BIENNIAL FORUM FOR REGULAR CONSULTATIONS ON MONITORING COMPLIANCE ON DOMESTICATIONS OF GLOBAL AND CONTINENTAL INSTRUMENTS WITHIN THE FRAMEWORK OF AFRICAN FISHERIES REFORM MECHANISM (AFRM)

SECOND EDITION



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Executive Summary

The purpose of this report is to assist AU-IBAR develop a mechanism and framework document for establishing and operationalizing the Biennial Forum for regular consultations on implementation of Policy Framework and Reform Strategy (PFRS) for Fisheries and Aquaculture in Africa and compliance on domestications of global and continental instruments.

The report is based on two sets of studies. First study was undertaken by an international consultant who assessed the status of implementation of priority instruments; identified the relevant regional and national institutions that were involved in coordinating the instruments; and developed a governance structure, including a sustainable financing mechanism. Second set of studies were conducted by a number of national consultants who assessed the status of domestication of these instruments in a selected number of Member States. The international consultant assessed the status of implementation of regional and international policy instruments in fisheries and aquaculture as well as other environmental instruments was determined by undertaking an online review of the priority instruments. The first study analysed a sample of twenty-eight countries (28), seven each in ECOWAS and SADC; five each in EAC and IGAD and four in UMA. The national consultants conducted more detailed assessments on an additional twelve (12) Member States, making a total of forty (40) Member States.

Conclusions and Recommendations

Conclusion: The study has revealed that a lot of the AU Member States are party to the International Instruments on Fisheries Regulations. A number of these instruments, including CBD, UNFCCC (Paris Declaration; Kyoto Protocol), Basel, Rotterdam, as well as UNCLOS and SPS/TBT (WTO), are close to achieving universal participation, thus they are the most ratified and domesticated. Additionally, some regional treaties, namely ICCAT, also enjoy a universal participation at their own levels.

Recommendations:

- AU-IBAR should put in place a mechanism for supporting Member States to domesticate the PFRS, in line with their respective regional fisheries and aquaculture strategies (e.g. SADC Protocol on Fisheries, ECOWAS-CSFS FAD).
- Since it is clear that most MS have achieved near universal participation in some of the international instruments (e.g. UNCLOS, CBD, SPS/TBT), these MS need to be supported to ensure domestication of these in their national fisheries policies; as well as implement them.
- More importantly, MS should be supported to ensure active participation in the UNCLOS State Parties (SPLOS) meetings.
- For the MEAs, the MS ministries, departments and agencies responsible for fisheries should be supported to actively participate in these, considering that often it is environmental agencies that are the Focal Points.

Conclusion: Review of some Member States's national policies and strategies showed that they have domesticated the Policy Framework and Reform Strategy (PFRS) for Fisheries and Aquaculture in Africa. The rate of domestication ranges from country to country, with an average domestication range of around

80%. However, while most African countries might have referred to the PFRS in their national fisheries and aquaculture policies, it likely that since most of them developed their policies before 2014, they might have missed the PFRS. In this regard, some polices make reference to the NEPAD Fish For All Summit.

Recommendation: AU-IBAR should consider establishing a tacking system for domestication of the as well as and provide technical support to the MS to revise their policies and take into account the PFRS.

Conclusion: Currently, there is no formal Governance Structure for global and continental coordination of the fisheries and the environment instruments. As a result of this, efforts to include fisheries and aquaculture agencies tend to be fragmented.

Recommendation: AU-IBAR should consider establishing a number of Desks in order to enhance coordination with the various UN agencies that are responsible for the international instruments. These should include "UNEP Liaison Desk" to coordinate with the Nairobi-based MEAs under UNEP; COP-Liaison Desk, for non-UNEP MEAs; and UNCLOS Liaison Desk to link with DOALOS in New York.

Conclusion: The COFI-like Biennial Forum has been proposed, with six roles, including consolidate reports on the progress of accession and implementation of the international; support MS (i.e. African Voice) in the deliberations to formulate or implement international conventions; and make recommendations on international instrument for inclusion in the African Fisheries Report.

Conclusion: Sustainable financing mechanism for the Biennial Forum should build on the international instruments' provisions for financing for the developing countries, including Small Island States (SIDS). Additionally, Member States should consider allocating budgets towards participation in policy discourses and implementation of global, continental and regional.

Recommendation: AU-IBAR should explore opportunities for funding jointly with RECs, RFBs and MS. In some cases, AU-IBAR may need to explore options for working together with the non-fisheries institutions (i.e. the government ministries, departments and agencies responsible for environment).

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1.0 Context and Purpose

The purpose of this report is to assist AU-IBAR develop a mechanism and framework document for establishing and operationalizing the Biennial Forum for regular consultations on implementation of Policy Framework and Reform Strategy (PFRS) for Fisheries and Aquaculture in Africa and compliance on domestications of global and continental instruments. The Biennial Forum is critical for the implementation of fisheries and aquaculture policy on the continent, and this regard it is expected to (i) provide a platform and opportunity for assessing and reviewing the progress of the implementation of the PFRS, regional and international instruments among the AU MS; and (ii) provide a comprehensive framework to consolidate the national, regional and global efforts and strategic guidance to harness and maximize the potential of sustainable fisheries and aquaculture to spur socio-economic growth and development in African countries. Furthermore, this consultancy will prepare background information on the status of implementation of the various priority global instruments and provide some form of baseline for "Monitoring the Compliance of Domestication of Global and Continental Instruments", within the framework of the African Fisheries Reform Mechanism (AFRM).

Specific focus of this exercise was to develop a framework that will guide Member States and partners during the Dar es Salaam workshop, to prepare a Mechanism for establishing a Biennial Forum on Fisheries and Aquaculture. Furthermore, additional studies were commissioned to undertake country-specific assessment to determine the level of domestication and implementation of these instruments, particularly the PFRS, The Biennial Forum is intended to enable the Member States to fast-track "Domestication and Implementation of Fisheries and Aquaculture Instruments" in their national policies and strategies. In order to draft the Mechanism, the consultants undertook the following actions:

i. Gathered, collated, reviewed and synthesised relevant data, literature/ information on the current status of implementation of regional and international policy instruments in fisheries and aquaculture in AU Member States.
ii. Identified the relevant regional and national institutions that are involved in the domestication and implementation of the regional and global fisheries and aquaculture related instrument.
iii. Defined the purpose and scope of the Biennial Forum within the context of thematic and geographical scope while taking into consideration the existing internal and external environment.
iv. Proposed for further consideration by the AU MS, AUC and its subsidiary organs the structure and mechanism for anchoring the Biennial Forum within the AUC framework.
v. Developed and defined the governance structure and its mode of operation while taking into consideration the existing structures within the AUC and its affiliate institutions including AU-IBAR, NEPAD-Agency.
vi. Proposed the options for sustainable financing mechanism to support and sustain the work of the Biennial Forum before and after the AU-IBAR project completion.
vii. Synthesised and collate all the information collected from different sources and put together a draft mechanism and framework for establishing and operationalizing of the biennial forum for regular consultations on implementation of PFRS and compliance on domestications of global and continental instruments.
viii. The draft Mechanism and Framework for establishing and operationalizing of the Biennial Forum for regular consultations on implementation of PFRS and compliance on domestications of global and continental

instruments to the client (AU-IBAR) will be presented to the Dar es Salaam workshop from 16th to 18th August for inputs, and subsequent finalisation.

2.0 Background

The African Fisheries Reform Mechanism (AFRM) was developed to create a new, coherent, AU-based regional partnership platform - with the objective of facilitating the development, adoption and implementation of reforms in fishery governance and management that would contribute towards transforming Africa's fisheries from overexploitation and overcapitalization towards environmental, economic and social sustainability. The revised African Fisheries Reform Mechanism (AFRM) was endorsed by the 2020 (Executive Council Decision EX.CL/Dec. 1074 (XXXVI) (African Union 2020)[1], with the aim of facilitating coordination and coherence in the governance of fisheries and aquaculture sector. Therefore, the AFRM serves as a platform for: Coordination and coherence; Information sharing; Knowledge generation; Advocacy; Policy development, monitoring, implementation and consultative platform; Monitoring progress of implementations of AU Policy Organs' decisions; and Resources mobilization for fisheries and aquaculture development in Africa.

Coordination is one of the key deliverables of the Mechanism, therefore, it is necessary to ensure that all relevant inputs before, during and after key events of the identified fora and organizations, are done coherently. One of the critical elements of the coordination task is to ensure increased ratification, implementation and domestication of all relevant international instruments by African Member States.

Many African Member States experience poor ratification, implementation and domestication of priority international instruments. According to ACECoR (2023)[2], some of causes of poor ratification and domestication are (a) institutional fragmentation of national agencies responsible for different aspects of international instruments; (b) competing priorities; (c) variances in the legal structure and political considerations necessary for ratification; and (d) limited technical capacity.

