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THE GOVERNANCE OF COASTAL AND MARINE BIODIVERSITY IN THE GULF OF GUINEA

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**The United Nations – The Nippon Foundation of Japan
Fellowship Programme 2008-2009**

UNNFF Research Presentation
United Nations Headquarters
DOALOS
January 7, 2009



Oceans and Law of the Sea

Division for Ocean Affairs and the Law of the Sea

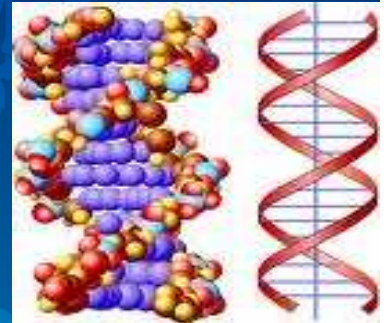
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PRELIMINARY BACKGROUND

► Concept of Biodiversity

- CBD defines Biological Diversity as ‘the variability among living organisms from all sources including, inter alia, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems’.
- Biodiversity is understood as a wide variety of species (plants, animals and microorganisms). It includes genetic differences within each specie (uniqueness of each individual) and encompasses a variety of ecosystems (forests, wetlands, mountains, rivers etc.).
- The concept of Biodiversity shows a clear commitment for holistic and integrated approach of the living.
- Biodiversity provides a large number of goods and services that sustain our lives.



PRELIMINARY BACKGROUND

► Biodiversity in the seas and oceans

- Oceans cover 70% of the Earth's surface and 90% of biomass. They host 32 of the 34 known phyla on Earth and contain somewhere between 500,000 and 10 million species. But they represent only 16% of the species already identified worldwide.
- Marine and Coastal Biodiversity provides goods and services:
 - Food for the world population (at least 20% of the average per capita protein intake).
 - Ecological role (they produce a third of the oxygen that we breathe, moderate global climatic change, serve as shelter for marine biomass, degrade wastes).
 - Aquatic genetic diversity supports the actual expansion of biotechnology for commercial uses (medicine etc.).
 - Cultural, aesthetic and recreational benefits; etc.

Our ignorance of the ocean is profound, and although we have learned much during the last hundred years, our knowledge of ocean processes and life in the oceans will remain forever incomplete.

Elisabeth MANN
BORGESÉ

COASTAL AND MARINE BIODIVERSITY IN THE GULF OF GUINEA

► Region's Profile

- GCLME is the dominant feature of the shallow ocean off the coast of countries in Western Africa stretching from Guinea Bissau in the north to Angola in the south.
- Ranks among the five most productive LMEs in the world in terms of biomass yields.
- Sixteen countries: Angola, Benin, Cameroon, Congo, Côte d'Ivoire, Democratic Republic of Congo, Equatorial Guinea, Gabon, Ghana, Guinea, Guinea-Bissau, Liberia, Nigeria, Sao Tome-and-Principe, Sierra Leone and Togo.
- Total population of 300 millions inhabitants.

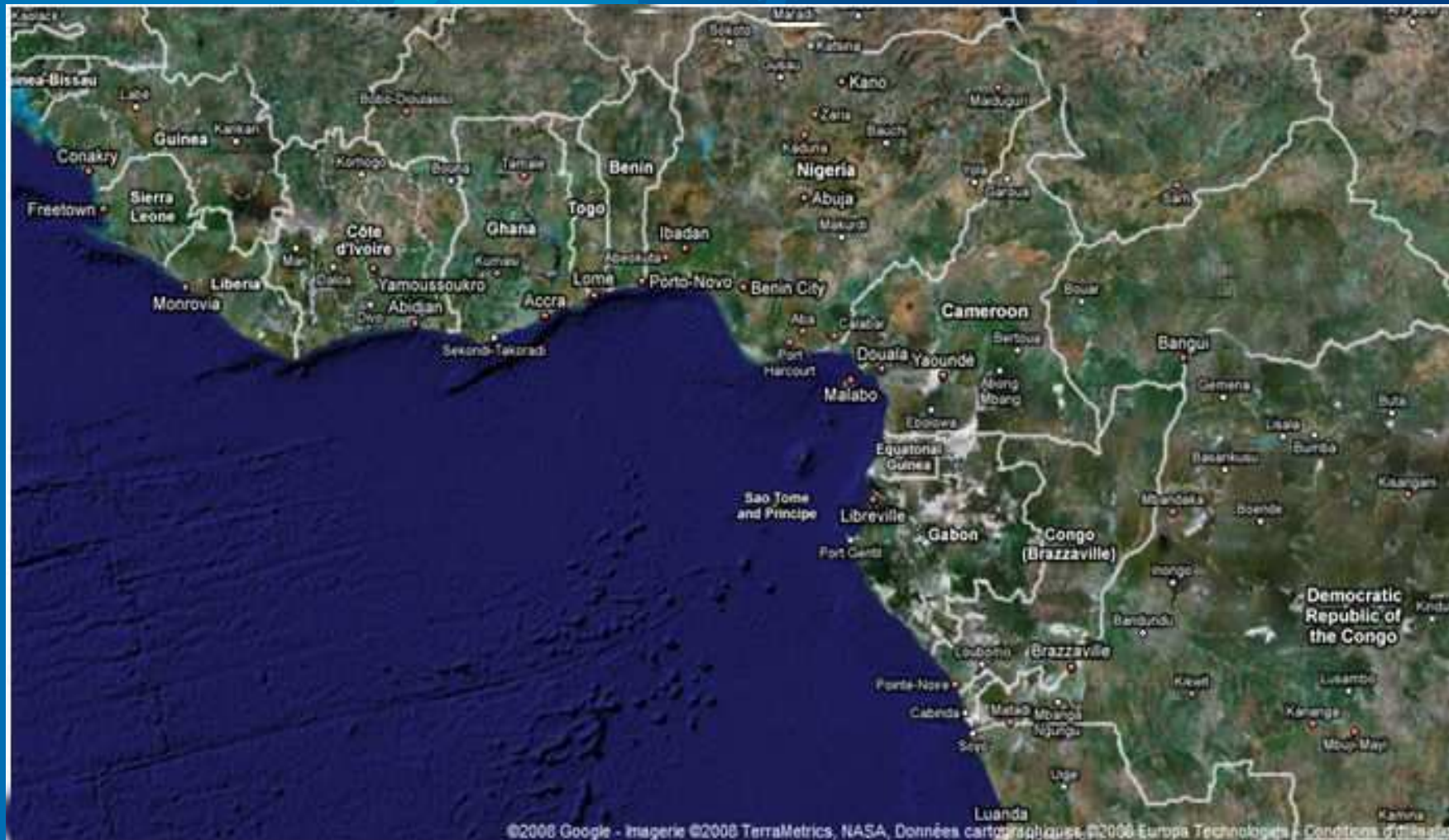
LMEs are maritime areas of 200000 km² with distinctive characteristics in terms of hydrography, geomorphology, oceanography, productivity etc.

