



Regional Programme for the Sustainable Management of the Coastal Zone of the Countries of the Indian Ocean



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Strengthening the Western Indian Ocean regional seas framework: a review of potential modalities

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THE NAIROBI CONVENTION REGIONAL SYSTEM AT A CROSSROADS

After a period of low activity level due to lack of funding and political commitment, the Nairobi Convention regional system has been revitalised over the last decade. This translated most recently into the 2010 revision of the Nairobi Convention, the adoption of the Protocol for the protection of the marine and coastal environment of the Western Indian Ocean (WIO) from land-based sources and activities, as well as the launch of a process towards a Protocol on integrated coastal zone management (ICZM). However, the institutional structure of the regional system has not been developed at the same rhythm.

PATHWAYS TOWARDS STRENGTHENING THE NAIROBI CONVENTION REGIONAL SYSTEM

The report therefore reviews and assesses potential modalities to strengthen the regional system by setting up a technical capacity to help Parties implementing regional legal instruments. It analyses the various institutional mechanisms established in four other regions to support regional environmental governance. It looks into the needs to fulfil and prerequisites to do so, as well as into institutional, organisational and funding options. The cross-assessment of options concludes that at least all the topics covered by the Nairobi Convention and its related protocols should be addressed and that setting up a dedicated regional trust fund would be a robust strategy whatever the organisational modality chosen.

TURNING COMMITMENTS INTO EFFECTIVE CHANGE

Aimed at generating and feeding upcoming regional debates towards the next COP, the report invites informal and formal discussions between Nairobi Convention Contracting Parties but also involving non-State stakeholders and bi- and multilateral donors to narrow the range of options and agree on the next steps. In any case, the process of strengthening the WIO regional seas framework should not be blocked by preconceived ideas about funding issues: the report argues that realistic, sustainable and collaborative options do exist.

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LIST OF ABBREVIATIONS

AC/CBD Activity Centre on Conservation of Biological Diversity	EC European Commission	LME Large Marine Ecosystem	ReCoMaP Regional Programme for the Sustainable Management of the Coastal Zone of the Countries of the Indian Ocean
AC/FOMLR Activity Centre on Environmental Aspects of Management of Fisheries and Other Marine Living Resources	EEZ Exclusive Economic Zone	LTWG Ad hoc Legal and Technical Working Group for the drafting of the ICZM Protocol to the Nairobi Convention	REMPEC Regional Marine Pollution Emergency Response Centre for the Mediterranean Sea
AC/ICZM Activity Centre on Integrated Coastal Zone Management	EMSA European Maritime Safety Agency	MAP Mediterranean Action Plan	RFMO Regional Fisheries Management Organisation
AC/LBS Activity Centre on Control on Pollution from Land-Based Sources	ERAC Emergency Response Activity Centre	MBARI Monterey Bay Aquarium Research Institute	SADEC Southern African Development Community
AC/PMMA Activity Centre for Pollution Monitoring and Assessment	EU European Union	MEA Multilateral Environmental Agreement	SAIIA South African Institute of International Affairs
ACCOBAMS Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and Contiguous Atlantic Area	FFEM French Global Environment Facility	MERRAC Marine Environmental Emergency Preparedness and Response Regional Activity Centre	SAP Strategic Action Plan
AFD French Development Agency	GEF Global Environment Facility	MOERI Korean Maritime & Ocean Engineering Research Institute	SIDA Swedish International Development Cooperation Agency
ARPEL Association of Oil, Gas and Biofuels Sector Companies in Latin America and the Caribbean	GIZ German Agency for International Cooperation	MOIG Mediterranean Operational Oceanography Network	SIDS Small Island Developing State
ASCLME The Agulhas and Somali Current Large Marine Ecosystems Project	HELCOM Helsinki Commission	MoU Memorandum of Understanding	SWIOFC Southwest Indian Ocean Fisheries Commission
BP/RAC Blue Plan Regional Activity Centre	HNS Hazardous and Noxious Substances	NC Nairobi Convention	SWIOFP South West Indian Ocean Fisheries Project
BSERP Black Sea Ecosystem Recovery Project	ICPDR International Commission for the Protection of the Danube River	NEPAD New Partnership for Africa's Development	TNC The Nature Conservancy
CEARAC Special Monitoring & Coastal Environmental Assessment Regional Activity Centre	ICRAM Italian Central Institute for Applied Marine Research	NFP National Focal Points	UkrSCES Ukrainian Scientific Centre of Ecology of the Sea
CEP Caribbean Environment Programme	ICZM Integrated Coastal Zone Management	NGO Non-governmental organisation	UNDP United Nations Development Programme
CI Conservation International	IMA Institute of Marine Affairs	NORAD Norwegian Agency for Development Cooperation	UNEP United Nations Environment Programme
CIMAB Centre of Engineering and Environmental Management of Coasts and Bays	IMO International Maritime Organisation	NOWPAP Northwest Pacific Action Plan	UNIDO United Nations Industrial Development Organisation
CMI Centre for Mediterranean integration	INFO/RAC Regional Activity Centre on Communication and Information	NPEC Northwest Pacific Region Environmental Cooperation Centre	UNITAR United Nations Institute for Training and Research
COI Indian Ocean Commission	IOC UNESCO Intergovernmental Oceanographic Commission	OCIMF Oil Companies International Marine Forum	US AID United States Agency for International Development
COP Conference of the Parties	IOTC Indian Ocean Tuna Commission	PAP/RAC Priority Actions Programme Regional Activity Centre	WCS Wildlife Conservation Society
CORDIO Coastal Oceans Research and Development in the Indian Ocean	IPBES Intergovernmental Platform on Biodiversity and Ecosystem Services	POMRAC Pollution Monitoring Regional Activity Centre	WIO Western Indian Ocean
DEPA Danish Environmental Protection Agency	IPCC Intergovernmental Panel on Climate Change	RAC Regional activity centre	WIO-C Consortium for Conservation of Coastal and Marine Ecosystems in Western Indian Ocean
DINRAC Data and Information Network Regional Activity Centre	IPIECA International Petroleum Industry Environmental Conservation Association	RAC/CP Regional Activity Centre for Cleaner Production	WIOMSA Western Indian Ocean Marine Science Association
	ISPR Italian Institute for Environmental Protection and Research	RAC/SPA Regional Activity Centre for Specially Protected Areas	WWF World Wildlife Fund
	IUCN International Union for Conservation of Nature	RAC/SPAW Regional Activity Centre for Areas and Species Specially Protected	
	KfW German development bank	RCU Regional Coordinating Unit	
	KORDI Korea Ocean Research and Development Institute		
	LBSA Land Based Sources and Activities		

Western Indian Ocean Countries Parties to the Nairobi Convention



PRELIMINARY REMARKS

Context and status of the report

This report is part of the ProtOIO Project “Supporting the development of an ICZM Protocol in the Western Indian Ocean and anticipating its future implementation”, led by the Institute for Sustainable Development and International Relations (IDDRI) and funded by the Indian Ocean Commission (COI) *via* its ReCoMap and ACCLIMATE project¹, thanks to financial support from the European Union and FFEM.

Process and methodology

The analysis of existing entities aimed at supporting regional environmental governance (regional activity centres and other bodies, see especially Annex 1) has been mainly undertaken

through phone interviews and email exchanges with the Directors of the different structures. In a second step, the authors conducted interviews with key national and regional experts and stakeholders in the Western Indian Ocean region, as well as bi- and multilateral development cooperation agencies. In September 2011, a preliminary report was published and circulated for comments. The document was then completed and refined in order, in particular, to include concrete options for the Western Indian Ocean region to develop a technical capacity to support the implementation of regional legal instruments, particularly those adopted within the Nairobi Convention framework.

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1. www.acclimate-oi.net

EXECUTIVE SUMMARY

Rationale for strengthening the Western Indian Ocean regional capacity

The Nairobi Convention regional framework is currently at a crossroads. On the one hand, the regional system has been revitalised from the late 1990s, after a period during which implementation of the Action Plan, Convention and protocols were held up by a number of factors, most of them related to a lack of adequate funding and political commitment. The most recent illustrations of this “new start” are the 2010 revision of the Nairobi Convention, the adoption of the Protocol for the protection of the marine and coastal environment of the Western Indian Ocean (WIO) from land-based sources and activities, as well as the launch of a process towards a Protocol on integrated coastal zone management (ICZM). On the other hand, the institutional structure of the regional system has not been developed at the same rhythm: the Secretariat of the Convention is still light in terms of human and financial resources while the Regional Coordinating Unit (RCU) established in 1997 is not currently functional. **A crucial challenge is therefore to provide the Nairobi Convention framework with the means of its ambitions and strengthen its capacity to help Contracting Parties implementing regional legal agreements.**

This issue has already been discussed in recent years but it seems now timely to go further, for several reasons. First, the legal agreements adopted in 2010 are to be added to the two other protocols already in force, namely the Protocol concerning protected areas and wild fauna and flora in the Eastern African Region and the Protocol concerning co-operation in combating marine pollution in cases of emergency in the Eastern African Region. These instruments unquestionably face implementation challenges, and so will the future ICZM Protocol. It would be regrettable to “hide these challenges under the carpet” and postpone decisions. Second, the moment is also opportune because strengthening environmental governance is currently high on the agenda. At the regional scale, decision CP6/4 adopted by the WIO States during the 2010 Conference of the Parties (COP) called

to explore options and “propose to the next COP medium- and long-term solutions to improve and strengthen the Secretariat”. At the international level, the “institutional framework for sustainable development” is one of the two main themes of the Rio +20 process. Last, the WIO region is currently on a dynamic pathway, with numerous coastal and marine activities being launched or under implementation. Even if it has a unique position, the Nairobi Convention framework is indeed not the only regional environmental player in the region: several other entities, with narrower mandates in terms of issues or countries covered, have been developing coastal and marine activities, which translates into a significant cash in-flow to the region. Hence, **it seems appropriate to take advantage of this positive atmosphere to turn past commitments into effective change.**

Aim of the report

The report assesses various options for developing a “strengthened regional capacity²” to support the sustainable development of the region in general, and the implementation of regional legal instruments in particular. To that purpose, it looks mainly into the terms of reference and then into the organisational and funding options to fulfil this ambition. Beyond COP Decision 6/4, the report also explores the possibility to create a strengthened regional capacity to support the implementation of sustainable development-related regional agreements in general, and not only those adopted within the framework of the Nairobi Convention.

2. We use the phrase “strengthened regional capacity” here as a very broad concept that does not anticipate whether this should be one or several new or existing institution(s), one or several temporary organisation(s) such as (a) project(s) or programme(s), etc. It is first and foremost the capacity to deliver support that matters (i.e. the function) and needs to be defined. Then modality (or the form) follows and is discussed towards the end of the report (sections 5, 6 and 7).

Lessons learnt from other regional experiences

A review of existing institutional arrangements to support regional environmental governance shows that various mechanisms have been created worldwide, be they strictly within regional seas frameworks or outside. Within regional seas frameworks first, the centralised option consists of adding to the classical administrative and diplomatic tasks of the Convention Secretariat a mission specifically aimed at providing States with technical assistance and support for legal agreements' implementation. To that purpose, experts directly attached to the Secretariat are dedicated to facilitate the work of the Contracting Parties in fulfilling their legal obligations. A decentralised model, the creation of (a) Regional Activity Centre(s) (RAC(s)) is a well-spread option in the Mediterranean, the Black Sea, the Caribbean and the North-west Pacific regions in particular. In this case, a special entity, whose work programme is decided by the Contracting Parties and supervised by the Convention Secretariat, assists States in implementing regional agreements. RACs history, legal status, mandate and budget are strongly diverse but these structures also share common patterns. In particular, all existing RACs have multiple sources of funding. Beyond the regional trust fund, RACs often receive contributions from their host country, which can in particular replenish the operational budget, offer seconded staff and / or premises. Furthermore, RACs often apply for projects grants, and can also be supported by the private sector. Although not instituted in a regional sea framework, some "external" institutions also provide States with assistance and support in implementing regional agreements. These structures include regional professional organisations, think tanks and "hybrid models", such as project-based entities for instance.

Each of these institutional arrangements, be they within or outside regional seas frameworks, has emerged in a specific context and momentum. **One option cannot thus be considered more relevant *per se* than the other**, but the review demonstrates that being creative and innovative is essential when considering how to strengthen the WIO regional system.

Possible mandate of a strengthened regional capacity

In terms of mandate, the report shows that the scope of sustainable development related-issues which could usefully be addressed in the WIO is broad, from biodiversity conservation to climate

change adaptation through marine and land-based pollution reduction. It would seem unrealistic to cover them all, but also undesirable to build a strengthened regional capacity on one issue only. For instance, the current elaboration of an ICZM Protocol should not overshadow the 3 protocols already adopted, which all face (or will face) implementation challenges. Since the creation of a network of RACs seems out of reach in the short to medium term, there is a need for the strengthened regional capacity, and a potential dedicated entity, **to address at least all the topics covered by the Nairobi Convention and its related-protocols**. However, the scope could also be broader and cover other issues for which capacity is needed in the region, such as fisheries management for instance. Just because fisheries are usually administered by separate administrations and legal instruments does not mean expertise has to be organised in the same way.

A needs analysis in the WIO leads to the conclusion that **a strengthened regional capacity should accomplish at least five main functions**: (i) provide and facilitate technical assistance related to sustainable development; (ii) valorise and promote at the international and regional scales expertise available at the national level; (iii) promote regional experiences and best practices at the international level; (iv) strengthen regional cooperation on sustainable development-related issues; and (v) building capacity in the region. To fulfil these needs, the strengthened regional capacity would have to (i) be politically independent, (ii) maintain an active and high level policy dialogue with governments and other stakeholders, (iii) have a critical mass of in-house experts, (iv) mobilise the regional expertise in all its variety and (v) be located in a strategic place.

Potential institutional arrangements

In terms of institutional arrangements, this study demonstrates that **an option based on a project-based entity has too many weaknesses** and would face many threats, the first of which related to its lack of long-term sustainability. It seems undesirable to ground a strengthened regional capacity in this kind of initiative. It does not mean however that projects which aim at helping States implementing legal agreements are not useful, but experience in other regions demonstrate that the structural and project approaches often complement each other more than they are in competition. **Creating a regional think tank, UNEP-labelled or not, is original and advantageous in many respects**: in particular, it is highly flexible

and would enable to address a broader spectrum of issues by building partnerships, not only with the Nairobi Convention Secretariat but also with other regional institutions such as the Indian Ocean Commission or regional fisheries management organisations. It could also be relatively fast to set up if an existing think tank decides to open a regional office in WIO. However, one may consider the support of “external” structures as a complement to, and not a substitute for, the traditional institutional arrangements within regional seas: one crucial challenge would therefore be to overcome the potential reluctance.

Strengthening the Nairobi Convention Secretariat or creating a RAC are certainly timely options to consider at this stage, because of their anchorage in UNEP regional seas’ institutional organisation. Each of these options has pros and cons, and experience demonstrates that they both can reach the objective of providing States with support in implementing regional legal agreements. **If the RAC option is retained, such a centre could interestingly be hosted by an existing institution.** Potential host structures are numerous in the WIO region, be they research centres, government branches, regional organisations, etc. By cross-checking the major WIO coastal and marine institutions with the RAC location criteria identified in this report, 4 potential host institutions stand out at first sight: (i) the Indian Ocean Commission in Port-Louis, Mauritius; (ii) WIOMSA in Zanzibar, Tanzania; (iii) the Oceans and Coasts Branch of the South African Department of Environmental Affairs in Cape Town, South Africa; and (iv) the newly-created University of Seychelles, in Victoria. In this last case, opportunity could be taken to revitalise the RCU through a partnership with the new university.

Funding opportunities

Funding a new structure aimed at strengthening the regional capacity is obviously a crucial issue. The review of potential modalities shows that there are at least three main options. First, the replenishment of the Nairobi Convention trust fund, although seemingly easiest, raises many questions as to States’ capacity to increase their contribution. Second, the unilateral initiative by a regional State – a formula often used in other regional seas – has not been supported by any Contracting Parties so far. The last option implies regional stakeholders **to join forces and build a new trust fund specially dedicated to strengthening the regional capacity.** The utilisation of such an innovative financial mechanism has flourished in recent years, both in the WIO and in other parts of the world. The report demonstrates

that this option should be seriously considered. It favours cooperation between international, regional and national stakeholders, therefore sharing the financial burden; it circumvents the current difficulties of many States to contribute to the Nairobi Convention trust fund; and it enables the sustainable funding of necessary activities. Core funding provided by the trust fund could then be complemented by in-kind contributions from States (through seconded staff, premises...) and projects which can fund operating activities.

Next steps

This report aims primarily at generating and feeding regional debates in the coming months, provided Parties are keen to move along this way. If so, **discussions should be held in the region so that the various technical, organisational and financial options put forward in this study are circulated and debated.** Official meetings of the Nairobi Convention Contracting Parties are obviously appropriate to launch the debate but discussions would also greatly benefit from involving non-State stakeholders as well as bi- and multilateral donors. Such discussions should then lead to narrowing the range of options and selecting one or two preferred scenarios. There may then be a need for a complementary, even more in-depth and concrete study of the selected option(s). Depending on the option selected, the process could continue through e.g. a COP decision, a UNEP call for expression of interest, or a unilateral move by a Party.

In any case, **the process of strengthening the WIO regional seas framework should not be slowed down by the fear of struggling with funding issues.** The challenge is perhaps easier to handle than many would think. In particular, the new trust fund option appears promising. Given the annual flow of money that goes into the region every year for coastal and marine initiatives, be they from national governments, donors or NGOs, it is realistic to table the idea that such a trust fund be established at the regional level, administered offshore and governed by regional stakeholders. For instance, 10 million USD put once on an offshore account at 5% of interest means 500,000 USD are available each year and for an “indefinite” period of time. The international benchmarking this report did on budgets shows this is already a significant share of what would be necessary to at least establish and maintain the centre. If a few States can reach a consensus around such a funding option, there is little doubt that they shall be able to convince many of the international (donors), regional (Nairobi Convention Secretariat, COI, etc.) and national (governments, NGOs) stakeholders to join the effort.