Therefore, the Second Phase of the Fisheries Governance Project (FishGov2) has prioritised that establishment and operationalisation of the Biennial Forum for Regular Consultations on Monitoring Compliance on Domestications of Global and Continental Instruments (including the PFRS) (the Biennial Forum), within the framework of the AFRM. Consequently, the Dar es Salaam consultative meeting of March 2022, endorsed the establishment of the Biennial Forum, with the expectation that it will be similar to COFI, which meets one in every two years, with AU-IBAR serving as the Secretariat (AU-IBAR 2022)[3]. Furthermore, it was recommended that the mechanism and framework document for establishing and operationalising the Biennial Forum be developed.

[1] *African Union. 2020. Decisions of the 36th Ordinary Session of the Executive Council, 6- 7 February 2020, Addis Ababa, Ethiopia: Endorsement of the Third Ordinary Session of the Specialized Technical Committee (STC) on Agriculture, Rural Development, Water and Environment (ARDWE) (EX.CL/Dec. 1074(XXXVI). Executive Council, EX.CL/Dec.1073-1096(XXXVI). Addis Ababa, Ethiopia.*

[2] *ACECoR. 2023. Mechanism for Follow-up on Implementation and Ratification of Relevant International Instruments by African Union Member States for Biennial Reporting Progress of Domestication. Technical Report. May 2023, African Union InterAfrican Bureau for Animal Resources (AU-IBAR), Nairobi.*

[3] *AU-IBAR 2022. Consultative meeting to support AU Member States involvement, compliance with global instruments and promote their use by AU Member States. 28th – 30th March, 2022, Dar es Salaam, Tanzania.*

It is in this context that AU-IBAR commissioned consultancies in order to:

i. assess the status of domestication and implementation global, continental and regional priority instruments.
ii. propose the mechanism and framework document for the operationalisation of the Biennial Forum.
iii. propose options for supporting African Union Member States' involvement and compliance.
iv. propose options for sustainable financing mechanism to support and sustain the work of the Biennial Forum before and after the AU-IBAR project completion.
v. Facilitate the deliberation of the above proposed actions during the inaugural meeting of the Biennial Forum in Dar es Salaam, from 16th to 18th August 2023 and the second Biennial Forum that was held in Abidjan, Cote d'Ivoire from 27th to 29th May 2025. Prioritised actions were agreed upon in line with the FishGov2 Project activities.

Ultimately, the outcome of the Dar es Salaam and Abidjan meetings were a Plan of Action to proffer solutions to MS challenges and enhance coordination in the adoption, domestication and implementation of the continental, regional and global priority instruments.

3.0 Methods and Tasks

3.1 Task 1: Status of implementation of priority instruments

Status of implementation of regional and international policy instruments in fisheries and aquaculture as well as other environmental instruments was determined by undertaking an online review of these. The priority instruments were drawn from the ACECoR (2022)[4]. As for the domestication of the global, continental and regional instruments, the national fisheries and aquaculture policies and strategies were assessed to determine if they were aligned with those global, and continental (PFRS). The international consultant analysed only twenty-eight countries (28), seven each in ECOWAS and SADC; five each in EAC and IGAD and four in UMA. An additional twelve (12) Member States were assessed by national consultants. In addition, a series of national consultancy reports on "A Review of National Policies, and Regulatory Frameworks for Alignment and Coherence with Relevant Regional and Global Biodiversity Conservation and Environmental Management Instruments", funded by the Government of Sweden, were also examined to verify the alignments.

3.2 Task 2: Identified the relevant regional and national institutions of domestication.

The institutions that are responsible for coordination and domestication of the priority instruments were identified by assessing the Focal Points, government ministries and agencies at the country levels, that are affiliated to the United Nation Agencies that have mandates over those instruments.

3.3 Task 3: Governance structure

The governance structure was developed and defined by assessing the current global instrument governance structure in comparison with the AFRM. The development of the mode of operation took into consideration the existing structures within the AUC and its affiliate institutions including AU-IBAR, NEPAD-Agency.

[4] *ACECoR. 2022. Identification an Analysis of Priority Instruments and Initiative and Outline.*

4.0 Findings

4.1 Status of implementation of regional and international policy instruments in fisheries and aquaculture in AU Member States.

Table 1 shows the names of some of the Member States and the International Instruments on Fisheries Regulations to which they are party. Among the International fisheries and aquaculture instrument, the most ratified and domesticated are UNCLOS (86%), PSMA (43%), ICCAT (32%), followed by CCRF (29%), Whaling (29%), and UNFSA (29%) and Compliance Agreement (27.5%). It is important to note that all African Member States, including the landlocked, have ratified UNCLOS. Very few Member States (21%) are party to the UN Watercourses Convention (The Gambia, Niger, Nigeria, South Africa, Tunisia and Morocco). It seems the MS that are party to the UN Watercourse Convention are those that share major River Basins: The Gambia River owns the Gambia River; Niger and Nigeria share the Niger River; and South Africa share the Orange River.

With regard to the environment instrument, the most ratified are CBD (93%), Basel (97.5%) (only South Sudan is not Party to Basel), CITE (89%), UNFCCC (86%), Rotterdam (86%), followed by Ramsar conventions (75%), SDGs (100%), and MARPOL (60% (Table 2). Incidentally, the UN has categorised CBD and UNFCCC (Paris Declaration; Kyoto Protocol), Basel, Rotterdam, together with UNCLOS, have been described as treaties which are close to achieving universal participation (United Nations 2023)[5].

It is important to note that The International Convention for the Prevention of Pollution of the Sea by Oil (OILPOL) was an International Treaty signed in London on 12 May 1954 (OILPOL 54). It was updated in 1962 (OILPOL 62), 1969 (OILPOL 69), and 1971 (OILPOL 71).[1] OILPOL was subsumed by the International Convention for the Prevention of Pollution from Ships (MARPOL) in 1973; noting that most oil pollution resulted from routine shipboard operations such as the cleaning of cargo tanks.

Most Member States are actively implementing the Sustainable Development Goals (SDGs). This is evident in a number of ways, namely (i) SGDs have been integrated into the National Development Plans (NDPs); (ii) MS have established frameworks for monitoring implementation of SDGs and reports on progress; and (iii) MS have put in place mechanisms in collaboration with the UN, for coordinating the implementation of SDGs and they prepare and present regular Voluntary National Reviews (VNRs) to the UN on its progress. The progress on domestication of SDGs by Member States (see Table 2), was verified by examining their VNRs.

[5] *United Nations, 2023. 2023 TREATY EVENT: Towards universal participation in multilateral environmental agreements for a healthy planet. Office of Legal Affairs of the United Nations.*

Table 1. *Alignment with International Instruments on Fisheries Regulations*

	Country	CCRF	(IP-OA-IUU	Voluntary Guide-lines SSF	UNCLOS	UNFSA	Compliance Agreement	PSMA	ICCAT	Whaling	C188	Code of Safety)
1	The Gambia	✓		✓	✓	✓		✓	✓	✓		
2	Ghana	✓	✓	✓	✓	✓	✓	✓	✓			
3	Cabo Verde	✓		✓	✓		✓	✓	✓	✓	✓	
4	Senegal				✓	✓	✓	✓	✓	✓	✓	
5	Sierra Leone				✓		✓	✓	✓			
6	Cote d'Ivoire	✓	✓	✓	✓				✓			
7	Mali				✓					✓		
8	Niger	✓	✓	✓	✓							✓
9	Burkina Faso	✓		✓	✓							
10	Mauritania				✓			✓	✓			
11	Liberia	✓	✓	✓	✓	✓	✓	✓	✓			
12	Nigeria				✓	✓		✓	✓			
13	Angola				✓		✓	✓	✓		✓	
14	Malawi	✓			✓							
15	South Africa	✓			✓	✓		✓		✓	✓	
16	Seychelles				✓	✓	✓	✓				
17	Zimbabwe	✓	✓	✓	✓							
18	Comoros				✓							
19	Madagascar	✓	✓	✓	✓	✓	✓	✓				✓
20	Botswana				✓							
21	Lesotho	✓	X	X	X	X	X	X	X	X	X	X
22	DRC				✓							
23	Kenya	✓			✓	✓		✓		✓	✓	
24	Rwanda	✓										
25	Uganda				✓							
26	Burundi											
27	United Republic of Tanzania	✓	✓	✓	✓		✓			✓		

	Country	CCRF	(IP-OA-IUU	Voluntary Guide-lines SSF	UNCLOS	UNFSA	Compliance Agreement	PSMA	ICCAT	Whaling	C188	Code of Safety)
28	Eritrea							✓		✓		
29	Ethiopia				✓							
30	South Sudan	✓										
31	Sudan				✓			✓				
32	Somalia	✓			✓			✓				
33	Algeria				✓				✓			
34	Egypt				✓		✓		✓			
35	Tunisia				✓				✓			
36	Morocco				✓		✓			✓	✓	
37	Libya	✓ 1995	✓ 2001	(partial awareness, not imple-mented)	✓ 1984	X	X	X	✓ 1995	X	X	partial aware-ness
38	Congo	✓	✓	✓	✓							
39	Gabon				✓			✓	✓			
40	Chad	✓		✓	✓							

Table 2. *Alignment with International Instruments for Environmental Protection, Pollution Control and Biodiversity CBD, CITE, UNFCCC, Base, Rotterdam and SDGs*

