AFRICAN UNION
INTERAFRICAN BUREAU
FOR ANIMAL RESOURCES

Permanent Mission of
Norway to the African Union

POLICY NOTE ON COASTAL AND MARINE SPATIAL PLANNING TOWARDS SUPPORTING IMPLEMENTATION OF THE AFRICAN UNION BLUE ECONOMY STRATEGY

JANUARY, 2022

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Citation: AU-IBAR, 2022. Policy Note on Coastal and Marine Spatial Planning towards supporting implementation of the African Union Blue economy strategy

ISBN 978-9966-1659-5-4

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Acknowledgement

The Director of AU-IBAR wishes to acknowledge the expertise of the consultant who prepared this Policy Note on Coastal and Marine Spatial Planning. The Director extends appreciation to all stakeholders on the continent (AUC Departments, AU member states, RECs and specialized regional institutions, development Partner, NSAs and other all other stakeholders) that have been supportive of AU-IBARs' interventions in the fisheries, aquaculture and blue economy sector in Africa. The Director also wish to express profound gratitude to H.E. Amb. Josefa Sacko for her unfailing support to AU-IBAR in delivery of the institution's mandate with regards to fisheries, aquaculture and support to blue economy development in Africa. Special thanks go to the Kingdom of Norway; the information note was developed with funding from Kingdom of Norway under the Project 'Support to Implementation of Africa Blue Economy Strategy' Finally the Director acknowledge the technical team at AU-IBAR for the editorial work.

Acronyms

ABES	Africa Blue Economy Strategy
AU-IBAR	African Union – Inter African Bureau for Animals Resources
AU	African Union
AUC	African Union Commission
AMD	Africa Maritime Domain (under the AU)
CAADP	Comprehensive African Agriculture Development (CAADP)
CPS	Country Partnership Strategy
FAO	Food and Agricultural Organization
ICM	Integrated Coastal Management
IGO	Inter-governmental Organization
IUU	Illegal, Unreported and Unregulated (Fishing)
MCS	Monitoring, Control and Surveillance
MEAL	Monitoring, Evaluation, Accountability and Learning
MPA	Marine Protected Area
MSP	Marine Spatial Planning
NGOs	Non-Governmental Organizations
SBEC	Sustainable Blue Economy Conference (Nairobi, 2018)
STC-ARDWE	The African Union Specialized Technical Committee on Agriculture, Rural Development, Water and Environment
UN	United Nations
UNCLOS	United Nations Convention on the Law of the Sea 1982
IMO	International Maritime Organization
GPA	Global Programme of Action
UNFSA	UN Compliance Agreement on Straddling Fish Stocks and Highly Migratory Fish Stocks, 1995
UNCTAD	United Nations Conference on Trade and Development
WSSD	The World Summit on Sustainable Development
UNESCO-IOC	The Intergovernmental Oceanographic Commission of UNESCO
UNESCO	The United Nations Educational, Scientific and Cultural Organization
DWFN	Distant Water Fishing Nations
MARPOL	International Convention for the Prevention of Pollution from Ships (MARPOL 73/78)
NEPAD	New Partnership for Africa's Development of the African Union Commission
PFRS	Policy Framework and Reform Strategy for Fisheries and Aquaculture in Africa of the African Union
AIMS	Africa's Integrated Maritime Strategy, 2050
SDGs	2015 Sustainable Development Goals, SDGs of the UN Agenda 2030
Lomé Charter	The 2016 African Charter on Maritime Security and Safety and Development in Africa

Introduction

Background information

Africa is abundantly blessed with a coastline of over 30,000 Km, adjacent to vast expanse of oceans and seas. Maritime zones under Africa's jurisdiction total about 13 million square Kilometers including territorial seas and approximately 6.5 million square Kilometers of the continental shelf. The continent is also endowed with huge networks of rivers, lakes, floodplains, waterways, catchments and wetlands with massive potential for socio-economic growth, advancement and prosperity of the continent. These natural aquatic endowments represent significant opportunities for social and economic development much of which remains untapped, unexploited and underutilized. Some of these opportunities include fisheries, aquaculture, transport, energy and minerals, tourism, rural economic development and increased ecosystem conservation and environmental sustainability.

