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POLICY NOTE

Continental Guidelines on Marine Spatial Planning for
Conservation of Aquatic Biodiversity and Ecosystems in Africa

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I. Context

In Africa, there are a few AU Member States that have launched the MSP process as part of their national development plans in recent years, however, execution remains a considerable technical issue for most of the Member States (AU-IBAR, 2019; Sacko, 2020). The marine environment is a shared ecosystem that faces major threats, such as overfishing, depletion of living and non-living natural resources due to the rising population pressure, expansion in human activities, pollution, rampant conversion and destruction of marine habitats and ecosystems (Finke et al., 2020). Therefore, a shared solution for AU Member States must be created to check these threats which pose significant negative ecological, environmental, and social implications if not addressed in a timely and sufficient manner.

MSP has been recognized as a strategy for greater coordination and synergy in Africa's blue economy expansion targeted at aquatic biodiversity protection (AU, 2014; Obura et al., 2017). Yet, new trends of conflicts are now emerging as demand for coastal resources and use increase such as oil and gas, renewable energy, tourism, mariculture, and conservation (Tuda et al., 2014). This calls for more efficient ocean use strategies that balance economy, environmental protection, and social demands and the goal of MSP is linked to balancing the conflicting uses at sea. Therefore, there is a need to envision how MSP in the African context can be used to organise the use of ocean space and the interactions among human uses and between marine use and the marine environment.

MSP is a management tool for the conservation of aquatic species and ecosystems, and this Policy Note presents the findings of the recent studies commissioned by AU-IBAR under the provisions of the project 'Conserving Aquatic Biodiversity in African Blue Economy; The Policy note serves as a Continental guide for their institutionalization at National and Regional levels. Current management strategies, elements relevant for supporting ongoing initiatives on establishing regional or transboundary MSPs, and an outline of best practices and transferable lessons are presented.

These guidelines have been developed based on information obtained through surveys conducted in the following regional clusters: i. Eastern-Southern, and ii. the Western-Central and North regions of Africa

2. Guidelines for the institutionalization of MSPs at National and Regional levels.

Marine Spatial Planning is institutionalized at different levels (national, regional and local) depending on the likely significant effects on the environment to be achieved (Ehler and Douvère, 2009). Whilst the uptake and implementation of MSP on the Continent is relatively low, considerable efforts have been made to institutionalize it at different scales as demonstrated in this document. In this section, the step-wise approach for effective institutionalization of MSP by African Union Member States at National and Regional are presented below.

2.1 National level.

Although MSP practice may vary from one country to another due to the different geographical conditions, pressures affecting marine systems, legal requirements, planning culture and political commitments, the guideline provides generalised and consolidated steps that benchmark the institutionalisation of MSP at the National level. The criteria are adopted from (UNESCO-IOC/ European commission, 2021) and thus can be adopted by individual countries. The phases outlined represent cluster of activities for developing MSP and can be implemented simultaneously rather than as a clear sequence of steps.

Phase 1 - Pre-planning.

- i. Identifying the need for MSP and establishing/appointing an authority to undertake the initial implementation process for the MSP development.
- ii. Obtaining financial support. Sourcing for possible funders
- iii. Organising the process through preplanning by creating the MSP team, developing a work plan, defining boundaries and a time frame, defining principles, goals, and objectives, identifying risk and developing contingency plans
- iv. Organising stakeholder participation. This will determine who, when and how participation will be done. This process is done throughout the MSP process.

Phase 2 - Analysis for planning. Involves;

- i. Defining and analysing existing conditions.
- ii. Analysing future conditions

Phase 3- Plan development. Preparing and approving the spatial management plan by

- i. Identifying alternative spatial/temporal management actions, incentives, and institutional arrangements
- ii. Specifying criteria for selecting spatial management actions
- iii. Developing a zoning plan
- iv. Evaluating the spatial management plan.

