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Ambition and Realities in Baltic Sea Marine Spatial Planning and the Ecosystem Approach:

Policy and Sector Coordination in Promotion of Regional Integration

Authors: Björn Hassler[a], Nerijus Blažauskas[b], Kira Gee[c], Michael Gilek[a], Holger Janßen[d], Anne Luttmann[d], Andrea Morf[e], Joanna Piwowarczyk[f], Fred Saunders[a], Igne Stalmokaite[a], Helena Strand[e], Jacek Zaucha[g]

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Contributions made by: [a] Södertörn University, School of Natural Sciences, Technology and Environmental Studies, Sweden; [b] Klaipėda University Coastal Research and Planning Institute, CORPI [c] Helmholtz-Zentrum Geesthacht, Zentrum für Material-und Küstenforschung GmbH, Germany; [d] Leibniz Institute for Baltic Sea Research Warnemünde, Germany; [e] Swedish Institute for the Marine Environment, University of Gothenburg, Sweden; [f] Institute of Oceanology of the Polish Academy of Sciences, Poland; [g] Maritime Institute in Gdansk, Poland.

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Summary

This report is part of the BONUS BALTSPACE project and is focused on challenges for policy and sector integration in Baltic Sea marine spatial planning (MSP). The main objectives have been to identify concrete coordination problems, to analyse why they have emerged and to discuss possible remedies. It is based on selected aspects extracted from case studies carried out in this project related to the development of regional MSP approaches in Denmark, Germany, Latvia, Lithuania, Poland, and Sweden and on an additional case study on the HELCOM-VASAB Working Group on MSP. To facilitate the analysis of vertical policy interactions between institutions at different levels as well as of horizontal interactions over sector and country borders, an analytical framework was constructed. This framework consists of two main components; (a) institution-driven coordination where institutions such as global treaties, the EU, regional organisations, and state authorities provide boundaries for decisions taken at lower levels and (b) benefit-driven coordination capturing horizontal coordination across sector and country borders.

The main results and conclusions are in following situated within five different problem areas. (1) *Over-arching approach.* Although EA and MSP often are portrayed as mutually constitutive, because of their different foundations it is not given that they can, or should, be merged. Sometimes and depending on situation, implementation is likely to be facilitated by a joint approach, but in other cases separation can be more fruitful, providing better opportunities for distinguishing between on the one hand identification of ecosystem boundaries, and on the other hand decision-making on resource uses. (2) *Incorporation of transnational aspects.* Institutions above the state level provide boundaries for policy-spaces at lower levels. However, given these boundaries, potentials for bilateral and sub-regional benefit-driven coordination need to be made part of the elaboration of domestic MSP strategies in order to improve overall efficiency. (3) *Promotion of bilateral coordination.* When benefit-driven coordination at bilateral or sub-regional levels is hampered by substantial differences in domestic MSP-relevant institutions, functional, content-oriented and communicative alternatives can provide useful approaches. These alternatives focus on respectively components required in Directives or other regulations, specific areas in need of closer coordination, and how to improve transnational communication and learning on MSP. (4) *Managing sector power differences.* Inclusion of stakeholders in decision-making processes can result in marginalisation of sectors with weak stakeholders or users. To the extent this contradicts political objectives, stakeholder influence may need to be tempered. Transparency in regard to those political objectives may create friction, but is likely to increase legitimacy in the long run. *(5) Refinement of public consultation policies.* As part of coordination processes across country borders, procedures for stakeholder and public consultation processes need to be developed. Rather than extending domestic consultation mechanisms, a better option is in most cases to adapt consultation processes to trans-border situations. In the long run, networks comprising administrators in neighboring countries may be useful to faceplate continuous learning and adaptation in this area.

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1. Introduction

Marine Spatial Planning (MSP) has been heralded as the primary mechanism through which the Ecosystem Approach (EA) can be implemented in marine settings (Carneiro 2013; Jay, 2012; Douvere 2008; Ehler 2008; Gilliland & Laffoley 2008). This is of great importance, considering that the EA has emerged as a key component in the scholarly debate on the complex problem of how to achieve sustainable use of natural resources and preservation of threatened species and habitats (Crowder & Norse 2008; Ehler 2008; Pomeroy & Douvere 2008).

From a general perspective, EA provides a means to spatially map biophysical and economic parameters into distinct layers. Furthermore, social landscapes allegedly can be brought into the picture to create a comprehensive approach to sustainability covering ecological, economic and social dimensions (St. Martin & Hall-Arber 2008). By merging socio-political and biophysical ecosystems into socio-ecological systems, where stakeholder participation and broadened views on what constitutes relevant knowledge are made integral parts, a conceptual shift is said to have taken place, away from reductionism and sector borders, towards an inclusive and holistic management approach, where stakeholder participation and broadened views on what constitutes relevant knowledge have been made integral parts. Moreover, the balancing of interests and objectives more clearly emphasised in earlier accounts of EA, now seem to be giving way for depoliticised, if not apolitical, coordination between different marine resource uses and management objectives, between nature protection and *blue growth* (Gilliland & Laffoley 2008). Not the least in various blue growth policy and strategy documents, a somewhat rosy picture of a fully integrated marine planning approach is often envisioned, where political and administrative borders have been replaced by ecosystem boundaries and harmonisation of sector interests. However, how to align not only environmental protection and economic growth in marine settings, but social dimensions such as fair inclusion of stakeholders (including future generations), equity, transparency, societal cohesion, and governance legitimacy as well, is indeed a complex integration challenge.

MSP has been described as a practical means to improve the overall coordination in management based on the EA for now and into the future. Indeed, according to Gilliland and Laffoley (2008: 788) it is "…axiomatic that MSP encompasses all sectors of economic use as well as environmental and social issues." Increased coordination over scale, policy and sector borders constitute crucial MSP governance components. Increased vertical coordination of administrative authority is expected to lead to more consistent and legitimate political decision-making, while horizontal coordination of policies on, for example, blue growth and nature protection is claimed to facilitate detection of convergence points and potential win-win opportunities. In order to improve overall administrative effectiveness and efficiency, increased coordination over sector borders has moreover been suggested to be of substantial importance (UNEP & GEF-STAP 2014). Simultaneously, it represents a key integration challenge.

Stakeholder participation is described as a key component of policy and sector integration in most MSP frameworks, embracing two essential aspects. First, process legitimacy is assumed to increase if stakeholders are involved in early phases in order to instil a sense of process co-ownership and possibilities to influence management strategies and, if possible, targets and endpoints. This early and substantial involvement in turn tends to facilitate implementation (UNEP & GEF-STAP 2014; Carneiro 2013; Gopnik et al. 2012). Second, inclusion of place- and time-bound knowledge is supposed to deepen scientific understandings and lead to more robust and sustainable management outcomes (Knol & Jentoft 2016). The attempts to join forces between science, stakeholder knowledge and policy-making in order to increase momentum in the application of EA and in MSP is a research field of emerging importance. Arguably, to garner broad support for such a merging of forces at local, national and transnational levels, long-term goals have to be malleable enough to enable economic and environmental stakeholders to find common grounds.

Despite the recent interest shown to cultural values in MSP settings, the strongest tensions tend to play out in interfaces between blue growth proponents and nature protection ambitions, partly because of the elusiveness of the social dimension which seems to make it hard to define tangible and concrete objectives in this area (Kyriazi et al. 2013).[1] The long-term objective of sustainability represents such a goal, as it is extensively referred to in EU Directives, national strategies and local planning alike. While it tends to be unclear what sustainability in ecological, economic and social dimensions actually means, it may function as a kind of fuzzy focal point for the diverse group of stakeholders involved in MSP, facilitating attempts to realign blue growth and nature protection (Kronfeld-Goharani 2015). In fact, the political fuzziness of what sustainability means may be what is needed to provide enough common grounds to make agreements possible. However, the backside of this fuzziness is that underlying tensions are concealed and therefore not addressed. This may lead to situations where political agreements are found, but problems emergence in later implementation phases when these tensions are cannot longer be hidden (Hassler 2016).

Against this background of high expectations on how MSP can be used as a practical approach to achieve economic growth within the boundaries set by EA, the main objective of this report is to go beyond these somewhat utopic policy visions, and to identify and interrogate *preconditions*, *obstacles* and possible *facilitators* for such a development. In contrast to the rather strong focus in much of the contemporary scholarly literature on how to best promote the adoption of MSP and EA, the emphasis in this report is placed on identification of potential conflict areas for their effective adoption. This includes aspects related to social dimensions that only seldom are problematised in EA discourses, such as tensions between policies to foster depoliticised consensus among stakeholders and provision of stimuli for more open discussions on distributions of costs and benefits, as well as on why interests

[1] Attempts are being made, though. The *Well-being of Future Generations (Wales) Act 2015* is an attempt to explicitly address social dimensions such as human health, well-being, and equity in sustainability strategies, albeit not specifically in relation to MSP.

become privileged over others (Ellis and Flannery 2016). The empirical focus is placed on the Baltic Sea, as an example of a region with a long history of collaboration between countries on environmental issues (Hassler 2003). Because EA and MSP require domestic approaches, but also consideration of transnational coordination, the relatively small and institutionally dense Baltic Sea region provides fertile grounds for addressing questions on how to coordinate country strategies.

The main theoretical vehicle to facilitate the analysis of regional MSP comprises two major parts; a vertical, hierarchical dimension where each governing institution is bound by decisions made in the layers above it, and a horizontal dimension where the same governing institution can choose to collaborate at sub-regional and bilateral levels as long as they do not violate relevant treaties or other agreements.[2] It is assumed in this model that there is an important difference between international organisations and institutions (including the EU) and governments (including authorities at county and local levels) in relation to agency. Whereas policy-making above the national level typically is collective and based on consensus[3], governments in most cases have strong enough domestic institutions to manage collective action dilemmas, and become autonomous actors.[4] In this role, they formulate foreign policy and interact with other governments promoting state interests, whatever these interests may be. It should be noted that this model includes the possibility that also governing authorities at lower levels, for example regional governments and municipalities, may interact over country borders, within the boundaries defined at higher levels. Moreover, sector authorities at the different levels may also interact on a transnational basis, typically, but not necessarily within the same sector, if they find this beneficial. In contrast, governing bodies (Intergovernmental organisations; IGOs) above the state level (HELCOM, VASAB, EU bodies) are typically not assumed to be able to have interests of their own, as IGOs, because of the weaker decision-making mechanisms in IGOs compared with in governmental authorities. Instead, horizontal interactions between IGOs tend to be non-intentional rather than strategic, which does not preclude that actors, governments, within these bodies promote state interests in attempts to influence collective decisions in their favour (Gehring & Oberthür 2006). However, although quite rare, examples of strategic interactions between IGOs do exist, such as the case of HELCOM-VASAB that is extensively discussed in this report.

Although simplistic, this model captures key forms of transnational interactions within and between countries that may influence formulations of domestic MSP strategies (policies, regulations, practices, prioritisations and other aspects that influence how marine spatial planning is framed, organised and implemented) is described in more detail in following chapters.

[2] Diagonal interactions are possible, but have not been elaborated in the model, but can be handled in this model in similar ways as horizontal interactions.
[3] The EU is a partial exception in this regard, since it has competence in some areas to become an actor, to e.g., be a member of treaties or negotiate on behalf of its members.
[4] Stakeholders such as private sector organisations and NGOs are not part of this model in a direct sense, but are assumed to influence public authorities and international institutions and organisations and are thus part of the foundation of actor interests, as well as decisions in international forums.

To allow for a more detailed analytical account, the scope of this study has been limited to policy and sector coordination dimensions, where MSP is explicitly endeavoring to reconcile ecological goals and resource use interests. However, many aspects of stakeholder participation are intimately linked to what domestic MSP policy packages (bundles of polices that influence political strategies on MSP) comprise, how strategies to promote sector coordination have been crafter and, ultimately, how MSP is implemented and organised. Therefore, this study also addresses participatory aspects to the extent they seem to influence policy and sector coordination.

Arguably, vertical compatibility of policy instruments – covering relevant global treaties, EU directives, national and sub-national structures – as well as horizontal policy coordination at especially national and sub-national levels within ecosystem boundaries, is crucial for the success of long-term strategies (Collie et al. 2013; Day 2008). Thus, an assessment of existing and potential policy inconsistencies and conflicts is of high relevance in relation to expected policy outcomes. However, compatible policies are of limited value if sector borders pose barriers to coordination, when cooperation over sector borders is necessary to achieve EA ambitions with the use of MSP processes. When policies transgress sector borders, policy compatibility can clearly not be analysed without considering bridging needs between sectors. Therefore, policy and sector coordination are brought together in this study, with the aim of contributing to a deeper understanding of the role of policy and sector coordination in MSP. More specifically, the main questions to be interrogated in this report are:

- To what extent, and how, have EU Directives, strategies and other initiatives, together with relevant regional institutions and agreements, including interactions among them, **influenced, and placed boundaries on**, coordination of domestic MSP policy packages, especially in relation to EA and blue growth and which types of **barriers** to improved policy integration can be identified?
- To what extent, and how, have **bilateral considerations**, especially between neighbouring countries, influenced **regional coordination** of MSP?
- To what extent, and how, have **sector borders**, within and between countries, influenced regional MSP coordination?

This report is structured as follows. After a brief section on method, a background on the main EU Directives, regional agreements and institutions, domestic MSP strategies and country contexts is given. Thereafter, a theoretical account is given showing how a combination of collective action theory and Institutional interaction theory (see e.g. Oberthür and Gehring 2006) can contribute to a better understanding of incentives and drivers in relation to deepened regional coordination. Five examples are then presented illustrating selected regional policy and sector coordination and integration aspects with focus on transnational perspectives. These examples are based on in-depth

cases on MSP challenges in the BSR, carried out within BONUS BALTSPACE. Key aspects of these examples are then brought together in the Discussion. Finally, tentative policy recommendations and need for further research are addressed in the Conclusions.

2. Method

Because of the complexity and heterogeneity in contemporary MSP strategies in the Baltic Sea region, a further methodological delimitation has been adopted, apart from the focus placed on policy and sector integration. Rather than attempting to grasp all aspects of MSP practices, data and interpretations from in-depth case studies undertaken by BONUS BALTSPACE in Latvia, Lithuania, Poland, Germany, Denmark and Sweden, as well as on the HELCOM-VASAB Working Group (HV WG) between 2015 and 2016, are brought together in the form of five examples. These examples have been designed to illustrate particular aspects of significant importance in regard to policy and sector coordination at international, national, sub-regional and local levels. These aspects include the role of HV WG as a sector- and policy bridging facilitator at the regional level, the role of hierarchical boundary-making in the coordination of MSP strategies in the Baltic Sea region, bilateral coordination efforts and domestic challenges in bridging sector borders. Admittedly, these selected examples can only provide a partial picture of the complexities of a regional MSP in its initial state of formulation. In other words, the glimpses presented here are not primarily intended to give a detailed account of the contemporary state of development of MSP as instrument for policy making, but rather to feed into on-going discussions on how marine and maritime planning of the Baltic Sea can be improved.[5]

This report is based on an extensive set of primary data, consisting of written documentation (regulations, strategy documents, work plans, roadmaps, minutes from meetings and other relevant sources) and interviews with experts in the fields, stakeholders, policy-makers and public administrators, sector and NGO representatives and users in the different sectors. In this report, a stakeholder is defined as any person or organisation that has a *stake* in an issue that might be affected by MSP decision-making. Whether or not an actor has a stake in a particular issue is determined subjectively by the stakeholder in question. Thus, this broad definition of stakeholders includes directly affected parties, but also, for example, sector organisations and NGOs, as well as public authorities that may be affected by decisions taken by competent MSP bodies. In contrast with stakeholder (participation or consultation), *public* (participation or consultation) refers to active involvement of the public at large, rather than specific stakeholders. Table 1 summarises the number of interviews carried out in relation to the respective case studies.

Table 1. Summary of interviews in BALTSPACE case studies, underpinning the empirical examples elaborated upon in this report.

Case	*Public authorities/Politicians*	*IGOs*	*Sector organisations/users*	*NGOs*	*Science*
HV WG	17*,**	6	-	1**	1**
Latvia/Lithuania	22	-	-	5	-
Sweden/Denmark	20	-	5	1	-
Germany	6	2	5	2	-
Poland	5	-	12	3	2

* Interviews partly undertaken by Baltic SCOPE, shared with BALTSPACE; ** Interviews/Questionnaires/Personal communication.

[5] The distinction between marine (sea areas, including flora and fauna as well as interaction with coastal areas and the atmosphere) and maritime (includes also socioeconomic factors related to, for example, exploitation of marine resources) is often blurred. However, this distinction is upheld throughout this report.

Moreover, data from stakeholder forums arranged by BONUS BALTSPACE, including direct observations form these meetings, have fed into how the examples in this report have been formulated and interpreted.

3. Background

3.1 Global level

International treaties and conventions comprise the highest level of boundaries in which regional MSP strategies have to be nested. With few exceptions, these regulatory structures are limited to individual problem areas, such as climate change (the UN Framework Convention on Climate Change; UNFCCC), biodiversity (The Convention on Biological Diversity; CBD), marine transportations (a set of conventions under the umbrella of the International Maritime Organization, IMO) or international trade (the World Trade Organization; WTO) to just name a few. These sectoral institutions may influence the effectiveness of each other – insitutional interaction – sometimes for the better, sometimes for the worse. Thus, apart from making sure that conventions and agreements at lower levels do not contradict global structures, founders of new conventions and treaties have to invest considerable efforts in finding ways to avoid that negative interactions are not encapsulated in regulatory structures at lower levels, especially since these structures may comprise institutions that cover more than one issue area or even sectors.

3.2 EU level

EU Directives and strategies tend to be narrower and more specific than global treaties and conventions, because diversity among states tend to decrease with the geographical scope covered, although exceptions to this general observation can be found. Thus, interactions between issue areas can be internalised and potentially easier to coordinate. The institutions of most relevance for MSP in the Baltic Sea regions are the Marine Strategy Framework Directive (MSFD; Directive 2008/56/EC) from 2008, the Blue Growth Strategy officially endorsed in 2012, the MSP Directive (MSPD; Directive 2014/89/EU) from 2014, the EU Strategy for the Baltic Sea Region (EUSBSR; Approved by the European Council in 2009), and the HELCOM Baltic Sea Action Plan (2007). MSFD has an integrated structure as it covers all major environmental problem areas such as biodiversity, chemicals, eutrophication and all fish species that are commercially exploited and the Ecosystem Approach (EA) should be the primary management approach. The main objective of the Directive is to achieve *Good Environmental Status* (GES) no later than 2020. All Member States are obliged to have a *Marine Strategy* and to support these national strategies, eleven *descriptors* have been defined that describe what the environment will look like under GES.

