



Marine Spatial Planning (MSP) Subcommittee

Meeting no: 10

Noo Raajje Program

Summary Minutes

Date: Wednesday, 11th August 2021

Time: 09:00 am – 10:55 am (Maldives Time)

Venue: *(Virtual)*

Attendees: 24 participants *(Refer annex for the virtual attendees list).*

Meeting Chaired by: Mohamed Imad, Ministry of National Planning, Housing and Infrastructure.

(MSP Subcommittee meetings are co-chaired by the Ministry of Environment, Climate Change and Technology, Ministry of National Planning, Housing and Infrastructure, and the Ministry of Fisheries, Marine Resources and Agriculture on a rotating basis).

Welcome Remarks & Meeting Minutes Recap

The Chair, Mohamed Imad, commenced the meeting by welcoming the members of the tenth MSP Subcommittee, following the Maldives holiday break in July, and providing a quick outline of the meeting agenda.

Maesha Mohamed, Administrative Coordinator of *Noo Raajje*, provided a quick recap of the previous meeting minutes, during which the discussions on MSP Compendium goals were continued. She asked the members to review and comment on the draft minutes, which were shared via a Google document link, by Tuesday, August 17th, 2021.

Presentation and Review of the Timeline Activities

(Presentation attached)

Waitt Institute's MSP Director, John Weber, reviewed the Maldives offshore MSP timeline, as requested by members at the previous meeting. While recapping what has been accomplished thus far and what the remainder of 2021 will entail, John indicated that it would be helpful not only to discuss what the MSP Subcommittee is anticipated to focus on, but also to remember that under the Terms of Reference of the *Noo Raajje* program, the MSP Subcommittee plays a particularly important role in providing advice and recommendations to the *Noo Raajje* Governance Committee, which includes Maldives government ministerial representatives who are important in decision-making, and highlighted the schedules for some of the Governance Committee's decision making.

John noted that it is anticipated that the discussions on the Maldives offshore MSP Principles and Goals will be completed in the next few meetings and presented to the Governance Committee for approval, while the MSP Subcommittee will continue to work on getting more specifically to the MSP objectives. The meeting of the Governance Committee has not yet been set, but it is expected to take place at the end of August 2021 (tentative).

Adding to that, he noted that the recommended draft offshore MSP is scheduled to be completed by the end of 2021; thus, the end of September or early October will be an important time to schedule another Governance Committee meeting to approve the MSP objectives and zone typologies defined by the MSP Subcommittee. However, the scheduling of that meeting will be determined in part by the time required for the MSP subcommittee to have those discussions.

John highlighted that it is important to have the MSP objectives in place before beginning the step that follows, which is the prioritization and modeling effort, because the model and prioritization exercises will be directly informed by what those objectives are. He explained that, all of these activities will be directly related to the draft spatial product or the spatial part of the MSP term. That will be further refined through consultations with the MSP Subcommittee and other relevant consultation processes in the months leading up to October or November 2021. Recognizing that as part of developing those draft maps, there will be important descriptors about what those maps are illustrating, other important measures that need to be considered alongside those maps, management measures, and so on, all of that is envisioned to be developed within that timeframe.

By the end of 2021, the MSP Subcommittee will have reviewed and potentially recommended a draft offshore MSP to the Governance Committee for approval to proceed with a public consultation step. John also noted that there are a couple of elements of the overall effort that are not shown on the timeline presented: (1) the spatial data acquisition effort that is progressing through various ministries and data providers which will feed into the steps of developing the MSP, (2) public consultation efforts in various forms, as well as a more formalized public consultation processes related to reviewing what is in the draft plan itself, which is expected to begin in early 2022. This MSP Subcommittee will assist in the development of the public consultation process, which is critical to the success of the MSP effort.

Following the review of the timeline, John provided a couple of remarks on the MSP subcommittee's immediate next steps in this meeting and the next meeting. The purpose of this and the following meeting is to finalize the MSP Subcommittee's work on the MSP principles and goals, respectively.

Questions/ Feedback on the Offshore MSP Timeline

The floor was then offered for members to ask questions and provide feedback. The following are the questions/feedback.

1. In the offshore MSP timeline, Mohamed Imad requested clarification on item (g) Recommend draft plan and process for consultation.

John clarified that it does not imply a final plan by December 2021, but rather a draft in which the public and stakeholders are asked to participate in early 2022.

2. Imad further queried whether the items (f) Review draft maps, accompanying measures, and (g) Recommend draft plan and process for consultation would be done by the MSP Subcommittee or if it would be done by someone else and the Subcommittee members would just review it.

