



MINISTERO DELL'AMBIENTE
E DELLA TUTELA DEL TERRITORIO E DEL MARE



ADRIATIC REGION WORKSHOP ON PSSAs MEDITERRANEAN SEMINAR ON PSSAs

ADRIATIC REGION WORKSHOP ON PSSAs

10-11 December 2019

Tirana, Albania

Juan L Suárez-de Vivero

Professor Emeritus University of Sevilla

IOC-UNESCO MSP Global Expert Group

Regional Activity Centre

UN Environment Programme / Mediterranean Action Plan



The Mediterranean
Biodiversity
Centre

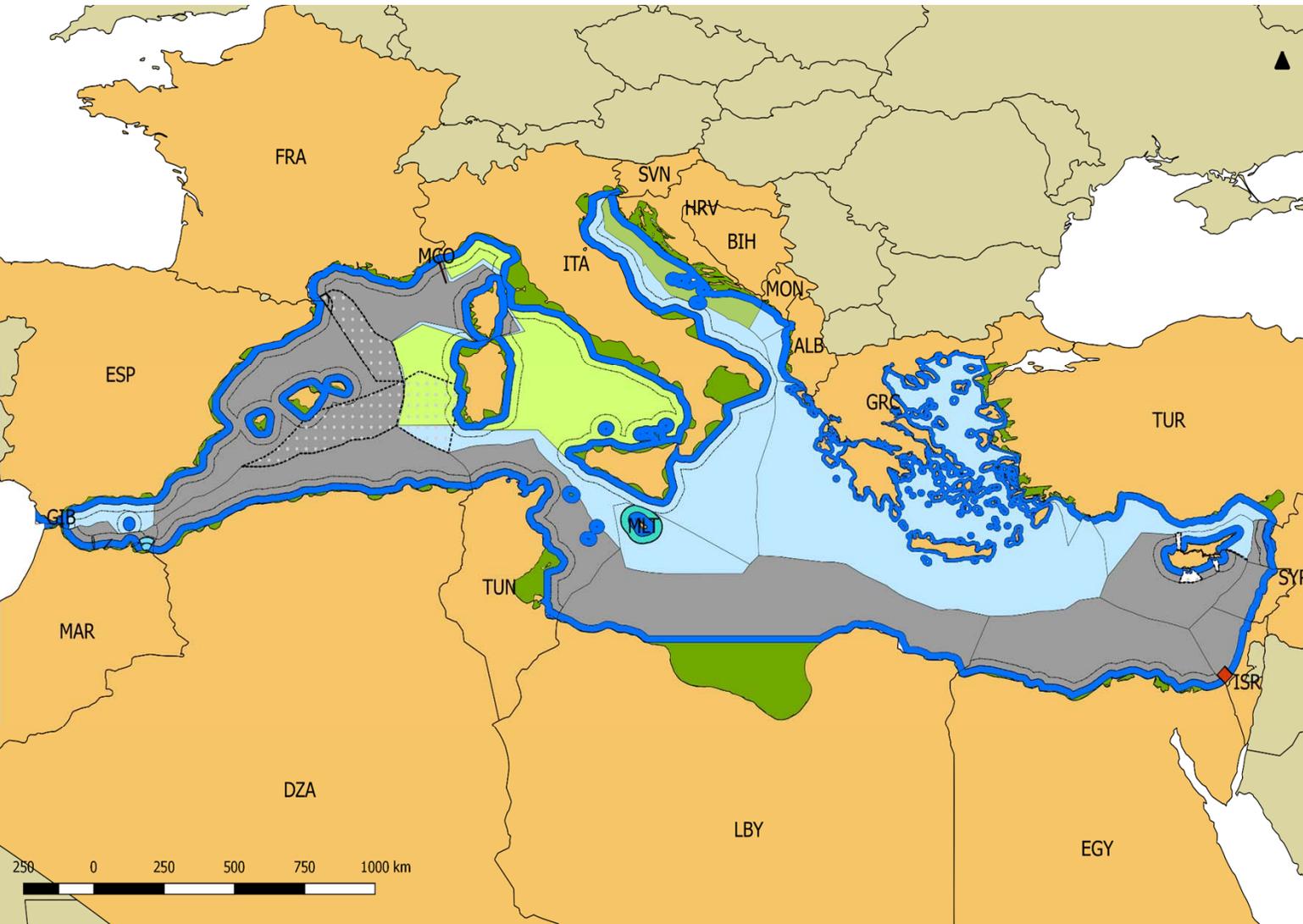
MARINE SPATIAL PLANNING (MSP)

