



Coral Triangle Initiative on Coral Reefs, Fisheries and Food Security (CTI-CFF)

Case Study Summary Report

Service Contract: EASME/ECFF/2014/1.3.1.8/SI2.717082



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Nota Bene

This document is part of the "STUDY ON INTERNATIONAL BEST PRACTICES FOR CROSS-BORDER MARITIME SPATIAL PLANNING ". In order to get a complete understanding of the concepts, definitions and methodology used in this document it is advised to read the main report first.

Coral Triangle Initiative on Coral Reefs, Fisheries and Food Security (CTI-CFF)

Case Study Summary Report

Reporting on the Service Contract: EASME/ECFF/2014/1.3.1.8/SI2.717082: Study on international best practices for cross-border Maritime Spatial Planning

Coordinator: NIRAS

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NIRAS



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LIST OF ABBREVIATIONS AND ACRONYMS

ABJN	Areas Beyond National Jurisdiction
ADB	Asian Development Bank
ASEAN	Association of Southeast Asian Nations
BMB DENR	Philippines Biodiversity Management Bureau, Dept. of Environment and Natural Resources
CI	Conservation International
COBSEA	Coordinating Body on the Seas of East Asia
CSIRO	Commonwealth Scientific and Industrial Research Organisation
CT6	Six Coral Triangle member countries
CTC	Coral Triangle Center
CTI-CFF	Coral Triangle Initiative for Coral Reefs, Fisheries and Food Security
CTI COM	CTI Council of Ministers.
CTI CSO	CTI Committee of Senior Officials
CTMPAS	CTI-CFF MPA System
CTSP	Coral Triangle Support Partnership
DA BFAR	Philippines Dept. of Agriculture - Bureau of Fisheries and Aquatic Resources
EAFM	Ecosystem Approach to Fisheries Management
GEF	Global Environment Facility
GIZ	Deutsche Gesellschaft für Internationale Zusammenarbeit
IUU	Illegal, Unregulated and Unreported (fishing)
M&E	Monitoring and Evaluation
MMAF	Indonesian Ministry of Marine Affairs and Fisheries
MSP	Maritime Spatial Planning
MPA	Marine Protected Area
NCC	National Coordination Committee
NOAA	National Oceanographic and Atmospheric Administration
NPOA	National Plan of Action
PEMSEA	Partnerships in Environmental Management for the Seas of East Asia
PI	Program Integrator
PNG	Papua New Guinea
RPOA	Regional Plan of Action

REAP-CCA	Region-wide Early Action Plan for Climate Change Adaptation for the Nearshore Marine and Coastal Environment
SOM	Senior Officials Meeting
SPREP	Pacific Regional Environmental Programme
SSME	Sulu-Sulawesi Marine Ecoregion
TIHPA	Turtle Islands Heritage Protected Area
TNC	The Nature Conservancy
USAID	Australian Government, Department of the Environment; United States Agency for International Development
US CTSP	US Coral Triangle Support Partnership
WWF	World Wide Fund for Nature

EXECUTIVE SUMMARY

The Coral Triangle Initiative for Coral Reefs, Fisheries and Food Security (CTI-CFF) is a multi-lateral treaty partnership between Indonesia, Malaysia, Papua New Guinea, Philippines, Solomon Islands and Timor-Leste, as well as a number of additional NGO, government and donor development partners. The CTI-CFF was initiated in 2007 and launched in 2009 to sustainably manage fisheries, adapt to climate change, improve threatened species status and establish and effectively manage priority seascapes and marine protected areas (MPAs).

The CTI-CFF was chosen as a case study because of its multi-lateral cross-border nature, involving six countries with radically different population sizes, cultures and governance regimes. However, the CTI-CFF also demonstrates a rare and equitable partnership approach between governments (of the six Coral Triangle countries), three of the main non-governmental organisations in the region, which are The Nature Conservancy (TNC), World Wide Fund for Nature (WWF) and Conservation International (CI), and several international and regional donor agencies, including USAID, the Asian Development Bank, and the Australian Government. The CTI-CFF has been specifically designed to recognise the importance of transboundary resources and to facilitate concerted spatial planning across borders, including spatial planning. The CTI-CFF represents a strengthening and aligning of existing marine governance and spatial planning efforts rather than the development of a specific marine spatial plan. This case study also considered finer-scale transboundary initiatives that lie within the CT region and that have been incorporated into the CTI-CFF as priority intervention sites. Two transboundary initiatives were chosen: 1) the Sulu-Sulawesi Marine Ecoregion (SSME), two ecologically similar sea basins covering over 1 million km² and lying within the marine jurisdictions of Philippines, Malaysia and Indonesia; 2) the Turtle Islands Heritage Protected Area (TIHPA); a cluster of nine islands, six of which belong to Philippines and three to Malaysia, designated as the world's first transboundary protected area for turtle nesting sites.

At its initiation, the CTI-CFF formed a purely voluntary partnership between the Coral Triangle Member Countries (also referred to as the CT6), consolidated through the adoption of the 10-year CTI-CFF Regional Plan of Action (RPOA) in 2009. The RPOA represents a living, non-binding document that describes the cross-border collaboration mechanism for information sharing, objective-setting and common standards, while retaining each country's independence and nationalism. In 2011, the CT6 agreed to legally formalise the CTI-CFF partnership through the legally binding Secretariat agreement, resulting in a coordinating Regional Secretariat, formalised coordination procedures, and subscription costs for all six countries (proportional to their GDP) to support the financial costs of the Regional Secretariat. The approximate total funding to date is somewhere in the range of \$400-500 million, all of which is from donors and partners, rather than as loans to catalyse further development.

Lessons learned from the CTI-CFF are:

A common understanding of goals between stakeholders is critical.

Delivery against certain RPOA goals was costly and slow because some of the underlying concepts were not well-understood by various stakeholders, specifically government partners, despite being fully aligned with NGO programs.

The creation of a strong transboundary identity brings multiple benefits to the initiative.

The establishment of the CTI-CFF brought in significant funds which would not have been directed in the same way without the collaborative, transboundary and region-wide focus and the provision of a platform for investment for stakeholders beyond the immediate partner group. The regional identity also raised the profile of CTI-CFF issues (especially exceptional coral reef biodiversity) up to an international level, giving the CT6 a stronger presence in negotiations at international forums.

Cross-border collaboration doesn't threaten the autonomy of the collaborators.

Rather than impose strict standardisation, the CTI-CFF embraces the fact that management efforts will be different between the CT6 (e.g. MPAs and Seascapes are managed under the

national jurisdictions of the countries involved) but the CTI-CFF provides the overarching mechanism to ensure that these potentially different approaches still deliver a satisfactory transboundary outcome.

Transboundary collaboration can be encouraged by providing meaningful incentives.

The CTI-CFF MPA System (CTMPAS) represents a mechanism for categorising MPAs across the CT6; by nominating MPAs from each category into the CTMPAS according to agreed criteria and standards, the CTMPAS has provided strong incentives for each country to improve management of MPAs and create stronger ecological coherence within national MPA networks.

Dedicate sufficient funds to facilitating collaborative working, in particular the establishment of a strong, adequately-resourced coordinating body.

The US Coral Triangle Support Partnership (CTSP) was a critical investment (approx. 44 million USD) over 5 years that created the infrastructure to underpin highly effective collaboration between various government and non-government partners, enabling the creation of strong partnerships and interpersonal working relationships based on trust and mutual respect. The CTI-CFF Regional Secretariat plays a critical role in ensuring that regional progress is made towards overarching goals, that partners are moving in the same direction towards those goals, and that the overall aims and successes of the initiative are being communicated effectively in order to attract investment. This role must be well-understood by all stakeholders and investors.

Cross-border processes need a transboundary business model.

There is a strong and agreed need for a sustainable finance architecture to sit across the entire CTI-CFF, or at portions thereof, to help ensure that all geographies and goals are adequately funded and over appropriate time periods (i.e. to reduce dependence on the funding cycles and priorities of individual donors).

Transboundary collaboration can be strengthened through mutual capacity building.

The CTI-CFF created formal partnerships between lower- and higher-capacity countries and established knowledge sharing infrastructure (Regional Exchange (REX) meetings) which were both very successful mechanisms for building capacity but also strengthened collaboration by providing opportunities for all countries to learn from one another.

MSP must offer an attractive investment proposition.

A heavy reliance upon donor grants makes it difficult to shift towards sustainable financing. One donor agency described the CTI-CFF as representing 'sunk costs', meaning that grant funds were used to support conservation activities, rather than being used as loans to set up sustainable financing from infrastructure development. The CTI-CFF has begun to reach out to industry sectors, recognising that in order to enhance the financial sustainability of any MSP initiative, it is essential that stakeholders see it as an investment that will bring benefits to their sector. Investment from stakeholders, especially industry and private sector stakeholders, is then likely to encourage further investment down the line, enabling the necessary move away from donor funding.

Strong political will from countries is critical and requires building specific capacity to engage with politicians and decision makers.

The NGOs in particular put considerable effort into cultivating political will at the highest levels within each of the CT6. Although the leaders officially launched the CTI-CFF in 2009, these efforts predated this milestone, as demonstrated through Leaders' Declaration at the Asia Pacific Economic Cooperation (APEC) in Sydney, 2007. However, although NGO and coordination staff were highly technically competent, uneven levels of experience in engaging with decision makers, senior officials, and critically, Heads of State meant that achieving the necessary political will could have been done more quickly and efficiently.

A strong monitoring and evaluation (M&E) system is essential for demonstrating progress and can build capacity.

The M&E system has been considered as a successful part of the CTI-CFF due to the great progress made in developing standardised indicators across the CT6, in spite of considerable

challenges over data sharing and the development of an M&E database and portal (called the Coral Triangle (CT) Atlas). The process of developing the M&E system was another mechanism to support collaborative working between the CT6, and proved to be one of the strongest areas of sharing knowledge. However, the intangible achievements have been widely cited as the greatest successes of the CTI-CFF. The sense of common identity and greater weight in negotiations in international/regional forums or with industry bodies are valuable indicators of successful transboundary collaboration, which should be measured alongside indicators of process and outcome.

The scientific evidence base was key to providing incentives for all stakeholders.

Considerable CTI-CFF funds have been spent in translating the sometimes complex science of transboundary ecological interrelationships into a simple message and management guidance for policy makers. Although all CT6 have different incentives for membership of the agreement, the science base has been strong enough to convince all of them to ratify.

Select the appropriate government departments carefully.

The selection of which Ministries were approached to be the thematic home of the CTI-CFF was based in several countries upon existing relationships with partners, rather than as a result of a strategic planning exercise, which in some countries created tensions between Ministries. Because of traditional rivalries between natural resource agencies (e.g. fisheries and environment) in almost all of the CT6, some specific Ministries that were not leading chose to disengage somewhat with the Initiative, thus reducing the opportunity for the CTI-CFF to benefit from their financial, political and technical support.

Environmental collaboration can act as a tool for political diplomacy.

In a region with some history of cross-border geopolitical conflict, CTI-CFF provides an opportunity for 'triple-track diplomacy', involving 1) government to government talks; 2) people to people talks; 3) development of intergovernmental environmental partnerships that enable successful collaboration on non-political issues in order to facilitate subsequent political negotiations. Intergovernmental relationships are then strengthened beyond the environmental issues at hand.

Collaboration between NGOs and between NGOs and government can be very productive.

The CTI-CFF provided an important platform for collaboration between NGOs (TNC, CI, and WWF) which historically had a somewhat competitive relationship in the Coral Triangle region. While engagement with government at the provincial scale had always been strong, the CTI-CFF also provided an opportunity for dialogue and more deliberate alignment of the objectives of these organisations and the CT6 governments at the national and regional level.

1. INTRODUCTION

The 'Study on international best practices for cross-border Maritime Spatial Planning' (MSP) (hereafter referred to as 'the Project') has been designed to compile and assess experiences of approaches to MSP, in order to assist the European Union (EU) and its member states in implementing the EU MSP Directive¹. The Project's second objective involves conducting four case studies from international locations outside of Europe, to identify good practices that are relevant for the implementation of the MSP Directive, with a particular focus on cross-border cooperation. These case studies are: (i) Rhode Island/New England, (ii) China/Xiamen, (iii) the Southern Ocean and (iv) the Coral Triangle.

The CTI-CFF is a multi-lateral treaty partnership between six countries – Indonesia, Malaysia, Papua New Guinea (PNG), Philippines, Solomon Islands and Timor-Leste – and a number of collaborative partners – The Nature Conservancy (TNC); World Wide Fund for Nature (WWF); Conservation International (CI); Asian Development Bank (ADB); Australian Government, Department of the Environment; United States Agency for International Development (USAID); the Global Environment Facility (GEF); the Coral Triangle Center; and Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ)².

Recognizing the transboundary nature of the important marine resources in the Coral Triangle and the need for greater regional collaboration to tackle the threats to such resources, the CTI-CFF was established in 2007 and formally launched in 2009. Through an evidence-based approach that aims to address poverty reduction and biodiversity conservation through the use of existing forums and multiple stakeholder groups, the CTI-CFF goals are to sustainably manage fisheries, adapt to climate change, improve threatened species status and establish and effectively manage priority seascapes³ and marine protected areas (MPAs).

Although a relatively recently established MSP process, the CTI-CFF was chosen as a case study because of its multi-lateral nature, involving six countries with radically different population sizes, cultures and governance regimes. In addition, the CTI-CFF is a rare partnership approach between those six countries and several non-governmental organisations and agencies. Prior to the CTI-CFF, all six countries had existing marine management and conservation policies and activities but these were at very different stages of development relative to one another and had comparatively different areas of focus on environmental management issues. The CTI-CFF has been specifically designed to recognise the importance of transboundary resources and to facilitate concerted spatial planning across borders, some of which was spatial. Unlike the other three case studies, therefore, the CTI-CFF represents a strengthening and aligning of existing marine governance and spatial planning efforts rather than the development of a specific marine spatial plan.

As a relatively new initiative to foster collaboration and cooperation between the CT6, almost all of the CTI-CFF activity has been focused upon establishing the suitable mechanisms for cooperation and developing operational processes to support regular communication on the key themes tackled by the CTI-CFF. As a result, it is an overarching framework – described as a "large tent" (CTI-CFF Regional Secretariat 2009) – that has somewhat limited presence at ground level. In order to understand how the CTI-CFF may or may not have impacted resource use and conservation on the ground, and to fully glean the collaborative and cross-border lessons learned from the CTI-CFF, this case study also considered finer-scale transboundary initiatives that lie within the CT region and that have been incorporated into the CTI-CFF as priority intervention sites. Two transboundary initiatives were chosen: 1) the Sulu-Sulawesi Marine Ecoregion (SSME), two ecologically similar sea basins covering over 1 million km² and

¹ Directive 2014/89/EU of the European parliament and of the Council of 23 July 2014 establishing a framework for maritime spatial planning

² GIZ is a cooperating partner, rather than a full Initiative partner

³ Seascapes are defined as "Large, multiple-use marine areas, defined scientifically and strategically, in which government authorities, private organizations, and other stakeholders cooperate to conserve the diversity and abundance of marine life and to promote human well-being" (Atkinson *et al.*, 2011)

lying within the marine jurisdictions of Philippines, Malaysia and Indonesia; 2) the Turtle Islands Heritage Protected Area (TIHPA); a cluster of nine islands, six of which belong to Philippines and three to Malaysia, designated as the world's first transboundary protected area for turtle nesting sites.

This document presents a summary of the CTI-CFF case study, presenting the key findings, conclusions and lessons learned, according to the structure of the analytical framework developed for the Project. Together with the reports for the other three case studies, it is one of the inputs to the consolidated analysis and the final report of the Project.

2. METHODOLOGY

In order to describe and assess the four different MSP initiatives in a consistent manner, it has been necessary to develop a standardised analytical framework applicable to all four case studies (see Annex 1).

The MSP attributes have been spread out across eight different sections, including: 1) Context; 2) Driver, issues and goals; 3) Overview of the MSP; 4) Scope and design of the MSP; 5) Collaboration and consultation in the MSP planning phase; 6) Features of the MSP process implementation phase; 7) Implications of the application of MSP in areas beyond national jurisdiction (ABNJ); and 8) Outcomes and lessons learned.

In the case of the Coral Triangle Initiative for Coral Reefs, Fisheries and Food Security (CTI-CFF) case study, Section 7 has not been included, as no proportion of the CTI-CFF area lies beyond national jurisdiction.

Under the established analytical framework, the MSP attributes have been investigated by means of both descriptive 'facts of the matter', collated through literature review, and assessment questions, which were addressed using information collated through interviews to key stakeholders.

The collection of data took place between July and December 2016 and consisted of two separate steps:

a) Literature review

Following the guiding questions and structure adopted by the analytical framework, the facts of the matter questions were addressed through literature review, including both peer reviewed and grey literature, identified by the Regional Experts as well as through online search engines.

b) Key informant interviews

Stakeholders were identified by the Regional Experts as familiar with one of the three initiatives (CTI-CFF; SSME; TIHPA), with the greatest number being involved in the CTI-CFF directly.

