



MESMA Work Package 6 (Governance)

Deliverable 6.2

Approaches for addressing conflicts in the MESMA case studies

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1 Introduction

1.1 About this report

This report is one of three formal deliverables from MESMA Work Package 6. MESMA stands for the ‘monitoring and evaluation of spatially managed areas’. It was an EU-funded FP7 project which focused on marine spatial planning, aiming to supply innovative methods for the monitoring, evaluation, and implementation of sustainable marine planning in Europe’s seas. The project operated from 2009 to 2013, involving 21 partners from 13 European countries, and was coordinated by [IMARES](http://www.imares.nl)¹ in the Netherlands. The tools and methods developed by MESMA were tested by applying them to real-world case studies.

The project’s work was partitioned into several work packages. UCL coordinated Work Package 6 (WP6), which focused on governance. This report is the second of three deliverables from Work Package 6:

- Deliverable 6.1: Typology of Conflicts in the MESMA case studies
- Deliverable 6.2: Approaches for addressing conflicts in MESMA case studies
- Deliverable 6.3: Toolbox of incentives for governance of spatially managed areas

Although each of these three reports has been drafted as a stand-alone document, they are best read alongside each other. In particular, the analysis of conflict resolution mechanisms presented in this report follows directly from the conflict typology presented in section 3 of the first deliverable, 6.1.

The introduction, policy background, discussion section, and appendices contained in deliverable 6.1 are also relevant to the discussion of conflict resolution mechanisms presented here. The introduction of deliverable 6.1 covers the background to MESMA’s governance work package as a whole, including a description of the methods and analytical tools used. This is followed by a background section on the EU policy landscape, which sets the overarching context for the whole of MESMA’s governance research. Similarly, the discussion in section 4 at the end of deliverable 6.1 provides a synthesis of key over-arching findings of the governance work package as a whole, and reflections on the methods and analytical tools that were developed and tested.

Given the length of the overarching introduction, background, discussion and appendices of deliverable 6.1, equivalent text sections have not been repeated here. Hence, this report is much shorter, providing a focused discussion of just one aspect of MESMA’s governance research.

The outline of the deliverables was determined in advance of the research having been started. The planned deliverables very much focused on a deterministic approach to categorising conflicts and applying incentives to address them, and do not reflect the full richness and diversity of the empirical findings that emerged as the governance research progressed. In order to capture and disseminate these findings more widely, and maximise the impact of the MESMA project, a special issue of *Marine Policy* is in preparation at the time of writing, which will include papers on eight of the case studies. Drafts of these papers are cited as ‘in prep’ throughout this report.

¹ www.imares.nl

1.2 The MESMA case studies

As part of MESMA's governance work package, empirical research was carried out, analysing 13 real-life marine spatial planning initiatives from across the EU. These case studies varied a great deal in their priority objectives, as well as in their scope, scale and duration. A full overview of the case studies is provided in section 1.3 of deliverable 6.1.

Four initiatives were analysed within the southern North Sea: 1) the development of a Master Plan for the Belgian continental shelf area, 2) environmental governance of the Wadden Sea, 3) the development of a protected area on the Dogger Bank, and 4) the protection of cetaceans within two *Natura 2000*² sites within the Danish Skagerrak. Two case studies in the Strait of Sicily were analysed (a detailed analysis of the Egadi MPA, off Sicily, and a brief analysis of the implementation of marine *Natura 2000* sites in Malta). Further analyses were completed for the development of a spatial plan for the Norwegian Barents Sea, a wave energy testing platform in the Bay of Biscay off Northern Spain, a renewable-energy focused marine planning pilot in the waters around Orkney in Scotland, a marine protected area (MPA) planning process in south-west England, and marine *Natura 2000* site designation and implementation processes in Greece, Poland and the Black Sea³, respectively.

1.3 Conflicts in the MESMA case studies

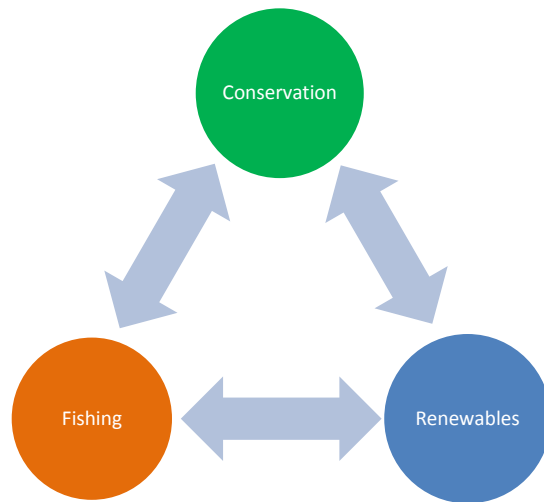
Section 3 in deliverable 6.1 analyses the main conflicts that emerged within the MESMA case studies. The analyses differed in their extent and level of detail, but for most case studies, the picture that emerged was one of complex and multidimensional conflicts that were linked together in various ways. In many case studies, a main conflict triangle could be identified, either between nature conservation, marine energy development, and fisheries (in the Belgian, Pentland Firth and Orkney Waters, Dogger Bank, Biscay, Celtic Sea, and Barents Sea, see Figure 1.1***), or between nature conservation, tourism and fisheries (in the Greek, Sicilian, Maltese, and Polish case studies, see Figure 1.1 ***). These conflict triangles are characterised by knock-on effects of plans and decision-making for one sector on all of the others. Thus, for example, a decision relating to conservation planning can exacerbate a pre-existing conflict between fishermen and wind farm developers (as was found in the Celtic Sea case study).

Section 3 in deliverable 6.1 analyses how the inter-sectoral conflicts in the different case studies are influenced by their wider socio-economic context (national and local). In some case studies, there is a strong and expanding marine energy (renewables and/or oil & gas) industry, and the inter-sectoral conflicts seem to be driven by the competition for space between nature conservation, marine energy and fishing. In other case studies, the maritime economy is dominated by traditional sectors such as fishing and tourism, and the main conflicts tend to be driven by the competition between conservation and such sectors. The remainder of this report follows on from the conflict analysis in deliverable 6.1, by exploring the governance mechanisms in place within each case study which have been applied in an attempt to address and resolve existing conflicts.

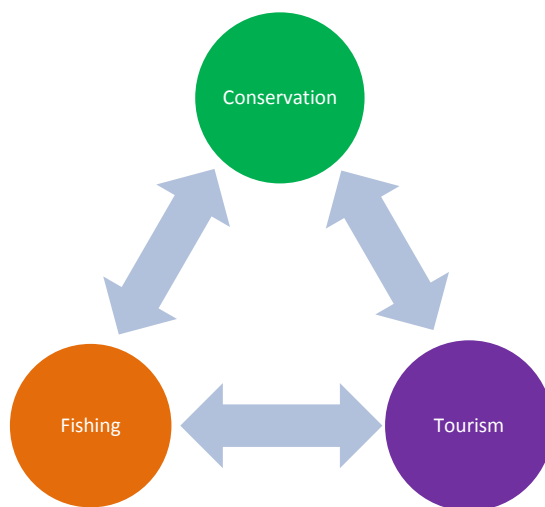
² *Natura 2000* sites are protected areas designated under the EU Habitats and Birds Directives – see section 2 of deliverable 6.1.

³ The research for the Black Sea case study yielded no significant findings in relation to conflict analysis and approaches for addressing conflicts, therefore no further reference is made to this case in this report.

Figure 1.1 The main inter-sectoral conflict(s) observed in the case studies.



Main inter-sectoral conflicts in the Belgian, PFOW, Dogger Bank, Bay of Biscay, Celtic Sea, and Barents Sea case studies



Main inter-sectoral conflicts in the Inner Ionian Archipelago & adjacent gulfs, Sicily, Malta, and Baltic Sea case studies



Main inter- sectoral conflict in the Skagerrak and Wadden Sea case studies.

1.4 Mechanisms for addressing conflicts

The individual case study analyses (see appendix 7 of deliverable 6.1), and the conflict analysis in section 3 of deliverable 6.1, reveal how complex, multifaceted, multidimensional, and interrelated conflicts can be in real-world marine spatial planning initiatives. A well-developed, mature governance approach for multi-objective marine spatial planning therefore ought to have mechanisms in place that are specifically designed to address, and, ideally, resolve such conflicts.

The governance analysis framework that was applied to the MESMA case studies⁴ lists several mechanisms that could theoretically be employed to address conflicts, although they are not explicitly labelled as such in the framework. Rather, they are listed as governance ‘incentives’⁵ – ‘particular institutions’⁶ that are instrumentally designed to encourage actors to choose to behave in a manner that provides for certain strategic policy outcomes, particularly biodiversity conservation objectives, to be fulfilled’. In keeping with this definition of incentives, governance can then be defined as ‘steering human behaviour through combinations of people, state and market incentives in order to achieve strategic objectives’ (Jones *et al.* 2011). The framework suggests five categories of incentives, derived from empirical research on real-world marine protected area initiatives (Jones *et al.* 2011; Jones and Qiu, 2013). These categories are *legal*, *interpretative*, *knowledge*, *participatory* and *economic* incentives. All of these, in the broadest sense, could be regarded as ways of addressing conflicts, as they represent categories of mechanisms that are designed to help implement the measures needed to achieve the objectives of a marine spatial planning initiative, even in the face of conflicts and objections.

However, only two of the incentive categories (*participatory* and *economic* incentives) contain mechanisms that require existing conflicts to be addressed directly and explicitly. Participative and economic incentives require conflicts to be brought into the open, and decision-makers to develop a comprehensive understanding of the nature of the conflicts. The other three incentive categories contain mechanisms which enable decisions to be taken and implemented in the face of existing conflicts, but which do not necessarily require decision-makers to fully understand the nature of those conflicts, or address them head-on.

Legal incentives constitute top-down mechanisms to aid decision-making and the implementation of measures. They define the parameters within which legal sanctions might be imposed on anyone not complying with the outcome of a marine spatial planning process. Legal sanctions (or the threat thereof) are designed to create compliance with management measures, irrespective of the conflicts that may exist surrounding these measures. In the broadest sense, one might take a view that this addresses conflicts: once a planning decision has been taken, and is legally enforced, this effectively puts an end to whatever conflicts might have existed around whether or not the decision is the right

⁴ The governance analysis framework is introduced in section 1.4 of deliverable 6.1, and reproduced in full in appendix 3 of deliverable 6.1.

⁵ The incentives and incentive categories are listed in full within the governance analysis framework, in appendix 3 of deliverable 6.1. They are further discussed in deliverable 6.3.

⁶ ‘Institutions’ is very broad term covering a wide range of agreements, interactions, etc., which remain relatively stable over a certain period of time, including mutually agreed modes of cooperative behaviour (norms); interactions through local – distant markets; government policies and programmes; and legal instruments and related obligations (Jones *et al.* 2011).

one. However, any significant existing conflicts would, in such a situation, be likely to continue to exist. They would either continue under the surface, or manifest themselves in other arenas. In that sense, legal incentives are not necessarily designed to specifically resolve conflicts, often serving more to *enforce* decisions, recognising that certain users may object to them if they feel they are unjustly bearing costs and other impacts. The effective employment of legal incentives does not require a conflict to be solved – it does not even necessarily require a conflict and its underlying driving forces to be understood by authorities, who are often more focused on achieving specific strategic objectives, such as enabling developments that will provide energy or other infrastructure requirements that support economic development.

Interpretative incentives are designed to create understanding of, and support for, the planning decisions that are taken. Interpretative incentives involve a degree of persuasion that what is being put in place is 'right' or 'good', e.g. through campaigns and other information provision approaches that enable users to understand the knowledge on the basis of which decisions are being taken. This involves communicating and sharing the information that the planning decisions are based on, persuading people that the decisions are both sound in the face of existing knowledge, and based on sound information. Whilst such mechanisms may reduce some conflicts by reducing objections to management measures, they will not resolve fundamental objections, nor do they necessarily require planning authorities to develop a thorough and nuanced understanding of the conflicts that exist, and the way they are linked.

Knowledge incentives are more focused on actually generating the information on which decisions are based. Such knowledge can be derived on a top-down basis from certain experts that are recognised by the relevant authorities, or on a bottom-up basis from users who have a working and traditional knowledge of the marine area in question. Ideally, however, top-down and bottom-up sources of knowledge will be combined through collective learning approaches that involve collaborations between state-recognised experts and local users. This enables the advantages of both sources of knowledge to be combined and the disadvantages to be minimised, as well as potentially promoting more ownership of and cooperation with decisions by users due to their respect for the collective knowledge on which decisions have been based. Like interpretative incentives, knowledge incentives thereby have the potential to reduce conflicts, by generating understanding and buy-in for planning decisions. However, again, they are not designed specifically to understand and address conflicts head-on.

The discussion in this report therefore focuses on conflict resolution measures that fall into the categories of *participative* and *economic* incentives. These two incentive categories contain mechanisms that are designed to address conflicts much more explicitly. They both require existing conflicts to be brought into the open, and for planning authorities and decision-makers to develop a nuanced and comprehensive understanding of their nature and interactions. Unlike legal, interpretative, and knowledge incentives, participative and economic incentives are designed to directly address existing conflicts:

- 1) Participative approaches incentivise different stakeholder groups with conflicting positions to collaborate with planning authorities and with each other. Cross-sector communication is encouraged and facilitated, in order to develop a shared understanding of conflicts, as well as to work on joint solutions and compromises in the face of those conflicts.

- 2) Economic incentives include compensation for economic losses resulting to particular groups as a result of planning decisions, or the active promotion and facilitation of alternative livelihoods where certain activities are halted, e.g. in protected areas.

The remainder of this report reviews the governance approaches in each case study, and describes the mechanisms in place within each one to address existing conflicts. Particular emphasis is placed on describing existing mechanisms to promote integration across sectoral interest groups (either at government level, or at the level of stakeholders). Whilst integration in itself does not solve conflicts, it does create the necessary conditions for this to happen, as it opens up avenues for communication and information sharing that are a necessary precondition for the effective implementation of participative and economic incentives.

