



BS RAC Workshop 19-20/2-09

Views on Maritime Spatial Planning

▪ Executive Summary

The BS RAC members and invited speakers took part in a workshop on maritime spatial planning (MSP) in Tallinn on 19th-20th of February 2009. The aim of the workshop was to improve knowledge among BS RAC members on a variety of issues related to maritime spatial planning, to identify which aspects are relevant to the BS RAC and to help the ExCom decide on how the RAC should deal with MSP.

During the first part of the workshop, invited speakers gave presentations which addressed the issue of MSP in the context of fisheries. The speakers covered the following topics:

- International examples on good practices of marine spatial planning
- Maritime spatial planning as a key instrument for the Integrated EU Maritime Policy
- Results from a HELCOM workshop on broad-scale marine spatial planning
- Legal aspects of maritime spatial planning
- Examples of challenges of spatial planning in the Baltic:
 - Windmill parks
 - Marine protected areas (the BALANCE project)
 - Shipping
 - Fisheries management under Natura 2000
 - Construction of offshore pipelines
- Presentations by Member States (level of governance, procedure of decisions etc.)
 - Sweden
 - Poland

The second day of the workshop was devoted to plenary discussions on how the BSRAC can deal with MSP (but not to adopt any conclusions).

The following sums up the essence of the views presented during the final discussion at the workshop. The views do not form an official opinion by the represented participants. Presentations and background documents from the workshop can be found at www.bsrac.org

- Maritime spatial planning is already taking place on a broader scale. Increased uncertainty and increasing competition for marine space are making maritime spatial planning increasingly important.
- Maritime spatial planning provides both challenges and benefits. It puts increased focus on the sea as a valuable resource, gives stakeholders the chance to take part at the beginning of a process, and facilitates the involvement of multiple stakeholders. It can be used to anticipate and mitigate future problems, and not only ongoing situations. Challenges exist concerning the legal aspects and the different regimes at national and EU level, the implications of MSP for fisheries, and according to some, the risk of enhanced conflicts.

- Maritime spatial planning must be based on good governance, which means:
 - the application of best scientific practice,
 - legal instruments that guarantee a level playing field for all competitors,
 - a fair and transparent decision-making process with best stakeholder involvement.

- MSP is a new area for the BS RAC. The BS RAC needs to define its role in relation to MSP, and to identify the right arena where MSP should be pursued. With respect to how the BS RAC could best move forward on MSP, some suggestions were:
 - to set up a coordination group to identify the needs of the BS RAC
 - to set up a spatial planning working group
 - to set up a smaller focus group
 - to study experience from other countries
 - to consider the work done on MSP by the North Sea RAC
 - to map areas important for fisheries
 - to define the target audience of the BS RAC with respect to who should be informed and influenced: at EU level, member states, the national public, or other groups
 - to define the main objectives and principles
 - to identify beneficial partners, such as ICES, the EU-Commission, HELCOM and VASAB, and to invite them to a collaboration process, in order to build strong alliances.

- Given the importance and complexity of the issue, and the strong implications of MSP for the members of the BS RAC, there was agreement to reflect further on the issue and to have an initial discussion on how to move forward with MSP at the next ExCom meeting on May 8, 2009. In particular, the issue of funding will have to be discussed, because resources are limited.

▪ **Summary of plenary discussion and written answers from the members**

1. What does maritime spatial planning (MSP) mean for the fisheries of the BSRAC?

- It is a chance to minimize the losses and influence the process
- It can make fisheries more effective
- It is the only way to avoid conflicts between the fishing sector and other parties
- Unwarranted restriction to fish or denial of access to historical fishing grounds
- Multi-use sea areas should be managed in an ecologically & economically sustainable manner
- It means more work, more regulations
- It can help to create a common approach in management
- The possibility to take a part in allocation of scarce sea space

2. How does MSP work in practice from a sectoral point of view?

- A patchwork with poor adaptive management for future development/integration of other sectors
- Apart from closed areas (spawning) there is not much work in practice so far
- Mostly national, different legal framework and political interests
- Planning and management within a sector needs to be based on principles and targets that are set within a broader “cross-sectoral” framework
- It is not working well in practice – hardly any MSP-system is implemented from beginning to end.
- Risk of process being influenced by lobbyists, fishermen may be put aside.
- The fisheries sector does not participate in any meetings or agreements
- Develop strong arguments supporting the sectoral interests and just negotiate

3. What challenges does MSP pose?

- How to justify the fishing industry's claims for spatial allocation (good data, good arguments)
- Guarantee a level playing field for all stakeholders
- To define and determine the best way to divide a marine area for multi-users, with a balance between socio-economic and ecological interests
- Fisheries need to be taken into account
- To involve all important stakeholders and protect the process from lobbying
- Gathering reliable data for the planning process
- In-depth surveys of fishing migration to designate areas for fishing priority
- Conflicts between different user groups and usage requests
- Democracy
- Not possible to reserve areas for fisheries
- Nine countries national legislations and nine cultures is a major challenge for an agreement

4. What advantages does MSP give?

- To secure the resources for the industry, easier to plan and secure investments
- Be part of the process, share the taking care of the resources
- Enable conflicts to be identified and resolved at the planning stage instead of later – avoiding loss of investment
- An integrated approach
- Minimize loss of income
- Fisheries interests taken into account
- A concrete way to implement eco-system based management: the total sum of all environmental pressures and human uses can be considered together
- Preserve the eco-system and secure eco-system services for the future.
- Balances different interests
- Long term certainty for different sectors
- Facilitates dialogue and finding mutual interests
- Nature protection and sustainable use
- Better time management, cost efficiency
- Safety

5. Do we have enough tools and knowledge to implement MSP?

• What tools do we have?

