

Marine Spatial Planning Workshop Report and Outcomes: The Role of Civil Society in Supporting Marine Spatial Planning

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1. Executive Summary

Within the context of the Draft Marine Spatial Planning (MSP) Bill and Draft MSP Framework for South Africa, a two-day workshop on MSP was hosted in Cape Town in March 2017 by the Centre for Environmental Rights (CER), the International Ocean Institute - Africa (IOI-SA), the Nelson Mandela Metropolitan University (NMMU) and WWF-South Africa. The objective of the workshop was to explore the supportive role that civil society can play in implementing the new MSP legislation. This report presents a summary of the presentations given by speakers as well as feedback received from participants during workshop activities. The workshop addressed the following topics:

- Requirements for marine spatial data infrastructure (MSDI);
- Decision-support tools; and
- Stakeholder participation in MSP, including institutional and resource needs for civil society contributions to MSP.

Formal presentations during the workshop included the following:

- The roles of different sectors and civil society in MSP;
- MSP in the Benguela Current Large Marine Ecosystem and the role of Ecologically and Biologically Significant Areas;
- MSP research programmes at the Cape Peninsula University of Technology (CPUT) and NMMU;
- Integrated coastal management and MSP; and
- Legal and governance aspects of MSP.

Participants highlighted two over-arching themes in their requirements of a national MSP process. First, that the MSP process should be participatory and based on active engagement with stakeholders, and second, that the process should be ecosystem-based and underpinned by sustainable development.

The workshop concluded with three recommendations that would promote effective civil society stakeholder engagement in government MSP processes:

1. A civil society institutional structure needs to be created. An MSP stakeholder forum is proposed which would be established alongside formal MSP institutional structures proposed by the Draft MSP Bill i.e. the National Working Group on MSP and Marine Area Planning Group. In brief, institutional structures for consultation and stakeholder engagement should be established alongside technical committees (NMSPWG and MAPG). An alternative proposal is the development of a Community of Practice;
2. There is a need to align research and the national MSP process. To achieve this, clarification is required from DEA regarding the process that will be followed in the development of regional and national marine spatial plans. This will enable civil society to better contribute towards the milestones in this process;
3. There are many decision-support tools available to support the development of marine area plans, however, appropriate tools can be identified only once there is a clear understanding of the objectives of these plans.

There was consensus that participants of the workshop would collaborate to implement these recommendations, and would communicate any progress via their respective stakeholder networks.

2. Introduction

In terms of the Oceans Economy component of Operation Phakisa, the South African government has committed to undertaking Marine Spatial Planning (MSP) under Initiative 10 of Phakisa's "Marine Governance and Protection Services Delivery Area". The objectives of MSP are to 'promote sustainable economic opportunities which contribute to the development of the ocean economy through coordinated and facilitated good ocean governance' (Draft MSP Bill, 2016). A well-managed, participatory and effective MSP process can go a long way towards integrating and balancing the provision of ocean ecosystem services without compromising the ecological integrity of our marine ecosystems on which such services depend. A transparent MSP process, including the development of adequate spatial data and associated decision support tools and an extensive stakeholder engagement process, is essential for ensuring effective governance of a sustainable ocean economy in alignment with blue economy principles.

In order to support the National MSP process being led by the Department of Environmental Affairs (DEA), four institutions (the Centre for Environmental Rights (CER), the International Ocean Institute-Africa (IOI-SA), Nelson Mandela Metropolitan University (NMMU) and WWF-South Africa) hosted a two-day workshop on MSP in Cape Town in March 2017. The key objective of the workshop was to explore the supportive role that civil society can play in implementing the new MSP legislation. The four hosting institutions were represented by Mr Saul Roux (CER), Mr Adnan Awad (IOI-SA), Prof. Amanda Lombard (NMMU), and Mr John Duncan (WWF-SA). Prof. Ken Findlay (CPUT), Prof. Patrick Vrancken (NMMU), Dr Steve Kirkman (DEA, Oceans and Coasts) and Dr Louis Celliers and Ms Nicolene Fourie (CSIR) were invited to give additional presentations. Key issues identified for discussion included: international best practice for MSP; legal and governance framework for MSP in South Africa; identification of potential spatial layers; identification of research, knowledge and information gaps in relation to MSP; identification of knowledge products and MSP decision-support tools; opportunities for collaboration; and resource requirements (including financial, research and institutional) for the integration of civil society into MSP in South Africa, and in particular the advancement of their effective contribution to national stakeholder processes.

The morning sessions of both days were devoted to background presentations by speakers (Appendix 1: Workshop Agenda). In the afternoons participants were divided into groups to discuss the key issues identified above. Summaries of these discussions are provided in Section 4. Thirty-one participants contributed to the workshop (Appendix 2: List of Participants).

3. Summary of Presentations

The workshop was opened by **Mr Adnan Awad** who welcomed all participants and provided a brief introduction to MSP in South Africa.

