

GOVERNANCE



The commitment to the MSFD reflects a growing attention to policy setting and management of European Seas.

[Click here for more on Governance](#)

You are here:



WHAT

Setting policy & management

Attention is being increasingly drawn to the resources of marine areas and their relevance for regional development and growth, and they are being viewed more commonly as “economic spaces”.

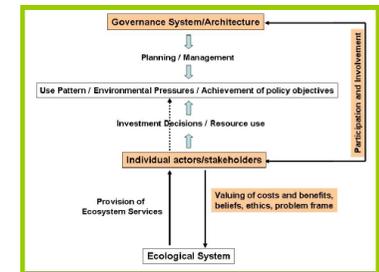
Management tasks

Analysis of ecosystem goods and services benefits capture from these options

Understanding of the role of stakeholders in capturing these benefits

Knowledge of the additional governance costs of the new Adaptive Management systems supporting Ecosystem-Based Management, including transaction costs, the cost of monitoring and dynamic economic effects

There is growing evidence that Europe's marine and coastal systems are suffering widespread and significant degradation. On one hand the choice is clear, either sustain marine life or face a future of catastrophes and lost causes: fisheries, biodiversity, coastal landscapes, and the jobs and human values that depend on them. However, the marine area, and its resources, is contested space with a multiplicity of sectors and stakeholders vying to maximise their use and benefits. This makes the governance of this area difficult as policy decisions often lead to winners and losers even before the 'interests' of the environment are considered, which may constrain all users.



[Click the image for an enlarged view of this simplified conceptual diagram .](#)

A governance system to deliver the MSFD needs to recognise the potential for creating conflict between stakeholders, as well as differences in the design and workings of the natural, political, economic, social and cultural systems between individual nations and Regional Seas.

Whilst the overall objective of MSFD is Good Environmental Status (GES), subsidiarity from the EC means that it is the responsibility of Member States to deliver this through national laws and international legislation.



GOVERNANCE



There is a growing attention to policy setting and management of European Seas.

There are common elements that reflect good governance:

- A common set of priorities
- Consistency and coordination
- Steering management
- Accountability and evaluation

[Click here for three Black Sea case studies that illustrate the challenges of governance](#)

You are here:



GVRN

Obstacles to good governance

Governance represents the “push and pull” between different groups including government and civil society.

A number of obstacles to good governance in the environmental sector have been identified that will challenge the implementation of the MSFD and delivery of GES:

Lack of cooperation - environmental regulation requires significant cooperation amongst governments, civil society and private interests, presenting a difficult “collective action” problem. Because environmental problems are diffuse, incentives arise to ignore transboundary impacts and neglect the management of shared resources. Likewise the diffusion of the benefits from ecosystem services makes free-riding on the efforts of others attractive.



Piecemeal decision-making - because of the split of expertise across institutions, data is frequently lacking and problems are addressed in a piecemeal fashion. This is particularly difficult in the case of ecosystem based management in European Seas with a split of expertise and sectors. Without consistent monitoring programs that ‘talk to each other’ it is difficult to compare problems or develop an ecosystem approach.

Legitimacy - fundamental principles of good governance such as transparency and accountability are still an issue in many institutions with marine resource or environmental management remits. This lack of good governance can create conflicts between these governmental institutions and civil society, maybe globally exemplified by various street protests against the World Trade Organisation.

The discussion about GES of marine areas is shaped by interests, values & perceptions of stakeholders from society, economic and science sectors and is influenced by the specific decision-making power of institutions and their position within governance systems.

GOVERNANCE



Conflicts about the use of marine space and marine resources are often rooted in different world views and value hierarchies between “users” and “conservationists” leading to different perceptions of issues and areas.