1. INTRODUCTION

1.1 Context

The Nairobi Convention regional framework is currently at a crossroads. On the one hand, the regional system has been revitalised from the late 1990s, after a period during which implementation of the Action Plan, Convention and protocols were held up by a number of factors, most of them related to a lack of adequate funding and political commitment. The most recent illustrations of this “new start” are the 2010 revision of the Nairobi Convention, the adoption of the Protocol for the protection of the marine and coastal environment of the Western Indian Ocean from land-based sources and activities, as well as the launch of a process towards a Protocol on integrated coastal zone management (ICZM). On the other hand, the institutional structure of the regional system has not been developed at the same rhythm: the Secretariat of the Convention is still light in terms of human and financial resources while the Regional Coordinating Unit (RCU) – established in 1997 in order “to provide leadership and encourage partnerships by inspiring, informing and enabling nations and people of the Eastern African Region and their partners to protect, manage and develop their Marine and Coastal Resources in a sustainable manner” – is not currently functional. A crucial challenge is therefore to provide the Nairobi Convention framework with the means of its ambitions and strengthen its capacity to help Contracting Parties implementing regional legal agreements.

The issue is not new. Strengthening the coordination structure within the Convention and developing an adequate institutional framework to that purpose were already on the agenda of the 2004 – 2007² and 2008 – 2011³ work programmes. More recently, the feasibility study for an ICZM Protocol also highlighted the need to anticipate the future implementation of the text, in particular by assessing ways to strengthen the regional system (Billé and Rochette, 2010). Furthermore, Decision CP 6/4 “Strengthening the Nairobi Convention Secretariat” adopted by Western Indian Ocean (WIO) States during the 2010 Conference of the Parties (COP) called to explore options and “propose to the next COP medium- and long-term solutions to improve and strengthen the Secretariat⁴”. This is thus a crucial issue for the years to come and in all likelihood it will still be high on the agenda of the next Nairobi Convention COP, to be held in December 2012.

1. <http://www.unep.ch/regionalseas/main/eaf/eafover.html>

2. Report of the Fourth Meeting of the Contracting Parties to the Convention for the protection, management and development of the marine and coastal environment of the Eastern African region (Antananarivo, Madagascar, 6-8 July 2004), UNEP(DEC)/EAF/CP.4, 6-8 July 2004, §57.
3. Report of the Fifth Meeting of the Contracting Parties to the Convention for the protection, management and development of the marine and coastal environment of the Eastern African region (Johannesburg, South Africa, 5-8 November 2007), UNEP(DEPI)/EAF/CP.5/10, Decision CP5/1(c).
4. The Conference of Plenipotentiaries and the Sixth Meeting of Contracting Parties to the Convention for the Protection, Management and Development of the Marine and Coastal Environment of the Eastern African Region (Nairobi, Kenya, 29 March – 1 April 2010), Decisions, UNEP(DEPI)/EAF/CP.6/5.

1.2 Aim of the report

In this context, it seems timely to assess various options for developing a “strengthened regional capacity” to support the sustainable development of the region in general, and the implementation of regional legal instruments in particular. To that purpose, the report looks mainly into the terms of reference and then into the organisational and funding options to fulfil this ambition. Beyond COP Decision 6/4, the report also explores the possibility to create a strengthened regional capacity to support the implementation of sustainable development-related regional agreements in general, and not only those adopted within the framework of the Nairobi Convention.

5. We use the phrase “strengthened regional capacity” here as a very broad concept that does not anticipate whether this should be one or several new or existing institution(s), one or several temporary organisation(s) such as (a) project(s) or programme(s), etc. It is first and foremost the capacity to deliver support that matters (the function) and needs to be defined. Then modality (or the form) follows and is discussed towards the end of the report (sections 5, 6 and 7).

1.3 Outline

After having set the Nairobi Convention regional system in the broader framework of WIO marine and coastal governance (Section 2), the report identifies and analyses the institutional mechanisms created worldwide to support regional environmental governance (Section 3). An analysis of the main needs to fulfil in the WIO in terms of regional capacity (Section 4) then enables to identify the different types of institutional arrangements which could be built in the region to reach the objectives (Section 5). Being a crucial issue, funding perspectives are investigated in Section 6. Last, Section 7 concludes by summarising the main challenges at stake, synthesising the cross-assessment of options and indicating possible steps forward. Annex 1 provides a detailed review of regional activity centres instituted in the Caribbean, the Mediterranean, the Northwest Pacific and the Black Sea, and Annex 2 identifies organisational chart options of a potential strengthened regional capacity to be created within the Nairobi Convention framework.

2. THE NAIROBI CONVENTION FRAMEWORK IN THE CONTEXT OF MARINE AND COASTAL REGIONAL GOVERNANCE

A component of the United Nations Environment Programme (UNEP) Regional Seas Programme (2.1), the Nairobi Convention framework (2.2) has a singular place in the diversity of marine and coastal initiatives undertaken in the WIO region (2.3).

2.1. The UNEP Regional Seas Programme

Because “not every international environmental problem needs to be dealt with on a global level” (Alhéritière, 1982), the regionalization of the international environmental law has emerged as one of the most important legal trends over the last decades (Hayward, 1984). Organised in Stockholm in June 1972, the United Nations Conference on the Human Environment led to the creation of UNEP “to serve as a focal point for environmental action and coordination within the United Nations system⁶”. In its first session, UNEP made oceans a priority action area⁷ and the UNEP Regional Seas Programme was then initiated in 1974⁸ “as an action-oriented programme having concern not only for the consequences but also for the causes of environmental degradation and encompassing a comprehensive approach to combating environmental problems through the management of marine and coastal areas” (UNEP, 1982).

Since it was launched, the Regional Seas Programme has proven attractive, as evidenced by the more than 140 participating States. UNEP directly promoted and supported some initiatives in the Mediterranean (1975), Wider Caribbean (1981) and Western Indian Ocean (1985) for example, whereas other regional arrangements were developed independently, such as those for the Baltic (1974), North-East Atlantic (1992) and Caspian (2003) regions. Some observers noted in the early 1980s two different philosophies underpinning the various programmes, depending on whether they took place within or outside the umbrella of UNEP: the former often see “regional arrangements as a step

towards global ones, as a way to make progress in global cooperation” while the latter may focus solely on more local concerns (Alhéritière, 1982). However, whether or not UNEP drives the initiatives, regional seas frameworks seem to currently follow similar processes, applying and extending global-scale commitments. The regional seas all have the ambition to bring together countries bordering a given ecosystem in concerted action to protect the marine environment. Such arrangements can be summarised by the watchwords: “closer, further, faster”:

- **Closer:** the regional approach firstly takes the uniqueness of a marine ecosystem into account, applying appropriate legal and management tools. It goes beyond general principles to fight specific threats to nearby marine and coastal areas, whether these are e.g. oil spills from ships or land-based wastewater pollution. Each regional system steers its efforts toward the most important pollution sources and most threatened ecosystems.
- **Further:** regional arrangements sometimes surpass global protection requirements. The dismantling of offshore oil platforms in the OSPAR Commission-managed North-East Atlantic region provides a good example of how a regional agreement can advance legal progress (Rochette and Chabason, 2011).
- **Faster:** last and more generally, a regional approach often makes cooperative action easier than a global one does, where diverse stakeholders with contrasted interests make negotiations thornier. For example, disputes between States at the global level have stalled legal and protective measures for high seas biodiversity (Germani and Salpin, 2011) whereas marine protected areas have been established in areas beyond national jurisdiction by regional systems, notably in the Mediterranean (Scovazzi, 2004) and North-East Atlantic (Rochette and Druel, 2011).

In term of legal structure, **UNEP traditionally promotes the development of a framework convention complemented by sectoral protocols**. As a cornerstone for action, the convention usually provides general terms and conditions and an overall direction for countries to follow. However important such principles may be, they usually remain insufficient and too imprecise to lead to decisive actions, and parties must therefore negotiate specific agreements in various domains. The Mediterranean, Western Indian Ocean, Wider Caribbean, Western African and South-East Pacific regions, for instance, followed this “convention-plus-specific-protocols” model. Other arrangements, such as in the East Asian Seas or the

6. United Nations General Assembly, Resolution 2997 (XXVII) of 15 December 1972.

7. UNEP, Report of the governing council on the work on its first session, 12-22 June 1973, United Nations, New York, 1973.

8. UNEP, Report of the governing council on the work on its second session, 11-22 March 1974, United Nations, New York, Decision 8(II).

Northwest Pacific, follow a different one, based on an Action Plan and specific activities. In both cases, these framework documents (Convention or Action Plan) have often been amended in the 1990s to integrate new principles of international law which emerged with the entry into force of the United Nations Conventions on Biological Diversity (1993) and on the Law of the Sea (1994).

As far as the institutional architecture is concerned, all regional seas have at least a Secretariat, sometimes called “regional coordination unit” (in the Northwest Pacific for instance). Besides, some can also count on Regional Activity Centres (RACs) whose mission is mainly to provide technical assistance and support for the implementation of regional legal instruments. For both political and funding reasons, not all regional seas frameworks have established such centres. The most advanced regions in this regard are the Mediterranean and the Black Sea (6 RACs each), the Caribbean and the Northwest Pacific (4 RACs each) (see 3.1 and Annex 1).

Since the 1970s, **the topics of regional protocols and actions have developed along lines paralleling global environmental protections** (Bodansky, 2009). In a first phase, instruments organising regional cooperation in combatting pollution by oil and other harmful substances from ships (Mediterranean 1976; Western Africa, 1981; Red Sea & Gulf of Aden, 1982; Caribbean, 1983; WIO, 1985...) as well as fighting against pollution from land-based sources and activities (Mediterranean, 1980, Black Sea, 1982; South-East Pacific, 1983...) were adopted. This dynamic has gradually expanded to encompass biodiversity conservation, particularly through the creation of protected areas (WIO, 1985; South-East Pacific, 1989; Caribbean, 1990...). If some authors noted in 2002 (Vallega, 2002) that the regional approach has “been marked by a lack of consistency of the legal framework with the prospect of operating sustainable management programmes”, regional seas protocols have nevertheless, more recently and in a still limited way, taken on goals beyond the sole protection of environment, including socio-economic development. The first step in this new direction came with the 2008 adoption of the Mediterranean Protocol on Integrated Coastal Zone Management and it is with a similar ambition that the Contracting Parties to the Nairobi Convention are currently elaborating an ICZM Protocol (Rochette and Billé, 2012).

2.2. Specificities of the Nairobi Convention regional system

In the early 1980s, recognising the uniqueness of the coastal and marine environment of the region, the threats and the necessity for action,

UNEP’s Governing Council requested to include the East African and South-West Atlantic regions within the regional seas programme “with a view to initiating and carrying out (...) a programme for the proper management and conservation of marine and coastal resources in these areas”⁹. Subsequent to this decision, UNEP supported the development of the Eastern African Action Plan. In this context, a meeting of governmental experts was held in September 1982 in Seychelles in order to prepare a first draft of the East African Action Plan and to identify environmental issues to be addressed in priority. **A Conference of Plenipotentiaries was then convened by the UNEP Executive Director from 17 to 21 June 1985 and led to the adoption of:**

- The Action Plan for the Protection and Development of the Marine and Coastal Environment of the Eastern African Region;
- The Convention for the Protection, Management and Development of the Marine and Coastal Environment of the Eastern African Region, entered into force on 30 May 1996;
- The Protocol Concerning Protected Areas and Wild Fauna and Flora in the Eastern African Region, hereafter Protocol on Protected Areas, entered into force on 30 May 1996;
- The Protocol Concerning Co-operation in Combating Marine Pollution in Cases of Emergency in the Eastern African Region, hereafter Protocol on Pollution Emergencies, entered into force on 30 May 1996.

The Nairobi Convention geographical area extends from Somalia in the North to South Africa in the South, covering 5 mainland States (Somalia, Kenya, Tanzania, Mozambique, South Africa) and 5 island States (Comoros, France through Reunion Island, Madagascar, Mauritius, Seychelles).

In March 2010 in Nairobi, two new legal instruments were adopted:

- The Amended Nairobi Convention for the Protection, Management and Development of the Marine and Coastal Environment of the Western Indian Ocean, not yet in force.
- The Protocol for the Protection of the Marine and Coastal Environment of the Western Indian Ocean from Land-Based Sources and Activities, hereafter Land-Based Sources and Activities (LBSA) Protocol, not yet in force.

9. UNEP, Report of the governing council on the work on its eighth session, 16-29 April 1980, United Nations, New York, 1980, Decision 8/13C: Extension of the regional seas programme to the East African Sea and the South-west Atlantic.

Table 1. Status of signature and ratification / accession of the legal agreements adopted within the Nairobi Convention framework

	Nairobi Convention		Amended Nairobi Convention		Protocol on Protected Areas		Protocol on Pollution Emergencies		LBSA Protocol	
	Signature	Ratification / Accession	Signature	Ratification / Accession	Signature	Ratification / Accession	Signature	Ratification / Accession	Signature	Ratification / Accession
Comoros		26/09/1994	31/03/2010			26/09/1994		26/09/1994	31/03/2010	
France	21/06/1985	18/08/1989	31/03/2010		21/06/1985	18/08/1989	21/06/1985	18/08/1989	31/03/2010	
Kenya		11/09/1990	31/03/2010			11/09/1990		11/09/1990	31/03/2010	
Madagascar	21/06/1985	26/06/1990			21/06/1985		21/06/1985			
Mauritius		03/07/2000	31/03/2010						31/03/2010	
Mozambique		04/03/1999	31/03/2010						31/03/2010	
Seychelles	21/06/1985	20/06/1990	31/03/2010		21/06/1985	29/05/1990	21/06/1985	29/05/1990	31/03/2010	
Somalia	21/06/1985	01/03/1988	31/03/2010		21/06/1985	01/03/1988	21/06/1985	01/03/1988	31/03/2010	
South Africa		16/05/2003								
Tanzania		01/03/1996	31/03/2010			01/03/1996		01/03/1996	31/03/2010	

From an institutional point of view, the Nairobi Convention Secretariat is the central nervous system of regional activities, coordinating the implementation of the Convention's work programme. Located at UNEP's Headquarters based in Nairobi, Kenya, it is guided by the decisions of the COPs held every two years, and supported by National Focal Points (NFP) which serve as the channel for all formal communications between States and the Secretariat and *vice versa*. Last, a Regional Coordinating Unit (RCU) was established in 1997 to enhance political visibility of the Nairobi Convention and mobilise resources, but the Unit is not currently functional although it still exists on paper.

Table 1 presents the status of signature and ratification / accession of the legal agreements adopted within the Nairobi Convention framework

2.3 Other marine and coastal initiatives in the Western Indian Ocean region

The Nairobi Convention is the only regional Multi-lateral Environmental Agreement (MEA) covering coastal and marine protection and sustainable development in the region. Nevertheless, there are numerous efforts dedicated to similar objectives, be they implemented in direct connexion with the Nairobi Convention or not. Because these initiatives are too numerous to be comprehensively presented, the following only provides a snapshot of some of the most important ones.

In the field of fisheries first, **two institutions aim at promoting the sustainable management of WIO fish stocks**. The Southwest Indian Ocean Fisheries Commission (SWIOFC), established in 2004 by Resolution 1/127 of the United Nations Food and Agriculture Organisation (FAO) Council,

promotes the sustainable utilisation of the living marine resources within Exclusive Economic Zones (EEZ) of South West Indian Ocean's States. Members include Maldives and Yemen as well as Nairobi Convention's States Parties. Created in 1993, the Indian Ocean Tuna Commission (IOTC) is dedicated to the management of tuna species.

The Global Environment Facility (GEF) invested over 78 million USD between 2004 and 2012 to support Large Marine Ecosystems (LME) projects in the WIO region. The three main ones include: (i) the South West Indian Ocean Fisheries Project (SWIOFP), implemented by the World Bank; (ii) the Agulhas and Somalia Current Large Marine Ecosystem Project (ASCLME), implemented by the United Nations Development Programme (UNDP); and (iii) the project "Addressing land-based activities in the Western Indian Ocean (WIO-LaB)", which ended in 2010 and was executed by the Nairobi Convention Secretariat.

The Indian Ocean Commission (COI) is an intergovernmental organisation that gathers Comoros, Madagascar, Mauritius, France and Seychelles. It addresses marine and coastal issues through different projects in the field of coastal management ("Regional programme for the sustainable management of the coastal zones of the countries of the Indian Ocean" – ReCoMaP), marine pollution ("Marine Highway Development and Coastal and Marine Contamination Prevention Project"), adaptation to climate change ("Acclimate project"), etc.

In collaboration with regional institutions, **non-governmental organisations (NGOs)** have also been developing marine and coastal activities. Some of them – the World Wildlife Fund (WWF), the International Union for Conservation of Nature (IUCN) and the Wildlife Conservation Society

(WCS) – are funding members of the “Consortium for Conservation of Coastal and Marine Ecosystems in Western Indian Ocean (WIO-C)”, launched in 2006 together with the Western Indian Ocean Marine Science Association (WIOMSA), the Coastal Oceans Research and Development in the Indian Ocean (CORDIO), the Nairobi Convention Secretariat, the COI, the New Partnership for Africa’s Development (NEPAD) and the UNESCO Intergovernmental Oceanographic Commission (UNESCO/IOC). The Consortium aims at providing decision support, sharing information and management experiences, mobilising resources and developing collaborative programmes. Bird-life International is also very active in the region: in 2011, this NGO entered into a collaborative agreement with the Nairobi Convention Secretariat on a project dealing with the implementation of the Protocol on Protected Areas. All in all, international environmental NGOs invest several millions USD every year in the region.

Last, it is worth noting that **new important projects should be developed in the coming months and years**. In particular, several marine and coastal projects are currently in instruction within the COI, while a GEF “WIO-LaB II” project could also be launched. Besides, the idea of developing a “WIO Coastal Challenge”, inspired by the Micronesian and the Caribbean ones, has recently been revived. A first technical workshop was organized in Mauritius in January 2012 during which the Seychellois Mr Wills Agricole has been elected President of the WIO Coastal Challenge.

