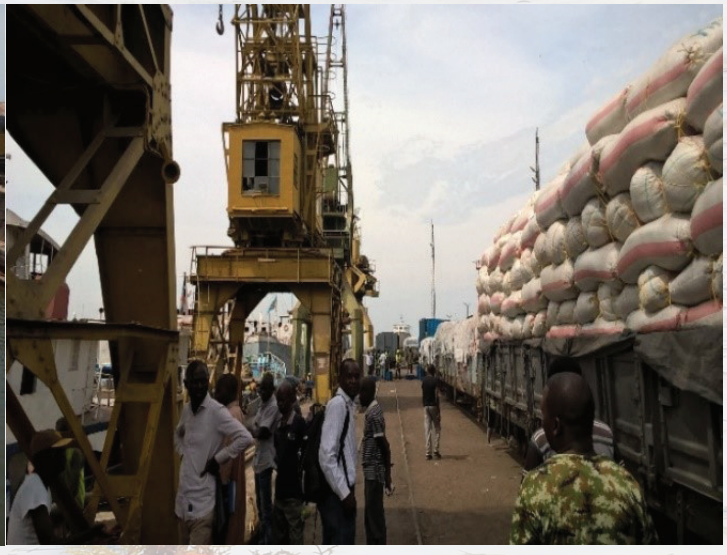
AFRICAN UNION
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FOR ANIMAL RESOURCES

Sweden
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Report on the Assessment of the Status of Ratification, Domestication and Implementation of key Continental and Global Instruments related to aquatic biodiversity conservation, climate change mitigation and adaptation and environmental management in the East and Southern African Union Member States.

February, 2023

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Disclaimer: The views and opinions expressed in this article are those of the authors and do not necessarily reflect the official Policy or position of the African Union – Inter African Bureau for Animal Resources.

Citation: AU-IBAR, 2023. Enhancing Ratification, Domestication, and Implementation of Global Instruments to facilitate Aquatic biodiversity Conservation, Climate Change Mitigation and Adaptation and Environmental Sustainability in Africa.

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ISBN: 978-9966-077-46-2

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Published by: AU-IBAR, Nairobi, Kenya

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Key words: Global Instruments, Ratification, Domestication, Implementation, Aquatic Biodiversity Conservation

EXECUTIVE SUMMARY

The study assessed the identified Regional and Global Instruments as to their status of ratification; Domestication and Implementation by AU-MSs, and proposes solutions to the challenges faced by AU-MSs adopting and deploying these Instruments. The study identified 55 Instruments as being relevant to conservation of aquatic biodiversity in Africa, 37 are Global while 18 are Regional Instruments.

The majority of the identified Instruments require State action for implementation, while a number only set standards for companies and businesses that impact or use aquatic resources for their operations and or transactions. The study established that although the AU-MSs in the two Regions of South and Eastern Africa, are largely aware of the existence of the Instruments, and majority have gone as far as Signing to the Instruments, the rate of ratification, adoption and implementation and relatively much lower, especially with the Global and Continental Instruments. Majority of MSs had high performance for the sub-regional level Instruments.

The challenges to ratification and adoption were reported as lack of financial resources; lack of technical capacity and requisite technological infrastructure for implementation of the Instruments; lack of clarity at State level as to the responsible sectors; and wide jurisdiction of the resource.

A number of suggestions are made here to enhance the ratification and implementation of the identified Instruments including; 1) conduct Country-level status studies and valuation of benefits of ratification, domestication and implementation of key Global Instruments for aquatic biodiversity conservation; 2) establish and mobilize financing for a financing framework akin to UN's GEF to support the implementation of ratified Instruments; 3) support the setup, updating and formalising of focal persons and platforms at National and sub-regional levels for coordinating the ratification and implementation of key Instruments; 4) boost the technical capacity of AU-MSs for ratification and implementation of the Instruments; 5) advocate for elevating of the BE aspects to a more central level agency in Government, such as a Prime Minister's office, where many sectors can readily participate; 6) promote and support public awareness of benefits and roles of ratifying and implementing of existing key Instruments for aquatic biodiversity conservation; 7) establish a dedicated Regional unit under AUC to support AU-MSs during negotiations, ratification and implementation of key Instruments for conservation of aquatic biodiversity; and, 8) provide support to enhance collaboration and coordination among AU Agencies, and with those of sub-regional organizations or RECs dealing with ratification and implementation of International Treaties for enhanced support to AU-MSs.

There is also need for more support bringing AU-MSs together through meetings, workshops and webinars, so as to foster sharing of lessons and expertise in ratification and implementation of Regional and Global Instruments for conservation of aquatic biodiversity in the Region. All these suggestions and recommendations have been put together as an action plan for solving challenges and issues identified in this report.

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ACKNOWLEDGEMENTS

The Director of AU-IBAR wishes to acknowledge the role of Prof. Waiswa Wilson Mwanja in conducting the studies and preparing the report on the "Status of Ratification, Adoption, and Implementation of the identified Continental and Global Instruments related to Aquatic Biodiversity Conservation, Climate Change Mitigation and Environmental Sustainability for AU-MSs in the East and Southern Regions of Africa'.,. The Director also extends appreciation to all stakeholders and Partners; The Regional Economic Communities (RECs), other specialized Regional Institutions, AU Member States, Experts and Non-State-Actors that contributed immensely to improving the quality of the report. This work was carried out with financial support from the Swedish International Development Cooperation Agency (SIDA). The editorial work was carried out by AU-BAR Technical Team.

ACRONYMS

ABES	Africa Blue Economy Strategy
AU	African Union
AUC	African Union Commission
AU-IBAR	African Union Inter-African Bureau for Animal Resources
BE	Blue Economy
BER	Blue Economy Resources
BES	Blue Ecosystems
BRS	Basel Convention, Rotterdam Convention and Stockholm Convention
CBD	Convention of Biological Diversity
CITES	Convention for International Trade in Endangered Species
DREA	Department of Rural Economy and Agriculture
EPA	European Partnerships Agreement
EU	European Union
GEF	Global Environmental Facility
FAO	United Nations Food and Agriculture Organization
FPAs	EU Fisheries Partnership Agreements
IMO	International Maritime Organization
INDC	Intended Nationally Determined Contributions to reduction in GHGs emissions
IPBES	Intergovernmental Platform on Biodiversity and Ecosystem Services
IPIECA	International Petroleum Industry Environmental Conservation Association
IUU	Illegal, Unreported and Unregulated fishing
LME	Large Marine Ecosystem
LVFO	Lake Victoria Fisheries Organization
MEA	Multilateral Environmental Agreements
MPA	Marine Protected Area
MSs	AU Member States
NDC	Nationally Determined Contribution to GHGs emissions.
NIP	National Implementation Plan
OPRC 90	Oil Pollution Preparedness, Response and Co-operation 1990
RECs	Regional Economic Communities
REDD+	Reduced Emissions from Deforestation and Land Degradation plus conservation
SIDA	Swedish International Development Agency
SFPA	Sustainable fisheries partnership agreements
UNFSA	United Nations Fish Stock Agreement

1. BACKGROUND

This study investigated the status, processes and challenges of ratification and implementation of existing Continental and Global Instruments by AU-MSs to support conservation and management of aquatic biodiversity in Africa. The Continent has vast aquatic resources including seven (07) Large Marine Ecosystems (LMEs) and several large inland lakes and dense network of rivers. The LMEs include 1) Agulhas Current LME, 2) Benguela Current LME, 3) Guinea Current LME, 4) Canary Current LME, 5) Mediterranean Sea LME, 6) Red Sea LME, and 7) Somali Coastal Current LME. There are several natural and man-made lakes and dams found across the Continent, but the most notable ones are the Great Lakes of Africa. These include lakes Victoria, Tanganyika, Malawi, Kivu, Turkana and Tana; and Lake Chad in Central Africa. Others are man-made lakes including Lakes Volta, Lake Aswan and Lake Kariba. Among rivers, the most notable ones are Niger, Zaire (Congo), Nile, Zambezi, Limpopo, Volta, and Kagera. Associated with these aquatic ecosystems are vast coastal and inland wetlands and floodplains, estuaries and deltas. Although Africa has comparatively less inland water surface, the inland waters of Africa are known for high concentration of aquatic biodiversity with high levels of endemism. These vital BER and BESs have come under several threats including urbanisation and related reclamation, sewerage and industrial related pollution, plastic wastes; climate change impacts with associated extreme and destructive weather events, sea level rise, prolonged droughts and wildfires; in addition to human population growth with associated demand for natural resources and increased production. African Union recognizes the critical role of the vast aquatic biodiversity and the increased threats and risks they face, and has adopted the Blue Economy (BE) paradigm as the most appropriate for AU MSs in increasing the blue growth contribution and to the realisation of the AU Agenda 2063. AU-IBAR, with support and funding from the Swedish Agency for International Development Cooperation (SIDA), is implementing a project on "Conserving Aquatic Biodiversity in African Blue Economy', for three year's period. The overall objective of the project is to enhance the Policy environment, Regulatory frameworks and Institutional capacities of AUMS and RECs to sustainably utilize and conserve aquatic biodiversity and ecosystems.

The specific objectives of the project are as follows:

1. Ratify and/or align relevant International/Continental Instruments related to blue economy themes (with specific reference to protecting and conserving biodiversity);
2. Optimize conservation and sustainable use of biodiversity while minimizing conflicts among blue economy sub-themes;
3. Strengthen measures for mitigating the negative impacts of coastal and marine tourism, oil, gas, deep sea mining and climate change on aquatic biodiversity and environment; and,

4. Strengthen gender inclusivity in aquatic biodiversity conservation and environmental management.

The AU's interest is to conserve the BER so as to ensure continued BES services from both the contained biodiversity and non-living components of the BES, by promoting a coordinating and collaborative approach to exploitation and conservation of BER and BES in the economic development of AU-MSs. This report therefore is part of AU-IBAR's efforts to support AU-MSs in management and conservation of aquatic biodiversity, by generating required information on the existing key Continental and Global Instruments that can be used in conserving aquatic biodiversity and associated BER of the Continent. AU-IBAR is seeking to provide solutions to AU-MSs for enhancing the ratification, domestication and implementation of these important Instruments needed by AU-MSSs for conservation and management of aquatic biodiversity.

There exist many Global Instruments, and several AU, Regional Economic Communities (RECs) and AU-MSs passed Conventions and protocols for aquatic biodiversity conservation and management. A wide range of these Continental and Global Instruments have been developed multilaterally to deal with different natural resources conservation and environmental management issues and challenges. Among existing Instruments, several have effect on aquatic biodiversity conservation, some of the key among these Instruments being the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter 1972, Global Convention for the Prevention of Pollution from Ships (MARPOL) 1973, Regional Convention for the Conservation of the Red Sea and Gulf of Aden Environment, 1982, Convention of Biological Diversity (CBD), the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), the Convention on the Conservation of Migratory Species of Wild Animals (CMS), the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA), the Convention on Wetlands (also known as the Ramsar Convention), the World Heritage Convention (WHC) and the International Plant Protection Convention (IPPC), and Convention for Cooperation in the Protection and Development of the Marine and Crustacean Environment, 1982. Each of these Conventions and or Protocols have been negotiated and currently signed by over 150 parties. However, the effectiveness of these International Instruments is a subject of concern in Africa due to the relatively low rate of ratification, adoption and implementation (Young, 2011).

1.1. Overall Objective

The overall objective of this study was to conduct assessment of relevant Regional, Continental and Global biodiversity and environmental Instruments, and to develop guidelines and priority actions in order to support the AU-MSs and RECs in the ratification, adoption and implementation

of Conventions and Agreements related to conservation of aquatic biodiversity and environmental management.

1.2. Scope

This study covered the South and Eastern Regions of Africa, and focused on examining the status, processes and challenges of ratification, adoption and implementation of the identified Instruments in the region.

2. GENERAL APPROACH AND METHODOLOGY

The study was based on extensive literature search and review on existing Instruments, and consultations with relevant Member State agencies representatives. Survey - Consultation with MSs and the Regional Economic Communities (RECs), was carried out electronically using questionnaire-based survey tool (Appendix II), this was supported by field missions to at least two Countries (Eritrea and Kenya) with facilitation by AU-IBAR. Synthesis – the identified Instruments were reviewed and synthesized as to their relevance and application in AU context and as how they link to the core elements of the Continental strategy - ABES.

2.1. Project/Study Area

This assignment covered AU MSs of the South and Eastern Africa, and addressed both marine and freshwater systems.

2.2. Inventory development

In developing the inventory of Continental and Global Instruments relevant for AU MSs use in conservation of BE resources, a descriptive listing of each Instrument and associated information on when it was signed, ratified and deposited by MSs to depositories and or COPs secretariats, will be used. This will involve use of a record series or system, together with an indication of the depository and other pertinent data. While developing the inventory the assignment took keen interest in adequacy of documentation of MSs actions, usefulness of depositories to MSs, coordination of MSs official status and need for action on the Instruments, and support of depository management to MSs in implementing pending actions. Key technical approach used is developing the inventory was the record series concept by searching and grouping Instruments that are related in functional a and application.

2.3. *Data collection and analysis*

Data and information about the existence of the Regional, Continental and Global Instruments for aquatic biodiversity was gathered through internet search, and responses from AU MSs to the questionnaire-based survey. Key data and information sought was the name of the Instrument, the depository of the Instrument, when the MSs signed on to the Instrument, ratified and deposited the ratified Instrument with the depository, and key issues of interest to MSs conservation efforts. Instruments with related goals and objectives were grouped together and serialized as such.

2.4. *Quality control strategy*

To ensure that the data accessed or provided is correct and updated, several sources were used and cross-referenced noting the dates of posting of the publication. The information was also checked with depositories as to the status of signing, ratification and depositing of signed Instruments by target Countries in the South and Eastern Africa, and the information received from the respective target AU MSs. The findings were serialised and group according to the similarity in purpose and role in aquatic biodiversity conservation. The assignment was conducted using similar methods and techniques, which allowed the compatibility of the data and analysis, and their swift validation and aggregation of the findings to provide the inputs for the assessment of respective Instruments and group of Instruments found relevant.

3. FINDINGS

3.1. *Existing key regional and international instruments*

The study identified 60 sub-regional, Regional, Continental, and Global Instruments as being relevant and of particular importance to the conservation and management of aquatic biodiversity in Africa region (Table 3 1). Of the identified Instruments, 18 were either developed by the region or sub-regions of Africa; and 37 are of Global nature. It is apparent that those made at sub-Regional level are much more complied with, followed by those at Regional level, followed by the Global ones. A number of Instruments have related effects, and others have been subsumed by much recent ones.

3.2. *Nature of identified Regional, Continental and Global instruments*

Nearly all Instruments identified and deemed relevant to AU-MSs in conservation and management of aquatic biodiversity, are largely multilateral environmental Agreements (MEAs) related to either the environment in general or to management of specific resource especially fisheries, habitats or industry. All Instruments recognize the transboundary and or mobility (straddling) nature of some of the resources targeted, and or the impacts of the industry and activities to which the Instruments are targeted as having the potential to affect aquatic biodiversity beyond the

political and administrative boundaries. Therefore, in all Instruments there is a call for cooperation among Countries in managing and conserving of the target aquatic biodiversity. Some of suggested actions are actively followed up through International Agencies such as the International Maritime Organization (IMO) that regulates the pollution from ships and related activities, the UN on aspects of Climate Change and critical Natural resources such as straddling fisheries and sharks; and bodies set up by oil and maritime transport companies in response to UN Conventions against dumping oil and related wastes in the Oceans. Other Instruments are largely voluntary and only followed up as to establish the level of uptake / adoption and performance, such as FAO Code for responsible fisheries.

3.3. Report of inventory on identified relevant Regional, Continental and Global Instruments (Agreements and Conventions) related to conserving aquatic biodiversity and environment

In general, the AU-MSs can be said to be aware of the existing Instruments as many of them are indeed Signatories to the different Instruments. However, the rate of accent and ratification was assessed to be moderate-to-low for nearly all Treaties apart from a few general ones that have also had Global appeal such as the UNFCCC Convention and linked the Paris Agreement; Convention on the Conservation of Migratory Species of Wild Animals; Conservation and management of straddling Fish stocks and highly migratory fish Stocks, UN Fish Stock Agreement and the Basel, Rotterdam and Stockholm Conventions. Table 3 1 shows the expert assessment of the level of signing, ratification and implementation of the identified Instruments by AU-MSs in the South and Eastern Regions of Africa of the fifty-six (56) Instruments that were identified in this study to be relevant and of particular importance to the conservation and management of aquatic biodiversity in Africa region Table 5.4 1).

Table 3 1: *Expert assessment of the level of ratification, domestication, and implementation of key aquatic biodiversity conservation and management Instruments by AU-MSs.*

AU-MSs (Southern and Eastern Africa)	Level of signing of key Instruments	Level of ratification of key Instruments	Implementation status of key Instruments	Key challenges raised with ratification, domestication and implementation
Angola	Moderate	Low	Low	Undeclared
Burundi	High	Moderate	Low	Lack of resources and limited technical capacity
Botswana	Moderate	Moderate	Low	Undeclared
Comoros	Moderate	Low	Low	Undeclared
Djibouti	Moderate	Most of the Instruments	Low	Lack of financial, technical capacity,
Eritrea	Moderate	Low	Low	Lack of resources and limited technical capacity
Ethiopia	High	A number of Instruments	Fair	Limited financial and technical capacity, not priority
Eswatini	Very high	Limited number	Low	Lack of financial, technical and cross sectoral coordination
Kenya	High	Most of the Instruments	Low	Limited financial and technical capacity
Lesotho	Very high	A number of Instruments	Moderate	Lack of technical capacity & cross sectoral coordination
Madagascar	Very high	High	Low	Limited financial and technical capacity
Malawi	Very high	High	Low	Limited financial and technical capacity
Mauritius	High	Moderate	Low	Undeclared
Mozambique	High	Moderate	Low	Undeclared
Namibia	Moderate	Moderate	Low	Limited financial and technical capacity
Seychelles	Moderate	Low	Low	Undeclared
Somalia	High	Moderate	Low	Lack of financial and technical capacity
South Africa	High	Most of the Instruments	Moderate	Undeclared
South Sudan	Moderate	Low	Low	Limited financial and technical capacity, lack of cross sectoral capacity
Sudan	High	High	Low	Limited resources and lack of technical capacity
Tanzania	Moderate	Low	Low	Limited financial and technical capacity, not priority
Uganda	High	Moderate	Low	Lack of financial, technical and cross sectoral coordination
Zambia	High	Moderate	Moderate	Undeclared
Zimbabwe	High	Moderate	Low	Undeclared

3.4. Report on the status of ratification or implementation of identified Continental and Global Instruments, outlining challenges to their ratification; adoption and implementation

Generally, on average 70% of the Southern and Eastern AU-MSs are aware of existence of relevant Instruments for conservation and management of aquatic biodiversity; about 60% of AU-MSs in Southern and Eastern regions have signed on to the Instruments; less than 60% have ratified the 56 identified Instruments and 56% are implementing the sub-regional, Regional and Global Instruments that they have ratified (Table 3 2 and Table 3 1). The survey also showed that nearly 70% of the AU-MSs cite lack of funds as key challenge in ratification, domestication and implementation of the Continental and Global Instruments. These rates are much lower if the sub-Regional Instruments are omitted. The ratification and implementation fall below 40% for Regional and Global Instruments. Out of the responses to the open questions in survey questionnaire for this study, it is however apparent that the implementation of the ratified Instruments is much lower than what is mentioned above. Whereas some aspects of the Instruments may be applied, those that need resources, technical know-how, and technological infrastructure, are not being implemented and therefore having no intended effect in regards to aquatic biodiversity conservation.

Table 3 2: *Indicative proportions of level of AU-MSs awareness, signing, ratification, declaration, implementation of Regional and Global Instruments as well as MSs who expressed lack of resources for these processes.*

SN	% Level of awareness	% Signed parties	% Level of ratification	% Level of declaration	% Level of implementation	% Parties lacking required resources for implementation
01	79.2	79.2	29.2	29.2	29.2	70.8
02	37.5	16.7	16.7	16.7	16.7	83.3
03	95.8	79.2	79.2	4.2	12.5	25.0
04	100	100	100	100	100	83.3
07	29.2	29.2	29.2	0.0	8.3	91.7
08	37.5	33.3	33.3	0.0	33.3	25.0
09	33.3	33.3	33.3	0.0	16.7	58.3
10	33.3	33.3	33.3	0.0	12.5	87.5
11	33.3	33.3	33.3	0.0	16.7	83.3
12	70.8	70.8	70.8	20.8	70.8	29.2
13	70.8	70.8	70.8	70.8	70.8	29.2
14	100	100	100	100	100	100
15	33.3	29.2	29.2	29.2	29.2	75.0
18	75.0	25.0	25.9	20.8	20.8	79.2
21	100	100	100	100	100	91.7
22	100	100	100	100	100	100
24	29.2	29.2	29.2	29.2	29.2	75.0
25	62.5	54.2	29.2	20.8	20.8	83.3
26	29.2	25.0	25.0	25.0	25.0	75.0
27	29.2	8.3	8.3	8.3	8.3	91.7
28	33.3	29.2	29.2	29.2	29.2	79.2
29	16.7	16.7	16.7	16.7	8.3	100

SN	% Level of awareness	% Signed parties	% Level of ratification	% Level of declaration	% Level of implementation	% Parties lacking required resources for implementation
30	29.2	29.2	29.2	29.2	25.0	79.2
31	29.2	29.2	29.2	29.2	29.2	75.0
32	100	25.0	25.0	25.0	25.0	100
34	100	91.7	100	100	100	100
35	100	4.2	95.8	95.8	95.8	100
36	100	25.0	87.5	87.5	87.5	100
37	66.7	100	100	100	100	83.3
38	100	58.3	70.8	70.8	70.8	75.0
39	20.8	20.8	16.7	16.7	16.7	100
40	100	29.2	29.2	29.2	29.2	100
41	100	100	100	100	100	100
42	100	100	100	100	37.5	100
43	8.3	8.3	8.3	8.3	8.3	91.7
44	62.5	52.2	0.0	0.0	0.0	100
45	100	100	100	100	100	83.3
46	100	100	100	100	100	66.7
47	100	100	100	100	100	0.0
49	100	100	100	100	100	0.0
50	100	37.5	37.5	37.5	37.5	62.5
51	100	100	100	100	100	0
52	100	100	100	100	100	0.0
53	100	100	100	100	100	0.0
54	100	100	100	100	100	0.0
55	100	100	100	100	100	0.0
56	100	100	100	100	100	0.0
Avg.	**71.2**	**59.7**	**60.1**	**54.3**	**55.8**	**66.7**

3.4.1. Challenges and proposed solutions to the challenges of ratification and implementation of key Regional and Global Instruments

Table 3 3 *lists the challenges and suggested solutions to the ratification, domestication and implementation of key Instruments for conservation of aquatic biodiversity for AU-MSs.*

Table 3 3: *Challenges and solutions to ratification and implementation of Regional Instruments for conservation of aquatic biodiversity in the South and Eastern Regions of Africa.*

SN	Challenge	Solution	Actor and Role	Comment
	Ratification of Global Instruments			
01	Difficulty in securing political commitment.	Support valuation studies on the statuses, processes, progress, benefits, and challenges of ratification and implementation. Organize and conduct a high-level meeting and sensitization of AU-MSs on benefits and processes of ratification and implementation of key Global Instruments.	AU-IBAR	Information on benefits, challenges and solutions is crucial in winning over reluctant leaders and managers.
02	Limited or lack of 'Conference of Parties' or concerned agencies in ratification process beyond securing signatures.	Establish sub-regional and National committees to push/ coordinate the ratification of selected key Instruments.	AU-MSs	There is need for AU-MSs to support collaborative engagement at National and sub-regional level especially as regards transboundary aquatic biodiversity.
03	Lack of knowledge and limited number of professionals required to spearhead the effort.	Support for cross-sectoral engagement and coordination at National level in identification and adoption of key Instruments.	AUC	AU-MSs need to be technically and financially supported.
04	Lack of quantitative and qualitative scientific information to MS on the existing aquatic biodiversity benefits for ratification and implementation of Global Instruments.	Mobilize resources and establish a Regional research fund to support the generation of information and data on benefits, challenges, processes and solutions.	AU-IBAR	Majority of AU-MSs lack update information on aquatic biodiversity in their jurisdiction.
05	AU-MS Policy makers not prioritizing blue economy sectors (especially fisheries and aquaculture) into National development plans hence financing becomes a challenge	Use of sub-regional, Regional and International peer pressure and from the 'Conference of Parties' for ratification of key Instruments.	AU-IBAR	This will require effective engagement with depositories and COPs Secretariats to work with other Parties.
06	Global and Continental depositories of binding Instruments' failure to follow-up and guide the MS on implementation processes.	Set up a unit with AUC to support and link AU-MSs to COPs secretariates and depositories for technical support and guidance.	AUC	It is critical for AU not only to work with AU-MSs but also sources or depositories of the key Instruments.
07	Limited collaboration and cooperation among AU-MSs especially on transboundary aquatic biodiversity conservation and management.	Engage and support RECs to foster and promote cooperation and collaboration among AU-MSs	AU-IBAR	RECs have been effective in supporting AU-MSs in implementing sub-regional Instruments.
	Domestication of international instruments			
01	Challenges working across the different traditional sectors and different stakeholders in the implementation, each with own issues and challenges as concerns the implementation.	Support the development of a National strategies and action plans that capture cross-sectoral participation and ownership through wide circulation and engagement of all stakeholders.	AUC mobilizing MSs and resources.	Policy and regulatory frameworks are means for adopting and implementing the key Global Instruments

SN	Challenge	Solution	Actor and Role	Comment
02	Little or no attention paid to economic activities of the developing communities and attendant communities by the depositories.	Support National valuation studies to highlight the benefits of conservation of aquatic biodiversity including for the attendant communities and local economies.	AU-IBAR to mobilize funds and national consultants.	Assessing effect of implementing of Instruments on attendant communities is crucial for success and sustainability.
03	Failure of depositories of Regional and Global depositories of binding Instruments to follow-up and guide AU-MSs on domestication and implementation processes.	Extend technical support to AU-MSs for domestication of key Instruments for conservation of aquatic biodiversity.	AU-IBAR mobilise resources and consultants.	There is lack of technical capacity to effectively adopt and domesticate some of the more technical Instruments.
04	Several important issues (such as genetic erosion in isolated populations; genetic aspects of introduced species; consequences of invasions by alien species) are only marginally considered in most National strategies.	Provide information and sensitize key actors on crucial information for development of Action Plans and or Strategies for domestication of key Global Instruments for conservation of aquatic biodiversity.	AU-IBAR in mobilizing and disseminating information.	Lack of information leads to gaps within the action plans and strategies for domestication of Global Instruments.
05	Failure for MS to appreciate the economic/genetic benefits that accrue from domestication and implementation of Global Instruments, to clearly push the agenda forward.	Sensitize and engage MSs on economic and genetic benefits, especially targeting the heads of MDAs	AU-IBAR to mobilise resources and organize sub-Regional meetings	Lack of information & understanding of benefits that accrue limits the fuller adoption and implementation.
06	Access to genetic resources and National property rights were seen as an area of ongoing International negotiation. Most National strategies make no commitments on this issue.	Set up a specialised unit in ACU to support AU-MSs in negotiating and reviewing Global Treaties for conservation of aquatic biodiversity.	AUC to mobilize financing and technical experts.	Lack of technical capacity at Country level has meant limited input in shaping of the Instruments.
07	Lack of competency in the traditional sectors that currently exist, and scanty nature of information in regards to the respective existing institutions that are responsible.	Establish and operate cross-sectoral platforms at Country level that brings together experts for Instruments that cut across different sectors.	AU-IBAR to provide technical guidance, and AU-MSs to mobilize financing and technical managers	Traditional sectors do not have the collective expertise needed for adopting and implementing Instruments that cut across several disciplines
	Implementation of international instruments			
01	Lack of political commitment and insufficient public awareness.	Conduct subregional meetings to raise awareness and explain the need for Global Instruments	AU-IBAR mobilise resources and technical support	Lack of awareness of the benefits of ratification and implementation of Instruments limits buy-in by responsible actors.
02	Lack of guidelines for implementation and lack of mechanism for technical collaboration for conservation of aquatic biodiversity.	Develop specific technical guidelines for implementation of key selected Instruments	AU-IBAR	Some Instruments require high level technical capacity to implement.

