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**The Third Negotiations Meeting  
on the Text of the Integrated Coastal Zone Management (ICZM) Protocol  
of the Nairobi Convention for the Protection, Management and Development of  
the Marine and Coastal Environment of the Western Indian Ocean**

*Zanzibar, Tanzania, 21-24 November, 2016.*

**Third Negotiated Draft**

**Protocol on Integrated Coastal Zone Management In Western Indian  
Ocean Region**

**Zanzibar Tanzania, 21 – 24 November, 2016**

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***Third Negotiated Draft on Integrated Coastal Zone Management Protocol to the Nairobi Convention.***

***Summary***

The *Integrated Coastal Zone Management (ICZM) Protocol to the Amended Nairobi Convention* is being developed pursuant to decision CP6/3.3 of the Sixth Conference of Parties of the Nairobi Convention (COP6) to strengthen the legal framework of the Nairobi Convention for a more effective management of marine and coastal ecosystems across sectors and national boundaries to achieve sustainable development.

Pursuant to the decision the Nairobi Convention in partnership with the Indian Ocean Commission organised seven intergovernmental meetings of the Ad hoc Legal and Technical Working Group on ICZM to develop the protocol that will provide a framework for addressing a number of threats to marine and coastal environment. The threats include anthropogenic pressures such as growing intensity of human settlements and unsustainable socioeconomic activities; natural disasters and climate change; and lack of adequate coordination of various sectors that have contributed to the haphazard coastal development, habitat degradation and a decline in ecosystem services in the WIO region.

At their seventh meeting (LTWG7) held in Maputo, Mozambique on 6 to 8 August 2012, the *Ad hoc* Legal and Technical Working Group on ICZM concluded the drafting of the protocol and prepared the *Seventh Draft ICZM Protocol to the Amended Nairobi Convention*. The experts recommended the draft text for consideration by the Contracting Parties to the Nairobi Convention during the Seventh Conference of Parties to the Nairobi Convention (COP7) for a decision on the next steps that will include negotiations, and adoption of the text negotiated text by a Conference of plenipotentiaries.

The LTWG7 also considered and approved *Draft Guidelines for Drafters and Negotiators of the Protocol on ICZM to the Nairobi Convention*. The purpose of the guidelines is to assist drafters and negotiators to have common conceptual and textual understanding of the various issues covered in the proposed protocol. It is envisaged that the guidelines will support the remaining phases of consultation, drafting and negotiation of the Protocol. The draft guidelines are presented to the COP7 for noting.

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**Title: PROTOCOL ON INTEGRATED COASTAL ZONE MANAGEMENT  
IN WESTERN INDIAN OCEAN REGION**

**PREAMBLE**

The Contracting Parties to this Protocol,

*Being* Parties to the 2010 Amended Nairobi Convention for the Protection, Management and Development of the Marine and Coastal Environment of the Western Indian Ocean (“the Amended Nairobi Convention”);

~~*Bis: [Recalling the 1982 United Nations Convention on the Law of the Sea; (MAD to provide text)]*~~

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***Recognising that the 1982 United Nations Convention on the Law of the Sea sets out the legal framework within which all activities in the oceans and seas must be carried out, and is of strategic importance as the basis for national, regional, and global action in the marine sector, as recognised in Chapter 17 of Agenda 21 of the 1992 United Nations Conference on Environment and Development; (Agreed on 24 Nov 16)***

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*Conscious* of the socio-economic value and the services rendered by healthy coastal and marine ecosystems;

*Considering* that the coastal zones constitute important components of the natural and cultural heritage of the Western Indian Ocean Region;

*Recalling* the positive developments in ICZM in the region over the years, including the 1993 Arusha Declaration and subsequent processes, the development and implementation of ICZM projects and the gradual establishment and strengthening of ICZM policies, institutional frameworks and legal instruments;

*Recognising* the principles upon which ICZM is founded, including equity, justice, good governance, right to information, right of access to coastal and associated marine resources, regional cooperation particularly for transboundary issues, polluter-pays principle, precautionary principle, ecosystem based management; and the preservation of biodiversity;