The first presentation was given by **Prof. Patrick Vrancken** entitled “Governance perspectives on the role of Civil Society in Marine Spatial Planning”. Prof Vrancken introduced Operation Phakisa, specifically the Marine Protection Services Governance (MPSG) lab, which includes three focus areas: integrated framework and governance; ocean protection; and MSP. The concept emerging from this lab was that an overarching integrated framework of ocean governance would be developed very quickly (a matter of a few months), after which an expansion of South Africa’s Marine Protected Areas (MPAs), and MSP, would follow. However, at present, MPAs and MSP are being developed without an overarching ocean governance framework, and this is problematic. Prof. Vrancken also highlighted the difference between government and governance. Governance refers to the activity or process of decision-making and implementation, and is much broader than the concept of the government. Governance is comprised of the law (the main tool used by governments), as well as non-legal tools used by non-state actors (importantly, civil society). To promote effective ocean governance, we need appropriate involvement and engagement of civil society. Another important part of the process of MSP is understanding human user impact on the marine environment, and that negative impacts result in conflict. Our understanding of the nature of conflict depends on a number of factors, and civil society should ensure that all aspects of conflict are understood. This will also assist in understanding how conflict is resolved, as conflict is usually resolved on the basis of who holds power. It is important to remember that the law is only one of several normative systems, and that the Constitution of South Africa indicates that civil society is separate from the law, and has established the state that has created the law, therefore civil society must ensure that the state and the law are kept in check. MSP should be based on the principle of a participatory democracy and the role of civil society is to put forward the interests of the less powerful and the powerless.

Dr Steve Kirkman followed with a presentation entitled “Prioritisation for spatial protection under MSP: Ecologically or Biologically Significant Areas in the BCLME”. The Benguela Current Large Marine Ecosystem (BCLME) includes the west coast of South Africa, Namibia and Angola, and is one of the most productive marine areas globally. This ecosystem is characterised by moderate-high levels of human pressures and these pressures are likely to increase. As a healthy, productive ocean is essential for the well-being of the planet’s inhabitants, we need to take a proactive approach to marine conservation and it is important to know where to focus conservation efforts. Ecologically or Biologically Significant Areas (EBSAs) are areas with high ecological or biological value that provide important services to species, populations or ecosystems relative to the surrounding ocean space. It is important to note that an EBSA does not imply legal protection status but does imply the need for increased risk aversion in these areas. EBSAs can inform decision-makers when prioritising areas for management and therefore are a key input for MSP. There are seven EBSA criteria adopted by the Parties to the Convention for Biological Diversity (CBD) used for identifying EBSAs, of which one or more must be

applicable. South Africa currently has 16 EBSAs in its Exclusive Economic Zone (EEZ) and one at Prince Edward Islands, and these have been endorsed by the CBD. A regional project, “Marine Spatial Management and Governance (MARISMA)”, which supports the Benguela Current Commission (BCC) and its member states (South Africa, Namibia and Angola) in achieving socio-economic development through the balancing of sustainable use and protection of the marine environment, has as its main focus capacity development to implement and institutionalise MSP and to identify and describe the BCLME’s EBSAs. The latter involves the verification of the boundaries of existing EBSAs, identification of threats and applicable management measures for reducing or mitigating such threats, and the consideration and description of potential new EBSAs, all of which is intended to inform MSP.

The presentation “MSP, Ecosystem Services Valuation and Ecosystem Accounting at CPUT” was given by **Prof. Ken Findlay**. With increasing pressure being placed on natural resources, nations are turning to the ocean space to expand their economies. An ocean economy refers to the basket of goods and services obtained from the ocean space, while the term “blue economy” refers to a sustainable ocean economy in line with the green economy framework. Ocean ecosystem services are the “marketed” and “non-marketed” benefits or goods and services derived from ocean systems through these oceans economies and are dependent on functioning ecosystems and the support services which drive ecosystem function. Many of these ecosystem services are provided by coastal or continental shelf regions and spatial competition may lead to conflict, both among users, and between users and the environment. In order to address this, governance needs to maximise human benefits and well-being without compromising ocean health. Very often Gross Domestic Product (GDP) is used as an indicator of human benefits. However, human wellbeing is now understood to be much broader than GDP. As the conflict problem is often one of space, MSP is a useful process to address governance. Decision-support tools (DeSTs) are used to evaluate trade-offs between ecological, social and economic objectives and lead to scenario planning, with the DeST outputs showing scenarios of possible future states. As trade-offs are inherently valuation processes two research areas were introduced: Ecosystem Accounting (EA) and Ecosystem Service Valuation (ESV). EA divides the ecosystem into basic spatial units, the extent and condition of which are evaluated, along with the physical flows of human benefits and welfare, over time. ESV evaluates systems for making trade-off analyses, among other uses. Prof. Findlay introduced a stepwise process of ESV for trade-offs including the identification of interactions between sectors (including the environment) through spatial layers, the interpretation of these into complementary or conflict interactions via strong stakeholder engagement and the consequent spatial understanding of conflict areas. It is important to note that in valuation processes, there are differences in ‘value systems’ based on different cultures, views or beliefs which result in different values so that it is important that outputs are viewed under environmental, social and economic lenses. There are also a number of ESV methods, including valuations not necessarily based on monetary value and composite indicators may be an important tool in comparing different metrics.

