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Discussion Paper for the Development of the African Ocean Governance Strategy by United Nations Environment Programme

Background

Oceans are of vital importance to the international community, they provide living and non-living resources, facilitate shipping and other maritime uses, and play key role in the global climate and weather system. They flow over nearly three-quarters of our planet and hold 97% of the planet's water. Oceans and Coasts are the very basis of much of the world's economy. 350 million jobs around the world are linked to the oceans.[1] Africa has traditionally used the oceans and seas for shipping, fishing and offshore oil and gas. Yet in recent years, Africa's coasts and marine space is facing issues of declining ecosystem health and productivity, depleted fish stocks, climate change, biodiversity and habitat loss, as well as weak ocean governance.

At the 15th Session of the African Ministerial Conference on the Environment (AMCEN) in 2015, African Ministers of Environment agreed to "develop a governance strategy, in accordance with the United Nations Convention on the Law of the Sea and regional seas conventions, on oceans and seas in Africa for the effective management of the region's shared maritime resources and call for a regional conference to address the matter by 2016". At the 16th AMCEN session in Libreville Declaration in June 2017, member states agreed to "acknowledge the critical importance of the Regional Seas Conventions and Action Plans, and of regional fisheries bodies in enhancing the application of ecosystem-based approaches, marine spatial planning and ocean governance in Africa, in addition to the need for coastal States to integrate innovation and value-added approaches." Part 2 of Decision 2/16 of AMCEN in Libreville elaborates on Governance Mechanisms for Ocean Ecosystem-based Management in Africa.

[1] Why does addressing land-based pollution matter? UN Environment website, https://www.unenvironment.org/explore-topics/oceans-seas/what-we-do/addressing-land-based-pollution/why-does-addressing-land

At the 6th Special AMCEN session in Cairo Declaration April 2016, member states agreed to "strengthen existing regional institutional mechanisms in Africa for ecosystem-based management of oceans and coastal zones and call upon, in this regard, United Nation Environment Programme and partners within their respective mandates to organize as appropriate a conference on oceans in 2017". At the 7th special session of AMCEN in the Nairobi Declaration in September 2018, member states agreed to "urge African states to promote the growth and development of the regional ocean sector in a sustainable blue economy pathway and support the mainstreaming of aquatic biodiversity in all productive sectors with a view to sustainably harnessing the blue economy."

In response to the decisions, United Nations Environment Programme, as the secretariat for AMCEN, carried out background studies and held a governance scoping meeting in Zanzibar in 2018 aimed at assisting member States in developing an African Strategy for Ocean Governance. A Scoping meeting was organized in July 2018 to discuss gaps and future steps.

Based on the Cairo and Libreville Declaration, the AMCEN member States are looking at a governance strategy based on the principles underpinning the Ecosystem-based Management[2].

The following principles naturally direct the EBM processes and should form the basis for the development of an Ecosystem-based Governance strategy:

1. Recognizing connections within and across ecosystems;
2. Utilizing an ecosystem services perspective;
3. Addressing cumulative impacts;
4. Managing for multiple objectives; and
5. Embracing change, learning, and adapting.

For the purpose of the discussion in this paper, the Ocean governance based on the "Ecosystem-based Management" is proposed to be defined as a framework to govern all human activities that affect the functioning of the whole ecosystems for sustained economic, social and environmental benefits of the countries and people of Africa. It is suggested that the AMCEN member countries carry out a scoping exercise for a future strategy. They are invited to consider both options: (i) governance sharply focussing on the environmental aspects; or (ii) a broader governance framework encompassing various human activities more closely following the ecosystem-based management principles and approach.

Based on the AMCEN mandates and results from previous studies (INF documents), this discussion paper will look at key issues relevant to the future strategy, namely, (i) institutional capacity strengthening of the existing governance mechanism, (ii) cross-sectoral cooperation, (iii) science-policy interface and (iv) stakeholder engagement separately, discussion points are raised under their headings. However, it is also noted that a scope of a future strategy should always be taken into consideration as presented in a preceding paragraph.

Institutional and capacity strengthening of the existing governance mechanisms

Multiple international institutions, legal frameworks at global and regional levels for ocean governance exist in the region. The United Nations Convention on the Law of the Sea (UNCLOS) is the global legal

[2] UNEP (2011): Taking Steps toward Marine and Coastal Ecosystem-Based Management

framework for ocean governance, there are two implementing agreements on deep seabed mining and highly migratory fish stocks under UNCLOS, a third Implementing Agreement on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction (BBNJ) is currently under negotiation.

Five regional seas programmes are relevant to the region, namely, Abidjan Convention to cover the West, Central and Southern Africa, Nairobi Convention to cover the Western Indian Ocean, Barcelona Convention to cover the Mediterranean, Jeddah Convention to cover the Red Sea and Gulf of Aden, and the Convention on the Conservation of Antarctic Marine Living Resources (CCAMLR) to cover the Southern Ocean.

Of the 54 African countries, 47 are Parties to UNCLOS, 17 are Parties to the Abidjan Convention, 9 to the Nairobi Convention, 5 to the Barcelona Convention, 4 to the Jeddah Convention, and 3 to CCAMLR.

Other global governance mechanisms relevant to Oceans include the International Maritime Organization (IMO) and MARPOL for shipping, multiple fisheries bodies in the region (Detailed information on fisheries bodies can be found in Annex 2), Large Marine Ecosystems (LMEs), and International Seabed Authority (ISA) for deep seabed mining established pursuant to Article 156 of UNCLOS. Many ocean-relevant institutions mentioned were set up for sector specific purposes, for instance, the IMO was established by treaties to address international shipping, and fisheries bodies were established for fisheries management, an overall review of legal and institutional frameworks can be found in table 1.

