A Snapshot of the Barriers Related to Tourism-Underwater Cultural Heritage-Environmental Protection in MSP. A Stakeholders' Perspective

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Abstract

In the context of maritime spatial planning (MSP), in order to achieve the sustainable development goals, an approach to the concept of multiple use (MU) is needed as a tool for the efficient management of the multiple activities which take place in the maritime space. The concept of multiple use (MU) is the intentional common approach / analysis of certain maritime activities and marine resources which are in close geographic proximity. In this context, the combination of maritime activities or uses, through joint operations or approaches, helps reduce spatial pressures on the sea and may create new opportunities for socio-economic development and for the protection of the marine environment. The aim of this paper is to analyze the perception of the stakeholders on identifying legislative and administrative barriers which adversely affect the implementation of the combination Tourism-Underwater Cultural Heritage-Environmental Protection in the Romanian coastal area, the Constanța-2 Mai sector, in the context of maritime spatial planning. The empirical analysis in this paper took into consideration the statistical description of the factors in the DABI catalogue (Drivers-Added values-Barriers-Impacts), selecting the Barriers category of factors and is based on data collected from stakeholders interested in maritime spatial planning, grouped into two categories: "local public entities" and "educational and research entities". As a result of the performed analysis, several recommendations were made in order to overcome the legislative and administrative barriers identified by the stakeholders. The obstacles identified by the local public entities and the educational and research entities in the Black Sea area may hinder the sustainable development of the area and need to be brought to the attention of the authorities and decision makers. The knowledge of these barriers for the optimal combination of various marine activities must be incorporated into the spatial decision support tools used in MSP.

Keywords

legislative and administrative barriers; tourism-underwater cultural heritage-environment combination; stakeholders; Maritime Spatial Planning (MSP); Romanian coastal area.

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Introduction

In the context of maritime spatial planning, in order to achieve the sustainable development goals, an approach to the concept of multiple use (MU) is needed as a tool for the efficient management of the multiple activities which take place in the maritime space (Directive 2014/89/EU), given that its real potential and current state of implementation in various sea basins are largely unexplored (Depellegrin et al., 2019).

In line with the relevant legislation and national policies of the Member States of the European Union, they must ensure a comprehensive planning process that identifies the different uses of the maritime space (Directive 2014/89/EU), by involving authorities, economic operators and other stakeholders at different levels (Văidianu and Ristea, 2018; Aivaz et al., 2021; Zaucha and Kreiner, 2021), the MSP stakeholders

being individuals or groups of people who have an interest in or are affected by the MSP' results (Luhtala et al., 2021).

In this context, Romania in partnership with Bulgaria carried out the MARSPLAN BS II (2019-2021) project, a project expected to lead to the drawing up of MSP plans for both countries, the authors being involved in the project implementation team. One of the activities of the project was to identify the use of maritime space for different maritime uses, namely the combination Tourism-Underwater Cultural Heritage-Environmental Protection, with the aim of collecting the most up-to-date information and data from the stakeholders.

In this paper, *the legislative and administrative barriers* that adversely affect the implementation of the combination Tourism-Underwater Cultural Heritage (UCH)-Environmental Protection, identified in the Romanian coastal area, are described and analyzed, using the DABI spatial analysis methodology (Drivers - Added values - Barriers - Impacts), in order to manage space uses and conflicts in the Romanian marine area.

1. Scientific literature review

Maritime spatial planning aims to integrate the maritime dimension of certain coastal uses or activities and their impact so as to develop an integrated and strategic vision (Directive 2014/89/EU) materialized in MSP plans. The growing demand for marine resources is putting increasing pressure on the use of maritime space and the potential for multi-use conflicts (such as offshore wind energy/power, fishing and aquaculture, dredging, mineral extraction, maritime transport), which has led to an increased interest in maritime spatial planning (Douvere and Ehler, 2009).

With regard to reason 14 of the MSP Directive, maritime spatial planning should use an ecosystem-based approach to promote the sustainable growth of maritime economies, the sustainable development of maritime areas and the sustainable use of marine resources. A whole series of specialized studies have treated the concept of multiple use as the intentional joint approach / analysis of maritime activities and marine resources that are in close geographic proximity (Zaucha et al., 2016), Kyvelou and Ierapetritis (2019) suggesting a broad definition of the multiple use (MU) concept in order to be more easily integrated into MSP, given that it is a developing concept meant to overcome spatial claims and to support Blue Growth (Depellegrin et al., 2019).