John clarified that as part of the Blue Prosperity Coalition's technical expertise, there are some partnerships with McClintock Lab, who will not only help in doing the modeling but also develop those draft maps, but they and some of their colleagues, along with the input from everyone involved in *Noo Raajje* will be developing some of the rationales and/or explanations that will accompany the draft plan. Given the members' already heavy workloads, the MSP Subcommittee will be expected to review draft materials, comment on them, and recommend changes to assist revise them.

3. Moosa Zameer Hassan, *Noo Raajje* Program Coordinator, inquired whether the draft materials would contain the results and findings of the Ocean Use Survey (OUS), which is set to launch soon.

In response to Moosa, John clarified and reminded that the current focus is on the offshore MSP plan, and that from experience in other nations, the majority of OUS participants are more involved in nearshore activities. There will be a lot of great and important information coming from the OUS on how the Maldivians use the ocean space, but a lot of that information will be on activities taking place closer to the islands rather than offshore. Therefore, he indicated that the information from OUS for this plan will be used in areas where there are overlaps.

4. Shaha Hashim of the Maldives Resilient Reefs/Blue Marine Foundation inquired about the process of allocating areas for various purposes such as expansion of the FADs network, allocation of additional islands for tourism, and so on, while this exercise is in progress.

John responded that there have been some great conversations with various government agencies such as the Ministry of Environment, Climate Change and Technology, and the Environmental Protection Agency, among others, and that one of the most important things as this effort moves forward is to be very coordinated with other ongoing efforts. Those collaborations with other efforts are as critical in ensuring that everything is coordinated as the MSP work progresses. He added that part of the work for the fall will be to ensure that those coordination take place, whether through subcommittees or other conversations.

Besides that, Hawwa Raufath Nizar of the Ministry of Fisheries, Marine Resources, and Agriculture (MoFMRA) explained that, much of the Ministry's work to allocate certain areas for different purposes, including the extension of the FAD network, is based on in-situ research, desk reviews, and consultations. She assured that MSP will be considered in those decisions. The MoFMRA does not make decisions on allocating islands for non-fisheries, agricultural, or marine resource-related purposes.

5. Hudha Ahmed of Renewable Energy Maldives inquired as to how this exercise will be linked to the National Spatial Plan being developed by the Ministry of National Planning, Housing, and Infrastructure.

John highlighted that these are the types of continuing efforts required for the MSP and that has been seeking coordination with, as all of these efforts progress. Certainly, there are opportunities to build on and enhance on other work. As the MSP work progresses, it is anticipated that these types of conversations will be required to continue.

Presentation of Synthesis of Principles

John then provided an overview of the offshore MSP principles, which were consolidated and synthesized based on member feedback and conversations at earlier sessions. He highlighted that the principles are contained within the topics discussed, but that some of the principles may have been combined when applicable. He also indicated that there will be three different links to review, separated by the topics discussed, namely Governance and Development Principles, Social and Ethical Principles, and Biophysical Principles.

John noted that one important thing noticed while looking through the comments in the original MSP Principle document was that some principles did not receive much attention. However, in consolidating and synthesizing those comments, it was made certain that those principles were not assumed to be unimportant, even if this could very well be the case.

(Links are provided in the annex)

The members were then asked to review these principles to ensure that some of the important points that were discussed were not missed during the consolidation, and to rank the principles in order of importance to give the Governance Committee a sense of how important some of these principles are to the MSP Subcommittee.

Questions/ Feedback on the MSP Principle Synthesis

The members were given around 10 minutes to rank each set of principles, and John responded to some of the questions/feedback that arose regarding the principles during this time. The responses were as follows:

1. Aisha Niyaz of AishaNiyaz Consulting questioned why some of the statements refer to the Maldives while others refer to "member nations." She also requested clarification on the precautionary principle statement.

John explained that the precautionary principle basically states that there are instances when a decision is being sought by someone and there may not be as much certainty from a scientific, data, or forecasting the future standpoint as to what the potential effects of that decision could be. That could be because it is a new type of thing being proposed and people are unfamiliar with it, or it is in an environmental or ecosystem setting where rapid changes are taking place, etc. In the face of such uncertainty, the precautionary principle states that if there is a risk of harm to society or the environment, and there is no scientific consensus on what could happen, whomever proposes the activity has the burden of proof that such irreversible harm will not happen. The precautionary principle is intended to safeguard against the potential of irreversible harm.

John went on to explain that some of the statements refer to Maldives while others refer to "member states" because some of these principles are derived from Maldives-specific policies, laws, or regulations, while others grew out of Maldives commitments to various international treaties or actions, thus the difference in terminologies. He mentioned that such terminology might be addressed and fine-tuned.

