

Suggestions for the future multi-level MSP Governance Framework within the Baltic Sea Region



The need for a transboundary MSP governance framework within the Baltic Sea Region

There are many reasons for taking a transboundary approach to MSP in the Baltic Sea:

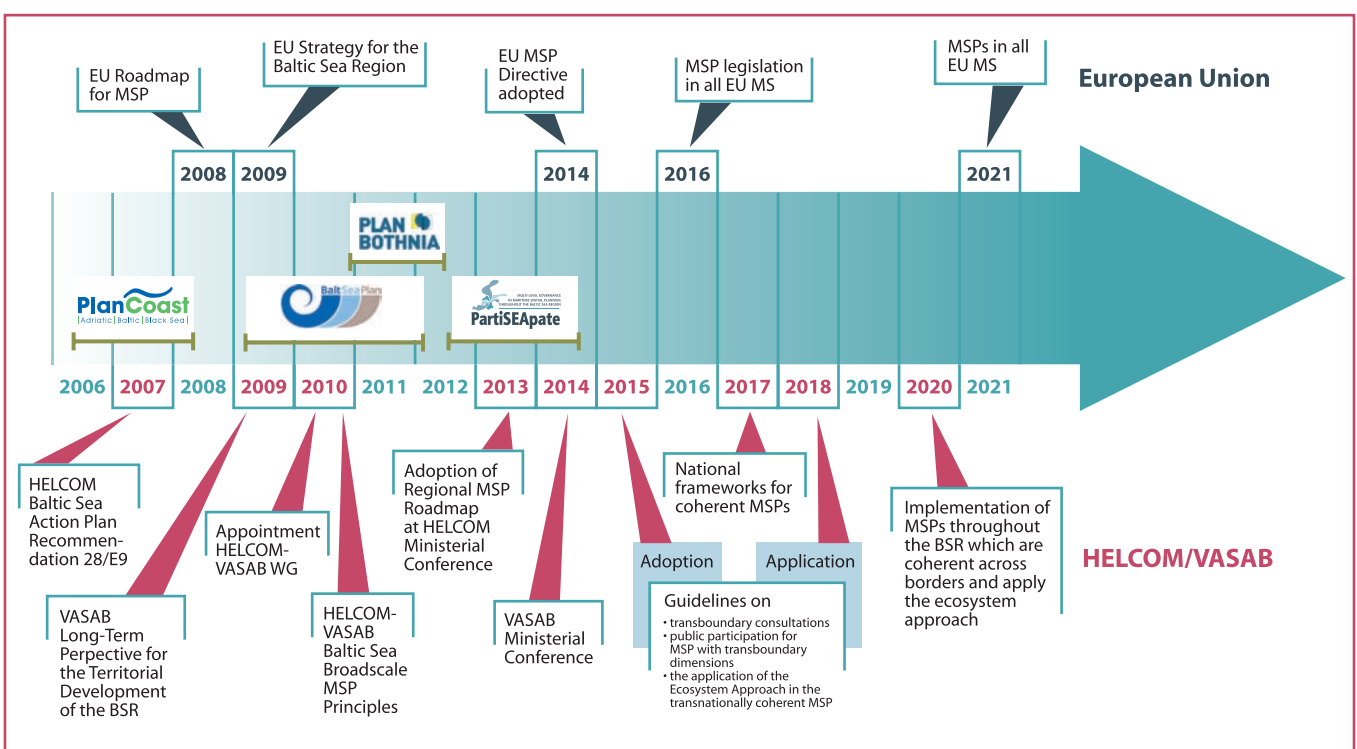
- The Baltic Sea is a single and unique natural system.
- Sea uses and their impacts transcend national borders, exemplified in linear infrastructure and place-based uses such as offshore wind farms but also in fleeting uses such as fisheries.
- A coordinated approach can help avoid costly conflicts and incompatibilities and maximise future opportunities for sustainable sea use.

While it is understood that MSP is the responsibility of national bodies, a transboundary perspective clearly supplements national MSP. This has also been acknowledged within the new EU MSP Directive, which was endorsed in April 2014.