A total of 23 interviews were conducted for this case study. Of those, 15 interviews were conducted face-to-face during a field trip to Jakarta, Indonesia and Manila, Philippines between the 7 – 16 November 2016. A further 8 interviews were conducted remotely via Skype. These interviews were with representatives from:

- **Government agencies:** Indonesian Ministry of Marine Affairs and Fisheries (MMAF); Philippines Biodiversity Management Bureau, Dept. of Environment and Natural Resources (BMB DENR); Philippines Dept. of Agriculture - Bureau of Fisheries and Aquatic Resources, (DA BFAR).
- **NGO partners:** The Nature Conservancy (TNC); World Wide Fund for Nature (WWF); Conservation International (CI); the Coral Triangle Center (CTC)
- **Donor agency partners:** Asian Development Bank (ADB); Australian Government Department for the Environment; Commonwealth Scientific and Industrial Research Organisation (CSIRO) Australia; United States Agency for International Development (USAID)
- **Cooperating Partner agencies:** Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH

The full list of participants and schedule followed can be found in Annex 2.

This case study has been supported by the Project's regional experts, Alan White and Laura Whitford, who facilitated access to relevant literature, set up interviews with key stakeholders and individuals involved in the development of the CTI-CFF and associated work, and contributed to data gathering and analysis.

The case study lead and Project Marine Spatial Planning Expert, Hannah Thomas, led all the interviews. In all except one case where two interviewees were present, all interviews were conducted with a single interviewee.

A semi-structured interview format was employed to gather data, ensuring a degree of comparability across interviews but also allowing for important themes arising to be explored in more detail. Accordingly, interview questions were flexible, aiming to cover the range of MSP attributes contained in the analytical framework.

All participants were given a hard copy of the "participant information sheet" and "consent form", the latter of which was signed by all interviewees, providing consent for interview recording and subsequent publication of findings.

All interviews were summarised in writing and shared with participants within two months for accuracy check, and information was then used to grade assessment questions for the case study as a whole.

Data collected through both literature review and interviews was then used to summarise the attributes of the CTI-CFF and distil key lessons learned, as presented in this document.

3. KEY FINDINGS

3.1. Overview of the CTI-CFF

The Coral Triangle region spans parts of six countries: Indonesia, Malaysia, Papua New Guinea, Philippines, the Solomon Islands, and Timor Leste. Covering approximately 6 million square km, the CT is delineated by a scientific boundary (see Figure 1) that identifies ecoregions containing at least 500 species of hard corals, making the CT the most significant area for marine biodiversity on the planet. The CTI-CFF "Implementation Boundary" also shown in Figure 1 includes the entire marine areas of all six countries and is larger than that bounded by the "scientific boundary". In total, the CT covers almost 73,000 km² of coral reefs (equating to around 29% of global coral reef coverage).

The model of multi-country collaboration on MSP was in part inspired by the Micronesia Challenge in the North Pacific, which is a multi-state commitment to protect natural resources. In fact, President Remengesau of Palau reached out to then President Yudhoyono of Indonesia to suggest he initiate the collaboration with the other CT countries, based on the success of the Micronesia Challenge. Thus, in 2007, the Indonesian President encouraged the other CT countries to establish the CTI-CFF.

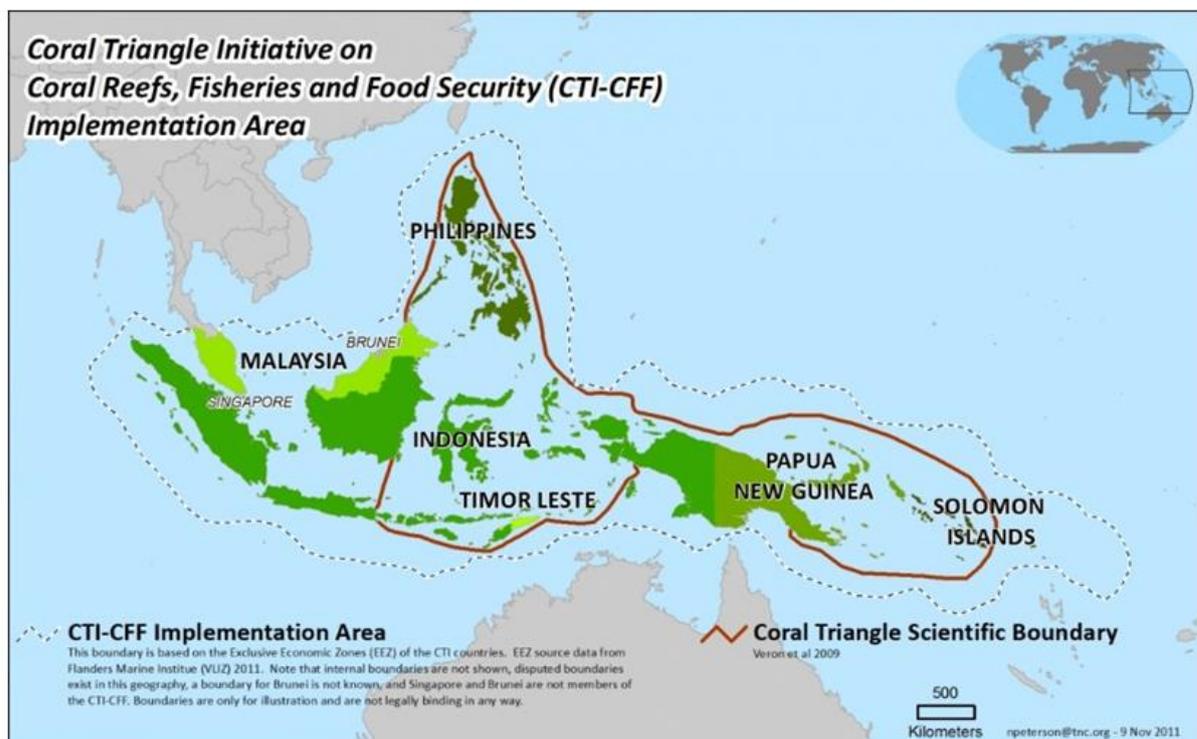


Figure 1 - Map showing the implementation area of the CTI-CFF. Source: TNC

Prior to the CTI-CFF, the CT6 had national management and regulatory systems in place for marine resource and fisheries management in various degrees of advancement. The innovation brought by the CTI-CFF was that the countries agreed to cooperate in their efforts to improve the management of fisheries and critical marine resources by learning from each other and by finding particular areas where cross-border planning and management would be more effective and efficient than tackling issues alone.

3.1.1. Structure of the CTI-CFF

The CTI-CFF is a partnership between the six countries in the Coral Triangle and a number of 'Development Partners' of three types:

- **Non-governmental organisations** – Worldwide Fund for Nature (WWF); The Nature Conservancy (TNC); Conservation International (CI); The Coral Triangle Center (CTC).

- **Governmental organisations** – US Agency for International Development (USAID); Australian Government: Department of the Environment;
- **Multilateral Donor organisations** – Asian Development Bank (ADB); Global Environment Facility (GEF)

There has been some involvement from private sector entities (for example, through the Regional Business Forum), though these have not been part of the foundational architecture for the CTI-CFF.

The CTI-CFF has three levels of engagement between the CT6 and partners, where regular meetings facilitate communication and cooperation:

1. **Council of Ministers** – This is the highest decision making body made up of CT6 Ministers and Heads of State. Decisions from the Council of Senior Officials are formally approved.
2. **Council of Senior Officials** – CT6 Senior Officials meet annually at the Senior Officials Meeting (SOM) to review and agree upon the recommendations made by the Technical Working Groups.
3. **Technical and Governance Working Groups** - representatives from key national agencies in each country meet together with technical advisors from the non-government sector to discuss thematically specific issues of relevance to the CTI-CFF. The five Technical Working Group themes are Seascapes, Fisheries, MPAs, Climate change and Threatened species). Governance Working Groups operate similarly, but address the non-technical aspects of CTI-CFF coordination, such as Finance, Monitoring and Evaluation, Institutional and Coordination.

These CTI-CFF cooperative mechanisms are operationalised by two coordinating bodies:

1. **CTI-CFF Regional Secretariat** – The Regional Secretariat facilitates most dialogue and communications among the countries at the three levels, and helps to organize technical meetings, as well as being a key champion of the initiative itself.
2. **National Coordinating Committees (NCCs)** – Each of the six countries has an NCC, which is comprised of representatives from a range of different government agencies as well as development partners and is designed to facilitate the national operationalisation of CTI-CFF goals.

Annex 3 provides further information on the role of different institutions involved in the CTI-CFF.

In addition to the formal CTI-CFF structure, all development partners have a regional presence and programme of work to support the CTI-CFF. There are also other important groups within the CTI, such as the Women in Leadership Forum (WLF) and the Regional Business Forum that are not technically formal 'organs' of the CTI-CFF, and were not part of the CTI-CFF structure from the outset, but play a key role in further encouraging collaboration.

Figure 2 shows the structure of the CTI-CFF.

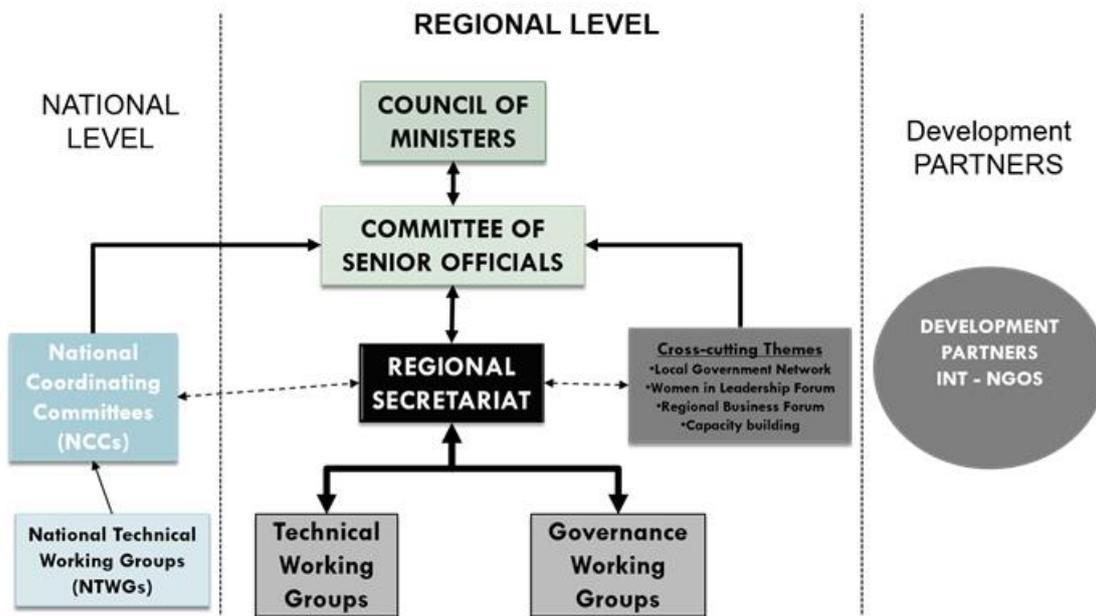


Figure 2 - Structure of CTI-CFF. Source: CTI-CFF Regional Secretariat

Within each country, the NCC leads multi-stakeholder processes to coordinate and promote country-level implementation of both the national and regional action plans¹¹. The main objectives of NCCs are:

- Jointly develop, update and support the implementation of National CTI-CFF Plans of Action
- Identify national priorities, and coordinate action and funding around priorities
- Provide input to and participate in regional CTI-CFF processes and decisions
- Support/coordinate joint activities of NCC members, and serve as coordination points for external partners and stakeholders
- Organise national CTI-CFF stakeholder forums

3.1.2. Legal basis of the CTI-CFF

At its initiation, the CTI-CFF formed a purely voluntary partnership between the CT6 and its partner organisations. This retained each country’s independence and nationalism, while establishing a cross-border collaboration mechanism for information sharing, objective-setting and common standards. The partnership was consolidated through the adoption by the CT6 of the 10-year CTI-CFF Regional Plan of Action, which set out 6 key objectives that each country aims to meet through its own national policies and practices.

In 2011, the CT6 agreed to legally formalise the CTI-CFF partnership as a regional body through the Secretariat Agreement. The CTI-CFF now has a coordinating Regional Secretariat, formalised coordination procedures, and requires all six countries to support the financial costs of the Regional Secretariat.

Annex 3 provides further detail on legal aspects of the CTI-CFF.

3.1.3. Funding for the CTI-CFF

From initiation of the CTI-CFF, the primary donors have been: Governments of the US, Australia and Germany, ADB, GEF, and NGOs (TNC, WWF, CI, CTC). In 2008, the GEF approved a USD 72 million, five-year CTI-CFF support programme, with over \$300 million in co-financing (loan and grant projects) from various other sources. In the same year, the US government also committed approximately USD 60 million over five years through its ‘US Support Program’

which funded three complementary projects: 1) the US Coral Triangle Support Partnership (US CTSP) channelled through a consortium of three NGOs to support the CTI (approx. USD 44 million); 2) Scientific support by the National Oceanographic and Atmospheric Administration (NOAA) (approx. USD 3 million); and 3) the 'Program Integrator' (PI) to support coordination and cooperation between the US CTSP and NOAA programs (USD 7 million) and to ensure integration of the US support within the CTI-CFF Secretariat and official functions and activities of the CTI-CFF. The approximate total funding to date is somewhere in the range of \$400-500 million, all of which is from donors and partners, rather than as loans to catalyse further development.

Under the current CTI-CFF legal arrangement, the CT6 provide financial contributions to maintain the Regional Secretariat and to facilitate participation from their respective officials. Partner NGOs use both their own funds and project related funds from donors (ADB, USAID, Australian Government, GEF and others) into delivery of their CTI-CFF-related activities. In addition, some donor partners provide targeted in-kind funds for technical support according to their programmes of work (e.g. As an implementing agency for the Australian Department for the Environment, CSIRO provides significant technical assistance to Solomon Islands and PNG for community-led marine management and capacity building for MSP). As a result of this strategic but piecemeal approach, the CTI-CFF goals are not all equally well funded, funds may not be as streamlined as they could be, and renewal of funds is not guaranteed for the CTI-CFF as a whole.

3.1.4. Sub-regional cross-border management areas within the CTI-CFF

Initial projects supported under the CTI-CFF were designed to provide pilot or "learning" areas for each country to share across the region and several of these, such as the Turtle Islands National Park and the Sulu Sulawesi Seascape, were specifically transnational in scope.

Within the CTI-CFF, the Sulu-Sulawesi Marine Ecoregion (SSME, but recently renamed as the Sulu-Sulawesi Seascape) is over 1 million km² in size and straddles Philippines, Indonesia, and Malaysia (see Figure 3). Overexploitation of the shared marine resources sparked the need for the three countries to establish a tri-national co-operation mechanism with the overarching goals of conserving marine biodiversity and pursuing sustainable development – the SSME Conservation Plan – that was ratified by all three countries in 2006. In 2015, Malaysia decided not to renew the SSME MoU, as it considered it to be a duplication of CTI-CFF efforts. Work on the ground for SSME still continues and CTI-CFF partners are collaborating to strengthen the alignment between the SSME and the CTI-CFF.



Figure 3 - Sulu Sulawesi Marine Ecoregion (now called the Sulu-Sulawesi Seascape)

The Turtle Islands Heritage Protected Area (TIHPA) was established as the first and only transboundary protected area for marine turtles in the world, jointly established by the Philippines and Malaysia (Asian Development Bank 2014a). Populations were under severe threat from trawling and long-line fishing, habitat destruction as a consequence of dynamite fishing and coastal development, and unsustainable egg harvesting (WWF-Philippines 2005).

This protected area was established in 1996 to protect the only major nesting habitat of Green sea turtles in the whole of the Association of Southeast Asian Nations (ASEAN) region, and was included in the Coral Triangle Initiative's Model Marine Protected Area Network (MPA network) in 2014 (UNESCO 2015). The Turtle Islands Heritage Protected Area refers to the transboundary MPA, but both Malaysia and the Philippines have designated national MPAs within the Turtle Islands Heritage Protected Area, and these are called the Turtle Islands Wildlife Sanctuary (Philippines) and the Turtle Islands Sanctuary (Malaysia).

The transboundary area is made up of nine islands in total, three of which lie under Malaysian national jurisdiction - Bakkungaan Kechil, Gulisaan, and Selingaan (ADB 2014b) – and the remaining six islands lie within the Turtle Islands Wildlife Sanctuary in the Philippines – Boaan, Lihiman, Langaan, Great Bakkungaan, Taganak, and Baguan (Figure 4). The transboundary MPA was established via a Memorandum of Agreement between the two countries and involves the implementation of a joint management programme.