Prof. Amanda Lombard presented the “NMMU Marine Spatial Planning Research Programme”. In order to align a research programme to policy, the policy needs to be understood. At a broad scale South Africa has a plan to grow the oceans economy which includes MSP, and the legal tools need to be assessed in order to determine what products research can provide. MSP in

South Africa is governed by the MSP Bill and Framework, with the Framework being an operations document. Other documents that research should inform are the National Biodiversity Assessment (NBA) and Operation Phakisa. There are two philosophies applied to MSP internationally: hard sustainability in which ecosystem conservation is the foundation for MSP, and soft sustainability in which economic growth is the foundation of MSP. Hard sustainability indicates that collapses in marine ecosystems would eventually lead to collapses in economic sectors that depend on these ecosystems, while soft sustainability indicates that collapses in ecosystems wouldn't necessarily lead to collapses of socio-economic structures. Prof. Lombard's research focus is to inform ecosystem-based MSP in South Africa (in support of a hard-sustainability model). In order to maintain healthy ecosystems, spatial conflicts are the main concern that needs to be resolved. There are many tools available in marine conservation planning to address conflicts (both legislative and non-legislative tools), but MSP is concerned with spatial tools and zoning. In order to zone, we need to understand how ecosystems are distributed, and how they function, and for this we draw on natural science. Many lessons have been learned over the past 15 years from the research that has gone into spatial assessments and systematic conservation. Despite this, there are still gaps in research. Prof. Lombard provided an overview of the research being carried out by her research team at NMMU and concluded by outlining the various challenges and strategic outcomes of MSP research.

Day one was concluded with the first of the group activities which considered the requirements for Marine Spatial Data Infrastructure (MSDI), chaired by Ms Nicolene Fourie. Ms Fourie introduced the activity with the presentation "Marine Spatial Planning, the spatial data gap". This gave an overview of the Coastal and Marine Spatial Data Infrastructure (SDI), the governance framework pertaining to spatial data. Many countries already have an established National SDI, however the marine element is often less well developed and the need for better integration of marine spatial data is becoming increasingly apparent. In South Africa, the SDI Act has been around since 2003 with the marine and coastal themes being introduced in 2016. Within the coastal and marine spheres of government, academia, NGOs, communities and industry collectively contribute to the national spatial data repository, unlike the terrestrial sphere where national, provincial and local authorities are the main contributors of spatial data. Spatial data governance is comprised of a legal framework and a management framework. The presentation concluded with the directive to consider the spatial data requirements for MSP, and in particular the data issues that need to be considered. The MSP Bill and Framework identify many spatial datasets, however, there are many more to consider. Groups were instructed to list as many spatial datasets required for MSP as possible and to place each into a data group or theme. The availability and accessibility of each spatial dataset also needed to be considered. The summary of this activity is provided in Section 4 of this report.

The first presentation of day two was given by **Dr Louis Celliers** and was entitled "Integrated Coastal Management and Marine Spatial Planning". It is important to understand that the concepts of integrated coastal management (ICM) and MSP are not equivalent. ICM in South Africa extends across the EEZ and therefore is the equivalent of integrated ocean management (IOM) which does not exist as an Act in South Africa, and MSP would be the equivalent of coastal spatial planning across the entire EEZ. The linking of ICM and MSP requires consideration of terrestrial planning which has decades of research regarding how to plan on land. The ICM

paradigm was developed in the 90s and the integration of these two paradigms, terrestrial planning and ICM, was problematic. Owing to the lack of an overarching IOM framework in South Africa, and given that MSP is an emerging concept, there are challenges to the integration of ICM and IOM. Dr Celliers also discussed a current project on MSP and the blue economy in the Western Indian Ocean (WIO). Each country was qualitatively assessed to determine their progress along the Ocean Governance policy cycle and the MSP policy cycle. Results indicate that there was some progress in the region, however, in general the processes are still in their early stages. Area based management (ABM) was introduced as a “wrapper” for faster, better integrated action as ABM encompasses all processes that include area-based management. The word “wrapper” refers to an over-arching concept that draws all these concepts together. South Africa is enabling ABM through the implementation of ICM and MSP and other initiatives under Operation Phakisa: Oceans Economy.

The final presentation on day two was given by **Saul Roux** entitled “Legal and Governance aspects of Marine Spatial Planning in South Africa”. The UNESCO MSP Planning Tool characterises sustainable MSP as ecosystem-based, area-based, integrated, adaptive, strategic and participatory. One of the major problems with the South African Draft MSP Bill and Draft Framework is that they produced an upfront spatial vision that was not discussed. MSP is one element of ocean use management and needs to be aligned with a set of management actions. One of the major deficits is the lack of a National Environmental Management for Oceans Act. Mr Roux discussed the details of the Draft MSP Bill and noted that there are a number of objectives and principles in the White Paper on National Environmental Management of the Ocean, 2014 (NEMO) that are not properly covered in the Draft MSP Bill. Notably, the integrated ocean management approach envisaged by NEMO is absent in the Draft MSP Bill. There is also a lack of alignment of the Draft MSP Bill with Operation Phakisa MSPG initiatives. Other potential gaps and problem areas in the MSP Bill relate to:

- absence of an ecosystem-based approach;
- principles;
- no provisions for dealing with existing rights;
- lack of integration with existing marine spatial tools in other legislation such as fisheries management areas provided for in the Marine Living Resources Act (MLRA), 1998;
- insufficient provision of public participation and broad stakeholder engagement;
- lack of clarity on management of the continental shelf extension,
- lack of alignment with other legislation,
- status of licensing contrary to the Draft MSP Bill and Framework;
- institutional structures;
- failure to mention or align with a Specific Environmental Management Act (SEMA) for the Oceans; and
- access to information.

