Chapter 16

Integrated Ocean and Coastal Zone Management in France: Some Perspectives

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Abstract French integrated ocean management takes place in the framework of the Integrated Maritime Policy (IMP), the European policy whose aim is to foster coherent decision-making. France has to respect the European commitments imposed by the IMP and especially the Marine Strategy and the Maritime Spatial Planning Directives. On this basis, France has adopted a National Sea and Coast Strategy. The Strategy defines four maritime façades. For each façade, a strategic document, under development, will be the reference framework, taken into account by all maritime actions. The scheme set up by the French maritime strategy is ambitious and complex. Let's hope that it will be a suitable manner to develop a real integrated ocean management policy in France.

Keywords Blue economy · Coastal zone management policy · Coastline · European Integrated Maritime Policy · European Union · French law · Law of the sea · Maritime affairs · Marine environment · Marine policy · Maritime spatial planning

16.1 Introduction

Around 10 years ago (Legislation 2010), France initiated a process for managing its marine and coastal waters in what turned out to be a rather long and progressive procedure that has not yet been successfully achieved (Trouillet et al. 2011). One important step in this process is the National Strategy for the Sea and Coast, which was launched and adopted in 2017 (Legislation 2017a; Ministry for an Ecological

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A. Chircop et al. (eds.), *Governance of Arctic Shipping*, Springer Polar Sciences, https://doi.org/10.1007/978-3-030-44975-9_16

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and Solidary Transition 2017). It sets out the necessary steps to be carried out before French integrated ocean and coastal zone management is set to become a reality in 2022 (Legislation 2017b). While France is learning from other national experiences, especially existing European measures, it is worthwhile examining the process it has launched for managing and developing its national policy for ocean and coastal zones.

For a better understanding of how this policy is being developed in France, it is necessary to grasp the importance of the sea and the maritime economy to the country. France has the second largest maritime domain in the world with an exclusive economic zone (EEZ) of 11 million square kilometres and a shoreline of more than 5800 kilometres (shoreline not including the overseas territories). The French blue economy represents 1.5% of France's GDP, 460,000 jobs and 30 billion euros of added value. The main activity is tourism, representing over half of the added value and over half of the jobs.¹

France has had a long interest in maritime activities and policies, as shown by the adoption of the Great Ordinance of Marine in 1681, under the reign of Louis XIV, which is the first text to codify the uses of the sea in France. Much has changed since this period, and today, in addition to its national legislation, France is a signatory to the major international maritime instruments such as the United Nations Convention on the Law of the Sea, 1982 (UNCLOS). It must be emphasized that France is mostly party to these agreements alongside the European Union (EU) of which it is a Member State.

Marine and maritime affairs were not really addressed in the first EU treaties, but they are becoming an increasingly crucial topic for the EU. By adopting the Blue Growth Strategy in 2012, the European Commission highlighted the importance of marine affairs in Europe, especially the blue economy that represents 5.4 million jobs and a gross added value of just under 500 billion euros per year (European Commission 2012). As a European state, France must respect European regulations.

Since the founding of the European Economic Community (EEC) in 1957, the progressive recognition of the importance of the sea and sea-related activities has led to the development of European maritime regulations (Paasivirta 2017). These regulations cover all aspects of maritime activities such as the exploitation of marine resources, living resources (Cudennec and Curtil 2015) or minerals, maritime transport (with important rules on maritime safety) and preservation of the marine environment. To ensure coherence between all of its actions, the EU adopted the Integrated Maritime Policy (IMP) in 2007 (European Council 2007). It is defined as a

[EU] policy whose aim is to foster coordinated and coherent decision-making to maximise the sustainable development, economic growth and social cohesion of Member States, and notably the coastal, insular and outermost regions in the Union, as well as maritime sectors, through coherent maritime-related policies and relevant international cooperation. (European Union 2014, art. 3)

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¹ The other major French maritime activities are offshore oil services (17% of added value), maritime transport (8% of added value) and sea products (8% of added value) (Ifremer 2017).

The objective of the IMP is to connect all maritime activities, for example, maritime transport, marine environmental protection and fisheries (Koivurova 2009). Under the IMP, the EU sets out a strict framework that must be respected by all Member States when developing their domestic marine policies, in particular integrated ocean management (IOM). France's action falls within this framework, and as such, domestic IOM policy must comply with European commitments, especially the EU IMP.

16.2 France's Integrated Ocean Management Policy: Part of the European Maritime Framework

One of the IMP's main commitments is an environmental obligation prescribed by the Marine Strategy Framework Directive (MSFD) adopted in 2008 (European Union 2008).² Under the MSFD, Member States must take all necessary measures to achieve or maintain good environmental status (GES) in the marine environment by 2020 at the latest (art 1). Article 3.5 defines GES as

the environmental status of marine waters where these provide ecologically diverse and dynamic oceans and seas which are clean, healthy and productive within their intrinsic conditions, and the use of the marine environment is at a level that is sustainable, thus safeguarding the potential for uses and activities by current and future generations.

