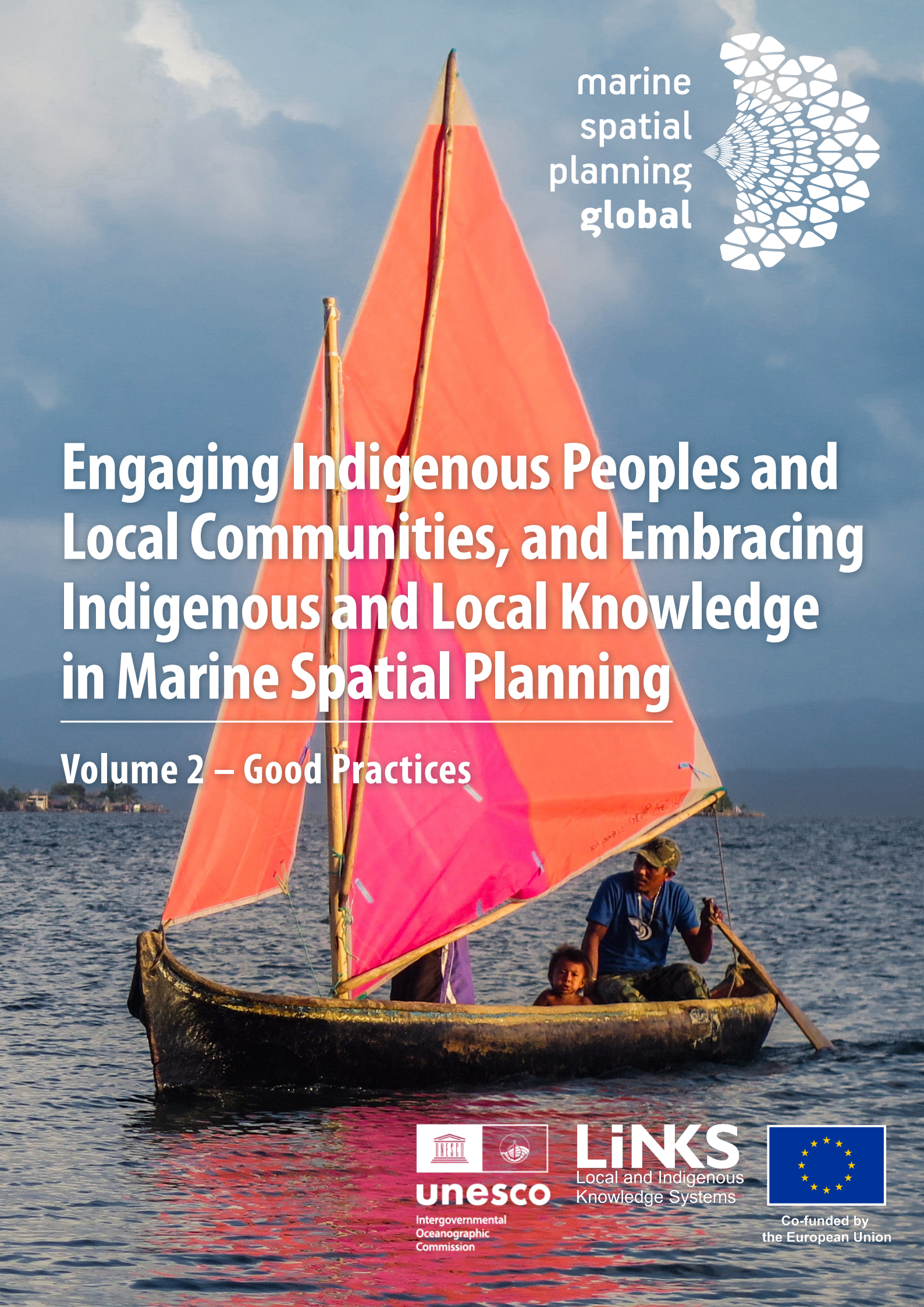

marine spatial planning global

Engaging Indigenous Peoples and Local Communities, and Embracing Indigenous and Local Knowledge in Marine Spatial Planning

Volume 2 – Good Practices

unesco
Intergovernmental Oceanographic Commission

LiNKS
Local and Indigenous Knowledge Systems

Co-funded by the European Union

Published in 2024 by the United Nations Educational, Scientific and Cultural Organization,
7, Place de Fontenoy, 75352 Paris 07 SP, France (For its Intergovernmental Oceanographic Commission – IOC,
and the Local and Indigenous Knowledge Systems programme – LINKS).

For bibliographic purposes, this document should be cited as follows:

UNESCO-IOC and UNESCO-LINKS. 2024. *Engaging Indigenous Peoples and Local Communities, and Embracing Indigenous and Local Knowledge in Marine Spatial Planning: Volume 2 – Good Practices*. Paris, UNESCO.
(IOC Technical Series No. 189, Volume 2).

A Volume 1 on Basic Concepts completes this title.

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All Internet links in this report were verified and accessible as of May 1, 2024.

Cover photo: © Livingadream/Shutterstock.com (*)
Graphic design: UNESCO

(IOC/2024/TS/189 Vol.2)

Co-funded by
the European Union

This document was co-funded by the European Union.

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Volume 2 – Good Practices

IOC Technical Series No. 189, Volume 2

Executive Summary

Recognizing that the rich knowledge held by Indigenous Peoples and local communities (IPLCs) regarding coastal-marine ecosystems is often overlooked in Marine Spatial Planning (MSP), the MSPglobal initiative of the Intergovernmental Oceanographic Commission (IOC), together with the Local and Indigenous Knowledge Systems (LINKS) programme of UNESCO, co-organized four international dialogues aimed at discussing challenges and good practices related to fostering the engagement of IPLCs and embracing Indigenous and local knowledge (ILK) in MSP processes. These four rounds of participatory meetings entitled "**MSPglobal 2.0 Dialogues on Engaging Indigenous Peoples and Local Communities in Marine Spatial Planning**" were held during the months of November and December of 2023 and involved 25 participants divided into two groups: Group 1 comprised mainly experts from Asia and the Pacific regions, and Group 2 comprised mainly experts from Africa and the Americas. The participants of the dialogues comprised representatives of research groups, MSP practitioners, governmental authorities, and a mix of Indigenous groups with experience in ocean management.

This publication is a result of these dialogues and aims to support MSPglobal practitioners in engaging IPLCs and including ILK in MSP approaches. It also encourages co-management practices between governments and IPLCs at the local level and advocates for the development of MSP initiatives led by rights-holders, especially in areas where marine planning takes place within ancestral territories.

This publication is divided into five parts. In Part 1, the purpose of this document, the procedures carried out to develop the participatory meetings and produce their outcomes, and the key concepts adopted are introduced. In Part 2, the challenges that may be encountered while including customary management systems in marine policies are presented. These challenges are grouped into seven interconnected topics. In Part 3, good practices for more inclusive and equitable marine spatial planning approaches are described. These are organized under overarching recommendations as well as specific recommendations for each phase of the MSP process. Cases studies illustrating real-world good practices provided by participants of the meetings are presented in Part 4. Finally, Part 5 of this publication addresses strategies for disseminating and implementing the outlined Good Practices.

In parallel with this "**Good Practices**" publication (volume 2), MSPglobal also developed another publication (volume 1) aimed at describing Basic Concepts regarding the equitable and inclusive engagement of IPLCs and the consideration of ILK in MSP processes. This associated publication was prepared through a literature review of international guidelines, codes of conduct, academic papers, websites and real-world case studies addressing this topic. Therefore, it is highly recommended to read these Good Practices alongside the publication "**Engaging Indigenous Peoples and Local Communities, and Embracing Indigenous and Local Knowledge in Marine Spatial Planning: Volume 1 – Basic Concepts**" (UNESCO-IOC and UNESCO-LINKS, 2024), to gain a comprehensive understanding of the conceptual background behind the recommendations provided herein.

Foreword

In a world where the ocean's ecosystems and their services touch every aspect of our lives, from climate regulation to providing sustenance and livelihoods, the role of marine spatial planning (MSP) has never been more critical. This groundbreaking publication, brought to life by the United Nations Educational, Scientific and Cultural Organization (UNESCO), through the collaborative efforts of its Intergovernmental Oceanographic Commission (IOC) and its Local and Indigenous Knowledge Systems (LINKS) programme, presents an initial approach to including Indigenous Peoples and local communities into the heart of MSP processes.

At the core of Volumes 1 and 2 of this publication is the acknowledgment that Indigenous Peoples and local communities possess an invaluable, yet often overlooked, wealth of knowledge on coastal-marine ecosystems. This knowledge, honed over centuries or even millennia, holds the key to not only conserving biodiversity but also ensuring sustainable use of marine resources. By including Indigenous and local knowledge (ILK) into MSP, we open the door to more resilient, locally-owned and adaptive management practices that respect both cultural values and the biological complexity of marine environments.

This work is a recognition of the knowledge systems, governance mechanisms and world views of Indigenous Peoples and local communities and the indispensable role they play in the stewardship of the ocean. It is also a call to action for MSP practitioners to foster meaningful engagement with the great diversity of Indigenous Peoples and local communities, ensuring that marine governance is inclusive, equitable, and grounded in mutual respect and shared knowledge.

As we tackle the challenges of marine conservation and sustainable development, Volume 1 serves as a guide to navigating the concepts and international frameworks to engage with Indigenous Peoples and local communities, including fishing communities, in marine policies. Complementing this, Volume 2, which was developed with the great support of Indigenous and non-Indigenous experts from all continents, is a beacon to encourage such engagement through detailed good practices. It reminds us that the path towards a sustainable ocean/blue economy and the preservation of marine biodiversity is one that we must walk together, blending modern science with the rich knowledge and experience of Indigenous Peoples and local communities.

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Acknowledgements

The Intergovernmental Oceanographic Commission (IOC) and the Local and Indigenous Knowledge Systems (LINKS) programme of UNESCO express their gratitude to all participants of the four **"MSPglobal 2.0 Dialogues on Engaging Indigenous Peoples and Local Communities in Marine Spatial Planning"** for their enthusiastic discussions and valuable contributions to this important and timely topic. The pressing need to address the issues faced by our planet and its ocean in a more inclusive way and their explicit passion for the ocean, its biodiversity, natural landscapes and seascapes, as well as for the people who rely on ocean natural resources, were the driving force that made this collective publication possible. The editors, reviewers and contributors hope this publication makes a meaningful impact towards a more equitable and inclusive approach to marine spatial planning initiatives.

Word cloud illustrating the meaning of the ocean for the participants of the Dialogues.

List of acronyms and abbreviations

AMPR	Áreas Marinas de Pesca Responsable (Responsible Fishing Marine Area)
APAMLN	Área de Proteção Ambiental Marinha do Litoral Norte (Marine Protected Area of the Northern Coast of São Paulo)
BMU	Beach Management Units
CAOPA	Confederation of Artisanal Fisheries Organizations for Africa
CARE	Collective benefit, Authority to control, Responsibility, and Ethics principles for Indigenous data governance
CFFA	Coalition for Fair Fisheries Arrangements
CHN	Council of the Haida Nation
CMA	Co-Management Area
COFI	FAO Committee on Fisheries
CRZ	Coastal Regulation Zone
DIHR	Danish Institute for Human Rights
EIA	Environmental Impact Assessment
ERA	Ecological Risk Assessments
FAIR	Findable, Accessible, Interoperable, and Reusable data principles
FAO	Food and Agriculture Organization of the United Nations
FF-SMA	Fundação Florestal da Secretaria de Meio Ambiente do Estado de São Paulo (Forest Foundation of the Environment Secretariat of the State of São Paulo)
FPIC	Free, Prior and Informed Consent
GBRMPA	Great Barrier Reef Marine Park Authority
ICSF	International Collective in Support of Fishworkers
ICTA-UAB	Institut de Ciència i Tecnologia Ambientals, Universitat Autònoma de Barcelona (Institute of Environmental Science and Technology of the Autonomous University of Barcelona)
ICZM	Integrated Coastal Zone Management
ILK	Indigenous and Local Knowledge
ILO	International Labour Organization
IOC	Intergovernmental Oceanographic Commission of UNESCO
IPBES	Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services
IPC	International Planning Committee for Food Sovereignty
IPLCs	Indigenous Peoples and local communities
IUCN CEESP	Commission on Environmental, Economic and Social Policy of the International Union for the Conservation of Nature

JCMA	Joint Co-Management Area
KMFRI	Kenya Marine and Fisheries Research Institute
LCIPP	Local Communities and Indigenous Peoples Platform of UNFCCC
LINKS	Local and Indigenous Knowledge Systems programme of UNESCO
LMMA	Locally Managed Marine Area
MPA	Marine Protected Areas
MSP	Marine Spatial Planning
RELUFA	Réseau de Lutte contre la Faim (Network for the Fight Against Hunger)
SIDS	Small Island Developing States
SPC	The Pacific Community
SSF	Small-scale Fishers/Fisheries
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNFCCC	United Nations Framework Convention on Climate Change
UNPFII	United Nations Permanent Forum on Indigenous Issues
UVic	University of Victoria
Waipapa Taumata Rau - UoA	Waipapa Taumata Rau - University of Auckland
WWF	World Wildlife Fund

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Part 1 – Introduction

1.1. Purpose of these Good Practices

Within the framework of the project "**Supporting the global implementation of international marine/maritime spatial planning guidelines – MSPglobal 2.0**", UNESCO's Intergovernmental Oceanographic Commission (IOC) seeks to strengthen the pool of practitioners, stakeholders and rights-holders involved in marine spatial planning (**MSP**) processes worldwide.

