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**Meeting of the Bureau
for the Nairobi Convention for the Protection,
Management and Development of the
Marine and Coastal Environment
of the Western Indian Ocean Region**

Mahe, Seychelles 3 November 2015

**Report on Proposed Implementation of the Decisions of the Eighth Conference of the
Parties (COP8) to the Nairobi Convention**

Introduction

1. The Nairobi Convention for the Protection, Management and Development of the Marine and Coastal Environment of the Western Indian Ocean (Nairobi Convention) holds a Conference of Contracting Parties (COPs) every two years to review the implementation of decisions of past COPs. The Eighth Conference of Parties (COP8) was held on 22-24 June 2015 in Mahe, Seychelles under the theme “Conserving the Marine and Coastal Environment for the Western Indian Ocean for the next 30 Years.”
2. The COP8 was organized in close collaboration with the host, the Government of Seychelles, the previous Chair of the Bureau, the United Republic of Tanzania, and the Western Indian Ocean Marine Science Association (WIOMSA). The meeting was organized in two segments: an experts meeting on 22 June 2015; and a Heads of Delegation meeting on 23-24 June 2015. (The meeting report is marked as *information document UNEP/(DEPI)/EAF/BR/2015/1*).
3. At the Heads of Delegation meeting, 15 decisions were adopted (information document *UNEP/(DEPI)/EAF/BR/2015/2a-English and UNEP/(DEPI)/EAF/BR/2015/2b-French*). This document highlights implementation of the COP8 decisions to date, and the actions required to be taken to implement the decisions by the Secretariat, in the short and long term, before the Ninth Conference of Parties.

Implementation of the Decisions of Conference of Parties

Decision CP8/1: *Preparation of a New Work Programme for the Nairobi Convention, 2018-2022*

4. In decision CP8/1.1, Contracting Parties requested the Secretariat in the remaining period of work programme for 2013-2017, to develop a new Work Programme for the period 2018-2022 for adoption at the Ninth Conference of Parties.
5. The Secretariat has requested the Republic of Kenya, the new Vice Chair for the Work Programme to support and contribute to the process of developing the new work programme. The starting point shall be to review the 2013-2017 work programme to identify elements that have not been finalized, and those that should be marked as concluded. The incomplete elements shall be added to the new work programme, including topics from the COP8 decisions such as oil and gas, blue economy, Regional State of Coast Report, Partnerships, Sharks and Rays, and any other relevant, new and emerging themes. The Secretariat shall work jointly with the Vice Chair of the Work Programme for this exercise, and present the components of the new Work Program at

the next Focal Points meeting in March 2016. Experts, Partners and observers shall be invited to participate in the meeting.

6. In CP8/1.2, Contracting Parties requested the Secretariat to take note of the outcomes of the ongoing Post 2015 Development Agenda process and the expected Sustainable Development Goals, and incorporate the relevant outcomes into the new work programme for 2018-2022, especially those relating to sustainable management of marine and coastal environment.
7. The United Nations Sustainable Development Summit was held on 25-27 September 2015 in New York, United States of America. The Summit adopted the 2030 Development Agenda for Sustainable Development and the Sustainable Development Goals (information document *UNEP/(DEPI)/EAF/BR/2015/3*).
8. The Secretariat is currently preparing an analysis paper on the recently adopted Sustainable Development Goals (SDGs). The analysis shall mainly focus on SDG 14 to *conserve and sustainably use the oceans, seas and marine resources for sustainable development*, and its targets, and also include other relevant SDGs. The Paper shall be presented at the next Focal Points Meeting in March 2016.

Decision CP8/2: *Ratification, Accession and Implementation of the Amended Nairobi Convention and the Protocol on Land Based Sources and Activities*

9. In decision CP8/2.1, Contracting Parties that have not ratified or acceded to the Amended Nairobi Convention were urged to expedite the process of ratification or accession; and develop policies, make laws and standards as well as implement programmes in compliance with the Protocol on LBSA (CP8/2.2); and with the support of partners, to implement their action programmes on waste water in the Western Indian Ocean Region (CP8/2/3).
10. The Secretariat is currently supporting the Republic of South Africa in the process of ratifying the Amended Nairobi Convention. Mozambique and Mauritius have ratified the LBSA Protocol.

