



Matching environmental issues to suitable governance bodies in the Baltic Sea

Policy Brief

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Highlights

- Different environmental issues interact differently to existing governance arrangements due to their innate characteristics.
- Some issues are better served by existing governance arrangements than others.
- Sea-floor integrity is an example of a relatively well served issue, while ALDFG is poorly served.
- ALDFG governance can be improved through the adoption of a common coordinating body.
- This policy brief is a result of research conducted by the PERMAGOV project which sets out to improve EU marine governance so that it can better meet the goals and objectives established in the European Green Deal.

Governance arrangements are not one-size-fits-all

HELCOM and the EU are the dominant multilateral bodies involved in environmental governance in the Baltic Sea. Multilateral bodies such as these provide a crucial platform where states that do not share a sovereign governance system can interact and advance common priorities. Two environmental issues considered by these bodies are sea-floor integrity and abandoned, lost, or otherwise discarded fishing gear (ALDFG). These issues each have a unique set of stakeholders, rules, and power distribution which lead to different interaction dynamics within these bodies.

Further complexity arises because both issues are governed through polycentric governance - when authority is (unevenly) distributed among various centers of decision-making at different spatial levels. For both issues, important decisions are made by a wide range of partially connected actors across multiple levels. Such governance systems can be weakened by loosely connected processes that often have overlapping and sometimes even incompatible objectives. This can be partly avoided by well-functioning coordination.

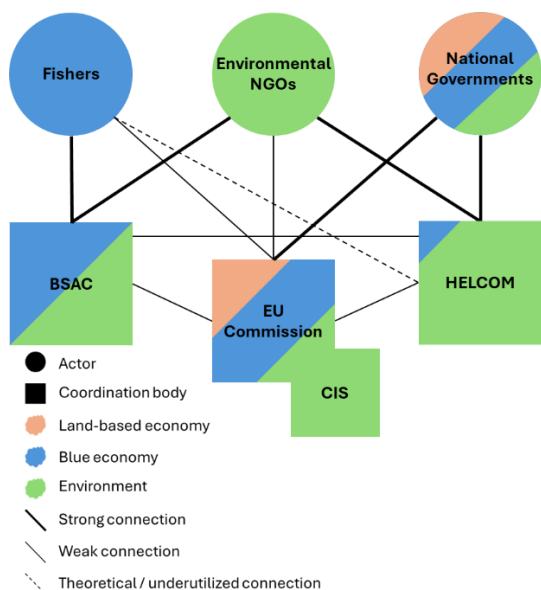
In the case of seafloor integrity, HELCOM, the EU, and the Baltic Sea Advisory Council (BSAC) already share an inclusive and functioning governance arrangement. ALDFG governance is more challenging, due to the highly diverse set of stakeholders and lack of a common coordinating body. Coordinated comprehensive management of ALDFG remains limited under the current governance arrangement, in part due to the absence of a platform capable of facilitating dialogue and joint planning among stakeholders.

Suitability of the governance arrangement for sea-floor integrity

The protection of seabed habitats is vital, as they play a key role in the functioning of the entire marine ecosystem. They support biodiversity, provide breeding and nursery grounds for many species, and help maintain food webs and regulate the climate. Managing the seabed and its integrity requires an ecosystem-based approach that holistically addresses interactions both within the ecosystem and between the ecosystem and multiple human activities.

Within the EU, the protection of seafloor is regulated through the Marine Strategy Framework Directive (MSFD) and its Descriptor 6 'Sea-floor integrity'. The implementation of the MSFD is coordinated through the Common Implementation Strategy (CIS). National actors dominate the CIS processes while NGOs and to a lesser extent, industry, also regularly participate. However, variation in environmental conditions and national governance approaches weakens practical coordination at this level. To combat these factors, the MSFD creates a regional coordination role for each of the European Regional Sea Conventions – HELCOM in the Baltic Sea.

HELCOM promotes the protection of benthic habitats through the 'Baltic Sea Action Plan' and several HELCOM working and expert groups address seafloor issues. HELCOM also has dedicated recommendations and



guidelines directed at the management of the seafloor. Within HELCOM, only the Contracting Parties (countries) hold voting power, however, NGOs are also prominent contributors to HELCOM's work as Observers. While a variety of industry groups are officially HELCOM Observers, they rarely participate.

The Common Fisheries Policy (CFP) also has an important role in environmental protection. Among other management processes, the CFP created the Regional Advisory Councils (BSAC in the Baltic Sea) to strengthen stakeholder participation in fisheries governance. BSAC serves as a platform for fishers and NGOs to build trust and reach consensus on fisheries issues. This collaboration includes addressing specific concerns such as the impacts of fishing on seabed habitats.