- AIS or similar exists but needs to be used on all vessels
- Have tools for systematic and regional site selection that can be used to meet multiple goals and objectives (BALANCE)
- MPAs, closed areas, Natura 2000
- Good scientists
- Networks can be consulted
- We need more tools.
- We have enough tools
- We need tools to recognize all stakeholder groups

• What knowledge do we have?

- Draft principles for SP developed by the EU and others
- GIS technology
- We have enough underlying information but need a better integration of fisheries and other biological data
- Data and coherent maps of marine habitats and landscapes covering the entire Baltic Sea exists but need to be continuously improved
- Political support and ongoing processes supporting MSP

- Need more information, for example on current and future human use
- We have enough knowledge to start the process
- We have to collect more reliable data for the Baltic
- We must plan even if the information is limited, we can add information from learning by doing
- Fishermen can provide info on spawning and nursery areas

6. What cooperation around the Baltic does MSP require?

- A neutral regional platform which can ensure cooperation and integration of sea use management and planning
- Functioning processes on national levels and a good consultation process
- Close cooperation between authorities responsible for MSP in the Baltic
- Cooperation between all sectors, countries and levels of government in the Baltic Sea region
- Each MS should cooperate with BS RAC when developing its MSP
- Good overarching rules as a starting point, this will facilitate the process.
- A benefit-driven cooperation; the challenge is to set the agenda so that it shows the real benefit to the parties including the fisheries industry
- If the fishing industry and NGO's can agree it will be a powerful statement

• What bodies should the BSRAC cooperate with?

- EC
- HELCOM
- VASAB
- Shipping sector
- Wind industry
- NGOs
- All users, all interest groups
- ICES
- UNESCO and similar organizations
- Fishermen's organizations

General discussion on the questions

Speaker (UNESCO): Everything changes; wind-farms are coming, new requirements for protected areas, and so on. In terms of challenge, the greatest opportunity is in times of change. This is the time to be open and allow more creativity in the future. Some areas can be designed for new technologies, new fishery techniques etc. Try to select some of the most important areas to protect (for fishery or environmental reasons) in a proactive way.

- We need to see the sea space as a valuable resource under increased pressure. Everything is changing, fishing grounds, currents. It needs to be planned on long term. The micro scale and macro scale need to be managed.

- MSP is a good tool to solve conflicts in a transparent way.

- MSP can be a tool to look at particular interests like fisheries and marine conservation, to increase mutual benefits, and reduce conflict. For example, to help us coordinate and protect against projects like Nord Stream or to stop windmills from being put in important fishing areas.

- MSP has been seen as a good idea since the RAC was set up, but the human resources in developing methods for MSP is a problem. Cooperation between HELCOM and BS RAC could alleviate the burden. The BSRAC still needs to its own meetings, but a joint initiative could be a good start. We should also discuss if we have financial resources to engage external help, or the EU can help with funding.

- But what are the costs of doing nothing? The costs of participating in meetings must be put against costs of losing resources, access to fisheries etc. Direct costs may be more visible, such as travel costs. It may be an issue

for the stakeholders rather than the BS RAC members - it would be a case-by-case decision when to cooperate and not.

- The fisheries industry is worried that if we start the MSP process, then we will have a lot of conflicts. Like wind mills being put in the best fishing places in Sweden.

- All groups must be prepared to negotiate; no stakeholder can claim 100%

- We should learn from other examples of MSP, but must decide ourselves how to do it; we cannot directly copy other initiatives like those from the NS RAC.

- Both scientific data and local information are needed for successful MSP. We need stakeholders to provide information and maps to the national governments, to prove the values of the area. Without maps, we'll lose nursery areas etc. one by one for other activities. There are also examples for the US and Finland where unique and valuable local information was shared with good results.

- The industry is made up of individuals, so mapping the major fishing interests is extremely difficult. We may not have the information, or the fishermen may not want to give it out since sometimes it is used against us.

- If you give advice to close an area or give up a certain percentage of the fishery to save the remaining percentage you're always working against one of your members. There is always someone fishing there, so you have to disappoint a member.

- Why is it always about giving up something? Like the fishing grounds.

- There is a problem with different legal bases. In theory a company in Germany can ask for a claim anywhere except in Natura 2000 areas. The fishery sector can inform the politicians, but we have no possibility to fight. How can we change the situation, is the loss of 40% of the fishing grounds something that the CFP aims for?

- That is not the goal of the CFP. But within the legal framework a state can put windmills in their area. There are two challenges: environmental and competing activities. We must handle the conservation areas so fishing possibilities still remain. A forthcoming Kick-Off Conference in Brussels (26th February 2009) will cover competing activities. And we need to map important fisheries areas, wetlands, hatching areas etc.

- Some changes since last year, public interest can be a legal cause to refuse installations

- The main question how do you influence the process, and the decisions taken? We must provide more information to both the public and the decision makers. For example the way fishing is carried out, like the sandeel fishery – you can't just move that 50 m to the left and continue.

- By enhancing our negotiation we will secure our needs. We get what we negotiate, not what we deserve. We need to establish our negotiation position, assess our weaknesses and strengths, and assess our opponents.

- Rights based management could be a way to go, because right now the fishermen have no rights to the resources, and we are going towards a privatisation of the sea.

What actions could the BSRAC take to follow up on this meeting?

- The internal BS RAC process must continue; we need to find our position, we need to have knowledge about the legislation, and build alliances with for example HELCOM to support our position.

- We should participate in mapping, in GIS, but any work done by BSRAC must be done by the members.

- We need to look at our resources, financial, human. We need money to be able to put effort in this, and we don't have that, unless we can get some European funding for it will be difficult.

- We should develop a more strategic approach to information campaigns
- We should continue the discussions at the next Ex Com meeting in May, given the importance and complexity of the issue.