



## NATIONAL FRAMEWORK FOR

## MARINE SPATIAL PLANNING IN SOUTH AFRICA



REPUBLIC OF SOUTH AFRICA



The following organisations are responsible for the development of this report as part of the South African marine spatial planning process.



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### SAEON

South African Environmental  
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### SANBI

Biodiversity for Life

South African National Biodiversity Institute



Council for Geoscience

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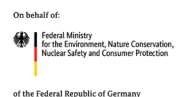
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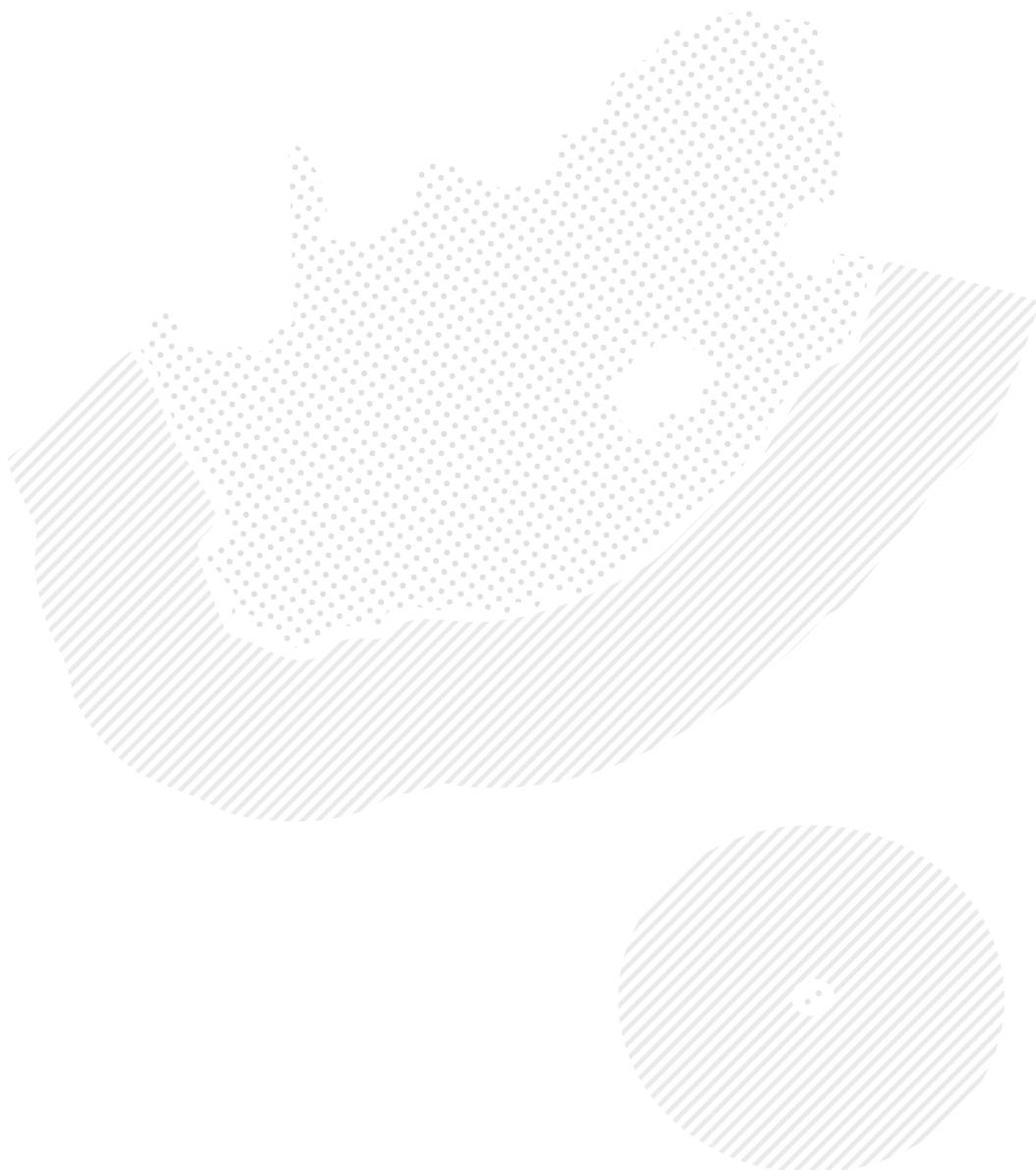
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# 1. CONTEXT

## 1.1 PURPOSE OF THE SOUTH AFRICAN MARINE SPATIAL PLANNING FRAMEWORK

The purpose of this document is to provide the framework for Marine Spatial Planning in South Africa's ocean space. A National Marine Spatial Planning Framework is required, in terms of Section 6 (a) of the Marine Spatial Planning Act (Act No. 16 of 2018), to establish the regulatory framework for Marine Spatial Planning in the Republic of South Africa. As such, it complies with the principles and criteria for Marine Spatial Planning provided for in Section 5 (1) of the Act.

The framework provides high-level direction for undertaking Marine Spatial Planning in the context of the South African legislation and policies as well as existing planning regimes. It describes the process for the preparation of Marine Area Plans, their implementation, evaluation and revision in order to ensure sustainable development of South Africa's ocean space through consistent and adaptive Marine Spatial Planning.

Marine Spatial Planning will provide the following benefits for the South African nation:

- Facilitate the unlocking of the ocean economy and sustainable ocean economic development;
- Enhance the achievement of societal benefits and strengthen the level of society's interaction with the ocean;
- Promote a healthy marine environment and the sustainable use of marine resources; and
- Contribute to good ocean governance.

The framework is aimed at guiding the national regulatory authorities as the responsible entities for Marine Area Plan preparation and implementation in South Africa.

## 1.2 THE CONCEPT OF MARINE SPATIAL PLANNING IN SOUTH AFRICA

South Africa is a truly maritime nation surrounded by the ocean on three sides – the Atlantic Ocean to the west, the Southern Ocean to the south and the Indian Ocean to the east.

The country has a coastline of 3,650 km on the mainland which stretches from the Namibian border on the west coast to the Mozambican border on the east coast. The Exclusive Economic Zone (EEZ), including the area around the Prince Edward Islands, is approximately 1.5 million km<sup>2</sup> and as such greater than the size of South Africa's land area.

South Africa has a rich ocean wealth encapsulated in a complex, interesting and diverse marine environment. Substantial efforts have been made to better understand and map marine ecosystem types in South Africa, leading to the description of more than hundred ecosystem types in various ecoregions around the South African mainland. Knowledge on special species and the ecological condition of the various ecosystem types has also improved in recent years, as have assessments of current levels of protection of different ecosystem types and biodiversity. Pressures on the marine environment largely result from human uses, as well as climate change whose impacts are as yet unclear and will require close monitoring.

The South African ocean is fundamental for the well-being of its people. It provides valuable ecosystem services that benefit its society - as a source of food, income, spirituality and a place for recreation. Although the marine environment has long been a focal point for socio-economic activities, the commercial and recreational use of marine and coastal resources is relatively new in South Africa, dating back less than 100 years. Key sectors with significant interests in the marine environment and substantial socio-economic impact (e.g. in terms of employment) are fisheries and marine aquaculture, marine and coastal tourism, mining of geological resources (e.g. diamonds) and hydrocarbon (e.g. oil and gas), and maritime transport.

In the past, planning and management of human uses in the ocean space has usually been pursued on a sectoral basis. Sectoral regulation has however little or no consideration of policies and plans of other sectors or requirements that may be conflicting or compatible.