Mr Roux went on to discuss the details of the MSP Framework and noted critical omissions of the Draft MSP Framework are the failure to align with the Draft MSP Bill, and the failure to align with a proposed Environmental Management Act for the Oceans. The Draft MSP Framework should also focus on managing and understanding spatial conflicts and should provide a tool and policy framework for decision-making, trade-offs and balancing interests. There are other

problems in the Draft MSP Framework including provisions related to developing marine area plans and public participation. It was noted that appropriate legal provisions and concomitant institutional structures for stakeholder engagement are essential for effective marine spatial planning. Therefore, there are many provisions in the MSP Framework that should rather be in the Bill or anticipated NEMO Bill. With regards to these gaps, there is a role for civil society to: promote stakeholder engagement; provide data and information; motivate for transparency and access to information; engage in public processes; provide input into legislative and regulatory reforms; seek review and appeal for inadequate decision-making; provide decision-support tools; and engage in developing soft tools, such as guidelines.

Day two was concluded with the final group activities, chaired by **Mr Adnan Awad**. These activities considered the roles of decision-support tools and public participation in MSP. Two groups were formed and each was given a topic to discuss and upon which to provide critical feedback. The third group activity considered institutional and resource needs for civil society contributions to MSP, with all groups considering a set of topics and providing relevant feedback. Summaries of these activities are provided in Section 4 of this report.

4. Group Feedback

The following sections summarise the feedback from groups regarding the workshop activities.

4.1. Activity 1: Requirements for Marine Spatial Data Infrastructure (MSDI)

In the first activity each group was asked to discuss the spatial data requirements to support MSP. Groups were asked to list these spatial datasets, and to stipulate whether the data are available and accessible. This information is summarised in Table 1 below.

Table 1. Spatial data required to support Marine Spatial Planning. Notes on availability (AV) and accessibility (AC) of data are included. (Items marked with *** were reported by multiple groups). Uncertainties regarding the availability and accessibility of data appear in in grey.

BIOLOGICAL AND ECOLOGICAL SPATIAL DATA

Spatial Data	Available (AV)	Accessible (AC)	Comment
Life Importance of Species			
****Seasonality of Migratory Route			
Coral Habitats	✓	×	
Kelp Habitats	×	×	
Invasive & Alien Species			
**Critical Habitats (Breeding, Feeding & Type)	×	×	
EBSAs	✓	Complex	
Threatened Species		✓	
Threatened Ecosystem		✓	
Coastal Shore Habitat Types	✓	✓	
Fish Spawning Grounds		Partial	
Ecosystem Services – Food Production	Partial	Partial	
Threat Status (Red List Species)			
** Breeding, Feeding and Nursery Areas			
Harmful Algal Blooms			
Managing & Identifying Ecologically & Biologically Important Areas			
Temperature & pH (Geochemical)			
Climate change			

HUMAN ACTIVITIES SPATIAL DATA

Spatial Data	Available (AV)	Accessible (AC)	Comment
***Water quality			
**Outfalls/ Effluent	✓	✓	
*****Commercial Fishing	✓	Partial	
Fishing Sectors – Each Sector- Rights Holders	✓	✓	
Small Scale Fishing Sector			
22 Commercial Fisheries	✓	Partial	For some sectors
IUU Fishing			
Recreational Fisheries** Catch & effort data	Partial		For some areas
Angling Pear Fishing Reefing etc.	Partial		For some areas
**Oil & Gas			
**Exploration & Exploitation			
**Land use (Process)			
Coastal Infrastructure (Industry Harbour Landings)	✓	✓	
Infrastructure - Pipelines, Rigs, FPSO, Moorings	✓	✓	
Communication Infrastructure	✓	✓	
Shipping Lanes	✓	✓	
Renewable Energy			
**Piracy & Armed Robbery Incident Reports	Partial	✓	
***Tourism			
Whale Watching	Partial	Partial	
Shark Diving	Partial	Partial	
Seal Snorkeling	Partial	Partial	
Wreck Locations, Tourism Diving, War Graves	✓	✓	
Near-shore Recreational Water Sports	Partial	Partial	Little known data
Cultural & Heritage Sites			
Climate Change Impacts – Human	×	×	
**Local or Indigenous Knowledge			
National Food Security Value Chain			
****Population Data Census	✓	✓	
National Budget (Wealth Funds)	×		

OCEANOGRAPHIC PROCESS SPATIAL DATA

Spatial Data	Available (AV)	Accessible (AC)	Comments
*Temperature	✓		
**Ocean Currents	✓		
*Seasonality of Algal Blooms			
Water Column	✓	✓	
Photosynthetic Processes	✓	✓	
Upwelling	✓	✓	
Tides			
Salinity			
Sea State			
Wind			
Height (Bathymetry)			

PHYSICAL ENVIRONMENT SPATIAL DATA

Spatial Data	Available (AV)	Accessible (AC)	Comment
Geohazards			
***Geology/ Geophysical	Partial	Partial	
Tectonic Plates			
Bathymetry		✓	
Sedimentation	✓	✓	
Mineral Resources			
Ocean Floor			
Elevation			
Wind Data			

BOUNDARY SPATIAL DATA

Spatial Data	Available (AV)	Accessible (AC)	Comment
***High Water Mark	Partial	Partial	
Low Water Mark	✓	✓	
***International Boundaries			No Agreement
**Coastline			
****Administrative Boundaries	✓	✓	
*MPAs	✓	✓	
EBSAs	✓	✓	
CBAs	✓	✓	
Port Areas	✓	✓	
**Outer Units of Marine Zones	✓	✓	
Straight Baselines	✓	✓	
Towns			
Restricted Areas			

4.2. Activity 2: Decision-support tools and public participation in Marine Spatial Planning

In this activity, groups were required to discuss and give feedback on 1 of 4 issues. Participants were asked to assign themselves to groups where they felt they could contribute the most to the discussion.

