



PartiSEApate

Handbook on multi-level consultations in MSP

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1 Introduction

1.1 Why multi-level consultations in MSP ?

The sea is a complex and fragile ecosystem providing goods and services that are used by many actors: sectors (e.g. energy, fishery, shipping, tourism) and nations (e.g. 9 countries around the Baltic). Multiple interventions of these actors, often not taking account of actions undertaken by others, cause cumulative processes in the ecosystem leading to often irreversible changes in the marine resources. Even within the same sector interests may differ depending on the “level”, i.e. micro-economic and macro-economic interests / perspectives. Sometimes strong regional interests can prevail over national ones and vice versa. Through complex pathways this may again affect the ecosystem services provided by the sea.

At the same time all actors using the sea very much depend on the ability of the sea ecosystem to provide for these goods and services. Bearing this in mind it is high time for pursuing consultations among all actors at all levels at an early stage of planning for the future actions. Maritime Spatial Planning (MSP) in this context shall be regarded as a multilevel and cross-sectoral debate and dialogue revealing potential conflicts and synergies in relation to internationally/nationally/regionally agreed goals for using, sustaining and conserving of a marine ecosystem. Furthermore multilevel consultations shall ensure that a sense of 'ownership' (understood as rights, obligations and interests) of the sea areas is created and accepted by all stakeholders involved in the MSP process.

The concept of multi-levelness here means that a process should encompass very different types of participants at all given levels, be it local, regional, national, pan-Baltic, EU-wide and even global. The process has to take into account the wide range of their (sometimes opposing) stakes (e.g. energy, tourism, fishery) and influences (level of impacting) as well as making good use of the variety of approaches possible towards consulting stakeholders affected by the MSP process.

The concept of multilevel consultations in the MSP process should be seen as a one enabling to raise a voice for all who have a stake in the sea goods and services while respecting complicated patterns of relations between different levels of impact and interest. The MSP process's organizers have to identify and understand what type of stake different level stakeholders possess in order to consult them in line with their interests and to avoid consultations on the matters that given stakeholders have little to say.

1.2 Who should use this Handbook ?

This handbook aims to provide an insightful checklist of tasks that MSP organizers should perform at different stages of the process together with stakeholders at multiple levels. The handbook aims at those who initiate consultations. It has no ambition to show the consultation process from the perspective of those being consulted.

Although the handbook is based on the experience of the Baltic Sea Region (BSR) countries it has a more **universal character**. It can be applied in different sea-basins of the EU or even other parts of the world. It should be treated as a source of inspiration for maritime spatial planners and decision makers who want to be sure that their multilevel consultations make sense and bring relevant results in terms of the content of the plan and easiness of its implementation.

The handbook is not intended to provide a recipe on how to consult all relevant parties when preparing maritime spatial plans and related documents. This process depends on the planning culture in a given country, the participatory approach in different cultures/countries (understood



here as a general willingness of nations and societal groups to work together or separately) and, finally, how this is shaped by various legal provisions contained in national regulations.

The handbook is anchored in the MSP governance model¹ for the Baltic Sea Region developed by PartiSEApate which is referred frequently in the text. This model describes among others the institutional set up for multilevel cooperation and consultations. It emphasises the importance of MSP focal points² in each country to facilitate cross-border consultations and describes the respective roles and tasks of the multiple players within a cross-border MSP process. In this Handbook those focal points play an important role in cross-border MSP consultations but the procedures of their establishment and their role and tasks are described in detail in the governance model.

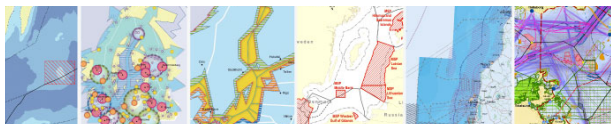
1.3 What to find where in this Handbook

The structure of the handbook is the following:

- Chapter 2 introduces the key concepts and definitions as used within this Handbook. This is important as there is unison set of definitions for the same term used in MSP so far.
- Chapter 3 presents a comparative overview of how stakeholder consultations in MSP are understood in the Members States around the Baltic Sea and the resulting analysis of lessons to be learned and concerns identified in these consultation processes so far,
- Chapter 4 defines a set of guiding questions for each stage within the MSP process. These “check lists” are meant to support MSP responsible bodies in identification of appropriate level of stakeholders as well as appropriate means for consultations with them
- Chapter 5 describes in more detail the current legal basis in each of the countries represented in the PartiSEApate project as well as showing samples of how MSP consultation processes have been carried out in practice.

¹ The full report showing the model is available as a download on the PartiSEApate website: <http://www.partiseapate.eu/results/> (cf. Gee K., Schultz-Zehden A., 2014, MSP Governance Framework Report, PartiSEApate)

² MSP focal points in EU context will often be the responsible MSP authority in a given country. In countries with multiple governance levels responsible for MSP – one single focal point shall be appointed responsible for representing the overall national interest of the country.



2 Key Concepts and Definitions

2.1 What do we mean with “multi-level”?

This handbook focuses on multilevel consultations in the MSP process. The notion of multilevelness in the MSP process in the BSR is shown in the following two figures. Whereas the first figure relates to all given stakeholders and shows the difference between multi-level, cross-sectoral and transnational, figure 2 (taken from BaltSeaPlan findings) puts more focus on the respective role of the MSP authorities at different government levels. It encapsulates the principle of **spatial subsidiarity**, which postulates that, facilitated by appropriate structure and processes at national and international level, spatial challenges should be dealt with at the lowest possible, most appropriate spatial level.



Fig.1 Multilevel paths in the Baltic Sea Region (created by BEF Latvia, PartiSEApate Project)

DIFFERENT ROLES & RESPONSIBILITIES IN MSP (A POSSIBLE SET UP)

INTERNATIONAL				A formal pan-Baltic decision making body agrees, endorses and adapts common objectives and targets common objectives & targets
NATIONAL			National structures established to implement MSP translate commonly agreed objectives and targets for Baltic Sea space into a spatial framework taking into account transnational principles.	A technical transnational coordinating body implements the transnational decisions and ensures the necessary “day to day” cooperation and coordination (linked to transnational data, see next chapter) decisions/realising “day to day” transnational cooperation and coordination to realise transnational decisions (transnational spatial framework/ linear elements) → linked to transnational data management (see next chapter)
REGIONAL		The regional and local level integrate economic and spatial planning and are responsible for detailed territorial planning		
LOCAL				
	COAST	12SMZ	EEZ	BEYOND

Fig 2: The spatial subsidiarity ladder in MSP (BaltSeaPlan Findings, pg. 39)



In this Handbook, however, **the concept of “level” is not limited to public authorities** with concrete territorial mandate e.g. national, regional or local. On contrary “level” stands for the large variety of stakeholders with an interest of a specific geographical scale. So local level means for instance stakeholders (authorities, NGOs, businesses etc.) having local stake and interests.

For the simplicity of our reasoning we have added one more level normally not referred to for the sake of consultation: the **cross-border level**. We mean by that all stakeholders from another country located in a given sea basin and having a “stake” (interest or ability to influence) in a given MSP process which is and will be predominantly national from its nature. Even though we will call this level in this book from now on “cross-border” level, this is not to mean that the role of this cross-border level is limited only to immediate “foreign” neighbours (those sharing the border) as a direct interpretation of this notion may suggest. Due to the peculiarity of sea borders, which hardly limit natural or economic processes and impacts, also stakeholders further away may have an interest in the MSP process of a country with no direct border.

The cross-border level might be composed of national, regional and local entities and stakeholders but it is up to the cross-border MSP focal points (located in each EU Member State) to decide which out of those levels should be consulted. Thanks to the “assumed” existence of cross-border “goal keepers” we treat this as a unified separate level.

In contrast to the cross-border MSP focal points, which focus on the international dimension of a given country, the transnational (in our case Baltic) level relates to transnational organisations and their secretariats. They are therefore goalkeepers for an overall, sea-basin approach.

Multilevel means:
local, regional, national and cross-border level,
as well as sometimes also Baltic and EU level

Thus at the end of the day the consultations should encompass: local and regional, national, cross-border and in some cases also Baltic³ (HELCOM, VASAB and other transnational organisations) and even EU level.

2.2 Consultation: A specific form of Stakeholder Involvement

Consultations encompass:
informing, screening the resources, asking for inputs and opinions
but the final decision is in the hands of those who are doing the consultations

The handbook deals exclusively with consultations with stakeholders. In some cases also the general public may be seen as a “stakeholder” in its own regard, but this handbook deals mainly with organized MSP actors and entities.

2.2.1 Arnsteins ladder of public engagement

Consultation is one of the steps of involving stakeholders into MSP, but it should be complemented with other types of engagement.

³ For MSP actors in other sea-basins, „Baltic“ as referred to in this Handbook should / would need to be translated into sea-basin / maritime region level (see also EU MSP Directive Articles 11 & 12)



Arnstein's⁴ ladder of public engagement shows a variety of options⁵:

- **Information** - Providing information. (E.g. about the existence of a service, results of a decision). Tends to be one way communication: from MSP organizers to stakeholders
- **Education** - Explaining or raising awareness of something - often in order to change attitudes/action. Tends to be one-way communication: from MSP organizers to stakeholders
- **Consultation** - Asking opinions of stakeholders. This can include various ways of asking for opinion or reactions to particular draft decisions. It can take the form of phone inquiries, focus groups or debates. Can be two way communication (e.g. if participants are informed of the results) but final decisions are made by those who are doing the consulting.
- **Involvement** - Where more than just opinions are expected. Participants may be part of the solution development process' by taking action, endorsing something, etc. Communication must be two way, responsibilities are not necessarily formally set out and relationships between participants may remain unclear.
- **Partnership** - Direct involvement in decision making and action, with all parties having clear roles and responsibilities and powers – usually for a defined purpose/shared common goal. Two-way communication essential.
- **Devolved Power** - Giving away decision making, resources and control. There should also be clear lines of accountability and it should involve two way communication with those giving away the power.

2.2.2 What do we mean with “consultation” in this Handbook ?

By consultation we will understand in this handbook the following:

- a) **informing** in a targeted way about relevant aspects of the MSP process (e.g. commencement of MSP, entering new phase of MSP, availability of materials for consultations etc.),
- b) **screening** the resources of a given stakeholder available at public domain (e.g. reports, website, available data and information etc.) in order to engage them in the MSP process,
- c) **asking for inputs** by stakeholders to the MSP process in order to reveal existing practice and interests of given stakeholders, e.g. identification of development plans towards a given sea space, identification of areas of the most intensive use of the sea space, identification of an exclusive possession of the stakeholder, etc.,
- d) **asking for opinions** and reflections from stakeholders approached in step c) on a draft proposal of the plan (goals, methodology and proposed solutions/preferences)

The above steps are therefore the sub-steps WITHIN the consultation process. Sometimes one should extract opinions actively, and sometimes it is done by screening available materials and information.

