



**Global Environment
Facility**

UNEP-GEF WIO-LaB PROJECT

***ADDRESSING LAND BASED ACTIVITIES
IN THE WESTERN INDIAN OCEAN***



LEGAL AND TECHNICAL REVIEW TASK FORCE

Second Regional Meeting

Diani, Kenya, 8-10 March 2006

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ABBREVIATIONS

- BPOA - Bali Plan of Action
- COSMAR - NEPAD Coastal and Marine Secretariat
- EQO - Environment Quality Objectives
- EQS - Environmental Quality Standards
- GEF - Global Environment Facility
- GPA - Global Programme of Action for the Protection of the Marine Environment
from Land-Based Activities
- LBS/A - Land Based Sources/ Activities
- MEAs - Multi-lateral Environmental Agreements
- NEMA - National Environment Management Authority
- NEPAD - New Partnerships for Africa's Development
- PADH - Physical Alteration and Destruction of Habitats
- RLTRF - Regional Legal and Technical Review Task Force
- SEACAM - Secretariat for Eastern African Coastal Area Management
- SIDS - Small Islands Developing States
- UNCLOS - United Nations Convention on the Law of the Sea
- UNEP - United Nations Environment Programme
- WIO - Western Indian Ocean
- WIO-LaB - Western Indian Ocean Project- Addressing Land Based Activities

SUMMARY

The second meeting of the Legal and Technical Review Task Force of the WIO-LaB Project was held at Diani, Kenya on 8th-10th March 2006. The meeting was attended by legal and technical experts drawn from countries in the Western Indian Ocean Region that are participating in the implementation of the WIO-LaB Project, namely Kenya, Tanzania, Mozambique, South Africa, Seychelles, Comoros, Mauritius, and Madagascar.

The main purpose of the meeting was to review the status of implementation of activities and decide on the work plan for implementation of the activities in the legal component of the WIO-LaB Project in the calendar year 2006 and also review some of the outputs produced by national and regional experts. Members of the Task Force were presented with a detailed Report on progress made in the implementation of activities in the calendar year 2005. The Task Force endorsed its Work plan for the calendar year 2006 and also discussed the Regional and National Legal Frameworks and in particular, the following documents prepared by the Regional Consultant:

- (a) Regional Synthesis Report on Review of Gaps in National Legal, Policy, Regulatory and Institutional Frameworks with Recommendations; and
- (b) Regional Synthesis Report on Status of Ratification and Implementation of International Conventions Relevant to Land-based Sources and Activities with recommendations.

In regard to the progress made by national experts in the review of national policy, legal and regulatory frameworks, and the status of ratification and implementation of environmental conventions relevant to LBS/A, it was noted that the progress is satisfactory, although it was initially constrained due to protracted recruitment of national legal experts. It was noted that some of the countries have already submitted their national reports of the policy, legal and regulatory frameworks and the review of status of ratification and implementation of environmental conventions relevant to land-based sources and activities responsible for the pollution and degradation of the coastal and marine environment in their countries.

The Task Force also reviewed and discussed the first draft LBS/A Protocol to the Nairobi Convention prepared by the Regional Consultant. It was noted that satisfactory progress has been made towards the development of the Protocol.

Members of the Legal and Technical Review Task Force were also briefed on issues pertaining to the management of land-based sources and activities (LBS/A) affecting the Western Indian Ocean (WIO) Region as well as the International and Regional Legal framework, with emphasis on the 1982 UNCLOS and 1985 Nairobi Convention.

RESUME ANALYTIQUE

La Deuxième réunion du Groupe de travail de révision juridique et technique du Projet WIO-LaB s'est tenue du 8 au 10 mars 2006 à Diani au Kenya. Y ont assisté des experts juridiques et techniques issus des pays de la région de l'océan indien occidental, qui participent à la mise en œuvre du Projet WIO-LaB, à savoir le Kenya, la Tanzanie, le Mozambique, l'Afrique du Sud, les Seychelles, les Comores, Maurice et Madagascar.

L'objectif majeur de la réunion était d'examiner l'état d'avancement de la mise en œuvre des activités, de prendre des décisions par rapport au plan de travail de mise en œuvre des activités au sein de la composante juridique du Projet WIO-LaB pour l'année calendaire 2006, ainsi que de passer en revue certains des résultats obtenus par les experts nationaux et régionaux. Les membres du Groupe de travail ont reçu un rapport détaillé sur l'évolution de la mise en œuvre des activités au cours de l'année calendaire 2005. Le Groupe de travail a approuvé le Plan de travail du Groupe de travail de révision juridique et technique pour l'année calendaire 2006. Il a également débattu des cadres juridiques régionaux et nationaux et, en particulier, des documents suivants qui ont été préparés par le Consultant régional:

- (a) Rapport de synthèse régional sur la révision des lacunes au niveau des cadres juridiques, politiques, réglementaires et institutionnels nationaux avec recommandations ; et
- (b) Rapport de synthèse régional sur la situation en matière de ratification et de mise en œuvre des conventions internationales relatives aux activités et sources de pollution terrestres (LBS/A) avec recommandations.

Pour ce qui est des progrès réalisés par les experts nationaux en matière de révision des cadres politiques, juridiques et réglementaires nationaux ainsi que de la situation au niveau de la ratification et de la mise en œuvre des conventions environnementales portant sur les activités et sources de pollution terrestres, il a été noté que l'évolution est satisfaisante bien qu'elle ait été initialement entravée en raison d'un long processus de recrutement des experts juridiques nationaux. On a également pris note du fait que certains pays ont déjà soumis leurs rapports nationaux sur les cadres politiques, juridiques et réglementaires, ainsi que sur l'examen de la situation en matière de ratification et de mise en œuvre des conventions environnementales relatives aux activités et sources de pollution terrestres qui causent la pollution et la dégradation de l'environnement marin et côtier de leur pays.

Le Groupe de travail a aussi examiné et débattu du premier projet de Protocole LBS/A à la Convention de Nairobi préparé par le Consultant régional. Il a été noté que des progrès satisfaisants avaient été réalisés dans le cadre du développement du Protocole.

Les membres du Groupe de travail de révision juridique et technique ont également été informés des problèmes liés à la gestion des activités et sources de pollution terrestres ayant un impact néfaste sur la région de l'océan indien occidental, ainsi que des cadres juridiques internationaux et régionaux, en mettant l'accent sur la Convention des Nations Unies sur le droit de la mer (UNCLOS) de 1982 et la Convention de Nairobi de 1985.

**DECISIONS AND RECOMMENDATIONS OF THE LEGAL AND TECHNICAL
REVIEW REGIONAL TASK FORCE SECOND MEETING**

The Regional Legal and Technical Task Force meeting held in Diani, Kenya on 8th – 10th March 2006 made the following decisions and recommendations.