2 Overview of governance approaches in the MESMA case studies

2.1 The Southern North Sea case study, Belgian sub-case study

The Belgian case study (Pecceu *et al.* 2013; Pecceu *et al.* in prep.) is a centralised, top-down initiative, initially characterised by a lack of co-ordination between authorities responsible for different sectors. The appointment of a single minister responsible for maritime affairs was a key moment in the development of a more integrated approach to planning. Like other case studies, there have been elements of stakeholder consultation, but with no decision-making power delegated to stakeholders, and no bottom-up drivers for the initiative existing in the first place. Integration and compromises mainly occurred through the ‘shuttlecock diplomacy’ role of the minister for maritime affairs, who was charged with developing the marine spatial plan for the Belgian part of the North Sea.

2.2 The Southern North Sea case study, Dogger Bank sub-case study

The Dogger Bank cuts across national boundaries, and there are three separate SACs⁷ (or SCIs⁸) designated in the German, Dutch, and UK parts of the Dogger Bank, respectively. The Dogger Bank case study (Goldsborough 2013; Goldsborough in prep.) analyses the on-going process of attempting to design management measures for the three protected areas, and to co-ordinate these efforts between the three countries. This case study raises some interesting challenges, as it is essentially a single biogeographic unit, but it is comprised of three geopolitical units, integration across which will be important to maintaining the favourable condition of the conservation features found on the three SCIs. An EC-funded project, FIMPAS, catalysed the establishment of a trans-national Dogger Bank Steering Group with representation of all three countries, to discuss issues relating to the implementation and management of the three separate but immediately adjacent protected areas on the Dogger Bank. However, this group has no formal authority. The implementation and management of each of the three contiguous sites is ultimately the responsibility of the three individual Member States, respectively.

⁷ SACs are Special Areas of Conservation, designated and adopted under the EC Habitats Directive (see section 2 in deliverable 6.1). They form part of the *Natura 2000* network of protected areas in the EU.

⁸ ‘SCI’ stands for ‘Site of Community Importance’. It is a collective term for *Natura 2000* sites, i.e. sites proposed to the EC to be designated as protected areas under the EU Habitats and Birds Directives (see section 2 in deliverable 6.1).

The Dogger Bank case study is characterised by top-down governance approaches within each of the three relevant member states, implemented separately in the three countries. There was no bottom-up driver for the establishment of the SCIs. Through the NSRAC⁹, key offshore stakeholders are being consulted with respect to fisheries management measures in the area. For a limited period of time, Dogger Bank-specific RAC negotiations were supported and facilitated through another EU-funded project, MASPNOSE, which developed three alternative fisheries management plans for the area (Pastoors *et al.* 2012). There are differences in the economic priorities for the area between the three countries. In particular, the UK regards its part of the Dogger Bank as a strategically important area for offshore wind farm development (the 8660km² zone which has been identified for development under a concession to a consortium of four energy companies having the potential to generate 13GW), Germany is more focused on achieving *Natura 2000* conservation objectives under the Habitats Directive, and the Netherlands is more focused on sustaining the economically important fisheries on the Dogger Bank (though these are managed under the CFP).

2.3 The Southern North Sea case study, Wadden Sea sub-case study

The Wadden Sea case study (Slob *et al.* 2013, Slob *et al.* in prep.) is perhaps the most complex of all the case studies analysed in MESMA WP6. The area covered is large, and it cuts across the national jurisdictions of Germany, Denmark, and the Netherlands. Rather than focusing on any one single initiative, the empirical research carried out for this case study covered multiple environmental governance structures in place within this eco-region. The analysis started with the over-arching Trilateral Cooperation between the three countries who share the Wadden Sea coastline. This cooperation is in place at a very broad level, and it has, in itself, no specific aim or agenda other than to provide a space and mechanisms for the three countries to discuss issues relating to the protection and management of the Wadden Sea. There are no pre-defined issues to be addressed: the three countries only discuss those issues which they all agree to discuss. Furthermore, the Cooperation does not force or compel any countries to implement measures. Decisions on management measures and on their implementation is down to each individual country.

Therefore, despite the existence of the Cooperation, there is no single unified governance approach for the whole area – the different states retain all powers of decision-making and implementation of measures. There are some differences in the degree of centralisation between the three countries. In Germany, regional governments have significant powers within inshore maritime areas, e.g. in terms of designation and management of protected areas. In Denmark, the approach is more centralised. However, as with other case studies, the basic environmental governance approach within this eco-region is predominantly top-down, with decisions on key matters such as protected area designation and management driven by government institutions and not from the bottom up.

2.4 The Southern North Sea case study, Skagerrak sub-case study

The Skagerrak case study (Kirk Sørensen and Kindt-Larsen 2012, Kirk Sørensen and Kindt-Larsen in prep.) also focuses on *Natura 2000* sites, the designation and management of which is managed by central government. The analysis revealed, however, that there are relatively good levels of

⁹ 'NSRAC' stands for 'North Sea Regional Advisory Council', one of seven RACs established under the EU Common Fisheries Policy (CFP) to provide for greater stakeholder participation in fisheries management decisions. Details on the NSRAC can be found at <http://nsrac.org/>.

communication with stakeholders through a semi-formal dialogue forum. Although stakeholders have no power over decision-making, levels of trust in government and its institutions seem high compared to many of the other case studies analysed in MESMA. The basic governance approach, nevertheless, is a top-down approach – the designation and implementation of these sites was not driven from the bottom up.

2.5 The Strait of Sicily case study, Sicilian sub-case study

The Egadi MPA case study in Sicily (d'Anna *et al.* 2013, d'Anna *et al.* in prep.) focuses on an MPA that was designated by the central government in Rome, and where the current management continues to be by a manager appointed by central government authorities. Hence, it is another example of a centralised, top-down process. There is, however, a strong element of decentralisation within the governance of the MPA, as there is good communication between the MPA authority (which is permanently represented on site), and municipal authorities and local stakeholders. The analysis revealed considerable conflicts created by the implementation of the site, but strong evidence that in recent years improved leadership by the MPA authority and its director has led to relatively effective implementation of measures within the site.

2.6 The Strait of Sicily case study, Maltese sub-case study

The Maltese case study (Pace, 2012) focused on marine *Natura 2000* sites. Responsibility to designate and implement the sites lies with the government. Some degree of decentralisation has been implemented, in that management of the MPAs has been delegated to a local environmental NGO. However, in reality, no effective management measures have yet been put in place within the sites in Malta, and it seems that MPAs are not a particularly high political priority. Therefore, while the governance approach is formally top-down and centralised, there is weak leadership and little impetus to achieve the objectives of the initiative (similar to the situation in the Greek, and, arguably, Polish case studies - see below).

2.7 The Barents Sea case study

The Barents Sea case study (Olsen *et al.* 2012, Olsen *et al.* in prep.) focuses on a marine spatial plan for the Norwegian part of the Barents Sea, which was driven by the central Norwegian Government, with several departments working together to develop a plan that would ultimately provide for new areas to be opened up for development by the oil & gas industry. A commitment to ecosystem-based planning was stated, and new research carried out which allowed the most environmentally sensitive areas to be avoided. However given the crucial importance of the oil & gas sector to the Norwegian economy, the need to plan for this sector was the main driver behind the development of the plan. There was no bottom-up driver for the development of the plan, though there were opportunities for stakeholders to comment in public hearings and consultations. Overall, the governance approach can be described as centralised and top-down.

2.8 The Bay of Biscay (Spain) case study

The Biscay case study (Galparsoro *et al.* 2012) stands out from the other case studies in many ways, e.g. in terms of its specificity, small scale, and focus on renewable energy. It is also somewhat of an outlier in terms of the basic governance approach, as there is a stronger element of decentralisation compared to many other case studies. The promoter of the wave energy platform initiative in

question (the 'BIMEP') is a public organisation tied in closely with the energy department of the regional (Basque) government, rather than the central government in Madrid. Nevertheless, the central government played a significant role, as it administers territorial waters, and was thus responsible for providing key authorisations and permits for the initiative to go ahead. There was no bottom-up driver for the initiative to happen, and stakeholder participation was limited to consultations carried out with key stakeholder groups both by the central government and the regional government promoter. Stakeholders ultimately had no significant influence over the decisions.

2.9 The Pentland Firth and Orkney Waters (PFLOW) case study

The Pentland Firth and Orkney Waters case study (Johnson *et al.* 2013, Johnson *et al.* in prep.) focused on a marine spatial planning pilot project, which is a top-down process led by the marine department of the Scottish Government. It is part of a drive to develop the offshore renewables sector in Scotland (within a wider marine planning process for Scotland). Scotland has a target to rely solely on electricity from renewable resources by 2020. The development proposal is significant in that it is one of the largest projects to develop tidal stream and wave renewables in the world.

There is a strong element of decentralisation away from the central UK government in London, reflecting considerable devolution of powers from the UK to the Scottish government over recent years (but with a strong centralised role for the Scottish Government). However, the analysis also revealed the powerful role played by a central UK body, the Crown Estate, who effectively own the seabed and manage it in order to generate revenue (which goes to the UK Treasury). They have the power to lease areas of seabed for development, thus being a *de facto* planning authority. There is no bottom-up driver for this initiative, it is driven entirely from the top-down.

In the face of the centralised role of the Scottish Government and the Crown Estate, the local community in Orkney has little power over decisions. The analysis revealed a great degree of resentment towards the process (and the role of the Crown Estate, in particular) amongst local stakeholders, particularly inshore fishermen who are likely to be excluded from their fishing grounds in wave and tidal stream development areas, and other local residents who are concerned about the aesthetic impacts of the developments. Resentment is reflected in growing anger about the centralised process, along with consultation fatigue and disengagement from stakeholder forums where they do exist.

2.10 Celtic Sea case study

Of the case studies analysed in MESMA WP6, the Celtic Sea case study (Lieberknecht *et al.* 2013a,b; Lieberknecht and Jones in prep.) incorporated the most significant bottom-up elements, in the form of a participative stakeholder process that developed a set of initial recommendations for the location of nationally important MPAs to government. However, the overall approach is still predominantly top-down. At the time that the stakeholder process operated, the driver for the development of the MPA network came from national legislation, and the planning process was instigated, managed, and funded by government bodies associated with the UK's environment department, and stakeholders had to comply with ecological guidelines produced by public bodies when developing their recommendations.

In 2011, the governance approach in this initiative changed substantially. The stakeholder process ended, and the process became entirely top-down and led by central government, with limited periods of stakeholder consultation, but no continued cross-sector platforms or collaborative engagement with stakeholders. Stakeholders were not empowered to include management measures in their MPA recommendations. Virtually all participants felt that the definition of management measures for the MPAs was an integral part of planning the sites, and therefore felt that the planning process was incomplete at the time their involvement ended. This created a lot of frustration and cynicism amongst participants, who had previously committed a lot of time and effort to the process.

Since the end of the stakeholder process, progress on the (fully centralised) designation of the nationally important MPAs has been delayed (and may even be halted for some recommended MPAs) following lobbying, mainly from the over 10 metre fishing sector through its national organisation, on the basis that there was insufficient scientific evidence to justify the designations. Whilst this has fulfilled the aims of some fishermen to minimise the coverage of the national MPA network, it has undermined the commitment of many stakeholders who took part in the participative process by which recommendations for nationally important MPAs were developed, many of whom now feel alienated and disappointed given the time and energy they invested in the process.

2.11 The Greek case study

The Greek case study analysis (Panayotidis *et al.* 2013, Panayotidis *et al.* in prep.) revealed an entirely centralised, top-down process of site designation and implementation, with little effective consultation with relevant regional governments and stakeholders. However, it is a weak top-down process, in that there is little leadership or political will to implement the *Natura 2000* sites effectively and little coordination between the fisheries ministry and the environment ministry. Within the context of an acute and on-going economic crisis, the implementation and management of MPAs is not a political priority.

2.12 The Polish / Baltic Sea case study

In the Polish case study (Piwowarczyk *et al.* 2013, Piwowarczyk and Wróbel in prep.), the overall governance approach is marked by the fact that Poland only joined the EU in 2004, and that the selection of *Natura 2000* sites was effectively imposed on the country by the EU during accession. In that sense, this case study is very much a top-down initiative, with site selection having been carried out centrally (the central government is responsible for marine sites, whilst terrestrial sites are the responsibility of regional governments). There was some stakeholder consultation during the development of the management plan, but the analysis revealed low levels of trust in government institutions, and no bottom-up driver for the establishment of the *Natura 2000* sites.

2.13 The emerging reality of governance approaches in the MESMA case studies

Despite the diversity of the case studies analysed in this sample, what emerged from the analyses is that the basic governance approaches in place are remarkably consistent. All the initiatives analysed in MESMA WP6 are predominantly government-led top-down and/or centralised processes, combined with varying but generally very limited degrees of bottom-up elements (in all but one of

the case studies, this is restricted to stakeholder consultation), with little or no market-led elements. Most of the initiatives are led by central (national) government departments and their associated public bodies, although in a small number of case studies, regional governments either lead or play an important part (e.g. in the Biscay and PFOW case studies). The Celtic Sea stands out as the single example of an initiative that contained (at least in its initial phase) a strong element of bottom-up participation, but this was terminated before the planning process was completed and the process reverted to a strong top-down approach, creating much resentment and alienation amongst many of the stakeholders who had participated.

It is of note that a top-down governance approach in these initiatives cannot be equated with strong leadership or top-down pressure to put effective measures in place to achieve the particular goals of the initiative. How strong the top-down impetus is depends on the degree of political will to achieve the priority objective(s), which is strong in some case studies (in particular, those focused primarily on energy-related infrastructure development), but weak in several of them (in particular, those focused primarily on biodiversity conservation through MPA designations).

