

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

Contracting Parties

Eleventh meeting
XX - August 2024

Draft Decision Areas for COP 11

Introduction

The Eleventh Conference of Parties (COP 11) is scheduled to be held in August 2024 hosted the Government of Madagascar as the current Chair of the Bureau. This document provides an indicative list of proposed decision areas for consideration by the Focal Points, Partners, and other stakeholders.

“Decisions” are ACTIONABLE commitments or resolutions made by mandated organs or authorities directed at specific entities or people and in the case of Nairobi Convention mostly the Contracting Parties, Secretariat and Partners. Decisions of the COP essentially mandate the work to be done in a specified period or continuously, including the work programme, projects and activities.

The COP is the highest organ of the Nairobi Convention, while the Secretariat is mandated as the implementing agency, with reporting mandates.

At the Nairobi Convention Bureau meeting held in Mombasa, 12-14 March 2024, a list of possible decision areas was prepared for consideration by the National Focal Points, Partners and stakeholders.

The thematic decision areas are categorized as below:

1. **Work programming and Finances.**
2. **Implementation of global commitments:** including BBNJ Treaty, proposed Plastics Instrument, 2030 SDGs, UN Decade for Ecosystem Restoration (2021-2025), UN Decade for Ocean Science (2021-2030); Africa AIMS (2050), Global Biodiversity Framework (GBF), Global Chemicals framework, Paris Agreement on Climate Change, etc.
3. **Ocean governance:** Regional Ocean governance strategy, areas beyond national jurisdiction (ABNJ), Information Management Strategy, Stakeholder Engagement and Involvement, Private Sector Engagement, Financing, among others.
4. **Nairobi Convention legal frameworks:** Amended Nairobi Convention and Protocols: LBSA, ICZM, Specially Protected Areas and Wildlife, Emergency, etc.
5. **Addressing key environmental challenges:** climate change, pollution and waste and degradation, plastics and marine litter, biodiversity loss, area-based management tools; all specific issues on climate, pollution, and biodiversity, etc.
6. **Sustainable use of Ocean resources:** Blue Economy, Circular Economy, (marine spatial planning- (MSP), Ocean Accounting, among others.
7. **Projects and partnerships:** include any decision on ongoing or new projects and partnerships.

A. Theme 1: Approval and Financing of Programme of Work

Draft Decision CP.11/1. Approval of the Programme of Work for 2025-2028

Rationale: The Programme of Work 2022-2024 is coming to an end in December 2024, and a new programme is required for the next period. Moreover, there is a new 10 year (2025-2035) Integrated Work Programme for the Nairobi which provides the over-arching framework for the development of the new programme of work 2025-2028. The development of the Integrated Work Programme was mandated by COP 9 held in 2018 (CP.9/1.3) This decision requires the Contracting Parties to approve the programme of work 2025-2028.

Proposed elements for the draft decision:

1. To approve and operationalise the 10-year Integrated Regional Programme for the period 2025-2035 for the Nairobi Convention as the overarching framework to guide the conventions’ work.
2. To approve and implement, with the support of partners, the Programme of Work for the period 2025-2028.
3. To note the progress made in the development of the Ecosystem Indicator Monitoring framework for the WIO, and request the Secretariat to finalise the framework ready for endorsement by the National focal points before COP12 to guide effective national and regional reporting

4. To request the Secretariat to report on the progress of implementation of the Programme of Work 2025-2028 at the meetings of the Conference of the Parties of the Convention and Focal Points meetings as well as at the 12th Conference of the Contracting Parties.
5. UNEP as the Secretariat for the Convention to report at the 12th Conference of Parties on its support in the implementation of the 2025-28 Programme of Work.

Draft Decision CP 11/2: Financial matters

Rationale: This Decision seeks to address financial requirements for the effective implementation of the programme of work 2025-2028 and operational issues. The financing arrangements of the Convention are a going concern, as a new programme of work requires financial and other resources for implementation. The primary source of finances is subscriptions from Contracting Parties, followed by /development partners, who often support projects conceived and implemented by the Nairobi Convention. A COP decision is required for the finances to be raised and committed.

