



# Ecosystem-Based Management: Making it Work in the EU

**Dr. Ronán Long**

[www.marinelaw.ie](http://www.marinelaw.ie)





# Overview

## 1. Context

## 2. Definitions

## 3. Legal Basis:

- International & Regional Law
- EU Law

## 4. Conclusions





# The Context

- Commission Report - Art 17 Habitats Directive
  - “57% of the marine species assessments and about 40% of the marine habitats assessments classed as ‘unknown’
  - “only a small proportion of the habitats and species of Community interest are in a favourable conservation status”



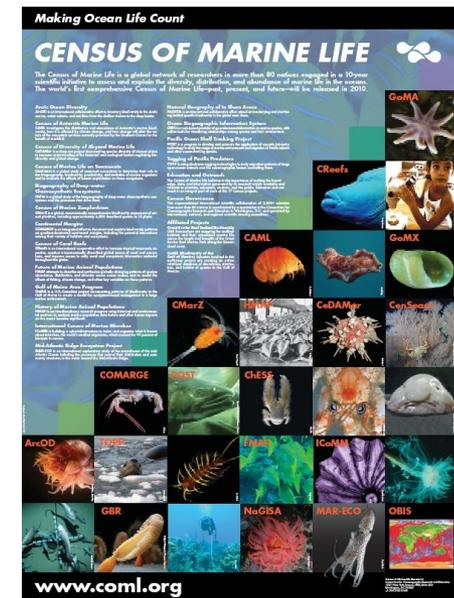


# The Context

- *Census of Marine Life 2010*

proportion of species not yet described is estimated to be in the region of:

- 39%- 58% in Antarctica,
- 38% for South Africa,
- 70% for Japan,
- 75% for the Mediterranean deep-sea, and
- more than 80% for Australia.





# What is the ecosystem approach?

ICES Cooperative Research Report no 273

- “the comprehensive **integrated management of human activities** based on the **best available scientific knowledge** about the ecosystem and its dynamics, in order to identify and take action on influences which are critical to the health of marine ecosystems, thereby achieving **sustainable use** of ecosystems goods and services and maintenance of ecosystem integrity”



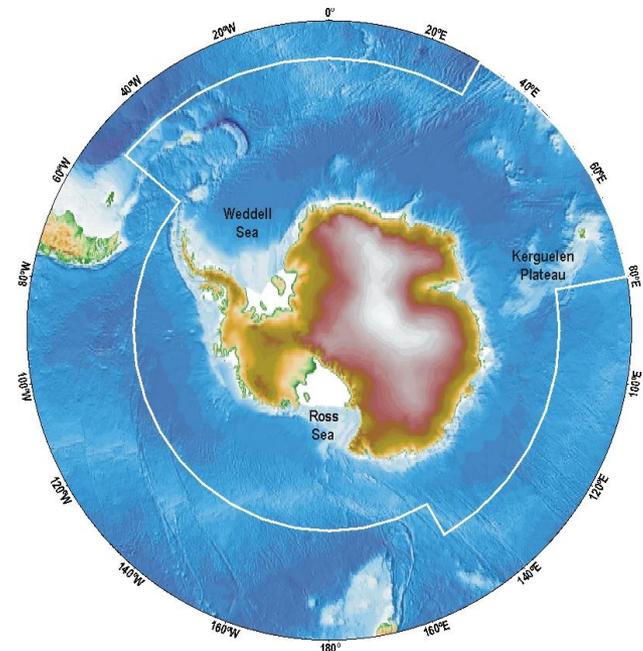
# International Law (1)

## Soft Law

- 1972 Stockholm Declaration on the Human Environment
- 1982 World Charter for Nature

## Treaties

- 1980 Convention for the Conservation of Antarctic Marine Living Resources





# International Law (2)

## Multilateral Treaties

- 1982 United Nations Law of the Sea Convention
- 1992 Convention on Biological Diversity





# Conference of Parties

- a. 12 Principles  
(eg. Management should be decentralised)
- b. Operational Guidance on Application of Principles
- c. Regulatory measures may need to be taken even when some cause-and-effect relationships are not yet fully established scientifically