You are here:

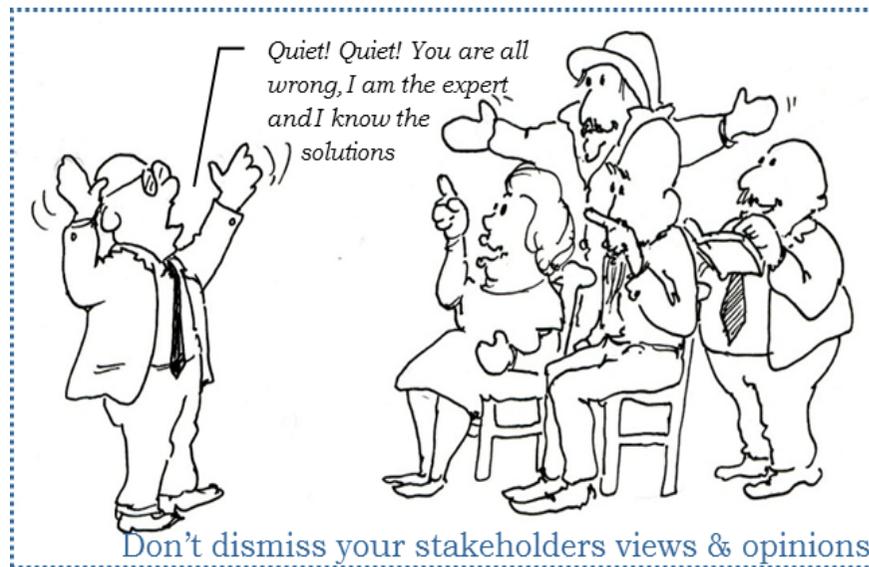


GVRN

Who's right? - Personal values and experts

In marine areas, how different stakeholders rank their values is of particular importance whether they represent economic sectors or nature conservationists and environmental protection groups.

Many marine initiatives involve one or more designated experts. These experts tend to be viewed by the stakeholders, and even sometimes by themselves, as neutral technocrats. However,



Cartoon by R.Foster-Smith

ever, all experts come with their own set of values just like the other stakeholders. Even scientific data collected or collated by experts is bound up in subjective interpretation and value judgements. Some commentators have suggested that experts should be considered “specialised citizens” and “rather than hide behind the guise of value neutrality, the expert must actively employ his or her own subjectivity to understand the view of others”.

For experts to effectively contribute to marine governance then rather than being an ‘authoritative advisor’ there is a need to facilitate stakeholder discussion.

Values are an important force in governance especially if they operate collectively and are not always based on economics but also personal perceptions which drive people to action (e.g. protest, lobby or join a NGO).

GOVERNANCE



With the main objective of MSFD being Good Environmental Status (GES) there remains a similar risk that this environmental focus becomes overridden by other regional issues or external factors such as the economic crisis that affects the Regional Seas.

You are here:

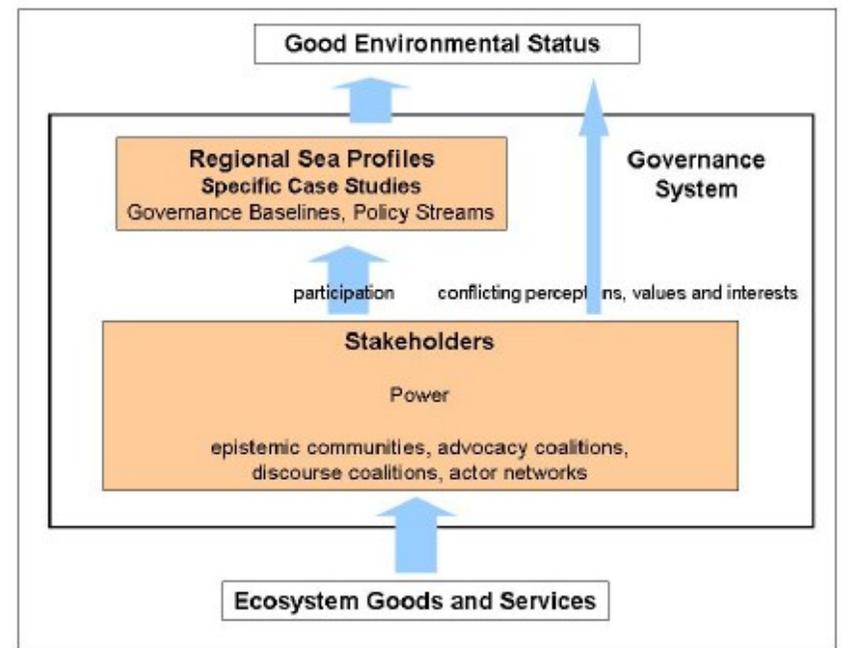


GVRN

A governance structure for MSFD?

