



Distr.: General

18 June 2018

Original: English

Nairobi Convention for the Protection, Management and Development of the Marine and Coastal Environment of the Western Indian Ocean Region Contracting Parties

Ninth meeting

Nairobi, 30 and 31 August 2018

Draft decisions for consideration and adoption by the Contracting Parties at their ninth meeting

Preamble

The Contracting Parties to the Nairobi Convention for the Protection, Management and Development of the Marine and Coastal Environment of the Western Indian Ocean Region (hereinafter the Nairobi Convention),

Noting with appreciation the report of the Executive Director of the United Nations Environment Programme on the efforts of the secretariat and the Contracting Parties to implement the work programme for 2013–2017,

Noting that, during the period 2018–2022, the Nairobi Convention will execute two Global Environment Facility-funded projects, namely, the project on implementation of the strategic action programme for the protection of the Western Indian Ocean from land-based sources and activities and the project on policy harmonization and institutional reforms of the strategic action programme for the Western Indian Ocean Large Marine Ecosystem, referred to as the SAPPHIRE project, and that the implementation of these projects involves aspects of the strategic action programmes for the project on addressing land-based activities in the Western Indian Ocean, referred to as the WIO-LaB project, and the joint strategic action programme for the Agulhas and Somali Current Large Marine Ecosystem project and the South-West Indian Ocean fisheries programme,

Noting also the need to strengthen and optimize the functions and coordination of the secretariat and the delivery of the Nairobi Convention, its protocols, action plans and programmes of work,

Noting further the process currently being pursued by the Contracting Parties and partners to develop a protocol on integrated coastal zone management and, in this regard, appreciating the progress made in negotiating a draft protocol and remaining mindful of the urgent need to finalize negotiations and adopt the protocol,

Recognizing the existence of other conventions and acknowledging their work which contributes to the protection and conservation of the marine environment,

Noting the current global and regional discussions on ocean governance and the outcomes of various global and regional meetings and processes, including the 2030 Agenda for Sustainable Development adopted in September 2015 and, in particular, Sustainable Development Goal 14, to conserve and sustainably use the ocean, seas, and marine resources for sustainable development, the Paris Agreement on climate change adopted on 12 December 2015, the thirteenth meeting of the Conference of Parties to the Convention on Biological Diversity, and General Assembly resolution 69/292, of 19 June 2015, on the development of an international legally binding instrument under the

United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction,

Recalling the adoption of the amended Nairobi Convention for the Protection, Management and Development of the Marine and Coastal Environment of the Western Indian Ocean Region (hereinafter the 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 by the Contracting Parties at their sixth meeting,

Noting the subsequent efforts by the Contracting Parties to ratify and implement the amended Convention and the Protocol for the Protection of the Marine and Coastal Environment of the Western Indian Ocean from Land-based Sources and Activities and, in this regard, welcoming the ratification of the instruments of ratification by the Governments of Mauritius, Mozambique, Seychelles and the United Republic of Tanzania,

Recalling past decisions of the Contracting Parties endorsing ecosystem approaches to coastal and marine management, in particular, CP.5/2 on the protection of ecosystems and endangered species, CP.5/3 on assessment and monitoring activities, and CP.7/6 on small island developing States, and, in this regard, appreciating the progress made in advancing ecosystem-based marine and coastal management approaches,

Noting the work of the Convention on Biological Diversity in the identification and description of ecologically or biologically significant marine areas as a tool for ecosystem-based management and identification of areas that are important for the conservation and sustainable use of marine and coastal biodiversity in the Western Indian Ocean region,

Noting also with appreciation the work of the Sustainable Ocean Initiative under the Convention on Biological Diversity and the global dialogue with regional seas organizations and regional fisheries bodies, held in Seoul in 2016 and 2018, on accelerating progress towards the Aichi Biodiversity Targets and the Sustainable Development Goals,

Recalling decision CP.8/5 on Agenda 2063 and the 2050 Africa's Integrated Maritime Strategy and other regional and global ocean governance initiatives,

Aware of the potential of the oil and gas sector to contribute to sustainable economic growth in the Western Indian Ocean region, and of the associated environmental risks necessitating regional and national environmental safeguards and relevant capacity-building and development,

Noting the progress made by the Contracting Parties in promoting blue economy pathways and the need for tools such as marine spatial planning for the sustainable management of marine and coastal areas in the Western Indian Ocean through multi-stakeholder approaches, and capacity development for marine spatial planning at the regional and national levels,

Recalling the following resolutions of the United Nations Environment Assembly, 1/6 on marine plastic debris and microplastics, of June 2014, 2/11 on marine plastic litter and microplastics, of May 2016, and 3/7 on marine litter and microplastics, of December 2017, which recognized that marine litter, including plastic microbeads, contributes to the increasing flow of plastic into our oceans and has negative impacts on marine biodiversity,

