

IGAD REGIONAL BIODIVERSITY PROTOCOL



PEACE, PROSPERITY AND
REGIONAL INTEGRATION



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IGAD REGIONAL BIODIVERSITY PROTOCOL

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PEACE, PROSPERITY AND
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FOREWORD



Cognizant that biodiversity resource (genetic, species and ecosystems) provide a range of economic, social, cultural and environmental functions and services - ranging from biomass energy, timber and non-timber products, food, herbal medicines to the ecological roles they play in mitigating land degradation and climate change. Further cognizant that these resources are being depleted as a result mismanagement and overuse leading to loss / extinction of a number of biodiversity species. A number of factors contributing to loss and degradation of biodiversity resources include lack of information, inadequate exchange of information and experiences, agricultural encroachment, inadequate capacity, both human and financial, and low awareness on the role biodiversity plays in socio-economic development.

To address the above challenges, member states formulated national policies, strategies and action programmes. These national frameworks to enhance the sustainable development of biodiversity resources are complemented by regional policies, strategies and action programmes. The IIGAD Biodiversity Management Programme (BMP) provided member states to formulate the regional policy and strategy frameworks to ensure the transboundary biodiversity resources are managed sustainably to complement the member states efforts. The Regional Biodiversity Policy was therefore formulated and endorsed by the Ministers in charge of biodiversity resources in the region.

The development of policies and strategies per se does not enhance the sustainable management of biodiversity resources. These policies and strategies have to be implemented by all stakeholders. To ensure that all stakeholders implement the regional policy, a legally binding document has to be formulated. It is with this objective that the Regional Biodiversity Protocol was developed and approved by the Ministers in charge of biodiversity management in the region. I am convinced that the Regional Biodiversity Protocol will serve as an agreed mechanism to force the member states to fully implement the Regional Biodiversity Policy, which in turn will enhance the sustainable management of the biodiversity resources in the region.

Amb. (Eng.) Mahboub Maalim

Executive Secretary

ABBREVIATIONS AND ACRONYMS

EIA	Environmental Impact Assessment
HAWEN	Horn of Africa Wildlife Enforcement Network
IGAD	Intergovernmental Authority on Development
MEAs	Multilateral Environmental Agreements
SEA	Strategic Environmental Assessment
UNCBD	United Nations Convention on Biological Diversity

PREAMBLE

We, the Member States of the Intergovernmental Authority on Development, hereinafter referred to as IGAD:

The Republic of Djibouti,

The State of Eritrea,

The Federal Democratic Republic of Ethiopia,

The Republic of Kenya,

The Federal Republic of Somalia,

The Republic of South Sudan,

The Republic of the Sudan, and

The Republic of Uganda.

RECALLING the principles and objectives enshrined in the Agreement Establishing the Intergovernmental Authority on Development (IGAD), in particular Articles 7 (a), (b), (e) and (j) relating to the development, harmonization and promotion of regional policies, programmes and strategies, and strengthening of cooperation in research and development relating to the sustainable management of natural resources and environmental protection;

NOTING the provisions of Article 17(a) of the Agreement providing for the development of protocols to execute the aims and objectives of the Agreement;

CONSIDERING the commitment of the IGAD Member States to the objectives of global biodiversity management as set out in the Rio Conventions, in particular the Convention on Biological Diversity (UNCBD); the 2010 Strategy for the implementation of the UNCBD; the Aichi Targets for monitoring implementation of the Strategy; the Cartagena Biosafety Protocol and the 2011 Nagoya Protocol on access to genetic resources and the fair and equitable sharing of benefits arising from their utilization; the 17 Sustainable Development Goals (SDGs) of the 2030 Agenda for Sustainable Development agreed in 2015, and the African Union Agenda 2063;

ALSO CONSIDERING relevant IGAD regional policies such as environment, water, environmental impact assessment and drought management;

FURTHER CONSIDERING that Member States have the sovereign right to manage their natural resources and the corresponding responsibility to manage such resources sustainably;

ACKNOWLEDGING that biodiversity contributes to regional, national and local socio-economy value and livelihood of communities;

FURTHER ACKNOWLEDGING the role of biodiversity in achieving food security, economic growth and combatting of drought and other natural and man-made disasters in the region;

RECOGNISING the role of the local communities, men, women and youth in the sustainable management of biodiversity;

