



Position
Paper

September
2011

WWF call for EC leadership on Integrated Sea Use Management:

A response to the Commission's Impact Assessment on
options for action on Maritime Spatial Planning and
Integrated Coastal Zone Management

Introduction

The European Commission is carrying out an impact assessment to explore the best way forward for Maritime Spatial Planning (MSP) at the European level.

WWF believes that MSP is an important tool to help ensure a holistic approach to the planning, protection, management and sustainable use of marine resources. The successful application of MSP is needed in order to address the current lack of coordination and integration of different sectors, countries, and levels of government which today undermines the sustainable management of many Member States' use of marine resources.

In order to meet the aims of ecosystem protection and sustainable use, WWF believes that we need a more integrated approach to the planning and management of human activities affecting our seas. Integrated sea use management (ISUM)¹ should be implemented across all sea areas to secure coordination across sectors, countries and levels of government in order to minimize environmental impacts from resource use and to maximize benefits to society. A key tool to help achieve this is maritime spatial planning which aims to allocate space and resources in the most appropriate way to minimize conflicts and find synergies between sectors. Whilst helping to more clearly identify the most efficient way to plan and manage the use of our sea and coasts, MSP has an important function to support environmental protection and the sustainable provision of important ecosystem goods and services.

WWF advocates

WWF is calling for a legally binding framework at the European level to facilitate the integrated planning and management of the human activities affecting our seas. A route to achieve this could be through a Directive on MSP which builds on the principles and experience in Integrated Coastal Zone Management (ICZM), the 10 key principles in the roadmap for MSP² and the communication on MSP achievements and future development³ communicated by the EU. This framework should be based on an ecosystem approach to ensure long-term sustainable development within European waters, and shared waters with non-EU countries, while helping to deliver ecological, economic and social objectives. MSP should aim to maintain the structure and functioning of the ecosystem, with the aim to contribute to achieving Good

¹ ISUM – is an approach that aims to plan and manage marine resources, based on the limits of the ecosystem, integrating all countries, sectors and administrative levels.

² European Commission (2008) Communication from the Commission *Roadmap for Maritime Spatial Planning: Achieving Common Principles in the European Union*. COM(2008) 791 FINAL

³ European Commission (2010) Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and Committee of the Regions *Maritime Spatial Planning in the EU – Achievements and Future Development*. COM(2010) 771.

Environmental Status (GES) by 2020, aligned with the overarching objectives of the Marine Strategy Framework Directive (MSFD). MSP should be employed as an effective tool to manage the various uses of our European seas, helping to identify synergies among uses and ensure that the total use of the sea does not exceed the capacity of the ecosystem. Learning can be taken from projects such as the pioneering WWF-led PISCES project in the Celtic Sea bringing together stakeholders from Ireland, UK, France and Spain who represent a range of key activities including fisheries, renewable energy and ports. They will act collaboratively to develop practical guidelines for delivering the ecosystem approach to support the implementation of ISUM.

A legally binding framework should provide direction on how MSP can be achieved in the most effective manner and in a coherent way across all EU waters, especially for marine regions across different Member States. Without such a legally binding framework, there is a high risk that Europe's Member States will continue to plan and manage marine resources through a 'patchwork approach'. This will fail to address the potential conflicts among sectors and countries which can have environmental as well as social and economic consequences, in particular the risk of overusing marine resources and/or leading to greater uncertainty for future investment.

Background

Good progress has been made in some Member States regarding the planning and management of marine waters and coastal zones, for example in Belgium, Netherlands and the UK. There are still many countries that are lagging behind, preventing coherent approaches at the local, national and regional levels for European seas. Existing co-operation is ad-hoc and often led by specific sectors seeking future growth and development rather than seeking to include all users, or the conservation of broad-scale marine ecosystems.

The WWF report "Future Trends in the Baltic Sea"⁴ revealed that many sectors using the Baltic Sea space and resources are expected to expand by several hundred percent within the coming 20 years. This trend is anticipated for other European seas as well. The already impacted marine environment will face increased pressures as well as an elevated risk of conflicts between different user interests which will jeopardize sustainable development.

Whilst MSP is an evolving practice from which lessons can be learnt, its growing application internationally highlights potential benefits and advantages for marine management. WWF believes there is a strong need for MSP in Europe. Currently, however, there is no European-wide comprehensive and coherent system or legislation to formalise and guide Member States undertaking MSP.

A strong EU legislative framework for MSP could provide the legal provision to set a common approach in applying MSP, giving the required incentive needed to ensure co-operation between countries, sectors, administrative borders and across land & sea in shared sea-space.

What needs to be included in an EU legally binding framework

An EU legally binding framework for MSP should provide the necessary tools and mechanisms to implement MSP, and the obligations arising from the MSFD, with a view to minimizing human pressures on the ecosystem and the marine environment as well as minimizing conflicts and identify synergies between sectors which can save both ecological and economic resources for the long term benefit of all.

The overall objective of an EU legislative framework for MSP should be to contribute to the achievement of sustainable development. MSP should be based on the ecosystem

⁴ WWF 2010, Future Trends in the Baltic Sea.

approach with the aim to maintain or restore the structure and functioning of the ecosystem. This is critical as the ecosystem approach is a framework condition for sustainable development and must be respected to ensure that ecosystems are not only inherently sustainable but that in turn they are capable of providing humankind with the goods and services they depend on, now and in the future.

