



uThukela MPA Ecosystem Based Management Project

Preliminary Process Framework – Annex 3

Wildlands Conservation Trust [WILDTRUST]

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Table of Contents

Process Framework sections still to be developed	1
1. Introduction	1
1.1 Rationale	1
1.2 Purpose of the Process Framework.....	2
1.3 Contributors and status of the Process Framework.....	3
1.4 Process Framework Structure	3
1.5 Project Background	4
1.5.1 <i>Background to project development</i>	5
1.5.2 <i>Project objectives</i>	6
1.5.3 <i>Description of the Project Area</i>	7
1.5.4 <i>Project description and key project components</i>	10
1.5.5 <i>Potential access restrictions</i>	14
1.6 Project affected peoples (PAPs)	29
1.6.1 <i>Disadvantaged or Vulnerable Groups</i>	31
1.6.2 <i>Rights of resource users</i>	32
1.7 Involuntary nature of Access Restrictions	32
1.8 Preliminary socioeconomic impacts	32
2. Stakeholder Engagement.....	32
2.1 Stakeholder Engagement Objectives and Principles.....	33
2.2 Stakeholder Identification & Analysis	33
2.3 Stakeholder Engagement to Date	35
2.4 Engagement Methodologies & Forums	37
2.5 Future/ongoing Stakeholder Engagement Mechanism.....	39
2.6 Documentation of Participatory Processes and Agreements.....	40
2.7 Record Keeping & Monitoring	43
2.8 Grievance Mechanisms	43
3. Institutional & Legal Framework.....	43

3.1	Institutional Framework.....	43
3.2	Legal Framework.....	44
3.3	Gap Analysis	47
4.	Baseline Data Collection & Analysis.....	49
4.1	Review of Existing Data.....	49
4.2	Assessing Further Data Requirements	49
4.3	Survey Preparation & Data Collection Tools	50
4.4	Data Recording and Analysis.....	50
5.	Identifying, Assessing & Minimizing Impacts.....	50
6.	Mitigation Measures	60
6.1	Avoidance and Minimization	60
6.2	Eligibility & Entitlements.....	60
7.	Implementation Arrangements	62
a.	The Organizational Framework.....	62
b.	Capacity-building	63
c.	Supplementary Social Safeguard Tools Plans	66
d.	Project Schedules.....	66
e.	Project Budgets	66
	Monitoring, Evaluation and Reporting	66
f.	Preliminary outcomes	67
	Change Management	67
	References.....	67

List of Acronyms and Abbreviations

Blue Action	Blue Action Fund
CMP	Coastal Management Programmes
COGTA	Co-operative Governance and Traditional Affairs
DARD	Department of Agriculture and Rural Development
DEA	Department of Environmental Affairs
DFFE	Department of Forestry, Fisheries and Environment
DWS	Department of Water and Sanitation
E&S	Environmental and Social
EDTEA	Department of Economic Development, Tourism and Environmental Affairs
Fishery Zone	EFZ Exclusive
EHSGs	Environmental Health and Safety Guidelines
EIA	Environmental Impact Assessment
EKZNW	Ezemvelo KwaZulu-Natal Wildlife EMP Estuary Management Plan
ERP	Emergency Response Plan
ESA	Environmental and Social Assessment
ESCOP	Environmental and Social Code of Conduct
ESIA	Environmental and Social Impact Assessment
ESMP	Environmental and Social Management Plan
ESMS	Environmental and Social Management System
FPIC	Free, Prior and Informed Consent
ICP	Informed Consultation and Participation
ICMA	Integrated Coastal Management Act
IFC	International Finance Corporation
IFC PSs	International Finance Corporation Performance Standards
IPs	Indigenous People's
IUCN	International Union for the Conservation of Nature
ILO	International Labour Organisation
KfW	KfW Development Bank
KZN	KwaZulu-Natal
KZNNCA	KwaZulu-Natal Nature Conservation Act
M&E	Monitoring and Evaluation
METT	Management Effectiveness Tracking Tool
MLRA	Marine Living Resources Act
MPAs	Marine Protected Areas
NEMP	National Estuarine Management Protocol
NEM:PAA	National Environmental Management Protected Areas Act
NGO	Non-Governmental Organisation
ORI	Oceanographic Research Institute
PAPs	Project Affected People
PF	Process Framework
SAAMBR	The South African Association for Marine Biological Research
Institute for Aquatic Biodiversity	SAIAB The South African
SEP	Stakeholder Engagement Plan
TA	Traditional Authorities
TLLG	The Landscapes and Livelihoods Group
UKZN	University of KwaZulu-Natal
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
WB ESF	World Bank Environmental and Social Framework
WB ESS	World Bank Environmental and Social Standard
WB ESS5	World Bank Environmental and Social Standard 5

Process Framework sections still to be developed

Section	Schedule
NTS: Non-technical summary	February 2022

1. Introduction

This document is the Preliminary Process Framework (PF) for the project titled “*uThukela MPA Ecosystem Based Adaptation Project*” (‘the Project’ hereafter). This project aims to stimulate the revival of the coastal and marine systems in and around a newly designated large marine protected area (MPA), the uThukela MPA, in the KwaZulu-Natal province on the subtropical east coast of South Africa. This PF has been prepared by the project proponent (lead non-governmental organisation), the Wildlands Conservation Trust (‘WILDTRUST’ hereafter), who will lead on the project implementation. The PF has benefited from consultations with stakeholders in uThukela, as described in Section 2.

This introductory section includes sub-sections on the project background, including project objectives, description of the Project Area, project description and key project components, preliminary potential access restrictions, and related social impacts. Subsequent sections of the PF provide more detail on restrictions and impacts.

This Process Framework is part of the project’s overall Environmental and Social Management Plan (ESMP). The ESMP outlines the environmental and social management commitments that WILDTRUST has made and will implement to manage potential negative impacts, and enhance potential positive impacts of the project. This PF and the ESMP have been developed in alignment with South African legislation, the Blue Action Fund’s (the executing entity) Safeguarding Principles and Requirements (2021), the World Bank’s Environmental and Social Framework (2017), and in particular with ESS5 on land acquisition, restrictions on land use and involuntary resettlement. More details on the Standards and Guidelines to which this PF aligns can be found in Section Y.

A summary of the rationale and purpose of the Process Framework is provided below.

1.1 Rationale

Wildlands Conservation Trust (WILDTRUST) have designed and developed a project titled “*Protection and restoration of important ecosystems in new uThukela Banks Marine Protected Area, and associated estuarine functional zones, reducing climate-related socio-ecological risk*”, or “*uThukela MPA Ecosystem Based Management Project*” (‘the Project’ hereafter). The project has determined the need for a Process Framework because an environmental and social (E&S) screening identified the potential for the project to contribute to involuntary access restrictions within the Project Area (see Section Y). A desk and field-based E&S assessment was then conducted between June and September 2021 to further understand and validate the findings of the screening, and stakeholder consultations confirmed that there was a moderate risk of economic displacement as a result of access restrictions to which the project will contribute to within uThukela.

As such, this Preliminary Process Framework has been designed to safeguard potential Project Affected People (‘PAPs’ hereafter) within the project’s area of influence. The need for this Process

Framework arises from the Blue Action Fund Safeguarding Principles and Requirements (2021), in particular Principle 5 which states that:

“Projects shall promote and support sustainable livelihoods, and in cases where there are involuntary restrictions on land, marine and natural resource use and other essential ecosystem services with potential impacts on peoples’ livelihoods, improve or at least restore peoples’ standards of living and livelihoods” (Blue Action Fund, 2021).

Furthermore, as per the World Bank Environmental and Social Framework, Standard 5 (ESS5) on land acquisition, restrictions on land use and involuntary resettlement, where access restrictions occur as a result of a project, a ‘Process Framework’ (PF hereafter) should be prepared to document the assessment, mitigation and monitoring of associated impacts. The WB ESS5 states that a PF is required when:

“...projects may cause restrictions in access to natural resources in legally designated parks and protected areas (or other common property resources on which local people may depend for livelihood purposes). The purpose of the process framework is to establish a process by which members of potentially affected communities participate in design of project components, determination of measures necessary to achieve the objectives of [the World Bank Standards], and implementation and monitoring of relevant project activities.” (World Bank ESF 2017).

As described in Section 1.2 below, this Project aims to stimulate the revival of the coastal and marine systems in and around a newly designated large marine protected area (‘the MPA’ hereafter), the uThukela MPA, in the KwaZulu-Natal province on the subtropical east coast of South Africa. In doing so, the project will contribute to the implementation of the MPA, including support to law enforcement, technical support to development of the MPA management plan, among other activities. Furthermore, the project will be responsible for the direct implementation of ecosystem rehabilitation in two specific selected estuary sites associated with the recently designated MPA. Furthermore, the project area includes two existing Nature Reserves, the management of which will be reinforced through this project. These Nature Reserves, and other land uses in the coastal area such as Mondi plantations and commercial agriculture (predominantly sugar cane) are also important to consider, as new MPA restrictions add an additional layer of access regulation on existing land uses in the coastal area.

1.2 Purpose of the Process Framework

The project has the potential to contribute to increased access restrictions within the Project Area. However, while the stakeholders and natural resource user groups who will be affected by the MPA’s existing zonation and subsequent access restrictions have been broadly identified, it is not yet clear to WILDTRUST or the MPA authorities (Ezemvelo KZN Wildlife, ‘EKZNW’ hereafter) which households and individuals are likely to be affected, the number of households and individuals, and the type of impacts possible. This is particularly true in this project where there are pre-existing Nature Reserves, Estuary Management Plans (EMPs) and the recently designated MPA that will be supported, making for quite a complex zoning and regulatory context, which requires careful stakeholder engagement and assessment.

Potential risks and impacts are documented here in this Process Framework, and have also been included in the Blue Action Fund E&S development tool which was used to screen, assess, and plan mitigation measures for the establishment of the project ESMP.

The **principal purpose of this Preliminary Process Framework** is to ensure that the project, and the MPA (where it is within the control/influence of the project), have a clear participatory process to enable the participation of affected communities and PAPs in the design of the project activities, identification of impacts, and development of any necessary mitigation measures. This process would apply the mitigation hierarchy, prioritising avoidance, then minimisation, and then compensation (livelihood restoration).

The project activities are aimed at mitigating any negative impacts of existing legislated access restrictions and ensuring the voices of those impacted are heard and that they are empowered to engage in and benefit from the MPA management planning process and the implementation of management measures to improve the sustainability and status of natural systems and resources in and around the MPA.

The project recognises that through the proposed risk and impact assessment it is possible that no access restrictions are identified that lead to moderate or substantial impacts, in which case the Process Framework will be discontinued (i.e. the safeguard will be considered unnecessary). The project has taken a precautionary approach to access restrictions. This Process Framework will allow for ongoing monitoring of new risks and impacts, and also the progress and effectiveness of any measures identified to manage impacts.

1.3 Contributors and status of the Process Framework

This Preliminary Process Framework was prepared by WILDTRUST, with the technical support of The Landscapes and Livelihoods Group (TLLG) who were contracted to support on the project's E&S assessment and development of Safeguard Instruments. Furthermore, the content of this document is based on the stakeholder consultation and engagement which is detailed in Section 2, and in the project's Stakeholder Engagement Plan. This has included collaborative working with EKZNW, and consultation with coastal communities living adjacent to the recently designated MPA area, as well as other local stakeholders (Section 2). The document has also had inputs from FutureWorks and University of KwaZulu-Natal who conducted the field-based component of the E&S assessment team and produced an Environmental and Social Assessment (ESA) report, **Annex 4** to the ESMP.

This is a Preliminary Process Framework. It remains preliminary as the project is yet to start and the project baselines are yet to be conducted. Therefore, project understanding of potential impacts remains low, and the level of stakeholder engagement prior to project start has also been constrained by resources available and the type of engagement that can occur prior to certainty that the project will go ahead. The next version of the Process Framework will be the Interim version, which will include results from the socioeconomic baselines, more detail on context and potential impacts, and detail on the proposed mitigation measures where impacts have been identified. The Interim version will be produced within 6 months of project start, and a Final Version, if required, will be produced within 18 months of project start, including confirmation of the project design, agreed mitigation measures, and implementation plans.

1.4 Process Framework Structure

The structure of this Preliminary Process Framework (PF) includes the following:

1. Introduction

Project background and PF Introduction: the section above.

2. Stakeholder Engagement and Participation

This section includes the identification and analysis of project stakeholders and a discussion of stakeholder engagement activities to date. This section also sets out the Project forms of engagement throughout the development of the PF to ensure a participatory process, and how this will be documented.

3. Institutional and Legal Framework

This section outlines laws, policies, and other national legislation aspects most relevant to access restrictions. This includes environmental and planning laws relevant to potential project impacts. Relevant World Bank and KfW requirements and other international best practices are also discussed in detail. National laws are compared against World Bank and KfW requirements. Where gaps are identified, measures are proposed to bridge these gaps.

4. Project Area Baseline Data Collection & Analysis

An analysis of secondary information available on the project Area, as well as the baseline data collected during any primary data gathering, such as socio-economic surveys.

5. Identifying, Assessing and Minimizing Impacts

Based on the stakeholder engagement and baseline data analysis, and a description of the measures that are being proposed by the project, identification of the resulting potential impacts that could result from the project's various components. Include measures taken to avoid or minimize impacts through project design.

6. Mitigation Measures

A description of proposed mitigation measures, including livelihood programs, and potential eligibility criteria. Future iterations of the Process Framework will include the entitlement framework for affected households, including community-wide resource restrictions, which details (i) eligibility for assistance and/or compensation, including types of impacts and restrictions, and the persons, households, and communities eligible for compensation or project-related programs; (ii) available entitlements, including livelihood assistance, and community-wide programs.

7. Implementation Arrangements

This section outlines implementation arrangements to deliver identified mitigation measures and programs, including:

- The organizational framework
- Capacity building requirements
- Development of supplementary social safeguards (where relevant)
- Project Schedule
- Project Budget.

8. Monitoring and Evaluation

Details of required process framework monitoring and evaluation requirements, including provision for participatory M&E (e.g. community monitoring)

9. Change Management

A record of the various PF iterations, and how project decisions will guide the content and timing of further iterations.

1.5 Project Background

This section provides an overview of the project background, including:

- Background to Project development
- Project objectives
- The Project Area
- Project description and key project components
- Preliminary potential access restrictions and the scope of related social impacts.

The section includes maps of the project location, showing the country, regional and local context.

1.5.1 Background to project development

Background to uThukela MPA

In 2014, South Africa embarked on the Phakisa Oceans Economy initiative aimed at unlocking economic development in South Africa's Oceans space. Operation Phakisa proposed a network of 22 new and expanded MPAs. These proposed MPAs were gazetted for public comment in February 2016 (Operation Phakisa 2014; Government Gazette No. 39646 of 3 February 2016, uThukela Draft MPA management plan, 2020).

After stakeholder engagement and the public participation process, 20 of the 22 proposed MPAs defined in the Operation Phakisa process were finally declared on the 23 May 2019, uThukela included. MPA was one of the 20 MPAs proclaimed in May 2019, and a summary of the location details is provided in Box 1.

EKZNW, WILDTRUST and the key Project partner, the Oceanographic Research Institute of the South African Association for Marine Biological Research (SAAMBR), all contributed to biodiversity research that provided evidence and motivation for the proclamation of the recently designated uThukela MPA, contributing to Operation Phakisa. WILDTRUST also supported South Africa achieving the recent 5% advance of which uThukela is one of the 20 new/expanded MPAs.

Since the proclamation of uThukela, WILDTRUST has been involved in the development of the 2020 desk-top management plan for the MPA (uThukela MPA Management Plan, 2020), which remains in a draft desk-top format and has been provided to Ezemvelo. Ezemvelo KZN Wildlife has been mandated by DFFE as the management authority for this reserve. This builds on its role as Kwazulu-Natal's conservation authority, and manager of all other state (national and provincial government) protected areas in the province.

Box 1: Summary information on uThukela MPA

The uThukela MPA was one of 20 new MPAs gazetted in South Africa in May 2019 (with commencement in August 2019) in terms of Section 22A of the National Environmental Management: Protected Areas Act (Act no. 57 of 2003). It is situated off the coast of KwaZulu-Natal (KZN), South Africa, and includes the uThukela River Estuary, the shoreline and part of the offshore waters within the KZN Bight. The MPA begins approximately 4km north of the uMlalazi River Estuary near Port Durnford and extends southwards to 400m south of the Seteni Estuary, stretching 37km offshore in the north and 50 km offshore in south, to a depth of 500m. The MPA also includes the uThukela River Estuary mapped to the estuarine functional zone based on the 10m contour. The extent of coastline protected is about 80km. The total size of the uThukela MPA is approximately 4 094 km² and it includes the substrata, seabed, subsoil and water column within its defined boundaries (EKZNW Draft Management Plan, 2020).

Background to the Project

WILDTRUST has not started any activities on the ground with stakeholders in uThukela MPA to date. This Project intends to start with the next layer of management planning and implementation of the recently designated uThukela MPA. After the declaration of the MPA, DFFE appointed EKZNW as the designated authority to manage the MPA, with a very limited budget provided. WILDTRUST saw the opportunity, through the Blue Action Fund Ecosystem- Based Adaptation (EBA) funding call, to enable effective management of this important site for climate change mitigation, and to provide nature-based solutions for restoring nature and providing resilience to the people dependent on this MPA. The project was designed together with EKZNW and ORI, and through consultation with other key stakeholders, Department of Environment, Forestry and Fisheries (DFFE), KZN Department of Economic Development, Tourism and Environmental Affairs (EDTEA), and South African Institute for Aquatic Biodiversity (SAIAB). During the proposal development, WILDTRUST facilitated an introductory workshop with key stakeholders associated with the MPA, together with DFFE and EKZNW, and conducted a number of other stakeholder engagement interventions with community leaders, fishers and key informants representing priority stakeholder groups.

The uThukela MPA, and the management authority, EKZNW, do not have any Safeguard Instruments that have been developed specifically for the MPA. However, as detailed in the stakeholder engagement section below, it is a requirement in South Africa to ensure the participation of civil society and other authorities in the Protected Area governance, and a formally constituted **uThukela Stakeholder Forum** will be established by EKZNW. As detailed in the ESMP, WILDTRUST will support EKZNW to ensure that there is a clear Stakeholder Engagement Plan for the MPA, that a Grievance Mechanism for the MPA is established, and that there is a clear and participatory process for the consultation on zones, regulations, which includes the identification, assessment and management of any identified risks and impacts.

1.5.2 Project objectives

The overall objective for the uThukela MPA Ecosystem Based Management Project would be to see the globally significant uThukela marine protected area (MPA) effectively managed and its important climate-relevant ecosystems restored and protected, delivering socio-economic resilience for vulnerable coastal communities, and reducing climate change-related risks. This outcome will be achieved by working with authorities, stakeholders, and collaborators to deliver:

1. Effective management of the recently designated uThukela MPA, including coral reefs, estuaries (mangroves, reed beds, saltmarsh meadows and riparian vegetation) and coastal dune cordon.
2. Restoration of ecosystems, particularly relevant for climate change adaptation (coral reefs, mangroves, reed beds, saltmarsh meadows, riparian vegetation, and coastal dune cordon).
3. Improved livelihoods and food security for vulnerable communities affected by uThukela MPA through nature-based solutions and EbA approaches.
4. International and regionally relevant lessons learnt and disseminated, and model provided of socio-ecological resilience through nature-based solutions in and around a financially sustainable MPA.

1.5.3 Description of the Project Area

The uThukela MPA Ecosystem Based Management Project is located in the recently designated **uThukela MPA** between Richards Bay and Durban in KwaZulu-Natal, South Africa (Figure 1 below). The project area is adjacent to and within two district municipalities: Ilembe District Municipality and King Cetshwayo District Municipality, and four local municipalities: uMhlathuze, Umlalazi, Mandeni and KwaDukuza. The project area covers 80 km of coastline from the highwater mark of its beaches and estuaries to 40nm offshore and includes three small pre- existing terrestrial nature reserves, Harold Johnson Nature Reserve, Amatikulu Nature Reserve, and uMlalazi Nature Reserve. The Amatikulu and uMlalazi Nature Reserves, although separately proclaimed, are managed together as unit within an area known as the Siyaya Coastal Park, which includes a stretch of approximately 42km of coastline from the mouth of the Mlalazi River to the southern boundary of the Amatikulu Nature Reserve. There is a small coastal strip between the Amatikulu Nature and the uMlalazi Nature Reserves which is run by the municipality, along with a small piece of Tribal Authority-managed land.

The project will focus on the marine component of the MPA and the estuarine functional zones of five estuaries, and the lower catchments of the rivers that feed into these estuaries. These 5 estuaries are the Zinkwazi and uThukela, and the 3 estuaries in the Siyaya Coastal Park (uMlalazi, Siyaya and Amatikulu-Nyoni). The project area therefore includes Amatikulu Nature Reserve and uMlalazi Nature Reserve, but not the Harold Johnson Nature Reserve.

