

Sustainable development of marine potential

A vision on an integrated maritime policy in Europe and the Netherlands

Advice from:

The Wadden Sea Council
The Council for the Rural Area
The Council for Transport, Public Works and Water Management
The Netherlands Council of Housing, Spatial Planning and the Environment

Date:

May, 2007

Content

- Advice outlines..... 3
- 1. Advice on the Green Paper Maritime Policy..... 4
 - 1.1. Background 4
 - 1.2. The Dutch challenge: a pro-active attitude in protecting the seas..... 4
 - 1.3. The chosen angle..... 4
 - 1.4. Chapter description..... 4
- 2. The Green Paper Maritime Policy..... 5
 - 2.1. Objectives of a European Maritime Policy..... 5
 - 2.2. Underlying principles of a European Maritime Policy..... 5
 - 2.3. Elaboration of the underlying principles in the Green Paper 5
- 3. A vision on maritime policy..... 7
 - 3.1. A choice for system-based development of marine potential..... 7
 - 3.2. Programmatic elaboration of the development-oriented approach 7
- 4. Commitment to multi-level administrative approach..... 9
 - 4.1. Regional approach..... 9
 - 4.2. EU's leading role in regional implementation..... 9
 - 4.3. Integration of European policy..... 9
- 5. Conclusion: Netherlands, show some ambition!..... 11

Advice outlines

Development of the economical and ecological potential of the European seas and oceans

The European seas and oceans, the North and Wadden Sea included, are harbouring an enormous economical and ecological potential. At the same time it is justified to state that pressures on the seas due to human activities are strong and growing stronger. The European Commission is set on developing a European Maritime Policy through which the potential of the European oceans and seas will be optimised. This policy should balance the economical, social and sustainable aspects.

The Raad voor de Wadden (the Wadden Sea Council), the Raad voor het Landelijk Gebied (the Council for the Rural Area), the Raad voor Verkeer en Waterstaat (the Council for Transport, Public Works and Water Management), and the VROM-Raad (the Netherlands Council of Housing, Spatial Planning and the Environment) consider the above a realistic goal. However, this does call for a radical policy innovation in both the Netherlands and Europe. Firstly, the new developments should follow the functions of the marine system. The dynamics of the sea offer opportunities for new economic developments but also set boundaries to these developments. Secondly, all governments concerned should take the offensive in their approach. Governments should take the lead in creating space and possibilities for the development of the maritime and marine potential. This requires ambitious governments. For the sustainable development of the oceans and seas, governments need to do substantially more than only assessing and permitting activities.

Elaboration of a development-directed approach

The Councils advocate a programmatic elaboration of the system-based development of the marine potential. Actual management based on permission planning strategies will in the long run contribute insufficiently to the desired sustainable economic and ecological developments. The fact that policies are largely directed towards damage control (for example fishery policy and environmental policy), instead of optimising functions in the context of the marine system, is obstructing an environmentally friendly, sustainable development. The programmatic elaboration advocated by the Councils consists of the following building blocks:

- strategic regional visions for connected regional marine systems;
- understanding the interdependence of various regional values and functions;
- formulation of long-term economic and ecological objectives, with concrete indicators;
- planning and investing directed at sustainable economic and ecological development;
- monitoring, evaluation and feedback according to established indicators.

Commitment to maritime policy at various administrative levels

The Councils hold the opinion that in governance of the seas regional differences between marine systems should be respected. The development-directed approach mentioned above should therefore be elaborated on a regional level by all member-states concerned in co-operation. In this the Councils attribute an important role to the EU, which consists of:

- formulating a strategic outline: elaboration of the underlying principles in a development-oriented approach based on the integral system;
- establishing a directive: prescribing a regional elaboration and implementation of integrated maritime programmes based on the strategic outline;
- developing steering instruments: elaboration of various steering instruments applicable within a development-oriented approach.

Next to this the Councils discern a host of challenges for the European Union concerning its own policy and organization. In the Green Paper the European Commission itself stresses the importance of integration of policy areas. To construct a pro-active development-directed policy the EU needs to step up the integration of European rules and lines of policy applicable to marine and maritime matters.