To adapt to the needs of each specific European marine region and thus ensure that this objective can be respected, the MSFD defines several subregions along Member States' coasts. Four French subregions have been defined: Channel-North Sea, Celtic Sea, Bay of Biscay, and West Mediterranean. For each of these subregions, France has been required to establish an Action Plan for the Marine Environment (PAMM – *Plan d'action pour le milieu marin*). Each Action Plan consists of specific measures adapted to the subregion's particularities in order to get a GES for the marine environment by 2020.³

More precisely, the elaboration of the Action Plan observes several stages defined by the EU in the MSFD. The first one is the definition of the initial assessment. This assessment comprises an analysis of the essential features and characteristics of the

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²Under European law, a directive "shall be binding, as to the result to be achieved, upon each Member State to which it is addressed, but shall leave to the national authorities the choice of form and methods" (TFEU 2016, art 288). If national authorities do not take sufficient measures to reach the objective assigned by the Directive, the Member State concerned can be prosecuted before the Court of Justice of the European Union (CJEU) and be required by the Court to fulfil its obligations. The CJEU can impose a lump sum or a penalty payment on the Member State.

³For example, for the Channel-North Sea, this subregion is particularly concerned with maritime transport due to the importance of commercial harbours such as Le Havre. The Channel-North Sea Action Plan includes several measures that limit the introduction of exotic species in the marine environment from ships.

current environmental status of marine waters⁴ and an analysis of the predominant pressures and impacts including human activity on the environmental status of its marine waters (art 8.1). On the basis of this initial assessment, France has established a set of environmental targets for its marine waters including preservation of biodiversity and non-disturbance of the ecosystem by non-indigenous species. These targets provide a crucial guide to achieve GES in the marine environment. Subsequently France adopted some monitoring programs, including programs of measures, in several inter-prefectoral orders in April 2016.

The approach enforced by the European Marine Strategy shows that the EU has prioritized the environmental dimension in its definition of European IOM: the MSFD makes all maritime policies and actions coherent because they are all linked by the same objective, that is, to achieve GES for the marine environment by 2020. To comply with this rather complex process (Cavallo et al. 2019), France and all other EU Member States have undertaken several types of actions.⁵ More specifically, and as set out in the MSFD (art 13.4), the French programs of measures include spatial protection measures such as special areas of habitat conservation or special bird protection areas, in accordance with European regulations pre-dating the MSFD, such as the Habitat Directive (European Council 1992; European Commission 2018).

The EU has given prominence to this spatial approach, and, after giving priority to the environmental dimension, formalized by the MSFD, the integrated approach is now being extended (Gilbert et al. 2015) to the spatial dimension. Spatial integration has been developed by adopting a new legal tool, a text that supplements environmental integration and that must be respected and implemented by all Member States, namely, the Directive establishing a framework for maritime spatial planning (Directive 2014/84/EU European Union 2014). As stated in Article 1 of the Directive, this text has been adopted because of “the high and rapidly increasing demand for maritime space for different purposes” that has made it ever more crucial to organize the sharing of space in European waters (Ansong et al. 2019). Therefore, to limit and prevent conflicts between maritime activities and uses, the EU decided to establish an integrated planning and management approach (Cudennec 2015).

Under Directive 2014/89/EU, maritime spatial planning is defined as a “process by which relevant Member State’s authorities analyse and organise human activities in marine areas to achieve ecological, economic and social objectives” (art 3.2). The objective of the Directive is significant: maritime spatial planning aims “to contribute to the sustainable development of energy sectors at sea, of maritime transport, and of the fisheries and aquaculture sectors, and to the preservation, protection and

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⁴Article 3.1 of the MSFD (European Union 2008) defines marine waters as the “waters, the seabed and subsoil on the seaward side of the baseline from which the extent of territorial waters is measured extending to the outmost reach of the area where a Member State has and/or exercises jurisdictional rights”.

⁵Due to this complexity, it may be difficult for Member States to comply with the MSFD. As underlined by the European Commission in 2018, “not all the pressures on the marine environment are covered properly through the measures adopted by Member States” (European Commission 2018, 21).

improvement of the environment, including resilience to climate change impacts” (art 5.2). To achieve these objectives, France faces a real challenge: to establish maritime spatial plans as soon as possible and at the latest by 2021 (art 15.3).