Figure 4 - The nine islands spanning Philippines and Malaysia that make up the Turtle Islands Sanctuary

Assessment Questions	0	1	2	3	Justification
a) To what extent have cross-border issues shaped the collaboration in this MSP from its inception?	The cross-border dimensions of this MSP were not a feature of this MSP at its inception	Cross-border features of this MSP have been present from initiation but not a central feature	Cross-border features have been one of several important features of this MSP	Cross-border collaboration has been central to the design of this MSP from the beginning	The main reason behind establishing the CTI-CFF has been to realise the benefits of transboundary marine resource management.
b) To what extent are the institutions responsible for MSP planning and management working independently or collaboratively?	Planning and management of each country's zone is conducted by that nation's institutions in an independent manner	The cross-border coordinating mechanisms define the goals and principles of this MSP that individual nations tailor to their needs; the agenda for cross-border collaborative management is limited to a few issues	Major policies and features of this MSP are negotiated by representatives of each nation (state) convened by a cross-border coordinating institution	Planning and management is centralized and the responsibility of the lead cross-border institution	The CTI-CFF offers a cross-border framework for spatial planning, providing the collaborative infrastructure to allow the CT6 to agree on common standards, goals, targets, methodologies and measures of progress. However, it is very important to each of the six CT countries that they maintain their autonomies within their jurisdictions and therefore the National Coordination Committees provide the mechanism through which all agreed CTI-CFF decisions are translated into operational activities at national level.
c) To what extent has external funding enabled this MSP process?	External funding has been a barrier to achieving the objectives of this MSP.	Despite important contribution in some areas, external funding has been generally detrimental to this MSP process.	Despite some detrimental effects in some areas, external funding has made an overall positive contribution to this MSP process.	External funding has been a primarily enabler of this MSP process.	The CTI-CFF infrastructure and working practices have been established almost entirely by the very sizeable grants from donors (e.g. USAID, ADB, Australian Government) and indirect support (in kind technical staff, programmatic activities) from the partner NGOs (TNC, WWF, and CI). The CT6 have now ratified the CTI-CFF Regional Secretariat agreement and therefore commit to regular contributions and Ministerial and technical staff participation.

3.2. Overview of the context

3.2.1. Socio-economic context

The population in the six Coral Triangle (CT) countries is about 390 million people – between 50 to more than 300 people per square km – with some 130 million of those dependent directly on the marine environment¹. In many coastal communities across the region, about 50% of the persons are involved in fishing or marine resource extraction in some capacity. In small island communities in Indonesia and the Philippines, as much as 90% of the community’s primary protein intake is derived by coastal fisheries. According to the World Bank country profiles, the percentage of the population below the poverty line is as follows: Indonesia – 11%; Malaysia – 1.7%; PNG – 40%; Philippines – 25%; Solomon Islands – 23%; Timor-Leste – 50%.

Across the entire Coral Triangle, the estimate for gross economic values for marine resources is in the range of USD 5-10 billion. The most accurate valuations have focused on near shore fisheries and coral reef benefits (Cesar, Burke and Pet-Soede 2003; White and Cruz-Trinidad 1998). Sample 2010 values for annual net benefits from coral reef related goods and services (Burke et al. 2012) indicate the following:

Table 1 - Economic value of key ecosystem services in CT region

Location	Tourism	Reef Fisheries	Shoreline protection
Indonesia (National)	\$127 million	\$1.5 billion	\$387 million
Philippines (National)	\$133 million	\$750 million	\$400 million
Raja Ampat, Indonesia (local)	\$1.7 million	\$7.7 million	\$62 thousand
Tubbataha Reefs, Philippines (local)	\$3.7 million	\$1.5 million	

Various studies (e.g. Green *et al.* 2003) show that with improved management of fisheries and coral reefs across the Coral Triangle that fishery productivity could be enhanced from 20 to 30% depending on the degree of overfishing at the outset. In addition, the potential revenues from non-extractive uses of coral reefs and near shore or shore line area (e.g. tourism, sustainable aquaculture, seaweed farming, etc.), for example, have been shown to range from about \$1 to 10 billion in Indonesia and Philippines individually, and less in the smaller countries.

3.2.2. Environmental context

The Coral Triangle delineation follows scientifically established boundaries following research by Veron *et al.* (2009) highlighting the ecoregions that contained more than 500 species of coral. As a result, the Coral Triangle has been described as the global centre for marine biodiversity.

The coastal and marine environmental conditions across the Coral Triangle countries are generally described as being locally degraded with pockets of well managed and somewhat pristine areas, and a few areas of severe degradation, with 85% of the reefs at medium or high threat from human development and fishing activities (Burke *et al.* 2012). Only about 5% of the reefs are considered to be in excellent condition with few or no impacts from human use or indirect impacts. Most of the threats are quite localized and related mostly to overfishing and destructive fishing. Pollution is centred near mining sites, coastal development sites and urban centres but is not a general overarching threat. Transnational threats do exist from Illegal, Unregulated and Unreported (IUU) fishing within the region as well through the natural movement and trade in vulnerable species (e.g. sea turtles, sharks, manta rays, and valuable live fish).

The felt impacts of climate change in the Coral Triangle are mostly related to warming seas that are periodically causing coral bleaching in varying areas in Indonesia, the Philippines and Malaysia. The other main climate related concerns that manifest presently is the occurrence of very large storms that have caused severe damage to coastal areas and infrastructure, reefs, mangroves and people. Thus, disaster planning and mitigation planning is much more common than in years past and the environmental impacts of these events are having long lasting

consequences. Sea level rise is not so much a factor but is often cited in relation to storms and naturally subsiding shorelines where increased flooding is occurring in limited areas.

3.2.3. Governance context

At CTI-CFF initiation, all of the CT6 had management systems for marine and coastal resources. However, the six countries are very different in terms of their governance characteristics and structures, which affects how well advanced these marine management systems might be. Whereas the Southeast Asian countries (Philippines, Indonesia and Malaysia) have large, well-established and well-developed democracies and economies, the Melanesian countries (Solomon Islands and Papua New Guinea) and Timor Leste have very much smaller and less well advanced systems of authority and economies. In particular, Timor Leste became an independent nation in 2002, and has therefore been developing its governance systems.

Predominantly within the Southeast Asian countries, bi-national and tri-national resource use governance collaborations were already evident in the existence of jointly managed transboundary protected areas, such as the Turtle Islands Heritage Protected Area (1996) and the Sulu-Sulawesi Marine Ecoregion (1999). Indeed, the Pawikan (Sea turtle) Conservation Project under the Protected Areas and Wildlife Bureau of the Philippines' Department of Environment and Natural Resources (DENR) and Sabah Parks of Malaysia were awarded the 1997 J. Paul Getty Prize for Conservation Leadership for their management of the Turtle Islands Heritage Protected Area. However, one interviewee suggested that the historical and ongoing territorial dispute between Malaysia (Sabah) and the Philippines has impacted the political willingness to engage in joint management activities, with the most recent management meeting cancelled due to lack of federal Malaysian government support.

Since the 2000s, the three large NGOs – WWF, CI and TNC – have played a strong role in supporting governance in the region, particularly in transboundary initiatives. All three have sizeable programmes in the region, each being established in several of the CT countries, and have worked with government ministries to support the delivery of environmental, conservation and sustainable resource use objectives. For example, WWF was instrumental in strengthening communications and facilitating the bilateral agreement between the Malaysian and Philippine Governments with regard to the Turtle Islands Heritage Protected Area. Similarly, WWF and partners launched the Sulu-Sulawesi Marine Ecoregion programme in 1999 and began an ecoregion planning process. During the process, leadership of the initiative shifted from WWF to a tri-national government arrangement (Miclait *et al.* 2006).

Assessment Question	0	1	2	3	Justification
a) At initiation, to what extent was there support for MSP within the relevant government institutions?	Several institutions critical to the functioning of this MSP were initially resistant to its establishment	Support for this MSP has been uneven among the institutions involved	With few exceptions the responsible institutions have supported the development and implementation of this MSP	All responsible institutions have strongly supported the formulation of this MSP from its inception	The CTI-CFF was initiated by Indonesian President and all CT6 Heads of State signed and ratified the RPOA and then the CTI-CFF treaty. One interviewee noted that during the setup of the CTI-CFF there were some tensions between government ministries in some of the CT6 concerning which of them should be the lead. In one country, the Fisheries Ministry disengaged when was not selected. However, the institutions that were selected to lead CTI-CFF engagement were all fully supportive.
b) At initiation, to what extent was there support for MSP among the different marine users/sectors?	Several marine users/sectors have strongly resisted or been sceptical of the benefits of establishing this MSP	Resistance and/or opposition to this MSP has been limited to a minority of the marine users affected	With minor exceptions, marine users have supported this MSP	All affected marine users (sectors?) have supported the development and implementation of this MSP from its inception	(Grade not applicable) The CTI-CFF is a high-level strengthening of existing efforts across a vast area, rather than the initiation of a planning process per se. Therefore, many marine users operating on the ground may not be aware of the CTI-CFF.
c) At initiation, to what degree did marine users conform to the pre-existing rules within the MSP focal area?	There were no governance mechanisms (laws, user rights) or significant rules affecting the activities of users of the focal area	There were traditional and/or governmental rules, but non-conformance was common	Conformance with rules was generally good with only occasional exceptions	Rules were widely known to all users and conformance was high	Varying degrees of conformance across CT6 IUU fishing was a major problem in all six CT countries at initiation
d) To what extent have the historical/political contextual factors constrained cross-border collaboration?	Expressions of cross-border tensions and/or disagreements have been a major constraint on the MSP process	Historical/political tensions have been significant but largely overcome during this MSP process	Cross-border MSP collaboration has been somewhat constrained by cross-border tensions	There is a history and tradition of cross-border collaboration	CT countries have relatively successfully collaborated over shared marine resources in the past, as evidenced by the Sulu-Sulawesi Seascape and Turtle Islands Heritage Protected Area
e) To what extent have the socio-economic contextual factors affected cross-border cooperation on MSP?	The socio-economic context has been a powerful factor in making cross-border cooperation towards a	The socio-economic context has presented some challenges to cross-border cooperation, with mixed results	Apart from some specific issues, the socio-economic context has not affected successful cross-border	Cross-border cooperation has benefited from, or not been in any way adversely affected by the socio-economic context of the	The socio-economic contexts of the CT6 are extremely different and with smaller governments and economies, it has been more challenging for the Melanesian Island CT countries to be able to engage at the same level as the SE Asian CT countries (e.g. financial implication of sending multiple Ministers to Ministerial Meetings; human resource implications of the same ministers involved in multiple working groups due to fewer personnel). PNG was slow to ratify the RPOA due to the financial

Assessment Question	0	1	2	3	Justification
	<i>consistent MSP across borders very challenging</i>		<i>cooperation</i>	<i>MSP area.</i>	contributions that would be necessary
f) <i>To what extent have the environmental contextual factors affected cross-border cooperation on MSP?</i>	<i>The environmental context has been a powerful factor in making cross-border cooperation towards a consistent MSP across borders very challenging</i>	<i>The environmental context has presented some challenges to cross-border cooperation, with mixed results</i>	<i>Apart from some specific issues, the environmental context has not affected successful cross-border cooperation</i>	<i>Cross-border cooperation has benefited from, or not been in any way adversely affected by the environmental context of the MSP area.</i>	The strong and robust science base that described the Coral Triangle was convincing evidence for the value of cross-border collaboration
g) <i>To what extent have governance structures of contributing countries/states/provinces been capable of facilitating cross-border collaboration on MSP-relevant matters?</i>	<i>Existing governance structures have not been capable of aligning the management of MSP-relevant matters across the border.</i>	<i>Existing governance structures have been capable of aligning management on some, but not on the most important MSP-relevant matters.</i>	<i>Existing governance structures have faced some challenges in cross-border collaboration, but have been capable of aligning the management of the most important MSP-relevant matters.</i>	<i>Existing governance structures have been capable of sharing good practices across borders or establishing a specific governance structure for the MSP area</i>	The governance structures of the CT6 vary considerably, and there are different levels of capacity within the CT6 governance structures to establish transboundary management. Tensions between the Malaysian mainland and autonomous Sabah province has caused some challenges in implementing cross-border MSP.

3.3. Drivers, issues and goals

3.3.1. Drivers and threats for the CTI-CFF

The major driver of the CTI-CFF was the discovery that the Coral Triangle (rather than the Great Barrier Reef, as previously thought) was the 'global centre of coral reef diversity' (Veron *et al.* 2009) in terms of its unparalleled richness in corals (76% of all coral species), coral reefs (53% of the world's coral reefs) and its exceptional reef fish diversity (37% of all known species). The identification of such an impressive hotspot prompted 21 world leaders (at the 2007 Asia Pacific Economic Cooperation (APEC) meeting) to support the proposal for a Coral Triangle Initiative, swiftly followed by the Indonesian Government's declaration of its formal establishment.

The major threats to the Coral Triangle region are:

- **Overfishing** – over 120 million people in the Coral Triangle region depend upon fish for their income, food and livelihoods (White & Green, 2014). The exceptionally large and dense populations of several of the CT countries, combined with heavy bottom trawling and purse-seining practices and increased demand from overseas has resulted in many fisheries that are at the limits of or have exceeded sustainable levels
- **Destructive fishing** – Illegal cyanide fishing and dynamite fishing are still widely practiced and destroy important reef habitats
- **Excessive nutrient input and pollution** – run-off from agriculture, logging, cities and coastal developments are major causes of increased levels of fertilizers, sewage and other pollutants in coastal areas.
- **Land and coastal development** – poorly regulated development is a significant contributor to overfishing.
- **Species decline** – several species found in the Coral Triangle are threatened from hunting for food or trade, but most particularly turtles, dugongs, and sharks.
- **Climate change** – changes in ocean chemistry and thermal stress due to climate put increasing pressure on coral reef ecosystems.

The unique coral reef biodiversity in the Coral Triangle is also attracting significant tourism in the region, which, in combination with existing coastal development pressures and climate change, may emerge as an additional pressure.

3.3.2. Goals for the CTI-CFF

The Coral Triangle Initiative Regional Plan of Action (CTI-CFF RPOA) is a living, non-binding document, which was adopted in 2009. It provides a 10-year plan to guide transboundary management efforts based on a four level structure of goals, targets, regional action and national actions.

The RPOA over-arching goals are:

- 1) Priority seascapes designated and effectively managed
- 2) Ecosystem approach to management of fisheries (EAFM) and other marine resources fully applied
- 3) Marine Protected Areas (MPAs) established and effectively managed
- 4) Climate change adaptation measures achieved
- 5) Threatened species status improving

Table 2 provides a brief summary of the key issues addressed by the CTI-CFF RPOA.

a) Table 2 - Priority issues in the Coral Triangle region addressed under the CTI-CFF (Source CTI-CFF RPOA 2009).

Issues	How CTI-CFF addressed issues
Overfishing and destructive fishing	Development and implementation of an ecosystem approach to fisheries management
Climate change	Region-wide action plan for climate change adaptation developed
Threatened species (including straddling stocks and highly migratory species)	The implementation of national laws and participation in international conventions e.g. CMS
Coastal development and tourism (Habitat conversion)	Designation of priority landscapes
Land based sources of marine pollution	National laws on prevention of marine pollution strengthened

3.3.3. Process of establishing goals

At the first Senior Officials Meeting of the CTI-CFF in 2007, CT6 governments agreed to develop the Regional Plan of Action and worked extensively with partners over 17 months. From interviewee responses, the several goals contained within the RPOA were strongly influenced by NGOs working in the region, which wanted to see aspects of their existing programmes of work integrated and endorsed within the transboundary CTI-CFF RPOA.

Assessment Questions	0	1	2	3	Justification
a) <i>To what extent has the ecosystem based management approach been used in the design of the MSP?</i>	<i>The ecosystem approach had little or no influence upon the design and scope of this MSP</i>	<i>The ecosystem approach has informed this MSP but has not been a central feature of its design</i>	<i>The ecosystem approach was one of several principles incorporated in this MSP but others were equally important</i>	<i>The ecosystem approach has been a central feature of the design, scope and process of this MSP since its inception.</i>	The Ecosystem Approach to Fisheries is one of the five overarching goals of the CTI-CFF Regional Plan of Action. At the establishment of the CTI-CFF it was something of an unfamiliar concept to the CT6, who have now adopted it in their national programmes.
b) <i>To what extent do the MSP goals address desired social, economic and environmental outcomes?</i>	<i>MSP goals are defined in general terms</i>	<i>Goals define one of the variables but not the other two</i>	<i>Goals define two of the variables</i>	<i>Goals define desired outcomes in terms of all three variables</i>	The aim of the CTI-CFF is to improve coral reefs, fisheries and food security, highlighting clearly the desire for improved environmental and economic outcomes. However, within the EAFM goal of the CTI-CFF (Goal 2), Target 2 aims to improve income, livelihoods and food security in coastal communities, which could be argued are socio-economic aspirations, which would certainly improve the social outcomes of these communities. However, social outcomes are not explicitly noted.
c) <i>To what extent have (would have) time bounded and quantitative goals enabled or constrained this MSP process?</i>	<i>Time bounded and quantitative goals have (would have) been a key constraint in this MSP process.</i>	<i>Time bounded and quantitative goals have had/would have had some minor benefits, but overall their use has/would have been detrimental to the MSP process.</i>	<i>Time bounded and quantitative goals (would) have posed some minor challenges, but their use would have/has been overall positive for the MSP process.</i>	<i>Time bounded and quantitative goals have been a key enabling factor of this MSP process.</i>	While the goals themselves are not quantitative and time bound, each of the targets under the CTI-CFF RPOA goals have associated deadlines, and specific targets have quantitative elements. However, the quantitative targets under some key goals (e.g. proportion of designated areas by 2020 within the regional MPA system) have not yet been agreed.