1. Advice on the Green Paper Maritime Policy

1.1. Background

June 7th 2006 the European Commission published the Green Paper 'Towards a future Maritime Policy for the Union: A European vision for the oceans and the seas' (Green Paper Maritime Policy). Departing from the Lisbon Strategy, the Green Paper focuses on an integrated policy for the oceans, seas and coastal areas belonging to the member-states. The Green Paper's objective is to take stock of the positions of the member-states and interest groups on the content of the EU policy to be implemented, and on the shape of the formulation of this policy on a European scale. In the autumn of 2006 the Dutch government consulted with various stakeholders on the subject of the Green Paper. In addition to this the Dutch position is being prepared from February to April 2007. Both the consultation and the preparation of the cabinet position are being co-ordinated by the Ministry of Transport and Public Works.

The Wadden Sea Council, the Council for the Rural Area, the Council for Transport, Public Works and Water Management, and the Netherlands Council of Housing, Spatial Planning and the Environment have decided to combine their advice as a contribution to the cabinet position. The Councils decided to do this because all of them are dealing with (a part of) maritime policy, each from its own specific field of attention. A combined advice is the best way of representing an integration of the various fields of attention.

1.2. The Dutch challenge: a pro-active attitude in protecting the seas

The Netherlands have a history of maritime policymaking; in the last decennia much is achieved in sea management. The Councils however advocate a radical policy innovation for both the Netherlands and Europe. In the long run management based on permission planning strategies will contribute insufficiently to the desired sustainable economic and ecological developments. The fact that policies are largely directed at damage control (for example fishery policy and environmental policy), instead of optimising functions in the context of the marine system, is obstructing an environmentally friendly, sustainable development. The Councils advocate a pro-active attitude of the Dutch government in governance of the sea. This pro-active attitude should mainly be directed at aspects of the development-oriented approach as articulated in chapter 4.

1.3. The chosen angle

The Green Book Maritime Policy covers a large number of policy areas. The Councils have chosen to concentrate on the question of which type of policy will be needed to manage the economic and ecological potential of the seas and oceans in a sustainable way. They have looked into the role the European Union could play and into the Dutch position.

1.4. Chapter description

In chapter 2 the Councils briefly summarize and comment on the content of the Green Book. Chapter 3 draws the outlines of a maritime policy as desired by the Councils in accordance with the underlying principles of the Green Book. Chapter 4 points out at which administrative levels such a policy is most effectively applied. And finally in chapter 5 the Councils indicate what kind of effort is required from the Dutch government in all this.

2. The Green Paper Maritime Policy

2.1. Objectives of a European Maritime Policy

With the Green Book Maritime Policy the European Commission wants to initiate a discussion on our future way of management of the oceans, seas and coastal areas. The European Commission assumes a holistic approach, in which the natural qualities of sea-systems are respected.

With a European Maritime Policy the Commission wants to engage in an optimal and sustainable development of the economic potential of the European oceans and seas. Such a policy should balance the economic, social and environmental aspects. It will have to interpret the Lisbon Strategy based on European principles of ecosystem-based management, as recorded in the so-called [marine strategy](#).

From this it follows that a future European [maritime policy](#) will embrace as a main objective a development of the oceans and seas (coastal areas included) in a sustainable economic and ecological way.

Marine Strategy according to the EU

The Marine Strategy Directive focuses on effectuating an environmentally sound condition of the sea water. The strategy has a dual function: protection and restoration of the European seas and safeguarding the sustainable character of economic activities in a marine environment from now till 2021. In the Green Paper the Marine Strategy is described as the 'environment pillar' of maritime policy.

Maritime Policy according to the EU

Maritime policy pertains to all aspects of the oceans and seas. This policy is directed at the development of a prospering maritime economy, effectuated in an environmentally friendly, sustainable way. Maritime policy is integrated, inter-sectoral and multi-disciplinary, and not just a collection of vertical sectoral policy measurements. It will have to be based on thorough knowledge of the workings of the oceans and seas and on the safeguarding of the sustainability of their environment and ecosystems.

