

Current Actions and Future Options on a Regional Ocean Governance Strategy for the Western Indian Ocean

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SUMMARY

1. The objective of this information paper is to seek the guidance of AMCEN on the further development of a regional ocean governance regime for the Western Indian Ocean (WIO).
2. Through the Cairo Declaration (2015) AMCEN has mandated the development of a regional ocean governance strategy with the close engagement of the Regional Seas Organisations.
3. The strategic objectives of the AU's 2050 Africa Integrated Maritime Strategy (AIMS) include the promotion of synergies and coherence between sectoral policies within and between the RECs and promotion of political will and awareness on marine affairs at regional levels. Accordingly, the Nairobi Convention Secretariat has responded by organising a series of technical dialogues to consider key issues and options for regional ocean governance in the WIO. These discussions involved all WIO countries (including France) and key stakeholders including the AUC, the RECs (COMESA, EAC, IGAD and SADC), the Indian Ocean Commission (IOC), regional fisheries bodies, private sector interests, the scientific community and environmental NGOs.
4. The dialogues revealed a broad consensus on the overarching objectives of regional ocean governance, notably in relation to safeguarding environmental health of the ocean, sustainable development of the blue economy and equitable distribution of benefits from exercising a shared responsibility for ocean governance in accordance with international laws and principles and national and regional commitments.
5. At a structural level two key challenges emerged. The first is the difficulty in coordinating actions among the diversity of sectors, agencies, mandates and programmes at both national and regional levels, both to direct scarce resources and to benefit from regional synergies.
6. The second is the development of an efficient and cost-effective coordination mechanism at regional level. This information paper focuses primarily on the options for regional coordination of ocean governance with a view to seeking the guidance of AMCEN.
7. Several suggestions emerged from the most recent dialogues on the options for coordination. It should be noted that these ideas have not been formulated as recommendations to AMCEN or to other bodies but may be elements of a possible roadmap for which there appears to be considerable support across the diversity of stakeholders. These ideas nevertheless require further development and discussion at technical level but would benefit from the direction and advice of AMCEN. The main suggestions fall into two categories: (i) on inclusive coordination among regional stakeholders; and (ii) on specific initiatives on selected themes.
8. Suggestions for inclusive coordination among regional stakeholders:
 - A. **Inclusive dialogue.** Maintain and reinforce a set of open technical dialogues on regional ocean governance in four thematic clusters: (i) natural resources and environment; (ii) the blue economy; (iii) maritime security; and (iv) ocean and coastal science and knowledge management (including physical, biological and social sciences and human resource development). Each dialogue would use existing institutional mechanisms. Each would ensure that other clusters would be fully informed of developments in the other clusters on a timely basis, in particular as some activities, such as fisheries, are actively engaged in all clusters.
 - B. **REC task force.** The AU in consort with the four RECs (COMESA, EAC, IGAD, SADC) and the Indian Ocean Commission (IOC) could create a joint technical-level ocean governance task force to: (i) coordinate and exchange information on relevant REC activities; (ii) consider outcomes from cluster discussions; (iii) act as a conduit to regional decision-makers (and to the AU) for key issues; and (iv) act as a forum for further development of the regional ocean governance regime. Initially, the task force could possibly be facilitated by the Nairobi Convention Secretariat.

9. Specific thematic initiatives:

- A. **Areas (and biodiversity) beyond national jurisdiction.** Piracy, unregulated fishing, marine pollution and conservation of biodiversity in the ABNJ are among the challenging governance problems facing the WIO. There is a need to foster dialogues on improved compliance with international norms with respect to activities in the high seas or areas beyond national jurisdiction (ABNJ) in the WIO. This would be done by building cooperation between the various regional and international organisations which have jurisdiction under international law in relation to various activities in the ABNJ. The Nairobi Convention has already agreed with regional fisheries organisations to foster regional discussions with other competent organisations, s the International Maritime Organisation, among others, in relation to compliance with international norms. The outcomes would also inform regional positions at the on-going UN negotiations on the ABNJ/BBNJ.
- B. **Ocean governance scorecard.** Consider the development of a country-by-country and regional ocean governance scorecard to track progress, identify gaps and inform decision-makers.
- C. **Blue economy and marine plastic pollution: Create a common regime for recycling plastic waste.** Most WIO countries have taken some measures to prevent and control marine plastic pollution. However, there are major economic advantages in creating a common market and regime for recyclable plastic waste and development of regional products to substitute plastic and develop products made from recycled plastic waste. The suggestion is to examine the national and regional policies and regulatory measures required to create a circular economy for plastics, focused initially on single use plastics but with a view to expansion to other products.
- D. **Knowledge, human capacity development and awareness.** Ocean science and knowledge is seen as the foundation of informed decision-making. The suggestion is to continue and expand efforts to raise political awareness of ocean governance challenges, ensure the continued enhancement of science to policy initiatives and the improvement of the required human and institutional capacity.

