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Cross-border cooperation in Maritime Spatial Planning

Final Report

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Lead Authors: Gonçalo Carneiro[2], Hannah Thomas[3], Stephen Olsen[4], Dominique Benzaken[5], Steve Fletcher[3], Sara Méndez Roldán[1], Damon Stanwell-Smith[1]

Contributing Authors: David Bloxsom[1], Aref Fakhry[6], Qinhua Fang[7], Indrani Lutchman[8], Megan Tierney[9], Jennifer McCann[4], Erik Molenaar[10], Alan White[11], Laura Whitford[12]

[1] NIRAS Consulting Ltd, www.nirasconsulting.co.uk
[2] NIRAS Indevelop Sweden, www.niras.se
[3] UN Environment World Conservation Monitoring Centre (UNEP-WCMC), www.unep-wcmc.org
[4] University of Rhode Island, Coastal Resources Center (URI CRC), www.crc.uri.edu
[5] Commonwealth Fund for Technical Cooperation, Seychelles
[6] World Maritime University (WMU), www.wmu.se
[7] Xiamen University, www.xmu.edu.cn/en
[8] Independent Consultant for SAERI
[9] Southern Atlantic Environmental Research Institute (SAERI), www.south-atlantic-research.org
[10] Netherlands Institute for the Law of the Sea (NILOS)
[11] SEA Indonesia
[12] The Nature Conservancy (TNC), www.nature.org

Cross-border cooperation in Maritime Spatial Planning

Final Report

Reporting on the Service Contract: EASME/EMFF/2014/1.3.1.8/SI2.714082: *Study on international best practices for cross-border Maritime Spatial Planning*

Coordinator: NIRAS

Project Partners:

QED, SAERI, TNC, UNEP-WCMC, URI CRC, WMU, Xiamen University

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LIST OF ABREVIATIONS

ABNJ	Areas Beyond National Jurisdiction
ADP	Areas Designated for Preservation
APC	Areas of Particular Concern
ASEAN	Association of Southeast Asian Nations
ATS	Antarctic Treaty System
CBD	Convention on Biological Diversity
CBD-SOI	Convention on Biological Diversity Sustainable Oceans Initiative
CCAMLR	Commission for the Conservation of Antarctic Marine Living Resources
CIO	Indian Ocean Commission (Commission de l'Océan Indien)
CRMC	Coastal Resources Management Council (Rhode Island)
CTI-CFF	The Coral Triangle Initiative for Coral Reefs, Fisheries and Food Security
CT6	Coral Triangle Six regions involved in CTI-CFF
DG MARE	Directorate-General for Fisheries and Maritime Affairs
EAF	Ecosystem approach to fisheries management
EASME	Executive Agency for Small and Medium-size Enterprises
EBM	Ecosystem-based management
EC	European Commission
EEZ	Exclusive Economic Zone
ESDP	European Spatial Development Perspective
ETPMC	Eastern Tropical Pacific Marine Corridor
EU	European Union
FAB	Fisheries Advisory Board (Rhode Island)
FAO	Food and Agriculture Organisation of the United Nations
FIRMS	Fishery Resources Monitoring System
FoM	Facts of the Matter
FP7	Framework Programme for Research and Technological Development
GBRMPA	Great Barrier Reef Marine Park Authority
GEF STAP	Global Environment Facility Scientific and Technical Advisory Panel
GESAMP	Joint Group of Experts on the Scientific Aspects of Marine Environmental Protection
HAB	Habitats Advisory Board (Rhode Island)
HELCOM	Baltic Marine Environment Protection Commission
ICZM	Integrated Coastal Zone Management
IMO	International Maritime Organisation
IMP	Integrated Maritime Policy
IOC	Intergovernmental Oceanographic Commission of UNESCO
IORA	Indian Ocean Rim Association
ISA	International Seabed Authority
IUU	Illegal, Unreported and Unregulated
IWC	International Whaling Commission
IW-Learn	International Waters Learning Exchange & Resource Network
LME	Large Marine Ecosystems
MFZ	Marine Functional Zoning
MPA	Marine Protected Area
MSP	Marine / Maritime Spatial Planning
NGO	Non-governmental organization
NM	Nautical mile
NOAA	National Oceanic Atmospheric Administration
OSPAR	Convention for the Protection of the Marine Environment of the North-East Atlantic
PAME	Protection of the Arctic Marine Environment
PEMSEA	Partnerships in Environmental Management for the Seas of East Asia

PERSGA	Regional Organisation for the Conservation of the Environment of the Red Sea and Gulf of Aden
RFMOs	Regional Fisheries Management Organisations
RI	Rhode Island
SAMP	Special Area Management Plan
SDG	Sustainable Development Goal
SPREP	Secretariat of the Pacific Regional Environment Programme
TS	Territorial Sea
UNCLOS	United Nations Convention on the Law of the Sea
UN Environment	United Nations Environment Programme
UNEP-MAP	UNEP Mediterranean Action Plan
UNESCO	The United Nations Educational, Scientific and Cultural Organisation
UNEP-WCMC	UN Environment World Conservation Monitoring Centre
URI	University of Rhode Island
VMEs	Vulnerable Marine Ecosystems
WSSD	World Summit on Sustainable Development
WWF	World Wild Fund for Nature

EXECUTIVE SUMMARY

Cross-border cooperation in Maritime Spatial Planning (MSP)

The 'Study on International Best Practices for Cross-Border MSP' has been designed to assist the European Commission (EC) and Member States in the implementation of the MSP Directive through the identification of good practices of MSP, with a particular focus on cross-border cooperation; and to elaborate recommendations that can support the promotion and exchange of MSP at the international level, relevant to the implementation of the EC International Ocean Governance Agenda.

Over the last few years, an increasing number of nations have begun to implement MSP at various scales, from local initiatives to transnational efforts, motivated by opportunities for new maritime industries, the reversal of negative environmental trends and the improved coordination of sectors among others. In Europe, the European Directive to establish a framework for MSP (the "MSP Directive") is considered as a step forward in the adoption of MSP principles and good practices by EU Member States. This directive can support not only a more efficient sustainable development of marine and coastal resources, but also strengthen cross-border cooperation, and therefore improve ocean governance.

This study has centred its work on four main objectives or phases: Firstly, the review of existing guidance and MSP processes, and compilation of a detailed inventory of MSP implementation outside the EU, the Study's 'Global MSP Inventory', [1] which provides a description of MSP processes and identifies common practice, including approaches to cross-border cooperation. Secondly, an in-depth comparative analysis of four case studies of MSP implementation, [2] including literature review, site visits and key informant interviews, that identifies lessons learned in MSP, and good practices in support of cross-border cooperation. Thirdly, the formulation of recommendations on the international exchange of MSP, including recommendations on the application of MSP in Areas Beyond National Jurisdiction (ABNJ). Fourthly, the presentation of preliminary findings at the 2nd International MSP Conference (March 2017, Paris), partly coordinated and supported by the Study team.

This report presents the final publication of the Study and presents findings associated with these four objectives.

Why is cross-border cooperation important?

MSP is a process that can be used to spatially analyse and organise human activities in marine areas to achieve ecological, economic and social objectives. As part of this process, the delineation of boundaries is fundamental and most often defined by political and jurisdictional borders, which typically do not correspond to the limits of maritime activities or ecosystems. In this context, cross-border cooperation and collaboration in MSP, i.e. across jurisdictions, provides an opportunity to improve the efficiency of planning and management of coastal and marine resources and activities, facilitating decision-making.

MSP implementation outside of Europe

The Global MSP Inventory describes the characteristics of 62 non-European MSP processes, which can help to identify common trends and practices in MSP development and implementation. The majority of MSP processes that had transitioned to the implementation stage had been undertaken at the local and subnational levels, driven by the ambition to address specific issues, such as the degradation of coral reef resources in Koh Tao (Thailand), effects of uncontrolled development in

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[1] The Global MSP Inventory is a separate deliverable of this Study and has been used as supporting material in the preparation of this report

Sian Ka'an Biosphere Reserve (Mexico) or offshore wind development in the State of Oregon (USA).

Examples of cross-border cooperation were limited, and in most cases found to occur at the sub-national level, undertaken in isolation with little consideration given to potential connection with neighbouring MSP processes. At this scale, typical forms of cooperation relate to the development of customised social infrastructure (committees, forums, working groups), that convene regularly. Multinational cooperation took varied forms, ranging from large well-established formal processes to much more informal linkages and activities.

Learning opportunities and sharing of context-specific approaches that can lead to effective and successful MSP processes is limited by the amount of examples that have transitioned from planning to implementation, and have adopted an efficient way to track progress. For instance, of the 62 non-European MSP processes identified in the Global MSP Inventory, only 35% had transitioned to implementation.

Successful and effective practice in one context may not be applicable across different geographies. A structured analytical framework was developed and applied consistently across four case studies to assess and compare the progress and attributes of respective MSP processes. Case studies were selected based on the diversity of scales and drivers of their development, and their ability to share experiences in cross-border cooperation at different levels. The case studies, which are separately discussed in detail in the Case Study Summary Reports are:

- **The Rhode Island Ocean Special Area Management Plan (SAMP)**, adopted in 2011, was driven by offshore wind development with careful consideration for traditional users. The SAMP area extends over 3,800 km^2 encompassing both state and federal waters. Cross-border cooperation has therefore been analysed in terms of state and federal planning, and inter-state collaboration with neighbouring Massachusetts.

- **The Commission for Conservation of Antarctic Marine Living Resources (CCAMLR)**, established in 1928, establishes planning and management measures that aim to achieve the conservation of Antarctic marine living resources. The CCAMLR area covers almost 36 million km^2 of the Southern Ocean, including coastal state maritime zones and areas of high seas. Cross-border cooperation is achieved through the joint management of common waters by all CCAMLR Convention Members, and collaboration with States with maritime zones falling within the CCAMLR area.

- **The Coral Triangle Initiative for Coral Reefs, Fisheries and Food Security (CTI-CFF)**, launched in 2009, is a partnership between six countries, NGO's and donor agencies, to manage transboundary resources and strengthen and align existing marine governance and spatial planning. The focus of the initiative is on the designation of "priority seascapes" and MPAs, application of the ecosystem approach to the management of fisheries and other resources, status of threatened species and climate change adaptation measures. The CTI-CFF is delineated by a scientific boundary based on coral abundance covering 6 million km^2. Cross-border collaboration has been analysed in terms of nation to nation interactions, and between nation to province levels.

- **Xiamen Marine Functional Zoning (MFZ)**, implemented since 1997, is recognised as a successful case in reducing sea-use conflicts, managed through a hierarchical approach, with the objectives of protecting the marine environment, exploiting marine resources in a rational manner and optimising marine economic development. Xiamen's waters cover an area of 390 km^2 with a coastline of 234 km. Cross-border cooperation has been analysed between provincial- and city-level plans, and to a lesser extent between national- and provincial-level plans. Collaboration between provinces and cities is also considered.

Lessons learned in MSP

The role of context

The diversity of governance regimes identified in the Global MSP Inventory and case studies show how key players interact differently, influencing the way decision-making is achieved. At sub-national or local scales (Rhode Island, Xiamen), cross-border cooperation between higher and lower jurisdictional levels (e.g. federal and state agencies / provincial and municipal authorities) seems to have been prioritised over cooperation across jurisdictions at the same level (e.g. across states / across municipalities), which is currently limited to the consideration of common problems or issues. At a regional / transnational scale (CTI-CFF, CCAMLR), the opposite has been observed, with collaboration efforts nations as opposed to engagement with lower jurisdictional levels.

Socio-economic and environmental conditions were found to be a key factor driving MSP and shaping its goals. In contexts where sustainable growth of maritime industries is sought, as in the case of Rhode Island, the reduction of existing and potential conflicts, the development of streamlined regulatory and decision-making frameworks, or the simple reduction of uncertainty for investors have been identified as key objectives for MSP, linked to facilitating the development of existing and new maritime activities.

Ensuring coordination between land and sea planning and management, has been found to depend on existing governance instruments, and require granting the marine plan the authority to influence planning on land, and establishing a mechanism for dialogue between the agencies responsible for planning on land and at sea. For instance, in Xiamen, this has helped ensure coherence between the designated functions on land and at sea, namely through the siting of infrastructure and services on land necessary for marine activities.

Collaboration and consultation

The Global MSP Inventory shows how the mechanisms for stakeholder engagement were in general lengthy, with periods of 2-5 years typically reported. In places where there is a tradition of civil society engagement, stakeholders will expect to be included in planning and implementation. Inclusive stakeholder participation processes will be required to secure support by users, as in the case of Rhode Island. In places where public engagement in political processes is not the norm comprehensive stakeholder engagement processes may not be critical to successful MSP, as observed in Xiamen. Effective engagement seems therefore to require a careful analysis of stakeholder expectations and clarity about their role in the planning and implementation processes.

In order to facilitate stakeholder participation and cooperation, both the inventory and cases studies showed that establishing dedicated engagement bodies has facilitated discussion and exchanges between different parties, improving transparency and trust-building. In this context, the role of a mandated coordinating body accepted across different jurisdictions has been seen to ensure progress, influence commitment by different parties and ensure consistency across processes and decisions made. For instance, the 'Fishermen's Advisory Board' in Rhode Island was tasked with advising the MSP lead agency on the siting and construction of offshore wind farms from the perspective of professional and recreational fishermen, and continue their engagement through federal planning processes.

The case studies illustrate how the sense of a collective identity can be created in different ways, including through frequent exchanges, ensuring a common language, and emphasizing equality amongst participants. Where capacity is uneven among the institutions in different jurisdictions, as seen in CTI-CFF and CCAMLR, capacity building support across participants has been seen to improve cooperation. Here, information exchange not only progresses the MSP process, but also assists in building trust.

Implementation of MSP

The Global MSP Inventory shows how the majority of MSP initiatives are underpinned by some form of legal instrument. A clear framework was found to assist in defining regulatory powers and allocating responsibilities, determining the mandate of agencies involved and the means of

enforcement. At the same time, the use of non-legally binding agreements, particularly in transnational processes, has been seen to support cooperation, providing political commitment and communication.

Surveillance and enforcement mechanisms in combination with targeted capacity development can facilitate adoption of good practices by user groups, bringing about change in behaviour of relevant parties. For instance, enforcement by public authorities in Xiamen has been aided by the reporting of infringements to the authorities by the public.

Also related to implementation, the design of Monitoring and Evaluation (M&E) systems was found most effective when undertaken in line with available resources and process needs, ensuring fit-for-purpose procedures and tools. In the case of the CTI-CFF, the design of a M&E system consistent but flexible across national jurisdictions did not only ensure that the most relevant indicators were used, but also assisted in strengthening collaboration.

Shortage of funding has been identified as a key challenge in the practical implementation of M&E and other MSP policies and instruments. Funding needs to be addressed through sustained political commitment and supported by a compelling "business case" for MSP. In the case of Xiamen, an important contribution to the funding dedicated to MFZ includes the fees paid by operators authorised to use the marine space.

Good practices in support of cross-border collaboration in MSP

Existing guidance and earlier reviews of MSP processes have identified generic good practices which are generally supported by the conclusions of this Study. However, the analysis of the four case studies adds important caveats that illustrate how differences in the governance context qualify good practice, and influence strategies by which they are implemented in practice.

Overall, lessons learned show that the practice of MSP is as much, often more, a social and political process with major economic consequences, as it is a scientific and technical challenge. This conclusion has implications for cross-border collaboration in MSP and thinking, through how best to address the priorities and challenges that lie ahead in a given marine area. This report describes good practices that can support and encourage cross-border cooperation in MSP, including:

- **Invest in a deep understanding of the existing governance system –** it is necessary to build on the strengths and respond to the weaknesses of that system. Governance systems shape human behaviour and interests, and therefore it is important to understand how power and influence is distributed. A clear understanding of barriers and enablers to cross-border collaborations will be the basis for priority setting, scale definition and identification of roles and responsibilities.

- **Invest time and resources during the MSP processes in building trust and a sense of common purpose among all parties involved –** collaboration and commitment is built upon mutual respect and willingness to share power among those involved.

- **Adopt an issue-driven approach to MSP –** clear objectives on matters of concern build constituencies and bolster political commitment, assisting in the delivery of effective MSP. This must be supported by a clear understanding of roles and responsibilities during implementation. Pilot projects or the ability to produce short-term solutions can build credibility.

- **Adopt a long-term perspective –** consider past and future trends in the condition of a marine ecosystem and the goods and services it generates to understanding current status. Securing funding for the long-term implementation of a plan's policies, procedures and rules to ensure these are effective can be supported by creating a "business case" for MSP relevant to sector investments.

- **Manage expectations for stakeholder involvement –** the extent to which stakeholders participate and shape MSP is strongly influenced by the traditions and practices of the existing governance system. These need to be considered to ensure effective and fit-for-purpose engagement.

- **Design a monitoring and evaluation system that analyses performance, encourage learning and progress towards goals over the long-term –** as the practice of MSP matures and more initiatives make the transition to implementation, it becomes important to identify and track the changes in human and institutional behaviour that mark implementation, and that contribute to the improvements in social and environmental conditions that MSP initiatives are designed to achieve. Monitoring should be directed not only at the end result, but also the forms of collaborative behaviours that have made achievements possible, and the changes in the conduct of resource users. At the same time, M&E must avoid overly complex and expensive methods and be mindful of the capacity of partners.

Recommendations for international exchange in MSP

The 2016 EC International Ocean Governance Agenda and DG MARE-IOC-UNESCO joint roadmap both highlight the importance of developing MSP further and the role it can play in improving international ocean governance. This report formulates a series of recommendations on the promotion of MSP internationally, in response to the following questions:

(1) Which elements of MSP would benefit from international dialogue?

- *Enabling factors for developing a successful MSP Plan* - Including stakeholder engagement, practical application of ecosystem-based management, and the development and implementation of M&E frameworks.

- *Modifying the behaviour of resource users, institutions and investors* – As MSP progresses to implementation, it is necessary to find ways of shifting behaviours towards desired long-term ecological and socio-economic outcomes. Sharing tools and strategies to facilitate behaviour change and track changes would therefore be highly valuable.

  o *Changing resource user behaviour* – Which can be supported by the use of a combination of regulations, incentive mechanisms and voluntary codes of practice, and can be measured through M&E frameworks that include graduated indicators to gauge the degree to which behaviour changes occur and actually contribute to sustainable resource use.

  o *Changing institutional behaviour* – Which can be supported by capacity-building of institutions in adaptive decision making, and an improved understanding of governance systems, which can be useful when selecting the strategies by which an MSP will be implemented.

  o *Changing investor behaviour* – This requires the identification of a range of financial solutions towards sustainable development, and innovative ways of supporting MSP implementation, including through greater private sector engagement.

- *Successful transition between MSP phases* – This requires identifying elements of success within different contexts, which can be supported through cross learning opportunities between advanced and nascent MSP processes.

- *Establishing MSP beyond the limits of national jurisdiction* – This should build on collective governance and legal capacity, ensuring an inclusive dialogue takes place.

(2) What format should such dialogue take and who should participate?

It is recommended that the format of dialogue consider targeted audiences, builds on existing approaches and platforms, and aims at developing an international body of MSP knowledge and practice to support effective ocean governance. Examples of interaction include the use of expert-based think tanks to develop innovative tools and practices for MSP implementation, global and regional capacity building, and public-private platforms to connect MSP policy and practice.

(3) Which areas of the world would benefit from additional support in MSP?

It is recommended that both region-specific needs and the EC interests are considered. Reference is made to two different regions of strategic importance for the EC, particularly in terms of Blue Growth:

- the Arctic region, where despite existing cooperation frameworks, additional dialogue and support in decision-making in relation to the spatial management of marine resources is needed; and

- the Western Indian Ocean, which covers territorial waters of 10 different states and ABNJ, and where the complexity an fragmentation of ocean governance has been a major challenge for effective ocean management.

(4) Should international exchange of information / knowledge in MSP be conducted within the framework of existing international organisations?

The efficient promotion of MSP would benefit from the use of a range of existing international frameworks, taking advantage of their respective mandates and constituencies, with collaboration opportunities between the EC and UN agencies, intergovernmental organisations, and non-government organisations. A possible role for the EC could be the facilitation of global harmonisation and coherence between MSP platforms and the institutions driving them, to support a more coherent and effective guidance for MSP development and implementation.

(5) How could MSP be applied in areas beyond national jurisdictions?

Key recommendations for the implementation of MSP in ABNJ presented in this report include among others:

- Determine the geographical area covered by the MSP instrument based on ecosystem considerations, as far as relevant and possible.

- Confirm, or agree on, the legal status of the geographical area covered by the MSP instrument and acknowledge the sovereignty, sovereign rights and jurisdiction of coastal States in adjacent maritime zones.

- Identify the overarching legal and policy framework and confirm adherence or commitment to it.

- Agree on mechanisms to ensure as much alignment and consistency as possible between any different governance regimes.

- Agree on the objective(s) of the MSP instrument, and the competence of its principal decision-making body.

- Ensure that participation in MSP is consistent with applicable international law.

- Cooperate and coordinate with other intergovernmental bodies and instruments, agreeing on mechanisms that bring consistency between governance regimes.

- Agree on overarching, guiding or key principles.

- Acknowledge the particular needs and requirements of developing states, including agreement on official (working) languages.

- Agree on one or more official (working) languages.

The MSP lessons learned and good practices compiled in this report are aimed at assisting the development and implementation of MSP initiatives, particularly by EU Member States under the MSP Directive. Recommendations for the international exchange of MSP experiences are aimed at supporting the EC's role of promoting MSP under the EC International Ocean Governance Agenda.

1. INTRODUCTION

A key challenge in planning and managing the marine environment is the dynamic and spatially extensive nature of marine ecological and physical processes. Ocean currents, nutrient exchanges, species migration, pollution events, and the effects of climate change on the oceans (such as acidification or ocean warming), typically occur at the regional or global scale.

The economic and social benefits derived from marine resources are also highly variable in their scale. Although some economic activities and social values are very local in their nature (such as artisanal subsistence fishing), many are connected to the global economy and have drivers and beneficiaries far removed from the place in which the resource is exploited (such as seabed mining). Traditionally, the use of marine space has been planned and managed on a sectoral basis, and separately in different jurisdictions, often lacking a plan-based holistic approach. In addition, the increasing demand for maritime space for a broad range of purposes is giving rise to competition and often conflicts between different economic sectors, maritime users and environmental concerns.

Planning or managing areas of the ocean according to national or sub-national spatial delineations can be of somewhat limited efficacy without some form of cross-border cooperation – either between sub-national planning units, between nations, or focused on larger bodies of the ocean, such as sea basins.

In this context, Marine or Maritime Spatial Planning (MSP) has emerged as an important process/ policy tool for delivering efficient marine resource management and sustainable development, which can also be used to strengthen cross-border cooperation, and therefore support improved ocean governance.

MSP is usually conceived as a public process where objectives are established through a political process. At the same, due to the requirements of a planning process, MSP does have an important technical component, where understanding of the physical, ecological and human aspects of the relevant marine area are essential (Ehler and Douvere 2009; Secretariat of the CBD and the GEF-STAP 2012; Directive 2014/89/EU).

The fact that there is no internationally agreed definition of MSP reflects the different contexts under which MSP is developed, the scope it can take, and the diverse ranging of purposes it can be used for. There is clear evidence that MSP processes are expanding and evolving, with different places taking different approaches to implement MSP in order to meet their needs and purpose. It is therefore clear that "no one size fits all". Rather, the prevailing message is that context is important, and that effective / successful MSP can only be defined within the specific context in which MSP is practiced, and that no particular recipe for MSP can be considered universal (EC 2008a, Flannery 2015; Jones *et al*. 2016).

This recognition presents challenges in framing advice on what constitutes 'good' or 'best' MSP practice. However, an effective method to identify MSP practices that promote successful outcomes is to undertake context-specific analyses of MSP processes and then identify what, if any, cross-cutting characteristics are shared between MSP processes. This requires the collection of information about global MSP practices followed by detailed and systematic analysis.

1.1. Policy Context

1.1.1. European Context

Europe has a 70,000 km coastline along four seas, the Baltic, the North Sea, the Mediterranean, and the Black Sea, and two oceans, the Atlantic and Arctic Oceans. In addition, the EU counts nine outermost regions, which due to their contribution to the EU maritime dimension and to

their position in the Atlantic and Indian oceans, are considered important actors that can actively contribute to improved ocean governance[3].

Over the last decade, a number of EU Member States have implemented national MSP legislation and associated zoning in their Exclusive Economic Zones (EEZ). However, this has largely been done from a national perspective, where cross-border cooperation rarely occurs or takes place through consultation in a very late stage of the process only, although in some cases has been encouraged through Regional Seas conventions such as HELCOM, and pilot projects such as the BaltSeaPlan, which can provide valuable lessons.

The EU has also concluded a number of agreements with countries outside the EU, which has created opportunities to cooperate on sea or ocean related issues in dedicated frameworks (Cantral *et al.* 2011).

Spatial planning started to become an important theme for discussion in the late 1980's, when the Committee on Spatial Development was established and the European Spatial Development Perspective (ESDP) was adopted (EC 1999), calling for an integrated, multi-sectoral and indicative strategy for the spatial development of the EU, and which at present still influences funding and INTERREG programmes which also cover marine affairs.

In 2007, the Integrated Maritime Policy (IMP) was adopted to provide a more coherent approach to maritime issues (EC 2007), calling for an increased coordination between different policy areas. Together with Integrated Coastal Zone Management (ICZM), the IMP identifies MSP as an important tool for the sustainable development of marine areas and coastal regions, and for the restoration of Europe's seas to environmental health.

Shortly after, in 2008, the Communication "Roadmap for Maritime Spatial Planning: Achieving common principles in the EU" was adopted by the Commission (EC 2008b), encouraging the development of a common approach for MSP at the EU level, which has more recently culminated in the adoption of legislation to create a common framework for MSP in Europe, establishing a set of common minimum requirements, the Directive 2014/89/EU[4], "the MSP Directive".

The MSP Directive therefore represents an overarching governance framework that can further encourage the adoption of specific MSP principles and good practices by Member States, which are required to adopt marine spatial plans by 2021, and catalyse and support national and regional efforts, strengthening coherence and collaboration between countries.

It should be considered that MSP does not take place in isolation, but is a part of larger policy processes, especially as systems of wider marine governance become increasingly established. Financial and time constraints, and general lack of coordination structures between the players concerned have been identified as key causes slowing down implementation of integrated approaches in marine policies, which can also affect MSP (EC 2008a; Jay *et al.* 2016).

In this context, the Project aims to identify lessons learned and good practice in worldwide examples of MSP relevant to the implementation of the MSP Directive by Member States, with a particular focus on cross-border collaboration.

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[3] For more information about Europe's outermost regions is available at:
https://ec.europa.eu/maritimeaffairs/policy/sea_basins/outermost_regions_en
[4] The MSP Directive - Directive 2014/89/EU of the European parliament and of the Council of 23 July 2014 establishing a framework for maritime spatial planning: http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32014L0089&from=EN

1.1.2. International Context

At a global scale, the UN Convention on the Law of the Sea, UNCLOS[5] provides an overarching framework for the allocation of marine space to national states, through the codification of concepts such as the Territorial Sea (TS) of 12 nautical miles (nm), EEZ of 200 nm, Contiguous Zone, and the Continental Shelf. The preamble to the convention already notes that "the problems of ocean space are closely inter-related and need to be considered as a whole".

Both cooperation and coordination in ocean-related matters are therefore considered key to ensure the sustainable development of the ocean (UNCLOS, World Summit on Sustainable Development WSSD). The recently published UN 2030 Agenda for Sustainable Development (UN 2015) and the EC International Ocean Governance Agenda (EC 2016a) recognise the conservation and sustainable use of the oceans as part of a highly interconnected agenda, where MSP can play a key role by providing an evidence-based and structured decision-making process for the allocation of marine uses within a maritime area.

The EC International Ocean Governance Agenda includes as one of its actions, "Action 10" the international promotion of MSP, with the aim of addressing global and regional governance gaps and challenges in ocean management, including the achievement of global commitments on sustainable development, where interaction with third parties is critical to share and jointly fulfil objectives, and address key issues of common interest. Accordingly, during the DG MARE-IOC-UNESCO 2nd international conference on MSP (March 2017) the DG MARE-IOC-UNESCO joint roadmap[6] was adopted.

In this context, this Project also aims to formulate recommendations for the international promotion and exchange of MSP, relevant to the implementation of the EC International Ocean Governance Agenda.

1.2. Project Objectives

The Study on international best practices for cross-border Maritime Spatial Planning (hereafter referred to as 'the Project') has been designed to assist the EC and Member States in the implementation of the MSP Directive through the identification of good practices in MSP (and in particular cross-border cooperation); and to develop recommendations that can support the promotion and exchange in MSP at an international level.

The objectives of the Project include:

- **Objective 1:**   Compile a detailed inventory of MSP implementation outside the EU (hereafter referred to as the 'Global MSP inventory') that identifies common practice in MSP processes, including in cross-border cooperation.

- **Objective 2:**   Explore four case studies of MSP implementation to identify lessons learned and good practices in relation to the requirements of the MSP Directive, with a particular focus on cross-border cooperation.

- **Objective 3:**   Formulate recommendations on the format, scope and added-value of international exchange of information concerning MSP.

- **Objective 4:**   Support the organisation and execution of the 2nd International MSP Conference, in collaboration with DG MARE and IOC/UNESCO (15 – 17 March 2017, Paris),

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[5] UNCLOS defines the rights and responsibilities of nations with respect to their use of the world's oceans, establishing guidelines for businesses, the environment, and the management of marine natural resources. UNCLOS (Montego Bay, 10 December 1982) came into force in 1994, and as of June 2016, 167 countries and the EU have joined in the Convention. Available at: www.un.org/depts/los/convention_agreements/texts/unclos/UNCLOS-TOC.html

[6] The Joint Roadmap to accelerate MSP processes worldwide can be found at: http://ec.europa.eu/maritimeaffairs/content/mapping-priorities-and-actions-maritimemarine-spatial-planning-worldwide-joint-roadmap_en

including support of the conference coordination, and organisation of a session presenting good practices developed as part of the Project.

1.3. Definition of Key Terms

Maritime Spatial Planning (MSP)

For the purposes of this Project, MSP is defined within the context of the MSP Directive (Article 3 (2)), which describes MSP as "a process by which the relevant Member State's authorities analyse and organise human activities in marine areas to achieve ecological, economic and social objectives".

This definition must be considered within the broad context of the MSP Directive, which "establishes a framework for maritime spatial planning aimed at promoting the sustainable growth of maritime economies, the sustainable development of marine areas and the sustainable use of marine resources" (Article 1 (1)). The focus of MSP objectives is placed on multi-sector ecosystem-based sustainable development, further described in Article 5(1) which notes:

"When establishing and implementing maritime spatial planning, Member States shall consider economic, social and environmental aspects to support sustainable development and growth in the maritime sector, applying an ecosystem based approach, and to promote the coexistence of relevant activities and uses".

Through Article 5 (and others) it is clear that, in this context, the objective of MSP is to support multiple marine and coastal activities within the context of an ecosystem-based approach to sustainable development, and can therefore be regarded as a tool for achieving the objectives of the EU's overarching IMP as well as various EU strategies, in particular its Blue Growth strategy[7].

Cross-border cooperation

In the EU MSP Directive text, the concept of "cross-border cooperation" is noted in terms of:

- **Transboundary cooperation among Member States** (Art. 11) "Member States bordering marine waters shall cooperate with the aim of ensuring that maritime spatial plans are coherent and coordinated across the marine region concerned", indicating that such cooperation shall be pursued through the use of existing regional institutional cooperation structures (e.g. Regional Sea Conventions); networks / structures of Member States' competent authorities; and / or any other method (e.g. sea-basin strategies).

- **Cooperation with third countries** (Art. 12) in relevant marine regions and in accordance with international law and conventions.

In addition, art. 6(2c) indicates that "MSP should aim to **promote coherence between MSP and the resulting plan or plans and other processes**, such as integrated coastal management or equivalent formal or informal practices", which implies internal coherence and therefore cooperation among different government levels within a same country.

For the purposes of this Project, cross-border cooperation / collaboration is taken here to mean the communication, cooperation or integrated planning across spatial jurisdictions (regional, national or sub-national divisions with competency for MSP), that can be expressed both *vertically* (considered to refer to collaboration across jurisdictions at different levels of government, i.e. state and federal levels) and horizontally (considered to refer to collaboration across jurisdictions at the same level, i.e. nation to nation).

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[7] More information on EU Blue Growth Strategy can be found at:
https://ec.europa.eu/maritimeaffairs/policy/blue_growth_en

1.4. Report Structure

This report summarises main findings and recommendations related to Objectives 1- 4 above.

Section 2   provides a summary of the methodology used for data collection and analysis used to support the compilation of lessons learned and recommendations presented in this report.

Section 3   provides an overview of the four case studies that are further analysed in Section 4, and a brief summary of the practices identified in the MSP Inventory that are used to further support analysis across case studies.

Section 4   presents the lessons learned synthesised across the Project four Case Studies, complemented with common practices identified within the Global MSP Inventory.

Section 5   outlines good practices in support of cross-border collaboration in MSP.

Section 6   formulates recommendations for the promotion and exchange of MSP at an international level, which can inform the EC's role as part of its International Ocean Governance Agenda.

In addition, this report includes the following appendices:

- Appendix 1 – Detailed description of the Project methodology
- Appendix 2 – Analytical Framework
- Appendix 3 – Summary of lessons learned developing the Global MSP Inventory
- Appendix 4 - Options for collaboration with international organisations and platforms
- Appendix 5 – MSP 2017 Conference Report (Session 6)

1.5. Reader Instructions

As part of the Project, supporting material has been developed which should be read alongside this Final Report for detailed information on MSP practices referred to, and assumptions made. This includes:

- Global MSP Inventory – Available in excel format, provides information on characteristics of MSP processes outside of Europe. The inventory methodology and key lessons learned are presented in this Final Report, Appendices 1 and 3 respectively.
- Case Study Summary Report: Rhode Island Ocean SAMP
- Case Study Summary Report: The Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) in the Southern Ocean
- Case Study Summary Report: Coral Triangle Initiative on Coral Reefs, Fisheries and Food Security (CTI-CFF)
- Case Study Summary Report: Marine Functional Zoning – Xiamen, China

The methodology used for the compilation of Case Studies is also described in Appendix 1, with case study-specific details given in the Case Study Summary Reports.

