Bulletin of the Maritime Institute in Gdańsk

MARITIME INSTITUTE IN GDAŃSK

Towards a multi-level governance framework for MSP in the Baltic

Ku wielopoziomowym ramom zarządzania PPOM na Bałtyku

Angela Schultz-Zehden[1], Kira Gee[2]

[1]s.Pro, Berlin,
[2]Helmholtz Zentrum Geesthacht/University of Liverpool

Abstract: The Baltic Sea Region stands out as an early adopter of a transboundary approach to marine/maritime spatial planning (MSP). Various common principles have been established for MSP in the Baltic, but despite some initial suggestions, these have not yet been translated into structures and processes that could facilitate transboundary MSP governance in the BSR. This paper draws on the recent PartiSEApate project to outline recommendations for a multi-level governance framework for MSP in the Baltic. Based on empirical work, needs and visions for a pan-Baltic MSP dialogue are first outlined from the perspective of sectoral stakeholders and governance representatives. The paper then presents suggestions for adapting existing structures, most notably the HELCOM/VASAB MSP Working Group, to facilitate a pan-Baltic MSP dialogue that is needs-based, results-oriented and realistic. Suggestions are also presented for extending cross-border consultation on MSP as part of a multi-level governance framework. The paper concludes with an outlook to developments in 2015 and general lessons for transboundary MSP.

Keywords: Maritime Spatial Planning, governance, multi-level, transboundary, cross-border, PartiSEApate

Streszczenie: Region Morza Bałtyckiego wyróżnia się jako pionier w przyjmowaniu transgranicznego podejścia do planowania przestrzennego obszarów morskich (PPOM). Mimo wstępnych sugestii, ustalone różnorakie wspólne zasady PPOM na Bałtyku nie przekłada-ją się jak dotąd na struktury i procedury, które mogłyby ułatwić administracyjną współpracę transgraniczną w zakresie PPOM w regionie Morza Bałtyckiego. Niniejszy tekst nakreśla zalecenia dla stworzenia wielopoziomowych ram zarządzania PPOM na Bałtyku, w czym opiera się na opracowanym niedawno projekcie PartiSEApate. Jako pierwsze opisano w oparciu o praktyczne doświadczenia potrzeby i wyobrażenia o panbałtyckim dialogu w zakresie PPOM z perspektywy zainteresowanych podmiotów i przedstawicieli administracji w poszczególnych sektorach. W kolejnej części pracy zaprezentowano propozycje przyjęcia ist-niejących już struktur, w szczególności planu grupy roboczej HELCOM/VASAB, w celu usprawnienia panbałtyckiego dialogu na temat PPOM, tak by ten opierał się na ocenie potrzeb, był zorientowany na wyniki i realistyczny. Zaprezentowano także sugestie rozszerzenia zakresu konsultacji transgranicznych dotyczących PPOM w ramach wielopoziomowych struktur zarządzania. Pod-sumowanie pracy stanowi bilans postępów osiągniętych w 2015 roku oraz ogólne wnioski dla transgranicznej polityki PPOM.

Słowa kluczowe: Planowanie przestrzenne obszarów morskich, zarządzanie, wielopoziomowy, transgraniczny, PartiSEApate

Introduction / Background

In recent years the growing maritime economy has placed in-creasing demands on marine ecosystems [1]. It is now widely accepted that a sectoral approach to marine management is no longer sufficient, and that a coordinated and integrated approach is required to implement an ecosystem approach to marine management whilst also optimising maritime ac-tivities. As a result, many European countries have begun to introduce marine/maritime spatial planning (MSP) as a tool to ensure more effective and efficient management of their marine areas.

Within Europe, MSP has been particularly promoted and brought into practice by northern and western countries. Norway, Germany, the United Kingdom, the Netherlands and Belgium have implemented first-generation maritime spatial plans and serve as forerunners. Lithuania, Latvia, Sweden, Po-

land and Portugal are following suit, and other countries have also begun with MSP efforts.

The Baltic Sea Region (BSR) stands out as an early promoter of a sea-basin–wide, trans-boundary approach to MSP [2, 3, 4, 5]. This is due to the comparatively small size of the Baltic Sea, its unique characteristics as an almost-enclosed natural system and resource, and the strong culture of cooperation among the nine BSR states. Sea uses and their impacts often transcend national borders within the Baltic Sea, which is exemplified in linear infrastructures (i.e. pipelines, cables) but also in site-specific uses such as offshore wind farms or mobile uses such as shipping and fisheries.

Apart from close economic ties, the strong culture and tradition of cooperation among Baltic Sea Region countries is also expressed in a multitude of sea-basin-wide transnational institutions, cooperation efforts and strategies. VASAB[1] and HELCOM[2] have been at the forefront of highlighting the need for an integrated approach to managing the Baltic Sea environment and the sustainable use of its resources. This has not only been expressed in numerous policy papers and declarations on MSP[3], but was operationalised through the establishment of the joint HELCOM-VASAB Working Group on MSP (referred to subsequently as the HELCOM/VASAB MSP WG), which brings together national MSP authorities from around the BSR and has convened twice every year since October 2010[4]. Moreover, a series of EU-funded transboundary projects have been implemented in the BSR since 2001, including Balt-Coast, PlanCoast, PlanBothnia, BaltSeaPlan, PartiSEApate [2], and, most recently, BaltSpace and Baltic Scope. These projects and initiatives have fostered a strong Baltic-Sea-wide cooperation network among institutions, as well as individuals, involved in MSP.

In 2014, the need for a sea-basin-wide approach to MSP became a requirement within the EU Framework Directive for Maritime Spatial Planning [6]. The MSP Directive is based on the principle that competence for MSP remains in the hands of Member States, but that planning in shared seas is made more compatible by applying a common set of minimum standards. Although it does not call for a sea-basin-wide approach, the Directive requires transboundary cooperation between Member States and cooperation with third countries in shared sea areas, with the purpose of ensuring coherence and coordination of marine spatial plans across the marine region concerned. One way of pursuing such cooperation may be through regional institutional cooperation structures, such as Regional Sea Conventions and/or networks/structures established by the competent authorities of the Member States.

