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Africa Ocean Governance Strategy Concept Note

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The first meeting of the African
Ocean Governance Strategy
Istanbul, 19 October 2015

Concept note for developing Africa Ocean Governance strategy

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Background:

1. UNEP is mandated to coordinate regional seas conventions and action plans and administers seven of them (Caribbean Region, East Asian Seas, Eastern Africa Region, Mediterranean Region, North-West Pacific region, Western Africa Region). UNEP assists the regional seas member countries in pursuing regional ocean governance for regional sustainable development, and promotes partnership between/among the Regional Seas, Regional Fishery Bodies, Large Marine Ecosystem mechanisms, regional economic commissions and other sectorial and political mechanisms. UNEP is finalising a publication covering this topic, entitled “Regional Oceans Governance: regional seas programmes, regional fishery bodies and Large Marine Ecosystem mechanisms better work together” (which could be launched at the proposed workshop).
2. UNEP is also actively supporting the Sustainable Development Goals (SDGs) process, including in relation to those SDGs that are relevant to oceans and seas. The discussion on Oceans governance needs to take full consideration of the Ocean related SDGs, particularly the proposed goal 14.c *“ensure the full implementation of international law, as reflected in UNCLOS for states parties to it, including, where applicable, existing regional and international regimes for the conservation and sustainable use of oceans and their resources by their parties”*.
3. On 19 June, the General Assembly made a resolution 69/292 on development of an international legally-binding instrument under the United Nations Convention on Law of Sea on the conservation and sustainable use of marine biological diversity the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction (ABNJ). In this resolution. The GA decided to develop an international legally binding instrument on marine biodiversity in areas beyond national jurisdiction.
4. The final report of the Global Ocean Commission (2014) recommended “a move from RFMOs (Regional Fishery Management Organisations) to Regional Ocean Management Organisations (ROMOs) where more integrated management can take place.” Some regional seas conventions and action plans include ABNJ in their geographic coverages with some others, based on the decisions or requests of the member countries/parties, started studying the issues, while the rest do not touch this issue. There are several good examples of the protection and sustainable use of biodiversity in ABNJ in some of the regional seas, and UNEP is committed to provide such information to future New York based discussion on the international instrument on biodiversity in ABNJ.
5. UNEP has also promoted green economy in oceans and associated sectors, which can serve as a theoretical input to the current blue economy/growth discussion and to related initiatives in different regions of the world. In order for the countries to transit to and realize blue economy, they will need to build a solid national and regional ocean governance system based on the blue economy concept.

6. At the last meeting of the African Ministerial Conference on Environment (AMCEN) (March 2015, Cairo), the African Ministers agreed on the Cairo Declaration, including the following operation paragraphs:

“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;”

“9. To urge member States to integrate green economy into development planning, use green economy to mobilise additional resources, create jobs, targeting in particular small and medium-sized enterprises and the informal sector, promote entrepreneurship and skills development and to call upon United Nations agencies, international financial institutions and development partners, regional organisations, stakeholders and civil society to promote social and environmental entrepreneurship and to provide financial and technical support by fostering cooperation and knowledge-sharing on good practices;”

“14. 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”.

Africa Ocean Governance Strategy:

7. In the last AMCEN meeting, African Ministers decided to develop an ocean governance strategy in Africa, which is supposed to be based on and in line with the Africa Integrated Maritime Strategy 2050 (AIMS 2050) and Agenda 2063: Africa We Want. As described in Cairo Declaration paragraph 9, regional seas programmes in Africa are the regional platforms on Ecosystem-based Management (EBM) for marine resources in Exclusive Economic Zones (EEZ) and adjacent waters. It is proposed that the African ocean governance strategy be developed based on a number of well accepted and widely agreed principles, such as ecosystem approach, precautionary approach and polluter-pay principle. Based on the ecosystem approach, as long as the regional seas programmes in Africa are the platforms on EBM for EEZ and adjacent waters, it is proposed that the strategy be developed by the African Union (AU) member states, through the regional seas programmes in Africa, in cooperation with regional fisheries bodies, regional and sub-regional economic communities and other regional and national bodies.
8. Within this framework, the governance is defined as *“the structures, functions, processes, and organizational traditions that have been put in place within the context of a program’s authorizing environment to define and achieve objectives”*¹. The African Union ocean objectives are defined in AIMS 2050 and relevant parts of Agenda 2063, especially related to paragraphs 14 and the governance objective is set out in paragraph 26 of Agenda 2063. Therefore the objective of developing this Africa ocean governance strategy is to define and propose institutional structure, functions of regional mechanisms and institutions, and decision making processes. It will also aim at outlining an objective and processes of regional integrated and inter-sectoral ocean policies for the implementation of AIMS2050 and associated national policy

¹ Sourcebook for Evaluating Global and regional Partnerships and Programmes. 2007; IEG-World Bank, <http://www.worldbank.org/ieg/grpp>

development. A preliminary outline of the ocean governance strategy is attached to this concept, which should be fully discussed and amended later by the AMCEN member States.