This development calls for new thinking, commonly known as the blue economy concept that seeks to fully harness the potential of the oceans and inland waters for Africa's sustainable economic development. This concept also seeks to promote inclusive economic growth and the preservation or improvement of livelihoods while at the same time ensuring environmental sustainability of the oceans and coastal areas. The African Union's recognition of the benefits of blue economy development on the continent is clearly documented as Goal no. 6: Blue/ocean economy for accelerated economic growth; of Africa's strategic framework for the socio-economic transformation of the continent, the Agenda 2063. This is also included in the Comprehensive African Agriculture Development (CAADP) pillar 1 on sustainable land and water management Similarly, the African leaders at the Nairobi Sustainable Blue Economy Conference, held on 26-28 November 2018, recognized that the blue economy resources hold great promise and opportunity to build greater prosperity for all in Africa. Some of the opportunities highlighted at the Conference include: deep-sea mining, fisheries development, smart shipping, aquaculture, training more women in maritime related sectors, blue financing, establishment of regional centers for ship owners, research and technology development, mainstreaming climate change and environmental sustainability in the blue economy, developing blue economy observatory mechanism, raising awareness on the importance and value of maritime resources. The African Union flagship policy document for sustainable development of Africa's fisheries and aquaculture sector, the Policy Framework and Reform strategy for fisheries and aquaculture in Africa also outlined policy reform measures that would support for blue economy development through the fisheries and aquaculture.

Thirty nine of the fifty-five African Union Member States are adjacent to the coastline. Africa's ocean, sea and inland waters (lakes, rivers and reservoirs) provide significant benefits in the continent in terms of: i) food and nutrition security from fisheries and aquaculture; ii) economic and social development from fisheries and aquaculture, marine and coastal tourism, shipping, mining, energy; and, iii) ecosystem services such as carbon sequestration, water filtration, atmospheric and temperature regulation, protection from erosion and extreme weather events.

In a bid to fully harness these aquatic endowments for the benefits of the continent, the African Union developed the Africa Blue Economy Strategy. Noting that the Blue economy has diverse components, the strategy focuses on the following five thematic areas of the blue economy, considered as essential and crucial to blue economy growth, development and prosperity in Africa: I. Fisheries, aquaculture, conservation and sustainable aquatic ecosystems II. Shipping/transportation, trade, ports, maritime security, safety and enforcement III. Coastal and maritime tourism, climate change, resilience, environment, infrastructure IV. Sustainable energy and mineral resources and innovative industries V. Policies, institutional and governance, employment, job creation and poverty eradication, innovative financing. Maritime Spatial Planning (MSP) is identified as a tool for better coordination and synergy in blue economy development. In recent years, some AU Member States have initiated the MSP process as part of their national developmental programs but the implementation still remains a significant technical challenge for a majority of the AU Member States. Maritime Spatial Planning is an essential tool for balancing sustainable use and conservation imperatives, mitigating conflicts and creating synergies amongst the users, particularly during this time of the growing Blue Economy initiative on the continent.

Rationale for MSP in Ocean governance

Marine Spatial Planning is a public process of analyzing and allocating the spatial and temporal distribution of human activities in marine areas to achieve ecological, economic, and social objectives that are usually specified through a political process. Marine Spatial Planning is therefore a practical way to organize the use of the ocean space, and the interactions among human uses including fisheries, aquaculture, shipping, tourism, renewable energy production, marine mining and between uses and the marine environment. It provides an integrated planning framework that moves away from sectoral management to address multiple objectives related to achieving economic and ecological sustainability and the need to reduce conflicts in marine ecosystems and environment.

Some African countries have recently started developing MSPs and implementing pilot projects. Consequently, this Policy note gives a concise summary and advocacy brief on Marine Spatial Planning, policy options to deal with it, and some recommendations on the best approaches. The Policy note is mainly aimed at government policymakers and Inter-Governmental Organizations that are interested in formulating or influencing policies in AU Member States and in regions.

With support of the Kingdom of Norway, the African Union-InterAfrican Bureau for Animal Resources (AU-IBAR), organized regional workshops on Marine Spatial Planning thereby enhancing MSP awareness to AU Member States, regional institutions and non-state actors alike.