Recalling also past decisions of the Contracting Parties, in particular, CP.3/6, CP.7/4 and CP.8/4 on reviewing the Protocol Concerning Protected Areas and Wild Fauna and Flora in the Eastern African Region, with a view, among other purposes, to entrenching ecosystem-based management approaches,

Noting with appreciation the regional status report on sharks and rays in the Western Indian Ocean issued pursuant to decision CP.8/9,

Recalling decision CP.1/5, on financial matters, by which the Contracting Parties approved the financial rules for the management of the Eastern African Trust Fund as provided for under article 21 of the Nairobi Convention,

Acknowledging the work of the Indian Ocean Commission, the Global Resource Information Database centre in Arendal, the United Nations Environment Programme World Conservation Monitoring Centre, the Food and Agriculture Organization of the United Nations, the International Union for Conservation of Nature, the Governments of Norway and Sweden, the Western Indian Ocean Marine Science Association, the World Wide Fund for Nature, the Consortium for the Conservation of Coastal and Marine Ecosystems in the Western Indian Ocean, the Wildlife Conservation Society and other partners in the development and implementation of the work of the

Convention and in the protection of the marine and coastal environment of the West Indian Ocean region,

Acknowledging also the need to establish new partnerships with international and regional organizations and other relevant international and regional conventions, funds and programmes, to identify emerging areas of focus for improved coordination and cooperation in the Western Indian Ocean region,

Acknowledging further the financial and technical support and contributions provided by partners to the Contracting Parties to develop and implement programmes and activities,

Appreciating the continued support provided by the Executive Director of the United Nations Environment Programme to the Nairobi Convention,

Decide

Draft decision CP.9/1. Work programme for 2018–2022

1. To adopt the work programme for 2018–2022 and advocate its implementation by the Contracting Parties;
2. To request the secretariat to develop and support the implementation of priority areas, including the management of marine protected areas, taking into account marine and coastal biodiversity conservation and connectivity in the exclusive economic zones and adjacent areas, ocean governance, pollution from land-based sources and activities, climate change, including ocean acidification, environmental management for the oil and gas industry, growth of the blue economy, scientific research, fisheries management, marine spatial planning, integrated coastal management and the sustainable development of ports and harbours, and, in this regard, to invite partners, including the Global Environment Facility, the Green Climate Fund, the Indian Ocean Commission, the Western Indian Ocean Marine Science Association, the Forum for Academic and Research Institutions, the Western Indian Ocean Consortium, BirdLife International, the International Maritime Organization, the Port Management Association of Eastern and Southern Africa, the Global Resource Information Database centre in Arendal, the United Nations Environment Programme World Conservation Monitoring Centre, the South West Indian Ocean Fisheries Commission, Future Earth Coasts, the International Union for Conservation of Nature, Coastal Oceans Research and Development – Indian Ocean, the World Wide Fund for Nature, the East African Wildlife Society and the World Conservation Society, among others, to support their implementation;
3. To request the secretariat to develop a regional integrated programme for the full implementation of the strategic action programmes developed under the WIO-LaB project, the Aghulas and Somali Current Large Marine Ecosystem project and the climate change strategy for the Nairobi Convention area and their extension to beyond the lifespan of the strategic action programme for the protection of the Western Indian Ocean from land-based sources and activities (WIO-SAP) and the SAPPHIRE project, for the efficient and harmonized delivery of the project outputs and outcomes and to report on progress to the Contracting Parties at their next meeting;

Justification

Over the years, the Contracting Parties to the Nairobi Convention have been guided by successive work programmes in their work to implement the objectives of the Nairobi Convention and its protocols. The 2013–2017 work programme has been successfully implemented in collaboration with key stakeholders and development partners. As the implementation phase comes to an end, the work programme for 2018–2022 will build on the activities of the 2013–2017 programme and include new priority projects. The main activities of the work programme are assessments and capacity development, management, coordination and legal aspects, and information and awareness.

Over the period 2018–2022, the Nairobi Convention will carry out two projects funded the Global Environment Facility, namely, the project on implementation of the strategic action programme for the protection of the Western Indian Ocean from land-based sources and activities (WIOSAP project) and the SAPPHIRE project. The WIOSAP project was developed as a follow-up to the WIO-LaB project and will be implemented by the United Nations Environment Programme and administered by the Nairobi Convention secretariat. For its part, the SAPPHIRE project was developed as a follow-up to the Aghulas and Somali Current Large Marine Ecosystem and the South-West Indian Ocean fisheries projects, which created a joint strategic action programme and will be implemented by the United Nations Development Programme and administered by the Nairobi Convention secretariat.