FURTHER RECOGNISING the threats and challenges posed to the biodiversity in the Region through anthropological activities;

TAKING note of the IGAD Regional Biodiversity Policy adopted by the Ministers responsible for biodiversity management of IGAD Member States on 3 June 2016 in Nairobi, Kenya;

DESIRING to establish a common approach to the conservation and utilisation of biodiversity in the region through the adoption of a Regional Biodiversity Protocol as provided for in the Regional Biodiversity Policy; and

HAVE AGREED AS FOLLOWS:

Article 1 Definitions

'Access to biological resources' means the permission to physically obtain and subsequently to use the biological resources;

'Agreement' means the Agreement Establishing the Intergovernmental Authority on Development;

'Benefit sharing' means the fair and equitable sharing of the benefits (monetary and non-monetary benefits) arising out of the utilization of biological resources, "...including by appropriate access to genetic resources and by appropriate transfer of relevant technologies, taking into account all rights over those resources and to technologies, and by appropriate funding" is the third objective of the treaty;

'Biological diversity' means 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 and their services;

'Biological resources' includes genetic resources, organisms or parts thereof, populations, or any other biotic component of ecosystems with actual or potential use or value for humanity;

'Biotechnology' means any technological application that uses biological systems, living organisms, or derivatives thereof, to make or modify products or processes for specific use;

'Council' means the IGAD Council of Ministers established under Article 8 of the Agreement Establishing IGAD;

'Ecosystem' means a dynamic complex of plant, animal and micro-organism communities and their non-living environment interacting as a functional unit;

'Ecosystem goods and services' represent the benefits human populations derive, directly or indirectly, from ecosystem functions;

'Environmental Impact Assessment' as a national instrument, shall be undertaken for proposed activities that are likely to have a significant adverse impact on the environment and are subject to a decision of a competent national authority;

‘Ex-situ conservation’ means the conservation of components of biological diversity outside their natural habitats;

‘Executive Secretary’ means the Chief Executive Officer of IGAD established under Article 13 of the Agreement Establishing IGAD;

‘Genetic resources’ means genetic material of actual or potential value;

‘Genetic material’ means genetic material from plants, animals or a microbe that has actual or potential value to be used;

‘IGAD Biodiversity Policy’ means the IGAD Regional Biodiversity Policy adopted by the Ministerial Conference in Nairobi on 3 June 2016;

‘In situ conservation’ means the conservation of ecosystems and natural habitats and the maintenance and recovery of viable populations of species in their natural surroundings and, in the case of domesticated or cultivated species, in the surroundings where they have developed their distinctive properties;

‘Invasive species’ means species whose introduction and/or spread outside their natural past or present distribution threatens biological diversity;

‘Member States’ means signatories to the Intergovernmental Authority on Development;

‘Modified organism’ means any biological entity which has been artificially synthesized, or in which the genetic material or the expression of any of its traits has been changed by the introduction of any foreign gene whether taken from another organism, from a fossil organism or artificially synthesized;

‘Protocol’ means the IGAD Regional Biodiversity Protocol;

‘Region’ means the area of jurisdiction of the Member States of the Intergovernmental Authority on Development;

‘Sectoral Ministerial Committee’ means the “Committee of Ministers responsible for Biodiversity Resources”, established in terms of Article 6;

‘Sectoral Technical Committee’ means the Sectoral Technical Committee on Biodiversity Resources, established in terms of Article 6 of this Protocol;

‘Strategic Environmental Assessment’ refers to a range of analytical and participatory approaches that aims to integrate environmental consideration into policies, plans and programmes and evaluate the interlinkages with economic and social considerations;

‘Sustainable use’ means the use of components of biological diversity in a way and at a rate that does not lead to the long-term decline of biological diversity, thereby maintaining its potential to meet the needs and aspirations of present and future generations;

‘Wildlife’ includes any wild and indigenous animal (mammals, bird, fish, amphibians and reptiles), invertebrate animals, plant or micro-organism or its parts within its constituent habitat or ecosystem on land or in water, as well as species that have been introduced into or established in the region; and

‘Wildlife smuggling or trafficking’ involves the action of dealing or trading in wild fauna and flora (including timber and charcoal) in contravention of national or international law. It also involves gathering, transportation, and distribution of wildlife and their derivatives either internationally or domestically. ‘Wildlife trafficking’ is described as any environment-related crime.