*Concerned* about the threats arising from increased pressures on the fragile coastal and marine areas of the Western Indian Ocean Region, resulting from biodiversity loss, pollution of coastal and associated marine areas, degradation due to growing intensity of human settlement and unsustainable socio-economic activities, risks threatening coastal zones due to natural disasters and climate change including special vulnerability to sea level rise of low lying coastal areas and Small Island States;

Concerned also about the ~~lack of or~~ inadequate **enforcement and monitoring, control surveillance**—coordination or integration of various sector activities, programmes and plans affecting the coastal and associated marine areas in the Western Indian Ocean Region; **(Agreed)**

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**[Concerned further about the inadequate monitoring and enforcement systems within the Western Indian Ocean region. (SEY, SA)]**

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**Alt. [Concerned further about the inadequate sharing of information, enforcement, monitoring and evaluation systems, and [research] (TAN) baseline data (MADA) within the Western Indian Ocean region. (SEY, SA, MADA, KEN)]**

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**[Mindful of the environmental and social (TAN) impacts of [socio-economic] developments such as [oil and gas] (KEN del) bioprospecting (KEN), biofuel, waterfront development (TAN), as well as other extractive industries on the coastal zone. (KEN)]**

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**(emerging/current/contemporary issues to be considered: climate change, aquaculture, unsustainable fisheries, rights, acidification, sea level rise etc.)**

Committed to meet the needs for better governance, integration, coordination and management of various sector activities, programmes and plans, by ensuring the sustainable development of coastal and associated marine areas and conservation of biodiversity and ecosystem services through the implementation of integrated coastal zone management taking into consideration issues of climate change;

**Emphasising the importance to develop and strengthen legal, institutional, financial and technical capacities to enhance implementation of the Protocol, and benefit from sustainable development of coastal resources. (Agreed on 24 Nov 16)**

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~~Determined to develop and strengthen the existing legal, institutional, administrative and technical capacities of the Contracting Parties for improved and sustained ICZM implementation; mobilize and drive financial resources for the implementation of ICZM standards and frameworks; and to fill gaps in the existing Nairobi Convention framework concerning ICZM;~~

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Aware of other existing international legal and policy commitments for the realization of ICZM, ~~[including the 1982 United Nations Convention on the Law of the Sea, in particular Part XII thereof; the 1992 Convention on Biological Diversity and especially its Marine and Coastal Programme; the 1992 United Nations Framework Convention on Climate Change; the 1996/1972 London Dumping Convention; the 1971 Ramsar Convention and its amendments; the 1972 Cultural Heritage Convention; the 1994 United Nations Convention to Combat Desertification; the various Conventions of the International Maritime Organisation Conventions; the 1992 Agenda 21; the 2012 Rio+20 “Our Common~~

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~~Vision~~ The Future We Want"; and the [1994 Barbados Programme of Action for the Sustainable Development of Small Island States] (MAU del) Samoa Pathway (MAU) and the 2005 Mauritius Strategy; the Action Plan for Islands Biodiversity, among others;] (SA del or keep only most relevant/most current)(MOZ, KEN del or include all in Annex) (SOM, TAN keep)

Alt. [Aware of existing legally binding and voluntary global and regional instruments relevant to integrated coastal zone management.] (MADA, MAU, SEY, TAN, KEN, COM, SOM, MOZ) (SA reserve)

Determined to implement the Amended Nairobi Convention, in particular Article 4(1) and (2) thereof, as well as its related Protocols;

Have agreed as follows:

## PART I: GENERAL PROVISIONS

### ARTICLE 1

#### (Definitions)

For the purposes of this Protocol,

*"Integrated coastal zone management" is a dynamic and participatory process that involves all relevant stakeholders aimed at planning, managing, conserving and protecting coastal and marine ecosystems and resources; taking into account their fragility and sensitivity, [ecological] interactions, the nature of uses as well as their impacts with a view to ensuring sustainable development. (Agreed on 24 Nov 16).*

#### Alternative texts

~~*"Integrated coastal zone management is a continuous and dynamic process that unites government and the community, science and management, sectoral and public interests in preparing and implementing an integrated plan for the protection and development of coastal ecosystems and resources." (MOZ, SOM, TAN, KEN);*~~