Links to the Regional Baltic MSP Roadmap 2013-2020

The Regional Baltic MSP Roadmap 2013-2020 adopted by the HELCOM Ministerial Meeting and VASAB CSPD/BSR in 2013 states that guidelines relating to MSP governance are to be adopted by 2015. The PartiSEApate recommendations provide a basis for the following:

- Transboundary consultations and cooperation in the field of MSP
- Public participation for MSP with transboundary dimensions



The PartiSEApate evidence base

The recommendations are based on previous projects and studies as well as the findings from the multiple activities carried out within the PartiSEApate project during 2013 and 2014. These include a series of pan-Baltic dialogues carried out with different groups of stakeholders, pilot activities carried out in three transboundary MSP cases (including a pro-active stakeholder involvement process conducted with Latvian and Russian planners and stakeholders as part of the extension of the Lithuanian General Plan to the sea), and a series of semi-structured telephone interviews with selected sector stakeholders and members of the HELCOM/VASAB MSP WG on their perception of the current MSP governance structure, possible MSP issues and suggestions for the future.

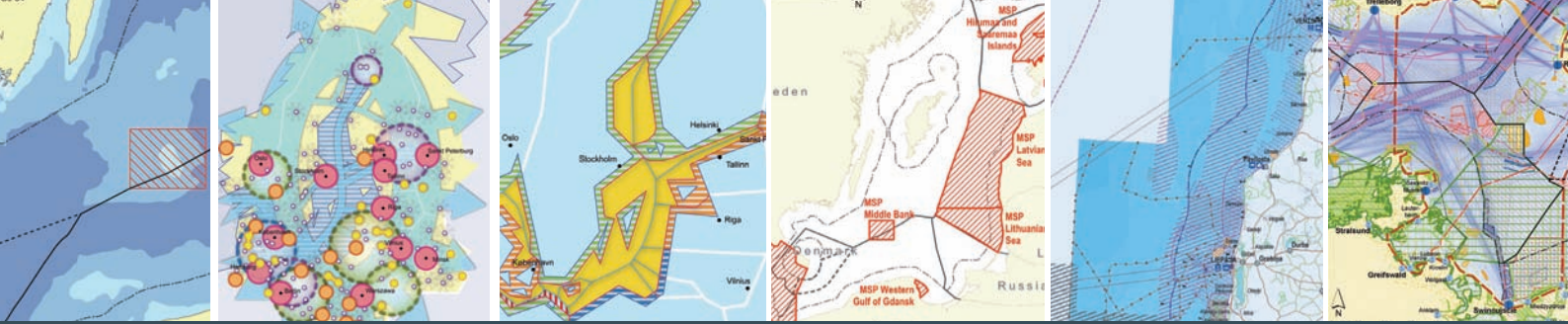
Setup of the PartiSEApate project



Definitions

We differentiate between ...

Consultation The formal process which takes place between Baltic Sea Region countries or authorities responsible for MSP.	Cooperation A more open, informal and often preparatory process of information and knowledge exchange which involves a larger number of stakeholders.
Pan-Baltic Issues affecting most or all of the Baltic Sea, and/or the level involving most or all BSR countries. The pan-Baltic level mainly deals with strategic issues, such as achieving coherence or providing general guidelines.	Cross-border Issues which are relevant to two or more countries only. These are often related to concrete projects or plans.
Stakeholder involvement Processes which take into account concerns and issues raised at stakeholder and/or expert level.	Public participation Processes which involve the general public.
Maritime spatial plans where some level of cross-border consultation may be called for	Specific consultation cases on specific issues and involving specific sectors.



Pan-Baltic cooperation & consultation

Building on what is there ...

Over recent years MSP has become a topic of interest to formal and informal transboundary bodies and sectoral organisations in the Baltic, and many policy documents include reference to it. VASAB, HELCOM, the HELCOM/VASAB MSP Working Group and the EU Strategy for the Baltic Sea Region are key players in pushing forward MSP and creating enabling conditions for its implementation. Other pan-Baltic bodies like the Council of the Baltic Sea States, the Nordic Council or the CPMR also deal with MSP, but more on an ad hoc basis. Pan-Baltic sector organisations have so far hardly dealt with MSP issues or developed related pan-Baltic sector strategies. The empirical work carried out within PartiSEApate reveals the following general lessons for building a pan-Baltic MSP dialogue:

The pan-Baltic dialogue must be purpose-led.

Sectoral organisations and stakeholders will only engage in a pan-Baltic dialogue if it has a clear purpose. Tangible outputs are a prerequisite for attracting sectors to the dialogue and ensuring their ongoing commitment and output.

Informal and formal processes and structures are required.

The pan-Baltic MSP dialogue needs to rely on formal and informal structures and processes. A formal decision-making process needs to translate informal outputs into visible practice.

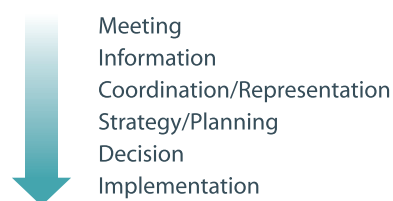
Establish stronger sectoral pan-Baltic dialogue.