Table 1: the legal and institutional framework

International Institutions
International Maritime Organization
The International Seabed Authority
The World Trade Organisation
The Food and Agriculture Organization
The World Bank/Global Environment Facility
UN Development Programme
Legal framework at the global level
United Nations Convention on the Law of the Sea (UNCLOS),
Agreement relating to the Implementation of Part XI of UNCLOS
The United Nations Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (the Straddling Stocks Agreement)
The Convention on Biological Diversity
The United Nations Framework Convention on Climate Change (UNFCCC)
The Kyoto Protocol
The Paris Agreement
FAO instruments
The 1993 FAO Agreement to promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas
The 1995 FAO Code of Conduct for Responsible Fisheries
IMO treaties
The Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972
The 1996 Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter
The Convention on Migratory Species
The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal
Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade
The Stockholm Convention on Persistent Organic Pollutants
The Minamata Convention on Mercury
Proposed international legally binding instrument (on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction
The Global Programme of Action for the Protection of the Marine Environment from Land-based Activities

Legal framework at the regional level (regional conventions and action plans)
The Mediterranean Action Plan and the Barcelona Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean The Programme for the Environment of the Red Sea and Gulf of Aden and the Regional Convention for the Conservation of the Red Sea and Gulf of Aden Environment The Amended Nairobi Convention for the Protection, Management and Development of the Marine and Coastal Environment of the Western Indian Ocean (the Nairobi Convention) The Commission for the Conservation of Antarctic Marine Living Resources
Regional Economic Commissions
The Economic Community of West African States The Inter-Governmental Authority for Development The Southern African Development Committee
Regional political bodies
African Union Indian Ocean Commission
Fisheries Bodies
General Fisheries Commission for the Mediterranean Fishery Committee for the Eastern Central Atlantic Sub-Regional Commission on Fisheries Fishery Committee of the West Central Gulf of Guinea Regional Fisheries Committee for the Gulf of Guinea South East Atlantic Fisheries Organisation International Commission for the Conservation of Atlantic Tunas Southwest Indian Ocean Fisheries Commission Indian Ocean Tuna Commission
Large Marine Ecosystems in Africa
Canary Current Large Marine Ecosystem Guinea Current Large Marine Ecosystem (16 countries in West and Central Africa) Benguela Current Large Marine Ecosystem Agulhas and Somali Current Large Marine Ecosystems (East and Southern Africa) Mediterranean Large Marine Ecosystem

While marine, ocean and coastal resources support a growing proportion of economic and livelihood options, Africa's marine and coastal resources are under increasing threat from environmental factors. Over-fishing and destructive fishing practices continue to cause damages to marine ecosystems, as other anthropogenic pressures, including pollution, do. There are currently not enough marine protected areas to cover at least ten per cent of Africa's marine and coastal areas.

Based on preliminary analysis, it is found that not all States in the region are Parties to the relevant international and/or regional legal instruments. National legislations not always align with international and regional instruments. More importantly, capacity to comply with and enforce these international, regional and national instruments is not sufficient to address the above-noted threats. At the regional seas level, capacity to implement governance related decisions and activities is considered to be limited, rendering the regional framework less efficient. At the institutional level, despite of UNCLOS, there is absence of coordination mechanism at a global, regional or sub-regional level for ocean governance, there is no structured approach to cooperation amongst various mechanisms, and no general obligation or a framework that mandate such cooperation. Moreover, there are inconsistent or overlapping mandates of existing organizations and mechanisms. It is necessary to assess whether existing mechanisms are mandated appropriately and equipped with sufficient capacity for effective ocean governance in the region.

Discussion points:

1. Are there institutional and capacity gaps for ocean governance in the region? If so, what are they and what type of institutional strengthening is needed?

After initial studies, gaps for current institutional setup could be: (1) lack of financial and technical capacity to formulate and implement regional policies; (2) lack of human resources; (3) inter-sectoral nature of policies relating to ocean governance makes them complex and difficult to develop and implement; (4) ocean governance not top of government agenda compared to poverty eradication, assess to water and food; (5) different approaches for ocean governance adopted in different countries; (6) no institution, such as the Environment Ministries, is empowered and given the mandate for cross-sectoral coordination/ governance.; and (7) overlapping and inconsistent mandates and policies among the existing ocean governance mechanisms.

Possible approaches for institutional strengthening might include: (1) possible need for an Africa-wide institution for ocean governance and/or coordination; (2) a new mechanism on BBNJ could facilitate capacity building and institutional strengthening, global and regional policy developments suggest that when considering ocean governance it is appropriate to consider ABNJ, regional seas programmes may consider extend mandate to ABNJ if appropriate; (3) developing information gathering and sharing within the existing institutions and across them; and (4) enhancing efficiency in implementing governance decisions by the member States.

2. What other capacity-development activities needed in the region for better ocean governance?

The possible capacity-building activities might include (1) training/awareness-raising activities for ocean governance; (2) information exchange with other regions to understand the strength and weakness of regional governance, share and learn from good practices of these regions; (3) technical assistance/technology transfer needed to fill technology gap for ocean governance; (4) for financial gaps, funding can come from a variety of sources: the public sector, private sector, and bilateral and/or multilateral international funding sources.

Cross-sectoral cooperation

At the 2015 meeting of the African Ministerial Conference on Environment (AMCEN) (March 2015, Cairo), the African Ministers agreed on the Cairo Declaration, including the following operation paragraph: “8. To reiterate our support for the regional seas programmes in Africa as regional platforms for the implementation of the Africa Integrated Marine Strategy 2050 and Agenda 2063 on Ecosystem-based Management Approaches for marine resources in the exclusive economic zones and adjacent waters.”

The “Ecosystem-based Management” Approaches referred to in the Cairo Declaration can be defined as the approaches to address all human activities that affect the functioning of the whole Ocean ecosystems for sustained economic, social and environmental benefits of the countries and people in Africa. This eventually implies that cumulative impacts in the ecosystems are appropriately assessment within the target ecosystems and the human and sectoral activities are appropriately addressed to mitigate their negative impacts. Further sectors sustainably develop their activities and economies based on the ecosystems and their functions.
Based on the Ecosystem-based Management, it is ideal that there is an integrated ocean policy and associated governance framework, encompassing all Ocean-related sectors, so that Ocean-related stakeholders can make holistic decisions and use of resources and ecosystem services for sustainable economic, social and environmental development, rather than competing for these resources and ecosystem services to pursue sectoral socio-economic interests.
However, as discussed in the preceding chapter, the sectoral governance mechanisms have already been established at national, regional seas and global levels. The following is a very indicative tables of sectoral gove4rnance mechanisms at these levels.

