

marine
spatial
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Setting the scene and designing the planning process

Speaker, IOC-UNESCO

Setting the scene and design Phase



SETTING THE SCENE



**DESIGNING THE
PLANNING PROCESS**



**ASSESSMENT
FOR PLANNING**



**DEVELOPING THE
PLAN**



**ENABLING
IMPLEMENTATION
OF THE PLAN**



**MONITORING,
EVALUATION &
ADAPTATION**

How to set the scene and design planning process ?





MSP remit and working group

- The first task is to **determine** whether there are existing **marine and coastal planning capabilities**.
- **Identify** which institutions or agencies have the **legal authority to manage marine resources** and **enforce activities** in the maritime area.

➤ In most countries, multiple institutions will have different remits and their spatial jurisdiction may overlap, be unconnected or be non-existent.

MSP Working Group



- **Create a multi-disciplinary, multi-institutional or multi-agency** working group comprised of biologists, geographers, economists, social scientists, and planners
- This working group may include key stakeholders, from competent authorities, experts – **academia, and/or members of civil society** – with experience in marine planning and land use planning

➤ The purpose of the working group is to begin organising the process and bring perspectives from multiple sectors to coordinate the launch of MSP



Identifying existing national legal and institutional frameworks

National legal and institutional frameworks



Identify any established national policies **related to MSP** by reviewing :

- ✓ National ocean policy/strategy
- ✓ Blue/ocean/maritime strategy
- ✓ Sectoral policies
- ✓ Sectoral management plans
- ✓ Integrated coastal zone management (ICZM)
- ✓ Renewable energy targets
- ✓ Coastal regional and/or local development programmes
- ✓ Climate change adaptation strategies
- ✓ Environmental plans and policies



Identifying existing international laws, regulations and agreements

International legal and institutional frameworks



MSP has been adopted as a planning and management model for achieving **target 2 of Sustainable Development Goal 14** (SDG 14) of the United Nations 2030 Agenda –

‘Sustainably manage and protect marine and coastal ecosystems to avoid significant adverse impacts, including by strengthening their resilience, and take action for their restoration in order to achieve a healthy and productive ocean’.



Relevant international legal instruments

- United Nations Convention on the Law of the Sea (UNCLOS)
 - Basis for the declaration of the various maritime jurisdictions
 - Stipulates international principles of controlling shipping and right of innocent passage
 - Indicates extent of responsibilities for protection of biological marine resources
 - Authority to manage and prohibit extraction activities within national jurisdiction
 - Addresses piracy and prosecution of illegal activities within national jurisdiction and international/territorial sea cooperation
- United Nations 2030 Agenda for Sustainable Development
- United Nations Framework Convention on Climate Change (UNFCCC) and related agreements and protocols
- United Nations Fish Stocks Agreement
- FAO Compliance Agreement
- FAO International Plan of Action to Prevent, Deter, and Eliminate IUU Fishing
- International Convention for the Safety of Life At Sea (SOLAS)
- Convention on Biological Diversity (CBD)
- International Convention for the Prevention of Pollution from Ships (MARPOL)
- Port State Measures Agreements (PSMA)
- Convention on Wetlands (Ramsar)

How to integrate and optimise international, regional and national processes?



- During the stocktaking phase, **conduct** a full analysis of agreements at the **different levels and scales** including transboundary
- **Share** information between levels (**reporting; events to bring together actors** from different levels to share information and experiences)



Identifying sources of funding for MSP

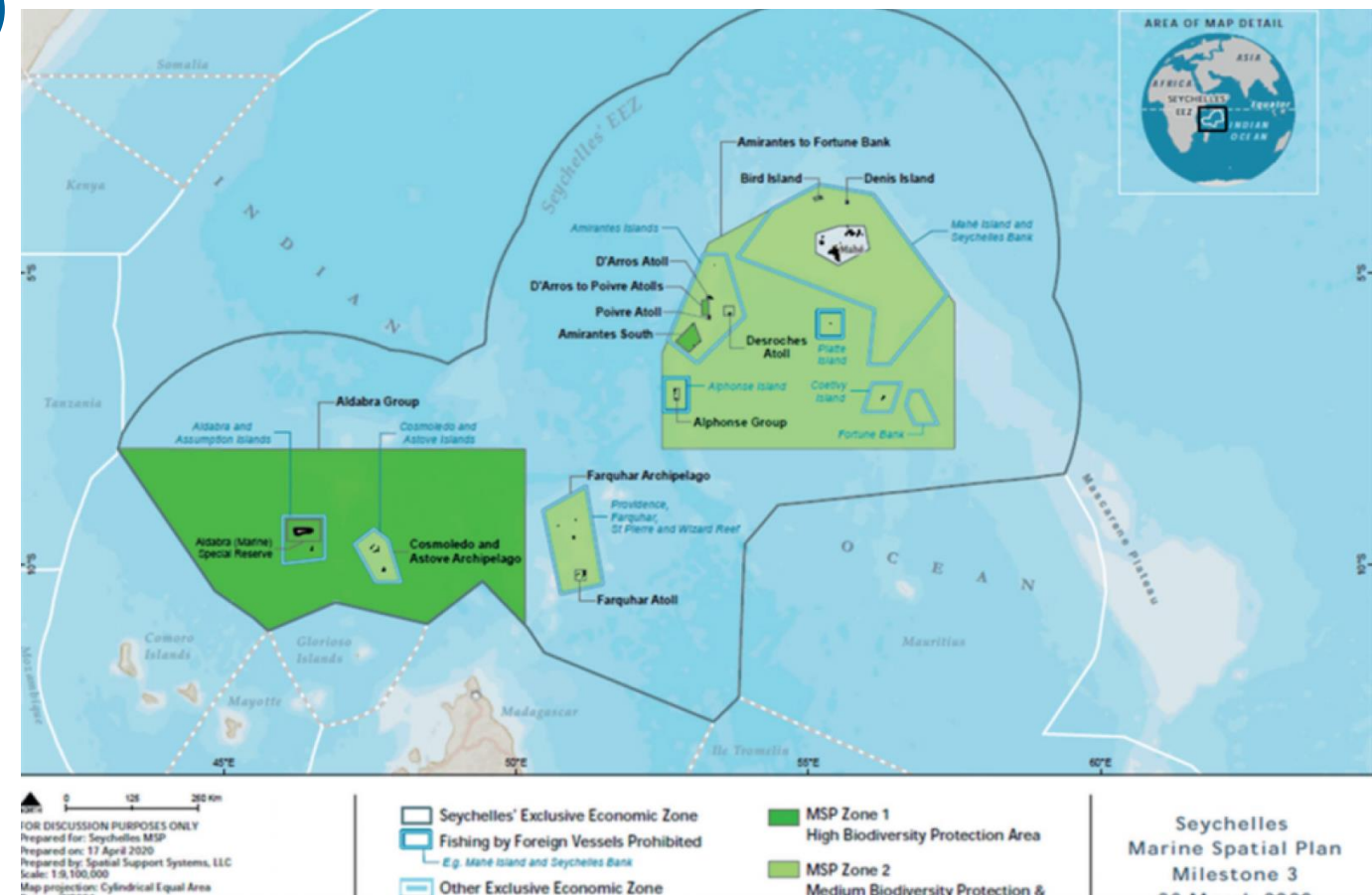
Funding for MSP

- **Estimate costs** of your MSP activities
- **Identify alternative means** to obtain financing for MSP activities
- Examples of financing mechanisms:
 - Government revenue allocations
 - Grants and donations
 - Revenue from tourism
 - Revenue from the energy sector
 - Revenue from mining
 - Revenue from fishing
 - Revenue from maritime transport



