



## Benefits and impediments for the integrated and coordinated management of European seas



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### ABSTRACT

New multi-sectoral policies with a regional implementation are developed when maritime states recognise the importance of managing the marine environment under an ecosystem-perspective rather than a use-perspective. In Europe, the Marine Strategy Framework Directive (MSFD) is the first attempt to promote an integrated management of the seas from the coastline to the limit of the Exclusive Economic Zone. This paper shows that, nine years from the MSFD adoption, there remain several ecological, economic, social and governance challenges. Using information gathered in a dedicated survey of the European Union Marine Strategy Coordination Group and in the recent literature the paper identifies the obstacles preventing a successful regional cooperation and policy integration. The survey indicates that the MSFD coordination structures are, in general, well-developed but there is an apparent lack of political will to coordinate actions at the regional level. Member States request greater flexibility to implement the Directive but they put their national interests before the benefit of a coherent and integrated approach for the entire region. Differences in budget, economic sector predominance, lack of staff and the MSFD short time-scale are identified as the factors that can hamper cooperation. These have produced recommendations of possible strategies for optimising regional coordination structures which respect the subsidiarity principle underpinning the MSFD.

### 1. Introduction

Maritime states are facing new challenges worldwide and adopting an integrated and coordinated marine management urgently requires marine legislation [12]. The United Nations Law of the Sea Convention Agenda 21 calls for “new approaches to marine and coastal area management and development, at the national, sub-regional and global levels, approaches that are integrated in content and precautionary and anticipatory in ambit”.<sup>1</sup> An integrated marine governance approach has been adopted when coastal countries replaced sectoral policies with new policies that regulate a wide range of socio-economic activities [12]. At the same time, transboundary management is more effective at the level of large marine ecosystems and/or sea regions [34], resulting in several structures and platforms being developed at the regional sea level. Regional marine management has existed since the 1970s, with the European Regional Seas Conventions (RSC) (the Barcelona, Bucharest,

Helsinki and Oslo and Paris Conventions) which clearly express the commitment and political will of governments to tackle their common environmental issues through joint coordinated activities.<sup>2</sup> These RSC were designed initially to address mainly the impact of pollution but they did not regulate fisheries [34] and shipping and only recently have they been extended to include the protection of biodiversity. The same trend was observed in European Union (EU) policies, which moved from a sectoral to a more holistic marine management approach (i.e. managing the whole system rather than individual sectors such as shipping, energy, etc.); for example, this change is reflected in adopting the Water Framework Directive and other Framework Directives [5]. The Clean Water and Oceans Acts in the US have similar aims [38].

Marine management has long accommodated a vertical hierarchy of governance from the local to the global [20,5] and ecosystem governance (regarded here as the combination of policies, politics, administration and legislation) should be pluricentric where arrangements are

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<sup>1</sup> [http://www.un.org/depts/los/consultative\\_process/documents/A21-Ch17.htm](http://www.un.org/depts/los/consultative_process/documents/A21-Ch17.htm).

<sup>2</sup> At the present, more than 143 countries participate in 13 Regional Seas programmes: Black Sea, Wider Caribbean, East Asian Seas, Eastern Africa, South Asian Seas, ROPME Sea Area, Mediterranean, North-East Pacific, Northwest Pacific, Red Sea and Gulf of Aden, South-East Pacific, Pacific, and Western Africa.

taken at local, national and supra-national levels (see [42,49,29]; Van Kersbergen, van Waarden [51]), while characterised by non-hierarchical methods of control [40]. There has been a mismatch between ecological and management scales in the highly connected marine ecological components and systems and addressing this mismatch requires similarly-connected governance. Some of the consequences of this mismatch have led to the decline of fish stocks [55], alteration of food webs, biodiversity loss, increasing pollution [32] and, more generally, the loss of future economic opportunities [15]. For example, in Europe, the Common Fisheries Policy provided strong institutional tools at the central EU level for fisheries management but this has not led to sustainable fisheries exploitation [28]. At its last reform, the efficiency and legitimacy of the Common Fisheries Policy aims to benefit from a regional implementation where the decision-making process takes place at a level closer to the specific fisheries [44].

Achieving integrated management is not straightforward, since sectoral policies have a specific set of governance arrangements, different economic strengths and political influence [43,54]. Moreover, maritime activities occur at different spatial levels, from fixed structures (e.g. oil and gas extraction) to temporary and mobile activities (e.g. fishing and shipping) that occupy the three dimensional marine space [53].

Despite these difficulties, successful policy integration and international cooperation brings many benefits from ecological, political and socio-economic perspectives. For example, it is essential to address and prevent the impact of diffuse pollution (e.g. caused by shipping), as well as to manage many fish stocks whose distribution is larger than a single Exclusive Economic Zone [24]. Economic benefits can be achieved with lower costs if cost-effectiveness is analysed across countries (see e.g. [36]) and management measures will be more effective if and when coordinated across national borders [2,28].

