

IGAD REGIONAL STRATEGY

**Domestication of IGAD Policies,
Strategies and Multilateral Environment
Agreements Related to Biodiversity**



**PEACE, PROSPERITY AND
REGIONAL INTEGRATION**



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The Intergovernmental Authority on Development (IGAD)

Email: info@igad.int

Website: www.igad.int

Information and Documentation Section IGAD Secretariat

P.O. Box 2653 Djibouti

The Republic of Djibouti

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FOREWORD



The IGAD region is endowed with different biodiversity resources including rare endemic wildlife species, unique habitat, and ecosystems, tangible and intangible heritage. It is documented that the region has more than 1 500 known species of mammals, 1 400 known breeding bird species and more than 3 200 species of higher plants. The IGAD coastal area has more than 50 genera of Scleractinian coral in its marine environment.

These resources present huge opportunities for tourism, medicine, food and feed security, building the basis for economic and social development of the region. In fact, in some countries of the region, they contribute substantially to ensuring employment and increased Gross Domestic Production (GDP). These resources move from one place to the other in search of water, pasture or feed. Their habitats

are the different ecosystems which cut across political boundaries. Wildlife resources, particularly the fauna, are therefore mobile and need joint and collective efforts to ensure its conservation.

Despite its endowment with huge wildlife resources, the region is faced with a lot of challenges. Some of these unique species are under threat due to high population growth, poaching and related illegal wildlife trade, human wildlife conflicts, habitat loss and degradation, climate change, industrialization, poor land use practices, increasing levels of pollution among others. Illegal trade in some species, such as Cheetah, is posing a great challenge to the existence of these species. Consequently, IGAD, under its Biodiversity Management Programme, has formulated a Regional Wildlife Management Strategy, which was approved by the Ministers in charge of wildlife in the region, to enhance the cooperation to curb the aforementioned challenges. IGAD has also integrated the Horn of Africa Wildlife Law Enforcement Network, known as HAWEN, as its Specialized Network, to strengthen the anti-wildlife trafficking efforts of its member states.

I am convinced that the IGAD Wildlife Management Strategy and the IGAD HAWEN, supported by other IGAD policies, protocols and strategies, such as the IGAD Environment Policy, the IGAD Biodiversity Policy and Protocol, will enhance the efforts of the different actors at local, national, regional and global levels in conservation and sustainable management of wildlife resources in the region.

Amb. (Eng.) Mahboub Maalim

Executive Secretary

ABBREVIATIONS AND ACRONYMS

BMP	Biodiversity Management Programme
CBD	Convention on Biological Diversity
CITES	The Convention on International Trade in Endangered Species of Wild Fauna and Flora)
CMS	Convention on the Conservation of Migratory Species of Wild Animals
COMESA	Common Market for eastern and Southern Africa
ICT	Information and Communications Technology
IGAD	Intergovernmental Authority on Development
Kyoto Protocol	Kyoto Protocol to the United Nations Framework Convention on Climate Change
MEA's	Multilateral Environmental Agreements
Nagoya Protocol	The Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity, also known as the Nagoya Protocol on Access and Benefit Sharing (ABS)
Paris Agreement	Agreement within the United Nations Framework Convention on Climate Change (UNFCCC) dealing with greenhouse gases emissions mitigation, adaptation and finance starting in the year 2020
Ramsar	Convention on Wetlands, called the Ramsar Convention
UNCCD	United Nations Convention to Combat Desertification
UNFCC	United Nations Framework Convention on Climate Change
WHC	Convention Concerning the Protection

1. INTRODUCTION

IGAD is mandated to initiate, develop and implement regional policies, protocols, strategies programmes and projects in all domains of its mandate. It is also mandated to domesticate continental and global policies, strategies and multilateral agreements to which member states are Parties. In the environment sector, it has developed several regional policies, protocols and strategies. IGAD has also developed strategies and action plans to implement the UNCCD, CBD and the UNFCCC. IGAD implements programmes and projects to realize the implementation of the regional policies and strategies in the sector. One of the programmes under implementation is the IGAD Biodiversity Management Programme which is financially supported by EU. The objectives of the BMP are to enhance the socio-economic development of the region by promoting regional cooperation and integration among the IGAD member states in the biodiversity and environment sector. The programme focuses amongst others on:

1. Development of a common biodiversity policy in the region as well as other biodiversity thematic strategies such as wildlife conservation, management and anti-wildlife trafficking, benefit sharing from ecosystem goods and services, invasive species, and domestication and implementation of regional policies / strategies such as the biodiversity-related MEAs;
2. Development of a regional biodiversity database and information system, which will be supported by national biodiversity databases and information systems. The support to strengthen / establish the national database and an information system is underway; and
3. Conservation / sustainable management of biodiversity resources in the IGAD region by

strengthening institutions in the member states and by showcasing it in three cross-border demonstration sites being implemented by recognized Implementing Partners (IPs). The three sites are the Boma-Gambella Parks between Ethiopia and South Sudan, the Lower Awash -- Lake Abbé Land and Seascape between Djibouti and Ethiopia and the Tana-Kipini – Laga Badana Bushbush Land and Seascape between Kenya and Somalia.

The primary objective of the regional strategy on domestication of regional, continental and global policies, protocols, strategies and agreements is to support the implementation of the regional biodiversity policy, protocol and other relevant IGAD initiatives to enhance environmental and human security in the region. It contributes to the achievement of the IGAD goal of guaranteeing sustained economic growth and security of the region by minimizing the vulnerabilities of the region to climate change and other economic shocks.

The strategy provides for:

- cooperation between Member States on management and protection of environment and natural resources;
- enhance member states' individual and collective contribution to continental and global environment, economic and peace and security frameworks; and
- further enhancing cooperation at regional level regarding law enforcement, capacity building and research in the domestication of regional, continental and global frameworks.

2. BACKGROUND AND REGIONAL OVERVIEW

2.1 The Nature of law

A country's legal system is effected by a regulatory framework of enacted administrative, civil and criminal law – and a range of legislative and executive institutions that support and implement it – all of which derive their legitimacy by virtue of the “law” that gives them force.

At the highest level of legal and governance instruments informing a nation's Law, is its Constitution that initially determines the shape of that government and its powers to make policy, laws and the instruments and institutions through which they are promulgated, implemented and enforced.

IGAD Member States' Constitutions prescribe the basic structure and the powers of their individual governments – also in relation to international relations. It is in regard to the above that this [Strategy](#) identifies and elaborates on legislative processes of the Member States – as it relates to the domestication of IGAD endorsed Policies, Protocols and Strategies derived from its Biodiversity Management Programme.

2.2 International Law-background

An **international agreement** is a customary or codified written instrument between two or more sovereign or independent public law entities – such as states and governmental or non governmental organizations. The intent of this type of agreement is to create rights and obligations between the parties – and is governed not only by each party's own laws, but also by a body of international law.

Such instruments are designated as treaties, conventions, agreements, protocols, covenants, compacts, exchange of notes, memoranda of

understanding, agreed minutes, letters, etc., the latter being known as accords *en forme simplifiée* or agreements under simplified format.

A **treaty** is a generic term designating any treaty, agreement, convention or other international instrument between two or more parties.

The relationship between international law to which they may be parties – and Member States' individual national laws varies significantly. In almost all cases of international law, the international law must be translated into domestic law (a process formally referred to as “domestication”).

