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The African Union Inter-African Bureau for Animal Resources
(AU-IBAR)

REPORT ON MECHANISMS FOR ENHANCING THE EFFECTIVE ROLE AND PARTICIPATION OF AFRICAN UNION MEMBER STATES IN REGIONAL, CONTINENTAL AND GLOBAL AQUATIC BIODIVERSITY CONSERVATION AND ENVIRONMENTAL MANAGEMENT RELATED FORA OR REGIMES

South and Eastern Regions of Africa

"In today's world we depend on each other"
Kofi Annan



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Foreword

Globally, there are understanding and application gaps that need to be bridged as various stakeholders attempt to create consensus on very important International relations and development process principles of transparency, accountability, participation and inclusion (TAPI).

The four key principles, have in recent years become nearly universal features of the Policy statements and programs of International development organizations. Yet this apparently widespread new consensus is deceptive: behind the ringing declarations lie fundamental fissures over the value and application of these concepts. Understanding and addressing these divisions is crucial to ensuring that the four principles become fully embedded in International negotiations, Agreements, relations and development work.

Transparency, accountability, participation and inclusion represent vital embodiments of the opening to politics that occurred in development work in the 1990s. They bridge three distinct practitioner communities that emerged from this new direction—those focusing on *governance*, on *democracy*, and on *human rights*.

But consensus remains elusive. Democracy and human rights practitioners generally embrace an explicitly political understanding of the four concepts and fear technocratic or purely instrumentalist approaches. Governance specialists often follow a narrower approach, applying the core principles primarily to the quest for greater public sector effectiveness.

Aid providers, on the other hand, frequently present the four concepts as a unified agenda. Yet in actual programming they may only pursue or prioritize selective parts of the set, engendering tensions among the different principles.

Having realized how important the four principles are for the African Union Member States to effectively and sustainably use and manage their aquatic natural resources, the African Union Inter-African Bureau for Animal Resources (AU-IBAR) under the Conserving Aquatic Biodiversity in African Blue Economy Project, which is being supported from the Swedish International Development Cooperation Agency (SIDA), defined and formulated consultancy work to carry out detailed surveys and information reviews in order to develop mechanisms for enhancing the effective role and participation (and indeed transparency, accountability, participation and inclusion) of African Union Member States in Regional, Continental and Global aquatic biodiversity conservation and environmental management related Fora and Regimes.

The outputs of the surveys and analysis of information under the consultancy are contained in this report and include:

- a) Priority actions to be undertaken for enhancing effective role and participation of the AU–MS and RECs in the Regional, Continental and Global aquatic biodiversity conservation and environmental related Regimes or Fora;
- b) A summary inventory of identified relevant Regional, Continental and Global fora or regimes related to aquatic biodiversity and environmental management. This inventory contains the following; a synthesis of key objectives, purpose, salient provisions in the governing or Statutory Instruments (e.g., Rules of Procedures) of the identified fora or regimes, highlighting opportunities or incentives and Policy and Legal issues or provisions in the relevant Governance or Statutory Instruments of respective aquatic biodiversity conservation and environmentally related Fora or Regimes;
- c) Identified existing and suggested approaches, mechanisms and procedures or requirements for participation or memberships of AU Member States and RECs in the various identified Fora or Regimes;
- d) Capacity requirements on negotiation skills and techniques for enhancing effective role and participation of the AU–MS and RECs in the Regional, Continental and Global aquatic biodiversity conservation and environmental related Fora or Regimes; and
- e) A framework for providing technical support to AU–MS for effective participation and negotiations in the relevant Regional, Continental and Global Fora as well as for coherent African voice in these Fora.

Undeniably, the above outputs shall create coherence in African approach to key negotiations on issues related to aquatic biodiversity conservation and environmental management at Global Fora and Regimes as well as enabling realization of a common African positions in the aforementioned.

Additionally, the outputs of the studies and surveys carried out in the East and Southern Africa, has enabled identification of mechanisms for enhancing effective African Voice and African role in Continental and Global biodiversity and environmental related regimes or fora. This shall be buttressed by the identified in this report, the framework of providing technical support to AU Member States for effective participation in these fora. Addressing the technical support or capacity building and training needs outlined in this report, shall facilitate the empowerment of the African negotiators in terms of equipping them with negotiation skills and techniques and also enhancing awareness and build capacity among stakeholders on the importance of the various regimes, relevant provisions, challenges and mechanisms for effective role and participation in these Global regimes.

In a wider context, the outputs detailed in this report, shall go a long way in promoting the International call for broad participation and inclusion in intergovernmental processes such as International organizations (IOs) negotiation processes. Intergovernmental processes are rooted in

the emphasis on moving away from the exclusive domain of Nations in governance of the Global commons (Cadman 2011).

From a Country to Global levels, how stakeholder interactions are coordinated can have significant bearing on processes legitimacy in the eyes of its Regional, Continental and Global participants and the public. The values that underpin such interactions include accountability and transparency, but also functional efficacy. These values guide the way in which Country and institutions make decisions and who is involved in making them and how this is pitched at the International negotiations. Here, the level of inclusiveness comes into play – such as the opportunities stakeholders have to participate in and contribute to Country processes. Effective participation further depends on the resources that participants have at their disposal or that are being made available to them. A Country, a Region or a Continent thus needs to have mechanisms in place to ensure equality of power relations between participants, and seek to encourage behavioral change to create durable solutions to the challenges the Country, Region or Continent is set to address.

To this end, it is quintessential to pose and appreciate the critical role that the African Union Inter-African Bureau for Animal Resources (AU-IBAR) with support from the Swedish International Development Cooperation Agency (SIDA), played in ensuring the professional and innovative ways that the outputs of this very important report were realized.

Dr. Nick Nwanka

Ag. Director & Head of Mission THE AFRICAN UNION INTER-AFRICAN BUREAU FOR ANIMAL RESOURCES (AU-IBAR)

Preface

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 and 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. In addition, air and water pollution, sedimentation and erosion, and climate change also 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.

Equally critical, however, is the existence of an enabling International environment within which to compete and succeed, and the capacity of Africa's National, Regional and Continental negotiators to influence the terms on which this competition on aquatic resources takes place, *the Rules of the game so to speak* – hence the focus of this report that involved rigorous studies and surveys that have enabled synthesizing, distillation and development of the herein detailed robust approaches and mechanisms for enhancing the effective role and participation of African Union Member States in Regional, Continental and Global aquatic biodiversity conservation and environmental management related fora or regimes.

In order to realize the objectives of the aforementioned studies and surveys, the team did put significant efforts to understand and improve current African international negotiations capability / mechanisms by taking into account the complexity and unpredictability of such negotiations and of the systems in which they are embedded. The reasons for this are the impacts of interdependence and Globalization, and the fact that real systems are becoming more complex. It is no longer sufficient to treat dynamic complex systems by disaggregation into components which are more accessible for analysis, with subsequent linear superposition. This approach may no longer suffice for the adequate and coherent comprehension, representation, and management of complex systems.

When it comes to International Multilateral Environmental Agreements (MEAs) negotiations system (Regimes or Fora); not only is the whole system greater than the sum of its parts, but it is usually different - and in critical ways. Complexity is associated with information which we need but do not have - thus the role of information is essential for dealing with complex processes and for discerning underlying patterns. It is necessary to consider the processes associated with International negotiations in the context of their cultural and political environments. Negotiations are dependent not only on the system in which they are embedded but also on the various perceptions of those involved. Thus, it is important to identify and deal with the impacts of cultural, political, and psychological factors on International negotiations.

The viability and dynamic stability of a complex political, cultural, socioeconomic and environmental system depends on its capability for innovation and adaptation. The mechanisms for achieving innovation and adaptability within the realm of enhancing the effective role and participation of African Union Member States in Regional, Continental and Global aquatic biodiversity conservation and environmental management related fora or regimes; will depend increasingly on effective *International cooperation* and *negotiations*, based on reliability, sufficiency, and confidence in communication.

When it comes to aquatic biodiversity conservation and environmental management, negotiations are essential mechanisms for maintaining dynamic stability, which depends on achieving an optimal balance between the options and constraints available to the system and its parts. Cooperation in this context will be necessary for identification and Agreement on change options and constraints. When these are not arrived at cooperatively, crises and instabilities may result.

In essence, negotiations enhance the capability of a system to deal with uncertainty, unpredictability, uncontrollability, and disputes. International institutions and built negotiations mechanisms provide the means for developing innovative approaches for political, Legal, institutional, technological, environmental, and economic issues and disputes.

International negotiations have become an integral factor in International relations, and in some cases have achieved an ongoing or longer-term character which reflects their increasing role in maintaining International stability and in resolving trans-boundary problems and disputes. The rapid pace of technological change has had and will continue to have a critical impact on the development and stability of International and National systems.

Therefore, negotiations processes and the resultant Agreements should contain sufficient flexibility to deal not only with actual and imminent disputes, but also with technological and other changes and surprise, and must therefore be not only reactive but also anticipatory. In essence, the concept of anticipatory approach has been infused in defining and formulation of mechanisms for

enhancing the effective role and participation of African Union Member States in Regional, Continental and Global aquatic biodiversity conservation and environmental management related fora or regimes, as well as the outlining of training needs including a feasible framework to establish a mechanism for providing technical support and training to AU–MS for effective participation and negotiations at the Global level.

In the analysis and understanding of the processes of International negotiations, a distinction can be made between approaches based on assumed strictly rational behavior, on the one hand, and the problem-solving adaptive approaches which recognize the limits to rationality, on the other. Knowledge of the successes and limitations of the various analytical methods and models is necessary to understand and structure problems more effectively and to evaluate more efficiently complex alternatives.

When dealing with systems and processes which are highly complex and interdependent, and where there are limits on the capacity to acquire, process, and disseminate the necessary information, there are many aspects which are more amenable to the problem-solving approach. In the real World, the actual situation may not permit the attainment of preferred goals, but rather the objective may have to be a sufficient outcome - or even sheer survival.

The need to deal with the totality, diversity, and unpredictability of International negotiations requires a Multidisciplinary, International, and cross-cultural approach which to greater extent have informed the here defined and improved mechanisms for enhancing African Union Member States to effectively and efficiently negotiate at the International level as relate to aquatic biodiversity and ecosystem use and management.

In general terms, negotiations are essential mechanisms for the peaceful resolution of disputes and for maintaining stability in International relations. Negotiations can and should contribute to predictability, equity, and security among states. In achieving these goals, negotiations become important confidence-building measures. The increasing role of negotiations and of International Organizations for managing the system of International order and for pursuing/achieving States' interests/Policies through peaceful means have produced a fundamental evolution in the agenda, functions, and intensity of International negotiations.

In the view of both researchers and negotiators over the recent past, the negotiations process that is organized along traditional lines is becoming more complex, difficult, and less effective. The processes of negotiations are in general taking more and more time and lagging behind the *evolution of the International environment*. Not only are the issues themselves more complex, but also, in the implementation of any Agreements reached; the resolution of the issues involved will need to take place over a longer time and therefore to be managed jointly or Multilaterally.

Because of the increasing complexity of issues – especially environmental / Ocean issues that are transboundary and the fast pace of changes affecting both National and International interests, it has become essential for International Agreements to contain sufficient flexibility in certain of their provisions to permit dealing with uncertainty and the needs of the Parties to adapt to new and changing circumstances. In this sense, International negotiations and Agreements must be not only reactive but also anticipatory. These considerations indicate that there are much-needed approaches (mechanisms to buttress Processes of International Negotiations [PIN]) which are concerned specifically with bringing about a *Multinational, Multicultural, and Multidisciplinary* understanding of and perspective on International negotiations and which also bridges the gap between *practitioners* and *researchers*.

To keep the focus of the studies and survey that were undertaken to inform this report, consideration was given on substantive issues and on relevant applications-oriented results (established mechanisms), while still considering the importance and impact of different cultural and political systems in the various National approaches to negotiations.

Based on the above, several practitioners, theorists and researchers from various African Union Member States who are involved in the processes of augmenting, informing and participating in negotiations at the Regional, Continental and Global aquatic biodiversity conservation and environmental management related Fora and Regimes; were consulted and offered their view and perspectives on the challenges and opportunities for improving AU-MSs participation in International or Regional For a and Regimes events and conferences.

The feedback from consultations do hence form the basis for this report's identified and improved mechanisms for negotiations, framework for undertaking training and capacity building in negotiation capability as well as lessons and challenges identified including and recommendations proposed and which provide the context within which specific mechanisms that can be applied in order to enhance the effective role and participation of African Union Member States in Regional, Continental and Global aquatic biodiversity conservation and environmental management related fora and regimes, can be operationalized.

In addition, the feedback from African negotiation researchers, theorists and practitioners together with literature review did enable the distillation of key priority actions that would act as catalysts or percussor / preparatory initiatives which will enable the implementation of the mechanisms here identified, together with negotiators' capacity development.

All of the thematic areas focused in the studies and surveys conducted, have had direct and obvious relevance to improving negotiations outcomes on, and the ability to deal effectively with, such issues as the transboundary effects (environmental or economic, etc.) of technological risk,

security and confidence-building measures, and International economic cooperation - all of which are high on the negotiation's agenda of many countries.

One of the aims of the studies and surveys was to find ways or approaches that can bring researchers, theorists and practitioners closer together, "in essence to bridge the gap". This is because, at this time the gap remains large, and literature / writings on the subject of International negotiations have a labyrinthian character. Roughly, this writings / literature can be divided as follows (cf. Mastenbroek, 1984; Dupont, 1986):

Advice to negotiators. A great many books concentrate on how to negotiate successfully. (Fisher and Ury, 1981; Nierenberg, 1968; Raiffa, 1982; Zartman and Berman, 1982; Mastenbroek, 1984; Dupont, 1986). These books are based, on the one hand, on common senses on the other hand, on insights derived from numerous case studies and (apparently less) the personal experiences of the writers.

Theoretical analysis. Following Dupont (1986, p. 129) one can roughly distinguish these theoretical approaches: psychological, sociological analysis and combinations (Kelman, 1965; Jones, 1974), economic and game theory analysis (Schelling, 1960; Raiffa, 1982); process theories (IkIe, 1964; Burton, 1968; Cox and Jacobson, 1974, Kremenjuk et al., 1985; Dupont, 1986); descriptive and historical works including "case studies" (Hadwen and Kaufmann, 1958; Blaker, 1977; Kaufmann, 1987; Weiss and Stripp, 1985; and many others). In addition, it is justified to list, as a separate category, cultural-comparative analysis (Hofstede, 1984).

Undoubtedly, each of these approaches discussed in the aforementioned literature / writings has considerable significance. Negotiations, and certainly International negotiations, are an elastic concept where all elements of human behavior, and of interpersonal and interorganizational contacts are in some way amalgamated according to patterns which differ from situation to situation.

A good example that illustrates elastic concept of negotiation are the two perceptions / approaches defined by functionalism (a theory of International relations that arose during the interwar period principally from the strong concern about the obsolescence of the state as a form of social organization) and the newer neo-functionalism as put forward by Ernest Haas (1964) which ideally have implied a facilitating approach to International negotiations (within a theory of Regional integration which downplays Globalization and reintroduces territory into its Governance): National self-interest is supposed to become submerged under the common ground of the objective truth to be found by experts. Yet we all know that National self-interest continues to dominate the International negotiating scene. The attitudes of experts involved in International negotiations,

certainly in the initial stages of negotiation, tend to reflect perceived National interests and National traditions.

As Cox (1965) has shown, the neo-functionalist approach of Ernst B. Haas does not explain the "political processes. whereby inputs are transmuted into outputs". The essence of what we can refer as an "integral analysis of International negotiations" is that not only the political processes, but all relevant variables and constants, including especially cultural, psychological and linguistic factors, ought to be considered in the analysis of and training as well as capacity building for International negotiations including the operationalization of the here outlined mechanisms for enhancing the effective role and participation of African Union Member States in Regional, Continental and Global aquatic biodiversity conservation and environmental management related Fora or Regimes.