- MSP Conceptual framework: Mediterranean perspective
- Process of MSP. Steps
- Transboundary MSP: Defining cross-border dimension of MSP in the West Med.
- MSP and Area-based conservation schemes: links and differences



MSP CONCEPTUAL FRAMEWORK: MEDITERRANEAN PERSPECTIVE





Legend			
Jurisdictions	Contiguous Zone	Continental Shelf	Other (Morocco-Spain)
Inland waters	Exclusive Economic Zone	Ecological Protection Zone	Mediterranean countries
Territorial sea	Fishery Protection Zone	Overlapped jurisdictions	Mediterranean countries
	Ecological Protection Zone / Fishery Protection Zone	Other (Palestine)	

The presence of the EU in the Med (8 countries) implies the existence of a common political and normative framework for the drafting of plans in a group of countries (Adriatic 4 [Italy, Slovenia, Croatia, Thank you]; WESTMED/MSP Global 4 [Spain, France, Italy, Malta]).

The southern shore (non-EU countries [majority of riparian countries with 24.4% of the EEZ]) does not have a common regulatory framework.

For the whole basin there is a document (UNEP/MAP) that provides a common context for the CPs (Conceptual Framework for Marine Spatial Planning in the Mediterranean).

MSP FUNDAMENTALS DIRECTIVE 2014/89/EU BLUE GROWTH

- This Directive establishes a framework for maritime spatial planning with a view to promoting the sustainable growth of maritime economies, the sustainable development of marine spaces and the sustainable use of marine resources (Article 1).
- - ...Europe 2020 Strategy, as well as a number of activities on which blue growth initiatives could focus in the future and which could be adequately supported through increased investor confidence and certainty through MSP (Exhibit 5).

The blue economy

Growth, opportunity and a sustainable ocean economy

An Economist Intelligence Unit briefing paper for the World Ocean Summit 2015



Sponsored by

GORDON AND BETTY
MOORE
FOUNDATION

UN 
environment



 The Mediterranean
Biodiversity
Centre
SPA / RAC

BLUE GROWTH / BLUE ECONOMY

- A. Confusion and imprecision in the use of the concepts of blue growth and blue economy
- B. Growth vs. Conservation
- C. Blue growth. Opportunities for sustainable marine and maritime growth 2012
- D. Innovation in the Blue Economy realizing the potential of our seas and oceans for jobs and growth, 2014



BLUE GROWTH

EU strategy to support the sustainable growth of the maritime sector, through

- Development of new maritime sectors
- Providing knowledge, security in the blue economy and legal certainty
- Developing basin strategies



BLUE GROWTH / BLUE ECONOMY MEDITERRANEAN SEA

Initiative for the sustainable development of the blue economy in the western Mediterranean [Brussels, 19.4.2017 COM(2017) 183 final]

(Algeria, Spain, France, Italy, Libya, Malta, Morocco, Mauritania, Portugal, Tunisia)



EC PRIORITY SECTORS

- Blue energy
- Aquaculture
- Tourism
- Mining
- Bioprospecting
- Aquaculture
- Coastal tourism
- Marine biotechnology
- Ocean energy
- Seabed mining



JOINT ROADMAP TO ACCELERATE MARITIME/MARINE SPATIAL PLANNING PROCESSES WORLDWIDE (IOC/UNESCO-EC)

Priorities

- Transboundary maritime/marine spatial planning
- Blue economy
- Ecosystem-based maritime/marine spatial planning
- Capacity building
- Building mutual understanding and communicating MSP



