MARINE SABRES

Funded by the European Union

Marine SABRES Deliverable 3.2 Briefing Paper 9.

Marine Governance Briefing Paper

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DOCUMENT INFORMATION

Version	Date	Description			
		Responsible	Authors	Reviewed by	Approved by
1	27/03/23	WP3.2	Suzanne J. Boyes & Michael Elliott		
2	07/12/23	WP3.2	Suzanne J. Boyes & and Michael Elliott		

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This briefing paper was produced under the Marine SABRES Project: Marine Systems Approaches for Biodiversity Resilience and Ecosystem Sustainability. Funded by the European Union's Horizon Europe research and innovation programme under grant agreement no. 101058956 and the UK Research and Innovation Fund, UKRI Project numbers 10050525 and 10040244.

This briefing note is one in a series of documents aimed at supporting the Simple Social-Ecological Guidance. For the complete set of briefing documents, please refer to the accompanying signposting document, which can be found here.

Recommend Citation: *Boyes, S.J., Elliott, M. (2023). Marine Governance Briefing Paper, Deliverable 3.2. Marine SABRES, European Union's Horizon Europe research and innovation programme under grant agreement no. 101058956. and the UKRI Project Number 10050525*

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1. Marine Governance Overview

Marine governance includes legislation, policy, politics, administration, and the interplay among them (Boyes & Elliott, 2014). Governance has also been defined as structures and processes that are designed to ensure accountability, transparency, responsiveness, rule of law, stability, equity and inclusiveness, empowerment, and broad-based participation (UNESCO, 2021). Managing the marine environment to protect its ecological function and sustainability is carried out using a complexity of governance strategies. Countries are bound firstly by national policies, laws and agreements, and secondly by external agreements and laws which address regional, transboundary and international concerns by being signatories to global initiatives such as the United Nations Convention on the Law of the Sea (UNCLOS) and the Convention on Biological Diversity (CBD).

Within the European Union (EU), many thematic initiatives have been developed and implemented by Member States to ensure integration between the management of regional seas, including spatial planning to ensure human activities are managed in a sustainable manner to achieve ecological, economic, and social objectives; the protection of vulnerable marine habitats; encouraging cross border cooperation; and the need for integrated marine governance in EU Member States. Particular attention must be taken to accomplish the goals of the Directive 2014/89/EU establishing a framework for Maritime Spatial Planning (MSP).

Governance systems set the parameters under which management and administrative systems will operate to achieve the desired results, and to ensure stakeholders are held accountable for their actions (UNESCO, 2021). It is common in most countries that the plethora of marine activities are managed by numerous statutory and competent authorities, departments, and administrative agencies (Boyes and Elliott, 2015). These bodies are bound by national and international law to protect and manage the marine area through International or European initiatives such as MSP, and the protection of important conservation features through networks of protected areas. In most countries, there is no one single government department or agency which manages and coordinates the management of the marine environment, and usually different economic sectors (e.g. fisheries, energy, transport) are all managed under different ministries. Many countries apparently have many government departments or agencies with differing priorities which can lead to overlapping jurisdictions, duties and competencies and in some cases gaps in management (Elliott et al., 2006, 2022).

Marine management can be regarded as a pyramid moving from the local to the global aspects and vice versa, what may be termed vertical integration, and in which the governance and management of all sectors (navigation, fisheries, etc) need to be managed together (termed horizontal integration) (Cormier et al., 2022; Figure 1). Each stratum in the pyramid has a differing number of statutory instruments, from the large number of Environmental Impact Assessments (EIA) covering each activity in an area, to the few global instruments and agreements. Similarly, the instruments may cover a small area, such as an activity footprint covered by an EIA (see Elliott et al., 2020) to the large areas covered by MSPs and the even larger areas covered by regional and global instruments (Figure 1). Accordingly, MSP is required to encompass that horizontal and vertical integration.

Each Demonstration Area within Marine SABRES will carry out an audit of the marine governance framework, including an interrogation of the complex governance framework and also map the organisations and agencies responsible for implementing and enacting those legislative instruments and agreements (see Simple SES guidance document for instructions (Gregory et al., 2023)). All acronyms used in this working document can be found in Annex 1.

