

EVALUATION SERIES No. 87

**EVALUATION OF
COMMONWEALTH SECRETARIAT
PROGRAMME OF TECHNICAL ASSISTANCE
ON MARITIME BOUNDARY DELIMITATION
2003/04 – 2008/09**

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List of Abbreviations

Business as Usual	BAU
Commission on the Limits of the Continental Shelf	CLCS
Commonwealth Secretariat	ComSec
Economic and Legal Section	ELS
Exclusive Economic Zone	EEZ
Grow but play to strengths	GROW
Grow and diversify	GROWDIV
Integrated Coastal Zone Management	ICZM
International Boundaries Research Unit	IBRU
French Research Institution for Exploitation of the Sea	IFREMER
Marine Spatial Plan	MSP
Maritime Boundary Delimitation	MBD
Organisation of Eastern Caribbean States	OECS
Objectively Verifiable Indicators	OVI
Project Appraisal Form	PAF
Small Island Developing State	SIDS
South Pacific Applied Geosciences Commission	SOPAC
Special Advisory Services Division	SASD
Strategic Planning and Evaluation Division	SPED
Task Force	TF
UN Convention on the Law of the Sea	UNCLOS

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An evaluation of this kind is only as good as the information it is provided with and we are particularly grateful for the frank and open views expressed by so many of the participants in this evaluation.

The Final Evaluation Field Missions met with a significant number of people (listed in Appendix D), without their help and cooperation, this report would not be possible. The Atkins team would like to express their sincere thanks to all particularly those who allowed the mission to benefit from open and frank discussions.

Team Members

1. **Mr. Jonathan McCue (Atkins)**, Project Manager
2. **Mr Martin Pratt (IBRU)** Technical Expert on maritime boundary delimitation.

Note.

The Consultants would like to thank Mr. Joshua Brien of SASD for his cooperation throughout the evaluation and in particular for his assistance in arranging mission meetings in Seychelles and in making reports and files available to the Atkins team on request during later 2009 and early 2010.

Executive Summary

The purpose of this evaluation is to help the Economic and Legal Section (ELS) increase the effectiveness and impact of its technical assistance through the analysis of its continued relevance to Commonwealth coastal and island developing States, the priorities and needs of Member States; the programme's effectiveness and efficiency in delivering the assistance, ELS management and execution of the programme; the required resources; and the sustainability of its benefits to Member States. Atkins Ltd (in conjunction with the International Boundaries Research Unit of Durham University) were engaged to help gather the evidence for this Evaluation project and to encourage debate on future areas of improvement or opportunities for future assistance on maritime governance issues.

The evaluation team conclude that the Maritime Boundary Delimitation (MBD) programme has been very successful and should continue as it has proven very worthwhile for Member Countries. Every effort should now be made to enhance or improve the programme in terms of its internal structure (staff needs, streamlining delivery etc) to better meet the future needs of Member Countries in the future. There is a need to recognise the importance to diversify in the future. A main consideration from this evaluation is how SASD should consider an expansion to its current approach, not only in terms of team capacity and programme management improvements, but also in technical discipline areas.

It is acknowledged that ELS operates primarily on a country-specific and request-driven basis and on the whole, this strategic approach has been effective. The evaluators do conclude that there is scope to enhance or improve this service by considering complimentary methods of delivering advisory services that relate to future ocean governance.

The evaluators conclude that if ELS are to diversify their technical support they need to be clear about exactly what kinds of assistance could be provided (e.g.: assistance in helping Member States agree on the content of an Ocean Policy framework). In addition, ComSec need to acknowledge that significant additional investment in human resources would be required to make any kind of expansion effective. Strategic "quick technical win" areas of possible diversification could include involvement in coastal planning, marine resource management and fisheries sectors.

A series of 4 key recommendations are proposed:

Recommendation 1 - Capacity Building and Regional Focused (Demand Driven) Support

The missed opportunity of wider capacity building for Commonwealth nations on MBD related issues needs to be addressed. This message should not be confused with the misconception that the level of effective capacity building is measured by the number of meetings or workshops.

- **Recommendation 1.1** - Prepare a Guide on Regional Working on maritime boundary issues.
- **Recommendation 1.2** - Carry out a focused ComSec evaluation of performance in the Pacific region to help complete Recommendation 1.1.
- **Recommendation 1.3** – Ensure a template is created within new ToRs for technical consultants that specifically include appropriate knowledge transfer and training aspects within them.
- **Recommendation 1.4** – To help test the success of Recommendation 1.1, ComSec should consider setting up a programme of regional working events or training seminars on MBD or wider ocean governance issues both within and outside of the Pacific Region. There is a place for short, intensive training workshops, but while they generate enthusiasm and enable stakeholders to get a sense of how the process works and how they can contribute to it, they have little lasting impact in terms of capacity building. Such regional intervention (be it through a workshop or working event) would therefore have to

be designed to complement and not replace country specific projects (demand-driven from a specific nation).

Recommendation 2 – Revised Programme and Resource Management

As the challenges of the future are unknown, a new format of the Maritime Boundary Delimitation Programme may need to be considered in terms of how to improve the services provided already and whether the current team resources are appropriate and sufficient. The current human resources of the ELS urgently need to be reviewed. It is evident that the programme cannot be sustained with current staffing levels. Improvement to the team structure and support (that reflects the project complexity and specifications etc) is needed to demonstrate tangible improvements to the services provided by ComSec in the future. A review of the current proposed project management framework and administrative support approach is therefore needed.

- **Recommendation 2.1** - Attempts need to be made to regionalise (Pacific/Africa/Caribbean etc) the Project Appraisal Form (PAF) approach to help speed up project team administration, and sub-consultant contract issues. This would need to be executed in tandem with a review of staff resources (see below). This could include an improved “regional” roster of pre-approved legal and technical experts from which ELS could select suitable experts for project assignments on a case-by-case or regional basis.
- **Recommendation 2.2** - Creation of a formal Communications Plan at the outset of each project which may be used as a Service Delivery Agreement (SDA) between ComSec, their sub-consultant and the recipient country demanding the request for support. Recipient countries can through this approach, be clear on what the consultant is supposed to deliver (i.e.: possibly to include their Terms of Reference as a separate Annex).
- **Recommendation 2.3** – Re-advertise and fill (if appropriate) the outstanding Marine Legal Advisor role (with caveat). The caveat placed on this recommendation is that should the position not be filled with an appropriate legal expert within 3 months that the advert is re-designed to advertise for a “Senior Marine Expert”.

Recommendation 3 - Improving ComSec Visibility on MBD issues

Re-branding of the Commonwealth Secretariat Maritime Boundary Programme was discussed, to market the service as ‘advisory’ body for all marine resources and maritime issues, making the services more visible and accessible. Two possible re-titled names for the group are:

- *Programme of Technical Assistance in the Definition of National Maritime Space;*
- *Programme of Technical Assistance in Ocean Governance and the Law of the Sea.*

As ELS is essentially demand-driven and requires concrete requests from Member Countries (before it is in a position to deliver advice and assistance on ocean governance or management issues), it should be the responsibility of ELS to help better communicate the areas in which it may be able to support Member States. It is likely that technical areas involving fisheries, deep sea mining and possibly adaptation to sea level rise are areas that could immediately be communicated as technical support areas. The existing website may well be the tool used to convey this message to Member States.

- **Recommendation 3.1** - Introduce a title re-branding of the ELS MBD services to help avoid confusion (as was found during this evaluation project) on terminologies used.

Recommendation 4 – Diversifying the Technical Advice

Linked to Recommendation 3 above, the evaluators recommend that ELS at least consider the progressive expansion of technical advisory services into contiguous areas of ocean governance. This would enable ELS to respond to the needs and priorities of Member Countries and provide a more holistic service in the future. The staffing issues raised in Recommendation 3 above are relevant to the success of this aspiration being delivered.

- **Recommendation 4.1** - Production of a “Communications Guide” guide to help all sub consultants better relay future ELS assistance that would be offered in the future in relation to ocean governance.
- **Recommendation 4.2** - Attempts to partner with other funding institutes to potentially make use of other organisation or to help develop Trust Fund support money (e.g.: software from the UN to assist in continental shelf submission work).

1. Introduction

1.1 Background to the Evaluation

The Commonwealth Secretariat (ComSec) has a Forward Programme of Evaluations for the Four-Year Strategic Plan 2008/09 - 2011/12, under which the Strategic Planning and Evaluation Division (SPED) will implement a programme of evaluation studies. This specific programme on Maritime Boundary Delimitation (MBD) is executed by the Economic and Legal Section (ELS) of SASD.

Assistance is provided on a country specific, regional and sub-regional basis and to regional organisations. It comprises (a) legal, policy and technical (scientific) advice on the review and updating of maritime zones legislation; construction of maps and charts; preparation of desktop studies; preparation of extended continental shelf submissions under the 1982 UN Convention on the Law of the Sea (UNCLOS); and (b) support to governments in the preparations for and conduct of maritime boundary delimitation negotiations with neighbouring States.

In November 2009, SPED (in collaboration with the Special Advisory Services Division -SASD) commissioned Atkins Ltd to carry out an evaluation of this programme on MBD. The Terms of Reference (ToR) of this commission are included within Appendix A. Details of the core staff members on the project are presented below.

Project Manager – Jonathan McCue

Jonathan is an experienced Chartered coastal management planner, with 19 years' postgraduate experience in the field of maritime planning, Law of the Sea projects, integrated coastal management and project evaluation missions. He is Head of Coastal and Ocean Management within Atkins and currently involved in providing specific international maritime planning advice in both the UK and overseas. Jonathan has particular experience in reviewing and evaluating technical marine assistance programmes, notably for the EC on a global scale, questionnaire design, consultation and communication strategies with coastal and ocean stakeholders globally. Jonathan will provide specific technical leadership on final questionnaires and reports prepared.

Technical Specialist – Martin Pratt (International Boundaries Research Unit, Durham University)

Martin Pratt joined the IBRU research team in 1994 and has been the Unit's Director of Research since 2002. He coordinates IBRU's research and consultancy activities, and has advised governments, NGOs, law firms, oil companies and publishers on more than fifty boundary and territorial disputes around the world. His responsibilities also include the development of IBRU's training programme and the management of the Unit's web site and information resources. He has served as an adviser to the Task Force on International Boundaries of the United Nations Geographic Information Working Group and Editor of *Jane's Exclusive Economic Zones* yearbook.

1.2 Purpose of this Evaluation Report

The purpose of this evaluation is to help ELS increase the effectiveness and impact of its technical assistance through the analysis of:

- its continued relevance to Commonwealth coastal and island developing States;
- the priorities and needs of Member States;
- the programme's effectiveness and efficiency in delivering the assistance;
- ELS management and execution of the programme;

- the required resources; and the sustainability of its benefits to Member States.

The report is NOT a comprehensive representation of the technical detail of each country's approach to maritime boundary delimitation. Reference (where appropriate) is made to specific country issues, approaches or deliverables, but the main purpose of the report is to understand where improvements can be made to managing the ELS approach to intervention on these matters and where the technical assistance programme structure could be improved or developed further. The methodology adopted by Atkins to implement the ToR has therefore been designed to help gather the evidence for these aspects and (where possible) to encourage debate on future areas of improvement or opportunities for future assistance on maritime governance issues.

A previous ComSec MBD team evaluation programme was carried out in 2000 (Oxford International Associates 2000). Chapter 4 of that evaluation report focused specifically on the *“Assistance with Maritime Boundary Delimitation Negotiations”*. This work covered a time period of assistance from 1993–99 with reference also to earlier ComSec assistance made during the 1980's.

Important elements of this Atkins 2010 evaluation make reference to the previous work, particularly regarding progress on any recommendations made within the 2000 evaluation study. In addition, there are also attempts to provide “signposts” of advice towards the extent to which ELS has and can retain comparative advantage in delivering this MBD advisory service (taking into account the nature of demand by governments for assistance of this kind and how this demand is being met and is likely to be met in the future from other sources e.g.: other agencies). A related aim of the evaluation is to identify how the visibility of the work can be improved within the international community.

1.3 Project Deliverables

The ToR states that the evaluation study will provide the following deliverables to ComSec:

- Evaluation Workplan and Methodology Report (Report 1);
- Questionnaire Response and Synthesis Report (Report 2);
- Draft Evaluation Report (Report 3);
- A seminar/presentation of the findings and recommendations (scheduled for the end of March 2010);
- Final Evaluation Report (Report 4 - incorporating feedback/comments).

Atkins has already submitted Reports 1 and 2 in December 2009 and January 2010 respectively. Report 2 clearly outlines the total number of responses to the questionnaire received and a full list of respondents. This report is not replicated within the main body of the text. Report 4 is kept to within the 50 pages (excluding all annexes) stated within the ToR for this commission.

1.4 Report Structure

The structure of this report is therefore as follows:

- Section 1: Introduction – provides a project background and its purpose;
- Section 2: Significance of Maritime Boundary Delimitation to the Commonwealth – a brief description of MBD and the issues facing Commonwealth nations;
- Section 3: Methodology – a brief summary of the methodological approach undertaken;

- Section 4: Results of Questionnaire - provides a rapid overview of the online questionnaire by all nation respondents;
- Section 5: Findings from the Field Mission – provides an overview of the specific findings of the field missions to the Caribbean and Indian Ocean;
- Section 6: Evaluation Discussion – a clear evaluation of the project, using the results presented in Sections 4 and 5, using the 4 main evaluation headings of Relevance; Efficiency; Effectiveness; Impact and Sustainability.
- Section 7: Conclusions and Recommendations – some key conclusions from the evaluation along with some advisory recommendations for ComSec to take forward into 2011 and beyond.

2. The Significance of Maritime Boundary Delimitation to the Commonwealth

The last sixty years have witnessed a dramatic expansion in the maritime jurisdiction of coastal States. Before the Second World War, few coastal states claimed rights beyond a narrow belt of territorial sea. Today, all coastal States are entitled to claim sovereign rights over the living and non-living resources of an exclusive economic zone (EEZ) extending up to 200 nautical miles (nm) from their coastal baselines; and where the physical continental margin extends beyond 200 nm, the State also has rights over the resources of the seabed to the outer limit of the continental shelf, which in some cases is located as far as 350 nm offshore (and occasionally even further). The areas which now fall under coastal state jurisdiction are sometimes vast: the EEZ of Kiribati, for example, covers nearly a million square nautical miles, more than a thousand times the larger than the country's land territory. Although that is an exceptional case, it is not uncommon for the area of a State's maritime space to be significantly larger than its land territory.

The world's rapidly growing population means an ever-increasing demand for food and energy resources; and recent technological advances in oil and gas exploration and exploitation have made it possible to drill in water depths that were unthinkable even twenty years ago. Thus, while not every EEZ and continental shelf abounds with valuable resources, coastal states are understandably keen to maximise the area over which they have sovereign rights to explore, exploit, conserve and manage natural resources. All but seven of the Commonwealth's 54 Member States are coastal States and 24 are classified as Small Island Developing States. For many of these States, marine resources are crucial to their economic development.

Overlapping jurisdictional entitlements mean that all coastal states have at least one maritime boundary to agree with a neighbouring state, and many states have more than three maritime boundaries. Although the United Nations Convention on the Law of the Sea (UNCLOS), which provides the legal framework for maritime jurisdiction and boundary delimitation, was concluded nearly thirty years ago, fewer than half of the world's 430+ potential maritime boundaries have yet been even partially agreed. The Member States of the Commonwealth have a total of 169 maritime boundaries (including 48 inter-Commonwealth boundaries), only 71 of which have been subject to delimitation agreements – and quite a few of those 71 boundaries have yet to be defined in their entirety.

Unless neighbouring states have exceptionally good relations and cooperative arrangements, the advantages of having clearly-defined maritime boundaries are obvious: by eliminating jurisdictional uncertainty, States are able to manage their maritime space more efficiently, facilitate sustainable resource exploitation and conservation, and minimise the risk of disputes. Given these benefits, it is perhaps surprising that progress towards completion of the jurisdictional jigsaw puzzle has been so slow. Sometimes neighbouring States simply disagree fundamentally over what represents the "equitable solution" that UNCLOS requires. More often, however, the lack of progress stems from one or both states being reluctant to enter in boundary negotiations due to a perceived lack of expertise in legal and technical aspects of the delimitation process, and/or a shortage of financial resources for research and the negotiation sessions themselves.

Even when identification of an equitable division of maritime space is relatively straightforward (in the absence of complex coastal geography, the median line between the two coastlines often represents an equitable boundary) states are understandably anxious to ensure that they are as well-prepared as possible before entering into boundary negotiations. Boundary agreements are almost always intended to be permanent, and failure to secure the best possible outcome can be politically damaging for the government in the short term and economically damaging for the country in the long term.

In this context, there is a clear demand for legal and technical support in the delimitation process, especially from small states with limited resources and little experience of boundary negotiations. While a number of academic institutions, commercial law firms and individual consultants offer relevant support services, the specialist nature of the work means that they are able to charge fees which many governments cannot afford. With the United Nations (UN) offering little practical assistance in this area, ComSec's programme of technical assistance on maritime boundary delimitation has been the only source of support available to the majority of Commonwealth Member States.

Beginning with support to the government of Dominica in boundary negotiations with France in the 1980s, ComSec has now provided support on a range of maritime jurisdictional issues to more than 20 individual Member States and regional organisations within the Commonwealth. Bilateral boundary delimitation remains a key area of activity, but in the last few years considerable support has also been provided to fourteen Member States in preparing submissions to the United Nations Commission on the Limits of the Continental Shelf (CLCS). As nearly all Commonwealth Member States ratified UNCLOS prior to May 1999, those States with continental margins wider than 200 nm had to provide the CLCS with at least preliminary information concerning the outer limit of their continental shelf by May 2009, and quite a few Commonwealth Member States had to scramble to meet that deadline. For those states that were only able to submit preliminary information concerning their outer continental shelf limits, much data collection and analysis still needs to be undertaken, and ComSec is likely to receive further requests for assistance in this area over the next few years.

Defining the limits of national maritime jurisdiction undoubtedly provides an important foundation for the development of effective and sustainable ocean governance and management regimes. However, on their own clearly-defined limits do not guarantee that effective and sustainable governance and management will be achieved. An important question for this review, therefore, is whether ComSec should continue to focus its resources primarily on the definition of limits and boundaries – tasks which still require an enormous amount of work across the Commonwealth – or whether it should consider broadening its support services to cover additional aspects of ocean management (e.g. fishery conservation, environmental protection, policing) to help ensure that the areas encompassed by the limits and boundaries are worth owning.

3. Methodology

3.1 The Use of Questionnaires

3.1.1 External Questionnaire

The evaluation approach has been to capture the initial views and experiences of any Member State who has requested either information or a service from the ComSec MBD team over the past ten years (i.e.: since 2000 onwards). The previous evaluation (Oxford International Associates 2000) focused on countries where ComSec had provided technical assistance in the area of MBD from 1993-9. To capture the long term pictures and to deduce change over recent years, the Atkins methodological approach has been designed to enable debate from all Member States over these 2 time periods, though particular attention (to assist in field mission design during March 2010) was placed on those countries where assistance has been provided between 2003-8 (i.e. this evaluation period).

In order to capture the views and experiences of all Member States, three separate approaches were adopted:

- Production of a digital online questionnaire was designed to capture initial views:
- Internal face to face questionnaire:
- Face to face meetings were undertaken at selected countries to confirm or refute the messages received from the questionnaires (see Section 5).

The questionnaire was designed to provide Member States with the opportunity to comment on the strengths and weaknesses of the current ComSec ELS Programme and on the opportunities for future assistance. A hard copy version of this can be found in Appendix B. Various internal drafts were circulated amongst key staff at ComSec prior to final acceptance and upload. The Final External questionnaire was uploaded onto Survey Monkey (web based questionnaire software) on 14 January 2010. A mix of “closed” and “open” questions were designed to help aid quantifiable analysis for responses whilst in addition allowing for free standing text responses on more specific issues to prevent a recipient being forced to provide a “closed question answer on pressing matters such as the future role of the CS ELS on maritime boundary delimitation projects.

A spreadsheet of stakeholders was provided by ComSec to Atkins on 10 December 2009. These are listed in Appendix C for completeness. These were selected as being an extensive and geographically representative list of the countries where ComSec have provided MBD assistance during the time period of this evaluation (i.e.: 2003-8).

The approach to OECS was to capture a series of 6 Eastern Caribbean States from the perspective of the OECS Secretariat as an intergovernmental organisation. Whilst OECS has no specific sovereignty, it does have responsibility that encompasses the needs of its Member States.