**5th & 7th Meeting**  
Decisions v/6 and VII/11



# International Fishery Law

- 1995 FAO Code of Conduct for Responsible Fisheries
- 1995 UN Straddling Fish Stocks Agreement
- 2001 Reykjavik Declaration on Responsible Fisheries in the Marine Ecosystem
- Regional Fisheries Management Organisations



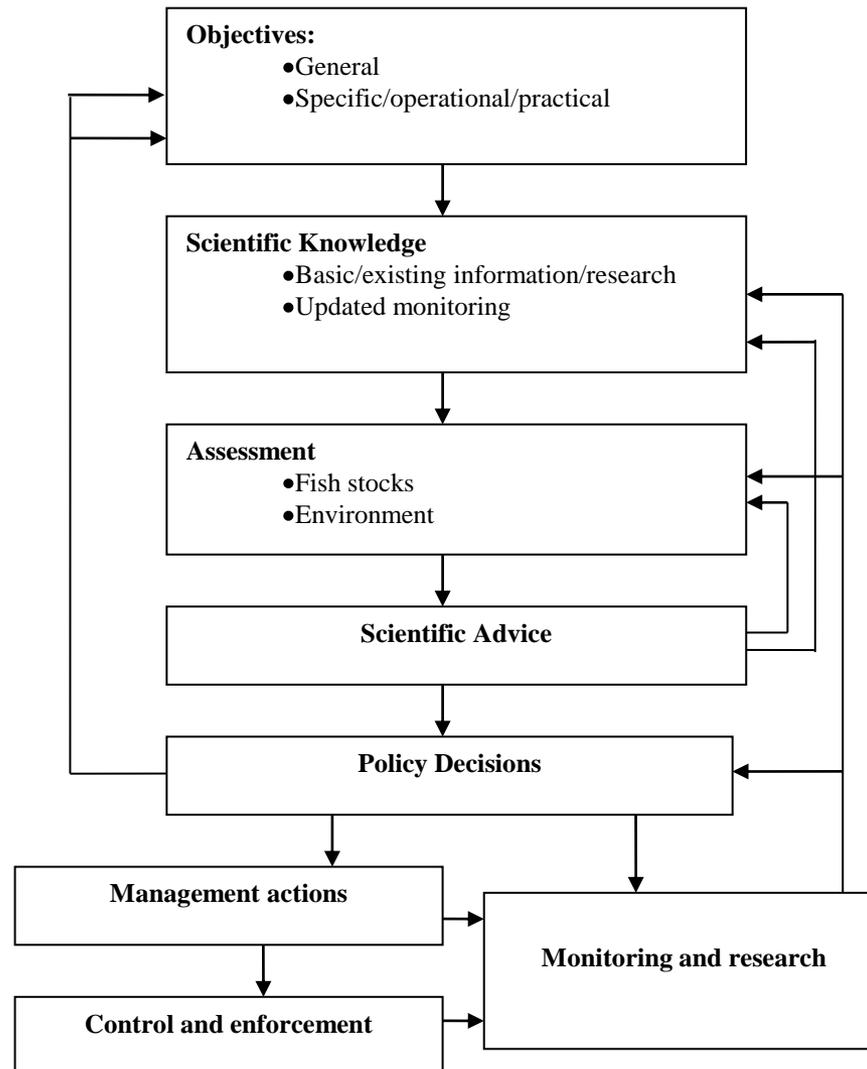


# World Summit on Sustainable Development 2002

- Encouraged the application of the ecosystem approach by 2010



# Conceptual Framework for the Application of the Ecosystem Approach under the Bergen Declaration



*“iterative process”*



# European Law

- Treaty Functioning of the EU
  - Article 11
- Secondary Legal Instruments
  - Marine Strategy Framework Directive
  - Fisheries Regulations
  - Habitats Directive
- Policy Initiatives
  - European Integrated Maritime Policy
  - Marine Spatial Planning
  - Integrated Coastal Zone Management