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Acronyms and Abbreviations

ABES	African Blue Economy Strategy
ABNJ	Areas Beyond National Jurisdiction
IAP2	International Association for Public Participation
AU-IBAR	The African Union Inter-African Bureau for Animal Resources
AUC	African Union Commission
AU-MS/s	African Union Member State/s
BCC	Benguela Current Convention
BEOM	Blue Energy and Ocean Mining
BRS	The Basel, Rotterdam and Stockholm Conventions
CBD	Convention on Biological Diversity
CBNSSs	Computer-based Negotiation Support Systems
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
COP	Conference of Parties' meeting
COUGs	Communities of Ocean User Groups
CSCW	Computer Supported Cooperative Work
DARBE	Department of Agriculture, Rural Development, Blue Economy and Sustainable Environment
EBM	Ecosystem Based Management
EEZs	Exclusive Economic Zones
EPI	E-Participation Index
ESD	Evolutionary Systems Design
FAO	Food and Agriculture Organization of the United Nations
FCs	Fishing Closures
FSM	Formal Structural Mechanism
GBF	Global Biodiversity Framework
GET	General Evolution Theory
GGDM	Good Governance Diffusion Mechanism
GRAs	Gear Restricted Areas
GSUMNs	General Set-Up of Multilateral Negotiations
IIC	International Industrial Cooperation
IMO	International Maritime Organization
IMs	Institutional Mechanisms
IPBES	Intergovernmental Platform on Biodiversity and Ecosystem Services
IPNs	Informal Private Negotiations
LMEs	Large Marine Ecosystems
MEAs	Multilateral Environmental Agreements
MEP	Multidisciplinary Expert Panel

MPAs	Marine Protected Areas
MSAs	Multisectoral Approaches
MSMs	Multi-Sectoral Mechanisms
MSTs	Multi-Sectoral Tools
NBSAPs	National Biodiversity Strategies and Action Plans
NFP	National Focal Point
OCM	Ocean And Coastal Management
OECD	Organization for Economic Co-operation and Development
OMRN	Ocean Management Research Network
OUS	Ocean Use and Sustainability
PDs	Public Debates
PFRS	Policy Framework and Reform Strategy for Fisheries and Aquaculture in Africa
PINs	Processes of International Negotiations
PNRs	Principles, Norms and Rules
PSMs	Problem Structuring Methods
RECs	Regional Economic Communities
RFB	Regional Fisheries Body
RFMO	Regional Fisheries Management Organization
RFO	Regional Fisheries Organizations
RINs	Regional Issue Networks
SESs	Socio-Ecological Systems
SOC	Structure of a Conference
SSD	Social Systems Design
TAPI	Transparency, Accountability, Participation & Inclusion
TILK	Traditional, Indigenous & Local Knowledge
TINs	Transnational Issue Networks
TRD	Treaty, Resolution & Declaration

Glossary

- **Ratification**, an approval of Agreement by the State. Once the Treaty has been signed, each State will deal with it according to its own National procedures. After approval / consent has been granted under a State's own internal procedures, it will notify the other Parties that they consent to be bound by the Treaty. This is called ratification. The Treaty is now officially binding on the State.
- **Accession**. "Accession" is the act whereby a State accepts the offer or the opportunity to become a Party to a Treaty already negotiated and signed by other States. It has the same legal effect as ratification. Accession usually occurs after the Treaty has entered into force.
- **Global Change** - means changes in the Global environment (including alterations in climate, land productivity, Oceans or other water resources, atmospheric chemistry, and ecological systems) that may alter the capacity of the Earth to sustain life.
- **Climate Change** - refers to long-term shifts in temperatures and weather patterns. These shifts may be natural, but since the 1800s, human activities have been the main driver of climate change, primarily due to the burning of fossil fuels (like coal, oil and gas), which produces heat-trapping gases.
- **Governance** - the action or manner of governing a State, organization, etc.
- **Policy** - is a deliberate system of guidelines to guide decisions and achieve rational outcomes. A Policy is a statement of intent and is implemented as a procedure or Protocol. Policies are generally adopted by a Governance body within an organization. Policies are Rules that are made by organizations, to achieve their aims and goals. Policies are made by individuals, groups, companies, and even Governments to carry out their plans.
- **Regulations** – They are Rules that are made to make people comply and behave in a certain manner.
- **E-participation (Electronic participation)**– It is an ICT-supported participation in processes involving Government and citizens. Processes may concern administration, service delivery, decision making and Policy making. E-participation is hence closely related to e-Government and e-Governance participation.
- **Technical Capacity** - means the physical and operational ability of an entity or system to meet the requirements of their mandate or expectations. In simple terms, when we describe technical capacity of any organization, it means the physical & operational ability of the organization, including technical knowledge and capability of the staffs and managers to produce desired outputs.
- **Principle of Subsidiarity** - The general aim of the principle of subsidiarity is to guarantee a degree of independence for a lower authority in relation to a higher body or for a local authority in relation to Central Government.
- **Plenipotentiary** - a person, especially a diplomat, invested with the full power of independent action on behalf of their Government, typically in a foreign Country.

- **Mechanisms** - natural or established *processes* by which somethings takes place or are brought about. A *system of parts* working together in a machine; a piece of machinery. In engineering, a mechanism is a *device / tool* that transforms input forces and movement into a desired set of output forces and movement.
- **A system** - a set of things working together as parts of a mechanism or an interconnecting network; a complex whole, or a set of principles or procedures according to which something is done; an organized *scheme* or *method*.
- **Coordination** - the organization of the different elements of a complex body or activity so as to enable them to work together effectively.
- **Technical Assistance / Support** - also known as “TA” and commonly referred to as consulting, is the process of providing *targeted support* to an organization with a *development need* or *problem*.
- **ASET Skills** - applied sciences, engineering, and technology (ASET) skills
- **Role** - the function assumed or part played by a person or thing in a particular situation.
- **Governance** - is the process of interactions through the Laws, norms, power or language (structured system of communication) of an organized society over a social system (family, tribe, formal or informal organization, a territory or across territories). It is done by the Government of a State, by a market, or by a network. It is the decision-making among the actors involved in a collective problem that leads to the creation, reinforcement, or reproduction of social norms and institutions. In lay terms, it could be described as the political processes that exist in and between formal institutions.
- **Public Governance** – A Governance type that involve both political processes and administrative as well as process-oriented elements. In general terms, public Governance occurs in three broad ways:
 - Through networks involving Public Private Partnerships (PPP) or with the collaboration of community organizations;
 - Through the use of *market mechanisms* whereby market principles of competition serve to allocate resources while operating under Government regulation; and
 - Through top-down methods that primarily involve Governments and the state bureaucracy.
- **Global governance** - Global Governance is defined as "the complex of formal and informal institutions, mechanisms, relationships, and processes between and among States, markets, citizens and organizations, both inter- and non-governmental, through which collective interests on the Global plane are articulated, right and obligations are established, and differences are mediated. In contrast to the traditional meaning of "Governance", some authors like James Rosenau have used the term "Global governance" to denote the regulation of interdependent relations in the absence of an overarching political authority. The best example of this is the International system or relationships between independent States. The term, however, can apply wherever a group of free equals needs to form a regular relationship.

- **Non-profit governance** - Nonprofit Governance has a dual focus: achieving the organization's social mission and ensuring the organization is viable. Both responsibilities relate to fiduciary responsibility that a board of trustees (sometimes called directors, or Board, or Management Committee—the terms are interchangeable) has with respect to the exercise of authority over the explicit actions the organization takes. Public trust and accountability are essential aspects of organizational viability so it achieves the social mission in a way that is respected by those whom the organization serves and the society in which it is located.
- **Environmental Governance** - a concept in political ecology which promotes environmental Policy that advocates for sustainable human activity (i.e., that Governance should be based upon environmental principles). The processes of decision-making involved in the control and management of the environment and natural resources. The International Union for Conservation of Nature (IUCN), define environmental Governance as the "multi-level interactions (i.e., local, National, International/Global) among, but not limited to, three main actors, i.e., State, market, and civil society, which interact with one another, whether in formal and informal ways; in formulating and implementing Policies in response to *environment-related demands* and inputs from the society/community; bound by Rules, procedures, processes, and widely accepted behavior; possessing characteristics of 'good Governance'; for the purpose of attaining environmentally-sustainable development.
- **Participatory Governance** - participatory Governance is embodied in processes that empower citizens to participate in public decision-making, and it has been gaining increasing acceptance as an effective means to tackle 'democracy deficits' and improve public accountability. A first step towards participatory Governance is helping citizens /stakeholders to have access to relevant information about Government Policies, decisions and actions (this contains tools relating to advocating for freedom of information, supporting Government transparency and facilitating the dissemination of public information).
- **Collaborative Governance** - A collaborative Governance framework uses a relationship management structure, joint performance and transformation management processes and an exit management plan as controlling mechanisms to encourage the organizations to make ethical, proactive changes for the mutual benefit of all the Parties.
- **The e-Governance and e-Governance services** - is a holistic concept that defines and assesses the impact that information technology and communication have on Government practices and relations between Government and society as a whole. The e-Governance not only supports improved access to information and political processes but also an approach called participatory fundamentally changes the relationship between Government and society.

Executive Summary

There are important Regional, Continent and Global fora related to conservation of biodiversity and environment where it is important to have common African Voice on critical issues and decisions. The importance of having a common African Voice at these Fora cannot be overstated since some of the decisions taken can be binding and would have implications on the Governance of Africa's aquatic ecosystems, biodiversity and environment. There is also the issue of limited capacity to effectively contribute to discussions or negotiations with regards to agenda items in these Fora. These setbacks are undermining the effective participation of Africa in these Fora.

The generally weak participation of Africa Union Member States (AU-MSs) in Global fora on Ocean Governance Regimes has been a cause for concern. There is therefore need to strengthen coherent Africa or common African positions at biodiversity, environmentally related Global Fora. This report is as a result of various studies conducted and thereof does describe clearly distilled and further developed mechanism for enhancing effective African Voice and African role in Continental and Global biodiversity and environmental related Regimes or Fora.

Some of the Fora or Regimes studied and reviewed in the aforementioned studies, include:

- i. Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), 1975;
- ii. Areas Beyond National Jurisdiction (ABNJ);
- iii. Regional Sea Conventions (Nairobi Convention, 1996; Abidjan Convention, 1984 and Jeddah Convention, 1985);
- iv. Ecosystem-based organizations e.g., Benguela Current Convention (BCC), 2013;
- v. Convention on Biological Diversity (CBD), 1993; and
- vi. All the above, among many more global and regional fora or regimes (Conventions) Conference of Parties' meetings (COP).

The AU Member States (AU-MSs) consulted during the mechanism's validation workshop, were of the opinion that the above listed conventions / treaties should be ratified by all member states as they focus clearly on environmental management and aquatic biodiversity conservation (and they form kind of "intertwined threads of a fabric") - however, the following conventions should be prioritised for domestication based on the priority criterion indicated below:

United Nations Convention on the Law of the Sea (UNCLOS), 1982 - Criteria for priority:

- a. Focus on aquatic environment
- b. Focus on land locked, island and coastal states

Convention on Biological Diversity (CBD), 1993 - Criteria for priority:

- a. Focus on biodiversity
- b. Focus on cross cutting environments (terrestrial and aquatic environments)

United Nations Framework Convention on Climate Change (UNFCCC), 1994 - Criteria for priority:

- a. Focus on cross cutting environments (terrestrial and aquatic environments)
- b. Increasing need of climate risk early warning systems as well as surging climate risk emergency and severe impacts (climate related loss and damages) that affect and goes beyond fisheries, aquaculture and environmental / aquatic biodiversity domains.

The AU-MSs in mechanisms validation workshop also indicated that domestication of one convention creates potential linkages to domestication of others conventions / treaties and hence AU-MSs should find the linking “threads” that connect the conventions as well as finding national, regional and continental policy, institutional structures and regulatory frameworks that would facilitate their effective ratification, implementation - including monitoring, evaluation and reporting.

Additionally, AU-MSs did indicate that a major way to reinforce / buttress the implementation of conventions / treaties related to aquatic biodiversity conservation and environmental management is by way of effective implementation of National Blue Economy Strategies and Action Plans (NBESAPs) and National Biodiversity Strategies and Action Plans (NBSAPs); both of which have significant components that address the aspirations / provisions of various global instruments – as it stands now, no one instrument looks all-inclusive and they depend on reinforcing one another.

In an overview, this Report covers the following:

Chapter one has an introduction that outlines the background information on African current status in terms of capacity for effective role and participation in Regional, Continental and Global aquatic biodiversity conservation and environmental management related Fora or Regimes. The chapter also contains a brief description on the importance of Aquatic Conservation Fora and Regimes including the importance of participating in these Fora or Regimes. Further, chapter one has an outline of the approach and methodology used during the studies or review.

Chapter two, contains a summarized situation analysis. In a summarized, precise and brief description (inventory) on the establishment and current functionality of various Regional, Continental and Global Fora or regimes on aquatic biodiversity conservation and environmental management. The inventory hence covers the following aspects:

- a) opportunities or incentives for stakeholders’ engagement and participation in the Fora or Regimes activities including participation in COP meetings;
- b) purpose or mandate of Fora or Regime;
- c) existing modes of operation, that is Governance model, rules of procedures (ROPs), Policies and other requirements – including approaches, mechanisms and procedures or requirements for participation or memberships of AU Member States and RECs in the identified fora or regimes activities including participation in COP meetings;

- d) lessons and challenges to effective engagement and participation of AU Member States and RECs in the identified Fora or Regimes activities including participation in COP meetings

Chapter two also contains other key findings that were distilled from literature review and interviews / survey analysis.

Chapter three, contains an outline of priority actions and recommendations that would create an enabling environment (preparatory or percussor inputs / activities) for buttressing developed mechanisms (approaches) for enhancing participation of the AU–Ms and RECs in aquatic biodiversity conservation and environmental related Fora and Regimes. Secondly, there are summarized descriptions of the identified, developed and/or improved mechanisms for enhancing role and participation of the AU–MS And RECs in aquatic biodiversity conservation and environmental related Fora and Regimes.

Chapter four has a brief on the key training and capacity building requirements in negotiation skills and techniques for enhancing effective role and participation of the African Union Member States (AU-MSs) and Regional Economic Communities (RECs) in Fora or Regimes.

Chapter five is a framework for establishing a mechanism for providing technical support / assistance (TS/TA) to AU-MSs for effective participation and negotiations in Fora or Regimes.

This report also contains three **important annexes** that shall enhance capacity building of institutions and negotiators including training of African negotiators, these annexes are:

- Annex 1: Description of NEGOTEX (a computer system that embodies such knowledge from published conceptual and empirical studies);
- Annex 2: Twelve (12) Essentials for Negotiations in International Fora or Regimes; and
- Annex 3: List of Software Tools for Negotiations

CHAPTER ONE: INTRODUCTION

1.1 Background Information

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-MSs).

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 and 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. In addition, air and water pollution, sedimentation and erosion, and climate change also 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 envisioned 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.

Based on the contextual analysis outlined above especially the challenges and opportunities surrounding Africa marine resources development and management, AU-IBAR, under the 3-year project on 'Conserving Aquatic Biodiversity in African Blue Economy' which is being supported by the Swedish International Development Cooperation Agency (SIDA) and aiming at enhancing the Policy environment, Regulatory frameworks and institutional capacities of African Union Member States (RECs) and Regional Economic Communities (RECs) to sustainably utilize and conserve aquatic biodiversity and ecosystems, it identified/ conceptualized the need to develop within the *component of institutional capacities* and under the said SIDA supported project; mechanisms for enhancing the effective role and participation of African Union Member States in Regional, Continental and Global aquatic biodiversity conservation and environmental management related fora or regimes.

In addition to the motivation, support and existence of a framework under the SIDA supported 3-year project on ‘Conserving Aquatic Biodiversity in African Blue Economy’, AUC / AU-IBAR, did rationalize the development of mechanisms for enhancing the effective role and participation of African Union Member States in Regional, Continental and Global aquatic biodiversity conservation and environmental management related fora or regimes, based on the rationale briefly outline in the following section.

There are important Regional, Continent and Global fora related conservation of biodiversity and environment where it is important to have common African Voice on critical issues and decisions. The importance of having a common African Voice at these fora cannot be overstated since some of the decisions taken can be binding and would have implications on the Governance of Africa’s aquatic ecosystems, biodiversity and environment. There is also the issue of limited capacity to effectively contribute to discussions or negotiations with regards to agenda items in these fora. These setbacks are undermining the effective participation of Africa in these fora.

The generally weak participation of AU MS in global fora on Ocean Governance regimes has been a cause for concern. There is therefore need to strengthen coherent Africa or common African positions at biodiversity, environmentally related Global fora. The project would conduct studies and develop a mechanism for enhancing effective African Voice and African role in Continental and Global biodiversity and environmental related regimes or fora.

In order to have adequate African voice, there is first of a need to establish a mechanism for providing technical support to AU Member States for effective participation in these fora. There is also the need to train pool of African experts on negotiation skills and techniques and enhance awareness and build capacity among stakeholders on the importance of the various regimes, relevant provisions, challenges and mechanisms for effective role and participation in these Global regimes. The two highlighted approaches or mechanisms are just a small representative of varied mechanisms that can be identified, redefined, improved and developed in order to accelerate the rate of enhancing the effective role and participation of African Union Member States in Regional, Continental and Global aquatic biodiversity conservation and environmental management related fora or regimes.