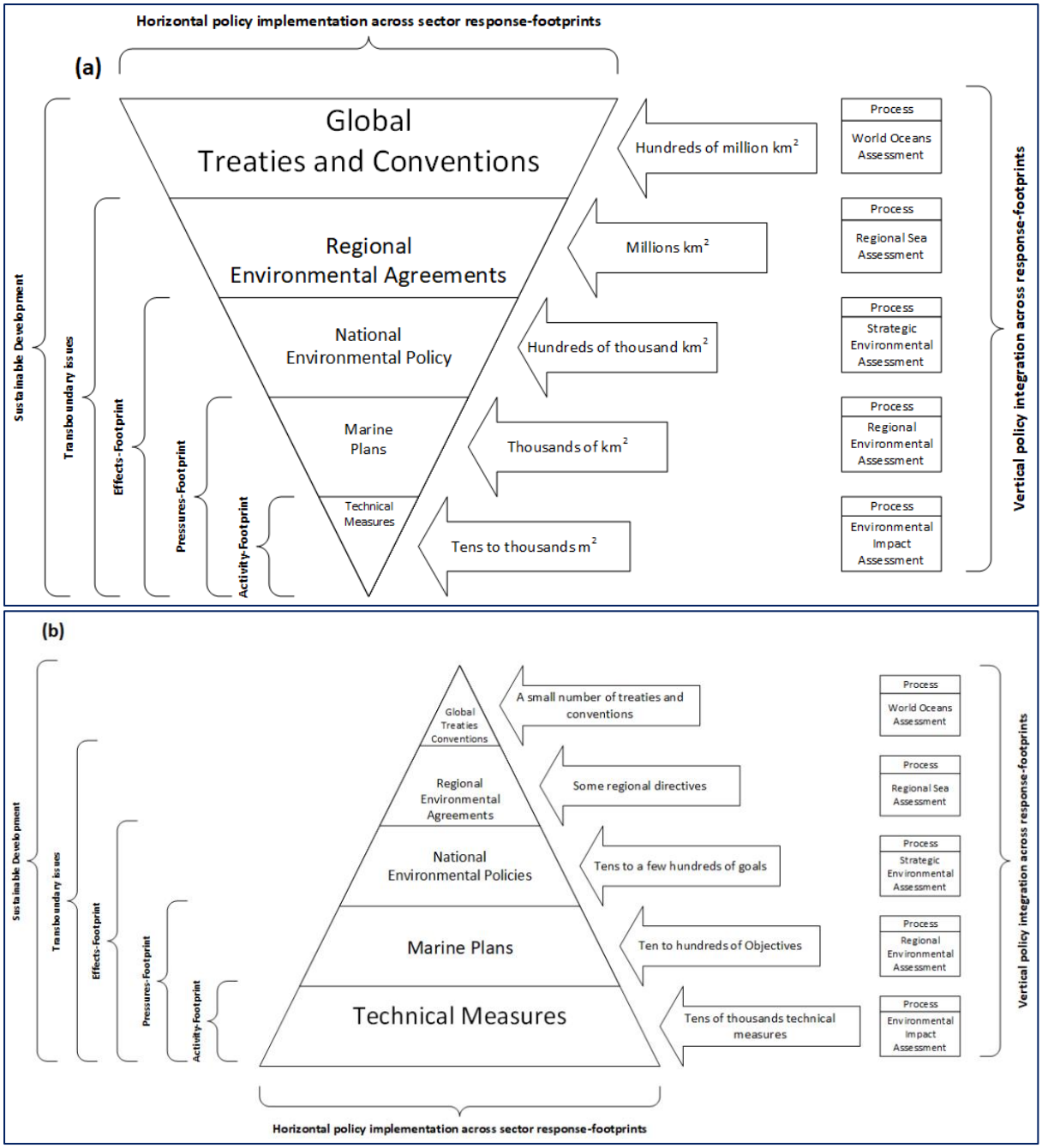

Figure 1. The 'management response-footprint pyramid' – showing both (upper) the areas covered by management response-footprints and (lower) the number of policy instruments; horizontal and vertical policy integration is also denoted (Cormier et al., 2022)