Article 2 Scope

This Protocol shall apply to the conservation and sustainable use of terrestrial, marine and aquatic biodiversity resources in the IGAD Region.

Article 3 Objectives

The objective of the Protocol is to provide for regional cooperation in the implementation of the IGAD Biodiversity Policy, harmonization of other policies related to biodiversity management, plans and legislation relating to the management of biodiversity resources in the Region based on the principle of subsidiarity.

Article 4 Principles

This Protocol shall be guided by the following principles:

- a) share common responsibility for present and future generations;
- b) apply the precautionary principle;
- c) conservation and management biodiversity based on scientific knowledge contributing to sustainable development;
- d) strengthen regional integration and cooperation on the basis of sovereign equality, territorial integrity, mutual benefits and good faith applying the subsidiarity principle;
- e) integrate all related stakeholders ensuring inclusiveness and ownership (good governance);
- f) build synergies with related conventions, policies, strategies and programmes to increase effectiveness; allowing moving at different speeds;
- g) understand the policy and the priority actions as gender sensitive ensuring equity; sharing of benefits and costs;
- h) apply the Polluter Pays principle;
- i) apply the principle of proportionality;
- j) resolve disputes peacefully; and
- k) share information.

Article 5 General Provisions

5.1. Member States shall be obliged to:

- a) facilitate the implementation of the IGAD Biodiversity Policy, IGAD EIA Policy Framework and IGAD EIA Protocol, the IGAD Water Policy, the IGAD Regional Climate Change Strategy and other related regional, continental and global MEAs and Conventions;
- b) harmonize policies, legislation, laws and mechanisms on sustainable management of biodiversity, and of the resources related thereto;
- c) assist with the development and effective implementation of national and regional biodiversity databases and information systems;
- d) assist in capacity building relating to biodiversity conservation and management at national and regional levels;

- e) promote the sustainable management of shared biodiversity resources through enhanced coordination and cooperation by Member States; and
 - f) apply a risk-averse and cautious approach, which takes into account the limits of current knowledge about the consequences of decisions and actions;
 - g) ensure that disturbance of ecosystems and loss of biological diversity, pollution and degradation of the environment, disturbance of landscapes and sites that constitute the country's natural heritage, are avoided, or, where they cannot be altogether avoided, are minimised and remedied;
 - h) ensure social inclusion and equity for effective involvement of women, youth, indigenous people and local communities and vulnerable groups in biodiversity planning, decision making, management and programme implementation;
 - i) ensure full environmental and social costs and benefits foregone as a result of damages or degradation of biodiversity should be incorporated in public and private sector planning and minimised where possible and residual losses mitigated.
 - j) mainstream biodiversity conservation as a priority in any development activity; and
 - k) establish coordination mechanism, designate a national focal point, members of the technical and ministerial Committees for biodiversity management.
- 5.2. The provisions of this Protocol shall not affect the rights and obligations of any Member State deriving from existing regional, continental and international agreements, except those rights and obligations that would cause serious damages or threats to biodiversity.
- 5.3. Nothing in this Protocol shall prevent a Member State from developing or implementing other relevant regional, continental and international agreements.

Article 6 Institutional Framework

- 6.1. Sectoral Committee of Ministers
- 6.1.1 The Sectoral Committee of Ministers responsible for biodiversity is hereby established in accordance with article 10(3) of the Agreement Establishing IGAD with the following functions:
- a) approve and sign regional biodiversity related policies, strategies, plans and standards;
 - b) consider and approve any amendments to the regional biodiversity policy, protocol, strategies and standards;
 - c) provide policy guidance on matters referred to it by the Sectoral Technical Committee on Biodiversity established by Article 6.3 of this Protocol;
 - d) supervise the implementation of IGAD Biodiversity policy, protocol, strategies and standards;
 - e) receive and approve the annual report on the sector, which will be submitted to the IGAD Council of Ministers; and
 - f) consider and adopt a regional common position related to the sustainable management of biodiversity resources in regional and global conferences.

- 6.1.2 The Sectoral Committee of Ministers responsible for biodiversity shall consist of the ministers responsible for biodiversity in the Member States.
- 6.1.3 The Sectoral Committee of Ministers responsible for biodiversity shall meet annually.
- 6.1.4 The Sectoral Committee of Ministers responsible for biodiversity shall be chaired by the Minister coming from the IGAD Chairing country.
- 6.1.5 Where the Minister from the Chairing country is not available, the Minister from the host country shall chair the Ministerial Committee meeting.

