

‘The Hare and the Tortoise’. Lessons from Baltic Sea and Mediterranean Sea governance.

Charlène Jouanneau and Jesper Raakjær

Innovative Fisheries Management (IFM) - an Aalborg University Research Center, Aalborg, Denmark

Correspondence: charlene@ifm.aau.dk

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. We aim in this paper 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.

Keywords

Governance; Regionalisation; Baltic; Mediterranean; Stakeholders; Participation

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 2020¹. 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 recognizes 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

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

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 Convention²) and in the Mediterranean in 1976 (Barcelona Convention³). 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 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 categorized 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 “Europeanization” 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)⁴ 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 heterogenous 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 jeopardize 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 organizational 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”⁵, 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

² Convention on the Protection of the Marine Environment of the Baltic Sea Area (Helsinki Convention)

³ Convention for the protection of the Mediterranean Sea against Pollution (Barcelona Convention)

⁴ http://eu.baltic.net/Baltic_Sea_Region_Strategy.7428.html

⁵ Le Lièvre et la Tortue, Fables de la Fontaine, Livre VI, 1668

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 States⁶ 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 emphasize 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) regionalization, 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 project⁷) stemmed from several papers emphasizing 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 approach⁸ 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

⁶ 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>)

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

⁸ In general, new institutionalism is concerned with the informal conventions of political life as well as with formal constitutions and organisation structures (Lowndes, 2002:91 in van Tatenhove, 2012)

“institutions, policies, laws and sectors would be nested into a tiered, internally consistent and mutually reinforcing planning and decision-making system”.

2. Regional Sea Governance : Two case-studies

The current management of European seas is a patchwork of initiatives and policies implemented at different organisational levels (national, EU, Regional, international) and there is an interest to understand what are the possibilities to “turn the tide” *i.e.* to unravel the EU multilevel governance and to develop integrated marine governance arrangements [16,17]. In the following we will portrait the governance arrangements in the Baltic States and Southern France in relation to MSFD implementation.

Semi-structured interviews were conducted in the two case studies regions between December 2011 and January 2012 within the context of a master thesis work. Ounanian et al. [22] identified the following sectors as the most socially, economically and politically important in the European seas: fisheries, offshore renewable energy, offshore oil and gas, coastal tourism, transport and shipping sectors. Stakeholders were thus selected within those sectors of activities. Additionally national MSFD coordinators under the Ministry of Environment, scientists and environmental NGOs (eNGOs) representatives were contacted for interviews. The stakeholders were selected using a mixed sampling design *i.e.* both for their belonging to a targeted sector (judgmental sample) and for their availability (convenience sample). In some cases stakeholders provided contacts to other relevant stakeholders (snowball sample) [23]. The 27 stakeholders were first asked about their awareness of the MSFD process and their impressions on the implementation of EBMM in their Regional Sea. In the second part of the interviews stakeholders expressed their views on potential improvements for governance structures. The interviews’ duration was between 30 and 120 minutes depending on the information to be obtained for the second part. Respondents all agreed to be tape-recorded. The language used for the interviews was English in the Baltic States, which was the second language for both stakeholders and interviewer. In France the interviews were done in French, which was the mother tongue for both. The qualitative data has been coded and analysed. This analysis was supplemented with a documentary study (policy documents and reports from relevant organisations).

2.1. Baltic States and Baltic Sea Governance

Estonia, Latvia and Lithuania are three interdependant countries having a common historical and cultural background and being formerly part of the USSR. They formed the Baltic Council in 1990 just before gaining independence. Since then they showed their enthusiasm for the EU, building their new institutions from European (especially German and Nordic) models and best practices [24] and making all efforts in the accession process. Reciprocally the Nordic countries have focused on developing increasingly close cooperation with the Baltic States to strengthen the Baltic Sea Region as a whole⁹. The Baltic States became integrated in HELCOM shortly after the fall of the USSR and have since then contributed actively to environmental assessments for the RSC. Little literature can be found on how marine management is envisioned in the Baltic States, which are a “*terra incognita*” for many scholars outside North Eastern Europe [25]. The Baltic States are small countries with most of the marine activities coordinated in a few cities (Tallinn, Riga, Klaipeda and Vilnius), which has enabled us to provide a good coverage of stakeholders' perspectives in this region.

