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**Fifth meeting of the Contracting Parties
to the Convention for the Protection,
Management and Development of the
Marine and Coastal Environment
of the Eastern African Region**
Johannesburg, South Africa, 5–8 November 2007

**Report of the fifth meeting of the Contracting Parties to the
Convention for the Protection, Management and Development of the
Marine and Coastal Environment of the Eastern African Region**

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Background

1. The Convention for the Protection, Management and Development of the Marine and Coastal Environment of the Eastern African Region (Nairobi Convention) and its two protocols (Protected Areas and Wild Fauna and Flora in the Eastern African Region and Cooperation in Combating Marine Pollution in Cases of Emergency in the Eastern African Region) entered into force in May 1996. Following their entry into force, the United Nations Environment Programme (UNEP) convened the first meeting of the Contracting Parties in March 1997 in Seychelles.
2. At that meeting, the Contracting Parties adopted a number of major decisions, including:
 - (a) Rules of procedures for meetings and conferences;
 - (b) Terms of reference for management of trust funds;
 - (c) Establishment of an ad hoc technical and legal working group to review the Convention and its Protocols;
 - (d) Establishment of a regional coordinating unit in Seychelles.
3. At their second meeting, held in Mauritius in November 1999, the Contracting Parties approved the work programme for the biennium 2000–2001, which was designed to bring the Convention into line with the decisions of the Pan-African Conference on Sustainable Integrated Coastal Management and the Cape Town Declaration on an African Process for the Development and Protection of the Coastal and Marine Environment, particularly in Sub-Saharan Africa. At that meeting, the Contracting Parties adopted decisions on the following:
 - (a) Work programme for the biennium 2000–2001;
 - (b) Joint implementation mechanism;
 - (c) Sustainable financial strategy;
 - (d) Amendments to the rules of procedure.
4. During the second meeting of the ad hoc technical and legal working group of the Nairobi Convention, held in Nairobi in October 2001, the participants acknowledged that the Nairobi Convention had implemented a significant number of the activities in its 2000–2001 work programme. In doing so, major milestones in revitalizing the Convention had been achieved. More specifically, the Parties:
 - (a) Received and discussed the status report on implementation of the 2000–2001 work programme;
 - (b) Discussed the implementation structure of the Eastern African component of the International Coral Reef Action Network;
 - (c) Listened to presentations by regional and international partners that contribute to and complement the activities of the Nairobi Convention work programme;
 - (d) Discussed the agenda of the third meeting of the Contracting Parties to the Nairobi Convention as presented by the Bureau of the Convention;
 - (e) Produced recommendations for submission to the Contracting Parties at their third meeting;
 - (f) Prepared a draft work programme for the biennium 2002–2003 for submission to the Contracting Parties at their third meeting for their consideration and approval.
5. At their third meeting, held in Maputo in December 2001, the Contracting Parties adopted the work programme for the biennium 2002–2003.
6. Following recommendations made during the workshop that preceded the heads of delegations meeting, and as a result of their own deliberations, the Contracting Parties arrived at decisions on the following:
 - (a) New work programme for the biennium 2002–2003;
 - (b) Protection of coral reefs and associated ecosystems;
 - (c) Controlling shoreline changes (coastal erosion);

- (d) Protection of endangered species;
- (e) Other management measures;
- (f) Revision of the Convention and its Protocols and negotiation of a new protocol on land-based sources of pollution;
- (g) Strengthening the institutional mechanism of the Nairobi Convention;
- (h) Partnerships;
- (i) Project development;
- (j) Financial matters.

7. The fourth meeting of the Contracting Parties to the Nairobi Convention was held in Antananarivo from 6 to 8 July 2004. During that meeting, a four-year (2004–2007) work programme was approved.

I. Fifth meeting of the Contracting Parties

8. The fifth meeting of the Contracting Parties to the Nairobi Convention was held in Johannesburg from 5 to 8 November 2007. The meeting was convened by the secretariat of the Nairobi Convention at the kind invitation of the Government of South Africa.

9. The meeting was organized into several parts:

- (a) Stakeholders workshop of non-governmental organizations and other partners;
- (b) Experts meeting, held in parallel with the experts meeting of the eighth meeting of the Contracting Parties to the Abidjan Convention, followed by a joint experts meeting of the fifth meeting of the Contracting Parties to the Nairobi Convention and the eighth meeting of the Contracting Parties to the Abidjan Convention;
- (c) Meeting of the Bureau of the Nairobi Convention, followed by a joint meeting of the Bureaux of the fifth meeting of the Contracting Parties to the Nairobi Convention and the eighth meeting of the Contracting Parties to the Abidjan Convention;
- (d) Launch of the Consortium for Conservation of Coastal and Marine Ecosystems in Western Indian Ocean (WIO-C);
- (e) Heads of delegation meeting;
- (f) Joint meeting of the heads of delegations of the Nairobi and Abidjan Conventions.

10. Several regional non-governmental organizations and partners of the Nairobi Convention were invited to participate in the stakeholders workshop. Presentations made by organizations at the workshop covered a variety of subjects, including their objectives and mandate, existing or planned activities, areas for cooperation and new partnerships.

11. During the meeting of the Bureau of the Nairobi Convention, the Bureau received and discussed the agenda of the heads of delegation meeting. The heads of delegation were to discuss the report by the Executive Director of UNEP and the work programme, recommendations and decisions of the stakeholders workshop and experts meeting.

12. The present report summarizes the discussions of and decisions taken by the Contracting Parties at their fifth meeting.

A. Stakeholders workshop of non-governmental organizations and academic and research institutions

1. Introduction

13. The stakeholders workshop of non-governmental organizations and academic and research institutions was held during the morning of 5 November 2007. It was attended by representatives of Governments, United Nations specialized agencies and other international organizations, regional

organizations and representatives of universities and research institutions in the region. Experts from within and outside the region also attended.¹

14. A set of recommendations was produced and transmitted to the experts meeting of the fifth meeting of the Contracting Parties to the Nairobi Convention for further review and integration into the draft work programme and decisions for the heads of delegation meeting of the fifth meeting of the Contracting Parties to the Nairobi Convention.

2. Opening of the workshop

15. The workshop was opened by Mr. Rolph Payet, Interim Coordinator of the Nairobi Convention, who welcomed participants.

3. Organizational matters

16. Mr. Payet proposed Mr. Ali Kaka, head of the East African Wild Life Society, as Chair of the meeting. That proposal was approved. Mr. Julius Francis, Executive Director of the Western Indian Ocean Marine Science Association, was elected Rapporteur.

17. The Chair outlined the proposed provisional agenda prepared by the secretariat. The provisional agenda was accepted with minor amendments.

4. Presentations by the secretariat

18. The Chair invited Mr. Dixon Waruinge of the UNEP/Nairobi Convention secretariat to make a presentation on the Nairobi Convention and the work programme. Mr. Waruinge described the importance of a stakeholders session and partnership-building, reviewing the progress achieved thus far.²

19. During the discussions, climate change was seen as an issue carrying significant risk, but that had received little attention in the work programme. The stakeholders requested climate change issues to be brought to the fore. Although many points in the work programme related to climate change, the issue's significance needed to be highlighted more clearly.

5. Issue-based discussions on the work programme and decisions

20. Numerous issues were examined in the plenary discussion, such as: invasive species; pollution from oil, gas and shipping; climate change and adaptation; youth, education and communication; reporting mechanisms (national and regional); illegal, unreported and unregulated fisheries and the need to involve BirdLife International in the work of the Nairobi Convention. The representative of Somalia made a special request for support in that country's work. Uncontrolled tourism was raised as another significant issue for coastal zones, as it affected local communities and biodiversity.

21. The stakeholders endorsed the work programme, but pointed out the need to fill a number of gaps. Recommendations for amendments and additions were made.³

6. Adoption of recommendations at the stakeholders workshop

22. The recommendations were summarized by the drafting group and are included as annex III to the present report. That summary was forwarded to the experts meeting of the fifth meeting of the Contracting Parties to the Nairobi Convention.

7. Closure of the workshop

23. A representative of the host country, South Africa, gave a brief statement thanking the participants. The workshop concluded at 1 p.m. on 5 November 2007.

1 As set out in annex I to the present document.

2 As set out in annex II to the present document.

3 As set out in annex III to the present document.

B. Experts meeting

1. Opening of the experts meeting

24. Mr. Rolph Payet, Interim Coordinator of the Nairobi Convention, called the experts meeting to order during the afternoon of 5 November 2007.

2. Organizational matters

25. It was agreed that the outgoing Chair and Rapporteur of the Bureau of the Nairobi Convention (Madagascar and Mozambique) would be the Chair and Rapporteur of the experts meeting.

26. The participants reviewed and adopted the agenda, with the addition of two items regarding the marine turtle memorandum of understanding and the recommendations of the stakeholders workshop.

3. Presentations and discussion on key issues

27. *Report on the Strategic Action Programme (SAP) document:* An outline of the framework for the development of a strategic action programme for the Western Indian Ocean region as it pertained to land-based sources and activities was presented by the manager of the project on addressing land-based activities in the Western Indian Ocean (WIO-LaB).⁴

28. *Reports from the WIO-LaB project steering committee meeting and stakeholders workshop:* The draft decisions and recommendations of the Steering Committee meeting held during the morning of 5 November 2007⁵ and the summary and recommendations of the stakeholders meeting were presented.⁶ A proposed draft decision on the strategic action plan concerning land-based sources and activities was presented, which called on the Contracting Parties to take note of progress made in the development of an updated transboundary diagnostic analysis and strategic action programme on land-based activities for the Western Indian Ocean region, and requested the secretariat to facilitate and expedite the timely negotiation and finalization of strategic action programme for the region and its subsequent implementation on the basis of the current framework programme. It was pointed out that that decision should be seen in the context of the WIO-LaB project, which focused only on land-based activities and was not the sole project or activity under the Nairobi Convention and the work programme.

29. *2008–2011 work programme:* The representative of the UNEP Nairobi Convention secretariat provided some background to the Nairobi Convention, outlined its status and presented the 2008–2011 work programme, including the use of various funding scenarios and the programme's themes.

30. *Financial report:* The financial report and budget were presented and discussed. It was agreed that, rather than writing off all arrears, the secretariat should meet each Contracting Party on an individual basis to discuss the issue of settling unpaid pledges, taking into account the context of each country.

31. The experts meeting reconvened during the morning of 6 November 2007, beginning with a presentation on the Western Indian Ocean marine turtle task force.⁷ The task force, to be launched under the Nairobi Convention, would focus on the implementation of sea turtle conservation and management programmes.

32. *Decisions:* The representative of the UNEP Nairobi Convention secretariat presented the draft decisions for the fifth meeting of the Contracting Parties to the Nairobi Convention. The experts examined each decision for discussion and drafted a set of amendments and recommendations for consideration by the heads of delegation at their meeting.⁸

4 As set out in annex IV to the present document.

5 As set out in annex V to the present document.

6 As set out in annex III to the present document.

7 As set out in annex VI to the present document.

8 As set out in annex VII to the present document.

4. World Trade Organization and fisheries

33. The Chair invited a representative of the Government of South Africa to make a presentation on the negotiations on fisheries subsidies in the World Trade Organization.⁹ The representative outlined the progress made thus far, the main issues under consideration and the proposals under discussion.

5. Launch of the Consortium for Conservation of Coastal and Marine Ecosystems in the Western Indian Ocean (WIO-C)

34. The experts meeting was concluded at 12.30 p.m. on Tuesday, 6 November 2007, so that participants could attend the WIO-C launch.

6. Draft declaration and decisions

35. The meeting reconvened at 5.30 p.m. to review the draft joint declaration. The participants' suggestions were presented to the joint heads of delegation at their meeting.

C. Joint experts meeting

1. Opening of the joint experts meeting

36. The joint meeting of experts from both the Abidjan and Nairobi conventions ran from 2 p.m. to 6 p.m. on 6 November 2007.¹⁰ The representative of the joint secretariat introduced the general purpose of the meeting, highlighting the key issues common to both conventions that would require concerted action by the Contracting Parties, including article 7 of the United Nations Convention on the Law of the Sea, oil and gas and the role of strategic environmental assessments, climate change and the joint declaration.

2. Organizational matters

37. It was agreed that the host Government (South Africa) would chair the meeting with support from the current chairs of the Abidjan and Nairobi conventions (Gabon and Madagascar) and that the rapporteurs of the two conventions would jointly take note of the discussions and recommendations.

38. The agenda was reviewed and adopted without amendments.

3. Discussion of article 76 of the United Nations Convention on the Law of the Sea

39. The Chair invited a representative of the United Nations Office of Legal Affairs Division for Ocean Affairs and the Law of the Sea to make a brief presentation on article 76 of the United Nations Convention on the Law of the Sea.¹¹ It was explained that the Convention covered sovereignty and pollution issues. By establishing an outer limit, a country established the furthest border of its land mass and had rights over the resources of that land. It was stressed that 13 May 2009 was the deadline for most of the Contracting Parties to the Abidjan and Nairobi conventions to make a submission to the Commission on the Limits of the Continental Shelf if they intended to establish outer limits beyond 200 metres.

40. A subsequent presentation on data facilitation and capacity-building was given by a representative of the UNEP Global Resource Information Database (GRID) -Arendal Continental Shelf Programme.¹² A hypothetical example was given to explain the process of delineating the outer limit of the continental shelf, which highlighted the need for the input of a team of experts. The representative explained that GRID-Arendal also facilitated capacity-building workshops and provided technical assistance.

9 As set out in annex VIII to the present document.

10 The list of participants can be found in annex I to the present document.

11 As included in annex IX to the present document.

12 As included in annex X to the present document.

4. Outcomes of the expert meetings of the eighth meeting of the Contracting Parties to the Abidjan Convention and the fifth meeting of the Contracting Parties to the Nairobi Convention on the work programmes of both conventions

41. The Chair invited the representatives of the rapporteurs of the parallel experts meetings of the two conventions to make brief presentations on the main outcomes of those meetings.¹³ A correction was made regarding the timeline of the work programmes, which, as four-year programmes, should apply to the period 2008–2011, rather than 2008–2012 as had been stated originally.

5. Oil and gas, strategic environmental assessment and climate change

42. The Chair invited Mr. Paul Siegel of the West Africa Marine Ecoregion of the World Wide Fund for Nature (WWF) to give a brief presentation on oil and gas and related challenges, opportunities and tools.¹⁴ The risks of oil and gas development were outlined, together with several significant strategic options available to Governments to help them to be proactive. The importance of a regional regulatory framework and planning was highlighted.

43. Mr. Neville Sweijd, the representative of the South African Council for Scientific and Industrial Research (CSIR), gave a presentation on the newly established Africa Centre for Climate and Earth System Science (ACCESS) project.¹⁵ It was stressed that ACCESS was intended to be a centre for Africa as a whole, rather than simply South Africa. ACCESS, which would provide a regional perspective on the global issue of climate change, was searching for partners from national institutions, universities and non-governmental organizations to make it a significant and high-quality institution and to strengthen the position of developing countries in the global debate on climate change.

6. Draft declaration for the joint heads of delegation meeting

44. The Chair invited the representative of the joint secretariat to present the draft joint declaration highlighting the main issues. Discussion of the presentation ensued. Various corrections and amendments were proposed, which participants were requested to submit in writing to the secretariat.

7. South-South cooperation

45. The Chair invited a representative of the UNEP Division of Regional Cooperation to make a presentation on South-South cooperation,¹⁶ which was described as an interaction between developing countries that had a long-term cooperative exchange of knowledge, skills, resources and technical expertise. It was driven by the common challenges and circumstances in the South, together with the growth in regional cooperation mechanisms and the cost-effective mobilization of local expertise. The Nairobi Convention clearing-house mechanism would assist that process further.

8. Other matters

46. There were no other matters.

9. Closure of the meeting

47. The Chair invited the interim coordinators of the Abidjan and Nairobi Conventions to make closing remarks. The Chair then thanked the participants and interpreters. The meeting was concluded at 7.15 p.m. on Tuesday, 6 November 2007.

13 Annex XI sets out the outcomes of the expert meeting of the eighth meeting of the Contracting Parties to the Abidjan Convention.

14 As set out in Annex XII to the present document.

15 As set out in Annex XIII to the present document.

16 As set out in Annex XIV to the present document.

D. Meeting of the heads of delegation

1. Opening of the meeting

48. The fifth meeting of the Contracting Parties to the Nairobi Convention was held on Wednesday, 7 November 2007.¹⁷ The meeting was opened at 10 a.m. by the outgoing Chair of the Convention, a representative of the Ministry of the Environment of Madagascar, who delivered a statement from the Minister of the Environment of Madagascar. A representative of South Africa was invited to make a statement, in which participants were welcomed.

2. Organizational matters

49. The Chair invited the heads of delegation to elect the officers of the new Bureau:

Chair	Mauritius
Vice-chair (work programme)	Mozambique
Vice-chair (resource mobilization)	Comoros
Vice-chair (coordination)	South Africa
Rapporteur	Seychelles

50. The Chair introduced the provisional agenda, which was adopted with minor amendments. It was decided that all the presentations would be given before any other business was conducted.

3. Presentations

51. *Summary of the UNEP Executive Director's report:* A representative of the secretariat outlined the progress made in the implementation of the 2004–2007 work programme and stressed the importance of using an ecosystem approach to management of the coastal regions that included upstream countries that were not Parties to the Conventions. There had been significant investments by the Global Environment Facility (GEF), Contracting Parties and partners in implementing the large marine ecosystem projects. The representative outlined a new work programme for 2008–2011, whose main themes were the assessment and management of marine and coastal ecosystems and coordination and information. The need for predictable and sustainable funding from Contracting Parties was stressed.¹⁸

52. The importance of developing more regional activity centres was raised and a representative of France offered to host such a centre, although it was pointed out that the Regional Coordinating Unit should also be strengthened. France, Kenya and Seychelles were to draft a decision on that issue.

53. *Financial report:* The financial report was presented, providing information on the current financial status of the Nairobi Convention.¹⁹ The paid pledges for 2006 and 2007 indicated that there had been an increased commitment from countries, something that should be maintained and strengthened. In that context, the heads of delegation agreed that the Secretariat would provide a plan of action to handle arrears and future pledges, including sending invoices and meeting Contracting Parties on an individual basis to discuss the issue of settling unpaid pledges, taking into account the context of each country.

54. *Draft land-based sources and activities protocol:* The draft protocol was presented.²⁰ Concerns were raised about the effects of land-based pollution on coastal zones and the importance of a protocol to mitigate such effects was highlighted. The draft protocol would meet the need for cooperation between the Contracting Parties to the Nairobi Convention in preventing, reducing and mitigating pollution and environmental degradation from land-based sources and activities and was intended to ensure environmentally sound management of natural resources.

55. The heads of delegation requested the secretariat to convene a conference of plenipotentiaries to negotiate and adopt the draft protocol and revised Convention.

¹⁷ Annex I to the present document contains the list of participants.

¹⁸ Further information can be found in annexes XV, XVI and XVII to the present document.

¹⁹ As set out in annex XVI to the present document.

²⁰ As set out in annex XIX to the present document.

56. *UNEP Division of Environmental Policy Implementation*: The Director of the Division addressed the heads of delegation and informed them that UNEP had appointed a full-time staff member to the Abidjan Convention as a demonstration of its importance to UNEP, thereby reinforcing its role. He outlined the importance of ecosystem-based management and the role of the Regional Seas Programme as a platform for implementing regional programmes. The Parties to the Nairobi Convention were urged to take on the role of housing the secretariat. One speaker encouraged the Parties to consider moving the secretariat to another location.

57. *Report on the experts meeting*: The representative of the secretariat presented the report of the experts meeting held on 5 and 6 November 2007. The heads of delegation decided that the report should be included in the official report of the fifth meeting of the Contracting Parties to the Nairobi Convention.

58. Over the course of the day, there were several launches: the Regional Guidelines for Environmental Impact Assessment in the Transboundary Context (formally launched by the Permanent Secretary, Ministry of Environment and Mineral Resource, Kenya;²¹ the GEF-funded Agulhas and Somali currents large marine ecosystem project, one of three GEF-supported projects in the region, along with the South West Indian Ocean fisheries and WIO-LaB projects;²² and the Nairobi Convention clearing-house and information-sharing system, a centre for data collection and sharing.²³

4. Adoption of the draft decisions

59. The heads of delegation approved decisions relating to the following matters:²⁴

60. *Work programme*: The secretariat was requested to revise the work programme to include clear-cut activities with appropriate timelines and indicators by the end of February 2008 and to implement it accordingly. It would be reviewed at the sixth meeting of the Contracting Parties to the Nairobi Convention;

61. *Protection of ecosystems and endangered species*: Ecosystem-based management approaches and the establishment of a marine turtle task force were endorsed;

62. *Assessment and monitoring activities*: The decision included reports on compliance and enforcement of the Nairobi Convention and its Protocols, together with the use of strategic environmental assessments and the development of projects on adaptation to climate change;

63. *Revision of the Nairobi Convention and related protocols*: The secretariat was requested to finalize the revised text of the Convention, to organize negotiations on the draft land-based sources and activities protocol and to convene a conference of plenipotentiaries;

64. *Strengthening partnerships and institutional mechanisms*: South-South cooperation was to be promoted;

65. *Small island developing States*: Projects dealing with climate change were to be developed, taking into account the specific situation of such States and the need to leverage funds for those projects from the international community, including GEF;

66. *Support to Somalia*: The secretariat was requested to facilitate measures to support Somalia in its efforts to improve environmental management and to involve the country, as appropriate, in all regional programmes;

67. *Financial matters*: Contracting Parties were urged to enhance financial sustainability through payment of unpaid pledges, co-financing of projects, regular contributions to the Trust Fund and developing financial mechanisms for implementing the work programme, including the strategic action programme.

68. Some proposals for new decisions were made, such as recommendations to request the secretariat to reinforce the Regional Coordinating Unit based in Seychelles to enable it to fulfil its mandate, to consider the possibility of establishing the secretariat at the regional coordinating unit and to report on progress made at the sixth ordinary meeting of the Conference of the Parties to the Nairobi

21 As set out in annex XX to the present document.

22 As set out in annex XXI to the present document.

23 As set out in annex XXII to the present document.

24 As set out in annex XVIII to the present document.

Convention. The representative of Seychelles confirmed that Seychelles was willing to host the secretariat.

69. The secretariat was requested to consider the possibilities with regard to establishing regional activity centres for the implementation of the Convention Protocols as appropriate and to report on progress at the sixth meeting of the Contracting Parties to the Nairobi Convention.

5. Draft declaration for the joint heads of delegation meeting

70. The Chair invited the Parties to review the draft declaration for the joint heads of delegation meeting. It was accepted with some amendments.

6. Venue for the next meeting

71. The Chair invited the Parties to consider the venue of the next meeting and requested Parties to make offers to host it. It was suggested that the last activity of the Chair should be to host the Conference of the Parties, as that would greatly facilitate organization and logistics. In that regard, Mauritius was requested to host the next Conference of the Parties. That request was accepted in principle.

7. Any other business

72. The heads of delegation thanked the Government of South Africa, the outgoing Chair of the Convention, the current Chair of the Convention, the secretariat, the interpreters and the organizers. All heads of delegation stressed in their closing remarks the importance that they placed on the implementation of the Convention. They also highlighted the importance of climate change and its effects on the well-being of coastal communities. It was suggested that the Convention should play a role in climate change discussions and programmes.

8. Closure of the meeting

73. The Chair made brief closing remarks to thank the Parties, the host Government, other participants and the secretariat. The meeting closed at 5 p.m. on Wednesday, 7 November 2007.

E. Joint meeting of the heads of delegation and the New Partnership for Africa's Development (NEPAD)

74. The meeting was the first joint Conference of the Contracting Parties to the Abidjan and Nairobi Conventions to bring together the heads of delegation of the two Conventions to discuss and agree on the common issues for the protection, management and development of the marine and coastal environment in sub-Saharan Africa and also to build on the commitment shown by member States – as demonstrated by the significant number of representatives of countries having ratified the respective Conventions.²⁵

1. Opening of the meeting

75. The representative of the secretariat of the African Ministerial Conference on the Environment (AMCEN) welcomed participants and opened the meeting on Thursday, 8 November 2007. The meeting was co-chaired by Ms. Rejoice Mabudafhasi, Deputy Minister of Environmental Affairs and Tourism of South Africa, and Mr. André Okombi Salissa, Minister of Tourism and Environment of the Congo and President of AMCEN. Welcoming statements were made by Ms. Mabudafhasi, stressing the importance of the coastal region to the economy, the environment and the maintenance of biodiversity, and Mr. Gengezi Mgidlana, Special Advisor to the Chief Executive Officer of the NEPAD secretariat, describing the NEPAD programmes in key thematic areas and the framework that NEPAD provided.²⁶

76. Mr. Achim Steiner, the Executive Director of UNEP, described the significant role of the environment in Africa's economic development. He expressed the concerns that poorer communities were not feeling the benefits of economic growth and that the environment was being depleted, the most serious effects of which would be felt by the poorest sectors of society. The Abidjan and Nairobi

25 The list of participants can be found in annex I to the present document.

26 As set out in annex XXIII to the present document.

conventions were held up as a sign of African countries taking charge of their environments. No single country would be able to respond to challenges or opportunities without solidarity across boundaries. Attainment of the Millennium Development Goals was affected by the degradation of the environment and Africa could not rely on the international community alone to assist in tackling that problem. The conventions, however, could be used to assist in that regard.²⁷

77. Mr. Okombi Salissa described the importance of using Africa's natural resources in a sustainable manner, particularly the coastal resources that contributed significantly to the economy of some countries, were the foundation of many people's livelihoods and provided the habitats for rich biodiversity. He encouraged participants to view the action plan of NEPAD as the answer to those challenges.²⁸

2. Adoption of the agenda

78. The provisional agenda was adopted, having included presentations from partners and a presentation by the United Nations Industrial Development Organization (UNIDO) on the Africa Coastal Tourism project.

3. Article 76 of the United Nations Convention on the Law of the Sea

79. A representative of the United Nations Convention on the Law of the Sea made a presentation on article 76 of UNCLOS,²⁹ an important article relating to the geological conditions for the juridical delineation of the continental shelf for the purposes of territorial rights, particularly on the control of economic development for known and as yet unknown natural resources. Attention was drawn to the fact that States did not have to do anything to maintain their sovereign rights over continental shelves up to 200 nautical miles from the baseline; beyond that point, however, they would need to submit an application, which covered only the seabed beyond the 200-mile exclusive economic zone and not the water column.

80. The representative of the UNEP GRID-Arendal Continental Shelf Programme gave a presentation on data facilitation and capacity-building, pointing out that major challenges for developing States included: unawareness of the likely extent of the shelf; data coverage in the shelf; availability of technical expertise; political and strategic prioritization of the project; agreement and coordination between stakeholders and securing funding. Parties were urged to take note of the upcoming submission deadline of 13 May 2009 and to inform their Governments accordingly.³⁰

4. Presentations from partners

81. Mr. Paul Siegel, Regional Marine and Coastal Conservation Programme for West Africa, gave a presentation that stressed the significance of productive, active partnerships between non-governmental organizations and Governments. The role of the Conservation Programme in improving cooperation between Governments and non-governmental organizations in the seven member countries was described.

82. Mr. Amani Ngusaru, WWF, then spoke about the non-governmental organization-led WIO-C, which was anchored in the Nairobi Convention. He highlighted its role in networking, coordination and implementation to decrease the multiplicity of programmes.³¹

5. Presentation of the Africa Coastal Tourism Project

83. Mr. Chika Ukwe, UNIDO, gave a presentation on the Africa Coastal Tourism project, explaining that it covered Cameroon, Gambia, Ghana, Kenya, Mozambique, Nigeria, Senegal, Seychelles and United Republic of Tanzania and aimed to support and enhance the conservation of the significant coastal and marine ecosystems and biodiversity by reducing impacts from coastal tourism. It would develop national demonstrations of best available practices and best available technologies for sustainable tourism.³²

27 The full text of the statement can be found in annex XXIV to the present document.

28 The full text of the statement can be found in annex XXV to the present document.

29 As set out in annex IX to the present document.

30 As set out in annex X to the present document.

31 As set out in annex XXVI to the present document.

32 As set out in annex XXVII to the present document.

6. Presentation of the outcomes of the fifth meeting of the Contracting Parties to the Nairobi Convention and the eighth meeting of the Contracting Parties to the Abidjan Convention

84. The Rapporteur of the Abidjan Convention made a brief presentation on the main outcomes of the eighth meeting of the Contracting Parties to the Abidjan Convention.³³

85. The Rapporteur of the Nairobi Convention made a brief presentation on the main outcomes of the fifth meeting of the Contracting Parties to the Nairobi Convention.³⁴

7. Adoption of the joint declaration

86. The Chair presented the draft joint declaration. The Parties reviewed and adopted the joint declaration with amendments.³⁵

8. Other matters

87. There were no other matters.

9. Closure of the meeting

88. The joint meeting was concluded at 4 p.m. on Thursday, 8 November 2007 with brief remarks from the Chair.

33 As set out in annex XXVIII to the present document.

34 As set out in annex XXVIII to the present document.

35 As set out in annex XXIX to the present document.

Annex I

List of participants for the joint Conference of the Parties

Complete list of participants for the joint Conference of the Parties: the fifth Conference of the Parties to the Nairobi Convention, the eighth Conference of the Parties to the Abidjan Convention and the joint heads of delegation meeting

Sandton Indaba Hotel, Johannesburg, South Africa

SW5 = Present at COP 5 Stakeholders' Workshop
 EM5 = Present at COP 5 Experts' Meeting
 JEM = Present at Joint Experts' Meeting
 HD5 = Present at COP 5 Heads of Delegation Meeting
 JHD = Present at Joint Heads of Delegation Meeting
 SW8 = Present at COP 8 Stakeholders' Workshop
 EM8 = Present at COP 8 Experts' Meeting
 HD8 = Present at COP 8 Heads of Delegation Meeting

NAIROBI CONVENTION COUNTRY DELEGATIONS			
1.	COMOROS HD5, JHD	S.E. Mme. Siti Kassim Ministre de l'Agriculture, de la Pêche, de l'Industrie, de l'Artisanat et de l'Environnement B.P. 41 Moroni Union des Comores Tel: (269) 750002/744 632 Fax: (269) 750003/73 08 49	ambadi_issouf@yahoo.fr
2.	EM5, JEM, HD5, JHD	Mr. Farid Anasse Point Focal de la Convention de Nairobi Chef du Département de SIG Ministère chargé de l'Environnement BP 41 Union des Comores Tel/Fax +269 762428	convention_nairobi@comoresteleco m.km, farid_anasse@yahoo.fr
3.	FRANCE – REUNION EM5, JEM, HD5, JHD	Mr. Alain MOREAU, Ambassador for the Indian Ocean 20 Rue de Ségur 75 302 Paris 07 SP France Tel: (331) 42 19 20 21 Fax: (331) 42 19 11 22/31/32	Alain.MOUREAU@diplomatie.gou v.fr
4.	SW5, EM5, JEM, HD5, JHD	Marc FAGOT Chargé de mission Bureau de l'appui aux coopérations Service des affaires internationales Ministère de l'écologie, du développement et de l'aménagement durables 20, avenue de Ségur 75302 Paris 07 SP tel : 01.42.19.17.48 fax : 01.42.19.17.19	marc.fagot@ecologie.gouv.fr
5.	REUNION SW5, EM5, JEM, HD5, JHD	Mrs. Michèle Seven Membre du Cabinet du Préfet de la Réunion Directeur General de l'Environnement, DIREN 23 Rue de Paris St. Denis 97400 La Reunion	michele.seven@reunion.pref.gouv.fr

NAIROBI CONVENTION COUNTRY DELEGATIONS			
6.	KENYA HD5, JHD	Prof. James Kiyapi Permanent Secretary Ministry of Environment and Natural Resources NIF Building – Ragati Road P.O Box 30126 Nairobi Kenya Tel: +254 20 2730808 Fax: +254 20 2710015	administrator@mazingiraasili.go.ke , vtenge@yahoo.com
7.	SW5, EM5, JEM, HD5, JHD	Mr. Stephen Katua Nairobi Convention Focal Point National Environment Management Authority (NEMA) P. O. Box 67839 Nairobi, Kenya Tel: (254 20) 605331 / 605022 Fax: (254 20) 608997	stephenkatua@yahoo.com
8.	SW5, EM5, JEM, HD5, JHD	Florence Weche Kenya High Commission Pretoria Tel: 27 12 3622249 Fax: 27 12 3622252	fweche@kenya.org.za
9.	MADAGASCAR SW5, EM5, JEM, HD5, JHD	Ms. Chantal Andrianarivo Point Focal de la Convention de Nairobi Chef de Cellule Recherche et Biodiversité Association Nationale pour la Gestion des Aires Protégées (ANGAP) BP 1424 Antananarivo 101 Tel: (261) 20 22415 38/54,41883 Fax: (261) 20 22415 39	val@angap.mg, chant_andri@yahoo.fr
10.	MAURITIUS SW5, EM5, JEM, HD5, JHD	Mr. Sateaved Seebaluck Permanent Secretary Ministry of Environment and National Development 10th Floor Ken Lee Tower, Barracks Street Port Louis, Mauritius Tel:(230) 208 1944 Fax: (230) 211 9455	sseebaluck@mail.gov.mu
11.	SW5, EM5, JEM, HD5, JHD	Noellie Alexander Seychelles Government Tel: 27 844432070	ambialexender@hotmail.com
12.	SW5, EM5, JEM, HD5, JHD	Ms. Soogun Sheikh Rahelahbee Nashreen Banu Ministry of Environment and National Development 10th Floor Ken Lee Tower, Barracks Street Port Louis, Mauritius Tel:(230) 208 1944 Fax: (230) 211 9455	nssoogun@mail.gov.mu
13.	MOZAMBIQUE SW5, EM5, JEM, HD5, JHD	Mr. Polycarpo Maria do Rosario Napica Nairobi Convention Focal Point National Director of Environment Management Ministry of the Coordination of Environmental Affairs (MICOA) Acoordos de Lusaka Av. 2115 Maputo Tel: (258 1) 496109/492403/485269 Fax: (258 1) 469108	p.napica@micoa.gov.mz