Table 2: Governance mechanisms at the national, regional seas and global levels

	national	Regional seas	Global
Navigation	Ministry of Transport	Economic commission	Internaitonal Maritime Organization
Fishery	Depart of Fisheries	Regional Fisheries Bodies	Food and Agricultural Organization of the United Nations
Energy	Department of Energy	Economic commission	International Energy Agency, International Renewable Energy Agency
Ocean survey and research	Ministry of Science	Regional oceanographic commissions	Inter-governmental Oceanographic Commission of the United Nations Educational, Scientific and Cultural Organization
Environment	Ministry of Environment	Regional seas programmes	United Nations Environment Programme
Industry	Ministry of industry	Economic commission	United Nations Industrial Development Organization
Labour	Ministry of Labour	Economic Commission	International Labour Organization
Underwater cable	Ministry of communication	Economic commission	International Telecommunication Union, International Underwater Cable Commission
tourism	Ministry of tourism	Economic commission	United Nations World Tourism Organization

Further complicated is that main governance decisions are made at different levels depending on the sectors. For example, for the navigation sector, many decisions were made within the framework of the International Maritime Organization at the global scale complemented at national level decisions and actions. Many decisions on fish stock assessment and management are made under the regional fisheries management organisations for shared fish stocks although regulation may happen at the national levels. Therefore, the cross sectoral cooperation on a regional scale could involve, for example, cooperation between regional organization for sector A and a global organization representing the interests of sector B.

Despite the fact that the Ecosystem-based Management approaches advocate the integrated Ocean policy and governance, due to the sector-based governance frameworks as implied in Table 1, integrated Ocean governance has not been realized. In Africa, the 2050 Africa Integrated Maritime (AIM) Strategy describes its vision as to foster increased wealth creation from Africa's oceans and seas by developing a sustainable thriving blue economy in a secure and environmentally sustainable manner, as well as increased national, regional and continental stability, through collaborative, concerted, cooperative, coordinated, coherent and trust-building multi-layered efforts to build blocks of maritime sector activities in concert with improving elements of maritime governance (paras. 18-19). This strategy should be seen as the overall strategy to ocean-based wealth creation through cooperation and coordination among the involved sectors. The modality of cooperation and coordination among the involved sectors, however, has not been clearly indicated in the Africa Maritime Strategy or its plan of action.

Taking an Ecosystem-based Management approach eventually involves cross sectoral cooperation and coordination so that the involved sectors and stakeholders can make science-based sound decisions. In order to identify and describe existing cross sectoral ocean cooperation and policy coherence effort, United Nations Environment Programme and European Commission collected and synthesized cross-sectoral cooperation good practices, included in two publications: (1) Ocean Policies and Institutional Arrangements for Cross-sectoral Cooperation – case studies for achieving Sustainable Development Goals; and (2) Realizing Integrated Regional Oceans Governance – Summary of case studies on regional cross-sectoral institutional cooperation and policy coherence. These publications were issued as INF documents for the present meeting. It is clearly noted that these god practices are the cooperation between the environment mechanisms and another sectoral mechanism (fishery, navigation, water resources, and seabed mining). It is further recognized that different models of cooperation and coordination on a cross-sectoral basis have been observed. Memoranda of understanding between regional seas programmes and regional fisheries bodies seem to be an area where cross-sectoral cooperation is advanced in the world and in Africa. However, these good practices did not include integrated policy frameworks and governance mechanisms that include all Ocean sectoral bodies.

Discussion points:

1. What cross-sectoral governance model do the African countries wish to pursue?

In order to effectively implement the Africa Integrated Maritime Strategy (AIMS 2050), the African States should consider concrete Ocean governance framework, involving Ocean related sectors. Creation of AU marine commissioner and associated AU institutional framework may provide future cross-sectoral cooperation framework. If such an integrated Ocean framework cannot be ready implemented, a step-by-step approach should be considered based on the cross-sectoral cooperation between two sectoral bodies as the initial step. As noted above, the cooperation between regional seas and regional fisheries bodies may be seen as the readily possible cooperation framework, and such bilateral cross-sectoral cooperation framework may evolve into one involving additional sectoral bodies, which may be national (e.g. national integrated coastal zone management committee) or global mechanisms (e.g, International Maritime Organization for the navigation sector).

2. Which sectoral body(ies) should play a central role in the coordination and facilitation of cross sectoral cooperation?

Paragraph 8 of the 2015 Cairo Declaration expressed support for the regional seas programmes in Africa as regional platforms for the implementation of the Africa Integrated Marine Strategy 2050 and Agenda 2063 on Ecosystem-based Management Approaches for marine resources in the exclusive economic zones and adjacent waters. Taking on the definition of the Ecosystem-based Management in this paragraph, it is interpreted that the regional seas programmes in Africa should play a central role in the coordination and cooperation of the other sectoral activities to aim at achieving the vision of the Africa Integrated Maritime Strategy. Currently however the regional seas programmes are not equipped with the mandate and capacity to fulfil such a coordination role? If and when the regional seas programmes are to fulfil this role, what capacity should be given to the regional seas programmes and how to build such capacity and manage relationship and cooperation with the other sectoral bodies?

Science-policy interface

Science forms a basis for sound decisions under the Ocean governance mechanisms. In the Ocean arena, there are many scientific mechanisms designed and developed to provide scientific information and advice for policy makers and implementers under broader Ocean governance mechanisms. For integrated

Ocean governance, policy and decisions, a wide range of scientific information has to be mobilized, including marine biology, oceanography, ocean geochemistry, sociology, resource economics, fishery science, climatology, etc. Currently there is no single global organization that can provide comprehensive scientific information and advice to ocean management organisations. In Africa, a network of scientists and technical institutions generate scientific information and data, but their information may not be clearly linked with policy decisions made at the Ocean governance mechanisms.

Under the regional seas programmes, science-based advisory mechanisms were created and embedded into their governance mechanisms. In Africa, the Nairobi Convention is working with the Western Indian Ocean Marine Science Association to receive science-based advice for policy development. The Abidjan Convention has established an *ad hoc* committee on science and technology, advising the Conference of the Parties and the secretariat. Under the Mediterranean Action Plan, issue-specific Regional Activity Centres generate science-based information and advice for the Barcelona Convention and its associated Protocols as well as for the Action Plan implementation, although these Centre also contribute to the implementation of action needed. Under the Regional Fisheries Bodies, normally scientific committees are organized to carry out fish stock assessment and provide scientific recommendations to the Bodies policy decisions.

There are a number of global ocean-science based programmes, such as the Global Ocean Observing System, International Ocean Data Exchange, and their sub-programmes, such as Ocean Biodiversity Information System. The Global Ocean Observing System, for example, has its regional node for Africa. At this stage, effective of uptake of their information and data for African ocean governance mechanisms is yet to be evaluated.

In the previous chapters, there was discussion on the need for capacity and institutional strengthening of the existing regional ocean governance frameworks, and possible models of cross sectoral cooperation. If the Africa countries decide to build capacity of scientific mechanisms associated with the existing regional ocean governance frameworks, there must be associated capacity strengthening efforts for the scientific mechanisms in order to make sound policy decisions. If the African States decide to move towards cross sectoral policy coherence and integrated Ocean governance, then discussion on what science mechanisms may be needed to support cross sectoral institutional cooperation and policy coherence.