Kenneth SHERMAN



COASTAL AND MARINE BIODIVERSITY IN THE GULF OF GUINEA

► Region's Profile



COASTAL AND MARINE BIODIVERSITY IN THE GULF OF GUINEA

► Region's Profile

Country	Coastline (km)	Cont. shelf (km ²)	EEZ (km ²)	Country	Coastline (km)	Cont. shelf (km ²)	EEZ (km ²)
Guinea-Bissau*	350	45 000	156 500	Nigeria	853	46 300	210 900
Guinea	320	47 400	71 000	Cameroon	402	10 600	15 400
Sierra Leone	402	25 600	165 700	Rep. Congo	169	11 300	60 000
Liberia	579	18 400	229 700	Equatorial Guinea	296	14 710	293 200
Côte d'Ivoire	515	10 200	104 600	Gabon	885	46 000	213 000
Ghana	539	23 700	218 100	DR Congo	37	1 150	1 000
Togo	56	1 300	2 100	Angola*	1 600	51 000	330 000
Benin	121	3 100	27 100	São Tomé & Príncipe	209	1 460	160 000

* Note on Guinea-Bissau and Angola: about half of the coast of Guinea-Bissau belongs to the Canary Current and almost the entire Angolan coast belongs to the Benguela Current.

Source : J. ABE, J. WELLENS-MENSAH, J. DIALLO & C. MBUYIL WA MPOYI, UNEP/Global International Waters Assessment, Guinea Current, GIWA Regional assessment 42, 2004.

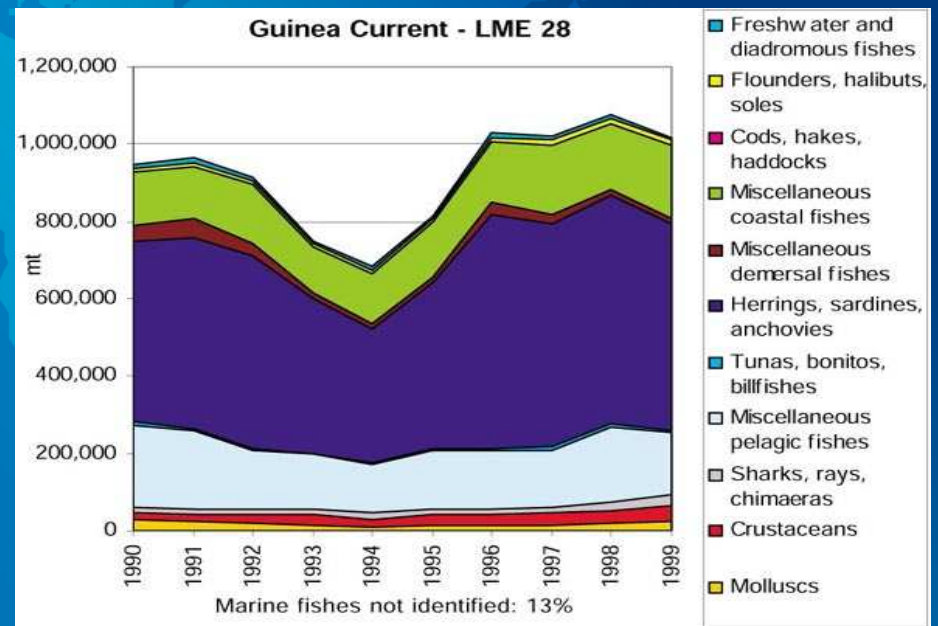
COASTAL AND MARINE BIODIVERSITY IN THE GULF OF GUINEA

► Overview of Aquatic Biodiversity in the region

• Fishes

- 4 main productive zones due to the presence of upwellings: Senegal - Liberia area; Gabon - Congo area; Côte d'Ivoire – Ghana and River Congo Outflow.
- Main pelagic species : herrings (*sardinella maderensis*), round sardines (*sardinella aurita*), tilapias (*oreochromis*), anchovies (*engraulis encrasicolus*), mackerels (*scomber japonicus*). Main demersal species are croakers (*Pseudotolithus elongatus*, *P. senegalensis* etc.), Polymenids, perches, big eye tuna, catfish, soles, pink shrimps etc.
- Artisanal fisheries with strong traditional roots, semi-industrial and industrial modern fleets (presence of offshore foreign fishing vessels from Europe, Korea and Japan).

Review of capture trends and species groupings (1990-1999)



Source: GCLME

COASTAL AND MARINE BIODIVERSITY IN THE GULF OF GUINEA

► Overview of Aquatic Biodiversity in the region

- Marine Turtles
 - GCLME region serves as a very important migration route, feeding ground, and nesting site for five of the eight world marine turtles : the loggerhead (*Caretta caretta*); the olive ridley (*Lepidochelys olivacea*); the hawksbill (*Erectmochelys imbricata*); the green turtle (*Chelonia mydas*) and the leatherback (*Dermochelys coriacea*). Threatened species.
- Other Aquatic living resources
 - Aquatic birds such as seabirds (waterfowl, waders etc.); mammals such as whales or dolphins; reptiles and amphibians such as crocodiles or manatees etc.
 - Biodiversity with less immediate economic interest but with sound ecological importance, such as zooplankton, benthic organisms (polychaete worms, ribbon worms, amphipods, bivalves, gastropods etc), algae. Identification is still incomplete as regards diversity and distribution.
- Natural habitats: case of mangrove forests
 - GCLME harbours 70% of African mangroves. They play a key ecological role (protection of the shoreline; nursing habitats for fishes etc.). Coastal communities are dependent on mangroves for subsistence and small-scale commercial activities (firewood, building materials, fisheries and medicinal purposes etc.).