Despite many environmental governance initiatives, large-scale environmental degradation and geopolitical changes at least partially negate environmental priorities.

With all the Member States and Regional Seas having different governance structures and different developmental priorities it is likely that the “who implements what, why and how?” will be different across Europe. However, the important deliverable is GES, and the route taken to achieve that is less important. Though as stated before, “good” governance does tend to have certain features such as common priorities, coherence, policy and strategies and accountability. Another issue associated with the central role of GES is that different stakeholders will have different interpretations of what constitutes achievement or non-achievement of GES and thus this becomes a contested aspect.



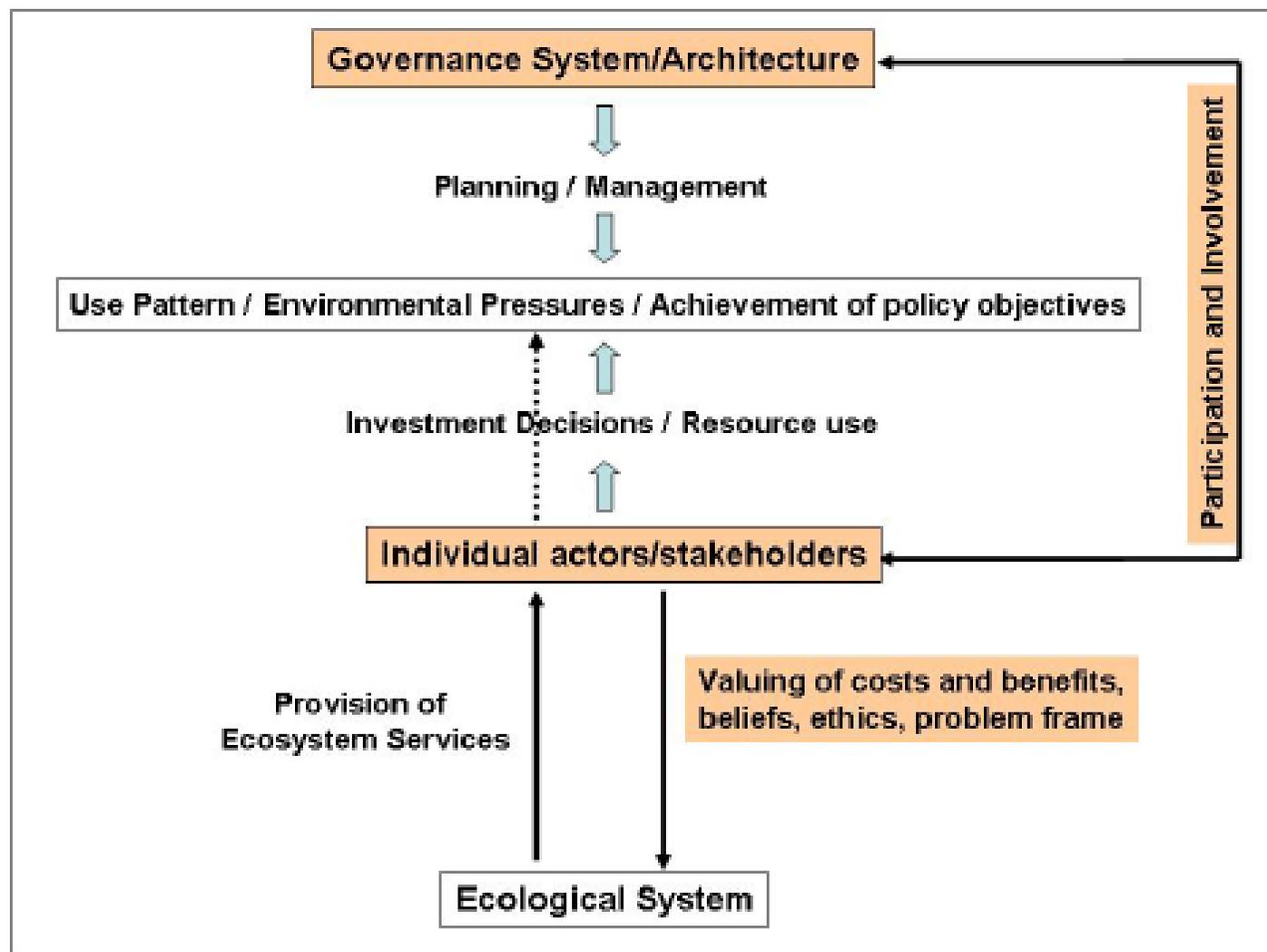
The illustration shows the relevant interactions for governance of social-ecological systems as required by the Ecosystem approach.