This paper puts forward suggestions for implementing a multi-level approach to MSP in the BSR. Drawing on the results of the recent PartiSEApate project, it presents transnational and cross-border structures and processes that would enable greater cohesion in MSP, thereby contributing to high-level MSP objectives for the Baltic, such as sustainable maritime development. A well-structured transnational MSP governance framework could provide essential support to national MSP processes, ensuring that maritime spatial plans are not at cross purposes, and also ensuring that pan-Baltic stakeholder interests can be adequately reflected. Although the approach was developed specifically for the BSR, it could nevertheless hold useful lessons for other maritime regions, especially in the context of the EU MSP Directive and its requirements for transboundary cooperation.

From General Principles for MSP in the Baltic towards a Governance Structure

Various common principles that support the notion of a coherent approach to MSP have already been established for MSP in the Baltic. The first and most general principles are the HELCOM-VASAB MSP principles drawn up by the HELCOM-VASAB MSP WG, adopted in October 2010 (Table 1). These principles are based on recognition that "the Baltic Sea is in great need of developed, well-adapted and coherent Maritime Spatial Planning to accomplish long-term trade-offs between (...) human activities," expressing hope that they "will provide valuable guidance for achieving better coherence in the development of Maritime Spatial Planning systems in the Baltic Sea Region" ([7] p.1). The pan-Baltic perspective particularly comes to the fore in the principle of 'transnational coordination and consultation,' which states that "maritime spatial planning should be developed in a joint pan-Baltic dialogue with coordination and consultation between the Baltic Sea states," and "whenever possible maritime spatial plans should be developed and amended with the Baltic Sea Region perspective in mind" ([7] p.3). Little mention is made, however, of how these principles could be implemented or what structures and processes may be necessary for achieving such a vision.

The "BaltSeaPlan Vision 2030 – Towards the sustainable planning of Baltic Sea space", developed in 2011 as part of the BaltSeaPlan project [8], builds on the HELCOM-VASAB MSP Principles. Here, more specifically spatial principles are set out, along with institutional and administrative prerequisites for achieving sustainable marine use within the Baltic Sea by 2030 (Table 2). Like the HELCOM-VASAB MSP Principles, the vision mentions transnational cooperation as a key element for achieving a pan-Baltic approach to MSP, but here more focus is placed on governance. A transnational coordination body is proposed as a mechanism for facilitating such cooperation, and international consultation during the preparation

---

[1]Visions and Strategies around the Baltic (VASAB) is intergovernmental multilateral co-operation of eleven countries of the Baltic Sea Region in spatial planning and development.

[2]HELCOM (Baltic Marine Environment Protection Commission - Helsinki Commission) is the governing body of the Convention on the Protection of the Marine Environment of the Baltic Sea Area, known as the Helsinki Convention. The Contracting Parties are Denmark, Estonia, the European Union, Finland, Germany, Latvia, Lithuania, Poland, Russia and Sweden.

[3]such as the HELCOM Recommendation 28E/9 on "Development of broad-scale MSP principles in the Baltic Sea Area", the Horizontal Action Area within the EUSBSR, the Long-Term Perspective for the Territorial Development of the BSR or the Regional Baltic MSP Roadmap adopted in 2013 [2].

[4]The HELCOM/VASAB MSP WG brings together the official organisations responsible for MSP in each Baltic Sea State. It is a decision--making body which feeds into the political process but whose work is a fairly loose exchange based on regular meetings and dialogue between group members.

of national maritime spatial plans is considered a prerequisite for achieving coherence of national plans in line with wider pan-Baltic objectives and topics.

The Plan Bothnia project (2012) also provides suggestions for implementing a transboundary approach to MSP. Here, the main focus is on the planning process itself (preparation of a maritime spatial plan, the planning and consultation phase and the post-approval phase) and the necessary interplay between the national and transboundary level [9] (Table 3). Once again, transnational coordination and a dedicated coordination body are listed among the institutional requirements of such an approach, and information exchange at the transboundary level is regarded as necessary on topics of cross-border relevance.

Transboundary MSP projects in other regional seas have highlighted other aspects important for transboundary MSP governance, such as the importance of a representative transboundary partnership, clear objectives for transboundary MSP processes and clear structures of working [10]. In the Baltic, despite the progressively more detailed suggestions, the governance structures and processes required for effective MSP at the transboundary scale have remained unclear. One challenge is to differentiate more clearly between spatial scales and the functions and demands of national (or sub-national) MSP processes, cross-border processes (such as consultation of neighbouring countries when drawing up a maritime spatial plan), and wider transnational and pan-Baltic processes (such as discussion of topics that affect the Baltic as a whole). For example, which issues can be resolved at the national level, and which require a pan-Baltic discussion, and how could a pan-Baltic discussion then feed back into national MSP processes? Linked to this, greater clarity is also needed on the specific functions, roles and responsibilities of national and transnational bodies and institutions involved in MSP. For example, is there a real need for a transnational coordination body (as suggested in several previous reports), and which organisation could take on such a role? Lastly, understanding MSP as a transparent and participatory process, there are open questions surrounding the roles and responsibilities of international sectoral stakeholders both in national MSP processes and as part of a wider pan-Baltic MSP dialogue.

The EU-funded PartiSEApate project (which ran from 2012 to 2014 and involved MSP authorities from Germany, Poland, Latvia, Lithuania, Estonia and Sweden, see www.partiseapate.eu) aimed to answer some of these questions. Working in close collaboration with MSP authorities, the project drew up suggestions for a multi-level governance framework that retains the principle of subsidiarity in MSP yet is capable of delivering a pan-Baltic approach where a national approach alone is insufficient [11].