In contrast with the binding MSFD, the Blue Growth Strategy (BGS) has been designed to promote smart, sustainable and inclusive growth according to the *Europe 2020 Strategy* and along the lines of the *EU Integrated Maritime Policy*. BGS is multi-sectorial and covers areas such as sustainable aquaculture, coastal tourism and ocean energy, as well as knowledge production, spatial planning and surveillance.

The MSP Directive can be seen as an attempt to bring environmental protection and blue growth closer together at the EU level, to promote coordination between countries in the same region and to establish sustainability as a shared goal in both environmental protection and maritime resource use. Arguably, the boundaries this Directive places on the member states are wide, as it is explicitly stated that the full competence on how to manage marine resource use and how to prioritise between sectors remains with the individual states. However, several aspects are of particular relevance in relation to the objectives of this report. All member states are required to have establish a maritime spatial plan as soon as possible, but no later than 2021, and these plans shall be updated at least every 10th year (Article 15; 6). Similarly to MSFD, EA and IMP (Integrated Maritime Policy) are overarching principles referred to in the MSPD (Article 5). Member states are furthermore required to cooperate with neighbouring countries when it is likely that those will be affected, according to international treaties and conventions, and within existing international forums and institutions with an overarching goal of increased MSP coordination and coherence across the region (Article 11). Although not regulated in detail, all member states are required to ensure that stakeholders and relevant parts of the public are given opportunities to participate in the formulation of national MSPs and shall have access to the final plans (Article 9).

3.3 Regional level

The most important institutions at the regional level in relation to marine spatial planning are the Helsinki Commission (HELCOM), Visions and Strategies Around the Baltic Sea (VASAB) and the VASAB MSP Working Group (MSP WG), where HELCOM targets environmental protection, VASAB marine spatial planning, and MSP WG has been established to bridge the border between the two in relation to MSP in the Baltic Sea region.

HELCOM was established in 1974, partly as an outcome of the UN Conference on Human Environment held in Stockholm, 1972 (Hassler 2003). All Baltic Sea countries and the EU are members of HELCOM, while organisations and institutions such as the EUBSR, ICES, UNEP and OSPAR are connected as Partners. HELCOM has grown from being a rather small organisation focusing mostly on coordination of scientific monitoring and research collaboration to a broad framework, providing policy-makers with data as well as various forums for regional combatting of all forms of Baltic Sea pollution, including joint action programmes (Tynkkynen 2017). Apart from the Helsinki Convention and the HELCOM Recommendations, the action programmes have probably been most influential. The Baltic Sea Action Plan (BSAP) agreed upon in 2007 addresses key environmental challenges for the ecological integrity of the Baltic Sea and elaborates on procedures and deadlines for member states to follow (Hassler 2016; 2013). Two aspects are of particular importance in relation to the objectives in this report. First, among other general principles such as the Polluter Pays Principle and the Precautionary Principle, the Ecosystem Approach (EA) provides a conceptual framing of BSAP. This means that according to BSAP, ecosystem integrity provides

boundaries and limitations for socioeconomic activities to ensure long-term sustainability, rather than being a sectoral interest among others. Second, the elaboration of the BSAP was closely coordinated with the work on the EU MSFD to avoid as many inconsistencies as possible. Moreover, the BSAP provides assistance for the Baltic Sea countries in the elaboration of national plans, which is a requirement in the MSFD.

VASAB, compared with HELCOM, is a smaller and more recently formed organisation (2010), where the ministers responsible for spatial planning and development of each Baltic Sea country (plus Belarus) collaborate for improved regional coordination of planning, including interaction with the EUBSR Strategy as well as relevant EU research and collaborative projects. VASAB has been integrated in the framework of the Council of the Baltic Sea States (CBSS), which is a broad regional forum for collaboration in a range of different areas. So far, eight ministerial conferences have been held within the VASAB framework, discussing thematic topics related to regional planning and development. Between the ministerial conferences, VASAB is steered by the Committee on Spatial planning and Development in the Baltic Sea region (CSPD/BSR), comprising senior civil servants from national administrations and, in the case of Germany and Russia, authorities in regions bordering the Baltic Sea.

MSP was identified as a key topic for regional coordination at the 7th VASAB ministerial conference in Vilnius, 2009, and the joint HELCOM-VASAB MSP Working Group (HV WG) was set up with the objective of bringing the efforts for improved regional coordination in the two organisations closer together (see Example 1 further below for details on the workings of the HV WG, especially in relation to MSP and the EA)). In late 2010, the document *Baltic Sea Broad-Scale Maritime Spatial Planning Principles* was confirmed by both HELCOM and VASAB. It delineates 10 principles that are supposed to improve coordination of national MSP strategies. Sustainable balancing of environmental, economic and social interests in spatial contexts provides an overarching objective, while the EA is a key policy tool to reach this goal, explicitly connecting MSP with the MSFD. A long-term sustainability perspective shall be adopted, where the Precautionary Principle brings management of uncertainties into political decision-making processes. These decision-making processes are to be guided by public participation and built upon high quality data and information. The need for transnational coordination shall always be kept in mind according to the HV WG principles together with adoption of a coherent perspective on terrestrial and maritime spatial planning. Finally, context-dependent and adaptive planning approaches are emphasized as important aspects in regional maritime spatial planning. It can be noted that these Principles are similar to those embraced by the EU in relation to MSP.

3.4 National and sub-national levels

Brief backgrounds on the contemporary status of national MSP strategies in the selected case study countries (Denmark, Germany, Poland and Sweden)[6] are here given to provide contexts for the examples of challenges presented further down.[7]

The **Danish** MSP strategy recently begun, which means that few regulatory frameworks, works plans and other targeted initiative have yet been taken apart from the Governmental bill on MSP that was approved by the Parliament in 2016.[8] As in most other countries, uses of marine resources and environmental protection have been administered within sectors, with only limited integration between sectors. The Integrated Maritime Strategy launched in 2010 does not seem to have changed much in this regard (Zaucha et al. 2016). However, a process of integration has been established comprising roundtable discussions on maritime issues where relevant ministries participate. Depending on type of issue, appropriate national authorities chair these roundtables. The assignation of responsibility for the national MSP process may be indicative of how balancing between nature protection and blue growth in particular (see further Example 3 below). In Denmark, the Ministry of Business and Growth and the subordinate authority the Danish Maritime Authority are responsible for coordination on these matters, and for the fulfilment of the MSPD (Zaucha et al. 2016). Although few concrete measures to institutionalise MSP so far have been taken in Denmark, the activity in various international networks to prepare for a national strategy has increased after the adoption of the MSPD. The intention, at least for now, is to have a joint MSP for the Baltic Sea and the North Sea before the deadline in 2021, as stipulated in the Directive (Article 15:3).

The situation for **Germany** differs from the other case study countries as it is a federal state, with different authorities responsible for the Exclusive Economic Zone (EEZ) and territorial waters (see further Example 4 below). The EEZ is the responsibility of the federal level (Federal Ministry of Transport and Digital Infrastructure) with the German Federal Maritime and Hydrographic Agency (BSH) doing the concrete planning. Territorial waters are managed at the state (Länder) level, by Schleswig-Holstein (SH), where the State Chancellery is responsible and by Mecklenburg-Vorpommern (MV), where the Ministry of Energy, Infrastructure and State Development has the responsibility. There has been a MSP in operation since 2009 in the EEZ, and in MV the state level MSP from 2005 was recently revised and updated (2016). In SH, there is not yet a formal MSP, but the Regional Development Plan covers land as well as territorial waters, that although different from MSPs, share the same goal of long-term sustainability. A Spatial Off-shore Grid Plan has been in place for the North Sea since 2013, and a similar plan for the Baltic Sea is under Development. In three areas, the EEZ, MV and SH, there is a marked development of MSP, not the least in terms of

[6] Backgrounds on Lithuania and Latvia have been excluded in this Background section, because Example 2 further below explicitly discuss the emergence of MSP strategies in these countries.
[7] This section builds on Zaucha et al. (2016).
[8] *Lov om maritime fysisk planlægning. Available at:* <https://www.retsinformation.dk/Forms/R0710.aspx?id=180281>.

deepening and broadening of Stakeholder consultations, a topic elaborated upon in Example 4 further below.

Poland has come further in its institutionalisation of a national MSP framework compared with many other Baltic Sea countries. The responsibility for national MSP has been assigned to the three Maritime Offices (Zaucha et al. 2016: 15). Current MSP in Poland is jurisdictionally based on the Act on Sea Areas of the Republic of Poland and the Maritime Administration from 1991, which provides a platform for coordination, while the National Spatial Development Concept is the key strategic for Polish land and sea territories. Three maritime pilot plans were prepared during 2008-2011, for the West Part of the Gulf of Gdańsk, for the Middle Bank and for the Pomeranian Bight/Arkona Basin. A substantial effort has recently been placed on producing an extensive stocktaking report, including mapping of the use of Polish sea space, possible future changes and potential resource use conflicts. Furthermore, key legislative acts, treaties, polices and experiences from regional MSP projects were included to provide an account of the institutional context. In 2016, the Maritime Institute in Gdańsk was contracted to develop maritime spatial plans covering Polish EEZ areas, territorial waters and the Gdańsk Bay. The first draft of these plans is expected in 2017 (Zaucha et al. 2016: 14).

Coastal and sea planning in **Sweden** is considerably more decentralised than in most other Baltic Sea countries (for details on differences between Swedish and Danish MSP institutionalisation of maritime planning, see Example 3 further below). There is an overlap of 11 NM outwards of the territorial baseline in which both national and local authorities have authority to plan. At the national level, the Swedish Authority for Marine and Water Management (SwAM), together with the Swedish Environmental Protection Agency and County Administrative Boards (CABs; national authority placed at regional level), is responsible for preparing MSPs.[9] In early 2016, SwAM arranged public consultations on a Guidance document on the Swedish MSP strategy, and the comments received from this consultation have now been processed (Zaucha 2016: 15). Draft plans were thereafter presented (December, 2016), dialogue meetings were arranged by the relevant CABs, environmental assessments of the draft plans have been presented and SwAM is now arranging some supplementary meetings to receive additional input.

The municipalities have authority over integrative planning and policy at the local level and have sector responsibility with the municipality comprehensive plans and for territorial waters up to 12 NM. The overlap between national and local jurisdiction has been designed with the purpose to increase integration across levels, but clear rules on how conflicts are to be resolved have not been formulated, which means that such cases may need be brought to the Environmental Court. The directly elected County Councils at the regional level have authority over economic development strategies, but have so far not been given any formal role in the development of the Swedish National

[9] These plans will cover the Swedish EEZ and territorial waters 1 NM from the baseline and comprise a plan for the Bothnian Bay, the Baltic Proper and the Western Sea (Zaucha 2016: 14)

MSP Strategy, which might be part of the explanation why policies seem to be somewhat more balanced towards environmental protection than economic development, compared with several other Baltic Sea countries (see Example 3 further down for an elaboration on this aspect).

Before turning to the theoretically informed empirical findings in form of five examples briefly alluded to in the Methods section above, a section on Theory will be given. The main objective in this section is to elaborate an analytical framework based on existing theory that will be useful in the teasing out of key challenges to improved coordination of MSP in the Baltic Sea region. The ambition is neither to construct an analytical framework that can identify as well as address "all" existing and potential challenges in this regard, nor to provide comprehensive recipes for their solutions. Instead, the considerably more humble ambition is to elaborate a rather simple analytical framework that can efficiently address a few, selected challenges of significant relevance from a Baltic Sea regional MSP perspective. These challenges emerged from BALTSPACE in-depth case studies discussed in the Method section earlier.

4. Theoretical point of departure and analytical framework

4.1 Introduction

Two established strands of theory, *collective action* and *institutional interaction* provide the theoretical underpinning of the analytical framework elaborated in this section. These two theoretical components are viewed as *interdependent* in the sense that governments and other actors influence institutional structures, at the same time as institutional structures influence government policies. The main purpose of the analytical framework is to facilitate an analysis of governments' and other actors' incentives to promote MSP coordination at regional and lower levels, given the boundaries and enablers existing institutions provide.

The main value of the collective action component is to provide an analytical lens that can help to discern how countries' national interests are linked to adopted MSP strategies. Thus, collective action theory provides a particular perspective from which actors' behaviour is assessed, rather than a detailed theory. The actors can be individuals, but in this context more commonly so-called *composite actors*, such as governments, organisations, and businesses, acting *as if* they were individuals. They adopt *agency* and are assumed to be able to act on their own behalf. The composite actors are assumed to be driven mainly by rational (goal-oriented and instrumental) promotion of self-interest (or, for example, national interests in the case of states or governments). This assumed self-interest does not preclude cooperation with others, given that the actor expects to gain from this cooperation.

The interaction among composite actors is assumed to be driven by what is perceived to be in their individual best interest. This means that composite actors need to assess other actors' interests before deciding what to do. Thus, the fundamental decision-making mechanism is *strategic*, where decisions made depend on what others are expected to do. Given that states try to promote national interests, *free-riding* is a potential threat, where actors try to avoid costs by letting others pay for joint undertakings if they still can enjoy the positive outcomes. This can lead to the unravelling of otherwise mutual beneficial undertakings, resulting in *under-provision of collective goods.*

In contrast, institutional interaction theory helps to illuminate how different institutions that together cover a particular issue-area create boundaries for what composite actors such as governments can do. While governments may appreciate having as much autonomy as possible, institutional boundaries are still valuable, because they decrease the scope of possible collective action outcomes. Thus, in international settings, governments and other actors need to balance the value of autonomy with benefits of institutional boundaries that make collective action outcomes more predictable.

The institutions referred to here can be of two kinds; organisations (for example, the EU, HELCOM, VASAB) or hard/soft regulatory instruments (for example, treaties, EU Directives, regional conventions). With the partial exception of the EU, governmental organisations typically require *consensus* for decision to become operationalised. In a similar way, most regulatory

instruments are based on prior decisions taken under consensus.[10] This means that unless compensatory means are evoked (side-payments, issue linkage or other instruments to induce others to change behaviour), the *lowest common denominator* effect limits the scope of decisions. Thus, the boundaries these institutions place for policies adopted at national or lower levels tend to be wide. Furthermore, effects upon other institutions when designing new insitutional structures such as Directives and treaties are not always assessed in detail beforehand, sometimes not even considered, which means that *unexpected* synergies may in fortunate unfold, while overlaps and contradictions that lead to *inefficiencies* may be more common. However, this is not to say that individual countries do not consider possible consequences from an adopted strategy or standpoint in one context, upon other contexts.

In Table 2, the key differences between collective action-based and institutional interaction-based coordination are summarised.

Table 2. Key differences between collection action-based and institutional interaction-based coordination: Agency, Actor preference formation, Decision-making mechanism and Potential shortcomings.

	Agency	**Actor preference formation**	**Main decision-making mechanism**	**Potential shortcomings**
Collective action	Individual or composite actors	Rationalistic, self-interest	Strategic	Free-riding, under-provision of collective goods
Institutional interaction	Not applicable	Not applicable	Consensus, Lowest common denominator*	Unexpected efficiency losses

* See footnote 4.

4.2 Collective action – The foundation of benefit-driven coordination in MSP

Collective action theory is built upon the observation that as soon as at least two actors share control over a particular good, in the MSP context often a natural resource or a marine protected area, individual and joint interests may diverge so that individual incentives to exploit the resource, or refrain from protecting it, can lead to overexploitation or lower levels of protection than collectively called for (Hassler 2015; Ostrom 1990; Hardin 1968). This argument crucially depends on three factors.

First, few collective goods are perfect, especially not natural resources, in the sense of providing an equal distribution of benefits to all actors involved. Moreover, the distribution of costs for maintaining the resource also tends to be unequal, placing heavier burdens on some actors and lighter on others. For example, costs and benefits for reducing eutrophication in the Baltic Sea have been showed to vary significantly among the coastal states (Hassler 2016). The concept of *joint products* (Sandler 2004) can be used to capture the diversity in distribution of costs and benefits. It should be noted that

[10] The EU may be seen as a partial exception, because some decisions are taken under majority rules, that is, in similar ways as in most domestic political decision-making. However, for the purposes of this report, the decision-making foundation of EU Directives is viewed as having more in common with other international treaties, conventions and agreements than with domestic jurisdictions, although this is matter of degree rather than nature.

collective goods are not restricted to tangible products, but as importantly, can comprise intangible goods such as information and experiences stemming from synergistic effects from policy and sector coordination. Thus, the distribution of costs of benefits from improved policy and sector coordination can be assumed to influence actors' strategies vis-à-vis MSP initiatives, be it at local, national or transnational levels.

Second, to be able to map expected behaviour based on joint product characteristics, assumptions on composite actor preferences and rationality need to be made. Actors, individuals as well as composite actors, are typically assumed to prioritise expected outcomes benefitting themselves. This by no means implies that cooperative behaviour is not possible (Axelrod 1984), but rather that in situations where one or several actors do not expect net benefits from a particular initiative, additional measures may be needed to induce those actors to participate (Barrett 2012). Thus, in this approach, actors' individual interests rather than collective gains are assumed to drive coordination of MSP strategies. However, the strength of these drivers can vary substantially, depending on priorities placed on economic growth, nature protection, equality and other valued aspects among actors, as well as because of uncertainties in relation to expected costs and gains from coordination. We call this type of MSP coordination *benefit-driven coordination*, because of its dependence on expected gains among involved individual actors.

Third, while benefits from collective goods and actor self-interests do not necessarily differ much between domestic and transnational domains, stabilising institutional structures certainly do. For example, management of inland lakes tend to be managed more effectively than marine areas shared by many countries, because monitoring, compliance and enforcement mechanisms tend to be more robust within countries compared to cross-country situations. The dense institutional structures and established enforcement mechanisms in most contemporary domestic settings have facilitated collective action within most states to unprecedented levels and has made it possible to stabilise the often fragile cooperation on collective goods. In fact, the thick and complex domestic institutional layers can make it possible for governments and public authorities that have dominant positions in specific sectors to take on agency roles. They become composite actors (Hassler 2015). In much of the literature on transnational cooperation, and International Relations more broadly, states are normally understood as composite actors, bearing in mind that factors internal to the composite actor sometimes need to be considered, depending on what type of question is being interrogated (if, for example, a government consists of a coalition, where decisions on foreign policy need to be negotiated).

However, transnational cooperation on MSP is comparably underdeveloped and typically lacks effective enforcement and compliance mechanisms. This means that when activities such as off-shore wind farms (OWF), ports, resource extraction and tourism have secondary effects on other countries, potential benefits from cooperation may not be realised, even though it may be clear to all involved parties that all could gain from such cooperation, or at least coordination, on domestic management

strategies. An important aspect here is on what level interactions between states take place, direct contacts between government representatives or at lower administrative levels. While government level negotiations are needed for overarching and strategic issues, there are considerable risks of politicisation of these interactions, leading to missed opportunities for mutual benefits from more effective coordination (Hassler 2015). These risks tend to be lower in transnational interactions at administrative levels, because focus here is placed more on how to manage concrete coordination problems than on political considerations such as issue-linkage across sector borders. In fact, concrete coordination efforts at administrative levels are quite often undertaken without direct political steering. Moreover, policy diffusion and institutional learning can take place at concrete public authority levels, sometimes with inclusion of stakeholder participation processes (Jörgens 2005). This said, bridging sector borders may be as cumbersome as in domestic settings, if not even more cumbersome, because of differences in administrative cultures, traditions and language.

