

« Marine Spatial Planning » (MSP) : aid instrument for the concrete implementation of EU ICZM Recommendations and the EU Marine and Maritime policies.

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Abstract

On 17 June 2008, Directive 2008/56/EC establishing a framework for community action in the field of marine environmental policy (the Marine Strategy Framework Directive) of the European Parliament and Council came into force. This Directive, legally binding Member States, established a framework for the development of national strategies for the protection of the marine environment. It was designed to improve the environmental status of marine environments (by 2020), to ensure their continued protection and preservation and to protect those environments against deterioration. Each Member State, in close cooperation with other interested Member States and third party countries present within a particular Marine Region, was asked to develop strategies for protecting their marine waters. The Marine Strategy Directive proposes a regulatory framework aimed at safeguarding the marine environment and reinforcing EU policies and regulations in force applicable also to land in coastal areas and thus serves as an important tool for the implementation of Integrated Coastal Zone Management (ICZM) policies.

1 The ICZM process in Europe

After studying the results of a Demonstrative Program, the Commission issued a Communication on 17 September 2000 (COM/00/547) aimed at prompting Europe to adopt appropriate measures to deal with problems related to coasts, and to highlight the causes of their degradation. In tandem with this Communication, the Commission also presented a Recommendation on 8 September 2000 (COM/00/545) to the European Parliament and the Council, with the aim of establishing guidelines that would allow Member States to develop a national strategy for ICZM by 2006. This Recommendation concerning the implementation of Integrated Coastal Zone Management in Europe, was adopted by the Council and Parliament on 30 May 2002 (2002/413/EC).

The Demonstrative Program highlighted a number of issues regarding Europe's coasts, in particular: widespread coastal erosion due to development too close to the coast, the destruction of habitats due to a lack of regulatory and territorial planning, exploitation of the seas, the loss of biodiversity, contamination of soil and water resources, problems relating to the quality and quantity of water resources, competition for the use of resources, destruction of cultural heritage and damage to the social fabric in certain regions caused by uncontrolled development, especially tourism.

The causes of coastal problems can be traced to a lack of knowledge, inadequate and uncoordinated laws, lack of involvement by those with a stake in a coastal issues and the lack of coordination between administrative bodies.

Indeed, ICZM is a dynamic and interdisciplinary process to promote sustainable use of coastal areas. The term 'integrated' applies to both the objectives and the program tools needed to achieve them. It involves the integration of all policies from various sectors involved, administration at all levels and their integration in time and space components of the terrestrial and marine territory.

Unfortunately, the process of implementation of the ICZM EC Recommendation was described as "slow" in the Commission report issued in June 2007 (COM (2007) 308 final). Some European coastal countries such as Italy, have not responded to all requests from the Commission on implementation in its territory of Integrated Coastal Zone Management.

However, the ICZM Recommendation is still a good platform from which to continue to support and promote these processes of integration, since most of the coastal States have responded to that Recommendation and many national strategies were launched only in 2006. Currently, we are awaiting further developments related to the Directive on Marine Strategy. The Commission maintains that, at this stage, it is not necessary to provide a new legal instrument specifically to stimulate Integrated Coastal Zone Management. This assessment will probably be reviewed again later in the light of future EU maritime policy developments.

2. The opportunity offered by the new EC Marine Strategy Directive for the safeguarding of the coasts

The objective of the Marine Strategy Framework Directive is to restore the ecological health of the oceans and seas of Europe reaching or maintaining a "good ecological state" of their waters by 2020. Member States are required, at first, to immediately assess the state of the environment and the main issues facing their respective maritime regions and also to subsequently identify the environments and biocenosis that are in good environmental condition to ultimately determine objectives, indicators and monitoring programmes. Second, each Member State, in close cooperation with other Member States and third party countries with an interest in a particular marine region, must develop and implement strategies for their marine waters in order to achieve or maintain this "good ecological state".

To achieve the effective protection of marine space it is necessary to avoid making fragmented decisions and to adopt an integrated approach because often the causes or areas of important phenomena are not in a single administrative unit. In fact, art. 3 of the Directive affirms that « Coastal waters, including their seabed and subsoil, are an integral part of the marine environment, and as such should also be covered by this Directive ».

Until today, policies regarding transport at sea, the maritime industry, coastal regions, energy production at sea, fishing and other activities related to the sea have been fragmented. This fragmentation has sometimes resulted in the adoption of measures that contradict each other, resulting in a negative impact on the coastal and marine environment or restricting competing maritime activities.

