Marine collaborative governance in the Black Sea: assessing the performance of Black Sea Commission

Parade of the Black Sea Fleet (1886)
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I. Summary

It is often claimed that the Black Sea is one of the most degraded seas in the world. It has undergone drastic environmental decline since 1960s characterized by eutrophication, chemical and oil pollution, loss of marine biodiversity and changes in habitat. Management to address environmental pressures in the Black Sea requires regional cooperation between coastal countries to be successful. However, challenges to cooperation in managing transboundary waters and related environmental problems are omnipresent. Despite the existence of legal (Bucharest Convention) and institutional (Black Sea Commission) frameworks for cooperation, regional collaboration between the riparian countries to effectively address transboundary problems of the Black Sea environment seems very difficult. Geopolitical situation in the region, fragmented marine governance, lack of institutional capacity of the countries, de-prioritization of environmental problems and limited public involvement constrain the rehabilitation and preservation of the Black Sea.

This study examines different cooperative efforts, regional initiatives and arrangements for protection and preservation of the Black Sea marine environment, and identifies the strengths, limitations and possibilities of the present governance structures. We apply the integrative framework for collaborative governance to assess the performance of the only joint governance mechanism in the region comprising of all six Black Sea coastal countries: Black Sea Commission. It is illustrated as a collaborative governance regime created in response to rehabilitate and preserve the Black Sea environment in a politically tense, socially diverse and geographically large region. Detailed legal and institutional analysis of the system context influencing the creation and functioning of this regime is conducted. Further, collaborative dynamics taking place within the regime and between the regime participants as well as resulting collaborative actions and outcomes are discussed. Finally, strengths and limitations of the system and the extent to which Black Sea Commission regime is effective in meeting its goals are presented.

Despite the existing mechanisms and willingness of countries to cooperate, our findings demonstrate that the implementation of the established strategic action plan for the environmental protection and rehabilitation of the Black Sea is limited. The main constraining factors are institutional and legal gaps within the regime. To be fully functional, the collaborative governance regime of the Black Sea Commission has to be improved. Recommendations as to how these may be addressed to enhance the regime’s capacity are presented in this study.
II. Acknowledgements

During the preparation of this thesis I had a great learning process and self-discovering experience. I could not have ever imagined that I would enjoy every moment of the reading, writing and analyzing process.

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This thesis is dedicated to the memory of Professor Laurence Mee for his life aspiration to make the Black Sea a better place.
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<tr>
<td>AG</td>
<td>Advisory group</td>
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<tr>
<td>BSC</td>
<td>Black Sea Commission</td>
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<td>BSS</td>
<td>Black Sea Synergy</td>
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<td>BS-SAP</td>
<td>Black Sea Strategic Action Plan</td>
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<td>BSEC</td>
<td>Organizations for Black Sea Economic Co-operation</td>
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<td>BSERP</td>
<td>Black Sea Environmental Rehabilitation Programme</td>
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<td>BSIMAP</td>
<td>Black Sea Integrated Monitoring and Assessment Program</td>
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<td>BSNN</td>
<td>Black Sea NGO Network</td>
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<td>BS-TDA</td>
<td>Black Sea Transboundary Diagnosis Analysis</td>
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<td>BSTDB</td>
<td>Black Sea Trade and Development Bank</td>
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<tr>
<td>CBD</td>
<td>Convention on Biodiversity</td>
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<td>CGR</td>
<td>Collaborative Governance Regime</td>
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<td>DABLAS</td>
<td>Danube Black Sea Task Force</td>
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<tr>
<td>ECOQOS</td>
<td>Ecosystem quality objectives</td>
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<td>EU</td>
<td>European Union</td>
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<td>EC</td>
<td>European Commission</td>
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<tr>
<td>EEA</td>
<td>European Environment Agency</td>
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<tr>
<td>GEF</td>
<td>General Environmental Fund</td>
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<tr>
<td>ICZM</td>
<td>Integrated Coastal Zone Management</td>
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<tr>
<td>ICPDR</td>
<td>International Commission for the Protection of the Danube River</td>
</tr>
<tr>
<td>IMO</td>
<td>International Maritime Organization</td>
</tr>
<tr>
<td>LBS</td>
<td>Land-based sources</td>
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<tr>
<td>NGO</td>
<td>Non-Governmental Organization</td>
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<tr>
<td>PABSEC</td>
<td>Parliamentary Assembly of the Black Sea Economic Co-operation</td>
</tr>
<tr>
<td>PCU</td>
<td>Programme Coordination Unit</td>
</tr>
<tr>
<td>UN</td>
<td>United Nations</td>
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<tr>
<td>UNEP</td>
<td>United Nations Environmental Programme</td>
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<tr>
<td>USSR</td>
<td>Union of Soviet Socialist Republics</td>
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<tr>
<td>WG</td>
<td>Working Group</td>
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<td>WFD</td>
<td>Water Framework Directive</td>
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1. Introduction