Country	SDG 2015	CBD	Sub-regional Conv.	MARPOL Conv.	CITES	Ramsar Conv.	Basel Conv.	Rotter-dam	UN Wa-tercourses Conv.	UN-FCCC	Oil Pol-lution	OPRC	Ballast Water
The Gambia	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	
Ghana	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Cabo Verde	✓			✓	✓	✓	✓	✓		✓		✓	
Senegal	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	
Sierra Leone	✓	✓	✓	✓	✓		✓	✓				✓	✓
Mali	✓	✓			✓	✓	✓	✓		✓			
Cote d'Ivoire	✓	✓		✓	✓		✓					✓	✓
Liberia	✓	✓	✓	✓	✓	✓	✓			✓		✓	✓
Burkina Faso	✓	✓	✓		✓	✓	✓	✓	✓				
Niger	✓	✓			✓	✓	✓	✓	✓	✓			
Mauritania	✓	✓		✓	✓		✓	✓				✓	
Nigeria	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Angola	✓	✓		✓	✓	✓	✓	✓		✓		✓	
Malawi	✓	✓		✓	✓	✓	✓	✓		✓			
South Africa	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓
Seychelles	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓
Comoros	✓	✓	✓	✓	✓	✓	✓			✓			
Madagascar	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓
Lesotho	✓	✓			✓	✓	✓	✓	✓	✓			
Zimbabwe	✓	✓		✓	✓	✓	✓	✓	✓	✓			
Botswana	✓	✓			✓	✓	✓	✓		✓			
Zambia	✓	✓			✓	✓	✓			✓			
DRC	✓	✓			✓		✓	✓		✓			
Kenya	✓	✓	✓	✓	✓	✓	✓	✓		✓		✓	✓
Rwanda	✓						✓						
Uganda	✓	✓		✓	✓	✓	✓	✓		✓			

Country	SDG 2015	CBD	Sub-regional Conv.	MARPOL Conv.	CITES	Ramsar Conv.	Basel Conv.	Rotter-dam	UN Wa-tercourses Conv.	UN-FCCC	Oil Pol-lution	OPRC	Ballast Water
Burundi	✓	✓			✓	✓	✓	✓		✓			
United Republic of Tanzania	✓	✓	✓	✓	✓	✓	✓	✓		✓		✓	
Eritrea	✓	✓			✓		✓	✓		✓			
Ethiopia	✓	✓			✓		✓	✓		✓			
South Sudan	✓	✓				✓				✓			
Sudan	✓	✓			✓		✓	✓		✓		✓	
Somalia	✓	✓	✓		✓		✓	✓		✓			
Algeria	✓	✓			✓	✓	✓	✓		✓	✓	✓	
Egypt	✓	✓		✓	✓	✓	✓				✓	✓	✓
Tunisia	✓	✓		✓		✓	✓	✓	✓	✓		✓	
Morocco	✓	✓		✓	✓	✓	✓	✓	✓	✓		✓	✓
Congo	✓	✓		✓	✓		✓					✓	✓
Gabon	✓	✓		✓			✓					✓	✓
Chad	✓						✓						
Libya	✓	✓	✓	2005 Except Annex VI ✓	✓	✓	Acces-sion 2001	Accession 2002	✓	✓	✓	✓ 2016 REM-PEC -2004	X

Table 3 shows the domestication of SPS, TBT and the PFRS. Most Member States are members of WTO, and hence domesticated SPS and TBT. It must be noted that while most African countries might have made refence to the PFRS in their national fisheries and aquaculture policies, it likely that since most of them developed their policies before 2014, it is likely that they missed. This was evident in the mentioning of the NEPAD Fish For All Summit in some of the older national policies. Furthermore, this could also be due to the absence of tacking system, as well as lack of technical support for MS to revise their policies. Nonetheless, most Member States have domesticated the Policy Framework and Reform Strategy (PFRS) for Fisheries and Aquaculture in Africa. The rate of domestication ranges from country to country, with an average domestication range of around 80%. Further to the PFRS, Member States are urged to ensure domestication of such priority continental instruments as the Lome Charter and the Djibouti Code of Conduct to deter piracy.

Table 3. *Alignment with Other International and Continental Instruments*

Country	SPS	TBT	PFRS
The Gambia	✓	✓	✓
Ghana	✓	✓	✓
Cabo Verde	✓	✓	
Senegal	✓	✓	
Sierra Leone	✓	✓	
Mali	✓	✓	
Burkina Faso	✓	✓	
Mauritania	✓	✓	
Niger	✓	✓	✓
Liberia	✓	✓	✓ (54.26 %)
Nigeria	✓	✓	✓
Angola	✓	✓	
Malawi	✓	✓	✓
South Africa	✓	✓	✓
Seychelles	✓	✓	
Comoros	✓	✓	
Madagascar	✓	✓	✓ (76.75%)
Botswana	✓	✓	✓
Lesotho	✓	✓	✓
Zambia	✓	✓	✓

Zimbabwe	✓	✓	✓ (89.7%)
DRC	✓	✓	
Kenya	✓		✓
Rwanda	✓	✓	✓
Uganda	✓	✓	✓
Burundi			
United Republic of Tanzania	✓	✓	✓
Eritrea	✓	✓	
Ethiopia	✓	✓	✓
South Sudan	✓	✓	✓
Sudan	✓	✓	
Somalia	✓	✓	✓
Algeria	x	x	
Egypt	✓	✓	✓
Tunisia	✓	✓	
Morocco	✓	✓	
Libya	X Libya is not fully member of WOT but as an (Observer)- Some practices related to SPS and TBT have been voluntarily adopted, particularly in areas such as: Sanitary control of food products (including fish and seafood). Some quality standards for international trade.	X	✓
Congo	✓	✓	
Gabon	✓	✓	

National reviews revealed a number of challenges that need to be addressed in order to enhance the capacity for domestication. A number of recommendations were made during bother the First (Dar es Salaam) and Second (Abidjan) Biennial For a, and they include the following: (i) strengthening Communication and partnership with other frameworks, e.g. Blue Economy; (ii) strengthen the legal framework of the countries considering global needs; (iii) enhance and diversify PPP in international cooperation; (iv) strengthen inter-ministerial cooperation in aquatic space at the country level; (v) partnership for MSC, research, and sustainable fishing practices and platform for sharing experiences and practices; (vi) integrate Blue Economy

with fisheries management priorities; (vii) complexity of the global instruments deter MS from domesticating and implementing; (viii) support with adapting to institutional instability that make coordination difficult; (ix) improve development and implementation of legal frameworks; (x) support domestication and implementation of regional commitments or instruments, such as the Lome Charter; and (xi) support to strengthen the capacity of MS to understand the contents and implications of the global instruments, within the national context.

4.2 Relevant regional and national institutions that are involved in the domestication and implementation of the regional and global fisheries and aquaculture related instrument.

The international fisheries and aquaculture instruments do not seem to have established clear structures for institution homes, and therefore, it was assumed that these are coordinated from the government ministries and departments responsible for fisheries and aquaculture. As opposed to fisheries instruments, the environment ones which have dedicated National Focal Points. Assessment of institutions that are involved in the domestication of international instruments revealed that the Multilateral Environmental Agreements (MEAs) had the best institutional set-ups at the national levels, as opposed to the fisheries and aquaculture ones. For example, MARPOL convention, in most countries, the representatives were in the Maritime Administration or Authority, or Ministries responsible for transport; for CITES they were mainly in the ministries or departments responsible for wildlife or tourism (see Table 4).

The Regional Sea Conventions, namely Abidjan and Nairobi Conventions have coordinating investments mainly in the ministries responsible for environment (See Table 4). Analysis revealed that while the Nairobi Convention had clear Focal Persons and Ministries (e.g. in Kenya, South Africa, URT, Somalia, Seychelles, Comoros). However, the Abidjan Convention which did not clearly show the country representatives; although it might be assumed that the coordination was done form the ministries responsible for environment.

4.4 Governance structure and its mode of operation.

The Governance structure being proposed is based on the existing global and continental structures for the fisheries and the environment instruments. The model builds on some of key global instruments that have established the most robust coordination mechanisms, notable the UNFCCC, UNCLOS and UNEP's MEAs.

4.4.1 UNFCCC

Governing and subsidiary bodies of the UNFCCC comprise (i) the Convention, (ii) the Kyoto Protocol, and (iii) the Paris Agreement established three governing bodies: (i) the COP for the Convention, (ii) the CMP for the Kyoto Protocol and (iii) the CMA for the Paris Agreement. The Bureau of the COP, the CMP and the CMA supports the work of the governing bodies. The UNFCCC secretariat provides organizational support and technical expertise. Two permanent subsidiary bodies – the SBSTA and the SBI – assist the governing bodies. The COP, the CMP and the CMA furthermore establish other ad hoc subsidiary bodies as deemed necessary to address specific issues.

Analysis has shown that at the country levels, the Focal Points for the UNFCCC are generally the government ministries, department and agencies responsible for environment (see Table 4). The COP as a mechanism for bring together MS, has proven to be an important governance structure. The COP is the supreme decision-making body of the Convention. All States that are Parties to the Convention are represented at the COP, at which they review the implementation of the Convention and any other legal instruments that the COP adopts and take decisions necessary to promote the effective implementation of the Convention, including institutional and administrative arrangements.

