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POLICY BRIEF

Key emerging issues, lessons learnt and best practices for mainstreaming Global Instruments relating to aquatic biodiversity conservation, climate change adaptation and mitigation and environmental management into National Policies and Regulatory frameworks in Africa

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Background:

The African Continent is adjacent to highly productive marine ecosystems including the seven African Large Marine Ecosystems (LMEs) viz., Agulhas Current (LME), Benguela Current (LME), Guinea Current (LME), Canary current LME, Mediterranean Sea (LME), Red Sea (LME) and Somali Current (LME). The Continent is also endowed with networks of freshwater Rivers and Lakes. The Seas, Oceans, Lakes and Rivers inhabit a significant number of biodiversity and these ecosystems provide sources of livelihoods, food security and wealth creation. These marine and freshwater aquatic ecosystems inhabit both living and non-living resources, which when harnessed appropriately would accelerate the Continental Blue Economy transformation. However, the unsustainable exploitation of these resources is threatening the biodiversity, natural resources and environmental sustainability. These include; over-exploitation of living species, pollution from several sources (land-based municipal and agricultural activities), uncontrolled introduction of exotic species in aquaculture systems, mining activities, urban development, tourism development etc.

The highest political organ of the African Union endorsed the African Blue Economy Strategy (ABES) aimed at addressing some of the above challenges and for the AU–Member States to sustainably harness the resources of aquatic ecosystems. The ABES envisioned an inclusive and sustainable Blue Economy that significantly contributes to Africa's transformation and growth. Also, AU–IBAR's intervention in the fisheries and aquaculture sector is guided by the Policy Framework and Reform Strategy for fisheries and aquaculture in Africa (PFRS) which is aimed at improving governance of the sector for increased sustainable contribution to food security, livelihoods, and wealth creation.

In line with implementation of the African Blue Economy Strategy and within the provisions of the Project "Conserving aquatic biodiversity in the African Blue Economy project", funded by the Swedish International Development Cooperation Agency (SIDA), AU-IBAR commissioned a consultancy to "Assess relevant Continental and Global biodiversity and environmental Instruments and develop priority actions for their enhanced ratification, domestication and implementation".

The study identified key Global Instruments relevant to aquatic biodiversity conservation, climate change adaptation and mitigation and environmental sustainability that are of critical importance to Africa; these include, the following among others:

- International Convention for the Prevention of Pollution from Ships (MARPOL), 1973.
- Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter 1972.
- United Nations Convention of the Law of the Seas (UNCLOS III), 1982.
- Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, 2016.
- Convention for Biological Diversity (CBD), 1992.
- The United Nations Framework Convention on Climate Change (UNFCCC), 1992.
- Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, 1989.
- Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade), 1998.

- Stockholm Convention on Persistent Organic Pollutants, 2001.
- Seabed Arms Control Treaty, 1971.
- International Convention on Oil Pollution Preparedness, Response and Co-operation, 1990 (OPRC 90).
- Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), 1973.
- Ramsar Convention on Wetlands of International Importance, especially as Waterfowl Habitat, Ramsar, 1971
- UN Fish Stocks Agreement (UNFSA) - Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10th December, 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks)

The study identified priority actions for enhancing ratification, domestication, and implementation of the identified Global Instruments. Based on the outcomes of the studies, ten (10) selected African Union Member States were supported to review and align National Regulatory frameworks, domesticate and implement Continental and Global Instruments related to aquatic biodiversity conservation and environmental management. The selected Member States included; The Republic of South Sudan, The Republic of Cameroon, The Republic of Burkina Faso, The Republic of Tunisia, The Arab Republic of Egypt, The Republic of Djibouti, The Kingdom of Lesotho, The Republic of Uganda, the Republic of Ghana and the Kingdom of Eswatini. The support entailed provision of technical assistance to review the Country's National Policies, Regulatory frameworks, identify gaps and align the National Instruments with relevant key provisions within the relevant Continental and Global biodiversity Instruments.

Subsequently, the process was followed by a National stakeholder validation of the reviewed and aligned National Policies, Regulatory frameworks with Global Instruments.

Lessons learnt during the course of supporting the Member States for mainstreaming Global Instruments, the key issues that emerged are summarized below:

- Outdated and fragmented Laws relating to conservation of aquatic biodiversity and ecosystems management;
- Implementation of Global Instruments often in silos and limited cross sectoral coordination at National levels among various responsible agencies;
- Limited Capacity within the AU Member States for domestication of relevant Continental and Global Instruments;
- Inadequate sensitization on priority instruments (and their key provisions) regarding aquatic biodiversity conservation environmental management;
- Limited awareness of the importance and benefits of some of the Global Instruments including, the Convention on Biodiversity Beyond National Jurisdiction (BBNJ), United Nations Framework Convention on Climate Change (UNFCCC), United Nations Fisheries Stocks Agreement (UNFSA) etc.;
- Limited public sector funding and lack of dedicated funds to enhance domestication;
- General absence of integrated management plan at National level for domestication; and,
- Limited knowledge on Gender sensitive provisions in Continental and Global Instruments such as Small-Scale fisheries International Guidelines, Policy Framework and Reform Strategy for fisheries and aquaculture in Africa (PFRS) etc.

Best practices – Recommendations to unlock challenges for aligning National Policies and Regulatory frameworks to Continental and Global Instruments relating to aquatic biodiversity conservation and environment management

1. Consider establishing or strengthening existing intersectoral coordinating mechanisms for adopting, ratifying, domesticating and implementation Global Instruments relating to Aquatic biodiversity, Climate Change and environment Management at National level;
2. Review and strengthen National Strategies for coordination and Implementation of Multilateral Environment Agreements for aquatic and ecosystems management;
3. Promote stakeholder mobilization, mindset change and awareness creation at all levels about relevant Global Instruments and their importance in Aquatic biodiversity conservation, Climate Change and environment Management;
4. Mainstream Aquatic Biodiversity conservation into existing local community management structures;
5. Need to domesticate all applicable relevant Global Instruments that African Union Member States have acceded to in order to facilitate smooth implementation and to fast-track implementation and reporting progress on all domesticated Instruments;
6. Strengthen Human Resource, Policy, institutional, financial and technological capacity for effective implementation of applicable relevant Global Instruments;
7. Increase resource mobilization tied to existing opportunities like the Global Environmental Facility (GEF), Green Climate Fund (GCF) to aid strategic research and implementation of relevant Global Instruments;
8. Put mechanism for creating sensitization at local and national levels on the ratified International and Regional Instruments to strengthen Ownership and Public Private Sector Partnerships;
9. Enhance knowledge on Gender sensitive provisions in Global Instruments for Gender mainstreaming in relation to domestication, ratification and implementation of Continental and Global Instruments on aquatic biodiversity conservation; and,
10. To establish a mechanism for periodic/ regular monitoring of status of Instruments relating to aquatic biodiversity conservation, Climate Change Adaptation and Mitigation and Environmental Sustainability.

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