



UNEP

REGIONAL SEAS

***Action Plan
for the protection,
management and development of the
marine and coastal environment
of the Eastern African region***

UNEP Regional Seas Reports and Studies No. 61

Note: This document reproduces the parts of the Final Act of the Conference of Plenipotentiaries on the Protection, Management and Development of the Marine and Coastal Environment of the Eastern African Region convened by UNEP in Nairobi, 17 - 21 June 1985 as the final stage of the preparatory work leading to the adoption of (a) the Action Plan for the Protection, Management and Development of the Marine and Coastal Environment of the Eastern African Region, (b) the Convention for the Protection, Management and Development of the Marine and Coastal Environment of the Eastern African region, (c) the Protocol concerning Protected Areas and Wild Fauna and Flora in the Eastern African region, (d) the Protocol concerning Cooperation in Combating Marine Pollution in Cases of Emergency in the Eastern African region, and (e) a set of conference resolutions.

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PREFACE

Thirteen years ago the United Nations Conference on the Human Environment (Stockholm, 5-16 June 1972) adopted the Action Plan for the Human Environment, including the General Principles for Assessment and Control of Marine Pollution. In the light of the results of the Stockholm Conference, the United Nations General Assembly decided to establish the United Nations Environment Programme (UNEP) to "serve as a focal point for environmental action and co-ordination within the United Nations system" (General Assembly resolution (XXVII) of 15 December 1972). The organizations of the United Nations system were invited "to adopt the measures that may be required to undertake concerted and co-ordinated programmes with regard to international environmental problems", and the "intergovernmental and non-governmental organizations that have an interest in the field of the environment" were also invited "to lend their full support and collaboration to the United Nations with a view to achieving the largest possible degree of co-operation and co-ordination". Subsequently, the Governing Council of UNEP chose "Oceans" as one of the priority areas in which it would focus efforts to fulfil its catalytic and co-ordinating role.

The Regional Seas Programme was initiated by UNEP in 1974. Since then the Governing Council of UNEP has repeatedly endorsed a regional approach to the control of marine pollution and the management of marine and coastal resources and has requested the development of regional action plans.

The Regional Seas Programme, which at present includes eleven regions ^{1/}, has over 120 coastal States participating in it. It is conceived as an action-oriented programme having concern not only for the consequences but also for the causes of environmental degradation and encompassing a comprehensive approach to combating environmental problems through the management of marine and coastal areas. Each regional action plan is formulated according to the needs of the region as perceived by the Governments concerned. It is designed to link assessment of the quality of the marine environment and the causes of its deterioration with activities for the management and development of the marine and coastal environment. The action plans promote the parallel development of regional legal agreements and of action-oriented programme activities ^{2/}.

By decision 8/13 C of 29 April 1980, the Governing Council of the United Nations Environment Programme called for the development of an action plan for the protection and development of the marine and coastal environment of the East African region.

^{1/} Mediterranean Region, Kuwait Action Plan Region, West and Central African Region, Wider Caribbean Region, East Asian Seas Region, South-East Pacific Region, South-West Pacific Region, Red Sea and Gulf of Aden Region, Eastern African Region, South-West Atlantic Region and South Asian Seas Region.

^{2/} UNEP: Achievements and planned development of UNEP's Regional Seas Programme and

As a first step towards developing a programme for the East African region, UNEP sponsored a joint UNEP/UN/UNIDO/FAO/UNESCO/WHO/IMO/IUCN exploratory mission to the region. The findings of the mission were used in the preparation of six sectoral reports and an overview on the environmental problems of the region. Those reports were then submitted to the Workshop on the Protection and Development of the Marine and Coastal Environment of the East African Region (Mahé, Seychelles, 27-30 September 1982) which was attended by experts designated by the Governments of the East African region.