This paper presents the main aspects of the PartiSEApate governance framework, with particular focus on the structures and processes that would need to be put in place to ensure ef-

Tab. I. HELCOM/VASAB Baltic Sea Broad-scale Maritime Spatial Planning Principles [7]

HELCOM-VASAB MSP PRINCIPLES:
♦ Sustainable management
♦ An ecosystem approach
♦ A long-term perspective and objectives
♦ The precautionary principle
♦ Participation and transparency
♦ High-quality data and information base
♦ Transnational coordination and consultation
♦ Coherence between terrestrial and maritime spatial planning
♦ Planning adapted to characteristics and special conditions of different areas
♦ Continuous planning

Tab. II. Key elements of the BaltSeaPlan Vision 2030 [8]

PRINCIPLE	IMPLICATION
Pan-Baltic thinking	Consider the Baltic Sea as a single planning space and single ecosystem
Pan-Baltic topics	A healthy marine environment A coherent pan-Baltic energy policy Safe, clean and efficient maritime transport Sustainable fisheries
A pan-Baltic approach to MSP	Transnational cooperation A coordinating body for MSP
Spatial allocation based on:	A Baltic-Sea-wide environmental assessment Socio-economic cost-benefit analysis
Spatial connectivity	Linear infrastructure, corridors and patches are considered the backbones of national MSPs
Spatial efficiency	Baltic Sea space is used sparingly The use of "used" space is maximized by fostering co-location
Spatial subsidiarity	Challenges are dealt with at the lowest appropriate spatial scale'
National prerequisite	All Baltic Sea States have the necessary institutional structures to carry out MSP
International prerequisites	There is coherence between the overall aims and targets for maritime space and national maritime spatial plans Planners ensure coherence by means of international consultation during the preparation of national / sub-national maritime spatial plans

fective transboundary MSP in the Baltic Sea. We first set out the methods used during the empirical phase of PartiSEApate, and then descibe the conclusions drawn for transboundary MSP governance. We then offer a discussion of the PartiSEApate results.

The Empirical Base

Empirical work consisted of a series of semi-structured telephone interviews with selected sector stakeholders and members of the HELCOM/VASAB MSP WG between February and April 2014. Interviews took one hour on average and centred on the following issues:
- expectations of how MSP might develop nationally and transnationally,

Tab. III. Minimum requirements for transboundary MSP in the BSR at the national and transnational level (adapted from [9])

NATIONAL LEVEL	TRANSBOUNDARY LEVEL
1) Legal and institutional minimum requirements	
Designation of a responsible authority for MSP in the EEZ and for ICZM in territorial waters. Specification of the issues to be regulated in the maritime spatial plan. Specification of the legal effect of the plan (i.e. whether the plan is binding to public authorities only, or to private persons also) Basic requirements for the participation process beyond the EU SEA regulations Monitoring requirements for the plan Maximum period before updating and revision of the plan.	A formal ministerial coordinating body for pan-Baltic MSP issues A transnational coordinating body at the technical level to develop common methods and contents, including an integrated vision for the Baltic Sea as a whole
2) Minimum requirements for the preparation of a maritime spatial plan	
Clearly-defined objectives showing: the planning area the issues to be resolved, responsibilities the regulations needed the management tools available, including finances inventory of all available mapping data	Information exchange: on planning intentions with possible cross-border effects on cross-border user interests on cross-border environmental requirements of available relevant data on the ecosystem, marine activities and projects agreement on information needs for the preparatory stock-take main topics of relevance in transboundary MSP harmonised data between all Baltic Sea countries (in the long run) a common legend (common symbols and colours) of the most important topics with transnational or cross-border significance
3) ... for the planning and consultation phase	
Define basic types of zone in the MSP General use zone, where no use is given priority, nor restricted, by the rules of the spatial plan. Priority use zone, where no use is allowed that would significantly constrain the use that is given priority in this zone Restricted access zone where certain uses are prohibited Targeted Management Zone, where the underlying basic zone needs to be complemented by detailed management regulations	transnational co-operation, information and concertation for planned designations of areas/regulations with possible transnational or cross-border effects. joint elaboration of a transnational plan, or parts thereof, for topics where information and concertation is not sufficient (e.g. for cross-border linear infrastructure).
4) ... for the post-approval phase	
Prepare inventory of all their available data that are needed to define appropriate monitoring indicators	Consultation on permits to private or public sea uses with potential transnational or cross-border implications

- barriers to the development of a pan-Baltic dialogue,
- the need for, purpose of and possible outcomes of a pan-Baltic MSP dialogue,
- the formats, tools and structures a pan-Baltic MSP dialogue might take,
- involvement in a pan-Baltic MSP dialogue and organisation
- how to organise consultation on national maritime spatial plans.

Interviewees included representatives of national and international sectoral organisations (such as national and international industry associations, research institutes, NGOs, representatives of BSR national ministries and competent authorities for MSP (see table 4).

The semi-structured interview guide was designed on the basis of a pre-study carried out in 2013 within the PartiSEApate project [12], as well as an analysis of the structures and activities of relevant institutions within the Baltic Sea Region. Within the survey, the rather vague term "MSP dialogue" was used on purpose in order to leave it to the respondents to define the specific type and format a transnational MSP governance structure should take.

Survey results were interpreted against the background of previous project results [7,8,13,14,15], as well as information obtained from other PartiSEApate activities[1] and other BSR projects and planning efforts related to MSP [15,16,17,18]. Draft conclusions and recommendations were then further refined in group discussions with the MSP experts of the PartiSEApate project, which were conducted between April and June 2014.

Summary of Survey Results

4.1 Expectations for national and transnational MSP developments

In the immediate future (up to 2020), most respondents expect relatively slow progress with MSP, and a strong focus on the national (rather than pan-Baltic) level. MSP is still considered to be in its initial phase, and the expectation is that those (limited) resources that have been dedicated to MSP will mostly be devoted to establishing national processes, structures and routines. Expected outcomes up to 2020 include more sectoral involvement in MSP at the national level, a clearer picture of

---

1 A series of eight pan-Baltic workshops with stakeholders and pilot activities in three transboundary MSP cases; see [11]

how sea space is used, more knowledge about cumulative impacts of uses, and progress with national MSP plans.