PROCESS OF MSP - STEPS



IOC AND UNEP STEPS

UNESCO-IOC

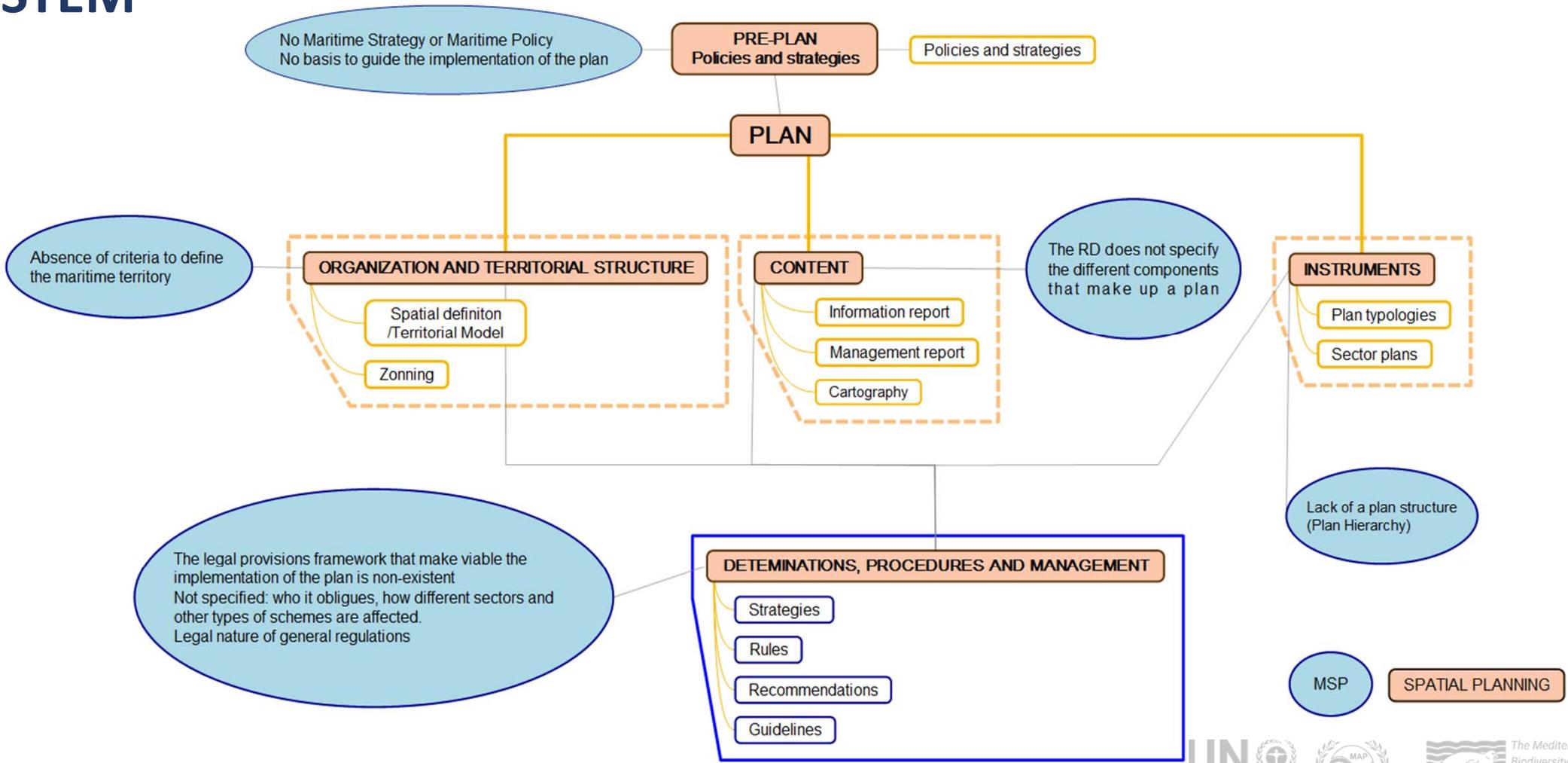
1. IDENTIFYING NEED AND ESTABLISHING AUTHORITY
2. OBTAINING FINANCIAL SUPPORT
3. ORGANIZING THE PROCESS THROUGH PRE-PLANNING
4. ORGANIZING STAKEHOLDER PARTICIPATION
5. DEFINING AND ANALYZING EXISTING CONDITIONS
6. DEFINING AND ANALYZING FUTURE CONDITIONS
7. PREPARING AND APPROVING THE SPATIAL
8. IMPLEMENTING AND ENFORCING THE SPATIAL
9. MONITORING AND EVALUATING PERFORMANCE
10. ADAPTING THE MARINE SPATIAL MANAGEMENT PROCESS