4.4.2 Meetings of States Parties to the 1982 United Nations Convention on the Law of the Sea

It is apparent that the State Parties (SPLOS) meet regularly almost once a year, but sometimes more than once a year. Among other things, the Meeting elects the members of the International Tribunal for the Law of the Sea (election of one third of the members takes place every three years) and the members of the Commission on the Limits of the Continental Shelf (election of all 21 members takes place every five years). It considers, annually, the report of the Tribunal and deals with its budgetary and administrative matters. The meetings are coordinated by the Secretary of the Meeting of States Parties, at the Division for Ocean Affairs and the Law of the Sea (Office of Legal Affairs), at the United Nations in New York, USA.

Table 4. *International Instruments for Environmental Protection, Pollution Control and Biodiversity and Their National Representatives*

Country	SDG 2015	CBD	Sub-regional Conv.	MARPOL Conv.	CITES	Ramsar Conv.	Basel Conv.	Rotterdam	UN Watercourses Convention	UNFCCC	Oil Pollution	OPRC
The Gambia	✓	MECNR	✓	GPA	DParks	MECW	NEnvA	NEnvA	DWater	CS		
Ghana	NDPC	MEST		GMA	MLNR/ FC-WD	FC-WD	EPA	EPA	MSWR-WRC	MEST		
Cabo Verde	✓	MAgric			MAgric	DGEnv	MAgric	MAgric		NEMGP		
Senegal		MEnvir	✓	ANAM	DWFH	DParks	MEnvir	MEnvir		DEnvir		
Sierra Leone		MAgric	✓	SLPA	MAgric		EPA	EPA		MEnvir		
Mali		MEnvir			MEnvi	MEnvir	MEnvir	MEnvir		AESD		
Burkina Faso	Prima-ture	CONEDD	MEEA/ GIRE		CONEDD	CONEDD	CONEDD	CONEDD	CONEDD	CONEDD		
Niger		NCE			MEnvir	DWild	MEnvir	MAgric	-	PM		
Nigeria		MEnvir	✓	MSD	MEnvir	MEnvir	MEnvir	MEnvir	MWater	NCCC		
Angola		MEnvir	✓	IMPA	MEnvir	-	MEnvir	MEnvir		MEnvir		
Malawi		EAD		-	DParks	MTour	MNR	EAD		EAD		
South Africa		DFFE	DFFE	DFFE	DEnvir	DFFE	DEnvri	DFFE	-	DFFE		
Seychelles		MAgric	MEnvir	SMSA	MEnvir	MEnvir	MAgric	MAgric		MEnvir		
Comoros		MAgFET	MAgFET	✓	MAgFET	MPE	VP-Envir	-		MAgFET		
Lesotho	MoFDP, MoEnv	MoEnv	MoEnv, MoA (DLS)	MoEnv	MoEnv, MoNR (COW&D-WA)	MoEnv	MoEnv	MoEnv, MoNR (COW&D-WA, LHDA)	MoEnv			
Zimbabwe		MEnvir			ZAIP, FARP-SDP, NEP, and CCNA							
Botswana		MEnvir			DParks	MEnvir	MEnvir	MEnvir		MEnvir		
DRC		MEnvir			ICons		MEnvir	MEnvir		MEnvir		
Kenya	✓	MEnvir	MEnvir	KMA	KWS	KWS	MEnvir	MEnvir		MEnvir		
Rwanda		EnvirM		MET	RDB/T	EnvirM	EnvirM	EnvirM		EnvirM		
Uganda		EnvirM		MWT	DWC	MWE	EnvirM	MAAF		MWE		
Burundi		OPE		-	OPE	MWEP	MEnvir	MEnvir		InsGoe		
United Republic of Tanzania		VP-DEnvir	VP-Den-vir/MBE	TASAC	MNRT	VP-DEnvir	VP-DEnvir	VP-DEnvir		VP-DEnvir		
Eritrea		MLWE		-	MA	-	MLWE	MLWE		MLWE		
Ethiopia		BioDInst		EMAA	EWCA	-	EFCCC	EPA		MPlanDev		
South Sudan (Non-party)		MEnv&Forestry		-	MWCT	MEnvir	-	-		MEnv&Fis		
Sudan		HCENR		MAD	MI	MEnvir	HCENR	DEnvir		HCENR		
Somalia		MECC	MNR	-	MECC	-	MEnvir	OPM		MENvir		
Algeria		MEnvir			MAgri	MAgri	MEnvir	-		MForeign		
Egypt		MSEA		MTS	MAgri	MEnvir	MEnvir			EEA		
Tunisia		MEnvir		MinTrans	MAgri	DForest	MEnvir	MAF		MEnvir		
Morocco		MESD		DMM	NAWF	HCWF	MEnvir	MAMF		SSSD		
Libya	MP & GAE	GAE	GAE	MT & PA	GAE	GAE	GAE	GAE	GAWR	GAE	NIO & PA	NIO &PA

Note: *CITES: MTS=Egypt Maritime Transport Sector; KMA=Kenya Maritime Authority; DWFH=Senegal Dept of Water, Forests, Hunting & Soil Conservation; MAgFET=Comoros Ministry of Agric, Fisheries, Environement,Tourism & Craftsmanship; Icons= DRC Institute of Consevation of Nature; KWS= Kenya Wildlife services; RDB/T=Rwanda Development Board/Tourism & COnsrvation; DWC=Uganda Dept of Wildlife Conservation; OPE=Burundi Office for Protection of Environment; MWCT= South Sudan Min of Wildlife, Conservation & Tourism; MI=Sudan Min of Interior; MECC=Somali Min. Envir & Climate Change; NAWF=Tunisia National Agency of Water & Forests.*

MARPOL: *ANAM= Senegal Agence Nationale des Affaires Maritimes; SLPA=Sierra Leone Ports Authority; MSD=Nigeria Maritime Service Dept. IMPA=Maritime Institute of Ports of Angola; DFFE=South African Department of Forestry, Fisheries and the Environment; SMSA=Seychelles Maritime Safety Administration; MWT=Uganda Ministry of Works & Transport; MET=Rwanda Min. of Transport & Tourism; TASAC=Tanzania Shipping Agencies; EMAA=Ethiopian Maritime Affairs Authority; MAD=Maritime Administration Directorate; Directorate of Marine Merchant.*

Besal: *MECW=The Gambia Min. of Envirnement, Climate Change, Water & Wildlife; MWE=Uganda Min of Water & Environment; MWEP=Burindi Min of Water, Envir & Planning; HCWF=High Authority of Water, Forests & Fight Against Desertification.*

Roterdam: *NEnvA=The Gambia National Environment Agency; EPA=Sierra Leone Environment Protetion Agency; MNR=Malawi Min of Natural Resources; EnvirM=National Environment Management Authority; MLWE=Eritrea Min of Land, Water & Environment; EFCCC= Ethiopia Environment, Forest & Climate Change Commission; HCENR= Sudan High Council for Environment & Natural Resources; MAAF=Uganda Min of Agric. Animal Industry & Fisheries; OPM=Somali Office of the Prime Minister; MAF=Tunisia Min of Agric & Fisheries; MAMF=Morocco Min of Agric & Maritime Fisheries.*

UNFCCC: *CS=The Gambia Climate Secretariat; NEMGP= Cabo Verde National Institute of Meteorology & Geophycis; AESD=Mali National of Envir & Sustainable Development; NCCC=Nigeria National Council on Climate Change; EEA=Egyptian Environmental Affairs Agency; SSSD=Morocco State Secretariat for Sustainable Development.*

CBD: *MESD=Morocco Min. of Energy Transition & Sustainable Development*

CONEDD : *Conseil National pour l'Environnement et le Développement Durable–☐ Structure technique placée sous la tutelle du Ministère en charge de l'Environnement. Elle dispose d'une direction qui s'occupe de toutes les conventions en lien avec l'environnement*

MEEA : *Ministère de l'Environnement, de l'Eau et de l'Assainissement. Dans son volet « Eau », le Ministère, à travers le Secrétariat Technique de la Gestion Intégrée des Ressources en Eau (GIRE), s'occupe de la gestion des ressources transfrontalières, notamment celles des Bassins du Niger (ABN) et de la Volta (ABV) .*

MSEA: *Ministry of State for Environmental Affairs (Egypt)*

Libya
GAE: General Authority of Environment (Ministry of Environment)
PA: Ports Authority (MA Ministry of Transportation)
GAW: General Authority of Water Resources (Ministry of Water Resources)
NIO : National Institution of Oil

4.4.3 Governance Structure for Coherent Domestication of International Instruments

4.4.3.1 Liaison Desks

Figure 1 shows the proposed governance structure which can be utilised to enhance the coherence of domestication of the international instrument at the country levels. This structure in Figure 1 shows the African Fisheries Reform Mechanism (AFRM), on the right-hand side; and this is matched by the proposed structure for the various Multilateral Environmental Agreements (MEAs) as well as fisheries global instruments. The arrows show the linkages between the two structures. These arrows link the two structures through corresponding levels or institutions. For example, (a) the AFRM's Think Tank Executive Council is linked to the Committee of Permanent representatives (CPRs); and (b) STC on the AFRM is linked to the Committee of Parties (COPs) on the MEAs and fisheries agreements/conventions (see Fig. 1).