Figure 1 illustrates how the different Project components were developed and used to inform each other, indicating how these relate to Project deliverables and where they can be found.
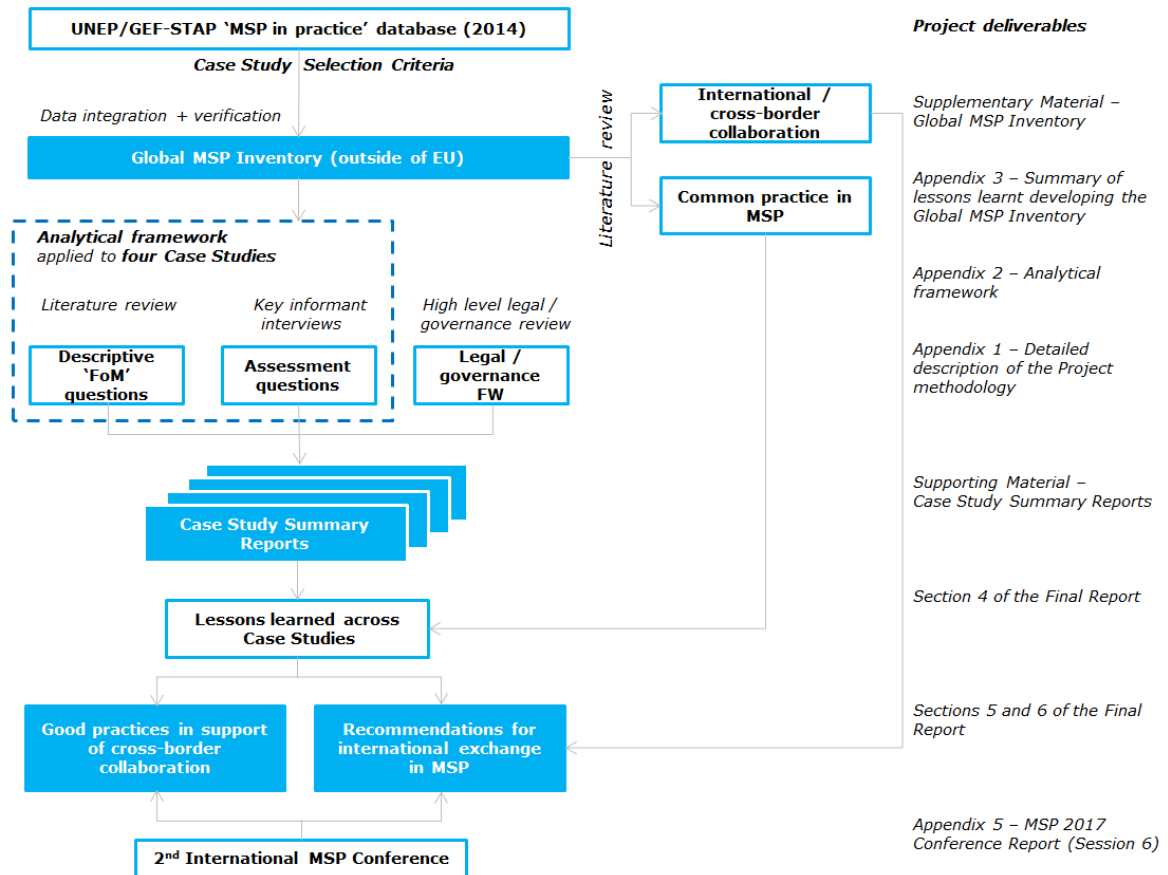
Figure 1 - Project components, interconnections and reference to deliverables and in the Final report

2.   METHODOLOGY

This section provides an overview of the methodology used to collect, analyse and interpret information that informs Sections 4 and 5 (lessons learned and good practice in MSP respectively) and Section 6 (recommendations). Appendix 1 provides a more detailed description of all steps followed.

2.1.   MSP lessons learned and good practices

2.1.1. Global MSP Inventory

The aim of the inventory is to provide an up-to-date characterisation of MSP processes, particularly any cross-border collaborations, occurring outside of Europe that can support MSP initiatives, practitioners or researchers.

The inventory was also designed to enable a simple analysis of the characteristics of MSP processes, including those occurring in cross-border contexts, which would support the development of MSP 'good practice' emerging from the detailed examination of Case Studies.

As indicated in Appendix 1, the Project's Global MSP Inventory draws upon the significant amount of information contained within the database of global MSP processes created by the UN Environment *MSP in Practice Initiative* (UNEP 2017; UNEP and GEF-STAP 2014), used as a starting point and framework for the development of the required inventory of non-European MSP implementation.

In order to ensure a standardised interpretation of MSP, criteria were developed from the EC MSP Directive definition and were applied to MSP processes from the database that were selected for inclusion within the inventory. A variety of sources were subsequently used to build up the inventory (see Appendix 1 for further detail).

2.1.2. Case Studies

In order to describe and assess the different MSP initiatives in a consistent manner, a standardised analytical framework applicable to each of the four Project Case Studies was developed (see Appendix 2). In this framework, MSP attributes have been organised into eight categories, namely: (1) Context; (2) Overview of the MSP process; (3) Drivers, issues and goals; (4) Scope and design of the MSP; (5) Collaboration and consultation in the MSP planning phase; (6) Features of the MSP process implementation phase; (7) Implications of the application of MSP in areas beyond national jurisdiction (ABNJ), and (8) Outcomes and lessons learned.

Each of the MSP attributes have been investigated by means of both descriptive – termed 'facts of the matter' (FoM) – and assessment – termed 'to what extent' – questions (see Appendix 1 for further information).

For each case study, information used to respond to both descriptive and assessment questions was collected through a bespoke literature search and a number of key informant interviews conducted on site, that targeted a number of individuals with relevant knowledge and engagement in the MSP processes. This information was used to distil key conclusions and lessons learned for each of the Case Studies, which are separately presented in the Case Study Summary Reports (see Supporting Material).

2.1.3. Case Study Data Analysis and Synthesis

The analysis and synthesis of data collected through the development of the Global MSP Inventory and analysis of the Project's four case studies has followed the following steps:

- Comparison of lessons learned across the Project four case studies, based on findings presented in the four Case Study Summary Reports (see Supporting Material to this report)

- Identification of MSP practices that have been more critical to the success of each case study based on their contexts, i.e. lessons learned, compared with common practices identified through the Global MSP Inventory

- Review of the MSP Directive scope, objectives, requirements and suggestions to Member States

- Extraction of MSP good practices in support of cross-border cooperation relevant to the implementation for the MSP Directive based on the requirements introduced by the Directive

2.2. Recommendations on international exchange in MSP

Based on existing literature, the review of MSP practices through the Global MSP Inventory, and the examination of the four Project case studies, specific elements of MSP that would benefit from discussion and sharing in international fora were identified. Recommendations on international exchange in MSP were further developed based on expert knowledge and experience from Project partners.

3.   OVERVIEW OF MSP PROCESSES

This section provides an overview of MSP practices identified through the compilation of the Global MSP inventory and the four case studies examined.

3.1.   Global MSP Inventory

As presented in Appendix 3, an analysis of the non-European MSP processes included in the Global MSP Inventory showed that there were seven MSP processes with cooperation across national borders (Table 1), one of which (CCAMLR) includes cooperation across international (between EEZs and ABNJ) borders.

Table 1 - Cross-border cooperation in MSP across multi-national jurisdictions

Name of MSP process	Countries
Area covered by the Secretariat of the Pacific Regional Environment Programme (SPREP)	Australia, Cook Islands, Federated States of Micronesia, Fiji, France, Kiribati, Marshall Islands, Nauru, New Zealand, Niue, Palau, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu, UK, USA, Vanuatu
RECOFI region	Bahrain, Iraq, Oman, Qatar, Saudi Arabia
Red Sea and Gulf of Aden	Djibouti, Egypt, Jordan, Saudi Arabia, Somalia, Sudan, Yemen
Eastern Tropical Pacific Marine Corridor (ETPMC)	Colombia, Costa Rica, Ecuador, Panama
The Coral Triangle Initiative on Coral Reefs, Fisheries and Food Security (CTI-CFF)	Indonesia, Malaysia, Papua New Guinea, Philippines, Solomon Islands, Timor-Leste
Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR)	Australia, Argentina, Belgium, Brazil, Chile, People's Rep. of China, European Union, France, Germany, India, Italy, Japan, Rep. of Korea, Namibia, New Zealand, Norway, Poland, Russia, South Africa, Spain, Sweden, Ukraine, UK, USA, Uruguay
Lesser Sunda Ecoregion	Indonesia, Timor Leste

Seventeen MSP processes were characterised by some form of sub-national cooperation, and 34 processes did not exhibit any cross-jurisdiction cooperation. It should be noted that the extent to which MSP processes record the nature of their cross-jurisdiction cooperation is limited.

Practices identified in these processes are further described in Appendix 3 and have been compared with lessons learned across case studies (Section 4).

3.2. Case Studies

The case studies were selected on the basis of the following criteria: the degree of progression to implementation, the diversity of scales, governance and drivers influencing their development, and the existence of cross-border dimensions (cf. Table 2).

Table 2 - Selected features of the four case studies

Case Study	Key features	Main outcomes
Rhode Island Ocean Special Area Management Plan (SAMP)	• Relative maturity (adopted in 2011) • Driven by offshore wind development with dedicated consideration for traditional users • *Cross-border collaboration* *- (Primary)* Rhode Island state and federal planning and management (vertical) *- (Secondary)* Inter-state collaboration with Massachusetts (horizontal)	• New relationships between user groups, promoting good practices • Creation of a 'social capital', a constituency of individuals / organisations engaged in the protection and sustainable use of RI's offshore marine resources • Tools and coordination mechanisms for planning different activities • Streamlined regulatory process for the development of offshore wind (Block Island consented in 2013 and operation commenced in 2016) • Knowledge repository (ecosystem and human uses) area • Delimitation of restricted use areas: Areas Designated for Preservation (ADP) and Areas of Particular Concern (APC)
Commission for Conservation of Antarctic Marine Living Resources (CCAMLR)	• Long-term implementation (established in 1982) • Planning, establishment and management of measures that aim to achieve the conservation of Antarctic marine living resources • *Cross-border collaboration* - (*Primary*) Joint management of common waters (*de facto* high seas) by all CCAMLR Convention Members (horizontal) - (*Secondary*) The CCAMLR Convention addresses the fact that maritime zones of coastal State Members fall within the CCAMLR Area (horizontal)	• Successful implementation of the ecosystem approach to fisheries management • Significant reduction of illegal, unreported and unregulated (IUU) fishing • Reduction of seabird mortality • Careful management of Vulnerable Marine Ecosystems (VMEs) • Establishment of two MPAs in the Southern Ocean (including the largest in the world to date – Ross Sea MPA)
The Coral Triangle Initiative for Coral Reefs, Fisheries and Food Security (CTI-CFF)	• Launched in 2009 (Manado Declaration), Secretariat Agreement in 2014 • Partnership between six countries, NGO's and donor agencies, to manage transboundary resources and strengthen and align existing marine governance and spatial planning • *Cross-border collaboration* - *(Primary)* nation to nation - *(Secondary)* nation to province, as well as finer-scale transnational initiatives	• Strengthened collaboration between the six Coral Triangle countries • Knowledge sharing and thematic capacity building • Robust monitoring and evaluation framework for some of the Regional Plan of Action goals
Xiamen Marine Functional Zoning (MFZ)	• Long-term implementation (since 1997) • Recognised as a successful case in reducing sea-use conflicts, managed through a hierarchical approach • Cross-border collaboration - *(Primary)* Between provincial- and city-level plans, and to a lesser extent	• Reduction of users conflicts • Development of key maritime sectors (shipping and port, tourism) • Reduced overexploitation and transformation of marine and coastal environments • Improved environmental conditions

Case Study	Key features	Main outcomes
	between national- and provincial-level plans - *(Secondary)* Between provinces, and between cities	(rehabilitation of habitats, reduction of marine pollution, etc) • Reservation / rehabilitation of areas for future use

3.2.1. Rhode Island Ocean SAMP

The Rhode Island Ocean SAMP was developed over a two year period, culminating in its approval by state authorities in mid-2010 and by federal authorities in late 2011, making it part of the federally-approved Rhode Island (RI) State coastal management programme. The primary driver of the RI Ocean SAMP has been the desire to tackle the state's rising greenhouse gas emissions and energy costs through the development of offshore wind energy. In response to a gubernatorial decree, the Coastal Resources Management Council (CRMC) jointly with the University of Rhode Island (URI) proposed in 2008 the development of the Ocean SAMP as a mechanism to develop a comprehensive management and regulatory tool to proactively engage the public and provide policies and recommendations for appropriate siting of offshore renewable energy infrastructure. A concern that the plan aimed to address was the excessive duration, cost and uncertainty associated with earlier procedures for assessing offshore infrastructure developments, which typically involved comprehensive environmental assessment processes that extended over several years.

The plan area extends over approximately 3,800 km^2 from 500 ft (approx. 152 m) seaward of the RI coastline to 30 nm offshore, thereby encompassing both state and federal waters (see Figure 2). The Ocean SAMP area is biologically and ecologically rich, providing valuable ecosystem services. Important marine activities include commercial and recreational fishing, shipping and ports, naval operations, yacht racing, different types of marine recreation and offshore wind energy, the most recent sector.
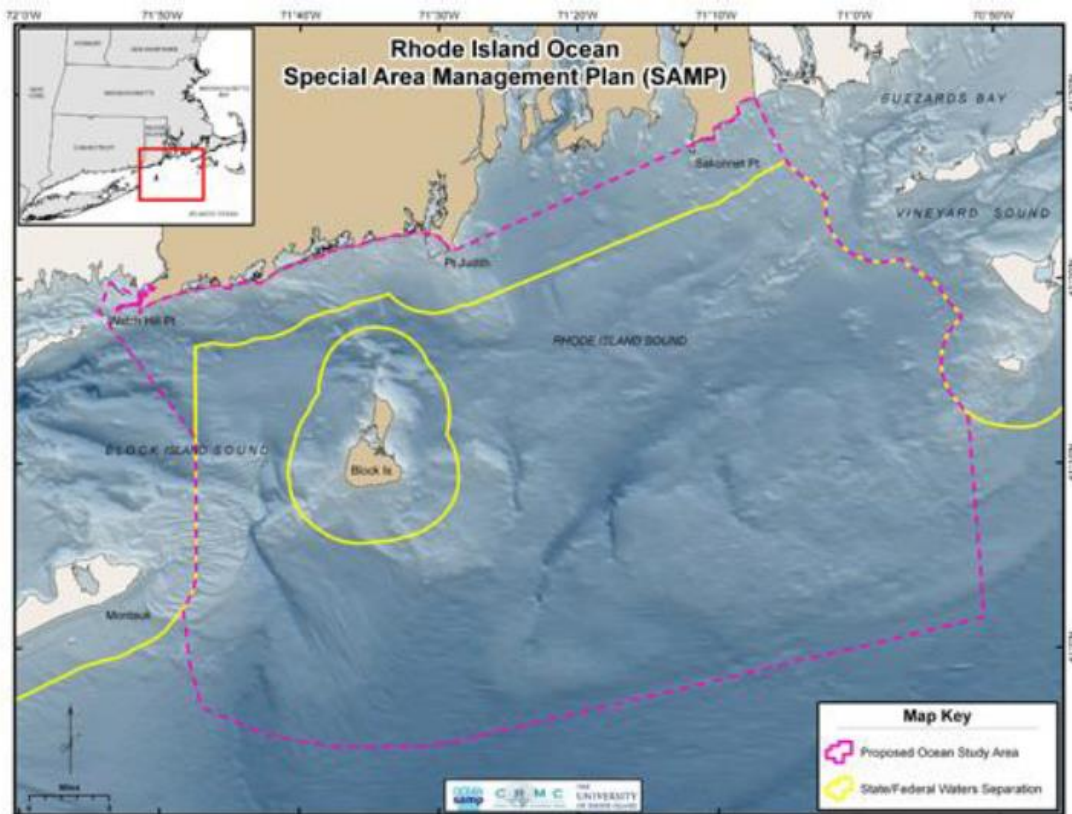
Figure 2 - Rhode Island Special Area Management Plan Study Area. Source: University of Rhode Island Coastal Resources Center

The governance regime for marine and coastal areas is complex, with resources and human uses subject to a wide array of state and federal statutes, regulations and policies, typically administered by separate agencies. At the RI state level, the CRMC is responsible for implementing the state's coastal management programme and plays a key role in planning and managing the state's marine and coastal areas, and coordinating the different agencies in what affects these areas. An important legal provision is the federal consistency review, which grants states the right to review federal authorisations or actions taking place in federal or neighbouring state waters that potentially affect the state's coastal management programme.

With respect to cross-jurisdictional cooperation in marine and coastal management, states do not typically cooperate across borders. Cooperation in marine planning and management across state-federal jurisdictional borders is also complex and varied, given the large number of statutes and agencies involved, and differences in the legal and administrative frameworks between states.

The plan has played a crucial role in preventing potential conflicts between existing users of the Ocean SAMP area and offshore wind developments. This has been essential for wind developers to make the large investments in the construction of the Block Island wind farm, and more recently the joint Rhode Island - Massachusetts Area of Mutual Interest.

3.2.2. The Commission for Conservation of Antarctic Marine Living Resources (CCAMLR)

Completely surrounding Antarctica, the Southern Ocean covers approximately 15% of the world's ocean area and extends from the continent itself northwards to the seasonally shifting Antarctic Convergence or Polar Front[8]. The primary driver for the adoption of the Convention on the Conservation of Antarctic Marine Living Resources (CAMLR Convention) in 1982 was the need for a multi-lateral response to a history of over-fishing in the Southern Ocean, and the threat of increased unregulated fishing on krill in the future. CCAMLR has a total of 25 members (24 States and the European Union).

From the perspective of the international law of the sea, there are three types of spatial area in the CAMLR Convention area (Figure 3):

a) The waters adjacent to the Antarctic continent (land territory south of latitude 60° South). Due to the agreement to disagree on the question of territorial sovereignty over the Antarctic continent, these waters are *de facto* **high seas**.

b) **Coastal State maritime zones** (e.g. territorial seas and 200 nautical mile zones such as EEZs) adjacent to sub-Antarctic islands (Heard and McDonald Islands (Australia), Kerguelen and Crozet Islands (France), Bouvet Island (Norway), Prince Edward and Marion Islands (South Africa), and South Georgia and the South Sandwich Islands and Shag Rocks (claimed by Argentina and the United Kingdom, but under 'effective control' by the latter), provided they do not extend South of 60° South; and

c) The waters that do not fall under (a) or (b), which are **(*de jure*) high seas**.

[8] The Antarctic Convergence Front is the area where the Southern Ocean's cold waters meet the warmer waters of the Pacific, Atlantic and Indian Oceans.

Figure 3 - CAMLR Convention Area. Source: CCAMLR
www.ccamlr.org/en/system/files/CCAMLR-convention-area-map-large.pdf

As the CAMLR Convention provides for the intergovernmental establishment and management of open and closed fisheries, protected areas and scientific study, CCAMLR itself could be regarded as the application of cross-border MSP for the conservation of Antarctic marine living resources. Cross-border MSP in CCAMLR is manifested where coastal State maritime zones adjacent to sub-Antarctic islands within the CAMLR Convention area require planning and management across jurisdictional boundaries, but also conceptually through a system of joint management of common waters between CCAMLR Members, with each Member having its own interests and preferences in all or some (e.g. closed areas or MPAs) of these common waters. CCAMLR represents a well-developed adaptive management system that regularly and constantly revises management measures according to the ecological and human activity signals that are monitored.

CCAMLR is the principal decision-making body responsible for agreeing and adopting conservation measures and has representation from all Members. CCAMLR meets annually and decisions are agreed by consensus among its Members, in the form of adopted conservation measures; or resolutions, based on the advice of its subsidiary bodies – in particular its Scientific Committee.

Upon the entry into force of the conservation measures, the Members are bound to the obligations those measures contain. This will often require them to transpose the conservation measures into their own legislation. The eleven Acceding States are also bound to the Convention and its conservation measures, but are neither entitled to participate in decision-making process nor required to make annual contributions to the budget. States whose sub-Antarctic islands are included in the CAMLR Convention area can choose to exempt the maritime zones adjacent to their islands from the scope of application of conservation measures. All CCAMLR and Scientific Committee meetings have interpreters and translators to ensure that

meeting proceedings, discussion and documentation is accessible in English, Spanish, French and Russian.

Good practices advocated by CCAMLR are:

a) International cooperation between Members, but also between CCAMLR and other intergovernmental bodies, as well as non-Contracting Parties engaged in harvesting, landing and trade of toothfish;

b) Combining monitoring, control and surveillance to address the challenges of Illegal, IUU fishing;

c) Ensuring that the best available science underpins the CCAMLR approach to management (e.g. the Ecosystem Approach) and is built in to CCAMLR decision-making (e.g. MPA identification);

d) Implementing ecosystem-based and precautionary approaches to fisheries management;

e) Implementing by-catch reporting and seabird mortality mitigation measures; and

f) Establishing high seas MPAs.

3.2.3. Coral Triangle Initiative for Coral Reefs, Fisheries and Food Security (CTI-CFF)

The Coral Triangle Initiative for Coral Reefs, Fisheries and Food Security (CTI-CFF) is a multi-lateral treaty partnership between Indonesia, Malaysia, Papua New Guinea, Philippines, Solomon Islands and Timor-Leste (referred to as the CT6), as well as a number of NGO, government and donor partners. The CTI-CFF was formally launched in 2009 to sustainably manage fisheries, adapt to climate change, improve threatened species status and establish and effectively manage priority seascapes and MPAs.

Covering approximately 6 million km^2, the Coral Triangle is delineated by a scientific boundary (Figure 4) that identifies ecoregions containing at least 500 species of hard corals, making the Coral Triangle the most significant area for marine biodiversity on the planet. In total, the Coral Triangle covers almost 73,000 km^2 of coral reefs (equating to around 29% of global coral reef coverage).
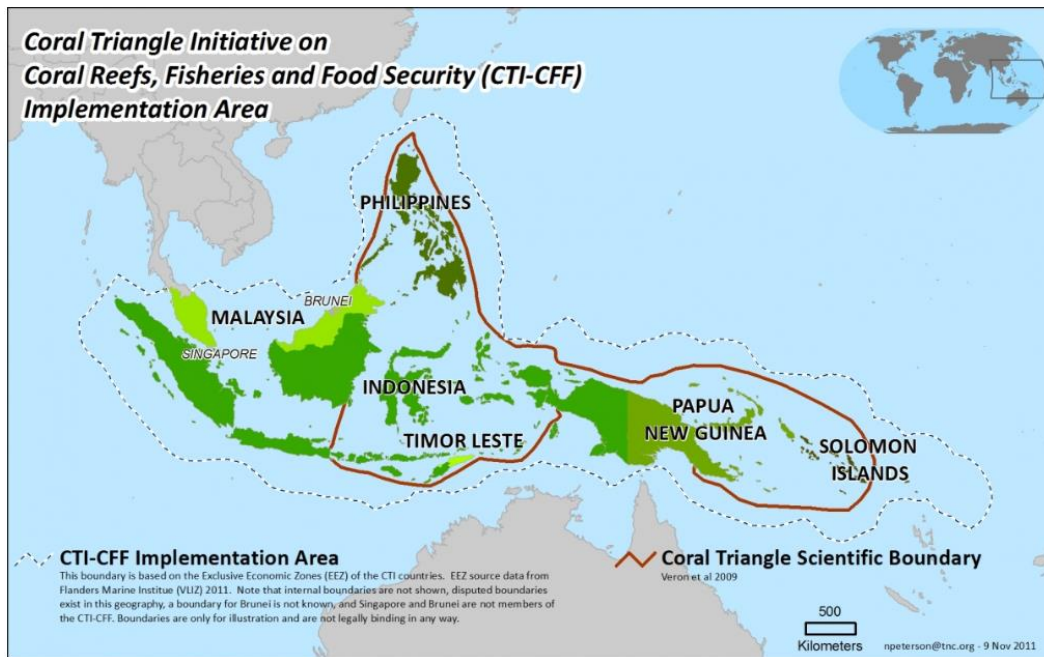
Figure 4 - CTI-CFF Regional Map. Source: CTI-CFF

At its initiation, the CTI-CFF formed a purely voluntary partnership, consolidated through the adoption by the CT6 of the 10-year CTI-CFF Regional Plan of Action, which focuses on cross-border collaboration mechanism for information sharing, objective-setting and common standards. In 2011, the CT6 agreed to legally formalise the CTI-CFF partnership, and as a legal treaty, the CTI-CFF now has a coordinating Regional Secretariat, formalised coordination procedures, and requires all six countries to support the financial costs of the Regional Secretariat. The CTI-CFF represents a strengthening and aligning of existing marine governance and spatial planning efforts rather than the development of a specific marine spatial plan.

3.2.4. Xiamen Marine Functional Zoning (MFZ)

Marine Functional Zoning (MFZ) is a hierarchical planning system established in Xiamen in 1997 and nation-wide in China in 2002, which comprises spatial planning at the national, provincial and city levels.

In Xiamen, as elsewhere across China, MFZ arose out of the need to organise maritime activities, whose fast and often unregulated expansion was hampering societal development and leading to severe degradation of coastal and marine environments. Figure 5 illustrates the MFZ plan established for Xiamen.

Figure 5 – Xiamen MFZ plan. Courtesy of the Fujian Ocean Institute.

MFZ in Xiamen was first developed in 1997 as a core component of the city's ICZM programme supported by the PEMSEA programme (Partnerships in Environmental Management for the Seas of East Asia). Through a consultative process involving the different agencies responsible for activities related to the sea, and supported by different technical experts, a set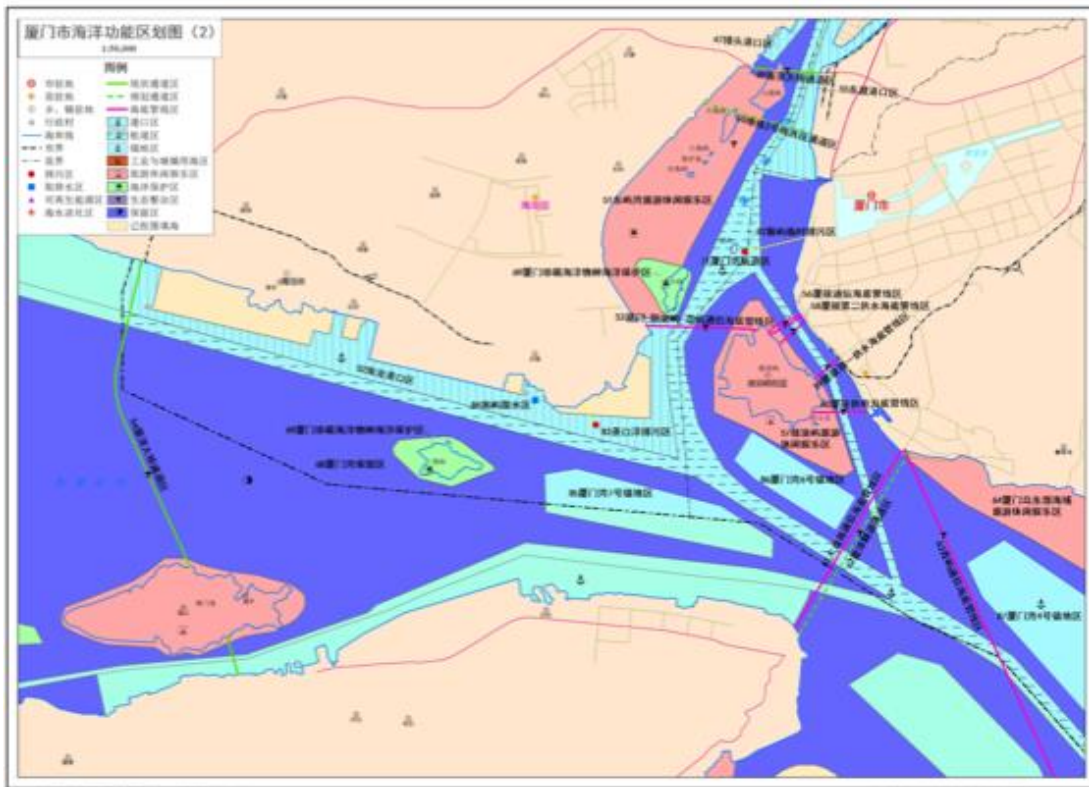 of goals and management measures were developed not only for MFZ, but also for marine and coastal management more broadly.

MFZ has a well-established legal basis, which is rooted in the national Law on the Management of Sea Use, 2001. This law was instrumental in launching MFZ nation-wide, resulting in every province and city having its MFZ in place by the mid-2000s. According to the national MFZ legislation, lower-level plans should conform to the content of higher-level ones, which is a key aspect for ensuring vertical coherence in planning across jurisdictions. Accordingly, since the adoption of the national law for MFZ, MFZ goals have been harmonised across jurisdictions.

The special administrative status of Xiamen allows it to pass its own laws on a number of domains that 'regular' cities may not; which enabled it to pass its own MFZ regulation in 1997, ahead of the national law. Xiamen also has one of the most well-established coastal and marine management coordination mechanisms in China, with distinct technical, political and scientific advisory bodies.

MFZ plans are typically elaborated only by government agencies, which are involved either through participating in inter-sectorial committees or through providing written input to the planning process. Non-governmental stakeholders are generally not directly involved in the planning. Representatives from the maritime sectors are sometimes consulted by the respective sector agency.

MFZ plans are adjusted periodically, generally after a comprehensive review of the process and outcomes of each planning-implementation cycle. Smaller adjustments are also done on a more ad hoc basis, when there are important developments in any of the maritime sectors affected by the plan.

MFZ in Xiamen has generally achieved and continues to achieve its goals, specifically in terms of ordering the use of the sea and reducing conflicts between activities, enabling the development of key maritime sectors in a manner consistent with the characteristics of the environment, reducing excessive exploitation and transformation of marine and coastal environments, and reserving areas for environmental rehabilitation.

4. LESSONS LEARNED IN MSP

This section presents lessons learned from the Project's four case studies, highlighting and comparing the MSP practices that have been more critical to the success of each case study based on their contexts, as identified in the Case Study Summary Reports. Some of these practices are also compared with the generic trends identified in the Global MSP Inventory, separately discussed in Appendix 3.

These conclusions are formulated as 'lessons learned' on factors related to the context, drivers, goals, design, collaboration and consultation, and results of MSP processes analysed. The section closes with lessons learned about MSP in areas beyond national jurisdiction.

4.1. The role of context in shaping MSP process and objectives

The context at initiation influences the design, scope and outcomes of MSP processes. Existing marine governance mechanisms and planning traditions shape the MSP planning process and define the modalities for MSP implementation. Socio-economic and environmental conditions are a key factor determining the scope and objectives of MSP. Political support is critical at all stages of MSP processes, in particular in their initial phases, partly in order to mobilise financial resources and engage public organisations.

4.1.1. Governance system

Lesson 1: The governance context has a major influence on the nature, legitimacy and effectiveness of the governance mechanism for MSP and cross-border cooperation.

Two distinct governance regimes were identified in the case studies: an 'integrated governance' regime operating between different jurisdictional levels within a single country, and a 'partnership governance' regime established among two or more countries in order to jointly managing a marine area.

(i) "Integrated governance" refers to a system in which governance structures at different jurisdictional levels within a country affect each other. This system is common in countries where decision making is shared between the national and sub-national levels, yet the manner and extent to which the different levels are involved in decision making varies widely. It is a central feature in the Rhode Island and Xiamen Case Studies, where the rule of law is strong and a well-established hierarchical system of government unites governance at the national, state, provincial and municipal levels.

As in many other states in USA, Rhode Island has a long history of coastal planning and policy implementation, which have emerged in response to the federal Coastal Zone Management Act of 1972. Important elements of the Rhode Island Coastal Programme are a mature permit-granting system, strong stakeholder involvement and the development of Special Area Management Plans (SAMPs). The latter have facilitated coordination and better harmonisation of municipal, state and federal roles and responsibilities in the management of state coastal and marine areas, as well as adjacent federal waters. By encompassing both state and federal waters – a possibility under the Coastal Zone Management Act - the RI Ocean SAMP clearly demonstrates the desire to bring under a single governance mechanism a marine area in which both state and federal regulation apply.

Xiamen's first MFZ plan dates back to 1997, and was developed as part of a wider PEMSEA supported programme to apply ICZM in the city. This programme introduced the first mechanisms for coordinating the actions of municipal agencies whose mandates concerned coastal and marine areas. The passing of the national Law on the Administration of Sea Areas in 2001 resulted in MFZ plans being progressively developed for waters under national, provincial and city jurisdiction across the entire country in the years that followed. A governance system for marine planning was thereby introduced that ensures harmonization of goals, planning and implementation processes across those jurisdictions. In line with the system of government in

China, responsibilities for the different stages of MFZ are divided between the national, provincial and local administrative levels according to well established procedures.

During the 1990s, both support from PEMSEA and the determination of Xiamen city government were crucial for launching and establishing MFZ. Continued political support from the National State Council has since been instrumental for the rolling out of MFZ across the country in a consistent manner, as well as for ensuring the necessary financial resources.

Collaboration across state, provincial or city borders in the cases of Rhode Island and Xiamen has not been a priority due primarily to the absence of cross-border problems in need of addressing. The situation in each of the cases can be described in the following manner:

- In the US there is no strong tradition of interstate collaboration in marine or coastal planning. Institutional and administrative differences between states and a frequent sense of competition rather than cooperation in matters concerning development have been important disincentives to interstate collaboration. However, the fact that all state coastal management programmes follow the federal Coastal Zone Management Act ensures a generally high level of consistency between the programmes of different states. In addition, states do enter into cooperation agreements whenever necessary. A frequent type of agreement are the 'interstate compacts'[9], which typically lead to the creation of a joint administrative body for managing a shared resource – for example a river, a watershed or certain fisheries – or process – for example operation of rail networks. In the case of the Ocean SAMP, the states of Rhode Island and Massachusetts signed a memorandum of understanding for developing offshore wind power in federal waters adjacent to both states, named 'Area of Mutual Interest'. Because the Ocean SAMP had been accepted by federal government as the governing instrument for that area, it also became the instrument governing the relationship between the two states in that area.