3 Mechanisms for addressing conflicts in the case studies and stakeholder views on them

3.1 The Southern North Sea case study, Belgian sub-case study

The analysis of this case study (Pecceu *et al.* 2013, Pecceu *et al.* in prep.) revealed that management of the Belgian part of the North Sea has until very recently been characterised by a very fragmented approach, with a lack of horizontal and vertical integration at all levels. The national (Belgian) and regional (Flemish) governments hold management responsibility for different maritime sectors, with full authority delegated to the regional level for their remits. Hence, there is no formal vertical integration between the different levels of government, or horizontal integration between government-level sectoral remits. Communication between different parts of the regional and national government has primarily been ad-hoc, and related to specific plans or developments, e.g. a specific wind farm development, aggregate extraction, or specific protected areas.

This meant that planning was fragmented and single-sector focused, creating the conditions within which the conflict around the 'Vlakte van de Raan' area unfolded (see section 3.1.1 in deliverable 6.1). This area was in the process of being licensed for wind farm development, but was then also proposed and designated as a *Natura 2000* site. Following the designation, permissions for wind farm development were withdrawn, leading to objections from the offshore renewables industry to the protected area status of the site, which in turn ultimately led to the designation being 'revoked' by the Belgian government. There is no mechanism at the EU level to de-designate *Natura 2000* sites, so the status of the area is now somewhat unclear. The 'Vlakte van de Raan' example demonstrates a historical lack of integration and strategic planning at the level of government, with no mechanisms in place to avoid and address conflicts between different sectoral priorities.

At the stakeholder level, there was also a lack of integration or cross-sector platforms where conflicts could be addressed constructively or coherently for the Belgian maritime area as a whole. Consultation exercises were carried out on a case-by-case basis, for each development or proposal,

and were largely bilateral rather than incentivising or facilitating cross-sectoral dialogue or problem solving within groups. There were no mechanisms to facilitate direct communication between different sector groups, e.g. forums representing the full range of stakeholder interests. Thus, there were no on-going or well-supported mechanisms in place to bring cross-sector conflicts between stakeholders into the open, to negotiate trade-offs, or collaborate to find compromise solutions.

The appointment of one single minister responsible for the management of the North Sea in 2003, and the development of the Master Plan, signalled a slow shift towards attempts to achieve better integration between the different government remits and responsibilities in the marine realm, thus opening up opportunities for new ways to identify and address conflicts.

The Master Plan brings together the plans for multiple sectors, and thus in itself constitutes a mechanism for cross-sector integration, paving the way for identifying cross-sector conflicts and addressing them at a more strategic, wider-scale level. This depends on a full understanding of the differing priorities of maritime stakeholders that utilise the Belgian part of the North Sea, and their patterns of maritime usage, so they can be weighed up against each other, and trade-offs made. The extension of an existing MPA ('Vlaamse Banken') that was carried out at the same time as the 'de-designation' by the national government of the 'Vlakte van de Raan' (in response to protests and pressure from the offshore wind energy sector) might be interpreted as an attempt at striking a balance between interest groups and reaching a compromise, albeit a compromise that DG Environment may yet object to on the basis that under the Habitats Directive, a proposed *Natura 2000* site cannot be de-designated by a member state on socio-economic grounds.

The process is being led from the top-down, and any such weighing up of priorities or trading off of interests in different locations is left within the power of planners and decision-makers from within government and its associated bodies, rather than trade-offs and compromises being struck through direct participation, where negotiations are conducted between affected stakeholder representatives themselves. The analysis indicated a trend for increasing levels of stakeholder participation, which national legislation now demands as a formal part of marine planning. New mechanisms of participation are emerging. However, to date, they remain primarily bi-lateral, and behind closed doors. This means that there is no active effort to facilitate direct cross-sector dialogue, and with representatives of each sector having no access to discussions that government officials hold with other sectors, the potential to generate further distrust and conflict between different sectors remains.

Furthermore, the Belgian Master Plan in its present form primarily brings together information about the results of the various sector-specific planning processes that have occurred to date, mapping the *status quo*, rather than constituting the culmination of a truly integrated long-term strategic planning process. Thus, the scope for trading off and identifying compromise solutions has, to date, been limited. This may change in future, of course, as the bringing together of information on the *status quo* is an important first step on the way towards integrated, forward-looking, strategic marine spatial planning, with improved mechanisms of addressing conflicts at all levels. It remains to be seen, however, whether future decisions will be driven by political priorities for particular sectors, which the master plan now reflects, or by more open and participative processes, which the master plan could be a vehicle towards.

Given the consistent and ongoing lack of mechanisms specifically designed to address conflicts at the stakeholder level, it was not possible for this case study analysis to research perspectives of different stakeholder groups on such mechanisms.

3.2 The Southern North Sea case study, Dogger Bank sub-case study

The Dogger Bank case study (Goldsborough 2013, Goldsborough in prep.) is a *Natura 2000* case study that spans international boundaries. In terms of its governance, the case study comprises three separate initiatives: three *Natura 2000* sites located immediately adjacent to each other in the UK, German, and Danish parts of the North Sea. The management of each site falls under the jurisdiction of each individual Member State, and it is each Member State's responsibility to ensure that conservation objectives are achieved and protected features within the site reach favourable condition, subject to reporting requirements to the EC and the potential for legal proceedings by the European Court of Justice if the SACs are mismanaged, leading to the features declining to unfavourable condition.

At the international governmental level, a degree of integration between the three countries was initiated opportunistically through an EU-funded research project, the FIMPAS project. This established a Dogger Bank Steering Group, a forum within which the implementation and management of the three contiguous *Natura 2000* sites within the area is discussed by representatives from all three Member States. The aim is to harmonise the management approach across the three sites, effectively creating one single coherent trans-national offshore protected area. The Dogger Bank Steering Group effectively provides a forum within which conflicts arising from different national priorities can be addressed.

It is notable that this mechanism was not created through the *Natura 2000* process itself, but required the existence of an independent academic research project (albeit applied, and funded through the EU) to become established: the Dogger Bank Steering Group as an international discussion forum and conflict resolution mechanism is not inherent to the *Natura 2000* process, but an ad-hoc bolt-on.

At the stakeholder level, there are no existing on-going, long-term conflict resolution mechanisms that are specific to this particular area with its trans-national *Natura 2000* site: there is no specific stakeholder platform or engagement process for the Dogger Bank area as a biogeographic entity. Like all *Natura 2000* sites, some degree of stakeholder engagement will be achieved for the three separate sites, by the standard mechanisms of stakeholder consultation that each Member State has individually established for its own offshore *Natura 2000* sites. The *Natura 2000* stakeholder engagement processes, however, tend to be bi-lateral consultations, where stakeholders or stakeholder groups can individually respond to proposals (with no guarantees about what impact their input will have on final outcomes), but no mechanisms designed to incentivise cross-sectoral communication or conflict resolution.

The Dogger Bank case study analysis highlighted that, for a limited time period only, there was a forum in place which facilitated and incentivised cross-sector dialogue amongst stakeholders within the Dogger Bank process. Like the establishment of the Dogger Bank Steering Group, this was put in

place opportunistically, as an ad-hoc arrangement, rather than it having been developed and implemented through the *Natura 2000* process itself. Funding and support came from yet another EU-funded academic research project (MASPNOSE – see Pastoors *et al.* 2010), which harnessed some of the capacity of the existing institution of the North Sea Regional Advisory Council (NSRAC).

The NSRAC is a stakeholder forum for the North Sea as a whole, through which stakeholder representatives can engage with the development of fisheries management measures under the CFP - so it has nothing to do with the *Natura 2000* process, nor does it include nature conservation measures within its standard remit. However, fisheries is a key offshore activity that interacts and conflicts with nature conservation objectives, and given that the Dogger Bank is an offshore site, fisheries management within this area falls under the jurisdiction of the CFP rather than under the jurisdiction of the three individual Member States. As was noted in deliverable 6.1 (section 2.4), there are very few restrictions under the CFP to protect marine SACs and it remains unclear whether the many further restrictions that will be required to restore or maintain features within the very many SACs that are managed under the CFP will be introduced under the new provisions of the reformed CFP (Article 12). Certainly, there are, as yet, no such restrictions for any of the three Dogger Bank SACs, though these are not, strictly speaking, required to be in place until 6 years after the designation of each SAC.

The RACs are pre-existing stakeholder forums with representatives from the fishing industry, other maritime industries, and environmental NGOs, whose remit covers the development of recommendations for fisheries management measures under the CFP. From the perspective of the Dogger Bank *Natura 2000* process, the institution of the NSRAC therefore effectively represents a pre-existing cross-sector stakeholder platform, where representatives from different key sectors, including fishing and conservation NGO representatives, are already communicating directly with each other. There is an incentive in place for them to reach agreement with each other on recommendations to make to the EC on fisheries measures under the CFP, as any recommendations that are backed up with broad consensus are more likely to be implemented (O'Mahony 2008). It is thus a logical step for the process behind the 'trans-national' Dogger Bank offshore SAC to try and build on the existence of this pre-existing structure, rather than try to establish an entirely new one, which would have to involve the same key participants.

Thus, the existence of the NSRAC represented an opportunity for stakeholder engagement over fisheries management measures for conservation purposes within the trans-national Dogger Bank SAC, an opportunity that was recognised by the MASPNOSE project. MASPNOSE operated for a limited period of time, during which it organised and facilitated NSRAC meetings which developed three alternative fisheries management options for the area encompassing the three *Natura 2000* sites on the Dogger Bank. The MASPNOSE project has now ended, so these meetings are no longer organised or facilitated – so although they clearly provided a platform for inter-sectoral conflicts to be addressed through negotiations and the seeking of compromise, they no longer exist as a mechanism within this case study.

Another important point to note with respect to the NSRAC's potential to serve as a conflict resolution mechanism or stakeholder forum for offshore *Natura 2000* sites, its suitability is hampered by the fact that it has no remit or responsibility to consider how to implement conservation measures, or achieve conservation objectives in protected areas. The formal remit of

the NSRAC is focused entirely on fisheries management, with no remit to address the management of any other offshore activities (e.g. offshore renewables infrastructure), which may also be of key concern within a protected area. Furthermore, the RACs are dominated by representatives of the fishing sector, who form two-thirds of the membership (as per European Council Decision [2004/585/EC](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32004D0585:EN:NOT)¹⁰), thus arguably not representing a full or balanced range of interests, especially when considering nature conservation measures. The NSRAC's exclusive fisheries focus is one manifestation of the split between fisheries management and offshore environmental policy at the EU level (see section 2 in deliverable 6.1).

Whilst stakeholders have been involved in these ad hoc temporary platforms, these have not reached any decisions that have been implemented, and there are indications that some stakeholders have become sceptical of the role of such participative platforms, on the grounds that they represent 'talking shops' that are not adequately connected to formal decision-making processes under the EC's jurisdiction relating to fishing and the UK government's jurisdiction relating to offshore wind farms. Their experience of actual mechanisms for attempting to address conflicts that lead to implemented decisions is confined to top-down legal processes under the CFP and the offshore planning process for marine renewables, their view of which is generally characterised by varying degrees of resentment, scepticism and begrudging acceptance.

3.3 The Southern North Sea case study, Wadden Sea sub-case study

The Wadden Sea case study (Slob *et al.* 2013, Slob *et al.* in prep.) is a highly complex case study. It does not focus on one single initiative or process. Instead, the empirical research carried out a broad-level analysis of environmental governance across the whole eco-region, using the Trilateral Wadden Sea Cooperation (TWC) as a starting point. The TWC discusses only those issues which all three countries agree to discuss, so effectively it is designed to actively avoid addressing any issues that might cause conflict, rather than representing a conflict resolution mechanism. Arguably, the TWC represents a forum for international diplomacy, where non-controversial issues around the management of this unique shared ecosystem are used as a way to develop and maintain ties between Denmark, Germany, and the Netherlands.

The analysis revealed that the most tangible positive outcomes of the TWC have been around information gathering and data sharing, which are arguably the least controversial areas to agree on. Good relationships between nations, and the existence of a forum bringing them together, are clearly an important pre-requisite to effective international collaboration on environmental management, and effective data sharing can improve decision-making – but difficult decisions still have to be made if environmental benefits are to be accrued, and that will eventually mean having to face conflicts (between nations, within nations at the various levels of government, and at the level of stakeholders). Beyond relatively high-level diplomatic discussions, there is little evidence of the TWC having achieved anything specific in terms of bringing conflicts out into the open and addressing them – it was simply not designed to do that. Even the comparatively straightforward single issue of seal management has proved to be contentious, with no agreement across the three countries on the most appropriate action to take e.g. with respect to seal sanctuaries.

¹⁰ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32004D0585:EN:NOT>

In terms of cross-sector conflicts between stakeholders, the Wadden Sea Forum (WSF) theoretically represents a platform where cross-sector communication, integration, negotiations and trade-offs could be achieved. It is a platform where representatives of different stakeholder groups from across all three countries can come together and have discussions relating to the environmental management of the Wadden Sea. It is open to anyone who wishes to participate. The idea for its establishment originated within the TWC, but there are no strong formal links between the two, other than through the fact that two WSF representatives act as advisers to the TWC.

In a parallel with the Dogger Bank case study, the WSF was initially established opportunistically, with funding from an EU Interreg project, rather than from resources provided through the TWC. The scope of the WSF theoretically goes beyond the issues discussed by the TWC: its formal scope and remit is to bring together stakeholders from across all maritime sectors to discuss issues relating to sustainable development in the Wadden Sea region, and to act as a consultation body for governments as well as for the TWC.

The analysis revealed, however, that the WSF is not acting as an effective mechanism for addressing conflicts, because stakeholders perceive it to have little power or influence over decisions taken by the TWC, or over decisions taken at the national level within the three member states on environmental management measures on the ground. Following relatively strong initial interest in the forum and demand for opportunities to be part of marine management decision-making, the perception of stakeholders from across the spectrum of interests currently is that the forum is a relatively weak entity, with no clear role, and no obvious impact on the ground. This perception is not misguided – rather, it is arguably based on reality. The formal links between the WSF and the TWC are weak, and the TWC in itself does not address issues that cause a great amount of controversy (see above). Beyond its weak links with the TWC, the WSF is not formally integrated into any other planning, decision-making, or management initiatives at a national level within any of the three member states, so it exists as an entity without much formal remit.