COASTAL AND MARINE BIODIVERSITY IN THE GULF OF GUINEA

► Main environmental problems as regards Aquatic Biodiversity

- Overfishing

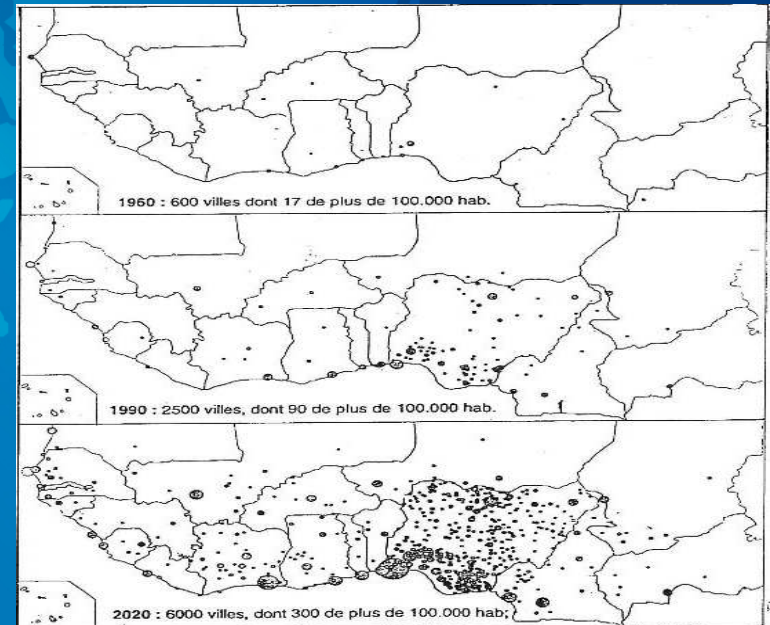
- Fishery stocks within the region are either fully exploited or overexploited.
- General loss of productivity.
- Extinction of certain species (eg. triggerfish in the nineties).

[FAO, Review of the state of world marine fishery resources, FAO Fisheries Technical Paper 47]

- Degradation of habitats

- Urban expansion, industrial growth and population growth have impacted negatively on natural Habitats.
- Alarming loss rates. In Côte d'Ivoire, nearly 60% of mangrove forests in the Bay of Cocody have been decimated.

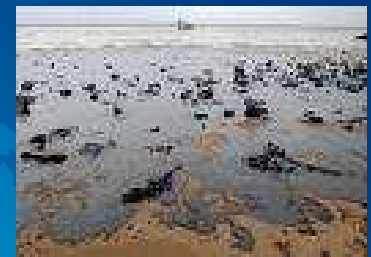
Cities of more than 100 000 inhabitants (from 1960 to 2020)



COASTAL AND MARINE BIODIVERSITY IN THE GULF OF GUINEA

► Main environmental problems as regards Aquatic Biodiversity

- Coastal erosion
 - Aggravated by human activities (deforestation, harbour construction activities etc.). Some data: in Liberia, the city of Monrovia has witnessed an erosion of its shoreline of 2 m per year. In the Niger Delta region in Nigeria, coastal erosion accounts for a loss of land of 10 m per year.
- Pollution
 - The Gulf of Guinea region is a major producer of hydrocarbons with major producers such as Nigeria, Angola, Equatorial Guinea, Gabon. Oil pollution is a permanent risk (explosion of an offshore platform in Nigeria in 17 June 1980 with a spill of 300 000 tons of oil, sinking of an oil tanker off the coasts of Cote d'Ivoire in April 1980). According to the World Bank (1995), oil producing companies in Nigeria alone discharge an estimated 710 tons of oil yearly.
 - Discharge of untreated sewage, agricultural and industrial wastes directly into coastal waters is another key problem, since sewage treatment facilities are very limited throughout the region.



THE GOVERNANCE FRAMEWORK TO ADDRESS AQUATIC BIODIVERSITY



CHALLENGE

The coastal States of the Gulf of Guinea face a specific challenge: to ensure the optimal preservation of the region's coastal and marine resources and ecosystems, while exploiting them in a sustainable manner in order to drive their national development processes.

THE GOVERNANCE FRAMEWORK TO ADDRESS AQUATIC BIODIVERSITY

► Governance Structure of Aquatic Biodiversity in the region

REGIONAL



NATIONAL



THE GOVERNANCE FRAMEWORK TO ADDRESS AQUATIC BIODIVERSITY

► The Regional Governance Framework: The Abidjan Convention

- Convention for Co-operation in the Protection and Development of the Marine and Coastal Environment of the West and Central African Region (Abidjan Convention) and its Protocol concerning co-operation in combating pollution in cases of emergency were adopted in 1981 and entered into force in 1984.
- The Abidjan Convention is a comprehensive umbrella agreement for the protection, development and management of the coastal and marine areas of the Western African Region, from Mauritania to South Africa inclusive :
- Three objectives:
 - Fights against pollution. It lists six sources of pollution which require control (pollution from ships, dumping, land based sources, exploration and exploitation of the sea-bed, and atmospheric pollution).
 - Identifies environmental management issues from which co-operative efforts are to be made (coastal erosion, protection of fragile ecosystems, environmental impact assessment).
 - Stresses the need for scientific and technological co-operation (exchange of data and other scientific information, reinforcement of national capacities for environmental management, harmonisation of national and policies).