Based on the aforementioned, AU–IBAR did engage a suitable consultant to undertake studies, surveys and analysis as well as preparing a Report (Focusing in the South and Eastern Regions of Africa) on Identified and Improved Mechanisms for Enhancing the Effective Role and Participation of African Union Member States in Regional, Continental and Global Aquatic Biodiversity Conservation and Environmental Management Related Fora or Regimes – Focusing in the South and Eastern Regions of Africa.

1.2 Importance of Aquatic Conservation Fora and Regimes

The recent sharp increase in the number of International climate change and biodiversity and ecosystems Governance challenges on which States have to negotiate and in the volume of the related paperwork, has markedly enhanced the role of diplomacy and the importance of negotiations as an Instrument of National Foreign Policy.

Stepped-up Multilateral cooperation and more productive Multilateral ties and contacts are especially required in such areas as maintaining and strengthening peace and security, curbing the arms race, developing economic relations, ensuring economic growth in developing countries, solving the energy and food problems, preserving the environment, and the use of Oceans and outer space.

Connected with this is the question of whether the International community can build interstate relations on the basis of a new political thinking without relying on nuclear arms, and if nuclear disarmament is feasible.

These issues are being debated by public figures, politicians and diplomats who seek to establish facts, identify positions, find mutually acceptable solutions and reach Agreements. The debate bears directly on whether the East and the West can define some common philosophical ground on which to build a safer and better world. Without clarifying further the issues and actors, without the search for common approaches or at least points of contact, there can be no mutual understanding or confidence, nor genuine Agreements in vital areas.

Since the existence of different Sovereign States is an objective reality of our age, mankind can collectively solve Global problems only on the basis of the principle of peaceful coexistence, through joint and concerted actions and decisions.

For example, to ensure a uniform approach of States that are so different in terms of their sociopolitical systems and the level of economic development, to the rational use of the economic potential of the Oceans, the need was recognized for devising an International legal order that would govern the activities of all States without exception in the use of the world's marine environment and resources.

Along with the development of interstate Bilateral cooperation, the increasing number and importance of Multilateral relations and contacts have made it necessary for the world community to establish a Global system of permanently functioning negotiating mechanisms. It is worthy noting that International organizations - above all, the United Nations as well as UN-sponsored International conferences and other International fora - could serve as a foundation for such a Global system of Multilateral cooperation designed to govern interstate relations and to work out mutually acceptable solutions.

Depending on the composition of participants, International fora are generally divided into two categories: intergovernmental and non-governmental. In terms of their composition, they are subdivided into universal fora in which any state can participate; Regional fora attended by States belonging to a specific geographic Region, and fora comprising a given number of concerned or involved Parties.

In terms of their status, there may be permanent International organizations, organizations that meet periodically within previously set dates to discuss a specific range of issues, and special or ad hoc fora convened to consider a particular topic.

Depending on their goals, International Multilateral fora can be divided into peace negotiations or conferences, political conferences or organizations, and those dealing with economy and environment, International Law, and other special subjects.

Also an International forum can simultaneously deal with several topics. Even if they may differ in terms of their specific objectives, International Multilateral fora are basically designed (a) to negotiate and adopt International Agreements or charters of intergovernmental organizations - for instance, the 1945 San Francisco Conference, which adopted the UN Charter, and the UN Conference on the Law of Treaties, which adopted the text of the Vienna Convention on the Law of Treaties; (b) to consider International problems and to draft resolutions, joint statements or other International documents - for instance, sessions of the UN General Assembly and other International organizations, the 1968 Teheran Conference and others; (c) to exchange views on specific issues - for instance, the 1963 UN Conference on the Application of Science and Technology for the Benefit of Less Developed Areas, held in Geneva.

1.3 The Importance of Participation in Aquatic Conservation Fora and Regimes

International organizations and other Multilateral mechanisms have become increasingly important for resolving disputes, for dealing with actual or potential crises and risks, and for creating and maintaining International systems and regimes.

The processes of International negotiations in International organizations and other Multilateral fora are characterized structurally by the increasing interdependence of states and negotiating fora and by the shift from a bipolar to a diversified or multipolar world order. They are characterized functionally by the increasing importance of economic as opposed to military power, and of technological and other innovation as opposed to the sheer production of goods and commodities. Thus, the role of International organizations and other Multilateral mechanisms is studied to see if their capabilities match, or could be made to match, the complexity and scope of the actual and emerging issues and the needs of the potential sides involved, and to assess the nature and characteristics which International problem-solving mechanisms should have.

International negotiations are, by definition, intercultural, and many of the problems in such negotiations arise from fundamental cultural, political, and psychological differences. The environment and culture of negotiators are reflected in certain "negotiating styles" and perceptions whose importance has led to an increasingly intensive study of sociopolitical and other culture-based and observer-dependent factors. These factors include political culture; attitudes toward cooperation, conflict, compromise and the use of third-parties; and the concepts and role of sovereignty.

Participation in International negotiations can be treated as part of a larger system, or as an object and process in itself, to achieve specific political, environmental, economic, or other aims. A negotiation as such can be studied from various points of view, e.g., as an exercise in communication, decision making, conflict management, or dispute resolution.

As part of a system, negotiations can be studied and understood in terms of the characteristics and functioning of a complex system. These and other approaches are best considered as complementary rather than contradictory, as elucidating different and important aspects, which yields a more coherent and accurate representation of International negotiations.

The issues and disputes that constitute the substance of present and future International negotiations, e.g., environmental issues such as ozone and CO₂, International economic cooperation in the form of trade and joint ventures, nuclear safety, and International security reflect the effects of increasing interdependence and the growing importance of technology and in particular information technology - as contributing both to the issues and to their solutions.

An increasingly important task is hence to investigate and develop more effective negotiations support systems, including the use of computer systems and models, to enhance the efficiency and effectiveness of the processes and outcomes of International negotiations.

In order to harness the importance of participation in Aquatic Conservation Fora and Regimes, training of negotiators and others involved in negotiations is essential and the negotiation processes can be enhanced by the use of computer aids and negotiations support systems, e.g., for dynamic simulations and for knowledge bases and databases in connection with the storage, management, and retrieval of information. Research and researchers, as well as practitioners and the experience they bring, should be integral parts of the training process.

If useful models of participation and negotiations processes are to be developed, it is essential that such efforts be based on a conceptual understanding of the possibilities and limitations of different modeling systems within the realm of systems theory. One of the key aspects of this problem is the concept of complexity - and the characteristics, limitations, and possibilities it brings to the reality of structuring International negotiations.

Multilateral negotiations, and especially on MEAs, which take place mainly in the framework of, or under the auspices of, an International organization, play an increasingly important role in International relations. They not only determine the evolution of International Law, but also

have an impact on the development of the North-South dialogue. Decision-making at regional or Global levels takes care *inter alia* of the environmental consequences of nuclear energy. Such negotiations also exert some influence, albeit limited, on the defense posture and security perceptions of a number of Countries or on the debt situation of developing Countries.

To the external observer, Multilateral negotiations present themselves as an intricate network of relations, a complex system of interactions, which vary considerably as to their visibility. The external observer, most often sees some key delegations or the respective chairpersons making media briefing on their expectations or the outcome of a conference.

On the other hand press releases drafted by the secretariats try to catch the attention of the public; interest groups address themselves to the press to convey to a broader circle of their positions and evaluations. To the extent that records are available to researchers, a relatively accurate account of what has really happened can be given, although records do reflect reality only in a very limited way; they constitute the small tip of the iceberg that can be seen above the waterline.

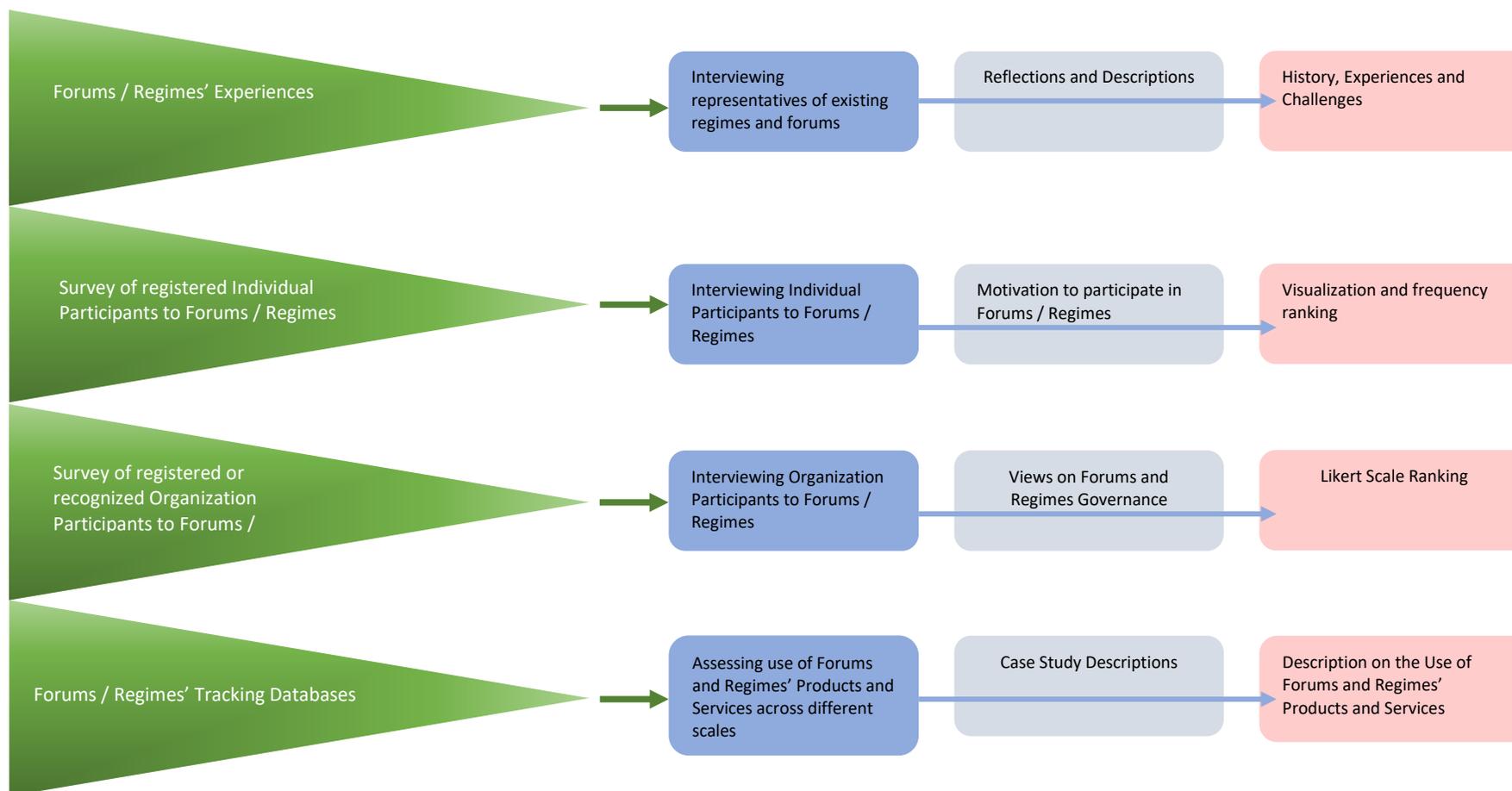
A full account of reality would require knowing the content of the reports submitted by delegations, at least the most important ones, to their respective Governments, because only these reports give concrete information on the informal, private part of the negotiation. Since such knowledge is unlikely to be obtained, any research on negotiations has to rely also on personal accounts of negotiators, who have participated in a conference; from this insight stems the practice of interviewing negotiators, of collecting their written accounts, of screening official records and documents against the background of these personal accounts.

1.4 Approach and Methodology

A variety of methods were employed to explore how effectively aquatic biodiversity conservation and environmental management related forums and/ or regimes engage with stakeholders – participants at the fora and regimes meetings / events (see **Figure 1**). In summary, the following methods were used in identifying best International negotiation mechanisms that can be employed by AU, RECs and AU-MSs, as well as crystallizing key findings, conclusions and recommendations:

1. Literature review and analysis of best negotiation mechanisms studies and reviews;
2. Online surveys of various fora and regimes meetings and event past participants;
3. Online interviews with focal points and relevant Government Ministries, Department and Agencies (MDAs) intergovernmental (including UN organizations) and non-governmental organizations, civil societies and community organization representatives;
4. Online interviews with relevant International fora and regime secretariat representatives; and
5. Physical African Union Member States (AU-MSs) report validation workshop.

Figure 1. Overview of the different sources of information that were used to answer key questions during stakeholders' survey as well as methods and approaches that were used to answer the key questions, and how these results were analyzed and displayed.



CHAPTER TWO: SITUATION ANALYSIS

This chapter contains a brief description of the current model of operation as well as lessons learnt, challenges and opportunities for AU, RECs and AU-MSs engagement and participation in a few specific fora and regimes at global level and within South and Eastern Regions of Africa. These specific fora and regimes include:

1. The United Nations Framework Convention on Climate Change (UNFCCC), 1994;
2. The Convention on Biological Diversity (CBD), 1993; and,
3. The International Convention for the Prevention of Pollution from Ships (MARPOL), 1973; and
4. The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), 1975.

In addition, this section also contain a generic (with a few specific examples of Global fora and regimes) and synthesized summary of the overall opportunities, lessons learnt, challenges and model of operation / current functionalities as relate to AU-MSs participation in various Regional, Continental and Global fora and regimes on aquatic biodiversity conservation and environmental management.

The generic and synthesized summary hence covers the following aspects:

- a) Opportunities or Incentives for Stakeholders Engagement and Participation in Fora and Regimes Related Conference of Parties (COP) Meetings and other Activities;
- b) Purpose or mandate of the fora or regime;
- c) Fora and Regimes Mode of Operation, that is Governance Model, Rules of Procedures [ROP], Policies and Other Requirements – including Approaches, Mechanisms and Procedures or Requirements for Participation or Memberships of AU Member States and RECs in the Fora and Regimes including participation in COP Meetings and other Activities; and
- d) Lessons learned and Challenges to Effective Engagement and Participation of AU Member States and RECs in the Fora and Regimes COP Meetings and other Activities.

2.1 Specific Fora and Regimes

1. The United Nations Framework Convention on Climate Change (UNFCCC), 1994

Purpose: The ultimate objective of this Convention and any related Legal Instruments that the Conference of the Parties may adopt is to achieve, in accordance with the relevant provisions of the Convention, is the stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system.

Opportunities or Incentives:

- a) UNFCCC leads Member States in key International climate change Policy events for example the when it supported Governments in securing the Paris Agreement.
- b) The UNFCCC in July, 2022 launched two new public registries that showcase Countries' National climate action plans (NDCs) and communicate means of adapting to climate change impacts (ADCOMs) - two key Instruments of the Paris Agreement. Both registries for NDCs and ADCOMs were approved during COP 26 and serve as channels for information flowing towards the Global Stock-take of the Paris Agreement that is to take place every five years starting in 2023.

Governance Policy/ies:

- a) Rules of Procedure for meetings of the Conference of the Parties to the UNFCCC.
- b) Code of conduct for UNFCCC conferences, meetings and events.

Membership Requirement:

- To participate and make a vote at the UNFCCC COP Meetings, a Member State must ratify / accede to the Convention.

Lessons and Challenges to Effective Engagement and Participation:

- UNFCCC online engagement and visits to the website is not quite active like when there is a lead to preparatory or actual assembly meetings. In this regard, UNFCCC web pages receive the greatest amount of traffic around and during the sessional periods of the year.
- To overcome online / virtual barriers to spreading of information to Members States, UNFCCC has introduced the following web capabilities:
 - Enhanced use of social media, such as Twitter and Facebook, using Adaptation Exchange or a Facebook page dedicated to science;
 - Tools encourage stakeholder engagement;
 - A dedicated newsletter or e-Update on climate science;
 - A climate science calendar; and
 - Improved and better integration with scientific information available on the Internet from the IPCC and other relevant stakeholders.

2. The Convention on Biological Diversity (CBD), 1993

Purpose:The Convention has three main goals: the conservation of biological diversity; the sustainable use of its components; and the fair and equitable sharing of benefits arising from genetic resources.