Group 1: What do you think public participation for MSP should look like? What are potential platforms for supporting public participation?

First, the users and relevant authorities need to be identified. The information regarding MSP and the identification of users would need to be disseminated in a variety of ways, possibly via the likes of roadshows and radio broadcasts, and from there a comprehensive user database would need to be developed. There would need to be outreach to the provincial coastal committees, to offshore environmental forums and the general public, including coastal communities. An MSP forum could then be developed based on the users and relevant authorities identified, with representatives from each group participating in the MSP forum. This forum would be made up of regional forums, from the four regions identified by the MSP Framework, with co-chairs sitting on the national forum. The representation and structure of this national forum would need to be well thought out. The Ministerial group and the Directors-General group are the decision-making groups, but it is likely that decisions will be based on the technical analysis and recommendation from the National Working Group level. A proposal is

that the MSP forum be established alongside formal MSP institutional structures proposed by the Draft MSP Bill i.e. the National Working Group on MSP and Marine Area Planning Group. In brief, institutional structures for consultation and stakeholder engagement should be established alongside technical committees (NMSPWG and MAPG) (see Figure 1). A further suggestion is that the regions be divided into west, south, east and offshore regions which may help with organisation. It is suggested that SANCOR may be a good body to coordinate this forum as it is well-known to civil society and government organisations.

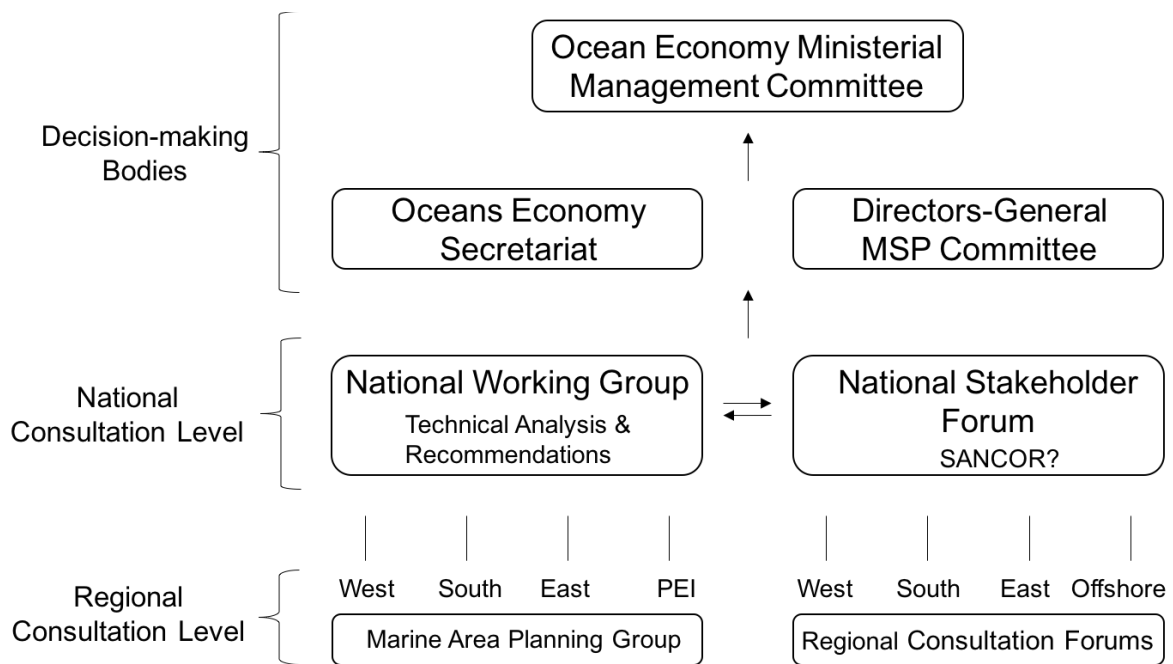


Figure 1. Diagram of the proposed structure of the stakeholder forum

Group 2: What decision support tools could be developed to support MSP? (Examples include MSP user profiles documents, cost-benefit analyses and ecosystem service valuations).

There are many decision-support tools that have already been developed and it is not recommended that effort be placed on developing more tools. Rather, the decision framework should firstly be defined, in order to determine the outcomes that the tools need to achieve. There has previously been work in this area, specifically surrounding the development of operational frameworks for decision making in conservation, however these operational frameworks (or policy processes) can be applied to various situations. Once the operational framework has been defined, it needs to be determined if MSP is the operational framework or if MSP is a tool that will inform the operational framework.