6.2. The Sectoral Technical Committee on Biodiversity Resources:

6.2.1 The Sectoral Technical Committee on Biodiversity Resources which shall be composed of directors or heads of biodiversity department or their representatives is hereby established with the following functions:

- a) coordinate and supervise the implementation of the IGAD Biodiversity Policy and Protocol;
- b) develops policy guidelines and standards for common regional approaches for the sustainable management of biodiversity;
- c) ensure the drafting of a regional common position related to the sustainable management of biodiversity resources in regional and global conferences;
- d) provide technical support to the Regional Ministerial Committee of Ministers responsible for biodiversity management; and
- e) consider national reports and prepare the report to the sectoral ministerial committee.

6.2.2 The committee shall meet at least once a year;

6.2.3 The committee shall be chaired by the official from the IGAD Chairing country or in his absence, the official from the country hosting the meeting of the Sectoral Technical Committee.

6.3. Establishment of a Biodiversity Coordination Unit:

The IGAD Biodiversity Coordination Unit is hereby established under the IGAD Division of Agriculture and Environment in accordance with Article 12 of the Agreement Establishing IGAD with the following functions:

- a) coordinate the implementation of this Protocol at Regional level;
- b) coordinate with the designated sectoral focal point in Member States nominated in terms of 5 of this Protocol;
- c) co-ordinate the efforts of Member States to adopt common approaches to the sustainable management of biodiversity resources and to harmonize legislation; and
- d) assist Member States in coordinating regional programmes for biodiversity related information, research and capacity building.

SAFEGUARDING, CONSERVING AND RESTORING BIODIVERSITY**Article 7 Transboundary Resources**

Member States shall:

- a) secure transboundary ecosystems and regional conservation values and promote the cooperative management of shared ecosystems across international boundaries;
- b) develop and adopt common strategies for the sustainable management of shared biodiversity resources;
- c) develop, adopt and implement a common strategy on access to and benefit sharing of biological resources;
- d) develop and implement mechanisms to promote the joint sustainable management of transboundary- biodiversity resources, and ensure the involvement, of the affected local communities; and
- e) ensure the participation of all other economic sectors in the implementation of this protocol.

Article 8 Management of Biodiversity Resources

- 8.1. Member States shall conserve and manage their biodiversity resources in accordance with article 4 and 5 of this Protocol.
- 8.2. Member States shall develop and implement a public awareness programme on issues of biodiversity conservation and management.

Article 9 Management of Species

- 9.1. Member States shall take appropriate measures to ensure the conservation and sustainable use of species; and maintain, a viable population of species in their natural environment.
- 9.2. Member States shall undertake the following actions:
 - a) identify and classify key species in the region requiring specific attention according to agreed standard methods to ensure their conservation including *in situ* and *ex situ*;
 - b) develop management plans for the conservation and sustainable use of key species;
 - c) identify and classify the important components of biodiversity and threats to the components;
 - d) assess, identify and implement appropriate measures to control activities which may significantly affect the conservation and sustainable use of species thereby minimizing potential negative impact;
 - e) develop and implement a public awareness programme to educate the general public and raise public awareness concerning issues of conservation and sustainable use of species; and
 - f) Implement regional, continental and global MEAs related to species conservation and management.

Article 10 Management of Ecosystems

- 10.1. Member States shall develop harmonized methods, standards and regulatory frameworks\mechanisms for management of ecosystems in the region.
- 10.2. Member States shall identify and map key ecosystems in the region based on the following criteria:
 - a) relatively pristine and contributing to regional, continental and global biodiversity importance;
 - b) important nursery for species;
 - c) important for production of ecosystem goods and services;
 - d) contributing to regulation of the climate, environment education and research;
 - e) having aesthetical and or cultural values;
 - f) under particular threat; and
 - g) important for the survival of endangered species.
- 10.3. Member States shall secure transboundary ecosystems and regional conservation values and promote the cooperative management of shared ecosystems across international boundaries.
- 10.4. Member States shall identify, and adapt mechanisms to rehabilitate degraded ecosystems by undertaking the following actions:
 - a) cooperate in the development and implementation of regional standards and guidelines to identify, protect, restore and rehabilitate key ecosystems and mitigate the impact of development on such ecosystems;
 - b) develop and implement management plans for the conservation and sustainable use of key ecosystems;
 - c) identify threatening process that endanger ecosystems and develop measures for mitigation and restoration;
 - d) assess, identify and implement appropriate measures to control activities which may significantly affect the conservation and sustainable use of ecosystems thereby minimizing potential negative impact;
 - e) develop and implement a public awareness programme to educate the general public and raise public awareness concerning issues of conservation of ecosystems; and
 - f) implement all other relevant regional, continental and global MEAs related to sustainable management of ecosystems.
- 10.5. Member States shall cooperate in the development of appropriate climate change mitigation and adaptation measures in national biodiversity resource and ecosystem management efforts.

