

WIOGEN Ocean Governance Conference

Nairobi Convention Secretariat and Partners Special Session

Supporting science for the Regional Ocean Governance Strategy

29th October 2021

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On behalf of



Welcome

The Nairobi Convention Secretariat special session came after 2 days of the WIOGEN Ocean Governance Conference which included over 50 presentations across 8 different themes related to ocean governance. The special session was chaired by WIOMSA's President, Dr Jacqueline Uku. The Nairobi Convention Secretariat's Tim Andrew welcomed attendees to the last day of the WIOGEN conference, the "Science to Policy" day. He highlighted that it is important to find the synergy between the different initiatives of the Western Indian Ocean (WIO) in order to increase their impact and increase the effectiveness of ocean governance in the WIO region. This meeting is part of the process to develop a Ocean Governance Strategy for the Western Indian Ocean. A Core Strategy Development Team that represents the countries in the region and Regional Economic Communities. This team underwent training from the International Ocean Institute – Southern Africa in September and will continue to lead the development of the strategy.

Going forward, there are planned workshops for 2022 covering topics such as Marine Spatial Planning (MSP), Fisheries, Oils Spill Response, Private Sector involvement, Areas Beyond National Jurisdiction (ABNJ), Maritime Security, Disaster Response, Plastic Pollution, etc. The overall aim is to have the Ocean Governance strategy available for political adoption by the end of 2022. The presentations today bring together leaders in the fields to discuss these topics in order to work towards a strategy for ocean governance in the region.



The Role of Science in Regional Ocean Governance.

Kieran Kelleher (Independent Consultant)

Science is essential to governance but often becomes compromised due to differing opinions or interpretation, bias in values and political conviction, and poor communication. Ideally, Science needs to state facts, make projections with risk assessments, and advise on actions to be taken, while Governance needs to accept the facts, allow for the free exchange of ideas and access to information, show transparency in decisions, support scientific education for social and economic development, and understand underlying assumptions.

It is important to remember that science depends on human, institutional, and financial support, and as such, this support influences the science agenda through core assumptions, values, principles, area of study, and questions researched.

It is important to bear in mind, the changing relationship between science and society. Science has an increasingly direct influence on policy and wellbeing with a growing demand for civil society participation and stakeholder engagement in shaping the science, a growing need to communicate science (especially for science-based policy decisions), and competition with new media. There are also expanding scientific challenges due to more frequent and extreme change (climate, technology, pollution), compounding effects leading to political, economic and environmental crises, and that scientists cannot base projections on past trends, leading to increased uncertainty. There are overlapping or competing narratives (climate, blue economy, biodiversity, Sustainable Development Goals, human rights, ecosystem approach, MSP) that have different funding streams, targets and values; although all approaches are valuable, there are limited total resources.

There are no shortage of challenges! Some of these are includes below (Jouffray 2019):

- Overarching challenges such as population growth, declining land-based sources, climate change, technological advances, geopolitics, increasing consumption trends;
- Food to supply seafood;
- Materials – hydrocarbons, minerals, desalinated water, ornamental resources, genetic resources, scientific information;
- Space – shipping, pipelines and cables, tourism and recreation, land reclamation, renewable energies, geoengineering, waste disposal, conservation, territorial boundaries, and military activities.

Kieran discussed four WIO scenarios that currently require science to regional governance input:

- 1) Saving Coral Reefs - This involves a major investment but the scale of the problem must be clearly communicated to decision-makers. Countries already have an obligation to prevent, reduce and control ocean pollution including through the atmosphere under UNCLOS (Article 212).
- 2) Biodiversity in Areas Beyond National Jurisdiction – A BBNJ Convention could take decades, in the meantime, the Nairobi Convention already has a mandate to develop “scenarios”, and the WIO could consider building on high seas innovations
- 3) Economic Rationale for Fisheries Reform - Restoring depleted fisheries requires reforms but reforms incur economic, social and political costs. Communicating sustainable fisheries in terms of economic opportunities can drive political will for reforms.