UNEP

1. STARTING THE PROCESS AND GETTING ORGANISED
2. ASSESSING THE CONTEXT AND DEFINING A VISION
3. ANALYSING EXISTING CONDITIONS
4. ANALYSIS OF FUTURE CONDITIONS
5. IDENTIFICATION OF KEY ISSUES
- 6A. DESIGN PHASE: ELABORATING THE MSP PLAN
- 6B. STRATEGIC ENVIRONMENTAL ASSESSMENT
7. IMPLEMENTING, MONITORING AND EVALUATING THE PLAN
8. CROSS-STEP ACTIVITY – STAKEHOLDER CONSULTATION

MSP AND PLANNING SYSTEM

COMPARING REGIONAL PLANNING AND MSP. THE SPANISH CASE



MSP SPATIAL PLANNING

MSP AND PLANNING SYSTEM

- The MSP [in more advanced cases] is already at a stage where planning documents must address more specific issues.
- Some issues such as public participation and ecosystem management have been widely discussed and debated.
- Interest in the international dimension is equally widespread with important initiatives by international bodies and the EU itself.
- Strong expectations have been placed on the MSP as a regulatory instrument with broad capacities for the resolution of conflicts and very diverse problems (economic growth, conservation and protection, conciliation of interests...).



MSP AND PLANNING SYSTEM

It is less well known how this new instrument is being provided with the legal elements to enable it to intervene in the many different aspects of the maritime sector and to define goals and objectives.

How do the entry into force of new rules affect existing institutional structures: can the same institutions make the transition to the new management model for maritime activities?



MSP AND PLANNING SYSTEM

Is the management plan as an administrative instrument responding to the expectations of different sectors and channelling environmental, economic and social objectives and goals?

With experience to date, what operational and institutional constraints and obstacles can be identified in the development of plans?