Article 11 Management of Genetic Resources

Member States shall observe the principles of prior informed consent and mutually agreed terms to:

- a) develop and adopt common policies and strategies for the management of genetic resources;
- b) develop standardized techniques for establishment, collection, exchange, utilization and management of genetic resources; and
- c) establish standards for documentation and management of data for genetic resources.

Article 12 Management of Aquatic Biodiversity Resources

Member States shall:

- a) observe articles 4 and 5 of this Protocol in the management of aquatic biodiversity resources;
- b) cooperate in the sustainable management and conservation of aquatic biodiversity resources at local, national, regional and global levels to ensure the proper functioning of aquatic ecosystems;
- c) cooperate in monitoring and surveillance of their exclusive economic zones to protect their aquatic biodiversity resources from waste dumping, oil spills, illegal fishing and other crimes; and
- d) cooperate in provisions of mutual legal assistance in cases involving activities beyond Member States borders.

Article 13 Management of Coastal and Marine Resources

13.1. Member States shall:

- a) observe articles 4 and 5 of this Protocol in the management of coastal and marine resources^{15.2} develop and harmonise their policies, laws, strategies, measures, standards and guidelines within the provisions of the IGAD Biodiversity Policy and Protocol for the conservation and sustainable use of coastal and marine biodiversity resources;
- b) cooperate to prevent and reduce pollution of the marine and coastal environment, ensure sustainable environmental management of the biodiversity resources of the marine and coastal environment and adopt measures for monitoring, evaluation and control; and
- c) develop appropriate measures and guidelines within the provisions of the IGAD Biodiversity Policy/ Protocol to conserve and sustainably use coastal and marine biodiversity resources.

13.2. Member States shall take the following actions to:

- a) prevent and reduce pollution caused by discharging and dumping of waste from ships or man-made structures at sea;
- b) prevent and reduce pollution from land-based sources including discharges from rivers, estuaries, coastal establishments/ urbanization, other structures or any other sources within their area of jurisdiction;
- c) prevent and reduce pollution caused by exploration and exploitation of the sea-bed and its subsoil;
- d) protect and manage threatened and endangered species and manage alien invasive species;
- e) protect cultural sites, historical monuments and traditional practices and knowledge;
- f) protect and preserve rare or fragile ecosystems and habitats of rare, threatened or endangered wild fauna and flora.
- g) implement regional and global conventions related to sustainable management of coastal and marine ecosystems; and
- h) promote technical cooperation on sustainable management of coastal and marine biodiversity resources among Member States.

13.3. Member States shall establish protected areas and regulate activities to conserve fragile coastal and marine ecosystems.

Article 14 Invasive Species Management

Member States shall:

- a) observe articles 4 and 5 of this Protocol in invasive species management;
- b) mainstream regional policies and strategies across sectors for monitoring and control of the introduction of invasive species;
- c) develop, adopt and enforce national legislation to avoid the introduction of potential invasive alien species, control of existing invasive species;
- d) cooperate to control the introduction of alien and invasive species and the management of existing infestations;
- e) cooperate in the development of a list of invasive species in the region;
- f) cooperate in the collection, compilation and sharing of information on the management, of existing invasive species;
- g) cooperate on research on invasive species;
- h) develop guidelines relating to the management of invasive species; and
- i) develop and implement public awareness programs to educate the general public on invasive species.