Implementation of the two projects relates only to short-term aspects of the WIO-LaB strategic action programme and the joint strategic action programme for the South-West Indian Ocean fisheries programme and the Aghulas and Somali Current Large Marine Ecosystem project, and does not cover the medium and long-term aspects. It is therefore essential to develop a regional programme to deal with the medium and long-term aspects of the two strategic action programmes.

Decision CP.9/2. Ratification, accession and implementation of the 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

1. To urge Contracting Parties that have not ratified or acceded to the 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 to do so and, where necessary with the support of the secretariat, to initiate and expedite the process of ratification or accession;
2. To urge Contracting Parties to develop, harmonize and strengthen policies, laws, standards, and institutional capacities, and also to implement programmes to tackle pollution from land-based sources and activities;

Justification

Through the WIO-LaB project (2005–2010), the Nairobi Convention enhanced regional cooperation on marine pollution, including the conduct of the first regional overview and assessment of marine litter-related activities in the West Indian Ocean region and several demonstration projects in the countries party to the Convention. The WIO-LaB project also developed the institutional capacity of countries to tackle land-based sources and activities for the protection of the marine and coastal environment and led to the subsequent adoption of the Protocol for the Protection of the Marine and Coastal Environment of the Western Indian Ocean from Land-based Sources and Activities (LBSA Protocol) alongside the amended Nairobi Convention in 2010 at the sixth meeting of the Contracting Parties. The LBSA Protocol has thus far been ratified by the governments of Mauritius, Mozambique, Seychelles and the United Republic of Tanzania. Under article 32, paragraph 2, of the amended Nairobi Convention and article 26, paragraph 3, of the LBSA Protocol, at least two thirds of the Contracting Parties must ratify or accede to the Protocol for it to come into effect. Contracting Parties that have not ratified or acceded to the amended Convention and the Protocol are encouraged to do so, in order to bring the two instruments into force and thereby to provide a regionally binding framework for measures to tackle land-based issues impacting the coastal and marine environment in the region.

Decision CP.9/3. Management of marine litter and municipal wastewater in the Western Indian Ocean

1. To request the secretariat, in collaboration with partners, to develop a regional strategy or action plan or both on the management of marine litter in the Western Indian Ocean;
2. To urge the Contracting Parties to implement action programmes on municipal wastewater and to create public awareness and conduct outreach activities on the links between municipal waste and marine litter and marine species and habitats and their impacts on those species and habitats;
3. To urge the Contracting Parties to affirm their will to fight plastic microbeads and to take measures to ban their use in the region and to promote the exchange of expertise, best practices and lessons learnt;

Justification

Marine litter is a current and growing global problem and has become a significant contributor to marine pollution in the Western Indian Ocean, thus damaging and degrading coastal and marine ecosystems. Plastic waste affects all marine living organisms through direct ingestion, exposure to chemicals within plastics and entanglement. As a consequence, measures are needed to tackle this problem.

Notable progress has been achieved in some Western Indian Ocean countries that have adopted policy measures in response to the problem, such the decrees banning plastics (specifically, single use bags, light-weight plastics and plastic carrier bags) in Kenya, Madagascar, Mauritius, Seychelles, South Africa and the United Republic of Tanzania.

In addition, there is a growing scientific understanding of the negative effects of marine plastic litter, microplastics and microbeads, which are easily ingested and accumulated in the bodies and tissues of many marine organisms. Accordingly, there is a need to raise public awareness and to carry out outreach measures on the impacts of plastic litter, microplastics and microbeads on marine species and habitats and the alternatives available.

In addition, during heavy rain, the capacity of sewer and storm-water systems may be exceeded and untreated wastewater may be directly discharged into the marine environment and form conduits channelling litter into the rivers and the ocean.

Decision CP.9/4. Development of a protocol on integrated coastal zone management

1. To agree to finalize the negotiations on the draft protocol on integrated coastal zone management;
2. To request the secretariat to organize the negotiations to finalize the text of the protocol on integrated coastal zone management and to convene a Conference of Plenipotentiaries before or at the next meeting of the Contracting Parties to adopt the protocol;

Justification

The need to negotiate a protocol on integrated coastal zone management for the Western Indian Ocean has been stated in several decisions of the Contracting Parties, including CP.6/3, CP.7/3 and CP.8/3. To date, three negotiation meetings have been held, on 25 and 26 September 2013 in Cape Town, South Africa, in March 2016 in Seychelles, and in November 2016 in Zanzibar, United Republic of Tanzania.