The following basic principles apply to the domestication and implementation of the documents endorsed or approved by IGAD Member States:

1. An international agreement binds only the signatories, in other words, the Member States to the agreement in relation to each other in their capacity as states.
2. Domestication (“Law translation”) encompasses all processes and principles that render international law capable of enforcement or application within national legal systems”.
3. As a point of departure, a distinction should be made between monism and dualism.
 - a. Monism has its root in natural law theories which see all law as the product of reason. It envisions international law to automatically be part of national legal systems and suggests that no conflict can arise between international and national law because they are derived from the same source.

b. The foundation of dualism is in legal positivism. It posits that international and national laws operate on separate legal planes: international law governs relations between states, and national law governs relations between individuals and the state. Under dualism, international law can play no role in the national legal systems except in so far as it has been received or adopted by them.

Generally, former European (French, Belgian, Italian and Portuguese) colonies will follow the monist legal philosophy while former British colonies follow the dualist philosophy.

The above means that in the former European colonies, an international agreement will form part of the domestic law of a Member State as soon as the Head of State or the Cabinet has ratified it (approved). In these Member States, as a general principle, the international law also supersedes the national law. In Member States that are former British colonies, however, as a general principle, the national law will supersede international law in the case of any conflict, even after it has been ratified. As shown below, these principles have been diluted by the Constitutions of the Member States and the principles do not apply as an absolute rule anymore.

4. Even though, for example, the East African Community founding treaty provides for the community to make “laws”, it is left to the Member States to determine how the laws are being applied in their own jurisdictions – as the founding documents do not provide for the direct applicability of the regional laws.

Whether or not a state can enforce such a regional “law” or agreement containing a “law” in a national court of law, still depends on the Constitution of the relevant state as most of the Member States’ Constitutions determine that the Constitution is the supreme law of the country.

5. Member States determine the way international law must be imported into their national law in their Constitutions – and as such, the principles of monism and dualism do not find pure application in the Member States.

Most Member States’ Constitutions discussed herein require certain actions to be taken before international law becomes enforceable in the state concerned – which entails that while the Member States have similar legal circumstances in terms of international law, each state remains unique in the format it follows.

6. International agreements may take various forms, *inter alia* the form of a law. These are by necessity written in generic language, which must be adapted and made specific to enable enforcement in the national law of a Member State.

A basic principle of all legislation is that the law must be *clear* and *specific* to be fair and reasonable. A generic law is usually not specific enough to justify arrest or the imposition of a fine for example, in terms of the requirements of due process and the reasonableness and fairness of legislation.

7. Every Member State determines its own legislative process. The processes are very similar, requiring professional drafting, and approvals by the executive and the Parliament.

Two aspects of the above process – the drafting of legislation and the ratification of international agreements – also need to be distinguished from each other. In most Member States, both processes will be necessary to make the IGAD agreements enforceable. An agreement that has been approved, signed and ratified alone is generally only applicable between the Parties to the agreement.

If, for example, an agreement states that the Parties undertake to incorporate the terms of the agreement into their respective domestic legislation, one Member State could force the other to do so in an international court.

However, for the terms of an agreement to be enforceable towards subjects within a Member State – a factory owner for example – it must be incorporated into domestic law.

In a monist state, the above could be effected by mere ratification – while in a dualist state it is done by way of promulgating a law incorporating it into the domestic body of law of the state.

In a monist state, the principle is that the international law is self-executing and incorporated into the domestic law once it has been ratified – though practice dictates that the international agreement which is drafted in generic terms must be translated into specific domestic legislation for it to be practically enforceable.

Treaties only bind signatories. Where a State, not a party, accepts its provisions and desires to become a party thereto, it does so by acceding to the treaty, which may be before or after the treaty comes into force. Most of the biodiversity-related MEA's have been signed or acceded to and this point does not need to be further elaborated on.

The action of ratification of an international agreement means that the Member State concerned is bound towards other Member States, and bound towards its citizens to domesticate that agreement. An illustration of this relationship is to be found in *The Republic of Mauritius versus Polytol Paints (COMESA Court of Justice Preliminary Application Number 1 of 2012)*: In this case, Mauritius did not in its national legislation give effect to the free trade area in terms of the COMESA treaty. Polytol Paints, a Mauritian company, sought from the Mauritian courts a refund for taxes paid by it in terms of

national Mauritian legislation, as well as a declaration that the Regulations in terms of which Mauritius still charged taxes contrary to the COMESA Treaty, was in breach of Mauritius' obligations under the COMESA Treaty. The Mauritian courts dismissed the application on the basis that 'non-fulfilment of Treaty obligations is not enforceable by the national courts in so far as there was no specific legislation to this effect.' Polytol Paints thereafter applied to the COMESA Court of Justice, of which the decision clarified the following points:

- The responsibility of bringing a matter relating to "non-fulfilment of obligations under the Treaty is reserved for Member States and the Secretary General". (A natural or legal person may therefore only bring to court matters relating to conduct or measures that are unlawful or an infringement of the Treaty);
- A (COMESA) country that implements national legislation that contains provisions contradicting the provisions of the treaty, infringes that treaty, even though the contradictory national law is implemented to protect its own industry;
- The treaties (at least the COMESA Treaty) gives enforceable rights to citizens living in the Member States;
- Bilateral agreements between Member States under a regional treaty that contradicts that treaty cannot stand.

While this case clarifies the fact that citizens directly obtain rights (direct effect) under a treaty, it still does not mean that a regional law/ agreement is directly applicable in a country. The citizen only has the right to approach a regional court in the case where that citizen has suffered adverse consequences of the infringement of a treaty by the government.

Currently, except for South Sudan in relation to CITES, IGAD Member States can enforce upon each other the MEA's listed in Table 1 – though most Member States cannot enforce these upon their own subjects.

The above applies also to IGAD's Regional Policies, Protocols and Strategies.

To elaborate the relevant processes involved in Domestication of the above regional instruments, the

international and domestic legislative procedures of each Member State is summarily described below – to the extent that such processes exist and information on it is accessible.

3. MEMBER STATES LEGAL DOMESTICATION PROCESSES

3.1 THE REPUBLIC OF DJIBOUTI

3.1.1 International Law

The process for ratification as determined in the Constitution of Djibouti is described here, and every step will have to be supported by explanatory memoranda and the necessary delegations should be in place.

Article 70 of the Constitution empowers the President of the Republic to negotiate and approve treaties and international conventions, which are submitted to the National Assembly for ratification. The ratified treaties or agreements supersede the domestic laws. The ratification or the approval of an international engagement containing a clause contrary to the relevant provisions of the Constitution may so supersede domestic laws only after its revision. This is a deviation from the purely monist approach and illustrates the point made in paragraph 1.2. regarding the unique status of each Member State in terms of its Constitution.

The President delegates the power to negotiate an international agreement to Ministers who mandates a person/s to undertake the negotiations. It is also assumed that the staff of the Ministry of Habitat, Urbanism, Environment and Tourism will have to initiate the ratification process, drafting explanatory memoranda to the Minister which can be submitted to Parliament. As no meeting could be arranged with the Ministry of International Affairs, or the Ministry of Justice, the detail of the process could not be established e.g. whether the Ministry of International Affairs first sanction the agreements and whether the agreements also must be sanctioned by the Ministry of Justice, as is usually the case.

3.1.2 Domestic Law

Article 55 of the Constitution states that, legislative power belongs to unicameral National Assembly or *Assemblée Nationale* and the members according to Article 45 are called '*Députés*'.

However, like in other Civil Law countries, a residual legislative power is left in the hands of the Executive. Articles 54 & 56 of the Constitution exhaustively list the subject areas that constitute the exclusive legislative domain of the National Assembly. Under this list is the "determination of crimes and misdemeanours and the penalties applicable to them, the criminal procedure, amnesty, the judicial organization, the status of judges, of the ministerial officers and of the juridical and judiciary professions and the organization of the prison regime".

In terms of article 58 of the Constitution, all matters not listed in articles 54 and 56 fall under the regulatory power (*pouvoir réglementaire*) of the Executive which exercises that power through decrees. This regulatory power belongs to the President of the Republic who may delegate part or the totality of it to the Prime Minister.