Article 15 Environmental Impact Assessment

Member States shall:

- a) implement transboundary/ shared ecosystems activities in accordance with the provisions of the Regional Environment Impact Assessment Policy Framework and Articles 3 and 4 the Protocol on Transboundary Environmental Impact Assessment in the IGAD Region (2012);
- b) develop and adopt common policies, strategies and standards for the implementation of the biodiversity component of EIAs, their peer review, and for the management of environmental authorisations;
- c) implement provisions of other regional and global MEAs related to strategic environment impact assessment (SEA/EIA);
- d) commit to the strict application of SEA/EIA in formulating and implementing national and regional policies and projects respectively; and
- e) create and support national institutions to:
 - i. monitor and control environmental authorisations in line with adopted regional standards,
 - ii. compile and publish the data from these environmental authorisations at national level for peer review, and
 - iii. share information on transboundary EIA results and create a regional information system.

Article 16 Biosafety

Member States shall observe Articles 4 and 5 of this Protocol to:

- a) develop and adopt common policies, regulatory framework, standards and procedures relating to liability and redress for loss and damage resulting from development, handling, transport, use, transfer and release, including trans-boundary movements, of any living modified organisms in line with the Cartagena Protocol on Biosafety Kuala Lumpur supplementary protocol;

- b) apply such safeguards, restrictions, prohibitions and other measures on trade to control and regulate entry and use of living modified organisms into their area of jurisdiction and the region;
- c) cooperate on a common regional strategy and policy on bio-technology for promoting economic growth and attaining food security in the region;
- d) implement regional, continental and global conventions related to genetically modified organisms and biosafety such as the African Union Model Law on Biosafety, Cartagena Protocol on Biosafety to the Convention on Biological Diversity to which they are a Party; and
- e) cooperate in scientific research and information exchange on socio-economic impacts of genetically modified organisms.

GOVERNANCE AND MAINSTREAMING OF BIODIVERSITY

Article 17 Mainstreaming Biodiversity

Member States shall:

- a) mainstream biodiversity conservation into sectoral, national and regional development plans; and
- b) ensure the mainstreaming and implementation of the provisions of regional and global MEAs related to sustainable management of biodiversity resources, in particular the National Biodiversity Strategies and Action Plans.

Article 18 Gender Mainstreaming

Member States shall:

- a) implement a gender sensitive approach in biodiversity management at all stages of its development, taking in to consideration the diversity in knowledge of, access to and use of and conservation of biodiversity; and
- b) In the implementation of the provisions of the IGAD Biodiversity Policy, consider the role and knowledge of men, women and youth in biodiversity resource management and sharing of benefits and the potential impact of activities on marginalised groups of the community.

Article 19 Cooperation on Law Enforcement

Member States shall:

- a) develop, adopt and enforce national legal instruments necessary to ensure the conservation and sustainable use of biodiversity resources;
- b) harmonize national legal instruments for the conservation and sustainable use of biodiversity resources to establish the following:
 - i. measures for the protection of biodiversity resources and their habitats,
 - ii. measures relating to the access and harvesting of biodiversity resources,
 - iii. powers granted to law enforcement officers,
 - iv. mechanisms to ensure that enforcement is undertaken by all levels of government,
 - v. measures to share information relating to the enforcement of legislation relating to wildlife resources, such as trafficking of and trade in biodiversity resources through their respective environmental enforcement agencies,

- vi. cooperation mechanisms to jointly combat poaching and illegal trade of wild flora and fauna through cooperation between biodiversity related services and intelligence, security, police and border control agencies, judiciary and civil society organization, and
- vii. coordination mechanisms for wildlife authorities and Interpol National Central Bureau to apprehend illegal takers and traders and to recover and dispose of illegally obtained biodiversity products.

TECHNOLOGY, CAPACITY DEVELOPMENT, AWARENESS-CREATION AND INFORMATION MANAGEMENT

Article 20 Technology and Capacity Development

Member States shall cooperate to:

- a) strengthen and support biodiversity resource databases, information systems and technical and administrative networks at national and regional levels;
- b) exchange information, monitor and enforce compliance with biodiversity resource management;
- c) take a regional common position on the transfer of technology from developed countries to the region;
- d) build their capacity to access global biodiversity related funds to ensure sustained funding for sustainable management of biodiversity resources in the region;
- e) strengthen, support and coordinate biodiversity research initiatives and technology development at national and regional institutions;
- f) develop appropriate regional guidelines to advance community based biodiversity resource management;
- g) develop appropriate regional methods to identify, map and prioritize important ecosystems;
- h) undertake scientific research, monitoring and exchange of data and other information relating to the management of the marine and coastal environment;
- i) build research capacity in biodiversity valuation, biosafety and biotechnology;
- j) identify living modified organisms or specific traits which may have adverse effects on the conservation and sustainable use of the environment, natural resources and risks to human health and take measures to treat such living modified organisms or specific traits;
- k) provide adequate financial and human resources to implement the provisions of the legislation;
- l) train enforcement officers; and
- m) domesticate and implement regional, continental and global legal frameworks for the sustainable management and use of biodiversity resources.