Several Indigenous Peoples and local communities (**IPLCs**) have a deep connection with coastal and marine resources, as well as cultural and spiritual connections with the ocean. From such connections, knowledge and other practices are developed, thus some ocean spaces represent their being, their identity, and their intergenerational connectivity. Despite their crucial role in ocean resource management through their endemic ocean knowledge and interlinked connections, IPLCs are often not consistently and effectively engaged in MSP processes, thus Indigenous and local knowledge (**ILK**) is frequently disregarded in the formulation of marine policies. In order to address this gap, MSPglobal has co-developed these Good Practices to facilitate an ethic and engagement of IPLCs and promote the inclusion of ILK into MSP, thus fostering inclusivity and equity in the planning processes.

This publication is primarily targeted at governmental and non-governmental MSP practitioners operating at the level where MSP is being conducted, whether national, regional or local, including when local communities and Indigenous Peoples are leading or co-leading MSP processes at the community level. It is highly recommended to read these Good Practices alongside the MSPglobal publication "**Engaging Indigenous Peoples and Local Communities, and Embracing Indigenous and Local Knowledge in Marine Spatial Planning: Volume 1 – Basic Concepts**" (UNESCO-IOC and UNESCO-LINKS, 2024) to enhance comprehension and complement understanding with the technical information provided.

Small fishing boat with fishing net and equipment.

1.2. Process adopted to develop these Good Practices

With the support of UNESCO's Local and Indigenous Knowledge Systems (LINKS) programme, IOC conducted four meetings with two groups of Indigenous and non-Indigenous experts, hereafter the 'Dialogues' (**Box 1**). The objective was to engage a diverse group of IPLC representatives, networks and practitioners in the project so that they have an active voice in this framework.

To identify participants for these meetings, the MSPglobal team mapped institutions and experts, both Indigenous and non-Indigenous, experienced in engaging IPLCs in marine policies worldwide. From a pool of over 50 individuals and 90 institutions identified, around 30 representatives from each group were invited based on regional diversity, gender balance and groups of representation, which included research experts, MSP practitioners, governmental authorities, and a mix of Indigenous groups with experience in ocean management. A total of 25 experts from six continents attended the meetings, and 20 agreed to be further involved and included as contributors to this publication.

Box 1: Dynamics of the participatory process (Dialogues) adopted to develop these Good Practices.

How were these Good Practices developed?

The participatory process for developing these Good Practices included the organization of **four online meetings***, comprising two rounds of meetings for two distinct groups: Group 1 with experts mainly from Asia and Pacific regions, and Group 2 comprising experts mainly from Africa and the Americas. The process also involved multiple rounds of collaboration and revisions among participants, who provided publications and protocols, and shared information about case studies to enrich these Good Practices (see the case studies in Part 4 of this publication).

The **First Dialogue** aimed to introduce all participants and their experiences, either as ILK holders or as MSP practitioners, in promoting inclusive and equitable engagement of IPLCs in marine planning and management. In the first part of the meeting, participants were encouraged to share **customary management practices** employed by their communities, or communities they work with, to plan and manage coastal-marine spaces. Afterwards, during the second part of the meeting, participants discussed **challenges** associated with including these customary management systems with marine policies such as MSP, marine protected areas (MPA), integrated coastal zone management (ICZM), sustainable ocean/blue economy, and others. In the third part of the meeting, participants pondered on **good practices** for developing a planning approach that effectively includes IPLCs and ILK in the MSP process. The outcomes of the first meetings of Group 1 and Group 2 were merged and shared with participants, who had the opportunity to familiarise themselves with these outcomes before the second meeting and to provide feedback through an online form.

In the **Second Dialogue**, participants engaged in discussions to refine the outcomes of the first meeting and provided further insights on the overall MSP process. In the first part of the meeting, participants expanded the debate on the challenges recognized in the first meeting. In the second part, they provided detailed observations on the good practices previously identified. Subsequently, participants discussed specific good practices for each MSP phase. Finally, in the last part of the participatory process, participants reflected on ways to advance these debates and foster initiatives that support the inclusion of IPLCs in marine policies worldwide. A consolidated version of this publication was then shared with all participants for their final review and agreement to be listed as contributors to this publication.

* All project communication for these Dialogues (emails, guidance and invitations) was conducted in three languages: English, French and Spanish. Additionally, the meetings of Group 2 were supported by interpretation services in English, French and Spanish.

The challenges and recommendations described in these Good Practices reflect the experiences of sectoral and multisectoral initiatives of marine management and planning across diverse contexts. These include small-scale fishers and Indigenous Peoples in various regions such as the Haida Nation in Canada, the Inupiaq in Alaska, North Queensland Traditional Owners in Australia, diverse Pacific Islanders, Māori in New Zealand, communities in West Papua of Indonesia, coastal Indigenous Peoples in India like Mukkuvar, the Mwambao coastal community in Tanzania, small-scale fishers in Kenya and Cameroon, *Caiçara* fishers in Brazil, and Afro-descendants and people of mixed origins from the Americas.

Nevertheless, it is important to acknowledge the limitations of this work, recognizing that it may not comprehensively address all components of good practices involving the engagement of IPLCs and the ethical inclusion of ILK in MSP processes. This document serves as a starting point, aiming to catalyse and stimulate further dialogue among diverse rights-holders and stakeholders involved in MSP worldwide, fostering collaborative efforts to continuously evolve good practices for engaging with IPLCs in different marine regions.

Traditional fishing boat in Simeulue Island, Indonesia.
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1.3. Key concepts adopted

Recognizing the rich diversity within Indigenous Peoples and local communities, including variations in geographical, environmental, and governance contexts, this document uses general terminologies and recommendations that can be applied across different regions and cultural settings. This broad approach seeks to comprehensively capture visions and experiences of good practices for engaging IPLCs in marine policies worldwide.

While this document refers to the term 'IPLCs' in a general sense, it is important to emphasize that all those involved in its co-development acknowledge the enormous diversity of groups, peoples, languages and contexts encompassed by this term. While some communities, mainly Indigenous Peoples, may formally be recognized as holding rights and title to their territories, it is important to acknowledge that this is not universal among all Indigenous groups, which may struggle to have their rights recognized by the ILO Indigenous and Tribal Peoples Convention No. 169 (ILO, 1989) and the United Nations Declaration on the Rights of Indigenous Peoples (UN, 2007).

Furthermore, it is essential to consider the unique circumstances and specificities of customary management practices of different groups of Indigenous Peoples and local communities in coastal areas, many of which consist predominantly of small-scale fishers. Groups of small-scale fishers include not only Indigenous Peoples but also Afro-descendant communities in the Americas and those formed by people of mixed origins (e.g., Indigenous Peoples, Afro-descendant and colonisers).

Many Indigenous Peoples around the world rely heavily on small-scale fishing as well as subsistence harvesting and hunting of key marine species for their livelihoods, food security and nutrition. Of the over 370 million self-identified Indigenous Peoples across more than 90 countries globally, over 30 million live in coastal areas of the Arctic and the South Pacific. Small-scale fishers (SSF) attach profound significance to their customary practices, as they are intrinsically linked to their culture, heritage and way of life (FAO et al., 2023).

Small-scale fishers – both from Indigenous and non-Indigenous backgrounds – comprise the most numerous ocean users, making a major contribution to livelihoods, food and nutritional security, as well as to employment and income generation that supports some local and national economies (FAO, 2015). Small-scale fisheries account for at least 40 percent of the global catch from capture fisheries and provide employment across the value chain for an estimated 60.2 million people, about 90 percent of the total number employed in fisheries globally (FAO et al., 2023). Small-scale and artisanal fisheries encompass all activities undertaken by men and women along the value chain, including pre-harvest, harvest and post-harvest activities. In most cases, SSF not only represent a significant economic sector but also embody a holistic way of life for many IPLCs around the world. They are acknowledged as rights-holders by the FAO Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (FAO, 2022), the FAO Voluntary Guidelines for Securing Sustainable Small-scale Fisheries in the Context of Food Security and Poverty Eradication (FAO, 2015) and the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas - UNDROP (UN, 2018).

Climate change and other interconnected factors pose significant challenges for IPLCs in managing resource allocation, especially those involved in small-scale fisheries. The greater vulnerability of these communities stems from their heavy reliance on ocean resources as their primary source of food and income. Achieving a balance between the sustainable use of natural resources and biodiversity conservation while simultaneously addressing climate change and other interconnected factors is crucial to ensuring equity for these communities. To address this issue, MSP processes should be founded on SMARTIE objectives – specific, measurable, achievable, relevant, time-bound, inclusive and equitable (UNESCO-IOC and European Commission, 2021). Inclusivity is understood as "*when everyone is welcomed – particularly those most impacted – into processes, activities and decision/policymaking in a way that shares power*" while equity is "*when the elements of fairness are included seeking to address systemic injustice and inequity*" (FAO et al., 2023).

For a more in-depth understanding of the terminologies and concepts employed in this document, please refer to the MSPglobal publication "**Engaging with Indigenous Peoples and Local Communities, and Embracing Indigenous and Local Knowledge in Marine Spatial Planning: Volume 1 – Basic Concepts**" (UNESCO-IOC and UNESCO-LINKS, 2024).

Box 2: Definitions of marine spatial planning (MSP), Indigenous and local knowledge (ILK) and Indigenous Peoples and local communities (IPLCs).

What are the key concepts adopted in this publication?

Marine spatial planning

As defined by UNESCO-IOC (2009), MSP is a public process of involving multiple stakeholders in analysing and allocating the spatial and temporal distribution of activities in marine areas to achieve ecological, economic and social objectives that have been specified through a political process. In light of this, it is important to comprehend that MSP is a phased, long-term process, rather than a definitive endpoint and that the engagement of diverse rights-holders and stakeholders throughout the various stages of an MSP cycle is crucial to ensure coherent governance of marine areas.

Indigenous and local knowledge (ILK)

The term 'Indigenous and local knowledge' (ILK) is used in this document in alignment with recent UN usage, including IPBES, the UNFCCC and UNESCO's LINKS programme and also following IOC's adoption in the IOC/INF-1430 document (UNESCO-IOC, 2023), in which ILK refers to *"holistic, territorialised, diversified, and evolving knowledge being discussed here can flourish within all kinds of long-established communities experiencing histories of interaction with their natural surroundings, whether they identify themselves or are recognized as Indigenous Peoples".*

Indigenous Peoples and local communities (IPLCs)

The term ILK holders refers to both Indigenous Peoples and local communities per UNESCO, as the term is used by international multilateral institutions to recognize community-based, non-governmental stakeholders and rights-holders in international fora. Although it sometimes lacks precision, this denomination unites several groups that differ in terms of law, norms, standards and rights. The advantage of using this term relates to its inclusive and nuanced nature, allowing for the inclusion of knowledge from communities that may not assert an Indigenous status or identity.

Part 2 – Challenges of including IPLCs and their customary management systems in marine policies

This section outlines the most common challenges that have been encountered and described by the participants of the Dialogues regarding the inclusion of Indigenous Peoples and local communities' management systems with institutional systems for effective coastal-marine management. Acknowledging and addressing these challenges is crucial for designing marine management and planning practices that align more effectively and respectfully with customary management systems.

Dialogue Workshop Question #1:
"What are the challenges of including customary management systems into marine policies** and vice versa?"

Aerial view of the fishing village of Tanji, Gambia.
© Curioso.Photography/Shutterstock.com (*)

*** E.g., marine spatial planning (MSP), marine protected areas (MPAs), integrated coastal zone management (ICZM), sustainable ocean/blue economy, etc.*

2.1. Divergent visions, objectives and values of IPLCs, governments and other social and economic groups

Governmental policies often centre on managing the marine realm and its resources. On the other hand, many IPLCs see themselves as an integral part of the environment, and in some cases, they may consider natural elements as integral to their identity. This could be in the form of sacred natural sites, hosting totemic aquatic life, as a site of their ancestors or as intangible cultural heritage, although some of these significant places are not necessarily fixed to specific sites that can be easily represented on a map. It is important to highlight that culture is only one part of the diversity, and that there are intergenerational knowledge elements consolidated over time that have been applied by IPLCs to manage coastal and marine spaces which are often overlooked by professional MSP practitioners. Indigenous Peoples' worldviews are deeply rooted in a cultural and spiritual understanding of the seascape, where the ocean, underwater features, the coastline and specific species may be associated with identity, heritage, rituals, myths or even kinships. Similarly, SSF are not merely indulging in economic livelihood activities; they also embody a way of life. This contrasts with conventional views that consider the ocean primarily as a resource for exploitation.