⁹ <http://www.norden.org/>

2.1.1. Perspectives on current cooperation at the Regional Sea level

The HELCOM Ministerial Meeting, held in Moscow in May 2010, agreed to establish HELCOM as a platform for the regional implementation of the MSFD. HELCOM GEAR was created in 2012 as a joint management body for the MSFD and the BSAP. It replaced the HELCOM Joint Advisory Board, which coordinated the CORESET and the TARGREV project. Technical coordination of the national IAs has been conducted at the sub-regional level through cross-border projects. The EU Research and Innovation funding programme FP7 or the European Regional Development Fund have funded projects such as Marmoni¹⁰, GESREG¹¹, or BONUS¹². These projects bring scientists, eNGOs and governments together to coordinate the MSFD and the BSAP implementation.

Our respondents welcomed the fact that both strategies were addressed in parallel, giving Russia the opportunity to follow the MSFD proceedings. Stakeholders from the Baltic States emphasized their interest for the ecosystem approach and their specific needs for collaboration:

“In the three Baltic States we don’t separate regional policy and national policy because of the small size of the country. In Lithuania even more because we have only the port of Klaipeda. In Vilnius there is the transport Ministry, but the Maritime Safety Administration is located in Klaipeda. The system is more or less vertical between the transport Ministry, the Maritime Safety Administration and Companies.” [Lithuania, navigation sector representative].

Several respondents emphasized the difference existing between 1) the current coordination within research, government and the eNGOs from 2) the integrated management of all marine activities following the ecosystem approach. HELCOM was by many considered as an “environmental” body, resulting in fisheries, renewable energy, oil and gas, tourism representatives not being present in HELCOM on a regular basis. Thus, HELCOM was not considered as a possible platform for marine strategy coordination:

“There is no real formal regional coordination. It goes directly from the national level to Brussels. There is of course more coordination between the countries sharing marine borders, but we lack a Baltic coordination group in regard to the MSFD. HELCOM is an environmental body and cannot be the governmental institution for all activities. It is impossible to take up on all issues. It is only possible to create an effective platform if it is clear in people’s mind what is needed at the Baltic Sea level in relation to MSFD implementation.” [Latvia, MSFD coordinator].

2.1.2. Perspectives on stakeholder participation in EBMM

In the Baltic States the MSFD IA was on the top of the agenda for the MSFD coordinators from the respective Ministries of Environment. Most of funding of marine research to support the process is coming through EU projects. The economic sectors are not directly involved in the working groups and in general not familiar with the MSFD.

“The current focus of the MSFD is the IA, which is done by scientists and governmental experts, so it is not surprising that many sectors are not aware of the MSFD. For now we have roughly 25 experts working on different descriptors for the IA. And they gather their information from different stakeholders. So this would be the frame of cooperation between different sectors of activity up to now. For example

¹⁰ MARMONI - Innovative approaches for marine biodiversity monitoring and assessment of conservation status of nature values in the Baltic Sea, <http://marmoni.balticseaportal.net/wp/>

¹¹ GESREG – Good Environmental Status through Regional Cooperation and Capacity Building, <http://gesreg.msi.ttu.ee/en>

¹² BONUS – Science for a better future of the Baltic Sea Region, <http://www.bonusportal.org/>

to adress the descriptor marine litter, our scientists would contact the fishery sector, probably local municipalities probably, etc.” [Estonia, MSFD coordinator].

The navigation sector stakeholders were mostly concerned with the Integrated Maritime Policy (IMP) and argued that “clean shipping” would obviously go towards GES targets. Stakeholders from tourism or renewable energy were neither consulted nor very informed about the MSFD implementation process, likely because these sectors are managed nationally and by different ministries. The fisheries sectors are under the ministries of Agriculture, focus on the CFP reform and are generally little aware of the MSFD.