Decision CP8/3: *Development of a Protocol on Integrated Coastal Zone Management*

11. In decision CP8/3, Contracting Parties requested the Secretariat to review the current status of the draft Protocol on Integrated Coastal Zone Management in collaboration with Contracting Parties and other partners, and facilitate discussions to explore other possible

options for the effective management of marine and coastal environment, and report back on the options at or before the next conference of parties.

12. The Secretariat is preparing a paper on options for ICZM. The Paper shall be presented at the second negotiations meeting for the ICZM Protocol that shall be held in March 2016, back to back with the Focal Points Meeting with a view to assess the different options highlighted therein.

Decision CP8/4: Review of the Protocol Concerning Protected Areas and Wild Fauna and Flora Eastern African Region

13. In decision CP8/4, Contracting Parties in collaboration with the Secretariat and implementing partners were requested to finalize the review of the Protocol Concerning Protected Areas and Wild Fauna and Flora in the Eastern African Region and its annexes, and report back on progress at the Ninth Conference of Parties.
14. An expert (scientist) consultant shall be contracted to review the Regional State of Coast Report for the Western Indian Ocean Region, the Regional Synthesis Report on the Status of Birds in the Western Indian Ocean, Annex I on Protected Species of Wild Flora, Annex II on Species of Wild Fauna Requiring Special Protection and Annex III on Harvestable Species of Wild Fauna Requiring Special Protection of the Protocol. The consultant shall develop a list of species that should be in the Protocol.
15. A second joint review (by one science and one legal expert) shall be conducted to review all articles of the Protocol that require updating, including a new list of species. The Draft updated Protocol shall be presented the Focal Points Meeting in March 2017.

Decision CP8/5: Agenda 2063 and the Africa Integrated Maritime Strategy 2050

16. In decision CP8/5.1, Contracting Parties were urged to implement the Cairo Declaration of the 15th Session of the African Ministerial Conference on Environment (AMCEN) on Africa Integrated Maritime Strategy 2050 and Agenda 2063 on ecosystem-based management approaches for marine resources in the exclusive economic zones and adjacent waters and inform on progress at AMCEN sessions. Further in decision CP8/5.2, the Contracting Parties requested the Secretariat, in collaboration with Barcelona Convention, Abidjan Convention, Jeddah Convention, with the support of the United Nations Environment Programme, to contribute to the development of an African strategy on ocean governance in the context of the African Integrated Maritime Strategy 2050 and Agenda 2063.

17. The Secretariat attended the first meeting of the African Ocean Governance Strategy in Istanbul, Turkey on 19 October 2015. The meeting defined the process of developing the Africa Ocean Governance Strategy. The concept document for the meeting is marked as information document *UNEP/(DEPI)/EAF/BR/2015/4*.

Decision CP8/6: *Support to Implementation of Projects*

18. In decision CP8/6.1, Contracting Parties, the Global Environment Facility and other partners, as appropriate, were requested to support projects on:

- a) Transboundary marine protected area between Kenya and the United Republic of Tanzania as an example of a cross-border management system of marine protected areas,
- b) Northern Mozambique Channel as an good example of integrated ocean management approach,
- c) Partnerships for Implementing the Western Indian Ocean-Strategic Action Programme financed by the Global Environmental Facility,
- d) Sustainable fisheries management and biodiversity conservation of deep-sea living marine resources and ecosystems in the areas beyond national jurisdiction by the Food and Agriculture Organization of the United Nations, and the United Nations Environment Programme,
- e) Conservation and sustainable exploitation of seamount and hydrothermal vent ecosystems of the South West Indian Ocean in areas beyond national jurisdiction and collaborate in the management of activities in their adjacent waters by International Union for Conservation of Nature,
- f) Guiding environmental management in the context of a rapidly developing oil and gas industry in the Western Indian Ocean Region by GRID-Arendal,

and *request* implementing partners requested to report on the progress on or before the next Conference of Parties;

19. In addition CP8/6.2 urged Contracting Parties, with the support from partners, to develop and implement new trans boundary initiatives for management of shared resources.

20. The Secretariat is conducting follow-up with all the lead partners in these projects to ensure timely implementation and/or reporting before the Ninth Conference of Parties.