Even though the relationship between MSP and Blue Growth is multifaceted and not yet fully explored (EASME, 2018), at EU level in recent years several projects have been funded in order to promote sustainable development and to provide various models for combining economic activities.

For the Romania-Bulgaria cross-border area, within the MARSPLAN-BS II project, the combination Tourism-Underwater Cultural Heritage-Environmental Protection (Marine Protected Areas), defined as the combination of tourist and recreational activities with the protection of underwater archeological sites and adjacent marine ecosystems, was examined. By carrying out desk research in consultation with the stakeholders, the project implementation team identified several factors which promote or hinder the implementation of this combination of multiple uses of the maritime space. The factors were grouped, by taking into account the key aspects of setting up of the maritime space, into four themes (drivers, barriers, added value, impacts), these themes being grouped into categories (Zaucha et al., 2016).

In the Romanian coastal area, the main economic activity is tourism, which has a major role in the socio-economic development. In order to ensure the necessary framework for a sustainable development of the Romanian coastal area, a balance must be ensured between the economic development, the protection and conservation of the natural, socio-cultural environment and meeting the needs of the local communities, given that the concept of sustainability covers virtually all the areas and sectors in which a development process takes place (Petrişor, 2017). Therefore, coastal, and maritime tourism must bring benefits to the local communities, being well known that tourism activity implies a complex of services engaged in a local economy, and their unsustainable development can put great pressure on the environment (Gogonea et al., 2021). Several studies in the specialized literature have identified, using exploratory methods, the similarities and differences between economic activities, so that in terms of different economic and financial indicators, they can be taken as benchmarks in business design at the level of the local economy (Mirea and Aivaz, 2016; Munteanu Florea and Aivaz, 2017).

Thus, for the identification of the main promoters and barriers regarding the implementation of MU in the "soft" combination of tourism, UCH and environmental protection (Stancheva and Stanchev, 2020) the

active involvement of stakeholders from the beginning and throughout the process was used as an essential element of any successful participatory activity (Văidianu and Ristea, 2018).

Therefore, in order to promote the sustainable development of the coastal and maritime area, it is essential for the stakeholders, relevant authorities and the public to be consulted in order to capitalize on experiences, knowledge, data and information, as both the public and the private sector contribution is fundamental to medium and long-term sustainable development.

2. Research methodology

The aim of this article is to analyze the perception of the stakeholders, namely of educational and research entities and local public entities, on the identification of legislative and administrative barriers that adversely affect the implementation of the combination Tourism-Underwater Cultural Heritage-Environmental Protection in the Romanian coastal area, Constanța-2 Mai sector, in the context of maritime spatial planning.

In order to achieve the objectives of the research we have used a questionnaire drawn up by all the partners involved in the MARSPLAN BS II (2019-2021) project under the coordination of the National Institute for Research and Development on Marine Geology and Geoecology - GeoEcoMar. The online questionnaire applied to the stakeholders in the process of developing and implementing the MSP plan was prepared within Activity 2.4 "Addressing the Multi-Use (MU) concept with MSP in the cross-border region" for collecting the most up-to-date information and documented data.

According to Zaucha et al. (2016), for the DABI spatial analysis method (Drivers - Added values - Barriers - Impacts) the information came from desk research and led to the identification of certain factors which promote or hinder the implementation of the combination Tourism-Underwater Cultural Heritage-Environment, as well as factors which determine the positive or negative effects resulting from the implementation of the analyzed combination. The factors for the four templates were further grouped into sub-categories, using different criteria that took into account key aspects of maritime spatial planning: policies, administrative / legal issues, environmental and socio-economic constraints, technical capabilities and knowledge gaps. The stakeholders were asked to score the importance associated with a DABI factor, as being a support for or an obstruction of an MU (Onyango et al., 2020); when scoring the factors, a semi-quantitative scoring system with 4 levels is applied: high priority (3); medium priority (2); low priority (1); irrelevant or absent factor - N/A (0), in relation to their positive or negative influence on MU.