As another common feature of civil law systems, the Government may in certain circumstances 'legislate' on subject areas within the exclusive legislative competence of the Assembly by way of ordinances. This is regulated by article 60 of the Constitution which states that 'with the agreement of the President of the Republic, the government, to execute its program, may ask the Parliament for the authorization for a limited period to pass ordinances for measures which are

normally in the domain of the law.' These ordinances must be adopted by the Council of Ministers and signed by the President of the Republic. They enter into force immediately after their publication and must subsequently be tabled before the Parliament, within the timeframe stated in the enabling law, for purposes of ratification. The president has the power to notify the constitutional council when he considers that the content of a law is contrary to the current constitution.

Equally worthy of notice is the fact that there exists a special category of laws known as organic laws. These typically serve to define the legal framework of key institutions and processes mentioned in the Constitution. In total, the Constitution prescribes for the enactment of 10 organic laws. The adoption or amendment of organic laws is subject to stricter conditions stated in article 67 of the Constitution; one of which is that their constitutionality must first be checked and certified by the Constitutional Council before they can be promulgated.¹

The legislative process will have to be initiated by the Ministry of Habitat, Urbanism and Environment and as in other Member States, a process of approvals must be followed.

3.2 THE STATE OF ERITREA

3.2.1 International Law

The National Assembly, per Proclamation 37/93 has the authority to elect the President of the State. It also has the power to issue laws, prepare and approve domestic and foreign policies, ratify international agreements, approve national budget and development plan and establish ministries and other government agencies, among others. The National Assembly is however not active in Eritrea and the ratification of the IGAD Protocol will have to be done through a presidential decree.

¹ <http://www.nyulawglobal.org/globalex/Djibouti.html#LegislativePower>

3.2.2 Domestic Law

Proclamation 37/93, which established the National Assembly, does not provide for a voting procedure or how a bill would be adopted to be a law in Eritrea. There is no legislation that regulates law-making procedures in Eritrea.

The Ministries, per Proclamation 37/93 as amended, have the mandate to develop policies relevant to their domain, and they oversee its execution. Ministries also have regulatory power over issues that fall within their mandate.

3.3 THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA

3.3.1 International Law

International agreements in Ethiopia must be ratified by the House of Representatives. The line ministry prepares a ratification proclamation for submission to the Ministry of Foreign Affairs. During every step of the procedure, the proclamation is accompanied by an explanatory memorandum. In the case of environmental-related agreements, the Ministry of Foreign Affairs submits the ratification proclamation to the permanent committee on Natural Resources and Environmental Protection Affairs (of the House of Representatives) and the Council of Ministers. If these two bodies approve the ratification proclamation, it is submitted to the House of Representatives for approval, after which it is published and comes into effect.

3.3.2 Domestic Law

The Ethiopian state consists of a federal government and state governments. These governments consist of executive, legislative and administrative branches. The Constitution contains a list of issues on which the federal government has exclusive legislative powers. Matters that are not covered by that list may be legislated on by the States. State laws in general do not really deviate from that of the federal government.

Domestic laws may be submitted to parliament by any member of Parliament, parliamentary groups which are political parties with more than ten seats in Parliament, and Parliamentary Standing Committees.

Domestic laws are initiated by the different government institutions and consist of proclamations, regulations and directives. Proclamations and regulations are drafted in accordance with the following procedure:

- Any biodiversity-related laws will be initiated by the “Ethiopia Biodiversity Institute” established by Proclamation 120/1990, Proclamation 381 of 2004 and by the Council of Ministers Reg. No. 291/2013 or by the Ethiopian Wildlife Development and Conservation Authority, established by Proclamation No. 575/2008” and proposed together with an explanatory memorandum to the Ministry of Environment, Forest and Climate Change and the Ministry of Culture and Tourism, respectively;
- If the Ministries agree with the proposed legislation, a drafting committee comprising specialists in the field is appointed and a “zero draft” is compiled;
- The zero draft is submitted to the “Ministries for comment;
- The Drafting Committee then incorporates the comments by the Ministries into the draft legislation, resulting in a second draft;
- The second draft of the legislation is submitted to stakeholders for comment;
- The stakeholders’ comments are incorporated into the second draft. Ethiopia in general does not publish legislation for public comment. However, public consultation meetings are usually held to obtain the public’s comment;
- After the consultation phase, a third draft is compiled incorporating the stakeholders’ and public’s comments;

- The Third draft is submitted to the Ministry of Justice (the Federal Attorney General) for constitutional certification and to ensure that the draft legislation does not conflict with existing legislation; after the Attorney General has approved the draft legislation, it is submitted to the Council of Ministers;
- The drafting team and the Attorney General present the draft legislation to the council of Ministers to explain its content;
- If the draft legislation is a proclamation it is submitted to Parliament after approval of the Council of Ministers;
- If the draft legislation is regulations, it is published in the Official Gazette on approval of the Council of Ministers and comes into effect;
- A proclamation is submitted to the House of Representatives where it is submitted to a permanent committee on Natural Resources and Environmental Protection Affairs;
- Once the Natural Resources and Environmental Protection Affairs Standing Committee approves the Proclamation, it is submitted to the House of Representatives where it is deliberated and voted on; and
- If the majority of the House of Representatives approves of the Proclamation, it is published and comes into effect.

Directives are drafted in terms of regulations and need to be approved by the Minister of Culture and Tourism if it regulates an issue that requires special attention.

3.4 THE REPUBLIC OF KENYA

3.4.1 International Law

In terms of the Constitution of the Republic of Kenya, 2010, treaties and conventions ratified by the State may be directly enforced by courts of law without further domestication. The key concept in this Constitution is that the treaty must be ratified before it becomes

part of the Kenyan law. There is however the need to identify the measures to be taken to effectively implement such a treaty, for example if the treaty binds the government to adapt its domestic legislation in accordance with its provisions.

To ensure that treaties ratified by Kenya can have the requisite force of law, Kenya passed The Treaty Making and Ratification Act, 2012 (No. 45 of 2012), which sets out the procedure for negotiating treaties and their ratification. Under the current system, a proposal to ratify a treaty is initiated by the Executive, approved by the Cabinet, approved by the National Assembly and then the Cabinet Secretary for Foreign Affairs (equivalent of a Minister for Foreign Affairs in other jurisdictions) facilitates the deposit of the instruments of ratification. The Act provides for public participation in the treaty making process and dissemination of information on the implementation of treaty obligations.

Under Article 132(1)(c)(iii) of the Constitution, the President is required, once every year, to “submit a report for debate to the National Assembly on the progress made in fulfilling of the international obligations of the Republic”. In the same vein, Article 132(5) of the Constitution provides that, “The President shall ensure that the international obligations of the Republic are fulfilled through the actions of the relevant Cabinet Secretaries”.

3.4.2 Domestic Law

Part 4 of Chapter 8 of the Constitution of Kenya prescribes the process for the promulgation of legislation. The process below describes only the national legislative process and not legislative processes of the counties in Kenya.