Phase 4 - Plan completion. Involves a completed plan but not yet approved

Phase 5 - Approval. Approval of the spatial management plan

Phase 6 - Implementation and Governance.

- i. Implementation and enforcing the spatial management plan
- ii. Monitoring and evaluating performance

Phase 7- Revision

- i. Adapting the marine spatial management process.

2.2 Regional approach

Regionally, MSPs identify cross-border/transboundary cooperation opportunities and restrictions, common goals, and potential conflicts. Thus, an MSP strategy and Member states cooperation are essential for MSP success. The guidelines stress transboundary dialogues, public participation, and cooperation.

2.2.1 Defining stage for MSP

- i. Determine needs, principles, and goals. The MSP must identify transboundary needs and challenges in the area. Needs to solve gaps including maritime space enhancement, new advancements, and possibilities.
- ii. Define spatial and temporal boundaries; After identifying issues, challenges, and possibilities, the questions “where and when?” must be answered to define spatial and temporal bounds.
- iii. Identify stakeholders and organise public participation. This could involve desk-top reviews collated from nation-specific MSP processes and integrated to reflect cross/trans-border needs, common principles, inter lapping resources, resource uses and their sectors and defining regional specific boundaries. Aside from the public officials or technocrats that are responsible for the formulation of plans and rules, the involvement and engagement of all entities that are

affected or are likely to be affected by the MSP process are key.

2.2.2 *Creation of the regional Expert Group on Marine/ Maritime Spatial Planning.*

This step can be intractable or done concurrently with the steps in 2.2.1. Regionally, there is the possibility for Parties not to understand the locus and extent of authority for implementation concerning the cross-border partner. This calls for clearly defining the authority or authorities which will be in charge of i) planning and ii) implementation of the regional MSP. For an effective MSP at the regional level, coordination and cooperation between different government agencies and other sector-related institutions are essential, as are sufficient financing and political commitment.

2.2.3 *Strategic recommendations for the promotion and exchange of MSP at the international level.*

- i. Assess present and future conditions; The assessment of future conditions is necessary to evaluate the impact of various possible marine uses that may be defined in the MSP plan including key recommendations.
- ii. Identify and anticipate transboundary conflicts and opportunities; Existing transboundary conflicts need to be identified in particular at the earliest stage, so that Transboundary MSP implementation team may take them into account, and be adapted to resolve them as much as possible.

2.2.4 *Identify national and international legal frameworks guiding the MSP process.*

Although much can be achieved in the absence of a specific legal framework for marine spatial planning, a sound legal framework is essential for stable and reliable transnational cooperation. A comprehensive, harmonised legal basis for a transboundary MSP provides a more strategic, integrated and forward-looking foundation for all sea uses. Therefore, the identification of National and International Laws, declarations, and agreements that are relevant to the MSP initiative are important.

2.2.5 *Develop the regional MSP management plan.*

This is the primary responsibility of the regional expert group and all Parties will need to agree on a vision, goals, objectives and principles for the designated marine space. These elements can be disseminated to all stakeholders as a Policy documents seeking guidance for subsequent planning. The development of such an initial policy articulation is very important as it classifies the outcomes that are sought and the standards that are to be met in pursuit of these outcomes. The plan guides authorities on potential development possibilities and their sustainability. This is achieved especially through scenarios and models that demonstrate sustainable development and resource use.

2.2.6 Finance the plan.

Finances are key to the effective implementation of any developmental projects in transboundary resource systems. The costs involved such as in initial resource assessments, establishing institutions, developing capacity, data acquisition and sharing, development of a legal framework and most importantly long-term monitoring and evaluation activities for the MSP. In the case of most African countries, the investment costs of setting up the MSP exceed resources available even with combined efforts by the partner states; therefore, various financing mechanisms need to be sought and considered.

i. Implement and enforce the plan

The implementation phase turns the measures of the plan into actions and reality. This is where mechanisms to enforce the plan are defined such as field inspections, legal action against those who do not respect regulations and negotiations with those responsible for the activity and encourage them to comply with laws and regulations. The plan must also specify which authority or groups of authorities will be in charge of the different measures for the implementation of the plan. Some authorities may work jointly on some measures, and others will work independently, but in any case, those authorities must be carefully coordinated, to ensure that their actions are coherent with the management plan.

ii. Monitor and evaluate the plan.