A Call for Implementation and Governance of Marine Spatial Planning in AU-MS

Marine Spatial Planning has emerged as the most preferred tool in ocean zoning and use, making it possible for conflict-free use of the oceans, with ecosystem-based management balance whilst maintaining the integrity of the environment for enhanced sustainability. Historically, environmental planning initiatives were focused mainly on Marine Protected Areas (MPAs). In the ocean regime, UNCLOS 1982 recognizes that the problems of ocean space are closely interrelated and need to be considered as a whole to promote the peaceful uses of the seas and oceans, the equitable and efficient utilization of their resources, the conservation of their living resources, and the study, protection and preservation of the marine environment. UNCLOS 1982 is supplemented by Agenda 21; the GPA and the UN Compliance Agreement on Straddling Fish Stocks and

Highly Migratory Fish Stocks of 1995; UN Fish Stocks Agreement 2001; Rio Declaration on Environment and Development, the outcome of WSSD and instruments emanating from various UN organs including IMO, UNCTAD and FAO among many other conventions and agreements at the international, regional and national levels. In particular, Chapter 17 of the Rio Declaration's Agenda 21 obliges coastal States' to commit towards integrated management and sustainable development of maritime environment within their domestic jurisdiction (United Nations, 1992). Under international law, there are virtually few or no constraints undermining the development of MSP within the coastal State's maritime domain including internal waters and territorial seas, but high seas are an exception. The MSP implementation must however, not hamper freedom of innocent passage to foreign vessels in distress, as provided under UNCLOS 1982. Legally, the continental shelf is fully regulated and managed by the coastal State with respect to its living and non-living natural resources over the seabed (European Commission, 2009). Globally, biodiversity within the ocean space has continued to deteriorate with increasing anthropogenic activities leading to reduced resource availability both in time and space, and increased resource-use conflicts amongst different groups. Therefore, there is a need for improved governing frameworks and ecosystem-based management approaches which integrate different sectors for the protection, preservation and conservation of the environment. In the roadmap to enhanced MSP in the AU-MS, the AUC, AU-IBAR, NEPAD and other institutions must play a critical role in the creation of awareness, training, and guiding the process of strategic approaches to the implementation and governance of MSP in Africa.

Strategic Approach to the implementation and governance of MSP in AU-MS

Marine Spatial Planning has gained significant attention globally with several countries taking a lead in developing this tool for sustainable marine environment use. It intends to resolve current and potential conflicts, and to achieve a well-coordinated governance mechanism that allows for all maritime space activities without hindrance to other equally important use whilst maintaining the integrity of the environment. Similarly, majority of the AU-MS are working on setting up governance and coordinating structures including working groups geared towards planning and driving baseline research for MSP development. This approach is expected to provide a strong foundation that will enable MSP development initiatives to kick off well and gain momentum as more and more AU-MS adopt the approaches. However, the processes must be driven by regulatory tools such as the UNESCO step-by-step MSP Guideline. For example, Step 1 of the Guideline emphasizes on the need for identifying and establishing appropriate authority for MSP development planning, thus providing a clear leadership framework giving authority for establishment of new legislations as agreed upon by stakeholders who drive the thought processes (Ehler & Douvere, 2009). In driving the MSP agenda to support the implementation of the African Blue Economy Strategy, there is a need for a continental approach, especially in awareness creation, capacity building and transboundary collaboration among others specially to safeguard gains outline in various instruments including UNCLOS 1982, UNFSA 1995, MARPOL 73/78 and RIO Declaration (Agenda 21 of the UN) among others.

However, many the AU-MS lack the much-needed skills for development, implementation and evaluation of Marine Spatial Plans which also requires a diverse set of resources, including institutional governance frameworks, financial support as well as range of human skills and expertise. Consequently, there is a need for capacity development in Marine/Maritime Spatial Planning (MSP) where resources, skills and knowledge of individuals and institutions must be developed and enhanced to better lead, participate in and/or support the MSP process. Noting the diversity of the AU-MS, and that each of these countries have very different capacity needs and the institutional structures for delivery, the approaches to capacity development must be tailored for the specific context. A needs assessment is therefore very vital to understand, prioritize and respond to the capacity needs of each AU-MS. Therefore, capacity development in MSP should encompass a systems-approach whereby individuals, institutions as well as the wider society are the recipients of targeted actions where knowledge and skills of those leading and facilitating the process as well as key stakeholders are well developed. Raising awareness and improving knowledge in the wider society also increases ocean literacy as well as support for the MSP process as well as a clear understanding by all concerned that there is a need for different ocean users to protect the oceans holistically for their individual interest and future investment must be highlighted to all stakeholders.

