

SEYCHELLES MARINE SPATIAL PLANNING (MSP) INITIATIVE

Third Workshop to Define Governance Arrangements for the Seychelles Marine Spatial Plan

MSP EC, SC, TWG

Thursday 20th September, 2018

Time: 0900-1200 Hrs.

Location: STC Conference Room, Victoria, Seychelles

Minutes

Workshop Objective: Elaborate a consensus approach and timeline for the realisation of the National MSP Authority.

Present:

Alain De Comarmond; PS Environment, Ministry of Environment, Energy & Climate Change
Amit Wasseberg; SHTA
Andy Rylance; GoS-UNDP-GEF PA Finance Project
Cynthia Adrienne; Ministry of Habitat, Infrastructure and Land Transport
Daig Romain; GoS-UNDP-GEF PA Finance Project
Daniella Payet-Allis; SHTA
Danielle Jupiter ; S4S
David Rowat; Marine Conservation Society Seychelles
Elizabeth Charles; PS Economic Department- Ministry of Finance
Elke Talma; Mangroves for the Future
Emmanuel Chassot; independent tuna fisheries scientific expert
Gilberte Gendron; SNPA
Glenny Savy; CEO, Islands Development Company
Helena Sims; MSP Project Manager
Isabelle Ravinia; SNPA
Jan Robinson; SWIOFISH3
Jean Luc Mondon; PetroSeychelles
Jeanne Mortimer; Turtle Action Group Seychelles/ICS
Jennifer Appoo; SIF
Joachim Valmont; DG - Seychelles Maritime Safety Administration
Joanna Prosper; GoS-UNDP-GEF OIP
Johan Mendez; Adaptation Fund Project
John Nevill – Consultant for the MSP Governance Framework
Julien Alexis on behalf of PS Barbe; PS for Habitat, Ministry for Habitat, Infrastructure and Transport
Justin Prosper; GIS Unit- MEECC
Kelly Hoareau; UniSey
Laura Blamey; UniSey
Lyndsay Chong-Seng; PCA
Marie-May Jeremie-Muzungaile; DG MEECC
Mariliana Leotta; GIF

Martin Callow; SeyCCAT
Melissa Joseph on behalf of Aubrey Lesperance; SFA
Michelle Murray; CEO ICS
Patrick Joseph; CEO, PetroSeychelles
Peter Brinn; GCCA+ Component A Project Team Leader
Peter Purvis; Industrial Tuna Fisheries Purse Seine Representative
Philianne Albert; Director MBDD
Pierre-Andre Adam; Science Coordinator – ICS
Rowana Walton; UniSey
Sabrena Lawrence; SWIOFISH3 M&E Specialist
Samuel King; Hydrographic Office- Seychelles Coast Guard
Sheena Talma on behalf of Ashley Dias; MEECC
Sindu Parekh; The Hire Craft Association of Seychelles

Minutes;

Agenda Item Number	Agenda Item	Notes/Comments/Advice	Action_Response (with initials for who provides response)
1.0	Opening	The workshop was officially opened by the Principle Secretary for Environment.	
1.1	Agenda Review	The agenda was reviewed and adopted	See Annex I for adopted agenda.
2.1	Review of Cabinet Decision	The MSP Project Manager, Principle Secretary for Environment and MSP Governance Consultant presented the three MSP Governance Options on July 4 th 2018 to the Cabinet of Ministers with approval of to develop a full framework for the preferred Governance Mechanism for the MSP for an independent MSP Authority.	
2.2	Proposed Governance Mechanism	<p>The members present were provided with an overview of the proposed Governance Mechanism for the MSP Authority. The Authority would be under the President's or VP's office but otherwise fully independent. Legally empowered to coordinate and adaptively manage the implementation of the MSP. The legislation would also:</p> <ul style="list-style-type: none"> • Explicitly devolve the power of marine spatial planning to the Authority, • Require agencies to implement, cooperate as necessary and report on MSP implementation as per the MSP and its schedules and formats. • Establish parameters and criteria for MSP development management – i.e. specific criteria for each zone (Zone 3 in particular) and development/activity applications. • The law would also legislate for the following bodies: Board of Directors, Management Committee, Scientific Committee & a secretariat with CEO. • Additional portfolio options may be considered such as areas beyond national jurisdiction, National Oversight of the JMA, Oceanography, generation of operational revenue. 	See Annex II for presentation provided on the day to participants.

