

**Decisions of the Fourth Meeting of the Contracting Parties to the Convention for the Protection, Management and Development of the Marine and Coastal Environment of the Eastern African Region (Nairobi Convention)**

The Contracting Parties,

*Noting* the commitment of African countries through the New Partnership for Africa's Development (NEPAD) Environment Action Plan to promote conservation and management of coastal and marine environment

*Noting with appreciation* the report of the Executive Director of the United Nations Environment Programme (UNEP) on the work of the Secretariat to implement the Biennial Work Programme (2002-2003) and efforts made to develop a new programme of work for 2004-2007;

*Further appreciating* the work carried out by the Coordination Office of the Global Programme of Action for the protection of the Marine Environment from Land-based Activities (UNEP-GPA); and the support extended to us by the Government of the Netherlands, the Government of Belgium, the Irish Government, the Government of the United States of America., and the French Government;

*Further appreciating* the political and financial support of each of the Contracting Parties to the Nairobi Convention;

*Acknowledging* South Africa's acceding to the Nairobi Convention and making their first financial contribution to the Nairobi Convention;

*Noting with appreciation* the decision of the Government of the Mauritius to host the upcoming meeting of Small Island Developing States (SIDS) in Mauritius in 2005.

Further noting the Ministerial decision of the member countries of the Indian Ocean Commission (IOC) of their meeting in October 2003 in the Comoros to set up a Regional Oil Spills Coordination Centre in Madagascar

*Noting with appreciation* the initiative of the Government of Madagascar to establish four new marine protected areas and the Government's resolve to protect its unique marine biodiversity

Welcoming the translation of the Nairobi Convention and its protocols by the Government of Mozambique into Portuguese, which will make these documents more widely accessible to various levels of stakeholders

*Acknowledging with appreciation* the effort by the IUCN's Eastern Africa Marine Programme to assist Contracting Parties to implement the Jakarta Mandate of the Convention on Biological Diversity.

*Further acknowledging* with appreciation the major role of the United Nations and other international organizations and partners, such as, the Indian Ocean Commission (IOC), the Coastal Zone Management Centre, the Netherlands (CZMC), the International Coral Reef Initiative (ICRI), International Coral Reef Action Network (ICRAN), the International Maritime

Organization (IMO), the World Conservation Union (IUCN) and the Intergovernmental Oceanographic Commission (UNESCO-IOC), United Nations Industrial Development Organization (UNIDO), and non-governmental organizations, such as Coral Reef Degradation in the Indian Ocean (CORDIO), World Wide Fund for Nature (WWF) and the Western Indian Ocean Marine Science Association (WIOMSA) in contributing to the achievement of the objectives of the Nairobi Convention;

*Taking note* of the Millennium Development Goals, the Plan of Implementation and the Johannesburg Declaration of the World Summit on Sustainable Development that was held in Johannesburg, South Africa, in September 2002 that further develops the mandate of the Nairobi Convention on the coastal and marine environment of the Region; (reference to the coastal and marine programme of CBD)

*Further taking* into account other programmes and projects being undertaken in the Region with support, *inter alia*, from the Governments of Belgium, Ireland, the Netherlands and Norway, in particular the Swedish International Development Cooperation Agency (Sida) funded Nairobi/Abidjan Convention work plan and Regional Seas Strategic Directions for 2004-2006; the UNEP/GEF Western Indian Ocean Land-Based Activities (WIO-LaB) Project 2004-2007 with support from Norway; and the UNEP/UNIDO/GEF Coastal Tourism Impact Reduction PDF-B Project 2004-2006 involving Kenya, Mozambique, Tanzania and Seychelles;

*Recalling* the provisions of relevant international Conventions dealing with invasive species, in particular article 196 of the United Nations Convention on the Law of the Sea (1982); Article 8 (h) of the Convention on Biological Diversity (CBD) 1992, together with subsequent decisions of the Conference of Parties of the CBD (in particular decision IV/5; V/3 and VI/3);

*Noting* the recent adoption of the International Convention on the Management of Ballast Water and Sediments, February 2004;

*Recognizing*, however, that although ballast water is an important vector for the introduction of invasive alien species into marine and coastal environments, it is only one of a number of different vectors, and it is necessary to address non-shipping and other potential vectors;

*Recognizing further*, that the Nairobi Convention and its Action Plan are important instruments for the promotion of sustainable development in the Region;

Noting that there is ongoing discussion and development of a new strategy at the global level the “Reefs for people” approach

*Recalling* that some of the decisions adopted by the previous Conferences of the Parties are yet to be fully implemented;

*Also recalling*, in particular, decisions CP.1/4, CP.2/1 and CP.3/6 of the first, second and third meetings of the Contracting Parties respectively authorizing the review and updating of the Convention and its Protocols including the development of a new protocol on land based sources and activities, to reflect developments in international environmental law and emerging issues subsequent to adoption of the Nairobi Convention;