Summing up on the collective action component, the main features of importance for the analytical framework are (a) governments and other composite actors with established competence at national and sub-national levels are assumed to be able to take on agency roles and (b) the primary driver of these actors in relation to MSP coordination across sectors and country borders is expected net gains. Since initiatives to actively promote coordination are costly, benefits off-setting these costs must be expected. However, the interactions among these composite actors do not take place in vacuum, but rather in a comparably dense transnational, hierarchical institutional structure comprising hard and soft regulations that provide boundaries for governments and other actors. Although governments and other actors, driven by self-interest, constitute these institutional structures, they also become bound by the same structures. We call the influence exerted in the form of institutional boundaries comprising, for example, treaties, EU Directives and regional agreements, *institution-driven coordination.* The crucial difference between benefit- and institution-driven coordination is that whereas the former departs directly from actor interests, the latter is based on the outcomes of the negotiations among actors in various forums above the state level. It is to the institution-driven coordination we now turn.

4.3 Institutional interaction theory: The foundations of institution-driven coordination

Institutional interaction theory originally emanates from studies in *regime analysis*, where the most common definition of a regime is"… Implicit or explicit principles, norms, rules and decision-making procedures around which actors' expectations converge in a given area of international relations" (Krasner 1983). Although several different definitions can be found in the regime analysis literature, the main distinction is made between *thin* and *thick* regimes, where thin definitions only include formal agreements, while thick perspectives have broader scope and include formal and informal treaties and other agreements, norms, expectations and other factors that might influence cooperation among states at the international level on specific environmental issues areas. Regime analysis is

particularly suitable to combine with collective action theory, because it is built on the same theoretical foundation, that is, situations that can be represented as *mixed motive games* comprising rational and primarily self-interested actors (Keohane 1982).[11]

The first wave of regime analysis was focused on the effectiveness of regimes, but the main interest has more recently shifted towards different forms of interaction between two or more regimes covering different issue-areas, or between regimes and other regulatory instruments at the international level, such as EU Directives, within the same issue-area (Oberthür and Gehring 2006). Interactions between regimes, EU Directives and other institutions at the international level have been mapped, categorised, and elaborated upon (Oberthür and Gehring 2006; Stokke 2001a; 2001b). Most studies in the regime interaction literature have targeted interplay between environmental regimes, where global treaties such as the Climate Convention, the Biodiversity Convention and the Ozone Convention have formed the backbone in the respective regimes.[12] However, so far no global MSP regime has emerged. Although regional regulatory structures in, for example, shipping and some forms of marine resource extraction are nested under global conventions (Young 1996), most forms of institutional interactions in relation to Baltic Sea MSP are located at lower, regional or macro-regional levels:

- Interaction between EU Directives
- Interaction between EU Directives and national MSP strategies
- Interaction between national MSP strategies in different countries

4.4 Interaction between EU Directives

In contrast with observed interplay between international regimes, where synergistic and antagonistic outcomes typically are the result of unforeseen interdependencies, EU Directives tend to be more carefully crafted to fit into the context of other relevant Directives and regulatory structures. The consistency of Directives covering different but interrelated issue-areas can be improved by *ideational* institutional interplay or *policy diffusion*, where the construction of new Directives are influenced by prior experiences from other Directives. One way to improve consistency and coordination is to connect Directives by using the same endpoints, the same overarching goals. For example, *sustainability* (in all three dimensions; ecological, economic and social sustainability) has formed a common, goal-oriented denominator in regulations covering quite different issue-areas. Although the meanings and interpretations of sustainability may differ, a common conceptual goal can create links

[11] Interactions between two or more actors where all (a) can be made better off from mutual cooperation than from mutual defection and (b) all actors can be made better off if they successfully cheat on others. In other words, cooperation can be beneficial for all, but there is also a temptation to free-ride on others' cooperative strategies (Hassler 2015). These types of situations have been popularised in metaphors, or stories, such as the Prisoners' Dilemma (Poundstone 1992), Tragedy of the Commons (Hardin 1968) and Social Traps (Platt 1973).

[12] Formally the *United Nations Framework Convention on Climate Change*, the *Convention on Biological Diversity* and the *Vienna Convention for the Protection of the Ozone Layer*.

between Directives and lead to improved consistency. Moreover, it may facilitate the creation of *bridging* regulatory structures, such as the Maritime Spatial Planning Directive (MSPD) with the shared overarching goal of IMP and sustainability (Hassan et al. 2015). Interestingly, part of the background of the MSPD was that competing Directorate-Generals wanted Directives "of their own", but ended up with a single bridging Directive. However, what impact the creation of such bridging structures may have on political decision-making on nature protection and blue growth is hard to predict and has to be assessed from case to case.

However, a shared overarching objective does not necessarily make balancing of competing political objectives and sector barriers irrelevant. The adoption of EU Directives is typically preceded by complex negotiations, where individual member countries and various factions can be assumed to promote particularistic rather than collective interests. The eventual outcome of these negotiations reflects existing tensions and power relations, both in terms of possible inconsistencies of individual Directives and in terms of how well the Directive has been adapted to existing EU regulatory structures and institutions. In a somewhat similar vein, the preparation of new regulatory structures in the EU can be assumed to suffer from similar sector barriers as in national bureaucracies, where bridges over sector borders tend to be much narrower than what would be preferable from a collective point of view. Thus, interaction between EU Directives and other regulations are not necessarily much different from interactions between environmental treaties, even though their similar forms may give an impression of more consistency than what actually is the case.

4.5 Interaction between EU Directives and domestic MSP strategies

In contrast with the horizontal interplay between EU Directives, interaction between Directives and other EU regulatory structures on the one hand and domestic MSP strategies on the other hand, is hierarchical in nature. Even though the process leading to the final formulation of a Directive typically has important interactive components, where EU members and other stakeholders promote various particularistic interests, the interaction becomes more hierarchical in the transposition process, when the Directive is domesticated into national regulatory and administrative structures. The large differences among EU member states in terms of domestic political and administrative cultures as well as capacity and willingness to swiftly transpose Directives, lead to a high degree of diversity in how and when it is implemented, especially given the goal-oriented nature of EU Directives. Although regional consistency might be preferable from a collective EU perspective, flexibility in how the Directive is transposed is required to facilitate adequate fit into varying domestic contexts.

Although institutional factors and conflicts of interest at the EU level in general, and within the Commission in particular, can influence the impact of Directives, it seems reasonable to assume that domestic factors are most important in relation to the transposition phase of the Directive (König & Luetgert 2009). Factors such as the domestic cost of effectively integrating a Directive with national legislation and level of domestic, political conflict in the regulated area influence how quickly the

transposition is undertaken, and how likely failures to notify on transposition procedures are (König & Luetgert 2009). Moreover, it is arguably realistic to assume that domestic factions consider strategic interests in relation to how the Directive is transposed (so-called *utilitarian interplay*). Depending on expected outcomes from different transposition strategies, how long and cumbersome the transposition is expected to be, distribution of costs and benefits and resonance with national norms on compliance with international obligations, domestic factions may try to stall or speed up the process, to link agreements with conditionality on other issues, or in other ways promote particularistic interests (König & Luetgert 2009; Falkner et al. 2009).

One aspect that can be of importance in relation to transposition of an EU Directive is the existing institutional context where the new Directive is to be introduced (Hassler 2016). This can be especially significant when new types of regulatory frameworks, such as the MSPD, are enacted, and because possible policy alternatives may then be larger than in situations where a Directive replaces an existing regulation of a similar kind. Moreover, the growing demand from the maritime sector on the use of marine resources in combination with ambitions in environmental sectors to more effectively protect threatened species, habitats and ecosystems, create a dynamic environment where new forms of usage such as for OWF, underwater pipelines and resource extraction from sea floors compete with traditional sectors such as shipping and fisheries. The existing policy space thus includes a *timing component*, where the transposition process can be influenced by particular circumstances, mainly in terms of balancing sector needs and requests. Traditional resource users may here benefit from existing institutional infrastructure, whereas newcomers may gain from a stronger momentum in new sectors. However, what can be assumed to matter most in relation to institutional space and timing is how densely regulated the Directive's target area is when the transposition process is initiated. The more open the field is in terms of prior regulatory structures and resource uses, the better the opportunities tend to be for policymakers and proactive stakeholder groups to influence how the Directive is transposed.

4.6 Interaction between domestic MSP strategies

Regulatory initiatives from the EU and regional organisations to better coordinate national MSP strategies and plans have so far only been institutionalised to some extent, and can thus only be expected to have limited impact on the design of domestic MSP strategies. The MSPD (Directive 2014/89/EU; Article 11) stipulates that bordering countries "…shall cooperate with the aim of ensuring that maritime spatial plans are coherent and coordinated across the marine region concerned. Such cooperation shall take into account, in particular, issues of a transnational nature". How coordination is implemented and coherency ensured, is largely up to national authorities to decide, although "...existing regional institutional cooperation structures such as Regional Sea Conventions, networks and/or structures of Member States' competent authorities…" are supposed to be used for these purposes, as are any other bilateral, sub-regional or regional institutional structures that involved

countries find appropriate (Directive 2014/89/EU; Article 11).[13] At the Baltic Sea regional level, the key forum for deliberations on matters related to cross-border and transnational institutional interaction on MSP matters is the HELCOM-VASAB Maritime Spatial Planning Working Group (HW WG). Attempts are here made to provide a forum for discussing interactions between domestic MSP strategies, and to encourage non-binding recommendations of consultations between MSP authorities in neighbouring countries on maritime issues that might have cross-border repercussions (HELCOM-VASAB 2013).

The soft nature of contemporary institutions designed to coordinate domestic MSP policy frameworks at regional and EU levels does not necessarily mean that interactions between the frameworks do not occur, but rather that it is ad hoc-based, primarily driven by concrete cases that require some form of coordination, and typically takes place within sectors. The MSPD and the initiatives of HV WG represent institution-driven attempts to coordinate domestic MSP strategies that have only recently been initiated. The boundaries placed on individual domestic strategies from institutions above the state level are wide, to be able to embrace the present diversity of emerging domestic MSP strategies in the Baltic Sea region. Most of the deeper and more concrete forms of coordination takes place under the tighter institution-driven hierarchical coordination within sectors, on issues where bilateral or sub-regional benefit-driven coordination can provide more momentum towards further integration. In the next section, benefit-driven and institution-driven coordination are brought together in an analytical framework designed to capture the dual nature of regional coordination of domestic MSP strategies, where collective action decision-making arenas co-exist with bilateral and sub-regional initiatives to capture gains from coordination and cooperation.

4.7 Analytical framework – Bringing benefit-driven and institution-driven coordination together

The emerging pattern of national MSP strategies in the Baltic Sea region is undoubtedly complex and influenced by a multitude of governmental and stakeholder interests, as well as by continuously evolving institutional structures at different levels. Typically, these interactions are driven by intentional attempts by various actors to influence outcomes in preferred directions, but unintended institutional interactions that may cause synergistic or antagonistic effects may take place as well (Oberthür & Gehring 2006; Stokke 2001b).

There is a substantial variety of policy instruments that are used, with diverse applicability and scope, varying administrative systems, historical trajectories and path dependencies that all may have important impact on governance outcomes. Because of this complexity, the analytical framework

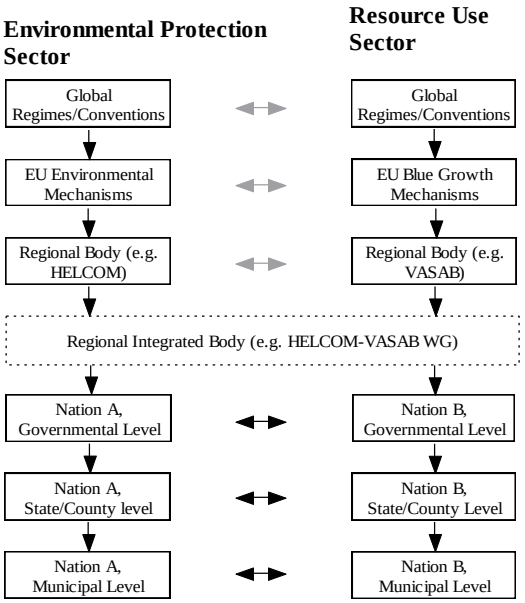
[13] At the global level, the ESPOO Convention (United Nations Economic Commission for Europe (UNECE) Convention on Environmental Impact Assessment in a Transboundary Context) and its Protocol on Strategic Environmental Assessment (SEA), stipulates that consultations should be made early on when major investments that could have impacts on the environment in other countries are being planned.

developed here is deliberately simplified and is only intended to capture key aspects of direct relevance to policy and sector coordination.

Figure 1 gives a schematic portrayal of the most important interactions between key institutions and actors at global, EU, regional, national and sub-national levels in Baltic Sea MSP. Sector-bridging institutions (for example the EU MSPD and the HV WG) have been placed in dotted boxes, indicating that initiatives taken to exert influence downwards may, or may not, pass through these integrated bodies. Although interaction between institutions are always more or less interactive and flowing both from below and upwards and from the top and downwards, this model is intended to capture the static situation at a particular time. Thus, it portrays situations where actors are bound by a particular set of existing treaties, Directives, agreements and other institutional structures that cannot be changed in the short run. In other words, negotiations and other processes that *precede* new institutional structures, which can exert influence both upwards and downwards, are *not* captured in this model. The focus is instead exclusively placed on existing boundaries actors face, which means that influence is assumed to be exerted downwards only within each sector. Unidirectional vertical arrows thus portray hierarchical structures within individual sectors, where policy and regulatory structures at higher levels are assumed to place boundaries for policy spaces at lower levels.

Bi-directional grey arrows indicate institutional interactions between regimes or conventions in different sectors above the state level. Most of these interactions are assumed to be non-intentional, although new institutions may be crafted to avoid apparent antagonistic interactions and, if possible, make use of synergisms. Bi-directional, black arrows indicate possible intentional bilateral or sub-regional coordination at state, county and municipal levels. For simplicity, intentional coordination between authorities in the same sectors in different countries or between different sectors within single countries are not shown in Figure 1, but is portrayed in Figure 2 further down. It should be noted that (a) not all issues formally pass all institutional levels, although informal influence may still be exerted (for example, an EU Directive not passing HELCOM) and (b) compliance mechanisms vary within and between institutional levels.

Figure 1. A schematic portrayal of hierarchical influence from global to local levels, and potential horizontal coordination at national and sub-national levels in Baltic Sea MSP. Grey bi-directional horizontal arrows show possible non-intentional institutional interplay between regulatory structures above the state level, whereas black bi-directional arrows represent intentional coordination at lower levels.



This framework is built on the underlying theoretical foundations of collective action and institutional interaction described above, and comprises three main components.

First, a sector-based hierarchical structure is assumed to be an important feature of governance at all levels (Figure 1 portrays two such sectors). In the regional MSP context, the two sectors of nature protection and natural resource use are of central importance. The assumption of a sector-based structure does not mean that various bridging mechanisms between sectors do not exist or are not important, but rather that the contemporary institutional backbone is built upon specialisation in sectors. The hierarchical structure where regulations at lower levels need to be nested into regulatory structures at higher levels does not always mean that decisions made at higher levels have to be more important. Rather, it means that regulatory structures at higher levels place (hard or soft) boundaries for decisions made at lower levels. Thus, a regional convention is normally formed within the boundaries given by relevant global conventions. Similarly, national legislation provides boundaries for governance and management at county and municipal levels, within which adaptation to contextual factors and conditions can take place.

Policy-making above the state level follows a consensus regime, with EU as the only important, partial exception. The consensus regime means that all states are veto players (Tsebelis 2002), that is, have the power to stop whatever joint decisions that are suggested. However, this universal veto right does not fully capture actual international negotiations, since incentives to agree with a particular proposal can be influenced with the use of, for example, side-payments or issue linkages (Hassler 2015, Hovi & Sprinz 2006; Haas 1980). Obviously, states capacity and ability to use such

mechanisms to influence other states' actions vary depending on power resources and interests. In other words, a proposal that is possible to form consensus around provides a base-line, from which further auxiliary amendments can be negotiated to find a solution that is Pareto superior.[14] Based on the consensus regime, it is suggested as a simplification in this analytical framework that in contrast with domestic policy-making where governing bodies may promote whatever interests they wish within reigning regulatory boundaries, IGOs do typically not have this type of agency. In other words, policies and other agreements made in international organisations represent outcomes from negotiations among the member states that have been possible to form consensus on. Only very rarely do these outcomes equal the position of any single member state. Thus, the influence exerted by international organisations cannot be assumed to follow the simple postulation of maximisation of actor interests. This type of influence is in this framework labelled *institution-driven* to emphasise the importance of the consensus regime above the state level, that whatever polices adopted reflect negotiation outcomes among member states, rather than any state's ideal position (grey bi-directional arrows in Figure 1).

Second, it is assumed that the states are the most important actors in national as well as in transnational regional MSP, although the EU and domestic authorities at lower levels can play important roles as well, depending on domestic structures and whether it concerns territorial waters or EEZs (van Tatenhove 2017). Although various private and civil society stakeholders may influence public policies in myriad ways, public authorities (including IGOs; International Governmental Organisations) are assumed to channel these influences into decision-making on MSP matters at different levels. This implies that there is a division in terms of agency, separating domestic and transnational policy-making. In line with the elaboration on composite actors in the section on theory above, competent authorities at state, county and local levels can adopt agency roles (Hassler 2015). Thus, they can formulate policies, given the regulatory boundaries provided by decision-making at higher levels, and enter agreements with other counterparts in other countries (black bi-directional arrows in the lower part of Figure 1).

Governments and domestic authorities at lower levels are assumed to be able to adopt agency and search for mutually beneficial bilateral or sub-regional agreements, that is, to embark upon benefit-driven coordination, as portrayed by black bi-directional arrows in Figure 1 (Hassler 2010). The adoption of agency is a crucial difference between benefit-driven and institution-driven coordination. In a similarity with in hierarchical structures, where regulations at higher levels place boundaries on what policies that can be adopted, but do not prescribe those in detail, existing agreements and legislation place boundaries, but do not prescribe in detail, what states and sub-state authorities can do in terms of bridging domestic and transnational sector borders. This means that considerable manoeuvring room typically is given for domestic policy formulation such as elaboration of national

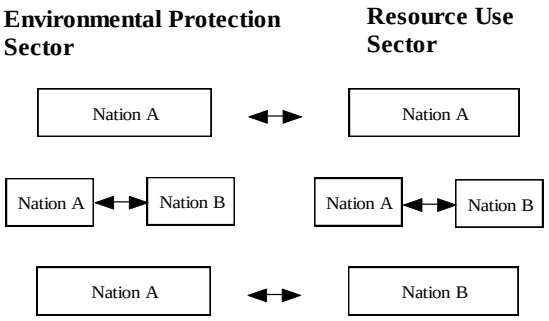
[14] Pareto superiority: A proposal that makes at least one actor better off, without making anyone worse off.