Opportunities or Incentives:

- a) After the expiry of CBD's Strategic Plan for Biodiversity 2011-2020, including Aichi Biodiversity Targets, CBD has developed a post-2020 Global Biodiversity Framework (GBF). The framework is seeking to halt and reverse biodiversity loss to achieve a nature-positive world by 2030, which requires investment of at least USD 200 billion per year. Again, this is a huge opportunity for Member States to engage CBD and use the Post-2020 Framework as precedent for National Governments to bridge economic action with the key need for green, blue and resilient /sustainable economic recovery pathways after the COVID Pandemic impacts;
- b) CBD coordinates observance of the International Day for Biological Diversity - 22 May. The United Nations has proclaimed May 22 the International Day for Biological Diversity (IDB) to increase understanding and awareness of biodiversity issues; and
- c) The CBD Conference of the Parties (COP) has established seven thematic programmes of work which correspond to some of the major biomes on the planet, these are: Agricultural Biodiversity, Dry and Sub-humid Lands Biodiversity, Forest Biodiversity, Inland Waters Biodiversity, Island Biodiversity, Marine and Coastal Biodiversity and Mountain Biodiversity.

Governance Policy/ies:

- Rules of Procedure for meetings of the Conference of the Parties to the Convention on Biological Diversity
- *Modus operandi* of the Subsidiary Body on Scientific, Technical and Technological Advice
- Financial Rules for the administration of the Trust Fund for the Convention on Biological Diversity.

Membership Requirement:

- Member States who have ratified and acceded to the CBD are allowed to participate in Ordinary and Extra-ordinary COP Meetings.

Lessons and Challenges to Effective Engagement and Participation:

- The CBD has always suffered an identity crisis, struggling to articulate a clear objective when compared with the UN Framework Convention on Climate Change, which aims to “reduce Global greenhouse gas emissions”. This is partly because biodiversity issues are complex and diverse, but also due to the CBD's sprawling agenda, which has resulted in a lack of focus and effectiveness; and

- A clear political vision in some CBD COP Negotiation Meetings is still lacking, especially the GBF negotiations. Such a vision is needed to articulate the main deliverables of the meetings. More importantly, it needs to convince the rest of the world that these deliverables will make a fundamental difference compared to CBD Strategic Plan (2011-2020) and related Aichi Targets.

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

Purpose: Aims at the prevention of pollution of the marine environment by ships from operational or accidental causes.

Opportunities or Incentives:

- a) Today, MARPOL is recognized as the most important set of International Regulations for the prevention of marine pollution by ships and figures show that marine pollution has declined over the years.
- b) MARPOL is the main International Convention aimed at the prevention of pollution from ships caused by operational or accidental causes.

Governance Policy/ies:

- Rules and guidelines for consultative status of non-governmental International organizations with the International Maritime Organization.
- Act of the International Conference on Marine Pollution, 1973 (MARPOL, 1973).

Membership Requirement:

- Member States should ratify the Convention to participate in COP Meetings.

Lessons and Challenges to Effective Engagement and Participation:

- To date, most of the industrialized Countries have both signed and ratified the Convention. However, less developed Countries have been slow to sign the Convention partly because of lack of appreciation of the potential benefits to their own Country and fear of costs associated with the need to re-fit into their National fleet to conform to the Convention (not really an issue in many instances) and to provide waste reception facilities in their ports and harbors.
- In 1973, the Convention was extremely ambitious - and time showed that some of its aims did prove to be technically difficult to achieve and to convert into practicable regulations that Parties to the Convention could implement into their National legislation, however, the challenge has been overcome when the twin aims of "Safer shipping and cleaner Oceans" became the dual objective of IMO's work.

4. The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), 1975

Purpose: Aims at protection of endangered plants and animals from the threats of International trade.

Opportunities or Incentives:

- a) National focal points have been identified to improve collaboration and communication on a number of specific enforcement issues between Agencies responsible for wildlife Law enforcement in different Countries.
- b) Global Environment Facility (GEF) Global Wildlife Program: program that addresses illegal wildlife trade across Asia and Africa. Over 30 GEF projects are included under GEF-6 and GEF-7.
- c) African Elephant Fund (AEF): Multi-donor trust fund to direct resources for effective implementation of the African Elephant Action Plan (Resolution Conf. 16.9). UNEP provides the secretariat services to the AEF steering committee.
- d) CITES works by subjecting International trade in specimens of selected species to certain controls. All import, export, re-export and introduction from the Sea of species covered by the Convention has to be authorized through a licensing system. Each Party to the Convention must designate one or more Management Authorities in charge of administering that licensing system and one or more Scientific Authorities to advise them on the effects of trade on the status of the species.
- e) On CITES website, you can find the lists of species included in CITES Appendices I, II and III according to the degree of protection they need, as well as photographs of many of the listed species. The CITES Periodic Review of species included in Appendix I and II process is defined in Resolution Conf. 14.8 (Rev. CoP17).

Governance Policy/ies:

- Delegation of Authority Policy and Framework for the management and administration of Multilateral Environmental Agreement Secretariats.

Membership Requirement:

- When the Government of a State or a Regional Economic Integration Organization decides that it will be bound by the provisions of CITES, it can 'join' the Convention by making a formal declaration to this effect in writing to the Depositary Government, which is the Government of Switzerland. Once a document containing this declaration has been received by the Depositary, through the diplomatic channel, the Convention enters into force for the State concerned 90 days later.

Lessons and Challenges to Effective Engagement and Participation:

- Some of the systems used by CITES, have not changed over time

2.2 Generic and Synthesized Summary of the Overall Operation, Opportunities and Challenges of Other Global Fora and Regimes

I. Basic information on Fora and Regimes Organization:

Most International Agreements that deal with aquatic biodiversity conservation and environmental conservation issues have a series of structures that impel their implementation and uphold or run the activities that arise out of the accord. Although there might be more institutional arrangements than these, the basic organizational compositions that are set up after an Agreement is adopted are:

- **Secretariat:** Secretariats are set up with manifold mandates, yet all concentrating upon the implementation of the Agreement itself. Secretariats provide support for the Parties to the Conventions in tasks such as:
 - reporting on compliance;
 - upholding information systems related to the convention and the issues it deals with;
 - employing or fostering financial mechanisms for projects dealing with the convention implementation;
 - assisting and servicing the periodic meetings of the Conference of the Parties (COP) for Convention or Meeting of the Parties (MOP) for Protocols or Regional Agreements.
- **Conference of the Parties (COP):** Those Countries that ratify after adoption and signature or accede to particular International Agreements are called *Parties*. They meet periodically through Conferences of Parties to assess different aspects and implementation of Agreements. The Conferences are open to civil society representatives under certain terms.

These conferences have the following goals:

- *Appraise* the implementation process an Agreement is going through at the National levels. This is done by evaluating the different reports submitted by National Governments to the COP.
 - *Deliberate* on all aspects of the Agreements.
 - *Resolve* on new or additional issues that need to be settled for the implementation of the Agreement.
 - *Revise* the Multilateral Agreement when and if necessary. Some Conventions also consent the COP to add protocols or amend the original Treaty where new state of affairs guarantees it.
- **Scientific Body:** Formal scientific bodies authoritatively accompany Conventions. They provide a more comprehensive evaluation of how the biodiversity, climate change and environmental issues that the Agreement deals with is being confronted, as well as explore scientific and technical issues related to the Agreement's issues. Although nominated by

Parties (i.e., Countries that are a part of the accord), a Convention's scientific group is meant to act independently in providing its assessments as well as advise. This is an area of a Convention where Civil Society Members (many academics) have a strong role to play.

Governance Policy/ies:

- Specific fora or regime management Policies and Rules of Procedure
- Mostly MEAs are governed by UNEP Delegation of Authority Policy and Framework for the management and administration of Multilateral Environmental Agreement Secretariats.

II. Opportunities or Incentives for Member States

- a) Availability of widespread thematic data, information and knowledge (especially in their websites) including status and trends reports on aquatic biodiversity conservation and environmental management. A good example of fora and regimes with wide ranging data and information include – UNFCCC, MARPOL, CBD and CITES
- b) Fora and regimes do assist Member States in planning, organizing, where feasible staffing, leading and controlling / regulating key aspects of their thematic / mandate areas of focus including facilitating International collaboration, cooperation and partnership. A good example is CITES which works indirectly through International Consortium on Combating Wildlife Crime (ICWC) to support frontline officers from National Agencies who are responsible for Wildlife Law enforcement and prosecuting authorities who bring criminals engaged in Wildlife crime to justice, by building long-term capacity and providing them with the tools, services and technical support they need to effectively combat wildlife and forest crime. CITES secretariat also undertake capacity building which generally constitutes the development of activities and materials that support the acquisition of specific knowledge and skillset to better understand and implement the provisions of the CITES Convention.
- c) Many Fora and regimes have designated National Focal Points (which could be qualified individuals or Governments' Ministries, Departments or Agencies [MDAs]). The National Focal Points are identified to improve collaboration and communication on a number of specific issues between Fora / Regimes and Agencies responsible for implementation of key aspects of the Conventions / Treaties in different Countries. A good example is like the Nairobi Convention for the Protection, Management and Development of the Marine and Coastal Environment of the Western Indian Ocean; which supports focal points institutions by way of operationalizing their offices and initiating reporting mechanism for the Convention by compiling National status reports on the coastal and marine environment.
- d) Implementation of Fora and Regimes decisions can form part of a strategy to promote inclusive growth and sustainable development and hence a means to realizing the UN

Sustainable Development Goals (SDGs), Africa Agenda 2063 among other global, Continental, Regional and National including local aspirations / goals frameworks. On the other hand, Convention / Treaties can provide Global frameworks for protecting marine resources and species, assessing impacts of human activities, capacity building and transfer of technologies, and the equitable sharing of benefits from marine resources. Further, Conventions / Treaties can act as foundations for International, Continental, Regional and National Policy, Legal and institutional frameworks for the Ocean resource management.

- e) Global fora and regimes enable aspects of Ocean resource management to be undertaken at transnational scale, that is going beyond Regional and sectoral approaches.
- f) Fora and Regimes Secretariats can partner with International consortiums and Agencies in areas of biodiversity conservation, climate risk and environmental management. Indeed, most Conventions /Treaties programs and projects are being supported by varied International and hence AU-MSs can benefit because, like under CBD, there are innovative financing and resource mobilization mechanisms that can be used to fund aquatic biodiversity conservation and environmental management programs / projects.
- g) Some fora and regimes can act as marine disaster risk reduction (MDRR) mechanisms, a good example is the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage (FUND) which entered into force in 16th October, 1978. The FUND is obliged to pay victims of pollution when damages exceed the shipowner's liability, when there is no liable shipowner, or when the shipowner is unable to pay its liability⁵. The fund is also required to "indemnify the shipowner or his insurer" in spills where a ship is in full compliance with International Conventions, and no willful misconduct caused the spill⁶.

III. Challenges and Lessons Learnt

- **Challenges:**

- 1) ***In adequate pre-negotiation preparation.*** AU-MSs and AU in general are to great extent inadequately prepared before they go to negotiations proper. Key to proper preparation is acquisition of the correct evidence (data, information and knowledge) and identifying common position and interest including preparation on single negotiating text (SNT) and team organization. These can be addressed by having various (about 2-3) preparatory meetings at the National, Regional and Continental level, before proceeding to official fora or regimes preparatory meeting towards actual negotiations / COP Meetings.

⁵ "International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage (FUND), 1971". International Maritime Organization. Archived from the original on 7 July 2009. Retrieved 2 July 2010

⁶ Ibid

- 2) ***Usage of inadequate and ineffective negotiation approaches, tools and techniques during the actual fora or regimes negotiations.*** AU and AU-MSs haven't effectively identified robust negotiation approaches, tools and techniques that can effectively influence International communities to support their interests and positions at the Global fora and regimes negotiations. This challenge can be addressed by using formal and informal approaches within the fora and regimes structural and procedural arrangements as well as other innovative approaches that cut through "negotiations complexity" like ICT technologies among others.
- 3) ***Lack of robust Multilateral Environmental Agreements (MEAs) Monitoring, Evaluation and Reporting mechanisms.*** This has not only made it hard to track progress in the implementation of ratified MEAs, but also made it hard for AU and AU-MSs to identify key lessons and learnings from the whole process of negotiating Agreements / Conventions and implementation, which, indeed can be built into new negotiations and hence increasing effectiveness in negotiations.
- 4) ***Lack of common interest, position and voice in Africa.*** For several decades, Africa has remained divided at various Conference of the Parties (COP) Meetings for several Conventions and Treaties; good examples are the International Trade in Endangered Species of Wild Fauna and Flora (CITES), United Nations Framework Convention on Climate Change (UNFCCC) and Convention on Biological Diversity (CBD) gatherings. In many ways, Africa Continent has not rallied together to speak with one voice on matters that pertains to its aquatic biodiversity conservation, climate change and environmental management agenda within negotiations processes at Global fora and regimes. Further, Africa has lacked well defined and agreed geopolitical orientation, strategy and engagement processes when it comes to ocean resources development and generally environmental management.
- 5) ***Lack of effectively coherent and harmonized Policy, Legal and Institutional (PLI) frameworks in Africa.*** This leads to weak lobbying, advocacy and negotiations momentum at International fora and regimes. Good and harmonized PLI framework in Africa would give clear position to negotiate for based on existing Policy and Regulatory frameworks and enduring institutional arrangements, mandates and associated principles, norms and Rules (PNR). On the other hand, lack of robust and integrated institutional structures, systems and processes do impede the lobbying, advocacy and onward actual negotiations at Global fora and regimes.
- 6) ***Some of the systems used by regimes and fora, have not changed over time.*** Given the rigidity of some Global fora or regimes to change the Rules of Engagement / systems (e.g., endangered species list at CITES), Africa Continent has been constrained in negotiating

effectively at some Global fora and regimes. This has been accentuated by the new and emerging aquatic biodiversity conservation challenges in the Continent.

- 7) ***Lack of clear connection and understanding by negotiators of the underlying social, economic and environmental needs and dynamics.*** By not comprehensively understanding and appreciating the conservation, socioeconomic, cultural and environmental dynamics and needs from local level to Continental level, negotiators are in essence ineffective in understanding whom (Country and Continent) they are and what they really want at the Global negotiations.
- 8) ***Lack of and/or inadequate joint strategic research, data, information, knowledge and intelligence.*** In many ways, International negotiations complexity is associated with information and knowledge which we need but do not have - thus the role of adequate and correct information and knowledge is essential for dealing with complex processes and for discerning underlying patterns in the Continent, and then negotiating at Global level based on the evidence thereof.
- 9) ***Lack of adequate financial, technical and human resources.*** AU and AU-MSs lack adequate mobilization and allocation of adequate financial, technical and human resources in the processes of creating capacity for negotiators (that is in terms of training on negotiation skills, techniques and toolsets – including provision of enabling ICT technologies) as well as facilitating negotiators in attending pre-negotiation meetings and actual participation in the Global negotiation fora and regimes.
- 10) ***There is inadequate application and implementation of existing regional and global Conventions/Treatise, tools, strategies and programs.*** Some of the existing Regional, Continental and Global Conventions / Treaties/Agreements which have been ratified as well as associated strategies and programs are not being effectively implemented. This is jeopardizing the effective engagement of stakeholders on Ocean resource development and Governance and hence, poor lesson learning and picking of clear issues to negotiate or renegotiate for at Global fora and regimes. It should be noted that most of the ocean resources related Regional, Continental and Global Agreements / Conventions do factor in transboundary consideration in their construction and hence effective implementation and monitoring would go a long way in ensuring effective management of Ocean resources as well as enabling ongoing negotiations and formulation of new Agreements.
- 11) ***Lack of effective and adequate application of Integrated, Multisectoral and Participatory (IMP) approaches in building momentum towards negotiations and during actual Global negotiations.*** The aspect of handling Ocean resources development, Governance and management from an IMP perspective is not robust in Africa. This means that various

development thematic areas and sectoral considerations and stakeholder participation are not effectively considered during Policy formulation, decision making, project implementation and evaluation as well as onward local to Global negotiations and Agreements on Ocean resources development and management.