Proposed elements for the draft decision:

1. To request the Secretariat to provide timely invoices to the Contracting Parties for their current year's contributions by the first day of January, June or September of every year;
2. To request the Secretariat to continue reporting on the status and use of the Regional Seas Trust Fund for the Eastern African Region at the meetings of the Contracting Parties;
3. To request Contracting Parties and partners to support the Secretariat in mobilizing resources for implementation of the programme of work 2025-2028 as well as other projects and activities.

B. Theme 2: Implementing Global commitments.

Current international environmental commitments or trends on matters relevant to the Nairobi Convention need to be considered in the Programme of Work and in the Decisions to be made by COP. Some of the commitments are ongoing while others are new. These include international legal and policy instruments, some of which were negotiated and/or adopted with the participation of Contracting Parties to the Nairobi Convention. As these instruments may affect the core mandates of the Convention, it is necessary to make COP decisions to facilitate their implementation. It is noted that international commitments reinforce and synergize with the Convention in the protection and management of the coastal and marine environment of the WIO, including through partnerships and collaborations. Among the more recent commitments are the adoption of the 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 (BBNJ treaty), the ongoing process of developing a global plastics treaty, and Kunming-Montreal Global Biodiversity Framework (GBF), the Global Framework on Chemicals (GFC), UN Decade for Ocean Science, UN Decade for Ecosystem Restoration, among others.

Draft Decision CP11/3: BBNJ Treaty implementation

Rationale: The BBNJ treaty is a global commitment that was adopted in 2023. The Contracting Parties participated in its negotiations and adoption. It is strategic and relevant for the WIO region. It is proposed to make a specific decision urging Contracting Parties to adopt and implement it.

Proposed elements for the draft decision

1. To urge Contracting Parties to ratify and implement the BBNJ Treaty in a timely manner;
2. To request the Secretariat to facilitate development of a common regional vision and framework for the implementation of the BBNJ Treaty;
3. To request the Contracting Parties, with the support of the Secretariat and Partners, to carry out capacity and technology needs assessments, and further applied research to inform evidence-based decision-making;
4. To urge Contracting Parties to enhance regional cooperation at a bilateral level or through partnerships for management of BBNJ.

Draft Decision CP 11/4: Combating plastics in the coastal and marine environment based on a full life cycle approach for public and environmental health

Rationale: Plastics pollution is a major threat to the coastal and marine environment. Plastic production has risen exponentially in the last decades and now amounts to some [400 million tons per year](#)— a figure set to double by

2040. There are ongoing efforts to negotiate and adopt a legally binding international instrument on plastics pollution, including in the marine environment to address the full life cycle of plastics. WIO countries are afflicted by plastics pollution and should be part of the global process to address this grave environmental problem spearheaded by Intergovernmental negotiating committee (INC) as established by resolution 5/12 of the United Nations Environment Assembly. The proposed global instrument on plastic pollution, including in the marine environment, has been described as the [most important international multilateral environmental deal since the Paris climate accord](#).

Proposed elements for the draft decision

1. To urge Contracting Parties to continue to participate in the negotiations and support the common African position so as to advance Africa interests in the negotiations of the proposed legally binding international instrument on plastics pollution, including in the marine environment.
2. To request the Secretariat, with support from partners, to support the Contracting Parties to effectively participate in the ongoing Inter-Governmental Negotiating Committee negotiations as well as in the implementation of the legally binding instrument when adopted.
3. To request the Secretariat, with the support of partners, to revise the regional action plan for marine litter to integrate actions to address plastic pollution, including on plastic additives, problematic and avoidable plastics, microplastics and chemicals, and transboundary movements of plastic waste;
4. To urge Contracting Parties to strengthen regional networks and collaborations on plastic pollution research such as the Regional Technical Working Groups on Marine Litter and Microplastics’.

Draft CP 11/5: Implementing the Global Biodiversity Framework

Rationale: The momentum towards the achievement of the 2030 Sustainable Development Goals has also catalysed action towards biodiversity conservation. The Kunming-Montreal Global Biodiversity Framework is geared towards protecting 30% of land and sea by 2030 (among other targets), a very high and ambitious goal christened “30 by 30”. The goal is to ensure that by 2030 at least 30 per cent of areas of degraded terrestrial, inland water, and marine and coastal ecosystems are under effective restoration, in order to enhance biodiversity and ecosystem functions and services, ecological integrity and connectivity. With only 6 years left before 2030, there is need for the WIO region to take its place, among other regions, in seeking to achieve the stated goal.