In many countries this situation has already caused conflicts among human uses or between the marine environment and human uses, e.g. when the effects of human activities on the marine environment are not taken into consideration adequately. Such conflicts affect the ability of the ocean to provide the services upon which humans and emerging economies depend. This single-sector planning and management approach also limits the capacity of decision-makers to pro-actively plan for the future, instead requiring them to react to conflict that minimizes the sustainable growth of their countries.

Marine Spatial Planning is an approach to improving the rational planning, management and governance of ocean space and marine resources. Marine Spatial Planning entails a development planning approach for marine areas which organizes the use of space to guide single-sector decision-making and provides for coherent, comprehensive, integrated and complementary planning and management. Marine Spatial Planning offers a practical way to address specific challenges and to select appropriate management strategies to maintain good ecosystem health that will, in turn, facilitate sustainable national and regional economic and socio-cultural development.

Marine Spatial Planning is an emerging process that is being implemented by an increasing number of countries. Initially, Marine Spatial Planning was mainly limited to those countries witnessing mounting conflicts between competing human uses in their ocean space. This includes many European countries but also the United States of America, New Zealand and China. However, Marine Spatial Planning is increasingly being introduced in developing world regions with emerging economies.

South Africa is now working with its neighbouring countries, in particular under the Benguela Current Convention and cooperating with other international partners such as the Kingdom of Norway and the Federal Republic of Germany, in developing the necessary capacities to pursue Marine Spatial Planning so that it is introduced and established as a standard operating procedure by government.

The South African Marine Spatial Planning process will consider and integrate multiple existing interests and spatial claims, which currently include:

- Coastal and underwater (communication) infrastructure;
- Emerging uses (e.g. carbon capture and storage, marine renewable energy)
- Environmental management;
- Environmental research and monitoring;
- Fisheries;
- Marine aquaculture;



- Marine and coastal tourism;
- Maritime and underwater cultural heritage;
- Maritime transport and ports;
- Mineral and petroleum resources exploration and exploitation;
- Naval defence;
- Sea and freshwater abstraction; and
- Wastewater discharge.

The process of Marine Spatial Planning in South Africa will promote a culture of good ocean governance and thereby:

- Achieve integration among different objectives and economic sectors;
- Manage competing demands on its ocean space;
- Enable the co-existence of compatible activities wherever possible; and
- Enable co-ordination with terrestrial and coastal planning as much as possible.

## 2. MARINE SPATIAL PLANNING IN SOUTH AFRICA

### 2.1 DEFINITION OF MARINE SPATIAL PLANNING IN SOUTH AFRICA

Marine Spatial Planning is defined in this framework as follows:

Marine Spatial Planning is the governance process of collaboratively assessing and managing the spatial and temporal distribution of human activities to achieve economic, social and ecological objectives.

### 2.2 THE CHARACTERISTICS OF SOUTH AFRICA'S MARINE SPATIAL PLANNING PROCESS

The South African Marine Spatial Planning process will reflect the following characteristics:

**AREA-BASED:** focusing on marine spaces that people can understand, relate to and care for;

**INTEGRATED:** across sectors, agencies, entities and departments, and among spheres of government;

**MULTI-OBJECTIVE:** maximizing the benefits to all sectors in a sustainable way;

**PARTICIPATORY AND COORDINATED:** actively involving all relevant stakeholders in the process to ensure a long-term and coordinated support for management;

**ECOSYSTEM-BASED:** balancing economic, social and ecological goals and objectives toward achieving sustainable development with a focus on maintaining the provision of ecosystem services over time;

**STRATEGIC AND FUTURE-ORIENTED:** considering alternative means to achieve the desired vision; and

**CONTINUING AND ADAPTIVE:** promoting a learning-by-doing approach that enables the acceleration of the planning and implementation quality with growing experience through effective performance monitoring and evaluation.

### 2.3 SOUTH AFRICA'S MARINE SPATIAL PLANNING VISION

South Africa's shared vision within the marine environment for Marine Spatial Planning is:

**"A PRODUCTIVE, HEALTHY AND SAFE OCEAN THAT IS ACCESSIBLE, UNDERSTOOD, EQUITABLY GOVERNED AND SUSTAINABLY DEVELOPED AND MANAGED FOR THE BENEFIT OF ALL."**

The vision for Marine Spatial Planning in South Africa is supported by a number of principles that set out the key characteristics of Marine Spatial Planning in South Africa. The vision is shared by all organs of state responsible for regulating human use in South Africa's ocean space. The vision balances economic, social and ecological aspirations for South Africa's ocean space.

## 2.4 SOUTH AFRICA'S MARINE SPATIAL PLANNING PRINCIPLES

Section 5 (1) of South Africa's Marine Spatial Planning Act describes the principles and criteria that direct the development of the country's Marine Area Plans. While they set out how marine space should ideally develop, they also apply to the Marine Spatial Planning process itself and the need to balance various interests.

The principles are based on recognition that a thriving blue economy is dependent on healthy marine ecosystems. Marine Area Plans serve to protect and sustainably use marine biodiversity and natural resources while at the same time ensuring access to key resources for marine users and sectors. Achieving this balance requires the best possible integration among different objectives and sectors which in turn demands substantial input by relevant sectors and stakeholders during the development of Marine Area Plans.

In line with section 5(1) of the Marine Spatial Planning Act, the following principles will be considered and applied in the context of the precautionary approach as part of the Marine Spatial Planning process:

- (A) the sustainable use, growth and management of the ocean and its resources;
- (B) the identification of economic opportunities which contribute to the development of the ocean economy;
- (C) the promotion of collaboration and responsible use of the ocean through consultation and cooperation;
- (D) the advancement of an ecosystem and earth system approach to ocean management which focuses on maintaining ecosystem structure and functioning within a marine area;
- (E) adaptive management, which takes into account the dynamics of the ecosystems and the evolution of knowledge and of activities in South African waters;
- (F) the principle of spatial resilience and flexibility;
- (G) the promotion of equity between and transformation of sectors;
- (H) the reliance on the best available scientific information;
- (I) the equitable resolution of conflict scenarios including the implementation of trade-offs, relocations and other available resolutions;
- (J) the principle of efficiency, whereby decision-making procedures are designed to minimise negative financial, social, economic or environmental impacts;
- (K) the principle of good administration coherent and holistic planning and management; and
- (L) South Africa's international obligations and cross-border cooperation.

## 2.5 SOUTH AFRICA'S MARINE SPATIAL PLANNING GOALS

South Africa's Marine Spatial Planning goals focus on the desired outcomes of the Marine Spatial Planning process. Along with the vision and principles, they will guide the entire Marine Spatial Planning process, and provide the umbrella for developing the Marine Area Plan objectives.

South Africa's goals for Marine Spatial Planning are:

### ■ GOAL 1: UNLOCKING THE OCEAN ECONOMY

This goal aims to stimulate the sustainable economic growth of South Africa's marine sectors to increase the ocean's contribution to the national Gross Domestic Product, create jobs, and, ultimately, eradicate poverty. It does so by ensuring greater certainty of access to desirable areas for new investments. It seeks to identify compatible uses and reduce conflicts between incompatible uses. It promotes the efficient use of resources and space and improves the capacity to plan for new and changing human activities, including emerging technologies and their associated effects. It also promotes streamlining and improved transparency in permit and licensing procedures for ocean resources.