Once the operational framework has been agreed upon, the question can be asked: “what decision-support tools are available to support the MSP process and which tools are appropriate?” A review of available decision-support tools should be conducted to determine which tools are most appropriate in supporting the MSP process in South Africa.

Group 3: What key lessons from the Offshore Marine Protected Areas (OMPA) project, ICM and Land-use Planning would benefit MSP?

We need to acknowledge that certain processes are not quick, and they need time to be developed properly to achieve their objectives. The MSP process should be an inclusive process that includes all key stakeholders and relies on consultation, especially to alleviate conflict later on. An important lesson learned from the other planning processes is that failures and successes were largely due to the exclusion/inclusion of stakeholders (i.e. how inclusive the process was, as well as which stakeholders were included). The process relies on proper engagement and public participation, and stakeholders need to be well informed and engagement should start from the conceptual phase. The MSP process should be developed with stakeholders and not for stakeholders. Trust and transparency needs to be built between implementing authorities and stakeholders, as well as amongst stakeholders.

The objectives that are defined in the MSP process need to be realistic and practical in terms of what the MSP process can and can't achieve. If goals are set too high the process may be set up for failure. The planning process should further be developed with a systematic approach, as previous processes have shown that this necessary, and the process should rely on clear objectives, a vision and outputs. It is better to start working from an established framework.

Cooperative governance works best in order to achieve effective results. Certain boundaries (ecological and administrative) need to be defined in advance. The process should be monitored by a monitoring structure/body to ensure accountability and to avoid bias. Regions differ, and therefore local governance is important. There needs to be a clear policy on renewable and non-renewable resources.

Group 4: What are important marine user conflicts that should be properly addressed in MSP? What tools could reduce such potential user conflicts?

It is useful to think about potential user conflicts within the contexts of territorial waters, and offshore waters. Offshore conflicts occur between the oil & gas industry, commercial fisheries, shipping, the mining industry, and conservation efforts (such as offshore MPAs) to conserve ecosystem services. It is important to note that when we talk about conservation efforts we are not only referring to MPAs, but we are broadly referring to conservation and integrity of the ecosystem. In the inshore areas there are more users and interactions are more complex. There are many types of fishing operations (large scale commercial fisheries; small-scale fisheries; aquaculture; and recreational fishing). Other uses include water sports, marine tourism, conservation efforts, waste management, marine energy (including nuclear energy), shipping, near-shore mining, cultural heritage and uses for aesthetic benefit (e.g. coastal property developments).

With regards to tools, there are many formal decision-making tools that can be used to resolve conflicts. There are also informal decision-making processes and we should investigate where past conflicts have emerged and how they were successfully resolved. It is also important to distinguish between user interactions that may not lead to conflicts (compatible interactions)

and that can be addressed through planning and adequate consultation, versus interactions that are more likely to result in conflict. Public participation is important in this process but it requires strengthening and support (for example, the complexity of consultation with diverse and contested small scale fishing communities). There are public participation processes in place within legislation (e.g. when an MPA is declared) and there is a judicial system for certain cases that need to handle appeals and arbitration (e.g. the Tsitsikamma MPA). Integrated Coastal Management (ICM) has structures and processes to deal with conflicts (Municipal Coastal Committees; Provincial Coastal Committees; National Strategic Environmental Assessments (currently under development for mariculture; fracking)). Operation Phakisa and the Oceans Secretariat structure that it creates are an important system where these discussions should take place. The Department of Planning, Monitoring and Evaluation is currently investigating a socio-economic impact assessment system (currently for assessment of legislation/policy before they progress to Parliament) and this could be investigated as a tool to inform some of the MSP decision-making processes. There are also cooperative governance structures in place: the Ministerial political (MINMEC) and technical (MINTECH) structures set up through the Intergovernmental Relations Act (IGR) as well as a specific Working Group 8 on Oceans and Coasts. It is also important to note that the Municipal, Provincial and National Coastal Management Programmes are reviewed every five years and that their planning processes may avoid conflict.

4.3. Activity 3: Institutional and resource needs for Civil Society contributions to Marine Spatial Planning

In this activity, each group was required to discuss and give feedback on each of the questions below.

Question 1: What are potential resource requirements (financial, human, institutional) for an effective civil society contribution to MSP?

Effective civil society contributions to MSP involve meaningful dialogue, which is not very resource intensive. We would like to see a renewed opportunity for dialogue engagement on the basis of the outcomes from this workshop and the recommendations that are made. There are data needs, which are important, but data alone do not necessarily lead to good decision making. There is a need to build capacity, given that there is a lack of fundamental understanding of what MSP entails. There is also a need for experienced MSP practitioners to assist the national working group to develop their capacity for MSP. Decision-support tools will need to be investigated and here we see an opportunity for academia (in particular) to pilot tools. There is also a lack of understanding of the process that the DEA will undertake in the development of MSP area plans. If civil society understood what the milestones for this process were, we could strive to align our efforts and to identify areas where civil society could contribute towards those milestones, which again reinforces the need for dialogue. There is a need for the development of a platform for the sharing of information regarding MSP as well as to create a wider awareness regarding the MSP process. A community of practice should be developed to ensure that there is a reporting system in place. This includes the need for institutional and human resources as well as financial resources to ensure accountability.