10. The above suggestions are presented to obtain the guidance of AMCEN. The suggestions are further detailed in this information paper. The information paper also provides relevant background information and a summary of the technical dialogues on regional ocean governance with links to the details of these dialogues.

1 OBJECTIVE

1. The objective of this information paper is to seek the guidance of AMCEN on the further development of a regional ocean governance regime for the Western Indian Ocean (WIO).
2. It is a response to the AMCEN Cairo Declaration's call for "preparation of periodic reports by regional seas programmes on the status of the oceans, including land-based sources and activities and governance, biennially for the African Ministerial Conference on the Environment".
3. The information paper:
 - (i) summarises work to date undertaken on development of a regional ocean governance strategy for the WIO; and
 - (ii) outlines options for further development for the information and consideration of AMCEN, and
 - (iii) provides summary background information.

2 POLICY CONTEXT

2.1 REGIONAL OCEAN GOVERNANCE DIALOGUES FACILITATED BY THE NAIROBI CONVENTION

4. AMCEN's Cairo Declaration called for development of an ocean governance strategy.¹ AMCEN 2017 (Libreville) requested UNEP and the secretariats of the regional seas conventions to cooperate with the RECs and other regional bodies to develop ecosystem-based approaches to ocean governance.
5. The Nairobi Convention Conference of the Parties (2018) responded by reaffirming the call of AMCEN and instructing the Nairobi Convention secretariat to take steps to develop a regional ocean governance strategy.² The Nairobi Convention Secretariat has advanced the process of regional ocean governance through three technical dialogues:
 - (i) **RECs dialogue.** As a first step, in early 2019, the Nairobi Convention Secretariat organised a partnership meeting with the regional economic communities (RECs), the Indian Ocean Commission and other key partners, including stakeholders from ocean science and shipping to develop collaboration on ocean governance and the blue economy.³
 - (ii) **Analytical dialogue.** A Special Session on Ocean Governance in the Western Indian Ocean Region was hosted by the Nairobi Convention and other partners in July 2019 at WIOMSA 11th Scientific Symposium. Participants outlined several priorities, challenges, and recommendations for the development of a regional ocean governance strategy.
 - (iii) **Broad-based stakeholder dialogue.** A workshop on Ocean Governance for the Western Indian Ocean (WIO) region was held in September 2019 in Seychelles which further advanced the discussions and in particular identified possible next steps and options for further cooperation.
6. This information paper describes these options with a view to seeking AMCEN guidance and direction.⁴

¹ "develop a governance strategy, in accordance with the United Nations Convention on the Law of the Sea and regional seas conventions" AMCEN Cairo Declaration 1.14 (March 2015).

² Nairobi Convention COP9, Decision CP.9/6 (2018) on Ocean Governance, urging parties to work with regional bodies to implement AMCEN's Cairo Declaration, the 2050 Africa Integrated Maritime Strategy, and the provisions of Agenda 2063 on ecosystem-based management approaches.

³ See: Report of the Partnership Meeting with Regional Economic Communities and Commissions in the Western Indian Ocean (WIO) Region 11 – 12 April 2019, Durban, South Africa.

⁴ Nairobi Convention COP Decision CP8/5 requires that the Nairobi Convention reports to AMCEN on progress.

2.2 SUMMARY OF THE POLICY FRAMEWORK

2.2.1 International ocean governance framework

7. **International law, policies and norms.** Ocean governance is framed by: (i) state's rights and obligations under international law, under regional agreements and national law; (ii) the related policies, plans and norms (e.g., Rio+20, AU policies); and (iii) international codes, guidelines and approaches (e.g., the Code of Conduct for Responsible Fisheries and various International Maritime Organisation guidelines).

8. **Law of the Sea.** The United Nations Convention on the Law of the Sea (UNCLOS) is the cornerstone of ocean governance at national, regional and global levels. It anchors numerous other conventions on shipping, marine conservation, fisheries, maritime security, use of the seabed and the high seas and agreements on maritime boundaries. All AU countries are party to UNCLOS. The Nairobi Convention and other regional seas conventions⁵ are also anchored by UNCLOS.