### ■ GOAL 2: ENGAGING WITH THE OCEAN

This goal builds on South Africa's marine heritage and seeks to strengthen our marine identity. It aims to increase our awareness of the value, opportunities and societal benefits of South Africa's ocean space. It encourages all communities and citizens to engage in education about the sea, good stewardship, and participation in marine management. The goal promotes the identification and improved protection of cultural heritage and social and spiritual values related to ocean use.

### ■ GOAL 3: ENSURING HEALTHY MARINE ECOSYSTEMS

This goal is aimed at protecting, conserving and restoring South Africa's rich marine biodiversity by managing its living and non-living resources in a harmonious manner. It does so by identifying ecologically and biologically important areas and by integrating biodiversity objectives set out in national policy into decision-making. It allows for the identification and reduction of conflicts between human uses and nature, the allocation of space for biodiversity and nature conservation and the reduction of the cumulative effects of human activities on marine ecosystems. It further promotes long-term economic benefit to future generations, e.g. by maintaining healthy fishing stocks and functional, healthy marine ecosystems.

### ■ GOAL 4: CONTRIBUTING TO GOOD OCEAN GOVERNANCE

This goal requires an approach that is guided by good governance principles. This includes collaboration between organs of state relating to ocean management, achieved through the establishment of formal and informal relations. It requires that decision-making be underpinned by sound knowledge and adaptive, ecosystem-based management. It also requires relations to be built with non-state organisations and communities that should be encouraged and enabled to contribute to planning and plan implementation processes in order to enhance ocean governance.

These four goals align with the principles and criteria for Marine Spatial Planning stated in section (5) of the Marine Spatial Planning Act (see section 4).

## 2.6 THE AUTHORITY FOR MARINE SPATIAL PLANNING IN SOUTH AFRICA

### 2.6.1 RESPONSIBILITY FOR MARINE SPATIAL PLANNING

The Department of Forestry, Fisheries and the Environment is mandated by the Marine Spatial Planning Act, 2018, as the lead Department for Marine Spatial Planning in South Africa. In this capacity, the Department of Forestry, Fisheries and the Environment will collaborate with all relevant national authorities that have a mandate relating to marine planning and management. The Act establishes three cooperative governance mechanisms to enable such collaboration:

#### A) NATIONAL WORKING GROUP ON MARINE SPATIAL PLANNING

This working group will develop Marine Spatial Planning at a technical level and steer and oversee the practical implementation of the Marine Spatial Planning process. This includes having lead responsibility for the preparation of this National Framework and for Marine Area Plans.

This National Working Group on Marine Spatial Planning is constituted of representatives from the departments administering the following key functions and regulatory responsibilities for human use activities in South Africa's ocean space:

- Defence;
- Energy;
- Environmental Affairs;
- Fisheries;
- Heritage;
- Mineral Resources;
- Planning, Monitoring and Evaluation;
- Rural Development and Land Reform;
- Science and Technology;
- Telecommunications;
- Tourism; and
- Transport.

The Department of Forestry, Fisheries and the Environment supports the work of the National Working Group, through the provision of technical assistance and secretariat services. The Department of Forestry, Fisheries and the Environment will also facilitate reporting on behalf of the National Working Group to the:

#### B) DIRECTORS-GENERAL COMMITTEE ON MARINE SPATIAL PLANNING

The Directors-General Committee on Marine Spatial Planning (DGCMSPP) is established in terms of the Marine Spatial

Planning Act, 2018 (Act No. 16 of 2018) for the purpose of approving activities, outputs and outcomes of the Marine Spatial Planning process in accordance with provisions of the MSP Act and the Marine Spatial Planning Initiative: 10: Marine Protection Services and Ocean Governance Delivery Unit of the Oceans Economy Lab of Operation Phakisa.

### C) MINISTERIAL COMMITTEE ON MARINE SPATIAL PLANNING

The Ministerial Committee on Marine Spatial Planning (MCMSP) is established in terms of Section 11 of the Marine Spatial Planning Act, 2018 (Act No. 16 of 2018) for the purposes of driving activities, outputs and outcomes of the Marine Spatial Planning process in accordance with provisions of the MSP Act and the Marine Spatial Planning Initiative: 10 established under the Marine Protection Services and Ocean Governance Delivery Unit of the Oceans Economy Lab of Operation Phakisa.

These committees are constituted by representatives from the same departments as indicated above under the National Working Group.

The National Working Group on Marine Spatial Planning submits the National Marine Spatial Planning Framework and the Marine Area Plans to the two committees for approval. The Ministerial Committee on Marine Spatial Planning will give final approval for the Marine Area Plans. The Committees will similarly deal with decisions on conflict resolution, trade-offs, and other matters relating to the marine spatial planning process. The Ministerial Committee on Marine Spatial Planning therefore has final authority over the adoption and implementation of Marine Spatial Planning in South Africa and will facilitate the resolution of any inter-departmental disagreements.

Sectoral organs of state will be responsible for the implementation of the Marine Area Plans as per their existing mandates and under existing legislation. Sectoral planning and decision-making, such as licensing and other management measures, will be consistent with the provisions set out in the Marine Area Plans. Marine spatial planning decisions, however, do not automatically grant vested rights to any person or exempt them from complying with relevant sectoral or environmental legislation. The implementation of the Marine Area Plans builds on the Constitutional principle of cooperative governance.

## 2.6.2 LEGISLATIVE AND POLICY CONTEXT

The legal requirement to introduce and implement Marine Spatial Planning in South Africa is derived from the Marine Spatial Planning Act (Act No.16 of 2018). The Marine Spatial Planning Act builds on the desire to use Marine Spatial Planning to implement various sectoral legislation and policies, including international declarations, treaties, conventions and agreements South Africa is signatory to. Marine Spatial Planning also serves to implement South Africa's Constitution:

■ **SECTION 41 OF CHAPTER 3 OF CONSTITUTION – COOPERATIVE GOVERNANCE<sup>1</sup> STATES THAT SPHERES OF GOVERNMENT MUST:**

- (h) co-operate with one another in mutual trust and good faith by –
- (i) fostering friendly relations;
- (ii) assisting and supporting one another;
- (iii) informing one another of, and consulting one another on, matters of common interest;
- (iv) co-ordinating their actions and legislation with one another;
- (v) adhering to agreed procedures; and
- (vi) avoiding legal proceedings against one another.

<sup>1</sup> Section 41 of Chapter 3 of the Constitution and Section 24 of the Constitution.



## ■ SECTION 24 OF THE CONSTITUTION STATES THAT:

“Everyone has the right:

- (a) to an environment that is not harmful to their health or well-being; and
- (b) to have the environment protected for the benefit of present and future generations, through reasonable legislative and other measures that:
  - (i) prevent pollution and ecological degradation;
  - (ii) promote conservation; and
  - (iii) secure ecological sustainable development and use of natural resources while promoting justifiable economic and social development.”

In terms of policy, Marine Spatial Planning is closely aligned with South Africa’s National Development Plan, which identifies certain priorities relevant to the marine environment. The current National Development Plan 2030 includes the development of strategies to increase offshore renewable energy sources, offshore oil and gas and investing in marine engineering initiatives. The New Growth Path sits alongside the National Development Plan and provides the framework for South Africa’s economic policy and is the driver of the country’s jobs strategy. It seeks to promote growth and employment from new opportunities such as the green economy, exports of goods and services to growing African markets, offshore oil and gas and the identification of realistic and sustainable options for diversification of the economy.

The National Spatial Development Framework informs, guides and coordinates spatial development planning with a focus on terrestrial planning, while overlapping with Marine Spatial Planning in the coastal region. The Marine Spatial Planning Framework and the National Spatial Development Framework are complimentary to achieve the goals of the National Development Plan 2030.