This cuts across the MSP implementation process for which efforts should be monitored, for compliance with the plan, i.e. collect data and information that will allow assessment of the outcomes and management interventions. This assessment is conducted so that the results can inform future adaptation planning and if need be re-direction of the MSP goals and targets.

iii. Adapt the plan.

A time frame has to be defined for formal adaptation of the initial plan to stimulate acceptance and understanding that MSP is never completed. There are always new challenges and opportunities to overcome or pursue respectively. Nevertheless, with the iteration of planning and implementation, the relevant institutions, governance structures and foundation, data should become more mature, which will enable gains in efficiency and effectiveness.

iv. Publication of the Joint guidance document on transboundary MSP.

In this step, the MSP is published as a policy document or signed into law and be legally enforceable.

3. Challenges faced by AU-MS in implementing MSP

i. Lack of adequate data for MSP

Data sharing and integration is critical to the regional, national and cross-border implementation of MSP. States are responsible for coordinating the use of the best available data and information sharing required for maritime spatial planning. This comprises environmental, sociological, and economic data, as well as oceanographic information about the oceans included by the Marine Spatial Plan.

ii. Institutional, policy and Legal frameworks

Legal and institutional frameworks enhance the operationalization of the MSP process. MSP implementation is augmented by a dedicated legal and institutional framework, where an institution is set in place to champion MSP with a defined legal mandate. Notable efforts have been made by some coastal AU MS including Ghana, Cape Verde, South Africa and Morocco to establish specific legislative frameworks which govern planning of the marine area. Sierra Leone is currently in the process of approving a new Environmental Protection Act which defines an authority responsible for coastal zone and MSP programs. Despite the existence of these frameworks, effective operationalization of MSP remains a challenge given that the legislations have suffered from unstable governance structures affecting integration, coordination and openness in the MSP process and little political direction and guidance on MSP. MSP is never successfully implemented if institutional and political frameworks do not support it through legislative and regulatory Policy, as Governments have the major public trust authority and duty over ocean planning activities.

iii. Stakeholder involvement

It's critically important to involve all stakeholders at all stages of MSP process. The ultimate importance is that when stakeholders are engaged, their practices, expectations, and current and future interests, are in balance with economic, social, and environmental objectives of MSP, as well as may reduce conflicts among ocean users. Nonetheless, several factors contribute to stakeholders' exclusion or non-engagement in MSP. Poor communication, a lack of openness, the sense that decision-making is purposefully prejudiced, and fragmented governance are among them. In Seychelles, where MSP is nearing completion, broad sector participation and parity in engagement and contribution have been critical. The Seychelles MSP stakeholder engagement method and governance structure were designed from the start to incorporate stakeholders from all sectors, which proved beneficial.

iv. *Transboundary issues*

The majority of Africa's bodies of water straddle many jurisdictions, as the biophysical dimension of these bodies of water does not follow political boundaries. MSP places a significant emphasis on the timely and effective resolution of transboundary issues. These include concerns that pertain to the interaction between the water and the land, as well as consequences that cross national borders between neighbouring nations and with locations that are outside of National control. Currently, a number of Countries have conflicts over maritime making collaboration on MSP difficult.

v. *Threat of climate change*

Climate-related drivers of change, such as ocean warming, acidification and sea level rise, will alter present ocean conditions leading to a redistribution of marine ecosystem goods and services. As a result, ocean uses that rely on those services will undergo change, experiencing local decrease or increase and relocation, with potential for new use-use conflicts and increased cumulative environmental impacts.