The management response footprint elements can then be represented as a site-specific framework for each marine area and maritime state. A legislation figure (horrendogram) showing the existing environmental legislation in the UK (Boyes & Elliott, 2014, updated post Brexit by Elliott et al., 2022) will be adapted and used as a template for providing insight into the marine environmental legislation frameworks of the 3 Demonstration Areas in Marine SABRES (Figure 2). This has been successfully used as a tool by other researchers to map marine legislation in several other countries worldwide (see Monwar et al., 2020) and within the EU projects MarinePlan and MARBEFES. From the centre moving outwards, the horrendogram maps the vertical governance levels from the international (e.g., United Nations), regional (e.g., European Union) and national laws (e.g., country specific implementation) related to marine management which encompasses all activities required to be factored into marine spatial planning management. Sectors, as the types of marine use, have also

been grouped into segments on the horrendogram based on their management through national legislation (although there are obvious connections made between different sectors to ensure targets are being met). These groups include ecological protection, fisheries, water quality, flood and risk assessment, marine spatial planning, climate change, strategic environmental assessment (SEA), environmental impact assessment (EIA), shipping and general ocean management.

Within the SES, the Demonstration Area partners will identify and characterise the number of statutory organisations and agencies that have a strategic role in MSP, MSFD and managing and designating MPAs within the Demonstration Areas. This will assist in the creation of organograms for each Demonstration Area as demonstrated in Figure 3a which gives an example of the UK Government marine organogram (predominantly for England) indicating the main bodies within each government department and their principal competencies (Elliott et al., 2015, 2022). As a subset, because of its importance for the marine environment, Figure 3b shows the dominant lead marine body in the UK (Department for Environment, Food and Rural Affairs (Defra)) and its associated agencies for marine management.

The figures indicate that a country can have many government departments with a marine competency, not only the more obvious ministries and departments such as environment and trade, but also defence, foreign affairs and transport. Each Demonstration Area may have to indicate department/ministries that have joint responsibility, for example with a remit for climate change and the environment. The governance section of the ISA Process and Information System (BP 10: *Process and Information Management System (PIMS)*) will provide the guidelines and set of instructions and templates for each Demonstration Area to complete both a legislation and administration audit to determine the governance of the Demonstration Area, particularly in relation to the protection and management of Marine Protected Areas (MPAs), Maritime Spatial Planning (MSP) aims and the Marine Strategy Framework Directive (MSFD) objectives. This information will then be mapped graphically in a horrendogram and an organogram.