Decision CP8/7: *Environmental Management for Oil and Gas development*

21. In decision CP8/7, Contracting Parties: requested the Secretariat to prepare regional guidelines on environmental management for oil and gas development, based on best

practices, for consideration by the Contracting Parties at the next session(CP8/7.1). Contracting Parties were urged to seek support of other countries and partners involved in oil and gas development such as GRID-Arendal, to conduct and implement a regionally coordinated strategic environmental assessment, of social and environmental sustainability of oil and gas in the Western Indian Ocean Region(CP8/7.2); and with support of United Nations Environment Programme and other partners, requested to explore the development of Western Indian Ocean regional compliance monitoring initiatives for oil and gas(CP8/7.3).

22. The Secretariat is collaborating with the UNEP Division of Environmental Law and Convention (DELCC) to undertake the following activities:

- a) Use a paper prepared by the World Conservation and Monitoring Center on oil and gas guidelines to develop regional guidelines for the WIO region. As WIO countries are exploring oil and gas either on-shore (e.g Kenya) or offshore (e.g Tanzania and Mozambique), the guidelines will address both dimensions. In addition, the guidelines will look at upstream and downstream issues and also include landlocked oil producing countries such as Uganda and South Sudan that use coastal facilities for export/ import.
- b) Hire a team of consultants (lead consultant and regional consultants) for the task as follows:
 - i. Lead consultant to be contracted in October 2015 to tailor-make the WCMC paper for the WIO region. The Analysis Paper and the first draft of Regional guidelines from lead consultant will be ready by February 2016.
 - ii. The WIO guidelines template will be shared with the regional experts (5-6 experts) in March/ April 2016 to provide national information from their countries in line with the template developed by the lead consultant. The regional experts will be drawn from all the oil and gas producing Contracting Parties of the Nairobi Convention i.e: Republic of South Africa, Mozambique, Kenya, Tanzania, and France. In addition, the review shall include experts from the Indian Ocean Commission (representing the island states), Uganda and Southern Sudan.
 - iii. The lead consultant will synthesize information provided by the regional experts in April 2016 to develop the final version of the regional guidelines.
- c) The Secretariat shall organize a regional caucus meeting in April 2016 back to back with other regional meetings to analyze regional guidelines for the Western Indian Ocean region.

Decision CP8/8: *Climate Change Adaptation and Mitigation*

20. In decision CP8/8, Contracting Parties: requested the Secretariat to expedite the finalisation of the climate change strategy for the Nairobi Convention Area by 30 September 2015 for comment by Contracting Parties by 30 November 2015 for adoption by the Bureau by 31st December 2015(CP8/8.1). The Contracting Parties were also urged to integrate relevant recommendations of the Climate Change Strategy for the Nairobi Convention Area into their national climate change strategies and develop policies, programmes and projects on climatic variability and climate change (CP8/8.2).
21. The Secretariat finalized and circulated the Climate Change Strategy for comment to all the Contracting Parties and is marked as working document *UNEP/(DEPI)/EAF/BR/2015/4a(English version) and UNEP/(DEPI)/EAF/BR/2015/4b(French version)*.
22. In accordance with this decision, the Bureau is requested to adopt the Strategy as the final and approved document.

Decision CP8/9: *Threatened and Endangered Marine Species*

23. Decision CP8/9.1 urged the Secretariat, in partnership with the Wildlife Conservation Society, to finalize the Regional Status Report on Sharks and Rays in the Western Indian Ocean and circulate the report to all Contracting Parties for review and submit the final report with findings for consideration at the next Conference of Parties.
24. Further, Contracting Parties were urged to build partnerships with partners to strengthen the enforcement capacity for reducing or eliminating illegal exploitation and trade in threatened and endangered marine species(CP8/9.2); and to effectively implement the Memorandum of Understanding on the Conservation and Management of Marine Turtles and their Habitats of the Indian Ocean and South East Asia, and enhance marine turtle conservation and establish sites of importance for marine turtles in the Western Indian Ocean(CP8/9.3).
25. The Secretariat has requested the World Conservation Society to prepare a schedule of completion for the Sharks and Rays Report before COP9.