At the workshop, the experts:

- (a) reviewed the environmental problems of the region;
- (b) endorsed a draft action plan for the protection and development of the marine and coastal environment of the East African region;
- (c) defined a priority programme of activities to be developed within the framework of the draft action plan; and
- (d) recommended that the draft action plan, together with a draft regional convention for the protection and management of the marine and coastal environment of the East African region and protocols concerning (i) co-operation in combating pollution in cases of emergency, and (ii) specially protected areas and endangered species, be submitted to a conference of plenipotentiaries of the Governments of the region with a view to their adoption (UNEP/WG.77/4).

Taking into account the decisions of the workshop, UNEP concentrated its efforts and resources on activities related to the formulation and early adoption of the convention and its protocols. Thus, UNEP prepared the first draft of the convention and, in co-operation with IMO and IUCN, prepared preliminary drafts of the two protocols. In addition the preparation of a series of country reports was initiated on regional environmental legislation, natural resources and conservation, and on socio-economic activities which may have an impact on the quality of the marine and coastal environment. With the collaboration of FAO and IUCN these reports were synthesized and published by UNEP as three regional reports.

In order to initiate negotiations on the draft regional convention and two protocols, the Executive Director of UNEP convened the meeting of experts on a draft convention and protocols for the Eastern African region at UNEP headquarters in Nairobi, Kenya, from 6 to 14 December 1983. While considerable progress was made by the meeting towards reaching a consensus on the texts of the draft agreements, the experts recommended that another meeting be convened to complete their negotiations.

Taking into account the recommendations of the meeting, the Executive Director of UNEP convened the second meeting of experts on a draft convention and protocols for the Eastern African region at UNEP headquarters from 29 October to 2 November 1984. At their second meeting, the experts completed their revision of the draft convention and protocols. The meeting recommended that the next appropriate step in developing the Eastern African regional programme would be to convene a conference of plenipotentiaries to adopt the action plan, convention and protocols.

The detailed description of the events leading to the conference of plenipotentiaries as well as the full bibliography of the numerous publications issued as the result of these events is published in a separate document ^{3/}.

The Conference of Plenipotentiaries on the Protection, Management and Development of the Marine and Coastal Environment of the Eastern African Region was convened by the Executive Director of UNEP at UNEP headquarters in Nairobi from 17 to 21 June 1985. The conference adopted, as a result of its deliberations, the Final Act of the conference ^{4/} which includes:

- the Action Plan for the Protection, Management and Development of the Marine and Coastal Environment of the Eastern African Region;
- the Convention for the Protection, Management and Development of the Marine and Coastal Environment of the Eastern African Region;
- the Protocol concerning Protected Areas and Wild Fauna and Flora in the Eastern African Region;
- the Protocol concerning Cooperation in Combating Marine Pollution in Cases of Emergency in the Eastern African Region; and
- four conference resolutions, three of them dealing with the programme priorities and with the institutional and financial arrangements related to the implementation of the Eastern African regional programme.

The Action Plan and conference resolutions mentioned above as adopted by the conference of plenipotentiaries are reproduced in this document.

^{3/} UNEP, UNEP Regional Seas Programme: the Eastern African experience. UNEP Regional Seas Reports and Studies No. 53. UNEP, 1984.

^{4/} UNEP, Final Act of the Conference of Plenipotentiaries on the Protection, Management and Development of the Marine and Coastal Environment of the Eastern African Region, Nairobi, 1985.

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ACTION PLAN FOR THE PROTECTION, MANAGEMENT AND DEVELOPMENT OF THE
MARINE AND COASTAL ENVIRONMENT OF THE EASTERN AFRICAN REGION

Introduction

1. The Eastern African region has been designated by the Governing Council of the United Nations Environment Programme (UNEP) as a region in which UNEP, in close collaboration with the relevant components of the United Nations system, should assist the Governments in formulating and implementing a programme for proper management and conservation of the resources of the region.

2. The following specific preparatory work contributed to the development of this action plan:

(a) The joint UNEP/UN/UNIDO/FAO/UNESCO/WHO/IMCO/IUCN exploratory mission to the East African region (October-December 1981);

(b) The Workshop on the protection and development of the marine and coastal environment of the East African Region (Mahé, 27-30 September 1982).

