



Marine spatial planning in Scotland. Levelling the playing field?

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ABSTRACT

Marine spatial planning (MSP) is the leading tool for managing human activities at sea. It is designed to assist in decision making for marine resource access and use by considering the actions of those using the resources, interactions between these groups, and their cumulative impact on the natural environment. Being informed by ecosystem based management, MSP recognises that socio-natural systems are complex and that stakeholder and public input are key components of well-informed decision making. Therefore, MSP is rooted in the principles of good governance, including those of participation and transparency. This paper considers MSP processes in Scotland's inshore waters in the context of these good governance principles. The focus is on the institutional arrangements that allow stakeholders and the public to contribute to planning Scotland's seas and coasts. Whilst acknowledging the significant challenges faced by planners, and the work conducted so far, this research suggests that improvements could be made in how – and when – engagement takes place. It appears that at an early stage of introducing MSP in Scotland powerful stakeholders shaped the images, values and principles that guide it, and that including a broader range of actors early on might positively affect the legitimacy and acceptance of MSP in its later stages. The current institutional arrangements do not appear to allow for this. Ultimately, MSP in Scotland is in danger of institutionalising – and thus legitimising – existing power relations between marine resource users, and it does little to level the playing field.

1. Introduction

Marine spatial planning (MSP) is a relatively new tool for supporting decisions on the use and non-use of marine space. It considers interactions and conflicts between marine space user groups, socio-economic factors, and the status and vulnerability of the natural environment. MSP has emerged from ecosystem based management (EBM), which “seeks to broaden the scope of traditional resource management so that it considers a wider range of ecological, environmental and human factors in the exploitation of resources” [1: 821]. The early MSP literature made clear that these human factors should include the views of stakeholders [2–6]. This was also a prominent theme in the step-by-step guidelines developed by the United Nations Educational, Scientific and Cultural Organisation (UNESCO) [5]. Ideally, stakeholders should come to the table early [7] when the guiding principles, goals and objectives are set (known as ‘front loading’ the process), and be involved regularly along the way to creating, implementing, and monitoring a marine plan [5]. In short, stakeholder engagement should be considered as intrinsic to MSP [2].

These early publications explain how stakeholders can be engaged through the dissemination of information, through workshops, training

sessions, and even making financial resources available for hiring professional negotiators for groups and individuals who might not know how to fully represent their own interests [5]. It was also argued that in accordance with good governance practice the process should be “transparent, open, and inclusive” [2: 789]. Whilst addressing the issue of deciding who stakeholders are, Pomeroy and Douvere (2008) observed that:

“Although stakeholders must be defined broadly in order to capture a wide range of groups and individuals, it is important to note they are also often dangerously simplified, suggesting that interests, experiences, needs and expectations are homogenous among a given group of people. The reality is far more complex, and methods used in stakeholder identification and analysis must accept and reveal this complexity...” [6: 819].

Addressing these differences is key to ensuring that MSP has widely desired outcomes. Stakeholders are often painted with a broad brush and this ignores not only their level of interest in the marine environment at stake, but also their diversity and differential capacities. In reality they might be individuals, businesses, communities, organisations, or take a variety of other forms. The role of the state is also

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important, both as a stakeholder and – in most cases – the ultimate governing authority in MSP. All of these actors “have different ways of knowing the world, different ways of accessing the world and different ways of reasoning and valuing” [8: 207]. Consequently, the task of involving this diverse group is much more difficult than simply enabling stakeholders to participate; they also need to be empowered so that their contribution is meaningful [6].

However, as the theoretical foundation of MSP was being laid, the issue of power was arguably not sufficiently problematized [9]. The power struggles between stakeholders – and those between stakeholders and planning authorities – need to be explicitly addressed before marine space use can be effectively and justly planned. Recent assessments of MSP processes suggest that there is a disparity between these ideals and the reality. A report on case studies from twelve European countries analysed ‘MSP-ing’ (the act of ‘doing’ MSP) and found that the process differs substantially from its underlying theory [10]. For instance, “MSP-ing is often focused on achieving specific sectoral objectives, related to nationally important strategic priorities”, rather than protecting stakeholder interests (Ibid: 256).

With MSP now widely used as a tool for managing human interactions with the marine environment, it is time to re-visit its ideals, and critically assess the way it deals with the heterogeneity of stakeholders and their relative influence in concrete situations, like in the case of Scotland, which is the focus of this paper. A case study like this one is useful for asking ‘how’ or ‘why’ questions about a “contemporary set of events over which the researcher has little or no control” [11: 13]. Case studies carried out in real contexts are also well suited for theory development and learning, as, in addition to providing empirical description, they also provide insights into what the case under investigation is “a case of” [12].