SN	Challenge	Solution	Actor and Role	Comment
03	Objectives and expected outputs of implementation of key Instruments may contradict those for AU-MSs' industrial, municipal and or socioeconomic development.	There is need for country level support to harmonize National development policy and strategic frameworks with those of set for Global Instruments.	AU-IBAR to mobilize resources and technical support.	Harmonization of provisions of national development policies and strategies with those of Global Instruments is crucial for implementation.
04	Lack of budgetary resources for implementation of numerous Conventions.	Establish a regional financing framework and mechanism akin to the GEF of the UN.	AUC to establish and mobile the funds	Lack of financing has been raised by nearly all MSs as reason for low implementation.
05	Existence of significant and several gaps in National legislations, Policies, strategies, plans and programs of action for implementation of domesticated actions.	Support the development of guidelines for implementation of specific Instruments.	AU-IBAR to develop and disseminate technical guidelines for implementation.	Lack of technical guidelines are a hindrance to implementation.
06	Adjusting and aligning of economic Policies and indicators at the Regional and sub-regional (RECs) levels have made little progress in regards to ratification, adoption and or implementation of relevant Instruments for aquatic biodiversity conservation.	Develop actions plans at National and subregional level for translating Policies and strategies into actions with measurable targets for the different actors.	AU-MSs to develop actions plans and mobilise resources for implementation.	Lack of appropriate indicators and clearly defined outputs limits effective implementation.
07	Global and Continental Depositories of binding Instruments' failure to follow-up and guide the MS on implementation processes.	Establish a specialised unit to support the implementations of Global Instruments focusing on the AU and UN binding Instruments	AUC to mobilize financing and technical assistance.	So as to facilitate a close monitoring, guidance and implementation as well as resources mobilisation and information sharing.
08	For many conventions, there are political challenges/ difficulties in determining the public agencies or sectors responsible for the coordination of activities and developing and elaborating the Implementation Strategy.	Fostering good practices and technical guidelines for implementing and managing of aquatic biodiversity.	AU-IBAR to mobilize resources and technical support.	Technical expertise and guidance is crucial in implementing of complex Instruments.
09	The interval between successive COPs is too short to achieve the objectives.	AUC to engage depositories to provide ways and means for engaging AU-MSs in Regional meetings that have sufficient periods for implementation.	AUC to provide technical support in review of the Instruments.	Preferably the schedule of action should be for every three years as that between COPs is normally short to achieve stated objectives;
10	Particular sectors at Country level find themselves responsible for implementations of several Instruments, which bogs them down.	Need for cross-sectoral platforms and sub-regional technical support of Country level agencies charged with implementation.	AU-IBAR and sub-regional agencies.	A few sectors, mainly water, environment and fisheries are charged with the implementation most of the Instruments, which overloads them.

SN	Challenge	Solution	Actor and Role	Comment
11	Roles, duties of government agencies other than environment and fishery are difficult to define in regards to aquatic biodiversity, creating a challenge to assign responsibilities for coordination of the ratification, adoption and or implementation.	Provide technical guidance and support to AU-MSs in identifying the responsible agencies and creation of cross-sectoral platforms for coordination of implementation Instruments.	AU-IBAR and sub-regional agencies.	Given that most of the Instruments involving or affect several sectors, assigning a few sectors limits implementation of many Instruments.
12	Creating and implementing sustainable use strategies for various industries and sectors based on aquatic resources is challenging, and choice of Instruments to guide such industries in aquatic biodiversity conservation is normally not available and or not formulated.	Provide technical guidance and support to AU-MSs in identifying, signing, adopting and implementing the appropriate Instruments.	AUC in providing technical support.	
13	Overall planning framework for biodiversity has become rather complex, and not all initiatives pertinent to the specific Convention's implementation are always explicitly identified as being a part of the National strategy for biological diversity.	Develop relevant indicators as a basis for monitoring, audit and refocusing objectives of different National and community level plans/programs and actions.	AU-IBAR for technical assistance and mobilizing of financing.	
14	Lack of operational networks among scientists and organizations that address pertinent issues at the National and/or regional levels, as well as a lack of funding for pertinent joint undertakings of planned activities, makes challenging for MSs to adopt relevant Instruments.	Establish professional networks for technical managers of relevant sectors within AU-MSs to facilitate exchange of information and sharing of expertise in implementation of selected Instruments.	RECs for setting up subregional professional networks and platforms.	Exchange and sharing of technical information for implementation of Global Instruments remains low in Africa.
15	Lack of methodologies and standards for assessing the value and status of aquatic biodiversity, and appropriate Global Instruments for conservation of such biodiversity.	Facilitate the development of standard operating procedures (SOPs) and methods for valuation of status, processes and progress of implementation of selected Instruments.	AU-IBAR for provision of technical expertise and mobilizing of resources.	Lack of standard procedures and methods makes it difficult to compare and share information among AU-MSs.
16	General approaches are either extremely country-specific or too broad to allow for multiple interpretations, making implementation varied and challenging to coordinate between sectors and across borders.			

3.5. Report on the synthesis of critical provisions of identified Continental and Global Instruments, highlighting opportunities and benefits to AU Member States and RECs

Up to 21 selected Regional and Global Instruments relevant to aquatic biodiversity management and conservation have been assessed as to objectives and purpose of the Instruments, key milestones of the Convention, contentious issues in Agreement, Current status of signing, ratification, adoption and implementation, AU-MSs obligations under the Convention, Benefits to AU-MSs implementing Convention, required steps for state level implementation, challenges in implementation, and Communication strategy.

3.5.1. Revised African Convention on Conservation of Nature and Natural Resources (African Convention)

Background

The AU-MSs agreed to take the necessary steps to ensure the preservation, use, and development of soil, water, floral, and faunal resources while considering scientific principles and the interests of the general public (art. II). They consented to implement practical steps to protect and enhance the soil, as well as to manage erosion and land use (art. IV). Additionally, they agreed that each party will design rules to manage water consumption, avoid pollution, and protect water supplies (art. V). Parties also agreed to maintain forests and prevent burning, clearing land, and overgrazing while protecting the environment's flora (art. VI).

Key milestones of the Convention

- The Parties undertake to identify the factors that are causing the depletion of animal and plant species which are threatened or which may become so, with a view to their elimination, and to accord a special protection to such species, whether terrestrial, freshwater or marine, and to the habitat necessary for their survival. Where a species is represented only in areas under the jurisdiction of one Party, that Party has a particular responsibility for its protection; and,

- The Parties shall adopt legislation on the protection of species referred to in paragraph 1 above, taking into particular account the need to develop or maintain throughout the African continent concerted protection measures for such species. One or several Annexes to this Convention may be adopted by the Conference of the Parties to that effect.

Contentious issues in Agreement

- Which flora and fauna is listed on different lists in the Convention.
- Required legislation and measures to implement the provisions of the Convention.

Current status of signing, ratification, adoption and implementation

Among the AU-MSs of Southern and Eastern Regions of Africa, 19 are Signatories and only 7 have ratified the Convention. The 17 have not yet ratified the Convention.

AU-MSs obligations under the Convention

- The Parties shall maintain and enhance species and genetic diversity of plants and animals whether terrestrial, fresh-water or marine. They shall, for that purpose, establish and implement Policies for the conservation and sustainable use of such resources; particular attention shall be paid to socially, economically and ecologically valuable species, which are threatened and species which are only represented in areas under the jurisdiction of one Party;
- Parties shall adopt legislation regulating all forms of taking, including hunting, capture and fishing and collection of whole or parts of plant; and,
- The Parties shall ensure the conservation of species and their habitats within the framework of land-use planning and of sustainable development Management of species and their habitats shall be based on the results of continued scientific research.

Benefits to AU-MSs implementing Convention

- Enhancement and implementation of environmental protection;
- Support to conservation and sustainable use of natural resources; and,
- Harmonize and coordinate policies in these fields between MSs.

Challenges for AU-MSs

- Lengthy and drawn-out process for ratification.
- Required resources for implementation.
- Limited technical capacity as state level.

Communication strategy

Reports on the actions taken by the Parties in implementing this Convention and the outcomes of applying its provisions must be presented to the Conference of the Parties in the format and at the intervals that the Conference of the Parties may specify. The Secretariat's observations, in particular those related to failure to report, the suitability of the report, and the efficacy of the steps outlined therein, shall be included with this presentation. The Parties shall provide the Secretariat with the following information: a) the texts of Laws, decrees, regulations, and instructions currently in effect that are intended to ensure this Convention's implementation; b) any additional information required to provide complete documentation on matters covered by this Convention; c) the names of the Agencies or coordinating institutions authorized to serve as focal points in matters

under this Convention; and d) information on bilateral or multilateral Agreements.

3.5.2. International Convention for the Prevention of Pollution from Ships (MARPOL), 1973

Background

The International Convention for the Prevention of Pollution from Ships, universally known as MARPOL, is the key treaty adopted by IMO to prevent and minimise pollution from shipping. It was passed in 1973, and came into effect in 1975. In 2011, IMO became the first International regulator for a transport sector to adopt globally-binding energy-efficiency requirements, which apply to all ships Globally, regardless of trading pattern or flag State, aimed at reducing greenhouse gas emissions from International shipping. IMO is also been involved with related Conventions and Treaties dealing with the anti-fouling systems used on ships, the management of ballast water especially in regards to transfer of alien species by ships', water and the environmentally sound reuse or recycling of ships.

MARPOL addresses pollution by oil from ships, covered in Annex I of the Convention; noxious liquid substances, such as chemical, carried in bulk, covered in Annex II; harmful substances carried in packaged form, in Annex III; sewage discharges into the sea, covered in Annex IV; the disposal at sea of ship-generated garbage, in annex V; and atmospheric pollution from ships covered in Annex VI of the Convention.

Key milestones of the Convention

a. Oil pollution control: Over the past five decades, IMO, governments and industry have worked together to achieve a dramatic and sustained reduction in major oil spills from ships; and have established effective systems for preparedness and response if there is an incident and created a comprehensive mechanism for providing compensation to those affected. Increased carbon dioxide in the atmosphere can lead to ocean acidification;
b. Climate Change Impact Mitigation: In 2011, IMO became the first International regulator for a transport sector to adopt Globally-binding energy-efficiency requirements, which apply to all ships globally, regardless of trading pattern or flag State, aimed at reducing greenhouse gas emissions from International shipping. The mandatory energy-efficiency measures to reduce emissions of greenhouse gases from International shipping, under Annex VI of IMO's pollution prevention treaty (MARPOL), came into force in 2013 and have been subsequently strengthened;
c. Reduction in GHGs emissions: In 2018, IMO Member States adopted an initial IMO strategy on reduction of GHG emissions from ships, setting out a vision which confirms a commitment to cutting GHG emissions from International shipping and to phasing them out as soon as possible.

There's a specific linkage to the Paris Agreement, and clear levels of ambition – including at least a 50 per cent cut in emissions from the sector by 2050, compared to 2008. To achieve the specified targets, ships currently at sea would have to reduce their emissions by more than 80%. The agreed reduction targets signify a tangible trajectory towards the decarbonisation of shipping. Therefore, low or zero-emission ships should be built well before 2050, hopefully by 2030; and,

d. Support to implementation by developing Countries: A range of IMO-executed projects are addressing this, focusing on supporting developing Countries to implement MARPOL Annex VI energy efficiency measures and promoting trials and training.

Contentious issues in Agreement

The key areas of concern are dumping of wastes at sea, carbon capture, ocean interventions for climate change mitigation in the shipping industry. While MARPOL specifically targets accidental and operational discharges from ship operations, IMO also actively addresses marine pollution from land-based sources, albeit indirectly, through the London Dumping Convention and Protocol on the dumping of wastes and other matter at sea. The London Protocol, adopted in 1996, adopts a precautionary approach, prohibiting the discharge of wastes at sea except for a few on a permitted list, such as dredged material. The London Convention/Protocol regime also contributes to climate change mitigation by regulating for carbon capture and sequestration in subsea geological formations and providing regulations and guidance on how to assess proposals for Ocean fertilization and other marine ocean interventions for climate change mitigation.

Current status of signing, ratification, domestication and implementation

Currently up to160 Countries are Parties (signed on) to the Convention including 24 Countries in South and Eastern Africa Regions. However, in Africa only 17 Countries proceeded to ratify the MARPOL Convention with five from the South and Eastern Africa including; Kenya, Madagascar, Namibia, South Africa and Sudan by November, 2022.

AU-MSs obligations under the Convention

- Suggested actions and steps needed to enhance ratification, domestication and implementation;
- Actively participate in the Cops, in order to build capacity and get updated information about the implementation of the Convention;
- Develop appropriate National legislative or administrative measures to ensure timely decisions with respect to the import of chemicals listed in Annex III; and,
- Collect information on the current status and use of hazardous Pesticides and Industrial Chemicals (Chemicals listed in Annex III of the convention).

Benefits to AU-MSs implementing Convention

- MSs that ratify will become part of the wider Global effort to control pollution as well as being in position to seek redress from those who contravene the rules;
- Pollution from ships and industries will be put under check;
- The ecosystem will recover and improve, and productivity will increase; and,
- Capacity will have to be built and this will increase of the knowledge.

Challenges for AU-MSs

- Others indicate financial constrain, that Instrument not a priority, limited knowledge, lack of technical capacity;
- But there is limited technical capacity for MSs to enforce provisions of this Instrument;
- Financial constraints and lack of required infrastructure; and,
- Therefore, cannot be a priority without means to implement;

Communication strategy

Communication on status of signing, ratification, domestication and implementation of MARPOL is still largely through IMO and respective AU-MSs concerned Maritime Administrations and or those responsible for aquatic biodiversity management.

3.5.3. Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter 1972

Background

One of the earliest International Agreements to safeguard the marine environment from human activities was the "Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter 1972," sometimes known as the "London Convention," which has been in effect since 1975. Its goal is to encourage the effective control of all marine pollution sources and to take all reasonable precautions to avoid polluting the sea by dumping rubbish and other materials. It was also further updated in 1996. It also concerns and provides for environmental maintenance, protection and restoration of aquatic ecosystems and biodiversity. A protocol to enhances implementation of the Convention was later also developed. The Protocol entered into force on 24 March 2006 and there are currently 53 Parties to the Protocol. The objective of the London Convention and Protocol is to promote the effective control of all sources of marine pollution. Contracting Parties shall take effective measures to prevent pollution of the marine environment caused by dumping at sea (see articles I and II of the Convention and article 2 of the Protocol). The purpose of the London Convention is to control all sources of marine pollution and prevent pollution of the sea through regulation of dumping into the sea of waste materials. A so-called "black- and grey-list"

approach is applied for wastes, which can be considered for disposal at sea according to the hazard they present to the environment. For the blacklist items dumping is prohibited. Dumping of the grey-listed materials requires a special permit from a designated National authority under strict control and provided certain conditions are met. All other materials or substances can be dumped after a general permit has been issued.

Key milestones of the Convention

- It is one of the first Global Conventions to protect the marine environment from human activities/pollution;
- It is a binding Instrument which makes implementation easy through enforcing the provisions,
- Is meant to promote the effective control of sources of pollution and to take all practicable steps to prevent pollution dumping of wastes and other matter from ships; and,
- Under the Protocol all dumping is prohibited, except for possibly acceptable wastes on the so-called "reverse list".

Contentious issues in Agreement

- Prohibits all dumping, except for possibly acceptable wastes on the so-called "reverse list".
- Application of the 'precautionary principle' in the protocol.

Current status of signing, ratification, domestication and implementation

- Currently 87 parties.
- Current protocol entered into force on 24 March 2006 with 54 Parties as of April 2022.

Benefits to AU-MSs implementing Convention

The benefits if MS implement this Instruments include:

1. Prevention of pollution from ships and industries will be put under check;
2. Supports the BES recovery and improvement, and leads to enhanced productivity;
3. MS that ratifies will become part of the wider Global effort to fight marine pollution prevention, and;
4. Capacity will have to be built and this will increase awareness and technical capacity.

Challenges for AU-MSs

AU-MSs cited the following key challenges to the ratification, signing and implementation of the London Convention:

- Lack of resources and technical capacity to implement;
- Lack of appreciation of benefits – largely due to un-informed public; and,

- No enabling Policy and regulatory Instruments for MSs.

Communication strategy

The communication on this strategy is through the sector Ministries in the respective Member States, and mostly through IMO which also follows its ratification and implementation in addition to the secretariat for the COP for the Convention.

3.5.4. Convention on Fishing and Conservation of the Living Resources of the High Seas, 1958

Background

It is a UN Convention focusing with conservation of living resources of the high seas in face of the development of modern technology. The Convention on Fishing and Conservation of Living Resources of the High Seas is an Agreement that was designed to solve, through International cooperation, the problems involved in the conservation of living resources of the high seas, considering the development of modern technology that has increased efficiency in locating and cropping the resources, and that puts some of these resources in danger of being overexploited. The Convention opened for signature on 29th April, 1958 and entered into force on 20th March, 1966.

Key milestones of the Convention

- Conservation of key marine resources and habitats;
- Provision for establishment of Marine Protected Areas; and,
- Prohibition of cropping of some marine resources.

Contentious issues in Agreement

- Due to enhanced efficiency in cropping the Instrument aims to curb dangers of overexploitation; and,
- Restriction to fishing and cropping of some key marine resources.

Current status of signing, ratification, domestication and implementation

Originally 39 Countries signed including 8 African Counties. Currently the following Countries in Southern and Eastern Africa Regions have ratified the Convention but not necessarily implementing it: Kenya, Lesotho, Madagascar, Malawi, Mauritius, South Africa, and Uganda.

AU-MSs obligations under the Convention

- International cooperation and support in monitoring activities in the high seas.

Benefits to AU-MSs implementing Convention

- Protection of key marine resources and habitats; and,
- Restriction of fishing of threatened species and resources.

Challenges for AU-MSs

- NOT a priority as majority MSs are not engaged in high seas fishing; and,
- Lack of resources and systems to monitor activity in the high seas

Communication strategy

Communication is by relevant sector managers in MSs to the secretariat to the COP as to the effort and level of production in the high seas.

3.5.5. United Nations Convention of the Law of the Seas (UNCLOS)

Background

Oceans are deemed as critical to ecological and economic activities of planet Earth. 71% of the Earth's surface is covered with water, of which more than 96% is held in oceans. 80% of the volume of International trade in goods is carried by sea, and at any one time there are more than 30 million people at sea. Over four (04) decades ago, members of UN agreed to an ambitious and comprehensive framework for the governance of the world's Oceans and Seas. This has since been updated three times with the latest being UNCLOS III. The negotiation and ratification of the United Nations Convention on the Law of the Sea (UNCLOS) was a considerable achievement, securing 168 signatories including the European Union, thus demonstrating its widespread support. The first Conference of Parties resulted in the creation of four Treaties including: (1) Convention on the Territorial Sea and Contiguous Zone (entry into force on 10th September, 1964); (2) Convention on the Continental Shelf (entered into force on 10th June, 1964); (3) Convention on the High Seas (entered into force on 30th September, 1962); and (4) Convention on Fishing and Conservation of Living Resources of the High Seas (entered into force on 20th March, 1966). In 1973 a second UNCLOS COP was held but resulted in no new Treaties or protocols. In 1982 the third COP concluded and resulted in a new treaty, the United Nations Convention on the Law of the Sea (UNCLOS III). This replaced the previous four Conventions or Treaties cited above.

UNCLOS is a framework Convention. This means that it sets out broad commitments and principles for Parties, but leaves the setting of some specific commitments to subsequent international treaties or National legislation. For this reason, it is often referred to as the 'constitution of the Oceans. UNCLOS refers to these International institutions as 'competent International organizations', and

includes provisions for them to develop standards, regulations and Treaties in specific areas. Three institutions—the International Seabed Authority, the Commission on the Limits of the Continental Shelf, and the International Tribunal on the Law of the Sea—were directly established by UNCLOS or its implementing agreements. Others existed prior to UNCLOS, or were established separately, but continue to play a role in developing the law of the Sea. An important competent organization is the International Maritime Organization (IMO), headquartered in London, which is tasked with developing rules and standards on shipping under UNCLOS. UNCLOS contains over 300 Articles, grouped into 17 Parts, and has nine Annexes. Its provisions concern a range of matters, from the right to conduct marine scientific research to the definition of warships. Two important sets of provisions relate to maritime zones and boundaries, and dispute settlement mechanisms.

The main maritime zones defined by UNCLOS include:

- ***Internal waters:*** this includes the Sea area landward of baselines in which the coastal State exercises sovereignty and where certain rights, such as the freedom of navigation, do not apply;
- ***Territorial sea:*** this extends to 12 nautical miles from the baseline. This area is under the jurisdiction of the state, but foreign vessels have the right to navigate through it (known as 'innocent passage');
- ***Contiguous zone:*** this extends a further 12 nautical miles beyond the territorial sea. The State can enforce its laws on some specific matters (customs, taxation, immigration and pollution);
- ***Exclusive economic zone (EEZ):*** this extends 200 nautical miles from the baseline. The State has exclusive rights over natural resources;
- ***Continental shelf:*** a 200 nautical mile zone from the baseline where Coastal States have the exclusive right to explore and exploit the resources of the Seabed and subsoil. If the Continental margin extends further than 200 nautical miles, the Coastal State may be entitled to an extended Continental shelf;
- ***The high seas:*** all parts of the sea that are not included in an EEZ, territorial Sea, or internal or archipelagic waters of a State. They are open to all states, and states enjoy freedoms including the freedom of navigation, freedom of overflight, and freedom to lay submarine cables. No part of the high seas can be subject to claims of sovereignty; and,
- ***The 'Area':*** the Seabed beyond the Continental shelf. It is governed by the principle of the 'common heritage of mankind', according to which activities in the Area shall be carried out for the benefit of mankind as a whole. The International Seabed Authority was established in 1994 to provide for the equitable sharing of financial and other economic benefits derived from activities in the Area.

Key milestones of the Convention

- The key achievements of UNCLOS were to standardise States' claims to maritime zones and the resources within them;
- Provided States with mechanisms for settling disputes when they arise;
- The Convention has remedies including environmental maintenance, protection and restoration;
- The fact that most maritime boundaries have been agreed by neighbouring States and there have been few formal disputes is testament to the widespread support for UNCLOS by States;
- In 1995, an implementing Agreement on managing and conserving fish stocks was adopted. It is commonly referred to as the UN Fish Stocks Agreement (UNFSA). It entered into force in 2001; and,
- In 2018, negotiations commenced on a third implementing Agreement on marine biodiversity in areas beyond National jurisdiction. These negotiations have yet to conclude.

Contentious issues in Agreement

- Size of EEZ claimed by Port States;
- Exclusive rights of flag states even when they have weak National regulatory and enforcement capacity; and,
- Having no provisions for dealing with Climate Change mitigation and adaptation, and or new vessel technologies.

Current status of signing, ratification, domestication and implementation

- Secured 168 signatories plus the European Union;
- All Africa Countries are signatories to the Convention apart from Djibouti and South Sudan that recently attained independence;
- 150 Countries have ratified the Convention including.

AU-MSs obligations under the Convention

- Claim their rights and enforce the provisions of the Convention and associated Treaties and Protocols.

Benefits to AU-MSs implementing Convention

- UNCLOS clarified the breadth of the territorial Sea, defined other maritime zones, and provided a new zone, putting an end to the "chaotic situation" in the first half of the 20th century.
- Provides for privileges and rights of States in use of the Oceans.

Challenges for AU-MSs

- the general challenges to all AU-MSs include recent developments in maritime security (which is not defined in UNCLOS), biodiversity loss and environmental degradation, human rights and labour protections, and the regulation of access to economic resources, including on the Seabed and in the water above it (the 'water column'); and,
- specifically, to AU-MSs, lack of technical capacity and financial resources to implement provisions of the Convention; and,
- the general, inherent weakness of enforcement of the UNCLOS III provisions by Parties to the Convention.

Communication strategy

The communication is through the 3 key organizations identified during the negotiations to oversee the implementation of the provisions of UNCLOS III, and the IMO which is legally authorized to develop and draft rules for implementation of UNCLOS III.

3.5.6. UN Fish Stocks Agreement (UNFSA)

Background

The United Nations 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 sets out principles for the conservation and management of those fish stocks and establishes that such management must be based on the precautionary approach and the best available scientific information. The Agreement elaborates on the fundamental principle, established in the Convention, that States should cooperate to ensure conservation and promote the objective of the optimum utilization of fisheries resources both within and beyond the exclusive economic zone. The objective of the UN Fish Stocks Agreement is to ensure the long-term conservation and sustainable use of straddling and highly migratory fish stocks. The Agreement elaborates upon provisions of United Nations Convention on the Law of the Sea (UNCLOS) and aims to greatly improve the International management of fishing on the high Seas. In particular, the Agreement strengthens the legal regime for conservation and management of highly migratory and straddling fish stocks implemented through Global, Regional and sub-regional Fisheries Management Organisations (RFMOs).

Key milestones of the Convention

The Agreement attempts to achieve this objective by providing a framework for cooperation in the conservation and management of those resources. It promotes good order in the Oceans

through the effective management and conservation of high Seas resources by establishing, among other things, detailed minimum International standards for the conservation and management of straddling fish stocks and highly migratory fish stocks; ensuring that measures taken for the conservation and management of those stocks in areas under National jurisdiction and in the adjacent high Seas are compatible and coherent; ensuring that there are effective mechanisms for compliance and enforcement of those measures on the high Seas; and recognizing the special requirements of developing States in relation to conservation and management as well as the development and participation in fisheries for the two types of stocks mentioned above.