## 2.7 LAND-SEA INTERFACE

Activities taking place on land and in the sea can have impacts on both terrestrial and marine environments. The coast and estuaries are highly valued environments, as well as social and economic assets. The Marine Area Plan boundaries will extend up to the high water-mark while terrestrial planning boundaries generally extend to the low water-mark. Coastal management activities and priorities extend beyond the high water-mark.

Coastal management and land-use planning authorities will be engaged in the development of Marine Area Plans to ensure that harmonisation of plans is achieved. Coastal planning legislation and policy documents already include policies addressing coastal and estuarine planning. Marine Area Plans will seek to complement rather than replace these, recognising that both systems may adapt and evolve over time. Liaison and consultation between respective responsible authorities for terrestrial and marine planning, including plan development, implementation and review will help ensure, for example, that developments in the marine environment are supported by the appropriate infrastructure on land and reflected in terrestrial development plans. Sharing the evidence base and data where relevant and appropriate will also assist in ensuring consistency in the data used in making decisions and planning.

## 2.8 TRANSNATIONAL PLANNING

Marine Area Plans will take into consideration Marine Spatial Planning in South Africa’s neighbouring countries Namibia, Mozambique and France to align planning and management at a trans-national scale. The Benguela Current Convention, the Abidjan Convention and the Nairobi Convention provide the appropriate regional mechanisms and international legal instruments to coordinate trans-national planning.

## 3. THE SPATIAL MANAGEMENT SYSTEM WITHIN SOUTH AFRICA'S MARINE AREA PLANS

### 3.1 THE NATURE OF MARINE AREA PLANS AND THE PLANNING PROCESS

Marine Area Plans are the key element of South Africa's Marine Spatial Planning system.

Marine Area Plans are integrated sustainable development plans for marine areas to achieve ecological, economic and social objectives; as such they are distinct from marine sector plans. They recognise that ocean space and resources should be developed sustainably, fairly and iteratively (adaptively) to ensure they can support as many demands from multiple sectors as possible in the long term.

There is a presumption that all relevant and legitimate sectors have an equal right to claim access to ocean resources but that interests and conflicting uses must be balanced in the process of developing a Marine Area Plan.

Comprehensive stakeholder engagement in line with section (8) of the Marine Spatial Planning Act and a sound and publicly accessible evidence base (required by section 7 of the Marine Spatial Planning Act) are therefore necessary elements of Marine Area Plan development processes. A particular focus is on consulting institutional coastal planning bodies (section 8 (c) of the Marine Spatial Planning Act), so as to ensure the best possible alignment of Marine Area Plans with provincial and municipal planning, including Integrated Coastal Management (ICM).

For Marine Area Plans to be broadly accepted, the planning process must be participative and transparent. The National Working Group for Marine Spatial Planning is tasked with ensuring that all stakeholders are appropriately consulted (section 8 (1) of the Marine Spatial Planning Act). It is important that stakeholder input is appropriately considered from an early point in the planning process, and that the reasoning behind any decisions taken during the development of a Marine Area Plan is understood by all.

### 3.2 SOUTH AFRICA'S MARINE AREAS

In order to make the development of Marine Area Plans sufficiently relevant in terms of the objectives each is seeking to achieve, South Africa's ocean space has been divided into four bio-geographical areas that will serve as planning units:

- Western Marine Area;
- Southern Marine Area;
- Eastern Marine Area; and
- Prince Edward Islands Marine Area.

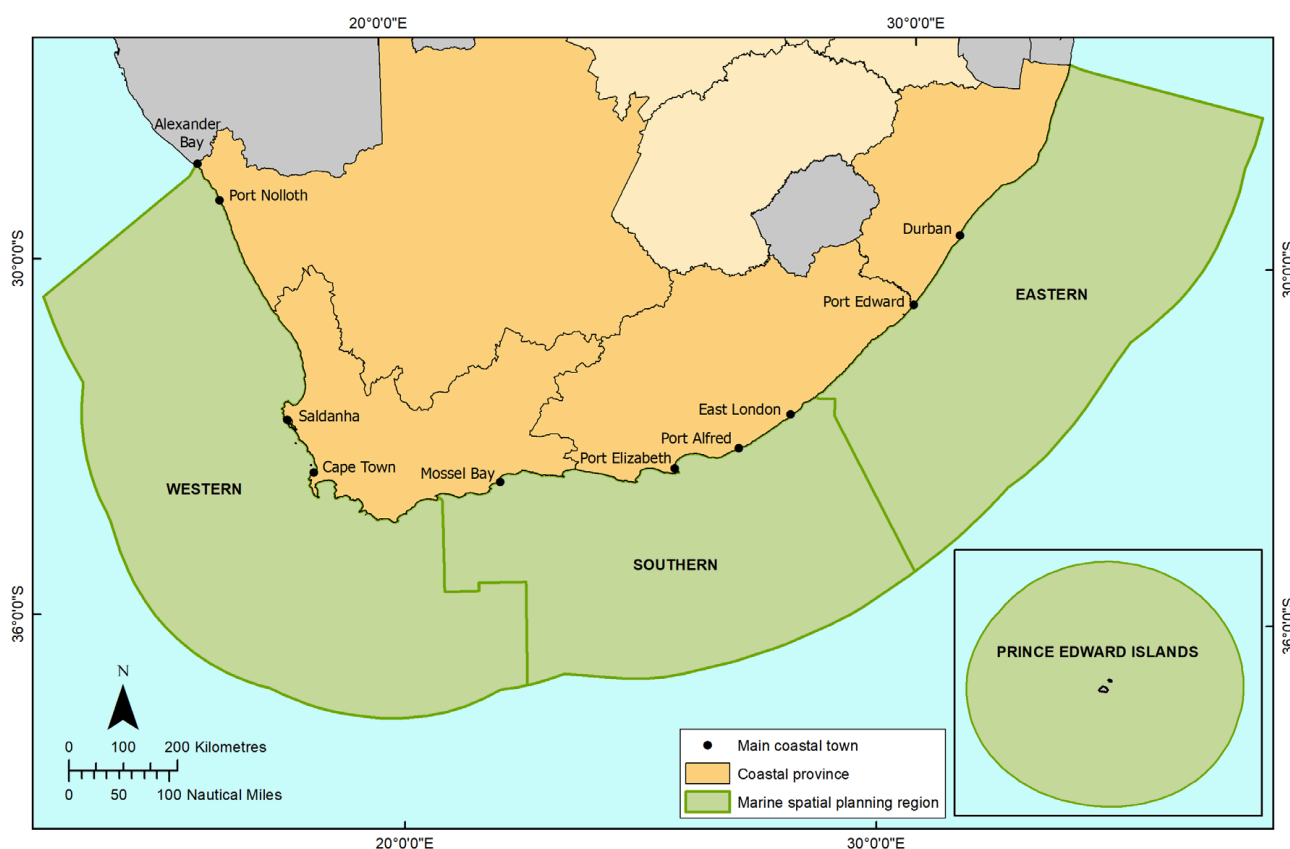
Three of the four Marine Areas are situated along the South African mainland while the fourth is located around the Prince Edward Islands.

The Western and Eastern Marine Areas are bounded by the neighbouring Republic of Namibia and Republic of Mozambique, respectively, and thus delimited on one side by international borders. This is not the case for the Prince

Edward Islands Marine Planning Area which does not border any other country directly although the Exclusive Economic Zone borders that of France since the Crozet Islands are part of France's overseas territories.