The lack of a clear role and influencing power has led to dissatisfaction amongst stakeholders, and disengagement from the WSF of key participants. The fishing sector is currently not participating at all. The disengagement from this sector, more than from representatives of other sectors, may in part be a reflection of an inherent rejection of conservation-oriented processes and measures, or it may reflect that they, more than others, will need positive reasons (such as a clear role and genuine influence on decisions) to spend time (and, thus, money) on engaging with participative platforms.

Thus, the findings in this case study mirror those of the Celtic Sea and PFOW case studies (see below): stakeholder engagement and cross-sector participative forums *per se* do not effectively solve or address any conflicts, nor do they automatically lead to improved stakeholder relationships. It is important that stakeholders are given a clear role, and a degree of power to influence outcomes, so that there are incentives for them to participate - there has to be something in it for them. Participation in forums is time-consuming, and can be costly for representatives of sectors which lack umbrella organisations to fund engagement in stakeholder discussions. For some participants, a day spent in a discussion forum can mean a day of lost earnings. This is not a new finding, e.g. see the review by Reed (2008) – so although similar lessons have been learnt with respect to stakeholder participation in environmental management initiatives in the past, including within terrestrial management initiatives, it seems these lessons are not yet being applied within

emerging marine spatial planning processes in Europe. In particular, the lack of adequate planning and adequate long-term support and resourcing for well-designed stakeholder engagement processes is apparent, as is the lack of a formal mandate for the actual role of such forums.

Within the Wadden Sea area, in addition to the TWC and the WSF, there are a number of different environmental governance processes in place within each of the three individual countries that share this ecosystem. Because of the breadth of this case study, they are only covered at a broad level within the governance analysis, so it is not possible to review conflicts within each one of them, or mechanisms in place for addressing them for each individual existing national initiative (e.g. protected areas or environmental protection measures put in place under national / regional jurisdiction).

Nevertheless, it is clear from the case study analysis that in the implementation of *Natura 2000* sites in the Dutch part of the Wadden Sea, there were no working mechanisms in place to resolve a conflict around cockle fishing within *Natura 2000* sites. The case ended up having to be referred to the European Court of Justice in 2004, who ruled that fishing represents a 'plan or project' as defined in the Habitats Directive, and that fishing operations should therefore be subject to the appropriate assessment procedure under Article 6 of the Habitats Directive, in keeping with the precautionary principle. This ruling resulted in the termination of existing licenses to dredge for cockles (representing an example of a 'legal incentive' being employed – see section 1.4).

Whether or not there 'ought' to be a mechanism in place to resolve issues such as this one without recourse to the European Court is debatable. *Natura 2000* sites have clear environmental objectives, and taking an ecosystem-based management approach to marine planning (see section 4 of deliverable 6.1), there is no room for compromise solutions if such solutions jeopardise the achievement of conservation objectives. From an ecosystem-based management perspective, effective management in such instances may require the top-down implementation of legal incentives.

This particular example illustrates that where there are competing objectives and interests *in one or more specific localities*, e.g. *Natura 2000* sites, conflicts cannot necessarily be 'planned' out of existence through a process of trade-offs and compromise, nor is it necessarily (legally and/or ecologically) possible or appropriate to aim for solutions that give equal weight to everyone's interests and concerns. In contrast, the experience from the first phase of the Celtic Sea case study (discussed below in 3.10) illustrates that at a *wider spatial scale* (i.e. looking beyond one locality at a time, taking a more regional-scale, whole-sea planning approach), reaching compromise solutions in line with ecosystem-based management principles through trade-offs and negotiations on a participative platform is a more realistic prospect. Whilst such an approach is unlikely to resolve every conflict in every specific location, it can perhaps realistically achieve a more 'fair' and balanced outcome at wider spatial scales, with different areas earmarked for different activities and purposes, provided that (a) the participative platform has a formal remit, with a commitment from the state to support the implementation of the agreements, and (b) all the sectoral parties share a commitment to implementing agreements, rather than circumnavigating and/or derailing them through interventions outside the participative platform. However, the reality is that these provisions are rarely likely to be met, as neither the state nor every sectoral party is likely to commit to supporting the implementation of decisions reached on participative platforms if such agreements could

significantly undermine the achievement of important strategic and sectoral objectives, be these commercial, economic or societal.

3.4 The Southern North Sea case study, Skagerrak sub-case study

In the Skagerrak case study (Kirk Sørensen and Kindt-Larsen 2012, Kirk Sørensen and Kindt-Larsen in prep.), it is the Danish environment ministry that has overall responsibility for the implementation of the EC Habitats Directive. They (and their associated nature conservation agency) are responsible for site planning, and the development of management plans, including associated stakeholder consultation processes. The responsibility for subsequent management, however, has legally been delegated to a different ministry (responsible for food, agriculture and fisheries). Thus, at the level of government, responsibilities for the *Natura 2000* process are shared between different ministries, paving the way for good integration across the fisheries and conservation sectors, which are the two main sectors of relevance for the specific sites analysed in this case study.

The analysis revealed a good level of communication, not just between different government departments and associated agencies, but also between government and key stakeholders (commercial and recreational fishing sectors, and environmental NGOs) and scientific research organisations which advise and provide scientific information to the process. The interaction between the different government bodies and stakeholders is semi-formalised through a cross-sectoral dialogue forum, which also facilitates cross-sector communication between the representatives of different sectors.

The findings of the analysis indicated that stakeholder representatives from across the spectrum of interests have relatively high levels of trust in government and its institutions. Whilst some may in principle object to MPAS, and local small-scale fishermen fear restrictive measures that might impact on their livelihood, their perceptions of the governance mechanisms in place within this process (such as the dialogue forum) are, compared with other case studies, positive. It is also worth noting that levels of trust of local fishermen in the government-associated scientific researchers advising the *Natura 2000* process seem to be relatively high, with positive relationships established through collaborative research into possible measures to avoid porpoise by-catch within the areas, such as pingers and video-surveillance systems.

On the whole, the analysis revealed that the conflicts around porpoise management in the *Natura 2000* sites are limited. It is debatable whether that is due to well-functioning governance structures with good cross-sector dialogue and trust in government and its institutions, or whether it is due to the fact that management measures that are likely to be implemented are relatively low-impact, and will only affect a small number of people. In that sense, this case study is not likely to have revealed the full extent of conflicts that exist around marine spatial planning in Denmark, and should not be interpreted as such. Nevertheless, with respect to the specific initiative investigated, there seems to be little additional call for mechanisms of conflict resolution, most stakeholders being reasonably accepting of the combination of governance approaches that are in place.

3.5 The Strait of Sicily case study, Sicilian sub-case study

There are parallels between the Sicilian case study (d'Anna *et al.* 2013, d'Anna *et al.* in prep.) and the Greek *Natura 2000* sites that were analysed for MESMA (see below) at the central government level. In both cases, the designation of the protected area was carried out by the central government, with little or no involvement of the regional government (in this case, the government of Sicily). This is a very centralised approach, where decisions are taken at the highest level and imposed from the top down. Furthermore, in the Egadi MPA off Sicily (like in the Greek *Natura* sites), the central government is responsible for funding a local management body for the MPA, appointing key staff, including a president for the management body. Again, like in the Greek sites, the management body is supported by an advisory body consisting of academics and environmental NGO representatives. Although the overall governance approach can be described as centralised, the management body itself operates very much at a local level, with close links established between the MPA authority and the local municipalities and local stakeholders.

However, unlike in the Greek case study, in the Egadi MPA off Sicily, the stakeholder engagement carried out by the MPA authority serves as a mechanism for addressing key local conflicts. The analysis revealed these conflicts to be multidimensional, with key conflicts emerging between conservationists and recreational / commercial fishermen, between local fishermen and mainland-based trawlermen, and between tourism operators on different islands.

The interviews revealed big differences in opinion between different stakeholder representatives over what activities should and should not be permitted within the different zones of the MPA, and over where the different zones should be located. However, the analysis revealed evidence for the current MPA management body being effective at involving stakeholder interest groups in discussions, building good relationships and establishing trust with different sectors, despite the underlying inter-sectoral conflicts.

Despite some of the conflicts being significant, interviews with stakeholder representatives from across a broad range of stakeholder interests almost unanimously highlighted a change from virtually ineffectual implementation of MPA management measures to much more effective implementation, as a result of a new director being appointed (by the government in Rome) to the MPA authority. Virtually all interviewees saw this as a positive development, not least because under the new director, the MPA management authority has been striving for better stakeholder participation, e.g. in a relatively recent re-zoning of the MPA.

Thus, in the Egadi case study there was strong agreement amongst the perspectives that different interest groups had on the governance mechanisms that were being put in place for the MPA, despite underlying differences in opinion on substantive matters. Given that these perspectives were largely positive (most interviewees spoke of improved relationships and improvements in the implementation of measures within the MPA), this can be taken as an indication that the effectiveness of governance mechanisms is improving.

In one sense, there is also a parallel between the Sicilian case study and the Celtic Sea case study (see below). In both case studies, the analyses also revealed strong agreement in the perspectives that interviewees from different stakeholder groups had on the participative governance mechanisms in place, despite there being strong differences in opinion on substantive matters (e.g.

where MPAs or different types of MPA zones ought to be located, and what activities should or should not be permitted within them). However, in the Celtic Sea case study, the perceived trend in the level of participation was in the opposite direction. Most stakeholder representatives had strongly valued the participative approach that was in place in the earlier part of the initiative, and saw the termination of the stakeholder process as a negative development. In the Sicilian case study, stakeholders were also supportive of the participative approach, but their experience was one of increasing levels of participation which they regarded as a positive trend.

3.6 The Strait of Sicily case study, Maltese sub-case study

Compared to other case studies, the analysis of the Maltese *Natura 2000* sites (Pace, 2012) was relatively light-touch. The key finding that emerged was that the sites are currently 'paper parks', as there are no management plans or management measures in place. The Maltese government has been leading the process to develop plans, delegating some of their responsibilities to a local environmental NGO, but it is unclear what will be implemented. Stakeholders have been involved through consultation on the designations themselves, but it seems there have been no mechanisms explicitly aimed at addressing conflicts between stakeholders related to the actual management of the designated *Natura 2000* sites.

3.7 The Barents Sea case study

The Barents Sea case study (Olsen *et al.* 2012, Olsen *et al.* in prep.) analysed the development of the Norwegian integrated management plan for the Lofoten – Barents Sea areas (BSMP), the principal driver behind which was to open new areas for oil & gas exploration, balanced against environmental concerns and the need to protect particularly valuable or vulnerable 'ecological areas.

At the government level, the analysis highlighted a triangle of conflicts between the three main ministries representing the interests of key maritime sectors – Fisheries and Coastal Affairs, Petroleum and Energy, and Environment). The oil & gas and fishing industry have conflicting interests, in terms of conflicts of how to utilise maritime space, and the potential risk to fish populations of activities associated with oil & gas exploration, and conservationists perceive both industrial sectors as a threat to the marine ecosystem. This conflict triangle is manifest at the level of the ministries, their associated public organisations, as well as at the level of stakeholders, both nationally and locally.

At the level of maritime stakeholders, the analysis revealed little in the way of mechanisms designed specifically to address conflicts, foster communication, or actively build relationships across sectors. Stakeholder participation, like in most of the MESMA case studies, was limited to consultation, although in comparison with other case studies, the analysis indicated that levels of openness and transparency within the consultation process were comparatively high, with public hearings and open meetings being a key mechanism.

This was in contrast with high levels of integration at the level of government. Despite the underlying conflicts between the interests represented by the different ministries, the analysis revealed that at the level of the Norwegian government, there was a good level of integration, with the above three ministries having joint responsibility for overseeing and steering the planning

process. During the development of the BSMP, the various public bodies associated with the three key ministries communicated and collaborated effectively through cross-sectoral forums (bringing together representatives of different government institutions and directorates). Within these groups, cross-sector communication was established, building trust and relationships between participants, who were able to gain an understanding of each other's concerns. Whilst this, in itself, did not resolve conflicts where they arose, it allowed these conflicts to be addressed through negotiations at a higher government level and compromise solutions, on which stakeholders and the wider public were consulted.

During the development of the BSMP, scientific data gaps were identified, and funding made available for research institutes to carry out data gathering and analysis, in order to identify and map ecologically important and sensitive areas of the Barents Sea. This information was provided by scientific advisers to the cross-sector planning forums.

Thus, a good level of integration was achieved at the level of government and its associated officialdom (public sector organisations), as well as publically funded scientific researchers and advisers. This avoided the emergence of unforeseen conflicts between different government bodies and/or departments at a late stage in the planning process. The case study researchers concluded that this integration was a vital factor in making the development of the BSMP a relatively expedient and successful process, which was completed in four years.

However, the case study researchers also highlighted that the completion of the BSMP with its compromises did not resolve fundamental conflicts between sectors and interest groups. In common with several other case studies, the most fundamental conflicts in this case study centred on disagreements on where to draw an appropriate balance between protection and exploitation of the marine environment. This conflict particularly manifested itself in relation to a specific geographic location, the ecologically valuable and vulnerable Lofoten – Vesterålen area, where there was strong disagreement over whether or not oil & gas exploration should be permitted. These conflicts, which played out at the level of stakeholders and the public, as well as government and its associated bodies, pre-existed the BSMP planning process, ran through it, and continue to this day. Different parties still disagree over whether or not areas such as Lofoten – Vesterålen ought to be open to oil & gas exploration.

Echoing the discussion of the European Court judgement on cockle dredging in *Natura 2000* sites in the Wadden Sea case study (section 3.3), this illustrates that, at a broad scale, an integrated marine spatial planning process enables compromise solutions to be found where there is inter-sectoral conflict, with a decision one way in one location traded off against a different decision in a different location. However, in this case study (as in the cockle dredging example in the Wadden Sea), it is also evident that no amount of compromise and trade-off can ever make everyone agree on every decision for every location, e.g. not everyone agrees with the decision that Lofoten – Vesterålen will, for the time being, remain off-limits to the oil & gas industry.