Proposed elements for the draft decision

1. To urge Contracting Parties to implement the global biodiversity framework by aligning their policy and actions to the framework, including updating their national biodiversity strategies and action plans to include marine and coastal biodiversity.
2. To request the Secretariat, with the support of partners, to strengthen the capacity of Contracting Parties to implement the global biodiversity commitments, especially the 30 by 30 commitments.
3. To request the Secretariat and partners to support the development of regional and national roadmaps for effective, inclusive, and equitably governed seascapes that encompass networks of ecologically representative, connected, MPAs, OECMs and LMMAs, including encouraging and supporting Parties to develop legal and policy frameworks to guide inclusive, equitable and effective OECMs’- and LMMAs.

C. Theme 3: Ocean Governance

Rationale: Ocean governance in general has become an important discussion in recent years, at the global, continental, and regional levels. There are many initiatives and measures to address ocean governance in the face of renewed interest in ocean and seas spurred by opportunities presented by the blue economy, as well as increasing pressures on the oceans and seas from pollution, climate change, biodiversity loss, challenges of maritime security, among others. The African Union is developing a regional strategy on ocean governance to support implementation of AIMS. The WIO region mandated the development of a WIO regional ocean governance strategy in support of the African regional ocean governance strategy, among other actions (CP9/6). The WIO Regional Ocean Governance Strategy has since been developed in a participatory manner.

Draft Decision CP 11/6 Regional Ocean Governance

Rationale: The Regional Ocean Governance Strategy for the WIO region has been developed as mandated by previous decisions CP 9/6 and CP 10/ 5 and requires the COP endorsement/adoption.

Proposed elements for the draft decision

1. To adopt and implement the Regional Ocean Governance Strategy at regional and national levels.
2. To request the Secretariat, in collaboration with Partners, to support the Contracting Parties to harmonize policy frameworks for effective ocean governance across transboundary areas,

Draft decision CP11/7: The Information Management Strategy (IMS) for the Western Indian Ocean

Rationale: As part of effective regional ocean governance, there is need for a regional information management system for the WIO region. This need has been expressed previously through past COP decision(s). The Information Management Strategy (IMS) for the WIO region has since been developed and requires adoption/endorsement by COP and a call to implementation.

Proposed elements for the draft decision

1. To adopt and implement the Information Management Strategy for the WIO region.
2. To enhance the clearing house mechanism of the Nairobi Convention by establishing a secure, centralized database infrastructure to accommodate data and information storage and exchange at both national and regional levels.
3. To establish a regional steering committee as the apex governing body responsible for data and information sharing.

Draft decision CP 11/8: Strengthening Science-Policy Interface

Rationale: The Science-Policy interface is of great importance in the governance of ocean affairs since science informs policy. The WIO region has prioritized this issue through the establishment of science-policy platform and dialogues and conferences. Decisions CP 8/12 established of a platform for science to policy dialogue, CP 9/12 and CP 10/11 called for continued science-policy dialogues and platforms to support decision making for improved ocean governance. Science-to-policy dialogues have continued to be convened over the past number of years, and are beginning to yield positive outcomes. A follow up decision is required in order to advance the science-to policy interface.

Proposed elements for the draft decision

1. To urge Contracting Parties to ensure that policy making integrates the use of science in decision making.
2. To urge Contracting Parties to strengthen the participation of government and private sector in science-policy platform dialogues.

D. Theme 4: Strengthening Nairobi Convention Legal Framework

Draft decision CP 11/9: Ratification of Amended Nairobi Convention and its Protocols

Rationale: The need for continued strengthening the legal basis of the Convention cannot be overemphasized. Over time, the Nairobi Convention and its protocols have evolved to become a robust legal framework for the protection and management of the marine and coastal environment of the WIO region. Apart from the 1985 Convention and its two initial Protocols-Protocol on Protected Areas and Wildlife and the Protocol on Emergency in Cases of Oil Pollution Emergency (1985) there is a Protocol on Land based Sources and Activities in the WIO (LBSA) region adopted in 2010 alongside the Amended Nairobi Convention, as well as the newly adopted Protocol on Integrated Coastal Management (ICZM) in the WIO region (2023). The Amended Nairobi Convention (2010) and the LBSA Protocol have yet to come into force as they await the requisite number of ratifications. The ICZM protocol is still open for signature, accession or ratification. On the other hand, the Contracting Parties through past COP decisions have mandated the review of the SPAW Protocol and the process is underway.

