



Towards sustainable implementation of maritime spatial planning in Europe: A peek into the potential of the Regional Sea Conventions playing a stronger role

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ABSTRACT

Traditional silo approaches to managing marine resources and anthropogenic activities are progressively being replaced by systemic and holistic ecosystem-based management. In Europe, authorities are increasingly realising the interconnected complexity and transboundary effects of maritime economic activities on each other and on the marine environment. Facilitating cross-border coordination and cooperation between neighbouring European Member States and their non-EU border countries on the implementation of maritime spatial planning (MSP) is essential in ensuring the sustainable management of the European marine environment. During the last decade, progressive efforts have been dedicated to coordinate national marine planning to ensure that there is a concerted, coherent and sustainable approach regarding the activities taking place in the European seas. The Maritime Spatial Planning Directive (2014/89/EU) states that regional coordination and cooperation between Member States is a requirement in the development and implementation of national maritime spatial plans, and specifically mentions the consideration of the Regional Sea Conventions (RSCs) that are in place in Europe. Through analysing the results of a small-scale survey under European MSP experts, the paper explores whether an increased involvement of the RSCs in regional cooperation on MSP is perceived as possible and/or desirable. The paper considers the (potential) role of the RSCs in the cross-border coordination of major maritime economic activities, as well as in cross-border MSP projects taking place in the European sea basins. The paper pays specific attention to the desirability and perceived challenges of such an increased role for the RSCs.

1. Introduction

It is evidential that traditional approaches to managing the complexity of the marine environment, its resources and the prolific anthropogenic activities taking place here, are not or no longer adequate in protecting marine ecosystems as well as unsustainable in managing its resources and human activities. This position has been widely documented in various literature (e.g. [1–3]). Taking the front seat in the drive towards a new management paradigm, the concept of ‘ecosystem-based approach’ or ‘ecosystem-based management’ for the marine environment (commonly and henceforth referred to as EBM) is leading the transition away from a traditional silo management perspective towards an holistic and interconnected systemic perspective. Among the numerous definitions of EBM, this paper adopts the more in-depth and comprehensive definition provided by COMPASS [4], which defines EBM as “an integrated approach to management that considers the entire ecosystem, including humans. The goal of ecosystem-based management is to maintain an ecosystem in a healthy, productive and resilient condition so that it can provide the services humans want and need. Ecosystem-based management differs from current approaches

that usually focus on a single species, sector, activity or concern; it considers the cumulative impacts of different sectors”.

Over the past decade, a progressive and persistent effort has been invested in coordinating national marine strategies and maritime activities in a concerted and coherent approach at the European, regional and national level. At the European level, the idea of an integrated maritime policy (IMP) was introduced by the European Commission (EC) in 2007, with the broad goal of exploring the full economic potential of the maritime sectors in a harmonious way with safeguarding the quality of the marine environment. A cross-cutting policy, IMP is defined as “a Union policy whose aim is to foster coordinated and coherent decision-making to maximise the sustainable development, economic growth and social cohesion of Member States (MSs) as well as maritime sectors, through coherent maritime-related policies and relevant international cooperation” [5]. Following the adoption of the IMP, the Marine Strategy Framework Directive (MSFD), and the Maritime Spatial Planning Directive (MSPD) came into force in 2008 and 2014, respectively. Both Directives advocate the value of applying EBM. For instance, Article 1(3) of the MSFD states: “Marine strategies shall apply an ecosystem-based approach to the management of human

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activities, ensuring that the collective pressure of such activities is kept within levels compatible with the achievement of good environmental status and that the capacity of marine ecosystems to respond to human-induced changes is not compromised, while enabling the sustainable use of marine goods and services by present and future generations” [6]. Similarly, listed as one of the main objectives of MSP, Article 5 of the MSPD states: “When establishing and implementing maritime spatial planning, Member States shall consider economic, social and environmental aspects to support sustainable development and growth in the maritime sector, applying an ecosystem-based approach, and to promote the coexistence of relevant activities and uses” [5]. Essentially a national-level effort, the implementation of both Directives is the responsibility of each MS. However, to help achieve individual national goals, both Directives explicitly express the need for regional coordination and cooperation. Both Directives advise MS to take into consideration its role and effects within a broader regional perspective while developing individual national plans for the marine environment. National authorities are thus encouraged to develop realistic and achievable plans, based on a comprehensive understanding of the relationships and interactions between and among MS within a transboundary (sub) regional marine ecosystem.