2.3 Consultation as one element in each step of the MSP cycle

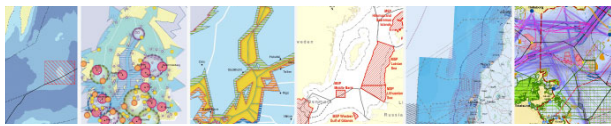
There are several guides and handbooks describing how to run a MSP process (Schultz-Zehden, Gee, Ścibior 2008⁶; Ehler, Douvre 2009⁷) or its vital ingredients (Ehler 2014⁸). In the following we will make use of the steps as described within the PlanCoast MSP Handbook (see figure 4).

⁴ Arnstein, Sherry R. "A Ladder of Citizen Participation," JAIP, Vol. 35, No. 4, July 1969, pp. 216-224

⁵ www.rkppartnership.co.uk/documents/Arnstein's%20Ladder.pdf

⁶ Schultz-Zehden A., Gee K. and Ścibior K. *Handbook on Integrated Maritime Spatial Planning*, S.PRO, Berlin 2008

⁷ Ehler C, Douvre F. *Marine spatial planning: a step-by-step approach toward ecosystem-based management*. UNESCO: Intergovernmental Oceanographic Commission and Man and the Biosphere Programme; Paris, 2009.



The added value of this handbook is in its concentration on the issue of multilevel consultations. It is meant to help maritime spatial planners to decide 'why and how' to involve stakeholders from a right level at a right time in a consultation process. We will therefore always focus on the given consultation process at each stage / step of the MSP process.

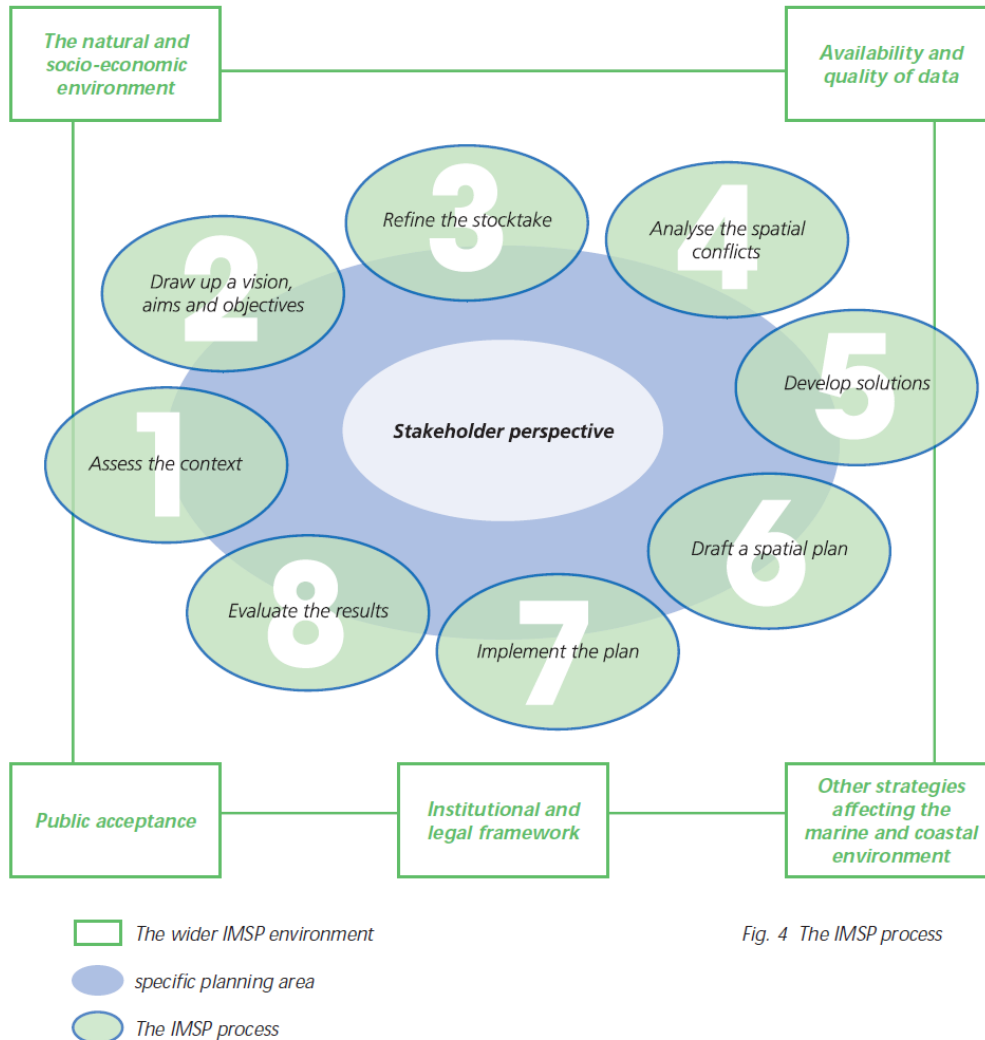


Fig. 4 The IMSP process

Fig 4. Integrated MSP process (Schultz-Zehden, Gee, Ścibior, 2008)

2.4 First hand research undertaken in PartiSEApate

As mentioned before, the Handbook aims to be of universal character, meaning that it should be helpful for Maritime Spatial Planners all over the world. Nevertheless, it is based on new first hand source research findings provided by the PartiSEApate project, which was implemented from 2012-2014 within the Baltic Sea Region.

Within PartiSEApate more than 160 stakeholders were asked to give their opinion in a standard questionnaire with regard to the most suitable modalities of consulting them in the BSR MSP. These

⁸ Ehler C, *A Guide to Evaluating Marine Spatial Planning: a step-by-step approach toward ecosystem-based management*. 70 ICAM Dossier 8, UNESCO: Intergovernmental Oceanographic Commission and Man and the Biosphere Programme; Paris, 2014



questionnaires were distributed and filled out by stakeholders on the spot following their participation in focused Baltic sea wide MSP workshops. These findings have been integrated into this handbook.

The research done by the PartiSEApate project revealed among others that different sectors preferred to be consulted at different levels. For instance, the aquaculture sector typically prefers consultations at the regional level⁹, whereas the fishery and shipping sectors reveal need of mostly transnational consultations (Fig 3).

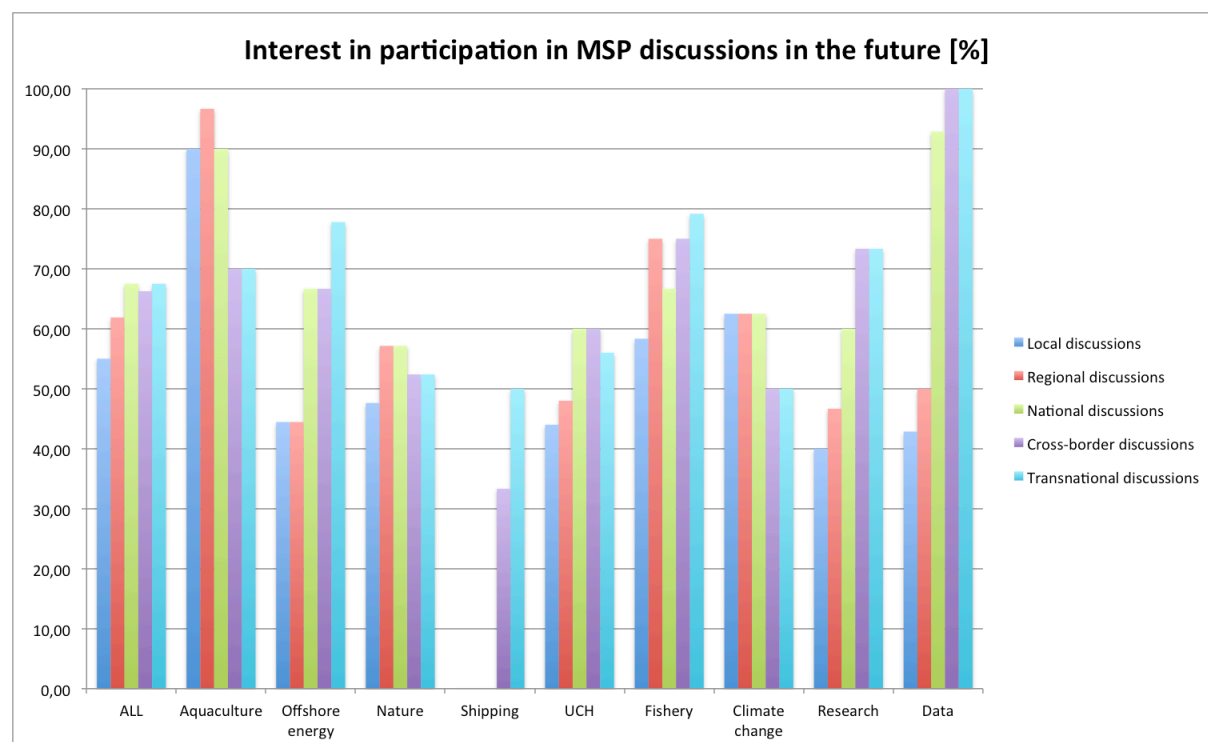


Fig.3. Interest in participation in the MSP process in the future (PartiSEApate Project, BEF Latvia)

The overall survey was followed by a large series of individual semi-structured telephone interviews with 60 MSP decision-makers throughout the Baltic Sea Region. The results of this survey formed the basis for the PartiSEApate MSP governance model for the BSR, often referred to within this Handbook and have now also been integrated into this Handbook.

Furthermore the Handbook is based on the various activities and processes pursued regarding multi-level consultation within the three PartiSEApate pilot projects as well as the earlier BaltSeaPlan MSP pilot projects. These are accounted for in the samples provided in Chapter 5, but have also been taken into account in the findings presented in Chapter 3 and the more generic steps described in Chapter 4.

⁹ Since operations as well as licensing procedures are highly dependent on local conditions despite the fact that legal framework conditions are mainly based on EU regulations such as WFD / MFSD.



2.5 Overview of Stakeholders around the BSR

The table below shows the most relevant stakeholders from different levels identified within the spectrum of maritime topics covered by the PartiSEApate project¹⁰. As it has already been described, under each “level” there is a wide spectrum of stakeholders that is much broader than only public authorities as it also includes NGOs, private sector and academia.