There is need for timely signing, accession or ratification of the Amended Nairobi Convention and its protocols as appropriate. Past COP decisions, including CP8/2, CP8/3, CP8/4, CP9/2, CP9/4, CP9/5, CP10/2, CP10/3 and CP10/4, have all spoken to this subject in various and cumulative ways. Further decision(s) of the COP are required in order to advance the work of the Convention.

Proposed elements for the draft decision

1. To urge Contracting Parties that have yet to ratify or accede and domesticate the Amended Nairobi Convention, the Protocol on Land based Sources and Activities in the WIO region, and the Protocol on Integrated Coastal Zone Management to urgently do so;

2. To note of the progress made in the negotiation of the revised Protocol on Special Areas and Wildlife and request the Secretariat to organize the final negotiation sessions and convene a conference of plenipotentiaries to adopt the revised protocol before the next Conference of Parties.

E. Theme 5: Addressing Key Environmental Challenges

The core mandates of the Nairobi Convention are the protection and management of the marine and coastal environment of the WIO region. At the globally and regional levels, there is a focus on marine biodiversity, pollution and degradation, and climate change, the latter being the most disruptive phenomena of our time. Past COP decisions have focused on these issues, and it is necessary to make further or follow up decisions on specific environmental challenges and propose responses. These include addressing critical source points of pollution and degradation, marine biodiversity loss, including area-based management tools, and climate adaptation and mitigation actions, among others.

Draft decision CP 11/10: Mainstreaming climate change concerns in marine biodiversity protection

Rationale: Climate change intersects with biodiversity in significant ways, and particularly the adverse impacts of climate change on biodiversity. Globally, marine biodiversity loss is partly and perhaps largely attributable to climate change impacts. In the oceans and seas, adverse climate change impacts include increased ocean acidification, sea level rise and ocean warming among others. Ocean warming is a strong driver of ecosystems collapse. It is proposed to make decision(s) on mainstreaming climate change concerns in marine biodiversity protection in the WIO. Past COP decisions have sought to address this matter, including CP 8/8, CP8/9, CP9/9, CP9/11, CP10/4 and CP10/9.

Proposed elements for the draft decision

1. To urge Contracting Parties to operationalise the regional climate change strategy at regional and national level.
2. To request the Secretariat, with the support of partners, to strengthen the capacity of Contracting Parties in blue carbon trading and other climate change financing.
3. To urge Contracting Parties to advance climate finance investment that support community resilience.
4. To urge Contracting Parties to address climate action through their Nationally Determined Contributions, loss and damage, and mainstreaming climate change in integrated coastal zone management in support of , as well as through engagement at the level of Africa Union Climate Change Strategy and the outcomes of the 2023 Africa Climate Summit.

Draft CP11/11: Conservation, Restoration and Management of Critical habitats and Species

Rationale: The efforts in the WIO to conserve, restore and manage critical habitats and species have gained momentum over the two decades as part of implementation of the core mandates of the Nairobi Convention. The critical habitats include sea grass beds, mangroves, coral reefs and flagship species such as sharks and rays. Past COP decisions have progressively dealt with this matter, including CP8/9 and CP9/11. This decision seeks to reinforce and enhance previous decisions and create new momentum, in this regard.

Proposed elements for the draft decision

1. To urge Contracting Parties to strengthen measures for protection and restoration of blue carbon seagrass and mangrove ecosystems;
2. To request the Secretariat, in collaboration with partners, to support the development of a regional seagrass strategy, vision, and action plan.
3. To urge Contracting Parties to strengthen institutional arrangements among the research sector, local community, and policy makers to address knowledge gaps for blue carbon ecosystems including extent, carbon, and threats as well as mainstream the ecosystems in national ocean management frameworks.
4. To urge Contracting Parties to continue protecting highly threatened shark and ray species.
5. To urge Contracting Parties to control international trade in threatened shark and ray species, particularly through the effective implementation of CITES trade controls for listed shark and ray species

Draft Decision CP 11/12: Improving environmental quality through Source-to-Sea approaches.