Example: Seychelles

- The SMSP is funded through **debt conversion** and managed by the Seychelles' Conservation and Climate Adaptation Trust (SeyCCAT)
- Additional funding through **grants** to Government of Seychelles and Oceans 5 grant awarded to The Nature Conservancy

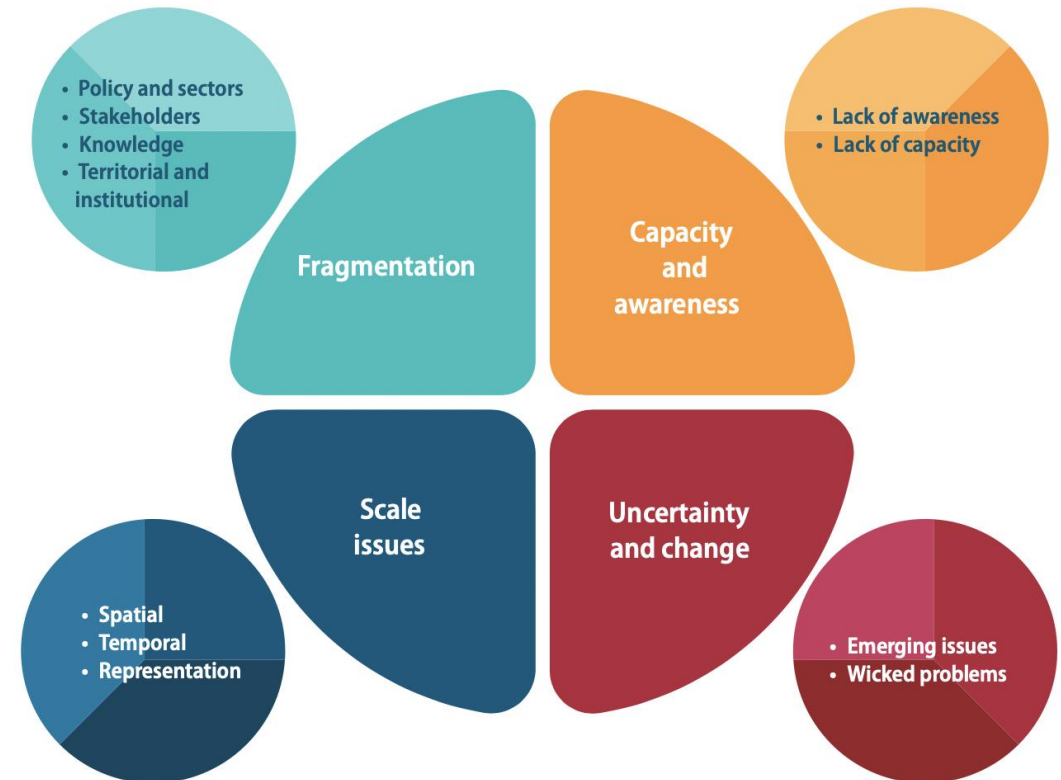




Identifying existing needs for planning ocean resources at different scales

Identifying needs

- Do you have (or expect) **incompatible uses** or uses that adversely **affect important natural areas**?
- Do you need to tackle particular **conflicts**, either existing or anticipated (e.g. user-user conflicts; user-nature conflicts)?



To gain support from politicians, be sure to specify the problems you encounter and detail exactly how MSP can help resolving them

Examples: Needs

Country/Cases	Driver(s) for MSP
Belgium	Small sea space, sea-use conflict, emerging offshore wind farms
USA (Rhode Island, Massachusetts)	State offshore wind farm targets
China (Xiamen's marine functional zoning)	Sea-use conflicts, marine environmental degradation, lack of institutional coordination
Australia (Great Barrier Reef)	Degradation of coral reefs and managing the impact of human activities on the ecosystem
South Africa	Need for more integrated approach to marine management, perceived conflict between uses
Grenada	Blue growth, coastal, marine tourism and sea-use conflicts
Seychelles	National marine biodiversity protection target (30% of the EEZ and Territorial Sea)
EU coastal Member States	Legal obligation under the EU MSP Directive
Coral Reef Triangle Initiative on Coral Reef, Fisheries and Food Security (Indonesia, Malaysia, Papua New Guinea, Philippines, Solomon Islands, Timor Leste)	Reversing degradation of coral reefs, ensuring food security through improved fisheries management, addressing climate change



Establishing MSP within governance and legal frameworks

MSP Legislation

- Creation of **new legislation** **OR** using the **existing legislation** (eventually, with some minor modifications)

Potential Advantages of New Legislation for MSP	Potential Disadvantages of New Legislation for MSP
Clear authority	Time consuming
Unconditional application ('fresh start')	Inflexible (If new legislation is not drafted in a way that promotes multiple-objectives, it can become an inflexible instrument)
Clear leadership	Undesired outcomes (even the best intended legislation can end up being far from what the original idea)
Continuity (clear authority and leadership enables institutions to take up appropriate roles and responsibilities, thus ensuring efficient functioning)	Decreased political support (As draft new legislation requires time, politicians may be reluctant to support MSP without evidence of at least some results during their mandate)

MSP Legislation

- Key components of MSP legislation:
 - ✓ Specifying a **desired outcome**
 - ✓ **Principles** for MSP development
 - ✓ Setting an **end date**
 - ✓ **Equal powers** for a multiple-objective outcome
 - ✓ A **time frame** for adaptation
 - ✓ Provisions for MSP **financing**



