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**Cleaned Version of the Third Negotiated Draft of the Protocol on Integrated Coastal Zone
Management**

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

Summary

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

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

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

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

Table of contents

PREAMBLE	1
PART I: GENERAL PROVISIONS	3
ARTICLE 1	3
DEFINITIONS	3
ARTICLE 2 (AGREED ON 24 NOV 16)	4
GEOGRAPHICAL COVERAGE OF THE PROTOCOL	4
ARTICLE 3 (AGREED ON 24 NOV 16)	4
PURPOSE OF THE PROTOCOL	4
ARTICLE 4 (AGREED ON 21 MAR 16)	4
PRESERVATION OF RIGHTS	4
ARTICLE 4 BIS	5
IF COASTAL BORDER DISPUTES WILL ARISE BETWEEN TWO CONTRACTING PARTIES, THE DISPUTE SHALL BE SETTLED THROUGH AMICABLE NEGOTIATIONS. (SOM)	5
ARTICLE 5 (AGREED ON 21 MAR 16)	5
GENERAL OBLIGATIONS	5
ARTICLE 6	6
OBJECTIVES OF INTEGRATED COASTAL ZONE MANAGEMENT	6
PART II: INTEGRATED COASTAL ZONE MANAGEMENT FRAMEWORKS AND INSTRUMENTS	7
ARTICLE 8 (AGREED ON 21 MAR 16)	7
INTEGRATED COASTAL ZONE MANAGEMENT FRAMEWORKS	7
ARTICLE 9	8
TOOLS AND INSTRUMENTS FOR IMPLEMENTATION OF INTEGRATED COASTAL ZONE MANAGEMENT	8
ARTICLE 10	8
[COASTAL SETBACK LINE[S]]	8
ARTICLE 11 (AGREED ON 21 MAR 16)	9
ECONOMIC AND FINANCIAL INSTRUMENTS	9
ARTICLE 12 (AGREED ON 21 MAR 16)	9
INFORMATION SHARING, PARTICIPATION AND ACCESS TO JUSTICE	9
ARTICLE 13	10
AWARENESS, EDUCATION, AND CAPACITY BUILDING	10
ARTICLE 14	10
MONITORING AND [EVALUATION]	10
PART III: SPECIFIC INTEGRATED COASTAL ZONE MANAGEMENT ISSUES	11
ARTICLE 15	11
CONSERVATION AND REHABILITATION OF COASTAL ECOSYSTEMS	11
ARTICLE 16	11
CLIMATE CHANGE AND VARIABILITY	11
PART IV: REGIONAL COOPERATION	12
ARTICLE 17	12
[DISASTER RISK MANAGEMENT]	12
ARTICLE 18 (AGREED ON 21 MAR 16)	13
RESEARCH AND INNOVATION	13
ARTICLE 19	13
[BILATERAL AND MULTILATERAL COOPERATION]	13
PART V: INSTITUTIONAL AND FINANCIAL ARRANGEMENTS	14
ARTICLE 20	14
SECRETARIAT AND COORDINATION MECHANISMS	14
ARTICLE 21	15
[FINANCIAL ARRANGEMENTS] (FRA RESERVE)	15
(ARTICLE 22)	16
[NATIONAL FOCAL POINTS] (FRA RESERVE)	16
ARTICLE 22 BIS MERGED/DELETED	16
ARTICLE 23 MERGED/DELETED	16
ARTICLE 24 (AGREED ON 24 NOV 16)	16
MEETINGS OF THE PARTIES	16
PART VI: FINAL PROVISIONS	17
ARTICLE 25 (AGREED ON 24 NOV 16)	17
RELATIONSHIP WITH THE CONVENTION	17
ARTICLE 26 (AGREED ON 24 NOV 16)	17
RELATIONSHIPS WITH THIRD PARTIES	17

ARTICLE 27 (AGREED ON 24 NOV 16)..... 17
SIGNATURE, RATIFICATION, ACCESSION, ENTRY INTO FORCE..... 17

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

PREAMBLE

The Contracting Parties to this Protocol,

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

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

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

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

Recalling the positive developments in integrated coastal zone management in the region, including the 1993 Arusha Declaration and subsequent processes, development and implementation of projects as well as the establishment and strengthening of policies, institutions and legal frameworks;

Recognising the principles upon which integrated coastal zone management is founded, including equity, justice, good governance, right to information, right of access to coastal and marine resources, regional cooperation, polluter-pays and precautionary principles, ecosystem based management and conservation of biodiversity;

