, and monitoring of the effects of natural risks, especially those associated with climate change, as well as anthropogenic hazards, especially those caused by pollution;
- (d) promote the development and implementation of regional and national integrated coastal zone management frameworks;
- (e) encourage involvement of all stakeholders to participate in planning and implementation of ICZM;
- [(f) prevent avoid, mitigate and, as necessary, compensate harmful effects of anthropogenic activities on the coastal environment.]
- [(g) Address the emerging development activities on the coastal zone, including [offshore] oil and gas operations.]

ARTICLE 7

SEY, MOZ. Principles of ICZM

1. In implementing this Protocol the Contracting Parties shall be guided by the following principles of sustainable development ~~among others.:~~
 - (a) application of the full range of available knowledge of natural resources, services and their dynamics or processes in the coastal zone;

Comment [H6]: Tanzania, proposes to delete the word "following" and add the words "among others"

~~(b) adoption of risk averse and precautionary approaches under conditions of uncertainty so as to minimize harm to the coastal zones;~~

~~(c) adoption of the polluter-pays principle to ensure that costs of measures to prevent, control or reduce damage to the coastal zone shall be borne by the responsible party;~~

~~right and access to information for all relevant stakeholders including the public, private sector and civil society;~~

2. In addition to the general international principles of sustainable development, the Contracting Parties shall be guided by the following ICZM principles:

Comment [H7]: South Africa proposes to combine sub articles 1 and 2.

(a) Adoption of a broad holistic approach.

~~(a)~~(b) integration and coordination of management efforts across all sectors and operational levels;

~~(b)~~(c) use of combination of instruments;

~~(c)~~(d) adoption of a broad holistic approach~~perspective~~;

~~(d)~~(e) consideration for local specificities and peculiarities;

~~(e)~~(f) securing equitable access to the coastal zone and the opportunities and benefits of coastal resources and services;

~~(f)~~(g) the use of adaptive management;

~~(g)~~(h) the use of participatory approaches;

~~(h)~~(i) environmental stewardship of coastal zone resources;

~~(i)~~(j) application of ecosystem based management to the coastal zone;

~~(j)~~(k) good governance allowing adequate and timely participation in transparent decision making processes involving all relevant Government and other public line agencies, private sector and civil society stakeholders;

(l) cross sectoral institutional coordination of the administrative services, and national, regional and local authorities in the coastal zone.

ecological compensation

~~(m)~~ subsidiarity

Comment [H8]: South Africa proposes to add a "principle on ecological compensation principle"

Comment [H9]: Madagascar, proposes to add the "principle of subsidiarity"

ARTICLE 7

Principles of ICZM

ICZM is a key cross-sectoral planning tool for applying in a coordinated and participative way and transcribing ecosystem-based approach of planning and decision-making that support the sustainable development and the sustainable use of the coastal and marine resources. ICZM is fundamentally multi-scalar, landscape based and prospective, which is essential for resilience and climate change strategies and the achievement of the Blue Growth.

1. In implementing this Protocol the Contracting Parties shall be guided by the following principles of sustainable development among others:

- economic efficiency, social and cultural development and environmental protection

- cross-view and cross-management of the whole scope of activities, actions and issues in the region

- (a) application of the full range of available knowledge of ecosystems, their dynamics, processes and services in the coastal zone and the strong links between terrestrial and marine ecosystems;

(b) adoption of risk-averse and precautionary approaches under conditions of uncertainty so as to

mitigate harm to the coastal zones;

(c) adoption of the polluter-pays principle to ensure that costs of measures to prevent, control or reduce damage to the coastal zone shall be borne by the responsible party;

(d) good governance allowing right and access to information, adequate and timely participation in transparent decision making processes for all relevant government and other public agencies, private sector and civil society stakeholders;

e) transparency and fostering of all stakeholder participation

~~(k)~~

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PART II: ICZM Frameworks and Instruments

ARTICLE 8

~~(National ICZM Frameworks)~~ AGREED

1. Each Contracting Party shall establish and promote a national and , where appropriate, sub-national ICZM frameworks, to guide the implementation of [the Protocol]/ICZM, in particular:
 - (a) strengthen or formulate a national strategy which includes, among others, the identification of priorities, the determination of measures to be taken as well as the legal, institutional and financial requirements;
 - (b) make the ICZM frameworks readily available to local authorities, stakeholders and the general public, and ensure sensitisation and awareness of its existence and relevance.
2. Each Contracting Party shall create or strengthen inter and intra-sectoral institutional coordination mechanisms to ensure effective implementation of national ICZM frameworks at local, national and regional levels taking into account the interdependence of coastal and marine ecosystems;
3. Each Contracting Party shall ensure that its ICZM frameworks are regularly updated.
4. -The Contracting Parties shall as soon as possible upon entry into force of this Protocol, establish ~~regional~~ indicators to ~~monitorguide the countries on~~ the ~~elaboration-implementation~~ of their national ICZM frameworks.