2.2. Underlying principles of the European Maritime Strategy

The Green Book Maritime Policy clearly describes the European Commission's underlying principles of development of the oceans and seas. Important elements of these underlying principles are:

- Mutual strengthening of economic growth, social welfare and environment protection in order to achieve sustainable development.
- Investment in knowledge and innovation by Europe and its member-states in order to continue/reach a pioneer role in maritime matters. This goes both for sectors managing the seas and oceans and for policy development.
- Co-operation of Europe, third countries and (existing) multilateral organizations in order to achieve a sustainable approach.
- Overdue changes in sea governance:
 - No longer can the only angle of approach consist of the gain for human beings from the oceans and seas;
 - Oceans and seas must be seen as a whole and can no longer be observed only through sectoral glasses.
- Exploration and exploitation of the possibilities of a systematic combination and synergy between various policy areas and maritime sectors.

2.3. Elaboration of the underlying principles in the Green Paper

The underlying principles as summarized above express a vision on economic development focused on sustainable (maritime) integral, region-directed steering. The same can be observed from the Commission's considerations added to possible steering instruments in chapter 4 of the Green Paper.

After a description of the underlying principles the Green Book immediately embarks upon several sectoral policy elaborations. These elaborations are predominantly based on the desire to strengthen Europe's economic-industrial position; an integrated region-directed approach and a plan to balance the socio-economic and ecological aspects are hard to detect.

In the Councils' opinion it is precisely the operationalization of the European Commission's underlying principles that offers the best chances to effectuate the main objective of a future European maritime policy. That is why the policy elaboration will have to stress an integrated approach based on the

3. A vision on maritime policy

3.1 A choice for system-based development of marine potential

The future maritime policy advocated by the European Commission is directed at both the Lisbon Strategy to become the most competitive and dynamic knowledge-based economy in the world by 2010, and the preservation and improvement of the marine ecosystem as a source of sustainable economic development, in accordance with the Göteborg Strategy and the concept Marine Strategy Directive. The Councils consider a balance between realizing the two objectives a realistic possibility, on the condition that developments concur with the working of the sea system. The dynamics of the sea may offer possibilities for new economic developments but they also set boundaries to these.

Because of the complexity and dynamics of sea systems it is impossible to fully fathom their exact working and coherence of functions. Therefore it is important to develop efficient spatial planning and to apply adaptive management in governance of the sea. In all this the so-called precautionary principle will have to be applied in a way that allows for 'moving with' the system's functions. This means that if the consequences of a certain intervention or initiative cannot be clarified beforehand, these actions will have to remain open to continuous development and evaluation through phasing or small-scale experiments.

Elements of the above can be observed in the 'ecosystem-based approach' advocated by the European Commission (among others). The ecosystem-based approach is defined in European and Dutch policy¹ and rulemaking on an integral analysis departing from both natural and users functions. In the opinion of the Councils this approach is insufficiently developed; how does one implement a system-based approach? For a sustainable development-oriented and coherent maritime policy an unambiguous operationalization is needed. In the advice 'Investing in the North Sea' (2005) the Council for Traffic and Public Works describes some additional principles for an ecosystem-based approach that contribute to an ecologically responsible and sustainable management of the sea. These principles are useful in furthering the operationalization of the ecosystem-based approach.

3.2 Programmatic elaboration of the development-oriented approach

In order to pursue both the economic and the ecological side of the European core objective in a balanced way the Councils opt for a pro-active approach. Governments should create room to steer the development of the marine potential. This calls for a pro-active, ambitious government. In order to achieve sustainable development of the oceans and seas, more is needed than governments limiting themselves to assessing and permitting activities. Therefore the Councils advocate a programmatic elaboration of the system-based development of the marine potential.

The programmatic elaboration supported by the Councils consists of the following building blocks:

- *Development of strategic regional visions.* For coherent regional sea systems (e.g. the North Sea, Wadden Sea or Baltic Sea) the member-states concerned will be obliged to develop a regional vision based on the cohesion and working of the system. Such a regional vision should indicate the values and functions of the region that contribute to the objective mentioned above: how can a sustainable economic and ecological development be realized preserving the existing values and developing the potential values? An example of such a vision can be found in the Trilaterale Waddenzeeplan (Trilateral Plan for the Wadden Sea)². In this Plan the various socio-economic and ecological functions of the Wadden Sea are identified and joined up with clear objectives.