Furthermore, there are fundamental disagreements on where the 'right' balance between nature conservation and natural resource exploitation lies, so irrespective of where it is drawn, some parties will disagree. Such fundamental conflicts cannot be 'planned away' through marine spatial planning. In that sense, the BSMP planning process is no different from any other political or public decision-making process. Compromises and trade-offs can address conflicts but they cannot make

them disappear, in that there will always be people who perceive their interests as being undermined by given compromises and trade-offs, no matter how good the compromise and trade-off process might be considered to be in governance analysis terms.

3.8 The Bay of Biscay (Spain) case study

The initiative that was analysed in the Biscay case study (Galparsoro *et al.* 2012) is very limited in its scope, size, and spatial footprint. The governance research focused on the planning of a single development, the 'BIMEP', a platform for testing wave energy devices located off the coast of the Basque country in northern Spain. It is somewhat difficult to draw comparisons between this and other MESMA case studies, some of which analysed governance processes covering much large areas, including areas spanning international boundaries. Nevertheless, the Biscay case study analysis can be viewed as a vehicle that has explored marine spatial planning in action in northern Spain, and which has yielded some specific and interesting insights.

At the level of government, both the central government in Madrid and the government of the autonomous region of the Basque country played important roles in this process. The central government has authority over most activities beyond the baseline, and all economic activities beyond territorial waters. However, the BIMEP was promoted at the level of the regional government, by the 'Ente Vasco de Energía', an agency associated with the economic development department of the Basque government.

At the level of stakeholders, although the footprint of the area affected is small (8km²), the construction of the BIMEP affects a broad range of stakeholders who will no longer be able to use this area for their activities. The biggest conflict that emerged in this case study was between the Basque government agency promoting the initiative, and local artisanal fishermen who feared losing part of their fishing grounds. Although they have no formal or legal entitlement to access to these grounds in perpetuity, there is a tacit social acceptance that the grounds are 'theirs', i.e. customary rights of access. At the time the analysis was being carried out, discussions were underway about possibly compensating the fishermen for the loss of these areas to their activities. The fact that compensation was being considered as a mechanism for addressing conflicts makes this case study stand out from others, as this mechanism is not used amongst the MESMA case study sample.

Overall, however, it is not possible to draw specific conclusions about conflict resolution mechanisms within this case study, or about different perspectives of stakeholders on those mechanisms. In reality, the extent and intensity of the conflicts were limited within this case study, and they were not identified as significant obstacles to progress, making conflict resolutions mechanisms less necessary than in other case studies. This is not surprising, given the small area under development, and the fact that the initiative represents a single, one-off development. In the long term, if there was significant development in the marine renewables sector, with commercial-scale offshore developments being proposed, it is likely that the conflicts encountered would become a lot more severe, similar to those seen in case studies such as PFOWs.

3.9 The Pentland Firth and Orkney Waters (PFOW) case study

The analysis of the PFOW case study (Johnson *et al.* 2013, Johnson *et al.* in prep.) found that at the level of government, the marine planning process in Scotland (and the Pentland Firth and Orkney Waters pilot) seems to have achieved reasonably good levels of integration between different departments and public bodies with different formal responsibilities. An anomaly in the UK (particularly in the context of a devolved administration such as Scotland) is the Crown Estate, a public body which effectively owns the seabed, and is legally bound to maximise the profit they make from renting or leasing areas of seabed for given activities, with due regard to good management. They are effectively promoters of renewable energy developments, as they can earn significant income from leasing seabed areas to renewables developers, this forecast to become bigger than all the Crown Estate's other income streams related to royalties, rent, etc. Because the Crown Estate can decide which areas to lease for a given activity, they are, *de facto*, a marine spatial planning authority. The analysis revealed the role of the Crown Estate to be an important driver of conflict, as they are seen as locally unaccountable, and able to effectively impose planning decisions on local communities who are impacted by them.

Efforts were made to reach out to local stakeholder communities through open meetings and consultation exercises, but stakeholders have no formal influence or power over the planning process. The analysis revealed that following an initial period of intense interest, with well-attended consultation meetings, interest dropped off significantly, with local stakeholders increasingly aware that they were being consulted on decisions that had already been taken (in keeping with the 'decide, consult, defend' school of top-down planning), as well as increasingly disengaged from and angry about the process. Thus, there is a lack of specific conflict resolution mechanisms within this process for the stakeholders to hold views on, other than the 'decide, consult, defend' school of top-down planning.

The drop-off in stakeholder interest in a large part seems to be due to a lack of influence, and a lack of a clear role for stakeholders in the planning process, thus echoing the findings of the Wadden Sea case study. The issue was found to be exacerbated by a great degree of persisting uncertainty about the likely developments that would be permitted through the planning process, and how they might impact on local communities. This illustrates that uncertainty about what activities are likely to be permitted in any given location in future can make it difficult to put in place effective conflict resolution mechanisms in the form of functioning stakeholder engagement, as it is not necessarily clear to the different players in the process what the substance of the conflict is (or is going to be) about. Conflicts end up being based on fears and assumptions which may or may not be realistic. This very much echoes the findings of the Celtic Sea case study, where uncertainty about future management of national MPAs led to stakeholders becoming frustrated with the process and disengaging from it. The reason that this kind of uncertainty is allowed to persist in these two case studies seems to be political. Putting off difficult or controversial decisions is in the interests of decision-makers in government, as it allows them to keep options open, and, for as long as possible, avoid dealing with the opposition (and its associated political repercussions) that any decision is likely to generate. Thus, the political interests of decision-makers have the potential to impede effective stakeholder engagement, and to fuel conflicts and disengagement.

3.10 Celtic Sea case study

The Celtic Sea case study (Lieberknecht *et al.* 2013a,b; Lieberknecht and Jones in prep.) yielded the most rich, detailed and in-depth governance analysis of the MESMA WP6 sample. The initiative was more broad-scale than many others in the sample, in that it aimed to plan and implement an ecologically coherent and representative network of MPAs within English waters. Specifically, the analysis focused on an area of approximately 95,000 km² off south-west England, and on the planning of Marine Conservation Zones (MCZs) under national legislation, which will form part of the network (together with *Natura 2000* sites, for which the planning and implementation process is separate). It is a complex case study as it contains two entirely different planning approaches, which were employed in sequence within a single initiative, leading to interesting tensions between incompatible elements of the two approaches.

Initially, the planning approach differed significantly from previous and existing MPA planning processes in the UK, and from the other case study initiatives analysed in MESMA WP6. It was a systematic, broad-scale approach, focused on building a biologically representative MPA network, based on the best information available. It emphasised transparency, and had strong participative (bottom-up) elements, with representative cross-sectoral stakeholder platforms given a direct role in the planning process. There were four regional stakeholder forums responsible for different regions within English waters, tasked with collaboratively developing MCZ recommendations to the UK Government. This participative approach incentivised cross-sectoral communication and compromises in the spatial design of the network configuration at a regional scale. The publication of meeting reports and maps of the developing recommendations ensured transparency, and stakeholders involved in the process developed a sense of ownership and understanding of the recommendations. Thus, more than any other case studies, this initial phase of the MCZ planning process began implementing key elements of the conceptual 'EBM-MSP' frameworks discussed in section 4 of deliverable 6.1: it planned with a focus on ecosystem conservation, it planned at a holistic ecosystem-scale, and it featured strong participative elements from very early in the process.

The initial phase also had strong top-down elements, with ecological guidance on design criteria which the network had to fulfil being written by government advisers. These defined the parameters within which the participative process operated. Government retained decision-making power throughout – the role of the stakeholder groups was only ever to provide recommendations on site boundaries and conservation objectives, which were delivered in late 2011. These recommendations were developed through a process of negotiation between representatives of different sectors, with trade-offs made and compromises sought on developing a network configuration that would meet the top-down ecological guidance supplied by government agencies whilst minimising the potential socio-economic impacts of the MPAs.

The conflicts that arose during these negotiations were multifaceted and multidimensional. Nevertheless, through a well-supported and facilitated series of meetings, during which different stakeholder representatives got to know each other (and project support staff), stakeholders were able to negotiate a joint set of recommendations. Thus, the stakeholder groups effectively constituted a mechanism to draw the conflicts generated by MCZ planning out into the open, and to address them through an open dialogue and negotiations. With clear ecological guidelines on what needed to be put in place, and iterative feedback from government appointed scientists on how the

compliance of the developing networks with these guidelines could be improved, most stakeholder representatives were able to work with each other to try and negotiate solutions that they could at least live with.

That does not mean that the conflicts were 'solved' or planned away through these negotiations. Fundamentally, many stakeholder sectors opposed the whole idea of putting nationally important MPAs in place, and others fundamentally opposed activities that they perceived to be damaging to the environment. These underlying differences in opinion, previously discussed in terms of primary conflicts related to divergent value priorities (Deliverable 6.1, section 3.3.4), remained and caused tensions between different sector representatives throughout the planning process. This illustrates the reality (previously highlighted in sections 3.3 and 3.7) that conflicts cannot necessarily be planned out of existence, even through a well-facilitated and resourced participation process. Nevertheless, at broad spatial scales, well-designed cross-sector participation can bring underlying conflicts into the open, and address them head-on through a series of trade-offs and compromise solutions, accepting that at specific localities, there will be losers as well as winners in the process.

Throughout the stakeholder negotiations, the main factor limiting the effectiveness of the stakeholder groups was the fact that the remit of the stakeholder discussions did not cover management measures. The remit of stakeholder discussions only extended to developing recommendations for site boundaries and conservation objectives, with the process of planning and deciding on appropriate management measures left until after the end of the stakeholder process. In reality, of course, it proved impossible for stakeholders to reach any form of agreement on where to recommend MCZs without knowing how those sites would impact on their activities and hence how significant potential socio-economic impacts may be for them. The recommendations were based on assumptions about management, and the articulation of those assumptions took up as much stakeholder discussion time (and created as much conflict) as discussions about the spatial network configuration. At times, it proved impossible for the whole stakeholder group to agree to one single shared set of management assumptions. This was a fundamental and serious design flaw within the stakeholder process, and led to significant delays, as well as increasing cynicism amongst stakeholder representatives as their role drew to an end in 2011. At the time at which they held their final meetings, it remained unclear how and when management measures would be decided, and whether they would be allowed to participate in those decisions in future.

After the stakeholder groups delivered their recommendations to government in 2011, the stakeholder process ended, and the MCZ process thereafter shifted to an entirely different planning approach, much more in line with other MESMA case studies, and with the approach taken within the UK for the planning of marine *Natura 2000* sites. This second phase of the MCZ process is still on-going at the time of writing, implementing a centralised, and top-down approach. Stakeholder participation is confined to a public consultation process, with no efforts at incentivising cross-sectoral communication or collaboration and continuing uncertainty over future management decisions. It is salutary to note, in this respect, that in the official consultation on the 31 MCZs that are currently being officially progressed (out of the 127 MCZs recommended), none of the much deliberated assumptions about future management restrictions were included.

Furthermore, the current process is no longer focused on the broader regional scale, on the network as a whole, or on seeking integration with other sectors. Instead, it is operating on a site-by-site

basis, drafting conservation objectives for specific features within each individual site. This approach places significant emphasis on obtaining high and detailed levels of evidence on the distribution and condition of individual features at specific locations and of the target 'reference' condition, in order to determine whether or not they individually warrant protected status. The mechanics of the current planning process are characterised by laborious, repetitive, and inflexible pathways, with great reliance on scientific data (much of which is not readily available) and expertise. This approach lacks the regional-scale view and flexibility required to create room for stakeholder negotiations and trade-offs, so the mechanics of the current approach are no longer compatible with a participative process, nor are they consistent with the wider focus of the ecosystem approach.

Thus, the analysis revealed fundamental incompatibilities between the two approaches that were combined in the MCZ process. The two approaches clashed and created tensions, rather than interfacing in a reasonably integrated manner. Interviews with a cross-section of stakeholders carried out a year after their final participation in the MCZ process revealed widespread disillusionment, disengagement, and loss of ownership of the process. The stakeholder meetings had been very demanding of people's time, effort, and goodwill – a contribution which participating stakeholder representatives had been willing to make because they valued their role, and their influence on shaping the recommendations. The majority of stakeholder representatives, from across a range of sectors, felt disappointed that their role and influence were taken away before the process was finished, i.e. before sites had been designated, and before management measures had been designed for them.

The loss of the stakeholders' role went hand-in-hand with a loss of transparency from the process, with an evaluation of their recommendations by public authorities taking place largely behind closed doors, with limited bilateral consultation with some national sectoral bodies, particularly the national fishing industry organisation. This led to a loss of trust in the process, and in the government bodies running it.

During the stakeholder process, it had taken considerable time and effort to establish relationships and trust, i.e. social capital, between representatives of different sectors, and between stakeholders and project staff – these relationships were valued by the participants. However, a year after the stakeholder meetings ended, there was little evidence of any of these relationships remaining in place. Without the regular forum of the stakeholder meetings, the support and information of the project staff, and a clear role and task within the MCZ process, interviewees consistently stated that they felt a sense of complete disengagement from the process, and a loss of trust between sectors, as well as a lack of trust in government and public agencies currently responsible for the process. Thus, rather than building on the social capital that had been developed through the stakeholder process, the shift to a more top-down, centralised approach allowed that social capital to dissipate, arguably creating more cynicism, distrust, and disinterest in the process and in the responsible public bodies than if the stakeholder process had not taken place at all.

In the interviews, it was striking that the above perspectives were shared across almost the entire range of stakeholder interests, with the exception of some interviewees who work for public bodies and government agencies. Another key exception were representatives of the offshore fishing sector, who largely welcomed the shift towards a more details-and-evidence-focused planning process, and a shift away from broad-scale, MPA network-focused planning. This is likely to be

because a details-and-evidence focussed process is less likely to be expedient in implementing conservation measures. In fact, under the new approach, progress within the process has stalled significantly. Of 127 sites recommended by the stakeholder process, just 31 are being considered for a 'first tranche' of designations (significantly delayed from the original timetable), with no clear process or timeline in place either for management measures to be implemented in designated sites, or for any future 'tranches'. Arguably, the current approach is delivering outcomes that are in the interests of the offshore fishing sector, who largely object to the implementation of MPAs.