It is important for Contracting Parties to finalize the negotiations for the following reasons:

- (a) There are several gaps in existing regional and national normative frameworks that deal with transboundary issues, necessitating a regional protocol framework for integrated coastal zone management;
- (b) There is need for a regional framework for the harmonization of national laws, bodies, policies, strategies and plans on integrated coastal zone management;
- (c) There is need for a shared theoretical and methodological framework and tools, for managing sectoral issues across the countries of the Western Indian Ocean region;
- (d) The impacts of some of the threats to the coastal zone such as climate change and natural disasters cut across different sectors at the national level and across several countries and effective mitigation of those threats requires integrated frameworks;
- (e) A protocol on integrated coastal zone management could motivate international partnerships in the Western Indian Ocean region, including support for implementation of the instrument.

Decision CP.9/5. Review of the Protocol Concerning Protected Areas and Wild Fauna and Flora in the Eastern African Region

1. To agree to initiate the process of amending the Protocol Concerning Protected Areas and Wild Fauna and Flora in the Eastern African Region and its annexes;
2. To request the secretariat, in collaboration with partners, to support the process of amending the Protocol Concerning Protected Areas and Wild Fauna and Flora in the Eastern African Region and its annexes and to convene a Conference of Plenipotentiaries before or at the meeting of the Contracting Parties;

Justification

The amended Nairobi Convention was adopted in April 2010. The main amendments included, first, expansion of the Convention's geographical scope; second, clearer provisions for compliance and enforcement including ecosystem approaches; third, provisions requesting the Contracting Parties to establish national laws and institutions that enhance integration between national and regional institutions in the development and management of projects and programmes, in particular those with transboundary aspects; and, fourth, provisions for the exchange of information,

assistance and cooperation among Contracting Parties and with relevant international, regional and subregional organizations.

As an integral part of the amended Nairobi Convention, the Protocol Concerning Protected Areas and Wild Fauna and Flora in the Eastern African Region, which was adopted with its annexes in 1985, should be reviewed to ensure its consistency with the aforementioned provisions of the amended Convention. In its current form, the Protocol does not adequately articulate the ecosystem-based management approach or elaborate in detail the interconnectedness of the habitats and associated species. Its four annexes – annex I on protected species of wild flora; annex II on species of wild fauna requiring special protection; annex III on harvestable species of wild fauna requiring protection; and annex IV on protected migratory species – are species-centred and this limits the scope for protection of ecosystems in the Western Indian Ocean region. Therefore, there is an opportunity to amend the Protocol and to articulate the ecosystem-based management approach as a best practice in natural resources management and conservation practice.

As the Protocol was adopted in 1985, it is necessary for it to be amended to incorporate the provisions of new global and regional instruments, including the 1997 Jakarta Mandate on the Conservation and Sustainable Use of Marine and Coastal Biological Diversity under the Convention on Biological Diversity, the Aichi Biodiversity Targets, the 2015 Paris Agreement on climate change, the 2030 Agenda for Sustainable Development and the Sustainable Development Goals, to ensure a more effective response to current and emerging threats in the region.

Decision CP.9/6. Ocean governance

1. To urge the Contracting Parties to work with regional economic communities, regional fisheries management organizations and other appropriate regional initiatives to implement the Cairo Declaration on Managing Africa's Natural Capital for Sustainable Development and Poverty Eradication, adopted by the African Ministerial Conference on the Environment at its fifteenth session in 2015, the 2050 Africa Integrated Maritime Strategy and the provisions of Agenda 2063 on ecosystem-based management approaches for marine resources in the exclusive economic zones and adjacent waters, and to report on progress to the Contracting Parties at their next meeting;
2. To request the secretariat, in collaboration with the secretariats of the Convention for the Protection of the Mediterranean Sea against Pollution (Barcelona Convention), the Convention for Cooperation in the Protection, Management and Development of the Marine and Coastal Environment of the Atlantic Coast of the West, Central and Southern Africa Region (Abidjan Convention) and the Regional Convention for the Conservation of the Red Sea and Gulf of Aden Environment (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 2050 Africa's Integrated Maritime Strategy and Agenda 2063;

Justification

In article 197 of the United Nations Convention on the Law of the Sea, States are encouraged to cooperate, as appropriate, on a regional basis, directly or through competent international organizations for the protection and preservation of the marine environment, taking into account characteristic regional features. In this regard, through its Agenda 2063: The Africa We Want, the African Union has recognized the ocean as an important pillar for economic growth for African States. In addition, the 2050 Africa's Integrated Maritime Strategy encourages regional responses to challenges such as insecurity, illegal, unreported and unregulated fishing, natural disasters, marine environmental degradation, and climate change within existing regional economic communities, regional fisheries management organizations and other regional initiatives.