NAIROBI CONVENTION COUNTRY DELEGATIONS			
14.	SEYCHELLES SW5, EM5, JEM, HD5, JHD	HE Ms. L.N. Alexander, Ambassador of Seychelles 20 Janena Complex, Cnr. Leslie & Turley Roads, Lonehill, Sandton, Johannesburg, Republic of South Africa P.O. Box 1548 Ferndale 2160, Republic of South Africa Telephone N°: [+ 27 11] 467 81 01; [+ 27 11] 467 81 02 Telefax N°: [+ 27 11] 465 90 93	seyconsulate@mweb.co.za
15.	HD5, JHD	Mr. Didier Dogley Permanent Secretary Ministry of Environment, Natural Resources and Transport P.O. Box 1145, Promenade House Mahe, Seychelles Tel. +248 670 418 Fax. +248 610 647	d.dogley@env.gov.sc
16.	HD5, JHD	Mr. Jason Jacqueline Nairobi Convention Focal Point Ministry of Environment, Natural Resources and Transport P.O. Box 1145, Promenade House Mahe, Seychelles Tel. +248 670 418 Fax. +248 610 647	j.jac@pps.gov.sc
17.	RCU SW5, EM5, JEM	Mr. Rolph Payet Special Advisor to the President Interim Co-ordinator Nairobi Convention P.O. Box 445 Victoria Mahe, Seychelles Tel: (248) 22 46 44/ 22 56 72 Fax: (248) 32 29 45	rpayet@statehouse.gov.sc r.payet@pps.gov.sc dbristol@statehouse.gov.sc
18.	SOMALIA HD5, JHD	Dr. Abdullahi Mohammed Issa Director of Planning and Focal Point Ministry of Environment and Disaster Mangement Transitional Federal Government of Somalia P.O. Box 86665, Nairobi, Kenya Tel: (2521-5531 266/290 185 Fax: (254-41) 2229707	mohamedmhaid@yahoo.com
19.	TANZANIA SW5, EM5, JEM, HD5, JHD	Melania Sangeu	

EXPERTS, STAKEHOLDERS & PARTNERS - NAIROBI CONVENTION REGION			
20.	DEPARTMENT OF ZOOLOGY, UNIVERSITY OF NAIROBI SW5, EM5, JEM, HD5, JHD	Prof. Micheni Ntiba Director School of Biological Sciences University of Nairobi P. O. Box 30197 Nairobi Tel: 254 20 4442316 Fax: 254 20 4446141	mjntiba@uonbi.ac.ke, Zoology@uonbi.ac.ke
21.	WWF SW5, EM5, JEM, HD5, JHD	Mr. Remi Ratsimbazafy WWF WIOMER Lot II M 85 Ter, Antsakaviro 101 Antananarivo, Madagascar Tel : 261 20 22 348 85 Fax :l 261 20 22 348 88	rratsimbazafy@wwf.mg

EXPERTS, STAKEHOLDERS & PARTNERS - NAIROBI CONVENTION REGION			
22.	WWF-EAME SW5, EM5, JEM, HD5, JHD	Dr. Amani Ngusaru Eastern African Marine Eco-region Leader WWF Tanzania Programme Office 350 Regent Estate, Dar Es Salaam, Tanzania P.O. Box 63117 Dar es Salaam, Tanzania Tel : 255-22-2775346 Fax : 255-22-2775535	angusaru@wwftz.org
23.	IUCN / CEESP SW5, EM5, JEM, HD5, JHD	Mr. Clive Montgomery Wicks Conservation and Development Consultant Member of CEESP (IUCN Commission on Environmental, Economic and Social Policy) Co-Chair of SEAPRISE-(CEESP Working Group on Social and Environmental Accountability of the Private Sector) Hares Holt Orestan Lane Effingham Surrey KT24 5SN Tel/Fax: 00 44 (0) 1372 452258 Mobile: 00 44 (0) 7981405659	Clive.wicks@wicksfamily.plus.com
24.	WWF-EAME SW5, EM5, JEM, HD5, JHD	Mr. Edward Kimakwa EAME Policy Officer WWF-Tanzania Programme Office 350 Regent Estate P.O.Box 63117 Dar Es Salaam	ekimakwa@wwftz.org
25.	WCS SW5, EM5, JEM, HD5, JHD	Joan Kawaka Wildlife Conservation Society P. O. Box 99470 Mombasa 80107, Kenya Tel: +254-734774225/733621375 Fax: +254-41-5486810	jkawaka@wcs.org
26.	SCHOOL OF LAW, UNIVERSITY OF NAIROBI SW5, EM5, JEM, HD5, JHD	Mr. Akunga Momanyi c/o P.O Box 30197 School of Law, Commercial Law Dept University of Nairobi or 10324- 00100 Nairobi Tel: +254 20 4447181, 4453641 Fax: +254 20 445364	amomanyi@uonbi.ac.ke
27.	TSWELOPELE ENVIRONMENT AL SW5, EM5, JEM, HD5, JHD	Margaret Sabiti Tswelopele Environmental Tel: 27 11 7813020 Fax : 27 11 7818030	maragaret@eims.co.za
28.	UNIVERSITY OF EDUARDO MONDLANE SW5, EM5, JEM	Dr. Salomao Bandeira Dept of Biological Sciences University of Eduardo Mondlane PO Box 257 Maputo Mozambique Tel: +25821491223	sband@zebra.uem.mz
29.	EAWLS SW5, EM5, JEM, HD5, JHD	Mr. Ali Kaka East African Wildlife Society P.O Box 20110 – 00200 Nairobi, Kenya Tel: (254) 20 387-4145	info@eawildlife.org

EXPERTS, STAKEHOLDERS & PARTNERS - NAIROBI CONVENTION REGION			
30.	KMF SW5, EM5, JEM, HD5, JHD	Mr. Jilani Chiguru CHIRO Kenya Marine Forum 245 734 689557	marine_forum@yahoo.com Chigulu2000@yahoo.com
31.	ASCLME SW5, EM5, JEM, HD5, JHD	Dr. David Vousden, Director - UNDP GEF ASCLME Project South African Institute of Aquatic Biodiversity Private Bag 1015 Somerset Street Grahamstown 6140 South Africa Tel: +27-46-622-6621	davidvousden@aol.com
32.	EPCO SW5, EM5, JEM, HD5, JHD	Dr. Keswar Beeharry Panray President Environmental Protection and Conservation Organization 75, Chevreau Lane Coastal Road Calodyne Grand Gaube, Mauritius Tel: +230 282 0423/ 7633195/ 5450316	kheswar@intnet.mu
33.	ORI SW5, EM5, JEM	Professor Rudy van der Elst Director ORI P.O. Box 10712, Marine Parade Durban, 4056 South Africa Tel: +27- 31-328 8177 Fax: +27-31-328 8188	rudy@ori.org.za
34.	SA FAITH COMMUNITIES SW5, EM5, JEM, HD5, JHD	Alistair Clacherty SA Faith Communities Environmental Institute Tel : 27 11 4824083	alistair@clacherty.co.za
35.	NATURE SEYCHELLES SW5, EM5, JEM, HD5, JHD	Lyndy Corgai Nature Seychelles P.O. Box 1310, Roche Caiman, Mahe, Seychelles Tel : + 248 601100 / 601101 Fax : + 248 601102	lyndy@natureseychelles.org lyndy@hotmail.com
36.	WIOMSA SW5, EM5, JEM, HD5, JHD	Dr. Julius Francis Executive Secretary Western Indian Ocean Marine Science Association P.O Box 3298 Zanzibar, Tanzania Tel: 255-24-2233472//2234579	Julius@wiomsa.org
37.	RMCO SW5, EM5, JEM, HD5, JHD	Mr. Abdouraman Said Regional Marine Conservation Organisation Somalia	regmarineconservation@yahoo.com
38.	FAO – SWIOFC SW5, EM5, JEM, HD5, JHD	Mr. Aubrey Harris Secretary SWIOFC FAO Subregional Office for Southern and East Africa	Aubrey.Harris@fao.org
39.	IOC-UNESCO SW5, EM5, JEM, HD5, JHD	Dr. Mika Odido Intergovernmental Oceanographic Commission of UNESCO Nairobi Office Tel: +254 20 7623830 Fax : 254 20 7622750	m.odido@unesco.org, m.odido@odinafrica.net

EXPERTS, STAKEHOLDERS & PARTNERS - NAIROBI CONVENTION REGION			
40.	BIRDLIFE INT. SW5, EM5, JEM, HD5, JHD	Jane Gaithuma Birdlife International P.O. BOX 35012-00100, Nairobi Kenya Tel/Fax: 254-20 862 246	Jane.Gaithuma@Birdlife.or.ke
41.	CMS-IOSEA SW5, EM5, JEM, HD5, JHD	Mr. Douglas Hykle Co-ordinator / Senior CMS Advisor IOSEA Marine Turtle MoU Secretariat c/o UNEP Regional Office for Asia and the Pacific United Nations Building, Rajdamern Nok Avenue Bangkok 10200, Thailand Tel: +(662) 288 1471; Fax: +(662) 280 3829	hykle@un.org
42.	UNDP SW5, EM5, JEM, HD5, JHD	Fernando ABAGA EDJANG Deputy Resident Representative Représentant Résident du PNUD/UNFPA P.O Box 648 Moroni – Hamramba Union des Comores Tel: +269 73 15 58/ 73 10 88 Fax: + 269 73 15 77	fernando.abaga@undp.org
43.	SW5, EM5, JEM, HD5, JHD	Elena Gari UNDP Mauritius and Seychelles 6 th Floor, Anglo Mauritius House Intendance Street P.O Box 253 Port Louis Mauritius Tel: +230 212 3726/7 Fax: + 230 208 4871	Elena.Gari@undp.org
44.	SW5, EM5, JEM, HD5, JHD	Ms. Umme NAMDARKHAN UNDP Mauritius and Seychelles 6 th Floor, Anglo Mauritius House Intendance Street P.O Box 253 Port Louis Mauritius Tel: +230 212 3726/7 Fax: + 230 208 4871	Umme.namdarkhan@undp.org
45.	CSIR SW5, EM5, JEM, HD5, JHD	Lynn Jackson Global Invasive Species Programme c/o South African National Biodiversity Institute (GISP) Kirstenbosch Gardens P/Bag X7, Claremont 7735 Cape town, South Africa Tel: 27 21 7903076	Lynnj@cybersmart.co.za
46.	CTV SW5, EM5, JEM, HD5, JHD	Cristina Lauro Centro Teva Viras (CTV) Tel: 258 21416131 258 21416136	cristinammlouro@gmail.com
47.	IOI-SA SW5, EM5, JEM, HD5, JHD	Jocelyn Collins Deputy Director International Ocean Institute - Southern Africa University of the Western Cape Belleville, South Africa Tel. +27 21 959 3088	jcollins@uwc.ac.za
48.	UNEP JHD	Mr. Achim Steiner Executive Director	Executiveoffice@unep.org

EXPERTS, STAKEHOLDERS & PARTNERS - NAIROBI CONVENTION REGION			
		UNEP P.O. BOX 30552 00100, Nairobi, Kenya Tel: +254 20 3386/ 3416 Fax:+254 20 4275/4608	
49.	HD8, JHD	Mr. Ibrahim Thiaw Director UNEP - Division of Environmental Policy Implementation P.O. BOX 30552 00100, Nairobi, Kenya Tel: +254 20 762 3475 Fax:+254 20 762 4249	Ibrahim.thiaw@unep.org
50.	JHD	Peter Acquah O/C Regional Office for Africa P.O. BOX 30552 00100, Nairobi, Kenya Tel: +254 20 762 1250 Fax:+254 20 762 3203	Peter.acquah@unep.org
51.	SW5, EM5, JEM, HD5, JHD	Dixon Waruinge Programme Officer UNEP- Nairobi and Abidjan Conventions P.O. BOX 30552 00100, Nairobi, Kenya Tel: +254 20 762 2025 Fax:+254 20 762 3203	Dixon.waruinge@unep.org
52.	JHD	Mr. Bob Kakuyo P.O. BOX 30552 00100, Nairobi, Kenya Tel: +254 20 762 3375	Bob.kakuyo@unep.org
53.	EM5, JEM, HD5, JHD	Peter Scheren Project Manager UNEP WIO-LaB P.O. BOX 30552 00100, Nairobi, Kenya Tel: +254 20 762 1207 Fax:+254 20 762 3203	Peter.scheren@unep.org
54.	EM5, JEM, HD5, JHD	Johnson Kitheka UNEP – WIO-LaB P.O. BOX 30552 00100, Nairobi, Kenya Tel: +254 20 762 1248 Fax:+254 20 762 3203	Johnson.kitheka@unep.org
55.	SW5, EM5, JEM, HD5, JHD	Johannes Akiwumi P.O. BOX 30552 00100, Nairobi, Kenya Tel: +254 20 762 4214	Johannes.akiwumi@unep.org
56.	SW5, EM5, JEM, HD5, JHD	Theuri Mwangi P.O. BOX 30552 00100, Nairobi, Kenya Tel: +254 20 762 2020	Theuri.mwangi@unep.org

EXPERTS, STAKEHOLDERS & PARTNERS - NAIROBI CONVENTION REGION			
57.	SW5, EM5, JEM, HD5, JHD	Ms. Vered Ehsani P.O. BOX 30552 00100, Nairobi, Kenya Tel: +254 20 762 1247 Fax:+254 20 762 3203	Vered.ehsani@unep.org vered@villagemarket-kenya.com
58.	SW5, EM5, JEM, HD5, JHD	Esther Maina P.O. BOX 30552 00100, Nairobi, Kenya Tel: +254 20 762 3529 Fax:+254 20 762 3203	Esther.maina@unep.org
59.	JHD	David Ombisi P.O. BOX 30552 00100, Nairobi, Kenya Tel: +254 20 762 4221 Fax:+254 20 762 3928	David.ombisi@unep.org
60.	JHD	Angele Sy Luh P.O. BOX 30552 00100, Nairobi, Kenya Tel: +254 20 762 4292 Fax:+254 20 762 3928	Angele.luh@unep.org
61.	DEAT – South Africa SW5, EM5, JEM, HD5, JHD	Fatima Savel DEAT MCM Dept Environmental Affairs & Tourism P/Bag X447 Pretoria 0001 South Africa Tel: 27 835334919 Fax: 27 21 4023663 Email: fsavel@deat.gov.za	
62.	SW5, EM5, JEM, HD5, JHD	Lungile Nodwala DEAT MCM Dept Environmental Affairs & Tourism P/Bag X447 Pretoria 0001 South Africa Tel: 27 828293907 Fax: 43722091 Email: lnodwala@deat.gov.za	
63.	SW5, EM5, JEM, HD5, JHD	Marisa Kaherte DEAT Dept Environmental Affairs & Tourism P/Bag X447 Pretoria 0001 South Africa Tel: 27 12 3103971 Fax: 27 12 3205214	mkasherte@deat.gov.za
64.	SW5, EM5, JEM, HD5, JHD	Feroza Albertus-Stanley DEAT MCM Dept Environmental Affairs & Tourism P/Bag X447 Pretoria 0001 South Africa Tel: 0721 1736324 Fax: 021 4023009	feroza@deat.gov.za

ABIDJAN CONVENTION COUNTRY DELEGATIONS - RATIFIED COUNTRIES			
65.	BENIN HD8, JHD	H.E. Juliette Rao-Koudenoukpo Ministre de l'Environnement et de la Protection de la Nature B.P. 01-3621, Cotonou Benin Tel: (229) 31 20 65/31 41 29/315596/31 50 81 Fax: (229) 31 50 81	mehucab@mehubenin.net, bbtdjeanpierre@yahoo.com
66.	SW8, EM8, JEM, HD8, JHD	Mme. Rihanath Olga Ichola Point Focal de la Convention d'Abidjan Chef Division Protection des Ressources Naturelles Direction de l'Environnement Ministère de l'Environnement de l'Habitat et l'Urbanisme C/499 Suru Léré Akpakpa 01BP 3621, Cotonou Tel: (229) 1 312065/90930931 Fax: (229) 315 081	richola@mehubenin.net, icholarihane@yahoo.fr
67.	CAMEROUN SW8, EM8, JEM, HD8, JHD	Mr. Amadou Wassouni Point Focal de la Convention d'Abidjan Directeur de la Conservation et de la Promotion des Ressources Naturelles, Ministère de l'Environnement et de la Protection de la Nature Yaoundé - Cameroun Tel: (237) 9751484 Fax: (237) 2233423	wassouuni_amadou@yahoo.fr
68.	SW8, EM8, JEM, HD8, JHD	Prudence Galega Justice, Ministry of Justice BP 13432 Yaoundé Tel: (237) 7976367 / 2228502	galegapru@yahoo.com
69.	CONGO HD8, JHD	S.E. M. André Okombi Salissa Ministre de l'Environnement Brazzaville Congo Tel: (242) 814 141/360 121 Fax: (242) 814 136/815 190/810 330	hdjombo@yahoo.fr , kombog@yahoo.fr
70.	COTE D'IVOIRE SW8, EM8, JEM, HD8, JHD	Mr. KOUASSI Kouamé N'Guettia, Technical Advisor to the Minister Ministre de l'Environnement, des Eaux et Forêts Tour D - 10ème étage, Cité Administrative 20 BP 650 Abidjan 20 (Côte d'Ivoire) Tel: (225) 202 26235/20 22 61 35/20 22 20 50/20 21 04 95 Fax: (225)20 22 20 50/20 21 04 95	biodiv@africaonline.co.ci , bernard_koffi@hotmail.com
71.	SW8, EM8, JEM, HD8, JHD	M. Niagne Martin Dibi Point Focal de la Convention d'Abidjan S/Directeur du CIAPOL Centre Ivoirien Antipollution (CIAPOL) Ministère d'Etat, Ministère de l'Environnement 01 BP 650 Abidjan 01, Côte d'Ivoire Tel : (225) 20 37 18 35 Fax : (225) 20 37 65 00	dibmartino@yahoo.fr , ciapolvae@globeaccess.net
72.	RCU SW8, EM8, JEM, HD8, JHD	Ms. Nassere KABA Director of Policies and Strategies for Environment Interim Co-ordinator, RCU Ministry of State, Ministry of Environment of Côte d'Ivoire 20 BP 650 Abidjan 20,	kabanassere@hotmail.com

ABIDJAN CONVENTION COUNTRY DELEGATIONS - RATIFIED COUNTRIES			
		Côte d'Ivoire Tel: (225) 20 211183/078 72018 Fax: (225) 20 211183/20 222050	
73.	GAMBIA SW8, EM8, JEM, HD8, JHD	H.E Momodou A. Cham Secretary of State for Forestry and Environment Banjul, The Gambia Tel: (220) 22 75 48/22 80 56/422 7548 Fax: (220) 4223 987/22 97 01/22 39 87	fnre@gamtel.gm
74.	SW8, EM8, JEM, HD8, JHD	Momodou J. Suwareh Senior Programme Officer Coastal and Marine Environment National Environment Agency 5, Fitzgerald Street, Banjul The GAMBIA Tel. Office: 220-4224867 220-4224868 Fax: 220-4229701	msarr@gamtel.gm
75.	GABON HD8, JHD	Nguimbi Andrech Ministère de l'Economie Forestière, des Eaux et de la Pêche Chargé de l'Environnement et de la Protection de la Nature B.P. 3905 Libreville - Gabon Tel: (241) 379874 / 766181 / 763905 / 722700 Fax: (241) 731370 / 766186	dgegabon@yahoo.fr
76.	SW8, EM8, JEM, HD8, JHD	Ebobola Tsibah Ministère de l'Economie Forestière, des Eaux et de la Pêche Chargé de l'Environnement et de la Protection de la Nature B.P. 3905 Libreville - Gabon Tel: (241) 379874 / 766181 / 763905 / 722700 Fax: (241) 731370 / 766186	dgegabon@yahoo.fr
77.	GHANA HD8, JHD	H.E. Al Haji Ahmed Yiringa Awudu Deputy Minister Ministry of Local Government, Rural Development and Environment P.O. Box M. 50 Accra, Ghana Tel: (233-21) 66 47 63/66 36 68 Fax: (233-21) 66 80 71	
78.	HD8, JHD	Mr. Rudolph Sandy Kuuzegh Abidjan Convention Focal Point Director, Environment Sector Ministry of Local Government, Rural Development and Environment P.O. Box M 232 Accra, Ghana Tel: (233-21) 660005 Cell: (233-21) 244 158319	sandykuuz@yahoo.co.uk
79.	SW8, EM8, JEM, HD8, JHD	Mr. Daniel AMLALO Director/Operations Environment Protection Agency P.O. Box M 232 Accra, Ghana TEL: (233-21) 664697/9 FAX: (233-21) 662690	damlalo@epaghana.org

ABIDJAN CONVENTION COUNTRY DELEGATIONS - RATIFIED COUNTRIES			
80.	GUINEA SW8, EM8, JEM, HD8, JHD	Mr. Abdel Kader Bangoura Directeur Général Ministere de l'Environnement BP 3118 - Conakry République de Guinée Tel: Fax: (224) 45 15 89 / 224 41 61 68	
81.	SW8, EM8, JEM, HD8, JHD	M. Théophile Richard Point Focal de la Convention d'Abidjan Chef Section milieu marin et côtier, Direction Nationale de l'Environnement B.P. 3118 Conakry Tel: (224) 468546 Fax: (224) 458546	richardtheophile@yahoo.fr
82.	NIGERIA HD8, JHD	Mrs. Amuna Lawal Ali Permanent Secretary Ministry of Environment and Housing Federal Secretariat Towers Shehu Shagari Way, Central Area P.M.B. 468 Garki Abuja, Nigeria Tel: (234-9) 523 4014/523 4119	
83.	SW8, EM8, JEM, HD8, JHD	Eng. B.B Yahaya Ministry of Environment and Housing Federal Secretariat Towers Shehu Shagari Way, Central Area P.M.B. 468 Garki Abuja, Nigeria	
84.	SW8, EM8, JEM, HD8, JHD	Mr. Akin Awobamise Abidjan Convention Focal Point Zonal Director/Desk Officer Federal Ministry of Environment Federal Government Secretariat P.M.B. 007 Secretariat Ikolaba, Ibandan, Oyo State Nigeria Tel: (234) 802 307 6565 or 803 345 7298 Fax: (234-2)241 0811	akinawobamise@yahoo.com
85.	SENEGAL SW8, EM8, JEM, HD8, JHD	Mon. Elimane Ba Point Focal de la Convention d'Abidjan Chef du Bureau Etudes d'Impact environnemental A la Direction de l'Environnement et des Etablissements Classés Tel : (221) 822 62 12 Fax : (221) 822 62 12oljk	elimanel2003@yahoo.fr, babsdiouf@yahoo.fr
86.	REPUBLIC OF SOUTH AFRICA	Hon. Ms Rejoice Mabudafhasi Deputy Minister of Environmental Affairs and Tourism Private Bag X447, Pretoria, 001 South Africa Tel (27 12) 310 3898 Fax (27 12) 320 1849 Private Bag X9170, Cape Town, 8000 Tel (27 21) 462 1777 Fax (27 21) 465 2664	admin@ozone.pwv.gov.za

ABIDJAN CONVENTION COUNTRY DELEGATIONS - RATIFIED COUNTRIES			
87.	SW8, EM8, JEM, HD8, JHD	Maria Mbengashe Chief, Policy Adviser Biodiversity Marine International Cooperation Private Bag X447 Pretoria 001 Fedsure Forum, Pretorius Street, Pretoria 002, South Africa Tel : (27) 12 310 3845 Cell (27) 82 788 6706 Fax : (27) 12 320 1714	mmbengashe@deat.gov.za
88.	SW8, EM8, JEM, HD8, JHD	Dr. D.E (Niel) Malan Deputy Director Coastal Planning and Environmental Protection Dept Environmental Affairs & Tourism Private Bag X2, Rogge Bay, 8012 Cape Town, South Africa Tel: +27 – 21 402 3021 Fax: +27 – 21 402 3009	dyalan@deat.gov.za
89.	SW8, EM8, JEM, HD8, JHD	Vuyisani Jozana Dept Environmental Affairs & Tourism South Africa Tel: +27 – 21 402 3361 Fax: +27 – 21 402 3113	vjozana@deat.gov.za
90.	SW8, EM8, JEM, HD8, JHD	Decricia Augustus Dept Environmental Affairs & Tourism South Africa Tel: +27 – 21 402 3042 Fax: +27 – 21 402 3622	daugustus@deat.gov.za
91.	SW8, EM8, JEM, HD8, JHD	Ntombi Makwabe Dept Environmental Affairs & Tourism South Africa Tel: +27 – 21 402 3442 Fax: +27 – 21 402 3009	nmakwabe@deat.gov.za
92.	SW8, EM8, JEM, HD8, JHD	Noxolo Mbongeni Dept Environmental Affairs & Tourism South Africa Tel: +27 – 21 402 3442 Fax: +27 – 21 402 3009	Nmbongeni@deat.gov.za
93.	SW8, EM8, JEM, HD8, JHD	Ms. Naomi Mdzeke Abidjan and Nairobi Conventions Focal Point Chief Director: Integrated Coastal Management Marine and Coastal Management Department of Environmental Affairs & Tourism Private Bag X2 Roggebaai 8012 South Africa Tel: (021) 402 3331 Fax: (021) 421 3670	nmdzeke@deat.gov.za

ABIDJAN CONVENTION COUNTRY DELEGATIONS - RATIFIED COUNTRIES			
94.	SW8, EM8, JEM, HD8, JHD	Mr. Shavhani Mukwevho Deputy Director - International Liaison Department of Environmental Affairs & Tourism Private Bag X2 Roggebaai 8012 South Africa Tel: (27) 21 402 3551 Fax: (27) 21 425 3626	smukwevho@deat.gov.za
95.	TOGO SW8, EM8, JEM, HD8, JHD	Monsieur Didi Komlan M. Daku Secrétaire Général du Ministre de l'environnement et des ressources forestières B.P. 4825, Lomé, Togo Tel: (228) 222 4426 Fax: (228) 221 0333 Cell: (228) 907 7350	dakud@yahoo.com
96.	SW8, EM8, JEM, HD8, JHD	Mr. Kouami Améoudji Guinhouya Point Focal de la Convention d'Abidjan Ministère de l'Environnement et des Ressources Forestières B.P. 4825, Lomé - Togo Tel: (228) 221 51 97 / 221 33 21/ 9043182 Fax: (228) 221 03 33 / 221 46 04	marcguinhouya@yahoo.fr denv_togo@yahoo.fr

ABIDJAN CONVENTION COUNTRY DELEGATIONS - UNRATIFIED COUNTRIES			
97.	CAPE VERDE SW8, EM8, JEM, HD8, JHD	Mr. Nuno Ribeiro Conseiller Ministre de l'Environnement, de l'Agriculture et des Pêches. B.P. 115 Praia, Iiha de Santiago République Cap Vert Tel: (238)2 615 716/ 2615 713 Fax: (238) 2614 054	ribeironu@gmail.com
98.	SW8, EM8, JEM, HD8, JHD	Rosario Lopes Joao Focal Point for Marine Environment Pollution Prevention and Response (Cape Verde maritime administration) Phone: 238- 9 99 69 41 Adress: Mindelo, republic of Cape Verde	rosarlobes@hotmail.com
99.	SW8, EM8, JEM, HD8, JHD	Narciso Correia Ministere de l'Environnement, de l'Agriculture et des Pêches Cape Verde Tel: +238 261 6532 Fax: +238 261 6455	Ciso_mendes@yahoo.br
100.	SW8, EM8, JEM, HD8, JHD	Mecildes Tavares Director General Ministere de l'Environnement, de l'Agriculture et des Pêches Cape Verde Tel: +238 261 3758 Fax: +238 261 3758	
101.	DEMOCRATIC REPUBLIC OF CONGO HD8, JHD	Mr. Jean-Paul MWAMBA NYEMBO Directeur National CICG/RDC Coordonnateur National CNSE Tel: 00243997816451	nyembordc@yahoo.fr cicgrdc@yahoo.fr

ABIDJAN CONVENTION COUNTRY DELEGATIONS - UNRATIFIED COUNTRIES			
102.	EQUATORIAL GUINEA HD8, JHD	H. E. Asumu Mum Munõz Vice- Minister Ministère de Pêche et de l'Environnement Malabo Guinée Equatoriale Tel: (240-9) 340821-19 Fax: (240-09) 2953	vicentesiosa@yahoo.com
103.	SW8, EM8, JEM, HD8, JHD	Pedro Malavo Nsene Focal Point for Equatorial Guinée Ministère de Pêche et de l'Environnement Malabo, Guinée Equatoriale Telf. (+ 240) 25 90 37 E-mail: pmalavo@hotmail.com	pmalavo@hotmail.com
104.	GUINEA BISSAU HD8, JHD	Joãozinho Sa Directeur du Cabinet de Planification Côtière B.P 23- 1031 Bissau Codex Guinée Bissau Cell : + 245 720 05 62 / 660 66 48 Fax: +245 20 11 68 (IUCN)	joaosa2003@hotmail.com
105.	MAURITANIA SW8, EM8, JEM, HD8, JHD	Dr. Mohamed Taleb Mohamed Technical adviser of the Minister of Environment Ministère Délégué auprès du Premier Ministre chargé de l'Environnement B.P. 170 Nouakchott, Mauritanie Tel: (222) 529 01 15 Fax: (222) 524 31 38	lafdal@environnement.gov.mr
106.	SW8, EM8, JEM, HD8, JHD	Mohamed Yahya Ould Sidi Haba Ambassadeur Directeur des Affaires Juridiques et Consulaires Ministère des Affaires Etrangres et de la Coopération – Nouakchott République Islamique de Mauritanie Tel : + 222 525 8146 Fax : + 222 525 8146 Mobile : + 222 630 23 38 + 222 652 82 11 + 222 202 49 73	
107.	SW8, EM8, JEM, HD8, JHD	Mr. Cheikh Ould Jiddou Ministère des Affaires Etrangres et de la Coopération – Nouakchott République Islamique de Mauritanie Tel : + 222 525 8146 Fax : + 222 525 8146	
108.	SAO TOME & PRINCIPE HD8, JHD	Dr. Herculano Loi Heng Advisor of Minister of environment and natural resources CP 1093, São Tomé São Tomé e Príncipe Tel: (239) 224 750/225 272/227156 Fax: (239) 227 156/226 262	katar_loi@hotmail.com
109.	HD8, JHD	Eng. Fernando Lima da Trinidade Ministry of Building Infrastructure, Natural Resources and Environment, C.P. 67 Praza de Amizade, P.O. Box 714 Sao Tome Sao Tome and Principe Tel: (239) 222869/905981 Fax: (239) 222824/936	fernandotrindade2001@yahoo.com.br

EXPERTS, STAKEHOLDERS & PARTNERS – ABIDJAN CONVENTION REGION			
110.	CEDA –BENIN SW8, EM8, JEM, HD8, JHD	K.S. Adam CEDA – Benin Tel: +229 21 38 1405 Fax: + 229 21 381490	Adam_ceda@yahoo.fr.
111.	GCLME HD8, JHD	Prof. Chidi IBE Regional Director (GCLME) Accra Ghana P.O. Box 1423, Accra Tel: 233-21-781225 Fax: 233-21-781226	gclme@unido.org, c.ibe@unido.org
112.	HD8, JHD	Dr. Jacques Abe Environment Officer Interim Guinea Current Commission (IGCC) 1, Akossoombo Road PMB CT 324 Accra Ghana Tel: 00233021781225 Fax: 00233021781226	j.abe@gclme.org
113.	HD8, JHD	Anyanwu Chukwudi PTC/ECB/WMU, D1582 United Nations Industrial Development Organisation Vienna International Center, P.O Box 300 A-1400, Vienna – Austria Tel: +42 1 26026 3738 Fax: + 43 1 26026 6855	c.anyanwu@unido.org
114.	IGCC/ GCLME SW8, EM8, JEM, HD8, JHD	Mr. Ugochukwu E-Ihemejeh Programme Assistant for Nigeria, Interim Guinea Current Commission/ Guinea Current Large Marine Ecosystem (IGCC/GCLME) Project. +234 8036754932, 01-852630	Ernest-Ihemejeh@yahoo.co.uk
115.	BCLME HD8, JHD	Dr. Michael J. O’Toole Chief Technical Advisor Programme Co-ordination Unit Hidas Centre P.O.Box 40728 Aussplanplatz, Windhoek Tel. +264 61 246 948 Fax. +264 61 246 803	otoole@bclmenamibia.org, otoole.mick@gmail.com
116.	SW8, EM8, JEM, HD8, JHD	Maria Sardinha BCLME Tel. +244 245 309 330 Fax. +244 222 309 330	Bclme.behp@nexus.go
117.	SW8, EM8, JEM, HD8, JHD	Lesley Staegemann BCLME South Africa Tel. +27 402 3418	bclmeug@deat.gov.za
118.	NIOMR SW8, EM8, JEM, HD8, JHD	Dr. Emmanuel Ajao Nigerian Institute for Oceanography & Marine Research P.M.B. 12729 Lagos, Nigeria Tel: (234) 1 2617530/617385	niomr@linkserve.com.ng, niomr@hyperia.com, nana_ajao@yahoo.co.uk