1. *Noted with appreciation* the Report of the Status of Implementation of Agreed Activities for the year 2005 from the WIO-LaB PMU;
2. Took note of the presentations made by:
 - a. Dr. Johnson Kitheka (WIO-LaB Project Officer) on the Overview of Land-Based Sources and Activities (LBS/A) affecting WIO Region and WIO-LaB Project as a key response to LBS/A problems in the WIO Region;
 - b. Mr. Akunga Momanyi (Regional Legal Consultant) on the overview of International and Regional Legal framework: 1982 UNCLOS and 1985 Nairobi Convention.
3. *Noted with appreciation and commented* on the following draft Regional Synthesis Reports :
 - a. Review of Gaps in National Legal, Policy, Regulatory and Institutional Frameworks with Recommendations; and
 - b. Status of Ratification and Implementation of International Environmental Conventions Relevant to Land-Based Sources and Activities with Recommendations;
4. *Recommended* that the final versions of the Regional Synthesis Reports be circulated in advance to the members of the Legal and Technical Review Task Force and be validated at the next meeting of the Task Force scheduled for October 2006;
5. *Urged* the National Focal Points and the National Legal and Technical Task Forces, and WIO-LaB PMU to expedite the pending work on the National Reports on the Review of Gaps in National Legislations and Status of Ratification and Implementation of Relevant International Conventions, respectively, so as to complete the national and regional reports as soon as possible. A particular request in this regard was made to Tanzania to expedite the identification and mobilization of legal expert services for the preparation of their national reports;
6. *Noted and commented* on the First Draft LBS/A Protocol to the Nairobi Convention and requested the WIO LaB PMU to facilitate the updating of the draft LBS/A Protocol based on the deliberations and amendments proposed during the meeting;
7. *Requested* further the WIO-LaB PMU to circulate the Second Draft LBS/A Protocol to the Nairobi Convention to the National Focal Points by mid-May 2006 so as to facilitate national level consultations and endorsement by the National Legal Task Forces;

8. *Requested* the WIO-LaB PMU to facilitate the following:
 - a. The incorporation of the various amendments based on the national level consultations; and
 - b. The preparation of the third draft LBS/A Protocol to the Nairobi Convention based upon the deliberations, suggestions and amendments proposed by the national level consultations from the participating countries.

9. *Requested* the WIO-LaB PMU to circulate the third Draft LBS/A Protocol to the Nairobi Convention to the members of this Task Force and to submit the said third draft with the first drafts of the following four annexes prior to the next meeting of this Task Force in October 2006 for further deliberation:
 - a. Annex on the indicative list of priority substances;
 - b. Annex on methodology of listing and de-listing hotspots;
 - c. Annex on Environmental Quality Standards and Environment Quality Objectives (EQSs/EQOs) and emission limits; and
 - d. Annex on best available techniques and best environment practices.

10. *Agreed* that the Regional Legal Consultant in collaboration with UNEP/GPA will review relevant annexes to protocols on land-based sources and activities to other Regional Seas Conventions and ascertain the extent to which they can be applied to the Nairobi Convention Region. The findings will be presented and discussed electronically with the Regional Legal and Technical Task Force members and the first draft annexes will be included in the 3rd draft of the LBS/A Protocol.

11. *Agreed* that the WIO-LaB PMU would solicit the technical input of the Municipal Wastewater Management (MWW) and Physical Alteration and Destruction of Habitats (PADH) Regional Task Forces including the Regional Working Group on Water, Sediment and Biota Quality, established by the WIO-LaB Project, for the drafting of the Annexes to the LBS/A Protocol.

12. *Approved* the 2006 Work Plan of this Task Force with amendments as presented by the WIO-LaB PMU.

DECISIONS ET RECOMMANDATIONS DE LA DEUXIEME REUNION DU GROUPE DE TRAVAIL DE REVISION JURIDIQUE ET TECHNIQUE

La réunion du Groupe de travail régional de révision juridique et technique qui a eu lieu du 8 au 10 mars 2006 à Diani au Kenya a pris les décisions et émis les recommandations suivantes :

1. Noté avec appréciation le Rapport sur l'état d'avancement de la mise en œuvre des activités convenues pour l'année 2005 de l'UGP/WIO-LaB ;
2. Noté les exposés présentés par:
 - a. Le Dr. Johnson Kitheka (Membre du Projet WIO-LaB) donnant une vue d'ensemble des activités et sources de pollution terrestres (LBS/A) ayant un impact néfaste sur la région de l'océan indien occidental et portant sur le Projet WIO-LaB en tant que réponse clé aux problèmes causés par les activités et sources de pollution terrestres dans la région de l'océan indien occidental ;
 - b. M. Akunga Momanyi (Consultant juridique régional) donnant une vue d'ensemble du cadre juridique international et régional : la Convention des Nations Unies sur le droit de la mer (UNCLOS) de 1982 et la Convention de Nairobi de 1985.
3. Noté avec appréciation et émis des commentaires par rapport aux avant-projets des rapports de synthèse régionaux suivants:
 - a. La révision des lacunes au niveau des cadres juridiques, politiques, réglementaires et institutionnels nationaux avec recommandations; et
 - b. La situation en matière de ratification et de mise en œuvre des conventions environnementales internationales relatives aux activités et sources de pollution terrestres avec recommandations.
4. Recommandé que les versions finales des rapports de synthèse régionaux soient préalablement distribuées aux membres du Groupe de travail de révision juridique et technique et qu'elles soient validées au cours de la prochaine réunion du Groupe de travail programmée en octobre 2006 ;
5. Recommandé avec insistance aux points focaux nationaux, aux groupes de travail juridiques et techniques nationaux ainsi qu'à l'UGP/WIO-LaB d'effectuer rapidement le travail en souffrance sur les rapports nationaux sur la révision des lacunes au niveau des législations nationales et sur la situation en matière de ratification et de mise en œuvre des conventions internationales concernées, en vue de pouvoir finaliser dès que possible les rapports nationaux et régionaux. A ce sujet, il a spécialement été demandé à la Tanzanie de procéder rapidement à l'identification et la mobilisation des services d'expertise juridique pour la préparation de leurs rapports nationaux ;
6. Noté et émis des commentaires sur le premier projet de Protocole LBS/A à la Convention de Nairobi et a demandé à l'UGP/WIO-LaB de faciliter l'actualisation du

projet de Protocole LBS/A en se basant sur les délibérations et les amendements proposés pendant la réunion ;