Aisha further enquired as to who the advocate in the statement "the burden of proof falls on those who advocate taking the action" was referring to.

John clarified that it might be whoever is making the proposal that is being reviewed, such as the developer in the case of a development proposal and the entity or entities making the proposal in the case of a fisheries proposal.

2. Regarding the Ecosystem Based Integrated Management goal, Shaha inquired as to why the need for precautionary decision making, which was mentioned in the previous version, had been removed.

John indicated that if the members wanted to reintroduce the statement in its original form, that could be further discussed. However, part of the reasoning was that there was a separate principle for the precautionary principle that was also included, and there may have been some overlap, therefore the rationale was to combine the two principles.

Shaha suggested that it would be useful in gathering a document that includes the new wordings in comparison to the old wording, as well as the reasons for the changes.

John agreed and responded that a document including the Principles rating results could be prepared for the next meeting.

3. Ahmed Aslam of the Maldives National University inquired about public trust and payment for ecosystem services, specifically how do the beneficiaries of ecosystem services pay the stewards of ecosystem services (essentially, who would be paid to? Is it the state?) if the resources remain and are managed as common resources.

John explained that there are often places where this type of public trust issue is woven into the fabric of decision making, but the specifics can vary quite a bit. For example, there can be a monetary payment, similar to a lease or rent, and the idea is that someone is paying for the right to use a piece of public property - it can be monetary, but it doesn't always have to be, and there are various ways to put it into action. There are numerous important details there, which may be derived from various elements of the Maldives' legal framework and laws as well.

4. Hudha proposed adding phrases that reflect recreation and spiritual aspects within the "social" need to the Evidence Based Decision Making principle. She also suggested that Strategic Environmental Assessment (SEA) be included in the Environmental Impact Assessment (EIA) principle, as it is often discussed.

Aisha agreed with Hudha and suggested including indigenous knowledge as well.

Shaha agreed to Hudha's suggestion on EIA principle.

Hudha suggested adding "respect" to Good Faith Principle.

Hudha proposed adding language to the Eradicate Poverty principle that recognizes the subsistence value of healthy ecosystems.

5. Hawwa Raufath commented that the principles listed here do not appropriately reflect consideration for livelihoods, food security, and economic dependence. They are heavily skewed toward conservation, with little reflection on sustainable use.

John reminded that the members may have only gone over one-third of the set of principles so far in the meeting, and if they still felt certain things were not addressed after reviewing all three sets of principles, they should feel free to make suggestions.

6. Regarding "Good Faith, Cooperation, and Conflict Resolution", Aisha enquired whether this statement meant that everything would be left to "good faith" with no meaningful mechanisms for conflict resolution in place.

John mentioned that if that statement needed to be further defined and clarified, it could be done, so that such interpretations might be avoided.

7. Hussein Zahir of the Small Island Research Group noted that the rankings (various aspects in the questionnaires) are for offshore resources and inquired as to where the proposed offshore would start and whether it would be the archipelagic zone or a coastal zone.

John clarified that for the purposes of this exercise, what is most important is that if members feel there is an important point to demarcate for a specific principle, please suggest them. One of the points being made is that the discussions have been very much focused on the offshore aspect of this MSP, but there have been very important coastal or near shore elements raised throughout various conversations. Therefore, the intention is not to draw a line arbitrarily because there have been many elements of this that apply more broadly, but if members feel that there is a specific point that is a concern, please do suggest it.

8. Aisha questioned as to why there is no mention of the climate crisis, noting that these principles should reflect the most recent scientific evidence, particularly the recent IPCC report.

Shaha agreed with Aisha and pointed out that mention of climate change and sea level rise was made during the initial commenting stage.

Acknowledging the comments, John noted that members are welcome to offer commentary if they feel something is missing, but that the MSP principles that are currently being discussed are in the offshore context. Therefore, certain things are being focused on, such as how patterns of certain fish stocks and their distribution, particularly offshore, especially for commercially important species, are changing over time. So that type of information is being pursued for inclusion as part of the data package that will inform MSP's next steps. With that example in mind, John noted that there is a lot to unpack when it comes to information that is coming to light in relation to climate change, some of which will be very nearshore focused, such as sea level rise, while others will be very broad geographically, and so on. He also reminded that for the purposes of this offshore piece, elements of climate change in general will be front and center.

9. Hudha noted that, while many of the questions refer to biophysical principles, the emphasis appears to be on the biological, and that protection for recreational areas such as surf points was initially discussed and questioned where that comes in.