9. As the AMCEN is a body under the African Union, and as the Cairo Declaration clearly identifies AIMS 2050 and Agenda 2063 as guiding documents, the requested ocean governance strategy should serve as the strategy to develop or arrange for ocean governance under AU. The AMCEM members should play a key role in developing this strategy and any final results should be reported back to the AMCEN, which will decide whether or not they should be communicated to AU Heads of States, as it is expected that the final ocean governance strategy covers and affects multiple ocean sectors. The AMCEN secretariat (Regional Office for Africa of UNEP) will function as the secretariat for the implementation of paragraph 14 of the Cairo Declaration in cooperation with UNEP Division of Environmental Policy Implementation, which has regional seas coordination function. The UNEP Office and Division, as well as the Division of Environmental Law and Convention, will provide technical input to this process. The African Union Commission (AUC), as a umbrella political body for AMCEN, will work closely with the AMCEN secretariat.
10. Prior to the AMCEN Declaration, the Abidjan Convention Conference of the Parties (COP) in March 2014 made a decision on ocean governance (CP11/4):

“3. To request the secretariat to direct the working group of the Group of Experts for Ocean Governance in Africa to pursue its efforts to provide guidance for alignment of existing relevant mechanisms; and to develop in partnership with regional and international partners, including the African Union and the International Ocean Institute, a comprehensive ocean governance capacity-building programme;”

11. Further in June 2015, the Nairobi Convention made a decision (CP8/5)”

“2. To request the Secretariat, in collaboration with Barcelona Convention, Abidjan Convention, Jeddah Convention,, with the support of the United Nations Environment Programme, to contribute to the development of an African strategy on ocean governance in the context of the African Integrated Maritime Strategy 2050 and Agenda 2063.”

Proposed process of developing the Africa Ocean Governance Strategy:

12. It is proposed that a Panel of Government-designated Experts (PGE) to develop a draft strategy be formulated. Each of the four regional seas programmes in Africa, namely the Mediterranean Action Plan (Barcelona Convention), PERSGA (Jeddah Convention), Nairobi Convention and Abidjan Convention, will requested their Parties from AU to nominate experts in participating in the PGE. Each regional seas programme will choose two experts from the African Union member States to represent the respective regional seas. The Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) is considered to be one the regional seas programmes in Africa which functions as a 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 *“adjacent waters”*. In addition, the Republic of South

Africa and Namibia are the members of the CCAMLR. Financial resources for the participation of these experts in the discussion should be sourced in the AMCEN budget or any other donor funding related to AMCEN. In case where necessary resources are not secured for the participation of the government designated experts from the AMCEN sources, the draft preparation process will be started with the participation of the four regional seas secretariats and CCAMLR.

13. Other regional or international organisations may participate in the development of an ocean governance strategy for Africa. These organisations may include, but not limited to:

- United Nations Environment Programme, United Nations Development Programme, International Maritime Organisation, Food and Agricultural Organisation of the United Nations, International Seabed Authority;
- Regional Fisheries Bodies (CECAF, FCWC, COREP, SEAFO, SRFC, WECAFC, SWIOFC, SIOFA, COMHAFAT, ICCAT, IOTC, PERSGA, GFCM)
- Sub-regional economic communities (UMA, IGAD, SADC, ECOWAS, IGAD, CEMAC)
- LME Commission (Benguela Current Commission)

ANNEX: Proposed outline of Strategy

1. Introduction
2. AIMS 2050, Agenda 2063 and SDGs
3. Guiding ocean governance principles (ecosystem approach, precautionary approach, polluter pays principle, blue economy, etc.)
4. Existing regional ocean governance frameworks (regional seas conventions, regional fisheries bodies, sub-regional economic communities, Large Marine Ecosystem commission, etc.)
5. Proposed AU ocean governance strategy
6. Ocean Governance for achieving and monitoring Ocean relevant SDGs
7. Linkage with national ocean governance framework
8. Cooperation with the river basin organisations
9. Adjacent seas and areas beyond national jurisdiction
10. Proposed financial arrangements for the AU ocean governance strategy
11. Recommendations for AMCEN