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Exclusion and non-participation in Marine Spatial Planning

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Abstract

Marine Spatial Planning (MSP) offers the possibility of democratising management of the seas. MSP is, however, increasingly implemented as a form of post-political planning, dominated by the logic of neoliberalism, and a belief in the capacity of managerial-technological apparatuses to address complex socio-political problems, with little attention paid to issues of power and inequality. There is growing concern that MSP is not facilitating a paradigm shift towards publicly engaged marine management, and that it may simply repackage power dynamics in the rhetoric of participation to legitimise the agendas of dominant actors. This raises questions about the legitimacy and inclusivity of participatory MSP. Research on stakeholder engagement within MSP has predominately focused on assessing experiences of active MSP participants and has not evaluated the democratic or inclusive nature of these processes. Adopting the Northeast Ocean Planning initiative in the US as a case study, this paper provides the first study of exclusion and non-participation of stakeholders in an MSP process. Three major issues are found to have had an impact on exclusion and non-participation: poor communication and a perception that the process was deliberately exclusionary; issues arising from fragmented governance, territorialisation and scale; and lack of specificity regarding benefits or losses that might accrue from the process. To be effective, participatory MSP practice must: develop mechanisms that recognise the complexity of socio-spatial relationships in the marine environment; facilitate participation in meaningful spatial decision-making, rather than in post-ideological, objective-setting processes; and create space for debate about the very purpose of MSP processes.

Keywords: marine spatial planning; stakeholder participation; post-political planning; democratic legitimacy; US National Ocean Policy; Northeast Ocean Plan

1. Introduction

Evaluating the democratic legitimacy of participatory Marine Spatial Planning¹ (MSP) is imperative as it exhibits many symptoms of the post-political condition [1, 2]. Post-political planning uncritically exalts participatory decision making, ignoring how it habitually narrows the scope for debate and can, paradoxically, be deeply undemocratic and exclusionary [3]. Planning processes afflicted by the post-political condition hide their undemocratic nature by appearing to offer progressive changes (e.g. bottom-up decision-making or an emphasis on environmental issues) while facilitating and accelerating the agenda of elite actors [3-5]. Symptoms of post-political planning include a fetishisation of managerial- technological planning approaches, a failure to problematise issues that might arise from consensus-based decision making, the foreclosure of debate about the very purpose of a planning process, and the preservation of neoliberal agendas. As will be elaborated below, many of these symptoms are prevalent in emerging MSP practices. Given its widespread appeal, rapid uptake [6], and parallels with post-political planning, there is a fundamental need to critically examine the democratic legitimacy and inclusivity of MSP processes.

MSP is advanced by academics [7, 8], policymakers [9], and environmental groups [10], as a democratic mechanism through which the values of all those with a stake in marine and coastal ecosystems can be incorporated into decision-making processes [11]. MSP is promoted as a rational system that can produce consensus and win-win outcomes for conflicting stakeholders [12]. This is a rather naïve conceptualisation of participatory planning, which ignores that rationality is context dependent [13] and how elite stakeholders can use the illusion of inclusion to apply a lustre of democratic legitimacy to fundamentally undemocratic processes [14]. This deception is especially widespread in post-political

¹ Also referred to as Coastal and Marine Spatial Planning, Ocean Planning, Maritime Spatial Planning and Marine Planning.

planning, which often enables existing power holders to retain authority to govern as they wish and reduces less powerful stakeholders to the role of rubberstamping all-but-implemented policy proposals [15].

Post-political processes disempower stakeholders by replacing "debate, disagreement and dissensus with a series of technologies of governing that fuse around consensus, agreement, accountancy metrics and technocratic environmental management" [16, p. 604]. The 'consensual' basis of contemporary environmental management closes down space for debate about the ultimate purpose of planning processes, preserving the neoliberal tendencies of contemporary governance, and steers stakeholders towards agreement about lowest common denominator objectives [16]. Within post-political processes, managerial-technological apparatuses are championed as being adept at negotiating complex socio-environmental conflicts [17], and are underpinned by participatory processes, in which unequal actors are expected to divest themselves of their power resources to collaboratively develop, at least on the surface, 'win-win' outcomes [18]. Elite stakeholders are rarely so munificent and this charitable approach to planning seldom happens in practice. As well as facilitating co-option, post-political planning can exclude stakeholders; dissenting stakeholders may be omitted from engagement mechanisms [4], while others may opt not to engage in processes they recognise as being choreographed to suit elites and may seek out alternative arenas in which to advance their agendas [5]. Post-political planning processes also often continue to perpetuate state agendas, which tend to favour privileged stakeholders, facilitating the persistence of unequal power relations across stakeholder groups [19]. Ultimately, post-political processes produce consensus around empty signifiers, e.g. sustainable development [20], while concealing the furtherance of hegemonic programmes, e.g. the continuation of neoliberal exploitation [21].