9. **Maritime security.** A number of UN General Assembly and Security Council resolutions have enabled international efforts to address piracy and a range of international initiatives are addressing maritime trafficking in people, drugs and arms. These UN resolutions have underpinned international cooperation in the Horn of Africa and Gulf of Guinea.

10. **Climate change.** Physical changes to the oceans (sea-level rise, ocean warming, and ocean acidification) are receiving some attention within the United Nations Framework Convention on Climate Change (UNFCCC) discussion, but ocean-specific mitigation measures are not addressed in the Paris Agreement.

11. **Marine pollution.** Marine pollution from shipping is the subject of globally agreed rules monitored through the International Maritime Organisation. These include conventions on hazardous waste, oil pollution, dumping at sea and certain toxic chemicals. However, the more serious marine pollution from land-based sources is not subject to a global agreement and relies on national actions and protocols developed by the regional seas' conventions. These protocols are generally weak and lack mechanisms to ensure compliance.

12. **Living natural resources.** A wide range of conventions govern sustainable use and conservation of biodiversity, fish, endangered and migratory species and endeavour to protect threatened habitats such as coral reefs, mangroves or coastal wetlands. These international agreements include regional fisheries conventions, the Convention on Biodiversity and many others.

13. **Ocean science and knowledge.** A number of UN organisations play an important role in collecting analysing and disseminating ocean scientific knowledge and contribute to UN 'regular process' on the oceans. African countries and institutions participate in these efforts to different degrees.

14. **In summary.** Ocean governance covers a wide range of subjects and themes beyond those directly addressed by AMCEN, or the Nairobi Convention. However, effective ocean governance needs to take due account of the diverse stakeholders engaged in these different sectors and activities and their often competing aims and objectives.

2.2.2 African ocean governance policy framework

15. The African Union (AU) Agenda 2063 emphasises sustainable use of natural resources, development of offshore energy, ports and shipping and envisages a blue/ocean economy as a major contributor to continental growth and transformation. It calls for climate resilient coastal communities, eco-friendly tourism and industries, and conservation of coastal and marine areas. Agenda 2063 advocates regional cooperation and identifies the Regional Economic Communities (RECs) as the fulcrum for cooperation, policy coherence and strategic alignment among their members. Governance

⁵ Abidjan (West Africa), Barcelona (Mediterranean) and Jeddah (Red Sea) Conventions.

is guided by AU principles and a wide range of measures, including the African Peer Review Mechanism.

16. The aim of the 2050 Africa's Integrated Maritime Strategy (AIMS), adopted by the AU in 2014, is "to foster increased wealth creation from Africa's oceans and seas by developing a sustainable thriving blue economy in a secure and environmentally sustainable manner". Its primary focus is on shipping, ports, the related blue economy and maritime security. The AIMS is a wide-ranging strategy that also refers to development of regulatory regimes, sustainable use of natural resources and capacity building. The AIMS has underpinned important advances in maritime security and fisheries,⁶ but its scope is essentially economic rather than social, environmental or the provision of an ocean governance platform.

17. African environmental policy is guided by AMCEN. The Cairo Declaration states that African States will develop an ocean governance strategy in accordance with UNCLOS, Regional Seas Conventions, the AIMS and Agenda 2063.⁷

18. Numerous other African instruments influence ocean governance. These include:⁸

- the Africa Mining Code which influences development of offshore hydrocarbons
- declarations and initiatives on the blue economy
- the Revised African Maritime Transport Charter (1994, revised 2012) and associate Plan of Action endorsed by an AU transport ministers in 2009
- Abuja Declaration on sustainable fisheries (2005)
- African Continental Free Trade Area (AfCFTA) Agreement
- African Convention on the Conservation of Nature and Natural Resources (1968)
- the Decade of African Seas and Oceans (2015-2025)
- arrangements on maritime security, notably the Lomé Declaration and the Djibouti Code of Conduct.

2.2.3 Western Indian Ocean regional ocean governance framework

19. The mandate of the Nairobi Convention is limited to environmental affairs: the Secretariat acts purely as a regional facilitator for the broader ocean governance dialogue. This engagement arises from a decision by the Conference of the Parties.