Internally, the three Marine Areas around continental South African land territory are aligned as much as possible with the country's marine bioregions, reflecting an ecosystem-based approach to management rather than merely administrative boundaries. The spatial distribution of sectoral activities such as fishing grounds, mineral resources and shipping lanes have also been taken into account. Bioregional boundaries have been partially adjusted to accommodate current human activities to the best possible extent, avoiding separating areas that are used by specific industries. Furthermore, delineation has sought to avoid separating areas of high natural value or areas already under special management for the purposes of biodiversity conservation. The precise boundaries of the Marine Areas may yet change in response to issues emerging during the development of the first generation of Marine Area Plans.

The seaward boundary and outer limit of all Marine Areas is South Africa's Exclusive Economic Zone. The landward limit is the high-water mark.



The four Marine Areas of South Africa

MAP 1

### 3.3 SOUTH AFRICA'S SPATIAL MANAGEMENT APPROACH

In order to ensure consistency in planning and a coherent approach across South Africa's Marine Area Plans, a uniform approach to area-based management will apply. It consists of:

- general development guidelines;
- sector development guidelines; and
- a zoning scheme with spatial regulations.

The spatial management system builds on South Africa's spatial planning approach on land in terms of regulations of uses and defined zones for particular uses.

#### A) GENERAL DEVELOPMENT GUIDELINES

General Development Guidelines are broad and strategic and will apply to all Marine Area Plans. Their purpose is to provide a framework for planners and sectoral decision-makers to enable sustainable ocean development throughout the Marine Area. Guidelines of this nature are essential for achieving South Africa's vision for sustainable ocean use and the Marine Spatial Planning goals (see sections 2.4 and 2.5). The final set of general development guidelines will be developed in close consultation with all relevant stakeholders during the preparation of the first Marine Area Plan, reflecting the stipulations of section 5(1) of the Marine Spatial Planning Act. They could encompass, but are not limited to:

- A presumption in favour of sustainable development and use of the Marine Planning Area, in line with an ecosystem approach to marine management and informed by best available science to ensure long term sustainability,
- A direction to planners and developers that:
  - A) Proposals that contribute to equity and provide strong economic and social benefit to current and future generations of the South African people should be favoured,
  - B) Proposals which enable coexistence with other sectors and activities in the marine area should be favoured,
  - C) Developments in the marine environment, particularly along the coastline, should be in line with Spatial Development Frameworks and Integrated Development Plans and their objectives,
  - D) Developments and activities in the marine environment should be resilient to coastal change and not have unacceptable adverse impact on coastal and marine processes,
  - E) Developments and activities should take account of the best available findings in relation to the impacts of climate change,
  - F) Development and use of the marine environment must:
    - Not result in significant negative impact on key biodiversity features,
    - Protect and, where appropriate, enhance the health of the marine area,
    - Comply with legal requirements for marine protected areas and protected species, and international instruments to which South Africa is signatory.
- A presumption that all development proposals will be treated with fairness and in a transparent manner when decisions are being made in the Marine Area Plans.
- A presumption that in cases where uncertainty regarding development impact prevails, a precautionary principle will be applied.

## B) SECTOR DEVELOPMENT GUIDELINES

In addition to the general development guidelines, sector development guidelines will be developed for specific maritime sectors in the respective Marine Areas. Their aim is to promote the sustainable development of the respective sectors in line with (national and sub-national) sector objectives (e.g. as already specified in sector policies, strategies or plans, or as specified in dedicated consultation processes). They will be based on the best available science and in line with the overall objectives for the particular Marine Area.

As in the case of general development guidelines, the full complement of objectives and associated development guidelines for maritime sectors will be developed in collaboration with the respective stakeholders during the preparation of the Marine Area Plans. They will take into account the sector's own development priorities and the needs of other marine uses in the Marine Area, as well as environmental impacts.

Like the general development guidelines, sector development guidelines will apply throughout the entire Marine Planning Area, in line with the general development guidelines and irrespective of any zoning scheme and sector prioritisation that may additionally apply. Although it is expected that sector development guidelines will apply across all planning areas, there may be some variation between Marine Area Plans to accommodate specific area needs or priorities.

## C) ZONING SCHEME

"Zone" in the context of the zoning scheme of Marine Area Plans means a defined category of sea use that is shown on the map for the Marine Area Plan. Zones will be delineated using coordinates and depicted on the map as a schematic representation.

Zones go beyond the general and sector development guidelines in that they pre-define desired combinations of use for specific marine areas. They are arranged in the Marine Plan Area in such a way as to enable the best possible pattern of use that can be obtained at the time, based on the best available evidence at the time and stakeholder interests. Zones allow priorities to be set for certain uses and activities based on criteria such as suitability, compatibility and desirability, and can be used to restrict activities in certain marine areas. The advantage of a zoning scheme is a more coordinated spatial approach that minimises conflicts, creates greater transparency for developers and investors, and makes processes such as licensing more efficient.

Zones thus ensure and enable:

- preferred access to key marine areas and resources for marine users (e.g. key fishing areas, known geological resources, suitable areas for the anchoring of ships),
- a safe operating environment for industries (e.g. for mining, marine aquaculture, or marine tourism operations, or to avoid the historically dumped ammunition becomes a danger to other uses),
- protection, and in some cases, enhancement of the resources or features the sector or interest requires (e.g. nursery and spawning grounds, bio-diverse areas, marine species threatened by extinction, migration routes of marine species),
- sustained provision of the marine (and coastal) ecosystem services harnessed by marine users (e.g. clean water, food, cultural, spiritual, recreational).

Zones and their regulations are based on the following types of use:

- Primary use is an activity that is given priority in a particular zone. Other activities are only allowed in the zone if they do not impede the primary use.
- Consent use is an activity that is compatible with the primary use of the zone and which can be approved in a primary use zone under specified conditions.

- Prohibited use is an activity that is not allowed in the zone as it would impede the primary use.

Zones are named for their respective primary uses. In a possible “Mining Zone”, mining constitutes the primary use; in a possible “Marine Aquaculture Zone”, marine aquaculture constitutes the primary use and so on. Consent and prohibited uses are specified for each zone depending on compatibilities with the primary use.

The regulations in each zone do not replace existing sector regulations for specific uses (e.g. marine protected area regulations, fisheries regulations, the United Nations Convention on the Law of the Sea, port regulations). Rather, their specific purpose is to guide development and, in some cases, complement the existing regulations on a spatial planning level. In particular, any licensing that may impact the environment still needs to go through an environmental impact assessment. Environmental impact assessments will need to also consider the regulations set out in the respective zoning scheme.

Areas not zoned for a specific use in Marine Areas constitute the general zone. In the general zone no priority is given to a specific use, while the General Development Guidelines and all Sector Development Guidelines apply in this zone. Uses and activities may overlap in this zone but are not conflicting enough to warrant more specific zoning. This approach of seamless zoning builds on South Africa’s spatial planning approach on land, expressed in the National Spatial Development Framework.

Zones are delineated and arranged in Marine Areas (see also section 4.3.7) based on:

- the natural conditions and environmental opportunities and constraints of the Marine Area,
- the distribution of key resources within the Marine Area (e.g. geological resources),
- existing spatial allocation and regulations within the Marine Area (e.g. marine protected areas, areas closed for certain types of fishing),
- specific sectoral needs and constraints within the Marine Area,
- opportunities for co-location and synergy between uses and activities.