*Recognizing* the efforts made by various partners to implement the work programme of the Nairobi Convention in accordance with their respective mandates;

Hereby decide as follows:-

**CP 4/1. NEW PROGRAMME OF WORK FOR 2004-2007**

1. *Approve* the four-year programme of work for 2004-2007 developed by the Work Programme Meeting held in Nairobi, 16-18 March 2004;
2. *Endorse* the Plan of Implementation of the Western Indian Ocean Land Based Activities (WIO-LaB) Project 2004-2007 as developed by the stakeholders and the Focal Points in the Maputo meeting, December, 2003 to operate within the framework of the programme of work of the Nairobi Convention 2004-2007
3. *Approve* that the WIO-LaB Project will be hosted within the Secretariat of the Nairobi Convention, which shall jointly implement the project with the United Nations Office For Project Services (UNOPS), under the overall supervision of the UNEP-GPA.
4. *Decide* that the components of the programme of work for 2004-2007 should focus on the following thematic areas, namely:-
  - a. Assessment of the coastal and marine environment;
  - b. Management aimed at addressing ecological degradation of the coastal and marine environment;
  - c. Coordination mechanisms, structure and legal review process for the Convention and its protocols as well as the development of a new protocol on land based sources and activities; and
  - d. Cross cutting issues including emerging issues, information dissemination and exchange, and funding strategies and linkages.
5. Request the Secretariat of the Nairobi Convention, UNOPS and UNEP/GPA to execute the WIO-LaB project in close association with national focal points of the Nairobi Convention;
6. *Request* UNEP to continue to collaborate with other relevant institutions within the Region to ensure co-operation in the implementation of the programme of work and exchange of views on the developments and protection of the marine and coastal environment in order to avoid duplication of effort in the activities and actions benefiting the Region.
7. *Further request* the Secretariat of the Nairobi Convention to strengthen the roles of the national focal points in the implementation of the Nairobi Convention's programme of work for 2004-2007.
8. *Further request* the Secretariat of the Nairobi Convention to mobilize support within and outside the region for the implementation of the 2004-2007 programme of work of the Nairobi Convention.
9. *Urge* the Contracting Parties to implement country specific actions that are in support of the programme of work of the Nairobi Convention;
11. *Request* the Nairobi Convention Secretariat to work in close collaboration with NEPAD, UNIDO/UNEP in the implementation of the Coastal Tourism Impact Reduction Project
12. Resolve to further define the programme of interventions developed through the African Process for the development and protection marine and coastal environment on implementing its second phase that will include other coastal countries
13. Approve the budget for the programme of work 2004-2007

**CP 4/2. IMPLEMENTATION OF NAIROBI CONVENTION AND ACTION PLAN AS INSTRUMENTS OF SUSTAINABLE DEVELOPMENT**

1. Reiterates the importance of the Nairobi Convention and its Action Plan as instruments for sustainable development.
2. Requesting the Contracting Parties to share successful case studies from their countries to build and enhance their capacities by learning from each other.
3. Request the Secretariat of the Nairobi Convention, in consultation with the secretariats of the relevant multilateral environmental conventions such as the Convention on Biological Diversity (CBD), United Nations Framework Convention on Climate Change (UNFCCC), the London Convention, the Ramsar Convention and other relevant organizations, to strengthen collaboration with the Nairobi Convention.
4. *Urge* Contracting Parties to harmonize their national projects and programmes with relevant regional approaches and needs.

**CP 4/3. MEASURES TO ADDRESS INVASIVE ALIEN SPECIES IN MARINE AND COASTAL ENVIRONMENTS-**

1. *Endorse* the Regional Strategy and Action Plan on Ballast Water as developed through Globallast, with a view to incorporating it into the work programme of the Nairobi Convention.
2. Direct the Secretariat of the Nairobi Convention to develop and implement with all relevant partners a programme to address invasive species in marine and coastal environment.