20. The regional ocean governance framework involves several groups of regional actors (i.e., in addition to national governments and their agencies) notably:

- (i) **RECs.** The four RECs and the Indian Ocean Commission, all of which exercise an important coordinating role on oceans and have policies which influence the national ocean governance and coordination between countries. These policies and the related programmes may not always be aligned.
- (ii) **Maritime security.** The Contact Group on Piracy off the Coast of Somalia (CGPCS), established in 2009 has no formal membership or secretariat but engages with all WIO countries, the RECs, the IOC and the private (shipping) sector. CGPCS's success in combatting piracy and in the on-going enforcement activities have been largely underpinned by external support, notably from the EU.
- (iii) **Fisheries.** The regional fisheries organisations include non-AU countries fishing in the region (particularly for tuna) both on the high seas and through access agreements with AU member countries.

⁶ In particular the African Charter on Maritime Security, Safety and Development (Lomé Charter) on Maritime Security, Safety and Development and the Djibouti Code of Conduct, revised by the Jeddah Amendment (2017).

⁷ The Cairo Declaration on Managing Africa's Natural Capital for Sustainable Development and Poverty Eradication (Cairo Declaration) (2015).

⁸ Refer to the Background Document for more detail. [### link]

- (iv) **Private sector.** A number of regional organisations represent private sector shipping, port authorities, tourism, trade, fisheries, offshore hydrocarbons, telecommunications (undersea cables) and other sectors where international cooperation is of importance.
- (v) **NGOs.** The NGO community predominantly involves national, regional and international organisations dedicated to promoting environmental conservation, protection or sustainable use in relation to habitats (e.g., coral reefs), endangered species (e.g. turtles) or areas of high biodiversity (e.g., the Northern Mozambique Channel) They have an important role in supporting and executing projects, in capacity building and in raising political awareness and will. Other organisations represent women, fishers or groups locally active in coastal zone management.
- (vi) **Knowledge management.** The Western Indian Ocean Marine Science Association (WIOMSA) has a comprehensive suite of regional activities and networks on ocean literacy, knowledge exchange, targeted research, a science to policy interface and liaison with NGOs. The Nairobi Convention Clearinghouse Mechanism pools coastal and marine environment information held by numerous institutions in the region in support of policy and management decision-making. Knowledge management and associated capacity building relies heavily on external support.
- (vii) **External actors.** These include the international financial institutions, private and state investors, major donors and a wide range of cooperating institutions, including in the areas of port infrastructure, ocean science, environmental sustainability, maritime trade facilitation, capacity building and many other areas.

3 BROAD CONSENSUS ON KEY OBJECTIVES AND PRINCIPLES

21. The three Nairobi Convention dialogues described above revealed a broad stakeholder consensus in several areas, namely:

- (i) A shared long-term vision on the broad objectives of regional ocean governance
- (ii) The need for enhanced policy alignment and cooperation within and between WIO countries; and
- (iii) The need for inclusive and enhanced cooperation among regional organisations.

22. **Shared vision.** The vision is for a peaceful, politically stable region; an environmentally healthy ocean; and a blue economy based on the protection and conservation of natural resources that delivers sustainable benefits with due regard to equity and wellbeing of people. This vision may be stated in different ways by different stakeholders and regional organisations. Stakeholders may give different emphasis to environmental, economic and social dimensions of the vision.

23. **Cooperation.** There is a shared understanding that effective cooperation between key stakeholders is required in order to achieve this vision. This is founded not only on the recognition that countries are legally required to cooperate on ocean governance as part of their obligations under UNCLOS, but also because many, if not all of the regional organisations have been established to ensure such cooperation.

24. **Enhanced cooperation within and between countries.** Stakeholders recognised the encouraging level of existing cooperation but acknowledged that cooperation within and between WIO countries could be improved along three main axes. The first is that all WIO countries would ideally adhere to and implement all key international conventions and take measures to resolve any maritime boundary disputes. The second is that countries could take steps to prepare or update national oceans policies and to ensure effective coordination between ministries and agencies implementing national oceans policies and strategic plans through national oceans task forces, or other appropriate means. The third is to take further steps to align policies and plans with other WIO countries at the sector level as these opportunities arise.