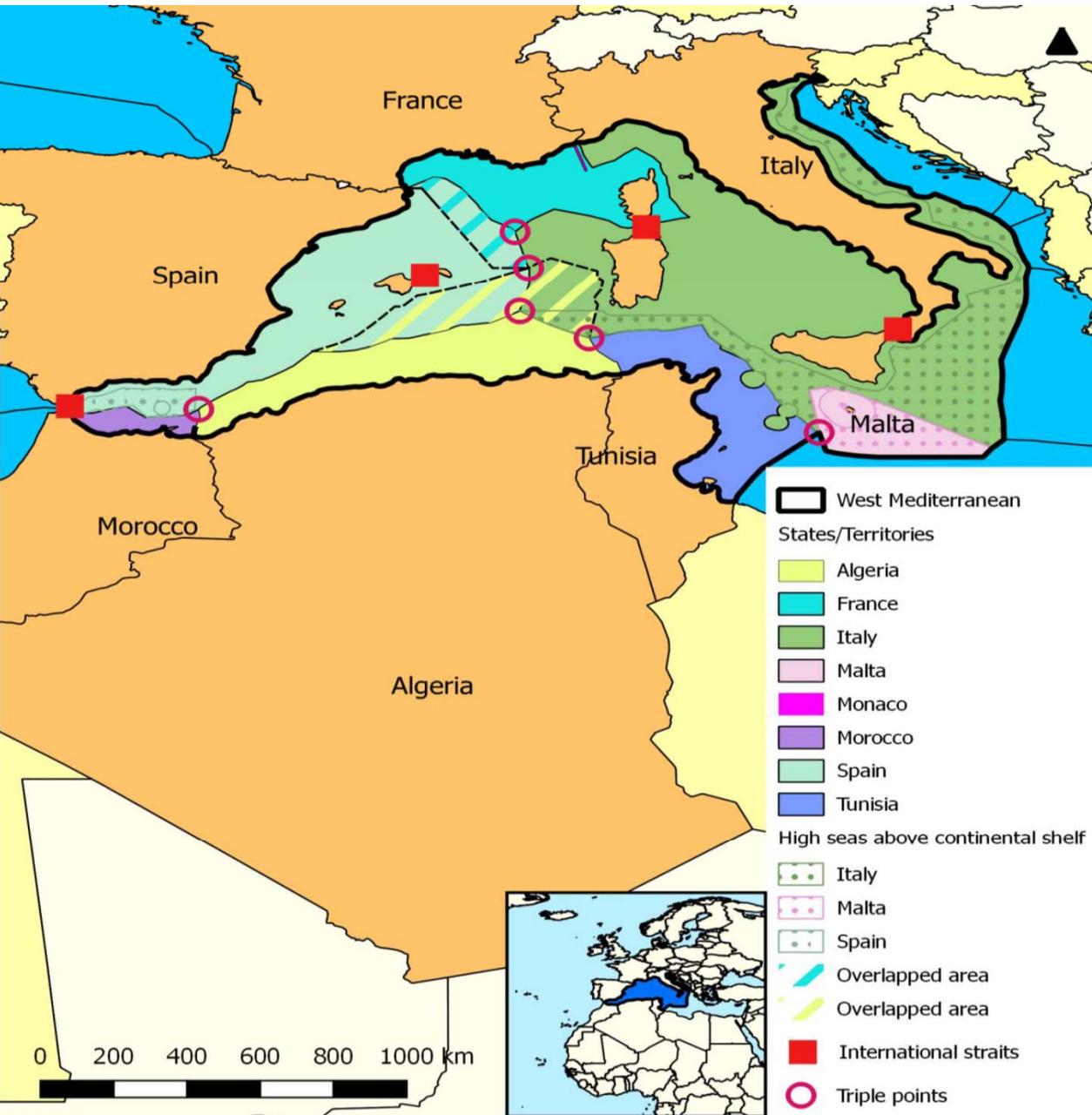
MSP AND PLANNING SYSTEM

Does the rule introducing the plans (in the EU the transposition of the Directive) detail and specify the different components that make up the plan?

QUESTIONS:

- Is the same institutional structure that manages the different activities maintained?
- Is the plan accompanied by an investment programme?
- Is there a definition and delimitation of ecosystems related to different uses and activities?





TRANSBOUNDARY MSP: DEFINING CROSS- BORDER DIMENSION OF MSP IN THE WEST MED



TRANSBOUNDARY MSP: DEFINING CROSS-BORDER DIMENSION OF MSP IN THE WEST MED

Cross-border and transboundary are concepts that need to be precisely defined since they determine a focus with a certain priority for the EC (cooperation). Cross-border / transboundary refers to relationships or interactions on both sides of a border line or jurisdictional boundary that separates territories / maritime spaces.

It is a complex casuistry because there is a wide typology of contacts between states, their different jurisdictional areas and, in turn, between spaces under national jurisdiction and beyond national jurisdiction.



