



# 'The Hare and the Tortoise': Lessons from Baltic Sea and Mediterranean Sea governance



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## ABSTRACT

Commonly, the Baltic Sea is pictured as a proactive region with a long-standing tradition for cooperation and surrounded by the “greenest” EU countries. In contrast, southern countries often suffer from the “Mediterranean Syndrome” in which the heterogenous socio political situation is given as the “proof” that cooperation would not work. The Marine Strategy Framework Directive adopted by European Union in 2008 is an important step towards ecosystem-based marine management and provides a legal document suggesting marine regions as a scale for cooperation. In this paper, we aim to explore stakeholders' perspectives on key factors for good governance at the regional sea level covering the Eastern Baltic States and the south of France. We targeted a broad panel of professionals from different sectors with a political, economic or societal importance in the respective seas. We suggest that Baltic and Mediterranean stakeholders are going through very different stages of governance adjustment fitting the purpose of ecosystem-based marine management. Baltic institutions are well established, which in some way prevents structural analysis of whether the current governance model is the most appropriate reaching GES. In the Mediterranean, the EU strategies faces institutional challenges, which is leading stakeholders to think “out of the box” about what is really needed for implementing ecosystem-based marine management for this sea. It is suggested that a golden opportunity exists at present in the Mediterranean to create a regional platform of cooperation, not only to fit the MSFD implementation, but also to improve governance of the Mediterranean Sea and its environmental status.

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## 1. Introduction

The Marine Strategy Framework Directive (MSFD) was adopted in 2008 and requests all EU Member States (MS) to achieve a “good environmental status” (GES) by 2020.<sup>1</sup> Article 6 of the MSFD suggests the use of Regional Seas Conventions (RSCs) for countries to cooperate around marine regions. Such statement in a EU directive is an achievement in itself as it recognises the need to make more use of the regional scale in marine management, and by this moves clearly the paradigm towards Ecosystem-Based Marine Management (EBMM). However, it is not straightforward to achieve effective regional coordination and cooperation. Indeed the different stakeholders with an interest in EBMM all have their own agendas. Furthermore, implementation of the MSFD, although directly related to environmental protection, needs to

cope with different strategic interests due to social, economic and cultural differences in a policy-making process influenced by history, government structures, ideology and cultural norms among others [1].

The Mediterranean and the Baltic have been pioneer regions in the adoption of regional environmental protection arrangements with the UNEP Regional Seas Programmes implemented in the Baltic in 1974 (Helsinki Convention<sup>2</sup>) and in the Mediterranean in 1976 (Barcelona Convention<sup>3</sup>). The two regional seas widely differ as socio-ecosystems and are often presented as the two ends of the spectrum.

The Baltic Sea is seen as the forerunner in the development of environmental policies [2,3]. It was one of the first regional seas to embrace the precautionary principle and the polluter pays principle [2], and already in 2003 the adoption of the Bergen Statement

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<sup>1</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:164:0019:0040:EN:PDF>.

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<sup>2</sup> Convention on the Protection of the Marine Environment of the Baltic Sea Area (Helsinki Convention).

<sup>3</sup> Convention for the protection of the Mediterranean Sea against Pollution (Barcelona Convention).

set out detailed plans for EBMM. The countries surrounding the Baltic Sea are often given as examples of “environmentally minded MS” [4]. In particular Germany, Sweden, Denmark and Finland have been categorised as “pace-setting” MS, i.e. being leaders in shaping environmental policies [5]. Their proactive attitude extended to the whole Baltic Sea after the fall of the Soviet Union in 1990 and the accession of the Baltic States to the EU in 2004. This progressive “Europeanisation” of the Baltic Sea indeed strongly facilitated the adoption of transnational cooperation programmes for regional development and environmental protection. Indeed EU law is the easiest way for the region to take legally binding measures [1,6]. Eight out of nine of the surrounding countries are now EU MS with Russia as the only non-EU MS. Governance of the Baltic Sea Region is becoming more and more embedded in European multi-level governance [6]. The Baltic is often given as an example of macro-regional cooperation [7,8] and a pioneer in creating new structures for common governance [9]. The EU Strategy for the Baltic Sea Region (EUSBSR)<sup>4</sup> for example strives since 2007 for more intensive cooperation between the Baltic countries. During the same year the Helsinki Commission coordinating body (HELCOM) introduced the Baltic Sea Action Plan (BSAP) to take concrete action moving towards GES by 2021 and was thus said to be the pilot case for the MSFD. Van Leeuwen et al. scored the Baltic as the Regional Sea with the lowest level of institutional ambiguity in the implementation of the MSFD, HELCOM being the legitimate platform for coordination of the MSFD and the BSAP [3].