3.4. Scope and design

The CTI-CFF agreement signed in 2009, represents a non-legally binding RPOA that all 6 CT countries agree to implement. However, each member country has various national laws that support certain elements or areas of the CTI-CFF RPOA within their jurisdiction, e.g. national laws to develop and implement marine protected areas or a legal basis for marine zoning. As such, each of the CT6 has a National Plan of Action (NPOA) that translates the regional level goals into national targets and actions, and a NCC that brings together all national level stakeholders to implement these goals. Given the importance of these national actions to delivery of regional goals, the NPOAs must be regularly updated in line with the RPOA.

Due to the collaborative culture between the CT6 and the three large NGOs in the region, the design of the CTI-CFF from the beginning was inclusive of all stakeholders, both government and non-government. As the CTI-CFF was established, a group of official development partners were formed, each of whom has a full seat at the table in most discussions and decisions made by the six CT countries.

In the preparation phase of the CTI-CFF where government support was being gathered, Ministries from each of the CT6 were approached to take the initiative forward.

3.4.1. Using strong scientific evidence in the CTI-CFF

The premise of the CTI-CFF was based upon the strong evidence for the transboundary nature of valuable marine ecosystem goods and services, as well as the threats to those goods and services, and the resulting need for shared management systems. Considerable CTI-CFF funds have been spent in translating the sometimes complex science of transboundary ecological interrelationships into a simple message and management guidance for policy makers. While scientific papers have been published based on rigorous science, these papers have then been carefully converted into easy to read posters, presentations, guidebooks and fliers to appeal to multiple audiences, particularly the policy and decision makers, as well as at the community level.

Within the CT6, the justification for participation in the CTI-CFF is very different. As one NGO partner described, Indonesia wants to be seen as a global player in conservation, whereas the Solomon Islands have a very strong culture of community-led conservation and want to ensure sustainable food security for their local communities. Multiple countries may be particularly interested in accessing the economic benefits that come from a sustainable tuna fishery. Although all CT6 have different incentives for membership of the agreement, the science base has been strong enough to convince all of them to ratify the CTI-CFF.

Assessment Questions	0	1	2	3	Justification
a) To what extent does the MSP process have the authorities required to successfully implement the plan?	MSP implementing authority is as yet undefined	The distribution of authorities/responsibilities required for MSP implementation are being negotiated	The major roles and responsibilities for MSP implementation are known but some responsibilities and/or coordinating mechanisms remain unclear	Implementing authorities are clear and sufficient to fully implement this MSP	Part of the work under the Coral Triangle Support Partnership financed by the USAID grant was to establish the implementing authorities in each of the 6 CT countries. As such, there authorities are clear and have been given the remit to implement. However, there is still a concern that additional authorities (e.g. associated Ministries, such as Foreign Affairs, Economics, Tourism, and Development) should be more engaged, and efforts are being made to begin discussions as to how this might take place.
b) To what extent does the MSP possess the human resources required to implement the plan?	The necessary human resources for implementation have not yet been assigned	Staffing for MSP implementation is inadequate	Staffing for implementation is present in some institutions but not others	Sufficient human resources are in place to fully implement this MSP	While there have been very considerable efforts made to establish the appropriate teams and authorities in each of the 6 CT countries, and to build up their capacity to engage fully wherever necessary, the diversity of socio-economic contexts of the CT6 still means that engagement as the fullest level places a disproportionate burden on the smaller Pacific Island countries who have fewer technical staff within their government departments to devote to the CTI-CFF.
c) To what extent has there been coordination of planning between land and sea in this MSP?	Connections between land and sea processes and issues have not been addressed in the planning.	Connection between land and sea have been recognized but addressing them is not within the scope of this MSP	Connections between the land and sea have been recognized and some are addressed by the policies and regulations of this MSP	The major interconnections between land and sea processes and issues have been recognized and addressed	The threat of land-based sources of pollution is certainly well noted by the CTI-CFF and one of the national activities within the climate change goal addresses the problem of land-based pollution. However, on the whole, the CTI-CFF does not comprehensively address the linkage in its planning or implementation.

3.5. Collaboration and consultation in the planning phase

3.5.1. Collaborative structure in the CTI-CFF

As described in Section 3.1, the CTI-CFF government stakeholders are the 6 CT countries: Indonesia, Malaysia, Philippines, Papua New Guinea, the Solomon Islands and Timor Leste. Non-government stakeholders are primarily the development partners: WWF, TNC, CI, the Coral Triangle Center, ABD, GEF, USAID, and the Australian Department of Environment.

Establishing the infrastructure and collaborative working methods of the CTI-CFF was undertaken through a USD 60 million USAID grant called the US CTI Support Programme. The grant provided 7 million USD to the 'Program Integrator (PI)', which performed a coordination role through meeting organisation, reporting, and establishment and implementation of a 'Partner Portal' to facilitate online communications. 44 million USD was directed to the Coral Triangle Support Partnership (CTSP), which established the framework of thematic Working Groups, Regional Exchanges, Senior Officials Meetings and National Coordination Committees, as well as an interim Regional Secretariat.

Three levels of collaboration: technical; senior official and Ministerial

Collaboration was established at three levels, each with a specific role to play in the decision making process. Collaboration at ground level occurs within the Technical Working Groups, which involve all development partner technical advisors and ministry representatives and meet at regular intervals to address each of the thematic goals of the Regional Plan of Action (Seascapes; MPAs; EAFM; Climate change adaptation; threatened species). This level also included governance Working Groups focused on cross-cutting elements such as finance, and monitoring and evaluation of the CTI-CFF. At the decision making level, the Committee of Senior Officials meets every year (Senior Officials Meeting, SOM) and officials are provided with progress reports and recommendations to approve. The highest level is then the Council of Ministers that validates the agreements.

Specific collaboration between governments and non-governmental organisations

Due to the high level of collaboration between governments and large NGOs in the CT region prior to the CTI-CFF, the development partners have a very visible role in the CTI-CFF structure. In the Technical and Governance Working Groups, NGO personnel provide expert technical advice and play lead roles in driving the process forward. Given their extensive field programmes in the region, the NGOs also undertake a significant proportion of activity implementation. While there is often tension between government and NGO entities, particularly in developing countries, the two entities appear to work well together in the CT region, having established very clear rules of engagement within the CTI-CFF that have overcome any previous tensions that may have existed. To some extent, the US Coral Triangle Support Program is responsible for establishing the highly collaborative nature of the CTI-CFF, as provision of such large funds were contingent upon the large NGOs cooperating equitably together.

3.5.2. Coordination in the CTI-CFF: The Regional Secretariat

The CTI-CFF Regional Secretariat coordinates and serves all of the CTI-CFF collaboration mechanisms (Technical Working Groups, Governance Working Groups; Council of Ministers; Committee of Senior Officials), ensuring that they can all carry out their respective functions and all collectively move towards the common goals of the CTI-CFF. From the inception of the CTI-CFF, an interim Regional Secretariat was in place, but in 2015 the permanent Regional Secretariat was established in Manado, Indonesia, hosted in a custom-built building provided by the Indonesian Government. The functioning of the newly established CTI-CFF Regional Secretariat is funded by the contributions of the CT6 determined by a formula that includes GDP of the country.

3.5.3. Establishing incentives for regional collaboration

In 2014, over 1,900 MPAs were known to exist throughout the region, but only 6% of those were considered to be effectively managed (Walton *et al.* 2014). To address this situation, one

of the five CTI-CFF goals is to establish and effectively manage MPAs within the Coral Triangle, which has the single objective to develop a region-wide Coral Triangle MPA System (CTMPAS). The CTMPAS aims to develop a region-wide complex of effective and ecologically linked MPAs and MPA networks that enhance fisheries and are resilient to climate change. The System consists of an agreed mechanism for categorising MPAs, across the CT6, as Flagship Regional Sites, Priority Development Sites, Effectively Managed Regional Sites, or Recognized CTMPAS Sites, where individual MPAs or networks of MPAs can be nominated into a category and progress towards the ultimate target of meeting the agreed criteria and standards of a Recognized CTMPAS site. As a result, the CTMPAS has provided strong incentives for each country to improve management of MPAs and create stronger ecological coherence within national MPA networks. In addition, a regional database was established to track progress towards the CTI-CFF goals and indicators that added an incentive for collaboration by being able to measure progress in one country versus another. Many of these indicators can be viewed in the Monitoring and Evaluation Operations Manual, although they had not all been designed and endorsed by the time that document was published. The remainder of the indicators are kept by the Regional Secretariat.

3.5.4. Capacity building in the CTI-CFF

In addition to the regular CTI-CFF meetings, a series of Regional Exchanges have been a fundamental part of explicitly sharing ideas and knowledge around specific themes, such as MPAs and sustainable marine tourism. These form opportunities for the CTI-CFF countries and partners to share their respective approaches, but also to invite key stakeholders, such as finance or tourism ministers or the private sector, thus raising awareness across a broader audience.

In the functioning of the CTI-CFF collaborations, careful partnership pairs have been established between Coral Triangle countries, such that the organisation and hosting of meetings or chairing of working groups is always the responsibility of one higher and one lower capacity country together. In practice, this results in the higher capacity country shouldering the greater financial and organisational burden for the task, but enables the sharing and strengthening of specific collaborative working practices.

3.5.5. Environmental collaboration as a tool for political diplomacy

Historically, there have been a number of cross-border tensions between the Coral Triangle countries, which is one of the main reasons why interviewees remark upon the success of the CTI-CFF as a mechanism for delivering collaboration between the CT6. One explanation behind such success, as one interviewee suggested, is because the CTI-CFF provides an opportunity for what might be referred to as 'triple track diplomacy', whereby attempts to resolve challenging geopolitical conflicts follow three parallel approaches: 1) government to government talks; 2) people to people talks; and 3) development of intergovernmental environmental partnerships that enable successful collaboration on non-political issues in order to facilitate subsequent political negotiations. As such, the CTI-CFF has provided a strong, well-structured and multi-faceted mechanism for CT6 collaboration over environmental issues underpinned by strong scientific evidence and without a political agenda. Through supporting the CTI-CFF and its development, intergovernmental relationships are strengthened beyond the environmental issues at hand.

Assessment Question	0	1	2	3	Justification
a) To what extent was the design process and schedule made explicit to all parties in the initial phase of the MSP process?	The procedures and schedule evolved over time and changed significantly as the planning process matured	While the design process proceeded as expected there were some unexpected issues that delayed or interrupted the schedule	With minor exceptions the design process unfolded as anticipated	The procedures and schedule for consultation have been widely known from the initiation of this MSP and they have been followed	Noting that the parties to the CTI-CFF are the CT6 ministries and technical staff, as well as the development partners (rather than marine users <i>per se</i>), the process of developing the RPOA and subsequent regional and national targets has been clearly inclusive and participatory.
b) To what extent do the affected user groups and the public understand and support the MSP process goals and strategies?	Those affected, and the public have a range of impressions on the goals and procedures of the MSP, some of them contradictory	Well informed support for the MSP is present in either the user groups or the public, but not both	With some exceptions, there is a good understanding and support for the goals and strategies of the MSP	There is strong support among both user groups and the public for the goals and procedures of this MSP	Mainly because the CTI-CFF is harnessing existing national efforts and adding regional transboundary value, it is not surprising that the initiative is probably not known about by marine users at ground level. However, considerable outreach work has been done and is ongoing to raise the profile of the CTI-CFF with fishing communities (in the initial start-up phase) as well as the general public (e.g. Coral Triangle Center, and WWF through Coral Triangle Day)
c) To what extent were stakeholders involved in designing and shaping the MSP process, incl. its cross-border elements? (governmental, non-governmental and the public)	[Governmental/N on-governmental/public] stakeholders were not involved in the design process	[Governmental/N on-governmental/public] stakeholders and the public were informed of the development of this MSP but were not contributors to its design	[Governmental/N on-governmental/public] stakeholders were invited to comment; their suggestion and/or concerns were acted upon in some instances but not others	[Governmental/N on-governmental/public] stakeholders were active participants in the planning process and significantly shaped the resulting plan	Although the CTI-CFF is primarily a collaboration between the CT6, CTI-CFF partners were very heavily involved in the development of the plan and process, Examples of this are: <ul style="list-style-type: none"> - CTSP grant that financed the three NGOs to help establish the infrastructure of the CTI-CFF - the RPOA was drafted by the NGO technical experts and then agreed with CT6 - several NGO and donor partners supported (financially and resourcing) the interim Regional Secretariat in its coordination duties The general public were not involved in the planning process, but this is to be expected, given the nature of the Initiative.
d) To what extent were barriers to cross-border collaboration resolved?	Cross-border collaboration remains a major challenge	Some significant barriers to cross-border collaboration have been resolved but others persist	The major barriers to cross-border collaboration have been resolved but minor difficulties remain	All significant barriers to cross-border collaboration have been resolved	The extensive infrastructure for collaboration between the CT6 in the CTI-CFF enables regular and constructive dialogue. Despite very significant cross-border conflicts and issues between some of the countries, the agreement and ratification of the multilateral CTI-CFF treaty is testament to how such conflicts have been put aside, if not totally resolved. There is still evidence of such cross-border tensions in the implementation of the CTI-CFF, as national activities are disrupted or more local transboundary activities are challenging. However, it is felt by

Assessment Question	0	1	2	3	Justification
					interviewees that the CTI-CFF provides the necessary channels of communication to resolve these in an appropriate way.
e) <i>To what extent are there significant differences in the type and quality of information available for the country (state) zones?</i>	<i>There are major differences in the quality and scope of information for the different country (state) zones</i>	<i>Significant differences in the quality of information on the different country zones are limited to a few topics</i>	<i>While there are differences in the scope and quality of information this is not seen as a major constraint on the formulation of this MSP</i>	<i>The quality and scope of information for each country (state) zone is similar</i>	The difference in data quality between the CT6 was recognised early on in the collaboration, given the very great diversity in cultures and approaches. Where data sharing principles and common indicators were being established, considerable time, effort and capacity building was built into the process to allow for these differences, and the resulting CT Atlas is evidence that this has been worthwhile in order to develop a commonly accepted way of measuring and communicating progress

3.6. Features of the implementation phase

3.6.1. Monitoring progress

The CTI-CFF has defined a set of indicators⁴ for each of the goals of the RPOA, and an additional three higher level outcomes. A Monitoring and Evaluation (M&E) Working Group has been set up under the CTI-CFF to provide guidance and help the CT6 to implement a comprehensive monitoring and evaluation system. The development of the M&E system was funded by the Coral Triangle Support Programme through the establishment of a specific governance working group comprised of CT6 and partner experts. The M&E system measures against baselines for each goal and outcome, and for some indicators, additional benchmarks have been developed in order to track results on a shorter time scale.

3.6.2. Good practices from the CTI-CFF

Good practices advocated by the CTI-CFF are:

- Coral Triangle MPA System (CTMPAS) Framework and Action plan which is encouraging improved MPA management amongst the CT6.
- EAFM Guidelines have been adopted across the CTI-CFF and are in various stages of implementation through national agencies.
- Refinement of how Seascapes are developed and applied in relation to EAFM, MPAs and other aspects of marine and coastal management.
- More acceptance of integrated and "EBM" approaches to management.

3.6.3. Ecosystem Approach to fisheries management

The particularly transboundary nature of the main issues facing the CTI-CFF, namely overfishing of shared stocks, illegal cross-border fishing activity, trans-shipment of commercial scale fishing operations, fishing overcapacity and by-catch of protected species, has meant that the Ecosystem Approach to Fisheries Management (EAFM) is considered to be the most appropriate tool.

Targets set in the CTI-CFF RPOA to achieve EAFM are:

Strong legislative policy and regulatory frameworks in place for achieving an EAFM (by 2012)

- Establish a sustainable coastal fisheries and poverty reduction initiative (by 2020)
- Establish measures to help ensure sustainable management of shared tuna stocks (by 2020)
- Achieve more effective management and sustainable trade in live-reef fish and reef-based ornamentals (by 2020).

Since the adoption of the CTI-CFF RPOA, progress on all of the targets within the EAFM goal has been slow for various reasons. Interviews suggested that the EAFM concept was unfamiliar to resource managers in the 6 CT countries, and therefore it took some time to gain solid support for the goal. In addition, some of the targets within the goal were contentious amongst the CTI-CFF partners as similar work was already undertaken by the Regional Fisheries Management Organisations, in particular the management of tuna stocks, although there was no realisation of local level food security benefits from the RFMOs. As a result, work on the tuna target within the EAFM goal was not initiated at all. Development of a comprehensive monitoring and evaluation plan for the CTI-CFF had limited success for the EAFM goal, as the large number of targets and regional actions within them meant that it was very difficult to gather the necessary expertise required to identify appropriate fisheries indicators. Nevertheless, the inclusion of the

⁴ <http://ctatlas.reefbase.org/monitoring.aspx>

EAFM goal within the CTI-CFF RPOA has resulted in significant capacity building activities and knowledge exchanges between the CT6 to help raise awareness and improve knowledge of the concept. Consequently, interviewees noted that M&E indicators revealed that a general understanding of EAFM has increased across the CT6 and in Philippines there was increased awareness of how the other CT6 countries were establishing EAFM processes.