- In Xiamen, the hierarchical planning system means that lower-level plans need to conform to the content and objectives of higher-level ones, ensuring harmonisation of processes and regulations across jurisdictions. Proactive collaboration between neighbouring provinces or neighbouring cities is the exception rather than the norm. It is the oversight role played by higher-level MFZ agencies that ensures coherence between neighbouring plans at the lower levels. As is the case in the US, neighbouring cities and to a lesser extent neighbouring provinces do collaborate on if there is a specific need or priority to address – for example Xiamen and the neighbouring cities of Quanzhou and Zhangzhou have a common port development strategy, and have in recent years discussed the possibilities and benefits of collaborating in the field of MFZ.

(ii) "Partnership/transnational governance" whether voluntary or treaty-based, refers to the interaction/relationships between one or more sovereign nations to jointly plan and manage a shared resource or area. The responsibility for implementation of a common plan typically rests with each party separately. This type of governance is illustrated by the CTI-CFF and CCMLAR case studies.

In the case of the CTI-CFF, participating countries had already established regional cooperation mechanisms under various regional institutions including the Pacific Island Forum, the Association of Southeast Asian Nations (ASEAN), Regional Fisheries Management Organisations (RFMOs) and several regional conventions. New models of regional governance and collaboration have also emerged in recent years, such as the Micronesia Challenge[10] paving the

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[9] Information about interstate compacts is available at http://apps.csg.org/ncic/Default.aspx

[10] The Micronesia Challenge, established in 2006, is a commitment by the Federated States of Micronesia, the Republic of the Marshall Islands, the Republic of Palau, Guam, and the Commonwealth of the Northern Marianas Islands to preserve the natural resources that are crucial to the survival of Pacific traditions, cultures and livelihoods. The overall goal of the Challenge is to effectively conserve at least 30% of the near-shore marine resources and 20% of the terrestrial resources across Micronesia by 2020.

way for new institutional arrangements for the management of fisheries and shared marine resources.

In 2009, six nations with very different governance systems, capacity and socio-economic status came together at the initiative of non-state actors in a voluntary partnership (the Manado Declaration) to collaborate on issues of common interest and learn more about marine conservation practices. The expectation was that management at the provincial and municipal levels would be strengthened as a result. Eventually the voluntary partnership was formalised as a non-legally binding instrument between governments ratified in 2014. Strong political commitment of the individual countries and implementation of the Manado declaration drove cooperation across the Coral Triangle countries and partners in the region.

The Southern Ocean, where a number of sub-Antarctic Islands and territorial claims co-exist, has been governed by the international Antarctic Treaty System (ATS) since 1961. In 1980, parties to the Treaty adopted the legally binding Convention on the Conservation of Antarctic Marine Living Resources, CCAMLR, in response to a history of over-fishing and threat of increased unregulated fishing of krill. A unique feature of this governance arrangement is the focus on management of a common resource in the high seas, putting aside territorial claims, with "local" implementation considered as a collective responsibility. Treaty-based agreements typically require decisions to be made by a Commission representing all parties on the basis of consensus. Such commissions seldom have implementation powers, and each individual party is therefore responsible to implement the agreed measures in its territory and/or through the individuals and organisations under its jurisdiction (for example vessels flying its flag).

4.1.2. Socio-economic and environmental setting

Lesson 2: Socio-economic and environmental conditions shape the drivers and goals of MSP

Throughout the 1990s, Xiamen experienced rapid economic growth and coastal development driven by large increases in port traffic, mariculture, immigration and tourism. This economic boom had strongly negative impacts on coastal and marine habitats and biodiversity. Large stretches of the coast became densely populated, accompanied by large scale and often unregulated land reclamation for agriculture, aquaculture and housing. Conflicts multiplied between existing and new maritime sectors and compliance with existing regulations was generally low. The negative environmental and socio-economic impacts were widely considered inevitable given the imperative of rapidly improving the living conditions of a very large population. In this context, MFZ in Xiamen was developed as part of the city's response to reverse those downward trends and reduce conflict between sectors, which were beginning to impact the local economy and living conditions negatively. Within the broader PEMSEA ICZM demonstration programme, MFZ became a key tool for reducing sector conflicts, relocating activities to areas that were environmentally better suited and aligning sea uses with the city's broader development plans.

In contrast, the socio-economic and environmental context at initiation of the RI Ocean SAMP was one of a relatively well managed and maintained marine area where fishing, shipping and recreational fishing and sailing were the key maritime activities. Large investments had been made over the previous decades to curb pollution, recover the upper Narragansett Bay and preserve the environment in the adjacent sounds. The area had a history of strong resistance to hydrocarbon exploration, dredge spoils disposal and in neighbouring state Massachusetts, the development of offshore wind energy. A decree by the RI governor to increase the share of renewable energy sources in the state energy mix prompted developers to explore alternatives for offshore wind installations in state and adjacent federal waters. It was this context of a rich maritime culture, strong maritime identity, and concern for the status of the marine environment that dictated the Ocean SAMP should evaluate the feasibility of accommodating new offshore activities with the least possible disruption to the environment, existing marine users and the state's maritime traditions.

The Coral Triangle region is densely populated, with around 390 million people living in the six Coral Triangle countries. Main maritime activities include fishing, shipping, tourism, aquaculture and seaweed farming. The Coral Triangle delineation follows scientifically established boundaries in relation to coral species, where pristine areas coexist with areas of severe degradation. Transnational threats arise from IUU fishing within the region, as well as from the trade in vulnerable species, e.g. sea turtles, sharks, manta rays, and live fish for the aquarium trade. The impacts of climate change are also a concern for the region, notably increased storm frequency and intensity. The CTI-CFF regional initiative was motivated by the desire to address those transnational threats, as well as to sustainably develop marine- and coastal-based activities in each of the participating countries.

Similarly, environmental threats were the key driver behind CCAMLR, in particular those associated with a history of over-fishing in the Southern Ocean and the threat of increased unregulated krill fishing (*Euphausia superba*). Addressing these threats was believed to require the engagement of all countries active in the area. The lack of coastal states in the Southern Ocean significantly reduced the number of socio-economic factors at play.

4.1.3. MSP Drivers and Goals

Table 3 summarises the key drivers and the goals of the four MSP initiatives included in the case studies.

Table 3 - Overview of drivers and goals of the MSP cases

	RI Ocean SAMP	CCAMLR	CTI-CFF	Xiamen MFZ
Driver(s)	Offshore wind development to meet state renewable energy targets	Protection of marine ecosystems, and species from increasing unregulated commercial fishing and overfishing	1) Reversing the degradation of coral reefs 2) Ensuring food security through improved fisheries management 3) Addressing negative impacts of climate change	1) Sea-use conflicts 2) Marine environmental degradation 3) Lack of institutional coordination
Environmental goals	1) Foster a properly functioning ecosystem (ecologically sound and economically beneficial)	1) Maintain sustainable populations of fish 2) Ensure a healthy ecosystem 3) Develop a representative network of MPAs in the Southern Ocean	1) Designate and effectively manage "Priority Seascapes" 2) Apply Ecosystem approach to management of fisheries (EAF) and other marine resources 3) Establish MPAs 4) Improve status of threatened species	1) Protect and improve the marine environment 2) Repairing and restoring coastal ecosystems* *Included in 2016 revision
Socio-economic goals	1) Promote and enhance existing uses 2) Encourage marine-based economic development 3) Build a framework for coordinated decision-making		1) Adopt Climate change adaptation	1) Address sea use conflicts 2) Rationally exploit and utilize marine resources 3) Optimization of the marine economic structure

The variety of drivers framing MSP can also be seen from the analysis of the Global MSP Inventory (see Appendix 3). This analysis shows that most of the MSP processes studied have been issue-driven, share a focus on sustainable use of marine resources and are designed to reflect the socio-economic context of the area.

Lesson 3: MSP can be an instrument for 'blue growth' if it contributes to simplifying administration and minimising risk and uncertainty in investment

The goals of both the RI Ocean SAMP and the Xiamen MFZ plan address the development of maritime industries, and the success of both plans can be assessed from their contribution to minimising investment risks and regulatory uncertainty. This has been possible through resolving existing or potential conflicts with other marine users and establishing a clear, comprehensive and uniform regulatory regime.

In response to its main driver, the RI Ocean SAMP was instrumental in ensuring the rapid approval of the pilot Block Island Offshore Wind Farm in state waters and streamlining the regulatory regime for offshore wind developments in the federal waters covered by the plan. Important gains for the state and the developer were made from the shorter approval time and the lower cost of producing the plan compared to those of environmental impact statements and probable litigation settlements, which would have been likely in the absence of the Ocean SAMP.

MFZ in Xiamen and in other locations in China has prioritised the economically most valuable and efficient uses in the allocation of marine space – in the case of Xiamen those were shipping and tourism, to the detriment of fisheries and aquaculture, which were declining in the 1990s and responsible for environmental degradation in the Xiamen seas. This approach was seen as an imperative for boosting socio-economic development of coastal regions, and the case study suggests that it has been an important contributor to the regeneration and development of Xiamen, and is largely regarded as beneficial by the city's inhabitants, including former fishermen. MFZ is currently an important instrument for development planning jointly with other planning instruments.

In contrast, the CTI-CFF has yet to achieve sustainable fishing levels or encourage sectoral investment as the process design has so far focused on environmental protection and not on developing productive maritime sectors. While the CTI-CFF has a clear goal to develop an ecosystem approach to fisheries (EAF) management, progress has been slow due to lack of common understanding across the CT6 of the core EAF principles. As a result, there has been very limited engagement with the productive maritime sectors to advance this work.

4.1.4. Application of ecosystem-based management

The "ecosystem approach" or "ecosystem-based management" (EBM) refers to "a strategy for the integrated management of land, water and living resources that promotes conservation and sustainable use in an equitable way" [11].

In practice EBM calls for an adaptive and participatory approach to spatial management that addresses both environmental and societal well-being and adopts a long term view (McLeod and Leslie 2009). EBM can be applied by individual sectors – for example the ecosystem approach to fisheries management – as well as to cross-sectoral forms of planning and management, such as MSP. For MSP to be considered ecosystem-based it needs to express the fundamental tenants of the approach: 1) aligning with ecosystem boundaries; 2) managing for multiple ecosystem benefits; 3) considering cumulative impacts; 4) using best-available science and information; 5) applying the precautionary approach to deal with uncertainty; and 6) managing adaptively (UNEP 2011).

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[11]Convention on Biological Diversity (CBD) www.cbd.int/decision/cop/?id=7148

Lesson 4: The lack of shared understanding of the core principles of EBM poses challenges

All four of the case studies aim, explicitly or implicitly, to apply EBM as the core purpose of the MSP process, but all cases have experienced challenges in the actual delivery of such an approach.

The first challenge is the lack of common understanding of what EBM entails. In the case of the CCAMLR, goals that embody core principles of the ecosystem approach to fisheries management are explicitly outlined. However, CCAMLR Members have spent significant time debating the extent to which a highly complex ecosystem needs to be understood and managed. Some CCAMLR Members have strongly advocated for 'feedback management', which would support real-time adaptive management of resources in space and time, whereas other Members feel that this is an overly complicated approach that may not necessarily deliver improved results commensurate with the investment in time and effort that it would require.

Similarly, the CTI-CFF Regional Plan of Action has an explicit goal to apply EAF management, but this was agreed without reaching a collective understanding between the six participating countries around the EAF concept itself, which has consequently slowed progress in implementation. In Rhode Island, the state's coastal programme has long adopted EBM as a central component of its work, particularly in the design of SAMPs. However, the Ocean SAMP does not describe explicitly what EBM entails or how it is to be implemented. As a result, some stakeholders have questioned whether the Ocean SAMP represents a comprehensive delivery of the ecosystem approach. In the case of Xiamen's MFZ, although zoning is based on the characteristics and the carrying capacity of the natural environment, there are no explicit EBM goals or any agreed process for applying the approach to planning. The planning authorities acknowledged that an ecosystem approach to marine planning is an aspiration and currently work in progress.

The conceptual ambiguity described above seems to have resulted in case studies applying only selected EBM principles. For example, all four cases invested in collating the best available ecosystem and human activity data but only CCAMLR appears to have ensured that a precautionary approach was expressly built into the process of incorporating these data into decision making.

Lesson 5: The scope of the MSP process can limit the extent to which comprehensive EBM can be applied

A second challenge in the application of EBM within MSP in the case studies is the ability of any MSP process to influence all the necessary maritime activities affecting the ecosystem in the plan area (see Lesson 16). The RI Ocean SAMP policies and regulations, for instance, do not affect fisheries management. This was primarily due to the fact that the RI CRMC does not have authority over fisheries management, and that changing the fisheries management system would have been excessively cumbersome and distracted from the main aim of the plan. The decision to not include fisheries management measures in the Ocean SAMP was criticised by some stakeholders as limiting the extent to which the plan is ecosystem based. In the case of CCAMLR, although its mandate does not cover the management of whales or tourism (these issues fall under the purview of the International Whaling Commission and the Antarctic Treaty, respectively), these activities have an impact upon the marine ecosystem. The clear need is to consider all the governance instruments and institutions that have an influence on human activities, and to ensure that the necessary linkages and collaborative mechanisms are in place in order to deliver comprehensive ecosystem-based ocean management in any geographic area.

The third challenge identified is the existence of jurisdictional or administrative borders that do not match those of ecosystems. Both the RI Ocean SAMP and the Xiamen MFZ are applied within previously defined jurisdictional boundaries, which do not correspond to the boundaries of the much larger ecosystems where the planning area is embedded. Aligning the boundaries of MSP processes with those of ecosystems is often a significant challenge, since marine ecosystems often straddle jurisdictional borders, including national ones, whereas planning

processes do not. The two transnational case studies suggest that this challenge is reduced when the planning area is enlarged. The boundaries of both the CCAMLR and CTI-CFF processes were carefully aligned with their respective ecosystems. However, it is important to ensure that an MSP process also has an associated mandate to implement cross-sectoral EBM measures throughout its coverage area. At the time of negotiation, CCAMLR ensured that its remit was appropriate to address the major threats to the ecosystem. Due to its regional transboundary scale, however, the CTI-CFF case found that the mandate of other management institutions (e.g. Regional Fisheries Management Organisations) overlapped with those of the CTI-CFF, causing some friction. Aligning the MSP process boundaries with the mandate to manage resources within the MSP area is essential.

4.1.5. Scope and design of the plan

Lesson 6: A clear and structured process that is understood by all relevant parties facilitates engagement and accelerates the planning process

All four case studies have been guided by conceptual frameworks that vary in their extension and level of detail, and the emphasis they place on factors related to environmental and socio-economic conditions and stakeholder engagement.

The RI Ocean SAMP, for example, followed the policy cycle initially put forward by GESAMP (1995). This framework is similar to the ICM cycle applied by PEMSEA to all its coastal and marine management programmes, including the one in Xiamen. In the Ocean SAMP, the fact that the entire process was made clear and frequently discussed with all stakeholders was important to ensure their engagement and maintain momentum through the planning.

In CCAMLR there is a long-term tradition of negotiating conservation measures in response to results from research on the effects of fishing on the ecosystem. The structures and processes for decision making have been negotiated by the parties to the Convention. They are well established and accepted, which is fundamental for the ability of CCAMLR to define and implement management measures. However, there have been disagreements among parties about the interpretation of the concepts of 'conservation' and 'rational use', which has delayed consensus and action on measures to address those two central issues.

A similar challenge was observed in the CTI-CFF, where concepts such as 'seascapes' and 'ecosystem approach to fisheries management' are interpreted differently by the six partner countries. Goals related to these concepts were therefore not well understood by all CT6 governments, rendering agreement on the design of common policies difficult and slowing down the planning and implementation processes.

Lesson 7: Coordination across land and sea depends on the extent of authority of the marine plan over land-based activities and the coordination with existing coastal management instruments

With the exception of CCAMLR, the cases examined have objectives related to coordinating planning and management across the land-sea divide. Ensuring coordination in practice has been shown to require granting the marine plan authority to influence planning on land and establishing a mechanism for dialogue between the agencies responsible for planning on land and at sea.

Coordinating planning on land and at sea makes it possible to optimize the siting of infrastructure and services on land necessary for activities taking place at sea, and vice versa. In China, the MFZ process recognises explicitly the need for coherent planning between land and sea and is currently a valuable mechanism for delivering coordinated land-sea management. An important feature of the plan to ensure this coordination is the equivalence of status of land and sea use plans. This has meant that no development or investment can be approved in the sea without ensuring that a complementary use is sanctioned on land, and vice-versa. In other words, 'functions' on land must be compatible with functions in the sea adjacent.

The city government of Xiamen is responsible for coordinating the work of the land and sea planning authorities.

In RI, the Ocean SAMP recognises explicitly the impacts of land-based activities on the ecosystem in the plan area. However, the plan has limited authority to influence decisions affecting those authorities, which are addressed by other planning instruments. The fact that the RI CRMC is responsible for planning at sea and in the coastal zone and that coastal and marine plans need formal endorsement at federal level ensures a sufficient degree of coordination in planning across the land-sea divide.

In the CTI-CFF, the Regional Plan of Action indicates that land-based pollution and development cause significant damage to the Coral Triangle, but there is very little direction provided and no mechanism suggested to address such a threat. Action under the CTI-CFF to coordinate planning and management on land and at sea has therefore been limited. In the Southern Ocean, where human presence and development are relatively limited, management on land is the responsibility of the ATS that CCAMLR is part of.

4.2. Collaboration and consultation in MSP

4.2.1. Stakeholder engagement

Stakeholder engagement in MSP plan can take different forms. The Global MSP inventory shows how MSP processes tend to pursue lengthy processes, targeting key stakeholders and public audiences (see Appendix 3). In most MSP processes, key stakeholders have typically been national and provincial government and related agencies, economic sectors, universities and research institutions, non-governmental organizations and local communities. Extensive stakeholder engagement was found to frequently extend over periods of 2-5 years.

Lesson 8: The governance and cultural context determine the degree to which non-governmental actors and resource users are involved in MSP

The design and approval of the MSP cases examined has primarily been the responsibility of government agencies at different levels – municipal, provincial, state, national and multi-national. In the planning phase, disagreements between stakeholders are most likely to be rooted in different views of the issues to be addressed, the phrasing of the goals of MSP and the selection of the strategies by which goals will be achieved.

Rhode Island has a tradition of civil society engagement, public participation and public access to information on proposed developments and environmental initiatives. In this context inclusive stakeholder participation has been central to success and has allowed for the development of trust between the different organisations and individuals involved, including those who initially opposed the plan. Early and continuous engagement maintained momentum, commitment and support throughout an intense two-year planning process. With the lack of such structured and well-designed process it is likely that the Ocean SAMP would have met strong opposition from key stakeholders, particularly fishermen. This would have slowed down the process and delayed consenting of the Block Island offshore wind farm, which was a key objective of the plan. The long history of positive cooperation between the CRMC and the Coastal Resources Center at the URI – who led the stakeholder engagement process - gave the Ocean SAMP the technical capacity and credibility necessary for leading a complex multi-stakeholder process.

The Xiamen MFZ case presents a context where marine planning is undertaken solely by municipal officials and plan oversight and approval is the responsibility of the provincial and national authorities. Sector interests are represented by the government agency responsible for the sector, which in turn may consult with operators and other sector representatives. Direct public engagement in MFZ in China is not the norm, and direct stakeholder participation in planning is not considered critical to the adoption and successful implementation of the plan.

The CTI-CFF illustrates an MSP process undertaken primarily by high-level government authorities of six nations with the aim of strengthening collaboration and collective learning.

While international environmental NGOs participated and supported the process, resource users at the local level have not been engaged, and may not even be aware of the process. The CTI-CFF represents a tiered planning process in which participation and decision-making roles and responsibilities are established at the ministerial, advisory and technical levels across jurisdictions, while maintaining the autonomy of the countries when framing MSP policies and regulations.

CCAMLR adopted an approach in which governments represent their interests through national stakeholders acting as their representatives, and where industry and environmental NGOs engage in the process as observers.

Lesson 9: Sectoral engagement bodies can keep up momentum during planning and implementation and ensure data sharing is maintained in the long-term

The Global MSP Inventory contains several cases where the establishment of stakeholder or community engagement bodies has supported a number of MSP processes during planning as well as implementation. In many cases these were referred to as 'advisory councils', 'advisory committees' or 'partnerships', that typically have a membership and meet 2-4 times per year to share information and raise any new issues raised by the MSP process (see Appendix 3).

In Rhode Island, the 'General Policies' of the Ocean SAMP created the 'Habitat Advisory Board' (HAB) and 'Fishermen's Advisory Board' (FAB). The former is a standing panel composed of representatives of marine research institutions and environmental NGOs, advising the CRMC on the ecological protection and restoration, and on the siting, construction and operation of offshore infrastructure in the Ocean SAMP area. The HAB has held several meetings and been consulted occasionally by federal and state agencies and the offshore wind developer since adoption of the plan. The FAB is a similar standing panel tasked with advising the CRMC on the siting and construction of infrastructure or the development of new activities in marine waters from the perspective of professional and recreational fishermen. It is a nine-member board representing RI's and Massachusetts' fisheries in the Ocean SAMP area. The FAB has been engaged frequently with the developer of the Block Island wind farm during the permitting and construction process, and more recently with federal agencies and developers in the development of the Area of Mutual Interest.

In Xiamen, the Marine Experts Group, comprising of marine scientists, legal experts and economists, was established by the Municipal Government as a means to integrate science into policy-making and management. The group has responsibility for organising experts to consult and investigate works on marine planning, marine development and management. Marine users and other stakeholders are informed of MFZ activities but generally not directly involved in decision-making, though.

Through the engagement of members of the Commission in its formal processes, including attendance at annual meetings and membership of the Scientific Committee and associated thematic working groups, the CCAMLR provides opportunities for shared discussion and decision-making on marine issues that cross international jurisdictions. CCAMLR itself is legally committed to cooperate with intergovernmental and non-governmental organisations for mutual benefit (CAMLR Convention Article XXIII). This includes the Antarctic Treaty Consultative Parties, the Food and Agriculture Organisation of the United Nations (FAO) and other specialised agencies, and inter-governmental and nongovernmental organisations.

4.2.2. Cross-border collaboration

The Global MSP Inventory (see Appendix 3) identifies different vehicles for cross-border collaboration between different countries, ranging from large well-established formal processes that have clear cooperative infrastructure in place (such as SPREP, CCAMLR and the CTI-CFF), to more recent and informal arrangements between countries for jointly managing cooperative activities (such as joint MPA training between Indonesia and Timor Leste within the Lesser Sunda Ecoregion process).

At sub-national levels, collaboration between adjoining districts, states or local government departments, often within nested planning systems, is frequently realised through the development of non-binding social structures such as committees, forums and working groups.

Lesson 10: A coordinating body or mechanism accepted across different jurisdictions facilitates commitment from relevant parties during planning and implementation

In Rhode Island, state and federal agencies vested the coordinating authority for the Ocean SAMP on CRMC, which through a specific agreement with the neighbouring state of Massachusetts, was also assigned with the coordination of the Area of Mutual Interest explored by the two states.

The nested system of the Chinese MFZ grants the higher-level planning entities the authority to revise and approve plans prepared at lower jurisdictional levels. This has proven critical to ensure a high level of compatibility in how plans are designed and implemented at the different levels.

In the CTI-CFF, where each country has its own programme of work within the Regional Programme of Action, the Regional Secretariat plays the essential role of ensuring that 1) regional progress is made towards the overarching goals, 2) partners are actively and willingly moving in the same direction towards those goals, and 3) that the overall aims and successes of the initiative are being communicated widely in the appropriate forums.

Lesson 11: Creating a sense of collective purpose and trust among authorities involved in the MSP planning process assists collaboration

The case studies illustrate how the sense of a collective identity can be created in different ways, including through frequent exchanges, ensuring a common language, and emphasizing equality amongst participants.

The case studies demonstrate how frequent exchanges and regular interaction between a 'constituency' of engaged individuals encourages collegiate behaviour among the representatives of the participating nations. Despite its large scale, CTI-CFF is widely referred to as a 'family' by its members due to the high level of regional exchange and cross-border working opportunities that are provided within the CTI-CFF framework. In CCAMLR, formal membership and consensus-based decision making are used to ensure equality amongst the Member States.

In Rhode Island, the use of platforms for the engagement of different government agencies ensured consistency of MSP policies and regulations as they took shape. The extent to which these platforms were used varied between agencies due to their different interests and priorities. For instance, due to the strong interest of Massachusetts in offshore wind development, this state and RI established communication channels towards the development of the Area of Mutual Interest. A similar approach was used in Xiamen, with the establishment of the Marine Management Coordination Committee to provide policy advice, review progress and consider recommendations during both the planning and implementation phases. This proved effective for addressing cross-agency management issues related to the utilization of sea-space and marine resources.

Lesson 12: Addressing language barriers facilitates decision-making in multicultural contexts

Within multicultural cross-border decision-making frameworks, where negotiation skills are most needed, removing any language barriers is particularly valuable. This was observed in the CCAMLR and the CTI-CFF, where members and a large number of stakeholders involved come from disparate areas operating in different languages. In the CCAMLR the fact that working groups are not interpreted was considered by some to be associated with strong oppositions to specific proposals at subsequent Commission meetings.

4.2.3. Information exchange

Lesson 13: Information exchange can support not only the development of MSP itself but also in building trust

In the case of the CTI-CFF, where countries were initially reluctant to share data, the Secretariat made it a priority to facilitate data exchange and established a more informal face-to-face series of meetings with each of the CTI-CFF countries, thus encouraging individual incentives to share information. Another strategy was the development of the Coral Triangle Atlas – an attractive and intuitive web platform for displaying data in formats accessible to all members. In the US, a similar approach has been used by the Northeast Regional Ocean Plan, through the compilation of the Northeast Ocean Data Portal, designed to promote the use of a common database by federal authorities when making planning or management decisions.

In CCAMLR, differences between Members' data holdings are generally recognised, where certain countries have had long-running research programmes and Antarctic bases collecting data (e.g. UK, Australia, US, Argentina, Chile, etc). These countries tend to be those who provide the strongest evidence base supporting management proposals. By focusing on the scientific rigour of proposals to the Commission, the Scientific Committee provides a forum for politically impartial discussion as opposed to geopolitically tense negotiations that could be expected in a shared marine area.

With the aim of establishing not only collaboration but also an open, transparent and inclusive process, the RI Ocean SAMP decided to make all data openly available, and to include stakeholders in fieldwork – specifically fishermen and representatives of the Narragansett Tribe. This reduced concerns by these groups over the quality and pertinence of data on fisheries and pre-Colombian settlement sites.

Lesson 14: Reciprocal capacity building can be used to strengthen MSP cooperation

This seems to be particularly important in contexts where capacity is uneven among the institutions within the different jurisdictions, as is the case of the CTI-CFF. Here partnership pairs involving one higher and one lower capacity country were established to enable the sharing and strengthening of specific collaborative practices.

In CCAMLR, there are noticeable differences between the extent and quality of Members research programmes that provide input into the CCAMLR Scientific Committee. It is, however, common for different Members to join each other's research missions, thus building capacity and increasing the knowledge base and the quality of Member's research programmes.

4.3. Implementation of MSP

4.3.1. MSP policy and governance

The need for a legal basis in MSP depends on the scope and goals of the plan, and its design will be determined by existing governance frameworks. The Global MSP Inventory shows that of the 22 MSP process in implementation, 19 were underpinned by a legal instrument such as an act or ordinance. In most cases, however, these laws were national in focus and therefore not tailored to specific sub-national or international plans. The Inventory also illustrates how the use of non-legally binding political agreements in cross-border contexts can support international MSP cooperation by providing the political drive for collaboration and communication.

Lesson 15: A clear legal framework underpinning the plan assists in establishing the roles and responsibilities of governmental and non-governmental actors

In Rhode Island and Xiamen, a strong clear framework recognised at different levels made possible the definition of regulatory powers and the establishment of the enforcement mechanisms of the plan. It also specifies the process and outputs of the plan, and defines the hierarchy of the marine plan relative to other planning instruments. More generally, whether

this is achieved by means of regulations, policies or other mechanisms depends on the governance traditions in each place.

CCAMLR, relies on members transposing the management decisions into their national legislation, and having the catch documentation scheme, regular observers and flag-state measures, as well as a Standing Committee on Implementation and Compliance, has proven instrumental in ensuring compliance.

In contrast, the CTI-CFF invested more time in the agreement of goals and a plan of action in 2009, before committing to implementation through the adoption of the Rules of Procedure and the Secretariat Agreement two years later. Socio-economic differences across the Coral Triangle countries challenged the level of engagement of some of them at inception (e.g. Papua New Guinea was slow to ratify the Secretariat Agreement on financial grounds).

In marine areas shared by more than one country, other mechanisms have also be identified in the Inventory, including the creation of cooperative organisations (for example in the Red Sea and Gulf of Aden), or the establishment of 'social infrastructure' to generate the conditions for effective cooperation (such as information and good practice sharing mechanisms used by SPREP) (see Appendix 3).

Lesson 16: The mandate for MSP determines the scope of the process

As discussed in Section 4.1.3, in the same way that specific issues and interests define MSP objectives, the mandate of the planning agencies will influence the scope of the plan, namely the extent to which it can spatially manage the environment and human activities.

In the Xiamen case, responsibility for MFZ, which includes authorizing specific agencies to develop certain aspects of the MFZ, rests with the Xiamen Oceans and Fisheries Bureau. The authority vested in the Bureau and the plan means that all maritime activities can be affected by measures included in the plan.

In Rhode Island, the Ocean SAMP was led by the CRMC in collaboration with the University of Rhode Island. The Council has the primary responsibility for 'the preservation, protection, development and where possible the restoration of the coastal areas of the state', and has competence over leasing of submerged lands and licencing of a range of activities. That the CRMC does not have authority over fisheries management was one of the reasons why the plan does not provide for changes in the fisheries management regime.

Within each of the six CTI-CFF countries, relevant ministries are involved in delivering the national CTI-CFF goals, but the lead government ministry is typically concerned with environmental affairs. This aspect seems to have resulted in the CTI-CFF being perceived as an environmental rather than a cross-sectoral initiative, despite the clear emphasis on fisheries and food security in the overarching goals of the Initiative. This appears to have affected the support received from ministries concerned with socio-economic development, and has certainly resulted in the CTI-CFF relying upon significant donor funds rather than sustainable investment financing.

In the CCAMLR context, the Commission has competence over fisheries management, fishing-related activities, conservation of living resources, and relevant scientific research, which has resulted in the adoption of conservation measures and designation of MPAs. In case of some other activities, for instance mining or tourism, CCAMLR coordinates with the Antarctic Treaty Consultative Meetings in the context of the ATS. For whaling management issues, CCAMLR coordinates with the International Whaling Commission, which is not part of the ATS. Accordingly, it is considered that at present, CCAMLR's scope is not comprehensive in relation to any future activities that may develop in the region. At the same time, although national delegates representing CCAMLR Member governments often come from Ministries of Foreign Affairs (UK, US, Norway, New Zealand, France, etc), there has been increasing Member State representation through fisheries sector representatives, both from industry and fisheries

ministries. This has led some to suggest that CCAMLR's conservation objectives may become less well represented.

Lesson 17: The establishment of common measures across borders may require clear incentives to relevant parties

Within the CCAMLR Convention area, the maritime zones around sub-Antarctic islands (e.g. Heard and McDonald Islands; Prince Edward Islands) fall under national jurisdictions and constitute 'pockets' where Convention regulations and management measures do not necessarily apply. It is felt in these cases that incentives can encourage consistency of management measures across the entire CCAMLR area, including those 'pockets' of national waters.

In Rhode Island, the desire to develop offshore wind was a clear incentive for Massachusetts to get involved and strengthen collaboration through the agreement to establish the Area of Mutual Interest. A comparable situation was found between Xiamen and the neighbouring cities of Zhangzhou and Quanzhou with respect to the development of a common port development strategy. This strategy enables the Xiamen port to continue expanding, which would not have been possible if it would have remained within the boundaries of Xiamen city.

Lesson 18: Surveillance and enforcement mechanisms in combination with targeted capacity development and incentive mechanisms can facilitate adoption of good practices by user groups

The China, MFZ demonstrates how a strong enforcement capacity based on a clear legal framework has succeeded in bringing about change in behaviour of marine user groups, who in some case have had to make very significant adjustments to their activities. In the particular case of Xiamen, enforcement by public authorities has been aided by the public reporting infringements to the authorities. This has in large part been the result of efforts to raise public awareness about the importance of MFZ for the health of the environment and the efficiency of the economy.

CCAMLR has developed a range of mechanisms to ensure compliance with its conservation measures (see Section 4.5), and the open discussions between all Members on landings data and infringements appear to have improved compliance. Ensuring full compliance by Members remains a challenge though, due to consensus decision-making, which allows Members to block conservation measures unilaterally.

In the US, although the RI Ocean SAMP has been successful in the development of the country's first offshore wind farm, good practices advocated by the plan have not necessarily been endorsed elsewhere. For instance, the federal Bureau of Ocean Energy Management, a relatively new agency responsible for offshore wind consenting that was strongly involved in the Ocean SAMP has not adopted the strongly participatory Ocean SAMP approach to planning in federal waters off New York. This suggests that the agency has not fully internalised the Ocean SAMP good practices across the organisation.

4.3.2. Monitoring and Evaluation

Lesson 19: A consistent, user-oriented and adequately resourced M&E system can assist in demonstrating progress, adjusting implementation and communicating results

The RI Ocean SAMP illustrates how a very comprehensive and thoroughly conceived M&E system can be too resource demanding to support and insufficiently practice-orientated to be useful in routine plan implementation. Shortage of funding is one of the reasons why the operationalisation of this M&E system remains a challenge to this day. In China, the 10-year revisions of MFZ plans are preceded by an evaluation of the existing plan, focusing on 1) implementation performance; 2) degree of conformance with the prescribed sea uses; and 3) degree to which the marine functions have been realised. At the same time, it was

acknowledged that plans are occasionally revised outside the standard review period following strategic decisions affecting maritime sectors.

The importance of sustaining funding for M&E is also demonstrated by the CTI-CFF case. Although the CT Atlas database was regarded as a successful way to document baseline conditions, highlight progress and provided partners with a sense of identity and achievement, no capacity had been built within the CTI-CFF to maintain the CT Atlas when funding terminated. On a more positive note, the CTI-CFF case demonstrates how, in a cross-border context, an umbrella M&E system can remain flexible. For example, while all countries have agreed to adopt MPA management effectiveness tools, each country adopted different approaches depending on its context. The umbrella CTI-CFF infrastructure then provides the mechanism for comparing MPA management effectiveness across countries.

