



Capacity-building paper

Implementing ecosystem-based marine management as a process of regionalisation: Some lessons from the Baltic Sea

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ABSTRACT

This article deals with the implementation of ecosystem-based marine management in the Baltic Sea. It explores and documents in particular the preliminary lessons from environmental and fisheries management with reference to the Helsinki Commission Group for implementation of the ecosystem approach and the Baltic Sea Fisheries Forum, both examples of regionalisation processes in order to implement ecosystem-based marine management. The Helsinki Commission Group for implementation of the ecosystem approach is a joint management body for the implementation of the Baltic Sea Action Plan and the European Union's Marine Strategy Framework Directive. The Baltic Sea Fisheries Forum is a new governing body to facilitate regional cooperation in fisheries management. The aim of the article is twofold: a) to describe and discuss two different pathways of regionalisation in the Baltic Sea and b) to explore how these forms of regionalisation could contribute to the implementation of governance structures needed to implement ecosystem-based marine management at the level of a regional sea – efficiently, legitimately and effectively. We conclude that a nested governance structure could be developed by building upon existing institutions while learning from new initiatives to organise stakeholder involvement.

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1. Introduction

There is a strong political aspiration to move towards ecosystem-based marine management (EBMM) through the integration of different European Union (EU) policies and directives, such as the Integrated Maritime Policy, the Common Fisheries Policy (CFP), the Marine Strategy Framework Directive (MSFD), the Birds and Habitats Directives, and the Marine Spatial Planning Directive (Raakjær et al., 2014). Despite this apparent aspiration, there is no integrated legal framework and only limited guidance on how to set up structures to ensure coordination and cooperation between EU member states at the scale of the regional seas (van Tatenhove et al., 2014). In the context of the Special Issue that this article belongs to, the core features of EBMM includes a focus on integrated management according to geographical space (areas, location) rather than sectors driven approaches, or, alternatively, a focus on integrated approaches related to other dimensions (e.g.

multi-species as opposed to single-species management in fisheries). Similarly, it is a core assumption behind EBMM that the close connection between human and ecological well-being means that these have to be pursued simultaneously (Soma et al., 2015). In general, EBMM presupposes moving from governance and management based on geo-political boundaries to integrated planning at the regional sea or ecosystem level (Hammer, 2015). Core principles of EBMM are *sustainability* (incorporating ecological, social, and economic concerns), *cooperation* between state actors, market parties, and civil society actors, and *integration* across sectors, interests and policies (Röckman et al., 2015; Soma et al., 2015).

In the Baltic Sea region, there are different initiatives to realise EBMM at the regional sea level, such as the Helsinki Commission (HELCOM) and the Baltic Sea Fisheries Forum (Baltfish). HELCOM, the coordinating body for the Helsinki Convention, adopted in 2007 the Baltic Sea Action Plan (BSAP) (HELCOM, 2007) to advance the ecosystem approach. Though primarily focussing on environmental issues, HELCOM plays an important role in generating institutional interaction towards coordinating EBMM in the Baltic Sea. Also the reformed basic regulation of the CFP (Council and Parliament, 2013) emphasises the need for

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regionalisation and the application of an ecosystem-based approach to fisheries management. In the Baltic Sea, fisheries has to some degree become a forerunner in terms of putting flesh on regionalisation as a practical approach to the implementation of EBMM by developing Baltfish as a structure for member state coordination on fisheries management issues.

From an institutional perspective, the transition towards EBMM presents a number of challenges, such as the appropriate governance set-up to organise the coordination and cooperation between states adjacent to the same sea area, and the involvement of stakeholders in decision-making processes. Despite the acknowledgement that stakeholders have to become more actively involved in marine management to realise effective and legitimate marine policies (Council and Parliament, 2008; Commission of the European Communities, 2009; Commission of the European Communities, 2013), the representation of industrial sectors is underdeveloped (Hendriksen et al., 2014; Jouanneau and Raakjær, 2014), except for the fisheries sector.

Many of the 'performance' challenges faced by EU policies in the marine domain appear in part related to the absence of appropriate regional governance structures and stakeholder involvement in relation to the substance matter that has to be dealt with at the politico-administrative level of the regional seas (Hegland, 2012, Raakjær and Hegland, 2012). In short, the lack of appropriate governance structures complicates efficient and effective decision-making. Implementing EBMM at the level of the regional seas presupposes a process of regionalisation of marine governance structures. However, this process takes place in setting of institutional ambiguity and unclear divisions of competencies and responsibilities (van Leeuwen et al. 2012, van Leeuwen et al., 2014).