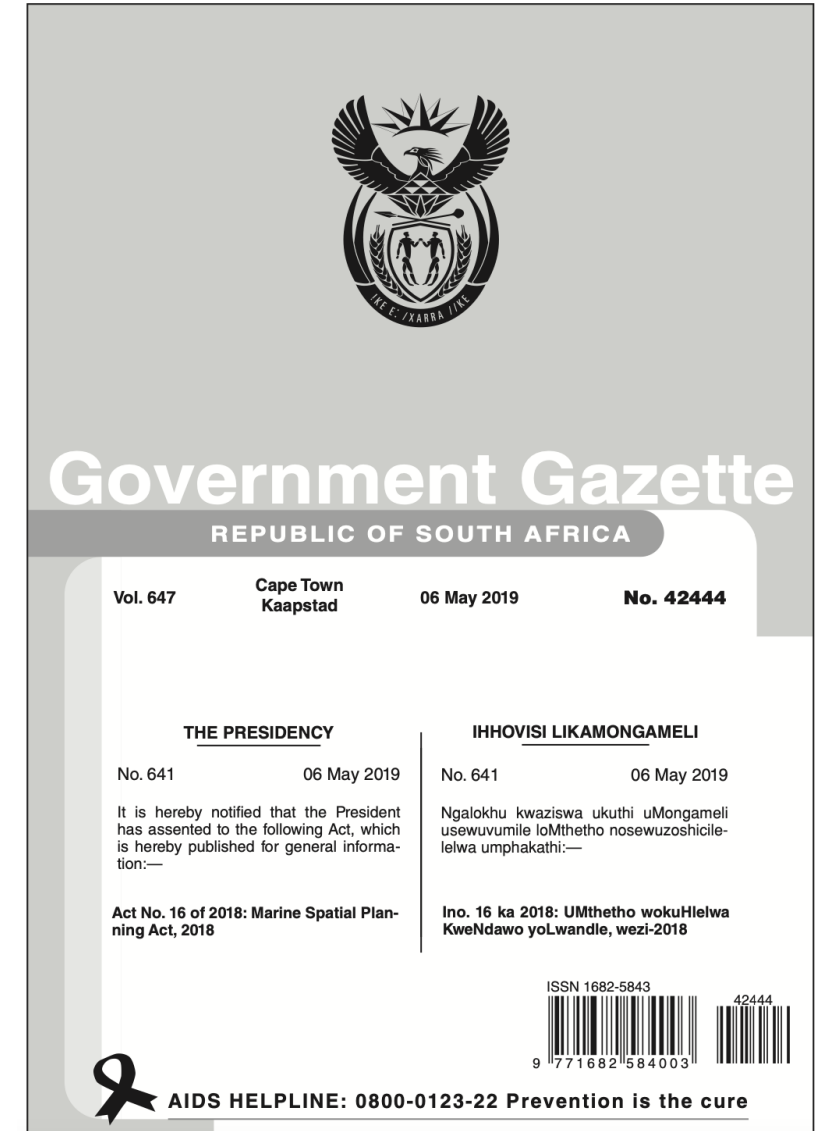
What are the key components of MSP legislation?

- Introductory elements
 - Definitions/Interpretation (e.g. legal, technical and scientific terms)
 - Geographic/Jurisdictional scope
 - Objectives
 - Guiding/Interpretive principles
- Governmental and administrative elements
 - Planning authority (existing or new)
 - Advisory/Consultative multisectoral body (existing or new)
- Planning elements and procedures
 - Plan elements (e.g. maps, narrative descriptions)
 - Criteria (e.g. for conflict resolution)
 - Types of zones (if any)
 - Plan adoption, adaptation and revocation
 - Maritime sectors included in the plan
 - Plan duration and periodic review
 - Binding effect
 - Relationship of the plan with other laws (including traditional rights, if any)
- Public participation and access to information
 - Which information will be publicly available, and how
 - How the public can participate and how their input will be considered (e.g. consultations)
- Sustainable financing
 - Funding sources and mechanisms
- Enforcement and compliance
 - Offences and penalties
 - Enforcement authority
 - Grandfathering provision (i.e. grace period for pre-existing activities to come into compliance)
- Others
 - Subsequent regulation (e.g. to detail instruments)
 - Monitoring, etc.

Source: Environmental Law Institute, 2020.

Example: South Africa

- Key components of South Africa MSP legislation:
 - ✓ **Binding:** Applies to all South African waters and organs of state
 - ✓ **Precedence** over other legislation relating to MSP
 - ✓ Established **authority for MSP:** Ministry of Environmental Affairs
 - ✓ South Africa's international obligations and **cross-border cooperation** apply
 - ✓ Defined MSP **objectives and principles**





Establishing an MSP Authority

Establishing Authority



- The development of MSP requires two types of **authority**:
 - Authority **to plan** for MSP
 - Authority **to implement** MSP

BUT...

They could be combined in one organization.

Very much depends on the current planning system in place.

Example: Costa Rica



- Costa Rica created **a new Commission for Marine Governance** under the decree covering the marine spaces under the jurisdiction of the Costa Rican State (2019)
- The decree defines **Marine Governance Units** for MSP
- A Marine Committee is established in each Unit to **develop and implement** a Marine Master Plan
- The Executive Secretariat of the Commission for Marine Governance acts as secretary for the marine committees