Concerned about the threats arising from increased pressures on the fragile coastal and marine areas of the Western Indian Ocean region, resulting from biodiversity loss, pollution, degradation due to growing intensity of human settlement and unsustainable socio-economic activities, natural disasters, climate change including sea level rise of low lying areas and small island States;

Concerned also about the inadequate coordination or integration of various sector activities, programmes and plans affecting the coastal and marine areas in the Western Indian Ocean region; (Agreed on 24 Nov 16)

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

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

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

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

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

Emphasising the importance of developing and strengthening legal, institutional, financial and technical capacities to enhance implementation of this Protocol, and the benefits from sustainable development of coastal resources. (Agreed on 24 Nov 16)

Aware of other existing international legal and policy commitments for the realization of integrated coastal zone management, [including the 1992 Convention on Biological Diversity and especially its Marine and Coastal Programme; the 1992 United Nations Framework Convention on Climate Change; the 1972 London Dumping Convention; the 1971 Ramsar Convention and its amendments; the 1972 Cultural Heritage Convention; the 1994 United Nations Convention to Combat Desertification; the various Conventions of the International Maritime Organisation; the 1992 Agenda 21; the 2012 Rio+20 “The Future We Want”; and the [1994 Barbados Programme of Action for the Sustainable Development of Small Island States] **(MAU del) Samoa Pathway (MAU)** and the 2005 Mauritius Strategy; the Action Plan for Islands Biodiversity, among others;] **(SA del or keep only most relevant/most current)(MOZ, KEN del or include all in Annex) (SOM, TAN keep)**

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

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

Have agreed as follows:

PART I: GENERAL PROVISIONS

ARTICLE 1

Definitions

For the purposes of this Protocol,

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

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

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

“Continental shelf” shall have the same meaning as provided by Article 76 of the 1982 United Nations Convention on the Law of the Sea; (Agreed on 24 Nov 16)

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

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

“Exclusive Economic Zone” shall have the same meaning as provided under Article 55 of the 1982 United Nations Convention on the Law of the Sea; (Agreed on 24 Nov 16)

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

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

[***“Region”*** means Western Indian Ocean region.]

ARTICLE 2 (Agreed on 24 Nov 16)**Geographical Coverage of the Protocol**

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

ARTICLE 3 (Agreed on 24 Nov 16)**Purpose of the Protocol**

The purpose of this Protocol is to provide a framework for promoting regional and national integrated coastal zone management, as well as enhance cooperation for sustainable development in the Western Indian Ocean region within the geographical coverage. (Agreed on 24 Nov 16)

ARTICLE 4 (Agreed on 21 Mar 16)**Preservation of Rights**

1. Nothing in this Protocol shall affect; a) the sovereignty, sovereign rights and jurisdiction of the coastal state in areas under its national jurisdiction; b) the rights and obligations of other states in areas under the national jurisdiction of the coastal state.
2. Nothing in this Protocol or the Convention shall affect the immunity of warships and other government ships operated for non-commercial purposes. Each Contracting Party shall ensure that its vessels and aircraft entitled to sovereign immunity under international law including the 1982 United Nations Convention on the Law of the Sea, act in a manner consistent with the Protocol.

3. The provisions of this Protocol shall be without prejudice to stricter provisions respecting the protection and management of the coastal zone contained in existing or future national or international instruments or programmes
4. Nothing in this Protocol nor any act adopted on the basis of this Protocol shall prejudice the rights, the present and future claims or legal views of any Party relating to the Law of the Sea, in particular the nature and the extent of marine areas, the delimitation of marine areas between States with opposite or adjacent coasts, the right and modalities of passage through straits used for international navigation and the right of innocent passage in territorial seas, as well as the nature and extent of the jurisdiction of the coastal State, the flag State or the port State.
5. No act or activity undertaken on the basis of this Protocol shall constitute grounds for claiming, contending or disputing any claim to national sovereignty or jurisdiction
6. Nothing in this Protocol shall prejudice national security and defence activities and facilities; however, each Party agrees that such activities and facilities should be operated or established, so far as is reasonable and practicable, in a manner consistent with this Protocol.

