

**PROTOCOL CONCERNING PROTECTED AREAS
AND WILD FAUNA AND FLORA
IN THE EASTERN AFRICAN REGION**

The Contracting Parties to the present Protocol,

Being Parties to the Convention for the Protection, Management and Development of the Marine and Coastal Environment of the Eastern African Region, done at Nairobi on 21 June 1985,

Conscious of the danger from increasing human activities which is threatening the environment of the Eastern African region,

Recognizing that natural resources constitute a heritage of scientific, cultural, educational, recreational and economic value that needs to be effectively protected,

Stressing the importance of protecting and, as appropriate, improving the state of the wild fauna and flora and natural habitats of the Eastern African region among other means by the establishment of specially protected areas in the marine and coastal environment,

Desirous of establishing close co-operation among themselves in order to achieve that objective,

Have agreed as follows:

Article 1

DEFINITIONS

For the purposes of this Protocol:

(a) "Eastern African region" means the Convention area as defined in paragraph (a) of article 2 of the Convention. It shall also include the coastal areas of the Contracting Parties and their internal waters related to the marine and coastal environment;

(b) "Convention" means the Convention for the Protection, Management and Development of the Marine and Coastal Environment of the Eastern African Region;

(c) "Organization" means the body referred to in paragraph (c) of article 2 of the Convention.

Article 2

GENERAL UNDERTAKING

1. The Contracting Parties shall take all appropriate measures to maintain essential ecological processes and life support systems, to preserve genetic diversity, and to ensure the sustainable utilization of harvested natural resources under their jurisdiction. In particular, the Contracting Parties shall endeavour to protect and preserve rare or fragile ecosystems as well as rare, depleted, threatened or endangered species of wild fauna and flora and their habitats in the Eastern African region.

2. To this end, the Contracting Parties shall develop national conservation strategies and co-ordinate, if appropriate, such strategies within the framework of regional conservation activities.

Article 3

PROTECTION OF WILD FLORA

The Contracting Parties shall take all appropriate measures to ensure the protection of the wild flora species specified in annex 1. To this end, each Contracting Party shall, as appropriate, prohibit activities having adverse effects on the habitats of such species, as well as the uncontrolled picking, collecting, cutting or uprooting of such species. Each Contracting Party shall, as appropriate, prohibit the possession or sale of such species.

Article 4

SPECIES OF WILD FAUNA REQUIRING SPECIAL PROTECTION

The Contracting Parties shall take all appropriate measures to ensure the strictest protection of the endangered wild fauna species listed in annex II. To this end, each Contracting Party shall strictly regulate and, where required, prohibit activities having adverse effects on the habitats of such species. In particular, the following activities shall, where required, be prohibited with regard to such species:

- (a) All forms of capture, keeping or killing;
- (b) Damage to, or destruction of, critical habitats;
- (c) Disturbance of wild fauna, particularly during the period of breeding, rearing and hibernation;
- (d) Destruction or taking of eggs from the wild or keeping these eggs even if empty;
- (e) Possession of and internal trade in these animals, alive or dead, including stuffed animals and any readily recognisable part or derivative thereof.

Article 5

HARVESTABLE SPECIES OF WILD FAUNA

1. The Contracting Parties shall take all appropriate measures to ensure the protection of the depleted or threatened wild fauna species listed in annex III.

2. Any exploitation of such wild fauna species shall be regulated in order to restore and maintain the populations at optimum levels. Each Contracting Party shall develop, adopt and implement management plans for the exploitation of such species which may include:

(a) The prohibition of the use of all indiscriminate means of capture and killing and of the use of all means capable of causing local disappearance of, or serious disturbance to, populations of a species;

(b) Closed seasons and other procedures regulating exploitation;

(c) The temporary or local prohibition of exploitation, as appropriate, in order to restore viable population levels;

(d) The regulation, as appropriate, of sale, keeping for sale, transport for sale or offering for sale of live and dead wild animals;

(e) The safeguarding of breeding stocks of such species and their critical habitats in protected areas designated in accordance with article 8 of this Protocol;

(f) Exploitation in captivity.