In contrast the Mediterranean struggles to shed its image of “laggard”. The Mediterranean region is very heterogeneous from an institutional and cultural perspective and many of its political structures are weak [1,5,10]. Most of the Mediterranean countries are not members of the EU; and there is a clear difference in environmental policies between the North, South and Eastern Mediterranean. Geopolitical boundaries are in some areas not clearly defined and this has caused that most of the Mediterranean countries did not declare Exclusive Economic Zone (EEZ) [11]. From an EU perspective, the predominance of non-EU MS in the Mediterranean could jeopardise regional cooperation around the implementation of the MSFD. The Mediterranean was said to have a high institutional ambiguity [3] since no formal link exists between the MSFD and the Barcelona Convention. In addition, within the EU, Mediterranean MS carry the burden of the “Mediterranean syndrome” [12], used to explain many of the non-compliance and implementation problems with EU environmental policies [13]. The Mediterranean culture still carries to various degrees the reputation of being unable to develop any organisational structure capable of promoting collective action. According to [5] it is mostly Mediterranean MS (Greece, Italy, Spain) that are known as “foot-draggers” in regulations towards environmental regulations. However [14] argues that non-compliance record of the MS may not follow a North-South pattern.

Jean de la Fontaine wrote a famous fable “the Hare and the Tortoise”,<sup>5</sup> where the Hare is challenging a Tortoise in a race. In the scenario of “racing towards reaching GES in 2020”, the Baltic would be expected to be the Hare i.e. the “greener” and proactive region which is expected to have more chances to implement the MSFD successfully and “win the race”; and on the opposite the Mediterranean would be the tortoise i.e. the region foreseen as “laggard” in the implementation of the MSFD. Concentrating on stakeholders' opinions about regional sea cooperation in the implementation of the MSFD we draw on two case studies: (1) the

Baltic States<sup>6</sup> and (2) Southern France. The Baltic States entered the EU in 2004 with much support from the Scandinavian countries, but still have a particular position at the crossroad between East and West bringing an interesting approach on “regionalisation”. France is among the founders of the EU and has been a motor of the Euro-mediterranean construction and played a major role in institutionalising Mediterranean region by integrating non-EU countries in formal bodies.

Crossover perspectives from these two contrasted areas are expected to emphasise the importance of considering regional specificities in the implementation of the MSFD. Through local stakeholders' perceptions on MSFD implementation in the Baltic Sea and the Mediterranean Sea we will explore whether it is the Baltic-hare or the Mediterranean-tortoise which looks better off in the “race to save its marine environment”, and we will highlight some aspects of the analogy with the fable.

Stakeholders' perceptions were analysed using Van Hoof's [15] division between the two dominant discourses of the marine policy domain: (i) integration, in which we present stakeholders' perception on stakeholder participation; and (ii) regionalisation, in which we present stakeholders' perceptions on the cooperation at the regional scale.

The rationale behind the EU project to which this study will contribute (ODEMM project<sup>7</sup>) stemmed from several papers emphasising how the complexity of the European Seas institutional framework is a barrier to effective regionalisation [2,3,16]; and how fragmented the current European marine governance system is [17].

“Governance” is a term often used in marine environmental politics. Chhotray and Stoker defined governance as being about the rules of collective decision-making in settings where there are a plurality of actors and organisations and where no formal control system can dictate the terms of the relationship between these actors and organisations [18]. The 6th principle of the Lisbon Principles of sustainable governance underlines the importance of involving stakeholders: “All stakeholders should be engaged in the formulation and implementation of decisions concerning environmental resources”. Moreover, the neo-institutionalist approach<sup>8</sup> describes more “society centred forms of governance” [19], suggesting to consider not only formal institutions such as governments, but also the informal actors and the private sector.

Article 19 of the MSFD emphasises the need for “stakeholder participation” through consultation processes at regular intervals. Moreover, regionalisation was put forward by Symes as a more efficient delivery system for policy, able to enhance local democracy and create a more solid base of legitimacy [20]. Hegland et al. develops the benefits of regionalisation within the CFP and argues that a regionalisation of the CFP would get in line with the objectives of the MSFD [21]. The MSFD brings indeed the opportunity to go forward in this direction, yet the way “cooperation around marine regions” should occur is lacking sufficient precision [2,3] particularly on what role to attribute the RSCs which were suggested as platforms for coordination. It has been repeatedly underlined that there could not be a “one-size fits all” policy for all regional seas [15,21,22] and it might be that in a context in which regional seas have room for manoeuvre, different regional strategies would emerge. Raakjaer et al. [17] sketch a potential way forward with soft modes of governance at the regional sea level in which

<sup>6</sup> The Baltic States are the republics of Estonia, Latvia, and Lithuania, which became constituent republics of the former Soviet Union in 1940, regaining their independence in 1991. (<http://oxforddictionaries.com>).

<sup>7</sup> Options for Delivering Ecosystem-Based Marine Management, <http://www.liv.ac.uk/odemmm/>.

<sup>8</sup> In general, new institutionalism is concerned with the informal conventions of political life as well as with formal constitutions and organisation structures.

<sup>4</sup> [http://eu.baltic.net/Baltic\\_Sea\\_Region\\_Strategy.7428.html](http://eu.baltic.net/Baltic_Sea_Region_Strategy.7428.html).

<sup>5</sup> Le Lièvre et la Tortue, Fables de la Fontaine, Livre VI, 1668.

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