The divergent visions, objectives, and values of IPLCs, mainstream society and governments pose significant challenges in implementing marine policies, including MSP. For instance, governments and mainstream societies often perceive MSP as a framework to organize emerging Ocean Economy developments such as offshore renewable energy, sand extraction, seabed mining, port developments, and industrial fisheries, and they may view it primarily as an avenue for resource exploitation and short-term gains, often without necessarily considering the integral benefits of the ocean to coastal communities. On the other hand, IPLCs may perceive MSP positively as a chance for ecosystem restoration and sustainable and long-term use for future generations, or negatively as a risk of losing access to their territories and areas of use to certain economic sectors. Besides, while mainstream conservation efforts often focus on protecting specific habitats and species under their logic, such as with a focus on Blue Carbon[1], IPLCs may prioritize the preservation or conservation of other environmental features based on their own cultural heritage, values, needs and traditional knowledge systems. In summary, both ocean/blue economy projects and conservation efforts may sometimes be seen as threats to the maintenance of IPLCs in their territories and livelihoods. Thus, a perception of MSP as having narrow economic or conservation targets may pose barriers to the engagement of IPLCs in the earlier phases of MSP processes.

It is important to recognize that divergent visions of the world may also exist amongst Indigenous Peoples and local communities. While Indigenous Peoples as well as local communities share a sense of place, these perspectives may vary amongst or even within groups and lead to conflicting worldviews in marine management, potentially resulting in territorial disputes and exacerbating competition for depleting resources. In cases where local communities have more room in marine planning processes, their perspectives may not necessarily align with those of Indigenous Peoples in the same area. Therefore, it is essential to clearly distinguish and navigate these distinctions during the planning process, especially during processes steered at the local level.

1. Blue carbon ecosystems – mangroves, tidal and salt marshes, and seagrasses – are highly productive coastal ecosystems that are particularly important for their capacity to store carbon within the plants and in the sediments below, and are thereby considered a key component of nature-based solutions to climate change. (UNESCO-IOC: https://www.ioc.unesco.org/en/blue-carbon)

Whale bone arch in Utqiagvik, Alaska at the edge of the Arctic Ocean. Referred to as the "Gateway to the Arctic", it symbolizes the community's relationship with the sea and whaling.

2.2. Mismatch between customary and governmental management systems

The alignment between customary and governmental management systems presents an intricate array of challenges, many of these rooted in complex governance systems. This is especially evident because IPLCs generally reside under the jurisdiction of various institutional levels (national, state, local) and sectors (fisheries, agriculture, environment, development, etc.), which may not always communicate effectively with each other regarding the implementation of distinct policies and their integration with customary management systems.

Insufficient capacity, coupled with **top-down and centralised approaches**, can hinder meaningful engagement of IPLCs in governmental policies and related research projects. Additionally, a **lack of coordination and communication among institutions**, both within the government and in research sectors, may hamper effective engagement with IPLCs, who face challenges in finding the time to get involved amid numerous simultaneous pressing demands.

The challenge extends to the **lack of capacity of some governments to meaningfully implement international frameworks and guidelines**, such as, among others, the Indigenous and Tribal Peoples Convention 169 of the International Labour Organization (ILO, 1989), the FAO's Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries (FAO, 2015) and the United Nations Declaration on the Rights of Indigenous Peoples (UN, 2007), despite the latter's sound articles acknowledging customary resource management systems such as Article 27. Gaps related to willingness, awareness and skills in government administrations hampers the satisfactory implementation of ethical principles and guidelines. Additionally, sustaining ongoing processes becomes challenging in the face of **frequent changes in public representatives and agents**.

Governance mismatch also stems from structural issues due to **the small number of IPLC associations** representing these groups in policy-making arenas. This problem leads to unbalanced equity in institutional systems, weakening the ability of representatives of Indigenous Peoples and local communities such as fishers to voice their concerns and

participate meaningfully in decision-making processes. **Unequal power relationships** persist, making it difficult for IPLC voices to be heard and their rights to be recognized in governance arenas. The absence of dedicated discussion platforms makes it difficult for them to be engaged on matters directly affecting their traditional activities. This underscores the need for a more equitable distribution of power and decision-making authority.

Some IPLC representatives may be unprepared to voice their knowledge and rights in governmental processes, thus emphasizing the importance of supporting a community-led approach. **Some IPLCs may lack a trained spokesperson able to represent them in governmental decision-making processes**. Additionally, some **representatives may not effectively communicate with or properly represent their peers**. The representation in participatory dialogue systems often overlooks the social and political organizational and governance structures within communities. It is crucial to explore the option of visiting communities on site to facilitate a more comprehensive and legitimate dialogue, allowing for their feedback on the process and to legitimize decisions.

The challenge of limited decision-making for IPLCs is multifaceted. **Disregard for customary governance systems** and inclusion of those systems and representatives in the decision-making process has been frequently noted. Indigenous sovereignty is disrespected in some regions, and a lack of recognition of territorial rights for different groups of IPLCs in marine spaces can create unequal power relationships in decision-making processes and lack of opportunities for co-governance and community-led management. Furthermore, challenges related to expressing their cultural beliefs and navigating inherent hierarchical social systems also contribute to the distrust of IPLCs' customary management systems by government officials, scientists and the media. These misunderstandings often lead to misinterpretations of customary practices, exacerbating the difficulties faced by IPLCs in having their traditional knowledge recognized, respected and included in relevant decision-making.

There is also a **power imbalance in decision-making arenas, exacerbated by dominant economic sectors,** that have not been sensitive to the differences in power and the fundamental rights of IPLCs, including their rights to information, participation and self-governance of their marine territories. Creating equitable conditions is essential for addressing the power imbalance between IPLCs and other stakeholders in negotiations.

The governance mismatch between customary and governmental management systems is also aggravated by **differences in the spatial scale of management**. While MSP is essentially designed to be implemented mainly at the national level, Indigenous and local knowledge, foundational to many customary management systems, is inherently localised and intricately tied to specific places. Indigenous management may be at very localised scale, such as clan governance over a particular reef or bay, or it can be at much larger scales, such as inter-island collaborative systems. The challenge arises from the attempt to 'homogenise' diverse systems not designed for such standardisation, underscoring the complexity in reconciling place-specific customary management approaches with national governmental frameworks.

Additionally, countries with extensive maritime areas face the challenge of engaging diverse Indigenous Peoples and local communities across various regions to effectively include distinct cultural realities into participatory processes. Compounded with the challenge of scale, budget limitations may pose difficulties to the **full participation and a human rights-based approach concerning diverse communities in large-scale MSP processes**.

2.3. Disregard for IPLC recognition and rights

The near **absence of a human rights-based approach** in certain coastal and marine policy frameworks poses a significant challenge. Some policies and development projects hinder IPLCs in coastal areas from having their rights guaranteed. This includes a **deficiency in capacity to develop and apply Free, Prior and Informed Consent (FPIC) protocols** and a **disregard for securing tenure rights**, resulting in insecurity regarding territorial and resource rights.

The common **absence of a clear delimitation of IPLCs' territorial boundaries**, both on land and at sea, further compounds the problem, particularly adding to the challenge of the spatial scale of management, as previously mentioned. Additionally, nomadic Indigenous Peoples, particularly those who are stateless, face a unique challenge in terms of inclusion in national MSP processes. Their recognition as citizens depends on whether there is

a clear legal definition in certain countries. However, this recognition process can be lengthy and challenging as it relies on government budget and priorities. Additionally, some groups face challenges in gathering the evidence needed to meet the criteria for recognition as IPLCs as outlined in national legislations, particularly when the law requires written evidence for groups with oral traditions. The rigidity of some government requirements poses difficulties to these groups, unless there is support from NGOs or projects that offer anthropological assistance to navigate this process. For instance, nomadic Indigenous Peoples, colloquially referred to as "Sea Nomads", a terminology that embraces different ethnicities, live in maritime areas in south-east Asia without formal state affiliation.

Unclear definitions of Indigenous Peoples and local community groups may lead to the exclusion of certain groups from safeguarding rights in marine policy fora. Differences between national and customary rules in defining and recognizing Indigenous Peoples, as well as the criteria adopted for differentiating local communities from Indigenous Peoples further compound this challenge. Additionally, in areas with multiple Indigenous groups, challenges arise when one group is the majority, potentially overshadowing the values and territorial claims of minority groups. To ensure equitable marine governance processes, it is crucial to consider the perspectives of all Indigenous groups and how they self-identify themselves, as overlooking this may lead to tensions, conflicts, and increased inequality.

Additionally, there is a **lack of examples demonstrating proper recognition of IPLCs' tenure rights by industry sectors** and the respect for their sovereignty over their areas during project planning and execution. This gap raises concerns about potential violations of IPLCs' rights by the private sector, emphasizing the need for robust and accountable practices, starting from the environmental and social impact assessment phase of these projects. In such scenarios, it is important to motivate the private sector and other parties to adopt the concept of social licence to operate.

Women harvesting shellfish in Zanzibar, United Republic of Tanzania.
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2.4. Inadequate and tokenistic engagement of IPLCs

One key issue is the intentional or unintentional lack of understanding and consideration regarding the rights of IPLCs and their expectations before the engagement process starts. This results in **superficial participatory processes**, undermining the meaningful inclusion of IPLCs in decision-making. **Failure to distinguish between stakeholders and rights-holders** in some policy arenas results in homogenisation of participants. There is a pressing need to move beyond tokenistic consultations and ensure that engagements genuinely reflect the concerns and perspectives of IPLCs.

The **exclusion of women** in participatory processes also compounds the challenge. Women consistently face underrepresentation and, in many cases, are completely overlooked. Such exclusion can be the result of a gender-blind process or adherence to some traditional cultural codes that exclude women from decision-making. Additionally, it may reflect a system that fails to recognize women as legitimate members of artisanal fisheries and disregards their contributions to marine resource management. This issue is particularly intensified for women due to intersectional dual inequalities and discrimination associated with being Indigenous and a woman, often facing additional challenges such as poverty and illiteracy. Women's unique knowledge, values, priorities and concerns differ from those of men, whether Indigenous or not, affecting their access to resources and alternative livelihoods, especially in situations where commonly used natural resources are in decline. Within their communities, Indigenous women play specific and vital roles, contributing to various aspects of social, cultural, spiritual, health, livelihood and environmental life, serving as custodians of traditional knowledge, language and practices, and ensuring intergenerational transmission. Therefore, an adequate engagement process needs to prioritise gender equality.

Moreover, there is a notable absence of **youth** engagement, which would be essential for identifying innovative solutions to emerging challenges and integrating new technologies into the marine planning process.

Inadequate engagement is also linked to the challenge of **safeguarding human rights of Indigenous defenders**, who are negatively referred to as anti-national or anti-development people in some countries. Meaningful engagement is challenging in contexts where individuals face threats to their lives and are unable to express themselves freely or express disagreement. Therefore, it is essential to create a safe and supportive space for consultation and dialogue.

Challenges are also related to **inadequate time frames to support an appropriate engagement process**. The timing of consultations or participation is often dictated by governments, development projects or other external agendas, limiting opportunities for internal communication, consultation, reflection and learning within Indigenous Peoples and local communities. Most often discussions and dialogues happen in the official or dominant languages, thus IPLCs may take more time to go through the procedures. This hinders the ability of communities to fully understand what is at stake and engage effectively.

2.5. Methodological concerns related to recognizing and including ILK into marine policies

IPLCs hold sophisticated technical, scientific knowledge and data related to marine biodiversity including species, ecosystems, trophic chain; geomorphological features such as habitats, movements of sand banks or sand dunes; oceanographic conditions such as ocean currents, wave variation, tides, water temperature; weather conditions including storm patterns, wind systems, climate cycles; and celestial phenomena to guide navigation such as lunar phases, eclipses, stars; among others. They have been able to maintain their memory, history, culture, and knowledge, ensuring it is transmitted across generations mainly through storytelling, rituals, and other oral transmission.

Indigenous and local knowledge (ILK) has the potential to significantly enhance decision-making processes. However, some IPLCs have faced challenges in contributing their knowledge, often encountering **disrespect or disbelief in ILK**, unless it is 'validated' by mainstream science. Besides, the lack of recognition of ILK and other types of evidence produced by IPLCs is also an issue when these groups need to approach court proceedings of legal and judicial systems. Courts are usually occupied by officers who have limited experience and knowledge about ocean issues and Indigenous languages. When ILK is excluded from the legal system, IPLC rights may be denied.