MSP strategies. In fact, an argument can be made that the broader the scope of regulatory structures at higher levels are, the more room will be given for adaptation to lower level contexts.

It is assumed in this analytical framework that authorities with adequate competency at national, county and local levels will engage in bridging of sector borders domestically as well as transnationally (with the same or different sectors in other countries) if they find this useful and have the necessary capacity. Granted, authorities may be pressured into various schemes to improve sector coordination by polices adopted at higher levels. However, if the authorities do not expect benefits from these schemes to outweigh costs (spending time and money on establishing new structures, as well as overcoming organisational inertia), it is not likely that that they will be successful, at least not without considerable institution-driven pressures. In line with collective action theory, a *demand for cooperation* (Victor 2006) is needed to unleash benefit-driven coordination, independently of the level the coordination concerns.

Benefit-driven coordination can be expected to be more likely to emerge, the higher net benefits authorities expect from coordination. For example, it is likely that domestic coordination will emerge between only two or a small number of sectors that are engaged in similar types of issue-areas.[15] Moreover, due to path dependency (Hassler et al. 2013), a history of bridging sector borders is likely to facilitate further coordination. Transnational coordination can be assumed to first emerge within the same sectors between neighbouring countries that are not too dissimilar, with a possible potential to develop into transnational coordination of different sectors. Figure 2 shows a simplified portrayal of three possible forms of benefit-driven coordination across sector borders: Between different sectors within a single state, between the same sectors in two states and between different sectors in two states. All three forms of coordination can take place at state, county and municipal levels.

Figure 2. Three forms of benefit-driven coordination: Between different sectors within a single state, between the same sectors in two states and between different sectors in two states. All three forms of coordination can take place at state, county and municipal levels, as well as sometimes diagonally across levels (not shown).



[15] North Sea Grid might be an example of such a coordination effort, although in similarity with most other transnational investment projects, implementation tends to be difficult when expected net benefits are unevenly distributed (Hassler 2016; NORTHSEAGRID (2015).

Coordination between different sectors in the same country (top row in Figure 2), can be complicated, notwithstanding geographical proximity, common language, administrative traditions and similar factors. In some countries, institution-driven initiatives have been embarked upon to establish more or less permanent sector-bridging regulatory or advisory frameworks (not shown in Figure 2), for example in regard to OWF and resource extraction at the national level and between neighbouring municipalities in Sweden. However, there are so far few examples where these initiatives have led to comprehensive integration over sector borders. In fact, it can be argued that despite these attempts, benefit-driven coordination does often more aptly describe actual processes, also in countries where integrated MSP frameworks have been developed, at least in the initial phases taking place today.

Coordination between the same sectors in different countries (second row in Figure 2) may not always be more complicated and less likely to emerge, compared with domestic coordination over sector borders. The crucial factors here are how different national contexts are in comparison with differences within states, and prior experience from transnational coordination. The most complicated type of coordination is the one aimed to improve coordination between different sectors in two or more countries (the type of benefit-driven coordination portrayed in Figure 1 above, and here shown at the bottom line in Figure 2). Sector borders as well as national policies and administrative differences then need to be bridged in order to improve coordination.[16]

The analytical framework outlined in this section has been designed to address the duality of emerging MSP institutions and strategies in the Baltic Sea region, where the key components comprise an institution-driven hierarchical axis and a horizontal benefit-driven coordination axis. As all such frameworks it is a simplification compared with reality, where actual processes may comprise elements from both axes. When bringing the two axes together into a joint framework, is should be noted that the primary aim is improved coordination in both. What differs is mainly the type of coordination sought, whether it is system-wide and requires consensus, or if it targets specific benefits from concrete problem-solving between two or a few actors.

An argument is made here that from an over-all efficiency point of view, *these two forms of coordination are most fruitfully seen as complementary*. Conflicts between them can emerge when, for example, benefits from a concrete type of activity are not in line with over-all coordination efforts. But it is possible that an emerging regime may contribute to harmonisation of the two types of coordination, that is, to refine overarching coordination strategies at the regional level, while at the same time allow benefit-driven initiatives at lower levels, or even stimulate them, as long as they do not violate existing regulatory boundaries. In fact, it could be argued from an efficiency point of view that one of the most important qualities of institution-driven MSP regulations and guidelines is to

[16] In fact, a fourth, and even more challenging, type of interactions (not shown in Figure 2) takes place when competence is placed at different administrative levels (diagonal interaction), involving different sectors in two countries. This type of situation is exemplified in Example 3 below, on interactions between Sweden and Denmark.

facilitate local benefit-driven coordination within agreed boundaries, since mutual benefits in these cases is what drives the process.

The analytical framework will in the following sections be used as a vehicle to interrogate five selected examples of importance in contemporary Baltic Sea Marine Spatial Planning. These examples have been extracted from targeted case studies undertaken in BONUS BALTSPACE on MSP practices and integration challenges in Latvia, Lithuania, Poland, Germany, Denmark and Sweden together with a special case study on the HELCOM-VASAB Marine Spatial Planning Working Group (HV WG). The selected examples have been found to influence regional MSP coordination and integration in concrete ways, but are also likely to have a broader relevance throughout the region, and possibly for other regions as well. The five extracted examples that will be addressed are:

1) *Regional coordination without binding rules: Consensus and Institution-driven coordination in the sector-bridging and transnational HELCOM-VASAB MSP Working Group.*
2) *Diverging MSP policies in two neighbouring countries under the shadow of Institution-driven coordination: The case of domestic MSP frameworks in Lithuania and Latvia.*
3) *The challenge of transnational benefit-driven coordination at national and sub-national levels between neighbouring countries with diverging domestic MSP frameworks (Sweden and Denmark).*
4) *Domestic sector alignment in complex settings under the pressure of institution-driven coordination: Polish fishers and the issue of (in)equality among sectors and stakeholders.*
5) *Cross-border MSP framework alignment in federal Germany: The role of stakeholder consultations across borders.*

5. Five examples of regional MSP practices

5.1 Regional coordination without binding rules: Consensus and Institution-driven coordination in the sector-bridging and transnational HELCOM-VASAB MSP Working Group.[17]

Introduction

A new regime on Marine Spatial Planning may be in the making in the Baltic Sea region, although so far only in rudimentary form. In this example, the aspect of transnational coordination is placed in focus, zooming in on the work of HELCOM-VASAB MSP Working Group (HV WG) in general, and how it has addressed the challenge of coordinating the Ecosystem Approach (EA) with MSP and blue growth in particular. In contrast with almost all other regimes described in the literature that target a specific issue area (for example the Climate, Ozone layer or Transboundary air pollution), the aim is here to re-align environmental protection in general with a spatial planning framework that encompasses a number of different sectors. The main objective in this example is to briefly elaborate on challenges to the emerging MSP regime providing boundaries for MSP at national and sub-national levels, that is, to exert institution-driven influence to improve regional coordination.

A Baltic Sea MSP regime in making?

This type of coordination – sector coordination in transnational settings (third form in Figure 2) – is arguably the most challenging one. The aim can be said to be to establish a *thick* regime, along the lines originally defined by Stephen Krasner (1983), which comprise"… Implicit or explicit principles, norms, rules and decision-making procedures around which actors' expectations converge in a given area of international relations". However, the regime envisioned here is wider than in Krasner's approach, as it covers broad sustainability objectives, and is not limited to "…a given area of international relations".

Formal rules such as treaties, EU Directives or other official agreements form the backbone in most regimes. In this case, several different regulatory instruments are of relevance, although there is yet no formal and binding regulation that comprehensively addresses how to coordinate EA and MSP in the Baltic Sea region.[18] The Espoo Convention states that national Environmental Impact Assessments (EIAs) have to include a transnational component when it is likely that undertaken projects will have effects upon other countries. These other countries should then be informed beforehand, although exactly how this should be done is not stipulated in detail in the treaty. In 2010, the Kyiv Protocol entered into force, stating that Strategic Environmental Assessments (SEAs) have to be made when

[17] This section builds heavily on Luttmann & Janßen (2016).

[18] The recent EU Directive on Maritime Spatial Planning (2014/89/EU) states an ecosystem based approach shall be adopted, based on Article 8 in Directive 2008/56/EC (the Marine Strategy Framework Directive), but how this more precisely is left to the individual member states. Thus, an agreement among the Baltic Sea States on how to coordinate national strategies still has to be found.

other member states are likely to be affected (Directive 2001/42/EC). SEAs address broader and strategic programmes compared with EIAs and are thus of high relevance for MSP, especially since potentially affected countries have a right to be informed at early stages of the development of new programmes. However, a weakness of the treaty from the perspective of MSP and EA coordination, is that it only addresses environmental and health effects, not broader sustainability objectives covering environmental as well as socioeconomic objectives.[19]

In addition to the Espoo Convention, the EU Maritime Spatial Planning Directive (MSPD 2014/89/EU), the EU Marine Strategy Framework Directive (MSFD 2008/56/EC), and to some extent the Water Framework Directive (WFD 2000/60/EC) are of relevance when defining a potential MSP regime in the Baltic Sea region. However, the latter two specifically address environmental requirements and ecological targets. In contrast, MSPD sets the endpoint as sustainable resource use, but without concrete targets (except that all member states should have national MSPs established no later than 2021). In addition to these binding regulations, the Baltic Sea Action Plan (BSAP), coordinated by HELCOM, influence joint efforts to improve the Baltic Sea environment, and can thus be seen as part of the MSP regime, even though it is not binding and enforceable in the same way as EU Directives are (Hassler 2016). However, in similarity with the MSFD and WFD, BSAP addresses different marine environmental problems, with concrete ecological targets to be reached no later than 2020, rather than the broad sustainability objectives envisioned in the MSPD (BSAP 2007). The EU macro-regional Strategy for the Baltic Sea Region and the VASAB Long Term Perspective (endorsed at the 7th Ministerial Conference in 2009) feed into the possibly emerging Baltic Sea MSP regime by providing planning and blue growth perspectives.

HV WG – A regional and cross-sectoral MSP mechanism

Turning now to the softer parts of the emerging MSP regime in the Baltic Sea region, the HELCOM-VASAB MSP Working Group (HV WG) was established in 2010 to bring environmental protection (HELCOM) and planning (VASAB) closer together. HELCOM was established in 1974 and entered into this process with a long-standing reputation of environmental expertise combined with an explicit objective to improve the ecological status of the Baltic Sea, while VASAB was formed twenty years later, with a broad objective to improve inter-governmental cooperation on regional spatial planning. It was clearly established from the on-set that HV WG had no mandate to make binding decisions, but was rather intended as a transnational and trans-sector forum on MSP, with the primary aim to share experiences and increase mutual understandings. However, in addition to provide input into the discussions, it was also stated that the delegates were supposed to bring home experiences from HV WG deliberations to support implementation at national and sub-national levels. The HV WG is made

[19] Interestingly, the SEA Directive has in the UK been broadened into *Sustainability Appraisals* to be carried out in the preparation of local plans. Thus, the Sustainability Appraisals extends the SEA to include also social and economic dimensions.

up of representatives from national ministries and agencies, invited experts, representatives from the EU administration and the VASAB and HELCOM secretariats. HELCOM observers may participate, but have so far showed a limited interest. On average 20-25 persons have attended the meetings. To underline the equal standing of both sectors, the chairmanship is shared between HELCOM and VASAB representatives.

The main ambition with setting up HV WG was to improve regional transnational coordination and coordination between MSP-relevant sectors, in a situation where these interactions previously had been limited. Thus, this process has primarily been characterised by institution-driven coordination, although the collective deliberations sometimes have led to benefit-driven initiatives between countries taken at bilateral or sub-regional levels. A first, rather general observation based on interviews, direct observations, meeting protocols and other documentation is that the two dimensions of transnational and sector (environmental and planning) interactions have different character. Although both dimensions comprise practical coordination challenges as well as political balancing of competing interests, transnational barriers seem to have been easier to address, compared with sector divides. A partial explanation for this may be that whereas transnational MSP coordination so far has been limited to the Espoo Convention obligations to inform others about undertakings that may affect them and to ad hoc-based coordination when needs arise, competing claims between environmental and resource use sectors tend to cut into different views and priorities between those involved in environmental protection, and those working with resource use issues.[20]

The attempts in MSPD to use Sustainable Development as a shared goal of both environmental protection, as outlined in, for example MSFD and WFD, and economic growth, as portrayed in, for example, the EU Blue Growth Strategy, is ingenious as it creates a "fuzzy focal point" for finding agreements. However, when the fuzziness is removed and it has to be teased out how to balance conflicting objectives, the shared goal of Sustainable Development may not be very helpful. Although participants in HV WG that have been interviewed say that tensions between the two groups have eased over time, this does not necessarily mean that underlying structural conflicts between nature protection and resource use have decreased. Alternatively, it may reflect that participants have gotten better acquainted with each other and have developed a deeper understanding of others' views or that discussions have been diverted towards less political issues, such as coordination of data collection. Whether the alleged eased tensions at the meetings will influence MSP discourses and practices at domestic scenes remains to be seen.

[20] Sometimes, nature protection mechanisms such as MPA designation sometimes are labelled "resource use issues". However, although this may facilitate making typologies, it does not remove potential competition between resource use and nature protection.

HV WG and the Ecosystem Approach in MSP

Quite soon after the setting up of HV WG, it became clear among the participants that adoption of the EA in MSP was imperative. Almost all relevant EU Directives, treaties, action plans and strategies emphasise the importance of putting EA into practice, which creates considerable institution-based pressure on the Baltic Sea states to speed up domestic implementation, and HV WG to provide support from a regional perspective. The task to co-author a guideline document on how EA can be used as a foundation for MSP in the Baltic Sea region proved to be a substantial challenge. Previous sectoral positions had to be softened in order to find an agreement, and some members of the group described the final document as watered down and not sufficiently precise.[21]

There are at least two aspects, possibly inherent contradictions, which make the creation of a regional MSP-regime based on EA particularly challenging. First, it can be argued that in principle, physical planning and nature protection build on different logics. Planning, whether strategic or *ad hoc*, is based on the logic of balancing, where competing interests have to, and can be, negotiated. Different interests may be in fierce competition, but the underlying assumption is that competing interests, in principle, can be decided between. Sometimes, competing resource uses are incompatible, but different allocation strategies can typically be used to provide at least some space for each use. The logic in protection of ecosystems is different, at least according to most sector representatives, because ecosystems, fish populations and habitats provide boundary conditions, rather than represent scalable interests. For example, the identification of tipping points, or thresholds, where it is no longer possible to roll back changes are very difficult to locate beforehand. This allegedly implies that ecosystems must be viewed as restrictions that cannot be transgressed. This is why HELCOM has insisted that the EA is not an approach to manage ecosystems, but an approach to manage socio-economic activities *within* ecosystems.

Second, and partly related to the diverging logics alluded to above, there is a difference in scope between EA and MSP. This difference may be subtle, but still of considerable interest. Arguably, there is strong and elaborate institution-based pressure on the Baltic Sea countries to promote MSP coordination on a Baltic Sea regional basis. This pressure is exercised by, for example, the EU Integrated Maritime Policy, the Cohesion Policy, Directives, the regional and thematic approaches in the Council of the Baltic Sea States and VASAB and various EU-funded transnational projects on MSP (VASAB 2010). However, it is not given that sectoral activities throughout the region are interconnected into a system, in similar ways as ecosystems can be said to be. Rather, sectoral activities taking place somewhere in the Baltic Sea region may result in repercussions further away, while other activities may have only local implications. Thus, despite considerable interdependencies, the "MSP system" has to be *constructed,* and views on how benefits from further integration ought to

[21] *Guideline for the implementation of ecosystem-based approach in Maritime Spatial Planning (MSP) in the Baltic Sea area.* Adopted by the 72nd meeting of VASAB CSPD/BSR on 8 June 2016 and approved by HELCOM HOD 50-2016 on 15-16 June 2016.

be balanced with domestic traditions, contexts and priorities clearly diverge among governments and stakeholders. A common view at national and sub-national levels is that the main interest in regional MSP coordination should be placed on situations where resource uses are clearly incompatible and where there are tangible benefits from active planning across borders. In other cases, because further coordination typically involves benefits as well as costs, a liberal regime along the lines of the MSPD is preferable where states are free to design their MSP frameworks as they please and in tune with domestic considerations, as long as they follow valid international agreements and do not interfere (too much) with other states' interests. In other words, a pressure to increase transnational regional coordination on MSP co-exists with national cost-benefits perspectives and a certain degree of *ad hoc*-based decision-making, where concrete coordination needs are addressed as they unfold.

In contrast, the holistic perspective intrinsic to EA and the interconnectedness of regional ecological and social systems imply that *ad hoc* approaches are not viable. Instead, a regional systemic perspective has to be adopted to ensure that measures undertaken in one place do not create negative repercussions in other areas. Thus, ways need to be found where the vision of a possibly more loosely coordinated MSP perspective can co-exist with an integrated and systemic EA perspective. Moreover, coordinated data collection may need to be further stimulated, and interactions between ecological and social systems within EA probably have to be mapped in more detail.

Conclusions

A MSP regime may be in making in the Baltic Sea region, but how to tie traditional physical planning and EA perspectives together represents a substantial challenge. Connecting them conceptually with a Sustainable Development link may facilitate political agreement, but does not really address the underlying difficulties in making the two inherently different perspectives fit together. It does not seem likely that MSP and EA perspectives will become tightly integrated in the near future, but the concrete steps to implement EA in the MSP process described in the HELCOM/VASAB Guidelines may prove valuable in terms of fostering further discussions on how to bridge balancing and boundary logics. However, because of the inherent uncertainties related to ecosystem functioning, the effects of various forms of pollution and resource use, as well as the difficulties in anticipating future economic incentives in areas such as OWF, fisheries, fishing, aquaculture and tourism, precaution and adaptive capacity are likely to play crucial roles in future governance.

5.2 Diverging MSP policies in two neighbouring countries under the shadow of Institution-driven coordination: The case of domestic MSP frameworks in Lithuania and Latvia[22]

Introduction

In this example, it is shown that despite relatively similar situations and almost identical institution-based pressures from supra-state levels on coordination of transnational activities and effects, neighbouring countries may adopt quite different domestic MSP strategies. It is shown that whereas Lithuania in most respects has relied on extending existing terrestrial planning policies and regulations into marine areas, Latvia chose to create a new policy framework built on EU Directives and regional frameworks. Thus, whereas institution-driven pressures can have substantial influence on national policies, the boundaries placed on countries are loose enough to allow quite different paths towards marine spatial planning, depending on factors such as path dependency, timing, administrative traditions, stakeholder pressures and windows of opportunities. However, it should be noted that in similarity with the other Baltic Sea countries, Lithuania and Latvia have only recently begun to establish domestic MSP frameworks. It is possible that pressures may build up in favour of closer coordination when policies are turned into concrete implementation.