vi. *MSP takes a long time to build and execute.*

Creating a thorough marine spatial design takes up to 10 years and patience. It takes time to gather facts and debate how MSP may affect lives with all Parties. After the strategy is agreed, it takes time to finalize specifics, get Government approval, and implement. The Seychelles MSP Milestones provided stages toward the 30% objective and enabled time for creation of the supporting geographic database and science, papers for stakeholder talks, and independent assessments and analyses that influenced the iterative process with stakeholders and civil society.

vii. *Monitoring, Control and Surveillance costs*

Illegal, Unreported, and Unregulated Fishing (IUU), piracy (particularly in West and Central Africa in recent times) and pollution are among dire challenges in African waters which contribute to economic losses and environmental damage. Enormous resources are required to promote maritime domain awareness to combat these vices. Mechanisms to advance monitoring, control and surveillance systems in AU-MS need to be developed or strengthened to enhance achievement of economic, social and environmental goals associated with MSP.

viii. Technical capacity and financial resources

A number of AU Member States in Africa are in the early phases of developing MSPs. However, these Countries confront hurdles due to a lack of good data on aquatic ecosystems. Spatial data collection, data management, data analysis, and decision support systems are critical components of MSP. These, together with a shortage of technical specialists in various MSP subject areas and insufficient funding, are the key barriers to AU Member States' ability to implement MSPs. Results from the assessment shows that funding is not sustainable and sufficient to fully develop marine spatial plans and support implementation in several AU-MS.

ix. Land locked countries

All the landlocked countries in Eastern and Southern Africa still do not have Marine spatial plans. Search results showed that 10 out of the 24 countries in the region were missing information on the development and implementation of marine spatial plans within their jurisdictions hence the templates were not populated with any literature. The Countries included; Botswana, Burundi, Ethiopia, Lesotho, Malawi, Rwanda, Swaziland, Uganda, Zambia and Zimbabwe. The context of marine spatial plan is understood as a unique framework that focuses on the dynamic planning requirements in the marine and coastal ecosystems to sustain the goods and services that societies depend on. Its development has thus been only successful in countries that have marine resources.

4. Best practices and transferrable lessons for institutionalizing MSP in Africa

- Selecting a lead authority for MSP - In most Countries the MSP delivery role is given to an 'agency' with Policy oversight from a relevant Government Department or Ministry. A decision must be made whether to give the MSP remit to an existing institution or establish a new one. The decision on a lead delivery authority should be informed by an assessment of existing legislation and institutional framework and engagement with stakeholders.

New MSP Authority for England

In England, it was decided that the cross-sectoral nature of MSP required a new body as existing agencies all had a focus on one aspect of sustainable development or on sectors/interests. The Marine and Coastal Access Act made provision for a new marine planning system and a new body, the Marine Management Organisation (MMO). Importantly, although the MMO is a body that sits under the Department for Environment, Food and Rural Affairs (lead on wider marine management policies) it also has oversight from other relevant Government Departments with a Policy interest such as defence, energy, land planning and transport. From 2010, a dedicated marine planning team was set up supported by other MMO teams, for example on data management, evidence gathering and communications (Ansong et al., 2021).

- Political backing and dedication to the process is critical from the start, with officials, including top government leadership, grasping the initiative's goal and objectives.
- Establishment of proper partnership from the start is critical:

Partnership arrangement for Seychelle's MSP

Seychelles, as a tiny island developing state, lacked past MSP experience, technical competence, and expertise for the MSP process. The Nature Conservancy (TNC) supplied MSP experience, as well as a process, science lead and project management.

- Building trust is crucial: The lead Ministry's leadership position, should not dominate the MSP process. All Parties involved should be accorded same opportunity to express their opinions regarding the MSP process and its anticipated benefits both environmental, ecological and social e.g. biodiversity protection and sustainable livelihoods.
- MSP requires spatial data collection: MSP is a continuous process of collecting data and evidence to guide plan development, implementation its monitoring and evaluation process. It involves

collating and analyzing data on areas which are most important to conserve and places which are compatible with development.