25. **Enhanced cooperation between regional institutions.** Stakeholders recognised the wide diversity of regional organisations; that different groups of countries are party to different regional organisations; that their objectives and mandates differ and may overlap, or even conflict; and that their decision-making processes and decision timetables vary. Stakeholders recognised that building effective coordination between the diverse regional organisations and their programmes would require

a concentrated and prolonged effort. The dialogues considered a range of options to advance regional cooperation on ocean governance and improve connectivity. These options are a key focus of this information paper and are discussed in detail in section 5.

4 KEY CHALLENGES

26. Before considering the options for enhanced regional cooperation on ocean governance it is of value to briefly outline some of the challenges facing the region. The challenges fall into two broad categories: (i) generic or structural challenges related to the institutions and relationships; and (ii) challenges related to sectors and activities.

4.1 STRUCTURAL CHALLENGES

27. **Diversity of membership of regional organisations.** The AU and the Nairobi Convention are the only two organisations where all WIO African countries are members.⁹ While the policies of the other regional organisations are generally mutually consistent, their programmes, operational timetables and focal issues vary widely often constraining greater alignment and synergies. To some extent, this is evident in the implementation of the AIMS by the RECs.

28. **Diversity of sectors, issues and capabilities.** The sheer diversity of sectors and issues constrains formulation of ocean policies and programmes not only at regional level, but also at national level. Many blue economy sectors, such as offshore oil and gas, are evolving rapidly resulting in environmental, social and economic impacts beyond the sector or activity. In addition, countries are at different stages of development of ocean governance constraining effective cooperation and coherence.

29. **Resources deficit.** The activities of many countries and regional organisations are constrained by weak human, institutional and funding capacity. This is particularly marked in relation to coastal zone management, protection of critical habitats and under-investment in the management of liquid and solid wastes which contribute to marine pollution.

30. **Enforcement and compliance.** Both regional and national authorities face difficulties in enforcing compliance with international norms or with national regulations. At the level of the regional and international rules, this is often attributable to weak provisions of the relevant conventions. At national level, monitoring of compliance with requirements identified through environmental and social impact assessments can be challenging and authorities may be reluctant to impose sanctions on major investors.

4.2 SECTORAL AND THEMATIC CHALLENGES

31. **Rapid change.** The ocean and coastal environment, economy and dependent populations are subject to rapid change from new emerging industries (e.g. offshore energy and oil and gas development), coastal populations growing more rapidly than the general population, loss of coastal habitats and growing levels of pollution. Rising sea levels, erratic weather patterns, ocean warming and ocean acidification are already affecting coastal communities, impacting on fisheries and resulting in substantial loss of coral reefs.

32. **Maritime security** is fundamental to ocean health and development of the blue economy. While major advances have been made at regional level, including through the CGPCS, much of the on-going efforts are dependent on external funding and resources.

33. **Maritime boundaries.** Conclusion of agreements on maritime boundaries could build increased cooperation and trust.¹⁰

⁹ France is also party to the Nairobi Convention.

¹⁰ There are eight maritime boundary disputes in the WIO as reported to the UN. In addition, a large number of maritime boundaries have not been agreed (i.e., but they are not currently subject to disputes).

34. **Development of strategic corridors and maritime trade.** The rapid development of major transport corridors, some of which are associated with investment in extractive industries is likely to result in a significant increase in shipping and increased threats from pollution.

35. **Areas (Biodiversity) Beyond National Jurisdiction.** There is a growing awareness of the physical and biological connectivity between the region's high seas and the jurisdictional waters of the coastal states. However, WIO countries have limited authority under international law to control activities in this area.

36. **The state of natural resources.** Despite recent efforts to protect critical habitats and fisheries, many are depleted. The threat to coral reefs is particularly high with potentially massive economic losses occurring over the next several decades.

37. **Marine pollution** is a growing threat, particularly from land-based sources, such as urban waste, extractive industries and agricultural runoff. The Nairobi Convention protocol on land-based sources of marine pollution has weak compliance and enforcement provisions. Effective treatment of waste water and management of solid waste, such as plastics requires substantial investment. This implies raising public awareness and political will regionally, nationally and at the level of local administrations.

38. **Distributional issues.** The social impact of changes in the ocean environment and the blue economy is poorly understood. Nevertheless, it is clear that some coastal communities are on the 'front line' of climate change and threatened by declining fisheries, coastal erosion, flooding and the impact of cyclones.

39. **Knowledge management.** Policy decisions require to be informed by scientific advice, for example in relation to risks, precautionary measures or an ecosystem approach. While regional ocean science has advanced rapidly it is challenged to keep pace with a changing ocean environment, economy and the dependent communities.