A good appreciation of the governance system is required to permit successful implementation of MSFD, achievement of GES and to ensure that constraints and barriers are avoided or removed.

Click on arrow below to go back to all guidelines



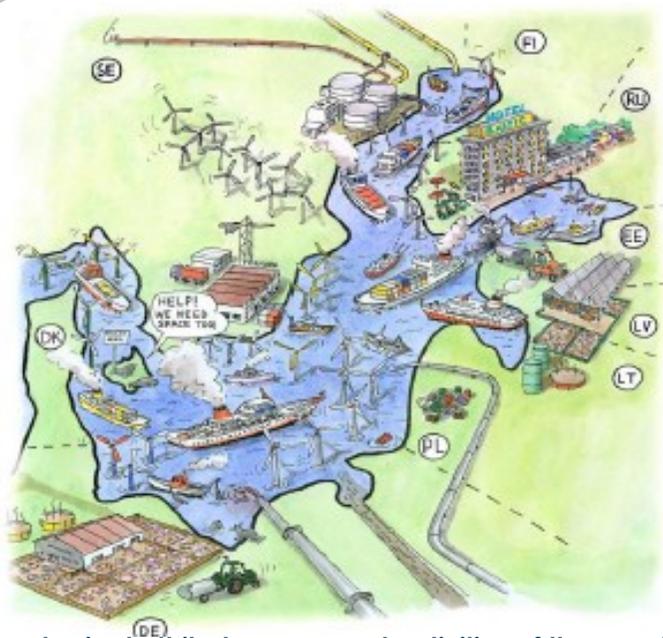
Simplified conceptual diagram showing linkage between governance and ecological systems. In reality these linkages may be more complex and differ between Members States and Regional Seas depending on the range of institutions and actors involved and the relationships between them.



What is Governance?

Definitions of governance — Governance is a contested term and subject to a wide range of definitions. The process of governance involves a number of instruments and actors, encompasses social norms, institutional arrangements and policies; all these together make the governance system. In terms of MSFD this definition could be restated more practically as “who implements what, why and how?”

In the context of the MSFD, the working definition of governance provided by the EC is applied: “as the sum of the many ways individuals and institutions, public and private, manage their common affairs. It is a continuing process through which conflicting or diverse interests may be accommodated and a cooperative action may be taken. It includes formal institutions and regimes empowered to enforce compliance as well as informal arrangements that people and institutions either have agreed to or perceive to be in their interests.”



The physical attributes, uses and activities of the coast and seas are strongly affected by the governance system although it is not tangible or directly observable.

Governance vs. Government — Importantly, governance in this sense does not directly lead to the creation of the ‘government infrastructure’ traditionally conceived to administer the practices of governance. This leads to the important distinction between government and governance whereby governance is what a government does through the exercise of powers that are bestowed upon it according to set rules and regulations using a system of bureaucracy that defines governance. This raises the possibility for a stronger role for non-governmental organisations and civil society reflected in aspects such as local planning (e.g. Sound of Mull marine spatial plan in 2009) and sustainable fisheries food labelling. Civil society networks can transcend the traditional nation state, and many movements now exist where people and institutions can collectively express their aspirations and interests, engage in joint enterprises and particularly in the case of NGOs, influence societal debate and action on a range of topics.

More on the challenge of governance

The Governance Challenge

Back to
What is governance?