Developing data and evidence for Belize Integrated Coastal Zone Management Plan

The Belize Government chose to develop an ICZM plan to cover the marine environment up to 12nm. In developing the Belize Integrated Coastal Zone Management Plan, the Coastal Zone Management Authority gathered existing and new data about marine habitats such as coral reefs and marine uses. Ecosystem services valuation approach was used to evaluate trade-offs among alternative planning scenarios. Stakeholders were engaged in all stages of the process, especially for data acquisition and ecosystem service assessments (CZMAI, 2016). A map portal for the plan was developed to allow public access .

- Stakeholder involvement - One of the key iterative activities in MSP is stakeholder engagement. Concerted effort must be made to ensure that all stakeholders are present throughout essential talks so that numerous points of view could be presented and choices could be taken in a transparent manner.

Public engagement in Ireland’s National Marine Planning Framework

The development of MSP in Ireland included series of public engagement events and town hall meetings in coastal counties to raise awareness about MSP, the roadmap and timeline for its implementation and how stakeholders can get involved in the process. Engagement with stakeholders also included a three-month public consultation and regional public events on planning documents such as the MSP baseline report. This led to total of over 170 responses on the baseline report. The engagement of the public and stakeholders had a significant impact on the content of Ireland’s National Marine Planning Framework (EC, 2022).

- Transboundary MSP cooperation - Transboundary cooperation for delivering MSP is critical to ensure that there is coherence in addressing both inland and marine environmental pressures and adequately plan for resources which in most cases span maritime boundaries.

Transboundary MSP Cooperation in the Baltic Sea

The Baltic countries have a long-standing history of transboundary cooperation on marine environment and MSP through the Regional Seas Convention – HELCOM and the intergovernmental group ‘Visions and Strategies around the Baltic Sea’ (VASAB). HELCOM-VASAB forms an umbrella intergovernmental group that seeks to ensure formalised coordination and cooperation for environmental and planning issues. The HELCOM-VASAB MSP Working Group (HELCOM-VASAB MSPWG) have been used as a platform to develop several non-binding strategies and guidelines to facilitate transboundary MSP such as broad MSP principles, regional MSP roadmap, transboundary cooperation. These guidelines have been informed by series of knowledge exchange through transboundary MSP projects. (Zaucha, 2014)

5. Priority actions for advancing MSP in Africa

The MSP Global guidance on MSP (UNESCO-IOC/EU,2021; 22) and the step-by-step approach to MSP (Ehler and Douvère,2009) define approaches for developing MSP which is transferrable to the African context under the following MSP stages including:

- i. Identifying need and establishing authority
- ii. Obtaining financial support
- iii. Organising the process through pre-planning
- iv. Organising stakeholder participation
- v. Defining and analysing existing conditions
- vi. Defining and analysing future conditions
- vii. Preparing and approving the spatial management plan
- viii. Implementing and enforcing the spatial management plan
- ix. Monitoring and evaluating performance
- x. Adapting the marine spatial management process

Consequently, to advance MSP at National and Regional levels in Africa, key priority actions have been identified:

Action I: Support AU MS to establish an institutional and legal framework for MSP

The first phase of this action should be informed by an in-depth analysis of existing legislation and institutions that have marine governance remits. Many AU MS are at various stages of discussing and defining the legislative remit of MSP at a National level. Nation-wide workshops

with government ministries, departments and agencies would be needed to understand existing overlaps in responsibilities and engage them in key requirements for establishing a legal framework for MSP. The development of National concept note for MSP would be advisable for Government officials and stakeholders to understand the concept of MSP and how it applies to context specific issues in each AU-MS. AU-IBAR could support these in-depth studies and workshops engaging key stakeholders to define MSP legislative requirements and set out an approach and process for developing MSP legislation and institutional framework for each AU MS.