¹ See e.g. the ICES definition of ecosystems approach, visible in both the European policy and with OSPAR.

² Ministeriële Verklaring van de Achtste Trilaterale Regeringsconferentie over de Bescherming van de Waddenzee (Ministerial Declaration of the Eight Trilateral Government Conference on the Protection of the Wadden Sea), Stade, October 22, 1997.

- *Understanding the cohesion of various regional values and functions.* Sea systems are complex and often show a greatly delayed reaction to interventions and changes. Environmental research and cost-benefit analyses are often directed at (limited) parts of the system, affecting their predictive power. In general little knowledge exists on long-term effects of activities. Therefore, in order to develop the seas in a sustainable economic and ecological way, it is necessary to utilize all accessible and new information to create a full picture of the interdependence of (existing and new) human and natural functions, and of the way they may contribute to this development.
- *Long-term objectives with concrete indicators.* Departing from the vision and from coherence between functions, long-term objectives will have to be formulated for both the values of the system and the various functions. These then will have to be operationalized in concrete indicators for economy and ecology.
- *Planning and investing directed at sustainable development.* Maritime planning should be more than (spatial) assessing and permitting. The goal should be that the possibilities of, and the threats to a region are mapped out, and that governments, market and societal organizations work together to realize the objectives by enhancing potentially contributing functions. This can be done e.g. by administrative investments, by public-private planning development, by creating space for experiments or by exclusively reserving certain areas for specific natural functions, possibly combined with human activities. In other words, active stimulation and development of suitable functions.
- *Monitoring, evaluation and feedback.* Monitoring programmes will have to be fitted in and co-ordinated with established indicators. They have to be used for evaluation and adaptation of both activities and long-term objectives. A good example of the desired co-ordination can be found in the Quality Status Reports produced for the North Sea and the Wadden Sea.

Examples of long-term objectives

From: RVW, *Investeren in de Noordzee* (Investing in the North Sea), 2005

Restoring the resilience of the coastal zone

The coastal zone originally played an important part as filter and as incubator for sea life, among other things. Renewed attention for coastal resilience may lead to restoration of the filtering action and to increased marine productivity. A resilient coastal zone serves many interests: nature development, fishery and aquaculture, recreation and coastal protection.

Keeping the North Sea's contribution to Dutch energy economics at the same level or better

Oil- and gas extraction in the North Sea contribute heavily to the Dutch energy provision. However, this contribution will decrease in the next decades because of exhaustion of the sources. On the other hand the generation of sustainable energy will partly replace fossil fuels. At the moment wind energy is the most promising option. By formulating the minimum level of contribution of the North Sea to Dutch energy economics, government can inspire the development of new, climate friendly energy sources at sea.

4. Multi-level administrative approach

4.1. Regional approach

For an approach as imagined by the Councils to be effective it is essential that it is embedded in a multilateral context. Seas and oceans do not stop at the border of an EEZ. A multilateral approach increases the development potential and the effectiveness of development programmes. Therefore, the Councils stress the necessity of multilateral policymaking.

In contrast to the interaction between various European seas and oceans, they sometimes differ strongly from each other. Because of this regional systems (Wadden Sea, Westerschelde, Eems-estuary, North Sea, Baltic Sea) have more or less clear system borders. The Councils hold the opinion that in management of the seas these differences are to be respected. Therefore, we recommend all member-states concerned to make a co-operative effort to elaborate a development-oriented approach on a regional level. As a consequence also on a national level policy and management innovation will prove to be necessary.

4.2. EU's leading role in regional implementation

The underlying principles of the European Green Paper provide room for radical innovation of sea management. An approach as advocated by the Councils concurs with these underlying principles. Such an innovative approach of maritime policy and management is necessary because current sectoral and national approaches hold insufficient answers for important long-term changes; e.g. economic globalisation, climate changes, increased competition between functions and pressure to the natural system. In prior advices the Councils have already argued and illustrated this³. The present policy creates too few impulses to optimise activities and functions in relation to changes in the ecosystem. An innovative approach is indispensable for a long-term sustainable economic and ecological development of the maritime potential.