To make greater progress on EAFM, the Philippines initiated a detailed exercise in collaboration with ADB to cost out the activities involved in delivering the EAFM goal nationally. This exercise has been successful in identifying the gap between current government spending and the funds necessary for delivery. However, several interviewees (government and development partners) felt that within the CTI-CFF EAFM goal there was insufficient focus on improving livelihoods, particularly since local communities urgently needed capacity building, education, funds and logistical support to help improve their opportunities for existing or alternative livelihoods. While NGOs were providing some of these needs, government staff considered there to be few NGOs with sufficient fisheries management experience to adequately fill the capacity gap.

Assessment Question	0	1	2	3	Justification
Impacts on the behaviour of institutions					
a) <i>To what extent are implementing institutions collaborating effectively to implement the MSP process?</i>	<i>There is some MSP collaboration but this is no more than the methods employed by institutions before MSP initiation</i>	<i>More integrated forms of MSP planning and decision making are apparent but there are still some conflicts or inefficiencies</i>	<i>MSP collaboration and integrated planning between institutions are generally good but issues arise from time to time</i>	<i>There is effective cross-border collaboration between implementing institutions to ensure that management is integrated throughout the MSP area</i>	At the highest level of the CTI-CFF this is working well, but there are a few examples of conflicts and inefficiencies: <ul style="list-style-type: none"> - The Malaysian mainland/Sabah province conflicts led to the non-renewal of the tri-national MoU for the Sulu-Sulawesi Seascape - Conflict between Malaysia and Philippines has resulted in lower collaboration over the transboundary Turtle Islands Heritage Protected Area management.
b) <i>To what extent are MSP policies, procedures and regulations being enforced?</i>	<i>Enforcement is weak and non-compliance with rules is widespread</i>	<i>Enforcement is uneven; some rules are enforced more effectively than others and enforcement targets some groups more than others</i>	<i>Enforcement is generally effective but there are notable exceptions</i>	<i>Enforcement is effective and compliance is high throughout the MSP area</i>	Enforcement is a considerable challenge in the CT region, but the problem is very unevenly spread between countries. The Pacific Island countries have very small numbers of patrol boats, and struggle to maintain a strong presence to counteract infringement. Combatting IUU from non-CT6 countries has demonstrated progress, but IUU from within the CT6 is still an issue.
c) <i>To what extent is the MSP's legal framework, and other laws and regulations that apply within the MSP area (including international law), contributing to achieving the goals of this MSP?</i>	<i>The existing legal framework has had a largely detrimental effect, and constrained progress towards the MSP goals in important ways.</i>	<i>The legal framework has enabled some progress towards the goals of the MSP, but important gaps remain to be addressed.</i>	<i>The legal framework has constrained some achievements of the MSP, but is has supported important developments towards its goals.</i>	<i>The legal framework has been a key contributing factor for the success of this MSP. Outstanding gaps are being addressed.</i>	Establishing the exact mechanism for CT6 collaboration proved to be challenging, but it appears that the resulting decision is fully supported by the countries (i.e. a multi-lateral agreement to contribute to the Regional Secretariat infrastructure, but otherwise voluntary agreement to deliver the goals and targets). The legal framework that takes actions forward remains that of the individual countries, and there have been some challenges in aligning the RPOA goals with the existing legal frameworks (e.g. Seascape term to have a different implication in Philippines legal framework).
d) <i>To what extent are the MSP regulations and management measures consistent across the border and do they enable coordinated cross-border/multi-national implementation</i>	<i>MSP regulations and management measures are inconsistent across the borders and this presents considerable</i>	<i>Some efforts have been made to standardize cross-border regulations and management measures for some sectors</i>	<i>Efforts have been made to standardize regulations and management measures across all sectors involved, but</i>	<i>Regulations and management measures are consistent throughout the MSP area and implementation is well coordinated</i>	With the understanding that the CTI-CFF currently only deals with the fisheries and environment sectors, there have been considerable efforts within the CTI-CFF framework to establish agreed measures of progress and a shared understanding of how to achieve them, which has cascaded down to management measures in the transboundary MPAs and seascapes. However, there are still inconsistencies between the way that local governments implement these measures, and this has caused local tensions between

Assessment Question	0	1	2	3	Justification
<i>of the plan?</i>	<i>challenges to implementing the plan</i>	<i>but not all</i>	<i>there are still inconsistencies between their implementation across borders</i>		authorities.
e) <i>To what extent has having a monitoring programme/M&E framework across borders affected MSP cooperation?</i>	<i>The monitoring/M&E framework (or lack thereof) has not facilitated or has actively challenged the implementation of the cross-border MSP plan</i>	<i>The monitoring /M&E has caused some major issues; some of which have been overcome and others which still need addressing.</i>	<i>In parts, the monitoring/M&E has been a successful means of establishing cooperative and cross border MSP</i>	<i>The monitoring/M&E has been well established and is a notable area of success in terms of cross-border MSP.</i>	Having a regional M&E system was mandated by the CTI-CFF RPOA and an M&E working group was established early on in the process, with all CT6 and partners represented. Differences in data and technical capacity were considerable, but these were addressed in long series of workshops as well as the appointment of specific focal personnel who visited each country to work on strengthening their M&E and providing the necessary data. The resulting M&E framework and the development of the CT Atlas portal for illustrating M&E have been highlighted as one of the most successful areas of knowledge sharing and thematic capacity building within the CTI-CFF framework.
f) <i>To what extent is the MSP process practicing adaptive management by using monitoring results to shape future management decisions?</i>	<i>No systematic monitoring is in place and there is little or no visible adjustment of management practices</i>	<i>Indicator results are used to adjust management practices in either social, economic or environmental ways but not in more than one</i>	<i>Adaptive management is practiced and has produced some significant adjustments to the MSP process</i>	<i>Adaptive management is widely practiced and good practices are shared across borders</i>	The CTI-CFF infrastructure – particularly the M&E working group, but also the regular working groups – provides plenty of scope for understanding and discussing the indicators for progress. Good practices are explicitly shared through the Regional Exchanges but also through lessons learned projects and documents (e.g. USAID funded ‘Learning Project’, GEF IW Learn portal)
g) <i>To what extent is support within the political structure at the national level being maintained?</i>	<i>Political support at national levels is weak</i>	<i>Political leaders recognize the MSP process but public statements supporting the process are rare</i>	<i>Political support is strong, well-informed and frequently expressed but this is not consistent across borders</i>	<i>There is clear political support for the MSP plan across the borders</i>	All CT6 support the CTI-CFF and demonstrate such support at the Council of Ministers and Council of Senior Officials. At initiation, there was very strong support from all 6 Heads of State, but they have all subsequently been replaced, so support at highest levels may not be as strong as it was, although this is recognised.
h) <i>To what extent is there integrated management of sectors within the country zones of the MSP?</i>	<i>The management of sectors occurs in silos with little or no consideration of interactions and</i>	<i>There are some examples where management strategies are linked between sectors but overall</i>	<i>There is integration between the management strategies of most sectors, and work is</i>	<i>Sectoral management strategies are integrated across all sectors in the country zones</i>	Very different between the CT6, and completely dependent upon the national policies and legislations.

Assessment Question	0	1	2	3	Justification
	<i>interdependencies</i>	<i>management is done mostly sector by sector</i>	<i>underway for integrating the outstanding sectors</i>		
i) <i>To what extent is there evidence of implementation/management coordination between land and sea?</i>	<i>There is no coordination between the MSP and terrestrial coastal planning;</i>	<i>There is some coordination between terrestrial and marine planning but major issues remain unresolved</i>	<i>There are many examples of coordination between terrestrial and marine planning;</i>	<i>There is coordinated and adaptive management of the land-sea linkage and all land-based sources of threat/damage have been successfully addressed</i>	This is very different between the CT6. Some country policies are well advanced in managing the coastal zone and therefore tackling land-sea coordination, others far less so. Overall, there is little evidence of the coordination between land and sea.
Impacts upon financial investments					
a) <i>To what extent are necessary investments in infrastructure being made?</i>	<i>Infrastructure investments are minimal and necessary infrastructure is missing or inadequate</i>	<i>Infrastructure investments have begun but are not consistent across borders</i>	<i>Infrastructure required by the MSP process is in place but maintenance is poor; there is uneven distribution of investment across borders</i>	<i>Infrastructure required by the MSP process is in place and well maintained throughout the MSP area</i>	Again, very different across borders. Some of the Southeast Asian countries have started to invest in infrastructure, but according to ADB these investments are not linked to the goals and targets of the CTI-CFF.
b) <i>To what extent is the funding of this MSP sustainable over the long term?</i>	<i>The sustainability of funding is a major unresolved issue</i>	<i>Funding for the short term is adequate but long-term funding mechanisms are not in place</i>	<i>Some long-term funding mechanisms are in place but their outcomes or sustainability are uncertain;</i>	<i>Short term and long-term sustainable funding mechanisms are in place and secure throughout the MSP area</i>	Having ratified the CTI-CFF agreement, the CT6 are required to provide regular annual contributions to the Regional Secretariat infrastructure. So long as NGO partner programmes of work align well with the goals and targets of the RPOA then NGO funding is likely to remain strong, but donor partners who fund more strategically are expressing some concern that funding in the long term must be linked to greater progress.
c) <i>To what extent is cross-border collaboration on MSP factored into the budget or funding mechanisms?</i>	<i>Cross-border collaboration only minimally factored in to budget or funding</i>	<i>Cross-border collaboration has been considered in the budget but funds are</i>	<i>Funds have been allocated to cross-border collaboration but not consistently</i>	<i>All collaborating countries/states have allocated sufficient and funds for collaboration</i>	Ratification of the CTI-CFF treaty binds all CT countries to allocating funds to support the Regional Secretariat and its coordination functions. However, the collaboration infrastructure of the CTI-CFF is considerable (i.e. technical and thematic working groups, COM & SOM meetings) so maintaining sufficient funds for these is one source of

Assessment Question	0	1	2	3	Justification
	<i>mechanisms</i>	<i>insufficient</i>	<i>across the borders</i>	<i>across borders</i>	concern. However, ADB are developing options for the CTI-CFF financial architecture that will support the funding of these elements.
Impacts on the behaviour of user groups and businesses					
a) <i>To what extent are the good practices called for by the MSP process being adopted by target groups?</i>	<i>Good practices advocated by the MSP have not been adopted by target groups</i>	<i>There are a few instances where MSP good practices have been adopted but most are not operational</i>	<i>Some good practices are consistently practiced, but others are not</i>	<i>All MSP process good practices are being applied by target groups</i>	Good practices such as the development of a CTMPAS are widely supported across the CT6, and the fact that national MPAs are being selected for incorporation into the CTMPAS is a sign that MPA management is improving. Interviewees noted that knowledge of EAFM is much broader now than at the start of the CTI-CFF, and EAFM guidance appears to be being adopted across the region. Although the M&E framework has been successfully implemented for some of the RPOA goals, others still have no M&E framework.
b) <i>To what extent are destructive forms of resource use being reduced?</i>	<i>Several destructive resource uses of concern to the MSP process continue unabated</i>	<i>Resource users are aware of destructive practices but efforts to change behaviour are mixed</i>	<i>With some important exceptions, user groups have ceased destructive practices of concern</i>	<i>Destructive resource use practices have been eliminated</i>	IUU and poaching are still major challenges that the CTI-CFF has to address
c) <i>To what extent are conflicts among user groups being reduced?</i>	<i>User conflicts are widespread and have not been reduced</i>	<i>Number and severity of user conflicts appears to be declining</i>	<i>Decline in important user conflicts has been documented</i>	<i>Major use conflicts have been resolved</i>	Grade unknown

4. OUTCOMES AND LESSONS LEARNED

4.1. Barriers to cross-border MSP collaboration

The main barriers are:

- **Cultural differences** – although there are some commonalities, the CT6 have different cultures, traditions, development trajectories, languages, customs, economies, populations and governance frameworks, which presents significant challenges to establishing collective management systems. The cultural and political divide is primarily between the Pacific Island nations (Solomons and PNG) and the Southeast Asian countries. While the Southeast Asian nations are members of other international associations, e.g. ASEAN, the Pacific countries have never really cooperated formally with those of Southeast Asia.
- **Weak governance** – the Coral Triangle region is politically unstable, has high rates of poverty and weak governance (as measured by indicators such as corruption levels, regulatory success). These characteristics mean that the region has priority issues to tackle, which can challenge the success of regional initiatives to collaborate.

4.2. Lessons learned from the CTI-CFF

4.2.1. Lessons learned regarding cross-border collaboration in marine planning

- **A common understanding of goals between stakeholders is critical** – Since the three large NGO development partners made sure their respective areas of work were included within the CTI-CFF Regional Plan of Action, this led to the insertion of goals that were not always well understood by the CT6 governments (e.g. Ecosystem Approach to Fisheries Management; Seascapes), which in some cases, resulted in disagreements on terms and how to proceed. Therefore, progress has been slow towards several goals, to the disappointment of some of the CTI-CFF donor agencies interviewed, who were expecting to see value for their own specific investment goals. By contrast, the MPA goal within the RPOA had very strong support from all CT6 as the concept was well understood and agreement was easy to reach. As a result, huge progress has been made in terms of collaboration towards a common objective, agreed progress metrics, and delivery of noticeable change on the ground. To avoid the costly and disappointingly slow progress in delivering the CTI-CFF RPOA goals caused by confusion and disagreement on terms used and appropriate activities adopted, it is important to ensure that shared goals have the necessary support across all stakeholders right at the start in order to overcome delays to activity.
- **The creation of a strong transboundary identity brings multiple benefits to the initiative** – many interviewees noted how the creation of the CTI-CFF had produced a strong identity for the CT6 and partners, which had produced multiple benefits: primarily, the establishment of the CTI-CFF had brought in very significant funds which would not have been directed in the same way without the collaborative, transboundary and region-wide focus; and secondarily, this identity had raised the profile of CTI-CFF issues (especially exceptional coral reef biodiversity) up to an international level, and given the CT6 a stronger presence in negotiations at international forums. Several respondents also noted how the establishment of a strong transboundary and collaborative framework was an attractive target for organisational efforts beyond the partnership itself (e.g. UNDP and GIZ aren't partners but have both funded and supported initiatives within the region that are consistent with the CTI-CFF goals). For any multi-entity MSP initiative, any sense of being part of a collective rather than appearing to be simply a group of entities collaborating, helps to strengthen collaboration between partners, and can also draw positive awareness and financial support.

- **Need to ensure there is a strong coordinating body** – In a partnership like the CTI-CFF, where all partners have their own programmes of work within the wider Regional Plan of Action, there is a risk that the regional and collaborative focus is lost, and the initiative is only the sum of its parts. All categories of interviewees emphasised that the role of the Regional Secretariat is absolutely critical to the effective functioning of the CTI-CFF, specifically in ensuring that regional progress is made towards the overarching goals, that partners are actively and willingly moving in the same direction towards those goals, and that the overall aims and successes of the initiative are being communicated widely and well in the appropriate forums to ensure that the CTI-CFF remains an attractive funding investment.
 - **Coordinating body role, establishment and functioning must be well understood and supported by all partners** – Establishment of the CTI-CFF Regional Secretariat was seen by several interviewees as having become politically influenced in a way that negatively impacted upon the Secretariat’s ability to do its job effectively. This seemed to have resulted in somewhat reduced collaborative spirit from several of the partners, though this appears to have lessened with time as the Secretariat has exerted its presence across the region without undue influence from any one country.
 - **Coordinating body needs to be given the ability to coordinate effectively** – The functioning of the newly established CTI-CFF Regional Secretariat is funded by the contributions of the CT6. At the outset of the CTI-CFF, it was not intended that all or even many donor funds for country based projects would be channelled directly through the Regional Secretariat and thus balance in how funding will be channelled in the future is still being sought. Donor partners (ADB, Australian Government, USAID, and the GEF) are reticent or sometimes unable (due to their eligibility rules) to channel funds supporting the CTI-CFF goals through the Regional Secretariat, but choose instead to direct funds bilaterally to partners for their programmes of work. This is a common approach in donor agencies, and the Regional Secretariat was conceived as a coordinating and unifying body but not a central authority for funding or general decision making. However, where there is not complete alignment between the goals of the CTI-CFF and the goals of the partners, how funding is channelled may be a potential challenge for the Regional Secretariat, being the body responsible for ensuring that the CTI-CFF goals are being met.
- **Cross-border collaboration doesn’t threaten the autonomy of the collaborators** – Both government and NGO interviewees highlighted how important it was for each of the CT6 to have autonomy within the CTI-CFF. Rather than impose strict standardisation, the CTI-CFF simply provides the mechanism for the CT6 and all partners to come together to agree on priorities, minimum standards, methodologies and progress metrics. National Coordination Committees (NCCs), usually with representatives from all partner organisations, are then in place to operationalise the agreed actions within each country. As a result, transboundary MPAs and Seascapes within the CTI-CFF area (e.g. SSME; TIHPA) are managed under the national jurisdictions of the countries involved, and the CTI-CFF provides the overarching mechanism to ensure that these potentially different approaches still deliver a satisfactory transboundary outcome.
- **Transboundary collaboration can be encouraged by providing meaningful incentives** – One of the five CTI-CFF goals is to establish and effectively manage MPAs within the Coral Triangle, which has successfully resulted in a large number of MPAs being established in each country. This success was in part the result of the CTI-CFF endorsement of the CTI-CFF MPA System (CTMPAS) with its ultimate goal of producing a region-wide complex of effective and ecologically linked MPAs and MPA networks that enhance fisheries and are resilient to climate change. By having an agreed mechanism for categorising MPAs across the CT6, and nominating MPAs from each category into the CTMPAS according to agreed criteria and standards, the CTMPAS has provided strong

incentives for each country to improve management of MPAs and create stronger ecological coherence within national MPA networks.