- **Lessons Learnt:**

- 1) Most of the International fora and regimes have become critical platforms for addressing the degradation of the marine ecosystems and resources through actions aimed at improving Ocean Governance, restoration and monitoring of ecosystems as well as undertaking assessment of climate change impacts. However, collaboration and partnership around the provisions and mandate of various Conventions, needs to be scaled up in order to continuously remains essential to accelerate meaningful action to combat issues like climate change, marine pollution, and biodiversity loss.
- 2) A few numbers of fora and regimes secretariats regularly use e-participation and digital Multilateral negotiation mechanisms which can essentially enhance engagement and participation of AU-MSs in COP meetings if it is scaled up.
- 3) A number of difficulties, including competing priorities and lack of resources, has resulted in slow progress in the implementation of a few Conventions / Treaties.
- 4) There is a need for technical support (TS) and training on cross-cutting areas of the implementation of various Conventions: these areas that need TS and training include negotiations techniques and tools, communications, knowledge management and results-based monitoring support.
- 5) Some fora and regimes like CBD have suffered identity crisis, struggling to articulate clear objectives when for example compared with the UN Framework Convention on Climate Change, which aims to “reduce Global Greenhouse Gas Emissions”. This is partly because, taking for example CBD; biodiversity issues are complex and diverse, hence CBD’s taking on sprawling agenda, which has resulted in lack of focus and effectiveness.
- 6) Various fora and regimes have successfully been able to identify projects and facilitated implementation through coordination and collaboration with Partners. Some funds have also been secure for example one of the three key outcomes from the meetings of the Conferences of the Parties to the Basel, Rotterdam, and Stockholm Conventions: 26th- 30th July, 2021, included: the agreement to forward two important reports to the Global Environment Facility (GEF) to inform its eighth replenishment. This was particularly important for many developing

Countries who have had longstanding frustrations with the difficulty of accessing GEF funding to support the implementation of their obligations under the Stockholm Convention.

- 7) One of the critical ingredients of continued engagement and participation in given Treaty or Convention is that negotiating Nations were able to move from using both maximalist and equitable (mixed signal) postures in the initial drafts of Treaty / Convention into a largely equitable text of the Treaty / Convention that was agreed upon.
- 8) A few fora and regimes have been criticized by scientists for its repeated failure to use science – Policy linkages in making decisions, however, the strong emerging trend is that contracting Parties are pushing these fora and regimes into a direction of relying on sound science, insisting on compliance and following a good Governance model.
- 9) In many ways, African Countries have engaged with UN Agencies; hence raising the level of UN Organization visibility. A good example of UN Africa engagement and participation can be demonstrated in the ways Major Groups and other stakeholders (MGoS) continue to demonstrate a high level of engagement with intergovernmental processes at the UN. The coordination of their input to intergovernmental processes on sustainable development has been led by United Nations Department of Economic and Social Affairs (UNDESA)/Division for Sustainable Development (DSD) at UN. The UN organizations in Africa has undertaken various initiative in engaging the society (within the Major Groups) as the main channels through which broad participation would be facilitated in UN activities related to sustainable development. African Countries "Major Groups" engaged by UN organization include the following:
 - Women
 - Children and Youth
 - Indigenous Peoples
 - Non-Governmental Organizations
 - Local Authorities
 - Workers and Trade Unions
 - Business and Industry
 - Scientific and Technological Community
 - Farmers

2.3 Other Key Findings that were Distilled from Literature Review and Interviews / Survey Analysis.

1. There is to great extent, absence of up-to-date Ocean resource development and management Policies, Laws and Regulatory standards at the National level; non-harmonization of Policies, Laws, Regulatory standards and institutional structures at the Continental and Regional level; low compliance and inadequate enforcement and limited effective involvement of stakeholders in the Ocean resource development and management process at National and Regional levels. At National level, where the legislation and Policies are in place, the implementation plans are either absent or the compliance mechanisms are not working;
2. At Regional, National and local levels, Ocean resource development and management coordination mechanisms and Governance tools are generally lacking;
3. The provisions under International aquatic resource development Conventions, including adherence to the adopted conservation and management measures, are not consistently implemented by the AU-MSs;
4. The level of awareness of the relevant Conventions / Treaties and related fora or regimes varies across Countries. However, there is generally medium to high level awareness of key Conventions and their fora and regimes, rarely low awareness was observed. Some platforms such as the Convention on Biodiversity (CBD), United Nations Framework on Climate Change (UNFCCC), The International Convention for the Prevention of Pollution from Ships (MARPOL) and the United Nations Convention on the Law of the Sea (UNCLOS) fora and regimes were indicated to have high level of awareness;
5. Some of the key benefits of being a Member State, engaging and participating in Global aquatic resource related fora and regimes include: financial and technical support; training and capacity building opportunities; networking opportunities and access to support mechanism in harmonization and localization of Laws and other legislation;
6. Key challenges to effective participation in International fora and regimes are varied, but what came out as prevalent challenges include: lack of financial, technical and human resources; lack of ICT and supporting infrastructure to enable online negotiation in International fora or regimes; inadequate capacity building and trainings on International negotiation mechanisms, demanding operational and administrative requirements in joining, participating and reporting / compliance mechanisms within the fora and regimes requirements. Issues related to lack of Regional and National proper coordination, lack of enough lead time of preparation before negotiation meetings and unreliable travel arrangement and logistics were also indicated to hinder the International fora and regime participation; and
7. Some of the training needs that were identified related to the need of creating capacity / understanding in the following: sustainable fisheries resources development, conservation

and management as well as fish species identification, protection and conservation including training in specialized marine science and engineering topics – other Ocean resources like extractives were mentioned in this regard; training in payment for ecosystem services (PES) including aspects like operationalizing carbon trading schemes; International negotiation skills and techniques, Ocean resource trading related standards, tariffs and tax regimes and how to protect of local Ocean related industries as well as safety, livelihoods and food security issues.

CHAPTER THREE: PRIORITY ACTIONS, RECOMMENDATIONS AND GENERAL MECHANISMS FOR ENHANCING PARTICIPATION OF THE AU–MS AND RECS IN AQUATIC BIODIVERSITY CONSERVATION AND ENVIRONMENTAL RELATED FORA AND REGIMES.

3.1 Priority Actions for Enhancing Participation of the AU–MS And RECs in Aquatic Biodiversity Conservation and Environmental Related Fora and Regimes.

This section outlines key priority actions / interventions that will act as catalysts or percussors for effective implementation of the mechanisms for enhancing the effective role and participation of African Union Member States in Regional, Continental and Global aquatic biodiversity conservation and environmental management related fora or regimes; as well as acting as actual negotiation mechanisms or creating an enabling environment for negotiation systems capacity building including training of African negotiators. The key priority actions are outlined below:

1. Training and capacity building for Africa International negotiators, Policy and decision makers, International Agreements' thematic areas working groups /think tanks;
2. Adequate study and understanding of all critical fora and regimes' mandates and objectives, events and meeting formal and informal structural / procedural arrangements and Rules of Procedure;
3. Enhance the information and communication technology (ICT) including other related infrastructural capabilities in order to facilitate effective and efficient participation of AU-MSs in virtual or hybrid fora and regimes' preparatory and actual negotiation meetings;
4. Ensuring robust coordination and organization within AU-MSs, RECs and AU. This should involve use of Integrated, Multisectoral and Participatory approach in Policy Research, Policy Research Analysis, Policy Advisory, Policy / development implementation, Policy Advocacy and lobbying including international negotiations – more so including marginalized groups like women, youth and persons with disabilities. Using other tools like National, Regional and Continental Agreement coordination platforms, key working groups / think tanks and thematic negotiators, Community of Practice (COPs), co-production of information and management of knowledge, establishing and maintaining robust thematic areas databases, using effective negotiation approaches like – Regional / Continental cooperations, Multilateral bargaining, institutional, mediated negotiations approaches as well as ensuring timely and seamless preparation and participation in fora and regimes meetings including all logistics arrangements thereof;
5. Mobilization of financial, technical and human resource for facilitating and enabling all the priority actions including application of the identified negotiation mechanisms;

6. Ensuring effective and efficient implementation, monitoring, evaluation and reporting (MER) including review and update of the Africa Blue Economy Strategy Implementation Plan 2021-2025;
7. Creation of Africa Blue Economy Fund (ABEF) that should drive the blue economy Policy cycle including International negotiations, planning, development, monitoring, evaluation and reporting; and
8. Creation of High-level Continental and Regional forums on blue economy. The high-level forum (HLF) should be Integrated, Multisectoral and Participatory (IMP) and should set Africa Blue Economy agenda and put in place effective mechanisms for advocacy and lobbying within Global fora and regimes. Africa Blue Economy agenda should be balance between the functionalism and neo-functionalism paradigms on development and cooperation. In addition, the Africa Blue Economy agenda should be driven mainly by equitable rather than maximalist postures.

3.2 Key Recommendations

1. AU and RECs should consider creation of High-level continental and regional forums on blue economy. The high-level forum (HLF) should be integrated, Multisectoral and participatory (IMP) and should set Africa Blue Economy agenda and put in place effective mechanisms for advocacy and lobbying within Global fora and regimes. Africa Blue Economy agenda should be balanced between the functionalism and neo-functionalism paradigms on development and cooperation. In addition, the Africa Blue Economy agenda should be driven mainly by equitable rather than maximalist postures;
2. Mechanisms identified in this report should be implemented / applied and should be continuously be monitored as well as be evaluated and reported to AU, RECs and AU-MSs within 2.5 years intervals, and revision and update of the mechanisms to be undertaken after 5 years;
3. In order to buttress the effective application of identified mechanisms, the Africa Blue Economy Strategy Implementation Plan should be continuously be monitored and evaluated and reported to AU, RECs and AU-MSs after 2.5 years, and revision and update of the Africa Blue Economy Strategy Implementation Plan to be undertaken after 5 years;
4. In order to create capacity for continued engagement and participation in new negotiations, AU, RECs and AU-MSs should continuously ensure implementation, monitoring and reporting to relevant secretariats and assemblies on the various MEAs; and
5. RECs and AU-MSs should support Ocean data collection initiatives to ensure the Continent has its own baseline data that can be monitored and reported onward for negotiation purposes. Consideration should also be given to the creation of Continental, Regional or National level thematic areas platforms for co-production and management of knowledge and information.

3.3 General Mechanisms for Enhancing Participation of the AU–MS and RECs in Aquatic Biodiversity Conservation and Environmental Related Fora and Regimes

Multilateral negotiations, which take place mainly in the framework of, or under the auspices of, an International Organization, play an increasingly important role in International relations. They not only determine the evolution of International Law, but also have an impact on the development of the North-South dialogue.

Decision-making at Regional or Global levels takes care inter alia of the environmental consequences of nuclear energy. Such negotiations also exert some influence, albeit limited, on the defense posture and security perceptions of a number of Countries or on the debt situation of developing Countries.

To the external observer, Multilateral negotiations present themselves as an intricate network of relations, a complex system of interactions, which vary considerably as to their visibility.

In order to determine applicable mechanisms for enhancing the effective role and participation of African Union Member States in Regional, Continental and Global aquatic biodiversity conservation and environmental management related fora and regimes; the team that prepared this report, did scrutinize at first; the General Set-Up of Multilateral Negotiations (GSUMNs), which includes factors determining the behavior of actors, factors determining the negotiation situation as a whole and finally determining practical mechanisms through which the processes of Discussions, Negotiations and Agreements (DNAs) can be channeled toward its final objective.

The Multilateral negotiation process may be viewed as a two-track exercise; although these tracks - the Public Debates (PDs) and the Informal Private Negotiations (IPNs)- run for some time in parallel, they are expected to join toward the end and to produce a single and final result. Events occurring on one track influence developments that take place on the other track. Delegations showing a high profile in the public process may play a marginal role in the informal negotiations, whereas delegations almost silent during the debate can dominate the process of negotiations proper, if for instance they are able to benefit from a well-established bipartisan posture and are ready to submit compromise formulae, to be innovative in the search for solutions or to induce new flexibility in opposing parties.

The following section, first includes a summarized highlight of the identified mechanisms aimed at enhancing effective role and participation of AU, RECs and AU-MSs in fora and regimes related to aquatic biodiversity conservation and environmental management. Secondly, is a schematic presentation in form of a table (see **Table 2**) of the identified mechanism for enhancing International negotiations for AU, RECs and AU-MSs as well as their relative application in

addressing key challenges that impede effective role, engagement and participation of African Union Member States in Regional, Continental and Global aquatic biodiversity conservation and environmental management related fora and regimes and relative application of identified mechanisms for addressing these challenges.

Mechanisms in this report have been used in the context of implying / meaning: systems made of processes, procedures and instructions; approaches, methods, devices or tools as well as a platforms or frameworks that can be used to enhance the effective role and participation of African Union Member States in Regional, Continental and Global aquatic biodiversity conservation and environmental management related fora and regimes. The key mechanisms identified are briefly described below:

- 1) AU or RECs Initiating the Treaty-Making Process** - In certain instances an international organ, faced with a *newly emerged or recognized problem* as to which international action appears desirable and urgent and as to the general tenor of which a wide consensus appears to exist, will in the first instance adopt a *declaration* expressing that consensus, making certain recommendations (that in the parlance of international lawyers may be considered as "soft," or non-binding, law) and perhaps taking the initial steps towards the formulation of a law-making treaty.

From the above referenced international organization declaration or from AU or RECs internal data, information and knowledge, AU or RECs can take initiatives that can lead to global conventions / treaties or requisite additional protocols to existing global conventions. In the process of initiating the global, treaty-making process – it is important to understand that evidently an idea that eventually becomes an international convention, originates somewhere in the brain / mind of some person, though in retrospect it may be impossible to identify the author and indeed the *creative process* may from the very beginning have been a substantially collective one. However, for official purposes a proposal generally enters the consciousness of the international community when it is first advanced by an intergovernmental organization (IGO) or non-governmental organization (NGO). Based on the aforementioned, AU and RECs could take cue and initiate process of formulating global conventions or introduction of new protocols that would enable AU Member States to have effective role and participation in global aquatic biodiversity conservation and environmental management fora or regimes.

By initiating conventions or protocol formulating processes, AU or RECs should be ready to do the following: (a) to carry out preliminary studies; (b) preparing an initial draft; (c) participate in negotiations; (d) undertake consultations with governments and (e) engage in consultations with the public.

- 2) **Preparation of a Cost-Benefit Analysis of Becoming a Party to Conventions or Treaties** - AU-MSs, through a lead ministry/authority for a particular convention, should, once a decision is made to ratify the convention, prepare a Cost-Benefit Analysis (CBA) of becoming a Party to the said convention – including factoring any legislative or administrative actions that will be necessary for its implementation and hence aspects like compliance, information and procedural (CIP) costs should be factored.
- 3) **Formulation of Necessary Convention’s Supporting Legislations and Policies, Undertaking Judicial Reviews, Evaluation of Different State Levels / Structures in order to Enable Domestication of Conventions** -In addition to obtaining necessary convention or treaty ratification approval within the administration of the head of State or head of Government, or parliamentary debate, other requisite process to enable domestication of convention may include passing requisite law, undertaking judiciary review, or evaluation at different state levels / structures.
- 4) **Formal Structural Mechanism (FSM)** - This involves effective and efficient use of Formal Structural Mechanism (FSM) which comprises all those organs and institutions that constitute the official Structure of a Conference (SOC). These include the plenary of a conference, secretariat, its committees, its bureau and the regional groups.
- 5) **Formal Procedural Mechanism (FPM)** - This involves effective and efficient use of formal procedural mechanism which covers important elements, such as the Rules of Procedure (ROP) that stipulate the formal requirements of decision-making and the majorities necessary to approve amendments and to adopt the final text in negotiations. Within the purview of FPM, AU-MSs can coalesce under AU or RECs to vote as a block on key Agreements and Conventions that address their common position and interest.
- 6) **Informal Structural Mechanism (ISM)** – This involve use of informal structural mechanism which is characterized by informal groups that act as the main moving force of Multilateral negotiations. These groups exist in the first instance as gatherings of likeminded delegations, of representatives sharing the same political background or defending identical or similar political interests; they are primarily interest groups. But groups have also a second function - they may serve as a device for consultations and informal negotiations, if they are composed of representatives of various interest groups. Based on the above, AU-MSs, RECs and AU can form strong interest groups which can actually engage in consultations and informal negotiations at the Global fora and regimes. The interest groups could also include key institutions that address Ocean resource management and development and are in essence characterized by best principles, norms and Rules (PNR) which together with institutional mechanisms (IMs) in a given issue area, can be consulted, lobby and influence best outcomes in negotiations. In addition,

institutions can be in the form of transnational issue networks (TINs) and Regional Issue Networks (RINs) which can effectively exercise influence both in the form of political clout and of production of new Policy relevant knowledge in that issue area – and hence act as an effective negotiations’ informal structural mechanism under the purview of interest groups.

- 7) **Informal Procedural Mechanism (IPM)** - In this context all procedures and Rules related to interactions may be considered that take place among delegations belonging to the same interest group, as well as interactions that link various interest groups by means of negotiating devices, such as contact groups. AU, RECs and AU-MSs can take advantage of the IPM in defining more flexible and accommodative Rules of Procedure as well as engaging in robust consultation and negotiation within the locus of less formal and restrictive procedures that characterize the main plenary, and hence, in doing so, could achieve great results in negotiations at Global fora and regimes.