ARTICLE 9

Tools/Instruments for Implementation of ICZM

(Various ICZM Instruments)

Each Contracting Party shall adopt legal, institutional, administrative and planning instruments to implement the Protocol and the related National ICZM Framework, taking into account the principles set out under [Article 7](#). These instruments may include e:

Each Contracting Party shall adopt such [legal, institutional, administrative and planning instruments] as contained/provided for in Annex to implement ICZM.

Action: develop an Annex

- (a) strategic environmental assessments,
- (b) zoning and spatial planning,
- (c) sensitivity mapping and vulnerability assessment,
- (d) coastal setback lines,
- (e) monitoring and evaluation, repetitive
- (f) ecosystem valuation, replace?????? Economic capital????? ((natural capital)
- (g) environmental impact assessments,
- (h) environmental auditing ,
- (i) coastal strategy, plans and programme,
- (j) marine and coastal protected areas,
- (k) contingency planning, and
- (l) disaster risk reduction
- (m) geographical information systems, Cartography?

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Comment [H10]: Madagascar, proposes to add an instrument on the use of "Geographic Information Systems"

ARTICLE 10

(Coastal setback line[s])

1. Each Contracting Party shall establish (Mada:) in accordance with national laws and regulations, [a] coastal setback line [or lines], where developments and other human activities are regulated.
2. Each Contracting Party shall determine their own setback lines taking into account the:
 - (a) vulnerability of the coastal zones to natural risks and climate change impacts;
 - (b) need to protect coastal ecosystems, habitats and species;
 - (c) geographical constraints of specific territories, such as small islands;
 - (d) need to protect coastal infrastructure and other existing developments, private property, and public safety;
 - (e) need to secure public access to the coastal zone;

- (f) need to preserve the aesthetic value of the coastal zones; and,
- (g) need for proximity to the sea of certain developments which are dependent on water.

ARTICLE 11

(Economic and Financial Instruments)

1. The Contracting Parties shall take appropriate measures to put in place, wherever appropriate, market-based policy instruments as taxes, subsidies, tradable permits, deposit refund systems to support local, national and regional efforts for sustainable coastal management.
2. The Contracting Parties shall eliminate, phase out or review economic and financial incentives such as taxes and subsidies that are harmful to sustainable coastal development;
- ~~3. The Contracting Parties shall, whenever feasible, adopt market-based instruments such as taxes, subsidies, tradable permits, deposit refund systems etc for supporting sustainable coastal development.~~

Comment [H11]: To be reviewed or deleted

ARTICLE 12

Information sharing, participation and access to justice

1. Each Contracting Party shall:-
 - (a) ~~enhance, facilitate and promote~~ within the framework of national legislation, public access to relevant information concerning ICZM in the Region;
 - (b) encourage the participation of public, private and civil society in planning, implementation, and monitoring processes of ICZM;
 - (c) provide access to judicial and administrative proceedings, as appropriate, including redress and remedy, for members of the public who are aggrieved by failure to allow them access to information or participate in the processes provided for under paragraphs (a) and (b) above.
 - ~~(e)~~(d) participate in- contribute t to the sharing of information, experiences, lessons experiences, lessons learnt and best practices for the successful implementation of this Protocol.

Comment [H12]: Tanzania, proposes the article to emphasis on "information sharing".

Article 13

Awareness, education, and capacity building

1. Each Contracting Party shall develop and implement ICZM awareness, education and training programmes at all levels of society;
2. The Contracting Parties shall organise directly, multilaterally or with the assistance of the Organisation, educational programmes, training and public education ~~in on~~ integrated coastal zone management ~~of coastal zones with the view of ensuring their sustainable development.~~
3. Each Contracting Party shall ensure that capacity for implementing ICZM is sustainably built at the national, [central] and local levels both at institutional and individual levels.