The Baltic Environmental Forum (BEF) includes the main eNGOs in the Baltic States and has initiated the national debates on applying the ecosystem approach. The BEF group closely follows the implementation of EU policies by organising workshops to discuss potential links to draw between the maritime and marine strategies, inviting stakeholders to present their views on the MSFD, fostering the development of Marine Spatial Planning, etc. Its cohesive actions were welcomed by science and governments and give good perspectives for future stakeholder involvement around the MSFD.

2.1.3. Perspectives for an improved Regional Sea governance

Stakeholders from science, eNGOs, national governments were confident about HELCOM’s capacity to ensure coordination MSFD-BSAP and the further development of EBMM tools such as the BaltSeaPlan (Maritime Spatial Planning project). The cooperation between HELCOM and national agencies was generally found to be satisfactory by those involved in the MSFD, and only requiring fine-tuning existing structures, whereas some stakeholders suggested creating an additional platform in order to include all sectors of activities. The coastal tourism and renewable respondents did not really envision HELCOM to become their platform for coordination, these sectors being currently managed at the national level only. Fisheries in the Baltic Sea MS have an informal network of cooperation (Baltfish) and the Baltic Sea Regional Advisory Council (BSRAC) including the relevant stakeholders within this policy area. One stakeholder considered regionalisation of fisheries management as the starting point for better cooperation. Integration with other sectors in relation to implement EBMM was yet not on the agenda of fisheries stakeholders, who feared that MSFD was “against them”.

“There will not be a win-win solution, fisheries have a very long history, and the windpower energy companies are seen as newcomers who want to make profit. So it is difficult to get a platform of discussion, we don’t have the same way of thinking. I think that this is going to destroy our coastal fishing activities. Local municipalities are against these projects. The Ministry of Economy gave licences for investigation on windpower energy. And after this will come the investigation for oil platform in our EEZ. There are good oil resources in the EEZ. I think in the next future there will start drilling. I am not happy with that.” [Latvia, fisheries representative].

The IA is presenting an inventory of the current knowledge on the Baltic Sea and several stakeholders suggested it was normal that only science and government were involved in such process. However, it was unclear what role economic actors should play in further steps of the MSFD and this was frustrating to many:

“Speaking about decision making and problem solving, this should be done inside each sector, it is useless to try to bring systematically everyone together, unless it is information meetings.” [Lithuania, navigation sector representative].

Some argued in deed that the MSFD descriptors and target levels to reach GES should simply be the upper limit set to all sectoral policies, setting the MSFD as an umbrella directive. Russia involvement

would yet need to be clarified, some respondents complain about the limited participation in addressing marine environmental issues mainly because of a lack of funding.

Overall the Estonia, Latvian and Lithuanian stakeholders seemed satisfied with the governance model of EBMM in the Baltic Sea region and had confidence in the present HELCOM driven approach, suggesting further involvement from economic sectors in the MSFD process.

2.2. Southern France and Mediterranean governance

The Mediterranean Sea case study is focusing on the French *Côte d'Azur*, in particular on the two cities Toulon and Marseille. In general France is keen to dialogue with all Mediterranean countries especially with the Southern countries. France has a strong cultural influence on its former colonies in Maghreb [26], notably for sharing the “francophonie”. The French long used the Mediterranean as a natural space for national projection [27] and attempted to integrate their European dimension into Mediterranean policy scenarios [26]. The development of the Barcelona process in 1995 leading to the inauguration in 2008 of the Union for the Mediterranean (UfM), a multilateral partnership aiming at promoting development and peace in the region, is such an example.

2.2.1. Perspectives on current cooperation at the Regional Sea level

In Southern France (Marseille) several institutes such as the Water agency, the “Blue Plan” (Regional Activity Center of the UNEP MAP) and the Institut de la Méditerranée are working in partnership with Southern and Eastern Mediterranean countries on projects related to protection of the marine environment. However, these organisations are not directly taking part in the MSFD implementation. Despite France is making great efforts to create a good national governance structure for the implementation of the MSFD, no strategy is developed to ensure cooperation of the Directive’s steps across the regional sea. During the IA, regional coordination was lacking even with closest neighbours such as Spain or Italy. This deficiency was highlighted by the French ministry of environment, which pointed out the difficulty to compare the French MSFD process with the one of other MS [28].