- **Sufficient funds should be dedicated specifically to facilitating collaborative working** – The Coral Triangle Support Partnership (CTSP) facilitated the attendance of country officials at CTI-CFF meetings prior to agreement on CT6 financial contributions and also required equal and collaborative working between the three NGOs (CI, TNC and WWF) to ensure that overlaps or conflicts in programmes of work or geographic areas were ironed out early on. While some interviewees felt that greater progress should be visible at ground level for such a sizeable grant, a larger proportion of interviewees felt that the greatest success of the CTI-CFF was the strong collaborative working between the CT6 and partners, despite the significant differences between them. This success was either directly or indirectly attributed to the enabling conditions provided by the USAID grant, highlighting that although establishing the infrastructure to support highly effective collaboration is usually very costly and time-consuming, it is also extremely important to the delivery of end results. Collaborative working mechanisms build strong partnerships and interpersonal working relationships, as well as the trust and mutual respect that is essential for joint decision making.
- **Cross-border processes need a transboundary business model** – because donor funding programmes have specific objectives, the CTI-CFF goals are not all equally well funded. In addition, funds may not be as streamlined as they could be, and renewal of funds is not guaranteed for the CTI-CFF as a whole. As a result, several interviewees felt that sustainable funding was the major challenge facing the future of the CTI-CFF while recognizing that the CTI-CFF body and RPOA provide overall guidance for how donor funds should be allocated. To overcome this issue, the ADB has been strengthening the financial acumen of the CT6 and working on the development of options for strengthened financial architecture for the CTI-CFF, which could involve the creation of a business development unit and project preparation facility to build the financial capacity of the CT6, as well as potentially establishing a region-wide sustainable funding mechanism such as a trust fund. By standardising accounts and agreeing average unit costs for CTI-CFF-related activities or outputs across the CT6 (for example, one hectare of MPA managed, a Senior Officials Meeting, or a Regional Exchange workshop), business plans and proposals can be developed by the CT6 to broaden the range of funding sources supporting the CTI-CFF. As sustainable presents a major challenge for sustainable funding, cross-border processes would benefit from a programme-wide funding strategy and dedicated resources to implement the core funds that underpin the initiative as a whole. CTI-CFF is now dedicating time and effort to addressing this issue.
- **Transboundary collaboration can be strengthened through mutual capacity building** – nearly all respondents commented upon the very high levels of capacity building that were necessary to enable the CT6 to coordinate effectively, particularly since the CT6 represented extremely different population sizes, cultures, religions, and collaborative approaches. Although specific capacity building training programmes feature strongly in the framework of the CTI-CFF, interviewees frequently highlighted examples of the experience-sharing form of capacity building as contributing strongly to successful collaboration.
 - **Establish country partnerships to level the playing field** – In the functioning of the CTI-CFF collaborations, careful partnership pairs were established between Coral Triangle countries, such that the organisation and hosting of meetings or chairing of working groups would always be the responsibility of one higher- and one lower-capacity country together. In practice, this would result in the higher capacity country shouldering the greater financial and organisational burden for the task, but would enable the sharing and strengthening of specific collaborative working practices.
 - **Support permanent knowledge sharing infrastructure** – In addition to the regular CTI-CFF meetings, a series of Regional Exchanges have been a

fundamental part of explicitly sharing ideas and knowledge around specific themes, such as MPAs and sustainable marine tourism. These form opportunities for the CTI-CFF countries and partners to share their respective approaches, but also to invite key stakeholders, such as finance or tourism ministers or the private sector, thus raising awareness across a broader audience.

4.2.2. General lessons from the CTI-CFF

- **MSP must offer an attractive investment proposition** – heavy reliance upon donor grants makes it difficult to shift towards sustainable financing. Up to now the CTI-CFF has relied heavily on donor grants to sustain itself and several interviewees felt that sustainable financing would be a challenge. Since the goals of the CTI-CFF are very strongly conservation focused, one donor agency described the Initiative as representing ‘sunk costs’ (i.e. grant funds required to fund conservation, rather than loans to set up sustainable financing from infrastructure development) and was disappointed that it had not yet reached the point where it was considered to be a source of benefits that should be invested in by users. CTI-CFF is not yet at a point where funding is sustainable, as although ongoing government contributions are agreed, revenue from resource use does not outweigh donor investments. From the interview respondents, there was a feeling that although CTI-CFF has not yet meaningfully engaged with stakeholders beyond the environment and fisheries sectors, it has the mechanism to do so, and has already begun by reaching out to the tourism sector through invitation of tourism officials and representatives to the tourism-focused Regional Exchange. In order to enhance the financial sustainability of any MSP initiative, it is essential that stakeholders see it as an investment that will bring benefits to their sector. Investment from stakeholders, especially industry and private sector stakeholders, is then likely to encourage further investment down the line, enabling the necessary move away from donor funding.
- **Build capacity to strengthen political will** – as noted previously, the overarching success of the CTI-CFF cited by most interviewees is the presence of strong political will from the CT6 to collaborate. The NGOs in particular put considerable effort into cultivating political will at the highest levels within each of the CT6. Although the leaders officially launched the CTI-CFF in 2009, these efforts predated this milestone, as demonstrated through Leaders’ Declaration at APEC in Sydney, 2007. This celebration of government support is due to the challenges faced in establishing the necessary political will at the highest levels, the difficulty in maintaining continuity within government representatives, and the problems of gaining support from local and district government individuals.
 - **Build a politically confident coordination team** – In the inception phase of the CTI-CFF, when some of the CT6 were showing reluctance to ratify the agreement to establish the Regional Plan of Action, one donor partner interviewee felt that although coordination staff were highly technically competent, the uneven levels of experience in engaging with CT6 decision makers, senior officials, and critically, Heads of State delayed progress considerably.
 - **Build in regular training for government officials** – unlike technical staff or research scientists, government ministers move on regularly, and with six country governments involved, several respondents commented on how progress was slowed considerably by the regular appointment of new ministers to the CTI-CFF, who were unfamiliar with the details. Since the effectiveness of the CTI-CFF is strongly linked to government commitment, having well-informed ministers who have built up good relationships with their counterparts from the CT6 is critical, and therefore investing in tailored training for local government technical staff is a strong component of the overall capacity building provided by CTI-CFF partners (e.g. Coral Triangle Center).

- **Ensure that all levels of government are engaged** – the role of sub-national government has been identified as fundamental to the delivery of CTI-CFF outputs on the ground, particularly in areas where there are existing cross-border issues. In the transboundary Turtle Islands Heritage Protected Area shared between Malaysia and Philippines, for example, poaching of turtle eggs is being attributed to weak enforcement by local government on one side of the shared border, leading to heightened tensions between the two countries' wildlife authorities. To counteract this kind of issue, the CTI-CFF, through the USAID Coral Triangle Support Partnership, engaged local government officials at key sites and enhanced their capacity to establish and manage MPAs.
- **A strong M&E system is essential for demonstrating progress and can build capacity** – the heavy reliance of the CTI-CFF on donor funds makes demonstrating progress a high priority. A Monitoring and Evaluation (M&E) framework to measure CTI-CFF goals was called for in the Regional Plan of Action and the development of the system was funded by the USAID CTSP through the establishment of a specific M&E committee comprised of CT6 and partner experts. The process of developing the M&E system was another mechanism to support collaborative working between the CT6, and proved to be one of the strongest areas of sharing knowledge. Despite slow progress in two of the five CTI-CFF goals, the M&E system has been considered as a successful part of the CTI-CFF by a number of respondents due to the great progress made in developing standardised indicators across the CT6, in spite of considerable challenges over data sharing and the development of an M&E database and portal (called the CT Atlas). However, a number of M&E issues still remain for the CTI-CFF, which highlight some key lessons:
 - **Consider the M&E implications when establishing goals** – two of the five CTI-CFF goals do not have indicators or a functioning M&E framework. For one of the goals, the main reason is because the goal has been split into numerous targets, making it difficult to have the necessary expertise present in discussions and therefore making it hard to reach decisions. For the donor partners who strategically fund these goals, there is concern that progress cannot be sufficiently demonstrated.
 - **Ensure the M&E database is sustainable in the long-term** – The CT Atlas has been described as a successful way to highlight progress, but also to provide the CT6 with a strong sense of identity and achievement. At the point of its development, it was managed by an external organisation who had the existing capacity, but when funding terminated, no capacity had been built within CTI-CFF to take it on.
 - **Ensure that the intangible achievements are measured** – a number of interviewees mentioned the intangible achievements as the greatest successes of the CTI-CFF. The sense of community, sense of identity, and greater weight in negotiations in international/regional forums or with industry bodies are all valuable indicators of successful transboundary collaboration, which should be measured alongside indicators of process and outcome.
 - **Establishing a collaborative M&E system should offer flexibility** – As noted previously, the CTI-CFF facilitates transboundary collaboration while supporting the autonomy and independence of the CT6. This is also evident within the M&E system, whereby all countries have agreed to adopt MPA management effectiveness tools, but countries have adopted different tools depending upon which are most appropriate for the national approach already in existence. The CTI-CFF infrastructure then provides the mechanism whereby the MPA management effectiveness can be meaningfully compared across countries.
- **The scientific evidence base must provide incentives for all stakeholders** – the premise of the CTI-CFF was based upon the strong evidence for the transboundary

nature of valuable marine ecosystem goods and services, as well as the threats to those goods and services, and the resulting need for shared management systems.

- **Make that science/evidence base accessible to the policy makers** – considerable CTI-CFF funds have been spent in translating the sometimes complex science of transboundary ecological interrelationships into a simple message and management guidance for policy makers. While scientific papers have been published based on the rigorous science, these papers have then been carefully converted into easy to read posters, presentations, guidebooks and fliers to appeal to multiple audiences, particularly the policy and decision makers, as well as at the community level.
- **Understand the different incentives that must be supported** – Within the CT6, the justification for participation in the CTI-CFF is very different. As one NGO partner described, the Government of Indonesia wants to be seen as a global player in conservation, whereas the Solomon Islands have a very strong culture of community-led conservation and want to ensure sustainable food security for their local communities. Multiple countries may be particularly interested in accessing the economic benefits that come from a sustainable tuna fishery. Although all CT6 have different incentives for membership of the agreement, the science base has been strong enough to convince all of them to ratify.
- **Be strategic about selecting government leads** – in the preparation phase of the CTI-CFF where government support was being gathered, Ministries from each of the CT6 were approached to take the initiative forward. However, according to one donor agency interviewee involved at the time, the selection of which Ministries were approached to be the thematic home of the CTI-CFF was based upon existing relationships with partners, rather than as a result of a strategic planning exercise, which in some countries created tensions between Ministries. Because of traditional rivalries between natural resource agencies (e.g. fisheries and environment) in almost all of the CT6, some specific Ministries that were not leading chose to disengage somewhat with the Initiative, thus reducing the opportunity for the CTI-CFF to benefit from their financial, political and technical support. As the interviewee noted, the repercussions of such decisions were then felt for the next 5 years, and noticeably impacted the outcomes. Had the process of engaging with government stakeholders followed a more strategic plan, subsequent progress might have been improved.
- **Collaboration between NGOs and between NGOs and government has been very productive** - The CTI-CFF provided an important platform for collaboration between NGOs (TNC, CI, and WWF) which had historically had a somewhat competitive relationship in the Coral Triangle region. While their engagement at the provincial scale had always been strong, the CTI-CFF also provided an opportunity for dialogue and more deliberate alignment of the objectives of these organisations and the CT6 governments at the national level.
- **Environmental collaboration can act as a tool for political diplomacy** – in a region where cross-border geopolitical conflicts are common, CTI-CFF provides an opportunity for 'triple-track diplomacy', involving 1) government to government talks; 2) people to people talks; 3) development of intergovernmental environmental partnerships that enable successful collaboration on non-political issues in order to facilitate subsequent political negotiations. Intergovernmental relationships are then strengthened beyond the environmental issues at hand.

Assessment Questions	0	1	2	3	Justification
a) To what extent has this MSP fulfilled its stated goals?	No goals have been achieved	Progress has been made towards some goals but not others	Most goals have been achieved	All goals have been achieved	MPA and EAFM goals have made considerable progress, but the Seascapes, Climate change and Threatened Species goals are slower to get agreed activities, become operationalised and have M&E indicators
Impacts of this MSP on social and environmental conditions					
b) To what extent are cumulative impacts (across time and space) being successfully managed?	Cumulative impacts are not considered by this MSP	Cumulative impacts are assessed and managed within some individual sectors but not for the MSP as a whole	There are mechanisms for evaluating cumulative impacts between sectors over time but there are significant gaps in the scope of such assessments	All countries/states have effective mechanisms for managing cumulative impacts across sectors and over time	Cumulative impacts are not explicitly addressed in the RPOA and no interviewees made any mention of cumulative impacts.
c) To what extent has this MSP had an impact on the sustainability of social and economic conditions?	There has been no discernible impact on the sustainability of social and economic conditions attributable to this MSP	Some sectors report improvements to the sustainability of socio-economic conditions that are attributable to the MSP	Significant advances towards sustainable and socio-economic conditions have been made in some sectors but not others.	Significant advances towards socio-economic sustainability have been made across this MSP	A comprehensive study done following the CTSP funding (Christie <i>et al.</i> 2016) demonstrated that although food security was one of the main goals of the CTI-CFF, there was no difference between project sites and control sites in terms of any perceived improvement to social and economic conditions but this was considered due to the extremely high levels of food insecurity and insufficient fish for income in the region, which would make it very challenging for the CTI-CFF to improve food security issues. The study did show that significant capacity had been built within the CTI-CFF. In addition, governance had been demonstrably improved.
d) To what extent are the flows of ecosystem goods and services being sustained within this MSP?	There has been no change to the provision of ecosystem services attributable to this MSP	Provision of a few ecosystem services has reportedly improved, but others have not changed or declined	An improvement in the provision of ecosystem services has been attributed to this MSP/the contributions made by the MSP are not clear	A diverse range of ecosystem services is being improved or maintained across this MSP	Unclear – Studies (e.g. White <i>et al.</i> 2014) suggest that considerable progress has been made in terms of MPA network establishment in the Coral Triangle region and the improvement in the effective management of such MPAs, which should support the sustainability of both biodiversity and ecosystem goods and services, although these indicators are not explicitly identified.
e) To what extent is this MSP having an impact	There has been no	Some threats to biodiversity have	Some significant advances	Biodiversity has significantly	

Assessment Questions	0	1	2	3	Justification
<i>on biodiversity?</i>	<i>change to the biodiversity in the MSP area attributable to this MSP</i>	<i>been reduced but progress attributable to the MSP are very limited</i>	<i>attributable to the MSP have been made but other important threats are unchanged or worse.</i>	<i>increased across taxonomic groups and habitats throughout the MSP area</i>	
Cross-border collaboration					
<i>f) To what extent is there consistent and equitable use of marine space across-borders?</i>	<i>Resource use and rights differ significantly across the borders;</i>	<i>Efforts have been made to ensure the MSP plan is consistent across borders, but in practice there are still some significant challenges</i>	<i>With a few key exceptions, resource use and rights are consistent across the borders</i>	<i>Resource use and rights are consistent across the borders</i>	The collaborative transboundary framework of the CTI-CFF, and the way it has learned from and strengthened the existing transboundary management initiatives (SS Seascape; Turtle Islands) has generally been successful in standardising the approach taken across borders with regard to use of marine space conflict. However, some conflicts between countries play out at the local government level and have affected the equitable nature of marine resource use in these transboundary spaces. For example, local government officials of one country reportedly ignored the MPA management laws in order to restore the traditional resource use rights of the community. This has caused significant tensions between the communities within the MPA, as it is considered to be a major driver of poaching activity.
<i>g) To what extent is there successful cross-border sharing of good practices within the MSP process?</i>	<i>Each national (state) zone has its own version of good practices and there is little cross border integration</i>	<i>In a few instances good practices applied in one zone have been adopted in other zones</i>	<i>Integration of good practices across zones is increasing and generating significant positive outcomes.</i>	<i>Good practices are regularly shared between sectors/across borders and there is evidence of transfers among national (state) zones</i>	Noting that target groups for the CTI-CFF are the CT6 – good practices are widely shared. Notwithstanding the CT6 desires to be autonomous in their operations, there have been several examples of good practices being applied (e.g. as a result of the technical working group discussions, Indonesia’s development and application of their MPA Management Effectiveness tool was adopted and strengthened by Malaysia)