CCAMLR has identified a range of environmental and human activity indicators that it uses to monitor ecosystem health, fish stocks, fishing activity and compliance. Through the CCAMLR Ecosystem Monitoring Programme, environmental and economic indicators are being monitored to track CCAMLR's progress towards its MSP goals and targets. In the case of fishery notifications, industry bears the costs of the assessments. The Standing Committee on Implementation and Compliance is responsible for fisheries monitoring and compliance using the CCAMLR System of Inspection and Scheme of International Scientific Observation, as well as other sources, such as reports from Members. Once a year, this body reviews and assesses the implementation of and compliance with approved conservation measures.

4.4. Resourcing MSP implementation

As shown in Table 4, although funding requirement for the development of the process was secured in all four case studies through public funding and can be considered substantial in relation to the scale of each, sources of funding dedicated to implementation, in the long-term, lack certainty in the cases of Rhode Island and CTI-CFF.

Table 4 - Funding in case studies

Case Study	Funding Planning Phase		Funding Implementation phase
Rhode Island Ocean SAMP	USD 8 million in 3 years (2009-2011)	Mostly combined state and federal budgets; in-kind from URI and small contribution from NGOs	Long term funding is uncertain
CCAMLR	Unknown	Combined membership fees, income from assessment of fisheries notifications (Fisheries Notifications Fund), and in-kind Member contributions from research programme activities (N.B. as an ongoing management organisation, no distinction is made in CCAMLR between planning and implementation phases)	
CTI-CFF	USD 250 million in 6 years (2008-2014)	Primarily external from development institutions (public funding) International NGOs	Long term funding is uncertain
Xiamen MFZ	Unknown	The GEF funded the initial planning process through the PEMSE ICZM Programme. Subsequent planning phases funded by government (city, provincial and national)	National, provincial and city government budgets, in part supported by sea use fees.

Lesson 20: MSP implementation relies on sustainable funding

In most cases, implementation of MSP is the responsibility of public authorities and therefore likely to depend on public funds, as illustrated by the four case studies.

Sustained commitment from government to financing MSP can be critical for implementation to proceed as designed, data updates to be realised and M&E to be sustained. In the absence of such commitment, there is a risk that elements of the plan will not be implemented, as has been the case with elements of the RI Ocean SAMP M&E plan.

In Xiamen, the GEF-funded PEMSEA programme launched both ICZM and MFZ, which have subsequently been sustained by government funding. An important contribution to this funding includes the fees paid by operators authorised to use the marine space.[12] Here, a business case demonstrating the benefits of MSP for the different marine users has been used to justify the need for investor contributions.

MSP processes covering shared areas may require a transboundary business model, outlining the overall financing needs, cross-border financing mechanisms, business development and project preparation facilities, as well as standardised accounting, management and control procedures. As is the case of CCAMLR and other treaty-based organisations, financial obligations can be inscribed in the agreement governing the process, and also target industries for fee payment. This is the case of the assessment of fishery notifications, which are supported financially by individual operators.

The CTI case illustrates the challenges of heavy reliance on funding from international development assistance institutions and international NGOs. Such reliance reduces the need/willingness to raise national and local funding, which ought to constitute the primary financial basis for MSP implementation and a mechanism to leverage other funding. In addition, heavy reliance on external funding sources renders MSP vulnerable to the specific interests and changes in funding priorities of donors and can compromise the achievement of its goals and objectives.

4.5. Implications for MSP in Areas Beyond National Jurisdiction (ABNJ)

Under UNCLOS, fishing and shipping beyond national jurisdictions are so-called freedoms of 'the high seas' (i.e. activities carried out in the water column beyond national jurisdiction) but the seabed and its resources are described as 'the Area' and considered 'the common heritage of mankind'. Together, the 'high seas' and 'the area' are referred to as 'Areas Beyond National Jurisdiction' (ABNJ). The lessons in this section are drawn from the examination of the CCAMLR case study, which has a high seas mandate. However, as a cross-sectoral tool, MSP would ideally be applied to the management of both the seabed and the water column in ABNJ. Specific recommendations for the implementation of MSP in ABNJ are elaborated in Section 6.5.

Lesson 21: Strong, context-specific decision-making rules are an essential part of tackling the compliance challenges in ABNJ

Decision-making can take different forms and combinations: majority voting, proportional voting, unanimous agreement, consensus, or opt-outs. CCAMLR and its Scientific Committee are formally structured with full Member representation and adopt consensus-based decision-making. This decision-making choice provides all Members with equal vetoing powers and therefore the ability to prevent any action that might prejudice sovereign rights, which is particularly important within the ATS and its agreement to disagree over national sovereignty claims. While this consensus-based decision making process has caused frustrating delays to important conservation measures, and is not necessarily the approach taken by other regional

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[12] MFZ user fees amount to approximately CNY 60 billion per year for the whole of China.

management authorities, it is also considered by CCAMLR Members to be the most appropriate mechanism for ensuring support across all 25 Members, which automatically increases the likelihood of compliance.

Lesson 22: Incentive mechanisms, both formal and informal, are necessary to establish consistent management measures across jurisdictions

Where an MSP initiative covers different jurisdictional regimes, such as the presence of coastal State maritime zones in the CCAMLR Convention Area, there is a risk that inconsistent management actions can undermine wider objectives, and specifically the application of the ecosystem approach. Formally agreed mechanisms built into the terms of the governance instrument, such as CCAMLR's 'Chairman's Statement', that encourages coastal States to align their management measures with those of CCAMLR, are necessary in ABNJ, where activities must clearly follow accepted institutional mandates. However, under international law, CCAMLR cannot prejudice the rights of States, so coastal State reservations can be (and are) taken to conservation measures, according to the Chairman's Statement. CCAMLR employs other informal mechanisms to encourage consistency across jurisdictions within the Convention area. For example, having a transparent governance system where all Members collectively discuss the ecological and political implications of activities within the Convention area, combined with the Convention's clear objective to undertake ecosystem-based management, has meant that coastal State Members have generally chosen to adopt consistent measures within their own maritime zones.

Lesson 23: Combining traditionally sectoral approaches in a single mandate greatly facilitates ecosystem-based MSP in ABNJ

Resources in ABNJ are typically managed under global- or regional-level sector-specific instruments and their associated intergovernmental organizations. These governance arrangements result in a challenge for any MSP initiative, as there is no overarching body with a suitable mandate for cross-sectoral management. Uniquely, CCAMLR has a mandate for both conservation and sustainable resource use (in the context of the Convention, 'conservation includes rational use'), which has resulted in a membership that is not entirely driven by resource use interests alone. This fine balance between fishing and non-fishing interests has greatly facilitated ecosystem-based management decisions and MSP in a high seas context. CCAMLR's situation may be challenging to replicate where there are existing and well-established instruments in place.   However, there are other regional examples of how collaboration between intergovernmental organizations with an interest in ABNJ has begun to narrow the sectoral divide between management regimes (e.g. Mediterranean, North East Atlantic) as well as where innovative governance structures have been considered (e.g. Sargasso Sea). As UN General Assembly discussions progress with regard to the nature of the new legal instrument under UNCLOS, it is likely that these challenging issues will be addressed to some extent.   In the meantime, strengthening existing collaborations and building the capacity of institutions to adapt to evolving governance needs will be essential for MSP in ABNJ.

5. GOOD PRACTICES IN SUPPORT OF CROSS-BORDER COLLABORATION IN MARINE SPATIAL PLANNING

A number of other reviews of MSP have identified generic good practices (*inter alia* Schultz-Zehden and Gee (2013), WWF (2014), UNEP (2017) (see Appendix 3). A study commissioned by WWF (2014), for example, concluded that most successful marine spatial plans share several characteristics that may be interpreted as good practices. These were identified as:

1. clear legal authority to undertake MSP
2. strong political leadership
3. adequate financing to complete at least a first round of MSP
4. effective stakeholder engagement throughout the MSP process
5. clear, measurable management objectives
6. use of best available information, including local and traditional knowledge, in the analysis phase of MSP

The four case studies support these conclusions but add important caveats that illustrate how differences in the governance context qualify these statements and alter how they are prioritized and/or the strategies by which they are put in practice, particularly relevant to cross-border cooperation.

An overarching conclusion emerging from the case studies, and a dominant theme in the presentations and discussions at the 2nd International MSP Conference held at UNESCO, Paris on 15-17 March 2017[13], is that the practice of MSP is as much, often more, a social and political process, with major economic consequences, as it is a scientific and technical challenge. This conclusion has implications for cross-border collaboration in MSP and thinking through how best to address the priorities and challenges that lie ahead in a given marine area.

This overarching conclusion leads to the realisation that most MSP initiatives are primarily political processes; and that the usual limiting factor to effective MSP is the capacity to practice the ecosystem approach. As identified in Section 4, this is because the institutions with roles and responsibilities over marine areas typically have sectoral mandates and their experience in cross-border and trans-sectoral management is uneven and often weak. Another reason for weak capacity in the practice of the ecosystem approach is that the major challenges lie not in the application of knowledge generated by natural sciences but in the politically charged process of negotiating conflicts among interest groups and crafting the processes and rules by which destructive and unsustainable uses of marine goods and services are to be achieved. Given this context, good practices that encourage cross-border cooperation in MSP include the following.

Good practice 1: Invest in a deep understanding of the existing governance system

Where there are pressures and concerns within an area considered for MSP, a governance system is usually already present. Understanding the existing system in order to build on its strengths and respond to its weaknesses is a crucial first step that benefits from a long-term perspective on how and why that governance system has evolved to its current expression. Often, traditional forms of governance have shaped human behaviours in the area and a variety of interests are represented by a range of stakeholders. MSP initiatives, particularly those that integrate across more than one municipal, state, national and/or regional jurisdiction, need to understand how power and influence is distributed and what economic and social interests are at play.

It is often particularly useful to document how the existing governance system evolved over time and came to possess its current strengths and weaknesses. Gaps and limitations in the capacities, authorities and missions of the institutions involved must be understood and, if

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[13] www.msp2017.paris

possible, shared among those involved as a balanced and objective analysis of the existing governance system.

A clear understanding of the barriers and enablers to cross-border collaboration in MSP is the foundation for priority setting and the selection of the objectives for an initial iteration of an MSP program. The fundamental decisions on selecting the issues to be addressed, the geographic scale of the effort and selection of lead agencies should all be based on a thorough understanding of the existing governance system as it applies to the problems and opportunities to be addressed by MSP.

Good practice 2: Invest time and resources during the MSP processes in building trust and a sense of common purpose among all parties involved

Trust is earned and cannot be bought. MSP initiatives, and especially those that span across jurisdictions, require a high degree of collaboration and commitment, and this, in turn is built upon mutual respect and willingness to share power among the institutions involved. Yet the agencies of government, the political jurisdictions and the sectors with interests in a marine area often have a history of competition and conflict. These challenges must be overcome through a process that leads to shared perceptions of the issues to be addressed, the goals of an MSP and the strategies by which such goals will be achieved.

Good practice calls for engaging in activities that bring the players together and engage in activities that build a common sense of purpose. One strategy is to negotiate a declaration endorsed by high level representatives of government/s, that defines issues to be addressed and commit the nations involved to a common course of action.

As identified in Section 4, a strong coordinating body supported by all partners has been a crucial catalyst for effective cross-border collaboration in MSP processes reviewed.

Good practice 3: Adopt an issue-driven approach to MSP

MSP is most effective when it is "issue–driven" with clear objectives on matters of concern to government and stakeholders. Understanding what levels and agencies of government possess the legal authority required to assemble, approve and implement an MSP is therefore critical. To be effective, MSP initiatives, particularly those that are cross-border, must be selective in what issues they will address while maintaining the integrating attributes of the ecosystem approach to management. Issues that "stir the blood" attract attention, build constituencies and bolster political commitment. When MSP offers plausible solutions to significant problems or opportunities then the enhancement of MSP-supportive political will is likely to be forthcoming. Pilot projects, demonstrations of ability to solve immediate problems and grasp opportunities build credibility. Early actions can make tangible the values that underpin MSP.

Good practice 4: Adopt a long-term perspective

As stated by one participant at the Paris MSP Conference, "MSP is a marathon, not a sprint". Social and environmental change proceed at different rates and the interaction and interdependencies of human and environmental variables within a marine ecosystem are often highly complex. A long-term historical perspective on trends in the condition of a marine ecosystem and the goods and services it generates is essential to understanding current conditions. Similarly, the analysis of timelines that correlate with shifts in environmental conditions and responses to them reveal how the governance system has responded to issues in the past and its capacity to react to current and future conditions. These changes evolve over decades and require a long-term perspective on both the past and the future.

Another important implication of the long-term nature of effective MSP is the need for sustaining funding. The WWF good practice #3 is phrased as securing sufficient funding for "at least the first round" of MSP. This is funding for the planning phase. The four case studies show, however, that that the bigger challenge lies in securing funding for the long-term implementation of a plan's policies, procedures and rules. While it is widely recognized that the

planning phase of MSP is complex and costly, the expenses associated with surveillance, enforcement, education of resources users often require significant funding to be effective. Institutions that may have had modest roles in MSP formulation become important players during MSP implementation and may also require financial support. In order to enhance the financial sustainability of any MSP initiative, it is essential that stakeholders see it as an investment that will bring benefits to their sector.

Good practice 5: Manage expectations for stakeholder involvement

All guidance on MSP repeatedly emphasizes the importance of stakeholder participation, often creating the impression that more participation is better than less. The case studies demonstrate, however, that the extent to which non-governmental actors participate and shape MSP is strongly influenced by the traditions and practices of the existing governance system, which need to be considered to ensure effective and fit-for-purpose engagement.

Good practice 6: Design monitoring and evaluation system that analyses program performance, learning and progress towards goals over the long-term

M&E lie at the heart of good practice in MSP. MSP is relatively new, the designs of M&E components has to date emphasized factors related to assembly of the enabling conditions. This includes the analysis of issues, the building of capacities in a multi-disciplinary team, selecting strategies for the engagement of stakeholders and the strengthening of political will. All of these activities contribute to assembling the conditions that place MSP on the national policy agenda of the government or governments involved that culminates in a formally approved marine spatial plan. However, as the practice of MSP matures and more initiatives make the transition to implementation of the policies, rules and procedures called for by a plan, it becomes important to identify and track the changes in human and institutional behaviour that mark implementation. Over the longer term it is these changes in behaviour that bring about the reduction of threats and contribute to the improvements in social and environmental conditions that MSP programs are designed to achieve.

Since changes in the state of complex marine ecosystems depends upon the confluence of many variables attention must not only be directed at monitoring the end result (for example more fish, healthier corals, reduced pollutant flows securing non-carbon based sources of energy) but assessing the forms of collaborative behaviour among institutions that make such achievements possible. Equally important are changes in the manner in which resource users such as fishers conduct their activities. The third major category of behaviour change is success in securing the funding that MSP implementation requires.

As illustrated by the case studies, the application of graduated indicators for assessing the variables that mark plan implementation is revealing of progress, or its absence, and in pointing out where adjustments in MSP strategies are required. However, it is essential that long-term M&E must not become overly complex and expensive. Where an MSP program succeeds in establishing a tradition of self-examination, parsimonious sets of indicators will suffice. Such indicators should assess intangible achievements such a sense of community among the institutions involved and greater voluntary compliance with the plan's rules. Such achievements were identified as highly important by many of those interviewed when assembling the case studies.

6.   RECOMMENDATIONS FOR INTERNATIONAL EXCHANGE ON MSP

6.1. Introduction

This section formulates a series of recommendations on the promotion of MSP globally, responding to the following specific questions:

(1) Which elements of MSP would benefit from international dialogue? (Section 6.2)

(2) Which areas of the world would benefit from additional support in MSP? (Section 6.3)

(3) Should international exchange of information / knowledge in MSP be conducted within the framework of existing international organisations? (Section 6.4)

(4) How could MSP be applied in areas beyond national jurisdictions? (Section 6.5)

Since the tender for this Project was published, two key EC initiatives have been launched which provide guidance on how to consider these questions:

- The EC International Ocean Governance Agenda (EC 2016a) has identified three priority areas for action: (1) improving the ocean institutional framework; (2) the sustainable management of oceans and (3) investing in knowledge and data for the ocean. Those priorities are to be implemented through 14 sets of actions including rules for the high seas, addressing ocean warming, protecting fish stocks, partnerships for ocean, reducing plastic pollution promoting area based planning including MSP, safety and security on the high seas and improving the knowledge of the ocean.

- The DG MARE-IOC-UNESCO joint roadmap launched at the 2nd International MSP Conference (March 2017) identifies the following priorities: (1) transboundary maritime/marine spatial planning; (2) MSP in support of Blue Economy; (3) capacity building; (4) ecosystem-based MSP; and (5) sharing and communicating MSP.

The promotion of MSP as a tool for improving international ocean governance will contribute to implementing global commitments including the Sustainable Development Agenda 2030 and in particular Sustainable Development Goal (SDG) 14 and the Paris Agreement on Climate Change.

The recommendations below are framed on the basis of the status of MSP globally (from this Project and others), and the recent policy guidance provided above.

6.2. International exchange on MSP

6.2.1. Which elements of MSP would benefit from international dialogue?

Drawing from the lessons learned and good practices established in this Report, as well as from existing literature, four key elements of MSP are suggested (highlighted in blue) that would benefit from greater discussion and a sharing of international experience.

As evidenced by the Global MSP inventory, many MSP processes are still in the initial phase of planning. The emphasis of much MSP analysis and guidance has therefore been on the **enabling factors for developing a successful MSP Plan**, such as developing clear goals, strong stakeholder engagement and gathering the best available data. Given the importance of this initial stage, the Project's results offer some refined thinking around specific enabling factors, which would benefit from wider consideration amongst MSP practitioners:

(1) Stakeholder engagement (see Section 4.2.1)

Successful stakeholder engagement involves identifying exactly who needs to be involved in order to deliver the desired MSP objectives, but depending on the cultural and governance contexts, this may mean limited participation by few individuals, as demonstrated by Xiamen's MFZ approach. Whichever approach is most appropriate, trust must be established between

stakeholders during the planning phase. It would be valuable to share experiences on the different ways in which strong, transparent and trusting relationships have been built within a range of MSP approaches.

(2) Practical application of Ecosystem-based management (see Section 4.1.4)

The practical application of EBM is not straightforward, which tends to mean that processes are only partially delivering an ecosystem approach. It is recommended to share successful experiences of EBM more widely, and that much more attention is given to how an ecosystem approach would be delivered collectively between an MSP process and the existing governance structures within which they sit (e.g. Xiamen's MFZ approach) or link to (e.g. CCAMLR's association with the ATS).

(3) Monitoring and Evaluation (M&E) frameworks (see Section 4.3.2)

Most guidance considers M&E a necessary tool for post project evaluation, but M&E frameworks can assist practitioners in identifying solutions during MSP implementation, assisting with adaptive management and planning. M&E has also been demonstrated to be an effective and valuable communication tool between stakeholders (e.g. CTI-CFF). Sharing experiences in the design and practical implementation of M&E frameworks would help MSP practitioners see the additional value of M&E frameworks for supporting MSP objectives.

Beyond the initial planning phase, it is critical to sustain these enabling factors throughout the life of the MSP process. This can be challenging given that the players, issues and context are likely to change during implementation.   Sharing experiences and solutions on how these enabling factors have been sustained into the implementation phase in different contexts would be very valuable for MSP practitioners and policy makers around the globe.

As MSP processes move to implementation, it is necessary to shift the focus towards a suite of tools and strategies that demonstrate **how to modify the behavior of resource users, institutions and investors** and thereby contribute to desired longer-term ecological and socio-economic outcomes. When making the transition from planning to implementation, the focus should be on monitoring the effectiveness of implementing strategies in terms of such behaviour changes. MSP practitioners and regulators should therefore be asking: have fishers changed their intensity of effort or gear type? Do regulatory authorities understand and support MSP rules and enforce them effectively? Have long-term sources of funding been secured and are revenue mechanisms being applied successfully?

Sharing approaches and tools to facilitate behavior change and track changes would be very valuable, and should be directed at the three major groupings of actors in MSP implementation:

(1) Changing resource user behaviour (i.e. compliance):

- **Incentive mechanisms and voluntary codes of practice** – Within a broader statutory context, combining formal and informal incentives schemes reap the best results. For example, despite having no regulatory authority, CCAMLR demonstrates practices that encourage compliance with programme policies and rules among members. CTI-CFF encourages its six member countries to improve effective management of MPAs through the Coral Triangle region-wide system of MPAs, which has agreed criteria for site inclusion. In Xiamen, marine aqua culturists have complied with their relocation to areas that do not interfere with shipping traffic. In Rhode Island, fishers and others who have usually opposed new activities in intensely utilized waters have accepted the Ocean SAMP and communications with wind farm developers are agile and productive.

- **Tools for assessing behaviour change** – For example, M&E frameworks can be designed to include graduated indicators that gauge the degree to which the changes in behavior that are occurring are contributing sustainable resource use. This requires identifying what actors have been contributing to the issues the MSP has decided to address, and what new activities and actors are being introduced by, for example, the

installation of an offshore wind farm. The interests, motivations and attitudes of each set of actors need to be understood and tracked. See UNEP/GPA (2006) for a methodology to develop markers for assessing progress in ecosystem-based management initiatives.

(2) Changing institutional behaviour:

- **Mechanisms for building the capacity of institutions** – Such mechanisms should specifically tackle policy and regulatory reform, decision making processes, and monitoring and evaluation. They should assist in successfully transitioning through MSP implementation and fostering institutional learning to manage adaptively in the face of uncertainty and emerging issues. The use of well documented case studies is particularly useful when promoting this form of capacity building.

- **Methods for understanding the existing governance systems** – Governance baselines can be enlightening when working to understand how the existing governance system in a given locale has evolved to its current condition, and how it expresses its strengths and weaknesses. Such insights are very useful when selecting the strategies by which an MSP will be implemented. Governance baselines should be prepared in parallel with baselines for environmental conditions that identify trends and anticipated future conditions.

(3) Changing investor behaviour:

- **Innovations in resource mobilization** - Developing a resource strategy for long-term implementation, as well as financial solutions that create new ways of channeling private investment towards sustainable development. While international funding has supported the planning phase of many MSP processes, it is proving difficult in many regions to assemble and sustain the funding required for MSP implementation. Innovative solutions are being developed and need to be shared. For example, the Government of Seychelles has financed MSP throughout its EEZ through a debt swap for conservation and climate adaptation, including 30% coverage of MPAs, with funding for implementation of conservation and adaptation activities through a local Trust Fund. In addition, the Government of Seychelles 'Blue Bond' will raise funds to implement fisheries management plans and will specifically address overfishing by encouraging a shift to post harvest and value-chain activities. Both these initiatives are integrated and are expected to deliver significant sustainability outcomes over time.

Since a limited number of MSP processes have reached the implementation stage, there is little evidence demonstrating **how to successfully transition between MSP phases**. International dialogue and cross learning between regions and initiatives that are making that transition would be extremely valuable. To encourage constructive exchanges, it would be valuable to facilitate cross learning between advanced MSP processes and nascent ones, where key learning points and context-specific solutions could be exchanged.

As highlighted by the Global MSP Inventory, there are very few examples of **how to establish MSP beyond the limits of national jurisdictions**. In order to fulfil international obligations, such as the Convention on Biological Diversity Strategic Plan and Aichi Targets 2020 or the 2030 United Nations SDGs, it will be essential to build collective governance and legal capacity to improve management in ABNJ. International dialogue on Biodiversity Beyond National Jurisdictions within the UN General Assembly is addressing this issue, but a broader and more inclusive dialogue would be extremely valuable. Given the complexity of this topic, recommendations for establishing MSP in ABNJ have been described in Section 6.4.

6.2.2. What format should such dialogue take and who should participate?

This Project has highlighted key areas for future work and investments, such as the need to:

- Create opportunities for active engagement of the private sector and resources users in an international dialogue. This would help to bring forward perspectives and bodies of

experience that are central to MSP but that are often absent in international or regional MSP events.

- Address the capacity needs of MSP policy makers and practitioners working to apply MSP in a diversity of settings. In particular, it is necessary to address capacity needs for designing and applying collaborative relationships that build trust during in the planning phase and foster compliance with MSP policies and rules during implementation.

- Emphasize the value of the ecosystem approach to MSP and provide clear examples of how it can be successfully applied.

Based on this Project's methodology and findings, it is recommended that the EC considers a range of format and approaches taking into account the needs of targeted audiences. Building on existing approaches and platforms, the aim would be to develop over time an international body of MSP knowledge and practice to support effective ocean governance and achieve desired MSP outcomes. Possible formats for international dialogue could consider:

- Expert-based think tanks to develop innovative tools and practices for MSP implementation

- Global and regional capacity-building and peer to peer learning platforms to exchange experiences and solutions across initiatives and regions

- Regional 'Centres of Excellence' as resources for MSP practitioners

- Public-private MSP platforms and events for connecting MSP policy and practice, the private sector and the financing community.

- Regular independent evaluation of global MSP implementation to take stock of progress and inform and build a body of MSP knowledge and practice.

- Promotion of MSP good practices at international conferences.

6.3. Which areas of the world would benefit from additional support in MSP?

The analysis of the Global MSP inventory shows that MSP processes are unevenly distributed across the major non-European ocean regions, including ABNJ, consisting of a mix of multi-national, sub-national and national MSP processes, and representing different stages of implementation (Figure 6) .
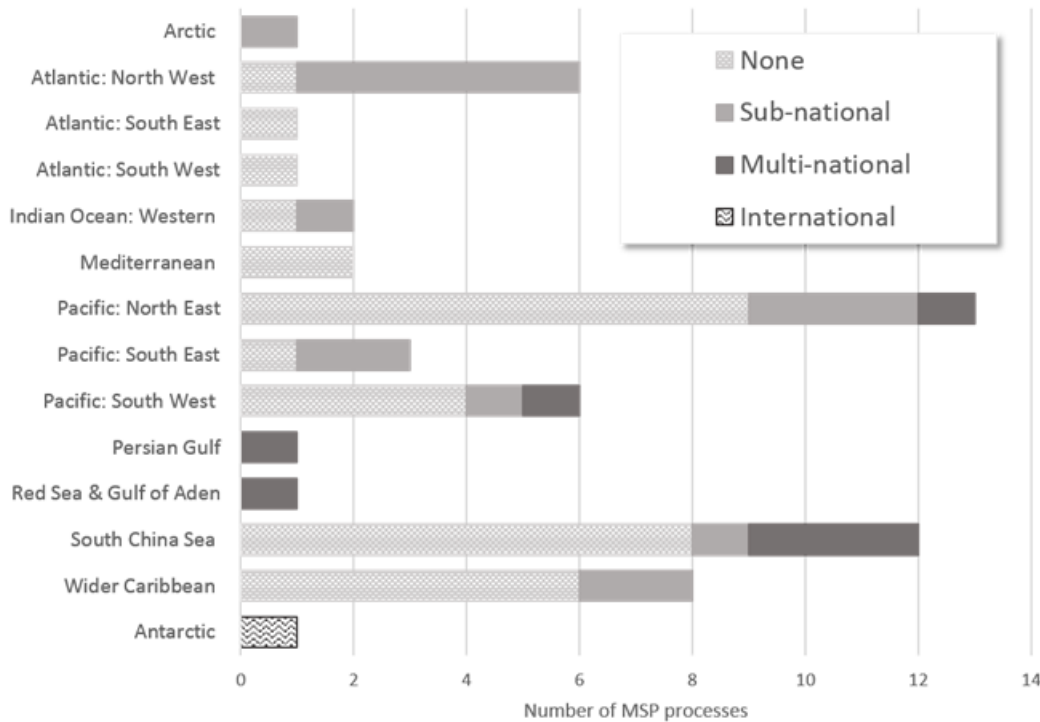
Figure 6 - Distribution of non-European cross-border MSP processes, categorized according to the level of cross-border cooperation occurring, across major non-European sea basin areas. N.B Regions are not comprehensively represented. Figures for the Mediterranean region do not include EC Member State MSP collaborations.

Whilst there is no doubt that many regions recorded in this study's inventory would benefit from MSP support, additional consultation with the EC to clarify priorities and objectives, and an in-depth assessment of the needs of potential candidate regions for cross border MSP would be desirable.

Priority regions listed in the EC International Ocean Governance Agenda include the Central Arctic Ocean, the Eastern Central Atlantic, the Western Central Atlantic and the Mediterranean in relation of fisheries governance; the Pacific Ocean, the Indian Ocean the Gulf of Guinea and South East Asia in relation to capacity for SDG implementation and Blue Economy; and the Atlantic Ocean, Mediterranean and Black Sea for research partnerships. However, a number of actions arising from global commitments, such as the implementation of the CBD Strategic Plan and Aichi targets, addressing IUU, improved cooperation between Regional Fisheries Management Organisations and Regional Seas Conventions, addressing marine pollution and climate change, and establishing MSP in ABNJ are of relevance to many ocean regions.

The identification of priority regions for the promotion of MSP is based on a combination of the potential demand from any given region, the stage of MSP implementation (whether it is to start a new process or strengthening/accelerating an existing process), and global commitments, EC objectives and interests in any given region (whether socio economic, environment or security related, as well as EC existing investment). In the absence of an in-depth analysis, the regions identified for further MSP support are preliminary, based on expert judgement within the Project Team and following guidance within the EC International Ocean Governance Agenda on priority regions (EC 2016a).

The Arctic region

EU's maritime policy has developed regional strategies for the six sea basins in the EU with the aim of promoting growth and fostering cooperation. Among these, the existing integrated EU

policy for the Arctic (EC 2016b)[14] identifies the continent as an important regulator for the climate of the planet, requiring appropriate environmental protection, but also seen as a "target" for sustainable development, particularly given the recent trends of decreasing ice coverage, which has the potential to lead to competition and conflicts between countries. In response, the EU policy for the Arctic provides a framework for action on climate change and safeguarding of the Arctic environment, sustainable development, and international cooperation on Arctic issues. In line with this, the Arctic Marine Strategic Plan (2015 – 2025) (PAME and Arctic Council 2015) includes a goal on the sustainable use of the marine environment, taking into account cumulative environmental impacts, where EBM is a core principle.

There are a number of existing cooperation frameworks operating at different levels in the Arctic, including the Arctic Council. However, it is considered that additional dialogue on the use of ocean space across boundaries and interests would be beneficial, as, unlike the Southern Ocean, there is no international treaty in place or single institution that could guide consensus-building on the use of marine resources and space (CBD and GEF 2012). In this context, MSP could be used as a tool to bring authorities, stakeholders and industries together and identify areas that should be prioritised for protection or could be used for sustainable economic development.

The Western Indian Ocean

The Western Indian Ocean, which covers territorial waters of 10 states[15] and ABNJ, is of critical importance to the EU for economic reasons (such as fisheries, oil and gas, and trade) as well as strategic and maritime security reasons. The complexity and fragmentation of ocean governance in this region has been a major challenge for effective ocean management, with major security issues adding to this complexity.

Through regional frameworks such as the Nairobi Convention[16] and the Indian Ocean Commission[17], integrated management of coastal and marine resources has been identified as a common concern for all the Western Indian Ocean islands and the coastal countries of East Africa. More recently the need to build on existing regional institutions and develop tools to promote blue economy in the region, including MSP, has been urged to contracting parties of the Nairobi Convention (Decision CP8/10 at the 8th Conference of the Nairobi Convention). Furthermore, the Indian Ocean Rim Association (IORA)[18] has also identified blue economy as a priority for future development. Finally, the EC has substantial investment in the region through the Indian Ocean Commission, and bilateral agreements with IORA countries.

Promoting MSP and building capacity in support of blue economy could facilitate better harmonisation across jurisdictions, building on the region's priorities and experience and at the same time benefit EC's interests[19].

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[14] Eight states have territories in the Arctic: Canada, the Kingdom of Denmark (Denmark, Greenland and the Faroe Islands), Finland, Iceland, Norway, Russia, Sweden and the United States

[15] Somalia, Kenya, Tanzania, Mozambique, South Africa, Comoros, Madagascar, Seychelles, Mauritius, Réunion (France)

[16] Nairobi Convention for the Protection, Management and Development of the Marine and Coastal Environment of the Western Indian Ocean

[17] The CIO is funded by the EC: http://www.commissionoceanindien.org/accueil/

[18] 21 Member States - Australia, Bangladesh, Comoros, India, Indonesia, Iran, Kenya, Madagascar, Malaysia, Mauritius, Mozambique, Oman, Seychelles, Singapore, Somalai, South Africa, Sri Lanka, Tanzania, Thailand, UAE and Yemen. More information available at: www.iora.net/default.aspx

[19] The EC international Ocean governance initiative had identified The Indian Ocean Region as a priority region for capacity building as well as the Pacific Region, the Gulf of Guinea and more broadly West Africa.

6.4. Should international exchange of information / knowledge in MSP be conducted within the framework of existing international organisations?

A substantial number of UN agencies, intergovernmental organisations, and non-government organisations, each with different mandates and constituencies, have developed platforms to promote and support the international use of MSP. Each platform or activity has its tailored objectives, working methods, activities, resources, and in some cases a particular spatial or thematic focus. A key question therefore is not so much which platform is best placed to promote MSP internationally, but how can the existing platforms be utilised or strengthened to ensure a coordinated and strategic approach to the promotion of MSP as a global or regional tool for ocean governance. Such a coordinated approach, built upon existing mandates and constituencies, would enable MSP to contribute effectively to global commitments and agreements such as Agenda 2030 and the Paris Agreement on Climate Change.

The EU is already engaged with institutions that have MSP platforms. For example, the EU is a party in its own right to the Convention on Biological Diversity which has established the Sustainable Oceans Initiative which aims to support regional and national MSP capacity development. There are other institutions and conventions to which the EU is a party with an interest in MSP but no specific platform, such as the UN Law of the Sea and the UN Framework Convention on Climate Change. There are also other MSP platforms operated by civil society to which the EU has limited connection or involvement.

The existing collaboration between DG MARE and UNESCO-IOC provides an important starting point for further collaborations. However, given the essential role of collective partnerships in delivering a comprehensive ecosystem approach, it would be strategically valuable for DG MARE to engage with other platforms and institutions with a direct interest in MSP, particularly UN Environment and CBD, and with the business/private sector platforms such as the World Economic Forum.