As outlined in the figure above, the governance of seafloor integrity is multi-layered and polycentric. However, each primary actor is active in at least one coordinating body, each coordinating body has a clear and statutory mandate, and there are clear connections between the coordinating bodies. This governance arrangement is reasonably well structured, despite being the result of multiple intersecting policies. Governance challenges remain, including weak enforceability of the MSFD and limited coordination across policies and sectors. The forthcoming clarification of sea-floor threshold values is expected to strengthen the enforcement of the MSFD and **HELCOM is currently drafting a common approach to sea-floor management, which provides an opportunity to propose improved coordination mechanisms at the regional sea level.**



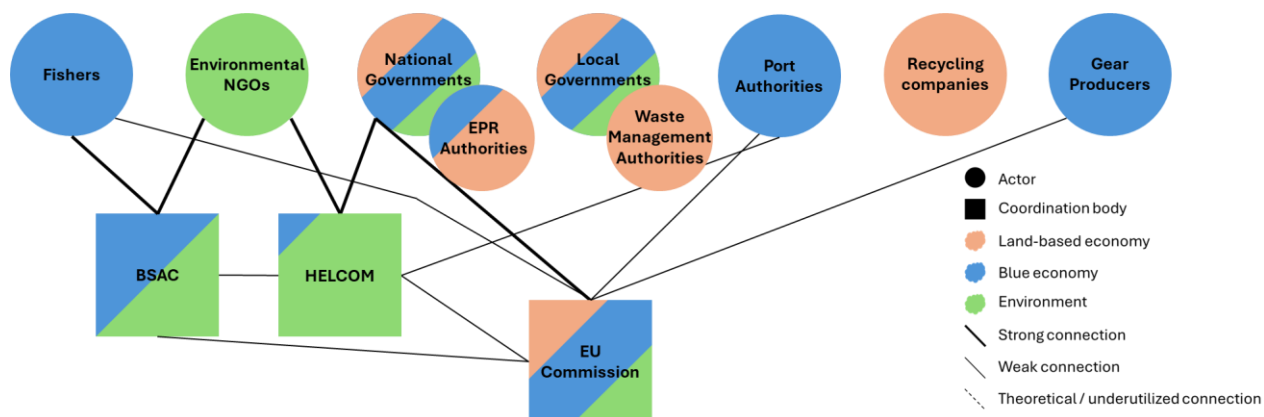
Suitability of the governance arrangement for ALDFG

ALDFG negatively impacts marine habitats and wildlife and poses significant risks to human activities like maritime transport. Despite increasing awareness of the consequences of plastic pollution on the marine environment, the challenge of ALDFG persists due to both new gear entering the sea and gear that has been in the sea for decades. Within the Baltic Sea region, ALDFG is addressed through a multi-layered and cross-sectoral governance system, anchored in EU, regional, and national policies - as shown in the figure below.


The EU plays an important role in sectoral management of ALDFG. It influences fisheries through the CFP, EU Marine Action Plan, and Fisheries Control Regulation; waste management through the Port Reception Facilities Directive and Waste Framework Directive; and plastics governance through the Single Use Plastics Directive. However, many initiatives such as Extended Producer Responsibility (EPR) schemes, reporting of lost fishing gear, establishing waste management strategies, and operating ports are implemented at the national or sub-national level. As a result, it is necessary to bring together diverse actors across governance levels and sectors to address ALDFG in a coordinated manner. Of these regulations, only the CFP establishes a clear coordination body relevant to ALDFG – the Regional Advisory Councils (BSAC in the Baltic Sea). The other regulations primarily rely on markets or Member States to drive change. A prime example of this distributed responsibility is the nationally organized EPR regimes. While varying national conditions demand tailored national approaches, a lack of coordination across Member States is seen as a significant challenge by industry.

From the perspective of environmental management, the EU's MSFD is the primary framework for ALDFG. At the Baltic Sea level, HELCOM serves as the primary MSFD coordination group for regional action on ALDFG, with two working groups and one expert group addressing the topic, as well as the HELCOM Revised Regional Action Plan on Marine Litter (RAP ML). Within HELCOM, only the Contracting Parties (countries) hold voting power. However, NGOs are also visible contributors to HELCOM's work as Observers. While a variety of industry groups are officially HELCOM Observers, they rarely participate.

Comparing the ALDFG governance figure below to that of sea-floor integrity, ALDFG clearly lacks the stakeholder connections present in sea-floor integrity. The wide range of policies used to manage ALDFG has not resulted in a well-structured governance arrangement. **HELCOM is preparing to update the RAP ML which provides an opportunity for improving coordination mechanisms at the regional sea level.**