EXPERTS, STAKEHOLDERS & PARTNERS – ABIDJAN CONVENTION REGION			
		Fax: (234) 1 617385	
119.	CSIR SW8, EM8, JEM, HD8, JHD	Dr Neville Sweijd RGL Coastal Processes Natural Resources & the Environment Council for Scientific & Industrial Research Stellenbosch, South Africa Tel: +27(021)8882555 Fax: +27(021)8882648 Cell: +27(082)9689660	nswzijd@csir.co.za
120.	WETLANDS INTERNATIONAL SW8, EM8, JEM, HD8, JHD	Mrs. NDIAYE, Mame Dagou Diop Project Officer Wetlands International Africa Programme BP. 8060 Dakar-Yoff Senegal Tel: + 221 820 6478 Fax: + 221 820 6479	dagouwet@orange.sn
121.	SW8, EM8, JEM, HD8, JHD	Miss Emma Greatrix Project Development Officer Wetlands International Africa Programme BP. 8060 Dakar-Yoff Senegal Tel: + 221 820 6478 Fax: + 221 820 6479	emmagreatrix@yahoo.co.uk
122.	WWF-WAMER SW8, EM8, JEM, HD8, JHD	Mr. Paul Siegel Marine Conservation Advisor Africa and Madagascar Programme Western African Marine Ecoregion 9639, Sacre-Coeur III Box 22928 Dakar, Senegal Tel: +221 86 93 700 Fax: + 221 86 93 701	psiegel@wwfsenegal.org
123.	PRCM/IUCN SW8, EM8, JEM, HD8, JHD	Mr. Ahmed Senhoury Coordinator Regional Marine & Coastal Conservation Programme for West Africa - PRCM P.O. Box 4167 Nouakchott Mauritania Tel: 222-529 9077 Fax:222-525 1869	ahmed.senhoury@iucn.org
124.	CNSHB SW8, EM8, JEM, HD8, JHD	Mr. Hassimiou Tall Directeur Général Centre National des Sciences Halieutiques de Boussoura (CNSHB) Conakry, 1330, Guinée Tel : 224 30 43 21 15 Fax : 224 30 41 52 30	tallhassimiou@yahoo.fr
125.	UN DOALOS SW8, EM8, JEM, HD8, JHD	Mr. Vladmir Jares Division for Ocean Affairs and the Law of the Sea United Nations Headquarters Room No. DC2-0450 New York, NY 10017 USA Tel: +1 212 963 3962 Fax: +1 212 963 5847	Vladimir Jares/NY/UNO@UNHQ

EXPERTS, STAKEHOLDERS & PARTNERS – ABIDJAN CONVENTION REGION			
126.	UNDP – GEF SW8, EM8, JEM, HD8, JHD	Mr. Abdoulaye Ndiaye Regional Team Leader UNDP-GEF Regional Technical Advisor Biodiversity/International Waters UNDP Senegal 5 Boulevard de l'Est, Point E BP 154, Dakar - Sénégal Tel: (221) 869 0661 Fax: (221) 869 0629	abdoulaye.ndiaye@undp.org
127.	UNIDO SW8, EM8, JEM, HD8, JHD	Dr. Chika Ukwe Industrial Development Officer (International Waters) PTC/ECB Branch Water Management Unit, UNIDO P. O. Box 300, A-1400 Vienna, Austria Tel: 43 1 26026 3465 Fax: 43 1 26026 6819	C.Ukwe@unido.org
128.	SW8, EM8, JEM, HD8, JHD	Mr. Anyanwu Chukwudi PTC/ECB/WMU, D1582. United Nations Industrial Development Organisation, Vienna International Center, P.O. Box 300, A-1400, Vienna Austria. Tel: +43 1 26026 3738, Fax: +43 1 26026 6855.	c.anyanwu@unido.org
129.	IMO SW8, EM8, JEM, HD8, JHD	Mr. Malamine Thiam Head, Technical Co-operation Coordination and Major Projects Section Marine Environment Division International Maritime Organization (United Nations) 4, Albert Embankment, London SE1 7SR, UK Tel: (44) 207 587 31 88 Fax: (44) 207 587 32 61/10	mthaim@imo.org
130.	SINEPAD SW8, EM8, JEM, HD8, JHD	Mr. David Njiki Njiki Executive Secretary Interim Secretariat of NEPAD (SINEPAD) Dakar, Senegal P.O. Box 813 Tel: (221) 842-7311 Fax: (221) 842-7311	njikinjiki@yahoo.com
131.	GRID ARENDAL SW8, EM8, JEM, HD8, JHD	Mr. Joan Fabres UNEP Shelf Programme Coordinator GRID-Arendal Teaterplassen 3 4836 Arendal Norway Tel: +47 97040308 Fax: +47 37035050 Skype call: Joan Fabres Skype chat: Joan Fabres www.continentalshelf.org	Joan.Fabres@grida.no
132.	UNEP JHD	Mr. Achim Steiner Executive Director UNEP P.O. BOX 30552 00100, Nairobi, Kenya Tel: +254 20 3386/ 3416 Fax:+254 20 4275/4608	Executiveoffice@unep.org

EXPERTS, STAKEHOLDERS & PARTNERS – ABIDJAN CONVENTION REGION			
133.	HD8, JHD	Mr. Ibrahim Thiaw Director UNEP - Division of Environmental Policy Implementation P.O. BOX 30552 00100, Nairobi, Kenya Tel: +254 20 762 3475 Fax:+254 20 762 4249	Ibrahim.thiaw@unep.org
134.	JHD	Peter Acquah OiC Regional Office for Africa P.O. BOX 30552 00100, Nairobi, Kenya Tel: +254 20 762 1250 Fax:+254 20 762 3203	Peter.acquah@unep.org
135.	SW8, EM8, JEM, HD8, JHD	Anjan Datta OiC UNEP – GPA	a.datta@unep.nl
136.	SW8, EM8, JEM, HD8, JHD	James Kamara Programme Officer UNEP – Nairobi and Abidjan Conventions P.O. BOX 30552 00100, Nairobi, Kenya Tel: +254 20 762 4288 Fax:+254 20 762 3203	James.kamara@unep.org
137.	SW8, EM8, JEM, HD8, JHD	Virginie Hart Task Manager, International Waters UNEP Division of GEF Coordination P.O. BOX 30552 00100, Nairobi, Kenya Tel: +254 20 762 4527 Fax:+254 20 762 4041 / 762 4042	Vierginie.hart@unep.org
138.	SW8, EM8, JEM, HD8, JHD	Robert Wabunoha UNEP - Division of Environmental Policy Implementation P.O. BOX 30552 00100, Nairobi, Kenya Tel: +254 20 762 5068	Robert.wabunoha@unep.org
139.	JHD	Mr. Bob Kakuyo P.O. BOX 30552 00100, Nairobi, Kenya Tel: +254 20 762 3375	Bob.kakuyo@unep.org
140.	SW8, EM8, JEM, HD8, JHD	Anne Maina P.O. BOX 30552 00100, Nairobi, Kenya Tel: +254 20 762 3130 Fax:+254 20 762 3203	Anne.maina@unep.org
141.	EM8, JEM, HD8, JHD	Angelina Musera P.O. BOX 30552 00100, Nairobi, Kenya Tel: +254 20 762 1206 Fax:+254 20 762 3203	Angelina.musera@unep.org

EXPERTS, STAKEHOLDERS & PARTNERS – ABIDJAN CONVENTION REGION			
142.	SW8, EM8, JEM, HD8, JHD	Nancy Soi P.O. BOX 30552 00100, Nairobi, Kenya Tel: +254 20 762 3439 Fax:+254 20 762 3203	Nancy.soi@unep.org
143.	SW8, EM8, JEM, HD8, JHD	Hellen Ojiambo P.O. BOX 30552 00100, Nairobi, Kenya Tel: +254 20 762 1250 Fax:+254 20 762 3203	Hellen.ojiambo@unep.org
144.	JHD	David Ombisi P.O. BOX 30552 00100, Nairobi, Kenya Tel: +254 20 762 4221 Fax:+254 20 762 3928	David.ombisi@unep.org
145.	JHD	Angele Sy Luh P.O. BOX 30552 00100, Nairobi, Kenya Tel: +254 20 762 4292 Fax:+254 20 762 3928	Angele.luh@unep.org
146.	UNON SW8, EM8, JEM, HD8, JHD	Francisco Vasquez Chief, Meeting Coordination Unit United Nations Office at Nairobi (UNON) P.O. Box 67578, GPO 00100 Nairobi, Kenya Tel: (254 20) 762-3124 Fax: (254 20) 762-3930 Web site: http://www.unon.org	Francisco.vasquez@unon.org
147.	SW8, EM8, JEM, HD8, JHD	Peter Njagi United Nations Office at Nairobi (UNON) P.O. Box 67578, GPO 00100 Nairobi, Kenya Tel: (254 20) 762- 4624 Fax: (254 20) 762-3930 Web site: http://www.unon.org	Peter.njagi@unon.org

Annex II

Presentation by the Nairobi Convention secretariat at the stakeholders workshop

1. The following represents the main points and themes of the presentation by Mr. Dixon Waruinge of the Nairobi Convention Secretariat:
2. It is the governments' responsibility to manage the environment; however we are aware that the stakeholders also have a very strong role to play, particularly in those areas that have gaps. This work is never reported in government sessions, and so it was decided to have a stakeholders session, in order to provide input into the reports of governments, so as to better report and represent the work being done. This does not take away from governments' responsibilities. We are trying to build a partnership between governments and stakeholders. How can we achieve more?
3. The Nairobi Convention has enormous political will behind it. Mr. Waruinge then provided some history. In 1998, a meeting, the Pan-African Conference on Sustainable Integrated Coastal Management (PACSICOM, Maputo) was held that focused on the inaction with regards to coastal issues. This was followed by the Cape Town meeting, which stated that more needs to be done.
4. The Secretariat works closely with governments, but also more and more with NGOs. Partnerships have been developed, which can be a basis for growth and the development of a strong programme for action in the marine and coastal environment. It has led to a consortium of partners that wish to avoid duplication and overlap by coordinating their work more closely.
5. He then reviewed the progress on the implementation of the Nairobi Convention work programme of 2004 – 2007. The work programme focused on assessment, management, coordination and legal aspects, and cross-cutting issues. The results of the work include the WIO-C, the WIO-LaB project (funded by Norway, GEF and Contracting Parties with a total budget of \$11.413 million). There is a significant investment into SWIOFP, ASCLME and WIO-LaB projects, showing the importance of the coastal environment. GEF and Norway have provided significant funding. SIDA has regularly funded activities in support of coordination.
6. The WIO-LaB project objectives are to: reduce stress to the ecosystem; strengthen regional legal basis for preventing land-based sources of pollutions; and develop regional capacity and strengthening institutions for sustainable, less polluting development. We have had a series of trainings and capacity building under WIO-LaB. The WIO-LaB project is also developing a SAP. WIO-LaB project has produced key outputs (LBA Protocol, EIA Guidelines, pollution monitoring protocol and demonstration projects). Overall, we have achieved capacity building, greater visibility of the Convention and greater political good will. In the process, we have established a number of partnerships with governments, and major international, regional and national NGOs. The NGO consortium, WIO-C, is one result of this. All of this has happened over the last Work Programme of 2004 – 2007.
7. All the governments support the Convention and recognise its importance. This has been translated into some funding. There is a lot more happening on the ground than ten years ago.
8. There has also been the production of national status reports. This has raised the profile of the Focal Points offices, increased the visibility of the Convention and established inter-sectoral committees for information exchange. These reports will be updated bi-annually, and will provide an accurate picture of progress or lack thereof.
9. He then presented an overview of the 2008 – 2011 Work Programme, which should be a platform for further collaborating of stakeholders and for increasing regional capacity for integrated coastal and marine management. This also aims to promote recognition and integration of the provisions of the Convention into national policy, legal, institutional and financial frameworks and processes. He then outlined the Work Programme matrix, including the use of different funding scenarios and the themes, and pointed out the Convention's website and the Clearinghouse Mechanism to increase visibility and information sharing.
10. The main elements are assessments, management (at national level), coordination and legal aspects (national level), and information and awareness (at regional and national level). We also want to see the communities getting more involved and pushing for more action. The Clearinghouse Mechanism will assist in this, by bringing information from the ground up to the national level.

11. Stakeholders can play a greater role. National Focal Points are preparing national status reports, but there are gaps that need to be filled. How best can we undertake assessment activities? We as the Secretariat of the Convention do not have the capacity to undertake assessments. This will need to be done by partners in collaboration with various institutions. WIO-LaB is undertaking assessments of land-based activities, and this can be furthered under the SAP. We are weakest in assessments of socio-economic issues. For example, we don't know why the coastal communities of Kenya are so poor, considering that coastal tourism provides significantly to the national GDP. Someone is benefiting from the resources that are there.

12. We want to focus on complimentary management activities. There are enormous resources coming into the region through ReCoMaP. Many activities are being supported by WWF, Natures Seychelles etc. What are you doing very well that we can learn from? Is there something that can be added on? How does this fit in with governments? Are we managing the MPA the best way possible? Very few countries have protected 10% of the coastal areas – how can we achieve this?

13. How are we going to achieve our work programme? All the activities must be undertaken through partnerships, through collaboration. The Secretariat provides the catalyst. At the current level of funding, there will not be a significant increase in activities supported by the Secretariat. We have a column for improved and optimal funding on the Work Programme matrix, which will allow the Secretariat to catalyse further activities. Some activities cannot be achieved under current funding, and will depend on additional funding. There is however a lot that the Secretariat can achieve without funding, by acting together with our collaborative partnerships.

14. We will probably have a mixture of the three levels of funding. We should look at what the Stakeholders can contribute. We will ask governments to look at improved levels, to see what they can do. The Secretariat will try to combine these, so that we have more visibility, more reporting and more catalytic activities.

15. We have created several awareness raising platforms, including a Convention website, a project website and the Clearinghouse Mechanism. We have links with a number of NGOs through which we can share information.

Annex III

Recommendations and amendments of the stakeholders workshop

The Work Programme was favourably received and viewed as acceptable. Issues and gaps not included should, as far as possible, be incorporated into the existing structure of the work programme.

Modifications & Amendments of the Nairobi Convention Work Programme:

Under Theme 1.1B: As part of activities related to biodiversity and key species, BirdLife International does or will do the following: Support research and monitoring of bird species; Support updating of the Convention's annexes of bird species

Under Theme 1.3:

- ◆ Undertake SEAs for oil and gas development that take into consideration the potential for transboundary impacts and mitigation measures as well as local community welfare.
- ◆ Undertake cooperative assessments on invasive species, threats and impacts in the region with a view to developing management plans, and in particular the management of invasive species in Marine Protected Areas.

Under Theme 2.1: Promote good practices in tourism development in coastal areas, in order to protect biodiversity, and the rights and well-being of local communities.

Under Theme 3.4: Develop skills of managing organisations and programmes, as well as proposal writing and fundraising – being done by IOC-UNESCO and WIOMSA

Under Theme 4.1A:

- ◆ Develop a regional information system on the WIO marine and coastal environment and its management, *including information on invasive species and climate change*: add IOC-UNESCO, GISP
- ◆ Add IOC-UNESCO to partners maintaining the Nairobi Convention's Clearinghouse Mechanism

Under Theme 4.1B: Develop marine biodiversity databases (as part of information exchange): add IOC-UNESCO and AfroBis responsible parties for promoting information exchange

Under Theme 4.2B: Add IOC-UNESCO to responsible parties for "Use of electronic information systems for awareness and information exchange"

Recommendations to the Experts meeting:

- ◆ Recognising the roles and responsibilities of existing organisations, the Nairobi Convention Secretariat is encouraged to build upon the existing programmes to further the objectives of the Convention. For example, there should be stronger collaboration and coordination with SWIOFC, IOTC with regards to research that is already being conducted.
- ◆ Request the Conference of Parties to the Nairobi Convention to recognise oil and gas development as an important issue and to ensure that SEAs are carried out to recognise both threats and opportunities.
- ◆ The NC Secretariat finalise the MoU with GISP and the International Oceans Institute (SA office) with the view to addressing invasive species in the Nairobi and Abidjan Convention areas.
- ◆ Youth should be engaged in marine programmes, to encourage youth to be at the forefront of action
- ◆ Request the Secretariat to ensure that there are quantifiable outputs in the Work Programme in order to measure progress
- ◆ Request the Secretariat to further strengthen fund raising mechanisms
- ◆ Encourage more research in climate change and incorporate risk, vulnerability and adaptation into our programmes

Annex IV

WIO-LaB project outline of the strategic action programme framework

1. Dr. Peter Scheren of the WIO-LaB project, under the UNEP/Nairobi Convention Secretariat, presented an outline of the Framework for the development of a Strategic Action Programme (SAP) for the WIO Region as it pertains to land-based sources and activities. The TDA/SAP needs to be reviewed in the context of the Nairobi Convention Work Programme, as the SAP feeds into it.
2. Transboundary Diagnostic Analysis (TDA) is a scientific and technical fact-finding analysis used to scale the relative importance of sources, causes and impacts of transboundary waters problems. Strategic Action Programme (SAP) is a negotiated policy document which should identify policy, legal and institutional reforms and investments needed to address the priority transboundary problems.
3. Interventions frequently fail to fully identify the impacts and temporal and geographical boundaries of the problem and its causes. There are limited financial support and capacities for addressing international waters problems, and therefore there is a need to agree upon funding priorities related to certain key issues. TDA/SAP provides a regional perspective.
4. There are 3 projects in the Agulhas and Somali Current Large Marine Ecosystem:
 - The UNEP implemented West Indian Ocean Land Based Sources of Pollution Project (WIO-LaB)
 - The World Bank implemented Southwest Indian Ocean Fisheries Project (SWIOFP)
 - The UNDP implemented Agulhas and Somali Current Large Marine Ecosystem (ASCLME) Project
5. Each of these projects concentrates on different but complimentary issues. The resulting TDA/SAPs from the three projects will be coordinated.
6. He then described the WIO-LaB TDA/SAP process:
 - (Political) framework provided by the Nairobi Convention
 - WIO-LaB Project to produce TDA and SAP focusing on land-based activities by end of 2008
 - WIO-LaB TDA and SAP to be coordinated with ASCLMEs and SWIOFP Projects
 - Dedicated TDA and SAP Task Teams for drafting of TDA and SAP
 - Scientific and Technical Advisory Committee to provide scientific leadership and means of validation of TDA
 - SAP development linked to the development of specific National Action Plans (NAP)
7. He explained that there are five main steps in the TDA process. The TDA drafting team has been established. The initial review of transboundary problems has been done and the main problems have been identified (Pollution from land-based sources and consequent degeneration of water quality; Physical alteration and destruction of habitats; and Alteration in fresh water flows and sediment loads from rivers). The fact-finding and assessment work (data collection and analysis) has been started and is ongoing as part of the scope of work of specific Task Forces and Working Groups (WG water, sediment and biota quality; MWW Task Force; PADH Task Force; EIA Task Force; Legal and technical review Task Force). Causal chain and governance analysis has been completed in a draft form. Validation steps in the TDA process are also ongoing.
8. The framework has identified four thematic areas of intervention:
 - Pollution from land-based sources and consequent degeneration of water quality;
 - Physical alteration and destruction of habitats; and
 - Alteration in fresh water flows and sediment loads from rivers.
 - Cross-cutting issues

9. Four levels of interventions are:
 - Monitoring and Assessment: Filling in data and information gaps
 - Management Tools: Developing and demonstrating appropriate technical and managerial approaches to address problems
 - Governance: Strengthening policy, legal and institutional frameworks
 - Information management, capacity building and awareness raising
10. There are five steps for developing a SAP:
 - Elaborate intervention plans based on the Framework SAP (together with partners)
 - Development of targets (Environmental Quality Objectives) and indicators
 - Establishment of institutional framework for SAP implementation
 - National and regional (political) consultations
 - Endorsement of SAP
11. For implementing the SAP:
 - Mainstreaming into national development plans
 - Identification of partners for SAP implementation
 - Development of concrete proposals for donor support
 - Donor Conference
 - Monitoring and evaluation of SAP implementation

He then described the decision required from the COP: *Take note of progress made in the development of an updated Transboundary Diagnostic Analysis and Strategic Action Plan for the Western Indian Ocean Region and request the Secretariat to facilitate and expedite the timely negotiation and finalization of the development and thereafter implementation of the Strategic Action Plan for the Region on the basis of the current Framework Strategic Action Plan.*

12. This framework will help define further actions and interventions. He asked that the participants look at the framework priorities and see what role their organisations could play in these areas. This will enable us to work with those organisations in developing specific activities within the SAP.

Annex V

Decisions of the WIO-LaB project steering committee meeting

The meeting of the WIO-LaB Project Steering Committee, held in Johannesburg, South Africa on 5th November 2007, having taken into consideration the progress made in the implementation of the UNEP-GEF WIO-LaB Project and also taking into consideration the findings and recommendations of the previous meetings of the Steering Committee held in Tanzania (2005), Kenya (2006), and Seychelles (2007), as well as the Mid-Term Review of the Project, made the following decisions and recommendations:

1. *Received and noted* with appreciation the Report on the Mid-Term Review (MTR) of the WIO-LaB Project and urged the WIO-LaB Project Management Unit in collaboration with the Nairobi Convention Secretariat (including other project partners) to consider and implement in a most appropriate manner the recommendations contained therein.

2. *Reviewed and discussed* the Management Responses prepared by the WIO-LaB Project Management Unit, including their implications for the work plan and the budget of the project and urged the WIO-LaB Project Management to implement the required changes, taking into considerations suggestions for improvement made by the Project Steering Committee.

3. *Requests* the WIO-LaB Project Management Unit to update the project work plan and budget for the year 2008-2009, in line with the changes suggested in the management Response to the Mid-Term Review and to present the same to the next meeting of the Project Steering Committee meeting for endorsement.

4. *Noted* with appreciation the progress made in the preparation of the Transboundary Diagnostic Analysis (TDA) Report including the Framework Strategic Action Programme (SAP) for the Western Indian Ocean region as coordinated by the WIO-LaB Project Management Unit and urged the WIO-LaB Project management to expedite the process for the finalization of the SAP.

5. *Recommends* the 5th Conference of Contracting Parties (COP-5) of the Nairobi Convention to consider the Framework SAP focussed on the land-based activities, as a basis for the development of a full-scale SAP and urges the Contracting Parties and other stakeholders to commit themselves towards the implementation of the recommendations and activities contained in the Framework SAP for the WIO Region.

6. *Noted* with appreciation the progress made in the preparation of the new Protocol on Land-Based Sources and Activities (LBSA) to the Nairobi Convention as coordinated by the WIO-LaB Project Management Unit and urged the Nairobi Convention Secretariat to organize a meeting of plenipotentiaries to negotiate and adopt the proposed new Protocol.

7. *Urges* the Meeting of Experts (including the Joint Meeting of Experts) and the meeting of Heads of Delegation to the 5th Conference of Parties of the Nairobi Convention, to take note of the decisions and recommendations of the 4th meeting of the WIO-LaB Project Steering Committee, and make further recommendations that would contribute towards the achievement of the goals of the Nairobi Convention/WIO-LaB Project.

8. *Expresses* appreciations to the Government of South Africa and in particular the Department of the Environmental Affairs and Tourism (DEAT) for agreeing to host the present meeting.

Done in Johannesburg on 5th November 2007

Annex VI

Presentation on the Western Indian Ocean marine turtle task force

The Western Indian Ocean Marine Turtle Task Force that will be launched will focus on implementation of sea turtle conservation and management. There are five species of sea turtle in the WIO, two of which are critically endangered and the others are endangered. There is a need for an international agreement, since turtles are highly migratory. The Nairobi Convention mentioned the need for turtle conservation in 2004, and this began the process of developing a Task Force. The Task Force and its terms of reference will be presented to the COP, for formal establishment of the WIO MTTF under the Convention and for recognition as an IOSEA sub-regional committee.

Value:

- Socio-cultural asset
- Food, oil and shell products
- Ecosystem agents & indicators
- Research & education topic

Status:

- IUCN Critically endangered: 2/5 species.
- IUCN Endangered : 3/5 species.

Biology:

- Highly migratory
- Using a range of habitats
- Slow maturing
- Long-lived
- High natural mortality

Threatened by:

- Harvesting of eggs and turtles
- Habitat destruction
- Incidental mortality

Background of Task Force:

- 2004: Nairobi Convention mentioned the need for increased turtle conservation for the WIO
- 2004: Regional Turtle Meeting (KWS, Mombassa) conceptualized
- 2005: Presented at meeting of Nairobi Convention Focal Points
- 2006: Presented at SS4 IOSEA + Draft ToR
- 2007: To be formalized under the Nairobi Convention

Unique partnership between two instruments:

- Agree to formal establishment of WIO MTTF under Nairobi Convention;
- Recognise it as an IOSEA sub-regional committee to implement this CMP;
- Endorse membership & ToR as proposed by IOSEA bodies;
- Suggest ways of successfully implementation and interaction with Nairobi Convention

Annex VII

Outcomes of the experts meeting of the fifth meeting of the Contracting Parties to the Nairobi Convention

1. The following amendments were recommended: for CP5/1.2e, the sentence should delete reference to the EAME, and instead end with "...with NGOs, partners and other stakeholders."; CP5/1.3 is modified to read "...implementation of approved Strategic Action Plans for the Region"; CP5/1.5 should include that the Focal Points should improve their reporting back to the Secretariat; CP5/1.6 should also request Contracting to report back to the Secretariat and should read "...the Work Programme and Protocols of the Nairobi Convention...".
2. It was decided to alter CP5/2.2 to read "To endorse the establishment of a Western Indian Ocean Marine Turtle Task Force, in partnership with the CMS IOSEA Marine Turtle Memorandum of Understanding, and take note of the Terms of Reference agreed by the Fourth Meeting of IOSEA Signatory States."
3. There was a suggestion to add "...and will present the results at the next COP" to CP5/3.2. It was suggested to amend CP5/3.3 to read "...with regard to activities with transboundary affects, including transboundary projects and programmes, in order to identify threats and opportunities in the marine and coastal environment, in particular as it concerns (oil transport, and) coastal and off-shore oil development." It was recommended that CP5/3.4 be a stand-alone decision. It was agreed that it is important for countries to submit an application for delineating their continental shelf under Article 76 of UNCLOS. However, it was decided that the decision regarding Article 76 should be removed, as it is a complex issue and requires more information and discussion.
4. It was recommended that the Secretariat prepare the way for the Conference of plenipotentiaries with regard to the LBSA Protocol, and to organise the negotiations on the text. This can be added to CP5/4.2, to make this explicit.
5. For CP5/5.1, it was suggested that "endorse" should be replaced by "note with appreciation". CP5/5.3 is altered to read "To encourage Contracting Parties to promote the principles of South-South..." It was suggested to remove CP5/5.4, dealing with the importance of training Contracting Parties in negotiating as a regional block with respect to fisheries. It was however noted with appreciation the offer of WWF to provide much needed training programmes in negotiations to the countries.
6. It was suggested that the decision regarding small island states, which was deleted from the current draft decisions, be reinstated. This was agreed, and the new CP5/6 will start with the original statement: "To note with appreciation the efforts of the Nairobi Convention to develop a project to address major environmental concerns and resource management in small island developing States, and request the funding agencies, including the GEF, to provide the necessary resources to implement the project". Mauritius recommended a further paragraph: "To develop further projects on adaptation to climate change, taking into account the specific situation of SIDS, and leverage funds for these projects from the international community, including the GEF and the Adaptation Fund among others". Seychelles recommended an additional paragraph: "To develop research projects to determine the impact of sea level rise and storm surges on coastal habitats and the risks these pose to coastal communities on small island states".
7. The meeting then reviewed draft decision CP5/6 and the Financial Report. Some of the Focal Points requested that a letter and invoice from the Nairobi Convention be sent to them to assist them in encouraging their governments to contribute to the Trust Fund. A correction is required on the last page, since it indicates that Mauritius had made unpaid pledges when the country was not yet a member of the Convention; since becoming a member, Mauritius has fulfilled the pledges.
8. CP5/6.1 was revised to read: "To extend the East African Trust Fund, until such a time that the Contracting Parties decide otherwise." It was decided that the Secretariat will meet with each country one on one to discuss about meeting unpaid pledges, considering the context of each country. A sentence was added after CP5/6.2a that reads "Meeting the unpaid pledges". CP5/6.2d was modified to read "...the Nairobi Convention and its Protocols, including its Work Programme and any approved Strategic Action Programme".

9. The issue of climate change was raised again, and Tanzania was asked to draft a decision. The representative of Somalia offered to draft a decision with regards to special support needed for Somalia. It was noted that there is a need to change the dates of the Work Programme to 2008 – 2011. A point was raised that the Experts meeting should not be treated like a Heads of Delegations meeting (ie with reference to having to consult with governments back in the capital etc) but should be very open for technical inputs, without consideration of political contexts. The Chair clarified that this should be balanced with an understanding that the stakeholders' input has been taken into account, and that governments are ultimately responsible for the outcome, including the decisions, of the COP.

Annex VIII

Presentation on fisheries subsidies negotiations in the World Trade Organization

By Solveig Crompton, Acting Senior Advisor, Sustainable Development and Trade Co-operation, DEAT

'Fisheries subsidies' is one of the four negotiating issues under discussion in Negotiating Group on Rules. Agreement on Subsidies and Countervailing Measures (ASCM) and Agreement on Agriculture are agreements in the WTO which govern subsidies. The focus of these negotiations is on the sustainable use of natural resources, while the ASCM focuses on the effects of subsidies on trade. Negotiations are now based on legal text proposals from Members.

The negotiation can be divided into four main issues:

- ◆ Scope of the disciplines (which activities?)
- ◆ Special and differential treatment for developing countries
- ◆ Exceptions (should some exceptions be available to all countries?)
- ◆ Transparency

Scope of disciplines

- ◆ Many Members are in favour of a broad prohibition with specified exceptions (Brazil, New Zealand, United States)
- ◆ Some (notably European Union, Chinese Taipei, Japan, Korea & Norway) would prefer a list of prohibited subsidies, with all else permitted
- ◆ Indonesia has tried to find a "middle ground" position, by listing categories of subsidies, within a broad prohibition
- ◆ Prohibit subsidies related to marine wild capture fisheries, excluding inland and aquaculture (where capture fisheries do not provide feed) (NZ)

Special and Differential Treatment

- ◆ "Artisanal"/Subsistence Fisheries (Argentina/Brazil; Indonesia)
- ◆ Small-scale fisheries (Indonesia)
- ◆ Different conditions, including sustainability criteria (Argentina/Brazil)
- ◆ Longer implementation periods (US)
- ◆ Access fees: all aspects exempted (ACP); where passed on to industry at a preferential rate, should be disciplined (Indonesia; Brazil)
- ◆ LDCs: exempted for eight years, then can be extended on annual basis (Brazil)

Question: what sort of support should be permitted?

Vessel acquisition and construction to build capacity? Operational costs?

What constitutes a blank cheque for developing countries??

General Exceptions

- ◆ Reduction to fishing capacity (vessel decommissioning; retirement of fishers)
- ◆ Vessel decommissioning
- ◆ "Under-exploited" fisheries
- ◆ Monitoring and enforcement
- ◆ Research, conservation and stock enhancement
- ◆ Support after natural disasters
- ◆ Fish allocation programmes
- ◆ Small scale fisheries: all Members should be permitted limited support (US; Chinese Taipei, Korea, Japan; Canada)

Transparency

The disciplines will only be as good as the monitoring and surveillance mechanism!

- ◆ Centrality of Fisheries Management plans

- ◆ Capacity constraints of developing country Members
- ◆ Challenge: Natural resource management is not the competency of the WTO
- ◆ Involvement of FAO (COFI) and RFMOs
- ◆ Enquiry points

Final comments

Negotiations have been underway since the beginning of 2002 and that pending progress in Agriculture and non Agricultural Market Access, within the next few weeks (November) the Chair of Negotiating Group on Rules will issue a text for discussion first week of December. Many technical issues need to be resolved and are likely to take place in “small group consultations”. Africa is presently largely absent from these negotiations. There is a danger of legitimising the subsidies provided by some countries. Potentially most significant “trade and environment” negotiations are in Doha Development Agenda.

Annex IX

Presentation by United Nations Office of Legal Affairs Division for Ocean Affairs and the Law of the Sea on article 76

A representative of UN Office of Legal Affairs- Division for Ocean Affairs and the Law of the Sea (UN-DOALOS) made a brief presentation on the Article 76 of UNCLOS including the inclusion of this issue in the draft decisions for the two COPs and the Joint declaration.

The presentation first described the different maritime zones (EEZ, High Seas, outer limit of the continental shelf, baselines etc). UN Convention on the Law of the Sea is an important one, and covers sovereignty and pollution issues. Article 76 is an important article relating to the geological conditions for juridical delineation of the continental shelf for the purposes of territorial rights, particularly on the control of economic development for known and as of yet unknown natural resources and the promotion of marine protected areas. The scope therefore is the seabed and subsoil. By establishing the outer limit, a country establishes the furthest border of its land mass, and it has sovereign rights over the continental shelf for the purpose of exploring the shelf, exploiting its natural resources, protection and preservation of the marine environment and marine scientific research. These rights are exclusive and are independent from occupation or any express proclamation. States do not have to do anything to maintain their sovereign rights over continental shelves up to 200 nautical miles from the baseline. Beyond that point, they will need to submit an application. This only covers the sea bed beyond the 200 mile exclusive economic zone, not the water column. The outer limit of the continental shelf will not exceed 350 nautical miles from the baselines.

The continental shelf of a coastal state “comprises the seabed and subsoil of the submarine areas that extend beyond its territorial sea throughout the natural prolongation of its land territory to the outer edge of the continental margin, or to a distance of 200 nautical miles from the baselines from which the breadth of the territorial sea is measured where the outer edge of the continental margin does not extend up to that distance.” The continental margin “comprises the submerged prolongation of the land mass of the coastal State, and consists of the seabed and subsoil of the shelf, the slope and the rise. It does not include the deep ocean floor with its oceanic ridges or the subsoil thereof.”

Several possible scenarios were outlined. States with continental shelves up to 200 nautical miles from the baselines do not need to make a submission to the Commission on the Limits of the Continental Shelf (CLCS) to enjoy its continental shelf rights. States with continental shelves extending beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured (extended continental shelf) must prepare and make a submission to the CLCS. Such a coastal State must establish the outer limits of its continental shelf through application of formulae lines and within constraint lines in relation to the outer edge of the continental margin.

A continental shelf study was done in 1978, providing a rough guide as to the situation of the continental shelf around the world. A map indicated the results of that study.

The Commission (CLCS) examines the submission by the coastal State and makes recommendations to coastal States on matters related to the establishment of the outer limits of their continental shelf. It considers submissions and makes recommendations, and provides scientific and technical advice (Scientific and Technical Advice Committee). The CLCS has 21 experts in the fields of geology, geophysics and hydrography. It is elected by States Parties to this Convention from among their nationals, having due regard to the need to ensure equitable geographical representation; there must be at least three members from each geographical region.