Article 6

MIGRATORY SPECIES

The Contracting Parties shall, in addition to the measures specified in articles 3, 4 and 5, co-ordinate their efforts for the protection of migratory species listed in annex IV whose range extends into their territories. To this end, each Contracting Party shall ensure that, where appropriate, the closed seasons and other measures referred to in paragraph 2 of article 5 are also applied with regard to such migratory species.

Article 7

INTRODUCTION OF ALIEN OR NEW SPECIES

The Contracting Parties shall take all appropriate measures to prohibit the intentional or accidental introduction of alien or new species which may cause significant or harmful changes to the Eastern African region.

Article 8

ESTABLISHMENT OF PROTECTED AREAS

1. The Contracting Parties shall, where necessary, establish protected areas in areas under their jurisdiction with a view to safeguarding the natural resources of the Eastern African region and shall take all appropriate measures to protect those areas.

2. Such areas shall be established in order to safeguard:

(a) The ecological and biological processes essential to the functioning of the Eastern African region;

(b) Representative samples of all types of ecosystems of the Eastern African region;

(c) Populations of the greatest possible number of species of fauna and flora depending on these ecosystems;

(d) Areas having a particular importance by reason of their scientific, aesthetic, cultural or educational purposes.

3. In establishing protected areas, the Contracting Parties shall take into account, *inter alia*, their importance as:

(a) Natural habitats, and in particular as critical habitats, for species of fauna and flora, especially those which are rare, threatened or endemic;

(b) Migration routes or as wintering, staging, feeding or moulting sites for migratory species;

(c) Areas necessary for the maintenance of stocks of economically important marine species;

(d) Reserves of genetic resources;

(e) Rare or fragile ecosystems;

(f) Areas of interest for scientific research and monitoring.

Article 9

COMMON GUIDELINES, STANDARDS OR CRITERIA

The Contracting Parties shall, at their first meeting, and in co-operation with the competent regional and international organizations, formulate and adopt guidelines, standards or criteria concerning the identification, selection, establishment and management of protected areas.

Article 10

PROTECTION MEASURES

The Contracting Parties, taking into account the characteristics of each protected area, shall take, in conformity with international law, the measures required to achieve the objectives of protecting the area, which may include:

(a) The organization of a planning and management system;

(b) The prohibition of the dumping or discharge of wastes or other matter which may impair the protected areas;

(c) The regulation of pleasure craft activities;

(d) The regulation of fishing and hunting and of the capture of animals and harvesting of plants;

- (e) The prohibition of the destruction of plant life or animals;
- (f) The regulation of any act likely to harm or disturb the fauna or flora, including the introduction of non-indigenous animal or plant species;
- (g) The regulation of any activity involving the exploration or exploitation of the sea-bed or its subsoil or a modification of the sea-bed profile;
- (h) The regulation of any activity involving a modification of the profile of the soil or the exploitation of the subsoil of the coastal area;
- (i) The regulation of any archaeological activity and of the removal of any object which may be considered as an archaeological object;
- (j) The regulation of trade in and import and export of animals, parts of animals, plants, parts of plants and archaeological objects which originate in protected areas and are subject to measures of protection;
- (k) Any other measure aimed at safeguarding ecological and biological processes in protected areas.

Article 11

BUFFER AREAS

The Contracting Parties may strengthen the protection of a protected area by establishing, within areas under their jurisdiction, one or more buffer areas in which activities are less severely restricted while remaining compatible with the purposes of the protected area.

Article 12

TRADITIONAL ACTIVITIES

1. The Contracting Parties shall, in promulgating protective measures, take into account the traditional activities of their local populations in the areas to be protected. To the fullest extent possible, no exemption which is allowed for this reason shall be such as:

(a) to endanger either the maintenance of ecosystems protected under the terms of the present Protocol or the biological processes contributing to the maintenance of those ecosystems;

(b) to cause either the extinction of, or any substantial reduction in, the number of individuals making up the species of animal or plant populations within the protected ecosystems, or any ecologically connected species or populations, particularly migratory, endemic, rare, depleted, threatened or endangered species.