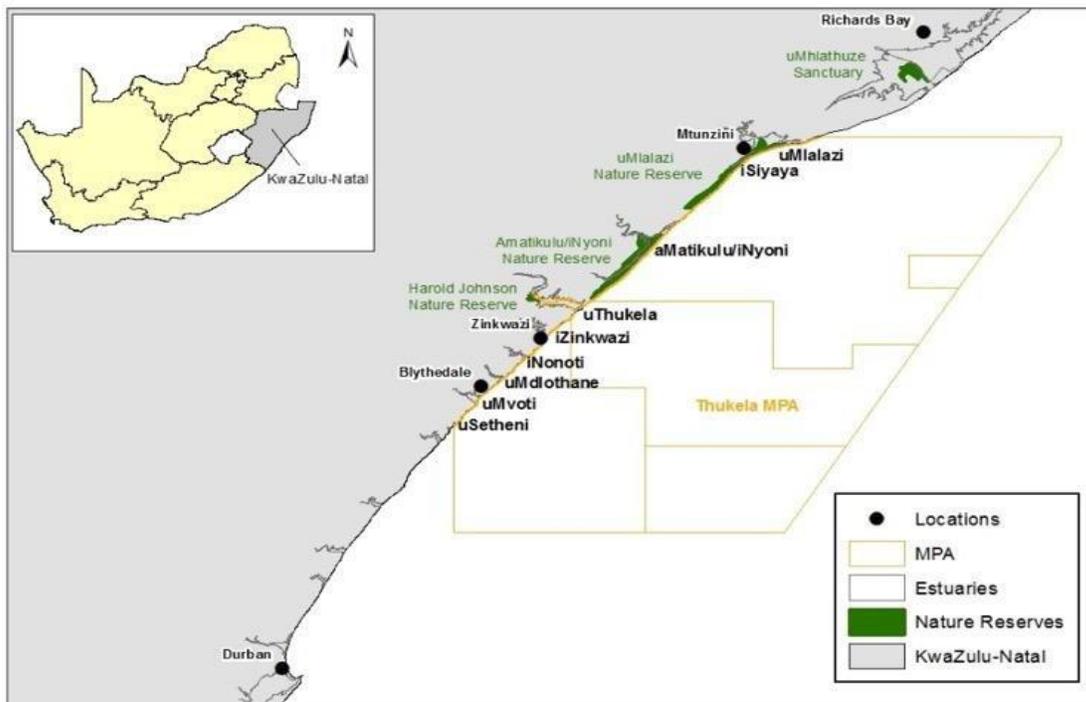


Fig. 1: Map showing the location of the uThukela MPA Ecosystem Based Management Project.

Ecological Context

The focus of the rehabilitation in the marine areas will be on over-exploited threatened fish and protection of coral reefs, especially within the new no-take sanctuary areas which are currently not marked or fully implemented. The terrestrial component will include ecosystem rehabilitation interventions focussed in 5 estuarine functional zones, i.e. uMlalazi, Siyaya, aMatigulu-Nyoni,

uThukela and Zinkwazi, and the 6 riverine catchment areas of these within 10km of the coast, but an initial survey will be done of the whole coast.

This MPA and Siyaya Coastal Park protect a mosaic of habitats, coral reefs, unusual gravel fields, rich muddy seafloors mangroves, reed marshes, seagrass meadows, vegetated coastal dunes, and coastal wetlands in dune depressions.

Community context

The abundant and diverse natural resources and ecosystem services underpin food security, livelihoods for small-scale fishers and rural communities, sport and commercial line-fishing and nature-based tourism (such as whale watching) and hospitality industry founded on the strength of the areas on intact coastal ecosystems. Our work will be focused on the rural communities living adjacent to the Siyaya Coastal Park alongside (north) of the uMlalazi, and the rural communities living alongside the Amatikulu Nature Reserve alongside (north) of the Amatikulu/Nyoni estuary).

These two focal areas where sustainable livelihood interventions and climate-smart practices will be introduced are these 2 rural communities).

The project's two target rural community areas are each situated immediately adjacent to the estuaries of these coastal parks and to the shores of the MPA and utilise the estuarine functional zone as well as the beach zone for subsistence agriculture and fishing. Involvement and consultation with stakeholders from these vulnerable communities in restoration will be facilitated by the establishment of a Community EbA Resource Centre within each of these community areas which will provide a range of sustainable climate-smart livelihood solutions, including permaculture, tree-planting, regenerative agriculture, water, and energy solutions. These activities will occur simultaneously to interventions such as jobs in clearing of alien plants and replanting in the estuarine functional zone. Voluntary pull-back of subsistence farmers out of the flood-plan will be encouraged by assistance with climate smart alternative solutions, household support initiatives and alternative livelihood nature-based solutions to unsustainable practices like netting in estuaries and mangrove wood harvesting.

While intensive sustained rehabilitation activities will be implemented at the 2 nodes, aimed at the 2 vulnerable rural communities immediately adjacent to the estuaries described above, the project will also work to rehabilitate the estuarine functional zones and riparian zones of the Tugela and Zinkwazi rivers in the lower catchment, within 10km of the coastline. These activities will create jobs for individuals from vulnerable households, and training opportunities, but will not include focussed household climate-smart interventions. The various training offerings will also be conducted within this broader region. For further information see **Section 2.2 of the ESMP** and **Section 2.4 (Socio-economic and Political Context) of Annex 4 to the ESMP (ESA Report)**.

Management areas to be supported by the project

The area of marine and coastal areas that will be better managed through the interventions of this project include three areas of formal protection for which EKZNW is the management authority. These include:

1. the recently designated **uThukela MPA** (4099 kms²);
2. the existing **Siyaya Coastal Park** (area 19.8 kms²); (including **uMlalazi Nature Reserve** and **Amatikulu Nature Reserve** (area 19.2 kms²).

The areas indicated as "Recently designated" in the Table 1 below pertain to the uThukela MPA,

which covers the marine and shoreline ecosystems, which was proclaimed in 2019 but for which management activities (initiation) has not yet commenced. The “Better managed” areas pertain to the existing **Siyaya Coastal Park** and Nature Reserves which overlap with the MPA on the shoreline but cover the coastal dunes and estuarine functional zone ecosystems in the coastal zone. There is also an additional column that combines the areas for both across the IUCN categories, given that although management has not yet commenced in the uThukela MPA it is proclaimed.

Table 1: Protected Areas included in the project

Area	Recently designated: uThukela MPA	Better managed: Siyaya Coastal Park	Combined	MPA Zone ¹
MPAs IUCN categories	km ²	km ²		
I Strict Nature Reserve / Wilderness Area	988		988	TORZ
II National Park	3		3	SIRZ,AIRZ
III Natural Monument or Feature	0		0	
IV Habitat/Species management Area	59		59	TOCPLZ
V Protected Seascape/Landscape	2581	39	2620	TOCZN,TOCZS,TICZ,MICZ
VI Protected area with sustainable use of natural resources	429		429	TOCCZ and ESTUARIES
Buffer zone	0		0	
TOTAL	4060	39	4099	

¹ See Figure 11 for location of these zones within the MPA, and Section B.1 for the description of these zones and explanation of these ACRONYMS

The position of uThukela MPA in relation to the mentioned Nature Reserves is illustrated below in Figure 2.

¹ See Section B.1 for the acronyms in this table column.

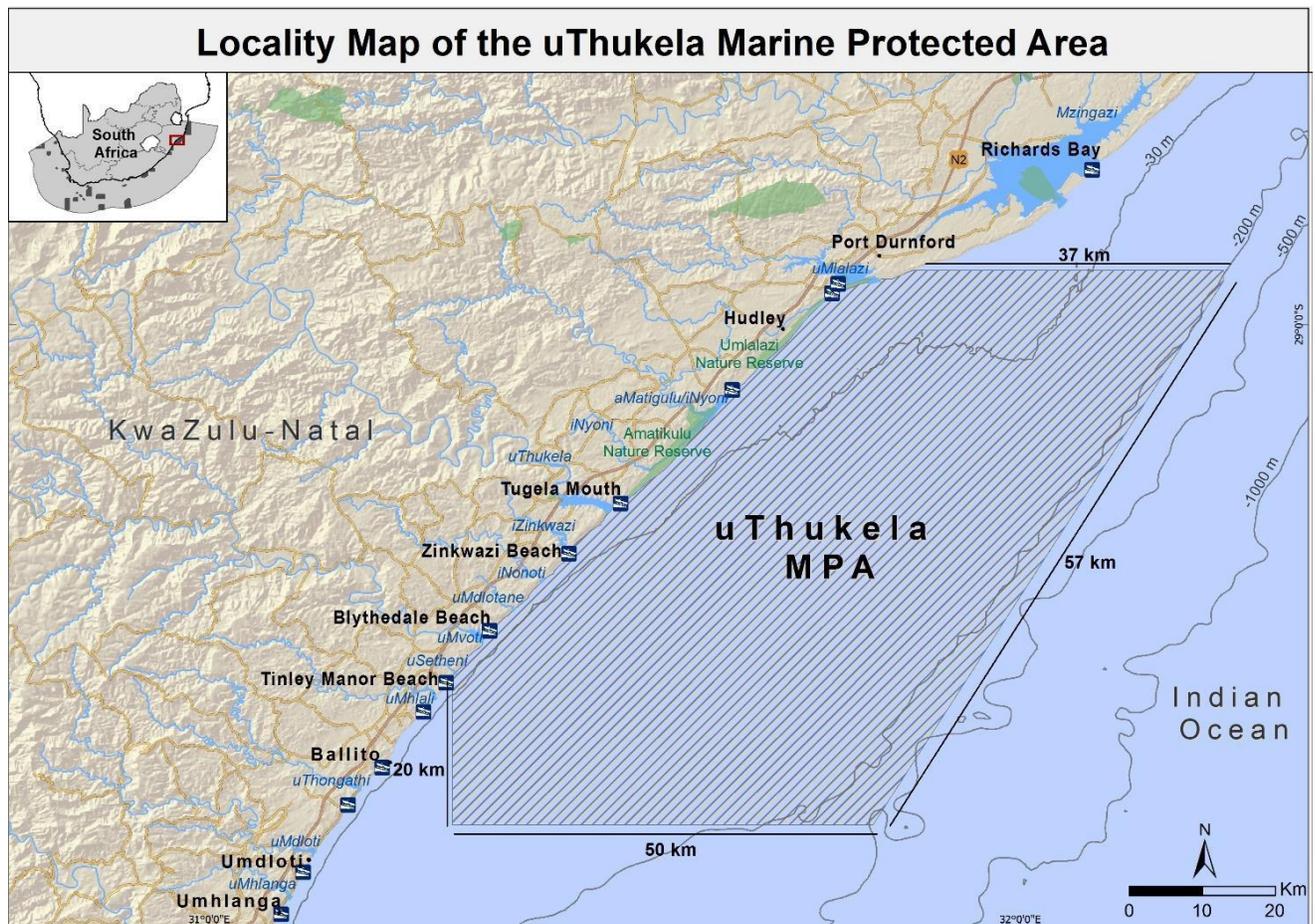


Fig. 2: Location of the uThukela MPA in relation to the existing Nature Reserves.

1.5.4 Project description and key project components

This section aims to describe the project's technicalities, outline the overall program, and identify several key components and subcomponents of the project.

The Project's proposed outcomes will focus on:

1. Effective management of recently designated uThukela MPA, including coral reefs, estuaries (mangroves, reed beds, saltmarsh meadows and riparian vegetation) and coastal dune cordon.
2. Restoration of ecosystems, particularly relevant for climate change adaptation (coral reefs, mangroves, reed beds, saltmarsh meadows, riparian vegetation, and coastal dune cordon).
3. Improved livelihoods and food security for vulnerable communities affected by uThukela MPA.
4. International and regionally relevant lessons learnt and disseminated, and model provided of socio-ecological resilience through nature-based solutions in and around a financially sustainable MPA.

The timeframe for uThukela MPA Ecosystem Based Management Project is 5 years with a proposed start date on 1 March 2022 – 28 February 2027. The proposed budget total for the project is € 9 751

720 (including match funding).

Project activities are summarized in Table 2 below.

Table 2: Summary of Primary Project Objectives and Key Activities

OUTPUTS		INDICATOR	ACTIVITIES		
1	OUTPUT 1: IMPROVED RESOURCES, INSTRUMENTS AND CAPACITIES FOR MPA MANAGEMENT AND SUSTAINABLE USE	<i>Indicator 1.1: Management Plan for uThukela MPA</i>	1.1.1	Stakeholder engagement and EbA awareness generation	
			1.1.2	uThukela MPA Management Plan consultation and finalisation	
			1.1.3	Climate mitigation and adaptation knowledge-buildings workshops	
			1.1.4	MPA Stakeholder Forum meetings	
			1.1.5	uThukela Governance Liaison Forum establishment and meetings	
			1.1.6	Rural Community Workshops (awareness linked to zonation's, restrictions, and constructive engagement with authorities)	
			1.1.7	Environmental and Social Management System (ESMS)	
			<i>Indicator 1.2: Management Plans for nine (9) MPA-associated estuaries</i>	1.2.1	Nine (9) Estuary Management Plans production
			<i>Indicator 1.3: Monitoring, control, and enforcement techniques.</i>	1.3.1	MPA Demarcation and Information Distribution
				1.3.2	Establish a Surveillance Centre infrastructure
				1.3.3	Training in utilisation of the remote surveillance equipment and software
				1.3.4	Marine and estuarine enforcement and monitoring
				1.3.5	MPA Management Staff Training
				1.3.6	MPA Honorary Officers (<i>provide training support for policies and procedures</i>)
				1.3.7	Monitoring and enforcement for protection of ecosystems in estuarine functional zone
				1.3.8	Support development of a specific Law Enforcement Strategy for the MPA
				1.3.9	Management Effectiveness assessment processes for adaptive management
			<i>Indicator 1.4: Financial assessments and strategies for sustainable financing</i>	1.4.1	Establish a team to implement and guide Sustainable Financing strategies development
				1.4.2	Baseline economic valuation of the ecosystems and natural assets in the MPA and associated

OUTPUTS		INDICATOR	ACTIVITIES	
		<i>developed.</i>		estuaries
			1.4.3	Evaluate the financing requirements and planning for the MPA
			1.4.4	Financial Risk Management Plans
			1.4.5	Workshops to assemble experts and potential partners in sustainable financing
			1.4.6	Implement identified sustainable financing mechanisms
2	OUTPUT 2: STRENGTHENED ADAPTIVE CAPACITY AND REDUCED EXPOSURE TO CLIMATE RISKS	<i>Indicator 2.1: Development of climate risk assessments for understanding and reacting to climate-related risks</i>	2.1.1	Ecosystem baseline survey and assessment
			2.1.2	Restoration of estuarine and riverine ecosystems
			2.1.3	Effective implementation of Management Plans
			2.1.4	Training and information dissemination (climate-smart sustainable harvesting and farming practices)
			2.1.5	Risk Assessment Report
		<i>Indicator 2.2: Implementation of early warning systems</i>	2.2.1	Installation of KZN Bight Sentinel Site
		2.2.2	Community based early flood warning system	
3	OUTPUT 3: DEGRADED COASTAL ECOSYSTEMS, WHICH ARE PARTICULARLY RELEVANT FOR CLIMATE CHANGE ADAPTATION, REHABILITATED.	<i>Indicator 3.1: Rehabilitation of beaches and coastal dunes</i>	3.1.1	Surveys of beaches and dune vegetation
			3.1.2	Rehabilitate the beach and dune vegetation to a natural state
			3.1.3	Community involvement in beach and dune vegetation restoration
		<i>Indicator 3.2: Rehabilitation of estuarine ecosystems</i>	3.2.1	Surveys of estuaries
			3.2.2	Rehabilitate estuarine ecosystems
			3.2.3	Community involvement in estuarine restoration
		<i>Indicator 3.3: Rehabilitation of riverine riparian vegetation, estuary-supporting wetlands</i>	3.3.1	Surveys of riparian vegetation
			3.3.2	Rehabilitate the riparian zone to a natural state
			3.3.3	Community involvement in riparian zone restoration.
		<i>Indicator 3.4: Restoration of coral reef fish populations</i>	3.4.1	Coral Reef Fish Surveys
3.4.2	Fisher awareness workshops			
4	OUTPUT 4: SEQUESTERED CARBON OR REDUCED EMISSIONS	<i>Indicator 4.1: Carbon sequestered in functional ecosystems maintained.</i>	4.1.1	Estimation of carbon sequestered in mangroves and coral reefs.
		<i>Indicator 4.2: Protection of coral reefs</i>	4.2.1	Physical mapping of mesophotic coral reefs.
			4.2.2	Coral Reef Ecosystem surveys.
		4.2.3	Conduct workshops to raise awareness amongst stakeholders to increase coral reef	

OUTPUTS		INDICATOR	ACTIVITIES			
				protection		
		<i>Indicator 4.3: Protection of mangrove forests</i>	4.3.1	Surveys of mangrove vegetation		
			4.3.2	Development of alternatives to direct exploitation from mangrove ecosystem		
			4.3.3	Introduction of sustainable income generating opportunities for fishers		
5	OUTPUT 5: CLIMATE-RESILIENT AND SUSTAINABLE LIVELIHOODS PROMOTED	<i>Indicator 5.1: Sustainable livelihood initiatives</i>	5.1.1	Baseline livelihoods and Perceptions Survey and reassessment		
			5.1.2	Identification of potential livelihood initiatives		
			5.1.3	Community eco-cultural tour guide livelihood initiative.		
			5.1.4	Community-run campsites		
			5.1.5	Support for communities not at focal sites.		
		<i>Indicator 5.2: Women leadership and economic empowerment</i>	5.2.1	Development of a Gender Action Plan for the project		
			5.2.2	Leadership training		
			5.2.3	Enterprise development training		
			5.2.4	Micro-enterprise establishment		
			5.2.5	Peer support groups.		
		<i>Indicator 5.3: Youth employment and career development opportunities</i>	5.3.1	Climate adaptation youth job creation		
			5.3.2	Career development support		
			5.3.3	Ocean Stewards career development and support		
		<i>Indicator 5.4: Climate-smart practices for improved livelihoods</i>	5.4.1	Community Climate Adaptation Resource Centre		
			5.4.2	Training, awareness, and education (impacts of Climate Change and sustainable resource use)		
			5.4.3	Demonstration of climate-smart homestead-based solutions		
			5.4.4	Promote sustainable resource use practices and reservation of important natural cultural sites		
		6	OUTPUT 6: ENHANCED KNOWLEDGE, EXPERTISE AND CAPACITY OF RELEVANT NATIONAL AGENCIES TO USE EBA APPROACHES FOR CLIMATE-RESILIENT COASTAL ZONE MANAGEMENT	<i>Indicator 6.1: Dissemination of lessons learned about EbA approaches</i>	6.1.1	Regional WIO Workshop
					6.1.2	Online Webinar Series
6.1.3	Synthesis of Lessons Learned					
6.1.4	International and regional symposia attendance					
<i>Indicator 6.2: Media and publications (awareness building of EbA approaches and MPA benefits)</i>	6.2.1			Community Radio		
	6.2.2			Social Media		
	6.2.3			Articles		

OUTPUTS		INDICATOR	ACTIVITIES	
7	OUTPUT 7: STRENGTHENED INSTITUTIONAL AND REGULATORY SYSTEMS FOR CLIMATE- RESPONSIVE PLANNING AND DEVELOPMENT	<i>Indicator 7.1: Promotion of EbA approach in MPA and Estuary Management Tools.</i>	7.1.1	Workshops
			7.1.2	Guideline document (outlining the importance of EbA approaches)
		<i>Indicator 7.2: Regulatory incentive systems for climate resilience implementation</i>	7.2.1	Legal review and assessment
			7.2.2	Carbon asset identification.
			7.2.3	Pilot implementation (of an incentive funding mechanism)

1.5.5 Potential access restrictions

The 4,094km² uThukela MPA includes a range of inshore and offshore zoning with associated regulations that, when enforced, will result in various levels of marine and coastal resource access and use restrictions. These restrictions are the primary driver of perceived / potential negative impacts to stakeholders who use or rely on these resources along this region of South Africa's coast for subsistence, livelihood, cultural, recreational or commercial purposes. A summary of the zoning and associated access and use restrictions, as extracted from the draft Management Plan for the uThukela MPA (EKZNW, 2020) is presented below. Furthermore, reinforcement of existing restrictions of the two Nature Reserves in the Siyaya Coastal Park, and development of Estuary Management Plans (EMPs) has also been included in the scope of this PF.

Project activities causing or contributing to access restrictions

There are a number of project activities that could potentially bring about natural resource access restrictions in this project. These include:

- **Indicator 1.1: Management Plan for recently designated uThukela Banks MPA**
- **Indicator 1.2: Management Plans for 9 MPA-associated estuaries**
- **Indicator 1.3: Monitoring, control and enforcement techniques**
- **Indicator 3.3: Rehabilitation of riparian/littoral vegetation and swamp-forests**
- **Indicator 4.3: Protection of mangrove forests**

The geography of these project activities is summarised at the “primary objective” level in Figure3.