Contentious issues in Agreement

- New Entrants, Allocation of Fishing Opportunities and Deterring Fishing by Non-Members - Issues as to allocation of the stocks between states and distant fishing crews from other States;
- Transboundary nature of the straddling stocks and implication of such in management and conservation;
- Compatibility of Conservation and Management Measures - Use of multilateral approach in management and conservation of straddling stocks;
- The 'precautionary principle' - Application and use of the precautionary principle is yet to be fully formalized in regular management and conservation approaches to highly migratory and straddling stocks;
- Collection and reporting of data – the obligations of the States versus the RFMOs to collect and provide data;
- The implementation of flag responsibilities and challenge of RFMOs to capture and report on such activities; and,
- High Seas enforcement - Whereas a number of the selected RFMOs have adopted high Seas enforcement procedures, none of these apply to vessels flying the flag of non-members of the RFMOs on the condition that they are Parties to the Fish Stocks Agreement.

Current status of signing, ratification, adoption and implementation

The Agreement was adopted on 4th August, 1995 by the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks and opened for signature on 4th December, 1995. It remained open for signature until 4th December, 1996 and was signed by 59 States and entities. Currently the UNFSA has been ratified by 17 AU-MSs in Southern and Eastern Regions of Africa apart from the following Member States: Burundi, Eritrea, Ethiopia, Somalia, South Sudan, Sudan and Tanzania.

AU-MSs obligations under the Convention

- Agree on and comply with conservation and management measures to ensure the long-term sustainability of straddling fish stocks and highly migratory fish stocks;
- Agree, as appropriate, on participatory rights such as allocations of allowable catch or levels of fishing effort;
- Adopt and apply any generally recommended international minimum standards for the responsible conduct of fishing operations;
- Obtain and evaluate scientific advice, review the status of the stocks and assess the impact of fishing on non-target and associated or dependent species;
- Agree on standards for collection, reporting, verification and exchange of data on fisheries for the stocks;
- Compile and disseminate accurate and complete statistical data, as described in Annex I, to ensure that the best scientific evidence is available, while maintaining confidentiality where appropriate;
- Promote and conduct scientific assessments of the stocks and relevant research and disseminate the results thereof;
- Establish appropriate cooperative mechanisms for effective monitoring, control, surveillance and enforcement;
- Agree on decision-making procedures which facilitate the adoption of conservation and management measures in a timely and effective manner;
- Promote the peaceful settlement of disputes in accordance with Part VIII;
- Ensure the full cooperation of their relevant national agencies and industries in implementing the recommendations and decisions of the organization or arrangement; and,
- Give due publicity to the conservation and management measures established by the organization or arrangement.

Benefits to AU-MSs implementing Convention

- Strengthening the benefits, roles and responsibilities of flag States;
- Emphasis the multilateral approach to conservation of highly migratory and straddling stocks;
- Provides for a compulsory and binding dispute settlement mechanism to resolve conflicts in a peaceful manner; and,
- Provides a framework for ensuring that the conservation and management measures adopted by States and RFMOs.

Challenges for AU-MSs

- Overfishing and overcapacity of both National and distant flag State fishing vessels

- Open access nature of the high Seas fisheries
- Illegal, unreported and unregulated fishing
- Challenge of non-State Parties agreeing to established enforcement mechanisms
- Ecosystem management, especially in States with wide jurisdictions.

Communication strategy

Reporting is by the MSs and the RFMOs to FAO and or the UNFSA secretariat

3.5.7. Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, 2016

Background

It is also known as Agreement on Port State Measures (PSMA. It is the first binding International Agreement to specifically target IUU fishing and protection of aquatic ecosystems and biodiversity. The PSMA reduces the incentive of vessels involved in IUU to continue to operate while it also blocks fishery products derived from IUU fishing from reaching National and International markets. It is meant to contribute to the long-term conservation and sustainable use of living marine resources and marine ecosystems, and applies to fishing vessels seeking entry into a designated port of a State which is different to their flag State. It concerns the illegal, unreported and unregulated fishing and its detrimental effect upon fish stocks, marine ecosystems and the livelihoods of legitimate fishers, and the increasing need for food security on a Global basis; the role of the port States in the adoption of effective measures to promote the sustainable use and the long-term conservation of living marine resources; that the primary responsibility of control of IUU lies with the flag States; that port State measures provide a powerful and cost-effective means of preventing, deterring and eliminating illegal, unreported and unregulated fishing; the need for increasing coordination at the regional and interregional levels to combat illegal, unreported and unregulated fishing through port State measures; and, the challenge of rapidly developing communications technology, databases, networks and Global records that support port State measures. The objective of PSMA is to prevent, deter and eliminate IUU fishing through the implementation of effective port State measures, and thereby to ensure the long-term conservation and sustainable use of living marine resources and marine ecosystems.

Key milestones of the Convention

- Is the first binding International Agreement to specifically target illegal, unreported and unregulated (IUU) fishing;
- Processes and procedures for control of IUU fishing;

- Requires Parties to place tighter controls on foreign-flagged vessels seeking to enter and use their ports to land or trans-ship fish; and,
- Consistent International momentum over the past few years has boosted the number of Parties to the Agreement, making it increasingly difficult for illegitimate catch to make its way to National and International markets and reducing the incentive for dishonest fishing operators to continue their IUU activities.

Contentious issues in Agreement

- Statistical mis-reporting by some Countries may mask even more serious declines in Global fish stocks;
- Commercial exploitation can cause a catastrophic and irreversible decline 3 in stocks;
- Need to ascertain the 'unmeasured dimensions' of IUU fishing must be made; and,
- Use of trade data to complement that reported by RFMOs.

Current status of signing, ratification, adoption and implementation

About 80 Countries Globally are signed to PSMA and about 30 African Countries are Parties to the PSMA. All Port States in Southern and Eastern Regions of Africa have now signed and accented to the Convention, and are putting in place capacity and management measures to implement the PSMA. The latest Countries being Tanzania and Eritrea to sign and accent; while the latest to implement include Djibouti, Eritrea, Kenya, Somalia and Tanzania.

AU-MSs obligations under the Convention

- Member States are to ensure that measures applied to vessels entitled to fly its flag are at least as effective in preventing, deterring, and eliminating IUU fishing and fishing related activities in support of such fishing as measures applied to vessels referred to in paragraph 1 of Article 3.

Benefits to AU-MSs implementing Convention

- PSMA is meant to contribute to the long-term conservation and sustainable use of living marine resources and marine ecosystems;
- Each Port State Member State in its capacity as a port State, apply this Agreement in respect of vessels not entitled to fly its flag that are seeking entry to its ports or are in one of its ports, except for:
  a. Vessels of a neighbouring State that are engaged in artisanal fishing for subsistence, provided that the port State and the flag State cooperate to ensure that such vessels do not engage in IUU fishing or fishing related activities in support of such fishing; and,

b. Container vessels that are not carrying fish or, if carrying fish, only fish that have been previously landed, provided that there are no clear grounds for suspecting that such vessels have engaged in fishing related activities in support of IUU fishing;

- Report on the measures and activities taken in regards to combatting IUU fishing.

Challenges for AU-MSs

Limitations to implementation of PSMA are financial, technical capacity and infrastructure.

Communication strategy

Report is by Member States and RFMOs to the FAO on efforts and activities conducted in terms of combatting IUU fishing through PSMA.

3.5.8. Convention for Biological Diversity (CBD)

Background

Also Known informally as the Biodiversity Convention, the Convention on Biological Diversity (CBD), which has been ratified by 196 Countries, is an International legal framework for "the conservation of biological diversity, the sustainable use of its components, and the fair and equitable sharing of the benefits arising from the utilization of genetic resources." Its overarching goal is to promote behaviours that will result in a sustainable future. A common concern of humanity is the preservation of biodiversity. All aspects of biodiversity are covered by the Convention on Biological Diversity, including species, ecosystems, and genetic resources. Additionally, it addresses biotechnology, in part thanks to the Cartagena Protocol on Biosafety. In reality, it spans every conceivable field—from science, politics, and education to agriculture, commerce, and culture—that has anything to do with biodiversity and how it affects development.

CBD is a multilateral Treaty that supports conservation of biodiversity, that promotes sustainable use of its components; and the fair and equitable sharing of benefits arising from the biodiversity. It has two supplementary Agreements, the Cartagena Protocol and Nagoya Protocol. An International Agreement called the Cartagena Protocol on Biosafety to the Convention on Biological Diversity regulates the transport of living modified organisms (LMOs) brought about by contemporary biotechnology from one nation to another. It was approved on 29th January, 2000 as a supplement to the CBD and went into effect on 11th September, 2003.

Another addendum to the Convention on Biological Diversity is the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits arising from their Utilization

(ABS). It offers a clear legal framework for the efficient realization of one of the three goals of the CBD: the equitable and fair distribution of gains attributable to the use of genetic resources. The Nagoya Protocol was adopted in Nagoya, Japan, on 29th October, 2010, and it came into effect on 12th October, 2014.

Key milestones of the Convention

The three fundamental objectives of the Convention are the preservation of biological diversity (also known as biodiversity), the sustainable use of its elements and the just and equal distribution of the advantages brought about by genetic resources. Its goal is to create National plans for the preservation and wise use of biological diversity, and it is frequently regarded as the foundational text for sustainable development.

Marine and coastal biodiversity is a major priority of the CBD. From 2018 through 2022, a number of expert workshops were organized to discuss potential revisions to the descriptions of Ecologically or Biologically Significant Marine Areas (EBSAs) and additions to existing areas. These have concentrated on the North, North-West, and South-Eastern Atlantic Oceans, Baltic, Caspian, Black, and Southern and North-East Indian Oceans, Mediterranean, North and South Pacific, Eastern Tropical and Temperate Pacific, Wider Caribbean, and Western Mid-Atlantic Seas.

Currently, CBD's focus is on identifying Ecologically or Biologically Significant Marine Areas (EBSAs) in particular Ocean locations based on scientific criteria. This area of marine and coastal biodiversity is a growing topic of concern. The objective is to establish an International Legally Binding Instrument (ILBI) under UNCLOS that involves area-based planning and decision-making to assist the conservation and sustainable use of marine biological diversity outside of National Jurisdictional Regions (BBNJ).

Contentious issues in Agreement

- Due to Western nations' opposition to the application of CBD clauses that benefit the South, the Convention's implementation has been undermined;
- In terms of execution, CBD is viewed as an example of a hard agreement that became softer;
- Despite the Convention's express declaration that all forms of life are subject to its provisions, an analysis of reports as well as national biodiversity strategies and action plans filed by participating Nations reveals that this is not actually the case;
- Biodiversity and medical researchers have expressed concerns that the Nagoya Protocol will hinder attempts to prevent disease and conserve the environment and that the threat of incarceration for researchers will have a chilling effect on research;

- Medical researchers have expressed concern over plans to expand the protocol to make it illegal to publicly share genetic information, such as via GenBank; and,
- Non-commercial researchers and institutions, such as natural history museums, worry that maintaining biological reference collections and exchanging material between institutions will become challenging.

Current status of signing, ratification, domestication and implementation

- All Countries apart from United States are Parties to the CBD; and,
- The CBD has been ratified by all African Countries and used a measure for sustainable use of biodiversity

AU-MSs obligations under the Convention

The main tools for carrying out the Convention at the National level are National Biodiversity Strategies and Action Plans (NBSAP). According to the Convention, each Nation must create a National biodiversity strategy and make sure that it is considered when planning operations in any area that can have an influence on diversity.

Benefits to AU-MSs implementing Convention

- Sharing, in a fair and equitable way, the results of research and development and the benefits arising from the commercial and other utilization of genetic resources with the Contracting Party providing such resources (governments and/or local communities that provided the traditional indigenous knowledge or biodiversity resources utilized);
- Regulated access to genetic resources and traditional indigenous knowledge, including Prior Informed Consent of the party providing resources;
- Access to and transfer of technology, including biotechnology, to the governments and/or local communities that provided traditional indigenous knowledge and/or biodiversity resources;
- Measures the incentives for the conservation and sustainable use of biological diversity;
- Technical and scientific cooperation;
- Coordination of a Global directory of taxonomic expertise (Global Taxonomy Initiative);
- Impact assessment;
- Education and public awareness;
- Provision of financial resources; and,
- National reporting on efforts to implement Treaty commitments.

Challenges for AU-MSs

- Challenges of implementation that is cross-sectoral, limited financial resources and technical capacity

Communication strategy

Member States report to the secretariat of the Convention through the National Biodiversity Strategies and Action Plans (NBSAP).

3.5.9. Cartagena Protocol on Biosafety to the Convention on Biodiversity

Background

The Cartagena Protocol on Biosafety to the Convention on Biological Diversity (CBD) is an International Agreement on biosafety as a supplement to the CBD. It entered into force on 11th September, 2003. The Biosafety Protocol seeks to protect biological diversity from the potential risks posed by genetically modified organisms (GMOs) resulting from modern biotechnology. The Protocol aims to ensure the safe handling, transport and use of Living Modified Organisms (LMOs) resulting from modern biotechnology that may have adverse effects on biological diversity, taking also into account risks to human health. The Biosafety Protocol makes clear that products from new technologies must be based on the precautionary principle and allow developing Nations to balance public health against economic benefits. It establishes an Advance Informed Agreement (AIA) procedure for ensuring that Countries are provided with the information necessary to make informed decisions before agreeing to the import of such organisms into their territory. The Protocol will for example let Countries ban imports of GMOs if they feel there is not enough scientific evidence that the product is safe and requires exporters to label shipments containing genetically altered commodities like corn or cotton.

Key Milestones

In 1992 during the Rio Earth Summit, CBD was adopted as an International Treaty for promotion and support to conservation of Biological Diversity while Cartagena Protocol was later adopted and issued to supplement the CBD. The Protocol contains reference to a precautionary approach and reaffirms the precaution language in Principle 15 of the Rio Declaration on Environment and Development.

Key contentious issues in the protocol

The most contentious issues concerned are compliance, liability and redress and documentation for LMOs for food, feed or processing, container use and intentional introduction.

Current status of ratification and implementation in Southern and Eastern Africa

In the Cartagena Protocol on Biosafety was adopted and ratified by all 24 Southern and Eastern Region AU-MSs. Nearly all AU-MSs in the Southern and Eastern Region of Africa have developed regulations and measures for ensuring Biosafety.

National Communication

Reporting is by the respective Parties through the relevant sectors.

AU-MSs' Obligation under the Protocol

The Cartagena Protocol establishes a Biosafety Clearing-House to facilitate the exchange of information on LMOs and to assist Countries in the implementation of the Protocol. Each Party to the protocol should perform the following: An assessment and review, Capacity Building, Compliance, Detection and Identification, Financial Mechanism, Handling, Transport, Packaging and Identification, Information sharing, Liability and Redress, Monitoring and Reporting, Risk Assessment and Risk Management, Public Awareness and Participation, Socio-economic Considerations.

Steps Needed to Fully Implement the Protocol Nationally

1. Human Capacity building;
2. Infrastructure Development (laboratories and greenhouses);
3. Awareness creation and communication assistance;
4. Internationally accepted, Implementation procedures, Policy and Legal framework, Rules and guidelines and check lists;
5. Financial assistance for experience sharing activities;
6. Short and medium training in risk assessment, risk management and emergency response activities;
7. Meeting sessions should include a sizeable number of persons as possible from a variety of disciplines including the scientific community, decision makers, Non-State Actors, community leaders as well as even anti GMO campaigners.

3.5.10. Nagoya Protocol

Background

The Nagoya Protocol on Access and Benefit Sharing (ABS), also known as the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity, is a 2010 supplementary Agreement to the 1992 Convention on Biological Diversity (CBD). The fair and equal distribution of benefits

resulting from the use of genetic resources, which supports the protection and sustainable use of biodiversity, is one of the three goals of the CBD. It outlines the actions that its contractual Parties must do in relation to benefit-sharing, access to genetic resources, and compliance.

Key milestones of the Convention

The Nagoya Protocol covers the CBD-covered genetic resources and the advantages resulting from their use. The procedure also covers conventional wisdom about the genetic resources that the CBD is derived from and the advantages of using it. Its goal is to carry out one of the three goals of the CBD: the equal and fair distribution of gains from the use of genetic resources, thereby promoting the preservation and sustainable use of biodiversity.

Contentious issues in Agreement

There have been worries raised about the potential negative effects of the increased bureaucracy and legislation on research, conservation, monitoring, and collecting of biodiversity.

Current status of signing, ratification, adoption and implementation

The agreement was made on 29th October, 2010, in Nagoya, Japan, and went into effect on 12th October, 2014. It has been ratified by 137 Parties as of April, 2022, including the European Union and 136 UN Member States.

As to the Southern and Eastern Africa AU-MSs, all have signed and ratified the protocol apart from South Sudan and Somalia. Somalia has signed the protocol but has yet to ratify, while South Sudan has not signed though is party to the CBD.

AU-MSs obligations under the Convention

- Take measures providing that genetic resources utilized within their jurisdiction have been accessed in accordance with prior informed consent, and that mutually agreed terms have been established, as required by another contracting party;
- Monitor the use of genetic resources after they leave a country by designating effective checkpoints at every stage of the value-chain: research, development, innovation, pre-commercialization, or commercialization;
- Create conditions to promote and encourage research contributing to biodiversity conservation and sustainable use;
- Pay due regard to cases of present or imminent emergencies that threaten human, animal, or plant health;

- Ensure an opportunity is available to seek recourse under their legal systems when disputes arise from Mutually Agreed Terms (MAT);
- Cooperate in cases of alleged violation of another contracting Party's requirements;
- Encourage contractual provisions on dispute resolution in mutually agreed terms
- Take measures regarding access to justice;
- Create legal certainty, clarity, and transparency in access to biodiversity;
- Provide fair and non-arbitrary rules and procedures for access and use of biodiversity;
- Establish clear rules and procedures for prior informed consent and Mutually Agreed Terms;
- Provide for issuance of a permit or equivalent when access is granted; and,
- Consider the importance of genetic resources for food and agriculture for food security.

Benefits to AU-MSs implementing Convention

Domestic benefit-sharing regulations seek to ensure the contracting Party who provides the genetic resources receives a just and equitable share of the advantages brought about by their use. Utilization entails investigation into the genetic or biochemical makeup of genetic resources, as well as eventual commercialization and use. Terms for sharing must be mutually agreed upon. Benefits can include cash payments or non-cash ones like sharing research findings and royalties.

Challenges for AU-MSs

- Need for elaborating of National ABS legislation to implement the Nagoya Protocol
- Agreeing to Mutually-Agreed Terms in use of biodiversity;
- Lack of research capability and appropriate institutions to support biodiversity conservation;
- Lack of awareness in the general public;
- Need for acquisition of technology; and,
- Lack of financial support for capacity-building and development initiatives.

Communication strategy

- Establishing National Focal Points (NFPs) and Competent National Authorities (CNAs) to serve as contact points for information, grant access, or cooperate on issues of compliance;
- An Access and Benefit-sharing Clearing-House to share information, such as domestic regulatory ABS requirements or information on NFPs and CNAs; and,
- Capacity-building to support key aspects of implementation.

3.5.11. United Nations Framework Convention on Climate Change (UNFCCC)

Background

Three accords were ratified during the "Rio Earth Summit" in 1992, one of which being the United Nations Framework Convention on Climate Change (UNFCCC). The Convention to Combat Desertification, the Rio Convention and the UN Convention on Biological Diversity are the other two. In order to create synergies in their efforts on topics of shared interest, the three are inextricably intertwined. Ramsar Convention on Wetlands is now incorporated into this trio. The AU-MSs ratified the UNFCCC, which came into effect on 21st March, 1994. It served as the foundation for the later Global discussions that led to the Paris Agreement, which has been approved by 197 Nations worldwide and signed by all AU-MSs. In accordance with the Convention, Greenhouse gas concentrations should be maintained "at a level that would preclude dangerous anthropogenic (human-induced) interaction with the climate system." According to the document, "such a level should be achieved within a time-frame sufficient to permit ecosystems to naturally adjust to climate change, to ensure that food supply is not jeopardized and to enable economic development to proceed in a sustainable manner." Two products of the UNFCCC include the Kyoto Protocol (entered in force in 2005) and Paris Agreement (entered in force in 2016) are its successions.

Key Milestones

Even though there were many opposing viewpoints regarding climate change at the time and when there was less information than there is now, the UNFCCC was able to persuade governments to act in the interests of humanity. Even in the presence of scientific ambiguity, UNFCCC Member States are required to act in the interests of human safety. As necessary steps to achieve the UNFCCC's goals, the UNFCCC successively persuaded Member States to ratify the Kyoto Protocol and the Paris Agreements.

Key Contentious Issues in the Convention

Currently, the negotiates agendas based on the National interests and positions on the basic themes of the Convention such as among others, Nationally Determined Commitments to reduction in GHGs emission reductions, mitigation and adaptation measures, access to technology and capacity building. These are positions that can be strengthened by participation of the AU in addition to the respective AU-MSs at the COP. The other issue is whether the targets set and NDCs go far enough to address the threat and risks posed by Climate Change.

Current Implementation Status of the Convention

The UNFCCC with its successions (Kyoto Protocol with its Doha amendments and the Paris Agreement) have been ratified and AU-MSs are each working to domesticate various provisions of the Treaties through Policies, Laws, guidelines and regulations as well as capacity development and public awareness campaigns. Currently, all the 24 AU-MSs in the South and Eastern Regions of Africa, have prepared and submitted their Nationally Determined Contributions (NDCs) for GHGs emission reductions and planned activities to that effect.

Communication Strategy

The Secretariat for the UNFCCC holds annual Conference of Parties (COP) and preparatory meetings in groups as well as different forums, subsidiary bodies followed by series of submissions and National communications. The AU-MSs' NDCs have all been communicated to the UNFCCC secretariat. AU-MSs' have also made these known Nationally and have made them of their respective National Development Policies and actions.

AU-MSs' Obligation under the Convention

- To regulate and ensure that sources of GHGs emissions abide by the NDCs;
- Make timely GHG inventory (at least at two years interval) and take measures at National level to combat climate change and communicate it to UNFCCC; and,
- Review and report any adjustments in NDCs to UNFCCC.

Steps Needed to fully implement the Convention by AU-MSs

- Strengthen the National human and institutional capacity of different sectors who expected to implement the CRGs/NDCs;
- Continued effort on climate diplomacy so as to pull the Global climate finance, capacity building and technology transfers available at different systems;
- Participate in COP actively and in various coalitions in a well-organized and knowledgeable way; and,
- Strengthen the National and Regional human and institutional capacity for effective GHG inventory.

3.5.12. Paris Agreement for Climate Change mitigation and adaptation, 2016

Background

The Paris Agreement is a legally binding international Treaty on climate change. It was adopted by 196 Parties at COP 21 in Paris, on 12th December, 2015 and entered into force on 4th November,

2016. Its goal is to limit global warming to well below 2o C, preferably to 1.5 degrees Celsius, compared to pre-industrial levels. To achieve this long-term temperature goal, Countries aim to reach global peaking of greenhouse gas emissions as soon as possible to achieve a climate neutral world by mid-century. The Paris Agreement is a landmark in the multilateral climate change process because, for the first time, a binding Agreement brings all Nations into a common cause to undertake ambitious efforts to combat climate change and adapt to its effects. Implementation of the Paris Agreement requires economic and social transformation, based on the best available science. The Paris Agreement works on a 5 - year cycle of increasingly ambitious climate action carried out by Countries. By 2020, Countries submit their plans for climate action known as Nationally Determined Contributions (NDCs).

Key milestones of the Convention

- Although climate change action needs to be massively increased to achieve the goals of the Paris Agreement, the years since its entry into force have already sparked low-carbon solutions and new markets. More and more Countries, Regions, cities and companies are establishing carbon neutrality targets;
- Zero-carbon solutions are becoming competitive across economic sectors representing 25% of emissions. This trend is most noticeable in the power and transport sectors and has created many new business opportunities for early movers; and,
- By 2030, zero-carbon solutions could be competitive in sectors representing over 70% of Global emissions.

Contentious issues in Agreement

The set targets for GHGs are seen as too low to achieve the desired 1.5o C limit in Global warming. Climate change action needs to be massively increased to achieve the goals of the Paris Agreement.

Current status of signing, ratification, adoption and implementation

All nations have signed to the Paris Agreement, and all 23 AU-MSs in Southern and Eastern Regions of Africa have ratified and are implementing the Paris Agreement.

AU-MSs obligations under the Convention

- Set and submit NDCs to UNFCCC Secretariat;
- Put in action the NDCs through Policy and agreed activities;
- Enforce the National level commitments;
- Periodic review and report to UNFCCC the NDCs; and,

- Integrated Climate Change Adaptation and Mitigation in National Policies, plans and actions.

Benefits to AU-MSs implementing Convention

- ***Financing -*** The Paris Agreement reaffirms that developed Countries should take the lead in providing financial assistance to Countries that are less endowed and more vulnerable, while for the first time also encouraging voluntary contributions by other Parties. Climate finance is needed for mitigation, because large-scale investments are required to significantly reduce emissions. Climate finance is equally important for adaptation, as significant financial resources are needed to adapt to the adverse effects and reduce the impacts of a changing climate;
- ***Technology:*** In the Paris Agreement, it is stated that technology transfer and development would be fully realized with the goal of lowering GHG emissions and increasing climate change resilience. It creates a technological framework to give the efficient Technology Mechanism comprehensive direction. Through its Policy and implementation wings, the mechanism is expediting the transfer of technology.; and,
- ***Capacity building:*** Not all developing Countries have sufficient capacities to deal with many of the challenges brought by climate change. As a result, the Paris Agreement places great emphasis on climate-related capacity-building for developing countries and requests all developed Countries to enhance support for capacity-building actions in developing Countries.

Challenges for AU-MSs

- Limited resources and technical capacity to monitor and access the impacts of Climate Change;
- Lack of general awareness in the public; and,
- Slow rate of integration of Climate Change adaptation and mitigation measures in the different National Policies, plans, programmes and activities.

Communication strategy

- In their NDCs, Countries communicate the planned actions to reduce their Greenhouse Gas emissions in order to reach the goals of the Paris Agreement. Countries also communicate in the NDCs actions they will take to build resilience to adapt to the impacts of rising temperatures;
- With the Paris Agreement, Countries established an enhanced transparency framework (ETF). Under ETF, starting in 2024, Countries will report transparently on actions taken and progress in climate change mitigation, adaptation measures and support provided or received. It also provides for International procedures for the review of the submitted reports;
- The information gathered through the ETF will feed into the Global stocktake which will assess the collective progress towards the long-term climate goals; and,

- This will lead to recommendations for Countries to set more ambitious plans in the next round.