The empirical analysis in this paper took into account the statistical description of the factors in the DABI catalogue, selecting the *Barriers* factor category and is based on data collected from the maritime spatial planning stakeholders, grouped into two categories: "local public entities" and "educational and research entities". The data processing, the systematization of the results, as well as obtaining the indicators used for the statistical analysis were achieved with the help of the *Statistical Program for the Social Sciences* (SPSS).

3. Results and discussion

The MARSPLAN-BS II project, which aims to develop a common MSP strategy meant to lead to the drawing up of MSP plans for Romania and Bulgaria, is the first project to include a pilot case study specific to MU and will most likely be useful in terms of stimulating the analysis and harnessing MU potentials in the national MSP plans (Stancheva and Stanchev, 2020).

Following the marking of the DABI factors through the involvement of the participating stakeholders, the perceived obstacles are the result of these parties' own way of relating to the process itself, to the situations and risks, as well as to the existing documents in the context of maritime spatial planning.

Regarding the score given by the two types of entities surveyed regarding the factors which make up ***legislative obstacles*** (Table no. 1), 71.00% of them assign high priority to the *lack of a unitary legislation for the regulation of recreational diving activities*, 21.10% - average priority and only 7.90% consider it an irrelevant factor. In 2021, the Methodology on the regulation of diving activities in Romania was adopted, recreational diving being regulated in a chapter of the normative act. However, professional associations in the field are dissatisfied with the over-regulation and over-taxation of the recreational diving activity.

In the Constanța-2 Mai area of study, through the national legislation regarding the designation of special avifaunal protection areas, the Natura 2000 ROSPA0076 Black Sea site was declared an integral part of the European ecological network Natura 2000 in Romania. Natura 2000 is complemented by marine protected

areas which were designated in accordance with national legislation, the network of marine protected areas comprising 9 sites of EU interest.

The assessment of the local public entities and of the educational and research entities regarding the *conflicts between the regulations / measures for the conservation and protection of the environment* (*Marine Protected Areas, Natura 2000) and those in the field of fishing* is high priority for 73.70%, for 15.80% - medium priority, for 2.60% - low priority and only for 7.90% an irrelevant factor. The stakeholders' evaluation is supported by the fact that, on the one hand, the protected natural areas and nature conservation bring benefits to the economic and social development of the area, and on the other hand, the coastal communities depend on the fishing activity and put pressure on the fishery resource. The countless changes in legislation, including the one related to environmental and water resources management, an issue noticed in the specialized literature (Stan and Vancea, 2014), adversely influences the fishing and aquaculture activity in the Romanian coastal area. Thus, in order to reduce this obstacle, the measures taken by the decision-makers must take into account the promotion of environmentally sustainable fishing and improvement of its resource use efficiency.

The factor *conflicts between the regulations / measures for the conservation and protection of the environment (Marine Protected Areas) and the shipping lines* is scored by the two categories of stakeholders as being high priority - 63.20%, 26.30% - average priority, 2.60 % - low priority and only for 7.90% it is an irrelevant factor. It is well known that protected natural areas and nature conservation have local economic and social value and, at the same time, maritime transport is a major source of environmental pressure, although it is one of the links in the transport chain with an important contribution to the local and national economic development. Thus, information on the types of shipped goods, the chosen routes and the type of ship used allows MSP practitioners to estimate which sectors are affected by the possible changes in the shipping lines (Weig and Schultz-Zehden, 2019).

Table no. 1. Legislative barriers

Factor	Scale	Local public entities	Educational and research entities	Total
1.1. Lack of a unitary legislation for the regulation of recreational diving activities.	N/A	3 10.70%	0 0.00%	3 7.90%
	Medium priority	7 25.00%	1 10.00%	8 21.10%
	High priority	18 64.30%	9 90.00%	27 71.00%
	Low priority	0 0.00%	0 0.00%	0 0.00%
1.2. Conflicts between the regulations / measures for the conservation and protection of the environment (Marine Protected Areas, Natura 2000) and those in the field of fishing.	N/A	3 10.70%	0 0.00%	3 7.90%
	Medium priority	3 10.70%	3 30.00%	6 15.80%
	High priority	21 75.00%	7 70.00%	28 73.70%
	Low priority	1 3.60%	0 0.00%	1 2.60%
1.3. Conflicts between the regulations / measures for the conservation and protection of the environment (Marine Protected Areas) and the shipping lines.	N/A	3 10.70%	0 0.00%	3 7.90%
	Medium priority	6 21.40%	4 40.00%	10 26.30%
	High priority	19 67.90%	5 50.00%	24 63.20%
	Low priority	0 0.00%	1 10.00%	1 2.60%

Source: Authors' own research.