	EU and global	Baltic	National	Regional	Local
Fisheries	DG Mare European Anglers Alliance DG Agri	Baltic RAC HELCOM Fisheries and Environment Forum Fisheries Secretariat BALTFISH Forum ICES	National Associations of Fishermen National associations of Fish processing sector National Ministries	Regional Associations of Fisherman (Fisheries Local Action Groups) Regional authorities	Single fishermen and fish-processing companies municipalities
Shipping and Port	IMO, DG Mare, Move ECSA ICS, BIMCO WSC	BPO HELCOM Maritime, EUSBSR: PA Clean Ship / PA Transport Baltic Sea Hydrographic Commission	Largest Port Authorities National Ministries and Agencies Ship owners (national)	Small port authorities Regional authorities	municipalities and small port authorities
Environment and Climate change	DG Env, UN WWF	HELCOM Coalition Clean Baltic CBSS Advisory Group	National NGOs National Ministries and Agencies	Regional NGOs Regional Agendas 21 Regional authorities	Local Agendas 21 municipalities
Energy	DG Energy DG Mare, ENTSO-E, EWEA	BASREC ENTSO-E Baltic Sea Regional Group	National Associations of renewables energy producers National NGOs National Ministries and Agencies National owners of energy grid Key enterprises in energy sector	Regional authorities Wind farm owners Producers of wind farm installations	municipalities
Aquaculture	DG Mare / ENV DG Agri		National Ministries and Agencies	Regional authorities	municipalities aquaculture enterprises
Tourism and underwater cultural heritage	UNESCO	Baltic SEA Tourism Commission CBSS Baltic Sea Monitoring Group on	National Ministries and Agencies National Maritime Museum	Regional authorities Regional tourism associations	municipalities marinas owners tourist facility owners

¹⁰ Sand & gravel extraction was for instance not covered by the PartiSEApate project and is therefore not represented in this list.



		Heritage Cooperation		
		EUSBSR PA Tourism		local maritime museums & tourist associations
Research and Data	INSPIRE Committee	HELCOM	National Ministries and Agencies	
	ESPO	BSRUN	Key maritime research institutes and universities	
	ICES	BONUS / Baltic Research projects	Key research projects	
		BSHC		
		ICES		
		Baltic University Programme		



3 The consultation process in MSP cases accounted for in PartiSEApate project¹¹

3.1 Overview on Formal Consultation Processes

A summary description of the formal consultation processes with the general public as prescribed in each of the participating Baltic countries is provided in the table below. The detailed description is given in the Chapter 5.

Country	Existence of legal basis for consultation	Organizers of consultations	Obligation to consult				Other levels involved in consultations as a good practice	Remarks
			local	regional	national	cross-border		
Estonia	no	county governor	yes	yes	yes	only for SEA	cross-border	Importance of SEA, and Estonian Good Practices of Involvement. It is always recommended to organise more public discussions and public meetings, when the content of the plan is of great importance to the wider public
Latvia	yes	Ministry of the Environmental Protection and Regional Development	yes	yes	yes	yes	cross-border	Main vehicle public hearings. it is necessary to inform all stakeholders and public via individual e-mails, public announcements, information on web pages, press releases etc. about the public hearing
Lithuania	yes	Ministry of Environment	yes	no	yes	only for SEA	cross-border	Consultation in four stages: beginning of the plan, SEA, Concept of the plan, planning solutions. Apart of formal presentations and public expositions, planners are encouraged to have discussions/meetings with key stakeholders in order to manage potential spatial conflicts and facilitate acceptance of proposed solutions.
Poland	yes	Maritime Administration	yes	no	yes	only for SEA	cross-border Baltic, EU	Importance of SEA as a consulting vehicle. Plan consultations should be organised as appropriate with local governments and national agencies/ministries
Germany EEZ	yes	Federal Maritime and Hydrographic Agency	yes	yes	yes	yes	Baltic, EU	Consultation in three stages: beginning of the plan, SEA plus first draft of plan, second draft of plan. According to existing legal

¹¹ Denmark, Finland and Russia were not partners in the PartiSEApate project, neither were the German Länder „Mecklenburg-Vorpommern“ and „Schleswig-Holstein“ responsible for MSP in their respective 12sm zone.



								requirements consultation has taken place mostly in an advanced stage of the planning process . Lack of a broad discussion at the beginning of the process other than asking for first input and interests
Sweden	V (proposal)	Swedish Agency for Marine and Water Management (proposal)	yes	yes	yes	v (proposal)	cross-border Baltic, EU	The passive method involves putting up advertisement in the local newspapers and inviting the public to open meetings. The active method involves calling critical stakeholders that needs to be invited and then sending them material and invitations.
Norway (territorial waters)	no	municipalities	yes	may be	yes	no	no	The process is here typically bottom up, initiated at the local level. The local authorities should actively involve the general public and stakeholders. This may include public meetings, allowing for written input from the general public, meeting with the local stakeholder's organizations, and a poll questioning the users of the areas
Norway EEZ	yes	Norwegian Environment Agency	yes	yes	yes	only for SEA	no	Consultation in three stages: plan for EIAs, EIAs themselves and at the stage of elaboration of assessment of cumulative effects of the plan

The information provided for in the tables mainly relates to the “public” consultation processes, i.e. consultation with the general public. The legally prescribed consultation process regarding general public and stakeholders from national, regional and local level in countries taking part in the PartiSEApate project seems to be generally sufficient. If not within the MSP legislation, it is ensured by general spatial or development planning acts or at least within the process of Strategic Environment Assessment. Most of the countries try to mix the legally prescribed process with informal steps to widen the public participation by consulting stakeholders from the beginning of the MSP process (e.g. Poland, Sweden, partly Lithuania).

However, little information has been provided to us and/or is formally prescribed on how the inter-service consultation between the competent ministries / authorities for the different sectoral concerns has to be pursued. This may need more intensive thought and some further research (with exception of case of Poland).

3.2 Current involvement of the various “levels” in consultation processes

In general, consultation processes for national MSPs in the BSR countries involved in the PartiSEApate project look quite similar. In some countries consultations are not described in the legal act related to MSP, but in such case other pieces of legislation (i.e. on spatial planning) are used. Consultations are usually organised by the authority responsible for MSP, although in some cases those authorities use external assistance to moderate this process (usually a consortium responsible for the plan preparation).

As a rule the national and local level is deeply involved in the consultation. By local level we mean here not only local governments, but also NGOs, private businesses and similar entities. Nevertheless responsibilities and involvement of the various levels in MSP differ due to different size of countries. In Sweden for instance coastal municipalities have the obligation to develop comprehensive plans for the territorial sea. The respective national MSP is not superior to the municipal one nor vice versa. In



Germany the Coastal “Länder” (for the Baltic these are Mecklenburg-Vorpommern and Schleswig-Holstein) are in charge for developing the MSPs for the 12 sm zone, whereas the MSP for the EEZ is developed by the Federal Maritime and Hydrographic Agency. In Poland – despite strong regional self-governments, the Directors of Maritime Offices are in charge of drafting the MSPs, which are finally adopted by ordinance of the minister responsible for maritime matters and minister responsible for regional development.

In many countries consultations with national and local stakeholders take the form of a multi-stage process which is in line with the modern understanding of consultations needs in MSP. However, even though there is no uniform consultation practice with each country taking a different approach, one element is missing in all of them. None has so far given sufficient attention to capacity building of MSP stakeholders to enable them to better participate in the consultations.

Cross-border consultations are currently mainly based around strategic environmental assessment of plans (SEA) and not the overall MSP content and procedures. This is due to the fact that no established regulatory framework exists so far relating to MSP apart from the ESPOO convention (ESPOO Convention, EU Directive 2001/42/EC), which is exclusively focussed on environmental impacts.¹² With the adoption of the so-called EU MSP Framework Directive (Directive 2014/89/EU), however, Member States sharing a sea are from now on obliged to cooperate to ensure that MSP are coherent and coordinated across the marine region. The means of cooperation are however left to the Member States to decide.

In practice Germany, Lithuania and Sweden as the countries within the Baltic Sea Region being sufficiently ahead with MSP have already prior to the MSP Directive taken a more broader and comprehensive approach – even though developed on a voluntary and partly project basis. In the case of Lithuania the broader approach was prompted by scientists and not by the authorities. The German and Lithuanian experience has shown that consultations should start as early as possible throughout the planning cycle and not only at a time when the plan is already developed. Sweden, which started later, has taken this on board and is therefore currently so far one of the best examples of a ‘right timing and approach’ since it has started cross-border consultations very early, discussing with neighbouring countries the planning process and guiding it key objectives.

Also consultations with EU, or even Baltic, level are very rare. From our PartiSEApate findings we can assume that this is partly due to the fact that countries are not formally obliged to consult with these levels. On a more operational side, it may also be explained by a lack of awareness of the respective MSP process organizers’ on what type of information can be obtained from these levels as well as insufficient preparedness and institutional transparency of those representing the Baltic or EU level. With the further development of Baltic or EU-wide capacities such as EMODNET this might change, since important sea information may be more easily and publicly available.

Country	legal basis for		formal procedure	
	MSP	consultation	cross-border	within country
Germany	existing	MSP regulations, SEA law	within SEA process	within SEA process
Latvia	existing	MSP regulations, SEA law + general development	responsible ministry appoints the responsible person for MSP consultation	

¹² This may change with the implementation of the MSP Directive which calls for cooperation of member states across the same marine region (Article 11)



		planning regulations		and public participation process	
				informal steps in place to ensure consultation at the earliest planning phase	
Lithuania	in preparation	Regulation of public participation in territorial planning process	SEA Act	minimum required consultations with involved authorities and public obligatory	
				only within SEA process	at all planning phases
Poland	existing	within MSP legislation	SEA Act	only within SEA process *	only within SEA process*
Estonia	in preparation			only within SEA process	at all planning phases
Sweden	new legislation as of September 2014	Swedish Planning and Building Act (PBL) SEA Act MSP ordinance (proposal)		only within SEA process	at all planning phases (PBL) plan proposals (proposal MSP ordinance)

* Currently prepared amendment of law on MSP provides for formal crossborder and Baltic level consultation and extensive internal consultation processes.

3.3 Main concerns in current consultation processes

Looking at the Baltic Sea cases the main concerns within the current consultation practice are:

- **Imperfect implementation of existing legal arrangements** – often the organisations and institutions prescribed in law may consult their stakeholders and gather their suggestions, but in practice the resources are so limited that profound consultation is impossible. Usually, if there is no obligation – the consultations are limited to a minimum.
- **Tight timeframes of the process** - very often, especially when maritime planning is carried out for the first time or the task is subcontracted to external consultants, the timing does not allow for wide and profound consultations. However, Latvian experience shows that when some type of development plan is carried out for the first time, the interest is larger than at the time when the plan is reviewed or made for a second time. On the other hand, in other countries - e.g. in Mecklenburg Vorpommern - it has worked differently i.e. continuation of the planning efforts led to more intensive involvement and higher awareness among stakeholders.
- **Planners by education are more open to consultation in comparison to civil servants with other educational background** - Partly this can be explained by the mandate of planners as facilitators of decision-making processes and specificity of the space that unite different interests. The traditional sectoral agencies in many cases are limited by their mandate and management cultures trying not to interfere with other sectors. Thus, integration among policies might be sometimes difficult.
- **Lack of understanding of the MSP aims, objectives and prescriptions** - it is always a challenge to balance all interests and demands in existing restrictive conditions. The other problem is the justification of the choices made in the planning solution. The precondition to a well-argued planning solution is an in-depth analysis of the state-of-art and identified impacts of different



nature (e.g. environmental and social). Transparency and openness are key principles to ensure successful and productive stakeholder consultation.