The aim of this article is twofold. First, we describe and discuss two different pathways of regionalisation in the Baltic Sea, HELCOM and Baltfish. Secondly, we explore how these forms of regionalisation could contribute to the implementation of EBMM and what governance structures are needed to organise the regional coordination and cooperation needed to implement EBMM at the level of a regional sea. HELCOM, as an example of a formal institution dealing with environmental issues in the Baltic Sea, has managed to get nine Baltic coastal states and the EU to agree on a rather ambitious programme to restore the Baltic marine environment by 2021. Baltfish, on its side, is an example of voluntary cooperation and coordination paving the way for regionalisation within the fisheries domain.

Section 2 presents the analytical framework of the paper followed by a description of materials and methods in Section 3. Section 4 outlines the historical and institutional development of environmental and fisheries management in the Baltic Sea. Section 5 discusses the implementation of EBMM in environmental policy through HELCOM. In Section 6, we analyse in some detail the relative new initiative Baltfish as an example of a voluntary governance model for regional cooperation in the context of ecosystem-based fisheries management (EBFM). In Section 7, the lessons learnt from the two different institutional pathways of regionalisation in the Baltic Sea are addressed in a nested governance system perspective. In Section 8, we draw conclusions.

2. The implementation of EBMM in fragmented governance systems: an analytical framework

The implementation of EBMM takes place in a fragmented European governance system (Raakjær et al., 2014). In short, the present governance set-up is characterised by lack of coordination between relevant Directorate Generals within the European

Commission, governing bodies of Regional Sea Conventions¹ and the member states, within as well as between different sectoral governance arrangements, each with own sets of legal/political instruments, institutional settings and guidelines for stakeholder involvement. Consequently, the different sectors remain unable to cope with the highly fragmented nature of the governance system, which manifests itself through different levels of governance and spheres of competences as well as conflicting dynamics of maritime activities and sector policies (Raakjær et al., 2014; van Leeuwen et al., 2014).

The marine governance system is a nested system in which institutions, policies, laws and sectors are connected and embedded into a tiered, internally consistent and mutually re-enforcing planning and decision-making system (Raakjær et al., 2014). In this nested governance system the focus is on institutional interaction and soft modes of governance between the EU, the Regional Sea Conventions and existing sectoral governance arrangements. Soft modes of governance are characterised by the use of soft law, i.e. governance through non-binding instruments (such as guidelines and recommendations), by the imposition of flexible rules and the involvement of different actors in setting the rules (Heupel, 2008). Developing institutional linkages with sectoral governance arrangements could allow for common policy objectives, decision-making and implementation of sectoral measures in support of EBMM objectives.

We apply this nested governance framework to describe and to analyse the processes of regionalisation and implementation of EBMM (CFP, BSAP and MSFD) in the Baltic Sea. According to Soma et al. (2015), regionalisation can be analysed from an institutional/political perspective (contestation and composition of political spaces) and from a spatial/territorial perspective (defining territorial spaces). Starting with HELCOM, we explore the institutional interaction within HELCOM and towards the different sectors to capture the nested marine governance setting in the Baltic Sea. In addition, the analysis of Baltfish, as an example of a soft mode of governance within a specific sector (fisheries), provides additional insight in the possibilities and challenges of designing governance models for the implementation of EBMM in the Baltic Sea. The experiences with HELCOM and Baltfish allow for an analysis of the governance structures needed to create regional governance that will increase efficiency, legitimacy and effectiveness of marine management of the Baltic Sea. Moreover, it allows us to make a preliminary exploration of the potentials of nested governance arrangements and networks between different sectors and national and regional administrative decision-making structures for future governance of the Baltic Sea.

3. Materials and methods

The article builds on research on regionalisation in the fisheries domain and implementation of EBMM in the marine environment conducted by the authors over several years in various research projects. We particularly draw from participation in three projects under the EU's Seventh Framework Programme for Research,

¹ There are eighteen Regional Sea Conventions, which cover most of the World's oceans and coastal areas. These conventions are all, in one way or the other, related to the United Nations Environment programme, which directly administers six of them. The Regional Seas Programme aims to address the accelerating degradation of the oceans and coastal areas through sustainable management and use of the marine and coastal environment. Five (including the one for the Baltic Sea) of the 18 are independent programmes, which nonetheless follow the UNEP structure. This entails in most cases a strong legal framework in the form of a regional convention and associated protocols on specific problems, which are then put in action through an Action Plan (UNEP undated).

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