The questionnaire was divided into the following Parts:

- **PART A** – Country specific details, contacts and issues surrounding MBD and ComSec support;
- **PART B** – Evaluation of current and past ComSec ELS performance including questions on:

- **Relevance** - the extent to which the objectives of the programme are consistent with the country needs and global priorities
- **Effectiveness** - the extent to which the programme and country objectives were achieved, or are expected to be achieved, taking into account their relative importance
- **Efficiency** - how economically the resources/inputs have been converted into results
- **Impact** - positive and negative, primary and secondary long-term effects produced by the intervention of the ComSec, directly or indirectly, intended or unintended
- **PART C – Sustainability and Future Ocean Management Support** - the continuation of benefits from the MBD Programme after assistance has been completed and likelihood of continued long-term benefits and possible other ocean management drivers that may require assistance and support.

The questionnaire could be completed **online** at:

www.commonwealth-maritime-evaluation.com

Alternatively, the **hard copy** of the questionnaire could be completed and returned to Atkins.

From mid January 2010, a weekly review of respondents was undertaken. To help ensure that the survey questionnaire is completed by Member States within a 3 week consultation period (completion date proposed to be Friday 5 February 2010), a series of 'Automatic Alerts' were dispatched via e-mail at appropriate dates. These e-mails helped to encourage the completion of questionnaires by users who have not done so. Where countries had difficulties in accessing the digital questionnaire (e.g.: Jamaica/Seychelles) a Word version was emailed to recipients, and these were then followed up with a telephone conversation to discuss possible future face to face meetings during March 2010. Telephone discussions were held with the following countries to help them complete the questionnaire:

- Papua New Guinea;
- Maldives (Indian Ocean);
- Mozambique (Africa);
- Kenya (Africa);
- Jamaica (Caribbean);
- Cook Islands (Pacific).

An overview of the findings (responses received up to 5 February 2010) is presented in Section 4 of this report. The analysis of responses has helped to provide Atkins with the evidence to then advise ComSec ELS on how to better target its actions and delivery in the future, focussing on MBD and wider ocean governance issues.

3.1.2 Internal Questionnaire

In addition to the external questionnaire, a similar one was needed for internal ComSec staff members. This was designed to help capture the views of key ComSec staff who have been directly involved in setting up and delivering the missions and support to various nations. This is deemed important for any evaluation exercise to help deduce internal working practices and views on day to day communications and procedures being adopted. A request was put forward for a list of external sub-consultants used by ComSec of overseas MBD missions, though no names or contact details were supplied to the Atkins team in time for this evaluation study.

For this, a separate questionnaire was designed to help facilitate this aspect and hence to help deliver the objectives of the ToR. This internal questionnaire acted as a prompt towards a series of

face to face meetings or telephone interviews which were carried out during February 2010 (see Appendices C and D).

The results of the online questionnaire are considered separately from the face to face country visits. This is purposely presented this way in order to convey the differences in views that were found from the two approaches. Section 6 is then used to evaluate in more detail possibly collective viewpoints and findings from the two approaches adopted.

3.2 Purpose of the Field Mission

The field missions commenced on 1 March 2010. One mission, (led by Project Manager Jonathan McCue) involved visits to Seychelles (involving communication with Mauritius) and to Kenya. The second mission (led by Mr Martin Pratt of IBRU) involved visiting Jamaica and St Lucia. The purpose of these missions was to elaborate further on the answers provided on the online questionnaire and to further interrogate these responses plus to capture the honest opinions of interviewees on where ComSec could seek to develop or improve its service on MBD related issues. The meetings were designed to be informal and adhered to the main evaluation headings being used for this Final Evaluation Report, notably:

- Relevance;
- Efficiency;
- Effectiveness;
- Impact and Sustainability.

In order for the evaluators to demonstrate the different outcomes of both the questionnaire results and the field mission results, both aspects are presented as separate sections. Section 6 is designed to reflect the combined outcomes of the two exercises.

4. Results of the Online Questionnaire

4.1 Overview of Findings

In total, 10 responses out of 18 countries invited to respond were received between 14 January 2010 and 19 February 2010. This equates to a response rate of 55%. In terms of Commonwealth regions, this is broken down as follows:

- Caribbean - 3 (including one response from OECS);
- Pacific - 2;
- Indian Ocean – 3;
- Continental Africa – 2;

The responses to the online survey questionnaire have previously been reported in the Atkins produced Questionnaire Response and Synthesis Report (contracted Report 2) in February 2010. The following text elaborates on these results with regard to the messages received within the freeform text. An account of these findings is now presented from an international (non country specific) perspective.

The following presents a brief commentary and analysis of response findings. It should be noted that respondents, invited to participate, have used ComSec services during the 2 separate evaluation periods (notably between 1993-2000 and 2003-2008). Understandably, those who have received technical assistance during the most recent evaluation period (2003-2008) have mainly responded to the questionnaire.

Question theme areas are set out below to help with the Evaluation Study. For completeness, the question numbers remain as per the questionnaire (see Appendix B) and these are set out below for clarity purposes:

Part A – Country Specific Details (Questions 1-10);

Part B – Evaluation of Past and Current Performance:

Relevance (Questions 11-17);

Effectiveness (Questions 18-22);

Efficiency (Questions 23-32);

Impact (Questions 33-37);

Part C – Sustainability and Future Ocean Management Support (Questions 38-43).

Graphical representation of results is provided where this provides benefit to help explain the commentary text. Not all question answers are therefore complemented with a graphical diagram.

4.2 Part A – Country Specific Details and Issues

4.2.1 Question 6 – How important to your nation is having totally defined marine boundaries?

Commentary

All respondents have replied with either a “very high” or “high” importance rating to the question of how important having a totally defined marine boundary actually is to the nation. Section 6 develops this observation to elaborate on the “why” this is important from an economic perspective and how ELS or ComSec’s role in helping nations to “manage their marine space” could be developed.

4.2.2 Question 8 – If you do have a current or recent dispute, what is/was the nature of the dispute(s)?

Commentary

Approximately half of the respondents have used ELS services to assist in the definition of the outer limit of the continental shelf. The May 2009 deadline for submissions to the UN Commission on the Limits of the Continental Shelf is perhaps the key reason why workloads within the MBD section of ELS increased so significantly during the evaluation period. It may be regarded as a positive outcome that the existence of disputes was not regarded as relevant by many Member Countries sampled.

4.2.3 Question 9 – Is there a ministry/agency/group/individual with primary responsibility for MBD issues and coordinating maritime delimitation activities?

Commentary

This question refers to whether there is a ministry/agency/group/individual with primary responsibility for maritime delimitation issues and coordinating maritime delimitation activities (linked to wider ocean management). Only 3 responses were received, all stating that there is such a body or individual. No statistical assessment can be made from this question, except that the majority of respondents did not reply to this question, implying that respondents are possibly uncertain whether there is a ministry or organisation dealing with MBD issues.

4.2.4 Question 10 – Does that organisation possess the necessary skills and resources to engage in MBD without the aid of external support?

Commentary

The key finding here is that no respondents believe they have the necessary capacity or skilled resources to engage in MBD without the aid of external support. Two thirds of the respondents appear to have a degree of capability in country, though it is clear from the field mission (see Section 5 of this report) that the correct “type” of skill is often missing in country. Efforts to encourage regional collaboration to remedy this situation may be a way forward and this consideration is proposed in Section 6 and 7.

4.3 Part B - Relevance (Questions 11-17)

4.3.1 Question 11 – Have you sought advice from ComSec on Maritime related issues over the past 10 years?

Commentary

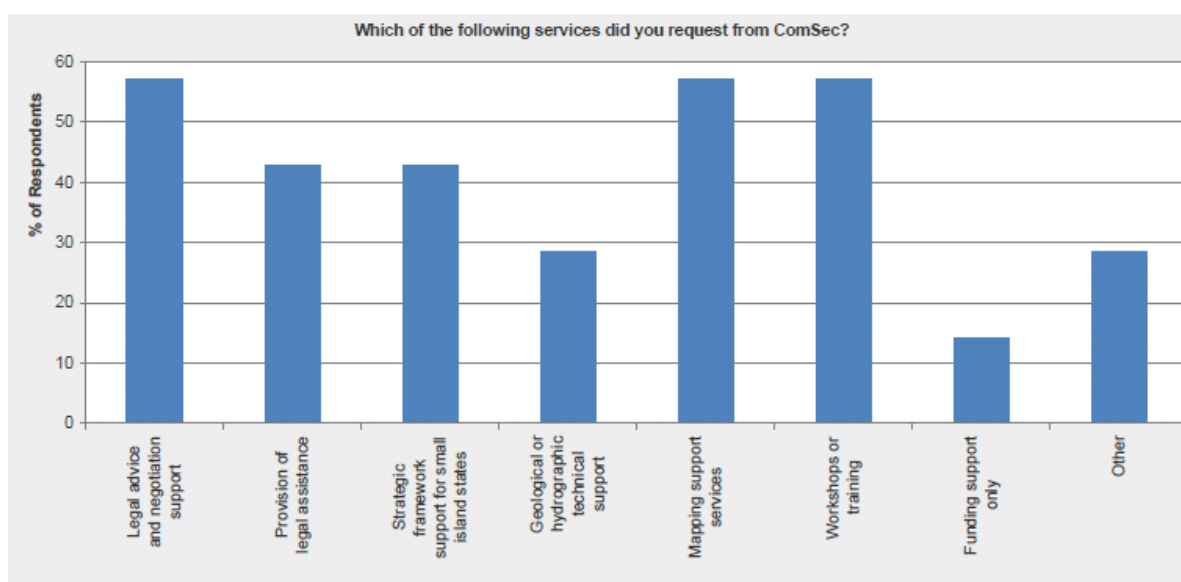
This question was posed to assess how many nations have received ELS support over the past 10 years (i.e. within the evaluation study period.). Strangely, 88% of respondents (8 in number) replied that they have. This should have been 100% as all countries invited to respond have received ELS support in one way or another. The responder to the questionnaire may not have been aware of such support in the past.

4.3.2 Question 12 – Which of the following services did you request from ComSec?

Commentary

With regard to the most significant services offered by ELS, over 50% of the respondents stated that they have used ELS for the following services:

- Legal advice and boundary negotiation support activities;
- Mapping of territorial boundaries;
- Strategic framework support for SIDS;
- Workshops and training.



The latter bullet is one which is focused on for additional input into Sections 6 and 7.

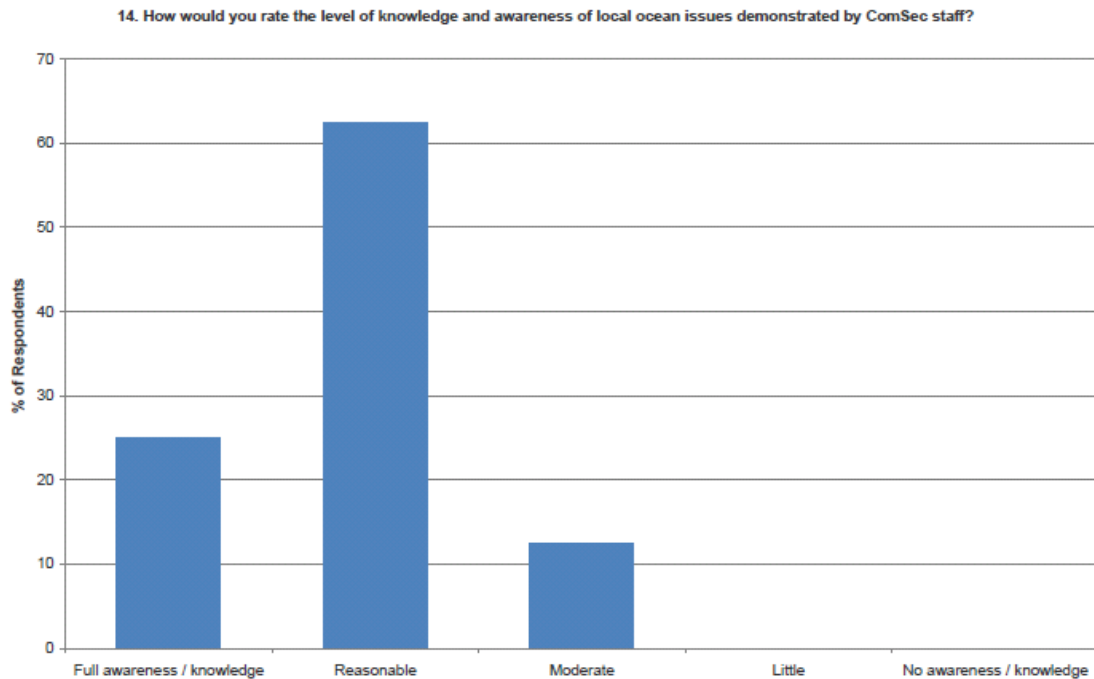
4.3.3 Question 13 – How would you rate the level of knowledge and awareness on maritime law and MBD by ComSec staff?

Commentary

Over 90% of the respondents appear content (full awareness or reasonable knowledge) that the ELS staff (including sub consultants used) communicate a solid degree of competence in maritime law and MBD. The whole ComSec programme relies on this knowledge being strong and so this finding is expected. The challenge for the future is to ensure that this level of service (currently provided by one individual) is maintained. This aspect is considered further in Section 6 and 7.

4.3.4 Question 14 - How would you rate the level of knowledge and awareness of local ocean issues demonstrated by ComSec staff?

Commentary



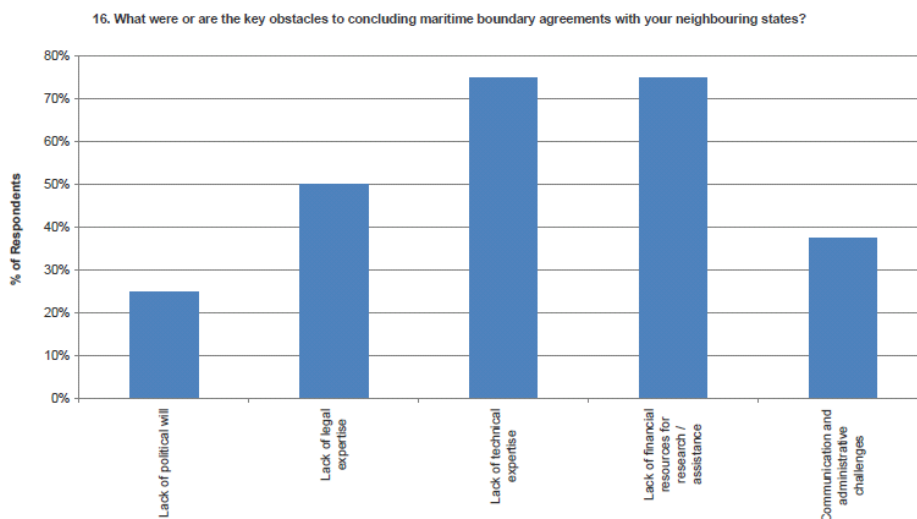
Over 90% of the respondents appear content that ELS staff (including sub-consultants used) communicates a solid degree of competence in local ocean related issues of relevance to their country. It is apparent that the ComSec roster for sub consultants is working and that every effort should be made to ensure this statistic remains high. It is not good practice for ELS to see this slip in any way, as it is vital that technical local understanding is incorporated into every mission that is undertaken. “Whistle stop” consultancy missions undertaken by sub consultants for ELS must ensure that the individuals are cognisant with local situations, politics and individuals in country before a mission starts. This aspect is considered further in Section 6 and 7.

4.3.5 Question 15 – How well did ComSec assist you in identifying case law and other State practice relevant to your MBD scenario?

Commentary

Approximately 86% of the responses (8 replies) suggest that ELS assisted sufficiently or very well on providing case law or other state best practice of relevance to their specific delimitation scenario. Only 1 respondent replied negatively on this issue.

4.3.6 Question 16 – What were or are the key obstacles to concluding MBD agreements with your neighbouring States?



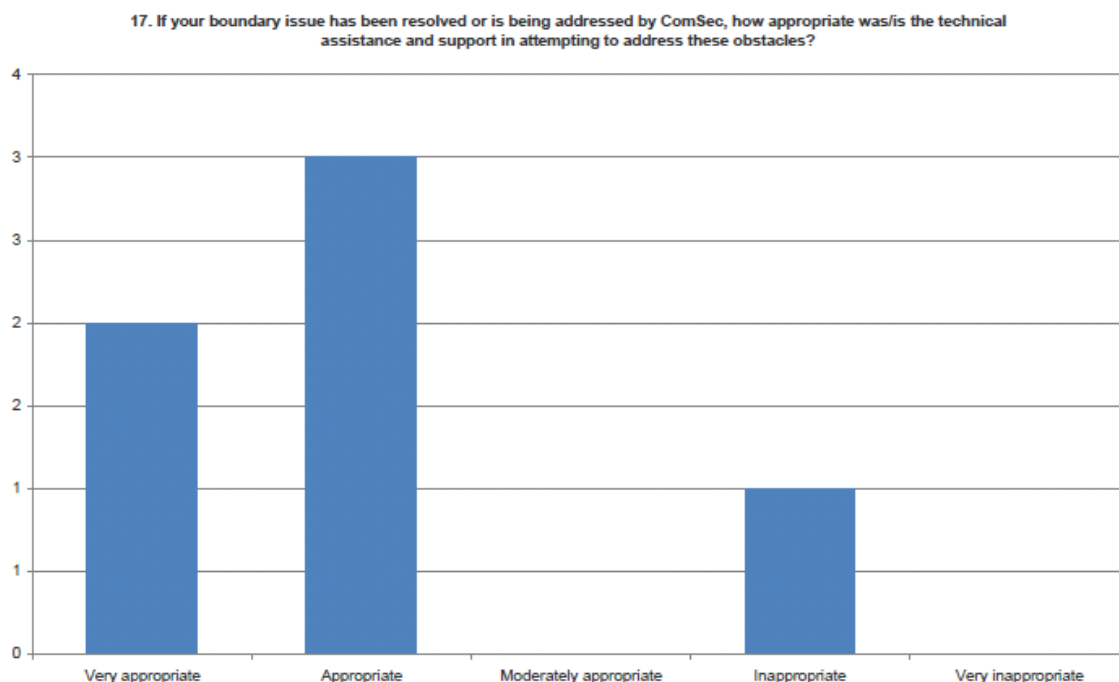
Commentary

A varied spread of answers here suggest that there will always be regional anomalies to dispute resolution with neighbours, some having historical foundations and difficult to resolve whereas other regions are experiencing new challenges. Most SIDS do, however, have the following common challenges in concluding MBD agreements:

- Lack of maritime legal expertise;
- Lack of technical expertise (e.g.: marine geologists/geomorphologists; hydrographers etc);
- Lack of financial resources to deliver what is needed for a territorial submission to the UN.

These issues are discussed further in Section 6 and 7.

4.3.7 Question 17 – If your boundary issue has been resolved or is being addressed by ComSec, how appropriate was/is the technical assistance and support in attempting to address these obstacles?



Commentary

83% of respondents replied stating that the technical assistance provided by ELS was appropriate or very appropriate in terms of addressing the local challenges and obstacles that each country face. This implies that any intervention is not only relevant, but also designed to be sensitive to local situations and needs.

4.4 Part B – Effectiveness (Questions 18-22)

4.4.1 Question 18 – How was the advice and the service from ComSec provided?

Commentary

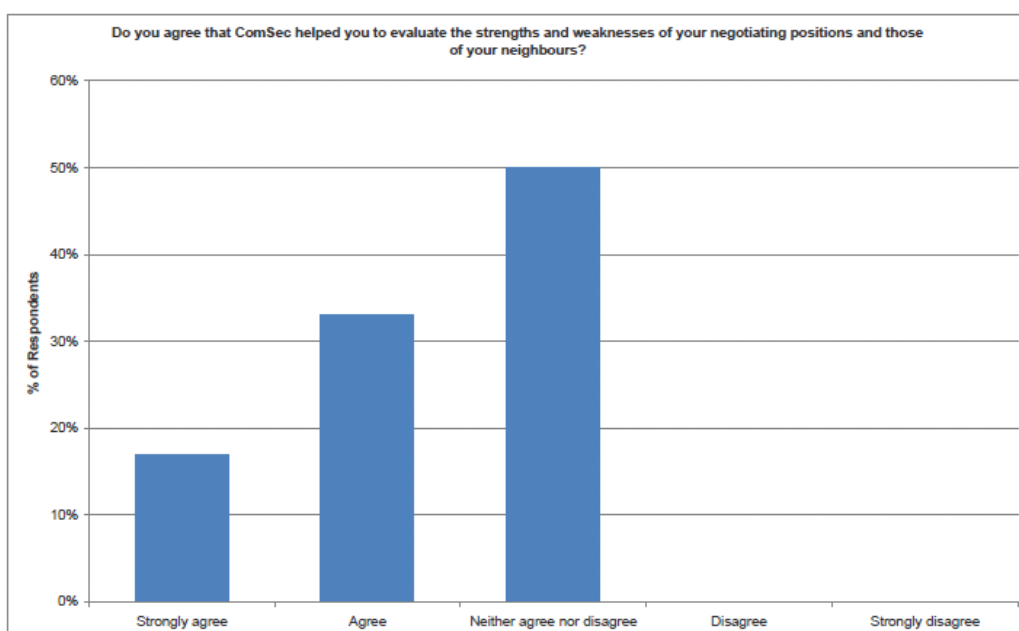
It appears that the best way to engage and deliver MBD technical assistance is through personal visits and spending time in country to help deliver the end product. This confirms the findings that ELS are appreciative of local situations and needs and the focus on personal visits, whilst an expensive option, is perhaps the best strategy to pursue in the future,

4.4.2 Question 19 – With regard to the support provided by ComSec, please assess how effective the intervention has been in delivering its purpose?