Overall, consultation processes so far have shown that stakeholders – be it authorities or sector organisations are still not sufficiently prepared for voicing their “stake” within the MSP process. The stakeholder report prepared by Sweden shows that coastal authorities are quite aware of “coastal” conflicts, but the further offshore and thus cross-border, the less stakeholders are able to or can formulate concerns. The more so in terms of maritime spatial planning conditions. As mentioned above there is still a lack of sufficient capacity raising efforts in this regard.

- **MSP cross-border consultations start too late and are too focused on environmental impacts only** - The type of consultation as required by ESPOO has been found to be insufficient for the MSP process as it involves neighbouring countries too late (when a draft plan has been prepared) and covers only issues of “significant environmental concerns”. Transnational consultations under ESPOO Convention usually are initiated on the ministerial level when the draft Plan is already finalised and are performed through the national contact points. This raises doubts on how much information has actually reached stakeholders in the targeted countries, but even more importantly, it may cover only authorities related to environmental issues.

Before the adoption of EU MSP Framework Directive most of the countries’ planners have not had any formal possibility, i.e. right and duties prescribed by law, to have consultations with neighbouring stakeholders. Moreover, methods and means of consultations are not prescribed in legal acts. However, some countries have demonstrated that the requirement to consult with neighbours can be set nationally, if they are regarded as important and necessary. And the MSP governance model for the BSR developed by PartiSEApate describes the proper institutional structure necessary for that.



4 Consultation step by step. Guide to successful consultations

4.1 Preparing for a stakeholder intervention strategy

The MSP responsible bodies should answer the following questions with regard to the stakeholder multilevel consultations:

- what level should be consulted;
- when (at which planning stage) this level should be consulted;
- why and how it should be consulted (cf. definition of consultation from the introduction); and
- how it should be done.

One should bear in mind that for each of these questions it is important to distinguish between national/regional/local, cross-border as well as Baltic/EU consultations, as each of them will require a separate approach – especially in terms of timeframes and methods. As a rule the local, regional, national and cross-border stakeholders should be consulted at the **earliest possible stage**. This may however mean a different stage for different levels of stakeholders.

The role of MSP process's organizers is to make sure that all relevant stakeholders are consulted at the right time with all rights that belong to them at a given stage of the consultation process.

The levels chosen depend on the type of the plan and specificity of the sea area covered by the plan. They might be different for plans related to territorial waters than for those covering the EEZ. Furthermore, the purpose of the consultation and the related method used for the consultation differs depending on the type of stakeholder.

Generally, the stakeholder intervention process should be defined on the basis of a stakeholder analysis carried out in early stages of the MSP process¹³.















































In accordance with the PartiSEApate governance model, we assume that cross-border consultations are conducted via the MSP national contact point within the given neighbouring country, who represents the respective national, regional and local level of their country and who ultimately decides on the most appropriate stakeholder intervention strategy also for the consultation of a MSP of a neighbouring country.






The matrix below shows in general terms, in which way (using the typology of consultation presented in Chapter 2) each level should be consulted in each of the steps of the MSP process.

	EU/global	Baltic	Cross-border	National	Regional	Local
Assessment of the content	✓	i ✓	i ✓	i ✓ ✓	i ✓	i ✓
Drawing up a vision aims and objectives	✓	✓	✓ ✓	✓ ✓ ✓	✓ ✓	✓ ✓
Stocktaking	✓	✓ i	✓ i	✓ ✓	✓ ✓	✓ ✓

¹³ To our knowledge such type of thorough stakeholder analysis has so far been undertaken only by Sweden. The report also provides for recommendations of a structured stakeholder intervention process.



						
Analyzing spatial conflicts			 			
Developing solutions			 		 	 
Drafting a spatial plan						
Implementing spatial plan		 	  	  	 	 
Evaluating the results			  	  	  	  

-  **informing (i)**
-  **screening the resources (s)**
-  **asking stakeholders' opinions and reactions (c)**
-  **asking stakeholders for inputs (a)**
-  **at the end of each phase**

It is assumed that the scope of “consultation” with the EU and Baltic level will remain limited. Consultation is expected to focus mainly on screening their available information resources (impersonal way) or informing the related transnational working groups about results.

In the following we therefore focus only on consultations with cross-border, regional, national and local level.

4.2 Step 1: Assessment of the context

As a first and essential step in the MSP process, planners need to review the existing policies and strategies affecting the sea and coast. This should include national and regional policies, as well as relevant European and international policies and agreements and their expression at national / regional level.. The purpose of this is to identify aims, objectives and targets that have already been set out for the coast and the sea and which planning will need to take into account.

At this stage, while assessing the MSP context planners should also pay attention to the consultation process. The legal acts, various strategies and policies and administrative routines should be assessed in order to come up with a valid and tailored consultation process. Of primary importance here is the national, Baltic and EU/global level. The EU Directive on MSP requires that the MSP process will encompass consultations with neighbouring countries and the third i.e. non-EU countries - if relevant. The majority of legal acts that should be screened are adopted nationally, by EU or take the form of international conventions. Also soft law in forms of recommendations (national and international) should be taken into consideration. In the Baltic Sea Region HELCOM



recommendations deserve particular attention. An important source of knowledge can be the VASAB portal on MSP and/or the future MSP portal of DG Mare.

Moreover information about the start of the MSP process should be spread among all the levels. Thus at this stage a proper stakeholder analysis should be conducted. This is important in order to understand the respective “stakes”, i.e. interests of different levels, how they are effected by a MSP process and the contribution one can expect from them in the MSP process. For the cross-border level this should be done via the national cross-border contact points.

The following tasks should be done with regard to multilevel consultations at this stage.

What should be done	Yes	No
Mapping relevant stakeholders at EU, Baltic, cross-border, national, regional, local level including types of organisation; relative position and power; way of contacting them and if appropriate (mainly EU, Baltic and national stakeholders) screening their resources (e.g. addresses of their websites)		
Informing relevant stakeholders at different levels (from Baltic-to local) about the start of the MSP process including BSR MSP contact points of neighbouring countries		
Screening existing soft and hard law at global (conventions) EU, Baltic (e.g. HELCOM recommendations) national level with regard to requirements for consultations		
Elaborating by the planning team a preliminary strategy of multi-level consultations (and if required, approving it by relevant authorities) including a stakeholder list, type and purpose of involvement & consultation, consultation channels & time schedule, possible outcomes		
Approaching cross-border level stakeholders in order to agree on how, on what and when they wish to be asked for inputs on that		

Example: Swedish MSP Stakeholder Report as well as Swedish Baltic MSP Round Tour (see cases)

4.3 Step 2: Drawing up a vision aims and objectives

A vision is a description of what is desired for the area in question. It can either be derived from existing policy documents, for instance national or regional ICZM or maritime strategies, or it can be created solely for the area in question. Visions can exist at different scales, ranging from national all the way to local scale. The vision needs to be accepted and carried by all relevant stakeholder.

Usually it is a public administration (democratically elected bodies), which has the mandate to formulate goals and objectives on behalf of citizens and the society. Sometimes visions and goals are also formulated by implementing a bottom-up approach when stakeholders are asked to contribute actively in defining the vision and objectives. At this stage of MSP it is important to screen all the relevant visions and strategies adopted in order to look for synergies and minimise contradictions. Baltic and national strategy/ies, regional strategies and national policies should be taken into account. Thus BSR and national (also cross-border) level stakeholders deserve special attention. Since the national level is of key importance for bodies/authorities in charge of MSP, the relevant national bodies within the country and the MSP contact points (appointed in each country for MSP cross-



border consultations in line with recommendations of the PartiSEApate governance model) should be asked to contribute with information on goals and objectives.

The following tasks should be done with regard to multilevel consultations at this stage.

What should be done	Yes	No
Identification and screening of relevant visions, strategies and policies at EU/global, Baltic, cross-border, national, regional and local level.		
Asking cross-border level and relevant national stakeholders for an input in terms of goals and objectives relevant for MSP		
Compiling the goals (making comprehensive picture). Asking stakeholders at cross-border, national, regional and local level (who indicated wish to be consulted on this) once more on opinions about this joint picture / vision		

4.4 Step 3: Stocktaking

The stocktake should provide a good general overview of the current status quo in the sea and on the coast. A stocktake is a means of gathering information on the current status quo of the coastal and marine environment. Its purpose is to bring together a wide range of baseline information: on the environmental and socio-economic status of an area, key system interchanges, the institutional framework and the stakeholder context. Naturally, both coastal and marine areas should be covered. The stocktake should also take account of any obvious trends and developments in order to be able to assess spatial pressures at a later stage.

Multilevel consultations play a crucial role in the stocktaking phase. Stakeholders possess important information, can validate data and information collected by the planners and reveal issues and subjects requiring further attention. The danger is, however, that some stakeholders may try to influence the MSP into direction desired by them through revealing only information favourable to them.

At this stage of the planning cycle, consultation of the local and regional level are of primary importance since the tacit knowledge related to sea areas is usually accumulated there. However, some relevant data and information can be obtained also from EU/global (EMODNET, ICES, ESPON) and from the Baltic (HELCOM) levels. Those sources of information should at least be screened. The outcome of the stocktaking should be presented to national and regional/local level if relevant. Those levels should be asked for opinions and suggestions what information is missing and what information lacks accuracy. Thanks to that many shortcomings and gaps can be filled in. A key issue is an interplay between levels. For instance Baltic data and information can complement or verify the regional or local ones (tacit knowledge).

At this stage it is also desirable to agree on the consultation architecture (i.e. on the scope and time of consultations extending those required by law (i.e. SEA). For agreeing on this architecture (stakeholder strategy) consultation with cross-border and sometimes regional level is of key importance. In reference to the BaltSeaPlan findings (see pg. 6), the consultation process should be of non-hierarchical nature and instead be based on the principle of subsidiarity, i.e. stakeholders should be consulted at the most appropriate level where they have a real stake or possibility to contribute to the MSP process.

The following tasks should be done with regard to multi-level consultations at this stage.



What should be done	Yes	No
Mapping and screening relevant sources of data and information at EU/global land Baltic level		
Refine stakeholder strategy from step 1; i.e. how and when to consult whom, with which method and purpose at cross-border, national, regional and local level		
Asking for relevant data and information at cross-border, national, regional and local level		
Asking opinion on the outcome of the stocktaking phase (accuracy of information, completeness of information) the national, regional and local level		
Informing Baltic level about the main findings from stock-taking (i.e. body of knowledge collected and the way of storage of the knowledge i.e. website, report etc. since such information might be relevant to all BSR countries)		
Informing cross-border level about the main findings from stock-taking with an option to comment if agreed so at the first stage		

GOOD PRACTICE: Norwegian way of bringing together science and stakeholders for improving stocktaking (see case)

4.5 Step 4: Analyzing spatial conflicts

At this stage one should examine the following questions:

- What are the spatial needs of different sea uses, and are there any uses that are developing particularly rapidly?
- Which forms of use are likely to translate into particularly severe spatial impacts?
- And which uses are restricted to specific areas because of specific resource needs?
- Which uses are spatially compatible with one another and which are incompatible?