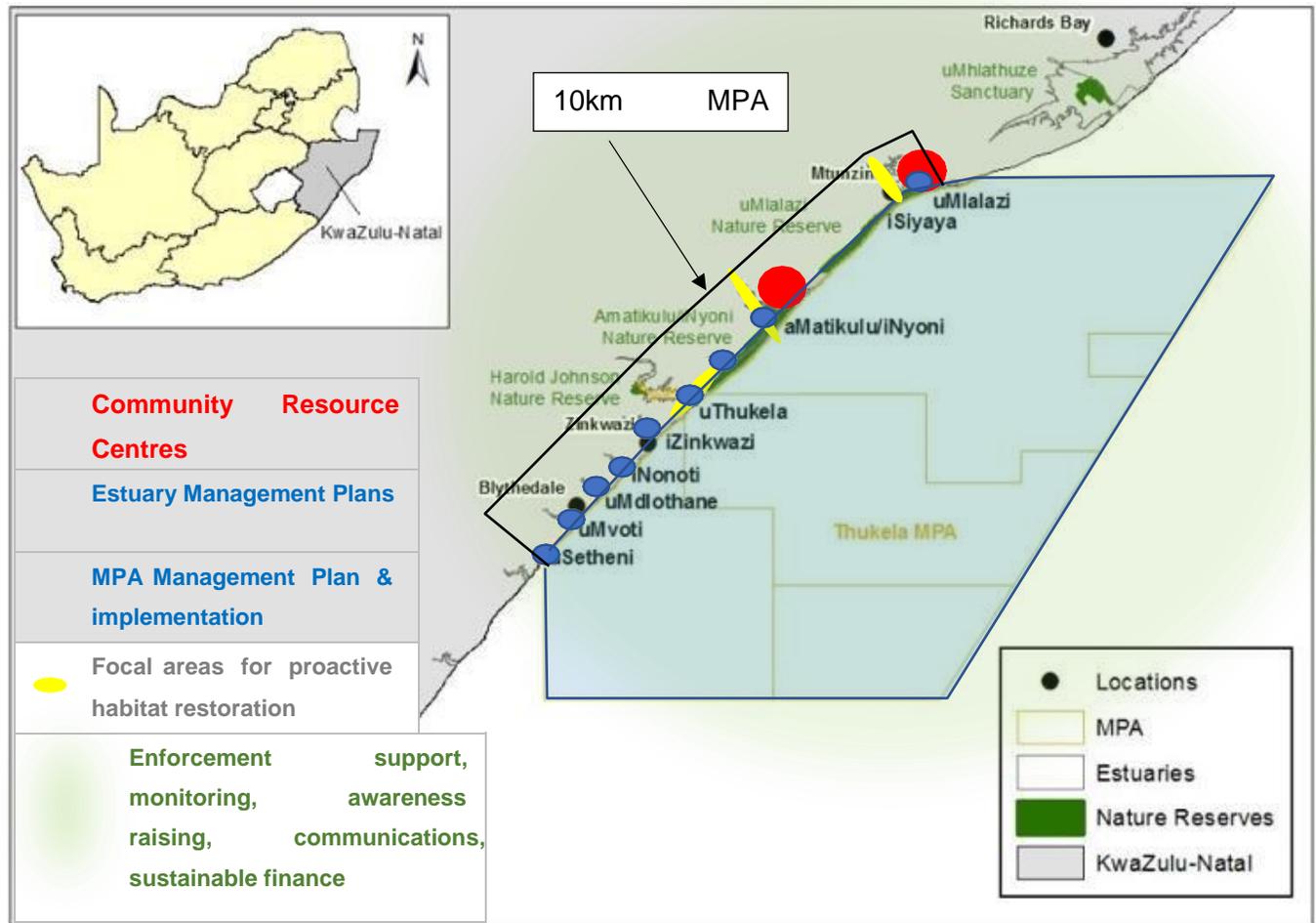


Fig. 3: Geography of Primary Project Objectives

As can be seen in Figure 3, there are two key estuaries where the project will focus on development and implementation of Estuary Management Plans (EMPs), and establishment of corresponding resource centres. These two sites will serve as pilots for the other estuaries where the project will support with the development of the EMPs, but not finance the implementation. In these two sites, there could be localised impacts due to the restoration and rehabilitation activities, described below. Then there are more dispersed potential impacts of the project across the broader MPA and seascape, and including the MPA and existing Nature Reserves, where support for the development of the management plan and associated law enforcement support, could lead to social impacts, where the project is contributing rather than causing. In summary, the potential access restrictions and impacts can be considered as:

- A. **Potential impacts caused by the project** in the two estuary areas where ecosystem rehabilitation will be planned and implemented. This will include development of the estuary management plans and riparian restoration around these estuaries and in their proximal catchments (within 10km of the coast). The project will be responsible for preventing or mitigating any impacts (eg. impacts on peoples' land use, impacts on fuelwood harvesters, and resulting impacts on food production and cash income), and for remediating any harm of the impacts that do occur. These impacts could occur in the two selected estuary areas.

- B. Impacts to which the project contributes**, including support for the development of the new MPA Management Plan, support to the development of nine EMPs, support to enforcement of the new zoning and regulations within the offshore and inshore components of the MPA, reinforcement of the management and enforcement in the existing terrestrial Nature Reserves and associated estuaries, and any cumulative impacts of these additional restrictions in consideration of the legacy of land use patterns in the area. These impacts could occur across the broader MPA area, in addition to the two estuary sites.

With this in mind, the next section of the Process Framework provides more detail on the existing and potential access restrictions for both A and B above. Section A includes the two estuaries for restoration and rehabilitation, B (contribution to existing and planned zoning and regulations) includes the following components:

- B.1 uThukela MPA inshore and offshore areas
- B.2 Estuary Management Plans
- B.3 Existing Protected Areas (Nature Reserves)
- B.4 Other forms of zoning & regulations.

A: Access restrictions potentially caused by the project

For impacts related to access restrictions in the two estuaries where the project is directly implementing, the project is responsible to prevent or mitigate impacts, and to remediate the harm of any impact. The case study estuaries and potential restrictions are described here in A.1.

A.1: Estuary restoration and rehabilitation

There are two selected estuary sites where there will be rehabilitation work. Both sites are within the existing **Siyaya Coastal Park**, which includes a stretch of approximately 42km of coastline from the mouth of the Mlalazi River to the southern boundary of the Amatikulu Nature Reserve. The two Nature Reserves within the existing coastal park include the **Amatikulu Nature Reserve** and the **Umlalazi Nature Reserve**. The rehabilitation work implemented with communities will be in the northern Siyaya and Umlalazi estuaries (Figure 4 & 5) and in and around the **Amatikulu Nature Reserve** (including the Amatikulu and Nyoini estuaries) (Figure 6 & 7). Restoration work will also be done in the river catchments of these estuaries, within the 10km project buffer zone.

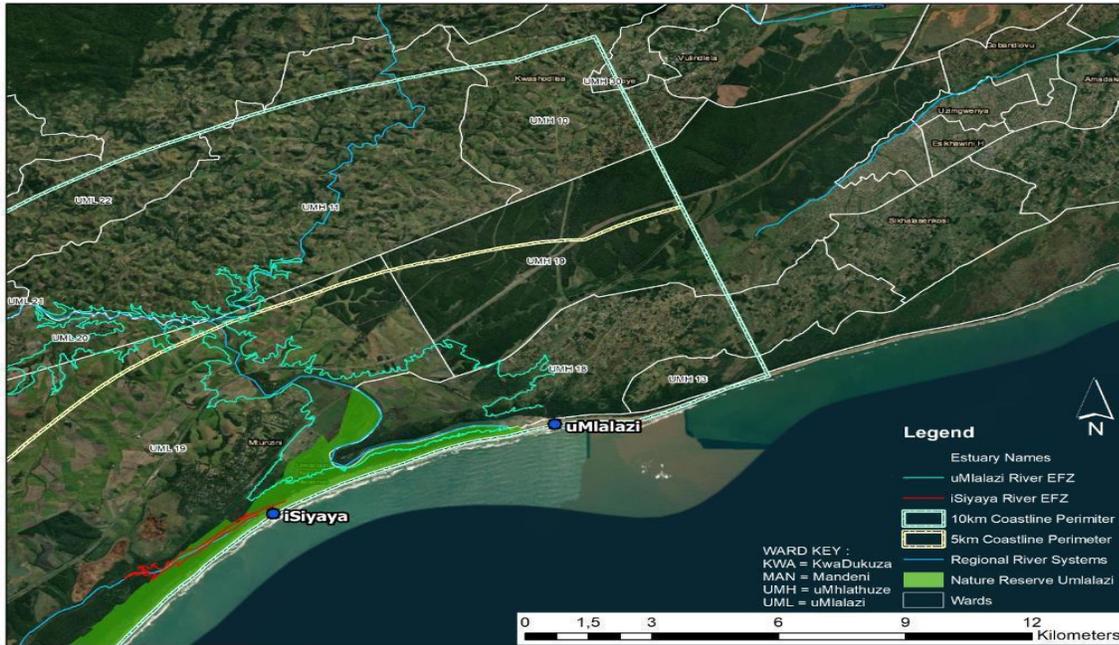


Fig.4: Siyaya Coastal Park with Siyaya and Umlalazi Estuaries with principle participating community (Nyembe) immediately north of the estuary mouth where the uMlalazi Community Resource Centre is planned.

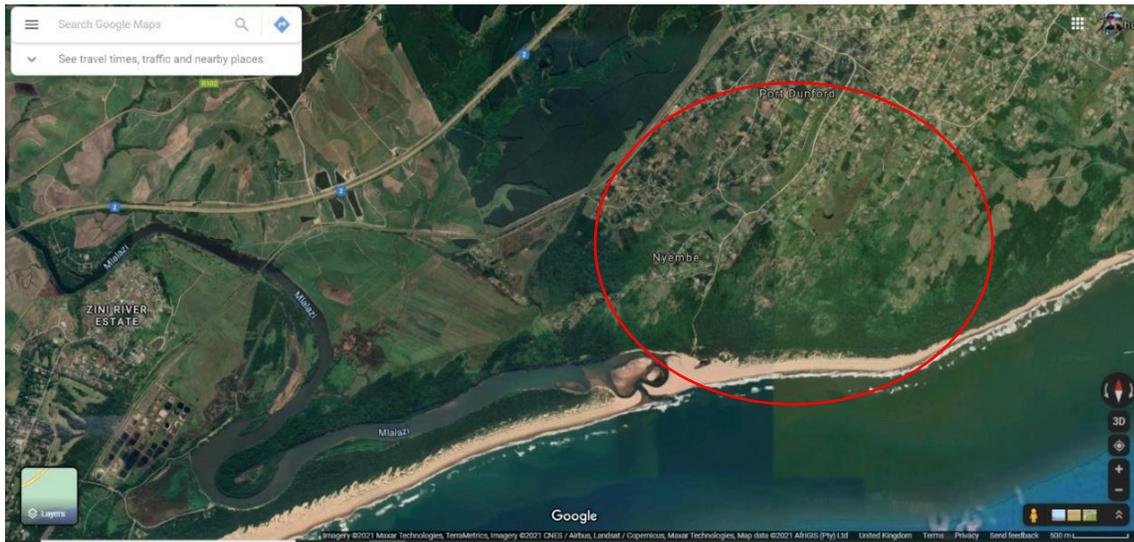


Fig.5: The location of the Nyembe Community (Port Durnford) on the Umlalazi Estuary.

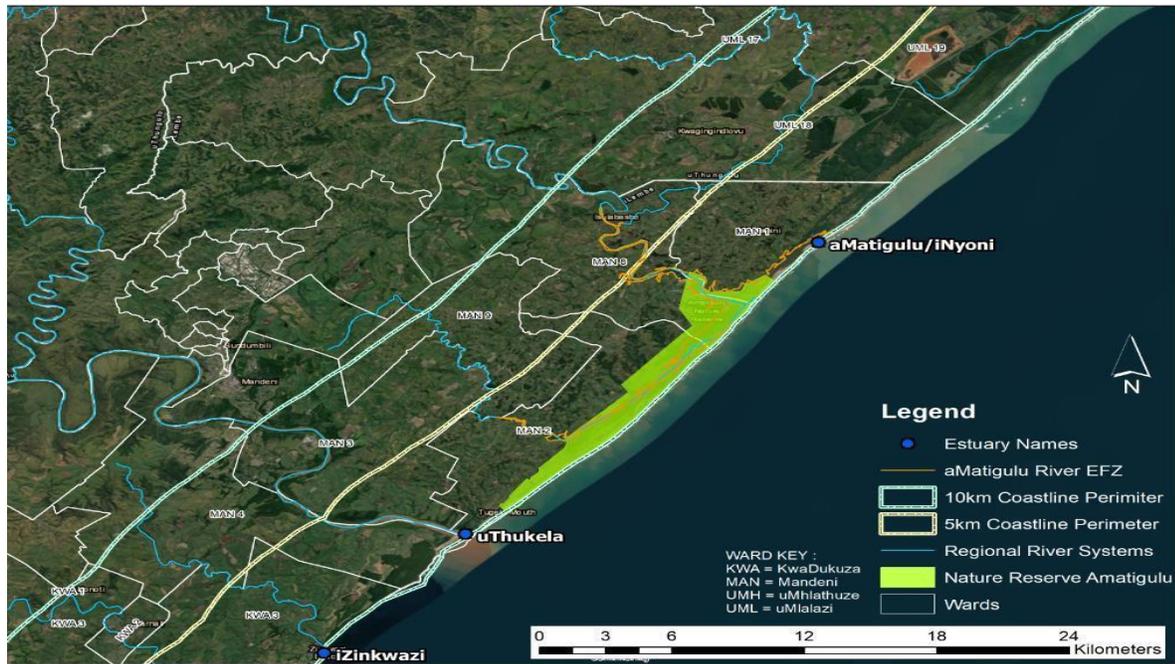


Fig. 6: Amatigulu/ iNyoni Estuaries in the Amatigulu Nature Reserve, with principal participating community adjacent to and north of the estuary, where the Amatigulu EbA Resource Centre is planned.

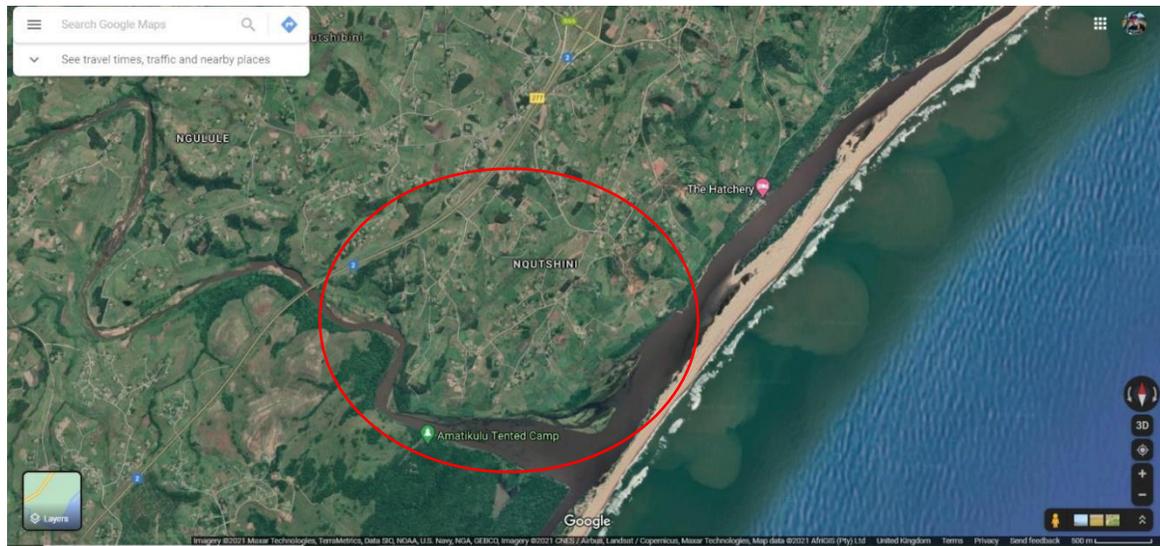


Fig. 7: The location of the Nqutshini Community on the Amatigulu Estuary

At both of these sites, there will be intensive rehabilitation interventions. Rehabilitation of the riparian zone will occur in the lower catchments of the rivers entering the functional zone of the estuaries within these coastal parks, and rehabilitation and restoration of the ecosystems in the estuarine functional zone will occur inside these coastal parks, as well as at the boundaries between these parks and traditional rural communities who live immediately adjacent to the coastal parks alongside the estuaries on the northern banks of the rivers at each of the two locations.

These two selected rural community areas are each situated immediately adjacent to the estuaries of these coastal parks and to the shores of the MPA and utilise the estuarine functional zone as well as the beach zone for subsistence agriculture and fishing. Involvement and consultation with

stakeholders from these vulnerable communities will be facilitated by the establishment of a **Community EbA Resource Centre** within each of the community areas which will support communities with a range of sustainable climate-smart livelihood solutions, including permaculture, tree-planting, smart agriculture, water and energy solutions. These activities will occur simultaneously to interventions such jobs in solid waste removal, clearing of alien plants, and replanting in the estuarine functional zone.

The potential access restrictions in these two estuary sites are related to proposed incentivised pull-back of subsistence farmers out of the flood-plan with accompanying assistance with climatesmart alternative solutions, household support initiatives and alternative livelihood nature-based solutions. **Figure 8** below provides an indication as to the land use in Amatikulu estuary, where there are small farms running up to the edge of the estuary in the sections adjacent to the village, and where only fragments of the mangrove areas remain in comparison to the unpopulated southern side of the estuary which lies within the nature reserve.

The number of people and households using the riparian zone, who would be included in land use planning as part of the Estuary Management Plan development, and the incentivised pull-back, is currently unknown. The availability of alternative land (of equal value) is also unknown, and these aspects of feasibility would be investigated during the project baseline and participatory planning process. The potential impacts include primarily economic and food security impacts, through lost access to farming areas for the concerned households, for example should the planned interventions not prove to be successful.



Fig.8: Land use and land cover in the Amatikulu Estuary (Source: Google Earth, 2021).

In addition to the pull back of agricultural activities out of the flood plain, the Estuary Management Plans would also be developed at these two sites (as with the other 7 sites to be supported). These management plans, with accompanying rules and regulations which would build on the uThukela MPA zoning and regulations (where there is overlap), and on the existing Nature Reserves (where

there is overlap), will likely specify legal and illegal activities such as fishing (particularly netting, which is illegal) and use of mangrove wood for fuel and construction. These types of restrictions, and potential impacts, are detailed below in B on the MPA impacts.

B: Access restrictions potentially contributed to by the project

For Sections B1-B3 below, the Project is likely to contribute to access restrictions, but has not directly caused them. The project is supporting with the design of the draft Management Plan, and will support with elements of law enforcement for the uThukela MPA Management Plan and the MPs for the estuaries within the Siyaya Coastal Park only. As such, the project has responsibility to:

1. Prevent or mitigate the Project's contribution to identified impacts of access restrictions (and other impacts, as described in the Project's Environmental and Social Management Plan, ESMP);
2. Use or increase its leverage with other responsible parties to prevent or mitigate the impact;
3. Contribute to remediating the harm of the impact relative to the extent of its contribution.

The different Protected Areas are now introduced in turn in Sections B1-3.

B.1: uThukela MPA inshore and offshore areas

The uThukela draft MPA management plan (2020) has been developed as a desk top exercise to date and is still to go out to stakeholder consultation (see stakeholder engagement section). The management plan indicates that the MPA will be zoned into an inshore and an offshore area. The inshore area consists of two inshore **Restricted Zones (RZs)** and two inshore **Controlled Zones (CZs)**. The offshore area consists of three offshore **Controlled Zones**, one offshore **Controlled-Pelagic Linefish Zone** and one offshore **Restricted Zone**. These zones are presented and described in more detail below.

B.1.1 Inshore Zonation

The following text is taken from the draft MPA management plan and summarised for the purposes of this Process Framework. The inshore zonation of the uThukela MPA is outlined in Figures 9 and 10 below. There are four inshore zones, two of which are **Restricted Zones** and two which are **Controlled Zones**. All inshore zones extend offshore for 200 m from the high tidemark.

B.1.1.1 Inshore Restricted Zones

The **Restricted Zones** consist of the **Amatikulu Inshore Restricted Zone** situated in the centre of the MPA and the **Seteni Inshore Restricted Zone** situated in the south (Figure 9). No littering or discarding of waste is permitted in the MPA, including the Restricted Zones. No extractive use such as shore angling, shore-based spearfishing, harvesting of invertebrates or netting (e.g. beach seine-netting) will be permitted. However, non-extractive activities such as walking, swimming, snorkelling, surfing, paddling, etc. are permitted. The two zones include:

- **Amatikulu Inshore Restricted Zone (AIRZ)** comprises an inshore portion of the uThukela Marine Protected Area and extends from near the Amatikulu Nature Reserve close to the southern end of the aMatigulu/iNyoni estuary, to just south of the southern boundary of the

Amatikulu Nature Reserve.

- **uSetheni Inshore Restricted Zone (SIRZ)** comprises an inshore portion of the uThukela Marine Protected Area and extends from approximately 3km north of the uSetheni Estuary, to approximately 2km north of the Tinley Manor Rocks which lies at the southern boundary of the uThukela Marine Protected Area.