3.5.13. Bamako Convention

Background

To many unscrupulous organizations in the developed world, Africa still offers a cheaper and less tedious option of toxic waste disposal. Over the years, the African Continent had become a cesspit of scandalous dumping of hazardous and radioactive waste from developed Nations of the world. This menace of "toxic Colonialism" is traceable to the rapid increase in scientific and technological activities Globally and particularly in industrialized developed Regions. The urgent need to protect Africa's environment from the menacing effects of this deleterious activity led to the adoption of the Bamako Convention. The Bamako Convention prohibits the import to Africa and Ocean and inland water dumping or incineration of hazardous wastes; establishes the precautionary principle; and provides for the sound management of these wastes within the Continent. The Convention was negotiated and adopted by twelve Nations of the Organization of African Unity (AU) at Bamako, Mali in January, 1991, and came into force in 1998.

Status of ratification, adoption and implementation

It was adopted in Bamako, Mali on 30th January, 1991. It entered into force on 22nd April, 1998, and was registered with the United Nations on 17th March, 2000, Registration No. 36508. To date there are 35 signatories, 29 of which have ratified the Convention. The Convention held its first Conference of Parties in at Bamako, Mali in 2013.

Key Milestones

The Bamako convention is very similar to Basel Convention. Indeed, the Bamako Convention is a response to Article 11 of the Basel Convention which encourages Parties to enter into bilateral, multilateral and regional Agreements on Hazardous Waste to help achieve the objectives of the Convention and the major difference lies in the fact that Bamako is administered within Africa by the African Union. The impetus for the Bamako Convention arose also from the failure of Basel Convention to prohibit trade of Hazardous waste to least developed Countries (LDCs) and the realization that many developed nations were exporting toxic wastes to Africa. To this effect, the AUC in 1988 passed a resolution (the Cairo Guidelines) stating that the import of hazardous waste into Africa was a crime against Africa and its people and that states should introduce import bans and adhere to the provisions of the Cairo Guidelines.

Key Contentious Issues in the Convention

Notwithstanding its notable milestones, the subject of contentious debate regarding the Convention includes:

- The import of hazardous waste usually promises to secure enormous foreign revenue earnings for the poor, impoverished Countries of Africa. The need for foreign exchange blinded many African Countries to the poisonous consequences of the activity; and,
- The slow progress in ratifying the Convention since then points to an absence of universal support among African Nations. And in addition to this many African Countries have also shown suspicious apathy, in terms of regulatory implementation and priority funding, to the urgency of this Global menace.

Current Implementation Status of the Convention

The Bamako Convention on the Prohibition of the Import into Africa and on the Control of Transboundary Movement and the Management of Hazardous Wastes within Africa, established in 1991, went into effect in 1998. Out of 54 African Nations, 29 have ratified the Convention.

Communication Strategy

There is no specific requirement for communication in the Bamako Convention. The AU currently undertakes the communication on behalf of MSs.

Obligations under the Convention

Generally, Countries should ban the import of hazardous and radioactive wastes as well as all forms of Ocean disposal. For intra-African waste trade, Parties must minimize the trans-boundary movement of wastes and only conduct it with consent of the importing and transit states among other controls. The Convention also obliges the Parties to minimize the production of hazardous wastes and cooperate to ensure that wastes are treated and disposed of in an environmentally sound manner. The Convention describes various forms of information that should be transmitted between Countries and to the secretariat including:

- Export notification;
- Written consent or disapproval for import application;
- Movement documentation;
- Accident Notification;
- Information on the sound management of wastes; and,
- Information on National bans and National definitions.

Steps needed to fully implement the Convention

The intensity of activities required to implement the Convention depends on the amount of hazardous waste generated national, and whether the Member State is on a major shipping or transport routes.

3.5.14. Basel Convention

Background

In response to a public uproar following the discovery of toxic waste imports in the 1980s in Africa and other developing regions of the world, the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal was enacted on March 22, 1989 by the Conference of Plenipotentiaries in Basel, Switzerland. The emergence of environmental consciousness and the ensuing tightening of environmental regulations in the industrialized world in the 1970s and 1980s had resulted in rising public opposition to the disposal of hazardous wastes, or the "NIMBY" (Not In My Back Yard) syndrome, as well as an increase in disposal costs. As a result, some companies began looking for affordable disposal solutions for hazardous wastes in Eastern Europe and the developing Countries, where environmental awareness was considerably less established and there were few rules or enforcement mechanisms. The Basel Convention was negotiated against this backdrop in the late 1980s, and its goal at the time of its passage was to stop the "toxic trade," as it was known. The Convention became effective 1992. The main goal of the Basel Convention is to safeguard the environment and human health from the damaging impacts of hazardous wastes. Its scope of use includes a diverse range of wastes classified as "hazardous wastes" based on their content, origin, and/or characteristics, as well as household garbage and incinerator ash, two categories of wastes classified as "other wastes." The provisions of the Convention are centered on the following main aims: 1) the reduction of hazardous waste generation and the promotion of environmentally sound management of hazardous wastes, wherever the place of disposal; 2) the restriction of transboundary movements of hazardous wastes except where it is perceived to be in accordance with the principles of environmentally sound management; and, 3) a regulatory system applying to cases where transboundary movements of hazardous wastes are necessary.

Key milestones of the Convention

- Despite the fact that the United States is not a Party to the Treaty, the Basel Action Network (BAN) claims that export shipments of plastic waste from the United States are now "criminal traffic as soon as the ships get on the high seas," and carriers of such shipments may be held liable given that the transportation of plastic waste is forbidden in nearly every other nation.

Contentious issues in Agreement

- The treaty declares that the trafficking of illegally dumped hazardous waste is against the law, but it makes no provisions for its enforcement.
- According to the current consensus, shipment of electronic trash to extraterrestrial destinations would not be covered because space is not considered a "country" under the specified definition.
- Basel Ban Amendment which seeks a complete ban on transborder shipment of hazardous waste.
- Regulation of plastic waste under the Basel Convention. However, an amendment to the Convention has since been approved to include plastic waste. Now that 186 States have ratified the Convention, the plastic waste amendments are legally enforceable. Governments are required by the Basel Convention to act not just to ensure the environmentally responsible treatment of plastic waste but also to address plastic waste at its source. This includes measures to increase transparency in the plastic waste trade and to better regulate it.

Current status of signing, ratification, adoption and implementation

There are 190 Parties to the Convention as of September, 2022. The Convention has also been signed but not ratified by the US and Haiti.

AU-MSs obligations under the Convention

- There are strict requirements for notice, consent, and tracking for the transportation of wastes across International borders in addition to restrictions on the import and export of the aforementioned wastes. It is noteworthy that the treaty forbids the export or import of wastes between parties and non-parties in general. When the trash is covered by another Agreement that does not conflict with the Basel Convention, there is an exception to this rule. A notable non-party to the Convention, the United States has a number of such arrangements that permit the transport of hazardous wastes to Basel Party Nations.
- A reduction in waste generation across the board is mandated under Article 4 of the Basel Convention. The internal pressures ought to create incentives for waste reduction and pollution prevention by encouraging Nations to retain wastes inside their borders and as close as feasible to their source of generation. In general, Parties are not allowed to import covered waste from or export covered waste to non-Parties to the Agreement.
- Parties are required by Article 12 to implement a protocol that establishes liability guidelines and practices that are acceptable for harm caused by the transborder movement of hazardous material.

Benefits to AU-MSs implementing Convention

- Minimizes the generation of hazardous wastes;
- Ensures they are disposed in an environmentally sound manner and as close to the source of generation as possible;
- Minimizes the International movement of hazardous wastes.

Challenges for AU-MSs

- New and used goods (non-trash) are not governed by the Basel Convention, nor do its rules cover all transboundary flows of waste. Only transboundary movements of hazardous waste are subject to the rigid framework it sets (the prior informed consent (PIC) procedure).
- Another issue with the Basel Convention is that it has substantial definitional gaps when it comes to the distinction between waste and non-waste as well as between hazardous waste and non-hazardous waste. A variety of hazardous shipments may be able to avoid the strict controls of the Convention as a result of this legal ambiguity.
- Prior to the most recent COP, solid plastic wastes were classified as non-hazardous waste, which meant they were exempt from the Convention's application and might perhaps not be considered waste at all.

Communication strategy

In order to ensure that the Basel Convention is being implemented, the Basel Action Network (BAN), a non-profit civil society group, acts as a consumer watchdog. Fighting the transfer of toxic waste, notably plastic trash, from industrialized cultures to developing Nations is one of BAN's main objectives. United States-based BAN has a partner office in the Philippines in addition to its headquarters in Seattle, Washington. By working to stop land dumping, incineration, the employment of jail labor, and transnational commerce in hazardous electronic trash, BAN hopes to reduce these issues.

3.5.15. Rotterdam Convention

Background

The Rotterdam Convention (formally, the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade) is a multilateral Treaty to promote shared responsibilities in relation to importation of hazardous chemicals. The Convention promotes open exchange of information and calls on exporters of hazardous chemicals to use proper labelling, include directions on safe handling, and inform purchasers of any known restrictions or bans. Signatory Nations can decide whether to allow or ban the importation

of chemicals listed in the Treaty, and exporting Countries are obliged to make sure that producers within their jurisdiction comply. Therefore, its effective implementation protects humans and the environment from adverse impact of chemicals at the Global level.

The objectives of the Convention are:

- To promote shared responsibility and cooperative efforts among Parties in the International trade of certain hazardous chemicals in order to protect human health and the environment from potential harm; and,
- To contribute to the environmentally sound use of those hazardous chemicals, by facilitating information exchange about their characteristics, by providing for a National decision-making process on their import and export and by disseminating these decisions to Parties.

Key Milestones of the Agreement

The dramatic growth in chemicals production and trade, raised both public and official concern about the potential risks posed by hazardous chemicals and pesticides. Countries lacking adequate infrastructure to monitor the import and use of these chemicals are particularly vulnerable. In response to these concerns, the United Nations Environment Programme (UNEP) and the Food and Agriculture Organization of the United Nations (FAO) started developing and promoting voluntary information-exchange programmes in the mid 1980's. FAO launched its International Code of Conduct on the Distribution and Use of Pesticides in 1985 and UNEP set up the London Guidelines for the Exchange of Information on Chemicals in International Trade in 1987.

The FAO Council (in 1994) and the UNEP Governing Council (in 1995) mandated their executive heads to launch negotiations which lead to the finalization of the text of the Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals in International Trade in March, 1998. The Convention was adopted and opened for signature at a Conference of Plenipotentiaries in Rotterdam on 10th September, 1998 and entered into force on 24th February, 2004. The first Conference of the Parties to the Rotterdam Convention (COP-1) was held in September, 2004 resulting in the addition of 14 new chemicals to Annex III and the adoption of a new section (Annex VI) on arbitration and conciliation.

Key Contentious Issues in the Agreement

- The requirement for a Party to inform other Parties of each National ban or severe restriction of a chemical;
- The possibility for Party which is a developing Country or a Country in transition to inform other Parties that it is experiencing problems caused by a severely hazardous pesticide

formulation under conditions of use in its territory;

- The requirement for a Party that plans to export a chemical that is banned or severely restricted for use within its territory, to inform the importing Party that such export will take place, before the first shipment and annually thereafter;
- The requirement for an exporting Party, when exporting chemicals that are to be used for occupational purposes, to ensure that an up-to-date safety data sheet is sent to the importer; and,
- Labelling requirements for exports of chemicals included in the PIC procedure, as well as for other chemicals that are banned or severely restricted in the exporting country.

Current ratification and implementation Status in Southern and Eastern Regions of Africa

There are 6 signatories to the Convention although 21 MSs have ratified and accented to the Convention. Three Members from the two Regions are not signatories and have not ratified the Convention.

Communication strategy

Receptive Countries are required to report to the secretariat of actions taken in line with provisions provided in the annexes to the Convention.

Obligation under the Agreement

- The Convention creates legally binding obligations for the implementation of the Prior Informed Consent (PIC) procedure. It built on the voluntary PIC procedure, initiated by UNEP and FAO in 1989 and ceased on 24 February, 2006.
- The Convention also calls for development and implementation of appropriate National legislative or administrative measures to ensure timely decisions with respect to the import of chemicals listed in Annex III.
- The Convention holds as final the decision made by the state in pursuant to legislative or administrative measures in place.

Contentious issues of the Convention

a. Import of the chemical from any source;
b. To consent to import;
c. Not to consent to import or to consent to import only subject to specified conditions; and,
d. Domestic production of the chemical for domestic use, and management of waste thereof.

Steps needed to fully implement the Agreement nationally

- Actively participate in the Cops, in order to build capacity and get updated information about the implementation of the Convention;
- Develop appropriate National legislative or administrative measures to ensure timely decisions with respect to the import of chemicals listed in Annex III; and,
- Collect information on the current status and use of hazardous Pesticides and Industrial Chemicals (Chemicals listed in Annex III of the convention) in the Country.

3.5.16. Stockholm Convention

Background

Stockholm Convention is related with Persistent Organic Pollutants (POPs) that are a group of man-made organic compounds that are resistant to environmental degradation through Chemical, Biological, and Photolytic processes. Key elements of the Convention include the requirement that developed Countries provide new and additional financial resources and measures to eliminate production and use of intentionally produced POPs, eliminate unintentionally produced POPs where feasible, and manage and dispose of POPs wastes in an environmentally sound manner. Precaution is exercised throughout the Stockholm Convention, with specific references in the preamble, the objective, and the provision on identifying new POPs. The Convention aims to eliminate the production, use and emissions of POPs while preventing the introduction of new chemicals with POP-like characteristics and ensuring the environmentally sound destruction of POPs waste stockpiles.

Key Milestones

The POPs chemicals and the pollution linked with their manufacture, transport, storage, handling, use, and disposal as well as unintentional releases, have raised a great concern and has led to the adoption of the Stockholm Convention in May, 2001.

In 1995, the Governing Council of the United Nations Environment Programme (UNEP) called for Global action to be taken on POPs, which it defined as "chemical substances that persist in the environment and pose a risk of causing adverse effects to human health and the environment".

Following this, the Intergovernmental Forum on Chemical Safety (IFCS) and the International Programme on Chemical Safety (IPCS) prepared an assessment of the 12 worst offenders, known as the dirty dozen.

The INC met five times between June, 1998 and December, 2000 to elaborate the Convention, and delegates adopted the Stockholm Convention on POPs at the Conference of the Plenipotentiaries convened from 22–23 May, 2001 in Stockholm, Sweden.

Current Status of implementation

The Convention entered into force on 17th May, 2004 with ratification by an initial of 128 Parties and 151 signatories. Co-signatories Agreed to outlaw nine of the dirty dozen chemicals, limit the use of DDT to malaria control, and curtail inadvertent production of dioxins and furans. As of March, 2016, there are 181 Parties to the Convention, (180 States and the European Union). Notable non-ratifying states include the United States, Israel, Malaysia, and Italy. Among Countries in the South and Eastern Regions of Africa, 16 MSs are signatories, and all the 24 have accented and ratified the Convention.

Steps needed to fully implement the Convention

- Parties to the Stockholm Convention are required to prepare National Implementation Plans (NIPs) for management of industrial waste in respect to POPs. Subsequently, obsolete chemicals have to be disposed of, and this should go hand in hand with training and awareness raising on POPs;
- With addition of a new set of chemicals to the previous 12 POPs chemicals, parties were required to update their NIPs;
- AU-MSs are also required to take actions and report on chemicals and processes which possibly cause formation of dioxin precursors and then dioxin/furan emissions; and,
- Properly managed disposal of PCBs and DDT and strengthening of institutional and legal frame for POPs chemicals.

Communication Strategy

Member States are required to prepare and submits NIPs periodically or and when updated.

Obligations of AU-MSs under the Agreement

Each party to Stockholm Convention is required to Prepare a NIP, so as to:

- Take measures to reduce or eliminate releases from intentional and unintentional production and use;
- Review and update, as appropriate, its implementation plan on a periodic basis and in a manner to be specified by a decision of the Conference of the Parties; and,
- Establish a means to integrate National implementation plans for POPs in their sustainable development strategies where appropriate.

Steps Needed to fully implement the Agreement at National level

Develop NIP and implement it accordingly and locally while creating cooperation with development partners.

3.5.17. Sustainable Fisheries Partnership Agreements (SFPAs)

Background

Sustainable fisheries partnership Agreements (SFPA) with non-EU Countries are negotiated and concluded by the Commission on behalf of the EU. SFPAs have gained recognition as a benchmark for good fisheries governance. While SFPAs allow EU vessels to fish for surplus stocks in the Exclusive Economic Zone (EEZ) of third Countries, they ensure equal rules, scientific management and social empowerment, with a focus on environmental sustainability, local growth, human rights and shared accountability. There are two main types of Agreements; 1) tuna agreements – allow EU vessels to pursue migrating tuna stocks as they move along the shores of Africa and through the Indian Ocean; and, 2) mixed agreements – provide access to a wide range of fish stocks in the partner Country's Exclusive Economic Zone.

Key milestones of the Convention

- The SFPA also focus on resource conservation and environmental sustainability, ensuring that all EU vessels are subject to the same rules of control and transparency; and,
- At the same time, a clause concerning respect for human rights has been included in all protocols to fisheries Agreements.

Contentious issues in Agreement

- Access to highly migratory species that are within protected areas or zones; and,
- Sharing of the proceeds from foreign fishing.

Current status of signing, ratification, adoption and implementation

The EU has currently one type of SFPA protocols in force with third countries in the South and Eastern Regions of Africa, that is, the tune Agreements with Seychelles and with Mauritius. There is no Country in the two Regions engaged in the 'mixed agreements. The EU has also 2 "dormant" Agreements with Countries in the Region, that is, Madagascar and Mozambique. "Dormant Agreements" stand for Countries that have a Fisheries Partnership Agreement which is still in force but there is no implementing protocol in force. EU vessels are therefore not allowed to fish in waters under the regime of the dormant Agreements.

AU-MSs obligations under the Convention

- Monitor the fishing activities of EU vessels and ensure they are complying to measures put in place for conservation of the resources; and,
- Apply the funds received from the SFPAs to enhanced management and conservation of the marine resources.

Benefits to AU-MSs implementing Convention

- Access to resources for conservation of key marine resources; and,
- Technical and financial support from EU for enhanced benefit, utilization and conservation of the marine resources.

Challenges for AU-MSs

Lack of technological infrastructure and technical and managerial capacity to monitor the implementation of the Agreements and associated protocols.

Communication strategy

Participating AU-MSs are required to monitor the activities of the EU fishing ships and report to agreed joint technical committees on the performance of the Agreements.

3.5.18. Treaty on the prohibition of the emplacement of nuclear weapons and other weapons of mass destruction on the seabed and ocean floor and in the subsoil thereof (Seabed Treaty)

Background

The Seabed Arms Control Treaty (Seabed Treaty), formally the Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Sea-Bed and the Ocean Floor and in the Subsoil thereof, is a multilateral agreement between 96 countries that bans the emplacement of nuclear weapons or "weapons of mass destruction" on the ocean floor beyond a 12-mile (22.2 km) coastal zone. It allows signatories to observe all Seabed "activities" of any other signatory beyond the 12-mile zone to ensure compliance.

Like the Antarctic Treaty, the Outer Space Treaty, and the Nuclear-Weapon-Free Zone Treaties, the Seabed Arms Control Treaty sought to prevent the introduction of International conflict and nuclear weapons into an area hitherto free of them. Reaching Agreement on the Seabed, however, involved problems not met in framing the other two Agreements.

In the 1960s, advances in the technology of oceanography and greatly increased interest in the vast and virtually untapped resources of the Ocean floor led to concern that the absence of clearly established rules of law might lead to strife. And there were concurrent fears that nations might use the Seabed as a new environment for military installations, including those capable of launching nuclear weapons.

In keeping with a proposal submitted to the U.N. Secretary General by Ambassador Pardo of Malta in August, 1967, the U.N. General Assembly, on 18th December, 1967, established an ad hoc committee to study ways of reserving the seabed for peaceful purposes, with the objective of ensuring "that the exploration and use of the seabed and the ocean floor should be conducted in accordance with the principles and purposes of the Charter of the United Nations, in the interests of maintaining international peace and security and for the benefit of all mankind." The Committee was given permanent status the following year.

At the same time, seabed-related military and arms control issues were referred to the Eighteen Nation Committee on Disarmament (ENDC) and its successor, the Conference of the Committee on Disarmament (CCD). In a message of 18th March, 1969, President Nixon said the American delegation to the ENDC should seek discussion of the factors necessary for an international agreement prohibiting the emplacement of weapons of mass destruction on the seabed and ocean floor and pointed out that an agreement of this kind would, like the Antarctic and Outer Space treaties, "prevent an arms race before it has a chance to start."

Key milestones of the Convention

- Control of use of the seabed for dangerous activities that can have adverse impact on aquatic biodiversity;
- Check on the proliferation of weapons of mass destruction.

Contentious issues in Agreement

- Maritime Security issues such as the prospects of piracy and terrorism against ships engaged in deep Seabed mining (DSM) activities, and DSM activities that could actually raise issues as regard environmental security; and,
- From a focus on naval Sea power, piracy and armed robbery at Sea, there is increasingly an expansion of the scope of what falls within maritime security.

Current status of signing, ratification, adoption and implementation

The Seabed Arms Control Treaty was opened for signature in Washington, London, and Moscow on 11th February, 1971. It entered into force 18th May, 1972, when the United States, the United Kingdom, the Soviet Union, and more than 22 Nations had deposited Instruments of ratification. As of October, 2018, 94 current States are Parties to the treaty, while another 21 have signed the Treaty but have not completed ratification. Among the South and Eastern AU-MSs, Madagascar, Sudan, Tanzania and Burundi are only signatories. While Zambia, Seychelles. Eswatini, South Africa, Rwanda, Lesotho and Botswana have ratified the Convention.

AU-MSs obligations under the Convention

- Undertake not to implant or emplace on the Seabed and the Ocean floor and in the subsoil thereof beyond the outer limit of a Sea-bed zone, as defined in article II, any nuclear weapons or any other types of weapons of mass destruction as well as structures, launching installations or any other facilities specifically designed for storing, testing or using such weapons; and,
- Undertake not to assist, encourage or induce any State to carry out activities referred to in paragraph 1 of this article and not to participate in any other way in such actions.

Benefits to AU-MSs implementing Convention

Continued objection to nuclear arms proliferation and use, and monitoring such activities if the technical capacity and resource are made available.

Challenges for AU-MSs

- Lack of technical capacity and infrastructure to monitor and access such activities in the oceans; and,
- Lack of resources to undertake required activities within the Convention.

Communication strategy

Reporting is an obligation of the MSs as Parties to the Convention. Reports are made to the secretariat of the Convention.

3.5.19. The International Convention on Oil Pollution Preparedness, Response and Co-operation 1990 (OPRC 90)

Background

Other Conventions and protocols generally emphasis prevention practices and initiatives so as to eliminate or reduce the risk of oil pollution from ships. The International Convention on Oil

Pollution Preparedness, Response and Co-operation, 1990 (OPRC 90), goes beyond prevent the risks and provides for effective preparedness measures to be put in place that will ensure a timely and coordinated response to limit the adverse consequences of pollution incidents involving oil and hazardous and noxious substances (HNS). The OPRC 90 is the International Instrument that provides a framework designed to facilitate International co-operation and mutual assistance in preparing for and responding to major oil pollution incidents. The Protocol on Preparedness, Response and Co-operation to Pollution Incidents by Hazardous and Noxious Substances, 2000 (OPRC-HNS Protocol) extends this regulatory framework to address pollution incidents involving hazardous and noxious substances, i.e., chemicals.

Key milestones of the Convention

In addition to ensuring that the Member States put in place measures to prepare, respond and cooperate in case of oil pollution of HNS pollution, the OPRC 90 has also led to development of other Treaties to guide the management and compensation against the effects of pollution:

- International Convention on Oil Pollution Preparedness, Response and Co-operation;
- International Conventions addressing civil liability and compensation for oil pollution damage; and,
- International Convention addressing liability and compensation for damage in connection with HNS.

Contentious issues in Agreement

- Cost and responsibility of the cleaning up after the pollution incidents; and,
- Management and coordination of the activities

Current status of signing, ratification, adoption and implementation

Only two members in AU-MSs of South and Eastern Regions have accented to the OPRC 90 Convention.

AU-MSs obligations under the Convention

States which are Party to OPRC 90 and OPRC-HNS Protocol are required to establish a national system for responding to oil and HNS pollution incidents, including a designated National authority, a National operational contact point and a National contingency plan. This needs to be backstopped by a minimum level of response equipment, communications plans, regular training and exercises.

Benefits to AU-MSs implementing Convention

a. Access to an International platform for co-operation and mutual assistance in preparing for

and responding to major oil and HNS pollution incidents, and a mechanism for establishing co-operative arrangements with other State Parties;

b. A means for urgently accessing relevant technical assistance and response resources in the event of an oil or HNS incident;
c. A framework for the development of National and Regional capacity to prepare for, and respond to, oil and HNS incidents;
d. Participation in a network for the exchange of new research and development information, best practices and practical experiences in oil and HNS response; and
e. Access to training and support for developing the essential preparedness and response structures and legislation, at National and Regional levels, through IMO's Integrated Technical Cooperation Programme (ITCP).

Challenges for AU-MSs

- Lack of technical capacity and infrastructure to manage such incidents; and,
- Lack of resources to respond to incidents of significant magnitude.

Communication strategy

In terms of reporting, Member States are required to provide to IMO, directly or through the relevant Regional organization or arrangements:

- Information on responsible authorities and entities, information concerning pollution response equipment and expertise in disciplines related to pollution response and marine salvage which may be made available to other States upon request and its National contingency plan (Article 6 of the OPRC 90 and Article 4 of the OPRC-HNS Protocol);
- Copies of bilateral or multilateral Agreements for oil pollution preparedness and response (Article 10 of the OPRC 90 and Article 8 of the OPRC-HNS Protocol); and
- Article 4 of the OPRC Convention reaffirms the oil pollution reporting requirements defined under the MARPOL Convention.

In addition to the requirement for implementing national response systems, the two Instruments also promote cooperation amongst Parties through the establishment of bilateral and multilateral Agreements to augment National-level response capacity, when needed. Most importantly, OPRC 90 and OPRC-HNS Protocol 2000 provide the mechanism for Parties to request assistance from any other State Party, when faced with a major pollution incident.

3.5.20. African Charter on Maritime Security and Safety and Development in Africa (Lomé Charter)

Background

The African Union Extraordinary Summit, which took place in Lomé, Togo, in October, 2016, produced the African Charter on Maritime Security, Safety, and Development in Africa (also known as the Lomé Charter). The purpose of the Lomé special session was to advance the objectives for the African blue economy and maritime security by building on the outcomes of earlier summits held in Yaoundé (June, 2013) and the Seychelles (February, 2015).