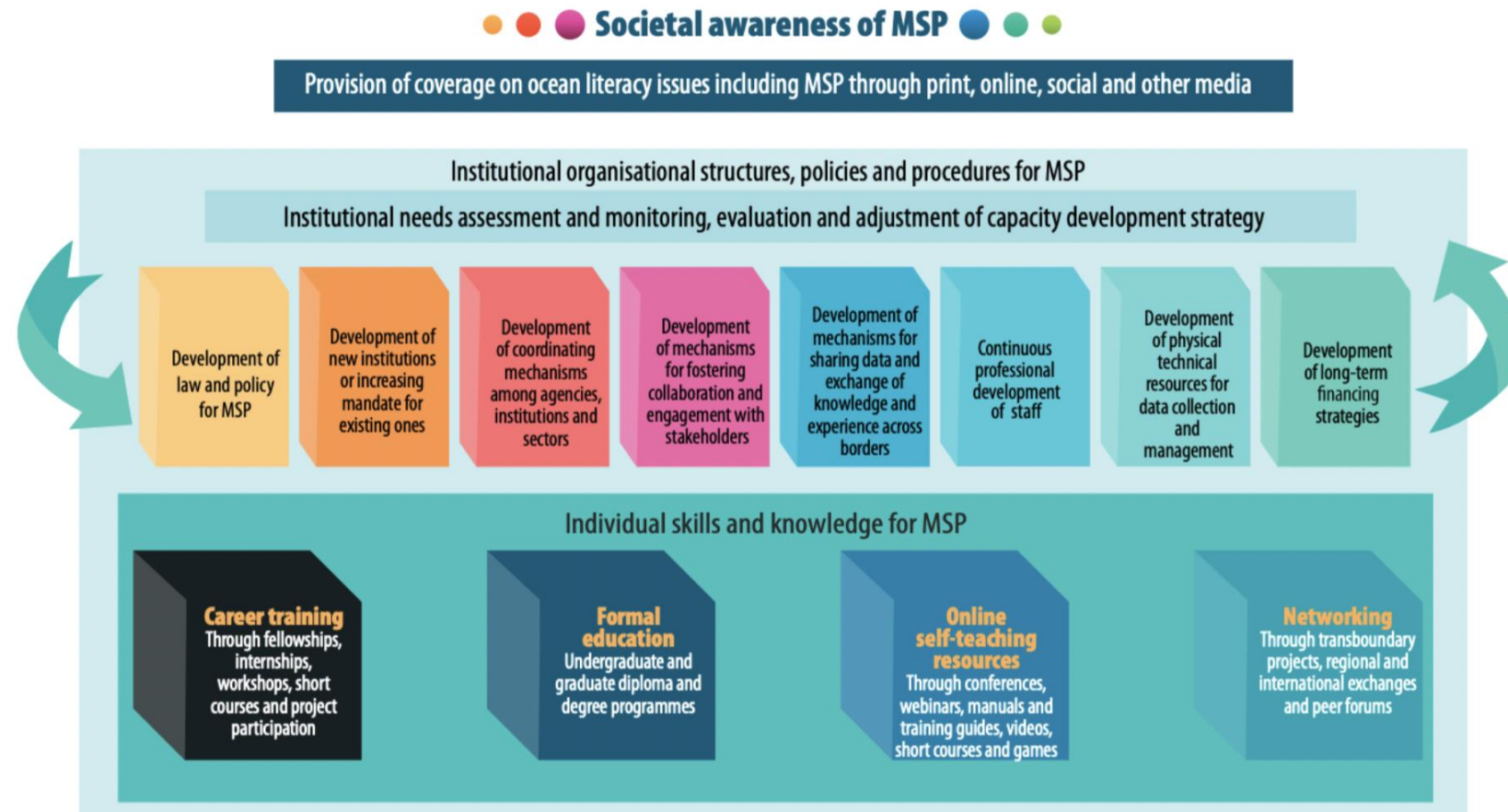
Example: Ghana

- MSP in Ghana is enforced through **an existing legislation**: Land Use and Spatial Planning Act, 2016 Act 925
- **MSP Authority**: Sections 45 and 46 (1) of the Act mandate the Land Use and Spatial Planning Authority (LUSPA)



Awareness and Capacity building for MSP

- Awareness and capacity needs to be **built across** expert organisations, governmental authorities, data providers and stakeholders





The planning team



- A technical planning team generally consists of members of organisations leading the MSP processes who are responsible for drafting, developing, revising and/or completing the MSP outputs.
- A technical team's capacity would include a range of subject matter expertise

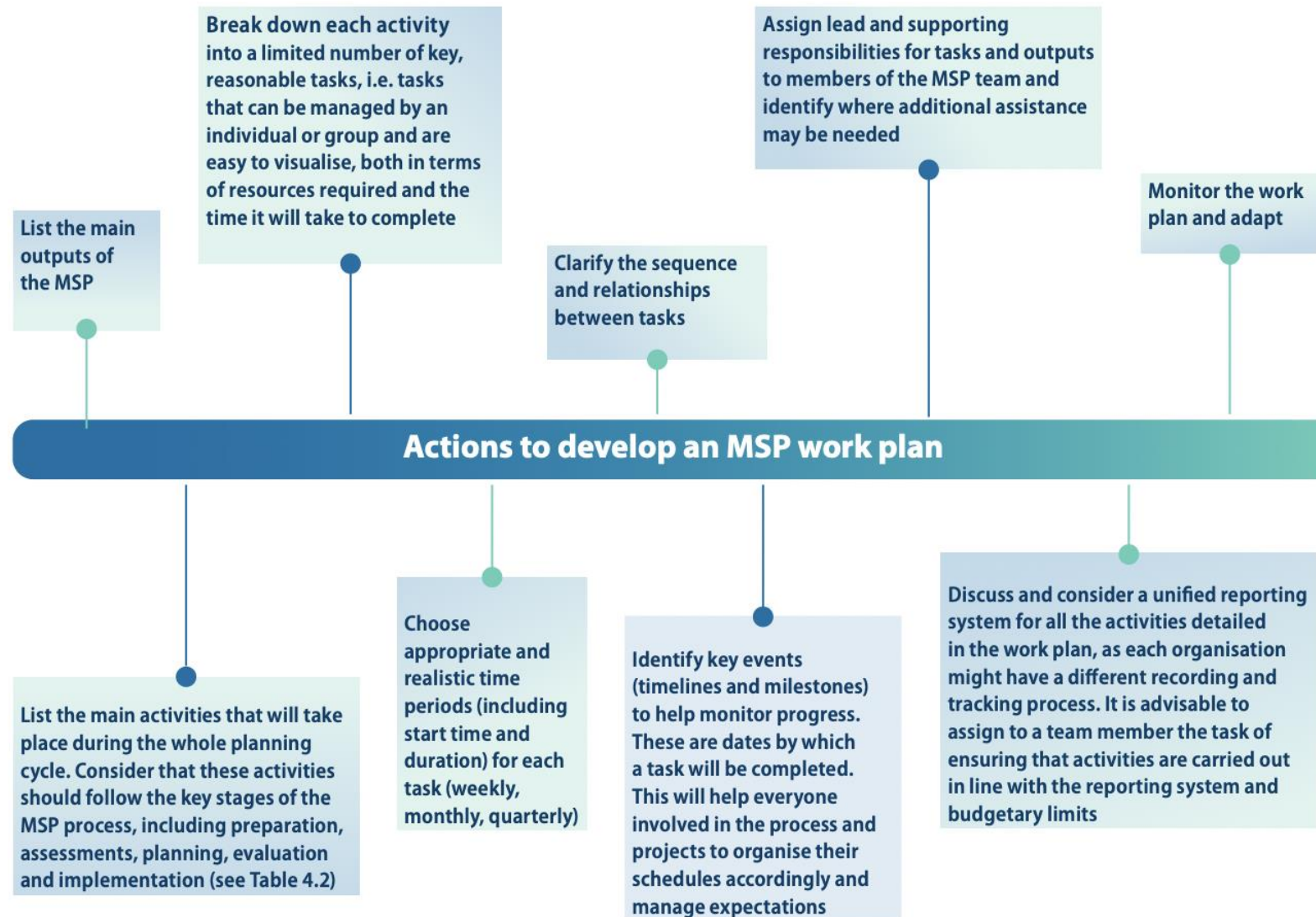
Skills matrix for MSP – Recommended skills and competences

Step	Administrative needs	Technical and scientific needs
Pre-planning (how to set the scene and design the planning process)	• Legal and policy expertise • Fund-raising and budget management	• Policy analysis • Data collection methods • Spatial database management • Existing governance system • Logical framework analysis • Stakeholder mapping
Planning	• Team leader • Project management skills • Fund-raising and budget management	• Team leader • Ocean governance and government relations • Stakeholder engagement (incl. moderation, facilitation, negotiation, conflict resolution, consensus building and communication skills) • Data management and analysis (incl. modelling and scenarios) • Socio-economic and financial analysis • Trade-off analysis • Analytical and problem-solving skills • GIS skills • Coastal and marine ecosystem functioning • Climate change • Sectoral operations • Environmental impacts • Cumulative impact • Seascape assessment
Implementation	• Project/Organisational management	• Knowledge about existing coastal and marine policies and legislation • Stakeholder engagement (incl. training, facilitation, consensus building and communication skills) • Science communication (incl. creating training and references to enable use of MSP data and evidence in decision making)
Monitoring, evaluation and adaptation	• Project/Organisational management	• Understanding a logic model, indicators and knowledge of existing monitoring programmes • Logical framework model/analysis • Data management and analysis (incl. modelling and scenarios) • Systems thinking and analysis • Change management skills (incl. knowledge about amending marine planning policies, zones and legislation)