- 4) Combatting plastic pollution through innovation for a plastics circular economy, and establishing norms on measures to address MPP, in order to support a harmonised regional plan

There has been remarkable progress made on scientific understanding of the WIO in the last two decades but unfortunately, there has been less progress made on regional governance. The pathway between science to governance is fragmented, partly because of the absence of a delivery conduit to the Regional Economic Communities.

A cautionary approach must also be followed as the limits to scientific advice must be recognised (e.g., challenges to establishing causal relationships), tight feedback loops allow assumptions to be tested and mistakes identified (but ocean feedback can be slow and ambiguous), and clear communication is required such that policy must be capable of adjusting to changing scientific advice. Also bear in mind that civil society values may reinforce or undermine science and these voters can influence policy.

The interface, communication and narrative between science and governance is a pivotal function and requires far greater attention.



‘scenarios’ for selected WIO ocean challenges requiring science to regional governance inputs

1. saving **coral reefs** (multiple stressors, food, climate, etc)
 - nutrient pollution, ocean acidification
2. possible interim **A/BBNJ management** arrangements (collaboration, blue economy)
3. economic rationale for **fisheries reform** (food, blue economy)
4. combatting **plastic pollution** (pollution)
 - waste management, trade



2021
2030 United Nations Decade
of Ocean Science
for Sustainable Development

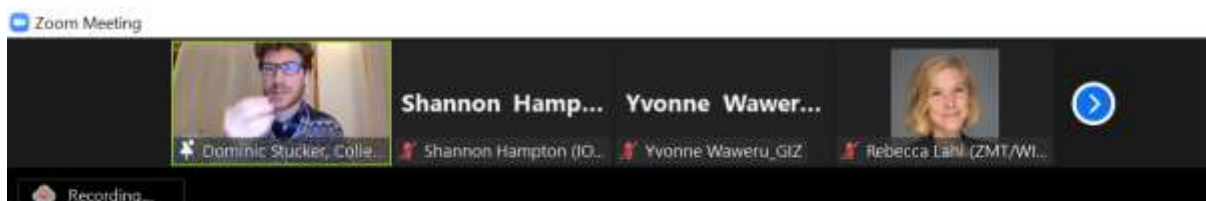
A Multi-stakeholder Initiative (MSI) in support of Ocean Governance in the WIO.

Yvonne Waweru (GIZ Senior Advisor - WIOGI) and Dominique Stucker (Collective Leadership Institute)

The WIO Governance Initiative (WIOGI) project is a cooperation between relevant actors at regional and local levels for the protection and sustainable use of marine and coastal biodiversity in the WIO region. The project has 3 components: 1) Strengthening regional WIO governance, 2) Enhancing the involvement of the private sector in governance, and 3) Establishing a multi-stakeholder partnership for integrated coastal zone management in Mozambique (pilot programme). The WIOGI project complements ongoing initiatives of the Nairobi Convention Secretariat.

It is important that this is a MSI that involves governments, private sector, civil society, communities, and international organisations working collectively to enhance coastal and ocean stewardship and accelerate the transition to a sustainable blue economy. The integration of the different sectors (government, business, civil society, research) allows for a well-resourced and effective alliance. All stakeholders need to participate in the process to improve collective responsibility and joint accountability.

The MSI core structure consists of the steering board, secretariat, innovation teams, as well as the technical and funding facilities. This core works together with a network of autonomous projects or partnerships with benefits (strategic alignment, support of a brand, access to funds, knowledge, expertise, harmonisation with diverse projects, joint advocacy, larger cumulative impact) and requirements (implement Sustainable Blue Economy agenda and principles, contribute to MSI's goals, promote the brand). This network can include policy dialogue platform, targeted advocacy campaigns, circular economy projects, school campaign, ports and shipping, aquaculture and sustainable fisheries and ecotourism conservation.



MSI Governance: Phased Development



Marine Spatial Planning in support of Ocean Governance in the WIO.