2.1 Conclusion

Established almost 40 years ago, UNEP Regional Seas Programme is now firmly established in the international sustainable development community, as illustrate the more than 140 participating States and the number of legal agreements adopted

Table 2. Examples of marine and coastal projects developed in the WIO

Project	Implementation dates	Main donor	Budget
SWIOFP	2008 – 2013	GEF	35,67 million USD
ASCLME	2008 – 2013	GEF	31,18 million USD
WIO-LaB	2004 – 2010	GEF	11,41 million USD
ReCoMaP	2006 – 2011	EC	18 million USD
Marine Highway	2007 – 2012	GEF	26,20 million USD
Acclimate	2008 – 2012	AFD / FFEM	4,6 million USD

within the different regional seas frameworks. A regional sea created under UNEP’s umbrella, **the Nairobi Convention regional framework is well anchored in the WIO region**. The legal agreements already adopted meet international standards and related regional activities have increased since the revitalisation of the regional system in the late 1990s. However, challenges are numerous, especially in term of institutional architecture. Indeed, the Secretariat is still weak in terms of human and financial resources, the RCU established in 1997 is currently not functional and there is no RAC aimed at supporting States in implementing regional legal agreements.

Besides, even if it has a unique position, the Nairobi Convention framework is not the only regional environmental player in the region. Several other entities, with narrower mandates in terms of issues or countries covered, have been developing coastal and marine activities. This translates in a significant cash in-flow to the region on coastal and marine issues, which has to be kept in mind when considering the means to strengthen the regional framework. It also means that the way the Nairobi Convention framework collaborates with other, often more wealthy players in the region, largely determines the impact and influence it may have.

3. A WORLDWIDE REVIEW OF EXISTING INSTITUTIONAL ARRANGEMENTS TO SUPPORT REGIONAL ENVIRONMENTAL GOVERNANCE

Numerous institutional arrangements have been created to support regional environmental governance. This section provides a worldwide review of such existing arrangements, focusing first on regional seas frameworks (3.1) and then on other regional arrangements (3.2). Crucial lessons are then drawn (3.3).

3.1. Specific institutional arrangements within regional seas frameworks

Within regional seas frameworks, two main approaches have been used to build sustainable support for regional marine and coastal governance: a centralised one first, built on a strengthened Secretariat (3.1.1), and a decentralised one based on the creation of Regional Activity Centres (3.1.2).

3.1.1. The centralised option: a strengthened Secretariat

In most cases, the Secretariat of a regional seas convention mainly plays an administrative and diplomatic role of coordination. RACs, when they exist, provide States with technical assistance and support for the implementation of regional agreements. The Baltic Sea regional framework does not follow this model but has a more centralised organisation.

The Helsinki Commission (HELCOM) is the governing body of the Convention on the Protection of the Marine Environment of the Baltic Sea Area (1992) – more usually known as the Helsinki Convention. HELCOM works to protect the marine environment of the Baltic Sea from all sources of pollution through intergovernmental cooperation between Denmark, Estonia, the European Union, Finland, Germany, Latvia, Lithuania, Poland, Russia and Sweden. HELCOM's annual core budget is around 2.5 million USD, funded by the contributions of the Contracting Parties. In addition, there is a varying amount of project funding annually, usually substantially smaller than the annual budget. As in other regional seas, the work of the Commission is supported by a Secretariat, whose staff nevertheless carries out broader functions that the sole administrative and diplomatic ones. The HELCOM Secretariat has 21 employees, 13 of whom are core Secretariat

staff and 8 are projects staff who provide States and HELCOM Groups¹⁰ with support for the implementation of certain activities. Most projects staff are funded by the HELCOM core budget, but some are also funded by extra-contributions from one or more Contracting Parties (cash or in-kind contribution through seconded-staff) and external funding sources (such as the EU financing instruments, the Nordic Council of Ministers, the GEF or the European Parliament). Beyond its administrative function, **the Secretariat therefore plays a substantial role to facilitate the work of the Contracting Parties in fulfilling their obligations and decisions for the protection of the marine environment of the Baltic Sea.**

Experience enables to conclude that this centralised structure serves functions as a single focal point for the work on marine environment protection by many organisations and stakeholders. By serving as liaison, it ensures coherence, added value and synergies between the different working groups of the organisation. An important feature is continuity of actions: the Secretariat maintains the work in between meetings, and ensures follow-up once projects and *ad hoc* initiatives have been finalised.

3.1.2 The decentralised option: Regional Activity Centres

As previously mentioned, not all regional seas frameworks have established RACs. Annex 1 provides a detailed review of the RACs instituted in the Caribbean, the Mediterranean, the Northwest Pacific and the Black Sea. The developments below present an overview of the main characteristics of each of these (3.1.2.1) before analysing their diversity and common patterns (3.1.2.2).

3.1.2.1 Overview of existing RACs in the Caribbean, the Mediterranean, the Northwest Pacific and the Black Sea

Table 3 presents the main characteristics of the RACs created in the Caribbean, the Mediterranean, the Northwest Pacific and the Black Sea.

3.1.2.2 RACs in regional seas frameworks: diversity and common patterns

Even though Caribbean, Mediterranean, Northwest Pacific and Black Sea RACs share a common

¹⁰ Beyond the Secretariat and the meetings of the Helsinki Commission, the working structure of HELCOM includes five main groups: the Monitoring and Assessment Group (HELCOM MONAS), the Land-based Pollution Group (HELCOM LAND), the Nature Protection and Biodiversity Group (HELCOM HABITAT), the Maritime Group (HELCOM MARITIME) and the Response Group (HELCOM RESPONSE).

Table 3. Main characteristics of RACs in the Caribbean, the Mediterranean, the Northwest Pacific and the Black Sea

		Date of creation	Location	Working area	Legal status	Annual Budget	Staff
Caribbean	IMA	1978	Trinidad, Trinidad and Tobago	Land-based sources of pollution	Research organisation	Not available	Not available
	RAC/REMPEITC-CARIBE	1995	Willemstad, Curacao	Marine pollution	Not available	640,000 USD	Not available
	RAC/SPAW	2004	Basse-Terre, Guadeloupe, France	Coastal and marine protected areas	Accommodated by the National Park of Guadeloupe No legal personality	650,000 USD	3, all seconded
	CIMAB	2002	Havana, Cuba	Land-based sources of pollution	Not available	Not available	Not available
Mediterranean	CP/RAC	1996	Barcelona, Spain	Cleaner production	Hosted by the Catalan Waste Agency, an entity of public law	2,800,000 USD	11
	PAP/RAC	1977	Split, Croatia	ICZM	Non-profit, public institution with legal personality	1,800,000 USD	9
	BP/RAC	1979	Nice, France	Foresight	Non-profit, non-governmental association	3,400,000 USD	25, seconded staff included
	REMPEC	1976	Valletta, Malta	Marine pollution	International organisation	1,300,000 USD	12, seconded staff included
	SPA/RAC	1985	Tunis, Tunisia	Coastal and marine protected areas	Non-profit, public institution with legal personality	1,300,000 USD	12, seconded staff included
	INFO/RAC	2005	Rome, Italy	Information, communication, public awareness	Not available	Not available	Not available
Northwest Pacific	CEARAC	1999	Toyama, Japan	Special monitoring, coastal environmental assessment	Hosted by the Northwest Pacific Region Environmental Cooperation Centre (NPEC), a legally incorporated foundation under the jurisdiction of the Japan Ministry of the Environment	700,000 USD	4
	DINRAC	2000	Beijing, China	Collection and dissemination of marine environmental data and information	Non-profit organisation without legal personality but affiliated to a non-profit public legal entity	120,000 USD	3
	MERRAC	2000	Daejeon, Republic of Korea	Oil spill and hazardous and noxious substances preparedness and response	Non-profit organisation without legal personality but affiliated to a non-profit public legal entity	200,000 USD	6
	POMRAC	2000	Vladivostok, Russian Federation	Pollution monitoring / ICZM	Non-profit organisation without legal personality but affiliated to a non-profit public legal entity	70,000 USD	3
Black Sea*	AC/PMA	1996	Odessa, Ukraine	Pollution monitoring and assessment	Non-profit, public institution based in the Ukrainian Scientific Centre of Ecology of the Sea	Not available	Not available
	ERAC	1996	Varna, Bulgaria	Environmental safety aspects of shipping	Non-profit, public institution based in the Department "Marine Environment Protection and Control" of the Bulgarian Maritime Administration	Not available	Not available
	AC/CBD	1996	Batumi, Georgia	Biodiversity conservation	Non-profit, public institution based the Black Sea Monitoring Division of the National Environmental Agency under the Ministry of Environment Protection of Georgia.	Not available	Not available
	AC/FOMLR	1996	Constanta, Romania	Environmental aspects of fisheries and other marine living resources	Non-profit, public institution based in the Romanian National Institute of Marine Research and Development	Not available	Not available
	AC/ICZM	1996	Krasnodar, Russian Federation	ICZM	Non-profit, public institution based in the Federal Agency on Water Resources of the Russian Federation	Not available	Not available
	AC/LBS	1996	Istanbul, Turkey	Land-based sources of pollution	Non-profit, public institution based in the Istanbul Branch of the Ministry of Environment and Urbanization of Turkey	Not available	Not available

* Beyond the 6 Black Sea Activity Centres created by the 1996 Strategic Action Plan for the Rehabilitation and Protection of the Black Sea, the creation of a 7th Activity Centre had been decided in 2003. Nevertheless, the terms of reference of this Centre, dedicated to information and data management, was overlapping with other RACs and the Centre has therefore never existed as such.

objective – mainly providing technical assistance for the implementation of regional instruments – they are **strongly diverse**. In terms of legal status, some are hosted by a public institution (a regional agency for CP/RAC, a national park for RAC/SPAW, a university for IMA, a public scientific entity for POMRAC, a ministerial department for AC/LBS) whereas others are autonomous non-profit organisations. In terms of work programme, some have been established specifically to help implementing a protocol while others, like the Blue Plan in the Mediterranean or the DINRAC in the Northwest Pacific, aim at addressing cross-cutting issues. RACs budgets also strongly vary, from around 70,000 USD for POMRAC to 3,400,000 USD for the Blue Plan. As far as the creation of RACs is concerned, the idea most often comes from a State which, at a particular moment such as the adoption of a protocol, proposes to host the structure. However, the Northwest Pacific and Black Sea frameworks did not follow this way: in 1996, through the Strategic Action Plan for the Rehabilitation and Protection of the Black Sea, States decided to strengthen regional mechanisms for cooperation by creating activity centres while, in 1999, Contracting Parties to the Northwest Pacific Action Plan (NOWPAP) decided that each of the four member countries would host one RAC.

Despite this organisational diversity, the analysis also shows that RACs share **common patterns**. First, the creation of a RAC is formalised by an agreement / Memorandum of Understanding (MoU) between UNEP and the host national government. The procedure of work programme and budget approval is also relatively similar across the board, involving the Secretariat / Coordinating Unit of the regional convention / programme, NFP and the COP / intergovernmental meeting. Besides, all existing RACs have multiple sources of funding. Beyond the regional trust fund, RACs often receive contributions from their host country, which can in particular replenish the operational budget, offer seconded staff and / or premises. Furthermore, RACs often receive additional funding from projects funded by bi- and / or multi-lateral donors. As far as some RACs dedicated to marine pollution are concerned (RAC/REMPELTC-CARIBE in the Caribbean and REMPEC in the Mediterranean), the private sector (oil companies) also contributes through seconded staff.

In conclusion and in light of comments received from RACs Directors, two elements seem necessary for a RAC to be performing:

- **Flexibility:** The legal status of a RAC must for example enable staff to seek external funding and replenish the operating budget. Besides, having a public institution hosting the centre

is often seen as an advantage. In such cases, the daily work of the centre is supported by the host institution with regard to bookkeeping, administrative tasks and equipment, which enables RAC staff to focus mostly on programme activities.

- **Adequate, long-term staffing:** This provides the needed continuity to build long-term relationships in the region. For instance, it could be very challenging to maintain long-term functions when a centre is staffed by secondments for 2-3 year periods without any permanent, full time technical staff. Adequate and sustainable core funding is therefore particularly needed, as also illustrates the Black Sea experience. In this region, the 6 RACs have been created with the financial support of the Black Sea Ecosystem Recovery Project (BSERP), funded by the GEF. Since the project ended, the regional system struggles to maintain an appropriate level of activities in these centres.

3.2. Regional institutional arrangements outside regional seas frameworks

Although not instituted in a regional seas framework, some “external” institutions provide States with assistance and support in implementing regional agreements. These institutions include regional professional organisations (3.2.1), think tanks (3.2.2) and “hybrid models” (3.2.3).

3.2.1. The regional professional organisation model

The Western Indian Ocean Marine Science Association (WIOMSA) provides an interesting example of how a professional organisation can support regional environmental governance. WIOMSA is indeed a regional professional, non-governmental, non-profit, membership organisation, created in 1993 and registered as an NGO in Zanzibar, Tanzania. The organisation is dedicated to promoting the educational, scientific and technological development of all aspects of marine sciences throughout the WIO, with a view toward sustaining the use and conservation of its marine resources. To this end, WIOMSA (i) provides a forum for communication and exchange of information amongst its members that promotes and fosters inter-institutional linkages within and beyond the region; (ii) supports marine research by offering research grants; (iii) implements programmes to build the capacity of marine scientists and coastal management practitioners; and (iv) works to promote policy dialogue on key topics by organising meetings and seminars on

the findings and policy implications of science. To fulfil its mission, WIOMSA has an annual budget of around 2.000.000 USD, which comes from the Swedish International Development Cooperation Agency (SIDA) (almost 80%), the United States Agency for International Development (US AID), various projects and membership fees.

Even if WIOMSA has signed a **MoU with the Nairobi Convention Secretariat**, its work is broader than the issues addressed by the Convention and covers, for instance, fisheries, aquaculture and climate change¹¹. WIOMSA therefore constitutes an interesting example of an organisation aimed at supporting regional environmental governance without being linked to one specific regional institution.

3.2.2 The think tank model

Think tanks (also called policy institutes) are organisations that position themselves at the interface between research and policy making. They often conduct in-house research but mostly use existing science to support policy design and dialogue, and sometimes engage in advocacy activities. They are active in a broad range of areas such as social policy, political strategy, economics, military, technology and – increasingly – sustainable development. Most of them are non-profit (contrary e.g. to consultancies), hence provided in many countries with tax exempt status. Their sources of funding are diverse and span across government agencies, research institutions, development agencies, NGOs, trade unions, private sectors, international organisations. They usually complement some core funding with consulting or research work on a project basis. Think tanks are interesting to look at in this report as they are in many ways innovative and flexible in terms of work programmes, organisational arrangements and funding schemes.

Examples are numerous and many would deserve a specific analysis. To take an example from the WIO, the **South African Institute of International Affairs (SAIIA)**, created almost 80 years ago, is an independent, non-governmental think-tank whose purpose is to encourage wider and more informed awareness of the importance of international affairs. It is both a centre for research excellence and a home for stimulating public debate. It provides cutting-edge analysis and promotes balanced dialogue on issues crucial to Africa's advancement and its engagement in a dynamic global context.

In the marine sphere, though in another region (the Pacific), the **Centre for Ocean Solutions**

was created by three leading marine science and policy institutions – Stanford University (through its Woods Institute for the Environment and Hopkins Marine Station), the Monterey Bay Aquarium, and the Monterey Bay Aquarium Research Institute (MBARI) – with the support of the David and Lucile Packard Foundation. The Centre combines Stanford's expertise in marine biology, oceanography, engineering, economics, law and policy, with the Aquarium's experience in public education and outreach, and MBARI's leadership in deep-sea technology, exploration and monitoring. In addition to developing new knowledge, the Centre's researchers and staff reach out to decision-makers from governments, businesses, and the nonprofit sectors to translate the results of marine science and policy research into action. The Centre for Ocean Solutions works to highlight these issues in the media, and sponsors outreach programmes to inform and empower action by the general public and local, state, national and international decision makers.

Third and last example, the **Institute for sustainable development and international relations (IDDRI)** was established by several French government agencies in 2001. It is now a fully independent, nonprofit private foundation, hosted by Sciences Po in Paris. Its objective is to develop and share key knowledge and tools for analysing and shedding light on the strategic issues of sustainable development from a global perspective. As an independent policy research institute, IDDRI mobilises resources and expertise to disseminate the most relevant scientific ideas and research ahead of negotiations and decision-making processes. It applies a cross-cutting approach to its work, which focuses on five threads: global governance, climate change, urban fabric, agriculture and biodiversity. Aside from *ad hoc* projects, IDDRI has a core funding covering about 30 % of its budget which ensures long-term financial visibility and stability as well as the capacity to explore new and emerging issues before they become subjects of dedicated funding. In addition to annual grants from ministries and businesses, core funding includes a free loan from a bilateral development agency – a sort of trust fund. IDDRI has been supporting regional and national negotiations and policy making in the WIO for several years now, working on a diversity of issues ranging from ICZM to high seas governance and coastal adaptation to climate change.

3.2.3 Hybrid models

A hybrid between independent think tanks and RACs, **GRID-Arendal** is interesting in that it is an official UNEP collaborating centre, established in 1989 by the Government of Norway as

11. The Western Indian Ocean Marine Science Association (WIOMSA), Annual Report 2010, 56p.

a Norwegian Foundation. It is based in Arendal, Norway and has an office in Ottawa, Canada. Its mission is to communicate environmental information to policy-makers, support informed decision making and awareness-raising through environmental information management and assessment, capacity building services as well as outreach and communication. This is achieved by organising and transforming available environmental data into science-based information products, delivered through communication tools and services targeting relevant stakeholders. GRID-Arendal has a historical focus on polar issues but also develops marine and capacity building programmes with significant activities in Africa.

Another type of hybrid, between a project and a permanent institution, may be found in the **Centre for Mediterranean Integration (CMI)**, based in Marseille, France. Created by an MoU among founding members which included, at the end of 2009, Egypt, France, Jordan, Lebanon, Morocco, Tunisia, as well as the European Investment Bank and the World Bank, the Centre was officially launched in 2009. It is a World Bank administered platform for multi-partner programmes, built on a World Bank office created in 2004. It is governed by an Annual Meeting of Founding Members and Partners, an Oversight Committee that meets twice a year and is chaired by the World Bank, a Strategic Council with twelve councilors of international reputation from founding members, partners, the private sector, civil society and academia, and a Coordination Unit with a manager and a small staff. The Unit ensures effective delivery of current programmes and develops future partnerships and synergies with partners. A temporary organisation, CMI provides a platform for communities of practice focused on core development issues across

the Mediterranean to tackle critical challenges and collectively find actionable solutions. As such, it is not an aid facility, but a knowledge sharing platform for a region which is becoming ever more socially and economically integrated. The membership of the Southern partner countries is seen as a testimony of strong ownership and provides the essential dynamic that is critical for success. Last, the Centre does not claim to have leadership over any specific sector. Rather, it brings its governance structure to support other think tanks or collaborative arrangements in the region.