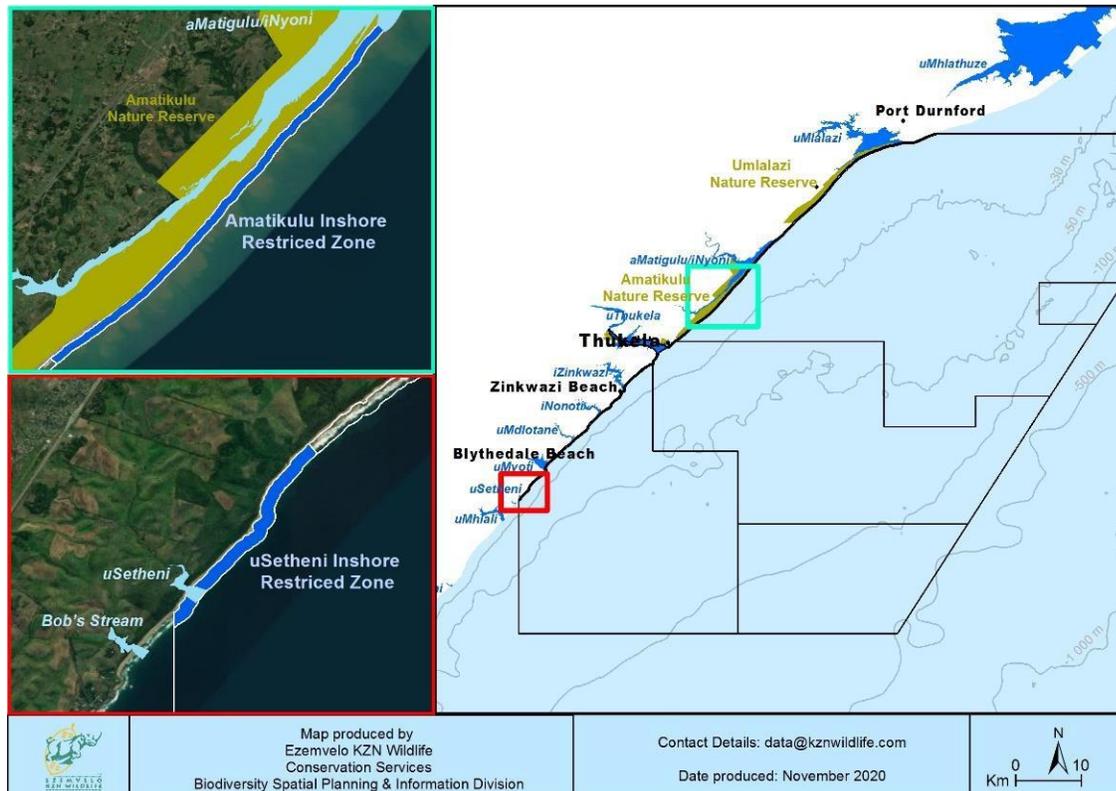


Fig. 9: Inshore Restricted Zones within the uThukela MPA

B.1.1.2 Inshore Controlled Zones

The rest of the shoreline of the MPA is divided into two Controlled use Zones - the **Mtunzini Inshore Controlled Zone** and the **uThukela Inshore Controlled Zone** (Figure 10). Within these Inshore Controlled Zones all fishing activities are permitted in terms of the Marine Living Resources Act (Act No. 18 of 1998) and the regulations thereunder. Any shark or ray (*Elasmobranchii*) caught from the shore in the Inshore Controlled Zones must be released unharmed. Therefore, while legal activities such as line fishing, spear fishing and the collection of invertebrate species are allowed in the Controlled Zones, illegal activities under the MLRA, such as gill net fishing and seine net fishing would not be allowed, which applies for the whole area of the MPA and existing Nature Reserves. The two controlled zones include:

- **Mtunzini Inshore Controlled Zone (MICZ)** comprises the northern inshore portion of the uThukela Marine Protected Area and extends from the northern boundary of the uThukela Marine Protected Area, about 4km north of the uMlalazi estuary at Port Durnford, to a point near the southern end of the aMatigulu/iNyoni estuary and including the beach area from Mtunzini and Umlalazi to Amatikulu and extending 200m seawards of the high-water mark. Line fishing, spear fishing and the collection of invertebrate species are allowed in the zone.

- **uThukela Inshore Controlled Zone (TICZ)** comprises an inshore portion of the uThukela Marine Protected Area and extends from just south of the Amatikulu Nature Reserve, to a point approximately 3km north of the uSetheni Estuary and includes the lower part of the uThukela Estuary and includes Zinkwazi and Blythedale beach areas. Line fishing, spear fishing and the collection of invertebrate species are allowed in the zone.

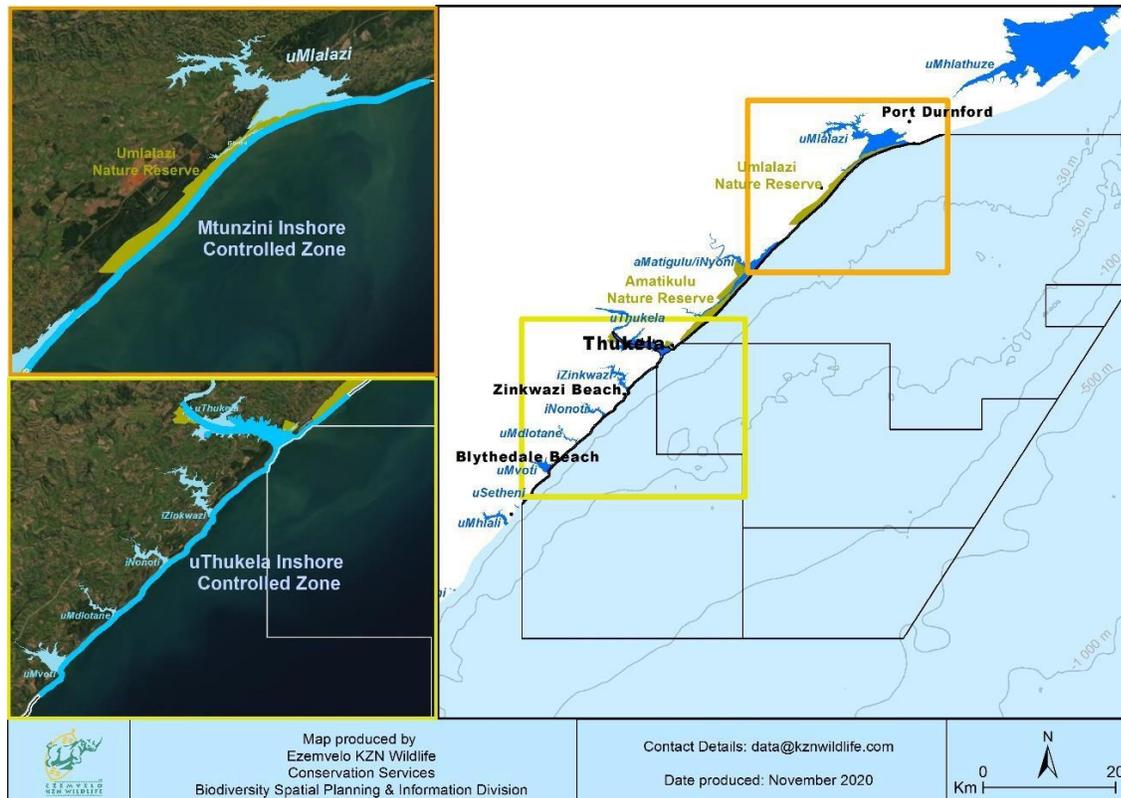


Fig. 10: Inshore Controlled Zones of the uThukela MPA.

B.1.2 Offshore

The offshore area (>200 m from the high tide mark) of the uThukela MPA consists of four keyzones, outlined in Figure 11 below. These include:

1. TOCZN: the northern controlled use zone (**uThukela Offshore Controlled Zone North**), in which both bottom and pelagic fishing subject to the MLRA and associated regulations.
2. TOCZS: the southern controlled use zone (**uThukela Offshore Controlled Zone South**), in which both bottom and pelagic fishing are allowed.
3. TORZ: a central offshore restricted zone (**uThukela Offshore Restricted Zone**). Closed to all extractive resource activities. Prohibited to stop for more than 3 minutes is not allowed in an Offshore Restricted Zone and the GPS tracker must be turned on to enable the route of the vessel to be tracked.
4. TOCCZ: a special Offshore Controlled Commercial Zone in the south of the MPA (**uThukela Offshore Controlled Commercial Zone**) permitting line fishing by licensed commercial fishers only. Boat-based night fishing is allowed with a special permit.
5. TOCPLZ: the uThukela **Offshore Controlled-Pelagic Linefish Zone** in the northeast allowing fishing and spearfishing for specified listed pelagic gamefish and baitfish species

(Appendix 1 of MPA management plan) using line fishing or spearfishing.

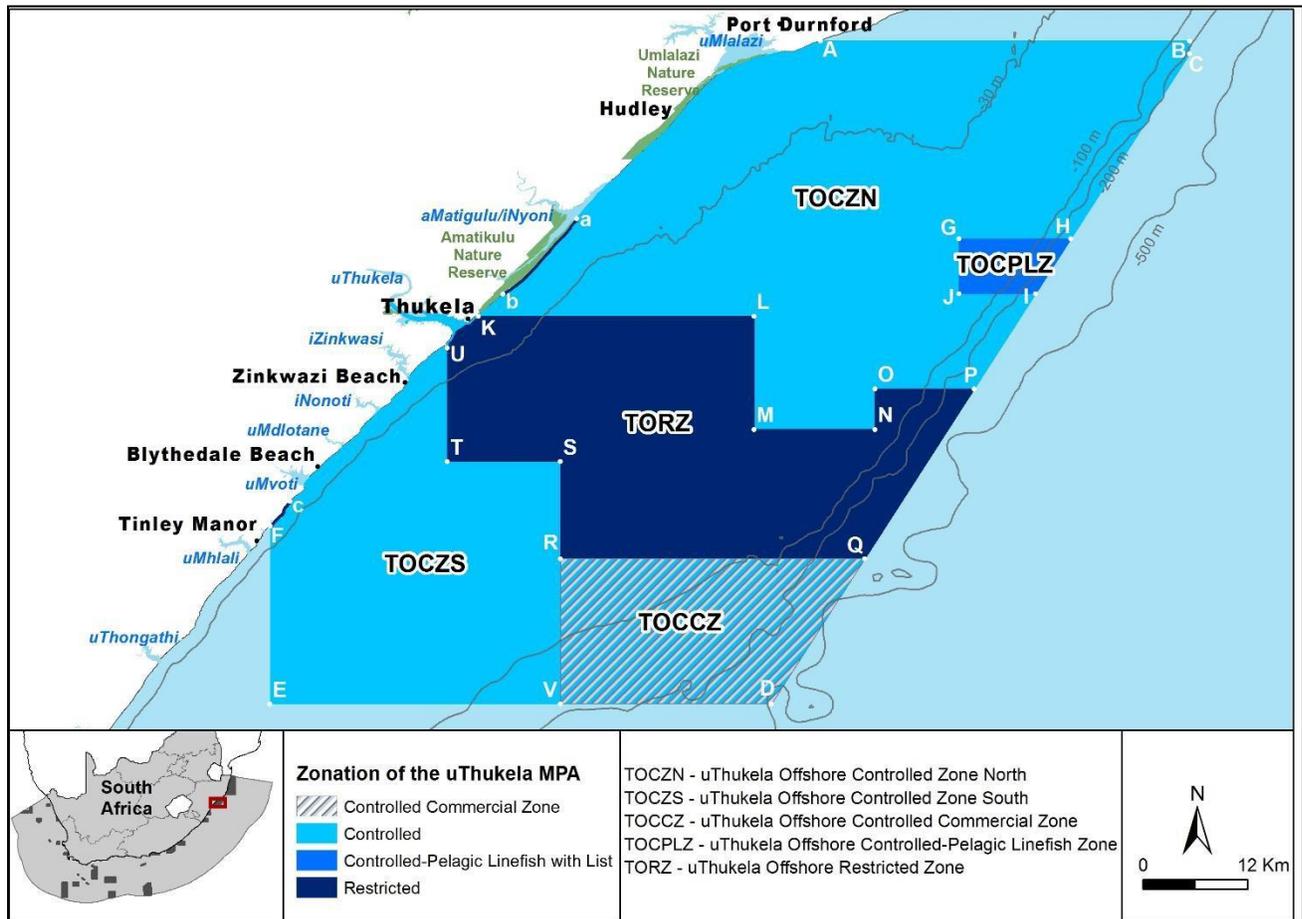


Fig. 11. The Offshore zonation within the uThukela MPA

General restrictions in the regulations in offshore area, which apply to all of these zones, include:

1. limit the entry into, and activities of, vessels in the MPA;
2. prohibit pollution in the MPA;
3. require the activation of a tracking device while traversing the MPA with fishing gear on board.

The regulations also:

- Prohibit the collection of ornamental fish, aquarium fish, brood stock for aquaculture, and live rock without a permit;
- Prohibit the capture of shark species offshore and only catch and release of shark species is allowed in the inshore controlled use zones;
- Prohibit the recreational fishing from a vessel in controlled use zones at night.
- Require that any fishing gear on board vessels inside the restricted zone of the MPA must be appropriately stowed (i.e. in a manner that eliminates the likelihood of its immediate use).

- Prohibit anchoring in the restricted and controlled pelagic linefish zones, except in the case of an emergency.
- Any vessel used in the uThukela MPA (except paddle craft) must be registered and the skipper must be qualified in terms of the Merchant Shipping Act (Act No. 57 of 1951) and the regulations thereunder.
- No littering or discarding of waste is permitted in the MPA.
- Any motorised vessel required by law to have a vessel monitoring system (VMS), such as a commercial fishing vessel, must have the VMS switched on while traversing the MPA.
- No bottom or reef fishing is allowed, although see TOCZN/TOCZS for bottom fishing subject to the MLRA and associated regulations.
- No boat-based night fishing is allowed within the uThukela MPA except within the uThukela Offshore Commercial Controlled Zone (TOCCZ) and with a special permit.
- No commercial line fishing except within the uThukela Offshore Commercial Controlled Zone (TOCCZ) subject to the relevant permit.
- No pelagic and bottom fishing and spearfishing is permitted apart from in the Offshore Controlled Zones (i.e. TOCZN and TOCZS) subject to the MLRA and associated regulations.
- No boat-based fishing for sharks and rays is permitted in the MPA.

There are a number of fishing and resource extraction permits that will be issued within the MPA, including:

1. Fishing & resources use permits available for recreational fishers – standard permit linked to regulations that can be purchased from the post office, annual, R50, linked to all the regulations around species and number of catch allowed etc. Based on the Marine and Living Resources Act (MLRA).
2. Commercial fishing permit. Only 2 current commercial rights holders – rights granted for 5 years, rights will expire with current permit and not renewed. Based on the Marine and Living Resources Act (MLRA).
3. Small-scale fishing permits – issued in terms of small-scale fishing policy to fishing cooperatives. Based on the Marine and Living Resources Act (MLRA).
4. In Nature Reserve's wetland vegetation e.g. Ncema harvesting. EKZNW can issue these permits inside Nature Reserves. Based on the Protected Area Act.

Currently, the MLRA permits (1-3 in the list above) are identified as not applicable inside MPA's, but these are currently being legally contested with the purpose of seeking authority for the MPA authority to be able to issue in terms of NEMPA, not MLRA.

B.2 Estuary Management Plans

Nine estuaries are contiguous with the uThukela Banks MPA. The project area includes the uMlalazi, Siyaya and Amatikulu-Nyoni Estuaries which fall within existing protected areas managed by EKZNW Wildlife (EKZNW) and are managed as part of the nature reserves (Amatikulu Nature Reserve and uMlalazi Nature Reserve, which together form the Siyaya Coastal Park) and includes 3 estuaries. There is a small coastal strip between the Amatikulu Nature Reserve and the rest of the Siyaya Coastal Park, which is run by the municipality, along with a small piece of Tribal Authority-

managed land. The project will also support the development of Estuary Management Plans (EMP's) in the other 6 estuaries that join the coast in the MPA south of the Siyaya Coastal park

All are subtropical of varying size, type and condition (Largely natural to highly degraded). Apart from the newly protected uThukela Estuary (wholly within the MPA), none are fully protected and only three are afforded partial protection through terrestrial reserve proclamations. The uMlalazi has protection from the mid reaches to the mouth (rail bridge to the ocean), via the regulations for the uMlalazi Reserve and the iSiyaya and aMatigulu/iNyoni estuaries are afforded some protection through the Siyaya Coastal Park.

In South Africa, estuaries are significantly under protected with ~1% of estuarine area being well protected. However, under protected systems can improve by focussing on better management of fishing and water quality. With regards to estuary protection and management there is key legislation:

Table 3: Legislation guiding estuarine management in South Africa

Legislation	Description
National Environmental Management: Biodiversity Act (Act 10 of 2004) (Biodiversity Act)	Conservation of biological diversity and ecosystems, and regulates the sustainable use of biological resources
National Environmental Management: Protected Areas Act (No. 57 of 2003) (Protected Areas Act)	Protection and conservation of ecologically viable areas representative of SA's biological diversity and natural land- and seascapes.
Marine Living Resources Act (Act 18 of 1998, as amended in 2000) (Marine Living Resources Act)	Declaration of marine protected areas to facilitate fisheries management areas.
National Parks Act (No. 57 of 1976)	Establishment and management of National Parks (some including estuaries).
National Forests Act (No. 84 of 1998)	Sustainable management and development of forests; provides for special measures for the protection of certain forests and trees (including mangroves) and promote the sustainable use of forests.

The suite of estuarine systems represents an important portion of KZN estuarine area and in the case of the uMlalazi, iSiyaya, aMatigulu/iNyoni, iZinkwazi, iMdlotane and uMvoti estuaries are also part of the national biodiversity priority core set. The Estuarine Functional Zones (EFZ) now also include all estuarine associated habitats such as interconnected riverine, wetland and marine river-dependent ecosystem types that support estuarine functioning. This ensures a more holistic consideration of estuarine planning, monitoring and management to avoid further declines in health. The primary interventions recognised for these estuaries (which are all vulnerable ecosystem types) are protection of freshwater inflow, restoration of water quality, reduction in fishing effort and no mining, infrastructure development and crops in the EFZ.

None of the systems have an Estuarine Management Plan (EMP) in place as prescribed by the ICM Act and through the National Estuary Management Protocol (NEMP). Pre-empting these plans the potential for rehabilitation of each catchment and the key interventions needed to restore each estuary have been tabled:

Table 4: Nine estuaries situated in the uThukela MPA and key interventions needed to restore them

Estuary	Estuary Type	Estuary Condition	Land-use	Potential for catchment rehabilitation	Key challenges and interventions for estuary restoration
uMlalazi	Predominantly Open	B - Largely natural with few modifications	Conservation, agriculture, rural and urban settlement	Yes - potential resistance to setting back from EFZ (peri-urban and rural settings)	Habitat loss due to commercial (sugarcane) farming in the floodplain - needs to be set back behind the estuarine functional zone at least; poaching (gillnetting) of fishery prolific. Key interventions will be alternative livelihoods options for affected fishers and farmers, including climate smart agriculture, nature guiding.
iSiyaya	Small Temporarily Closed	E - Highly degraded	Conservation, agriculture	Yes, very high	System is water-stressed due to commercial forestry plantations. Great potential for restoration via the removal of forestry. Discussions have been initiated with Tronox to address this.
aMatigulu/ iNyoni	Predominantly Open	B - Largely natural with few modifications	Conservation, agriculture, cattle grazing	Yes - potential resistance to setting back from EFZ	Habitat loss from small-scale farming in the floodplain should be set back from the EFZ - the system ends up being breached artificially (illegally) to protect crops. Also very prolific fish poaching (gillnetting) on this system, as well as snaring and dog-hunting of small game in the coastal vegetation. Key interventions will be alternative livelihoods
					options for affected fishers and farmers, including climate smart agriculture, nature guiding.

uThukela	Large Fluvially Dominated	D - Largely modified	Primarily agriculture	Yes - potential resistance to setting back from EFZ and addressing water use. Cogta required DFFE/DWS regarding critical disruption of flow to MPA. Flow operating modification has potential for high restoration success and involvement of EDTEA for iSithebe industrial area environmental management change	Reduced water quantity (from abstraction) and water pollution (industrial) are issues here. Habitat loss from commercial farming on the floodplain. Invasive alien plants. Restoration through removal of alien plants by the project team and set-back from the EFZ discussions with commercial farmers.
iZinkwazi	Large Temporarily Closed	B/C - Largely natural with few modifications / Moderately modified	Agriculture, urban settlement	Yes - potential resistance to setting back from EFZ	Extensive commercial farming on the floodplains with calls to artificially breach the system when crops become inundated with water. There have been incidences of illegal artificial breaches. Habitat loss on south bank due to urban development with lawns up to water edge. Invasive alien species on estuary banks. The project will facilitate consultative preparation of EMP, but not support direct implementation of measures
iNonoti	Large Temporarily Closed	C - Moderately modified	Agriculture, rural settlement	Yes - water quality	Poor water quality (industrial and domestic) must be addressed, invasive alien plants, fish poaching (via gillnetting) needs to be addressed
					The project will facilitate consultative preparation of EMP, but not support direct implementation of measures
uMdlotane	Large Temporarily Closed	B - Largely natural with few modifications	Agriculture, recreation (golf course)	Yes	Pollution events, possibly due to leachate from waste disposal company The project will facilitate consultative preparation of EMP, but not support direct implementation of measures

uMvoti	Large Fluvially Dominated	E - Highly degraded	Agriculture	Very difficult. Commence with invasive alien rehabilitation from lower estuary. Restored wetlands have high value for sensitive and important birds e.g. orange throated long claw	Large-scale interventions - Flow modification (due to water use by mill), pollution (industrial and domestic) has decimated this system, further exacerbated by habitat loss due to commercial farming in the EFZ and invasive alien plants The project will facilitate consultative preparation of EMP, but not support direct implementation of measures
uSetheni	Small Temporarily Closed	B/C - Largely natural with few modifications / Moderately modified	Agriculture	Yes	Commercial farming in EFZ The project will facilitate consultative preparation of EMP, but not support direct implementation of measures

As is the idea behind EMPs, the future EMPs for these estuaries must achieve an integrated environmental management objective, through entrenchment into Coastal Management Programmes, Integrated Development Plans and the future zonation plans (water area and the EFZ) should guide development and use in municipal development frameworks.

B.3: Existing Protected Areas

There are two Nature Reserves included in the Project Area. These include:

- Umlalazi Nature Reserve: Umlalazi is 1200 hectares and mainly dominated by beaches and dunes, which are a major physical feature of the reserve reaching an approximate height of 30m on the shore edge. Several ecosystem types namely tidal marsh, flood plain, reed, mangrove forest, acacia thicket and estuarine which encompasses the remainder of the reserve, which provides excellent habitat for a diverse range of plant, fish and animal life.
- Amatikulu Nature Reserve: Amatikulu Nature Reserve measures 2100.3 Ha located on the southern bank of the Amatikulu river. The reserve is bordered by an unbroken strip of sandy beaches and coastal dunes which are transformed into a series of undulating sandy hills as one moves further into the reserve. The reserve is dominated by grasslands, bush thickets, riverine and swamp forests which supports a diverse mammal, amphibian and reptile population.