When asked about specific barriers to a pan-Baltic MSP dialogue, lack of time and resources were frequently mentioned. More importantly, however, many sectoral developments were seen as driven by national interests and policy. Space is not the only dimension for sectoral decision-making, and national systems sometimes leave little room for taking a pan-Baltic perspective. This particularly applies to sectors such as energy, but also to nature conservation, where Natura 2000 targets are set nationally rather than at the pan-Baltic level. Other barriers include the lack of political will, the fact that MSP has not become established in all countries, sectoral power plays and conflicting interests, different cultures and languages, and the lack of a clear aim of a pan-Baltic MSP dialogue. An important consideration was also the perceived lack of understanding of the added value pan-Baltic cooperation on MSP could deliver.

In the longer term, there is an expectation that more transboundary projects will take place, that good practice will become more widely shared and that consultation between countries will improve. Some considered a joint discussion forum with different actors and authorities a realistic long-term development. Some also mention the possibility of a truly pan-Baltic planning exercise, especially on linear infrastructure.

4.2 Need, purpose and possible outcomes of a pan-Baltic MSP dialogue

The two sets of respondents (governance and sector) expressed overwhelming support for a broader pan-Baltic dialogue on MSP, with 100% of governance representatives agreeing on the need for such dialogue and only three of the sector representatives disagreeing. This points to a strong perceived need for new channels of MSP dialogue across the Baltic Sea and widespread readiness in principle to engage in an open dialogue.

All regarded improved information exchange as the main purpose of a pan-Baltic MSP dialogue. A key benefit for governance representatives would be the possibility of sharing of information between planners and sectors, and an exchange on different approaches to MSP. Governance representatives particularly value the opportunity to develop a coordinated approach to MSP criteria and a common vision for the Baltic linked to the idea of shared "Baltic Sea pride." Governance representatives would also value more sectoral information as an outcome of a pan-Baltic MSP dialogue, such as more information on economic trends and sectoral strategies.

Sector representatives primarily regard a pan-Baltic MSP dialogue as an opportunity to improve the information exchange between sectors and the development of shared intra-sectoral goals and objectives. Despite their support in principle, they are more cautious with respect to their involvement in an MSP-specific dialogue. Many do not currently see a role for

Tab. IV. Origin and number of interviewees

SECTOR	NUMBER OF INTERVIEWEES
Shipping	8
Ports	4
Offshore wind	4
Aquaculture	4
Fisheries	10
Underwater cultural heritage	1
Environment	6
Research	4
Governance (Denmark (1), Germany (5), Sweden (3), Russia (1), Poland (3), Lithuania (1), Latvia (3), Finland (4), Estonia (4), international organisation (1))	26

themselves in MSP and doubt their input is needed, acknowledged or put to practical use in ongoing MSP processes. If sectors were given the impression that their input is valued, they would perceive a range of benefits arising from an MSP dialogue. Perceived potential benefits include the opportunity to be heard, the chance to develop a common (and therefore stronger) voice for the sector, more effective use of sea space leading to more targeted investment, a more coherent licensing processes, inclusion of all sectors, better understanding of other positions, and, ultimately, fewer conflicts.

Respondents generally agreed that a pan-Baltic MSP dialogue would be a strategic dialogue which should have close links to the (more pragmatic) national MSP process. Links between these two levels should be ensured, with national processes/issues feeding into the pan-Baltic debate and jointly-developed pan-Baltic goals as a strategic framework for national MSP processes.

Establishing common sectoral targets is not considered to be an appropriate objective for a pan-Baltic MSP dialogue; there was also a strong feeling that creating mandatory objectives would be unrealistic.

4.3 Preferred formats, tools and structures for a pan-Baltic MSP dialogue

There is no clear preference for a specific format for a pan-Baltic MSP dialogue or the structures needed to support it. For governance representatives, many formats are conceivable, including joint regional projects, workshops, the setting up of dedicated thematic groups and a regular MSP conference. Sector representatives favour regular, but above all needs-based meetings with a clear purpose and agenda.

All respondents agreed that irrespective of the format, some form of coordination would be necessary, and that a permanent point of contact and coordinator would be ideal. There was agreement that the coordinating staff and/or experts in-

volved in the pan-Baltic MSP dialogue should be highly competent and familiar with MSP issues in the BSR, given the complexity and changing nature of the task and players involved.

4.4 Involvement in a pan-Baltic MSP dialogue and organisation

When asked who should be involved in a pan-Baltic MSP dialogue, governance representatives agreed that this should be a mix of public agencies, NGOs, industry representatives and experts. The view was that participants in such a dialogue should be "real" users, such as sectoral interests and companies, rather than ministerial-level representatives.

With respect to their own participation, some sector representatives felt that a greater transboundary dialogue had to be developed within the sector first before engaging in a transboundary MSP dialogue. Most sectors found it difficult to nominate a body or institution which could speak for the sector as a whole as only few sectors have an organised industry voice at the Baltic Sea level.

All respondents agreed that the structure facilitating a pan-Baltic MSP dialogue should be an independent body coordinated by spatial planners. VASAB could be a suitable organisation, but it has the disadvantage of not being widely known among the respondents. By far the best-known transnational organisation in the BSR was the HELCOM Secretariat, but this was not considered a suitable host, as it is predominantly perceived as an environmental organisation, and not considered a neutral player. Other transnational organisations and structures (e.g. CBSS, CPMR) were not seen as playing an active role in MSP and were therefore also considered less suitable.

The great majority of governance respondents regarded the HELCOM-VASAB MSG WG as best placed to facilitate a pan-Baltic MSP dialogue. Although the group has mainly focused on information and knowledge exchange to date, many respondents saw an opportunity to extend the mandate of the group towards a more pro-active, guiding role, e.g. by working on common MSP methodologies, helping to resolve transboundary issues and coordinating MSP data, as well as a role in MSP training and education. There was widespread acknowledgement that, in order to take on such a role, the current WG structure, as well as the respective HELCOM and VASAB secretariats (which support the work of the WG) would need to be strengthened in terms of staffing and financial resources.