Depending on its overall objective, and subject to alignment to the EC International Ocean Governance Agenda, DG MARE could therefore consider engaging with a range of institutions and platforms. A potential role for DG MARE in this context, could be to facilitate greater global harmonisation and coherence between MSP platforms and the institutions driving them, to support coherent and effective guidance for MSP development and implementation.

The existing international MSP frameworks and platforms for the promotion of MSP that DG MARE could engage with include:

UN fora (global and regional)

1. UN-Oceans
2. UNESCO-IOC
3. Convention on Biological Diversity and the Sustainable Oceans Initiative (CBD-SOI)
4. 2030 Sustainable Development Agenda and Sustainable Development Goal 14
5. UN Environment Regional Seas Programme
6. UN Environment Marine Spatial Planning in Practice Initiative
7. Regional Fisheries Management Organisations
8. UN Ocean sector-based agencies (FAO, IMO, ISA)

Non-UN regional platforms
1. World Ocean Council MSP Ocean Platform
2. World Economic Forum New Vision for the Ocean
3. The Economic Ocean and Economist World Ocean Summit
4. Regional platforms

Appendix 4 provides an overview of selected partnership opportunities listed above, including lead authority, membership (participation), expected outcome(s), legal basis and any relevant

web links, and presents recommendations on how DG MARE could interact with these networks, institutions and platforms to promote MSP and international collaboration.

6.5. How could MSP be applied in areas beyond national jurisdictions?

As an intergovernmental body with a specific mandate to manage an area in the high seas, the CCAMLR case study has provided a rich source of experience and good practice from which to make recommendations on implementing MSP beyond national jurisdictions. The following recommendations are given:

(1) Determine the geographical area covered by the MSP instrument based on ecosystem considerations, as far as relevant and possible

The geographical scope of the CAMLR Convention is based on an approximation of the Antarctic Convergence, which defines the Southern Ocean ecosystem. While several adjustments were made to exclude certain islands given their geopolitical sensitivities (e.g. the Falklands/Malvinas), CCAMLR's ecosystem-based boundaries are fundamental to its objective to implement the ecosystem approach.

(2) Confirm, or agree on, the legal status of the geographical area covered by the MSP instrument and acknowledge the sovereignty, sovereign rights and jurisdiction of coastal States in adjacent maritime zones

Any MSP instrument or initiative should confirm the legal status in of the geographical area covered by it, as well as the adjacent coastal waters. Under international law the high seas are considered '*res communis*' and accordingly "No State may validly purport to subject any part of the high seas to its sovereignty".[20] Similarly, the seabed and its resources beyond national jurisdiction (i.e. 'the Area) are considered 'the common heritage of mankind'. MSP in ABNJ should confirm that it will not prejudice the rights and obligations of States under international law, notably: 1) coastal states have an exclusive right to explore and exploit both living (sedentary species) and non-living resources on their continental shelf; 2) no state can claim or exercise sovereignty or sovereign rights over any part of the seabed or its resources; and 3) no actions should confer rights or obligations on non-Parties (third states) in the high seas without their consent (the so-called *pacta tertiis* principle).

(3) Identify the overarching legal and policy framework and confirm adherence or commitment to it

The relevant legal framework is the international law of the sea, in particular UNCLOS and its Implementation Agreements (i.e. the Part XI Deep-Sea Mining Agreement[21] and the Fish Stocks Agreement[22]). Under the UNCLOS framework, global or regional intergovernmental organisations have the authority to manage specific activities (e.g. shipping, fishing, deep sea mining) according to their mandates. However, not all sectoral interests are equally provided for within UNCLOS. In many regions, intergovernmental bodies have been established by groups of coastal States to consider environmental issues, but these bodies are highly varied in the nature of their geographical scope and mandate. Nevertheless, a number of multi-laterally agreed international policy goals are highly relevant to ABNJ, namely the UN SDGs and the Convention on Biological Diversity's Strategic plan and Aichi Targets, both of which call for improved ocean protection and resource management. Ecosystem definition may necessarily

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[20] Art. 89 of the UNCLOS

[21] Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982, New York, 28 July 1994. In force 28 July 1996, 1836 *United Nations Treaty Series* 42 (1994); www.un.org/Depts/los

[22] Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, New York, 4 August 1995. In force 11 December 2001, 2167 *United Nations Treaty Series* 3; www.un.org/Depts/los

include both ABNJ and national waters. As such, the challenge of implementing MSP in ABNJ is to recognise the overarching legal and policy framework in any given region, and to work within it to identify and overcome any gaps.

(4) Agree on mechanisms to ensure as much alignment and consistency between any different governance regimes as possible

Where a cross-jurisdictional MSP process aims to cover different regimes, such as the inclusion of coastal state maritime zones and adjacent high seas together, mechanisms to support consistency between the two will support the delivery of respective objectives, as well as the ecosystem approach. For example, Article 7 of the Fish Stocks Agreement encourages coastal states and states fishing on the high seas to collaborate in order to adopt conservation and management measures that are compatible between high seas and national jurisdictions. Similarly, the 'Chairman's Statement' adopted at the Conference on the Conservation of Antarctic Marine Living Resources (which led to the signature of the CAMLR Convention[23]) encourages coastal states of the sub-Antarctic islands in the Convention area to adopt management practices in their maritime zones which are at least as rigorous as those adopted by CCAMLR itself. Nevertheless, the Chairman's statement does not guarantee alignment, and coastal states can (and do) take reservations to CCAMLR conservation measures in their maritime zones. However, CCAMLR's transparent governance system, its rigorous scientific approach and its strong advocacy for good practice in ecosystem-based management has meant that coastal state members have strong incentives to adopt consistent measures within their own maritime zones.

(5) Agree on the objective(s) of the MSP instrument and the competence of its principal decision-making body

Regulation and monitoring of human activities and interests (including conservation of biodiversity) in ABNJ can only be done by institutions or instruments with the relevant mandate. ABNJ activities are already governed and regulated by a number of global and regional bodies. As such, it is critical to ensure that any MSP instrument has clear objectives and the principle decision-making body has the associated mandate in order to avoid overlaps and conflicts with existing instruments and governing bodies in ABNJ.

(6) Ensure participation in MSP is consistent with applicable international law

Consistency with applicable international law is determined by various factors and considerations. The geographical scope of the MSP instrument is the most prominent among these. In the case of global scope, consistency with international law requires in principle that participation in the MSP instrument is open to all states (and multi-state entities such as the EU). In the case of regional scope, it may be permissible to restrict participation to regional coastal states. However, assurances will then have to be given that the MSP instrument and the decisions of its body do not apply to third states (the *pacta tertiis* principle) and that their rights and freedoms will be respected. This assurance can take the form of a non-prejudice clause (see above, under recommendation No. 3). However, in relation to regional MSP instruments that (also) relate to the conservation and management of marine capture fisheries, participation cannot be restricted to the regional coastal states but must also be open to other states with a "real interest". [24] The regional MSP instrument should engage with non-participants to ensure their cooperation, which could lead them to apply for full membership, cooperate in a more practical manner (e.g. by exchanging information) or to discontinue certain activities. Participation must also include non-state actors, such as other intergovernmental bodies and industry or environmental non-governmental organizations.[25]

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[23] Convention on the Conservation of Antarctic Marine Living Resources, Canberra, 20 May 1980. In force 7 April 1982, 1329 United Nations Treaty Series 47 (1983); www.ccamlr.org
[24] Art. 8(3) of the Fish Stocks Agreement
[25] E.g. Art. 12 of the Fish Stocks Agreement

(7) Cooperate and coordinate with other intergovernmental bodies and instruments

The MSP instrument should require its key decision-making body to cooperate and coordinate with other intergovernmental bodies and instruments in order to ensure that the management of relevant human activities and interests is coherent/compatible and comprehensive. Working collectively with these bodies and instruments to strengthen and better integrate existing governance and regulatory systems towards a shared goal may be one way towards MSP in ABNJ. The relationship between two intergovernmental bodies is above all determined by their substantive and geographical competence. In case of an overlap in substantive and geographical competence, a need arises to determine which body has 'primacy'. This could be explicitly stated in one of the body's constitutive instrument,[26] but can also be mutually agreed between bodies, for instance in a memorandum of understanding. Alternatively, primacy can also be recognized unilaterally by one body, for instance by requesting the other body to take certain measures.[27] There are also many scenarios where more complex primacy arrangements are required, for instance by one body recognizing another body's primacy in certain aspects, but not others. Finally, there could be relationships of complementarity (e.g. RFMOs and Regional Seas agreements), adjacency, twinning and exchange of information or best practices. CCAMLR, and its place in the ATS, is one case study example of nested governance where multiple instruments and bodies have somewhat overlapping mandates, but the primacy of each is recognized. There are other regional examples, such as in the North East Atlantic and the Mediterranean, of progress towards collaborative governance between existing bodies that demonstrate cooperation and recognition of primacy, and these may provide further context-specific inspiration.

(8) Agree on overarching, guiding or key principles

Reaching agreement between stakeholders on core principles ensures a clear, common purpose but should also include the appropriate elements of international law, as well as good practices in MSP. These could include:

- Peaceful purposes

- Equity and non-discrimination; e.g. participation, resources access and allocation

- Ecosystem approach, which includes the precautionary approach, the use of best available science, and adaptive management/feedback (e.g. in context climate change)

- Transparency; both in regards to participation, decision-making and access to information

- No new activities without prior impact assessment or prior multilateral approval

(9) Acknowledge the particular needs and requirements of developing states

Multilateral efforts to understand, access, manage and monitor resources in ABNJ are associated with significant logistical, financial, technological and governance challenges that may disproportionately affect developing states. The specific needs of developing states, which may

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[26] E.g. the recognition of the primacy of the International Whaling Commission (IWC) in Art. VI of the CAMLR Convention, or the recognition of the primacy of the International Maritime Organization (IMO) in Art. 4(2) of Annex IV to the OSPAR Convention (Convention for the Protection of the Marine Environment of the North-East Atlantic, Paris, 22 September 1992. In force 25 March 1998; 2345 *United Nations Treaty Series* 67 (2006), as amended. Annex V 'On the Protection and Conservation of the Ecosystems and Biological Diversity of the Maritime Area', Sintra, 23 September 1998. In force 30 August 2000, as amended. Consolidated text available at www.ospar.org

[27] E.g. the requests by the Antarctic Treaty Consultative Meetings to IMO to adopt guidelines for ballast water exchange within the Antarctic Treaty area (ATCM Decision 2(2006) 'Ballast Water Exchange: Referral to IMO' and to adopt a ban on vessels carrying or using heavy fuel oil within the Antarctic Treaty area (ATCM Decision 8(2005) 'Use of Heavy Fuel Oil').

include financial support, capacity-building and transfer of technology, should be acknowledged, [28] and wherever possible, addressed to ensure an equitable approach in any ABNJ MSP process.

(10) Agree on one or more official (working) languages

Appropriate and effective communication is critical in MSP. Although the choice of working languages would ideally match stakeholder representation, this may be very broad indeed in ABNJ. As such, the cost-effectiveness of translation and interpretation is likely to be a material consideration.

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[28] E.g. Part XIV of the UNCLOS entitled *Development and Transfer of Marine Technology* and Arts 24-26 of the Fish Stocks Agreement

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APPENDIX 1 DETAILED DESCRIPTION OF THE PROJECT METHODOLOGY

This section describes the methodology used in the Project to collect and analyse information that informs the Project good practice in MSP and recommendations presented in Section 4–6 of this report.

1. Global MSP Inventory

The Project's first objective involved the development of a detailed inventory of existing MSP implementation outside the EU. The analysis of which could be used to identify common practice in MSP and cross-border collaboration, and also provide recommendations in the development of databases for MSP practices. The Global MSP Inventory is available as supporting material of this report. Common practices identified and lessons learned in the development of MSP databases are presented in Appendix 3.

1.1. Development of the inventory

The Project's Global MSP Inventory draws upon the significant amount of information contained within the database of global MSP processes created by the UN Environment *MSP in Practice Initiative* (UNEP 2017; UNEP & GEF-STAP 2014), used as a starting point and framework for the development of the required inventory of global (non-European) MSP implementation.

The *MSP in Practice Initiative* database is the result of an extensive online survey involving over 50 targeted questions and direct follow-up interviews designed to understand the challenges and assess the context-specific enabling factors of MSP, which was defined as 'any effort that attempts to reconcile development objectives and activities of more than one sector from a spatial perspective in order to deliver a healthy marine environment' (UNEP 2017). The database contains 79 single self-identified MSP entries and 221 fields of data, together with a further 8 fields of metadata description, making it an excellent source of information from which to identify non-European MSP processes and relevant descriptive data.

In order to ensure a standardised interpretation of MSP, criteria were developed from the EC MSP Directive definition and were applied to MSP processes from the database that were selected for inclusion within the inventory. The criteria identified MSP processes as initiatives that:

- aim to achieve ecological, economic and social objectives which contribute to an overarching sustainability goal

- apply the ecosystem approach

- include multiple (at least two) marine sectors in the planning process

- aim to improve coherence between MSP and other processes, such as ICZM or multiple use MPAs

- involve stakeholders (government and/or private) and/or the public

- make use of marine spatial data

These criteria allow the content of the inventory to align with recognized European MSP practice and frameworks, which in turn underpins the credibility of the inventory and supports useful lesson sharing within Europe and between Europe and elsewhere.

To ensure the most comprehensive inventory was developed for the Project, information on additional MSP processes not found within the *MSP in Practice Initiative* database were also collated from a variety of sources. The final inventory contains information from the following sources:

- **UN Environment *MSP in Practice Initiative*** (UNEP & GEF-STAP 2014) as described above. A total of 48 MSP processes and 25 fields were imported directly from this database.

- **WWF global review of MSP** (WWF 2014). This study provides an update on the current status of global MSP practices, and. is largely focused on describing the characteristics of MSP processes (*inter alia* area, budget, sectors included). No new MSP processes were identified from this review but descriptive characteristics were used to enhance the inventory fields.

- **UNESCO-IOC catalogue**[29], which includes a number of MSP initiatives around the world, as defined by UNESCO-IOC, and a description of their "key elements". Eight MSP processes were imported from this catalogue and descriptive elements were used to enhance the inventory fields.

- **A literature review** of relevant sources in the academic and practitioner MSP literature. Six new MSP processes were imported as a result of this activity.

A total of **62 MSP processes** and **41 descriptive fields** make up the Global MSP inventory.

Following the compilation of MSP processes into the Inventory (which takes the format of an excel spreadsheet), remaining gaps in data (blank data fields) were filled wherever possible through a bespoke search activity of publically available web-based information. Once data integration was completed, the inventory data underwent a verification process to confirm the accuracy of both the original data and any information added subsequently. Where MSP processes were sourced from the *MSP in Practice Initiative* database, the original data providers were contacted to validate the data. Where new MSP processes were included from other sources (i.e. UNESCO-IOC catalogue or other), suitable representatives from the lead organisation were identified and contacted to verify the information provided as required. Since not all data providers responded to the validation process, a further process of updating the inventory was undertaken by searching the publically available web-based sources of information.

1.2.   Use of the Inventory

As a newly created composite of several major efforts on understanding MSP practices around the world, the global MSP inventory currently represents a comprehensive picture of non-European MSP processes, both independent and cross-border, in line with the definition of MSP established for this Project. The inventory provides information on the general characteristics of the process (e.g. location, size, funding scale, goals and sectoral involvement), as well as specific details on MSP aspects, such as governance, data, and stakeholder engagement mechanisms.

For the purposes of supporting the study objectives, the inventory has been used to emphasize the considerable variation in MSP approaches around the world, and the spectrum of cross-border collaboration mechanisms. The inventory data have been used to identify common practices in MSP (Appendix 3) that are used to illustrate the examination of the Project four case studies (Section 4).

The broader ambition for the inventory is to provide a significant resource for MSP practitioners, researchers and those interested in MSP. It can be considered as a compilation of mini case studies, from which specific data can be extracted, comparisons can be made and focused research work can be designed. Moreover, the inventory provides a framework to guide the integration of useful information on MSP processes undertaken in the future (see Appendix 3).

1.3.   Limitations

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[29] The MSP catalogue is available at: www.unesco-ioc-marinesp.be

The global MSP inventory has been designed to provide comparably detailed information on a broad range of characteristics that are representative of the MSP process through preparation, planning, adoption and implementation. In order to deliver such a breadth of information in a digestible form, the specific design of the inventory has some inevitable limitations, which are described below:

- **Multiple data sources introduce inconsistencies** – data within the inventory comes from several sources, all of which have had different objectives and methodologies. For example, data for the *MSP in Practice Initiative* was collected via an online survey that contained specific questions with pre-determined answers to ensure standardised responses. Incorporating additional MSP processes from other sources means that finding the standardised information is much more difficult, if those data indeed exist. Every effort has been made to integrate information together in a standardised way, but there will inevitably be inconsistencies in how data were collected.

- **Descriptive data fields are less suitable for searching** – the inventory has been designed to capture as much relevant detail as possible across the fewest fields in order to avoid it becoming overwhelming to explore. While descriptive data confers a mini case study feel to the inventory, it makes searching for key words or analysis of commonalities more challenging than where the data responses are standardised and pre-determined.

- **Keeping information up-to-date is a significant challenge –** while a data provider validation process was designed and undertaken to ensure that the MSP process information was up to date but remained faithful to the original data source, not all data providers responded. As a result, subsequent updating of all MSP processes was undertaken using web-based sources of information, though it is recognised that these sources themselves may not be kept current.

- **Missing data –** although data have been gathered from several detailed sources, and been subject to a targeted searching process, data gaps still remain within MSP process entries where information is not publically available or accessible within the resource constraints of this study. MSP entries from areas where information technology may present significant challenges (e.g. Puerto Rico, Vietnam, Philippines, Mozambique) tend to suffer more from missing data than those from areas where websites and other knowledge sharing mechanisms are commonplace and cost-effective.

2. Case Studies

The Project's second objective involved conducting four case studies from international locations outside of Europe, to identify good practices that are relevant for the implementation of the MSP Directive, with a particular focus given to cross-border cooperation.

2.1. Selection of Case Studies

The four case studies were extracted from the Global MSP Inventory and therefore respond to the selection criteria described in Section 1.1 of this Appendix. In addition, there was a desire to understand what role MSP could play in Areas Beyond National Jurisdiction (ABNJ), and where possible, the Project has sought to capture the interplay between MSP in 'national' waters and processes and resources in ABNJ.

The four Project case studies for further analysis were selected because of their progression through adoption to implementation, the availability of case study documentation that would facilitate their review, the diversity of scales and drivers used in their development, and because of their ability to share experiences in cross-border cooperation at different levels, this is further described in Section 3 of this report, these include:

- The Rhode Island Ocean Special Area Management Plan (SAMP)

- The Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) in the Southern Ocean

- The Coral Triangle Initiative on Coral Reefs, Fisheries and Food Security (CTI-CFF)

- Marine Functional Zoning in Xiamen, China

2.2.   Development of a standardised analytical framework

In order to describe and assess the different MSP initiatives in a consistent manner, a standardised analytical framework[30] applicable to all four case studies was used (see Appendix 2). In this framework, MSP attributes have been organised into eight categories, namely: (1) Context; (2) Overview of the MSP process; (3) Driver, issues and goals; (4) Scope and design of the MSP; (5) Collaboration and consultation in the MSP planning phase; (6) Features of the MSP process implementation phase; (7) Implications of the application of MSP in areas beyond national jurisdiction (ABNJ), and (8) Outcomes and lessons learned.

The analytical framework calls for assessing the status of each category of attributes by:

- **Descriptive – 'facts of the matter' (FoM) questions** – Description of the attributes of each case study as defined by each of the eight sections of the analytical framework.

- **Assessment – termed 'to what extent' questions** – Assessment of achievements in relation to each MSP attribute, and of its influence on the results of MSP, allowing to understand to what extent certain processes have led to a (successful) outcome, or have influenced the MSP process. The total of 39 assessment questions include a set of graduated markers / generic indicators (0 min - 3 max) to trace the progress and attributes, and were used post-interview to classify the degree of progress, based on the data collected through both literature review and key informant interviews. In practice, the justification given for the selected rating is more important and more revealing that the numerical score assigned.

Reliance upon such generic indicators is becoming increasingly recognized as essential to cross program and project analysis (Anderson *et al.* 2015). The analytical framework is considered to be in line with the Orders of Outcomes framework, associated with the theory of change for ecosystem stewardship.

2.3.   The Order of Outcomes Framework

The Orders of Outcomes framework (Olsen *et al.* 1999; Olsen 2003; UNEP/GPA 2006) is fully consistent with the guides for the process of designing an MSP but places the emphasis upon the outcomes of each of the three phases of an MSP initiative.

The four Orders of Outcomes, are illustrated by Figure 7 and are defined as follows:

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[30] The Analytical Framework was approved by WMU Research Ethics Committee in September 2016
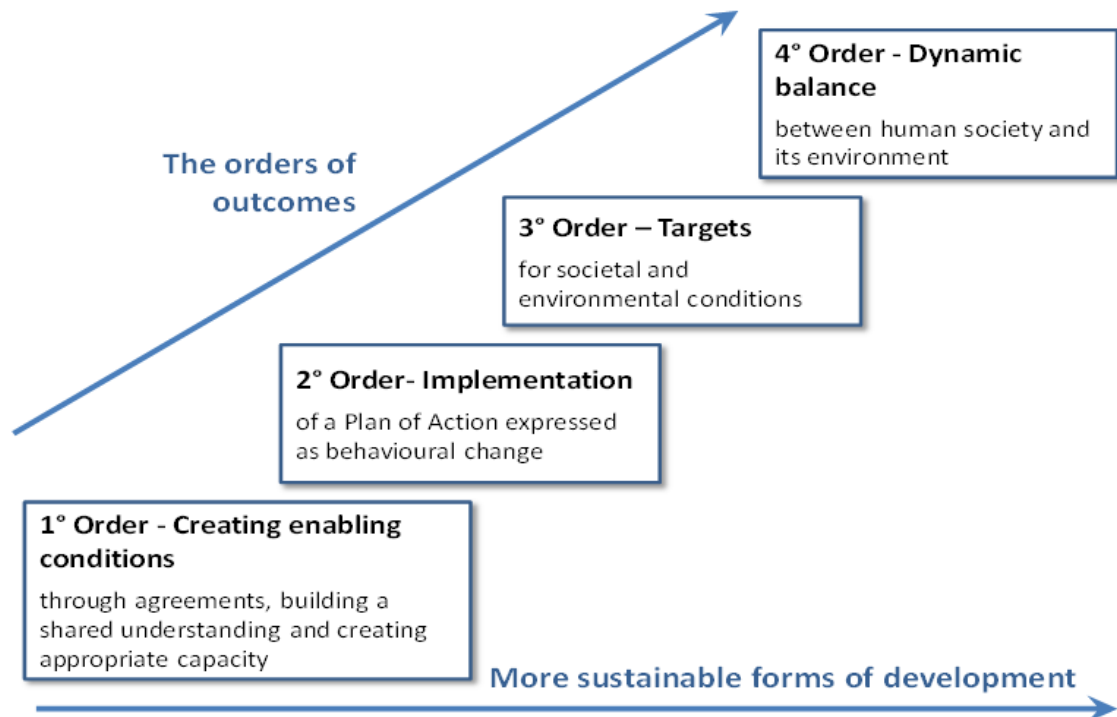
Figure 7 - Charting progress towards more sustainable forms of development. Adapted from UNEP/GPA, 2006

- The **1ˢᵗ Order** addresses the presence and strength of the **enabling conditions** for the design of an MSP and its formal approval initiative by the relevant governmental institutions;

- The **2ⁿᵈ Order** identifies the **changes in behaviour** that signal the implementation of the rules and practices of a formally approved marine spatial Plan;

- The **3ʳᵈ Order** identifies the anticipated specific **improvements to the social and environmental conditions** within the boundaries of an MSP, once the 2ⁿᵈ Order modifications are in place and have been practiced for sufficient time;

- The **4ᵗʰ Order** identifies the contributions that a successfully implemented MSP will make to the **ultimate goal of dynamic sustainability in a resilient marine ecosystem**. Modifications to human behaviour at larger spatial scales (such as those related to climate change) and in adjacent catchments to an MSP will have major impacts upon the attainment of 4ᵗʰ Order outcomes.

Indicators for the First Order of Outcomes:

The 1ˢᵗ Order addresses the degree to which the enabling conditions for the implementation of MSP are present. The 1ˢᵗ Order indicators are designed to answer such questions as:

- Is an adequate the legal framework for MSP in place?

- Does the MSP process follow an explicit conceptual framework?

- Do stakeholders that will be affected by the MSP understand and support its goals?

- Are the mechanisms in place for collaboration among the institutions with roles and responsibilities within the MSP's boundaries?

- Are pilot activities building support for the MSP approach and promoting learning-by-doing?

- Has funding been secured to sustain the implementation of the MSP over the long-term?

Essential to the 1ˢᵗ Order is winning a mandate from government to design and implement a marine spatial plan. In most cases it is also essential to win the support of those utilizing the resources and marine space and thereby building a constituency for a MSP plan among those

that will be most affected by the effort. Similarly, an initial threshold of capacity to negotiate the rules and enforce them equitably should be in place. Funding to support the program over the many years required to achieve and maintain the MSP through a period of implementation is another key precondition. Winning trust and building capacity may be nourished when demonstration projects, often at a small scale, provide all concerned with tangible evidence of the benefits that the implementation of an MSP generates. It is only when a threshold of such preconditions are in place that the full-scale successful implementation of an MSP can be anticipated.

Indicators for the Second Order of Outcomes:

The 2nd Order marks the implementation of a formally approved MSP program. Second Order indicators are directed at answering such questions as:

- Are the implementing institutions collaborating effectively to implement the MSP?

- Are program policies, procedures and regulations being enforced?

- Are conflict mediation methods being effectively applied?

- Is support within the political structure at both the local and the national level being maintained?

- Are destructive practices and pressures that threaten environmental conditions resources being reduced?

Indicators for the 2nd Order are found in Part 6 of the conceptual framework and include a total of fifteen assessment questions.

Modification to the behavior of categories of stakeholders (governmental institutions, funding agencies, NGOs and/or resource users) is the bridge to the attainment of the 3rd Order outcomes. The desired long-term 3rd Order outcomes within a focal area might be defined in terms of:

Part 7 of the conceptual framework addresses the application of MSP to areas beyond national jurisdiction. Here at set of three assessment questions are used to assess primarily 2nd Order expressions of collaboration among the parties involved. Since only one case study, CCAMLR, addresses areas beyond national jurisdiction, the responses are limited to that case.

In reality this idealized sequence must be modified to take advantage of opportunities and adapt to weaknesses in the governance system. Evidence of 1st, 2nd and 3rd Order outcomes might all be seen at a given time in different geographic areas, in different fisheries and some institutions will be more open to change and supportive while others may be recalcitrant.

Indicators for the Third Order of Outcomes:

The 3rd Order marks the achievement of conditions and activities in the MSP that the initiative aspires to achieve. Such 3rd Order accomplishments may be achieved at a small special scale within a few years, but at larger scales, as illustrated by the CTI and CCAMLR cases, decades of sustained effort will be required. The desired long term outcomes within an MSP are usually defined as specific targets for:

- The ecosystem goods and services to be protected and where feasible / necessary restored

- Securing the livelihoods of those who rely upon the MSP's natural resources

- Realizing the potential economic value of the natural resources within the MSP boundaries

Part 8 of the conceptual framework addresses third Order outcomes with eleven assessment questions that probe both the results of the implementation of the MSP in terms of improvements in environmental and social conditions and the degree to which collaborative relationships among governmental institutions and stakeholders are being sustained.

Indicators of the Fourth Order of Outcomes:

Definition of 4th Order conditions requires adopting a long-term perspective extending decades into the future and taking into account the analysis of trade-offs among sectors and the implications of shifts in the flows of ecosystem goods and services. For example, the crucial role played by land based sources of pollution, climate change and political turmoil may overshadow the accomplishments of a marine special plan. Nonetheless the definition of the 4th order is critically important since it provides the foil for assessing whether the desired 3rd Order outcomes actually contribute to the ultimate desired outcome of increasingly sustainable conditions in the marine areas addressed by an MSP.

2.4. Data collection

The data for answering both FoM and assessment questions were collated through a review of literature and key informant interviews:

- **Literature review** - Peer-reviewed and grey literature, identified by the Regional Expert and through online searches was reviewed with the primary aim of answering the FoM questions in the analytical framework, as well as providing context and background information useful for conducting the field visits. Literature review was also used to support the justification accompanying the gradations given to each assessment question.

- **Key informant interviews** - A total of 105 participants were interviewed between September – November 2016 in five different countries. Interviewees were selected based on their engagement in and knowledge of the case studies. Table 5 provides an overview of the interviews conducted to inform the four Project case studies. Further information, including details on participants, is provided in the Case Study Summary Reports (Supporting Material to this Report).

Table 5 - Overview of interviews conducted to inform the Project case studies

Case Study	Interviews location	Dates	No of participants	Representatives
Rhode Island Ocean SAMP	Rhode Island, Massachusetts, New Hampshire (USA)	27 Sep–2 Oct 2016	27	- State agencies - Federal agencies - Local community - Sector representatives (fisheries, tourism, offshore wind) - Academia - NGOs
CCAMLR	Hobart[31] (Australia) + 2 skype interviews	19–26 Oct 2016	25	- Member State delegations - Acceding State delegations - CCAMLR Secretariat - CCAMLR Observers - Other associated individuals
CTI-CFF	Jakarta (Indonesia) Manila (Philippines) + 12 skype interviews	7–16 Nov 2016	28	- Government agencies - NGO partners - Donor agency partners - Cooperating Partner agencies
Xiamen MFZ	Xiamen (China)	15–25 Nov 2016	25	- City agencies - Provincial agencies - Sector representatives (Port Authority, fisheries, tourism) -Academia

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[31] 35th CCAMLR Scientific Committee and Commission meeting

2.5. Pilot interviews

Given that key informant interviews would be led by different individuals (Gonçalo Carneiro (Rhode Island Ocean SAMP / Xiamen MFZ) and Hannah Thomas (CCAMLR / CTI-CFF)). In July 2016, two pilot interviews were conducted to calibrate the approach to interviews and assess the need for preparatory work. The interviewees were Prof. Helena Calado (University of the Azores, Portugal) and Dr Paul Gilliland (Head of Marine Planning, Marine Management Organisation, UK).

The key learning points from this exercise included:

* Overall the framework themes are appropriate and could be covered within a single interview if needed.

* Preparatory work before interviews should aim at clearing all/most FoM questions in advance, allowing a better use of limited interview time and focus on compiling information relevant to the framework assessment questions.

* Because not all themes are relevant in all contexts or to all interviewees, preparatory work should therefore focus on selecting which themes of the framework are relevant for each case study and participant.

* Consideration to how to questions are posed should be given, i.e. how we balance a more provocative/confrontational with a more neutral approach.

* It is also useful to indicate to the interviewee how we would like her/him to discuss a particular theme – i.e. setting the boundaries for her/his reply, so that we keep the replies within our area of interest.

Although the analytical framework (Appendix 2) has been designed as a series of direct questions, the questions were not intended to be used directly in interviews, as indicated in Section 2.2. Instead, a semi-structured interview format based on the analytical framework themes was employed to gather data, ensuring a degree of comparability across interviews, while allowing for the investigation of themes and issues specific to each particular interviewee.

2.6. Limitations

* The approach to interviews was calibrated between both Case Study leads through the pilot interviews, the approach to completing gradations when responding to the framework assessment questions was not calibrated. Instead, it was decided that a clear justification of gradations would be provided in each case.

* Because of the diverse background and roles of interviewees in each Case Study, it was decided to adopt a flexible and semi-structured interview format, using the analytical framework themes as guidance. This meant that no common questionnaire was developed for interviews, which can be considered a limitation in the approach to interviewees in a consistent manner across case studies.

* The selection of interview participants was carefully considered to ensure representation of actors involved in the MSP processes and stakeholders, but in some cases there were limitations to engage with particular groups.

Specific limitations to each Case Study are further noted in Case Study Summary Reports.

APPENDIX 2   ANALYTICAL FRAMEWORK

THE CONTEXT FOR THIS MSP PROCESS

Facts of the matter

- **Social attributes**:

At the initiation of the MSP process,
  - Approximately how many people were active in or used the MSP area of intervention on an average day per km^2?
  - What were the major human activities occurring within the MSP area?
  - What approximate proportion of users of the focal MSP area were classified (by national standards) as in poverty[32]?
  - Please provide a table for the MSP area outlining the numbers of people engaged in resource use activities by country

- **Economic attributes**:

At the initiation of the MSP process,
  - What were the gross economic values (in USD/year of revenue) of activities and resources in the MSP area[33]?
  - What were the additional major goods and services generated within the MSP area?

- **Environmental attributes:**

At the initiation of the MSP process,
  - What were the environmental conditions in each country zone (generally good; localized degradation; severely degraded)?
  - What were the felt or anticipated impacts of climate change?

- **Governance system attributes:**

At the initiation of the MSP process,
  - What were the other management and regulatory systems (incl. traditional) already in place? Please describe.
  - What is the institutional structure and distribution of responsibilities over resources in the governance system within which the MSP process operates? *(Please prepare a graphic showing the institutional architecture for this MSP at initiation and another showing how it has evolved to meet the needs of cross-border management)*

Assessment Questions	0	1	2	3
a) At initiation, to what extent was there support for MSP within the relevant government institutions?	*Several institutions critical to the functioning of this MSP were initially resistant to its establishment*	*Support for this MSP was has been uneven among the institution s involved*	*With few exceptions the responsible institutions have supported the development and implementation of this MSP*	*All responsible institutions have strongly supported the formulation of this MSP from its inception*
b) At initiation, to what extent was there support for MSP among the different marine users/sectors?	*Several marine users/sectors have strongly resisted or been sceptical of the benefits of*	*Resistance and/or opposition to this MSP has been limited to a minority of the marine users*	*With minor exceptions, marine users have supported this MSP*	*All affected marine users (sectors?) have supported the development and implementation of this MSP*

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[32] As definitions of the poverty line vary drastically from country to country, this is calculated as the proportion of those affected by the MSP process who are at or below the official poverty line (in US dollars per day or per year). We should attempt where possible to get to the province level for these figures.