A stepwise approach to implementation and governance of MSP in AU-MS

Marine Spatial Planning is not a once-off or one-time plan, but a continuing and repetitious process that adapts over time. The MSP process is comprised of embedded processes including plan-making, plan implementations, and monitoring and evaluation of plan performance as its pillars. These processes are important for evaluating the baseline knowledge necessary for enabling investments, stakeholder's engagement, proposed changes and ongoing activities, and to assess effectiveness of the resulting MSP plans, their time-scales together with reviewing of adaptation procedures.

It is important to note that planning is a key foundation of any governance initiative and it is a very important phase where a process of who gets what, when, and where, how, at what costs, and who pays the costs is analyzed. Because MSP is a continuous process, the planning phase must cater for needs to generate information at various points (UNESCO-IOC, 2007).

According to Ehler and Douvere (2009) Marine Spatial Planning involves about 10 steps quasi-linear process forming part of the initiative which attempt to provide answers to three key questions; (i) Where are we today, i.e. evaluation of the baseline conditions; (ii) Where do we want to be? i.e. Initiatives to inspire alternative scenarios and desired visions and (iii) How do we get there? i.e. Spatial management mechanisms to propel us toward the desired future. (iv)How do we know we are there? i.e Monitoring, Evaluation, Accountability and Leaning to ensure that we are indeed in the desired future and and stay there. Consequently, the involvement of stakeholders remains a very important component as it provides opportunities to deepen mutual understanding and to integrate solution-finding mechanisms. It also increases stability and provides platforms for capacity expansion whilst increasing mutual consent as a point of departure in resolving any likely conflicts (Pomeroy and Douvere, 2008). In developing the MSP process and implementation of the plans, the AU-MS must therefore remain guided by four key components, which form the backbone to the MSP process (Ehler and Douvere, 2009) including:

1. Pre-planning process; involves formation of a Team and development of a Work Plan, defining principles, goals and objectives; and specifying boundaries and time-frames.
2. Analyzing existing conditions; i.e. mapping important biological ecological areas, identifying spatial conflicts compatibilities, and Mapping existing areas of human activities.
3. Drawing future anticipated conditions – Mapping future demands for ocean space, identifying alternative

spatial scenarios, and selecting a preferred spatial scenario.

4. Preparing and approving MSP management plan – Identifying alternative spatial management, developing and evaluating the spatial management plan; and approving the spatial plan.
5. Implementation, reporting and documenting lessons learnt for sustainable effective delivery of the MSP management plan

Notwithstanding, the AU-MS states must be guided to develop MSP plans and policies with clear focus and interpretation, especially in terms of the goals and applicability. Furthermore, there need for more consistency when defining terminologies and the MSP concepts; a critical aspect during the MSP development phase, as diversion may cause dilution and weak policies leading to poor decision making at a national level.

Similarly, eliminating uncertainty during the initial phase is equally an important aspect that must be put into consideration. Due to the stochastic nature of ecosystems and especially the large marine ecosystems, there are limited resources in terms of predicting ecosystem dynamics and this calls for very robust processes to integrate all the knowledge bases from different stakeholders. All AU-MS must therefore be guided into MSP processes which are adaptive because of the dynamism of the maritime environment. These factors, coupled with diversity, inconsistencies and unpredictability of the AU-MS especially in terms of demographics and the human element (from small scale food fisheries, small commercial, to more industrialized fisheries) within the maritime domain requires the proposed MSPs to have time dependency as one of the variables. With the advancing technology to discover living and non-living marine resources in the ocean, even in years to come, the temporal element of the plan must not be divorced from the broad MSP development plan. Importantly, as highlighted by Ehler (2008), a regime change is needed relevant to MSP with less focus on ecosystems as they have thresholds and limits which once exceeded; changes are mostly irreversible leading to major system restructuring. Therefore, the fishery management and improvement plans must address the disconnect between the small-scale fisheries and the commercial/industrial fisheries, especially where the latter is based on concessions such as fishery access and partnership agreements with distant water fishing nations (DWFN)

Strategic Pillars to the Implementation and Governance of MSP in AU-MS

1. Integration, Cooperation and Coordination in the MSP Process

For better integration, cooperation and coordination; stakeholders or users must be made aware that the inter-operability of the oceans does not qualify rapid results but there are mutual benefits to be shared in the medium to long term period. Recommendations are made that future policies must be indicative of the opportunities exploitable from some of the maritime space use interdependencies. Although, MSP tries to arrest and allocate maritime space use in a sustainable manner benefiting all users and maintaining the environment integrity, there will be challenges which call for strong integration, cooperation and coordination of all stakeholders.