Bernadette Snow (One Ocean Hub, Nelson Mandela University)

There is a need for a regional Marine Spatial Planning (MSP) strategy as determined by the parties to the Nairobi Convention in 2019. MSP is a process of analysing and allocating parts of three-dimensional marine spaces (or ecosystems) to specific uses or objectives, to achieve ecological, economic, and social objectives that are usually specified through a political process. It is a process that is ecosystem-based, integrated across sectors and agencies, area-based, adaptive, strategic and anticipatory, and participatory.

Benefits of regional MSP:

- Increased resilience to climate change
- Effective management of marine ecosystems/processes
- Effective management of migratory marine species
- Reduction in overexploitation
- Improved understanding of regional ecosystem services
- Reduced habitat modification
- Improved water quality management
- Mitigation and reduction of pressures
- Conflict management
- Improved knowledge management (monitoring/data)
- Conservation of ABNJ
- Improved maritime safety and security

In their study, they looked at national readiness in MSP on a scale from poor to good in terms of governance, project involvement, MSP activities, economic status, environmental status, marine protection, and depletion of natural resources.

The MSP process involves establishing a governance mandate to mainstream the regional MSP strategy, establish stakeholder, institutional and human resource capacity, financial capacity, and technical capacity in order to run an ecosystem-based approach, whereby the plan is drafted, reviewed, approved, implemented, monitored and adapted. The guiding principles are based on published documents (such as UNEP's proposed new Marine and Coastal Strategy and the UN Economic Commission for Africa) and include: an ecosystem-based approach, systems thinking approach, multi-stakeholder-based approach, sound evidence base for decision making, transparency and accountability, policy coherence, cooperation, and shared benefits and prosperity for all.

The vision for the WIO is inclusive and sustainable management of ocean and coastal ecosystem services for human wellbeing with the support of the MSP process. Strategic priorities are:

1. Stakeholder engagement processes that bring big industry and smaller interest groups together;
2. Contextualisation of the global blue economy narrative for the WIO region;
3. Harmonisation of legal instruments for blue economy practices;
4. Cross-sectoral governance;
5. Improved mapping of biophysical environment and human activities;
6. Multilateral stock management plans;
7. Improved management of different sectoral activities and conflict;
8. Management and protection of ABNJ; and

9. Increased ocean protection.

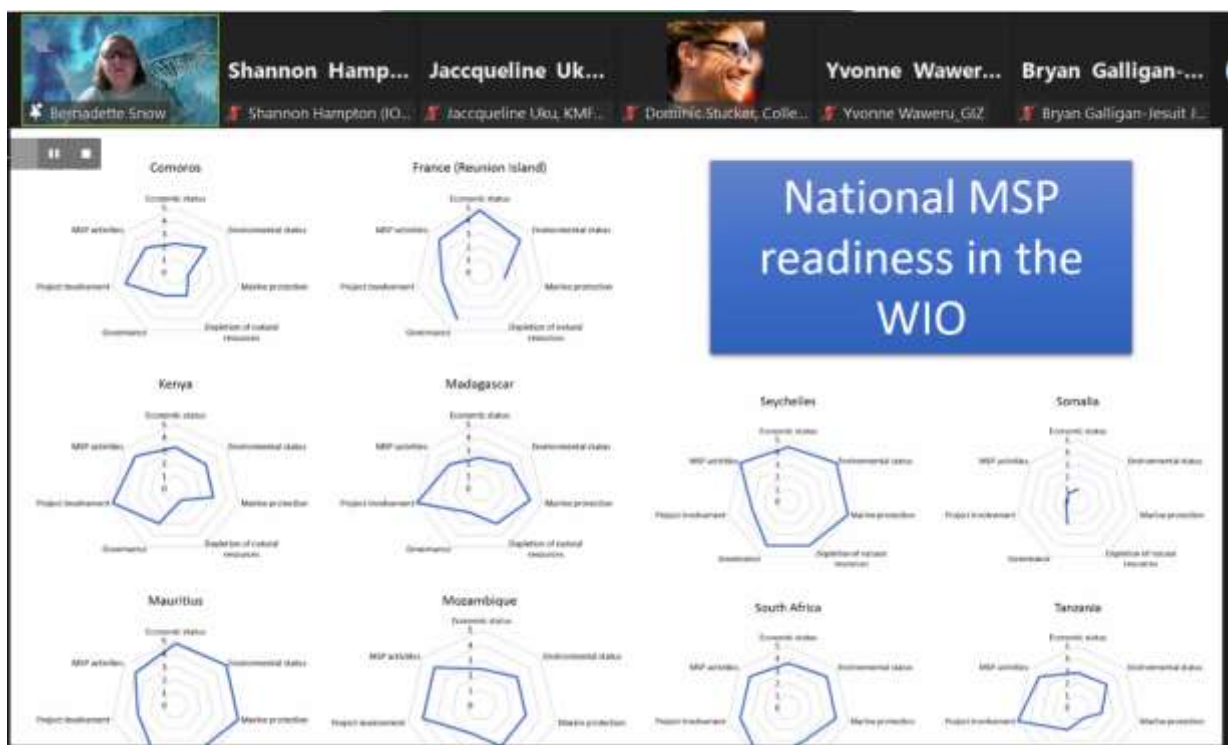
A high-level causal loop diagram showed causal relationships between strategic priorities such as biophysical environment, human activities, effective management, effective governance, marine contribution to economy, and ocean protection. Further diagrams included leverage points and enabling mechanisms.