In practice, MSP exhibits many symptoms of the post-political condition [2]. MSP uncritically focuses on producing managerial- technological fixes for intricate socio-political issues, and the discourse within MSP processes is progressively dominated by neoliberal logic [22]. The complex web of social-ecological relations in the marine environment is increasingly inscribed through mapping technologies [23] and captured in geospatial databases [24], creating problematic notions of fixity [25]. These databases are analysed by scientific and technocratic experts to make 'rational' decisions about issues that have been disembedded from their social contexts [26]. A post-ideological consensus is developing around the very purpose of MSP, with the dominant discourse advancing it as a mechanism for facilitating 'Blue Growth' [22], allowing little room for meaningful discussion about possible alternative functions (e.g. environmental justice and coastal poverty alleviation). While the broad appeal of MSP is underpinned by a shift from top-down 'government' to more participatory forms of 'governance' [7, 27, 28], recent evaluations report MSP as advancing the interests of powerful stakeholders [29, 30] or serving to maintain the status quo [31-33], which often preserves the interests of dominant actors, with few benefits amassing to less powerful stakeholders [34, 35]. The insufficient management of power dynamics is one of the major reasons that participatory processes fail [36] and, rather than ushering in a new era of democratised marine governance [34, 35, 37], MSP may merely re-parcel existing power relations in empty rhetoric about participatory governance [2, 22]. There is a need, therefore, to evaluate the democratic legitimacy and inclusivity of MSP in practice.

When evaluating planning practice from a democratic and inclusivity standpoint we must ask whose values are prioritised, how do they become embedded in the planning process, and *who is being excluded* [13]. A deeper understanding of the democratic value of participatory

processes, therefore, requires exploring the perspectives of those who have not engaged with these planning initiatives [38]. Although there has been some academic interrogation of stakeholder participation in MSP [e.g. 6, 30-35, 39, 40] there has been no assessment of the perspectives of excluded and non-participating stakeholders.

The present paper addresses this gap by providing the first exploration of exclusion and non-participation in an MSP process, the Northeast Ocean Planning process in the US. The next section provides an overview of benefits of participatory planning and how it can enhance the democratic legitimacy of planning processes, and critically examines issues of power, exclusion, and non-participation. The subsequent section gives a brief account of MSP in the US. The challenges of accessing non-participating stakeholders are then outlined, followed by an overview of the study site and methodological approach. Study findings are presented and discussed in the next instance. The paper concludes with some reflections on emerging MSP practices, discusses the need for it to recognise the socio-political complexities that arise from spatial forms of governance, and outlines future research in this area.

2. Participatory planning and democratic legitimacy

Participatory planning has the potential to improve the quality and legitimacy of planning processes and resulting plans [41]. Active and meaningful stakeholder participation can integrate local knowledge into planning procedures [42, 43]. Through extensive and intimate interaction with a resource, local stakeholders acquire considerable knowledge of how it behaves under different circumstances [44]. Incorporating this knowledge into planning processes enhances the quality of decision making and also makes the process more adaptive to changes in the conditions of resources [43]. Other benefits of stakeholder participation include: minimising user conflict; facilitating stakeholder understanding of

resources and the influence of various activities on them; identifying interactions between different stakeholders and their cumulative impacts; and building trust and understanding amongst stakeholders and planners [11]. By engaging all stakeholders, participatory planning processes build support for final plans [45] and increase the likelihood of successful plan implementation [46]. Although participatory planning has many ancillary benefits such as these, it is primarily concerned with enhancing the legitimacy of public policy decisions [45].

Participatory processes enhance the democratic legitimacy of planning processes by enabling stakeholders to exercise their right to participate in decisions which will have an impact on them [41]. Planning decisions developed through public participation have more legitimacy than decisions made exclusively by planners [45]. Broad and inclusive stakeholder engagement can reduce the marginalisation of publics affected by planning processes but who are traditionally outside decision-making spheres [41, 47]. The inclusion of previously marginalised stakeholders can promote active citizenship amongst disenfranchised stakeholders and enable the development of more communitywide, democratically legitimate solutions to planning issues [48]. Participatory processes can increase participants' trust in government agencies and they can come to appreciate the legitimacy of their role in managing a resource [46, 49]. These legitimising and democratising benefits are more likely to be realised when participation is incorporated into all stages of planning processes [45, 49].

Planning processes consist of three stages: normative, strategic, and operational. Although decision making occurs during all three stages, public participation is often confined to the operational stage. As key planning decisions are taken before the operational period

begins, restricting participation to this stage results in tokenistic and cosmetic engagement [45]. For example, participatory methods, such as public hearings and review and comment procedures, which facilitate engagement after normative and strategic decisions have been taken, are denounced as being highly tokenistic [45]. These processes create an appearance of involvement while enabling government agencies to meet participatory requirements without meaningfully engaging with the public [45, 50]. Restricting participation to this stage seeks to remove dissensus from planning processes by structuring discussions around how an overall project will ultimately be implemented while limiting debate about its very value or purpose [3, 51]. By exercising their power to limit engagement to this level, elites use participatory planning to secure democratic legitimacy for undemocratic goals [14]. Therefore, despite all the positivity associated with a shift to participatory governance, there is growing criticism about its capacity to progress truly democratic processes.