Directive 2014/84/EU underlines Member States’ responsibilities (Friess and Grémaud-Colombier 2019). Under this Directive, the French authorities are accorded considerable responsibilities to develop maritime spatial planning in French marine waters. To do so, they must identify the spatial and temporal distribution of relevant existing and future activities and uses in France’s marine waters. These activities and uses can include aquaculture or fishing areas, installations for the exploration, exploitation and extraction of energy resources, minerals and aggregates, for the production of energy from renewable resources, maritime transport routes and traffic flows and for nature and species conservation sites and protected areas (art 8). Land-sea interactions must be taken into account to promote coherence between maritime spatial planning and other formal or informal processes, such as integrated coastal management. France must cooperate with other Member States and also with third countries.

France also has to satisfy some transversal commitments. First, national authorities must ensure the involvement of all stakeholders and guarantee public participation at an early stage in the development of maritime spatial plans (art 9). Then, using the best available data (environmental, social, economic and marine physical data), national authorities decide how to organize knowledge sharing, a necessary part of maritime spatial plans (art 10). Therefore, under Directive 2014/89/EU, France is required to replace its existing sectorial approach of zoning – for instance, determining areas of fishing, water quality, marine renewable energies and marine protected areas – with an integrated vision of all uses of marine space to give coherence to all previous actions (Boillet 2019).

Up until this point, it can be seen how the EU defines environmental and spatial integration commitments that France must respect when developing domestic integrated marine policy. Under this framework, it is now possible to specify the current French policy for the marine environment and the way chosen to define the French Integrated Ocean and Coastal Zone Management Policy.

16.3 Implementing European Requirements Through the French Integrated Ocean and Coastal Zone Management Policy

16.3.1 The Cornerstone of France’s Action: Strategy for the Marine Environment

France’s Integrated Ocean and Coastal Zone Management Policy is part of the French Marine Environment Policy, which is based on two laws. The first is the Law on National Commitment for the Environment adopted in 2010, which is at the origin of the Marine Environment Policy (Legislation 2010). This instrument has

been supplemented by the Law on the Recovery of Biodiversity adopted in 2016 (Legislation 2016). Both of these texts have been codified in the French Environment Code (*Code de l'environnement*), which dedicates an entire chapter to marine environmental policy. This policy is divided into two aspects: integrated ocean and coastal management that reflects the spatial approach as prescribed by Directive 2014/89/EU and the protection and preservation of the marine environment that reflects the environmental approach prescribed by the MSFD.

The synthesis between the environmental and the spatial approach stems from the adoption in 2017 of the National Strategy for the Sea and Coast (Legislation 2017a; Ministry for an Ecological and Solidary Transition 2017), which aims to provide a reference framework for all public sea- and coast-related policies. The Strategy sets out the following objectives: ecological transition of the sea and coastline, development of the sustainable blue economy,⁶ GES of the marine environment and the preservation of an attractive coastline, as well as France's influence internationally. To achieve these objectives, the National Strategy for the Sea and Coast has defined four cross-cutting areas: reliance on knowledge and innovation, development of sustainable and resilient maritime territories and coastal territories, support for and enhancement of initiatives and promotion of the French vision, and stakes within the EU and in international negotiations. The Strategy then sets out 26 priority actions, each one extremely different from the other, of which the following are noteworthy: training for maritime jobs, developing marine spatial planning that balances all maritime uses, determining 100 "zero net energy" territories, preserving maritime heritage, establishing maritime jurisdictions dedicated to maritime litigations and developing the maritime energy sector.

Under this framework and in order to create a strategy that is well adapted to each of its maritime regions, France has designated four coastlines: East Channel-North Sea, North-Atlantic-West Channel, South Atlantic and Mediterranean Sea. Figure 16.1 shows that the perimeter of each coastline is different from the perimeter of each subregion defined by the MSFD. Of course, this could potentially increase the complexity of the process and impact its coherence. Further, this hinders the development of the measures that implement the MSFD prescriptions.

16.3.2 A Strategy Adapted to Each Maritime Subregion

For each coastline, a Sea Basin Strategy Document (*Document Stratégique de Façade* – DSF) must be prepared (Environment Code, art R219-1), and at present (June 2019), there are four in progress. The DSF is regarded as the reference framework, the integrated tool that must be taken into account and be observed by all maritime policies and actions (fisheries, transport, environment, etc.).⁷ More specifically, with the integration of the MSFD-related European commitments and

⁶As stated by the Decree, blue economy means the sea-related maritime and coastal economy.

⁷Each DSF will be adopted by a decree in the Council of State (*Conseil d'État*).

Fig. 16.1 The four coastline designations under the Marine Strategy Framework Directive (left) (Ifremer 2012) and the National Strategy for the Sea and Coast (right) (Ministry of Environment, Energy and the Sea 2017)

Directive 2014/789/EU (Legislation 2017b), these documents will constitute the main IOM instruments in France.