Strategic recommendations were:

1. Agree to support and mainstream the strategy
2. Agree to harmonise in-country MSP development with strategy
3. Secure funding and develop capacity for MSP
4. Develop regional partnerships (SADC, RFMO, IOC)
5. Ensure that MSP follows an ecosystem-based approach

Technical recommendations were:

1. Promote an enabling policy environment for in-country MSP legislation
2. Assist with establishment of in-country cross-sectoral forums/ committees/working groups
3. Develop in-country knowledge management systems
4. Develop a communication and stakeholder engagement plan



Oil Spill Response as a component of Ocean Governance in the WIO.

Peter Taylor (Petronia Consulting)

Oil pollution incidents can lead to serious ecological damage and socio-economic disruption. Oil moves across boundaries, and many different sectors (legal, environment, transport, etc) on national, regional, and international levels are involved in an oil spill response. Many countries also need assistance in terms of resources and expertise to respond to oil spills, which may lead to challenges in local jurisdiction and coordination in the response. The polluter as responsible party is also obligated to help in this process.

In terms of addressing oil pollution, there are well-established protocols from OPRC for prevention, preparedness, response, and liability and compensation. The OPRC convention Emergency Protocol covers cooperation in case of marine pollution incidents, establishment of contingency plans and procedures conducive to effective response, and mutual support between national systems. These international and regional frameworks cover oil pollution incidents from all sources (offshore pipelines, marine terminals, ships, ports and harbours, offshore production, offshore exploration).

The WIO Marine Highway project developed a draft Regional Contingency Plan conforming to IMO guidance. This features operation procedures for incidents requiring a regional dimension; however, command and control of incidents remains under the auspices of the lead country's national contingency plan, and regional centres can provide support, facilitating access to and integration of regional or international assistance. The framework exists but it is not necessarily implemented. There is well-established science behind oil spill response but unfortunately, misinformation can lead to an inefficient response and poor decision making.

A regional workshop was held in Zanzibar in March 2020 for the WIO and recommendations for actions were developed. **Forthcoming actions under the SAPPHIRE project include:**

- Assess national preparedness and response to marine pollution
- Develop/update action plans as appropriate based on assessments
- Finalise the draft Regional Contingency Plan and consult countries on the regional coordination framework (Emergency Protocol, OPRC) and relevant existing projects
- Hold a regional meeting to present the draft regional coordination and cooperation framework
- Finalise the regional coordination and cooperation framework on oil spill preparedness based on regional workshop inputs.

Success will be heavily dependent on engagement from relevant national authorities, as national systems will limit the regional system. Longer-term implementation may draw on other regions' experience, such as the Global Initiative for West, Central and Southern Africa (GIWACAF).