5 OPTIONS FOR ENHANCED REGIONAL COOPERATION

40. The options identified for enhanced regional cooperation on ocean governance were informed by three main factors:

- (i) a recognition of the diversity of national, sectoral and thematic objectives
- (ii) the nature, role and membership of the existing institutions that facilitate regional cooperation
- (iii) the 'open' nature of the WIO as a loosely defined area. For example, the FAO defines the WIO fisheries region as extending to the southern tip of Sri Lanka. For the purposes of maritime security arrangements, the WIO extends well into the Arabian Sea. Cooperation mechanisms such as the Indian Ocean Rim Association include many non-AU countries.

5.1 OPTIONS FOR INSTITUTIONAL ARRANGEMENTS ON COOPERATION

41. The range of options for institutional arrangements to enhance regional cooperation on ocean governance as described below result from the dialogues facilitated by the Nairobi Convention. They are **not recommendations** as they are not the result of any formal process at technical level. These ideas are a 'work in progress' and are not mutually exclusive, i.e., elements of different options could be combined. The AMCEN is informed in order to seek further guidance and direction.

42. **Create a dedicated WIO regional ocean governance agency.** This option was **not** supported for several reasons. The rationale is unclear at the present time and its composition, institutional home, resourcing and precise mandate are also unclear. It could duplicate some existing cooperation and could simply create an additional layer of bureaucracy. Creation of a dedicated AU oceans unit has been proposed¹¹ on a number of occasions, but an adequately resourced unit remains to be established.

¹¹ The unit has been characterised as an AU equivalent of the UN Division of Ocean Affairs and Law of the Sea, albeit on a far smaller scale.

43. **Extend the mandate of the Nairobi Convention.** There was broad support for a strong coordinating role for the Nairobi Convention Secretariat. The COP has already provided a mandate to extend the Nairobi Convention's role as a regional coordinating mechanism not only on marine environmental affairs, but also in relation to managing threats to the marine environment, including through improved governance and associated coordinating activities.

44. **Establish a joint REC ocean governance task force.** This option received broad support. The recent Nairobi Convention/ RECs dialogue¹² proposed the establishment of a Core Group to advance the cooperation agenda. As structured, the focus of the Core Group would be primarily environmental. With the inclusion of blue economy and maritime security stakeholders, the Core Group could provide a valuable starting point for a cooperative ocean governance mechanism. The suggestion is that the activities would initially be 'auto-financed' with the Nairobi Convention Secretariat providing limited support services.¹³

45. The Core Group is currently an informal mechanism. This is both a strength and a weakness. If it were to be institutionalised, questions of representation, participation, decision-making, financing and reporting would arise. By remaining informal, members could advocate for agreed ocean governance measures in a manner targeted at the specific needs of a particular REC and could jointly help access available regional funds. Its effectiveness would depend largely on the ability of its members to create space on the agendas of the RECs and the AU and to resource targeted actions.

46. One variant of this approach was for individual RECs to champion different governance domains where the REC may have a strategic advantage or special interest. This is the arrangement currently used in the EU-funded MASE maritime security project, where, for example, building regional law enforcement capacity is coordinated by EAC, at-sea activities are coordinated by the IOC, and other thematic activities coordinated by other RECs.

47. **Structure an adaptable open dialogue, or ecosystem-based management (EBM) approach.** This is referred to as an EBM approach because it gives a loose structure to the dialogue on cooperation for the entire 'ecosystem' of institutions engaged in ocean governance. The idea is to be inclusive of all stakeholders and facilitate their cooperation to the extent that each institution is capable. The following paragraphs illustrate how this approach might work through four clusters. However it is stressed that these suggestions are only an example of many possible arrangements and that considerable discussion on any such ecosystem-based management approach would be required.

48. **Dialogue clusters.** For example, the regional ocean governance 'ecosystem' could be structured into four (or more) clusters. The clusters would provide a space for information exchange, sharing of lessons learned, and development of policy and strategic advice for governments, RECs and the AU through multi-disciplinary and cross-sectoral analyses, reviews or discussion papers. The following table illustrates possible clusters and suggests 'natural' institutional leaders.

¹² UNEP, Nairobi Convention, GEF. 2019. Report of the Partnership Meeting with Regional Economic Communities and Commissions in the Western Indian Ocean (WIO) Region. Durban, April 2019.

