
TERMS OF REFERENCE –comprehensive review of the Action Plan for the Protection, Management and Development of the Marine and Coastal Environment of the Eastern African Region of 1985, taking into account the Amended Nairobi Convention

BACKGROUND

The Nairobi Convention Secretariat organised the Sixth Conference of Parties (COP-6) to the Nairobi Convention at United Nations Environment Programme (UNEP) Headquarters in Nairobi, Kenya, from 29 March to 1 April 2010. The COP-6 adopted the Amended Nairobi Convention for the Protection, Management and Development of the Marine and Coastal Environment of the Western Indian Ocean (Amended Nairobi Convention), and the Protocol for the Protection of the Marine and Coastal Environment of the Western Indian Ocean from Land-Based Sources and Activities (LBSA Protocol). The 6th COP also considered and endorsed the Strategic Action Programme (SAP) for the Protection of the Marine and Coastal Environment in the Western Indian Ocean from Land-based Sources and Activities.

The Contracting Parties, in their Decision CP6/2: Review of Action Plan for the Protection, Management and Development of the Marine and Coastal Environment of the Eastern African Region, mandated the Nairobi Convention Secretariat and Bureau to review the regional coordination mechanism of the Nairobi Convention, implement short-term actions and propose to the next COP medium to long-term solutions to improve and strengthen the Secretariat; and further requested the Secretariat to undertake a comprehensive review of the Action Plan for the Protection, Management and Development of the Marine and Coastal Environment of the Eastern African Region of 1985, taking into account the Amended Nairobi Convention, the LBSA Protocol, the SAP, other regional processes, and also noting the emerging challenges and lessons learnt over the years and to report on the progress to the next Conference of Parties.

Recognizing the environmental uniqueness of the coastal and marine environment of the Western Indian Ocean region, the threats and the necessity for action, the countries of the region have reconfirmed their faith in the Convention by signing the amended Nairobi Convention, and by adopting an additional LBSA Protocol. This renewed mandate has however generated an increased need for additional human and financial resources. Consequently, and in view of the limited amount of contributions to the Eastern African Trust Fund, there is a need for a new strategy to implement the Convention and its related protocols; a new mechanism for building new partnerships and a new coordination and administration of the Convention Secretariat.

Decision of the COP6

The need for a revision of the Action Plan for the Protection, Management and Development of the Marine and Coastal Environment of the Eastern African Region of 1985; Review of the regional coordination mechanism of the Nairobi Convention; and Review of the Eastern African Trust Fund; was envisaged by Contracting Parties in decisions *CP6/2: Review of Action Plan for the Protection, Management and Development of the Marine and Coastal Environment of the Eastern African Region*; *CP6/4: Strengthening the Nairobi Convention Secretariat*; and *CP6/5: Contributions to the Trust Fund* of the Sixth Conference of Parties (COP6) which was held in Nairobi, Kenya from 29 March to 1 April 2010.

The Contracting Parties in these decisions authorized the secretariat to review the Action Plan, coordination mechanism of the Convention and the Eastern African Trust Fund and to prepare

an Action Strategy for the Western Indian Ocean and to implement short term actions and propose to the next COP medium and long-term solutions to improve and strengthen the Secretariat.

OBJECTIVES OF THE CONSULTATION

In the light of the above background, the Nairobi Convention Secretariat will review the regional coordination mechanism of the Nairobi Convention and carry out activities resulting into the elaboration of a New Broad Based Action Plan and Strategy for the implementation of the Amended Nairobi Convention; the LBSA Protocol; the Strategic Action Programme (SAP) for the Protection of the Marine and Coastal Environment in the Western Indian Ocean from Land-based Sources; development and ratification of the Integrated Coastal Management (ICM) Protocol. The strategy will also propose new coordination structures that will take into account the need for Regional Activity Centres, and fundraising options including mechanisms for enhancing contributions to the Eastern African Trust Fund.

TASKS OF THE CONSULTANTS

The Consultant(s) will undertake the following activities

1. Review the goal and objectives of Action Plan for the Protection, Management and Development of the Marine and Coastal Environment of the Eastern African Region of 1985
2. Review the regional coordination mechanism of the Nairobi Convention,
3. Review the Eastern African Trust Fund created under the Nairobi
4. Develop a broad-based Action Plan taking into account the adopted LBSA protocol, the adopted SAP, the proposed ICM protocol and the need to revitalise the implementation of the existing protocol concerning protected areas and wild fauna and flora as well as the protocol concerning co-operation in combating marine pollution in cases emergency
5. Propose short-term and medium to long-term solutions to improve and strengthen the Secretariat; and further to implement the proposed Action Plan
6. Review functions of the Regional Coordinating Unit of the Nairobi Convention with a view to restructuring its functions and mandate;
7. Prepare a detailed analysis of the options available including a process for selecting activity centres, if needed; human, infrastructure and financial resources needed for each of the Activity Centre and the means for generating the required resources to sustain an activity centre. The details will also include a timetable including business plan and decisions to be endorsed by the 7th Conference of Contracting Parties to enable the Secretariat to establish new coordination structures with well-defined functions to Regional Activity Centres where there is need, while UNEP remains as the Secretariat for the Nairobi Convention.
8. Provide credible options for enhancing the contributions to the trust fund and Action Plan (including decisions to be adopted by the 7th Conference of Contracting Parties;
9. Review and develop options for enhancing contributions by Contracting Parties including new sustainable financing mechanisms, criteria or formula for determining contributions and to present the options for enhancing the contributions to the Trust Fund, and draft decisions to the stakeholders meeting in August 2011;

10. Incorporate inputs from the stakeholders meeting into the options for enhancing contributions to the Trust Fund, action plan and decisions for adoption at the Special Conference of Contracting Parties;
11. Prepare report of the stakeholders meeting;
12. Participate in the 7th Conference of Contracting Parties and support the Secretariat in preparing the report.

EXPECTED OUTPUTS

- i. A broad-based Action Plan with;
 - a. Strategy for the Action Plan that will also include strategy for the implementation Amended Nairobi Convention
 - b. Implementation strategy for the Strategic Action Programme (SAP) for the Protection of the Marine and Coastal Environment in the Western Indian Ocean from Land-based Sources;
 - c. Strategy for development and ratification of the ICM protocol.
 - d. Proposed new coordination structures that will take into account the need for Regional Activity Centres; the process for selecting activity centres; and fundraising options for each of the Activity Centre.
 - e. Options for enhancing contributions to the Trust Fund, creation of a reserve fund for the Nairobi Convention including decisions to be adopted at the 7th Conference of Contracting Parties of the Nairobi on new sustainable financing mechanisms and creation of a reserve fund
 - f. Draft decisions to be adopted at the 7th Conference of Contracting Parties of the Nairobi Convention on New Coordination Structures and Creation of Activity Centres
 - g. Options for creating new or enhancing existing partnerships
- ii. Reports of the stakeholders meeting.

DURATION OF THE CONTRACT

Implementation of the activities will be completed within 60 days (sixty days but spread over 7 months) from 1 October 2010 to April 2011 November 2010.

QUALIFICATIONS

The lead consultants must have:

- An advanced degree in a relevant discipline, from a recognised University.
- He /she should have demonstrated expertise and understanding of the management of coastal and marine environment as well as institutional building.
- At least five years regional and international experience in policy, management and programme planning in the coastal and marine environment in the Western Indian Ocean region
- Knowledge and experience in strategic planning, structuring of institutions and resource mobilization is desirable.
- Strong analytical and reporting abilities
- Proven communication and leadership skills
- Fluent in English (both written and spoken)