Zones and their regulations will be defined as part of a Marine Area Planning process based on consultation of all public and private stakeholders with an interest or mandate in the Marine Area (see section 4.3.2). This includes more detailed definitions of the primary uses (if required), as well as the consent and prohibited uses for each zone (including the conditions under which consent uses can be approved in a primary use zone). A particular concern of the planning process is to ensure that marine activities are aligned with terrestrial activities and that this is reflected both in terrestrial and Marine Area Plans (e.g. aligned zoning schemes).

The knowledge and information system, as stipulated by the Marine Spatial Planning Act (section 7), and the collation of data and evidence as specified by the National Framework for Marine Spatial Planning in South Africa (see sections 4.2 and 4.3.4 below), will inform the delineation and arrangement of zones in the Marine Areas.

Sectors will contribute to ensuring the alignment of Marine Area Plan zones and their regulations with existing sectoral spatial allocation and regulations of the respective sector.

Once the Marine Area Plan comes into force, the zoning scheme will be binding to all sectors in line with the regulations that apply for each zone.

Zones may change with changing requirements, the development of new (co-) uses, or in line with the specific needs of a particular Marine Area. Re-zoning may occur in the future as Marine Area Plans are updated to accommodate changes in use necessary to meet developmental and environmental needs of the country at the time. The mechanism and timescale for revising Marine Area Plans will follow the requirements outlined in the Marine Spatial Planning Act.



## 4. DEVELOPING, IMPLEMENTING AND REVISING MARINE AREA PLANS

### 4.1 TIMELINE FOR PREPARING MARINE AREA PLANS

South Africa's Marine Area Plans will be prepared sequentially. This will allow effort to be focused on one Marine Area at a time, and also mean that the experience gained from preparing each plan can be used in improving the preparation (or review) of subsequent plans. The order in which Marine Area Plans will be prepared is as follows:

- 1) Southern Marine Area
- 2) Western Marine Area
- 3) Eastern Marine Area
- 4) Prince Edward Islands Marine Area

Given that this will be South Africa's first experience of conducting Marine Spatial Planning, the first plan will allow the Marine Spatial Planning process to be fine-tuned for application in the subsequent plans.

International experience suggests that a period of two to four years is needed for the preparation of a marine spatial plan. Sufficient time will be needed to ensure a robust process, particularly for the preparation of the first Marine Area Plan. A period of two to three years should be anticipated for preparing the first plan, with a possible compression of plan preparation for the subsequent plans.

In the interests of facilitating a rapid preparation of plans, a relatively streamlined Marine Spatial Planning process will be adopted, focusing on key elements, as outlined below.

Seeing that this will be the first generation of South Africa's Marine Area Plans, and also taking into account the extensive nature of the Marine Areas and the relatively low density of use in most areas, a strategic approach to planning will be adopted at this stage, in which broad patterns of use are proposed, with more detailed levels of planning and management being determined where needed and possible. This high-level approach will facilitate the rapid introduction of Marine Spatial Planning in South Africa.

### 4.2 GATHERING OF DATA AND EVIDENCE

The Marine Spatial Planning Act (Act No.16 of 2018) requires the establishment of a knowledge and information system to house data, evidence and information for the development of the Marine Area Plans (section 7).

As a preliminary measure to preparing the Marine Area Plans, a data- and evidence-gathering activity relating to the whole of the South African marine space will be necessary. Information and knowledge that will be called upon from each sector department for each Marine Area Plan are unlikely to relate only to the specific Marine Areas, and may cover larger areas, possibly at a national or supra-national scale; this is especially so when data relates to marine ecosystem processes or wide-ranging maritime activities.

The Marine Spatial Planning Act requires Marine Sector Plans to be drawn up, which set out priorities and potential use allocations for specific users within the ocean environment. Marine Sector Plans are developed by an organ of state responsible for such user group. It is likely that Marine Sector Plans will benefit from the data and information gathering exercise carried out as part of Marine Spatial Planning, but equally provide important input for the information

and knowledge repository Marine Spatial Planning will rely on. The emphasis will be upon gathering the best-available information on ecological processes, socio-economics, all sectors including existing and future uses, or any other data and information necessary for the development of the Marine Area Plans. This will include spatial data, indicating the geographical and temporal distribution of marine conditions and activities. This will be supplemented by other forms of data and evidence, such as information and knowledge relating to environmental and socio-economic conditions and the economic value of maritime activities.

Information will be provided primarily by government bodies that are already responsible for collecting much of the relevant evidence. These will include relevant departments as well as national statutory bodies.

Spatial data will be harmonised and integrated as much as possible into a dedicated spatial data portal. This will build upon the Ocean and Coast Information Management System. Datasets will then be incorporated into a geographic information system. This will allow the production of maps indicating such things as environmentally sensitive areas, natural resources, intensity of maritime uses and potential areas of opportunity and conflict.

## **4.3 THE PROCESS FOR PREPARING THE MARINE AREA PLANS**

The Marine Area Plans will be prepared through a series of well-defined steps based upon international experience. However, the steps described below are of an indicative nature and present guidance rather than prescriptions. Consideration will be given in particular to the adaptation of these steps to the governance and planning practices of South Africa.

The process will also be fine-tuned through experience, with further adaptations made as necessary as the authorities proceed from the preparation of one plan to the next.

### **4.3.1 RESPONSIBILITY FOR THE PLANNING PROCESS**

As set out in the Marine Spatial Planning Act of 2018, the technical Marine Area Planning process is overseen and guided by the National Marine Spatial Planning Working Group. The National Working Group manages the technical process of drawing up the Marine Area Plans and recommends approval of the final drafts of the Marine Area Plans to the Director-General Committee on Marine Spatial planning, which will forward it to the Ministerial Committee on Marine Spatial Planning for final adoption (as described in paragraph 2.6.1.). The National Working Group is also responsible for overseeing the implementation of the Marine Area Plans and for monitoring and evaluating their performance as part of a regular review and revision process.

### **4.3.2 ENGAGING WITH STAKEHOLDERS**

The preparation of any marine spatial plan involves the participation of representatives of groups and organisations that will be affected by the plan. This is because they can provide information and ideas, assist in discussion between marine interests and contribute to the implementation of the plan. The National Working Group will work closely with relevant stakeholders to ensure that the plan addresses relevant issues. It will involve participants at an early stage in plan preparation and continue to involve them throughout the Marine Spatial Planning process. They may be involved through meetings and workshops, through being invited to respond to draft versions of a plan, and by other methods as appropriate.

The Marine Spatial Planning Act (Act No.16 of 2018) requires that all relevant stakeholders are adequately consulted in the Marine Spatial Planning process (section 8). This includes:

- sector departments;
- affected organs of state;
- Institutional coastal planning bodies;
- industrial representative bodies from the various affected sectors;
- representative organisations of affected persons and institutions; and
- the general public.

Stakeholders will be involved actively in the plan-making process, including, for example, representatives of key sectoral interests, non-governmental organisations, coastal authorities and community groups.

The National Working Group on Marine Spatial Planning will develop and implement stakeholder engagement strategies.

### 4.3.3 SETTING MARINE AREA OBJECTIVES

The preparation of a Marine Area Plan will begin with setting the objectives for the Marine Area that the plan is intended to achieve. These will conform to the vision, goals and principles of this National Framework. However, they will be more detailed, relating to the more specific needs of the marine area. They should cover a range of economic, social and environmental issues, reflecting the priorities for conservation and development that are most important for the Marine Area. In drawing up the objectives, careful reference will be made to the natural characteristics and the human use activities of the Marine Area. It is likely that in the first round of Marine Area Plans, the objectives will be relatively small in number or similar across the Marine Areas. The objectives may include specific targets to be met for certain marine activities.