John encouraged members to consider whether there is a logical fit for it, perhaps not in biophysical principles, but in any other set of principles that talks about the value of the ocean for Maldivians in terms of various recreational activities, as well as from a spiritual standpoint. John further emphasized that as the work proceeds and goes deeper into defining what the MSP would attempt to achieve through goals and objectives, there will be opportunities to further define such activities.

Save Our Seas' Shaziya Saeed (Saazu) highlighted that surfing is more than just a recreational activity; there are ecosystems and habitat-related aspects of such areas that must be acknowledged and considered.

Hudha emphasized that if spiritual, recreational, and subsistence elements are deemed important, they must be included. As long as it isn't lost at lower levels if it isn't included at higher levels.

10. Regarding the Biophysical principles which states..."Include Special, Unique, or Rare Features and/or Species: In addition to representing examples of each habitat, sites may be selected for inclusion within an MPA according to criteria such as uniqueness, rarity or special characteristics such as importance for particular life stages of species, importance for threatened, endangered or declining species or habitats, biological productivity or diversity", Hussein Zahir asked as to how the principle could be ascertained for offshore areas within the project's timeframe.

In response to Hussein, John explained that when it comes to examining potential objectives and discussing them, the data at hand would be very useful in informing questions like how we could or are there data gaps where perhaps we have pieces of this that are more aspirational, but we don't feel confident that we can get to such a determination with the data we have on hand. In many cases, the degree of specificity desired is also a consideration; there are vast data sources that can be used, such as sea floor geomorphology etc. but there may be data gaps that must be addressed at some point. John emphasized that some of the data collection work is ongoing and has been for some time, realizing that when it get to such important conversations, there will not be the luxury of waiting for those data collections.

11. Regarding Size, Shape, Age, Distance, Spillover, and Connectivity, Mohamed Shimal of the Maldives Marine Research Institute noted that these are mostly demonstrated for coastal MPAs and questioned how these can be incorporated for offshore MPAs, particularly for migratory species that span the Indian Ocean and are subject to fishing as soon as they leave the MPA or reach high seas.

John said that there are many considerations when thinking about the identification and demarcation of offshore MPAs, not only because of the points raised, but also because of the tradeoffs that are inherent when designating such areas. If an MPA is designed, issues of enforcement, which have relevance to its size, shape, and potential connectivity, as well as practical aspects that arise in such questions, are frequently discussed. There will most likely be a lot of discussions with the MSP Subcommittee to get answers to these questions.

12. Regarding the Ecosystem Integrity principle, Aslam asked if it would be possible to add a line, perhaps one that talks about maintaining ecosystems intact, particularly in no-take MPAs.

13. Saazu cited the principle, “Connectivity within a network of MPAs is also important because it ensures that if a population vanishes or a habitat is damaged in one MPA, it can be restored through the movement of larvae or adults from another MPA or an undamaged habitat,” and commented that such a statement could lead to a loophole that allows an existing MPA to be destroyed.

To Saazu's point, John clarified that one of the things that comes into the design of MPAs is the notion of the "rule of three," which means that if there is a unique type of habitat or area that is being considered for an MPA and if only one individual set demarcated area for that unique habitat, some event or occurrence could occur that wipes out that unique habitat. As a safety measure, it is important to consider many versions or examples of such a habitat in order to truly ensure its protection.

Wrap Up, Action Points & Closing Remarks

Reflecting on some of the questions and feedback received during the meeting, John reminded the members that the way in structuring the MSP that has been discussed in prior sessions is that the principles are by definition broad and general, and form a framework for the MSP. Principles are not meant to capture every single detail that an MSP will ultimately address.

Some members proposed that each principle be assigned a number in the Google forms so that they could be referred to more easily.

John assured the members that they may submit their ratings in the Google forms after the meeting if they wished to. He further noted that members can edit their responses even after they have been submitted. However, in the interest of time and moving forward to the next steps, he requested that the members submit their responses within a reasonable timeframe so that the team can collate all of the responses.

John asked members to provide comments, feedback and suggestions, if members have any, within a week's time.

[An email follow-up was sent to members requesting that they submit their responses in the Google form links, and provide feedback by **Monday, August 23rd, 2021**].

As discussed and agreed, John noted that at the next MSP Subcommittee meeting, a document including the results of the Principles rankings will be shared.

John concluded the meeting with brief remarks encouraging the members to rank the MSP principles via the google forms, and thanking the attendees for the productive discussions.

Annexes:

1. Attendees' list
2. Link to **Governance & Development principles**
3. Link to **Ethical & Social principles**
4. Link to **Biophysical principles**
5. Presentation slide on the review of the timeline activities
6. Final meeting minutes of the 9th MSP Subcommittee meeting

Noo Raajje Program Secretariat

23/08/2021