3.4.2.1 Primary Legislation

- A line ministry will prepare a draft bill based on a policy direction adopted by government or because of the need to implement an international agreement;
- The policy and the bill will undergo a public participation process;
- A policy framework must at the national level be proposed or sponsored by the respective Cabinet Secretary, approved by the Cabinet, passed by Parliament, adopted as a Sessional Paper and finally assented to by the President. The Sessional Paper is then numbered and published as a White Paper;
- Following approval of the White Paper, a bill is drafted: In deciding whether a bill is necessary, various aspects are considered, amongst others the different regulatory options, cost of implementing the bill, macro-economic factors, environmental factors and the possible limitation of human rights.
- Bills are drafted by the Legal Drafters in the office of the Attorney General’
- After completion of the draft and consultation of the draft bill, it is submitted by the line Ministry to the Executive for approval from where it is submitted to Parliament.
- First Reading: A first reading is when a bill is introduced to a legislature. Typically, the bill is assigned a tracking number and immediately assigned to a committee. The committee consideration usually occurs between second and third readings.
- Second Reading: A second reading is the stage of the legislative process where a draft of a bill is read a second time. In most Westminster systems, a vote is taken on the general outlines of the bill before it is sent to the designated committee.
- Third Reading: A third reading is the stage of a legislative process in which a bill is read with all amendments and given final approval by the legislative body. In legislatures, whose procedures are based on those of the Westminster system, the third reading occurs after the bill has been amended by the designated committee.

- **Presidential Assent:** The granting of Presidential Assent is the formal method by which the head of the Executive arm of government completes the legislative process by formally assenting or giving his consent to an Act of Parliament.
- **Commencement:** Quite often, an Act of Parliament may provide that it will come into effect on a date to be notified. In such cases, after the Act has received Presidential Assent, notification of the date of its coming into effect is given through a legal notice, usually by the Minister for the time overseeing the matters with which the Act is concerned.

3.4.2.2 *Subsidiary legislation*

The Statutory Instruments Act, 2013 (No. 23 of 2013) prescribes the process and other requirements for the promulgation of subsidiary legislation. A statutory instrument is defined by the act to mean “any rule, order, regulation, direction, form, tariff of costs or fees, letters patent, commission, warrant, proclamation, by-law, resolution, guideline or other statutory instrument issued, made or established in the execution of a power conferred by or under an Act of Parliament under which that statutory instrument or subsidiary legislation is expressly authorized to be issued”. The Act thus applies to all subsidiary legislation and prescribes the following process for the promulgation of such legislation:

- Public and stakeholder consultation;
- If a proposed statutory instrument is likely to impose significant costs on the community or a part of the community, the regulation making authority must, prior to making the statutory instrument, prepare a regulatory impact statement about the instrument that addresses the following:
 - a statement of the objectives of the proposed legislation and the reasons for them;
 - a statement explaining the effect of the proposed legislation, including in the case of

- a proposed legislation which is to amend an existing statutory instrument the effect on the operation of the existing statutory instrument;
- a statement of other practicable means of achieving those objectives including other regulatory as well as non-regulatory options;
- an assessment of the costs and benefits of the proposed statutory rule and of any other practicable means of achieving the same objectives;
- the reasons why the other means are not appropriate;
- any other matters specified by the guidelines;
- a draft copy of the proposed statutory rule.

- The Responsible Cabinet Secretary (Minister) must certify that the guidelines for regulatory impact assessments were met;
- Notice must be given (published) of the regulatory impact assessment (there are instances where a regulatory impact assessment is not necessary-section 9 of the Act);
- All comments received must be considered before the statutory instrument is finalised and the comments must also be submitted to the Committee on Delegated Legislation;
- Every Cabinet Secretary responsible for a regulation-making authority must within seven (sitting) days after the publication of a statutory instrument, ensure that a copy of the statutory instrument is transmitted (sent) to the responsible Clerk for tabling before Parliament, together with an explanatory memorandum – if the instrument is not submitted to Parliament in time, it ceases to have effect;
- The Committee on Delegated Legislation (or any other committee that the statutory instrument may be referred to) reviews and scrutinises the statutory instrument in accordance with the guidelines provided in the Act – the committee may also exempt certain subsidiary or delegated legislation from having to be submitted to it;

- The Committee reports to Parliament on the statutory instrument;
- The statutory instrument may be revoked or annulled by Parliament;
- A statutory instrument (or rule) in Kenya expires automatically after a period of ten years, unless the responsible Cabinet Secretary (Minister) makes regulations in terms of the Statutory Instruments Act to extend the lifespan of the statutory instrument; and
- The statutory instrument finally is published in the Government Gazette and comes into force.

3.5 THE FEDERAL REPUBLIC OF SOMALIA

3.5.1 International Law

Somalia is a federal state with a federal government and state governments. The Somalia executive consists of the President who is elected by the Parliament. The President nominates a Prime Minister, who must be approved by the Parliament. The Prime Minister, in turn nominates a Council of Ministers, who must also be approved by the Parliament. In terms of the Interim Constitution of the Federal Republic of Somalia the power to negotiate and ratify international agreements lies with the Federal Government. However, the Constitution requires the Federal Government to, in these negotiations, regard themselves as the guardian of the interests of the Federal Member States. Where an international agreement impacts on the interests of a Federal Member State, the Constitution requires that the Federal Member States are part of the negotiations. Art 45 of the Somalia (Interim) Constitution provides a solid foundation for the protection of the environment. Biodiversity and the subjects of the other related international agreements have been given prominence, requiring the federal government to actively manage these areas.

The Higher Council for Environment and Natural Resources, which is responsible for the administration of the environmental laws will be responsible to

initiate, through the relevant government ministry, the ratification of the Protocol, as well as the domestication thereof.

3.5.2 Domestic Law

Both houses of Parliament, the House of the People and the Upper House may receive draft legislation. The Constitution prescribes a procedure which balances the legislative powers between the two Houses of the Federal Parliament.

The Council of Ministers submits the bill to Parliament where the Speaker sends it to the relevant committee. The committee must study the legislation and report on its findings and make recommendations to the plenary of the House.

Draft legislation rejected by the House of the People of the Federal Parliament cannot be resubmitted to that House before the expiry of thirty days from the day of the rejection of the legislation.

A Bill passes through three readings in Parliament: a first reading, which is the reading of the title and the formal tabling of the bill, a second reading where the bill is deliberated and a final reading when the bill is approved.

After Parliament has approved a proposed bill, it is submitted to the President for assent, who may send the bill back to Parliament, identifying the issues with which he is not comfortable with. If the President approves of the Bill, however, he assents to it and it becomes law.

3.6 THE REPUBLIC OF SOUTH SUDAN

3.6.1 International Law

The Transitional Constitution of the Republic of South Sudan was adopted in 2011. The country is in the process of setting up the institutional structures to give effect to the Constitution. The Constitution determines

in Article 3 that it is the supreme law of the country, which means that any international agreement that South Sudan enters into may not be in contradiction with the Constitution.

The Constitution determines that the executive and legislative power in relation to foreign affairs and international representation lies with the national executive. The Constitution also mandates the establishment of a Wildlife Service, which is an independent law enforcement service. An Act to establish such has already been promulgated and the Service is operational

The Constitution does not specifically prescribe the ratification procedure apart from stating that it is a function of the national government. In practice, an agreement must be submitted by the officials authorised to negotiate it, to their Minister, after which it is submitted to Department of Justice for scrutiny. If approved by the department of Justice, the agreement is submitted to the Council of Ministers for deliberations, after which it is submitted to Parliament for ratification. Finally, the President signs the ratification instrument.

3.6.2 Domestic Law

The National Legislature consists of the National Assembly and the Council of States. These two Houses have to establish specialized standing committees, and may establish ad hoc committees. An Inter-House Committee may also be established to deal with matters that affect both Houses.

The President, or a Member of the Council of Ministers may table a bill in the legislature, and a Member of the Legislature may propose a private bill.

- **FIRST READING**

This entails the reading of the title of the Bill after which it is deemed to have been tabled in the appropriate chamber of the Legislature. After the first reading, the

Speaker refers the bill to the appropriate committee to evaluate and report on that evaluation for the second reading. This Committee may seek expert advice and may propose amendments to the bill.

- **SECOND READING**

The second reading entails a general debate and approval in principle.