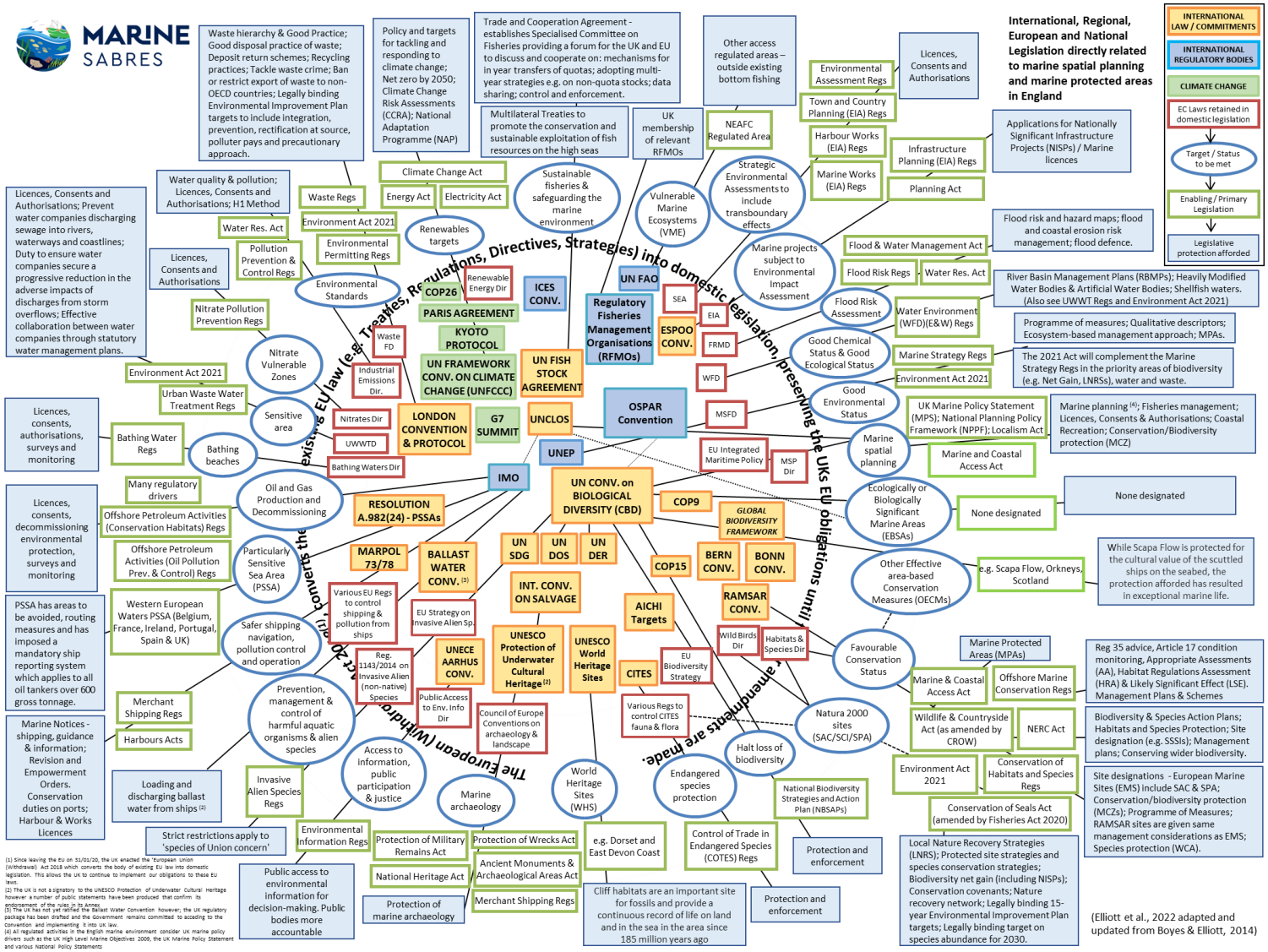

Figure 2. Current UK Marine Governance (expanded and modified from Boyes and Elliott, 2014, 2016) relating to the post-Brexit changes and the implementation of new UK Acts (Elliott et al., 2022).