Several explanations were given for the lack of regional cooperation: “*The government’s strategy is to first coordinate the MSFD within national boundaries before engaging on cooperation with neighbouring countries.*” [France, maritime cluster representative].

Another explanation was the absence of regional body with the mandate to coordinate MSFD implementation, resulting in the IA being done individually by each of the seven EU Mediterranean MS. Stakeholders emphasized the risk that this would lead to different assessment criterias and delay the implementation of an appropriate programme of measures at the regional level:

“There is no organisation responsible for meeting GES objective at the Regional level, how can we enforce a Regional cooperation? Countries will work within their territorial waters if they do not have the proper regional platform, since it is countries which are now responsible to reach GES!” [France, researcher].

It should be noted that the Barcelona Convention in parallel to the MSFD development has adopted the “Ecosystem Approach” or EcAp at the 15th COP meeting (Spain, 2008). The EcAp is merely a copy of the MSFD, requiring contracting parties to realise initial assessments and programmes of measures following 11 biological descriptors. The Initial Integrated Assessment was completed in 2011 for the Mediterranean Sea. This allows for the implementation of an ambitious strategy for the Mediterranean Sea and bypasses the problem of having a majority of non-EU countries in the Mediterranean by funding a project “copy-pasting” the MSFD in the Mediterranean. However this bypassing was not considered fully legitimate as Southern Mediterranean countries did not feel thoroughly consulted and considered the whole process was imposed from the EU MS.

“Southern Mediterranean countries have tradition of own reflection and resistance to what is imported from the North. They want to work with the EU, but if done fairly balanced is to say that the EU can bring the know-how but the decision must be common.” [France, maritime sector representative].

2.2.2. Perspectives on stakeholder participation in EBMM

In France, national marine administrations were reorganised by water board during the “Grenelle of the Sea” in 2009 to support the IMP and the MSFD. Each water board is given the mandate to draft and implement an “Action Plan for the Marine Environment” (Plan d’Action pour le Milieu Marin). A national coordination expert group address three topics: 1) GES definition; 2) establishment of surveillance programmes and 3) coordination of the action plans into a marine strategy. A second “mirror group” is in charge of stakeholder consultation with different sectors in France. Consultation is currently an important step in marine management in France from national to local scale (e.g. roundtable discussions for windmill projects, public consultation for creating the Calanques National Park, etc.). During the 2010-2012 period, economic sectors stakeholders and one federation of eNGOs have been consulted in relation to the MSFD. The role of eNGOs has been limited to dissemination and information sharing. The economic sectors in the Southern France were represented through the “Pôle mer” (a maritime cluster) at two water boards in France. The cluster includes research laboratories, large companies and innovative SMEs oriented towards a more sustainable exploration of the sea. Pôle mer considered the new holistic policies such as the IMP and the MSFD as a mean to push for greening their technologies in line with the EU Strategy for “Blue Growth”¹³. Stakeholders from the fishing sector are represented by the National Fisheries Committee (Comité National des Pêches Maritimes) in the national consultation groups on the MSFD. Their concerns were as for the Baltic States more oriented towards the CFP reform and the local project development issues.

2.2.3. Perspectives for an improved Regional Sea governance

Three potential scenarios were envisioned by French stakeholders: 1) a national implementation of the MSFD with little coordination at the Regional Sea level; 2) EU MS imposing the MSFD to the Mediterranean actors to achieve GES in the whole basin; or 3) a more holistic long-term strategy on how to achieve EBMM.