BORDERS, BOUNDARIES AND FRONTIERS

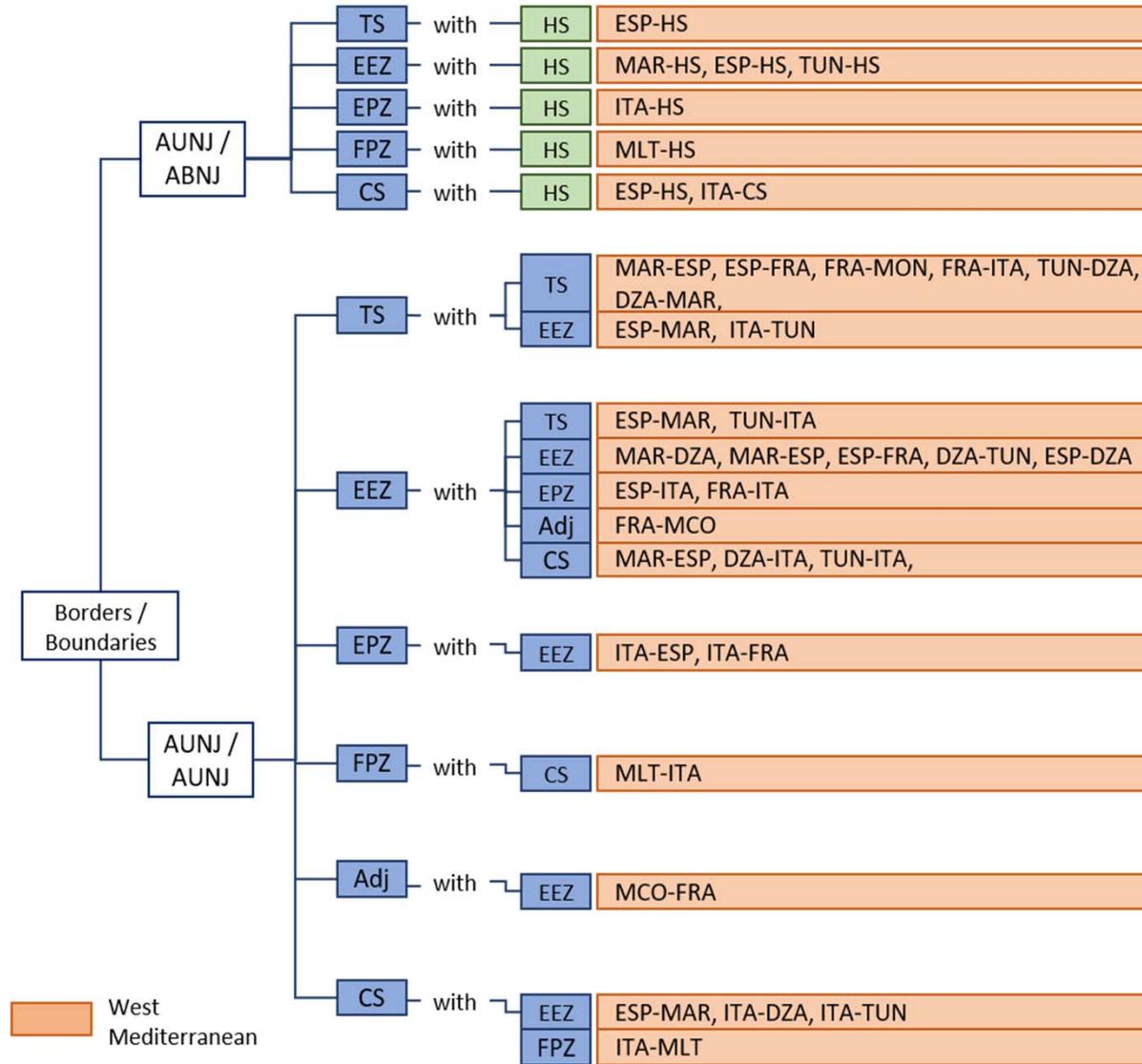
In the maritime space the terms BOUNDARY/BORDER / FRONTIER correspond to complex concepts due to the peculiar legal regime of the different maritime jurisdictions.