3. For the purposes of this action plan, the Eastern African region is defined as including the waters of the Indian Ocean within the jurisdiction of the following States: Comoros, France, Kenya, Madagascar, Mauritius, Mozambique, Seychelles, Somalia and the United Republic of Tanzania. The region also includes coastal areas, the specific geographical limits of which will be determined by the Governments concerned on an ad hoc basis, taking into account the particular activity to be carried out.

4. All components of the action plan are interdependent, and provide a framework for comprehensive action which should contribute to both the protection and the continued development of the region. No component is an end in itself. Each activity is intended to help the Governments of the region to strengthen the process through which environmental management policies are formulated.

5. The general goals and objectives of this action plan for the protection and development of the marine and coastal environment are:

(a) To promote the sustainable development and sound management of regional marine and coastal resources by:

(i) Enhancing consultations and technical co-operation among the States of the region;

(ii) Emphasizing the economic and social importance of the resources of the marine and coastal environment;

(iii) Establishing a regional network of co-operation on concrete subjects/projects of mutual interest for the whole region;

- (b) To establish general policies and objectives and to promote appropriate legislation for the protection and development of the marine and coastal environment on a national and regional level;
 - (c) To prevent pollution of the marine and coastal environment within the region originating from activities within the States of the region or from operations primarily subject to the jurisdiction of extra-regional States;
 - (d) To provide for the protection and rational development of the living resources of the region, which are a natural heritage with important economic and social values and potential, through the preservation of habitats, the protection of species, and the careful planning and management of human activities that affect them;
 - (e) To strengthen and encourage, through increased regional collaboration, the activities of institutions within the region involved in the study of marine and coastal resources and systems;
 - (f) To improve training and assistance at all levels and in all fields relating to the protection and development of the marine and coastal environment;
 - (g) To stimulate the growth of public awareness, at all levels of society, of the value, interest, and vulnerability of the region's marine and coastal environment.
6. More specifically, the activities of the action plan should result in:
- (a) Assessment and evaluation of the causes, magnitude and consequences of environmental problems, in particular assessment of marine pollution and study of coastal and marine activities and social and economic factors that may influence, or be influenced by environmental degradation;
 - (b) Promotion of methods and practices for the management of socio-economic development activities that safeguard environmental quality and utilize resources wisely and on a sustainable basis;
 - (c) Adoption of regional legal agreements and strengthening of national legislation for the protection and development of the marine and coastal environment;
 - (d) Establishment of institutional machinery and adoption of financial arrangements required for the successful implementation of the action plan.
7. A general description of the main components of the action plan is given below. These components and the related activities are not listed in order of priority.

A. ENVIRONMENTAL ASSESSMENT

8. Assessment of the environmental processes of the region is incomplete. Because sound action requires an understanding of the intricate links between development and the environment, there exists a need for continuing systematic assessment of the

- (a) Assessment of national and subregional capabilities to investigate and manage environmental processes, including scientific and administrative institutions, manpower, research facilities, and equipment, together with identification of institutions with potential to serve as "regional activity centres" in particular disciplines, and as regional or subregional activity centres co-ordinating specific inter-State projects;
- (b) Encouragement of collaboration among regional scientists and technicians and their institutions through the establishment of a co-ordinated regional marine pollution monitoring programme, based on intercomparable methods, for the assessment of the sources and levels of pollutants and their effects on marine life and human health;
- (c) Strengthening of capabilities in marine science and for monitoring and assessing the state of the marine and coastal environment and the condition of living resources, including the training of scientists and technicians from the region in methods and techniques related to the assessment and evaluation of marine pollution;
- (d) Compilation of an inventory of the sources and amount of pollutants reaching the coastal waters of the region from land-based and maritime sources;
- (e) Collection, analysis and dissemination of data on resource potential, resource utilization and coastal habitats of the region;
- (f) Analysis of data on competing demands for resource utilization;
- (g) Survey and assessment of present socio-economic activities, including development projects, that may have an impact on the quality of marine and coastal environment.

