

# 4. Marine Spatial Planning

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Unlike the continents, the sea has always been an area of freedom. It has long been possible to exploit and navigate its resources in the absence of pre-established rules. It was only in 1982 that the United Nations Convention on the Law of the Sea, also known as the 'Oceans Constitution', defined the rules applicable in terms of boundaries and the general principles concerning the exploitation of marine resources. At state level, the rules developed were mostly sectoral. Thus, activities such as fisheries or nature conservation have been regulated by separate texts.

The development of offshore activities goes hand in hand with their diversification. Traditional activities have been complemented by new ones that occupy the maritime space. These new activities, such as the development of oil or mining, or the deve-

lopment of renewable energies, have the particularity of being fixed and requiring the establishment of concession zones in order to be sustainable. This diversification of activities at sea also has the effect of multiplying the types of actors involved in the same maritime area, justifying the need to organize activities at sea to reconcile usages.

## A cross-sectoral system for sea management

Faced with these new challenges, Marine Spatial Planning (MSP) opens up possibilities of combining the different uses of marine resources in a single space. The MSP was presented by Unesco in 2009

as a process aimed at establishing a more rational use of marine space and interactions between its uses to balance the demand for development with the need to protect the environment within a sustainable development. It makes it possible to organize different activities, such as oil exploitation, fishing, nature conservation, tourism, the development of new forms of energy, within the same space,

Unlike the integrated management of coastal zones promoted by the International Oceanographic Commission and the European Union following the Summit on Sustainable Development and based on environmental approaches, the MSP aims to dedicate a marine space to the realization of activities at sea; it can be translated into a legal zoning document. However, the legal nature

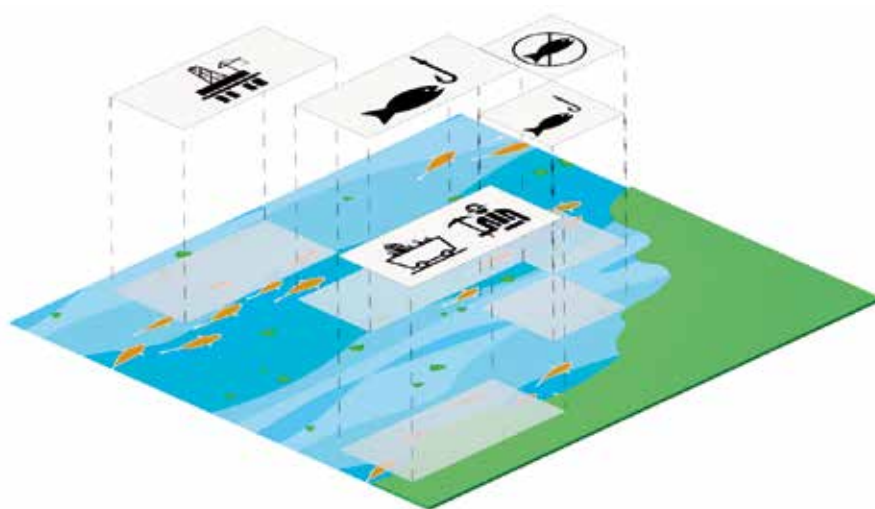


Fig. 1 – Diagram highlighting the contradiction between zoning of coastal area for several activities and the fluid nature of the ocean. Project H2020-RISE-PADDLE. ■



**Fig. 2 – The Charter for promoting blue growth adopted by Cape Verde in 2015 highlights the importance of conciliating uses at sea. © M. BONNIN / IRD. ■**

of the planning document is not defined and it is up to each country to adapt the process to the social and political context.

In Europe, European Directive 2014/089 obliges Member States to establish a framework for organizing human activities at sea in order to ensure ecological, economic and social objectives are achieved but without specifying the nature of the legal text that could put the MSP in place. States can therefore either establish binding zoning texts or simple policy strategy documents.

## Differentiated objectives

This European directive emphasizes the importance of achieving ecological, economic and social objectives (without prioritizing them), which may involve contradictory policies (Fig. 1). For some scientists, the MSP has its roots in nature conservation, including the Australian example of protecting the Great Barrier Reef. For others, it is essentially designed to reconcile economic activities at sea.

Depending on the actors concerned by the MSP, the objectives are also differentiated. While petroleum companies are primarily concerned with ensuring opportunities for offshore operations, conservation organizations emphasize the importance of conserving natural areas, and fishermen the need to ensure access to areas that are large enough to allow the exploitation of fishery resources (Fig. 2).

Depending on the country where this process is implemented, one or the other of the objectives is prioritized. For example, China and Taiwan have developed binding legal tools to maximize economic opportunities, while others, for instance, the countries bordering the North Sea, seek to reconcile economic development with protection of the marine environment.

*A priori*, this process is very positive thanks to the conciliation of uses it targets, which implies an interdisciplinary and integrated view of the marine environment. But despite the strength of this view of marine development, many questions remain about the impacts and long-term use of this process. It will be important to analyze the MSP effects on the distribution of resources and competences between States and multinational companies to avoid any risk of appropriation of the sea (dispossession of the traditional rights of local communities, following the modification of access rights relating to the exploitation of marine space or marine resources). Changing access rights to the exploitation of marine resources can lead to the dispossession of the traditional rights of fishing communities in all regions of the world.

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# The Ocean revealed



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