7. Demandé à l'UGP/WIO-LaB de remettre le deuxième projet de Protocole LBS/A à la Convention de Nairobi aux points focaux nationaux pour la mi-mai 2006 en vue de faciliter les consultations au niveau national et l'approbation par les groupes de travail juridique nationaux ;
8. Demandé à l'UGP/WIO-LaB de faciliter les activités suivantes :
 - a. L'intégration de divers amendements basés sur les consultations au niveau national; et
 - b. La préparation d'un troisième projet de Protocole LBS/A à la Convention de Nairobi basé sur les délibérations, suggestions et amendements proposés dans le cadre des consultations au niveau national qui ont eu lieu dans les pays participants.
9. Demandé à l'UGP/WIO-LaB de remettre le troisième projet de Protocole LBS/A à la Convention de Nairobi aux membres du Groupe de travail et de soumettre ce troisième projet avec les premiers avant-projets des quatre annexes suivantes avant la réunion suivante de ce Groupe de travail prévue en octobre 2006 pour la suite des délibérations :
 - a. Annexe sur la liste indicative des substances prioritaires ;
 - b. Annexe sur la méthodologie de sélection et de désélection des points chauds;
 - c. Annexe sur les normes et objectifs de qualité environnementale (NQE/OQE) ainsi que sur les limites d'émission ; et
 - d. Annexe sur les meilleurs techniques disponibles et les meilleures pratiques environnementales.
10. Convenu que le Consultant juridique régional examinera, en collaboration avec le PAM/PNUÉ, les annexes des protocoles sur les activités et sources de pollution terrestres relatives aux autres conventions régionales sur les mers et établira dans quelle mesure elles peuvent être appliquées à la région de la Convention de Nairobi. Les conclusions seront présentées et il en sera débattu par voie électronique avec les membres du Groupe de travail juridique et technique régional. Le premier avant-projet d'annexes sera inclus dans le troisième projet de Protocole LBS/A.
11. Convenu que l'UGP-WIO/LaB solliciterait l'apport technique des groupes de travail régionaux sur la gestion des Eaux usées municipales (EUM) et de l'Altération physique et destruction des habitats (APDH), y compris le Groupe de travail régional sur la qualité de l'eau, des sédiments et du biote établi par le Projet WIO-LaB pour la rédaction des annexes au Protocole LBS/A.
12. Approuvé le Plan de travail 2006 de ce Groupe de travail avec amendements comme présenté par l'UGP/WIO-LaB.

1 OPENING OF THE MEETING

1.1 The Chair of the Regional Legal and Technical Review Task Force, Mr. Tom Mark Mboya, called the meeting to order at 9.35 am and welcomed the participants to the meeting.

1.1.1 Following a short prayer led by Mr. Ali Mohammed, the Chair requested the delegates of countries to introduce themselves after which there followed a *table de tour* in which all the participants introduced themselves stating the institutions which they represented or worked for. The list of participants is presented in this Report as Annex 2.

1.2 WIO-LaB Project Management Unit (PMU)

1.2.1 Dr. Peter Scheren, WIO-LaB Project Manager welcomed the participants to the second meeting of the Regional Legal and Technical Review Task Force and noted that members of the Task Force are essentially those who were present in the meeting held in Madagascar in the year 2005. He highlighted the role of the Task Force and in particular what the Task Force is expected to accomplish during the present meeting.

1.3 Official statement from the host country

1.3.1 Ms. Salome Machua, the acting Focal Point of the WIO-LaB Project and the UNEP/Nairobi Convention (Kenya), welcomed delegates to the meeting and in particular to Kenya. She expressed the apologies of the Director-General of NEMA for not being able to officiate the opening of the meeting.

1.3.2 Ms. Machua also briefed the members of the Task Force on the two meetings that preceded the Regional Legal and Technical Review Task Force meeting, namely Focal Points meeting and the Project Steering Committee meeting, held on 6th and 7th March 2006, respectively. She reported that the Project Steering Committee has faith in the Regional Legal and Technical Task Force. She also emphasized on the need for countries in the Western Indian Ocean (WIO) region to work as a team in the management of the coastal and marine environment and noted that in future the Task Force will be acknowledged as having contributed towards the management of the coastal and marine environment in the WIO Region.

1.3.3 She noted that the meeting was significant and expressed gratitude from Kenya and NEMA in particular, for having been given the opportunity to host the meeting in the country.

2 ORGANIZATION OF THE MEETING

2.1 The Chair introduced the above agenda item. The designation of the Chair of the Task Force was as per the decision reached during the first meeting of the Legal and Technical Review Regional Task Force held in Madagascar in 2005 as stated in the Report of the Inception Meeting (see www.wiolab.org).

2.2 Election and designation of the officers (Chair and Rapporteur) of the meeting.

2.2.1 The Officers of the second meeting were as per the decision reached during the first meeting of the Regional Legal and Technical Review Task Force held in Madagascar in 2005 that decided on one Chair for the entire duration of the WIO-LaB Project. Kenya was duly elected as the Chair and Mauritius was elected as the Rapporteur of the Task Force.

3 ADOPTION OF THE AGENDA

3.1 The Chair introduced the above agenda item and informed the meeting that the draft provisional agenda was circulated in advance to the members of the Regional Task Force for their comments and noted that no requests for changes or amendments have been received. He requested members of the Task Force to suggest any necessary proposals for the amendments of the draft provisional agenda that was prepared by the UNEP-GEF WIO-LaB Project Management Unit.

3.2 The delegates reviewed the provisional agenda and adopted it with no amendments. The approved agenda is presented in this Report as Annex 1.

4 REPORT ON THE STATUS OF IMPLEMENTATION OF AGREED ACTIVITIES IN THE CALENDAR YEAR 2005

4.1 The Chair introduced the above mentioned agenda item and requested the WIO-LaB Project Manager, Dr. Peter Scheren to brief members of the Task Force on the Status of Implementation of the Activities related to the legal and technical review component of the WIO-LaB Project.

4.2 Dr. Scheren presented a detailed report that is also contained in the background documents that were sent to the members of the Task Forces before the meeting. Following this brief presentation of the report on the status of implementation of the activities by the Project Manager, the Chair opened the floor for discussions of the progress report.

- 4.3 The Regional Legal and Technical Review Task Force took note and adopted the report on the status of implementation of the legal and technical review component of the WIO-LaB Project as presented by the WIO-LaB Project Management Unit (see Annex 4 for details).

5 BACKGROUND PRESENTATIONS

- 5.1 The Chair introduced the above agenda item and invited Dr. Johnson U. Kitheka, the Project Officer of the WIO-LaB Project to make a presentation on the issues that are relevant to the management of land based activities and sources of pollution and/or degradation of the coastal and marine environment in the Western Indian Ocean Region. This background presentation was aimed at informing members of the Legal Task Force on the challenges in the management of the coastal and marine environment in the Western Indian Ocean Region and the gaps that the WIO-LaB Project is trying to bridge.

5.2 Overview of issues pertaining to the management of land based sources and activities (LBS/A) affecting the WIO Region

- 5.2.1 Dr. Kitheka made a presentation on the main issues related to the management of land-based sources and activities of pollution and degradation of the coastal and marine environment in the Western Indian Ocean Region. In his presentation Dr. Kitheka noted that the WIO countries consisting of continental coastal states such as Somalia, Kenya, Tanzania, Mozambique and South Africa and the island States such as Mauritius, Comoros, Reunion -France, Seychelles, and Madagascar, share common biological resources and climatic features and also many historical, cultural and economic ties. He noted that over 40 million people inhabit the coastal areas of the region and although population density of the region is not remarkably high, in some countries the percentage of the population living along the coast is significantly high: 33% in South Africa, 41% in Mozambique and 28% in Tanzania. Major cities located along the coast include Mombasa, Dar es Salaam, Maputo, and Durban.
- 5.2.2 Dr. Kitheka briefed the Task Force on the main coastal and marine ecosystems emphasizing their characteristics and ecological and socio-economic importance including the uniqueness of the WIO Region. He briefed the delegates on the main factors that are responsible for the degradation of the marine and coastal environment in the WIO Region and in particular; (1) the increased rate of population growth in the coastal zones of the region; (2) increased economic growth in the coastal zones of the region coupled with lack of effective planning and management of development; (3) paucity of data and information on the status of environment; (4) policy, legal, and regulatory frameworks limitations; (5) institutional frameworks limitations and (6) poverty.