Decision CP8/10: *Blue and Ocean Economy*

24. In decision CP8/10:
 1. Contracting Parties were urged to apply blue or ocean economy approaches as pathways for sustained economic growth, food security, poverty eradication, job creation and environmental sustainability(CP8/10.1);

2. Blue and ocean economy initiatives undertaken by Seychelles (blue economy), Mauritius(ocean economy) and South Africa (Operation Phakisa) were welcomed and other Contracting Parties encouraged to consider developing and implementing similar initiatives, as appropriate(CP8/10.2);
 3. Contracting Parties were invited to consider for implementation, as appropriate, the key messages and action points agreed at the 19th session of the Intergovernmental Committee of Experts on the Blue Economy held in Antananarivo 2-5 March 2015 (CP8/10.3);
 4. Contracting Parties were urged to cooperate in improving the governance of areas beyond national jurisdiction, building on existing regional institutions including the Nairobi Convention and developing area based management tools such as marine spatial planning to promote the blue economy pathways in the Western Indian Ocean Region (CP8/10.4).
26. The Secretariat is working on customizing the Blue Economy Paper prepared by a consultant Kieran Kelleher that was presented at the Blue Economy workshop held on 17-18 June 2015, to tailor make it for the WIO region in collaboration with the Ecosystem Valuation Unit of UNEP.

Decision CP8/11: *National and Regional State of Coast Reports*

27. In decision CP8/11.1 Contracting Parties were urged to consider the findings of the Regional State of Coast Report for the Western Indian Ocean Region in their decision-making processes. In addition, CP8/11.2 welcomed national reports presented by the Contracting Parties and requested Contracting Parties to fulfill their obligations under the Article 17 and 23 of the Convention, to prepare national state of coast reports periodically, as a contribution to the Regional state of coast report. Further, the Secretariat, jointly with the Contracting Parties, were requested to prepare a Regional State of Coast Report every five years for consideration by the Conference of the Parties. (CP8/11.3).
28. The Secretariat collaborated with the Western Indian Ocean Marine Science Association (WIOMSA) to organize a Special Session on the Regional State of Coast Report in Durban, South Africa on 30 October 2015. The session identified key messages from the report and how to communicate them for different audiences.

Decision CP8/12: *Establishment of a Platform for Science to Policy Dialogue*

25. In CP8/12.1 Contracting Parties were urged to promote science to policy interface in order to enhance informed decision making, and agreed to establish a dialogue platform to strengthen the links between science, policy and action. They mandated the forum of the Heads of National Academic and Research Institutions to act as the technical and

advisory body of the platform (CP8/12.2). The Secretariat, in collaboration with partners, was requested to develop terms of reference, mode of operation and composition of the platform and transmit them to the Contracting Parties for subsequent approval by the Bureau (CP8/12.3).

26. The Secretariat is developing the TORs of FARI and all the institutions that shall be involved, which shall be presented at the Focal Points meeting in March 2016.

Decision CP8/13: Enhancing Cooperation, Collaboration and Support with Partners

27. Decision CP8/13 mandated the Contracting Parties and the Secretariat to develop new partnerships and strengthen existing ones for new and ongoing projects as follows:

1. To *urge* Contracting Parties, with support of the Secretariat, to continue engaging and cooperating with existing partners for the development and implementation of the decisions of the Conference of Parties and the work programme of the Nairobi Convention;
2. To *agree* to establish additional partnerships, including with regional economic communities, such as the East Africa Community, Common Market for Eastern and Southern Africa, Southern Africa Development Community, Indian Ocean Commission and United Nations agencies; Regional Fisheries Management Organisations, such as the Indian Ocean Tuna Commission, South West Indian Fisheries Commission on sustainable fisheries management; West Indian Ocean Challenge on matters of environmental assessment, the Food and Agriculture Organization of the United Nations, Convention on Migratory Species (CMS) and Convention on International Trade in Endangered Species on Wild Flora and Fauna (CITES) on conservation and trade of sharks and rays, ecologically or biologically significant marine areas as well as sustainable ocean initiative on capacity building of the Convention on Biological Diversity (CBD);
3. To *invite* all Contracting Parties and request the Secretariat to collaborate with the Secretariat of the Convention on Biological Diversity, Western Indian Ocean Marine Science Association and other partners on capacity building, implementation and sharing of experiences on integrated marine spatial planning in support of blue economy;
4. To *request* the Secretariat to establish a partnership with the United Nations Environment Programme's Global Programme of Action on matters of marine litter, waste and waste water for the West Indian Ocean Region and to report to the Conference of Parties at the next session;
5. To *encourage* collaboration and communication between Contracting Parties and civil society, private sector, non-governmental organisations, local governments