3.3. Conclusion

The analysis provided in this section, although far from comprehensive, shows that there are many **different kinds of structures which provide States with technical assistance and support** for the implementation of regional legal instruments and environmental policies. Each of these structures has emerged in a specific context and momentum, and it would therefore be irrelevant trying to select an ideal option for the WIO based on an existing one. The aim of this section is mainly to underline that options are plenty and that being creative and innovative is essential when considering how to strengthen the WIO regional system. In the specific framework of regional seas for instance, centralised and decentralised approaches have both demonstrated pros and cons and **one option cannot thus be considered better *per se* than the other**. Last, it is important to notice that “external” structures, such as professional organisations, think tanks or hybrids, can play a key role at least in complement to the more classical assistance provided by regional seas bodies themselves.

4. STRENGTHENING REGIONAL ENVIRONMENTAL GOVERNANCE: A NEEDS ANALYSIS IN THE WESTERN INDIAN OCEAN

Analysing the ways to strengthen the regional environmental governance in the WIO first requires to highlight the main needs to fulfil (4.1) and to identify the prerequisites for a strengthened regional capacity to do so (4.2). This section thus proposes a number of key characteristics of a potential strengthened regional capacity – whatever its structure and framework, within or outside the WIO regional sea system.

4.1. Main needs to fulfil

Following are identified some of the main needs to fulfil in the region and thus the main functions a strengthened regional capacity could usefully accomplish. It includes: providing and facilitating technical assistance related to sustainable development (4.1.1); valorising and promoting at the international and regional scales expertise available at the national level (4.1.2); promoting regional experiences and best practices at the international level (4.1.3); strengthening regional cooperation on sustainable development-related issues (4.1.4); and building capacity in the region (4.1.5).

4.1.1. Providing and facilitating technical assistance related to sustainable development

The first objective of a strengthened regional capacity would be to provide and help mobilise technical assistance so as to help States placing themselves on a sustainable pathway. The forms that a useful technical assistance could take, i.e. the ways of delivering technical assistance to WIO States, are manifold (4.1.1.1), and broad is the scope of sustainable development related-issues to be addressed (4.1.1.2).

4.1.1.1. Forms of the technical assistance

The forms that a useful technical assistance could take are numerous and include, in particular:

- Assisting States in strengthening their legal, policy, management and institutional frameworks. It implies, for instance, conducting studies on national legal frameworks, identifying reforms needed for national legal systems to be compliant with international and regional legal agreements, supporting States in drafting or amending laws, supporting improvement in management systems and organisational capacity, etc.
- Translating international research outcomes in usable policy-oriented briefing notes and advice. The pace of international sustainable

development science is greater than ever, new concepts emerge every month or so, trends come and go even faster than before... There is thus a real need to decipher and translate international science and grey literature into “regionalised” knowledge. For instance, what is ecosystem-based adaptation and what does it mean for the WIO? Is it connected to existing practices in the region? How are Intergovernmental Panel on Climate Change (IPCC) scenarios designed and what does it mean for sea-level rise projections in the WIO? What are international controversies about ICZM and how do they materialise in the WIO? Does the green growth concept, or the blue-green economy, offer new tools to achieve sustainable development outcomes in the region, or is it just the latest avatar of international bureaucracy’s frantic quest to reframe old issues and hide embarrassing failures?

- Providing regional stakeholders with relevant data and knowledge to help them adopt science-based, sound decisions. Whereas the regional capacity would not be a primary data or knowledge producer, it would serve as a hub to help Parties access up-to-date, usable data and knowledge, be it located in or outside the region.

4.1.1.2. Scope of sustainable development issues to be addressed

In the WIO like in other regional seas, sustainable development issues which could usefully be covered by a strengthened regional capacity are varied. It would therefore seem unrealistic to cover them all, but also undesirable to build a strengthened regional capacity on one single issue. Many topics deserve to be addressed, from climate change adaptation to biodiversity conservation through maritime and land-based pollution. Given the effort needed to establish a new entity or strengthen an existing one, it is unlikely to be repeated several times in a near future. Regional stakeholders should take it into account and seize the opportunity of the next move to address key priority issues. In our view, a potential new regional structure created within the Nairobi Convention framework should in particular **not limit itself to supporting the implementation of one specific Protocol**. The Nairobi Convention framework is already rich of three protocols that all face implementation challenges, and so will the future ICZM Protocol. Furthermore, since there is currently no RAC in the regional system and unless Parties surprisingly decide to create a network of RACs (one by protocol, for example), there is no reason to favour one specific issue or protocol at the expense of the others.

In this regard, draft N°6 of the WIO ICZM Protocol currently discussed by the “Ad hoc Legal and Technical Working Group for the drafting of the ICZM protocol to the Nairobi Convention” (LTWG) contains an article 17 which raises an important question. According to this article:

“1. The Contracting Parties shall, within two years from the date of entry into force of this Protocol, establish a **Regional ICZM Platform** composed of representatives of National ICZM Committees, in order to enhance regional dialogue, information exchange, coordination and collaboration on ICZM. 2. The ICZM Platform shall, under the guidance and facilitation of the Organization, promote ICZM and the implementation of the ICZM Protocol, and in particular: (a) facilitate the sharing of national experiences regarding Integrated Coastal Zone Management; (b) identify economic, scientific, technical and other needs of the Region to improve ICZM at national levels; (c) promote the implementation of a Regional ICZM Strategy; (d) promote national participation in regional and international ICZM initiatives”.

An important question is pending: national delegations wonder if this Platform should be a permanent structure, built on the RAC model for instance, or a more informal initiative (a network? A website?) based on regional cooperation but without any *ad-hoc* body. For the reasons previously mentioned, it could be risky to select the first option which would strengthen the regional capacity, and channel its related funding, on one issue only while other topics also deserve special attention and renewed momentum. ICZM in general should, and a potential ICZM Platform could, be part of the issue addressed by a strengthened regional capacity. Nevertheless, as long as the creation of several structures is not on the agenda, it does not seem wise for the dynamism of regional cooperation to ground the creation of a new structure on this sole topic.

Consequently, it seems necessary that a strengthened regional capacity, and a potential related-new structure, provide WIO States with **support on, at least, all issues addressed by the Nairobi Convention and its related protocols**. The scope could even be broader and cover other issues for which capacity is needed in the region, such as fisheries management for instance. Just because fisheries are usually administered by separate administrations and legal instruments does not mean expertise has to be organised in the same way. These two different options however imply different types of regional structures (see Section 5).

4.1.2. Valorising and promoting internationally expertise available at the national level

Expertise on sustainable development is rich and varied in the WIO. It can be found in a number of universities and research centres, government agencies, NGOs, consultancies, etc. However, it is often underutilised, underfunded and not recognised enough at the regional and global levels. It is therefore crucial that a strengthened regional capacity also:

- Mobilise expertise where it is most directly available, i.e. in the region: this will bring funding and networking opportunities to sometimes isolated experts;
- Promote such expertise at the international level, through various means: web-based directory of experts, collaboration with and support to WIOMSA, organisation of side events in global conferences, etc.
- Ensure broad participation of qualified WIO experts in science-policy interfaces such as the IPCC and the Intergovernmental science-policy Platform on Biodiversity and Ecosystem Services (IPBES), which provide international recognition and are the arenas where influential policy-relevant ideas are shaped.

4.1.3. Promoting regional experiences and best practices at the international level

A wealth of initiatives towards sustainable coastal and marine governance are available in the region, at all scales. Some are very successful. **Making them better known globally** would not only be a fair recognition of the work done, it would also have the potential to trigger increased international funding towards the region. This could be achieved by supporting stock-taking publications, promoting regional participation in international fora, etc.

4.1.4. Strengthening regional cooperation on sustainable development

Another key function of a regional capacity should be to **strengthen regional cooperation in sustainable development dimensions** that either:

- Are transboundary, like sea water pollution or fisheries management;
- Allow economies of scale, like experience sharing to replicate what works and avoid what does not in terms of coastal and marine governance;
- Demand to join forces, like international negotiation on climate change, biodiversity...

4.1.5. Building capacity in the region

Strengthening national capacities is unquestionably a crucial challenge in the WIO region. A strengthened regional capacity should therefore **develop**

training programmes in the field of ocean and coastal management, in particular for scientific, technical and administrative staff. In this regard, recent initiatives from the Nairobi Convention Secretariat must be underlined¹² and would be expanded.

4.2. Prerequisites for the strengthened regional capacity to fulfil the needs

A number of prerequisites are required for the strengthened regional capacity to effectively fulfil the needs previously identified. It includes: be politically independent from governments, NGOs and private companies (4.2.1); maintain an active and high level policy dialogue with governments and other stakeholders (4.2.2); have a critical mass of in-house experts (4.2.3); mobilise the regional expertise in all its variety (4.2.4); and be located in a strategic place (4.2.5).

4.2.1. Be politically independent from governments, NGOs and private companies
Implementing international and regional agreements relating to sustainable development at times becomes very strategic and sensitive. It can raise political tensions at local, national or regional levels. By nature, it often challenges the way well-established national economic sectors operate. Therefore, a technical capacity assisting Parties in implementing the Convention and its protocols should be **independent from governments and the civil society**. This does not mean that the latter would not fund the entity, nor does it mean that they would not have a say in the programme of work. However, publications and oral communications should be totally free and independent as long as they are based on thorough analyses rather than reflecting personal opinions. Defining such independence and its conditions in practice would be complex and difficult but workable. Experience from existing RACs, think tanks and others will be valuable here.

4.2.2. Maintain an active and high level policy dialogue with governments and other stakeholders

Obviously, being independent does not mean refusing debates. For the regional capacity to fulfil its mandate as sketched above, maintaining a **deep and high level policy dialogue** with governments, NGOs, businesses and international organisations will be crucial.

4.2.3 Have a critical mass of in-house experts

Given the dimension of the WIO coastal and marine region, the variety and intensity of issues to be addressed, and the credibility needed for a newly established structure, it should have a “critical mass” of in-house experts on key topics covered by regional instruments: land-based pollution, ICZM, protected areas, oil spills... Defining the appropriate “critical mass” is yet another thorny issue, but the centre would probably need to reach quickly an objective of at least 6 or 7 experts in-house. It could then start demonstrating its added-value before perhaps growing bigger. Since the needs previously identified mainly relate to legal, institutional, administrative and political issues, it seems necessary to reverse the usual balance: **staff should have expertise primarily in social sciences** (law, political sciences, administrative science, environmental management, etc), with some additional competences in natural sciences.

4.2.4. Mobilise the regional expertise in all its variety

Although having in-house experts is key, one of the main functions of the centre would have to serve as a **hub which mobilises regional expertise** better than it is done today. Demand for experts in all areas related to ocean and coastal management is significant and increasing, while high-level experts are plenty in the region (including universities, research centres, private consultancies, NGOs, governments, etc.). Making the demand and supply sides meet in a better way would be an important objective. If achieved, it would mean higher quality, more science-based projects and policies, more regional exchange of experience about concrete cases and issues rather than in general workshops, and less isolated experts.

4.2.5. Be located in a strategic place

There are obviously various criteria to be taken into account in choosing the location of the structure which would strengthen the regional capacity, if there is a new structure. Beyond the political and diplomatic factors which indubitably

12. A “Regional Experts Training Course on Ecosystem Based Management, Valuation of Ecosystem Goods and Services, and Ecosystems Assessments for the Western Indian Ocean (WIO) region” has been organised in December 2011 by the Secretariat of the Nairobi Convention, UNEP in partnership with the Institute of Marine Sciences (IMS) of the University of Dar es Salaam, Tanzania, and the Government of Mozambique, within the framework of the UNEP Africa Marine and Coastal Programme.

Table 4. SWOT analysis of possible institutional organisations to strengthen the WIO regional capacity

	Strengths	Weaknesses	Opportunities	Threats
A strengthened Secretariat	Additional staff incorporated into a structure and within a team already in place Coordination between the administrative and experts teams facilitated by sharing the same premises Possibility to apply for projects grants to complement operating budget	High human resources costs due to the possible application of UN standards A centralised approach which leaves little flexibility for Parties to get involved Reinforces the continent versus islands gap within the NC framework	Decision CP 6/4 which focuses on “strengthening the Nairobi Convention Secretariat” Process could be fast – no new entity to establish Can be very incremental: each added piece of expertise would be welcome	Lack of ownership by Parties UNEP’s rules and procedures could slow the process and hamper the flexibility required
A regional activity centre	Model already experienced in other regional seas frameworks Flexibility of the options relating to the legal status of the centre Flexibility in terms of funding	Possible coordination challenges between the Secretariat and the new centre	Expected support from the UNEP Regional Seas Programme	No State has formally expressed interest to host the centre A choice may have to be made between competing Parties at some point Cannot start (too) small: at least 6-7 staff from the very beginning needed to show added-value
A regional independent think tank	Expertise possibly provided to various regional organisations, on a broad range of topics Flexibility of the options relating to the legal status Flexibility in terms of funding Independence from Parties (programme of work, etc.)	A complement – not a replacement – to the traditional institutional arrangements within regional seas? Accountability to various institutions	Flexibility Can start almost immediately Room for evolution (e.g. from a think tank to a RAC or to a hybrid UNEP think tank when partners are ready)	Time needed, or impossibility, to convince stakeholders, including donors, of the relevance of such a model Potential opposition of some regional institutions, including NGOs or research centres, which could see the think tank as a rival Lack of regional ownership Lack of support from UNEP
Hybrid model 1: a UNEP think tank	Expertise possibly provided to various regional organisations, on a broad range of topics Flexibility of the options relating to the legal status Flexibility in terms of funding Independence from Parties (programme of work, etc.)	Accountability to various institutions	Flexibility Can start almost immediately Room for evolution (can start independently and get UNEP label later)	Time for, or impossibility to, convince stakeholders, including donors, on the relevance of such a model Potential opposition of some regional institutions, including NGOs or research centres, which could see the think tank as a rival Lack of regional ownership
Hybrid model 2: a project-based entity	Based on a programme/projects-based approach dominant in the region Flexibility No long-term commitment needed	Lack of sustainability: necessarily a temporary organisation Dependency on donors	High political acceptability	Back to status quo at the end of the programme, i.e. no permanent structure left

enter into account, some logistical issues should be kept in mind:

- A potential new structure should be located near a well-connected-international airport;
- Temporary accommodation should be available, affordable and meet international standards;
- Last, it would also be useful for the structure to be **located near “brains”**, i.e. universities, international or regional organisations, national administrations, which could provide support as needed.

4.3. Conclusion

With such needs and prerequisites (i.e. terms of reference), the picture gets clearer and it is now possible to explore the institutional arrangements which could best match expectations.

5. POSSIBLE TYPES OF INSTITUTIONAL ORGANISATION TO FULFIL THE NEEDS

In the previous section, the main needs to fulfil in terms of regional capacity have been identified and key characteristics of a potential strengthened regional capacity highlighted. It is thus now necessary to explore the different types of institutional arrangements which could reach these objectives. First, it is important to underline that the classical project-based approach to implementing legal instruments and strengthening the regional system is not deeply explored here although not completely overlooked (see 5.1.4). Indeed, projects dedicated to the sustainable management of WIO coastal and marine areas have been abundant in the last two decades, and there is little doubt that this will continue for a while: a GEF “WIO-LaB II” project could for instance be launched in the coming months, precisely to support the LBSA Protocol implementation. This project approach has widely demonstrated its strengths but also its limits (Billé and Rochette, 2010; Billé, 2010), so that the following developments purposely focus on a more sustainable, organisational option – to be combined with current and future projects. This section therefore uses the options already existing in other regions of the world (see Section 3) and analyses if, how and with which relevance they could be applied in the WIO (5.1). A SWOT analysis (5.2) of the different options then enables to draw some conclusions (5.3).

5.1. Analysis of possible options

As in other parts of the world, a WIO strengthened regional capacity could be built on a strengthened Secretariat (5.1.1), a regional activity centre (5.1.2), a regional think tank (5.1.3) or hybrid models (5.1.4). The regional professional organisation model will not be explored in this section since it already exists in the WIO with WIOMSA; it does not mean that transforming WIOMSA into a RAC / regional think tank or adding an experts team dedicated to support States with legal agreements’ implementation should not be discussed. Besides, Annex 2 identifies possible organisation chart options of a potential strengthened regional capacity to be created within a strengthened Secretariat and a RAC. At this stage, it seems impossible to sketch such options within a regional think tank or a hybrid model since their internal organisation depends on too many currently unknown variables (partnerships with one or more regional organisations; development of an existing think tank or creation of a new one; scope of the hybrid structure within a project framework, etc.).

5.1.1. A strengthened Secretariat

Following the Helcom Secretariat example, one option could be **to strengthen the Nairobi Convention Secretariat by adding staff** dedicated to providing States with technical assistance and support for legal agreements’ implementation. Based in the Secretariat premises at UNEP headquarters in Nairobi, Kenya, the team would benefit from the experienced staff already in place and its familiarity with UNEP. The team would have the possibility to receive funding from donors and complement its operating budget.

5.1.2. A Regional Activity Centre

As an arrangement widely used in regional seas frameworks, **the creation of a RAC** is an option worth considering in the WIO region. The legal status of the centre would depend on who takes initiative, where the centre is based, etc. The worldwide review in section 3 shows how diverse RACs are. **The centre could be hosted by an existing institution** (a university, a government agency, a public institution, etc), provided its intellectual independence is guaranteed. Classically, governing instruments would include an agreement between UNEP and the host country, and the work programme of the centre would be agreed upon by the COP.