Zoning & regulations in these two Nature Reserves here will be included in the Interim Process Framework.

B.4: Other forms of zoning and regulations

In the long term the draft uThukela MPA management plan (2020) foresees that a Zone of Influence could be developed for the MPA. This zone would be identified as an area outside of the MPA where actions and agreements are taken to protect the integrity of the MPA from threats and edge effects. However, the MPA management plan states that *“It is unlikely that any expansion strategy will be*

developed for the uThukela MPA in the time frame for which this draft Management plan would apply [ie. 2021-2031]” although rezoning may be proposed and achieved, based on new information gained by the project and collaborating projects (especially with regards additional protection measures for endangered shark and ray species that depend on this MPA).

1.6 Project affected peoples (PAPs)

The list in Table 5 below indicates the principle Affected Communities (communities directly affected by the project), which are all those local communities located in the project area identified to date. There are 36 Wards affected by the Project (Affected Communities), totalling 23 095 household members. The number of direct and indirect project beneficiaries is estimated at 365 884 households.

While there are 36 Wards within the project area (the area of uThukela MPA), as described in the section above, the project will work in two specific case study estuaries, working with adjacent communities and establishing resource centres (potential to cause impacts). The remaining communities could be affected by the project’s contribution to the MPA management planning, law enforcement, and/ or Estuary Management Plans.

Through the E&S assessment the project has estimated degree of affectedness based on proximity to the coastline (and therefore zoning, regulations, and marine/ coastal resource dependence) as the major weighting variable, with all those wards 5 km and less from the coast attaining High Affectedness status.

Additionally, variables such as the distance to the estuarine functional zone and the major communal practices in the area were also taken into consideration, with some regions closer to the Exclusive Fishery Zone (EFZ) than to the coast also obtaining highly affected status. As the distance from the coast increases, affectedness decreases accordingly, however where the proximity to EFZ is substantial or the community expresses as particularly intimate with their environment (as per land use practices) the designation may reflect an increased affected response.

Table 5: Affected Communities in the uThukela MPA Ecosystem Based Management Project

District/ Region	Ward	Approx. no of households	Approx. number of inhabitants		Estimate of the degree of affectedness[1]
			Male	Female	
iLembe	MAN 1	1503	3841	4332	High
iLembe	MAN 8	2075	4585	4773	High
uThungulu	UML 17	1546	3594	4053	Medium
uThungulu	UML 18	1838	2347	2255	Medium
uThungulu	UMH 10	2540	5316	5995	Medium
uThungulu	UMH 11	1542	4839	4291	High
uThungulu	UMH 13	2746	7315	7613	Medium
uThungulu	UMH 18	1453	3939	4268	High
uThungulu	UMH 19	3138	5609	6325	Medium
uThungulu	UMH 30	3006	2190	3573	Low
uThungulu	UML 19	2736	3764	3617	High
uThungulu	UML 20	2000	4645	5238	Medium

uThungulu	UML 21	982	2505	2940	High
uThungulu	UML 22	1279	3476	4080	High
iLembe	KWA 1	1816	3574	3871	Medium
iLembe	KWA 10	1540	2882	3123	High
iLembe	KWA 11	2381	4171	4171	High
iLembe	KWA 12	2466	4047	4213	High
iLembe	KWA 13	2572	4218	4390	Medium
iLembe	KWA 14	2589	4369	4734	Medium
iLembe	KWA 15	3674	5726	5502	High
iLembe	KWA 16	2934	4689	4880	Medium
iLembe	KWA 17	2245	3654	3804	Medium
iLembe	KWA 18	2037	3479	3924	Medium
iLembe	KWA 19	2400	3551	4005	Medium
iLembe	KWA 2	2385	4471	3964	High
iLembe	KWA 24	2804	4861	5059	High
iLembe	KWA 26	2319	3086	2965	Medium
iLembe	KWA 29	2867	4920	4920	High
iLembe	KWA 3	2874	3209	3768	High
iLembe	KWA 5	2195	3777	4091	Medium
iLembe	KWA 9	1816	3661	3810	Medium
iLembe	MAN 2	1397	3322	3599	High
iLembe	MAN 3	2543	4322	4322	High
iLembe	MAN 4	3072	4342	4897	Medium
iLembe	MAN 9	2154	5141	5797	Medium

Table 6: Affected Communities in the two focus nodes of uThukela MPA Ecosystem Based Management Project

Estuary Complex	District Municipality	Local municipality	Coastal Ward	Nearest Town/Community	Closest Estuary/River	Distance from Estuary (km)	Distance from coast (km)
uMlalazi-	King Cetshwayo	uMhlathuze	uMhlathuze Ward 18	Port Dunford, Nyembe	Mlalazi Estuary	2.8	2.2
	Uthungulu	uMhlathuze	uMhlathuze Ward 11	Ongoye	Mlalazi River	7.53	7.04
	Uthungulu	uMlalazi	uMlalazi Ward 19	Mtunzini	Mlalazi Estuary	5.2	2.52
	Uthungulu	uMlalazi	uMlalazi Ward 19	Umlalazi Nature reserve			

Siyaya Complex	Uthungulu	uMhlathuze	uMhlathuze Ward 19	Mahunu	Mlalazi Estuary	6.34	4.81
	Uthungulu	uMhlathuze	uMhlathuze Ward 22	Sikhalasenkosi	Mlalazi Estuary	9.34	3.67
	Uthungulu	uMhlathuze	uMhlathuze Ward 30	Vulindlela	Mlalazi Estuary	10.03	8.69
	Uthungulu	uMhlathuze	uMhlathuze Ward 10	Khandisa	Mlalazi Estuary	10.24	8.15
Amathikulu -Nyoni Complex	Uthungulu	uMlalazi	uMlalazi Ward 18	Cets	uMatigulu Estuary	8.82	5
	iLembe	Mandeni	Mandeni Ward 1	Amatikulu	uMatigulu Estuary	3.82	2.95
	iLembe	Mandeni	Mandeni Ward 1	Amatikulu Nature reserve	uMatigulu and Nyoni	TBC	TBC
	iLembe	Mandeni	Mandeni Ward 8	Mhlubulweni	uMatigulu Estuary	5.23	3.6
	Uthungulu	uMlalazi	uMlalazi Ward 17	Nguqu	uMatigulu Estuary	13.05	8.6

Project Affected Peoples in the context of this project (i) persons who have formal legal rights to land or assets; (ii) persons who do not have formal legal rights to land or assets but have a claim to land or assets that is recognized or recognizable under national law; (iii) persons who have no recognizable legal right or claim to the land or assets they occupy or use. The mechanisms to engage with project affected people are included in the Stakeholder Engagement Plan (**Annex 2** of the ESMP).

1.6.1 Disadvantaged or Vulnerable Groups

Disadvantaged or vulnerable groups are individuals or groups of individuals who risk being disproportionately affected by project related risks and adverse impacts and who may be more limited than others in their ability to take advantage of project benefits. These social groups can suffer from discrimination, unequal access to rights, unequal access to and control over resources or unequal access to development opportunities. As a result, they may be poorly integrated into the formal economy, may suffer from inadequate access to basic public goods and services, and may be excluded from political decision-making. Disadvantaged or vulnerable individuals/ groups are also more likely to be excluded from/ unable to participate fully in the mainstream consultation process and as such may require specific measures and/or assistance to do so.

Vulnerability in this context refers to people who are:

- Likely to be affected by the project (i.e., they are exposed to project activities, e.g., because they fish or use areas where law enforcement will occur);
- Sensitive to these effects (e.g., because they are highly dependent on natural resources with no other livelihood options); and
- Have got low adaptive capacity (e.g., because they don't have family or relatives who can support them, or no other skills or assets to rely on).

In this context, the identified vulnerable groups are those households living in poverty. As of April

2021, the food poverty line in South Africa is **R624 per person per month (€36.59)** with more than a quarter of the population living below the food poverty line in 2015. **(StatsSA)**. The upper-bound poverty line in South Africa is currently **R1,335 (€77.59) per person per month**. This refers to the food poverty line plus the average amount derived from non-food items of households whose food expenditure is equal to the food poverty line. This includes up to 62% of households in the project area. Furthermore, there are a number of child-headed households, who are also considered vulnerable, and most are living in poverty. There are high levels of unemployment among youth, with an average of 34.5% for youth and 13.1% for adults respectively. The overall unemployment rate in 2016 for KZN for the working age population was 23.3 % but these figures would be higher in 2021 given the increase in unemployment levels across South Africa, and the impact of both COVID and the social unrest. The socioeconomic baselines to be conducted during the project inception will further characterise vulnerability at the level of the estuary sites. As poverty in the area is linked to unemployment, then those households out of work are more likely to depend on natural resources to make a living, and therefore the broad group of vulnerable households are most exposed to natural resource restrictions within the MPA. There is also potential that the most vulnerable are also the most dependent on natural resources, but no evidence for this.

1.6.2 Rights of resource users

Information on those users with a legal right to use resources (eg. licensed fishers) and those with no recognisable right to resource use (and illegal and criminal activities), are included in **Table 9 Section 5**.

1.7 Involuntary nature of Access Restrictions

DFFE completed all the consultation steps for the establishment of the MPA as required in legislation (including publishing draft Regulations for public comment for 90 days and facilitated workshops with stakeholders to empower them to comment. Furthermore the initial MPA proposal (Boundaries and zonation) that was published for comment was the result of an iterative process where these were discussed and amended at a sequence of stakeholder workshops. Through the formal public comment process all stakeholders were afforded the opportunity to voice concerns or opposition, and all comments were taken into account and captured. However, access to the consultation processes and draft regulations was not equal for all stakeholders because the documents were not translated to the local language (Zulu), and rural community members were not strongly represented in the consultation workshops. Given these constraints and the fact that the final decision is taken by the Minister, informed by the comments received, the access restrictions in the MPA, and the existing Nature Reserves, can be considered involuntary in nature in at least some instances and for some stakeholder groups (including stakeholders such as the oil and gas industry, communities living in traditional areas, and commercial fishers) who may either have registered opposition or may not have been effectively consulted. This does not mean that communities disagree with the establishment of the MPA or to the zoning and Regulations, or with the livelihood development and mitigation measures planned as part of this project.

1.8 Preliminary socioeconomic impacts

Information on potential socioeconomic impacts is presented below in Section 5, Table 9.

2. Stakeholder Engagement

The project has developed a Stakeholder Engagement Plan (**Annex 2** of the ESMP). This plan includes the stakeholder engagement required to consult and engage stakeholders on access

restrictions described in Section 1 above and is summarised here. Furthermore, the project will be working with EKZNW to develop an MPA level Stakeholder Engagement strategy and MPA Grievance Mechanism.

The purpose of stakeholder engagement in the context of the Process Framework is to:

- Ensure all stakeholders in the uThukela Project Area are identified and can participate in project discussions and design, including marginalized or vulnerable groups
- Consult project-affected persons (PAPs, see Table 9) on local economic and social conditions and gather local knowledge on environmental and socioeconomic context (e.g., coastal and marine habitats or main livelihoods)
- Inform PAPs about the project and project-related proposals, including the proposed zoning and access restrictions and permitted activities in uThukela MPA
- Receive feedback from PAPs on project proposals, record concerns, and provide feedback on issues raised
- Discuss preferences and options to incorporate into the design of mitigation measures
- Enable PAPs to participate in project and PF development, endorsement, and implementation (e.g. participatory monitoring)
- Ensure the buy-in of local communities, which can only be meaningfully obtained by addressing their needs and concerns
- Ensure stakeholder participation in monitoring and evaluation activities.

2.1 Stakeholder Engagement Objectives and Principles

Stakeholder engagement in this project has the following Objectives:

- Establish, maintain and strengthen constructive, ongoing relationships with project stakeholders, based on mutual understanding, respect, and trust
- Ensure engagement activities are undertaken in a manner that is inclusive, culturally appropriate, and tailored to PAPs language preferences, literacy levels, and gender-specific needs so that project information is accessible to stakeholders in understandable formats
- Ensure that engagement is two-way, based on partnership and listening as well as talking, and accessible in terms of stakeholders' abilities to physically get to selected meeting venues
- Ensure all engagement activities are free of intimidation or coercion, and all participants are aware of their rights under national law and international standards.

While these are the project objectives, these objectives will form the basis of the uThukela MPA stakeholder engagement strategy. Stakeholder engagement will be aligned with the Blue Action Fund Safeguarding Principles and Requirements, including the principles of respecting human rights, inclusion, and mainstreaming community considerations.

2.2 Stakeholder Identification & Analysis

The project has conducted a stakeholder identification and analysis exercise which is included in Annex 2 of the ESMP and is summarised here.

Stakeholders within the Project Area (Figure 1) have been identified and included in the stakeholder

engagement plan and register (**Annex 2** of the ESMP). Stakeholder analysis accounted for the project impact on the stakeholder, interest, and influence, and includes an analysis of the role of that stakeholder in the project and in relation to access restrictions.

Stakeholders were grouped for the analysis, and include:

- Project collaborating partner: National Government (DFFE, DWS)
- Project collaborating partner: EKZNW (Ezemvelo KZN Wildlife)
- Project collaborating partner: Universities & Research
- Project collaborating partner: KZN EDTEA (Tourism)
- Civil Society Activist Groups
- Small scale fishers (roving cast-offs)
- Small scale fishers (co-operatives)
- Small-scale fishers – individual subsistence fishers excluded from co-operatives
- Traditional Leadership
- Local Municipalities
- Focal Node Communities (Estuary Communities where EMPs will be developed)
- Small scale fishers (subsistence)
- District Municipalities
- Coastal resource user communities (regional)
- Recreational Fishers / Boating Clubs
- Conservancies & Enviro Watchdogs
- Tourism KZN
- KZN DARD
- Media
- Commercial Forestry / Agriculture
- Commercial Fishers (shore & offshore)
- Private Property Owners/Developers
- KZN Sharks Board
- Ratepayers/Residents Associations
- Fish Farms / Aquaculture Investors
- Vulnerable/marginalised groups e.g. Households in poverty; child-headed households.

A summary of the analysis is presented in Figure 12.

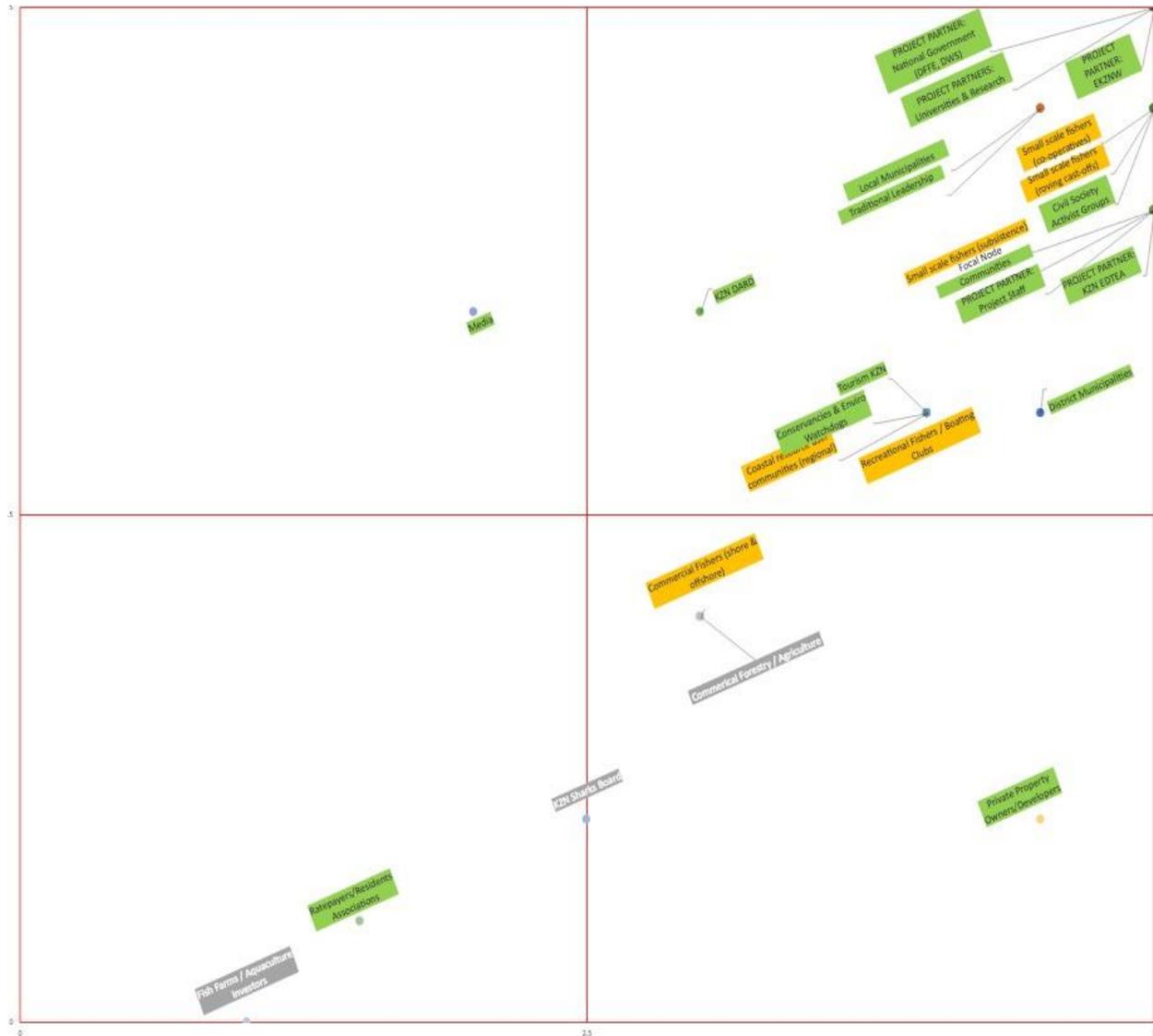


Fig. 12: Stakeholder analysis indicating interest, influence and degree affected/ impacted.

This stakeholder analysis was conducted first as a desk-based exercise, and then further developed and validated during stakeholder consultations and the E&S assessment conducted between July and September 2021.

2.3 Stakeholder Engagement to Date

While not part of this project, it is important to note the steps taken in consultations prior to the MPA's proclamation. These were organised and facilitated by Ezemvelo KZN Wildlife on behalf of DFFE and included:

- 25 February 2013 - uThukela Task Team meeting (key stakeholders and government partners)
- 21 August 2013 – uThukela Task Team meeting

- 19 March 2014 - uThukela Task Team meeting
- August 2014 – Operation Phakisa Stakeholder meeting in Durban at which the 5% proposed expansion plan was developed, including uThukela MPA
- 16 September 2014 – uThukela Task Team meeting
- 22 September 2014 – Meeting with Exxon Mobil / Impact Africa to discuss proposed MPA
- 30 September 2014 – uThukela Banks stakeholders meeting, where the proposed MPA was discussed. This included a broad range of stakeholders including NGOs, fishers, tourism operators and government agencies.
- 16 October 2014 – Workshop to discuss Seismic survey impacts
- 22 October 2014 – uThukela Task Team meeting
- 11 December 2014 – Thukela Task Team meeting (Sharks board)
- 28 January 2015 – Natal Deepsea Angling Assoc.
- 11 February 2015 – Meeting with South African Underwater Fishing Federation
- 13 February 2015 – uThukela Stakeholder Forum meeting (at Zinkwazi Lagoon Lodge)
- 1 July 2015 – Meeting with Exxon Mobil / Impact Africa
- 04 September 2015 – uThukela Stakeholder Forum (at Umlalazi Skiboat Club)
- 01 October 2015 – Meeting with Exxon Mobil / Impact Africa
- 01 December 2015 – Meeting with Exxon Mobil / Impact Africa

These consultations resulted in draft proposals for the uThukela MPA including boundaries and zonation and permitted activities.

Following these consultations, the national Minister published an Intent to Declare Notice in the Government Gazette in 2016, in the form of Draft Regulations for the MPA (and 19 other proposed new/expanded MPAs). This set-in motion a consultation and revision process that included the following steps:

1. Consultation period of 90 days is supported by holding workshops with communities, local stakeholders, provincial and municipal role-players. Professional and neutral facilitators will be used, who could come from the private sector or government. The specific management agency, who would manage the MPA may play a prominent role. The main purpose of the workshops is to inform and empower people to submit comments.
2. Hold at least one national consultation workshop for oil and gas, mining, fishing and other large industries for offshore component of the MPA network in the 60-day consultation window. The main purpose of the workshops is to inform and enable people to submit written comments
3. Receive all comments (including comments from other organs of state), acknowledge, collate and begin to address
4. Consideration of comments received, make recommendations to resolve issues that arise. Prepare comments response table.
5. Revise and improve MPA regulations based on consideration of comments, in particular boundaries and zonation. May include stakeholder or sector engagement. May need high-level resolution mechanisms.

The project's stakeholder engagement to date is summarised in the Stakeholder Engagement Plan, in Annex 2 of the ESMP, and the stakeholder register. The following key engagement activities have occurred:

- Engagement with government, scientific and NGO project partners in the design of the

project

- MPA Forum workshop for all stakeholders – lead by DFFE and EKZNW, coordinated by WILDTRUST
- Engagement with Community Leadership: information sharing and preliminary input into project activities.
- Focus groups with key community stakeholders
- Key informant interviews with other key stakeholders
- ESA government, local government and traditional authority stakeholder consultations

Reference **Tab 2 (Engagement to Date)** of the **Stakeholder Engagement Plan** for further details.