There are two components for each DSF: strategic and operational. The strategic component must be adopted in 2019⁸ and the operational component in 2022. In order to develop the strategic component, national authorities must determine the initial situation by identifying existing activities, activity-environment interactions, land-sea interactions and planning actions that have already been adopted. This strategic component must provide details about the main issues and an assessment of their evolution, such as the environmental situation and new needs.

The determination of the original situation is needed in order to formalize the key objectives by 2030. These objectives are all-encompassing: environmental (resulting from the MSFD), economic and social. The strategic component must then justify the spatial coexistence of the uses and determine coherent areas in terms of issues and objectives. Finally, all of these elements form a “vocation map” that needs to be established to enable the operational component to be developed.

As required by the Environment Code (art R 122-17) and according to the environmental objectives, the strategic component is based on a strategic environmental assessment that must make sure all definitive choices are relevant. The assessment may propose measures to avoid, reduce or offset the potential environmental impacts of the activities carried out.⁹

Several steps are required in operationalizing the DSF. The first is to determine some assessment procedures that include a set of relevant criteria and indicators. To do so, the previously mentioned MSFD monitoring programs must be referred to.

⁸See, for example, the project adopted in February 2019 for the North Atlantic-West Channel coastline (Ministry for the Ecological and Inclusive Transition 2019).

⁹For example, see the environmental evaluation for the North-Atlantic-West-Channel sea coastline (DGALN 2018).

The final step of the DSF involves establishing and implementing an action plan. It must be noted that the MSFD Action Plan will form a part of the adopted DSF Action Plan.

By analysing the DSF's two components, it can be seen that the documents include previous actions, especially the actions carried out in an environmental approach through the MSFD. In fact, as stated in the Environment Code, all actions adopted before the launch of the National Strategy for the Sea and Coast must "be compatible with the objectives and provisions of the Sea Basin Strategy Document..." (art L219-4-I). This means that the actions adopted under the MSFD (monitoring programs, Action Plans, etc.) and the maritime spatial planning directive must be coherent with the DSF.

16.3.3 *An All-Inclusive Strategy*

In analysing the development of the DSF, it is clear that French authorities want to maintain control of the process. The DSF is developed by the State (Environment Code, art L219-2), more precisely by the Minister for the Sea (Environment Code, art L219-1-2).¹⁰ National consultation is ensured by the National Council for the Sea and Coastlines (*Conseil National de la Mer et des Littoraux* – CNML). This Council is the competent national strategic forum for all questions on the sea and the coastline. Its president is the Prime Minister, and it is composed of 52 members representing all public and private stakeholders involved in maritime issues. The Council acts in an advisory role for the main texts (decrees) on maritime issues. It can be consulted on any questions concerning the sea and the coastline and is a real source of proposals to the government. This national council has a local-level guidance role represented by the consultative body, the *Conseil maritime de façade*.

More precisely, at the local level, the development of the DSF is also the responsibility of state representatives, mainly the maritime prefect (who represents the state on sea matters), the region's prefect and coordinating prefects. These prefectural authorities rely on the Maritime Council for the Coast, which is under the guidance of the aforementioned CNML, and it is the discussion forum for all regional maritime stakeholders. It is composed of public authority representatives and professional activity representatives (fishers, shipowners, port authorities, employee representatives, marine environment protection associations, sea user associations). The Maritime Council for the Coast makes recommendations to the national authorities on the use, preservation and enhancement of the shoreline and sea.

All citizens can express their views in a prior consultation organized by the National Commission for Public Debate (*Commission Nationale du débat public*

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¹⁰At present (June 2019), this is the Ministry for the Ecological and Inclusive Transition (*Ministère de la transition écologique et solidaire*).

– CNDP). This is an independent administrative authority and a major participatory democracy instrument in France whose objective is to provide information to citizens and to ensure that their point of view is taken into account effectively during the decision-making process. However, the jury is still out on whether this happens in reality.

Actually, this system of governance places the national authorities at the core of French maritime strategy. According to the national authorities, this is the price to pay to achieve coherence between all the actions undertaken in the various French maritime regions. In this context, national authorities must take care to effectively consider all stakeholders' interests.

16.4 Conclusion

It is clear that the scheme set up by France's maritime strategy within the European framework is ambitious and complex. In comparison to its European counterparts (Friess and Grémaud-Colombier 2019), France is not ahead of other Member States in determining its ocean strategy and especially its maritime spatial planning. However, the increase in maritime activities and uses around French coasts requires an effective global and integrated action. As the DSF process is still under construction, it is, of course, too early to say if the National Strategy for the Sea and Coast is a suitable means of developing a truly integrated ocean management policy in France. There are questions that remain unanswered such as, does this process really take into account all maritime stakes and stakeholders? Are citizens being listened to? Is their participation effective? We will return in a few years to answer these questions and to analyse the enforcement and reality of French integrated ocean management!

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