Analyzing spatial conflicts requires specific skills and knowledge. Therefore it is advisable to consult and learn from experience of others. Here, especially the Baltic and cross-border level (our neighbours) should be screened to check existing knowledge on conflicts, e.g. what types of conflicts they identified so far, how these conflicts were solved and what types of tools and methods have been applied. This can be a starting point for further work.

At this phase **direct approaching** of stakeholders is important for identifying conflicts and understanding their nature. A danger to be taken into account in the related stakeholder intervention strategy is that some important stakeholders might, however, not take part in the process. Thus a conflict analysis only based on actual participation in workshops, public hearing, etc. may be far away from reality as the discussion on conflicts might be dominated by a few well organised stakeholder groups. This may lead to either oversight or also exaggeration of potential conflicts. Multilevel consultations shall help to avoid such a danger and provide planners with a more balanced and comprehensive picture. Planners might for instance test their findings in a structured dialogue (individual interviews/consultations) with selected stakeholders not so active in this phase (i.e. from national, local and perhaps regional level).

The following tasks should be done with regard to multi-level consultations at this stage.



What should be done	Yes	No
Mapping and screening relevant experience on conflict analysis available at Baltic and cross-border (neighbours) and national level		
Asking selected regional and local stakeholders for input and review on the conflicts		
Asking the national, regional and local level for opinion on the outcome of the conflict analysis. Consulting findings from one level with another (e.g. local versus regional). The cross-border level can be also involved in this process if agreed at stage 1 to do that.		

GOOD PRACTICE: Latvian Pilot MSP in BaltSeaPlan (see case)

4.6 Step 5: Developing solutions

At this stage it should be decided how negative spatial impacts could be avoided through appropriate management which uses should be given priority over others and whether there should be any limits on any particular uses in spatial terms.

Solutions are usually proposed by planners acting as an expert on conflict mitigation. However, it is always advisable to learn and consult experience of others. Thus the experience of the Baltic and cross-border level (our neighbours) can be screened in order to check what planning solutions have been applied by the others. In the countries in which regional or local level is responsible for MSP, screening can be focused on achievements of other municipalities or regions within the country. The VASAB e-MSP and EU MSP portals could also be a useful source of knowledge.

At this phase asking directly stakeholders for their opinions is very important. They might be approached at meetings and workshops where they are asked to evaluate planning solutions and to propose better ones. If alternatives are proposed, they should indicate preferences among the various options. The professional and tacit knowledge of stakeholders might be important for selecting proper ultimate solutions.

However, such active participation in the consultations requires time and resources from stakeholders. Many of them might have problems with that. If their support to the planning team is impossible the not so active stakeholders (mainly regional and local) should be at least informed about proposed solutions in a passive form (e.g. website) with an option to send their opinion to the planners.

In this stage it is important to avoid random consultations and pay attention to the level, scales and power of each stakeholder. One should be aware that in many cases proposed solutions are not of a win-win nature at local level but can bring benefit at national or Baltic level. Thus consultations should take this into consideration to avoid dominance of one type of interest.

The following tasks should be done with regard to multi-level consultations at this stage.

What should be done	Yes	No
Mapping and screening relevant experience on conflict solving at Baltic and cross-border (neighbours) level		
Asking opinion of selected cross-border, national, regional and local stakeholders (workshops, meetings) on the proposed planning solutions		



Informing regional and local stakeholders (e-communication) on the proposed planning solutions		
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GOOD PRACTICE: Lithuanian cross-border analysis of conflicts and synergies (see case)

4.7 Step 6: Drafting a spatial plan

A spatial plan consists of two parts: a cartographic visualization and a text describing the specific measures applied. It is a reflection of decisions that have been taken with regard to priorities of use. It shows the desired direction and vision of how marine and coastal space SHOULD be used. It analyses the maps and scenarios according to set criteria and it states how the vision will be achieved and specifies measures.

Also at this phase direct asking stakeholders for opinion is very important. Proper multilevel consultations can improve the degree of the plan ownership by stakeholders. They can play a key role in reaching the right architecture of the priorities for using and protecting the sea space and in validation of correctness of delimitation of different types of zones. However, one should avoid creation of expectations that can't be met. Stakeholders must accept that expressing opinion is not a straightforward way of securing their own interests. To avoid unrealistic expectations of stakeholders the phase should be ended with a broad far reaching multilevel process of asking the opinion and feedback. All stakeholders should be treated at equal footing. Consultation of the plan should be organised as a learning process i.e. in a way that different levels can learn about their interests, needs, joint points and points of disagreements., and no level should be omitted in the process, since all will be affected by the provisions of maritime spatial plans.

The following tasks should be done with regard to multi-level consultations at this stage.

What should be done	Yes	No
Asking opinion and advice of cross-border, national, regional, local stakeholders on the draft plan		
Explaining reasons why not all suggestions to the plan and desiderates of cross-border, national, regional, local stakeholders had been taken into consideration.		

4.8 Step 7: Implementing and continuous monitoring of the MSP

Spatial plans, as such, are rarely directly implemented. Their implementation takes place more indirectly as a result of various decisions taken on their basis, or at least by taking them into account. Once approved, the spatial plan therefore lives countless 'second lives' in form of subsequent laws and regulations issued e.g. on transport, fishery or other sectoral policies. Whether immediate implementation is the result or not, planners can take steps to ensure that plans are straightforward and easy to put into practice.

The spatial plan should therefore include: a) the addressee of each measure, i.e. the institutions or persons responsible for realisation and b) priorities of different measures.

As a second step, which can be done as part of the actual spatial plan or become a separate implementation strategy (e.g. a management plan or part of a regional development plan), the



following can additionally be specified: c) a timeline for implementing the measures and d) estimated cost and possible sources of funding.

All previously consulted levels should be informed that a given plan came into the force and where it is accessible. Management measures will mainly be implemented within the given country which has adopted the MSP. However, due care has to be taken that also the neighbouring countries are informed, so that they in turn can inform their stakeholders of any conditions set by the MSP and resulting management measures.

Furthermore, continuous compilation of monitoring data is an important task to be carried out in the implementation period. An appropriate monitoring system has to be in place, in order to have the necessary data for checking whether the MSP is reaching its objectives. The country, where the MSP is implemented, should consult with its neighbours on which type of monitoring data is readily available and could be of use for checking the impact of its MSP. Existing international and national experience can be important for compiling monitoring indicators and monitoring procedures. Each maritime plan should have its monitoring indicators, and information on their changes should be delivered to the relevant multilevel stakeholders. For choosing such indicators experience of other countries and of other type of plans (e.g. NATURA 2000 plans) can be of great importance. In countries, in which MSP is conducted at regional or local level also other local and regional plans can be screened.

But monitoring indicators is only a one-way communication. So the plan should also have its own face, concrete person to whom comments, requests and suggestions can be directed on necessary changes and amendments in order to reach the objectives of the plan. Thus proper multilevel consultations at this stage can improve the degree of the plan ownership by stakeholders. They should feel that their opinions are heard and taken into consideration.

The following tasks should be done with regard to multi-level consultations at this stage.

What should be done	Yes	No
Informing all levels about existence of the plan (its enforcement and management measures) after its adoption or putting into motion and the place/site from which it can be retrieved.		
Consulting and agreeing with all levels on taking necessary enforcement or management measures to implement the plan as indicated in the plan		
Asking opinion of cross-border, national, regional and local level on necessary amendments, proposed changes in the plan etc.		
Screening cross-border and national levels for data/information to measure the indicators for monitoring maritime spatial plans		

4.9 Step 8: Evaluation and revision

The results and continued appropriateness of the spatial plan need to be checked at regular intervals:

- *Have the original objectives (visions) been achieved?*
- *Is the plan still appropriate or have circumstances changed? (e.g. development of new external driving forces or emergence of new trends)*
- *Does the vision need to be adapted? (e.g. new priorities emerging)*



Obviously evaluation only makes sense if the real situation can be compared with the baseline (starting) and the desired end state. On the basis of the monitoring data compiled during the course of implementation, an evaluation should be carried out at given intervals. On this basis as well as the comments received by stakeholders on further, new needs, which have arisen during the course of the MSP implementation, a revision of the plan might be initiated, if necessary. This is a collaborative process initiated by spatial planners but encompassing decision makers and the general public.

Results of the plans are usually complex, multidirectional and multidimensional. Approaching a wide array of actors can make the synthetic evaluation of the plan possible by applying tacit knowledge. Multilevel consultations can be a part of such a social evaluation process. The stakeholder levels affected by the plan (cross-border, national, regional and local) should be proactively asked at regular time intervals for their opinions on the plan results.

Then, after compilation of the opinions received, all levels (also EU and Baltic level e.g. VASAB-HELCOM WG on MSP) should be informed about its existence and source from which it can be retrieved. The evaluation report should be made available to all levels, and they should be asked for commenting. This is an important learning process. The stakeholders learn from each other their perception of the results of the plan. Different levels can learn about their perception of the plan, the strong points of the plan and problems caused.

The following tasks should be done with regard to multi-level consultations at this stage.

What should be done	Yes	No
Asking cross-border, national, regional and local level for opinions on the results of the plan.		
Compiling the opinions into an evaluation report telling whether and what goals have been achieved, and if not why		
Informing all levels about evaluation report and source from which it can be retrieved		
Asking cross-border, national, regional and local level for opinions on the evaluation report		
Informing cross-border, national, regional and local level about the start of the revision process if launched.		



5 Stakeholder consultation processes and specific cases - country by country

5.1 Estonia

5.1.1 Legal basis

- the MSP process in Estonia is regulated through the Planning Act¹⁴. It also regulates minimum requirements for stakeholder consultations and public participation, not only for terrestrial planning but for MSP as well.
- Public participation is also secured through the process of SEA, regulated by the Environmental Impact Assessment and Environmental Management System Act (EIA Act).
- In addition to legal acts, public participation is also regulated with the Estonian Good Practices of Involvement. The document was developed by the representatives of both ministries and NGOs in 2005. It gives recommendations for planning and implementing participatory processes to make sure that all stakeholders could take part in them.

5.1.2 Consultation Procedure

Consultation procedure according to the Planning Act (minimum requirements):

- The public is informed about the initiation of a plan on marine areas (in a relevant newspaper), within one month after the decision to initiate a plan is taken, by the county governor administering the preparation of the plan. A relevant newspaper in case of a MSP is a county newspaper published on a regular basis or at least one daily national newspaper. All relevant information is also made available on the homepage of the county administering the preparation of the maritime spatial plan.
- During the preparation of the plan, all relevant stakeholders, government agencies and wider public must be given the opportunity to participate in the planning process.
- Prior to adoption of a plan a county governor administering preparation of the plan shall obtain an approval for the plan, from relevant state authorities, for example governors of neighbouring counties, the Environmental Board, different ministries etc.
- After the preparation of a plan, the county governor administering the preparation of the plan must accept the plan. With the decision to accept a plan, the county governor affirms that the plan is prepared in accordance with law and that the planning proposal meets the development needs of the county.
- After acceptance of a plan a public display of the plan is organised. During the time the plan is on display to the public, everyone has the right to present proposals and objections concerning the plan. The minimum duration in case of MSP is 4 weeks.
- When the public display is over the county governor administering preparation of a plan shall inform persons who have sent proposals and objections to the plan about his opinion on such proposals and objections within two weeks after the end of the public display of the plan.
- County governor must organise a public discussion regarding the outcome of the public display within one month after the end of the public display.
- If written proposals or objections concerning a plan are received during the public display, the county governor administering preparation of the plan shall publish information concerning

¹⁴ available online: <https://www.riigiteataja.ee/en/eli/ee/Riigikogu/act/531032014003/consolide>



the outcome of the public display and public discussion in the relevant newspaper within two weeks as of the date on which the public discussion is held.