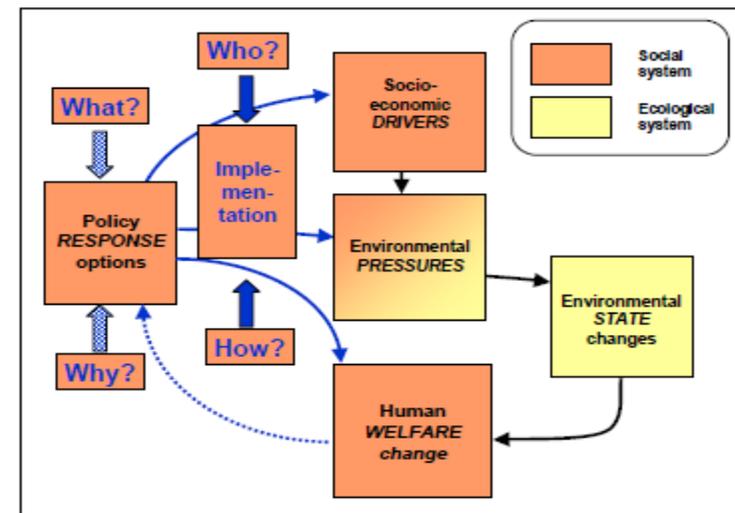
Why is governance difficult? - The EU Integrated Maritime Policy (IMP) and the EU Marine Strategy Framework Directive (MSFD) name integrated approaches (Ecosystem Based Management (EBM), Integrated Maritime Spatial Planning (IMSP) or Integrated Coastal Zone Management (ICZM)) as implementation tools. However, these describe a new philosophy and practice of coastal and marine governance that demands a paradigm shift concerning how policies are implemented. The observed reality in coastal and marine areas is that there is a multitude of interests from a wide range of stakeholders with various goals, beliefs, contexts and issues represented in various institutional arrangements. These factors lead to differences in the natural, political, economic, social and cultural context of Europe's Regional Seas, and also within each Regional Sea.

The consequence of this is that **'Who'** implements the MSFD might have to involve different actors/agents in different areas in order to reflect the multitude of uses and issues and the related stakeholders and institutions.

In terms of **'What'** is implemented, different governance mechanisms might be needed in each of the Regional Seas to reflect their different historical and political development as well as institutional evolution. The growing complexity of the environmental policy environment also calls on greater flexibility on the part of institutions in terms of opening up to new issues and partnerships, and accepting other stakeholders as legitimate partners in.

In terms of the **"Why"**, EU policy emerges as a key driver, both with respect to problem-centred and implementation-centred policies. Particularly strong drivers can be found in the environmental policy area, where many targets are timed and quite specific. There are also a wide range of non-binding agreements which are also specific and timed.

In terms of **"How"**, a key aspect is what influences an institution's ability to constitute themselves as actors and to take part in a wider process of governance .



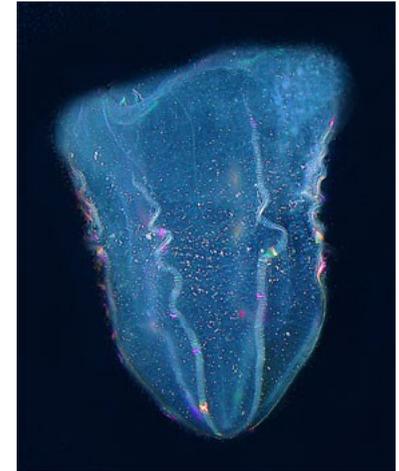
Within the DPSWR framework a Response represents initiatives intended to reduce adverse effects on human welfare which result from environmental change. They can be linked to any other category in the framework (for example reduce pressures or change drivers). The implementation of policy responses by any governance system is an additional layer of information linked to the arrows going out of the box on policy response through the questions what, why, who and how.

Black Sea CASE STUDY- I: The problem

Setting the context — It is sometimes claimed that the Black Sea is the most degraded sea in the world. Whatever the merits and grounds for such statements, it is clear that the Black Sea has since the 1960s undergone dramatic and probably non-reversible environmental change. In the 1990s hypoxia events were at their most extreme, new species and overfishing brought dramatic changes to the ecosystem which overall resulted in ecosystem regime change. It is now considered impossible to return to some previous "pristine" state of the sea although the Black Sea ecosystem has experienced some recovery over the last 10-15 years.

Overall, the Black Sea ecosystem is characterized by ecological instability and recovery is non-linear, with different opportunistic and invasive species now dominating the benthic and pelagic realms. Climate change, to which the Black Sea is supposed to be very sensitive, adds to this instability. It should also be mentioned that the relative recovery of the Black Sea was not primarily a result of improved transnational environmental management. Main causes were (1) economic change in East Europe resulting in less use of fertilizer and consequently reduced nutrient inflow to the Black Sea, and (2) the accidental introduction of a species (*Beroe ovata*) that was a natural predator on the comb jelly and checked its invasiveness.

