



Imbalances in interaction for transboundary marine spatial planning: Insights from the Baltic Sea Region

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ABSTRACT

Marine Spatial Planning (MSP) has evolved over many years and since its early beginnings there has been a growing urgency to develop transboundary planning. This is because the borders of marine ecosystems and the dynamics of some maritime activities, such as navigation, are not restricted to or bound by specific political and administrative borders. Cooperation across borders has been promoted by higher political levels for decades, and the implementation of cross-border consultation procedures is regulated by law. However, literature suggests that transboundary interaction is not an obvious step in the process of MSP and that today's practices have various weaknesses. This paper examines current practices and procedures of transboundary MSP interactions in the Baltic Sea Region to date. It brings together results from MSP process observations and interviews with marine planners in two recent research projects (Baltic SCOPE and BONUS BALTSPACE). Our results confirm the need for transboundary interaction and integration. The research also shows that there are differences in how MSP agencies interact with domestic and foreign stakeholders. Furthermore, formal transboundary consultations often seem to be limited to topics of the environment and health, and to the stakeholders responsible in these realms. The results include a variety of ways to overcome these challenges.

1. Introduction

The past two decades have seen an increase in the development of marine spatial planning (MSP) in various parts of the world, e.g. Australia, Canada, China, Mexico, USA (Beck and Odaya, 2001; Foster et al., 2005; Ardron et al., 2008; Douvère and Ehler, 2009; Fang et al., 2011; Kenchington and Day, 2011; Nutters & Pinto da Silva, 2012). Mostly due to the 2014 enactment of the European MSP Directive (2014/89/EU), MSP is also gaining traction in Europe. Since the early beginnings of MSP there has been a growing urgency to develop transboundary planning (Jay et al., 2016a), as the borders of marine ecosystems and the dynamics of some maritime activities, such as navigation, are not restricted to or bound by specific political and administrative borders (van Tatenhove, 2017). This is evident in the evolving forms of marine regionalization (e.g. macro-regional networks of marine protected areas, interregional patterns of human use) and in international knowledge production and sharing of information (ibid.; Janßen et al., 2013; Jay et al., 2016b). It is also apparent in the recently

established guidelines on transboundary consultation, public participation and cooperation from the HELCOM-VASAB Maritime Spatial Planning Working Group (HELCOM & VASAB, 2016). The European Union has been promoting cooperation across borders for decades (Scott, 1997; Perkmann, 2003; Dühr et al., 2007, 2010; Flannery & Ó Cinnéide, 2012). Schaefer and Barale (2011) even see the need for enhanced cross-border cooperation as a main reason for the European Commission to become highly active in supporting the development of MSP in European seas. Within Europe, transboundary coordination is an issue of prominent importance, given the relatively small seas shared by numerous countries (ibid.). Typically the formal and legally guaranteed forms of transboundary planning take place as cross-border consultations. According to Drankier (2012), from a legal perspective, cross-border consultation is not an obvious step in the process of national (domestic) MSP. The present requirements for cross-border consultation in Strategic Environmental Assessment (SEA) procedures seem to be the main incentive for coastal states to consult each other (ibid.). However, these might not be sufficient and they do not seem to

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be reaching their full potential (Bonvoisin, 2012).

Transboundary interaction is a term covering various forms and intensities of interaction in a transnational setting on the path to a stage of transboundary integration (Scott et al., 1997). Such interactions may include activities such as communication, consultation, collaboration, cooperation, or coordination. Transboundary interaction is seen by researchers as a key dimension of MSP-related integration (Cicin-Sain and Knecht, 1998; Healey, 2006a; Kidd, 2007, 2013; Portman, 2011; van Straalen, 2012; Støttrup et al., 2017). Several authors have suggested that transboundary approaches to marine management are self-evident, both from an ecosystem perspective and from a user point of view. While Wang (2004) explores the extensive interconnectivity of marine natural systems, Backer (2011) and Schaefer and Barale (2011) point out the intrinsic international nature of human activities linked to seas. Moreover, Kidd (2013) mentions the importance of bringing land and sea-based interests together. However, there are also a number of challenges and transaction costs to transboundary interaction in MSP. Van Straalen (2012) highlighted that its meaning in relation to different planning processes and in the views of different stakeholders is still vague. Different stakeholders, e.g. in the Netherlands, have questioned the role and necessity of integration in planning processes, pointing out the complex and time-consuming character of integrative planning processes (ibid.). In terms of MSP as a facilitator for transboundary integration, Kidd (2013) as well as Janßen et al. (2018) note that formal MSP processes cannot be expected to deliver integrated planning and management of the sea on their own, but instead require a broader supportive and interactive environment.

A large part of the current literature deals with the theoretical and conceptual needs for and aspects of transboundary interaction in MSP (cf. van Tatenhove, 2017). To enrich this discussion with a practitioners' perspective, this paper examines today's actual practice and procedures of transboundary MSP interactions in the Baltic Sea Region (BSR) up to the present, combining results from two recent research projects (Baltic SCOPE and BONUS BALTSPEACE). Both projects observed the interaction between Baltic Sea countries and their MSP and sector experts, including marine stakeholders as best possible. The aim of this paper is to show how transboundary interaction as a pathway to integration is organised at present and what is required by the practitioners for further development.

The paper starts with a short sketch of the history and current status of MSP related activities in the region. It continues with an explanation of the methodology used in the typology development and an account of the findings, such as basic challenges, today's practice of a) formal consultation, b) wider forms of formal and semi-formal interaction, and c) informal interaction. The paper concludes with a discussion of key issues raised by the exercise and implications for future development to promote more sophisticated and integrated forms of transboundary interaction.