If State intends to establish outer limits beyond 200M, it is required to make a Submission to CLCS as soon as possible, but in any event within 10 years from entry into force of Convention for that State or by May 2009 if UNCLOS entered into force for that State prior to 13 May 1999. CLCS has received submissions from: Russian Federation (2001); Brazil (2004); Australia (2004); Ireland (partial - 2005); New Zealand (2006); France, Ireland, Spain, United Kingdom (joint and partial - 2006); Norway (2006); France (partial - 2007).

In case of disputes, the CLCS can proceed in one of the following ways. It may: request information and co-operation from the coastal State; allow a partial submission by the coastal; allow joint or separate submissions from two or more States by agreement; examine the submission if prior consent is given by all parties to the dispute.

Once the limits of the shelf are decided upon, they are final and binding. The process of establishing the limit is complex and requires a significant amount of data to be submitted to the CLCS, which will examine the submission on a scientific and technical level.

Challenges for developing States in the implementation of article 76 of UNCLOS include: the complexity of the task of preparing submissions to the Commission; the need to deploy significant resources, capacity and expertise for collection, collation and analysis of a large amount of bathymetric, seismic and geophysical data; the lack of required resources, including human resources, and other capacity; the approaching time-limit, which for some States is 13 May 2009.

Main services which are usually delivered by large international companies include: Bathymetry acquisition and processing; Seismic acquisition; Seismic processing; and Grav/mag acquisition and processing. Companies usually offer full packages by subcontracting as required

The "Article 76" Trust Fund does provide some assistance, upon application, to countries for training of staff, desktop study for the initial assessment, working out of plans and preparation of final submission documents. The steps required at the national level were outlined, including: project and management structure; desktop studies; planning of surveys; analysis of expertise and equipment required; and cost estimates.

It was emphasised that 13 May 2009 is the deadline for most of the Contracting Parties of the two Conventions. The presentation on Article 76 of UNCLOS provided much needed information on the importance of delineation of the continental shelf and how this can be done.

In response to a question on funding for policing sovereign waters, countries will need to find ways to enforce laws, including protection of the environment, but the first step is to know where the sovereign limit is. Coastal states should first use available data as a starting point, and they can also submit joint studies. The continental shelf limits will not change with sedimentation and erosion in any significant way. There was a concern about the possible conflict that might arise if the water column is an open resource while the shelf is sovereign land. This is covered by the laws of the High Seas which require countries to cooperate, so there is a framework for such an issue. The need for expertise and financial ability is required for this complex process. It was suggested that the experts from certain institutions, such as GCLME, and funding from UNEP and other partners be utilised. Contracting Parties were encouraged to inform their governments of this issue.

Annex X

Presentation on data facilitation and capacity-building in implementation of article 76

Mr. Joan Fabres of UNEP-GRID Arendal Continental Shelf Programme provided:

Mr. Chairman, Excellencies, ladies and gentlemen, it is an honour for me to have been invited to this meeting to discuss the implementation of Article 76 of the UN Convention on the Law of the Sea. I would like to thank the South African government for hosting and the Division of Environmental Policy Implementation of UNEP for organizing this meeting.

Before I proceed to present and discuss the assistance that coastal developing states can receive from our programme I would like to further illustrate the delineation procedures introduced by Mr. Jares by showing a 3D model of the East African coast in which a hypothetical delineation exercise is represented. *(A hypothetical example was given to explain the process of delineating the limit, which highlighted the need for the input of a team of experts.)*

Major challenges for developing states include: unawareness of the likely extent of the shelf; data coverage in the shelf; availability of technical expertise; political and strategic prioritisation of the project; agreement and coordination between stakeholders; and securing funding.

GRID Arendal provides assistance to coastal states through: Awareness raising and sensitization; Data access through the “One Stop Data Shop”; Capacity building workshops; and Technical assistance.

Aware of the technical difficulties that some states would face, the UN General Assembly resolved in 2002 to call upon UNEP to use the GRID system *“to store and handle research data from the outer continental margin... with a view to serving the needs of coastal States, and in particular developing countries and small island developing States, in their compliance with article 76 of the Convention”*.

The Shelf Programme resulted directly from the adoption of the mandate by the Division of Early warning and assessment that called on GRID-Arendal to coordinate the work on behalf of GRID system. After a preparation phase the UNEP Shelf Programme was established in 2004 thanks mostly to the funding received from the Norwegian Ministry of Foreign Affairs and additional help from UNEP.

As a direct response to the mandate of the General Assembly, the “One Stop Data Shop” (OSDS) was developed and launched in 2005. The idea behind the OSDS is get the data mining done for all States and simplify the access to it. Countries can access all the currently available, relevant data through the OSDS, which would allow countries to conduct a first study. Some of the data that can be found in the OSDS include: global bathymetric database; world sediment thickness map; bathymetric profiles; reflexion seismic profiles data and more.

Awareness raising and sensitisation have been conducted at the 8th African Union Summit, 9th Global meeting of the Regional Seas and Action Plans, and other visits are planned. The training workshops that we provide are “hands on” workshops in which the participants have the chance of working directly with the tools and real datasets that they may use later on to work in the project of delineating the outer limit of the continental shelf. We have recently acquired a set of powerful laptops that can be easily transported to deliver the workshop in any country. Generally we prefer to hold workshops for a region more than for a single country in order to be more cost effective and to trigger collaboration and dialogue between states.

We can also provide technical assistance on project planning and management in the following areas: Project organigram and composition; Fund raising; Identifying funding agencies and calls; Develop funding proposals; Assess the need for additional data; Tendering and bid evaluation; Observe data acquisition; and Provide advice on technical aspects of a submission.

The only single thing that we need is a petition from the State in order to be sure that the request we are receiving is legitimate. Currently, our focus is on Central America, Africa and South East Asia. In Africa, our ongoing initiatives include technical assistance to Kenya and Madagascar, and Workshop planning for Tanzania and Seychelles, Mozambique and Angola, and Kenya.

There needs to be action, as the deadline for all countries here (except Liberia and Madagascar) is 13 May 2009. I urge you to: Raise awareness at the highest political level; Establish a cohesive national framework tasked with Policy decisions and Scanning study; Gather the documentation on the outer limits of the continental shelf to be submitted to the Commission; Promote fluid dialogue with neighbours states; and Explore financial bilateral support from developed states.

Annex XI

Outcomes of the experts meeting of the eighth meeting of the Contracting Parties to the Abidjan Convention

The Expert Meeting for the 8th COP of the Abidjan Convention held on the 6-7th of Nov. 2007. Experts in attendance at this meeting were representatives of contracting countries,Countries with observer status and several NGOs and International Organisations.

Discussions during the meeting were focused on the following:

- Recommendations from stakeholders carrying out activities in the Convention region
- Report of a Comprehensive Review
- 2008-2011 Work Program for the Convention
- Draft Land Based Sources and Activities (LBSA) Protocol for the Convention,
- WTO and Fisheries with focus of fisheries trade agreements
- Draft Decisions for Contracting Parties

1. STAKEHOLDER MEETING

A Stakeholder meeting was organised prior to the Experts Meeting. The objective of this meeting was to get stakeholders engaged in the work programme that fall within the jurisdiction of the convention. The meeting was attended by a number of representatives from international and national NGOs carrying out activities in the region.

Discussions were focused on the work program and draft LBSA Protocol for the Convention. Main outcomes from this meeting:

- There was a clear recognition that the Abidjan Convention is an important platform for stakeholder work on the protection, management and development of the coastal and marine environment.
- If the Secretariat is strengthened, the convention will be able to reach out to the large number of stakeholders implementing programs in the region.
- In this regard recommendations were adopted and submitted to the Expert meeting. These recommendations constitute an important guide on how the Convention will work with stakeholders in the implementation of the work program.

2. REPORT OF A COMPREHENSIVE REVIEW

A presentation was made by a representative of the Joint Secretariat of the Abidjan Convention providing a general overview and thrust of the Comprehensive Review and Strategy document for the Abidjan Convention. This review highlights the following:

- The weak institutional framework for implementation at the national level;
- lack of budgetary allocations;
- A weak internalization of the Work Programme;
- The existence of varied capacities (including human, technological, and scientific and technology transfer mechanisms);
- An inadequate financial mechanisms;
- An ineffective coordination mechanisms; and
- Inadequate linkages to other organizations/agencies.

The urgent requirements for retooling the Convention and suggested initial activities for the coordination unit were also elaborated.

3. WORK PROGRAM

Major outcomes:

- Agreement to have a four year work program (2008-2011)
- The Global Initiative-WACAF programme should be included in the 2008-2011 work programme
- All Partners should be included in the list of responsible partners for the implementation of the work programme
- The assessment and evaluation of ecosystems goods and services should be included in the assessment of ecosystems and resources.
- Climate change should be incorporated in Cross cutting and emerging issues
- Revision of the Emergency Protocol to be completed by December 2008
- A Conference of Plenipotentiaries for the adoption of the LBSA Protocol should be organized by December 2008

4. DRAFT LBSA PROTOCOL

The Expert Group meeting examined the draft LBSA Protocol prepared by the GCLME Project and UNEP for the Abidjan Convention. The LBSA development process involved both the GCLME countries and non-GCLME countries to ensure that all contracting parties to the Convention were involved in the process.

Major Outcomes

- The Expert Group Meeting observed that an old version of the Protocol (March 2007) was circulated instead of the finalized version of June 2007. However, the final draft was circulated and the additions to the old draft highlighted and discussed with other provisions of this draft document. It was noted that 3 main articles were changed and added to the old draft.
- These changes are found in Art 1 (Objective of the Protocol); Art 6 (Participation) and Art 7 (Education, Training and Access to Information).
- Discussions on this document in a working group and plenary session led to some changes to the draft protocol.

5. DRAFT DECISIONS

Following the discussions of the Expert Meeting, draft decisions to be submitted to the Ministers were examined and discussed. The outcome of the discussion was the adoption of all the recommendations highlighted above

Annex XII

Presentation on oil and gas

The chair invited Paul Siegel, WWF, to make a brief presentation on oil and gas, and the challenges, opportunities and tools presented.

Coastal industries include: Hydrocarbons, which provide a potentially important revenues and energy over the short term which are *non-renewable*; Fisheries & Tourism which are consistent and *renewable* revenues over the long term. In contrast to hydrocarbons, fisheries and tourism are sources of renewable revenues.

There are various groups of risks. Environmental risks include:

Exploration & Production: Seismic studies, Infrastructure, Drilling muds and Produced water, Blowouts, Storage: FPSO (single or double hulled)

Transportation: Tank washing (pollution + invasive species), Collisions, Groundings, Leaks

Socio-economic Impacts could include: Reduced food security; Increased poverty; Social destabilization (nationally and internationally); and Wasted economic resources.

Oil and gas development and transportation already present challenges to both East and West African Coastal States and are on the rise. To plan effectively, decision makers need information (which is available) and time (which is short). The Conventions could greatly assist in this, and that would be helpful.

There are several strategic options that are available to help governments to be proactive, rather than reactive (better proactive than reactive): Strategic environmental assessments (inter-ministerial, national / regional); Spatial planning (zoning); Best technologies and practices; Independent Social/Environmental impact studies at the project level; EITI (Extractive Industries Transparency Initiative); PSSA (Particularly Sensitive Sea Areas), which give governments the right to restrict or more tightly control transportation in those area, and provide an opportunity for regional collaboration for managing marine transport; International Conventions (e.g. MARPOL, Nairobi Convention, Abidjan Convention); Dialogue and Consultation between Ministries, at national and regional levels; and Draw up a regional regulatory framework (within the Conventions?), before the oil and gas development really starts up.

Governments need to have short, medium and long term plans (for example, using oil and gas revenues to develop alternative energy sources):

Short-term: Ensure that existing and planned operations avoid impact on the areas of greatest importance for biodiversity, fisheries, and tourism, and minimise impacts on all other areas.

Medium-term: Use oil and gas development as a means to finance a transition *from* oil to renewables and to support social and environmental initiatives.

Longer-term: Recognising that oil and gas are non-renewable resources, invest revenues in economic diversification activities and to provide sustainable funding for developmental and social priorities (trust funds?).

Some key questions to consider: How can we *maximize the benefits* and *reduce the negative impact* of oil and gas development on the marine environment and the people who depend upon it? How can the Conventions and their COPs make a difference? The Conventions could consider: Catalysing regional planning (SEAs, PSSA, etc., possibly linked to LMEs); Promoting the harmonization of legislation; and Strengthening East/West African collaboration

Annex XIII

Presentation on the CSIR ACCESS project

Mr Neville Sweid from the CSIR made a presentation on the newly established Africa Centre for Climate and Earth System Science (ACCESS) project, which will look at the regional implications of global climate changes. He first discussed climate change vulnerability and impacts on the coastal and marine communities in Africa, including: declining fisheries; ocean level rises; changes in rainfall patterns, leading to floods, droughts and changes in vegetation dynamics and agriculture; species loss. Challenges to Africa include: knowledge gaps and uncertainties; need for skills to address them; the lack of a regional perspective on a global problem.

The goals of ACCESS are to: carry out research in order to provide reliable projections of *regional* climate change; ensure knowledge transfer that will lead to societal benefits; provide career development in ESS and numerical skills in complex systems analysis.

The ACCESS vision includes:

ACCESS Science and Earth Observation technology innovation will have made an impact in *reducing uncertainties* of climate projections in *Southern and Sub-Saharan Africa* to a level that makes it possible to forecast seasonal and longer term climate scenarios and impacts with reasonable confidence;

ACCESS will have become an *internationally recognised regional* centre of excellence for understanding the role of the adjacent oceans (the South Indian and Atlantic, and especially the Southern Ocean) and African terrestrial systems in the way the earth system adjusts to forcing of the global climate system;

ACCESS will provide an understanding of *Southern African climate* of the much warmer past: 3 Million Years ago, when temperatures were 3 – 5°C warmer and when early humans emerged in Southern Africa. This approach serves as a means to understand what temperature, wind and rainfall conditions we could expect to experience in a worst case scenario of global warming;

ACCESS as a *centre of science and technology excellence* will, within 5 years, double the current production rate of PhD and Masters graduates in the earth sciences disciplines;

Provider of ongoing stakeholder oriented projections of seasonal – decadal regional climate in the coupled Southern African land – ocean – atmosphere system;

Provide an understanding of which changes to our governance systems would be necessary to support a sustained development agenda and a habitable planet. This aspect together with the science will link through the appropriate state, regional agency and private sector institutions to support the evolution of adaptation and mitigation strategies and actions.

Over the next ten years, ACCESS plans to:

Encourage a new and larger generation of young Southern African and African Earth Systems Scientists strong in new skills of complex systems modelling and problem analysis;

Support adaptation of governance systems in order to anticipate and respond to the challenges of climate change;

Support the development of an internationally recognized centre for Climate Change Science and competitive technological edge in Earth Observations;

Provide a strong and clear role in the international climate change/Global warming voice.

Immediate priorities of ACCESS include: secure funding; engaging stakeholders; develop a Science Plan, Operational Plan and Outreach Plan; begin implementation. It was stressed that this is going to be a centre for all of Africa, not just South Africa. Most of the research on climate change has been done outside of Africa, and does not provide a regional perspective on this global issue. ACCESS is looking for partners to make this a significant and world class effort, and to strengthen the position of developing countries in the global debate.

Annex XIV

Presentation on South-South cooperation

Nairobi & Abidjan Conventions Opportunities for South-South Cooperation

Strategic and operational approaches in the context of UNEP

- SSC goal of developing countries
- Hampered by various constraints
- Registered significant achievements in:
 - *finance*
 - *trade, industry & business*
 - *development*
 - *science, research, education, information technology*
 - *transport & related services*
 - *food security*
- Environment not accorded priority - but now major focus area

SSC Policy frameworks & strategies

- UNDP: Buenos Aires Plan of Action - *3rd Cooperation Framework*
 - UNCTAD: Sao Paolo Consensus - *Technical Coop. Strategy for UNCTAD*
 - UNESCO: Article 12 – Cultural Diversity - *The Global Alliance for Cultural Diversity*
 - FAO: Special Program for Food Security - *South-South Cooperation Initiative*
 - UNEP: Bali Strategic Plan - *need strategy for UNEP SSC?*
-
- Group of 77 and China
 - OECD
 - G-8
 - UN summit
 - UN system (UNDP, UNCTAD, UNESCO, etc.)
 - Global & regional fora (declarations)
-
- Capacity building, training
 - Research and technology transfer
 - Information and knowledge exchange
 - Networking
 - Advisory support and services
 - Technical cooperation
 - Resource mobilisation
-
- Development of strategic & operational guidelines
 - Integration of SSC in UNEP Programmes of Work
 - Initiation of start-up SSC projects
 - Development of a Clearing-House Mechanism
 - Partnership development (UN, MEAs, etc.)
 - Liaison with regional cooperation mechanisms

- Comprehensive outreach effort
- Operationalise SSC for delivery of TS and CB
- Support initiatives with demonstratable results
- Harness potential of regional institutions
- Identify & build partnerships with “pivotal countries”
- Advocacy approaches for promotion of SSC
- Develop and strengthen focused networks
- Develop linkages with other SSC initiatives
- Involve civil society, science & research
- Promote triangular cooperation

to bring together *seekers* and *providers* of goods, services, and information, thus *matching demand* and *supply*, regulated under a set of information flow mechanisms.

Strengthen *regional & national capacities* for the integrated management of the coastal and marine environment within the framework of the *Bali Strategic Plan*

Programme of work – 2008 - 2012

- Assessment
- Management
- Coordination & legal aspects
- Information & awareness
- Other issues
- Mapping resource value
- Oil and gas exploration - SEA
- Waste management
- Large Marine Ecosystem management
- Ecosystems goods and services
- Destination management
- Governance
- Policy formulation & analysis
- Enabling institutions
- Negotiations
- Information dissemination
- Private sector involvement
- Capacity building (*training, attachments, etc.*)
- Research & technology transfer
- Information & knowledge exchange
- Networking (*institutions/centres of excellence*)
- Advisory support & services
- Best practices, case studies

- Long-term technical cooperation
- Partnerships with other SSC initiatives

- Identify SSC-specific capacity building needs
- Identify available South-specific expertise, experiences, best practices, etc. to meet needs
- Identify opportunities & practical mechanisms to facilitate & maximise SSC expertise.
- Institutional arrangements (coordination & consultation, implementation)
- Sustaining SSC initiatives

Thank you

Annex XV

Report of the Executive Director of the United Nations Environment Programme at the fifth meeting of the Contracting Parties to the Nairobi Convention on the implementation of the Nairobi Convention work programme 2004–2007

Background

1. The Nairobi Convention for the Protection, Management and Development of the Marine and Coastal Environment of the Eastern African Region was signed in 1985 and came into force in 1996, making it one of 17 regional seas conventions and action plans. The Regional Seas Programmes offer an effective platform on which to build improved implementation of international agreements, programmes and initiatives related to oceans, seas, coasts and the catchments affecting them.
2. The Nairobi Convention area extends from Somalia in the north to the Republic of South Africa, covering 10 States, five of which are island States in the Western Indian Ocean. The Contracting Parties are Comoros, France (La Reunion), Kenya, Madagascar, Mauritius, Mozambique, Seychelles, Somalia, Tanzania and the Republic of South Africa.
3. The Western Indian Ocean supports regionally important fisheries, with industrial fishery landings of approximately 280,000 metric tonnes per annum; for example, in 2002 fisheries exports exceeded \$940 million. The main industrial fisheries include the tuna fisheries, and smaller fisheries for, squid, lobster and prawns. The fishing industry provides a significant contribution of foreign exchange to the region.
4. Coastal tourism is an important industry in Mauritius, Seychelles, Kenya, Tanzania and the Republic of South Africa. The tourism industry is rapidly growing in Mozambique, Madagascar and Comoros. In Mauritius for instance, the contribution of tourism to the Gross Domestic Product (GDP) increased from 3% in 1995 to 13% in 2001. The total direct employment in the tourism industry has more than doubled, increasing from about 9,000 to 20,000 between 1990 and 2001.
5. In Kenya, tourism generates an average of 18% of the foreign exchange earnings and contributes 9.2% to GDP. It also provides 270,000 jobs both directly and indirectly. Coastal tourism contributes over 60% of Kenya's tourism earnings and accounts for 45% of the coastal economy. However, in the last two decades, increased population pressure, urban development and poverty have contributed to physical alteration and the destruction of coastal habitats, resource over-exploitation and water quality degradation. Unregulated land use patterns and poor regulatory regimes reduce the aesthetic, cultural and tourism value of the coasts and also reduce the protection of the coasts thus increasing coastal erosion rates.
6. Some coastal urban hotspots are densely populated and rapidly industrializing. Those hotspots are facing a multitude of problems stemming from unplanned and unregulated land use patterns worsened by poor regulatory regimes. At the same time, there is an interest in exploring and exploiting potential oil and gas reserves, which could further exacerbate the destruction of critical habitats such as coral reefs, mangroves, beaches and sea grass meadows.
7. The Nairobi Convention provides a mechanism for regional cooperation, coordination and collaborative actions, and enables the Contracting Parties to harness resources and expertise from a wide range of stakeholders and interest groups towards solving interlinked problems of the coastal and marine environment.
8. The Nairobi Convention plays a coordinating role in the implementation of a series of intervention projects developed under the New Partnership for Africa's Development (NEPAD) environment initiative. The aim is to stem any further degradation of the marine environment and to reverse the degradation and destruction of critical habitats.
9. The Nairobi Convention is an important platform for dialogue between Governments and the civil society at the regional and national level. Partnerships between the Nairobi Convention and regional non-governmental organizations such as The World Conservation Union (IUCN) and Western Indian Ocean Marine Science Association (WIOMSA) have encouraged government focal points to work together with NGOs to share expertise and experience with an aim of stemming the multitude of problems associated with unplanned urbanization and poor regulatory regimes.

Ecosystems approach to manage marine and coastal resources

10. The Nairobi Convention covers countries that are rich in biodiversity and natural resources. Most of the marine and coastal ecosystems are transboundary in nature and the impacts from human activities often extend across national boundaries. The work Programme for the Nairobi Convention 2008-2011 will promote an ecosystem-based, multi-sector approach in policy and management, taking into consideration, whole systems rather than individual components and focusing on systems integrity.

11. An ecosystems approach to manage marine and coastal resources addresses the interconnectedness between land-based activities, fresh water systems and coastal and marine environments. The approach recognizes the effect of the environment on the resource being exploited and the effect of resource exploitation on the environment. This approach ensures that there is a balance between sustainable use and the fair and equitable sharing of the benefits arising out of the utilization of marine and coastal resources over time.

12. The two major ecosystems in the Western Indian Ocean (WIO) region, i.e. the Agulhas and Somalia Current Large Marine Ecosystems (LMEs), contain important critical habitats such as sea grass beds, coral reefs and mangrove forests. These habitats are areas of high diversity and are critical fish spawning and nursery areas that provide other vital ecological services, such as shoreline shelter from ocean swells.

13. The Global Environment Facility (GEF), with the support of the Contracting Parties to the Nairobi Convention and their development partners, have embraced the ecosystems approach and are investing over \$78 million, between 2004 and 2011, to support LME projects in the Western Indian Ocean. The three main projects include; The South West Indian Ocean Fisheries Project (SWIOFP; Budget- \$35.67 million), implemented by The World Bank ; The Agulhas and Somalia Current Large Marine Ecosystem project (Budget - \$31.186 million), implemented by UNDP; and the project addressing land-based activities in the Western Indian Ocean (WIO-LaB; Budget-, \$11.413 million implemented by UNEP.

Progress in implementation of Nairobi Convention work programme 2004-2007

14. At the fourth meeting of the Contracting Parties held in Antananarivo in July 2004, the Contracting Parties, in decision CP.4/1.1, approved the Work Programme 2004 – 2007. At the same meeting, the Contracting Parties launched the GEF-funded project entitled “Addressing land-based activities in the Western Indian Ocean(WIO-LaB)”and the Swedish International Development Agency (Sida) supported project entitled “Strengthening the coordination mechanisms, management and assessment activities within the Nairobi and Abidjan Conventions” (2003-2007). Both projects are executed by the secretariat of the Nairobi Convention, United Nations Office of Project Services (UNOPS), and the National Focal Points of the Nairobi Convention.

15. The WIO-LaB project’s primary focus is on major environmental problems that lead to the degradation of the marine and coastal environment due to land-based activities. The project is a direct follow-up to the recommendations of World Summit for Sustainable Development (WSSD) in 2002.

16. The funding by Norway, GEF, and the Contracting Parties is evidence of a strong partnership between the participating countries and development partners. The total budget for the WIO-LaB project is \$11.413 million, from; Contracting parties (\$3,136,750); the Norwegian government (\$3,395,650); UNEP (\$375, 000); and the GEF (\$4,511,140

17. The WIO-LaB Project is designed to serve as a UNEP’s Global Programme (GPA) of Action for the Protection of the Marine Environment from Land-based Activities demonstration project, to achieve three objectives, namely;

- (a) Reduce stress to the ecosystem by improving water and sediment quality;
- (b) Strengthen regional legal basis for preventing land-based sources of pollution; and
- (c) Develop regional capacity and strengthen institutions for sustainable, less polluting development.

18. The long-term development objective of the project is to contribute to the environmentally-sustainable management and development of the WIO region by reducing land-based activities that impact on rivers, estuaries and coastal waters and their biological resources. The project is intended to show-case on how the implementation of the GPA can result in the adoption of domestic financing of National Programmes of Action for reducing land-based sources of marine pollution and degradation.

19. Since its inception in 2005, the WIO-LaB project has made considerable progress in establishing regional frameworks to support the management of land-based activities and sources (LBA) of pollution in the WIO region, by hosting capacity-building workshops for government officials, experts and initiating specific demonstration projects for effective LBA management.

20. The WIO-LaB project has prepared a regional Transboundary Diagnostic Analysis (TDA) focussed on land-based activities in the WIO Region. TDA is the basis for a regional a Strategic Action Programme (SAP) on land-based activities for the WIO region. Under SAP, a number of priority interventions and activities will be implemented, as priorities for the 2008-2011. The key themes of SAP include;

- (a) Pollution from land-based sources and activities.
- (b) Physical Alteration and Destruction of Habitats (PADH)
- (c) Changes in freshwater flows and sediment loads.
- (d) Cross-cutting issues

21. These thematic areas are focused on (a) monitoring and assessment, (b) management, (c) governance, (d) information management, (e) capacity building and awareness.

Progress in implementation of WIO-LaB Project;

22. WIO-LaB Project has made substantial progress; several national and regional reports and activities have been completed. For instance, the lead national institutions in all participating countries have prepared National Pollution Status Reports as well as proposals for the implementation of National Water and Sediment Quality Monitoring. Regional Water and Sediment Quality Monitoring Programme has been put in place and in addition, equipments have been purchased for key laboratories in some countries to facilitate their participation in the Monitoring Programme.

23. On the legal aspects, the project has undertaken a review of gaps in national policy, legal and institutional frameworks, including the status of ratification of environmental conventions relevant to land-based sources and activities. Based on recommendations from the Legal and Technical Regional Task Force, a draft Protocol on Land-based Sources and Activities (LBSA) for the Nairobi Convention has been developed and reviewed at both regional and national-levels. The draft LBSA Protocol will be submitted for endorsement at the Contracting Parties meeting for a decision on the need for a conference of plenipotentiaries in 2008.

24. Once the draft LBSA Protocol for the Nairobi Convention has been adopted, the Protocol will strengthen the regional legal basis for preventing land-based sources of pollution; and develop regional capacity and strengthen institutions for sustainable, less polluting development, including the implementation of the Nairobi Convention and its Action Plan as approved by participating countries.

25. The project has finalised a regional assessment on the status of Municipal Wastewater Management in all the participating countries and has prepared National and Regional Reports on the Status of Municipal Wastewater Management in the Western Indian Ocean region.

26. The project has also undertaken a review of the approaches (including policy, legal and institutional frameworks) adopted by Contracting Parties in the implementation of Environmental Impact Assessment (EIA). The project has through a participatory process led by a Regional Working Group on Environmental Impact Assessment, developed Regional Guidelines on Environmental Impact Assessment for the assessment of transboundary and cumulative environmental impacts in the WIO region. These guidelines that have also been reviewed at national level, will assist the participating countries to address challenges of assessing impacts of development projects that have the potential to affect more than one country.

27. WIO-LaB Project is supporting the implementation of demonstrations projects intended to promote innovative interventions that will lead to the reversal of the degradation of the coastal and marine environment in the WIO Region. These demonstration projects are focussed mainly on the management of municipal wastewater using constructed wetlands and integrated algal ponding systems; restoration of degraded mangrove forest areas through community led re-plantation programmes and provision of alternative livelihood systems; management of the use of coastal and marine resources through ecotourism; and the promotion of better approaches for waste management in ports. These demonstration projects are designed to be replicated at both regional and national level and it is expected that through their implementation, countries will develop strategies to ensure wide dissemination of the applied approaches.

28. The WIO-LaB Project has also hosted several regional training workshops to strengthen the capacity for sustainable management of the coastal and marine environment in the WIO region. A training and education needs assessment has been completed with the support of the Western Indian Ocean Marine Science Association (WIOMSA). In response to the recommendations contained in the training and education needs assessment reports, several training workshops were organized in order to build capacity on a wide array of disciplines including the development of leadership skills; analysis and monitoring of various categories of water and sediment pollutants. Through the demonstration projects component, the project has assisted participating countries to develop necessary capacity on project formulation, development, implementation, monitoring and evaluation..

29. The project is also supporting the establishment of an information system and clearing-house mechanism for the Nairobi Convention to facilitate effective information exchange for improved management of the coastal and marine environment. The clearinghouse is destined to be a sustainable 'first port of call' for information on the coastal and marine environment in the Western Indian Ocean region.

30. The implementation of the GEF funded WIO-LaB project "Addressing Land-based Activities in the Western Indian Ocean" (2004-2008) within the framework of the Nairobi Convention Secretariat has ensured the successful implementation of the Nairobi Convention work programme.

31. Since inception in 2005, the WIO-LaB project has made considerable progress in establishing regional frameworks to support LBA management, by providing capacity-building workshops for government officials and initiating demonstration projects for effective LBA management in the participating countries.

32. The Strategic Action Programme (SAP) on land-based activities for the WIO region developed with the support of the WIO-LaB Project would be finalised by the end of 2008. The SAP outlines a number of priority interventions and activities that will be implemented as priorities for the Nairobi Convention for the period 2008-2011.

33. The WIO-LaB Project established a range of Working Groups and Task Forces at both regional and national level. The Task forces are a good mechanism to exchange ideas and experiences between experts from a wide array of disciplines across the WIO region. These working groups have also enhanced the profile of the Nairobi Convention, by enabling the participation of a broad range of stakeholders in conventions activities.

34. The project is supporting the establishment of an information system and clearing house mechanism for the Nairobi Convention to facilitate effective information exchange for improved management of the coastal and marine environment

Progress in implementation of the project "Strengthening the coordination mechanism, management, and assessment activities within the Nairobi and Abidjan Conventions"

35. In 2003 UNEP and Sida signed an agreement for SEK 9,600,000. The agreement was administered by the Swedish National Board of Fisheries (SBF). The objective was to strengthen the coordination structures within the secretariat of the Nairobi and Abidjan Conventions; provide support to the Regional Coordinating Units; support the National Focal Points and establish thematic Task Forces. This process was aimed at enhancing efficiency in implementation of the priority components of the work Programmes through partnerships with regional institutions and NGOs.

36. Key activities implemented under the terms of the agreement include the following;

(a) Review of the work programmes for 2004-2007 and 2005-2007, for the Nairobi and Abidjan Conventions, and preparations of the Conventions' Work Programmes for 2008-2011. The work programmes will be presented and adopted during the present meeting of the Contracting Parties for the Nairobi and Abidjan Conventions respectively.

(b) Establishment of Task Forces. The secretariat together with IUCN, and WIOMSA established a Group of Experts on Marine Protected Areas (GEMPA), which is hosted by WIOMSA. GEMPA with support from IUCN was responsible for developing toolkit on Marine Protected Areas. The secretariat also entered into an agreement with IUCN, where IUCN reviewed all programmes on integrated coastal management projects and the management effectiveness of Marine Protected Areas (MPAs), and launched a toolkit on Marine Protected Areas through a series of workshops in the region.

(c) Review and update the Nairobi Convention, Protocol on Protected Areas and Wild Fauna and Flora; and Protocol on combating marine pollution in cases of emergency in cooperation with IMO. The Nairobi Convention, engaged experts in 2003-2005 to review the text of the Nairobi Convention. The experts provided the background and rationale on the need for the revision, of the Convention and justifications for new protocols. The final bit of the review process was undertaken within the auspices of the WIO-LaB project.

(d) The Abidjan Convention and its protocols have been reviewed and updated through collaboration with the Guinea Current Large Marine Ecosystem (GCLME) project, and a new LBA protocol has been developed. However, GCLME only covers 16 countries; with Sida support, the secretariat invited the six countries namely; Senegal, Gambia, Cape Verde, Angola, Namibia, and the Republic of South Africa to participate in the internal review process.

(e) The secretariat-established partnerships with national focal institutions through MOUs. The memoranda's main objective is to strengthen the Nairobi Convention's national focal points; to operationalise their offices; and to compile State of Marine Environment Reports. The status reports are the foundations for an effective and continuous reporting mechanism for the Nairobi Convention. Draft national status reports on the coastal and marine environment reports have been posted on the Conventions Website.

(f) The Focal Points Institutions, also established inter-sectoral committees to deal with issues relating to the marine and coastal environment. These inter-sectoral committees have:

- (i) Ensured a more coordinated approach in addressing coastal management issues;
- (ii) Improved inter-sectoral information exchange and have provided a one stop-source for information on the implementation of the two conventions;
- (ii) Laid the basis for a reporting mechanism on the coastal and marine environment (feeding into the conventions' information clearing house mechanisms);

(g) Development of regional monitoring databases, with geographical information systems integration and tools for analysis, and support for the internet-based meta-database on programmes, projects and institutions: The secretariat supported the development of the East African Coastal Database and Atlas during 2004-2007. Further development and upgrading of this database into a regional clearinghouse and information sharing system has been considered through the WIO-LaB project and its implementation through UNEP's Division of Early Warning and Assessment is progressing smoothly. The secretariat will provide support and establish collaboration with the LME projects to facilitate a similar process in the Abidjan Convention area. In addition, the Nairobi Convention secretariat has engaged two National United Nations Volunteers for a period of one year to collate, manage and disseminate national and regional data and information and to develop the Nairobi and Abidjan Conventions websites.