From this stakeholder engagement, WILDTRUST learnt that there had not been adequate consultation by DFFE, due to issues of language and engagement forum type, which left some PAPs out of the consultations. This has led to some communities feeling aggrieved and further engagement is needed by DFFE with communities to resolve these issues.

Some of the legacy issues in the uThukela MPA include:

- EKZNW history in area: Historically Ezemvelo has been mandated through legislation or more recently by a Management Contract to undertake marine fisheries management control in the marine environment. This arrangement was stopped in 2015 and DFFE took over this function.
- There is some confusion around the application of legislation, including which laws are applicable in which areas, causing confusion amongst the local communities. Some community members also felt the zonation's and restrictions were not effectively communicated to them (i.e. only boards are erected but no direct communication).
- Coastal erosion - the loss of a large coastal dune adjacent to the estuary has impacted on the environment and caused the loss of amenity and recreational livelihood opportunities.
- Lack of resources to effectively manage the existing nature reserves and the broader newly proclaimed MPA.
- Illegal gillnetting in the estuaries
- Traditional medicine harvesting (fauna and flora)
- In Amatikulu cattle are being moved into the nature reserve which has the potential of causing overgrazing and erosion in the protected area. This has caused some conflict between EKZNW and the associated communities.
- Illegal pack dog-hunting and snaring in the Amatikulu Nature Reserve for small game
- Unpermitted breaching of the mouth at Amatikulu and Tugela.
- Law enforcement staff have occasionally been confronted with aggressive law breakers who threaten them. No one has been harmed, however.

2.4 Engagement Methodologies & Forums

Engagement methodologies and forums for the stakeholder engagement plan are included in the Stakeholder Engagement Plan. These are summarised in Table 7, and the reader is referred to Annex 2 of the ESMP for more detail.

Table 7: Stakeholder engagement mechanisms in the project

Stakeholder Mechanism	Engagement	Lead by	Other participants
MPA Stakeholder Forum		EKZNW	WILDTRUST, various MPA stakeholders to be defined in the Stakeholder Forum ToR. Includes representatives of project affected people.
Information sessions with affected rural communities		WILDTRUST	EKZNW, to ensure appropriate access to information in mother tongue, to empower community members and representatives to effectively engage at MP consultations and the MPA Stakeholder Forum
MPA Management Plan Finalisation consultations		EKZNW	WILDTRUST; all project-affected communities and people; those stakeholders marked as Informed Consultation and Participation in the SEP
Estuarine Management Forum		EDTEA	WILDTRUST, EKZNW, various MPA stakeholders, including representatives of project affected people in Estuary areas.
Baseline livelihoods and Perceptions Survey and reassessment and feedback.		WILDTRUST / UKZN	Community Households in two focus Estuaries and Restoration and EMP sites.
Multi-level Governance Forum		EKZNW	DFFE, EDTEA, COGTA local government and WILDTRUST (possibly as secretariate)
Stakeholder Working Group		WILDTRUST (SE Manager)	WT Community liaison staff, EKZNW Community Liaison staff, Community Leadership (TA's), and Lead social ecologist.
Project Steering committee		WILDTRUST	EKZNW, EDTEA, DFFE, Traditional Authorities Reps
KZN, Provincial Coordinating Committee		EDTEA	EKZNW, NGO's
Mintech Working Group 8		DFFE	Government departments

Community Workshops	WILDTRUST	Broad representation from Estuary communities.
Climate mitigation and adaptation knowledge-building workshops	WILDTRUST	EDTEA, DFFE, WILDTRUST, EKZNW and relevant local municipalities and key stakeholder groups reps
Women's group training and peer support groups	WILDTRUST	Female leaders in communities
Community involvement in the identification of criteria (including where the recruitment pool stems from within project feasibility) for employment opportunities	WILDTRUST	Traditional authorities, leadership reps and Councillors
Environmental Management Plan for Hub Construction	Consultant	WILDTRUST, EKZNW.
Facilitate Awareness-raising (Media articles and publications)	WILDTRUST	Regional media
Workshops, webinar series and publication of EbA MPA lessons learned	WILDTRUST	All stakeholders

Based on this stakeholder engagement plan, a schedule will be developed and updated on an annual basis.

2.5 Future/ongoing Stakeholder Engagement Mechanism

Future stakeholder engagement refers to Preliminary PFs, while ongoing stakeholder engagement planning refers to Interim and Final PFs. The Interim Process Framework (to be completed in the first six months of the project) will include the strategy for future/ongoing stakeholder engagement including:

- Overview/summary of future/ongoing engagement planning (e.g., overall associated engagement activities per each project phase)
- Information disclosure and dissemination strategy (e.g., project disclosure meetings with the communities in coordination with local authorities) for preliminary PFs.
- Meaningful consultation strategy based on prior disclosure of relevant and easily accessible information of the project for preliminary PFs (e.g., exchange of views and information of potential impacts and mitigation measures in a preliminary PF).
- Collective negotiations with key stakeholders and/or their representatives to determine compensation entitlements and eligibility.
- Participatory planning. Clearly explain how the participation of affected groups and their

legitimate representatives are/will be achieved throughout the planning, implementation, and monitoring, and evaluation process, including:

- How affected stakeholders will have opportunities to review, input, and influence project design and management
- How decisions will be made
- How it will be assured that women, vulnerable groups, indigenous peoples (where relevant) are engaged in the development of the PF
- How it will be assured that participation is accessible and socially and culturally appropriate.

2.6 Documentation of Participatory Processes and Agreements

The flowcharts in Figures 13-15 below indicate the participatory assessment and planning methods and approaches the project will follow for the EMP development, restoration work and the MPA Management Plan development, respectively.

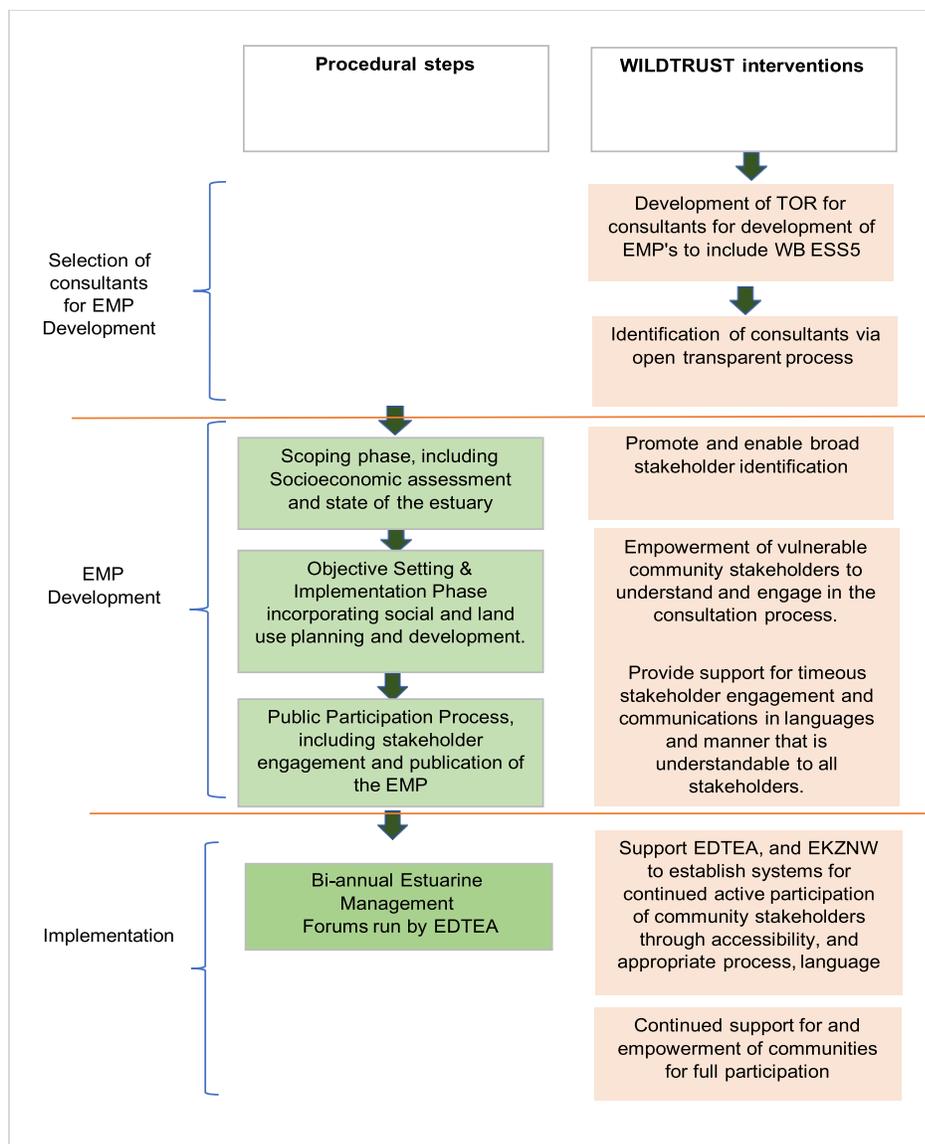


Fig. 13: Process for the development of EMPs

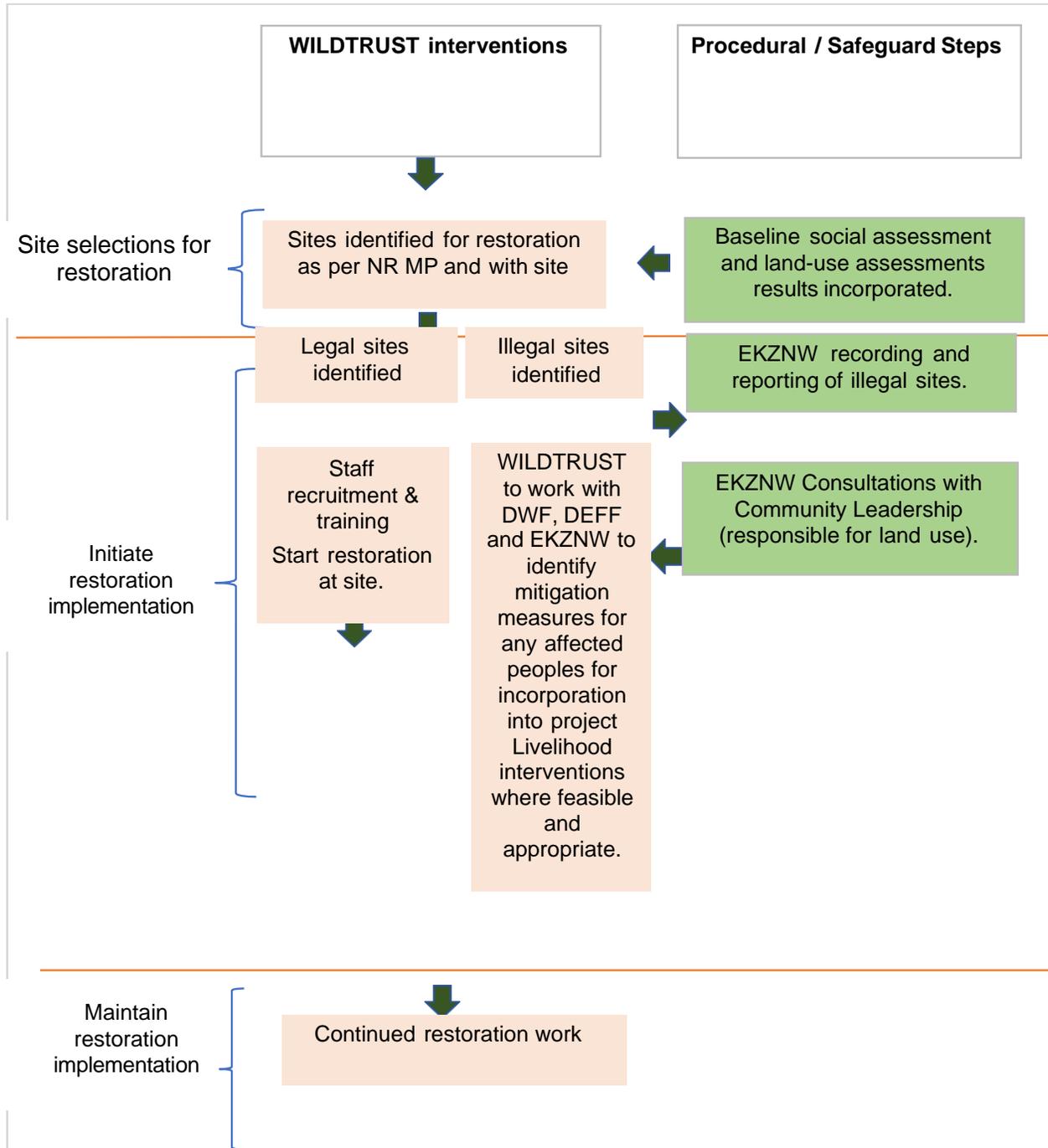


Fig. 14: Process for the ecosystem restoration activities

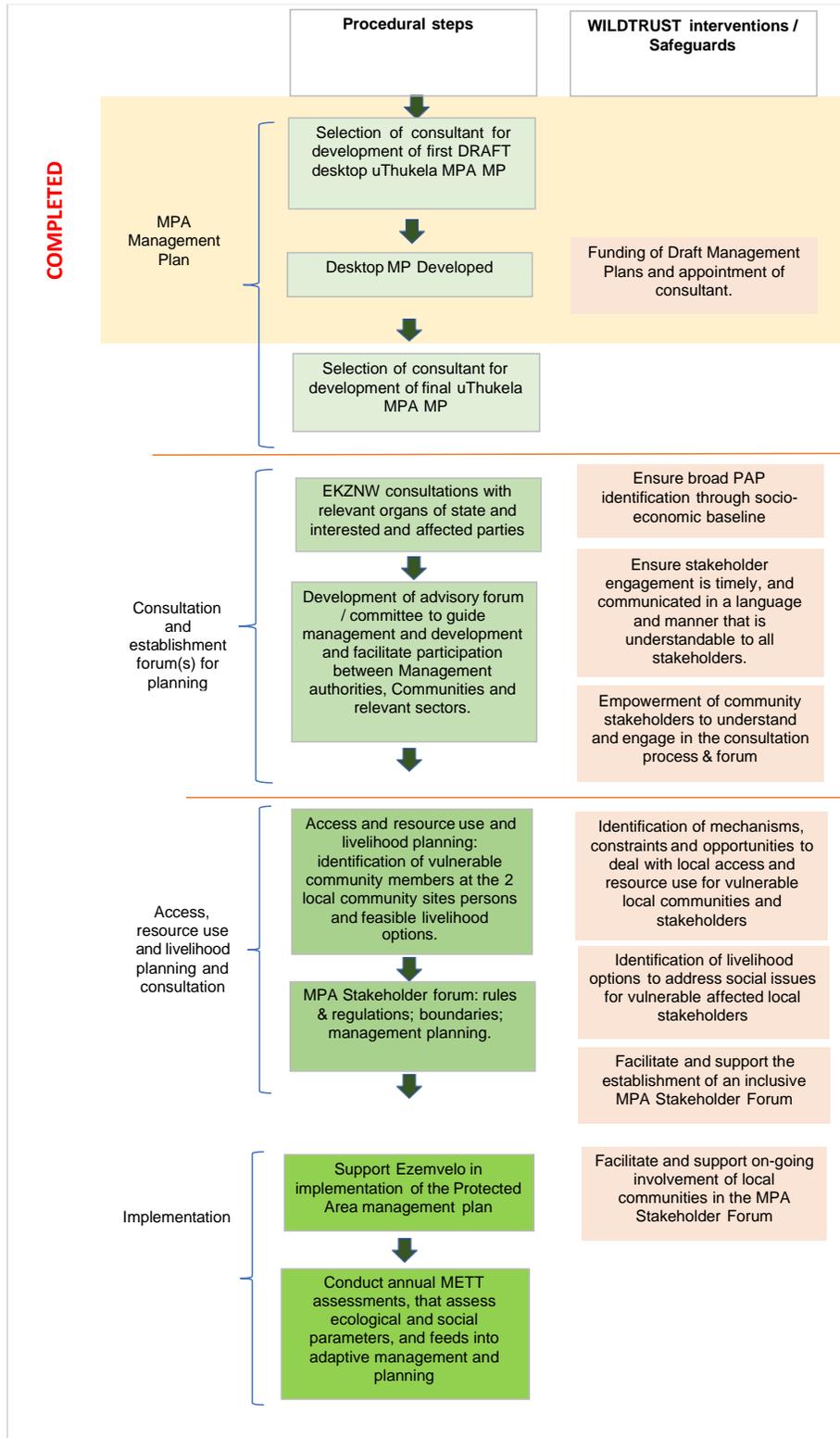


Fig. 15: Process for the MPA management plan development

Participation of affected groups and their legitimate representatives will be achieved through the use of locally and culturally appropriate processes, including assuring the involvement of women and men, vulnerable groups. Details of these will be provided in the Interim Process Framework. The outcomes of such participation, including any formal or informal agreements reached, will be documented (see also 2.7 below).

2.7 Record Keeping & Monitoring

All stakeholder engagement activities will be registered in the stakeholder engagement register, **Annex 2** of the ESMP. This includes a summary of the number of participants (disaggregated by gender), issues discussed and information disclosed, outcomes (including issues raised by stakeholders), follow-up actions, and status of these actions. All meetings will be documented with notes for the record. Monitoring indicators related to stakeholder engagement are included in the project ESMP.

2.8 Grievance Mechanisms

A project level Grievance Mechanism has been designed (**Annex 1** of the ESMP). This Grievance Mechanism will be accessible to all PAPs. Furthermore, the project will work with EKZNW to develop an MPA-level Grievance Mechanism to receive and resolve those grievances that are within EKZNW's mandate.

3. Institutional & Legal Framework

This section of the PF summarises the Institutional & Legal Framework, and includes a preliminary Legal Gap Analysis of national and international laws and standards.

3.1 Institutional Framework

Environmental Governance Structures

The jurisdiction, mandate and roles of the different government agencies in environmental management of the uThukela MPA and associated coastal areas is as follows:

- The KwaZulu-Natal provincial conservation agency, Ezemvelo KZN Wildlife, is the appointed management authority of the uThukela MPA (including the uThukela river estuary) is Ezemvelo and has a contractual relationship in this regard with the national Department of Forestry, Fisheries and Environment (DFFE) which is mandated in terms of the National Protected Areas Act (NEMPA) mandate national government. On the coast the MPA extends to the high-water mark in the uThukela estuary and along the coast and does not include the coastal dunes.
- Ezemvelo is the also the management authority for the Siyaya Coastal Park (including uMlalazi and Amatikulu Nature Reserves) and the four (4) estuaries that lie within it (uMlalazi, Siyaya, Amatikulu and Nyoni) and is mandated directly through the provincial KwaZulu-Natal Nature Conservation Act (KZNNCA). The rest of the coastal zone alongside the uThukela MPA, outside the boundaries of the Siyaya Coastal Park, includes coastal towns, privately/commercially owned land (including forestry) and traditional authority areas and the other five estuaries (Zinkwazi, Mdlotane, Nonoti, Umvoti and Seteni). DFFE is the mandated authority for these areas, which are subject to both the Integrated Coastal Zone Management Act (ICZMA) and overlapping Marine Living Resources Act (MLRA),

Municipal & Land Governance

South Africa is governed by wall-to-wall district municipalities, which form the 'local' authority of the three spheres of government: national, provincial and local government. District municipalities are comprised of local municipalities, which govern and fulfil their mandates at the closest interface with citizens and hence are important to the proposed WildTrust project

The administration and governance of land in KwaZulu-Natal is not the responsibility of the municipal governance system alone. The Ingonyama Trust holds 32% of land in KwaZulu-Natal, an area of 28,000 square kilometres. Trust land vests in the Ingonyama, King Misuzulu, as a trustee on behalf of the members of the Zulu nation. The two case study sites where project activities will be implemented are both located on Ingonyama Trust Land with the Nqutshini community (Amatikulu estuary) forming part of the Emacambini Traditional Council under Nkosi Mataba, and the Nyembe community forming part of the Mkhwanazi Traditional Council under Nkosi Mkhwanazi.

The Trust is administered for the benefit, material welfare and social wellbeing of the members of the communities. The Traditional Leadership and Governance Framework Act 42 of 2003 (Amended Act 23 of 2009) (TLGFA) guides the allocation and use of land in traditional authority areas. The TLGFA provides for the establishment of traditional councils and the recognition of traditional communities and traditional leaders (Sim et al., 2018). The *amakosi* and *izinduna* are responsible for land allocation, and social cohesion, addressing social conflict and ensuring the development of their people.

3.2 Legal Framework

A summary of key national legislation which pertains to this project is provided in **Annex 5 of the ESMP**.

The marine environment is the responsibility of **National Government (DFFE)**, which is responsible for controlling access and use of associated resources. Environmental governance in the coastal zone is much more complex, with multiple laws and actors at different scales responsible for managing natural, built and human environments in coastal areas.

Figure 16 presents a summary of the 'layers' of legislation that impose various regulatory and management requirements in estuaries and other parts of the coastal zone. The diagram shows at least 16 different national and provincial statutes that mandate different national, provincial and local government entities to perform specific regulatory and / or management functions in estuary zones. In addition to national and provincial statutes, local government is responsible for preparing Integrated Development Plans, Spatial Development Frameworks and Local Area Plans (and associated policies and by-laws) that regulate development in and adjacent to coastal areas in response to identified environmental threats and priorities.