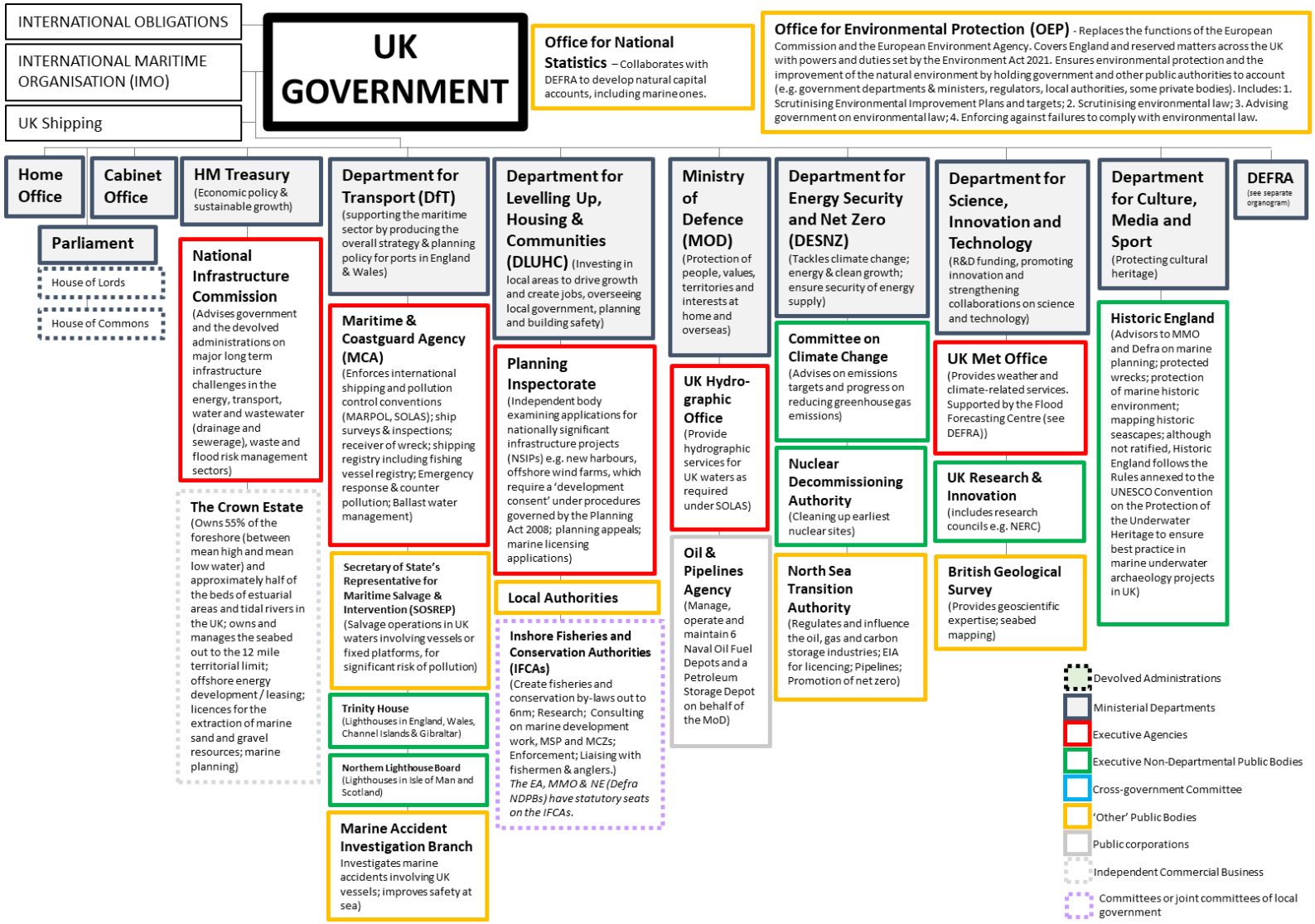

Figure 3a: The UK Government marine organogram (predominantly for England) indicating the main bodies and their predominant competencies (updated from Elliott et al., 2022).