The objectives of the present Charter shall be to:

a. prevent and suppress national and transnational crime, including terrorism, piracy, armed robbery against ships, drug trafficking, smuggling of migrants, trafficking in persons and all other kinds of trafficking transiting through the sea and IUU fishing;
b. protect the environment in general and the marine environment in the space of coastal and insular States, in particular;
c. promote a flourishing and sustainable Blue/Ocean Economy;
d. promote and enhance cooperation in the fields of maritime domain awareness, prevention by early warning and fight against piracy, armed robbery against ships, illicit trafficking of all kinds, the pollution of the seas, cross-border crime, international terrorism and the proliferation of small arms and light weapons;
e. establish appropriate National, Regional and Continental institutions and ensure the implementation of appropriate policies likely to promote safety and security at sea;
f. promote the inter-agency and transnational coordination and cooperation among Member States, within the spirit of the African Peace and Security Architecture of the African Union;
g. boost the implementation of the 2050 AIM Strategy in conformity with International Maritime Law;
h. promote the training and capacity building of the maritime, port and industrial sector, for safe and responsible use of the · maritime domain;
i. cooperate in the field of Search and Rescue in line with the IMO SOLAS Convention;
j. Further sensitize communities living next to Seas for sustainable development of African coastline and biodiversity;
k. To promote and protect the right of access to the Sea of landlocked Countries in accordance with the provisions of this Charter, the legal instruments of the AU and other Regional and International Instruments; and,
l. To raise the level of social welfare of the concerned population.

Key milestones of the Convention

There are three major reasons why the Lomé Charter is significant. First, it transforms the African maritime security agenda from a primarily soft law, non-binding approach—as evidenced by crucial documents like the 2014 adoption of the 2050 Africa's Integrated Maritime Strategy (AIM Strategy) or the 2013 Yaoundé Code of Conduct—to a hard law, legally binding treaty approach. Second, it highlights the critical connections between maritime security and safety as well as the enormous potential for using marine environments and resources as a major engine of Africa's economic and social growth. Third, it offers a definite description of the blue/ocean economy, albeit one that is couched in quite broad terms.

Brings the prospects and potential for blue growth to the limelight. The Blue/Ocean Economy is described in Article 1 of the Charter as "sustainable economic development of Oceans using such technics as Regional development to integrate the use of seas and Oceans, coasts, lakes, rivers, and underground water for economic purposes, including, but not limited to, fisheries, mining, energy, aquaculture, and maritime transport, while protecting the sea to improve social wellbeing."

Contentious issues in Agreement

Current status of signing, ratification, adoption and implementation

AU-MSs obligations under the Convention

In terms of fisheries and aquaculture resources:

a. Each State Party shall implement appropriate fisheries and aquaculture Policies for the conservation, management and sustainable exploitation of fish stocks and' other biological resources;
b. Each State Party shall carry out the necessary reforms for good governance in the fishery sector and the promotion of continental fishing and aquaculture to contribute' to the creation of employment in the sector, reduce food insecurity and malnutrition and promote economic diversification; and,
c. Each State Party shall take appropriate measures to effectively combat IUU fishing activities within the framework of its respective national jurisdictions and to take legal steps aimed at prosecuting the perpetrators engaged in IUU fishing

In terms of protection of marine biological species, fauna and flora each State Party shall preserve the marine environment and protect the biological species of marine fauna and flora in the development process.

In terms of toxic and hazardous waste dumping

a. Each State Party shall develop a mechanism for the detection, prevention and reporting of marine pollution, particularly through the dumping of toxic and hazardous waste; and,
b. Each State Party shall prohibit the import, export, handling, accumulation or dumping of trans-boundary hazardous waste, including radioactive materials, chemical and organic waste in conformity with provisions of the Bamako and Basel Conventions.

In terms of prevention of illegal exploitation and theft of marine resources

a. Each State Party shall endeavour to prevent and effectively fight the illegal exploitation arid, theft. of marine resources in its respective maritime territory;
b. Each State Party shall prohibit trade in products derived from illegal exploitation and plundering of marine resources within its maritime domain; and,
c. Each State Party shall prohibit trade in products derived from illegal exploitation and plundering of marine resources from any State Party.

In terms of maritime disaster risk management each State Party shall develop an integrated multi-sectoral and multidisciplinary strategy for ensuring disaster risk management and reducing the severity and impacts of a disaster.

In terms of cooperation in fishing and aquaculture

a. State Parties shall cooperate in order to ensure the sustainability of marine biodiversity; and,
b. State Parties shall cooperate within the framework of the Fisheries Committees established by its Regional competent bodies and specialized institutions in order to strengthen and promote sustainable management of fishery resources.

In terms of cooperation in the exploitation of the maritime domain;

State Parties shall cooperate at National, Regional and Continental levels, in:

a. developing and exploiting marine resources in their territorial waters through scientific and technological exchanges, partnerships for research and innovation, as well as the promotion and strengthening of the blue/ocean economy; in accordance with relevant International principles and standards;
b. facilitating business partnerships in the maritime domain; and,
c. harnessing state of the art technologies, in conformity with the African Space Policy and Strategy and other relevant Instruments for maritime security and safety.

Benefits to AU-MSs implementing Convention

a. The prevention and control of all transnational crime at sea, including terrorism, piracy, armed robbery against ships, drug trafficking, smuggling of migrants, trafficking in persons and all other kinds of trafficking, IUU fishing, prevention of pollution at sea and other unlawful acts at sea, under the jurisdiction of a State Party in its area of responsibility;
b. All measures to prevent or minimize accidents at sea caused by ships or crew or aimed at facilitating safe navigation; and,
c. All measures for the sustainable exploitation of marine resources and optimization of the development opportunities of sectors related to the Sea.

Challenges for AU-MSs

- The ratification of Treaties by AU Member States has a reputation for being a sluggish and drawn-out procedure, which makes it difficult for Treaties to enter into force and become legally obligatory for Member States;
- Implementation difficulty. The Lomé Charter must be embraced by all AU Member States in order to accomplish the crucial task of implementation; and,
- Third, the issue of effective coordination must be addressed right away in order for the Charter to fulfill its purpose as a tool for the growth of the African Blue Economy. The Blue Economy is diverse and multidimensional by its very nature. The creation of a high-profile department or unit inside the AU is urgently required in order to coordinate the numerous facets of the African Blue Economy and maintain cohesion.

Communication strategy

AU-MSs are responsible for preparation and submission of periodic reports to the AU on planned developments and activities, as well as outputs related to this Convention.

3.5.21. Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITIES).

Background

The Convention on International Trade in Endangered Species of Wild Fauna and Flora, or CITES, was ratified by governments from nearly all the Countries. Its objective is to ensure that the International trade in specimens of wild animals and plants does not put the species' continued existence in peril. Members of the IUCN decided to establish CITES during a meeting in 1963. (The World Conservation Union). Officials from 80 Countries finally came to an agreement on the Convention's wording on March 3, 1973 in Washington, D.C., United States of America. CITES became active on July 1st, 1975. Given the general knowledge of many well-known species, including

the tiger and elephants, being endangered, the need for such a Convention might appear obvious. But when the early ideas for CITES were formed in the 1960s, there wasn't much discussion on how to control the trade in wildlife for conservation. In hindsight, the necessity of CITES is clear. The International wildlife trade, which is expected to be worth billions of dollars, is thought to involve the trading of millions of plant and animal specimens each year. A wide range of products generated from wildlife, including food, unusual leather goods, musical Instruments made of wood, timber, tourist souvenirs, and medications are all included in the commerce. This includes living animals and plants as well.

Key milestones of the Convention

- Due to the heavy exploitation of some animal and plant species, trade in them, together with other factors like habitat degradation, has the potential to significantly diminish their populations and even put some species perilously close to extinction. The requirement of a sustainable trading arrangement established a reasonable safeguard for these resources over the long term, even if many of the traded animal species are not endangered;
- Since the trade in wild animals and plants crosses National boundaries, safeguarding some species from over-exploitation required international cooperation. CITES was established to promote this kind of collaboration. Whether they are traded as live animals, fur coats, or dried plants, more than 37,000 species of animals and plants are now protected to varying degrees.

Contentious issues in Agreement

- Contrary to more recent International Conventions, CITES does not specifically include incentives intended to reduce the costs of putting the Treaty into effect. But CITES has also implemented a number of allegedly "novel or good" trade policies during the course of its existence;
- The destruction of trophies confiscated or held from endangered game and rare species; and,
- CITES and livelihoods, widening the discussion, and reaching out to rural communities.

Current status of signing, ratification, adoption and implementation

CITES has long been one of the conservation agreements with the broadest membership, with 184 Parties now participating.

AU-MSs obligations under the Convention

- Are required to put in place policy and regulatory frameworks for trade in endangered and rare species;

- Are required to capture and recorded data on activities and products involving trade in endangered species or specimens in accordance with the Convention;
- MSs are required to prepare annual reports on CITES implementation and share these with the CITES Secretariat. The reports should contain a summary of the information specified in sub-paragraph (b) of paragraph 6 of this Article; and a biennial report on legislative, regulatory and administrative measures taken to enforce the provisions of the present Convention; and,
- MSs are required to designate or establish one of more Management Authorities for issuing trade permits in game.

Benefits to AU-MSs implementing Convention

- Government to government certification system;
- Assistance in combating illegal trade and over-exploitation;
- Regulation of International trade with positive impacts on populations of species; supports species conservation and management;
- Global system accepted and controlled worldwide, among 181 Parties;
- Participation and right to vote at triennial Conference of the Parties;
- Information and intelligence sharing on wildlife trade;
- Brings together government sectors (agriculture, fisheries, forestry, trade, customs, law enforcement, etc.);
- Private sector contribution is also encouraged through Internationally agreed licensing arrangement;
- Technical assistance/support in making legal acquisition findings (LAF), non-detriment findings (NDF) and in combating illegal trade;
- Support in drafting legislation through the national legislation project;
- Species-based interagency support (FAO-CITES sharks project, CITES-ITTO timber project); and,
- Tailored assistance to new Parties and other capacity building opportunities.

Challenges for AU-MSs

- Different states, especially those with unique fauna and flora have raised funding from both private and public sectors for protection of key biodiversity and putting in place frameworks for trade in endangered species;
- Entanglement with livelihoods of the poor. There has always been a clash with communities that are dependent on the endangered game or endangered game's habitats for their livelihoods;
- Illegal and unsustainable trade. Many rare and endangered species are deliberately targeted even under the CITES policy and regulatory frameworks;

- African divide on trade of trophies. Whereas other Countries, especially in Eastern Africa demand a total ban on trade in wild game trophies, those in southern Africa have argued that through CITES and appropriate regulations, trade in trophies should be opened up; and,
- Parties seeking exception for common trophies. Many Countries argue that there is no justification for including exceptions in CITES for trade in common trophies of non-endangered species.

Communication strategy

Each Party is required to submit an annual report on its CITES trade that includes a summary of details on, among other things, the quantity and type of permits and certificates that were issued, the States with which such trade occurred, the types and quantities of specimens, and the names of the species listed in Appendices I, II, and III. Without acceptable cause, three years without an annual report could result in the Standing Committee recommending to all Parties that trade relations with the offending Party be suspended.

3.5.22. Identified local benefits for the different ratified instruments

Table 3 1 lists a number of local benefits that respondents identified as being derived from signing, ratification, adoption, and implementation the identified Regional and Global Instruments for conservation of aquatic biodiversity. Among key benefits cited are exchange and sharing information between MSs, for the different instruments by the State actors in the AU-MSs surveyed. Most come themes running through the benefits are information exchange and networking, cooperation among Countries/Parties in implementation, Government to government support; financial and technical support, and use of the guidelines for managing local situations or shaping drafting of local guidelines and regulations for aquatic biodiversity management and conservation. It is clear that all actors view the Regional and International Instruments as relevant and of significant importance in aquatic biodiversity conservation.

3.5.23. Challenges in ratification, adoption (domestication) and implementation of Continental and Global Instruments for conservation of aquatic biodiversity

1. Ratification

The following problems were identified by representatives of the AU-MSs in the South and Eastern Regions of the Continent:

a. Difficulty in securing political commitment since the initial process of ratification is largely political;

b. Limited or lack of 'Conference of Parties' or concerned agencies support in ratification process beyond securing signatures;
c. Lack of knowledge and professional expertise in Ministry responsible for ratification, usually Foreign Affairs, to spearhead and coordinate the ratification process;
d. Lack of quantitative and qualitative scientific information to MS on the existing aquatic biodiversity benefits for ratification and implementation of Global Instruments;
e. AU-MS Policy makers not prioritizing blue economy sectors (especially fisheries and aquaculture) into national development plans hence financing becomes a challenge;
f. Global and Continental Depositories of binding Instruments' failure to follow-up and guide the MS on implementation processes; and,
g. Limited collaboration especially on transboundary aquatic biodiversity conservation and on resources that are beyond national jurisdiction.

2. Domestication

The challenges cited by representatives of the AU-MSs in the South and Eastern Regions of the Continent for adoption of the Continental and Global Instruments were the following:

Difficulty in engaging the several sectors and different stakeholders in the implementation, debate and to focus on the gaps in existing legislation and planned actions/activities;

a. Little or no attention paid to economic activities of the developing communities and attendant communities by the depositories;
b. Global and Continental Depositories of binding Instruments failure to follow-up and guide the MS on domestication and implementation processes;
c. Several important issues (such as genetic erosion in isolated populations; genetic aspects of introduced species; consequences of invasions by alien species) are only marginally considered in most national strategies;
d. Failure for MS to appreciate the economic/genetic benefits that accrue from domestication and implementation of Global Instruments, to clearly push the agenda forward;
e. Access to genetic resources and national property rights were seen as an area of ongoing International negotiation. Most National strategies make no commitments on this issue; and,
f. Because of the cross-cutting nature of the issues, of specific Conventions', contents do not fall under the purview of the traditional sectoral competencies that currently exist; and information is scanty in regards to the respective existing institutions that are responsible.

3. Implementation

Several challenges were raised by AU-MSs as to the implementation of the ratified Continental and Global Instruments for conservation and management of aquatic biodiversity. These include the following:

1. Lack of political commitment and insufficient public awareness.
2. Lack of guidelines for implementation and even for collaboration mechanism hence, difficulty in developing indicators for achieving biodiversity objectives that may contradict those for industrial, agricultural and or forestry development.
3. Lack of budgetary resources for implementation of numerous conventions.
4. Lack of adjacent community committees and networks that would act as stewards and or champions for the respective Global Instruments.
5. Existence of significant and several gaps in National Policies, legislations, strategies, plans and programs of action for implementation of domesticated actions.
6. Modifying/adjusting and alignment of economic Policies and indicators at the Regional and sub-regional (RECs) levels have made little progress in regards to ratification, adoption and or implementation of relevant Instruments for aquatic biodiversity conservation.
7. Global and Continental Depositories of binding Instruments' failure to follow-up and guide the MS on implementation processes.
8. For many Conventions, there are political challenges/difficulties in determining the Government Directorates/Department or sector responsible for the coordination of activities in elaborating the National Strategy.
9. The interval between successive COPs is too short to achieve the objectives;
10. National institutions have limited capacity hence a heavy workload because of numerous or need to implement both existing and new conventions on biodiversity; and because of this, National institutions are bogged down with need for new communication and coordination of tasks regarding the increased number of policy issues;
11. Roles, Duties of Directorates/Departments other than environment and fishery are difficult to define in regards to aquatic biodiversity, creating a challenge to assign responsibilities for coordination of the ratification, adoption and or implementation;
12. Creating and implementing sustainable use strategies for various industries and sectors based on aquatic resources is challenging, and choice of Instruments to guide such industries in aquatic biodiversity conservation is normally not available and or not formulated;
13. Overall planning framework for biodiversity has become rather complex, and not all initiatives pertinent to the specific Convention's implementation are always explicitly identified as being a part of the National strategy for biological diversity;

14. Lack of operational networks among scientists and organizations that address pertinent issues at the national and/or Regional levels, as well as a lack of funding for pertinent joint undertakings of planned activities, makes challenging for MSs to adopt relevant Instruments;
15. Lack of methodologies and standards for assessing the value and status of aquatic biodiversity, and appropriate International Instruments for conservation of such biodiversity, and;
16. General approaches are either extremely Country-specific or too broad to allow for multiple interpretations, making implementation varied and challenging to coordinate between sectors and across borders.

3.5.24. Expert suggested solutions to challenges in ratification, adoption and implementation of Regional and Global Instruments.

1. Ratification

In terms of solutions to the ratification process, the following were developed by the expert/ consultant in response to the observed challenges:

1. AU should facilitate sub-regional regional conferences/meetings for promotion of and use of sub-regional, Regional and Global peer pressure and from the 'Conference of Parties' for ratification of key Instruments;
2. AU-MSs in the Regional should seek and source Government to Government support for cross-sectoral engagement and coordination at National and sub-regional levels level in identification and adoption of key Instruments; and,
3. AU should mobilize resources and technical assistance to support AU-MSs to conduct valuation of the benefits of ratification, domestication and implementation of Global Instruments and establishment of sub-regional and National committees to push/coordinate the ratification of selected key Instruments.

2. Adoption

a. AU should organize sub-regional conferences of responsible agencies including technical officers from ministries of foreign affairs as pertains to the different key Instruments, so as to sensitize, create awareness, and engage MSs on the benefits of ratifying, adopting and implementing Continental and Global Instruments. This should target AU-MSs heads of MDAs responsible for generating the need to ratify, domesticate and implement Global Instruments;
b. AU should mobilize resources and technical assistance to support MSs to develop National strategic frameworks and platforms involving cross-sectoral participation and ownership for

the review of the ratification and implementation processes of the Continental and Global Instruments for aquatic biodiversity conservation; and,

c. AU should establish a unit within the AUC to liaise with secretariats and or depositories

3. Implementation

a. Establishment of an African chapter on the Global Instruments especially on the UN binding Instruments in order to facilitate a close monitoring, guidance and implementation as well as resources mobilisation and information sharing;
b. Development of action plans so as to translate the National Policies and strategies into actions with measurable targets for the different actors and stakeholders;
c. Development of guidelines for implementation of specific Global Instruments;
d. Development of indicators as a basis for monitoring, audit and refocusing objectives of different national and community level plans/programs and actions;
e. Fostering good practice in implementation and management of aquatic biodiversity;
f. Preferably the schedule of action should be for every three years as that between COPs is normally short to achieve stated objectives; and,
g. Financial mechanisms for specific Convention's implementation should be viewed within a regional or sub-regional framework, that also includes a sharing mechanism, and AU should consider putting in place a framework akin to the UN GEF for supporting

3.5.25. National policy and regulatory framework put in place to facilitate implementation of ratified instruments

AU-MSs in the South and Eastern Regions indicated that they had Policies and regulatory Instruments and or strategies in place to support the implementation of some of the key Continental and Global Instruments for conservation and management of aquatic biodiversity. The issue was the resources and means of implementing and or enforcing the regulatory frameworks and Policy measures due to lack of technical capacity and resources. All AU-MSs indicated that they were facing challenges implementing these Instruments for a number of reasons prominent of which is lack of financial resources and technical capacity to implement the contained measures. As such, whereas many have the Statutory Instruments and Policies to that effect, the actual implementation is rated as low by respondents from the AU-MSs, citing mainly lack of resources, limited technical capacity and poor or lack of state level coordination of the different affected or concerned sectors. It should be noted however, that there are also a number of such Global Instruments which have been ratified but lack the National level Policy and regulatory frameworks to support their implementation.

Table 3 4: *Existence of Policies, Laws and regulations to support implementing of key Regional and Global Instruments for conservation of aquatic biodiversity*

Existence of policy and regulatory framework in support of ratified Instruments	Number	Percent
YES	24	100
NO	0	0
Total	**24**	**100**

The AU-MSs indicated that most of the pertinent National Policies, Laws, proclamations, and regulations, pertinent for conservation of aquatic biodiversity, were outdated and in need of harmonizing with other newer National laws and policies including constitutions at national level, and also at sub-regional and Regional levels, so as to be effective. In some MSs, the required Policies and regulations are totally lacking and need to be developed so as to be able to implement the ratified key Instruments. A number of MSs also raised the fact that even some of their most recent Policies, Laws, proclamations and regulations, may need to be reviewed so that they can take into consideration the relevant measures and guidance of the Regional, Continental, and Global Instruments. Nearly all AU-MSs in the South and Eastern Regions of the Continent, that they need technical and financial support for the review, amendment, promulgation and awareness raising, while conducting all the steps like stakeholder involvement, validation, and final draft presentation for the legal framework document. MSs also raised the need to foster sub-regional and Regional cooperation in implementation of the ratified Instruments. This was said to be due to the transboundary and or cross-border nature of some of the targeted aquatic resources and contained biodiversity.

3.6. Steps that are followed in your Country in ratification, adoption and implementation of the Global instruments

The AU-MSs cited nearly a common approach for ratification and implementation of Global Instruments. The effort is led by the Government Ministry responsible for foreign affairs, which consults responsible technical agencies and prepares a Cabinet Memorandum in consultation with the line (relevant) Ministries. Once passed by Cabinet, the line ministries are directed to conduct consultations with the wide stakeholders for concurrences. The outcome is presented as Government draft Policy, and once passed, the Ministry responsible for foreign affairs formulates the Instruments for ratification of the Instrument and transmission and submission of accession Instrument to secretariat of the CoPs or to the depository of that instrument. Adoption of the International Instrument follows the similar steps above but it must be approved by the different forms of National assemblies and accented to by the Heads of State following rigorous consultation with all the relevant stakeholders. Instruments requiring sub-Regional and or Regional cooperation when drafted will need wider National stakeholder's validation by the concerned National Ministry and the National experts.

Sudan: Variations of the above approach are more in the detail of technical consultations and approval stages. For example, in Sudan, the process starts with the High Council of Environment and Living Resources, which has the responsibility of facilitating the ratification of any new Convention regarding environmental matters. The Council works through focal point specialist in various field of sciences. After approval by specialists, the instrument is discussed by special group of the target institutions, which have the mandate and responsibility to adopt and implement the Instrument. The views gathered are then deliberated by the High Council for Environment Management, which if approves passes on the Instrument with guidance to Ministers' Council for consideration and ratification.

Kenya: Kenya has enacted a Law that elaborates in detail the process for ratification of International Treaties. In fact, the Treaty Making and Ratification Act, 2012 (amended in 2014 and 2018) gives effect to Article 2 (5) of the Constitution of Kenya 2010 which provides that any Treaty or convention ratified by Kenya shall form part of the Law of Kenya: "Art 2(5) The Act provides that when the Government intends to ratify a Treaty, the Cabinet Secretary of the relevant State department must, after consulting with the Attorney-General, submit to the Cabinet the said Treaty, together with a memorandum outlining the objects and subject matter of the treaty, any constitutional implications, including (i) any proposed amendment to the Constitution; and (ii) assurance that the Treaty is consistent with the Constitution and promotes Constitutional values and objectives, the National interests which may be affected by the ratification of the Treaty among others.

Mozambique: Under the Constitution 2004 of the Republic of Mozambique, the competence for matters relating to International Law is shared between the President of the Republic, the National Assembly and the Council of Ministers. Art. 161(b) empowers the President to negotiate and ratify Treaties relating to National defence and public order while Art 162 (b) gives the President the same powers with regards to international relations. Despite these powers, the President may seek the advice of the National Assembly before ratifying a Treaty. Art. 204(1)(g) of the Constitution gives the Council of Ministers the competence to negotiate, ratify, adhere and denounce International Treaties in areas within its competence, including ensuring the enjoyment of rights and freedoms of the citizens, managing State sectors, especially education and health. However, unlike the President, the Council of Ministers is given the express authority to negotiate and denounce treaties.

3.7. Report on the identified existing gaps in the regulatory frameworks and institutional processes in AU-MS's and RECs with regards to ratification, adoption and implementation of identified instruments

Below are the key gaps cited by AU-MSs in the South and Eastern Regions of the Continent, as to the ratification, adoption, and implementation of the Continental and Global level Instruments for conservation and management of aquatic biodiversity:

1. Inadequate publication leading to low popularity and poor accessibility of Instruments by the public including the Law makers.
2. Unreconcilable differences and contradiction with local Policies, Laws and regulations, which delays or hinders the process of ratification.
3. Limited awareness, capacity and capital investment including National research results for comfort and acceptability by the users.
4. Lack of clarity in the Regional and Global Instruments as to the benefits, impacts and roles of different stakeholders in implementation. The Instruments are normally to generalized.
5. Wide jurisdiction and limited technical capacity to oversee and coordinate the implementation.

3.8. Key interventions need to be undertaken to enhance the ratification of key Instruments

AU-MSs in the South and Eastern Regions, suggested the following interventions for enhancing the signing, ratification, adoption, and implementation of the Continental and Global Instruments for conservation and management of aquatic biodiversity:

1. There is need for mass awareness campaigns on importance and benefits of the Instruments at National levels to the general public;
2. Regional and sub-regional conferences, meetings and activities need to be organized to foster buy-in of relevant state authorities that are concerned with the different processes including implementation. These should be about enhancing the authorities' understanding of the purpose, benefits, processes and implications and obligation the different key Instruments or provisions of such Instruments bring to the respective Countries. To this effect, AU-MSs representatives suggested the following interventions:
    a. Need to organized Regional Ministerial conferences so as to inform relevant Ministers of benefits of ratifying and implementing key Instruments,
    b. Has the benefit of reducing time and resources for ratification, and allows for more informed decisions to be taken and fast-tracked;
3. Regular engagement of the Authorities from the MSs whenever there are new International, Continental, and Regional Instruments that need to be developed for their buy in and subsequent commitment. This will prepare them and make them understand the opportunities that will

accompany the adoption of such Instrument. Later the Experts can be engaged since they are the ones responsible for the actual implementation of the new provisions;

4. Wider awareness creation for specific Instruments;
5. Support to capacity development of relevant institutions through training workshops on the key features of the target Instruments, and on how these instruments add value to National efforts in conserving aquatic biodiversity;
6. A Regional conference of key actors to review the processes, opportunities, challenges and proposed interventions for enhancing the ratification, adoption and implementation of regional and Global Instruments for aquatic biodiversity conservation; and,
7. Support to AU-MSs in reviewing of pertinent Policies, Laws and regulations required to enhance ratified Regional and Global Instruments for conservation of aquatic biodiversity.

3.9. Key interventions need to be undertaken to enhance the adoption and implementation of relevant actions or key provisions.

- Financial support and commitment (political will) by the Member States to ensure that the ratified Instruments are adopted and implemented. The money is required to support the workshops for exchange and sharing of information adopted. Adopted concepts be shared on workshops to reach everyone who supposed to implement the planned activities;
- Capacity development of key institutional staff for effective implementation of target Instruments after ratification;
- Integration of key provisions of the instruments in National and sector plans, Policies and regulatory frameworks; and,
- Adapt provisions of the Instruments in developing of work plans for regular activities.