B. ENVIRONMENTAL MANAGEMENT

9. The key to sustainable, environmentally sound development is wise management of the resource base. Such management should take into account the assimilative capacity of the environment, the goals of development as defined by national authorities, and the economic feasibility of their implementation. The following activities may be undertaken to strengthen the ability of Governments to adopt appropriate environmental management policies;

- (a) Strengthening or expansion of the relevant on-going development activities that demonstrate sound environmental management practices;
- (b) Co-operation on preparedness for pollution emergencies and measures to mitigate their consequences;
- (c) Co-operation on application of existing international measures to reduce and control pollution by hydrocarbons;
- (d) Formulation of regionally and locally applicable guidelines and standards for management and control of domestic, agricultural and industrial wastes.

(e) Harmonization of policies on the management of wildlife, genetic resources and natural habitats;

(f) Co-operation in the establishment and management of protected coastal and marine habitats, such as wetlands, nurseries and breeding grounds, coral reefs and mangroves, including training of technical personnel and managers in the conservation of wildlife and habitats, and mapping of critical coastal and marine habitats;

(g) Co-operation in devising alternative land-use practices and development patterns appropriate for conditions in the region, including improvement of national capabilities to assess the environmental impact of development proposals;

(h) Co-operation in the exploration and utilization of fisheries to achieve the most rational utilization on a sustainable basis;

(i) Studies of the environmental, social and cultural effects of tourism, and elaboration of alternative strategies for tourism development. Particular attention should be given to the health aspects of tourism installations in coastal resort areas, including drinking water quality, sanitation and food safety.

C. ENVIRONMENTAL LEGISLATION

10. National legislation and regulations pertaining to the protection and development of the marine and coastal environment should be reviewed, and when necessary expanded, updated or strengthened. The enforcement of national regulations related to marine and coastal resources should be improved, e.g. with respect to prevention of pollution of the marine environment and protection of marine species.

11. National legislation and regulations on the protection and development of marine and coastal resources should be harmonized wherever regional uniformity is required to meet the objectives of such legislation, e.g. on the protection and management of migratory marine species within the region.

12. An up-to-date completion of national laws of the States of the region related to the protection of the marine and coastal environment should be maintained.

13. A regional convention for the protection, management and development of the marine and coastal environment of the Eastern African region should be developed and adopted. It should be supplemented by protocols prescribing agreed measures, procedures and standards to prevent, reduce and control pollution from all sources and to promote environmental management objectives.

14. Technical assistance and advice on the drafting of national legislation for the effective implementation of the regional convention and its protocols and other relevant international agreements should be provided by appropriate international organizations upon request.

D. INSTITUTIONAL AND FINANCIAL ARRANGEMENTS

15. In carrying out the action plan, the national capabilities available in the region and the capabilities of regional and international organizations and co-ordinating bodies, as well as their existing regional programmes, should be used to the greatest possible extent.

16. The agreed programme should be executed primarily through existing national institutions. Where necessary, they should be strengthened so that they may participate actively and effectively in the various projects. For some of the projects, in their initial phase, the assistance of experts from outside the region may be requested.

17. To ensure the harmonious and integrated evolution of each of the components a small central co-ordination unit should be established in the region to oversee the implementation of the action plan. This unit should benefit as fully as possible from technical co-operation with existing international, regional and national organizations and co-ordinating bodies. A national focal point should be designated by each Government to facilitate the work of, and communication with, the central co-ordination unit, and to co-ordinate the activities of an inter-disciplinary programme at the national level.

18. The activities agreed upon as part of the implementation of the action plan should be financed principally by contributions from Governments, international organizations and non-governmental organizations. Initially, support may be provided by the United Nations system on the assumption that this financial contribution will progressively decrease as the Governments themselves assume financial responsibility for the programme.

19. The ultimate aim should be to make the proposed regional programme self-supporting, not only by developing institutional capabilities to perform the required tasks, but also by supporting the provision of training, equipment and other forms of assistance from within the region.