5.1.3 A regional independent think tank

Creating a regional think tank could also be an appropriate way to provide States with technical assistance and support for the implementation of regional legal instruments. The work programme could focus on the “sole” issues addressed within the Nairobi Convention framework or also cooperate with other regional institutions, such as regional fisheries management organisations (RFMOs). To that end, MoUs would be signed with regional institutions to organise the collaboration and define the work programme. Intellectually independent from governments, donors, NGOs and private sectors, the think tank would be run by a permanent team, a board composed of key regional stakeholders and funders, and possibly a scientific council. Seconded staff could be provided by WIO States on a voluntary basis. A variant of such an option would be to open a regional office of an existing think tank: GRID-Arendal and IDDRI, for instance, already have two offices each and many other think tanks like the Stockholm Environment Institute have even more.

5.1.4. A hybrid entity

A regional think tank established by one or several countries could be labelled under UNEP like GRID-Arendal is, without automatically being

a RAC. This would ensure close working relations and would probably help raise funding from certain sources – but it might also discourage others. Given the reluctance of certain donors to get out of the **project approach**, establishing a hybrid structure within a project framework might be a pragmatic way to start. However, financial sustainability would soon become a concern.

5.2. SWOT Analysis of potential arrangements

Table 4 provides a SWOT analysis of the possible options previously discussed.

5.3. Conclusion

This section has explored and compared the possible institutional arrangements aimed at strengthening the regional capacity, including reinforcing the Nairobi Convention Secretariat and creating a RAC, a regional think tank or a “hybrid” entity. It is important to underline that these options are not necessarily exclusive from one another. The previous developments have discussed contrasted options to fuel debates, but e.g. a strengthened secretariat could obviously come along with a RAC or a regional think tank.

6. FUNDING PERSPECTIVES

This section provides a review of potential modalities to fund a strengthened regional capacity, whatever the organisational option chosen (see Section 5). It analyses the potential replenishment of the Nairobi Convention trust fund (6.1), the unilateral initiative by a Nairobi Convention Contracting Party (6.2) and the creation of a new trust fund (6.3), before comparing their pros and cons through a SWOT analysis (6.4) and drawing some conclusions (6.5).

6.1. Replenishment of the Nairobi Convention trust fund

The Caribbean, Mediterranean and Northwest Pacific experiences show that their respective regional trust funds are crucial as sustainable sources of funding for the RACs. For instance, regional trust funds contribute up to 30% of RAC/SPAW, 55% of PAP/RAC and even 85% of POMRAC's annual budgets. One option to fund a strengthened regional capacity, should the strengthened Secretariat or RAC option be chosen, could therefore be the replenishment of the Nairobi Convention trust fund.

This replenishment could be done by States or donors. In both cases however, **this option seems unlikely**. On the one hand, several Nairobi Convention Parties already face important difficulties to contribute to the established trust fund and a substantial increase of States' participation can hardly be considered as of today. On the other hand, donors may be reluctant to invest in a fund that is strictly managed by the Parties – i.e. by recipient countries.

6.2. A unilateral initiative by a Nairobi Convention Contracting Party

As has been the case in other regions, the WIO region could count on the unilateral initiative of one of its State parties to establish a strengthened regional capacity, by **offering to host a RAC or a think tank** for instance. The core funding could then be (i) at its own costs, (ii) with some support from the Nairobi Convention trust fund or (iii) as a “joint venture” with one or more other States and organisations. Additional funding could come from specific projects, as is the case in many RACs. A unilateral initiative would have the advantage of simplicity: one lead-country can achieve a lot provided there is no opposition by other Parties or by UNEP.

6.3. Joining forces to establish a new trust fund

As financial sustainability of development cooperation has been placed under increasing scrutiny over the last two decades, innovative financial experiences have flourished. Among these, a number of trust funds have been established with support from the donor community and big international environmental NGOs. This section presents a rapid overview of such current experiences (6.3.1) and identifies modalities to translate their principle in the WIO region (6.3.2).

6.3.1. An innovative mechanism with some significant lessons learnt

Well-known partnership-built trust funds include the Caribbean and Micronesian Challenges, initiatives for which regional trust funds were created with support from multilateral and bilateral donors, national governments and NGOs. In the WIO, the “Madagascar trust fund for sustainable protection of nature reserves” was created in 2005, while a similar initiative is underway in Mozambique (Moye and Nazerali, 2010), both aiming at ensuring financial sustainability of protected areas systems. The pros of such a funding model are numerous: in particular, it favours cooperation between international, regional and national stakeholders, therefore sharing the financial burden, and it enables the **sustainable funding** of necessary activities. Moreover, while this kind of model is usually developed to fund specific activities, there is nothing to prevent it from being used to create a permanent structure and fund part of its staff and related activities (cf. IDDRI example).

A thorough review of conservation trust funds was conducted under the Conservation Finance Alliance (2008), and could be used to work on details should this funding modality be pursued.

6.3.2. Potential contributing partners to a new WIO trust fund

Options are numerous in terms of contributing partners to a new trust fund, from a unilateral donor initiative to a collective effort of several actors. In the WIO, several stakeholders could theoretically contribute to establishing such a fund:

- **Governments of the region.** As previously mentioned, several Nairobi Convention Contracting Parties already face important difficulties to contribute to the established trust fund and a substantial increase of States' participation is unlikely as of today. Similarly, a significant

cash flow from the Parties is unlikely to contribute to a potential new trust fund. Nevertheless, governments from the region could still do a lot and contribute by providing premises (host country) and seconded staff from government agencies or universities, for instance. This may be within reach of several States in the region and a major contribution, all the more so as human resources are what is most costly in technical assistance¹³.

- **Multilateral donor agencies.** Multilateral donors are currently investing a lot in promoting sustainable development in the WIO region, through a variety of projects (see 1.3). Whereas UNDP and UNEP are project implementers more than funding agencies themselves, the GEF¹⁴ (of which the former are key implementing agencies), the World Bank and the African Development Bank e.g. provide considerable support each year to the region, including on coastal and marine issues. Their core mandate may not be to provide technical assistance but they have been active supporters of financial sustainability of aid in general and of trust funds in particular. If the plan is robust, and if Parties are enthusiastic, they will have a say in where the aid is invested. In the case of the GEF for instance, all Parties except France have a country allocation under the Biodiversity focal area which they could advocate to be used toward such a regional trust fund. Although of a different nature, the Micronesia and Caribbean Challenges, administered by UNEP, show that regional trust funds may receive great support from a variety of donors, including the GEF.
- **Bilateral donor agencies.** Likewise, several bilateral donor agencies have long been involved in supporting coastal and marine management activities in the WIO region. Typical examples include the European Union (EU), the Norwegian Agency for Development Cooperation (NORAD), the Swedish International Development Cooperation Agency (SIDA), the French Development Agency (AFD), the French Global Environment Facility (FFEM), the German Agency for International Cooperation (GIZ). Not all of them have been involved with the

Nairobi Convention framework before, but almost all of them are increasingly involved in new approaches to development aid that can complement the project approach, like direct budget support or trust funds. Prospects are therefore promising, all the more so as those bilateral agencies which are development banks like AFD or the German development bank (KfW) could even make loans to the trust fund, instead of grants. In this case, the money would be lent for a number of years with e.g. a 0% interest rate, which can sustain the trust fund for a decade or two while other sources of funding take over as the centre demonstrates its added value.

- **NGOs.** Big international NGOs like Conservation International (CI), Fauna & Flora International, The Nature Conservancy (TNC), the Wildlife Conservation Society (WCS) or the World Wildlife Fund (WWF) have long been concerned about the financial sustainability of their action as they have been about the overall insufficient implementation of regional legal instruments under the Nairobi Convention framework. There have been some discussions within a consortium lately, supported by the government of Seychelles, about the establishment of a regional trust fund in COI countries (see 3.1), in which they seem to be ready to invest several million USD if there are matching funds from the donor community. This “WIO Coastal Challenge” may look like a concurrent effort but at such an early stage there is no reason why complementarity and synergy could not be sought.

Contributions to a new trust fund may be expected from several potential funders. Given the annual flow of money that goes into the region every year for coastal and marine initiatives, be they from national governments, donors or NGOs, it is realistic to table the idea that such a trust fund be established at the regional level, administered offshore and governed by regional stakeholders. For instance, **10 million USD put once on an offshore account at 5% of interest means 500,000 USD are available each year and for an “indefinite” period of time.** The international benchmarking this report did on budgets shows this is already a significant share of what would be necessary to at least establish and maintain the centre. If a few States reach a consensus around such a funding option, there is little doubt that they shall be able to convince many of the international (donors), regional (Nairobi Convention Secretariat, COI, etc.) and national (governments, NGOs) stakeholders to join the effort.

13. According to a 2006 UNEP report, staff costs make up 50 to 80% of the total secretariat budget: UNEP (2006), “Financing the implementation of regional seas conventions and action plans: A guide for national action”, Unep Regional Seas Reports and Studies N° 180, p.3.

14. The GEF is not an agency, but a fund administered by a secretariat. We put it in this category however as its disbursement always goes through a multilateral donor agency.

6.4. SWOT analysis of potential funding options

Table 5 provides a SWOT analysis of the potential funding options previously discussed.

6.5. Conclusion

The review of potential modalities to fund a strengthened regional capacity shows that there

are at least three main options. The first one (replenishment of the Nairobi Convention trust fund), although seemingly easiest, raises many questions in terms of States' capacity to increase their contribution. The second option is based on a unilateral initiative by a regional State, which is a formula often used in other regional seas. Sustainable and collaborative, the last option implies regional stakeholders – beyond States – to join forces and build a trust fund specially dedicated to strengthening the regional capacity.

Table 5. SWOT analysis of potential funding options for a regional capacity

	Strengths	Weaknesses	Opportunities	Threats
Replenishment of the Nairobi Convention trust fund	Simple procedure Money managed by an existing and experienced staff	Financial problems already facing many WIO States to contribute to the trust fund Does not trigger a new dynamic Collective action dilemma Need for consensus		Difficulty or impossibility for many States to increase their contribution The lowest capacity determines the regional effort Risk of promises not being kept, i.e. no effective increase of States' contribution Reluctance of donors to invest in a fund strictly managed by States
Unilateral initiative by a Nairobi Convention Party	Option already experienced in other regional seas, with some unquestionable successes No collective action dilemma No need for consensus	No commitment hence no ownership by non-contributing Parties	Many expertise bodies in the region (universities, regional organisations, governmental branches...) could host a RAC Some WIO States are much richer than others: this is a way of making the region benefit from highest capacities	A national initiative "a minima", without matching needs in terms of funding, staff, etc. May increase the continent / islands gap No formal manifestation of interest from WIO States so far
New trust fund	Sustainable Collective sharing of burden Allows multiple sources of funding	Significant transaction costs to establish the trust fund	Current important investments of bi- and multilateral bilateral donors in the WIO region "Trendy" approach to ensure sustainability of official development assistance efforts Extensive experience now existing and documented worldwide and in the region	Reluctance of some donors to establish and invest in new, permanent structures

7. CONCLUSION

This conclusive section of the report summarises the main challenges at stake (7.1), synthesises the cross-assessment of options (7.2) and proposes possible steps forward (7.3).

7.1. A strengthened regional capacity in the WIO: What? Why? How?

There is an **unquestionable need to strengthen the WIO regional capacity** and to support States in implementing sustainable development-related regional agreements and particularly those adopted within the Nairobi Convention framework. A needs analysis in the WIO leads to the conclusion that a strengthened regional capacity should accomplish at least five main functions: (i) providing and facilitating technical assistance related to sustainable development; (ii) valorising and promoting at the international and regional scales expertise available at the national level; (iii) promoting regional experiences and best practices at the international level; (iv) strengthening regional cooperation on sustainable development-related issues; and (v) building capacity in the region.

This issue has already been discussed in recent years but it is now time to go further, for several reasons. First, recent developments in the Nairobi Convention framework show a recrudescence of activities. In 2010, the Amended Nairobi Convention and the LBSA Protocol were adopted, and the process towards an ICZM Protocol launched. The new legal agreements are to be added to the two other protocols already in force, namely on Protected Areas and Pollution Emergencies. However, if the legal architecture is currently developing, the institutional framework of the regional system is lagging behind and still the same as in the 1980s. Therefore, there is a need to provide the Nairobi Convention framework with the means of its ambitions by strengthening its capacity to help Contracting Parties implementing regional legal agreements. Second, the moment is also opportune because strengthening environmental governance is a major issue currently promoted by the regional (e.g. Decision CP/4 adopted by the last COP) and international communities (see theme 2 of the Rio +20 process for instance¹⁵). Last, the

WIO region is currently on a dynamic pathway with numerous coastal and marine activities: **it seems appropriate to take advantage of this positive atmosphere to turn past commitments into effective change.**

More concretely, **the needs to fulfil in terms of regional capacity are numerous:** providing and facilitating technical assistance, valorising and promoting at the international and regional scales expertise available at the national level, promoting regional experiences and best practices at the international level, strengthening regional cooperation on sustainable development-related issues and building capacity in the region. Experiences from other regional seas show that there are **several possible institutional arrangements to fulfil these needs.** Within regional seas frameworks first, two main approaches have been used to build sustainable support for regional marine and coastal governance: a centralised one, based on a strengthened Secretariat, and a decentralised one based on the creation of RACs. Besides, “external” structures, such as professional organisations, think tanks or hybrid models have also demonstrated their advantages. **Potential options to fund a strengthened regional capacity are no less varied,** including the replenishment of the regional trust fund, the unilateral initiative of a regional State or the creation of a new trust fund to which many stakeholders could contribute.

7.2. Cross-assessment of options

First, the scope of sustainable development-related issues to be addressed by a strengthened regional capacity is broad, from biodiversity conservation to climate change adaptation through maritime and land-based pollution reduction. It would seem unrealistic to cover them all, but also undesirable to build a strengthened regional capacity on one issue only. For instance, the current elaboration of an ICZM Protocol should not overshadow the three protocols already adopted, which all face (or will face) implementation challenges. As the creation of a network of RACs seems out of reach in the short to medium term, there is a **need for a strengthened regional capacity to address at least all the topics covered by the Nairobi Convention and its related-protocols.**

In terms of institutional arrangements, this study demonstrates that the **hybrid model based on a project-based entity has too many weaknesses,** the first of which dealing with its lack of long-term sustainability. It therefore seems undesirable to build a strengthened

15. The United Nations Conference on Sustainable Development (“Rio +20”), which will be held in Rio de Janeiro, Brazil, next 20-22 June 2012, will focus on two themes: (a) a green economy in the context of sustainable development and poverty eradication; and (b) the institutional framework for sustainable development.

regional capacity on this kind of initiative. It does not mean however that projects which aim at helping States implementing legal agreements are not useful. But experience in other regions demonstrate that the structural and project approaches often complement each other more than they are in competition. Whether UNEP labelled or not, **the think tank option is original and advantageous in many respects**: in particular, it is highly flexible and would enable to address a broader spectrum of issues by building partnerships, not only with the Nairobi Convention Secretariat but also with other regional institutions such as the Indian Ocean Commission or regional fisheries management organisations. It could also be relatively fast to set up **if an existing think tank decides to open a regional office in the WIO**. However, one may consider the support of “external” structures as a complement to, and not a substitute for, the traditional institutional arrangements within regional seas frameworks. **Strengthening the Nairobi Convention Secretariat or creating a RAC** certainly are acceptable options for many because of their anchorage in UNEP regional seas’ institutional organisation. Each of these options (centralised and decentralised) has pros and cons, and experience demonstrates that they both can reach the objective of providing States with support in implementing regional legal agreements. If the decentralised option is retained, **a RAC could be hosted by an existing institution**. Experience from other regions shows that this option is often interesting. Potential host structures are plentiful in the WIO region, be they research centres, government agencies, regional organisations, etc. By cross-checking the major WIO coastal and marine institutions with the RAC location’s criteria identified in this report (see 4.2.5), **4 potential host institutions stand out at first sight**: the Indian Ocean Commission in Port-Louis, Mauritius, WIOMSA in Zanzibar, Tanzania, the Oceans and Coasts Branch of the South African Department of Environmental Affairs in Cape Town, South Africa, and the newly-created University of Seychelles, in Victoria. In this last case, **opportunity could be taken to revitalise the RCU** through a partnership with the new university.

Funding a potential new structure is obviously a crucial issue. Nevertheless, the challenge may be easier to handle than many would think. In this respect, the analysis of the different potential funding options shows that **creating a new**

trust fund is ambitious but has fewer flaws than other options. It is sustainable, favours cooperation between a range of international, regional and national stakeholders, and circumvents the current difficulties of many States to contribute to the Nairobi Convention trust fund. Core funding provided by the trust fund could then be complemented by in-kind contributions from States (through seconded-staff, premises...) and projects which can fund operating activities. If a few States reach a consensus around such a funding model, there is little doubt that they shall be able to convince many of the international (donors), regional (Nairobi Convention Secretariat, COI, etc.) and national (governments, NGOs) stakeholders to join the effort. Even if this method is not classically used to create permanent regional structure, nothing prevents it and the arguments are abundant to overcome potential reluctance.

7.3. Next steps

This reports aims primarily at generating and feeding regional debates in the coming months, provided Parties are keen to move along this way. Following the 2010 COP decision to explore ways to strengthen the regional framework, the process could now be organised around three key steps:

Discussing options:

- The various technical, organisational and financial options put forward in this report could be discussed in the next meetings of the Nairobi Convention Contracting Parties; for example, upcoming NFP / Bureau meetings may be appropriate arenas to do so. Discussions should be both formal and informal. They would greatly benefit from involving non-State stakeholders as well as bi- and multilateral donors to the extent possible.

Narrowing the range:

- Such formal and informal discussions should then lead to narrowing the range of options and selecting one or two preferred scenarios. There may then be a need for a complementary, even more in-depth and concrete study of the selected option(s).

Launching the process:

- Depending of the option selected, the process could continue through a COP decision, a UNEP call for expression of interest, or a unilateral move by a Party for instance.