Indigenous culture and biodiversity are intertwined and co-evolving systems, often embodying rich oral traditions, rituals, ceremonies, and customary practices that reflect

this intimate relationship between human cultures and nature. This wealth of knowledge is transmitted through and embedded in Indigenous languages and cultural expressions, including in arts, songs and festivities. Failure to recognize these interrelated elements in a holistic way results in leaving this knowledge behind. Accessing biocultural diversity is a valuable method to supplement information in MSP, especially when ILK data is lacking.

Methodological challenges also arise when the **sovereignty of IPLCs' data and knowledge is neglected or disrespected**, i.e., accessed and extracted without due consideration for data protection principles and measures. Furthermore, the **insufficient time for data collection and the absence of an appropriate approach** for such, pose significant challenges. While there is an observed increased focus on reconciliation, leading governments and researchers to adopt a more respectful approach to data sovereignty, there is still insufficient time dedicated to proper documentation. On the other hand, **limited resources for documentation** strain IPLCs' ability to record, archive and manage information in accordance with their own values, rules and traditions.

There is a prevalent **lack of recognition and awareness regarding the extent and scope of ILK systems**, reflecting a broader deficiency in understanding and capacity to work with their complexity. Social considerations within some methodological approaches to MSP are often limited to a focus on 'uses' and 'activities', neglecting the complex aspects of ILK systems, such as human rights, tenure rights, access, cultural values and beliefs, customary institutions and stewardship practices.

Additionally, there are concerns about mapping methods intended to collect information about sacred sites. These places are often characterised by spiritual and temporal dimensions that may change seasonally, posing challenges for accurate representation on a map. Mapping these sites without caution can allow opportunities for exploitation or intervention in adjacent areas not designated as sacred, creating moral dilemmas and pressure for the communities involved in mapping activities.

Unsuitable scientific methods and **disregard for participatory methods of documenting social and cultural values** further compounds this challenge. Additionally, there is a notable **disparity between data collection in natural and social sciences**, with less emphasis placed on the latter. Fostering the convergence of marine social sciences with marine spatial planning, for example, through the employment of ethnographic and anthropological approaches, would help address this challenge. Moreover, favouring community-led research initiatives would not only enrich data collection but also ensure the appropriate documentation and preservation of oral knowledge systems.

There is an observed deficiency in **methodologies and practices that facilitate the participation of women and young people** and that promote equity in decision-making processes.

2.6. Limited governmental capacity and lack of support for IPLCs to facilitate their engagement in marine policies

Financial constraints can limit capacity and support for IPLCs to engage in MSP governance processes as well as to lead or co-design such processes. For instance, in places where MSP includes remote areas, contacting IPLCs requires a substantial budget and time. This issue is further exacerbated when considering large scales of management, as previously mentioned.

Moreover, research funding is disproportionately allocated, with a notable **lack of equivalent funding for community-led research and social sciences**, when compared to natural sciences. Community-led research and social sciences tend to adopt an approach that would support fostering the engagement of IPLCs, as well as more adequate methodologies to understand and include ILK in MSP. Additionally, direct funding for IPLCs is critically lacking, limiting their ability to autonomously manage research projects and restricting their capacity to meaningfully engage in MSP and influence decisions that impact their traditional maritime territories and resources.

Some **technological and technocratic approaches** for MSP such as specific maps, software and plan outputs may be distant from the reality and knowledge of IPLCs. Building competencies among IPLCs is crucial. Additionally, certain communities may reside in remote areas with limited access to telecommunication networks, and educational levels may be insufficient to comprehend and effectively utilize technology. In such cases, MSP practitioners are advised to allocate time to accompany IPLCs in their participation in the planning process, employing methods such as interviews, participatory mapping and other participatory appraisal approaches. The outputs of these activities can be printed and provided to IPLCs as references for discussion,

serving as resources until they have better access to technology and technological instruction. There is a need to build competencies among IPLCs to bridge this gap and enable them to engage effectively in MSP.

Limited approaches in building capacity present another challenge. For example, some existing implementations of the emergent Ocean Literacy[2] approach is perceived by some as insufficient to deal with the complexities of ILK systems. Expanding the Ocean Literacy approach to encompass a more holistic perspective that includes the culture and knowledge of IPLCs, along with leveraging the Media and Information Literacy[3] approach would bring an additional dimension to marine education and communication aligned with a human rights-based approach.

Indigenous Peoples and local communities often face **limited capacity in articulating their needs and demands**, especially during negotiation processes for the implementation of national and international development projects within their territories, including those related to MSP. Nevertheless, MSP may provide a rightful platform to give voice to these communities to articulate their needs and highlight their perspectives on living in harmony with the marine environment.

2.7. Historical lack of implementation and enforcement of policies and agreements, and lack of trust in institutions

In some countries there is an observed **historical lack of implementation and enforcement of both national and international policies and agreements**. Policies that lack clear enforcement mechanisms often fail to safeguard the rights and territories of IPLCs. This historical gap in implementation creates an inconsistency between the intended goals of policies and their real impact on the ground. In addition, this challenge is also linked to the previously mentioned gap in the implementation of human rights protocols such as ILO 169, UNDRIP, FAO's Guidelines, and others.

The historical failure to implement and enforce policies and agreements directly erodes trust within communities in decision-making processes. The **lack of trust in institutions among IPLCs** stems from various factors. For instance, IPLCs often hesitate to share and engage with government entities due to a longstanding distrust, which can be traced back to colonial times in some countries. Additionally, lack of trust may be related to the discontinuity of processes led by public authorities, which can be exacerbated by the absence of legal frameworks. This distrust is compounded by issues such as **pseudo-engagement processes**, like tokenistic engagement. These pseudo-engagement processes merely gather opinions and suggestions without giving genuine consideration, resulting in no tangible benefits returned to the communities and no feedback provided regarding how decisions were made.

This lack of trust is exacerbated by the **lack of prior consent and insufficient time allocated to the participatory approach, preventing the establishment of long-term relationships with communities** grounded in trust and respect for human rights-based protocols. Attending certain marine planning and management processes, including MSP, can be perceived as a potential trap for IPLCs, given the accelerated pace of lobbying and the lack of preparedness of these groups to send representatives well-equipped to negotiate in these powerful arenas.

2. "Ocean Literacy is defined as an understanding of the oceans influence on you and your influence on the ocean" (UNESCO: https://www.unesco.org/en/node/82173).
3. Media and information literacy is an interrelated set of competencies that equip citizens to maximize advantages and minimize harm in the new information, digital and communication landscapes (UNESCO: https://www.unesco.org/en/media-information-literacy)

Indigenous Fijian fisher with a fishing net in Vanua Levu, Fiji.
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Part 3 – Good Practices for more inclusive and equitable marine spatial planning rooted in human rights-based approaches

In this section, good practices for developing inclusive and equitable marine spatial planning processes are presented, which address the different challenges presented in the previous section. These Good Practices are structured to accommodate diverse forms of management, recognizing the various political arrangements across different regions and cultures globally. These arrangements may include centralized governance systems, co-management arrangements between governments and IPLCs, and emancipated governance arrangements enabling IPLCs to self-manage their territories, particularly at the community level.

The Good Practices outlined are aimed at technical teams of MSP practitioners operating at various levels – national, sub-national or local – within these diverse management arrangements. This also includes scenarios where Indigenous Peoples and local communities play a leading or co-leading role in MSP processes, particularly in areas where they hold tenure rights, whether formally recognized or not. Acknowledging the importance of creating decision-making arenas that increasingly engage IPLCs and embrace their knowledge systems, these Good Practices aim to provide initial considerations towards fostering more open and inclusive MSP processes.

These Good Practices are organized into overarching recommendations (**subsection 3.1**), providing suggestions to be considered throughout the entire MSP process, and specific recommendations (**subsection 3.2**), which are tailored to each of the six specific phases of the MSP process. The Good Practices outlined in both the overarching and specific recommendations may address one or more of the challenges discussed. Therefore, these are not intended to correspond individually to the challenges presented in the previous section, but to address the challenges in a comprehensive manner.

Dialogue Workshop Question #2:
"What are good practices for developing a marine spatial planning process that includes IPLCs and ILK?"

3.1. Overarching recommendations

There is an urgent need for international, regional and national marine policies to recognize and respect the diversity and uniqueness of Indigenous Peoples and local communities' identities and collectives, as well as to ensure their fundamental rights, including those of Afro-descendant communities in the Americas and those formed by people of mixed origins, many of which consist predominantly of small-scale fishers. IPLCs have the right to maintain their traditions and cultural authority. These rights encompass all genders alongside women and men, young and elderly people who have historically lived and used natural resources sustainably.

The engagement of IPLCs in MSP needs to go beyond including representatives of these communities in the decision-making arenas: it involves implementing universal human rights as stated by the United Nations Universal Declaration of Human Rights (UN, 1948), such as the right to life and liberty, freedom from slavery, freedom of opinion and expression, the right to work and education, as well as adopting specific frameworks targeted at Indigenous Peoples in line with the UNDRIP and small-scale fishers. Moreover, inclusive and equitable MSP processes are fundamental to achieving the objectives of the Sustainable Development Goals of the UN 2030 Agenda, the Paris Agreement on Climate Change, the Kunming-Montreal Global Biodiversity Framework, and other key international instruments.

Essential recommendations to develop MSP processes rooted in a human rights-based approach are outlined below:

➲ Recognize and implement Indigenous Peoples' rights frameworks and protocols, extending these principles to local communities whose livelihoods depend on customary management practices, especially small-scale fishers (Box 3)

- Consult and establish cooperation through a process of Free, Prior and Informed Consent (FPIC) proposed in a timely manner and discussing up front the conditions and benefits of participation for IPLCs in these processes.
- In government-led MSP processes, develop consented access to Indigenous and local knowledge (ILK) and protocols on data sharing and data protection. Respect Indigenous taboos and the autonomy to decide when and what they want to share, as data from their knowledge is crucial for developing trust, preserving cultural integrity, and promoting equitable partnerships in research and resource management.
- Establish grievance mechanisms or clear pathways for IPLCs to report and document grievances concerning the process and outcomes. Ensure accessible channels for seeking redress and justice in cases where their rights, including territorial, participatory, cultural and livelihoods, or safety and security are disrespected, threatened or violated.

Box 3: Relevant human rights frameworks and protocols for Indigenous Peoples and small-scale fishers.

- **Fundamental international frameworks to be considered**

  United Nations Universal Declaration of Human Rights (UN, 1948)

  ILO Indigenous and Tribal Peoples Convention, No 169 (ILO, 1989)

  United Nations Declaration on the Rights of Indigenous Peoples (UN, 2007)

  FAO Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (FAO, 2012, 2022)

  FAO Voluntary Guidelines for Securing Sustainable Small-scale Fisheries in the Context of Food Security and Poverty Eradication (FAO, 2015)

  United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas (UN, 2018a)

  Kunming-Montreal Global Biodiversity Framework (CBD, 2022)

- **Regional frameworks and fishworkers' guidelines to be considered**

  Escazú Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (UN, 2018b)

  CAOPA (Confederation of Artisanal Fisheries Organizations for Africa) guidelines[4]

  CFFA (Coalition for Fair Fisheries Arrangements) Call to Action: Rules of conduct for working with small-scale fishers and fishworkers to save our ocean[5]

➲ Ensure equity and equality for women, youth, elderly, vulnerable and minority groups

- Ensure the participation of women, youth, elderly, people with disabilities and other vulnerable and minority groups and members of society in a manner that upholds equity throughout the entire process.
- Strengthen the capacities of women, youth, elderly, vulnerable and minoritised groups, providing equal access to appropriate technologies and services, so that they can inform themselves about MSP and share their knowledge, concerns, interests and points of view.

4. CAOPA: https://caopa.org/
5. CFFA (2022): https://www.cffacape.org/ssf-call-to-action

A fishing village in Borneo, Malaysia illustrates the household challenges under demanding conditions.
© Fernanda Terra Stori (*)

➲ Take into account Indigenous Peoples' and local communities' rights as stated in human-rights frameworks

- Take into account the right to self-determination, and the right to maintain and strengthen their cultures, languages, traditions and customs as stated in the UNDRIP.
- Take into account tenure rights, which refer to the rights that Indigenous Peoples and local communities have in relation to the customary use and control of land, water and other natural resources.
- Recognize the sovereignty of IPLCs over customary maritime territories by developing MSP processes informed by livelihoods, natural resources usage, historical territorial claims, as well as important cultural and sacred sites.