Critics of participatory processes argue that “the true purpose of public participation has again become legitimisation rather than involvement in decision-making” [52, p. 312]. Here, legitimisation is used in a pejorative sense and, rather than being concerned with enhancing the democratic nature of decisions, participatory planning is viewed as a tool through which power is exercised rather than shared [13, 53]. The assumption that participatory planning processes would allow for the redistribution of power has been criticised for insufficiently addressing political and social realities [54]. Power can be exercised in a number of ways to ensure that less powerful stakeholders do not gain a foothold in planning or decision-making processes. Elites can apply power in participatory governance to suppress conflicts amongst participants through processes of co-option, or to underplay contradictions between political objectives and actions. They can also use participatory planning initiatives to marginalise stakeholders with extreme views [55]. Efforts to empower previously marginalised groups

may be challenged by existing power holders [56], or they may seek to mould participatory processes so that they reinforce and legitimise existing power dynamics and suppresses the expression of minority views [57]. For example, participatory planning often fails to address barriers to participation, such as age; educational attainment; unequal access to capital, expertise, and other resources; and racial and gender biases [41]. Therefore, rather than facilitating democratic and equitable decision making, participatory planning may intensify societal inequalities and favour dominant groups [58]. Participatory planning may, therefore, be a highly choreographed form of governance, employed by elites to define and limit roles, processes, and acceptable outcomes, to make invisible the politics of disagreement and to hide the influence of power in legitimising undemocratic processes [3].

Although elites may employ these methods to exclude or limit the influence of other stakeholders, potential participants may also actively exclude themselves from participatory processes. Constructing an open and inclusive participatory process does not automatically guarantee extensive or continuous participation [59]. Individuals must have an incentive to participate and must believe that the planning process will have an impact on their interests [45]. Fostering a public belief in the value of participatory environmental initiatives can be challenging, with difficulties often being tied to wider socio-political cultures [60]. For example, some communities can be distrustful of, or even hostile to, government efforts at engaging in participatory environmental planning in their area [61]. This predicament often results in selective participation, resulting in the continued marginalisation of peripheral publics [32], which can undermine the legitimacy of planning decisions [45], or allow processes to be captured by those with the resources and willingness to engage [62].

Stakeholders should not, however, be viewed as mere Parsonian puppets [63], continually duped by more powerful actors in undemocratic, post-political processes, or as being incapable of accessing opportunities outside the managerial-technological apparatus of participatory planning to further their own goals. Stakeholders are also producers and constructors of their own situational context [64]. Rather than being excluded from participating, stakeholders may view non-participation as a form of protest against inequitable or undemocratic processes [65], and/or they may critically understand the role of power in these processes and seek out other avenues through which to advance their cause [13]. Participating stakeholders may also question the value of their continued engagement in ineffective participatory processes or in processes in which they have had little influence [50]. Furthermore, stakeholders might become fatigued due to the proliferation of participatory processes within particular policy areas, each demanding sustained public engagement, and withdraw from these initiatives [66], or they may decide to focus their efforts where they believe it will have the most impact.

While the difficulty of achieving broad engagement in participatory processes should be acknowledged, the underlying reasons for non-participation must be explored. From a democratic legitimacy viewpoint, it is important to understand if non-participation is: a) due to powerful actors and/or social structures excluding potential participants; or b) the result of potential participants not availing of genuine participatory opportunities and, if so, why. This paper explores the factors underpinning exclusion and non-participation in the Northeast Ocean Planning process in the US.

3. Study site

In 2010, the US National Ocean Policy [67] and related implementation strategy [68] advanced MSP as a means of implementing better management of marine environments [69].

The Executive Order stated that the aim of MSP is to "enable a more integrated, comprehensive, ecosystem-based, flexible, and proactive approach to planning and managing sustainable multiple uses across sectors and improve the conservation of the ocean, our coasts, and the Great Lakes" [68, s.]. The Ocean Policy is viewed as providing a necessary, high-level policy framework with the capacity to address the "failure of understanding" and "the failure of governance" that had prevented comprehensive stewardship of the marine environment [70]. Federal agencies are bound by the Executive Order and must participate in regional MSP initiatives, whereas coastal states, and their regulatory agencies, participate on a voluntary basis. The implementation strategy argues that "robust stakeholder engagement and public participation are essential to ensure that actions are based on a full understanding of the range of interests and interactions that occur in each region" [68, p.23]. MSP is being implemented in nine US regions: Northeast; Mid-Atlantic; South Atlantic; Great Lakes; Caribbean; Gulf of Mexico; West Coast; Pacific Islands; and Alaska/Arctic.

The Northeast region, comprising the New England states of Vermont, Maine, New Hampshire, Massachusetts, Rhode Island, and Connecticut, was selected for this study as it is the most developed MSP process in the US [69]. Prior to the development of the Ocean Policy, some states in the New England region had begun advancing MSP processes for state waters. Massachusetts had produced the *Massachusetts Ocean Plan* by 2009, and Rhode Island developed the *Ocean Special Area Management Plan* by 2010 [71]. The main driver of MSP in the region is its perceived capacity to realise the potential for offshore renewable energy development whilst minimising conflict with existing activities [71]. The Northeast Ocean Planning area extends seaward from the New England states' coastlines to the boundary of the Exclusive Economic Zone (200 nautical miles), is delimited to the north by the Canadian border and to the south by the Connecticut – New York state line.