E. SUPPORTING MEASURES

20. As support for the activities of the regional co-operative programme, intensive training programmes should be formulated for personnel from the region. These programmes should be carried out through existing national, regional or international institutions ready to offer their facilities.

21. Campaigns should be instituted on a national basis to create public awareness of national and regional issues relating to the protection and development of marine and coastal resources.

22. Education in the principles of protection and development of marine and coastal resources should be provided as part of the ordinary educational curricula at primary, secondary and university levels, through training of special instructors or specialized training of general educators, and through seminars and courses offered to the general public.

RESOLUTIONS ADOPTED BY THE CONFERENCE

PROGRAMME IMPLEMENTATION

The Conference,

Having adopted the Action Plan for the Protection, Management and Development of the Marine and Coastal Environment of the Eastern African Region,

1. Decides that, for the period 1985-1987, programme activities should be undertaken according to the following order of priority and subject to the availability of resources:

- EAF/5 - protected coastal and marine areas (1, 2, 3, 10, 17, 18, 24);*
- EAF/6 - monitoring and research related to the sources, levels, and effects of pollutants (4, 5, 6, 12, 14, 20, 21, 22, 26);
- EAF/7 - contingency planning in cases of marine pollution emergencies (6, 8, 16, 18, 21);
- EAF/8 - environmental education (10, 27);
- EAF/9 - fisheries related projects (19, 22, 25, 27, 28);
- EAF/10 - coastal erosion (13);
- EAF/11 - environmental impact assessment (7, 26);
- EAF/12 - establishment of a regional environmental pollution control centre (all projects listed as relevant to EAF/6); and
- EAF/13 - forestry (15).

2. Invites the Executive Director of UNEP:

(a) To prepare, with the co-operation of the competent international and regional organizations and the Governments of the region, a detailed programme document, describing the operational details of projects to be developed on the basis of priorities identified by the Conference;

(b) To convene, during the first half of 1986, a meeting of the Bureau which will review and if necessary revise the detailed programme document, and to approve a detailed workplan for the period 1986-1987;

(c) To co-ordinate the implementation of the adopted programme, taking into consideration the priorities identified by the Conference and subject to the availability of funds.

INSTITUTIONAL ARRANGEMENTS

The Conference,

Having adopted the Action Plan for the Protection, Management and Development of the Marine and Coastal Environment of the Eastern African Region, the Convention for the Protection, Management and Development of the Marine and Coastal Environment of the Eastern African Region, the Protocol concerning Protected Areas and Wild Fauna and Flora in the Eastern African Region and the Protocol concerning Co-operation in Combating Marine Pollution in Cases of Emergency in the Eastern African Region, hereinafter referred to as the "Eastern African regional programme",

Noting the statement of the Executive Director of the United Nations Environment Programme (UNEP), according to which statement UNEP is willing to accept the designation as the organization responsible for the secretariat functions of the Eastern African regional programme,

1. Calls upon the Executive Director of UNEP, in consultation with the Governments of the Eastern African region and the European Economic Community (EEC) and in close co-operation with relevant United Nations bodies and intergovernmental and non-governmental organizations, to make such arrangements as required to achieve the objectives of the Eastern African regional programme,

2. Also calls upon the Executive Director of UNEP to convene every two years intergovernmental meetings of the States of the Eastern African region and the EEC in order to decide upon programme, institutional and financial matters related to the Eastern African regional programme. Specifically, the intergovernmental meetings should:

- (a) Review the progress achieved in implementing the programme since the previous meeting;
- (b) Evaluate the results achieved;
- (c) Adopt a workplan for implementing the programme in the subsequent two-year period;
- (d) Provide policy guidance for the procedures to be followed in the implementation of the programme;
- (e) Approve the budgetary resources required to support the programme; and
- (f) Agree upon the means for financing activities of the programme, including firm pledges for contributions to be made by the participants.