4.5 Cross-border consultation on Maritime Spatial Plans

With the exception of Germany and Lithuania (which developed its national MSP during the time of the PartiSEApate project) no other BSR country has so far begun a formal process to develop a maritime spatial plan. The survey could therefore only draw on limited experience with official transboundary consultation processes, such as licensing or joint grid projects.

Despite the lack of practical experience, all governance respondents emphasised the importance of early involvement in MSP processes rather than being consulted on the finished plan. There was widespread agreement that consultation requirements set out by the Espoo Convention[1] are insufficient to meet the needs of transboundary MSP as these are limited to environmental impacts. Formal requirements for transnational consultation, as anchored in national MSP processes, were considered equally insufficient, as consultation only takes place once a plan is finalised. Linked to this is the fact that countries rarely explain the nature of the plan which is being drawn up, which makes it difficult to understand the reasons behind the spatial solutions put forward in the plan. Those government authorities and sectoral bodies not yet engaged in MSP stated that it was unclear what is required of them; more importantly, they were unsure how cross-border consultation (and their input) ultimately influences the development of a national maritime spatial plan.

Overall, the current consultation process gives neighbouring countries and their stakeholders little room to influence the development of a plan and the spatial solutions proposed. Rather than proper consultation, the present system is actually one of information.

When asked about their own intra-sectoral needs for cross-border MSP dialogue, sectors reported no urgent need. Few "hot topics" that merit a cross-border or cross-sectoral debate appear to have emerged so far. This may change as MSP progresses and certain sea uses become more prominent.

Implications for the development of a pan-Baltic MSP dialogue

Survey results point to widespread support for the principle of a pan-Baltic MSP dialogue. Sectoral stakeholders have varied perspectives on their potential role in MSP and express some caution with respect to their ability to actively contribute to a pan-Baltic MSP dialogue. The situation is different for governance representatives, who mostly have some experience of national MSP processes and are involved in an incipient pan-Baltic MSP dialogue through the HELCOM-VASAB MSP WG. No clear picture emerges of the format a pan-Baltic MSP dialogue should ideally take or the structures necessary to support it, although some preferences (such as a central coordinating body) are expressed by a majority of respondents.

Given the rapid changes in the BSR with respect to national MSP, it is clear that the evolution of a pan-Baltic MSP dialogue will need to be a continual process. Using the INTERACT scale for measuring the maturity of cooperation (Table 5) as a basis,

---

1 The Espoo (EIA) Convention provides a framework for facilitating formal cross-border consultation between neighbouring States. The convention sets out the obligations of Parties to assess the environmental impact of certain activities at an early stage of planning, and lays down the general obligation of States to notify and consult each other on all major projects under consideration that are likely to have a significant adverse environmental impact across boundaries (http://www.unece.org/env/eia/ eia.html)

transboundary cooperation in MSP in the BSR is currently at the level of a targeted exchange of information, with the HELCOM/VASAB MSP WG offering a basic cooperation structure and platform for shaping common ideas. There seems widespread agreement among governance respondents that this level of cooperation should now move on to the more mature third level, which foresees a clearer allocation of functions and roles.

Table 5: The INTERACT scale for measuring the maturity of cooperation [20]
- ♦ Meeting: Getting to know each other, learning about motivation, interests, needs, skills, expectations, cultural and structural aspects;
- ♦ Information: Delivering (targeted) exchange of information, building basic cooperation structures and trust, shaping common ideas
- ♦ Coordination/Representation: Creating a joint partnership structure, first allocation of functions and roles
- ♦ Strategy/Planning: Defining joint objectives and developing concrete actions
- ♦ Decision: Binding commitments of partners, partnership agreement
- ♦ Implementation: Joint implementation of actions, efficient joint management, fulfilment of requirements by each partner

A move to the next higher level of cooperation will take time. New functions and roles first need to be established and accepted by all those participating in the MSP dialogue. Commitment has to be secured from the participating stakeholders, and routines of communication and working modes will need to be built up. Administrative and financial resources will be required for achieving this.

The survey results indicate that more mature cooperation is also a matter of trust. In the absence of a legally-binding, formal (top-down) requirement to engage in a transnational, pan-Baltic MSP dialogue, the participating partners (planners, experts, sector representatives) must be confident that 1) their input is valued and applied, 2) decision-making is transparent and 3) their input will contribute to tangible benefits for MSP and for the sectors. Sector representatives in particular placed emphasis on the need for a pan-Baltic MSP dialogue to have a clear purpose and defined outputs which are openly communicated and accepted by all participants. Such a framework for cooperation would enable participants to focus on those issues which can be influenced by them in the given set-up.

In order to achieve tangible outputs – such as real influence on MSP processes – informal structures and processes of dialogue may eventually need to be complemented by a formal decision-making process and body. The role of this body would be to translate the outputs of the pan-Baltic MSP dialogue into tangible practice (e.g. policy). Tangible outputs are a prerequisite for attracting sectors to the dialogue and ensuring their ongoing commitment. In order to build commitment, it would

therefore make sense for the pan-Baltic MSP dialogue to start with more immediate, manageable and politically feasible tasks to prove its ability to deliver results before engaging in more complex matters.

Building trust also requires that partners actually work together over a certain period of time. So far, the HELCOM-VASAB MSP WG has not been open to sectoral experts, and not all of the WG members have been involved in the transboundary MSP projects carried out in the Baltic. Thus, the maturity of cooperation differs between the potential dialogue partners. Generally, planners have come to know each other well, although differences can be noted between those countries that have engaged in MSP for some time and those that are only beginning their MSP process. New actors will therefore join the existing (informal) network of planners, bringing with them new learning needs but also new approaches and priorities for MSP. Mutual learning and exchange of experience is therefore important as a process at the practitioner's level.