The fact that stakeholders from across a spectrum of interest groups consistently voiced similar points of feedback on the MCZ stakeholder process does not, of course, indicate agreement on substantive issues relating to MCZs or the management thereof. Throughout the stakeholder discussions, there were strong differences in opinion, with many stakeholder groups (not just offshore fishing representatives) sceptical towards the benefits of MPAs, and some of them openly opposed to their existence. No-take areas proved to be particularly contentious, though it is important to note that the government shelved all proposals for no-take 'reference areas' within the MPA network at the outset of the top-down phase of the process. It is unlikely that even the most carefully-designed and well-supported stakeholder process would ever resolve these underlying differences in opinion, and generate full and unanimous support for MPAs.

This illustrates that (as in any political decision-making process operating at a similar scale and dealing with controversial and emotive issues) it is unrealistic to aim for a 'consensus-based approach' in ecosystem-based planning. It is much more realistic to combine top-down approaches (such as clear ecological guidelines and legal incentives to ensure ecosystem protection) with participative and collaborative approaches to help identify points of conflict, discuss them openly, and find trade-offs and compromise solutions at broad spatial scales, accepting that at specific localities there will be losers as well as winners, and that full 'consensus' cannot be achieved. This case study indicates that this is achievable, but only with the political will to implement a genuinely ecosystem-based approach, and with a participative process that is continuous, well-supported, and well-designed from the outset. In the case of the MCZ process, the evidence indicates a lack of political will to implement a genuinely ecosystem-based approach, and the design of the participative process was deeply flawed, with little evidence of it having resulted in any lasting benefits.

This was not, however, because of any failings in the participative processes *per se*, most stakeholders that took part consistently supporting such processes even if they did not agree with the potential MCZs that may arise from them. The failure in this case was a lack of central government commitment to implementing the recommendations arising from such participative processes. This is consistent with the findings from several of the MESMA case studies that stakeholder participation, whether through consultation or direct participation, needs to be accompanied by both commitment from the government for the outcomes of the stakeholder process to have a significant influence on eventual decisions, even if potentially affected sectors attempt to circumvent and/or derail the process if the outcomes do not suit their sectoral objectives, participation without such commitment being little more than token measures that could actually undermine the potential for stakeholder cooperation with decisions and exacerbate conflicts.

3.11 The Greek case study

At the level of government, the Greek case study (Panayotidis *et al.* 2013, Panayotidis *et al.* in prep.) revealed a complete lack of integration between the national and regional levels in the planning, designation, and implementation of marine *Natura 2000* sites. The national government takes control of planning and designating the sites, with either no regional government involvement, or limited (consultative) input from regional authorities. The case study researchers identify lack of resource and lack of technically knowledgeable and skilled staff as reasons for this lack of effective engagement, in addition to limited opportunities provided by the national government and a related lack of political will to designate and, more importantly, effectively implement marine *Natura 2000* sites. Regional authorities tend to have a much better understanding of local issues affecting stakeholders and of conflicts playing out on the ground, than the national government – but the current governance process does not allow them to take on an effective role in bringing their knowledge into the planning process, or acting as an intermediary between national government and local stakeholders.

At the level of stakeholders, the most significant conflicts identified in this case study were between fishermen (demersal trawlers, in particular) and conservationists supporting the preservation of *Posidonia oceanica* meadows within *Natura 2000* sites, related to the negative impacts that demersal trawling tends to have on such seagrass meadows.

Following the designation of the *Natura 2000* sites, the approach in Greece is that a management body is established for each individual protected area, which in theory should act as a mechanism for addressing conflicts relating to each site. The management body is responsible for the day-to-day management of the site, with permanent staff who are able to establish direct relationships with local stakeholders, have direct access to local information, and are able to work on compromise solutions to problems on a local level. In a clear parallel with the Egadi case study in Sicily, the management body is financed by the central government, who also nominate the president of the management body and other key staff (thus, despite its local character, the central government retains a strong element of control over the management body). The management body is further supported by an advisory commission, which includes representatives of local municipalities and NGOs.

However, in contrast with the Egadi case study in Sicily, the management bodies for the sites analysed in the Greek case study did not function well. The case study researchers concluded that they had remained more or less inactive as a result of significant government cut-backs, and hence a lack of funding for their on-going existence and functioning. In view of the on-going serious financial crisis affecting Greece, and its uncertain future within the EU, it is unlikely that this situation will be addressed soon.

The economic, social, and political context faced by Greece at the time of writing is arguably more challenging than that of any other EU country, and much more challenging than any situation that might have been envisaged at the time the Habitats Directive was written. However, that is not the only reason for a lack of drive within government to implement effective marine nature conservation, and mechanisms to resolve conflicts surrounding conservation measures. The evidence from several of the case studies (e.g. Celtic Sea, Poland, Malta, PFOW, Wadden Sea, Belgium) indicates that the safeguarding of marine ecosystems is not considered an over-riding

political priority within emerging marine spatial planning initiatives, even in *Natura 2000* sites where there is the possibility of EU sanctions being imposed as a result of failure to implement the Habitats Directive. It is also important to note that the Greek government has been subject to a relatively high number of infraction proceedings (compared to other EU member states) for breaches of the designation and protective obligations of the Habitats Directive, and that these infractions proceedings began long before the present economic and political crisis that Greece now faces.

Arguably, then, the stark economic and social realities faced by present-day Greece merely serve to crystallise out a reality that exists across much wider stretches of Europe, which is that when it comes down to implementing measures that have an impact on activities on the ground, there is little political will to protect marine natural resources. Thus, the empirical findings of the MESMA case studies indicate a clear contrast between political and economic realities on the ground, and the idealised concept of 'ecosystem-based management' that is often advocated in specialist literature (see section 4 of deliverable 6.1), and which is embedded in the EU Marine Strategy Framework Directive (see section 2 of deliverable 6.1). The reality of emerging marine spatial planning in the EU seems to be more in line with the approach embedded in the Integrated Maritime Policy and the new Maritime Spatial Planning Directive, which is to strive for integration across planning for different maritime activities in order to maximise 'blue growth' (see section 2 of deliverable 6.1).

3.12 The Polish / Baltic Sea case study

The Polish case study (Piwowarczyk *et al.* 2013, Piwowarczyk and Wróbel in prep.) revealed a relative lack of maturity of government institutions with a post-communist nation that accessed the EU relatively recently. The analysis revealed significant lack of clarity in the definition of roles, and high levels of overlap, with the same organisations and individuals taking on multiple roles within planning and decision-making, leading to a lack of accountability at the level of government and its associated agencies and public bodies. Levels of distrust in government institutions were revealed to be high, as were levels of distrust between different stakeholder groups. Furthermore, stakeholders and members of the public tend to regard *Natura 2000* sites as something imposed from the outside (from the EU), and a potential threat to livelihoods.

Thus, the analysis revealed a lot of obstacles in the way of effective implementation of protected areas, as well as little in the way of existing mechanisms for addressing and resolving conflicts. There was a widespread perception amongst stakeholders that whilst there was a strong 'participation rhetoric' amongst politicians and within government bodies, in reality, participation was not being achieved – consultations were seen as perfunctory exercises to inform and gain acceptance for planning decisions taken from the top down. The analysis revealed no effective mechanisms currently in place to address conflicts, or to improve relationships. To some extent, there was also a degree of apathy amongst potentially affected stakeholders - no management measures have been implemented within *Natura 2000* sites, meaning that they are arguably no more than 'paper parks' at present.

4 Discussion

4.1 Key findings on mechanisms for addressing conflicts

As the empirical research progressed, the key finding that emerged on conflict resolution mechanisms is that very few of them are in place within the initiatives analysed in the MESMA case studies. Either such mechanisms don't yet exist, or they are not being implemented effectively on the ground. This indicates that marine spatial planning, as a practical discipline, is still immature. The emerging reality of marine spatial planning in the EU is, as yet, a long way removed from the conceptual ideal of fully integrated multi-sector marine spatial planning, where conflicts are reduced, 'planned out of existence', or addressed through fair and effective compromise solutions.

Very few of the MESMA case studies actively employed economic incentives (such as compensation payments) as a mechanism for addressing conflicts. In the Biscay case study, compensation payments for artisanal fishermen were discussed by the promoters of the wave platform initiative at the time that the research was being conducted. In the Sicilian case study, artisanal fishermen within the Egadi MPA have the opportunity to engage in '*pescaturismo*', where they earn money from taking tourists on fishing trips to zones where their activities are permitted. Whilst they value this source of income, they would have the same opportunities to engage in this activity irrespective of the existence of the MPA. It is not the protected area that has created this form of employment, but the fact that the Egadi archipelago is a very popular tourist destination, with a thriving market for boat-based tourism activity (including boat tours, boat hire, diving, and *pescaturismo*). In that sense, it is difficult to regard *pescaturismo* as an economic incentive as defined in the MESMA governance analysis framework (see section 1.4 of deliverable 6.1).

In the Celtic Sea case study, economic compensation came up as an issue in some of the stakeholder meetings – though not in direct relation to the MCZs. The UK government had taken a clear stance from the beginning of the MCZ planning process that no compensation would be paid to anyone losing out as a result of any activity restrictions imposed in future MCZs. However, independently of the MCZ process, maritime users can be compensated for lost grounds as a result of infrastructure development, such as offshore wind farms, and in the case of Finding Sanctuary, this had a bearing on the conflict triangle between conservation, offshore wind farm developers, and fishermen (this is discussed further below). The key point to note here is that no compensation is paid in relation to the primary objective of the case study (MCZs).

The most important mechanism (where any existed at all) for addressing conflicts within the MESMA case studies was stakeholder participation, but this was very limited in most. Most case studies analysed here have existing mechanisms whereby decisions are taken top-down, often backed by legal incentives. Stakeholder participation is generally limited to consultation – in fact, all of the initiatives analysed here contain an element of stakeholder consultation, i.e. opportunities for stakeholders to voice their opinions on marine plans or existing measures. However, decision-making power is retained by central or regional government bodies. It is not always clear to what extent stakeholder opinions influence decisions that are ultimately taken, or whether subsequent decision-making actively analyses stakeholder responses in such a way as to try and minimise conflicts. Crucially, stakeholder consultation exercises are usually done bilaterally, i.e. there are no structures or mechanisms in place to facilitate cross-sector communication. Thus, at the stakeholder

level, there are generally no forums within which conflicts can even be brought into the open, so different stakeholder groups and planning authorities can gain a full, shared understanding of them, as a foundation for collaborating or negotiating and seeking solutions or compromises to resolve or address the conflicts.

Where platforms to provide for stakeholder participation were employed in some of the case studies, these were often limited in their capacity to address conflicts, due to factors such as:-

- a lack of a formal remit to address conflicts and a lack of connection to more top-down legal and political decision-making mechanisms, e.g. Wadden Sea, Celtic Sea;
- a lack of commitment from all sectoral representatives to accept the decisions taken through participative platforms, some sectors opting to resort to interventions in more top-down mechanisms through alternative routes, reflecting their potential to influence political processes, e.g. Celtic Sea

However, as was discussed in relation to the Celtic Sea, the reality is that the government is unlikely to compromise on the former factor, as this could undermine the fulfilment of strategic objectives related to infrastructure developments and economic development e.g. renewable energy schemes, oil & gas developments. In a similar manner, major sectoral industries are unlikely to compromise on the latter factor, as it is in their strategic economic interests to maintain the political influence that they can have on national governments. The strategic goals of the government and major sectoral industries are therefore convergent, in that it is in both parties' interests to ensure that platforms for wider stakeholder participation do not undermine their strategic objectives by providing for the decisions of such platforms to divert marine spatial planning decisions away from achieving such strategic objectives. Hence there is a tendency for such platforms not to have a major influence on eventual strategic decisions taken at a higher government level, e.g. Celtic Sea, or for marine spatial plans that are significantly based on decisions from such platforms to be 'disconnected by design' from certain strategically important decisions, e.g. the emerging marine spatial planning framework for England, where decisions concerning key strategically important sectors, such as oil & gas and marine renewables developments, need only have 'due regard' to principles and zoning allocations embodied into to marine plans (Appleby and Jones 2012, as discussed in section 4.1.4 of deliverable 6.1). Whilst this is arguably logical from central government and major sectoral industry perspectives, perhaps even from a wider societal perspective related to economic development and energy security priorities, the lack of influence of wider stakeholder platforms on eventual marine spatial planning decisions is likely to be a disincentive to participate and/or a source of frustration if participation is considered 'tokenistic', i.e. with no significant influence on eventual decisions. From the perspective of the marginalised stakeholders, this could exacerbate conflicts, though higher government and strategically prioritised sectoral representatives could have a very different perspective.

Moving from conflict resolution mechanisms to wider approaches for promoting inter-sectoral integration, several of the case studies did reveal mechanisms aimed at achieving a degree of integration in the development of plans affecting different maritime sectors, and there were some indications of a trend to implement such mechanisms to an increasing extent. However, often these mechanisms are limited to higher levels of government and planning authorities, e.g. with inter-ministerial working groups, or several ministries having joint responsibility for steering a process.

Whilst government-level integration is a precondition for effective integration and conflict resolution in multi-objective MSP, it does not directly address or resolve conflicts between stakeholder groups themselves.

Furthermore, whilst such government-level integration mechanisms existed in some case studies (e.g. in the Barents Sea and Skagerrak), others lacked them entirely, with initiatives being driven more by one single government department (e.g. the Basque and Celtic Sea case studies). This indicates that even at the level of government, the most basic precondition for effective multi-sector integrated marine spatial planning and conflict resolution is not consistently being achieved.