[33] E.g. FAO statistics

THE CONTEXT FOR THIS MSP PROCESS

		establishing this MSP	*affected*		*from its inception*
c)	At initiation, to what degree did marine users conform to the pre-existing rules within the MSP focal area?[34]	*There were no governance mechanisms (laws, user rights) or significant rules affecting the activities of users of the focal area*	*There were traditional and/or governmental rules, but non-conformance was common*	*Conformance with rules was generally good with only occasional exceptions*	*Rules were widely known to all users and conformance was high*
d)	To what extent have the historical/political contextual factors constrained cross-border collaboration?	*Expressions of cross-border tensions and/or disagreements have been a major constraint on the MSP process*	*Historical/political tensions have been significant but largely overcome during this MSP process*	*Cross-border MSP collaboration has been somewhat constrained by cross-border tensions*	*There is a history and tradition of cross-border collaboration*
e)	To what extent have the socio-economic contextual factors affected cross-border cooperation on MSP?	*The socio-economic context has been a powerful factor in making cross-border cooperation towards a consistent MSP across borders very challenging*	*The socio-economic context has presented some challenges to cross-border cooperation, with mixed results*	*Apart from some specific issues, the socio-economic context has not affected successful cross-border cooperation*	*Cross-border cooperation has benefited from, or not been in any way adversely affected by the socio-economic context of the MSP area.*
f)	To what extent have the environmental contextual factors affected cross-border cooperation on MSP?	*The environmental context has been a powerful factor in making cross-border cooperation towards a consistent MSP across borders very challenging*	*The environmental context has presented some challenges to cross-border cooperation, with mixed results*	*Apart from some specific issues, the environmental context has not affected successful cross-border cooperation*	*Cross-border cooperation has benefited from, or not been in any way adversely affected by the environmental context of the MSP area.*
g)	To what extent have governance structures of contributing countries/states/provinces been capable of facilitating cross-border collaboration on MSP-relevant matters?[35]	*Existing governance structures have not been capable of aligning the management of MSP-relevant matters across the border.*	*Existing governance structures have been capable of aligning management on some, but not on the most important MSP-relevant matters.*	*Existing governance structures have faced some challenges in cross-border collaboration, but have been capable of aligning the management of the most important MSP-relevant matters.*	*Existing governance structures have been capable of sharing good practices across borders or establishing a specific governance structure for the MSP area*

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[34] A)There were no governance mechanisms (laws, user rights) operating in the region; B) There were governance structures but there were no significant rules affecting the activities of users of the focal area; C) There were traditional and/or governmental rules but non-conformance was common; D) Conformance with rules was generally good with only occasional exceptions; E) Rules were widely known to all users and conformance was high

[35] In this question 'capacity'/'capability' refers to the formal mandate for cross-border cooperation and to the technical/operational capacity to carry out this mandate. Please reflect on these two aspects in the justification of the rating. 'Aligning' refers to actions to make management measures consistent, administrative procedures similar and the organizational/institutional set-up comparable between the different country zones of the MSP area.

2. THE DRIVERS, ISSUES AND GOALS OF THIS MSP PROCESS

Facts of the matter

- What is the primary issue or driver that led to this MSP?
- Please prepare a table, map or another suitable representation of how the spatial area and the natural resources within this MSP are allocated among the nations (states) involved?
- Please prepare a table of the major issues (problems and opportunities) addressed by this MSP showing which are considered of highest priority within each country (state) zone.
- What are the ecosystem services that are of value in the MSP area?
- Have the issues or drivers addressed by the MSP process changed over time? If so, how?
- What is the stated goal(s) of this MSP? Have these goals evolved over time? If so, how? Are these goals time-bounded and quantitative?
- Were the drivers, issues and goals of the MSP process identified through a formal log frame approach or a comparable framework (e.g. Theory of Change, 5-step management cycle)?

Assessment Questions	0	1	2	3
a) To what extent has the ecosystem based management approach been used in the design of the MSP[36]?	*The ecosystem approach had little or no influence upon the design and scope of this MSP*	*The ecosystem approach has informed this MSP but has not been a central feature of its design*	*The ecosystem approach was one of several principles incorporated in this MSP but others were equally important*	*The ecosystem approach has been a central feature of the design, scope and process of this MSP since its inception.*
b) To what extent do the MSP goals address desired social, economic and environmental outcomes?	*MSP goals are defined in general terms*	*Goals define one of the variables but not the other two*	*Goals define two of the variables*	*Goals define desired outcomes in terms of all three variables*
c) To what extent have (would have) time bounded and quantitative goals enabled or constrained this MSP process?	*Time bounded and quantitative goals have (would have) been a key constraint in this MSP process.*	*Time bounded and quantitative goals have had/would have had some minor benefits, but overall their use has/would have been detrimental to the MSP process.*	*Time bounded and quantitative goals (would) have posed some minor challenges, but their use would have/has been overall positive for the MSP process.*	*Time bounded and quantitative goals have been a key enabling factor of this MSP process.*

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[36] Also known as the 'ecosystem approach', EBM is an integrated management approach that aims to 'maintain an ecosystem in a healthy, productive and resilient condition so that it can provide the services humans want and need' (McLeod & Leslie 2009). Key principles of EBM can be identified as 1) Providing diverse ecosystem services; 2) Operating within natural boundaries rather than artificial ones; 3) Integrating management across sectors; 4) Accounting for cumulative impacts and trade-offs; 5) Addressing uncertainty by applying the precautionary approach, relying upon best available information and adaptively managing according to the level of potential risk to the ecosystem

3. OVERVIEW OF THIS MSP

Facts of the matter

- Provide a brief introductory description and map of the area in which the MSP is located
- What is the size of the MSP area (in km^2)?
- What are the sources of short-term and long-term funds, and are user licenses and concession fees a significant source of long-term funding for this MSP?
- What is the total and current annual funding invested in this MSP process? When did the process start?
- How much time (in years and/or months) has the MSP process spent in each MSP phase (Preparation phase; Plan development; Plan adoption; Implementation)?[37]
- What is the legal basis for this MSP (e.g. legally binding law/convention; non-legally binding action plan/MoU; voluntary agreement/code of conduct)? Provide copies of legal instruments.
- In what year did this MSP process make the transition to the implementation of a formally approved marine spatial plan?
- Who are the cross-border collaborating countries or provinces/states and what are the lead institution(s) for each?
- Who are the people widely recognized as the leaders of this MSP? What are their names, titles and roles in this MSP?
- Has the leadership of this MSP changed over time? If so, please describe

Assessment Questions	0	1	2	3
a) To what extent have cross-border issues shaped the collaboration in this MSP from its inception?	*The cross-border dimensions of this MSP were not a feature of this MSP at its inception*	*Cross-border features of this MSP have been present from initiation but not a central feature*	*Cross-border features have been one of several important features of this MSP*	*Cross-border collaboration has been central to the design of this MSP from the beginning*
b) To what extent are the institutions responsible for MSP planning and management working independently or collaboratively?	*Planning and management of each country's zone is conducted by that nation's institutions in an independent manner*	*The cross-border coordinating mechanisms define the goals and principles of this MSP that individual nations tailor to their needs; the agenda for cross-border collaborative management is limited to a few issues*	*Major policies and features of this MSP are negotiated by representatives of each nation (state) convened by a cross-border coordinating institution*	*Planning and management is centralized and the responsibility of the lead cross-border institution*
c) To what extent has external funding enabled this MSP process?[38]	*External funding has been a barrier to achieving the objectives of this MSP.*	*Despite important contribution in some areas, external funding has been generally*	*Despite some detrimental effects in some areas, external funding has made an overall*	*External funding has been a primarily enabler of this MSP process.*

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[37] Phases of a MSP plan referred to here are 1) Preparation phase – all work undertaken prior to the development of the plan itself, including establishing the legal basis for an MSP initiative, collecting data, designing the process, undertaking stakeholder analysis, communication and outreach of initiative objectives, establishing the stakeholder groups and personnel involved; 2) Plan development – work undertaken to establish the marine spatial plan itself (at whatever level has been agreed), including stakeholder engagement, area identification, identification of management measures; 3) Plan adoption – the process of operationalising the plan, which may involve formal governmental signature or less formal agreement from stakeholders; 4) Plan implementation – activities involved in delivering the objectives of the plan and the resulting changes in behaviour, such as communication and outreach, establishment of appropriate regulatory institutions, management planning, enforcement of management measures, monitoring and evaluation.

		detrimental to this MSP process.	*positive contribution to this MSP process.*	

4. SCOPE AND DESIGN OF THIS MSP

Facts of the matter. As appropriate, please insert diagrams showing program structure and processes

- Is the overall authority of the MSP process vested in a single institution or inter-agency structure (i.e. a networked process vs a lead agency process) or other? Please explain
- What responses to resource management issues link across land and sea?
- Is the MSP planning adaptive in that it has been built upon pilot projects or previous experiences in or adjacent to the area of focus?

Assessment Questions	0	1	2	3
a) To what extent does the MSP process have the authorities required to successfully implement the plan?	*MSP implementing authority is as yet undefined*	*The distribution of authorities/responsibilities required for MSP implementation are being negotiated*	*The major roles and responsibilities for MSP implementation are known but some responsibilities and/or coordinating mechanisms remain unclear*	*Implementing authorities are clear and sufficient to fully implement this MSP*
b) To what extent does the MSP possess the human resources required to implement the plan?	*The necessary human resources for implementation have not yet been assigned*	*Staffing for MSP implementation is inadequate*	*Staffing for implementation is present in some institutions but not others*	*Sufficient human resources are in place to fully implement this MSP*
c) To what extent has there been coordination of planning between land and sea in this MSP?	*Connections between land and sea processes and issues have not been addressed in the planning.*	*Connection between land and sea have been recognized but addressing them is not within the scope of this MSP*	*Connections between the land and sea have been recognized and some are addressed by the policies and regulations of this MSP*	*The major interconnections between land and sea processes and issues have been recognized and addressed*

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[38] 'External sources' refers to sources of funding other that the government organisation(s) responsible for or otherwise directly involved in the MSP process.

5. COLLABORATION AND CONSULTATION IN THE MSP PLANNING PHASE

Facts of the matter

- Who are the major governmental stakeholders in this MSP process?[39]
- Who are the major nongovernmental stakeholders in this MSP process?
- What is the design and mechanism for non-governmental consultation, participation and collaboration during the design of this MSP process? Is there a communication plan in place?
- What are the mechanisms for cross-border MSP planning and management, incl. for data exchange?
- What have been the major barriers to cross-border collaboration?

Assessment Questions	0	1	2	3
a) To what extent was the design process and schedule made explicit to all parties in the initial phase of the MSP process?	*The procedures and schedule evolved over time and changed significantly as the planning process matured*	*While the design process proceeded as expected there were some unexpected issues that delayed or interrupted the schedule*	*With minor exceptions the design process unfolded as anticipated*	*The procedures and schedule for consultation have been widely known from the initiation of this MSP and they have been followed*
b) To what extent do the affected user groups and the public understand and support the MSP process goals and strategies?	*Those affected, and the public have a range of impressions on the goals and procedures of the MSP, some of them contradictory*	*Well informed support for the MSP is present in either the user groups or the public, but not both*	*With some exceptions, there is a good understanding and support for the goals and strategies of the MSP*	*There is strong support among both user groups and the public for the goals and procedures of this MSP*
c) To what extent were stakeholders involved in designing and shaping the MSP process, incl. its cross-border elements? (governmental, non-governmental and the public)	*[Governmental/Non-governmental/public] stakeholders were not involved in the design process*	*[Governmental/Nongovernmental/public] stakeholders and the public were informed of the development of this MSP but were not contributors to its design*	*[Governmental/Nongovernmental/public] stakeholders were invited to comment; their suggestion and/or concerns were acted upon in some instances but not others*	*[Governmental/Non-governmental/public] stakeholders were active participants in the planning process and significantly shaped the resulting plan*
d) To what extent were barriers to cross-border collaboration resolved?	*Cross-border collaboration remains a major challenge*	*Some significant barriers to cross-border collaboration have been resolved but others persist*	*The major barriers to cross-border collaboration have been resolved but minor difficulties remain*	*All significant barriers to cross-border collaboration have been resolved*

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[39] For the CCAMLR case, please investigate and specify whether government stakeholders are all UNCLOS signatories or just a group of countries in a region.

6. FEATURES OF THIS MSP PROCESS'S IMPLEMENTATION PHASE

Facts of the matter

- During MSP implementation, are the MSP collaborative structures and responsibilities significantly different than those that were planned? If so, please describe.
- What are the principal changes (formal – e.g. management measures – and informal – e.g. stakeholder relations, spin-off initiatives) brought by the implementation of this MSP on human activities within the MSP boundaries?
- What are the good practices in resource use advocated by this MSP?[40]
- Is a set of environmental/economic/social indicators being monitored to track progress towards the MSP process's goals and targets (i.e. M&E plan)?
- Have there been any cases of cases of conflicts between stakeholders in the implementation of the MSP? Provide if applicable the copy of the decision or agreement resolving the conflict.
- How is the MSP legally enforced? Provide details about the agencies and legal instruments involved per country zone.

Assessment Questions	0	1	2	3
Impacts on the behaviour of institutions				
a) To what extent are implementing institutions collaborating effectively to implement the MSP process?	There is some MSP collaboration but this is no more than the methods employed by institutions before MSP initiation	More integrated forms of MSP planning and decision making are apparent but there are still some conflicts or inefficiencies	MSP collaboration and integrated planning between institutions are generally good but issues arise from time to time	There is effective cross-border collaboration between Implementing institutions to ensure that management is integrated throughout the MSP area
b) To what extent are MSP policies, procedures and regulations being enforced?	Enforcement is weak and non-compliance with rules is widespread	Enforcement is uneven; some rules are enforced more effectively than others and enforcement targets some groups more than others	Enforcement is generally effective but there are notable exceptions	Enforcement is effective and compliance is high throughout the MSP area
c) To what extent is the MSP's legal framework, and other laws and regulations that apply within the MSP area (including international law), contributing to achieving the goals of this MSP?	The existing legal framework has had a largely detrimental effect, and constrained progress towards the MSP goals in important ways.	The legal framework has enabled some progress towards the goals of the MSP, but important gaps remain to be addressed.	The legal framework has constrained some achievements of the MSP, but is has supported important developments towards its goals.	The legal framework has been a key contributing factor for the success of this MSP. Outstanding gaps are being addressed.
d) To what extent are the MSP regulations and management measures consistent across	MSP regulations and management measures are inconsistent across the borders	Some efforts have been made to standardize cross-border regulations and management	Efforts have been made to standardize regulations and management measures across	Regulations and management measures are consistent throughout the MSP area and

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[40] 'Good practices' refer to improvements in any aspect affecting the management of the MSP focal area, including aspect of governance, communication, resource use regulation, enforcement, etc.

6. FEATURES OF THIS MSP PROCESS'S IMPLEMENTATION PHASE

the border and do they enable coordinated cross-border/multi-national implementation of the plan?	*and this presents considerable challenges to implementing the plan*	*measures for some sectors but not all*	*all sectors involved, but there are still inconsistencies between their implementation across borders*	*implementation is well coordinated*
e) To what extent has having a monitoring programme/M&E framework across borders affected MSP cooperation?	*The monitoring/M&E framework (or lack thereof) has not facilitated or has actively challenged the implementation of the cross-border MSP plan*	*The monitoring /M&E has caused some major issues; some of which have been overcome and others which still need addressing.*	*In parts, the monitoring/M&E has been a successful means of establishing cooperative and cross border MSP*	*The monitoring/M&E has been well established and is a notable area of success in terms of cross-border MSP.*
f) To what extent is the MSP process practicing adaptive management by using monitoring results to shape future management decisions?	*No systematic monitoring is in place and there is little or no visible adjustment of management practices*	*Indicator results are used to adjust management practices in either social, economic or environmental ways but not in more than one*	*Adaptive management is practiced and has produced some significant adjustments to the MSP process*	*Adaptive management is widely practiced and good practices are shared across borders*
g) To what extent is support within the political structure at the national level being maintained?	*Political support at national levels is weak*	*Political leaders recognize the MSP process but public statements supporting the process are rare*	*Political support is strong, well-informed and frequently expressed but this is not consistent across borders*	*There is clear political support for the MSP plan across the borders*
h) To what extent is there integrated management of sectors within the country zones of the MSP?[41]	*The management of sectors occurs in silos with little or no consideration of interactions and interdependencies*	*There are some examples where management strategies are linked between sectors but overall management is done mostly sector by sector*	*There is integration between the management strategies of most sectors, and work is underway for integrating the outstanding sectors*	*Sectoral management strategies are integrated across all sectors in the country zones*
i) To what extent is there evidence of implementation/management coordination between land and sea?	*There is no coordination between the MSP and terrestrial coastal planning;*	*There is some coordination between terrestrial and marine planning but major issues remain unresolved*	*There are many examples of coordination between terrestrial and marine planning;*	*There is coordinated and adaptive management of the land-sea linkage and all land-based sources of threat/damage have been successfully addressed*
Impacts upon financial investments:				
a) To what extent are necessary investments in infrastructure being made?	*Infrastructure investments are minimal and necessary infrastructure is missing or inadequate*	*Infrastructure investments have begun but are not consistent across borders*	*Infrastructure required by the MSP process is in place but maintenance is poor; there is uneven distribution of investment across borders*	*Infrastructure required by the MSP process is in place and well maintained throughout the MSP area*
b) To what extent is the funding of this MSP sustainable over the long term?	*The sustainability of funding is a major unresolved issue*	*Funding for the short term is adequate but long-term funding mechanisms are not in place*	*Some long-term funding mechanisms are in place but their outcomes or sustainability are uncertain;*	*Short term and long-term sustainable funding mechanisms are in place and secure throughout the MSP*

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[41] In cases with multiple jurisdictions within the MSP area, give an overall assessment across all jurisdictions, not a detailed account of each. But do highlight particularly interesting cases for illustrative purposes, if relevant.

6. FEATURES OF THIS MSP PROCESS'S IMPLEMENTATION PHASE

				area
c) To what extent is cross-border collaboration on MSP factored into the budget/funding mechanisms?	*Cross-border collaboration only minimally factored in to budget/funding mechanisms*	*Cross-border collaboration has been considered in the budget but funds are insufficient*	*Funds have been allocated to cross-border collaboration but not consistently across the borders*	*All collaborating countries/states have allocated sufficient and funds for collaboration across borders*

Impacts on the behaviour of user groups and businesses:

a) To what extent are the good practices called for by the MSP process being adopted by target groups?	*Good practices advocated by the MSP have not been adopted by target groups*	*There are a few instances where MSP good practices have been adopted but most are not operational*	*Some good practices are consistently practiced, but others are not*	*All MSP process good practices are being applied by target groups*
b) To what extent are destructive forms of resource use being reduced?	*Several destructive resource uses of concern to the MSP process continue unabated*	*Resource users are aware of destructive practices but efforts to change behavior are mixed*	*With some important exceptions, user groups have ceased destructive practices of concern*	*Destructive resource use practices have been eliminated*
c) To what extent are conflicts among user groups being reduced?	*User conflicts are widespread and have not been reduced*	*Number and severity of user conflicts appears to be declining*	*Decline in important user conflicts has been documented*	*Major use conflicts have been resolved*

7. IMPLICATIONS FOR THE APPLICATION OF MSP IN SEAS AREAS BEYOND NATIONAL JURISDICTION (ABNJ)

Facts of the matter

- What proportion of the MSP area lies beyond national (state) jurisdictions?
- Does the MSP include the sea bed and/or the water column in ABNJ?
- What are the specific issues driving the MSP in ANBJ?
- Are there 'third-country' stakeholders (resource users who are not parties to any ABNJ agreement) who are affected by MSP practices?
- What institutional collaborations/agreements are necessary for implementing MSP in ABNJ?
- How are resource use decisions made for ABNJ MSP?
- How are policies and/or regulations for the ABNJ being established and enforced?
- Are all resource users bound by the policies and/or regulations defined in the MSP plan?
- Is the cooperation mechanism for MSP in ABNJ consistent with international treaty and customary law applicable to ABNJ?

Assessment Questions	0	1	2	3
a) To what extent are the MSP policies and/or regulations consistent between parties and do they enable coordinated multi-national implementation of the plan?	*MSP policies and/or regulations are inconsistent between parties and this presents considerable challenges to implementing the plan*	*Some efforts have been made to standardize policies and/or regulations for some sectors but not all*	*A coordination mechanism/treaty is in place to standardize policies and/or regulations across all sectors and parties involved, but there are still inconsistencies between their implementation*	*Policies and/or regulations are consistent throughout the MSP area and implementation is well coordinated*

b) To what extent are main stakeholders and third-country resource users adhering to the practices specified in the MSP plan for ABNJ?	There is no discernible change to resource use in ABNJ; there are no institutional arrangements to ensure compliance	Some of the main stakeholder sectors are adhering to the MSP plan in ABNJ but not all; institutional arrangements to ensure compliance are very weak	All of the main stakeholder sectors are adhering to the MSP plan but third country resource users are not; institutional arrangements to ensure compliance are in place for some sectors but not others	Main stakeholders and third country resource users are complying with the MSP plan; institutional arrangements to ensure compliance are in place for all relevant sectors
c) To what extent is the cooperation mechanism for MSP in ABNJ ensuring a balanced representation of all stakeholders?	Most stakeholders are represented but there are still major stakeholder sectors that are not	Most stakeholders are represented, but some stakeholders do not necessarily have equal decision-making abilities	With some notable exceptions, all stakeholders have representation in decision-making opportunities	All stakeholders are well represented and have decision making opportunities within the cooperation mechanism

8. OUTCOMES AND LESSONS LEARNED	0	1	2	3
a) To what extent has this MSP fulfilled its stated goals?	No goals have been achieved	Progress has been made towards some goals but not others	Most goals have been achieved	All goals have been achieved
b) What are the major lessons emerging from this MSP of potential usefulness to other MSP initiatives?				
[To be described by interviewee and ranked by order of importance]				
Impacts of this MSP on social and environmental conditions:				
a) To what extent are cumulative impacts[42] (across time and space) being successfully managed?	Cumulative impacts are not considered by this MSP	Cumulative impacts are assessed and managed within some individual sectors but not for the MSP as a whole	There are mechanisms for evaluating cumulative impacts between sectors over time but there are significant gaps in the scope of such assessments	All countries/states have effective mechanisms for managing cumulative impacts across sectors and over time
b) To what extent has this MSP had an impact on the sustainability of social and economic conditions?	There has been no discernible impact on the sustainability of social and economic conditions attributable to this MSP	Some sectors report improvements to the sustainability of socio-economic conditions that are attributable to the MSP	Significant advances towards sustainable l socio-economic conditions have been made in some sectors but not others.	Significant advances towards socio-economic sustainability have been made across this MSP
c) To what extent are the	There has been no change to	Provision of a few ecosystem	An improvement in the	A diverse range of ecosystem

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[42] Cumulative impacts – EBM requires recognizing and accounting for the cumulative effects of human impacts on ecosystem services, which would involve describing and resolving the trade-offs between different services and user groups. This process needs consider the competing uses/services for the geographical area of intervention and the changing uses/services in the future. Cumulative impacts might well be considered within a single sector, but is there a forum for considering the overall needs and services required from the MSP area or for evaluating the effect of multiple sectors over time?

8. OUTCOMES AND LESSONS LEARNED	0	1	2	3
flows of ecosystem goods and services being sustained within this MSP?[43]	*the provision of ecosystem services attributable to this MSP*	*services has reportedly improved, but others have not changed or declined*	*provision ecosystem services has been attributed to this MSP the contributions made by the MSP are not clear*	*services is being improved or maintained across this MSP*
d) To what extent is this MSP having an impact on biodiversity?	*There has been no change to the biodiversity in the MSP area attributable to this MSP*	*Some threats to biodiversity have been reduced but progress attributable to the MSP are very limited*	*Some significant advances attributable to the MSP have been made but other important threats are unchanged or worse.*	*Biodiversity has significantly increased across taxonomic groups and habitats throughout the MSP area*
Cross-border collaboration				
a) To what extent is there consistent and equitable use of marine space across-borders?[44]	*Resource use and rights differ significantly across the borders;*	*Efforts have been made to ensure the MSP plan is consistent across borders, but in practice there are still some significant challenges*	*With a few key exceptions, resource use and rights are consistent across the borders*	*Resource use and rights are consistent across the borders*
b) In what way have cross-border collaborations contributed to ensuring such a consistent and equitable use of marine space?	*[To be described by interviewee and ranked by order of importance]*			
c) To what extent is there successful cross-border sharing of good practices within the MSP process?	*Each national (state) zone has its own version of good practices and there is little cross border integration*	*In a few instances good practices applied in one zone have been adopted in other zones*	*Integration of good practices across zones is increasing and generating significant positive outcomes.*	*Good practices are regularly shared between sectors/across borders and there is evidence of transfers among national (state) zones*
d) What have been the key barriers to cross-border MSP collaboration?				
[To be described by interviewee and ranked by order of importance]				
e) What are the major lessons on cross-border collaboration emerging from this MSP?				
[To be described by interviewee and ranked by order of importance]				

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[43] Please refer to the ecosystem services identified in the fourth 'Facts of the matter' question under *Section 1. The drivers, issues and goals of this MSP process*.

[44] In this context, 'consistent' means that, between different country zones of the MSP area, management measures are aligned, administrative procedures similar and the organisational/institutional set-up comparable.

APPENDIX 3   SUMMARY OF LESSONS LEARNED DEVELOPING THE GLOBAL MSP INVENTORY

1. Purpose of this summary

This summary draws upon existing MSP research and practice, including an analysis of the Project MSP Global Inventory with the purpose of:

- Exploring common practices in MSP processes, including cross-border cooperation processes (Sections 2 and 3)

- Identifying effective practice from existing MSP guidance (Section 4)

- Summarising lessons learned from the development and subsequent analysis of a global database of MSP practices (Section 5)

2. Common practice in "mature" MSP processes

The Project Global MSP inventory describes objectively the characteristics of 62 non-European MSP processes which can be explored for common patterns.

2.1. Scale of processes considered

A total of 22 MSP processes were identified as having reached plan implementation. These 22 processes were evaluated to extract any common characteristics. Of these 22, nine MSP processes were undertaken at the local (bay, county, district) scale, eleven at the sub-national (state, province) scale, and two at a regional (international) scale. No MSP processes were identified as being in their implementation stage at the national (country-wide, island) scale. With the exception of two international processes, all MSP processes in implementation were at the sub-national scale.

Sixteen MSP processes in the implementation stage were led by local or national government, two by regional organizations and four by non-governmental organizations (of which three are known to have local government involvement in the MSP process). For example, the Coastal and Marine Zone of Patagonia-Argentina MSP process (Argentina) was led by a non-governmental organization but involved the Federal Council of Environment, Federal Fisheries Council, Ministry of Environment and Sustainable Development, and five provincial coastal authorities. Where an MSP process was led by local or national government, this may have been in the form of an agency (rather than the government itself), such as the Florida Keys National Marine Sanctuary MSP process, which was led by NOAA and the US Fish and Wildlife Service as agencies of US federal government. In some cases, the local or national government leading an MSP process worked closely with non-governmental organizations to implement the MSP plan, such as in the City of Bontang, Indonesia in which the local government lead organization worked with the Center for Coastal and Marine Resources Studies, Bogor Agricultural University to implement the MSP plan.

2.2. Drivers identified

A majority of MSP plans being implemented were initiated by the ambition to address specific issues. Examples of MSP drivers were the degradation of coral reef resources and increase in tourists (Koh Tao, Thailand), destructive fishing (Tubbataha Reef National Marine Park, Philippines), pollution, overuse and user conflicts (Florida Keys National Marine Sanctuary, USA), undesirable effects of uncontrolled development (Sian Ka'an Biosphere Reserve, Mexico), maintenance of a healthy ecosystem for sustainable economies and communities (Beaufort Sea, Canada), and offshore renewable energy (State of Oregon Territorial Sea Plan, USA). While there was little commonality in the precise focus of the issue driver, it was clear that a majority of the MSP processes being implemented were focused on the sustainable use of marine

resources. In many cases, the expected outcome of the MSP processes included social and economic considerations, as well as environmental considerations. For example, the Kubulau District Marine Protected Area Network in Fiji sought to "support long-term sustainable development in Kubulau by maintaining the health and productivity of the district's ecosystems – in particular, the coastal fisheries that most village households rely on as a source of food and income".

2.3. Governance framework

The MSP plans in implementation were, in nineteen cases, underpinned by a legal instrument such as an Act, Ordinance, or other law. In most cases, these laws were national in focus and therefore not tailored to specific sub-national or international plans. For example, the Florida Kays National Marine Sanctuary is underlined by the National Marine Sanctuaries Act 1972. In limited cases, specific legislation was enacted to support MSP in specific places. For example, the Great Barrier Reef Marine Park is underpinned by the Great Barrier Reef Marine Park Act 1975. Interestingly, the Lesser Sunda Ecoregion MSP process in Indonesia identified its legal basis as it commitments to the Convention on Biological Diversity, which shows the importance of overarching framework conventions in driving MSP. In sixteen of the nineteen MSP processes with a legal basis, the legal framework was either already in place or specifically put in place to support the MSP process. In addition to a legal instrument, additional government support for MSP tended to focus upon the identification of specific organizations to engage with MSP, the allocation of resources to support MSP processes, and the specification of the responsibilities of authorities for MSP planning and implementation.

2.4. Stakeholder engagement

The mechanisms for stakeholder engagement with the development of an MSP plan were, in general, lengthy. In many cases, there were multiple participatory events targeted at key stakeholders and public audiences. Key stakeholders typically consisted of relevant national and provincial government and related agencies, important economic sectors, universities and research institutions, non-governmental organizations focused on relevant issues, and local communities. Participatory events included workshops, public scoping events, surveys, consultations on draft plans, and events focused on plan uptake. In some cases, the purpose of stakeholder engagement was very specific, such as in the Lesser Sunda Ecoregion, Indonesia there was a series of consultations with national and provincial government agencies specifically to align coastal and marine spatial planning with the proposed MPA network. The ambition to engage with stakeholders caused extended pre-implementation phases in many cases, with periods of 2-5 years typically reported.

In most MSP processes, the implementation stage involved the establishment of an ongoing stakeholder or community engagement body to support the implementation of the MSP plan. In many cases these were referred to as 'advisory councils', 'advisory committees' or 'partnerships'. These typically have a membership of key stakeholders and meet 2-4 times per year to share information and raise any new issues about the MSP process. For example, the 'Beaufort Sea Partnership' is the primary forum for stakeholder engagement within the Beaufort Sea MSP process (Canada) and comprises of around 80 members from approximately 40 organizations (regional level representatives). The partnership establishes working groups, community tours, workshops and meetings and has the Beaufort Sea e-forum, which is a repository for workshop reports and minutes of meetings/consultations. It also offers stakeholders the opportunity to ask questions and provide feedback on draft documents. Perhaps the most advanced stakeholder and public engagement approach is that related to the MSP of the Great Barrier Reef, Australia. The Great Barrier Reef Marine Park Authority (GBRMPA) has three regional offices along the length of the Marine Park, 12 local marine advisory committees, two issue-specific expertise-based advisory committees (Indigenous, Tourism), numerous informal committees established on an 'as needs' basis. In addition, social media platforms have evolved to allow for greater connections with people. Today GBRMPA's internet presence extends beyond its website to include Facebook, Instagram, Twitter, Flickr, a dedicated YouTube channel and the Eye on the Reef App.

3. Practices in Cross-border Cooperation

An analysis of the non-European MSP processes contained within the global MSP inventory (Table 6) showed that there were seven MSP processes with cooperation underway across multi-national borders (between two or more countries), one of which included cooperation across international (between EEZs and ABNJ) borders.

Seventeen MSP processes were characterised by sub-national cooperation, and 35 processes recorded no cross-jurisdiction cooperation at all. The extent to which MSP processes record the nature of their cross-jurisdiction cooperation is limited.

Table 6 - Summary of cross-jurisdiction cooperation in MSP processes in the MSP inventory

Type of cross-jurisdiction cooperation	Number of MSP processes
Multi-national and international	1
Multi-national	6
Sub-national	17
None	35
Unknown	3
Total	**62**

3.1. Cross-border cooperation in MSP across multi-national jurisdictions

The eight MSP processes exhibiting cross-border cooperation across two or more national jurisdictions are presented in Table 7.

Table 7 - Cross-border cooperation in MSP across multi-national jurisdictions

Name of MSP process	Countries
Area covered by the Secretariat of the Pacific Regional Environment Programme (SPREP).	Australia, Cook Islands, Federated States of Micronesia, Fiji, France, Kiribati, Marshall Islands, Nauru, New Zealand, Niue, Palau, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu, UK, USA, Vanuatu
RECOFI region	Bahrain, Iraq, Oman, Qatar, Saudi Arabia
Red Sea and Gulf of Aden	Djibouti, Egypt, Jordan, Saudi Arabia, Somalia, Sudan, Yemen
Eastern Tropical Pacific Marine Corridor (ETPMC)	Colombia, Costa Rica, Ecuador, Panama
The Coral Triangle Initiative on Coral Reefs, Fisheries and Food Security (CTI-CFF)	Indonesia, Malaysia, Papua New Guinea, Philippines, Solomon Islands, Timor-Leste
Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR)	Australia, Argentina, Belgium, Brazil, Chile, People's Rep. of China, European Union, France, Germany; India, Italy, Japan, Rep. of Korea, Namibia, New Zealand, Norway, Poland, Russia, South Africa, Spain, Sweden, Ukraine, UK, USA, Uruguay
Lesser Sunda Ecoregion	Indonesia, Timor Leste

3.1.1. Collaboration mechanisms

The form of cross-border cooperation ranges from large well-established formal processes that have clear cooperative infrastructure in place (such as SPREP, CCAMLR and the CTI-CFF), to much newer and more informal linkages between countries that may simply reflect the presence of cooperative activities (such as joint MPA training between Indonesia and Timor Leste within the Lesser Sunda Ecoregion process).

A wide range of cooperative mechanisms were also identified, from a legally-binding treaty approach (such as the CCAMLR Convention), the use of political agreements (for example, the CTI-CFF Regional Plan of Action), the creation of cooperative organisations (for example in the Red Sea and Gulf of Aden), and the establishment of 'social infrastructure' to generate the conditions for effective cooperation (such as information and good practice sharing mechanisms used by SPREP).