- 8) **Integral / Principled Approach** - AU, RECs and AU-MSs need to develop a "Global" formalized framework of what can also be referred as “the negotiation situation”. This can be done by developing an integrated approach that amalgamate and consider all relevant variables of negotiations into a single model. These variables include: inputs; Rules and Instructions (RI); process; transition from "process" to "output" and output. However, it is far from easy to integrate all relevant variables into a single model. An effort can be made as has been shown in **Figure 2**. While this figure is intended to be self-explanatory, it is important to comment on column on inputs which is quite critical. In regard to *Column on Inputs*: For most negotiations, points 1, 2, and 3 (substantive aspects and positions of the various negotiators – see more of other key aspects to be observed in **Annex 2**) attract most attention. Yet the success or failure of a negotiation can only be fully understood if *cultural* and *psychological* aspects and *negotiating styles* are taken into account. In a more refined model, cultural and psychological elements can become quasi-independent constants or variables affecting positions of Governments or other negotiators.

Figure 2. Integral Approach to International Negotiations.

INPUTS	RULES (EXPLICIT, IMPLICIT) AND INSTRUCTIONS	PROCESS	NEGOTIATING TOOLS: FROM NEGOTIATING TO DRAFTING FACTOR X: UNDERSTANDING / TRUST	OUTPUT
<p><i>Negotiation Aspects</i></p> <p>(1) Substantive aspects (short-term) (2) Substantive aspects (long-term) (3) Positions of Governments or other negotiators, as related to external or internal political or economic influences including binding or nonbinding International Agreements (4) Negotiating style (National, group, corporate)</p> <p><i>Cultural/Psychological Aspects</i></p> <p>(5) Cultural traits (including variables) (6) Collective psychological characteristics (7) Individual psychological characteristics</p>		<p>(8) Interaction of actors/negotiators (Governments, secretariats, chairmen, others) (9) Headquarters-negotiator intercommunication (intra-communication)</p> <p><i>Atmospheric /Tactics</i></p> <p>(10) Public or private negotiation (Audience effect) (11) Atmosphere: - positive (-sum) - negative (zero-sum) - intermediate (12) Negotiating tactics - accelerating - decelerating</p> <p><i>Fact-finding/Communication</i></p> <p>(13) Style: easy, intermediate, difficult (14) Time horizon</p>		<p>(15) Binding Instruments: Agreements, Treaties (16) Nonbinding Instruments: UN-type resolutions, declarations, Agreed press communiques, etc.</p>

9) Negotiating Through Cooperation (NTC) - The basic argument of the Negotiating Through Cooperation (NTC) is that that the a cooperations is an extremely complicated and Multidimensional process, which in many ways runs against conventional theoretical assumptions of a National State negotiation at a Global fora or regime. AU and RECs can use their cooperation negation in negotiating and voting as Continental or RECs blocks on Ocean issues of mutual interest. This is also supported within the formal procedural mechanism (FPM) discussed above.

10) Modeling Negotiations Approach - The quality as well as the skill or art of preparation, organization and conduct of International negotiations are factors of great importance. For a long time, such a skill or art depended upon the personality of the diplomats’ conducting negotiations. Of course, the personal, subjective aspects and capabilities of participants of negotiations do play an important role. But this skill should be complemented by a solid scientific foundation by way of using computer models that are informed by data, information and proper algorithms / formulars to enable arrival and optimal decisions in negotiations. AU, RECs and AU-MSs can use Group Decision Support System (GDSS) which is an ICT based approach which combines communication, computing and decision support technologies (see List of Software Tools for Negotiations in **Annex 3**) to facilitate the formulation and solution of unstructured problems by a group of people, especially during preparation towards negotiations and during actual Global negotiations.

- 11) Continuous Consultations Approach** – To be continuously be at vantage position in various Global negotiations, AU, RECs and AU-MSs can use continuous consultation approach that involve engagement of a system of continuing consultations at Global, Continental, Regional and sectoral levels. A good example is the UNIDO application of consultations aimed at facilitating the redeployment of certain productive capacities in developed Countries to developing Countries, as well as to facilitate the creation of new industrial production facilities in developing Countries. UNIDO recommended that, in the operationalization of the System of Consultations and in the process of the Consultations, due account would have to be taken of information on the development of supply and demand, the cost and availability of technology and other production factors, the possibilities and conditions of investment, as well as the varied authority of different Governments and the dynamics of industrialization.
- 12) Multilateral Bargaining Approach** - A good example of this approach is the World Trade Organization (WTO) Multilateral trade bargaining approach. WTO tariff negotiations are a form of barter, whereby Governments accept commitments on their own import tariffs in exchange for the reciprocal tariff commitments of their principal trading Partners. For each round a specific bargaining protocol is adopted, with explicit Rules for the timing of events, the kinds of interactions expected and the exchange of information among participants. Though WTO is a Multilateral institution, for the most part, it has adopted a Bilateral approach to Multilateral tariff bargaining according to which reciprocal “Request-Offer” negotiations occur on a voluntary basis between pairs of Countries at the tariff-line level, with the results of these Bilateral negotiations then “multilateralized” to the full WTO membership by a non-discrimination requirement that tariffs abide by the Most-Favored Nation (MFN) principle. AU, RECs and AU-MSs can use this type of Multilateral Bargaining Approach within the continent or at global fora and regimes.
- 13) Mediated Negotiation Approach (MNA)** – There are 5 steps to MNA, these include the preliminary, preparation, information, negotiation and closing steps. Since mediation is a facilitated negotiation, success hinges on a mediator being well aware of each step and acting to maximize results through sensitivity to proper and full use of them. During MNA, there are four key points to observe: (1) separate the people from the problem (2) focus on interests and not positions (3) create a variety of possibilities before negotiation or deciding what to do (4) focus on objective standards. AU, RECs and AU-MSs can use this type negotiation mechanisms were there are conflicting issues towards realizing a favorable outcome in aquatic resource development and management agreements.

14) Digital Multilateral Negotiation (DMN) - DMN can be described as a set of digital and physical diplomatic practices performed across space and time by State and Non-State Actors engaged in a joint enterprise of simultaneous negotiation through physical and digital infrastructures in information-rich, highly interactive environments. Due to the fast-emerging hybrid (physical and online) negotiation meetings and events within Global fora and regimes, AU, RECs and AU-MSs should strengthen their capacity in Digital Multilateral Negotiation (DMN), that is in terms of acquiring necessary infrastructure, equipment, tools and techniques including undertaking requisite capacity building of negotiators on them.

15) Evolutionary Systems Design (ESD) - A negotiation accord is often the result of an intense, laborious, and evolutionary negotiation process. During this process, disputing Parties are confronted with goal, judgment, and outcome conflict. ESD can be used by AU-MSs and RECs at Global fora and regimes negotiations as a conflict resolution framework. By using an Evolutionary Systems Design (ESD) together with a Negotiation Support System e.g., computer-based NEGOTIATOR software (a multi-attribute utility negotiation support system – see **Annex 1**), negotiators can move their individual goals and judgments in such a way as to enhance the chance of achieving a common solution. In essence, Evolutionary Systems Design (Shakun [9-131]) is a modeling framework for Policy making as a negotiation process, and negotiation as a Policy making process. In ESD, distinctions between growth, development, and evolution are made in order to clarify the principles of sustainability as both a product and a process of ongoing emergence.

The fundamental tenets of ESD can be presented in four stage evolutionary learning framework:

- a. evolutionary consciousness involving creating an awareness on key conservation issues;
- b. evolutionary literacy involved with development of a basic scientific understanding and an empathic appreciation of the challenges;
- c. evolutionary competence that involves gaining a sense of responsibility that is coupled with the change management competence of responsibility; and,
- d. evolutionary praxis that constitutes learning on how to become catalysts for change by learning what modes, methods, and means are best for clearly articulating and effectively communicating to others the need for change.

16) Mobilizing Financial, Technical and Human Resources – AU, RECs and AU-MSs should effectively mobilize private and public financial, technical and human resources from Bilateral and Multilateral Organizations including from relevant MEAs related fora

and regimes, given that most of the Global fora and regimes employ or foster financial, technical and expertise mechanisms for projects dealing with MEAs implementation.

17) Community of Practice (COP) – Formation and operationalization of groups of people who share aquatic biodiversity conservation and environmental management concern or a passion in order to learn how to do it better as they interact regularly through established digital or physical platforms. In addition to creating robust COPs; AU, RECs and AU-MSs can identify key negotiators from COP that can then further build capacity in Global Negotiations, Discussions and Agreements (NDAs). The group of negotiators could be congregating at Regional and/or Continental level in two main meetings (each lasting at least 2 days); first meeting to lay strategy and develop initial Single Negotiating Text (SNT) which has been derived from earlier online engagements, this will enable them prepare towards going to negotiations of existing or emerging Multilateral Treaty, Convention or Agreement. Second meeting shall be to fine-tune the going-to-negotiations strategy and validate the (SNT) which has been earlier circulated and Agreed by AU-MSs. Further, Africa COP can produce an avenue of creating Regional or Continental issues, thematic or interest-based Regional groups which can engage formally or informally with various fora and regimes during negotiations.

18) A Mechanism that Facilitates Provision of Technical Support or Assistance (TS/TA) - This mechanism will provide an overarching framework that shall guide the provision of technical support or assistance (TS/TA) including provision of training to AU Member States for effective participation in Ocean conservation and development fora and regimes events and conferences.

19) Training and Capacity Building - This mechanism will involve training and institutional capacity building in order to foster effective role and engagement / participation in fora and regimes events / conferences as well as enabling effective intersectoral and Multisectoral collaborations and Partnerships, joint implementation and accountability in delivering on Africa's blue economy goals.

20) Co-production and Management of Information and Knowledge – This involves joint production of knowledge and then translation of scientific knowledge into tangible action for more evidence-informed and effective management of coastal and marine systems. Co-production and management of knowledge by AU, RECs and AU-MSs will enable African Continent to be better prepared, informed, have a single position and voice before engaging in Global negotiations, discussions and Agreements. A good example of co-production and management of information and knowledge is the Global Ocean Observing System (GOOS) for Africa.

21) Integrated, Multisectoral and Participatory (IMP) Ocean Resources Planning and Development – Integration means that all socioeconomic, political, cultural and environmental thematic issues are taken care of in process of advocacy and negotiations – from local to Global level and Multisectoral denotes that all sectors, ranging from public, private, community, third sector and individuals are considered in Policy formulation cycles including involvement in local to Global level negotiations and participation means that from local to Global levels, the voice of people involved in development and hence taking active part in the process of planning and implementing of development activities as well as enjoy their benefits, is being “heard”. In summary, AU, RECs and AU-MSs led Global negotiation delegations should be (IMP) in nature and characterization.

22) Collaboration and Partnerships in Ocean Resources Governance and Development – Collaboration denotes the commitment and not legally binding cooperation in development planning and implementation and on the other hand, partnership is formalized e.g., signing of MoU or legally binding relationship toward joint implementation of program or project. Through collaboration and partnership with global fora and regimes in formulating and implementation of aquatic biodiversity conservation and environmental management programs and projects; it would be easier for AU, RECs and AU-MSs to negotiate or re-negotiate on new and existing Convention / Agreement / Protocol respectively, given that there would be many points of convergences in terms of paradigm and technical outlook of the issues at hand.

23) Strengthening Monitoring, Evaluation and Reporting (MER) for Multilateral Environmental Agreements (MEAs) at the National, Regional and Continental Levels - This would promote the mainstreaming of Global Environment Agreements and Conventions into Continental, Regional and National Policies, Strategic plans and programs; and on the other hand, make it easier to track progress in the implementation of ratified MEAs, and thereof identifying key lessons and learnings from the whole process of negotiating Agreements / Conventions and implementation, which, indeed can be built into new negotiations and hence increasing effectiveness in negotiations. Strengthening of MER for MEAs can be accomplished by a) improving data management (including acquisition, processing, exchange and utilization); b) delineating the monitoring and reporting roles and responsibilities of different concerned entities; c) ensuring the financial sustainability for environmental monitoring, evaluation and reporting.

24) Institutional Mechanisms Approach - Institutional mechanisms consist essentially of processes in which responses and stimuli are coordinated under specified conditions. As indicated in the application of Informal Structural Mechanism (ISM) for negotiations, the interest groups could also include key institutions that address Ocean resource management and development and are in essence characterized by best (PNR) which together with

Institutional Mechanisms (IMs) in a given issue area, can be consulted, lobby and influence best outcomes in negotiations. In addition, institutions can be in the form of Transnational Issue Networks (TINs) and Regional Issue Networks (RINs) which can effectively exercise influence both in the form of political clout and of production of new policy relevant knowledge in that issue area – and hence act as an effective negotiations informal structural mechanism under the purview of interest groups.

25) Governance by Diffusion - Implementing Global Norms Through Cross-National Imitation and Learning- This mechanism involves application of a conceptual framework on "The Diffusion of Environmental Policy Innovations as an Aspect of the Globalization of Environmental Policy". This can enable AU-MSs and RECs to move from unilateral imposition and Multilateral harmonization (both needing critical negotiations) to diffusion level – which to great extent include passive integration / absorption of best practices of Policy aspects of Ocean Governance and management without rigors of negotiations. In such circumstances, real negotiations at Global fora and regimes could easily agree to adopt Agreements based on enduring Policy best practices inherent in African Ocean resource development, Governance and management.

Based on an empirical analysis of the International spread of National environmental Policy plans and sustainable development strategies in the *Governance by Diffusion – Implementing Global Norms Through Cross-National Imitation and Learning*⁷– research paper, it is demonstrated how cross-National imitation and learning matters as a mechanism of implementing the Global norm of sustainable development and how these processes of Policy diffusion interact with other, more institutionalized, forms of International Governance such as **Unilateral imposition** and **Multilateral harmonization** (see **Table 1**).

⁷ https://www.researchgate.net/publication/305266044_Governance_by_Diffusion_implementing_global_norms_through_cross-national_imitation_and_learning

Table 1. Three Mechanisms of Global Governance

	<i>Harmonization</i>	<i>Imposition</i>	<i>Diffusion</i>
<i>Mode of operation</i>	Multilateral cooperation and decision-making	Unilateral conditionality (political or economic)	Decentral imitation, persuasion/learning
<i>Level of obligation</i>	Medium to high	High	Low
<i>Principal motivations of National Policymakers</i>	<ul style="list-style-type: none"> – Address trans-boundary problems – Avoid trade distortions 	<ul style="list-style-type: none"> – Join existing International organizations or Treaties – Obtain financial or technical aid 	<ul style="list-style-type: none"> – Search for solution to domestic problems – Reduce uncertainty – Avoid negative externalities of other States' actions – Gain internal and external legitimacy
<i>Principal driving force</i>	Interest	Power	Knowledge

As a mechanism of Global Governance, **diffusion** is analytically distinct from harmonization and imposition. While each of these three mechanisms by itself is an important source of order in world politics, it is the interaction of the three mechanisms that is most interesting from a Policy-analysis point of view.