Commentary

It appears that the most useful and effective technical assistance interventions are when associated with maritime legal advice and the provision of mapping and geosciences support services. Those technical areas where ELS assistance has proven “ineffective” appear to be in the minority (all are basically deemed as effective), however, individual respondents have included legal advice and assistance, geological or hydrographical technical support and on workshops or training. Appendix D should be viewed for the individual country responses to this question. No statistical significance can be placed on these “ineffective” result findings.

4.4.3 Question 20 – Do you agree that ComSec helped you to evaluate the strengths and weaknesses of your negotiating positions and those of your neighbours?



Commentary

It appears that whilst there are no negative comments regarding assistance towards strengthening a nations negotiating position, half of all respondents did not have a view on whether they are in a better negotiating position or not for future boundary delimitation issues. This can often relate to nations having the correct capacity to drive forward negotiations without the support of the ComSec MBD team.

4.4.4 Question 21 – To what extent have issues over MBD been resolved with the help of the ComSec?

Commentary

Only 5 responses were received on this question, and so no statistical relevance can be given to the answer provided, however, half of all responses state that the issue of MBD is still not resolved. This is not a finding that any conclusion can be reached upon, as many technical assistance interventions are often required to achieve any resolution.

4.4.5 Question 22 – On a scale of 1-10, how effective was the assistance provided by the consultants or ComSec team?

An average figure of 7 was ascertained from this exercise based on 5 responses. The highest received (from Papua New Guinea) was a 10 (with 10 being highly effective). No meaningful statistical finding can, however, be deduced from this response rate.

4.5 Part B - Efficiency (Questions 23-32)

4.5.1 Questions 23 and 24 – How long did ComSec take to respond to your initial enquiry regarding MBD and how much assistance was provided?

Commentary

The issue surrounding speed of response is important to gauge as part of this evaluation. Whilst most of the actual inputs are about 3 weeks of input, from the 5 responses received, it appears that only 20% of nations received an initial response within 1 week. The fact that 40% of the initial contact response came after 3 weeks certainly is an issue for concern, which may relate to ComSec capacity related issues (addressed further in Sections 6 and 7). The very fact that most technical assistance inputs are greater than 2 weeks implies that the technical input is potentially considerable for the ELS staff team.

4.5.2 Question 25 – Were the agreed tasks completed within the agreed project programme?

Commentary

67% of the tasks identified for completion by ComSec were actually achieved through the various technical assistance interventions. 32% of respondents state that the agreed tasks were not, or were only partially completed by the ComSec technical assistance. This should not be seen as a negative issue, as it is more than likely that the negotiations for continental shelf submissions or MBD negotiations are “work in progress”.

4.5.3 Question 26 – Based on the technical difficulty of the support requested and regardless of length of time spent, how efficient was the support from ComSec in aiding effective resolution of the issue?

Commentary

Importantly, 80% of respondents valued the work done by ComSec as efficient in terms of resolving MBD issues. The fact that this is essentially one ComSec staff Member plus a possible support sub-consultant certainly can support the fact that the inputs are efficient and cost effective. This is developed further in Sections 6 and 7.

4.5.4 Question 27 – Was there a single point of contact from ComSec throughout the assistance provided?

Commentary

This question refers to whether there was a single point of contact made available for the Member State to contact. 100% of the responses States that there was.

4.5.5 Question 28 – Following completion of any assistance received from ComSec, do they continue to have regular contact with your country?

Commentary

Interestingly, and following on from finding of Question 27, it appears that the regular contact with a Member State falls away when there is no immediate assistance required. This is understandable due to capacity and resource issues at ComSec, however, good relations and client management should ensure that programme of communication should be carried on with a Member State who has requested assistance over the past few years. Improving Programme Management and Communication is focused on further in Sections 6 and 7.

4.5.6 Question 29 – Following completion of any assistance received from ComSec, were you satisfied with the level of continued contact with your Country?

Commentary

Only 4 responses were received on this question, and so no statistical relevance can be given to the answer provided, however, 60% of the responses state that they were satisfied with the level of continued contact with their Country from ELS technical experts. The issue of “people management” is a very important aspect of ComSec’s work, and it is deemed very important that this aspect of communication, using the correct staff, is maintained in the future.

4.5.7 Question 30 – Did you supply feedback following services provided by ComSec?

Commentary

75% of respondents answered that they had provided informal feedback to ComSec.

4.5.8 Question 31 – Are you aware of the procedure to provide feedback on ComSec’s performance?

Commentary

The main findings of this question are that most respondents did not answer the question, implying that they have never considered providing feedback, or actually they were never asked by ELS. The internal audit procedures of ComSec should therefore be revised to ensure this happens in the future. This aspect is discussed further in Section 5 from the field missions whereby most people interviewed would like the opportunity for greater transparency on how ComSec financially secure their own inputs, where this money comes from, what the ToR is for any sub consultant used and what the next steps are from the viewpoint of the ComSec.

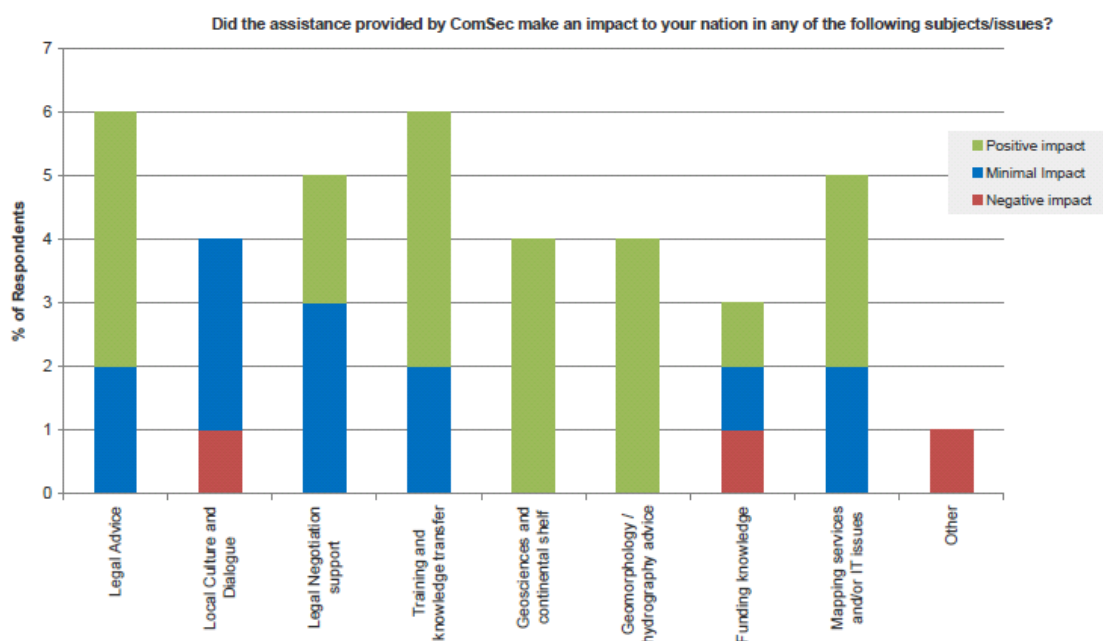
4.5.9 Question 32 – have you sought legal and/or technical assistance from groups /ministries/consultants other than ComSec’s MBD team?

Commentary

Interestingly, it appears that some countries have paid for consultancy services in the past (66% of the respondents - 4 out of 6 replies).

4.6 Part B - Impact (Questions 33-37)

4.6.1 Question 33 – Did the assistance provided by ComSec make an impact to your nation in any of the following subjects?



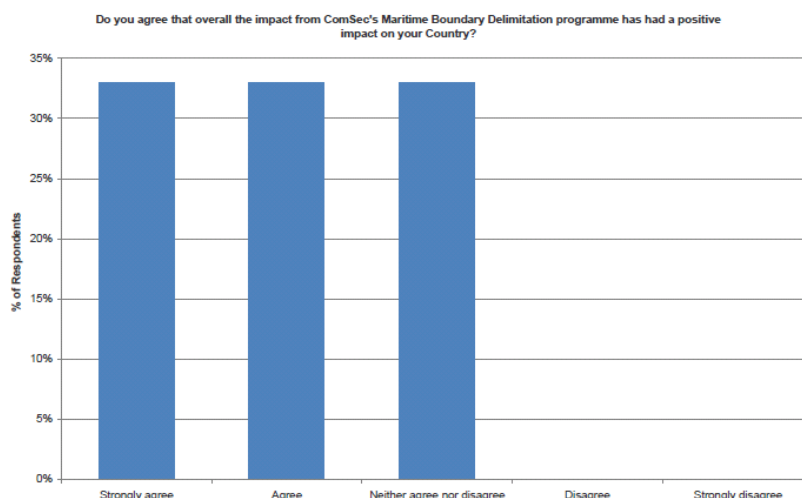
Commentary

With regard to the impact that ComSec provide, it is evident that the main areas of impact are associated with:

- Geosciences and continental shelf geophysics;
- Training and knowledge transfer;
- Geomorphological and hydrological advice;
- Maritime legal advice.

The most tangible impact has been associated with the actual continental shelf submission to the UN, or a separate focused workshop event help in the country.

4.6.2 Question 34 – Do you agree that overall the input from ComSec's MBD programme has had a positive impact on your country?



Commentary

No respondents agree that ComSec technical assistance programmes have had a negative impact on their country. This is to be expected as most nations have approached ComSec for this specific assistance in the first instance. Of most interest is that a third of respondents are uncertain whether the technical assistance has generated

any benefit whatsoever. The issue of communicating the long term economic benefit of MBD establishment, and the follow on management of “marine space” is not currently effective and requires development.

4.6.3 Question 35 – On a scale from 1-10, how successful has ComSec's assistance been in bringing about a permanent resolution of your Country's MBD issues?

An average figure of 4 was ascertained from this exercise based on 4 responses. The highest received (from Seychelles) was a 7 (with 10 being highly effective). No meaningful statistical finding can be deduced from this low response.

4.6.4 Question 36 – When was the assistance of most value to you?

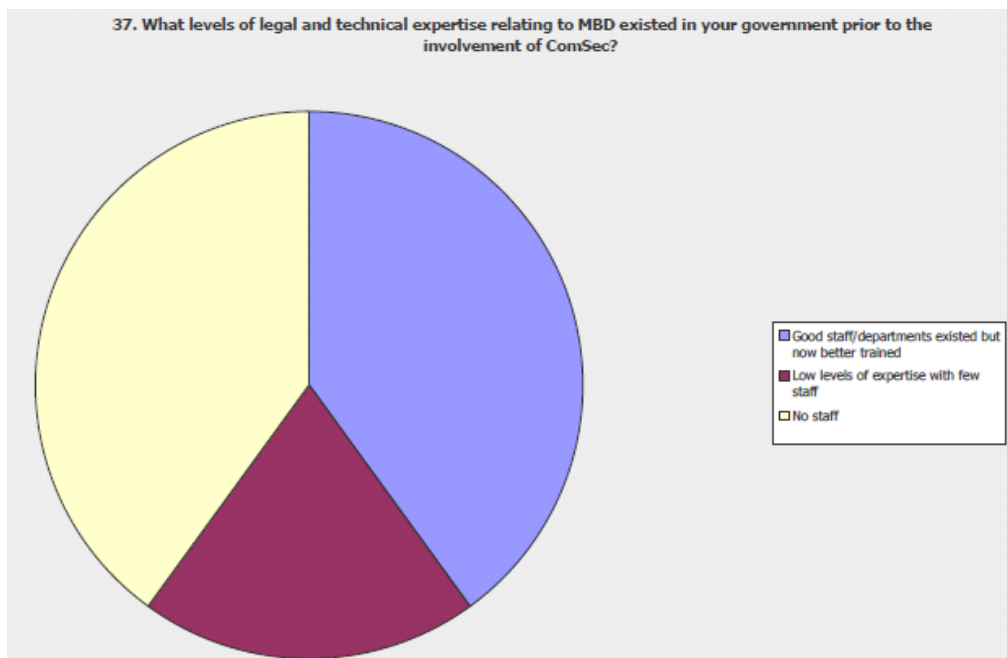
36a. For boundary negotiations		
Answer Options	Response Percent	Response Count
Before negotiations	75.0%	3
During negotiations	0.0%	0
After negotiations	25.0%	1
<i>answered question</i>		4
<i>skipped question</i>		14

36b. For continental shelf definition studies		
Answer Options	Response Percent	Response Count
During desktop study phase	75.0%	3
During preparation of preliminary information	0.0%	0
During preparation of full submission	25.0%	1
During presentation to CLCS	0.0%	0
After publication of CLCS recommendations	0.0%	0
<i>answered question</i>		4
<i>skipped question</i>		14

Commentary

The tables above show two separate question responses. Que36a asks respondents to consider when the ComSec MBD assistance was of most value to their country. 75% state that the assistance was of most use before the negotiations to discuss boundary disputes/discussions with a neighbouring nation or nations. Que36b asks the same question in relation to work to submit their continental shelf submissions to the UN, to which a similar 75% state that the assistance was of most use before submission. It is a fact that none of the states supported by ComSec made a submission to the UN before September 2008, and only a handful have yet made presentations to the CLCS. None has yet received any recommendations from the Commission therefore it may be said that ComSec really hasn't had much of an opportunity to work with governments post-submission. The "up front" support is when nations are most receptive to advice and future support that may be offered to them.

4.6.5 Question 37 – What levels of legal and technical expertise relating to MBD existed in your government prior to the involvement of ComSec

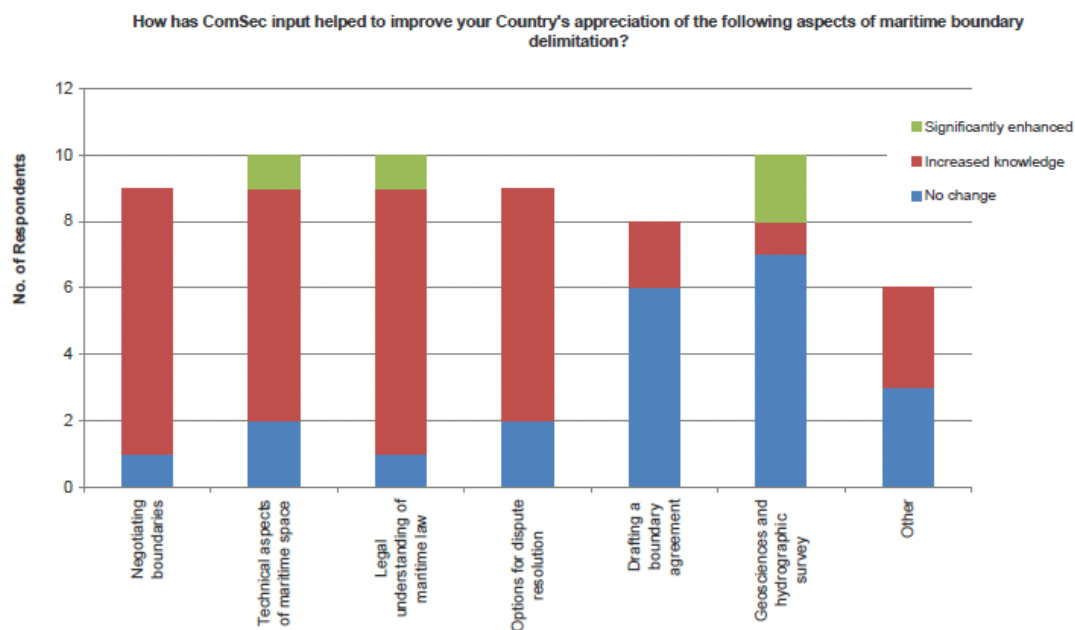


Commentary

The pie chart above shows that 60% of respondents had no or very limited staff of technical ability on MBD related issues prior to the involvement of ComSec. This percentage is likely to be an underestimation if the questionnaire were to be completed by more countries.

4.7 Part C – Sustainability and Future Ocean Management Support (Que 38-43)

4.7.1 Question 38 - How has ComSec's input helped to improve your Country's appreciation of the following aspects of MBD?



Commentary

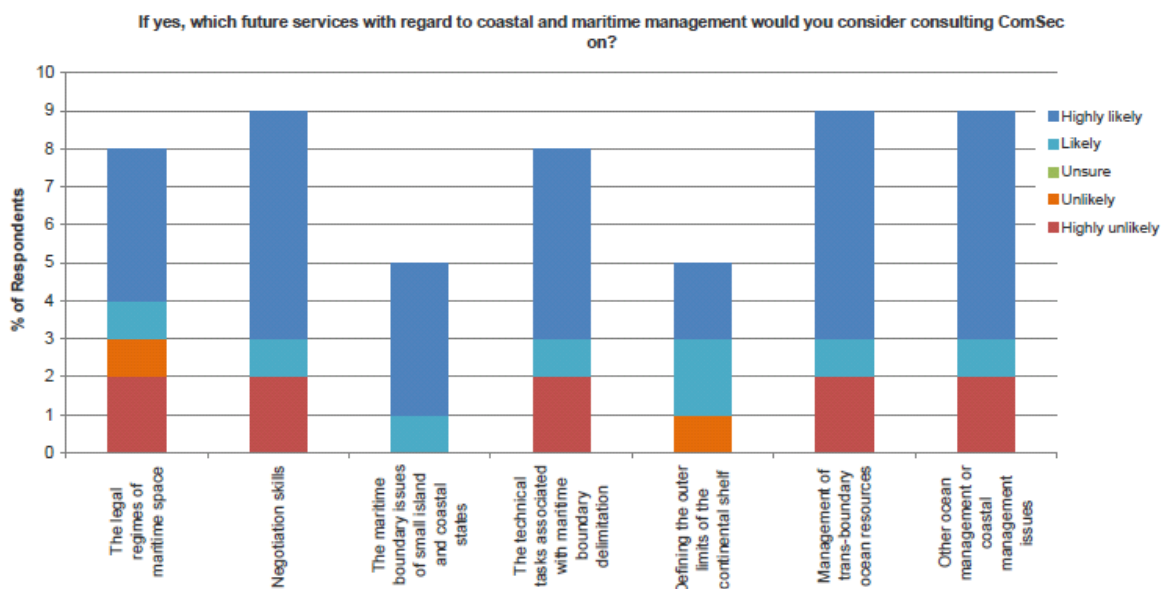
The least impact of any intervention appears to be related to work involving geosciences and hydrographic survey work. The greatest impact appears to be associated with the legal understanding of maritime law.

4.7.2 Question 39 – Would you seek or accept help from ComSec on future ocean management related issues?

Commentary

This question asks all respondents whether they would seek or accept help from ComSec on future ocean management related issues. There was a 100% response rate stated yes. This is a clear indication that there is a long term future in the role of ComSec on future ocean governance related issues.

4.7.3 Question 40 – If yes, which future services would you consider to be relevant to your country?



Commentary

The above bar graph shows that the key areas for consideration (based on number of respondents) include assistance on negotiation skills, the management of ocean resources or assistance on the management of other coastal management related issues. Interestingly, the future requirement for legal assistance and technical support for MBD receives the least positive response in terms of future requirements. This is understandable as most respondents have, or shall have, received clear advice on delimitation issues. Now they are in need to support towards maintaining this marine spatial area in situ and advice on managing the marine resources contained within these limits. Consequently, there is a view that future support may benefit from an expansion of services in addition to demarcation advice towards more ocean management advice from ComSec. Nevertheless, it is true that there are still plenty of Commonwealth States which haven't received advice on MBD.

4.7.4 Question 41 – What future issues or capacity building needs associated with wider ocean and coastal management do you foresee for your country?

41. What future issues or capacity building needs associated with wider ocean and coastal management do you foresee for your country?				
Answer Options	Foreseen future issue	Issue addressed without the	Issue addressed with the help	Response Count
Sea level rise	7	0	4	9
Climate change	7	0	4	9
Maritime boundary delimitation	5	0	4	7
Marine specific technical knowledge	4	0	4	6
Marine legal knowledge gap	4	0	4	6
Marine resources management	5	1	3	7
Fisheries management	5	1	3	7
Offshore mining	5	1	3	7
Other	2	0	0	1
Please elaborate on your answer				1
answered question				9
skipped question				9

Commentary

The above listing shows that future capacity building needs and requirements are likely to be for climate change and sea level rise adaptation related issues. This is a key area for SIDS in particular and is certainly an area that ComSec's existing climate change team need to reflect on. The possible need to "re-brand" existing programmes to reflect this requirement may need to be considered.