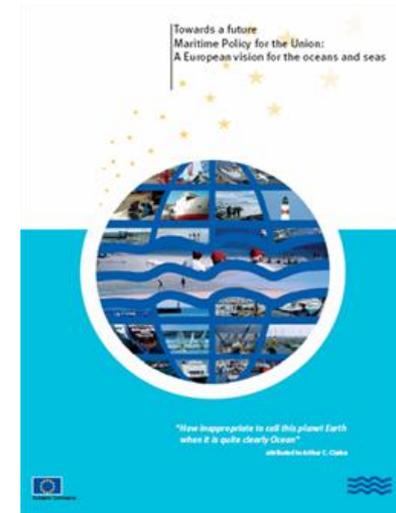




# European Integrated Maritime Policy

## Objectives

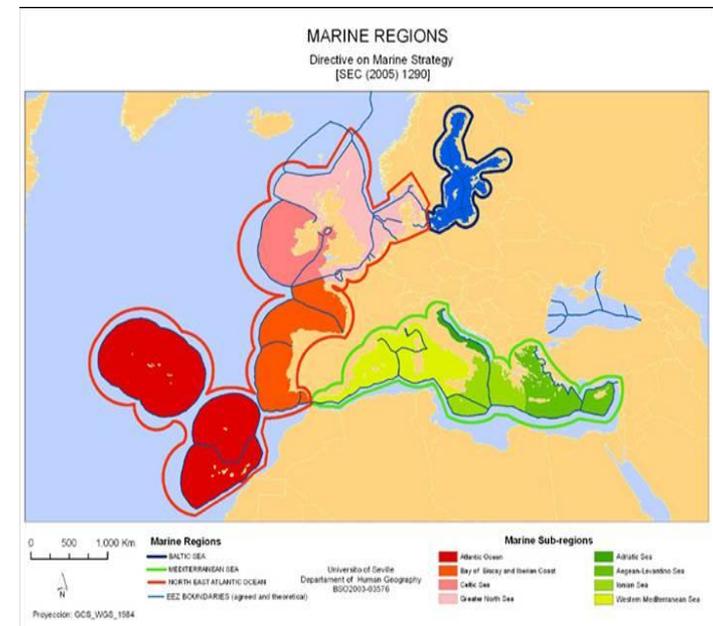
1. Promote the integration of governance structures in the Member States
2. Improve the quality of sector policies such as the transport, energy and fisheries policy
3. Implement tailor-made solutions for specific problems taking into account the Regional Seas Conventions
4. Adopt new approaches to marine resource management
  - (ie. the Ecosystems Approach)

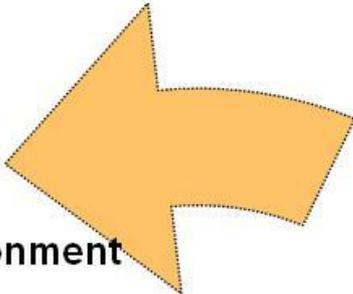




# Marine Strategy Framework Directive

- Requires all Member States to achieve and maintain good “environmental status” in the marine environment by 2020
- Marine Regions
- Marine Strategies