¹³ For example, meetings would be held on the margins of the existing meetings of the Nairobi Convention, the RECs, or the AMCEN. The Indian Ocean Commission would be included in the Core Group. The Nairobi Convention could establish a specific regional ocean governance information repository within its existing Clearinghouse Mechanism to ensure timely exchange of information.

Example only: Principal ocean governance cooperation clusters and 'natural' leaders	
Maritime Security cluster (possible 'natural' leader: CGPCS)	Environment and Natural Resources cluster (possible 'natural' leader: Nairobi Convention)
Combatting piracy Combatting other maritime crime Fisheries control Search and Rescue Emergency Response and Disaster Relief	Pollution Fisheries, aquaculture, biosecurity Coastal Zone Management Biodiversity conservation and BBNJ Climate change
Blue Economy cluster (no 'natural' leader, possibly a REC/ IOC)	Knowledge and Capacity Building cluster (possible 'natural' leader: WIOMSA)
Shipping and trade Maritime infrastructure Fisheries and bioprospecting Tourism, cruise operation Offshore energy (hydrocarbons, wind power) Deep Seabed Mining Innovation and business development Waste management Maritime security operations and services	Ocean science Climate change science Innovation Science to policy Ocean governance assessment Education and awareness Monitoring state of the WIO environment/ blue economy Meteorology/ weather forecasting Fisheries science

49. **Cluster cooperation modalities.** Each cluster would be an informal grouping. The informal nature would avoid contentious questions of representation, participation, decision-making, financing and reporting. Stakeholders would participate at their own cost and could advocate for common but differentiated approaches. Meetings would be virtual, or held in the margins of existing workshops or conferences. Cluster leaders would facilitate dissemination of summary information. Some sectors (e.g., fisheries) are active in all four clusters, indicating the need for a robust communication mechanism within and between clusters. Communications could involve arrangements for inclusion of cluster briefing papers on the agendas of the various regional organisations. The role of the RECs, or the suggested REC task force, would require further consideration.

50. The cluster dialogues could foster new or improved relationships. This diversity of sectors and institutions implies a mix of relationships: formal agreements and protocols, memoranda of understanding, partnerships, or creation of dedicated instruments, such as a permanent standing committee, or a joint project. The effectiveness of the arrangements would rely on leadership, common understanding of the joint and several issues, trust, transparency, flexibility to accommodate the needs of different and under-represented constituencies. The dialogues could facilitate replication or extension of existing functional cooperation arrangements. Examples of such arrangements include: the Joint Management Arrangement between Mauritius and Seychelles with respect to their extended continental shelf; the Kenya/ Tanzania transboundary marine protected area; and the Northern Mozambique Channel Initiative.

5.2 SPECIFIC COOPERATIVE INITIATIVES

51. In addition to the suggestions made with respect to overarching regional cooperation on ocean governance, three suggestions are also offered with regard to possible initiatives on:

- (i) governance of areas (and biodiversity) beyond national jurisdiction (ABNJ) in the WIO;
- (ii) an approach to addressing marine plastic pollution; and
- (iii) development of a regional ocean governance scorecard.

52. **Governance of the ABNJ.** The current UN negotiations on an international ABNJ governance agreement may take many years. In the meanwhile, a regional initiative could improve governance of the ABNJ in the WIO. With the endorsement of the COP, the Nairobi Convention could backstop dialogues on ABNJ governance in the region. The objective would be to build coordination among the various international organisations which are already mandated under international law to exercise authority over activities in the ABNJ. These include: the CGPCS (piracy/ trafficking); the International

Maritime Organisation (shipping, pollution); the International Seabed Authority (deep seabed mining, undersea cables and sedentary living resources); the various organisations responsible for fisheries and living marine resources (see Annex 2); and organisations undertaking ocean science. The possible outcomes could include formal and informal cooperation arrangements, for example in relation to compliance with international norms, or informed regional inputs to the UN ABNJ negotiations.¹⁴

53. **Circular blue economy and marine plastic pollution: create a common regime recycling plastic waste.** Global use of plastic is projected to increase about five-fold by 2050 and most WIO countries have taken some measures to prevent and control marine plastic pollution. These include bans or taxes on the use of plastic bags or single-use plastics. However, collection and recycling of waste plastic remains a challenge in all countries. There are advantages in creating a common regional market and regime for recycled plastic waste. A common regime could create economics of scale for waste stream separation and recycling, foster regional manufacture of products using recycled plastic and create opportunities for innovative local products to substitute plastics. A common regime would create a common tariff scheme for single use plastics and for plastic products with no recycled content, establish harmonised standards on plastic waste and regional certification and auditing for products made from recycled plastic. The suggestion is to examine the national and regional policies and regulatory measures which would be required to create a circular economy for plastics, focused initially on single use plastics but with a view to expansion to other products.