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APPENDIX

Annex 1. A systematic review of existing regional activity centres

1. The Caribbean Regional Activity Centres

1.1. The Institute of Marine Affairs (IMA)

Legal status	A multi-disciplinary marine and environmental research organisation established by Act of Parliament (Chap. 37:01 of the Revised Laws of the Republic of Trinidad and Tobago, as amended by Act N° 13 of 1990)
Location	Trinidad, Trinidad and Tobago
Working area	Land-based sources of pollution
History	Established by an Act of Parliament following an agreement signed in 1974 between the Government of Trinidad and Tobago and the United Nations, through its Executing Agency, UNDP. Operations began in 1978
Governing instruments	<ul style="list-style-type: none"> * A Joint Trinidad and Tobago/Cuba Proposal for the establishment of two LBS-RACs was presented by the Government of Cuba and the Government of Trinidad and Tobago to UNEP's 10th Intergovernmental Meeting (IGM) of the Caribbean Environment Programme (CEP) held in May 2002 and accepted by the Meeting. * The Government of Trinidad and Tobago's proposal, while listing the IMA as the principal agency for the RAC, also listed the Environmental Management Authority, the Caribbean Industrial Research Institute and The Trinidad and Tobago Bureau of Standards as agencies which would provide assistance to the IMA and CIMAB (both LBS/RACs). * The agreement between the Government of Trinidad and Tobago and the UNEP CEP establishing the IMA as one of the two RACs (with CIMAB) for the Land-based sources of Marine Pollution Protocol of the Cartagena Convention has not yet been signed. The IMA is nevertheless recognised as a RAC.
Governance	<ul style="list-style-type: none"> * The previous draft agreement between the CEP and the Government of Trinidad and Tobago calls for the establishment of a unit within the IMA to undertake the work of the RAC. * At present there is no separate unit. The work of the RAC is undertaken principally by IMA's Information Centre and the Marine Chemistry Department.
Staff	There is no separate staff. IMA's Director is the Director of the RAC.
Annual Budget	At present there is no separate budget for the work of the RAC. The CEP has had several MOUs with the IMA with the IMA executing several projects on behalf of the CEP.
Procedure for Work Programme and Budget approval	Work undertaken by the IMA as a RAC is subsumed within IMA's general work plan.
External relations	Working relations with CEP-affiliated organisations, in particular CIMAB, the other LBS/RAC

1.2. The Regional Marine Pollution Emergency Information and Training Centre for the Wider Caribbean (RAC/REMPEITC-CARIBE)

Legal status	* Not precisely available * MoU between the IMO, UNEP and the government of the Netherlands Antilles (see box governing instruments below)
Location	Willemstad, Curaçao
Working area	Marine pollution
History	* Early 90's: the States and Territories of the Wider Caribbean Region requested that IMO support and establish a regional centre to enhance and promote direct regional co-operation regarding oil spill preparedness, response and cooperation (Convention OPRC 1990). * March 1994: in Curacao, the members of the IMO/IEPCA Conference confirmed their interest in the creation of the REMPEITC-Caribe. * December 1994: the centre was established on a provisional basis (decision of the Seventh Intergovernmental Meeting of the Action Plan and the Fourth Meeting of the Cartagena Convention and Protocols). * June 15th 1995: the centre officially opened.
Governing instruments	* MoU between: UNEP (and its CEP) IMO The Government of the Netherlands Antilles * A new MOU is being written, due to the dissolution of the Netherlands Antilles in October 2010, between UNEP, IMO and Curaçao.
Governance	* The REMPEITC's Steering Committee meets every two years to oversee the overall budget and programme of the centre, and consists of representatives from countries, organisations, and industry groups that are donating funds or in-kind support to the RAC and from IMO and UNEP-CAR/RCU: Netherlands Antilles (now Curaçao); A member of the Bureau of the Contracting Parties; The President of the CEP Monitoring Committee; Regional Coordinating Unit of the United Nations Environmental Programme for the Caribbean Action Plan (UNEP-CAR/RCU); Donor Countries: Curacao, France and USA based on in-kind support (no donations other than direct activity support); International Maritime Organisation; Donor organisations ¹⁷ ; Other interested industry groups (i.e. tourism industry). * The financing of the RAC is reviewed at the meeting of the Contracting Parties to the Cartagena Convention.
Staff	* The government of Curaçao appoints the Director and provides an Office Manager/Executive Secretary. * The Consultants are experts on marine environment, marine safety and maritime security issues. The two current consultants are seconded by the United States (US Coast Guard) and France (through a secondment by the oil company TOTAL) for periods of 2 years. * There used to be a consultant from Venezuela, but not since 2008. * The centre relies highly on support from member countries, and could use more permanent support to improve the continuity of the work.
Annual Budget	* The budget of the centre is established biannually. * During the 2008-2009 biennium, 47 different activities were accounted for by RAC/REMPEITC, with a total funding of 641.295 USD, including the valuation for in-kind support. * For this period, the funding from the IMO was 305.869 USD (REMPEITC is an IMO implementing agent for activities in the region regarding marine pollution).
Procedure for Work Programme and Budget approval	* A proposal for activities is sent to the IMO, with an estimation of the budget. * The IMO establishes its budget and a programme of activities for the next biennium, taking into account the proposal from REMPEITC. * The strategic plan is presented to the meeting of the Steering Committee at the beginning of each biennium. * Other activities, not funded by the IMO, can be added.
External relations	* Wider Caribbean Region governments (benefactors of our activities). * Industry, in particular through projects with the Association of oil, gas and biofuels sector companies in Latin America and the Caribbean (ARPEL). * Other international organisations working on oil spill preparedness, response and cooperation: Clean Caribbean and Americas(CCA), (International Tanker Oil Pollution Federation (ITOPF)... * IMO, UNEP, other UN agencies (UNDP) or RACs. * External consultants to help the centre implement its activities.

17. No donors at this time for direct funding to the centre. Funding for activities via other programmes – UNEP, CEP, IMO, GloBallast Partnerships, etc.

1.3. The Regional Activity Centre for Areas and Species Specially Protected (RAC/SPAW)

Legal status	* Accommodated by the National Park of Guadeloupe. * No legal personality. * Independence in term of work programme guaranteed by a convention between the Park and the French Ministry of ecology.
Location	Basse-Terre, Guadeloupe, France
Working area	Coastal and marine protected areas
History	* In 2000, when the SPAW Protocol entered into force, France proposed to host the RAC. * Creation in 2004, with different successive status: Firstly accommodated by the National Park of Guadeloupe; Then attached to the Regional Directorate of the Environment (DIREN). Problems: (i) no legal personality, (ii) not fully independent in term of work programme, (iii) status that prevents from receiving additional funding In 2005, the Centre was then hosted onwards by an association, the Association Plan Mer des Caraïbes [Caribbean Sea Plan Association], notably involving French West Indies elected members. Advantages: (i) legal personality, (ii) flexibility in term of funding. Problems: (i) a small team widely focused on administrative tasks, (ii) members of the administrative committees not really competent to help the staff. Since 2008, the Centre is back to the National Park of Guadeloupe. Advantages: (i) the Centre enjoys the support (bookkeeping, IT...) of the National Park, (ii) Independence from the French Government, (iii) Possibility to receive additional funding through invitations to tender...
Governing instruments	* Ministerial order giving competence to the National Park to host the RAC, and a convention precising the modalities. * An agreement between France and UNEP ¹⁸ . * Decision IV adopted during the 2008 COP of the Cartagena Convention adopting the "Guidelines for the Operations of the Regional Activity Centres (RACs) and the Regional Activity Networks (RANs) for the Cartagena Convention". * A specific mandate adopted by the COP of the Cartagena Convention, every 2 years.
Governance	* Each year, a technical and financial report for the French Ministry of Ecology. * Every 2 years, a technical report for the SPAW COP.
Staff	3 civil servants from the Ministry of Ecology
Annual Budget	* Salary: seconded staff. * Around 250.000 USD for operating budget given by the French Government and shared between administrative expenses (1/3) and activities (2/3). * Other funding: around 400.000 USD in 2011 from the regional Trust fund (50%) and external funding (Foundations, Regional Cooperation Fund...).
Procedure for Work Programme and Budget approval	* There are 3 steps before the final approval of the work programme: (i) programme presented to the Secretariat, (ii) the national focal points, (iii) and then to the COP of the Cartagena Convention for approval. * For the funding from the Trust Fund, no bilateral negotiation between the RAC and UNEP: COP of the Cartagena Convention approves a work programme and a budget and then UNEP breaks down to the RACs.
External relations	* With Foundations for funding. * With stakeholders working in MPAs (managers, scientists, NGOs...). * Informal relations with the University Antilles Guyane: project to launch a joint Master programme between France and Mexico, in which CAR/SPAW could be involved.

18. It stipulates that, beyond the CAR activities, CAR-SPAW can dedicate part of its work to French Antilles and Guyana if, and only if, such activities have a regional dimension.

1.4. The Centre of Engineering and Environmental Management of Coasts and Bays (CIMAB)

Legal status	Not available
Location	Havana, Cuba
Working area	Land-based pollution
History	Designated as one of the two Regional Activity Centres for the Protocol concerning Pollution from Land-based Sources and Activities in May 2002 at the Tenth Intergovernmental Meeting of the Caribbean Environment Programme.
Governing instruments	Not available
Governance	Not available
Staff	Not available
Annual Budget	Not available
Procedure for Work Programme and Budget approval	Not available
External relations	Not available

2. The Mediterranean Regional Activity Centres

2.1. The Regional Activity Centre for Cleaner Production (CP/RAC)

Legal status	The Catalan Waste Agency, an entity of public law, hosts the CP/RAC.
Location	Barcelona, Spain
Working area	Cleaner production
History	CP/RAC was established in 1996 based upon the decision of the Extraordinary Meeting of the Contracting Parties to the Barcelona Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean (UNEP/IG.8/7).
Governing instruments	* Cooperation agreement between the Ministry of Environment of Spain and the Department of Environment of the government of Catalonia. * CP/RAC follows the mandate given by the Contracting Parties.
Governance	A Steering Committee composed of representatives of Ministry of Environment of Spain the Department of Environment of the government of Catalonia.
Staff	* 1 Director. * 1 Deputy Director. * 9 Programme Officers. All staff salaries come from the cooperation agreement between the Ministry of Environment of Spain and the Department of Environment of the government of Catalonia.
Annual Budget	The cooperation agreement between the Ministry of Environment of Spain and the Department of Environment of the government of Catalonia, allows around 2.800.000 USD each year to follow the CP/RAC's Work Plan.
Procedure for Work Programme and Budget approval	There are 3 steps before the final approval of CP/RAC's work programme and budget: (i) Budget presented to the CP/RAC focal points meeting; (ii) then included by the MAP Coordinating Unit in the overall MAP work programme and budget presented to MAP focal points meeting; (iii) then presented to the Contracting Parties to the Barcelona Convention for approval.
External relations	* Relations with other UN agencies: United Nations Industrial Development Organisation (UNIDO), Stockholm Convention, Basel Convention, United Nations Institute for Training and Research (UNITAR). * NGOs: WWF, Red Cross. * Universities. * National Centres of Cleaner Production.

2.2. The Priority Actions Programme Regional Activity Centre (PAP/RAC)

Legal status	Non-profit, public institution with legal personality. Focal point Ministry: Croatian Ministry of environment.
Location	Split, Croatia
Working area	ICZM
History	Established in 1977 by the former Yugoslavian Government.
Governing instruments	* A host-country agreement Croatia / UNEP. * A mandate, given by the Contracting Parties and now by the ICZM Protocol (Art. 32). * Internal code of rules and procedures.
Governance	* A Steering Committee composed of representatives of (i) the Ministry of environment, (ii) the Ministry for foreign affairs, (iii) the city of Split, (iv) the University of Split and (v) PAP/RAC staff (who cannot be the Director). The agreement between UNEP and Croatia is currently being revised jointly by MAP and the Ministry in order, among others, to include a representative of MAP Secretariat in the Steering Committee. * The Steering Committee (on behalf of the Croatian Government) appoints the Director. * The biannual plan of action is presented to the Steering Committee for information and discussion, but approved by the Parties.
Staff	* 1 Director, who has to be a Croatian national. * 6 operational staff (Deputy Director and Programme Officers), national and international. * 2 administrative staff (1 secretary and 1 book-keeper) * 1 cleaner paid by the Croatian Government. * IT managed by external contractors. All staff salaries come from the Mediterranean Trust Fund (except cleaner). Hence taxes paid on salaries but not on consultants.
Annual Budget	* Mediterranean Trust Fund: around 1.000.000 USD. * Projects (GEF-LME, EC/FP7-Pegaso, Shape- IPA Adriatic...): around 800.000 USD. * The City of Split provides the premises. * The Croatian government provides for operational costs (tel., electricity, water ...), salary of the cleaner... * Drop of 20% in the MTF contribution for the coming years.

Procedure for Work Programme and Budget approval	<p>* There are 3 steps before the final approval of PAR/RAC's work programme and budget: (i) Budget presented to the PAP/RAC focal points meeting; (ii) then included by the MAP Coordinating Unit in the overall MAP work programme and budget presented to MAP focal points meeting; (iii) then presented to the Contracting Parties to the Barcelona Convention for approval.</p> <p>* No specific control mechanism by the Croatian Government.</p>
External relations	<p>* None with private companies.</p> <p>* Contracts with NGOs, for the Coast Days for example.</p> <p>* Relations with other UN agencies: UNESCO, FAO, UNDP, World Bank), European Commission (DG Environment, DG Mare), other Regional Sea Programmes (Black Sea in particular).</p> <p>* Few relations with the University of Split: internships, lectures to interested students from faculty of economics and Oceanographic Institute of Split, but no teaching as such.</p>

2.3. The Blue Plan Regional Activity Centre (BP/RAC)

Legal status	<p>* The centre is managed by "Plan Bleu pour l'environnement et le développement en Méditerranée", a non-profit, non-governmental association under French law (Law of 1901).</p> <p>* Focal point in the French Ministry of Ecology.</p>
Location	Nice Sophia-Antipolis, France
Working area	Prospective
History	<p>* Decision to work on the future of the Mediterranean by UNEP's administrative council in April 1975 on a proposal from France.</p> <p>* Preparatory workshops to refine the project.</p> <p>* Study launched at an intergovernmental meeting of the Mediterranean countries called by UNEP in February 1977 in Split, with a decision to accept 2 RACs (PAP and Plan Bleu).</p> <p>* Initially the project was implemented by a non-governmental association under French law, MEDEAS, with the scientific management of the work being handled by a "Coordinating and Overview Group", named by UNEP's Executive Director. The Contracting Parties effectively launched the exercise in 1979 with MEDEAS being named as the MAP regional activity centre.</p> <p>* From 1980 to 1984 the Co-ordination and Overview Group, composed of seven members, conducted a first reconnaissance phase, relying particularly on twelve sectional studies, each drawn up by a tandem of experts, one from the southern rim of the Mediterranean and the other from the northern rim. A first summary of the information gathered was published in Arabic, English and French. But management problems appeared, obliging UNEP and the French authorities to disband MEDEAS late in 1984.</p> <p>* Because of his international experience and close relationship with UNEP, Mr. Michel Batisse, former assistant director-general for science at UNESCO, was invited to create and chair a new association in 1985 in order to ensure the project's management and to refocus its activities on the preparation and publication of a general report. He did so in collaboration with a number of high-profile individuals/experts involved in Mediterranean sustainable development, future studies...</p>
Governing instruments	<p>* The statutes of the association stipulate that, among other, it hosts a RAC of the MAP. The association «Plan Bleu pour l'environnement et le développement en Méditerranée», whose centre for studies on sustainable development of the Mediterranean basin is working as MAP's Regional Activity Centre.</p> <p>* No host-country agreement with MAP beyond the 1977 COP decision, including Plan Bleu. However a host-country agreement has been proposed by the Regional Coordinating Unit and is currently being discussed with the French Government.</p> <p>* Statutes revised in 1992, 1997 and being revised in 2011 (especially to even more firmly disconnect the association from the French government).</p>
Governance	<p>* The general assembly gathers members of the association every year.</p> <p>* Members are French public entities: ministries, local authorities, water agencies and various public institutes, as well as 7 "qualified persons" selected for their expertise, background and network (currently all French). The General Assembly designates a bureau every year which comprises a President, 3 vice-presidents, a secretary general and a treasurer.</p> <p>* The President appoints the Director for an undefined duration.</p>
Staff	<p>* The Director has so far always been a French civil servant seconded by a French administration, which is an important contribution to the budget. However the President selects the director among several candidates – i.e. the director is not nominated by the administration. If no suitable candidate is available among civil servants, or if the government decides to put an end to these secondments, the President may appoint anybody else as director, including non-French nationals.</p> <p>* 25 staff currently, in three units: Thematic Unit: 6 thematic Programme Officers (energy, sea, urban areas, water) + 1 PhD candidate. Strategic Unit: 1 coordinator + 7 Programme Officers (ICZM, environmental economics...).</p> <p>Administrative, financial and support unit: 6 staff.</p> <p>* Among these, 1 is seconded by Ifremer, 1 by the Ministry of Agriculture, 1 by the Min. of Ecology. In the recent past, 2 have also been seconded by AFD and Veolia.</p>

Annual Budget (2010)	<p>* Voluntary contributions apart, in 2010 the Blue Plan mobilized resources amounting to around 3.400.000 USD for its work, 2.400.000 USD of which were contributions in cash and 1.000.000 USD in kind, mainly in the form of staff secondment.</p> <p>* Distribution of these various cash contributions by origin reveals three main sources of funding: MAP (31%), France (32%) and other multilateral and bilateral partners (37%).</p>
Procedure for Work Programme and Budget approval	<p>* In compliance with French law, the Association provides annual account statements, certified by the relevant auditors.</p> <p>* Budget and work programme approved by the focal points meeting as far as the Trust Fund is concerned</p>
External relations	Plan Bleu has strong relations with a wide range of partners, mostly on a project-base.