While planners have a history of exchanging information through the HELCOM-VASAB MSP WG and within MSP projects, there is no comparable history of planners and transnational stakeholders working together. An added aspect highlighted by the survey is that sectors still have a need to develop transnational positions which would enable them to speak with "one voice" in order to contribute to a pan-Baltic dialogue.

Last but not least, the pan-Baltic MSP dialogue also needs to allow for sufficient flexibility in order to absorb the different topics to be dealt with and their evolving nature. The survey has shown that topics considered important at the transnational level may shift as more countries gain experience with MSP in practice. Currently, MSP planners are mainly interested in cooperating with each other on "how to do" MSP at the national scale. In the future, transnational cooperation, as well as more formal consultation, are likely to become more prominent considerations.

As described above, a successful pan-Baltic MSP dialogue would need to bring together a wide range of actors and stakeholders across different spatial levels. The dialogue should expect to take place in a changing environment where experience with MSP in the BSR states will grow and where different demands are likely to come to the fore. Establishing a working dialogue between these various actors, interests and developments not only requires skill in management and administration, but above all knowledge of MSP, the BSR environment, maritime sectors, and the institutional and political framework. A key factor in establishing a successful pan-Baltic MSP dialogue is thus that it is organised by competent hands.

Towards an MSP governance framework in the Baltic Sea Region

The results outlined above have indicated important success factors for a pan-Baltic MSP dialogue. The challenge now is to

translate these into an appropriate governance framework for MSP at the transnational level.

Below we outline suggestions for a governance framework that would enable a pan-Baltic MSP dialogue at the transnational and cross-border level, facilitate an open exchange between MSP planners and sectors, and be inclusive of transnational stakeholders. Our suggestions for structures and processes are based on the PartiSEApate survey results, as well as on experiences and lessons drawn from previous MSP projects in the Baltic. An *a priori* assumption is that all BSR countries will soon have designated MSP authorities, and that countries not yet engaged with MSP will do so shortly, driven by the MSP Directive. Our suggestions are also grounded in political realism, taking into account the resistance of MSP authorities to establishing new institutions and the limited funding likely to be available for transnational processes. Our suggestions are therefore mainly aimed at clarifying and extending the roles and responsibilities of existing actors within a transnational MSP governance framework.

6.1 Elements of the MSP governance framework

We suggest the following key elements for a multi-level governance framework for MSP at the pan-Baltic level:
- the HELCOM-VASAB MSP WG, with one voting member for each Baltic Sea Region country,
- a number of different expert groups, which work within a given time period on specific MSP topics,
- a permanent MSP dialogue coordinator, hosted by the VASAB secretariat and assisted by the HELCOM secretariat,
- pan-Baltic sector/stakeholder organisations,
- an MSP practitioners' network.

The Policy Level: The HELCOM/VASAB MSP Working Group

The HELCOM/VASAB MSP WG is an established platform for a transnational MSP dialogue which includes practitioners (MSP planners) and decision-makers (representatives of VASAB and HELCOM ministries, i.e. ministries for the environment and ministries and authorities responsible for spatial planning). At the intersection of policy and practice, the WG is well placed to act as a facilitator of a pan-Baltic MSP dialogue. Currently, the group is responsible both for developing content (discussing and developing pertinent MSP topics) and decision-making (joint agreements), which can slow down the process and place a considerable burden on WG members in terms of time and resources that need to be spent. In order to drive a pan-Baltic MSP dialogue, we suggest a sharpening of the role of the WG and a shift from its current role as a platform for information exchange to a body more explicitly focused on policy and decision-making. Supported by newly–created, issue-led MSP expert groups (see below), the WG would no longer be solely responsible for creating content (although it would guide this work and choose pertinent issues) and could concentrate on discussing and adopting the results presented by the expert groups. The WG would also ensure that joint decisions are filtered down to the national policy level.

It is suggested that, in future, the authorities responsible for MSP take the lead as the ultimate responsible decision-makers in the WG on behalf of their countries. Delegates would need to be empowered to act and vote on behalf of their countries in order to enable the group to achieve tangible results (an important requirement, especially for sectoral stakeholders, and a condition for becoming involved). The respective national decision-making processes and MSP policy discussions would be organised independently in each country.

Expert Groups

In order to drive the work of the HELCOM/VASAB MSP WG, it is suggested to establish expert groups capable of dealing with pertinent "hot topics" related to MSP development within the BSR. Expert groups would receive a mandate from the WG and would be expected to work within a given timeframe towards clearly-defined outputs to be presented for decision-making to the HELCOM/VASAB MSP WG.

Expert groups should represent a broad range of relevant perspectives for a given topic. The MSP authorities in each BSR country should be consulted in nominating relevant experts. However, nominees should not be seen as political representatives. Experts would be expected to act in their personal capacity as experts in their field.

Each expert group elects a chairperson who is tasked with organising and driving the work of the group and who acts as a spokesperson. Experts should be compensated for their time spent working on the group. Expert group topics should be selected by the HELCOM/VASAB MSP WG based on the following criteria:
- the urgency of the issue for all BSR countries,
- manageability of the task, and achievement of a clear output,
- interest on the part of stakeholders/experts in becoming involved.

A permanent and competent coordination point

The VASAB secretariat should host a permanent and competent coordination point for facilitating the MSP governance process, supported by the HELCOM secretariat. Tasks would include: to pro-actively suggest topics and members for expert groups, to facilitate the MSP practitioners' network, and to pro-actively engage with other pan-Baltic sector organisations and projects.

Pan-Baltic Sector Organisations

In some cases, topics to be dealt with by an MSP Expert Group may be sector driven. Survey results suggest a need for greater intrasectoral pan-Baltic debate in order to identify issues of pan-Baltic and MSP relevance. It is suggested, therefore, that the coordinator tasked with supporting the pan-Baltic MSP governance process should pro-actively engage with sector organisations, provide input to their work and facilitate their integration into all elements of the pan-Baltic MSP

dialogue.