➲ Recognize the diverse scales and systems of management within a territory, particularly embracing self-governance systems of Indigenous Peoples and local communities in the MSP process, and adjust the MSP governance scheme accordingly (IPLC-led, co-management or government-led)

- Encourage IPLC-led MSP processes principally at the community scale of management, by granting tenure rights-holders the control to lead MSP within areas traditionally owned by these communities.
- MSP practitioners are strongly advised to ensure the inclusion of IPLCs as partners in the planning process by adopting a co-management approach, particularly when IPLCs' sovereign territories overlap with the proposed scale of management. IPLCs' involvement would be adjusted based on the jurisdiction in which the MSP process is being conducted, whether it is at the national, sub-national or local level.
- In government-led MSP processes occurring at the national, sub-national and local scales of management, ensure prioritising the inclusion of IPLCs in the participatory structure of MSP processes from the outset. Start by collaboratively establishing a culturally appropriate time frame for the planning process with the involved communities based on FPIC principles, allowing sufficient time for engagement aligned with their availability and enabling their active participation in the process.

- In government-led MSP processes, ensure an inclusive and equitable sharing of decision-making power, ensuring that the voices, perspectives and demands of rights-holders are primarily heard, respected and considered. Acknowledge and differentiate IPLCs and their roles from the other stakeholders, assuring them a decision-making role rather than a mere advisory role. Additionally, distinguish Indigenous Peoples from local communities, especially when evident cultural differences or conflicts exist between these groups.
- In government-led MSP processes, avoid top-down approaches by promoting open dialogue that genuinely considers and incorporates suggestions and diverse viewpoints, clearly defining the deliberative nature of these dialogues, with actual inclusion of suggestions into the decision-making process.
- Develop mechanisms that create inclusive spaces for decision-making by including multiple knowledge systems and establishing a multi-stakeholder and rights-holders consultation framework that would ensure good representation, both in terms of diversity and numbers of IPLCs.
- It is advisable that conflicts arising from divergent visions and objectives in the management of territories are addressed through a process of concertation. This involves discussing various needs, particularly among national authorities, local authorities, the private sector, mainstream society and the groups of IPLCs who traditionally use these territories.

➲ Adopt comprehensive and holistic participatory approaches (community-based and/or Indigenous-led) in knowledge co-production and co-creation methodology, placing Indigensous and local knowledge as equally important and relevant as mainstream scientific knowledge

- Recognize IPLCs' customary practices, worldviews, visions, values and objectives within participatory planning methodologies and include ILK as a valuable data source in the MSP process.
- Adopt community-based approaches by including customary management systems into MSP, avoiding conventional extraction and the imposition of ILK into predefined institutionalized frameworks.
- Recognize and scale-up positive elements of IPLC-led management, thus strengthening their practices through MSP.
- Foster co-production and co-creation between IPLCs, governments and mainstream society, encouraging partnerships between mainstream scientists, Indigenous researchers and community members in order to produce and organize relevant data for MSP processes. ILK and mainstream science need to be seen as complementary, i.e., formal science and technology as filling the gap, not replacing ILK.
- Adopt evidence-based planning approaches in the co-production of knowledge and tools that strive for a meaningful inclusion of multiple knowledge systems, respecting community and cultural protocols, adhering to human rights frameworks and ensuring genuine representation and participation throughout the process.

➲ Recognize and embrace an adaptive management approach based on Indigenous and local knowledge (ILK)

- Consider and include in MSP adaptive management practices based on ILK related to temporal and seasonal patterns in nature such as breeding periods, migratory patterns, frost/defrost periods, etc., while also accounting for modifications of natural patterns triggered by climate change.
- Recognize that climate change is already affecting IPLCs, their livelihoods and the natural resources they depend on. Understand that these communities will be disproportionately affected by these impacts, especially the most vulnerable members of society, such as women, youth, elderly people, disabled individuals, and people living in extreme poverty. Develop ecosystem-based approaches rooted in traditional sustainable practices based on ILK to address challenges posed by climate change.

➲ Build transparent and trustworthy MSP processes based on strong and long-lasting relationships

- Allocate sufficient time to nurture individual and collective commitment to deep, trusted, and mutually beneficial relationships, including for those from outside Indigenous communities seeking to collaborate with people of different backgrounds and understanding.

- Ensure the quality and timely provision of information, allowing IPLCs sufficient time to understand the process. Facilitate input through diverse public hearings and consultations, including in Indigenous and local languages, fostering discussions on how knowledge and information will be used and the potential impact of decisions on their well-being and livelihoods.
- Supporting and advisory organizations have an ethical duty to provide appropriate recommendations regarding the risks and benefits of IPLC participation, especially in cases where the transparency of the process is uncertain.
- Make data sources, studies, and reports originating from the MSP process publicly available and understandable, granting citizens free access to the outputs of the MSP process, excluding confidential data such as those derived from ILK and protected under data sharing agreements.

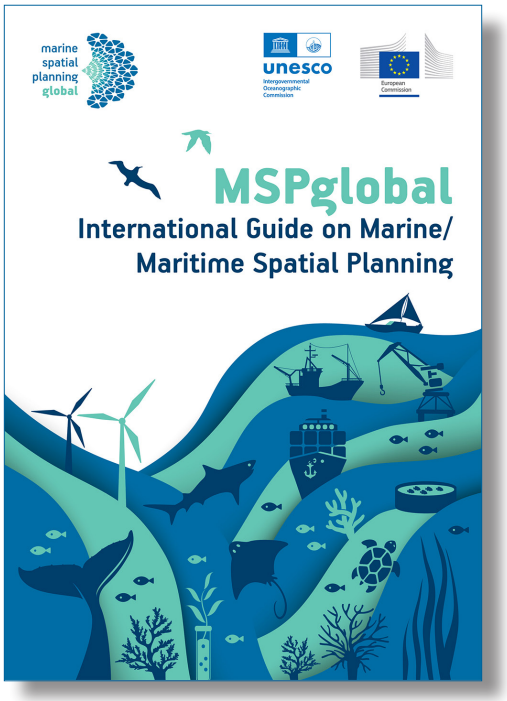
➲ Build capacity and competencies in MSP processes for government representatives, MSP practitioners and IPLCs

- Build government capacity and support for engaging with IPLCs.
- Develop capacity-building strategies that strengthen capabilities for MSP practitioners and all those involved in the decision-making process, based on ILK and IPLCs' visions of the marine territory, rather than relying solely on top-down (sometimes external) processes led or influenced by stakeholders with potentially divergent interests.
- In government-led processes, train governmental and supporting actors to comprehend IPLCs' worldviews and languages to conduct work based on their perspectives and aspirations.
- Assist IPLCs, including youth, in acquiring new skills by offering training in the use of MSP-related technologies and services, such as digital mapping tools, communications tools, and advocacy strategies.
- Empower IPLCs in asserting their sovereignty and perspectives in the management and stewardship of resources while ensuring that the information is accessible and useful for them.
- Promote emancipatory approaches for knowledge transmission, education and communication, by employing media information literacy approaches and promote critical thinking in Ocean Literacy activities linked to MSP processes.

Fishing boats at town port in Mui Ne, Viet Nam.

3.2. Specific recommendations per phase of the MSP process

The **MSPglobal International Guide on Marine/ Maritime Spatial Planning** proposes six phases[6] to organize the MSP process, these are: 1) Setting the scene; 2) Designing the planning process; 3) Assessments for planning; 4) Developing the marine spatial plan; 5) Enabling implementation of the marine spatial plan; 6) Monitoring, evaluation, and adaptation of the process and the marine spatial plan (UNESCO-IOC and European Commission, 2021). Some of these phases of the MSP process may occur in parallel and specific recommendations are suggested for each of them to foster the engagement of IPLCs and the integration of ILK, aligned with internationally recognized human rights-based approaches for Indigenous Peoples and local communities.



MSPglobal International Guide on Marine/Maritime Spatial Planning.
© UNESCO-IOC and European Commission

As MSP processes typically begin under government initiative, principally at the national level but also at sub-national and local levels, these Good Practices were primarily designed to support the government sector in engaging IPLCs in MSP processes within their constituency or, at the very least, during the initial phases of the process. However, acknowledging the increasing number of IPLCs that have gained control over their ancestral territories, it is likely that IPLCs will progressively take the lead in MSP processes, especially at the community level or in collaboration with a group of communities. These Good Practices anticipate the possibility of IPLCs initiating and conducting MSP processes within their area of jurisdiction; therefore, these recommendations should be carefully considered and adjusted based on the level of authority under which the MSP process is being conducted.

While the following recommendations outline basic requirements for an inclusive and equitable engagement and autonomy of IPLCs in MSP processes, it is important to note that these are not exhaustive. Implementing good practices for engaging IPLCs and including their knowledge in MSP is a continuous exercise, and additional strategies may emerge and evolve as new insights are gained in this field – especially through the active contribution of IPLCs themselves in these processes.

6. The general tasks provided by the MSPglobal Guide for each of the six phases are presented in orange boxes preceding the specific recommendations for engaging IPLCs and embracing ILK in MSP processes.

Phase 1 – Setting the scene

Key tasks for setting the scene (Phase 1):

- ❑ Create an MSP working group.
- ❑ Identify existing legal and institutional frameworks to develop MSP.
- ❑ Identify stakeholders and rights-holders, their customary systems of governance, and their planning needs.
- ❑ Identify sources of funding for MSP.
- ❑ Define an institutional framework for MSP.

Source: UNESCO-IOC and European Commission, 2021

a) **Identify IPLC groups within the planning area** and **include rights-holders' representatives when forming working groups**. This involves recognizing diverse ethnicities or groups within IPLCs (e.g., Indigenous Peoples, Afro-descendants and multiracial peoples), their societal role (fishers, fishmongers, etc.), gender (men, women, non-binary), age (youth, adults, elders), their governance systems (rules and procedures for decision-making, customary law, selection of chiefs and elders, etc.), and other relevant categories. Ensure inclusive, transparent and equitable engagement by having each group designate representatives for the process. Negotiate the composition of the working groups to ensure that most groups are equally represented, taking care not to overwhelm the process. It is crucial to identify not only IPLCs with formally recognized territorial rights, but also those without formal recognition.

b) **Build trust** among IPLC rights-holders, stakeholders and government, and address potential resistance to the MSP process by providing clear explanations of appropriate and commonly used terminologies such as sustainable ocean/blue economy, just transition, etc. Emphasize that only a fair and equitable participatory approach can meet all the interests for the area while mitigating the risk of escalating conflicts.

c) Ensure that **expert groups** in both technical and steering MSP committees include diverse stakeholders and actors with backgrounds encompassing a mix of natural scientists, social scientists, and representatives from IPLCs, including representatives of women's organizations, in order to incorporate a wide range of perspectives.

d) **Identify customary laws, existing social mechanisms and management approaches** based on Indigenous and local knowledge. This includes, for instance, traditions and taboos, beliefs and historic contexts of conflicts and agreements related to the use of marine and coastal spaces.

e) **Map the maritime territories of Indigenous Peoples and local communities**, including communities of small-scale fishers, using participatory approaches, to recognize the areas under IPLCs' sovereignty in which decisions should be taken under their recognized and legitimate authority and their uppermost approval.

f) **Secure adequate funding for IPLCs' engagement during this initial planning phase**, anticipating a potentially extended timeline to thoughtfully design the planning process and ensuring the meaningful involvement of IPLC groups, allowing them sufficient time to understand and provide Free, Prior and Informed Consent (FPIC) for their participation in the process.

g) **Secure adequate funding to enable IPLCs' meaningful participation in all phases of government-led MSP processes**. This would include funding for community-led research and the identification and mapping of IPLCs within the area covered by the MSP process; funding for capacity-building to facilitate IPLCs' conscious and operational engagement in MSP processes; and funding for covering IPLCs participation and contribution as specialized advisors, particularly those with formal roles.

h) Consider **financial compensation** for IPLC members who do not earn salaries to engage in MSP planning activities for time spent participating in MSP plenaries and working groups.

i) In IPLC-led and co-managed MSP processes conducted at the community-level, governments and partners need to cooperate with IPLCs to **secure adequate funding to enable IPLCs to lead their own research and planning processes**.

j) In both government-led and IPLC-led processes, **establish collaborations** to mobilise the support of universities, NGOs and other non-profit partners to acquire additional human and financial resources for the development of an equitable and inclusive MSP process.

k) When **outsourcing the MSP process**, for example to a consultancy service, MSP process leaders are advised to ensure that Terms of Reference explicitly outline application of the FPIC principles and allocate an **adequate timeframe and resources for identifying and engaging IPLCs** within the planning territory. This timeframe needs to consider the scale of implementation and the diversity of IPLCs to ensure the effective inclusion of all groups under the outsourced planning area.

l) **Define the MSP arrangement** within the existing coastal and ocean governance and legal frameworks. Clearly articulate the plan's relationship with the other scales of planning and management, including customary management systems, customary laws and traditional rights. Involve IPLCs' representatives in these discussions about the integration of different planning scales.

m) Clearly **define the entities responsible for setting up and leading the MSP process**, according to the scale and arrangement of management chosen – IPLC-led, co-managed or government-led. Outline the collaborative structure for the chosen arrangement and establish a deliberative decision-making process in a way that IPLCs have a priority voice, particularly in decisions affecting their traditional territories.