In order to speak with “one voice”, sectors need time to talk amongst themselves at the pan-Baltic level before engaging with other sectors.

Building an effective pan-Baltic MSP dialogue will take time.

Practicalities and routines need to be established, and trust needs to be built which can only develop over time.

More mature forms of cooperation will build up gradually.



The nature of the pan-Baltic dialogue may change over time.

The focus of the pan-Baltic MSP dialogue may shift as more countries gain experience with MSP in practice and as maritime spatial plans become more established as a tool.

Start with obvious topics and manageable tasks first.

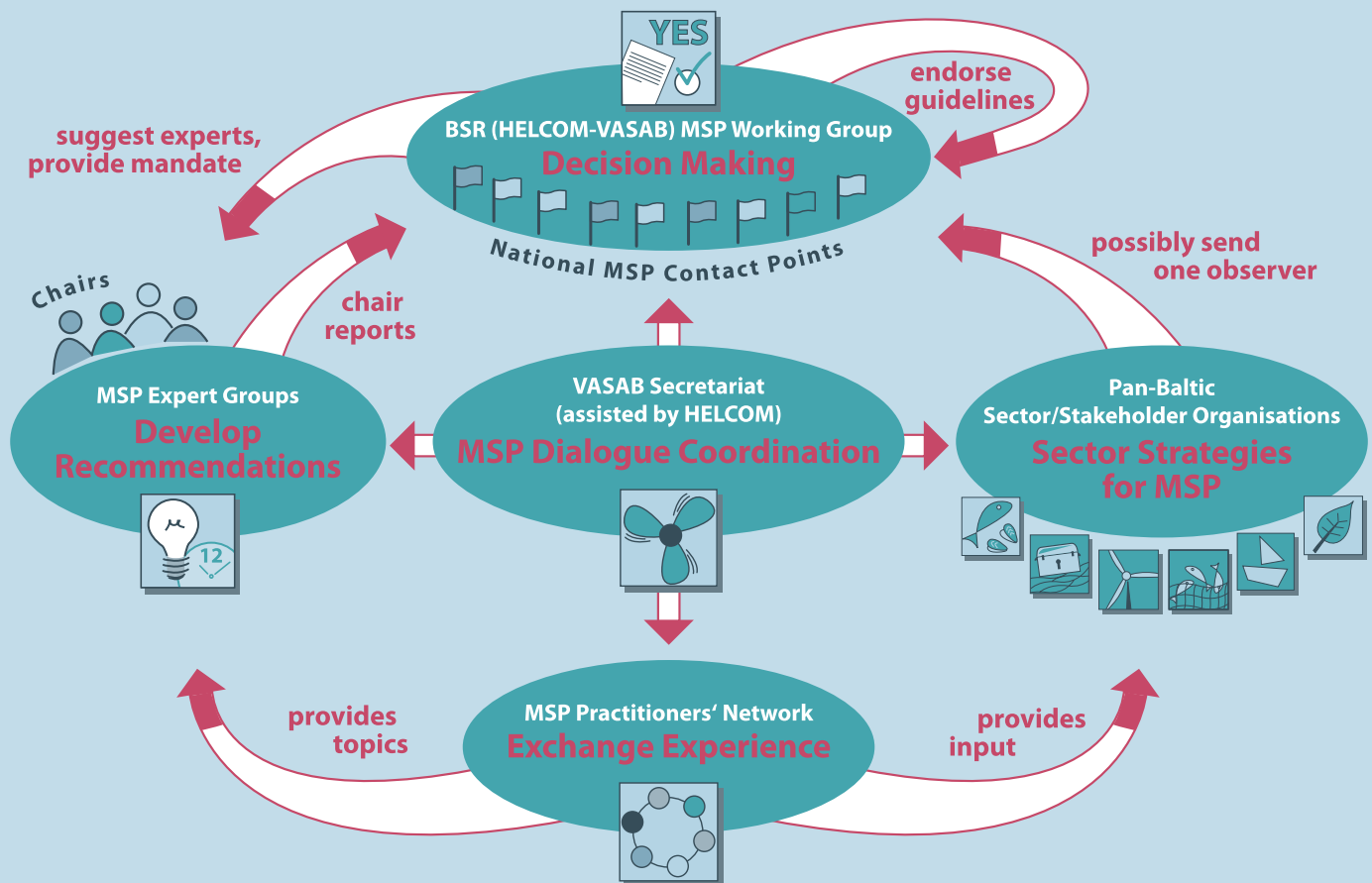
In order to establish trust and working routines within the pan-Baltic MSP dialogue, it makes sense to start with immediate, manageable tasks, delivering good results before engaging in more complex matters.