To facilitate the implementation of MSP, the Northeast Regional Planning Body (NERPB) was established in 2012 and produced its first plan in December 2016. The NERPB is comprised of representatives from: each of New England states; the nine federal agencies with ocean-related competencies; the New England Fishery Management Council; and 10 tribes (see Table 1). Meaningful public participation was adopted by NERPB as one of its core planning principles. Participation in the planning process was facilitated in a number of ways: public comment at biannual NERPB meetings; public workshops, which were convened prior to each NERPB meeting; and public meetings which were held across New England during public comment periods. The NERPB also instigated a targeted outreach programme which included workshops with scientists, information-gathering meetings with specific stakeholder groups, and conversations with smaller groups of stakeholders.

4. Methodology

Examining exclusion and non-participation requires seeking out those who *should* have an interest in a planning process but who have not participated in it. This raises a number of methodological challenges. Unlike research which evaluates participants' direct experiences of planning processes, researchers examining non-participation cannot approach potential study participants at public information meetings, nor can they recruit participants from the register of attendees at stakeholder workshops or from the list of those who submitted written comments on draft plans. As these stakeholders have purposely avoided, or have been excluded from, participating in a planning process which is, ostensibly, in their interests, examining non-participation requires researchers to have, or to be able to build, rapport and trust with prospective study participants. Given these methodological challenges, it was deemed more appropriate to adopt a local area, covered by the regional planning process, as the focus for this study. The Massachusetts Bay area, in which the researchers are well-versed

in current issues and connected with local marine stakeholder groups, was, therefore, selected as an appropriate study site (see Fig. 1). Adopting this as the study area enabled the researchers to overcome the recruitment issues outlined above.

Table 1 Membership of the Northeast Regional Planning Body

Federal	State	Tribes	Ex-Officio
Joint Chiefs of Staff	<u>Connecticut:</u>	Aroostook Band of	<u>New</u>
US Department of Agriculture	Department of Environmental Protection	Micmacs	<u>York:</u>
US Department of Commerce	Department of Energy and Environmental Protection	Houlton Band of Maliseet Indians	Division of Coastal Resources
US Department of Defense	<u>Rhode Island</u>	Mashpee Wampanoag Tribal Council	<u>Canada:</u>
US Department of Energy	Coastal Resource Management Council	Mohegan Indian Tribe of Connecticut	Fisheries and Oceans
US Department of Homeland Security	Department of Environmental Management	Narragansett Indian Tribe of Rhode Island	
US Department of the Interior	<u>Massachusetts:</u>	Wampanoag Tribe of Gay Head (Aquinnah)	
US Department of Transportation	Executive Office of Energy and Environmental Affairs/Coastal Zone Management,		
US Environmental Protection Agency	Department of Fish and Game/Division of Marine Fisheries		
New England Fishery Management Council	<u>New Hampshire:</u>		
	Department of Environmental Services		
	Department of Fish and Game		
	<u>Maine:</u>		
	Department of Marine Resources		
	Department of Agriculture, Conservation and Forestry		
	<u>Vermont:</u>		
	University of Vermont		

The study adopted a sequential mixed methods approach and was conducted in two phases during the summer of 2014, midway through the plan development process. Phase one consisted of a scoping questionnaire survey. The questionnaire mainly consisted of closed and Likert-scale questions and focused on developing a broad understanding of respondents' relationships with the marine environment, their understanding of MSP, and their experience

of participating, or not, in the Northeast Regional Ocean Planning initiative. A purposeful sampling technique was employed as it allows for the deliberate selection of people with specific characteristics, behaviour, or experience [72], in this case, people whose livelihoods are directly or indirectly derived from the sea and other active users of the marine environment. Purposeful sampling was facilitated by project team members' intimate local knowledge of the study area, field observation, and snowball sampling. The questionnaire was also made available online, with project participants being asked to send the web link to those that they considered marine stakeholders in their networks. 235 surveys were collected. Over half of these responses (131) were completed online and the remaining 104 were completed face-to-face. The survey was not intended to be representative but, rather, was used to garner a broad understanding of awareness of, and participation in, the Northeast Ocean Planning process within the study area, and to help recruit participants for phase two of the study.

Phase two consisted of three focus groups, with 21 participants attending. The purpose of the focus groups was to explore study participants' understanding of the Northeast Regional Ocean Planning initiative and their perceptions of the participatory processes it had adopted. Focus group participants included those from fishing, recreation, leisure, coastal, and environmental communities, two elected representatives from local city councils, and two participants from regulatory agencies with marine remits. Focus groups were held in both the morning and afternoon to facilitate those with work or caring commitments. We acknowledge that there is a degree of self-selection here and that those averse to engaging with 'officialdom' may be absent from the study. Furthermore, we must note that five focus group participants had not heard of the Northeast Regional Ocean Planning process and had attended focus groups to learn more about this process. Focus groups were audio recorded

and transcribed. Through a process of inductive coding, focus group transcriptions were thematically analysed.

5. Findings

Findings from the survey are briefly outlined here to provide some context in relation to the degree to which stakeholders in the study area were aware of the Northeast Regional Ocean Planning process. This is followed by detailed analysis and discussion of focus group data.

