

Main comments on WIO LME Strategic Action Programme arising from national
Consultations

STILL TO BE FINALISED

There should be more reference to SAP and participants supporting and promoting the sustainable development of economic sectors (fisheries, aquaculture, transport, tourism, etc) within the concept of the ecosystem approach.

More reference and action identified within the SAP in terms of support for the identification and development of MPAs in the WIO region along with a network of stewardship, management, enforcement. Furthermore, the need for more capacity building and use of marine spatial planning for management and governance within the LMEs should be included as an action/requirement for SAP implementation and a strong emphasis should be given to the need to develop more effective trans-frontier/trans-boundary MPAs (where appropriate) as well as exploring and developing mechanisms in support of management of MPAs and the protection of ecologically or biologically sensitive and vulnerable areas within the high seas components of the LMEs.

It was noted that there was very limited reference to ABNJ or high seas in the Declaration or the main document and it was also felt that a truly ecosystem-based SAP would need to address the issue of high seas management, at least as a formal discussion topic within the work schedule of the regional policy-level institutional arrangements.

Any regional institutional and policy level management process for the SAP should have such security considerations as part of its mandate for informing countries and other regional bodies that deal with such issues, including naval and/or airborne presence to support and protect research.

Stronger reference to data sharing and the need to improve on a regional data sharing agreement under the SAP

The group noted the reference (under ‘Declines in Living Marine Resources’) to ‘*Contributing to the rebuilding/restoration of the populations of large pelagics to sustainable levels*’. It was felt that this statement was misleading and gave the impression that stocks of large pelagic, small pelagic and prawns/shrimps had already fallen below sustainable levels and were in a dire situation, which is not actually the case. An alternative wording was proposed for the three relevant bullets as:

- Monitor populations of large pelagic fish and harvest rates to maintain sustainability or, where necessary, to implement management measures aiming at restoring populations at sustainable levels
- Monitor populations of small pelagic fish and harvest rates to maintain sustainability or, where necessary, to implement management measures aiming at restoring populations at sustainable levels
- Monitor populations of prawns/shrimps and harvest rates to maintain sustainability or, where necessary, to implement management measures aiming at restoring populations at sustainable levels

Inadequate reference is given to any high seas management processes within the SAP document or how these would be addressed through the various Action Components or Institutional Arrangements. High seas and ABNJ issues should be appropriately addressed within and through the SAP and this could have implications on any implementation arrangements and coordination mechanisms.

Furthermore, in the context of ABNJS, some reference is needed to the rapidly growing mining and oil/gas exploration within the LMEs but outside EEZs but which could have implications for LME welfare and transboundary impacts.

Discussions regarding legally versus non-legally binding SAP led to agreement that that the legally-binding nature of existing treaties and conventions (as highlighted in the Declaration section) confirmed the commitment of the countries already and that this non-legally binding document provides a vehicle to realise those legal commitments and to identify and address any gaps not covered by those agreements. If the SAP were to become legally binding it could duplicate or even conflict with existing agreements such as the Nairobi Convention and RFMOs. Consequently, the decision was to support a non-legally binding SAP as presented.

Ad Hoc Open Ended Working Groups on thematic areas of concern should be an expectation under the Scientific and Technical Advisory Panel. E.G. Chronic and Catastrophic Pollution (i.e. chronic pollution from bilges or ballast; catastrophic pollution from toxic waste dumping or ships running aground). It was noted here that currently oil and gas issues and pollution were not really prioritised through the TDA-SAP process but that they could become massive concerns in terms of both chronic and catastrophic pollution. However, it was noted that Oil and Oil Exploration did fall under Priority One which is Water Quality Degradation.

The SAP Steering Committee should also create Working Groups to address such issues as marine law and it was felt that this should include a high-level working party to address high seas and UNCLOS issues related to the SAP as a matter of early priority. Again, it was felt that there must be specific reference in the SAP to the intention to develop a more effective mechanism for high seas cooperative governance within the LMEs and along its boundaries.