and municipal authorities in the implementation of the work programme of Nairobi Convention for increased impact and commitment so as to harness the benefits of synergies and collaboration, such as in the work of the coral reef task force of the Nairobi Convention in 2015-2016 in preparing the regional status of coral reef report for the Western Indian Ocean;

6. To *agree* to promote joint programming between Contracting Parties, United Nations Framework Convention on Climate Change (UNFCCC), UNECA, partners, civil society and private sector for implementation of priority areas and mobilisation of resources;
7. To *request* Contracting Parties to partner with the Consortium for the Conservation of Coastal and Marine Ecosystems in the Western Indian Ocean for increased science based information sharing.

28. The Secretariat of the Convention for Biodiversity is organizing the Sustainable Ocean Initiative Capacity-Building Workshop for East Africa from 18-22 January 2016 in Nosy Be, Madagascar and has invited the Contracting Parties and the Secretariat in line with CP8/13.3. The workshop shall enhance cooperation on marine spatial planning towards achieving the Aichi Biodiversity targets, integrated coastal area management and the description of ecologically or biologically significant marine areas (EBSAs).

Decision CP8/14: *Strengthening the Operational Functioning of the Secretariat*

29. In decision CP8/14.1, Contracting Parties were urged to take note of the report on optimizing secretariat functions, coordination and delivery of the Nairobi Convention, its protocols, action plans and programme of work. The Secretariat was requested to prepare and circulate to the Contracting Parties by 31 December 2015, an analysis of the report on the strengthening the operational functioning of the secretariat, including, inter alia, the financial implications of the options contained in the report, proposals for secondment of staff by contracting parties and partners, proposals for utilizing the existing capacities of national institutions to advance the work of the Convention, and to submit the report to the next Conference of Parties (CP8/14.2).
30. The Secretariat contracted a consultant to undertake the analysis marked as working document *UNEP/(DEPI)/EAF/BR/2015/5*.
31. The final report shall be circulated to Contracting Parties by 31 December 2015 and shall be the basis for the Secretariat to approach Contracting Parties and other partners, in a position to do so, to support the effective implementation of the Nairobi Convention programme of work by, inter alia, providing staff and staffing resources within the provisions of the UN regulations in accordance with CP8/14.3.

Decision CP8/15: Financial matters

32. In CP8/15.1, Contracting Parties who have made their assessed contributions to the Trust Fund were commended, and all Contracting Parties urged to continue to make their contributions in a timely manner.
33. The Secretariat was also requested to prepare, in consultation with the Contracting Parties, for approval by the Bureau, a framework of options for settlement of arrears, and Contracting Parties that are in arrears to use this framework to communicate their preferred settlement plan to the Secretariat (CP8/15.2).
34. The Secretariat was requested to prepare a status report on the progress in the settlement of arrears every six months and present the report to the Bureau (CP8/15.3). Working Document *UNEP/(DEPI)/EAF/BR/2015/6* highlights the current financial status of the Trust Fund including all arrears by the Contracting Parties.
35. In decision CP8/15.4, Contracting Parties and partners in a position to do so to make voluntary contributions into the QAW trust fund¹ were requested to support effective implementation of the work programme of the Convention. Further, the Secretariat was requested to present at the next Conference of Parties a proposal on how to enhance the effectiveness of the QAW trust fund and reporting on its progress and status (CP8/15.5).
36. The Secretariat is working closely with the UNEP Finance office on matters relating to the QAW Trust Fund.
37. Finally, decision CP8/15 requested the Secretariat to prepare updated financial procedures to the Nairobi Convention, taking into account the UN financial regulations and to present the proposal at the next conference of parties. The Secretariat shall prepare the guidelines in close collaboration with UNEP Finance office.

¹QAW is reference given to a trust fund created by UNEP to receive voluntary contributions from Contracting Parties and other partners in support of the programme of work for Nairobi Convention