The objectives will be achieved during a planning period of 20 years.

Characteristics of good objectives are that they are 'SMART': specific, measurable, achievable, relevant, and time-bound.

<b>SPECIFIC</b>	Is the objective concrete, detailed, focussed and well defined?	Does the objective define an outcome?
<b>MEASURABLE</b>	Can we measure what we want to do?	Can the objective be expressed as a quantity?
<b>ACHIEVABLE</b>	Can the objective be attained with a reasonable amount of effort and resources?	Can we get it done? Do we have or can we get the resources to attain the objective? Does sufficient knowledge, authority and capability exist?
<b>RELEVANT</b>	Will this objective lead to a desired goal?	Has the management intervention yielded the desired result?
<b>TIME-BOUND</b>	When will we accomplish the objective?	Is a start and finish date clearly defined?

The objectives will be drawn up by the National Working Group in collaboration with relevant stakeholders, with each organisation represented being invited to propose objectives in line with its interests. A coherent and achievable set of objectives should then be agreed. These should be communicated publicly, along with information about the preparation of the plan, and stakeholder response invited. The objectives may need to be revised in the light of responses.

#### **4.3.4 DEFINING CURRENT AND POSSIBLE FUTURE CONDITIONS**

All available information that is relevant to the preparation of a Marine Area Plan will then be gathered and organized. This exercise will be conducted with close reference to the Marine Area objectives, so that effort is not wasted on drawing together information that will not assist in meeting those objectives or will not be used in the Marine Spatial Planning process.

An inventory of the required information will be drawn up, building on the data-/evidence-gathering exercise and Marine Sector Plans, and supplemented with additional relevant information, especially at the scale of the Marine Area in question and more localised levels within it, if needed and as appropriate. Any new spatial data will be incorporated into the knowledge and information system as required by the Marine Spatial Planning Act (Act No.16 of 2018). Any sectoral objectives and key spatial priorities set out in the Marine Sector Plans will also be considered.

This information will be used to define the current and possible future conditions of the Marine Area, depending on the objectives of the Marine Area, including:

- A description of the key environmental features of the area; trends and projections of certain environmental indicators in response to human activities and climate change;
- A description of maritime activities in the Marine Area, categorised by sector, with associated socio-economic data;
- An outline of sectoral growth and development plans over the plan period (20 years);
- The distribution of environmental assets and maritime activities;
- Existing and potential areas of spatial conflict (between human uses, and between human uses and the environment) and opportunity; and
- A description of relevant land-sea and cross-border issues including socio-economic data of adjacent land areas.

Spatial data will be used to produce a GIS-based set of maps for the Marine Area, with layers illustrating current conditions and possible conflicts and complementarities as appropriate.

#### **4.3.5 IDENTIFYING KEY ISSUES**

The information supplied about the Marine Area will assist the National Working Group in defining a set of key issues that the Marine Area Plan will address. These issues should also focus on the Marine Area objectives. They may include such things as the need to protect important habitats and species, opening up areas for the development of certain sectors and finding solutions to potential competition for space. The issues should be limited in number, taking into consideration the capacity to address them satisfactorily in the first planning cycle.

### 4.3.6 DESIGNING ALTERNATIVE SPATIAL SCENARIOS

In developing the set of key issues, it may be helpful to consider spatial scenarios for the Marine Area. Spatial scenarios are visions of how an area may look in the future if alternative values, e.g., economic development or marine conservation, as well as future climate change scenarios, are emphasised. They may be drawn up on the basis of trends of environmental conditions and economic activities, projected forwards, and by envisaging desired futures. Alternative spatial scenarios may be devised, giving priority to different approaches to the use of marine space and the development of maritime activities. This should lead to the selection of a preferred spatial scenario for the Marine Area that is most in line with objectives. This preferred spatial scenario can then inform the definition of the key issues that must be addressed in the plan.

### 4.3.7 DEVELOPING AND EVALUATING MANAGEMENT ACTIONS

A number of alternative management actions will then be developed for addressing each key issue. These alternatives will be based upon appropriate management actions for the issue in question. Different alternatives for a particular issue may involve different management actions or variations of the same action. For example, enabling the expansion of mineral extraction whilst ensuring protection of an important habitat may be achieved by careful environmental management practices or by the establishment of a protected area; different versions of each of these management actions could be considered, such as alternative locations, scales for and management regimes of a protected area.

The full range of possible management actions should be considered at this stage, such as:

- Comprehensive zoning, indicating permitted and preferred uses in discrete zones covering the Marine Area, as per the zoning scheme;
- Individual spatial allocations, such as priority areas, safety zones, seasonal closures, concession areas, areas designated for environmental or cultural purposes;
- Temporal measures, such as areas closed during marine mammal breeding seasons or after sunset to improve compliance monitoring and to reduce the risk of collisions with ships;
- Identify the following measures to be taken up in the relevant sectors:
  - Incentives, such as tax concessions or grants for developments in certain zones;
  - Disincentives, such as higher taxes outside or stricter EIA requirements within specified zones;
  - Regulatory measures such as licence and permit fees, effluent discharge fees, user pays royalties, quotas;
  - Technical measures, such as providing information to assist developers; and
  - Awareness-raising, education and training for professionals and the public.

The proposed management actions may reflect certain trade-offs between marine interests. The management actions for addressing each issue will then be evaluated. Evaluation criteria will be developed for this purpose, such as:

- The implications of the management action on other interests and for the Marine Area objectives as a whole;
- The capacity to mitigate any negative consequences of the management action;
- The regulatory measures needed in order to implement and enforce the management action;
- The financial cost of the management action and the feasibility of securing financing;
- The anticipated timescale of the management action;
- The acceptability of the management action to stakeholders and the public;
- The likely degree of success of the action; and
- Compatibility with other management actions and regulatory regimes.

When developing these criteria, close consideration will be given to the guiding principles for Marine Spatial Planning outlined in section two of this National Framework and in the Marine Spatial Planning Act (Act No.16 of 2018). A matrix may be drawn up in which different management actions and their performance against the evaluation criteria can be set alongside each other and compared.

It is important, when evaluating the management actions, that a distinction is drawn between actions that can be directly brought into effect by the plan, and those that can only be brought into effect by additional means, such as agreements or sectoral licensing. Options that are quickly achievable are likely to be rated more highly.

The National Working Group will then select the preferred management action(s) for each issue, considering the compatibility of the actions selected. Where selected actions rely upon measures that the plan will not have the competency to introduce, it will be necessary to consider carefully the practical implementation of the measures concerned and to provide appropriate signposting and guidance within the Marine Area Plan. The authorities that will play a role in implementing the options will be clearly identified.

Where a Marine Spatial Planning decision has been taken on geographic use in an area, authorisations/permits/permissions and any other decisions required for the undertaking of such activities in that area will be made in terms of the relevant sector legislation, taking into account the Marine Spatial Planning Act (Act No.16 of 2018) as well as the goals and principles in this Marine Spatial Planning Framework.