Differences and similarities in MSP baselines

Despite the seeming similarities between Lithuania and Latvia as two rather small, neighbouring Baltic Sea countries with a shared recent history of being occupied by the Soviet Union, there are important differences in terms of, for example, socioeconomic structures and administrative traditions that may provide part of the explanation, or rationale, why they adopted such different approaches to MSP. Moreover, the competition between resource use interests seems to have been more intense in Lithuania than in Latvia. Localisation of OWF was an important issue during the elaboration of the MSP strategy in Lithuania, as were aspects related to the planned Klaipeda deep sea port. While ultimately traditional fisheries were included in the MSP framework, they were excluded from the maps guiding concrete planning efforts, which could make this sector less visible in future planning. In Latvia, competition between resource users and designation of protected areas have been comparably limited, although exploration of hydrocarbons in the still unsettled marine border areas between the countries has become politicised and creates some friction in bilateral consultations. However, in most cases, adequate sea areas have been made available for prioritised uses such as state security, shipping and nature protection without much conflict between stakeholders.

It is possible that these differences in the "resource use base line" of Lithuania and Latvia have influenced their respective elaborations of MSP approaches. The Lithuanian approach seems to have been mainly driven by sector interests and the need to find authoritative and clear balances between

[22] This example builds on Blažauskas et al. (2016).

different resource uses. In contrast, Latvian political and administrative authorities, as well as stakeholder with generalised interests such as environmental NGOs, were given a window of opportunity to steer the development of the domestic MSP framework, as stakeholder pressures seem to have been less intense than in Lithuania.

In Lithuania, the Ministry of Environment (Division of spatial planning) was given the main responsibility for developing a national framework for MSP, whereas the practical work was carried out by a consortium headed by Klaipeda University. To increase sector integration an inter-ministerial group led by the Ministry of Environment was established in accordance with existing spatial planning procedures. In 2015, the parliament accepted the extension of the existing Comprehensive Terrestrial Plan to include marine areas. In similar ways as in the terrestrial plan, functional zoning was used as the main planning instrument and seven types of functional zones with dedicated primary and secondary priorities were defined.

In Latvia, the MSP strategy unfolded in quite a different way. MSP had been introduced as a policy concept in the legislation earlier (the Spatial Development Planning Law; 2011), and could now be used for targeted MSP purposes. Compared with in Lithuania, a much broader MSP coordination group was brought together, not only covering central political and administrative authorities, but also representatives from regional and local levels as well as sector stakeholders. In similarity with in Lithuania, a consortium was assigned the actual drafting of the MSP framework, but rather than a University Department as in Lithuania, an environmental NGO (BEF; Baltic Environmental Forum) headed the Latvian consortium.

Elaboration of domestic MSP policy packages

Although Lithuania and Latvia share almost identical institution-driven coordination pressures, the role of key EU Directives (WFD, MSFD and MSPD) have been different in the elaboration of national policy packages (the bundle of policy documents, strategies, roadmaps and similar that together form the national approach to MSP). Although relevant EU Directives, the BSAP, the HELCOM-VASAB process and other relevant regulatory and strategic sources are referred to in the Lithuanian MSP policy package, much of the initial work in MSP was carried out rather soon after the MSFD was taken and before the MSPD was agreed upon. Therefore, the impact of these Directives on the Lithuanian MSP approach was rather limited compared with in Latvia. This impression was further corroborated in interviews with representatives of the Ministry of Environment and the Ministry of Energy. Furthermore, it seems to have been the case that the limited impact these Directives had on the Lithuanian MSP approach in this initial phase, together with the urgency of planning for OWF, resulted in a balancing more towards blue growth than nature protection and elaboration of a consistent EA approach, at least in the initial elaboration of the Lithuanian MSP policy package.

In contrast to Lithuania, Latvia had already set the stage for a more direct regulation of MSP in the 2011 Spatial Development Planning Law and therefore had better opportunities in 2014 and onwards to not only integrate the MSFD and the MSPD more directly into the domestic MSP, but to take these Directives, together with various EU strategic documents and VASAB perspectives, as starting point for the elaboration of a Latvian MSP policy package. According to informants in Ministries as well as in NGOs (BEF), municipalities (Liepaja) and expert authorities (Latvian Institute of Aquatic Ecology), especially the MSFD and MSPD provided a foundation for the further elaboration of a consistent MSP policy package. In other words, while the Lithuanian MSP policy package was built around traditional functional zoning approaches, the Latvian MSP package is more tightly based on the logic of EA, as elaborated in more recent policy documents and assessments of ecosystem services. Moreover, while the Lithuanian functional zoning approach is closely related to the EU IMP (Integrated Maritime Policy) where competing resource uses, including nature protection, within zones are to be balanced against each other based on established priority principles, the Latvian approach places ecosystem features as boundaries for blue growth activities. However, to what extent these varying perspectives will lead to concrete differences in the implementation of the respective MSP strategies is too early to tell.

Stakeholder consultation designs

In connection to dissimilarities between the Lithuanian functional zoning approach and the Latvian EA, there are some subtle differences between their respective MSP policy packages on how, if and when stakeholders are invited to participate in political decision-making. The way stakeholders are assumed to be included in participatory processes is important from a policy integration perspective, because it may reflect underlying perspectives on how different interests and priorities are balanced.

Lithuanian stakeholder participation regarding MSP can be characterised as *centralised, unidirectional* and occurring *late* in the process. In accordance with relevant laws on territorial planning and EIA, the planning process was publicly announced and meetings were held with representatives of relevant ministries and the MSP planning group (plan developers and the Ministry of Environment). In a second, and most likely more formative, round, face-to-face meetings, round-tables and workshops with identified key stakeholders such as the Port of Klaipeda, the navy, and the Maritime Safety Administration were organised on specific coordination aspects. In addition, contacts were made with representatives of the OWF sector and marine protected areas. Most of these meetings were not part of the official Lithuanian MSP process, but were organised by the EU-funded project PartiSeaPate.

According to Lithuanian law, there are no formal requirements to involve regional and local authorities in the planning process, apart from the public hearings. The impressions based on interviews with representatives of authorities at regional and local levels is that the few meetings they attended were not really part of a participatory process, but rather a way to get some information on

what was planned, or already decided, at higher levels. This is also in line with other earlier observations of the Lithuanian MSP process so far (see Blazauskas et al. 2014; Palibaityte 2011).

The Latvian policy on stakeholder participation was designed in quite a different way compared with in Lithuania, and can be characterised as *less centralised, more interactive* and taking place *throughout* the process of formulating a national MSP strategy. A large set of potential stakeholders was established, comprising public authorities at national, regional and local levels, as well as businesses and various organisations. The Latvian participation strategy was organised around three rounds of cross-sectoral regional meetings. The first meeting took place rather early in the process, focusing on preliminary reports from early stock takings and the MSP process as such. Before the second round, four MSP strategy scenarios had been developed, which were discussed in a second round of regional workshops. Finally, public hearings on the draft MSP and SEA were organised in a third round of stakeholder consultations.

In parallel, and similarly with in Lithuania, a large number of consultations were made with selected stakeholders representing key sectoral interests. According to informants from BEF, municipalities participated much more actively in Latvia compared with in Lithuania, discussing issues such as tourism, recreation, local fisheries and ports. Possibly, the municipal right to plan resource use in waters within 2 km from land increase incentives to participate, as do the local responsibility of coastal fisheries management. However, it should also be noted that not all municipalities felt a need to engage in MSP processes, even though they might attend meetings to stay informed. This raises the issue whether local engagement has intrinsic values and ought to be stimulated, or rather should be seen as an opportunity, but not a requirement.

It can be noted that the differences in MSP stakeholder participation design between the two countries may lead to challenges in relation to trans-boundary planning at local levels close to the country border. The local formal planning competence in Latvia is not matched with similar competencies in Lithuania, which means that coordination between authorities at municipal levels on, for example, costal fisheries, tourism and development, is complex. Because political decision-making is more centralised in Lithuania than in Latvia, local authorities in Latvia will have to interact with authorities at the state level in Lithuania, which can result in imbalances in terms of influence over outcomes.

Conclusions

Summing up on this example, it is clear that Lithuania and Latvia have adopted quite different national MSP strategies. The causes behind these differences are difficult to assess in detail, but some contributing factors seem to have been (a) when the national MSP was formulated (before or after the MSPD, before or after neighbouring countries), (b) by whom (dominating ministry as well as consortium drafting the MSP policy package), in what institutional context (leaning towards previous domestic regulatory structures or towards EU and regional influences), how participatory processes

were designed and executed and to what extent regional and local levels (authorities and private stakeholders) were actively encouraged to participate in the formulation of national MSP strategies. It can be argued that diversity in domestic MSP strategies is not a problem, as long as institutional boundaries above the state-level are not violated. The relatively broad institutional boundaries allow contextualisation to varying national conditions, socioeconomic structures and traditions. In fact, such a diversity might have an intrinsic value, providing a testing ground for different approaches and giving possibilities to share experiences between countries. However, when MSP strategies differ in profound ways between neighbouring countries, particularly complex coordination problems such as coordination over sector and country borders, between authorities at different administrative levels and issues that have been politicised such as the unresolved marine border issue between Lithuania and Latvia, can be difficult to cope with. In the next example, the issue of diverging MSP frameworks between neighbouring countries is discussed in more detail, in this case between Sweden and Denmark.

5.3 The challenge of transnational benefit-driven coordination at national and sub-national levels between neighbouring countries with diverging domestic MSP frameworks (Sweden and Denmark)[23]

Introduction

This example problematises issues related to bilateral benefit-driven coordination under seemingly benign conditions such as a long history of prior bilateral collaboration on various issues, relatively similar governance models compared with the diversity among the Baltic Sea countries at large and a demand for transnational cooperation in terms of potential mutual gains. Despite these seemingly benign conditions, it has so far been hard to decrease foregone coordination benefits. For example, it can be argued that the roles of regional policy-makers in strategic, cross-boundary MSP and sector management have not yet been clearly established. This example interrogates factors that make bilateral MSP coordination problematic, but also factors that may indicate openings making use of institutional and social capital at lower levels.

Improved sector coordination not only within but also between the two countries, would most likely lead to a more comprehensive planning perspective, and provide a more solid foundation for sustainable development and management of marine areas. At the surface, Denmark and Sweden provide an exemplary case of a favourable place for improved cross-border MSP coordination. In contrast with the Lithuania/Latvia case above, cooperation between Denmark and Sweden has a long history. The close and diverse civil society interactions between the countries at local and regional levels and the intense and multifaceted socioeconomic activities taking place in the Sound (Öresund/Øresund) region ought to imply joint strategic planning of adjoining sea territories. Moreover, previous collaboration could have been thought to have facilitated everyday practices to manage conflicts in resource use, increase coordination in, for example, strategic planning for OWF and to ensure adequate protection of the environment. However, things have not turned out quite in this way, at least not yet.

Potential for benefit-driven coordination

Although too early to tell, because especially in Denmark, MSP policies have not yet found clear forms, it is likely that the expected closer coordination will imply challenges. There are significant differences in public administration structures between the two countries of relevance to national MSP strategies, such as distribution of responsibility between central, regional and local authorities as well as between ministries and sector authorities at the national level, seemingly diverging prioritisation placed on nature protection and promotion of blue growth and with regard to EA approaches as well as on diverging views on how and when stakeholder participation ought to be promoted. Moreover,

[23] This section heavily builds on a case study on MSP in Öresund – the Sound – undertaken within the BONUS BALTSPACE project. See Morf and Strand (2016).

recent re-organisations and re-allocation of mandates, especially in Denmark, have made transnational coordination even more complex and challenging.

This example indicates that despite overall favourable conditions for multilevel, transnational collaboration, potential benefits may be hard to realise, especially when institution- and benefit-based coordination efforts do not sit well together. In terms of institution-driven coordination above the national level, these two neighbouring countries with just a few kilometres between them across the Sound, have almost identical commitments in relation to relevant global treaties, the EU, HELCOM, VASAB and the HV WG. This means that even though the economies are somewhat different in terms of dominant sectors and how key EU Directives have been transposed into domestic jurisdictions, opportunities for benefit-driven MSP coordination are favourable, mainly because regional Baltic Sea organisations and cooperative networks provide a multitude of forums and opportunities to coordinate regional, sub-regional and bilateral strategies (Hassler 2016).

The potential for bilateral benefit-driven coordination at national and sub-national levels is comparably high as well. There are substantial potential benefits from coordinating existing and projected shipping flows with especially OWF, fisheries and nature protection. Furthermore, joint strategic planning on electric grid infrastructures in the Sound would most likely be valuable, especially considering the growing demand for OWF. Sand excavation from sea floors is of especial importance to Denmark and of increasing interest for coastal protection in Sweden as well (related to climate change and shoreline protection), while coordination of tourism investments potentially could lead to shared socioeconomic benefits on both sides of the sound at the same time as efficient resource use is promoted. From a procedural and institutional perspective, collaboration on how to develop stakeholder participation could most likely be rewarding in terms of mutual learning, building on prior experiences and the comparably dense civil society networks in both countries.

However, despite similar institution-driven contexts on supranational level and potential benefits from coordination, bilateral coordination has so far been surprisingly limited, also considering the fact that Denmark began elaborating its domestic MSP strategy quite recently. Discussions between representatives from authorities, collaboration initiated and coordinated in form of transnational MSP projects such as BaltSeaPlan and Baltic Scope, participation in forums such as HV WG, and development of national MSP strategies have been initiated. However, efficient strategies to bridge sector borders within and between the two countries and how to establish robust structures for coordination are challenges that have yet to be resolved.

Differences in political and administrative structures

One of the most concrete, and probably most important, explanations for the limited transnational coordination in Denmark and Sweden both within and between sectors of relevance to MSP is related to the dissimilar political and administrative structures in the two countries. Most ministries in Sweden are comparably small, while national administrative authorities like the Swedish

Environmental Protection Agency and the Swedish Agency for Marine and Water Management are large. Since ministers are not allowed to influence individual development proposals or other initiatives, the major role of Swedish ministries (and the government) is to design overarching institutional and policy structures, while the sector authorities are responsible for implementation. Needless to say, this gives central authorities in Sweden substantial influence over how politically derived MSP strategies are translated into requirements, advice and expectations in relation to authorities at lower levels.

However, in contrast with most other countries, Swedish municipalities are strong actors and play a crucial role in how competing resource uses are handled at the local level. Because of their taxation rights, municipalities control substantial amounts of resources and in combination with their monopoly on local planning (overlapping with 11 NM with national planning responsibility), they can become actors with direct interests in how MSP plays out in territorial waters. Included here is, that MSP jurisdictions overlap between state and municipalities, which is expected to create coordination and boundary problems. This is a complex issue that is addressed in the on-going national MSP process, and might find its final resolution only in one or two environmental court decisions in relation to specific conflicts once both national and municipal plans have been adopted. In-between the national and municipal levels, the governmental County Administrative Boards (CABs) both monitor and support municipalities in MSP-related matters, while the directly elected County Councils have no formal role in MSP but still become increasingly active in promoting regional economic growth initiatives. Thus, the Swedish MSP interface towards neighbouring countries is both complex and multifaceted, which tends to make transnational coordination complicated.

In Denmark, the situation is quite different, although new regulations for comprehensive MSP have been adopted in 2016.[24] The strategic and operational sector planning appears to become more centralised than in Sweden, with the main political responsibility placed with the Ministry of Commerce and the national implementation with the Danish Maritime Authority (DMA). Legal instruments with bearing on MSP have now been established, but procedures for stakeholder and public participation are still under development. Because of the difference in balance between the Ministry and national authorities compared with Sweden, the political control is tighter and the Ministry is more directly involved. Among other things, this seems to lead to a higher degree of flexibility for taking action in individual cases. This flexibility might be strengthened even further by the fact that municipalities in Denmark do not have planning competence beyond the shoreline (at the same time as these are interested in gaining influence over the MSP process).

Taken together, the interfaces between Sweden and Denmark at national, county and municipal levels do not match well in terms of, for example, how planning competence has been bestowed, what systems for strategic and operational planning that have been established and how resources are

[24] Danish Act on Maritime Spatial Planning Nr. 615 of 8/06/2016

distributed among authorities at different levels. Thus, it is difficult for responsible governance authorities to hook-up effectively with their counterparts at the other side of the Sound.

Balancing of nature protection and blue growth

Arguably, the more centralised structure in Denmark compared to Sweden can speed up political decision-making, while the de-centralised structure in Sweden with substantial competence at the municipal level may facilitate inclusion of local stakeholders and possibly increase transparency. However, the implications of these differences in relation to overall effectiveness and efficiency are hard to delineate, because quicker decisions do not necessarily lead to more effective implementation. Moreover, the status and roles of stakeholder participation are complex, since the type and depth of participation can vary in the two countries depending on sector and type of activity. For example, protests in Denmark have occurred where local authorities and residents protested against localisation of OWF and demanded more influence over outcomes at the local level. In relation to operational planning, Denmark has developed a one-shop approach that facilitates industry/developer contacts with authorities when planning OWF and other activities in marine areas, while consistent and robust mechanisms for inclusion of both public authorities and various stakeholders at the local level have been slower to develop, taking place mainly through project-related EIA procedures and in relation to wind power development with a requirement to allow local ownership of wind parks.

At a general level, it seems as if the comparably decentralised administrative structure and related more complicated application procedures in Sweden co-exists with a somewhat higher priority placed on nature protection and sustainability, whereas the more centralised Danish structure is combined with more emphasis placed on blue growth. Arguably, it is a complicated question in what ways, and indeed if, national political and administrative structures are related to priorities made between nature protection and blue growth. Political priorities may differ between the two countries, but it may also be that the "leaner" and more direct system in Denmark (for example the one-shop approach) has promoted blue growth initiatives, whereas the "thicker" institutional, regulatory and jurisdictional system in Sweden creates more friction in relation to blue growth initiatives. Thus, applications tend to take longer time before completion in Sweden. Moreover, the Swedish environmental court procedure can also be also time-consuming, and therefor prolong the overall process.