At the fifteenth session of the African Ministerial Conference on the Environment, held in 2015, African ministers agreed to develop an African Ocean governance strategy and recognized the four African regional seas programmes as the regional platforms for implementing the 2050 Africa's Integrated Maritime Strategy and Agenda 2063 to achieve ecosystem-based management approaches for marine resources in the exclusive economic zones and adjacent waters. This was articulated by the Contracting Parties to the Nairobi Convention in their decision CP.8/5.

Given the importance of regional cooperation and coordination in implementing an ecosystem-based management approach, the Nairobi Convention as one of the regional seas programmes in Africa plays a crucial role in delivering and implementing Agenda 2063 and the 2050 Africa's Integrated Maritime Strategy in concert with other regional seas programmes and relevant regional bodies. Countries are therefore encouraged to support the development and implementation of the Africa ocean governance strategy.

Decision CP.9/7. Support for the implementation of projects

1. To request Contracting Parties, the Global Environment Facility, the Green Climate Fund and other partners, as appropriate, to support projects on:
 - (a) The transboundary marine protected area between Kenya and the United Republic of Tanzania as an example of a cross-border management system of marine protected areas;
 - (b) The Northern Mozambique Channel as a good example of integrated ocean management approach;
 - (c) Sustainable fisheries management and biodiversity conservation of deep-sea living marine resources and ecosystems in the areas beyond national jurisdiction by the Food and Agriculture Organization of the United Nations and the United Nations Environment Programme;
 - (d) The conservation and sustainable exploitation of seamount and hydrothermal vent ecosystems of the South-West Indian Ocean in areas beyond national jurisdiction and collaborate in the management of activities in their adjacent waters by the International Union for Conservation of Nature;
 - (e) Environmental management in the context of a rapidly developing oil and gas industry in the Western Indian Ocean region;
 - (f) A collaborative partnership project to promote responsible ocean governance and fisheries management for sustainable blue growth in the Western Indian Ocean region;
 - (g) Implementation of the Climate Change Strategy on the Marine and Coastal Environment of the Nairobi Convention;
2. To urge the Contracting Parties, in partnership with stakeholders, to develop and implement new transboundary initiatives for the management of shared resources;
3. To request implementing partners to report on progress on projects and initiatives on or before the next meeting of the Contracting Parties;

Justification

The effective management and conservation of the coastal and marine resources in the Western Indian Ocean require sustainable financing in the short, medium and long term, through the development of projects and programmes and collaboration with partners. There are new areas of project development which should be explored by the Contracting Parties, partners and the Nairobi Convention secretariat, some of which are already under development with prospects for new funding. There is need to develop synergies between existing and new projects to ensure the continuity and sustainability of the work programme. In addition, broadened partnerships will leverage financial and technical resources from partners to achieve the objectives of the Nairobi Convention and should be encouraged and supported by the Contracting Parties.

Decision CP.9/8. Environmental management for oil and gas development

1. To request Contracting Parties to support the regional oil and gas capacity-building programme;
2. To request the secretariat, in collaboration with partners, to implement the regional oil and gas capacity-building programme, with specific reference to resource and data management, environmental and social safeguards and management, safety management, revenue management, and technology development and research;
3. To request the United Nations Environment Programme and other partners to support the Contracting Parties in their efforts to enhance partnerships in developing and harmonizing regional mechanisms for compliance, monitoring, and response in oil and gas activities;

Justification

Oil and gas development is evolving into an important economic sector in the Western Indian Ocean region, with several countries undertaking exploration and development activities in marine and coastal areas. The revenues from oil and gas can provide substantive economic and social benefits for these countries and advance blue growth in the region. Environmental safeguards, including mitigation measures, are needed, however, at regional and national levels to ensure that these activities do not adversely affect the marine and coastal environment. These include strategic environment assessments, environment impact assessments, and marine spatial planning. At the

same time, there is inadequate technical capacity to effectively handle disasters and risk associated with oil spills. In addition, there is need for capacity development in revenues management, and the legal and policy frameworks required for sustainable oil and gas exploration.

Decision CP.9/9. Climate change adaptation and mitigation

1. To urge Contracting Parties to take note of the Climate Change Strategy on the Marine and Coastal Environment of the Nairobi Convention and to support regional programmes on the transition to resilient blue economy pathways in the context of climate change adaptation and mitigation;
2. To request the secretariat to develop programmes and projects on the resilient blue economy and blue growth in the context of climate change adaptation and mitigation to support implementation of the Climate Change Strategy;
3. To urge Contracting Parties to address the impacts of ocean acidification, including through the development of capacities and enhancement of scientific cooperation in partnership with research and academic institutions, regional monitoring and adaptation actions;

Justification

Human activities have increased the amount of CO₂ in the atmosphere and the ocean, resulting in the gradual acidification of seawater¹ The potential impacts of ocean acidification on marine organisms include reduced ability to form and maintain shells and skeletons; reduced survival rates; slower growth rates; and impeded larval development.² Added to these, changes in the carbonate chemistry of the tropical ocean may hamper or prevent coral reef growth.