**CP 4/4. PROTECTION OF CORAL REEFS, ASSOCIATED ECOSYSTEMS AND ENDANGERED SPECIES**

1. *Agree to* work with and support ICRI and ICRAN on the protection of coral reefs and associated ecosystems.
2. *Note* the terms of reference of the Coral Reef Task Force.
3. *Urge the Coral Reef Task Force to engage in the discussion on the development of the 'reefs for people' approach* as a strategy that builds partnerships between the governments, key stakeholders and all coastal communities to sustainably manage reefs and associated ecosystems, to, among others, derive benefits from them.
4. *Resolve to* further strengthen the coordination structure of the Coral Reef Task Force, as well as the national coral reef task forces and enhance their linkages with national focal points.
5. Receive the WIO Region Dugong Status report presented in the COP4 meeting by WWF and support measures contained in the report to conserve dugongs in the region.
6. *Request* the Secretariat of the Nairobi Convention to expedite implementation of the decision, CP.3/4 to conserve sea turtle in the region in partnership with relevant organizations such as the Wildlife Conservation Society (WCS), WWF, CMS and WIOMSA.
7. Request the Secretariat of the Nairobi Convention to take into account the other ecosystems such as rocky shores which are of ecological and socio-economical importance for local communities in the Region
8. Agree to address destructive fishing methods and to commit to sustainable management of fisheries resources
9. Explore the possibilities of extending and establishing new marine protected areas including transboundary MPAs in partnership with relevant partners such as WWF

**CP 4/5. ASSESSMENT AND MONITORING ACTIVITIES IN THE REGION**

1. *Decide* to strengthen collaboration with the various partners and stakeholders dealing with assessment and monitoring activities such as, the Division of Early Warning and Assessment

(UNEP-DEWA), GOOS-Africa, the Marine Science for Management (MASMA) programme of the Western Indian Ocean Marine Science Association (WIOMSA), universities and other research institutions of the Region.

2. *Request* the Secretariat of the Nairobi Convention to pursue new partnerships and coordination mechanisms on assessment and monitoring activities with relevant organisations and institutions, including International Atomic Energy Agency-Marine Environment Sciences Laboratory (IAEA-MESL), FAO and UNESCO-IOC;
3. *Agree* to build national and regional capacity for monitoring and assessment activities including the production of periodic status reports on the coastal and marine environment;

#### **CP 4/6. SMALL ISLAND DEVELOPING STATES (SIDS)**

1. *Resolve* to support the SIDS Meeting to be held in Mauritius in 2005, which will deliberate on issues and challenges facing SIDS;
2. *Note* with appreciation, the effort by the Nairobi Convention Secretariat to develop a project to address major environmental concerns and resource management in SIDS.
3. *Agree* to support the Regional Oil Spills Coordination Centre in Madagascar

#### **CP 4/7. REVISION OF THE NAIROBI CONVENTION AND RELATED PROTOCOLS AND DEVELOPMENT OF A NEW PROTOCOL ON LAND BASED SOURCES OF POLLUTION**

1. *Reiterate* earlier decisions of the Contracting Parties, in particular decisions CP.1/4, CP.2/1 and CP.3/6 authorizing the review of the Nairobi Convention and its Protocols as well as the development of a protocol on land-based sources of pollution
2. Direct the Secretariat of the Nairobi Convention to expedite the process of review of the Nairobi Convention and its Protocols, as well as to initiate and complete the development of a new protocol on land-based sources of pollution, within the framework of the work programme for 2004-2007 and the work plan agreed upon in the implementation of the WIO-LaB Project.

#### **CP 4/8. ENHANCING ACCESS TO INFORMATION**

1. *Resolve* to develop and/or organize, in collaboration with partners in the Region, outreach, information and public awareness programmes on marine and coastal issues.
2. *Further resolve* to enhance networks and strengthen the existing contacts to enable the focal points to gather information on activities of other relevant conventions and to get informed about related marine and coastal environments especially from other regional seas.

#### **CP 4/9. STRENGTHENING PARTNERSHIPS AND THE INSTITUTIONAL MECHANISM OF THE NAIROBI CONVENTION**

1. Direct the Secretariat of Nairobi Convention to enhance links between the Convention and the African Ministerial Conference on Environment (AMCEN) and the New Partnerships for Africa's Development (NEPAD);
2. Decide to enhance horizontal co-operation between regional seas conventions and action plans by:

- a. Coordination, collaboration, and participation of the Bureau of the Nairobi Convention in other regional seas meetings;
- b. Sharing of information and invitation of relevant experts from other regional seas programmes including the Baltic Marine Environment Protection Commission;
3. Decide that the Secretariat of the Nairobi Convention should enhance participation of civil society and the private sector in the development and implementation of the programme of work.
4. Direct the Secretariat of the Nairobi Convention in collaboration with other organizations to facilitate the establishment of the network of academic and research institutions in the region to:
  - a. facilitate the sharing of information between these institutions and the Nairobi Convention as well as amongst themselves;
  - b. enhance cooperation amongst universities and research institutions in the region;
  - c. coordinate and facilitate identification of opportunities for collaborative research that are in line with the work programme of the Nairobi Convention

Direct the Secretariat to take the offer made by WIOMSA in this regard.

#### **CP 4/10. FINANCIAL MATTERS**

1. *Agree* to enhance the financial sustainability of the Convention through;
  - a. Timely contribution to the East African Trust Fund;
  - b. Co-financing implementation of projects/activities of common interest.