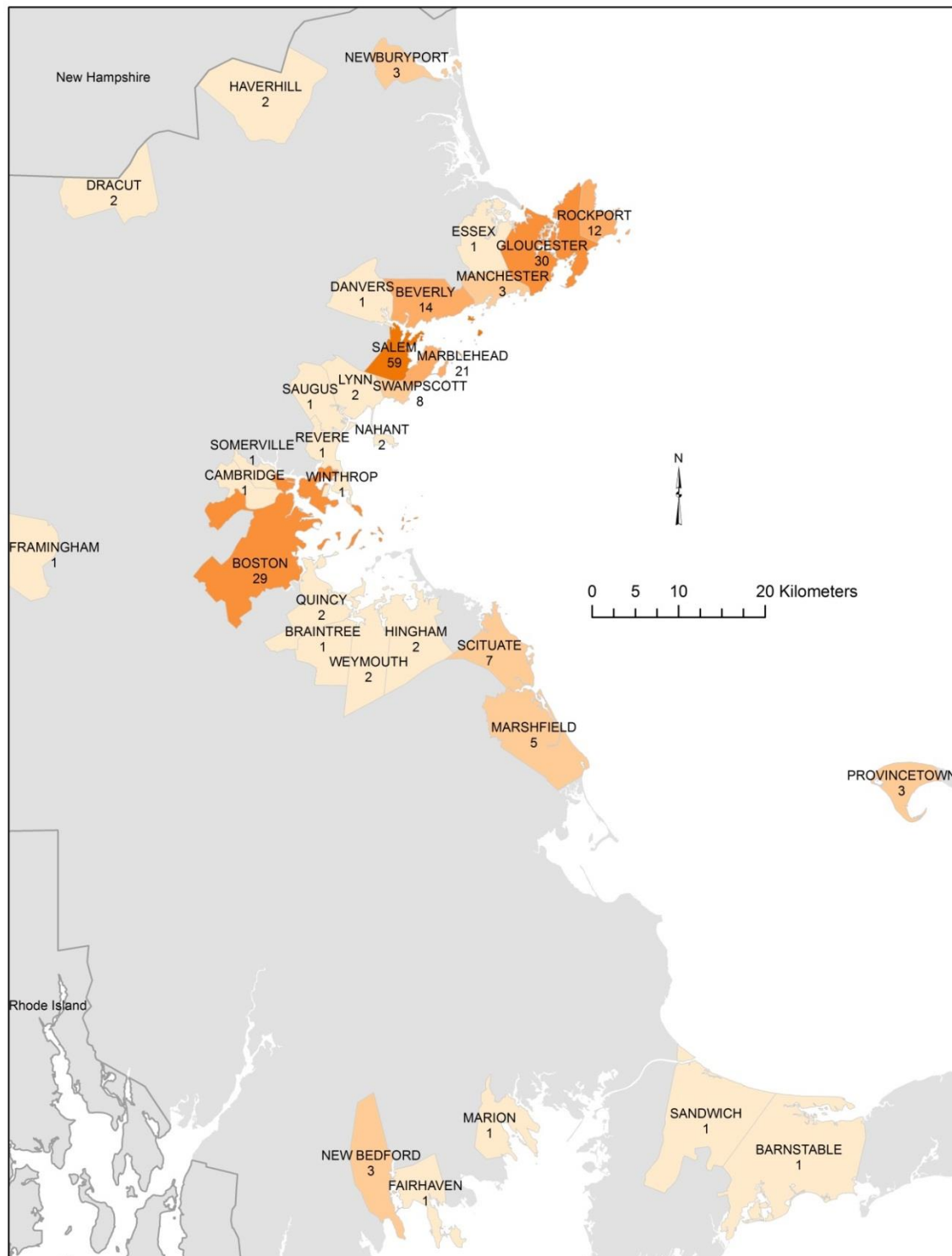
5.1 Survey findings

As a result of the snowballing and purposive sampling strategy, the single largest group of respondents identified Salem (26%) as their base, followed by Gloucester (13%), and Boston (13%) (see Fig.1.). Respondents were asked to indicate their main involvement in coastal and marine activity in the Massachusetts Bay area, if they were aware of the planning process and if they had participated in it (see table 2). The two largest categories of coastal or marine activity were coastal resident (26%) and recreation (26%).

Table 2: Main activity, awareness of planning process and participation

Stakeholder Category	Main Activity	Aware of Process	Participated in Process
Coastal resident	26.4%	26%	14%
Recreation	26.0%	32%	11%
Commercial fisher	12.3%	50%	23%
Conservation	8.1%	42%	40%
Tourism	7.2%	33%	0%
Natural resource management	6.4%	89%	75%
Other	6.0%	0%	0%
Transport	3.8%	14%	0%
Port management	2.1%	0%	0%
Gas	0.9%	0%	0%
Wind energy	0.9%	50%	0%

Fig. 1 Respondents' main port or harbour



Approximately 35% of all survey respondents indicated that they had heard of the ongoing process to develop a marine plan for the Northeast region. As would be expected, those

engaged in natural resource management were most aware (89%), followed by commercial fishers (50%), and conservation (42%). Surprisingly, no respondent from port management had heard of the planning process. Of those respondents who indicated that they had heard of the ongoing process, slightly less than one quarter indicated that they had participated in it. Survey respondents who had participated in the planning process were evenly divided between attending public meetings and attending regional planning body meetings. Other forms of participation, indicated in comment sections of the questionnaire, included data collection, document review, commenting on draft reports, and participation in report preparation. Those engaged primarily in natural resource management indicated the greatest diversity and intensity of involvement, attending both public comment and regional planning body meetings, as well as participating in data collection, document review, commenting on draft reports, and report preparation. Similarly, though less frequently, commercial fishers were involved in both types of meetings. Conservation and coastal resident respondents participated mainly through public comment meetings, and less frequently, regional planning body meetings.