Question 2: Where are there potential opportunities for collaboration?

A digital meeting place for potential collaborators in the form of an information-sharing platform, or a knowledge portal (such as the Oceans and Coastal Information Management System (OCIMS)) would allow for opportunities for collaboration. Metadata would support this as it would indicate the availability and accessibility of data. MSP would also need to be considered along with ICM and other spatial planning processes which would allow for collaboration.

Question 3: Would the National MSP process benefit from a civil society institutional structure such as a civil society MSP forum? What would potential benefits of such a structure be?

It is firmly believed that the National MSP process would benefit from a civil society institutional structure. The first step, however, would be to define who would be included in the civil society group. SANCOR is an existing body that has been proposed to coordinate a civil society MSP forum as it is well-known to civil society and government organisations, and it has some of the elements that are required. An alternative proposal is a Community of Practice (CoP) that could be developed in the Department of Science and Technology. There is responsibility taken in a CoP, a work programme is developed and research findings are translated into actionable policy activities. These tangible outcomes may not arise from a civil society forum. The CoP should be funded so that there is accountability on two levels, one for the work programme and one for the financial input. A further benefit of the CoP is that it is open and all members are treated as equals. The potential benefits of such an institutional structure, whether it is a civil society MSP forum or a CoP, would be transparency, accountability, the development of clear policies to minimise conflict and promote effective planning.

4.4. Participant feedback

Based on the presentations, activities and discussions of the workshop, participants were asked to provide their final thoughts on what they thought a national MSP process should take into account. Their responses are summarised below.

South Africa's MSP process should:

- involve civil society in the development of marine spatial plans
- manage ocean uses so as to promote healthy marine ecosystems
- be ecosystem-based to ensure the delivery of ongoing ecosystem services
- be participatory, especially for the voiceless
- be adaptive and experimental
- support a blue economy that is underpinned by sustainable development
- take a precautionary approach
- ensure fair, equitable and sustainable use of our ocean and coastal environment
- ensure that environmental sustainability is placed before pure economic gain
- provide access to reliable data (and metadata) for MSP

- mandate an unbiased and representative authority to approve marine spatial plans
- align administrative areas for marine area plans with current administrative authorities
- align MSP legislation with existing legislation (local, regional, international) so as not to supersede more appropriate existing legislation
- include the active involvement of all relevant stakeholders, and should be participatory and well coordinated
- be ecosystem-based and should strive to achieve a balance between economic, social and ecological goals and objectives towards achieving sustainable development whilst maintaining the provision of ecosystem services over time
- support sustainable management and exploitation of ocean resources
- protect “priceless” ocean resources
- facilitate improved coordination of ocean activities
- facilitate the integration of activities of different stakeholders
- align with and advance relevant policy frameworks and instruments
- achieve a balance between maximising ecosystem services, and ocean health and integrity
- provide a useful platform for creating space for intergovernmental communication and planning for the marine (and coastal) space, particularly in light of global change
- provide a process that is transparent and comprehensive, especially in light of spatial conflicts between sectors
- participate in the conversation regarding regional MSP, and continue to lead the way in developing a blue economy in Africa
- increase the engagement of civil society in MSP, and research to inform MSP
- be transparent, inclusive and democratic, and effective and sustainable
- continue by engaging civil society
- provide a process (rather than a tool) to manage user impact and user conflicts in the marine environment, without compromising ecological integrity and the provision of ecosystem services

5. Conclusions and Recommendations

It is important to remember that effective MSP relies on continual and effective engagement with civil society, a critical non-state actor in ocean governance. It is also the responsibility of civil society to ensure that international MSP best practice and guidelines are followed to ensure that the MSP process is ecosystem-based, area-based, integrated, adaptive, strategic and participatory.

In South Africa civil society holds much knowledge and information to support the MSP process. There is much research that can and should be used to inform MSP including research into the sustainable use of resources as well as trade-off analyses. Civil society can also contribute to address potential gaps and problem areas in the draft MSP Bill and Framework.

The participants highlighted two over-arching themes in their requirements of the MSP process. First, that the MSP process should be participatory and based on active engagement with stakeholders, and second, that the process should be ecosystem-based and underpinned by sustainable development.

In order to organise civil society stakeholders so that they can contribute to government stakeholder processes sensibly and effectively, the following recommendations are made:

1. There is need for greater engagement between the Department of Environmental Affairs and civil society on MSP.
2. In order to effectively engage in the MSP process, a civil society institutional structure needs to be created. An MSP stakeholder forum is proposed which could be established alongside formal MSP institutional structures proposed by the Draft MSP Bill i.e. the National Working Group on MSP and Marine Area Planning Group. This proposal is represented in Figure 1 (above). An alternative proposal is the development of a Community of Practice.
3. An MSP information portal or platform needs to be developed. This will enable information-sharing, knowledge exchange and will create awareness regarding the MSP process.
4. There is a need to align research and the national MSP process. To achieve this, clarification is required from DEA regarding the process that will be followed in the development of regional and national marine spatial plans. This will enable civil society to better contribute towards the milestones in this process.
5. There are many decision-support tools available to support the development of marine area plans. However, appropriate tools can only be identified once there is a clear understanding of the objectives of these plans.

