

## Book Review

**Governing Europe's Marine Environment: Europeanization of Regional Seas or Regionalization of EU Policies?**, edited by *Michael Gilek and Kristine Kern*, published by Ashgate, 2015, 290 pp., £65.00, hardback.

Law and governance seldom share the same train of thought. Lawyers often forget the complexities of the social environment in which laws are applied and that 'distraction' can result in analysis that is too disconnected from reality or in laws that fail to achieve the aims for which they were created. In a time of diminishing resources, prospective legal regimes and institutions cannot afford to rely on punitive measures to promote compliance but rather need to focus on positive nudges. This is particularly true in the field of environmental policy making, where stakeholders have to pay the final bill for polluting activities or of resource depletion, a bill that is heavy and never welcome. Understanding environmental governance is therefore key for a lawyer to make a useful contribution to environmental law and policy making, particularly with respect to institutional design and participation. In the case of the maritime affairs, where so many stakeholders share interests and concerns, such an understanding is of vital importance to avoid conflict and unproductive stalemates.

*Governing Europe's Marine Environment* has the potential to enhance that understanding. With a focus on regionalism, Michael Gilek and Kristine Kern have gathered a set of contributions that discuss the management of European seas. By working around the concept of 'governance', the authors analyse the

effectiveness of existing regimes in achieving an effective level of protection for the marine environment. It is organized in three parts and 13 chapters, containing contributions from a wide variety of scholars. The editors author the first chapter, in which they highlight the problems resulting from fragmentation of regimes and the multiplicity of practical challenges and actors involved. They also introduce us to the structure of the volume, which is part of the Corbett Centre for Maritime Policy Studies Series.

The first part of the volume concerns analytical perspectives on marine governance. It is a rather more theoretical part that discusses the key concepts to be employed by the other contributors. Svein Jentoft and Ratana Chuenpagdee open this part by assessing the concept of 'governability'. They explain how legitimacy leads to compliance and then to a greater degree of effectiveness in marine governance, at the same time alerting us to the fact that decentralization is not always a solution. This focus on participation and on the failures that emerge therefrom is then taken by Jan van Tatenhove in discussing institutional capacity building at the regional level. By analysing the European Union's (EU) efforts concerning its regional seas, the author notes the heavy reliance on the Member States and the consequential difference between approaches across all the European seas. This part also includes an analysis of the role of law in marine governance. Brita Bohman and David Langlet advance this further and present a map of all applicable international rules and processes that are relevant for marine governance in Europe, providing an evaluation of the impact of such rules in the governance of the European seas. They

make a case for the relevance of the EU as a distributional entity, namely, by creating regional regimes that adapt the ecosystem approach to local traditions, something seen as a tool to overcome existing deficiencies in implementation. Monica Hammer then offers an overview of the ecosystem management approach and its implications for marine governance. By discussing the main future challenges for the implementation and development of such an approach at the European level, she notes that there is a shift towards more comprehensiveness but that there still needs to be more stakeholder participation for this transition to be sustainable.

The second part of the volume concerns the marine governance of the EU. It starts with Elizabeth de Santo analysing the Marine Strategy Framework Directive and its relationship with the European approach to marine spatial planning. She argues that the directive is a potential catalyst for that practice but that there are tensions at the jurisdictional level. Again, the diagnosis is the same: a plethora of legislation and of competent entities that need harmonization. Next, Marion Dreyer and Piet Sellke introduce us to the Regional Advisory Councils in European fisheries and ask whether this system provides an appropriate approach to stakeholder involvement in integrated EU marine governance. They demonstrate that criticism is becoming more acute, as these institutions are not sufficiently inclusive, by asking several practical questions as a kind of 'stress test'. The last contribution in this part focuses on science-policy interactions. Michael Gilek, Mikael Karlsson, Oksana Udovik and Sebastian Linke analyse the impact of the major trends addressed by this volume on

European marine environmental governance and the role played by science in drafting core policies. Issues of legitimacy and scientific uncertainty are discussed and serve as a basis for recommendations to the EU – one of them stresses the leading role the European Commission should take in aggregating experiences and best practices across the various European seas.