The current challenge is to successfully integrate the various Community tools that exist to better manage nature conservation and sustainable development. EU maritime policy (wherein the Marine Strategy Directive represents the environmental pillar), will offer the appropriate opportunity to further strengthen the compatibility and synergy between many policies and instruments that will affect coastal and marine areas. In particular: the Water Framework Directive 2000/60/EC of the European Parliament and Council of 23 October 2000, the Habitats and Birds Directive 92/43/EEC of 21 May 1992 and Directive 79/409/EEC of 2 April 1979, the Commission Action Plan "Halting the loss of biodiversity by 2010 and Beyond - Sustaining ecosystem services for human well-being" COM (2006) 216 final of 22 May 2006, the Directive on Strategic Environmental Assessment 2001/42/EC of the European Parliament and Council of 27 June 2001 which applies to plans and programmes and finally -- with regard to the specific risks of coastal areas -- Directive 2007/ 60/CE European Parliament and Council on the assessment and risk management of the floods of October 23, 2007.

It should be remembered that, on 10 October 2007, the Commission presented an Action Plan (SEC(2007)1278/ 2) to the European Parliament, the Council, the Economic and Social Committee and the Committee of Regions on maritime policy for the European Union. This Action Plan issued together with a so-called "Blue Book" (COM(2007) 575) is the result of one year of consultations following the Green Paper and presents the results of 230 events and over 409 written contributions forwarded to the Commission from national governments, industry groups and environmental NGOs. The Action Plan sets out a series of actions that the European Commission has proposed to undertake as a first step towards the implementation of a new integrated maritime policy for the European Union.

A new framework of governance for integrated maritime affairs requires the application of cross-over tools to help those responsible for policies and economic and environmental issues to unify their initiatives, connect their activities and optimize the sustainable use of marine and coastal space from an environmental point of view. To achieve this goal, the Commission stressed the importance of developing planning for marine and coastal zones.

Also, in developing strategies for the marine environment, Member States are encouraged to work within the framework of existing international conventions on regional waters, such as the Convention for the protection of the marine and coastal Mediterranean region, known as the Barcelona Convention, amended in 1995, and ratified by 21 coastal states, including Italy. This Convention is accompanied by seven Protocols, the last of which, adopted in Spain in January 2008 and signed by 14 states, covers the integrated management of coastal areas. This protocol indicates that both contracting parties must ensure the use and sustainable management of coastal areas in order to preserve marine and coastal habitats, landscape, resources and natural ecosystems. Member States must therefore adopt a series of regulatory instruments, according to their specific local conditions.

The last protocol is very clear with regard to the definition of 'coastal zone' which is defined as the geomorphological area which includes both sides of the coastline, where there is interaction of marine and terrestrial components in a complex ecological system composed of biotic and abiotic components that coexist and interact with human activities and socio-economic activities. Therefore, it is necessary to consider coasts and seas as constituent elements of an integrated system.

2.1 The increasing role of seas and coasts for the economic development of Europe : a challenge for sustainable development

The welfare of Europe is inextricably linked to the sea. While seaport activity, maritime transport, shipyard work and fishing are basic maritime activities, off-shore energy (including oil, gas and renewable energy), and marine tourism are significant sources of income. While seaports and the maritime transport sector allow Europe to benefit from the rapid development of international trade and play a major part in the world economy, the exploitation of mineral resources, aquaculture, marine biotechnology and new underwater technologies offer increasing business opportunities. Equally important are the recreational, aesthetic and cultural ecosystem services they provide.

Oceans play an increasingly important role in the European energy situation. First, the maritime transport of energy in European waters (tankers, ships, gas tankers, pipelines, interconnectors and electric submarines) is expected to grow substantially in the coming years in line with the development of the internal energy market, the growth of global trade in energy and European imports and the development of technologies and energy resources offshore. Secondly, the Commission has said it will be necessary to further develop the use of the oceans and seas to promote the EU's energy objectives.

In this context, coastal regions represent a clear opportunity. Many Europeans want to live and work in coastal regions and islands, given the growing economic opportunities that they offer. The boom in world maritime transport (particularly due to containerization), has encouraged the rapid growth of the construction of ports and ships, and related services. Offshore wind farms directly connected with the mainland provide an increasing share of renewable energy in the European energy mix and coastal tourism requires an increasing amount of space.

However, sustainable development of the marine environment is a prerequisite for economic efficiency of activities related to it. On one hand, technology and knowledge will enable us to obtain increasing wealth from the sea with increasing populations on the coasts of Europe to benefit from it. On the other hand, the cumulative effect of all this activity leads to usage conflicts and a potentially negative impact on the marine environment caused by the activities which depend on it.