Economic use and its components forms the central focus of the MSP development process whilst calling for the integration, coordination and cooperation with other initiatives such as conservation, coastal geo-engineering, resource management, education and research, transport and communication, waste disposal, recreation, and strategic development. Understanding these interdependencies gives an opportunity for multiple sectors connectedness; a trait to be achieved if all interested parties are willing to work together. This will prompt ocean space users to collectively fight any force likely to hamper their business interest within the maritime domain. Similar to MSP development, recommendations are made that; the policy to be drawn shall have economic development and growth of the country as their focal point. As indicated in the figure above, strong sectorial integration emanating from institutional coordination is fundamental towards development of an MSP initiative with support from all role players for its sustainability and that of the maritime environment.

2. Stakeholders Governance

Successful MSP implantation depends on the identification and understanding of stakeholders, due to the interdependency between the maritime environment and its different users. These understandings extend to stakeholders' practices, their expectations and interests for better cooperative governance. Cooperation and cooperative governance is believed to be significant towards unlocking the success of MSP implementation.

Ocean space governance is however not an event but a continuous process that seeks proper planning and cumulative monitoring through evaluation and research. These are all management imperatives, which stakeholders' employment and engagement will make it possible and feasible as opposed to single-body governance. Since MSP is a continuous and participatory process, all these functions need to be organized and rolled out from the earliest conceptualization period, through to the planning, implementation and monitoring. These functions are interdependent and need to be attended separately and concurrently at times, thus cooperative governance arguably is the best practice towards realization of MSP development. Ehler (2008) indicated that early engagement of stakeholders is very critical for long-term success of the process as it encourages trust and ownership from all participatory organs towards a successful MSP development.

UNESCO-IOC (2014) indicated that the definition of good governance for MSP development process is not definite as it differs per case, however there are fundamental principles guiding its application. This mechanism is grounded on the idea of getting people talking and sharing ideas towards a common goal and for MSP, it gives provision for initializing context and authority; plans for securing financial support; establish and analyze existing conditions and prognosis for future conditions; and working towards adapting and implementing the MSP plan. Mapping ecological sensitive areas forms part of the initial steps to be undertaken during the MSP development plan. The next step from there is to identify existing conflicts and compatibilities in relation to human use activities mapping, and this will allow for designing alternative future spatial scenarios. These are followed by developing measures for identifying and evaluating measures, enforcement plan and monitoring MSP performance over set periods whilst allowing for research for advancing MSP development to be undertaken.

3. The African Blue Economy Strategy (ABES)

The African Blue Economy Strategy (ABES) was developed and endorsed by the African Union Specialized Technical Committee on Agriculture, Rural Development, Water and Environment (STC-ARDWE) in October 2019 (AU-IBAR, 2020), thus consolidating the following five detailed thematic areas which are considered critical to Blue Economy growth in Africa:

1. Fisheries, aquaculture, conservation and sustainable aquatic ecosystems;
2. Shipping/transportation, trade, ports, maritime security, safety and enforcement
3. Coastal and maritime tourism, climate change, resilience, environment, infrastructure
4. Sustainable energy and mineral resources and innovative industries
5. Polices, institutional and governance, employment, job creation and poverty eradication, innovative financing

The five thematic areas were driven from the framework of Nairobi Sustainable Blue Economy Conference which was held in November 2018, whose objectives align well with the Vision of the AU-IBAR Strategic Plan 2018-2023 and African Union Agenda 2063 both contributing to Africa's integrated, secured, transformation and growth.

