

TERMS OF REFERENCE FOR TECHNICAL WORKING GROUP ON MARINE SPATIAL PLANNING

BACKGROUND

Integrated management of coastal and marine resources through Ecosystem Based Management approaches including the application of Marine Spatial Planning (MSP), has become critical in the face of large-scale developments in the coastal and marine environment. In May 2013, the African Union (AU) adopted a strategic framework for the socio-economic transformation of the continent over the next 50 years (Agenda 2063, which recognised that: *“Africa’s Blue economy, ... shall be a major contributor to continental transformation and growth, advancing knowledge on marine and aquatic biotechnology, the growth of an Africa-wide shipping industry, the development of sea, river and lake transport and fishing, and exploitation and beneficiation of deep-sea mineral and other resources.”* Additionally, at its session in January 2014, the AU Assembly adopted Africa’s Integrated Marine Strategic Plan of Action (2050 AIM Strategy), which outlines the actions that should be implemented to foster increased wealth creation from Africa’s oceans and seas by developing a sustainable blue economy. The Strategy recognises that marine and maritime spatial planning will aid in balancing frequently competing sector-based interests, so that: (a) marine space and resources are used efficiently and sustainably; (b) decisions can be taken based on sound data and in-depth knowledge of the sea and inland water ways; and (c) investors have greater legal certainty, encouraging Africa’s blue economic development. Both Agenda 2063 and the 2050 AIM Strategy are in line with the 2030 Agenda for Sustainable Development adopted by the United Nations in 2015.

COMMITMENTS OF WESTERN INDIAN OCEAN (WIO) COUNTRIES TO MSP

The ten Contracting Parties to the Nairobi Convention for the Protection, Management and Development of the Marine and Coastal Environment of the Western Indian Ocean Region have appreciated the need for MSP as a tool to promote the integrated management of coastal and marine resources through several Conference of Parties (COP) Decisions:

Decision CP8/10.4: Blue and Ocean Economy

To *urge* Contracting Parties to cooperate in improving the governance of areas beyond national jurisdiction, building on existing regional institutions including the Nairobi Convention and developing area-based management tools such as marine spatial planning to promote the blue economy pathways in the Western Indian Ocean Region.

Decision CP.9/1.2: Work programme for 2018–2022

To *request* the secretariat to develop and support the implementation of priority areas, including the management of marine protected areas,, growth of the blue economy, scientific research, fisheries management, marine spatial planning, integrated coastal management and the sustainable development of ports and harbours.

Decision CP.9/10: Marine spatial planning for the blue and ocean economy

2. To *also urge* the Contracting Parties, within the framework of the United Nations Convention on the Law of the Sea, to cooperate with existing regional institutions on ocean governance and the conservation of marine biodiversity in adjacent areas beyond national

jurisdiction, to build and develop area-based management tools, such as marine spatial planning, to promote blue economy pathways in the Western Indian Ocean region;

3. *To request* the secretariat, in collaboration with partners, to develop capacity-building programmes on marine spatial planning as a tool for sustainable economic growth.

Decision CP.9/13.3: Enhancing cooperation, collaboration and support with partners

To invite the Contracting Parties and to request the secretariat to collaborate with the Secretariat of the Convention on Biological Diversity, the Western Indian Ocean Marine Science Association and other partners in the areas of capacity-building, implementation and sharing of experiences in marine spatial planning in support of the blue economy.

PROGRESS IN MSP IMPLEMENTATION IN THE WIO COUNTRIES

The WIO countries are making progress in implementing the COP Decisions are at various stages in the development and implementation of the MSP process as highlighted below:

The Government of **Seychelles** started MSP in 2014 with an aspirational target of declaring 30% of its Economic Exclusive Zone (EEZ) as marine protected areas (MPAs). The stimulus for MSP came from concern about the interactions and conflicts between the fishing, tourism, marine transport, and security sectors while the country was developing its “blue economy” to support a sustainable and diversified economy. This led to an innovative debt restructuring scheme (referred to ‘as Debt for Nature swap’) to support the MSP process. 20 million USD of debt was restructured through the scheme and the proceeds placed in the Seychelles Conservation and Climate Adaptation Trust (SEYCCAT) to support to the implementation of MSP as well as other conservation measures. Seychelles reached its ambitious target of having 30% of its EEZ under protection in March 2020.