4.7.5 Question 42 – Were the issues listed in Q41 above discussed by ComSec when they provided their assistance?

42. Were the issues listed in Q41 above discussed by ComSec when they provided their assistance?				
Answer Options	Yes	No	Don't know	Response Count
Sea level rise	1	5	2	7
Climate change	1	5	2	7
Maritime boundary delimitation	5	3	0	7
Marine specific technical knowledge	4	3	1	7
Marine legal knowledge	5	3	0	7
Marine resources management	1	4	3	7
Fisheries management	1	4	3	7
Offshore mining	1	6	2	8
Other	0	0	0	0
Other (please specify)				1
<i>answered question</i>				8
<i>skipped question</i>				10

Commentary

The above listing clearly shows a communication challenge within ComSec. It is apparent that ComSec staff or sub consultants are not assisting or advising Member States on the future needs or assistance that could be provided by the ComSec. It is granted that the MBD team currently in place would not be providing these services listed above (except for MBD or marine legal knowledge), however the Small States, Environment & Economic Management Section, which is part of the Economic Affairs Division, should be more closely involved in the de-briefing from any ELS field mission undertaken.

4.7.6 Question 43 – In your opinion, how could ComSec improve their services in helping to resolve maritime boundary disputes?

Answer Options	Response Percent	Response Count
More site visits	87.5%	8
Written correspondence	75.0%	7
Digital correspondence	50.0%	5
More efficient initial response	37.5%	3
More efficient final delivery	25.0%	2
More staff to assist with legal expertise	75.0%	7
More staff to assist with technical expertise	87.5%	8
Please elaborate on your answer		4

Commentary

The above listing clearly demonstrates one of the classic challenges that face ComSec, which is the need for more staff to assist with technical expertise in the area of MBD. This involves the need for more site visits and more “in country” time to help train and build a knowledge base on MBD within the country. This “wish list” will always remain a “wish list” unless ComSec consider a change to their programme management framework, which currently is NOT sustainable by using one key individual to deliver good work on a regular basis. The use of local partnerships, a new framework consultant “draw down” contract structure or new recruitment drive for marine and coastal lawyers, planners and scientists needs to be put into place as a matter of urgency if the potential of ComSec’s marine support potential is to be realised.

5. Findings from the Field Mission

5.1 Selection of Field Mission Meetings

Careful consideration was taken to select the most appropriate field countries to visit by the evaluation team. Thought was placed on the following criteria in the selection process:

- An example early on in the evaluation period (2003-8) where support was focused on the provision of a desktop study;
- A recent example of a nation (or nations) who requested support to complete an extended continental shelf submissions adhering to the UN Convention's tight submission deadlines (2008).
- An example where consultation, negotiation and training (workshop delivery) were primary outputs.
- An example of a nation who has not used the services of ELS recently though would like to in the future
- A representative country (if possible) from all ComSec geographic regions (notably Africa, Indian Ocean, Caribbean, Asia, Pacific).

Country	Criteria
Seychelles/Mauritius (one visit to Mahe)	A recent example of a nation (or nations) who requested support to complete an extended continental shelf submissions adhering to the UN Convention's tight submission deadlines (2008).
Jamaica	An example of a nation who has not used the services of ELS until most recently (beginning of 2009) on bilateral maritime boundary negotiations.
Kenya	An example early on in the evaluation period (2003-8) where support was focused on the provision of a desktop study and a complete Extended Continental Shelf submission to the United Nations;
St Lucia (OECS)	An example where consultation, negotiation and training (workshop delivery) were primary outputs.

Obvious omissions to the above criteria are the selection of countries in each ComSec region. This has not been able to be achieved due to budget and time constraints, however, it is strongly recommended that the evaluation team initiate "regional workshops" to all regions (especially, Asia and Pacific who are omitted from these field missions) and to use these events to relay the findings of this evaluation project. The following section tables are produced to provide an overview of the issues and aspects discussed during these meetings.

5.2 Seychelles Field Mission

Date of Meeting	1 March 2010
Person Visited	Raymond Chang Tave/Ambassador Kunjal (Mauritius)
Brief Overview of the MBD/CSS assistance	<p><u>Project Number : XSEY024</u></p> <p>The project was first established in 2007 to provide services to Seychelles to assist it to make extended continental shelf submissions to the UN. The project was amended in 2008 to focus on the provision of assistance to both Seychelles and Mauritius following a request for assistance made by the Govt of Mauritius concerning the development of a joint submission. Submissions (including a joint submission with Mauritius) were lodged with the UN in 2008 and 2009, following the provision of legal and technical assistance by an ELS Advisory team (one ELS in-house lawyer and one external technical expert).</p> <p>In July 2009 the Governments of Seychelles and Mauritius made separate, but coordinated, requests for further assistance focusing on:</p> <ul style="list-style-type: none"> • Work to defend the joint submission when it is examined by the UN in 2010; • Work to assist the 2 nations to establish a governance regime to underpin the joint management of their shared extended continental shelf (including joint management of any oil, gas, minerals and living marine resources of the seabed in the area).
Beneficiary Ministry/Agency	Ministry of Foreign Affairs
Duration (start and end dates)	104 weeks (31/10/09 to 31/10/11)
Value of ComSec contribution (CFTC funds for all financial years)	<p><u>£115,700</u></p> <p>(£29,350 – 2007/8)</p> <p>(£36,350 – 2008/9)</p> <p>(£21,000 – 2009/10 – PAF extension request for external expert)</p> <p>(£29,000 – 2010/11 – PAF extension request for external expert)</p>
Relevance	<p>The intervention is a good example of dealing with an issue that relates to matters of national significance to Seychelles and Mauritius. The same message is also of direct relevance to many other development priorities of SIDS. The goal of the intervention is “to enable Seychelles and Mauritius to derive economic benefits from their joint areas of extended continental shelf”. The purpose of the intervention (and hence relevance) is slightly more focused as being “to secure and effectively manage joint areas of extended continental shelf”. The evaluation team challenged these statements with the interviewees and a collective viewpoint was obtained, which agreed that half of the intervention purpose as been achieved (i.e.: to secure). There is now a new type of work initiative that is required to assist with the “manage joint areas of extended continental shelf”. All interviewees agreed that they would welcome ComSec support (under SASD) to achieve this.</p>
Efficiency	Internally within ComSec, the technical intervention has been reported periodically to the ELS Head of Section and to the Director of

	<p>SASD. This is recorded in the Project Progress Form and on “back to office” reports prepared by the ComSec legal advisor after each mission. The failing here is that there appears to be no communication of the team, the “back to office” report or the financial agreements made (by ComSec) to the recipient country (Seychelles and Mauritius in this instance). This improvements in transparency and communication could (and should) be introduced by ComSec as part of their Objectively Verifiable Indicators (OVIs) as set out in Logical Framework for a Project Document that is produced for each intervention.</p> <p>The services offered by ComSec (one in house lawyer and one geosciences sub-consultant on a short term contract) can be described as extremely efficient. The streamlined nature of the intervention (2 staff) is certainly an efficient approach. The advantage of staff continuity cannot be underestimated and this is seen as an important catalyst towards client management and care. However, this strategy does come with its challenges and disadvantages, as has been relayed by the interviewees. Firstly, the risk of mission failure is high, as it demands the healthy presence of the small team for the duration of the mission. Secondly. There is a key risk of losing continuity if the impetus is not continued (due to the lack of capacity in the region to take forward ocean policy development). The Joint Management Agreement between Seychelles and Mauritius has proven a positive catalyst between the nations to keep this impetus going.</p>
Effectiveness	<p>The outcomes of the project (as set by ComSec in their Project Document) were set as:</p> <ul style="list-style-type: none"> • Directly assist Seychelles and Mauritius to secure access to and jointly managed significant areas of extended continental shelf; • Enhance cooperation between these countries concerning the management and governance of ocean space; • Position both countries to derive economic benefits from the extended continental shelf through access to potentially lucrative natural resources such as oil, gas and minerals. • Provide an enabling environment for offshore investment. <p>The outcome of interviewee discussions portrays an interesting parallel story to some degree. There is general acceptance that the ComSec intervention has been welcomed and in many ways has been ground breaking for the region.</p>
Impact and Sustainability	<p>The project represents a major success story. It is by far one of the most highly visible and effective maritime boundary programs that the ComSec have been involved in. It represents a classic example of enabling two Member States to come together to jointly address a problem. It has also enhanced international cooperation and has sustained collaboration between the two countries on ocean governance issues generally.</p> <p>The Project Document clearly states that in addition to the direct utility of the legal and technical advice delivered under the project, it will also contribute to the enhancement of the expertise and capacity of the Government officials through their exposure and engagement in the work under the project. The evaluation team can confirm, that during their visit to Seychelles (which coincided with a Technical Sub-group meeting of the Joint Management Committee), there is direct evidence of collaboration, of engagement, of trust and collective thinking on technical issues. As an example, the evaluator noticed the local Seychelles geologist, whilst young and relatively inexperienced, was obviously benefitting from the opportunity to listen, contribute technically and learn directly from the international geophysicist (sub consultant to ComSec) in a meeting based environment. Capacity building can and should be accepted as an achievement, and the ComSec team should be applauded for their approach to engaging and supporting the local staff. This is a model that may easily be replicated elsewhere assuming the political will is there (e.g.: OECS States – see Section 5.7). Interviewees believed that the issue of marine legal model text is a scarce aspect and so building capacity for this is perhaps not a good focus. Likewise, the belief is present that once boundaries are delimited, then trained staff are surplus to requirements for many years. Regional workshops on MBD would be the best next option to assist in building knowledge, partnership and trust</p>

	<p>amongst neighbouring countries. Training on cross transferable skill sets, such as conflict resolution, data management, communication and engagement are perhaps better than more technical training components. The use of European Oceanographic Centres as raised to help here (e.g. Southampton Oceanographic Centre).</p> <p>The Project Document also states that the intervention provides the opportunity to contribute to better offshore environmental management. When interviewees were asked whether progress has been made on this, the standard reply is that it is too early to tell, but they would hope to take forward this experience and use it to set up a more formal approach to marine spatial planning (MSP) within their respective nations. It was agreed that they would both like to see how national organisations (e.g.: the Mauritius Oceanographic Institute) or regional organisations (Indian Ocean Marine Sciences Association (IOMSA) could be utilised more efficiently to help deliver this. ComSec need to be cognisant of this growing desire to shift away from delimitation and move towards ocean governance.</p>
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5.3 Kenya Field Mission

Date of Meeting	5 March 2010
Person Visited	John Kagasi/Robert Kibiwot/Joseph Rotish/Simon Njuguna/
Brief Overview of the MBD/CSS assistance	<p><u>Project Number : XKEN050</u></p> <p>ELS became involved in discussions with the Government of Kenya since early 2005 with regards to Kenya's preparations for an extended continental shelf submission to the UN Commission on the Limits of the Continental Shelf in March 2006. The Task Force (TF) on Delineation of Kenya's Outer Continental Shelf beyond 200 Nautical Miles (M) was launched in August 2005 and subsequently Gazetted vide notice No.3929 of 2nd June 2006. The TF is charged with the following responsibilities:-</p> <ul style="list-style-type: none"> i) Delineation of the outer limits of Kenya's continental shelf beyond 200 nautical miles; ii) Formulation of a policy and legal framework for the management and utilization of the resources within the ocean regime; iii) Preparation of materials for Maritime boundary negotiations with the Transitional Federal Government of the Republic of Somalia. <p>The TF is also represented as part of the African Union Border Programme (AUBP).</p> <p>Following the establishment of the Task Force, the Government approach ELS by letter to request assistance with the compilation of a desktop study report. The assistance was aimed at supporting the first phase of the Govt's extended continental shelf (eCS) claim preparation process. This was important in helping to determine 1) the physical extent of the eCS ii) the Govt's strategy in the preparation of the entire eCS claim submission and iii) the human and financial resources required until the submission of the eCS claim to the UN. ComSec made it clear that given the high costs involved in the preparations of the eCS claims, that the ELS post desktop study assistance will be confined to targeted legal inputs from in-house lawyers and this has been agreed with the Government.</p>
Beneficiary Ministry/Agency	Task Force on Kenya's Outer Continental Shelf
Duration (start and end dates)	1/09/2006 to 31/12/2007

Value of ComSec contribution (CFTC funds for all financial years)	<p><u>£44,650</u></p> <p>(£24,500 – 2006/7)</p> <p>(£20,150 – 2007/8)</p>
Relevance	<p>The ELS intervention was designed to, in this instance, be focused purely on the production of a Desk Based Report to help assist the eCS claim deadline. Interestingly, there appeared to be particular focus, from ComSec, on this being the first submission from an African nation to the UN, and efforts to fast track the process (according to the interviewees) appear to be pushed for by ComSec. It is also apparent from discussions with the Kenyans that understanding the “relevance” of the Desk Based report in the long term was not that clear. Communication and input appeared to be strongly steered by the technical areas (marine legal aspects and geophysics inputs) that ComSec were funding. Some greater “visioning” to communicate the economic potential of the exercise would have been appreciated during this time. This isn’t necessarily a fault of ELS, as their remit was clear (to help Kenya submit its proposal), however, more up front clarity on the actual inputs, the project logical framework, the reasoning for the outputs costed for etc would have made the technical assistance more relevant in the early stages of work.</p> <p>The sub-consultant geophysicist used was very well respected in his field and his input was relevant to the ultimate outcome. The Kenyans had, prior to the ELS selection of the technical expert, prepared their own Terms of Reference for this expert, but this was not accepted by ComSec as a way forward. The relevance of the technical staff to fulfil the technical role here is not questioned, however, the inputs are quite narrow technically and the overall strategic dimension of the technical assistance is not conveyed as much as it could. For example, the economic implications of the eCS are missing even though this isn’t directly needed for the eCS submission. Consequently, it may have been useful to include a “visioning” expert to help clarify the longer term economic implications of the eCS submission.</p>
Efficiency	<p>The technical assessment input was deemed as efficient by the Kenyan delegations. However, as stated above, this efficiency in streamlining the inputs to a couple of experts, with limited wider communication on the longer term goal for Member States (set by the Commonwealth) appears to be lacking. The perception that ComSec (on occasions) have provided is that they are able to contribute to all aspects of the eCS submission, including the expensive field survey work. Whilst this has never been agreed by ELS and they have communicated this to the Kenyans, there still remained some doubt over this issue. Consequently it would help if copies of the ComSec Project Document were made available to each recipient nation along with copies of sub consultant terms of reference, fees and expected outputs. The Logical Framework for the intervention does actually keep inputs quite focused on purely producing a desk based report, and the evaluators have not been able to view the “agreed” input letter to this effect that apparently was set up with the Kenyan Govt. To this end, ComSec programme design is efficient and purposeful; however, on more than one occasion the interviewees were stating that better clarity on this matter would have been useful at an early stage. The project value of £44,650 for the input does represent good value and hence can be defined as being resource and finance efficient without being particularly strategic in its approach.</p>
Effectiveness	<p>It appears that Kenya did keep in low key contact with ELS after the submission of the Desk Based Report, as ELS were keen to look at working and interacting closely with the Govt Task Force on the legal and technical strategies for the next phase of the claim preparation. The interviewees believe that it was at this time that a more focused programme of “call down” assistance on various matters could have been initiated.</p> <p>Interviewees provided one positive action that could be considered by ELS when setting up Project Documents prior to the commencement of any technical assistance programmes. In order to better understand the roles of each party, the finances</p>

	involved, the communication pathways that need to be set and agreement on the phased inputs and deliverables, it should become normal practice to include a “Scoping Meeting” up front. This should enable all parties to better understand the purpose of the technical assistance, the timeframes of inputs and outputs and what ELS will actually provide (and what they will not). A Communications Plan should be seen as a specific deliverable within the Project Document for every mission. The event could also be used for “Blue Sky” thinking on longer terms steps which the Govt could focus attention on (i.e.: preparation of an Oceans Policy Document and Oceans Bill drafting). In addition, the particular problem of piracy with Kenya’s neighbours Somalia represents a real management related issue and something that the Kenyan Task Force may want to look to ComSec for support on. Therefore advice and training (similar to that provided to OECS States when negotiating the Venezuela) on how to negotiate with neighbouring countries on setting boundaries could be a very positive new intervention areas for ComSec to consider. The work undertaken for the Joint Management Committee for Seychelles and Mauritius is a real working example of this.
Impact and Sustainability	<p>Interestingly, the Kenyans first got introduced to the potential role of the ComSec at a UNEP Regional “Shelf Programme” Workshop held in May 2005 in Sri Lanka. From here on, it was known that assistance could be provided on MBD related issues. The value of facilitating and running workshops to raise visibility and profile cannot be understated and this provides a clear example of its benefit within a region.</p> <p>The impact of the ELS technical intervention is acceptable, though their visibility (and hence wider impact) was very low key and could have been improved upon. It is of interest to read that the Project Document for this intervention states that the technical assistance should be supported as it “creates an enabling environment for offshore investment”. In order to deliver this, the Task Force will need assistance in preparing a specific “Ocean Policy” which shall provide the framework for such investment opportunities to happen. Only when things really happen on the ground can one formally describe an intervention as having a direct impact. This has not yet happened in Kenya. Also to achieve this, it certainly would benefit Member States if ComSec were to arrange regional workshop events to help cross disseminate ideas on MBD related issues, but also use these events as training opportunities on more cross dimensional topics such as marine data management, conflict resolution and wider marine knowledge management (linking through to sustainable ICZM topic areas to help raise awareness of the ocean to the wider population. These events could also identify the possibility of developing “job swaps” of key experts between country regions. This would be a very “visible” way of ComSec improving its capacity building and training portfolio on MBD issues. This is needed as the interviewees did state that ComSec are not particularly visible in East Africa on these issues.</p>

5.4 Jamaica Field Mission

Date of Meeting	2 March 2010
Person Visited	Michelle Walker (Legal Advisor) / Janice Miller (Director, Economic Affairs Department), Ministry of Foreign Affairs and Foreign Trade

Brief Overview of the MBD/CSS assistance	Jamaica has no possibility of continental shelf rights beyond 200 nm. Support has been sought purely in maritime boundary delimitation with neighbouring States, a task in which Jamaica has recently re-engaged following boundary agreements with Colombia and Cuba in 1993 and 1994. The main requirement from ComSec was technical support, specifically financial assistance to pay for the services of a former government-employed hydrographer now working in the private sector.
Beneficiary Ministry/Agency	Ministry of Foreign Affairs and Foreign Trade (other ministries/agencies involved in preparing for negotiations include Attorney General's office, army, coastguard, survey department, harbourmaster and national oil company).
Duration (start and end dates)	2009-present (ongoing) Previous assistance (1990-2001) was not discussed during this field mission
Value of ComSec contribution (CFTC funds for all financial years)	Not identified
Relevance	Without a technical expert, Jamaica would not consider entering into boundary negotiations with neighbouring states. Therefore ComSec's financial support was a pre-requisite for the whole delimitation programme restarting. Other possible sources of assistance were explored (UN Division of Ocean Affairs, Organization of American States, bilateral assistance from regional governments) but none was able to help.
Efficiency	So far ComSec's assistance has been efficient, with excellent communication. One report was submitted a little later than anticipated, apparently due to ComSec staff departures; this was accepted as an occupational hazard and was not a source of complaint.
Effectiveness	The government considers itself to be still in the early stages of the delimitation process, so it is difficult to measure effectiveness. However, it is satisfied with the progress that has been made to date. It does not equate visibility with effectiveness; indeed, as far as the Ministry of Foreign Affairs is concerned, the less publicity the negotiations receive prior to the conclusion of a boundary agreement, the better.
Impact and Sustainability	The government is certain that without ComSec's ongoing support the negotiation process would grind to a halt – so the impact is significant. However, the government is aware that negotiations with all its neighbours could take many years to complete (especially with Haiti, which is unlikely even to think about boundary issues in the foreseeable future) and that its total dependence on ComSec support is not really sustainable. In this context, the government is very keen to explore opportunities for capacity-building - especially in the form of a customised training course in Jamaica for Jamaican officials. Existing capacity-building / training resources are seen as too much of a time commitment (UN Nippon Fellowships), too general (Rhodes Academy, IFLOS Academy) or too expensive (e.g.: International Boundaries Research Unit training workshops). The interviewees were less keen on the idea of a regional course, commenting that it would take a long time to get all States to commit to such a project, and some regional States have a habit of cancelling at the last minute. However, Jamaica might be happy to host a course in Jamaica for countries including Jamaica, Bahamas, Belize and possibly Trinidad & Tobago. It would also be keen to involve Haiti in capacity-building activities as well.