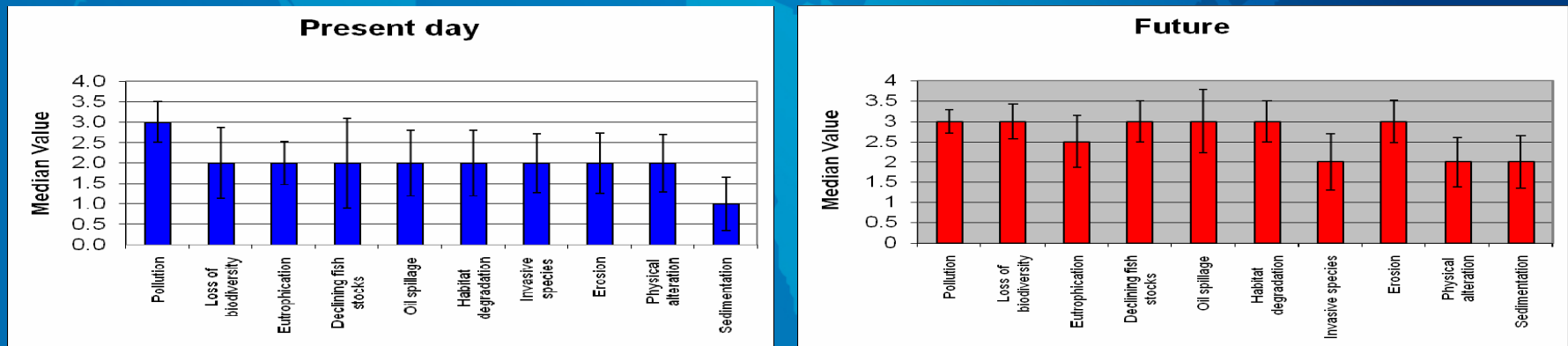
THE GOVERNANCE FRAMEWORK TO ADDRESS AQUATIC BIODIVERSITY

► The Regional Governance Framework: The Abidjan Convention

SHORTCOMINGS

- Legal status : Only 14 countries out of 22 have so far ratified the Abidjan Convention. Low ratification demonstrates poor commitment towards the Convention and slows the internationalization process of its obligations within national legislations.
- Mandate : Abidjan Convention focuses on pollution issues. Nowadays governance of marine and coastal environment relies on new paradigms that deal with actual acute environmental concerns such as loss of biodiversity, declining fish stocks, invasive alien species. There is a need to update the mandate or to adopt additional protocols.

Map: Perception of the status of environmental problems by a group of environmental experts for now and the immediate future



Source: UNEP, Report of a comprehensive review and strategy document for the Abidjan Convention.

- Financial means : Failure of Member States to pay their contributions has handicapped the implementation of the Convention's work programme. Eg. With reference to the eighties, the contributions rate was as low as 16% of the expected contributions.

THE GOVERNANCE FRAMEWORK TO ADDRESS THE CHALLENGES OF AQUATIC BIODIVERSITY

► The Regional Governance Framework: The Commission of the Gulf of Guinea

- Established as framework to reinforce relations amongst peoples of Member States; to create and maintain conditions of peace and security among Member States; and to guarantee harmonious, rational and peaceful exploitation of resources of Member States.
- Covers eight countries (Angola, Cameroon, Congo, Gabon, Equatorial Guinea, Democratic Republic of Congo, Sao Tome and Principe).
- Not specifically a forum dedicated to environmental issues. However, the Treaty establishing the Commission contains many references to the marine environment, making it somehow an additional regulatory framework.
 - Mechanism for the economic and commercial exploitation of natural resources within territorial boundaries of Member States, particularly in the overlapping Exclusive Economic Zones.
 - Harmonization of national policies for the management of natural resources, the protection of the region's natural environment and cooperation in case of natural disasters.
 - Concerted actions and policies for the sustainable exploitation of fishery products.

THE GOVERNANCE FRAMEWORK TO ADDRESS AQUATIC BIODIVERSITY

▶ The Regional Governance Framework: Fisheries Bodies

Fishery resources are vital for the Gulf of Guinea Coastal States of the region for many reasons: food (protein intake), source of employment, budgetary incomes.

THE GOVERNANCE FRAMEWORK TO ADDRESS AQUATIC BIODIVERSITY

► The Regional Governance Framework: Fisheries Bodies

Ministerial Conference on Fisheries Cooperation among African States bordering the Atlantic Ocean (ATLAFCO)

- Comprehensive Program of regional cooperation dealing with the management and development of fisheries between Member States.
- Covers 22 countries.
- Objectives : Concerted action for the assessment of fish stocks occurring within the waters under the jurisdiction of more than one Party; assessment and conservation of highly migratory species; monitoring and control of fishing vessels; development of fishery production; social conditions of fishermen; scientific research; protection and preservation of the marine environment; harmonisation of national policies.
- Main achievements focus on:
 - training (creation of a Regional Training Center in the fields of technology and fish quality control products);
 - exchange of technical information;
 - setting up of collaborative scientific networks (Network of Member States' maritime training Institutes dealing with fish processing and the protection of marine environment ; Network of national fisheries research centers).

Regional Fisheries Committee for the Gulf of Guinea (COREP)

- Established in Libreville on 21 June 1984.
- Specialized Agency of the Economic Community of Central African States (ECCAS) in the field of marine fisheries resources.
- Covers 8 countries (Angola, Cameroon, Gabon, Equatorial Guinea, Congo, Sao Tome and Principe, Central African Republic and Democratic Republic of Congo).
- Purpose : To strengthen cooperation between Member States on fisheries management; harmonization of national fishing legislations; control of fishing operations in the region ; concerted actions towards foreign fishing vessels; forum for exchange of scientific and technical knowledge on fisheries; elaboration of recommendations on technical measures related to fisheries (regulation of mesh size, type of fishing equipment, tonnage of fishing boats etc.).