Appendix 1 – Agenda

Marine Spatial Planning Workshop The Role of Civil Society in Supporting Marine Spatial Planning

Monday 6th and Tuesday 7th March 2017

9:00-16:00

Venue: Townhouse Hotel, Cape Town, South Africa

DAY 1: MONDAY 6 MARCH

9:00-9:15	Welcome and Introduction	Adnan Awad (IOI-SA) (15 minutes)
9:15-10:15 (1 hour)	Governance Perspectives on the Role of Civil Society in Marine Spatial Planning	Patrick Vrancken (NMMU) Presentation (30 minutes) Q&A (30 minutes)
10:15-10:45 (30 minutes)	Prioritisation for Spatial Protection Under MSP: Ecologically or Biologically Significant Areas in the BCLME	Steve Kirkman (DEA, Oceans & Coasts) Presentation (20 minutes) Q&A (10 minutes)
10:45-11:15	Tea Break	
11:15-12:15 (1 hour)	CPUT Marine Spatial Planning Research Programme	Ken Findlay (CPUT) Presentation (30 minutes) Q&A (30 minutes)
12:15-13:15 (1 hour)	NMMU Marine Spatial Planning Research Programme	Amanda Lombard (NMMU) Presentation (40 minutes) Q&A (20 minutes)
13:15-14:15	Lunch Break	
14:15-16:00 (1 hour 45 minutes)	Group Activity: Requirements for Marine Spatial Data Infrastructure (MSDI)	Nicolene Fourie (CSIR) Presentation (30 minutes) Group Work (30 minutes) Group Feedback & Discussion (30 minutes)
16:00	Closing	

DAY 2: TUESDAY 7 MARCH

9:00-9:15	Welcome and Aim of the Day	Adnan Awad (IOI-SA) (15 minutes)
9:15-10:15 (1 hour)	Integrated Coastal Management and Marine Spatial Planning	Louis Celliers (CSIR) Presentation (30 minutes) Q&A (30 minutes)
10:15-11:00 (45 minutes)	Legal and Governance Aspects of Marine Spatial Planning	Saul Roux (CER) Presentation (30 minutes) Q&A (15 minutes)
11:00-11:15	Tea Break	
11:15 -12:45 (1 hour 30 minutes)	Group Discussion and Group Activity: Decision-Support Tools and Public Participation in Marine Spatial Planning	Adnan Awad (IOI-SA) Group Work (30 minutes) Group Feedback (30 minutes) Discussion (30 minutes)
12:45-13:45	Lunch break	
13:45-14:45 (1 hour)	Group Activity: Institutional and Resource Needs for Civil Society Contribution to Marine Spatial Planning	Adnan Awad (IOI-SA) Group Work (30 minutes) Group Feedback (30 minutes)
14:45-15:00	Tea Break	
15:00-15:30 (30 minutes)	Next Steps and Closing	

Appendix 2 – List of Participants

	Name	Organisation
1.	Adnan Awad	International Ocean Institute – Africa (IOI-SA)
2.	Alex Benkenstein	South African Institute of International Affairs (SAIIA)
3.	Alfons van Craeynest	SA Navy Hydrographic Office
4.	Amanda Lombard	Nelson Mandela Metropolitan University (NMMU)
5.	B.P. Mohasoa	Department of Mineral Resources (DMR)
6.	Ella-Kari Muhl	University of Cape Town (UCT)
7.	Hannah Raven	Nelson Mandela Metropolitan University (NMMU)
8.	Jackie Sunde	University of Cape Town (UCT)
9.	Jodie Reed	Nelson Mandela Metropolitan University (NMMU)
10.	John Duncan	World Wide Fund for Nature - South Africa (WWF-SA)
11.	Kashiefa Parker	International Ocean Institute – Southern Africa (IOI-SA)
12.	Ken Findlay	Cape Peninsula University of Technology (CPUT)
13.	Louis Celliers	Council for Scientific and Industrial Research (CSIR)
14.	Lusanda Mahlangu	Department of Tourism (DOT)
15.	M. Rangata	Department of Mineral Resources (DMR)
16.	Nicolene Fourie	CSIR Meraka Institute (CSIR)
17.	Patrick Vrancken	Nelson Mandela Metropolitan University (NMMU)
18.	Rachael Chasakara	Nelson Mandela Metropolitan University (NMMU)
19.	Richard Ball	South Coast Rock Lobster Industry Association (SCRLIA)
20.	Rudzani Mudau	Department of Planning, Monitoring and Evaluation (DPME)
21.	Saul Roux	Centre for Environmental Rights (CER)
22.	Shannon Hampton	International Ocean Institute – Southern Africa (IOI-SA)
23.	Sibonelo Ndlovu	Department of Environmental Affairs (DEA)
24.	Sives Govender	CSIR Meraka Institute (CSIR)
25.	Sizo Sibanda	University of Cape Town (UCT)
26.	Steve Kirkman	Department of Environmental Affairs (DEA)
27.	Timothy Walker	Institute of Security Studies (ISS)
28.	Tsamaelo Malebu	South African National Biodiversity Institute (SANBI)
29.	Tshisikhawe Victor Dowelani	Department of Environmental Affairs (DEA)
30.	Yamkela Mngxe	Department of Environmental Affairs (DEA)
31.	Zipho Tyoda	Department of Science and Technology (DST)