5.5 St Lucia (including OECS) Field Mission

Date of Meeting	Organisation of Eastern Caribbean States (OECS): 4 March 2010
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	Ministry of External Affairs, International Trade and Investment: 5 March 2010
Person Visited	OECS: Keith Nichols, Head of Environment and Sustainable Development Unit / James Fletcher, Director of Social and Sustainable Development Division St Lucia Ministry of External Affairs, International Trade and Investment: Estelle George and Kim Emmanuel
Brief Overview of the MBD/CSS assistance	<p><u>Project Number : XOEC019</u></p> <p>Particular support was needed from OECS to help coordinate the building of regional capacity for maritime boundary negotiations in the first instance with Venezuela and in the long term, with France, Netherlands, USA, Barbados and Trinidad and Tobago. Given the nature of the request, project implementation from ComSec was requested in phases, with phase 1 being focused on Venezuela and phase 2 on other of the other outstanding boundaries. Consequently, the purpose of the intervention was to increase the OECS states preparedness for negotiations with Venezuela and to help develop capacity on negotiation skills through workshops and training events.</p> <p>Support to OECS has included the three-year employment of a technical expert in the 1990s (who did a lot of preparatory work on baseline definition) and several capacity-building workshops. Of the OECS Member States, only Antigua and Barbuda has any possibility of continental shelf rights beyond 200 nautical miles, but the government does not appear to believe that its physical continental margin extends that far; so the focus for the OECS is maritime boundary delimitation. Good relations and cooperation between OECS Member States means that the priority is delimitation of boundaries with non-OECS States (Barbados, France, The Netherlands and Trinidad and Tobago) and maintenance of a common position with regard to delimitation with Venezuela (i.e. that Aves Island should not be given any weight in boundary delimitation).</p> <p>St Lucia has not yet approached ComSec for direct assistance. It anticipates that all its outstanding boundaries will be located close to the median line with neighbouring States, although it anticipates that Barbados in particular will be a tough negotiating partner.</p>
Beneficiary Ministry/Agency	OECS secretariat and OECS Member States (Antigua and Barbuda, Dominica, Grenada, Montserrat, St Kitts and Nevis, St Lucia, St Vincent and the Grenadines)
Duration (start and end dates)	1/09/2006 to 30/09/2007
Value of ComSec contribution (CFTC funds for all financial years)	<p><u>£70,000</u></p> <p>(£47,900 – 2006/7)</p> <p>(£22,100 – 2007/8)</p>
Relevance	ComSec's work was described as "integral" to OECS policy development. The work undertaken by the ComSec-funded technical expert in the 1990s was described as "one of the best things to happen to us". The project was deemed as being of great significance to OECS states as the project aimed at building OECS states capacity to negotiate maritime boundaries with neighbouring states in the region. Politically and strategically, it would boost the OECS states confidence to pursue negotiations of other outstanding maritime boundary issues with the USA, France and the Netherlands.
Efficiency	OECS believes it is not cost-effective for each Member State to develop its own legal and technical expertise in maritime boundary delimitation, and that ComSec support is best channelled to Member States through OECS. During periods of support, ComSec has been good at maintaining a "continuous dialogue" with the OECS secretariat.
Effectiveness	ComSec support was perceived as being most effective when a dedicated full-time post was created at OECS for boundary work. The "intermittent" support provided since the post was terminated has been useful at the time – workshops have helped to focus

	<p>minds and generate considerable enthusiasm for tackling boundary issues – but momentum keeps getting lost after officials return to their countries.</p> <p>The OECS interviewees felt strongly that ComSec resources would be best spent supporting a comprehensive OECS institutional framework for ocean governance in which maritime boundary delimitation is just one (albeit important) part, rather than focusing purely on delimitation issues.</p> <p>St Lucia was not clear about the process of engaging ComSec (at a 2007 ComSec/OECS workshop St Lucia expressed interest in direct support from ComSec, but was not aware that it had to make a formal request).</p>
Impact and Sustainability	<p>Although the OECS interviewees did not explicitly State that the OECS needs a full-time specialist in ocean governance, such a post would clearly be useful and would help to overcome the weaknesses that result from the “intermittent” support that OECS currently receives from ComSec. Certainly OECS believes that any capacity-building activities should take place through the OECS rather than in Member-State governments, where any expertise gained tends to dissipate over time as officials move to new posts or get involved with other tasks.</p> <p>St Lucia’s misunderstanding of the process by which individual Member States can obtain support from ComSec suggests that communication is not as effective as it could be. Consideration needs to be given to whether ComSec should be working with both OECS and its Member States (and if so, how such a ‘two-tier’ operation should be managed) or whether resources should be channelled either through OECS (as the secretariat strongly feels it should be) or to Member States only. The OECS argument is persuasive, but the lack of real progress towards boundary delimitation in recent years raises questions about the OECS’s effectiveness in supporting its Members.</p>

6. Evaluation Discussion

6.1 Overview

The following discussion reflects the joint findings of the external questionnaire (Section 4) and the face to face meeting held in country (Section 5).

ComSec have been involved in providing support which typically involves the provision of advice and assistance on the preparation of national maritime zones legislation that conforms to accepted international rules and principles reflected in the 1982 United Nations Convention on the Law of the Sea ('UNCLOS'). Assistance has also been provided, where required, to countries engaged in the negotiation of maritime boundaries with neighbouring states and also, in providing training to Government officials on maritime zones and related law of the sea matters.

During this Evaluation period (2003-8), the focus of much of ComSec's MBD work has been to assist Member States that are seeking to make submissions to the United Nations Commission on the Limits of the Continental Shelf ('the Commission') concerning extended areas of continental shelf ('extended continental shelf claims'). This work includes assistance in the preparation of desktop studies to identify potential areas for extended continental shelf claims, and work to assist countries to prepare the legal and technical aspects of extended continental shelf submissions to the Commission.

The provision of advice and assistance to Commonwealth Member countries on the delimitation of maritime boundaries and the management and sustainable use of marine space remains as a unique and very important area of work for ComSec. An important message to relay is that the work is far from finished, as many Member States are still likely to require this service. It is also clear from the questionnaire responses (and from face to face discussions) how important having a totally defined marine boundary actually is to Commonwealth Nations. To this end, it is clear that providing MBD related assistance has been and will be a worthwhile technical assistance programme for ComSec to continue with.

What ComSec now need to embark upon is a review of current programme management improvements and a new focus of future ocean governance support. The concept of "Ocean Governance" appears to be a common theme that the evaluation team have picked up on and there is a need to partner with local groups/institutes to help address the major challenge of capacity and resource delivery, both within ComSec and for individual nations. ComSec now need to elaborate on "why" MBD and ocean governance is important from an economic perspective. ComSec may be able to use this evaluation report to re-focus their role, possibly considering helping states to manage their marine space in a more sustainable manner (i.e.: marine spatial planning and advice).

The recent heavy workload placed on ComSec MBD staff is the direct result of Member States needing to produce submissions to the Continental Shelf Commission (United Nations) in New York. Approximately half of the respondents have used ComSec services to assist in preparing submissions or preliminary information by the May 2009 deadline set by the CLCS. This deadline is no doubt the key reason why workloads within the MBD section of ELS increased so significantly during the evaluation period.

ComSec is continually seeking to find extra full time staff to supplement the existing maritime lawyer, Joshua Brien. Adverts are currently on the website for individuals, consultancy firms and organisations with expertise in geophysics and oceanography who may be interested in working as consultants with the ComSec on the delivery of scientific and technical advice to Member countries on maritime boundaries. This request is proving a major challenge to actually deliver, and it perhaps may be a challenge for the following reasons:

- Financial remuneration packages not being appropriate to the technical level of detail required;
- Inappropriate advertising within the UK;
- A very small pool of relevant experts.

Individuals and companies with experience in the practical implementation of provisions of UNCLOS including the development of national maritime boundaries legislation, the conduct of maritime boundary negotiations, or the development of extended continental shelf claims are actually few and far between. What is now required by ComSec is a degree of “*re-branding*” to better communicate the actual future needs of the ComSec and most importantly, the capacity and training aspects that most Member States and SIDS (in particular) are desperate for.

Formal links with regional oceanographic institutes are encouraged to be placed on a more formal platform in order to better forge relationships with nations and regions and to encourage skill set transfer programmes and training. The Pacific region (linked to SOPAC) certainly needs to be reinvigorated as part of this process. It is also a region that needs to be better engaged within the findings of this evaluation as only Papua New Guinea and the Cook Islands were proactively engaged in the process and this is a very small percentage of the potential contribution that the region could offer. Within the Indian Ocean, the Mauritius Oceanographic Institute (MOI) is one possible organisation for enhanced collaboration with ComSec.

The importance of this factor should not be underestimated as a key finding of the evaluation is that no Member States which responded to the questionnaire, or were visited during the field mission, believe they have the necessary capacity or skilled resources to engage in MBD without the aid of external support. Roughly two thirds of the respondents appear to have a degree of capability in country, though it is clear from the field mission that the correct “type” of skill is often missing in country. For example, nations may have geologists but they are not trained or experienced in marine or continental shelf geology or geomorphology. Efforts to encourage regional collaboration (through training workshops) that may seek to remedy this situation may be a way forward.

6.2 Scenarios for the Future

To help with the following evaluation discussion, three strategic scenarios have been set to help identify the implications of the future ELS support on MBD related issues. These scenarios have been set during the field mission based on evidence gathered and points discussed. These are set as being:

- **Business as usual (BAU)** – ELS continue to adopt the same approach to providing support to Member States;
- **Grow but “play to strengths” (GROW)** – a strategic decision is made to grow the ComSec capacity to deliver the existing technical areas that support is provided for (i.e.: maritime boundary lawyers, geophysicists, hydrographers etc);
- **Grow and technically diversify (GROWDIV)** – a strategic decision is made to incorporate other new disciplines into ELS portfolio that complements other SASD services being offered (i.e.: ocean governance/marine data management/marine exploitation advice/offshore renewables/offshore carbon storage/ICZM).

Each of the possible scenarios are now revisited and tested against the 4 Evaluation headings proposed for this study to help identify the implications of each of the scenarios for ELS in the future development of the MBD programme.

6.3 Business As Usual (BAU) “ELS continue to adopt the same approach to providing support to Member States”

Scenario Title	Commentary
Relevance	<p>The type of work being undertaken (under a BAU scenario) still remains valid. 83% of respondents state that the technical assistance provided by ComSec was appropriate or very appropriate in terms of addressing the local challenges and obstacles that each country faced. This implies that any intervention is not only relevant, but also designed to be sensitive to local situations and needs. In addition, over 90% of the respondents appear content (full awareness or reasonable knowledge) that the ComSec staff (including sub consultants used) communicate a solid degree of competence in maritime law and MBD. The challenge for the future is to ensure that this level of service (currently provided by one individual) is maintained. It is obviously not in ComSec’s interest to see the level of achievement in MBD support slip in any way. The capacity to continually deliver existing services under this scenario option is questionable at best. The loss of just one key individual within ELS would likely result in a significant downturn in work potential and ComSec need to be cognisant of this fact.</p> <p>The Maldives (as an example) has indicated that only “<i>to some extent</i>” they can tackle maritime boundary delimitation issues without the aid of external support, such as that provide by the ComSec. They state that “<i>Maritime boundary delimitation is of very scientific and technical in nature, one in which the Maldives is experiencing a gap in capacity.</i>” They commented that “<i>all work done so far has been prompt and efficient and Mr. Joshua Brien has been very good in the handling of this issue</i>”.</p> <p>Compliance to this scenario option in the future remains relevant to current ComSec objectives.</p>
Efficiency	<p>On the whole, there appears to be great commendation for the individuals who provide technical input to nations, Whether these can be defined as being efficient is subject to debate. However, the use of such as skeleton staff covering such broad international areas has to be individually commended and hence, has to be seen as efficient. One particular response noted that:</p> <p><i>“During the preparation of a submission on the outer limits of the continental shelf, ComSec brought in consultants (both legal and technical) who made critical and enormous contributions. Although the duration for preparation of the submission was limited, ComSec did a commendable job by bringing in the consultants on time despite the prevailing circumstances”</i></p> <p>Importantly, 80% of respondents valued the work done by ComSec as efficient in terms of resolving MBD issues. The fact that this is essentially one ComSec staff Member plus a possible support sub consultant certainly can support the fact that the inputs are efficient and cost effective. The issue surrounding speed of response is important to raise as part of this evaluation. Whilst most of the actual inputs are about 3 weeks of input, from the 5 responses received, it appears that only 20% of nations received an initial response within 1 week. The fact that 40% of the initial contact response came after 3 weeks certainly is an issue for concern, which may relate to ComSec capacity related issues mentioned earlier. The very fact that most technical assistance inputs are greater than 2 weeks implies that the technical input is potentially considerable for the ComSec MBD team.</p> <p>67% of the tasks identified for completion by ComSec were actually achieved through the various technical assistance</p>

	<p>interventions. 32% of respondents stated that the agreed tasks were not, or were only partially completed by the ComSec technical assistance. This should not be seen as a negative issue, as it is more than likely that the negotiations for continental shelf submission work, or MBD negotiations are “work in progress”.</p> <p>All Member States appeared pleased that they had a single point of contact that was made available for the Member State to contact. 60% of the responses state that they were satisfied with the level of continued contact with their Country from ComSec technical experts. This message is positive from a client relationship perspective and for ComSec’s external communication portfolio; however, it does open up the obvious paradox of there needing to be more capacity resource “options” on MBD issues in the future. Interestingly, it appears that the regular contact with a Member State falls away when there is no immediate assistance required. This is understandable due to capacity and resource issues at ComSec, however, good relations and client management should ensure that a revised “Communication Strategy” should be embarked upon with a Member State who has requested assistance over the past few years. Improving Programme Management and Communication is therefore seen as a particular future action for the MBD team.</p> <p>75% of respondents answered that they were unaware of the procedures that are available to feedback on the performance of ComSec. The main findings of this evaluation on this matter are that most Member States have never considered providing feedback, or actually they were never asked by ComSec staff. The internal audit procedures of ComSec should therefore be revised to ensure this happens in the future. In the Seychelles, as an example, they would have liked the opportunity for greater transparency on how ComSec financially secure their own inputs, where this money comes from, what the ToR is for any sub consultant used and what the next steps are from the viewpoint of the ComSec.</p> <p>Pursuing this scenario option in the future exposes ELS to the key risk of failing to deliver efficient work if not further technical staff or improved Programme Management operations are developed.</p>
Effectiveness	<p>It appears that the most useful and effective technical assistance interventions are when associated with maritime legal advice and the provision of mapping and geosciences support services. There are no technical assistance areas where ComSec assistance has proven “ineffective”, however, individual respondents have included legal advice and assistance, geological or hydrographic technical support and on workshops and training to be the most important areas of assistance. Appendix D should be viewed for the individual country responses to this question.</p> <p>It also appears that the best way to engage and deliver MBD technical assistance is through personal visits and spending time in country to help deliver the end product. This confirms the findings that ComSec are appreciative of local situations and needs and the focus on personal visits, whilst an expensive option, is perhaps the best strategy to pursue in the future. However, whether this approach is sustainable under the BAU scenario is very debatable.</p> <p>About half of the responses state that the issue of MBD is still not resolved in their nation. This is not a finding that any project conclusion can be reached upon, as many technical assistance interventions are often required to achieve any resolution. Nevertheless, it does confirm that the whole intervention model of ELS on MBD issues remains strong and will continue to do so in the future.</p>

	<p>An interesting response was received from the Cook Islands. They appear to dismiss the ComSec involvement on MBD assessment as they have failed to understand the link between maritime boundaries (as it presented within the wordings of the questionnaire) and extended continental shelf claims. The Cook Islands response clearly states that they have not worked with ComSec on MBD related issues. Consequently, there appears to be an interesting global terminology related issue that needs to be addressed in the future, with ComSec possibly needing to modernise or “future proof” its titling of maritime assistance programmes. Some possible suggestions for revised titles are presented below:</p> <ul style="list-style-type: none"> • <i>Programme of Technical Assistance in the Definition of National Maritime Space;</i> • <i>Programme of Technical Assistance in Ocean Governance and the Law of the Sea.</i> <p>Pursuing this scenario option in the future exposes ELS to the key risk of failing to deliver effective work if not further technical staff or improved Programme Management operations are developed.</p>
Impact and Sustainability	<p>With regard to the impact that ComSec currently provide, it is evident that the main areas of impact are associated with:</p> <ul style="list-style-type: none"> • Geosciences and continental shelf geophysics; • Training and knowledge transfer; • Geomorphological and hydrological advice; • Maritime legal advice. <p>No respondents have replied implying that the ComSec technical assistance programme has had a negative impact on their country; however, the least impact of any intervention appears to be related to work involving geosciences and hydrographic survey work. This is to be expected as most nations have approached ComSec for this specific assistance in the first instance.</p> <p>The main impact of technical assistance intervention (75% of respondents) state that the assistance was of most use before the negotiations to discuss boundary disputes/discussions with a neighbouring nation or nations or likewise for continental shelf submissions. This is mostly because the majority of responding nations have no or very limited staff of technical ability on MBD related issues prior to the involvement of ComSec. This finding is likely to be a message from most Member State countries, particularly in the Pacific region. The key message here is that current ComSec support has contributed and made a positive impact towards building capacity in Member States on MBD related topic areas.</p> <p>Pursuing this scenario option in the future would continue to have an impact for those nations where the support is needed, but how sustainable this is (both for ComSec or Member State) is questionable.</p>

6.4 GROW (Grow but play to strengths)

Scenario Title	Commentary
Relevance	<p>With regard to the most significant services offered by ComSec MBD team, over 50% of the respondents stated that they have used the ComSec for the following services:</p> <ul style="list-style-type: none"> • Legal advice and boundary negotiation support activities; • Mapping of territorial boundaries; • Strategic framework support for SIDS; • Workshops and training. <p>Therefore, under a GROW scenario, there is a case for continuing to play to strengths, however to accommodate the potential growth on time input, there is inevitably the need to create an improved programme management model to ensure that the administrative support required is present and workable. The above technical areas certainly have the capacity to grow, however this is only possible if the mechanisms behind the technical support are in place. This will certainly be needed to ensure this scenario option is implemented to its fullest potential.</p> <p>It is also vital that technical local understanding is incorporated into every mission that is undertaken. “Whistle stop” consultancy missions undertaken by sub consultants for ComSec must ensure that the individuals are cognisant with local situations, politics and individuals in country before a mission starts. The requirement for improving client management, liaison and communication is therefore required and this needs to be developed in the future.</p> <p>Pursuing this scenario option in the future remains relevant to the needs of ComSec Member States.</p>
Efficiency	<p>A common theme appears to be forming with regard to the stretched staff capacity within the MBD team. The use of sub-consultants, on the whole, appears to be an acceptable mitigation measures to address this, however there are challenges associated with this model. The following quote has been taken from the response from PNG.</p> <p><i>“Through the Commonwealth, Technical Assistance in providing a Technical and Hydrographic Study), PNG Government was able to update its baseline coordinates in the northern part of the country and will undertake the same this year in the southern part of the country. Further Technical training has been established with our regional organisation since the COMSEC study to give guidance on mapping and baseline issues.”</i></p> <p>When asked specifically about capacity and resources within ComSec to respond adequately to their requirements, an interesting response has been captured, notably:</p> <p><i>“Not enough COMSEC officials to respond to queries especially when dealing so many Commonwealth Members simultaneously”.</i></p> <p>In another instance, the country <i>“were unhappy with the use of sub consultants as it emerged that the individual provided was</i></p>

	<p><i>not well versed/grounded with the issues at hand. The legal advice and negotiation support in maritime boundary delimitation was not as thorough as expected”.</i></p> <p>The pre-selection of consultants therefore needs to be improved (i.e. GROW scenario), possibly through the introduction of a revised “draw down” framework programme which is run on behalf of ELS. This will be used to provide an independent audit procedure towards the appropriate selection of consultants, whilst allowing ComSec staff to provide the necessary technical input to each consultant mission. Involving key nationals within other countries (hydrographers/surveyors etc) could be an important role of the Programme Manager in this instance.</p> <p>ComSec also need to recruit a Team Leader (Operations Director) who is able to encourage communication and delivery of the MBD ComSec message in the future. This Team Leader is then better able to prioritise the staff complement needed to ensure long term success (maritime lawyer, coastal expert, hydrographer, geoscientists etc). Advice is therefore needed on the future team structure (number/level of staff etc) which is not considered in detail here.</p> <p>Pursuing this scenario option in the future could result in improved efficiencies plus would ensure that technical assistance is efficient for the needs of ComSec Member States.</p>
Effectiveness	<p>Some nations, such as Saint Lucia, have not received any direct assistance from the Commonwealth on Maritime issues, assistance has been rendered to the Organisation of Eastern Caribbean States (OECS) who represent Saint Lucia's interest. It is perhaps an area of discussion to establish what the perception of ComSec’s potential role is in certain countries and what they could possibly provide.</p> <p>Increasing staff resources inevitably may not necessarily result in ELS being more effective. It is more likely that effectiveness will improve if the right types of technical experts are available within ELS or useable from the ComSec roster of sub consultants. Effectiveness will, however, improve if efforts are placed on revising the current operational and communication structure that is currently in place. Employing a Director of Operations (or similar) is seen as one way forward to improve this.</p> <p>Pursuing this scenario option in the future remains relevant to the needs of ComSec Member States.</p>
Impact and Sustainability	<p>Of most interest is that a third of respondents are uncertain whether the current technical assistance has generated any benefit whatsoever. There is therefore evidence that there is a need to develop certain aspects of the current programme to ensure improved and continued impact and hence sustainability. The issue of communicating the long term economic benefit of MBD establishment, and the follow on management of “marine space” is not currently clear and thus requires development. This should be seen as a particular action under this scenario option.</p> <p>The classic challenge that faces ComSec is the need for more staff to assist with technical expertise in the area of MBD. This involves the need for more site visits and more “in country” time to help train and build a knowledge base on MBD or ocean governance within the country. This “wish list” will always remain a “wish list” unless ComSec consider a change to their programme management framework, which currently is NOT sustainable by using one key individual to deliver good work on a</p>