5.2 Focus group findings

Analysis of focus group participants' perceptions of the Northeast Ocean Planning process reveal three major issues that resulted in exclusion and non-participation: poor communication and a perception that it was an exclusionary process; issues arising from fragmented governance, territorialisation, and scale; and lack of specificity regarding benefits or losses that might accrue from the process.

5.2.1 Poor communication and perception of exclusion

The dominant perception of the focus groups was that Northeast Ocean Planning participatory processes were poorly communicated and exclusionary. Focus group participants who had not heard of the Northeast Ocean Planning process believed that poor communication was, obviously, a major issue. These participants felt that, as their livelihoods were intimately intertwined with the sea, they should have heard about the process. Study participants questioned the manner in which the process had been advertised and its overall efficacy:

FGP7: A total lack of communication or advertising or anything...

FGP8: Well if you haven't really heard of it then it's not going to be really effective!

The focus group participants who were unaware of the planning process were not from 'hard to reach' groups [73] and were easily recruited for this study. For example, FPG7 is a member of a city council and FPG8 belongs to a local sea angling club. It would be, therefore, overly simplistic to blame an apathetic public for unawareness of this initiative.

Participants considered the overall institutional design of the Northeast Ocean Planning initiative to be highly exclusionary and thought that the participation processes employed were deliberately constructed to frustrate active participation. There was general agreement around the table at one focus group when the Northeast Ocean Planning initiative was described as being a top-down process, with poor sharing of data and science:

FRGP10: It's a top-down leadership not a bottom-up leadership. It's like saying in the city that we're going to have a bottom-up leadership and everything comes from the Mayor's Office down in terms of how you run it and then the Mayor picked all the department heads...there's an (oversight) group that gets its money from the feds, who selected those people and then each state has a representative, which is usually a very high executive branch person, so how can that be bottom-up?

FGP11: And science-based!? [laughter]

FGP15: *The bottom-up doesn't exist. Basic science is not being allowed to be done, what little information that happens is compartmentalised and not shared and there's a lot of simple basic questions that we have no clue about that need to be addressed.*

Like many MSP processes, stakeholder engagement in this instance was limited to the operational stage. Confining participation to this stage is considered poor planning practice [45] and typically employed in post-political processes to limit debate about the overall purpose, scope, and utility of a planning initiative [3]. Study participants viewed the process as being dominated by hand-picked, elite stakeholders and by government actors. Perceiving participatory processes as being dominated by government actors can negatively impact public stakeholders' willingness to participate [31] and may have blunted study participants' interest in participating in the development of the Northeast Ocean Plan. The top-down, exclusive approach has, in the view of study participants, also spilled over into knowledge sharing, further limiting stakeholders capacity to engage meaningfully with the planning initiative. The degree to which stakeholders participate in the development of new knowledge can help strengthen the legitimacy of environmental planning processes [50] and can encourage those affected by new measurements to accept them as being reasonable within local contexts [74]. If the perception, evident at the focus groups, that the planning process was exclusively top down is prevalent across the broader stakeholder groups in the area, the legitimacy of the Ocean Plan may be questioned and the subsequent planning decisions it spawns may be resisted.

It was argued that the participation process was specifically designed to exclude certain stakeholders and that meetings were held in inaccessible places and at inappropriate times for people who earn their living from the sea:

FGP12: *There's very few evening meetings in a very accessible place. It's usually a day-time meeting in a place that's not very accessible and how does the public get to it? [...] you have a meeting in the daytime in a metropolitan area so that means most people won't go because they don't want to go to a metropolitan area.*

FGP13: *You don't want the wrong people coming.*

FGP15: *That's right, you don't want people that are going to ask questions.*

This claim is somewhat borne out by the schedule of Northeast Ocean Planning meetings. The inaugural and second NRPB meetings, in which the focus and initial goals were defined, lasted a number of days and contained very little time for public comment. Facilitating public comment on predetermined goals could also be viewed as the form of weak or tokenistic participation [45]. Subsequent public comment meetings appear, however, to have been held over shorter periods and at times that may be more convenient for workers (e.g. late afternoon). However, the format used in the initial meetings appears to have projected an image of it being an exclusionary process and may have turned-off potential participants.