4. Each Contracting Party shall build institutional and public capacity for implementing ICZM at national and local levels [all appropriate levels].

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4.— The Contracting Parties shall participate in the sharing of information, experiences, lessons learnt and best practices for the successful implementation of this Protocol.

Article 14:

(Monitoring [Evaluation] and Reporting)

1. Each Contracting Party shall establish, where appropriate strengthen or provide for a system of regular monitoring, evaluation, inspection, control and surveillance by its competent national authorities to assess compliance with and enforcement of the provisions various aspects of this Protocol.

Each Contracting Party shall ensure continuous assessment of the state of the coastal zone and production of regular state of the coast reports.

Comment [H13]: Tanzania proposes to add the word "...strengthen..." before the word "...or provide".

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Comment [H14]:

- Seychelles proposes to amend sub-article 2 as follows: Each contracting party shall establish a mechanism to ensure continuous assessment and management of data on the state of the coastal zone with provision for reporting.
 - South Africa, proposes that more information should be provided on the mechanism for reporting i.e. reporting to whom? Regional? National?
 - Mauritius, proposes the reporting should be done to the national ICZM Committees.
 - Kenya proposes to bracket the text on reporting to the [national ICZM Committees].
 - Kenya, proposes to add national reporting
 - Tanzania, proposes the reporting to the "Organization" through the "national reporting template
- Kenya proposes:
- the text on ICZM committees to be as broad as possible to accommodate the emerging discussions on ocean policy which may take into consideration ICZM committees.
 - The definition of coastal zone to include the EEZ.

PART III: SPECIFIC ICZM ISSUES

ARTICLE 15

Conservation and Rehabilitation of Coastal Ecosystems, Biodiversity and Landscapes

1. Each Contracting Party shall ensure that the conservation and sustainable use of biodiversity is integrated into ICZM policies, strategies, plans, programmes, plans and projects (programmes and projects).

2. Each Contracting Party shall ensure the maintenance or rehabilitation of transboundary and ecological corridors that connect ecosystems to allow for species migration and transportation.

3. Each Contracting Party shall give priority to the restoration or rehabilitation, in so far as practicable, of degraded coastal ecosystems [agreed explanation: over all other ecosystems].

4. The Contracting Parties shall ensure, through legislation, planning and management, the protection of the aesthetic, natural, cultural, historical and economic values of coastal landscapes and seascapes.

The Contracting Parties shall take into consideration the costs of biodiversity loss and ecosystem degradation and the economic value of ecological services provided by ecosystems prior to undertaking development activities that are likely to affect the marine and coastal ecosystems or rehabilitation measures.

5. The Contracting Parties shall [may] take into consideration the economic value of ecological services, cost of biodiversity loss and ecosystems degradation prior to undertaking management or development activities on the coastal zone.

Comment [H15]: Tanzania, proposes to maintain the term programmes and projects

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Comment [H16]: Kenya, proposes additional text as follows: "prior to undertaking development activities that are likely to affect the marine and coastal ecosystems or rehabilitation measures"

ARTICLE 16

Climate Change and Variability in the Coastal Zone

1. Each Contracting Party shall systematically integrate climate change adaptation and mitigation measures into all ICZM frameworks. In this regard, the Contracting Parties shall:

- take into account all climate change-induced risks the coastal zone faces, such as, increase in sea surface temperature, sea level rise, increase in frequency or intensity of extreme weather events, ocean acidification, and their related consequences on ecosystems and coastal populations;
- ensure that policies contribute to building resilience of coastal and marine ecosystems, economies and populations to climate change and variability; and

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- (c) cooperate with each other to ensure that where there are transboundary dimensions of climate change and variability, collective regional interventions are made.
2. Each Contracting Party shall seek increased consultation and coordination between government sectors and non-state actors competent in coastal and marine and climate issues to allow for the elaboration and implementation of relevant climate change and variability adaptation and mitigation measures and strategies at national and multilateral levels.
 3. Each Contracting Party shall develop and reinforce scientific and technical knowledge and include indigenous and traditional knowledge on climate change and variability, its impacts and response strategies, and shall cooperate for this purpose with other Contracting Parties.
 4. Each Contracting Party shall ensure that all public decisions and measures related to adaptation to climate change and variability [TZ: are implemented] contribute to adaptation are sustainable coastal management, and should not increase, directly or indirectly, the pressures on the coastal and marine environment, its resources and services. [Com: provide alternative text]
 5. Each Contracting Party shall also ensure that financial instruments and resources related to adaptation to climate change and variability adaptation synergize with the implementation of ICZM at national and regional levels.
 6. The Contracting Parties may cooperate and collaborate, directly with each other, or through the Organization and relevant international, regional and sub-regional and national organizations, to develop and implement climate change adaptation and mitigation measures.