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ANNEX 1 – ANALYTICAL FRAMEWORK (ABRIDGED VERSION)

Facts of the matter	Analytical questions ('To what extent...')
1. Context for this MSP process	
<p><u>Social</u>: major activities, number of people (incl. spatial distr.), poverty <u>Economic</u>: Major goods and services, gross value of activities and resources <u>Environmental</u>: Environmental status, CC effect (current and future) <u>Governance</u>: Mgmt & regulatory systems, institutional setup (before & after)</p>	<ul style="list-style-type: none"> - have <u>different factors</u> constrained cross-border collaboration: <u>historical/political, socio-economic, environmental</u>? - was there <u>support for MSP</u> at govt. institutions, at initiation? - did marine users <u>conform to existing regulations</u>, at initiation? - have governance structures <u>facilitated cross-border collaboration</u> on relevant issues?
2. Drivers, issues and goals	
<p><u>Issues and drivers</u>: identification, changes and spatial distribution (incl. map) <u>Ecosystem services</u>: identification and spatial distribution (incl. map) <u>Goals</u>: identification, changes over time, time-bounded & quantitative <u>Process</u>: approach to identifying drivers, issues and goals</p>	<ul style="list-style-type: none"> - has <u>EBM been used</u> in the design of the MSP? - do goals address <u>social, economic and environmental outcomes</u>? - have <u>time-bounded & quantitative goals</u> enabled or constrained the MSP?
3. Overview of this MSP	
<p><u>Introduction</u>: description and map (incl. size) <u>Timing</u>: Start of the process, and time spent in each phase; transition from planning to formal adoption and implementation <u>Funding</u>: Sources , total and current annual funding, user-fees contribution <u>Legal basis</u> Mechanisms for <u>cross-border data exchange</u> <u>Leadership</u>: 'champions' and leadership changes over time</p>	<ul style="list-style-type: none"> - has <u>external funding</u> enabled this MSP? - have <u>cross-border issues</u> shaped the collaboration in this MSP? - are responsible institutions <u>working collaboratively</u> or independently?
4. Scope and design of this MSP	
<p><u>Institutions</u>: structure, resource mgmt. responsibilities, MSP authority <u>Land-sea</u>: linkages re. resource mgmt. measures <u>Adaptive mgmt.</u>: yes/no, how (pilot, neighbouring cases)</p>	<ul style="list-style-type: none"> - does the MSP have <u>the required authorities</u> for successful implementation? - does the MSP have the <u>human resources</u> necessary for implementation? - has there been <u>coordination of planning between land and sea</u>?
5. Collaboration and consultation in the MSP planning phase	
<p><u>Stakeholders</u>: identification (govt., non-govt.) <u>Process</u>: mechanism for consultation, participation & collaboration, communication plan <u>Cross-border</u>: mechanisms for cooperation, major barriers</p>	<ul style="list-style-type: none"> - were the different stakeholders involved in designing and shaping the MSP? - was the design and schedule made explicit to all stakeholders, in initial phase? - do affected user groups understand and support MSP goals and strategies? - are there significant differences in type and quality of information in the different country zones? - have stakeholders engaged in planning the cross-border process? - were barriers to cross-border collaboration resolved?

Facts of the matter	Analytical questions ('To what extent...')
6. Features of the MSP implementation phase	
<p><u>MSP institutions</u>: differences planned vs. actual</p> <p><u>Resource use</u>: Good practices advocated, changes (formal, informal) after implementation</p> <p><u>M&E</u>: environ./economic/social indicators and their use</p>	<ul style="list-style-type: none"> - are institutions collaborating effectively in implementation? - is political support for the MSP being maintained? - is the long-term funding sustainable? - is cross-border collaboration factored into budget/funding mechanisms? - are regulations & mgmt. measures consistent across border, and enable coordinated cross-border implementation? - is sector management integrated within the country zones? - are policies, procedures and regulations being enforced? - are the good practices being adopted by target user groups? - are destructive forms of resource use being reduced? - are conflicts between user groups being reduced? - is the MSP practicing adaptive mgmt. (based on monitoring results)? - has having a cross-border M&E framework affected cooperation? - is there (evidence of) management coordination between land and sea? - are necessary investments in infrastructure being made?
7. Application of MSP in the high seas	
<p><u>Key features</u>: Issues & drivers, proportion beyond natl. jurisdiction, seabed & water column</p> <p><u>Stakeholders</u>: 'third-country' stakeholders affected</p> <p><u>Institutions</u>: agreements necessary for MSP implementation, agreement with internatl. ABNJ law</p> <p><u>Resource use regime</u>: decision-making process, establishment & enforcement of mgmt. measures, coverage</p>	<ul style="list-style-type: none"> - are the mgmt. measures <u>consistent between parties</u>, and enable coordinated implementation? - are the main stakeholders and third-country <u>resource users adhering to the plan</u>?
8. Outcomes and lessons learned	
<p><u>Overall</u>:</p> <ul style="list-style-type: none"> - Major lessons of potential usefulness to other MSP initiatives? <p><u>Cross-border</u>:</p> <ul style="list-style-type: none"> - How have cross-border collaborations contributed to consistent and equitable resource use? - What have been the key barriers to cross-border collaboration? - What are the major lessons on cross-border collaboration emerging from this MSP? 	<ul style="list-style-type: none"> - has the MSP fulfilled its stated goals? - are cumulative impacts (across time & space) being successfully managed? - has the MSP impacted on the sustainability of social and economic conditions? - are the flows of ecosystem goods and services being sustained within the MSP? - is the MSP having an impact on biodiversity? - is there consistent and equitable use of marine space across borders? - is there successful cross-border sharing of good practices within the MSP process?

ANNEX 2 – LIST OF PARTICIPANTS AND INTERVIEW SCHEDULE

Date	Interview location	Time	Interviewee	Position	Relevance to the Case Study
07/11/16	SEA Office, Jakarta	9:00 – 10:00	Dr. Alan White	Chief of Party, SEA Project, Former TNC Scientist	The SEA Project supports the goals of the CTI-CFF within Indonesia, and is funded by the US Government, a Development Partner to the CTI-CFF
		10:00 – 11:00	Dr. Widi Pratikto	Executive Director, Regional Secretariat of the CTI-CFF	Head of the regional secretariat of the six-country CTI-CFF
		14:00 – 15:00	Judi Lowe	PhD Candidate	Researcher into dive tourism in the Coral Triangle; participant in/contributor to CTI-CFF fora including Regional Business Forum on sustainable tourism
		16:00 – 17:00	Dr Stacey Tighe	Biodiversity and MPA specialist, SEA project	Stacey has been a consultant (including to the Asian Development Bank) on projects supporting the CTI-CFF. The SEA Project supports the goals of the CTI-CFF within Indonesia, and is funded by the US Government, a Development Partner to the CTI-CFF.
08/11/16	SEA Office, Jakarta	13:00 – 14:00	Imran Amin	Deputy Marine Director, Indonesia Program, The Nature Conservancy	TNC is an NGO Development Partner to the CTI-CFF
09/11/16	Skype	10:00 – 11:00	Niquole Esters	Director, Coral Triangle Program, Conservation International	CI is an NGO Development Partner to the CTI-CFF
		15:30 – 16:00	Piers Dunstan	CSIRO – Commonwealth Scientific and Industrial Research Organisation	CSIRO is an Australian Federal Government statutory authority; the Australian Government is a Development Partner to the CTI-CFF
	SEA Office, Jakarta	16:00 – 17:00	Dr Alison Green	Senior Marine Scientist, The Nature Conservancy	TNC is an NGO Development Partner to the CTI-CFF
10/11/16	Mina Bahari II Building, Jakarta	10:00 – 11:00	Suseno Sukoyono	Chairman of NCC for Indonesia, Ministry of Marine Affairs and Fisheries, Government of Indonesia	Indonesia is one of the six member countries of the CTI-CFF
	SEA Office, Jakarta	15:30 – 16:00	Dr Stacey Tighe (continuation of first interview)	Biodiversity specialist, SEA Project	Stacey has been a consultant (including to the Asian Development Bank) on projects supporting the CTI-CFF. The SEA Project supports the goals of the CTI-CFF within Indonesia, and is funded by the US Government, a Development Partner to the CTI-CFF
	Phone	16:00 – 17:00	Nicole Coombe	Australian Government Department of the Environment and Energy – Pacific and Coral Triangle Section	The Australian Government is a Development Partner to the CTI-CFF
11/11/16	Skype	09:30 – 10:30	Jackie Thomas	Lead, Coral Triangle, WWF Pacific	WWF is an NGO Development Partner to the CTI-CFF
	SEA Office, Jakarta	12:00 – 15:00	Dr Alan White, Follow up discussion	Chief of Party, SEA Project	The SEA Project supports the goals of the CTI-CFF within Indonesia, and is funded by the US Government, a Development Partner to the CTI-CFF

Date	Interview location	Time	Interviewee	Position	Relevance to the Case Study
			Tiene Gunawan	Deputy Chief of Party, SEA Project	The SEA Project supports the goals of the CTI-CFF within Indonesia, and is funded by the US Government, a Development Partner to the CTI-CFF
12/11/16	Skype	09:00 – 10:00	Arun Abraham	Asian Development Bank	The Asian Development Bank is a multilateral development bank and Development Partner to the CTI-CFF
13/11/16					
14/11/16	GIZ-BMUB office, Manila	10:00 – 11:00	Marion Daclan	Senior Advisor BMUB Support to the Sulu-Sulawesi Marine Ecoregion (SSME) Project GIZ	GIZ is a technical agency within the German Federal Government which supports a three-country SSME program (with funding from the German Environment Ministry), as well as participating in CTI-CFF process (without being a formal Development Partner)
	Skype	17:00 – 18:00	Rili Djohani	Executive Director, Coral Triangle Center	CTC is an NGO Development Partner to the CTI-CFF
15/11/16	GIZ-BMUB office, Manila	10:00 – 11:00	Franca Sprong	Project Director, BMUB Sulu-Sulawesi Seascape Project GIZ	GIZ is a technical agency within the German Federal Government which supports a three-country SSME program (with funding from the German Environment Ministry), as well as participating in CTI-CFF process (without being a formal Development Partner)
			Lena Kern	Project Manager BMUB Support to the Sulu-Sulawesi Marine Ecoregion (SSME) Project GIZ	GIZ is a technical agency within the German Federal Government which supports a three-country SSME program (with funding from the German Environment Ministry), as well as participating in CTI-CFF process (without being a formal Development Partner)
	Manila	13:00 – 14:00	Nilda S. Baling	BMB-DENR	The Philippines is one of the six member countries of the CTI-CFF
	PCA Building, Elliptical Road, Quezon City, Manila	14:30 – 13:00	Jessica Munoz	Philippines National Government	The Philippines is one of the six member countries of the CTI-CFF
16/11/16	Manila	09:00 – 10:00	Luz Baskinas	WWF Philippines	WWF is an NGO Development Partner to the CTI-CFF
		11:30 – 12:00	Ramon Romero	Formerly WWF Philippines based in Tawi-Tawi and Professor at the University of the Philippines	WWF is an NGO Development Partner to the CTI-CFF and University of the Philippines provides technical assistance to the CTI-CFF on MPAs, Fisheries and Climate Change
		15:00 – 16:00	Haidy Ear-Dupuy	Asian Development Bank	The Asian Development Bank is a multilateral development bank and Development Partner to the CTI-CFF
25/11/16	Skype	15:00	Maurice Knight	Former Chief of Party, USAID US CTI CTSP	The US CTI Coral Triangle Support Partnership was the 5-year USAID mission that established much of the CTI-CFF infrastructure.
07/12/16	Skype	9am	Arwandrija Rukma	Coordinator for the CTI interim and permanent Regional Secretariat from 2013-2015	As Coordinator, Arwan supported the Executive Secretary in fulfilling all the necessary Secretariat duties.

ANNEX 3 – LEGAL AND GOVERNANCE ANALYSIS

(by Dr Aref Fakhry, Associate Professor, World Maritime University)

1. Introduction

This Annex provides an overview of the legal underpinnings of the CTI-CFF, and implications on the legal plane for a wider discussion of cross-boundary maritime spatial planning models.

The legal analysis of the case study is built around 6 specific questions:

1. Legal status: What is the legal status of the maritime spatial plan?
2. Legal content: What are the essential legal measures (other than those related to institutional and enforcement matters) introduced as part of the maritime spatial plan?
3. Relationship with other applicable legislation: How does the maritime spatial plan fit alongside other applicable legislation in the relevant coastal area?
4. Institutional aspects: What are the essential institutional measures introduced as part of the maritime spatial plan?
5. Effectiveness and enforcement: How effective is the maritime spatial plan from the legal point of view, and what enforcement measures are available for implementing its provisions?
6. Consistency with international maritime law: How consistent is the maritime spatial plan with current international maritime law?

The report concludes highlighting salient legal innovations and challenges as learned from the case study.

2. Legal status

The main governance instrument of the CTI-CFF is the Regional Plan of Action (RPOA), which was adopted at the CTI Summit held on May 15, 2009 in Manado, Indonesia (Manado Declaration). The Summit gathered the Heads of State or Government of Indonesia, Malaysia, Papua New Guinea, the Philippines, the Solomon Islands and Timor-Leste.

A useful description of the Regional Plan of Action is provided in the foreword prepared by the CTI-CFF Regional Secretariat:

CTI-CFF RPOA is a 10-year plan organized in a four-level structure including: goals, targets, regional actions, and national actions that [are] excerpted from National CTI plan of action. (CTI-CFF RPOA 2016.)

The foreword by the CTI-CFF Regional Secretariat further reads:

The CTI-CFF Regional Plan of Action (RPOA) is a living document of the Initiative to give member countries and partners a platform of actions in order to achieve agreed goals, guiding principles, and commitment to action. (CTI-CFF RPOA 2016.)

The RPOA is a soft law instrument in the nature of a statement of good intentions, it consists of a political undertaking that may not lead in international law to sanctions of any type for its non-fulfilment, it is therefore not considered as a treaty in international law. This is reflected in the Manado Declaration:

We, the Leaders of [CTI-CFF countries] ... do hereby declare:
4. to adopt the CTI Regional Plan of Action, a living and non-legally binding document to conserve and sustainably manage coastal and marine resources within the Coral Triangle region ...

5. to recognize that the implementation of the CTI-CFF is a voluntary cooperation. ...

The CTI-CFF has given rise to implementing actions and instruments, the nature of which is determined on a case-by-case basis. An example is the Agreement on the Establishment of the Regional Secretariat, which was signed on October 28, 2011 by the Heads of State or Government of the six countries involved in the Initiative. The Agreement was ratified by five of the said countries, excluding Papua New Guinea ("Philippines transmit instrument of ratification," 2015). The Agreement entered into force on November 27, 2014. Interestingly, the agreement establishing the Regional Secretariat, unlike the Regional Plan of Action, is a legally binding treaty (see Section 3.3.6 of this Appendix).

2.1. Legal requirements

Although regional cooperative frameworks abounded in the region, the formulation of the CTI-CFF necessitated the development of creative instruments, institutions and processes.

The Initiative brings together countries with widely differing legal regimes representing common law, civil law and Islamic law systems.

The CTI-CFF has welded into other governance frameworks, and led to the creation of further processes at the regional, sub-regional and cross-regional levels, which can be considered to have developed in an incrementally binding manner. The countries involved in the Initiative opted initially for less law and more goodwill commitments. There is still a dearth of binding legal undertakings translating these commitments.

3. Legal content

3.1. Scope of application

As the main governance instrument under the CTI-CFF, the CTI-CFF RPOA provides generally for its scope of application:

The CTI Plan of Action may be implemented within waters under national jurisdiction of each of the Coral Triangle governments, in accordance with their rights and obligations pursuant to international laws and the prevailing laws, rules and regulations of each country. The scope of application of the CTI is without prejudice to the sovereign rights of the parties over marine resources within national jurisdiction, or the position of the parties on delimitation of maritime boundaries between States with opposite or adjacent coasts. (CTI-CFF RPOA, 2009, section I(IV)(3).)

Thus, the RPOA is not intended to encroach, alter or violate national boundaries in the seas, or affect the position of States over unsettled boundaries. The RPOA applies where States have sovereignty, sovereign rights or jurisdiction "pursuant to international laws and the prevailing laws, rules and regulations of each country" (CTI-CFF RPOA, 2009, section I(IV)(3)).

It is noteworthy that the CTI-CFF RPOA recognizes that its geographical scope of application is not necessarily co-extensive with the scientific boundaries of the Coral Triangle, which would continue to be defined by coral and coral reef fish diversity (CTI-CFF RPOA, 2009, section I(IV)(3)). It is further provided that "the CTI is not intended in any way to redraw the scientific boundaries of the Coral Triangle" (CTI-CFF RPOA, 2009, section I(IV)(3)).

