



CONCEPT NOTE

Technical meeting to address technical, policy and legal texts from recommendations of the second negotiated draft Protocol concerning Protected Areas and Wild Fauna and Flora in the Eastern African Region

28-30 November 2023
Mombasa, Kenya

INTRODUCTION

The [Nairobi Convention](#) for the Protection, Management and Development of the Marine and Coastal Environment of the Western Indian Ocean Region (as amended in 2010), together with its [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 ([Emergency Protocol](#)) in the Eastern African Region were enacted in Nairobi on 21 June 1985. In 2010 a Protocol for the Protection of the Marine and Coastal Environment of the Western Indian Ocean ([LBSA Protocol](#)) was adopted alongside the Amended Nairobi Convention. Moreover, the Contracting Parties have since negotiated a Protocol on Integrated Coastal Zone Management in the Western Indian Ocean ([ICZM Protocol](#)), and signed it at the Convention's third Conference of Plenipotentiaries on 12 September 2023. These instruments collectively constitute the regional legal framework for the protection and conservation of the marine and coastal environment of the Western Indian Ocean (WIO) region.

The 1985 Protocol Concerning Protected Areas and Wild Fauna and Flora in the Eastern African Region ([the Protocol](#)) obliges the Contracting parties to take all appropriate measures to maintain essential ecological processes and life support systems, to preserve genetic diversity, and to ensure the sustainable utilisation of harvestable natural resources under their jurisdiction. In particular, the Protocol seeks to protect and preserve rare and fragile ecosystems as well as rare, depleted, threatened or endangered species of wild fauna and flora and their habitats in the Eastern Africa region. The Protocol entered into force on 30 May 1996.

WHY AMEND THE PROTOCOL

The need to amend the Protocol has been stated by the Contracting Parties to the Nairobi Convention at several of the Conference of Parties (COP) to the Convention. These include [COP3](#) (Maputo,

2001), [COP4](#) (Antananarivo, 2004), [COP7](#) (Maputo, 2007), [COP8](#) (Mahe, 2015), [COP9](#) (Mombasa, 2018) and [COP10](#) (Mombasa, 2021). The Kunming-Montreal [Global Biodiversity Framework](#) of the [Convention on Biological Diversity](#) adds more impetus to the amendment of the Protocol.

In response to the intensification of pressures resulting from both anthropogenic and natural factors in the WIO region the [ACP MEAs Programme in the Nairobi Convention area](#) supported, during 2021, the [justification](#) for review and amendment of the Protocol Concerning Protected Areas and Wild Fauna and Flora of the Eastern African Region. A review of the Protocol seeks to incorporate recent global commitments, processes, and existing international and regional legal and policy instruments on biodiversity, taking into account the latest scientific information available in the region.

The first negotiations for amending the Protocol was supported by the [ACP MEAs 3 Programme](#) in Antananarivo, Madagascar from 15–18 November 2022. It focused on a draft Protocol that was prepared by the Secretariat in which the articles from the 1985 original Protocol had been re-arranged and offered to the negotiators as a draft proposal with an overview of proposed articles for revision around (i) General Provisions, (ii) Protection of species, (iii) Protected areas, (iv) Provisions common to protected areas and species, and (v) Institutional and final provisions. At the end of the 4 days, negotiators made changes, comments, edits, additions, and reformulated the draft protocol. The revised text of the draft Protocol is available at <https://nairobiConvention.org/clearinghouse/node/930> and the technical documents are available at this [link](#).

The second negotiations for amending the Protocol held in Antananarivo, Madagascar from 13–15 September 2023 focused on a comprehensive evaluation of a fit-for-purpose draft [Protocol](#), examining contemporary biodiversity conservation processes postulated by the CBD, 2015 Paris Agreement, CITES, CMS, including emerging area-based management tools. Negotiators conducted a comprehensive article-by-article review and proposed draft texts following after an overview of the first negotiated draft Protocol. The final text of the draft Protocol from the second negotiations is available at <https://nairobiConvention.org/clearinghouse/node/930>. A short meeting was proposed to improve on all the technical, policy and legal comments and texts contained in the [second negotiated draft Protocol](#). Thereafter the improved version of the Protocol and the proceedings of the second negotiations will be shared in preparation for the third negotiations.