PART IV: REGIONAL COOPERATION IN ICZM

ARTICLE 17

[Disaster Risk Management]

~~1.~~ The Contracting Parties shall, at regional and national levels, coordinate and collaborate, where appropriate, through ~~the development of the Organization in coastal~~ disaster risk management procedures and mechanisms ~~for providing, inter alia, risk management measures for extreme natural phenomena, such as tsunamis, volcanic eruptions, cyclones and floods,~~ FRA: move this to article 19 on cooperation.

~~2.1.~~ The Contracting Parties shall, within available resources:

- (a) promote collaboration regarding risk identification and assessment;
- (b) share national experiences regarding risk mitigation and reduction;
- (c) develop operational procedures enabling regional cooperation in disaster responses;
- (d) establish and maintain early warning systems and adaptive measures in cooperation and collaboration with other states in the Region; and
- (e) establish committees or other bodies to address disaster management.

ARTICLE 18

Research and Innovation AGREED

The Contracting Parties ~~(shall) may,~~ within available resources, directly or through ~~with the co-operation of~~ competent regional and international organizations:

- a) promote co-operation among all relevant institutions including research institutions on scientific information, technological innovation and exchange of data relating to ICZM
- ~~a) co-operate, in scientific research, monitoring, and the exchange of data and other scientific information relating to ICZM.~~
- ~~b) develop and promote scientific and socio-economic research and technical knowledge relating to ICZM.~~
- ~~e)b) establish or strengthen a regional networks of research centres and institutes dealing with ICZM;~~
- ~~d)c) promote technological innovation and exchange of best practices, indigenous and local knowledge on ICZM.~~
- e) cooperate [with scientific research institutions and industry, agriculture, tourism] to promote technological innovation relevant to ICZM.

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Comment [H17]:

- Mauritius proposes the word "shall" to ease the mandatory obligation to countries
- South Africa proposes to add the words "within available resources" ... in paragraph 1 before the words "directly or with....."

ARTICLE 19

[Bilateral and Multilateral Cooperation]

1. The Contracting Parties may cooperate bilaterally or multilaterally, to implement, where necessary, their National ICZM Frameworks in:
 - a) joint management of shared ecosystems and transboundary ICZM programmes and projects
 - b) promote compliance with and enforcement
 - c) [management] [monitoring] of resources and ecosystems [beyond national jurisdiction/that might affect the coastal zone]
 2. The Contracting Parties may request assistance from the Organization and relevant international and regional organisations.
 3. The Contracting Parties shall collaborate to develop transboundary ICZM programmes and projects especially dedicated to the implementation of the Protocol where necessary with the assistance of relevant regional and international organisations.
 4. The Contracting Parties shall cooperate within available resources, directly or with the assistance of the Organization and other international or regional organisations, to provide scientific and technical assistance to any of the Contracting Parties requiring it.
 5. Each Contracting Party shall directly or through the Organisation, regularly exchange information with other Contracting parties and, in this regard, develop systems and networks for the exchange of information to facilitate implementation of this Protocol.
 6. The Contracting Parties shall cooperate among themselves and or with non-Contracting Parties and relevant international, regional and national organizations so as to enhance and promote compliance with and enforcement of this Protocol.
- Each Contracting Party shall directly or through the Organisation, regularly exchange information with other Contracting parties, in particular using the Network mentioned in article 1718(c)."
- The Contracting Parties [shall] [may] cooperate in the [management] [monitoring] of resources and ecosystems beyond national jurisdiction that might affect the coastal zone.