However, the compatibility between the two countries seems to be influenced also by other, less obvious aspects, which in turn may cause coordination to be cumbersome. The Swedish approach to MSP, comprised by legal requirements, official roadmaps as well as by stakeholder participation and how competence is distributed among authorities has primarily, but not exclusively, been influenced by environmental concern in general, and EA-based way of thinking in particular, while the Danish approach so far has been relatively more influenced by blue growth and industry interests. The central position of EA in MSP has been promoted by the EU as well as by regional organisations such as HELCOM and, more recently, HV MSP WG (Hassler 2016). However, this is a question of how EA

and sustainable development are interpreted in connection with the translation of these influences into domestic institutional structures can play out quite differently, depending on traditions and culture in public administrations, stakeholder pressures and prioritisation between sector interests. It seems, so far, that EA fits better into existing domestic structures in Sweden than in Denmark. The strength of Swedish municipalities in combination with support from the CABs can facilitate the inclusion of local stakeholders and balance towards environmental concern at the national level are both in tune with the EA. In contrast, the Danish approach puts stronger emphasis on national coordination and creation of structures that facilitate maritime industries, a dimension that has not yet been fully integrated into the EA. Moreover, in both Denmark and Sweden, the roles of regional authorities in overall MSP strategies have yet to be elaborated and established.

Conclusions

In conclusion, it is possible that the differences in how MSP is scoped in Denmark and Sweden will become smaller and less important over time, as the Danish MSP framework becomes more firmly established. However, considering the political and administrative differences described above, as well as the path dependencies of policy strategies embarked upon, it seems likely that benefit-driven coordination between the two countries will continue to be hampered. Given that the attempts to instil MSP as a systematic mechanism to improve coordination continue to strengthen environmental protection – organisationally, and possibly also politically – in Sweden, but prioritise blue growth in Denmark, further domestic institutionalisation of MSP will not necessarily result in better coordination. Because of the substantial costs of overcoming interface incompatibilities and despite the extensive relations between Denmark and Sweden, only the most important and profitable initiatives – on both sides of the Sound – are likely to be realised in the near future. Still, if not hampered too much by the institutional differences and maybe supported by extra resources, existing collaborations (both user organisations and authority forums at transboundary local and regional level), can become enablers of further interest based cross-Sound coordination and collaboration.

5.4 Domestic sector alignment in complex settings under the pressure of institution-driven coordination: Polish fishers and the issue of (in)equality among sectors and stakeholders[25]

Introduction

The main objective of this example from Polish MSP-making is to discuss policies on bridging sector borders and how to enrich stakeholder participation, when sectors are especially diverse. Fisheries in Poland has been selected for this purpose, because of the challenges of coordinating requirements and expectations in this sector with competing resource uses in other sectors. The complexity of this challenge includes aspects such as inherent conflicts in managing dynamic and moving fish stocks in spatial structures, the weight of the institution-driven coordination efforts exerted by the EU (the Common Fisheries Policy (CFP), Natura 2000) that place tight boundaries on the autonomy of domestic authorities, competing knowledge claims, relatively weak organisation of fishers and how to balance traditional resource use rights with those of newcomers.

Fisheries is a sector with a long history, and fishermen have gotten used to changing circumstances because of naturally varying stocks as well as due to over-fishing and various forms of regulations. Tensions between small-scale and large-scale fisheries (in this case, coastal versus cutter fisheries) often emerge due to differences in regulations, levels and opportunities for direct payments from EC funds, competition with other resource users, availability of alternative fishing grounds, and exit possibilities (other job opportunities). Especially small-scale fisheries are often part of a broader way of life that may have been practiced for generations, which can make it difficult for individual fishermen to adapt to changing regulations and volatile market conditions. This in turn tend to make policy tools such as subsidies and taxes less efficient and outcomes hard to predict, which poses significant challenges for reconciliation of competing sectoral interests and therefore to coordination between sectors.

The fishery sector in Poland, as in many other Baltic Sea countries, has decreased significantly during the last decades. In the 1960s to early 1980s Poland had a large fleet, and was among the top 20 countries in the world in terms of caught fish and provided job opportunities for fishermen as well as in fish processing industries, port services and trade. Due to its size, it played an important role in the economy, society and culture of Northern Poland. However, over the last two decades, the Polish fishing fleets have been reduced and catches have decreased drastically, from over 700 000 tonnes in the mid-1970s to 170 000 tonnes in 2014. The number of employed persons in the fisheries sector has plummeted from almost 17 000 persons in 1988 to somewhere between 1 400 and 2 200 in 2015 according to the latest estimate, with marked regional differences (Zaucha & Matczak 2015).

[25] This example is built on the findings of a case study on Polish fisheries undertaken in the BONUS BALTSPACE project by Piwowarczyk et al. (2016)

Conflicts within and between sectors

There are several present and potential conflict areas within the fishing sector as well as between fisheries and other sectors (Zaucha & Matczak 2015). However, to facilitate delineation of observed and described tensions and conflicts, it can be useful to distinguish between *factual* and *perceived* conflicts. Although it is not easy to unequivocally define what is factual and what is in the eye of the beholder, factual conflicts mainly concern cases where there is an agreement of incompatible space use among most, if not all, observers. For example, shipping lanes and OWF need to somehow be separated. *Perceived* conflicts, on the other hand, comprise cases where stakeholders have diverging views on the character of the conflict, how it is managed and whose interests that are prioritised. Indeed, different stakeholders may disagree whether a particular situation constitutes a conflict or not, such as in relation to several aspects of relations between fisheries and the OWF sector.

Arguably, and as alluded to above, there are factual tensions between coastal and open sea fisheries in most of the Polish coastal zone, because of competition over space and fish stocks. In terms of conflicts between sectors, tensions have increased between on the one hand fisheries and on the other hand nature protection (space, resources, fishing gear) and military activities (areas closed for fishing because of military reasons). Potential future conflict areas have been identified as well, for example between fisheries and OWF (reduced fishing grounds and negatively affected connections with adequate ports) and linear infrastructures (new connections and pipelines may reduce possibilities to use some types of fishing gear).

An important aspect of these contemporary and potential conflicts is the various forms of uncertainties and data shortages that characterise the fisheries sector. These uncertainties are related to, for example, present and future fish stocks, fishers' social and economic situation, effects OWF may have on fisheries, and how different fishing methods influence ecosystems. This uncertainty can provide fertile grounds for different interpretations, blended with perspectives associated with different interests, or stakes. Arguably, the larger these uncertainties are, or the less they are openly discussed, the more favourable opportunities are for – intentional or non-intentional – aligning interpretations of realities with stakeholder interests. Moreover, these differences in positions taken on what the main problems are, who is responsible, and what solutions that are possible, tend to reduce trust among groups of actors and their willingness to negotiate rather than bargain over solutions, which in turn makes balancing of interests and MSP coordination more challenging. It is quite clear from the interviews we carried out in the preparation of this report that there is a considerable degree of mistrust between on the one hand fishermen and on the other hand (natural) scientists, environmental NGOs and to some extent planners and maritime administration. It is not so much that scientific data and methods are distrusted, but rather that the (often uncertain) data that exist, are interpreted in ways that promote stakeholders' interests, not only among fishermen, but among scientists and authorities as well. Moreover, especially fishermen express feelings of not being listened to, and that their experience-based knowledge is not considered to the extent it ought to be.

According to our informants, it seems to be a rather widespread view among fishermen that even though it might be admitted that fishermen have their own interests, so have scientists. Scientists are often believed to be driven by, at least partially, getting funded and to promote careers. With the words of one of our interviewees; "*…It is not that we dislike scientists but we would like to see that the research they undertake are done for fishers…and that their goal is not to close the whole Baltic for five years".* Furthermore, scientific language is allegedly used by scientists to get an upper hand against fishermen when discussing possible interventions or restrictions: "*…"[Scientific results] were presented, some numbers were showed but it was all difficult to understand. It was like a professor is giving a lecture to students who are not listening to him."*

Institutional boundaries at EU and national levels

Turning now to the governance of fisheries and fishermen views of who is responsible for present conditions and how institutions have been designed to improve coordination and sustainability, the fisheries sector is different from most other maritime sectors because of the dominating role played by the EU. To better understand potentials for bridging sector borders, it is of importance to tap into key stakeholders' views on these matters in order to identify possible paths forward. Fisheries in the Baltic Sea is an exclusive EU competence, which means that EU (CFP) has full right to decide on quotas and other regulations. The main objective of CFP is to promote environmental, economic and social sustainability, with EA as key approach to reach this objective. Although CFP has been in place since the 1970s, it has been amended several times, most recently in 2014. However, CFP (2014) covers many different dimensions apart from quota-setting such as fishing licenses, boat capacity management, design and use of gears, closed areas/seasons, discards and targeted funding. It has been noted that whereas EU subsidies provide important policy tools to steer practices towards more sustainable resource use, they can also invite rent-seeking behaviour, that is, rather than focusing on how to manage fisheries sustainably, a lot of effort is spent by, for example, sector organisations to attract larger subsidies from the EU.

Based on what the fishermen have expressed in interviews, it is clear that many of them are very critical towards the EU, and blame the EU for many of the contemporary problems in Polish fisheries. According to our informants, the Polish membership in EU opened up for industrial, non-consumption vessels from richer Baltic Sea countries, and that CFP strategies had been too much influenced by those interest, at the expense of Polish fishermen. Another line of critique is based on the argument that quotas allegedly are unfairly distributed and that subsidies often are misdirected. It is furthermore argued that the CFP is biased towards nature protection at the expense of economic and social aspects, that this has led to a situation where the Polish Ministry of Environment has the final say on fisheries issues, and that this is an important reason why the well-being of the sector allegedly is neglected. Clearly, there is a feeling of being an under-dog among fishermen and that they are not able to challenge pressures from strong stakeholders in other sectors or countries.

Perceptions of public MSP consultations and the role of trust

Going a bit deeper into how the interviewed fishermen perceive the public consultations as part of the MSP process, there seems to be a widespread view that their opinions are not properly incorporated. Moreover, the interviewees claim that fishermen, as a group, have not been properly represented at the consultations. The reason why this is the case is according to our informants that there is no real will by the organisers to make sure the adequate representation is achieved, as the consultations are not meant to be truly deliberative, but rather a formality that has to be made done and over with: "*All they [the organisers] want is the attendance list and the list of organisation informed. And that's it. Consultations checked off."*

The fishermen interviewed in our case study furthermore felt that their views were not respected, neither in terms of influence over outcomes, nor as bearers of valuable knowledge. There seems to be a rather widespread feeling that fishermen views are not taken into due account. Their participation is rather a way to legitimise the MSP process in general, and public consultations in particular: *"I think that fishers will have no influence on MSP, at least not in this country. Each initiative will be legitimised [if there is political will] no matter if fishers agree to it or not. Fishers might be compensated for their losses but this will not be a fair money…"*

Apart from claiming to have no, or very limited, influence, there seems to be a sentiment that the type of experience-based knowledge they can contribute with is not respected, and that they feel seen upon as "savages": "…*we wish we were treated as partners and not as savages as we have been using the sea for years. And I often have a feeling that all these men and women behave as if they were visiting some kind of Nature Park full of uneducated savages. And they feel they should give us some colourful beads."* Additionally, newcomers – especially the OWF sector – are not necessarily perceived as legitimate right-holders on marine spaces, since their uses cannot be compared with the traditional rights of fisheries. At least, a discussion should first be held on the rights of the OWF sector to make sure that MSP is not used as a means to give this sector equal rights as traditional users in the balancing of competing interests.

Informants at the maritime administration describe the main problems in balancing fisheries with other sectors in a different way, although it should be noted that the number of interviews in this group was quite small. According to them, the main problems in relation to improved maritime planning allegedly were caused by misunderstandings, communication problems and lack of trust. However, it is also recognised that there are considerable uncertainties on how MSP strategies will unfold in the near future due to how OWF demands develop and how this influences how fishery issues are incorporated in the planning, and how future management plans will influence previous agreements in MSP public consultations. Possibly, these agreements will have to be revised, which could threaten to further increase distrust between fishermen and authorities.

Interviewees representing the environmental administration involved in the MSP strategy gave yet another interpretation of what constitute the main problem, although also here the number of interviewees was quite small.[26] According to our interviewees, the "emotional" standpoints taken by fishermen and their representatives makes it difficult to negotiate agreements that both parties can accept. The fishermen allegedly feel threatened in their livelihoods, which makes compromising difficult. In the short term, the environmental administrations, similarly to the maritime administration, suggest public consultations and easily accessible information as the best way forward, although it might be difficult to interact with the fishery sector in adequate ways. In the long run, education programmes and monetary compensations for loss of incomes is suggested as appropriate by the environmental administration. Representatives of environmental NGOs had similar interpretations of the main problems as the environmental administrations, that is, mainly lack of knowledge and no real will to find solutions from the fishers' side. Furthermore, these NGOs suggested that another reason to the difficulties in bridging sector borders was differences in time frames, where fisheries had shorter time frames as they are depending on regular incomes, whereas the NGOs adopt a longer term perspective and a more holistic approach. As for other sectors, their interpretations seem to be rather similar, that is, they tend to view lack of sincere communication and insufficient knowledge among fishers to be the main problem. According to representatives of the OWF sector, it is not strange that fishermen have a tendency to be negative towards changes, because they allegedly feel a kind of ownership of the seas and are afraid that newcomers threaten their existence.

Conclusions

Three observations seem to be especially relevant in relation to institutional- and benefit-driven coordination, and moreover for the wider context of the Baltic Sea region.

First, it seems rather clear that the hierarchical, institutional structure in the fisheries sector has not been able to deliver policies that are perceived as legitimate among fishermen at the local resource use level. In the eyes of the fishermen we talked to, the view is that the CFP and national fisheries administration are mostly to blame for this, although, for example, the national maritime and environmental administration certainly also is held responsible by fishers, although national authorities may have limited manoeuvring room because of what is stipulated by the EU in relation to, for example, CFP and Natura 2000.

There is an awareness in the EU that the distance between Brussels and local fishermen is long, which makes it hard to design policies and regulations that are perceived to be legitimate. For example, BSAC (Baltic Sea Advisory Council) was established in 2006 as a means to facilitate stakeholder influence over management schemes in regional fisheries. However, the members of

[26] Five representatives from the Marine and Environmental administration were interviewed.

BSAC comprise fisheries sector organisations (as well as environmental and consumer organisations), and the links between local fishermen and sector organisations are not always perceived as unbroken and legitimate. Therefore, BSAC – although valuable in other respects – may not be able to effectively increase the legitimacy of CFP among local fishers. Arguably, these types of problems may spill over into the attempts to bridge sectors borders in the Polish MSP process. If the sectoral governance structures are not perceived as legitimate, this is likely to disturb attempts to balance competing resource uses. Possibly, this is a problem that needs to be addressed not only in Poland, but in other Baltic Sea countries as well.

Second, issues related to (perceived) rights of different stakeholders tap into the complex topic of traditional rights. Clearly, fishermen perceive themselves to be different from other stakeholders, especially from newcomers and outsiders such as the OWF sector and resource users from other countries, because of the long tradition of fisheries and the resource use practices that have evolved over time. This seems to be an issue that is difficult to handle in mainstream framings of MSP where "rational balancing" is assumed to be possible to reach. However, if the underlying perceptions of user rights differ considerably among stakeholders and planning authorities, outcomes in terms of balancing between competing uses are not likely to be seen as legitimate among traditional users such as fishermen. It should be noted, though, that our findings do not unequivocally point in the direction that low levels of legitimacy depend only on outcomes. Rather, the perception among fishermen seem to be that both outcomes and processes contribute to the low legitimacy, where processes refer to how the fishermen feel they are treated by authorities. This issue of assessing rights of different sectors in terms of resource use is complex, especially since it reflects overarching framings of modernisation, epitomised by blue growth in maritime settings, and may need to be addressed more deeply to improve legitimacy.

Third, benefit-driven coordination is assumed to be a key mechanism in this study. When actors – domestic, sectoral stakeholders in this example – expect to benefit from coordination over sector borders, potentials for improved coordination exist. This does not necessarily mean that increased coordination will be unproblematic, but without a demand for cooperation among involved stakeholders, lack of interest in the process, or even resistance, is likely to hamper processes. However, in assessing potential benefits, it is not always clear if costs of increased coordination are adequately considered. For demand to be effective, perceived benefits have to be larger than costs. In the case of MSP and Polish fisheries, it seems to be a rather widespread opinion among fishermen that they can only lose from more planning. Although in principle reasonable, the fact remains that increased competition over marine space is likely to make life even more difficult than it was before for many fishermen. The typical response from authorities and other stakeholders is that monetary mechanisms can be used to compensate any losses experienced by fishermen. These types of monetary mechanisms can be seen as part of the "rational planning" paradigm and are often effective under market conditions where all benefits and costs can be monetised. However, market conditions

do not necessarily characterise Polish fisheries in the sense that decreased incomes can be fully compensated by subsidies, especially not when fishers are paid to fish less, or not at all. To the extent that being a fisherman is not only a way of making an earning, but also part of a broader and deeper livelihood, it is not likely that monetary compensations alone are sufficient. Other complementary measures that tap into subjective identities and perceptions of what it means to be a fisherman probably need to be found.

5.5 Cross-border MSP framework alignment in federal Germany: The role of stakeholder consultations across borders[27]

Introduction

The primary focus in this example is placed on experiences from cross-border alignment and bridging of sectoral divides in Germany, with focus on its Exclusive Economic Zone (EEZ) in the Baltic Sea and the states of Mecklenburg-Vorpommern (MV) and Schleswig-Holstein (SH). This case of development of domestic MSP strategies over time provides limited but interesting opportunities for a form of *quasi experiment*, where the roles of changing depths of formal and informal public consultations in relation to trans-border policy and sector coordination can be studied. The German experience is not only interesting from a domestic MSP-perspective, but maybe even more so due to its relevance for transnational challenges. As a federal state, Germany must align not only plans between states (*Länder*), but also in relation to the federal plan for EEZ waters. These alignment processes provide interesting insights into how policies on cross-border coordination can be addressed in a somewhat less challenging context, compared with coordination over country borders. Thus, what can be learned from the German experience, can potentially also inform initiatives to improve the more complicated coordination of MSP frameworks between countries.

Despite the shared institutional boundaries provided by treaties, conventions, Directives and other international agreements, planning and administration in the German EEZ differ from state level planning in legal terms as well as in relation to key objectives and planning history. While the Federal Maritime and Hydrographic Agency (BSH) is a newcomer in terms of planning, SH and MV have long experiences of terrestrial planning. BSH is responsible for MSP in the EEZ, while the states of SH and MV are responsible for territorial waters. The development of MSP strategies in these three settings has been studied using the 2009 MSP for the EEZ, the 2010 regional development plan of SH and the MV plans from 2005 and 2016 as the primary empirical material.[28] To capture changes over time more fully, and to get a glimpse of possible future developments, interviews with representatives from decision-making authorities and stakeholders have been carried out.

The Federal Spatial Planning Act ("Raumordnungsgesetz" – ROG) provides the overarching regulatory framework for the EEZ as well as for territorial waters in the FRG.[29] ROG stipulates that MSPs shall aim at sustainable resource use, efficient coordination, balancing of sectoral interests and reconciliation of ecological, economic and social goals. Furthermore, it gives some, albeit limited, procedural guidance on public consultations. The first MSP in the EEZ was based on a functional

[27] This example builds on Gee (2016).