2. Contracting Parties which allow exemptions under paragraph 1 of this article with regard to protective measures shall inform the Organization accordingly.

Article 13

FRONTIER PROTECTED AREAS

1. If a Contracting Party intends to establish a protected area contiguous to the frontier or to the limits of the zone of national jurisdiction of another Contracting Party, the two Contracting Parties shall, as necessary, consult each other with a view to reaching agreement on the measures to be taken and shall, among other things, examine the possibility of the establishment by the other Party of a corresponding protected area or buffer area,

2. If a Contracting Party intends to establish a protected area contiguous to the frontier or to the limits of the zone of national jurisdiction of a State which is not a party to this Protocol, the Party shall endeavour to work together with that State with a view to holding consultations as referred to in the preceding paragraph.

3. If a State which is not a party to this Protocol intends to establish a protected area contiguous to the frontier or to the limits of the zone of national jurisdiction of a Contracting Party to this Protocol, the latter shall endeavour to work together with that State with a view to holding consultations.

Article 14

PUBLICITY AND NOTIFICATION

The Contracting Parties shall give appropriate publicity to the establishment of protected areas, in particular to their boundaries and the regulations applying thereto. Such information shall be transmitted to the Organization which shall compile and maintain a current directory of protected areas in the Eastern African region. The Contracting Parties shall provide the Organization with all information necessary for that purpose.

Article 15

PUBLIC INFORMATION AND EDUCATION

The Contracting Parties shall endeavour to inform the public as widely as possible of the significance and interest of protected areas and the protection of wild fauna and flora and the scientific knowledge which may be gained from them. Such information should have an appropriate place in education programmes concerning the environment, archaeology and history. The Contracting Parties should also endeavour to promote the participation of their public and their nature conservation organizations in the protection of the areas and wild fauna and flora concerned.

Article 16

REGIONAL CO-OPERATION

The Contracting Parties shall establish a regional programme to co-ordinate the selection, establishment, and management, of protected areas and the protection of wild fauna and flora with a view to creating a

representative network of protected areas in the Eastern African region. There shall be regular exchanges of information concerning the characteristics of the protected areas and wild fauna and flora, the experience acquired and the problems encountered.

Article 17

SCIENTIFIC AND TECHNICAL RESEARCH

1. The Contracting Parties shall encourage and develop scientific and technical research on their protected areas and on the ecosystems, wild fauna and flora, and archaeological heritage of the Eastern African region.

2. The Contracting Parties shall exchange scientific and technical information concerning current or planned research and their results. They shall, to the fullest extent possible, co-ordinate their research, and define jointly or standardize the scientific methods to be applied in the selection, management and monitoring of protected areas.

Article 18

EXCHANGE OF INFORMATION

1. In applying the principles of co-operation set forth in articles 16 and 17, the Contracting Parties shall forward to the Organization:

(a) Comparable information for monitoring the biological development of the Eastern African region;

(b) Inventories, publications and information of a scientific, administrative and legal nature, in particular:

- (i) On the measures taken by the Contracting Parties in pursuance of this Protocol for the protection of the protected areas and wild fauna and flora;
- (ii) On the wild fauna and flora present in the protected areas or listed in the annexes to this Protocol;
- (iii) On any threats to protected areas or wild fauna and flora, especially those threats which may come from sources outside their control;
- (iv) On any changes in the delimitation or legal status of a protected area or the suppression of all or part of such an area.

2. The Contracting Parties shall designate persons responsible for protected areas. Those persons shall meet at least once every two years to discuss matters of joint interest and especially to propose to the Contracting Parties recommendations concerning scientific, administrative and legal measures to be adopted to improve the application of the provisions of this Protocol.

Article 19

TECHNICAL CO-OPERATION

The Contracting Parties shall co-operate, directly or with the assistance of competent regional or international organizations, in the provision to other Contracting Parties of technical and other assistance in fields related to the selection, establishment and management of protected areas and the protection of wild fauna and flora. Such assistance should relate, in particular, to the training of scientific, technical and managerial personnel and scientific research.