Article 21. Public Participation

Member States shall:

- a) adopt common policies, legislative frameworks and programmes relating to access to information, justice and the participation of the public in biodiversity resource management;

- b) create an enabling environment for the participation of civil society, the public, local communities, indigenous people and private sector in biodiversity resource management;
- c) develop and implement targeted public awareness and education programmes for groups of people such as decision-makers and politicians, business executives, consumers, non-governmental and community-based organisations, rural and urban community's dependent on biological resources;
- d) strengthen coordination between those involved in increasing public awareness about biodiversity, including educational institutions, government Ministries and departments, natural history museums, business, conservation groups and non-governmental organisations; and
- e) promote and provide guidelines for community-based natural resources management.

BIODIVERSITY FOR ECONOMIC, ACCESS AND BENEFIT-SHARING

Article 22 Access and Benefit Sharing of Biological Resources

22.1. Member States shall:

- a) ensure access to biological resources for their utilization subject to prior informed consent of the Member States;
- b) take measures to ensure that the prior informed consent or approval involves of indigenous people and local communities is obtained for access to biological resources and associated traditional knowledge; and
- c) ensure that prior informed consent, access permits and mutually agreed terms take the necessary legislative, administrative or policy measures to:
 - i. provide for legal certainty, clarity and transparency of their domestic access and benefit-sharing legislation or regulatory requirements,
 - ii. provide for fair and non-arbitrary rules and procedures on accessing biological resources,
 - iii. provide information on how to apply for prior informed consent,
 - iv. provide for a clear and transparent written decision by a competent national authority, in a cost-effective manner and within a reasonable period of time,
 - v. provide for notification to the Member States and IGAD Secretariat the issuance of access permit or its equivalent as evidence of the decision to grant prior informed consent and the establishment of mutually agreed terms,
 - vi. subject to domestic legislation, set out criteria and/or processes for obtaining prior informed consent or approval and involvement of indigenous and local communities for access to biological resources, and
 - vii. establish clear rules and procedures for requiring and establishing mutually agreed terms.

22.2. Member States shall ensure that access to traditional knowledge associated with biological resources that is held by indigenous people and local communities is granted with the prior informed consent involving them.

- 22.3. Member States shall ensure equitable sharing of benefits arising from the utilization of biological resources and taking into consideration the following principles:
- a) the benefits arising from the utilization of biological resources as well as subsequent applications and commercialization shall be shared in a fair and equitable way; and
 - b) rights of indigenous people and local communities over biological resources, are shared in a fair and equitable way with the communities concerned through the established legislative, administrative or policy measures.
- 22.4. Member States shall empower local communities to negotiate adequate and relevant benefit-sharing agreements and mutually agreed terms with prospecting and commercial enterprises to:
- a) develop a benefit sharing mechanism for transboundary genetic resources;
 - b) promote research in the use and development of genetic resources;
 - c) develop regulatory mechanisms for trade in genetic resources;
 - d) ensure the application and/or use of regional, continental and global conventions and MEAs related to biodiversity benefit sharing; and
 - e) protect the intellectual property rights as well as traditional knowledge of communities.

Article 23 Ecosystem Services

- 23.1. Member States shall ensure fair and equitable evaluation of the benefits arising from biological resources to:
- a) apply appropriate valuation techniques to economic, environmental and social benefits associated with the biological resources;
 - b) strengthen institutional capacities to conduct evaluations of biological resources; and
 - c) create mechanisms to share biological resource valuations amongst Member States.
- 23.2. Member States shall integrate environmental and biodiversity values and costs into national accounting systems with the aim of ensuring sustainable provision of ecosystem goods and services.