- If the amendments resulting from a public display and public discussion bring about changes to the basic content of a plan, reapproval of the plan shall be obtained from the person whom the amendment concerns and a new public display and public discussion shall be organised.

In addition to the minimum requirements stipulated in the Planning Act, it is always recommended to organise more public discussions and public meetings, when the content of the plan is of great importance to the wider public. An open participation process, where the administering county governor does more than is foreseen in the Planning Act, will result in a planning solution that is balanced between different interests (public and private) and is therefore more easily accepted by all relevant stakeholders.

The Planning Act of Estonia does not require cross-border consultations to be held between neighbouring countries in the MSP process. The obligation for cross-border consultations proceeds from the EIA Act. Even though it stipulates that during the SEA process, cross-border consultations should be held, it cannot be properly conducted without introducing the content of the maritime plan as well. The Environmental Impact Assessment and Environmental Management System Act gives the opportunity to decide on participation to the neighbouring country – if they are informed about the process of maritime spatial planning in Estonia and they see the need to participate, the opportunity shall be made available by Estonia.

5.2 Latvia

5.2.1 Legal basis

- The MSP is regulated by the Spatial Planning Law and Governmental Regulations for MSP Development, Implementation and Monitoring.
- Regulations for Public Participation in Development Planning Process – sets the general requirements on public participation in development planning process.
- Regulations for MSP Development, Implementation and Monitoring requires cooperation with neighbouring countries by informing them countries that MSP process has commenced and public hearing events will be organised.
- More detailed requirements are set in Law on Environmental Impact Assessment regarding to cross-border consultation in context of strategic environmental impact assessment.

5.2.2 Consultation Procedure

Regarding to consultation at the national level, the responsible ministry (Latvian Ministry of the Environmental Protection and Regional Development) appoints a person in charge for the MSP consultation and public participation process. It is necessary to identify and engage stakeholders who are directly affected by MSP, as well as define the most appropriate forms of public participation in ensuring effective, open, inclusive, early and responsible public participation in the MSP process. Stakeholders can be involved in MSP process via working and coordination groups, special events and public discussions.

When a draft Plan has been prepared, it is necessary to inform all stakeholders and public via individual e-mails, public announcements, information on web pages, press releases etc. about the public hearing of the draft MSP. The public hearing should last at least 30 days or more and during the public hearing at least one public event should be organised. MSP draft version should be published on the website of the responsible ministry and made available in other ways if a particular stakeholder group requires other format during the whole public hearing. The stakeholders can express their opinion during the public hearing as written statements and in the public events.



Minutes shall be taken during the event/s presenting the results from the public hearing and a list of its participants.

Regarding to cross-border consultations the responsible ministry informs neighbouring countries' responsible institutions that MSP process has officially commenced. It is foreseen that during the planning process at least one meeting in each neighbouring country with relevant stakeholders will be held. Depending on the hearing results it is up to MSP developer to decide whether to organize another round of cross-border discussion. All results from the national and cross-border consultation have to be summarised in the single Report on public consultation.

STAKEHOLDER INVOLVEMENT IN THE BALTSEAPLAN MSP PILOT CASE

BaltSeaPlan was a first and pilot attempt to implement MSP in Latvia. The pilot MSP area covered all Latvian waters of the open Baltic Sea (excluding the Gulf of Riga and the Irbe straight)

To ensure strong "say" of the policy makers of future MSP, a Coordination Group was established at the beginning of the process, consisting of representatives of the Ministry of Environmental Protection and Regional Development, Ministry of Transport, Ministry of Economy, Ministry of Agriculture, Ministry of Defence, Maritime Administration of Latvia, Ministry of Culture (State inspection for heritage protection), Kurzeme Planning region, Association of Local authorities and Latvian Institute of Aquatic Ecology.

Three levels were involved - local level (local authorities, port authorities, NGOs and entrepreneurs), regional level (planning regions) and national level (ministries, state agencies, state companies, sectorial associations, scientific institutions). The national stakeholders provided with required information and sector targets for MSP, while regional and local stakeholders ensured public discussions on possible planning solutions (neither regional or local level has planning and administration rights in the Latvian waters).

Stakeholders were involved in MSP process at its early stage by setting up a MSP team and coordination group, identifying stakeholders, collecting data and information and organizing particular stakeholder awareness rising events. During the planning process a series of stakeholder and coordination group meetings were organized to discuss existing sea uses, assess the legislation and its provisions with regard to the rights for sea uses, assess sector conflicts, their potential involvement in changing economic development and their impact on the environment, develop different scenarios, elaborate a spatial zoning and define the objectives and conditions for each category of the sea use's zone.

Consultations were multi-meeting process. During the project implementation time, the Coordination Group met four times and took active part in other events organized by the project. Three stakeholder meetings at the pilot area (ca. 40-50 people at each) were organized with broad range of stakeholders (one at the initial stage of the process, one – conflict resolution between the sectors, and one – at the final stage – to present and discuss a draft zoning plan). After the 1st informative meeting six specific single sector meetings were held to define the spatial interests of particular sector, concerns and expectations towards MSP. Furthermore the pilot case and other MSP related issues were presented at four larger national informative seminars (ca.50-80 people at each).

The aim of these consultations was to involve a wide range stakeholders into decision making process to discuss possible conflicts between different sea uses, taking into account expected future development, as well as to agree on zoning approaches and solutions - process was oriented to create and influence the outcomes. Consultations were based on discussions and supplemented with "brainstorm" and "world-coffee" methods.



To ensure transparency of the process, all relevant workshops and meetings were announced openly on the web page of BEF-Latvia and the responsible ministry for MSP. Most meetings were long-time planned.

Assessment

Stakeholder participation in the pilot MSP has been evaluated as one of most successful. Project developers had their own contact database based on previous projects and experience, which was supplemented during the BaltSeaPlan by active stakeholder mapping and updating of contacts. At the end of the project the database had in total approximately 420 entries and 245 individuals have taken part in the process. Baltic Environmental Forum (BEF) was organizing the stakeholder participation events, inviting the participants and facilitating most of the meetings (except one national event, which was moderated by professional moderator).

5.3 Lithuania

5.3.1 Legal basis

- Regulation of public participation in territorial planning process (Žin., 2007, Nr. 33-1190) which is based on:
- Law of territorial planning of Republic of Lithuania (Žin., 1995, Nr.: 107-2391; 2004, Nr.: 21-617);

5.3.2 Consultation Procedure

The consultation process is based on the existing legal acts for terrestrial planning and SEA procedure (see above). There are list of obligatory measures to be taken in order to perform minimum required consultations with involved stakeholders and public, those are:

- Public information about the beginning of planning process;
- Public presentation of SEA of Plan Concept and spatial solution alternatives;
- Dissemination of SEA summary to neighbouring countries (Ministerial level);
- Public exposition of the Plan Concept;
- Public presentation of spatial solutions and assessment of their impact;
- Public exposition of the prepared solutions;
- Final Conference – public presentation of prepared Project.

Since the very first announcement of the beginning of the planning process all interested in the process parties have an access to the prepared materials, and have the right to submit proposals, clarifications, and concerns to the planning organizer (Ministry of Environment) and planners.

Apart of formal presentations and public expositions, planners are encouraged to have discussions/meetings with key stakeholders in order to manage potential spatial conflicts and facilitate acceptance of proposed solutions.



CASE OF PARTISEAPATE

The Project supported the first attempt to formal MSP in Lithuania. During the process several bodies were involved in the process:

- State institutions which issued the Terms of Reference for the Plan;
- Administrations of municipalities at the coastal zone;
- Non-governmental and public organizations, communities which have expressed (in written form) their interest in participation in planning process;
- Responsible institutions for transnational SEA in the Republic of Latvia, Kingdom of Sweden and Russian Federation.

Different goals were prescribed for different levels. The municipal/regional was consulted to map the marine related interests and find the most suitable spatial solutions for localization and regulations. National: level - to embed the national interests into the plan and facilitate the formal acceptance of the proposed solutions.

The cross-border consultations were performed with the aim to support the SEA process, awareness rising, facilitation of formal transnational consultation process.

In the official consultations all stakeholders and public took part. In the ad-hoc meetings - own contacts were used with the aim to keep the number of participants efficient.

The public consultations started right after the stocktaking and involved all levels (for preparation of the plan);

Two official cross-border meetings have been long-time planned with proper announcements and referred to the SEA and the Concept phase, and the Final Presentation of the spatial solutions. There were also 2-3 rounds of informal Ad hoc meetings with 1-2 topic related stakeholder:

- First – introduction to the situation, objective information, possible alternatives;
- Secondly – gathering of the requirements, specific requests, and conditions;
- Third – generating the common solution/alternatives;

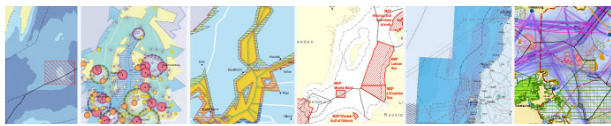
After the contract with consultant has ended – consultations would take place on the governmental and international levels only (for adoption).

Additionally, the unofficial Consultations were organized in order to solve very particular and clear tasks like:

- Optimization of the navigation routes, clarification of the demand of new routes and safety;
- Extension of roadstead of Klaipeda State Sea Port due to new developments and establishment of new roadstead for deep port facilities
- New military training areas due to new established Natura 2000 site;
- Expansion of new protection sites;
- OWE developments near navigation routes and port roadsteads;
- Potentials of marine aquaculture developments.

Assessment

The overall evaluation of the process is positive. All neighbouring countries are willing to participate, be consulted, and informed. The meetings have influenced a lot understanding of planning purposes, concept and final outputs and as a result – official response to the formal



process.

To improve the process – more meetings focused on different topics should be organised. Lack of time made the scope of meeting too wide and scattered.

5.4 Poland

5.4.1 Legal basis

The legal basis for MSP was established in Poland in 2003 and is common for all Polish sea areas.

- the Act on Sea Areas of Poland and Maritime Administration of March 21st 1991;
- Ministerial ordinance on required scope of MSPs in their textual and graphic parts.