(h) Provision support to the Regional Coordinating Units and strengthening coordination between RCU and the secretariat. Through an MOU between UNEP and the respective ministries in Seychelles and Côte d'Ivoire, the secretariat provided support to the RCU to meet the operational costs for the interim coordinators in the Convention area.

(i) In accordance with decision CP3/9 of the COP3 of the Nairobi Convention on the Small Island Developing States (SIDS), a project entitled "Piloting innovation in SIDS: Protection of surface and ground water supply and waste water management in African SIDS" was developed by the Secretariat. The project has tentatively been positively considered for funding by GEF. The final version of the proposal will be submitted to the GEF by the end of this year (2007).

37. Sida and the Joint Secretariat of the Convention have reviewed progress made in implementing the agreement annually since 2005. The first review meeting was held in May 2005 and the second meeting review meeting was held in September 2006. The third review meeting was held in October 2007.

Partnership building;

38. The Contracting Parties to the Nairobi Convention directed the secretariat to facilitate the establishment of the network of academic and research institutions in the region. In response, UNEP signed an MoU with WIOMSA to facilitate the establishment of the Forum for Academic and Research Institutions (FARI) in the Eastern African region. The first informal meeting of FARI was held in May 2005 and the formal launch of FARI was undertaken in September 2005. With the financial support from IOC-UNESCO, WIOMSA and UNEP, the first training workshop for FARI was held in October 2005 in Mozambique where heads of academic and research institutions were trained in advanced leadership skills. IOC - UNESCO through ODINAFRICA Project has also supported a number of training workshops on advanced leadership, team building and proposal writing in 2006.

39. FARI provides key inputs in the development of project proposals to be implemented by the Nairobi Convention at the regional level. FARI will also facilitate the sharing of information between the institutions as well as enhance cooperation between regional universities and research institutions. FARI will also identify and coordinate and promote collaboration in the implementation of joint regional research programmes that are in line with the objectives of the Nairobi Convention.

40. In July 2006 and in partnership with WWF, IUCN and WIOMSA, the Nairobi Convention Secretariat catalysed the establishment of the “Consortium for Conservation of Coastal and Marine Ecosystems in the Western Indian Ocean”. The consortium, referred to as the “WIO-C”, is a partnership between major NGOs and other organizations in the Western Indian Ocean, namely WWF, IUCN, WIOMSA, EAWLS, CORDIO, IOC, WCS and NEPAD. The WIO-C is anchored in the Nairobi Convention. The WIO-C is designed to improve information exchange, synergy and coordination between NGOs working on coastal and marine environment issues in the Western Indian Ocean region. Strengthening the WIO-C and building on this partnership is an important component of the Work Programme for the Nairobi Convention, as reflected by the incorporation into the Convention’s Work Programme of relevant elements of the work plans and activities from partner NGOs

Objectives of the 2008–2011 Work Programme

41. The main objectives for the 2008–2011 Work Programme is to facilitate the use of the Nairobi Convention as the platform for increasing collaboration with its partners and also facilitate the implementation of the marine and coastal elements of the environment programmes of regional organizations and partnerships such as the New Partnership for Africa’s Development (NEPAD), African Ministerial Conference on the Environment (AMCEN), and the African Ministers’ Council on Water (AMCOW). The Work Programme is also intended to contribute to building regional capacities for the integrated management of the coastal and marine environment within the framework of the UNEP’s Bali Strategic Plan for Technology Support and Capacity-building and facilitate interregional South-South cooperation.

42. The Work Programme will promote the implementation of the protocol on land-based activities and seek the integration of the provisions of the Nairobi Convention into national policy, legal, institutional and financial frameworks, and national development processes, including poverty reduction strategies, country common assessments and domestic budgets, particularly for those countries where coasts and oceans have a major impact on social and economic development. The Work Programme will also promote and facilitate integrated management of coastal areas to safeguard coastal habitats and combat physical alteration of the coast, in part by building linkages with river basin and watershed management, and by using ecosystems-based management approaches, especially in the context of the interlinkages between land-based activities and the marine environment.

Main Elements of the 2008–2011 Work Programme

43. The 2008–2011 Work Programme will address the following clusters, or themes, of activities, albeit to differing extents, depending on funding, availability of partnerships and capacity.

(a) **Assessments:** This covers the assessment of ecosystems and habitats, and focuses on activities that assess; status of coastal and marine ecosystems and resources; land-based activities and sources of pollution; and socio-economic issues, including economic evaluation of goods and services provided by the marine and coastal ecosystems. The main objective of the activities under this theme is to create better understanding and knowledge of the coastal and marine ecosystems in order to support decision-making for the sustainable use of marine resources.

(b) **Management:** This includes implementation of programmes and activities that seek to reduce or prevent degradation of the coastal and marine environment. Activities will be based on management of: ecosystems and resources; and land-based activities and sources of pollution. The

main objective under this theme is the effective management, sustainable use and protection of the marine and coastal environment of the Eastern African region.

(c) **Coordination and legal aspects:** The objective of the activities under this theme is to strengthen the coordination structure within the Nairobi Convention and to develop an adequate legal and institutional framework for the effective and coordinated. The focus is on improving coordination of activities (including reporting mechanisms and information exchange), and institutional strengthening for the implementation of the Convention.

Information and awareness: This theme focuses on the exchange of information with communities as well as public awareness raising, community empowerment and capacity building. Activities will include: information management and exchange; awareness, capacity building and community empowerment; and increased visibility of the Convention. The objective of this theme is to provide information in an easily accessible and understandable format to assist in the decision-making processes for the management of the marine and coastal resources, and to raise awareness among the public of the importance of the marine and coastal environment.

Funding for 2008–2011 Work Programme

44. The Work Programme for the Nairobi Convention is funded by Governments, through the Eastern African Trust Fund, and by donors through multilateral or bilateral agreements. With the continually expanding scope of the work programmes, it is essential that the financing not only adequately meets the needs, but is also predictable. Contributions by Contracting Parties have unfortunately, been neither sufficient to meet the demands nor have they been predictable. Since the fourth meeting of the Contracting Parties, France, Madagascar, South Africa, Kenya, Mozambique and Mauritius have paid their contributions to the Trust Fund. Only a few Contracting Parties to the Nairobi Convention have consistently met their obligations to the trust fund. The lack of universal participation has been a continuous challenge.

45. Due to variable funding of the Convention, the Work Programme presents three potential funding scenarios, namely; Current, Improved and Optimal level for the activities outlined in the Work Programme.

(a) The “Current” level of funding envisages no significant increase of funding from member countries for the period 2008-2011. The funding over the past four years has come from a few countries contributing to the Trust Fund. There was significant funding from Sida, GEF and the Norwegian Government (for the WIO-LaB project). The total funds available for the period 2004-2007 were about \$9.47million. This funding level was able to maintain the current staff posts of 1 Programme Officer, 1 Junior Programme Officer and one Administrative Assistant (shared between the Nairobi and Abidjan Conventions), as well 2 professional project officers that will end by 2009. The activities in the Work Programme for 2008-2011 will mainly consist of normative functions for example, preparing and convening the focal points meetings; coordinating the implementation of collaborative activities with partner agencies, NGOs and national institutions. The secretariat will also follow up on the decisions of the Contracting Parties; transmit to the Contracting Parties any relevant notifications, reports and other information received by the secretariat from the Contracting Parties and other partners. Without an increase in resources, the Secretariat’s ability to engage in catalytic activities will be constrained.

(b) The “Improved” level of funding would envisage an increase in the predictability and level of contributions from Contracting Parties. All Contracting Parties will strive to meet their obligations to the Trust Fund. The budget will be maintained at US\$312,000 per year. Correspondingly, the Secretariat would maintain a staffing level of 2 Programme Officers, an Administrative Assistant and a Secretary. Under this scenario, the secretariat would be able to support a limited number of catalytic activities based on existing lists of priorities and programmes. It is expected that this will lead to increased impact of the convention at the regional and national levels. The focus of the Nairobi Convention secretariat would gradually shift to national-level activities, integration, visibility, capacity building and implementation of SAP.

(c) The “Optimal” level of funding envisages that all Contracting Parties will meet their obligations to the Trust Fund, and the secretariat will leverage additional funds from funding agencies, e.g. GEF, donors, programmes and collaborating partners. It is also envisaged that UNEP will also provide extra support to the secretariat for a limited period of 2008-2011. Under this scenario, the Secretariat in collaboration with its partners, will further define and implement priority catalytic activities based on existing lists of priorities and programmes identified under SAPs. This scenario would allow for considerable increase in both activities and human resources and would allow the Nairobi Convention secretariat to become a significant agent of change and an effective partner in the

sustainable development of coasts and oceans in Eastern and Southern Africa, including the island states.

Conclusions

46. The Joint COP5 and COP8 will review progress and successes achieved by Governments, key partners and stakeholders towards the implementation of the objectives of the Nairobi Convention in the period 2004-2007. The COPs offers contracting parties an opportunity to share experiences, lessons learnt and ideas to manage coastal ecosystems that are trans-boundary in character. Joint COP5 and COP8 will also adopt Work Programme that will serve as a tool for the secretariat and the collaborating partners to catalyst change in the management of the marine and coastal environment in countries that are Contracting Parties to the Nairobi Convention.

47. The Joint COP5 and COP8 will discuss and take decision that focus on ecosystems-based management approaches especially in the context of multi-sectoral approach in policy and management. The Joint COPs will discuss and take decision that focus on strengthening and building partnerships as reflected by the incorporation into the Convention's Work Programme of relevant elements of the work plans and activities of partner NGOs, including the implementation of other GEF-funded SWIOFP and ASLME projects.

48. The Contracting Parties to the Nairobi and Abidjan Conventions will be required to make decisions, which provide a firm basis for the strengthening of the Conventions. The member countries will also be required to provide guidance on how to improve the level of funding of the Conventions work.

49. A number of decisions will have to be taken by the 5th and 8th meeting of the Conference of Parties to the Nairobi and Abidjan Conventions, to enable the secretariat sustain the revitalisation process which may include decisions related to the following.

(a) Approval of the work programme and firm commitment on the part of the contracting parties to contribute to the Trust Fund; b) Agreements on the measures to be taken in the short term to develop and put in place a sustainable financing mechanism for the Conventions; c) The governments will agree to pay assessed contributions on a regular basis, d) Adoption of a new institutional and co-ordinating mechanism which allows for joint programmes involving the Nairobi and Abidjan Conventions.

(b) Other key decision s will include; agreement on the use of Strategic Environmental Assessments (SEA) for oil and gas exploration and exploitation in Eastern and Southern Africa including the island states. (b) Implementation of Article 76 of the Law of the Sea on the delineation of the continental shelf; (c) Impacts of climate change; mitigation and adaptations measures. (d) Endorsement of a Draft Protocol concerning land-based activities and sources of pollution (the LBA).

50. Finally, the most important decision should be on mechanisms to finance the work programme, activities and operations of the Nairobi Convention and contributions to the Trust Funds by Contracting Parties.

Annex XVI

Financial and budget tables for the Regional Seas Trust Fund for the East African Region

Annex XVII

2008–2011 work programme for the implementation of the Nairobi Convention

I. Introduction

A. The Nairobi Convention

1. Recognizing the environmental uniqueness of the coastal and marine environment of the region, the threats and the necessity for action, the countries of the Western Indian Ocean region requested UNEP to create a regional seas programme for the region. UNEP's Governing Council decision 8/13C of 29 April 1980 created the Eastern African Regional Seas Programme and further requested UNEP to assist the Governments of the region to formulate and implement a programme for the proper management and conservation of marine and coastal resources. Subsequent to the 8th session of the Governing Council of 1980, UNEP supported the development of the Eastern African Action Plan, and a Convention on the Protection, Management and Development of the Marine and Coastal Environment of the Eastern African Region (Nairobi Convention).

2. The countries of the region met in 1985, to adopt an action plan for the protection, management and development of the marine and coastal environment of the Eastern African region. In addition, they signed the Convention and its two protocols concerning collaboration in combating pollution in cases of emergency, and concerning protected areas and wild fauna and flora. The Convention and its two protocols entered into force on 30 May 1996 and were ratified by all the signatory countries in 1999, and by South Africa in 2002.

B. Background to the Jointly Held COPs

3. In 1981 and 1985, the adoption of the Convention for Cooperation in the Protection and Development of the Marine and Coastal Environment in the West and Central African Region (Abidjan Convention) and the Convention for the Protection, Management and Development of the Marine and Coastal Environment of the Eastern African Region (Nairobi Convention) generated great hopes for the people and communities that share the marine and coastal resources in all coastal states in Sub-Saharan Africa. However, by 1998, due to inadequate finances and unpredictable contributions to the trust funds of the two Conventions, it became clear that there was need for an innovative approach to sustain the two sub-Saharan Regional Seas Conventions.

4. In 1998, a series of high-level intergovernmental meetings took place, including the Pan-African Conference on Sustainable Integrated Coastal Management in July 1998 in Maputo, and the Cape Town Conference on the Protection and Management of the Marine and Coastal Environment in December 1998. As a result of the two meetings, the African Governments agreed on an African process for the protection, management and development of the coastal and marine environment in the declaration which they adopted: "The Cape Town Declaration of December 1998". The Heads of State and Government Summit of the Organization of African Unity (OAU) in Algiers, Algeria also endorsed that process in July 1999.

5. The conclusions of the two conferences were equally clear: African governments need to take urgent measures to halt and reverse the downward trends in the implementation of the Abidjan and Nairobi Conventions, which are two vital instruments for the protection, management and development of the coastal and marine environment in Sub-Saharan Africa.

6. There has been burgeoning commitment to the Conventions, as demonstrated by the number of ratifying countries. By 2006, fourteen out of twenty-two countries had ratified the Abidjan Convention. Sierra Leone and Liberia ratified the Abidjan Convention as recently as 2005, and another three countries (Sao Tome, Mauritania, and Cape Verde) are currently in the process of ratifying the Convention. All of the ten countries that are signatory to the Nairobi Convention have ratified the Convention. The Republic of South Africa, which had previously been excluded in the two Conventions, ratified both the Nairobi and Abidjan Conventions in 2002. Since the first Conference of Parties (COP), there has been an increased level of attendance by ministers as well as high-level representatives of major NGOs. In addition, some of the governments have started to contribute to the Trust Funds. The governments therefore see the Conventions as suitable frameworks for managing coastal and marine issues.

7. In the last four years (2004-2007), the Nairobi Convention has been able to leverage resources from various sources, including US\$3.4million from the Norwegian government and US\$4.2million from the GEF for the WIO-LaB project, a project implemented by the Joint Secretariat of the Abidjan and Nairobi Conventions focusing on the degradation of the marine and coastal environment in the Western Indian Ocean due to land based activities. Sida has been a very consistent partner and in the last four years has supported the two Conventions with US\$1.3million. Five governments from the Eastern African region have consistently contributed to the Nairobi Convention's East Africa Trust Fund, to a total of US\$566,000 over the 2004-2007 period. Large marine ecosystems (LMEs) have also been used as the frameworks for GEF-funded projects which address a cross-cutting range of transboundary coastal and marine environmental issues. It is these achievements that the jointly held Conferences of Parties (COPs) will build upon.

8. During the COP 7 of the Abidjan Convention, which was held in Gabon in March 2005, the Republic of South Africa offered to host the COP 8 of the Abidjan Convention alongside the COP 5 of the Nairobi Convention in parallel sessions. This offer was discussed and supported in a meeting of the focal points for the Nairobi Convention, held in Tanzania in November 2005.

9. The jointly held COPs will be organised in collaboration with the New Partnership for Africa's Development (NEPAD), under the umbrella of the African Union. The collaboration with NEPAD builds on an agreement reached during the launch of the Interim Secretariat of NEPAD (SINEPAD) in Dakar in November 2002. The countries participating in the NEPAD donor meeting requested NEPAD that the Joint Implementation Mechanism of the Nairobi and Abidjan Conventions should act as a central instrument in the implementation of the environmental component of NEPAD, especially with regards to the marine and coastal environment.

10. The 5th COP of the Nairobi Convention and the 8th COP of the Abidjan Convention are therefore organised to take stock of the progress made from the multiplicity of projects and programmes that have been implemented since the adoption of the two Conventions, and to build on this momentum and the increased political commitment. The jointly held COPs provide an important opportunity to generate increased visibility for the Conventions and increased commitment to be expressed through contributions to the Trust Funds, ratification and a sense of ownership amongst Contracting Parties.

II. 2008–2011 Work Programme of the Nairobi Convention Secretariat

A. Overview

11. As part of a comprehensive and ambitious exercise to revitalize the Nairobi and Abidjan Conventions, one of the measures utilised by African governments was the development of a biennial work programme. The first Work Programme for the Nairobi Convention was adopted at its second Conference of the Contracting Parties, held in Mauritius in November 1999. This was followed by the 2002–2003 and 2004–2007 work programmes. Based on these work programmes, the Nairobi Convention Secretariat, partners and individual countries successfully carried out a number of activities, largely with the support of the UNEP Environment Fund. These achievements have laid a solid foundation for continuous efforts in the same direction.

12. The 2004–2007 Work Programme covered two biennia, so as to be in line with other relevant ongoing programmes within UNEP and other partners. The previous work programmes focused on the following four themes: assessment; management of coastal and marine ecosystems; coordination and legal aspects; and cross-cutting issues. The four themes are linked and designed to provide a cohesive and integrated holistic programme. In particular, the assessment theme is closely linked to the management theme. The activities under management, coordination and legal aspects and crosscutting issues were successfully implemented because UNEP provided the resources and there was good collaboration with other organizations and partners.

13. The work programme for 2008-2011 maintains this momentum by building on previous successes, and by strengthening and increasing the linkages between partners, programmes and projects. The Work Programme is highly collaborative in nature, reflecting the increased coordination among stakeholders working in marine and coastal issues. The Secretariat works closely with collaborating partners such as regional NGOs and various national and research institutions.

14. For example, in July 2006 and in partnership with WWF, IUCN and WIOMSA, the Secretariat catalysed the establishment of the "Consortium for Conservation of Coastal and Marine Ecosystems in the Western Indian Ocean". The consortium, referred to as the "WIO-C", is a partnership between major NGOs and other organisations in the Western Indian Ocean, namely WWF, IUCN, WIOMSA, EAWLS, CORDIO, IOC, WCS and NEPAD. Anchored in the Nairobi Convention, the WIO-C is designed to

improve information exchange, synergy and coordination between NGOs working on coastal and marine environment issues in the Western Indian Ocean region, and to move towards a joint programmatic approach in addressing these issues. Strengthening the WIO-C and building on this partnership is an important component of the Work Programme, as reflected by the incorporation into the Convention's Work Programme of relevant elements of the work plans and activities from partner NGOs.

15. The Work Programme will also build on the momentum generated by a number of activities implemented over the past few years, including those activities that have received support from Sida: *the Protection and Management of the Coastal and Marine Environment of Eastern Africa Project; Assessment and Control of Marine pollution from land based activities in the Eastern African region; the Eastern African Coastal Resource Database and Atlas project* (EAF/14). These three projects had tremendous impact on capacity building, maintaining momentum for the Nairobi Convention and initiating Integrated Coastal Areas Management (ICAM) in all countries in the region.

16. Under the latest Sida supported project "*Strengthening the coordination mechanisms, management and assessment activities within the Nairobi and Abidjan Conventions*" (2003-2007) the Secretariat has implemented a series of activities to strengthen the implementation of the two Conventions. Most activities have been undertaken in collaboration with NGOs and institutions, which has enabled the Secretariat to broaden its base of partners and to secure the support of civil society in supporting the implementation of the Convention and its work programme. Through the Sida project, the Secretariat has been able to support the establishment of the WIO-C. The Secretariat has also worked in partnership with IUCN to support managers and practitioners in Kenya, Tanzania and Seychelles to be trained in effective MPA management using a newly produced toolkit and workbook for MPA management effectiveness.

17. Many of the coordinating structures of the Convention have been strengthened, most importantly national representation through the focal points. A focal points forum and specific terms of reference for the focal points have been established. The focal points institutions have been supported to operationalise their offices and to initiate a reporting mechanism for the Convention by compiling national status reports on the coastal and marine environment. The support has also contributed to strengthening the task forces of the Convention, such as the Forum of Academic and Research Institutions (FARI) and the Coral Reef Task Force (CRTF). The national reporting mechanism for the Convention and the strengthened task forces will give guidance on national priorities within coastal and marine management in preparation for the Convention's Work Programme for 2008 and onwards.

18. The implementation of the mainly GEF funded WIO-LaB project "*Addressing Land Based Activities in the Western Indian Ocean*" (2004-2008) within the framework of the Nairobi Convention Secretariat has provided great support for the improvement of the management of land-based activities affecting the coastal and marine environment (LBAs) in the region, and thereby also ensured the successful implementation of a large part of the Nairobi Convention work programme. Since its inception in early 2005, the project has made considerable progress in establishing regional frameworks to support LBA management, providing capacity building for government officials and initiating demonstration projects for effective LBA management in the involved countries.

19. Among other activities, the project is supporting the establishment of an information system and clearinghouse mechanism for the Nairobi Convention to facilitate effective information exchange for improved management of the coastal and marine environment. Another initiative within the project is a small grants programme directed at civil society, which will be the first step in a long term partnership between the Nairobi Convention and the GEF Small Grants Programme. The project also facilitated the drafting of a Protocol on Land-based sources and Activities which, if adopted, will become the third instrument under the Nairobi Convention.

20. The WIO-LaB project has ongoing activities until 2009. These are listed under the 2008-2011 Work Programme. The WIO-LaB project will also produce a Strategic Action Plan (SAP) on land-based activities for the WIO region. Under the SAP, there will be a number of priority areas and activities to be implemented, although additional funding will be required either from the Trust Fund, or from contributions by donors and partners. Therefore the implementation of the SAP is listed in the Work Programme under the optimal funding scenario (see below for descriptions on funding).

21. The present 2008-2011 Work Programme outlines how the Secretariat of the Nairobi Convention will build on the momentum that has been achieved from implementing catalytic activities funded by Sida, and from the growing awareness on coastal and marine resources being created by programmes and projects being supported or implemented by WWF, IUCN, WIOMSA and other NGOs in the region. The Work Programme focuses on the promotion, facilitation and implementation of the

objectives of the Nairobi Convention in an integrated, mainstreamed and cross-sectoral manner at regional and national levels.

22. The Work Programme, which is a collaborative programme developed with partners and key stakeholders, serves as a tool for the Secretariat and the collaborating partners to catalyse change in the management of the marine and coastal environment in countries that are Contracting Parties to the Nairobi Convention, thereby contributing to the achievement of agreed goals and targets as they relate to the sustainable development of coasts and oceans. The structure of the Work Programme has been influenced by various factors that affect the number and the mode of implementation of activities namely funding, partnerships and capacity, as described below.

23. **Funding:** The Work Programme for the Nairobi Convention is funded by governments, through the East African Trust Fund, and by donors. The assessed contributions of the Contracting Parties to the Trust Fund are outlined in Table 1 below. With the continually expanding scope of the work programs, it is essential that the financing not only adequately meets the needs, but is also predictable. Contributions by Contracting Parties have, unfortunately, been neither sufficient to meet the demands nor have they been predictable. Although a few Contracting Parties to the Nairobi Convention have consistently met their obligations to the trust fund, the lack of universal participation has been a continuous challenge. Because of this, the Joint Secretariat must do most of its work through partnerships.

Contracting Party	Assessed annual contribution (in USD)
Comoros	15,100
France (Reunion)	78,000
Kenya	45,302
Madagascar	22,651
Mauritius	30,201
Mozambique	45,302
Seychelles	15,100
Somalia	15,100
South Africa	37,500
Tanzania	45,302

24. Due to this variable funding, the Work Programme presents three potential funding scenarios for the activities outlined in the Work Programme.

(a) The “Current” level is the current situation, with no significant increase of funding from member countries for the upcoming period of 2008-2011. As described in the previous section, the funding over the past four years has come from Sida, GEF and the Norwegian government (for the WIO-LaB project), and from a few countries contributing to the Trust Fund, bringing the total for 2004-2007 to US\$9.47million. At this level, the current staff posts of 1 Programme Officer, 1 Junior Programme Officer and 2 administrative assistants (shared between the Nairobi and Abidjan Conventions), as well as specific Project personnel, will be maintained. The activities in the Work Programme will mainly consist of: preparing and convening the meetings of Contracting Parties; co-ordinating the implementation of collaborative activities with partners agencies, NGOs and national institutions; following up on the decisions of the Contracting Parties; transmitting to the Contracting Parties any relevant notifications, reports and other information received by the Secretariat from the Contracting Parties and other partners; considering enquiries by, and information from, the Contracting Parties and consulting with them on questions relating to the Convention and its protocols. Without an increase in resources, the Secretariat’s ability to engage in catalytic activities will be constrained.

(b) The “Improved” level of funding would see an increase in the predictability and level of contributions from Contracting Parties as more strive to meet their obligations to the Trust Fund. If all the Contracting Parties were to pay their contributions, the increase in funding over the “Current level” would amount to an additional US\$312,000 per year. Correspondingly, the Secretariat would increase staffing levels to 2 Programme Officers, 1 Junior Programme Officer and 2 administrative assistants for the Nairobi Convention. Under this scenario, the Secretariat would be able to support a limited number of catalytic activities, based on the existing list of priorities and programmes, leading to increased impact at the regional and national levels. The focus of the Nairobi Convention Secretariat would gradually shift to national-level activities, integration, recognition and implementation.

(c) The “Optimal” level is one in which all Contracting Parties meet their obligations to the Trust Fund, and the Secretariat would leverage additional funds from funding agencies, GEF, donors, programmes and collaborating partners, while UNEP would support the Secretariat for a limited period. Under this scenario, the Secretariat, in collaboration with its partners, would identify and implement priority catalytic activities, based on the existing list of priorities and programmes. After identifying gaps in the Work Programme at the national level, it would then implement activities that would support national governments to fill these gaps. This scenario would allow for considerable increase in both activities and manpower, and would allow the Nairobi Convention Secretariat to become a significant agent of change and an effective partner in the sustainable development of coasts and oceans.

25. **Availability and priorities of partnerships:** Most of the Work Programme is collaborative between the Secretariat, governments, donors, NGOs and UN agencies. The Secretariat relies on the partners to execute the activities at the national level. Most of the activities and programmes listed under the 2008-2011 Work Programme will be implemented within existing partnerships, however new partnerships will be developed in order to implement some priority activities that may be beyond the scope and capacity of the Convention at the current level of funding. Other items that may be higher priorities cannot be accomplished until partnerships are developed.

26. **Capacity:** This includes technical, legal and administrative capacities. Administrative capacity includes coordination at various levels, and needs to provide linkages and structure between the various programmes, projects, partners and the Secretariat.

B. Main Objectives of the 2008–2011 Work Programme

27. All activities supported or undertaken by the Nairobi Convention Secretariat in 2008–2011 will be designed to achieve the overall objective of strengthening its role as a platform for promoting synergies and coordinating implementation of regional initiatives for the protection of the marine and coastal environment. The specific objectives are as follows:

(a) Facilitate the use of the Nairobi Convention as the platform for increasing collaboration with, and implementation of, the marine and coastal elements of the environment programmes of regional organisations and partnerships, such as the New Partnership for Africa’s Development (NEPAD), African Ministerial Conference on the Environment (AMCEN), and the African Ministers’ Council on Water (AMCOW);

(b) Contribute to building regional capacities for the integrated management of the coastal and marine environment within the framework of the Bali Strategic Plan for Technology Support and Capacity-building and facilitate interregional, South-South coordination;

(c) Promote the recognition and integration of the provisions of the Nairobi Convention into national policy, legal, institutional and financial frameworks, and national development processes, including poverty reduction strategies, country common assessments and domestic budgets, particularly for those countries where coasts and oceans have a major impact on social and economic development or provide a major basis of such development;

(d) Provide continued guidance on the development of institutional, legal and financial mechanisms that are necessary to support the long-term implementation of the Nairobi Convention, recognizing that many countries implement the Convention in the framework of other sustainable development policies, strategies and programmes;

(e) Promote and facilitate integrated management of coastal areas to safeguard coastal habitats and combat physical alteration of the coast, in part by building linkages with river basin and watershed management, and by using ecosystems-based management approaches, especially in the context of the connection between land based activities and the marine environment.

C. Main Elements of the 2008–2011 Work Programme

28. The elements of the Work Programme listed below are clustered under the different funding scenarios. The “Current” level is the current situation, with no significant additional funding from member countries and with minimal ability to engage in catalytic activities. Increasing levels of support would correspond to increasing levels of catalytic activities and increased impact at the regional and national levels, in order to further the implementation of the Convention.

29. The 2008–2011 Work Programme will address the following clusters, or themes, of activities, albeit to differing extents, depending on funding, availability of partnerships and capacity. These themes are an extension of the themes used in the previous Work Programme, and based on the same rationales presented in the Report of the fourth meeting of the Contracting Parties to the Convention for the

Protection, Management and Development of the Marine and Coastal Environment of the Eastern African Region (UNEP(DEC)/EAF/CP.4/6).

30. **Assessments.** This covers the assessment of ecosystems and habitats, and focuses on activities that assess: Ecosystems and resources; Land based activities and sources of pollution and Socio-economic issues, including economic evaluation of goods and services provided by the marine and coastal environment. The main objective of the activities under this theme is to create better understanding and knowledge of the coastal and marine environment in order to support decision-making for the sustainable use of marine resources.

31. **Management.** This includes implementation of programmes and activities that seek to reduce or prevent degradation of the coastal and marine environment. Activities will be based on management of: Ecosystems and resources and Land based activities and sources of pollution. The main objective under this theme is the effective management, sustainable use and protection of the marine and coastal environment of the Eastern African region.

32. **Coordination and legal aspects.** This focuses on the revision and updating of the Nairobi Convention and its related protocols, improving coordination of activities (including reporting mechanisms and information exchange), and institutional strengthening for the implementation of the Convention. Activities will be focused on: Revision of Nairobi Convention and its protocols; Coordination of approaches to management of land based activities; Coordination with contracting parties, partners and other organisations; and Institutional strengthening. The objective of the activities under this theme is to strengthen the coordination structure within the Nairobi Convention and to develop an adequate legal and institutional framework for the effective and coordinated implementation of the Nairobi Convention in collaboration with all relevant partners.

33. **Information and awareness.** This theme focuses on the exchange of information with communities, as well as public awareness raising, community empowerment and capacity building. Activities will include: Information management and exchange; Awareness, capacity building and community empowerment; and Increased visibility of the Convention. The objective of this theme is to provide information in an easily accessible and understandable format to assist in the decision-making processes for the management of the marine and coastal resources, and to raise awareness among the public of the importance of the marine and coastal environment.

34. Activities in the themes have been identified at the regional and national levels. The higher levels of funding would allow, at the request of Governments, a greater emphasis on supporting national governments in recognising, integrating and implementing the Nairobi Convention across sectors and into major development processes.

35. The listing of activities is not meant to be exhaustive. It is an indication of the type of activities which the Nairobi Convention Secretariat will undertake in collaboration with other partners.

D. Main Activities of the 2008–2011 Work Programme

Assessments

36. The Convention's Secretariat only directly funds assessments related to WIO-LaB's pilot projects. Otherwise, the Secretariat relies on information provided by assessments conducted by partners. The Secretariat will identify gaps in the national status reports that are being provided by focal points, and then seek out partners who can help to fill those gaps.

37. At the "Current" level, activities will focus on:

(a) Collecting and synthesizing data on coastal habitats and their threats, to support a regional analysis;

(b) Under the WIO-LaB project: Filling in gaps in knowledge of priority pollutants and sources, and determining coastal hot spots; Undertaking a preliminary assessment of ecosystem goods and services, and their economic values related to coastal habitats; Collecting and synthesizing data on coastal habitats, pollution sources, river-coast interactions, and economic valuations of ecosystem goods and services.

38. As the level of resources increases towards the “Optimal” level, the scope of activities will include:

- (a) Supporting assessments that fill in the information gaps identified in the National Status Reports;
- (b) Promoting and supporting assessments and socio-economic evaluations that highlight the social and economic impacts of coastal degradation and pollution, and provide an economic valuation of the goods and services that coasts and oceans provide.

Management

39. Land-based activities will continue to provide a significant focus, generated by the considerable progress made by the WIO-LaB project in establishing regional frameworks to support LBA management, providing capacity building for government officials and initiating demonstration projects for effective LBA management in the involved countries. The WIO-LaB will produce a Strategic Action Plan (SAP) for land-based activities, and at optimal levels of funding, the Secretariat will support the implementation of this SAP.

40. Previous Sida-funded projects initiated Integrated Coastal Areas Management (ICAM) in all countries in the region. This focus on ICAM will be maintained under the WIO-LaB project.

41. Previously the Secretariat worked in partnership with IUCN to support managers and practitioners in Kenya, Tanzania and Seychelles to be trained in effective marine protected areas (MPA) management using a newly produced toolkit and workbook for MPA management effectiveness. Under higher levels of financing, this work in strengthening the management of MPAs will be expanded upon.

42. At the “Current” level, the focus will remain on the following activities:

- (a) Collaborating with the SWIOFP and ASCLME projects;
- (b) Maintaining activities under the WIO-LaB project that address degradation of water quality, physical alteration and destruction of habitats, and changes in fresh water flows and sediment loads, including a demonstration project on Integrated Coastal Area and River Basin Management (ICARM) in the Incomati River Basin.

43. At the “Improved” level of resources, activities will include:

- (a) Developing Integrated Water Resource Management mechanisms and Water Use Efficiency strategies for Small Island Developing States;
- (b) Promoting more localised activities for the management of land based activities and sources of pollution.