There was also general agreement that many stakeholders were underrepresented in the process. Study participants considered renewable energy production to be the main focus of the regional planning initiative and that wider interests will be ignored:

FGP4: *It doesn't target all the user-groups, yeah, that's totally lacking.*

FGP3: *it's an energy-usage driven process and it's really meant for the energy industry and not for the rest of us [...] we're basically under-writing their ability to exploit a resource.*

FGP2: *We are going to locate wind turbines and my opinion anyway is that these plans are really driven in large part by renewable energy even though there's all kinds of other users. We know there's going to be a lot of offshore wind and so where do you put it? You are not supposed to use the word 'Ocean Zoning' but that's basically what it is!*

Rather than being an opportunity for meaningful discussion about the future of their marine area, these participants perceive the Northeast Ocean Planning process as having an ulterior objective. These focus group participants perceived the Northeast Ocean Planning process as

part of the ontic [17], or operational practices, of a wider political project focused on increasing offshore renewable energy, with the participatory process being seen as little more than 'window dressing', which may be a reason why they did not participate in it.

5.2.2 Fragmented governance, territorialisation, and scale

Previous studies have argued the importance of developing a relational interpretation of marine space [75] and the need to understand how processes of territorialisation may have negative impacts on participation and plan implementation [32]. Marine areas (e.g. territorial sea, EEZ, etc.) are demarcated through various pieces of legislation and can foster territorialisation. Territorialisation, in this instance, is understood as social processes through which individuals attempt to render areas to be, at least partially, exclusive to them [76]. In a marine context, studies have shown how territorialisation can increase tensions between stakeholders in an MSP process. In one example, 'offshore' stakeholders questioned the legitimacy of 'coastal' stakeholder participation, which had adverse knock-on impacts on plan implementation [32].

The importance of adopting a relational understanding is demonstrated in the present study, wherein focus group participants argued about their right to participate in the planning process being a function of the spatial areas in which they predominantly operated. A focus group participant from a federal agency, who had participated in the Northeast Regional planning process, posited that the reason that some of the other study participants had not heard about it was because it has a focus on federal waters and that this 'territory' is largely outside their realm of interest:

FGP9: *I've participated in it.*

FGP8: *Well you work for the Federal Government!*

FGP9: *That's right.*

FGP10: *Well the Federal Government knows about it!*

FGP7: *So tell us: why haven't we heard about it?*

FGP9: *Well there's several reasons. One, it's for federal waters....*

The argument that the planning area was outside their realm of interest, and that this justified them not hearing the process, was dismissed by other participants in this focus group. It was pointed out that the planning area actually incorporated state waters. One fisher explained that all his fishing activities occur in federal waters and he had not heard about the regional planning process until he was approached on the dock by the research team. The residual effects of fragmented marine governance may inhibit the development of a sense of interconnectedness amongst marine stakeholders operating in separate, but connected parts of the marine ecosystem and may also prevent vital stakeholder groups from fully participating in planning processes.

There was considerable disagreement about the benefit of adopting a regional approach to MSP. Some study participants viewed the adoption of a regional scale as being an impediment to wider public engagement:

FGP1: *so for most communities – it's not inter-tidal, it's not the coast, it's not your beach so for most communities they weren't really interested.*

FGP3: *I think the idea of regional planning [...] it comes into the territorial waters or the communities, there should be cooperation but I really just think that in the end the federal government is coming too far down into the local planning level.*

For community and industry stakeholders, regional planning appears to be antithetical to their relationship with the marine environment, which is intimately local [77], and it was viewed suspiciously as a federal government competency creep. However, participants from academia and regulatory agencies argued that a regional process made sense:

FGP14: *It does seem like there is a need, yeah – you need to figure out where appropriate places for things like wind turbines and other*

activities and there may be appropriate places for dragging and inappropriate places for dragging....

FGP9: *Regional, I mean it makes sense. We don't look at it with a broad enough perspective on many things relating to the environment [...] do this sort of planning makes great sense because we're all in the same water.*

Study participants from academia and regulatory agencies may have been in favour of a regional planning process due to the ubiquity of the 'ecosystem-based management' concept in both spheres [78], which is viewed as a process of addressing fragmented governance. Regional planning processes are also less adept at empowering marginal stakeholders. For example, regional participatory processes employed in terrestrial planning in the UK have been criticised for being exclusionary and for reinforcing prevailing power relations [79]. As relatively visible stakeholders, participants from academia and government agencies may have preferred the adoption of regional planning processes as they would expect to be able to participate, and to make their voices heard, at this level.

5.2.4 Lack of specificity

Post-political processes often contain vague objectives and avoid making explicit 'political' statements about trade-offs, winners, and losers [80]. This appears to have frustrated some study participants, who voiced a clear desire to engage in 'real debates' and in ideologically driven action [13] about the future of their marine environment. In this regard, most focus group participants viewed incomplete stakeholder participation as being related to a lack of specificity regarding potential benefits or losses that would accrue from the process:

FGP6: *until it gets to a level of specificity where you are telling people, 'I'm taking something away from you.' Like Cape (Wind), a lot of people in federal waters are interested in Cape Wind because they either see that it's giving them something, clean renewable energy, or it's taking something away, my view of [...] and so whatever side of that argument you are on, if you think you*

are getting something or losing something then you get really interested in it.