The pan-Baltic MSP dialogue should be coordinated by competent hands.

Establishing a working dialogue not only requires skills in management and administration, but above all knowledge of MSP, the BSR environment including sectors, and the existing institutional and political framework.

Proposed pan-Baltic MSP cooperation & consultation framework

The following represent the key elements of the multi-level governance framework for MSP at the pan-Baltic level:



The BSR (HELCOM/VASAB) MSP Working Group: Policy driver and decision-making body

The HELCOM/VASAB MSP Working Group (“BSR MSP Group”) should act as the main policy driver and decision-making body within the pan-Baltic MSP dialogue.

Currently, participants as well as the topics dealt with by the WG include both practitioner and decision-making levels. Both VASAB ministries (spatial planning) and HELCOM ministries (environment) are represented in the group. In order to clarify roles, it is suggested that in future, the authorities responsible for MSP take the lead within the HELCOM/VASAB MSP WG.

It is also suggested that the work of the HELCOM/VASAB MSP WG concentrates more strongly on policy and decision-making. National decision-making processes and MSP policy discussions – which are a prerequisite for decision-making in the HELCOM/VASAB WG - should be organised by each country independently.

The group should provide a mandate to the MSP expert groups, discuss the results presented by them and filter them down to the national policy level.



VASAB secretariat (supported by HELCOM secretariat): Coordinator of the MSP dialogue

The VASAB secretariat should host a permanent and competent coordination point for facilitating the MSP governance process. Tasks 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.



MSP expert groups: Developing recommendations for MSP

Expert groups should be created to develop recommendations on the most pertinent MSP topics identified within the pan-Baltic MSP dialogue. They should work to a given timeframe and present their results to the HELCOM/VASAB MSP WG for decision-making.

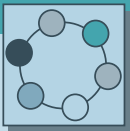
Expert groups should represent a broad range of relevant perspectives for a given topic. The MSP contact points in each

BSR country should be consulted in nominating experts. However, nominees should not be seen as political representatives. Experts are 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 acts as a spokesperson. Experts should be compensated for their time spent working on the group. Expert group topics should be selected 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 sectors and stakeholders in becoming involved.

Suggested topics include:

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| <ol style="list-style-type: none"> 1) MSP data needs and transnational MSP data requirements/network formation 2) Environmental planning: The interplay of MFSD / GES indicators and measures and MSP 3) Linear infrastructures and their alignment across the sea: shipping lanes/grids/pipelines: identifying the location of infrastructures and their connecting points 4) Site allocation criteria for specific sectors. Aquaculture and underwater cultural heritage have indicated | <ol style="list-style-type: none"> 5) Tools and criteria for aligning environmental with economic impact assessment for MSP 6) Cultural aspects and how to include cultural values in MSP 7) Offshore development and impact on land, ports and associated infrastructure. Which ports have the capacities for offshore developments? 8) Aligning fisheries and nature conservation |
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The pan-Baltic practitioners' network: A hub for exchanging information & knowledge

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 in their countries as an informal discussion platform. Regular meetings should take place to foster information and knowledge exchange and create trust among Baltic Sea MSP practitioners, thereby improving future transboundary MSP processes.



Other pan-Baltic organisations: Participants in the MSP Dialogue

Sectors have expressed the need to coordinate pan-Baltic MSP issues within their own sectors first. The coordinator tasked with supporting the MSP governance process should pro-actively engage with sector organisations, provide input to their work and facilitate their integration into the other elements of the MSP governance framework.