Discussion points:

1. Can the existing scientific mechanisms produce scientific information sufficient for integrated ocean policy decisions? If not, what are barriers for science not appropriately taken up in policies?

There are existing scientific bodies and mechanisms in Africa. These may be subsidiary bodies of the regional ocean governance framework, regional node of the global scientific network and centres, or scientific organisations established for African decision making. The degree and effectiveness of using and taking up scientific information for policy decisions on ocean governance are yet to be evaluated, the African state may decide if the policy makers and implementers receive sufficient scientific information that can be easily and ready used for policy decisions. If not, there are several possible reasons: (1) information may not be understood by policy makers; (2) not enough information has been generated; (3) there have not been sustained network of scientists to provide scientific information continuously; (4) there is not enough capacity on the side of policy makers and implementers to uptake and translate the scientific information into policy relevant judgement; or (5) not enough scientific capacity in the region.

2. How can the existing and future scientific mechanisms provide science-based information for the ocean governance frameworks to make technically sound and science-based decisions?

In order to generate scientific information that can easily and readily used for policy decision interaction and relationship between any associated scientific mechanisms and policy mechanisms should be well defined. As discussed above, subsidiarity of the scientific mechanisms to regional seas and regional fisheries bodies governance frameworks was established, but such interaction may be re-visited even though the African states decide to respect the existing regional ocean governance mechanisms.

Stakeholder engagement in Ocean governance

Apart from inter-governmental mechanisms, there are other stakeholders who might play important roles in regional ocean governance and decisions. Within the existing regional Ocean governance frameworks, the engagement and participation of various stakeholders is yet to be evaluated; in other words, how effectively their input is reflected in the decisions of the governance mechanisms.

Civil society participation is also key to ocean governance. One way to involve the civil society is through campaigns. In order to engage governments, the general public and the private sector in the fight against marine plastic pollution, UN Environment has launched the Clean seas campaign in 2017, at the moment, 11 African countries including Benin, Cote D'Ivoire, Ghana, Kenya, Madagascar, Maldives, Nigeria, Seychelles, Sierra Leone, South Africa, and Sudan have committed to the campaign, civil society participation can be greatly mobilised through such campaigns. Through such campaigns, public awareness has been greatly raised, currently, marine plastic pollution is not only high on many government's agenda, but also attracted public participation, hotels, restaurants and other general public have taken part in such efforts, and committed to clean seas, and reducing marine litter and pollution.

Private sector is essential to realizing sustainable solutions to ocean governance, new solutions can be found through partnerships with the private sector, shared goals that encourage and support business growth should be identifies to increase investment into sectors that are critical to ocean governance, and promote adoption of sustainable and inclusive business practices. Market-oriented solutions that are enterprise-driven might be applied in the partnership with the private sector.

One regional example is the Nairobi Convention which established a partnership including the international agencies such as UNDP, UNESCO-IOC; NGOs through the Western Indian Ocean Consortium; bilateral donors such as Swedish International Development Agency, European Union, GIZ; research institutes such as GRID-Arendal, Kenya Marine and Fisheries Research Institute, Institute of Marine Sciences-University of Dar es Salaam and with the Western Indian Ocean Marine Science Association; local authorities; and multilateral donors, such as the Global Environment Facility (GEF).

Take WIO-C for specific example, the Consortium for the Conservation of Coastal and Marine Ecosystems in the Western Indian Ocean (WIO-C) comprises a group of international and regional NGOs in partnership with intergovernmental organizations that have presence and are active in regional marine and coastal ecosystem management in the Western Indian Ocean. It was officially launched at the Fifth Meeting of the Contracting Parties to the Nairobi Convention held in Johannesburg, South Africa in November 2007, with the main purpose of advancing efforts to protect, conserve, and manage the coastal and marine environment of the Western Indian Ocean region while working to alleviate poverty and attain sustainable livelihoods for the most vulnerable segments of its population. Several projects have been developed to build resilient coasts and design a regional network for the Western Indian Ocean Local Fisheries Management, such engagement of NGOs can complement inter-governmental efforts.

Discussion points:

1. Who are the stakeholders that should be involved in ocean governance of the region?

Possible major stakeholders can include: scientists and research institutes, NGOs, civil society, and private sector.

2. How to engage them within the regional ocean governance?

To engage all stakeholder, the following may be necessary: (1) clarity in stakeholder engagement, ensure a clear objective and identification of the relevant stakeholders; (2) multilateral forum to encourage the exchange of information on stakeholders, discussion on common interests and concerns, consideration of all conservation and management measures, and market-oriented solutions. Stakeholders work together to maintain, review and update a joint record of management measures and anticipate future common concerns; (3) campaigns organized to mobilise participation of the public; (4) prove to private sector and possible donors shared goals, and that the real benefits can be generated through strengthened ocean governance.

Annex 1 Global framework on ocean governance

UNCLOS

At the global level, the United Nations Convention on the Law of the Sea (UNCLOS) and its two Implementing Agreements on deep seabed mining and on straddling and highly migratory fish stocks provide for regional approaches to ocean governance in its provisions on the enclosed and semi-enclosed seas[3], marine environmental protection and conservation[4], high seas living resources[5], and regional marine scientific and technological centres[6].

In General Assembly resolution 72/249, it was decided to convene and Intergovernmental Conference to negotiate the text of an international legally binding instrument under UNCLOS on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction (BBNJ), which is likely to be the third implementing agreement under UNCLOS.

47 African countries are currently Parties to UNCLOS[7].

MARPOL and IMO

IMO is the global standard-setting authority for the safety, security and environmental performance of international shipping. Its main role is to create a regulatory framework for the shipping industry that is fair and effective, universally adopted and universally implemented.

There are a number of Conventions or Protocols relevant to IMO's work, most notably, the International Convention for the Prevention of Pollution from Ships (MARPOL), which is the main international convention covering prevention of pollution of the marine environment by ships from operational or accidental causes. The Convention includes regulations aimed at preventing and minimizing pollution from ships - both accidental pollution and that from routine operations.

A majority of African countries are Party to MARPOL and/or relevant IMO treaties[8].

ISA

The International Seabed Authority became fully operational in 1996 pursuant to article 156 of UNCLOS, an Implementing Agreement on deep seabed mining to UNCLOS was also adopted in 1994. The ISA is responsible for all activities related to the exploration and exploitation of mineral resources in the Area which comprises about 60% of the seabed.