3.10. Guidelines or mechanisms or procedures for ratifications, adoption or domestication and implementation of identified Instruments, outlining critical steps and priority actions

The following is recommended as guidelines for Regional and National efforts to increasing the ratification, adoption, domestication and implementation of key Instruments for aquatic biodiversity conservation and management in the South and Eastern Regions of the Continent:

1. Establishment of a unit within the AUC Office, specifically charged with providing support legal and technical support to AU-MSs in the processes for ratification of selected key Instruments;
2. Action should be taken to regularise collaboration and cooperation between organs of AU and RECs in respect to providing technical and legal support to AU-MSs, and where necessary support for harmonization of processes and procedures with respect to ratification of Treaties;

3. Create platforms and focal persons or desk officers to coordinate the enhanced ratification processes in the respective AU-MSs. This is meant to support AU-MSs to rapidly and effectively ratify and domesticate Treaties;
4. Mobilize national CSOs and public agencies, and support efforts to disseminate information and improved knowledge of Treaty processes and their benefits;
5. Create bilateral and multilateral platforms and opportunities that allow development partners endeavours to support regional and sub-regional facilitation of efforts for AU-MSs to ratify and implement selected relevant Instruments;
6. Organize Annual High-Level summit on progress of treaties in partnership with the Ministerial Committee on the Challenges of Ratification/Accession and Implementation of OAU/AU Treaties;
7. Seek and extend support for translation, interpretation and knowledge generation and dissemination of information about key Instruments;
8. Mobilize support so as to create and utilize a pool of experts on technical and legal matters on sustainable basis within AUC Office to assist AU-MSs in ratification and implementation of key Instruments. In this regard, this is so as to support the development of secondment programme to enable AU-MSs in processes of ratification and implementation of key Instruments. This should include creating of a database of regional expertise, and providing of placement and internship opportunities to AU-MSs in building their internal capacity;
9. Establish and support coordination among AU agencies/departments and institutions on Treaties ratification. This is due to the multidisciplinary character of AU Treaties; their effective implementation requires the contribution of a variety of actors. The AU Treaties covers a wide thematic range, from political and socio-economic to peace and security issues;
10. Support joint Treaty ratification, domestication and implementation campaigns – Organize annual Treaty awareness campaign, improve the AU Treaties webpage to make it more interactive and supportive of National efforts of ratification and implementation;
11. Support research and education of key Treaties in respective AU-MSs as a means of enhancing knowledge and building in-Country capacity;
12. Support AU-IBAR to monitor and provide technical support to AU-MSs in ratification and implementation of the select Instruments;
13. Support the respective cross-sectoral National platforms and National sectoral committees identified by AU-MSs for leading the ratification and implementation of the selected instruments;
14. Support the development of a National level digital/online advocacy campaign and platforms for each Country to sensitize the citizens, CSOs, academia and other stakeholders on domestication and implementation of Treaties;
15. Support the extensive training programmes for Government staff;

16. Support the development of step-by-step customized guidelines on how to domesticate and implement Treaties in the selected Countries (separate guideline for each Country);
17. Support the creation of a digital registry for key Treaties at AU-IBAR and at AU-MS level. The establishment of efficient the database and tracking system on all Treaties adopted /ratified by the member state to facilitate public access and provide an online platform for questions and answers on public inquiries on Treaty obligations by the Member State;
18. In-Country media campaign developed and implemented (through radio, television, twitter, etc). Media campaign developed in collaboration with radio stations, television channels and through new media to raise awareness about AU Treaties, their benefits, and the status of ratification and domestication in the five selected Countries so as to enhance citizen demand for accountability in compliance with these Instruments;
19. - In-Country outreach campaign implemented in schools, universities, public places, and through theatre and other engagements; and,
20. Support advocates for greater domestication/implementation of the ratified Treaties. Civil society groups working on issues related to the selected Treaties for conservation and management of aquatic biodiversity.

3.10.1. Action Plan for enhancing the ratification and implementation of key Global Instruments

Table 3 5 *This action plan seeks to take forward the outcomes of this study in regards to enhancing the ratification, adoption and implementation of key Regional and Global Instruments for conservation of aquatic biodiversity. The overall objective of the action plan is to provide a direction and mechanism for implementing of the recommendations of this study by the different relevant actors.*

Table 3 5: *Action plan for enhancing the ratification and implementation of key Regional and Global Instruments for conservation of aquatic biodiversity in the South and Eastern Africa Regions.*

Objective	Task	Task Manager	Time frame	Resources (USD)	Assumption / Risk
To generate the needed information to support the ratification and investment in implementation of key Instruments.	Conduct valuation studies at Country level as need, ratification, adoption and implementation of key Global instruments.	AU-IBAR	12 months	720,000	AU-IBAR can mobilize adequate expertise and resources for the studies
To put in place a stable and sustainable financing mechanism for conservation of aquatic resources in Africa.	Develop a specific regional financing framework akin to UN GEF to fund aquatic biodiversity conservation.	AUC	12 months	180,000	AU-MSs Governments will support the establishing & operating of such fund.
To mobilise and generate funding for ratification and implementation of Global Instruments for conservation of aquatic biodiversity.	Create bilateral and multilateral platforms and opportunities that allow development partners endeavours to support Regional and sub-regional facilitation of efforts for AU-MSs to ratify and implement selected relevant Instruments.	AU-MSs	12 months	-	AU-MSs will need to raise resources to support the ratification and implementation of the Global Instruments for conservation of aquatic biodiversity.
To put in place a functional coordination mechanism for ratification and implementation of key Instruments for conservation of aquatic biodiversity.	Update, setup and formalize desk focal persons and National and sub-regional level platforms for coordination of ratification, adoption and implementation of key Global Instruments	AU-MSs	3 months	360,000	AU-MSs have provisions for in their civil service establishments for focal persons and cross-sectoral platform mandates and work activities.

Objective	Task	Task Manager	Time frame	Resources (USD)	Assumption / Risk
To enhance the ratification and implementation of the selected key Instruments by boosting the technical and technological capacity of AU-MSs and AUC.	Mobilize and provide technical assistance and extensive training in ratifying and implementation of selected key Global Instruments for aquatic biodiversity conservation to AU-MSs agencies.	AUC	24 months	1,800,000	The required expertise and support to respective AU-MSs is known and defined.
	Mobilize support to create and utilize a pool of experts working on technical and legal matters on sustainable basis within AUC Office to assist AU-MSs in ratification and implementation of key Instruments.	AU-IBAR	18 months	2,400,000	There is a severe lack of expertise in AU-MSs to support the ratification and implementation of key Global Instruments for conservation of aquatic biodiversity.
To increase the involvement and participation of the general public and other stakeholders in ratification and implementation of selected key Instruments for conservation of aquatic biodiversity	Promote and support public awareness and in-Country outreach campaigns concerning the benefits and roles of ratifying and implementing of existing key Instruments for aquatic biodiversity conservation	AU-IBAR	36 months	720,000	Public lacks the general understanding and awareness of the benefits and role of Global Instruments in conservation of aquatic biodiversity.
To develop the capacity of AUC in supporting AU-MSs in ratification and implementation of Global Treaties for conservation and management of aquatic biodiversity.	Establish a dedicated regional unit under AUC to support AU-MSs during negotiations, ratification and implementation of key Instruments for conservation of aquatic biodiversity;	AUC	18 months	360,000	AU-MSs need technical support and assistance in ratification and implementation of selected key Global Instruments.

Objective	Task	Task Manager	Time frame	Resources (USD)	Assumption / Risk
	Provide support for translation, interpretation and knowledge generation and dissemination of information about key Instruments	AUC	18 months	720,000	AU-MSs'e efforts for ratification and implementation of Global Instruments are constrained lack of expertise.
To enhance the ratification and implementation of selected Instruments through enhanced accessed to needed information;	Support the creation and operation of a digital registry for key Treaties at Regional, sub-regional and Country levels,	AU-IBAR	18 months	720,000	
Enhance the ratification and implementation if selected instruments for conservation of aquatic biodiversity by supporting AU-MSs' efforts in mobilizing local buy-in by key actors.	Support joint Treaty ratification, domestication and implementation campaigns, and annual Treaty awareness campaigns as well as enhancement of the AUC and AU-IBAR webpage on conservation of aquatic biodiversity	AU-IBAR	36 months	1,440,000	Local actors are un-informed and unaware of the need for ratification and implementation of key Global Instruments
To enhance the ratification and implementation of selected Instruments through popularising technical guidelines	Support the development of step-by-step customized guidelines on how to domesticate and implement Treaties in the selected Countries (separate guideline for each Country)	AU-IBAR	12 months	480,000	Updated and harmonized technical guidelines will enhance the ratification and implementation of Instruments
To bolster the engagement of leaders of AU-MSs with the processes and requirements of ratification and implementation Global Instruments for conservation of aquatic biodiversity	Organize annual high-level summit in partnership with the ministerial committee on status, progress and challenges of ratification and implementation of key selected Global Instruments for conservation of aquatic biodiversity	AUC	36 months	2,500,000	There is need for effective engagement of AU-MSs political, administrative and technical leaders for enhancing of ratification and implementation of the Treaties

Objective	Task	Task Manager	Time frame	Resources (USD)	Assumption / Risk
To generate information and data on benefits and mechanisms for ratification and implementation of key Global Instruments for aquatic biodiversity conservation	Mobilize resources and establish a research fund at AUC for support to research and education on and about the benefits, status and processes of ratification and implementation of Global Instruments	AUC	36 months	12,000,000	There is generally lack of information and data on benefits and status of ratification and implementation by AU-MSs on different Global Instruments for conservation of aquatic biodiversity.
To effectively monitor and evaluate the ratification and implementation of Global Instruments for conservation of aquatic biodiversity	Mobilize resources and support the Monitoring and Evaluation of ratification and implementation activities of select Global Instruments for conservation of aquatic biodiversity.	AU-IBAR	36 months	1,440,000	Effective monitoring and evaluation will guide the enhancement efforts for the ratification and implementation of key Global Instruments.

4. INTERPRETATION AND DISCUSSION

There exists a large number of Instruments for aquatic biodiversity conservation, and most of the Instruments are known to the AU-MSs. Many AU-MSs have gone as far as signing on as parties to the Instruments but have not ratified and accented to the Instruments neither made the requisite declarations in support of implementation. There are a wide variety of Instruments, mostly in control of the states but also others concerning firms and companies using the aquatic resources. The implementation of the Instruments was found to be comparatively low in the two regions of the South and Eastern Africa, that even in most cases when the Instruments were ratified, the implementation remained lagging behind. Lack of financial resources was highlighted as one of the challenges for there being no action or failure to deploy the existing and ratified Instruments. A number of respondents also pointed to limited technical capacity and lack of the required infrastructure to implement the measures put forward in the respective Instruments. It was however clear that Instruments developed by AU-MSs at sub-regional or RECs levels had significantly high rates in ratification, adoption and implementation in the South and Eastern Regions of the Continent.

AU-MSs are striving to ensure that adoption and deployment of the BE Model of development is environmentally sustainable, and can withstand the effects of Climate Change bearing on the Blue Economy Resources (BER) and Ecosystems (BES). The efforts to expand economic development opportunities and increase the contribution of BER and BES to respective AU-MSs' development visions and economic agendas, as well as to the Africa Vision 2063, with minimal or net zero emission economic development, are intensifying across the Region. These efforts seek to foster socioeconomically equitable natural resource use, while building resilience of attendant communities to climate change and other associated environmental impacts on aquatic resources. Review and assessment of existing Regional and Global Instruments therefore is seen as means of enhancing use of the Instruments to secure not only the biodiversity but also livelihoods and economic well-being of the attendant communities, enhanced contribution of the aquatic resources to local, National and Regional economies, and as a means for enhancing the capacity for absorbing the GHGs so as to mitigate against the Climate Change impacts. This is especially made difficulty by the increasing pressure from settlement activities and related developments around water bodies including the expanding oil and gas industry, increased release of un treated industrial and municipal sewerage related effluents, and the climate change impacts on the aquatic ecosystems.

There is need for AU-MSs however to use the existing Instruments so as to manage and conserve the aquatic biodiversity. Currently, the level of ratification, adoption, and implementation is low

when compared to the impacts and threats facing the aquatic biodiversity and other resources. AU-MSs need to find innovative ways and means of developing local and or Regional capacity so as to be able to take advantage of the existing inventory of Instruments. In addition, the traditional National sectoral approach can longer be relied upon to contain and situation, neither can be traditional National budgetary allocations support the required conservation efforts. There is need from cross-sectoral approaches, building of new coalitions with private sector and those benefiting from the services of the aquatic resources, and creating more responsive mechanisms to ratification, adoption and deploying of the existing Instruments to help in managing and conservation efforts. Most importantly, there is need for renewed efforts and political commitments from AU-MSs, especially in building coalitions across sectors and National boundaries. It is however also apparent that the rate of ratification, adoption and implementation of the home grown/developed Instruments is much higher than that for the Continental or Global Instruments. This may speak to either the differences in design of local and Regional Instruments, or the fact that the local Instruments make a lot more relevance to the concerned MSs than in case of the Regional and International Instruments. It is also likely that the depositories and secretariats for the local Instruments are within reach of the AU-MSs in regards to sub-regional Instruments, and can facilitate or be consulted in case of need of technical capacity and mobilizing of concerned AU-MSs or building coalitions for collaborative or joint action. AU will need to urge Members to adopt a system akin to that of EU where AU will have to play an active role right from negotiations and signing of such Instruments, and in supporting MSs in the ratification, adoption and implementation of the negotiated Regional and Global Instruments for aquatic biodiversity conservation.

It is clear though from the responses from AU-MSs in the South and Eastern Regions of Africa, that all Instruments are important and can significantly contribute to aquatic resources conservation if deployed effectively. The challenge of technical capacity and lack of financial resources, need to be dealt with in a more concerted manner, either through resource and service rents or by appealing to those that benefit from the resources to contribute more with resources ring faced for identified activities using the established tools. AU will also need to think of putting in place a versatile framework, similar to the Global Environmental Facility (GEF, 1998) of the UN, to more effectively deal with the persistent problem of financing and lack of technical capacity in implementing the existing Instruments for conservation of aquatic biodiversity at sub-regional and Regional level. This framework will allow for allow mobilization of resources and technical assistance to facilitate the needed actions for implementation of ratified Instruments in the Region. In many cases in Africa, where generally the issue of funding and technical capacity is a problem to environmental management and aquatic biodiversity conservation for the National governments, there has been a tendency to rely on project-based support by development partners to pick up the costs for

these interventions. This support is however always short-lived and affected by political changes and International financial regimes (Carr-Dirick and Klug, 2002), and cannot answer every aspect of the required interventions. There is therefore, need for alternative approaches, especially where those who benefit from or use the aquatic resources, be it local or International, are convinced to contribute to sustainable use and conservation of the aquatic resources.

There is need to make socioeconomic case for ecosystem services so that the different stakeholders, especially the attendant communities, National economic and planning agencies, private sector and CSOs can appreciate the benefits of ratification and implementation of selected instruments for conservation and management aquatic biodiversity, and contribute financially to the efforts for fostering sustainable use of this aquatic biodiversity. This will require that governments are engaged, and agree to work with non-governmental organizations and private sector in mobilizing needed financing, and ring fencing such resources for conservation of the aquatic biodiversity and related activities. This will also provide a clear path to making conservation funding more sustainable and hopefully sufficient for the identified causes such as deployment / implementation of the appropriate Instruments. This will require leg-work and concerted lobbying and consensus building among AU-MSs, private sector and non-governmental actors.

5. CONCLUSIONS AND RECOMMENDATIONS

5.1. Conclusions

The study identified and inventoried 56 Instruments, 38 of which were Global Instruments and 18 were Regional origin and or sub-regional in nature. There is a wide variety of Instruments, with the majority targeted to the State actors, while a number are targeted to users including companies, businesses and communities that depend on the aquatic resources for their business or livelihood activities. On the whole, the survey established that there was very good level of awareness of existence the instruments in the South and Eastern Regions of Africa, with majority signing on as parties to the Instruments. However, the study established that comparatively the level of ratification and adoption of the Instruments was much lower with fairly low level of implementation. A number of challenges were identified for AU-MSs low level of ratification, adoption and implementation as being lack of financial resources for the processes and acquisition of required infrastructure; lack of technical capacity and technological infrastructure to support the implementation; lack of clarity of responsibility among the different sectors at state level; challenges of operating under the tradition National sectors with limited cross sectoral efforts; and wide jurisdictions that command a lot of resources among competing needs.

5.2. Recommendations on prioritized regional, continental and Global Instruments for ratification, adoption or domestication and implementation in Africa

1. Conduct country-based surveys to identified key Instruments relevant to respective MSs and appropriate for their capacity and means to deploy in aquatic biodiversity conservation;
2. Devise new financing mechanism/framework beyond the traditional sectoral based financing system, and that which is based on development partner funded projects;
3. Set up Regional or sub-regional technical support unit (s) to support AU-MSs in the processes of ratification, adoption and implementation of selected key Instruments;
4. Purposively engage AU-MSs to identify desk focal persons for different Instruments in more formal way that provides for continuity even when officers selected retire or leave service;
5. Engage respective AU-MSs to create national platforms and or committees for dealing with cross sectoral issues of aquatic biodiversity conservation and Blue Economy planning, monitoring and development issues;
6. Work with AU-MSs to find means and or solutions for boosting the technical capacity of persons identified to manage and conserve aquatic biodiversity and BE development issues; and
7. Seek political commitment to elevate the BE management, given its cross sectoral nature, from the traditional sector-based management to a more central level in governments, where many sectors can readily participate.

8. Support and engage in public awareness and educational promotion campaigns of the benefits of ratification of key Instruments for conservation of aquatic biodiversity.
9. Mobilize MSs and development partners to support the implementation of the developed Action Plan for enhancing the ratification and implementation of key Regional and Global Instruments for conservation of aquatic biodiversity.

6. SOURCES OF INFORMATION

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4. GEF Secretariat (1998), "Evaluation of experience with Conservative Trust Funds", GEF Evaluation Office, Washington DC, https:// www.cbd.int/financial/trustfunds/g-gefevaluation.pdf
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7. APPENDICES

Appendix 1: Inventory of regional and global instruments for conservation and management of aquatic biodiversity.

Table 5.4 1: *Inventory of key regional and international instruments used by AU-MSs in regards to conservation and management of aquatic biodiversity, including status of ratification and implementation*

SN	Instrument	The countries aware of the instrument	Countries that signed on to instrument	Countries that have ratified the instrument	Countries that have acceded to instrument	Countries that have made declarations	Instrument domesticated and implemented?	Are the costs acceptable & manageable?	Benefits realized from ratification or implementation
1	Revised African Convention on Conservation of Nature and Natural Resources (African Convention)	**A.** 19 AU-MSs are aware **B.** Five (06) are Not aware including Botswana, Eritrea, Lesotho, Mauritius, Seychelles and South Sudan	1) Angola 2) Burundi 3) Comoros 4) Djibouti 5) Ethiopia 6) Kenya 7) Eswatini 8) Madagascar 9) Mozambique 10) Namibia 11) Rwanda 12) South Africa 13) Somalia 14) South Sudan 15) Tanzania 16) Uganda 17) Zambia 18) Zimbabwe	1) Angola 2) Burundi 3) Comoros 4) Lesotho 5) Rwanda 6) South Africa 7) Sudan	1) Angola 2) Burundi 3) Comoros 4) Lesotho 5) Rwanda 6) South Africa 7) Sudan	1) Angola 2) Burundi 3) Comoros 4) Lesotho 5) Rwanda 6) South Africa 7) Sudan	A. YES = 7 1) Angola 2) Burundi 3) Comoros 4) Lesotho 5) Rwanda 6) South Africa 7) Sudan B. Not Imp= 17	• Acceptable = 07 • Lack funds = 17	• Able to participation of all Regional and international events • Technical and financial support. • African environmental laws have undergone a substantial process of evolution and improvement, motivated by this and other treaties. • Led to first efforts to develop National Environmental Action Plans (NEAPs)
2	Phyto-sanitary Convention for Africa	1) Aware =09 a. Burundi b. Ethiopia c. Kenya d. Lesotho e. Rwanda f. South Sudan g. Uganda 2) Not aware=14	1) Burundi 2) Ethiopia 3) Lesotho 4) Rwanda	1) Burundi 2) Ethiopia 3) Lesotho 4) Rwanda	1) Burundi 2) Ethiopia 3) Lesotho 4) Rwanda	None	A. Yes = 04 a. Burundi b. Ethiopia c. Lesotho d. Rwanda B. Not = 19	• Acceptable = 04 • Lack funds = 19	• Support to development of intraregional trade • Sustainable utilization of aquatic resources • Efficient control of the trans-boundary diseases

SN	Instrument	The countries aware of the instrument	Countries that signed on to instrument	Countries that have ratified the instrument	Countries that have acceded to instrument	Countries that have made declarations	Instrument domesticated and implemented?	Are the costs acceptable & manageable?	Benefits realized from ratification or implementation
3	Convention on the Conservation of Migratory Species of Wild Animals	1) All the 24 AU-MSs in Southern and Eastern regions are aware	1) Angola 2) Burundi 3) Eritrea 4) Eswatini 5) Ethiopia 6) Kenya 7) Madagascar 8) Malawi 9) Mauritius 10) Mozambique 11) Namibia 12) Rwanda 13) Seychelles 14) Somalia 15) South Africa 16) Sudan 17) Tanzania 18) Uganda 19) Zimbabwe	1) Angola 2) Burundi 3) Eritrea 4) Eswatini 5) Ethiopia 6) Kenya 7) Madagascar 8) Malawi 9) Mauritius 10) Mozambique 11) Namibia 12) Rwanda 13) Seychelles 14) Somalia 15) South Africa 16) Sudan 17) Tanzania 18) Uganda 19) Zimbabwe	1) Angola 2) Burundi 3) Eritrea 4) Eswatini 5) Ethiopia 6) Kenya 7) Madagascar 8) Malawi 9) Mauritius 10) Mozambique 11) Namibia 12) Rwanda 13) Seychelles 14) Somalia 15) South Africa 16) Sudan 17) Tanzania 18) Uganda 19) Zimbabwe	**1)** Sudan	A. Yes = 18 **1)** Burundi **2)** Eritrea **3)** Eswatini **4)** Ethiopia **5)** Kenya **6)** Madagascar **7)** Malawi **8)** Mauritius **9)** Mozambique **10)** Namibia **11)** Rwanda **12)** Seychelles **13)** Somalia **14)** South Africa **15)** Sudan **16)** Tanzania **17)** Uganda **18)** Zimbabwe B. Participating but non-party a. Botswana b. Comoros C. Not = 03	• Acceptable = 18 • Lack funds = 05	• Conservation of some migratory species like Tuna • CMS provides a global platform for the conservation and sustainable use of migratory animals and their habitats. • CMS brings together states in which migratory animals pass. • Led to agreements between parties on conservation of key aquatic biodiversity such as sharks and warblers. • Opened up avenues to capacity building in conservation of key migratory species.

SN	Instrument	The countries aware of the instrument	Countries that signed on to instrument	Countries that have ratified the instrument	Countries that have acceded to instrument	Countries that have made declarations	Instrument domesticated and implemented?	Are the costs acceptable & manageable?	Benefits realized from ratification or implementation
4	Convention on Biological Diversity (CBD)	1) All the 24 AU-MSs in the Southern and Eastern regions are aware	All 24 MSs	All 24 MSs	All 24 MSs		A. Yes = 24	• Acceptable = 04 • Lack funds = 19	• Information exchange among MSs. • Attracts funding both locally and internationally for conservation and biodiversity management. • Led to increased support for management of biodiversity. • Contains provisions for capacity building for developing countries. • Protection and conservation of key ecological resources. • Regulate biodiversity loss • Promote biodiversity conservation • Protection of threatened species • Environmental management
5	Cartagena Protocol on Biosafety to Convention on Biological Diversity (CBD)	1) Aware = 22	1) All the 24 AU-MSs in Southern and Eastern regions are signatories	1) All 24 AU-MSs in Southern and Eastern regions of Africa have ratified the protocol.	1) All the 24 AU-MSs in the two regions have accented to the protocol	**1)** All 24 AU-MSs have made declarations.	A. YES = 24 B. NOT = 00	B. Acceptable = 22 C. Lack funds = 02	• The Protocol has developed steadily and is now a thriving and significant international agreement for ensuring the secure transfer, handling, and application of live modified organisms. • The exchange of knowledge about and experience with live modified organisms is being facilitated by the launch of the Biosafety Clearing-House. • Projects and other initiatives have been carried out in a number of nations to improve institutional and human capacity for the safe application of biotechnology.