[28] Anlage zur Verordnung über die Raumordnung in der deutschen ausschließlichen Wirtschaftszone in der Ostsee (AWZ Ostsee-ROV) vom 10. Dezember 2009. Raumordnungsplan für die deutsche ausschließliche Wirtschaftszone in der Ostsee (Textteil und Kartenteil). Anlagenband zum Bundesgesetzblatt Teil I Nr. 78 vom 18. Dezember 2009. Innenministerium des Landes Schleswig-Holstein, 2010. Landesentwicklungsplan Schleswig-Holstein 2010. Ministerium für Energie, Infrastruktur und Landesentwicklung Mecklenburg-Vorpommern, 2016. Landesraumentwicklungsprogramm Mecklenburg-Vorpommern 2016.

[29] Raumordnungsgesetz of 18 August1997, amended on 24 June 2004.

zoning approach where economic and scientific aspects, shipping and environmental protection were placed in focus. An overall top-down approach was used where relevant ministries prescribed the planning principles for BSH to address. Although BSH began to inform stakeholders in early 2005 that the intention was to produce a marine spatial plan for the EEZ in 2005, the first draft that went through a public consultation process did not take place until late 2008.

Changes over time in German MSP design

The second generation of German MSP in the EEZ will build on two parallel developments, a *formal* change in policy steering (institution-driven, hierarchical steering) from the Ministry and an *informal* change in terms of what loosely connects to benefit-driven coordination. The focus and procedure in zoning processes and balancing of competing uses of space have not changed. However, two formal jurisdictional changes are of relevance. First, the Ministry is now required to consult neighbouring countries and German states adjacent to the EEZ *during* the planning pressure. This change puts more pressure on the Ministry, and thus indirectly on BSH as the competent authority, to facilitate input from neighbours earlier in planning processes. Second, the amended law stipulates in more detail how public consultations should be arranged. Draft MSP and SEAs together with relevant material have to be made publically available during at least one month in the official journal of the authority and in at least two national newspapers. All submitted comments have to be reviewed, and all who have commented have the right to be informed about the outcome of the review. If the plan is substantially revised because of the consultation process, another round of public consultation should be undertaken.

Based on interviews with involved authorities as well as with stakeholders, it is quite clear that earlier experiences among planners, from for example the many transnational projects carried out in the Baltic Sea region, as well as the amendments in the law are likely to contribute to a process of refinement, allowing stakeholders to become more deeply involved, and visions of planning scenarios more elaborated. According to our informants at BSH, informal contacts with key stakeholders will become more common as a mechanism to prepare for the public consultation phase. Moreover, although ROG has become more detailed, this – somewhat paradoxically – seems to have spurred creativity on what is possible to achieve within the legal boundaries. As it is now clearer for all involved what is required and where the boundaries and restrictions are located, possible options and visions seem to be easier to discern. The more comprehensive type of plans now being considered by BSH including not only OWF but also aspects such as fisheries interests, new technologies and climate change can be seen as an example of these broadened perspectives. However, despite these expected developments, the underlying foundation of zoning principles and sustainability objectives remain intact.

The roles of OWF and ICZM in Mecklenburg-Vorpommern

Turning now to marine spatial planning at the state level in Mecklenburg-Vorpommern (MV), the main objectives as laid out in the 1998 State Planning Act (Landesplanungsgesetz / LPIG) are to promote economic, social, cultural, historic, and ecological sustainable development, ordering and balancing of competing spatial interests in order improve coordination at the state level and to promote coordination with neighbouring states and countries. Based on LPIG (first version from 2005, amended in 2016), the spatial development programme (Landesraumentwicklungsprogramm Mecklenburg-Vorpommern / MV LEP) describes strategic development objectives in MV. While federal regulations are established in the ROG and thus applies both in the EEZ and in MV, the LPIG establishes formal boundaries for the LEP in MV. The MV LEP is an integrated programme for development and the same type of planning principles are used on land as well as in territorial waters. Nevertheless, marine planning challenges are treated somewhat separately from terrestrial planning, focusing on areas such as marine habitats, OWF, tourism and recreation, albeit with cross-references made to land-sea integration.

A major driver behind the development of the first LEP in the late 1990s was a perceived need to designate areas suitable for OWF. Applications for constructions of new OWFs were decided upon using a case by case approach, and were often not accepted due to national security, shipping or environmental reasons. It soon became apparent that also other competing uses of territorial waters existed and had to be balanced in consistent ways, especially since competition in the marine spaces was expected to increase in the near future. Despite some diverging views among traditional sectors, a decision to include territorial waters was therefore taken in the preparation of the 2005 LEP. Terrestrial planning was simply extended to include territorial waters, using similar methods as on land.

With the benefit of hindsight, the 2005 LEP contained some weaknesses in terms of, for example, available scientific information, communication over sector borders, and policies – formal and informal – for more adequate stakeholder participation. However, benefit-driven collaboration over sector borders improved as gains from coordination became increasingly recognised, and the 2016 LEP was based on more reliable scientific evidence and a more positive attitude to stakeholder inclusion among stakeholders. Somewhat in similarity with MSP in the EEZ, experiences from previous MSP processes seem to have facilitated transparency and thereby made boundaries for what roles informal consultations could play clearer, although simultaneously making potential conflicts between OWF and tourism interests more apparent.

Tracing the roots of improved sector coordination, prior experience in Mecklenburg-Vorpommern from working with ICZM (Integrated Coastal Zone Management) approaches seem to be of relevance. The less formal status of ICZM compared with MSP has contributed with an understanding of the importance of using informal consultations and other forms of interactions with stakeholders to bridge sector borders. According to our informants at the Ministry of Energy, Infrastructure and Digitalisation, this understanding seems to have been carried over to the MSP discourse, facilitating

synergism between on the one hand formal MSP policy-making and legislation, and on the other hand informal ICZM implementation tools. Compared with in 2005, the 2016 LEP consultation process was more extensive and deeper in relation to informal contacts. More than 400 stakeholders (NGOs, public authorities, and business) participated in the first round of formal consultations, which covered terrestrial as well as marine areas. Moreover, neighbouring countries and German states took part in the process as well. The probably most important difference between the 2005 and 2016 processes concerned the broadened informal meetings and contacts before and in parallel with formal consultations. This is likely to have stimulated institutional learning and thus bridging of sector borders. According to informants in the Former Ministry of Labour, Building and Regional Development (MV), formal consultations would not have worked so well without prior informal contacts with technical experts and other public authorities, but also with NGOs and business representatives. In fact, formal consultations often seal informal understandings, rather than harbouring open-ended deliberations. However, the alleged improvements in formal and informal consultation processes did not necessarily mean that conflicts did not surface, quite the contrary. The state's promotion of OWF met hard resistance from especially stakeholders in the tourist sector, but also from, for example, fishing, shipping, and nature protection interests, apart from various civil society movements. As a result, the priority area for OWF was reduced to a third compared with the original suggestion in the LEP. Conceivably, this shows that stakeholders could influence the overall marine planning process, although it is not possible to assess how important this influence was in relation to outcomes.

Stakeholder consultation design in Schleswig-Holstein

Turning now to Schleswig-Holstein (SH), the baseline situation is somewhat different compared with Mecklenburg-Vorpommern, but the developments toward more comprehensive and systemic approaches as well as towards broader and deeper inclusion of stakeholders in public consultations seem to be quite similar. As in MV, the state-level development programme (LEP) covers both land and territorial waters (up to the 12 NM from land) and is aimed at promoting sustainable economic development, nature protection and to address demographic change, climate change, to manage EU linkages as well as handing overall balancing of competing interests. However, in contrast with in MV, expansion of OWF has not been a major issue, and has thus not driven the elaboration of MSP. Instead, the largest share of the territorial waters are designated for nature conservation, while tourism, shipping and military use represent other important sector interests.

As marine areas were not included in the LEP until 2010, how to in detail align informal ICZM processes with the more formal MSP requirements has not yet been fully established. Most likely, though, MSP will not replace ICZM measures. Instead, they seem to be interpreted among planners as having complementary functions, ensuring that there is not a sharp delimitation between land and sea. Thus, ICZM is argued to contribute to an integrated policy package that includes soft as well as

binding policy instruments. However, given that competition over the use of marine spaces is expected to grow in the future, formal MSP frameworks will become increasingly relevant.

SH is presently drawing up a State Development Strategy intended to address key challenges in relation to the use of land and sea. As part of this strategy, a new LEP will be formulated based on the Development Strategy. However, planners do not expect very large changes in resource uses, because of the constraints that already exist. Nature protection will continue to be a high priority. However, as alluded to above and corroborated by a representative of the SH State Chancellor's Office, the new LEP is likely to adopt a more comprehensive approach focusing on identified development objectives, bundling of activities and "…*areas for testing new things*."

Despite the somewhat different baseline compared with MV in terms of contemporary and expected space claims, consultation processes seem to unfold in quite similar ways. The formal consultation mechanism normally comprise two rounds. Before the first round, the draft plan brought together by relevant ministries, municipalities and districts is presented to the Advisory council, which comprises a broad set of societal groups. After the Advisory council has approved the draft, it is presented to all relevant ministries, and thereafter to the Cabinet and the Parliament. The first round of public consultations is then held for a period of four months. The draft plan is thereafter revised based on the comments and critique expressed and submitted for a second, somewhat more limited round of consultations, and possibly also a third round of consultations, before the formal decision on approval is taken.

In similarity with the MV case, these formal consultations are paralleled with informal contacts between planners and relevant authorities and stakeholders. These informal contacts are important in several ways, such as for identifying relevant sets of stakeholders, finding out what the key contentions are, or might develop into, and to facilitate subsequent implementation phases. While consultations so far primarily have been undertaken with other public authorities, it is likely that the new LEP will include a broader set of stakeholders. According to the SH State Chancellor's Office, *"…the new LEP is likely to be much more inclusive, encompassing NGOs and citizens [in informal planning stages]".* However, while broader stakeholder consultations are regarded as valuable, it is at the same time recognised that stakeholder that have been less involved in planning processes previously may find it more problematic to engage in constructive ways. For example, unrealistic expectations among stakeholders may lead to disappointments. Therefore, how to design the consultation process has to be carefully assessed and reflected upon, according to our informants at the SH State Chancellor's Office.

Conclusions

Summing up on what can be learnt from this example, focus is placed on how experiences from German policies and processes on formal and informal public consultations, including contacts among planning authorities in different states potentially can help to inform transnational coordination

between Germany and other countries, as well as within the Baltic Sea region. From an institution-driven coordination perspective, planning authorities for the EEZ, MV and SH face the same boundaries in terms of global, sectoral treaties, EU Directives and other international commitments. Moreover, although national legislation and policies at higher levels differ slightly, they all have the overarching goal of sustainability. They also require that MSP processes include public consultations. However, within these institutional boundaries state authorities can choose to adapt consultation processes in different ways, depending on factors such as dominating stakeholder pressures and prior experiences.

As briefly described above, there is a development towards broadened and deepened stakeholder consultations in the EEZ as well as in MV and SH, comprising more precise regulations on when these consultations shall take place and how they shall be designed. Probably as important, planners also place more emphasis on informal contacts, especially in preparatory phases. Arguably, this development is driven both by insitutional pressures from above in terms of more precise and demanding legislation (institution-driven coordination), and by recognition of potential gains/reduced conflicts from more systematic planning efforts (benefit-driven coordination). Various stakeholders are key actors in these processes, putting pressures on public authorities to consider sector interests, including nature protection. In order to reduce risks of controversies in later phases, planners can have credible incentives to map possible conflicts as early as possible and to revise plans when perceived called for. However, it is possible, or even likely, that this movement towards more systematic inclusion of stakeholder interests and more effective coordination will not lead all the way to complete integration and co-production of plans over state and EEZ borders. The major reason to this, is that such coordination takes time and efforts. Therefore, it needs to be driven by expected benefits, and as coordination improves, the marginal value of going further is likely to decrease.

Now, based on these findings, an interesting question is whether it would be possible to improve transnational MSP coordination in similar ways as between the EEZ, MV and SH. Experiences from Germany are rather clear, showing that transnational coordination lags behind, compared with coordination between MV, SH, and the EEZ. This is natural, given the differences between decision-making within and between countries. According to our informants, coordination across country borders – primarily between on the one hand MV and Poland, and on the other hand SH and Denmark – is limited, at best. At the surface, rather mundane factors such as language differences, lack of translated plans and related documents, difficulties in finding proper contact points "on the other side" and differences in planning cultures and institutional structures seem to create substantial communication barriers. At a somewhat deeper level, it might be the case that the broader and deeper consultations between especially neighbouring countries called for in the MSP Directive has been hampered in Germany, both by imprecise formal requirements (especially in the MSP Directive) and so far not deep enough informal contacts (*ad hoc* or in the HV WG process). It is possible that to be able to develop deeper and more creative interactions between authorities at different levels and

relevant stakeholders across country borders, tighter formal requirements on procedures for public consultations might be needed in addition to the MSP Directive, the Espoo Convention, and domestic regulations. Thus, the important question may not be whether more formal or informal consultations are needed, but rather how to most fruitfully stimulate synergistic interactions between these two complementary mechanisms for coordination. From this perspective, continued funding of EC and Interreg projects targeting informal modes of public consultations could be of considerable importance.

6. Discussion

Integrating EA and MSP, or pulling them apart?

This report started off with the observation that the Ecosystem Approach (EA) and Maritime Spatial Planning (MSP) comprise two overarching mechanisms in the management of the Baltic Sea. Arguably, both mechanisms have been pushed ahead in a top-down fashion, with the use of global sectoral treaties, binding EU Directives and strategies, and a plethora of EU-funded projects. Moreover, regional bodies such as HELCOM and VASAB have promoted adoption of regional perspectives, albeit only quite recently using a combined HELCOM-VASAB approach. It seems to have been taken almost for granted, at least at political and policy levels, that EA and MSP not only are compatible, but synergistic and mutually constitutive, within nations as well as at the regional level. However, the findings in this report indicate that although this might be true in some respects, it might be easier said than done to bring them together.

Systemic analysis is the key foundation of EA. Instead of only looking at individual species and habitats, the ecosystems (biophysical systems) are the fundamental units of analysis, that is, the point of departure for analytical and empirical assessments. Simply put, the rationale behind this perspective is that interdependencies are crucial, what happens in one part of a system may not only influence other parts of the system, but these influences may in turn be transmitted into other parts of the system, resulting in complex feed-back loops and sometimes *ecological cascade effects* when, for example, over-fishing of large predatory fish propagate in complex manners hard to predict (Scheffer et al. 2005). However, although the concept of ecosystem might be clear, this does not necessarily mean that management implications are straightforward. To be able to provide robust and legitimate boundaries for socio-economic activities such as fish quotas, pollution loads, and acceptable risk levels, deep, broad and detailed knowledge on relevant socio-ecological systems are required. It seems to still be an open question whether present knowledge allows for a radical shift from previous, less integrated and partial approaches, into system analysis. Moreover, it needs to be further assessed to what extent EA has been able to travel from policy levels to become an underpinning of concrete resource use, pollution limits, monitoring and practices.

Arguably, MSP is different from EA in not being conceptualised as a systemic perspective in the same way. Instead, the key aspects are related to competing resource use (space), possibilities for co-use of marine resources and planning for future demands on space and resources. Moreover, a fundamental assumption is that competing resource uses can be balanced based on societal priorities (economic or others). In contrast with in EA, where the system as a whole must be protected, MSP is spatial. Rather than to be conceptualised as a problem of systemic integration, problems of competing resource use have to be addressed *where they occur*, or where they *potentially will occur* in the future. Therefore, and because of the national prerogative in MSP, it can be argued that these problems are most effectively and efficiently managed by the countries affected, including planning for potential

conflicts in the future. Thus, coordination efforts above the state level are not likely to have much sway over concrete issues or prioritisations, but rather focus upon general and procedural aspects such as design of public consultations, transparency and information to affected neighbouring countries, unless sectoral, regional systems do exists, such as in shipping and nature protection, and potentially in energy infrastructure.

It seems likely that bringing EA and MSP perspectives together will require substantial amounts of reflection, adaptation and willingness to take transnational coordination more seriously than so far has been the case in both camps, that is, among planners as well as among environmental authorities. However, to stimulate such a process it is probably necessary to first get a clearer understanding of what the endpoints are, what coordination and integration implies, and how these understandings vary within and between the two groups as well as among policy-makers. The issue of how to make sure that adoption of EA does not further marginalise especially social and cultural dimensions of sustainability needs to be addressed, since EA – at least so far – mainly has targeted ecological aspects. A similar argument can be applied to MSP, where a too restricted focus on blue growth also may risk to marginalise especially social and cultural dimensions. An alternative scenario can potentially be delineated building on separation rather than on integration, where the underpinning differences between EA and MSP are acknowledged. Rather than to be integrated, the overarching goal would then be to on the one hand chisel out ecosystem boundaries and tipping points more clearly, and on the other hand design institutions that makes resource use as efficient as possible.

It cannot be determined whether the integration or separation approach is preferable in relation to sustainability. However, what can be said is that both strategies have rather specific strengths and weaknesses. The regional integration approach is likely to be preferable to the separation approach in terms of increased understanding over sector borders, but may simultaneously obfuscate differences between non-negotiable ecosystem boundaries and the price of balancing resource uses. In contrast, the separation approach potentially makes it easier to further develop policies in each sector, including fine-tuning of how to balance competing resource uses, while simultaneously further cementing sector divides.

Getting stuck in path dependencies? Or internalising expected benefits from sub-regional coordination?

One aspect pertinent in Example 2 on the differences between Lithuania and Latvia in how their domestic MSP policy packages have unfolded so far, concerns how potential benefits from bilateral coordination is taken into account. This is an issue that is likely to be relevant in other Baltic Sea countries as well, especially in the early phases in developing domestic MSP strategies, since the more entrenched policies and institutionalisations have become, the more difficult it is to revise directions (*path dependency*). The more diverging these paths become, the more cumbersome later realignment is likely to become.

The diversity of MSP strategies that has been found not only within the region, but also between neighbouring and in some respect quite similar countries, is natural. Due to differing natural, socioeconomic, cultural and historical contexts and experiences, a *one size fits all* approach to MSP would simply not work. In relation to institution-driven coordination in general and regarding EU Directives in particular, differences in national contexts can be addressed in two principally different ways; using *concrete* or *institutional* targets. Concrete targets set more or less precise targets directly related to the regulated issue-area, such as Good Environmental Status (GES) in MSFD or BSAP. Context dependence is here acknowledged in relation how member states reach these goals. It is up to the member state to decide on regulatory and institutional mechanisms to reach the targets before the stipulated deadline. In contrast, institutional targets – including generic management principles such as the Polluter Pays Principle and the Precautionary Principle – do not establish concrete goals, but rather place more or less precise requirements on what institutions that have to be established. According to MSPD, member states are required to "…establish and implement maritime spatial planning" (Article 4.1) before the end of March, 2021. It is furthermore stated that these national MSP strategies have to adhere to established procedures for public consultations, dissemination of information and some other procedural aspects, even though the Directive is rather vague on what is required to stay within the limits.