Acidification is not well studied in the Western Indian Ocean region, but is a global pressure affecting all oceans. Stressors leading to coral bleaching, mangrove die-back, ocean acidification and elevated temperature will significantly reduce fisheries production, thus aggravating food insecurity in the region. At the global level, countries have agreed, through target 3 of Sustainable Development Goal 14, to address and minimize ocean acidification. The Contracting Parties can address ocean acidification through scientific cooperation, regional monitoring, the harmonization of national actions, including capacity development, and adaptation actions.

Decision CP.9/10: Marine spatial planning for the blue and ocean economy

1. To urge Contracting Parties to continue advancing blue or ocean economy approaches in the context of Sustainable Development Goal 14 as pathways for sustained incomes and economic benefits from natural blue capital, including fisheries, tourism, oil and gas development, offshore renewable energy and other maritime activities;
2. To request the secretariat, in collaboration with partners, to develop capacity-building programmes on marine spatial planning as a tool for sustainable economic growth;
3. To urge the Contracting Parties, within the framework of the United Nations Convention on the Law of the Sea, to cooperate with existing regional institutions on ocean governance and the conservation of marine biodiversity in adjacent areas beyond national jurisdiction, to build and develop area-based management tools, such as marine spatial planning, to promote blue economy pathways in the Western Indian Ocean region;

¹ Ocean Health Index, *Ocean Acidification*, Overview. Available from <http://www.oceanhealthindex.org/methodology/components/ocean-acidification>.

² Scott C. Doney and others, "Ocean acidification: the other CO₂ problem", *Annual Review of Marine Science* 2009, vol. 1, No. 1, pp. 169–192; International Geosphere-Biosphere Programme, Intergovernmental Oceanographic Commission of the United Nations Educational, Scientific and Cultural Organization and Scientific Committee on Oceanic Research, *Ocean Acidification Summary for Policymakers – Third Symposium on the Ocean in a High-CO₂ World*, International Geosphere-Biosphere Programme, Stockholm.

Justification

Marine spatial planning is a public process of analysing and allocating the spatial and temporal distribution of human activities in marine areas to achieve ecological, economic, and social objectives that are usually specified through a political process.³ Such planning is critical to the enabling of sustainable economic growth for the blue economy as a tool for sustainably and holistically managing the coastal and marine areas in the Western Indian Ocean through multi-stakeholder approaches at the regional and national levels.

The process of developing and implementing marine spatial planning is at different stages in various countries of the Western Indian Ocean region. Several countries are pursuing marine spatial planning initiatives in the context of the growth and development of the blue economy. The Government of Seychelles has adopted its Blue Economy Concept;⁴ Mauritius is investing in the ocean economy;⁵ and South Africa has developed Operation Phakisa,⁶ designed to unlock the economic potential of the ocean in a sustainable manner. Western Indian Ocean States are developing ocean policies to support blue growth strategies and further development of the blue economy holds promise for the entire Indian Ocean region. Marine spatial planning is a key aspect of the development and implementation of the blue economy of the Western Indian Ocean.⁷ It has also become clear that there are many different activities and initiatives related to marine spatial planning at the global, regional, subregional and national levels. At the same time, there is limited technical capacity for marine spatial planning in certain countries, hence the need for capacity-development programmes.

Decision CP.9/11: Development of marine protected areas and critical habitat outlooks

1. To urge Contracting Parties to take note of the marine protected areas outlook and to consider the findings when complying with their reporting obligation on target 5 of Sustainable Development Goal 14, on attaining 10 per cent coverage of marine protected areas by 2020;
2. To request the secretariat, working jointly with the Contracting Parties, periodically to prepare thematic outlooks on the state of the marine and coastal environment, including marine protected areas, critical habitats such as coral reefs, seagrass, mangroves, and others;

Justification

Critical coastal and marine ecosystems, primarily mangroves, seagrass beds, estuaries and rivers, and coral reefs, will continue to be degraded by the impacts of land-based sources and activities without significant conservation interventions that cut across the Western Indian Ocean region. There is a need to develop key indicators and the assessment of management effectiveness and monitoring of the state of critical habitats and marine protected areas at regional and national levels and to forge links to the state of the coasts reporting process.