THE GOVERNANCE FRAMEWORK TO ADDRESS AQUATIC BIODIVERSITY

► The Regional Governance Framework: Fisheries Bodies

Fishery Committee of the West Central Gulf of Guinea (FCWC)

- Established in July 2006 at the Ministerial Meeting in Abidjan.
- Covers all living marine resources, without prejudice to the management responsibilities and authorities of other competent fisheries management organizations or arrangements within the area of competence.
 - Six Member States (Benin, Côte d'Ivoire, Ghana, Liberia, Nigeria and Togo).
 - Objective: To promote cooperation among the Contracting Parties with a view to ensuring, through appropriate management, the conservation and optimum utilization of the living marine resources covered by the Convention and encouraging sustainable development of fisheries based on such resources.
 - Young institution in the development stage of its activities (adoption of a Strategic Action Plan, setting up the institutional framework).

Fishery Committee for the Eastern Central Atlantic (CECAF)

- Established in 1967, by Resolution 1/48 adopted by the FAO Council at its Forty-eighth Session held in Rome under Article VI (2) of the FAO Constitution.
- Not yet a Regional Fishery Body. Still a FAO Advisory Body.
- Purpose: To promote the sustainable utilization of the living marine resources within its area of competence by the proper management and development of the fisheries and fishing operations.
- Covers the Eastern Central Atlantic between Cape Spartel and the Congo river. 34 countries (European Union, USA, Cuba, South Korea etc.).

THE GOVERNANCE FRAMEWORK TO ADDRESS AQUATIC BIODIVERSITY

► The Regional Governance Framework: Fisheries Bodies

SHORTCOMINGS

- Need of integration: Despite political commitment, the region is still far away in practice from joint management of aquatic resources, and the setting up of a real harmonized zone as regards fishery issues and the fight against common ecological constraints.
- Multiplicity of regulatory bodies: It implies a great variety of norms to be implemented by States. It imposes additional constraints on States (reports, contributions, expertise, national representation etc).
- Effectiveness: The operational credibility of these regulatory bodies must be questioned as regards the actual state of fishery in the region. There is need of at least a real coordination mechanism for obtaining synergies and avoiding overlapping and duplicated activities.

THE GOVERNANCE FRAMEWORK TO ADDRESS AQUATIC BIODIVERSITY

► The Regional Governance Framework: Fisheries Bodies

GCLME States in regional fishery institutions

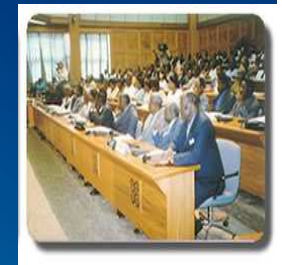


THE GOVERNANCE FRAMEWORK TO ADDRESS AQUATIC BIODIVERSITY

► The Regional Governance Framework: *Ad Hoc* Programs

GCLME Project is an ecosystem-based initiative to assist countries adjacent to the Guinea Current region to achieve environmental and living resource sustainability.

- GCLME Project Phase 1 (1995 – 1999):
 - Program “Water Pollution Control and Biodiversity Conservation” carried out in six countries (Benin, Cameroon, Côte d'Ivoire, Ghana, Nigeria and Togo).
 - Funded by GEF and executed by UNDP, UNEP, UNIDO and US-NOOA.
 - Permitted the establishment of countries coastal and biological profiles and Transboundary Diagnostic Analysis (identification of regional ecological issues and natural resources management concerns).
 - Adoption at ministerial level of the Accra Declaration (1998) aimed at institutionalizing a new ecosystem-wide paradigm for environmental assessment and management in the region.
- GCLME Project Phase 2 (2005 – 2009):
 - Program ‘Combating Living Resource Depletion and Coastal Area Degradation through Ecosystem-Based Regional Actions’.
 - Implemented in all the sixteen countries of the region.
 - Aimed at strengthening regional and national capacities as regards environmental protection, development and sustainable management of the resources of the GCLME region.



THE GOVERNANCE FRAMEWORK TO ADDRESS THE CHALLENGES OF AQUATIC BIODIVERSITY

► The National Governance Framework:

National legislations regarding Aquatic Biodiversity focus on:

- protection and preservation of coastal and marine habitats and ecosystems; and
- exploitation and development of aquatic living resources.

THE GOVERNANCE FRAMEWORK TO ADDRESS THE CHALLENGES OF AQUATIC BIODIVERSITY

► The National Governance Framework: Protecting marine and coastal ecosystems

DEVELOPMENT AND MANAGEMENT OF COASTAL AREAS

1. Regulation of activities carried out on coastal areas, with the aim of protecting fragile ecosystems:

- The occupation and exploitation of the seashore, all works and infrastructures on the coastal zone are regulated and subject to prior administrative authorization.
- Introduction of alien organisms in rivers, lakes and wetlands is forbidden.
- National legislations have not formally endorsed the ICZM paradigm, but field initiatives demonstrate a growing commitment towards integrated coastal management approach.
 - Benin: execution with the assistance of the World Bank of an initiative called 'Community-Based Coastal and Marine Biodiversity Management Project'.
 - Cameroon: implementation of a GCLME pilot demonstration project called 'Integrated Management of the Kribi-Limbé coastal area'.

2. Environmental Impact Assessment:

- Mechanism to assess the direct and indirect, short, medium and long term effects, of a project on its surrounding environment. It aims at preventing environmental degradation.
- In all national legislations, an EIA demonstrating the safety of a project on the environment is a mandatory technical requirement prior to any administrative approval to carry out the project.

THE GOVERNANCE FRAMEWORK TO ADDRESS THE CHALLENGES OF AQUATIC BIODIVERSITY

► The National Governance Framework: Protecting marine and coastal ecosystems

THE FIGHT AGAINST POLLUTION

1. Wastes and effluents (household, agricultural and industrial residues, hazardous chemicals and materials etc.) are a particularly worrisome type of pollution, since the Gulf of Guinea States lack adequate facilities for treatment and recycling of waste.

Eg. : In Benin, it is estimated that only 25-30% of urban wastes are effectively treated.

National Environmental Laws (with in certain countries, some specific pollution regulations):

- Prohibit discharges and dumping of wastes in waters;
- Regulate the collection, gathering, processing, import and export, disposal of waste and other hazardous substances.
- Impose penalties for violation of the Law (fines, imprisonment, restoration of degraded sites).