Management challenges — The major pressures negatively affecting the Black Sea environment are fishing, nutrient inflow, introduction of new species and habitat destruction. Management to address most of these requires transboundary cooperation to be successful. There is now also increasing concern over possible consequences of massive infrastructure and energy projects around the coasts of the Black Sea (tourism in Bulgaria, road construction and energy projects in Turkey etc.); the effects of these have not been addressed systematically. There are also worries about oil spills, especially from tanker traffic, and particularly in the straits.



The invasive carnivorous *Beroe ovata* which eats comb jellyfish, which was itself an invasive and plagued the Black Sea devastating plankton and fish (Taken from: <http://blacksea-education.ru/e2-1.shtml>)

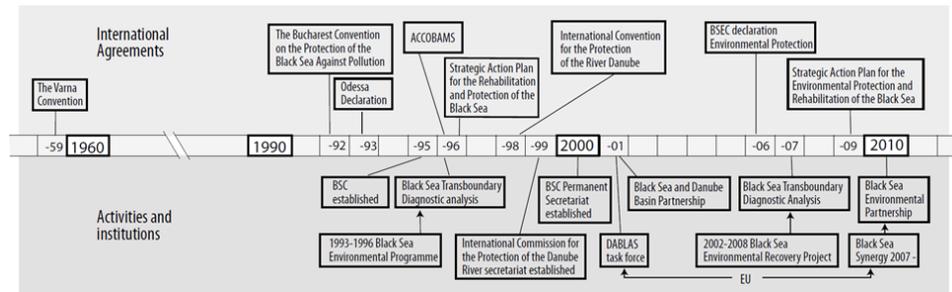
Black Sea CASE STUDY– II : Regional Governance

Do the extensive environmental problems in the Black Sea reflect a lack of regional governance? The major geopolitical shifts caused by the disintegration of the USSR, the establishment of the new independent states and the political changes in Romania and Bulgaria around 1990 forced change in the region. These aspects dramatically modified the framework for cooperation among Black Sea countries and since then a plethora of initiatives have been taken.

These geopolitical changes led to a significant number of governance-related initiatives in the last 20 years, including

The Black Sea Economic Cooperation initiative (BSEC, 1992), Bucharest Convention on the Protection of Black Sea Against Pollution (1992), Odessa Declaration (1993), Sofia Declaration (2002 and 2009), Bucharest Declaration (2007), Black Sea Environmental Programme (BSEP, 1993), Strategic Action Plan (1996), Black Sea Environmental Recovery Project (BSERP, until 2007), Danube River Protection Convention (1998), Danube-Black Sea (DABLAS) Task Force (2001) and Agreement on Conservation of Ceteans of the Black Sea, Mediterranean Seas and Contiguous Atlantic (ACCOBAMS). Outside the governmental / international institutional arena there have been NGO and civil society contributions such as The Black Sea NGO Network and NGO's such as TURMEPA, TUDAV, WWF and INTERMEPA. This list is not complete but shows the complexity of regional governance.