2.4. The Regional Marine Pollution Emergency Response Centre for the Mediterranean Sea (REMPEC)

Legal status	<p>* Regional office of the International Maritime Organisation (not a legal entity).</p> <p>* REMPEC enjoys diplomatic status as an international organisation.</p>
Location	Valletta, Malta
Working area	Marine pollution
History	Established in 1976 under a cooperation agreement between UNEP and IMO, based on a resolution of the Contracting parties requesting IMO to administer the Centre created under the 1976 Emergency Protocol.
Governing instruments	<p>* Host country agreement between IMO and Republic of Malta.</p> <p>* Mandate adopted by the Contracting Parties, programme of work idem.</p> <p>* Administrative rules and procedures are the ones of IMO which is auditing the Centre.</p>
Governance	<p>* Implementation of the Programme of work adopted by the Contracting Parties is reported to IMO, Coordinating Unit in Athens and UNEP Nairobi as per UNEP Project requirements.</p> <p>* Financial reports are sent monthly to IMO and quarterly reports sent by IMO to UNEP MAP (Athens).</p> <p>* IMO has overall responsibility for the recruiting of staff and running of the Centre.</p> <p>* However UNEP/MAP is associated in the selection process of the Director, and the positions at the Centre are established by the Contracting Parties</p>
Staff	<p>* Internationally recruited staff: Director (D1), 1 senior programme officer (P5), 2 programme officers (P4¹⁹).</p> <p>* Locally recruited staff: 3 G7 positions, 1 G6 (currently vacant), 1 G5, 2G4.</p> <p>* 1 junior programme officer provided by the French oil industry (Total) under a national scheme to give an opportunity to young graduates to work in an international institution ("Volontaire international Scientifique").</p> <p>* All staff members are UN staff members.</p>
Annual Budget	<p>* Mediterranean Trust Fund: less than 1.300.000 USD</p> <p>* The premises are provided by the Maltese authorities (annual rent: 3,1 USD²⁰) with a yearly allocation of 6.700 USD for maintenance work (paid upon evidence of work carried out).</p> <p>* Drop of 20% in the MTF contribution for the coming years.</p>
Procedure for Work Programme and Budget approval	<p>* There are 3 steps before the final approval of REMPEC's work programme and budget: (i) Budget presented to the REMPEC focal points meeting; (ii) then included by the MAP Coordinating Unit in the overall MAP work programme and budget presented to MAP focal points meeting; (iii) then presented to the Contracting Parties to the Barcelona Convention for approval.</p> <p>* No specific control mechanism by the Maltese Government.</p>
External relations	<p>* REMPEC is well established in the network of spill responders; external relations with other Regional Agreements, European Maritime Safety Agency (EMSA), International Oil Pollution Compensation Funds (observer status), International Tankers' Owners Pollution Federation (ITOPF), International Petroleum Industry Environmental Conservation Association (IPIECA), Oil Companies International Marine Forum (OCIMF), Mediterranean Operational Oceanography Network (MOIG), Sea Alarm Foundation, MOON etc...</p> <p>* Also relations with oil companies such as Total (Total funds 1 JPO), ENI.</p> <p>* Relations also with UNEP/ Office for the Coordination of Humanitarian Affairs (OCHA) and European Commission / The Monitoring and Information Centre (EU /MIC).</p> <p>Recently REMPEC has also started being involved with local authorities.</p>

19. One position currently vacant cannot be filled due to major financial difficulties at MAP Level.

20. Equivalent to one Maltese lira.

2.5. The Specially Protected Areas Regional Activity Centre (SPA/RAC)

Legal status	<ul style="list-style-type: none"> * Non-profit, public institution with legal personality. * Focal point Ministry: Tunisian Ministry of environment.
Location	Tunis, Tunisia
Working area	Coastal and marine protected areas
History	Established in 1985 by the Tunisian Government
Governing instruments	<ul style="list-style-type: none"> * A host-country agreement Tunisia/UNEP (1991). * A mandate, given by the SPA/DB Protocol (article 25), the Contracting Parties and Strategic Action Programme for the Conservation of Biological Biodiversity in the Mediterranean Region (SAP BIO).
Governance	In the framework of the revised host country agreement (ongoing) there will be a Steering Committee led by the Director of RAC/SPA and composed of: (i) The Ministry of environment, (ii) The Ministry for foreign affairs, (iii) The UNEP-MAP.
Staff	<ul style="list-style-type: none"> * 1 Director, who has to be a Tunisian national. * 7 operational staff (scientific Director and 6 Programme Officers), national (1 national partially paid by the Tunisian Government) and international. * 4 administrative staff (3 secretaries and 1 book-keeper) and 1 driver. * 1 cleaner paid by the Tunisian Government. * IT managed by external contractors. * All staff salaries come from the Mediterranean Trust Fund (except cleaner and partially one national programme officer). Hence, taxes paid on salaries but not on consultants.
Annual Budget	<ul style="list-style-type: none"> * Mediterranean Trust Fund: 1.300.000 USD. * The Tunisian government provides for operational costs (tel., electricity, water ...), salary of the cleaner and partially the salary of a programme officer and the Office.
Procedure for Work Programme and Budget approval	<ul style="list-style-type: none"> * There are 3 steps before the final approval of SPA/RAC's work programme and budget: (i) Budget presented to the SPA/RAC focal points meeting; (ii) then included by the MAP Coordinating Unit in the overall MAP work programme and budget presented to MAP focal points meeting; (iii) then presented to the Contracting Parties to the Barcelona Convention for approval. * No specific control mechanism by the Tunisian Government.
External relations	<ul style="list-style-type: none"> * Relations with national and international NGOs. * National: Tudav, Association Amies des oiseaux. * International: IUCN, WWF MedPo, Medasset. * Collaboration to organise events, undertake activities at national level, implementation of project for the conservation of threatened species or protection of ecosystem. * Relations with other UN agencies (UNESCO, FAO, General Fisheries Commission for the Mediterranean, Convention on biological diversity, Convention on migratory species, Ramsar Convention) and secretariat of regional Convention (Berne Convention): collaboration to organise events of common interest (Mediterranean Conference on marine turtles, conference on monk seal, several meeting on reduction of by-catch and mitigation of the impact of fisheries on threatened species), exchange of information through participation in meetings on subject of common interest to avoid duplication and complementarity. * Relation with European Commission (DG Env, EEA, DG mare, etc. ...) EC is mostly is funder of several activities but also there is technical cooperation such as the development of the clearing House mechanism on marine and coastal biodiversity. * UNEP Regional Sea Programmes. * National universities and research centres: University of Corsica, Unidad di Biologia Marine of the Universidad de Alicante: Instituto Universitario del Agua y de las Ciencias Ambientales (University of Alicante, Spain). (UBM), ISPRA, INSTM, Institut National des Sciences et Technologies de la Mer. National universities and research centres are valuable partners to implement the activities related to the Protocol SPA/DB and the regional action plan for the conservation of threatened species. * On the other hand and to encourage and reward contributions to the work of applying the Action Plan (marine turtles, marine vegetation, bird species etc. ...), the Contracting Parties may at their ordinary meetings grant the title of "Action Plan Partner" to any organisation (governmental, nongovernmental, economic, etc.) that has to its credit concrete actions likely to help the conservation of marine turtles. Conditions for the awarding of the Partner title shall be adopted by the Contracting Parties following advice given by the meeting of National Focal Points for SPA.

2.6. The Regional Activity Centre on Information and Communication (INFO/RAC)

Legal status	Not available
Location	Rome, Italy
Working area	Information, communication, public awareness
History	Established in 2005 by the decision of the 14th Meeting of the Contracting Parties, thus substituting the Regional Activity Centre on Environment Remote Sensing (ERS-RAC). At the 15th Meeting of the Contracting Parties (Almeria, 15-18 January 2008), the Italian delegation announced its decision to transfer the functions of INFO-RAC to ICRAM (Italian Central Institute for Applied Marine Research), now merged into ISPRA (Italian Institute for Environmental Protection and Research), starting from January 2010.
Governing instruments	Not available
Governance	Not available
Staff	Not available
Annual Budget	Not available
Procedure for Work Programme and Budget approval	Not available
External relations	Not available

3. The Northwest Pacific Regional Activity Centres

3.1. The Special Monitoring & Coastal Environmental Assessment Regional Activity Centre (CEARAC)

Legal status	Hosted by the Northwest Pacific Region Environmental Cooperation Centre (NPEC), a legally incorporated foundation under the jurisdiction of the Japan Ministry of the Environment.
Location	Toyama, Japan
Working area	Special Monitoring
History	<p>* Coastal Environmental Assessment.</p> <p>* April 30, 1997: The NPEC was established as a non-profit organisation.</p> <p>* September 1, 1998: The NPEC was approved as a legally incorporated foundation under the jurisdiction of the Ministry of the Environment.</p> <p>* April 7, 1999: The NPEC was designated as Special Monitoring and Coastal Environmental Assessment Regional Activity Centre (CEARAC) at the 4th NOWPAP Intergovernmental Meeting.</p>
Governing instruments	Memorandum of Understanding between UNEP and NPEC
Governance	<p>* A Board of Directors composed of Presidents, Chairman, Executive Director, Managing Director and other directors. CEARAC Director is playing the role of Managing Director of NPEC as well. Board of Directors is responsible for all the issues of governance of NPEC.</p> <p>* A Board of Trustees, which give advices to Board of Directors upon request.</p>
Staff	<p>* 1 Director, who is temporally detached from the Japan Ministry of the Environment.</p> <p>* 3 staff members: 2 senior researchers and an administrative staff.</p>
Annual Budget	<p>* All staff salaries covered by the Toyama Prefecture.</p> <p>* NOWPAP Trust Fund: 83.000 USD.</p> <p>* Japan Ministry of the Environment: 300.000 USD.</p> <p>* Toyama Prefecture: 260.000 USD.</p> <p>* External Funds: 48.000 USD.</p> <p>* Toyama Prefecture provides for operational costs.</p>
Procedure for Work Programme and Budget approval	Biennium work programme and budget are approved through CEARAC Focal Points Meeting and then Intergovernmental Meeting (for NOWPAP as a whole).
External relations	<p>* Some activities are further committed to private consulting companies, nationally designated experts in member States or Toyama local educational institutions.</p> <p>* Japanese external advisors such as leading researchers in the field of working area are periodically invited.</p> <p>* Internships from Tokyo University and Toyama local universities.</p>

3.2. The Data and Information Network Regional Activity Centre (DINRAC)

Legal status	Non-profit organisation without legal personality but affiliated to a non-profit public legal entity, the Policy Research Centre for Environment & Economy of the Chinese Ministry of Environmental Protection.
Location	Beijing, China
Working area	Collection and dissemination of marine environmental data and Information
History	Established in 2000 under the Ministry of Environmental Protection of China
Governing instruments	* A MoU Ministry of Environmental Protection of China / UNEP * Terms of Reference of NOWPAP DINRAC Focal Points Meeting
Governance	* Top decision-making by NOWPAP Intergovernmental Meeting. * Coordination by NOWPAP Regional Coordinating Unit (RCU). * Decision-making by DINRAC Focal Points Meeting. * Implementation by DINRAC secretariat and experts from member States.
Staff	* Director and 2 operational staff members (at present). * General administrative affairs, such as financial issues, employment of staff, offices management, etc., are handled by the mother organisation. * All staff salaries come from the Ministry of Environmental protection of China.
Annual Budget	* Ministry of Environmental protection of China: around 64,000 USD. * NOWPAP trust fund: around 57,000 USD.
Procedure for Work Programme and Budget approval	* Decision-making on the work plan: DINRAC Focal Points Meeting. * Approval of the work plan and budget: NOWPAP Intergovernmental Meeting.
External relations	* Cooperation with NGOs, research institutes and universities according to actual needs. * Applications for funding from external sources.

3.3. The Marine Environmental Emergency Preparedness and Response Regional Activity Centre (MERRAC)

Legal status	Non-profit organisation without legal personality but affiliated to a non-profit public legal entity: the Maritime & Ocean Engineering Research Institute (MOERI) / Korea Ocean Research and Development Institute (KORDI)
Location	Daejeon, Republic of Korea
Working area	Oil spill and hazardous and noxious substances preparedness and response
History	Established in 2000 within in the Korean Ocean Research and Development Institute
Governing instruments	MoU between UNEP, IMO and hosting institution
Governance	* Top decision-making by NOWPAP Intergovernmental Meeting. * Coordination by NOWPAP Regional Coordinating Unit (RCU). * Decision-making by MERRAC Focal Points Meeting. * Implementation by MERRAC secretariat and experts from member States.
Staff	Director and 5 staff members (some of them consultants).
Annual Budget	* NOWPAP Trust Fund: around 57,000 USD. * Korean Coast Guard: around 140,000 USD
Procedure for Work Programme and Budget approval	* Decision-making on the work plan: MERRAC Focal Points Meeting. * Approval of the work plan and budget: NOWPAP Intergovernmental Meeting.
External relations	* Cooperation with NGOs, research institutes and universities according to actual needs. * Applications for funding from external sources.

3.4. The Pollution Monitoring Regional Activity Centre (POMRAC)

Legal status	Non-profit organisation without legal personality but affiliated to a non-profit public legal entity: the Pacific Geographical Institute of the Far Eastern Branch of Russian Academy of Sciences.
Location	Vladivostok, Russian Federation
Working area	* Pollution monitoring. * ICZM.
History	Established in 2000 within in the Pacific Geographical Institute of the Far Eastern Branch of Russian Academy of Sciences.
Governing instruments	MOU between UNEP, IMO and hosting institution
Governance	* Top decision-making by NOWPAP Intergovernmental Meeting. * Coordination by NOWPAP Regional Coordinating Unit (RCU). * Decision-making by POMRAC Focal Points Meeting. * Implementation by POMRAC secretariat and experts from member States.
Staff	Director and 2 staff members.
Annual Budget	* NOWPAP Trust Fund: around 57,000 USD. * Pacific Geographical Institute: around 10,000 USD.
Procedure for Work Programme and Budget approval	* Decision-making on the work plan: POMRAC Focal Points Meeting. * Approval of the workplan and budget: NOWPAP Intergovernmental Meeting.
External relations	* Cooperation with NGOs, research institutes and universities according to actual needs. * Applications for funding from external sources.

4. Black Sea Activity Centres

4.1. The Activity Centre for Pollution Monitoring and Assessment (AC/PMA)

Legal status	Non-profit, public institution based in the Ukrainian Scientific Centre of Ecology of the Sea. Focal point Ministry: Ministry for Ecology and Natural Resources of Ukraine.
Location	Odessa, Ukraine
Working area	Pollution Monitoring and Assessment
History	* Established to implement the Black Sea Strategic Action Plan (1996) and the Resolution 4, Para. 3 of the Strategic Action Plan for the Environmental Protection and Rehabilitation of the Black Sea 2009 adopted at the Ministerial Meeting/Diplomatic Conference in Sofia, Bulgaria on 17 th April, 2009. * Initially established with the financial assistance of BSEP (Black Sea Environment Programme, 1993-1996). It functions now based on the in-kind contribution provided by the Government of Ukraine with additional financial assistance from donors where possible and necessary. * The purpose of the RAC PMA Ukraine is to provide support both to the Advisory Group for Pollution Monitoring and Assessment (AG PMA) and to the Black Sea Commission and its Permanent Secretariat.
Governing instruments	* The Convention on the Protection of the Black Sea Against Pollution (Bucharest Convention), 1992 - in force since 1994. * The Strategic Action Plan for the Rehabilitation and Protection of the Black Sea (BS SAP), adopted at the Ministerial conference held in Istanbul, Turkey, 1996, (amended in Sofia 2009).
Governance	Together with AG PMA is an integral part of the Black Sea Commission institutional structure and constitutes its subsidiary body.
Staff	Staff of the relevant department of Ukrainian Scientific Centre of Ecology of the Sea (UkrSCES).
Annual Budget	In-kind contribution provided by the Government of Ukraine with additional financial assistance from donors where possible and necessary.
Procedure for Work Programme and Budget approval	An annual Work Programme is adopted during the meetings of AG PMA.
External relations	* Relations with other institutions: UNDP, UNEP, GEF, EC, EEA, ICPDR, ACCOBAMS and other Regional Sea Conventions and Programmes. * Relations with NGOs and private companies, i.e. for celebrations of Black Sea Day on-the-spot.

4.2. The Emergency Response Activity Centre (ERAC)

Legal status	* Non-profit, public institution based in the Department “Marine Environment Protection and Control” of the Bulgarian Maritime Administration. * Focal point Ministry: Bulgarian Ministry of Transport, Information Technology and Communications, Bulgarian Maritime Administration.
Location	Varna, Bulgaria
Working area	Environmental Safety Aspects of Shipping, Marine Pollution
History	* Established to implement the Black Sea Strategic Action Plan (1996) and the Resolution 4, Para. 3 of the Strategic Action Plan for the Environmental Protection and Rehabilitation of the Black Sea 2009 adopted at the Ministerial Meeting/Diplomatic Conference in Sofia, Bulgaria on 17 th April, 2009. * It coordinates the necessary programmatic support and provides practical technical support to the work of Advisory Group on the Environmental Safety Aspects of Shipping (AG ESAS) of the Black Sea Commission.
Governing instruments	The Convention on the Protection of the Black Sea Against Pollution (Bucharest Convention), 1992 - in force since 1994. The Strategic Action Plan for the Rehabilitation and Protection of the Black Sea (BS SAP), adopted at the Ministerial conference held in Istanbul, Turkey, 1996, (amended in Sofia 2009).
Governance	Together with AG ESAS is an integral part of the Black Sea Commission institutional structure and constitutes its subsidiary body.
Staff	Staff of the Department “Marine Environment Protection and Control” to Bulgarian Maritime Administration.
Annual Budget	In-kind contribution provided by the Government of Bulgaria with additional financial assistance from donors where possible and necessary.
Procedure for Work Programme and Budget approval	An annual Work Programme is adopted during the meetings of AG ESAS.
External relations	* Relations with other institutions: International Maritime Organisation (IMO), UNDP, GEF, EC, Danish Environmental Protection Agency (DEPA), Maritime Administrations of other countries (Black Sea and EC), International Commission for the Protection of the Danube River (ICPDR), Agreement on the Conservation of Cetaceans in the Black Sea Mediterranean Sea and Contiguous Atlantic Area (ACCOBAMS) and other Regional Sea Conventions and Programmes. * Relations with NGOs and private companies, i.e. for celebrations of Black Sea Day on-the-spot.

