

2. Summary Draft Terms of Reference **Western Indian Ocean Regional Ocean Governance Task Force** *for consideration by:*

Nairobi Convention Focal Points and Contact Points of the Regional Economic Commissions

1 CONTEXT

1. The Nairobi Convention (NC) was mandated under COP Decision 10.5 “*to finalise the development, in a participatory process, with the support of partners, the ocean governance strategy for the Western Indian Ocean region as a contribution to the African ocean governance strategy*” as was mandated under the AMCEN Cairo Declaration (2015).

2. In 2021, the NC parties and Regional Economic Communities (RECs) nominated 30 individuals to serve as a core group to support the development of the WIO Regional Ocean Governance Strategy (ROGS) of which 21 nominees participated in a regional ocean governance capacity building exercise in September 2021.

3. These Terms of Reference (ToRs) are prepared to guide this core group, designated as the Western Indian Ocean Regional Ocean Governance **Task Force** (TF), in supporting a process to develop a ROG strategy for the WIO and to contribute to the African OG Strategy.

4. The ToRs are a framework for guiding the work of the TF, for facilitating communications within the WIO-ROG process, and for enabling effective stakeholder participation. It is recognised that, rather than being a rigid institutional arrangement, the ToRs may need to adapt to ensure efficiency and to accommodate stakeholder requirements.

2 REAFFIRMED OR REVISED COMPOSITION

5. In order to ensure effective engagement in the work of the TF, its members will be **formally appointed by the Contracting Parties and the other stakeholder organisations** . , who will ensure the availability and commitment of the nominees and that their institutions and supervisors will allocate adequate time and resources to the work as set out in the ToRs.

6. The TF will also include representation from civil society, the private sector and other non-state actors in order to take into account their contributions.

3 PURPOSE AND SCOPE OF THE TASK FORCE

7. The **primary purpose** of the Regional Ocean Governance Task Force (TF) is to support the preparation of an ocean governance strategy for the Western Indian Ocean through stakeholder engagement and consensus building.

8. Unless otherwise determined, the geographical scope is the relevant jurisdictional areas of the Parties to the Nairobi Convention and the adjacent large marine ecosystems (LMEs). The geography may extend beyond the national jurisdictional areas of the parties where the LMEs, their living aquatic resources or the related physical processes extend beyond these limits.¹

9. The **scope** of the work includes all aspects of the ocean and coastal environment, the blue economy and the related institutions, productive activities, opportunities and risks (including from land-based pollution) with a particular focus on the priorities already identified by the NC, the RECs and the AU.

10. The TF will support the process for development, and implementation of a WIO Ocean Governance Strategy by **acting as a key stakeholder interface** to: (i) provide support and advice; (ii) facilitate cooperation between sectors, jurisdictions and disciplines; (iii) promote communication with and consensus between stakeholders, including the public and private sectors and civil society; and (iv) review the proposed form and content of the draft strategy; and (v) assess the proposals for sustainable institutional arrangements for consideration by decision-makers at NC, REC and AU levels. The specific tasks are as follows.

A. Communicate positive and effective messages

- i) to effectively communicate with other TF members on all WIO-ROG matters and to refer issues, concerns and opinions raised by stakeholders to the TF and the Secretariat for further consideration or accommodation as may be required.

¹ For example, in the case of highly migratory species such as turtles, whales or seabirds and if marine pollution generated outside the WIO area enters the WIO area (e.g. plastics, chemicals).

- ii) to ensure communication of key messages to NC FPs and their respective national or Community stakeholders and provide briefs, presentations, explanatory notes as may be required.
- iii) to contribute to the development and roll-out of the communications strategy for the WIO-ROG Initiative including by advising on sensitivities, opportunities to present ROG products and issues, mainstreaming ROG into policies, plans, business and financing opportunities.

B. Ensure effective stakeholder engagement

- i) to informally represent² the views and opinions of their institutions and to articulate the views and concerns of all key stakeholders at national (or REC) level, including the private sector. These may include, but are not limited to, entities engaged in: fisheries, tourism, marine transport, maritime security, offshore energy, waste management, marine science, conservation, coastal zone management, finance and human resources issues.
- ii) to ensure that the policies, aspirations and legal concerns of national or institutional stakeholder are effectively reflected or addressed in the WIO-ROG working papers and proposals and in the policy development framework and processes through effective communication and consultation at national or institutional levels.
- iii) to support, guide and inform any national ROG consultation processes which may be organised or financed under the WIO-ROG process and to ensure any required clearances and authorisations for such consultations are obtained as may be necessary.
- iv) to propose or undertake specific actions to ensure the engagement of disadvantaged groups.

C. Foster regional consensus

- i) build regional consensus on key principles, strategic guidelines and priority regional actions proposed in WIO-ROG working papers, draft proposals, discussion fora, and regional dialogues and actively participate in discussion groups, panels and related means of generating consensus on ROG issues, solutions, cooperation modalities and development pathways.
- ii) assist and advise the NC Secretariat and WIO-ROG partners in the preparation and review of thematic working papers by providing balanced and constructive criticism, identifying gaps, prioritising options, suggesting alternatives, and consulting with their respective stakeholder communities.

4 TF WORKING ARRANGEMENTS

11. The TF is essentially a self-organising unit. In order to organise the work of the TF into manageable lots, consideration could be given to organising the TF into four ‘clusters’, provisionally on: (i) maritime security and enforcement; (ii) environment and natural resources, (iii) the blue economy and (iv) on knowledge and capacity building. Each ‘cluster’ will seek volunteers to act as a leader and secretary. See my comments in the info document.

12. The NC Secretariat and partners will provide technical, secretarial, information management and communications support for the TF, including the preparation of draft thematic and other technical working papers, options papers and proposals for ROG institutional arrangements and on subjects proposed by the TF.

13. Through the TF, the NC Secretariat and partners will support a transparent and interactive process to develop consensus on the form and content of the WIO-ROG Strategic Plan, present these outputs to higher-level decision-making fora, and prepare appropriate communications products.

Additional supporting documents available: (1) Information Paper on the proposed Terms of Reference for a Western Indian Ocean Regional Ocean Governance Task Force. (3) Potential process Architecture for the development of the ROGS.

² As far as practicable, the activities will be conducted under Chatham House rules.

<https://www.chathamhouse.org/about-us/chatham-house-rule#:~:text=The%20Rule%20reads%20as%20follows,other%20participant%2C%20may%20be%20revealed.>