This is why the Councils recommend that the European Union will oblige member-states to elaborate and implement the system-based development in programmes on a regional level. Added to this steering instruments (like investment policy, development planning strategies and experimental laws) should be elaborated and become available. Thus, the Councils stress the necessity of an integrated European Maritime Policy which should contain the following elements:

- Strategic framework: elaboration of the underlying principles in a development-oriented approach based on the integral system, included the elaboration of the ecosystem-based approach mentioned above.
- Directive: obligation to elaborate and implement integral maritime programmes on a regional level based on the strategic framework.
- Steering instruments: elaboration of various steering instruments applicable within a development-oriented approach (operationalized according to e.g. this advise).
- Support instruments: co-ordinated research and frameworks for international exchange of knowledge and experience. The European Commission has already started this co-ordinating task by publishing the Green Paper. However, the Councils view this in itself as an insufficient effort to empower a strong development-oriented maritime policy.

4.3. Integration of European policy

Added to a commitment to the regional level, the European Commission will have to be committed to integration of its own policy sectors and to creation of transparency in its policy. The underlying principles of the European Commission does in effect stress the importance of such integration. At this moment a variety of European rules and directives applies to marine and maritime matters. We mention for instance the Directive on the Conservation of Wild Birds, the Directive on the Conservation

³ See for instance the advice: *PSSA: "Niet de letter maar de geest"* ("The Spirit of the Letter"; Wadden Sea Council, 2003) and *Investeren in de Noordzee* ("Investing in the North Sea"; Council for Traffic and Public Works, 2005).

of Natural Habitats and of Wild Fauna and Flora, the Common Fisheries Policy, the third Maritime Safety Protection, the Directive on Ship Source Pollution, the Marine Strategy Directive, the Recommendation on Integrated Coastal Zone Management (ICZM). All of these cover a (sectoral) part of the sea systems from different angles of approach (environment, economy or society). Added to this the types of steering instruments and the degrees of interpretation freedom in the implementation vary greatly.

Inside the European Commission there seems to be a lack of internal agreement and cohesion between the DG's concerned, affecting the possibilities to create a coherent maritime policy. Therefore the Commission is invited to grasp at the chance of integrating its own policy by developing a European Maritime Policy. As indicated above, sustainable use of the development potential requires an approach that balances all components of the system. This holds for fishery, nature protection, shipping industry and oil and gas extraction alike. Sectoral steering instruments will have to be co-ordinated with a coherent programmatic approach.

The Councils appreciate as an added value of an integrated European maritime policy that unanimity in the position of Europe and its member-states may provide the much-needed force to push through in the (usually difficult) realization and ratification of the international agreements within the framework of IMO⁴ etc.

⁴ IMO: International Maritime Organization.

5. Conclusion: Netherlands, show some ambition

The Netherlands have always had a stake in strict norms concerning maritime activities. They have earned their place in the vanguard of international maritime industry and marine research. The start of European policy development offers an exceptional opportunity to perpetuate the Dutch position in the vanguard. Concerning this the Councils advocate a policy that causes the level playing field to rise to the usual Dutch level.

In recent years the Netherlands focused mainly inwardly in their policymaking. In view of the above, the Councils hold the opinion that concerning maritime policy this will have to change: The Netherlands should profess a strong commitment to the elaboration of a European and national maritime policy directed at sustainable economic and ecological development. The Dutch should take an active stand in European policymaking by developing and operationalizing the strategic framework and the steering instruments to be applied. In doing so the Netherlands are able to build on their experience as an active member of ICES⁵ and the OSPAR Committee⁶. This active commitment continues with the Dutch reaction to the Green Paper. This commitment will have to focus on a fundamental innovation of our governance of the sea and on the way this will have to be operationalized.

⁵ ICES: International Council for the Exploration of the Sea.

⁶ OSPAR-Committee: Committee appointed following the Convention for the Protection of the Marine Environment of the North-East Atlantic.