For the international instrument that use the COP system, AU-IBAR could create a special "COP-Liaison Desk", within the STC-Fisheries Secretariat, which interfaces the MS to influence the decisions of the COPs, using the "African Voice" approach (i.e. prepare information notes to guide the MS in their negotiations). As for UNCLOS, it is likely that the Member States' Permanent Representatives in New York attend the regular State Parties (SPLOS) meetings. AU Permanent Observation Mission to the United Nations in New York has a Chamber (auditorium), where all the African Ambassadors regularly meet. Therefore, AU-IBAR could create an "UNCLOS Liaison Desk", within the STC-Fisheries Secretariat, in order to interface with the AU Mission in New York to regularly interface with those MS who attend SPLOS, to ensure that Africa priorities on UNCLOS are given adequately technical information.

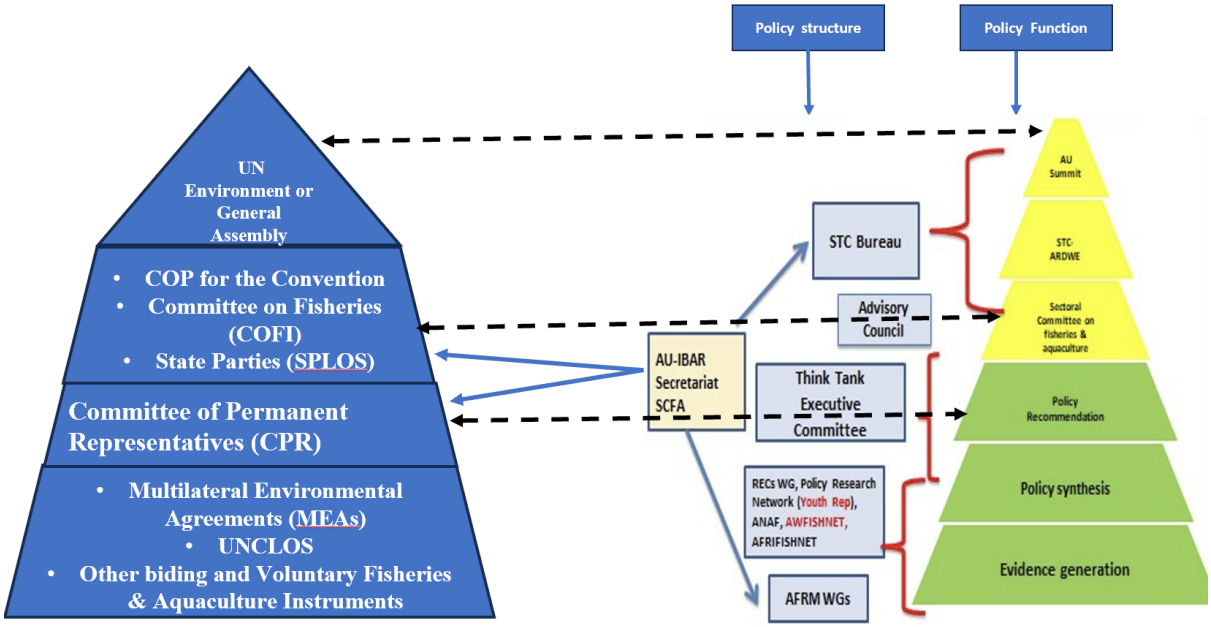


Fig. 1. Governance Structure for Coherent Domestication of International Instrument

Review has revealed that at the country levels, CBD, CITES, Base, Rotterdam and the Sub-Regional Conventions are almost coordinated by government ministries, department and agencies responsible for environment (see Table 4). Incidentally, as the leading global environmental authority, UNEP administers or provides secretariat functions to the following Multilateral Environmental Agreements (MEAs) (UNEP)[6]: (a) Convention on Biological Diversity (CBD); (b) CITES; (c) Basel Convention; (d) Rotterdam Convention; and (e) the Regional Seas Conventions and Action Plans (Abidjan and Nairobi Conventions). This means that AU-IBAR's base, Nairobi, is also the domicile of such an important institution that is coordinating all the Multilateral Environmental Agreements (MEAs) that are priority instruments for fisheries and aquaculture. Therefore,AU-IBAR could create a "UNEP Liaison Desk" which can interact with the Committee of Permanent Representatives (CPR) (i.e. Ambassadors and High Commissioners of Member States that are based in Nairobi) (Fig. 1). The CPR consists of the representatives of all States Members of the UN, members of its specialized agencies and the European Union, accredited to the CPR, whether based in Nairobi or outside. The PRs prepare the meetings of the UN Environment Assembly and regularly reviews the implementation of its decisions. Through the UNEP Liaison Desk, AU-IBAR could be raising issues that are pertinent to the priority instruments, with these PRs. Additionally, AU-IBAR could explore opportunities to be accredited to UNEP in order to be admitted in the CPR. The assumption is that if EU is a member, then AU-IBAR could possibly be admitted.

The AU-IBAR could also consider creating an ad hoc link between the STC ARDWF (or the prospective STC-Fisheries) and the COPs, since more often, it is the same ministers that attend the various COPs. This will ensure that priorities at the continental and COP levels are handled coherently. Furthermore, AU-IBAR could explore options for an ad hoc link between participants of the AU Summit and UN Environmental or General Assembly; again, considering that these meetings are attended by the same stakeholders (African

[6] *UNEP (website). Secretariats and Conventions. https://www.unep.org/about-un-environment/why-does-un-environment-matter/secretariats-and-conventions*

Heads of State and Government).

4.4.3.2 Other mechanisms for governance

Direct Participation

Some of the International Instruments provide for "Regional Integration Organisations" to be party. For example, Article 35 of the UN Watercourse Agreement states that "The present Convention is subject to ratification, acceptance, approval or accession by States and by regional economic integration organizations". Therefore, AU-IBAR could explore options to be party and actively play a role in supporting domestication by Member States.

Treaty Events

The Secretary General of the United Nations regularly organises "Treaty Events", during which Member States are encouraged to sign any of the multilateral treaties that are either in force or not. In 2023 Treaty Event took place from 19 to 22 September 2023 (United Nations 2023)[7]. AU-IBAR could plan to assist Member States to understand some of the important International Instruments to which they are not party, in order to encourage them to sign during every year's September Treaty Events.

5.0 Purpose and Scope of the Biennial Forum

The consultative meeting of March 2022 which called for the establishment of the Biennial Forum, also agreed that the Biennial Forum should aim to (i) receive reports on the progress of accession and implementation of the international fisheries and aquaculture instruments; and (ii) develop a common position (Africa Voice) before any international forum. It was further agreed that the Technical teams of the Forum (mainly Directors responsible for fisheries and aquaculture) should meet annually (i.e. inter-sessional) and share their finding into the biennial forum. These mechanisms were further endorsed during the First Biennial Forum that was also held in Dar es Salaam, United Republic of Tanzania in August 2023.

Since The Biennial Forum is envisaged to be a COFI-like, it is important to understand the roles and functions of FAO's Committee on Fisheries (COFI). COFI was established in 1965 as a permanent committee to deal with fisheries, within the framework of the FAO Council under Article V (Swan and Satia 1998)[8]. Being established under Article V, FAO allows COFI to accommodate non-members of FAO. In this regard, the Biennial Forum could invite both Member States and non-Member States. These non-member States could include the various AU Networks, Platforms, Centres of Excellence (CoEs), as well as other Non-State Actions (NSAs). A comparison of the functions of the Biennial Forum and COFI are provide Table 5 below.

[7] *United Nations, 2023. 2023 TREATY EVENT: Towards universal participation in multilateral environmental agreements for a healthy planet. Office of Legal Affairs of the United Nations.*

[8] *Swan, J.; Satia, B.P. 1998. Contribution of the Committee on Fisheries to global fisheries governance 1977–1997. FAO Fisheries Circular. No. 938. Rome, FAO. 1998. 46p.* https://www.fao.org/3/x0152e/x0152E00.htm

Table 5. Comparison of the Roles and Functions of Biennial Forum and COFI

Biennial Forum	COFI	Consolidated Biennial Forum
Receive reports on the progress of accession and implementation of the international	Review the programmes of work of FAO in the field of fisheries and their implementation	Consolidate reports on the progress of accession and implementation of the international
Develop a common position (Africa Voice) before any international forum	Conduct periodic general reviews of fishery problems of an international character and propose solutions & actions by nations, FAO and IGOs	Liaise with Agencies responsible for international instruments as appropriate
	Review specific matters referred to COFI by the Council or DG or MS	-ditto-
	Consider & prepare international conventions	Support MS is formulation of international conventions (African Voice)
	Report to the Council or advise DG, as appropriate, on matters considered by the Committee	Report to CAMFA/STC ARDWF
	Review of the state of fish stocks	Recommend issues for the African Fisheries Report
	Provide technical assistance to developing countries	Providing support to MS for the ratification and application of selected instruments

From Table 5, the proposed consolidated list of roles and functions of the Biennial Forum are to (i) consolidate reports on the progress of accession and implementation of the international; (ii) form a liaison with the various UN Agencies (e.g. UNEP, FAO, DOALOS etc) that are responsible for international fisheries and MEA instruments as appropriate; (iii) support MS (i.e. African Voice) in the deliberations to formulate or implement international conventions; (iv) provide regular reports to CAMFA/STC ARDWF, or any other continental or regional forums that have implications on fisheries and aquaculture; (v) provide support to MS in the ratification and application of selected instruments; and (vi) make recommendations on international instrument for inclusion in the African Fisheries Report.