The process calls for the preparation of a road map and undertaking of an overview of existing marine protected areas in the region and an assessment of critical habitats in the context of biodiversity and existing and emerging economic activities. The review would provide an authoritative database on the most critical habitats and the biodiversity most at risk. In addition, marine protected area coverage (size and the conservation value of the areas from the standpoint of their biodiversity and social and ecological properties) and the management effectiveness of marine protected areas, including adaptive management processes and requirements, are necessary to determine the options available to participating countries to achieve 10 per cent marine protected area coverage. The outputs provide a communication avenue to countries on what they need to do to achieve this 10 per cent target, based on the identification of critical habitats that require protection and on the consequences of failing to meet the target. Similarly, the outputs provide a consistent monitoring and reporting framework at national and regional levels. Such outputs would

³ Charles Ehler and Fanny Douvère, *Marine Spatial Planning: a step-by-step approach toward ecosystem-based management*, Intergovernmental Oceanographic Commission and Man and the Biosphere Programme, IOC Manual and Guides No. 53, ICAM Dossier No. 6 (Paris, UNESCO, 2009).

⁴ <http://www.natureseychelles.org/what-we-do/blue-economy>.

⁵ <http://www.oceaneconomy.mu/>, supported by Maurice Ile Durable (<http://mid.govmu.org/>).

⁶ <http://www.operationphakisa.gov.za/operations/oel/pages/default.aspx>.

⁷ Nairobi Convention Secretariat, Western Indian Ocean Marine Science Association and Council for Scientific and Industrial Research, "A case for marine spatial planning in the blue economy of the Western Indian Ocean", CSIR (Congella, South Africa, 2017).

further contribute to building the capacity for relevant institutions to undertake vulnerability assessments and to support management and monitoring of the state of coastal ecosystems in the countries of the Western Indian Ocean region and contribute to the attainment of targets 2 and 5 of Sustainable Development Goal 14

Decision CP.9/12. Science-policy dialogue

1. To urge Contracting Parties to promote a science-policy interface by holding regular dialogues between scientists and policymakers to exchange science-based information and to develop appropriate policies and innovative solutions to the task of tackling current and emerging threats to the coastal and marine environment in the Western Indian Ocean;
2. To request the secretariat and partners to support and convene regular science-policy dialogues;

Justification

It is widely accepted that policies, regulations and programmes are stronger and more relevant if informed by scientific knowledge, and the provision of timely scientific information and assessments has a role in shaping policy. The development of an effective science-policy interface remains problematic, however, because of the complexity of the policy process. The principle of scientific and technical cooperation is enshrined in the Nairobi Convention⁸ and has been reflected over the years in decisions of the Contracting Parties and approved activities, including assessments, the establishment of ad hoc advisory groups and the implementation of regional projects such as the 2005–2010 WIO-LaB project, which mobilized scientific effort in support of development of a regional action plan. Through the WIO-LaB project, scientists and policymakers developed a regional protocol on land-based sources and activities (LBSA Protocol). In addition, the Agulhas and Somali Current Large Marine Ecosystems strategic action plan includes a road map for the incorporation of scientific knowledge into management and policy decisions.

Since 2001, at their successive meetings, the Contracting Parties have taken a series of decisions that affirm their desire to reinforce the science-policy dialogue:

- (a) Decision CP.4/9, in 2004, on strengthening partnerships and the institutional mechanism of the Nairobi Convention, directed the secretariat to take up the offer by the Western Indian Ocean Marine Science Association to establish the Forum for Heads of Academic and Research Institutions;
- (b) Decision CP.7/17, in 2012, on science to policy engagements, requested the secretariat to hold and encourage partners to support regular science-policy dialogues to provide continuous interaction between scientists, civil society, the private sector, policymakers and decision makers;
- (c) Decision CP.8/12, in 2015, on the establishment of a platform for science-policy dialogue, agreed to establish a dialogue platform to strengthen the links between science, policy and action and mandated the Forum for Heads of Academic and Research Institutions to act as the technical and advisory body of the platform.

Development of the science-policy platform for the Nairobi Convention has been discussed at a series of technical meetings organized by the Nairobi Convention secretariat. The aim of the platform is therefore to support the efforts of the Contracting Parties of the Nairobi Convention to integrate relevant scientific evidence and findings into their efforts to protect, manage and develop their coastal and marine environment in a sustainable manner.

Decision CP.9/13. Enhancing cooperation, collaboration and support with partners

1. To request the secretariat to build broad-based strategic partnerships by enhancing existing partnerships and establishing additional partnerships for the development and implementation of the decisions of the Contracting Parties and the work programme of the Nairobi Convention, including:
 - (a) Shared programmes with one or several partners to support joint implementation of programmes;
 - (b) Partnerships with organizations that have a track record in providing solutions;

⁸ Scientific and technical cooperation is covered by article 15 of the 1985 text of the Convention.