At the regional level, some of the Regional Seas Conventions contain provisions on offshore activities and in some cases, Technical Protocols. For example, Article 8 of Nairobi Convention provides for pollution from seabed activities.

[3] UNCLOS, Part IX.
[4] UNCLOS, Part XII.
[5] UNCLOS, Part VII. Section 2.
[6] UNCLOS, Part XIV, Section 3.
[7] Detailed list of Parties to UNCLOS can be found at http://www.un.org/depts/los/reference_files/chronological_lists_of_ratifications.htm
[8] Status of IMO treaties can be found at http://www.imo.org/en/About/Conventions/StatusOfConventions/Documents/Status%20-%202018.pdf

Annex 2 Regional Governance

Regional Seas

The Regional Seas Programme, launched in 1974, aims to address the accelerating degradation of the world's oceans and coastal areas through a "shared seas" approach. Today, more than 143 countries have joined 18 Regional Seas Conventions and Action Plans for the sustainable management and use of the marine and coastal environment. All individual Conventions and Action Plans reflect a similar approach, yet each has been tailored by its own governments and institutions to suit their particular environmental challenges.

Five regional seas programmes are particularly relevant to Africa: The Mediterranean Action Plan and the Barcelona Convention, the Programme for the Environment of the Red Sea and Gulf of Aden and the Regional Convention for the Conservation of the Red Sea and Gulf of Aden Environment, the Nairobi Convention, and the Commission for the Conservation of Antarctic Marine Living Resources. Detailed information can be found in Annex 1.

Challenges identified in the regional seas relevant to Africa include: knowledge and data gaps and knowledge sharing mechanisms, week mechanisms for coordination and cooperation with other bodies, protocols not fully internalized in member countries, and lack of robust report and implementation mechanisms.

Regional Fisheries Bodies

Fisheries and aquaculture make a significant contribution to GDP, providing employment, and promoting health and food security. The sector employs 12.3 million people representing 2.1% of Africa's There is no generally accepted formal definition of RFBs or RFMOs.

A Common Fisheries Policy was developed to conserve, manage, and harvest fish stocks in line with the ecosystems and precautionary approaches.

There are nearly 10 fisheries bodies in the region, Details of the fisheries bodies in the region can be found in Annex 2.

LMEs

LME mechanisms aim at implementing the ecosystems approach to the marine and coastal environment, from knowledge to management.

LMEs are relatively vast areas of oceans of approximately 200,000 km² or greater, adjacent to the continents in coastal waters where primary productivity is generally higher than in open ocean areas.

The Abidjan Convention covers 3 LMEs, Mediterranean Convention covers 1, Jeddah Convention 1, Nairobi Convention 2, and CCAMLR 1.

Annex 3 Information on Regional Sea conventions of regional seas programmes relevant to Africa

	Western & Central Africa	Eastern & Southern Africa	Mediterranean	Persian Gulf	Antarctic
Regional Sea Convention	Abidjan Convention (1981)	Nairobi Convention (1985 and amended in 2010)	Barcelona Convention (1976 and amended in 1995)	Jeddah Convention (1982)	Convention on the Conservation of Antarctic Marine Living Resources (1980)
Parties	17 Parties: Benin, Cameroon, Congo (Democratic Republic of), Congo (Republic of), côte d'Ivoire, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mauritania, Nigeria, Senegal, Sierra Leone, South Africa, Togo. (member states yet to ratify: Angola, Cape Verde, Equatorial Guinea, Namibia, Sao Tome e Principe)	10 Parties: Comoros, France, Kenya, Madagascar, Mauritius, Mozambique, Seychelles, Somalia, Tanzania and the Republic of South Africa.	22 Parties, 1 regional organization: Albania, Algeria, Bosnia and Herzegovina, Croatia, Cyprus, Egypt, the European Community, France, Greece, Israel, Italy, Lebanon, Libya, Malta, Monaco, Montenegro, Morocco, Slovenia, Spain, Syria, Tunisia, Turkey	7 Parties: Djibouti, Egypt, Jordan, Saudi Arabia, Somalia, Sudan and Yemen	35 Parties, 1 regional organization: Australia, Argentina, Belgium, Brazil, Bulgaria, Canada, Chile, China, Cook Islands, European Union, Finland, France, Germany, Greece, India, Italy, Japan, Republic of Korea, Mauritius, Namibia, Netherlands, New Zealand, Norway, Pakistan, Panama, Peru, Poland, Russia, South Africa, Spain, Sweden, Ukraine, United Kingdom, United States, Uruguay, Vanuatu.
Geographic coverage	According to its Article 1, the amended Convention covers "the marine environment, coastal zones and related inland waters falling within the jurisdictions of the States of the West, Central and Southern African region, from Mauritania to South Africa".	According to its Article 2-b, the amended Convention "covers the riparian, marine and coastal environment including the watershed of the Contracting Parties to this Convention. The extent of the watershed and of the coastal environment to be included within the Convention area shall be indicated in each protocol to this Convention".	According to its Article 1-1, the geographical coverage of the amended Convention includes "maritime waters of the Mediterranean Sea proper, including its gulfs and seas, bounded to the west by the meridian passing through Cape Spartel lighthouse, at the entrance of the Straits of Gibraltar, and to the east by the southern limits of the Straits of the Dardanelles between Mehmetcik and Kumkale lighthouses. Article 1-3 provides that "any Protocol to this Convention may extend the geographical coverage	According to its Article 2, the Convention applies "to the entire sea area, taking into account integrated ecosystem of the Red Sea, Gulf of Aqaba, Gulf of Suez, Suez Canal to its end on the Mediterranean, and the Gulf of Aden."	According to its Article 1, the Convention applies to the area south of the Antarctic Convergence. The Antarctic Treaty having suspended sovereignty claims, the region is considered as an area to be commonly managed beyond any states national jurisdictions, except for the maritime zones of sub-Antarctic islands north of 60 degrees South.