Similar to COFI, the Biennial Forum will also conduct periodic reviews of global, continental and regional priority instruments in order to develop appropriate actions which should be undertaken by Member States, inter-governmental bodies (e.g. FAO, UNEP etc) as well as Non-State Actors (NSAs), in furtherance of the ratification, domestication and implementation of the priority instruments. The proposed Draft Framework Documents for the Biennial Forum for regular consultations on monitoring compliance on domestications of global and continental instruments within the framework of AFRM, was further reviewed during the Second Biennial Forum that was held in Abidjan, Cote d'Ivoire from 27th to 29th May 2025 (the vinal version is attached as an Annex based on the original Annex 1 below).

6.0 Mechanism for Sustainable Financing

Proposed the options for sustainable financing mechanism to support and sustain the work of the Biennial Forum before and after the AU-IBAR project completion will be built on the current financing modalities. For example, almost all the international instruments include an Article on financing for the developing countries, including Small Island States (SIDS). Table 6 shows some of the examples. For example, GEF[9] has funds for developing countries to tap into for the implementation of their commitments to the UNFCCC. Therefore, AU-IBAR could explore opportunities for funding jointly with RECs, RFBs and MS. In some cases, AU-IBAR may need to explore options for working together with the non-fisheries institutions (i.e. the government ministries, departments and agencies responsible for environment), including Non-State Actors, in order to mobilise funding.

Table 6. *Proposed Financing Mechanism*

Instrument	Facility	Eligibility
WTO (SPS/TBT)	Standards and Trade Development Facility (STDF)	regional or international bodies
	Trade Facilitation Agreement Facility (TFAF)	AU-Trade & Industry
UNCLOS	Capacity Building & Trust Funds	MS & Regional Organisations & Bodies
UNFCCC	Consultative Group of Experts (CGE)	developing country Parties
GEP	GEF funding in several basins in Africa,	
UN Watercourse Convention (United Nations 2022)[10]	UN Watercourse Convention	OKACOM; ECCAS (Shared Waters of Central Africa)[11]

Within the CBD, there are special provision for technical and financial support to developing countries, particularly for the implementation of Articles 15 (Access to Genetic Resources); 16 (Access to and Transfer of technology); 17 (exchange of information); and 18 (technical and scientific cooperation) (UN-CBD 2022)[12]. During the Second Biennial Forum in Abidjan in May 2025, it was proposed that every Member State should establish a Unit responsible for BF, in the ministry or agency responsible for fisheries and aquaculture management. This branch would be financed through revenues from fishing and aquaculture as well as the contribution of the national budget.

Dedicated Resource Mobilization Efforts

The need for a framework for resource mobilisation was proposed by the Groups during the Second Biennial Forum in Abidjan in May 2025, and include the following elements:

a. Establish a Resource Mobilization Committee: Forming a dedicated "resource mobilisation committee" would formalize and strategize fundraising efforts, ensuring consistent outreach and proposal development, for e.g. organizing a roundtable conference linked to development initiatives (such as the

[9] *United Nations. TECHNICAL AND FINANCIAL SUPPORT UNDER THE CLIMATE CHANGE CONVENTION: For developing country Parties for preparation of their national. UNFCCC. United Nations Climate Change Secretariat communications and biennial update reports.* https://unfccc.int/files/national_reports/non-annex_i_parties/ica/application/pdf/fin_and_techn_support_gef.pdf

[10] *United Nations. 2022. The Water Convention: 30 Years of Impact and Achievements on the Ground. UNITED NATIONS ECONOMIC COMMISSION FOR EUROPE (UNECE). New York.*

[11] *Convention for the Prevention of Conflicts Related to the Management of Shared Water Resources in Central Africa is adopted by the Heads of State of the Economic Community of Central African States*

[12] *UN-CBD. 2022. Capacity-building and development and technical and scientific cooperation. Conference of The Parties of the Convention on Biological Diversity. Fifteenth meeting – Part II Montreal, Canada, 7-19 December 2022 Agenda item 13A. CBD/COP/15/L.28 18 December 2022.*

EU-AU Ocean Partnership) to financially support the forum.

b. Strategic Investment Case: Innovative approach to resource mobilization: linking funding to emerging economic opportunities in the fisheries sector.
   - Cost-Benefit Based Motivation: Developing a "cost-benefit based" argument demonstrating the sector›s value and the returns on investment in governance, e.g. by potentially leveraging a "1% of GDP for national fisheries governance" as a motivational benchmark.
   - Leveraging Emerging Opportunities: Demonstrating the economic potential and benefits of compliant and well-managed fisheries sectors with potential to capture more value, which could attract non-traditional donors or private sector entities interested in sustainable blue economy investments.

c. Accessing Global Funds: The Forum›s role in conscientise and educate MS about opportunities for financial support" also extends to informing Member States on how to access existing financial support specifically allocated within global instruments (e.g., for UNFCCC). While not direct funding for the forum, unlocking these resources for Member States indirectly supports the broader objectives the forum promotes, demonstrating its value and justifying its existence.

7.0 Conclusions

The study has revealed that a lot of the AU Member States are party to the International Instruments on Fisheries Regulations. A number of these instruments, including CBD, UNFCCC (Paris Declaration; Kyoto Protocol), Basel, Rotterdam, as well as UNCLOS and SPS/TBT (WTO), are close to achieving universal participation, thus they are the most ratified and domesticated. Additionally, some regional treaties, namely ICCAT, also enjoy a universal participation at their own levels.

Review of some Member States's national policies and strategies showed that they have domesticated the PFRS. However, while most African countries might have made refence to the PFRS in their national fisheries and aquaculture policies, it likely that since most of them developed their policies before 2014, they might have missed the PFRS. In this regard, some polices make reference to the NEPAD Fish For All Summit.

Currently, there is no formal Governance Structure for global and continental coordination of the fisheries and the environment instruments. As a result of this, efforts to include fisheries and aquaculture agencies tend to be fragmented. The COFI-like Biennial Forum has been proposed, with six roles, including consolidate reports on the progress of accession and implementation of the international; support MS (i.e. African Voice) in the deliberations to formulate or implement international conventions; and make recommendations on international instrument for inclusion in the African Fisheries Report. Sustainable financing mechanism for the Biennial Forum should build on the international instruments' provisions for financing for the developing countries, including Small Island States (SIDS).

8.0 Recommendations

There is a need to ensure multi-level and multi-stakeholder approach to ratification and domestication of international, continental and regional priority instruments, since there are variations in the national contexts and hence, MS would place different emphasis on instruments depending on national and regional priorities.

Member States should be assisted in deepening their understanding of contents and contexts of the global instruments so that they may be able to make informed decisions on ratification, domestication and implementation of global instruments.

There is a need for MS to invest more in scientific research to generate knowledge to inform (i) resource use, (ii) policymaking process.

AU-IBAR should put in place a mechanism for supporting Member States to domesticate the PFRS, in line with their respective regional fisheries and aquaculture strategies (e.g. SADC Protocol on Fisheries, ECOWAS-CSFS FAD[13]).

AU-IBAR should consider establishing a tacking system for domestication of the as well as and provide technical support to the MS to revise their policies and take into account the PFRS.

The Biennial Forum will be responsible for regularly reviewing priority instruments in order to accommodate other emerging ones.

It was agreed that the home-grown instruments be incorporated into list of priority instruments. In this regard, the Lome Charter as well as the Djibouti Code of Conduct be included as new continental priority instruments. Furthermore, instruments on the Mediterranea Seaboard should be incorporated in the list of priority instruments. AU-IBAR to work with the appropriate RFBs in the region to update the list accordingly.

Since it is clear that most MS have achieved near universal participation in some of the international instruments (e.g. UNCLOS, CBD, SPS/TBT), these MS need to be supported to ensure domestication of these in their national fisheries policies; as well as implement them.

More importantly, MS should be supported to ensure active participation in the UNCLOS State Parties (SPLOS) meetings.

MS should focus their attention on BBNJ to take well-informed decisions what should be the actions of

13 ECOWAS Comprehensive Strategic Framework for Sustainable Fisheries and Aquaculture Development

African countries.

For the MEAs, the MS ministries, departments and agencies responsible for fisheries should be supported to actively participate in these, considering that often it is environmental agencies that are the Focal Points.