The objectives for MSP must be measurable and sector-wide (all users of marine space and resources must be covered) and ensure that the total use of the sea does not exceed the capacity of the ecosystem. Linking an MSP Directive with MSFD compliance would therefore be appropriate, to deliver the measures needed to achieve Good Environmental Status (GES) by 2020. An MSP Directive should take into account existing EU environmental objectives such as those adopted under the Common Fisheries Policy and the Habitats and Bird Directives for the conservation, management and exploitation of marine biological resources. It should also contain an obligation for Member States to finalise their Natura 2000 network as part of an ecologically coherent, representative and well-managed network of marine protected areas (MPAs), including MPAs designated under the Regional Seas Conventions, to meet the target set in the Nagoya Protocol (CBD) to conserve at least 10 per cent of coastal and marine areas as biodiversity protection zones by 2020.

An EU legislative MSP-framework must secure a good balance between the responsibilities at the EU level and the national level. A MSP directive should provide clear direction and goals to be achieved, and a timeframe for these to be met. Member States should then have some flexibility in deciding exactly how these can be set and achieved in the national context. A legal framework should provide clear targets for Member States to develop and deliver MSP at national and regional levels.

Coherent direction, goals and procedures must be defined as these are crucial for sea basins shared by numerous countries to plan in a more integrated approach. This is important as many maritime and coastal activities occur not only at the national level but on a regional and international scale e.g. shipping, ports & harbours, cabling and tourism. Coherent direction, clear goals and procedures will make it easier for Member States to develop MSP in a collaborative way across regions and can encourage countries that are behind to pay attention to and implement MSP.

The 10 key principles of MSP developed by the Commission, together with the UNESCO Marine Spatial Planning Guide⁵ represent strong rhetoric, but these should be complemented with a set of operational guidelines based on the ecosystem approach. In these, there is also a need for guidelines and incentives to establish governance systems that ensure coordination between sectors as well as within and between national and regional seas.

Maritime spatial planning should be considered as an iterative process, not simply to produce a zoning/static plan, but to provide long term foundations for co-operation between sectors and levels of management to achieve more integrated decision making and more efficient and sustainable use of resources.

Integrated Coastal Zone Management (ICZM) alignment with MSP

Any legislative direction on MSP should learn from the ICZM Recommendation (2002/413/EC) and Protocol (2010/631/EC) to encourage integration between terrestrial & marine planning.

The non-binding nature of the ICZM Recommendation (2002/413/EC) demonstrates why an EU legally binding framework for MSP is needed. Whilst the ICZM Recommendation raised the profile of the need for better coastal management, its 'soft' legal character has meant that some

⁵ Ehler, C. and Douvère, F. (2009) *Marine Spatial Planning A Step-by-Step Approach toward Ecosystem-based management*. Intergovernmental Oceanographic Commission and Man and Biosphere Programme. IOC Manual and Guides NO.53, ICAM Dossier No.6. Paris: UNESCO.2009
http://www.unesco-ioc-marinesp.be/msp_guide

countries have not really taken it as a serious tool and rather treated it as a scientific 'nice to have'.

The ICZM Protocol is regionally specific to the Mediterranean Sea and legally binding on Mediterranean Member States (ratified so far by France and Spain). For the Mediterranean countries, legal direction on MSP will add value, but needs to be harmonised with those created for ICZM to avoid duplication of governance systems and overlapping of competences. The Protocol is nevertheless a good example for other regional seas and contains progressive approaches to encourage coordination (article 7) and national coastal strategies, plans and programmes (article 18).

Stronger incentives are therefore needed to ensure co-operation between land & sea and across administrative borders in shared sea-space. Resourcing for ICZM needs to be strengthened and a legislative framework maybe necessary to lever the required investment. A legal basis for MSP, including an ICZM Framework Directive would lever stronger commitment to the delivery of national programmes for integrated management. It would also provide an opportunity to ensure consistency in applying other legislation (e.g. MSFD, WFD) whilst allowing Member States flexibility in how it is implemented.

Marine and coastal planning processes should be issue-led and not dominated by administrative boundaries. Better governance systems are essential to support cross-border collaboration between stakeholders, scientists and national administrations. There needs to be coherent coordination between different levels of planning and where possible joint consultative bodies or joint decision-making procedures. This is particularly important for estuaries, deltas and regional seas.

Lessons learnt from the EC's advocacy of ICZM provide valuable direction for developing MSP. Experience in ICZM has shown that neutral co-ordination mechanisms are needed to lead the planning process, to obtain full cross-sectoral engagement. Decision-making resulting from the planning process and outcomes must be based on strong scientific evidence, taking a precautionary approach to ensure development does not exceed the carrying capacity and health of marine & coastal ecosystems.

Harmonisation of all EU legal frameworks

A new EU legally binding framework on MSP would need to be effectively aligned with the MSFD and integrated with other existing EU directives, policies and legal frameworks (CFP, CAP, Habitats and Birds Directive, ICZM, WFD etc) and based on an ecosystem approach to ensure that they do not undermine each other's aims and objectives. The deadlines and deliverables for MSP should aim to be aligned with those of the MSFD. Adopting an ecosystem approach requires cross border action and full integration and alignment of policies applied from land, freshwater river basin to marine region.

Ideally, there would be logic in combining a legal framework for MSP & ICZM. However, given the history of experience within DG Mare & DG Env, legitimacy of the Commissions' role and established regimes for spatial planning in Member States, it may be more pragmatic to develop separate but aligned legal frameworks. Ongoing close cooperation between the Directorate Generals will be essential for MSP & ICZM. This juncture provides an opportunity to ensure the harmonization of existing legal frameworks (mentioned above) and direction for the implementation of maritime spatial planning across regional sea basins in Europe.

September 2011.