- **THIRD READING**

During this phase, a detailed deliberation is allowed on the Bill and decisions are made in relation to amendments, if any. The Speaker may again refer the Bill to a committee, to obtain final input on the final version of the bill.

- **FINAL READING**

When the bill is finalized in terms of the above procedure, it is submitted for a final reading, at which reading no discussion is allowed and the bill is approved.

- **ASSENT BY THE PRESIDENT**

A bill that has been approved by the National Legislature must be submitted to the President for assent, after which it becomes law. If, however the President withholds consent, it may after a lapse of time be re-introduced into the Legislature, and if it has been approved again by a two-thirds majority, the bill becomes law and does not have to be submitted to the President again.

3.6.2.1 Subsidiary Legislation

The National Legislature or any of its Houses may, by law, delegate to the President of the Republic, the National Council of Ministers or any public body, the power to make any subsidiary regulations, rules, orders or any other subsidiary instrument having the force of law. However, these instruments must be tabled with the House, who may adopt it or amend it by resolution.

3.6.2.2 Administrative Support Process

The administrative support processes for the promulgation of legislation are similar to those of other Member States, requiring research, drafting, the review of the drafting of the legislation, consultation and approvals up through the ranks of the public service until it is submitted to the legislative body.

3.7 THE REPUBLIC OF THE SUDAN

3.7.1 International Law

The Republic of the Sudan adopted the Interim National Constitution of the Republic of the Sudan in 2005. The Interim Constitution determines that it is the supreme law of the country. Environmental management, conservation and protection are functions over which the national government and the states have concurrent powers. However, the power of foreign policy and international representation, as well as the negotiation and ratification of international agreements lies with the National Assembly. The Constitution does not prescribe a specific process for ratification, but in terms of the provisions of the Constitution, which provides for good governance and transparency, it can be deduced that the negotiations in relation to an international agreement will be mandated by the National Assembly, and any process of ratification must be supported by the relevant authorizations and motivations. The Constitution is silent on the status of the international law as opposed to national law. Having regard to Article 3, that states that the Constitution is the supreme law of the country, it can be deduced that any international agreement must be ratified before it becomes part of the national laws of the Sudan.

3.7.2 Domestic Law

The Interim Constitution determines the following procedures for the promulgation of domestic legislation in the National Legislature:

- FIRST READING

This entails the reading of the title of the Bill after which it is deemed to have been tabled in the appropriate Chamber of the Legislature. After the first reading, the Speaker refers the bill to the appropriate standing committee, which evaluates and reports on that evaluation for the second reading. This Committee may seek expert advice and may propose amendments to the bill.

- SECOND READING

The second reading entails a general debate and approval in principle.

- THIRD READING

During this phase, a detailed deliberation is allowed on the Bill and decisions are made in relation to amendments, if any. The Speaker may again refer the Bill to a committee, to obtain final input on the final version of the bill.

- FINAL READING

When the bill is finalized in terms of the above procedure, it is submitted for a final reading, at which reading no discussion is allowed and the bill is approved.

- ASSENT BY THE PRESIDENT

A bill that has been approved by the National Legislature must be submitted to the President for assent, after which it becomes law. If, however the President withholds consent, it may after a lapse of time be re-introduced into the Legislature, and if it has been approved again by a two-thirds majority, the bill becomes law and does not have to be submitted to the President again.

3.7.2.1 *Subsidiary Legislation*

The National Legislature or any of its Chambers may, by law, delegate to the President of the Republic, the National Council of Ministers or any public body, the power to make any subsidiary regulations, rules, orders or any other subsidiary instrument having the force of law. However, these instruments must be tabled with the appropriate Chamber, who may adopt it or amend it by resolution.

3.7.2.2 *Administrative Support Process*

It is assumed that the administrative support processes for the promulgation of legislation are similar to that of other Member States, requiring research, drafting, the review of the drafting of the legislation, consultation and approvals up through the ranks of the public service until it is submitted to the legislative body.

3.8 THE REPUBLIC OF UGANDA

3.8.1 *International Law*

The ratification process in Uganda is regulated by the Ratification of Treaties Act, and the following process is followed:

- The line ministry initiates negotiations with regards to an international agreement;
- The agreement is submitted to the Attorney-General who, as legal advisor to Government, must analyse each treaty before it is forwarded to Cabinet for ratification. During this process, the Attorney-General determines if the ratification of a treaty would necessitate an amendment of the Constitution;
- Parliament's ratification jurisdiction is reserved for treaties on armistice, neutrality, peace or the subject of which require amendment of the Constitution;
- All other treaties are ratified by Cabinet;
- The Minister for Foreign Affairs executes all ratified treaties and is the Ugandan depository officer for all treaties to which Uganda is a party; and

- The Attorney General must table any ratified Treaty before Parliament.

3.8.2 *Domestic Law*

The legislative process² includes the following steps when legislation is being proposed by a Ministry or Government Department in Uganda:

- The Ministry concerned approaches Cabinet through a Cabinet Memorandum with a proposal for Cabinet to approve the principles for the drafting of the Bill. Cabinet approval in principle is required before drafting of the subject legislation. This is provided for under paragraph 2 of Section (Q-b) of the Uganda Public Service Standing Orders, 2010.
- Cabinet then considers the proposals as contained in the Cabinet Memorandum of the Ministry concerned and approves the principles based on which a Bill is to be drafted.
- When Cabinet approves the principles for the drafting of a Bill, it authorises the responsible Minister to issue drafting instructions to the First Parliamentary Counsel/Attorney General to draft the necessary legislation.
- The Ministry concerned would then request the First Parliamentary Counsel through the Attorney General to draft the legislation based on the approved principles as contained in a Cabinet Minute.
- Where the instructions are not clear, the First Parliamentary Counsel will ask the Ministry concerned for further instructions and where necessary request that Ministry to identify an officer in the Ministry to liaise with the office of First Parliamentary Counsel in the drafting of the Bill.
- In drafting the legislation, the office of the First Parliamentary Counsel will interact with the Ministry concerned to arrive at an agreed draft.

² Ministry of Justice and Constitutional Affairs: "Manual on the Legislative Process in Uganda" prepared by the First Parliamentary Council, 2014.

- The Ministry concerned may again consult stakeholders as to the contents of the Bill.
- The Ministry concerned must submit the Bill to Cabinet for approval together with a Cabinet Memorandum and any comments of the stakeholders. Paragraph 7 of Section (Q-b) of the Uganda Public Service Standing Orders, 2010 provides that no Bill without exception should be published unless it has been submitted to Cabinet for approval.
- During the drafting of the Bill, the draftsman is required to bear in mind the need to keep the Law Officers namely the Attorney General and the Solicitor General informed. This is regulated by paragraph 6 of Section (Q-b).

3.8.2.1 Submission of Bill to Cabinet

When the Bill is being submitted to Cabinet for approval, the Cabinet memorandum of the Ministry must be accompanied by:

- a certificate of compliance issued by the Office of the First Parliamentary Counsel to the effect that the Bill has been drafted by the Office of the First Parliamentary Counsel in accordance with the principles approved in the Cabinet decision issued for the drafting of the Bill or that the Bill has been drafted based on a waiver of prior Cabinet approval in principle by the Attorney General or the Solicitor General under para. 2(b) of Section (Q-b) of the Uganda Public Service Standing Orders.
- a certificate of financial implications issued by the Ministry of Finance in accordance with section 10 of the Budget Act, 2001 and rule 107 of the Rules of Procedure of Parliament, 2012 (the Rules), stating in respect of the Bill in question the financial implications if any, on revenue and expenditure over the period of not less than two years after

its coming into force. Rule 107(2) of the Rules requires the certificate of financial implications to be signed by the Minister responsible for finance.

