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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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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

Executive Summary

There are important regional, continent and global fora or regimes 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 or regimes. These setbacks are undermining the effective participation of Africa in these fora.

The generally weak participation of Africa Union Member States (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. 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 examples of fora or regimes, among many more 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; and
- 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 precursor 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-MS).

The Vision of the AU-IBAR in the Strategic Plan 2018-2023 is an Africa in which animal resources contribute significantly to integration, prosperity and peace. AU-IBAR's intervention in the fisheries and aquaculture sector is guided by the Policy Framework and Reform Strategy for fisheries and aquaculture in Africa (PFRS) which is aimed at improving governance of the sector for increased sustainable contribution to food security, livelihoods, and wealth creation within the framework of the African Union Agenda 2063.

The African Continent is adjacent to highly productive marine ecosystems including the seven African Large Marine Ecosystems (LMEs) viz., Agulhas Current LME, Benguela Current LME, Guinea Current LME, Canary Current LME, Mediterranean Sea LME, Red Sea LME and Somali Current LME. The continent is also endowed with networks of freshwater rivers and lakes. The seas, oceans, lakes and rivers inhabit a significant number of biodiversity, and the ecosystems provide sources of livelihoods, food security and wealth.

The African aquatic ecosystems inhabit living and non-living resources. However, the unsustainable exploitation of these resources is threatening the biodiversity, natural resources and environmental sustainability. Several factors are threatening aquatic biodiversity in Africa's aquatic ecosystems. These include overexploitation of living species, pollution from several sources (land-based municipal and agricultural activities), uncontrolled introduction of exotic species in aquaculture systems 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.

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 especially as related to biodiversity, climate and environmental issues. 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.

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.

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. On issues related to environmental governance and development, participation in global fora and regimes negotiations is important in creating effective communication, decision making / agreements crystalizing, conflict management, or dispute resolution mechanisms.

1.4 Approach and Methodology

A variety of method were employed to explore how effectively aquatic biodiversity conservation and environmental management related forums and/ or regimes engage with stakeholders or participants at the fora and regimes meetings / events. In summary, the following methods were use in identifying best international negotiation mechanisms that can be employed by AU, RECs and AU-MS, as well as crystalizing 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-MS) report validation workshop.

CHAPTER TWO: SITUATION ANALYSIS

This chapter contains a generic and synthesized summary of the current model of operation as well as lessons learnt, challenges and opportunities for AU, RECs and AU-MS engagement and participation in global (including within South and Eastern Regions of Africa) biodiversity conservation and environmental management global fora and regimes. The fora and regimes that were reviewed include:

1. International Convention for the Prevention of Pollution from Ships (MARPOL),1973;
2. United Nations Framework Convention on Climate Change (UNFCCC),1994;
3. Treaty on the Prohibition of the Emplacement of nuclear weapons and Other Weapons of Mass Destruction on the Seabed and Ocean Floor and in the Subsoil Thereof (Seabed Treaty),1972;
4. The International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage (FUND),1978;
5. The International Convention for the Regulation of Whaling (ICRW), 1948;
6. United Nations Convention on Law of the Sea (UNCLOS),1982;
7. The International Convention for the conservation of Atlantic tunas (ICCAT), 1969;
8. Paris Agreement for Climate Change Mitigation and Adaptation, 2016;
9. Convention on Biological Diversity,1993;
10. Convention on Wetlands of International Importance (Ramsar Convention),1975;
11. The Basel, Rotterdam and Stockholm (BRS) Conventions, 2004;
12. Inter-governmental Platform on Biodiversity and Ecosystem Services (IPBES), 2012;
13. Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), 1975;
14. Convention on the Conservation of Migratory Species of Wild Animals,1983;
15. The International Convention on Oil Pollution Preparedness, Response and Co-operation, 1995;
16. A political declaration and Implementation Plan out of World Summit on Sustainable Development (WSSD), 2002;
17. Convention on Areas Beyond National Jurisdiction (ABNJ);
18. Benguela Current Convention (BCC), 2013;
19. The Nairobi Convention for the Protection, Management and Development of the Marine and Coastal Environment of the Western Indian Ocean, 1996;
20. The Convention for the Co-operation in the Protection and Development of the Marine and Coastal Environment of the West and Central African Region (“Abidjan Convention”), 1984; and
21. Regional Convention for the Conservation of the Red Sea and Gulf of Aden Environment, 1985.

2.1 Generic and Synthesized Summary of Environmental Fora and Regimes Functionalities

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-MS 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 16 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 liability¹. 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 spill².