5.2.3 Dr. Kitheka also briefed the Task Force on the main challenges in the management of the coastal and marine environment in the WIO Region and in which attention needs to be focused on. These challenges are (1) physical alteration, modification and destruction of critical habitats; (2) degradation of coastal/marine water, sediment and biota quality, (3) over-exploitation of coastal/marine natural resources; (4) resource use conflicts; (5) sectoral management approaches; (6) weaknesses in policy, legal and regulatory frameworks and (7) weak institutional frameworks/arrangements. In regard to the degradation of the habitats, he noted that main issues that have been identified by the Global Programme of Action for the protection of marine environment from land-based activities (GPA) include Tourism and Mangroves, Ports and Harbors, Damming of Rivers, Mining, Agriculture and Aquaculture. He enumerated main issues in each of these areas identified by the GPA.

5.2.4 Dr. Kitheka also briefed the Task Force on how the WIO-LaB Project is addressing land-based activities and sources that impact on the coastal and marine environment. He briefed the meeting on the objectives of the WIO-LaB Project including activities that are being undertaken in the main components of the project namely (1) Physical Alteration and Destruction of Habitats, (2) Municipal Wastewater Management; (3) Water, Sediment and Biota Quality (4) Legal and Technical Review (5) Environmental Impact Assessment (6) Integrated Coastal Area - River Basin Management (7) Clearing House Mechanism for the Nairobi Convention and (8) Demonstration projects. He also briefed the meeting on how the work of other Task Forces established under the auspices of the project will contribute to the work of the Legal and Technical Review Task Force, particularly in regard to the drafting of the annexes to the Land-Based Sources and Activities (LBS/A) Protocol to the Nairobi Convention.

5.3 Overview of International and Regional Legal framework: 1982 UNCLOS and 1985 Nairobi Convention

5.3.1 The Chair invited Mr. Akunga Momanyi, the Regional Legal Consultant, to make a presentation on the international and regional legal frameworks including United Nations Convention on the Law of the Sea (UNCLOS 1982) and the Nairobi Convention for the Protection, Management and Development of the Coastal and Marine Environment in Eastern Africa.

5.3.2 Mr. Akunga briefed the meeting on the various regional and international legal frameworks that are relevant to the land-based activities and sources of pollution and degradation of the marine and coastal environment in the WIO region. He elaborated on the objectives and components of the Nairobi Convention. He enumerated various features of the convention and its relevancy in the WIO Region.

- 5.3.3 Mr. Akunga also discussed UNCLOS 1982 enumerating its key features and requirements for compliance. He discussed the technical limitations related to the compliance of the UNCLOS by countries in the WIO Region.
- 5.3.4 Following the above presentation, the Chair opened the floor for discussions on the two presentation made by Dr. Johnson Kitheka and Mr. Akunga Momanyi.
- 5.3.5 Ms. G. Manna (Mauritius) wanted to know whether the definitions used in the draft LBS Protocol for the Nairobi Convention are derived from those used in the UNCLOS 1982. This was confirmed to be the case. However, definitions in other sources such as the Regional Seas Programmes that have developed LBS/A Protocol were also used.
- 5.3.6 Ms. Isabelle Martinez, Programme Officer at the UNEP/GPA Coordination Office in The Hague, congratulated the two presenters for the good presentation. She recommended that the contents of Dr. Kitheka's presentation should be used in the preamble of the LBS/A Protocol. She also suggested that more background information on the GPA be added, noting that the latter was adopted by countries as a non-legally binding instrument on land-based activities. She emphasized on the need to recognize that there is a global instrument dealing with land-based activities in the form of the GPA which was adopted by 108 countries and the European Commission in the Washington in 1995.
- 5.3.7 Mr. Hassan Rajab, (Tanzania), suggested that ratification of conventions be considered as one of the main challenges faced by countries in the management of the coastal and marine environment in the region, particularly when seen in the context of countries in the region having different legal regimes for the domestication and ratification of conventions. It was generally agreed that the problem of ratification presents a fundamental issue and the Task Force needs to discuss this issue bearing in mind that countries have different legal regimes such as the common law regime, the civil law regime, etc. It was suggested that attempts should be made to exploit common grounds in the region.
- 5.3.8 Mr. Akunga reported that the regional synthesis report on the legal and regulatory frameworks has examined the ratification processes in some of the participating countries. Some countries have an elaborate ratification process. It was suggested that ratification be done separately for each of the participating countries.
- 5.3.9 Mr. Ali Mohammed (NEPAD/COSMAR), congratulated the two presenters for their elaborate presentations. He however noted that it was not clear whether there is indeed a need for the LBS/A Protocol for the UNEP/Nairobi Convention. He suggested that it would be important to establish the extent to which the Nairobi Convention provides for land-based issues and establish whether it is necessary to develop a LBS/A Protocol. His reservations were based on the fact that the process

of reaching agreement for international legal instruments such as LBS/A Protocol is tedious and a lengthy one. He also observed that other regional seas have already developed LBS/A Protocols following the implementation of GPA and wondered whether there is a need for a LBS/A Protocol for the UNEP/Nairobi Convention.

- 5.3.10 Mr. Akunga justified the need for the LBS/A Protocol to the Nairobi Convention in particular the need to ensure compliance. He noted that the UNEP Nairobi Convention at the moment lacks a legal framework that binds parties to fulfill certain conditions related to the control of land-based sources and activities that are responsible for pollution and degradation of the coastal and marine environment in the WIO Region. He noted that a legal framework that requires countries to regulate a certain conduct is required. It was noted that Article 7 of the Nairobi Convention obligates parties to take measures for the protection of the marine and coastal environment but there are no details on the specific measures to be taken. He noted that being a regional instrument, the Nairobi Convention can only state matters in principle form and the details are expected to be in the protocol(s) to the Convention. It was also noted that if WIO countries are really committed to the implementation of GPA, they cannot afford to sit down and watch while other regional seas are developing detailed instruments. This is further justifiable in view of the need to address transboundary issues and also due to the need to achieve maximum impact in the protection of seas globally.

6 PRESENTATION AND DISCUSSION OF REGIONAL AND NATIONAL LEGAL FRAMEWORKS:

- 6.1 The Chair introduced the above mentioned agenda item and requested the Regional Legal Consultant, Mr. Akunga Momanyi to lead discussions on the two regional synthesis reports entitled;(1) Regional Synthesis Report on Review of Gaps in National Legal, Policy, Regulatory and Institutional Frameworks; and (2) Regional Synthesis Report on Status of Ratification and Implementation of International Conventions.
- 6.2 Regional Synthesis Report on Review of Gaps in National Legal, Policy, Regulatory and Institutional Frameworks**
- 6.2.1 Mr. Akunga Momanyi took members of the Task Force through the draft Regional Synthesis Report on Review of Gaps in National Legal, Policy, Regulatory and Institutional Frameworks noting that the preparation of the report was based on the National Reports on the same subject that were prepared by the National legal experts in participating countries. He, however, noted that the preparation of the report was partly constrained by the fact that some of the participating countries have not yet submitted their national reports. He noted that at least three countries have submitted their second draft reports and others are still preparing the first drafts.