- Cabinet may approve or reject the Bill or may approve the Bill subject to amendments.
- The Office of the First Parliamentary Counsel will then incorporate any amendments approved by Cabinet in the Bill and seek the signature of the Minister concerned to an explanatory memorandum attached to the Bill.
- Rule 106(2) of the Rules requires that all Bills shall be accompanied by an explanatory memorandum setting out the policy and principles of the Bill, the defects in the existing law if any, the remedies proposed to deal with those defects and the necessity for introduction of the Bill. According to rule 106(3), the explanatory memorandum shall be signed by the Minister or by a member introducing the Bill.
- The First Parliamentary Counsel will authorise the Government Printer, the Uganda Printing and Publishing Corporation (UPPC) to print and publish the Bill in the Uganda Gazette.
- The Ministry concerned must issue a Local Purchase Order (LPO) to be issued in favour of publishing the Bill. This is based on an estimate of costs issued by the Government Printer.
- Rule 106(1) of the Rules of Procedure of Parliament provides that all Bills shall be published in the Gazette.
- After publication in the Gazette, the Ministry concerned will have to supply about 450 copies of the Bill to the Clerk to Parliament for use by parliamentarians.
- The Ministry concerned will also have to supply to Parliament the certificate of financial implications to be tabled in Parliament for the First Reading of the Bill.

3.8.2.2 Introduction of the Bill in Parliament

The Bill then goes through the processes of Parliament necessary for passing a Bill. Rule 114 of the Rules provides that every Bill shall be read three times prior to its being passed. The processes are prescribed by the Rules from Parts XVIII -XXI as follows:

- **FIRST READING**

This is a formality which marks the formal introduction of the Bill in Parliament and the Bill is then committed to the relevant Sessional Committee of Parliament for consideration. At this stage, the committee will normally invite the relevant Minister to introduce the Bill and may invite other stakeholders to state their views on the provisions of the Bill and the committee may even sometimes hold hearings for the purpose.

- **SUBMISSION OF REPORT BY SESSIONAL COMMITTEE**

The committee must submit a report on the Bill to the plenary of Parliament and at the same time, Parliament will consider the Bill at its Second Reading which is a debate on the principles and policies of the Bill and not on its details. According to rule 119(5) of the Rules (subject to the Rules) the Second Reading of the Bill shall not be taken earlier than the fourteenth day after publication of the Bill in the Gazette, unless the sub-rule is formally suspended for the purpose.

- **COMMITTEE OF THE WHOLE HOUSE**

This is the stage of the Bill at which Parliament deals with the provisions of the Bill, clause by clause and all proposed amendments to the Bill. The Committee Stage is regulated by Part XX of the Rules (rules 120 - 124). According to rule 123(4) of the Rules of Procedure of Parliament the Committee of the whole House shall consider proposed amendments by the Committee to which the Bill was referred and may consider proposed

amendments, on notice, where the amendments were presented but rejected by the relevant Committee or where, for reasonable cause, the amendments were not presented before the relevant Committee.

- **REPORT OF COMMITTEE AFTER COMMITTEE STAGE**

This is where the Committee of the Whole House reports to the plenary on the Bill which has been committed and amendments are considered (see rule 125).

- **RE-COMMITTAL**

This is a stage which comes at the end of the Committee Stage where it is felt that there are still certain amendments which must be considered or reconsidered (see Part XXI, rule 127).

- **THIRD READING AND PASSING OF THE BILL**

At this stage, the Bill is not debated and it is passed as a formality upon a motion "that the Bill be now read Third Time and do pass" (rule 126 of the Rules).

- **WITHDRAWAL OF BILLS**

The member in charge of a Bill may, at any time, give notice that he or she wishes to withdraw a Bill subject to the approval of the House (see rule 129(1)). The procedure for reintroducing the Bill is provided for under rule 129(2).

- **PUBLICATION OF ACT:**

Acts must be assented by the President, published and numbered.

- **ACTIONS BEFORE COMMENCEMENT OF ACT**

Where an Act confers power on a Minister to make a statutory instrument to bring an Act into force, the power to make the instrument may be exercised even though the Act has not come into force.

4. REGIONAL OVERVIEW

IGAD member states are Parties to several regional, continental and global policies, protocols, strategies and agreements. To discharge their responsibilities, Member States have initiated the development of action programmes and strategies to implement these regional, continental and global agreements. However, the full implementation is still far from completion as the domestication process has only been done partially. First, not all policies, protocols and agreements are ratified. Second, the mainstreaming process of these instruments into sectoral and national development plans is very slow. This has lowered the contribution of the IGAD member states individually or collectively, to addressing regional, continental and global challenges. This document provides a strategy to IGAD Member States to enhance the implementation of regional, continental and global policies, strategies and agreements such as the biodiversity-related Multilateral Environmental Agreements (MEA's) that they have either signed, acceded to or ratified.

The IGAD Member States have either signed, acceded to, or ratified the biodiversity-related MEA's indicated in the Table below:

Member states have also approved several Regional Policies, Protocols, and Strategies, which need to be domesticated at national level. Some of the major regional policies, protocols and strategies under the Division of Agriculture and Environment include:

1. The IGAD Water Policy
2. The IGAD Biodiversity Policy
3. The IGAD Environment Policy
4. The IGAD Environment Impact Assessment (EIA) Policy Framework
5. The IGAD EIA Protocol
6. IGAD Climate Change Strategy
7. The IGAD Environment and Natural Resources Strategy
8. The IGAD Agriculture, Livestock and Fisheries Strategy
9. The IGAD Food Security and Nutrition Strategy
10. Land governance policy framework

Other Divisions are also in custody of approved policies, protocols and strategies, such as for infrastructure development, peace and security, tourism development, etc. Other policies, protocols and strategies also exist in areas related to involvement of the civil society and the private sector in IGAD activities.

Table 1: Biodiversity-related MEA's signed, ratifies or acceded by IGAD Member States

	CBD	Nagoya Protocol	UNFCCC	Kyoto Protocol	Paris Agreement	CITES	CMS	Ramsar	UNCCD	WHC
Djibouti	R	R	R	R	R	A	P	A	R	R
Eritrea	A		A	A	Sig	A	P		R	A
Ethiopia	R	A	R	A	R	A	P		R	R
Kenya	R	R	R	A	R	R	P	A	R	A
Somalia	A	Sig	A	R	R	A	P		R	
South Sudan	A	Sig	A	P	Sig	P	NP	A		R
Sudan	R	R	R	A	Sig	R	NP	A	R	R
Uganda	R	A	R	A	R	A	P	R	R	A

*Key: R = Ratified; A = Accession; Sig = Signatory; P = Party; NP = Non-Party
Source: MEA website 2017-03-21 as supplemented by Member States in Kenya on 30 June 2017*

5. PROCESS FOLLOWED

A webbased desktop analysis of available information was undertaken and the documentation provided by the country studies, as part of the BMP were consulted to identify potential regional issues that need to be addressed. In this regard, country visits were undertaken to the following five countries:

- Djibouti
- Ethiopia
- Kenya
- Sudan
- Uganda

Relevant officials from the above five countries were interviewed and the following key issues were identified:

- Knowledge of regional, continental and global frameworks was inadequate;
- No central coordination focal point for regional, continental and global agreements;
- Mainstreaming of these instruments initiated, but a very slow process;
- Knowledge of the local communities pertaining to regional, continental and global agreements low;
- Involvement of member states in certain agreements low;
- No cooperation amongst Member States in domestication of agreements;
- Action programmes formulated to implement some of the conventions, but implementation of these action programmes is very low;
- Member state have different approaches for ratification of MEAs;

The following constraints were identified in the interviews:

- Inadequate domestic coordination within Member States;
- Not all agreements ratified;
- No coordination along sectoral lines;
- Inadequate inter- and intra-governmental coordination;
- Lack of up-to-date information and information systems;
- Low awareness of role and importance of regional, continental and global instruments;
- institutional deficiencies in Member States;
- low participation of stakeholder at national, sub-national and local levels;
- inadequate sharing of information, best practices/ experience on MEAs;
- inadequate human and financial resources;
- low law enforcement capacity;
- inadequate regional coordination relating to MEAs;
- no joint platform to discuss and agree on a joint implementation of MEAs; and
- no common reporting format for MEAs.

