

# **Community of Practice in “Western Indian Ocean: Assessing the applicability of the ocean-accounts framework (OAF)”**

## **Work Programme 1**

WP1 focuses on the international-law and domestic-law environments within which the OAF is to be used, the accounting of current governance and regulatory instruments in the OAF as well as the philosophical aspects of the OAF terminology and the linkages between the novel governance accounts and the novel risk accounts.

- (a) Project 1.1 interrogates the relationship between international law and the OAF as a whole, as well as the governance accounts in particular, with an emphasis on the environmental and maritime-security aspects of ocean governance.

The output will explore where the OAF fits within the international-law regime governing human activities at sea, with specific reference to the 1982 UN Convention on the Law of the Sea and other multi-sectoral instruments of global or regional application. The output will also identify the main duties of States relating to the environmental and maritime-security aspects of ocean governance and explore how the governance accounts could contribute to assessing the extent to which States are fulfilling those duties.

- (b) Project 1.2 interrogates the relationship between, on the one hand, the South African legislative and policy instruments governing marine spatial planning (MSP) and, on the other hand, the OAF as a whole and the governance accounts in particular.

The output will explore the extent to which the OAF can contribute to the implementation of the South African legislative and policy instruments governing MSP by identifying the provisions that can serve as a basis for its use in the MSP process and proposing ways in which the governance accounts could be developed to position the OAF as a primary instrument to assist decision-makers in making the difficult “political” choices involved in the development of a marine spatial planning framework and the adoption of marine area plans.

- (c) Project 1.3 interrogates the relationship between, on the one hand, the South African legislative and policy instruments governing coastal and ocean governance in the local sphere of government and, on the other hand, the OAF as a whole and the governance accounts in particular.

This project focuses on the legal environment in the local sphere of government within which the OAF is to be used. It investigates:

- a. the constitutional and legislative powers and functions of local authorities that are relevant to the blue economy;
- b. the extent to which these powers and functions are exercised by municipalities;
- c. the extent to which ocean account frameworks informs the development of local government legislation and account for the quality of governance by local authorities;
- d. the extent to which the OAF can assist local authorities to assess the risks associated with food security and sustainable development for local populations;
- e. whether local authorities can adopt legislation to address criminal activities targeting marine living resources to augment national legislation, thereby reducing risks associated with food security.

- (d) Project 1.4 interrogates the relationship between, on the one hand, the South African legislative and policy instruments governing coastal and ocean governance in the provincial sphere of government and, on the other hand, the OAF as a whole and the governance accounts in particular.

This project focuses on the legal environment in the provincial sphere of government within which the OAF is to be used. It investigates:

- a. the constitutional and legislative powers and functions of provincial authorities that are relevant to the blue economy;
  - b. the extent to which these powers and functions are exercised by provinces;
  - c. the degree to which ocean account frameworks informs the development of provincial legislation and account for the quality of governance by provinces;
  - d. the extent to which the OAF can assist provincial authorities in monitoring and supporting municipalities to assess the risks associated with food security and promote sustainable development.
- (e) Project 1.5 interrogates the extent to which the OAF as a whole and the governance accounts in particular can contribute to the State respecting, protecting, promoting and fulfilling the right to equality as well as selected socio-economic rights.

The output will analyse the inter-relationship between the right to substantive equality, encompassing gender equality, and specific socio-economic rights, including the rights to food and water and a clean environment, in relation to coastal communities. With reference to international human rights law and the South African constitutional framework, the output will use a rights-based approach to explore the potential contribution of the OAF and the governance accounts to the protection, fulfilment and advancement of the rights in issue.

- (f) Project 1.6 interrogates the extent to which the OAF as a whole and the governance accounts in particular can contribute to the fulfilment of the right to development.

The output will analyse the meaning, scope and application of the right to development both in international law and in South African constitutional law. It then explores the extent to which the OAF and the governance accounts can contribute to the economic and social development of coastal communities.

- (g) Project 1.7 explores the naming paradoxes flowing from the fact that the very descriptions within the OAF and blue economy can be interpreted in different ways by different disciplines or stakeholders within the OAF.

Naming conventions, concepts and explanations are interpreted in different ways, depending on context, discipline, value positions or agendas. This project aims to explore and question how concepts and seemingly inherent shared/common understandings in the OAF are interpreted and influenced by disciplines and stakeholders.

- (h) Project 1.8 investigates the novel governance accounts within the OAF and the possible intended or unintended consequences that should be measured/tracked within the novel risk accounts.

Governance accounts will develop indicators that encompasses complex interactions between policy, legal instruments and processes, often these impact on and exacerbate inequalities and sustainable development. This project aims to explore these and track possible impacts that should be measured under the risk account (possibly increase in vulnerabilities and risks).