

Annex IDECISIONS OF THE SECOND MEETING OF THE CONTRACTING PARTIES TO THE
CONVENTION FOR THE PROTECTION, MANAGEMENT AND DEVELOPMENT OF THE
MARINE AND COASTAL ENVIRONMENT OF THE EASTERN AFRICAN REGIONThe Contracting Parties,

Recalling decision CP.1/4 of the Nairobi Convention, in accordance with Article 17, paragraph 1 (d) of the Convention, decided to consider the feasibility and modalities of updating the text of the Convention and its related protocols and to formulate and adopt guidelines for the management of its Protocol concerning Protected Areas and Wild Fauna and Flora in the Eastern African Region,

Taking note, with appreciation of the progress report of the Executive Director of the United Nations Environment Programme on the work done by the Ad Hoc Technical and Legal Working Group on the review to update the Nairobi Convention and the Protocol Concerning Protected Areas and Wild Fauna and Flora in the Eastern African Region,

Further taking note that over fourteen years have elapsed since the adoption of the Nairobi Convention and that the African Governments recently embarked on a comprehensive assessment of the setbacks of the regional seas programme in Africa,

Taking note of decision 19/14 A of 7 February 1997 of the Governing Council of the United Nations Environment Programme, by which the Council decided, inter alia, to strengthen the regional seas programme and coastal zone management approach, as called for in the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities,

Recalling Governing Council decision SS.V/2 of 22 May 1998, in which support to Africa was identified as a priority of the United Nations Environment Programme,

Recalling further that the African Governments have agreed on an African process for the protection, management and development of the coastal and marine environment, with nodal points so far including the Maputo Declaration of the Panafrican Conference on Sustainable Integrated Coastal Management, held in Maputo, Mozambique, from 18 to 24 July 1998, and the Cape Town Declaration of December 1998, hereinafter jointly referred to as the Maputo and Cape Town Declarations,

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Appreciating the endorsement by the Assembly of Heads of State and Government of the Organization of African Unity on the African process for the protection of the marine environment, as adopted in the Maputo and Cape Town Declarations,

Fully aware of the pressing challenges facing the African region to overcome the severe financial challenges hampering the implementation of its prioritized activities and the need to ensure the predictability and regularity of vital funding to support programmes aimed at the sustainable development of the marine and coastal environment,

Recognizing the contributions made by various national, regional and international institutions, programmes and initiatives in the implementation of the Nairobi Convention work plan,

Welcoming the request made in the Cape Town Declaration to call upon the United Nations Environment Programme, as secretariat of the Abidjan and Nairobi Conventions, to update the said instruments to develop, in close consultation with the relevant governing bodies of those Conventions, a concrete action plan for their revitalization and coordination, through the establishment of a joint implementation mechanism,

CP.2/1. Updating and restructuring of the 1985 Nairobi Convention

1. Authorize the Ad Hoc Technical and Legal Working Group, based upon the Group's recommendation, to continue with and complete by July 2000 the comprehensive review and update of the Nairobi Convention and related protocols, with the expanded mandate of taking into account the following:

(a) Maputo and Cape Town Declarations;

(b) Relevant global conventions;

(c) Redefined geographical area of the Nairobi Convention, as well as providing for a wider participation involving land-locked countries with drainage basins linked to the coastal areas, intergovernmental bodies and the private sector;

(d) Decisions taken by the Contracting Parties to the Nairobi Convention at their second meeting;

2. Decide to request the Executive Director of the United Nations Environment Programme to facilitate the formation and functioning of an ad hoc technical and legal working group to include technical and legal experts

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from the Abidjan and Nairobi Conventions to ensure cooperation and exchange of views on the development, protection of the marine and coastal environment in Africa, whose terms of reference will include studying and examining:

(a) The possibility and implications of establishing a new structure to provide for horizontal interlinkages with other regional seas and global environmental conventions;

(b) The feasibility and implications of revitalizing the regional seas agreements for Africa by developing a regional marine and coastal environmental instrument for the whole region with specific protocols or annexes for each subregion and/or as deemed necessary;

(c) The feasibility of including private sector, non-governmental organizations and other stakeholder groups as members of the new structure;

CP.2/2. New programme of work for the future

1. Adopt the proposed elements for the new work programme called for by the secretariat in response to the Maputo and Cape Town Declarations, the report of which is to focus on the following:

(a) Assessment;

(b) Management;

(c) Coordination;

2. Request the United Nations Environment Programme to identify institutions within the region with the requisite capacity to lead in the implementation of the adopted work programme;

CP.2/3. Joint implementation arrangements and approaches for the regional seas programme in Africa

1. Recommend the establishment of an appropriate mechanism in order to ensure the effective implementation of joint programming and processes of the Abidjan and Nairobi conventions;

2. Request the Executive Director of the United Nations Environment Programme to establish at the headquarters of the Programme a joint implementation unit, to be supported by regional coordinating units and to service the conventions with a core staff financed by the United Nations Environment Programme and the trust funds;

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3. Decide, as a support measure, to put at the disposal of the proposed joint implementation unit, one Professional officer to be funded by the Nairobi Convention Trust Fund;