The review of background documents and the findings of the country visits led to the above issues and constraints which would form the basis for the formulation of the strategy.

6. RATIONALE FOR THE STRATEGY

Regional, continental and global policies, protocols, strategies and agreements are initiated to address pressing environmental, climatic, economic, social and peace and security issues. The level of their implementation signals the level of commitment of Parties to these instruments. It also signifies the participation and involvement of member states in monitoring and decision making on issues related to environment and climate, peace and security and economic growth at global and continental levels. There is therefore a need to enhance the cooperation of member states in the implementation of biodiversity-related MEAs by addressing the constraints identified under section 4 above.

It is anticipated that the implementation of these instruments will increase the productivity of ecosystems, which in turn will ensure the provision of ecosystem goods and services. These goods and services form the basis for ensuring a decent livelihood in the region. The high productivity in ecosystems and agriculture will further contribute to reduce conflicts on access to natural resources providing a stable condition suitable for economic development at national and regional levels.

Addressing the constraints identified during the visits to the member states would provide opportunities to address deficiencies in institutional and legal arrangement, coordination and reporting, which would in turn save the countries human and financial resources.

The benefit that will be accrued from the full implementation of regional, continental and global policies, protocols, strategies and agreements is not manifested in the economic and social development at national and regional levels, but also the political clout the region would have at continental and global levels.

Domestication of regional, continental and global frameworks to which the IGAD member states are Parties would therefore contribute to improved environmental, social, economic, and political situation at local, national, regional, continental and global levels.

In addition to domestication of the biodiversity-related MEAs, there is a need for a common reporting format. To achieve this, data collection will need to be harmonized amongst the member states.

7. THE STRATEGY

7.1 Vision

The vision of the strategy is to contribute to the IGAD overall vision of IGAD becoming the premier Regional Economic Community (REC) for achieving peace and sustainable development in the region where *“the IGAD region by 2050, becomes a place where biodiversity is sustainably used, managed, restored and benefits accrued thereof are equitably shared for sustainable social economic development.”*

7.2 Mission

The mission of the strategy is also to contribute to the overall all IGAD Mission of promoting regional cooperation and integration to add value to member states' efforts in achieving peace, security and prosperity through sustainable management of biodiversity resources in the region.

7.3 Strategy

An international agreement is not worth much if it cannot be enforced towards the citizens of a country. Therefore, the strategy is *“to enable the implementation and enforcement of regional, continental and global Multilateral Environmental Agreements related to Biodiversity signed, acceded to or ratified by the IGAD Member States”*.

It is proposed that IGAD adopt a programme to assist Member States in the domestication of the biodiversity-related MEA's, incorporating them into their domestic laws, as well as providing assistance with regards to the development of supporting ICT systems, such as the permit system required for the implementation of CITES. A programme such as this could be supported by a donor agency, to ensure that the biodiversity-related MEA's are implemented in all the Member States and that the policy is applied equally in all states. The overall goal is to enhance the implementation of

regional, continental and global biodiversity related MEAs and other frameworks to conserve and sustainably manage environmental resources and ecosystems to ensure the continued provision of ecosystem goods and services in the region.

The Strategic Objectives of the strategy are to:

Strategic Objective 1: Mainstream regional, continental and global Biodiversity management frameworks (policies, strategies and agreements) into regional, national and sectoral development frameworks

Strategic Objective 2: Develop the right legal and institutional frameworks for the implementation of biodiversity-related MEAs and other frameworks

Strategic Objective 3: Develop regional and national capacities for the implementation of biodiversity-related MEAs and other frameworks

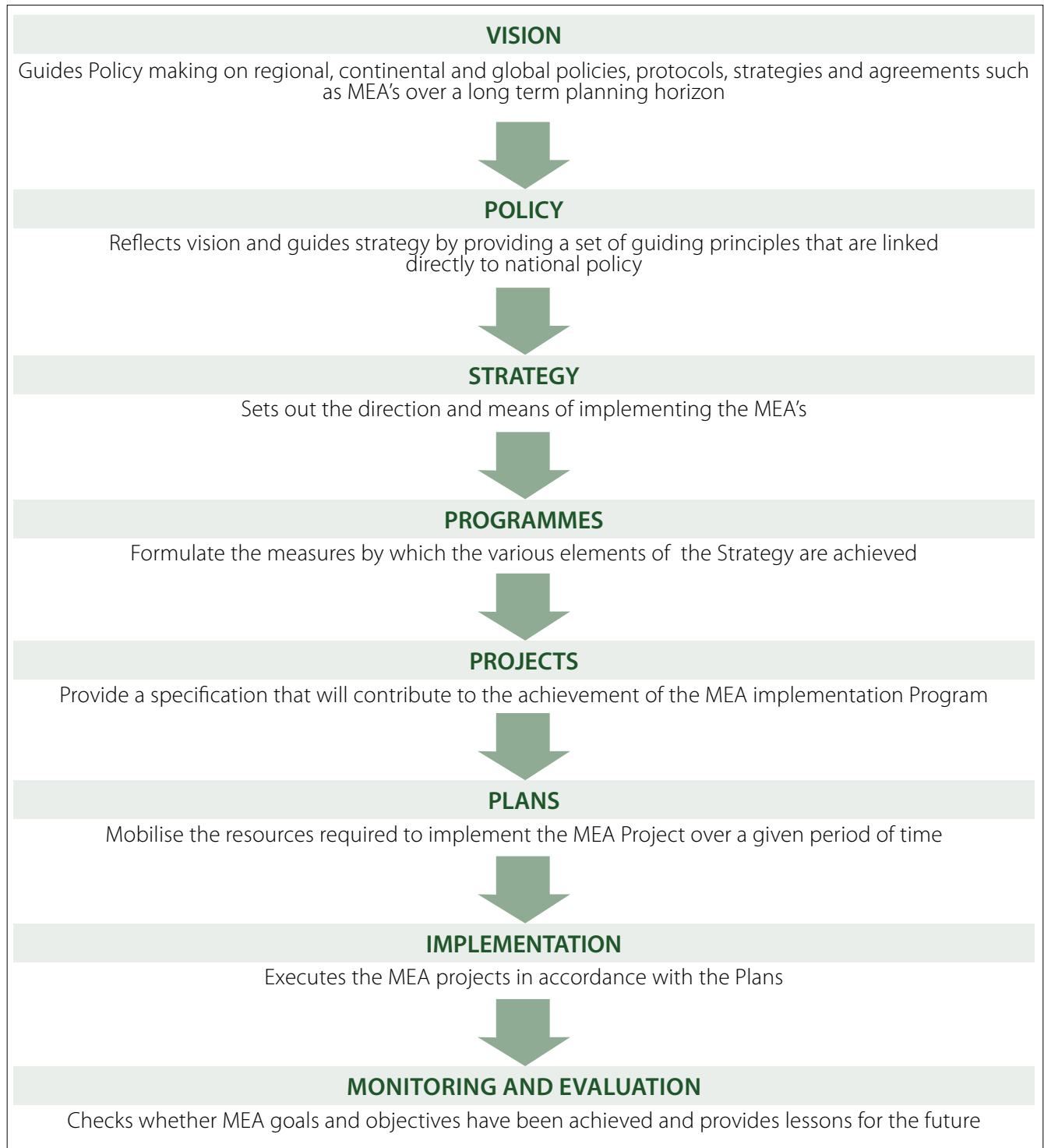
Strategic Objective 4: Identify and access global funds established for the implementation of biodiversity-related MEAs and other biodiversity-related global development frameworks

Strategic Objective 5: Promote common reporting and exchange of information and experience in the implementation of biodiversity-related MEAs and other global frameworks.