2. Oil spills:

- Oil spills are a major concern since all the States are oil producers.
- Existence of Petroleum Codes with provisions related to environmental protection; and of Oil spills Contingency Plan (Ghana, Nigeria, Cameroon etc.).
- Adoption of rules designed to prevent, reduce and minimize risks of oil pollution.

Eg. : The Guinean Anti-Pollution Decree prohibits, as a preventive measure, the entry in Guinean waters of any vessel carrying more than 2000 tons of oil if the owner can not show proof of an insurance or civil liability certificate. It allows Guinean authorities to suspend the right of innocent passage if the measure is essential to avoid oil pollution. It provides for detention or refusal of entry into Guinea's maritime areas of any vessel whose physical state may be source of pollution or accident. These provisions are also accompanied with rules of liability of owners and operators of oil ships in case of oil spills or accidents.

THE GOVERNANCE FRAMEWORK TO ADDRESS THE CHALLENGES OF AQUATIC BIODIVERSITY

► The National Governance Framework: Protecting marine and coastal ecosystems

Some international legal instruments related to marine biodiversity, to which Gulf of Guinea States are parties

	Angola	Benin	Cameroon	Congo	Côte d'Ivoire	Gabon	Ghana	Guinea	Guinea - Bissau	Equatorial Guinea	Liberia	Nigeria	DRC	Sao Tome and Principe	Sierra Leone	Togo
UNCLOS¹	05/12/1990	16/10/1997	19/11/1985	09/07/2008	26/03/1984	11/03/1998	07/06/1983	06/09/1985	25/08/1986	21/07/1997	25/09/2008	14/08/1986	17/02/1989	03/11/1987	12/12/1994	16/04/1985
Convention on Biological Diversity²	01/04/1998	30/06/1994	19/10/1994	01/08/1996	29/11/1994	14/03/1997	29/08/1994	07/05/1993	27/10/1995	06/12/1994	08/11/2000	29/08/1994	03/12/1994	29/09/1999	12/12/1994	04/10/1995
RAMSAR Convention on Wetlands²		24/05/2000	20/07/2006	18/10/1998	27/06/1996	30/04/1987	22/06/1988	18/03/1993	14/05/1990	02/10/2003	02/11/2003	02/02/2001	18/05/1996	21/12/2006	13/04/2000	04/11/1995
CITES Convention²		28/05/1984	03/09/1981	01/05/1983	19/02/1995	14/05/1989	12/02/1976	20/12/1981	14/08/1990	08/06/1992	09/06/1981	01/07/1975	18/10/1976		26/01/1995	21/01/1979
Straddling Fish Stocks Agreement¹								16/09/2005			16/09/2005					
BONN Convention on the Conservation of Migratory Species of Wild Animals²	01/12/2006	01/04/1986	01/11/1983	01/01/2000	01/07/2003	01/08/2008	01/04/1988	01/08/1993	01/09/1995		01/12/2004	01/01/1987	01/09/1990	01/12/2001		01/02/1996
Agreement on the Conservation of African-Eurasian Migratory Waterbirds²		01/01/2000		01/11/1999			01/10/2005	01/11/1999	01/11/2006	01/12/1999		01/07/2004				01/11/1999
Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas²	07/03/2006	24/04/2003					12/05/2003									
International Convention on Oil Pollution Preparedness, Response and Co-operation²	04/01/2002			07/12/2004		12/07/2005		02/01/2003			05/01/1996	13/05/1995				
MARPOL Convention (73/78)²	04/01/2002	11/05/2000		07/12/2004	05/01/1988	02/10/1983	03/09/1991	02/01/2003		24/07/1996	02/10/1983	24/08/2002		29/01/1999	26/10/2001	09/05/1990

Note : 1 : Date of ratification / accession
2 : Date of entry into force for the country

Source : Personal compilation.

THE GOVERNANCE FRAMEWORK TO ADDRESS THE CHALLENGES OF AQUATIC BIODIVERSITY

► The National Governance Framework: Protecting marine and coastal ecosystems

Some regional legal instruments related to marine biodiversity, to which Gulf of Guinea States are parties

	Angola	Benin	Cameroon	Congo	Côte d'Ivoire	Gabon	Ghana	Guinea	Guinea Bissau	Equatorial Guinea	Liberia	Nigeria	DRC	Sao Tome and Principe	Sierra Leone	Togo
Abidjan Convention and its Protocol concerning co-operation in combating pollution in cases of emergency¹		17/10/1997	01/03/1983	19/12/1987	15/01/1982	13/12/1988	20/07/1989	04/03/1982			22/03/1985	06/06/1984			07/06/2005	16/11/1983
Algiers Convention on the Conservation of Nature and Natural Resources¹			13/07/1977	04/04/1981	15/01/1989	09/05/1988	17/05/1989				21/09/1978	02/04/1974	29/05/1976			24/10/1979
Bamako Convention on the ban of the import into Africa and the control of transboundary movement and management of hazardous wastes within Africa¹		01/12/1997	11/07/1994	19/03/1997	13/07/1994	18/05/2007							15/09/1994			06/05/1996
Memorandum of Understanding concerning Conservation Measures for Marine Turtles of the Atlantic Coast of Africa²	01/03/2002	01/07/1999	01/10/2002	01/07/1999	01/10/2002	01/07/1999	01/12/1999	01/07/1999	01/07/1999	01/07/1999	01/12/2005	01/07/1999	01/12/1999	01/03/2002	01/06/2002	01/12/1999

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THE GOVERNANCE FRAMEWORK TO ADDRESS THE CHALLENGES OF AQUATIC BIODIVERSITY

► The National Governance Framework: Protecting marine and coastal ecosystems

- Environmental Codes
- Mainly adopted at the post-Rio era (at the exception of Guinea and Togo).