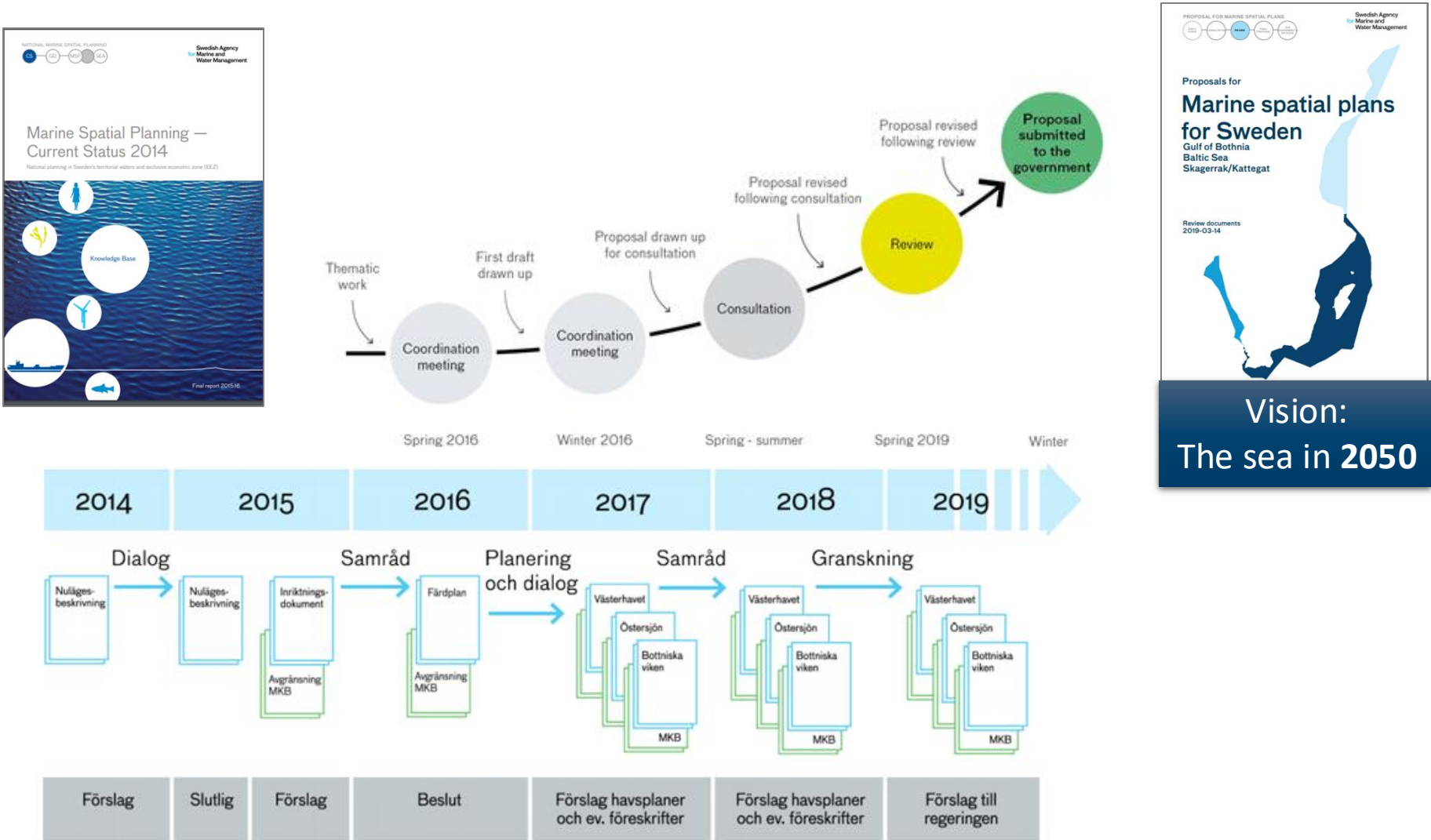


Work plan for the MSP team

How to design a work plan?



Example: Sweden



Figur 5. Tidplan för framtagande av havsplaner.

Example: Ireland

Step	Milestone	Time frame
Pre-planning stage (how to set the scene and design the planning process)	Establish and resource MSP function by establishing a marine planning authority and team	• Immediate • Notify regional bodies and neighbouring countries about the start of the MSP process
	Identify and initiate contact with key stakeholders	• End of Year 1
Planning	Establish MSP working group	• Year 1
	Develop initial vision and objectives of the marine spatial plan	• Publish before end of Year 1
	Initiate contact with stakeholder groups (e.g. energy industry representatives, fisheries, coastal communities, etc.)	• In writing before end of Year 1 • Regional workshop/stakeholder forums Q1 of Year 2
	Prepare situational analysis and future scenarios (this phase includes collection, mapping and analysis of data on current and future conditions)	• Publish end of Year 2 • Two-month consultation
	Prepare draft marine spatial plan (including environmental assessments)	• To minister/government Q2 Year 3 • Three-month consultation
The plan	Prepare final marine spatial plan (including environmental assessments)	• To minister/government Q2 Year 4 • Publish and notify regional bodies and neighbouring countries Q3 Year 4
Implementation	Implementation	• Year 4 onwards
Monitoring, evaluation and adaptation	Monitoring, evaluation and adaptation	• Year 4 onwards

Source: Department of Housing, Planning and Local Government of Ireland, 2017.

Source: : UNESCO-IOC/European Commission, 2021



Definition of the planning boundaries and time frame

Defining Boundaries



- Boundaries for management (**legal boundaries**)
 - Boundaries for analysis (**ecosystem boundaries**)
- Typically, the management boundaries of the marine area will not coincide with the boundaries of a single ecosystem, because often several ecosystems of varying sizes exist within, and may extend beyond the designated management area

Some Considerations



- The geographical extent of internal, archipelagic and territorial waters, as well as **EEZ** (if established)
- **Sub-national borders** and responsibilities in the coastal zone and offshore
- National / sub-national **departmental responsibilities and areas of competence**
- **Disputed, unsettled or contested areas** where the jurisdictional boundary is yet to be agreed
- Existing licences/activities
- The extent of **ICZM** and **river basin management** initiatives
- **Other** international marine regions and administrative areas