A small-scale fishing boat is prepared with fishing gear for the harvest on the Southern coast of Brazil.

Phase 2 – Designing the planning process

Key tasks for designing the planning process (Phase 2):

- ❑ **Establish a technical MSP team and define its work plan.**
- ❑ **Develop a strategy of participation and a communication plan.**
- ❑ **Define the planning boundaries and time frame for implementing the plan.**
- ❑ **Define principles, vision, goals and objectives.**

Source: UNESCO-IOC and European Commission, 2021

a) **Promote capacity building for the MSP team** leading the planning process to enhance their competencies in applying the suggested human rights-based approach, enabling them to effectively address the existing conflicts and facilitate discussions on potential conflicts that may arise during the process.

b) **IPLCs are advised to develop an internal working plan** and establish their priorities for the whole MSP process. This involves identifying an overall vision and priorities for MSP prior to engaging in negotiations with external partners and stakeholders.

c) **Establish an ethical space that welcomes multiple worldviews** in a reciprocal and respectful manner, acknowledging the value of diverse knowledge systems and including collective intergenerational knowledge of IPLC groups. Emphasize collaborative efforts and ensure that the priorities for the communities are agreed from the outset.

d) **Develop a strategy for a participatory MSP process** with specificities for IPLCs. Invite strategic community members and leaders to take part in engagement activities of the planning process. Ensure the participation of individual and group representatives from commonly underrepresented demographics such as women, youth and the elderly.

e) **Develop and implement engagement protocols** with specificities for IPLCs that include representation and participation schemes, including defining the composition of representatives and distinguishing the weighting of votes between those whose livelihoods are directly affected by the potential planned developments and other institutional stakeholders.

f) **Engage with communities inside their territories** with the aim of fostering fairer participation. Initiating the conversation with informative sessions is helpful to align understandings, while subsequent rounds involving decision-making debates should take place within community territories when possible. Depending on the characteristics of the community, multiple meetings with intervals for reflection and feedback are advisable.

g) The MSP technical team should consider **reaching out to well established IPLC participatory spaces**, such as protected area committees, local councils and other local committees prior to starting the interaction processes.

h) **Integrate into the MSP process existing successful examples of local engagement** for other marine planning and management processes, such as licensing conditions grounded in ILK.

i) **Ensure clear documentation of the engagement process**, including an acknowledgement of existing conflicts and divergent views to foster transparency. Acknowledging conflicts and dilemmas upfront and recognizing their existence even when consensus has not been reached helps to ensure a transparent MSP process.

j) **Develop and implement a clear communication plan for IPLCs.** Identify the most effective communication channels for engaging with the community and utilise social media and community groups to involve community members. Ensure that information about the planning process is disseminated through local news, radio stations and other suitable media channels, and in Indigenous and local languages both in written and oral forms. If the community lacks internet access and other media, consider adopting a face-to-face approach. Provide information in accessible languages to ensure a voice for all participants, especially IPLCs.

k) **Discuss the MSP process and its overarching objectives**, emphasizing its multisectoral and integrated planning approach, in a way that ensures full understanding among the representatives. Engage IPLCs to share their perspectives on the importance of the ocean for their cultures and livelihoods, as well as their concerns regarding the

management and protection of marine resources now and in the future.

l) **Involve constituents** in collectively articulating the MSP vision to avoid a pre-determined agenda.

m) **Establish a common vision, goals and objectives** for MSP that includes IPLCs' cultural values, visions for their marine territories, as well as community needs and objectives.

Traditional Malagasy bamboo woven crustacean fishing trap on a beach in Madagascar.
© Artush/Shutterstock.com (*)

Phase 3 – Assessments for planning

Key tasks for developing assessments for planning (Phase 3):

- ❑ **Define the different planning scales.**
- ❑ **Identify existing conditions to map and diagnose environmental, socio-cultural and economic parameters, as well as conflicts and compatibilities.**
- ❑ **Analyse future conditions and trends, define alternative scenarios as well as assess trade-offs to select the preferred scenario.**
- ❑ **Develop a public information system.**

Source: UNESCO-IOC and European Commission, 2021

a) Incorporate within the MSP approach a **broad and diverse array of social data layers in the assessments**, such as communities, uses, values, rights, access, culture (including tangible and intangible cultural heritage), languages, institutions, customary management areas, etc. **Also assess human well-being indicators as well as socio-economic needs** of the community for their overall well-living.

b) Allocate **appropriate financial resources and time to effectively collect social data** and develop social science and community-based methods that enhance the understanding of social conditions and diverse knowledge systems.

c) Recognize the **value that Indigenous languages can bring** to MSP assessments.

d) Respect **IPLCs' customary resource management practices**, recognizing the value of Indigenous and local knowledge (ILK) systems embedded in the gathering and generation of data for MSP. Adopt a **flexible and adaptive approach in including ILK**

into the MSP process, recognizing the challenges associated with gathering ILK which differs from mainstream scientific data.

e) Ensure IPLCs have the **right to decide whether they prefer to manage their own data or authorise an external institution** to handle this procedure.

f) Ensure that Indigenous and local knowledge (ILK) and the data derived from it is only shared after **clarification of the purposes of the MSP process**, as well as after the development of **Free, Prior and Informed Consent (FPIC)** protocols ensuring intellectual property, data sovereignty and data protection from the outset. Specific and localized ethical requirements can be better obtained from IPLC organizations, universities, and local experts.

g) Embrace **principles of data ownership, control, access and possession (First Nations Principles of OCAP®[7])** recognizing IPLCs' inherent right to make informed decisions about their cultural knowledge, data and information, including decisions on how data is collected, accessed, used and shared. Ensure that data is controlled and interpreted by IPLCs themselves or with the consent of the community.

h) Complement the FAIR (findable, accessible, interoperable, reusable) data principles towards open data and open science with the **CARE (collective benefit, authority to control, responsibility, and ethics) principles** for Indigenous data governance.

i) As the process of identifying rights-holders and stakeholders requires consideration of privacy laws and other legal or policy considerations at both national and international levels, MSP practitioners are advised to **consult guidebooks on good practices related to engagement ethics**.

j) Engage IPLCs in local MSP assessments employing a **community-based and citizen science approach**.

k) Support IPLCs to **identify the extent of their customary maritime territory** and assess customary land tenure.

l) **Facilitate community mapping processes** to gather and organize collective Indigenous and local knowledge (ILK) held by the community. ILK may provide data on marine habitats, biodiversity, breeding areas, nursery areas, fishing spots, fish migration, etc. Attention should be given to the **confidentiality** of these data, particularly over **culturally and socio-economic sensitive information** such as secret fishing spots, sacred places and taboos. Participatory mapping can help **identify the resource use areas**, delineate customary territories and conflicts over resource access, thus facilitating dialogue and negotiations among diverse actors.

m) Ensure that IPLCs have the **right to withdraw from sharing knowledge** and culturally sensitive information.

n) Enable individuals to **identify conflicts and synergies** with other users, express their personal perspectives on the importance of specific areas and identify the consequences of potential loss of access and territories.

o) **Consider cultural and customary use of the space before mapping and planning** for the implementation of economic development projects such as shipping lanes, resource extraction, offshore renewable energy, etc.

p) Listen to IPLCs' opinion on likely future conditions according to what is at stake in the marine territory. Next, actively **engage them in designing desirable and likely future planning scenarios** to inspire interactive and sound discussions focused on local planning issues.

q) Ensure that information obtained from ILK is **appropriately stored and updated** in MSP databases by training the technical team responsible for this task, whether from within IPLCs or external, to adhere to the agreed ethical protocols, guaranteeing the adequate and confidential protection of these data.

r) Acknowledge **authorship** of IPLC representatives involved in assessments that include ILK and involve them in the dissemination of such reports.

7. "The First Nations principles of OCAP® establish how First Nations' data and information will be collected, protected, used, or shared" (FNIGC: https://fnigc.ca/ocap-training/)

Traditional Peruvian small reed boats *(Caballitos de Totora)* used by local fishers in Peru.

Phase 4 – Developing the marine spatial plan

Key tasks for developing the marine spatial plan (Phase 4):

- ❑ **Define management actions and spatial allocation of uses (zones or priority areas).**
- ❑ **Draft the marine spatial plan and related documents.**
- ❑ **Evaluate the draft marine spatial plan.**
- ❑ **Launch a consultation process of the draft marine spatial plan.**
- ❑ **Endorse and approve the marine spatial plan.**

Source: UNESCO-IOC and European Commission, 2021

a) Engage communities in the **marine zoning process** through participatory mapping.

b) Facilitate active engagement and wide-ranging **consultations across different locations** in the planning area and throughout the different phases of the planning process, not only after the final plan is completed, thus allowing sufficient time and resources for IPLCs to evaluate and contribute to the draft over various workshops and public hearings, considering communities' defined criteria. This procedure would allow for fine-tuning adjustments to the process as necessary and avoid judicialization of the process.

c) **Initiate the consultation phase with IPLCs**, avoiding last minute consultation when it is too late to include their considerations. IPLC groups must ideally actively participate as **partners in organizing consultation** meetings for the draft plan.

d) Enable IPLCs, including small-scale fishers, to **endorse and approve the marine spatial plan in line with FPIC principles for rights-holders**.

e) Provide training to IPLC members on **how to utilize public information systems** of the draft plan, such as data portals and knowledge platforms.

Indigenous Kalinago Barana Aute coastal territory in Dominica, Central America.
© Nature_island_beauty/Shutterstock.com (*)

Phase 5 – Enabling implementation of the marine spatial plan

Key tasks for implementing the marine spatial plan (Phase 5):

- ❑ **Establish a regulation to implement the plan.**
- ❑ **Raise awareness and establish regular dialogues with rights-holders and stakeholders to follow up and support implementation.**
- ❑ **Build capacities for competent authorities, rights-holders and stakeholders on the implementation of the plan.**
- ❑ **Comply with the marine spatial plan.**
- ❑ **Enforce the marine spatial plan.**

Source: UNESCO-IOC and European Commission, 2021

a) Ensure a **multi-governance system responsible for overseeing the implementation of the plan**, including IPLC members, government representatives and other stakeholders.

b) Utilize **effective and user-friendly methods for continuous communication about the implementation of the plan** by presenting planning documents in simplified everyday language and in languages spoken by Indigenous Peoples. Include graphic content for better understanding and identify community jargons and terminologies for environmental terms to tailor the plan accordingly.

c) Create opportunities for continuous **engagement of MSP practitioners and social scientists beyond the development of the plan**. Involve experts in ILK research, community engagement and conflict resolution in meetings during the implementation phase of the plan to enrich MSP expertise.

d) **Involve IPLCs in compliance and enforcement** by assisting with the enforcement of rules in the areas that are under their jurisdiction and control. Communities can act as wardens of the plan.

e) Secure **sustained funding to support long-term engagement and capacity** for communities to be involved in enforcement and education within their territories.

A classic Arabian *dhow* or sailing vessel, a traditional boat from Tanzania made of wood and commonly seen near Zanzibar, United Republic of Tanzania.

Phase 6 – Monitoring, evaluation and adaptation of the MSP process and the marine spatial plan

Key tasks for monitoring, evaluation and adaptation of the process and the plan (Phase 6):

- ❑ **Evaluate the planning process and stakeholder engagement.**
- ❑ **Evaluate the marine spatial plan and its relevance.**
- ❑ **Evaluate the implementation of the marine spatial plan.**
- ❑ **Evaluate the MSP results and define how to report it.**
- ❑ **Review and revise the marine spatial plan.**

Source: UNESCO-IOC and European Commission, 2021

a) Incorporate the level of **engagement of IPLCs as an indicator** in MSP monitoring and evaluation.

b) Assess whether the plan **ensures protection of human rights**, fosters social-ecological resilience and supports the sustainability of traditional livelihoods.

c) Evaluate the **distribution of benefits** resulting from the MSP process, to ensure that benefits are also shared with rights-holders.

d) Empower IPLCs to actively engage in the **monitoring and evaluation of both the MSP process and the marine spatial plan**. This involves partnering with IPLCs in the development of indicators, participating in decisions regarding what indicators to measure and including indicators based on ILK.

e) Encourage IPLCs to actively **monitor socio-environmental changes** in their coastal land and marine territories following the implementation of the plan. This can be achieved through participatory mapping activities and other citizen science approaches grounded in ILK.

f) Evaluate the **impact of the plan, whether positive or negative, on the communal living area**, i.e., IPLCs' terrestrial territory where their social and cultural reproduction occurs.

g) Engage IPLCs in the **adaptation of both the process and the marine spatial plan**, considering lessons learned, positive aspects and emerging conflicts within the communities' territorial space.