3	Outline plan and timeline	<p>The following outline was discussed;</p> <ul style="list-style-type: none"> -The next milestone for the MSP is Dec 2018 for +7.5% of the EEZ to be identified as marine protection areas. -It was proposed that by Jan 2019 GoS commences drafting of SOA legislation. -May 2019 Budget submitted for June-Dec 2020 (submit to assembly in Oct). -1st march 2020 legislation promulgated. -May 2020 budget submission for 2021. -June 2020- office premises secured -June-Sep 2020 secretariat staff employed -1st Oct 2020 – secretariat fully operational -Dec 2020 - +7.5% EEZ MPA designation -4th Jan 2021- MSP under structural national implementation. -25th Feb 2021 SOA submits conservation report to TNC. 	
4	Discussions	Concern was raised on the use of the word 'devolve'.	Ocean governance needs to be extracted from the planning Authority. JN.
		It was queries as to whether the Authority would have power to sue?	Yes, power to sue may be considered. JN.
		It was pointed out that there was no mention of declaration of PSSA.	This added mandate can be discussed in working groups. JN
		It was mentioned that the proposed timeline should include implementation and functions of the Authority.	These are reflected in the MSP Policy document but can be added to the timeline. Further breakdowns can be developed once management plans for the areas are developed. JN.
	Budget of the portfolio	Presentation of operational budget for the Authority was a total sum value of Rs5m per year.	See annex II
	Discussions	It was pointed out that there is no maintenance cost in the budget.	This would have to be elaborated. JN.

		With respect to personal emoluments it was pointed out that a final range of benefits will be advised by cabinet once the framework is submitted and this would depend on which body the Authority will fall under and the level of subsidies required. The amount will be guided on the functions of the body which is currently being developed.	Members were reminded that cabinet approved option 1 with an estimated budget of 8-10 million SCR.
		A concern was raised that the timeline is ambitious and questionable as to who will drive the timeline.	MEECC and GoS would drive this component. JN.
		A query was raised as to whether the annual report to TNC by GoS is mandated in the debt swap timeline?	Yes. HS.
		A concern was that if the Authority is Government dependent (budget-wise), the salary bands would fall under DPA.	Confirmed that this would fall under the Salary Act. EA.
		Coffee Break	
	Group Work	<p>There were break out groups to discuss the mandate of the SOA, any added responsibilities, the timeline for the operationalisation of the Authority,</p> <p>Group 1 Chair Michelle Murray, Sec- Peter Purvis Group 2 Chair Jan Robinson, Sec- Daig Romain</p>	A workshop note was provided to the working groups with a proposed scope of work for the Authority for discussions and review (See Annex III).

	<p>Group Presentations Group 1</p>	<p>Timeline: -Budget needs to be moved to Feb (not May) 2019 as this is when the budget process starts. -Legislation by March 2020 is ambitious but deadlines in debt swap need to be delivered. Challenges – backlog at AG office, National Assembly process & priorities, -Election planned for 2020</p> <p>Mandate: -Overlap of mandates with existing authorities and review of mandates, mapping roles and responsibilities, functions and activities (SNPA, MHILT, BE dept. (big flag), other bodies set up already to discuss JMA and ABHJ. -Peer review of data sets- more specific to point out it applies to PA data. -Enforcement and surveillance of the Protected Areas under the MSP to be elaborated.</p> <p>Preferred Name- Marine Governance Authority</p> <p>Additional portfolio options; - Petroleum and Natural Gas</p>	<p>Group chair to type and send to group. MM.</p> <p>See Annex IV for extended group work notes.</p>
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	<p>Group 2</p>	<p>Mandate of SOA -point 2 revisions every 5 years – request a midterm review. Point 3 – law should specify how often the meetings would be carried out. Point 5- International obligations and relations should be included/supported by the Authority (as an additional function) Point 6- Consideration of the power of the authority to ensure compliance by other authorities or change wording to ‘promote compliance’ Point 7- Does SOA require amendments to EPA and PPA (Vito clause) Point 8- ID data requirement and support but no data manager included in the secretariat.</p> <p>Portfolio for consideration</p> <ol style="list-style-type: none"> 1. ABNJ: Synergies with existing agencies/mandates need to be considered. Authority can provide technical support for agencies already involved in these discussions. 2. Working with SBS and others for oceanography work 3. Oversight of PSSA 4. Seabed exploration (exclude petroleum and Natural Gas). 5. Fishing access agreements and any other economic activities that may contribute financially to the SOA 6. Consideration of Climate Change 	<p>Group secretary to type and send to group. DR.</p> <p>See Annex V for extended group work notes.</p> <p>Data should be managed by line agencies. Addressing data gaps/producing maps should be brought to the line agency. JN Data management and GIS support budget to be considered and flagged as required. JN</p>
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7	Next steps and closing	<p>The PS for Env informed members that the next steps would follow;</p> <ul style="list-style-type: none"> • Oct draft implementation plan incorporating workshop findings. • end of Oct final workshop – finalising implementation plan. • Nov submission of final docs to cabinet of ministers. <p>The PS thanked all members for attending and officially closed the meeting.</p>	
		Meeting adjourned at 1244 hrs	