- 6.2.2 Mr. Akunga also reported that Tanzania has not yet submitted its national report and some of the references to Tanzania were based on information derived from previous secondary sources such as the UNEP/GPA PADH Reports, SEACAM Report, etc. He requested members of the Task Force to view the drafts as working progress reports and that the final document would be produced once the updated versions of the national reports are submitted to the WIO-LaB Project Office.
- 6.2.3 Mr. Akunga also briefly highlighted some of the constraints that were faced such as late recruitment of national experts, problems of translation of documents since some of the experts were reviewing documents written in languages other than English. Mr. Akunga also presented the key recommendations made in the report and urged members of the Task Force to go through them and to confirm whether they are relevant to their country situations.
- 6.2.4 Following the presentation of the Regional Synthesis Report, the Chair opened the floor for discussions on the draft and in particular the recommendations contained therein.
- 6.2.5 The Task Force deliberated on the Regional Synthesis Report and noted that satisfactory progress has been made in the preparation of the report and urged countries that have not yet submitted their report to expedite the process in their countries so that the regional consultant could update the regional synthesis report accordingly.
- 6.3 Regional Synthesis Report on Status of Ratification and Implementation of International Conventions Relevant to Land-based Sources and Activities**
- 6.3.1 Mr. Akunga Momanyi presented the draft Regional Synthesis Report on the Status of Ratification and Implementation of International Conventions relevant to Land-based Sources and Activities noting that the preparation of the report was based on the National reports on the same subject prepared by the national legal experts in participating countries. However, he noted that the preparation of the report was constrained by the fact that some of the participating countries had not submitted their national reports. He noted that the final document would be produced once the updated versions of the national reports are submitted to the WIO-LaB Project Office.
- 6.3.2 Mr. Akunga also presented the key recommendations made in the report and urged members of the Task Force to go through them and find out whether there are relevant to their country situations.
- 6.3.3 Following the presentation of the synthesis report, the chair opened the floor for discussions on the draft and in particular the recommendations contained therein.
- 6.3.4 There were lengthy discussions on the recommendation contained in the report that countries need to have a consolidated legislation on LBS/A and it was generally

noted that this would not be necessary and is not possible in some of the participating countries. It was noted that there may be no need of coming up with a consolidated legislation dealing with different standards that are otherwise distinct.

- 6.3.5 Ms. Isabelle Martinez, Programme Officer at the UNEP/GPA Coordination Office in The Hague suggested that countries should come up with priority issues that need to be addressed urgently. She noted that it would be useful to extract concrete recommendations by countries and to group them according to those directed to the WIO-LaB Project and those directed to other partners and to the countries themselves and also to set priorities (what sectors and what legislation and institutions and regulations need immediate attention by each country). She also suggested that the Regional Legal Consultant should briefly address soft-law instruments in the introduction of the report dealing with Multi-lateral Environmental Agreements (MEAs) namely; Agenda 21 (Chapter 17), the Small Islands Developing States/Bali Programme of Action (SIDS/BPOA), the GPA, the Johannesburg Plan of Implementation and the Mauritius Strategy. It was argued that although there is no global legally-binding instrument LBS/A, the GPA could be used as the main guidance and framework to understand which concrete activities (and pollution) have an impact on the coastal and marine environment and thus be subject to regulations.
- 6.3.6 The representatives of participating countries validated the two synthesis reports and urged the Regional Consultant to revise the reports incorporating their specific concerns presented during the meeting. Despite concerns expressed on the length of the synthesis reports, it was however acknowledged by the representatives of countries that the reports are factual and have taken on board most of the issues contained in the national reports submitted by the national experts.
- 6.3.7 Mr. Dixon Waruinge, Programme Officer in-charge of the UNEP/Nairobi Convention noted that despite the fact that good laws have been enacted in the region, there should be some suggestions on how these laws could be enforced effectively and in particular, it would be important to determine in each of the countries who has the mandate to enforce the law and how to penalize the offenders. He noted that it would be important to establish how capacity can be built in local authorities so as to increase their capability of enforcing legislation. He suggested that the members of the Task Force examine these issues in their countries and include them in their national reports.
- 6.3.8 The Task Force deliberated on the Report and noted that satisfactory progress has been made in the preparation of the report and urged countries that have not yet submitted their report to expedite the process in their countries so that the Regional Consultant could update the regional synthesis report accordingly. It was recommended that the final versions of the Regional Synthesis Reports be circulated

in advance and validated at the next meeting of the Legal Task Force scheduled for October 2006.

- 6.3.9 The Task Force urged the National Focal Points and the National Legal and Technical Task Forces, and WIO-LaB PMU to expedite the work remaining on the National Reports on Review of Gaps in National Legislations and Status of Ratification and Implementation of Relevant International Conventions, respectively, so as to complete the national and regional reports as soon as possible. A particular request in this regard was made to Tanzania to expedite the identification and mobilization of expert services for the preparation of its national reports.

7 PRESENTATION AND DISCUSSION OF FIRST DRAFT LBS/A PROTOCOL TO THE NAIROBI CONVENTION.

- 7.1 The Chair introduced the above mentioned agenda item and invited the Regional Legal Consultant Mr. Akunga Momanyi to present the draft LBS/A Protocol to the Nairobi Convention.
- 7.2 Mr. Akunga took members of the Task Force through the draft LBS/A Protocol and highlighted issues covered therein. He highlighted the Nairobi Convention noting that the convention has several Articles and 2 Protocols and annexes that were made on the same date the convention was adopted in 1985. He also highlighted the proposed changes to the revised Nairobi Convention and highlighted sections/articles where amendments have been introduced. He reported that recommendations made during the first meeting of the Legal Task Force held in Madagascar, have been incorporated in the revised Nairobi Convention. He also highlighted how the proposed new Protocol is anchored in the Nairobi Convention.
- 7.3 Following presentation by Mr. Akunga, the Chair opened the floor for discussions and requested members of the Task Force to provide suggestions for further updating of the draft LBS/A Protocol.
- 7.4 Following presentation of each of the key sections of the draft LBS/A Protocol, members of the Task Force deliberated at length on all articles contained in the sections of the draft LBS/A Protocol and suggested areas that need some adjustments or amendments.
- 7.5 There were some discussions as to who will finalize the LBS Protocol and it was noted that this is the responsibility of the Regional Legal Task Force as detailed in the terms of reference of the Task Force adopted during the inception meeting held in Madagascar in 2006. National experts and Focal Points would review the protocol to make sure that it fits into the national context, particularly in view of the fact that the draft Protocol needs some work in order to become a regional Protocol.