3. An innovative tool for the integrated management of coastal and maritime areas : Marine Spatial Planning (MSP)

As development continues, competition for the use of marine and coastal waters will become increasingly strong. It is important that a common vision be created for development of coastal and maritime spaces to allow for the definition of a consistent set of objectives and policies. The sea is different from the mainland. At sea, the property rights are not recognized in the same fashion as those on land. Conflicts are frequent between different parties who "claim" rights to use of the sea. The arrival of a new player is often perceived as a threat to others. For example, while fisheries might consider the entire sea as their fishing territory, this clearly presents potential for conflict with other activities. It is mainly the new fixed infrastructures, such as wind farms, that might be regarded as a threat to fishermen because they reduce the fishing zone available.

During the process of Marine Spatial Planning (MSP), all marine resources and natural processes (marine life, energy resources, seismic movements, etc.), as well as any use of the marine environment (exploitation of resources, navigation, military activities, tourism etc.), must be subjected to an exhaustive census. This MSP process is based on an ecosystem approach defined by a thematic strategy on the marine environment, but would also include, authorization, promotion or restriction of these activities. Some important aspects of the process include addressing the need to find optimal locations for economic activities, avoiding conflicts between different uses, a more effective utilization of seas and oceans and the effective management of not only marine, but also land development associated with it.



Fig. 1. Seven cardinal principles for marine environment planning.

MSP, inspired by land-use planning, aims to provide each marine area with general planning that takes into account activities of different interest groups present and should prove useful in guiding decision-makers as they make policy that affects the future of the area. MSP, based on a long-term and an integrated vision that respects the important interrelation between the marine environment and land, is designed to stimulate use of marine space and reduce activity and usage conflicts as much as possible.

The aim is to disseminate comprehensive information to enable better management of areas and offer the possibility of continuous monitoring of all human activities as well as the power to investigate, assess and disclose the status and quality of the marine environment (including disclosure of the presence of substances, metals, military remains, industrial and other wastes etc.).

MSP can be carried out on a regional, national or international level, depending on the context and need. It has the advantage of being able to provide comprehensive but varied plans for different marine areas as well as ensuring greater consistency in planning.

The development of maritime planning and the practice of zoning is an important step for the management of the use of the sea and the consequent reduction of conflict between natural and human activities. The traditional "project to project" and "permission to permit" approach, is replaced by a planning approach that requires a developed and holistic vision for the area in question and integrates the mainland with the sea.

In this regard the "blue book" defined the concept of « Integrated Marine Spatial Planning » (IMSP). This tool extends the land and principles of integrated coastal zone management (ICZM) to open sea and thus represents the fundamental tool for the sustainable development of marine areas and coastal regions (Fig. 2).

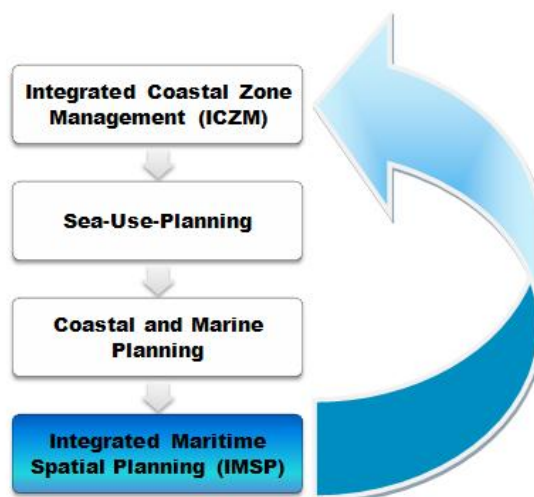


Fig. 2. From ICZM to IMSP.

Conclusions

There has been similar project experience of this kind at the European level. For example, a draft plan for the Exclusive Economic Zone (ZEE) in Germany, proposed by the Federal Ministry of Transport, Building and Urban Development in June 2008 included the classification of preference areas for wind

energy parks in coordination with neighboring countries and coasts. The environmental audit based on the Strategic Environmental Assessment (2001/42/EC) and public participation was finished in August 2008. At the public hearings, the submitted comments regarding the draft of the marine spatial plan (including the justifications), and the environmental report will be discussed. The marine spatial plan will be put into action after completion of the procedural steps as per the legal ordinance of the Federal Ministry of Transport, Building and Urban Development.

The plan considers the coast and sea as constituent elements of an integrated system. In this sense, it represents a fine example of Integrated Maritime Spatial Planning. This new approach will provide a coherent policy framework that will allow the optimal development of all sea-related activities in a sustainable manner.

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