4. Requests, Contracting Parties hosting subregional coordinating units to provide logistical facilities and support;

CP.2/4. Membership and sustainable financing mechanism

1. Request Contracting Parties to ensure a regular payment of assessed contributions with a fifty per cent contribution to be effected within the first six months of the budgetary year;

2. Authorize the secretariat to negotiate agreeable mechanisms and schedules for the payment of arrears by Contracting Parties, based on the current scale of assessed contributions for the biennium 2000-2001, whereby options and modalities for such payments may include suitable in-kind service or local currency payments;

3. Decide, that Contracting Parties acceding to the Nairobi Convention as from November 1999 are under no obligation to pay arrears but that they shall, however, be required to pay fully for their assessed contributions within the first six months of the budgetary year;

4. Recommend that countries acceding simultaneously to the Abidjan and Nairobi conventions shall pay fifty per cent of the assessed contributions payable to the respective conventions and within the first four months of the accession;

5. Decide, for the purpose of resource mobilization (human, technical and financial, to establish a consortium of partners for the Nairobi Convention the core members of which shall include partners that are supporting programmes in the protection, management and development of the marine and coastal environment of the eastern African region;

CP.2/5. Coordination and collaboration arrangements

1. Request the Executive Director of the United Nations Environment Programme:

(a) To liaise with global convention secretariats to explore the possibility of developing regional annexes, within the context of their

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mandates, to address coastal and marine environmental issues of concern to the Parties to the Nairobi Convention;

(b) To collaborate with the executive bodies of the global programmes, including the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities, and global projects, including the Global International Waters Assessment, to include specific activities on regional seas programmes in Africa in their programmes of work for the next bienniums;

(c) To discuss with the secretariat of the Global Environment Facility and other funding bodies the possibility of developing comprehensive portfolios of project activities for the Nairobi Convention;

(d) To explore possibilities of developing twinning arrangements with the developed regional seas conventions such as the Convention for the Protection of the Mediterranean Sea Against Pollution, the Convention for the Conservation of the Red Sea and Gulf of Aden, the Convention for the Protection of the Marine Environment of the North Atlantic, the Convention for the Protection of the Natural Resources and Environment of the South Pacific Region and the Helsinki Convention on the Protection of the Marine Environment of the Baltic Sea Area;

2. Also request the Executive Director of the United Nations Environment Programme to inform the Organization of African Unity, through the African Ministerial Conference on the Environment, of the resolutions of the present meeting of the Contracting Parties, in order to ensure effective coordination;

CP.2/6. Partnership arrangements with the private sector

1. Authorize the Executive Director of the United Nations Environment Programme to ensure that the implementation of the programmes within the Nairobi Convention area involves the private sector, non-governmental and community-based organizations and women's groups;

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CP.2/7. Partnership Conference

1. Affirm the decisions in the Maputo and Cape Town Declarations to prepare and convene a partnership conference in the year 2000, 1/ which will, inter alia, submit action proposals aimed at strengthening cooperation through the relevant conventions, programmes, and institutional mechanisms, in particular, through a coordinating framework of the Abidjan and Nairobi conventions;

2. Urge the Preparatory Committee for the Partnership Conference to assist in the efforts:

(a) To strengthen the proposed joint implementation mechanism;

(b) To carry out the adopted work programme;

3. Request the Preparatory Committee to devise a mechanism for strengthening the capacity of the regional coordinating unit of the Nairobi Convention and for involving it in the preparation of the Partnership Conference;

CP.2/8. Follow-up arrangements

1. Request the Chair of the Bureau meeting of the Contracting Parties to the Nairobi Convention to share the contents of the present decisions with the Contracting Parties and secretariat of the Abidjan Convention;

2. Also request the Executive Director of the United Nations Environment Programme to initiate urgent consultations with the Contracting Parties to the Abidjan Convention, with a view to determining how the present recommendations could be realistically applied in that subregion;

3. Further request the Executive Director of the United Nations Environment Programme to report on the progress made toward the implementation of these decisions to the Contracting Parties at their third meeting;

CP.2/9. Amendments to the rules of procedure

1/ The Preparatory Committee informed the Contracting Parties that the Partnership Conference will be held in the year 2001.

1. Authorize, in accordance with the provisions of rule 35.3 of the rule of procedures, all Contracting Parties present to vote during this business meeting;

2. Decide provisionally to suspend rules 16.3 (b) and 16.4, in order to provide for an equal platform for the eligibility and participation of all Contracting Parties, until the revision of the entire rules of procedure by the Ad Hoc Technical and Legal Working Group set up under decision CP.I/3 and the adoption of its report by the Contracting Parties at their third meeting;

3. Amend rules 16.1, 16.2, and 16.5, by providing for an expansion of the Bureau to include three vice-chairs in lieu of one;

4. Adopt, in consequence, the proposal for:

(a) Action based on a new vision of revitalizing the Abidjan and Nairobi conventions;

(b) A new composition of the Bureau, comprising:

(i) A chair with the special task of the overall direction and coordination of the convention programmes;

(ii) Three vice-chairs with the respective task of leading the work programme; resource mobilization and sustainable financing; and relation with the convention secretariat, Abidjan Convention and other relevant conventions;

(iii) A rapporteur.

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