44. As the level of resources increases towards the “Optimal” level, further activities will include:

- (a) Supporting the implementation of the SAP developed under the WIO-LaB project, including activities dealing with degradation of water quality, physical alteration and destruction of habitats, and changes in fresh water flows and sediment loads;
- (b) Promoting cooperation in, and catalysing activities for, the establishment and coordinated management of protected coastal and marine areas, and trans-boundary ecosystems;
- (c) Supporting the strengthening of the management of protected coastal and marine areas, including training of technical personnel and managers in the conservation of wildlife and habitats, and mapping of critical coastal and marine habitats.

Coordination and Legal Aspects

45. The Regional Seas Strategic Direction 5 (“*Enhance the use of Regional Seas as a platform for the coordinated implementation of multilateral environmental agreements and global initiatives*”) has been taken one step further, by focusing increasingly on using the Convention as a platform for increased collaboration. Indeed, the development and implementation of the 2008-2011 Work Programme is a collaborative endeavour, based on partnerships, between the Secretariat, governments, donors and non-governmental organisations. The Work Programme’s activities are implemented through collaborative partnerships (e.g. between the Secretariat and Recomap with regards to regional management activities), and contribute to NEPAD’s vision and work programme.

46. In conjunction with this, strengthening the WIO-C and building on this partnership will be an important component of the Work Programme, as reflected by the incorporation into the Convention's Work Programme of relevant elements of the work plans and activities from partner NGOs.
47. Strengthening of the focal points will continue to be a priority, and will build on the momentum generated through the focal point forum, development of specific terms of reference and the initiation of a reporting mechanism for the Convention. The efforts to strengthen the task forces of the Convention, such as the Forum of Academic and Research Institutions (FARI) and the Coral Reef Task Force (CRTF), will continue. The national reporting mechanism for the Convention and the strengthened task forces will provide the Secretariat with continual guidance on national priorities within coastal and marine management.
48. A new protocol on land-based activities and sources of pollution has been developed under WIO-LaB, and the next stage will be the ratification process, which the Secretariat will support. A document on regional guidelines for Environmental Impact Assessments (EIA) and Strategic Environmental Assessments (SEA) has been developed within the framework of the Nairobi Convention. The Secretariat will build on this document by promoting the use of EIAs and SEAs.
49. At the "Current" level, activities will include:
- (a) Preparing and convening the meetings of Contracting Parties;
 - (b) Co-ordinating the implementation of cooperative activities agreed upon by the meetings of the Contracting Parties;
 - (c) Encouraging use of Strategic Environment Assessments;
 - (d) Under the WIO-LaB project: establishing a regional IW coordination mechanism; assisting to strengthen the Nairobi Convention; assisting with the ratification process for the LBA Protocol; establishing regional environmental assessment guidelines; and developing national strategies for managing land based activities and pollution sources;
 - (e) Maintaining the Task Forces established under the Nairobi Convention and WIO-LaB;
 - (f) Promoting the recognition and implementation of the Nairobi Convention in regional development initiatives and programmes;
 - (g) Enhancing closer collaboration between the Convention and the African Ministerial Conference on the Environment and the African Ministers' Council on Water in order to promote integrated coastal and river basin management, and regional economic commissions in order to promote sustainable management of coastal zones.
50. At the "Improved" level of resources, activities will include:
- (a) Continuing to support and strengthen the Regional Coordinating Unit, the Focal Point Forum, Focal Point offices, Task Forces, FARI and the WIO-C;
 - (b) Working closely with development partners, including bilateral donors, UNDP, GEF and the other members of the United Nations Development Group to facilitate coordinated delivery of support and capacity-building as it relates to the Nairobi Convention;
 - (c) Enhancing partnerships and alliances with key actors that are particularly well equipped to participate in country-level, demand-driven processes.
51. As the level of resources increases towards the "Optimal" level, further activities will include:
- (a) Hiring permanent support staff for the Regional Coordinating Units;
 - (b) Supporting the formation of necessary LBA legislation, based on regional standards, and assisting the implementation of the LBA Protocol;
 - (c) Promoting and supporting Integrated Coastal Area and River Basin Management (ICARM) activities in coastal and watershed management programmes and other regional and national development processes.

Information and Awareness

52. Visibility is a vital element for the Convention's progress, a statement that has been re-iterated by partners and NGOs in recent forums, including the LME Consultative Forum, the Bureau meeting and the WIO-C forum. In this light, the Secretariat will focus on improving visibility among

Contracting Parties, partners, NGOs and communities. Much of this theme provides a foundation for this objective.

53. During the last work programme, a reporting mechanism was developed, in which focal points compiled national status reports on the coastal and marine environment. The Secretariat will follow up on this by ensuring the status reports are regularly updated and gaps identified. At higher levels of funding, the Secretariat will catalyse activities to fill those gaps (as previously mentioned under Assessment and Management themes).

54. The WIO-LaB project has supported the establishment of an information system and clearinghouse mechanism (CHM) for the Nairobi Convention to facilitate effective information exchange for improved management of the coastal and marine environment. This will be finalised and maintained over the upcoming Work Programme. In addition, the use of this CHM will be promoted.

55. At the “Current” level, activities will focus on:

- (a) Reporting on the progress of the Work Programme, and disseminating the results to Contracting Parties and other partners;
- (b) Considering enquiries by, and information from, the Contracting Parties;
- (c) Transmitting to the Contracting Parties any relevant notifications, reports and other information received by the Secretariat from the Contracting Parties and other partners;
- (d) Updating National Status reports bi-annually, and identifying information and activity gaps;
- (e) Consulting with Contracting Parties on questions relating to this Convention and its protocols;
- (f) Maintaining and regularly updating the Convention’s website;
- (g) Maintaining the regional Clearinghouse Mechanism;
- (h) Under the WIO-LaB project: Developing a regional information system on the WIO marine and coastal environment; and engaging in various capacity building activities addressing degradation of water quality, physical alteration and destruction of habitats and changes in fresh water flows and sediment loads.

56. At the “Improved” level of resources, activities will include working to increase the visibility of the Nairobi Convention.

57. As the level of resources increases towards the “Optimal” level, further activities will include:

- (a) Facilitating information management and exchange, including sharing of results, best practices etc, through promoting the use of the Clearinghouse Mechanism and linking it to the databases of LMEs and other partners, and by contributing information to and participating in regional environmental ministerial forums, such as AMCOW, and other relevant regional and national forums;
- (b) Developing a communication and training strategy for participation, problem solving, knowledge exchange and awareness raising;
- (c) Promoting and supporting public awareness activities and campaigns, and community-based resource management initiatives.

III. Financial resources

58. The Nairobi Convention Secretariat’s Work Programme 2008–2011 starts from the premise that the current staff posts will be maintained at the “Current” level of resources, and would be expanded as the level of resources increases towards the “Optimal” level. That expansion would support increased activities at the national level. In order for the Convention to become a recognised platform for the implementation of activities and collaborative partnerships, the financial resources will have to be increased. The Nairobi Convention Secretariat depends on government contributions to the Trust Fund as well as donor funding to develop and implement activities.

59. As part of the Work Programme, the Secretariat will continue to encourage Contracting Parties to meet their obligations and contribute to the East African Trust Fund. This proof of increased commitment can assist the Secretariat as it leverages additional funds from other sources. The Secretariat would also support the development of targeted regional sustainable financing mechanisms

to address marine and coastal issues, and would promote and support processes that increase access to funding.

60. It is now fully recognized that the current budgetary resources for the two instruments are insufficient, given the scale and the pace of degradation of the coastal and marine environment. Consequently, a new funding structure must go beyond the pledges made by governments to the Conventions' Trust Funds, but also target private sector, civil society and multi/bilateral partners operating in the Conventions' areas.

THEME 1: ASSESSMENT

This theme covers the assessment of ecosystems, habitats and resources.

1.1) ASSESSMENT OF ECOSYSTEMS & RESOURCES	Responsible Party	Partner(s)	Funding Level		
			Current ³⁶	Improved ³⁷	Optimal ³⁸
A) ACTIVITIES BY THE CONVENTION'S SECRETARIAT					
Collect and synthesize data on coastal habitats and their threats, to support a regional analysis	Convention Secretariat/WIO-LaB	Contracting Parties	X		
Support assessments that fill in the information gaps identified in the National Status Reports	Convention Secretariat/WIO-LaB	Contracting Parties			X
B) ACTIVITIES BY OTHER ORGANISATIONS, PROJECTS & PROGRAMMES					
Biodiversity & key species Assess and monitor biodiversity, key species and commercial resources in various habitats, through a variety of programmes and projects Support research and monitoring of bird species, and update the Convention's annex of bird species	ReCoMap, SWIOFP, ORI, Nature Seychelles, Tanzania WCST, ASCLMEs BirdLife International	GEF, participating countries, SAAMBR, South African NRF			
Harvestable resources Assess and generate baseline information on various harvestable resources, including prawns, invertebrates and fisheries	SWIOFP, ORI, WCS, CORDIO, ASCLMEs	GEF, participating countries, SAAMBR, South African NRF			
Coral reefs Monitor and assess coral reef in terms of health, including impacts of climate change, structure, biodiversity and ecology	ORI, WCS, CORDIO, AIDE	NRF, M&CM, SAAMBR, COI			
Marine protected areas Assess sustainability, management effectiveness and adequacy of established MPAs	ORI, AIDE, ACEP	EU, University of Lisbon, KWS, KMFRI, beach authorities			
Habitats & ecosystems Conduct assessments of key ecosystems and habitats, which could include related function values, management gaps and coastal implications due to climate change	ASCLMEs, ReCoMap, AIDE, EPCO, WWF				
Socio-economic issues Conduct socioeconomic monitoring of coastal resource uses, users and management	WCS, AIDE, CORDIO, ReCoMap, ASCLMEs				
1.2) ASSESSMENT OF LAND BASED ACTIVITIES & POLLUTION SOURCES	Responsible Party	Partner(s)	Funding		
			Current	Improved	Optimal

³⁶ The "Current" level of funding has no significant increase of funding from member countries for the upcoming period of 2008-2011. The budget for the work programme will be limited to USD 180, 000 annually. Any additional activities will be dependent on fundraising opportunities

³⁷ The "Improved" level of funding would see all the Contracting Parties paying their contributions to the Trust Fund. Under the improved level of funding and with increased predictability of contributions from Contracting Parties, the Nairobi Convention will implement a work programme costing US\$312,000 per year

³⁸ The "Optimal" level of funding envisages all Contracting Parties meeting their obligations to the Trust Fund, and the Secretariat would leverage additional funds from funding agencies, GEF, programmes and collaborating partners, while UNEP supports the Secretariat for a limited period of 4 years

A) ACTIVITIES BY THE CONVENTION'S SECRETARIAT					
Fill in gaps in knowledge of priority pollutants and sources, and determine coastal hot spots	Convention Secretariat/WIO-LaB	Contracting Parties	X		
Collect and synthesize available data on river-coast interactions on major WIO river systems	Convention Secretariat/WIO-LaB	Contracting Parties	X		
Develop river basin profile of Incomati River Basin	Convention Secretariat/WIO-LaB	Contracting Parties	X		
1.3) ASSESSMENT OF SOCIO-ECONOMIC ISSUES	Responsible Party	Partner(s)	Funding		
			Current	Improved	Optimal
A) ACTIVITIES BY THE CONVENTION'S SECRETARIAT					
Undertake a preliminary assessment of ecosystem goods and services, and their economic values related to coastal habitats	Convention Secretariat/WIO-LaB	Contracting Parties	X		
Promote and support assessments and socio-economic evaluations that highlight the social and economic impacts of coastal degradation and pollution, and provide an economic valuation of the goods and services that coasts and oceans provide	Convention Secretariat/WIO-LaB	Contracting Parties			X
Undertake SEAs for oil and gas development that take into consideration the potential for transboundary impacts, mitigation measures and local community welfare	Convention Secretariat/WIO-LaB	Contracting Parties			X
B) ACTIVITIES BY OTHER ORGANISATIONS, PROJECTS & PROGRAMMES					
Conduct socio-economic surveys and monitoring	ASCLMEs, SWIOFP, CORDIO, KMF, ORI, ReCoMap, GTA	TFESSD			
Undertake cooperative assessments on invasive species, threats and impacts in the region, with the view to developing management plans, including management of invasive species in Marine Protected Areas	GISP				

THEME 2: MANAGEMENT

This includes implementation of programmes and activities that seek to reduce or prevent degradation of the coastal and marine environment.

2.1) MANAGEMENT OF ECOSYSTEMS & RESOURCES	Responsible Party	Partner(s)	Funding		
			Current	Improved	Optimal
A) ACTIVITIES BY THE CONVENTION'S SECRETARIAT					
Collaborate with the SWIOFP and ASCLME project	Convention Secretariat/WIO-LaB	Contracting Parties	X		
Demonstrate resource restoration and protection, including mangrove, seagrass beds, coral reef, turtle nesting beaches and native forests	Convention Secretariat/WIO-LaB	Contracting Parties	X		
Develop Integrated Water Resource Management mechanisms and Water Use Efficiency strategies for Small Island Developing States	Convention Secretariat	GEF, SIDS Governments		X	
Support the strengthening of the management of protected coastal and marine areas, including training of technical personnel and managers in the conservation of wildlife and habitats, and mapping of critical coastal and marine habitats	Convention Secretariat	Contracting Parties			X
Promote cooperation in, and catalyse activities for, the establishment and coordinated management of protected coastal and marine areas and trans-boundary ecosystems	Convention Secretariat	Contracting Parties			X
Promote good practices in coastal tourism development, in order to protect biodiversity, and the rights and well-being of local communities	Convention Secretariat	Contracting Parties			X
B) COMPLEMENTARY ACTIVITIES BY OTHER ORGANISATIONS, PROJECTS & PROGRAMMES					
Biodiversity & key species Management, conservation and recovery of threatened coastal species	Nature Seychelles, WWF				
Harvestable resources Implement coastal and marine resources conservation projects	ReCoMap, WWF				
Marine protected areas Expand network of MPA, ensuring an ecologically representative network of Marine protected Areas, and strengthen management of existing MPAs	ReCoMap, WWF	KWS, Gatsby Trust, fisheries dept, NEMA			
Habitats & ecosystems Ecosystem and resource restoration and protection, including mangrove, coral reef, turtle nesting beaches, wetlands and native forests	EPCO, EAWLS, Nature Seychelles, GTA, ORI	GEF/SGP, Shell Mauritius, CBOs, MICOA,			
Socio-economic Issues Improve community livelihoods with sustainable, alternative livelihoods programmes, including ecotourism, aquaculture etc	KMF, AIDE, GTA	Pact Kenya, KWS, NEMA, ESOK, fisheries dept., Gombessa Assoc.			
2.2) MANAGEMENT OF LAND BASED ACTIVITIES & POLLUTION SOURCES	Responsible Party	Contracting Parties	Funding		
			Current	Improved	Optimal
A) ACTIVITIES BY THE CONVENTION'S SECRETARIAT					
Develop and adopt a long-term trend monitoring and reporting system on pollution hot spots	Convention Secretariat/WIO-LaB	Contracting Parties	X		
Establish regional Environmental Quality Objectives and Guidelines for Environmental Quality Standards (EQO/EQS) for water and sediment quality	Convention Secretariat/WIO-LaB	Contracting Parties	X		

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Demonstrate appropriate technologies for cost-efficient reduction and treatment of wastewater streams	Convention Secretariat/WIO-LaB	Contracting Parties	X		
Develop a regional toolkit for MWW Management, including tools and guidelines for the selection of appropriate technology, institutional and policy frameworks and financial mechanisms	Convention Secretariat/WIO-LaB	Contracting Parties	X		
Develop a regional marine litter programme	Convention Secretariat/WIO-LaB	Contracting Parties	X		
Generate basic thematic habitat GIS maps for the WIO region	Convention Secretariat/WIO-LaB	Contracting Parties	X		
Demonstrate appropriate approaches and actions to reduce and prevent the degradation of the coastal and marine environment caused by PADH	Convention Secretariat/WIO-LaB	Contracting Parties	X		
Develop tools for PADH Management, including guidelines for the selection of management approaches, stakeholder involvement, institutional and policy frameworks, financial mechanisms, etc.	Convention Secretariat/WIO-LaB	Contracting Parties	X		
Implement a demonstration project on Integrated Coastal Area and River Basin Management (ICARM) in the Incomati River Basin	Convention Secretariat/WIO-LaB	Contracting Parties	X		
Promote more demonstration activities for the management of land based activities and sources of pollution	Convention Secretariat/WIO-LaB	Contracting Parties		X	
Support the implementation of the SAP on land based activities	Convention Secretariat	Contracting Parties, Sida			X
Based on pilot projects created under WIO-LaB, promote replication of appropriate technologies for cost-efficient reduction and treatment of wastewater streams	Convention Secretariat	Contracting Parties			X
Based on pilot projects created under WIO-LaB, promote replication of appropriate approaches and actions to reduce and prevent the degradation of the coastal and marine environment caused by PADH	Convention Secretariat	Contracting Parties			X
Catalyse activities that fill in the management gaps identified in the National Status Reports	Convention Secretariat	Contracting Parties			X
B) COMPLEMENTARY ACTIVITIES BY OTHER ORGANISATIONS, PROJECTS & PROGRAMMES					
• Develop strategies and demonstrate appropriate approaches for the development of sustainable coastal tourism policies and strategies, including through public-private partnerships	UNIDO	Contracting Parties			

THEME 3: COORDINATION & LEGAL ASPECTS

This focuses on the revision and updating of the Nairobi Convention and its related protocols, improving coordination of activities (including reporting mechanisms and information exchange between partners) and with other conventions and partners, and institutional strengthening for the implementation of the Convention.

3.1) REVISION OF THE NAIROBI CONVENTION & ITS PROTOCOL	Responsible Party	Partner(s)	Funding		
			Current	Improved	Optimal
A) ACTIVITIES BY THE CONVENTION'S SECRETARIAT					
Assist with the ratification process for the LBA Protocol	Convention Secretariat	Contracting Parties, Sida	X		
Support the formation of necessary LBA legislation, based on regional standards, and assisting the implementation of the LBA Protocol	Convention Secretariat	Contracting Parties, Sida			X
3.2) COORDINATION OF APPROACHES TO MANAGEMENT OF LAND BASED ACTIVITIES & POLLUTION SOURCES	Responsible Party	Partner(s)	Funding		
			Current	Improved	Optimal
A) ACTIVITIES BY THE CONVENTION'S SECRETARIAT					
Review gaps in existing policy, legal and institutional frameworks for dealing with LBS/A, including the status of ratification of international Conventions	Convention Secretariat/WIO-LaB	Contracting Parties	X		
Develop national strategies for managing LBS/A in the form of National Programmes of Action or related instruments such as ICZM plans, NEAPs, etc.	Convention Secretariat/WIO-LaB	Contracting Parties, Sida	X		
Strengthen national policy, legal and institutional frameworks for LBS/A Management, including the ratification and implementation of relevant multilateral environmental agreements	Convention Secretariat/WIO-LaB	Contracting Parties	X		
Develop Regional/National/Public-Private Partnerships on LBS/A activities	Convention Secretariat/WIO-LaB	Contracting Parties	X		
Identify, strengthen, and involve stakeholders in LBS/A management	Convention Secretariat/WIO-LaB	Contracting Parties, Sida	X		
3.3) COORDINATION WITH CONTRACTING PARTIES, PARTNERS AND OTHER ORGANISATIONS	Responsible Party	Partner(s)	Funding		
			Current	Improved	Optimal
A) ACTIVITIES BY THE CONVENTION'S SECRETARIAT					
Prepare and convene the meetings of Contracting Parties	Convention Secretariat	Contracting Parties, Sida	X		
Co-ordinate the implementation of co-operative activities agreed upon by the meetings of the Contracting Parties	Convention Secretariat	Contracting Parties	X		
Establish a regional IW coordination mechanism with relevant partners, including economic commissions, to coordinate work programmes and share best practices	Convention Secretariat/WIO-LaB	Contracting Parties, Sida	X		
Promote use of strategic environmental assessments, particularly with respect to oil and gas development, to recognise both threats and opportunities	Convention Secretariat	Contracting Parties, Sida	X		
Enhance closer collaboration between the Convention and the AMCEN and, in order to promote integrated coastal and river basin management	Convention Secretariat	Contracting Parties, Sida	X		
Enhance cooperation with regional economic commissions as a mechanism for promoting sustainable management of coastal zones and river basins	Convention Secretariat	Contracting Parties, Sida	X		
Promote the recognition and implementation of the Nairobi Convention in regional development initiatives and programmes	Convention Secretariat	Contracting Parties	X		

Maintain the Task Forces established under the Nairobi Convention and WIO-LaB	Convention Secretariat	Contracting Parties, Sida	X		
Finalise the MoU with GISP and the International Oceans Institute (SA) with the view to addressing invasive species	Convention Secretariat		X		
Support the Task Forces to implement activities	Convention Secretariat	Contracting Parties, Sida		X	
Work closely with development partners, including bilateral donors, UNDP, GEF etc to facilitate coordinated delivery of support and capacity-building as it relates to the Nairobi Convention	Convention Secretariat	Contracting Parties, Sida		X	
Enhance partnerships and alliances with key actors that are particularly well equipped to participate in country-level, demand-driven processes	Convention Secretariat	Contracting Parties, Sida		X	
Promote and support integrated coastal area and river basin management (ICARM) activities in coastal and watershed management programmes and other regional and national development processes (sharing lessons learnt)	Convention Secretariat	Contracting Parties, Sida			X
Support activities for improving coordination of approaches to ecosystem and species management and protection	Convention Secretariat	Contracting Parties, Sida			X
Support activities that address freshwater and coastal zone linkages in integrated regional development plans	Convention Secretariat	Contracting Parties, Sida			X
B) COMPLEMENTARY ACTIVITIES BY OTHER ORGANISATIONS, PROJECTS & PROGRAMMES					
Develop national institutional frameworks for integrated coastal zone management and follow up on their implementation	ReCoMap				
3.4) INSTITUTIONAL STRENGTHENING	Responsible Party	Partner(s)	Funding		
			Current	Improved	Optimal
A) ACTIVITIES BY THE CONVENTION'S SECRETARIAT					
Update the existing TDA and SAP for improvement of long-term planning of the Nairobi Convention	Convention Secretariat/WIO-LaB	Contracting Parties	X		
Strengthen the Nairobi Convention EAF/RCU as the recognized and effective Regional Seas coordinating unit for all regional policies and activities related to coastal and marine resources	Convention Secretariat/WIO-LaB	Contracting Parties, Sida	X		
Continue to strengthen the Regional Coordinating Unit, the Focal Point Forum, Focal Point offices, Task Forces, FARI and the WIO-C	Convention Secretariat	Contracting Parties, Sida		X	
Hire permanent support staff for the Regional Coordinating Units	Convention Secretariat	Contracting Parties, Sida			X
B) COMPLEMENTARY ACTIVITIES BY OTHER ORGANISATIONS, PROJECTS & PROGRAMMES					
Coordinate and finalise the TDA/SAP processes between ASCLMEs, WIO-LaB and SWIOFP	ASCLMEs				
Develop skills for management of organisations and programmes, as well as proposal writing and fund raising	IOC-UNESCO, WIOMSA				

THEME 4: INFORMATION & AWARENESS

This theme focuses on the exchange of information with communities, as well as public awareness raising, community empowerment and capacity building.

4.1) INFORMATION MANAGEMENT & EXCHANGE	Responsible Party	Partner(s)	Funding		
			Current	Improved	Optimal
A) ACTIVITIES BY THE CONVENTION'S SECRETARIAT					
Transmit to the Contracting Parties any relevant notifications, reports and other information received by the Secretariat from the Contracting Parties and other partners	Convention Secretariat	Contracting Parties	X		
Update National Status reports bi-annually, and identify information and activity gaps	Convention Secretariat	Contracting Parties	X		
Report on progress of the Work Programme, and disseminate information to Contracting Parties and other partners	Convention Secretariat	Contracting Parties	X		
Consider enquiries by, and information from, the Contracting Parties	Convention Secretariat	Contracting Parties	X		
Consult with Contracting Parties on questions relating to this Convention and its protocols	Convention Secretariat	Contracting Parties	X		
Maintain and regularly update the Convention's website	Convention Secretariat	Contracting Parties	X		
Maintain the Nairobi Convention's Clearinghouse Mechanism	Convention Secretariat	Contracting Parties, IOC-UNESCO	X		
Develop a regional information system on the WIO marine and coastal environment and its management, including information on invasive species and climate change	Convention Secretariat/WIO-LaB	Contracting Parties, IOC-UNESCO	X		
B) COMPLEMENTARY ACTIVITIES BY OTHER ORGANISATIONS, PROJECTS & PROGRAMMES					
Promote exchange of information between the focus countries, through various means such as: collection, synthesis and storage of data; use of GIS; production of various materials, including book series, newsletters etc	ReCoMap, SWIOFP, ASCLMEs, WIOMSA				
Development of marine biodiversity databases	IOC-UNESCO, AfroBis				
4.2) AWARENESS, CAPACITY BUILDING & COMMUNITY EMPOWERMENT	Responsible Party	Partner(s)	Funding		
			Current	Improved	Optimal
A) ACTIVITIES BY THE CONVENTION'S SECRETARIAT					
Capacity building of municipalities and wastewater authorities in the field of MWW Management	GPA, Convention Secretariat/WIO-LaB	Contracting Parties	X		
Internalise and adopt the GPA PADH checklist and key principles through workshops and information dissemination	Convention Secretariat/WIO-LaB	Contracting Parties	X		
Promote the integrated management of river basin and coastal zones through the application of the ICARM principles	Convention Secretariat/WIO-LaB	Contracting Parties	X		
Develop relevant institutional and thematic expert networks related to LBS/A management as a means of regional capacity building and knowledge exchange	Convention Secretariat/WIO-LaB	Contracting Parties	X		
Provide support to the development and implementation of relevant environmental education programs at all levels on LBS/A issues	Convention Secretariat/WIO-LaB	Contracting Parties	X		
Develop a communication and training strategy for participation, problem solving, knowledge exchange and awareness raising	Convention Secretariat	Contracting Parties, Sida			X

B) COMPLEMENTARY ACTIVITIES BY OTHER ORGANISATIONS, PROJECTS & PROGRAMMES					
Provide training for and build capacity of coastal and marine technicians, MPA managers, resource users, personnel and / or those involved in multilateral negotiations and reporting on MEAs	ReCoMap, WIOMSA, CORDIO, ASCLMEs	Contracting Parties			
Implement publicity, awareness, education and public participation programmes / campaigns at national and regional level, to create awareness on marine and coastal resources conservation and the impacts of activities on the environment	ReCoMap, ORI, ASCLMEs, Nature Seychelles, AIDE, KMF, GTA, EPCO, WCST, EAWLS, WCS, IOC-UNESCO	Wildlife Clubs, NEMA, fisheries dept., authorities			
Use of electronic information systems for awareness and information exchange, such as web-based distant learning courses, GIS	ASCLMEs, SWIOFP, IOC-UNESCO				
4.3) INCREASED VISIBILITY	Responsible Party	Partner(s)	Funding		
			Current	Improved	Optimal
A) ACTIVITIES BY THE CONVENTION'S SECRETARIAT					
Increase the visibility of the Nairobi Convention and facilitate information exchange, by: contributing information to and participating in regional environmental ministerial forums, such as AMCOW, and other relevant forums; launching public awareness campaigns; develop branding / logo; issue regular newsletter	Convention Secretariat	Contracting Parties, Sida			X

THEME 5: CROSS-CUTTING & EMERGING ISSUES

This includes emerging and cross-cutting issues that are not adequately covered in the previous themes, including funding strategies.

5.1) CROSS-CUTTING & EMERGING ISSUES	Responsible Party	Partner(s)	Funding		
			Current	Improved	Optimal
A) ACTIVITIES BY THE CONVENTION'S SECRETARIAT					
Encourage Contracting Parties to meet their obligations and contribute to the Trust Fund, in part by meeting one-on-one with the Parties and by sending invoices	Convention Secretariat		X		
Leverage additional funds from other sources from non traditional partners of the Nairobi convention	Convention Secretariat	Contracting Parties, Sida		X	
Develop targeted regional sustainable financing mechanisms to address marine and coastal issues	Convention Secretariat			X	
Promote and support processes that increase access to funding	Convention Secretariat				X
B) COMPLEMENTARY ACTIVITIES BY OTHER ORGANISATIONS, PROJECTS & PROGRAMMES					
Identify financial sources and revenue generating mechanisms, or provide funding, for various activities	ASCLME, WIOMSA				

Annex XVIII

Decisions of the fifth meeting of the Contracting Parties to the Convention for the Protection, Management and Development of the Marine and Coastal Environment of the Eastern African Region (Nairobi Convention)

The Contracting Parties to the Convention for the Protection, Management and Development of the Marine and Coastal Environment of the Eastern African Region (Nairobi Convention),

Noting with appreciation the Report of the Executive Director of the United Nations Environment Programme (UNEP) on the work of the Secretariat and efforts made to develop a new Work Programme for 2008 to 2011;

Acknowledging the continued political and financial support of the Contracting Parties and the contributions of national, regional institutions and other frameworks as well as the numerous efforts and actions by the respective Contracting Parties and other partners to implement programmes and projects at national and regional levels to promote the aims of the Nairobi Convention, including those concerning the large marine ecosystems;

Also acknowledging the important contributions of UNEP, UNIDO, IMO, UNDP, FAO, UNESCO and the World Bank as the executing agencies of various marine ecosystem projects;

Further acknowledging the support provided by the Global Environment Facility (GEF) and other international financial institutions and cooperation partners, specifically the governments of Sweden, Norway and Belgium, as well as the Indian Ocean Commission, the South West Indian Ocean Commission and the European Union in supporting the implementation of the Nairobi Convention and other programmes and projects for the protection, management and development of the marine and coastal environment of the Western Indian Ocean Region;

Furthermore acknowledging the contributions and work of other partners, including the IUCN, WWF, Western Indian Ocean Marine Sciences Association (WIOMSA), Wildlife Conservation Society (WCS) and the Consortium for Conservation of Coastal and Marine Ecosystems in Western Indian Ocean (WIO-C), and others in supporting programmes and projects for the protection, management and development of the marine and coastal environment in Sub-Saharan Africa;

Noting with appreciation the establishment of the Regional Clearinghouse Mechanism for Data and Information related to the Eastern African Coastal and Marine Environment, as a mechanism for enhancement of networks and exchange of experience and information, including sharing of successful case studies;

Reiterating the critical importance of the Nairobi Convention, its Protocols and its Action Plan as important instruments for the promotion of sustainable development in the Region and the need for their continuous review within the global context;

Further reiterating the need to strengthen the Regional Coordinating Unit as the operational Secretariat in the region to ensure the effective implementation of the Nairobi Convention;

Recalling the decisions of the Conference of Parties concerning review of the Nairobi Convention and its Protocols, as well as the development of a new Protocol to the Nairobi Convention concerning Land based Sources and Activities (LBSA);

Noting further the progress made so far in the implementation of the Project “Addressing Land-based Activities in the Western Indian Ocean (WIOLAB)”, including some of its key outputs such as the drafts of the LBSA Protocol and Strategic Action Plan (SAP), and various national and regional assessment reports and capacity building programmes;

Noting with concern the status of environmental degradation in Somalia including illegal unregulated, and unreported fishing activities and pollution of the marine environment which may have impacts at the regional level;

Reiterating the need for a renewed commitment from the Governments of the Contracting Parties through political action and sustained financial support;

Hereby decide as follows:

CP 5/1. New Work Programme for 2008–2011

1. *To request* the Secretariat to review the work programme to include clear-cut activities with appropriate timelines and indicators by end of February 2008 and implement the Work programme accordingly;
2. *To further request* the Secretariat to update the work programme by indicating the estimated amount required under each financial option for inclusion in the Work Programme
3. *To approve* the new Work Programme and budget for 2008–2011;
4. *To decide* that the components of the Work Programme for 2008–2011 should focus on the following thematic areas, namely:
 - (a) Assessment of coastal and marine ecosystems and habitats;
 - (b) Management aimed at implementation of programmes and activities that seek to reduce or prevent degradation of the coastal and marine environment;
 - (c) Coordination and legal aspects, including the revision and updating of the Nairobi Convention and its related Protocols, improving coordination of activities and information exchange, and institutional strengthening for the implementation of the Convention ;
 - (d) Information and education, focusing on the exchange of information with communities, as well as education, awareness raising, advocacy, community empowerment and capacity building; and
 - (e) Cross cutting and emerging issues, and funding strategies including cooperation with NGOs/ partners.
5. *Take note* of progress made in the development of an updated Transboundary Diagnostic Analysis and Strategic Action Plan concerning land based sources and activities for the Western Indian Ocean Region and request the Secretariat to facilitate and expedite the negotiation and finalization, and to initiate as appropriate implementation, of any approved Strategic Action Plan for the Region on the basis of the current Framework Strategic Action Plan;
6. *To request* the Secretariat to continue to collaborate with, and mobilise support from other relevant institutions within and outside the Region to ensure cooperation in the implementation of the programme of work and exchange of views on the developments and protection of the marine and coastal environment in order to avoid duplication of effort in the activities and actions benefiting the Region;
7. *Further to request* the Secretariat to strengthen the institutional and co-ordination mechanism of the Nairobi Convention, including the Regional Co-ordinating Unit and the national Focal Points, and to request the Focal Points, who have not yet done so, to establish inter-ministerial committees, in order to improve the implementation of the Work Programme for 2008–2011;
8. *To urge* the Contracting Parties to implement country-specific actions and activities that are in support of, or complementary to, the Work Programme of the Nairobi Convention and its Protocols and report on the progress to the Secretariat;
9. *To review* the progress of implementation of the work programme during the next Conference of Parties.

CP 5/2. Protection of ecosystems and endangered species

10. *To endorse* and support the use of the eco-system based management approach, including the involvement of up stream countries, for the conservation of the coastal and marine areas of the Region;

11. *To endorse* the establishment of a Western Indian Ocean – Marine Turtle Task Force, in partnership with the CMS/IOSEA Marine Turtle Memorandum of Understanding, and take note of the Terms of Reference agreed by the Fourth Meeting of IOSEA Signatory States.