- 7.6 The Task Force then requested the WIO-LaB PMU to facilitate the updating of the first draft LBS/A Protocol based on the deliberations and amendments proposed during this meeting.
- 7.7 The Task Force requested the WIO-LaB PMU to circulate the Second Draft LBS/A Protocol to the Nairobi Convention to the National Focal Points by mid-May 2006 so as to facilitate national level consultations and endorsement by the National Legal Task Forces.
- 7.8 The Task Force requested the WIO-LaB PMU to also facilitate the following:
- a. The incorporation of the various amendments based on the national level consultations and;
 - b. The preparation of the Third draft LBS/A Protocol to the Nairobi Convention based upon the deliberations, suggestions and amendments proposed by the national level consultations from the participating countries.
- 7.9 The Task Force requested the WIO-LaB PMU to circulate the Third Draft LBS/A Protocol to the Nairobi Convention to the members of the Task Force prior to the next meeting of this Task Force in October 2006 for further deliberation.
- 7.10 There were some extensive discussions on the proposed annexes to the LBS/A Protocol. In regard to the annex on the priority activities and substances of concern, there were discussions as to whether it was necessary to have this list as part of the Annex to the LBS/A Protocol to UNEP/Nairobi Convention. It was agreed that the LBS/A Protocol would only have an indicative list of priority substances and countries should be left with the responsibility of deciding on which substances they would like to regulate.
- 7.11 In regard to the annex on the best available techniques and best environmental practice, it was noted that this may not be practical in view of possible changes in technology that could make techniques listed in the protocol obsolete within a short period. It was then decided that the Regional Consultant will consult with the GPA to find out the relevant annexes from other regions and establish the extent to which they can be adopted in the Region. This is particularly so in regard to the best available techniques and best environmental practices. The findings will be presented and discussed electronically with the Regional Task Force members and the first draft annexes will be included in the Third draft of the LBS/A Protocol.
- 7.12 In regard to the annex on the list of hot spots and sensitive areas, it was noted that such a list was not necessary in the LBS/A Protocol since there could be changes in future and it would be difficult to amend the list. Therefore, it was decided that the focus would be on an annex containing a methodology or process of listing or de-listing hotspots in participating countries. In regard to the proposed annex on the environmental quality standards (EQS), environmental quality objectives (EQOs),

and emission limits, it was noted that the Working Group on Water, Sediment and Biota Quality is carrying out this task and there is a possibility that the annex would be produced in time by the said Working Group.

- 7.13 In regard to the annexes on specific standards, guidelines and implementation plans related to domestic/municipal wastewater management, solid waste management ports and harbor development, tourism development, aquaculture development, mining, agricultural development, industrial development, and industrial development, the Task Force noted that these may not be achieved within the lifespan of the WIO-LaB Project and they should not be regarded as a priority at the moment. They could, however, be considered in annexes that would be produced in future.
- 7.14 Following the above discussions, it was decided that the third draft will have the first drafts of the following four annexes that should be circulated prior to the next meeting of this Task Force in October 2006:
- Annex on indicative list of priority substances;
 - Annex on methodology on how to list and de-list hotspots;
 - Annex on Environmental Quality Standards and Environment Quality Objectives and emission limits; and
 - Annex on best available techniques and best environment practices
- 7.15 Task Force agreed that the WIO-LaB PMU would solicit the technical input of the Municipal Wastewater and PADH Regional Task Forces and Water, Sediment and Biota Quality Regional Working Group established by the Project for the drafting of the Annexes to the LBS/A Protocol.
- 8 CONSIDERATION OF THE 2005 WORK PLAN OF THE REGIONAL AND NATIONAL LEGAL AND TECHNICAL TASK FORCES.**
- 8.1 The Chair introduced the above mentioned agenda item and invited the WIO-LaB Project Manager Dr. Peter Scheren to brief the Task Force on the work plan for the year 2006.
- 8.2 Dr. Scheren presented the status of implementation of the activities of the legal and technical review component of the project. He reported that the National and Regional Legal Task Forces have been established and experts have since been selected and embarked on the preparation of the national reports. He also reported on the activities related to the preparation of the Regional Synthesis Reports and the LBS/A Protocol.
- 8.3 Dr. Scheren presented the Work plan of the legal component of the project noting that most of the work will focus on the updating and the finalization of the national reports on the policy, legal and regulatory frameworks and the review of the status

of ratification and implementation of the environmental conventions relevant to Land-based sources and activities, as well as assistance to the countries under an established framework. He emphasized on the importance of validation of the reports by the National Task Forces and Focal Points.

- 8.4 Dr. Scheren also noted that the finalization of the Regional Synthesis Reports on the Policy, Legal and Regulatory frameworks and the review of the status of ratification and implementation of the environmental conventions relevant to Land-based sources and activities will be accomplished by May 2006 and they will be circulated to the Focal Points in order to ensure national consultation. He urged countries to provide their feedback to the WIO-LaB PMU so that the comments could be incorporated in the 3rd draft Synthesis Reports to be discussed during the third meeting of the Regional Legal Task Force scheduled to be held in October 2006.
- 8.5 He also noted that work on the finalization of the draft LBS/A Protocol for the Nairobi Convention would be undertaken in the course of the year and hoped that following national consultations, countries would submit comments that would be used to prepare the third draft of the Protocol, to be discussed during the Third meeting of the Regional Legal Task Force. He noted following finalization of the LBS/A Protocol, the same will be discussed during the meeting of plenipotentiaries before it is submitted to the Conference of Parties to Nairobi Convention in 2007.
- 8.6 It was also noted that the National Reports need to capture assistance required by participating countries. It was noted that this would enable the WIO-LaB Project to figure out the kind of assistance required by participating countries. In this regard it was noted that it would be important if details on the required assistance could be provided by the Focal Points and the National Legal Task Force by the time the reports are ready.
- 8.7 Following the presentation of the work plan of the legal and technical review component of the project, the Chair opened the floor for discussions. Members wanted to find out whether the deadline for completion of the reports will be extended in view of the fact that some of the countries are way behind others in regard to the preparation of their national reports and there is also a need for national consultations before the second drafts of the national reports are submitted to the WIO-LaB PMU. It was noted that national consultation is important and hence countries should decide on the extent to which they would like to extend deadline for accomplishment of the tasks given to them and inform the WIO-LaB PMU on their new dates. However, it was noted that such a postponement should be kept to the minimum.
- 8.8 The Task Force urged Tanzania to submit a proposal to the WIO-LaB PMU on how they will expedite their national reports and beat the set deadline for the accomplishment of their tasks and thereby meet their obligations.

- 8.9 Following discussions on the Work Plan for 2006, members of the Task Force adopted it with amendments.

9 ADOPTION OF DECISIONS AND RECOMMENDATIONS OF THE MEETING.

- 9.1 The Chair introduced the above agenda item and invited the Rapporteur Ms. Nashreen Soogun (Mauritius), to present the decisions and recommendation of the second meeting of the Regional Legal and Technical Review Task Force. The Rapporteur took the Task Force through the draft decisions and recommendations of the Task Force. The Task Force deliberated on the draft decisions and recommendations and adopted them with amendments. These are presented in the first section of this report.