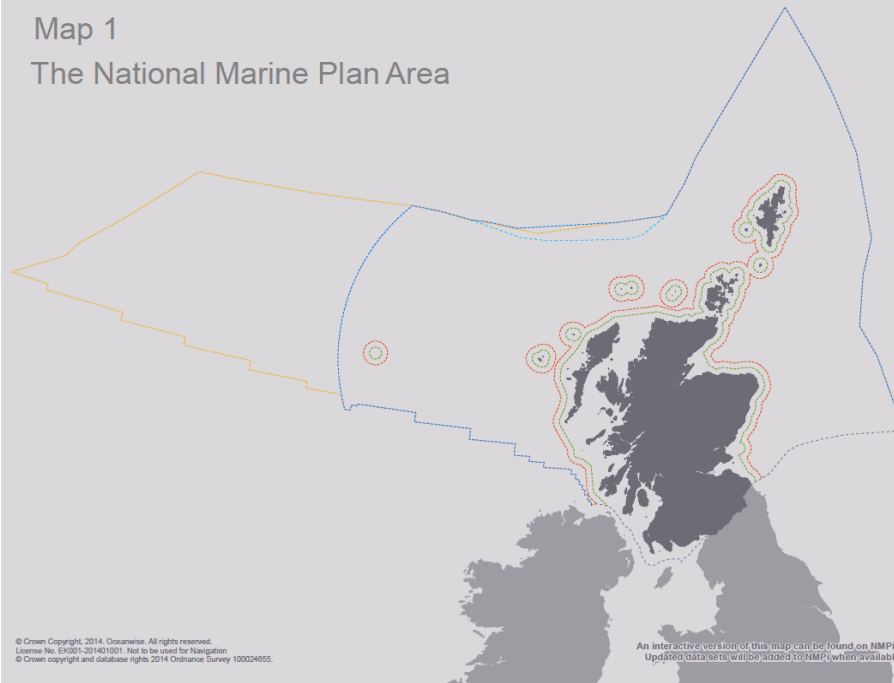
Example: Scotland

Regional Authority = up to 12 NM (but the regional plans have to be consistent with the National MSP Plan)

National Authority = 12 to 200 NM

Map 1

The National Marine Plan Area



Detail Key

Introduction

Key:

- 6nm from baselines
- Territorial seas (12nm from baselines)
- Scottish Adjacent Waters Boundary
- Exclusive Economic Zone
- Faroes Special Area
- Continental Shelf Limits

Map 2

Proposed Boundaries for Scottish Marine Regions



Detail Key

Marine Planning in Context

Key:

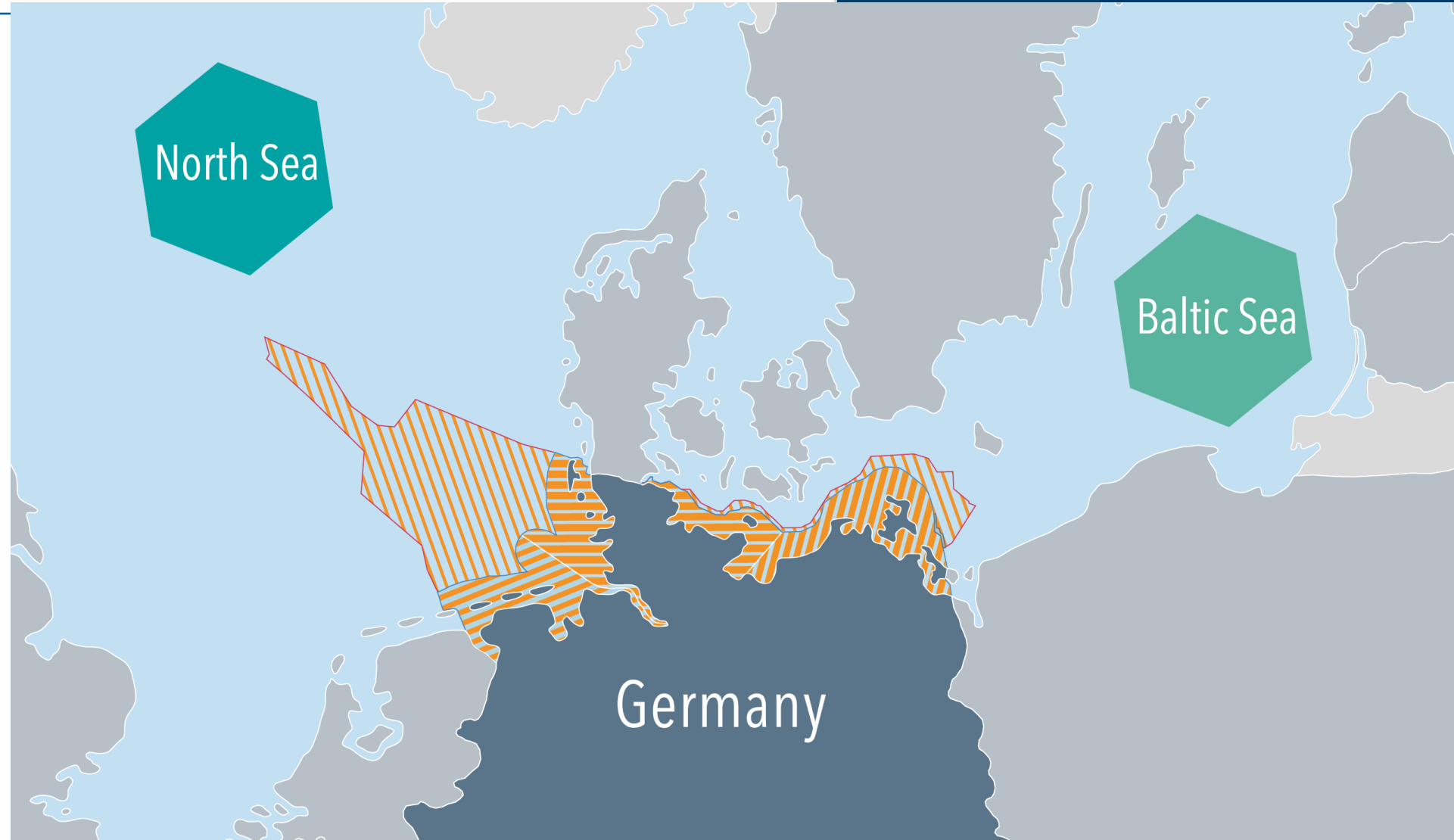
- Argyll
- Clyde
- Forth and Tay
- Moray Firth
- North Coast
- North East
- Orkney Islands
- Outer Hebrides
- Shetland Isles
- Solway
- West Highlands



Example: Germany

Coastal States = up to 12 NM

Federal Gov. = 12 to 200 NM



— Exclusive Economic Zone (EEZ) — Territorial Sea  Existing Plans

(msp-platform.eu)

Example: Sweden



Municipalities = up to 12 NM
National State = 1 to 188 NM (EEZ limit)