Countries	Environmental legislations
Angola	Environmental Law No. 5/98 of 19 June 1998
Benin	Loi n° 98-030 du 12 février 1999 portant loi-cadre sur l'environnement
Cameroon	Loi n° 96/12 du 5 août 1996 portant loi-cadre relative à la gestion de l'environnement
Congo	Loi n° 003/91 du 23 avril 1991 sur la protection de l'environnement
Côte d'Ivoire	Loi n° 96-766 du 3 octobre 1996 portant Code de l'environnement
Equatorial Guinea	Environmental law n° 7/2003 dated November 27 and its amendements
Gabon	Loi n° 16/93 du 26 août 1993 relative à la protection et à l'amélioration de l'environnement
Ghana	The Environmental Protection Agency Act n°, 30th December 1994
Guinea	Ordonnance n° 045/PRG/87 portant Code de l'environnement
Liberia	The Environment Protection and Management Law of 22 November 2002
Nigeria	Federal Environmental Protection Agency Act, n° 58, 1988
Sao Tome-and-Principe	Loi n° 10/1999 du 15 avril 1999 portant loi-cadre de l'environnement
Sierra Leone	The Environment Protection Act, 2 march 2000
Togo	Loi n° 88-14 du 3 novembre 1988 instituant Code de l'environnement

THE GOVERNANCE FRAMEWORK TO ADDRESS THE CHALLENGES OF AQUATIC BIODIVERSITY

► The National Governance Framework: Protecting marine and coastal ecosystems

- Anti-pollution norms

Countries	Anti-Pollution laws and regulations
Angola	Decree n° 495/73 establishing sanitary measures in order to prevent the pollution of both sea and coastal water (6 October 1973)
Benin	Décret n° 2003-332 portant gestion des déchets solides en République du Benin (27 août 2003)
Cameroon	Décret n° 2001/165/PM précisant les modalités de protection des eaux de surface et des eaux souterraines contre la pollution (08 Mai 2001)
Côte d'Ivoire	Décret N° 97-678 du 3 Décembre 1997 portant protection de l'environnement marin et lagunaire
Gabon	Loi n° 13/74 portant sur l'élimination de déchets et la réduction des nuisances publiques (21 janvier 1975)
Guinea	Décret n° 201/PRG/SGG/89 portant préservation du milieu marin contre toutes formes de pollution (8 novembre 1989)
Liberia	Act to amend the Agricultural Law to provide for the prevention of water pollution and to protect the marine life within the rivers and streams of the Republic (11 April 1973)
Nigeria	Interim Guidelines and Standards for Environmental Pollution Control in Nigeria (1991)

THE GOVERNANCE FRAMEWORK TO ADDRESS THE CHALLENGES OF AQUATIC BIODIVERSITY

► The National Governance Framework: Protecting marine and coastal ecosystems

- Petroleum Codes

Countries	Petroleum Codes
Angola	Law No. 10/04 regulating petroleum operations in the surface and subsurface areas falling under Angolan jurisdiction.
Benin	Loi n°2006-18 du 17 octobre 2006 portant Code pétrolier
Cameroon	Loi n°99/013 du 22 décembre 1999 portant Code Pétrolier
Congo	Loi n°24-94 du 23 août 1994 portant Code des hydrocarbures
Côte d'Ivoire	Code pétrolier du 31 mai 1996.
Equatorial Guinea	Hydrocarbons Law No.8/2006, of 3 November of the Republic of Equatorial Guinea.
Gabon	Loi n°14/74 du 21 janvier 1975 portant réglementation des activités de recherche et d'exploitation pétrolière sur le territoire de la République Gabonaise et Loi n°14/82 du 24 janvier 1983.
Ghana	An Act to establish the National Petroleum Authority to regulate, oversee and monitor activities in the petroleum downstream industry; to establish a Unified Petroleum Price Fund; and to provide for related purposes, of 24 June 2005
Nigeria	Petroleum Act 1969 and the Petroleum (Amendment) Decree 1996; Petroleum (Drilling and Production) Regulations, 1969 with amendments in 1973, 1979, 1995, 1996 and Petroleum (Amendment) Decree 1996; Deep Offshore and Inland Basin Production Sharing Contracts Decree No 9 of 1999; Deep Offshore and Inland Basin Production Sharing Contracts (Amendment) Decree No 26 of 1999
Sierra Leone	Petroleum Exploration and Production Act, 2001 (Act No. 11 of 2001), of 30 September 2001.

* Nigeria and Sao Tome and Principe: Treaty between the Federal Republic of Nigeria and the Democratic Republic of Sao Tome and Principe on the Joint Development of Petroleum and other Resources, in respect of Areas of the Exclusive Economic Zone of the Two States (21 February 2001).

THE GOVERNANCE FRAMEWORK TO ADDRESS THE CHALLENGES OF AQUATIC BIODIVERSITY

- ▶ The National Governance Framework: exploitation of aquatic living resources

The objective of fishery resources management for the States of the region is to maintain the sustainability and productivity of the fisheries sector in the long term.

THE GOVERNANCE FRAMEWORK TO ADDRESS THE CHALLENGES OF AQUATIC BIODIVERSITY

► The National Governance Framework: exploitation of aquatic living resources

Countries	Fisheries laws
Angola	Law n° 6-A/04 on Water Biological Resources, 8 October 2004
Benin	Ordonnance n° 73-40 du 5 mai 1973 portant organisation de la pêche industrielle au Dahomey
Cameroon	Loi n° 94/01 du 20 janvier 1994 portant régime des forêts, de la faune et de la pêche
Congo	Loi n° 2- 2000 du 1 ^{er} février 2000 portant organisation de la pêche maritime
Côte d'Ivoire	Loi n° 86-478 du 1 ^{er} juillet 1986 relative à la pêche
Equatorial Guinea	Loi n° 2/1987 du 16 février 1987 sur la pêche
Gabon	Loi n° 015/2005 portant Code des pêches et de l'aquaculture
Ghana	Fisheries Act, n° 625 of 16 January 2002
Guinea	Loi n° L/95/13/CTRN du 15 mai 1995 portant code de la pêche maritime
Guinea Bissau	Decree-Law n° 6-A/2000 of 22 August 2000 establishing fishing resources exploitation and fishing rights
Liberia	Laws on Marine Fisheries, 1976, Title 24 of the Liberian Code of Laws
Nigeria	Sea Fisheries Decree, n° 71, 31 December 1992
Sao Tomé-and-Principe	Fisheries Law n° 9/2001, 25 September 2001
Sierra Leone	Fisheries (Management and Development) (Amendment) Act, n° 10 of 2007, Being an Act to amend the Fisheries (Management and Development) Act, 1994
Togo	Loi n° 98-012 du 11 juin 1998 portant réglementation de la pêche