The Practitioners' Level: A pan-Baltic practitioners' network

In parallel to the HELCOM/VASAB MSP WG, a pan-Baltic practitioners' network is suggested for those responsible for developing and implementing maritime spatial plans. Regular meetings should take place to foster information and knowledge exchange and create trust among Baltic Sea MSP practitioners, thereby enhancing future transboundary MSP processes. The pan-Baltic practitioners' network would serve as an informal discussion platform on MSP issues. It is non-binding in nature, with participants acting as individuals and not on behalf of their possible formal roles in MSP within their countries.

6.2 Cross-border consultation of MSPs

Cross-border consultation on national maritime spatial plans is another important element in the proposed multi-level governance framework for MSP in the BSR. Although common principles, policy decisions and guidelines may be developed by the HELCOM/VASAB MSP WG and associated MSP expert groups and fed down to the national level, national maritime spatial plans remain the main tool for implementing national and international economic, environmental and social policy. National MSP is a formal legal process with corresponding formal requirements, one of which is cross-border consultation.

In order to ensure the best possible cross-border alignment of maritime spatial plans, consultation should exceed Espoo minimum requirements. This implies that BSR states should ensure that cross-border consultation starts at the very beginning of the MSP planning process, and that consultation not only focuses on environmental impacts but extends to socioeconomic impacts and planning issues as well as positive synergies. In particular, MS should:

♦ inform their neighbouring counterparts early of the intention to begin an MSP process,
♦ make clear the intention and type of the maritime spatial plan,
♦ invite neighbouring countries to provide and present relevant documents, data or information,
♦ inform the neighbouring country of the beginning of stakeholder consultation,
♦ offer input to stakeholder consultation processes in the neighbouring country,
♦ extend the terms of reference for MSP practitioners charged with preparing an MSP to require pro-active input from neighbouring countries,
♦ foster more informal cross-border cooperation processes among MSP practitioners and stakeholders to build trust and commitment.

The MSP authority in charge in the neighbouring (or effected) country should determine the appropriate forms of stakeholder involvement within their country.

6.3 Securing the necessary financial resources

New funding needs will arise from the more extensive, proactive and ongoing coordination and facilitation of the work of the HELCOM/VASAB MSP WG, especially for the formation and operation of the expert groups, dialogue with other sector organisations and MSP practitioners' meetings.

Ideally, the form of funding should reflect the continuous, ongoing nature of the pan-Baltic MSP dialogue and the need to adapt the structures and processes of the multi-level governance framework. Baseline funding could be secured through (additional) voluntary contributions by some of the VASAB/HELCOM contracting parties using national funding opportunities. This should be used to host a permanent coordination point which could subsequently be responsible for securing additional project funding for more specific, resource intensive tasks. The MSP practitioners' network meetings could be hosted on a rotating basis by BSR MSP contact points.

To this end the HELCOM/VASAB MSP WG should pro-actively engage in and drive the creation of an appropriate set of flagship projects. MSP authorities should either take an active part in such projects, or ensure adequate representation by institutions or experts from within their countries. This would ensure that future project work reflects the real needs expressed by MSP authorities within the HELCOM/VASAB MSP WG.

Conclusions: Lessons for transboundary MSP governance

This contribution put forward suggestions for structures and processes that could facilitate transboundary MSP governance in the BSR. Despite the rather specific Baltic context, some general lessons can be drawn which could be of interest to other regional seas engaged in transboundary MSP.

A first lesson is that those responsible for MSP, as well as sectoral stakeholders, need to be interested in taking a transnational perspective, driven by an understanding of the benefits this can bring. In the BSR, the specific history of prior transboundary MSP projects, and of transboundary cooperation more generally, has led to widespread interest in taking a pan-Baltic MSP perspective. Governance representatives understand the need for a transboundary approach to MSP in order to achieve a coherent approach to managing Baltic Sea space, and regard the transnational level as an important platform for discussing those topics that cannot be resolved at the national level alone. Sectoral stakeholders are less aware of the added benefits of a transboundary perspective also within their sector, and are not always aware of the potential role of MSP in sustainable maritime management, nor of their potential role in MSP. MSP therefore needs to be more proactive in promoting the advantages of sector integration at the transnational level and associated benefits, such as greater spatial efficiency, fewer conflicts across borders or opportunities for more targeted investment.

A pan-Baltic MSP dialogue needs to go hand-in-hand with suitable structures that not only facilitate but drive this dialogue in the short and long term. A key lesson is that a transboundary MSP dialogue needs to have clear aims and objectives, and quickly offer initial results, especially in order to keep sectors engaged. It is also clear that a transboundary MSP dialogue requires some level of financial support to enable meetings or other formats of exchange, as well as a permanent coordinating body.

In order to have a tangible impact, the informal transboundary MSP dialogue must be linked to formal national MSP processes. The BSR is fortunate in having the HELCOM/VASAB MSP WG as an existing structure that brings together MSP planners and decision-makers from all BSR countries, offering ready links between the two levels of MSP. Other regional seas may need to create such a structure, although it is clearly advantageous to make use of existing transboundary organisations that are known and trusted by governance and sectoral representatives. A clear description of the competencies of such transnational structures is required, however, to enable real decisions to be taken and to ensure that national MSP then takes account of these. Vice versa, national MSP needs to be in a position to raise issues at the transnational level, e.g. by appointing delegates to a transnational MSP group and giving them authority to take decisions on behalf of the country.

Last but not least, transboundary MSP is an ongoing process subject to changing MSP realities at the national level, and reflecting different MSP approaches and philosophies. Any structures and processes must therefore be able to adapt to these changing realities, e.g. by using non-permanent expert groups, conferences or training events.

Outlook: Developments in the Baltic Sea in 2015

The results and conclusions of the PartiSEApate MSP Governance Framework Report [11] presented in this article have since been used as a basis for guidelines prepared by Poland on "transboundary consultations, public participation and co-operation in the field of MSP," which were adopted in December 2015 by the members of the HELCOM/VASAB MSP WG as part of their work on the Regional Baltic MSP Roadmap 2013–2020. Legally, the guidelines are of non-binding character, but it is the intention that, in time, all Baltic Sea countries will carry out transboundary consultation according to the common practice described. The guidelines also follow the report in relation to the overall MSP governance structure, in particular the role of the HELCOM/VASAB MSP WG, the establishment of expert groups and engagement with other pan-Baltic organisations.