CP 5/3. Assessment and monitoring activities

12. *To reiterate* the Contracting Parties' reporting obligations especially with regard to compliance and enforcement of the Nairobi Convention and its Protocols;

13. *To further request* the Secretariat to conduct a study on compliance and enforcement of the Convention and its Protocols since it came into force and make proposals on improved compliance and enforcement, and report on the results at the next Conference of Parties;

14. *To urge* the Contracting Parties to promote the use of Strategic and other Environmental Assessments with regard to projects and programmes with transboundary effects, including transboundary projects and programmes, in order to identify threats and opportunities in the marine and coastal environment, in particular as it concerns, coastal and off-shore oil development and oil transportation, taking also into consideration the role of IMO;

15. *To develop further* projects on adaptation to climate change, and leverage funds for these projects from the international community, including the GEF and the Adaptation Fund among others;

16. *To develop* research projects and promote the sharing of experiences to determine the impact of sea level rise and cyclones on coastal habitats and the risk that these pose to the Contracting Parties.

CP 5/4. Revision of the Nairobi Convention and related Protocols

1. *To note* the progress being made in the preparation of the LBSA Protocol to the Nairobi Convention, prepared within the framework of the WIO-LaB project and in response to earlier decisions of the Contracting Parties, in particular decisions CP.1/4, CP.2/1, CP.3/6 and CP.4/7;

2. *To request* the Secretariat to organise the negotiation to finalise the text of the LBSA protocol and to convene a Conference of Plenipotentiaries to adopt the Protocol by end of December 2009;

3. *To note* the progress being made in the revision of the Nairobi Convention and to request the Secretariat to organise the negotiation to finalise the text of the revised Convention and to convene a Conference of Plenipotentiaries to adopt the revised Convention by end of December 2009.

CP 5/5. Strengthening partnerships and institutional mechanisms

1. *To note with appreciation* the establishment of the Consortium for the Conservation of the WIO Coastal and Marine Ecosystems (WIO-C) and the Forum of Academic and Research Institutions (FARI), including their mandates and structures, as important mechanisms for coordination and implementation of the Work Programme;

2. *To request* the Secretariat to strengthen existing partnerships and collaborative arrangements, establish new ones and enhance the participation of civil society and the private sector in the development and implementation of the programme of work;

3. *To encourage* the Contracting Parties to promote South-South Cooperation in projects and programmes.

4. *To request* the Secretariat to look into the possibilities of creating regional activity centres for the implementation of the Convention Protocols as appropriate and to report at the next COP.

5. *To request* the Secretariat to reinforce the RCU based in Seychelles in order to allow it to fulfil its mandate and to consider the possibility of establishing the Secretariat at the RCU and to report on progress made at the next COP

CP 5/6. Small Island Developing States

1. *To note* with appreciation the efforts of the Nairobi Convention to develop a project to address major environmental concerns and resource management in Small Island Developing States (SIDS), and to invite the funding agencies, including the GEF, to provide the necessary resources to implement the project;

2. *To develop* further projects on adaptation to climate change, taking into account the specific situation of SIDS, and leverage funds for these projects from the international community, including the GEF and the Adaptation Fund among others;.

3. *To develop* research projects and promote the sharing of experiences to determine the impact of sea level rise and storm surges on coastal habitats and the risk these pose to SIDS.

CP 5/7. Support to Somalia

1. *To request* the Secretariat to facilitate measures to support Somalia in its effort to improve environmental management, and also request the Secretariat to involve Somalia as appropriate in all regional programmes and projects.

CP 5/8. Financial matters

1. *To extend* the East African Trust Fund until such time as the Contracting Parties decide otherwise;

2. *To urge* the Contracting Parties to enhance the financial sustainability of the Convention through:

- (a) Timely contribution to the East African Trust Fund by Contracting Parties;
- (b) Payment of unpaid pledges;
- (c) Co-financing the implementation of projects and activities of common interest;
- (d) Mainstreaming the Convention in national policies, strategies, plans and budgets;
- (e) To explore other financial mechanisms for implementation of the Nairobi Convention and its Protocols including its Work Programme and any approved Strategic Action Programme.

Annex XIX

Presentation of the draft protocol on land-based sources and activities

The presentation highlighted the importance of an LBSA Protocol, in particular the impacts of land based pollution on coastal zones. The protocol concerns cooperation of the Contracting Parties of the Nairobi Convention to prevent, reduce, mitigate and control pollution and degradation of the environment from land-based sources and activities, and to ensure environmentally sound management of natural resources.

There is a need for an LBSA Protocol, because:

- 80% of all marine pollution globally comes from land based sources and activities
- The coastal and marine environment, goods and services have great socio-economic importance
- There is a need for a regional approach in the protection of marine and coastal environment
- There is a lack of specific LBSA law under the Nairobi Convention framework
- There has been endorsement by previous COP meetings for the protocol

The process of developing the drafts was outlined:

- 2005 May, Antananarivo, Madagascar: Establishment of Regional Legal and Technical Task force (Regional Task Force) under WIO- LaB Framework.
- Inception meeting of the Regional Task Force, Antananarivo.
- Outline of draft LBSA presented.
- 2005/06: Under supervision of WIO-LaB PMU, 1st draft developed by Regional Legal Consultant. Internally circulated in the UNEP and sister organizations
- 2006 (March): The 1st draft was presented at the 2nd Regional Task force Meeting in Diani, Mombasa.
- Developed 2nd draft LBSA Protocol based on inputs from the Regional Task Force Meeting.
- Circulated 2nd draft LBSA Protocol to the Countries through their Nairobi Convention Focal Points and National Legal and Technical Task Forces.
- Inputs from the countries received under the framework of the National Task Forces, facilitated by WIO LaB Project, several countries sent their comments by end of 2006.
- 2007 (Jan/Feb): The 2nd draft was discussed at the 3rd Meeting of the Regional Task Force, Zanzibar.
- Developed 3rd draft LBSA Protocol and circulated the same to the countries for further inputs.

Now that a 3rd draft is ready:

- A decision has been proposed to the COP 5, to note the draft LBSA Protocol and convene a Conference of Plenipotentiaries to negotiate the details of the draft LBSA Protocol.
- Following the negotiations at the conference of plenipotentiaries, the protocol should be adopted.
- Ratifications of the countries to follow upon adoption.
- Comments from countries still coming in, which will be incorporated in the negotiating draft to follow upon the present 3rd draft LBSA Protocol.

The key features of the protocol include: a detailed preamble and 26 Articles, organized under five themes:

1. General provisions, including definitions, geographical scope, protocol application, and general obligations

2. Provisions on pollution and other degrading activities and sources: includes pollution from point and diffuse sources, degradation from other harmful activities and transboundary pollution
3. Provisions to ensure effective implementation: includes measures of implementation, compliance and enforcement, standards and guidelines, data collection and monitoring and evaluation, EIA and audit, scientific and technological cooperation, technical assistance, public participation, education and awareness, and reporting, exchange and access to information.
4. Institutional and financial arrangements: includes secretariat and coordination, meetings of the parties, national focal points, and financial arrangements.
5. Final provisions: includes annexes, settlement of disputes, signature, ratifications and others.

In addition, there are proposed annexes to the protocol currently under development: on list of priority substances, hotspots, environmental quality standards, and best available techniques and practice.

Annex XX

Launch of regional environmental impact assessment guidelines

There was a launch of the Regional Guidelines for EIA in the Transboundary Context, presented by the Project Manager of the WIO-LaB Project. The presentation included highlights of the WIO-LaB project implementation over the past three years, including demonstration projects and the TDA/SAP. The objectives of the WIO-LaB project were described:

- ◆ Improve the knowledge base and establish regional strategies for the reduction of stress to the marine and coastal ecosystem by improving water and sediment quality
- ◆ Strengthen regional legal basis for preventing land-based sources of pollution
- ◆ Develop regional capacity for sustainable, less polluting development, including implementation of the Nairobi Convention and its action plan

The components of the project, and the activities of each component, were outlined. The WIO-LaB project will also have demonstration projects, which are intended to demonstrate innovative, appropriate and cost effective technical and managerial approaches for addressing the impacts of land-based sources and activities.

The contents of the guidelines were provided:

- ◆ Part A: Introduction and general considerations
- ◆ Part B: Principles of Impact Assessment in the WIO Region
- ◆ Part C: Principles of environmentally sound decision making.
- ◆ Part D: Steering the strategic environmental assessment process
- ◆ Part E: Steering the environmental impact assessment process
- ◆ Part F: Sector guidelines
- ◆ Part G: Template for Reviewing an EIA report

The Permanent Secretary for Kenya was then invited to formally launch the guidelines.

Annex XXI

Presentation on the Agulhas and Somali Currents large marine ecosystem project

There was a launch of the GEF-funded Agulhas and Somali Current Large Marine Ecosystem (ASCLME) Project by a representative of UNDP, David Vousden. ASCLME project is one of three GEF-supported projects in the region and will be implemented by UNDP through UNOPS; the other projects are SWIOFP: Southwest Indian Ocean Fisheries Project (World Bank) and WIO-LaB: Addressing land-based activities in the Western Indian Ocean (UNEP).

The ASCLME covers Comoros, Kenya, Madagascar, Mauritius, Mozambique, Seychelles, Somalia, South Africa and Tanzania. Funding from GEF is US\$12.2 Million, while co-funding amounts to US\$20 Million. The timeframe is 5 years starting from 2007.

The objective is to undertake an environmental baseline assessment of the Agulhas and Somali Current Large Marine Ecosystems, with the aim to provide sufficient baseline data to support an ecosystem-based approach to transboundary management of the two LMEs.

The project has four expected outcomes:

Information captured for development of the transboundary diagnostic analysis, which will include the following outputs:

- Review existing data for development of the TDAs

- Identification of gaps and data needs to populate the TDAs:

- Offshore oceanographic information from priority areas

- Information on near-shore (artisanal/subsistence) fisheries, nursery areas and other biologically rich habitat

- Information on Governance (management/policy processes)

- Active offshore data collection to fill gaps

Long-term data collection, management and distribution mechanisms established, which will include the following outputs:

- LME monitoring and evaluation indicators and requirements identified and captured within institutional work programmes and budgets

- Socio-economic evaluation of near-shore and marine goods and services

- Expanded use of GIS and predictive models to increase system knowledge

- Strategic action programme and associated sustainability mechanisms adopted to support an LME approach, which will include the following outputs:

- Negotiation and adoption of TDAs and SAPs

- Financial resources brokered to ensure the sustainability of monitoring, evaluation and information systems to support an LME approach

- Institutional, programme and human capacity building and training requirements prioritised and addressed at national and regional levels

LME coordination, communication and participation mechanisms established, which will include the following outputs:

- Communication/coordination established with other related projects and institutions in the region (including linkages to other LME initiatives)

- Key policy-makers fully briefed and engaged in LME process

- Stakeholder engagement, public involvement, participation, and environmental education initiatives are developed and implemented to raise overall awareness of LME approach

Annex XXII

Presentation on the clearing-house mechanism

An important new tool for the implementation of the Nairobi Convention was launched during the 5th Conference of Parties of the Convention held in Johannesburg, South Africa, on 7th and 8th November 2007.

The tool concerns a new Information Sharing system on data and information related to the Coastal and Marine Environment of the Western Indian Ocean. The system, referred to as the Nairobi Convention Clearinghouse Mechanism, is destined to be a sustainable first port of call for information on the coastal and marine environment in the Western Indian Ocean region, providing accurate and relevant data and information for improved management and protection of the coastal and marine environment in the Region.

The main services of the Clearinghouse are acquisition of data and making it available over the internet, along with the mechanisms to search for data. The system connects National Clearinghouse nodes in the Nairobi Convention countries, as well as data and information systems from other regional and international organizations and institutions. The underlying data portal technology of the Clearinghouse is an emerging concept based on standards which permit authorized users to directly use distributed information systems. At country level, applying this technology mainly implies implementing the web services to make available the data, accompanied by a standard metadata. In its implementation a collection of inter-operational Web based services is used, which permit an integration of spatial and non- spatial data distribution chains between independent organizations and their various Information Management Systems.

The Clearinghouse mechanism provides a shared-services platform of accessing resources while being responsive to users needs. It marks a drastic change from operating largely in isolation or in limited bilateral partnerships to one where Contracting Parties collaborate in an interactive network.

The main customer of these products and the beneficiaries of this clearinghouse are the country and local governments, which fulfil the duties, set forth for them by the law. It is hoped that the national clearinghouses will assume the role of the main access point to geospatial and non spatial data in each country. This is a very important national deliverable for the Nairobi Convention and partners such as the NEPAD, IOC/UNESCO ODINAFRICA programme, Indian Ocean Commission, a number of relevant regional programmes and projects including the African Environment Information Network (AEIN). UNEP is supporting the implementation of national clearinghouses nodes in Seychelles, Mauritius, Comoros, Madagascar, Kenya, Tanzania, Mozambique and South Africa.

Annex XXIII

Statement by the representative of NEPAD

Mr. Gengezi made the following statement:

Hon. Ministers
 Heads of Delegations
 Distinguished Experts and Participants
 Ladies and gentleman

We are pleased to have been invited to the Joint Conference of Parties of the Abidjan and Nairobi Convention hosted by the Republic of South Africa.

The Chief Executive Officer of NEPAD, Prof. Mucavele sends his greeting to you all. He would have loved to be here with you today, but he had prior commitment of the NEPAD Steering Committee meeting currently underway in Algiers, Algeria.

Madam Chair,

We at the NEPAD Secretariat are proud that the NEPAD Environment Action Plan that was adopted by our Heads of States and Governments at the African Union Summit of July 2003 held in Maputo, Mozambique has seen tremendous progress in implementation.

Many of the proposed projects and programmes in the different thematic areas are presently at various stages of implementation.

NEPAD did recognise from the beginning that environment was a key sector and indeed a prerequisite for sustainable growth and development in Africa.

The Regional Environment Action Plan was developed through a very consultative process involving many African experts and a number of Ministerial level discussions, and, in fact, was one of the first action plan adopted.

Since 2003 several other plans including agriculture, tourism, infrastructure, and energy have been adopted all with linkages and emphasising environmental sustainability.

Of crucial importance and underlying much of the work of NEPAD is the emphasis on building a foundation for sustainable growth and development through promotion of peace and security and good governance.

The innovative African Peer Review Mechanism (APRM) where African countries have agreed to peer review each other after thorough self assessment in each area such as Democracy and Political Governance; Economic Governance; Corporate Governance; and Socio-Economic Development is rapidly transforming governance systems in Africa paving the way for a climate necessary for sustainable development.

Over 30 countries have already signed up to participate subjected to the Peer Review mechanism with the first countries that have completed the process winning international acclaim in the improvement and transformation of public systems – as the case of Rwanda.

Madam Chair,

Turning back to the focus of the Conference on coastal and marine environment, the NEPAD Secretariat is aware of the significant role and the enormous potentials of the oceans and coastal resources in the socio-economic development of our people and the continent. Fisheries, Tourism, Maritime Transport and Offshore oil and gas are all major industries driving growth in the Island and Coastal States.

The conservation and sustainable development of these resources remains a major priority of NEPAD; and the Secretariat continues to promote the ocean and coastal agenda as an integral part of Africa's Development Agenda.

The coastal and marine sub-theme of the NEPAD Environment Action Plan has realised near complete implementation with most of the projects and programmes under the sub-theme being at various stages of implementation or has already received funding and or are set to begin. Today there are programmes on the key thematic areas of the sub-theme including marine pollution prevention, ecosystem management, fisheries, coastal erosion, and tourism.

The level of investment in the coastal and marine programme and projects within the NEPAD Environment Action Plan surpass the US \$ 1.0 billion mark and is still expanding.

This is tremendous achievement and real progress in the implementation of the Johannesburg Plan of Implementation adopted at the World Summit on Sustainable Development that has specific reference to the African Process for the Development and Management of the coastal and marine environment that is now a sub-theme of the NEPAD Environment Action Plan.

We would like to continue partnership building and sustainable development of our oceans and coasts. In this respect, we thank all our development partners and the UN systems for supporting the programme and we encourage stronger collaboration between the African Seas Convention and NEPAD Secretariat.

As you all know, NEPAD has been adopted by the African Union as a philosophical framework for socio-economic development of the continent. It is, therefore, incumbent that as you deliberate in your conference you ensure that all programmes, including the activities of the Abidjan and Nairobi Convention as seen as part of the NEPAD processes so that as the NEPAD Secretariat feeds into the NEPAD Steering Committee and the Heads of States and Government Implementation Committees and into the AU Summit there is a common understanding of our successes and challenges.

On that note, we wish to thank our leadership in the continent, the African States for their commitment, our partner who are part of making certain that we achieve our goal of creating a healthy and productive environment for the continent. Once again, we wish to pledge our support to the this initiative and commit to continue playing the facilitative role that places all concerned towards a path of sustainable development of our continent.

NEPAD has become the platform and window for interaction with Africa on sustainable development of the continent. We therefore hope the Conventions will make good use of the opportunities and advantages offered by NEPAD.

I thank you all for your kind attention.

Annex XXIV

Statement by the Executive Director of the United Nations Environment Programme to the joint meeting of the Conference of the Parties to the Abidjan and Nairobi conventions

Excellencies, Ministers, Distinguished Delegates, Ladies and Gentlemen,

Thank you for inviting me to address this joint meeting of the Conference of the Parties to the Abidjan Convention and the Nairobi Convention.

Thank you too to the Government of South Africa and its people for their hospitality and excellent arrangements as hosts.

Thanks also to the Chairpersons of the Bureaus of the Abidjan and Nairobi Conventions for their guidance and leadership. The Bureau has always been there for the Secretariat and I thank them for their support.

Ladies and gentlemen, we meet here in Johannesburg in a world where the environment may have finally been understood not as a peripheral interest for those with time on their hands or an obsession with a niche interest.

But as a fundamental basis for stability in rapidly changing world and for much of the economic activity that supports developing and developed countries alike.

It is perhaps through the lens of climate change that the world is uniting around the notion of environment for development and the impact that unsustainable activities are having on the Earth's economically central life support systems including the marine environment.

The awareness has been led by the Intergovernmental Panel on Climate Change (IPCC)—its more than 2,000 scientists have now validated climate change as a scientific fact.

This year the IPCC, jointly established by UNEP and the World Meteorological Organisation, says the evidence in 2007 is “unequivocal”.

The likely impacts, from the melting away of glaciers and thus water supplies in the Himalayas to the Rocky Mountains and the threats to perhaps up to a third of Africa's coastal infrastructure, have also been brought into sharp focus by the IPCC this year—impacts many of which are likely not in some far distant future but in the life time of many in this room.

Yet the IPCC has also provided us with another reality—namely that the costs of combating climate change will be lower if we act now than if we wait—and that those ‘early action’ costs are perhaps as little as 0.1 per cent of global GDP over 30 years.

Climate change is the most clear challenge of this generation—a transition to a low carbon economy will be UNEP's over-arching message in Bali at the forthcoming climate convention meeting in December when government's really must get down to negotiating a post 2012 emissions reduction treaty.

A low carbon economy should not be just a goal for developed nations—the countries most responsible for climate change.

It should be a demand of developing ones too—why should the countries of Africa have access only to 20th if not 19th century energy generation and energy efficient systems when there are emerging, cost effect and cleaner or renewable energies?

Adaptation to climate change—climate proofing economies—is about access to modern energy systems as much as it is about capacity building in terms of agriculture, or health or infrastructure.

Today at UNEP headquarters in Nairobi, UNEP with funding from the Global Environment Facility, the African Development Bank and industry, we are launching initiatives totalling close to \$100 million to generate electricity from sugar wastes and small-scale hydro in East and Southern Africa's tea industry.

Millions of farmers and thousands of communities stand to benefit from the availability of cheaper and greener power—especially in rural areas—industry stands to benefit from lower fuel costs—the global environment will benefit from reduced emissions as will forests from the anticipated reductions in the need for fuel-wood.

Climate change is certainly the most pressing and high profile concern of the here and now.

And the science continues to pour forth with new and important implications for terrestrial but also marine ecosystems—from the acidification of the oceans, and the possibility that this could interfere with the calcium-making mechanisms of economically important shellfish to coral reefs, to dramatic shifts in the currents that moderate climate and play key roles in the health and location of fish stocks.

In two days time, UNEP will hold a meeting of experts and government officials on the issue of mercury—the highly poisonous heavy metal.

There is now emerging concern that old deposits and new sources of mercury are emerging from sediments in lakes warming as a result of climate change.

Concern also emerging that the accelerated melting of ice in the Arctic is bringing mercury locked away back into circulation in the world's oceans and from there into the food marine food chain.

Significant new sources of mercury are also entering the global environment as a result of increased coal burning in Asia and other rapidly developing economies—again addressing climate change has wider benefits in terms of both the terrestrial but also the marine environment.

Ladies and gentlemen, perhaps I am dwelling too much on climate change and perhaps ignoring the two conventions at the heart of today's meeting.

But if there is one thing that climate change teaches us, it is the 'interlinkages'—to use the jargon—between so many areas that perhaps in the past seemed disconnected—interlinkages that perhaps also have resonance with the Nairobi and Abidjan Conventions and their links with other multilateral environmental agreements.

This is a point clearly brought into sharp relief by UNEP's latest flagship report, the Global Environment Outlook-4 launched last month including here in South Africa.

GEO-4 underlines not only the fact that the over-exploitation of the Earth's nature based and natural resources is reaching several real crisis points.

But is also salt and peppered with inspiring and shining examples of actions taken across the world to more intelligently manage economically important ecosystems—Fiji's decision to establish no take marine zones, leading to a 250 per cent increase in lobster catches, springs to mind.

However, GEO-4 also underlines that the scale and pace of the response is failing to match the magnitude and the speed of the challenges.

GEO-4 also points out that, albeit unevenly shared, the world is around a third richer than 20 years ago and that the international community has rolled out a great deal of multilateral environmental agreements.

But that these, ranging from climate and biodiversity to desertification and migratory species, remain to a greater or lesser extent underutilized and often under-funded.

Ladies and gentlemen,

The Abidjan and Nairobi Conventions are part of this success story but also part of this, may one say, frustrating landscape of a less than substantial response to persistent and merging challenges.

This is why this joint meeting of the Conference of the Parties is so crucial—we need to re-discover the *raison d'être* as to why they were established in the first place and give them all the necessary scientific, political and financial backing so they can realize their extraordinary potential.

Some of that potential has been realized already.

In 1998 in Cape Town governments endorsed the Cape Town Declaration which led to the African Process to strengthen these two conventions.

Just last week, UNEP held its 9th Global Meeting of the Regional Seas Conventions and Action Plans in Jeddah, Kingdom of Saudi Arabia.

The Jeddah Declaration underlines that the Regional Seas Conventions and Action Plans are increasingly concerned about many emerging issues from climate change to deep sea biodiversity and sustainable management of the high seas.

Likewise, the meeting concluded that the continued decline in marine and coastal ecosystems services can no longer be seen purely from an environmental perspective as it has deep consequences on the socio-economic development of countries. It is in this recognition that the Global Strategic Directions for the Regional Seas (2008-2012) were adopted.

In the last eight years, these two conventions have—in partnership with organizations including UNEP, UNDP and UNIDO and often with Global Environment Facility-funding—assisted in establishing the--

- Western Indian Ocean Land Based Activities (WIO-LaB) project, South West Indian Ocean Fisheries Project and the Agulhas Somali Large Marine Ecosystem project under the Nairobi Convention. The total budget for these projects is over US\$75 million to be spent in the next five years;
- The ongoing Guinea Current, Canary Current and Benguela Current Large Marine Ecosystem projects in the Abidjan Convention area have a total budget of over US\$80 million in both in-kind and cash contribution.
- Under the Nairobi Convention, the “Consortium for Conservation of Coastal and Marine Ecosystems in the Western Indian Ocean” has been established.
- The consortium, referred to as the “WIO-C”, is a partnership between major NGOs and other organisations in the Western Indian Ocean. It is designed to improve information exchange, synergy and coordination between NGOs working on coastal and marine environment issues in the Western Indian Ocean region, and to move towards a joint programmatic approach in addressing these issues.
- Under the Abidjan Convention, UNEP is building partnerships with the Regional Programme for the Conservation of the Coastal and Marine Zones of West Africa (PRCM). The PRCM is a partnership between IUCN, WWF and Wetlands International. Increasingly, these partnerships are being linked to the Large Marine Ecosystems (LME) projects and the newly established interim Benguela and Guinea Current commissions.
- With support from the GEF and the UNEP Global Programme of Action (GPA), both Conventions have developed new protocols on land-based activities and sources of pollution. These protocols have been developed in partnership with UNIDO and UNDP through GCLME project (for the Abidjan Convention) and WIO-LaB project (for the Nairobi Convention).
- UNEP has also moved forward to strengthen the regional coordination mechanisms of the Abidjan Convention. UNEP has appointed a full time senior staff member to support the Abidjan Convention Secretariat. The Secretariat has also taken steps to strengthen the role of National Focal Points in the implementation of the work programmes of both the conventions for 2008 -2012.
- UNEP has supported 18 countries to help the National Focal Points to initiate compilation of national status reports on the coastal and marine environment. These reports will lay the basis for an effective and continuous reporting mechanism for the Conventions to support the prioritisation process and implementation of the Conventions, and will assist Contracting Parties to meet their reporting obligations.

I am happy to note that all the countries that signed the Nairobi Convention have ratified the Convention. We are also happy to welcome Liberia and Sierra Leone to this meeting. Both countries ratified the Abidjan Convention in 2005—bringing the total to 14. One way of strengthening the agreement will be ratification by more countries

Ladies and gentlemen, what of the future?

If we are to truly rise to the challenge of more intelligently managing the planet's natural and nature-based resources, we need to strive ever harder to put the environment in the centre of government policy—policy that cuts across all ministries.

The world is undergoing multiple environmental change phenomena but environmental change phenomena that will impact on economies, livelihoods and health issues to ones connected with agriculture, foreign policy and even security.

Under the climate convention we may be seeing this already. The Bali meeting will also include a gathering of finance ministers as well as the environment ministers who traditional carry out the negotiations.

In respect to these two conventions, UNEP is keen to press forward with integrating all Regional Seas Programmes into national frameworks.

On a specific note, UNEP is also keen to encourage the use of Strategic Environmental Assessments (SEAs) not least because of the need to balance the emerging opportunities off Africa's coast for oil and gas with the sustainability challenges.

The issue of financial sustainability is also a critical issue. It requires a decisive commitment by all the Contracting Parties to contribute to the Conventions' Trust Funds.

Your participation will provide both additional funding for catalytic activities and a practical demonstration of commitment to the work of the two Conventions. This will encourage our partners to increase their collaboration with the Contracting Parties.

There is also a need to further strengthen Regional Coordinating Units to ensure they are effective agents of change.

An important step forward will also be increasing cooperation between all multilateral environmental agreements and increasing cooperation between UN agencies but also other important players including local authorities; the financial markets, civil society and citizens.

The UN is engaged in a reform process under the banner 'Delivering as One'—this concept has wider resonance.

Ladies and Gentlemen,

Africa's abundant nature-based and natural resources are and will increasingly be the engine that will assist in meeting the Millennium Development Goals while lifting this Continent into a more equitable and prosperous future.

From agriculture to the world's biggest industry—tourism—Africa's land and coastal areas represent a blue-print for dynamic economic growth that is beginning to attract international and cross border investment and entrepreneurs on a scale perhaps never witnessed before.

It is in many ways a defining moment.

Ladies and gentlemen,

Vibrant, cooperative and strengthened treaties like the Nairobi and Abidjan Conventions represent part of that insurance policy—part of that essential policy response—upon which this development can be managed in an intelligent and sustainable way—for current and future generations.

Let us together evolve the two agreements onto the next level so they can effectively and efficiently respond to the challenges but also the opportunities coming so fast, Africa's way.

Thank you

Annex XXV

Statement by the President of AMCEN

The President of AMCEN, S.E. M. Andre Okombi Salissa, Minister of Environment of the Republic of Congo, made the opening statement and officially opened the meeting.

Transcript in French :

Excellence, Madame Rejoice Mabudafhasi, Vice Ministre de l'Environnement et du Tourisme de la République d'Afrique du Sud ;

Mr Achim Steiner, Secrétaire General Adjoint des Nations Unies et Directeur Exécutif du Programme des Nations Unies pour l'Environnement (PNUE) ;

Excellence, Mme Georgette Koko, Présidente de la Conférence des parties à la Convention d'Abidjan et Dr Rolph Payet, Coordonateur régional par intérim de la Conférence de Nairobi ;

Honorables Ministres, Chefs de délégations

Représentants des agences des Nations Unies,

Représentants des Partenaires au développement

Membres de la société civile

Mesdames, messieurs,

C'est un plaisir pour moi d'être parmi vous à l'occasion de l'événement historique que constitue la toute première réunion conjointe de la Conférence des Parties aux Conventions d'Abidjan et de Nairobi, qui se tient sous l'égide de la Conférence ministérielle africaine sur l'environnement (CMAE). La présente réunion conjointe est un événement spécial pour nous car il nous permettra de tirer des enseignements utiles, de développer des synergies et de dresser le bilan de l'une des composantes importantes du Plan d'action pour l'initiative environnementale du Nouveau partenariat pour le développement de l'Afrique (NEPAD).

Au nom de la CMAE et en mon nom propre, je tiens à exprimer ma gratitude au Gouvernement et au peuple de la République d'Afrique du Sud pour avoir proposé d'accueillir cette réunion, pour l'hospitalité qu'ils nous accordent ainsi que les excellentes installations mises à disposition pour cette conférence. Les vingt et deux ans d'existence de la CMAE ont été marqués par des succès et des défis. Depuis sa création en 1985, la CMAE a donné des orientations en ce qui concerne les principaux développements politiques et techniques liés à l'environnement et continue d'accorder une attention particulière à la mise en œuvre des accords globaux et régionaux sur l'environnement, y compris les conventions d'Abidjan et de Nairobi.

Excellences, Mesdames et Messieurs, le continent africain est riche en ressources naturelles, mais du fait de l'exploitation non durable de ces ressources, le potentiel naturel de la région ainsi que son environnement se dégradent plus en plus. Ceci, à son tour, aggrave la pauvreté dans la région et nuit à la croissance durable de l'économie des pays africains.

Les écosystèmes marins et côtiers d'Afrique, c'est bien connu, contribuent de manière significative à l'économie de nombreux pays de la région. Ces écosystèmes fournissent des services essentiels et servent d'habitats à une riche diversité biologique des espèces. Les besoins de subsistance et de loisirs de millions de personnes dépendent de ces ressources. Cependant, de nombreuses activités humaines, notamment l'urbanisation anarchique, la décharge de déchets non traités, des eaux usées et des effluents industriels, les pratiques de pêche destructives, la surexploitation des ressources, l'altération physique et la destruction des habitats, continuent à dégrader l'environnement côtier et marin à un rythme accéléré. Ces questions font l'objet de discussions depuis de longues années, mais elles exigent encore notre attention aujourd'hui si nous voulons inverser les tendances actuelles.

La pollution marine reste d'actualité du fait de déversements accidentels et délibérés d'hydrocarbures et d'autres déchets provenant des navires ainsi que de l'exploration et de l'exploitation du pétrole offshore. L'augmentation de la pollution et la dégradation de des ressources côtières du continent constitue une source de préoccupation croissante. Le volume des déchets continue de menacer non seulement la santé publique mais aussi les récifs coralliens et les mangroves économiquement rentables, en même temps que d'autres écosystèmes dont dépendent la vie et les moyens de subsistance de nombreuses communautés.

Le NEPAD, on s'en souvient, avait demandé l'élaboration et l'adoption d'une initiative pour l'environnement - un plan d'action cohérent et des stratégies pour faire face aux défis environnementaux de la région tout en luttant contre la pauvreté et en promouvant le développement socio-économique. Le Plan d'action de l'initiative environnementale du NEPAD (Le Plan d'action), portant sur la première décennie du vingt et unième siècle, est une réponse à ces défis. Il convient de noter qu'en 2002 et 2003 la CMAE a conduit le processus d'élaboration de la composante environnementale du NEPAD, l'une des huit composantes du NEPAD. Le Plan d'action a été adopté par le Sommet de l'Union africaine tenu à Maputo, au Mozambique en juillet 2003. La mise en œuvre du Plan d'action est en cours grâce aux efforts du Programme des Nations Unies pour l'Environnement, le Secrétariat du NEPAD, la Commission de l'Union africaine, un certain nombre d'agences de l'ONU, des organisations non gouvernementales, des organisations intergouvernementales et bien d'autres. La CMAE pilote la mise en œuvre du Plan d'action à travers la mise en œuvre de son programme de travail.

Excellences, Mesdames et Messieurs, la 22ème réunion du Bureau de la CMAE, tenue en marge de la présente réunion commune les 5 et 6 Novembre 2007, a décidé que le thème de la 12e session de la CMAE qui se tiendra à Johannesburg du 8 au 13 juin 2007 portera sur le "Renforcement de la mise en œuvre du plan d'action pour l'initiative environnementale du Nouveau Partenariat pour le développement de l'Afrique (NEPAD)". Cela nous offrira l'occasion de faire le bilan de ce qui a été réalisé dans l'exécution du plan d'action pour l'initiative environnementale du NEPAD et de réfléchir sur les moyens d'améliorer sa mise en œuvre.

Madame la Présidente, je tiens à féliciter et à remercier spécialement le Directeur exécutif du Programme des Nations Unies pour l'Environnement pour l'appui technique et financier apporté à la CMAE pour lui permettre de mener à bien son programme de travail qui fait partie intégrante du plan d'action pour l'initiative environnementale du NEPAD. On se souviendra que, ce Plan d'action comprend sept domaines prioritaires. Il s'agit notamment de la lutte contre la dégradation des terres, la sécheresse et la désertification; La conservation des zones humides d'Afrique; la lutte contre les changements climatiques en Afrique; la Conservation et l'utilisation durable des ressources marines, côtières et les ressources en eau douce; la prévention, le contrôle et la gestion des espèces exotiques envahissantes; la conservation transfrontière ou la gestion des ressources naturelles; ainsi que les questions transversales telles que la santé et l'environnement.