Article 4 bis

If coastal border disputes will arise between two Contracting Parties, the dispute shall be settled through amicable negotiations. (SOM)

ARTICLE 5 (Agreed on 21 Mar 16)

General Obligations

1. The Contracting Parties shall individually or jointly take appropriate measures in conformity with international law and in accordance with the Convention and this Protocol, to ensure implementation of integrated coastal zone management in the Region.
2. The Contracting Parties shall take all appropriate measures in conformity with international law for proper and effective discharge of their obligations under the Convention and this Protocol and may, to this end, endeavour to harmonise their programmes, policies, laws and other regulatory frameworks.
3. The Contracting Parties may co-operate with competent and relevant international, regional and sub-regional and national organizations, to promote effective implementation of this Protocol.

4. The Contracting Parties shall, as soon as possible after entry into force of this Protocol, develop and adopt procedures and mechanisms needed at the national level to facilitate compliance and enforcement of the Protocol. **(agreed to move this para. to Article 22 bis)**
5. Each Contracting Party shall take all appropriate measures, consistent with its capabilities and relevant international obligations to comply with and enforce this Protocol at the national level, including by enacting relevant domestic legislation and establishing or strengthening institutions.

ARTICLE 6

Objectives of Integrated Coastal Zone Management

The objectives of integrated coastal zone management are to:

- (a) promote sustainable use and equitable benefit sharing of coastal and marine resources; (Agreed on 21 Mar 16)
- (b) conserve the ecological integrity and value of coastal and marine ecosystems and their valuable ecosystem services; (Agreed on 21 Mar 16)
- (c) provide for monitoring, preparedness, reduction, mitigation and adaptation, reduction, and monitoring of the effects of natural risks, especially those associated with climate change, as well as anthropogenic hazards, especially those caused by pollution; (Agreed on 21 Mar 16)
- (d) promote the development and implementation of regional and national integrated coastal zone management frameworks; (Agreed on 24 Nov 16)
- (e) encourage involvement of all stakeholders to participate in planning and implementation; (Agreed on 21 Mar 16)
- (f) prevent avoid , mitigate and, as necessary, compensate harmful effects of anthropogenic activities on the coastal environment; and, (Not Agreed)
- (g) Address the emerging development activities on the coastal zone, including [offshore] oil and gas operations. (Not Agreed)

ARTICLE 7 (Agreed on 21 Mar 16)**Principles of Integrated Coastal Zone Management**

1. In implementing this Protocol, the Contracting Parties shall be guided by the principles of sustainable development.
2. In addition to the principles of sustainable development, the Contracting Parties shall be guided by the following integrated coastal zone management principles:
 - a) adoption of a broad holistic approach;
 - b) integration and coordination of management efforts across all sectors and operational levels;
 - c) use of a combination of instruments;
 - d) consideration for local specificities and peculiarities;
 - e) equitable access to the coastal zone, opportunities and benefits of coastal resources and services;
 - f) use of adaptive management;
 - g) use of participatory approaches;
 - h) environmental stewardship of coastal resources;
 - i) application of ecosystem based management;
 - j) good governance and transparency in decision making processes involving Government, private sector and civil society stakeholders; and,
 - k) cross-sectoral institutional coordination of the administrative services, and national, regional and local authorities.

PART II: Integrated Coastal Zone Management Frameworks and Instruments**ARTICLE 8 (Agreed on 21 Mar 16)****Integrated Coastal Zone Management Frameworks**

1. Each Contracting Party shall establish or strengthen a national and, where appropriate, sub-national, integrated coastal zone management framework to guide implementation of the Protocol, in particular: (Agreed)

- (a) strengthen or formulate a national strategy which includes, among others, the identification of priorities, the determination of measures to be taken as well as the legal, institutional and financial requirements;
 - (b) make the frameworks readily available to local authorities, stakeholders and the general public, and ensure sensitisation and awareness of its existence and relevance.
2. Each Contracting Party shall create or strengthen inter- and intra-sectoral institutional coordination mechanisms, including integrated coastal zone management committees, to ensure effective implementation of national frameworks at local, national and regional levels taking into account the interdependence of coastal and marine ecosystems;
 3. Each Contracting Party shall ensure that its integrated coastal zone management frameworks are regularly updated.
 4. The Contracting Parties shall, as soon as this Protocol enters into force, establish indicators provided for in **Annex XXX** to this Protocol, to monitor the implementation of their national integrated coastal zone management frameworks.
 5. The Contracting Parties shall establish a [Regional integrated coastal zone management network] (**MAU seeks clarity on definition**) shall, under the guidance and facilitation of the Organization, promote the implementation of the Protocol, and in particular:
 - (a) facilitate the sharing of national experiences; and,
 - (b) identify economic, scientific, technical and other needs of Contracting Parties to improve integrated coastal zone management at national levels.