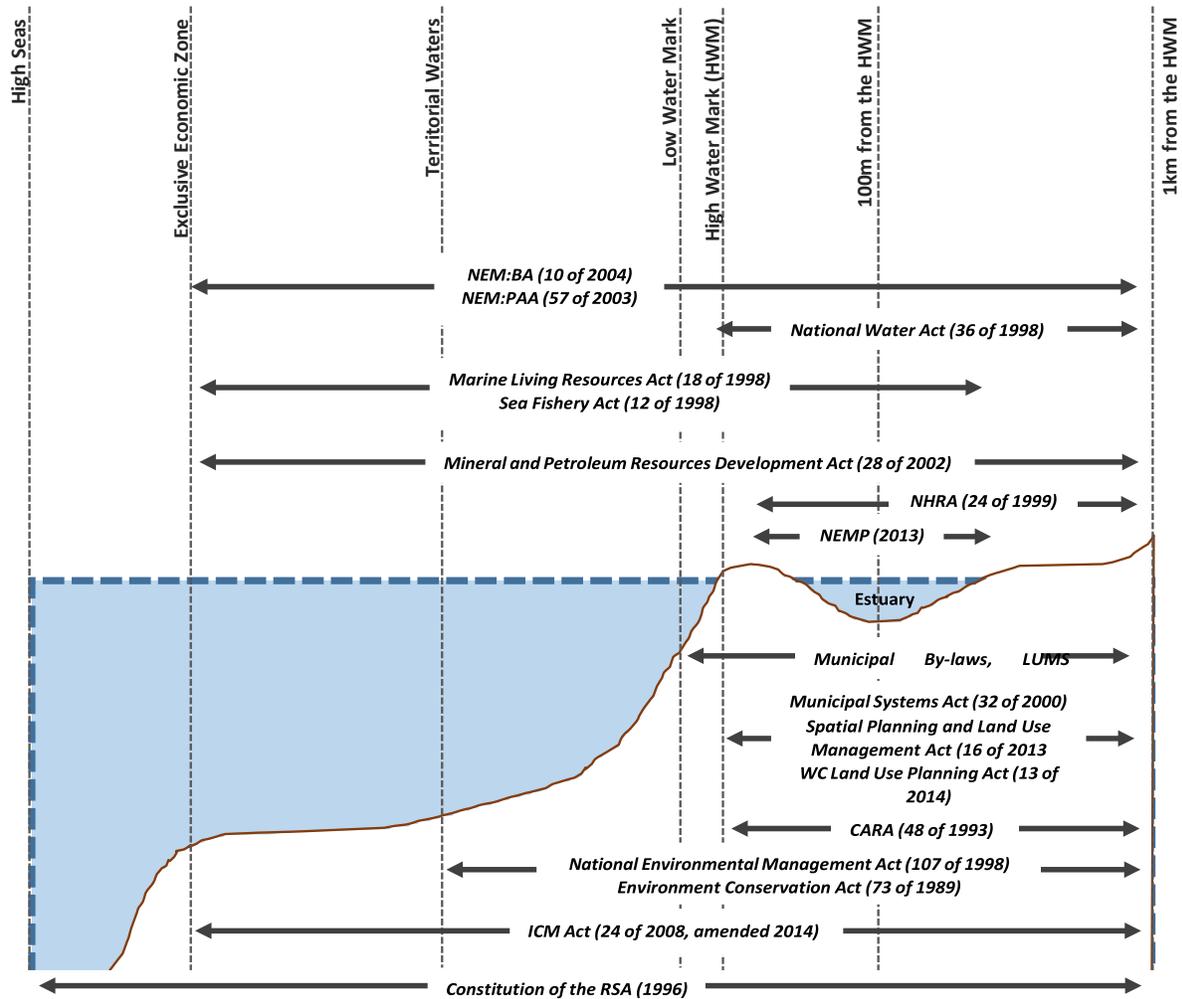


Figure 16: Summary of Legislative Jurisdiction in the Coastal Zone (from Western Cape Government, 2019, originally adapted from Goble et al. 2014)

The National Environmental Management: Protected Areas Act (Act 57 of 2003) (NEMPAA) is the key legal instrument for the uThukela MPA, and the MPA was proclaimed in Regulations under this Act. This Act requires that all permits issued for activities within the MPA are issued in terms of this Act (both extractive and non-extractive for activities such as scuba-diving). A legal opinion commissioned from Senior Counsel by the WILDTRUST has revealed that MLRA permits for fishing (issued at the Post Office) are currently being used by resource users in the area, and the small-scale fishing permits issued to community co-operatives, may not be applicable in the MPA and should be replaced by permits issued by the appointed MPA Management Authority (EKZNW). This matter will be further explored in the inception phase of the project, so that clarity is reached for both government and resource users. There are some advantages to sole application of NEMPAA in the MPA, such as provisions for establishment of exclusive co-management zones for adjacent communities as well as revenue from permits accruing direct to EKZNW for management of the park (this providing a sustainable financing mechanism).

According to the Western Cape Government (2019) the National Environmental Management: Integrated Coastal Management Act (Act 24 of 2008, as amended by Act 36 of 2014) (ICMA) was

developed to facilitate the sustainable use and management of South Africa's coastline, coastal and estuarine resources. The ICMA emphasises the need for cooperation and shared management and mandates all three spheres of Government to develop Coastal Management Programmes (CMPs). These CMPs should guide government decisions to achieve the desired outcomes for the coastal environment. The ICMA also directs the National Estuarine Management Protocol (NEMP), which requires estuaries to be managed in a co-ordinated and efficient manner. The NEMP is supported by National Guidelines for the Development and Implementation of Estuarine Management Plans which contain a framework for estuarine management as well as minimum requirements as per the NEMP.

Management of estuaries and the coast is, per the principles of ICMA, meant to be undertaken in a participatory manner. In KwaZulu-Natal, a Provincial Coastal Working Group exists (currently being reconstituted after a period of inactivity) to facilitate co-operative governance and a participatory approach to coastal management province-wide. Similarly, Municipal Coastal Committees may be established to facilitate implementation of municipal coastal management plans, with Ilembe District one such example along the MPA coastline.

Although none exist along the MPA coastline at present, the NEMP provides for multi-stakeholder Estuary Advisory Forums to facilitate open participation in estuary management. Such forums have met with mixed success in other regions of the country (Mander et al. 2019).

In addition to developing local CMPs, local government (District and Local Municipalities) also has various mandates relating to coastal management and protection. District Municipalities along the uThukela MPA coastline include Ilembe and King Cetshwayo, and Local Municipalities include uMhlathuze, Umlalazi, Mandeni and KwaDukuza. In terms of ICMA, each coastal municipality must make by-laws that designate strips of land as coastal access land to secure public access to that coastal property, and manage such coastal access points appropriately.

Local government is also responsible for delineating coastal set-back lines within relevant municipal plans or maps that form part of its zoning scheme / land use management system. In terms of the broader mandates for environmental duty of care, local governments must also ensure that development and pollution pressures on coastal, estuary and marine areas are properly managed in development planning and decision-making. The National Climate Change Bill also places an onus on local government to plan for climate change risks and contribute toward the achievement of national emissions reductions targets.

Sections 31, 32 and 33 of the National Environmental Management: Protected Areas Act (Act No. 53 of 2003) requires the participation of civil society and other authorities in the governance of protected areas. The draft Management Plan for the uThukela MPA (EKZNW, 2020) proposes establishing a formally constituted Stakeholder Forum to guide the development, review, evaluation, and updating of the MPA management plan.

Given the layered nature of environmental governance in the coastal zone, the need for effective platforms and processes that facilitate alignment in decision-making and action across different spheres of government, and across different stakeholder groups (i.e. vertical and horizontal alignment) is critical for reducing current and future threats to the uThukela MPA.

Another challenge in ensuring the success of an MPA, is the relationship between MPA's and the catchments which are located adjacent to, or on the landward side of them. While conversation recognises the importance of understanding the socio-ecological system within which the resources being conserved are located, with clear spatial boundaries to ensure effective focus, management

and efforts, the linkages and connections between socio-ecological systems at the landscape scale need to be acknowledged. Under South African legislation, river catchments and their sub-catchments fall under Water Management Areas (WMA's) with their associated Catchment Management Agencies (CMA's). The National Water Act (No. 36 of 1998) requires the establishment of CMA's to govern water in South Africa. CMA's require engagement between state and non-state actors; and have a strong focus on the biophysical health of catchments, as well as social transformation, supporting the principles of integrated water resources management. Within this institutional imaginary, each CMA is required to compile a Catchment Management Strategy and ensure water resources planning.

International Requirements

The Blue Action Fund requires all of its projects to be compliant with the World Bank Environmental and Social Framework (WB ESF 2017), including the Environmental and Social Standards (ESS) 1-10, the World Bank Group Environmental Health and Safety Guidelines (EHSGs), and the other Standards and Guidelines listed in Annex A of the Blue Action Fund ESMS Manual. These Standards are aimed at providing guidance on how to identify risks and impacts, and are designed to help to help avoid, mitigate and manage risks and impacts as a way of doing projects in a sustainable way. To make these Standards relevant and practical for conservation projects, Blue Action Fund has developed safeguarding Principles and Requirements based on the WB ESF (Annex B of the Blue Action Fund ESMS Manual), which include:

- **Principle 1:** Environmental and social assessment and risk management
- **Principle 2:** Stakeholder engagement
- **Principle 3:** Health, safety and security of communities and project personnel
- **Principle 4:** Protection, conservation and sustainable management of the environment, biodiversity and natural resources
- **Principle 5:** Livelihoods and access restrictions
- **Principle 6:** Gender equity and vulnerable groups
- **Principle 7:** Cultural heritage
- **Principle 8:** Indigenous Peoples
- **Principle 9:** Grievance management
- **Principle 10:** Human rights

Adherence to these Principles and Requirements places an emphasis on ensuring adequate public consultation and disclosure is carried out so that Affected Communities are fully informed about the project and their views and concerns are taken into account. The Blue Action Fund and all of its projects are committed to this. Stakeholder engagement shall be conducted on the basis of timely, relevant, understandable and accessible information, provided in a culturally appropriate format, as described in the Stakeholder Engagement Plan (SEP) appended to this document.

3.3 Gap Analysis

WILDTRUST has conducted a comprehensive review of the South African legislation that pertains to the project, and this is documented in the full proposal and summarised in the ESMP **Annex 5**. **Table 8** presents a summary of some of the gaps identified, and the project's strategy to address these. Furthermore, in relation to Principle 5 (and WB ESS5), some specific gaps identified include:

- Social baseline surveys: there is no legal requirement to establish socioeconomic baselines as part of MPA establishment. The project will therefore work in the two focal areas in the project site to complete baseline surveys during project inception.

- Eligibility and entitlements: PAPs are not entitled to compensation in the light of access restrictions due to the establishment of a MPA. As such, livelihood restoration will be planned carefully with EKZNW to ensure that there are not major disparities across communities within the MPA.

Table 8: Gap Analysis

Blue Action Fund requirements	National Legislative Requirements	Gap	Strategy
Principle 1: E&S assessment and risk management (relates to WB ESS 1)	No EIA required unless major infrastructure. PDAI and PAJA observed in MPA establishment.	No ESIA per se, but PAJA accounts for respect for peoples' rights	Conduct E&S assessment, and SE baselines to identify potential impacts; work with EKZNW on identified impacts as per PF (Annex 1)
Principle 2: Stakeholder engagement (relates to WB ESS 10)	NEMPA (2003) public consultation process in line with PAJA. Management plan consultation process.	Accessibility of consultations (language; transport; information)	Support EKZNW with the engagement process as per the SEP (Annex 2).
Principle 3: Health, safety and security of communities and project personnel (relates to WB ESS 2 and 4)	NEMA (1998) on law enforcement; EKZNW Policies on law enforcement (firearms, use of force etc) aligned with legislation;	Compliance check with Blue Action law enforcement guidance eg. Voluntary Principles	Conduct compliance check as per Section 4 of this ESMP.
Principle 4: Resource efficiency and biodiversity (relates to WB ESS 3 and 6)	NEMA (1998); NEMBA (2004); NEMPA (2003)	None identified	NA
Principle 5: Livelihoods and access restrictions (relates to WB ESS 5)	PAJA (2000); NEMPA (2003) for public consultation.	Baseline surveys; cut-off dates; livelihood restoration entitlements.	Development of a project Preliminary Process Framework
Principle 6: Gender equity and vulnerable groups (all of the WB ESF)	Constitution (1996)	None identified	NA
Principle 7: Cultural Heritage (relates to WB ESS 8)	KZN Heritage Act, 1997	None identified	NA
Principle 8: Indigenous Peoples (relates to WB ESS 7)	No applicable		
Principle 9: Grievance Management (relates to WB ESS 10)		No requirement for grievance management within Protected Areas	Establish project Grievance Mechanism (Annex1) and support EKZNW to develop their mechanism
Principle 10: Human Rights (relates to BMZ guidelines on Human Rights)	Constitution (1996)	None identified	NA

4. Baseline Data Collection & Analysis

Baseline data collection & analysis serves several important purposes in the identification, analysis and management of access restrictions. To date, a desktop assessment has been done during the Full Proposal Development, which was augmented by the information gathered during the ESA.

This section will include the following:

- Review of existing data
- Assessing further data requirements
- Survey preparation
- Data collection tools
- Data recording & analysis.

4.1 Review of Existing Data

The first step in baseline data collection and analysis is to review existing available information sources, or 'secondary data'. This subsection should include a list of the existing available information sources, or secondary data reviewed, including:

- Project Scoping Report
- Project ESA consultations and Report
- Draft Management Plan for uThukela MPA
- Published Regulations for uThukela Banks MPA
- Phakisa: Fast-tracking Ocean Protection in South Africa Technical Report

The baseline information gathered during the interviews, focus groups and consultations conducted during the ESA for this project can be found in **Annex 4 (Sections 5)**.

These recommendations, along with the mitigation measures identified in the development of the ESMS safeguards has led to the augmentation or addition of a number of project activities. Additional data will be collected in the Baseline Survey and initiation of the various stakeholder engagement mechanisms in the Inception Phase of the project.

4.2 Assessing Further Data Requirements

While this data has been preliminarily identified in collaboration with ESA consultants (as detailed in the ESA report), this needs to be further distilled and incorporated into planning for the Baseline and ToRs for the various stakeholder engagement mechanisms. This section will be developed for the

Interim Process Framework, and prior to the implementation of the Baseline and will include:

- A brief description of baseline data gaps after reviewing existing secondary data
- A description of requirements for baseline data collection based on the level of detail required based on project complexity and the extent of the intervention
- A brief description and presentation of the key information requirements (what questions need to be asked), and the appropriate methodologies that will be used to collect the data, taking into account the resources and budgets available
- Preliminary definitions of Indicators.
- Assessment of how the process of analysis of further data requirements has informed project planning, particularly identification of impacts and design of mitigation measures.

4.3 Survey Preparation & Data Collection Tools

This subsection summarizes the planned process of community entry whereby project teams are introduced to communities. This will be expanded on in the Interim Process Framework with an integrated schedule. Steps for the baseline surveys include:

- Scheduling of priority site introductions based on ESA & ESMP recommendations.
- The collection of data for the baseline study will use an inclusive and participatory approach.
- At community level, starting with Tribal Authorities (isiNduna) – proving details of the project, introducing project team, providing overview of baseline survey process and questions, giving them an opportunity to input into the questions, and getting permission to conduct surveys.
- Focus groups held at each of the key sites with a small groups of community members to input into the survey design to ensure co-production of knowledge.
- Community-based researchers will be recruited and trained to conduct the surveys.
- Surveys will be conducted on a voluntary basis, with face-to-face interviews at randomly selected homesteads in the project area.
- Feedback will be provided on conclusion of the survey through a community meeting.

Fieldwork protocols will take into account good, advanced communication with community members, the health & safety of the researchers and participants (including COVID-19 SOPs), and confidentiality.

4.4 Data Recording and Analysis

This subsection will be finalised in the Interim Process Framework and will summarize data analysis gathering, analysis and findings, with regard to the baseline surveys conducted for the project.

5. Identifying, Assessing & Minimizing Impacts

The project has taken the following steps to identify, assess and minimise impacts of access restrictions:

- Stakeholder engagement during the concept note and full proposal design and development,

- and during the E&S assessment (see Annex 2 of the ESMP)
- Conducting an E&S screening through the Blue Action Fund ESMS questionnaire, including expert review, production of a Blue Action Fund Screening Report, and subsequent E&S assessment (June – September 2021) to collate existing data and information, characterise environmental and social context, and conduct a high- level assessment of risks.

This **Preliminary Process Framework** has identified the types of access restrictions (Section 1), but does not yet assess the types of impacts, which will occur during the project itself. The project has identified potential/possible impacts, but these impacts still need to be confirmed by baseline data gathering and stakeholder engagement. This will include project-supported baseline data gathering in the sites where the project will be conducting management planning and livelihood development work, and support to the MPA management authorities (EKZNW) to engage with stakeholders affected by the zones and restrictions in the broader MPA area outside of the two chosen project sites. The **Interim Process Framework**, to be developed during the project inception period, will include a confirmation of project impacts at the two project sites, including impacts per stakeholder group / community, and a description of the broader impacts based on planning with EKZNW and further stakeholder engagement.

Table 9 below summarises the access restrictions introduced in Section 1 above, and presents an analysis of the affected groups, the potential restrictions and losses, and the potential impacts. This analysis will be built upon during the project inception phase, and will form the basis for the entitlement matrix which is yet to be developed for this project.

Table 9: Access restrictions, affected groups and potential impacts

No.	Affected Group	Area	Zone where restrictions apply	Cause/ contribute/ linked to	Potential restriction or loss	Description of the potential impact	Avoidance, minimisation Completed todate
A: Sites for Riparian Rehabilitation and Estuary Management Plan development and implementation							
							
A.1	Farming households with land and farmers in the estuarine and riparian zones and floodplains selected for rehabilitation. Any other households with land holdings in rehabilitation areas. Number of households unknown.	Estuarine restoration sites: Umlalazi Estuary (Nyembe Community) and Amatikulu-Nyoni (Nqutshini Community), uThukela and Zinkwazi estuaries	Areas selected for rehabilitation within the Estuary Management Plans.	Cause	Management Plan to include restriction of agricultural activities in riparian zones (as per existing NEMA legislated regulations), and improved law enforcement to implement this, to allow for regeneration of natural vegetation along the estuary/ riparian edges. Proposed change in land use from agriculture or degraded state to regeneration agriculture/ conservation.	Limited or no impact in the case that alternative livelihoods or improved agricultural practices are intended to replace the livelihoods and/or food security from agriculture within the functional estuarine area and/or the riparian zone. Potential negative impact if alternative options not	Planning has not started. Estuary Management Plans to be developed in a participatory manner. Mitigation could include support for climate-smart agriculture practices, permaculture, restoration jobs.

						available or are not as effective as planned.	
A.2	As per B1.1-B1.2 below: outside of the the focal restoration areas, Estuary Management Plans would include restriction of farming in estuarine functional areas and in riparian zones, and implementation will involve law enforcement as per B.1. This is considered under section B below as it is a project contribution and would still need to be considered for these two sites.						

No.	Affected Group	Area	Zone where restrictions apply	Cause/ contribute/ linked to	Potential restriction or loss	Description of the potential impact	Avoidance, minimisation completed to date
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B: uThukela MPA inshore and offshore areas

B.1: Estuaries, inshore controlled zones and restricted zones

Note that in Restricted Zones, there is no extractive use permitted. In Controlled Zones, all activities permitted within the MPA Regulations are allowed <based on permitsystem>. For all of the Estuary areas, there is potential for additional access, land-use and resource use restrictions to be included in the nine Estuary Management Plans.



No.	Affected Group	Area	Zone where restrictions apply	Cause/ contribute/ linked to	Potential restriction or loss	Description of the potential impact	Avoidance, minimisation completed to date
B.1.1	Local illegal gill net fishers fishing for entrepreneurs/ livelihoods. Number of fishers unknown.	Estuaries; inshore controlled zones; restricted zones	Restricted Zones – AIRZ, SIRZ; Controlled Zones – MICZ, TICZ; Estuary Management Plans	Contribute	Gillnet fishing is illegal under MLRA (1998) but continues along the coast. Support to enforcement would prevent the activity.	Increased transaction costs to avoid enforcement –or reduced cash income for fishers and operators from the activity.	No avoidance pursued as illegal activity. Alternative livelihood options for these fishers in the form of line-fishing or nature guiding will be explored
B.1.2	Local seine net fishers fishing for entrepreneurs/ livelihoods. Number of fishers unknown.	As above	As above	Contribute	Seine net fishing is illegal under MLRA (1998) but continues along the coast. Support to enforcement would prevent the activity.	Increased transaction costs (to avoid enforcement or reduced cash income for fishers and operators from the activity.	No avoidance pursued as an illegal activity. Alternative livelihood options for these fishers in the form of line-fishing or nature guiding will be explored

No.	Affected Group	Area	Zone where restrictions apply	Cause/ contribute/ linked to	Potential restriction or loss	Description of the potential impact	Avoidance, minimisation completed to date
B1.3	Shore angling ³ . Number of fishers unknown.	As above	As above	Contribute	Shore angling is legal under the NEMPA regulations of the MPA in controlled zones, and outside the MPA under MLRA (1998) (but requires post office permit).	Limited impact as the restricted areas are very small in the MPA, and shore angling can continue in adjacent areas.	Limited size of RZs. Permit system.
B1.4	Shore-based spearfishing. Number of fishers unknown.	As above	As above	Contribute	Shore-based spearfishing is legal under the NEMPA regulations of the MPA in controlled zones, and outside the MPA is legal under MLRA (1998).	Limited impact as the restricted areas are very small in the MPA, and spearfishing can continue in adjacent areas	Limited size of RZs. Permit system
B1.5	Harvesting of invertebrates. Number of fishers unknown.	As above	As above	Contribute	Harvesting of invertebrates is legal under the NEMPA regulations of the MPA in controlled zones and outside the MPA under MLRA (1998).	Limited impact as restricted zones are small.	Limited size of RZs. Permit system. Potential to establish Co-management zone for subsistence harvesters in terms of NEMPA
B1.6	Wood harvesting. Number of wood harvesters unknown.	As above	As above	Contribute	Wood harvesting is illegal unless a permit has been issued by the PA Management Authority, as per NEMPA regulations.	Unknown	Permit system.