As a recommendation for overcoming the legislative barriers identified by the stakeholders for the combination Tourism-Underwater Cultural Heritage-Environmental Protection, the revision of national legislation and practices and the correlation of the MSP legislative normative framework with that of MSP-relevant activity sectors, taking into account the potential for multiple use at the local level are proposed.

In their paper Stancheva et al. (2022) state that in the Black Sea region, the Underwater Cultural Heritage (UCH) plays an important role; there are activities which combine marine tourism with the conservation

and capitalization of UCH sites, MSP being a unique opportunity for a better protection and wiser management of UCH (Papageorgiou, 2018).

The assessment of the two categories of entities surveyed regarding the factors which make up ***administrative obstacles*** (Table no. 2) for the development of the combination of MU studied is the following:

(i) *Lack of communication / coordination between the relevant authorities in the fields of underwater cultural heritage, tourism and environmental protection (Marine Protected Areas)* is considered by 71.10% as high priority, 18.40% - medium priority, 2.60% - low priority, and for 7.90% it is an irrelevant factor. The idea of reducing the communication, leadership and coordination availability of the relevant authorities leads mainly to a lack of mutual trust and to a weakening and underdevelopment of the field. A recommendation for the removal of this hurdle are formal and informal communication solutions, through the creation of databases, web platforms, clusters and common stakeholder structures that can be crucial to expose, mediate and promote mutual knowledge of the areas of underwater cultural heritage, tourism and environmental protection and to initiate collaborations and relationships between them.

(ii) *Insufficient knowledge of the national legislation and of the UNESCO Convention on Underwater Cultural Heritage* is high priority for 65.80%, medium priority for 21.10%, low priority for 5.3% and an irrelevant factor for 7.90%. The perception of the interested parties is the focus on promoting this type of activities in order to know the normative framework which regulates the field of underwater cultural heritage.

(iii) *Illegal underwater construction (without special permits issued by the relevant authorities)* is seen by 65.80% of the responding entities as high priority, 26.30% - medium priority, and for 7.90% it is an irrelevant factor. Although underwater construction works indirectly generate major benefits for the Romanian Black Sea coast (Stan, Vintilă and Ţenea, 2014; Filip, Stan and Vintilă, 2016), they must comply with the legislation on their authorization, which is why it is imperative to raise awareness and to penalize the economic operators who do not comply with the procedures and the legislation in force.

(iv) *Insufficient updating of Marine Protected Areas management plans* is perceived by 21.30% as high priority, by 21.30% as medium priority, by 52.10% as low priority and by 5.30% as an irrelevant factor. The management plan sets out the framework for conserving the biological diversity and in particular the habitats and species of plants and animals for which protected areas have been declared, and its updating is necessary for the development of methods to improve decision-making at the level of central and local public authorities with responsibilities in terms of environmental protection.

(v) *Lack of strategies for the protection and capitalization of underwater cultural heritage sites* is seen by 71.00% of the entities as high priority, 23.70% - medium priority and only 5.30% consider it an irrelevant factor. It is well known that underwater cultural heritage and tourism are mutually beneficial because, on the one hand, underwater cultural heritage can generate substantial income for the tourism industry, while on the other hand, tourism can serve underwater culture heritage sites by promoting and capitalizing on it. The absence of strategies can lead to a lack of vision and foundation of the objectives regarding the capitalization of the potential of underwater cultural heritage and tourism, without sufficiently seizing the opportunities.

The obtained results show that the two categories of entities surveyed consider, to a large extent, that administrative barriers can adversely affect multiple use in the maritime space. As a recommendation to remove this obstacle we propose the need to tackle the administrative issues of maritime spatial planning in an integrated coastal area management.