Cross-border consultation & cooperation

Experience and findings on cross-border consultation

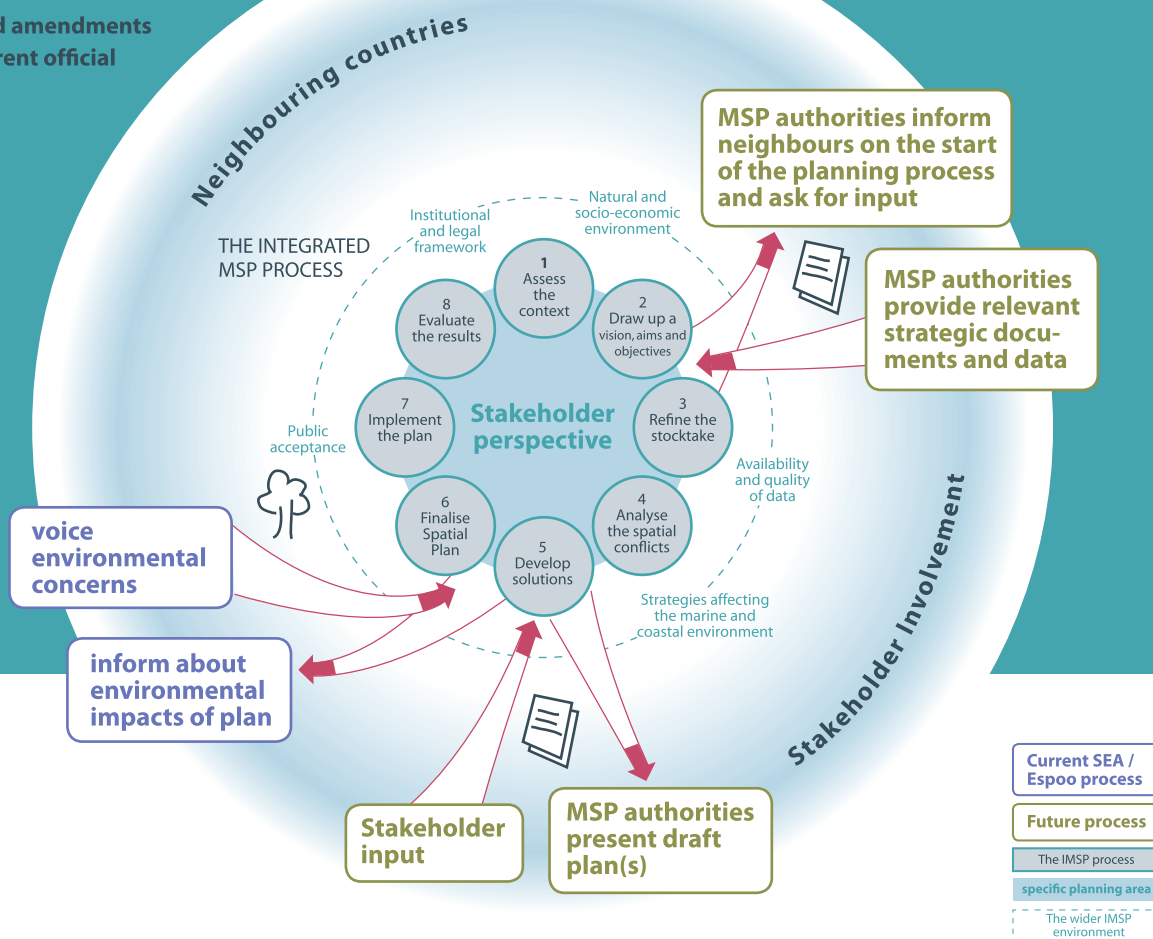
In the Baltic, experience with cross-border consultation and cooperation is still limited, at least at a statutory level. Nevertheless important lessons can be drawn from the official (licensing, grid plans) and pilot transboundary processes carried out so far:

- Consultation generally takes place too late in the MSP process. If at all, formal cross-border consultation between countries only takes place once a plan is almost finalised. This gives neighbouring countries little room to influence the development of a plan.
- Cross-border consultation is not a formal requirement anchored in the national MSP process.
- The potential to generate added value through cross-border consultation is lost, as consultation is so far limited to (negative) environmental impacts. It neither relates to socio-economic impacts nor takes a positive, synergistic seeking outlook.
- Countries differ in their approach to MSP. However, countries rarely explain the nature of the plan which is being produced.
- At present, it is still difficult for countries to respond to consultation. Many countries have not yet engaged in MSP and are finding it difficult to know what is required of them.
- Sectors report no urgent need to engage in cross-border dialogue. Few "hot topics" have so far emerged that merit cross-border / cross-sectoral debate. This may change as MSP progresses and certain sea uses become more prominent.

Suggestions for amended cross-border consultation on MSP

Cooperation and consultation across borders should exceed Espoo minimum requirements. 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 incorporates socio-economic impacts and planning issues as well as synergies. The MSP authority in the neighbouring country should determine appropriate forms of stakeholder involvement in that country.

Suggested amendments to the current official process



In particular, Member States 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.

Contact

Lead Partner

Maritime Institute Gdańsk
Długi Targ 41-42, 80830 Gdańsk, Poland
Joanna Przedzimirska
joaprz@im.gda.pl
+48 583019339

External Project Coordination

s.Pro sustainable-projects GmbH
Rheinstraße 34, 12161 Berlin, Germany
Angela Schultz-Zehden
asz@sustainable-projects.eu
+49 30832141740

www.partiseapate.eu

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