The MSP Governance Framework Report has also found its way into recent activities pursued by the HELCOM/VASAB MSP WG and the MSP authorities as its members:

The BalticScope project (funded by DG MARE and led by the Swedish MSP authority) brings together many Baltic MSP authorities and fosters the integration of other related (sector) government agencies in the process of transboundary cooperation on MSP.

A new sub-group on MSP Data was established in October 2015 within the framework of the HELCOM-VASAB MSP WG. It is financed through the support provided to the VASAB secretariat in its role as Horizontal Action Leader within the EUS-BSR.

A new set of strategic flagship projects (BalticLINES, MSP-UCH, BalticInteGRID) has been initiated including not only the MSP authorities but also other pan-Baltic, as well as national sector organisations and research institutes. These are set to develop further expertise on how to better integrate transboundary sectoral issues (such as shipping, offshore energy planning, and underwater cultural heritage) as well as land-sea connections into the overall MSP process. It is expected that the work carried out within these respective project partnerships is synonymous with the work and purpose of the expert groups described above.

References:

[1]   Ehler C., Douvere F. (2009) Maritime Spatial Planning. A Step-by-Step Approach. Toward Ecosystem based Management, Paris: UNESCO IOC Manual and Guides No 153, ICAM Dossier No. 6, p 99

[2]   Zaucha J. (2014) The Key to governing the fragile Baltic Sea. Maritime Spatial Planning in the Baltic Sea Region and Way Forward. Riga: VASAB, p 110

[3]   Zaucha J. (2014) Sea basin maritime spatial planning: A case study of the Baltic Sea region and Poland. "Marine Policy" vol. 50, pp 34–45

[4]   Cieślak A. (2009) Maritime Spatial planning in the Baltic Sea, "Informationen zur Raumentwicklung" Heft 8/9.2009, pp 607–612

[5]   Jay S., Flannery W., Vince J., Liu W.H., Xue J., Matczak M., Zaucha J., Janssen H., van Tatenhove J., Toonen H., Morf A., Olsen E., Vivero J., Mateos J., Calado H., Duff J. & Dean H. (2013) International progress in marine spatial planning, in: A. Chircop, S. CoffenSmout and M. McConnel (red). "Ocean Yearbook 27". Leiden, Martinus Nijhoff Publishers, pp 171–212

[6]   European Commission (2014) Directive 2014/89/EU of the European Parliament and of the Council of 23 July 2014 establishing a framework for maritime spatial planning. Official Journal of the European Union L 257/135

[7]   HELCOM/VASAB (2010) Baltic Sea Broad Scale Maritime Spatial Planning (MSP) Principles. Adopted by HELCOM HOD 34-2010 and the 54th Meeting of VASAB CSPD/BSR. Download from http://www.helcom.fi/Documents/HELCOM%20at%20work/Groups/MSP/HELCOM-VASAB%20MSP%20Principles.pdf (last accessed 20 November 2015)

[8]   Gee K., Kannen A. & Heinrichs B. (2011) BaltSeaPlan Vision 2030: Towards the sustainable planning of Baltic sea space. Hamburg, BaltSeaPlan, p 46

[9]   Heinrichs B. & Gee K. (2012) Necessary common minimum requirements for Maritime Spatial Planning (MSP) in the Baltic Sea. Plan Bothnia project

[10] Jay S. & Gee K. (eds.) (2014) TPEA Good Practice Guide: Lessons for Cross-border MSP from Transboundary Planning in the European Atlantic. University of Liverpool, Liverpool, UK

[11] Schultz-Zehden A. & Gee K. (2014) MSP Governance Framework Report. Suggestions for a future multilevel MSP governance framework within the Baltic Sea Region. Berlin, June 2014

[12] Wenblad A. (2013) Governance Model and Recommendations for Transnational MSP. PartiSEApate project

[13] Schultz-Zehden A. & Gee K. (2013) BaltSeaPlan Findings – Experiences and Lessons. Berlin: S. Pro

[14] Schultz-Zehden A., Gee K. & Ścibior K. (2008) Handbook on Integrated Maritime Spatial Planning. Berlin: S.Pro

[15] EUNETMAR (ed.) (2013) DG MARE study on Blue Growth within the BSR (European Commission: SWD (2014) 167) available online from https://webgate.ec.europa.eu/maritimeforum/sites/maritimeforum/files/Final Report Revision 6 Dec 2013_NEW TEMPLATE.pdf (retrieved on 1 August 2015)

[16] Heinrichs B., Schultz-Zehden A. & Toben S. (2005) The Interreg III B BaltCoast Project. A pilot initiative on Integrated Coastal Zone Management In the Baltic Sea (2002–2005), "Coastline Reports" 5/2005

[17] Olsen E., Gjøsæter H., Fossum P., Dommasnes A., Røttingen I. & Sandberg P. (2007) The Norwegian ecosystem-based management plan for the Barents Sea: a case study. "ICES Journal of Marine Science" 64(4), pp 599–602

[18] Backer H. & Frias M. (eds.) (2013) Planning the Bothnian Sea – key findings of the Plan Bothnia project. Helsinki: Helsinki Commission

[19] Jay S., Klenke T., Ahlhorn F. & Ritchie H. (2012) Early European Experience in Marine Spatial Planning: Planning the German Exclusive Economic Zone. "European Planning Studies" 20(12), pp 2013–2031, available online from http://www.tandfon-line.com/doi/full/10.1080/09654313.2012.722915#preview (retrieved on 15 October 2012)

[20] Beck J. (2004) Technical Project Management Handbook, INTERACT

Corresponding author: Angela Schultz-Zehden, tel. +49 30 832 1417 – 40; Tel mob: +49 179 1357 168; Skype: angela.schultz-zehden; Email: asz@sustainable-projects.eu