This fact suffers from imprecision in the normative and technical texts related to the MSP, which affects the correct interpretation of the notion of CROSS-BORDER or TRANSBOUNDARY COOPERATION, an approach that is a priority in the maritime policy of the EC and in the treatment general of the MSP



The Mediterranean
Biodiversity
Centre

Maritime boundary tipology. Westmed



AUNJ=Areas Under National Jurisdiction; ABNJ= Areas Beyond National Jurisdiction; TS= Territorial Sea; EEZ= Exclusive Economic Zone; CS= Continental Shelf; HS= High Seas; EPZ = Ecological Protection Area, FPZ (Fisheries Protection Area), Adj= Adjacent Area



APPROACHING CROSS-BORDER ISSUES

Some of the uses / activities that are located in the scope of the plan tend to a greater degree of **interaction** and take place **across** jurisdictional limits.

They are areas where **property rights** converge, resources **move** in the seas, marine dynamics **distributes / mobilizes** natural elements or objects or the environment itself functions as a circulation space (**transport**).

Fishing, traffic, pollution, leisure, conservation or environmental protection require plurinational and / or international management based on consistent **cooperation** practices.

Cross-border cooperation is an intrinsic dimension in the occupation and use of the maritime space, which is why it is a perspective to be taken into account in a plan. Maritime boundaries are also disruptive elements that are often overlooked due to their potential to cause conflicts.

Cross-border cooperation can be the framework for dealing with disputes arising from jurisdictional claims between states and / or territories.

It would be appropriate to carry out a prior evaluation of geopolitical risks when promoting a plan with a cross-border focus.

Cooperation between states (bilateral / multilateral) is only one of the possibilities to be taken into account. The interaction with ABNJ (from one or several states) can take place in scenarios of considerable complexity.

Cross-border/transboundary dimension requires a precise and exhaustive approaching of the existing casuistry in the scope of the planning scope to design the legal and political mechanisms that make it viable

MSP AND AREA-BASED CONSERVATION SCHEMES: LINKS AND DIFFERENCES



THERE IS NO UNIVERSALLY ACCEPTED DEFINITION OF AREA-BASED MANAGEMENT (PENDING APPROVAL OF CBD IN ABNJ).

“Area-based management tool” means a tool, including a marine protected area, for a geographically defined area through which one or several sectors or activities are managed with the aim of achieving particular conservation and sustainable use objectives [and affording higher protection than that provided in the surrounding areas].

MSP IS DEFINED BY INTERNATIONAL INSTITUTIONS/INSTRUMENTS:

UNESCO-IOC: Marine spatial planning is a public process of analyzing and allocating the spatial and temporal distribution of human activities in marine areas to achieve ecological, economic, and social objectives that usually have been specified through a political process. Characteristics of marine spatial planning include ecosystem-based, area-based, integrated, adaptive, strategic and participatory.

Marine spatial planning is not an end in itself, but a practical way to create and establish a more rational use of marine space and the interactions among its uses, to balance demands for development with the need to protect the environment, and to deliver social and economic outcomes in an open and planned way.

EU DIRECTIVE: a process by which the relevant Member State’s authorities analyse and organise human activities in marine areas to achieve ecological, economic and social objectives’, according to the European Commission’s Directive on Maritime Spatial Planning.



AREA-BASED MANAGEMENT TOOLS

In general, they are aimed at different forms of preservation/conservation

There are numerous examples relating to navigation (MARPOL), MPAs in ABNJ (OSPAR), Deep-sea mining (closures), fishing...

There are non-legally binding and legally binding instruments (IMO, ISA, IWC, RFMO, EBSAs...)



MAIN DIFFERENCES

Although the MSP could be considered in some way as a variety of area-based management tool, it is ultimately distinguished by its economic orientation and instrument facilitating the introduction of generally innovative maritime activities that require heavy investment, the plan being the instrument that gives legal guarantees to the occupation of maritime space in a context of spatial competition.





United Nations
Environment Programme



Mediterranean Action Plan
Barcelona Convention



SPA/RAC

*The Mediterranean
Biodiversity
Centre*

Thanks
For your attention!

Juan L Suárez-de Vivero

Professor Emeritus University of Sevilla

IOC-UNESCO MSP Global Expert Group