The Government of **Mauritius** has been advancing MSP in key maritime sectors such as port infrastructure, shipping, tourism, seafood, fisheries, aquaculture, underwater cultural heritage and marine renewable energy to strengthen its economic diversification. Mauritius has set up an MSP Coordinating Committee, bringing together all the relevant stakeholders to support the development of a holistic plan. It has also established three technical working groups focusing on new economic activities (aquaculture sites, marina development, and tourism and recreational activities) for conservation of the marine ecosystem, the alignment of the conservation strategy with the implementation of the Sustainable Development Goals (SDGs), and the setting up of an appropriate framework to support MSP).

The **South African** Marine Spatial Planning Bill was approved by the National Assembly and the National Council of Provinces in [December](#) 2018. Implementation of the national framework for MSP will facilitate the development, implementation, and monitoring of marine spatial plans. Application of the MSP process will realise economic, social, ecological and governance benefits that will contribute to achieving sustainable development and facilitate the attainment of South Africa’s national development objectives. MSP will promote a culture of good ocean governance through integration among different objectives and economic sectors and manage competing demands on South Africa’s ocean space. The process will also enable the co-existence of compatible activities, and enhance co-ordination with terrestrial and coastal planning. Under Operation PHAKISA, the Republic of South Africa

is fast-tracking MSP development and implementation as evidenced by their 22 recently declared MPAs.

Following the adoption of the [EU Directive on Maritime Spatial Planning \(2014/89/EU\)](#), where all coastal European Union Member States are required to prepare cross-sectoral maritime spatial plans by 2021, **France** is currently developing its national MSP. In 2016, the [MSP Directive](#) was transposed into French legislation, paving the way for the introduction of maritime spatial planning. The [Ocean Metiss](#) project on Réunion Island aims at developing an efficient decision-making tool for long-term sustainable development of the blue economy and directly contributes to MSP initiatives.

Other countries in the region are also developing relevant policies and putting in place necessary institutional structures to support their national MSP processes. Noting that the countries of the WIO are at different stages of implementing MSP, a great opportunity exists for shared learning. At the WIO Regional MSP workshop held in Dar es Salaam, Tanzania in March 2019, the Focal Points of the Nairobi Convention, partners and stakeholders who participated in the workshop recommended the development of a regional MSP Strategy to be led by a Technical Working Group (TWG) hosted by the Nairobi Convention Secretariat. These actions were further endorsed by the Project Steering Committees of both the SAPPHERE and WIOSAP Projects during their meetings in June 2019 in Durban, South Africa.

TERMS OF REFERENCE

The broad goals of the TWG on MSP are to: i) provide a regional forum for information sharing and exchange; ii) provide technical guidance and advice to the Nairobi Convention and other regional frameworks to inform policy and decision making on MSP at national and regional level; iii) support capacity building on MSP at regional level as appropriate; iv) synthesize information on MSP from different sources, which includes engaging stakeholders and participatory approaches; and v) produce peer-reviewed publications, decision support tools, and other knowledge products in relation to MSP.

In collaboration, and with support from the Nairobi Convention Secretariat and other partners, the specific responsibilities of the TWG will be as follows:

1. Assess the current status of MSP knowledge and practice in the WIO region by reviewing the literature to assess the policy landscape, institutional frameworks, and progress on the implementation on MSP in different countries, including initiatives from Non-Governmental Organizations (NGOs) in support of the implementation of MSP at the national and regional levels. The review is envisioned to identify progress made and major gaps and/or limitations to MSP knowledge, policy and practice to help countries progress. The results of the review will be presented in a Regional Status Report on MSP and in a peer-reviewed journal;
2. Identify, compile and collate country-level spatial priorities and goals pertaining to marine use, and determine how these priorities and goals can be formulated into spatial planning objectives to guide the MSP process for the different countries and if possible, for the regional level;
3. Provide technical support to Contracting Parties where necessary, in implementing the global and regional ocean governance strategies pertaining to MSP at the country level, including the ongoing global discussions of the Intergovernmental

Conference on the Conservation and Sustainable Use of Marine Biodiversity of Areas Beyond National Jurisdiction (BBNJ) which has a focus on area -based management tools;

4. Offer technical support in the development of a regional vision and strategy on MSP within the context of the Nairobi Convention, together with the Western Indian Ocean Marine Science Association (WIOMSA) and other interested partners;
5. Provide technical support in the identification of capacity building needs and the implementation of training activities related to MSP for different categories of stakeholders;
6. Provide technical support in the development of relevant environmental education and awareness raising programmes related to MSP;
7. Provide advice on the strengthening of policy/legal and institutional frameworks related to MSP to the Convention Focal Points through the Science to Policy Platform and COPs;
8. Undertake quality assurance of outputs related to MSP produced through the support of both the Nairobi Convention, WIOMSA and other interested partners;
9. Establish potentially mutually beneficial linkages (and/or partnerships) as necessary with relevant leading institutions, professional networks, working groups, and research centers/groups internationally in respect to MSP.