10 ADMINISTRATIVE MATTERS

- 10.1 The Chair introduced the above agenda item and requested the WIO-LaB Project Manager to make announcements to the Task Force. Dr. Scheren informed the meeting that the next meeting of the Legal and Technical Review Task Force will be in October 2006, although the venue of the meeting has not been decided upon. He noted WIO-LaB PMU will consult and select the next venue of the Third meeting of the Task Force.
- 10.2 Ms. Isabelle Martinez informed the meeting about the 2nd Inter-governmental Review of the Global Programme of Action for the Protection of the Marine Environment from Land-Based Activities (GPA) meeting that is scheduled to be held in Beijing, People's Republic of China in the period 16-20 October 2006 and noted that the achievements of the WIO-LaB Project in the WIO Region would be reported during the meeting. She reported that Ministers of Environment from participating countries have been invited to the meeting.
- 10.3 Mr. Hassani Ahamada, (Comoros) requested that the documents of the meeting including the Regional Synthesis Reports be translated into French in order for the delegates from Comoros to be able to go through them and comment on them appropriately. It was noted that WIO-LaB PMU made arrangements to translate of the LBS/A Protocol and arrangements would be made in future to translate the Regional Synthesis Reports.
- 10.4 Ms. Nashreen Soogun (Mauritius) noted that during the inception meeting of the Task Force that was held in Madagascar in 2005, the Task Force elected a Chair, Alternate Chair and Rapporteur. However, an Alternate Rapporteur was not elected. She recommended that the Task Force elects an Alternate Rapporteur. On the basis of this suggestion, the Task Force agreed to designate South Africa as the Alternate Rapporteur, a proposal that was duly accepted by the delegate from South Africa.

11 ANY OTHER BUSINESS

- 11.1 The Chair introduced the above agenda item and requested members of the Task Force to raise any other matter that they would like to discuss under the above agenda item.
- 11.2 Dr. Scheren requested the Focal Points who have completed filling the questionnaire on the Clearing House Mechanism for the Nairobi Convention to hand over their questionnaires to the secretariat for onward transmission to the Regional Consultant who is carrying out the assignment on behalf of the WIO-LaB Project.

12 CLOSURE OF THE MEETING

- 12.1 The Chair, Mr. Tom Mboya thanked the WIO-LaB PMU and NEMA (Kenya) for organizing the meeting and noted that the objectives of the meeting were achieved. He thanked the participants for their cooperation throughout the period of his Chairmanship.
- 12.2 Dr. Scheren, the WIO-LaB Project Manager expressed his appreciation to the Government of Kenya for agreeing to host the meeting and also for assisting with the organization of the meeting. On behalf of the WIO-LaB PMU, he thanked the Government of Kenya for support it provided in organizing the meeting.
- 12.3 The members of the Task Force congratulated WIO-LaB PMU for the well organized meeting and expressed their commitment to accelerate the completion of remaining assignments. They also expressed their appreciation to the Government of Kenya for hosting the meeting and kind hospitality granted to them.
- 12.4 There been no other business to discuss, the Chair declared the meeting officially closed at 5.40 p.m. on Thursday 9th March 2006

ANNEX 1: AGENDA OF THE MEETING
UNEP/GEF/WIOLAB/LTF.2/1

WIO-LaB Project Legal and Technical Review Regional Task Force Meeting

Mombasa, Kenya 8-10th March 2006

DRAFT PROVISIONAL AGENDA

- 1 Opening of the meeting, including the following welcome addresses and introductory remarks;
 - 1.1 WIO-LaB Project Management Unit (PMU)
 - 1.2 Nairobi Convention Secretariat(UNEP)
 - 1.3 Global Programme of Action (UNEP/GPA)
 - 1.4 Official Opening(Host Country)
- 2 Organization of the Meeting
 - 2.1 Election and designation of the officers (Chair and Rapporteur) of the meeting.
- 3 Adoption of the Agenda.
- 4 Report on the status of implementation of agreed activities in the calendar year 2005
- 5 Background presentations:
 - 5.1 Overview of issues pertaining to the management of land based sources and activities (LBS/A) affecting the WIO Region
 - 5.2 Overview of International and Regional Legal framework: 1982 UNCLOS and 1985 Nairobi Convention
- 6 Presentation and discussion of Regional and National Legal Frameworks:
 - 6.1 Regional Synthesis Report on Review of Gaps in National Legal, Policy, Regulatory and Institutional Frameworks with Recommendations; and
 - 6.2 Regional Synthesis Report on Status of Ratification and Implementation of International Conventions Relevant to Land-based Sources and Activities with recommendations.
- 7 Presentation and discussion of First Draft LBS Protocol to the Nairobi Convention.
- 8 Consideration of the 2005 work plan of the RLTRF and respective national legal and technical taskforces.
- 9 Adoption of Decisions and Recommendations of the Meeting.
- 10 Administrative matters.
- 11 Any other business.
- 12 Closure of the Meeting.

ANNEX 2: LIST OF PARTICIPANTS
UNEP/GEF/WIOLAB/LTF.2/2

Second Regional Meeting of the Legal and Technical Review Regional Task Force
Mombasa, Kenya, 8-10 March 2006

LIST OF PARTICIPANTS

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	Country	Participant
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11.	UNEP-GEF WIO-LaB Project Management Unit	Dr. Peter SCHEREN Project Manager WIO-LaB Project Management Unit United Nations Environment Programme (UNEP) P.O Box 47074 Nairobi, KENYA Tel: (+254) 020-624612 Fax: (+254) 020-623928 Email: Peter.scheren@unep.org Dr. Johnson U. KITHEKA Project Officer/Scientist WIO-LaB Project Management Unit United Nations Environment Programme (UNEP) P.O Box 47074 Nairobi, KENYA Tel: (+254) 020-624612 Fax: (+254) 020-623928 Email: johnson.kitheka@unep.org

ANNEX 3: LIST OF DOCUMENTS
 UNEP/GEF/WIOLAB/LTF.2/3

Legal and Technical Review Regional Task Force
2nd Regional Meeting

LIST OF DOCUMENTS

Working Documents

UNEP/GEF/WIOLAB/LTF.2/1	Provisional Agenda
UNEP/GEF/WIOLAB/LTF.2/2	List of Participants
UNEP/GEF/WIOLAB/LTF.2/3	List of Documents
UNEP/GEF/WIOLAB/LTF.2/4	Report on the Status of implementation of agreed activities in the calendar year 2005.
UNEP/GEF/WIOLAB/LTF.2/5	Draft Regional Synthesis Report on the Review of Gaps in National Legal, Policy, Regulatory and Institutional Frameworks.
UNEP/GEF/WIOLAB/LTF.2/6	Draft Regional Synthesis Report on the Status of Ratification and Implementation of International Conventions Relevant to Land-based Sources and Activities.
UNEP/GEF/WIOLAB/LTF.2/7	First Draft Land-based Sources (LBS) Protocol for the Nairobi Convention.
UNEP/GEF/WIOLAB/LTF.2/8	Work Plan for the Legal and Technical Review component for the calendar year 2006.
UNEP/GEF/WIOLAB/LTF.2/9	Decisions and Recommendation of the Second meeting of Legal and Technical Review Regional Task Force