Oil spill preparedness (training, coordination exercises) is often not prioritised on the national budget due to the relatively rare occurrence of oil spill disasters. Unfortunately this means that when a disaster does happen, there is little in place in terms of expertise and resources, and this can result in serious damage. It is always better to have prevention and preparedness plans in place.

Areas Beyond Jurisdiction (ABNJ) considerations for Ocean Governance in the WIO – legal and institutional aspects.

Akunga Momanyi (Faculty of Law, University of Nairobi)

Key governance issues and challenges facing ABNJ:

- Key pressures: effective governance and regulation, pollution, degradation of the marine environment from various sources, over-exploitation of marine living resources (especially fisheries), encroaching jurisdictions, among others.
- ABNJ spaces, zones and boundaries are generally vast, fluid, diffuse, remote, overlapping, and difficult to ascertain, therefore problematic interface with AWNJ.
- No “owners” and free for all, therefore neglected in favour of near-shore issues.
- Plethora of established legal and institutional frameworks are comprehensive per subject matter but have significant governance gaps for both AWNJ and ABNJ.
- Governance of the ABNJ is complex due to multiple subject matter and area-based jurisdictions (protection marine environment, marine scientific research, shipping and maritime transport, fisheries, sea bed mining, nuclear energy and military uses of the ocean, delimitation of continental shelf, regulation of sea bed area, etc).
- Multiple economic, political, military, and scientific interests at sea, including the exploration and exploitation of living and non-living resources, with demand for these resources by sea going states.
- There is a greater human footprint at sea that puts ocean resources under strain, including through over-exploitation, pollution, and degradation, and fuelling demand for more effective ocean governance frameworks.

The WIO Ocean Governance Strategy process should be guided by the existing legal and institutional frameworks and applied to full effect. The strategy should aim at addressing some of the governance challenges identified in an innovative and collaborative manner, and the process should be inclusive, co-creative, and collaborative.

Areas Beyond Jurisdiction (ABNJ) considerations for Ocean Governance in the WIO – biological aspects.

Ekaterina Popova (National Oceanography Centre, Oceanography and Climate Scientist)

The key questions to ask are: Do the high seas matter to vulnerable coastal communities? What are the potential consequences of ocean connectivity for ocean management and governance? How do we climate-proof our decisions?

Ocean Ecological Connectivity is a complex natural phenomenon linking various components of marine ecosystems in time and space; there is active connectivity (migratory species such as tuna, seabirds, seals) and passive connectivity (circulation of ocean currents). Ecological connectivity connects the high seas to coastal communities. The WIO is an area of many overlapping migratory species and this is linked to ocean coastal upwelling systems (important in Somalia, Kenya, Tanzania, Madagascar and South Africa).