Article 20

ALTERATION OF THE BOUNDARIES OF OR WITHDRAWAL OF PROTECTION FROM, PROTECTED AREAS

Changes in the delimitation or legal status of a protected area, or the suppression of all or part of such an area, shall not take place unless for significant reasons, taking into account the need to protect the environment and according to the rules and obligations provided in this Protocol.

Article 21

MEETINGS OF THE PARTIES

1. Ordinary meetings of the Contracting Parties to this Protocol shall be held in conjunction with ordinary meetings of the Contracting Parties to the Convention held pursuant to article 17 of the Convention. The Contracting Parties to this Protocol may also hold extraordinary meetings as provided for in article 17 of the Convention.

2. It shall be the function of the meetings of the Contracting Parties to this Protocol, in particular:

(a) To keep under review the implementation of this Protocol;

(b) To consider the efficacy of the measures adopted and to examine the need for other measures, in particular in the form of annexes in conformity with the provisions of article 20 of the Convention;

(c) To adopt, review and amend as required any annex to this Protocol;

(d) To monitor the establishment and development of the network of protected areas referred to in article 16, to adopt guidelines to facilitate the establishment and development of that system and to increase co-operation among the Contracting Parties;

(e) To consider the recommendations made by the meetings of the persons responsible for the protected areas, as provided by article 18, paragraph 2;

(f) To consider, as appropriate, information transmitted by the Contracting Parties to this Protocol to the Organization under article 23 of the Convention.

Article 22

RELATIONSHIP BETWEEN THIS PROTOCOL AND THE CONVENTION

1. The provisions of the Convention relating to its protocols shall apply with respect to this Protocol.

2. The rules of procedure and the financial rules adopted pursuant to article 21 of the Convention shall apply to this Protocol, unless the Contracting Parties to this Protocol agree otherwise.

IN WITNESS WHEREOF the undersigned, being duly authorized by their respective Governments, have signed this Protocol.

DONE at Nairobi this twenty-first day of June one thousand nine hundred and eighty-five in a single copy in the English and French languages, the two texts being equally authentic.

ANNEX I

Protected species of wild flora

Uvariadendron gorgonis Verdc. (Kenya)
Grevia madagascariensis Baill. subsp. *keniensis* Verdc. (Kenya)
Saintpaulia rupicola B.L. Burtl (Kenya)
Beccariophœnix madagascariensis Jumelle & Perr. (Madagascar)
Crinum mauritianum Lodd. (Mauritius)
Tetrataxis salicifolia (Thouars ex Tul.) Baker (Mauritius)
Zanthoxylum paniculatum Balf. f. (Mauritius, Rodrigues)
Hibiscus liliiflorus Cav. (Mauritius, Rodrigues)
Lodoicea maldivica (J. F. Gmelin) Pers. (Seychelles)
Toxocarpus schimperianus Hemsley (Seychelles)
Peponium sublitorale C. Jeffrey & J. S. Page (Seychelles, Aldabra)

ANNEX II

Species of wild fauna requiring special protection

MAMMALS

Zanzibar red colobus (*Colobus badius kirki*)
Zanzibar suni (*Neotragus moschatus moschatus*)
Mauritius fruit bat (*Pteropus niger*)
Rodrigues fruit bat (*Pteropus rodricensis*)
Dugong (*Dugong dugon*)
Humpback whale (*Megaptera novaeangliae*)
Blue whale (*Balaenoptera musculus*)

Lemurs (*Lemur* spp.)
Nosy Bé sportive lemur (*Lepilemur dorsalis*)
Coquerel's mouse lemur (*Microcebus coquereli*)
Aye aye (*Daubentonia madagascariensis*)

