



The Amended Nairobi Convention and the Protocol on Land Based Sources and Activities.

Nairobi Convention Focal Point

**This Presentation can be edited for any other use in
relation to the Amended Nairobi Convention and
the LBSA protocol, 2010.**



The Amended Nairobi Convention and the Protocol on Land Based Sources and Activities.

Nairobi Convention Focal Point



Introduction: Nairobi Convention

- Governments' political commitment to protection, management and development of the WIO region;
- An Umbrella regional agreement elaborated by 3 specific technical protocols Legal framework in the WIO region;
- Platform for collaboration between countries and agencies (transboundary issues);
- Country driven process/priorities;
- Execution of Programme of Work through regional programmes: govts, national, regional, international institutions;



The 1985 Nairobi Convention and Its Protocols

Developed against the background of the 1982 United Nations Convention on the Law of the Sea (1982 UNCLOS). The 1982 UNCLOS has several provisions which are consistent with the WIO.

The Conference adopted the Nairobi Convention and its two protocols: the *Protocol Concerning Co-operation in Combating Marine Pollution in cases of Emergency in the Eastern African Region*; and the *Protocol Concerning Protected Areas and Wild Fauna and Flora in the Eastern African Region*.

The Convention came into force in 1996.



Amendment of the Nairobi Convention

The Convention amended in April 2010 to take into account emerging issues and trends at both global and regional levels, particularly those that have implications on the management of the coastal and marine environment.

The *Protocol for the Protection of the Marine and Coastal Environment of the Western Indian Ocean from Land-Based Sources and Activities (LBSA Protocol)* to the Nairobi Convention was adopted.

The fourth Protocol on *Integrated Coastal Zone Management for the Nairobi Convention* is under development.



Amendment of the Nairobi Convention...contd

The *Amended Convention* includes clear provisions for compliance and enforcement of its provisions, including ecosystem approaches. They include urging the contracting parties to establish national laws and institutions, and undertake exchange of information, assistance and cooperation among themselves and with relevant international, regional and sub regional organizations.

This is set to increase integration between national and regional institutions in the development and management of projects and programmes, and especially those having cross sectoral and trans boundary aspects



Key Features: Amended Nairobi Convention, 2010

34 Articles and divided into main parts as follows:

- A detailed Preamble;
- Articles 1 – 5: Geographical coverage, definitions, general provisions, general obligations;
- Articles 5- 10: Focus on: pollution from ships; pollution caused by dumping; pollution from land-based sources; pollution from seabed activities; airborne pollution;
- Articles 11- 13: Biological diversity, pollution in cases of emergency and environmental damage from engineering activities;



Key Features: Amended Nairobi Convention, 2010

- **Articles 14 – 16: Provisions to ensure effective implementation: EIA, Scientific and technical cooperation, liability and compensation.**
- **Articles 17-18: Institutional and financial arrangements: includes secretariat and coordination and meetings of the contracting parties.**
- **Articles 19-34: Final provisions: include annexes, adoption of the protocols, amendment of the convention, rules and procedures of financial rules, relationship between the convention and its protocols, settlement of disputes, signature, ratifications, among others.**



LBSA Protocol

The LBSA Protocol provides the framework upon which Contracting Parties seek to address the principal source of pollution of marine and coastal environment, namely; pollution from substances and energy entering the marine environment by run off from land, rivers, pipelines and other outfall structures and pollution from the atmosphere, generated from land-based activities.

The LBSA Protocol to the Nairobi Convention is based on the wide recognition by the Contracting Parties that pollution from land-based sources and activities constitutes one of the major threats to the sustainability of the marine and coastal environment in the WIO region.



Key Features of the LBSA Protocol

The Protocol has 26 Articles, thematically organized under five thematic heads:

- A Detailed preamble
- Part 1 (Articles 1-4): General provisions, including definitions, geographical scope, protocol application, and general obligations.
- Part 2 (Articles 5-8): Provisions on pollution and other degrading activities and sources: includes pollution from point and diffuse sources, degradation from other harmful activities and transboundary pollution.



Cont'd.....

- **Part 3 (Articles 9 -16): Provisions to ensure effective implementation: include 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 of and access to information.**
- **Part 4 (Articles 17-20): Institutional and financial arrangements: includes secretariat and coordination, meetings of the parties, national focal points, and financial arrangements.**
- **Part 5 (Articles 21 -26): Final provisions: includes annexes, settlement of disputes, signature, ratifications and others.**



Nairobi Convention Secretariat
Division of Environmental Policy Implementation
United Nations Environment Programme
Phone: +254 20 762 2025/1250
Email: NairobiConvention@unep.org
<http://www.unep.org/NairobiConvention/>
Twitter: [@NCSecretariat](https://twitter.com/NCSecretariat)