The CB&T Action Component in the SAP should make specific reference to the intent to work closely with and cooperate with any existing or planned initiatives throughout the region or even globally, and that the National CB&T Plans are a critical and integral part of any regional CB&T initiative or programme.

It was noted that the CB&T Action Component of the SAP was mainly targeting tertiary education yet it needed also to address middle level technician training as well as the Training-of-Trainers. The CB&T section should be expanded and should discuss who should be trained and why this is important for the SAP. It should also provide more emphasis on the need and intention for improved networking between universities, academic institutions and training centres in the region

In relation to the Science-Based Governance component of the SAP, there was keen interest in the recent national-level Science-to-Governance roundtables (in Mauritius

and Tanzania). It was felt that these roundtables should be referenced as an integral part of the SBG component in the SAP.

In the context of Unpredictable Environmental Variability and Extreme Events, reference was made to the Western Indian Ocean Climate Change Challenge and the need to ensure cooperation and compatibility between any SAP actions and initiatives and what the Challenge was aiming to do. It was agreed that the overall WIO Alliance concept provided a good vehicle to achieve this cooperative approach as the Challenge would fit well within the overall Alliance concept of working partnerships to support the SAP (rather than there being an unnecessary duplication). The National Consultation Group also noted a proposal with SADC at present from Seychelles for a Regional Climate Observatory for which Seychelles which could be a potential asset for the SAP process and as part of any Alliance also.

Discussions on the proposed Institutional Arrangements raised concern that the SAP should be a comprehensive multisectoral programme and that any institutional arrangements should reflect this multisectoral nature. There was overall support for anchoring the LME process through IOC-UNESCO, especially as there is now a new sub-commission for Africa. The possibility of anchoring under COI was also considered to be a good option.

It was further proposed that it might be appropriate to consider using more than one organisation or entity to address each specific component and its deliverables in order to take the best account of comparative advantage. A sensible arrangement might be to view the SAP as different components dealing with Research and Scientific Analysis; Capacity Building and Training; Science-Based Governance, Institutional and Administration; and Partnerships, Funding and Sustainability.

It was agreed that the current ‘anchoring’ and coordination of the TDA- SAP development process through the Project PCUs and their joint cooperation had been very effective. It was proposed that such an arrangement could be continued to coordinate and facilitate the further development of the SAP as well as the actual implementation of the SAP. ASCLME explained that, although the SWIOFP PCU would close in March 2013, the ASCLME PCU would remain active until a second tranche of money could be approved by GEF for SAP Implementation and would continue to coordinate and facilitate this process. It would be up to South Africa to offer to host any coordination process into an Implementation phase. In this context the group felt that suitable national entities should also be considered with regard to coordination of a longer term Implementation phase

In further discussing the next SAP implementation phase, the Group felt that the funding requested from GEF should be clearly demarcated into components addressing specific issues such as A. Ecosystem Monitoring and Ocean-Climate Observations, B. Capacity Building and Training, C. The Translation of Scientific Results into actual Management and Policy Options and D. an Institutional and Administrative Component. The group felt that it would be unlikely to find all of these skills within any one regional body and that this logical demarcation could allow for more appropriate bodies to take on specific functions to support the SAP.

It was also felt that the SAP needed some sort of short budget attached as an Annex that would identify what sort of commitments were expected from each country (e.g. commitments of staff and time through in-kind contributions, etc); what commitments each country should make to the monitoring process through its national activities (e.g. tide gauges, ecosystem monitoring, etc); attendance at national and regional SAP meetings and working groups, etc. However, it was explained that this would fall more appropriately under the development of the SAP implementation project and funding request to UNDP and GEF where it will be necessary to provide detail on in-kind contributions and co-funding to complement GEF funds.

It was noted that an anchorage of implementation unit of SAP needed to be clarified so that it can perform basic functions such as procurement of goods and services. It was suggested that it should be anchored in already established institutions.

Project Implementation Units of SWIOFP and ASCLME will be dissolved and the implementations of SAP will be taken up by newly established unit. It was further noted that WIOLAB did not form an institution, because it was working under the Nairobi Convention. Since, the SWIOFP and ASCLME activities are related, then a need to form one unit was necessary.