Given these tasks and responsibilities of the TWG, it should be noted that the Nairobi Convention Secretariat will be supporting a regional institution to lead the development of a regional MSP Strategy. To support this process, the TWG will provide and facilitate access to technical advice and information, including facilitating the process of review, approval and adoption of the MSP Strategy to be developed.

OPERATIONAL MODALITIES OF THE TWG

The TWG on MSP will be established and hosted by the Nairobi Convention with technical support from WIOMSA. The core membership of the Group will be comprised of prominent experts whose selection is based on their strong regional knowledge and practical experience in MSP as well as a firm commitment to the TWG's activities. In its meetings, as well as in the implementation of its activities, the TWG will be at liberty to invite, consult and involve representatives of partner organizations and individual experts as required.

The Focal Points of the Nairobi Convention and SAPPHIRE project will be involved in the process of establishing and operating of the TWG. The members of the TWG will be nominated through the Focal Institutions for the Nairobi Convention in each country. Each country will nominate two experts to the MSP TWG based on a rigorous assessment of the experts and evidence of a track record of their involvement in MSP-related activities at the national and/or regional levels. Official communication of the two experts nominated by each country shall be sent to the Secretariat through the Focal Point of the Nairobi Convention in each country and include a 2-page CV as evidence of the proficiency of the nominated experts in MSP processes.

The selected Group members will elect a Chairperson and a Vice-Chair from amongst themselves at their first meeting. The Vice-Chair shall act as Chairperson of meetings in the absence of the Chairperson.

The TWG will have one official physical meeting per year and additional virtual meetings depending on need. Participation in physical meetings will be supported by the Secretariat. Ad-hoc meetings will be organized as necessary upon the request of the TWG through the Chairperson of the Group.

Since the Group will be operating under the Nairobi Convention, it will report directly to the Focal Points of the Nairobi Convention through the Secretariat and collaborate with relevant Task Forces/TWGs (established under the Convention) and other partners in the region.

CONVENTION PROJECTS SUPPORTING MSP INITIATIVES

Various projects currently being executed by the Convention support MSP interventions across the region and will therefore facilitate the operationalization of the MSP TWG:

1. The Western Indian Ocean Large Marine Ecosystem Strategic Action Programme Policy Harmonization and Institutional Reforms (SAPPHIRE) project. The project will support the necessary policy and legal reforms, investments and capacity building requirements during the period 2017-2023 to achieve effective long-term ecosystem management in the WIO region. SAPPHIRE project will implement some of the strategic action programme recommendations developed through the Agulhas and Somali Current Large Marine Ecosystems (ASCLME) project and the South West Indian Fisheries Project (SWIOFP). The project will support MSP interventions offshore and link closely with the WIOSAP project whose focus will be coastal/nearshore.
2. Implementation of the Strategic Action Programme for the protection of the Western Indian Ocean from land-based sources and activities (WIOSAP) project. The project aims at reducing impacts from land-based sources and activities and to sustainably manage critical coastal and marine ecosystems. MSP is one of the major tools being applied in addressing and achieving the project objective.
3. Facilitate Contracting Parties in implementing global and regional ocean governance strategies pertaining to MSP at country level including support of MSP demo projects funded by the Convention;
4. Partnership Project on African, Caribbean, and Pacific (ACP) Countries Capacity Building of Multilateral Environmental Agreements (MEAs), whose goal is to improve international environmental governance and better management of coasts and oceans through support to four Regional Seas Programmes (Nairobi, Cartagena, Abidjan, and Noumea Conventions).
5. Integrated Management of the Marine and Coastal Resources of the Northern Mozambique Channel Project (NoCaMo), whose goal is to sustainably manage marine and coastal resources of the Northern Mozambique Channel.

WIOMSA will support the technical operations of the TWG. Sustainability of the operations of the TWG beyond the lifetime of the mentioned projects will be discussed in due course. Other partner efforts will also be critical in facilitating the TWG.