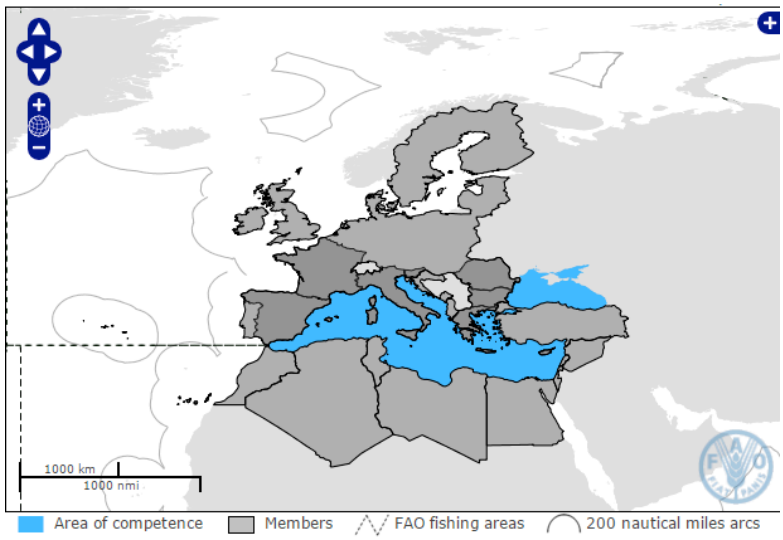
			to which that particular Protocol applies". In this regards, the Specially Protected Areas and Biodiversity Protocol covers areas beyond national jurisdiction. (Article 9-1)		

Annex 4 Details of regional fisheries bodies

General Fisheries Commission for the Mediterranean (GFCM)

The GFCM was established in 1952. It is a regional fisheries management organization (RFMO) established under the provisions of Article XIV of the FAO Constitution. Its objective is to "promote the development, conservation, rational management and best utilization of living marine resources as well as the sustainable development of aquaculture in the Mediterranean, the Black Sea and connecting waters"[9].

GFCM is composed of a Bureau and a Secretariat. During the intersessional periods the commission operates through the four committees: the Scientific Advisory Committee on Fisheries (SAC); the Scientific Advisory Committee on Aquaculture (CAQ); the Compliance Committee (CoC); and the Committee of Administration and Finance (CAF).

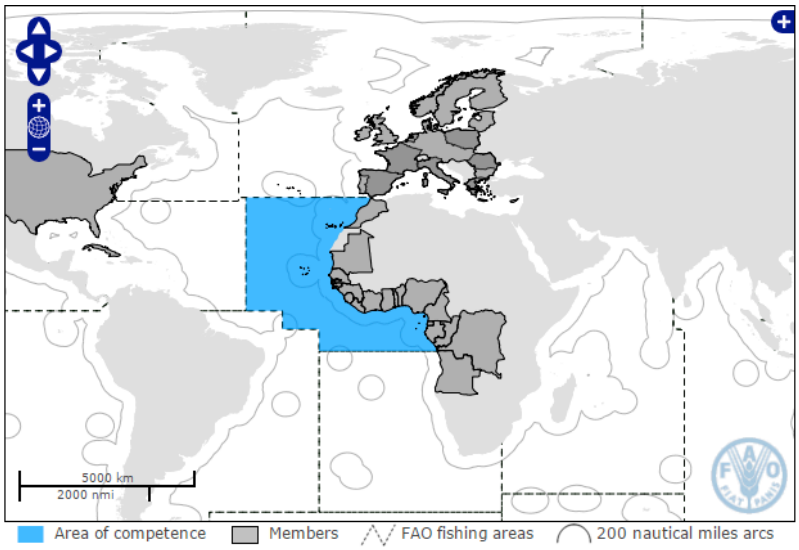


The Fishery Committee for the Eastern Central Atlantic (CECAF)

CECAF was established in 1967 under Article VI (2) of the FAO Constitution.

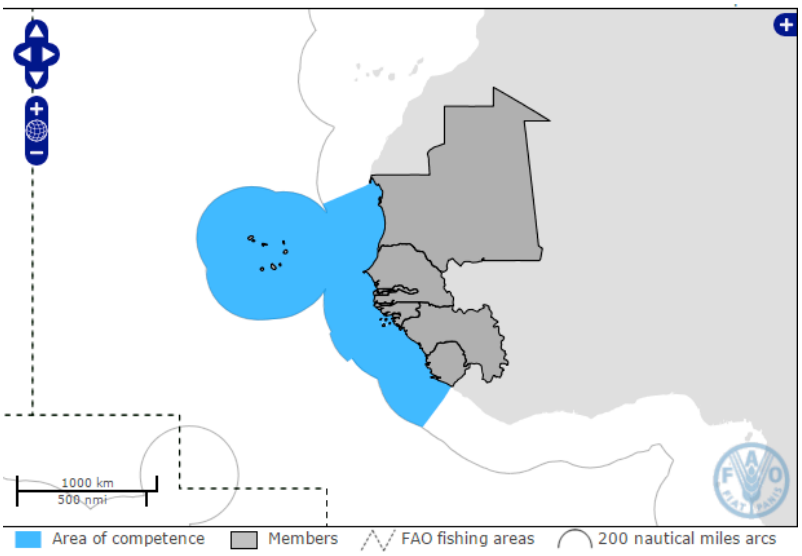
The Committee composed of the member states is the central body of the organisation. It has biannual sessions and can adopt recommendations on management issues. The Committee has established a Scientific Sub-Committee for fisheries managing decision. CECAF's function thus includes: to keep the state of the resources within its area of competency under review; to coordinate research in the area related to the living resources; to collect statistical data on marine fishery information; and to establish scientific basis for regulatory measures[10].

[9] http://www.fao.org/gfcm/background/about/en/



Sub-Regional Commission on Fisheries (SRCF)

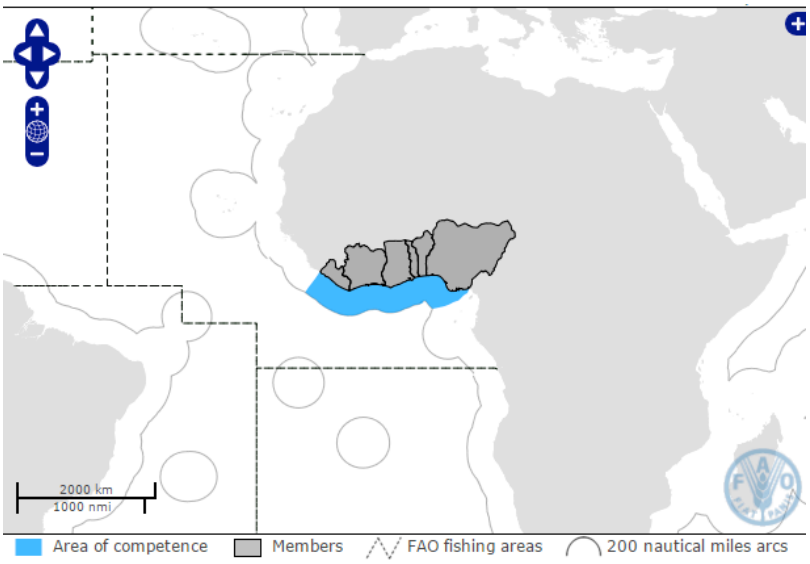
SRCF was established in 1985 with the objective to foster cooperation between member states and to coordinate the policies on fishery resources. SRCF is composed of: the Conference of Ministers, the Coordinating Committee and the Permanent Secretariat. The Conference of Ministers meets biannually[11].