#### **4.3.8 PREPARING THE DRAFT MARINE AREA PLAN**

The National Working Group will then oversee the preparation of an initial draft version of the Marine Area Plan. This will be primarily for the purpose of inter-departmental, (inter-)national and stakeholder consultation. The draft Marine Area Plan will include the following elements:

- An outline of the process being undertaken for preparing the plan;
- The Marine Area principles, goals, objectives and vision;
- A description of the Marine Area, including its outer boundaries, inner administrative boundaries and biophysical features;



- A description of the current and projected uses of the Marine Area;
- The key issues arising out of the assessment of the Marine Area;
- The management actions for addressing each of the key issues, including the application of general development guidelines, sectoral development guidelines and, where appropriate, delineation of a zoning scheme with detailed regulations for the Marine Area,
- A statement about the authorities responsible for implementation;
- A provisional timeline for delivering the Marine Area Plan's proposed outcomes; and
- Funding requirements and a provisional financial plan.

In preparing the Marine Area Plan, good use will be made of the most effective forms of communication, including maps and graphics as appropriate. The plan will be written in an accessible and concise style.

The draft Marine Area Plan will be first agreed upon by the National Working Group and then made available to stakeholder groups, inviting their response (the second stage of stakeholder engagement). A deadline for responses will be set, giving sufficient time for proper consultation.

#### **4.3.9 REVIEWING AND APPROVING THE MARINE AREA PLAN**

Consultation responses will be collated in a report to be presented to the National Working Group. Consideration will be given to revising the draft plan in line with consultation comments and suggestions; this will include cross-departmental discussion both within and outside of the National Working Group to resolve any incompatibilities that may arise at this stage.

A reasoned response will be made to consultation responses, either to revise the draft plan accordingly, or to provide an explanation of why the draft plan cannot be revised in the way suggested. A report will be circulated to communicate this reasoning.

A revised version of the draft plan will then be prepared for agreement within the National Working Group. The revised draft Marine Area Plan, agreed by the National Working Group, will then be submitted for final approval by Ministerial Committee on Marine Spatial Planning via the Directors-General Committee on Marine Spatial Planning. In line with section 9(3) of the Marine Spatial Planning Act (Act No.16 of 2018), the Marine Area Plan draft will be accompanied by a report detailing transitional provisions aimed at enabling the implementation of marine area plans within a reasonable period of time and how the recommendation was reached, including what factors were considered; and on how to resolve user conflicts, including relocations, trade-offs or other resolutions as contemplated in section 5(2) of the Act.

Following approval, the final version of the plan will be made widely and publicly available, including online.

## **4.4 IMPLEMENTING THE MARINE AREA PLAN**

The National Working Group will oversee implementation of the Marine Area Plan. Implementation of the plan's provisions will mostly lie with those organs of state responsible for the regulation of marine activities. They will retain their regulatory powers, but will exercise them consistent with the relevant Marine Area Plan.

Depending on the nature of the management actions set out in the plan, this will involve such things as:

- Communicating the provisions of the Marine Area Plan across government and to stakeholders, including permissions and restrictions introduced by spatial allocations, and the precise coordinates of those allocations;
- Informing government departments with maritime responsibilities of the need to exercise licensing and other powers in accordance with the Marine Area Plan;
- Securing government funding for public conservation and development actions identified in the plan;
- Working with maritime industries to facilitate private investment in development opportunities identified in the plan;
- Educating users to comply with the management actions and any good practice guidelines indicated in the plan;
- Carrying out surveillance and inspections and taking enforcement action in relation to specific maritime activities as prescribed in the plan;
- Negotiating with representatives of activities that are not compliant to develop mutually agreeable solutions; and
- Taking action where necessary to penalise violations and ensure future compliance.

To increase the success of compliance and enforcement, it is important that the provisions of the plan are simple and understandable, indicating what needs to be done, by whom and by when. The Marine Spatial Planning process will only be effective if it includes effective enforcement. However, this is a long-term process, and may involve shifts in behaviour of marine user groups. As such, the National Working Group will develop and make available Plan Implementation Guidelines that will likely apply to all four Marine Area Plans and which will guide those responsible for implementation.

A timeline for detailed implementation of the plan's proposals will be established. This will distinguish between management actions that can be implemented swiftly, in the first year following plan approval, and those that require longer-term attention, that may be dependent on funding streams or initiatives from third parties.

## 4.5 MONITORING AND EVALUATING THE MARINE AREA PLANS

To assess the extent to which the plan is successful in meeting its objectives and producing the desired results, the National Working Group will establish a process of monitoring the extent to which the plan's proposed management actions are being implemented. This will include determining whether the sectoral regulation of marine activities is being carried out in accordance with the plan.

Some management actions can be monitored directly, such as the establishment of protected areas or the construction of offshore infrastructure. It is likely that other aspects of the plan will need to be monitored through selected indicators, such as the presence of certain species as an indicator of wider biodiversity.

A monitoring schedule will be developed, setting out the optimal parameters that will need to be observed to ensure

proper coverage of the plan. These will be chosen as the key performance indicators that should be relevant and measurable. Baseline data will be gathered to provide a starting point for measuring performance.

The schedule will also set out the frequency of monitoring and the bodies that will have responsibility for monitoring different aspects of the plan. This will have regard to the resources available for monitoring and will keep the elements of monitoring to a reasonable number. Where possible, monitoring data collected for other regulatory or management purposes will be drawn upon. The National Working Group will coordinate the results and compile an annual monitoring report that will be made publicly available.

Evaluation will involve taking a considered judgement on the plan's performance. This will be carried out in the light of the monitoring results by the National Working Group, in collaboration with scientists and stakeholders as appropriate. An analysis will be undertaken of the aspects of the plan that have been successfully implemented, those that have only been partially implemented, and those where little progress has been made. This will lead to recommendations for addressing any proposed management actions of the plan where more attention is needed. This evaluation will be included in the annual monitoring report.

Evaluation may also highlight the need for improved knowledge about the marine environment and the interactions of human activities upon each other and the environment. It may therefore lead to recommendations regarding the need for applied research to inform plan revision.

## 4.6 REVISING THE MARINE AREA PLANS

Following the principle of adaptability, once a Marine Area plan has been approved, consideration may be given at any stage to making amendments to the plan. This may be considered necessary if, for example:

- Monitoring and evaluating the plan brings to light any shortfall in the plan's performance;
- Environmental conditions undergo an unexpected change; and
- Opportunities for development unexpectedly diminish or arise.

Marine Area Plans should be revised regularly to allow for new knowledge and data about the marine areas and to take account of changing priorities for the protection and use of marine resources. As such, section 14 of the Marine Spatial Planning Act (Act No.16 of 2018) prescribes that the Marine Area Plans must be reviewed at least every five years and, if necessary, amended.

The National Working Group will carry out any necessary analysis to support the proposed amendments and propose suitable changes to the Marine Area Plan. The proposed amendment, with full reasoning, will be submitted to the Directors-General Committee on Marine Spatial Planning and the Ministerial Committee on Marine Spatial Planning for approval. Once approved, amendments will be incorporated into an amended version of the plan that will be made publicly available.

The steps outlined above will be a cyclical process, allowing the Marine Area Plans to be revised regularly. Revision will also allow the planning process to be improved in the light of experience, so that the process becomes more rigorous and effective with each cycle. It will also be possible to concentrate in more detail on certain aspects of the plans in subsequent cycles; for example, it may be desirable to develop more specific allocations and provisions for heavily-used areas, within the context of more strategic levels of planning for the Marine Areas as a whole.

The revision of each plan will thus build on the previous version of the plan, capitalising on improved data availability, growing experience of integrating sea uses through a range of planning measures and lessons learned from developing a Marine Spatial Planning system for South Africa. A revised plan will adapt, change, add to or replace the provisions of its predecessor plan as necessary – in line with the principle to continue what is working, and stop doing what is not working.

