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Evaluating conditions for transboundary Marine Spatial Planning: Challenges and opportunities on the island of Ireland

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ABSTRACT

Transboundary cooperation is viewed as an essential element of Marine Spatial Planning (MSP). While much of the MSP literature focuses on the need for, and benefits of, transboundary MSP, this paper explores the political and institutional factors that may facilitate the effective transition to such an approach. Drawing on transboundary planning theory and practice, key contextual factors that are likely to expedite the transition to transboundary MSP are reviewed. These include: policy convergence in neighbouring jurisdictions; prior experience of transboundary planning; and good working relations amongst key actors. Based on this review, an assessment of the conditions for transboundary MSP in the adjoining waters of Northern Ireland and the Republic of Ireland is undertaken. A number of recommendations are then advanced for transboundary MSP on the island of Ireland, including, the need to address the role of formal transboundary institutions and the lack of an agreed legal maritime boundary. The paper concludes with some commentary on the political realities of implementing transboundary MSP.

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1. Introduction

Marine environments accommodate a diverse range of human activities [1,2] which can result in competition for space between different sea users [3–5]; particularly as the values of ocean resources are becoming increasingly apparent [6]. Additionally, an increase in the level and intensity of human activities has the potential to stress the ecological integrity of marine environments [7,8]. In response to these issues, attention has focused on the concept of Marine Spatial Planning (MSP)[4] as a mechanism for reducing user conflict and as a means of sustainably managing the marine environment [9–12]. The adoption of a transboundary approach to MSP is viewed as critical in shared marine areas [13] as many maritime activities, such as shipping, and stresses, such as pollution, may straddle jurisdictional borders [14]. Recent marine legislation and policy in, for example, the EU and North America promotes the adoption of transboundary MSP for the effective and sustainable management of shared marine spaces [12,15]. Transboundary cooperation is therefore advanced as a necessary component of effective MSP. Transboundary MSP is viewed, *inter alia*, as a process which allows for greater integration and harmonisation between existing management frameworks to facilitate the implementation of an ecosystem-based approach [14]; the protection of valuable ecosystem services [16]; effective fisheries management [17]; addressing marine pollution issues [18]; the planning of cross-border marine protected areas (MPAs) [8]; and the selection of the most appropriate sites in the region for development [19].

Where MSP has already been undertaken, however, it has generally been nationally oriented. While some cross-border consultation takes place, it is often *ad hoc* with little or no evidence of joint planning [20]. Transitioning to transboundary MSP will be challenging. It will be difficult, for example, for neighbouring states to effectively cooperate on transboundary planning decisions without each state having explicit efforts on MSP [20]. Furthermore, cooperation is impeded as neighbouring jurisdictions have different MSP timeframes, with some nations having considerably more developed MSP processes than others.

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Some countries in the Baltic Sea, such as Germany, have developed and implemented marine spatial plans, while in others, such as Poland, MSP is still at a very early stage.

Although much of the academic literature focuses on the need for, and the benefits of, transboundary MSP, little research has been conducted on how transboundary MSP may be best advanced between neighbouring jurisdictions or on the political and institutional conditions that can facilitate effective transboundary cooperation. This paper addresses this gap by developing a theoretical framework to explore some of these issues. This framework is then used to evaluate conditions and institutions[5] that may affect transboundary MSP in the adjoining waters of Northern Ireland (NI) and the Republic of Ireland (ROI). Recommendations are made, based on the analysis, on potential mechanisms for pursuing transnational working for MSP in the marine spaces around the island of Ireland. The paper concludes with some reflections on the challenges of implementing transboundary MSP.

2. Key enabling factors for transboundary planning

Transboundary cooperation is viewed as a critical element of sustainable planning and development in border regions. It is not possible to develop an ideal governance framework for transboundary planning initiatives. Transboundary initiatives need to be designed to suit the issue(s) at hand and to fit within the unique context of the region. It is possible, however, to identify contextual factors that are likely to have an impact on the success of transboundary planning initiatives. These include: policy convergence; common conceptualisation of planning issues; joint vision and strategic objectives; shared experience; and existing transboundary institutions.