4.3. The Activity Centre on Conservation of Biological Diversity (AC/CBD)

Legal status	* Non-profit, public institution based the Black Sea Monitoring Division of the National Environmental Agency under the Ministry of Environment Protection of Georgia. * Focal point Ministry: Ministry of Environment protection of Georgia.
Location	Batumi, Georgia
Working area	Conservation of Biodiversity
History	* Established to implement the Black Sea Strategic Action Plan (1996) and the Resolution 4, Para. 3 of the Strategic Action Plan for the Environmental Protection and Rehabilitation of the Black Sea 2009 adopted at the Ministerial Meeting/Diplomatic Conference in Sofia, Bulgaria on 17 th April, 2009. * Initially established with the financial assistance of Black Sea Environment Programme, 1993-1996. It functions now based on the in-kind contribution provided by the Government of Georgia with additional financial assistance from donors where possible and necessary. * The purpose of the RAC CBD Georgia is to provide support both to the Advisory Group for Conservation of Biodiversity (AG CBD) and to the Black Sea Commission and its Permanent Secretariat.
Governing instruments	* The Convention on the Protection of the Black Sea Against Pollution (Bucharest Convention), 1992 - in force since 1994. * The Strategic Action Plan for the Rehabilitation and Protection of the Black Sea (BS SAP), adopted at the Ministerial conference held in Istanbul, Turkey, 1996, (amended in Sofia 2009).
Governance	Together with AG CBD is an integral part of the Black Sea Commission institutional structure and constitutes its subsidiary body.
Staff	Staff of the Black Sea Monitoring Division of the National Environmental Agency under the Ministry of Environment Protection of Georgia.
Annual Budget	In-kind contribution provided by the Government of Georgia with additional financial assistance from donors where possible and necessary.
Procedure for Work Programme and Budget approval	An annual Work Programme is adopted during the meetings of AG CBD.
External relations	* Relations with other institutions: UNDP, GEF, EC, ACCOBAMS, ICPDR and other Regional Sea Conventions and Programmes. * Relations with NGOs and private companies, i.e. for celebrations of Black Sea Day on-the-spot.

4.4. The Activity Centre on Environmental Aspects of Management of Fisheries and Other Marine Living Resources (AC/FOMLR)

Legal status	<p>* Non-profit, public institution based in the Romanian National Institute of Marine Research and Development "Grigore Antipa".</p> <p>* Focal point Ministry: Ministry of Environment and sustainable development of Romania.</p>
Location	Constanta, Romania
Working area	Environmental Aspects of Fisheries and Other Marine Living Resources
History	<p>* Established to implement the Black Sea Strategic Action Plan (1996) and the Resolution 4, Para. 3 of the Strategic Action Plan for the Environmental Protection and Rehabilitation of the Black Sea 2009 adopted at the Ministerial Meeting/Diplomatic Conference in Sofia, Bulgaria on 17th April, 2009.</p> <p>* Initially established with the financial assistance of BSEP (Black Sea Environment Programme, 1993-1996). It functions now based on the in-kind contribution provided by the Government of Romania with additional financial assistance from donors where possible and necessary.</p> <p>* The purpose of the RAC FOMLR Romania is to provide support both to the Advisory Group for Environmental Aspects of Fisheries and Other Marine Living Resources (AG FOMLR) and to the Black Sea Commission and its Permanent Secretariat.</p>
Governing instruments	<p>* The Convention on the Protection of the Black Sea Against Pollution (Bucharest Convention), 1992 - in force since 1994.</p> <p>* The Strategic Action Plan for the Rehabilitation and Protection of the Black Sea (BS SAP), adopted at the Ministerial conference held in Istanbul, Turkey, 1996, (amended in Sofia 2009).</p>
Governance	Together with AG FOMLR is an integral part of the Black Sea Commission institutional structure and constitutes its subsidiary body.
Staff	Staff of the relevant department of National Institute of Marine Research and Development "Grigore Antipa".
Annual Budget	In-kind contribution provided by the Government of Romania with additional financial assistance from donors where possible and necessary.
Procedure for Work Programme and Budget approval	An annual Work Programme is adopted during the meetings of AG FOMLR.
External relations	<p>* Relations with other institutions - UNDP, GEF, EC, ICPDR, FAO, ACCOBAMS and other Regional Sea Conventions and Programmes.</p> <p>* Relations with NGOs and private companies, i.e. for celebrations of Black Sea Day on-the-spot.</p>

4.5. The Activity Centre on Integrated Coastal Zone Management (AC/ICZM)

Legal status	<p>* Non-profit, public institution based in the Federal Agency on Water Resources of the Russian Federation.</p> <p>* Focal point Ministry: Ministry of Natural Resources of Russian Federation.</p> <p>* Focal point Ministry: Ministry of Environment and sustainable development of Romania.</p>
Location	Krassnodar, Russian Federation
Working area	ICZM
History	<p>* Established to implement the Black Sea Strategic Action Plan (1996) and the Resolution 4, Para. 3 of the Strategic Action Plan for the Environmental Protection and Rehabilitation of the Black Sea 2009 adopted at the Ministerial Meeting/Diplomatic Conference in Sofia, Bulgaria on 17th April, 2009.</p> <p>* Initially established with the financial assistance of BSEP (Black Sea Environment Programme, 1993-1996). It functions now based on the in-kind contribution provided by the Government of Russian Federation with additional financial assistance from donors where possible and necessary. Currently the activity of RAC ICZM is supported by PEGASO Project (EC FP7).</p> <p>* The purpose of the RAC ICZM Russia is to provide support both to the Advisory Group on the Development of Common Methodologies for Integrated Coastal Zone (AG ICZM) and to the Black Sea Commission and its Permanent Secretariat.</p>
Governing instruments	<p>* The Convention on the Protection of the Black Sea Against Pollution (Bucharest Convention), 1992 - in force since 1994.</p> <p>* The Strategic Action Plan for the Rehabilitation and Protection of the Black Sea (BS SAP), adopted at the Ministerial conference held in Istanbul, Turkey, 1996, (amended in Sofia 2009)</p>
Governance	Together with AG ICZM is an integral part of the Black Sea Commission institutional structure and constitutes its subsidiary body.
Staff	Staff of the relevant department of the Basin Water Department
Annual Budget	In-kind contribution provided by the Government of Russian Federation with additional financial assistance from donors where possible and necessary, currently PEGASO Project (EC FP7).
Procedure for Work Programme and Budget approval	An annual Work Programme is adopted during the meetings of AG ICZM
External relations	<p>* Relations with other institutions: UNDP, GEF, EC, ICPDR, ACCOBAMS and other Regional Sea Conventions and Programmes.</p> <p>* Relations with NGOs and private companies, i.e. for celebrations of Black Sea Day on-the-spot.</p>

4.6. The Activity Centre on Control of Pollution from Land-Based Sources (AC/LBS)

Legal status	* Non-profit, public institution based in the Istanbul Branch of the Ministry of Environment and Urbanization of Turkey. * Focal point Ministry: Ministry of Environment and Urbanization of Turkey.
Location	Istanbul, Turkey
Working area	Land-based sources pollution
History	* Established to implement the Black Sea Strategic Action Plan (1996) and the Resolution 4, Para. 3 of the Strategic Action Plan for the Environmental Protection and Rehabilitation of the Black Sea 2009 adopted at the Ministerial Meeting/Diplomatic Conference in Sofia, Bulgaria on 17 th April, 2009. * The purpose of the RAC LBS is to provide support both to the Advisory Group for Pollution from Land-based sources (AG LBS) and to the Black Sea Commission and its Permanent Secretariat.
Governing instruments	The Convention on the Protection of the Black Sea Against Pollution (Bucharest Convention), 1992 - in force since 1994. The Strategic Action Plan for the Rehabilitation and Protection of the Black Sea (BS SAP), adopted at the Ministerial conference held in Istanbul, Turkey, 1996, (amended in Sofia 2009).
Governance	Together with AG LBS is an integral part of the Black Sea Commission institutional structure and constitutes its subsidiary body.
Staff	Staff of the relevant department of Istanbul Branch of Ministry of Environment and Urbanization of Turkey
Annual Budget	In-kind contribution provided by the Government of Turkey with additional financial assistance from donors where possible and necessary.
Procedure for Work Programme and Budget approval	An annual Work Programme is adopted during the meetings of AG LBS
External relations	* Relations with other institutions - UNDP, GEF, EC, Danish Environmental Protection Agency (DEPA), ACCOBAMS, ICPDR and other Regional Sea Conventions and Programmes. * Relations with NGOs and private companies, i.e. for celebrations of Black Sea Day on-the-spot.

Annex 2. organisation chart options of a strengthened regional capacity within the Nairobi Convention framework

The organisation chart options of a potential strengthened regional capacity within the Nairobi Convention framework, i.e. through a strengthened Secretariat or a RAC, are infinite. Far from being comprehensive, the following developments identify two possible models, based on protocols (1) and needs-focused (2) approaches.

1. Organisation chart based on a protocols-focused approach

In such an organisation chart, each member of the experts team is dedicated to provide States with assistance and support on one specific protocol.

If the option retained is to strengthen the Nairobi Convention Secretariat, the Secretary could then be assisted by a Deputy Secretary. The staff already in place would be complemented by an experts team whose members focus on the protocols. Supporting staff of the experts team could include, at least, one administrative assistant and one communication / outreach staff. Table 6 *Strengthened Nairobi Convention Secretariat organisation chart based on a protocols-focused approach* illustrates this possible option.

Table 7 *RAC organisation chart based on a protocols-focused approach* translates this option into a RAC structure. The RAC Director would coordinate the work of the experts team. The supporting staff would be composed of one administrative assistant, one bookkeeper and one communication / outreach staff.

As described in Table 8 *RAC organisation chart including partnerships with external and host institutions*, some expertise and / or administrative tasks could also be fulfilled by a potential host structure or other partners. For example, a research centre could focus on one protocol implementation issues, and an administrative function, such as bookkeeper for instance, could be exercised by the host institution.

2. Organisation chart based on a needs-focused approach

This report has highlighted the main needs to fulfil in terms of regional capacity. It includes: (1) providing and facilitating technical assistance related to sustainable development, (2) valorising and promoting at the international and regional scales expertise available at the national level, (3) promoting regional experiences and best practices at the international level, (4) strengthening regional cooperation on sustainable development-related issues and (5) building capacity in the region. The organisation chart of the experts team, be it inserted in the Nairobi Convention Secretariat or in a RAC, could therefore be built on these needs. For instance, 3 programme officers “legal and institutional assistance” would be dedicated to providing States with support in implementing the Convention and its related protocols (need 1). Needs 2 and 3 (valorisation of the expertise available at the national level and promotion of regional experiences at the international level) would be fulfilled by the communication / outreach staff. Last, a programme officer would be in charge of capacity building and regional cooperation (needs 4 and 5).

See Table 9 *Strengthened Nairobi Convention Secretariat organisation chart based on a needs-focused approach* and Table 10 *RAC organisation chart based on a needs-focused approach*.

Table 6. Strengthened Nairobi Convention Secretariat organisation chart based on a protocols-focused approach

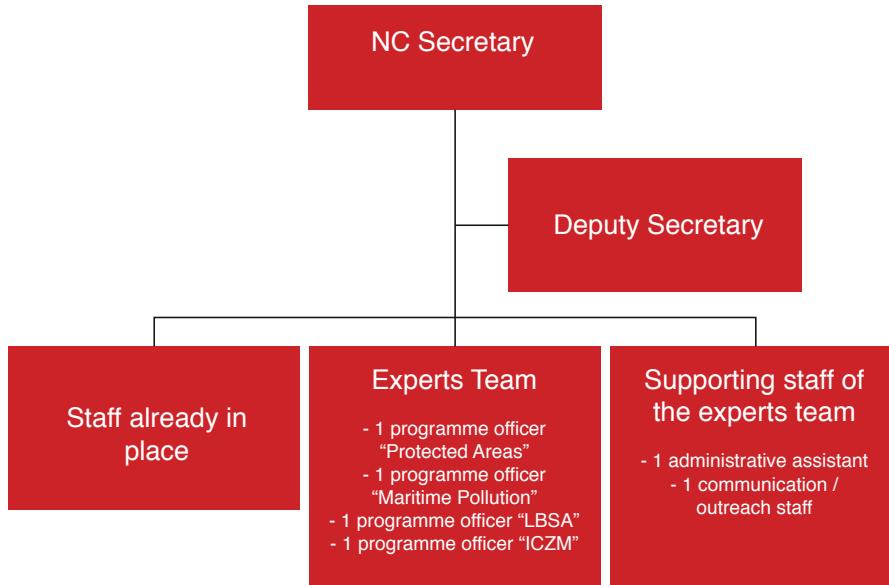


Table 7. RAC organisation chart based on a protocols-focused approach

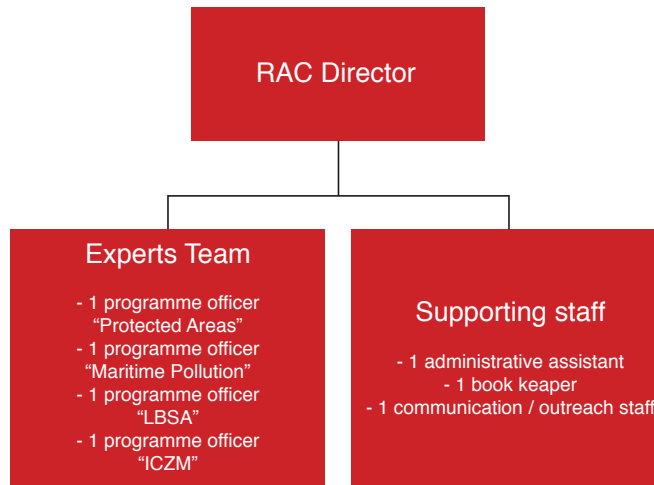


Table 8. RAC organisation chart including partnerships with external and host institutions

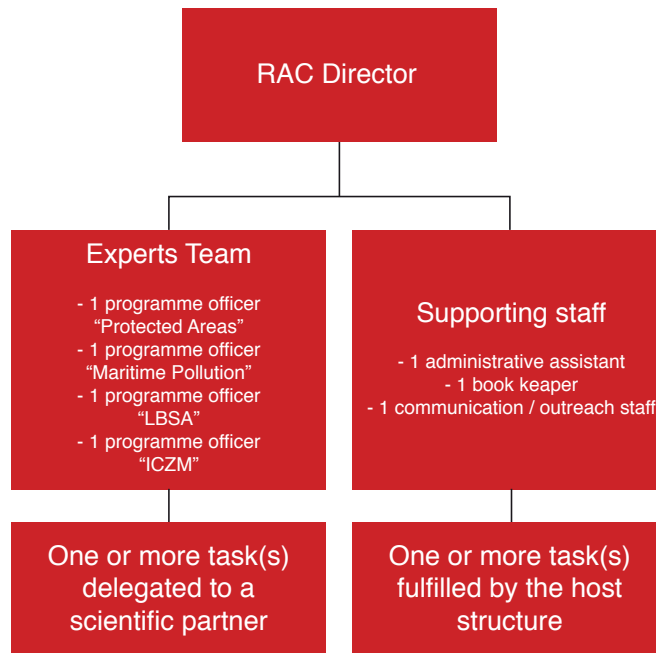


Table 9. Strengthened Nairobi Convention Secretariat organisation chart based on a needs-focused approach

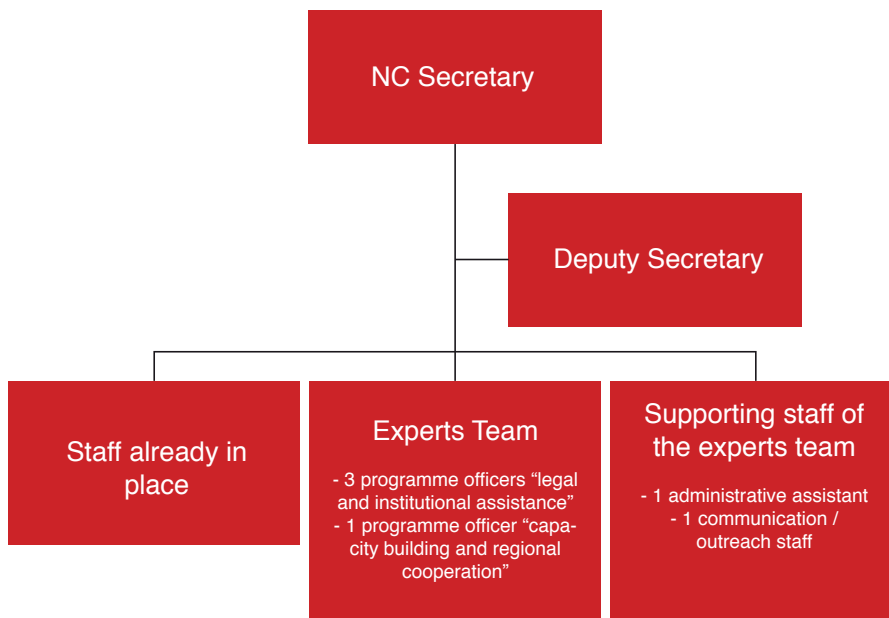
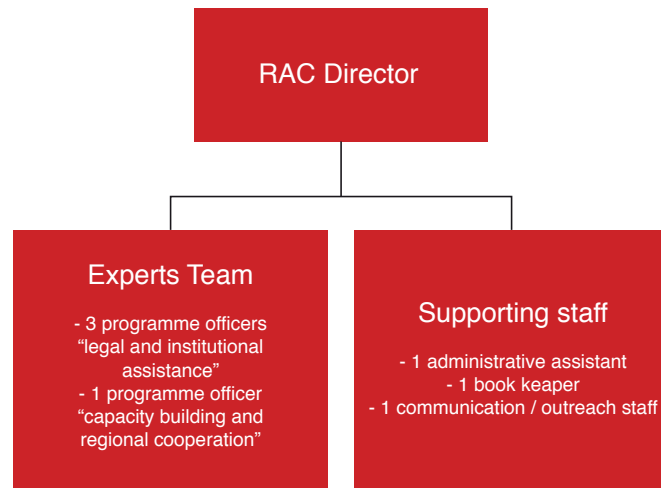


Table 10. RAC organisation chart based on a needs-focused approach



Strengthening the Western Indian Ocean regional seas framework: a review of potential modalities

Julien Rochette, Raphaël Billé (IDDRI)



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- Coastal setback zones in the Mediterranean: A study on Article 8-2 of the Mediterranean ICZM Protocol. J. Rochette, G. du Puits-Montbrun, M. Wemaëre, R. Billé. *Analyses/Studies* N°05/2010, IDDRI.
- Combining project-based and normative approaches to upscale ICZM implementation. R. Billé, J. Rochette. *Idées pour le débat/Working Papers* N°04/2010, IDDRI.

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