This paper poses two important questions. Firstly, to what extent is the diversity of stakeholders considered in Scottish MSP? And secondly, what is done to address existing power struggles between stakeholders? In doing so the aim is to generate discussion of stakeholder engagement processes in the Scottish MSP system. The paper begins, in Section 2, by outlining the theoretical basis of stakeholder participation in natural resource governance, including the main issues and challenges and how they relate to MSP. The methodology is presented in Section 3 before the MSP system for Scotland is introduced in Section 4. Section 5 then turns to the main issues with stakeholder participation in MSP in Scotland. The paper ends with a discussion of these issues and a conclusion in Sections 6 and 7, respectively.

2. Stakeholder engagement: how, why and when?

MSP comes with a broad set of concerns and goals founded on multiple principles related to ecosystem-based management (EBM) and good governance, which suggests a holistic, transdisciplinary approach to planning and decision making [13,14]. MSP also appreciates the complexity of planning and decision-making challenges in the face of inherent risks, such as that marine ecosystem-integrity and functioning are vulnerable to human intervention and resource use. MSP is intended as a deliberative approach to decision making in accordance with principles of “good governance”, including those of participation and transparency [2].

MSP should, therefore, not be seen as a technical fix for “tame” problems, but an interactive governance process aimed at problems that are intractable, or “wicked” [15,16]. Problems have been described as wicked “when they are difficult to define and delineate from other and bigger problems and when they are not solved once and for all but tend to reappear” [16: 553]. Additionally, it might not be clear when a wicked problem has been solved and it might have no right or wrong solutions [Ibid.]. The term has been used frequently to describe natural resource management scenarios [17–20]. In keeping with this perspective, and with its roots in EBM, MSP recognises the complexity of socio-natural systems and that there are many different stakeholders,

with values and interests that might contradict one another. For example, capture fisheries and fish farming may be at odds with each other. Likewise, offshore wind farms may limit the use of both, and might hamper boat transport, and all of these activities might individually or collectively affect the natural environment. Such resource management problems fit the description of being wicked due to their complexity, and also the difficulty in determining whether it is indeed the human intervention, such as through MSP, that has caused any noted improvement in the situation (i.e. the cause and effect relationship, or ‘attribution problem’ [21]).

As a “good governance” principle, stakeholder participation adds a normative prescription to MSP in line with classical ideas of democracy. The prescription is that people have a right to be heard when the decisions being made concern them [22]. As well as allocating marine space for certain uses, MSP works from the assumption that planning can help alleviate stakeholder conflicts, thus turning an otherwise zero-sum game into one that can mutually benefit all groups. Involving stakeholders in the planning and the decision-making process should, therefore, be facilitated and institutionalised, and should not necessarily be subjected to a cost-benefit analysis. Participation may be time consuming, but may also reduce transaction costs at some later stage in the process, as when the plan is being implemented [16,23]. For instance, it is expected that stakeholders would be inclined to respect the spatial boundaries set aside for them. It also broadens the knowledge-base: stakeholders have relevant experiences and contextual insights that may inform the planning process. Therefore, stakeholder participation has both functional and inherent value: it may produce better outcomes, but is also a matter of principle.

This paper considers stakeholder interaction from the perspective of Kooiman’s three “orders of governance” [24]. “Meta-order” governance relates to the images, values and principles that guide MSP. One cannot assume that stakeholders are in agreement about what these images, values and principles are and should be, even within one stakeholder group. The “second order” regards institutional arrangements that allow MSP to take place. These are rules, rights, laws, roles, procedures and organisations that govern the planning process by providing the settings for interactions that occur between stakeholders at the “first order”. The first order refers to “wherever people and their organisations interact in order to solve societal problems and create new opportunities” (Ibid: 7). First order governance denotes the daily decisions and actions of planning.

Notably, stakeholder participation in MSP is relevant at all three governance orders, but in different ways. Most crucially, stakeholders should engage in the deliberation of principles, problem definitions, and the setting of goals at the meta-order. Stakeholders also have a role at the second order, i.e. in decisions regarding the formation of MSP institutions and the determination of mandates. Finally, they may be involved in the daily decision making that is carried out by planning agencies, but perhaps more in a monitoring role. Stakeholders thus find themselves both at the giving and receiving end of the MSP process. At the meta-order, MSP frames problems and establishes guiding principles to start with, and lead by. The next question at the second order, is what institutions are best suited to facilitate a planning process where stakeholder participation is effective, representative and socially just? Who are the stakeholders and how should they be represented? Should participation be direct or indirect? And who decides on these matters? Ultimately, who plans the planning?

Power is activated at all three orders. Power counts when images and values frame problems and principles, and when stakeholders argue about them. For example, Smith (2015) [25] posits that power relations and processes affect the acceptance of MSP. Power is also involved when institutions are created. Foucault argued that institutions are both the outcome and instrument of power [26]. Power operates at the first order when people interact strategically and pragmatically, i.e. when rules are implemented. Importantly, power is both within and outside MSP; it is present and active prior, during and after

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