Table 2: Relative Application of Identified Mechanisms for Enhancing International Negotiations Capability for AU, RECs and AU-MSs

Toolbox of Mechanisms	Challenges that Impede Effective Role, Engagement and Participation of African Union Member States in Regional, Continental and Global Aquatic Biodiversity Conservation and Environmental Management Related Fora and Regimes together with Relative Application of Identified Mechanisms for Addressing Challenges.										
	Lack of enough pre-negotiation preparation.	Usage of inadequate and ineffective negotiation approaches, tools and techniques.	Lack of MEAs' MER Mechanism	Lack of common interest, position and voice in Africa	Lack of coherent PLI Frameworks.	Some systems used by regimes and fora, have not changed over time.	Lack of understanding by negotiators of the underlying social, economic and environmental needs.	Lack of and/or inadequate joint strategic research, data, information, knowledge and intelligence	Lack of adequate financial, technical & human resources.	Inadequate implementation of existing Agreements.	Lack of adequate application of IMP Approaches.
AU or RECs Initiating the Treaty-Making Process											
Preparation of a Cost-Benefit Analysis											
Formulation of Necessary Convention's Supporting Legislations and Policies, Undertaking Judicial Reviews, Evaluation of Different State Levels / Structures											

	Challenges that Impede Effective Role, Engagement and Participation of African Union Member States in Regional, Continental and Global Aquatic Biodiversity Conservation and Environmental Management Related Fora and Regimes together with Relative Application of Identified Mechanisms for Addressing Challenges.										
	Lack of enough pre-negotiation preparation.	Usage of inadequate and ineffective negotiation approaches, tools and techniques.	Lack of MEAs' MER Mechanism	Lack of common interest, position and voice in Africa	Lack of coherent PLI Frameworks.	Some systems used by regimes and fora, have not changed over time.	Lack of understanding by negotiators of the underlying social, economic and environmental needs.	Lack of and/or inadequate joint strategic research, data, information, knowledge and intelligence	Lack of adequate financial, technical & human resources.	Inadequate implementation of existing Agreements.	Lack of adequate application of IMP Approaches.
Formal Structural Mechanism (FSM)											
Formal Procedural Mechanism (FPM)											
Informal Structural Mechanism (ISM)											
Informal Procedural Mechanism (IPM)											
Integral / Principled Approach											

Toolbox of Mechanisms	Challenges that Impede Effective Role, Engagement and Participation of African Union Member States in Regional, Continental and Global Aquatic Biodiversity Conservation and Environmental Management Related Fora and Regimes.										
	Lack of enough pre-negotiation preparation.	Usage of inadequate and ineffective negotiation approaches, tools and techniques.	Lack of MEAs' MER Mechanism	Lack of common interest, position and voice in Africa	Lack of coherent PLI Frameworks.	Some systems used by regimes and fora, have not changed over time.	Lack of understanding by negotiators of the underlying social, economic and environmental needs.	Lack of and/or inadequate joint strategic research, data, information, knowledge and intelligence	Lack of adequate financial, technical & human resources.	Inadequate implementation of existing Agreements.	Lack of adequate application of IMP Approaches.
Negotiating Through Cooperation (NTC) e.g., RECS											
Modeling Negotiations Approach using ICT and Software											
Continuous Consultations Approach											
Multilateral Bargaining Approach											
Mediated Negotiation Approach (MNA)											

Toolbox of Mechanisms	Challenges that Impede Effective Role, Engagement and Participation of African Union Member States in Regional, Continental and Global Aquatic Biodiversity Conservation and Environmental Management Related Fora and Regimes.										
	Lack of enough pre-negotiation preparation.	Usage of inadequate and ineffective negotiation approaches, tools and techniques.	Lack of MEAs' MER Mechanism	Lack of common interest, position and voice in Africa	Lack of coherent PLI Frameworks.	Some systems used by regimes and fora, have not changed over time.	Lack of understanding by negotiators of the underlying social, economic and environmental needs.	Lack of and/or inadequate joint strategic research, data, information, knowledge and intelligence	Lack of adequate financial, technical & human resources.	Inadequate implementation of existing Agreements.	Lack of adequate application of IMP Approaches.
Digital Multilateral Negotiation (DMN)											
Evolutionary Systems Design (ESD)											
Mobilizing Financial, Technical and Human Resources											
Community of Practice (COP)											
Mechanism that Facilitates Provision TS/TA											

Toolbox of Mechanisms	Challenges that Impede Effective Role, Engagement and Participation of African Union Member States in Regional, Continental and Global Aquatic Biodiversity Conservation and Environmental Management Related Fora and Regimes.										
	Lack of enough pre-negotiation preparation.	Usage of inadequate and ineffective negotiation approaches, tools and techniques.	Lack of MEAs' MER Mechanism	Lack of common interest, position and voice in Africa	Lack of coherent PLI Frameworks.	Some systems used by regimes and fora, have not changed over time.	Lack of understanding by negotiators of the underlying social, economic and environmental needs.	Lack of and/or inadequate joint strategic research, data, information, knowledge and intelligence	Lack of adequate financial, technical & human resources.	Inadequate implementation of existing Agreements.	Lack of adequate application of IMP Approaches.
Training and Capacity Building											
Co-production and Management of Information and Knowledge											
IMP in Ocean Resources Planning and Development											
Collaboration and Partnerships in Ocean Resources Governance and Development											

Toolbox of Mechanisms	Challenges that Impede Effective Role, Engagement and Participation of African Union Member States in Regional, Continental and Global Aquatic Biodiversity Conservation and Environmental Management Related Fora and Regimes.										
	Lack of enough pre-negotiation preparation.	Usage of inadequate and ineffective negotiation approaches, tools and techniques.	Lack of MEAs' MER Mechanism	Lack of common interest, position and voice in Africa	Lack of coherent PLI Frameworks.	Some systems used by regimes and fora, have not changed over time.	Lack of understanding by negotiators of the underlying social, economic and environmental needs.	Lack of and/or inadequate joint strategic research, data, information, knowledge and intelligence	Lack of adequate financial, technical & human resources.	Inadequate implementation of existing Agreements.	Lack of adequate application of IMP Approaches.
Strengthening Monitoring, Evaluation and Reporting (MER) for MEAs											
Institutional Mechanisms Approach											
Governance by Diffusion											

3.3.1 AU-MSs Comments and Suggestions on Identified Mechanisms

In regard to the **25 mechanisms identified above**, the AU-MSs during the mechanisms validation workshop, made a few key comments and suggestions that are summarised below:

TRAINING AND CAPACITY BUILDING MECHANISM

The training needs identified should be prioritised according to each Member State needs. However, all Member States in the validation workshop agreed that that priority should be given on the following training:

- a) Training on negotiation skills and techniques and enhancement of awareness and build capacity among stakeholders on the importance of the various regimes, their relevant provisions, engagement challenges and mechanisms for effective role and participation in these global regimes. Training should focus on policy researchers, analyst, advisors (including negotiations backroom teams), policy makers as well as policy communication, advocacy and negotiator experts. Institutional staff transition should be put into perspective during training – more so, the training and mentorship of early career experts, in order to ensure institutional memory and *knowledge retention and flow*.
- b) Training on various continental / global official languages in order to enable experts to effectively participate in global fora or regimes.

Other key remarks on training needs included the following:

- AU and AU-MSs should provide sufficient resources for capacity building and training
- AU-IBAR should organise regular / frequent workshops for information and knowledge sharing on various global and regional aquatic biodiversity conservation and environmental management fora or regimes
- AU-MSs should find ways to mainstreaming understanding of global, continental and regional instruments in their tertiary institutions
- AU-MSs should prioritise training of commissioner and national focal persons of various global instruments
- AU-MSs should sensitise their ministries, departments and agencies on key internal and external training opportunities in order to enhance participation in these trainings
- AU-MSs should prioritise utilisation of their local skills - including creating capacity of key personnel expertise in global and regional instruments through targeted secondment to regional or global fora or regimes secretariats, commissions or working groups.
- AU-MSs in the IGAD region can benefit from the online IGAD Training Tool on Blue Economy Accounting

INTEGRATED, MULTISECTORAL AND PARTICIPATORY (IMP) OCEAN RESOURCES PLANNING AND DEVELOPMENT MECHANISM

During the AU-MSs validation workshop, Member States observed that for the IMP mechanism to be even more effective, AU-MSs should involve all relevant ministries in implementing global and regional instruments and the whole government should be informed and coordinated in the instruments' implementation – adopting what was referred as *Whole Government Approach*.

The participation of women and youth as well as people with disability should be prioritised. Additionally, the involvement of youth is a good indicator for seamless institutional transition and staff succession.

AU-IBAR should have stronger linkages and partnerships with regional organizations and liaise with these organizations to attend AU-IBAR organized sensitization and training workshops / meetings.

The IMP mechanisms can be synergised with the Africa Blue Economy Strategy (ABES) Integrated Approach

Within the IMP Mechanisms, the aspect of Public Participation (even if it is not taken as a stand-alone mechanism for enhancing effective AU-MSs state participation in global fora) should be emphasized from the initiation to ratification of global instruments.

COMMUNITY OF PRACTICE (COP) MECHANISM

A good example that was brought to the knowledge of members include LVFO platform on Aquaculture and Fisheries.

STRENGTHENING MONITORING, EVALUATION AND REPORTING (MER) FOR MULTILATERAL ENVIRONMENTAL AGREEMENTS (MEAS) AT THE NATIONAL, REGIONAL AND CONTINENTAL LEVELS MECHANISM

During the AU-MSs validation workshop, Member States observed that in order to make effective the Monitoring, Evaluation and Reporting (MER) mechanism for the domestication of global and regional instruments, AU should consider the following:

- Put in place MER mechanism / framework that capture management and performance of key indicators as relate to domestication of global instruments, blue economy outcomes, aquatic biodiversity and environmental aspects.

- Designing and rolling out an African award to Africa countries based on their success in monitoring, evaluating and reporting on global or regional instrument management and performance key indicators
- Creating a dashboard (result framework [RF]) for monitoring Africa progress in implementing global instruments
- Develop a diagnostics approach to monitor representation of AU-MSs in global fora or regimes and where there are difficulties in participation, AU could support the Member State/s through technical and financial facilitation for the Member State/s to effectively participate in the identified fora or regimes. AU-MSs lagging behind in domesticating and participating in global fora or regimes could also be supported by the requisite fora or regimes, for example the current opportunity within RAMSAR Convention Partnership Agreement with AU which aims at assisting AU-MSs to participate at the RAMSAR events and meetings through financial support from Global Environment Facility (GEF). There are other global fora like Basel, Rotterdam and Stockholm (BRS) conventions that offer financial support for AU-MSs to participate.

MOBILIZING FINANCIAL, TECHNICAL AND HUMAN RESOURCES MECHANISM

AU-MSs should go beyond depending on donor financed projects or programs which essentially support implementation of global conventions and treaties in order to ensure their effective domestication and sustainability.

There is a critical need to establish a radical financial resource mobilization strategy for financing Africa Blue Economy and domestication of global and regional aquatic biodiversity and environmental management conventions as well as for enabling achievement of UNSDGs.

AU-MSs recommended that AU-IBAR be a member of the Africa Blue Economy Trust Fund (ABETF) that is being currently advanced by African Development Bank (AfDB) and other intergovernmental organizations like IGAD.

CO-PRODUCTION AND MANAGEMENT OF INFORMATION AND KNOWLEDGE MECHANISM

In most AU-MSs, there is lack of effective Aquatic Ecosystem Valuation capability and hence lack of adequate aquatic ecosystem and biodiversity baseline data and information (evidence) that can inform blue economy development and measuring its contribution to the regional or national GDP growth including facilitation of international trade agreement negotiations as well as enabling policy formulation, advocacy and lobbying. AU-MSs in the validation workshop, however, indicated that the continent has some good repository of critical fisheries data and information including capacity to analyse / interpret data from FAO (a good example that was quoted was the FAO, 2014 Report on the Value of African Fisheries).

OTHER KEY COMMENTS AND SUGGESTIONS BASED IN THE AU-MSs MECHANISMS VALIDATION WORKSHOP INCLUDED:

- AU-MSs should explore more ways to:
 - Share instruments implementation intelligence among the Members States and RECs
 - Transfer lessons among the Members States and RECs
 - Implement global instruments related activities through the regional working group (RWG) and task force (TF) e.g., Regional Fish Stock Assessment Working Groups
 - Secondment of technical staff in the top position to regional levels. This could ensure capacity strengthening in instrument negotiations and implementation
- AU-MSs indicated in the mechanisms validation workshop that to enhance implementation, monitoring, evaluation and reporting on global and regional instruments, AU-MSs should effectively utilize the already established continental and regional protocols and strategies. To further make this possible, AU-MSs should fast-track the review and alignment of their national policies, institution structures and regulatory frameworks to the continental and regional protocols and strategies.
- Going forward, AU-MSs should have the UNSDGs inform the global environmental and aquatic biodiversity instruments that should be ratified and domesticated as well as shape and modify essential mechanisms, methods, tools (e.g., policies and laws) and institutions that should be formulated and implemented.
- On all the 25 mechanisms identified for enhancing effective role and participation of AU-MSs in global, continental and regional environmental management and aquatic biodiversity conservation related fora or regimes, AU-MSs indicated in the mechanisms validation workshop that the identified mechanisms should be viewed or used as a *Tool Box* of suitable mechanisms and hence each Member State should choose suitable mechanism(s) based on their country specific context.
- AU-IBAR should be preparing regular global and regional briefs on aquatic biodiversity and environmental related fora and regimes - indicating the processes of engagement and participation as well as benefits that can accrue, a good example is the forthcoming Areas Beyond National Jurisdiction (ABNJ) Convention.
- In order to complement identified mechanisms and even guide AU-MSs in adopting more innovation approaches / mechanisms for enhancing effective role and participation of AU-MSs and RECs in global, continental and regional environmental management and aquatic biodiversity conservation related fora or regimes; AU Member States in the validation workshop, highlighted the here-below briefly described examples of best practices that have effectively enhanced regional or national conventions / treaties implementation management, collaboration, cooperation, governance and coordination:

SOUTH AFRICA & SOUTHERN AFRICAN DEVELOPMENT COMMUNITY (SADC)

- ***Republic of South Africa Marine Resource Act, 1998.*** Guided by the Act, South Africa is finalising the formulation of a Socio-Economic Impact Assessment System (SEIAS) that shall guide fishing industry in the allocation and management of commercial fishing rights.
- ***The SADC Fisheries Monitoring, Control and Surveillance Coordination Centre (MCSCC)*** set to enter into force in April 2023. The Regional MCSCC aim is to assist the region in prioritising the protection of fisheries to underpin greater benefits and blue economy growth. The MCSCC shall also improve cooperation on promoting responsible and sustainable use of all fisheries resources in the SADC region – both inland and marine resources. Further, the MCSCC is aimed at the fight against illegal, unreported and unregulated (IUU) fishing including fishing of fish species listed as endangered by CITES. Under SADC, Member Countries, have also been able to share fishing activities intelligence as well as formation of regional working groups (RWGs) for example one on the assessment of fish stocks in the region.
- ***SADC Regional Biodiversity Strategy, 2008.*** Biodiversity has been central to SADC's objective of improving socioeconomic development in the region. In order to foster this biodiversity in the face of regional underdevelopment and environmental challenges, SADC did formulate a Regional Biodiversity Strategy (RBS). The RBS aims to provide a framework for cooperation and implementation of provisions toward sustaining the region's biodiversity. Noting practical constraints on sustaining biodiversity in the region, the Strategy outlines tactics for addressing focal areas that cut across several sectors – forestry, wildlife, agriculture, and others.
- ***Southern African Development Community Protocol on Fisheries, 2001.*** In order to optimize benefits from the fisheries and aquaculture, SADC Heads of State in 2001 endorsed the SADC Protocol on Fisheries. The Protocol aims to promote responsible and sustainable use of the living aquatic resources and aquatic ecosystems of interest to State Parties and its key objectives are to (i) promote and enhance food security and human health, (ii) safeguard the livelihood of fishing communities, (iii) generate economic opportunities from nationals in the region, (iv) ensure that future generations benefit from these renewable resources; and (v) alleviate poverty with the ultimate objective of its eradication.
- ***Republic of South Africa's Environmental Fiscal Reform Policy Paper (EFRPP), 2006.*** The EFRPP, 2006, provides a foundation to build on and support environmentally related initiatives in South Africa, for example: maintenance of a coherent tax policy framework; development of a coherent process and framework to consider and evaluate environmental

taxes; and consideration of both environmental and revenue outcomes and the “double-dividend” hypothesis.

- ***Republic of South Africa’s Aquaculture Development Bill.*** The Draft Aquaculture Development Bill is currently undergoing internal consultations. The draft bill seeks to promote aquaculture development in the oceans’ economy. Some of the objectives the bill sought to achieve include the setting up of an Intergovernmental Authorisations Committee (IGAC), a National Aquaculture Intergovernmental Forum, a Provincial Aquaculture Intergovernmental Forum and a National Aquaculture Stakeholder Liaison Forum. Once the bill becomes an Act of Parliament, it will in effect separate the management of aquaculture from fisheries. The AU-MSs in the validation workshop, also indicated that Republic of South Africa’s Fisheries and Aquaculture Statutes should serve as model fisheries and aquaculture legislations for other Africa countries.
- ***Benguela Current Forum.*** South African Countries who are signatories to the Benguela Current Convention have formed a regional Benguela Current Forum (BCF). BCF have facilitated sharing of best practices and information, and key example include: talks on the multispecies, multi-fleet ecosystem model of the Benguela current and using it to look at policy trade-offs.