Information Documents

UNEP/GEF/WIOLAB/LTF.2/INF.1	1982 UNCLOS and 1985 Nairobi Convention
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**ANNEX 4: REPORT ON THE STATUS OF IMPLEMENTATION OF AGREED
ACTIVITIES IN THE CALENDAR YEAR 2005**
UNEP/GEF/WIOLAB/LTF.2/4

A number of activities were implemented in the calendar year 2005. The activities focused mainly on (1) review of gaps in national policy, legal, regulatory and institutional frameworks; (2) review of the status of ratification and implementation of environmental conventions relevant to land-based sources of degradation of coastal marine environment (LBS); and (3) development of an LBS protocol to the Nairobi Convention. In the following sections, details are provided on the specific activities that were undertaken in each of the above mentioned focal areas.

1. Review of gaps in national policy, legal, regulatory and institutional frameworks

The WIO-LaB Project Regional Legal and Technical Task Force Inception Meeting was held in Antananarivo, Madagascar, from 24th to 25th May 2005. The meeting was attended by legal and technical experts drawn from countries in the Western Indian Ocean Region that are participating in the implementation of the project. A report of the meeting, including the detailed work plan, was published and circulated to all members of the Task Force and Focal Points. The report of the meeting is available from the WIO-LaB website (www.wiolab.org).

Preparation of National Reports on the national policy, legal and regulatory frameworks is on course following recruitment of Regional and National Legal Experts. National Legal Experts for all participating countries (with the exception of Tanzania) have already embarked on the assignment bestowed upon them. First, and in some cases second draft National Reports have been received from National Legal Experts from most of the participating countries and are undergoing review by the Regional Expert, WIO-LaB PMU and other partners

2. Review status of ratification and implementation of environmental conventions relevant to LBS

Preparation of National Reports on the status of ratification and implementation of environmental conventions relevant to LBS is on course following recruitment of National Legal Experts. National Legal Experts for all participating countries (with the exception of Tanzania) have already embarked on the assignment. First, and in some cases second draft National Reports on the status of ratification of international conventions have been received from National Legal Experts from most of the participating countries and are undergoing review by the Regional Expert, WIO-LaB PMU and other partners.

3. Development and adoption of LBS protocol for the Nairobi Convention

A Regional Expert was recruited and work on the development of the LBS Protocol to the Nairobi Convention is progressing well. The initial drafts of the LBS Protocol have been reviewed by UNEP/GPA, UNEP/Nairobi Convention, WIO-LaB PMU and UNEP/DPDL. The draft LBS Protocol will be discussed during the current second meeting of the Regional Legal and Technical Task Force.

Conclusion

The implementation of the activities of the Legal and Technical Review component of the WIO-LaB Project is proceeding well. However, there were some constraints in the process of identifying and selecting National Legal Experts by the National Focal Points. The selection process at country level was in most cases slow and this delayed the final recruitment process by the project. This delay necessitated amendment of the deadlines for submission of agreed outputs. Consequently, some of the expected outputs would spill over to the year 2006.

Table 1: STATUS REPORT ON NATIONAL POLICY, LEGAL AND INSTITUTIONAL REVIEW (as off 15 February 2006)

Country	Legal Expert	Start of Assignment	1 st Progress report		1 st Draft report			2 nd Progress report		2 nd Draft report			Final Report	
			Deadline	Status	Deadline	Status	Review	Deadline	Status	Deadline	Status	Review	Deadline	Status
Kenya	Evelyn Koki Mbulu	1/9/05	15/10/05	Received 18/1/05	30/11/05	Received 14/12/05	Sent	30/11/05	Received 21/2/06	30/01/06	Received 2/2/06 & 20/2/06		31/03/06	
Tanzania	Recruitment Pending													
South Africa	Jan Glazewski	1/9/05	30/11/05	Cancelled	30/11/05	Received 30/11/05	Sent	31/1/06	Received 1/2/06	31/1/06	Received 1/2/06		31/03/06	
Mozambique	Juliao Viriato Manuele	1/11/05	30/11/05	Pending	10/12/05	Pending		31/1/06	Pending	31/1/06	Pending		31/03/06	
Madagascar	J. E. Andriana-solonjanahary	1/9/05	15/10/05	Received 6/1/06	30/11/05	Received 8/12/05	Sent	31/1/06	Pending	31/1/06	Received 14/2/06		31/03/06	
Seychelles	Iris Carolus	1/8/05	31/12/05	Received 31/12/05	31/12/05	Received 31/12/05	Sent	31/1/06	Pending	31/1/06	Pending		31/03/06	
Comoros	Hassani A. Soilihi	1/9/05	15/10/06	Pending	30/11/05	Received in part 18/12/05	Sent	31/1/06	Pending	31/1/06	Pending		31/03/06	
Mauritius	Gaitree J. Manna	1/12/05	15/1/06	Pending	15/1/06	Adv. copy received 23/1/06	Sent	15/2/06	Pending	15/2/06	Pending		31/03/06	

ANNEX 5: Work Plan for the Legal and Technical Review component for the calendar year 2006
UNEP/GEF/WIOLAB/LTF.2/8

Module 4 - Legal and regulatory strengthening	2005												2006												2007												
	1	2	3	4	5	6	7	8	9	10	11	12	1	2	3	4	5	6	7	8	9	10	11	12	1	2	3	4	5	6	7	8	9	10	11	12	
1 Identification of national and international/regional experts																																					
2 Development of detailed TOR for experts				█	█																																
3 Development of a detailed workplan for legal TF				█	█																																
4 <i>Inception Meeting</i>					▼																																
5 Establishment of Regional and National Legal Task forces					█	█	█	█	█	█	█	█																									
6 Recruitment of national and international/regional experts					█	█	█	█	█	█	█	█																									
7 Preparation of reporting formats					█	█	█	█	█	█	█	█																									
8 Preparation of first draft national reports on legal frameworks									█	█	█	█																									
9 Assessment of status of ratification of international conventions										█	█	█																									
10 Review of draft national reports by international/regional expert												█																									
11 Development of second draft national reports												█																									
12 Preparation of first-draft LBS protocol												█																									
13 <i>Workshop to review national frameworks and 1st draft Protocol</i>																																					
14 Finalisation of national reports																																					
15 Preparation of regional synthesis report																																					
16 Provide assistance to countries in ratification process																																					
17 Expert review of first draft LBS protocol																																					
18 Preparation of second draft LBS protocol																																					
19 National level consultations on second draft LBS protocol																																					
20 Preparation of third draft LBS protocol																																					
21 <i>Regional workshop to review third draft LBS protocol</i>																																					
22 Finalisation of third draft protocol																																					
23 Circulation of third draft protocol for national approval																																					
24 <i>Final approval session</i>																																					