2.1. Policy convergence

The degree of convergence in policy and legislative arrangements across borders is a critical element of successful transboundary planning. The more alike the policy structures and discourses in neighbouring jurisdictions the more probable it is that transboundary planning will succeed [22]. A number of factors influence the degree of policy convergence in neighbouring states. Policy convergence may arise as a result of the harmonising effect of international and supranational actors. For example, the process of 'Europeanisation' has resulted in policy convergence across EU Member States [23].

Policy convergence can also arise from regulatory competition [24]. Regulatory competition may result in jurisdictions contending to be either the most *laissez-faire*, (the so-called race to the bottom), or the greenest, (the race to the top); with both forms of competition resulting in policy convergence. Globalisation [25], the elimination of international trade barriers [26] and the increased mobility of workers, goods and capital can drive governments to design policies that place a minimal amount of regulatory burden on business organisations [24]. This can result in a 'race to the bottom', wherein jurisdictions compete to reduce the regulatory encumbrance on firms so as to develop a competitive advantage over one another [27,28]. This race to the bottom may lead to policy convergence as jurisdictions descend to the level of the most regulatory relaxed amongst them [29]. Conversely, a number of studies support a race to the top theory, wherein jurisdictions compete to be the greenest [30–32].

Increased communication also may lead policymakers to emulate policies of other jurisdictions. This type of policy convergence may arise from simple policy learning and the rational use of available experience to justify policy decisions [29,33], the common conceptualisation of issues across jurisdictions [34], the championing of particular governance mechanisms by international groups and norm-driven and legitimacy-oriented considerations [35].

2.2. Shared experiences, common issues and joint solutions

The development of transboundary initiatives can be expedited if the actors involved have previous experience in cross-border cooperation, regardless of the policy area, and have developed a sense of mutual understanding and trust [36,37]. The identification of common issues and the collaborative formulisation of mutually beneficial solutions can form the underpinning for lasting transboundary planning. Although institutional arrangements may often discourage transboundary planning, it becomes compelling when actors recognise that they have common goals which are more likely to be achieved by working together [38]. The need to address a common crisis or to avail of mutually beneficial opportunities, for example, may encourage actors in neighbouring jurisdictions to engage with one another [38].

Identifying an area requiring collaboration amongst neighbouring jurisdictions is not, however, sufficient to ensure effective transboundary planning. The most effective transboundary initiatives are those that engage in joint learning, fact-finding and analysis of information as a common group [38]. When analysing cooperative, transboundary ecosystem management initiatives across the Canada–US border, Hildebrand et al. [39] found that success relied on participating jurisdictions exploring commonalities and developing a shared set of objectives and action plans to address common issues. These objectives and plans provide the underpinning for joint action, resulting in the resolution of transboundary issues [39]. Developing strategic projects was found to be a useful way of getting participating countries to focus on one or two key issues and was more beneficial than trying to get participants to instigate a broad collaborative campaign [40]. Strategic joint fact-finding among neighbouring jurisdictions injects impetus, political buy-in and participation into the transboundary planning initiative [40]. The use of the initial strategic projects can strengthen confidence in inter-jurisdictional working relations, eliminate obstacles to collaborative fact-finding and develop capacity among different actors within each nation [41].

2.3. Existing transboundary institutions

The existence of a network of well-developed transboundary institutions reduces transaction costs associated with transboundary planning and facilitates cross-border working [42]. These institutions may be formal or informal alliances and include supranational institutions, such as OSPAR (spanning the North-East Atlantic), and sub-national institutions, such as the Severn Estuary Partnership (spanning England and Wales). A network of transboundary institutions will mean that the key actors will know each other, they will have experience in cross-border cooperation and may have developed good working relations [42]. Existing institutions may, however, prescribe or limit the course of action that may be taken to address an issue [43]. Furthermore, governance institutions operating in the same geographical area in the marine environment may have an effect on each other's efficacy. This interplay may occur between institutions operating at the same level, (horizontal interplay) or different levels (vertical interplay) and may be positive or negative [44]. For example, Skjaerseth [45] demonstrates that positive interplay

[5] Institutions are understood here as 'relatively stable collections of communicative practices and rules defining appropriate behaviour for specific groups of actors in specific situations' [21].

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