ARTICLE 9

Tools and Instruments for Implementation of Integrated Coastal Zone Management

Each Contracting Party shall adopt such [legal, institutional, administrative and planning instruments] as provided for in **Annex XXX** to this Protocol to implement integrated coastal zone management.

ARTICLE 10

[Coastal setback line[s]]

1. Each Contracting Party shall establish, **in accordance with national laws and regulations, (MADA)** [a] coastal setback line [or lines], where developments and other human activities are regulated.
2. Each Contracting Party shall determine their own setback lines taking into account the:
 - (a) vulnerability of the coastal zones to natural risks and climate change impacts;
 - (b) need to protect coastal ecosystems, habitats and species;
 - (c) geographical constraints of specific territories, such as small islands;
 - (d) need to protect coastal infrastructure and other existing developments, private property, and public safety;
 - (e) need to secure public access to the coastal zone;
 - (f) need to preserve the aesthetic value of the coastal zones; and,
 - (g) need for proximity to the sea of certain developments which are dependent on water.

ARTICLE 11 (Agreed on 21 Mar 16)

Economic and Financial Instruments

1. The Contracting Parties shall, wherever appropriate, take measures to put in place market-based policy instruments such as taxes, subsidies, tradable permits, and deposit refund systems to support local, national and regional efforts for sustainable coastal management.
2. The Contracting Parties shall eliminate, phase out or review economic and financial incentives such as taxes and subsidies that are harmful to sustainable coastal management.

ARTICLE 12 (Agreed on 21 Mar 16)

Information sharing, participation and access to justice

1. Each Contracting Party shall:
 - (a) enhance, facilitate and promote within the framework of national legislation, public access to relevant information concerning integrated coastal zone management;

- (b) encourage participation of public, private and civil society in planning, implementation, and monitoring processes of integrated coastal zone management;
- (c) provide access to judicial and administrative proceedings, as appropriate, including redress and remedy, for members of the public who are aggrieved by failure to allow them access to information or participation in the processes provided for under paragraphs (a) and (b) of this Article; and,
- (d) contribute to the sharing of information, experiences, lessons learnt and best practices.

Article 13

Awareness, education, and capacity building

1. Each Contracting Party shall develop and implement integrated coastal zone management awareness, education and training programmes at all levels of society.
2. Each Contracting Party shall organise directly, with other bodies, or with the assistance of the Organization, educational programmes and training on integrated coastal zone management.
3. Each Contracting Party shall ensure that capacity for implementing integrated coastal zone management is built at the national, [central] and local levels.

***Alt. 3 (Secretariat proposal)* Each Contracting Party shall build institutional and public capacity for implementing integrated coastal zone management at national and local levels [all appropriate levels].**

Article 14

Monitoring and [Evaluation]

Each Contracting Party shall establish, and where appropriate, strengthen or provide for a system of regular monitoring, evaluation, inspection, control and surveillance by its competent national authorities to assess compliance with and enforcement of this Protocol.

PART III: SPECIFIC INTEGRATED COASTAL ZONE MANAGEMENT ISSUES

ARTICLE 15

Conservation and Rehabilitation of Coastal Ecosystems

1. Each Contracting Party shall ensure that the conservation and sustainable use of biodiversity is integrated into integrated coastal zone management policies, strategies, plans and programmes. **(FRA to provide additional text referencing fossil and mineral resources).**
2. Each Contracting Party shall ensure the maintenance or rehabilitation of transboundary and ecological corridors that connect ecosystems to allow for species migration and transportation.
3. Each Contracting Party shall, in so far as is practicable, give priority to the restoration or rehabilitation of degraded coastal ecosystems.
4. Each Contracting Party shall ensure, through policies, legislation, planning and management, the protection of aesthetic, natural, cultural, historical and economic values of coastal landscapes and seascapes.
5. Each Contracting Party shall [may] take into consideration the socio-economic value of ecological services, cost of loss and ecosystems degradation prior to undertaking development activities on the coastal zone.