(c) Partnerships with organizations that will leverage funding and guidance to implement the work programme and with those that will invest in, support and implement the work programme;

(d) Partnerships with governments, intergovernmental organizations and United Nations agencies;

2. To agree to establish additional partnerships, including with regional economic communities, such as the East African Community, the Common Market for Eastern and Southern Africa, the Southern Africa Development Community and the Indian Ocean Commission; with the United Nations regional commissions; with regional fisheries management organizations, such as the Indian Ocean Tuna Commission and the South West Indian Ocean Fisheries Commission, on sustainable fisheries management; with West Indian Ocean Challenge on matters of environmental assessment; with the Food and Agricultural Organization of the United Nations, the Convention on the Conservation of Migratory Species of Wild Animals and the Convention on International Trade in Endangered Species of Wild Fauna and Flora, on the conservation of and trade in sharks and rays; with ecologically or biologically significant marine areas; and also with the sustainable ocean initiative and capacity-building professions of the Convention on Biological Diversity;

3. To invite all Contracting Parties and to request the secretariat to collaborate with the secretariat of the Convention on Biological Diversity, the Western Indian Ocean Marine Science Association and other partners in the areas of capacity-building, implementation and sharing of experiences in integrated marine spatial planning in support of the blue economy;

4. To request the secretariat to establish a partnership with the United Nations Environment Programme Global Programme of Action for the Protection of the Marine Environment from Land-based Activities, in dealing with matters of marine litter, waste and wastewater for the West Indian Ocean region, and to report thereon to the Contracting Parties at their next meeting;

5. To encourage collaboration and communication between Contracting Parties and civil society, the private sector, non-governmental organizations, local governments and municipal authorities in the implementation of the work programme of Nairobi Convention to ensure its increased impact and commitment and with a view to harnessing the benefits of synergies and collaboration;

6. To agree to promote joint programming between the Contracting Parties, the secretariat of the United Nations Framework Convention on Climate Change, the Economic Commission for Africa, partners, civil society and the private sector for the implementation of priority areas and mobilization of resources;

7. To request Contracting Parties to form partnerships with the Consortium for the Conservation of Coastal and Marine Ecosystems in the Western Indian Ocean for increased science-based information sharing;

8. To request Contracting Parties to form partnerships with the International Maritime Organization to identify and designate as “particularly sensitive sea areas” marine areas which are of significance in terms of ecological, social, economic or scientific criteria and are vulnerable to damage by international shipping activities;

Decision CP.9/14. Strengthening the operational functioning of the secretariat

1. To urge Contracting Parties to take note of the analysis report on optimizing secretariat functions, coordination and delivery of the Nairobi Convention, its protocols, action plans and programme of work, and to request the secretariat, in consultation with the Bureau, to consider and implement the recommended options and report thereon to the Contracting Parties at their next meeting;

Justification

The need to strengthen the institutional framework for the coordination of and support for the implementation of the Nairobi Convention has been recognized by the Contracting Parties at successive meetings and is reflected in their decisions CP.6/4, on strengthening the secretariat; CP.7/10, on strengthening the operational functioning of the secretariat; and CP.8/14, on strengthening the operational functioning of the secretariat. By paragraph 2 of decision CP.8/14, the Contracting Parties requested the secretariat to prepare and circulate to the Contracting Parties by 31 December 2015 an analysis of the report on the strengthening the operational functioning of the secretariat, including, among other issues, the financial implications of the options set out in the report.

The Contracting Parties are requested to consider those options, such as: direct support to the secretariat through non-staff personnel; decentralized support provided through regional

activities or by technical collaborating centres; networked support provided through advisory bodies and partnerships, and their respective financial implications, to underpin the effective implementation of the Nairobi Convention programme of work.

Decision CP.9/15. Financial matters

1. To commend the Contracting Parties which have made their assessed contributions to the Trust Fund, including those that make regular contributions and those that have settled or reduced their outstanding arrears;
2. To urge all Contracting Parties to continue to make their contributions in a regular and predictable fashion;
3. To request Contracting Parties and willing partners to make voluntary contributions to the Eastern African Trust Fund to support the effective implementation of the work programme;
4. To request the secretariat to prepare, in consultation with the Contracting Parties, for approval by the Bureau, a framework of options for the settlement of arrears and further to urge Contracting Parties that are in arrears to use this framework to communicate to the secretariat their preferred settlement plan, either by payment in full or by instalment to the Trust Fund;
5. To request the secretariat to invoice Contracting Parties annually for the current year's contributions.

Justification

Sustainable financing means the ability to secure stable and sufficient long-term financial resources, their targeted and timely allocation and effective management. Delivery and effective implementation of the work programme will require Contracting Parties to contribute regularly to the Eastern African Trust Fund according to their assessed contributions. Voluntary contributions to the Trust Fund are also encouraged.