	<p>regular basis. The use of local partnerships, a new framework consultant “draw down” contract structure or new recruitment drive for marine and coastal lawyers, planners and scientists needs to be put into place as a matter of urgency if the potential of ComSec’s marine support potential is to be realised.</p> <p>Pursuing this scenario option in the future remains relevant to the needs of ComSec Member States.</p>
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6.5 GROWDIV (Grow and technically diversify) (Scenario Appraisal)

Scenario Title	Commentary
Relevance	<p>Diversifying the portfolio of ComSec ELS work would reflect the needs and pressures of all SIDS and coastal Commonwealth states. The evaluation exercise has concluded that most SIDS have the following common challenges in concluding MBD agreements:</p> <ul style="list-style-type: none"> • Lack of maritime legal expertise; • Lack of technical expertise (e.g.: marine geologists/geomorphologists; hydrographers etc); • Lack of financial resources to deliver what is needed for a territorial submission to the UN. • Need to reap the economic benefits or extending maritime boundaries (set ocean policy). <p>The question to ask is whether this is an appropriate move for ComSec. In order to even consider this scenario option, there obviously needs to be the financial backing from the Commonwealth, plus there needs to be a review of technical support (internally and externally) required to deliver this long term. For example, it is apparent that the ComSec roster for sub consultants is working to a degree and that every effort should be made to ensure that this level of attainment remains high. What needs to be refocused upon is the importance of the Job Skills Codes structure that is set by ComSec. This now needs to be made “future proof” in terms of what Member States are actually asking for.</p> <p>Kenya, as an example, were very clear that to achieve the second part of the Task Force on Delineation of Kenya’s Outer Continental Shelf, requires them to prepare an “oceans policy” that manages effectively the resources within its maritime limits and boundaries. This is likely to involve marine planners, legal draftsmen and coastal stakeholder engagement strategists (ICZM). These types of experts are being missed from the roster. For example, whilst under the theme of “Law”, code do exist for LSEA (Law of the Sea) and MARI (Maritime Law), there is now a requirement for coastal and ocean policy experts and offshore legal draftsmen to prepare new pieces of legislation. Likewise, if the requirement is to deviate from narrow technical specialism for the future, the nearest code that complies with assistance towards Ocean Governance and planning appears to be under Environmental Planning (ENVR) and the Coastal Zone Planning (COAS) code. It is the evaluator’s view that this exercise needs to be undertaken with utmost urgency.</p>

	Compliance to this scenario option (or aspects of diversification) in the future remains relevant to the needs of ComSec Member States.
Efficiency	<p>When asked to comment on future ocean governance demands and needs, an interesting response from Papua New Guinea has been captured, notably:</p> <p><i>“Climate change and its impact on ocean management is important; so is sea level rise for coastal communities; fisheries management up against offshore mining including grater marine resource management in terms of potential conflicts for regulation are interrelated and important for the country” ...also</i></p> <p><i>“More visits and resources are probably key factors to maintaining good relations with COMSEC and also ensuring implementation issues are on track to avoid lagging behind. Communication is a must to be maintained all the time to monitor progress with national contact points”</i></p> <p>The following remarks were received from Kenyan consultees:-</p> <p><i>“Important issues such as capacity building have not received the desired prominence. This is an area which we think can have greater impact if well facilitated;</i></p> <p>The need for a revised look at a MBD Project Implementation Framework is now needed, which focuses on a Project Cycle approach to providing support on MBD. This shall help to better instil transparency in the ComSec process (communicating its current objectives and vision) whilst also acknowledging the future ocean governance needs of Member States and to better implement a more transparent Project Appraisal approach which can be communicated to the recipient nation receiving the support. The Seychelles, as an example, stated that they would really have benefitted with improved communication on the actual ToR of sub consultants used, the actual amounts of money being spent on each mission and on actual agreed deliverables for each sub-consultant. They stated they know nothing about the costs of the consultancy, nor the ToR of the sub consultants used by ComSec. This creates an awkward position between host nation and sub consultant regarding costs and what is expected of them whilst the sub consultant is in country. There is therefore a need to formalise the whole project appraisal approach and how feedback is stored, requested and acted upon. This needs to be a key future recommendation to help facilitate a step change in management approach on MBD issues.</p> <p>Pursuing this scenario option in the future could improve the efficiency of future technical intervention work for ComSec Member States.</p>
Effectiveness	<p>Saint Lucia was confused over how to access ComSec support on MBD issues. Importantly, it is often the case that ComSec are not up to speed with the desires and needs of some SIDS on marine management related issues. Saint Lucia, as an example, has recently undertaken a new marine resources mapping programme to help future land use planning. The outcome of that exercise has identified the need for more joined up planning with the marine environment. This is perhaps an area for discussion with many other OECS countries as often the benefit of improved ocean governance is not escalated high enough</p>

	<p>into the political agenda, and economic benefits of this are often lost.</p> <p>It is noteworthy that in the areas of "marine specific technical knowledge gap" and "fisheries management", that work has commenced already in Saint Lucia and is ongoing, without the assistance of ComSec. Consequently, improving communication on these issues to enable best practice to be disseminated around ComSec Member countries needs to be developed.</p> <p>It is clear that the terminologies used by ComSec and by other national experts needs to be reviewed and made "future proof" and hence may need rebranding. The issue over certain countries not completing the questionnaire as they didn't believe that ComSec provided an MBD service (only working on Continental Shelf Submissions) is a classic issue that needs addressing. The proposed Team Leader (Operations Director) then needs to initiate a Communications Plan (as part of a Stakeholder Engagement Plan) to better improve the MBD message, what it can deliver and the potential support and visibility this could bring ComSec.</p> <p>Improved visibility also needs to be clearly appreciative of changing ocean science demands. The changing ocean management agenda needs to be reflected in any new business model adopted by ComSec. Focusing purely on MBD issues may not be the way forward, though one needs to clearly determine what the next logical step is for ComSec in this regard. There is no point in declaring the organisation is the main point of call for all issues relating to Marine Spatial Planning (as an example), however, the proposed new Team Leader should be a respected focal "sign post" in this regard.</p> <p>Pursuing this scenario option in the future remains relevant to the needs of ComSec Member States.</p>
Impact and Sustainability	<p><i>"A strategic decision is made to incorporate other new disciplines into ELS portfolio that complements other SASD services being offered (i.e.: ocean governance/marine data management/marine exploitation advice/offshore renewables/offshore carbon storage/ICZM)"</i></p> <p>It appears unanimous that Member States would support any assistance or help from ComSec on future ocean governance issues. This is a clear indication that there is a long term future in the role of ComSec on future ocean governance related issues. The key areas for consideration (based on number of respondents) include assistance on marine planning negotiation skills, the management of ocean resources or assistance on the management of other coastal management related issues.</p> <p>Interestingly, the future requirement for legal assistance and technical support for MBD receives the least positive response in terms of future requirements. This is understandable as most respondents have, or shall have, received clear advice on delimitation issues. Now Member States need support towards maintaining their marine spatial area in situ and advice on managing the marine resources contained within these limits. Consequently, a broadening of emphasis away from delimitation and more towards management appears to be the strategic message for the MBD team. The core technical area of maritime legislation and law obviously remains a core service here.</p> <p>Future capacity building needs and requirements are likely to include issues relating climate change and sea level rise adaptation. This is a key area for SIDS in particular and is certainly as area that ComSec's existing climate change team need</p>

	<p>to reflect on. The possible need to “re-brand” existing MBD programmes to reflect this requirement may need to be considered in the future. It is apparent that ComSec staff or sub consultants are not assisting or advising Member States on the future needs or assistance that could be provided by the ComSec. It is granted that the MBD team currently in place would not be providing these services listed above (except for MBD or marine legal knowledge), however the Small States, Environment & Economic Management Section, which is part of the Economic Affairs Division, should be more closely involved in the debriefing from any ELS field mission undertaken.</p> <p>An example of where regional assistance is required, and should perhaps be focused on by ComSec is to help Commonwealth states in Africa achieve the goals of the African Union Border Programme. The overall goal of this programme is the structural prevention of conflicts and the promotion of regional and continental integration and, more specifically:</p> <p><i>a) the facilitation of, and support to, delimitation and demarcation of African boundaries where such exercise has not yet taken place;</i></p> <p><i>b) the reinforcement of the integration process, within the framework of the RECs and other large scale cooperation initiatives;</i></p> <p><i>c) the development, within the framework of the RECs and other regional integration initiatives, of local initiative cross-border cooperation; and</i></p> <p><i>d) capacity building in the area of border management, including the development of special education and research programmes.</i></p> <p>With a focus on MBD related issues, ELS could (as a pilot project or focused area) seek to support Members States within the African Union to take the necessary steps to ensure that cross-border cooperation is included in the major international initiatives launched in favour of the continent, as well as play a coordination role and facilitate the exchange of information and good practices between the Regional Economic Communities. ComSec could support the African Union Border Programme should, on the basis of close coordination between the different levels concerned, by assisting in carrying out an inventory of African institutions that offer training in this domain, explore avenues for collaboration with relevant training centres outside Africa, and, on the basis of the above, design a capacity building programme in the area of MBD or ocean governance issues. ELS could also proactively assist Member States to take the following initial measures:</p> <p>a) launching of a Pan-African survey of maritime borders, through a questionnaire to be sent to all Member States, in order to facilitate the delimitation and demarcation of African maritime borders;</p> <p>b) identification of pilot regions or initiatives for the rapid development of regional support programmes on cross-border marine cooperation, as well as support for the establishment of regional funds for financing local cross-border cooperation;</p> <p>c) working out modalities for cooperation with other regions of the world to benefit from their experiences and to build the necessary partnerships;</p> <p>d) initiating an assessment with regard to capacity building;</p> <p>e) initiating the preparation of a continental shelf legal instrument on cross-border cooperation; and</p> <p>f) launching a partnership and resource mobilization process for the implementation of the AU Border Programme.</p>
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	Pursuing this scenario option in the future remains relevant to the needs of ComSec Member States.
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7. Conclusions and Recommendations

7.1 Conclusions

The evaluation team conclude that the MBD programme has been very successful and should continue as it has proven very worthwhile for Member States. Every effort should now be made to enhance or improve the programme in terms of its internal structure (staff needs, streamlining delivery etc) to better meet the future needs of Member States. There is a need to recognise the importance to diversify in the future and the main consideration from this evaluation is how SASD should consider an expansion to its current approach, not only in terms of team number growth and programme management improvements, but also in technical discipline areas.

It is acknowledged that ELS operates primarily on a country-specific and request-driven basis and, on the whole, this strategic approach has been effective. The evaluators do conclude that there is scope to enhance or improve this service by now considering complimentary methods of delivering advisory services that relate to future ocean governance. Based on a series of 3 possible future scenarios proposed in this report, the evaluators conclude that the most appropriate scenario to pursue in the short term is that of GROW (*i.e.: a strategic decision is made to grow the ComSec capacity to deliver the existing technical areas that support is provided for; i.e.: maritime boundary lawyers, geophysicists, hydrographers etc*) though with the potential to adopt aspects of the GROWDIV scenario where possible (*i.e.: diversify existing workloads into more ocean governance and management support*). Fisheries and offshore mining are two technical areas that could perhaps most easily be introduced to provide a more robust advisory service.

The evaluators conclude that if ComSec are to adopt aspects of this GROWDIV scenario option (to broaden their programme), they need to be clear about exactly what kinds of assistance could be provided (e.g.: assistance in helping Member States agree on the content of an Ocean Policy framework). In addition, ComSec need to agree and specify that significant additional investment in human resources would be required to make any kind of expansion effective. Finally, ComSec will need to recommend that additional assistance would only be offered to Member States who had made a genuine effort to conclude boundary agreements with their neighbours.

Given that ComSec has fairly limited resources, a programme focusing primarily on delimitation issues does actually make a lot of sense. The objectives are clearly-defined and the outcomes are, to a large degree, measurable. There is a lot of work still to be done in this area, and the evaluators lean towards recommending that any additional resources which may be available should be devoted to strengthening the current programme with strategic “quick technical win” areas of possible diversification, such as in the coastal planning, marine resource management and fisheries sectors.

7.2 Recommendations

7.2.1 Recommendation 1 - Capacity Building and Regional Focused (Demand Driven) Support

The missed opportunity of wider capacity building for Commonwealth nations on MBD related issues needs to be addressed. This message should not be confused with the misconception that the level of effective capacity building is measured by the number of meetings or workshops.

Focused regional training, holding appropriate and meaningful working sessions and face to face demand-driven advice is a real opportunity for ComSec and is something that needs to be considered in partnership with other specialised organisations, in light of lessons which could be learnt from Dalhousie University and Durham University (as examples). SOPAC (South Pacific), UNEP Grid-Arendal, Geoscience Australia, IFREMER and the UNESCO IOC are all other

organisations with whom knowledge and experience on capacity building exercises may be sought. Regional technical “skill transfer” areas for training could include:

- Conflict resolution in marine environments (regional);
- Marine Spatial Plan and ICZM planning at an marine ecosystem scale;
- Stakeholder engagement across marine borders (similar to those already partnered in conjunction with SOPAC to complement existing ELS country specific projects. It is understood that ongoing ComSec collaboration with regional organisations in the Pacific should continue, with the model being applied to Africa and the Caribbean where appropriate).

It is clear that a key region is being omitted from the above mission regions, notably the South Pacific region. Due to time constraints, this region is not included within the evaluation; however, ComSec may see significant benefit in including the Pacific region (which includes Papua New Guinea) into the project. The evaluators have been in contact with Papua New Guinea and the Cook Islands, and both see significant benefit in ComSec organising regional meetings on MBD so that a transfer of knowledge and skills could occur. A mission to this region can be designed as a focused as a pilot project to demonstrate and test the new regionalisation model proposed above.

The evaluators therefore recommend the following short term intervention measures to help improve performance of ELS MBD interventions:

- **Recommendation 1.1** - Prepare a Guide on Regional Working on maritime boundary issues.
- **Recommendation 1.2** - Carry out a focused ComSec evaluation of performance in the Pacific region to help complete Recommendation 1.1.
- **Recommendation 1.3** – Ensure a template is created within new ToRs for technical consultants that specifically includes appropriate knowledge transfer and training aspects within them. This is likely to involve the expert spending one or two days with government hydrographers/surveyors/cartographers talking through the work that was undertaken and exploring whether they actually have the skills needed to undertake such work themselves.
- **Recommendation 1.4** – To help test the success of Recommendation 1.1, ComSec should seriously consider setting up a programme of regional workshops or training seminars on MBD or wider ocean governance issues both within and outside of the Pacific Region. There is a place for short, intensive training workshops, but while they generate enthusiasm and enable stakeholders to get a sense of how the process works and how they can contribute to it, they have little lasting impact in terms of capacity building. Such regional intervention (be it through a workshop or working event) would therefore have to be designed to complement and not replace country specific projects (demand-driven from a specific nation).

7.2.2 Recommendation 2 – Revised Programme and Resource Management

As the challenges of the future are unknown, the future of the Maritime Boundary Delimitation Programme needs to be considered; how to improve the services, whether the current team resources are appropriate and sufficient.

The current human resources of the ELS need to be reviewed. It is evident that the programme cannot be sustained under present staffing conditions with one Legal Advisor who oversees the delivery of the technical work and who is also tasked with carrying out all of the project management and administrative work to set the project up. Improvement to the team structure and support (that reflects the project complexity and specifications etc) is needed to demonstrate tangible improvements to the services provided by ComSec in the future.

A review of the current proposed project management framework and administrative support approach is therefore needed. The evaluators therefore recommend the following short term intervention measures to help improve performance of ELS MBD interventions:

- **Recommendation 2.1** - Attempts need to be made to regionalise (Pacific/Africa/Caribbean etc) the Project Appraisal Form (PAF) approach to help speed up project team administration, and sub-consultant contract issues. This rationalisation of administration under a “regional” context could save both time and money to ELS by consolidating a series of existing tasks that already need to be undertaken. This should seek to improve project management flexibility and other administrative burdens. This would need to be executed in tandem with a review of staff resources (see below). This should include an improved “regional” roster of pre-approved legal and technical experts from which ELS could select suitable experts for project assignments on a case-by-case or regional basis.
- **Recommendation 2.2** - Creation of a formal Communications Plan at the outset of each project which may be used as a Service Delivery Agreement (SDA) between ComSec, their sub-consultant and the recipient country demanding the request for support. Recipient countries can through this approach, be clear on what the consultant is supposed to deliver (i.e.: possibly to include their Terms of Reference as a separate Annex).

ELS need to add to existing in-house staff to maintain the high quality of advisory assistance and the reputation of the programme. This does not mean that staffing levels need to be drastically increased and it is not recommended that the team need to have a suite of in-house technical experts. The existing strategy of using technical experts as sub-consultants remains a valid one and provides the flexibility to ELS that is most sustainable in a financial sense.

There is currently a legal advisor position advertisement that has been frozen pending the outcome of this review. The evaluators strongly recommend that this position should be re-advertised as soon as possible, though there needs to be a reality caveat placed on this recommendation.

- **Recommendation 2.3** – Re-advertise and fill (if appropriate) the outstanding Marine Legal Advisor role (with caveat).

The caveat placed on this recommendation is that should the position not be filled with an appropriate legal expert within 3 months that the advert is re-designed to advertise for a “Senior Marine Expert”. The evaluators do not recommended that ComSec keep pursuing the need for in-house maritime lawyers which may not exist. This strategy to keep pursuing a MBD legal advisor is highly likely to fail long term, as there is not a huge pool of such experts available, and instead, an expert who has experience as being a strong technical strategic marine manager (who already has a network of other technical experts to help with finding good sub consultants, including marine lawyers) is a more realistic aspiration and one that would bring high impact to the ELS MBD programme and is a strategy that is far more achievable. It is acknowledged that legal advice is critical, through the potential push to diversify into ocean management and governance may not require legal advice as acutely. Instead, economists, marine planners and scientific advisors in many technical areas are more likely to be of demand by Members States in the coming years.

7.2.3 Recommendation 3 - Improving ComSec Visibility on MBD issues

Re-branding of the Commonwealth Secretariat Maritime Boundary Programme was discussed, to market the service as ‘advisory’ body for all marine resources and maritime issues, making the services more visible and accessible. Two possible re-titled names for the group are:

- *Programme of Technical Assistance in the Definition of National Maritime Space;*
- *Programme of Technical Assistance in Ocean Governance and the Law of the Sea.*

As ELS is essentially demand-driven and requires concrete requests from Member Countries before it is in a position to deliver advice and assistance on ocean governance or management issues. To this end, it should be the responsibility of ELS to help better communicate the areas in which it may be able to support Member States on. It is likely that technical areas involving fisheries, deep sea mining and possibly adaptation to sea level rise are areas that could immediately be communicated as technical support areas. The existing website may well be the tool used to convey this message to Member States. It is the recommendation of the evaluators that a team is established to prepare a Marine Support Strategy which may be disseminated widely. Sea level rise is anticipated to be the source of numerous maritime issue advice requests in the future, as well as the Law of the Sea. Sea level rise is expected to be a particular problem and source of maritime issues for Small Island Developing States.

The evaluators therefore recommend the following short term intervention measures to help improve performance of ELS MBD interventions:

- **Recommendation 3.1** - Introduce a title re-branding of the ELS MBD services to help avoid confusion (as was found during this evaluation project) on terminologies used.

7.2.4 Recommendation 4 – Diversifying the Technical Advice

Linked to Recommendation 3 above, the evaluators recommend that ELS at least consider the progressive expansion of technical advisory services into contiguous areas of ocean governance. This would enable ELS to respond to the needs and priorities of Member Countries and provide a more holistic service in the future. The staffing issues raised in Recommendation 3 above are relevant to the success of this aspiration being delivered.