IMPLEMENTATION OF THE REGIONAL BIODIVERSITY PROTOCOL

Article 24. Financial Provisions

- 24.1. In accordance with Article 14 of the Agreement establishing IGAD, the financial provisions of this protocol shall be derived from contributions of Member States, donations and grants.
- 24.2. Member States shall at national level allocate the necessary financial resources for the implementation of this Protocol.
- 24.3. Member States shall meet their own expenses for the attendance of meetings notwithstanding that the IGAD Secretariat may facilitate meetings of the technical and ministerial committee.
- 24.4. The IGAD Secretariat shall mobilize resources from existing global financing mechanisms and development partners for the follow-up and the implementation of the Protocol.

Article 25 Amendments

- 25.1. Amendment to this Protocol shall be initiated at the request of any Member State by giving ninety days' notice in writing to the Chairperson of the IGAD Council of Ministers.
- 25.2. On receipt of a proposal for amendment, the Chairperson of the Council shall transmit it to the Sectoral Ministerial Committee responsible for Biodiversity Resources within thirty days of its receipt.
- 25.3. Amendments to the Protocol shall take effect by consensus, or failing that, by a vote of two-third majority of Member States.

Article 26 Signature, Ratification and Accession

- 26.1. The Protocol shall be signed by the duly authorised representatives of the Member States.
- 26.2. The Member States undertake to:
- a) ratify this Protocol in accordance with their Constitutional requirements and practices; and
 - b) incorporate this Protocol into their domestic laws.
- 26.3. The Protocol shall remain open for accession after its entry into force and such accession may be effected by the deposit of an instrument of accession.

Article 27 Entry into Force

- 27.1. This Protocol enters into force upon signature by the duly authorised representatives of the Member States, in accordance with Article 17 of the Agreement establishing IGAD.
- 27.2. Upon entry into force, this protocol shall become an integral part of the Agreement Establishing IGAD and the IGAD Treaty.

Article 28 Compliance with the Protocol

- 28.1. The Sectoral Technical Committee shall develop procedures to enhance compliance with the Protocol.
- 28.2. The Sectoral Ministerial Committee shall receive, consider and approve cooperative procedures and mechanisms to promote compliance with this protocol and address cases of non-compliance.

Article 29. Sanctions

- 29.1. Sanctions may be imposed on a Member State who:
- a) persistently fails, without good reason, to fulfil obligations assumed under the Protocol; and
 - b) implements policies, which undermine the objectives and principles of the Protocol.
- 29.2. The Sectoral Ministerial Committee shall determine whether any sanction should be imposed against a Member State and give the affected member state written notice of the intended sanction.
- 29.3. Upon failure of the affected member state to respond to the notice, the Sectoral Ministerial Committee shall make recommendation to the Council of Ministers to impose and enforce the sanction.
- 29.4. The Council of Ministers on a case-by-case basis may impose sanctions, as they deem appropriate.

Article 30 Withdrawal

- 30.1. Any Member State wishing to withdraw from the Protocol shall give a twelve (12) month written notice to the Chairperson of the Council of Ministers of IGAD.
- 30.2. During the 12-month period a Member State wishing to withdraw shall comply with provisions of this Protocol and shall be bound to discharge its obligations up to the date of its withdrawal.

Article 31 Settlement of Dispute

- 31.1. Any dispute arising from the interpretation and implementation of the Protocol shall be settled amicably between Member States.
- 31.2. Upon failure to resolve disputes amicably, the dispute shall be referred to the Council of Ministers or Assembly for collective resolution in accordance with Article 18 of the Agreement.

Article 32 Depository

- 32.1. The original text of the Protocol and all instruments of ratification and accession shall be deposited with the Executive Secretary who shall transmit certified copies to all Member States.
- 32.2. The Executive Secretary shall register the Protocol with the Secretariat of the African Union and the United Nations.

Done at _____ on _____ in two original texts in English and French both being equally authentic.

IN WITNESS WHEREOF, the following, duly authorized by the Member States,

HEREBY sign this protocol:

H.E. Moussa Mohamed Ahmed

For

The Government of Djibouti

For

The Government of Eritrea

H. E. Dr. Gemedo Dalle

For

The Government of Ethiopia

Hon. Prof. Judi Wakhungu

For

The Government of Kenya

H.E. Abdikarim Khalif Abdidhalac

For

The Government of Somalia

H. E Joseph Africano Bartel

For

The Government of South Sudan

H.E Dr. Hassan Abdelgadir Hilal

For

The Government of the Sudan

Hon. Cheptoris Sam Mangusho

For

The Government of Uganda



PEACE, PROSPERITY AND REGIONAL INTEGRATION

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