



Implementing the Marine Strategy Framework Directive: A policy perspective on regulatory, institutional and stakeholder impediments to effective implementation



Judith van Leeuwen^a, Jesper Raakjaer^b, Luc van Hoof^c, Jan van Tatenhove^{a,*}, Ronán Long^d, Kristen Ounanian^b

^a Environmental Policy Group, Wageningen University, Hollandseweg 1, 6706 KN, Wageningen, The Netherlands

^b Innovative Fisheries Management (IFM), Aalborg University, Aalborg, Denmark

^c IMARES, Wageningen University and Research Center, The Netherlands

^d Marine Law and Ocean Policy Research Services Ltd, Harbor Lodge, The Quay, Westport, Ireland

ARTICLE INFO

Available online 20 March 2014

Keywords:

Governance
MSFD
Scale
Policy coordination
Stakeholder values
Scientific input

ABSTRACT

The implementation of the European Union (EU) Marine Strategy Framework Directive (MSFD) requires EU Member States to draft a program of measures to achieve Good Environmental Status (GES). Central argument of this paper, based on an analysis of the unique, holistic character of the MSFD, is that social and political factors are having a major influence on this MSFD implementation process. More specifically, four potential impediments have been identified that are curtailing the drive towards the effective implementation of the scheme advanced by the Directive. First, scientific uncertainty about aggregated ecological pressure and drivers in relation to the different sectors clouds the definition of national programmes of measures and this in turn may lead to implementation-drift in achieving GES. Second, the scale of the ecosystem is different from the political and socio-economic scales of individual, sectoral decision-making and activities. Third, policy coordination is required on several levels, i.e. at the EU level, within the Regional Sea Conventions, at national level and between these three levels. Finally, the coming together of both stakeholder involvement organized for the MSFD and those of existing, sectoral policy domains makes fair and efficient stakeholder involvement challenging. This paper concludes that more attention should be rendered to establishing appropriate coordination and communication structures, which facilitate greater engagement with the different Directorates-General in the European Commission, the European Council and the Parliament, the Member States, sectoral decision making institutions as well as stakeholder interest groups.

© 2014 Elsevier Ltd. All rights reserved.

1. Introduction

After a long and somewhat protracted period of negotiation with the Member States, the European Union (EU) adopted the Marine Strategy Framework Directive in 2008. As is well documented in the literature, the Marine Strategy Framework Directive (MSFD) aims to achieve Good Environmental Status and a sustainable use of EU Member States' marine waters by 2020 and the Directive introduces a science-driven iterative process for the management of the marine environment [1–4]. A sophisticated and incremental approach is taken towards the implementation of the MSFD, with the first step being the definition of Good Environmental Status (GES) at the national level, including

indicators and environmental targets that should define the limits of sustainable use of Member States' marine waters. As a contribution to achieving this, Annex I of the Directive sets down 11 qualitative descriptors for determining GES [5]. This is supplemented by a Commission Decision on criteria and methodological standards on Good Environmental Status of marine waters to be applied by the Member States in defining and achieving GES [6].

Being based on an ecosystem approach [7,8], the Directive is clearly a science-driven instrument. Indeed, the MSFD relies heavily on scientific input requiring Member States to start with “an analysis of the features or characteristics of, and pressures and impacts on, their marine waters”, as well as – and this is equally important – “an economic and social analysis of their use and of the cost of degradation of the marine environment” before operationalizing the policy objective of Good Environmental Status into environmental targets and indicators [5]. This exercise presents its own challenges in light of the absence of definitive

* Corresponding author. Tel.: +31 317 482447; fax: +31 317 483990.
E-mail address: jan.vantatenhove@wur.nl (J. van Tatenhove).

data on the precise characteristics, pressures and impacts on the marine environment as well as social and economic information about direct and indirect costs of the degradation of the marine environment. Similarly, the political aspects of the implementation of the MSFD are equally, if not more challenging in so far as the implementation of the MSFD requires coordination and cooperation at many levels and by many actors in order to take into account many socio-political challenges [9,10].

This paper argues that the MSFD is a unique Directive, presenting unique challenges for MSFD implementation. The analysis presented in this paper is based on work implemented under the European Union (EU) FP7 funded project Options for Delivering Ecosystem-based Marine Management (ODEMM), which is aimed at facilitating a transition from the current fragmented system of marine management to a mature system of integrated marine management that safeguards the sustainable use of marine resources in the European Seas. At the start of the project, a review of current institutional, legal and policy structures central to the implementation of the MSFD was implemented to identify possible socio-political impediments in the future development of integrated marine management. This paper will present the results of this review by first introducing the research methodology used in the ODEMM project in Section 2. Section 3 presents the unique nature and characteristics of the MSFD. Section 4 will then highlight four potential socio-political impediments in the implementation of the MSFD. Section 5 ends with some conclusions.