The evaluators therefore recommend the following short term intervention measures to help improve performance of ELS MBD interventions:

- **Recommendation 4.1** - Production of a “Communications Guide” guide to help all sub consultants better relay future ELS assistance that would be offered in the future in relation to ocean governance.
- **Recommendation 4.2** - Attempts to partner with other funding institutes to potentially make use of other organisation Trust Fund support money (e.g.: software from the UN to assist in continental shelf submission work).

7.3 Action Plan

The following represents the evaluators proposed list of actions that SASD should be considering to take forward in the near future. Timescale indications are presented to provide an indication of anticipated delivery programme expectations (short term – within 12 months, medium term – within 3 years).

Evaluation Heading	Recommendation Number and Description	Timescale (short/med term)
Relevance	<u>Recommendation 3.1</u> - Introduce a title re-branding of the ELS MBD services to help avoid confusion on terminologies used.	short
	<u>Recommendation 4.2</u> - Attempts to partner with other funding institutes to potentially make use of other organisation Trust Fund support money.	medium
Efficiency	<u>Recommendation 1.2</u> - Carry out a focused ComSec	short

	evaluation of performance in the Pacific region to help complete Recommendation 1.1	
	Recommendation 2.1 - Regionalise (Pacific/Africa/Caribbean etc) the Project Appraisal Form (PAF) approach to help speed up project team administration, and sub-consultant contract issues.	short
Effectiveness	Recommendation 2.2 - Creation of a formal Communications Plan at the outset of each project which may be used as a Service Delivery Agreement (SDA) between ComSec, their sub-consultant and the recipient country demanding the request for support.	Short/medium
	Recommendation 2.3 – Re-advertise and fill (if appropriate) the outstanding Marine Legal Advisor role (with caveat).	short
Impact and Sustainability	Recommendation 1.1 - Prepare a Guide on Regional Working on maritime boundary issues	short
	Recommendation 1.3 – Ensure a template is created within new ToRs for technical consultants that specifically includes appropriate knowledge transfer and training aspects within them.	short
	Recommendation 1.4 – To help test the success of Recommendation 1.1, ComSec should seriously consider setting up a programme of regional workshops or training seminars on MBD or wider ocean governance issues both within and outside of the Pacific Region	medium
	Recommendation 4.1 - Production of a “Communications Guide” guide to help all sub consultants better relay future ELS assistance that would be offered in the future in relation to ocean governance.	short/medium

Appendix A – Terms of Reference

Evaluation of the Commonwealth Secretariat's Programme of Technical Assistance on Maritime Boundary Delimitation

1. Background

The Commonwealth Secretariat has a Forward Programme of Evaluations for the Four-Year Strategic Plan 2008/09 - 2011/12, under which the Strategic Planning and Evaluation Division (SPED) will implement a programme of Evaluation studies. SPED in collaboration with the Special Advisory Services Division (SASD) is seeking to carry out an evaluation of its programme of technical assistance to Member governments on the delimitation of maritime boundaries.

This programme is executed by the Economic and Legal Section (ELS) of SASD. Assistance is provided on a country specific, regional and sub-regional basis and to regional organisations. It comprises (a) legal, policy and technical (scientific) advice on the review and updating of maritime zones legislation; construction of maps and charts; preparation of desktop studies; preparation of extended continental shelf submissions under the 1982 UN Law of the Sea Convention (UNCLOS); and (b) support to governments in the preparations for and conduct of maritime boundary delimitation negotiations with third States.

2. Purpose

The purpose of this evaluation is to help ELS increase the effectiveness and impact of its technical assistance through the analysis of its continued relevance to Commonwealth coastal and island developing States, the priorities and needs of Member States; the programme's effectiveness and efficiency in delivering the assistance, ELS management and execution of the programme; the required resources; and the sustainability of its benefits to Member States.

3. Scope and Focus

The evaluation period is 2003 - 2008 and during this time the following countries and regional organisation have benefitted from Maritime Boundary Delimitation (MBD) assistance: Mauritius, Tonga, Seychelles, Guyana, Ghana, Grenada, Sierra Leone, Papua New Guinea, Kiribati, Mozambique, Solomon Islands, Samoa, Fiji, Sri Lanka and the OECS Secretariat. New requests for assistance have emanated from the Maldives and Jamaica. Other important elements of this evaluation would also include an evaluation of the past record of activity undertaken under the programme, the extent to which ELS has and can retain comparative advantage in delivering advisory services in this area taking into account the nature of demand by governments for assistance of this kind and how this demand is being met and is likely to be met in the future from other sources (e.g. other agencies). A related aim of the evaluation will be to identify how the visibility of the work can be improved in the international community.

4. Methodology

The Consultant will conduct the evaluation, to include:

The study/review of pertinent ComSec MBD- related records and data, including previous evaluation reports; Interviews of SASD personnel and others engaged in the delivery of advisory services, i.e. external consultants;

Interviews, in accordance with a programme to be agreed by the Director of SASD, of selected governments and selected regional and multi-lateral agencies engaged in provision of Law of the Sea advisory services; Such additional activities as may be agreed with SPED/SASD to enable information to be obtained from sources of relevant data.

5. Deliverables

The evaluation study will provide the following deliverables to the Secretariat:

1. Evaluation workplan and methodology;
2. Draft evaluation report;
3. A seminar/presentation of the findings and recommendations; and
4. Final evaluation report, incorporating feedback/ comments.

The deliverables must be submitted to SPED electronically as a Microsoft document. A draft Evaluation Report is to be submitted within two weeks of completion of the fieldwork stage. Following the presentation of the evaluation findings at a seminar at the Secretariat and receipt of feedback comments from the Secretariat and other stakeholders on the draft report, the evaluator is expected to submit a revised final Evaluation Report. The draft (and final) Evaluation Reports must be no more than 50 pages, excluding all annexes.

6. Level of Effort and Schedule of Evaluation

It is estimated that up to 60 consultant days will be appropriate to complete the study, including agreed fieldwork visits, which should be planned for the November 2009. This schedule will enable a final report to be prepared by January 2010.

7. Selection

The evaluator would be selected by a tender panel on the basis of an assessment of candidates possessing the requisite expertise and competencies. These will include:

- experience in the delivery of specialist maritime boundary advisory services to developing countries;
- experience of the nature of issues associated with the preparation for and delimitation of maritime boundaries; and
- experience in reviewing and evaluating technical assistance programmes.

Appendix B Digital Online Questionnaire

The Future of Ocean Management For Commonwealth Nations

An Evaluation of the Commonwealth Secretariat's Programme of Technical Assistance on Maritime Boundary Delimitation

We need your views – an Important Questionnaire!

The Commonwealth Secretariat (ComSec) has contracted Atkins Ltd to assist it in providing an understanding of the technical and administrative support it provides, both now and in the future, to Commonwealth Member States on Maritime Boundary Delimitation (MBD). This includes all advice relating to maritime boundaries - delimiting maritime boundaries with neighbouring States; defining baselines and limits of the territorial sea and exclusive economic zone (EEZ); and (where relevant) defining the outer limit of the continental shelf beyond 200 nautical miles (nm).

This questionnaire is designed to gather your views and provide information to the ComSec ELS to help them increase the effectiveness and impact of their assistance in relation to:

- The priorities and needs of small island and coastal Commonwealth Member States;
- The effectiveness and efficiency of the ComSec in delivering assistance;
- ComSec management and execution of its assistance;
- The sustainability of ComSec benefits to Member States;
- The future resources needed by ComSec to deliver for Member States.

Your responses shall be followed up with phone calls and (in places) site visits during March 2010 to discuss your responses in more detail. The lessons learnt through this evaluation (due to be completed by May 2010) will advise ComSec on where improvements can be made in the future in light of the changing status of maritime boundaries globally.

Background to the Project

Assistance on MBD is provided by the Economic and Legal Section (ELS) of the Special Advisory Services Division (SASD) of the ComSec on a country specific, regional and sub-regional basis and to regional organisations. Assistance comprises of:

- (a) Legal, policy and technical (scientific) advice** on the review and updating of maritime zones legislation; construction of maps and charts; preparation of desktop studies; preparation of extended continental shelf submissions under the 1982 UN Convention on the Law of the Sea (UNCLOS) and
- (b) Support to governments** in the preparations for and conduct of maritime boundary delimitation negotiations with third States.

In addition to this questionnaire, the project will also include an evaluation of the past record of activity undertaken under the programme, the extent to which ComSec ELS has and can retain comparative advantage in delivering advisory services in this area, taking into account the nature of demand by governments for assistance of this kind, how this demand is being met and is likely to be met in the future from other sources (e.g. other agencies).

Objectives of this Questionnaire

The questionnaire provides Member States with the opportunity to comment on the strengths and weaknesses of the current ComSec ELS Programme of advice on MBD and on the opportunities for future assistance. The analysis of responses will advise the ComSec ELS on how to better target its actions and delivery in the future, focussing on MBD and wider ocean management issues.

To aid in completion and analysis of the responses, the questionnaire has been divided into the following Parts:

- **PART A** – Country specific details, contacts and issues surrounding MBD and ComSec support;
- **PART B** – Evaluation of current and past ComSec ELS performance including questions on:
 - **Relevance** - the extent to which the objectives of the programme are consistent with the country needs and global priorities
 - **Effectiveness** - the extent to which the programme and country objectives were achieved, or are expected to be achieved, taking into account their relative importance
 - **Efficiency** - how economically the resources/inputs have been converted into results
 - **Impact** - positive and negative, primary and secondary long-term effects produced by the intervention of the ComSec, directly or indirectly, intended or unintended
- **PART C** – Sustainability and Future Ocean Management Support - the continuation of benefits from the MBD Programme after assistance has been completed and likelihood of continued long-term benefits and possible other ocean management drivers that may require assistance and support.

The questionnaire can be completed **online** at:

www.commonwealth-maritime-evaluation.com

Alternatively, the **hard copy** of the questionnaire can be completed and returned to the following address:

Stacey Beddows,
Atkins Ltd,
Chadwick House,
Birchwood Science Park,
Warrington,
WA3 6AE
UK

Or **e-mailed** to Stacey.Beddows@atkinsglobal.com

Please respond to the questionnaire by midday (GMT) FRIDAY 5 FEBRUARY 2010 at the latest.

Thank you in advance for your participation in this important project.

PART A - Country specific details, contacts and issues

Correspondent Details (not required, if you wish to remain anonymous)

NAME:

POSTAL ADDRESS:

EMAIL:

Country - Please select the Commonwealth country you represent.

- | | | |
|---|--|---|
| Antigua and Barbuda <input type="checkbox"/>
(Caribbean) | Kenya (Africa) <input type="checkbox"/> | St Vincent and the
Grenadines (Caribbean) <input type="checkbox"/> |
| The Bahamas (Caribbean) <input type="checkbox"/> | Kiribati (Pacific) <input type="checkbox"/> | Samoa (Pacific) <input type="checkbox"/> |
| Bangladesh (Asia) <input type="checkbox"/> | Lesotho (Africa) <input type="checkbox"/> | Seychelles (Africa) <input type="checkbox"/> |
| Barbados (Caribbean) <input type="checkbox"/> | Malawi (Africa) <input type="checkbox"/> | Sierra Leone (Africa) <input type="checkbox"/> |
| Belize (Caribbean) <input type="checkbox"/> | Malaysia (Asia) <input type="checkbox"/> | Singapore (Asia) <input type="checkbox"/> |
| Botswana (Africa) <input type="checkbox"/> | Maldives (Asia) <input type="checkbox"/> | Solomon Islands (Pacific) <input type="checkbox"/> |
| Brunei Darussalam (Asia) <input type="checkbox"/> | Malta (Europe) <input type="checkbox"/> | South Africa (Africa) <input type="checkbox"/> |
| Cameroon (Africa) <input type="checkbox"/> | Mauritius (Africa) <input type="checkbox"/> | Sri Lanka (Asia) <input type="checkbox"/> |
| | Mozambique (Africa) <input type="checkbox"/> | Swaziland (Africa) <input type="checkbox"/> |
| Cyprus (Europe) <input type="checkbox"/> | Namibia (Africa) <input type="checkbox"/> | Tonga (Pacific) <input type="checkbox"/> |
| Dominica (Caribbean) <input type="checkbox"/> | Nauru (Pacific) <input type="checkbox"/> | Trinidad and Tobago
(Caribbean) <input type="checkbox"/> |
| The Gambia (Africa) <input type="checkbox"/> | Nigeria (Africa) <input type="checkbox"/> | Tuvalu (Pacific) <input type="checkbox"/> |
| Ghana (Africa) <input type="checkbox"/> | Pakistan (Asia) <input type="checkbox"/> | Uganda (Africa) <input type="checkbox"/> |
| Grenada (Caribbean) <input type="checkbox"/> | Papua New Guinea (Pacific) <input type="checkbox"/> | United Republic of Tanzania
(Africa) <input type="checkbox"/> |
| Guyana (Caribbean) <input type="checkbox"/> | Rwanda (Africa) <input type="checkbox"/> | Vanuatu (Pacific) <input type="checkbox"/> |
| India (Asia) <input type="checkbox"/> | St Kitts and Nevis
(Caribbean) <input type="checkbox"/> | Zambia (Africa) <input type="checkbox"/> |
| Jamaica (Caribbean) <input type="checkbox"/> | St Lucia (Caribbean) <input type="checkbox"/> | |

Do you have any maritime boundaries with neighbouring States / countries?

Yes ☐

No ☐

If 'no', please go to Part C

How many maritime boundaries do you have? (Please State the number)

.....
.....

How many of your maritime boundaries have not been delimited i.e.: not defined in law or by international agreement? (Please State the number)

.....
.....

How important to your nation is having totally defined marine boundaries?

Very High ☐ High ☐ Moderate ☐ Low ☐ Very Low ☐

Does your country currently have a maritime boundary dispute / issue with a neighbouring country?

Yes ☐ Recently (since 2003) ☐ No ☐

If 'no', please go to Part B

If you do have a current or recent dispute, what is/was the nature of the dispute(s)?

Territorial claim ☐ Living marine resource claim (e.g.: fishing grounds) ☐ Non living resource claim (e.g.: mineral rights) ☐ Rights to navigation ☐ Other ☐

Is there a ministry/agency / group / individual with primary responsibility for maritime delimitation issues and coordinating maritime delimitation activities (linked to wider ocean management)?

Yes ☐

No ☐

If 'no', please go to Part B

If 'yes' please provide details

Does the ministry/agency / group / individual possess the necessary skills and resources to engage in maritime boundary delimitation without the aid of external support (e.g.: ComSec)?

Yes ☐

No ☐

To some extent ☐

Please qualify your response

PART B – Evaluation of Past and Current Performance

Relevance of ComSec Contribution to your Nation

Have you sought advice from ComSec on Maritime related issues over the past 10 years?

Yes ☐

No ☐

If 'no', please go to Part C

Which of the following services did you request from ComSec?

	Please tick
Legal advice and negotiation support in maritime boundary delimitation	<input type="checkbox"/>
Provision of legal assistance through staff secondments or use of sub-consultants (Human Resources)	<input type="checkbox"/>
Strategic framework support for small island States on maritime boundaries	<input type="checkbox"/>
Geological or hydrographic technical support to help with maritime boundary delimitation (Geosciences advice)	<input type="checkbox"/>
Mapping support services to help present the outer limits of your country's continental shelf	<input type="checkbox"/>
Workshops or training on trans-boundary or ocean related issues	<input type="checkbox"/>
Funding support only	<input type="checkbox"/>
Other.....	<input type="checkbox"/>

How would you rate the level of knowledge and awareness on maritime law and maritime boundary delimitation by ComSec staff?

Full Awareness / Knowledge ☐ Reasonable ☐ Moderate ☐ Little ☐ No Awareness / Knowledge ☐

How would you rate the level of knowledge and awareness of local ocean issues demonstrated by ComSec staff?

Full Awareness / Knowledge ☐ Reasonable ☐ Moderate ☐ Little ☐ No Awareness / Knowledge ☐

How well did ComSec assist you in identifying case law and other State practice relevant to your maritime delimitation scenario?

Very sufficiently ☐ Sufficiently ☐ Not sufficiently ☐

What were or are the key obstacles to concluding maritime boundary agreements with your neighbouring States? (Please tick all that apply)

Lack of political will ☐ Lack of legal expertise ☐ Lack of technical expertise ☐ Lack of financial resources for research/assistance ☐ Communication and administrative challenges ☐

☐☐

If your boundary issue has been resolved or is being addressed by ComSec, how appropriate was / is the technical assistance and support in attempting to address these obstacles?

Very appropriate

☐

Appropriate

☐

Moderately
appropriate

☐

Inappropriate

☐

Very inappropriate

☐

Where possible please provide details below of how this assistance was / was not relevant in attempting to address long standing obstacles.

Effectiveness of ComSec Contribution to your Nation

How was the advice and the service from ComSec provided?

Personal
visit ☐

Written advice ☐

Digital
communication ☐

Telephone ☐

Other ☐

If 'Other', please State

With regard to the support provided by ComSec, please assess how effective the intervention has been in delivering its purpose?

		Effective	Ineffective	Somewhat effective
Legal Support	Legal advice and negotiation support in maritime boundary delimitation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	The provision of legal assistance through staff secondments or use of sub-consultants (Human Resources)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Other.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Technical Support	Geological or hydrographic technical support to help with maritime boundary delimitation (Geosciences advice)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Mapping support services to help present the outer limits of your nations continental shelf	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Workshops or training on trans-boundary or ocean related issues	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Funding support only	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Other.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please elaborate on your answer with specific examples to demonstrate your reasoning. Why were some approaches effective / ineffective / only somewhat effective?

Please continue and attach additional sheets if necessary!

Do you agree that ComSec helped you to evaluate the strengths and weaknesses of your negotiating positions and those of your neighbours?

Strongly agree

☐

Agree

Neither agree nor

☐

disagree

☐

Disagree

☐

Strongly Disagree

☐

To what extent have issues over maritime boundaries been resolved with the help of the ComSec?

Completely resolved ☐

Somewhat resolved ☐

Not resolved ☐

Overall, on a scale of 1-10, how effective was the assistance provided by consultants or ComSec Maritime Boundary Delimitation Programme team? (Where 1 is least effective and 10 highly effective)

Scale 1-10

.....

Please elaborate on the reason for the score.....

Efficiency of ComSec Contribution to your Nation

How long did ComSec take to respond to your initial query regarding maritime boundary issues?

Less than 1 week ☐ Between 1 and 3 weeks ☐ Over 3 weeks ☐

How much assistance was provided by ComSec?

Less than 1 week ☐ Between 1 and 3 weeks ☐ Over 3 weeks support ☐

Were the agreed tasks completed within the agreed project programme?

Yes ☐ No ☐ To some extent ☐

Please elaborate on your answer with specific examples to demonstrate your reasoning. Why were some approaches effective / ineffective?

Based on the technical difficulty of the support requested and regardless of the length of time spent, how efficient was the support from ComSec in aiding effective resolution of the issue?

Very Efficient ☐ Efficient ☐ Fair ☐ Inefficient ☐ Very Inefficient ☐

Please elaborate on your answer with specific examples, where appropriate, to demonstrate your reasoning and identify how ComSec can improve its efficiency when providing support on maritime boundaries.

Was there a single point of contact from ComSec throughout the assistance provided?

Yes ☐ No ☐ To some extent ☐

Following completion of any assistance received from ComSec, do they continue to have regular contact with your Country?

Yes ☐ No ☐ To some extent ☐

Following completion of any assistance received from ComSec, were you satisfied with the level of continued contact with your Country?

Yes ☐ No ☐ To some extent ☐

Did you supply feedback following services provided by the Commonwealth Secretariat?

Yes, formal feedback ☐

Yes, informal feedback ☐

No ☐

Are you aware of the procedure to provide feedback on ComSec's performance?

Yes ☐

No ☐

Have you sought legal and/or technical assistance from groups/ ministries/ consultants other than ComSec's Maritime Boundaries Delimitation team?

Yes ☐

No ☐

IMPACT OF COMSEC CONTRIBUTION TO YOUR NATION

Did the assistance provided by ComSec make an impact to your nation in any of the following subjects / issues?

	Positive impact	Minimal Impact	Negative impact
Legal Advice	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Local Culture and Dialogue	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Legal Negotiation support	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Training and knowledge transfer	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Geosciences and continental shelf	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Geomorphology/hydrography advice	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Funding Knowledge	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mapping services and/or IT issues	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please elaborate on your answer with specific examples, where appropriate.

Do you agree that overall the input from ComSec's Maritime Boundary Delimitation programme has had a positive impact on your Country?

Strongly agree

☐

Agree

Neither agree nor

☐

disagree

☐

Disagree

☐

Strongly Disagree

☐

Overall, on a scale of 1-10, how successful has ComSec's assistance been in bringing about a permanent resolution of your Country's maritime boundary issues? (Where 1 is least effective and 10 highly effective)

Scale 1-10

.....