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Comment [H18]: South Africa, proposes "cooperation within the available resources"

Comment [H19]: Proposal by Tanzania

PART V: INSTITUTIONAL AND FINANCIAL ARRANGEMENTS

ARTICLE 20

Secretariat and Coordination Mechanisms

1. The Contracting Parties designate the Organisation as the secretariat for purposes of this protocol.
2. The Organisation shall be responsible for coordinating the implementation of this Protocol as provided for in article 17 of the Convention.
3. In addition to carrying out the functions as provided for in Article 17 of the Convention, the Organisation shall perform the following secretariat functions:
 - (a) assist in raising funds for the implementation of this Protocol;
 - (b) prepare common formats as directed by the Contracting Parties to be used as a basis for reports and other communication to the Organization;
 - (c) compile and make available to the Contracting Parties and other relevant parties reports and studies which may be required for the implementation of this Protocol or upon request by the Contracting Parties;
 - (d) prepare regular reports which shall include a draft budget for the forthcoming annual, bi-annual or other period as well as an audited revenue and expenditure statement for the preceding annual, bi-annual or other period as may be agreed by the meetings of the Parties;
 - (e) assist Contracting Parties, in co-operation with competent regional and international, inter-governmental and non-governmental organizations, to establish and manage ICZM programmes and activities;

(f) carry out any other functions assigned to it by the Contracting Parties.

(The Regional ICZM network shall, under the guidance and facilitation of the Organization, promote ICZM and the implementation of the Protocol, and in particular:

- (a) facilitate the sharing of national experiences regarding ICZM;
- (b) identify economic, scientific, technical and other needs of Contracting Parties to improve ICZM at national levels;
- (c) promote national participation in regional and global ICZM initiatives.)

(f)(g)

ARTICLE 21

Financial Arrangements

1. Each Contracting Party shall, taking into account its capabilities and in accordance with its obligations under article 22 of the Convention, ensure that financial resources are available for the formulation, coordination and implementation of programmes, projects, measures and activities necessary to achieve the objectives of this Protocol.
2. The financial resources may include voluntary contributions for the achievement of specific objectives of this Protocol made by the Contracting Parties, other Governments or government agencies, international organizations, non-governmental organizations, the private sector and individuals.
3. In particular, each Contracting Party shall:
 - (a) promote and facilitate the mobilization of financial resources, including national budgetary allocations, grants and concessional loans from bilateral and multilateral funding sources and mechanisms;
 - (b) commit and raise domestic and external financial resources based on both assessed and voluntary contributions, grants, donations and loans;
 - (c) explore methods and incentives for mobilizing and channelling resources, including those of foundations, non-governmental organizations and other private sector entities.
4. In addition to the financial contributions by the Contracting Parties provided for under this article, the Organization may, in response to a request from any or all the Contracting Parties or on its own motion, seek additional funds or other forms of assistance for activities related to this Protocol, including voluntary contributions for the achievement of specific objectives of this Protocol made by the Contracting Parties, other governments and government agencies, international organizations, non-governmental organizations, private sector entities and individuals.
5. For funding purposes, each Contracting Party shall endeavour to prioritize national policies, strategies, plans, programmes, measures and activities related to this Protocol.

(ARTICLE 22)

National Focal Points

1. Each Contracting Party shall designate a national ~~institutional~~ Focal Point to serve as liaison with the Organization on the technical and scientific, as well as legal, aspects of the implementation of this Protocol.
2. The National Focal Points shall communicate regularly and representatives shall meet periodically ~~(as appropriate)~~ to carry out the functions deriving from this Protocol.

ARTICLE 22b

(National ICZM Committee)

1. Each Contracting Party shall [may] establish and ensure institutional sustainability of a national ICZM Committee or may strengthen existing structures to carry out the functions of the ICZM Committee.
2. The composition of the National ICZM Committee shall be determined by the Contracting Parties and may include public and private sector, civil society and other relevant stakeholders.
3. The functions of the National ICZM Committee [may/shall], *inter alia*, include to:

Comment [H20]: Seychelles proposes to remove the word institutional

Comment [H21]: Tanzania proposes to use alternative text for the word "periodically" i.e. "as appropriately"

Comment [H22]:

- Kenya proposes to use appropriate legal language that refers to the committees and focus on the functions rather than the name of the Article to encompass the divergent names used by different contracting parties.
- Mauritius proposes to use the term "Coordinating body".
- Kenya proposes that the institution's name must demonstrate its multi- sectoral nature.
- Mauritius, the setup including the TORs for the committee should be clear.
- Comoros, proposes a national structure' however, it should be the prerogative of the national institution to establish such an institution.
- France proposes that the implementation of the protocol is the prerogative of the contracting party