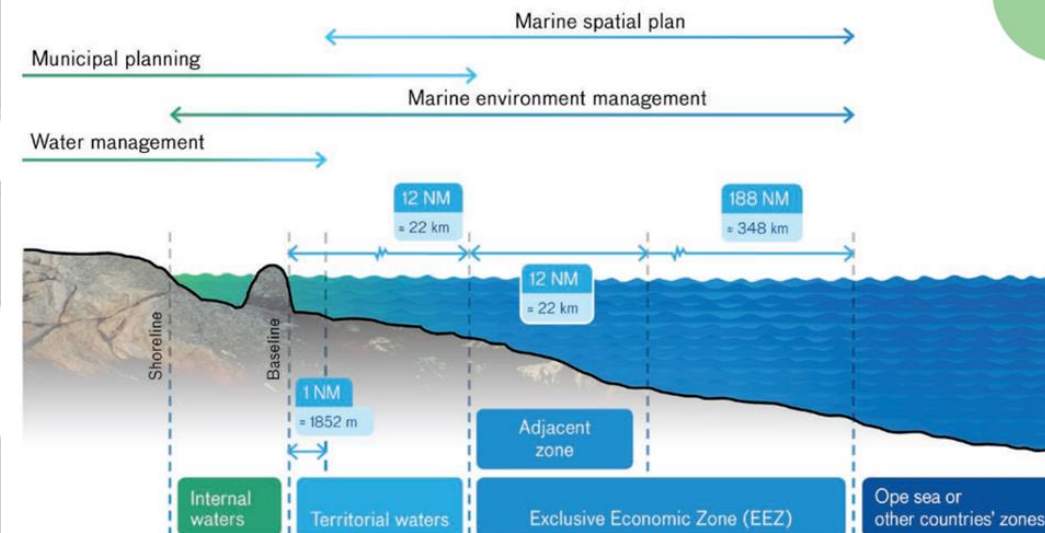
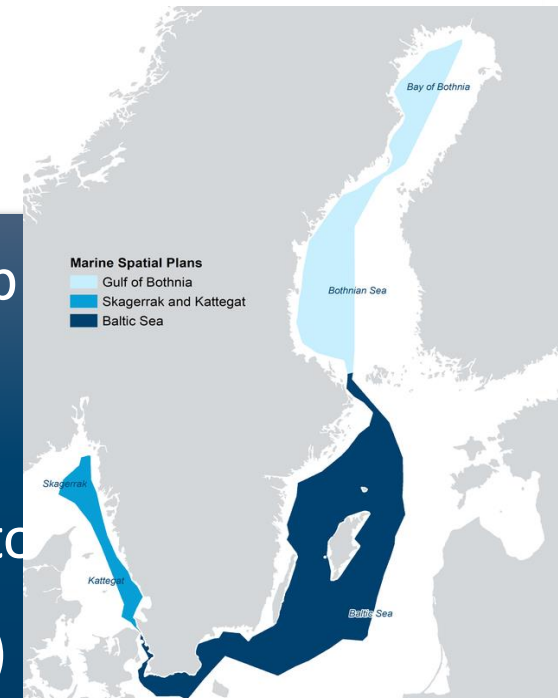


Figure 6. Terms, boundaries and planning responsibilities. The state shares planning responsibility for territorial waters with municipalities. In the Exclusive Economic Zone, the state has sole planning responsibility.

Defining the time-frame

- **Base year** to be used to provide a common or standard basis for identifying **current conditions**
 - **Target year** that defines when it is expected to **achieve the outcomes** of the plan
 - Implementing MSP is an ongoing, iterative effort.
- Often the time frame will have to **coincide with other national planning periods**



Defining the principles, initial vision, goals and objectives

Defining principles

MSP should be guided by a set of principles that:

- Determine the nature and characteristics of the MSP process
- Reflect the results you want to achieve

A principle is a basic or essential quality or element determining the intrinsic nature or characteristic behavior

MSP principles

Principles usually reflect basic ideas about:

- How the **process** needs to be **conducted** in relation to stakeholders (*e.g. participative*)
- How the **plan** needs to be **developed** (*e.g. ecosystem-based approach; climate smart*)
- What the **plan** needs to **deliver** (*e.g. sustainable development; social justice*)

Box 4.3

Baltic Sea broad-scale MSP principles¹

1. Sustainable management
2. Ecosystem approach
3. Long-term perspective and objectives
4. Precautionary principle
5. Participation and transparency
6. High-quality data and information basis
7. Transnational coordination and consultation
8. Coherent terrestrial and maritime spatial planning
9. Planning adapted to characteristics and special conditions at different areas
10. Continuous planning

Source: HELCOM-VASAB, 2010.



Box 4.4

Six indigenous principles underlying the Haida Gwaii Marine Plan, Canada¹

1. Yahguudang or Yakguudang – Respect
2. 'Laa guu ga kanhlins – Responsibility
3. Gina 'waadluxan gud ad kwaagiida – Interconnectedness: Everything depends on everything else
4. Giid tll'juus – Balance: The world is as sharp as the edge of a knife
5. Gina k'aadang.nga gii uu tl' k'anguudang – Seeking wise counsel
6. Isda ad diigii isda – Reciprocity

Source: Council of The Haida Nation, 2017.

Initial common vision

The initial vision should be defined based on the identified key drivers and should:

- Be based on **strong agreement** among stakeholders, government departments etc., reflecting shared inspiration and a desirable time-bound future
- **Be broad but guided by some realism** in terms of its achievement, thus at the same time challenging and not something that can be easily met and discarded
- **Provide a focus for MSP** and clarify identified goals and objectives
- Provide a **long-term MSP** focus that extends **beyond political cycles**



Vision for the future

- A vision of what your marine area **could or should look like** in another 10, 20, 30 years from now
- A vision and consistent direction not only of **what is desirable**, but **what is possible** in marine areas
- A **long-term** vision



Example: Sweden

*“In **2050** we will be using the sea by means of **competitive, innovative and sustainable maritime industries**. The sea will have a **good environmental status** and a **rich biodiversity**. We will be conserving and developing **natural and cultural landscapes** in the sea and making use of its ecosystem services. There will be ample public amenity value and opportunities for recreation. The sea will provide **enjoyment and benefit to all**. Businesses and public management will be cooperating, and marine spatial plans will provide a holistic and forward-thinking approach as well as predictability. In 2050 we will continue to live in **peace and freedom** in the Baltic and North Sea region. **Climate change will have been slowed down** and we will have adapted to altered circumstances.”*

Example: Scotland

“Clean, healthy, safe, productive and diverse seas; managed to meet the long-term needs of nature and people.”