The main arguments in favour of the first option were the barriers for cooperation between neighbouring MS. Indeed differences in national governance structures between e.g. France (very centralised); Spain (rather decentralised) and Italy (very decentralised); but also the lack of a regional platform dealing with the MSFD *per se* would render too risky investing at the regional level. As a matter of fact the French government seems to have adopted this more secure strategy:

“The governance issue should have been prior to all this independant work done at the MS level, but the time pressure and the lack of an existing coordination platform for MSFD purpose led Mediterranean MS like France to work independantly to be certain to meet the deadlines”. [France, maritime sector representative].

However there is no guarantee that the best short-term strategy would also be sustainable in the longer perspective.

Therefore, as a second possibility, stakeholders proposed to broaden the scope of action and mentioned the EcAp as the Mediterranean strategy that MS could use as a basis to coordinate the

¹³ http://ec.europa.eu/maritimeaffairs/policy/blue_growth/index_en.htm

MSFD. However some of our representatives emphasized that EcAp up to now has been strongly steered by the EU. Having EU extending its influence to full Regional Sea coverage could bring positive results in terms of environmental criterias, the northern MS highering the standards for the rest of the Mediterranean; yet this option would also mean keeping the leader/laggard division between the North and the South in the Mediterranean.

A third option was thus proposed, including social parameters. This option would aim to offer both EU and non-EU countries an equal voice building on large-scale legitimate organisations for discussion on the technical assessments of the EBMM and EcAp could be a step forward. In addition some diplomatic platforms such as the League of Arab States, the Arab Maghreb Union or the 5+5 Dialogue could empower South and East Mediterranean States into a dialogue with the EU, potentially using the European Neighbourhood Partnership as additional support.

“The institutional frame needs to be borne by different structures at different levels; scientific collaboration is necessary but not sufficient. Moreover the discourse needs to be regional. There are many structures in the Mediterranean which are not dealing with the MSFD but are important to involve in regional governance because they gather the users: Conference of Maritime Peripheral Regions; Coastal Cities Network; General Fisheries Commission of the Mediterranean; Water Agencies Network; Mediterranean Science Commission.” [France, Researcher].

In conclusion of this second case study we find very positive that the Mediterraneans aim towards implementing a joint EU and non-EU strategy. However, current governance structures might be weak and the challenges of gathering all Mediterranean countries are important. There is a strong belief among French Mediterraneans that such initiative could foster strong engagement at the local level and in synergy could provide a proper form of “soft governance”.

3. Discussion

The MSFD, although suggesting regional cooperation around marine regions, lacks much substance on this point and presents some incoherence: Salomon [29] mentions a “renationalisation” of the responsibility for solving the problems of the marine environment. At the same time fisheries social scientists argue against too centralized EU management of the sectors [20,21]. Surprisingly the use of the present regional governance structures is not evaluated in the national IA. Nevertheless, governance will likely be a key element to take into consideration in reaching MSFD objectives [2,16]. Raakjær et al. [17], in addressing the challenges associated to the implementation of EBMM in European regional seas from a governance perspective, suggests a rethinking of the existing structures by integrating the various sectors into a regional network of coordination engaged in marine governance and MSFD implementation.

The perspective of the governance of the Baltic Sea and the Mediterranean from local stakeholders in the Baltic States and South France presented in our study could have been done using several grids of analysis. We decided to analyse levels of integration both "vertically" looking at how the regional level was used, but also "horizontally" from looking into cooperation of different sectors in the MSFD strategy. Based on the case studies it is clear that MSFD implementation will take different shapes across Regional Seas, because this Directive has to adapt to different regional contexts and multiple stakeholders perceptions.

3.1. One Directive, several regional contexts

Stakeholders involved directly with the MSFD in the Baltic States perceived that they were following the present path set by HELCOM. Baltic Sea governance was indeed already in an advanced stage of regionalisation when the MSFD was adopted, making HELCOM the obvious platform to be used for coordination [2]. Moreover the MSFD was merely coming in reinforcement of the BSAP. However we found that those directly in charge with the MSFD implementation had very little interaction with economic sectors. HELCOM was perceived by economic sectors as being more of an “environmental” platform. Thus, MSFD implementation in the Baltic sea is currently lacking broad stakeholder participation. The Baltic Sea Region has established itself as a viable political project, but Scott questions if this *makes a true difference “in terms of the critical economic and environmental issues which have brought many cooperation partners together in the first place”* [30]. The author adds that what might look like a bottom-up process initially created as Baltic Sea regionalism is *“clearly dominated by the very specific interests and agendas of nation-states and the European integration process”*.