Notably, the lack of consistent integration between government departments with different maritime remits carries through to the highest level of governance within the EU, with clear tensions between the priorities of DG Environment and DG Mare (see section 2 in deliverable 6.1, and Qiu and Jones, 2013). The failure to effectively integrate the implementation of fisheries management measures under the CFP with the implementation of conservation measures in offshore *Natura 2000* sites (also covered in section 2 in deliverable 6.1, and Qiu and Jones, 2013 [Open Access](#)) is another symptom of the current challenges and tensions in achieving integrated marine spatial planning at the highest level of EU governance, as different policy EU drivers (e.g. CFP, MSFD, IMP) are simultaneously steering Member States in different directions.

4.2 Perspectives on mechanisms for addressing conflicts

One of the original aims of the MESMA WP6 research was to analyse multiple perspectives from across a range of stakeholder groups on existing conflicts, the MSP governance mechanisms currently in place in order to resolve conflicts and the potential of other conflict resolution mechanisms. The former is covered in the conflict analysis in deliverable 6.1, which describes the different perspectives that key stakeholders hold concerning the main conflicts in each case study. However, it has not been possible to conduct an exhaustive analysis of stakeholder perspectives on conflict resolution mechanisms for most of the case studies, given that as the research progressed, it emerged that in many of the case studies, no such mechanisms are in place beyond top-down decision-making. Discussions with stakeholders concerning the potential of other conflict resolution mechanisms were hampered by their understandable view that they had no actual experiences of other mechanisms, nor did they realistically expect other such mechanisms to be adopted. These views are consistent with the discussions in the previous section (4.1) as to why marine spatial planning processes are dominated by top-down mechanisms. It did not prove to be feasible to discuss the *potential* of alternative mechanisms that the stakeholders neither had any experiences of nor any realistic expectations that such mechanisms would be adopted. The views of stakeholders on existing top-down approaches to addressing conflicts ranged from support, where such approaches served their sectoral ends, e.g. marine renewables and oil & gas, to begrudging but fatalistic acceptance, where their sectoral interests were undermined, e.g. conservationists and inshore fishermen.

Against this background, the remainder of this section focuses on those case studies for which alternative conflict resolution mechanisms were found to be in place, and where the research yielded insights into the perspectives of different stakeholder groups on those mechanisms: the Celtic Sea, the Sicilian case study, the Pentland Firth and Orkney Waters case study, and the Wadden Sea case study.

For the Celtic Sea case study, it is possible to give an in-depth discussion on the different perspectives of stakeholders on the governance mechanisms in place. As described above, the MCZ process and the Finding Sanctuary project (the initiative analysed for the Celtic Sea case study) combined two separate, and fundamentally different, planning approaches, leading to a range of tensions running through the whole process.

From a stakeholder's perspective, engagement in Finding Sanctuary was hard work, and it demanded a lot of commitment. Nevertheless, almost all respondents in the summer 2012 stakeholder interviews stated that they had greatly valued the cross-sectoral discussion platform, and that they had had a sense of ownership of the developing recommendations at the time, with genuine influence on them. Finding Sanctuary's stakeholder process was successful in that it delivered a set of recommendations that were in line with the national ecological guidelines that had been drafted at the outset of the process (though these guidelines were dropped following the stakeholder process), and which had considerable (though not unanimous) stakeholder support. The stakeholder groups were able to negotiate about the spatial configuration of the overall MPA network at broad spatial scales, finding trade-offs and compromise solutions, and ending up with a network configuration that met ecological guidelines they had been provided with from the top down whilst minimising the socio-economic impacts, in keeping with the Marine and Coastal Access Act. In that sense, stakeholder participation was an effective conflict resolution mechanism within this case study, and most participants shared the perspective that it had been a valued process, in which they found effective compromises as well as building relationships and trust across sectoral divides.

However, as the stakeholder process drew to an end, there was a sense of frustration that decisions within the process were increasingly being taken out of the remit of the stakeholder's influence, particularly in relation to how MCZs would be managed in future (as discussed above). Finding Sanctuary's stakeholder group made a joint statement highlighting their concerns about this, expressing a clear wish to continue to have an on-going role in the process, including in the development of management measures for MCZs. This can be seen both as a strong criticism of the shift in the process (towards a more centralised, top-down planning approach, and away from a participative approach), as well as a demonstration of the success of the participative approach, i.e. stakeholders valued the role they played to the extent that they jointly stated a wish for it to continue, in order to complete what they saw as an unfinished task. The only sector representatives that explicitly distanced themselves from this statement were offshore fishing representatives, who (as discussed above) arguably had a lot to gain from the shift to a centralised approach.

Stakeholder participation ended abruptly with the end of the regional projects in 2011. Over the following 16 months, stakeholder engagement by the national MCZ process was *ad hoc* and unequal, and the summer 2012 stakeholder interviews carried out for the MESMA case study research revealed a lack of clarity and genuine transparency in the process. There were significant differences between stakeholder representatives, in terms of how much information they had about the process, and the degree to which they had access to national forums or meetings where MCZs continued to be discussed. One of the most frequent themes to be brought up in the interviews was the sense of a complete change in the nature of the process, which many described as a 'pause', a 'hiatus', or 'radio silence'. Several interviewees stated that they felt they had had very little information about the MCZ process since the end of Finding Sanctuary's stakeholder meetings, and

it was not clear to them why there was such a long time gap between the submission of their final recommendations and the start of the public consultation. Beyond the public consultation, there was no clear perspective for stakeholders in terms of how they might access the longer-term implementation process for MCZs, or whether they would be asked to take on any specific role.

The abrupt end ('cliff') of the stakeholder process created a sense of disillusionment with the process, disengagement from it, and loss of ownership of the site proposals. The cross-sectoral forum, with its specific role and influence, had incentivised stakeholders to reach across sectoral divides to discuss trade-offs and reach compromises. These incentives for collaborative work no longer exist. Instead, the public consultation process and ad-hoc (mostly bilateral) stakeholder engagement within the current process incentivises each sector to revert to their own positional stances, and where there are conflicts, to fight hard for their own sectoral interests – no individual sector has anything to gain from seeking compromises in the current process.

As highlighted above, the analysis revealed one important dissenting perspective from amongst the range of stakeholder interest groups, which was that of the offshore fishing sector. They had distanced themselves from some of the content of the joint statement made by the stakeholder group at the end of the process, and had a much less negative perspective on the fact that the participative process had ended. Although none of the offshore fishing representatives who participated in the process and/or were interviewed for the MESMA research stated it explicitly, it is likely that their different perspective is down to the fact that the process in its current, centralised, top-down form enabled them to unilaterally influence top-down decision-making processes in order to yield outcomes that are much more in their interests, compared with the recommendations that emerged from the collaborative stakeholder process.

With a lack of political will to drive forward nature conservation measures, the current top-down process is unlikely to lead to a comprehensive protected area network, or strong measures restricting damaging activities. The earlier approach, apart from being more collaborative, was also driven by stronger environmental guidelines (which were dropped by government following the end of the stakeholder process). It is likely that it was these guidelines which offshore fishing representatives were objecting to more than the collaborative approach *per se*. This illustrates a reality that is likely to emerge in other planning processes as well, which is that specific stakeholder interest groups are more likely to be supportive of a particular governance approach if it yields an outcome that is in their interest – if the same approach yielded the opposite outcome, the same interest group might object to it.

One fundamental flaw in the stakeholder process that was unanimously highlighted by participants (including the offshore fishing representatives) was that the stakeholder groups were only ever tasked only with recommending site boundaries and conservation objectives. Participants overwhelmingly felt that the task was not 'complete' and meaningful without considering management of the sites, but they were not empowered to make recommendations on site management measures. As a result, stakeholders were faced with the task of developing recommendations for the location and boundaries of MCZs, without knowing how MCZs would impact on their activities of interest – an uncertainty that one stakeholder interviewee described 'flying blind'. The perspective that this was a failure within the design of the process was shared unanimously across the full range of interest groups, with most participants feeling very strongly

about the issue. The fact that it never was addressed within the timeframe of the stakeholder process had negative impacts which reverberated around many elements of the planning process, including the following:

- It led to increased complexity within the conflicts that arose during the stakeholder discussions – there was no way of knowing what ‘real’ conflicts existed between MCZs and human activities, so that stakeholders had to make assumptions. Much of their conflict revolved around disagreements on what assumptions to base the recommendations on, making discussions lengthy and difficult, slowing progress on the network development.
- It was an obstacle to the finding of genuine, meaningful compromises, because trade-offs that were being considered within the stakeholder group were based on assumptions rather than definitive and shared understanding of what costs and benefits of potential sites would consist of.
- It prevented synergies from being identified and realised. Most representatives assumed a precautionary (‘worst-case scenario’) stance. Because no-one could be certain that MCZs would not have significant negative impacts on their interests, there was a strong push from most commercial (and some recreational) stakeholders to locate sites away from ‘their’ areas of interest. With clarity on impacts, compatible activities could have been identified and ‘co-located’ with MCZs by design. This would have allowed for the use of economic incentives, designing sites in such a way as to build in benefits for those carrying out low-impact activities.
- It prevented the achievement of the objective to develop ‘well understood’ sites – whilst people understood where the boundaries were being drawn, they were prevented from understanding what those boundaries would mean in reality.
- It lowered support for MCZs (because people assumed or feared ‘worst-case scenarios’ for their activity)
- It reduced stakeholder buy-in and support for the process. This issue was raised repeatedly and emphatically as one of their key concerns, but there was no clear push to address and resolve the problem within the wider, national process.
- Unfortunately, the assumptions on potential management measures were not considered in subsequent consultation and decision-making processes, rendering the many discussions about these assumptions obsolete.

Arguably, failure to address this issue was the deepest flaw in the stakeholder process that formed part of the MCZ planning process. It meant that despite the social capital gained from the collaborative stakeholder meetings (described above), the process failed to achieve one of its stated purposes, which was to improve buy-in and support for the process and the MCZs, and to create ‘well-understood and supported’ MCZ recommendations. MPA recommendations cannot be described as ‘well-understood’ if no-one involved in the process knows how the sites would impact on human activities, or how well they would protect the environment from the impacts of such activities, once designated. Given the apathy, alienation and even resentment generated by the shift from a widely supported stakeholder participation approach to a much more narrowly supported top-down approach, it is clear that the recommendations can also not be described as well-supported by the majority of stakeholders.

The Celtic Sea analysis was the most in-depth and detailed of the MESMA sample. It is not possible to provide the same level of detail for other case studies, but there are some insights that can be gained from some of the other case studies in terms of the different perspectives of stakeholders on governance approaches aimed at addressing conflicts.

Both the Pentland Firth and Orkney Waters, and the Wadden Sea case studies highlighted that stakeholders will become disengaged from a process if they have no clear role or influence within a decision-making process. Participation in a process costs time and money, especially for those who are not paid to attend meetings as part of their employment. For many stakeholder representatives, there are opportunity costs of attending a stakeholder process, i.e. time spent at a stakeholder event is time not spent earning money in their 'day job' or own business. Thus, for a stakeholder process to be successful, it is important that there is something in it for those participating.

In the Pentland Firth and Orkney Waters case study, there was an initial flurry of interest amongst local community representatives in attending stakeholder information events and drop-in days, which was partly because the process was new, and therefore of interest. However, as time went on, and it became clear that local stakeholders had little influence over the process (as well as the realisation that there were large uncertainties over what may or may not happen within local waters), stakeholder representatives lost interest, and attendance at stakeholder events dropped.

In the Wadden Sea case study, there has been a degree of disengagement from the stakeholder forum (the Wadden Sea Forum), which exists as a platform where different sector representatives can meet and discuss matters relating to conservation and sustainable development of the Wadden Sea. However, the forum has no formal role or remit within any actual planning or decision-making processes in any of the three countries which share the Wadden Sea ecosystem. This has led to disillusionment and disengagement, with the fishing industry disengaging completely and no longer attending any meetings.

These findings echo those of the Celtic Sea case study, where several interviewees stated that they had no interest in attending 'talking shops', i.e. meetings or events where they would have no clear role or influence, and where no tangible outputs would be achieved.

Again, there is a lot of agreement across multiple sectors in this perspective – people are not interested in talking to each other or to planning authorities just for the sake of communicating. Although the perspective is shared across sectors, the Wadden Sea case study illustrates that the consequences taken by representatives of different sectors can vary. Fishing representatives are likely to be amongst the first to disengage, because compared to representatives of many other sectors, they are more likely to face higher costs (including opportunity costs) as a result of spending time in a participatory process.

In any process which has a particular focus on conservation and environmental sustainability (such as the Wadden Sea Forum), fishermen are also more likely to fear potential impacts on their activity and their sector, e.g. restrictions on places they can fish, or the gears they can use. Thus, their perspective on a participatory process is likely to be more negative than that of representatives of the conservation sector, pre-disposing them to disengage sooner. They are also more likely to have access to other routes for influencing decisions through regulatory and/or political processes, enabling them to circumnavigate the participatory platform, as discussed in the previous section.

Finally, the Sicilian case study also revealed a lot of shared perspectives across sectoral divides. The interviews revealed a strong shared perception of a recently appointed MPA director having had a positive impact on the implementation of management measures in the MPA, and on the levels of stakeholder engagement amongst local people. There was a strong sense that the new director was genuine and serious about achieving conservation objectives within the area, and that this marked a contrast with the way the MPA had been managed previously. Stakeholders largely perceived this change to be a positive one, although there were big differences in opinion on whether or not the existing zonation scheme was appropriate, and on whether or not the activity restrictions within the MPA were fair and appropriate.

4.3 Effectiveness of existing mechanisms for addressing conflicts

The range of mechanisms employed in the case study initiatives specifically to address cross-sector conflicts was found to be very limited within this sample of case studies. Hence, any discussion of their effectiveness needs to be understood in that context.