Action 2: Work with AU MS to define roadmap and timeline for MSP

A National roadmap agreed between decision makers and stakeholders should advance MSP in Africa. A roadmap for MSP should define high level objectives, principles, and Vision for MSP as well as activities and timeline for its development. Such actions could be led by an MSP working group or committee with representation from Government Ministries, sectoral agencies, local authorities, traditional authorities, and key stakeholders. AU-IBAR could support AU MS in organising training on how to define Visions and objectives for MSP and have a first-hand experience through field visits to engage with Global MSP cases and best practices to serve as inspiration for decision makers and politicians to act.

Action 3: Build capacity for MSP through training and pilot projects

There is a need for building technical capacity and coaching on how to develop a marine spatial plan. Key training needs include:

- Introduction to MSP: processes, global best practices, and transferable lessons for developing Countries
- Role of MSP in biodiversity conservation: MPA network designation, identification of sensitive areas and hotspots, climate change, cumulative effect assessment and ecosystem service analysis
- Role of MSP in the blue economy
- GIS mapping and decision-making tools for MSP
- MSP and stakeholder engagement: negotiations, conflict resolution, engaging traditional authorities, indigenous communities, NGOs, politicians, and decision makers
- Transboundary MSP: Regional cooperation mechanisms, research collaboration, land sea interaction and best practices.

Action 4: Raise awareness and communication about MSP

Communicating MSP objectives and its benefits can facilitate a better understanding of its purpose and enhance increased support for its implementation. Arts-based engagement and communication

methods via theatre, MSP games and role play, interactive videos and materials, marine art/painting competition in schools could be used to raise awareness about MSP and engage the public.

Action 5: Regional guidelines on MSP to advance transboundary cooperation

Regional guidance on MSP based on Regional needs and Legal Instruments would advance a coherent approach to MSP. These guidelines should define a regional Vision, principles, objectives, and roadmap for MSP informed by Regional seas conventions, protocols, and action plans. These guidelines to be led by Regional MSP working groups.

Action 6: Regular monitoring of the status and progress of MSP in Africa

Regular scoping exercise to identify gaps and challenges of MSP should be supported as MSP is still novel in Africa. This will offer a platform to engage with stakeholders to understand their challenges. There is need for studies and dissemination of the study outcomes through MSP newsletters and Africa MSP conferences can support knowledge and experience exchange between AU MS.

Action 7: Sustainable financing for MSP

MSP initiatives require a more sustainable and long-term funding strategy to complete the development of plans and further funding for implementation. AU-IBAR could facilitate the sourcing of funds to support regions where MSP is yet to kick off such as the Central African Region and MS where funding is needed to finalise and adopt plans. Easy wins can be achieved in MS that already have coastal plans and legislation but are looking for funding to extend marine assessment and better incorporate MSP.

6. Conclusion

Marine Spatial Planning (MSP) as a process for conserving aquatic biodiversity in Africa is still a novel concept and there is limited legislative and institutional framework and authorities to champion its implementation. The lack of sustainable financing to gather marine data and evidence, engage with stakeholder to publish marine spatial plans has been highlighted as a huge gap. It was established that there is limited capacity and experience to develop MSP while stakeholder and the public are not aware of MSP as a concept and its benefits. Further, political direction and guidance is needed to facilitate MSP in Africa.

MSP should be both a tool and critically a process for advancing biodiversity and climate change issues. Although biodiversity and climate change issues are being addressed in most of the Member States, this have occurred in an adhoc manner in response to specific donor funding without strategic synergies with the spatial planning. Critically, MSP is also a tool for sustainable use, socio-economic development, poverty alleviation, socio-cultural benefits. These benefits inform each other and synergies between the social, ecological, and economic dimensions of MSP should be further explored.

This Policy Note finally identifies priority actions to advance MSP in Africa including supporting AU MS to establish a legislative framework for MSP, developing roadmap for MSP development, building technical capacity, raising awareness about MSP, developing Rregional MSP guidelines, encouraging regular monitoring of MSP, and establishing a sustainable financing mechanism for MSP.

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