Clearly, while concrete targets forces member states to work out strategies how to best reach these targets given domestic contexts, the mechanism of institutional targeting gives more freedom in relation to outputs, at least when few concrete requirements on procedures are stipulated. What is required is to have relevant institutions – not only the actual plans, but rather the relevant policy package and organisation – in place, rather than to reach specific targets. Partly, whether concrete or institutional requirements are chosen depend on type of issue-area, where, for example, biophysical targets may be easier to get agreement on compared with resource use requirements. An interesting question in relation to insitutional targets is whether freedom to decide in accordance with domestic context may impede mutual gains from benefit-driven coordination. From a liberal, or "market", perspective, an argument can be made that in the eyes of the individual country, it is always better to have higher degrees of freedom, given that the set of possible alternatives to act in a particular situation is not reduced. Thus, it is not surprising that countries often tend to keep as much control as possible, in this case over how to design appropriate MSP strategies, also when it is quite obvious that transferring some control to a collective body, such as the EU, most likely would increase regional coordination and probably benefit all.

However, as was argued in Example 5 on the German case, somewhat tighter institutional boundaries may sometimes – somewhat paradoxically – increase benefit-driven coordination. Although it is difficult to fully explain this observation, it seems reasonable to assume that it could have been related to aspects such as provision of clearer institutional rules may make potentials for further benefit-based coordination easier to spot, provides a *focal point*, and thereby decrease

transaction costs (Schelling 1960).[30] However, it should be noted that the benefits from increased institutional clarity tend to come at the cost of decreased manoeuvring room for actors and the possibility of heightened tensions because of more clearly visible distribution of gains and losses. A different, possibly complementary way to make benefit-driven coordination opportunities more clearly discernible can be to use soft regime components, such as those provided by HV WG. HV WG offers a regional arena for deliberations, sharing of knowledge and elaboration of guiding principles that may improve actors' opportunities to identify mutually beneficial initiatives.

It seems to be possible to draw a lesson based on the observations from Example 2 that may have a rather broad relevance. MSP strategies are based on domestic conditions and considerations. To the extent regional perspectives are adopted, these are typically limited to what binding EU Directives and international treaties formally require, and possibly to some extent to soft influences emanating from HV WG and transnational EU-sponsored projects. Thus, it seems as transnational linkages are most of the times not framed as potentials for benefit-based coordination, but rather as requirements from institution-driven coordination "from above". To the extent this is true, countries could benefit from addressing potentials for benefit-driven bilateral or sub-regional coordination not only when opportunities become apparent, but furthermore as part of the elaboration and adaptation of domestic MSP strategies, especially in early phases when path dependences have not yet become too entrenched and embedded. Thus, delicate policy-making seems to be asked for, where the benefits of increased clarity from further domestic institutionalisation of MSP needs to be balanced against risks of getting more dependent upon paths embarked upon, while simultaneously engaging in negotiations for improved coordination above the state level. This balancing is likely to benefit from a reflective process entailing visionary thinking as well as adaptivity and incrementalism. Possibly, when the MSP has been further institutionalised at domestic levels, potentials for benefit-driven coordination and cooperation will become easier to discern.

How to manage differences in domestic institutional structures in bilateral coordination

It was argued in Example 3 that although there are many similarities between Sweden and Denmark and a long history of broad and friendly relations in many dimensions, institutional differences and, possibly, different emphasis given to nature protection and blue growth, nevertheless make coordination of domestic MSP strategies cumbersome. As indicated in Example 5 on Germany, cross-border contacts are especially hard to develop when relevant competence is placed at different administrative levels and sometimes also within different sectors in the collaborating countries. These situations tend to be even more challenging than the most difficult type portrayed in Figure 2 (cross-border and cross-sector coordination) in the Theory section above, because of the diagonal

[30] *Focal points*, sometimes called *Schelling points*, provides actors with a cue on how to coordinate actions when alternatives are many and it is hard to know how others reason (Schelling 1960).

interactions required. Institutional structures in countries seldom change much, and if they do, they tend to do so only slowly and incrementally.

In these types of situations alternative approaches to address benefit-driven coordination potentials can be envisioned. These alternatives, which are aimed to take advantage of expected synergisms, may be labelled *functional*, *content-oriented* and *communicative*. Functional coordination aspects refer to mechanisms that among EU member states are mandatory to include in domestic MSP strategies and are part of the broader corpus of environmental governance principles such as public consultations and prior information. As a complement to the efforts to manage complex sector bridging where competencies are placed at different levels, groups or workshops on such functional aspects could be set up. In these forums, the role and experiences of, for example, public consultations could be interrogated by administrators directly involved in these activities in the respective countries. Possibly, differing administrative levels would here be of less relevance compared with experience and knowledge from concrete public consultations. Given that overarching objectives are similar and collaborative principles have be agreed, national differences should not be too problematic to put aside. Furthermore, sharing of experiences from somewhat different practices and procedures might enrich domestic applications.

In a somewhat similar vein content-oriented initiatives could be undertaken in bilateral or sub-regional settings where there are substantial incompatibilities between neighbouring countries' political and administrative systems. These types of initiatives are sometimes observed in cases where there is an acute need of bilateral coordination beyond what is required in MSPD or the Espoo Convention. Instead of basing these interactions on mandatory MSP mechanisms, the focus is here placed on concrete coordination management on, for example, nature protection and tourism, where a joint solution is deemed preferable. One way to improve bilateral coordination is to form groups of limited size, comprising administrators from both countries tasked to address issues that seem to require coordination over country borders to be effectively managed. To be effective and to stimulate learning processes, these groups probably have to include both those working with thematic issues across sector borders and those working more concretely with MSP. Especially when the task is clearly delimited and involves the same sectors in both countries, finding mutually beneficial outcomes is made less challenging. This can be the case also at sub-regional and even regional levels, such as in the case of a joint Baltic Sea grid. However, even though the concrete task may be solved appropriately, lessons learned are not necessarily brought home to help domestic administrations and administrators learn from others' experience. Situations where learning needs to take place through communication across different framings and "expert languages", such as between planners and environmentalists, are often particularly problematic. Procedures how experiences can feed more effectively into also more complicated coordination challenges may need to be elaborated and made use of. Possibly, an expanded role of HV WG as a facilitator can here be envisioned, as well as designated transnational project.

Communicative aspects refer to how interactions over country borders in other areas can provide cues to more effective coordination also in MSP domains. International EC and Interreg projects bringing together researchers, administrators and stakeholders can here serve as important bridge builders and knowledge brokers. However, it is difficult to know to what extent sharing of experiences within an informal project context is carried over to formal MSP processes. Indeed, what is possible in a project context may sometimes not even be possible formal administrative structures.

As discussed in Example 5, familiarity in general, and shared language and overarching views of MSP in particular, seemed to facilitate interaction between administrators in different German states, as well as between administrators and external experts. It allegedly was easier to discuss management plans as well as formal procedures more broadly with a German colleague or expert, than with counterparts in Poland or Denmark. Although fully understandable, this is not likely to be optimal in terms of providing fertile grounds for improved cross-country coordination. A first step that has been acknowledged if not always implemented, is to make sure that relevant documents are translated into languages used in neighbouring countries, adequate contact-points exist and are known by all involved, and that cross-border interactions are initiated when they should. Lessons can be learned from experiences made by civil society organisations that interact over country borders, where it seems to have been important to share a common and well defined interests, or in the words of this report, there needs to be a demand for cooperation. Compared with content-oriented initiatives, Communicative aspects may include initiatives to increase contacts and familiarity over country borders rather than focused on concrete task management. To increase momentum in these types of cross-country coordination, hybrid organisations comprising administrators as well as issue-specific civil society representatives can often be advantageous (Archer 2015). Arguably, cross-border projects may facilitate creation and workings of such hybrid organisations.

Are some sector borders more difficult to bridge than others?

Two lines of reasoning are clearly discernible in the discourses on MSP and EA; stakeholder inclusion and bridging of sectors borders. The reigning wisdom among most policy-makers and scholars is that increased participation of stakeholders – ranging from mere information at late stages of implementation to co-management where public officials and private actors collaborate on more or less equal terms – is something good. A common procedure is that other authorities are interacted with during the initial phases – often in informal ways – whereas "external" stakeholders and the public are engaged somewhat later. Allegedly, it can improve legitimacy, more adequately link ecosystem and social systems, infuse new knowledge into decision-making processes and facilitate implementation. A similar policy thrust relates to bridging of sector borders, where closer coordination, possibly aiming at full integration, is supposed to improve democratic decision-making and increase effectiveness. "Silo mentality", "tunnel vision" and "tribalism" is simply to be shunned.

Without challenging these conventional wisdoms, two remarks can be made. First, stakeholder participation and bridging of sector borders are linked policy goals. When, for example, the off-shore wind energy sector expands, other sectors such as shipping and fisheries are likely to be affected, which means that sector authorities have to interact to solve coordination problems. In these processes, affected stakeholders are likely to take action, and thereby influence policy and implementation processes. Second, if sector borders become more permeable because of attempts to improve coordination across sectors, interest and power balances tend to be affected. For example, if environmental protection and resource use administrations are brought closer together, balances between marine nature protection and blue growth are likely to be influenced, although it may be difficult to predict in what ways.

However, even though such shifts in balance cannot be predicted, an argument can be made that given stakeholder participation is of growing importance, sectors characterised by strong and well-organised stakeholders can get an upper hand compared with sectors with weaker and less well-organised stakeholders and user groups. Assuming that strengths of stakeholders do not always and necessarily correlate with political priorities, stakeholder participation may need to be more or less moderated to achieve politically preferred balances between sectors. However, this can sometimes become quite complicated, especially in cases where national political priorities differ from local users' views.

Moreover, apart from this form of *policy drift* caused by strong stakeholders promoting their interests, there are also reasons to carefully assess how effectively sectors influence outcomes from a welfare economics perspective. It is well known that in situations where a particular interest is concentrated into one or a small group of actors, potentials to influence political outcomes tend to be larger than in cases where the interest is distributed, and therefore diluted, among many actors, where each actor tends to have rather weak incentives to engage. In brief, transaction costs increase with the number of actors sharing a particular interest and the diversity among them, making it more difficult for large groups to organise and exert political influence, even if aggregated benefits from a policy change may be bigger in the larger than in the smaller group. For example, it may be more difficult for small scale and leisure fishers to promote their group interests, compared with sectors with relatively few and big actors such as the OWF. For these reasons, outcomes may in this sense not be as good as they could have been, from a social welfare point of view.

Thus, when policies are designed to promote bridging of sector borders and increased stakeholder participation, sectors' varying capability to effectively engage in participatory processes have to be carefully assessed. In other words, political prioritisations need to underpin how these processes are designed. How sector interests are to be balanced is a complex question that so far only has been given limited interest in the often quite technical and consensus-oriented MSP discourses. The issue may not only include which stakeholders to include, but as shown in Example 4 on Polish fisheries, also how to empower less resourceful stakeholders to actively address power differences and to instil

mutual trust. Another challenge is how to identify relevant groups and sub-groups of stakeholders so that they are viewed as legitimate by the group members, but still not too small, as this may dilute influence. Distinct groups within the same sector (for example different groups of fishers) are sometimes lumped together, which may lead to deteriorating internal cohesion and legitimacy shortages. These challenges are often especially important in situations of competition for space where traditional resource users are becoming increasingly marginalised, possibly despite their provision of positive externalities, and newcomers are resourceful and backed up by strong interests.

A specific challenge is here how to design and communicate MSP strategies so that marginalised sectors do not see MSP as a threat, but rather a possibility to systematically balance competing interests. After all, marginalisation would not be rolled back if MSP had not been developed. Quite the contrary, in less regulated contexts, the strongest actors tend to prevail. However, this is not to say that political objectives always are compatible with what might be seen as "fair" among certain groups of stakeholders. To the extent that governments prioritise certain sectors over others, transparent and open discussions on the underpinning of this prioritisation may be valuable, although they are not likely to fully satisfy marginalised groups.

Possibilities for stakeholder participation across borders – A forward-looking interpretation of German experiences

As elaborated upon in Example 5, German experiences on public consultations and coordination between three distinct MSP strategies – the EEZ, Schleswig-Holstein and Mecklenburg-Vorpommern – provides an opportunity to elaborate on how transnational MSP components such as public consultations, especially between neighbouring countries or in sub-regions, might develop over time. First, it should be noted that Germany, in similarity with the other countries in the region that have been studied, has so far not been able to institutionalise comprehensive and effective coordination frameworks with neighbouring countries. Thus, it can be suggested that experiences from stakeholder participation processes and cross-border coordination within Germany can be as relevant for Germany as for other countries in the Baltic Sea region.

The development of national MSP policy strategies have only recently begun, and it not surprising that focus has been placed on developing domestic strategies within the boundaries of global treaties, EU regulations and regional agreements. With few exceptions, transnational aspects have yet not been high on planners' agendas, except when concrete coordination problems have been necessary to address. However, an argument can be made that giving domestic dimensions exclusive focus can make transnational coordination further down the road more complicated than it could have been if a more forward-looking perspective had been adopted earlier.

There are several reasons why transnational coordination is challenging, such as differences related to resource use baselines, language, traditions and path dependencies as alluded to above. But at a more general level, there is a profound difference between domestic policy-making and what scholars

call *International Relations*. While administrators at national, county and local levels often have significant *de facto* influence over policy-making, and even more so over policy implementation, interactions between sovereign states are typically and primarily constituted by governmental, that is, political, relations, which in turn often are susceptible to politicisation (such as the dispute over marine border areas between Lithuania and Latvia in Example 2 above). However, although overarching governmental agreements are needed in regional MSP, the bulk of the work depend on close interactions between administrations at relevant levels in the collaborating countries.

As public consultations and consideration of especially neighbouring countries' legitimate interests both are important elements in EU Directives and in BSAP, it can be of interest to bring these components together and ask how public consultations with transnational elements can be envisioned. This is often a thorny issue, since those responsible for domestic MSP structures may not have the authority to negotiate across country borders. If these difficulties are successfully managed, it can be tempting to simply extend domestic procedures to include public authorities and stakeholders in neighbouring countries that are easy to spot, such as authorities at the same level and with similar competencies and organised stakeholders with apparent interests. However, reflecting upon German experiences, this may be easier said than done. Instead, the *functional*, *content-oriented* and *communicative* aspects referred to above in relation to coordination between Denmark and Sweden may prove more useful, as well as adoption of a longer perspective, in the construction of robust transnational consultations. Rather than trying to stitch together ad-hoc solutions when transnational coordination efforts become necessary that may result in biased and incompletely attended public consultations, increased capacity can be built in form of established bilateral or sub-regional networks in dedicated areas likely to be of increasing importance, particularly conflict-ridden or in other ways complex. These networks can then be envisioned to play key roles when transnational public consultations on specific issues need to be designed.

These kinds of established and well-focused networks to promote transnational public consultations in key areas of concern, tie into another German MSP experience; the values of combining formal and informal structures. Arguably, formal and informal consultations are mutually constitutive, as formal agreements require prior mutual understandings, while informal "out of the box-thinking" can be facilitated by clear and agreed upon boundaries, as argued in Example 2. Thus, strategies to establish the type of targeted transnational networks sketched here would most likely benefit from comprising both informal channels and formal structures. Establishing a dedicated cross-border project targeting these issues presumably can be a concrete way to initiate the build-up of such a network.

7. Conclusions

The main conclusions of this report are in what follows condensed into just a few bullet points. However, it should be emphasised that these brief conclusions have been drawn on the basis of five extensive case studies, a large number of interviews and several stakeholder forums as described in the Methods section above. Notwithstanding the broad and in-depth collection of empirical data, these conclusions are only valid in relation to the specific countries studied and the questions posed. Thus, they cannot be generalised to other countries, issue-areas or regions. However, it is likely that our conclusions in a broad sense are valid also in other, similar contexts, although this needs to be further corroborated in each particular case.

- At the regional Baltic Sea level, different logics seem to be driving Maritime Spatial Planning and Ecosystem Approach strategies and discourses, although initiatives such as the HV WG have been established to provide forums for dialogue. The former is mainly driven by a *rationalistic balancing* of resource and space use approach, while the latter is centred on *ecosystem boundaries*, which socioeconomic activities should not transgress as this may threaten long-term sustainability. From a policy perspective, further integration can be pursued to promote understanding over sector borders. Alternatively, a strategy of separation can be placed in focus, to pin down ecosystem boundaries more precisely, and to promote efficient and sustainable resource use within these boundaries.
- While countries naturally focus on how to elaborate domestic MSP strategies within institutional boundaries established at higher levels, the necessary requirement to follow treaties and EU Directives can result in missed opportunities in terms of benefit-based transnational coordination if a too legalistic approach is adopted, where focus is only placed at what authorities *have* to do. Taking advantage of opportunities for benefit-based coordination is typically easier and more fruitful the earlier it is considered in the elaboration of domestic MSP policy packages. Especially between countries with extensive prior cooperation such as among the Nordic countries, it may be worthwhile to assess how this form of *social capital* can facilitate and stimulate benefit-based coordination.
- Coordination between neighbouring countries seldom unfolds spontaneously, not even between long-term friends. Despite seemingly similar interests and socioeconomic structures, neighbouring countries may not seize windows of opportunities for benefit-driven coordination. To facilitate identification of areas that could benefit from improved coordination, strategic cross-border groups can be established, focusing on shared mandatory components such as public consultations and on issue-areas where there are apparent benefits from coordination for both countries. To ensure effectiveness, differences between political and administrative levels in terms of competence and expertise need to be assessed. Moreover, mechanisms to bring lessons learned home to domestic administrations may need to be established.
- MSP is inherently political. Competing interests need to be decided upon, but where to place the balance is a political decision. Although valuable in many ways, stakeholder participation mechanisms often become biased, favouring strong and well-organised interests. Therefore, governance in areas where some stakeholders can be presumed to be highly influential whereas others become marginalised, may need to be moderated by governing structures that give weak groups a stronger voice. An important issue is here how to anchor this moderation of interests at county and local levels.
- Public consultations play important roles in MSP, but are often difficult to structure in effective, transparent and inclusive ways, especially in cross-border settings. One possibility to increase long-term institutional robustness may be to establish cross-border working

groups or networks, tasked to identify strategic issue-areas where public consultations over country borders are likely to be valuable. For example identification of relevant stakeholders and selection of appropriate consultation designs are likely to be facilitated by having such groups or networks in place. If possible, existing forums can preferably be adapted to this purpose.

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