

The designation of Marine Protected Areas in Belgium - BE

1. Policy Objective & Theme

- SUSTAINABLE USE OF RESOURCES: Preserving coastal environment (its functioning and integrity) to share space

2. Key Approaches

- Integration
- Participation
- Ecosystems based approach

3. Experiences that can be exchanged

The successful process of designating Marine Protected Areas (MPAs) using a pre-dominantly bottom-up approach. This is contrasted with the failure on two occasions of a rigid top-down approach.

4. Overview of the case

The first designation process for MPAs in 1999 was unsuccessful. A second designation proposal in the period 1999-2003 was also unsuccessful. Only in 2005, during a third process, were the first MPAs in the Belgian part of the North Sea designated. This case lays out the reasons for this train of events.

5. Context and Objectives

a) Context

The legal basis for the designation and management of MPAs is the Marine Environment Act of 1999. It is specifically intended to allow fulfilment of relevant international (e.g. Convention on Biological Diversity, RAMSAR Convention) and European (e.g. Birds and Habitats Directives) legislation.

b) Objectives

The objective was to set up MPAs in order to be able to protect marine ecological values and to fulfil international conservation obligations.

6. Implementation of the ICZM Approach (i.e. management, tools, resources)

a) Management

The Federal Government has responsibility for designating MPAs which are then given a Royal Assent by the King.

b) ICZM tools

The first designation process, 1999: The passing of the Marine Environment Act provided the legal contact for assigning

MPAs. The initial process for designating MPAs began without prior consultation or information by the authorities. There was only a supporting coalition from a limited number of stakeholders from the Nature conservation movement and scientists. This ran up against protest from other stakeholders e.g. ship owners, fishermen. Not only was the procedure felt to be incorrect but there was also a focus on the prohibitions and restrictions that MPA designation might bring. Coastal stakeholders felt the process was top-down and the “true inhabitants” of the coast had been ignored. The perceived authoritarian style of the government in which there was a lack of disseminated information and of consultation was the main cause for the lack of trust. Unfortunately, the underpinning scientific knowledge used for designation did not mesh with the knowledge of local stakeholders. This failure was due to the procedures carried out. At this stage, no instruments e.g. economic or social were deployed. The perception was that the rules for designation had been drawn up a strict way and the designations would have unclear consequences for the users. Previous bad experience with designation on land for the Birds Directive had bred distrust for additional Brussels-led legislation. Only in reaction to the protest, consultation was provided for with users and local government officials.

Following the election of a new government, the designation process almost came to a halt in the period 1999 – 2003. The reason given was that the protest in the first process had been so extensive that designation was politically very difficult. The situation was not made easier when the offshore wind turbine file was linked to MPA designation. Planned wind turbine parks in the sea received even more widespread opposition than the earlier MPA process and polarisation against the government became ever greater and now included local politicians and part of the environmental movement which had previously supported the government on MPAs. Inertia followed and it was only at the end of the government term in 2003 that any new initiative was launched. However, it appeared that the government had learnt nothing from its predecessor and offered “integral coastal nature parks” but, again, based only on scientific information with no prior consultation with local stakeholders nor clarity over the consequences for the users of the North Sea. As a consequence, these ideas were not followed up and the designation process stopped again.

In the next designation process, 2003-2006 a new federal government appointed an experienced politician as Minister of the North Sea who had a mandate to take initiatives in coordinating all North Sea policy matters. Since there was a budget and the Minister was also Deputy Prime Minister and he came from the coast, the position had a political influence it had not had before. Additional staff were appointed to deal with North Sea and MPA issues. Nonetheless, fisheries remained under regional Flemish jurisdiction. There was less emphasis placed on purely scientific knowledge with non-professional know-how and layman’s knowledge being taken into account. Bilateral talks were held with a number of stakeholders viz. users, the environmental movement and local officials. This clear change in style was paralleled with a shift in methodology with groups being approached with a question rather than a statement. This approach re-built trust. Inevitably, not everyone could be/were consulted (port authorities) and those left out remained critical of the transparency of the process. MPAs were now also a formal part of a larger ‘picture’ for the North Sea linked into a phased Master Plan in which spatial planning was developed and which incorporated previous separate agreements on heavy sand and gravel extraction and wind turbine parks on the sea. Significant, too, was an amendment to the Marine Environment Act in which formal legislation and agreements (e.g. strict prohibitions) were replaced by informal rules (e.g. user agreements) and a more voluntary approach. Six user agreements were signed over a period of three years. In each case, the users contracted to keep disturbance in the protected areas to a minimum during specified periods. The government now even provides current and user friendly information on its website.

7. Cost and resources

No costs are available.

8. Effectiveness (i.e. were the foreseen goals/objectives of the work reached?)

Six years after the Marine Environment Act, after several failed processes between 1999-2003, five MPAs were designated. Three of these were in the framework of the Birds Directive and two the Habitats Directive. One area has been annulled by the Belgian Council of State in 2008, after a complaint by an energy company. In 2006, the first marine reserve was designated. There still remains open the question of management and enforcement of these sites. In some quarters, there is the feeling that everything has now been done for the protection of the marine ecosystems Others state that the current MPAs are empty boxes

9. Success and Fail factors

The initial failure of the government style was largely to the insufficient resources they had to carry out the work. Inexperience

was another problem. Consultation was provided only after initial protest. The Governor of the Province of West Flanders played an important role as intermediary being seen to have the necessary authority, legitimacy and trust.

The lack of a functional spatial planning policy in the earlier years contributed significantly towards failure to reach agreement about MPA designation.

The user agreements are seen to have both advantages (flexible; win-win situations; responsibility lies more with the users; the voluntary approach encourages support) and disadvantages (vagueness for those not involved; process takes longer; temporary character doesn't give sufficient certainty).

There is a lack of clearly formulated conservation objectives for each designated site and a lack of monitoring data.

10. Unforeseen outcomes

From the central Administration's viewpoint, the designation processes cannot any longer be initiated top-down but require a more interactive style of governance. For stakeholders, the insight that the North Sea cannot be used without limit and that designation needs to fit into a total vision for the use of the North Sea.

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13. Sources

- A Flood of Space: Towards a Spatial Structure Plan for Sustainable Management of the North Sea (2005) Abeele P V & Vanhulle A.
- The designation of Marine Protected Areas in Belgium. An Analysis of the Decision Making Process. (2008) Bogaert D., Cliquet A., De Waen D., Maes F. In: Who Rules the Coast. Policy Processes in Belgian MPAs and Beach Spatial Planning (Bogaert D., Maes F, editors). Antwerpen: Maklu, p. 57-105 ISBN 978-90-466-0174-7.
- Designation of marine protected areas in Belgium: legal and ecological success?, (2009) Bogaert, D., Cliquet, A., & Maes, F., Marine Policy 33, 878–886
- www.de-noordzee.be (for user agreements)



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