No.	Affected Group	Area	Zone where restrictions apply	Cause/ contribute/ linked to	Potential restriction or loss	Description of the potential impact	Avoidance, minimisation completed to date
B1.7	Mangrove wood harvesting. Number of mangrove wood harvesters unknown.	As above	As above	Contribute	Mangrove wood harvesting is illegal unless a permit has been issued by the PA Management Authority, as per NEMPA regulations.	Unknown	Permit system.
B1.8	Other forms of natural resource use. Other forms of natural resource use still to be understood.	As above	As above	Contribute	e.g. Ncema grass or Weed used for basket weaving and mats are illegal unless a permit has been issued by the PA Management Authority, as per NEMPA regulations	Limited impact as EKZNW already implements an annual seasonal harvesting system for this practice at both sites	Permit system.
B1.9	As per A.1: riparian rehabilitation could restrict agricultural activities in riparian zones to allow for regeneration along the estuary/ riparian edges. Proposed change in land use from agriculture to regeneration/ conservation in the remaining seven estuaries						

³ Note that shore angling includes roving fishers who are mostly line-fishers. Some roving fishers will travel in as ski-boat club members etc, for recreational purposes.

No.	Affected Group	Area	Zone where restrictions apply	Cause/ contribute/ linked to	Potential restriction or loss	Description of the potential impact	Avoidance, minimisation completed to date
C: MPA offshore areas 							
C.1	Commercial offshore fishers: <u>shallow water prawn fishers (trawl)</u> . 2 boats intermittently using the area.	uThukela MPA – offshore	TORZ off limits. Trawl grounds available outside of the MPA.	Contribute	Whole MPA (all zones) is off-limits; the designation of MPA has already removed the opportunity for continuing with the shallow water prawnfishery in this area. Trawl grounds available outside of the MPA.	2 boats known of that generated income from this activity No impact from the project except law enforcement will ensure implementation of the regulations	None.
C.2	Commercial offshore <u>ski- boat f operators for non- extractive activities e.g. whale watching / shark cage diving etc.s.</u> Number affected unknown.	uThukela MPA - offshore	All offshore boat-based non-extractive activities involving threatened species is prohibited without a permit from DFFE, and these permits have specific rules.	Contribute	Annual permits are required TORZ off limits without a permit. All zones off limits for activities involving threatened species without a permit.	Likely positive for these ski boat operations as the effective management of the MPA will improve the status of these iconic species.	None.

No.	Affected Group	Area	Zone where restrictions apply	Cause/ contribute/ linked to	Potential restriction or loss	Description of the potential impact	Avoidance, minimisation completed to date
C.3	Commercial offshore fishers: <u>commercial line fishers</u> . Number affected unknown.	uThukela MPA - offshore	All offshore zones off limits all off limits (TORZ; TOCZN; TOCZS; TOCPLZ) apart from TOCCZ. No new entrants now that the MPA has been declared. Every 5 years, rights allocation process at national level for commercial fishers is opened.	Contribute	All zones off limits apart from the TOCCZ. Commercial line fishing can occur in the CCZ subject to relevant permit. The ski-boat fisher's 7-year licence runs out soon	Limited impact as CCZ still available for commercial fishing.	Inclusion of the CCZ to avoid allout prohibition.
C.4	Recreational offshore fishers (<u>line, spear</u>)	uThukela MPA - offshore	TORZ off limits; regulated (permit-based) access to other zones	Contribute	TORZ off limits; permits required in other areas. Night fishing prohibited.	Limited impact as all other zones are available for recreational fishing.	Permit system to allow recreational fishing to continue in other zones.

No.	Affected Group	Area	Zone where restrictions apply	Cause/ contribute/ linked to	Potential restriction or loss	Description of the potential impact	Avoidance, minimisation completed to date
D: Existing Nature Reserves							
D.1	Local natural resource users adjacent to ANR	Adjacent Protected Areas 	Amatikulu Nature Reserve (ANR).	Contribute [will support to Ezemvelo KZN potentially reinforce ANR].	Swamp forests for wood, growing in flood plains, wild game harvesting, multi-harvesting (some allow permitting) waterways – fish, reeds, grass – existing. People not stopped going to cultural sites. High levels of conflict between local communities and Ezemvelo KZN Wildlife over access to natural resources.	Extractive use from areas inside the ANR is illegal unless a permit has been issued by the PA Management Authority	A seasonal system to provide access for reed harvesting for adjacent communities is already in place.
D.2	Local natural resource users adjacent to UNR.	Adjacent Protected Areas 	Umlalazi Nature Reserve (UNR)	Contribute [will support to Ezemvelo KZN potentially reinforce UNR].	As per ANR above. High levels of conflict between local communities and Ezemvelo KZN Wildlife over access to natural resources.	Extractive use from areas inside the UNR is illegal unless a permit has been issued by the PA Management Authority	A seasonal system to provide access for reed harvesting for adjacent communities is already in place.

6. Mitigation Measures

6.1 Avoidance and Minimization

Avoidance and minimisation measures are detailed in Table 9 above.

6.2 Eligibility & Entitlements

The project will develop an entitlements matrix once the project baselines have been completed, during the project inception.

6.3 Mitigation programmes

Summary of the livelihood programmes as per the activities in the Full Proposal:

1.1.6 Rural Community Workshops.

Organise and facilitate workshops aimed at improving understanding of MPA benefits; the zonation and restrictions affecting the rural communities living adjacent to uThukela MPA and empowering community members to engage constructively with authorities around grievances and to hold their own in meetings with other more capacitated stakeholders.

1.4.6 Implement identified sustainable financing mechanisms.

Identify and initiate implementation of two (2) potential sustainable financing mechanisms in Years 4 and 5 and convene a workshop with national and local managers, stakeholders and investors in Year 5 to assess success and discuss lessons learned.

2.1.4 Training and information dissemination.

Implement training workshops on climate-smart sustainable harvesting and farming practices at the Community Centres in the two target areas for vulnerable communities to improve co-operation and understanding of ecosystem rehabilitation efforts.

3.1.3 Community involvement in beach and dune vegetation restoration.

Community youth job and training job opportunities will be created through the WILDTRUST Youth Employment Services (YES) partnership with Nedbank.

3.2.3 Community involvement in estuarine restoration

Community youth job and training job opportunities will be created through the WILDTRUST /Nedbank-YES and NRM partnerships.

3.3.3 Community involvement in riparian zone restoration.

Community youth job and training job opportunities will be created through the WILDTRUST /Nedbank-YES and NRM partnerships.

4.3.3 Introduction of sustainable income generating opportunities for fishers.

Subsistence fishers will be offered training as tourist guides for mangrove forests and enable small community tourism enterprises (such as kayaking and nature trails) and engage with community leadership to achieve a switch from unsustainable netting in estuaries near mangroves to line-fishing. Community youth job and training job opportunities will be created through the WILDTRUST / Nedbank-YES and NRM partnerships

5.1.1 Baseline livelihoods and Perceptions Survey and reassessment.

These surveys will be undertaken by UKZN under the direction of Dr Cathy Sutherland and will be undertaken in Year 1 and 4 of the projects. Two (2) baseline surveys will focus most intensively on

the vulnerable communities at the two (2) project sites where Community Centres will be established, and sustainable livelihoods initiatives developed, as well as the other 6 EMP areas.

5.1.2 Identification of potential livelihood initiatives.

Interviews, focal group discussions and workshops held with rural communities adjacent to the MPA, tourism operators, business owners and conservation and environmental managers to identify opportunities, challenges, and endogenous skills and strengths for development and support for of sustainable livelihoods initiatives.

5.1.3 Community eco-cultural tour guide livelihood initiative.

Train (including water and guiding skills) and provide community members with kayaks to take day-visitors on guided kayaking on the estuaries of the Siyaya Coastal Park, coupled with board walking trails through coastal forests and on beaches. Provide a booking platform for day excursions through tourism offices and Ezemvelo KZN Wildlife visitor reception offices. Develop online marketing material to advertise this initiative.

5.1.4 Community-run campsites.

Train community members in hospitality and provide them with start-up resources to establish community-run campsites associated with each of Community Centres situated near to both estuary and beaches.

5.1 5 Support for communities not at focal sites.

Vulnerable people identified who are directly affected by the MPA and do not form part of the communities supported via the 2 Community Climate Adaptation Resource Centres (i.e. the sites connected to the 4 other estuaries where we will be developing estuary plans and the upper catchment restoration sites) will be provided with livelihood support through: Restoration jobs (at communities near the restoration sites), network & bridge building to opportunities facilitated through various communication channels and forums established in the projects inception phase, and learning exchanges with two priority sites .

5.2.2 Leadership training.

Provision of leadership training and mentorship/coaching for women who have either studied a relevant diploma/degree and are looking to enter the job market, or women already in existing employment in sustainable resource use / MPA management.

5.2.3 Enterprise development training provided through Community Climate Adaptation Resource Centres.

Includes support with developing a business (enterprise) idea, through to implementation, marketing, sales, and financial management.

5.2.4 Micro-enterprise establishment.

Mentorship and micro-enterprise incubation of selected female entrepreneurs (or groups in co-operatives) who graduate from training with promise. This will include start-up grants, with an emphasis on supporting sustainable businesses that contribute to community climate resilience solutions and a healthier marine and estuarine environment.

5.2.5 Peer support groups.

Facilitate set up support groups/networks, that meets monthly at the two (2) Community Climate Adaptation Resource Centres.

5.3.1 Climate adaptation youth job creation through YES internships in the project's climate

ecosystem services restoration work, awareness-raising activities at schools, monitoring and survey activities and training and awareness activation as at the community hubs. Traditional Authority leadership and community councillors will be included in selection criteria generated for employment opportunities.

5.3.2 Career development support.

Provide work experiences and implement training and skills development and career guidance to improve employability, with ongoing support with CV preparation, applications, and interview techniques.

5.4.1 Community Climate Adaptation Resource Centre in the adjacent rural community, close to the Siyaya Coastal Park to support robust community engagement around the project's objectives and deliverables, provide access to information about MPA's and the marine environment (and specifically the uThukela MPA), training (enterprise development, climate-smart livelihood techniques), environment and climate awareness, career guidance, and IT access.

5.4.2 Training, awareness and education provided at hubs about the impacts of climate change, and sustainable resource use, and specifically the likely effects on the coastal communities living alongside the uThukela MPA. Awareness raised about climate-smart energy, agriculture and sustainable resource use harvesting resulting in cost saving in the short and medium-term, and increased climate resilience in the long term. School marine ocean literacy and climate adaptation learning programmes and activities, using the YES programme to deploy trained youth into schools and to run awareness-building activities at the two (2) Community Climate Adaptation Resource Centre

5.4.3 Demonstration of climate-smart homestead-based solutions including permaculture gardening, alternative energy, water harvesting, and sustainable resources use. Food and water security enhanced through climate-smart demo gardens and training at the hubs, and YES youth acting as extension workers to mentor community members in maintaining healthy gardens that provide homestead vegetable food security in long-term.

5.4.4 Promote sustainable resource use practices and reservation of important natural cultural sites. Support to the wetland reed (ncema) harvesting system that provides for communities to collect materials for traditional basket weaving and mats from the protected areas, and facilitation of identification and access to cultural sites (like ancestor burial grounds and ancient cattle kraals) for communities.

7. Implementation Arrangements

This section provides an overview of how the management of social impacts and mitigation programming will integrate with overall Protected Area management structures.

a. The Organizational Framework

The WILDTRUST has strong relationships with both DFFE and EKZNW. As part of the stakeholder engagement mechanisms detailed in the **Tab 3 of Annex E.1 of the Stakeholder Engagement Plan**, particularly the Multi-level Governance Forum, Project Partner Steering Committee and

Stakeholder Working Groups, WILDTRUST will provide support and guidance to partners on implementing necessary safeguards. It is intended that this governance structures initiated will initiate the kind of collaboration and multi-level collaboration needed to ensure a more systemic approach to governance of the MPA. WILDTRUST will be leading these collaborative forums, and ToR's will be developed; national and regional participation in detailed in **Tab 3 of Annex E.1 of the Stakeholder Engagement Plan**. WILDTRUST will be responsible for implantation of all livelihood interventions and will be supported by EKZNW where they have the capacity to do so. But the success of these interventions is not dependent on their active support, rather their cooperation, which is unquestionable.

b. Capacity-building

This project includes a number of capacity building initiatives to support improved stakeholder engagement, not just through the stakeholder engagement mechanisms detailed in 7a above, and in the **Tab 3 of Annex E.1 of the Stakeholder Engagement Plan** supporting governing bodies with the structures for effective management, but also through building the capacity of local communities to engage. The following activities and ESMS functions have relevance:

Project activities:

1.1.1 Stakeholder engagement and EbA awareness generation. Appoint a coordinator for the stakeholder engagement with regards MPA and Estuary management planning, dissemination of knowledge about EbA approaches and benefits, ensuring and facilitating appropriate inclusive stakeholder engagement processes and that marginalised communities are empowered to participate. During the inception phase, the project will formulate community engagement principles and participatory recommendations to be used in community engagement for the MPA and EMP planning process to ensure voice of youth, women, and any identified vulnerable affected user groups and provide training in application of the community engagement principles and participatory processes to key Ezemvelo KZNW Wildlife and WILDTRUST staff leading on stakeholder engagement. WILDTRUST will also provide extension support to EKZNW to support stakeholder engagement efforts and to ensure consultation extends beyond community representatives (eg. traditional leadership) and reaches community members & affected resource users, among others. This will include supporting affected communities through knowledge-building workshops including information on zoning/regulations (see 1.1.8 below) and improving accessibility to Management Planning stakeholder engagements by funding transport and ensuring all information is shared in a manner and language that is understood by all project affected people. A Project presentation and briefing document will be prepared with relevant project information for project disclosure and

disseminated widely and at meetings.

1.1.2 uThukela MPA Management Plan consultation and finalisation. Appoint a consultant to support EDTEA (KZN Department of Economic Development & Environmental Affairs), DFFE (Department Forestry, Fisheries and Environment), Ezemvelo KZN Wildlife and relevant district municipalities in planning and execution of a collaborative process for consultation (including workshops), and to finalise the approved Management Plan for the new uThukela Banks MPA. Consultants' TORs will align to BAF ESMS Principles particularly principles 1, 2, 4, 5 and 6 including translation of all key documents into isiZulu, translation of all relevant project information and community sensitisation built into the Management Planning stakeholder engagement process (recognizing that the engagement process should allow for adjustments to the local management measures that are compatible with the promulgated MPA regulations and zones. The project team will facilitate the workshops at which the Consultant will present drafts of the Plan. The Consultant with thereafter revise the Plan based on the consultations. The project will cover cost of translation and publication of notices in newspapers as required by legislation.

1.1.6 Rural Community Workshops. Organise and facilitate workshops aimed at improving understanding of MPA benefits; the zonation and restrictions affecting the rural communities living adjacent to uThukela MPA and empowering community members to engage constructively with authorities around grievances and to hold their own in meetings with other more capacitated stakeholders. A key goal will be to provide these stakeholders with the skills, knowledge, and confidence to participate in the MPA Management Plan consultation processes and the MPA Stakeholder Forum meetings. This is a critical need because a recurrent complaint is that previous consultations about the MPA materially excluded these stakeholders due to lack of access to information, poor information dissemination and inappropriate communication methods (including lack of effective translation to the local language). On-going translation of project and MPA documentation as needed throughout the project into isiZulu.

1.3.6 MPA Honorary Officers. Provide support for the training and operations of voluntary "honorary officers" drawn from landowners, farmers, recreational fishers and rural community members to assist with information dissemination, informing management staff of any illegal activity and promoting positive relationships between the community and the conservation authority., and identify potential sustainable financing sources for operational costs (training refreshers, fuel, equipment signage) after the project. Training of Honorary Officers will ensure they are fully comfortable with the procedures, legislation, rules and regulations, zones etc; and include emphasis on human rights, and the incorporation of gender-based violence, and community engagement

issues.

1.3.8 Support development of a specific Law Enforcement Strategy for the MPA with DFFE, EKZWN and EDTEA and provide systemic and adaptive support to these mandated authorities in addressing any local law enforcement challenges or tensions. The process for this will start with a workshop aimed at sharing and discussion of the findings of the ESA/ Process Framework regarding restrictions and any further investigations/consultations needed. This workshop will also consider tailored livelihood consultations with gill netters, traditional medicine collectors, and other natural resource users, and potential for livelihood alternatives where high social dependencies exist or avoidance is a challenge (e.g. if an activity is culturally or socially important and cannot be 'restored'). In addition, a process will be facilitated to align of SOPs for EKZWN Law Enforcement Officers & Honorary Officers with 1) Voluntary Principles on Security and Human Rights; 2) United Nations Code of Conduct for Law Enforcement Officials; 3) Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

5.1.2 Identification of potential livelihood initiatives. Interviews, focal group discussions and workshops held with rural communities adjacent to the MPA, tourism operators, business owners and conservation and environmental managers to identify opportunities, challenges, and endogenous skills and strengths for development and support for of sustainable livelihoods initiatives. These identified livelihood options will be discussed at the uThukela Governance Liaison Forum to encourage and stimulate support for them across potential NGOs, funders, social development departments.

5.1.5 Support for communities not at focal sites. Vulnerable people identified who are directly affected by the MPA and do not form part of the communities supported via the 2 Community Climate Adaptation Resource Centres (i.e. the sites connected to the 4 other estuaries where we will be developing estuary plans and the upper catchment restoration sites) will be provided with livelihood support through: Restoration jobs (at communities near the restoration sites), network & bridge building to opportunities facilitated through various communication channels and forums established in the projects inception phase, and learning exchanges with two priority sites.

ESMS Functions:

- Project Grievance Mechanism to be implemented as written
- Project support to EKZWN to design and develop an MPA-level Grievance Mechanism that would allow community members to report grievances

- Final version of Process Framework completed (if required) including confirmation of the project design, agreed mitigation measures, and implementation plans.
- Consider development of the Process Framework to consider gill netters, traditional medicine collectors, and other natural resource users, and inclusion of potential for avoidance (eg. if an activity is culturally or socially important and cannot be 'restored')
- Management measures are those included in Principle 1 and 2 (inclusion of impact assessment in MPA and EMP planning process, formation of technical working group on access-livelihood issues, MPA stakeholder engagement process etc)
- Build key components of the Process Framework into the MPA management planning (e.g. identification of affected persons, consultation process, assessment of impacts, entitlement matrix, livelihood interventions, operationalising/resourcing livelihood plans, grievance, M&E)
- Training of HOs to ensure they are fully comfortable with the procedures, legislation, rules and regulations, zones etc; and Include emphasis on human rights, and consider incorporation of gender-based violence, and community engagement issues

c. Supplementary Social Safeguard Tools Plans

It is not anticipated that any supplementary safeguard tools will be needed for this project.

d. Project Schedules

This subsection will be developed in the Interim Process Framework, incorporating all the key tasks in project planning, design and implementation, including measures to ensure participation of affected stakeholders throughout the process. A draft ESMS workplan is attached in **Annex 6**. This will be integrated fully with the overall project schedule and include key milestones in overall project planning (e.g., when new enforcement measures will be enabled) to ensure an integrated approach to project management.

e. Project Budgets

A final project budget is still being developed and the ESMS integrations to the project budget will be included in this, and pulled out for representation in the Interim Process Framework.

Monitoring, Evaluation and Reporting

This section will be developed in the Interim Process Framework and will describe the design of the proposed M&E approach and will include:

- Monitoring Frequency

- Participatory Monitoring
- Preliminary outcomes
- Close-out Audit.

f. Preliminary outcomes

Final Process Framework will describe any preliminary outcomes resulting from project implementation, if any.

Change Management

This Process Framework will be actively updated and used by the WILDTRUST ESMS Manager to plan and implement project activities. An internal review will be conducted every 6 months to assess progress, and update any key sections. Key PF actions will be included in the project's operational plan, and WILDTRUST can and will make changes to this tool as and when required.

This Preliminary Process Framework will be developed into an Interim Process Framework within 6 months of project start. The Interim Process Framework will then be updated into a Final Process Framework within 18 months of project start.

The Blue Action Fund will review the Preliminary Process Framework, and then further major iterations (Interim, Final), and feedback from Blue Action will be integrated and actioned within 3 months upon receipt.

References

References will be updated in the next version of the PF.

International Finance Corporation (IFC) (2007) Stakeholder Engagement: A good practice handbook for companies doing business in emerging markets. IFC, Washington, DC, USA.

International Finance Corporation (IFC) Performance Standards 1: Assessment and Management of Environmental and Social Risks and Impacts (2012). IFC, Washington, DC, USA.

International Finance Corporation (IFC) Performance Standard 7: Indigenous Peoples (2012). IFC, Washington, DC, USA.