The Baltic Sea might be right in what Pierson and Mahoney label as path-dependancy, where the mechanisms of institutional reproduction may be so causally efficacious that they lock-in a given institutional pattern, making it extremely difficult to abolish [31,32]. This institutional lock-in may be even stronger with the Baltic governance being more and more embedded in European multi-level governance; EU regulations and EU funding shaping the socio-economic and political development of the whole region [6].

If the “Europeanisation” process has once contributed to steer environmental policies, alternatives to a EU centered management should be available. This was very much emphasized through the interviews with Mediterranean stakeholders who labelled MSFD as an EU focussed initiative and would prefer to use a more neutral instrument in the development of a regional strategy. The UNEP MAP sketched the EcAp around the time where the MSFD was adopted by MS. However, Mediterranean Sea governance still is in a situation of “institutional ambiguity” [3] since the Barcelona Convention does not have the mandate to force all partners to implement MSFD [2]. The “absence” of effective governance has fostered creative thinking on future options for the Mediterranean Sea. Governance is perceived as a key element to deal with MSFD implementation at the regional scale and to create legitimacy by ensuring all countries are involved in a regional platform.

It was generally perceived that Mediterranean countries could reach strong and legitimate agreements on EBMM without necessarily using EU guidance. The MSFD was suggested to be used only as the tool for MS to implement the legitimate strategy decided upon at the Regional Sea level. Such differentiated approach would allow EU to keep strengthening its own standards whilst making sure than the neighbouring countries could engage in regional strategies.

3.2. One Directive, multiple stakeholders' perceptions

Stakeholder involvement at the Regional Sea level is quite limited in both case studies and primarily including science, MSFD coordinators and eNGOs. The navigation sector was involved with the MSFD at the regional level in the “HELCOM Maritime” group for the Baltic; and at the national level in France within a maritime cluster contributing to the discussion on the MSFD. Commonly stakeholders perceived that following sector specific policies would lead towards GES anyway. Nonetheless, stakeholder involvement in the MSFD was at the Regional level not perceived as the *sine qua non* condition to reach GES. It was mentioned that the IA process should essentially engage science stakeholders, whereas the development of the programme of measures from 2014 would likely require the involvement of economic sectors:

“The definition of governance is to maximise actors’ voice, but they are involved with different interests. The MSFD should touch all the sectors in the sense that it should be the directive setting the thresholds not to exceed. I am not sure yet whether the industry should be consulted or just comply to these thresholds based on scientific advice.” [France, Water Agency representative].

This view was also found in the Baltic Sea:

“There are two different ways to see: first the economic actors are interested to produce goods and services and to make profit out of that. They want to be green for good or bad reasons, and the activity assessment can come from the enterprise. Secondly, the regulations have to come from the top level to ensure GES. Those two directions have a bit different logistical structures. For industries the project first starts with the interest of the enterprise to make a business, then consultation and negotiation. There should be a decision made at this point according to the compliance to MSFD descriptors.” [Estonia, researcher].

4. Perspectives

In the introduction we caricatured the leader-laggard scheme which opposes the Mediterranean and the Baltic Sea with the aim to explore whether this duality was encountered in the way the two regions implement the MSFD. Based on stakeholder perceptions in the Baltic States and the South of France, although their views will need to be completed with those of other countries surrounding the two Regional Seas, we have found that that the situation is not as clearcut as the leader/laggard scheme leads to believe. Comparing the Mediterranean and the Baltic perspectives on the MSFD governance underlined the importance of understanding the regional context. The Baltic Sea was pictured as the Hare to symbolise its “leader” position in Europe for environmental management. The Mediterranean, caricatured as the tortoise, was expected to show much difficulty in the implementation of the MSFD because it lacked the appropriate structures to allow cooperation at the regional sea level.