5.4.2 Consultation Procedure

The adoption of the maritime spatial plan is a prerogative of the minister responsible for maritime affairs who should act in co-operation with the minister responsible for regional development, and in consultation with the ministers in charge of the environment, water management, culture and national heritage, agriculture, fisheries, transport, internal affairs and the national defense.

According to the Act on Access to Information on Environment and its Protection, Public Participation in Environmental Protection and on Environmental Impact Assessment, the SEA includes a wide public consultation procedure, where the opinions to the plans are gathered, analyzed and accepted or denied. The appropriate information is published in press and on the websites of the institution developing the plan. Since SEA is focused only on environmental issues the submitted opinions may only indirectly influence the Plan provisions.

Within the framework of SEA procedure there are also transboundary consultations. The main assumptions are:

- To inform partners about the MSP commencement
- To pass on the SEA document
- Scoping process
- Possible consideration of transboundary partners opinions
- Sharing of the final document after adoption



The BaltSeaPlan Polish SEA case

This is an example of a transboundary case-study (3 countries involved – Poland, Sweden and Germany) being a subject in BaltSeaPlan as well as PartiSeaPate projects.

The consultations for the Polish part were performed only at national level. There were 50 different actors invited (after SH analyses), representing sectors like: navigation, energy, infrastructure, fishery, mining, tourism and recreation, nature protection, ports, research, local/regional administration, etc.

34 participants representing 15 institutions were finally involved. All the sectors were represented, dominated however by local self-governments, national level (Ministries) were not present as well as direct users like fishermen, local NGOs, etc.

At the early stage of planning (at the scoping and stocktaking phase) – a letter and questionnaire were distributed to the potential stakeholders. The planning phases alternated – some were omitted, some were complemented later.

The aim of the consultations was:

- to bring closer the MSP proces to the stakeholders
- to present the BaltSeaPlan project
- to discuss the pilot case-study, its goals, scope and foreseen results
- to present and discuss stakeholders' opinions and proposals to the pilot MSP, the questionnaire results were presented, conflicts were identified, etc.

There was one big meeting organised for all the recognised sectors and some smaller sectoral meetings, e.g. for fishery.

The questionnaires were distributed in spring 2010 and the big meeting for all the sectors was organized in December 2010.

Assessment

The consultation process reached its goals – the awareness about MSP and pilot plan provisions was raised. The process was assessed positively by the involved parties, still some technical problems were underlined, like project brochures, newsletters available only in English. Most of the participants and questionnaire respondents confirmed their will to be involved in further MSP activities.

There was a clear need for more public consultation meetings at the national level as well as for the transnational consultation process.



5.5 Germany (EEZ in the North and Baltic Sea)

5.5.1 Legal Basis

German Spatial Planning Act (Raumordnungsgesetz, ROG, 2004), § 18a: The Federal Ministry of transport shall make a statutory instrument setting out the objectives and principles of regional/spatial planning in the Exclusive Economic Zone (EEZ); the preparatory procedural steps shall be carried out by the Federal Maritime and Hydrographic Agency (BSH).

5.5.2 Consultation Procedure

The consultation process for the Maritime Spatial Plans for the German EEZ in the North and Baltic Sea was organised as follows:

- In the initial phase(January 2005), of the process federal and federal coastal states ' ministries and agencies, stakeholder associations, NGOs and research institutes (BSH contact list of agencies etc. to be consulted within planning and licensing procedures) were being contacted by BSH by letter and a) informed about the intention of setting up objectives and principles of regional/Spatial planning the EEZ, b)asked about their specific information about activities in the area, their spatial interests, plans etc, including respective data, and issues to be taken into account in German Maritime Spatial Planning. Existing spatial information BSH had compiled before in maps and sent along with the letter.
- Likewise ministries and public agencies of the neighbouring coastal states were being contacted.
- Answers and information were being compiled
- In April 2005 public consultation took place on the scope of the SEA for the North and the Baltic Sea plans according to the SEA directive, including discussion of information available, evaluation of the environmental status and cumulative impacts.
- After having developed a first draft of the plan and the Environmental Report, a first round of public consultation was conducted in 2008, with plans and texts sent to public agencies, stakeholders' associations, NGOS etc., public notice given in some newspapers and the plans being available in print at BSH premises in Hamburg and Rostock. All-Day Public hearings were held in Rostock (Baltic Sea Plan) and Hamburg (North Sea Plan), minutes of which were compiled as verbatim transcripts. Many comments and representations were submitted, and – where possible – made available on the BSH website.
- Face to face consultation meetings with neighbouring countries' ministries were also held in Berlin, with Denmark, Netherlands and Poland attending. (Ministry, in English)
- Comments and insights from the public consultation were being used to develop a second draft of now two plans for the EEZ of the North and the Baltic Sea respectively.
- These were again given into public consultation in summer 2009, but there was not seen the necessity of a second set of public hearings
- Comments and representations on the second draft were taken into account for the development of the final versions of the two plans.
- The North Sea Plan Ordinance was set into force on 21 September 2009, the Baltic Sea Plan Ordinance on 10th December 2009 by the Ministry of Transport,.
- A first evaluation – focusing on the development of offshore wind energy – was conducted in 2012, but only on an internal level, without public discussion, and the respective report was presented to the government by the Ministry of Transport in 2013.

5.5.3 Key drawbacks, limitations

According to existing legal requirements stakeholder consultation has taken place mostly in an advanced stage of the planning process – when presenting a first draft of the plan – and then e.g. no



different scenarios were presented to boost discussion and show how different approaches would support different objectives. There has not been a broad discussion at the beginning of the process other than asking for first input and interests. And likewise evaluation was done without public discussion as well. In the light of new insights gained through projects, new initiatives, and legal obligations to be met etc., all these aspects will be looked into when starting work on the revision of the plans.

Consultations of the first MSPs for the German EEZ and Offshore Grid Plans

Based on the ESPOO convention, Germany has consulted neighbouring countries a) during the preparation of the first maritime spatial plans for the German EEZ in 2008/2009 and b) more recently for its Offshore Grid Plans for the German EEZ of the North and the Baltic Sea.

The MSP consultation was conducted after finalising first drafts of the Maritime Spatial Plans and related SEA reports (i.e. rather late in the planning process). These drafts were submitted to the neighbouring states. Only Poland asked for further formal consultations according to Art.7 of the SEA Directive. Germany then started an intense cross-border dialogue on the first MSP as well as the subsequent revisions of this MSP. This included three face-to-face meetings as well as several written interventions by Poland. Participants from the neighbours' side were representatives of responsible ministries and other agencies, the German participants represented the Ministry of Transport, the Ministry of Environment and BSH. In the first bilateral meeting with Poland in Berlin in September 2008, a large Polish delegation did not only include ministries (incl. Foreign Affairs!), but also the Polish embassy, maritime offices, gas companies and a consulting company contracted by the gas industry.

Meetings and written interventions were not only used to raise or deny concerns with regard to negative environmental impact of the MSP's designations on the adjacent marine areas, but also to address further issues and ask for consideration e.g. of other interests, mainly with regard to shipping routes, access to ports etc. Further the issue of a disputed border area was raised.

Notwithstanding these discussions it was stated in the face-to-face meetings that actually no formal cross-border consultation was required for the MSP according to the SEA-Directive, since no serious negative impact on the environment was to be expected.

Similar when Germany prepared the first Offshore Grid Plan (BFO) for the Baltic Sea, neighbours saw - apart from minor interventions - no need for a more extensive discussion of interests with regard to cable laying and potential designated areas for border-crossings.

Assessment

For the two outlined cases, it remains to be seen whether neighbouring countries did not intervene because there is indeed no issues of concern, or whether other countries found it only difficult to intervene as Germany is rather advanced whereas other countries have not yet developed comprehensive priorities, visions or perspectives.



5.6 Sweden

5.6.1 Legal basis

Sweden is currently in the development of the legal framework for maritime spatial planning. As of September 2014 there is new MSP legislation in the environmental code. For the implementation of legislation a government ordinance is under development. According to a proposal for the ordinance the Swedish Agency for Marine and Water Management will be responsible for developing maritime spatial plans. The proposal also includes a consultation process. For major construction processes, there is also a requirement for a consultation process. This is defined in the Swedish Planning and Building Act (2010:900).

5.6.2 Consultation Procedure

Invitations to public consultations are done in two ways. The passive method involves putting up advertisement in the local newspapers and inviting the public to open meetings. The active method involves calling critical stakeholders that needs to be invited and then sending them material and invitations. The consultation process is open for the possibility to change details in the final application in contrast to other countries e.g. the UK where a completely new application may be needed if there are any changes that need to be made.

International consultation is regulated through Article 3 of the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo 1991), also known as the Espoo convention, and also through EU Directive 85/337/EEC on the Assessment of Effects of Certain Public and Private Projects. This is completely handled by the international contact points, which means the parties of the convention. In the case of Sweden, this responsibility rests with the Swedish Environmental Protection Agency (EPA). The EPA then sends the application for an international consultations process for the Espoo convention.

Study on stakeholders in Swedish maritime spatial planning

As part of its preparatory actions for developing the Maritime Spatial Planning process in Sweden, the Swedish Agency for Marine and Water Management (SwAM) contracted a consultant in 2013 to deliver an analysis of Swedish stakeholders in MSP and develop a strategy on how to involve them.

The work covered five steps:

- Establishing a preliminary list of possible stakeholders
- Selecting stakeholders to interview
- Carrying out interviews with selected stakeholder
- Attempting to identify further stakeholders in each interview
- Analysing stakeholder positions and possible involvement using stakeholder theory and theory of social and political legitimacy or organisations.

Stakeholders identified comprised mainly governmental representatives (different levels as well as different sectors). Apart from that some major economic interests groups, NGOs and research institutes were included.



In the analytical part of the study, the current state of activeness of stakeholders (proactive, reactive, dormant) as well as their prime source of legitimacy (legislative, economic, political, scientific) were mapped for different stakeholder groups. This information shall help planners to identify important stakeholders who need to be approached individually.

The proposed stakeholder strategy determines which stakeholders (i.e. which geographical level) need to be approached in each of the three steps of the MSP process:

- Clarification phase (establishing the legal framework and the general context, defining objectives)
- Analysis phase (gathering and analysing necessary data, analysing potential conflicts)
- Planning phase (resolving conflicts, dedicating areas to sea uses)

The proposed involvement strategy suggests that the scope of consultation should be broadest during the clarification phase and the adaptation step of the planning phase. In these stages regional and local stakeholders should be involved intensively. For practical reasons, the analysis phase and the finalisation of plans must be coordinated primarily at the national level, with the exception of providing data, which could at least partially be coordinated at the regional level.

Sweden's bilateral consultations with neighbouring countries

The MSP directive adopted in July 2014 prescribes that neighbouring countries have to be consulted when carrying out Maritime Spatial Planning. SwAM was ordered to establish good relations with relevant institutions and organisations in neighbouring countries by the Swedish Government already prior to this.

In order to fulfil this job, SwAM invited all Baltic Sea Region countries to a meeting in Visby in December 2013. The aim of was to present the Swedish MSP process in the prevailing stage and to identify counterparts for discussing transboundary MSP issues.