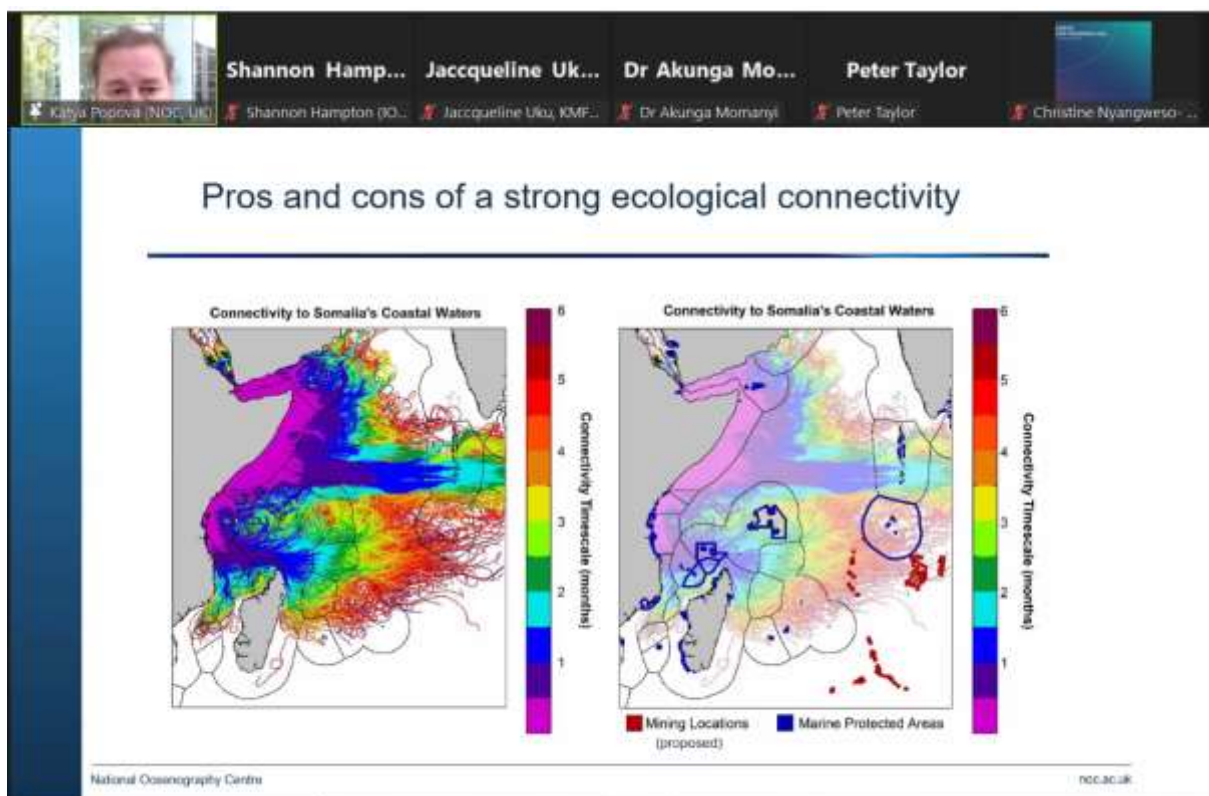
There are various ways to project details of ocean currents but it is also important to understand their time scale, connectivity, and seasonal variability. Advantages of a strong ecological connectivity are

the many resources and MPAs within the ABNJ and the negative aspects are that these areas are exposed to many maritime activities such as fishing and mining with resultant human-related problems. The central Indian Ocean is one of four global ABNJ areas that are the most connected to coastal zones, and the WIO member states have the strongest circulation connectivity in the world.

The key message is that ABNJ can have tight ecological connectivity to the coastal waters; however, the level of country connectivity, and thus their exposure to the direct effects of ABNJ activities, significantly varies between countries and regions. Current debates on criteria to identify marine managed and marine protected areas in the ABNJ often focus on the ecological and biological significance of the area in question; however, they also need to focus on the potential socio-economic benefits for vulnerable coastal communities downstream of these areas. This needs increased stakeholder involvement in negotiations.

How to climate-proof MPA decisions? Climate change causes ocean currents to move and not just living species, this means that connectivity footprints are also changing with the changing climate, and networks of MPAs will change as a result of this. For example, the connectivity between Australia and New Zealand is decreasing and this means that their common rock lobster species will likely split into two different species over time. Another example is the connectivity across the Mozambique channel is currently weakening but this opens new connectivity between Tanzania/Kenya and Madagascar.

This means that MPAs established with conservation of specific species in mind, may become redundant, adaptive management of the MPAs (including flexible boundaries) is required, and decadal-scale review of boundaries will be required. WIO connectivity is very strong and regional cooperation is essential.



Pulling it all together – Panel discussion with panellists on actions towards the development of the Ocean Governance Strategy for the WIO.

Discussion Session Facilitated by Tim Andrew

When asked for advice on how to go forward with ocean governance and what he recommends Kieran answered that it makes sense to bring institutions together into four clusters: Maritime Security, Environment and Natural Resources, Blue Economy, and Knowledge and Capacity Development. It is important that there is open-ended institutional involvement and culminating mechanisms are not directive. The stakeholders can be clustered together, for example: the Nairobi Convention Secretariat is a useful leader or coordinator for Maritime Security, although there is no clear leader for the Blue Economy. It is also good to remember that the situation is constantly changing and needs to be flexible.

