

---

# Transboundary Marine Spatial Planning and International Law

---

Edited by Daud Hassan, Tuomas  
Kuokkanen and Niko Soininen

SARCHI CHAIR LAW

 **Routledge**  
Taylor & Francis Group  
LONDON AND NEW YORK

33

**earthscan**  
from Routledge

First published 2015  
by Routledge  
2 Park Square, Milton Park, Abingdon, Oxon OX14 4RN

and by Routledge  
711 Third Avenue, New York, NY 10017

*Routledge is an imprint of the Taylor & Francis Group, an informa business*

© 2015 Daud Hassan, Tuomas Kuokkanen and Niko Soininen

The right of the editors to be identified as the authors of the editorial material, and of the authors for their individual chapters, has been asserted in accordance with sections 77 and 78 of the Copyright, Designs and Patents Act 1988.

All rights reserved. No part of this book may be reprinted or reproduced or utilised in any form or by any electronic, mechanical, or other means, now known or hereafter invented, including photocopying and recording, or in any information storage or retrieval system, without permission in writing from the publishers.

*Trademark notice:* Product or corporate names may be trademarks or registered trademarks, and are used only for identification and explanation without intent to infringe.

*British Library Cataloguing-in-Publication Data*

A catalogue record for this book is available from the British Library

*Library of Congress Cataloging in Publication Data*

Transboundary marine spatial planning and international law / edited by S.M. Daud Hassan, Tuomas Kuokkanen and Niko Soininen.  
pages cm

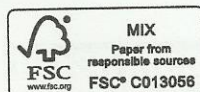
Includes bibliographical references and index.

1. Marine resources conservation—Law and legislation. 2. Marine spatial planning. 3. Law of the sea. 4. International law. I. Hassan, S.M. Daud, editor. II. Kuokkanen, Tuomas, editor. III. Soininen, Niko, editor.

K3485.T73 2015  
346.04'69164—dc23  
2015005142

ISBN: 978-0-415-73970-2 (hbk)  
ISBN: 978-1-315-81642-5 (ebk)

Typeset in Goudy  
by Swales & Willis Ltd, Exeter, Devon, UK



Printed and bound in Great Britain by  
TJ International Ltd, Padstow, Cornwall

---

# Contents

---

<i>List of illustrations</i>	vii
<i>Notes on contributors</i>	ix
<i>Acknowledgements</i>	xii
<i>Abbreviations</i>	xiv

## **PART I**

### **Introduction**

**1**

- |   |   |          |
|---|---|----------|
| 1 | <b>Marine spatial planning as an instrument of sustainable ocean governance</b> | <b>3</b> |
|   | NIKO SOININEN AND DAUD HASSAN   |          |

## **PART II**

### **Marine spatial planning in a general framework**

**21**

- |   |   |           |
|---|---|-----------|
| 2 | <b>Marine spatial planning in international law before MSP</b>                                    | <b>23</b> |
|   | TUOMAS KUOKKANEN  |           |
| 3 | <b>Marine spatial planning and various uses and interests relating to the marine environment</b>  | <b>42</b> |
|   | TAVIS POTTS   |           |
| 4 | <b>United Nations Convention on the Law of the Sea as a framework for marine spatial planning</b> | <b>60</b> |
|   | DAUD HASSAN AND NIKO SOININEN   |           |
| 5 | <b>Marine spatial planning: global and regional conventions and organizations</b>                 | <b>85</b> |
|   | FRANK MAES AND AN CLIQUET   |           |

<b>PART III</b>		
<b>Marine spatial planning in transboundary contexts</b>		<b>101</b>
6	Marine spatial planning: one of the fundamental tools to help achieve effective marine conservation in the Great Barrier Reef JON C. DAY	103
7	Marine spatial planning in the Baltic Sea HERMANNI BACKER	132
8.1	Transboundary maritime spatial planning across the French-Belgian maritime borders: past and future cooperation BETTY QUEFFELEC AND FRANK MAES	154
8.2	Transboundary marine spatial planning in the Irish Sea STEPHEN JAY	174
9	Marine spatial planning in the European Union NIKO SOININEN	189
10	Marine spatial planning in the Bay of Bengal sub-region in South Asia DAUD HASSAN AND EMDADUL HAQUE	202
<b>PART IV</b>		
<b>Conclusions</b>		<b>219</b>
11	Comparative and forward-looking conclusions on transboundary MSP NIKO SOININEN, TUOMAS KUOKKANEN AND DAUD HASSAN	221
	<i>Index</i>	227

---

## Illustrations

---

### Figures

3.1	Stages in MSP	45
3.2	Conceptual view of the tiers of integration activity	47
6.1	Interrelationship of zoning, MSP and ecosystem-based management as they relate to the GBR Marine Park	105
6.2	Part of the 2003 Zoning Plan showing the range of zones in a small area off Townsville in the central part of the GBR	120
6.3	Shipping is one of many examples of marine activities that are not limited to a single zone within a multi-use zoning scheme	120
6.4	While some Defence Training areas in the GBR provide permanent closures to the public, others like this one are not permanent	121
6.5	A small subset of the mapped area is highly used with potential conflicts between tourism, recreation and conservation aspects	121
7.1	Overview map of the Baltic Sea with its drainage/catchment area, including the two largest rivers, nearby sea areas and the location of five largest cities indicated	133
7.2	Status of Maritime Spatial Planning in the Baltic Sea region in December 2014	140
7.3	Plan Bothnia pilot MSP plan covers TS and EEZ of both Finland and Sweden (Backer and Frias, 2012)	144
8.1.1	French-Belgian case study area with Natura 2000 site at sea	155
8.2.1	Transboundary effects receding with distance from a border	177
8.2.2	Transboundary effects varying with activity	177
8.2.3	Transboundary area between Ireland and Northern Ireland	178
8.2.4	MSP incorporating data, governance and stakeholder perspectives	181

8.2.5	Inter-relation of elements of MSP in transboundary MSP	181
8.2.6	Energy activities in the northern TPEA pilot area	183
8.2.7	Composite map for the northern TPEA pilot area	184

**Tables**

6.1	Some of the key legislative instruments and international conventions relevant to the GBR	108
6.2	'Evolution' of the statutory objects for zoning in Great Barrier Reef Marine Park Act	109
6.3	Current GBR zones and zone objectives (as of 2014)	116
7.1	Regional Baltic MSP Roadmap 2013–2020 (summary timetable) (HELCOM&VASAB, 2013)	142