III. Challenges and Lessons Learnt

- 1) Inadequate pre-negotiation preparation.
- 2) Usage of inadequate and ineffective negotiation approaches, tools and techniques during the actual fora or regimes negotiations.
- 3) Lack of robust Multilateral Environmental Agreements (MEAs) Monitoring, Evaluation and Reporting mechanisms.
- 4) Lack of common interest, position and voice in Africa.
- 5) Lack of effectively coherent and harmonized policy, legal and institutional (PLI) frameworks in Africa.
- 6) Some of the systems used by regimes and fora, have not changed over time.
- 7) Lack of clear connection and understanding by negotiators of the underlying social, economic and environmental needs and dynamics.

¹ "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

² Ibid

- 8) Lack of and/or inadequate joint strategic research, data, information, knowledge and intelligence.
- 9) Lack of adequate financial, technical and human resources.
- 10) There is inadequate application and implementation of existing regional and global conventions/treatise, tools, strategies and programs.
- 11) Lack of effective and adequate application of Integrated, Multisectoral and Participatory (IMP) approaches in building momentum towards negotiations and during actual global negotiations.

2.2 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 precursors 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-MS in virtual or hybrid fora and regimes' preparatory and actual negotiation meetings;
4. Ensuring robust coordination and organization within AU-MS, 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, blue economy programs/projects planning, implementation, 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

The following section, includes a summarized highlight of the identified mechanisms aimed at enhancing effective role and participation of AU, RECs and AU-MS in regional, continental and global fora and regimes related to aquatic biodiversity conservation and environmental management.

Mechanisms in this report have been used in the context of implying / meaning: systems made of policies, 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 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.
- 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 established 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 established 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-MS 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 effective and efficient 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-MS, RECs and AU can form strong interest groups which can actually engage in consultations and informal negotiations at the global fora and regimes.
- 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-MS 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-MS can adopt a holistic and integrated approach to international negotiations based on the “totality of 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. The integral approach is largely informed by the fact that the success or failure of a negotiation can only be fully understood if *cultural* and *psychological* aspects and *negotiating styles* are taken into account. To great extent, cultural and psychological elements can become quasi-independent constants or variables affecting positions of governments or other negotiators.

- 9) **Negotiating Through Cooperation (NTC)** - The basic argument of the Negotiating Through Cooperation (NTC) is that a cooperations is an extremely complicated and multidimensional process which in many ways runs against conventional theoretical assumptions of a national state negotiation. However, NTC can be a quick, effective and efficient way of nations coming together in an economic block (e.g., AU or Africa's RECs) and participate in negotiations, discussions and voting as a block on ocean issues of mutual interest. This is also supported within the formal procedural mechanism (FPM) discussed above.
- 10) **Modeling Negotiations Approach (MNA)** - 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, within MNA can 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-MS can use software tools like Group Decision Support System (GDSS) which is an ICT based approach which combines communication, computing and decision support technologies.
- 11) **Continuous Consultations Approach (CCA)** – To be continuously be at vantage position in various global negotiations, AU, RECs and AU-MS 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 (MBA)** - 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-MS 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-MS 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 an 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-MS 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 (extensive time and space) negotiation process. The ESD enables negotiating parties to simultaneously go through four stages of evolutionary learning and hence agreement, these stages are: 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 involve gaining a sense of responsibility that is coupled with the change management competence of responsibility and d) evolutionary

praxis that constitute 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. What is key in ESD is that, during the process, disputing parties are able to harmoniously and alongside resolve conflicting goals, judgments and outcomes. ESD can be used by AU, RECs and AU-MS at global fora and regimes negotiations as a conflict resolution framework.

- 16) **Mobilizing Financial, Technical and Human Resources** – AU, RECs and AU-MS 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-MS can identify key negotiators from established COPs 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 single negotiation text (SNT) which has been earlier circulated and agreed by AU-MS. Further, Africa COPs can produce avenues 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-MS 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. Multisectoral means 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 agreement negotiations. 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-MS led global negotiation delegations should be integrated, multisectoral and participatory (IMP) in nature and characterization.
- 22) **Collaboration and Partnerships in Ocean Resources Governance and Development** – This mechanism is based on the understanding that collaboration involves the commitment and not legally binding cooperation in international agreement negotiations, then joint development planning and implementation. On the other hand, partnership is formalized e.g., signing of MoU or legally binding relationship toward joint agreement negotiations, development planning and implementation of programs or projects. Through collaboration and partnership with key actors including relevant global fora and regimes in formulation and implementation of aquatic biodiversity conservation and environmental management programs and projects; it would be easier for AU, RECs and AU-MS to negotiate or re-negotiate on new and existing conventions / agreements / protocols, 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; and 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 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.

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-MS 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.

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.

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