Yvonne was asked how to bring stakeholders into the dialogue on the Multi-stakeholder Initiative process. The private sector is very important in this process and is the biggest player in the Blue Economy. Once they are onboard, the economic involvement creates opportunities for others to provide input, and for all stakeholders to engage. Another important consideration is knowledge management with access to information and sharing of information as this also brings in new stakeholders.

Bernadette highlighted that the best way to implement regional strategies is for each country needs to be involved and represented in the regional strategy development, including in-country government, politicians, and foundations. It is also important that this process builds trust at a national level i.e. members, stakeholders, ministries all share involvement in the process. The Core Strategy Development Team will be involved with coordination of the different interest groups and ensure that each country is represented in each group, as well as at regional level. There was a comment on what to do when countries want to follow a more economic-based approach rather than an ecosystem-based approach. Bernadette replied that MSP considers connections between the different systems while using an Ecosystem Based Approach, including socio-economic processes. The economy, social wellbeing, and environment are all linked together. However, it is important to understand the language used, for example: marine versus maritime, and that it is often difficult to obtain a consensus on all levels (global/regional/national).

Peter was asked what the first challenge to be overcome for regional collaboration with oil spill preparedness and responses. The first stage has been done as the framework exists and most countries have signed this. However, this has not progressed further and there is a need for engagement of national authorities for the implementation process. The way forward is complicated as many different arms of the government are involved and there are few resources as oil spill preparedness is not a priority. It may be necessary to form working groups at national levels (get the right people at the table) and reach out to the private sector due to their responsibility; the private sector can be a catalyst into implementing the preparedness process.

When asked how to engage countries to prioritise Areas Beyond National Jurisdiction, Akunga responded that issues affecting the high seas or ABNJ are often not a priority within coastal countries because they are remote; the lack of accessibility may be the biggest impediment in that there is a disconnect between the ABNJ and citizens. It is important to engage all the neighbours of the WIO coastal states and show the benefits of the ABNJ with their resources and potential income. This can be done through increasing capacity of knowledge and research, developing platforms at an

international level (biodiversity, shipping, safety, mining, etc.) for meaningful engagement, and developing the ABNJ detailed points at regional level engagement.

Ekaterina stated how the economic impact of connectivity may be the most useful tool to impact countries and the Blue Economy, for example: tuna is an iconic species that is dependent on ocean connectivity and this could be used to convince policy-makers to listen. Possible actions could be to charge fees for extraction of resources from the high seas and using this for benefit sharing, dependent on countries affected downstream, and to develop and manage a new MPA in the central part of the WIO because of the downstream effects. It is important to have dialogues about ABNJ and ocean connectivity. After a comment about managing resources, EP mentioned that the research gives straightforward recommendation for moving forward but it is up to policy-makers for these new approaches to work.

Closing session

Jacqueline Uku returned to summarise the day, stating how the WIO region is currently grappling with the usefulness of science but the concept of ocean ecological connectivity shows the value of science in a constructive way for governance to work. All the presentations provide food for thought moving forward with the Ocean Decade, particularly increasing capacity, increasing knowledge, and including the private sector. It will be interesting to see how the MSI plays out in the Mozambique project. It is important that science is communicated well to the policy makers, especially in terms of how these processes affect local communities. The oceanography connectivity research shows the value in big datasets (providing improved levels of certainty) that can be used for larger policy directions.

Dr Uku thanked everyone for making discussion and exchange possible, even in a remote setting. The WIOGEN team thanked the Nairobi Convention Secretariat for making the meeting happen and all the participants for their support. This meeting was brought together by a volunteer-driven committee and will continue to emphasize early career scientists, women in science, and inclusivity and diversity. WIOGEN encourages all participants to publish their work, continue to use science to inform policy, and urge everyone to stay in contact and join the WIOGEN network: <http://wiogen.org/>