FGP1: *Marine Spatial Planning, [makes snoozing sound] it is the snoozer of all snooze issues! Tell me you are going to give me something or tell me you are going to take something away from me and I will pay attention but if you are talking about overlaying maps about an area that you've never been to and are not going to go to. Boy, there's a good TV show on I should be watching!*

A focus group participant from a state agency argued, however, that the lack of participation in the Northeast Ocean Planning process was due to the fact that many stakeholders had been through a similar planning process at state-level and now trusted the MSP process:

FGP21: *Now we're revising that Massachusetts Ocean Planning, we're doing the public process again but we're finding that less people are coming now to meetings and we think that is because people now know over these five years, what it has involved, what we were engaged with and what is coming out of that is important to know but I think people feel a little bit comfortable, like, 'ok, this is not going to ruin my life.*

No other participant agreed with this sentiment but all participants stated that they had been better informed about or 'linked into' the state-level planning initiative. An alternative interpretation of the reduced interest in the state-level planning initiative is that stakeholders now understood how little influence they will have in these processes.

Another focus group participant pointed out that they were involved in campaigning for “a major offshore wind project off Cape Ann” which will be located in Federal waters. Rather than becoming involved in regional planning, which she viewed as being amorphous, she felt that her time was best spent on championing these types of projects. Other participants posited that participation would be more relevant once the NERP had 'something to show' stakeholders and that it was easier to 'participate' in decision making around projects rather than in the development of marine plans. Rather than it being an opportunity for meaningful engagement, most community and industry study participants perceived participation in the

development of the marine plan to be meaningless and were keen to have an input in the decision making about trade-offs and individual projects.

6. Conclusions

The paper reports the first investigation of exclusion and non-participation in an MSP process. In spite of its obvious capacity to foster more engaged marine management, MSP is increasingly being implemented in a post-political manner, which has knock-on impacts in terms of its democratic legitimacy and the exclusion and non-participation of stakeholders. If MSP practice is to regain its much-heralded potential, it must enable meaningful participation in spatial decision-making and evolve to recognise the complexities that arise from spatial forms of governance, including issues relating to power and exclusion.

Study participants perceived the Northeast Regional Planning initiative to be an exclusive, top-down process, designed to exclude or limit meaningful engagement and as having the ulterior motive of advancing offshore renewable energy. Like many MSP processes, the Northeast Ocean Planning initiative largely relied on public meetings to engage with stakeholders. These forms of engagement processes are critiqued by participatory advocates for facilitating participation in the latter stages of planning processes after many major decisions have been made [45]. However, contrary to much of the academic literature on stakeholder participation, focus group participants argued that there was little need for active stakeholder input in the early stages of the planning process. Rather than participate in processes focused on developing high-level aims, these participants expressed a desire to engage in debate around specific projects, where ‘political’ [51] and ideological divisions become clearer, and where gains and losses are fought over.

There is a tension here between study participants' view of the process being exclusionary and the desire to participate in decision making about trade-offs and/or the location of specific projects. Their disinclination towards participating throughout the various stages of the planning process may be because they have always been limited to engagement in the operational stage and view this as the main decision-making arena, ignoring how normative and strategic planning may set particular projects in motion. The effectiveness of limiting their engagement to this stage must be evaluated. It is critical to understand whether ignoring the MSP process, and focusing on trying to influence licensing and permitting decisions, empowers these stakeholders, or if they are unknowingly acquiescing to their own domination [81] by willingly confining themselves to engaging at this stage [17]. It is important, therefore, to understand the impact that marine plans have in terms of influencing project-level decisions and in creating particular discourses that may shape decision making at all stages. This apparent contradiction raises questions about the efficacy of MSP as a conflict resolution process [11], as study participants viewed MSP as being nonspecific and disconnected from decision making around potential marine conflicts. However, MSP practice which allows stakeholders to actively participate in decision making and moves beyond using them to legitimise top-down planning processes must be developed.

Similar to many emerging MSP initiatives, the Northeast Regional Planning process was conducted at a scale which is at odds with the practical experience of local stakeholders. If MSP practice is to realise its potential for developing 'placed-based' solutions, it must acknowledge the complexity that comes with using space as a governance mechanism. Space, as a means of governance, defines action "in terms of 'inside', 'outside', 'cross', and 'liminal' spaces and it configures possible connections among actors, actions, and events *via* various spatio-temporal technologies" [82, p.10]. While MSP advances its placed-based

focus as a curative for ills arising from disjointed governance, the social connections and relationships inscribed in these spaces through a long history of spatial fragmentation may be difficult to erase. The emerging scientific, managerial-technological approach to MSP, which is underpinned by the adoption of the ecosystem approach, may be disconnected from these social connections. This disconnection will need to be addressed if a true *socio*-ecological systems approach is to be implemented. This will entail the development of MSP that engages with social science research that goes beyond the facilitative or educational role usually ascribed to it [83], and allows for the incorporation of social science aimed at understanding the complexity of socio-spatial relationships in marine environments.

This paper focused on understanding one part of the democratic legitimacy of MSP process, future research will examine whose values have been prioritised in the Northeast Regional Ocean Plan, how this came to be, and what impact this has had on project-level decision making and broader marine governance. While MSP has the potential to democratise marine governance, we should not assume that MSP practice has 'levelled the playing field' for all stakeholders [84] and we must evaluate the democratic legitimacy and inclusivity of ongoing MSP efforts. Future work in this area could focus on developing comparative studies of exclusion and non-participation across a number of emerging MSP initiatives, and in-depth ethnographic research with non-participants who seek alternative arenas through which to engage in 'spatial' decision making.

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