ARTICLE 16

Climate Change and Variability

1. Each Contracting Party shall integrate climate change adaptation and mitigation measures into all integrated coastal zone management frameworks, tools and instruments. In this regard, each Contracting Party shall:
 - (a) take into account all climate change-induced risks to the coastal zone, such as, increase in sea surface temperature, sea level rise, increase in frequency or intensity of extreme weather events, ocean acidification, and their related consequences on ecosystems and coastal human populations;
 - (b) ensure that policies contribute to building resilience of coastal and marine ecosystems, economies and human populations to climate change and variability; and

- (c) cooperate with each other to ensure that collective regional interventions are taken where there are transboundary dimensions of climate change and variability.
2. Each Contracting Party shall enhance consultation and coordination between government sectors and other relevant stakeholders for the elaboration and implementation of relevant climate change and variability adaptation and mitigation measures and strategies at national and regional levels.
 3. Each Contracting Party shall develop and strengthen scientific and technical knowledge as well as indigenous and traditional knowledge on climate change and variability, its impacts and response strategies, and shall cooperate for this purpose with other Contracting Parties.
 4. Each Contracting Party shall ensure that all public decisions and measures related to adaptation to climate change and variability **that are implemented (TAN)** contribute to sustainable coastal management, and not increase, directly or indirectly, the pressures on the coastal and marine environment, its resources and services. **(COM to provide alternative text)**
 5. Each Contracting Party shall ensure adequate financial provision for climate change and variability adaptation measures for implementation of integrated coastal zone management at national and regional levels.
 6. The Contracting Parties may cooperate and collaborate directly with each other, or through the Organization and relevant international, regional and sub-regional organizations, to develop and implement climate change adaptation and mitigation measures.

PART IV: REGIONAL COOPERATION

ARTICLE 17

[Disaster Risk Management]

1. The Contracting Parties shall collaborate, where appropriate, in the development of coastal disaster risk management procedures and mechanisms for extreme natural phenomena.
2. Each Contracting Party shall, within available resources,:
 - (a) strengthen collaboration on risk identification and assessment;
 - (b) share national experiences regarding risk mitigation and reduction;

- (c) develop operational procedures enabling regional cooperation in disaster responses;
- (d) establish and maintain early warning systems and adaptive measures in cooperation and collaboration with other states; and,
- (e) establish committees or other bodies to address disaster risk management.

ARTICLE 18 (Agreed on 21 Mar 16)

Research and Innovation

The Contracting Parties may, within available resources, directly or through competent regional and international organizations promote research and innovation in integrated coastal zone management, and in particular:

- a) promote co-operation among all relevant institutions including research institutions on scientific information, technological innovation and exchange of data;
- b) establish or strengthen
regional networks of research centres and institutions; and,
- c) promote exchange of best practices, indigenous and local knowledge.

ARTICLE 19

[Bilateral and Multilateral Cooperation]

The Contracting Parties may cooperate bilaterally or multilaterally, to implement, where necessary, their national integrated coastal zone management frameworks in:

- a) joint management of shared ecosystems and transboundary programmes and projects;
- b) scientific and technical assistance and exchange of information to promote compliance and enforcement; and,
- c) [management] [monitoring] of resources and ecosystems [beyond national jurisdiction/that might affect the coastal zone].

PART V: INSTITUTIONAL AND FINANCIAL ARRANGEMENTS**ARTICLE 20****Secretariat and Coordination Mechanisms**

1. The Contracting Parties designate the Organization as the secretariat for purposes of this Protocol.
2. The Organization shall be responsible for coordinating the implementation of this Protocol as provided for in Article 17 of the Convention.
3. In addition to carrying out the functions as provided for in Article 17 of the Convention, the Organization shall perform the following secretariat functions:
 - (a) assist in raising funds for the implementation of this Protocol;
 - (b) prepare common formats as directed by the Contracting Parties to be used as a basis for reports and other communication to the Organization;
 - (c) compile and make available to the Contracting Parties and other relevant parties reports and studies which may be required for the implementation of this Protocol or upon request by the Contracting Parties;
 - (d) prepare regular reports which shall include a draft budget for the forthcoming annual, bi-annual or other period as well as an audited revenue and expenditure statement for the preceding annual, bi-annual or other period as may be agreed by the meetings of the Parties;
 - (e) assist Contracting Parties, in co-operation with competent regional and international, inter-governmental and non-governmental organizations, to establish and manage programmes and activities;
 - (f) **Assist Contracting Parties, upon request, to facilitate/coordinate in capacity-building needs of contracting parties; and, (MADA)**
 - (g) carry out any other functions assigned to it by the Contracting Parties.