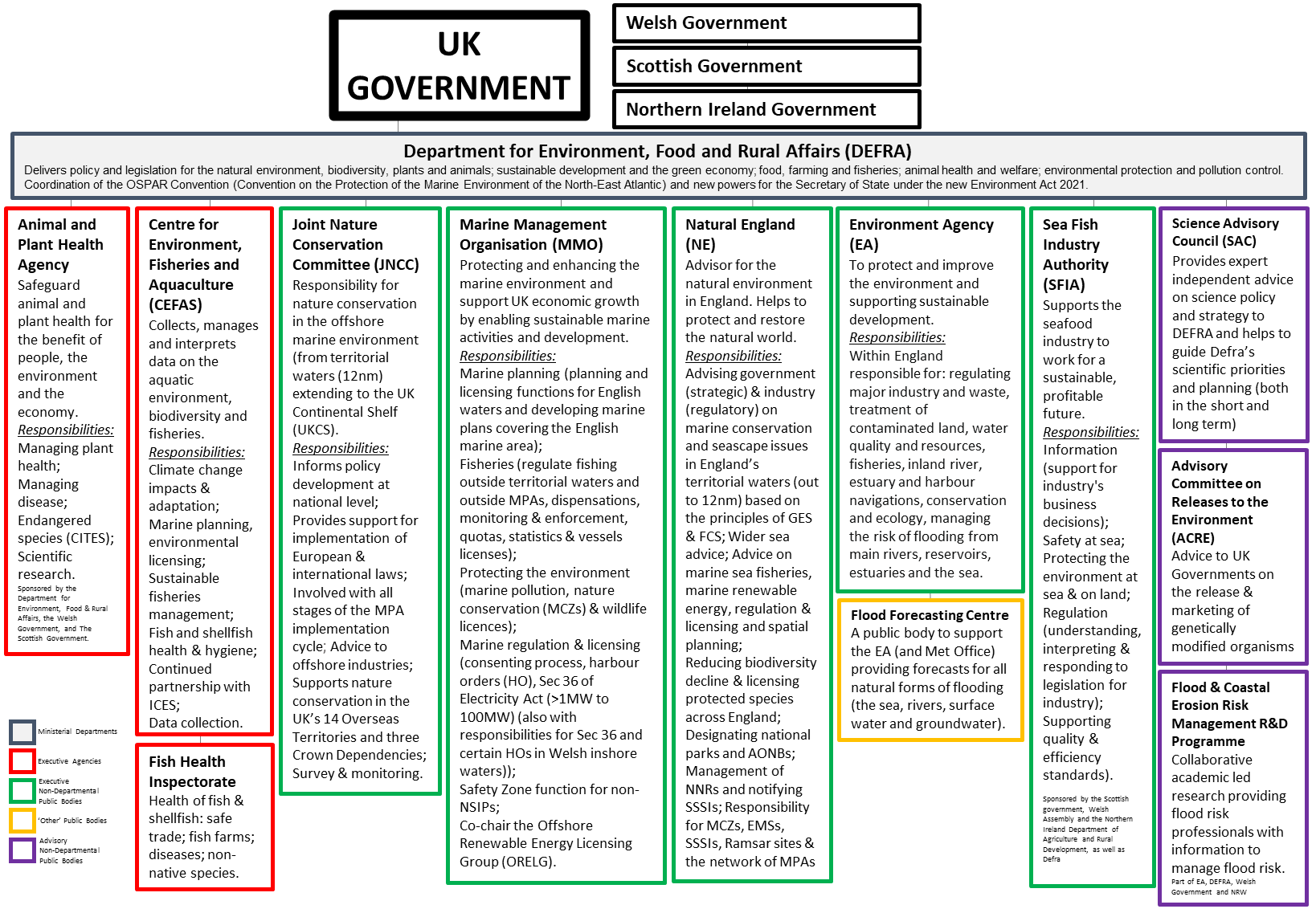

Figure 3b: Organogram specially detailing the agencies and bodies under DEFRA (updated from Elliott et al., 2022).

References

Biodiversity A-Z, 2016. Ecologically or Biologically Significant Areas (EBSA) Ecologically or Biologically Significant Areas (EBSA) definition | Biodiversity A-Z (accessed 09/12/22)

Boyes, S.J. & Elliott, M. 2014. Marine Legislation – the ultimate 'horrendogram': International Law, European Directives & National Implementation. Marine Pollution Bulletin, 86(1-2): 39-47. doi: https://doi.org/10.1016/j.marpolbul.2014.06.055

Boyes, SJ, Elliott, M. 2016. Viewpoint: Brexit: the marine governance horrendogram just got more horrendous! Marine Pollution Bulletin, 111: 41-44. doi: https://doi.org/10.1016/j.marpolbul.2016.08.020

Boyes, S.J. and Elliott, M. (2015) The Excessive Complexity of National Marine Governance Systems—Has This Decreased in England Since the Introduction of the Marine and Coastal Access Act 2009? Marine Policy, 51, 57-65 .https://doi.org/10.1016/j.marpol.2014.07.019

Cormier, R., Elliott, M. & Borja, Á. 2022. Managing marine resources sustainably – the 'management response-footprint pyramid' covering policy, plans and technical measures. Frontiers in Marine Science, 9:869992. https://doi.org/10.3389/fmars.2022.869992

Elliott, M., Boyes, S.J. & Cormier, R. 2022. Natural England – Discussion Document - Governance and Achievement of Good Environmental Status. Report to Natural England, UK by IECS Ltd.

Elliott, M., Houde, E.D., Lamberth, S.J., Lonsdale, J.-A., Tweedley, J.R. 2022. Chapter 12, Management of Fishes and Fisheries in Estuaries. In: Fish and Fisheries in Estuaries – A Global Perspective (ed., Whitfield, A.K., Able, K.W., Blaber, S.J.M. & Elliott, M.), pp. 706-797. John Wiley & Sons, Oxford, UK; ISBN 9781444336672.

Elliott, M., Borja, A., Cormier, R. 2020. Activity-footprints, pressures-footprints and effects-footprints – walking the pathway to determining and managing human impacts in the sea. Marine Pollution Bulletin, 155: 111201; https://doi.org/10.1016/j.marpolbul.2020.111201.

Elliott, M., Boyes, S.J. & Burdon, D. 2006. Editorial Integrated marine management and administration for an island state—the case for a new Marine Agency for the UK. Marine Pollution Bulletin 52, 469–474

Gregory, A.J., Atkins, J.P., Smith, G., Elliott, M. (2023). Simple Social-Ecological Systems Guidance, Deliverable 3.2. Marine SABRES, European Union's Horizon Europe research and innovation programme under grant agreement no. 101058956. and the UKRI Project Number 10050525.