The importance of regional coordination and cooperation between MS within the same marine (sub)region, and particularly the involvement of the existing Regional Sea Conventions (RSCs), is explicitly stated in both the MSFD [6] as well as the MSPD [5]. Adopted in 2008, the “Directive 2008/56/EC on establishing a framework for community action in the field of marine environmental policy”, commonly known as and henceforth referred to as the MSFD, forms the environmental pillar of the European IMP [6]. The goal of this Directive is to more effectively safeguard the European marine environment, by seeking to achieve a Good Environmental Status (GES) of the European marine waters by the year 2020. Incorporated within a legislative framework, the Directive integrates both environmental protection and sustainable use of marine resources, by applying EBM to anthropogenic maritime activities that may have an impact on the marine environment. Acknowledging the transboundary nature of marine ecosystems, the MSFD established distinct European marine regions and sub-regions based on geographical and environmental criteria. The four European marine regions, i.e. the Baltic Sea, the North-East Atlantic Ocean, the Mediterranean Sea and the Black Sea, are all situated within the geographical boundaries of the existing RSCs, i.e. the Helsinki Convention (HELCOM), the OSPAR Convention (OSPAR), the Barcelona Convention (UNEP-MAP) and the Bucharest Convention, respectively. To achieve GES by 2020, the MSFD obliges each MS to develop a strategy for its marine waters within its Exclusive Economic zone (EEZ), commonly and henceforth referred to as the Marine Strategy, in cooperation with neighbouring MS that share the same region or sub-region. Through the RSCs, cooperation between MS located in the same marine region, at varying extent, has been on-going for decades. Following an adaptive management approach, the MSFD requires the Marine Strategies to be reviewed every six years.

An holistic approach to planning is gaining momentum over a traditional silo management perspective to managing the marine environment, as it considers the (potential) impacts of maritime activities on neighbouring marine ecosystems as well as potential impacts on and from maritime activities undertaken by neighbour countries. Such activities include maritime economic activities, as well as ‘activities’ to strengthen the protection of the marine environment, such as marine protected areas (MPAs). Consequently, the push towards increased cross- and trans-border coordination and cooperation between MS is becoming stronger and more urgent than ever. A review of the implementation of the MSFD in the North-East Atlantic by Cavallo et al. [7] underpinned the significance of regional coordinated actions towards the improvement of the European environmental quality, integration of sectoral policies and subsequently the sustainable management of marine resources. The authors recommended collaboration

among the EC, RSCs and MS in order to determine the link between MSFD and other policies, making better use of existing data and methods, as well as harmonising varying policy objectives. Likewise, a pan-European stakeholder survey on the implementation of the MSFD carried out by Hendriksen et al. [8], revealed a distinct preference for regional cooperation scenarios over European or nationally-focused scenarios for 2020.

Reflecting specifically on regional cooperation within the context of the MSFD, van Tatenhove et al. [9] flagged that even though the need for regional cooperation and coordination is underscored in the Directive, no specific legal frameworks nor governing structures are in place to safeguard actual coordination and collaboration between MS at the (sub)regional level. This observation implies that MS are in fact free to develop their Marine Strategies and to define GES without comprehensive cross- and trans-border coordination and cooperation. This observation could equally be extended to the MSPD. Considerable research has been carried out in understanding the regional cooperation challenges for the MSFD, which has been in place much longer than the MSPD. However, to date, very little research has been undertaken on regional cooperation in the context of the MSPD, and even less so (almost non-existent) on the involvement of RSCs. A small-scale survey among MSP experts was therefore carried out in the context of the research this paper is based on, in order to try and gain a deeper understanding of the maritime activities that may require a regional management approach, as well as to gauge the potential desirability of RSCs’ involvement in MSP. Therefore, this paper takes a peek at whether RSCs are perceived as needed and/or desired for regional cooperation within the context of MSP, and if so, concerning which maritime activities. The research that this paper is based on also explored the potential challenges a regional approach and RSCs involvement may face, as well as having explored potential measures to stimulate greater cooperation between and among MS and the RSCs. The following section presents the current role of the RSCs in relation to the implementation of MSP across Europe, followed by an outline of the survey design and main results. The paper concludes with recommendations concerning the potential future role of the RSCs in the implementation of MSP in Europe.

2. Current role of RSCs and MSP projects in Europe

The Regional Seas Programme was initiated in 1974 by the United Nations Environmental Programme (UNEP) with the aim of “coordinating activities aimed at the protection of the marine environment through a regional approach” [10]. To date, there are four cooperation structures in Europe that are responsible for the implementation of the Conventions in place for the protection of the European marine environment and neighbouring countries that share the same marine waters. These are: the Barcelona Convention (UNEP-MAP), the Helsinki Convention (HELCOM), the OSPAR Convention (OSPAR) and the Bucharest Convention that correspond to four European sea basins, i.e. the Mediterranean Sea, the Baltic Sea, the North-East Atlantic Ocean (including the North Sea) and the Black Sea, respectively (see Table 1). The Barcelona Convention’s Contracting Parties (CPs) include the European Union (EU), seven MS and 13 Third Countries. HELCOM’s CPs include the EU, eight EU MS and one Third Country. OSPAR’s CPs include the EU, 13 EU MS and two Third Countries. The CPs to the Bucharest Convention include two EU MS and four Third Countries. These RSCs have made cooperation between European MS and Third Countries a reality for over thirty years [11]. The core actors in these governance frameworks include the EU, the RSCs and MS.

By introducing internationally-oriented marine environmental management and by assisting the implementation of the MSFD, RSCs are important partners in the realisation of the policies addressing the marine environment of the European sea basins. The RSCs serve as a platform to exchange information, and in some cases, facilitate coordinated implementation of the MSFD (e.g. OSPAR regional

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