The issue of water quality and influence of land based activities were discussed. It was agreed that results from WIO-LAB project also be included in the SAP.

It was also noted that there is a need to include other land locked countries which are associated with rivers and drainage systems which drain their water into the WIO region. In addition, map given should include major rivers and show the western boundary.

The SAP needs to identify stakeholders including Mining, marine transport, Oil and Gas etc) and not just fisheries and environment.

The SAP document missed some basic features in the preamble section. It was suggested that there is a need to capture the nature/scope of the document and issues used to develop SAP in the preamble section.

There was a suggestion that the link between WIOLAB and ASCLME/SWIOFP has been very weak. This new SAP should strengthen the linkage and complementarity between these projects.

There should be a mention of cooperation between the bordering LME to the SWIO region (trans-LME cooperation)

Some countries are named wrongly within the SAP document. This was discussed and agreed that the naming should follow the UN naming and not otherwise to avoid some confusion.

Other form of pollutions which includes chemical wastes were not included in the SAP document. It was suggested these be included in the list given on page 44.

Annex 3 from page 44 which gives the four major areas of concern identified through the MEDA/TDA/SAP process be given in full in the SAP final document.

The document should clearly state that it has two sections which are declaration and guidelines for the implementation of LME SAP for the WIO. The current setting bring lots of confusion as at the title page SAP is mentioned, but within the document what is seen is the two section as above. In this context, the naming of sections and general structure of the SAP document has not been clear. The document should be reviewed to address this problem. In addition, there should be a page at the beginning of the document to explain the structure of the SAP document.

The process for ministerial signing of the document was very complex as many ministries are involved in the implementation of SAP. It was agreed that the ministry responsible for environment in the SWIO countries signs on behalf of other ministries. But, a further discussion was suggested to address this complexity. It was further urged that during signing of the declaration the responsible minister in Tanzania mainland should collaborate with respective Minister in Zanzibar.

If the ASCLIME and SWIOFP projects are ending by 31st March 2013, then arrangements need to be made for the MEDA document to be published before that date. Executive Secretary of WIOMSA informed the participants on the ongoing discussion to assist the publication of the same.

There is no mention of private sector involvement in the implementation of SAP despite of the general agreement of their contribution towards marine and coastal development. Once private sector is fully involved, financial contribution from this sector can be possible.

The language used in the document is not well understood, for instance the use of LME, which is an approach instead of using coastal and marine ecosystem.

It was clearly stated that Kenya had not been able to complete either a comprehensive MEDA or contribute effectively to the TDA as data could not be collected effectively due to the security risks posed by piracy. In order for a SAP to be implemented effectively this would need to be resolved somehow.

There was a need of to develop policy briefs linked to the identification of the social and economic benefits (especially to communities where possible) to go alongside the SAP Document and its Implementation when it is submitted for ministerial endorsement.

A structural issue on the presentation of the Declaration was raised that Ministerial declarations are stand alone documents and normally less than 5 pages and this needs to be addressed. It was suggested that once signed, the Declaration could be nested in the Nairobi Convention.

It was noted that the signing Ministry may not necessarily be the implementing Ministry. For some countries the declaration may be signed by more than one Ministry.

The boundary issues need careful consideration. The LME boundaries which are based on major ocean currents are not objective since they are known to be changing with seasons and therefore it would be important to think of using biodiversity boundaries based on benthic biodiversity of sessile organisms. The descriptions of ecosystem boundaries should also include river drainage basins discharging into the adjacent the coastal marine systems.

In using the words ‘Challenge’ and ‘issue’, it was pointed out that these words should not be synonymously used in Chapter 3. This is again a structural approach and it is better to start with specific issues of concern rather than challenges.

It was suggested that the SAP Documents include reference or linkage to addressing other relevant Conventions e.g CBD which are also important areas for Governments concern.