The last part of the volume is about the marine governance of Europe's regional seas and consists of a set of case studies that combine elements from the previous parts. Sara Söderström, Kristine Kern and Björn Hassler look into the Baltic Sea and check for trends of regionalization, namely, through the Helsinki Convention, as well as the Europeanization that occurs from the implementation of EU legislation by Member States. Their work also concludes that more democratic processes have to be developed to strengthen the legitimacy of macro-regional governance. From the Baltic, we move to the North Sea, where Jan van Tatenhove and Judith van Leeuwen explore patterns of regionalization. In this chapter, the authors differentiate patterns of regionalization (through cooperation, through empowerment and as an organizing principle) and demonstrate that such patterns are necessary and complementary to each other, arguing that they should be combined. We then move further south to explore marine governance in the Mediterranean Sea. Juan Luís Suárez de Vivero and Juan Carlos Rodríguez Mateos explore the shift between processes, from a more multilateral and cooperative focus to increased EU conditioning. We learn that this sea has an adequate legal-institutional structure but that the strong difference in capacities between the various coastal States is leading to a lack of implementation. Finally, we explore the case of the Black Sea through a chapter by Ståle Knudsen. He argues that this is an area where a clash

exists between European progressive agendas and the lack of ability – or even willingness – to improve the marine environment on the part of other actors in the region. The author provides an overview of the agreements on the Black Sea marine environmental management and concludes with a very critical appreciation of the inevitable influence of geopolitical realities, leaving us with the idea that governing this sea will constitute a dilemma for the EU.

The volume concludes with a chapter by Michael Gilek, Björn Hassler and Svein Jentoft. In these final remarks, the authors attempt to provide guidelines for the resolution of the problems reported in the previous chapters. They present 'opportunities for improvements' (at 249) in what can only be read as a deliberate academic engagement to practical changes in marine governance. These proposals are bold enough to motivate a rethink of the fundamental structure of environmental governance in Europe and neighbouring areas. The authors do not adopt a radical stance and focus more on the process than the outcome. However, one cannot help but to ask why the proposed solutions – for example, further participation of stakeholders as a means to ensure compliance – have not been achieved to the same levels in the different cases analysed. Failing to address more profound issues such as the local political, social and even cultural structures may undermine the full practical utility of this volume.

Overall, the volume focuses on institutional design and participation and intends to provide insights for future research on marine environmental governance of European seas, namely, by analysing the tension between 'the Europeanization of regional seas and the regionalization of EU policies' (also the subtitle of the book). However, the volume does not avoid some criticism. The reader is dropped into a terminological web where it is easy

to get lost, or worse, demotivated. Indeed, as the authors of Chapter 8 rightly note, 'Europeanization' is too insufficiently debated in academic circles and a common definition is still missing. Why does the introduction not offer a more explanatory reference to what this concept means? The same goes for the notion of the 'regionalization of EU policies', a complex process that a reader only really starts to grasp after having read most of the chapters. The editors appear to have forgotten that fundamental entry step but thanks to references made by contributors, the reader finally gets to understand the purpose of the volume and its value.

On a more positive note, it is particularly interesting to note that seemingly obvious beliefs are challenged and put into perspective through reality test checks. For instance, the conclusions are surprising and highlight the complexity of European marine governance. Indeed, at times the reader might feel that simple tweaks could be made to encourage the system to work more effectively but, of course, this means hours more of diplomatic discussions (and as the authors of Chapter 4 recommend, some patience is needed, as even the existing regimes, some of which are quite recent, take time to make an impact). It is this ability to demonstrate the way forward that makes this contribution particularly useful, especially to those who might have a say in advancing these changes. Indeed, the many policy proposals included in this volume ought to make it required reading for all those responsible for marine governance. Finally, some reference ought to be made to the figures that this volume includes, some of which are very useful and a sign of the quality of the work of the authors involved in the project.

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