THE LAKE VICTORIA FISHERIES ORGANIZATION (LVFO) & EAST AFRICAN COMMUNITY

- ***Fisheries and Aquaculture Policy for the East African Community, 2018.*** Through this policy, EAC has established a regional body that is coordinating inland and marine fisheries with formal linkage to other management organizations. Through this body, the community will have a common voice regarding planning, implementation, lobbying and promoting production and trade in fish and fishery products. The LVFO is working towards full realization of this role as the lead technical arm of the EAC in matters of fisheries and aquaculture in the region as its mandated to coordinate the management and development of the Fisheries and Aquaculture resources in the East African Community.
- ***LVFO Regional Plan of Action for the Management of Fishing Capacity in Lake Victoria, 2007.*** Having recognised the dangers of increasing fishing effort and capacity on the valuable fisheries resources and the impact on the livelihoods of the fisher communities of Lake Victoria, EAC Member States decided to formulate an action plan to control fishing efforts and arising problems. The Regional Plan of Action for Management of Fishing Capacity (RPOA-Capacity) on Lake Victoria was developed by the Partner States through the Lake Victoria Fisheries Organization (LVFO) in collaboration with the Food and Agriculture Organization (FAO).

- ***LVFO Regional Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated (IUU) Fishing on Lake Victoria and its Basin, 2004.*** The main objective of the LVFO Regional Plan of Action to Prevent, Deter and Eliminate (IUU) Fishing (RPOA-IUU) is to: to develop and implement coordinated, harmonized, unified and effective management measures to prevent, deter and eliminate IUU fishing on Lake Victoria and its basin, and on all fish species to which the LVFO Convention applies, and to collaborate with other international organizations towards achieving this.
- As it has been illustrated above, LVFO has been able to domesticate International Plans of Action on both IUU and Fishing Capacity into regional plans of actions both for IUU and Fishing Capacity.

KINGDOM OF ESWATINI

- Country has effectively domesticated the Convention on Biological Diversity (CBD) and associated protocols.
- Country has in place a Fisheries Act, 1987.
- The country has in place a Fisheries and Aquaculture Strategy and Action Plan.
- The country has a unit / department that is interministerial in nature and it is used to govern and coordinate the implementation of all global instruments related to aquatic biodiversity conservation and environmental management.
- Kingdom of Eswatini, South Africa and of Mozambique are finalising a draft Comprehensive Water Sharing Agreement amongst the three states. The agreement is aimed at guiding on issues surrounding the sharing of the water resources amongst the three AU Member States.

CHAPTER FOUR: KEY CAPACITY BUILDING REQUIREMENTS IN NEGOTIATION SKILLS AND TECHNIQUES FOR ENHANCING EFFECTIVE ROLE AND PARTICIPATION OF THE AU–MS AND RECS IN FORA & REGIMES

This section, briefly outlines and describes key capacity building and training requirements on negotiation skills and techniques for enhancing effective role and participation of the AU–MS and RECs in the Regional, Continental and Global aquatic biodiversity conservation and environmental related fora. The identified training and capacity building needs include:

- 1) Need for creating awareness on existing fora or regimes within the Multilateral Environmental Agreements (MEAs) framework, including enhancing understanding of their modus operandi and requirements on their engagement and participation;
- 2) Need for training negotiators on the processes of mapping out relevant actors / stakeholders and carrying out the actual identification of the National, Regional, Continental and Global key negotiation groups and their interests as well as identifying closest allies and distant counterparts;
- 3) Need for physical or online training on mechanisms for effective role and participation in International negotiations within the fora or regimes related to aquatic biodiversity conservation and environmental management;
- 4) Need for holding simulations of real conferences / workshops on International negotiations;
- 5) Need for training on the fundamentals of Global Governance;
- 6) Need for training on the application of International Policies and Regulations formulation processes;
- 7) Need for training on creation of effective and efficient political- economy-environment / landscape to address issues related to aquatic biodiversity conservation and environmental management;
- 8) Provision of adequate technology and infrastructure that enable effective and efficient International negotiations (either physical or virtual / online); and
- 9) Provision of preparatory and participatory funds and resources including other logistical aspects to the negotiators / negotiation centers.

CHAPTER FIVE: A FRAMEWORK MECHANISM FOR GUIDING THE PROVISION OF TECHNICAL SUPPORT / ASSISTANCE (TS/TA) TO AU–MS FOR EFFECTIVE PARTICIPATION AND NEGOTIATIONS IN GLOBAL FORA AND REGIMES

This section describes the proposed framework for establishing a mechanism for providing technical support / assistance (TS/TA) to AU–MS for effective participation and negotiations in the relevant Regional, Continental and Global fora as well as for coherent African voice in these fora.

To start with, the Technical Assistance (TA) or Technical Support (TS) for enhancing the effective role and participation of African Union Member States in Regional, Continental and Global aquatic biodiversity conservation and environmental management related fora or regimes, shall be framed with the context of *Capacity-Building Technical Assistance (CBTA)*. This is because, capacity building as a more collaborative learning process that supports knowledge and skill building among all participants involved. TA implies “helping or assisting” which suggests that some people’s knowledge or expertise is centered and valued, while others are viewed as lacking and need to be taught. Instead, capacity building centers on the process of making meaning together, where all are engaged in a process of inquiry, critical thinking, relationship-building, reflection, and creativity to solve problems together. To engage in the process of capacity building, all participants are both teachers and learners, who collaborate to solve problems that transform all who are involved. Based on the aforementioned; the CBTA will be delivered within a framework defined by seven (7) components or pillars of Capacity-Building Technical Assistance; these are:

1. Institutional Governance Capacity Development.
2. Financial Resource Capacity Development.
3. Human Resource Capacity Development.
4. Infrastructure / Technological Capacity Development.
5. Regulatory Framework Capacity Development.
6. Policy Framework Capacity Development.
7. Political Economy of the Environment Capacity Development.

The seven components (pillars) are equal Partners in the capacity building-process and they are complex and closely interwoven as illustrated. The strong unifying factor among these elements shall be the National, Regional or Continental mission of building strong capability for negotiators participating in Regional, Continental and Global aquatic biodiversity conservation and environmental management related fora or regimes – hence, the overarching goal is to develop strong capability for African marine resource development and management negotiators at Global level.

Annex 1: Description of NEGOTEX

Knowledge-based systems (or expert systems) are computer programs that can deliver specialized knowledge effectively at the point of decision making. In recent years, there has been considerable interest in the development and deployment of such systems in business applications (Silverman 1987). This has led to several successful experimental systems which have been implemented and fielded (Feigenbaum, McConduck, and Nii 1988). As a decision support tool, a knowledge-based system is particularly useful when the problem domain is "semi-structured" and problem-solving is based on logical relationships between the variables rather than on computational or algorithmic relationships.

The actual relationships between the various variables of interest in International negotiations are coded into over 350 rules in NEGOTEX. The system uses this framework to generate a list of recommended negotiating strategies based on the subjective assessments of the contextual factors and prior evaluations provided by the user. The system starts a consultation by asking a few preliminary questions such as the names of the two Parties, their titles, sex, Nationalities, the object of the negotiation, and authority level of the Parties. It then uses the set of Rules in its knowledge base in a primarily goal-driven (i.e., backward chaining) fashion to search from alternative negotiation strategies, to the underlying negotiation philosophy, style, and goals, to contextual factors and prior evaluations to be asked of the user.

Thus, the system maps the user inputs depicting some specific negotiation scenario to the recommended strategies both directly, and by inferring indirectly, the appropriate levels of the intermediary concepts of negotiation philosophy, style, and goals. Unlike expert systems developed in other areas, which have typically relied on a single source—namely, the domain expert—NEGOTEX uses a range of knowledge sources that includes academic and practitioner publications. When experts are likely to disagree on the knowledge elements, or when each expert might have expertise only along a few dimensions, it is important to consider multiple sources in order to identify the core knowledge in a domain. The rules in NEGOTEX may be characterized in terms of the negotiation domain to which they apply. Some Rules apply to all negotiations. Other Rules apply depending on the Nationalities of the Parties to the negotiation. Currently, the Country-specific Rules in the system apply primarily to American, Japanese, and Chinese negotiators.

The system is being updated to include knowledge about negotiating practices in other Countries such as West Germany, France, and the Soviet Union. The version of NEGOTEX used in this study supports four types of explanatory features that enhance its ability to impart negotiation knowledge at a level beyond the immediate negotiation for which it is used. The explanatory features are: (1) clarifying questions asked by the system (with a WHAT feature), (2) providing a

context for its questions (with a WHY feature), (3) explaining the reasoning behind a recommendation (with a HOW feature), and (4) allowing the user to examine the impact of changes in his / her inputs (with a WHATIF feature). In contrast to commercially available computer-based preparation aids such as the "Art of Negotiating" (Experiences in Software, Inc.), "Negotiator Pro" (Brown Expert Systems, Inc.), and "Negotiating Edge" (Human Edge Software Corp.), NEGOTEX justifies its recommendations by indicating its line of reasoning and by providing appropriate citations.

Annex 2: Twelve (12) Essentials for Negotiations in International Fora or Regimes

(Source: *Multilateral Environmental Agreement Negotiator's Handbook, Second Edition: 2007*)

1. Representing your Country in a Multilateral negotiation is a serious undertaking and a major responsibility, not to be entered into lightly.
2. Prepare as much as possible to understand the subject of the negotiations, your Country's interests, and the interests of other Countries. Learn about the forum and its Rules of Procedure, both formal and informal.
3. Support the process and participate constructively even in difficult situations. Unwarranted obstructionism can undermine the whole system.
4. Look for the win-win situations, and look for opportunities to support Countries with different interests where possible. Their support may be needed in the future.
5. Treat other participants courteously and honestly. Good relationships and trust are invaluable assets, particularly when thinking about the long term. Humor and diplomacy can be very persuasive.
6. Focus on substantive objectives and be flexible on wording when your instructions allow. Focus on the interests of your Country and other Countries, rather than positions, to make progress.
7. In a session, when concerned and in doubt, request square brackets around the text in question, and allow discussion to move on. However, brackets should not be used lightly, as discussion of brackets can consume valuable negotiation time.
8. A workshop or informal group may help to resolve an impasse. More information and deeper understanding of the issues are sometimes the only way to move forward.
9. Responsible judgment is essential. Think twice before deciding to act or not to act.
10. Listen carefully to what is said and, just as importantly, to what is not said.
11. Prepare carefully for interventions, with a clear focus on objectives. Prioritize interests, and focus the number and length of interventions accordingly. Brevity and restraint are appreciated and are often very effective in winning support from others.

12. Be prepared for practical necessities, including alternative transportation, alternative meals, and local currency (small denominations!). Carrying simple food and a bottle of water is a good idea. Eat when possible – a negotiator’s life is unpredictable, and meals do not always happen when planned!

Annex 3: List of Software Tools for Negotiations

S/N	Software	Features
1.	Smart Settle Negotiator (http://www.smartsettle.com/html/products.html)	For professional Negotiators: Smart Settle Negotiator extends the power of the Decider to Multilateral negotiations. One can simulate all the parties and develop strategies for negotiation. Negotiator puts you in secure real-time communication with other Negotiators and generates optimal solutions based on the preferences of any number of other Parties located anywhere in the world.
2.	Smart Settle Pro	For Facilitators: Smart Settle Pro is our flagship product, the ultimate tool for secure multi-party negotiations. The Pro version is designed for simultaneous facilitation of any number of cases in stand-alone mode or on the Smart Settle Network.
3.	Win Squared (http://www.winxwin.com/indexEmployment.htm)	The software with more than 600 techniques for handling employment negotiation in an effective manner without harming relationships. It analyzes more than a dozen different issues and provides custom advice.
4.	Negotiator Pro Ver 5.0 (http://www.negotiatorpro.com/negprosoft.html)	It runs on MS-Windows 3.X, 95, 98 and NT. There is an older/ reduced price Version for Mac. Software allows the user to learn about his/her style, measure your ability of negotiate and prepare organizations/ individuals for real world negotiations. It has a special module for oil and gas.
5.	Symbolic Negotiation Software (http://www.idi.ntnu.no/~peep/symbolic/)	The software implements agents who broadcast their offers through a mediator agent. It is a P2P implementation, which should provide more flexibility and (relatively) higher efficiency.
6.	Debt Manager 2000 (http://www.debtmanager2000.com/debt_manager_2000_overview.php)	It is fully integrated debt negotiation web-based software. It allows direct automated import from web form, Direct import from any standard CSV, Excel or other text file, and Direct import from email using lead import an AI tool.

7.	<p>Ozro http://www.eyedeas.net/clients/ozro/our solutions/index.cfm) Agreement™ for Sales Ozro Agreement™ for Procurement Ozro Negotiate™ Ozro Agreement™ for Trade Settlement</p>	<p>Ozro Negotiate™ is the patented negotiation engine at the heart of the Ozro Agreements™ application suite. It is designed to facilitate people-centric, iterative, and multi-attribute negotiation, providing competitive advantage by prompting, capturing and synchronizing communications and data and producing supporting documentation - fostering comprehensive agreements in any context.</p>
8.	<p>DETERMINE's https://www.determine.com/public/new s.jsp) Module</p>	<p>It is collaborative contract negotiation software that coordinates multi-party contract negotiations. It is an extension of contract performance management suite.</p>
9.	<p>INSPIRE http://interneg.org/inspire/index.html)</p>	<p>Inspire© is a Web-based negotiation support system. It can be used as a game, a decision support system, a negotiation simulator, a demonstration negotiation support system, and as a research and training tool.</p>
10.	<p>Aero Exchange https://www.aerexchange.com/custom/public/products/aerosourcing.htm)</p>	<p>Aero Sourcing Negotiations tools includes Collaborative RFQ and Auction (Forward or Reverse) creation, Multi-Attribute Weighted Scoring of non-price elements of value, Multi-round capability for iterative changes or seller “short listing”, Auditable communications captured in on-line threaded discussions (chat), Participation acknowledgements with email notifications and alerts, Reusable templates for all negotiation types, Spreadsheet export / import capability for bidding on an unlimited number of items in a single negotiation, • Unlimited URL / file attachment capability (files up to 4Mb in size each), and Real time analysis including summaries and graphical reporting tools.</p>
11.	<p>ChemConnect's http://www.chemconnect.com/tools.htm l) easy-to-use tools</p>	<p>Through a unique combination of market information, industry expertise, e-commerce solutions, and an active network of trading partners, Chem Connect helps buyers and sellers of chemicals, feed stocks, plastics, and related products optimize their purchasing and sales processes. Accurately assess the market, streamline</p>

		negotiation processes, Get the best market price, manage risk, Automate order processing and fulfillment
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12.	AllSettle (http://www.allsettle.com)	All Settle is an automated internet dispute resolution service for a single value settlement. Claimants and claims adjusters can make and continuously adjust confidential demands and offers in order to reach a settlement.
13.	DS7(http://www.creditsoft.com/dowloads/brochures/DS7/5-SettlementTools.pdf)	DS7 planning and negotiation tools simplify the settlement process. Our screens and reports help increase your negotiating power, while our automated alerts and calculations save you time and keep you in control. Define your own settlement fee programs. Calculations are performed automatically so you negotiate faster. Structure settlement payments over a period of time if needed Track multiple settlements per client at the same time. Store every aspect of a debt settlement including unlimited notes, view a schedule of upcoming settlements for your agency, estimate settlement dates based on scheduled client savings, easily calculate bulk settlements by creditor, set up estimated settlement percentages by creditor or account, automatically print a list of accounts ready to settle for each negotiator Settlement.
14.	KandR Negotiations Associates (http://www.negotiators.com/consulting.htm)	It is a consulting firm. It provides negotiating planning, negotiating tools (MID charting goals for prioritization and NSR analyzer), negotiation participation and other services.
15	Negotiating Edge (http://www.negotiatingedge.com)	It is a Global consulting company that provides training and consulting services in negotiations.
16	Negotex (http://www.kelley.iu.edu/arndennis/wp/tr118-1.doc)	It is an expert system for negotiation preparation that provided a customized checklist of tips and guidelines.

17	Negotiationtools.com (http://www.negotiationtools.com/)	It provides training for negotiations.
18	ICONS (http://www.bsos.umd.edu/icons/icons.html) (International Communication and Negotiation Simulations)	It offers educational simulations of International relations. Decision-makers of a particular Country can negotiate solutions to Global problems over the Web. Examples of such problems include arms-control, the Middle East, human rights, International trade and other issues.
19	Parley (http://www.softplatz.com/Soft/Business/Math-Scientific-Tools/Parley-Negotiation-Software.html) Negotiation Software 1.0	Parley is a software tool that allows negotiators use current research to improve the results of their negotiations. It helps to identify relevant issues and resolutions, evaluate the Parties' preferences, find efficient Agreements and track the negotiation history.
20	Expert Negotiator (http://www.expertnegotiator.com/the-software/faq)	It is leading online negotiation planning and management software-designed to help one to negotiate more efficiently and effectively based on the experts' research on what works. It guides one through a proven strategic negotiation process based on the experts' research and experience, helping ensure that one negotiate strategically and get the best deals.

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