Monwar, M., Tzika, E., Magalhães, A.V., Grimmel, H., Moniz, F., Bonnon, M. & Calado, H. 2020. Analysis and Comparison of the Legal Frameworks of the North Atlantic Countries. WP and Task 1: International Legal and Political Framework. GPSAZORES GPS Azores – Geographical and Political Scenarios and Maritime Spatial Planning for the Azores and North Atlantic. GPSAzores_Report_WP1-merged.pdf

UNESCO, 2021. International Bureau of Education, online resource. http://www.ibe.unesco.org/en/geqaf/technical-notes/concept-governance (accessed on 8 Nov 2021 by Diz et al 2022). Cited in Diz D., Hazin C., Boteler B., Durussel C. 2022, Glossary of Ocean Governance Terms. STRONG High Seas Project, 2022

Annex 1 - ACRONYMS

AA	Appropriate Assessments
AARHUS Conv.	UNECE Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters
AICHI Targets	20 biodiversity targets to help reach 6 main goals of the CBD
BERN Conv.	Conservation of European Wildlife and Natural Habitats (1979)
BONN Conv.	The Convention on the Conservation of Migratory Species of Wild Animals
BWD	Bathing Waters Directive
BWM	Ballast Water Management Convention
CBD	Convention on Biological Diversity
CITES	Convention on International Trade in Endangered Species of Wild Fauna **and** Flora
Conv.	Convention
COP	Conference of the Parties
COP9	9th meeting of the Conference of the Parties to the Convention on Biological Diversity 2008, adopted the scientific criteria for **identifying EBSAs**
COP15	15th UN Biodiversity Conference, Canada 2022
COP26	26th UN Climate Change Conference of the Parties (COP26), Glasgow 2021; similarly COP27 for Egypt 2022
COTES	Control of Trade in Endangered Species Regulations
EIA	Environmental Impact Assessment
EMS	European Marine Sites
EBSAs	**Ecologically or Biologically significant Marine Areas in need of protection in open-ocean waters and deep-sea habitats**
ESPOO	Convention on Environmental Impact Assessment in a Transboundary Context
FCS	Favourable Conservation Status
FRMD	Flood Risk Management Directive
GES	Good Environmental Status
HMWBs	Heavily Modified Water Bodies
HPMA	Highly Protected Marine Area
HRA	Habitat Regulations Assessments
HSD	Habitats and Species Directive
ICES	International Council for the Exploration of the Seas
IMO	International Maritime Organisation
Kyoto Protocol	Operationalises the United Nations Framework Convention on Climate Change
MARPOL	International Convention for the Prevention of Pollution by Ships
MCZs	Marine Conservation Zones
MSFD	Marine Strategy Framework Directive
MSP Dir	Maritime Spatial Planning Directive
Natura 2000	A network of nature protection areas made up of SACs and SPAs
NSIPs	Nationally Strategic Infrastructure Projects
OECD	Convention on the Organisation for Economic Co-operation and Development – OECD Country
OECMs	Other Effective area-based Conservation Measures
OSPAR	The Convention for the Protection of the Marine Environment of the North East Atlantic
PSSA	Particularly Sensitive Sea Area – designated under IMO Resolution A.982(24)
RAMSAR Conv.	Intergovernmental treaty that provides the framework for the conservation and wise use of wetlands and their resources, Ramsar 1971
RBMP	River Basin Management Plans
RFMOs	Regional Fisheries Management Organisations
Reg(s)	Regulations
SAC	Special Area of Conservation
SEA	Strategic Environmental Assessment

SPA	Special Protection Area
UN	United Nations
UNCLOS	United Nations Convention on the Law of the Sea
UN DER	United Nations Decade of Ecosystem Restoration 2021-2030
UN DOS	United Nations Decade of Ocean Science for Sustainability 2021-2030
UNECE	United Nations Economic Commission for Europe
UNEP	United Nations Environment Programme
UNGA	United Nations General Assembly
UN FAO	United Nations Food and Agriculture Organisation
UNFCCC	United Nations Framework Convention on Climate Change
UN SDG	United Nations Sustainable Development Goals
UWWTD	Urban Waste Water Treatment Directive
VME	Vulnerable Marine Ecosystems (UN FAO)
WBD	Wild Birds Directive
WFD	Water Framework Directive
WHS	World Heritage Site

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