54. **Ocean governance scorecard.** Consider the development of a country-by-country and regional ocean governance scorecard. The scorecards could be used to track national and regional progress in ocean governance, to inform decision-makers, to exert peer pressure and to identify gaps towards which additional resources and support could be directed. The scorecard could be based on a range of existing indicators that track governance effectiveness, environmental stewardship, the blue economy and national performance in relation to Sustainable Development Goal 14. Life below water.

55. **Knowledge, human capacity development, political and public awareness.** Continue efforts to raise political awareness of ocean governance challenges and ensure the continued enhancement of science to policy initiatives and the improvement of the required human capacity.

¹⁴ UN. 2019. Draft text of an agreement 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. Advance, Unedited Version 25 June 2019.

ANNEX

ANNEX 1. NAIROBI CONVENTION TECHNICAL DIALOGUES AND COP9 DECISIONS

The following are links to the technical dialogues facilitated by the Nairobi Convention Secretariat.

Seychelles dialogue (September 2019)

[Western Indian Ocean Regional Ocean Governance Workshop](#)

([documents](#))

Background Paper (revised) download
(policy, legal and institutional situation, lessons from other regions)

Towards a Cooperative Ocean Governance Strategy for the WIO download
(discussion paper on options for cooperation)

Mauritius dialogue (July 2019)

Special Session on Ocean Governance in the Western Indian Ocean region held during the 11th Symposium of the Western Indian Ocean Marine Science Association (WIOMSA)

([documents](#))

Cape Town ABNJ dialogue (June 2019)

[Science for Solutions: Bringing Stakeholders Together to Improve Ocean Planning and Governance for ABNJ in the South East Atlantic and Western Indian Ocean](#)

([documents](#))

Durban dialogue (April 2019)

[Partnership Meeting with Regional Economic Communities and Commissions in Western Indian Ocean Region](#)

([documents](#))

Development of Ocean Governance Strategy for Africa: Summary of Scoping Study and Gap Analysis (IMS) [Download](#)

Report of the [Ninth Conference of Parties to the Nairobi Convention](#) (August 2018)

[Download](#)

Decision CP 9/6 on 'Ocean governance'

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

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

ANNEX 2. STAKEHOLDER ORGANISATIONS INVOLVED IN REGIONAL OCEAN GOVERNANCE IN THE WIO

Note: The following list is intended to illustrate the diversity of organisations involved. It is not an exhaustive list of stakeholders

Economic development

- Common Market for Eastern and Southern Africa (COMESA)
- East African Community (EAC)
- Southern African Development Community (SADC)
- Intergovernmental Authority on Development (IGAD)
- Indian Ocean Commission (IOC - COI)
- Indian Ocean Rim Association (IORA)

Environmental protection and conservation

- Nairobi Convention
- Consortium for the Conservation of the Coastal and Marine Ecosystems in the Western Indian Ocean region (WIO-C)
- Northern Mozambique Channel Initiative

Fisheries and living natural resources

- Indian Ocean Tuna Commission
- Southern Indian Ocean Fisheries Agreement (SIOFA)
- South West Indian Ocean Fisheries Commission (SWIOFC)
- Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR)
- Commission for the Conservation of Southern Bluefin Tuna (CCSBT)
- International Whaling Commission (IWC)

Maritime security

- Contact Group on Piracy off the Coast of Somalia (CGPCS)

Business associations

- Port Management Association of Eastern and Southern Africa (PMAESA)
- Association of African Maritime Administrations (AAMA)
- The Association for Women in the Maritime Sector in Eastern & Southern Africa (WOMESA)
- African Shipowners Association
- Chambers of Commerce
- Indian Ocean Tourism Organisation (IOTO)
- Indian Ocean Tuna Operators Association (IOTOA)

Knowledge management

- Western Indian Ocean Marine Science Association (WIOMSA)
- Coastal Oceans Research and Development in the Indian Ocean (CORDIO)
- South African Institute of International Affairs (SAIIA)
- Forum of Heads of Academic/Research Institutions in the Western Indian Ocean (FARI)
- Academic and research institutions