3. Requests the Executive Director of UNEP to convene in 1987 the first intergovernmental meeting in order to review the progress achieved in the implementation of the Eastern African regional programme and to adopt the workplan and budget for the 1988/1989 biennium,

4. Decides to establish, for the period until the first intergovernmental meeting, a Bureau which will provide the secretariat with policy guidance on the implementation of the decisions taken at this Conference. The Bureau will consist of representatives of France, Kenya, Madagascar, Seychelles and Somalia. Each State

name of its representative in the Bureau. The States elected as members of the Bureau can change their representative whenever deemed necessary. The meetings of the Bureau will be convened by the Executive Director of UNEP and will be chaired by the Chairman elected from among the Bureau members. At the first intergovernmental meeting, the establishment of a Steering Committee will be considered which will replace the Bureau in its functioning,

5. Decides also to postpone the consideration of the establishment of a Regional Co-ordination Unit until the entry into force of the Convention.

FINANCIAL ARRANGEMENTS

The Conference,

Having adopted the Action Plan for the Protection, Management and Development of the Marine and Coastal Environment of the Eastern African Region, the Convention for the Protection, Management and Development of the Marine and Coastal Environment of the Eastern African Region, the Protocol concerning Protected Areas and Wild Fauna and Flora in the Eastern African Region and the Protocol concerning Co-operation in Combating Marine Pollution in Cases of Emergency in the Eastern African Region, hereinafter referred to as the "Eastern African regional programme",

Noting the cost estimates for the implementation of the Eastern African regional programme and the willingness of the Executive Director of UNEP to contribute during the 1985-1987 triennium US\$ 1,086,000 towards these costs, subject to the availability of funds in the Environment Fund of UNEP and to the availability of matching funds provided through a Regional Trust Fund,

Noting also the readiness of the States of the region to contribute to the costs of the Eastern African regional programme through a Regional Trust Fund and the commitment of the EEC to participate in the common costs of the regional programme in terms of lump-sum contributions to be specified later,

1. Approves as the budget of the Eastern African regional programme in the 1985-1987 triennium:

| | 1985 | 1986 | 1987 | TOTAL |
|-------------------------------|---------|-----------|---------|-----------|
| | | (in US\$) | | |
| From the Environment Fund | 121,000 | 468,000 | 497,000 | 1,086,000 |
| From the States of the region | - | 250,050 | 312,058 | 562,108 |
| | 121,000 | 718,050 | 809,058 | 1,648,108 |

2. Decides to establish a Regional Trust Fund for the initial two year period (1986-1987) to cover part of the common and programme costs of implementing the Eastern African regional programme,

3. Decides further that the Regional Trust Fund be financed for the initial two-year period by proportional contributions from the States and by a contribution from the EEC. The contributions from the States are to be assessed as follows:

| | % | 1986 (in US\$) | 1987 |
|------------|--------|-------------------|---------|
| Comoros | 4.84 | 12,100 | 15,100 |
| France | 25.00 | 62,500 | 78,000 |
| Kenya | 14.52 | 36,300 | 45,302 |
| Madagascar | 7.26 | 18,150 | 22,651 |
| Mauritius | 9.68 | 24,200 | 30,201 |
| Mozambique | 14.52 | 36,300 | 45,302 |
| Tanzania | 14.52 | 36,300 | 45,302 |
| Seychelles | 4.84 | 12,100 | 15,100 |
| Somalia | 4.84 | 12,100 | 15,100 |
| <hr/> | | | |
| TOTAL: | 100.02 | 250,050 | 312,058 |
| <hr/> | | | |

4. Urges the States to pay their contributions to the Trust Fund in equal half-yearly installments, starting from 1 January 1986,

5. Requests the Executive Director of UNEP to assume responsibility for administering the Regional Trust Fund according to the applicable rules of the United Nations and to make it operational as soon as the received contributions reach US\$ 50,000,

6. Calls upon the Executive Director of UNEP to search for additional financial resources which may be available for the implementation of the Eastern African regional programme, in particular to approach the EEC on behalf of the ACP States of the Eastern African Region and to seek funds for the Eastern African regional programme through the provisions of the Lomé Convention III.

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