AU-IBAR should consider establishing a number of Desks in order to enhance coordination with the various UN agencies that are responsible for the international instruments. These should include "UNEP Liaison Desk" to coordinate with the Nairobi-based MEAs under UNEP; COP-Liaison Desk, for non-UNEP MEAs; and UNCLOS Liaison Desk to link with DOALOS in New York.

AU-IBAR should explore opportunities for funding jointly with RECs, RFBs and MS. In some cases, AU-IBAR may need to explore options for working together with the non-fisheries institutions (i.e. the government ministries, departments and agencies responsible for environment).

The Biennial Forum also explore and concretise other funding sources, that may include direct contributions from MS as well as Development Finance Institutions; the UN Agreements Support to Developing Countries.

The Biennial Forum should be held prior to the COFI and/or other relevant upcoming international fora a in order to ensure that the BF can deliberate and prepare African Voice and common position.

Annexes

Annex 1. Framework Documents for a Biennial Forum for Regular Consultations on Monitoring Compliance on Domestications of Global and Continental Instruments Within the Framework of AFRM

1.0 Introduction

The African Fisheries Reform Mechanism (AFRM) was established as an AU-led regional partnership platform designed to enhance coordination, coherence, and governance reforms in the fisheries and aquaculture sectors across Africa. Its primary objective is to facilitate the development, adoption, and implementation of governance and management reforms that will transform Africa's fisheries from overexploitation and overcapitalization toward environmental, economic, and social sustainability.

Developed through a consultative process, the AFRM was officially endorsed alongside the Policy Framework and Reform Strategy for Fisheries and Aquaculture in Africa (PFRS) by the 2014 Summit of Heads of State and Government in Equatorial Guinea. As a multi-stakeholder platform, the AFRM serves the following key function

- Coordination and policy coherence,
- Information sharing and knowledge generation,
- Advocacy and policy development,
- Monitoring the implementation of AU Policy Organs' decisions,
- Facilitating consultations on policy implementation,
- Resource mobilization for fisheries and aquaculture development in Africa.
- Strengthening a Unified African Voice in Global Fisheries Governance

Under the AFRM framework, various think tank events have contributed to the formulation and implementation of the PFRS, which has, in turn, strengthened Africa's coordinated engagement in global fisheries governance. This effort has been significantly supported by the European Union funded Fisheries Governance Projects (FishGov1 and FishGov2). A key objective of this project has been to support coordination of African Union Member States' (AUMS) positions to present a unified African voice at key global fisheries, aquaculture and ocean governance forums, as well as within regional fisheries management organizations (RFMOs) such as: FAO-COFI; UNFCCC COP meetings; OACPS; UN Ocean Conferences; The Indian Ocean Tuna Commission (IOTC), The International Commission for the Conservation of Atlantic Tunas (ICCAT).

To achieve this, a coordinated mechanism was established to align African contributions and positions before, during, and after key global fisheries and ocean governance events. Effective coordination is required both among target organizations and AU Member States. A critical aspect of this process involves increasing AU Member States' commitment to ratify, implement, and domesticate « international fisheries, aquaculture and related instruments ». During FishGov1, significant awareness was created around the political, legal, and technical aspects of major international instruments, including:

- The United Nations Convention on the Law of the Sea (UNCLOS),
- The United Nations Fish Stocks Agreement,
- The FAO Code of Conduct for Responsible Fisheries,
- The FAO Port State Measures Agreement (PSMA).
- Institutionalizing Fisheries Governance through a Biennial Forum

In this context, FishGov2 established and operationalized a Biennial Forum for regular consultation on monitoring compliance with the domestication of global and continental fisheries instruments (including the PFRS) within the AFRM framework. To guide AU member states and other stakeholders on the priority continental and global instruments, the project commissioned a consultancy, conducted by the University of Cape Coast (AU Centre of Excellence) to identify priority instruments and develop a mechanism to fast-track their domestication. This Framework Document, therefore, presents an outline for:

- Establishing and operationalizing the Biennial Forum,
- Conducting regular consultations on the implementation of the PFRS, and
- Strengthening compliance with the domestication of global and continental fisheries instruments.

The Forum is expected to further enhance Africa's influence in global fisheries policy discourse and governance, in order to ensure sustainable fisheries management, adhere to international norms and best practices, and promote coherence and regional cooperation. This is particularly important if African is going to achieve collaborative management of transboundary fish stocks and aquaculture activities, in furtherance of the AU objectives for the fisheries and aquaculture sector, as encapsulated in the PFRS and the 2025 Kampala CAADP Declaration.

2.0 Governance Arrangements

The Forum shall have a governance arrangement of two possible forms, namely (i) a light but formal governance arrangement to ensure continuity, ownership, and Member State leadership between Forum sessions; and (ii) an ad hoc structure with AU-IBAR as Secretariat, and Member States taking on facilitation roles only during the Forum week.

In both cases, the Forum's Governance Arrangement will be largely modelled on the FAO Committee on Fisheries (COFI), and AU-IBAR will play a facilitating role, serving as its Secretariat. The Forum will provide an opportunity for Member States to give an account of progress of domestication and / or ratification of relevant continental and global instruments.

3.0 Rationale for the Biennial Forum

International fisheries-specific and non-fisheries-specific instruments play a crucial role in the management of African fisheries. These instruments reflect the commitment of states to internationally recognized conservation and management doctrines, standards, rights, and best practices. While no single instrument can fully address the diverse challenges facing fisheries management and aquaculture development, their collective implementation provides a robust and comprehensive framework for ensuring the sustainable use of marine and freshwater resources, as well as promoting the sustainable growth of aquaculture.

In general, these instruments provide policy directives and technical guidance on managing fisheries resources and fostering aquaculture development while considering biological, economic, social, and environmental factors. They emphasize that management measures in the high seas should be compatible with those in national waters. Additionally, they highlight the importance of collecting, analysing, exchanging, and disseminating scientific data to support informed decision-making for the conservation and optimal utilization of fisheries resources.

These instruments also play a pivotal role in ensuring compliance and guiding quota allocation mechanisms in RFMOs. Recognizing the importance of these instruments, the second phase of the Fisheries Governance Project (FishGov2) was designed with the aim of ensuring sustainable impact and improved fisheries and aquaculture governance through (a) strengthening policy coherence and accountability; (b) fostering the ratification and adoption of global best practices; and (c) encouraging AU Member States (AU-MS) and Regional Economic Communities (RECs) to align with international frameworks.

To achieve these objectives, FishGov2 initiated several key activities, namely:

1. Identification and Analysis of Priority Instruments o Conducted a study to identify and analyse priority instruments and initiatives (e.g., PSMA, UNFSA, ABNJ, CITES, CBD, FAO Sub-Committee on Aquaculture reports, FAO Voluntary Guidelines for Aquaculture). This will entail developing strategies to enhance AU Member States' participation in these international regimes.
2. Monitoring Compliance and Domestication Progress o Developed a mechanism to track the implementation and ratification of relevant instruments by AU Member States. This will include establishing a biennial reporting system for monitoring domestication progress, particularly for instruments combating IUU fishing (e.g., PSMA, EU-IUU Regulations, Compliance Agreement for Highly Migratory and Straddling Stocks, UNFSA).
3. Operationalization of a Biennial Forum for Regular Consultations. This will include (i) establishing a Biennial Forum under the African Fisheries Reform Mechanism (AFRM) for regular consultations on compliance with global and continental fisheries instruments; and (ii) providing a platform for AU Member States, RECs, and relevant stakeholders to assess progress, share best practices, and address implementation challenges.

The First Biennial Forum on Monitoring Compliance with Global and Continental Instruments was held in Dar es Salaam, Tanzania, in August 2023. The forum produced a detailed technical report with several critical recommendations, including:

1. To strengthen Governance Structures for Domestication of International Instruments.
2. To enhance Awareness and Capacity Building.
3. To ensure Sustainable Financing for Implementation.

Building on the recommendations from the First Biennial Forum, and with support from the European Union, AU-IBAR, in collaboration with AUDA-NEPAD, organised the Second Biennial Forum for Regular Consultations on Monitoring Compliance with Global and Continental Fisheries Instruments within the AFRM framework, in Abidjan, Cote d'Ivoire, from 27th to 29th May 2025. This Second Biennial Forum served

as a critical platform to:

1. Assess progress on the implementation of the Policy Framework and Reform Strategy (PFRS).
2. Strengthen compliance mechanisms for domesticating international and continental fisheries instruments.
3. Advance discussions on governance structures, other regulatory mechanisms, and sustainable financing strategies.

During the meeting, stakeholders reviewed the draft BF framework document, and finalised its contents, in readiness for submission to the STC for approval. Through this continued engagement under the Biennial Forum, AU Member States and partners will reinforce Africa's collective commitment to sustainable fisheries and aquaculture development, ensuring harmonized governance and responsible resource management at the national, regional, and continental levels.

4.0 Roles and Functions of Biennial Forum

The Biennial Forum will play eight major roles and functions as follows:

i. Regular consultation on the implementation of PFRS.