~~*"Integrated coastal zone management" is a dynamic process for the sustainable management and use of coastal zones, taking into account at the same time the fragility of coastal ecosystems and landscapes, the diversity of activities and uses, their interactions, the maritime orientation of certain activities and uses and their impact on both the marine and land parts; (COM, FRA, MADA);*~~

~~*Integrated coastal zone management means a dynamic process of governance that unites science, management and participatory stakeholders' involvement in ensuring sustainable development while mitigating adverse impacts on the coastal*~~

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~~and marine ecosystems through the integration of environment and socio-economic activities (MAU, SEY);~~

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“Coastal Zone” means the geomorphological area on either side of the shoreline in which the interaction between the marine and terrestrial systems occur and includes areas under national jurisdiction of each Contracting Party, pursuant to Article 2 of this Protocol. (Agreed on 24 Nov 16)

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~~“Coastal zone” means the geomorphologic area where the land meets the sea including the seaward and landward areas made up of biotic and abiotic components coexisting and interacting with each other and with human communities and socio-economic activities;~~

~~or~~

~~“Coastal zone” means the geomorphologic area where the land interacts with the sea comprising of terrestrial and marine areas made up of biotic and abiotic components and systems coexisting and interacting with each other and with socio-economic activities including coastal watersheds, coastal plains, wetlands, beaches and dunes, mangrove and littoral forests, deltas, lagoons, estuaries, reefs and other geomorphologic areas and ecosystems;~~

~~or~~

~~“Coastal zone” is the geomorphologic area on either side of the seashore in which the interaction between the marine and land parts occurs in the form of complex ecological and resource systems made up of biotic and abiotic components coexisting and interacting with human communities and relevant socio-economic activities;~~

“Coastal resources” means all living and non-living resources which have environmental and socio-economic value forming the integrated terrestrial and marine ecosystems and their services. (Agreed on 24 Nov 16)

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“Contracting Party” means any state or regional economic, political or other organization, of which at least one member is a coastal state of the Western Indian Ocean Region and which exercises competence in the fields covered by this Protocol, and that has become a party to this Protocol; or a non-coastal state which is upstream and riparian to watercourses draining into or connected with the Western Indian Ocean; (Agreed on 24 Nov 16)

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“Convention” means the Amended Nairobi Convention for the Protection, Management and Development of the Marine and Coastal Environment of the Western Indian Ocean Region; (Agreed on 24 Nov 16)

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“National Focal Point” means the National Focal Point established referred to under Article 22 of this Protocol; (Agreed on 24 Nov 16)

“Organization” means the body designated as responsible for carrying out secretariat functions pursuant to Article 16 of the Convention and Article 20 of this Protocol; (Agreed on 24 Nov 16)

~~“Protocol” means the Protocol on Integrated Coastal Zone Management in Western Indian Ocean Region, and, unless the context refers to the contrary, such as other protocols to the Amended Nairobi Convention;~~

~~“Secretariat” means the Secretariat of the Convention;~~

~~“Region” means Western Indian Ocean region.]~~

## ARTICLE 2

### Geographical Coverage of the [Protocol Area] (Agreed on 24 Nov 16)

~~[1<sup>st</sup> negotiation meeting: KEN, MAU and SEY proposed to use the words “Protocol Area” and SA, MOZ, TZ and MADA proposed to use the words “Geographical Coverage”]~~

1. The geographical coverage of the Protocol ~~[the Protocol Area]~~ shall be:
  - (a) the landward limit of the coastal zone as defined by each Contracting Party; and
  - (b) the seaward limit of the coastal zone extending to the outer limits of the exclusive economic zone and continental shelf as recognized by international law.
2. Notwithstanding paragraph 1 (b), a Contracting Party may define its seaward limit to an extent that is less than the outer limit of its exclusive economic zone.
3. Each Contracting Party shall notify the other Contracting Parties through the Organisation of the extent of the land and sea ward limits.

**Alternative Text for Paragraph 2 and 3**

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