BIRDS

Sokoke pipit (*Anthus sokokensis*)
Sokoke scops owl (*Otus ireneae*)
Amani sunbird (*Anthreptes pallidigaster*)
East coast akalat (*Sheppardia gunningi gunningi*)
Pemba scops owl (*Otus rutilus pembaensis*)
Wattled crane (*Bugeranus carunculatus*)
Clarke's weaver (*Ploceus golandii*)
Spotted ground thrush (*Turdus fisheri fisheri*)
Aldabra white-throated rail (*Dryolimnas cuvieri aldabranus*)
Aldabra brush warbler (*Nesillas aldabranus*)
Aldabra sacred ibis (*Threskiornis aethiopica*)
Aldabra kestrel (*Falco newtoni aldabranus*)
Mauritius kestrel (*Falco punctatus*)
Seychelles magpie robin (*Copsychus sechellarum*)
Seychelles fody (*Foudia flavicans*)
Rodríguez fody (*Foudia flavicans*)
Seychelles brush warbler (*Acrocephalus sechellensis*)
Seychelles turtle dove (*Streptopelia picturata rostrata*)
Madagascar fish eagle (*Haliaeetus vociferoides*)
Reunion cuckoo-shrike (*Coracina newtoni*)
Madagascar heron (*Ardea humbloti*)
Grand Comoro scops owl (*Otus pauliani*)
Grand Comoro flycatcher (*Humblotia flavirostris*)
Mount Karthala white-eye (*Zosterops mouroniensis*)
Grand Comoro drongo (*Dicrurus fuscipennis*)
Mayotte drongo (*Dicrurus waldeni*)
Mascarene black petrel (*Pterodroma aterrima*)
Taita thrush (*Turdus helleri*)
Hinde's pied babbler (*Turdoides hindei*)
Papyrus yellow warbler (*Chloropeta gracilirostris*)
Tana river cisticola (*Cisticola restricta*)
Turner's eremomela (*Eremomela turneri*)
Chapin's flycatcher (*Muscicapa lendu*)
Madagascar little grebe (*Tachybaptus pelzelinii*)
Alaotra grebe (*Tachybaptus rufolavatus*)
Madagascar teal (*Anas bernieri*)
Madagascar pochard (*Aythya innotata*)
Madagascar serpent eagle (*Eutriorchis astur*)
White-breasted mesite (*Mesœnas variegata*)
Brown mesite (*Mesoenas unicolor*)
Subdesert mesite (*Monias benschi*)

Slender-billed flufftail (*Sarothrura watersi*)
 Sakalava rail (*Amaurornis olivieri*)
 Madagascar plover (*Charadrius thoracicus*)
 Snail-eating coua (*Coua delalandei*)
 Madagascar red owl (*Tyto soumagnei*)
 Short-legged ground-roller (*Brachypteracias leptosomus*)
 Scaly ground-roller (*Brachypteracias squamiger*)
 Rufous-headed ground-roller (*Atelornis crossleyi*)
 Long-tailed ground-roller (*Uratelornis chimaera*)
 Yellow-bellied sunbird-asity (*Neodrepanis hypoxantha*)
 Appert's greenbul (*Phyllastrephus apperti*)
 Dusky greenbul (*Phyllastrephus tenebrosus*)
 Grey-crowned greenbul (*Phyllastrephus cinereiceps*)
 Van Dam's vanga (*Xenopirostris damii*)
 Pollen's vanga (*Xenopirostris polleni*)
 Benson's rockthrush (*Monticola bensoi*)
 Madagascar yellowbrow (*Crossleyia xanthophrys*)
 Red-tailed newtonia (*Newtonia fanovanae*)
 Pink pigeon (*Nesænus mayeri*)
 Mauritius parakeet (*Psittacula eques*)
 Mauritius cuckoo-shrike (*Coracina typica*)
 Mauritius black bulbul (*Hypsipetes olivaceus*)
 Rodrigues warbler (*Acrocephalus rodericanus*)
 Mauritius olive white-eye (*Zosterops chloronothus*)
 Mauritius fody (*Foudia rubra*)
 Cape vulture (*Gyps coprotheres*)
 Swynnerton's forest robin (*Swynnertonia swynnertoni*)
 Dappled mountain robin (*Modulatrix orostruthus*)
 Thyolo aethet (*Aethet choloensis*)
 Long-billed apalis (*Apalis moreaui*)
 Seychelles kestrel (*Falco araea*)
 Seychelles scops owl (*Otus insularis*)
 Seychelles swiftlet (*Collocalia elaphra*)
 Seychelles black paradise flycatcher (*Terpsiphone corvina*)
 Seychelles white-eye (*Zosterops modestus*)
 Somalia pigeon (*Columba oliviae*)
 Ash's lark (*Mirafra asi*)
 Somali long-clawed lark (*Heteromirafra archeri*)
 Warsangli linnet (*Acanthis johannis*)
 Shoebill (*Balaeniceps rex*)
 Nduk eagle owl (*Bubo vosseleri*)
 Uluguru bush-shrike (*Malaconotus alius*)
 Usambara ground robin (*Dryocichloides montanus*)
 Iringa ground robin (*Dryocichloides lowei*)
 Karamoja apalis (*Apalis karamojae*)
 Kungwe apalis (*Apalis argentea*)
 Mrs. Moreau's warbler (*Bathmocercus winifredae*)