2. The study area and its history of MSP development

Integrative marine management and MSP in the BSR have evolved over many years, going through various stages, which makes the BSR a highly suitable focus of study. The first document indicating that there was a political will to implement actual MSP was the *Wismar Declaration on Transnational Spatial Planning and Development Policies* of 2001 (VASAB, 2001), set out by the ministers responsible for spatial planning and development in the framework of VASAB (Vision and Strategies around the Baltic Sea), an intergovernmental co-operation of eleven Baltic Sea Region countries on spatial planning (Zauchka, 2014). Further concrete steps towards MSP were taken around 2003 as part of the BaltCoast Interreg III B project, which was the first to formulate the concept of MSP and propose basic MSP principles.

MSP in the BSR has been a transnational process from the very beginning. In the *Vilnius Declaration Towards Better Territorial Integration of the Baltic Sea Region* of 2009, the VASAB ministers stressed the need

Table 1

Overview of relevant transboundary conventions, protocols, and directives.

CONVENTIONS
<i>Helsinki Convention – Convention on the Protection of the Marine Environment of the Baltic Sea Area, 1974</i>
<ul style="list-style-type: none"> • original convention primarily concerned with issues of technical pollution control; renewed convention (1992) holistically addresses the entire marine environment of the Baltic Sea area • aim: Prevent and eliminate pollution in order to promote the ecological restoration of the Baltic Sea area and the preservation of its ecological balance • covers the entire Baltic Sea including the seafloor and coastal zones, as well as its drainage area (reduction of land-based pollution)
<i>Espoo Convention – Convention on Environmental Impact Assessment in a Transboundary Context, 1991</i>
<ul style="list-style-type: none"> • sets out obligation to assess the environmental impact of certain activities at an early stage of planning (environmental impact assessment – EIA) • States have to notify and consult each other on projects with likely significant adverse environmental impact across boundaries
PROTOCOLS
<i>Wismar Declaration on Transnational Spatial Planning and Development Policies, 2001</i>
<ul style="list-style-type: none"> • adopted by the ministers responsible for spatial planning and development in the framework of VASAB (Vision and Strategies around the Baltic Sea) • emphasis on projects in need of transnational cooperation, such as „enhancing integrated development of coastal zones and islands, extending spatial planning [...] to offshore“ (VASAB, 2001)
<i>Kyiv Protocol – Protocol on Strategic Environmental Assessment, 2003</i>
<ul style="list-style-type: none"> • adopted by the Parties to the Espoo Convention • sets out an obligation to assess the potential environmental impacts of plans and programs (Strategic Environmental Assessment – SEA, to be undertaken much earlier in the decision-making process than project related EIA, see above)
<i>Vilnius Declaration Towards Better Territorial Integration of the Baltic Sea Region, 2009</i>
<ul style="list-style-type: none"> • VASAB ministers stressed the need of a common Baltic MSP approach and of a close co-operation with HELCOM (organisation governing the Helsinki Convention, see above) and with other relevant actors
EC/EU DIRECTIVES
<i>Water Framework Directive (2000/60/EC) – Directive establishing a framework for the Community action in the field of water policy</i>
<ul style="list-style-type: none"> • establishment of a new system of river basin-based water management • requires that rivers, lakes, transitional and coastal waters, and groundwater achieve a 'good status' by the year 2027 at the latest
<i>SEA Directive (2001/42/EC) – Directive on the assessment of the effects of certain plans and programmes on the environment</i>
<ul style="list-style-type: none"> • obliges EU Member States to carry out a Strategic Environmental Assessment (SEA) for official plans/programs that are likely to have significant environmental effects
<i>Marine Strategy Framework Directive (2008/56/EC) – Directive establishing a framework for community action in the field of marine environmental policy</i>
<ul style="list-style-type: none"> • aims to achieve a Good Environmental Status of marine waters by 2020 • Member States are required to develop marine strategies (to be updated in a six years cycle)
<i>MSP Directive (2014/89/EU) – Directive establishing a framework for maritime spatial planning</i>
<ul style="list-style-type: none"> • sets up minimum requirements for the drawing up of national maritime spatial plans by 2021 • helps EU Member States to reach GES, obliges Member States to establish coherent maritime spatial plans • supports cooperation and planning across borders and stakeholder participation in planning

for a common Baltic MSP approach. Furthermore, the ministers stated, “... a close co-operation with HELCOM with regard to environmental aspects and with other relevant actors is essential,” (VASAB, 2009). HELCOM (Helsinki Commission, governing body of the Helsinki Convention, cf. Table 1), the intergovernmental organisation governing the *Convention on the Protection of the Marine Environment of the Baltic Sea Area*, is a crucial agent for integration from an environmental perspective (Backer and Leppänen, 2008). Based on these ministerial decisions, a joint co-chaired Working Group on Maritime Spatial Planning was launched by HELCOM and VASAB in 2010 to ensure cooperation among the BSR countries towards coherent regional MSP processes in the Baltic Sea. To promote this, the working group acts as a forum for regional, transboundary, and cross-sector dialogue.

Since the early 2000s, practical MSP experience has been developing through a series of cross-border pilot projects, such as BaltCoast, PlanCoast, BALANCE, BaltSeaPlan, PlanBothnia, PartiSEApate, SeaGIS

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