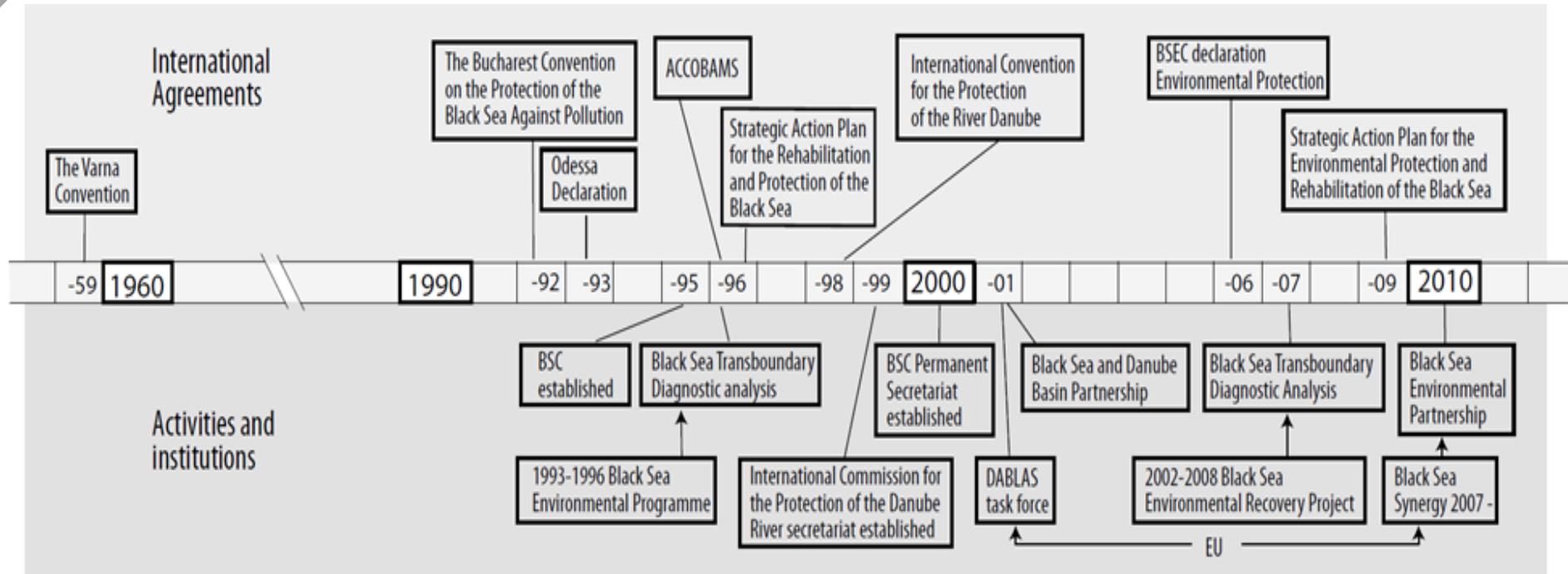
The degree of influence varies between all these initiatives. For example, the DABLAS Task Force was considered as “particularly successful” distributing 2.5 billion Euros for municipal clean water projects as well as bringing together other organisations. The DABLAS Task Force ceased operation in 2011 due to what was perceived as increasing disengagement of Member States, beneficiary counties and international financing institutions, partly due to the increased assertiveness of Russia and Turkey and two coastal countries becoming members of the EU and associated policy. On the other hand, the role of NGO's in the Black Sea region has been considered as “very disperse” such that limited resources are not effectively utilised as they are spread to widely between too many organisations.



Timeline of the main governance features of regional management of the Black Sea from 1959 to 2010 .

[Click here for a larger version](#)

Black Sea CASE STUDY – II : Regional Governance



Timeline of the main governance features of regional management of the Black Sea from 1959 to 2010 .

< Sustainable future planning for Europe's seas

Black Sea CASE STUDY-III: Regional Geopolitics

Resolving the region — The environmental agenda pursued in Black Sea environmental management has been in the very forefront of international thinking about environmental management. However, implementation has been difficult. This discrepancy can only be understood in context of the geopolitics and governance in the wider Black Sea region. The 'region' itself is elusive; it is not a consolidated region. The foremost 'regional' institution (BSEC) itself does not articulate a single regional vision and it has been argued that the way the EU develops its policy in the environment field "... actually discards the concept of region altogether replacing it with what is truly is: a space that connects other regions among them..."

A contested area — The Black Sea may be more a contact zone than a region. There has been little bottom up regionalization in the field of environment. There is no strong internal force for integration, like the Nordic countries or the Baltic council in the Baltic. Security concerns are a major issue shaping interaction around the sea, including recent armed conflict (Russia-Georgia 2008). It is a contact zone where the geopolitical interests of three major regional powers meet: the EU, Russia and Turkey and all of these have increased their relative claim and power to the 'region' during the last decade.

Identifying priority issues — Thus, the international agenda concerning the Black Sea focuses on energy policies, transport, political stability, human rights etc. While there evidently still exist major environmental issues in the region today, these are considered minor in relation to these other issues in international interaction. Allied to this should be remembered that the environmental gains of the last 20 years have largely not been directly due to enhanced regional environment management; this is maybe a reflection of ineffective regional governance.

Complex trade offs across international boundaries