Rationale: The purpose of this draft decision is to achieve the visionary outcomes of the new programme of work 2025-2028, the 10-year integrated work programme, on issues. The two programmes have areas relating to reduction of marine pollution from land- and sea-based sources, improving marine water and sediment quality,

reducing marine litter, through improving Integration Water Resource Management and Source-to-Sea approaches in the WIO region,

Proposed elements for the draft decision

1. To request the Secretariat in collaboration with partners to support implementation of the regional Strategic Framework on Coastal and Marine Water Quality Management and the Toolkit for Sustainable Port Development in a Blue Economy.
2. To request the Secretariat, with the support of partners, to support efforts to control, manage and prevent marine pollution through Source-to-Sea approaches.
3. To urge Contracting Parties to strengthen their Integrated Water Resource Management by incorporating the Source-to-Sea approaches;
4. To establish a regional community of practice on Integrated Water Resource Management as the overarching group to support the implementation of relevant existing framework/ processes/ guidelines/ strategies.

F. Sustainable utilisation of ocean resources

Draft decision CP 11/13: Strengthening Marine Spatial Planning

Rationale: Marine spatial planning has gained ground in the WIO region, and the many countries in the region have already started developing their national MSP frameworks. A past decision of COP (CP9/10) mandated the development of a WIO regional MSP framework, and the same is to be adopted by the Contracting Parties.

Proposed elements for the draft decision

1. To request the Secretariat, with support from partners, to develop a regional marine spatial plan that will guide sub-regional, national, and local marine spatial plans through the implementation of the Regional MSP Strategy;
2. To request the Secretariat to prepare options for the institutional setting and hosting of data for the marine spatial planning framework for consideration by the national focal points.
3. To request Contracting Parties to mainstreaming ecosystem-based marine spatial planning into national development plans and carry out ecosystem and social baseline assessments for purposes of designing marine spatial plans;
4. The Secretariat to work with partners to develop a regional MSP vision and roadmap aligned to the Regional MSP Strategy.

Draft decision CP11/14: Economic valuation and ocean accounting

Rationale: Mainstreaming ocean accounting and natural capital accounting into national planning is being important as understanding of the concept gains ground in the WIO region. Integrating ocean values in national planning will strengthen the new programme of work of the Nairobi Convention 2025-2028. A decision is required to provide for further understanding ocean accounting and natural capital accounting in the WIO region.

Proposed elements for the draft decision

To request the Secretariat to engage with partners, especially the United Nations Economic Commission for Africa(UNECA), UNESCAP, Africa Development Bank (ADB), Global Ocean Accounts Partnership(GOAP) and Ocean Accounting Network for Africa, among others, on ocean accounting and natural capital accounting with the purpose of increasing knowledge, and capacity development

Decision CP 11/15: Support for Projects and Partnerships

Rationale: The Nairobi Convention has many partnerships and projects and programmes jointly run with partners bilaterally or multi laterally. Over time the number and complexity of partnerships and programmes has necessitated the inclusion of a COP decision to anchor the partnerships and projects and provide a framework for tracking and reporting them in a systematic and orderly way. Past COP decisions dealing with support for partners and projects include CP 8/13, CP9/13, and CP10/12. It is proposed to take a similar decision in COP 11.

Proposed elements for the draft decision

1. To urge Contracting Parties to establish partnerships and programmes on ocean action taking advantage of the opportunities offered by climate change financial mechanisms and arrangements.

2. To request the secretariat to support the implementation of ongoing projects and agree to develop new projects, where necessary, including:
 - a. WIO-C in Northern Mozambican Channel through the NOCAMO Project and development of phase II of the same project
 - b. EU WIO Project focusing on ocean governance, business investments and nature-based solutions in the management of coastal and marine ecosystems in the region
 - c. Collaboration with the Basel Rotterdam and Stockholm (BRS) conventions on work on plastics and associated chemicals
 - d. PMAESA in the roll-out of the Toolkit for Green Port Development in Blue Economy
 - e. FAO in the implementation of the Partnership for Resilient Marine and Coastal Ecosystems and Livelihoods
 - f. Indian Ocean Commission in the development of a regional Plastics and associated chemicals strategy
 - g. Regional Economic Commissions and Communities in the implementation of the ROGS
 - h. WIOMSA in the implementation of SCALABLE programme to enhance policy action

DRAFT