Ecosystem Quality Objectives need to include some human or market objectives to realize the four themes or main areas of concern. It was emphasized that the Ecosystem Quality Objectives for theme four, “**Unpredictable environmental variability and extreme events**”, be identified taking into consideration that the sweeping term “unpredictable” is not quite right when consider to use a “probabilistic approach” in which case it means they are predictable within a certain timeframe. The word “unpredictable” undermines taking action.

WIOLAB SAP Imp addresses the issues of water quality and degradation and therefore how will this overlap be addressed? This needs to be clarified in the SAP. It is important to link the SAP Document to WIOLAB too.

The use of CBD indicators be considered when choosing monitoring indicators.

Cognizant of the fact that funds may come from other partners to support the SAP implementation, it is therefore important that wherever the SAP is anchored allows for administrative and legal acceptance of funds from other partners. It is important therefore that the terms of reference required to assist in identifying the regional body where the SAP Implementation office should be anchored are prepared.

A number of proposals were put forward for altering the wording of the Declaration section of the SAP. These have been filed for consideration and inclusion by the Policy Advisory Committee. One specific proposal was to insert a paragraph on research, given its place in the science-based governance approach.

It was felt that the national Policy level body for the SAP – the SAP Intersectoral Policy Group should be composed of (policy) decision-makers from different sectors / ministries (e.g. the Permanent Secretaries and or DGs)

A number of comments were made regarding national institutional arrangements. The agreement was that each country has different existing arrangements in place and that each country should therefore define its own personal approach to in-country institutional arrangements for SAP Implementation but based on the broad guidance in the SAP document as per the schematic diagrams. The location and composition of National SAP Implementation bodies will be decided at a later stage after consultations among the stakeholders.

The representatives felt that the Indian Ocean Commission could be an appropriate place to anchor the SAP.

One early question asked for clarification on who exactly prepared the TDA and collected all the data. It was explained that the process of developing an initial MEDA development team in each country which included a Data Coordinator, a Capacity Building and Training Coordinator and a Research Cruise Coordinator as well as other experts that contributed to the Coastal Livelihoods Assessment. The Policy and Governance Assessment and the Cost benefit Analysis, etc. These formed the lead technical people in each country and went on to represent the countries in the development of the TDAs. These people were formally contracted for this work by the ASCLME project and were facilitated and supported by a regional Data and Science Coordinator, CB&T Coordinator and Cruise Coordinator based in the Project Management Unit.

There was also a question about the grant value for the World Bank project. The ASCLME Project Director responded that both projects had an individual grant value of just over \$12 million.

In response to a query about the expected time-scale for signature of the Strategic Action Programme (SAP), Dr. Vousden pointed out that this was very important as the possibility of GEF approving a second tranche of money for a SAP implementation phase would be dependent on signatures from ministers to the SAP. He explained that the SAP would be going to the next Policy Advisory Committee on 22nd February and that it was hoped that this would be the final draft that would be adopted by this Committee for circulation to the Ministers for signing. Therefore, it was hoped that the document would be ready for signature by early March. The first request for GEF funding would be made in April (through a Project Identification Form) and it would be advisable to have as many of the countries having signed the SAP by then as possible. However, UNDP ASCLME was aware that due process can sometimes take a while despite an clear intention to adopt the SAP. It is also possible for countries to sign a Letter of Intent at this stage which identifies a country's willingness to adopt the SAP 'in-principle' whilst clarifying that there is a legal and political process that must be followed to arrive at a ministerial signature. There were some further discussions about the Project Identification Form and the intention to seek further funding from GEF for a SAP Implementation Phase. Understandably, this intention to seek further funding received full support.

A question was raised as to which Ministers should sign the document? It was responded that it should ideally be at least the Minister responsible for the Ministry where the GEF Focal Point sits (every country has a GEF Focal Point) but that the best scenario would be if such a Minister could sign on behalf of the government/cabinet although this can be much more time-consuming. This was a faster process often for smaller countries such as Comoros but for larger ones like South Africa it could be very time-consuming. However, South Africa confirmed that, once it had the final SAP document it could take this to ministerial signature within 90 days.