OBJECTIVES OF THE MEETING

- a. To address the comments, definitions, technical and legal texts as proposed and recommendations during the second negotiations.
- b. To improve the version and format of the second negotiated draft Protocol for translation and distribution to contracting parties prior to the third negotiations (title of Protocol, titling of articles, merging or movement of articles, alignment of the Institutional and final Provisions section with the LBSA and ICZM Protocols and the Amended 2010 Nairobi Convention).
- c. To plan for the third and final negotiations of the Protocol (during the 11 COP in 2024?).



PROVISIONAL PROGRAMME

Technical meeting to address technical, policy and legal texts from recommendations of the second negotiated draft Protocol concerning Protected Areas and Wild Fauna and Flora in the Eastern African Region

**Date: 28-30 November 2023
Mombasa, Kenya**

1. Opening Session and introductions
2. Organizational matters relating to drafting technical, policy, and legal texts in draft articles.
3. Overview of article-by-article comments, inputs, instructions, and recommendations from the second negotiations outcomes amending the Protocol concerning Protected Areas and Wild Fauna and Flora in the Eastern African Region to deliver an improved second negotiations draft Protocol and annexes.
4. Planning for the third negotiations and closure of the technical meeting.

Deliverable

A finalized and improved second negotiated text of the draft Protocol concerning Protected Areas and Wild Fauna and Flora in the Eastern African Region.

PROVISIONAL AGENDA

Day/Time	Session	Responsible
Day 1		
8:30-9:00	Registration	
9:00-9:30	SESSION I: Opening of the Meeting	NCS
	<ul style="list-style-type: none"> Opening remarks and introductions 	NCS
9:30-10:30	SESSION II: Organization of matters	NCS
	<ul style="list-style-type: none"> Overview of the responses to various comments and instructions from second negotiation meeting on the review of Protocol on Protected Areas and Wild Fauna and Flora in the Eastern Africa Region 	
10:30	<i>Health Break</i>	
	SESSION III: Addressing comments, instructions and recommendations	Team
11:00-17:00	<ul style="list-style-type: none"> Drafting of technical, policy, and legal texts in the Articles and annexes ((i) General Provisions, (ii) Protection of species, (iii) Protected areas, (iv) Provisions common to protected areas and species, and (v) Institutional and final provisions) 	
13:00-14:00	<i>Lunch break</i>	
16:15-16:30	<i>Health break</i>	
17:00	End of Day 1	
Day 2		
	SESSION III: Addressing comments, instructions and recommendations	Team
9:00-17:00	<ul style="list-style-type: none"> CONTINUED: Drafting of technical, policy, and legal texts in the Articles and annexes ((i) General Provisions, (ii) Protection of species, (iii) Protected areas, (iv) Provisions common to protected areas and species, and (v) Institutional and final provisions) 	
10:30-11:00	<i>Health Break</i>	
13:00-14:00	<i>Lunch break</i>	
16:45-17:00	<i>Health Break</i>	
17:00	End of Day 2	
Day 3		
	SESSION III: Addressing comments, instructions and recommendations	Team
9:00-10:30	<ul style="list-style-type: none"> CONTINUED: Drafting of technical, policy, and legal texts in the Articles and annexes ((i) General Provisions, (ii) Protection of species, (iii) Protected areas, (iv) Provisions common to protected areas and species, and (v) Institutional and final provisions) 	
10:30-11:00	<i>Health Break</i>	
	SESSION VI: Technical - ANNEXES	Team
11:00-13:00	<ul style="list-style-type: none"> Annexes I-IV 	
13:00-14:00	<i>Lunch Break</i>	
14:00-17:00	SESSION VII: CLOSING	Team
14:00-16:00	<ul style="list-style-type: none"> Improved second text of the draft Protocol and annexes 	
16:00-16:30	<ul style="list-style-type: none"> Planning for the third negotiations 	
16:30-16:40	<ul style="list-style-type: none"> Closing 	NCS
16:45-17:00	<i>Health Break</i>	
	End of Day 3. End of meeting	