CCAMLR, which will be discussed further as a detailed case study, promotes international cooperation (between Member State jurisdictions and the high seas, as well as between multiple Member States themselves) through the engagement of members of the Commission in its formal processes, including attendance at annual meetings and membership of the Scientific Committee and associated thematic working groups. These **formal processes** provide the opportunity for shared discussion and decision-making on marine issues that cross international jurisdictions. It should also be noted that CCAMLR itself is legally committed to cooperate with intergovernmental and non-governmental organisations for mutual benefit (CAMLR Convention Article XXIII). This includes the Antarctic Treaty Consultative Parties, the Food and Agriculture Organisation of the United Nations (FAO) and other Specialised Agencies, inter-governmental and nongovernmental organisations which could contribute to their work, including the International Whaling Commission (IWC), and non-contracting parties. CCAMLR is also involved in global initiatives such as the Fishery Resources Monitoring System (FIRMS), a partnership of regional fisheries management authorities and international organisations to report and share global fisheries data, providing further opportunities for cooperation beyond the countries involved in the Commission. These opportunities are therefore mediated through the formal processes of the Commission.

Non-legally binding political agreements can also support international MSP cooperation by providing the political drive for collaboration and communication. For example, in the Eastern Tropical Pacific Marine Corridor MSP process, a presidential joint declaration between the governments of Costa Rica and Ecuador supports the bilateral management of the shared resources in the Eastern Tropical Pacific. Similarly, the CTI-CFF Regional Plan of Action represents a voluntary and non-binding agreement to align activities towards shared MSP objectives. The CTI-CFF is discussed elsewhere in this study as a detailed case that demonstrates a successful mix of binding and non-binding elements to achieve mutual goals while simultaneously preserving national autonomy.

Cooperation can also be generated through **enabling social infrastructure**. Social infrastructure can be the working methods, administrative arrangements, and organisational structures that promote cooperation between people in a given context. These were the most common type of cooperation mechanisms amongst international MSP processes. For example, in the Red Sea and Gulf of Aden MSP process, the Regional Organisation for the Conservation of the Environment of the Red Sea and Gulf of Aden (PERSGA) was established in 1995 to provide the social infrastructure for cooperation. Under the remit of PERSGA, a Regional Coordinating Committee was established to develop, coordinate and provide training programmes and staff exchanges; to develop a webpage and electronic databases; and to provide a regional library of resource material on MPAs. In addition, an Association of Red Sea and Gulf of Aden MPA Managers and Scientists, has been established to function as a professional society, to share information and knowledge about MPAs, and to develop a directory of regional specialists in marine conservation and management. Similarly, SPREP has established the Pacific Environment Information Network which provides social infrastructure to support international collaboration.

3.1.2. Supporting collaboration

In some cases, steps to support successful cross-border cooperation were focused on 'on the ground' activities. Examples included the development of **inter-jurisdictional planning mechanisms** such as pilot projects focused on topics of multi-country interest and the use of a Steering Committee for the MSP process consisting of representatives from all countries involved.

The use of these mechanisms was suggested as helpful to fostering cross-border cooperation as these required communication and relationship building. Developing MSP activities at different scales (**nested systems**) was also noted as a potential prompt for cross-border cooperation as this requires coordination between planning jurisdictions.

Building in cross-border cooperation to the structure of the MSP process was a common technique to ensure that cooperation existed 'by design' in the MSP process. Similarly, ensuring the strategic distribution of resources across the lifespan of the MSP process was recommended to reassure participants the process will go forward with the support required to achieve agreed objectives.

3.2. Cross-border cooperation in MSP across sub-national jurisdictions

A total of 17 non-European MSP processes in the MSP inventory exhibited cross-border cooperation across sub-national jurisdictions. This type of cooperation included activities between local government units at the same political scale (local councils, districts, counties), between local government units and higher level government units (provinces, states, national government), and between landscape units at the same spatial scale (such as islands). The MSP processes at the sub-national scale were frequently undertaken in isolation from other MSP processes either within the same national jurisdiction or in adjacent national jurisdictions (for example, MSP processes of other countries).

Most sub-national cooperation was delivered through **tailored social infrastructure** rather than any legally binding obligations and took the form of committees for regular and structured stakeholder cooperation, such as the Regional Coordinating Committee in the Beaufort Sea MSP process, or the Coastal Advisory Committees in the Belize MSP process. Some MSP processes included **broader forums or partnerships** to facilitate cooperation amongst a wide constituency of interest groups. Examples include the Mid-Atlantic Regional Planning Body, USA (which serves as a forum to increase interjurisdictional coordination and facilitate efficient and effective management of existing and potential future Mid-Atlantic ocean uses and resources), the Beaufort Sea Partnership, Canada (which allows all interested parties the opportunity to discuss mutual interests, goals, and responsibilities), and the creation of a caucus to support the Marine Planning Partnership for the Canadian Pacific North Coast.

3.3. Summary

In summary, the evidence base (the global MSP inventory and existing literature) demonstrates that the vast majority of cross-border cooperation – in the widest cross-jurisdictional sense – occurs at the sub-national level, between adjoining districts, states or local government departments, and often within nested planning systems. In these cases, the majority of cases demonstrate a similar approach to cross-jurisdictional cooperation, notably the development of non-binding social infrastructure mechanisms such as committees, forums and working groups.

By contrast, far fewer examples of cross-border cooperation can be observed across multi-national or international jurisdictions, yet these selected processes are surprisingly variety in terms of their cooperation mechanisms, governance approaches and legal basis. This observation confirms that the 'one size *does not* fit all' lesson appears to be particularly true for cross-jurisdictional processes. Moreover, this suite of approaches provides a wealth of experience and inspiration that can strengthen the cross-jurisdictional aspects of European MSP processes

4. Evidence from existing MSP guidance

There are numerous sources of advice and guidance on the delivery of effective MSP. These include the European Roadmap for Maritime Spatial Planning (EC 2008) which outlines the preferred pathway towards MSP in Europe, the UNESCO step-by-step guide to Marine Spatial Planning (Ehler & Douvere 2009) which presents a stepwise process to develop marine spatial plans at the national or subnational scale, and guidance published by the Convention on Biological Diversity (CBD & GEF-STAP 2012) which offers broad guidance on MSP practices. There is also a growing literature on MSP which includes many evaluations of individual MSP processes (for example: Douvere *et* al. 2007; Flannery & Ó Cinnéide 2008; Fletcher *et al.* 2013) and review articles that seek to synthesise trends in MSP experience (for example: Carneiro 2013). In addition, there are increasing numbers of applied research projects that have sought to identify effective MSP practices through trialling new techniques, tools and approaches in 'live' situations (for example: C-SCOPE[45] and VALMER[46] projects). This document acknowledges these contributions, but seeks supplement their findings with practical experience of MSP processes.

There are three principal sources of evidence that underpin this analysis. The first is the report of the UN Environment 'Marine Spatial Planning in Practice Initiative' Using the MSP in Practice Initiative database (described in Section 2 of this report),   effective practices have been identified through a combination of statistical analysis, qualitative evaluation of case studies, and workshop discussion. This study also explored the common and context-specific challenges that affect the success of MSP. The study then analysed the linkages between particular MSP elements and medium-term and long-term markers of progress against reported successful achievement of environmental, social and economic outcomes. From this analysis, it was found that effective MSP processes should:

- *Be clearly designed and well communicated*. This includes unambiguous articulation of the steps within the MSP process, a clear description of the overall goal of the MSP process (that is consistent with government and stakeholder needs), has precise targets, and clear decision-making procedures within the MSP process (including clarity of mandate and authority). Related to this was the need for strong leadership of the MSP process.

- *Ensure that stakeholder engagement is ample and inclusive*. Stakeholder engagement supports the development of trust in the MSP process and between participants, supports improved understanding of the ecosystem, and the inclusion and representation of relevant interests in an MSP process. Given the multi-sector character of MSP, stakeholder engagement is a critical enabling factor to ensure adequate representation of all views. MSP processes were found to be most effective where opportunities for stakeholder engagement were frequent and inclusive.

- *Have strong governance arrangements.* It was found that MSP processes with supportive governance frameworks suffered fewer setbacks and achieved more positive outcomes. Strong governance included a transparent and predictable planning process, open access information, a specific law to support the MSP process, and where either a new or existing organisation was given a specific mandate to undertake and implement MSP. Government support and associated legitimacy for MSP was found to be influential in delivering effective MSP.

- *Ensure the necessary resources are in place to support the MSP process.* MSP is an often lengthy process that requires the ongoing input of professional MSP staff, stakeholders, data sharing, spatial analysis, report writing, meetings, political support-building and ultimately implementation and monitoring. MSP is therefore typically very resource-intensive and time-consuming. In order to be successful, adequate resources need to be dedicated to the MSP process. This requires ongoing budget planning and allocation from funders and donors that are aligned to the MSP process.

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[45]Additional information on this Project is available at: www.cscope.eu

[46] Additional information on this Project is available at: www.valmer.eu

- Develop technical capacity and expertise at all levels. Capacity relates to the knowledge and skills needed by MSP professionals and stakeholders to lead and engage meaningfully in an MSP process. It was found that MSP processes with an adequate knowledge and skill base across all participants tended to avoid common or specific pitfalls that hindered the delivery of MSP outcomes. Adequate capacity was also found to promote equitable stakeholder engagement in MSP and more effective process design.

- *Not be constrained by a lack of spatial data and analytical tools.* Data limitations do not represent the most significant challenges faced by MSP processes. It was found that best available data can support a successful MSP process, if other enabling factors are in place and there is opportunity for adaptive management to take better data into account when and should they become available. Ongoing outreach activities are important to plan and resource data sharing, to build partnerships between data providers and users, and to support quality assurance activities.

The second principal source of MSP experience is a study commissioned by WWF (2014), which notes that most successful marine spatial plans share some characteristics. These were identified as:

- clear legal authority to undertake MSP;

- strong political leadership;

- adequate financing to complete at least a first round of MSP;

- effective stakeholder engagement throughout the MSP process;

- clear, measurable management objectives;

- use of best available information, including local and traditional knowledge, in the analysis phase of MSP;

- a focus on the future, including the development of alternative spatial scenarios;

- effective performance monitoring and evaluation of management measures;

- adaptive management.

The third principal source of MSP practice information is the UNESCO-IOC online catalogue of MSP practices. Like the WWF study, the UNESCO-IOC catalogue provides a reference to identify selected characteristics of MSP processes. The method of data collection and analysis employed in both the UNESCO-IOC and WWF studies is not explicitly specified, however, it is understood that a questionnaire survey of MSP practitioners supported both studies.

UNESCO-IOC identifies good practice as *effective and successful; environmentally, economically and socially sustainable; technically feasible; inherently participatory; and replicable and adaptable*. In addition specific 'lessons from MSP experience' derived from the catalogue have been identified as: 1) MSP works; 2) there is no 'best' approach; 3) political will is required'; 4) authority (e.g. from legislation) is needed; 5) adequate financing is required; 6) involve stakeholders early and often; 7) don't try to do everything at once; 8) clear objectives are essential; 9) develop spatial planning capacity; 10) use best available information; 11) focus on the future; 12) implementation, enforcement and compliance are necessary; 13) Monitor and evaluate performance; 14) adopt the plan; 15) integrate MSP with other spatial plans; and 16) encourage international cooperation (Ehler 2013).

5. Development and analysis of a global database of MSP practices

5.1. Lessons learned from the development of the global MSP inventory

The development and subsequent analysis of a global database of MSP practices is a substantial undertaking involving the collection of large amounts of qualitative and quantitative data, held by a small number of extremely busy individuals, operating in often extremely different institutional and legal frameworks, across different time zones, languages and cultures.

Identifying these key individuals is not always straight forward, nor is securing their time to obtain the required data. This is complicated further by these key individuals receiving multiple requests (usually from consultants undertaking commissioned studies and students undertaking personal research) to complete questionnaires, be interviewed and provide documents. This places particular emphasis on thoughtful approaches to the collection, updating and analysis of global MSP databases.

It is therefore important to reflect on the lessons learned in the development of a global MSP database. In compiling these lessons, it is assumed that much of the baseline data now exists (such as plan area, start date, reason for initiation, original objectives, etc.) and that any new global survey will be designed to update this data for existing MSP processes and collect all data (including baseline data) for new MSP processes. The lessons learned related to the *collection* and subsequent analysis of MSP data are:

- Develop a clear analytical framework with research objectives before designing and distributing a survey or initiating an interview schedule. This enables a focused analysis to be undertaken and means that only the data needed is requested, which streamlines data collection and analysis.

- Ensure that the survey or interview questions are not over-long. Survey participants can be put-off by large numbers of questions and provide answers of limited detail.

- Where a survey is seeking to update existing data, it is likely to be appropriate to seek this data through a questionnaire or online survey. However, at the baseline data collection stage, it may be more useful to undertake a detailed interview to obtain a full picture of the MSP process. Using interviews with a flexible structure will also ensure that any unconventional aspects of the MSP process are identified, which might be missed through a questionnaire or online survey which has fixed questions.

- Establish an agreed minimum set of characteristics to describe an MSP process which is published online. This will reduce the need for multiple requests for the same information from MSP practitioners as the current status of each MSP process can be updated as and when a new survey is undertaken.

- Maintain an up to date list of MSP practitioners, including contact details.

In addition, it is helpful to consider lessons learned in the collation of a single MSP inventory from pre-existing databases. These lessons include:

- Gaining access to existing datasets can be challenging and it would be helpful to have formal agreements over data sharing and intellectual property rights in place prior to the start of the process to collate the data.

- It is not always clear how data within other MSP databases was collected and/or quality assured. The application of widely used metadata standards would be very beneficial to all MSP databases and would greatly facilitate the effective unification of databases.

- The definition of MSP used in different databases is not always present, which can lead to the inclusion of different processes in different MSP databases. While different processes can be seen as a legitimate reflection of differing definitions of MSP (and therefore of database inclusion criteria), it would be helpful for the definition used to be explicitly given in order to inform which MSP processes are appropriate to include in a combined inventory.

5.2. Considerations for developing a combined inventory of European and non-European MSP

The global MSP inventory produced for this study contains only non-European examples of MSP processes. European MSP processes have been collated through the European MSP Platform

initiative, which is an online central exchange forum specifically designed to support EU Member States in their efforts to implement MSP[47].

In order to maximize knowledge exchange, both European and non-European MSP practices would ideally be combined in a single repository to enable comprehensive access to all MSP practices.   However, both sources of information have been collected separately using different approaches and data fields. This section considers the implications of combining these data together, referring to the lessons learned (above) from the collation of a single MSP inventory from pre-existing databases.

The European MSP platform has developed two databases that can be interrogated, one for 'Practices', which are initiatives or tools used to support processes such as MSP, and a second for 'MSP Projects'. The criteria used (if any) to select or reject potential projects or practices as MSP is not clear, and any interrogation of the Projects database results in the selection of practices as well as projects. However, the European MSP Platform has been clearly tailored to support the MSP Directive, so the definition of MSP used in the MSP Projects database would be consistent with that used in the global MSP inventory.

The European MSP Projects database has 13 fields compared to 41 in the global MSP inventory and four fields are shared between both datasets (name, country, website source, and budget). The limited number of overlapping fields is mainly due to the fact that the MSP Projects database characterizes all entries as discrete projects that will all have defined implementation periods with start and end dates, a clear funding source, and contracted project partners in the form of named institutions or agencies. By contrast, the global MSP inventory considers MSP to be an adaptive management process that consists of specific phases, likely to be undertaken in cycles over the course of decades, and involving multiple stakeholders representing recognizable sectors within informal partnerships in order to spatially plan maritime areas. Moreover, many of the MSP Project database entries describe projects that delivering supporting mechanisms for MSP (e.g. experience sharing projects) rather than MSP itself. While there is considerable variation across spatial scales, objectives and participants in the global MSP inventory, its entries are all discrete MSP processes.

As such, many of the fields in the database (e.g. funding programme, project implementation period, project partners) are simply not relevant to the concept of MSP used by the global MSP inventory and have no similar counterpart. However, in many cases, MSP projects in the database aim to undertake an MSP process as conceptualized in the global MSP inventory. Where the concepts correspond, some fields in the MSP Project database (e.g. project description, sea basin, completion year, status) could be converted into similar inventory fields (a one-to-one correspondence) or into several closely associated fields (a one-to-many correspondence). For example, the field entitled 'About the Project' in the database could be used to populate several inventory fields, such as 'Goals', 'Objectives/Aims', 'final or expected outcome', or 'stakeholder consultation mechanism'.

Combining these two data sources would require some considerable work, firstly to determine which of the MSP projects in the database would qualify as an MSP process, and subsequently to gather the necessary information on the European processes to fill in the 37 remaining inventory fields used to describe the characteristics of the MSP process that are not included in the database (e.g. sectors, planning tools, data, monitoring indicators, conflict resolution mechanisms). Nevertheless, if undertaken, a combined inventory would be an exceptionally valuable tool for supporting any MSP authority, practitioner or researcher in understanding the status of MSP globally, as well as providing a wealth of comparative information on the characteristics of individual processes.

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[47] Additional information about the European MSP portal can be accessed here: http://msp-platform.eu/msp-practice/database

Table 8 - Database fields from the MSP Projects database within the European MSP Platform

Database fields	Description
Name	Name of MSP project
Funding programme	Options are: - LIFE - is the financial instrument of the European Union supporting environmental, nature conservation and climate action projects throughout the EU. - INTERREG - provides funding opportunities for cross-border, transnational and/or interregional cooperation. - EUROPEAN COMMISSION are funding opportunities from the EC. - NATIONAL – are funding opportunities created by the EC Member States - RESEARCH PROGRAMME – are more region-wide funding opportunities (e.g. FP7) - OTHER
Status	Complete or Ongoing
Sea basin	Sea basins listed are: - Baltic Sea - North Sea - Atlantic - Western Med - Eastern Med - Black Sea - All sea basins
Country	Selected European countries
Completion year	Year of MSP project completion
Website source	Website address for the MSP project
Contact	Name and address of key contact person
Project implementation period	Start and finish dates for the MSP project
Specific funding programme	Name of the funding programme
Budget	Total project budget in Euros
About the project	Short description about the project (approximately 150-200 words) covering aim, objectives, location, activities and outcomes
Project partners	List of project partners

APPENDIX 4   OPTIONS FOR COLLABORATION WITH INTERNATIONAL ORGANISATIONS AND PLATFORMS

International organisations and platforms that may support international MSP cooperation

UN FORA (GLOBAL AND REGIONAL)	
(1) UN-Oceans	
Lead authority	UN Division of Ocean Affairs and the Law of the Seas (UNDOALOS)
Participation	United Nations system organizations with competence in activities related to ocean and coastal areas and the International Seabed Authority. The EU is not a member of UN-Oceans.
Expected outcome	UN-Oceans is an inter-agency mechanism that seeks to enhance the coordination, coherence and effectiveness of competent organizations of the United Nations system and the International Seabed Authority, in conformity with the United Nations Convention on the Law of the Sea, the respective competences of each of its participating organizations and the mandates and priorities approved by their respective governing bodies. UN-OCEANS was established to:
	• Strengthen and promote coordination and coherence of United Nations system activities related to ocean and coastal areas;
	• Regularly share ongoing and planned activities of participating organizations within the framework of relevant United Nations and other mandates with a view to identifying possible areas for collaboration and synergy;
	• Facilitate, as appropriate, inputs by its participating organizations to the annual reports of the Secretary-General on oceans and the law of the sea and on sustainable fisheries to be submitted to the Secretariat;
	• Facilitate inter-agency information exchange, including sharing of experiences, best practices, tools and methodologies and lessons learned in ocean-related matters.
	UN-Oceans operates a number of Taskforces including the UN-Oceans Taskforce on MPAs and other area based management tools. The taskforce established in 2007, includes UNESCO (IOC, MAB, WHC), CBD, UNEP, FAO, UN/OLA/DOALOS, IMO, ISA, UNDP, World Bank. Its main role is to strengthen collaboration and coordination among UN organizations dealing with MPAs by:
	1. Promoting and facilitating the application of MPAs as a management tool for marine and coastal conservation by UN Member States
	2. Enhancing coordination among UN organizations dealing with MPAs to improve coherence and effectiveness of the application of MPAs
	3. Develop a mechanism for exchanging information on MPAs among UN and non-UN organizations
	4. Enhancing coordination and coherence in providing reporting inputs to relevant UN processes and mechanisms and/or the relevant processes of other international bodies
	5. Enhancing coordination and coherence in providing reporting inputs to relevant UN processes and mechanisms and/or the relevant processes of other international bodies
	Whilst the TOR refers to other area based management tools, the taskforce essentially focused on MPAs, with no obvious reference to MSP or other area based management measures the respective UN agencies have mandate to implement. It is unclear whether the Taskforce has met beyond 2009.
Legal basis	A Terms of Reference guides the operation of UN-Oceans is consistent with the UN Convention of the Law of the Sea.
Options for collaboration	An advantage of UN-Oceans is that it brings together a majority of the bodies in the UN family with an interest in oceans (except the United Nations Department of Economic and Social Affairs (UN DESA)), and therefore provides a convenient single entry point for DG-MARE to many relevant international bodies. Through its extended membership, UN-Oceans also provides links to other UN sector based organisations (such as FAO, ISA or IMO), and importantly the Preparatory Committee for the development of an international legally binding instrument under the UNCLOS on the conservation and sustainable use of marine biological diversity beyond national jurisdictions, which could provide additional opportunities to promote MSP in ABNJ.
	Under UN-Oceans, a 'UN-Oceans Taskforce on MPAs and other area based management measures' was established, and presents a significant opportunity for international MSP collaboration. It appears that this Taskforce has recently been inactive and has traditionally focused on MPAs. However, it could be reactivated and used as a ready-made vehicle for international cooperation on MSP. This opportunity aligns well with action 3.5 within the International Ocean Governance Agenda, which seeks to strengthen UN-Oceans particularly in the context of the upcoming review of UN oceans.
Links	UN-Oceans (general website): www.unoceans.org

	UN-Oceans Terms of Reference: www.unoceans.org/fileadmin/user_upload/unoceans/docs/A-68-L18_Annex_UN-Oceans_ToRs.pdf
	Terms of Reference of the UN-Oceans Task Force on Marine Protected Areas and Other Area-based Management Tools: www.unoceans.org/fileadmin/user_upload/unoceans/docs/tf_mpa_tor.pdf
	Last report of the UN UN-Oceans Task Force on Marine Protected Areas and Other Area-based Management Tools: www.unoceans.org/fileadmin/user_upload/unoceans/docs/tf_mpa_un_ocean_6.pdf

(2) UNESCO-IOC Marine Spatial Planning Programme	
Lead authority	UN Educational, Scientific and Cultural Organization - Intergovernmental Oceanographic Commission (UNESCO-IOC).
Participation	The IOC has 148 member countries. The EU is not a member of UNESCO-IOC but many EU member states are members.
Expected outcome	The Intergovernmental Oceanographic Commission assists governments to address their individual and collective ocean and coastal management needs, through the sharing of knowledge, information and technology as well as through the co-ordination of programs and building capacity in ocean and coastal research, observations and services. UNESCO-IOC has initiated a MSP Programme which actively assists Member States in the design and implementation of new Marine Spatial Planning tools, both at the political and managerial levels, for ecosystem-based management of marine and coastal areas.
	Through its International Oceanographic Data and Information Exchange programme (IODE), the Intergovernmental Oceanographic Commission facilitates the exploitation, development, and exchange of oceanographic data and information among participating Member States. IODE seeks, in particular, to train marine information specialists from developing countries. The Intergovernmental Oceanographic Commission is closely involved in several international partnerships for ocean sustainability such as with the CBD, UN-Oceans and the World Ocean Assessment.
	UNESCO-IOC MSP Programme's objective is to assist countries implement ecosystem-based management by finding space for biodiversity conservation and sustainable economic development in marine environments. The Intergovernmental Oceanographic Commission has produced a number of guidance documents on MSP.
Legal basis	UNESCO-IOC was established by resolution 2.31 adopted by the General Conference of UNESCO. It first met in Paris at UNESCO Headquarters from 19 to 27 October 1961.
Options for collaboration	UNESCO-IOC has a strong track record in MSP guidance and practical support. The MSP step-by-step guide produced by UNESCO-IOC is well known and has strong internationally currency.
	The 2017 refresh of the UNESCO-IOC MSP guide and associated online MSP catalogue is likely to be widely used to support MSP practice. As such, UNESCO-IOC is a potential partner that offers existing influence pathways from which DG MARE could benefit. There are important synergies from which a UNESCO-IOC DG MARE collaboration could benefit. For example, UNESCO-IOC does not have a mandate for cross-border MSP and therefore recent DG MARE work on this topic may represent a strong entry point for collaboration. An additional benefit of collaboration between DG MARE and UNESCO-IOC will be to reduce the risk of duplication of MSP support activities. It is important to note that the UNESCO-IOC MSP Programme is not a communication platform therefore the collaboration is more likely to take the form of a bilateral partnership.
	This said, any future collaboration is likely to yield opportunities to collaborate on the sharing and dissemination MSP practices and agreement on a joint direction on future MSP collaboration (as the MSP Paris 2017 conference demonstrates and the associated MSP roadmap). More broadly, the UNESCO-IOC MSP Programme can provide practical support for the implementation of the EC MSP Directive for member states.
Links	UNESCO-IOC MSP Programme: http://msp.ioc-unesco.org/about/msp-at-unesco/
	UNESCO-IOC Guidance on MSP:
	http://unesdoc.unesco.org/images/0018/001865/186559e.pdf
	http://unesdoc.unesco.org/images/0022/002277/227779e.pdf

(3) Convention on Biological Diversity Sustainable Oceans Initiative (CBD–SOI)	
Lead authority	Secretariat of the Convention on Biological Diversity.
Participation	The Convention on Biological Diversity came into force in Dec 1993 and has 168 signatories. The Sustainable Oceans Initiative is focused on Parties to the Convention on Biological Diversity from developing country, in particular least developed countries and small island developing States, and Parties with economies in transition. The EU is a party to the Convention.
Expected	The Convention on Biological Diversity Strategic Plan for Biodiversity 2011-2020 and Aichi Biodiversity Targets drive the delivery of the Convention on Biological Diversity. Of most

outcome	relevance to oceans and MSP is Aichi target 11: "By 2020, at least 17 per cent of terrestrial and inland water, and 10 per cent of coastal and marine areas, especially areas of particular importance for biodiversity and ecosystem services, are conserved through effectively and equitably managed, ecologically representative and well connected systems of protected areas and other effective area-based conservation measures, and integrated into the wider landscapes and seascapes".
	A mechanism to support the delivery of this target is the Convention on Biological Diversity Sustainable Oceans Initiative. The aim of the Sustainable Oceans Initiative is "To provide a global platform to build partnerships and enhance capacity to conserve and sustainably use marine and coastal biodiversity in a holistic manner". The expected impacts of Sustainable Oceans Initiative Action Plan 2015-2020 are:
	- Enhanced cross-sectoral coordination among providers of capacity development related to both science and policy for conservation and sustainable use of marine biodiversity; - Improved delivery of tools, resources and knowledge to support the capacity needs of Convention on Biological Diversity Parties; - Increased exchange of knowledge, lessons learned and experiences among global, regional, national and local levels; - Increased exchange within regions and between regions regarding tools, approaches and knowledge; - Enhanced sharing of information on progress towards Aichi Biodiversity Targets through a global platform and community of practitioners; - Improved awareness of, and access to, capacity building opportunities for Convention on Biological Diversity Parties.
	To date, the Sustainable Oceans Initiative has held capacity development workshops on MSP in several countries.
Legal basis	The Convention on Biological Diversity underpins the Sustainable Oceans Initiative but the Initiative itself is a programme in which states participate on a voluntary basis.
Options for collaboration	The Convention on Biological Diversity (CBD) offers several entry points for DG MARE to consider for the promotion of MSP:
	The first is Aichi Target 11 which mandate Parties to: By 2020, at least 17 per cent of terrestrial and inland water, and 10 per cent of coastal and marine areas, especially areas of particular importance for biodiversity and ecosystem services, are conserved through effectively and equitably managed, ecologically representative and well connected systems of protected areas and other effective area-based conservation measures, and integrated into the wider landscapes and seascapes.
	The second is CBD Decision XI/18 Marine and coastal biodiversity: marine spatial planning which required the Secretariat to review existing MSP guidance and as necessary address gaps and make the guidance available to parties and international organisations to promote MSP as a tool for to enhance existing efforts in integrated marine and coastal area management, identification of ecologically or biologically significant marine areas, design and establishment of conservation and management measures, including marine protected area networks and other area-based management efforts, and other marine biodiversity conservation and sustainable-use practices and to organize training workshops as necessary.
	The third is The CBD Sustainable Oceans Initiative (CBD-SOI) and the CBD Secretariat more generally provides a strong opportunity for collaboration to support and promote MSP for DG MARE. The CBD-SOI has a track record of MSP capacity development activities and a global network of relevant key partners and contacts. There are also clear opportunities through CBD-SOI to link into other areas of CBD activity to promote MSP outcomes, such as through the development of National Biodiversity Strategy and Action Plans (NBSAPs) which generally have not had a strong marine role, but with adequate support could be adapted to integrate MSP objectives.
Links	Sustainable Oceans Initiative: www.cbd.int/soi
	Sustainable Oceans Initiative workplan 2015-2020: www.cbd.int/doc/meetings/mar/soiom-2014-02/official/soiom-2014-02-actionplan-en.pdf

(4) 2030 Sustainable Development Agenda and Sustainable Development Goal 14	
Lead authority	The main inter-agency coordination mechanism for the Rio+20 follow-up continues to be the Executive Committee of Economic and Social Affairs Plus (ECESA Plus). ECESA Plus brings together 50 plus UN entities (including Funds, Programmes, Regional Commissions, Convention Secretariats, Specialized Agencies, International Financial Institutions, the WTO and IOM). It is convened by the UN-DESA (UN Department for Economic and Social Affairs).
Participation	All countries and all stakeholders acting in collaborative partnership. The EU has committed to supporting the delivery of the SDGs.
Expected outcome	The 2030 Agenda for Sustainable Development and Sustainable Development Goals (SDGs) is a plan of action for people, planet and prosperity. It is intended to support bold and

	transformative steps to shift the world onto a sustainable and resilient path. The Agenda consists of 17 SDGs and 169 targets. Of particular relevance to MSP is SDG14 which aims to "Conserve and sustainably use the oceans, seas and marine resources for sustainable development".
	Under SDG14, Target 14.2 indirectly alludes to MSP: "By 2020, sustainably manage and protect marine and coastal ecosystems to avoid significant adverse impacts, including by strengthening their resilience, and take action for their restoration in order to achieve healthy and productive oceans". MSP, as part of a wider move towards sustainable ocean area-based planning is therefore a key mechanism to support the delivery of SDG14 and target 14.2. There is no specific lead body for SDG14 within any international organization at present. There are multiple initiatives to support the delivery of SDG14, including the UN Oceans Conference and the Ocean Action Hub.
Legal basis	The 2030 Agenda is underpinned by UN General Assembly Resolution 70/1 Transforming our world: the 2030 Agenda for Sustainable Development adopted on 25 September 2015.
Options for collaboration	There is considerable international commitment to the delivery of the 2030 Sustainable Development Agenda and Sustainable Development Goals (SDGs), including the oceans related SDGs and associated targets. The 2030 Agenda and oceans SDGs has created a momentum for multi-stakeholder partnership for sharing knowledge, technologies and financial resources to achieve the 2030 Agenda and SDGs. There are many opportunities for DG MARE to promote and collaborate through MSP in support of the 2030 Agenda. In particular SDG target 14.2 seeks to promote the sustainable use of marine and coastal habitats, with MSP and other area-based management tools a mechanism through which this can be supported. Specific opportunities include: • Collaborating with specific countries to support their delivery of oceans SDGs and the 2030 agenda; • Sharing effective MSP practices in global fora, such as the SDG High Level Political Forum, the UN Ocean Conference on SDG 14 in June 2017 and subsequent events, an in particular the 2017 Our ocean Conference in Malta hosted by the EC in October; • Supporting collaborative activities such as the Ocean Action Hub, which seeks to discuss and share experiences, including MSP.
Links	UN General Assembly Resolution 70/1. Transforming our world: the 2030 Agenda for Sustainable Development (2015): www.un.org/ga/search/view_doc.asp?symbol=A/RES/70/1&Lang=E Sustainable Development Knowledge Platform: https://sustainabledevelopment.un.org Sustainable Development Knowledge Platform SDG14 Progress and Targets: https://sustainabledevelopment.un.org/sdg14
(5) UN Environment Regional Seas Programme	
Lead authority	The over-arching Regional Seas Programme is coordinated by UN Environment, although not all of the 18 Regional Seas Programmes, Conventions and Acton Plans are administered by UN Environment. UN Environment administered Regional Seas programmes are: Caribbean Region, East Asian Seas, Eastern Africa Region, Mediterranean Region, North-West Pacific Region, Western Africa Region and Caspian Sea. Non-UN Environment administered Regional Seas programmes are: Black Sea Region, North-East Pacific Region, Red Sea and Gulf of Aden, ROPME Sea Area, South Asian Seas, South-East Pacific Region and Pacific Region. Independent Regional Seas programmes are: Arctic Region, Antarctic Region, Baltic Sea and North-East Atlantic Region.
Participation	More than 143 countries have joined the Regional Seas Programme across the 18 Regional Seas Conventions and Action Plans. Regional Seas and Action Plans have a membership of countries relevant to the area covered by the Regional Sea. The EU is a signatory to several regional seas bodies, including OSPAR and the Barcelona Convention.
Expected outcome	The Regional Seas Programme, launched in 1974, aims to address the accelerating degradation of the world's oceans and coastal areas through a "shared seas" through engaging neighbouring countries in comprehensive and specific actions to protect their common marine environment. All individual Conventions and Action Plans reflect a similar approach, yet each has been tailored by its own governments and institutions to suit their particular environmental challenges. Most of the Regional Seas Programmes function through action plans, which are adopted by member governments in order to establish a comprehensive strategy and framework for protecting the environment and promote sustainable development. An action plan outlines the strategy and substance of the programme, based on the region's particular environmental challenges as well as its socio-economic and political situation. Some Regional Seas Programmes have initiated capacity development activities to support MSP amongst member states. These activities tend to be dependent upon the availability of funding and are often associated with specific projects. In the Regional Seas Strategic Priorities 2017-2020, there are clear priorities related to MSP, notably Strategy 3 to "*Develop integrated, ecosystem-based regional ocean policies and strategies for sustainable use of marine and coastal resources, paying close attention to blue*

	growth" and Strategy 4 to "*Enhance effectiveness of Regional Seas Conventions and Action Plans as regional platforms for supporting integrated ocean policies and management*".
Legal basis	Fourteen of the Regional Seas Programmes have adopted legally-binding conventions that express the commitment and political will of governments to tackle their common environmental issues through joint coordinated activities. Most conventions have added protocols, legal agreements addressing specific issues such as protected areas or land-based pollution.
Options for collaboration	The Regional Seas Programme is essentially a global network of countries, grouped by geographic region, that have agreed to work together on cross-border marine and coastal activities. Regional seas conventions and bodies support regular communication and collaboration opportunities between member countries as such they are potentially strong platforms for international collaboration on MSP. Some regional Seas bodies are already exploring a potential role in supporting MSP within their regions. For example, the Nairobi Convention, which covers the Western Indian Ocean, has recently embarked on series of workshops to build MSP capacity in member states with a view to supporting MSP across the region. Similarly the Permanent Commission for the South Pacific (Comisión Permanente del Pacífico Sur, CPPS), which covers the Southeast Pacific is actively investigating integrated regional ocean governance approaches which include the spatial planning of national waters throughout the region. There is already some collaboration between regional seas bodies, for example the OSPAR Commission and Abidjan Convention regularly share experiences and practices.
	There are opportunities for DG MARE to engage with individual regional seas bodies that might have particular synergies with the European Union, either in terms of contextual similarities, in areas of European strategic interest, or because the regional seas bodies include European member states. Regional seas bodies that have European members (and their territories) include the North East Atlantic (OSPAR), Mediterranean Sea, Baltic Sea, and Black Sea. DG MARE therefore has a clear rationale for engagement in these regional seas bodies. At the global scale, all regional seas bodies meet at least once annually to share experiences and activities, which presents a good opportunity for DG MARE to engage conveniently with all regional seas bodies.
	A historic criticism of the regional seas programme has been the variable funding and support offered to individual regional seas bodies, which has created mixed performance. It is therefore notable that in the UN Environment Oceans Strategy 2017, there is an emphasis on strengthening the regional seas network with a view to providing more support to countries to deliver oceans-related SDGs. It may therefore be an excellent time for DG MARE to engage and support regional seas bodies of particular interest.
	It should also be noted that in 2016, there was a combined meeting of regional seas bodies and Regional Fisheries Management Organisations, with the ambition for follow-up meetings to enhance further collaboration between these groups. This meeting was jointly supported by UN Environment and the CBD. Therefore any future collaboration with either the Regional Seas Programme or Regional Fisheries Management Organisations may need to take this emerging collaboration into account or perhaps focus support on this collaboration, which is widely recognised as important to the sustainable use of marine resources. Better coordination between regional seas and RFMOs is one of the action identified by the EC International Ocean Governance initiative, albeit focused on ICCAT-OSPAR cooperation.
Links	Regional Seas: http://web.unep.org/regionalseas/who-we-are/regional-seas-programmes
	Regional Seas Strategic Directions 2017-2020: http://wedocs.unep.org/bitstream/handle/20.500.11822/10877/wbrs17_8_rssd2017_2020.pdf?sequence=1&isAllowed=y
(6) UN Environment Marine Spatial Planning in Practice Initiative	
Lead authority	UN Environment
Participation	All member states of the United Nations. The EU is party to a data sharing agreement which enabled data from this initiative to be used in the MSP cross-border study.
Expected outcome	The purpose of the UN Environment Marine Spatial Planning in Practice Initiative is to collate, review and share practical examples of MSP. A global survey has been conducted to identify global MSP practices and a guide produced outlining effective MSP advice that can be taken up at national and sub-national level.
Legal basis	N/A
Options for collaboration	The UN Environment Marine Spatial Planning in Practice Initiative has generated the most detailed and thorough analysis of general MSP practice to date. This analysis has supported the development of an evidence-based effective practice guide for MSP practitioners and policy-makers (to be published in 2017). This Initiative has contributed to the compilation of the DG MARE MSP inventory and has underpinned the 'Blue Planning' capacity development course developed though the Blue Solutions Project (supported by UN Environment and GIZ). Like the IOC-UNESCO MSP Programme, the MSP in Practice Initiative is not a communication platform in itself, but through its activities, there are opportunities for communication and collaboration. The UN Environment MSP in Practice Initiative, the UNESCO MSP Programme and some elements of

	the DG MARE and DG ENV engagement with MSP are somewhat similar and a potential role for DG MARE would be to facilitate stronger collaboration between these initiatives in order to unlock potential synergies and savings.
Links	None