Le domaine relatif à la conservation et à l'utilisation durable des ressources côtières et marines a pour objectif d'intégrer les préoccupations environnementales dans le programme de développement des pays, à travers des actions ciblées qui portent sur les aspects aussi bien environnementaux, qu'institutionnels, réglementaires, et les éléments de politiques et de capacités.

Le programme de travail de la CMAE pour l'exercice biennal 2007-2008 contient un volet sur les écosystèmes côtiers et marins, qui est mis en œuvre à travers les Conventions d'Abidjan et de Nairobi. L'objectif est de continuer à soutenir la mise en œuvre durable de ces conventions régionales. Certains progrès ont été accomplis mais les défis auxquels nous sommes confrontés exigent un effort concerté de chacun de nous. Il est encourageant de constater que l'exécution des deux conventions démontre l'engagement des États membres pour la gestion des ressources côtières et marines de leurs pays respectifs.

La mise en œuvre des deux conventions rencontrer encore certaines difficultés, notamment la faiblesse des mécanismes régionaux de coordination et des moyens financiers. A cet égard, je tiens à exprimer ma gratitude aux partenaires de développement et au PNUE pour leur appui technique et financier en vue de renforcer les mécanismes de coordination régionale des conventions.

Je suis sûre informé du travail acharné et du dévouement que les groupes d'experts ont démontré depuis lundi et qui se sont concrétisés dans un rapport du groupe des experts, et un projet de déclaration conjointe pour notre examen. Je suis également au courant des projets de décision préparés pour les délibérations des ministres et chefs de délégations aux conférences distinctes des parties aux différentes Conventions d'Abidjan et de Nairobi. Je tiens à saluer votre engagement.

Au nom de la Conférence ministérielle africaine sur l'environnement et en mon nom propre, je tiens à réaffirmer que la CMAE est prête à travailler avec vous pour assurer le succès de la mise en œuvre des activités de suivi découlant de la présente réunion commune.

En conclusion, je tiens à remercier une fois de plus le Gouvernement et le peuple de la République d'Afrique du Sud et à exprimer ma gratitude à tous ceux qui ont participé à cette réunion spéciale organisé sous l'égide de la CMAE. Tout en souhaitant une réunion fructueuse, je déclare cette réunion conjointe ouverte.

Je vous remercie.

Transcript translated into English:

Your Excellency, Madam Rejoice Mabudafhasi, Deputy Minister for Environmental Affairs and Tourism of the Republic of South Africa;

Mr. Achim Steiner, the United Nations Under-Secretary General and Executive Director of the United Nations Environment Programme (UNEP);

Your Excellency, Mme. Georgette Koko, Chairperson of the Abidjan Convention's Conference of Parties and Dr. Rolph Payet, Interim Regional Coordinator of the Nairobi Convention;

Honourable Ministers, Heads of delegations,

Representatives of UN agencies,

Representatives of Development Partners

Members of the civil society

Ladies and Gentlemen,

It is a pleasure for me to be with you during this historic event of the first ever Joint Meeting of the Conference of Parties to the Abidjan and Nairobi Conventions being held under the auspices of the African Ministerial Conference on the Environment (AMCEN). This Joint Meeting is a special event for us since it will enable us to draw useful lessons and synergies as well as take stock of one of the important components of the action plan for the environment initiative of the New Partnership of Africa's Development (NEPAD).

On behalf of AMCEN and on my own behalf, I wish to express my gratitude to the Government and the people of the Republic of South Africa for hosting this meeting, for the hospitality accorded us and the excellent facilities made available for this meeting. The twenty – two years of AMCEN's existence has been marked by successes and challenges. Since its inception in 1985, AMCEN has been giving guidance in respect of key political and technical events related to the environment and continues to pay particular attention to the implementation of global and the African environmental agreements including the Abidjan and Nairobi conventions.

Excellencies, Ladies and Gentlemen, the African continent is well endowed with natural resources but due to unsustainable exploitation of these resources there is increasing degradation of the environmental and natural resource base of the region. This in turn is worsening the poverty in the region and is adversely affecting a sustained growth of the economies of African countries.

It is well known that Africa's coastal and marine ecosystems contribute significantly to the economies of many countries in the region. These ecosystems provide essential services and habitats for a rich biodiversity of species. The livelihoods and recreation needs of millions of people depend on these resources. However, a variety of human activities including unplanned

urbanization, discharge of untreated municipal waste water and industrial effluent, destructive fishing practices, overexploitation of resources, physical alteration and habitat destruction, continue to rapidly degrade the coastal and marine environment. These are issues that we have talked about for a long time but which should still demand our attention if we are to reverse the current trends.

Sea pollution continues to be experienced from accidental oil spills and deliberate dumping of oil and other wastes from ships, and offshore exploration and exploitation of oil. The increasing pollution and degradation of the region's coastal resources is a source of growing concern. The volume of wastes continues to threaten public health and economically productive coral reefs, mangroves and other ecosystems important for life and livelihoods.

It will be recalled that NEPAD called for the development and adoption of an environment initiative - a coherent action plan and strategies - to address the region's environmental challenges while at the same time combating poverty and promoting socio-economic development. The Action Plan of the Environment Initiative of NEPAD (the Action Plan), covering the first decade of the twenty-first century, is a response to such challenges. It is noteworthy that in 2002 and 2003 AMCEN lead the process of developing the environment component of NEPAD – one of the eight components of NEPAD. The Action Plan was adopted by the African Union Summit held in Maputo, Mozambique in July 2003. The implementation of the Action Plan is currently on-going through the collaborative efforts of the United Nations Environment Programme, the NEPAD Secretariat, the African Union Commission, a number of UN Agencies, non – governmental organizations, international governmental organizations and others. AMCEN is guiding the implementation of the Action Plan through the implementation of its work programme.

Excellencies, Ladies and Gentlemen the 22nd meeting of the Bureau of AMCEN held in the margins of the Joint Meeting on 5th and 6th November 2007 has agreed that the theme for the 12th session of AMCEN that will be held in Johannesburg from 8 to 13 June 2007 will be “Enhancing the implementation of the action plan for the environment initiative of New Partnership for Africa's Development (NEPAD)”. This will afford us the opportunity to take stock of what has been achieved implementing the action plan for the environment initiative of NEPAD and how to improve its implementation.

Madam Chair, I wish to specially commend and thank the Executive Director and the United Nations Environment Programme for the technical and financial support given to AMCEN to carry out its work programme which is an integral part of the action plan for the environment initiative of NEPAD. It will be recalled that there are seven programmes areas in the Action Plan. These include combating land degradation, drought and desertification; conserving Africa's wetlands; combating climate change in Africa; conservation and sustainable use of marine, coastal and freshwater resources; prevention, control and management of invasive alien species; transboundary conservation or management of natural resources; and cross – cutting issues such as health and the environment.

The goal of the conservation and sustainable use of coastal and marine resources programme area is to incorporate environmental concerns into the development agenda of countries through targeted actions that address the environmental aspects as well as institutional, regulatory, policy and capacity elements.

AMCEN's programme of work for the biennium 2007-2008 contains a component on coastal and marine ecosystems which is being implemented through the Abidjan and Nairobi Conventions. The aim is to continue supporting the sustained implementation of these regional conventions. Some progress has been made but the challenges confronting us require a concerted effort from all of us. It is encouraging to note that the implementation of the two conventions demonstrate the commitment of the member States towards the management of the coastal and marine resources of their respective countries.

The implementation of the two conventions continues to experience some difficulties notably weak regional coordination mechanisms and financial constraints. In this connection I wish to express my gratitude to the development partners and the United Nations Environment Programme for their technical and financial support towards strengthening the regional coordination mechanisms of the Conventions.

I am reliably informed about the hard work and dedication that the experts groups have shown since Monday resulting in a report of the experts segment and a draft joint Declaration for our consideration. I am also aware of the draft decisions prepared for the deliberation of Ministers and heads of delegations at the separate Conference of the Parties to the Abidjan and Nairobi Conventions. I wish to express our appreciation for your commitment.

On behalf of African Ministerial Conference on the Environment and on my own behalf, I would like to reaffirm that AMCEN stands ready to work with you to ensure successful implementation of the follow-up activities resulting from this Joint Meeting.

In conclusion, I wish to once again thank the Government and people of the Republic of South Africa and express my appreciation to you all for attending this special meeting being held under the auspices of AMCEN. I look forward to a productive meeting and I duly declare this Joint Meeting Opened.

Thank you.

Annex XXVI

Presentations on partnership-building

A representative of the Regional Marine and Coastal Conservation Program for West Africa (PRCM) gave a presentation. The programme covers seven countries: Mauritania, Senegal, Gambia, Guinea Bissau, Guinea, Sierra Leone and Cap Vert. The programme recognises the strategic importance of the coastal zone for populations, economies, natural resources, biological diversity and migrating species and users. There are connected habitats and common problems among the countries.

The importance of productive, active partnerships between NGOs and governments was emphasised. Although there are a lot of differences between the countries, there are also a lot of similarities with respect to certain issues. The first step was to find a shared vision that corresponds to the visions of the governments and NGOs in the region. This vision was used as the building block for the programme, which includes more than 50 partners. All the Ministries of Environment and of Fisheries are part of it, as well as conservation NGOs, the sub-regional Fisheries Commission and national institutions.

PRCM has a regional forum, a Scientific and Technical Orientation Committee, a Steering Committee and a Coordination unit. The first phase occurred during 2004 – 2007, and was supported by the MAVA (a private foundation) and the Netherlands development cooperation. Impacts and results included: Policy Influence (e.g. Oil exploitation in Mauritania – EITI, Independent Panel, no-go zones); Regional Strategies and Action Plans (MPAs, Sharks, Turtles, Manatees, Mangroves); Creation of 7 new Marine Protected Areas in two years, among which transboundary and community based MPAs; Increased capacity for Negotiations with the EU for Fisheries agreements; The Regional Marine and Coastal Forum: a unique platform for a multi-actor dialogue at the regional level; Training of some West African students; A regional MPA network ; A regional network of parliament members.

Phase 2 will occur over 2008 – 2011, and will focus on capacity building, governance issues, research, communication and education.

The programme uses the strengths of the governments and the NGOs. Sustainable conservation and sustainable development must go together. There is a lot of strength and synergies that have come out of PRCM, through government and non-government sectors working together.

A representative from WWF, Amani Ngusaru, then spoke on the NGO-led Consortium for Conservation of Coastal and Marine Ecosystems in the Western Indian Ocean (WIO-C). He highlighted the work being done by several regional organisations, which have developed strong coastal and marine conservation programmes in the WIO. However there is a high multiplicity of projects and programmes, and the initiative can be more effective if they are coordinated and organised. WIO-C was formed to help develop this synergy, and will focus on networking, coordination and implementation. The WIO-C is anchored in the Nairobi Convention, and will be the principle mechanism for reaching a broad stakeholder involvement in implementation of the Convention's work programme.

Annex XXVII

Presentation on the Africa Coastal Tourism project

A representative of UNIDO provided a presentation of the Africa Coastal Tourism Project (entitled Demonstrating and Capturing Best Practices and Technologies for the Reduction of Land-sourced Impacts Resulting from Coastal Tourism), which covers Cameroon, Gambia, Ghana, Kenya, Mozambique, Nigeria, Senegal, Seychelles and Tanzania. It developed out of the Africa Process. UNEP is the Implementing Agency, UNIDO the Executing Agency, while UN-WTO is the Associated Agency. The budget includes US\$5.388M from GEF and US\$24.46M from co-financing. The project's duration is 2007 to 2012.

The global environmental Goal of this Project is to support and enhance the conservation of globally significant coastal and marine ecosystems and associated biodiversity in sub-Saharan Africa, through the reduction of the negative environmental impacts which they receive as a result of coastal tourism.

The Objective of the Project is to demonstrate best practice strategies for sustainable tourism to reduce the degradation of marine and coastal environments of transboundary significance.

The proposed Project will aim primarily to ameliorate coastal pollution and contaminants arising from the land-based and coastal activities associated with tourism facilities, and which impact on significant transboundary waters and associated ecosystems. Activities undertaken to achieve these aims will inevitably result in secondary benefits including the reduction of human-induced physical alteration of critical habitats such as:

- ◆ Reduction of sediment contamination through reforms to coastal development approaches and policies,
- ◆ Protection of critical coastal ecosystems such as mangroves which act as filters,
- ◆ Designation of sensitive areas to ensure effective legislation and enforcement against land-based impacts and tourism-related contaminants).

The project has five components.

Component 1: Capture of Best Available Practices and Technologies

OUTCOME: Demonstrated reductions in Sewage and Wastewater Discharges and Damage to Critical Habitats in the Coastal and Marine Environment from Tourism

Output 1.A: Identification of Best Available Practices (BAPs) and Best Available Technologies (BATs) (on a global scale) applicable to sustainable tourism within the sub-Saharan African situation Output

Output 1.B: Implementation of National Demonstrations to elaborate Best Available Practices (BAPs) and Best Available Technologies (BATs) for Sustainable Tourism

Component 2: Development and Implementation of Mechanisms for Sustainable Tourism Governance and Management

OUTCOME: Enhanced National Policies, Regulatory and Economic Incentives Supporting Sustainable Tourism Governance and Management

Output 2.A: National reviews and assessments of policy, legislation, institutional arrangements and financial mechanisms to identify needs and requirements

Output 2.B: Development of model guidelines and individual national strategies and work-plans for Sustainable Tourism based on 2.A and the Outputs from Component 1

Output 2.C: Implementation of individual national strategies and work-plans for Sustainable Tourism

Component 3: Assessment and Delivery of Training and Capacity Requirements emphasising an Integrated Approach to Sustainable Tourism

OUTCOME: Enhanced Institutional Capacities Supporting Sustainable Coastal Tourism management

Output 3.A: Assessment of national baselines and requirements within various sectors

Output 3.B: Development of sectoral model packages and guidelines for national dissemination

Output 3.C: Adoption and implementation of national programmes for T&CB (with agreed work-plans) targeting relevant sector

Component 4: Information Capture, Management and Dissemination

OUTCOME: Widespread Public Knowledge and Information Availability about Tourism Impacts on the Coastal and Marine Ecosystems

Output 4.A: Establish a Regional Information Coordination House (RICH) and an associated Environmental Information Management and Advisory System (EIMAS) that coordinates information and provides guidance and materials for the capture and analysis and dissemination of data pertinent to Sustainable Tourism

Output 4.B: Identify national data capture and management needs (including GIS, mapping, zoning, monitoring, presentation, etc)

Output 4.C: Develop national models for Environmental Information Management and Advisory Systems (including feedbacks between data gathering and policy-making needs).

Output 4.D: Implement national work-plans for EIMAS adoption and institutionalisation

Output 4.E: Develop and implement national delivery programmes for targeted awareness raising packages and policy level sensitisation

Component 5: Project Management Coordination, Monitoring and Evaluation

OUTCOME: Established Project Management Capacity and Institutional Mechanisms

Output 5.A: Establish Project Coordination Unit

Output 5.B: Establish Regional Coordination Mechanisms (Steering Committees and Technical Advisory Groups)

Output 5.C: Establish National Coordination Mechanisms (National Stakeholder Committees and Technical Advisory Groups)

Output 5.D: Adopt appropriate indicators and necessary M&E procedures (including assessment and evaluation of post-project sustainability)

Demonstration Projects in Countries

There are three demonstration strategy approaches, each with its' own set of projects.

1. Establishment and Implementation of Environmental Management Systems and voluntary Eco-certification and Labelling schemes:

- ◆ Environmental Management Systems for the Budget Hotel Sector (Ghana)
- ◆ Coastal Use Zonation and Integrated Coastal Management in the Niger Delta Coastal Area of Nigeria (Nigeria)
- ◆ Environmental Management Systems for Petite Cote (Senegal)

2. Development of eco-tourism to alleviate poverty through sustainable alternative livelihoods and generate revenues for conservation of biodiversity and the benefit of the local community:

- ◆ Integrated Eco-tourism Destination Planning and Management: Elmina-Cape Coast, Ada Estuary, Volta Estuary, Western Stilt Villages (Ghana)

- ◆ Tourism Master Planning in an Ecologically Fragile Environment (Nigeria)
 - ◆ Ecotourism development on Cote Sur (Kribi to Campo) (Cameroon)
 - ◆ Strengthening community-based ecotourism and joint-venture partnerships (Gambia)
3. Promote best practices in mitigating environmental impacts of tourism and conserve globally significant biodiversity through improved reef recreation management:
- ◆ Community-based ecotourism, reef management and environmental management systems, Inhambane district coastline (Mozambique)
 - ◆ Integrated Planning and Management of Sustainable Tourism at the Mombassa Coastal Area (Kenya)
 - ◆ Petite Cote Integrated Ecotourism Tourism Planning (Senegal)
 - ◆ Integrated Planning and Management of Sustainable Tourism (Tanzania)

Kenya, Tanzania and Senegal are undertaking multiple integrated demonstrations that capture all 3 of the demonstration strategy approaches. Elements of each demonstration strategy will overlap into other at the country site level. Thus, no single national demonstration focuses purely on one strategy to the exclusion of elements of the other two strategies.

The 11 national and local level demonstrations will provide lessons and best practices for the overall strengthening and improvement of policy and regulatory frameworks by testing and proving the following actions and strategies:

- ◆ National Tourism Policies revised and expanded to cover requirement for mitigation and reduction of tourism-related pollutant and contaminant impacts
- ◆ Development and implementation of Responsible Tourism Guidelines
- ◆ Evolution of appropriate institutional mechanisms for stakeholder implementation and enforcement of tourism plans and particularly ecotourism policies (including involvement and meaningful participation of coastal communities)
- ◆ Development of model policies for controlling development and potential contaminants in ecologically sensitive areas (particularly through the use of zoning and land-use policies, and designation and establishment of protected areas with stricter controls and regulations on impacts)
- ◆ Development of policies that support community based management of coastal resources addressing such issues as poorly sited facilities, illegal settlements, land ownership security, and encouragements of alternative/improved livelihoods directly linked to reduction of contaminants and mitigating degradation of coastal resources
- ◆ Resolve policy and legislative issues related to overlapping responsibilities and mandates of authorities
- ◆ Development of clearer understanding and sensitisation at the policy level and at the management/director level within agencies responsible for monitoring and enforcement of legislation
- ◆ Identify and test mechanisms for effective enforcement of agree national policies and legislation such as those that relate to water conservation, cumulative impacts from contaminants, maintaining ecosystem services that prevent sedimentation and erosion, etc.
- ◆ Identify and test mechanisms for enforcement of regulations regarding tourism development and natural resource use and extraction within protected and sensitive areas

- ◆ Build capacities and expertise at all levels, and within all sectors to understand and support legislation and regulations relevant to natural resource use, land designation and establishing ecotourism businesses

Annex XXVIII

Outcomes of the fifth meeting of the Contracting Parties to the Nairobi Convention and the eighth meeting of the Contracting Parties to the Abidjan Convention presented at the joint heads of delegation meeting

Major Outcomes of the 5th COP meeting of the Heads of Delegation of the Nairobi Convention

Organisation matters

The Head of Delegations elected the officers of the new Bureau:

- Chair Mauritius
- Vice-Chair (work programme) Mozambique
- Vice-Chair (resource mobilisation) Comoros
- Vice-Chair (coordination) South Africa
- Rapporteur Seychelles

Presentations

Summary of the Report of UNEP's Executive Director: The Secretariat presented the progress made in the implementation of the 2004-2007 work programme, including the importance of using an ecosystem approach to management of the coastal regions that would include upstream countries that are not parties to the Conventions. The presentation also noted significant investments by GEF, Contracting Parties and partners in implementing the large marine ecosystem (LME) projects. The Secretariat outlined a new work programme for 2008-2011, whose main themes are assessment and management of marine and coastal ecosystems, and coordination and information. The need for predictable and sustainable funding from Contracting Parties was emphasised.

DEPI-UNEP: The Director of Division of Implementation of Environmental Policy (DEPI-UNEP) addressed the Heads of Delegations, and informed them that UNEP has strengthened the Abidjan Convention by appointing a full time person to dedicate his time to the Abidjan Convention, as a demonstration of the importance that UNEP places on the Convention. He further informed the meeting on the importance of ecosystem-based management and the role of the Regional Seas Programme as a platform for implementing regional programmes.

The Financial Report: The financial report was presented, and provided information on the current financial status of the Nairobi Convention. The paid pledges for 2006 and 2007 indicate that there is an increased commitment from countries; this commitment should be maintained and strengthened. In this context, participants suggested that the Secretariat provide a plan of action to handle arrears and future pledges, including sending invoices and meeting Contracting Parties one-on-one.

Draft LBSA Protocol: The draft protocol was presented. The concern about the impacts of land based pollution on coastal zones was raised. The importance of an LBSA Protocol was highlighted, to mitigate the effects of land-based pollution. The draft protocol addresses the need for cooperation of the Contracting Parties of the Nairobi Convention in preventing, reducing and mitigating pollution and degradation of the environment from land-based sources and activities, and to ensure environmentally sound management of natural resources.

The Heads of Delegations decided to request the Secretariat to convene a Conference of Plenipotentiaries to negotiate and adopt the draft LBSA Protocol and revised Convention.

In the course of the day, there were several launches, including the launch of: the Regional Guidelines for EIA in the Transboundary Context; the GEF-funded Agulhas and Somali Current Large Marine Ecosystem (ASCLME) Project, which is one of three

GEF-supported projects in the region, along with SWIOFP and WIO-LaB projects; and the Nairobi Convention Clearinghouse Mechanism (CHM) and Information Sharing System.

Report on the Experts Meeting: The Secretariat presented the outcomes of the Experts Meeting held on 5th and 6th November 2007. The Heads of Delegation meeting decided that the report should be included in the official report of the COP 5.

Adoption of the draft decisions

The Heads of Delegations approved the following decisions:

The work programme, with a request that the Secretariat review the Work Programme to include clear-cut activities with appropriate timelines and indicators by end of February 2008, and implement the Work Programme accordingly, which will be reviewed at the 6th COP;

Protection of ecosystems and endangered species, which endorsed ecosystem-based management approaches and the establishment of a marine turtle task force;

Assessment and monitoring activities, including reports on compliance and enforcement of the Nairobi Convention and its Protocols. The decision further includes the use of strategic environmental assessments and the development of projects on adaptation to climate change;

Revision of the Nairobi Convention and related Protocols, which includes a request to the Secretariat to finalise the revised text of the Convention and to organise the negotiation on the LBSA Protocol and to convene a Conference of Plenipotentiaries;

Strengthening partnerships and institutional mechanisms, which includes promoting South-South cooperation;

Small island developing states, which include the development of projects dealing with climate change, taking into account the specific situation of SIDS and the need to leverage funds for these projects from the international community, including GEF;

Support to Somalia. The Heads of Delegations request the Secretariat to facilitate measure to support Somalia in its efforts to improve environmental management and to involve Somalia as appropriate in all regional programmes;

Financial matters, which urges the Contracting Parties to enhance financial sustainability through payment of unpaid pledges, co-financing of projects, regular contributions to the Trust Fund and developing financial mechanisms for implementing the Work Programme, including the Strategic Action Programme.

Draft declaration for the joint heads of delegations meeting

The Chair invited delegates to review the draft Declaration for the Joint Heads of Delegations Meeting. The Declaration was accepted with a few amendments, which will be subject to further discussion at the Joint Heads of Delegation meeting.

Venue of next meeting

It was suggested that the last activity of the Chair should be to host the COP, as this would greatly facilitate the organisation and logistics. In this regard, Mauritius was requested to host the next COP. Mauritius accepted this request in principle.

Any other business & closure of the meeting

The Heads of Delegation thanked the government of South Africa, the outgoing Chair of the Convention, the current Chair of the Convention, the Secretariat, translators and the organisers. All Heads of Delegation emphasised in their closing remarks the importance that they place on the implementation of the Convention. All Heads of Delegation also highlighted the importance of climate change and its impacts on the well-being of coastal communities. It was suggested that the Convention should play a role in the climate change discussions and programmes.

The meeting was closed at 17:00.

Major Outcomes of the 8th COP meeting of the Heads of Delegation of the Abidjan Convention

The Meeting of the Heads of Delegation of Contracting Parties to the Abidjan Convention held on the 7th of November 2007 in Johannesburg as an important segment of the 8th Conference of Parties Meeting for the Convention. 19 Delegations representing the Contracting Parties and non Contracting Parties within the region participated in the meeting along with a number of international organizations and NGOs undertaking activities in the Convention region.

Opening statements were made by Mr. Ibrahim Thiaw, the Director of the Division for Environmental Policy Implementation (DEPI) of UNEP, Dr. Andre-Christ Nguimbi, Deputy Minister for the Environment, Nature Protection and Towns of Gabon as out-going chair for the Abidjan Convention and Mrs. Rejoice Mabudafhasi, Deputy Minister of Environmental Affairs and Tourism and representative of the Government of the Republic of South Africa, the host country.

The adopted agenda focused on the following key issues:

- Election of Officers
- Summary of UNEP Executive Director's Report.
- Reports on Experts Meeting
- 2008-2011 Work Programme
- Activities of key Partner Organizations
- Political Commitments
- Venue of Next Meeting

1. Election of Officers

A major outcome of the 8th COP meeting was the establishment of a new Bureau for the Abidjan Convention which took office after the unanimous election of the following:

Republic of South Africa	Chair
Republic of The Gambia	1 st Vice Chair
Republic of Senegal	2 nd Vice Chair
Republic of Ghana	Rapporteur

2. Summary of UNEP Executive Director's Report.

Mr. Ibrahim Thiaw presented the report of the Executive Director on the key aspects of activities carried out in implementation of the 2005-2007 work programme for the Abidjan Convention. This report highlighted some key achievements including:

- The setting up of National Focal Points in some countries;
- A comprehensive review of the Convention;
- Development of a Draft Protocol on LBSA in partnership with the GCLME Project and UNEP-GPA;
- Collaboration with other LMEs;
- Received Payments of contributions by some Contracting Parties.

This report further identified major challenges relating to the weak capacity and financial constraints of the Convention Secretariat which continues to be located outside the Convention Area.

A major outcome in response to the challenge of this report was the resolution taken by all the Contracting parties to reactive the Abidjan Convention. This led to the adoption of the following specific decision (Decision CP8/9). That the Contracting Parties have agreed to:

- Set up a Working Group of members of the new Bureau to oversee and prepare an action plan to operationalize the RCU in Cote D'Ivoire which amongst others

will specify mechanisms for relocating the Secretariat of the Abidjan Convention from Nairobi to Abidjan and ensure a phased transition from full UNEP support to ultimate ownership by the Contracting Parties;

- Hold a special session of the COP of the Abidjan Convention back to back with the 12th session of the AMCEN in June 2008 to consider the recommendations of the working group.

2. Report on Stakeholder and Experts Meeting

The Heads of Delegations meeting was preceded by two meetings organized by the Convention.

- The Stakeholders meeting of the 5th of November 2007 grouped a number of representatives from key international and national NGOs carrying out activities in the convention area. This meeting enabled stakeholders to make significant contributions to the development of a work programme and draft LBSA Protocol for the Convention through recommendations forwarded to the Experts meeting. A major outcome was the strong recognition that the Abidjan Convention provides an added value of bringing together all stakeholders within the convention area, providing a platform for information exchanges and enabling these programmes and projects to have a region wide coverage.
- The Experts Meeting of the 6th of November 2007 grouped representatives from contracting parties and enabled the experts to deliberate on the 2008-2011 work programme for the convention. Through a joint session organized with Experts from the Nairobi Convention, experts deliberated on common priorities relevant to the effective implementation of the Regional Seas programme for both Conventions. The recommendations of the Experts were submitted to the Heads of Delegations.

3. 2008-2011 Work Programme

The draft work programme for 2008-2011 for the Abidjan Convention forwarded by the expert group for the consideration of the Heads of Delegations and a financial Report for the Convention was presented by Mme Nassere Kaba, Interim Coordinator for the Regional Coordination Unit. This report was examined and adopted. A major outcome of its adoption is the change of the work programme cycle from 2 years to 4 years.

4. Activities of key Partner Organizations

The Delegates noted with satisfaction the major activities undertaken by the various partners working in the Convention area i.e. the GCLME, BCLME, CCLME, PRCM, BPOA and SIDS etc...

5. Political Commitments

The Heads of Delegation took note of the recommendations of the Expert meeting by examining the provisions of two key political instruments proposed for their consideration: the Draft Joint Declaration and a Draft Decision. Deliberation on these documents was however preceded by the statements made by Heads of Delegations on behalf of their countries.

A major outcome of the statements by all the Delegates was:

- The expression of a strong commitment to the Abidjan Convention as a platform for effectively coordinating the activities of the region and addressing their common problems.
- This political commitment and will was effectively translated in the draft Declaration submitted to the Joint Heads of Delegations meeting and the adoption of the Decisions specific to the Abidjan Convention.

6. Venue of Next Meeting

After noting that key decisions have been taken to transform the RCU as the Secretariat of the Abidjan Convention, it was agreed that the 9th COP will be organized in Cote d'Ivoire to concretize this reactivation action plan.

The Heads of Delegation Meeting was concluded with a vote of thanks extended to the Government of the Republic of South Africa, host country, for the successful organization of this historic meeting.

Annex XXIX

Joint declaration from the joint heads of delegation meeting

Adopted on 8 November 2007 in Johannesburg, South Africa
At the Joint Heads of Delegation meeting of the Contracting Parties to the
Abidjan Convention and Nairobi Convention

We, Ministers and heads of delegation representing Contracting Parties

Having met in Johannesburg, South Africa from 5 to 8 November 2007 during the 8th Conference of the Parties to the Abidjan Convention and the 5th Conference of the Parties to the Nairobi Convention and also on the occasions of the first Joint Conference of the Contracting Parties of the two Conventions,

Noting with satisfaction the commitment of Member States and their achievements in the implementation of the two Conventions and their Protocols,

Acknowledging with appreciation the contributions of national and regional institutions and other frameworks as well as the numerous efforts and actions by multi-stakeholder partners to implement programmes and projects at national and regional levels to promote the objectives of the Abidjan Convention and Nairobi Convention and their Protocols,

Recognizing that the marine and coastal areas and the associated river basins are being affected by natural processes and anthropogenic activities,

Recognizing further the close ecological connection and economic connectivity between freshwater, coastal and marine environments and the associated impact of upstream activities on coastal ecosystems and the communities that depend on such ecosystem services for their livelihoods,

Aware of the responsibilities and national interests that are at stake for the Contracting Parties to the Abidjan Convention and Nairobi Convention in the establishment of the outer limit of the continental shelf beyond 200 nautical miles, in conformity with article 76 of the 1982 United Nations Convention on the Law of the Sea (UNCLOS),

Concerned that climate change has far-reaching effects on our economies, societies and the environment,

Aware of the importance of undertaking strategic and other environmental assessments in order to avoid or mitigate adverse impacts on the environment and on ecosystem services, particularly in light of increased activity in the oil, gas and minerals sectors,

Emphasizing the need for strengthening further the cooperation among Contracting Parties of the Abidjan Convention and Nairobi Convention and international organizations as well as regional bodies concerned with the protection, management and development of the marine and coastal environment in sub-Saharan Africa,

Desiring to build on this progress and momentum with increased political resolve and commitment to conserve and sustainably develop the marine and coastal environment,

Hereby declare our resolve:

1. To continue to implement fully the Abidjan Convention and Nairobi Convention and their protocols as flexible and effective frameworks for the protection, management and development of the marine and coastal environment at national, sub- regional and regional levels;

2. To commit ourselves to strengthen and build upon existing national and regional institutions and frameworks for the implementation of national and regional strategies as well as programmes and projects for the protection, management and development of marine and coastal environment;
3. To commit ourselves to undertake strategic and other environmental assessments of activities that may have adverse impact on the coastal and marine environment particularly those related to exploration, exploitation and transportation of oil, gas and minerals, also taking into consideration the role of the IMO;
4. To commit ourselves to undertake strategic environmental assessments prior to exploitation and production of hydro carbons;
5. To commit ourselves to -
 - (a) sensitize the highest political levels the importance of the implementation of Article 76 of the 1982 United Nations Convention on Law of the Sea (UNCLOS) in the context of socio-economic development of our countries;, and
 - (b) engage in the preparation of submissions to the Commission for countries that wish to so, on the limits on the continental shelf regarding the establishment of the outer limits of the continental shelf beyond 200 nautical miles;
6. To develop programmes anchored in the large marine ecosystems programmes and their evolving commissions as well as other active programmes in the Abidjan Convention and Nairobi Convention areas;
7. To promote cooperative and collaborative actions with multi-stakeholder partnerships to integrate marine and coastal environment activities into climate change mitigation and adaptation and programmes at national and regional levels;
8. To take all appropriate measures to prevent, abate, combat and to the fullest possible extent mitigate coastal and marine pollution especially from-
 - (a) Land-based sources originating within territories of the Contracting Parties, and
 - (b) Discharges and waste dumping from ships and offshore platforms;
9. To commit ourselves to encourage states sharing river basins with our countries that drain into the Atlantic Ocean and Western Indian Ocean, in recognition of the inter-relationship between fresh water and coastal ecosystems and the communities that depend on the ecosystem services for their livelihoods, to accede or participate in the Abidjan Convention and Nairobi Convention;
10. To strengthen the financial sustainability of the Abidjan Convention and Nairobi Convention through;
 - (a) payment of arrears from Contracting Parties;
 - (b) timely contributions to the respective Trust Funds of the Conventions,
 - (c) co-financing and joint implementation of projects and activities of common interest, and
 - (d) mobilizing external funds for the implementation of the programmes of work;
11. To urge the Secretariat of the Abidjan Convention and Nairobi Convention to develop joint programming and holding meetings or conferences of the parties so as to strengthen regional capacity to manage shared marine and coastal resources in sub-Saharan Africa;
12. To urge national and international institutions, the private sector, bilateral donors and multilateral funding agencies to support the implementation of the two Conventions and their Protocols through national and regional programmes and projects.

13. To thank the people and the Government of the Republic of South Africa for successfully hosting the 8th Conference of the Parties to the Abidjan Convention and the 5th Conference of the Parties to the Nairobi Convention and also the first Joint Conference of the Contracting Parties of the two Conventions.

Johannesburg, South Africa

8 November 2007