Another question was then raised about the financial obligations from the countries to the SAP. It was explained that, certainly from the point-of-view of GEF as a funding

agency, there would be an expectation of co-financing from the countries but that much of this could be 'in-kind' contributions in terms of staff time and support. He also explained that one of the aims and functions of the Alliance was to help the countries to raise co-funding for such activities as monitoring of indicators, capacity building and training, and the translation of science into management and governance. It was noted that the more co-funding and financial contribution from the region and from its 'Alliance' partners the more likely it would be for GEF to approve further investment. In this context, it was noted that one good example of this was the substantial contribution being made by South Africa to the TDA SAP process through the use of South African research vessels (namely the 'Algoa) at a very reduced and favourable rate.

Attention was drawn to the Global Framework for Climate Services and the similar and sometime overlapping objectives with the SAP and the Alliance. The main goal of the Global Framework for Climate Services (GFCS) is to "enable better management of the risks of climate variability and change and adaptation to climate change, through the development and incorporation of science-based climate information and prediction into planning, policy and practice on the global, regional and national scale. It was noted that the GFCS might also be a useful Alliance partner.

It was noted that, although this was a detailed and comprehensive document, it was too 'light-weight' in terms of defining actual targets and activities and proposed that this should be considered as an area for expansion in the SAP document by the next PAC. The PCU responded by saying that several countries had raised this issue as had UNDP GEF and that the concern was also that GEF would not consider there to be full commitment from the countries of the region of the SAP was not adopted with at least a list of proposed targets and specific actions identified through the TDA process. He noted that one country had specifically mentioned that Chapter 3 on 'Challenges and Objectives' which discusses the Main Areas of Concern and the Ecosystem Quality Objectives arising from the TDA should be expanded to address the proposed 5-year and 20-year Targets and the proposed Actions that were defined during the review process of the TDA and during the SAP development process. Furthermore, these can be captured in more detail in an expanded version of Annex 3 which currently only identifies Areas of Concern and Objectives.

There was some discussion about the capacity building and training component and it concern was expressed regarding the urgent need for funding for data analysis and to support bursaries for scientists undertaking such data analysis.

Attention was drawn to the diagram/organigram on P.27 showing the schematic flow chart for a Science-Based Governance mechanism. It was noted that the diagram as displayed was potentially confusing as it tended to imply an inappropriate hierarchy with the Scientific and Technical Advisory Panel at the top and the Steering Committee lower down the hierarchy and possibly answerable to the STAP. It was agreed to revise this diagram either to run in a horizontal or a circular manner so as to remove any such implication and misrepresentation.

A question was asked regarding the Alliance and what criteria existed currently for entities to become a member/partner in the Alliance. The response noted that there was currently no actual defining criteria for admittance or rejection and any entity that

wished to assist in achieving the aims of the countries in relation to the TDA-SAP process and which was willing to invest resources would be welcome. Some concern was expressed here as to the potential possibility of less-than-transparent interest with personal agendas finding their way onto the Alliance and that some consideration might have to be given to creating more specific criteria in future.

It was requested that, when the SAP document is circulated for final consideration and signature, it should be accompanied by a simple, 2-page Briefing Paper with a focus on the advantages and cost-benefits of adopting the SAP to the communities and peoples of the region (i.e. With a clear discussion of the socioeconomic advantages). In reconsidering the timeframes for signature it was noted that, in most countries, the document would need to go from the Minister's office to the Ministry of Foreign Affairs as well as to a Justice Department for review and to ensure that there would be no conflicts of interest with existing signed agreement or national policies.

Some other comments suggested that the document should be referred as 'Guidelines for the Implementation of a large marine ecosystem strategic action programme for the WIO instead of the 'SAP document'.

Furthermore, the composition of the Steering Committee should be well defined. How will the Chair of the SC be nominated?

There should be provision for sharing of data to be included in the document.

With reference to the defined role of WIOMSA on the STAP. Mauritius would prefer to have the reference to WIOMSA in the institutional arrangement expanded to include 'any regional scientific bodies'