THE GOVERNANCE FRAMEWORK TO ADDRESS THE CHALLENGES OF AQUATIC BIODIVERSITY

► The National Governance Framework: exploitation of aquatic living resources

FISHERIES MANAGEMENT

1. Access to fishing activities:

- Fishery resources are part of the public domain of the State. So fishing activities are subject to prior authorization by competent national authorities (issuance of fishing licenses);
- Traditional coastal communities have customary fishing rights within determined areas. However, such rights can be subject to restrictions for the purpose of protecting fishery resources.

2. Fishery Development Plans:

- to ensure the optimum utilization of fishery resources but avoid overexploitation (assessment of fishery stocks ; state of exploitation of fishery resources ; measures for the promotion of local fishing operators ; determination of amount of fish to be made available for foreign fishing vessels ; conservation measures etc..).

3. Regulation of fishing activities:

- Series of measures relating to the conduct of fishing activities, such as catch limits ; determination of types and sizes of devices and nets for fishing including prohibited nets, practices and methods; zones and periods for fishing etc.

4. Monitoring, control and enforcement dispositions:

- Authorities have all due powers to verify the compliance with the law and to impose penalties.

THE GOVERNANCE FRAMEWORK TO ADDRESS THE CHALLENGES OF AQUATIC BIODIVERSITY

► The National Governance Framemork: exploitation of aquatic living resources

TIMID EMERGING ISSUES

1. Marine Protected Areas:

- MPAs are key mechanisms for the restoration of aquatic living resources, thereby enhancing their productivity in the long term.
- MPAs are enshrined in the region's national legislations. But this legal consecration contrasts with a timid field implementation. Countries in the region with MPAs are Guinea-Bissau (João Vieira / Poilão Coastal Marine Park) and DRC (Mangroves Marine Park). Some countries have Terrestrial Protected Areas with a marine component, such as Angola (Ilhéu back Passaros Reserve), Cameroon (Campo - Ma'an Park), Congo (Conkouati Douli National Park) or Gabon (Petit Loango). Other countries have no MPA (Ghana, Sierra Leone).

2. Marine Genetic Resources:

- Marine Biotechnology products were estimated at US 200 billions in 2000 . [Cf. CIGIN-SAIN, Ocean Yearbook, vol. 12, 1996]
- Existing examples of regulatory laws on MGR worldwide : Andean Community of Nations (Decision 391), Costa Rica (Biodiversity Law, No. 7788, 23 April 1998) , Australia (Nationally Consistent Approach for Access to and use of Australia's Native Genetic and Biochemical Resources), India (Biological Diversity Act, 2002) etc.
- National legislations of the Gulf of Guinea do not really focus on MGR, despite the existence of the African Model Law on the Protection of the Rights of Local Communities, Farmers and Breeders, and for the Regulation of Access to Biological Resources. The Abidjan Convention is silent on the issue. Cameroon and Liberia have made a timid attempt to regulate those issues, but their laws are still too vague and general to be effective.

A NEED FOR ACTION

► Shortcomings of the existing Governance Framework

- Coastal States of the Gulf of Guinea have striven to establish, at both regional and national levels, regulatory corpus for the protection and sustainable management of marine and coastal biodiversity. There is an existing legal and institutional framework, though subject to certain weaknesses and deficiencies :
 - Absence of coordinated planning scheme for coastal areas and marine biodiversity management (lack of overall strategic vision, predominance of sectoral and limited initiatives etc.).
 - Poor legal frameworks (texts sometimes outdated or partial etc.).
 - Weak enforcement and implementation of existing regulatory instruments (inadequate public involvement, limited financial capacities, poor collaboration and overlapping jurisdiction between implementing agencies etc.).
- Ultimately, the main challenge for the region regarding marine and coastal biodiversity is to ensure the effectiveness of adopted mechanisms and laws in order to generate optimum outcomes in terms of ecological, economic and social benefits.

A NEED FOR ACTION

► Recommendations

Sustainable management of aquatic biodiversity in the Gulf of Guinea calls for a new vision, based on an integrated approach and specific regulatory norms. The aim is to set up a marine policy which is fully part of the broader social and economic development plans of the States. In order to achieve this goal, certain conditions must be fulfilled:

- Rationalization of activities (to do more with little):
 - In the absence of a single regional organization for marine affairs in the region, there is a need of a strong regional coordination mechanism for marine and coastal management. This can be achieved through the Abidjan Convention since it is an umbrella agreement; but then there is need for revamping its activities.
 - At the national levels, there is a variety of institutions dealing with environmental issues. Synergy can be reached through structures like National Environmental Interministerial Committees acting as coordination institutions, but only if they are provided with the necessary authority and means.
- A comprehensive marine and coastal management strategy:
 - Population awareness (IEC) and involvement of civil society in a participatory approach;
 - Planning of actions taking into account various parameters (physical, economic, biological, cultural, land etc.).
 - Strengthening institutional capacities (clear determination of responsibilities between implementing institutions etc.);
 - Scientific assessment of coastal and marine milieu (research, greater involvement of universities and national research centers in the process of developing strategies etc.).
- Updating the legal framework:
 - Formalization of ICZM approach in legislations (eg. France, Algeria, Tunisia etc.);
 - Comprehensive deterrent legal framework on pollution (with concrete means of constraints).



THANK YOU

Special Gratitude to:

- **UN/DOALOS**
- **Nippon Foundation of Japan**