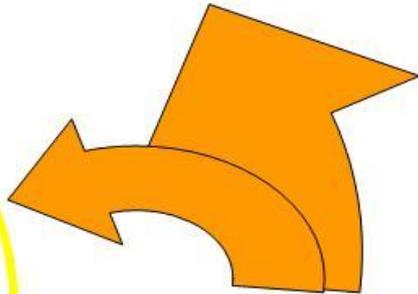




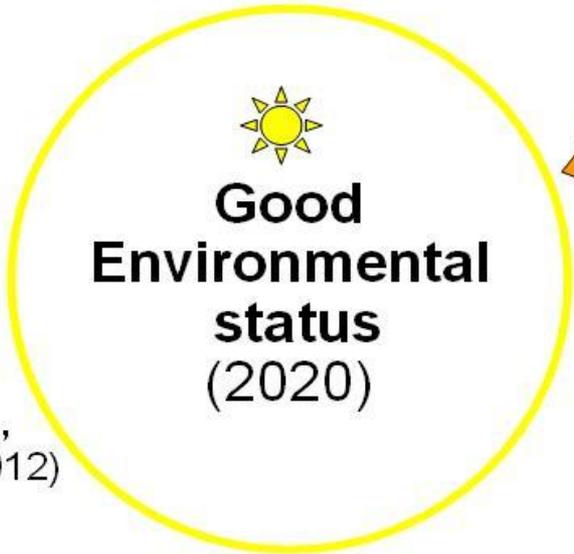
**START**

Assessment of the state of the environment and pressures, initially in 2012

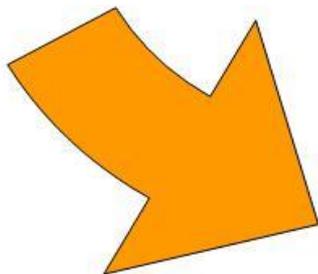
Review results and update



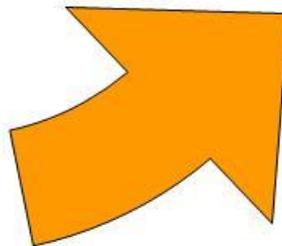
Implementation



**Good Environmental status (2020)**



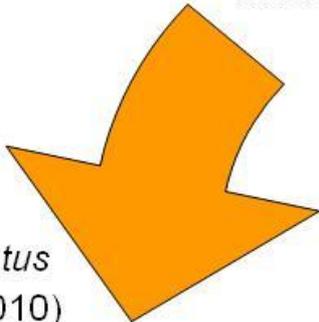
Establish monitoring programme (2014)  
Establish programmes of measures (2015)



*Common EC criteria on good environmental status (to be agreed in 2010)*



Establish precise objectives, plus targets and indicators (2012)





# Common Fisheries Policy

- Council Regulation 2371/2002

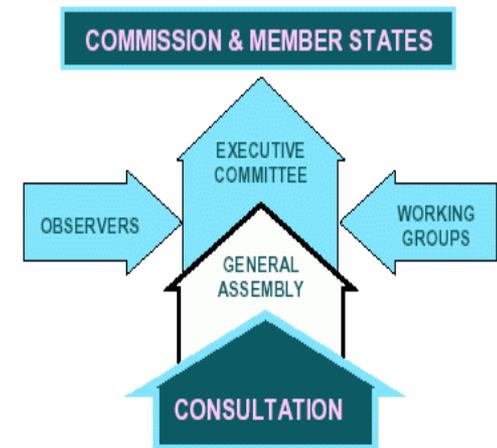
“one of the aims of the policy is to ensure the progressive implementation of an ecosystem-based approach to fisheries management”





# Ecosystem-based approach & CFP

1. Regional Fisheries Advisory Councils
2. Long-term management plans
3. Application of the Habitats and Birds Directives and in the marine environment





# Marine Spatial Planning / ICZM

- "Roadmap on Maritime Spatial Planning: Achieving Common Principles in the EU"
- Overarching Principle: Ecosystem Approach