The Forum will actively contribute to this by soliciting inputs and implementing best practices from Member States, recognizing that valuable implementation experiences often exist at the national level. This includes understanding how domestic instruments and policies can effectively serve the purpose of global and continental instruments, as exemplified by the alignment of national aspects with the PFRS. This also entails an educational role for Member States, highlighting existing successes and adaptable models.

ii. Monitoring the compliance and domestication of international instruments.

The Forum will facilitate this by serving as a consultative forum to bring Member State representatives together physically to share experiences and generate new knowledge. This includes the sharing of experiences and best practices on the global instruments and their implementation, and sharing knowledge on ratification processes, moving beyond a simple "tick-box" approach to emphasize practical integration. The Forum will also foster a deeper understanding of shared challenges and innovative solutions related to compliance.

iii. Liaise with Agencies responsible for international instruments as appropriate.

The Forum will play a direct role by serving as a technical advisory body on African positions and international instrument issues. This ensures that the African voice in global negotiations is informed by solid technical expertise and unified positions, drawing parallels with how the African Ambassadors Group is informed by AU-IBAR before COFI on relevant items.

iv. Support MS in formulation of international conventions (African Voice).

The Forum provides a vital space for Member States to debate and develop common African positions on key international fisheries and ocean governance issues. This identification of Member States› common interests and the development of common positions will be a core function, although acknowledging that developing a common position can be a lengthy process (e.g., as seen with the cyberspace common position, which required extensive training and numerous meetings). The Forum will strive to streamline this process through focused dialogue and targeted technical input, thereby strengthening the «African Voice» in international

forums.

v. Report to STC-Fisheries & Aquaculture, as well as ARDWF.

The Forum's comprehensive discussions and recommendations will form the basis of its reports to the STC-Fisheries & Aquaculture and ARDWE. This includes synthesizing inputs, best practices, knowledge generated, and common positions developed during the Forum.

vi. Identification of key issues and advice AU IBAR.

This is a fundamental role, directly supported by the Forum's function in facilitating the identification of common interests among Member States, leading to the development of unified strategies. Furthermore, recognizing the dynamic global environment, the biennial event will serve as a forum to update and re-prioritize instruments relevant to Africa›s fisheries sector. Discussions may focus on a few critical instruments, with presentations from experts or experienced Member State representatives, allowing for the identification of emerging key issues and the formulation of timely advice for AU-IBAR.

vii. Recommend issues for the African Fisheries Report.

Through its role as a consultative forum for knowledge exchange and generation, and its focus on updating and re-prioritizing instruments, the Forum will naturally recommend issues for the African Fisheries Report. This will be informed by the debates, common positions, and key issues identified by Member States, ensuring the report reflects current challenges and advancements.

viii. Providing support to MS for the ratification and application of selected instruments.

A crucial function of the Forum is to conscientize and educate Member States about available opportunities for financial support (e.g., for training, equipment, specific projects) linked to various global and continental instruments (such as UNFCCC, CITES, PSMA, UNFSA). This includes clearly outlining the required compliance and ratification processes to access these resources. The Forum will also highlight missed opportunities due to non-ratification or lack of awareness, thereby directly supporting Member States in the ratification and effective application of selected instruments. Furthermore, case studies can be presented by Member States with experience of domesticating international instruments, allowing others to learn from practical examples, including joint initiatives (e.g., joint extension submissions for EEZ continental shelf claims, like those by Seychelles and Mauritius).

5.0 Membership

The Membership of the BF shall comprise the following:

a. AU Member States (mainly the focal points for the international instruments), and other nominated pertinent institutions (example Centre of Excellence, RFMO, RFB, Expert, NSA etc).
b. Membership organisations, including those representing a range of stakeholders of fisheries (e.g. continental (lakes & rivers), coastal, island, small-scale, professional organisations) and aquaculture (small scale & commercial) value chains.
c. Selected members of the Working Groups.
d. Selected members of the African Union Networks.
e. The Regional Economic Communities.

f. The Regional Fisheries Bodies & Management Organisations
g. Selected members of the private sector.
h. Representatives of the UN Agencies with interest in fisheries and aquaculture

6.0 Roles of Members

- Create awareness
- Influence the domestication process
- Member states to provide a progress report
- To consolidate country reports on the status of the implementation of the PFRS and international instruments.
- Identifying current trends, challenges and opportunities relevant to the forum focus.

6.1 Specific roles of FRBs and RFMOs,

- Reporting to the BF on the domestication of the international instruments and PFRS.
- Assessing the success and challenges and report to the BF.
- Support the domestication of the international instrument and PFRS.
- Dissemination of information and innovation.
- Support their members to attend the BF.

6.2 Specific roles for professional organization and NSAs

- Conduct research and advocacy and capacity building
- Knowledge brokering and information sharing

7.0 Rules of Procedure

Rule I – Definitions

Rule II – Sessions of the Biennial Forum

i. The BF shall hold two types of sessions, namely
   a. Regular Sessions: these will be held once in 2 years, and hence, the term Biennial Forum
   b. Inter-sessional meetings: as Biennial Forums (BFs) are held once in 2 years, inter-sessional meetings shall be heled in between the BFs. These sessions shall be attended by senior officials such as the Directors of Fisheries; and they shall meet to review progress as well as handle other tasks are commanded.
ii. Venue of Biennial Forum: the venue will be decided by AU-IBAR (the Secretariat) in consultation with Member States.
iii. Notice of meetings and invitations: will be provided by AU-IBAR in consultation with Member States.
iv. Hosting of Biennial Forum: will be decided by AU-IBAR in consultation with Member States.

Rule III – Registrations and credentials

1. Prior arrangements for registration and accreditation of participants
2. Report of the registration and accreditation of participants

Rule IV – Agenda of the Biennial Forum and Inter-sessions meetings

1. Responsibility for drawing up the agenda: AU-IBAR (the Secretariat), in consultation with Member States.
2. Minimum outline for agenda of Biennial Forum: AU-IBAR, in consultation with Member States.
3. Minimum outline for agenda of Inter-sessional meetings: : AU-IBAR, in consultation with Member States.

Rule V – The Governance Structure of the Biennial Forum

Adjustment to governance structure for the BF

- The organogram would be further synchronized with that of the AFRM.
- 8.0 Alignment with the ongoing SSF guidelines processes
- The BF shall be aligned with and coherence to SSF Guidelines and the 2nd policy arena (SSF) of the PFRS.
- The BF shall be aligned and coherence with the Small-Scale Fisheries Working Group of AFRM.

9.0 Office bearers (Bureau)

- Chairperson, Vice Chairperson, Vice Chairperson 2, Secretary General (regional representation)
- Heads of Subcommittees (PFRS, International instruments)

The Secretariat - this will be made simple to avoid costs by having AU-IBAR be Secretariat as part of STC or CAMFA Secretariat.

Roles of the secretariat

- Convene meetings
- Dissemination of information
- Coordination of any activities

10.0 Terms of Reference for the office bearers

- All office bearers should be elected from within the membership of the forum.
- Office Bearers should hold their positions for a two year term, renewable for another term.

TOR FOR CHAIRPERSON

- He/She will direct the group activities and guide the committee meetings.
- Prepare agenda for meetings.
- Build unity of purpose.
- Preside over all meetings.
- Represent the forum at other gatherings.
- Ensure sufficient consideration of issues.

TOR FOR VICE- CHAIRPERSON (1&2)

- Assist the chairperson in the discharge of his/her duties.
- Assume the role of the chairperson in his/her absence.

TOR FOR SECRETARY-GENERAL (there is a need to consider this as a non-full time job, but rather is an elected holder among Member States)

- Responsible for the day running of the forum.
- Prepare the agenda with the consultation of the chairperson.
- Keep Records and minutes of all meetings
- Arrange and convene all meetings
- Communicate and liaise on behalf of the executive officers.

Rule VI – Conduct of the sessions of the Biennial Forum and Inter-sessions meetings.

a. Outline the process for which meetings of the BF will be conducted.
b. State frequency of BF meetings.
c. State aims of Inter-sessional meetings.
d. Outline how Inter-sessional meetings will feed into the BF.

Rule VII – Sub-Committees of the Biennial Forum

The following Sub-committees of the BF shall be put in place:

- Subcommittee on the compliance and domestication of International Instruments (MEA and fisheries agreement (binding and voluntary))
- Sub-committee on the alignment and implementation of the PFRS.
- Sub-committee on the development of the Africa reports.

Roles of the sub-committees that complement the aims of the BF

- Rectification
- Domestication
- Negotiation
- Implementation of the Africa fisheries report and the possible contents.

Reporting of Sub-Committees

Sub-committees shall report to the main committee of the BF.

Rule VIII – Budgeting and Resource Mobilisation

The possible sources of funding for the BF will include the following:

1. Africa Union
2. RFMOs/RFBs
3. Development partners
4. Resource Mobilisation Strategy

Roles of Member States (in coordination with AU-IBAR) in mobilizing resources

Member States should take the responsibility to support the participation of their delegate to the forum.

Rule IX – Reports, recommendations, resolutions and decisions of the Biennial Forum

a. Each session shall prepare a report.

b. Each session shall prepare recommendations.

c. Each session shall prepare resolutions and decisions.



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