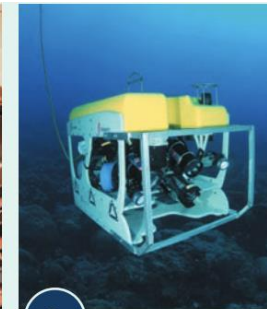
Example: Israel

The vision and objective of the Israel Marine plan is for:

marine area of Israel to be an integral part of the spatial area of the country and an essential component of its future economic well-being, environmental resilience and social and cultural development for the benefit of its residents and the future generation



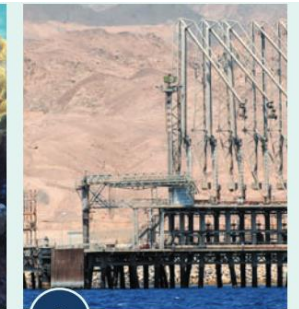
1 Governance



2 Knowledge and information



3 Environmental conservation



4 Energy



5 Maritime transport



6 Fishing and mariculture



7 Marine installations



8 Security



9 Climate change



10 Public benefit



11 Heritage and culture



12 International cooperation

Goals vs. Objectives

- **GOAL** = statement of **general direction or intent**; they are high-level statements of the desired outcome that you hope to achieve
- **OBJECTIVE** = statement of desired outcomes or observable behavioral changes that **represent the achievement of a goal**

Goals vs. Objectives

- Broad **vs.** Narrow
- General intentions **vs.** Precise
- Intangible **vs.** Tangible
- Abstract **vs.** Concrete
- Can't be measured **vs.** Measurable



Objectives of the MSP plan

Ecological + Economic + Social

S	M	A	R	T	I	E
SPECIFIC	MEASURABLE	ACHIEVABLE	RELEVANT	TIME-BOUND	INCLUSIVE	EQUITABLE
When the objective is precise and concrete enough not to be open to varying interpretations by different people.	When the objective allows verification of its achievement through indicators. Such objectives are either quantified or based on a combination of description and scoring scales.	When the objective is set at a level which is ambitious but at the same time realistically achievable within the context, knowledge and resources available.	When the objective is directly linked to the drivers and vision.	When the objective is related to a fixed date or precise time period to allow an evaluation of its achievement.	When everyone is welcomed – particularly those most impacted – into processes, activities, and decision/ policymaking in a way that shares power.	When the elements of fairness are included seeking to address systemic injustice and inequity.

Example: Ecuador

Goals	Objectives	Indicators
To promote the conservation and sustainability of coastal marine ecosystems and cultural heritage through public action	To include in the National System of Protected Areas the priority conservation areas classified as 'high' and 'very high' in the National Biodiversity Strategy 2015–2030	Number and surface of new protected areas Surface of marine and coastal territory under conservation
To promote exploration and prospecting in the oceanic and coastal marine space for the sustainable use of living and non-living resources	To plan the exploration for the characterisation of hydrocarbon and mining resources on the continental shelf and possible areas of extension	In progress
	To carry out national fisheries and aquaculture regulations to avoid over-exploitation of the resource and conflicts with other uses or activities	% of implementation of the National Fisheries and Aquaculture Control Plan
	To promote research on geological, fishing and aquatic resources in order to guarantee productive transformation and food sovereignty	Number of areas of priority interest established for the efficient and sustainable use of marine species and geological resources Number of projects or investigations related to geological and hydrocarbon resources

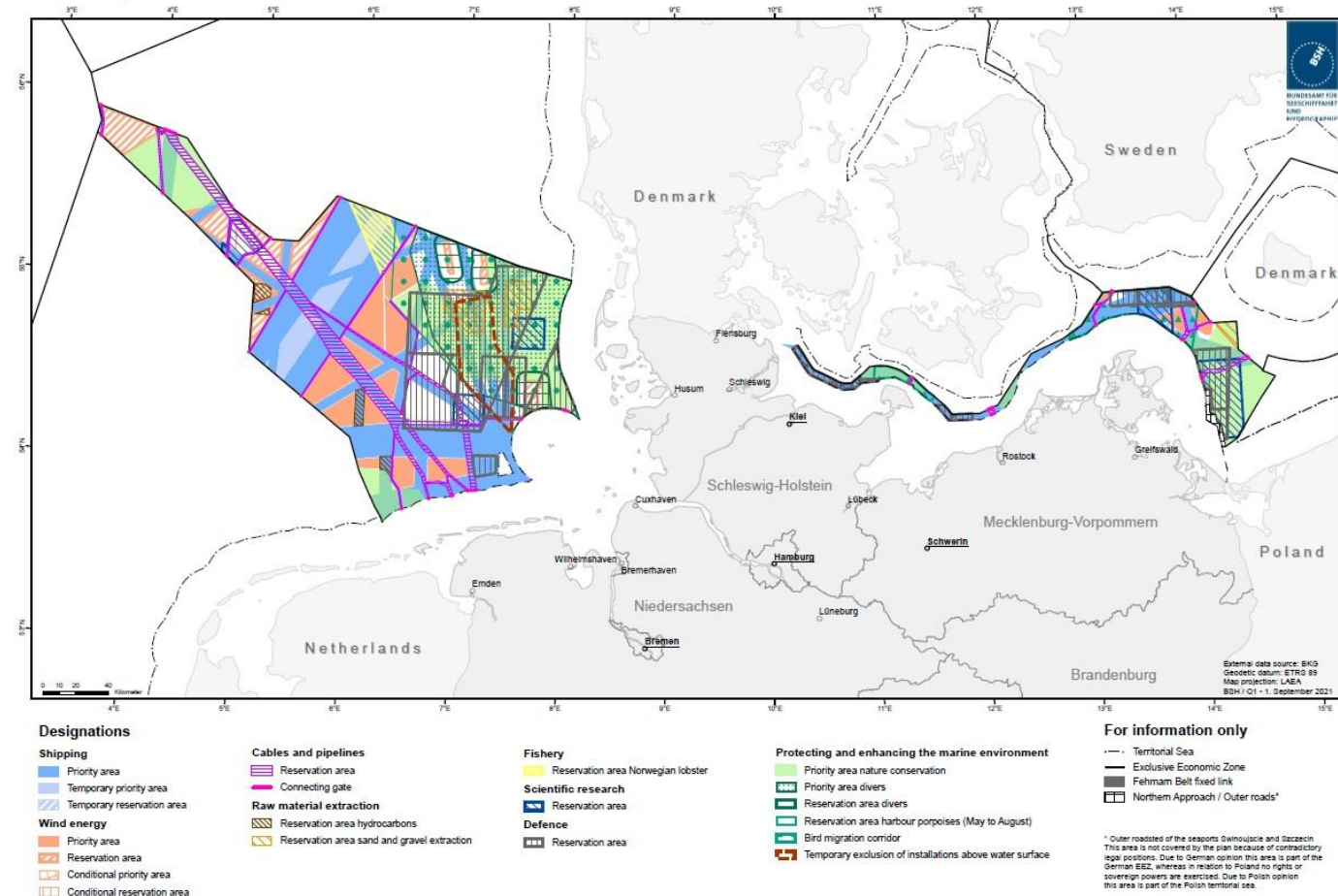
Source: SENPLADES, 2017.

Example: Germany

The objectives of the German EEZ MSP is defined based on legal regulations for spatial planning including:

- **economic and scientific** usage,
- ensuring the **safety and ease of maritime navigation**, and
- the **protection of the marine environment**

Maritime Spatial Plan for the German exclusive economic zone in the North Sea and the Baltic Sea 2021 - Overview



Thank You!



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