Fishery Committee of the West Central Gulf of Guinea (FCWC)

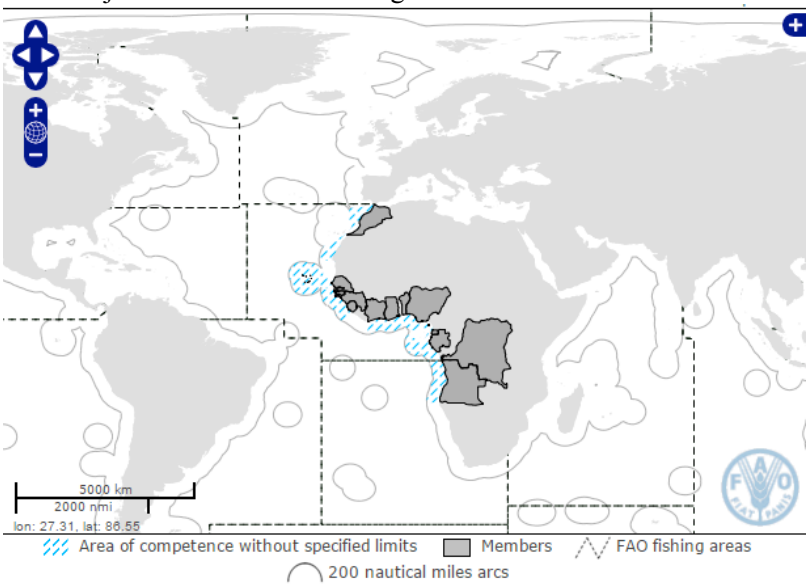
In 2006, the FCWC was established to promote cooperation of the Contracting Parties for conservation and optimum utilization of marine resources[12]. The overarching goal of the convention is "to ensure the sustainable development of the fisheries resources in the FCWC Convention Area". The Committee consists of three bodies: Conference of Ministers, Advisory and Coordination Committee (ACC) and a Secretariat. ACC's function includes supervision of the Secretariat and provision of technical and scientific advice to the Conference of Ministers[13].

[11] UNEP (DEPI)/APSM.1 /INF.3.
[12] http://www.fcwc-fish.org/about-us/about-fcwc
[13] Article 10 Convention for the Establishment of the Fishery Committee for the West Central Gulf of



Ministerial Conference on Fisheries Cooperation among African States Bordering the Atlantic Ocean (COMHAFAT/ATLAFCO)

COMHAFAT was established in 1989. The area of competence of COMHAFAT encompasses waters under national jurisdiction as well as high seas[14]. The Ministerial Conference meets every two years.

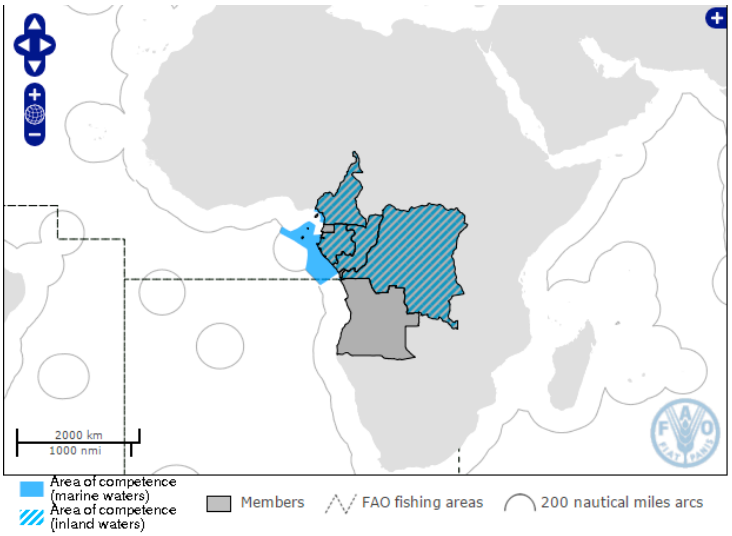


Regional Fisheries Committee for the Gulf of Guinea (COREP)

COREP was established in 1984. Since 2008, the COREP is a specialized organisation of the Economic Community of Central African States (ECCAS). Current member states are Cameroon, Congo, Dem. Rep. of the Congo, Gabon, and Sao Tome and Principe. Angola and Equatorial Guinea have observer status to COREP. Its objectives include: to assess the stock status; to harmonize fisheries policies of parties; and to preserve and protect marine and inland water. Thus COREP covers inland waters as well as coastal area under member states' national jurisdiction as is shown in the figure below.

COREP's governing body is the Council of Minister composed of Ministers for fisheries of each party. A Technical Committee exists to provide advice on scientific and technical issues to the Council. Scientific Sub-Committee also provides scientific and technical advice to the Technical Committee[15].

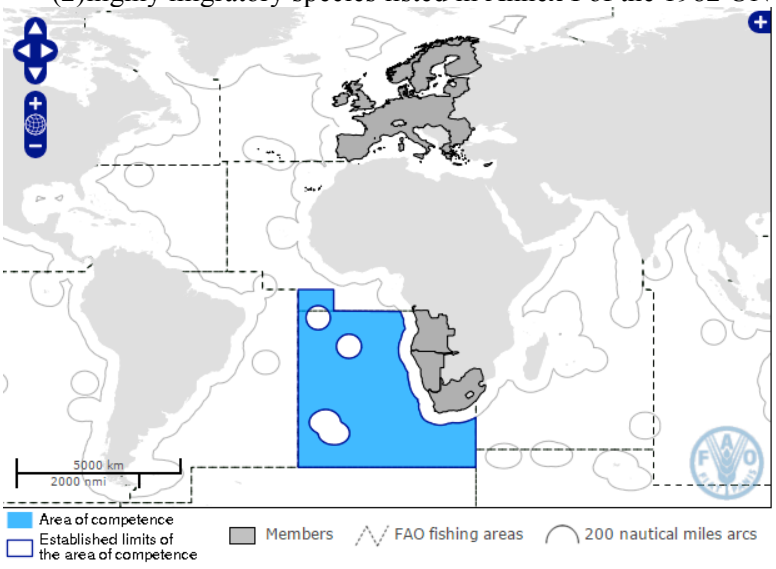
[14] UNEP (DEPI)/APSM.1./INF.3



South East Atlantic Fisheries Organisation (SEAFO)