Ancient Aboriginal rock paintings, dating back up to 20,000 years, depict fish catches including barramundis and turtles at Kakadu National Park, a UNESCO World Heritage Site in Australia.

Part 4 – Case studies to be inspired by

Discussions held during the four participatory Dialogues revealed valuable insights into the primary challenges faced by Indigenous Peoples and local communities in including customary management systems within government-led marine policies. Moreover, a diverse array of good practices already adopted by these groups emerged, illustrating successful approaches in developing and implementing marine policies that actively involve IPLCs, particularly as leaders or co-leaders in the process, and embrace ILK from the outset. This section presents some of these emblematic case studies in order to inspire the development of more equitable and inclusive MSP processes.

4.1. Case A: Sea Change Tai Timu Tai Pari, New Zealand

Contributed by the Seachange Stakeholder Working Group

Community

Mana whenua (tribal nations) of Hauraki Gulf: *Ngāi Tai ki Tāmaki, Ngāti Hei, Ngāti Whātua, Ngāti Paoa*

Location

Hauraki Gulf, Auckland, New Zealand

Customary system of planning and managing coastal-marine spaces

Kaitiakitanga is the ethic and practice of protection and conservation of the natural environment and the resources within it on which people depend. It is considered an obligation of *mana whenua* to maintain the lands and waters to which they *whakapapa* (have a genealogical relationship).

Māori do not see themselves as separate from the natural world, but related through *whakapapa*, whereby all elements, living or otherwise, descend from *Papatūānuku* (Mother Earth), *Ranginui* (the Sky Father) and their children. For Māori the use of natural resources is subject to kinship obligations. For this reason, *kaitiakitanga* is concerned with maintaining a natural and appropriate balance, particularly between the needs of people and those of *Papatūānuku*, their Mother Earth, *Tangaroa*, her son and *Atua* of the sea, and all the species that descend from them.

Mātauranga (Māori world views and knowledge) relating to water, fisheries, and to the Hauraki Gulf Marine Park is a vast body of knowledge spanning over a thousand years. This includes centuries of familiarisation with the environment, detailed understanding of natural systems and cycles, and learning which management approaches work, and which do not. This cannot be replicated or replaced by mainstream science.

Community engagement and ILK inclusion in coastal-marine policies

"He taonga tuku iho – treasures handed down from the ancestors *Tīkapa Moana / Te Moananui-ā-Toi* – the Hauraki Gulf Marine Park is vibrant with life, its mauri strong, productive, and supporting healthy and prosperous communities."

To achieve the vision of the Sea Change process and the Plan, *mana whenua*, the wider community and agencies such as the Central Government and Local Government will have to work collectively utilising a bi-cultural management framework shaped by the ethics of Guardianship and *kaitiakitanga*. An objective of the Plan is to restore, protect and enhance the *mauri* of marine, estuarine and fresh water in the Hauraki Gulf Marine Park.

For Māori, *mauri* is the vital essence or spirit found in all elements of the natural world. In relation to water, *mauri* is often equated to life-supporting capacity. The *mauri* of Tīkapa Moana / Te Moananui-ā-Toi has been substantially weakened by land use effects, and overharvesting of *kaimoana* (sea food) for nearly two hundred years. This has left the waters with reduced resilience, or ability to absorb or cope with new and existing pressures. Fortunately, *mauri* can be restored. Conservation measures include *rāhui* (closures), which are instituted through handed down rituals and ceremonies.

For more information

Hauraki Gulf Marine Spatial Plan: https://gulfjournal.org.nz/wp-content/uploads/2022/01/5086-SCTTTP-Marine-Spatial-Plan-WR.pdf

Figure 1: Local *mana whenua* undertaking a mussel reef restoration that was driven by them, employing traditional and modern knowledge (Case A, New Zealand).
© Charlotte Graham (*)

4.2. Case B: Indigenous and local knowledge of Mukkuvar to manage their customary marine spaces in Kerala (India)

Contributed by Johnson Jament and Lisba Yesudas

- **Community**

  Mukkuvar Fishers in South India

- **Location**

  Thiruvananthapuram, Kerala, India

- **Customary system of planning and managing coastal-marine spaces**

  Mukkuvar are traditional seagoing fishers who have been described in historical documents as 'sea tribes'. They live in South India and some parts of Sri Lanka. Most of the community members still live by the sea and have maintained their inherent connection with the ocean. Mukkuvar fishers plan their fishing expeditions according to the seasonal weather conditions, and the abundance and seasonal availability of fish stocks. Other fish species and marine habitats are left untouched for regeneration and reproduction.

  The marine spaces are given names on the basis of richness and diversity. For example, instead of conserving just a single species like turtles, they argue that the ecosystem which sustains the species should be preserved. Intertidal zones and 'Blue Forest' are set aside for minimal fishing operations, while for catches in deep sea underwater ecosystems, only hook and line fishing are allowed. If other methods of fishing are deployed, it should be done with utmost care and much attention (*pathiyevalappu vala*). Respecting various interest groups of fishers, they follow the principle of minimum damage to marine environment and maximum distribution of catch to all. Lagoon-estuaries are meant for fishers who may face difficulties at sea. A large section of community members is still

against imported destructive practices like trawling and mechanised fishing like ring/purse seining. Sand deposits at the lagoon type estuaries are monitored by the community and fishing is only allowed for essential domestic purposes. Regarding beaches, they are considered important cultural, occupational, spiritual and knowledge transfer spaces, which should thus be looked after.

❍ Community engagement and ILK inclusion in coastal-marine policies

Mukkuvar seagoing fishers have limited access to policy avenues in the context of India in general and Kerala in particular. They are considered illiterate and often negatively stereotyped, lacking recognition of their thoughts or ideas to contribute to the policy dialogue and discussions on the ocean.

Mukkuvars' collective, practice-based, endemic and Indigenous knowledge about underwater ecosystems including rocky reefs and shipwrecked areas, marine organisms, fish stocks and diversity, ocean weather conditions, seasonal changes, monsoon dynamics, etc. are often considered non-scientific, thus their experience-based reports are disregarded though the following illustration suggests that they are very critical and valuable.

With the support of Mukkuvar, the first ever People's Marine Biodiversity Register in India was produced by the Kerala State Biodiversity Board. ILK was also used by many mainstream scientists to document the underwater seabed ecosystems in the southwest coast of India. For the assessment of marine biodiversity and ecosystem services in the Vizhinjam Bay, which is published in a more recent report "**Our Beaches, Our Sea**", some independent scientists in India found Mukkuvar's ILK was paramount. On the basis of these important contributions, it is recommended to include coastal Indigenous Peoples like Mukkuvar and their ILK in integrated coastal zone management, environmental impact assessment (EIA) and any other coastal infrastructure development at the seacoast and in coastal waters.

❍ For more information

Report 'Our Beaches, Our Sea: Heritage of Fishing Communities, Usufruct of All Citizens': https://www.vizhinjamtheeram.org/wp-content/uploads/2024/02/FINAL-REPORT-OUR-BEACHES-OUR-SEAS.pdf

Figure 2: Fishers at Puthiyathura engaged in their net mending activity with '*cheluprachil*'- sharing their experiences of the previous day's ocean expedition (Case B, India).
© Romer Ignatious, Mukkuvar Fisher Community Film Maker (*)

4.3. Case C: Inclusion in marine planning and management through co-management structures (Kenya)

Contributed by Pascal Thoya

Community

Beach Management Units – Shimoni-Vanga Seascape

Location

Shimoni-Vanga Seascape, Kwale County, Kenya

Customary system of planning and managing coastal-marine spaces

During pre-colonial times, fisheries management in Kenya was mostly community-based, with local elders playing a big role in marine resource management and conflict resolution. Traditional knowledge and community norms were applied in regulating resource use. Colonial and post-colonial governments introduced centralized governance systems that were mostly top-down, backed by policies and regulations for resource management. The top-down management approaches were hugely ineffective, as they rarely considered community perspectives in management.

In the 1990s, the concept of co-management was introduced, which advocates for a collaborative effort of local communities, governments, scientists, and other stakeholders in managing marine resources. The beach management units (BMUs) formed under the BMU legislation of 2007 provide the basic structure of marine co-management in Kenya. BMUs are formed by communities that depend on fisheries resources and are responsible for the management of activities at landing sites, including fisheries catch data collection and enforcement of fisheries regulations.

The current MSP process in Kenya has a structured engagement with the beach management units, recognizing the critical role that BMUs play in the stewardship of marine resources. The BMU framework is used to provide information about MSP to Indigenous Peoples and local communities.

Community engagement and ILK inclusion in coastal-marine policies

The process of BMU formation and operation starts with the establishment of co-management areas (CMAs), which represent the spatial boundary of BMU management. The BMU then develops a co-management plan for their area, which includes a set of by-laws and management measures to be implemented in the CMAs.

The Shimoni-Vanga Area, which is on the southern border of Kenya, is quite complex and consists of unique marine habitats. Fishers from different BMUs often share fishing grounds, making management measures set by one BMU ineffective. In this case, the government encouraged seven BMUs in the area to form a Joint Co-Management Area (JCMA). The Shimoni Vanga JCMA is comprised of 7 BMUs, including Shimoni, Wasini, Mkwiru, Kibuyuni, Majoreni, Jimbo, and Vanga.

The JCMA formation includes conducting ecological risk assessments (ERA) involving the communities in identifying key issues and informing management measures for the JCMA. The process of JCMA formation generates data on important fishing areas for the communities and the communities' management measures, such as the creation of locally managed marine areas (LMMAs), and also outlines the key stakeholders responsible for its implementation in the area, who are mostly local communities. The MSP process recognizes how JCMAs are formed and includes relevant ecological and social data generated in the process.

For more information

The Shimoni-Vanga Joint Fisheries Co-Management Area Plan:
https://uploads-ssl.webflow.com/6473831a6fc6bf5f-6fcfe22a/6474e58f8951b462ff645154_Shimoni-Vanga-JCMA-Plan_Final-Draft.pdf

Figure 3: Beach Management Unit assembly meeting in Kibuyuni: The BMU assembly consists of the BMU members and the executive committee. It is the decision-making organ for the BMU and is charged with the approval of BMU decisions (Case C, Kenya).
© Pascal Thoya (*)

4.4. Case D: Tárcoles: A community of artisanal fishers capable of maintaining their identity, traditional knowledge and governance of their marine territory of life (Costa Rica)

Contributed by Vivienne Solís Rivera, Marvin Fonseca, David Chacón, and Aaron Chacón

- **Community**

  Tarcoles Community

- **Location**

  Tarcoles, Costa Rica

- **Customary system of planning and managing coastal-marine spaces**

  In 2005 CoopeTárcoles R. L. and CoopeSoliDar R. L. initiated a work process aimed at recognizing the contribution of small-scale fishing communities to the conservation and management of marine fisheries. Complementing traditional and technical knowledge, social, economic and marine conservation research was conducted. Participatory mapping of the marine area was carried out and rules for fishery management were defined. The Tárcoles fishers' leaders began setting up meetings with neighboring communities and a negotiation process with other fishing fleets, particularly the semi-industrial trawl fleet, was initiated.

  On May 27, 2011, by agreement A.J.D.I.P./193-2011, the Tárcoles Responsible Fishing Marine Area (in Spanish, *Áreas Marinas de Pesca Responsable* - AMPR) was recognized. The fishing biomass has recovered (e.g., of white shrimp species), to become an important resource for the benefit of the community. Today, 13 Responsible Fishing Marine Areas have been recognized in the country. They are the only example of

shared fisheries governance in Costa Rica and represent an example that incorporates a human rights-based approach to conservation, recognizing that traditional knowledge is fundamental to the sustainable use of marine resources and their biological and cultural conservation.

Community engagement and ILK inclusion in coastal-marine policies

Small-scale artisanal fishing communities in Costa Rica do not currently have formal fishing access. The Responsible Fishing Marine Areas and the model of shared governance of the fisheries has allowed the inhabitants to exercise their right of tenure and access to the sea and to develop the way of life of small-scale artisanal fishing. It has also allowed recognition of the conservation contributions of these communities, which, together with the State, are committed to moving towards the sustainable use of fisheries.

Increasingly, the Costa Rican Government recognizes participatory maps and the AMPRs as effective tools for marine spatial planning and for conservation with a human rights-based vision that includes local small-scale fishing communities in their management.