Minutes submitted by: Helena Sims on 8th October 2018

Annex I: Agenda

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Agenda

Workshop Objective: Elaborate a consensus approach and timeline for the realisation of the National MSP Authority.

Agenda:

#	Time	Topic
1	9:00	Opening – PS Env. Mr. Alain de Comarmond <ul style="list-style-type: none">• Agenda review
2	9:10	Review of Cabinet Decision and proposed Governance mechanism
3	9:30	Presentation of outline plan and timeline
4	10:00	Plenary discussion
	10:30	COFFEE BREAK
5	10:45	Group work to elaborate pragmatic implementation plan
6	11:30	Presentation of Group Discussions
7	11:50	Next steps and Closing
	12:00	Complimentary lunch provided to all members present

Annex II: Presentation by the consultant Mr. John Nevill (separate PDF doc attached).

Annex III: Workshop note on the scope of operation of the Authority. Provided for the working group sessions.

On the 4th of July 2018, the Cabinet of Ministers unanimously approved a decision to create an independent Marine Spatial Plan (MSP) Authority. This was the preferred stakeholder option put forward from a national consultation on the development of a governance mechanism for Seychelles' MSP.

Cabinet furthermore sought:

- A fully and explicitly elaborated mandate of the proposed Authority, for their future consideration.
- Additional guidance as to what other functions such an Authority might logically and advisedly assume.

An elaborated draft mandate, based on the approved mechanism, is set out below. It includes the agreed roles of the primary bodies of the Authority i.e. the Board of Directors (Executive Committee), Secretariat, Management and Scientific committees.

Following that there are some additional bullet points for consideration pertaining to how the mandate may be expanded. Workshop attendees are invited to consider these but also to propose other areas that might logically fall under the auspices of the Authority, particularly areas where there is currently no clearly mandated agency.

Mandate of the MSP Authority

Administration, coordination, oversight, monitoring and evaluation, review and adaptive management of the Seychelles Marine Spatial Plan, including:

- Governance of spatial planning – the MSP/Oceans Authority Act (OAA) will explicitly devolve the power of marine spatial planning to the Authority.
- Monitoring, evaluation and periodic (every 5 years?) consultative revision of the MSP.
- Holding regular meetings of the Board to guide the strategic implementation of the MSP.
- Holding regular meetings of the management and scientific committees respectively.
- Ensuring pertinent international obligations are appropriately incorporated into the MSP management cycle and reported upon as required.
- Giving guidance to and ensuring compliance from MSP implementation agencies – the OAA will require agencies to implement, cooperate as necessary and report on MSP implementation as per the OAA, MSP and its schedules and formats.
- Oversee the practical issues of Zone and PA management in line with their designation, including the establishment of parameters and criteria for MSP development management – e.g. allowable activities for each zone and the process for submission and approval of development/activity applications.
- Oversight, coordination and, where appropriate, implementation of:
 - Development of standard formats for PA management plans and reporting.
 - Development and review of PA draft management plans with clear measures to support area and MSP objectives.
 - Realisation of efficiencies, synergies and optimal use of capacities.
 - Monitoring of management plan implementation.
- Develop MSP scientific practices:
 - Identify data requirements to support MSP and crosscutting Area management plan objectives.
 - Identify data requirements to support priority, area-specific management objectives.
 - Establish criteria for MSP datasets to facilitate analysis and utility.