SEAFO is an intergovernmental fisheries science and management body. SEAFO's primary objective is to *"ensure the long-term conservation and sustainable use of all living marine resources"*[16]. The member states are Angola, European Union, Japan, Namibia, Norway, Republic of Korea, and South Africa. As is shown in the map below the Convention Area does not include exclusive economic zones (EEZ) of the coastal states in the region. SEAFO comprises of the Commission, the Scientific Committee, the Compliance Committee and the Standing Committee on Administration and Finance and the Secretariat. The Scientific Committee provides the Commission with scientific advice on the status of marine resources. It should be noted that SEAFO does not cover the following two categories of species:

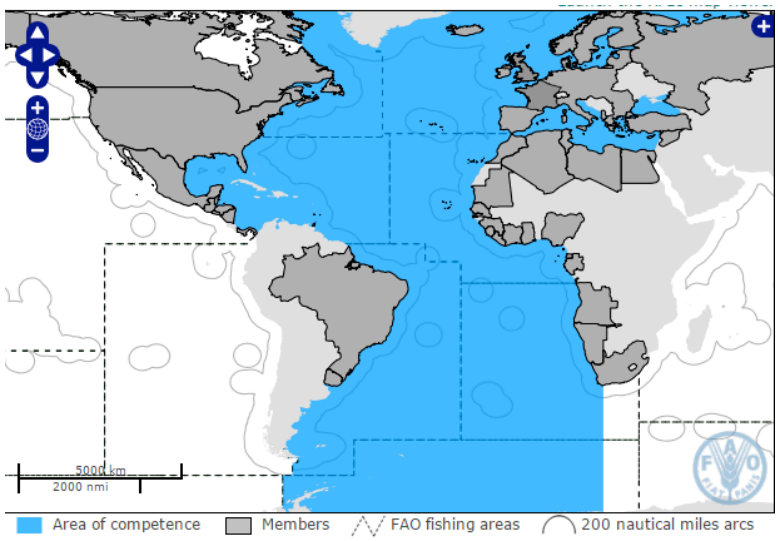
(1)Sedentary species subject to the fishery jurisdiction of coastal States pursuant to article 77 paragraph 4 of the 1982 UNCLOS; and
(2)highly migratory species listed in Annex I of the 1982 UNCLOS[17].



International Commission for the Conservation of Atlantic Tunas (ICCAT)

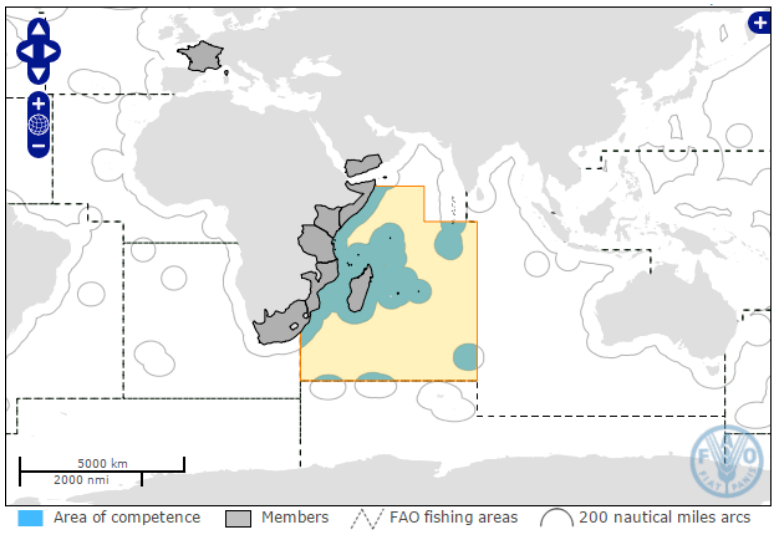
Established in 1966, ICCAT aims to maintain the population of tuna and tuna-like species fished in the Atlantic Ocean.

[16] http://www.seafo.org/



Southwest Indian Ocean Fisheries Commission (SWIOFC)

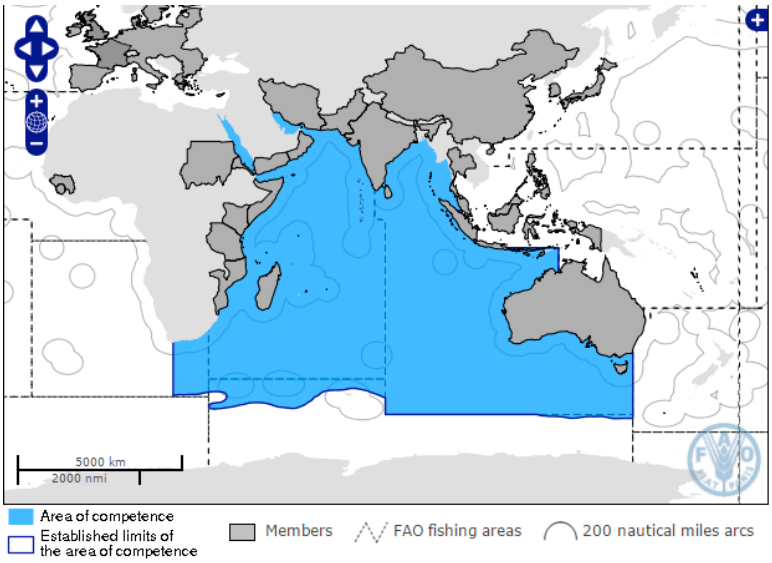
SWIOFC was established in 2004 under Article VI 1 of the FAO Constitution. Thus, SWIOFC is an advisory Regional Fisheries Body.



(Source: FAO[18])

Indian Ocean Tuna Commission (IOTC)

The Indian Ocean Tuna Commission (IOTC) is an intergovernmental organisation established under Article XIV of the FAO constitution. The target species are tuna and tuna-like species while the secretariat also collects data on species that are affected by tuna fishing activities such as shark and sea-birds.


5000 km
2000 nmi
Area of competence
Established limits of the area of competence
Members
FAO fishing areas
200 nautical miles arcs