Comparing potential barriers to effective governance

Increasing risk of significant governance barriers 			
		Sea-floor integrity	ALDFG
Governance factors	Stakeholder simplicity	High. While many human activities impact the sea-floor, sea-floor ownership is dominated by states, which increases the effectiveness of command-and-control governance strategies. However, note that in Sweden and Finland, private ownership of nearshore areas increases complexity.	Very low. The complex life cycle of fishing gear brings with it significant stakeholder diversity, including fishers, environmentalists, waste management, recyclers, gear producers, and ports.
	Regulatory simplicity	High. The central piece of legislation is the MSFD with a smaller role for the CFP.	Very low. No central piece of legislation exists. ALDFG is a component of the CFP, SUPD, PRFD, MSFD, and national EPR schemes.
Regulatory factors	Monitoring and enforcement simplicity	Low. Sea-floor condition is very difficult to monitor at scale, which also leads to enforcement challenges.	Low. Much of the ultimate responsibility lies with fishers behaving in responsible ways, even in cases when it is not economically beneficial. Global markets and current import practices also make it easy to purchase lower quality cheap fishing gear.
	Regulatory coherence	Very low. The CFP makes spatial protection difficult to implement, and the MSPD is isolated from environmental regulations.	Moderate. While the objectives of the fractured and complex regulatory environment generally align, the regulations remain isolated.
	Regulatory strength	Low. MSFD, while comprehensive, is relatively weak, particularly as sea-floor integrity threshold values are not fully developed.	High. Many of the ALDFG portions of these regulations provide clear requirements for specific actors, which are relatively easy to enforce. However, poor quality gear is easily obtained from international sellers.
Coordination factors	Prominence of coordination bodies	Very high. All three major coordinating bodies (HELCOM, BSAC, Common Implementation Strategy [EU Commission]) hold statutory positions related to sea-floor integrity management.	Very low. Coordination is either sectorally fractured or absent. Many areas rely on regulation and markets to achieve desired outcomes.
	Participation by stakeholders in coordination	High. All relevant stakeholders are participating to some degree in one or more of the coordination bodies.	Very low. Coordination bodies are not considered equally relevant by all stakeholders.
CFP – Common Fisheries Policy EPR – Extended Producer Responsibility MSFD – Marine Strategy Framework Directive		MSPD – Maritime Spatial Planning Directive PRFD – Port Reception Facilities Directive SUPD – Single-use Plastics Directive	

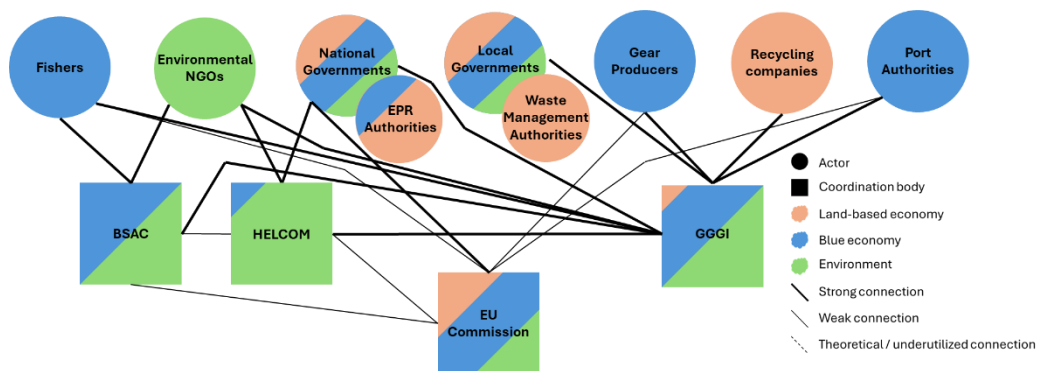


Recommending an alternative governance arrangement for ALDFG

A governance approach called inclusive multilateralism, which has gained increased attention at organizations like the UN, could be an effective approach for ALDFG in the Baltic Sea region. Inclusive multilateralism expands multilateralism by involving the full range of relevant actors including non-sovereign governments (i.e., cities and states), civil organizations, and businesses. This approach recognizes and embraces the knowledge and power of these groups to implement meaningful change.

Each of the coordination bodies working in the region on ALDFG face structural barriers to their capacity for comprehensive ALDFG coordination. BSAC and HELCOM have mandates that are well suited to their core missions but do not provide an equal platform for all actors. While subgroups could be established under the umbrella of either body that respond better to the governance environment, the strong reputations of these organizations would likely still be a bias against participation for some stakeholders. The EU is well suited to a broad range of stakeholders but is a poor fit for the geographic scale of the work.

PERMAGOV recommends that regional actors adopt one or more shared coordination platform(s) which can serve the full range of stakeholders. In the alternative governance arrangement proposal below, all stakeholders have a single platform to discuss the common issue of ALDFG, allowing for the development of solutions beyond each stakeholder's traditional silo. However, as the region is already familiar with polycentric governance arrangements, other arrangements with more than one coordinating body can be equally effective provided there is sufficient exchange between the bodies. **PERMAGOV is further proposing the Global Ghost Gear Initiative (GGGI) as a potential coordinating body for the region.** Being the only global, cross-sectoral alliance dedicated to driving solutions to address ALDFG, GGGI has a strong record of cross-sectoral relationships and provides significant topical expertise. HELCOM, plus several Contracting Parties and HELCOM Observers, are also already members of the alliance. GGGI could serve as a neutral actor in the ALDFG space and provide a platform to build stronger cooperation throughout the region.



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