There was consensus at the Visby meeting that there is a great need for consultations and discussions on the MSP processes between the countries in an early phase of the MSP process. Furthermore, the importance of improved mutual understanding and more in-depth pragmatic discussions between actual planners on a professional level were acknowledged. Most existing multilateral meeting formats were considered to be much too formal, where national interests were in focus more than discussions about actual planning issues.

The Visby meeting resulted in a decision by SwAM to embark on a Baltic Sea tour to discuss the MSP situation with the respective countries bilaterally. The meetings benefited from the good network and relation created through the cooperation in the PartiSEApate project. The content of each consultation varied from country to country. However, the main purposes were to:

- Inform about the Swedish Status report on MSP, published in spring 2014, and the forthcoming planning activities in Sweden
- Learn more about the MSP process in the respective country
- Discuss common perspectives, interests and future uses of the sea
- Discuss the issue of the ecosystem approach and Blue Growth in relation to MSP
- Have a look at actual data in planning information and discuss data sharing
- Discuss common issues related to the PartiSEApate project; what participants learnt from the project and these lessons can be taken further when the project is over
- Deepen the common understanding for the coming planning processes around the Baltic Sea



Assessment

All meetings were conducted successfully, in a very good and open atmosphere. The following main conclusions could be drawn:

- Understanding of each other's MSP governance system is important, but takes time. In order to achieve an understanding, enough time has to be allocated
- The meetings allowed a broader group of colleagues to get to know each other, which is important for understanding and continuity. The meetings create personal contacts, which are in turn an enabling factor for MSP coordination.
- Language is an issue to consider in meetings
- There is need for more internal coordination within countries. Possibly also the cross-border dialogue has to be broadened and other ministries, organisations and institutions have to be included

Bilateral meetings should be held regularly throughout the MSP process as more information needs to be exchanged and further joint understanding be created in each of the MSP steps.

5.7 Norway

5.7.1 Legal basis

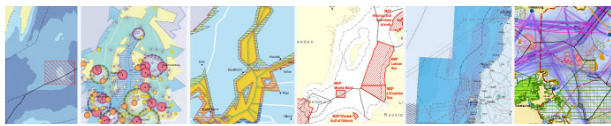
Norwegian EEZ

There is limited legislative authority behind MSP in Norwegian waters (except in the Coastal Zone, inside the baseline – an imaginary straight line between the outer islets and reefs). Each sector (in particular shipping, fisheries and aquaculture, petroleum and energy) is managed separately through specific legislations and dedicated ministries. However, the *Act relating to the management of wild living marine resources* ([Marine Resources Act, 2008](#)) has been designed with this in mind and addresses, e.g., MPAs. Chapter 1, Section 1 of this act states: "The purpose of this Act is to ensure sustainable and economically profitable management of wild living marine resources and genetic material derived from them, and to promote employment and settlement in coastal communities." Ch. 4, Sec. 19 states that: "The King may establish marine protected areas where harvesting and other forms of use of wild living marine resources is prohibited. Exemptions may be granted for harvesting activities and other forms of use that will not be in conflict with the purpose of protecting the area".

The Coastal Zone

The most important legal tool for integrated coastal zone planning in Norway is the Act relating to Planning and the Processing of Building Applications ([Planning and building act, 2008](#)) where ground rules are laid down for the planning process. The purpose of the act is to bring about uniform planning for national-, county- and municipal activities.

The municipalities (there are 428 in total) have the main responsibility for coastal zone planning, which includes sea areas out to the baseline, 90 000 km² of sea. To plan the coastal zone areas is an opportunity for the municipalities, not an obligation, but over 80 % of Norway's 280 coastal municipalities have made such plans. The strong growth in the aquaculture industry is considered to be the most important single reason why most coastal municipalities have integrated the coastal areas into their spatial planning. The municipalities have an obligation to make an overall master plan for all their terrestrial areas, and this plan shall be revised every four years. This plan is legally



binding. Many municipalities have included the sea areas into their master plans. Alternatively, there can be a separate plan for the coastal areas. It is the elected local council which makes the final planning decisions. Other important actors within coastal zone planning in Norway are the Ministry of Trade, Industry and Fisheries and the underlying Directorate of Fisheries, the Ministry of Transport and Communications, the County Council (the elected government at the regional level), the County Governor's Office (state representative in the county), and the Norwegian Environment Agency.

5.7.2 Consultation Procedure

The procedure is very different for the Coastal Zone and other parts of the Norwegian EEZ.

Norwegian EEZ

Figure 3 illustrates the process behind the development of the integrated ecosystem-based management plan for the Norwegian Sea, it was similar but not identical for the Barents and North Seas. Note that consultations with stakeholders took place at three different stages. The stakeholders responding covered a wide range, including local and regional elected authorities, organizations representing sectorial interests at the local, regional and national level, NGOs and concerned citizens.

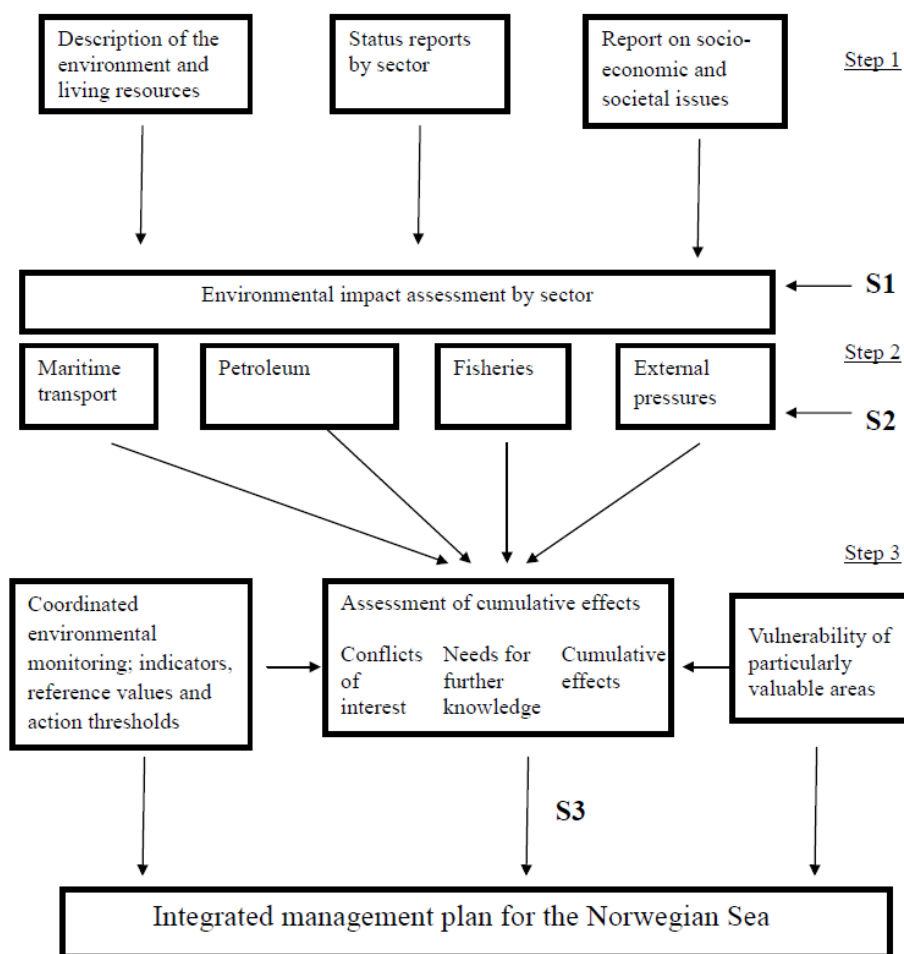
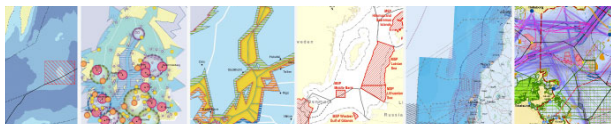


Fig. 3. The process behind the integrated ecosystem-based management plan for the Norwegian Sea. S1:written feedback from stakeholders on plan for Environmental impact assessments(EIAs),



S2:written feedback from stakeholders on EIAs, S3:stakeholder hearing conference on Assessment of cumulative effects.

Coastal Zone

The process is here typically bottom up, initiated at the local municipality level, for instance by the elected local council. The process may vary from case to case, but the Tvedestrandfjord MPA example (described later) illustrates some general principles of multilevel governance. The local authorities actively involved the general public and fishers. This included public meetings, allowing for written input from the general public, meeting with the local fishers' organization, and a poll questioning the users of the areas. The Ministry of Trade, Industry and Fisheries can establish legislation enforcing the decision by the local council. After this decision was made the case was lifted to the correct instance at the national level, the Directorate of fisheries. The Directorate then sent the proposal for MPAs on a "hearing", allowing for written responses from organizations and citizens. This case involved local and national level governance, but also the intermediate regional level may be involved through the County Council or the County Governor's Office.



Case of Tvedestrandsfjorden

From June 2012 rules protecting fish and other marine species were introduced in Tvedestrandsfjorden in the southern part of Norway. Part of the area was made a total no-fish zone; other parts were given restrictions to what kind of fishing gear that may be used. These restrictions are enforced following the national Marine Resources Act. The regulations were very controversial locally. This is intended by the Norwegian Directorate of Fisheries to be the first of several such areas.

The process was initiated by the local municipality. The Tvedestrand municipality has since 2009 worked on the project “Active management of marine values in the coastal zone”, the first of its kind in Norway. The elected local council decided in 2011 to establish regulated zones (MPAs) to protect cod, lobsters and oysters. The municipality further wanted the MPAs to be taken formally into consideration when their General plan was updated in 2012.

Before they made their decision, the local authorities actively involved the general public and fishers. This included public meetings, allowing for written input from the general public, meeting with the local fishers’ organization, and a poll questioning the users of the areas.

The Ministry of Trade, Industry and Fisheries can establish legislation enforcing the decision by the local council. After this decision was made the case was lifted to the correct instance at the national level, the Directorate of fisheries. Only the actual decision by the local council (unanimous in this case) was to be dealt with by the Directorate of fisheries, not the various discussions leading up to it. The Directorate then sent the proposal for MPAs on a “hearing”, allowing for written responses from organizations and citizens. In this case most of the responses were negative to the MPA proposal (or parts of it), but the regulations were still introduced in 2012.

Assessment

The consultation was thorough and took place at several different levels (from local to national). The consultation process was a success in that it reached the goal of making the local fishers (recreational and professional) aware of the new regulations. This does not mean that everyone was pleased. In particular the fishers’ organization (locally and nationally) is highly critical to the process and feels that they were not sufficiently involved. It is however hard to distinguish if the disapproval really was of the multilevel consultation process or more of the actual result reached. Further, initially there was criticism of some practical issues, in particular that the areas were not clearly marked and that the new regulations were not well known, particularly among all the recreational fishers.