Banded green sunbird (*Anthreptes rubritorques*)
Rufous-winged sunbird (*Nectarinia rufipennis*)
Tanzanian mountain weaver (*Ploceus nicolli*)

REPTILES

Olive ridley turtle (*Lepidochelys olivacea*)
Loggerhead turtle (*Caretta caretta*)
Leatherback turtle (*Dermochelys coriacea*)
Serpent island gecko (*Cyrtodactylus serpensin sula*)
Round island day gecko (*Phelsuma guentheri*)
Round island skink (*Leiopisima telfairii*)
Skink (*Gongylomorphus bojerii*)
Round island boa (*Bolyeria multocarinata*)
Round island keel-scaled boa (*Casarea dussumieri*)
Aldabra giant tortoise (*Dipsochelys elephantina*)
Madagascar tortoise (*Geochelone yniphora*)

MOLLUSCS¹

Triton's trumpet (*Charonia tritonica*)
Commercial trochus (*Trochus niloticus*)
Fluted giant clam (*Tridacna squamosa*)
Small giant clam (*Tridacna maxima*)
Horse's hoof clam (*Hippopus hippopus*)
Pearl oyster (*Pinctada spp.*)

CRUSTACEANS

Coconut crab (*Birgus latro*)

CNIDARIANS

Black coral (*Antipathes dichotoma*)
Whip coral (*Cirripathes spp.*)

INSECTS

Tenebrionid beetle (*Pulposipus herculeanus*)
Comoro graphium butterfly (*Graphium levassari*)

ANNEX III

Harvestable species of wild fauna requiring protection

Cane rats (*Thryonomys spp.*)
African Elephant (*Loxodonta africana*)
Rock hyrax (*Procavia capensis*)
Yellow-spotted hyrax (*Heterohyrax brucei*)

Tree hyrax (*Dendrohyrax arboreus*)
Burchell's zebra (*Equus burchelli*)
Hippopotamus (*Hippopotamus amphibius*)
Warthog (*Phacochoerus aethiopicus*)
Bush pig (*Potamochoerus porcus*)
Lesser kudu (*Tragelaphus imberbis*)
Common waterbuck (*Kobus ellipsiprymnus*)
Topi (*Damaliscus korrigum*)
Lichtenstein's hartebeest (*Alcelaphus lichtensteini*)
Wildebeest (*Connochaetes taurinus*)
Impala (*Aepyceros melampus*)
Grimm's duiker (*Sylvicapra grimmia*)
Buffalo (*Syncerus caffer*)
Spiny lobsters (*Panulirus spp.*)
Green turtle (*Chelonia mydas*)
Hawksbill turtle (*Eretmochelys imbricata*)

ANNEX IV

Protected migratory species

MAMMALS

Dugong (*Dugong dugon*)
Humpback whale (*Megaptera novaeangliae*)
Blue whale (*Balaenoptera musculus*)

REPTILES

Green turtle (*Chelonia mydas*)
Hawksbill turtle (*Eretmochelys imbricata*)
Olive ridley turtle (*Lepidochelys olivacea*)
Loggerhead turtle (*Caretta caretta*)
Leatherback turtle (*Dermochelys coriacea*)