2. Research methodology

Three sources of data were utilized in the review conducted for the ODEMM project. The first source of data is scientific literature discussing the MSFD and the implementation of an ecosystem approach to the management of human activities in the marine environment. The review focused on gaining insights into the unique nature of and possible impediments associated with the implementation of ecosystem-based marine management under the MSFD and how these relate to various EU policies.

The second data source are interviews with stakeholders involved in the implementation of the MSFD. Three types of stakeholders were interviewed for the purpose of the project: (1) governmental officials of EU Member States, the Directorates-General (DG) for the Environment and for Maritime Affairs and Fisheries of the European Commission; (2) representatives of 5 maritime activities, i.e. fisheries, offshore renewable energy, offshore oil and gas, shipping and tourism; and (3) representatives of environmental Non-Governmental Organizations (eNGOs). These interviews focused on generating insights into how the MSFD has induced institutional changes at both the regional seas and EU levels. Furthermore, it also allows us insight into how different sectors and stakeholders have engaged in the consultation process regarding the implementation of the MSFD, as well as how coordination of implementation of the MSFD between stakeholders and other pre-existing institutions and policies relevant to the marine environment and maritime activities takes place.

The third and final source of data consists of policy documents and position papers. Policy documents were gathered pertained to activities conducted by the regional seas bodies and the European Commission, while position papers were collected from the industry representatives and eNGOs. These documents provided considerable information on stakeholders view and engagement in the implementation of the MSFD.

3. The unique character of the MSFD

With the adoption of the MSFD in 2008, the EU set itself a governance challenges unprecedented in the history of EU

environmental policy making. The Marine Strategy Framework Directive is a serious attempt to implement Ecosystem-Based Management (EBM) in the European seas [11]. Although multiple definitions of EBM exist (see [12] for a review [7,13], they all propose an integrated approach to management that not only considers ecosystems but also humans and economic use of ecosystems [14]. Important principles of EBM are therefore to “address multiple spatial and temporal scales in the design and implementation of EBM efforts”, to recognize the “linkages among marine ecosystems and the human communities that depend on these systems”, “to connect environmental policy and management efforts across air, land, and sea boundaries” and to engage in “meaningful engagement with stakeholders ... to create management initiatives that are credible, enforceable, and realistic” [15].

The fact that the MSFD is based on EBM makes it a unique Directive in a number of ways. The MSFD is one of the few European policies that take a systems perspective rather than a sectoral perspective, which is much more common in EU environmental policy making [16]. The aim of achieving Good Environmental Status and sustainable use of Member States' marine waters by 2020 is systemic in nature encompassing a set of 11 descriptors and a multitude of sectors. In addition, the MSFD is a framework Directive. Where most sectoral directives are prescriptive, providing detailed policy objectives and often also measures, the MSFD does not define the environmental objectives and measures itself [17,18]. As a consequence, further formulation of environmental objectives and the adoption of a program of measures is done by each Member State individually at the national level instead of at the European level. Hence, the MSFD provides more room for Member States to operationalize the policy to fit the national context than is the case in prescriptive, sectoral directives. With an EU governance system that is used to implementing prescriptive, sectoral legislation, the systemic nature of the MSFD poses unique challenges to the EU governance system. These challenges will in turn have potential detrimental consequences for the practical implementation of the MSFD.

Taking a systemic perspective towards marine ecosystems (including humans) also implies the need to aggregate and integrate scientific input into decision making. The MSFD structures scientific input through the requirement for Member States to undertake an initial assessment of the current environmental status of national marine waters and the environmental impact and socio-economic analysis of human activities in these waters. This should contribute to determining what GES and sustainable use means for sea areas under national sovereignty and jurisdiction, establish environmental targets and associated indicators to achieve GES. This exercise should have been completed by July 2012 with a view to the attainment GES by 2020 at the latest. In practice, however, not all Member States met the criteria or deadline of the initial assessment of July 2012. In addition, the establishment of a monitoring system to assess changes in the status of the marine environment is foreseen by the Directive. Furthermore, a number of working groups are established under the Common Implementation Strategy of the MSFD to discuss scientific progress relevant for the implementation of the MSFD. Scientific work underpinning the MSFD is of a different nature than for sectoral, environmental policy making as it focuses on the aggregated ecosystem level (rather than individual ecosystem components). In addition, integration of ecological, social and economic knowledge about the use of the marine environment is needed to come to effective national programmes of measures. There is a lot of uncertainty associated with both the organization of scientific input as well as with the aggregation and integration of scientific knowledge. The adequate organization of scientific input is therefore one of the potential impediments for the implementation of the MSFD.

Download English Version:

<https://daneshyari.com/en/article/1060447>

Download Persian Version:

<https://daneshyari.com/article/1060447>

[Daneshyari.com](https://daneshyari.com)