ARTICLE 21

[Financial Arrangements] (FRA reserve)

1. Each Contracting Party shall, taking into account its capabilities and in accordance with its obligations under Article 22 of the Convention, ensure that financial resources are available for the formulation, coordination and implementation of programmes, projects, measures and activities necessary to achieve the objectives of this Protocol.
2. The financial resources may include voluntary contributions for the achievement of specific objectives of this Protocol made by the Contracting Parties, other Governments or government agencies, international organizations, non-governmental organizations, the private sector and individuals.
3. In particular, each Contracting Party shall:
 - (a) promote and facilitate the mobilization of financial resources, including national budgetary allocations, grants and concessional loans from bilateral and multilateral funding sources and mechanisms;
 - (b) commit and raise domestic and external financial resources based on both assessed and voluntary contributions, grants, donations and loans; and
 - (c) explore methods and incentives for mobilizing and channelling resources, including those of foundations, non-governmental organizations and other private sector entities.
4. In addition to the financial contributions by the Contracting Parties provided for under this Article, the Organization may, in response to a request from any of the Contracting Parties, or on its own motion, seek additional funds or other forms of assistance for activities related to this Protocol, including voluntary contributions for the achievement of specific objectives of this Protocol made by the Contracting Parties, other governments and government agencies, international organizations, non-governmental organizations, private sector entities and individuals.
5. For purposes of mobilizing funds, each Contracting Party shall endeavour to prioritize national policies, strategies, plans, programmes, measures and activities related to this Protocol.

(ARTICLE 22)**[National Focal Points] (FRA reserve)**

1. Each Contracting Party shall designate a national focal point or points consistent with those appointed under the Convention, to liaise with the Organization on technical, scientific, legal aspects under this Protocol (Agreed on 24 Nov 16)
2. The national focal points shall meet as appropriate to carry out the functions derived from the Protocol as provided for in the Terms of Reference for the focal points of the Convention as contained in **Annex XXX** (Terms of Reference to be included in an annex) (Agreed on 24 Nov 16)

ARTICLE 22 *bis* MERGED/DELETED**ARTICLE 23 MERGED/DELETED****ARTICLE 24 (Agreed on 24 Nov 16)****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 18 of the Convention.
2. The Contracting Parties to this Protocol may also hold extra-ordinary meetings provided for in paragraph (2) of Article 18 of the Convention.
3. It shall be the function of the meetings of the Contracting Parties to this Protocol to:
 - (a) consider the efficacy of the measures adopted and to examine the need for other measures in conformity with the provisions of this Protocol;
 - (b) adopt, review, and amend annexes in conformity with the provisions of Article 21 of the Convention;
 - (c) consider recommendations of meetings of National Focal Points established under Article (24) of this Protocol;
 - (d) consider, as appropriate, information transmitted by the Contracting Parties to this Protocol to the Organization under Article 24 of the Convention; and,

- (e) perform all other functions or exercise such powers as specified under Article 17 of the Convention as appropriate.

PART VI: FINAL PROVISIONS

ARTICLE 25 (Agreed on 24 Nov 16)

Relationship with the Convention

1. The provisions of the Convention relating to its Protocols shall apply *mutatis mutandis* with respect to this Protocol.
2. The rules of procedure and the financial rules provided for in Article 21 of the Convention shall apply to this Protocol, unless the Contracting Parties to this Protocol agree otherwise.

ARTICLE 26 (Agreed on 24 Nov 16)

Relationships with Third Parties

1. The provisions of this Protocol shall not affect the right of the Contracting Parties to enact relevant domestic legislation or measures for the better implementation of this Protocol. **(Agreed on 24 Nov 16 to move this paragraph to Article 4 – Preservation of Rights)**
2. The Contracting Parties may invite non-Contracting Parties to this Protocol, regional and international, inter-governmental and non-governmental organizations to co-operate in the implementation of this Protocol.
3. The Contracting Parties shall adopt appropriate measures, consistent with international law, to ensure that no one engages in any activity which is inconsistent with, contrary or prejudicial, to the objectives, principles or purposes of this Protocol.

ARTICLE 27 (Agreed on 24 Nov 16)

Signature, Ratification, Accession, Entry into Force

1. This Protocol shall be open for signature at [.....] from..... to..... by any Contracting Party to the Convention.
2. This Protocol shall be open for accession by any non-Contracting Party to the Convention or organizations contemplated for by Article 26 of the Convention,

and in accordance with the provisions of Article 28 of the Convention, provided that such acceding State or organization has been duly invited by the Organization upon prior approval by the Contracting Parties.

3. The provisions of the Convention as to ratification, acceptance, approval, amendments, review, depositary, withdrawal and entry into force shall apply *mutatis mutandis* to this Protocol.

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

DONE AT [.....] **on** this..... day of
.....in a single copy of the English and French languages,
the two texts being equally authentic.