Therefore, with the help of the MU assessment methodology (DABI catalogue) for the combination Tourism-Underwater Cultural Heritage-Environmental Protection studied in the Romanian coastal area, the Constanța-2 Mai sector, the stakeholders assessed the categories of factors that hinder MU according to their informational and expertise level. Thus, the respondents, "local public entities" and "educational and research entities", considered, in a significant percentage (63% -73%), that the lack of legislation for undertaking MU is a high priority. Moreover, specific administrative obstacles in allowing MU are perceived as high priority in a suggestive percentage (65% -71%) by the two categories of entities.

Table no. 2. Administrative barriers

Factor	Scale	Local public entities	Educational and research entities	Total
2.1. Lack of communication / coordination between the relevant authorities in the fields of underwater cultural heritage, tourism and environmental protection (Marine Protected Areas).	N/A	3 10.70%	0 0.00%	3 7.90%
	Medium priority	4 14.30%	3 30.00%	7 18.40%
	High priority	20 71.40%	7 70.00%	27 71.10%
	Low priority	1 3.60%	0 0.00%	1 2.60%
2.2. Insufficient knowledge of the national legislation and of the UNESCO Convention on Underwater Cultural Heritage.	N/A	3 10.70%	0 0.00%	3 7.90%
	Medium priority	7 25.00%	1 10.00%	8 21.10%
	High priority	16 57.10%	9 90.00%	25 65.80%
	Low priority	2 7.10%	0 0.00%	2 5.30%
2.3. Illegal underwater construction (without special permits issued by the relevant authorities).	N/A	3 10.70%	0 0.00%	3 7.90%
	Medium priority	8 28.60%	2 20.00%	10 26.30%
	High priority	17 60.70%	8 80.00%	25 65.80%
	Low priority	0 0.00%	0 0.00%	0 0.00%
2.4. Insufficient updating of Marine Protected Areas management plans.	N/A	2 7.10%	0 0.00%	2 5.30%
	Medium priority	8 28.60%	2 20.00%	10 21.30%
	High priority	8 28.60%	2 20.00%	10 21.30%
	Low priority	10 35.70%	6 60.00%	16 52.10%
2.5. Lack of strategies for the protection and capitalization of underwater cultural heritage sites.	N/A	2 7.10%	0 0.00%	2 5.30%
	Medium priority	8 28.60%	1 10.00%	9 23.70%
	High priority	18 64.30%	9 90.00%	27 71.00%
	Low priority	0 0.00%	0 0.00%	0 0.00%

Source: Authors' own research.

Thus, in order to improve the potential for multiple use (MU) in the studied area, interventions on the barriers (legislative regulations, public policies, administrative decisions) by the relevant authorities are needed. These obstacles identified in the Black Sea area can hinder sustainable development and need to be brought to the attention of the authorities and decision makers. The knowledge of these barriers, in order to optimally combine different marine activities, must be incorporated into the spatial decision support tools used in the MSP.

Conclusions

Although at present the two countries, Romania and Bulgaria, have not yet developed their MSPs, the findings obtained from the studies conducted within the project aim to inform the MSP process, in particular by offering recommendations on how MSPs can promote diversity and eliminate barriers that greatly hinder the development of MU (Stancheva et al., 2022).

The Black Sea coastal area has huge resources for sustainable development, ensuring both conservation and well-being, which is why it is necessary to also identify the needs of other sectors, which are important both for the planning process itself and for mobilizing these stakeholders. However, the need to mobilize

financial resources in the area of identified priorities should not be neglected (Vancea and Duhnea, 2013). From this point of view, both Romania and Bulgaria have to be concerned with structuring a set of public policies that address all the categories of resources and ensure adequate funding, taking into account certain indicators and their impact on the economies (Aivaz and Condrea, 2012; Vancea, Aivaz and Duhnea, 2017).

MSP can be used to open up new economic potential by stimulating the synergies between different uses (EASME, 2018), while for the adaptation of spatial maritime planning to the specifics of the area, a transdisciplinary collaboration between the stakeholders is needed (Stan et al., 2021).

Thus, it is necessary to continue conducting new studies given the complexity and heterogeneity of the issues raised by MSP planning, as well as the identification of various factors which have a direct, indirect and induced influence on MSP planning. Possible further research of the different uses of maritime space can be performed also through comparative dynamics analyses (between different sectors of activity, between different categories of entities, between different countries).

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