For more information

Community governance in Tárcoles: https://youtu.be/hIyHAbmNhBI?si=YqkCShfsQBYZ8Qdk

Norms for the establishment of Responsible Fishing Marine Areas in Tárcoles: http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm_texto_completo.aspx?nValor1=1&nValor2=70856

Regulations for the establishment of Responsible Fishing Marine Areas and declaration of National Public Interest of marine areas and fishing: http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm_texto_completo.aspx?nValor1=1&nValor2=62999

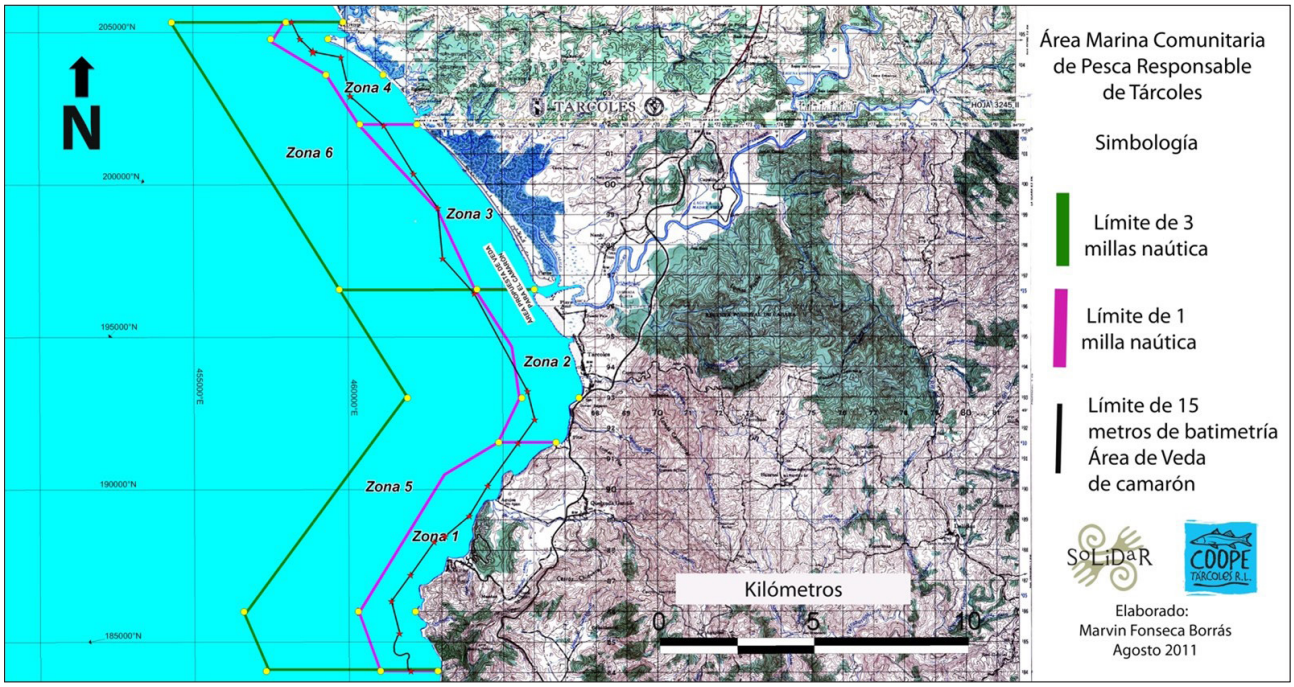


Figure 4: Map of the Tarcoles Responsible Fishing Marine Area based on the official cartography of the National Geographical Institute of Costa Rica that used traditional knowledge of the SSF for its construction (Case D, Costa Rica).

4.5. Case E: Social Inclusion in the process of elaborating the management plan of Marine Protected Area of the Northern Coast of São Paulo (Brazil)

Contributed by Lucila Pinsard Vianna, Marcio Jose dos Santos and Gabriela Tibiriçá Sartori

❍ Community

Caiçaras from the northern coast of São Paulo

❍ Location

Northern coast of São Paulo, Brazil

❍ Customary system of planning and managing coastal marine-spaces

The word *caa-içara* has its origin in Tupi-Guarani. *Caa* means branches, sticks, or bush, while *içara* means 'trap'. These words together – *Caiçara* – suggests a stick trap and designates the people who inhabit the stretch of the Brazilian coast between the south of Rio de Janeiro state and the north coast of Parana state. This area includes the entire coast of São Paulo state. These peoples have collective and specific ways for the management of spaces and natural resources, considering their social, economic and cultural practices. They move through different environments like marine, riverine as well as terrestrial to develop activities such as artisanal fishing, shifting cultivation and extractivism.

Caiçaras are influenced by Indigenous Peoples, colonizers and enslaved black peoples. The Indigenous legacy can be seen in the techniques and strategies of hunting, collecting and planting (*coivara*), instruments and techniques for manufacturing cassava flour, and food based on cassava and fish, among others. The *Caiçaras* have suffered intense expropriation of their territories, particularly due to real estate speculation. The north coast of São Paulo is one of the regions where the remaining *Caiçaras* live.

❍ Community engagement and ILK inclusion in coastal-marine policies

A management plan is the guiding document for the management of conservation units in Brazil. The Marine Protected Area of the Northern Coast of São Paulo (in Portuguese, *Área de Proteção Ambiental Marinha do Litoral Norte* - APAMLN) spent 12 years preparing this document in a collective effort to involve *Caiçaras*, in order to promote equity and social inclusion in dialogue and decision-making processes.

This process was conducted in a way that fostered social learning: all the debates took place in public spaces with transparency in the dialogues between the management councils and a technical fishing chamber. In addition to the Management Plan workshops, the management team focused on meetings with the *Caiçaras* to offer them information and reflections on the process, as well as to exchange contributions. Traditional communities received special attention in order to achieve good dialogue, with an even greater number of meetings. Sectoral meetings were held in the communities and resources for transportation and food were offered to them to participate in the workshops, in order to expand participation beyond representatives. There were also moments of individual or small group conversations to articulate the process and/or clarify doubts. Using accessible and informal language, with images, drawings, photos and maps, the aim was to include the *Caiçaras* in decision-making based on a better understanding of the concepts and the process. Furthermore, in partnership with the NGO Linha D'agua, specific training was carried out for the *Caiçaras*, with several community meetings, which facilitated and qualified their organization to expand their representation as communities, providing a constant and permanent presence in all workshops.

The creation of social cartography stands out, when the communities participated and contributed knowledge to provide detailed information in the maps. The participatory diagnosis that came out from this process was the basis for the preparation of the technical diagnosis and other products, with the interaction of data with the perceptions, knowledge, demands and priorities of local actors.

❍ For more information

Management Plan: https://sigam.ambiente.sp.gov.br/sigam3/Repositorio/511/Documentos/APAM_LN/APAMLN_Plano_de_manejo_CTBio.pdf

Decree for approving the Management Plan: https://www.al.sp.gov.br/repositorio/legislacao/decreto/2022/decreto-66823-07.06.2022.html

Participatory diagnosis: https://sigam.ambiente.sp.gov.br/sigam3/Repositorio/511/Documentos/APAM_LN/Relatorio%20Participativo%20APAM%20LN.pdf

Participatory process report: https://sigam.ambiente.sp.gov.br/sigam3/Repositorio/511/Documentos/APAM_LN/Relatorio_de_Participacao_Social_APAMLN.pdf

Figure 5: '*Caiçaras*' in artisanal fishing with floating seine *('cerco flutuante')*, fishing gear typical of this culture (Case E, Brazil).
© APAMLN (*)

Part 5 – Ways to move forward

While acknowledging the complex challenge of garnering recommendations of good practices for engaging IPLCs and embracing ILK in MSP processes for diverse geographical and cultural contexts, this publication offers initial considerations for achieving more inclusive and equitable MSP processes. In this closing section, suggestions to further advance pathways for a meaningful integration of these Good Practices into marine governance, guided by the principles of inclusivity, equity and respect for diverse knowledge systems and societal roles, are provided. These recommendations extend beyond MSP and the work of UNESCO, aiming to foster collaborative efforts within contemporary frameworks for a holistic approach to marine governance, encompassing not only the sustainability of marine ecosystems, but also the empowerment of IPLCs in stewarding marine resources.

Firstly, the wide **dissemination of these Good Practices and establishment of a communication channel to receive feedback** from various groups and organizations is recommended. This feedback procedure would support the evaluation and evolution of this document and promote continuous improvement and updates to these Good Practices.

Promoting this publication and seeking feedback from Indigenous Peoples' organizations is essential to enhancing its relevance. This involves extending the discussion to other groups and organizations, for instance in the Arctic region, such as the Arctic Council and its permanent participants, to address the unique challenges posed by climate change in the Northern Sea passages. Some stakeholders in this area include the Inuit Circumpolar Council, Indigenous communities in Greenland, Alaskan and Canadian coasts, Indigenous Peoples in Russia, and Sami people in northern Europe. Additionally, engaging with Indigenous Peoples' organizations in Small Island Developing States (SIDS) in the Pacific, Asia and the Caribbean, who are exposed to sea-level rise, is recommended, as is connecting with IPLCs in the Africa, Americas and Asia, particularly those encountering conflicts with emerging maritime sectors, such as offshore energy industries, seabed mining and port developments.

Building a portfolio of diverse case studies, whether IPLC-led, co-managed or government-led, from around the world to draw lessons from various approaches in engaging IPLCs and embracing ILK in MSP would assist in recording the progress of those experiences. **Follow-ups on these case studies** are indicated to assess improvements in heritage values, community engagement and ecological outcomes resulting from the inclusion of ILK and equitable inclusion of IPLCs in MSP processes. To advance understandings and refine engagement strategies, it would be necessary to foster continuous learning and evolving discussions driven by the insights derived from these case studies.

It is advisable to widely **share these Good Practices and strengthen discussions with other related initiatives** such as the International Planning Committee for Food Sovereignty (IPC)[8] and the FAO Committee on Fisheries (COFI)[9], which serve as relevant focal points for discussions on fisheries issues and the exchange of knowledge on advanced understandings related to IPLCs and ILK.

Discussions on the intersection of human rights and MSP approaches would further advance by **encouraging collaboration between human rights organizations and marine planning organizations** to mainstream a human rights-based approach widely into marine governance processes.

These outlined Good Practices will be promoted and disseminated by UNESCO through webinars, trainings and across other programmes and initiatives that the organization leads or is involved in, such as the UN Decade of Ocean Science for Sustainable Development 2021-2030 (Ocean Decade), the UNESCO Operational Strategy for Small Island Developing States, the UNESCO Policy on Engaging with Indigenous Peoples, the International Decade on Indigenous Languages 2022-2032, World Heritage sites, World Network of Biosphere Reserves, the High Level Panel for a Sustainable Ocean Economy (Ocean Panel), among other global, regional, national and sub-national networks, platforms and mechanisms led by or relevant to Indigenous Peoples and Local Communities including UN Declaration on the Rights of

8. IPC: https://www.foodsovereignty.org/
9. FAO-COFI: https://www.fao.org/cofi/en

Indigenous Peoples – UNDRIP; UN Permanent Forum on Indigenous Issues – UNPFII[10]; UNFCCC Local Communities and Indigenous Peoples Platform - LCIPP[11]; etc. With the support of UNESCO-LINKS, it is expected that UNESCO-IOC integrates and tests these practices in MSP pilot projects, encouraging countries to effectively engage IPLCs and embrace ILK in government-led processes as well as to promote IPLC-led MSP at local scale.

A **continuous update of these Good Practices** to adhere to the latest legal obligations under a human rights-based approach and other relevant guidelines will be required, including those aimed at Indigenous Peoples, small-scale fishers, women and other vulnerable groups, in order to strengthen the collaborative nature of these various documents and initiatives. Finally, IPLC groups, MSP practitioners, governments, and diverse stakeholders are invited to reflect on lessons learned from applying these Good Practices and then review both their respective MSP processes and these Good Practices.

Canoe racing festivities in the South-east of Brazil using traditional *'Caiçara'* fishing canoes, crafted from a single log of the *'Guapuruvu'* tree from the Atlantic Forest.
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10. UNPFII: https://www.un.org/development/desa/indigenouspeoples/about-us/permanent-forum-on-indigenous-issues.html#:~:text=The%20Permanent%20Forum%20is%20an,education%2C%20health%20and%20human%20rights
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Indigenous Peoples and local communities (IPLCs) have long been marginalized in ocean governance processes, despite the invaluable Indigenous and local knowledge (ILK) related to coastal and marine environments. To address this gap, MSPglobal has produced two publications to illustrate basic concepts (volume 1) and this second one on good practices for engaging IPLCs and embracing ILK in marine spatial planning (MSP) (volume 2). The aim is to enhance the knowledge, skills and capacity of policymakers and MSP practitioners in order to develop inclusive, equitable and just MSP.

IOC Technical Series No. 189, Volume 2