Figure 1 depicts the position of the strategy in relation to Vision, Policy, Programmes, Projects, Plans, Implementation and finally, monitoring and evaluation. This figure provides the background for

further implementation activities in relation to making regional, continental and global policies, protocols, strategies and agreements such as the biodiversity-related MEA's effective within IGAD.

Figure 1: The Elements for achieving a vision



8. STRATEGY INTERVENTION AREAS

Table 2 below, presents the intended Outcomes and prescribed Activities for the implementation of the **IGAD Regional Strategy on the Domestication and Implementation of Regional, Continental and Global Policies and Strategies and Multilateral Environment Agreements and Conventions related to Biodiversity.**

The “interventions” translate the single policy statements of the IGAD Regional Biodiversity Policy into implementable activities leading to its achievement. The Strategy also provides OVs (Objectively Verifiable Indicators) to assess the degree of that achievement.

Table 2: Strategic Interventions for IGAD Regional Strategy for Domestication and Implementation of Biodiversity-related Policies and Strategies

Indicative Interventions	
Strategic Objective 1:	Mainstream regional, continental and global Biodiversity Management frameworks (policies, strategies and agreements) into regional, national and sectoral development frameworks
Outcome 1.1 Relevant global, continental and regional policy, strategic and biodiversity-related MEA instruments are mainstreamed into a coherent regional, national and sectoral development framework applicable to all Member States	<p>Activity 1.1.1 Identify and assess status of regional, continental and global instruments to which member states are Parties</p> <p>Activity 1.1.2 Facilitate signature, ratification and accession if not done so</p> <p>Activity 1.1.3 Ratification of MEA's Draft ratification instruments and assist Member States in the process of ratification by for example drafting the justification that must accompany the ratification instrument</p> <p>Activity 1.1.4 Draft Model Laws and agree on model laws – a model law will be needed in relation to every biodiversity-related MEA;</p> <p>Activity 1.1.5 Domestication of Model Laws, including the amendment and repeal of existing legislation: The Member States should be assisted in determining the current legislation that need to be repealed and amended and the adaptation of the model law into the format required by the Member Country Concerned</p> <p>Activity 1.1.6 Support mainstreaming of mechanism/ measures/ instruments into sectoral, national and regional development frameworks</p> <p>Activity 1.1.7 Liaise with the relevant MEA's Secretariats to access mainstreaming Information Education and Communications (IEC) materials</p>

Indicative Interventions

Strategic Objective 2: Develop the legal and institutional frameworks for the implementation of biodiversity-related MEAs and other frameworks	
Outcome 2.1 Appropriate legal and institutional structures are developed for the implementation of relevant policy, strategic, and biodiversity-related MEA instruments, frameworks and their commitments	Activity 2.1.1 Assess current institutional arrangements for the implementation of regional, continental and global MEAs and other instruments Activity 2.1.2 Assess current legal arrangements for the implementation of these instruments Activity 2.1.3 Identify and facilitate national platform / coordination unit for the implementation of these instruments Activity 2.1.4 Establish / strengthen network of institutions responsible for the different MEAs and instruments Activity 2.1.5 Liaise with MEAs Secretariats on access to their experience on legal and institutional frameworks for the implementation of MEAs and other instruments Activity 2.1.6 Agree on the legal and institutional arrangements, both at national and regional levels Activity 2.1.7 Establishment of Institutions: Some of the MEA's will require additional institutions to implement them. These must be identified at IGAD level after which every Member State's institutional structure must be evaluated and additional institutions identified where necessary. A business case must be developed for the institution and approval must be obtained from the Member State government
Strategic Objective 3: Develop regional and national capacities for the implementation of biodiversity-related MEAs and other frameworks	
Outcome 3.1 Appropriate regional and national capacities are developed for the implementation of relevant policy, strategic, and biodiversity-related MEA instruments, frameworks and their commitments	Activity 3.1.1 Assess current needs and capacities for establishing or strengthening the institutions responsible for domestication and implementation of the regional, continental and global instruments Activity 3.1.2 Provide the necessary training in domestication/mainstreaming of instruments Activity 3.1.3 Establish / strengthen monitoring and evaluation mechanisms to ensure proper implementation of instruments Activity 3.1.4 Facilitate exchange of information, experience and best practices to enhance capacity in the implementation / mainstreaming of instruments Activity 3.1.5 Mobilize support from the Secretariats of MEAs and other instruments to develop capacities at national and regional levels

Indicative Interventions

Strategic Objective 4: Identify and access national and global funds established for the implementation of biodiversity-related MEAs and other global development frameworks

<p>Outcome 4.1 Funding for the implementation of relevant policy, strategic, and biodiversity-related MEA instruments, frameworks and their commitments is identified and accessed</p>	<p>Activity 4.1.1 Assess current regional, continental and global funding mechanism to support the implementation of the instruments</p> <p>Activity 4.1.2 Identify procedures for access to national and global funds</p> <p>Activity 4.1.3 Provide training at national and regional levels on access to identified global funds</p> <p>Activity 4.1.4 Mobilize domestic funds (national and regional) for the implementation of MEAs and other instruments</p> <p>Activity 4.1.5 Promote joint programming and planning in the implementation of these regional, continental and global instruments</p> <p>Activity 4.1.6 Liaise with Secretariat of MEAs on resources mobilisation</p>
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Strategic Objective 5: Promote common reporting and exchange of information and experience in the implementation of biodiversity-related MEAs and other global frameworks

<p>Outcome 5.1 Common reporting and exchange of information and experience on the implementation of relevant policy, strategic, and biodiversity-related MEA instruments, frameworks and their commitments is promoted</p>	<p>Activity 5.1.1 Agree on common core data sets to be collected</p> <p>Activity 5.1.2 Develop and agree on common data collection and reporting formats</p> <p>Activity 5.1.3 Establish common / compatible information system at national and regional levels</p> <p>Activity 5.1.4 Establish common monitoring and evaluation mechanism</p> <p>Activity 5.1.5 Establish a national team for the preparation of common reports to all instruments</p> <p>Activity 5.1.6 Assess the need for ICT systems to support the implementation of model laws: Develop and Install ICT systems in Member States</p>
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9. IMPLEMENTATION ARRANGEMENTS

Implementation will be carried out at both national and regional levels.

At national level, the strategy will be implemented by the member states' institutions responsible for the different biodiversity-related MEAs and other instruments. A national platform will be created to discuss and agree on a multi-sectoral approach to enhance the mainstreaming / implementation of these regional, continental and global instruments. A common reporting and monitoring and evaluation system will also be established to facilitate smooth implementation of the instruments.

At regional level, IGAD, supported by its Specialized Institutions, will mainstream / domesticate AU and global biodiversity-related instruments into its regional and sectoral development frameworks. Existing Regional Platforms at sectoral or IGAD level will be used as discussion forums to address constraints in mainstreaming these instruments. IGAD will also support member states in the implementation of the relevant MEAs and other instruments by providing training and capacity development. A regular meeting of member states and the IGAD secretariat will be organized to deliberate on achievements made and constraints faced at national and regional levels.



PEACE, PROSPERITY AND REGIONAL INTEGRATION

IGAD Secretariat Avenue Georges Clemenceau
P.O. Box 2653 Djibouti Republic of Djibouti
Tel: +253-21354050