Time-wise, the CTI-CFF Regional Plan of Action is a 10-year programme. Several of the actions it calls for have been sequenced over that period.

3.2. Principles

The CTI-CFF RPOA delineates Goals, which are then developed into Targets, from whence Regional and National Actions are formulated. The CTI-CFF RPOA goes on to require that work aimed at fulfilling those objectives is carried out following nine Guiding Principles. It is important

to list the key concepts which appear in those Guiding Principles, as some may cover legal norms:⁵

- Principle #1: people-centered biodiversity conservation; sustainable development; poverty reduction; equitable benefit sharing;
- Principle #2: science-based policy; precautionary principle;
- Principle #3: quantitative goals and timetables;
- Principle #4: use of existing and future fora to promote CTI implementation;
- Principle #5: alignment with international and regional commitments;
- Principle #6: recognition of transboundary marine resources;
- Principle #7: emphasis on priority geographies, e.g., large-scale “seascapes;”
- Principle #8: inclusiveness; multiple stakeholders;
- Principle #9: recognition of the uniqueness, fragility and vulnerability of island ecosystems.

3.3. Typology of measures

The CTI-CFF does not delineate a clear typology of legal measures that should be adopted by States or regional bodies toward fulfilment of its objectives. Unlike legally precise and binding frameworks, the CTI-CFF leaves the door open for States to choose the appropriate instruments for achieving the actions called for within their jurisdictions. As a result, no clear-cut inventory of measures can be carried out; similarly, no single best practice can be specified. This section will describe the main types of instruments that have been adopted pursuant to the CTI-CFF RPOA. There is a variety of regional, sub-regional, national⁶ and even cross-regional (i.e. between the CTI region and other regions) measures that may be accounted for.

3.3.1. Regional sectoral plans of action

The RPOA calls for the adoption of additional, complementary and more focused regional plans. So far, the following region-wide instruments have been adopted:

- Region-wide Early Action Plan for Climate Change Adaptation for the Nearshore Marine and Coastal Environment (REAP-CCA) (October, 2011)
- Coral Triangle Marine Protected Area System (CTMPAS) Framework and Action Plan (November, 2012)

Reference should also be made to regional or sub-regional instruments that have been adopted *outside* the CTI-CFF framework, but have nonetheless been deemed to constitute implementing measures under that framework. An example is provided by the Action Plans of the Sulu Sulawesi Marine Ecoregion, which were adopted in July 2009 by a precursor of the CTI-CFF—the Tri-National Committee set up in the wake of a memorandum of understanding concluded between the Governments of Indonesia, Malaysia and the Philippines on February 13, 2004.

3.3.2. National plans of action

The RPOA calls for the adoption by the CTI States of National Plans of Action (NPOA) which “translate the Regional Plan of Action into specific, country-relevant actions” (CTI-CFF RPOA, 2009, section III). Like their regional counterpart, national plans of action tend to be by and large policy instruments which lack a properly legally binding effect on the States that have adopted them.

⁵ See the CTI-CFF Regional Plan of Action, section II, for the full elaboration of those Principles.

⁶ See CTI-CFF RPOA, 2009, Annex 2, List of regional actions excerpted from National CTI Plans of Action.

3.3.3. National laws and regulations

One of the manifestations of the implementation of the CTI-CFF is, as foreseen by the CTI-CFF RPOA, the adoption of national laws and regulations by the CTI-CFF States. Unlike action plans, laws and regulations are binding in the respective CTI countries, and must be implemented and enforced.

3.3.4. Municipal measures and decrees

Several of the national actions required from CTI countries need complementing measures and decrees at the local level. Examples in this respect would include the fine-tuning of harbour by-laws or the labelling of beaches for public bathing activities.

3.3.5. Memoranda of understanding

Memoranda of understanding (MoUs) are a flexible approach to nurturing synergies between partners. An instance of such a framework is provided by the MoU between the CTI-CFF and the Coral Triangle Center (CTC),⁷ which was concluded on August 27, 2015. The CTC is a centre of excellence on tropical marine resources management based in Bali, Indonesia.

The MoU focuses on the following aspects:

- assessment and facilitation of training and learning needs with the Technical Working Groups to achieve the RPOA, with a focus on the delivery of practical training, workshops and learning exchanges at the regional and national levels;
- support to marine protected areas;
- support to cross-cutting initiatives engaging key stakeholders in achieving the goals of the Regional Plan of Action, including:
 - Women Leaders Forum
 - Local Government Network
 - Regional Business Forum
 - Coral Triangle Day outreach activities;
 - promotion and engagement of the CTI-CFF in regional and international forums and conferences.

3.3.6. Bilateral or multilateral treaties

Although the CTI RPOA does not carry itself binding legal effect, it is envisaged that in certain respects the CTI States would adopt legally binding agreements to further its objectives. An example can be seen in the Agreement on the Establishment of the Regional Secretariat of The CTI-CFF, signed on October 28, 2011.

4. Relationship with other applicable legislation

4.1. International law

The CTI-CFF RPOA, being a non-legally binding document, sits as such under the layer of legal norms in the international sphere, and cannot interfere with the general international law or any treaties or conventions that the CTI-CFF States have entered into, whether mutually or with Parties from outside the region. The point is reflected in the Manado Declaration:

⁷ The Coral Triangle Center (CTC) is an Indonesian foundation (Yayasan) established under Indonesian Law No. 16/2001 and associated amendment Law No. 28/2004. CTC is an official development partner of the Coral Triangle Initiative on Coral Reefs, Fisheries and Food Security (CTI-CFF).

6. ... emphasize[s] that cooperation of CTI-CFF shall be subject to ... the application of relevant sustainable development principles to transboundary management, conservation and development within the Coral Triangle region; as well as taking into consideration the relevant multilateral, regional and bilateral environmental agreements. ...

Although the above paragraph only refers to “sustainable development principles” and “environmental agreements,” logical construction of the text would call for treating principles and agreements of international law on other subjects in exactly the same way. In legal terms, “subject to” means that those principles and agreements prevail over cooperation envisaged under the CTI-CFF.

The Declaration refers to the subject of the negotiation of maritime boundary delimitation in a similar way (para. 5).

This being said, the CTI-CFF should be seen as an implementing framework for regional States to cooperate in the furtherance of conservation, environmental and ocean management affairs, in accordance with principles and rules of international law.

4.1.1. UNCLOS

All CTI countries are Parties to the United Nations Convention on the Law of the Sea (UNCLOS).

Several provisions in UNCLOS encourage cooperation between neighbouring States in the planning, elaboration and implementation of management directed at ocean space and resources.

Article 197 of UNCLOS thus states:

States shall cooperate ... as appropriate, on a regional basis, directly or through competent international organizations, in formulating and elaborating international rules, standards and recommended practices and procedures consistent with this Convention, for the protection and preservation of the marine environment, taking into account characteristic regional features.

The CTI-CFF is a perfect example of the implementation of article 197. It is noteworthy that the CTI-CFF is not limited to the protection and preservation of the marine environment.

4.1.2. Regional seas agreements

The CTI region overlaps the area of application of two regional seas frameworks, namely, the Secretariat of the Pacific Regional Environmental Programme (SPREP) and the Coordinating Body on the Seas of East Asia (COBSEA). The CTI region also overlaps with the Partnerships in Environmental Management for the Seas of East Asia (PEMSEA), which is a regional mechanism mandated by several States for the implementation of the Sustainable Development Strategy for the Seas of East Asia.

Broadly speaking, the CTI should be seen as a process sitting alongside these existing frameworks, which tend to encourage further cooperative measures at the appropriate regional, sub-regional or cross-regional levels.

4.2. National legislation

It is quite clear that the designers of the CTI-CFF did not propose or intend supremacy of the RPOA over the participating countries’ laws. This is reflected in the Manado Declaration:

5. ... recognize that the implementation of the CTI-CFF is a voluntary cooperation and without prejudice to the sovereignty, territorial integrity, sovereign rights of the six countries respectively over their marine resources, and the position of each state on the on-going and future negotiation on delimitation of maritime boundaries between the

countries;

6. ... emphasize[s] that cooperation of CIT-CFF shall be subject to the laws; regulations; national policies and priorities of the respective countries. ...

5. Institutional aspects

5.1. Regional institutions

The Manado Declaration already contained an agreement “to establish a secretariat for CTI-CFF to service the ongoing CTI-CFF implementation process” (para. 8).

The Agreement on the Establishment of the Regional Secretariat of the CTI-CFF was indeed signed on October 28, 2011 by the Heads of State or Government of the six countries involved in the Initiative. The Agreement was ratified by five of the said countries, excluding Papua New Guinea (“Philippines transmit instrument of ratification,” 2015), entering into force on November 27, 2014. The Regional Secretariat IS led by an Executive Director (Regional Secretariat Agreement, 2011, art. 4(1)), and has its seat in Indonesia as the host country (Regional Secretariat Agreement, 2011, art. 2).⁸

The Regional Secretariat is mandated to promote regional cooperation and the sharing of lessons across the six CTI-CFF countries. It is also charged to coordinate and monitor progress in achieving the **CTI-CFF Regional Plan of Action** Goals.

The Regional Secretariat’s specific functions are as follows:

- coordinate and support official meetings and events linked to the CTI-CFF process, including cross-cutting services in support of monitoring and evaluation, financial coordination, information management and outreach;
- coordinate the implementation of CTI-CFF Regional Plan of Action and provide support to, and coordination with, NCCs⁹ ...;
- develop regional plans, programs and project activities in relation to CTI-CFF for consideration of the CTI COM¹⁰ in accordance with the approved policy guidelines set through the CTI CSO;¹¹
- act as the channel of communication and share information and foster networking among the Parties, CTI Partners¹² and other organizations and donors in the efforts to promote the objectives of the CTI-CFF;
- facilitate technical assistance, including recruiting and sourcing experts to support the Parties, in line with appropriate needs assessment procedures;
- assist the Parties in financing agreed projects and activities through support from CTI Partners and financial institutions; and
- perform such other duties and functions as may be assigned to it by the CTI COM or the CSO.

(Regional Secretariat Agreement, 2011, art. 5.)

It was envisaged under the Agreement on the Establishment of the Regional Secretariat that the CTI CSO would serve as a body of senior officials of Parties to the Agreement with functions and powers to provide recommendations to the CTI COM for decision and ensure implementation of these decisions through the CTI Regional Secretariat and Technical Working Groups as prescribed in the Rules of Procedure (Regional Secretariat Agreement, 2011, art. 1(1)).

⁸ It is based at the Ministry of Marine Affairs and Fisheries in Jakarta, Indonesia.

⁹ National Coordination Committees.

¹⁰ CTI Council of Ministers.

¹¹ Committee of Senior Officials.

¹² See section 5.3 below.

The Regional Secretariat has legal personality. It may conclude agreements and contracts, acquire and dispose of property in the territory of the Parties to the Agreement, and institute and be a party to legal proceedings (Regional Secretariat Agreement, 2011, art. 3).

The Regional Secretariat is financed by fixed contributions from the Parties to the Agreement, as well as any other voluntary contributions or funds that the Regional Secretariat may raise (Regional Secretariat Agreement, 2011, art. 9(1)). The CTI COM was charged to adopt, by consensus, Financial Regulations for the administration of the Regional Secretariat and for the exercise of its functions (Regional Secretariat Agreement, 2011, art. 9(2)).

It is worth noting that CTI has not created an international organization in a real sense. Instead the Regional Secretariat coordinates actions led by various bodies and forums. The CTI draws as such on external structures and institutions.

5.2. National governments

The CTI RPOA calls on each CTI State to develop a set of supporting coordination mechanisms.

Thus, NCCs have been created in each country with the purpose of leading a multi-stakeholder process designed to coordinate and promote a country-level implementation of the National and RPOA.

Depending on each country, NCCs take different forms. In general, NCCs are composed of multiple stakeholders drawn from the public, non-governmental organisations and the private sector, and are assisted by a CTI Coordinator based in a lead government ministry.

The NCCs serve the following types of functions:

- jointly develop, update and support implementation of CTI NPOAs
- identify national priorities, and coordinate action and funding around priorities
- support / coordinate joint activities of NCC members, and serve as coordination points for external partners and stakeholders
- provide input to and participate in regional CTI processes and decisions
- organize national CTI Stakeholder Forums

(CTI-CFF RPOA, 2009, section IV(III).)

5.3. CTI Partners

Under the Agreement on the Establishment of the Regional Secretariat of CTI-CFF:

“CTI Partners” means any State, inter-governmental organization or non-governmental organization, including a private sector entity, who:

Had been invited to be a CTI Partner at the initiation of the CTI-CFF; or

Meets the criteria and goes through the established process to become a CTI Partner in the Rules of Procedure. (Regional Secretariat Agreement, 2011, art. 1(1).¹³)

¹³ Rule 20 of the CTI-CFF Rules of Procedure provides:

2. The CTI COM may accept applications from a State, inter-governmental organization or non-governmental organization, including private sector entities, to become a CTI Partner.
3. A State, inter-governmental organization or non-governmental organization seeking to become a CTI Partner must:
 - a. Be approved by consensus resolution of the CTI COM;
 - b. Be able to meet a set of criteria for CTI Partner membership as agreed by the CTI COM;
- c. Have stated its support for the principles and objectives of the CTI-CFF, the Rules of Procedure and the CTI-CFF Secretariat Agreement within a Ministerial Meeting;

CTI Partners commit to support the CTI-6 in the implementation of the CTI-CFF RPOA and its derivative instruments.

6. Effectiveness and enforcement

6.1. Effectiveness

In legal terms, the authority entrusted with the plan's implementation should ideally be given certain powers, including power to develop implementing programmes and regulations.

The founders of the CTI-CFF envisaged that State action would lie at the heart of the implementation of the various actions called for in the RPOA, although clearly they did not exclude the possibility of charging existing or newly established regional or sub-regional institutions with specific roles and responsibilities in this regard.

6.2. Enforcement

The CTI-CFF does not have its own dispute settlement mechanism or compliance assessment mechanism. National measures implementing the CTI-CFF carry their own enforcement mechanisms, as provided for in national law.

7. Consistency with international maritime law

In spite of their non-binding effect, soft law instruments, like the CTI-CFF RPOA, can play an important role in promoting environmental sustainability. A state which agrees to or participates in the adoption of an international soft law instrument makes a formal and public commitment to comply with its provisions.

It transpires from the CTI-CFF RPOA (Annex 2, "List of national actions excerpted from National CTI Plans of Action") that the CTI-CFF States are party to several international instruments related to the protection of the environment, fisheries and biodiversity. The RPOA commits those States to implement such instruments. In most CTI-CFF countries, national laws would need to be revised to conform with international standards and obligations.

It is noteworthy that the CTI-CFF countries appear to have demonstrated a real political willingness to carry through the stated objectives. In a sense, this proves that the approach adopted by the CTI-CFF has worked, since the adoption and implementation of soft law instruments depend primarily on political will.

8. Conclusion and recap of salient legal innovations and complications

8.1. Legal innovations

- Although regional cooperative frameworks abounded in the region, the CTI-CFF has developed as a creative and unique framework of cross-boundary ocean governance for marine conservation and sustainable fisheries.
- The CTI-CFF brings together countries with widely differing legal regimes representing common law, civil law and Islamic law systems. The CTI-CFF has worked with other governance frameworks, and led to the creation of further processes at the regional, sub-regional and cross-regional levels.
- Although the main instrument setting forth the concerted management action, namely, the CTI-CFF RPOA, is non-binding on the States involved, it has nonetheless provided these States with a process to move ahead. The document reads simply and carries an

d. A State, Inter-governmental organization or non-governmental organization seeking to become a CTI Partner may be permitted to have a representative attend the CTI COM and CTI CSO Meetings as an observer pursuant to Rule 19.

immediate sense of urgency of action. It appears largely barren of official lingo, which could run the risk of a disconnect with reality.

- The CTI-CFF features graduated legal implementation. Rather than adopting a top-down approach through the formalisation of a binding regional agreement, the CTI States have preferred to follow a softer course marked by a strong political commitment from the start. Implementation of the actions called for is done incrementally. Hard law measures follow soft law instruments, and not the other way round.
- The CTI-CFF countries appear to have demonstrated a real political willingness to carry through the stated objectives. In a sense, this proves that the approach adopted by the CTI-CFF has worked, since the adoption and implementation of soft law instruments depend primarily on political will.

8.2. Legal complications

- The legal status of the CTI RPOA is an agreement classified under “soft law.” It is not a treaty and there is no legal obligation on any of the CTI-6 States, nor the CTI Partners, to support the CTI.
- Strictly speaking, the CTI-CFF may not be a maritime spatial plan, but it provides a framework for the creation of maritime spatial plans.
- The financial parameters that enable framework plans and discussions have provided the means for foundation or demonstration projects, and a reality and feasibility check to ideas and proposals. Strategies for longer-term resourcing to achieve viability or longer-term implementation of specific plans and actions may run the risk of contaminating the framework with purely financial considerations, but are necessary for viable long-term achievement of the objectives of the CTI-CFF.

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