Following the view of the French stakeholders in relation to regional sea coordination of the MSFD however makes us suggest that the Mediterraneans might be more forward thinking in relation to governance issues than they are giving credit for. The reason is that implementing MSFD in a regional sea context where two thirds of the countries are non-EU MS requires rethinking on the governance approach; combined with a long-term perspectives focussing on particularly the importance of ownership and legitimacy *i.e.* not imposing the MSFD as an EU exercise. It would rather be necessary to adopt a “Mediterranean approach” to avoid an EU/non-EU division. The EcAp is acknowledged for being such a holistic approach. Within this framework the Mediterranean MS could use MSFD as a “tool” to push further the EcAp recommendations, and the forthcoming development of the programme of measures in the MSFD, which requires close coordination.

The Mediterranean stakeholders are creating their own legitimate regional arrangement to achieve EBMM and hereby to some degree proves not to be “laggards” of the EU. However, the Mediterranean countries are at a turning point in relation to EBMM and regional sea governance, and there is still a way to go for the Mediterranean countries in their effort to develop well-functioning institutional structures.

The countries around the Baltic Sea have been engaging in EBMM for several years. We suggested that the Baltic Sea could present some kind of path dependency within the existing governance structures. Not necessarily being “blind faith”, it can just imply that structures in place are “not bad enough” for stakeholders to perceive a problem in governance *per se*. The challenge ahead in reaching the MSFD objectives is related to environmental bodies and economic sectors having little contact and this prevents creation of a joint strategy. The Baltic Sea institutions were already “in place” for the technical part of the MSFD therefore IA were conducted in cooperation with neighbouring countries in

the Eastern Baltic. The Baltic stakeholders referred to existing structures no allowing scope for maneuvering: *“things seem more frozen in the Baltic Sea”*. We have seen that HELCOM is already perceived as very research-oriented, and if this trend continues it will be clear that coordination with e.g. the Baltic RAC will be difficult and in general the implementation of the MSFD will lack support from most sectors. At least it is not clear that HELCOM is prepared to master the coordination with the economic sectors in for implementation of the program of measures, and there might be a need to rethink the governance set-up for this next step of the MSFD implementation in the Baltic Sea.

In the Hare and the Tortoise the tortoise ends up winning because the hare is so sure of himself that he does not start running until late. It would be provocative and premature to suggest that this conclusion of the fable would also be an analogy of the situation in the Baltic and the Mediterranean because we don't know if the Mediterranean will be adopting a progressive implementation strategy. Furthermore, the Baltic Sea countries and HELCOM will likely gain momentum and develop collaboration including all sectors. Moreover the two case studies suggest a situation more complex to analyze than the extremely simplified scheme opposing the hare to the tortoise. We have been portraying two very different challenges influenced by numerous sets of drivers at play, which all impact on what might be the appropriate governance setting and subsequently on the implementation of the MSFD.

We can however take the moral of the fable (“slow and steady wins the race”) as food for thoughts on regional sea governance needed in the implementation of the MSFD. Pushing MS with obligations to fulfill deadlines on time could postpone the thinking about cooperation towards the goal: GES. It seems unlikely that this goal would be reached by 2020 but a more progressive/coordinated approach could more effectively go towards it. Thus, we believe that the race should rather be towards GES than towards the implementation of the MSFD. Whilst IA have been submitted by all countries, we have found only limited consideration on the cooperation at the regional sea level suggested in the MSFD and on whether the platform used have been appropriate for serving this purpose.

Overall the challenges were not the same in the two regions in terms of governance of an EBMM. The Baltic States were following an ongoing process inside their regional structure steered up by the EU, making it even more stable. The implementation of holistic directives in the Mediterranean has brought to light a number of paradoxes and dilemmas that will only be solved by “thinking out of the box”.

Competing interests

The authors declare that they have no competing interests.

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