Please elaborate on the reason for the score.....

When was the assistance of most value to your Country?

a) For boundary negotiations:

Before negotiations ☐

During negotiations ☐

After negotiations ☐

b) For continental shelf definition studies:

During desktop
study phase

☐

During preparation
of preliminary
information

☐

During preparation
of full submission

☐

During presentation
to CLCS

☐

After publication of
CLCS
recommendations

☐

What levels of legal and technical expertise relating to MBD existed in your government prior to the involvement of ComSec?

Good Staff/Departments existed but
now better trained ☐

Low levels of expertise with few
staff ☐

No staff

☐

PART C – SUSTAINABILITY AND FUTURE OCEAN MANAGEMENT SUPPORT

How has ComSec input helped to improve your Country's appreciation of the following aspects of maritime boundary delimitation?

	Significantly enhanced	Increased knowledge	No change	Please elaborate on your answer
Negotiating Boundaries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Technical aspects of the definition of maritime space?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Legal understanding of relevant provisions of maritime law?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Options for dispute resolution?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Drafting a boundary agreement?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Geosciences and hydrographic survey?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Would you seek or accept help from ComSec on future ocean management related issues?

Yes ☐

No ☐

Possibly ☐

If yes, which future services would you consider to be relevant to your country?

Please tick as many as appropriate

	Highly likely	Less likely
The legal regimes of maritime space	<input type="checkbox"/>	<input type="checkbox"/>
Negotiation skills	<input type="checkbox"/>	<input type="checkbox"/>
The maritime boundary issues of small island and coastal States	<input type="checkbox"/>	<input type="checkbox"/>
The technical tasks associated with maritime boundary delimitation (geosciences or hydrography etc)	<input type="checkbox"/>	<input type="checkbox"/>
Defining the outer limits of the continental shelf	<input type="checkbox"/>	<input type="checkbox"/>
Management of trans-boundary ocean resources	<input type="checkbox"/>	<input type="checkbox"/>
Other ocean management or coastal management issues	<input type="checkbox"/>	<input type="checkbox"/>

What future issues or capacity building needs associated with wider ocean and coastal management do you foresee for your country?

	Foreseen future issue	Issue addressed without the help of the CS	Issue addressed with the help of the CS	Please elaborate on your answer
Sea level rise	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Climate change	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maritime boundary delimitation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marine specific technical knowledge gap (geosciences etc)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marine legal knowledge gap	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marine resources management	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fisheries management	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Offshore mining	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Were the issues listed in Q41 above discussed by ComSec when they provided their assistance?

	Yes	No
Sea level rise	<input type="checkbox"/>	<input type="checkbox"/>
Climate change	<input type="checkbox"/>	<input type="checkbox"/>
Maritime boundary delimitation	<input type="checkbox"/>	<input type="checkbox"/>
Marine specific technical knowledge (geosciences etc)	<input type="checkbox"/>	<input type="checkbox"/>
Marine legal knowledge	<input type="checkbox"/>	<input type="checkbox"/>
Marine resources management	<input type="checkbox"/>	<input type="checkbox"/>
Fisheries management	<input type="checkbox"/>	<input type="checkbox"/>
Offshore mining	<input type="checkbox"/>	<input type="checkbox"/>
Other.....	<input type="checkbox"/>	<input type="checkbox"/>

In your opinion, how could ComSec improve their services in helping to resolve maritime boundary disputes?

Please tick all that apply

Communication ☐ More site visits ☐

Written correspondence ☐

	Digital correspondence	<input type="checkbox"/>
	Other.....	<input type="checkbox"/>
Efficiency <input type="checkbox"/>	More efficient initial response	<input type="checkbox"/>
	More efficient final delivery	<input type="checkbox"/>
	Other.....	<input type="checkbox"/>
Resources <input type="checkbox"/>	More staff to assist with legal expertise	<input type="checkbox"/>
	More staff to assist with technical expertise	<input type="checkbox"/>
	Other.....	<input type="checkbox"/>

Thank you for your time filling in this questionnaire. Once completed please return to:

**Stacey Beddows,
Atkins Ltd,
Chadwick House,
Birchwood Science Park,
Warrington,
WA3 6AE
UK**

Stacey.Beddows@atkinsglobal.com

Appendix C List of Persons Consulted

Questionnaire Recipients (those invited to respond)

Cook Islands

Sir	Maoate	Terepai	Deputy Prime Minister, Government of the Cook Islands P.O. Box 26, Maire Nui Drive, Raratonga, Cook Islands	Deputy Prime Minister
Mr	Mitchell	Mike	Ph: +682 29 030. Fax: +682 29 056 Secretary, Ministry of Foreign Affairs and Immigration Government of the Cook Islands, P.O. Box 105, Raratonga	Ministry of Foreign Affairs
Mr	Mataoroa	Keu	Cook Islands. Ph: +682 29 347. Fax: +682 21 247 Executive Officer, Ministry of Works P.O. Box 102, Arorangi Main Road, Raratonga, Cook Islands.	Ministry of Works

Ghana

Mr	Fobih	Dominic	Minister for Education, Science & Sports, Chairman, Ministerial Oversight Committee P.O. Box M45, Accra, Ghana. Ph: +233 21 662 772	Minister
Dr	Mohenu	E.A	Chairman, Steering Committee, Project Secretariat c/o Geological Survey Department, P.O. Box M 80 Accra, Ghana. Ph: +233 242 868 201	Steering Committee

Guyana

H E Dr	Harper	Elisabeth	Ambassador, Ministry of Foreign Affairs, Takuba Lodge, 254 South Road & New Garden Streets, Georgetown Ph: +1 592 223 0714. Fax: +1 592 22 59192	Ambassador
Dr	George	Keith	Director, Frontiers Department, Ministry of Foreign Affairs 254 South Road & New Garden Streets, Georgetown Ph: +1 592 223 0714. Fax: +1 592 22 59192	Ministry of Foreign Affairs

Jamaica

Ms	Walker	Michelle	Legal Adviser, Ministry of Foreign Affairs & Foreign Trade, Kingston 5, Jamaica W.I. Ph: +1 876 926 4220-8	Ministry of Foreign Affairs
Mr	Wright	Raymond	Director, Petroleum Corporation of Jamaica, 36 Trafalgar Road, P.O.Box 579, Kingston 10, Jamaica W.I.	Petroleum Corporation

Ph: +1 876 929 5380

Kenya	Mr	Kagasi	John	Secretary, Taskforce on the Delineation of Kenya's Outer Continental Shelf, Kencom House, 2nd Floor, Wing A,	Government Taskforce
	Ms	Nkoroi	Juster	Chairperson, Taskforce on the Delineation of Kenya's Continental Shelf, Kencom House, 2nd Floor, Wing A, Room 72, P.O. Box 45986, Nairobi, Kenya	Government Taskforce
Maldives	Mr	Naseem	Ahmed	Minister of State for Foreign Affairs, Boduthakurufaan Magu, Male, 20077, Republic of Maldives. Ph: +960 330 4113	Minister
	Ms	Inaya	Fathmath	Director, Ministry of Foreign Affairs, Boduthakurufaan Magu, Male, 20077, Republic of Maldives. Ph: +960 360 4109	Ministry of Foreign Affairs
	Ms	Didi	Hawla	Deputy Minister, Ministry of Foreign Affairs, Male, 20077, Republic of Maldives. Ph: +960 360 4108	Ministry of Foreign Affairs
Mauritius	Mr	Seeballuck	Chundre	Secretary to Cabinet & Head of Civil Service New Treasury Building, Port Louis, Republic of Mauritius. Ph: + 230 201 28 50.	Head of Civil Service
	Amb.	Koonjul	Jagdish	Ambassador, Ministry of Foreign Affairs, International Trade & Cooperation, New Government Centre, Port Louis, Republic of Mauritius. Ph: +230 201 35 70.	Ambassador
	Dr	Bhikajee	Mitrasen	Mauritius Oceanography Institute, 4th Floor, France Centre, Victoria Avenue, Quatre Bornes, Republic of Mauritius. Ph: +230 427 44 32.	Mauritius Oceanography Institute
Mozambique	Mr	Boloi	Oldemiro	Minister for Foreign Affairs and Cooperation, Avenida 10 de Novembro, N.640, Maputo, Mozambique. c/o H E Antonio Gumende, High Commissioner, Mozambique High Commission. 21 Fitzroy Square, London W11 6EL. Ph: (020) 7383 3800. Fax: (020) 7383 3801.	Minister
Papua New Guinea	Ms	Masio	Nidung	Legal Adviser, Department of Justice & Attorney-General	Department of Justice & Attorney General

Solomon Islands	Mr	Tolia	Donn	Coordinator Special Duties, Ministry of Mines, Energy and Rural Electrification, Department of Mines and Energy, P.O. Box G37, Honiara, Solomon Islands	Department of Mines and Energy
Seychelles	Dr	Payet	Rolf	Special Adviser to the President, PO Box 55, Victoria, Mahe, Seychelles. Ph: +248 295 610	President's Office
	Mr	Belle	Eddie	Deputy CEO, SEYPEC, PO Box 222 Victoria, Mahe, Seychelles	SEYPEC
	Mr	Chang-Tave	Raymond	Special Adviser, Ministry of National Development , Independance House, PO Box 648, Victoria, Mahe, Seychelles. Ph: +248 295 610	Ministry of National Development
Sierra Leone	Mr	Lukuley	Philip	Executive Director, Maritime Affairs Administration, Maritime House, Government Wharf Ferry Terminal, P.O. Box 313, Freetown, Sierra Leone. Ph: +232 222 212 15	Maritime Affairs
Sri Lanka	Dr	Kohona	Palitha	Secretary of Foreign Affairs, Ministry of Foreign Affairs, Republic Building, Colombo 01, Sri Lanka. Ph: + 94 11 2343197. Fax: +94 11 2446091	Ministry of Foreign Affairs
St.Kitts and Nevis	Mr	Hobson	McClean	Director/Maritime & Civil Aviation Affairs, Ministry of Transport, PO. Box 186, Water Services Building, Needsmust, St. Kitts W.I. Ph: + 1 869 466 7032.	Ministry of Transport
St Lucia	Ms	Estelle	George	C/0 Ministry of External Affairs, Government Buildings, Castries	egeorge_lebrun@gosl.gov.lc

Some additional contacts were included to this list from Atkins/Durham University links. These included:

- St Lucia OECS - Peter Murray;
- St Lucia External Affairs - Estelle George;
- Trinidad and Tobago: Mr Gerald Thomson, Legal Advisor, Ministry of Foreign Affairs:

- The Bahamas: Ms Jennifer Mangra, Chief Counsel, Office of the Attorney General, PO Box N-3007, Nassau.
Mozambique, Mr Boloi.

Atkins arranged separate meetings in London with Arif Baig (Acting ComSec Human Resources Manager) to discuss the consultant roster and related human resource/capacity related questions. In addition, meetings were held with Janet Strachan, of the Small States, Environment & Economic Management Section, which is part of the Economic Affairs Division. This section deals with climate change issues or issues relating to the environment and sustainable development. This area, whilst outside of the MBD work area, is deemed to be a technical parallel in the future with regard to small island State ocean management issues.

Respondents up to 5 February 2010

Country:	1. Correspondent Details (not required, if you wish to remain anonymous).						
	Name:	Address:	Address 2:	City/Town:	State:	ZIP/Postal Code:	Email Address:
Maldives	Yamane Adam Zahir						yamane@foreign.gov.mv
Sierra Leone	Philip S J Lukuley	Sierra Leone Maritime Administration	Government Wharf, Maritime House,	Freetown	Western Area	P O Box 313. 232 22	slmaoffice@yahoo.com
Papua New Guinea	Masio Nidung	c/ PNG Maritime Boundaries Delimitation Project	National Fisheries Authority, Level 11, Deloitte Tower	Port Moresby	National Capital District	PO BOX 2016	mnidung@yahoo.com.au - masio.nidung@global.net.pg
St. Lucia (OECS)	Peter A Murray	OECS Secretariat, Environment and Sustainable Development Unit	Morne Fortune	Castries		PO Box 1383	pemurray@oecs.org
	Estelle George	C/O Ministry of External Affairs, Government Buildings, Castries		Castries			egeorge_lebrun@gosl.gov.lc
Jamaica	Raymond Wright	36 Trafalgar Road, Kingston 10.		Kingston			raymond.wright@pcj.com
Cook Islands	Myra Patai	Director, International Organizations and Treaties	Ministry of Foreign Affairs and Immigrations	Rarotonga		PO BOX 105	legal@mfai.gov.uk; secfa@mfai.gov.uk;
Kenya	Task Force On Kenya's Outer Continental Shelf- Presidency And Cabinet Affairs Office	P.O Box 45986	Tel. +254 20 240610 Or +254 20 252159	Nairobi	Nairobi	100	taskforce@kenyaweb.com/ jkagasi@yahoo.com
Seychelles	Rolph Payet	P.O.Box 677		Victoria	MAHE	99999	rolphap@gmail.com

Issues Regarding Response Rate

It is acknowledged that the response rate for this exercise has been below that which was expected. There are some possible reasons for this and these are presented below.

Some questions have been misunderstood from certain Member Countries, and there appears to be an uncertainty over whether the ComSec have actually ever provided advice at all. Where this is clearly incorrect, attempts have been made to communicate (back to the Member State) the intervention that has taken place. An inconsistency in the use of certain terminologies used in the questionnaire may be a source of some confusion. For example, there is uncertainty over the meaning of the terms “maritime boundary delimitation” and “continental shelf submission”. Likewise, clarity may have been needed to help explain terms such as “ocean management, and “maritime disputes”. In future a glossary of terms up front should be presented.

Some responses stated that some questions posed within the questionnaire require institutional acceptance with regard to the answers provided and that a minimum of 2 weeks are estimated for an answer to be provided. All recipients, however, had the same amount of time to complete the survey. With the fact that there were so many questions raised, may have created internal issues in a country in order to attain the answers in the time period allocated by Atkins Ltd.

Atkins also received some responses (e.g.: from Kenya) concerning the technical detail of the questionnaire and whether they were qualified to actually complete the questionnaire. Some countries (Cook Islands) adopted a collective response approach to completing the questionnaire.

One potential problem (though Atkins have no evidence of for this project) was that of emails being automatically filtered as “junk mail” or where personal inbox sizes are too full to accept the request.

Finally, one problem of the online system appears to be linked to varying internet access time around the world. Whilst the questionnaire was designed NOT to have a cut off time (so respondents could take time in completing the form without the system closing down on them after say 20 minutes), some countries have a low speed of internet connection, that makes it difficult to answer it on line.

Appendix D Internal Staff Questionnaire

The following ComSec individuals were therefore engaged within the project internal questionnaire exercise.

1. Tyson Mason, Evaluation Section, Strategic Planning and Evaluation Division;
2. Yogesh Bhatt: Adviser and Head of Evaluation Section, Strategic Planning and Evaluation Division;
3. Joshua A Brien: Legal Adviser and Programme Leader (Maritime Boundaries), Special Advisory Services Division;
4. José Maurel: Director, Special Advisory Services Division
5. Arif Baig : Human Resources, ComSec;
6. Janet Strachan – Economic Affairs Division.

- What are the main challenges in delivering support to services to client States?
- How do the Commonwealth Secretariat Marine Boundaries Delimitation Programme team usually deal with issues that arise from Commonwealth States?
- How does ComSec deal with situations in which maritime boundaries need to be delimited with other Commonwealth States which are not being supported by ComSec?
- How do the SASD receive feedback from clients?
- Following previous evaluations of the Commonwealth Secretariat Marine Boundaries Delimitation Programme services, what actions have been taken to improve the service?

- Have the actions taken successfully improved the service in your opinion?
- What specialism do you most frequently outsource to provide the requested services?
- Have external experts always delivered at least an acceptable level of service?
- Others involved in the delivery of services – need contacts. Do they provide the same services as SASD personnel, different, etc. Need to know whether to ask the same / different questions
- Are you aware of other agency projects being undertaken that may be of relevance to the ComSec MBD team?
- Do you consider the team to be currently under resourced?
- Has it been difficult to recruit suitably-qualified legal and technical experts to advise the Commonwealth States supported by ComSec?

Appendix E – Field Mission Questionnaire

Evaluation of the Commonwealth Secretariat's Programme of Technical Assistance on Maritime Boundary Delimitation (MBD)

1. Background

The Commonwealth Secretariat has a Forward Programme of Evaluations for the Four-Year Strategic Plan 2008/09 - 2011/12, under which the Strategic Planning and Evaluation Division (SPED) will implement a programme of Evaluation studies. SPED in collaboration with the Special Advisory Services Division (SASD) is seeking to carry out an evaluation of its programme of technical assistance to Member governments on the delimitation of maritime boundaries.

This programme is executed by the Economic and Legal Section (ELS) of SASD. Assistance is provided on a country specific, regional and sub-regional basis and to regional organisations. It comprises (a) legal, policy and technical (scientific) advice on the review and updating of maritime zones legislation; construction of maps and charts; preparation of desktop studies; preparation of extended continental shelf submissions under the 1982 UN Law of the Sea Convention (UNCLOS); and (b) support to governments in the preparations for and conduct of maritime boundary delimitation negotiations with third States.

2. Purpose of this Evaluation

The purpose of this evaluation is to help ELS increase the effectiveness and impact of its technical assistance through the analysis of its continued relevance to Commonwealth coastal and island developing States, the priorities and needs of Member States; the programme's effectiveness and efficiency in delivering the assistance, ELS management and execution of the programme; the required resources; and the sustainability of its benefits to Member States. Atkins Ltd have been engaged to help gather the evidence for this Evaluation project and to encourage debate on future areas of improvement or opportunities for future assistance on maritime governance issues.

Important elements of this evaluation include an evaluation of the past record of activity undertaken under the programme, the extent to which ELS has and can retain comparative advantage in delivering advisory services in this area taking into account the nature of demand by governments for assistance of this kind and how this demand is being met and is likely to be met in the future from other sources (e.g. other agencies). A related aim of the evaluation will be to identify how the visibility of the work can be improved in the international community.

3. Purpose of this Meeting

We have already received your questionnaire response which is much appreciated and welcomed. The purpose of the face to face meeting with nations is to further interrogate the responses and to capture your honest opinions on where ComSec could seek to develop or improve its service on MBD related issues. The meeting is designed to be informal and shall adhere to the main Evaluation Headings being used for the Final Report in helping to assess the intervention of ComSec staff, notably their contribution towards:

- Relevance;
- Efficiency;
- Effectiveness;
- Impact and Sustainability.

Mission Questions

National Scene Setting

Could you provide some background information about:

- the challenges your country faces in the definition of its maritime space?
- the current State of play in terms of boundary negotiations / definition of the outer limits of maritime jurisdiction?
- the national institutional framework for defining maritime limits and boundaries (i.e. who is involved and what role do they play)?

Why did you feel you needed external advice? Were there aspects of the process for which you felt you were particularly lacking expertise?

Relevance

Was the approach to the Technical Assistance relevant to the objectives of your National Strategy on maritime boundaries?

Were you aware of any other sources of assistance apart from ComSec? If yes, who? Why did you choose ComSec over other providers?

In which areas was ComSec's assistance particularly valuable and why?

Were there areas in which ComSec did not provide the assistance you needed, or where the breadth/depth of the assistance it provided fell short of what you anticipated?

Did the external consultants recruited by ComSec have appropriate skills and provide relevant practical advice?

Impact and Sustainability

How did you hear about ComSec's maritime delimitation services?

Was ComSec clear from the outset about the type of assistance it was able to provide?

If ComSec stopped providing assistance in delimitation issues tomorrow, what impact would it have on your country's plans? What alternative options would be available to you?

Effectiveness

Were the anticipated results of the ComSec MBD intervention actually achieved?

Was there demonstrated flexibility of ComSec in dealing with unforeseen factors during their support input?

How visible do you believe the work of the ComSec MBD staff input has proven and how could this aspect be improved in the future? (e.g.: TV coverage, news articles etc)

How could ComSec's assistance be improved?

To what extent should the assistance provided by ComSec include capacity-building? What form(s) should capacity-building take?

Did you have sufficient input into the selection of external consultants?

Are there other areas of support based on the wider ocean / marine governance issues that face your country?

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Efficiency

Do you believe that the ComSec intervention has proven to save you money overall in this topic area?
Please elaborate where possible.

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Were there are variances in the predicted financial proposal for support and the actual final price for the intervention (e.g.: were there any unplanned outputs not costed for?)

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Did you undertake any formal internal audit or monitoring evaluation of ComSec's assistance within your country? Would such an evaluation exercise been helpful?

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Do you feel that ComSec is well suited to provide assistance in the new areas of ocean governance that you have identified earlier? Are you aware of alternative sources of assistance?

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