SN	Instrument	The countries aware of the instrument	Countries that signed on to instrument	Countries that have ratified the instrument	Countries that have acceded to instrument	Countries that have made declarations	Instrument domesticated and implemented?	Are the costs acceptable & manageable?	Benefits realized from ratification or implementation
6	The Nagoya Protocol of the CBD.	1) Aware = 24	1) 23 out 24 AU-MSs in Southern and Eastern regions are signatories. South Sudan has not yet signed the protocol.	1) 22 out of the 24 AU-MSs in Southern and Eastern regions of Africa have ratified the protocol. Somalia has signed by not ratified. South Sudan has not signed neither ratified the protocol.	1) All the 22 AU-MSs in the two regions have accented to the protocol	All 22 AU-MSs have made declarations.	D. YES = 22 E. NOT = 02	F. Acceptable = 22 G. Lack funds = 02	• Establishes a framework that helps researchers access genetic resources for biotechnology research, development and other activities, • Gives the assurance necessary for the research and development sector to make investments in biodiversity-based research.
7	Intergovernmental Platform on Biodiversity and Ecosystem Services (IPBES)	Open to all MSs of UN	Open to all MSs of UN	Open to all MSs of UN	Open to all MSs of UN	Open to all MSs of UN	A. YES = 24	Acceptable to all 24 AU-MSs	• Provides a platform for synthesizing, reviewing, assessing, and critically evaluating pertinent information and knowledge that is produced globally. • This mechanism is acknowledged by both the scientific and policy communities. • IPBES offers policymakers objective scientific evaluations on the state of biodiversity
8	Convention on Fishing and Conservation of the Living Resources of the High Seas	1) Aware = 07 a. Kenya b. Lesotho c. Madagascar d. Malawi e. Mauritius f. South Africa g. Uganda 2) Not aware =17 a. South Sudan b. Sudan	**1)**Kenya **2)**Lesotho **3)**Malawi **4)**Madagascar **5)**Mauritius **6)**South Africa **7)**Uganda	**1)**Kenya **2)**Lesotho **3)**Madagascar **4)**Malawi **5)**Mauritius **6)**South Africa **7)**Uganda	1)Kenya 2)Lesotho 3)Madagascar 4)Malawi 5)Mauritius 6)South Africa 7)Uganda	None	A. Yes = 02 **1)** Mauritius **2)** South Africa B. Not = 21	• Acceptable = 02 • Lack funds = 21	• Protection of threatened aquatic species • Fosters international cooperation the problems involved in the conservation of living resources of the high seas

SN	Instrument	The countries aware of the instrument	Countries that signed on to instrument	Countries that have ratified the instrument	Countries that have acceded to instrument	Countries that have made declarations	Instrument domesticated and implemented?	Are the costs acceptable & manageable?	Benefits realized from ratification or implementation
9	Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)	1) Aware =09 a. Angola b. Ethiopia c. Kenya d. Lesotho e. Namibia f. South Africa g. South Sudan h. Sudan i. Uganda 2) Not aware =15	1) Angola 2) Ethiopia 3) Kenya 4) Lesotho 5) Namibia 6) South Africa 7) Sudan 8) Uganda	1) Angola 2) Ethiopia 3) Kenya 4) Lesotho 5) Namibia 6) South Africa 7) Sudan 8) Uganda	1) Angola 2) Ethiopia 3) Kenya 4) Lesotho 5) Namibia 6) South Africa 7) Sudan 8) Uganda	**1)** Angola **2)** Ethiopia **3)** Kenya **4)** Lesotho **5)** Namibia **6)** South Africa **7)** Sudan **8)** Uganda	A. Yes=08 **1)** Angola **2)** Ethiopia **3)** Kenya **4)** Lesotho **5)** Namibia **6)** South Africa **7)** Sudan **8)** Uganda B. Not = 15	• Acceptable = 08 • Lack funds = 15	• Information exchange among MSs. • Restriction on export of limited species. • Ensures legal and sustainable trade. • Promotes international cooperation. • Encourages multi-sector collaboration. • Allows access to capacity building programmes
10	Convention on the Continental Shelf	1) Aware =08 a. Eswatini b. Kenya c. Lesotho d. Malawi e. Mauritius f. South Africa g. Sudan h. Uganda 2) Not aware = 19	1) Eswatini 2) Kenya 3) Lesotho 4) Malawi 5) Mauritius 6) South Africa 7) Sudan 8) Uganda	1) Eswatini 2) Kenya 3) Lesotho 4) Malawi 5) Mauritius 6) South Africa 7) Sudan 8) Uganda	1) Eswatini 2) Kenya 3) Lesotho 4) Malawi 5) Mauritius 6) South Africa 7) Sudan 8) Uganda	None	A. Yes=04 **1)** Kenya **2)** Mauritius **3)** South Africa **4)** Sudan B. Not = 19	• Acceptable = 04 • Lack funds = 19	• Assess on conservation and manage the fish resources
11	Convention on the High Seas	1) Aware = 08 a. Eswatini b. Kenya c. Lesotho d. Malawi e. Mauritius f. South Africa g. Uganda h. Sudan 2) Not aware= 16	1) Eswatini 2) Kenya 3) Lesotho 4) Malawi 5) Mauritius 6) South Africa 7) Sudan 8) Uganda	1) Eswatini 2) Kenya 3) Lesotho 4) Malawi 5) Mauritius 6) South Africa 7) Sudan 8) Uganda	1) Eswatini 2) Kenya 3) Lesotho 4) Malawi 5) Mauritius 6) South Africa 7) Sudan 8) Uganda	**1)** Angola **2)** Namibia **3)** South Africa	A. Yes = 03 **1)** Angola **2)** Namibia **3)** South Africa B. Not = 20	• Acceptable = 03 • Lack funds = 20	• Freedom of navigation; • Freedom of fishing; • Freedom to install pipelines and undersea cables; and. • Freedom to fly over the open ocean.

SN	Instrument	The countries aware of the instrument	Countries that signed on to instrument	Countries that have ratified the instrument	Countries that have acceded to instrument	Countries that have made declarations	Instrument domesticated and implemented?	Are the costs acceptable & manageable?	Benefits realized from ratification or implementation
12	Convention on Territorial Sea and Contiguous Zone	1) Aware =08 a. Eswatini b. Kenya c. Lesotho d. Madagascar e. Malawi f. Mauritius g. South Africa h. Uganda 2) Not aware = 16	1) Eswatini 2) Kenya 3) Lesotho 4) Mada-gascar 5) Malawi 6) Mau-ritius 7) South Africa 8) Uganda	1) Eswatini 2) Kenya 3) Lesotho 4) Madagascar 5) Malawi 6) Mauritius 7) South Africa 8) Uganda	1) Eswatini 2) Kenya 3) Lesotho 4) Mada-gascar 5) Malawi 6) Mauritius 7) South Africa 8) Uganda	None	A. Yes= 04 **1)** Kenya **2)** Madagascar **3)** Mauritius **4)** South Africa B. Not = 19	• Acceptable = 04 • Lack funds = 19	• Building capacity of local fisheries staff. • Enables a State's ability to enforce the law and keep offenders from escaping the territorial sea. • Gives the coastal states the authority to enforce tax, immigration, sanitary, and customs rules within its borders and territorial waters, and to both prevent and penalize violations.
13	FAO compliance agreement – Conservation and management of straddling Fish stocks and highly migratory fish Stocks	1) Aware =17 a. Angola b. Botswana c. Comoros d. Djibouti e. Eswatini f. Kenya g. Lesotho h. Madagascar i. Malawi j. Mauritius k. Mozambique l. Namibia m. South Africa n. Sudan o. Uganda p. Zambia q. Zimbabwe 2) Not aware =07	1) Angola 2) Botswana 3) Comoros 4) Djibouti 5) Eswatini 6) Kenya 7) Lesotho 8) Madagascar 9) Malawi 10) Mauritius 11) Mozambique 12) Namibia 13) South Africa 14) Sudan 15) Uganda 16) Zambia 17) Zimbabwe	1) Angola 2) Botswana 3) Comoros 4) Djibouti 5) Eswatini 6) Kenya 7) Lesotho 8) Madagascar 9) Malawi 10) Mauritius 11) Mozambique 12) Namibia 13) South Africa 14) Sudan 15) Uganda 16) Zambia 17) Zimbabwe	1) Angola 2) Botswana 3) Comoros 4) Djibouti 5) Eswatini 6) Kenya 7) Lesotho 8) Madagascar 9) Malawi 10) Mauritius 11) Mozambique 12) Namibia 13) South Africa 14) Sudan 15) Uganda 16) Zambia 17) Zimbabwe	**1)** Angola **2)** Lesotho **3)** Namibia **4)** South Africa **5)** Sudan	A. YES = 17 1) Angola 2) Botswana 3) Comoros 4) Djibouti 5) Eswatini 6) Kenya 7) Lesotho 8) Madagascar 9) Malawi 10) Mau-ritius 11) Mo-zambique 12) Na-mibia 13) South Africa 14) Sudan 15) Ugan-da 16) Zam-bia 17) Zim-babwe **B.** Not imp. = 07	• Acceptable = 16 • Lack funds = 07	• Information exchange during event held. • Minimised illegal fishing and declined exploitation of fish population. • Provides a framework for the conservation and management of highly migratory and straddling fish stocks. • Provides capacity building opportunities and technical assistance from FAO and other agencies.

SN	Instrument	The countries aware of the instrument	Countries that signed on to instrument	Countries that have ratified the instrument	Countries that have acceded to instrument	Countries that have made declarations	Instrument domesticated and implemented?	Are the costs acceptable & manageable?	Benefits realized from ratification or implementation
14	United Nations Fish Stock Agreement (UNFSA)	1) Aware = 17 a. Botswana b. Comoros c. Djibouti d. Kenya e. Lesotho f. Madagascar g. Malawi h. Mauritius i. Mozambique j. Namibia k. Seychelles l. Somalia m. South Africa n. Sudan o. Uganda p. Zambia q. Zimbabwe 2) Not aware = 07	**1)** Botswana **2)** Comoros **3)** Djibouti **4)** Kenya **5)** Lesotho **6)** Madagascar **7)** Malawi **8)** Mauritius **9)** Mozambique **10)** Namibia **11)** Seychelles **12)** Somalia **13)** South Africa **14)** Sudan **15)** Uganda **16)** Zambia **17)** Zimbabwe	**1)** Botswana **2)** Comoros **3)** Djibouti **4)** Kenya **5)** Lesotho **6)** Madagascar **7)** Malawi **8)** Mauritius **9)** Mozambique **10)** Namibia **11)** Seychelles **12)** Somalia **13)** South Africa **14)** Sudan **15)** Uganda **16)** Zambia **17)** Zimbabwe	**1)** Botswana **2)** Comoros **3)** Djibouti **4)** Kenya **5)** Lesotho **6)** Madagascar **7)** Malawi **8)** Mauritius **9)** Mozambique **10)** Namibia **11)** Seychelles **12)** Somalia **13)** South Africa **14)** Sudan **15)** Uganda **16)** Zambia **17)** Zimbabwe	**1)** Botswana **2)** Comoros **3)** Djibouti **4)** Kenya **5)** Lesotho **6)** Madagascar **7)** Malawi **8)** Mauritius **9)** Mozambique **10)** Namibia **11)** Seychelles **12)** Somalia **13)** South Africa **14)** Sudan **15)** Uganda **16)** Zambia **17)** Zimbabwe	A. Yes = 17 **1)** Botswana **2)** Comoros **3)** Djibouti **4)** Kenya **5)** Lesotho **6)** Madagascar **7)** Malawi **8)** Mauritius **9)** Mozambique **10)** Namibia **11)** Seychelles **12)** Somali **13)** South Africa **14)** Sudan **15)** Uganda **16)** Zambia **17)** Zimbabwe B. Not = 06	• Acceptable = 17 • Lack funds = 07	• Effective use, management and conservation of resources. • Protection of highly migratory fish species. • Cooperation within the RMFOs in conservation of key stocks.
15	FAO Code of Conduct for Responsible Fisheries (the Code)	1) Aware =24 2) Not aware =0	All countries	All countries	All countries	All countries	A. Yes = 24 B. Not = 00	• Acceptable = 24 • Lack funds = 00	• Information exchange between countries member and experience. • Codes used in development of standards and regulations. • Protocols in mitigating IUU fishing'
16	Convention on Wetlands of International Importance (Ramsar Convention)	1) 21 AU-MSs in Southern and Eastern regions are aware 2) Three (03) are not aware including: a. Eritrea b. Ethiopia c. Somalia	1) All 21 AU-MSs apart from Eritrea, Ethiopia and Somalia are signatories	1) All 21 AU-MSs apart from Eritrea, Ethiopia and Somalia have ratified	1) All 21 AU-MSs apart from Eritrea, Ethiopia and Somalia have accented	1) All 21 AU-MSs apart from Eritrea, Ethiopia and Somalia have declared.	A. Yes = 21 B. Not = 03 a. Eritrea b. Ethiopia c. Somalia	• Acceptable = 21 • Lack funds = 03	• Raised of capacity building of the fisheries official staff. • Used in mapping and gazetting of critical wetlands • Protection of key ecological species

SN	Instrument	The countries aware of the instrument	Countries that signed on to instrument	Countries that have ratified the instrument	Countries that have acceded to instrument	Countries that have made declarations	Instrument domesticated and implemented?	Are the costs acceptable & manageable?	Benefits realized from ratification or implementation
17	International Fund for Agricultural Development Marine and Agricultural Resources Support Programme	1) Aware = 02 a. South Africa b. Kenya 2) Not aware =05 a. Angola b. Lesotho c. Namibia d. South Sudan e. Sudan f. Uganda	**1)** Kenya **2)** South Africa	**1)** Kenya **2)** South Africa	**1)** Kenya **2)** South Africa	**1)** Kenya **2)** South Africa	A. Yes= 02 **1)** Kenya **2)** South Africa B. Not = 05 **1)** Angola **2)** Lesotho **3)** Namibia **4)** South Sudan **5)** Sudan **6)** Uganda	• Acceptable = 02 • Lack funds = 03	• Provides financial and technical assistance to agriculture and rural development projects. • Empowers rural smallholder farmers and fishers to sustainably exploit available resources
18	Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter 1972, London Convention	1) Aware = 05 a. Angola b. Kenya c. Seychelles d. South Africa e. Tanzania **2)** Not aware = 19	**1)** Angola **2)** Kenya **3)** Seychelles **4)** South Africa **5)** Tanzania	**1)** Angola **2)** Kenya **3)** Seychelles **4)** South Africa **5)** Tanzania	**1)** Angola **2)** Kenya **3)** Seychelles **4)** South Africa **5)** Tanzania	**1)** Angola **2)** Kenya **3)** Seychelles **4)** South Africa **5)** Tanzania	A. Yes = 05 B. Not = 19	• Acceptable = 05 • Lack funds • = 19	• Provides practical and comprehensive regulations that address the prevention of marine pollution • The control of new operations safeguards the marine environment and offers a chance to shape international policy.
19	International Convention for the Prevention of Pollution from Ships (MARPOL).	1) All the 24 AU-MSs of Southern and Eastern regions are aware.	1) Angola 2) Kenya 3) Namibia 4) South Africa 5) Sudan 6) Uganda	1) Angola 2) Kenya 3) Namibia 4) South Africa 5) Sudan 6) Uganda	1) Angola 2) Namibia 3) South Africa 4) Sudan 5) Uganda	1) Angola 2) Namibia 3) South Africa 4) Sudan 5) Uganda	A. Yes = 05 **1)** Angola **2)** Namibia **3)** South Africa **4)** Sudan **5)** Uganda B. Not = 19	• Acceptable = 05 • Lack funds = 19	• Help in building capacity+ prevent pollution incident from ship
20	New Partnership for Africa's Development (NEPAD) Plan of Action	1) All the 24 AU-MSs of Southern and Eastern regions are aware. 1) Not aware =0	1) All the 24 AU-MSs of Southern and Eastern regions are signatories	1) All the 24 AU-MSs of Southern and Eastern regions have accented.	All the 24 AU-MSs of Southern and Eastern regions have accented	All the 24 AU-MSs of Southern and Eastern regions are implementing NEPAD provisions	A. Yes = 24 B. Not = 00	• Acceptable = 24 • Lack funds = 00	• Protocols in mitigating IUU Fishing • Exchange experiences between member countries • Support to intraregional trade • Guides intraregional trade agreements.

SN	Instrument	The countries aware of the instrument	Countries that signed on to instrument	Countries that have ratified the instrument	Countries that have acceded to instrument	Countries that have made declarations	Instrument domesticated and implemented?	Are the costs acceptable & manageable?	Benefits realized from ratification or implementation
21	United Nations Convention on the Law of the Sea (UNCLOS) particular UNCLOS III	2) All the 24 AU-MSs of Southern and Eastern regions are aware.	All the 24 AU-MSs in Southern and Eastern regions are signatories.	All the 24 AU-MSs in Southern and Eastern regions have adopted and ratified UNCLOS III	All the 24 AU-MSs in Southern and Eastern regions.	All the 24 AU-MSs in Southern and Eastern regions are signatories.	A. Yes = 22 B. Not = 02 1) Lesotho 2) South Sudan	• Acceptable = 22 • Lack funds = 02	• Help in manging of incidents on sea. • Guides managing shared fisheries
22	United Nations Framework Convention on Climate Change (UNFCCC)	1) Aware = 24 2) Not aware = 00	All countries	All countries	All countries	All countries	A. Yes = 24 B. Not = 00	• Acceptable = 02 • Lack funds = 23	• Help in implement of some projects were help develop the resilience fisher's location. • Protocols adoption to mitigate climate change
23	Paris Agreement	1) Aware = 24 2) Not aware = 00	All countries	All countries	All countries	All countries	A. Yes = 24 B. Not = 00	• Acceptable = 00 • Lack funds = 24	• Committing of funds by developed nations to developing countries to assist in mitigation and adaptation to CC. • Commitments by all parties to CC mitigation in terms of NCDs.
24	Codex Alimentarius Commission (Fish and Fishery Products)	1) Aware =07 a. Angola b. Kenya c. Lesotho d. Namibia e. South Africa f.Sudan g. Uganda 2) Not aware=17	1)Angola 2)Kenya 3)Lesotho 4)Namibia 5)South Africa 6)Sudan 7)Uganda	1) Angola 2) Kenya 3) Lesotho 4) Namibia 5) South Africa 6) Sudan 7) Uganda	1) Angola 2) Kenya 3) Lesotho 4) Namibia 5) South Africa 6) Sudan 7) Uganda	1) Angola 2) Kenya 3) Lesotho 4) Namibia 5) South Africa 6) Sudan 7) Uganda	A. Yes = 07 **1)** Angola **2)** Kenya **3)** Lesotho **4)** Namibia **5)** South Africa **6)** Sudan **7)** Uganda B. Not = 17	• Acceptable = 06 • Lack funds = 18	• Exchange experience and capacity building of national staff-Sudan. • Align with international standards to enable trade

SN	Instrument	The countries aware of the instrument	Countries that signed on to instrument	Countries that have ratified the instrument	Countries that have acceded to instrument	Countries that have made declarations	Instrument domesticated and implemented?	Are the costs acceptable & manageable?	Benefits realized from ratification or implementation
25	Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing	1) Aware = 15 a. Angola b. Comoros c. Eritrea d. Eswatini e. Kenya f. Lesotho g. Madagascar h. Mauritius i. Namibia j. Seychelles k. Somalia l. South Africa m. Sudan n. Tanzania o. Uganda 2) Not aware= 11	1) Angola 2) Comoros 3) Eritrea 4) Eswatini 5) Kenya 6) Lesotho 7) Madagascar 8) Namibia 9) Seychelles 10) Somalia 11) South Africa 12) Sudan 13) Tanzania	1) Angola 2) Kenya 3) Lesotho 4) Namibia 5) South Africa 6) Sudan 7) Tanzania	1) Angola 2) Kenya 3) Lesotho 4) Namibia 5) South Africa 6) Sudan 7) Tanzania	1) Angola 2) Lesotho 3) Namibia 4) South Africa 5) Sudan	A. Yes = 05 **1)** Angola **2)** Lesotho **3)** Namibia **4)** South Africa **5)** Sudan B. Not = 19	• Acceptable = 04 • Lack funds = 20	• Networking and exchange data information of fishing vessels operation. • Law enforcement at the entry points
26	International Convention on Oil Pollution Preparedness, Response and Cooperation, 1990 (OPRC 90)	1) Aware =02 2) Not aware = 22	1) None is a signatory	1) Djibouti 2) Seychelles	1) Djibouti 2) Seychelles	1) Djibouti 2) Seychelles	A. Yes = 02 **1)** Djibouti **2)** Seychelles B. Not = 22	• Acceptable = 02 • Lack funds = 22	• Assess on participant on even and deter oil pollution.
27	Treaty on the Prohibition of the Emplacement of nuclear weapons and destruction of other weapons of mass on the sea-bed and the ocean floor and in the subsoil thereof – Seabed Treaty	1) Aware =07 1) Botswana 2) Burundi 3) Eswatini 4) Lesotho 5) Madagascar 6) Rwanda 7) Seychelles 8) South Africa 9) Sudan 10) Tanzania 11) Zambia 2) Not aware = 15	1) Botswana 2) Burundi 3) Eswatini 4) Lesotho 5) Madagascar 6) Rwanda 7) Seychelles 8) South Africa 9) Sudan 10) Tanzania 11) Zambia	**1)** Botswana **2)** Eswatini **3)** Lesotho **4)** Rwanda **5)** Seychelles **6)** South Africa **7)** Zambia	1) Botswana 2) Eswatini 3) Lesotho 4) Rwanda 5) Seychelles 6) South Africa 7) Zambia	1) Botswana 2) Eswatini 3) Lesotho 4) Rwanda 5) Seychelles 6) South Africa 7) Zambia	A. Yes = 07 **1)** Lesotho **2)** South Africa B. Not = 16	• Acceptable = 07 • Lack funds = 16	• Prohibition of use of nuclear weapon in all aspects. • Freeing of the seabed of weapons of mass destruction

SN	Instrument	The countries aware of the instrument	Countries that signed on to instrument	Countries that have ratified the instrument	Countries that have acceded to instrument	Countries that have made declarations	Instrument domesticated and implemented?	Are the costs acceptable & manageable?	Benefits realized from ratification or implementation
28	The EU Rules to Combat Illegal Fishing (EU-IUU Regulations 2010)	1) Aware = 08 a. Angola b. Kenya c. Lesotho d. Namibia e. South Africa f. South Sudan g. Sudan h. Uganda 2) Not aware=16	1) Angola 2) Kenya 3) Lesotho 4) Namibia 5) South Africa 6) Sudan 7) Uganda	1) Angola 2) Kenya 3) Lesotho 4) Namibia 5) South Africa 6) Sudan 7) Uganda	1) Angola 2) Kenya 3) Lesotho 4) Namibia 5) South Africa 6) Sudan 7) Uganda	1) Angola 2) Kenya 3) Lesotho 4) Namibia 5) South Africa 6) Sudan 7) Uganda	A. Yes = 07 **1)** Angola **2)** Kenya **3)** Lesotho **4)** Namibia **5)** South Africa **6)** Sudan **7)** Uganda B. Not = 16	• Acceptable = 07 • Lack funds = 17	• Assess participant in event and in training workshop. • Support in IUU control and MCS • Regional and continental information sharing on IUU Fishing
29	Sustainable fisheries partnership agreements (SFPAs)	3) Aware, all the 22 AU-MSs in Southern and Eastern regions apart from Eritrea.	1) Comoros 2) Mauritius 3) Mozambique 4) Seychelles	1) Comoros 2) Mauritius 3) Mozambique 4) Seychelles	1) Comoros 2) Mauritius 3) Mozambique 4) Seychelles	1) Mauritius 2) Seychelles	A. Yes = 02 B. Not = 22	• Acceptable = 24 • Lack funds = 0	• Conservation of straddling stocks. • Income from straddling stocks.
30	International Plan of Action to Prevent, Deter, and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA-IUU)	1) Aware =07 a. Angola b. Kenya c. Lesotho d. Namibia e. South Africa f. Sudan g. Uganda 2) Not aware= 17	1) Angola 2) Kenya 3) Lesotho 4) Namibia 5) South Africa 6) Sudan 7) Uganda	1) Angola 2) Kenya 3) Lesotho 4) Namibia 5) South Africa 6) Sudan 7) Uganda	1) Angola 2) Kenya 3) Lesotho 4) Namibia 5) South Africa 6) Sudan 7) Uganda	1) Angola 2) Kenya 3) Lesotho 4) Namibia 5) South Africa 6) Sudan 7) Uganda	A. Yes = 06 **1)** Angola **2)** Kenya **3)** Lesotho **4)** Namibia **5)** South Africa **6)** Sudan **7)** Uganda B. Not = 18	• Acceptable = 05 • Lack funds = 19	• Assess participant in event and in training workshop. • Provides guidelines for shared fisheries management and MCS • Preventing IUU fishing and over exploitation of aquatic resources
31	FAO Voluntary Guidelines for Flag States Measures	1) Aware =07 a. Angola b. Kenya c. Lesotho d. Namibia e. South Africa f. Sudan g. Uganda 2) Not aware= 17	1) Angola 2) Kenya 3) Lesotho 4) Namibia 5) South Africa 6) Sudan 7) Uganda	1) Angola 2) Kenya 3) Lesotho 4) Namibia 5) South Africa 6) Sudan 7) Uganda	1) Angola 2) Kenya 3) Lesotho 4) Namibia 5) South Africa 6) Sudan 7) Uganda	1) Angola 2) Kenya 3) Lesotho 4) Namibia 5) South Africa 6) Sudan 7) Uganda	A. Yes = 07 **1)** Angola **2)** Kenya **3)** Lesotho **4)** Namibia **5)** South Africa **6)** Sudan **7)** Uganda B. Not = 17	• Acceptable = 06 • Lack funds = 18	• Assess participant in event and in training workshop. • Guidelines for access to the marine resources and exploitation of marine resources for landlocked nations • Enhanced international cooperation against non-compliance by vessels

SN	Instrument	The countries aware of the instrument	Countries that signed on to instrument	Countries that have ratified the instrument	Countries that have acceded to instrument	Countries that have made declarations	Instrument domesticated and implemented?	Are the costs acceptable & manageable?	Benefits realized from ratification or implementation
32	FAO Voluntary Guidelines for Small – Scale Fisheries	1) Aware = 24	1) Angola 2) Kenya 3) Namibia 4) South Africa 5) Sudan 6) Uganda	1) Angola 2) Kenya 3) Namibia 4) South Africa 5) Sudan 6) Uganda	1) Angola 2) Kenya 3) Namibia 4) South Africa 5) Sudan 6) Uganda	1) Angola 2) Kenya 3) Namibia 4) South Africa 5) Sudan 6) Uganda	A. Yes = 06 **1)** Angola **2)** Kenya **3)** Namibia **4)** South Africa **5)** Sudan **6)** Uganda B. Not = 19	• Acceptable = 06 • Lack funds = 19	• Assess participant in event and in training workshop. • Management of inland fisheries
33	International Treaty on Plant Genetic Resources for Food & Agriculture - ITPGRFA	2) Aware 01 a) Ethiopia	1) Ethiopia	1) Ethiopia	1) Ethiopia	1) Ethiopia	A. YES = 01 **1)** Ethiopia B. Not = 00	• Acceptable = 01 • Lack funds • = 00	
34	Convention to Combat desertification	1) Aware 24 AU-MSs in Southern and Eastern regions of Africa	1) 22 MSs apart from Somalia and South Sudan	1) All 24 MSs of the two regions	1) All 24 AU-MSs of the two regions.	1) All the 24 AU-MSs of the 2 regions	A. YES = 24 1) Ethiopia B. Not = 00	• Acceptable = 0 • Lack funds • = 24	
35	Basel Conventions	1) Aware =24	1) Lesotho	1) 23 AU-MSs from Southern and Eastern regions of Africa apart from South Sudan	1) 23 AU-MSs from Southern and Eastern regions of Africa apart from South Sudan Ethiopia	1) 23 AU-MSs from Southern and Eastern regions of Africa apart from South Sudan	A. YES = 23 1) Ethiopia B. Not = 01	• Acceptable = 00 • Lack funds • = 24	• Safeguards against the negative consequences of the production, management, transboundary transit, and disposal of hazardous and other wastes on human health and the environment.