The conflict analysis in section 3 of deliverable 6.1 illustrated the complexity of the conflicts in each of the MESMA case studies. The in-depth analyses of the individual case studies (see list of reports in appendix 7 of deliverable 6.1) provide more detail. Given the complexity and the severity of the conflicts in many of the case studies, it is perhaps surprising to find so few mechanisms designed specifically to address those conflicts. As stated above, it is an indication that multi-objective and multi-sector marine spatial planning is, in reality, still an immature discipline, and that governance mechanisms have some way to adapt before conceptual ideals become implemented.

In those case studies that had governance mechanisms aimed at conflict resolution, as opposed to narrower top-down mechanisms to ensure that specific strategically important sectoral objectives are achieved, the most commonly used mechanism was stakeholder participation. Some of the case studies (the Celtic Sea, the Dogger Bank, and the Wadden Sea, particularly) went beyond bilateral consultation with stakeholder representatives, and created platforms where different sectors could come together and communicate with each other, creating the potential for conflicts to be aired and addressed collaboratively or through transparent trade-offs and compromise. However, the analyses revealed deep flaws in the design of these cross-sector participation platforms, leading to disillusionment and disengagement of stakeholders. In the case of the Celtic Sea, design flaws in the process actually fuelled conflicts and distrust, especially between stakeholder representatives and planning authorities.

Thus, the collective picture emerging from these case studies is one where significant conflicts exist, but are not being addressed effectively. In fact, without cross-sector stakeholder platforms, or transparency in bilateral consultation exercises, or any other mechanism to identify conflicts (such as targeted research), planning authorities and representatives of different stakeholder groups may not have a comprehensive understanding of the full range of existing conflicts, or the way in which they are interrelated. Without mechanisms to bring such conflicts into the open, the different players in a process may not have an understanding of issues that do not affect them directly.

The Celtic Sea case study, despite the design flaws in the stakeholder process, illustrates the value of cross-sector stakeholder platforms in bringing conflicts into the open, allowing different players to develop a shared and much more comprehensive understanding of them. Such a shared knowledge base allows for more integrated planning decisions to be taken.

As stated above, compensation or other economic incentives were hardly used within this sample of case studies. The Celtic Sea case study illustrates that lack of strategic, integrated approaches to planning can lead to economic incentives fuelling conflicts rather than resolving them. Although the UK government had taken a clear and consistent stance that no stakeholders would be compensated for any economic losses incurred as a consequence of protected area designations and management measures, compensation can and is paid (on a case-by-case basis) by offshore developers to stakeholders who might lose out as a result of new offshore developments.

Within the region covered by the Finding Sanctuary project, during the time period covered by the MESMA case study research, a major (1.2GW) offshore wind farm development was being planned off the north coast of Devon, in South West England. The developers of this wind farm (the Atlantic Array) had been discussing possible compensation with local fishermen who were fishing within the area that was now being earmarked for the construction of wind turbines, with the likely consequence of future fishing restrictions in the area for reasons of safety. These discussions had been on-going before the MCZ planning process started.

During the course of the Finding Sanctuary process, with all stakeholders involved in the planning discussion, it emerged that fishermen feared a potential 'double impact' of lost fishing grounds to new offshore wind farms as well as to new MPAs (including MCZs). Given that both wind farms and protected areas have the potential to take up large spatial footprints, offshore fishermen feared potentially substantial loss of access to fishing grounds.

As a way of reducing the potential combined impacts of MPAs and wind farms on fishermen, the stakeholder group discussed the possibility of designating the wind farm area off north Devon as an MCZ. Whilst there was some discussion with scientific advisers over whether or not the wind farm construction and operation would have negative environmental impacts, making the area unsuitable for protection, the scientific advice that was eventually provided stated that 'co-location' of MCZs and wind farms would be acceptable, as long as not all MCZs contained wind turbines – for full details, please refer to Lieberknecht *et al.* 2013b). At the end of the process, the group agreed to put forward the Atlantic Array area as a possible recommended MCZ.

Initially, fishermen were supportive of the concept of co-location of wind farms and MCZs, to reduce the combined overall spatial footprint of the two. However, in discussions that were conducted outside the MCZ process, it became clear that the wind farm developers were reluctant to commit to paying compensation to fishermen for lost fishing grounds if the area was earmarked as a potential protected area, arguing that if the site was to become an MPA, in all likelihood fishing restrictions would be imposed as a conservation measure irrespective of the existence of a wind farm. Thus, the loss of the fishing grounds would no longer be as a result of the wind farm construction, meaning that the wind farm operators no longer considered themselves liable to pay compensation. Fearing the loss of compensation, fishing representatives from north Devon changed their stance within the stakeholder group, openly opposing the concept of 'co-locating' MCZs and wind farms, even though

all the other fishermen's associations in SW England understandably supported the co-location of wind farms and MPAs.

Apart from highlighting that economic incentives can fuel rather than resolve conflicts, this example is a good illustration of the lack of genuine cross-sector integration in marine planning in the UK. Although the MCZ planning process tried to integrate the concerns of all maritime sectors, ultimately it was still a single-objective process. Planning for any offshore development is still carried out largely on a case-by-case basis, in a process that is entirely separate from MCZ planning. This lack of integration, combined with the discrepancy in approaches to compensation payments (developers will opt to pay compensation in some circumstances where offshore developments are concerned, but government isn't when it comes to conservation measures) paved the way for the above situation to arise.

The SW England case study pre-dated the development of a marine plan for this area, so it could be concluded that the introduction of marine plans, under the Marine and Coastal Access Act, will provide a framework for integrated marine spatial planning that aims to mitigate, if not resolve, conflicts. However, the reality is that decisions taken by the national Planning Inspectorate on major projects such as wind farms and oil & gas developments need only have 'due regard' to the provisions of a marine plan for a given area (Appleby and Jones 2012). They are thus 'disconnected by design' from being bound by the provisions of regional marine plans, e.g. preferential development zones, planning presumptions/principles, this being a reflection of the strategic and economic importance of such major developments and the UK government's reluctance for such developments to be foreclosed or restricted by marine plans and related decisions taken through more bottom-up participative processes. Instead, the marine planning process has been designed to enable strategically important decisions to be taken by the central government on a top-down basis, in order to avoid nationally important developments being foreclosed by more local priorities and related decisions. Whether this is considered a means of addressing or exacerbating conflicts is a matter of perspective.

It is interesting to compare this analysis of marine spatial planning with its terrestrial counter-part of regional land planning. Some specialists in land planning regard marine spatial planning as a logical seaward extension of the principles, frameworks and practices of terrestrial planning. It is ironic to note that at the same time as the UK government is promoting the development of a regional approach to marine spatial planning through the roll-out of regional marine plans, the UK land planning system has recently been radically revised, so that (a) the presumption is that development proposals should be approved, and (b) regional strategies for land planning and the regional development agencies responsible for them have been abolished. Instead, the focus is on local development frameworks, which are the responsibility of local planning authorities, subject to extensive local consultation and decision-making by locally elected councillors who sit on planning committees. Local development frameworks are the primary basis of decisions concerning applications for planning permission to build a particular development, by reference to the preferred use zones identified by the local development framework. The majority of planning applications to build houses, shops, factories, etc. are decided by reference to the local development framework, applications for developments that are not consistent with the preferred use identified for that particular zone being unlikely to be granted permission, i.e. a plan-led system. However, decisions concerning major development proposals are not plan-led; instead the decisions over such

strategically and economically important proposals are taken by the national Planning Inspectorate, i.e. a more consents-led system.

Whilst the UK government aimed for the marine planning system to be plan-led, the reality is that the majority of development proposals at sea that are likely to have significant impacts on marine ecosystems and significant impacts on other users are subject to decision-making at a central government level rather than by the agency responsible for marine spatial planning, e.g. ports and wind farms (Planning Inspectorate), oil & gas developments (Department of Energy and Climate Change), shipping routes (Department for Transport), with only 'due regard' being paid to the consistency of the proposal with the marine plan. Most developments that have significant impacts for marine spatial planning are therefore subject to central government decision-making authority under a more consents-led system, with a lesser degree of local accountability (not least of all because most local people are less concerned about the impacts of developments at sea, many of which are 'out of sight, out of mind'), whilst most developments that have significant impacts for land planning are subject to local planning authority under a more plan-led system, with a greater degree of local accountability. Whilst some land planning decisions are subject to central decision-making authority, including major infrastructure development proposals, as well as some development proposals that are rejected by the local planning authority but appealed by the applicant, the key point to stress in the context of these discussions is that the marine spatial planning system is, by design, much more centralised, consents-led and disconnected from local people and regional marine plans.

This 'disconnection by design' is a reflection of the tendency for a larger proportion of development proposals to be of national strategic and economic importance in marine spatial planning than in terrestrial planning. Whilst there are some difference between the land and marine spatial planning systems for the UK and those for other EU countries, the MESMA case studies illustrate similar tendency for marine spatial planning to be more centralised than terrestrial planning, due to the relatively high proportion of marine development proposals that are of national strategic and economic importance, particularly in countries with more industrialised maritime sectors. Whilst marine spatial plans and related stakeholder participation platforms may be employed, it is common for national governments to ensure that these plans and platforms are 'disconnected by design' from decision-making processes related to national interests.

4.4 Conclusions and final reflections

Given the lack of maturity and the flawed implementation of existing conflict resolution mechanisms within this case study sample, it is difficult to attempt to draw conclusions on this particular matter from this set of case studies.

One thing that case studies such as the Celtic Sea, the Wadden Sea and the Dogger Bank highlight is the importance of implementing well-designed and thought-through stakeholder participation processes. Badly designed stakeholder participation can create conflicts, apathy, alienation and cynicism, rather than resulting in benefits to planners and stakeholders. The findings of these case studies echo lessons learnt in environmental stakeholder processes previously (e.g. Reed, 2008; Luyet *et al.* 2012). Amongst these lessons are that it is important to give stakeholders a clear role in

a process, to have continuity in relationships and roles, and to have genuine transparency as a vital underpinning of trust.

The concept of marine spatial planning is based on the premise of integrating multiple objectives. Where objectives clash fundamentally (e.g. protecting seabed habitat and mining gravel), leading to primary conflicts, it is not feasible to simultaneously achieve multiple objectives within the same location. So for any given location, primary conflicts cannot be 'planned away' or resolved by more stakeholder participation, even in an idealised fully integrated planning process. There will never be consensus amongst multiple parties who have fundamentally clashing objectives, which they wish to achieve within the same area. Ultimately, a decision has to be taken either way, and some people will win, while others lose. So the only way to reconcile the different objectives is to plan at broad spatial scales, implementing different measures in different locations, taking account of what is happening in many different locations at the same time, thereby achieving as close a 'balance' as feasible between the conflicting objectives. Indications from the MESMA governance research that a process combining clear top-down elements (setting the parameters within which a process operates, and unambiguous benchmarks that it has to reach) with participative and collaborative elements can be effective at finding compromises, at incentivising negotiations and trade-offs, and at building social capital. If top-down benchmarks are ecologically-focused, and there is sufficient political will, there are indications that such a process can be effective at implementing ecosystem-based management.

However, achieving a 'right balance' between sectors (and, in particular, between promoting 'good environmental status' and promoting economic activities) immediately faces two problems. Firstly, virtually no-one will argue that the right 'balance' between objectives is not needed, but at the same time, virtually no-one will agree over what constitutes the 'right' balance. Even at the EC level there are conflicting objectives, resulting in tensions between DG MARE and DG Environment policies, as well as related tensions between EC DGs and member states, between member states and within member states. One of these fundamental tensions is that between the objective of using multi-sector marine spatial planning as a vehicle for implementing 'ecosystem-based management' (a concept embedded in the MSFD), and the objective of implementing multi-sector marine spatial planning as a vehicle for maximising 'blue growth', i.e. economic growth of maritime sectors (a concept embedded in the IMP and the draft Maritime Spatial Planning Directive).

In essence, the same fundamental conflicts which emerge in marine spatial planning also continuously manifest themselves in wider social and political arenas related to the management of natural resources and environments. In reality, some objectives, particularly those prioritised at higher institutional levels, will outweigh others. Or, to put it another way, real-life marine spatial planning processes are political decision-making processes like many others in public life, where decisions are driven by short and medium-term political interests of decision-makers rather than (or at least as much as) long-term social, environmental, or economic goals. This would explain why the empirical evidence emerging from the MESMA case studies is indicating that emerging marine spatial planning in Europe is aimed more at maximising 'blue growth' than at implementing 'ecosystem-based management', as the former is more aligned with the priorities of politicians, as well as the majority of their electorate, longer-term environmental sustainability issues being relegated on the basis that they are 'not in my term of office', i.e. the NIMTO factor, and are less

important to many people than improving their standard of living, particularly in the context of the present economic crisis being experienced by many EU countries.

This leads to the second problem that lies in the way to achieving a 'balance' between objectives through a process of trade-offs between multiple objectives, especially within the context of ecosystem-based management. Achieving meaningful trade-offs, in practice, requires planning at a broad-scale, strategic, up-front basis (something akin to 'ocean zoning'). A decision to allow one activity in one location needs to be 'balanced' by a decision to allow a different, potentially incompatible activity at a different location. Irrespective of which way round such decisions are taken, whoever 'loses' in each location is likely to object to the decision for that location, irrespective of the amount of trade-off and negotiation preceding it. If a process aims to implement ecosystem-based management, then an environmentally damaging but economically lucrative activities in one location needs to be 'balanced' by not allowing the same activity in another location, even if it means forsaking some of the economic potential of the area.

However, 'closing off' the possibility of economic exploitation of a particular resource or area for the long term is rarely in the interests of political decision-makers, who will prefer to retain as much flexibility for future decisions as possible. Decision-makers retaining flexibility increases uncertainty for everyone (including developers), but it is also a way for decision-makers to avoid having to deal head-on with conflicts and any negative fall-out of a given decision (which may be politically damaging). Thus, ultimately, political expedience expressed through retention of top-down decision making powers and the 'disconnection by design' of such powers from marine spatial plans and related stakeholder participation platforms is arguably the ultimate obstacle to the effective implementation of fully-fledged ecosystem-based approaches to proactive and integrated marine spatial planning.

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