The political advantages of a coordinated implementation of environmental policies are related to the effectiveness of the structures and networks that are used to overcome conflicts among marine sectors as well as to negotiate political decisions among governments. These structures are more valuable if all the parties have the opportunities to discuss their positions from an early stage [32] and throughout the whole implementation process [1].

This paper identifies the obstacles to the effective coordination and integrated implementation of marine policies which are essential to achieve the ecosystem management of maritime activities. To do so, the implementation of the Marine Strategy Framework Directive [35] and its coordination structures at the European level are used as an example. In particular, the analysis here investigates the effectiveness of existing coordination structures that support countries in the implementation of the MSFD and evaluates whether it is possible to implement the Directive in a coordinated way given the diversity in marine habitats as well as political and socio-economic landscapes within the four regions identified in the Directive – the Baltic Sea, the Black Sea, the Mediterranean Sea and the North-East Atlantic Ocean. Therefore, an on-line survey was developed covering the basis of the main weaknesses identified by the European Commission [8,17,16,19] and RSC reports in relation to the implementation of the MSFD.

The MSFD is one of the directives approved in 2008 by European Member States in the context of the Integrated Maritime Policy<sup>3</sup> to foster collaboration between countries to improve the status of the marine environment by 2020. This framework was the result of an extensive consultation initiated in December 2002 with stakeholders and actors from EU and non-EU countries [32,34], to identify best practices for marine management and exchange experiences. The results of the consultation were included by the Commission in the Proposal of the MSFD of the European Parliament and of the Council ([11] 505 final). Some Member States were against the interference of the EU

in marine affairs and many were concerned about a binding regional approach. Eventually, it was established that each country should define Good Environmental Status (GES) for their waters [3,34] and that such definitions will be assessed by the European Commission to ensure a coherent and coordinated regional implementation of the MSFD. The framework has been transposed into national legislation by specific marine strategies, whose preparation started with the assessment of the characteristics of marine waters (Article 8) including a detailed study of the main pressures and impacts and an economic and social analysis. On the basis of such an assessment, Member States defined what they considered GES of their marine waters (Article 9) and established a set of environmental targets to achieve it (Article 10). During the period 2015–2016, Member States developed and implemented Programmes of Measures to achieve GES (Article 13). These steps will be revised and repeated during the second 6-year cycle (starting in 2018) based on the previous experience gained.

## 2. Methodology

### 2.1. Survey of the Marine Strategy Coordination Group

The Marine Strategy Coordination Group (MSCG) was considered the most suitable group of experts to be surveyed as it is a platform of the Common Implementation Strategy where representatives of the Member States, stakeholders, international organisations, NGOs, European Commission (EC) and RSC gather to discuss their concerns, identify best practices and produce guidelines in support of a coherent implementation of the Directive ([17]). The MSCG is also responsible for coordinating and supervising other working groups engaged in data and information and knowledge exchange (WG DIKE), producing a regionally agreed set of common GES criteria, environmental targets and associated indicators (WG GES) and the cost-effectiveness of measures (WG ESA) [8].

The 52 participants of the MSCG that have attended the meetings at least once in the last 3 years were selected for the survey which was prepared using the Qualtrics Software<sup>4</sup> and e-mailed in April 2016. It consisted of seven questions, requiring the respondents to choose from single-choice, multiple-choice or by ranking the options provided (Table 1).

The first part of the survey comprised three sections. In the first section, participants were asked to identify themselves as one of three categories: EC representative, Member State authority or Observer. These two last category representatives were further asked to indicate their location as the Black Sea, Mediterranean Sea, Baltic Sea or the North-East Atlantic Ocean. In the second section, respondents were asked to rank, in order of importance, the most effective coordination structure. The third section aimed at evaluating the feasibility of a coherent implementation of the MSFD at regional scale. The response options provided aimed at indicating the adequacy of the coordination structures and identifying the elements (ecological, socio-economic and governance) that could hamper the regional coherence during all the phases of implementation. Respondents were also asked to indicate other elements other than those considered in the survey and to elaborate their answers where possible.

The second part of the survey included three sections which focused on three specific aspects of the MSFD: the selection of common criteria and indicators, the identification of common lists of species/habitats, and the establishment of environmental targets at regional level (Table 1). Of particular importance was the section aimed at understanding why countries were not able or willing to establish coherent sets of targets within their regions. The questions were designed to assess the adequacy of the support provided by a specific type of coordination structure, namely the four RSC, and the feasibility to

<sup>3</sup> [http://ec.europa.eu/maritimeaffairs/policy/index\\_en.htm](http://ec.europa.eu/maritimeaffairs/policy/index_en.htm).

<sup>4</sup> Qualtrics: Online Survey Software & Insight Platform.

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