Therefore, the inclusion of well-planned MSPs in the implementation of the Africa Blue Economy Strategy will contribute to drive inclusive economic growth, social prosperity and environmental management and protection. These would effectively be achieved through building upon the recommendations of STC-ARDWE in October 2019, which called for the African Union Commission support to:

1. Adequate awareness creation, build capacity and share best practices on application of the Blue Economy concept;
2. Setting up Blue Governance mechanisms to ensure planning and coordination at continental, regional and national levels; and,
3. Mobilization of resources for the implementation of the Blue Economy Strategy.

The implementation plan for the Africa Blue Economy Strategy proposes a way forward to overcome the challenges hindering the implementation of the Blue Economy Strategy. The plan, developed on a five-year basis, integrally captures the relevant Africa blue economy components that include activities, implementation timelines, intended outputs, mean of verification and actors. The plan also specifies coordination mechanisms/modalities and architectures at continental, regional and national levels. Evidently therefore, the Implementation Plan will contribute to the achievement of the African Union's Agenda 2063; the 2014 Africa's Integrated Maritime Strategy (2050 AIMS); the 2014 Policy Framework and Reform Strategy for Fisheries and Aquaculture in Africa (PFRS); the 2015 UN Agenda 2030 (Sustainable Development Goals, SDGs); and the 2016 African Charter on Maritime Security and Safety and Development in Africa (Lomé Charter). As a key supplement therefore, the implementation plan of the Africa Blue Economy Strategy would greatly benefit from inclusion of well-planned MSPs in many of the AU-MS

4. The African Union Integrated Maritime Strategy

The African Union (AU) after the realization that about 90% of African trade with international players is through the maritime space, complementing the fact that thirty-eight (38) countries are coastal or island States; it developed a strategy document which aims at changing the shape and economic outlook of the continent. Whereas the maritime space is under pressure, activities in this domain such as shipping, fisheries, oil and gas exploration, and many others are intensifying (African Union, 2012). These activities are however happening in contrast to the backdrop of insecurities, illegal trafficking, maritime environment degradation, biodiversity demise and climate change. It then calls for Africa through the AU's Africa Maritime Domain (AMD) to act inclusively and derive measures to regulate and manage these issues and overturn these challenges into opportunities to realize the true economic growth potential the seas provide.

MSP is one of the activities annexed in the strategy document as a key element of the strategic framework actions. AU defined MSP as "a comprehensive, adaptive, integrated, coherent, ecosystem-based, and transparent spatial planning process based on sound science" (African Union, 2012). This activity will provide basis for policy processes rooted on characterization balancing the frequently competing sectors with overall outputs which allows for; efficient and sustainable utilization of maritime space, evidence-based policies and decision tools, and greater legal certainties which encourage investor to invest in the intended African blue economy. These initiatives are in line with Maes (2008) and Ehler (2008)'s assertions that MSP development relies on sectoral planning, political will from politicians, and strong national policies.

5. Building Capacity and awareness

The availability of the necessary institutional and resource capacity for MSP in terms of time, funding and knowledge and skills for planning and process management are general challenges, particularly in the early stage of developing MSP (Morf et al., 2019). This includes issues of mandate and competencies of the administrations to lead the planning process. Capacity needs can vary greatly across geographic areas and administrative levels. A related aspect is the lack of stakeholder and societal awareness of their connections with the ocean and their potential roles in MSP. Additionally, awareness of the linkages necessary to apply integrative approaches, such as the ecosystem approach and related coastal and marine planning, still needs to be developed among institutional actors.

At the Local community level, awareness and participation are perpetual challenges. Local communities are heterogeneous groups that can have competing interests and perceptions about planning and management and are influenced by experiences of previous processes, which can affect trust. Knowledge from local communities is place specific, requiring resources to collect and scale up and as such is often underrepresented in MSP. Local initiatives are also often less capable of addressing uncertainties and adequately monitoring changes for contingency responses.

Conclusion

The increasing use of marine resources and the development of coastal areas has greatly exacerbated the numbers, as well as the magnitude of pressures on marine ecosystems, with adverse negative impacts in social and economic dimensions. Consequently, maritime planners, managers, and governments should properly collaborate to design and implement Marine Spatial Planning as an important tool in the management and governance of the Blue Economy and Ocean resources, and implementation of the recent Africa Blue Economy Strategy under the African Union. Additionally, all other environmental management decisions should be considered given the requirement for MSP by a growing number of maritime policies due the added economic value given by the protection of the vital ecosystem services, for continued and sustainable of the same by Africa's Blue economy resources

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