- Undertake independent peer review of all datasets
- Identify strategic, crosscutting and key knowledge and data gaps for MSP management (Prioritised research agenda).
- Develop prioritised management-oriented research agenda.
- Develop and review model data sharing agreement(s)
- Identify, inform stakeholders of and pursue, as appropriate, funding options and mechanisms to support the sustainable implementation of the MSP.
- Public education, stakeholder communication and outreach.

Additional portfolio options for consideration:

- Areas beyond national jurisdiction:
 - Negotiation of high seas agreements etc.
 - Negotiation of EEZ boundaries
- National oversight of the Seychelles-Mauritius Joint Management Area.
- Oceanography – in addition to the management of marine ecology (already addressed), also incorporate the other branches of oceanography, namely: physical oceanography, chemical oceanography and marine geology (including mineral exploration).

Annex IV: Group 1 notes;

- a) SOA & MSP Timeline: Must take into consideration timeline for submission of Government budget i.e. start of process in February 2019 to meet the 2020 deadline. There are a number of challenges which need to be promptly addressed if timeline kept as recommended i.e. backlogs at AG’s office and National Assembly + National Assembly process for submission of legislation, the election scheduled for 2020-everything stalls in Seychelles one year prior to the elections.
- b) Mandate of SoA: we can already see a number of overlaps between mandate of MSP and those of already established authorities. There is a need for all parties concerned to sit down together and have a candid discussion about how they would need to work with the SoA. The mandates of established departments/authorities need to be mapped out and consensus found on the roles/responsibilities of SoA. What will happen to the Blue Economy Department? There is already a duplication of roles. This review needs to be factored in above-mentioned timeline. The issue of enforcement and surveillance of protected areas is today a very serious weakness. This needs to be addressed either in terms of the role of the SoA or a clear decision taken as to which entity will be responsible for it. This will involve additional budget/human resources across the board.

It is mentioned in the proposed mandate that SoA will “undertake independent peer review of all datasets”- precision needed i.e. datasets for protected areas only.

In terms of the suggestion made for SoA to be responsible for negotiation of high seas agreements and negotiation of EEZ boundaries, there is consensus that this is needed but SoA cannot play the leading role. It can be part of the team overseeing JMA for example as the latter has its own governance structure made up of several stakeholders and no one entity supersedes the other.

Agreed that oceanography should be included but one person made the proposal that oil/gas should also be part of the list provided.

Annex IV: Group 2 notes

Seychelles Ocean Authority & MSP timeline

Integrate authority power into /the VETO power will allow to override existing mandates

Comments to Mandate of the MSP Authority

Point2- a process that may begin 1 year earlier for first rotation, or less duration for beginning (mid-term review in-between?)

MSP authority will simply oversee existing authority which will run under their own acts.

Point3- law will specify how often(scheduling) should meeting be

Point5- support government in international relations, already in their mandate.
include national obligations? e.g. seabed mining as an issue.

Point6- flagged as an issue, need consideration on how to draft act; can we force another authority to comply?
If under the president office may be the case. Change to 'promote compliance'?

Point7- VETO for oceans authority does it require amendment to both ACTS? It should sit on EPA & PA acts,

Point9- 'identify data requirements.' that may very well need you will need other specialised staff or ability to outsource.

Feedback to portfolio options for consideration

Point1- Recognise that there are synergies with existing agencies... blue economy, how do they cooperate?

Provide 'technical support' for agencies already occupying these negotiating role?

This point may need to be discussed between PS BE, Environment & VP

It should be recorded that the blue economy requested that its present management will need to be consulted.

Point3-the role of NISTI, SBS. especially in permits for oceanography how will ocean authority relate.

Oversite of PSSA particularly on sensitive sea areas.

Ocean authority can become the competent authority for seabed exploration and extraction. Need to add 'Excluding petroleum and natural gas'

Point4- e.g. support fishing rights fees as means for revenue generation for Ocean Authority

Discussed-Climate change issues will need to be considered whether it will be with this authority or underlying agencies.