(7) Regional Fisheries Management Organisations (or Arrangements)	
Lead authority	Food and Agriculture Organisation of the UN offers coordination.
Participation	Each Regional Fisheries Management Organisation is open both to countries in the region (coastal states) and countries with interests in the fisheries concerned. The EU is a member of some Regional Fisheries Management Organisations, including the North East Atlantic Fisheries Commission and the International Commission for the Conservation of Atlantic Tuna.
Expected outcome	Regional Fisheries Management Organisations are usually tasked with collecting fisheries statistics, assessing resources, making management decisions and monitoring activities. Regional Fisheries Management Organisations play a pivotal role in facilitating intergovernmental cooperation in fisheries management. With recently strengthened mandates, most Regional Fisheries Management Organisations now have the power to manage according to an ecosystem approach to fisheries. As such, Regional Fisheries Management Organisations are of central importance to sustainable management of the world's oceans.
Legal basis	All Regional Fisheries Management Organisations are established through their own agreements between the countries concerned.
Options for collaboration	Regional Fisheries Management Organisations have a clear focus on fisheries management rather than cross-sectoral planning of marine space. However, many Regional Fisheries Management Organisations emphasize their long-standing involvement in marine conservation and recognition of other marine activities (such as submarine cabling). As such, many Regional Fisheries Management Organisations identify themselves as being very experienced at area-based planning, albeit not labelled as MSP. The Regional Fisheries Management Organisations may therefore offer an alternative entry point to MSP collaboration particularly in regards of their mandate over the high seas, which many Regional Conventions do not have. Their recent increase in engagement with regional seas bodies suggests an openness to collaboration which the EC supports.
Links	Regional Fisheries Management Organisations: www.fao.org/fishery/topic/166304/en

(8) UN sector based agencies	
Options for collaboration	A number of UN sector based agencies also have area based management functions relevant to MSP, including FAO, IMO, and ISA, but which do not have specific MSP platforms. It is possible that through EU involvement in these bodies, DG MARE could encourage greater direct support for, or engagement in, MSP. For example, IMO and FAO have spatial measures to protect vulnerable marine areas that could be aligned with, and integrated into, an MSP process , or used to strengthen MSP processes.

NON-UN REGIONAL PLATFORMS

(1) World Ocean Council MSP Ocean Platform	
Lead authority	The World Ocean Council is a global, cross-sectoral ocean industry alliance committed to Corporate Ocean Responsibility. The World Ocean Council is operated by a Secretariat based in the United States.
Participation	Ocean industry companies, associations, organizations (research, academic, scientific) and individuals. EU is not a member of the World Ocean Council.
Expected outcome	The World Ocean Council believes that responsible and coordinated Ocean Business Community efforts are essential to a healthy and productive global ocean and its sustainable use, development and stewardship by a responsible Ocean Business Community. To this end, it engages and brings together leaders from various ocean industries, including shipping, oil and gas, fisheries, aquaculture, tourism, renewable energy (wind, wave, tidal), ports, dredging, cables, as well as the maritime legal, financial and insurance communities, and others to collaborate on responsible use of the seas. The World Ocean Council has developed a MSP Ocean Platform. This aims to foster an informed ocean business community in ocean planning and MSP. The World Ocean Council delivers information, analysis and dialogue to improve interaction between the ocean business community and marine planning efforts. Through the MSP Ocean Platform, the World Ocean Council is working to: 1. Ensure members and other ocean industry representatives are well informed about MSP. 2. Effectively engage the ocean business community in the MSP process in key countries and regions. 3. Address the MSP needs and interests of responsible ocean businesses and optimize the business benefits of MSP.

Legal basis	The World Ocean Council is an industry association based on the payment of a voluntary annual subscription fee and agreement to support the World Ocean Council Member Statement (including vision, mission and objectives).
Options for collaboration	The World Ocean Council hosts representatives of key ocean industries and businesses. For many commercial bodies, the World Ocean Council is the primary form of engagement with marine issues, including representation in global MSP debate. The World Ocean Council presents an opportunity for DG MARE to engage with marine industry interests and specific commercial bodies. Understanding of the perspective of commercial bodies in MSP and other marine management activities has long been a weak point in ocean governance. Therefore the opportunities to engage with the private sector on MSP are potentially significant. The existence of a specific MSP Platform within the World Ocean Council is a further advantage, although the extent to which the platform extends beyond a web-presence should be established. Regardless, the annual meetings of the World Ocean Council, which attract significant numbers of commercial attendees, are a potentially useful platform for discussion and collaboration with the commercial sector on MSP.
Links	World Ocean Council: http://oceancouncil.org
	World Ocean Council Member Statement: http://oceancouncil.org/wp-content/uploads/2016/05/WOC_Member_Statement.pdf

(2) World Economic Forum New Vision for the Ocean

Lead authority	World Economic Forum
Participation	The World Economic Forum is a platform for government, IGO, industry and civil society leaders
Expected outcome	The World Economic Forum, established in 1971, engages the foremost political, business and other leaders of society to shape global, regional and industry agendas. It is independent, impartial and not tied to any special interests. The World Economic Forum believes that reversing the rapid decline in ocean health is critical to addressing climate change and has launched an unprecedented multi-stakeholder coalition to improve ocean management by exploring cross-cutting opportunities and leveraging new technologies to scale promising solutions.
	The coalition, known as the New Vision for the Ocean, will support a range of initiatives and events from the public and private sectors to ensure the long term sustainable use of the Ocean. Designed as a public-private partnership to help advance SDG 14, the New Ocean Vision offers a platform for key industries to work together with Government, civil society and the scientific community on implementation and accountability.
	The objective of the New Ocean Vision is to scope, design and deliver a shared public-private strategy for global ocean systems change. To illustrate the potential of the NVO coalition, an initial effort will be deployed in 2017 to scope out and build a group of champions to address illegal, unreported and unregulated (IUU) tuna fishing.
Legal basis	The World Economic Forum is guided by a set of Statutes.
Options for collaboration	The World Economic Forum Council on Oceans brings together leaders from government, private sector and international institutions and meet in the margins of the World Economic Forum. In 2016 the World Economic Forum launched a multi stakeholder coalition with a new vision for the oceans which aims to improve ocean management by exploring cross-cutting opportunities and leveraging new technologies and public private partnerships to scale up promising solutions. The coalition, known as the New Vision for the Ocean (NVO), will support a range of initiatives and events from the public and private sectors to ensure the long term sustainable use of the Ocean. Designed as a PPP delivery mechanism to help advance SDG 14 ('Life Below Water'), the New Ocean Vision can offer a platform for key industries to work together with Government, civil society and the scientific community on implementation and accountability. This has clear synergies with the push towards a sustainable blue economy and as such could be a useful high-level body with which to engage. The specific focus of NVO on MSP is not clear, but there is potential that this could be strengthened, or enhanced further, through targeted engagement.
Links	World Economic Forum: www.weforum.org
	World Economic Forum New Vision for the Ocean: www.weforum.org/projects/a-new-vision-for-the-ocean
	World Economic Forum Statutes: www3.weforum.org/docs/WEF_Forum_Statutes_2015.pdf

(3) The Economic Ocean and The Economist World Ocean Summit

Options for collaboration	The Economist Intelligence Unit and The Economist Annual World Ocean Summit offers excellent opportunities for DG MARE to promote MSP with the business and financial communities. Importantly it will allow for connecting bankable MSP initiatives with private investors interested in supporting sustainable development at the same time as getting a return on their investment.

(4) Non-UN regional platforms

Options for	Most ocean regions include collaborative bodies that are indigenous to those regions (for example, the Pacific Island Forum, the Caribbean Community 'CARICOM', or the Indian Ocean

collaboration	Rim Association). Their membership and interests may not be entirely aligned with UN regional institutions, nor to MSP, however, they provide an additional mechanism through which DG MARE cold encourage MSP collaboration. For example, CARICOM encourages 'functional cooperation' between 20 Caribbean countries focused upon economic integration, foreign policy coordination, human and social development, and security. Arguably, all of these would be strengthened by enhanced ocean governance through MSP. On a wider note, institutional fragmentation, can be a major impediment to advancing ocean governance, therefore an additional opportunity for DG MARE is to support influential non-UN regional bodies to adopt policies that support integrated governance at the regional level.

APPENDIX 5   MSP 2017 CONFERENCE REPORT (SESSION 6)

2nd International Conference on Marine / Maritime Spatial Planning

15–17 March 2017, UNESCO HQ, Paris (www.msp2017.paris)

Session 6 – Cross-border cooperation in MSP
(16 March 2017, 11:00 – 15:00)

1.   Introduction

The 2nd International Conference on MSP, jointly organised by the Directorate-General for Maritime Affairs and Fisheries (DG MARE) of the European Commission and the Intergovernmental Oceanographic Commission (IOC) of the UNESCO, represents a significant effort to spread MSP internationally. The conference objectives included:

General objectives
1. Explore how MSP can be used to address global challenges (climate change, ABNJ, poverty, safety and sufficiency of food for a growing population)

2. Explore its potential for ocean based industry, its potential for boosting jobs, growth and innovation

3. Reflect on how to accelerate the processes of MSP worldwide

Specific objectives
1. Spread knowledge on specific themes (ecosystem approach, cross border MSP, stakeholder engagement)

2. Spread knowledge on the process itself (drivers and goals to initiate MSP, the scope and design of MSP)

3. Build trust between actors, create a shared vision

This Appendix provides an overview of the conference programme and participation, and presents key points discussed during Session 6 (Cross-border cooperation in MSP), which introduced preliminary findings of this Project. A full list of speakers is also included.

2.   Conference programme

The conference ran for 3 days between 15 and 17 March 2017. A summarised version of the Conference Agenda is presented in Table 9.

Table 9 - Overview of conference agenda

Day 1 – 15th March	
14:00 – 14:30	**Session 1 – Welcome** Facilitated by: Jacki Davis
	- Getachew Engida (UNESCO) - Vladimir Ryabinin (IOC-UNESCO) - Jurgen Muller, speech by Karmenu Vella (European Commission)
14:30 – 15:00	**Session 2 – Keynote: The worldwide status and trends of MSP**
	- Charles Ehler (Senior Marine Planning Consultant)
15:00 – 16:30	**Session 3: Lessons learned from countries** Facilitated by: Jacki Davis Rapporteur: Damon Stanwell-Smith, NIRAS UK

	- Leo de Vrees (Ministry of Infrastructures and the Environment, Netherlands) - Steve Diggon (Coastal First Nations-Great Bear Initiative, Canada) - Anja Kreiner (Ministry of Fisheries and Marine Resources, Namibia) - Alain de Comarmond (Environment Department, Seychelles) - Jungho Nam (Marine Policy Research Department, Korea Maritime Institute) - Wei XU (State Oceanic Administration China)
16:30 – 17:00	*Coffee break*
17:00 – 18:20	**Session 4: Engaging stakeholders in MSP** Facilitated by: Jacki Davis Rapporteur: Damon Stanwell-Smith (NIRAS UK)
	- Jacek Zaucha (Maritime Institute in Gdansk and University of Gdansk, Poland) - Anne Langaas Gossé (Norwegian Environment Agency) - Joanna Smith (TNC Canada) - Laurent Vigier (SUEZ Group) - Maria Deligianni (European Community Ship Owners' Associations (ECSA)
18:20 – 18:30	***Wrap-up and preview of Second Day***
18:30 – 20:30	***Cocktail/Reception***
	Day 2 – 16th March
09:00 – 10:30	**Session 5: The connection between MSP and Global Ocean Governance goals** Facilitated by: Ida Reutersward (Ministry of the Environment and Energy Sweden) Rapporteur: Alejandro Iglesias Campos (IOC-UNESCO)
	- Julian Barbière (IOC-UNESCO) - Felix Leinemann (DG MARE) - Jihyun Lee (Secretariat of the CBD) - Lisa Emelia Svensson (United Nations Environment)
10:30 – 11:00	*Coffee break*
11:00 – 12:30	**Session 6: Cross-border cooperation in MSP Part I** Facilitated by: Damon Stanwell-Smith (NIRAS UK) Rapporteur: Sara Méndez Roldán (NIRAS UK)
	- Damon Stanwell-Smith (NIRAS UK) - Steve Fletcher (UNEP-WCMC) - Dominique Benzaken (CFTC Seychelles) - Jennifer McCann (URI CRC) - Gonçalo Carneiro (NIRAS Indevelop, Sweden) - Mark Belchier (CCAMLR Scientific Committee) - Hannah Thomas (UNEP-WCMC)
12:30 – 13:30	***Lunch Break***
13:30 – 15:00	**Session 6: Cross-border cooperation in MSP Part II** Facilitated by: Damon Stanwell-Smith (NIRAS UK) Rapporteur: Sara Méndez Roldán (NIRAS UK)
	- Damon Stanwell-Smith (NIRAS UK) - Qinhua Fang (Xiamen University) - Gonçalo Carneiro (NIRAS Indevelop Sweden) - Hannah Thomas (UNEP-WCMC) - Laura Whitford (TNC) - Stephen Olsen (URI CRC)
15:00 – 15:30	*Coffee break*
15:30 – 17:00	**Session 7: Good practices for science-based MSP** Facilitated by: Ingela Isaksson (Agency for Marine and Water Management Sweden) Rapporteur: Riku Varjopuro (Finnish Environment Agency)
	- Paul Gilliland (UK MMO) - Adrian Judd (UK CEFAS) - Jan Schmidtbauer Crona (Swedish Agency for Marine and Water Management) - Paul Marshall (University of Queensland) - Steven Vandenborre (Federal Public Service in charge of Marine Environment, Belgium)
17:00 – 17:15	***Wrap-up and preview of Third Day***
18:00 – 19:30	**Communication workshop**

	Facilitated by: Christopher Malapitan (Visuality)
19:30 – 21:30	***Cocktail/Reception***

Day 3 – 17th March	

09:00 – 10:30	**Session 8: MSP towards Sustainable Blue Growth** Facilitated by: Bernhard Friess (DG MARE) Rapporteur: Marie Colombier (DG MARE)
	- Xin Teng (State Oceanic Administration China) - Jessica Hjerpe (Region Västra Götaland, Sweden) - Marc-Philip Buckhout (Aquaculture Advisory Council) - Marian Stuiver (Wageningen University)
10:30 – 11:00	***Coffee break***
11:00 – 12:30	**Session 9: Institutional Capacity Development for MSP** Facilitated by: Bernhard Friess (DG MARE) Rapporteur: Marie Colombier (DG MARE)
	- Joseph Onwona Ansong (Centre for Marine and Renewable Energy Ireland, University College Cork) - Norma Patricia Muñoz (CIIEMAD) - Dr. Badal Rezah (Continental Shelf, Maritime Zone Administration of Mauritius) - Dr. Nguyen Chu Hoi (Vietnam National University)
12:30 – 13:30	***Lunch Break***
13:30 – 15:00	**Session 10: Ocean planning in Areas Beyond National Jurisdictions** Facilitated by: David Johnson (Seascape Consultants) Rapporteur: Alessandra Lamotte (DG MARE)
	- Kristina Maria Gjerde (IUCN Global Marine program) - Dixon Waruinge (Secretariat of the Nairobi Convention at UN Environment) - Darius Campbell (OSPAR Commission) - Julian Reyna-Moreno (Permanent Commission of the Southeast Pacific)
15:00 – 15:30	***Coffee break***
15:30 – 17:00	***Session 11: Priorities for the Next Decade and Concluding Remarks*** Facilitated by: Julian Barbiere (IOC UNESCO) Rapporteur: Marie Colombier (DG MARE)
	Feedback from sessions: - Anja Kreiner (Ministry of Fisheries and Marine Resources) - Jacek Zaucha (Maritime Institute in Gdanks And University of Gdansk) - Alejandro Iglesias Campos (IOC-UNESCO) - Damon Stanwell-Smith (NIRAS UK) - Ingela Isaksson (Agency for Marine and Water Management Sweden) - Marie Colombier (DG MARE) - Angela Schultz-Zehden (S.Pro) - David Johnson (Seascape Consultants) *Panelists* - Vincent Bouvier (Secrétaire Général de la Mer, France) - Lisa Emelia Svensson (UN Environment) - Bernhard Friess (DG MARE) - Hashali Hamukuaya (Benguela Current Convention) - Ida Reutersward (Ministry of the Environment and Energy Sweden)

3. Conference participation

A total of 287 people participated in the 2nd International MSP Conference, with an additional 212 participants engaging online. Participants came from 73 different countries (see Figure 8), and a diversity of sectors (Figure 9).
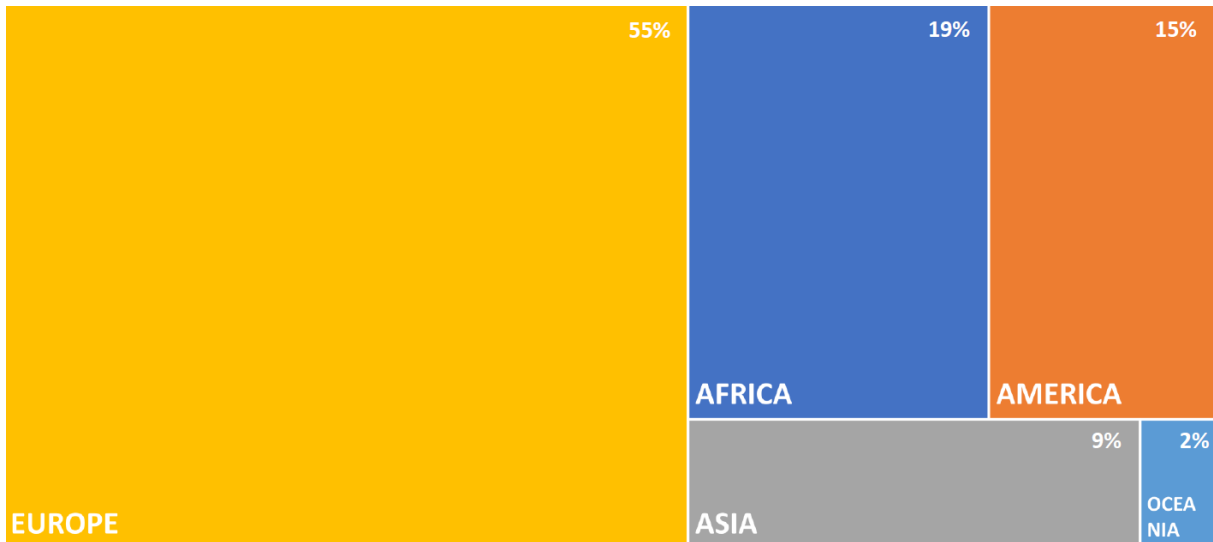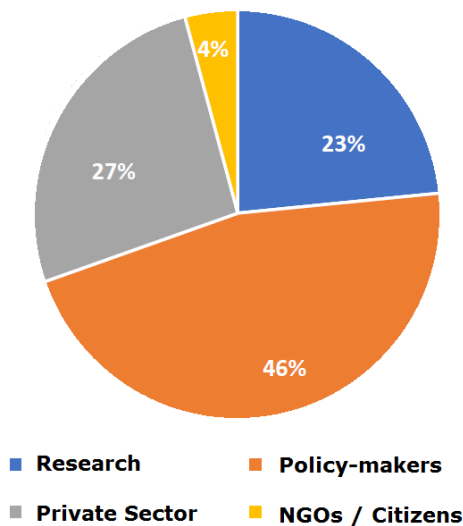
Figure 8 - Regional presence (Conference participation)
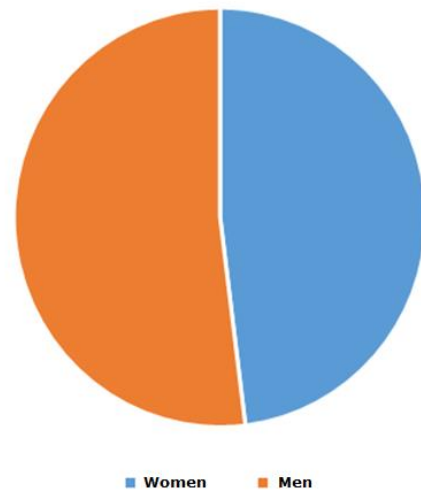

Figure 9 - Sector representation

Figure 10 - Gender balance

4. Session 6 (Cross-border cooperation in MSP) – review and discussion points

During Session 6, the Project team presented findings from the analysis of Case Studies summarised in this report, lessons learned and good practice. The main points of discussion included:

1) **Introduction,** Damon STANWELL-SMITH (Head of Marine Environment, NIRAS UK, dss@niras.com)

- Different contexts provide different "good practice" lessons that may be relevant to / inspire different MSP planners of the present and future

- For the purposes of the Study, cross-border cooperation is defined as collaboration across jurisdictions, i.e. between regional, national or sub-national divisions with competency for MSP

2) **A - Global examples of cross-border cooperation in MSP,** Steve FLETCHER (Head of Marine Programme, UNEP-WCMC, steve.fletcher@unep-wcmc.org)

- Multinational cooperation in MSP is limited, but very variable, ranging from large well-established formal processes to much more informal linkages and activities.
- Cooperative mechanisms included legally-binding treaties, political agreements, cooperative organisations and the establishment of 'social infrastructure', which can inspire cooperation with third countries
- At the sub-national level, cooperation across borders occurs through tailored social infrastructure (committees, forums, working groups), etc that convene in regular meetings
- Sub-national MSP processes are frequently undertaken in isolation with little consideration given to potential connectors with other MSP processes
- 'Effective' practice in one context may not be comparable to effective practice elsewhere. The use of a structured analytical framework, applicable consistently across multiple MSP processes can help to identify effective practices.

2) **B - Methods for the analysis of the four case studies**, Stephen OLSEN (Emeritus director of CRC, Rhode Island University, SBO@crc.uri.edu)

- The study undertook context-specific analyses of MSP processes in order to identify what, if any, cross-cutting characteristics are shared between MSP processes.
- The study analytical framework is based on the Order of outcomes framework, which digs through the outcomes of the process at different stages.
- The framework has been used through the gathering of facts and assessment of different element using graduated indicators. These are important to insert discipline to think in a standard manner, but the key is on justifications given.

3) **Governance, drivers and goals**, Dominique BENZAKEN (Senior Advisor on Ocean Governance, Commonwealth fund for technical Cooperation, Office of the Vice President, Government of Seychelles, dobenzaken@gmail.com)

- Consideration of climate change in MSP brings the concept of reliance to the table
- Contextual governance (legal basis, prior history of decision-making and existing linkages, political culture or geopolitics) has a strong influence on MSP processes, including on the degree to which cross-border collaboration is achieved.
- MSP can be initiated at different geographical/ decision making scale, but it typically engages several levels of decision making
- A history of joint-decision making accelerates MSP development and implementation
- MSP provides certainty and encourages investment
- Resource mobilisation is a significant challenge and needs innovation

4) **Collaboration and participation. Illustrated by Rhode Island Ocean SAMP,** Gonçalo CARNEIRO (Senior Consultant, NIRAS Indevelop Sweden, Goncalo.Carneiro@niras.se) and Jennifer MCCANN (Director of U.S. Coastal Programs, CRC, The University of Rhode Island, USA, mccann@crc.uri.edu)

- RI Ocean SAMP driven by offshore wind development, used as a regulatory tool that helps to bring people to the driver seat, framed under a set of principles aimed at building trust.
- The RI Ocean SAMP responded to the numerous data / assessment requirements by existing regulations, the process engaged with regulators to make sure the final product was actually practical and useful for relevant agencies.
- The Ocean SAMP also facilitated a voice to fishermen to provide input into the planning process (Fisheries Advisory Board), which is still used nowadays during implementation and revisions.
- There was recognition early on that both regulators / scientists had to liaise with people to build trust

- The Ocean SAMP also facilitated some collaboration with Massachusetts to develop offshore wind in a shared area (federal waters), developed through a MoU and a designated Area of Mutual Interest

Reflections

- The process of stakeholder engagement needs to be tailored to the context, expectation and capacity of stakeholders. E.g. governance context can determine capacity for engagement.
- The extent to which stakeholders engage depends on how they see they may be affected, but also whether they feel they will be able to influence the process
- The key purpose of engaging stakeholders should be to build a constituency of individuals ("leaders") committed to taking the MSP process forward.

5) **Application of the ecosystem approach. Illustrated by CCAMLR,** Hannah THOMAS (Senior Programme Officer, UNEP-WCMC, Hannah.Thomas@unep-wcmc.org) and Mark BELCHIER (Chair CCAMLR Scientific Committee, markb@bas.ac.uk)

- In practice, it is very difficult to implement the Ecosystem Approach comprehensively in a rapidly changing and uncertain environment, certainly in any one management process
- Focus on making ecosystem-based decisions despite the unknowns and strengthening coordination and integration between the multiple management systems interacting with the ecosystem
- At CCAMLR there is an explicit mandate to take the precautionary approach to EBM whilst allowing 'rational use' of living resources, the lack of uniform understand of the EBM concept posed challenges

6) **Implementation of hierarchical MSP plans and policies. Illustrated by Marine Functional Zoning in Xiamen, China,** Gonçalo CARNEIRO (Senior Consultant, NIRAS Indevelop Sweden, Goncalo.Carneiro@niras.se) and Qinhua FANG (Associate Professor, Coastal and Ocean Management Institute, Environmental Science Research Center, Xiamen University, qhfang@xmu.edu.cn)

- MFZ is an enforceable process that allows vertical implementation across different levels, ensuring consistency between local level plans and national goals, and addressing of cross-border issues.
- Strategic Environmental Assessment has allowed addressing competing demands and assess cumulative impacts. Feasibility is assessed based on multi-dimension decision-making.

Reflections

- All case studies combine informal and formal platforms for cooperation:
  - o Formal platforms at transnational level seem useful to commit organisations, engage sectors and document the process
  - o Informal platforms seem useful to commit individuals and build trust, particularly if there is a lack of formal structures. They are less resourced and tend to be more inclusive.
- Platforms for "behind-the-scenes" negotiation are important and useful for learning
- Enforcement capability is limited by sovereignty rights, and in multi-national cross-border context, volunteering means seem more useful to improve coordination.

7) **Making monitoring and evaluation effective. Illustrated by The Coral Triangle Initiative**, Hannah THOMAS (Senior Programme Officer, UNEP-WCMC, Hannah.Thomas@unep-wcmc.org) and Laura WHITFORD (Director, Development Policy and Partnerships, TNC Asia Pacific Program, lwhitford@TNC.ORG)

- The development of a M&E framework to measure CTI-CFF goals was used to define roles and accountability, and has been a key process in strengthening cross-border cooperation and build relationships
- The CTI-CFF also developed the CT Atlas, which contributed to a sense of common identify and achievement
- A well-designed, relevant, and easy to understand M&E system with simple but robust indicators can build a common identity, assist adaptive management and ensure consistency. Simple objectives will also gain political support more easily
- An overly complex system with too many or difficult indicators can help make a program un-measureable and risks long-term failure

8) **Good practices in MSP cross-border collaboration,** Stephen OLSEN (Director Emeritus of CRC, Rhode Island and GEF/STAP MSP lead)

- The practice of MSP is as much, often more, of a social and political process with major economic implications – as it is a scientific and technical challenge
- Designs that build trust and common purpose have great value, e.g. use of non-politicised coordinating body
- Invest in understanding the existing governance system, traditions and local knowledge
- Adopt an issue-driven approach in order to motivate engagement
- Adopt a long-term perspective
- Manage expectations for stakeholder involvement
- Adaptive MSP requires effective long-term Monitoring and Evaluation

The eight presentations were followed by a 30 min session of Q&A, facilitated by Damon Stanwell-Smith, key points discussed are listed below:

Q1   What is the best example of transboundary MSP until now?
- There is no "best" example, what can be considered successful in one place may be irrelevant in another. There are examples that work (or not) under different circumstances.

Q2   What is the biggest challenge in cross-border cooperation?
- Need for a common purpose that moves forward MSP in the same direction. In Rhode Island, the limited collaboration with Massachusetts during the planning process was mainly caused by competition to become the first state to develop offshore wind, and create new jobs.
- In a multinational context, the fact that there is no complete control, and that there is a need to cooperate with ongoing / parallel governance structures in place.
- Although a challenge, aligning of thinking is possible, CCAMLR experience shows that consensus-based decision making makes this possible.

Q3   Can the approach used at CCAMLR be applied in the Arctic?
- There are parallels between the Arctic and Antarctic and definitely lessons that can be learned from CCAMLR, it would be disappointing that the Arctic management ended up falling under a RFMO regime.
- There are also big differences, the Arctic has some population in contrast with the relatively deserted southern ocean. The Antarctic has also been managed through the Antarctic Treaty System for over 40 years, while this does not exist in the Arctic.

Q4   To Jennifer McCann, is it necessary to establish spatial planning regulations for fisheries? Can it be integrated into MSP?
- In the US, as a traditional activity, regulations and management of fisheries have been in place for a long time. The Ocean SAMP had very clear that could not change the way fisheries were being managed / regulated, but instead made sure that policies were

developed to protect existing uses and give them a voice during the planning and implementation process through the establishment of a dedicated Fisheries Advisory Board.

Q5   Can dynamic ocean management strategies be integrated in MSP?

- If dynamic ocean management is understood as the process of using data updates to keep MSP up to date, yes, it should be part of the process.
- In CCAMLR there is a feedback management system used to ensure the use of data updates in decision-making

Q6   Last remarks, advice on cross-border cooperation

- Understand motivations for cooperation through social sciences
- MSP as an issue-driven process can assist in bringing people to the table more effectively
- Use existing tools, frameworks, institutions to facilitate cross-border cooperation
- Set realistic expectations from the beginning
- One size does not fit all, collaboration is not a done deal, drivers for collaboration need to be there
- Need to identify how to learn together more effectively, stop reinventing the wheel, plea for more effort to collaborative learning

One "take home" from all case studies

Engendering **TRUST is the key to MSP**, *especially* for cross-border cooperation

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