Comment [H23]: South Africa and Madagascar propose to use the word "may" and not "shall"

- (a) support and facilitate the implementation of the National ICZM Framework;
- (b) assist in coordination between the relevant sector line agencies and administrative services involved in coastal issues and coastal management;
- (c) promote research, studies and reports on ICZM;
- (d) propose legal, institutional, administrative and technical measures to ensure effective ICZM implementation;
- (e) assist in establishing networks and partnerships with local authorities and stakeholders;
- (f) participate in regional ICZM meetings as determined by the Contracting Party;
- (g) monitor and evaluate the implementation of ICZM frameworks; and
- (h) support effective and regular information sharing mechanisms among stakeholders.

ARTICLE 23

Regional ICZM Network

- ~~1. The Contracting Parties hereby establish a regional ICZM network composed of representatives of national ICZM committees, in order to enhance regional dialogue, information exchange, coordination and collaboration on ICZM.~~
- ~~2. (The Regional ICZM network shall, under the guidance and facilitation of the Organization, promote ICZM and the implementation of the Protocol, and in particular:~~
- ~~3. facilitate the sharing of national experiences regarding ICZM;~~
 - ~~(a) identify economic, scientific, technical and other needs of Contracting Parties to improve ICZM at national levels;~~
 - ~~(b)(d) promote national participation in regional and global ICZM initiatives.)~~

ARTICLE 24

Meetings of the Parties

1. Ordinary meetings of the Contracting Parties to this Protocol shall be held in conjunction with ordinary meetings of the Contracting Parties to the Convention held pursuant to Article 18 of the Convention. The Contracting Parties to this Protocol may also hold extra-ordinary meetings provided for in Article 18 paragraph (3) of the Convention.
2. It shall be the function of the meetings of the Contracting Parties to this Protocol, in particular to:
 - (a) consider the efficacy of the measures adopted and to examine the need for other measures, in particular, in the form of annexes in conformity with the provisions of Article 21 of the Convention;
 - (b) consider the recommendations of meetings of National Focal Points established under Article 24 of this Protocol;
 - ~~(c) consider, as appropriate, information transmitted by the Contracting Parties to this Protocol to the Organization under Article 24 of the Convention;~~
 - ~~(d) to monitor the implementation of the protocol by the contracting parties; and~~
 - ~~(e)(e) perform all other functions or exercise such powers as specified under Article 17 of the Convention as appropriate.~~

Comment [H24]: France, proposes to add a function of the meeting of the parties: "to monitor the implementation of the protocol by the contracting parties".

PART VI: FINAL PROVISIONS

ARTICLE 25

Relationship with the Convention

1. The provisions of the Convention relating to its Protocols shall apply with respect to this Protocol.
2. The rules of procedure and the financial rules adopted pursuant to Article 21 of the Convention shall apply to this Protocol, unless the Contracting Parties to this Protocol agree otherwise.

ARTICLE 26

Relationships with Third Parties

1. The provisions of this Protocol shall not affect the right of the Contracting Parties to enact relevant domestic legislation or measures for the better implementation of this Protocol.
2. The Contracting Parties may invite non-Contracting Parties to this Protocol, regional and international, inter-governmental and non-governmental organizations to co-operate in the implementation of this Protocol.
3. The Contracting Parties shall adopt appropriate measures, consistent with international law, to ensure that no one engages in any activity which is inconsistent with, contrary or prejudicial, to the objectives, principles or purposes of this Protocol.

ARTICLE 27

Signature, Ratification, Accession, Entry into Force

1. This Protocol shall be open for signature at [.....] from..... to..... by any Contracting Party to the Convention.
2. This Protocol shall be open for accession by any non-Contracting Party to the Convention or organizations contemplated by Article 26 of the Convention, and in accordance with the provisions of Article 28 of the Convention, provided that such acceding State or organization has been duly invited by the Organization upon prior approval by the Contracting Parties.
3. The provisions of the Convention as to ratification, acceptance, approval, amendments, review, depositary, withdrawal and entry into force shall apply *mutatis mutandis* to this Protocol.

IN WITNESS WHEREOF the undersigned, being duly authorized by their respective Governments, have signed this Protocol.

DONE AT [.....] this..... day ofin a single copy of the English and French languages, the two texts being equally authentic.