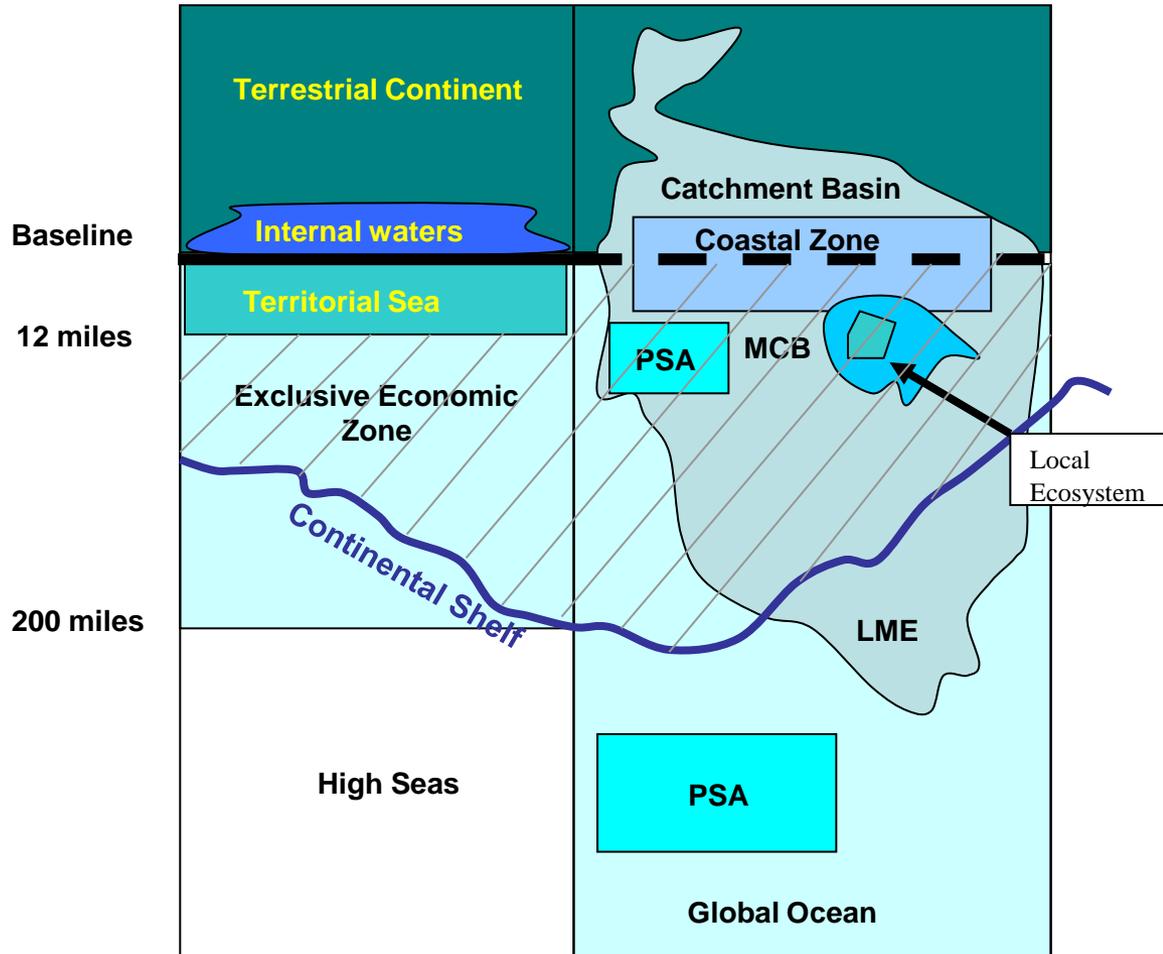




# Contentious Issues!

1. Ecosystem Boundaries
2. Scientific Uncertainty
3. Institutional Structures

# Ecosystem Boundaries





# Scientific Uncertainty

- Fisheries Data Collection Regulation
- European Marine Observation and Data Network
- Programme to Support Integrated Maritime Policy
  - €130 million per year collection marine data



# Institutional Structures

- **United Kingdom Marine and Coastal Access Act 2009**
- Marine Management Organisation
  - marine planning, offshore licensing, nature conservation, and fisheries management;
  - enforcement





# Conclusions

1. Definitions
2. Legal Basis
3. Implementation...Marine Strategy Framework Directive
4. Number of Outstanding Contentious Issues



# Research

- **Options for Delivering Ecosystem-Based Marine Management**
  - 7<sup>th</sup> Framework Research Programme
  - Develop a set of fully-costed ecosystem management options
  - 17 partners including partners from Israel and Turkey





- **Conference: Globalisation and the Law of the Sea, Washington D.C., Dec 1-3, 2010**

- **European Marine Strategy Framework Directive**

- *Journal Energy and Natural Resources Law*

**Thank You!**

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