SN	Instrument	The countries aware of the instrument	Countries that signed on to instrument	Countries that have ratified the instrument	Countries that have acceded to instrument	Countries that have made declarations	Instrument domesticated and implemented?	Are the costs acceptable & manageable?	Benefits realized from ratification or implementation
36	Rotterdam Convention	a. Aware = 24 AU-MSs in Southern and Eastern regions of Africa	1) Angola 2) Kenya 3) Madagascar 4) Namibia 5) Seychelles 6) Tanzania	1) Botswana 2) Burundi 3) Djibouti 4) Eritrea 5) Eswatini 6) Ethiopia 7) Kenya 8) Lesotho 9) Madagascar 10) Malawi 11) Mauritius 12) Mozambique 13) Namibia 14) Rwanda 15) Somalia 16) South Africa 17) Sudan 18) Tanzania 19) Uganda 20) Zambia 21) Zimbabwe	1) Botswana 2) Burundi 3) Djibouti 4) Eritrea 5) Eswatini 6) Ethiopia 7) Kenya 8) Lesotho 9) Madagascar 10) Malawi 11) Mauritius 12) Mozambique 13) Namibia 14) Rwanda 15) Somalia 16) South Africa 17) Sudan 18) Tanzania 19) Uganda 20) Zambia 21) Zimbabwe	1) Botswana 2) Burundi 3) Djibouti 4) Eritrea 5) Eswatini 6) Ethiopia 7) Kenya 8) Lesotho 9) Madagascar 10) Malawi 11) Mauritius 12) Mozambique 13) Namibia 14) Rwanda 15) Somalia 16) South Africa 17) Sudan 18) Tanzania 19) Uganda 20) Zambia 21) Zimbabwe	A. YES = 21 B. Not 3 1) Angola 2) Comoros 3) South Sudan	• Acceptable = 21 • Lack funds = 03	• Helps Parties in preventing the unauthorized importation of hazardous substances. • Facilitates the sharing of data between nations on the trafficking in dangerous chemicals.
37	Stockholm Convention	All the 24 AU-MSs in Southern and Eastern regions are aware.	1) Burundi 2) Comoros 3) Djibouti 4) Ethiopia 5) Kenya 6) Lesotho 7) Madagascar 8) Malawi 9) Mauritius 10) Mozambique 11) Seychelles 12) South Africa 13) Sudan 14) Tanzania 15) Zambia 16) Zimbabwe	1) Angola 2) Botswana 3) Burundi 4) Comoros 5) Djibouti 6) Eritrea 7) Eswatini 8) Ethiopia 9) Kenya 10) Lesotho 11) Madagascar 12) Malawi 13) Mauritius 14) Mozambique 15) Namibia 16) Rwanda 17) Seychelles 18) Somalia 19) South Africa 20) Sudan 21) Tanzania 22) Uganda 23) Zambia 24) Zimbabwe	1) Angola 2) Botswana 3) Burundi 4) Comoros 5) Djibouti 6) Eritrea 7) Eswatini 8) Ethiopia 9) Kenya 10) Lesotho 11) Madagascar 12) Malawi 13) Mauritius 14) Mozambique 15) Namibia 16) Rwanda 17) Seychelles 18) Somalia 19) South Africa 20) Sudan 21) Tanzania 22) Uganda 23) Zambia 24) Zimbabwe	1) Angola 2) Botswana 3) Burundi 4) Comoros 5) Djibouti 6) Eritrea 7) Eswatini 8) Ethiopia 9) Kenya 10) Lesotho 11) Madagascar 12) Malawi 13) Mauritius 14) Mozambique 15) Namibia 16) Rwanda 17) Seychelles 18) Somalia 19) South Africa 20) Sudan 21) Tanzania 22) Uganda 23) Zambia 24) Zimbabwe	A. YES = 24	• Acceptable = 24 • Lack funds • = 0	• Strengthens the application and overall strength of international environmental law. • Guards against the negative effects of persistent organic pollutants on people and the environment (POP)

SN	Instrument	The countries aware of the instrument	Countries that signed on to instrument	Countries that have ratified the instrument	Countries that have acceded to instrument	Countries that have made declarations	Instrument domesticated and implemented?	Are the costs acceptable & manageable?	Benefits realized from ratification or implementation
38	Bamako Convention, 1991	3) All the 24 AU-MSs of Southern and Eastern regions are aware.	1) Angola 2) Burundi 3) Comoros 4) Djibouti 5) Eswatini 6) Kenya 7) Lesotho 8) Madagascar 9) Malawi 10) Mozambique 11) Somalia 12) South Sudan 13) Tanzania 14) Zambia	1) Angola 2) Burundi 3) Comoros 4) Djibouti 5) Eswatini 6) Ethiopia 7) Kenya 8) Lesotho 9) Madagascar 10) Malawi 11) Mozam-bique 12) Somalia 13) South Sudan 14) Tanzania 15) Uganda 16) Zambia 17) Zimbabwe	1) Angola 2) Burundi 3) Comoros 4) Djibouti 5) Ethiopia 6) Eswatini 7) Kenya 8) Lesotho 9) Madagascar 10) Malawi 11) Mozam-bique 12) Somalia 13) South Sudan 14) Tanzania 15) Uganda 16) Zambia 17) Zimbabwe	1) Angola 2) Burundi 3) Comoros 4) Djibouti 5) Ethiopia 6) Eswatini 7) Kenya 8) Lesotho 9) Madagascar 10) Malawi 11) Mozambique 12) Somalia 13) South Sudan 14) Tanzania 15) Uganda 16) Zambia 17) Zimbabwe	B. Yes = 17 C. Not = 7 1) Botswana 2) Eritrea 3) Mauritius 4) Namibia 5) South Africa 6) Sudan 7) Seychelles	• Acceptable = 17 • Lack funds = 07	
39	International Plan of Action for Conservation and Management of Sharks (IPOA – Sharks)	1) Aware = 05 a. Angola b. Kenya c. Namibia d. South Africa e. Sudan 2) Not aware= 19	1) Angola 2) Kenya 3) Namibia 4) South Africa 5) Sudan	1) Angola 2) Namibia 3) South Africa 4) Sudan	1) Angola 2) Namibia 3) South Africa 4) Sudan	1) Angola 2) Namibia 3) South Africa 4) Sudan	A. Yes = 04 **1)** Angola **2)** Namibia **3)** South Africa **4)** Sudan B. Not = 20	• Acceptable = 04 • Lack funds = 20	• Assess participant in event and in training workshop.
40	Policy Framework and Reform Strategy for Fisheries and Aquaculture in Africa	1) Aware = 24 2) Not aware = 0	1) Angola 2) Kenya 3) Lesotho 4) Namibia 5) South Africa 6) Sudan 7) Uganda	1) Angola 2) Kenya 3) Lesotho 4) Namibia 5) South Africa 6) Sudan 7) Uganda	1) Angola 2) Kenya 3) Lesotho 4) Namibia 5) South Africa 6) Sudan 7) Uganda	1) Angola 2) Kenya 3) Lesotho 4) Namibia 5) South Africa 6) Sudan	A. Yes = 07 **1)** Angola **2)** Kenya **3)** Lesotho **4)** Namibia **5)** South Africa **6)** Sudan **7)** Uganda B. Not = 17	• Acceptable = 06 • Lack funds = 18	• Assess in draw national strategy. • Economic development and reduction of hunger and malnutrition from fish industry
41	World Summit on Sustainable Development (WSSD)	4) All the 24 AU-MSs of Southern and Eastern regions are aware.	1) All the 24 AU-MSs of Southern and Eastern regions are aware.	1) All the 24 AU-MSs of Southern and Eastern regions are aware.	1) All the 24 AU-MSs of Southern and Eastern regions are aware.	1) All the 24 AU-MSs of Southern and Eastern regions are aware.	A. Yes = 24 B. Not = 0	• Acceptable = 24 • Lack funds = 00	• Provides guidance to development planning and projects. • Environmental management and conservation of natural resources • Conserving natural resources while improving community livelihoods

SN	Instrument	The countries aware of the instrument	Countries that signed on to instrument	Countries that have ratified the instrument	Countries that have acceded to instrument	Countries that have made declarations	Instrument domesticated and implemented?	Are the costs acceptable & manageable?	Benefits realized from ratification or implementation
42	Conference of Africa's Ministers of Fisheries and Aquaculture (CAMFA I and II Resolutions)	5) All the 24 AU-MSs of Southern and Eastern regions are aware.	1) All 24 MSs	1) All 24 MSs	1) All 24 MSs	None	A. Yes = 09 **1)** Angola **2)** Kenya **3)** Lesotho **4)** Malawi **5)** Namibia **6)** South Africa **7)** Sudan **8)** Uganda **9)** Zambia B. Not = 15	• Acceptable = 05 • Lack funds = 19	• Development of inland fisheries • Management and utilization of marine fisheries • Intraregional fish trade • In raising fisheries profile and budgetary allocations • Sustainable fisheries exploitation
43.	EU partnership agreements for protection or financing of conservation of marine ecosystem resources and services	1) Aware =02 a. Namibia b. South Africa 2) Not aware=22	**1)** Namibia **2)** South Africa	**1)** Namibia **2)** South Africa	**1)** Namibia **2)** South Africa	**1)** Namibia **2)** South Africa	A. Yes = 02 **1)** Namibia **2)** South Africa B. Not = 22	• Acceptable = 02 • Lack funds = 22	
44	African Charter on Maritime Security and Safety and Development in Africa (Lomé Charter)	1) Aware = 15 a. Angola b. Burundi c. Comoros d. Djibouti e. Eritrea f. Ethiopia g. Kenya h. Lesotho i. Madagascar j. Malawi k. Rwanda l. Seychelles m. Somalia n. South Africa o. South Sudan p. Sudan q. Tanzania 2) Not aware = 09	1) Angola 2) Burundi 3) Comoros 4) Djibouti 5) Eritrea 6) Ethiopia 7) Kenya 8) Madagascar 9) Rwanda 10) Seychelles 11) Somalia 12) Sudan 13) Tanzania	1) 0	1) 0	1) 0	A. Yes = 00 **1)** B. Not = 24 **1)** Lesotho	• Acceptable = 00 • Lack funds • = 24	

SN	Instrument	The countries aware of the instrument	Countries that signed on to instrument	Countries that have ratified the instrument	Countries that have acceded to instrument	Countries that have made declarations	Instrument domesticated and implemented?	Are the costs acceptable & manageable?	Benefits realized from ratification or implementation
45	Regional Convention for the Conservation of the Red Sea and Gulf of Aden Environment, 1982	1) All AU-MSs in Eastern region by the Red Sea	1) All the AU-MSs of Eastern region by the Red Sea	1) All the AU-MSs of Eastern Region by the Red Sea	1) All the AU-MSs of Eastern Region by the Red Sea	1) All the AU-MSs of Eastern region by the Red Sea	A. YES = 03	• Acceptable = 03 • Lack funds • = 00	
46	SADC protocols on IUU Fishing	A. Aware = 12 1) Angola 2) Botswana 3) Eswatini 4) Lesotho 5) Malawi 6) Madagascar 7) Mozambique 8) Namibia 9) South Africa 10) Tanzania 11) Zambia 12) Zimbabwe B. Not Aware = 0	All 12 MSs	All 12 MSs	All 12 MSs	All 12 MSs	A. Yes = 12 B. Not = 00	• Acceptable = 00 • Lack funds • = 10	• Establishment of Regional Monitoring Control and Surveillance (MCS) coordination centres to improve efficiency and effectiveness of national MCS activities
47	SADC-TWIX SADC Law Enforcement and Anti-Poaching Strategy (LEAP)	A. Aware = 12 1) Angola 2) Botswana 3) Eswatini 4) Lesotho 5) Malawi 6) Madagascar 7) Mozambique 8) Namibia 9) South Africa 10) Tanzania 11) Zambia 12) Zimbabwe B. Not Aware	All 12 MSs	All 12 MSs	All 12 MSs	All 12 MSs	A. Yes = 12 B. Not = 00	• Acceptable = 04 • Lack funds = 08	• The Ministry of Tourism has established an Environmental crime unit to enforce the law on poaching and illegal trade in wild fauna and flora

SN	Instrument	The countries aware of the instrument	Countries that signed on to instrument	Countries that have ratified the instrument	Countries that have acceded to instrument	Countries that have made declarations	Instrument domesticated and implemented?	Are the costs acceptable & manageable?	Benefits realized from ratification or implementation
48	Benguela Commission	A. Aware = 04 1) Angola 2) DR Congo 3) Namibia 4) South Africa B. Not Aware =0	All 4 MSs	All 4 MSs	All 12 MSs	All 4 MSs	A. Yes = 04	• Acceptable = 04 • Lack funds • = 00	• Provides for regional cooperation in management of critical biodiversity. • Support partnering states through capacity building and sharing of expertise and resources for MCS and combating IUU.
50	Lake Victoria Fisheries convention (2016)	A. Aware = 08 1) Burundi 2) DR Congo 3) Kenya 4) Rwanda 5) South Sudan 6) Tanzania 7) Uganda B. Not Aware	1) Kenya 2) Tanzania 3) Uganda	1) Kenya 2) Tanzania 3) Uganda	1) Kenya 2) Tanzania 3) Uganda	1) Kenya 2) Tanzania 3) Uganda	A. Yes = 03 **1)** Kenya **2)** Tanzania **3)** Uganda B. Not = 05	• Acceptable = 03 • Lack funds = 05	
51	Lake Tanganyika Convention	**A.** Aware = 04 1) Burundi 2) DR Congo 3) Tanzania 4) Zambia **B.** Not Aware=00	1) Burundi 2) DR Congo 3) Tanzania 4) Zambia	1) Burundi 2) DR Congo 3) Tanzania 4) Zambia	1) Burundi 2) DR Congo 3) Tanzania 4) Zambia	1) Burundi 2) DR Congo 3) Tanzania 4) Zambia	A. Yes = 04	• Acceptable = 04 • Lack funds = 0	
52	The River Nile Basin Initiative (NBI).	A. Aware = 09 1) Burundi 2) DR Congo 3) Egypt 4) Kenya 5) Rwanda 6) South Sudan 7) Sudan 8) Tanzania 9) Uganda **B.** Not Aware	1) All 9 MSs	1) All 9 MSs	1) All 9 MSs	1) All 9 MSs	A. Yes = 09	• Acceptable = 09 • Lack funds = 0	

SN	Instrument	The countries aware of the instrument	Countries that signed on to instrument	Countries that have ratified the instrument	Countries that have acceded to instrument	Countries that have made declarations	Instrument domesticated and implemented?	Are the costs acceptable & manageable?	Benefits realized from ratification or implementation
53	Eastern Africa Cooperation and protocol against IUU by IGAD	A. Aware = 05 1) Djibouti 2) Eritrea 3) Ethiopia 4) Kenya 5) Somalia B. Not Aware = 00	All 5 MSs	All 5 MSs	All 5 MSs	All 5 MSs	A. Yes = 05	• Acceptable = 00 • Lack funds = 05	
54	Lake Albert Edward Fisheries Management Plan	A. Aware = 02 1) DR Congo 2) Uganda	The two MSs	The two MSs	The two MSs	The two MSs	A. Yes = 02	• Acceptable = 02 • Lack funds = 0	
55	Protection protocol of marine environment from land used activities in the Red Sea and Gulf of Aden (PERSGA)	A. Aware = 04 1) Djibouti 2) Egypt 3) Eritrea 4) Sudan	All 4 MSs	All 4 MSs	All 4 MSs	All 4 MSs	A. Yes = 04	• Acceptable = 04 • Lack funds • = 0	
56	Protocol concerning regional cooperation in combating pollution by oil and other harmful substances in Red Sea.	A. Aware = 04 1) Djibouti 2) Egypt 3) Eritrea 4) Sudan	All 4 MSs	All 4 MSs	All 4 MSs	All 4 MSs	A. Yes = 04	• Acceptable = 04 • Lack funds • = 0	

Appendix II: Survey questionnaire

Assessment of the level and challenges of ratification, adoption and implementation of regional, continental and global conventions and agreements pertinent to national and regional efforts for environmental and aquatic biodiversity conservation.

You are requested to respond to the following open-ended questions on the subject:

1. What is your country's/region's status of ratification, adoption or implementation of the identified international instruments related to environmental management and aquatic biodiversity conservation?
2. What are challenges faced in the ratification, adoption or implementation of the relevant instruments;
    a. Challenges in ratification:
    b. Challenges in adoption and implementation
3. Does your country have particular regulatory instruments in lieu of the adoption and implementation of relevant international instruments?
    a. Please mention the name of the Act/legislation/Regulation and concerned instrument?
    b. Do these regulatory instruments require harmonization or review in relation to relevant regional, continental and international instruments related to conservation of aquatic biodiversity and environment?
    c. If yes, please briefly describe the nature of harmonization required?
4. What gaps and needs do you think exist in the process for ratification, adoption and implementation of the legal and institutional processes of identified continental and global instruments for environmental and aquatic biodiversity conservation during the two processes of?
    a. Gaps and needs in process of ratification
    b. Gaps and needs in the process of adoption and implementation
5. What are steps that are followed in your country in ratification, adoption and implementation of the international instruments?
6. What key interventions need to be undertaken to enhance the ratification and implementation of relevant actions or key provisions;
7. Does the country or REC have specific legislation(s) and or policy instruments developed as a result of implementation of the international instrument, if so for what international instrument?
8. Please fill in the status of the following identified initiatives on Multilateral Environmental Agreements (MEAs) at national and regional levels, and what lessons and best practices can we learn so far;

9. Propose any action or mechanism at policy, legal and institutional level for strengthening the capacity of your country and regional institutions to enhance ratification and implementation of relevant global instruments in aquatic ecosystems?
   a. Ratification
   b. Adoption and implementation
10. Which of the following regional, continental and or international instruments concerning aquatic biodiversity conservation and environmental management have been ratified, adopted and implemented in your country/region?
11. AU-MSs: Adherence/Acceptance to Regional and International Instruments

Name of Respondent:

Organization of Respondent:

Country of respondent:

Region of respondent:

SN	Instrument	Aware of instrument	Signing of instrument	ratification instrument	Acceding instrument	Declaration made	Instrument implemented	Costs are manageable?	Local benefits of implementation
1									
2									
3									
4									
5									
6									
7									
8									
9									
10									
etc.									

Appendix III: Terms of Reference of Consultancy

Assessment of Regional, Continental and Global Conventions and Agreements related to Environmental and Aquatic Biodiversity conservation to facilitate their ratification, adoption and implementation.

Background:

The African Union Inter-African Bureau for Animal Resources (AU-IBAR), is a specialized technical office of the Department of Agriculture, Rural Development, Blue Economy and Sustainable Environment (DARBE) of the African Union Commission (AUC). AU-IBAR is mandated to support and coordinate the utilization of livestock, fisheries, aquaculture and wildlife as resources for both human wellbeing and economic development in the African Union Member States (AU-MS).

The Vision of the AU-IBAR in the Strategic Plan 2018-2023 is an Africa in which animal resources contribute significantly to integration, prosperity and peace. 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 within the framework of the African Union Agenda 2063.

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 the ecosystems provide sources of livelihoods, food security and wealth. The African aquatic ecosystems inhabit living and non-living resources. However, the unsustainable exploitation of these resources is threatening the biodiversity, natural resources and environmental sustainability.

Several factors are threatening aquatic biodiversity in Africa's aquatic ecosystems. These include

- Overexploitation of living species,
- Pollution from several sources (land-based municipal and agricultural activities),
- Uncontrolled introduction of exotic species in aquaculture systems,
- Effluents from mining activities.

Other threats to aquatic biodiversity include:

- poorly and or unplanned urban development and resource-based industries, such as mining, coastal tourism activities,
- coastal infrastructure development that destroy or reduce natural habitats.
- air and water pollution,
- sedimentation and erosion, and
- climate change

All pose threats to aquatic biodiversity.

Consequently, important aquatic resources are becoming increasingly susceptible to both natural and artificial environmental changes. Hence conservation strategies to protect and conserve aquatic life are necessary to maintain the balance of nature and support the availability of resources for future generations. The need to strengthen capacity of AU member states and regional institutions for protection and sustainable exploitation of living resources within their Exclusive Economic Zones (EEZs) is identified as priority in conservation of aquatic biodiversity to ensure sustainable contribution to food security, livelihoods, and wealth creation.

The highest political organ of the African Union endorsed the African Blue Economy Strategy (ABES) aimed addressing some of these challenges and for the AU member states to sustainably harness the resources of aquatic ecosystems. The ABES environed an inclusive and sustainable blue economy that significantly contributes to Africa's transformation and growth. The Strategy incorporates key critical vectors for promoting blue economic development of the Continent, including fisheries, aquaculture and ecosystem biodiversity conservation; shipping, maritime safety and trade; climate change, environmental sustainability and ecotourism; sustainable energy and extractive mineral resources; governance, institutions and job creation.

The objective of the ABES is to guide the development of an inclusive and sustainable blue economy that becomes a significant contributor to Continental transformation and growth, through advancing knowledge on marine and aquatic biotechnology, environmental sustainability, marine ecosystem utilization, conservation and carbon sequestration, the growth of an Africa-wide shipping industry, the development of sea, river and lake transport, the management of fishing activities on these water bodies, and the exploitation and beneficiation of deep sea mineral and other marine resources.

The ABES is consolidated based on the following five thematic technical areas:

1. Fisheries, aquaculture, conservation and sustainable aquatic ecosystems;
2. Shipping/transportation, trade, ports, maritime security, safety and enforcement;
3. Coastal and maritime tourism, climate change, resilience, marine ecosystem, environment, infrastructure;
4. Sustainable energy and mineral resources and innovative industries; and,
5. Policies, institutional and governance, employment, job creation and poverty eradication, innovative financing.

Accordingly, AU-IBAR with support from the Swedish International Development Cooperation Agency (SIDA), is implementing a 3-year project on "Conserving Aquatic Biodiversity in African Blue Economy' whose overall objective is to enhance the policy environment, regulatory frameworks and institutional capacities of AU member states and regional economic communities to sustainably utilize and conserve aquatic biodiversity and ecosystems.

The specific objectives of the project are as follows:

1. To provide support to AU MS to ratify and/or align relevant international/regional instruments related to blue economy themes (with specific reference to protecting and conserving biodiversity);
2. Optimizing conservation and sustainable use of biodiversity while minimizing conflicts among blue economy sub-themes;
3. Strengthening measures for mitigating the negative impacts of coastal and marine tourism, oil, gas, deep sea mining and climate change on aquatic biodiversity and environment; and,
4. Strengthening gender inclusivity in aquatic biodiversity conservation and environmental management.

RATIONALE:

There are currently in existence numerous important biodiversity and environmentally related global instruments that are yet to be fully ratified or adopted by AU member states due to variety of reasons. Some of these instruments, though ratified or adopted, their implementation faced considerable challenges. The project will conduct assessment of relevant continent and global aquatic biodiversity and environmental related instruments to identify challenges and develop priority actions to enhance ratifications, adoption and implementation. Some of the challenges include capacity in the AU member states, lack of awareness on key provisions of these instruments and their relevance. Accordingly, awareness will be created, and continental knowledge enhanced on identified key aquatic biodiversity and environmentally related continental and global instruments underlining key provisions and benefits.

Some of these instruments include the following:

1. Convention on Biological Diversity in the context of Blue Economy
2. Convention on International Trade in Endangered Species of Wild Fauna and Flora
3. Basel, Rotterdam and Stockholm Conventions (BRS)
4. The Intergovernmental Platform on Biodiversity and Ecosystem Services (IPBES)
5. Ramsar Convention on Wetlands
6. International Convention for the Prevention of Pollution from Ships (MARPOL)
7. International Plan of Action (IPOA) for Conservation of sharks
8. United Nations Framework Convention on Climate Change (UNFCCC)
9. United Nations Convention on Law of the Sea (UNCLOS)
10. Lomé Charter

The AU-MS and REC's face challenges that hinder them to ratify, adopt and implement continental and international instruments related to aquatic biodiversity conservation and environmental management.

Some of the challenges include:

i. Lack of adequate awareness on the benefits that accrue for participation and from ratification and implementation of these instruments;
ii. Capacity to understand the procedures involved in the ratification;
iii. Low and weak participation of AU member states in the conceptualization and formulation of these instruments;
iv. Weak negotiation skills to enable AU-MS highlight issues of interest and common position

The above necessitates the need to carry out assessment to identify the relevant regional, continental and global aquatic biodiversity and environmental instruments, status of ratification and adoption by AU member states and RECS, assess and highlight the challenges and develop mechanisms to enhance their ratification, adoption and implementation.

AU–IBAR is seeking to recruit suitable consultants to undertake the assignment in regions that have been clustered for ease of execution. The assignment will require two consultants to conduct the studies in the following regional clusters: (i) South and Eastern Regions of Africa, and (ii) West, Central and Northern Regions of Africa 4

OBJECTIVE

The overall objective of this consultancy is to conduct assessment of relevant Regional, Continental and Global biodiversity and environmental instruments to develop guidelines and priority actions in order to support the AU member states and RECs in the ratification, adoption and implementation of conventions and agreements related to conservation of aquatic biodiversity and environmental management

TASKS

1. To liaise with the relevant persons at AU-IBAR for adequate briefing and clarification of tasks
2. Prepare inception report within 5 days of signature to the contract outlining methodology, approach and proposed locations for visit;
3. Identify, develop inventory and conduct assessment of (aquatic) biodiversity and environmental related instruments at regional, continental and global levels;
4. Establish the status of ratification, adoption or implementation of these instruments by AU MS and RECs outlining challenges to their ratification, adoption or implementation;
5. Highlight the regulatory instruments that require harmonization or review in relation to relevant regional, continental and international instruments related to conservation of aquatic biodiversity and environment;
6. Identify existing gaps, challenges in the legal and institutional processes in selected AU MS's and RECs for the ratification, adoption or implementation of identified continental and global instruments;
7. Conduct in-depth review and develop or synthesis of each of the identified instruments, highlighting, policy related issues and develop guidelines or mechanisms for ratification, adoption and implementation, Outline relevant critical steps and priority actions for AU MS and RECs for enhanced ratification and implementation of relevant actions or key provisions;
8. Undertake consultations with AU member states Regional Economic Communities, specialized regional institutions, other stakeholders relevant to aquatic biodiversity conservation and environmental management on issues of ratification, adoption and implementation of relevant regional, continental and global aquatic biodiversity conservation and environmental instruments;
9. Conduct assessment of status of selected existing initiatives on Multilateral Environmental Agreements (MEAs) at regional levels and determine lessons and best practices;
10. Propose mechanisms, policy, legal and institutional frameworks for strengthening the capacity of AU member states and regional institutions to enhance ratification and implementation of relevant global instruments in aquatic ecosystems;
11. Conduct validation and awareness enhancing workshops on the findings and recommendations should any such workshop be organized during the contract period;
12. Develop comprehensive report at the end of assignment.

DELIVERABLES:

1. Inception report within 5 days of signature to the contract outlining methodology, approach and proposed locations for visit;
2. Report of inventory on identified relevant regional, continental and international instruments (agreements and conventions) related to conserving aquatic biodiversity and environment 5
3. Report on the status of ratification or implementation of identified continental and international instruments, outlining challenges to their ratification; adoption and implementation
4. Synthesis of critical provisions of identified continental and international instruments, highlighting opportunities and benefits to AU member states and RECs
5. Report on the identified existing gaps in the regulatory frameworks and institutional processes in AU-MS's and RECs with regards to ratification, adoption and implementation of identified instruments
6. Develop guidelines or mechanisms or procedures for ratifications, adoption or domestication and implementation of identified instruments, outlining critical steps and priority actions
7. Report on the proposed mechanisms with respect to policy, legal and institutional frameworks for strengthening the capacity of AU-MS and regional institutions to enhance ratification and implementation of relevant continental and global instruments relevant to aquatic biodiversity and environment;
8. Recommendations on prioritized regional, continental and global instruments for ratification, adoption or domestication and implementation in Africa; and,
9. Comprehensive report at the end of the assignment.



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