The Black Sea is one of the key European seas; it plays a significant role in the regional economy being a source for aquaculture, oil production, tourism industry and maritime transport (Borysova et al. 2005). The Black Sea, which is an enclosed sea located between Europe and Asia, is bordered by six coastal countries (Romania, Bulgaria, Russia, Ukraine, Georgia and Turkey) characterized by divergent cultures, socio-economic conditions, traditions as well as national environmental regulations and management arrangements (Dimadama & Timotheou 2010). The Black Sea region (figure 1) has a strategic importance in terms of being a crossroad between Europe and Asia for energy and transport flows (O'Higgins et al. 2014). This turns the region into an arena of geopolitical tensions alongside with ethnic and economic conflicts. At the same time, it is also characterized by valuable natural heritage which has to be protected (Coutto & Devlen 2013). However, the geopolitical situation around the sea stays dispersed and tense, constraining and blocking regional cooperation on environmental protection and rehabilitation (Knudsen 2015). To foster cooperation between coastal countries, which operates mainly on a bilateral basis (EUNETMAR 2014), there is a need for the enhancement of collaborative environmental governance, as the improvement of environmental conditions in the region is not possible to achieve without coordinated mechanisms among Black Sea countries and the engagement of relevant stakeholders.

Figure 1. Geographical map of the Black Sea

In general, two major political events have changed the overall context for management of the Black Sea environmental issues: the emergence of new sovereign countries, namely Georgia, Russia and Ukraine, after the collapse of USSR in 1991 and recent enlargement of the EU and the accession of Romania and Bulgaria to the EU in 2007. This relatively recent shift in power balances in the region towards western style of democracies provides a ground for collaborative governance and transboundary cooperation (O’Higgins et al. 2014) despite the fact that all Black Sea coastal countries are at different stages of democratization and socio-economic development. After the accession of Romania and Bulgaria, EU got a strategic access to the Black Sea (de Vivero & Rodríguez Mateos 2006) as well as responsibility for environmental management and marine governance of

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As the annexation of the region of Crimea (region’s capital city is Sevastopol) by Russian Federation is internationally recognised illegal, this area is presented in the map as Ukrainian territory.
the region for example under MSFD or other directives (O’Higgins et al. 2014). As a result, different initiatives and transboundary cooperation projects have been proposed by the EU for regional cooperation with and between the countries surrounding the Black Sea to combat with environmental degradation.

1.1 Overview of environmental problems

In the official reports and scientific literature, it is often claimed that the Black Sea is one of the most degraded seas in the world (Knudsen 2015). It has undergone drastic environmental change since the second half of 20th century. Fishing was the main pressure on the sea ecosystem, causing decline of stocks and alterations in the trophic structure of large amount of species (Coutto & Devlen 2013). Deterioration of environmental quality has been also caused by continuous and heavy discharges of organic substances and nutrients, mainly from agriculture and sewage treatment, leading to eutrophication in the sea (Borysova et al. 2005) and introduction of non-native species (Knudsen 2015). During the 1970s and 1980s, there were also concerns regarding to maritime transport and cases of oil spills caused by accidents. Additionally, the extensive regional development of massive tourism infrastructure has contributed to the degradation of marine ecosystem (Dimadama & Timothoeu 2010).

Despite the irreversible environmental alteration of the Black Sea since the 1960s, the marine ecosystem has been improved to some extent over the last 15 years (Velikova & Oral 2012). Black Sea transboundary diagnostic analysis undertaken in 2007 within the Black Sea Environmental Recovery Project by Black Sea Commission illustrates improved state of the sea compared with the one observed during the 1980s (BS-TDA 2007). Improvements are observed in the level of eutrophication (especially form Danube River) and some positive changes are mentioned in the fish stock and biodiversity. However, this relative recovery of the marine ecosystem is not an outcome of improved regional environmental management, but mainly the introduction of new European economic regulations restricted usage of fertilizers and consequently, reduction of nutrient discharges in the Black Sea (Knudsen 2015) as well as the economic decline of the Black Sea countries during the 1990s resulted to the closure of many polluting large industries (Mee 2001).

Thus, currently the main causes of environmental stress are eutrophication, chemical pollution caused by river discharges, oil pollution due to intensive shipping and oil production, fishing resulting to the loss of biodiversity and changes in habitat/introduction of non-native species (Velikova & Oral 2012). Some authors also mention climate change as a stress increasing risk of erosion and flooding in the region (Coutto & Devlen 2013). In light of these realities and apparent urgency of environmental problems of the Black Sea, management efforts to tackle most of these require regional cooperation and collaboration to be successful.

1.2 Attempts at regional environmental cooperation

Major environmental problems in the Black Sea have a transboundary nature and therefore cannot be effectively managed by individual efforts of riparian countries. Furthermore, Black Sea countries share together most of the Black Sea resources and there is a need for common regional policies (Velikova & Oral 2012).

The Convention Concerning Fishing in the Black Sea (signed in 1959 by USSR, Romania and Bulgaria) was the first and the only international regulative mechanism of environmental importance for the Black Sea before the geopolitical shift in the beginning of 1990s (Oral 2013). After the collapse of USSR, the convention has become outdated. It was decided by most of the coastal states to prepare a proposal for a new fisheries convention considering the need for regional cooperation in order to assure the sustainable use and conservation of declining resources in the Black Sea (Knudsen 2015). The drafting of a proposal for a new convention has started in 1995, creating a firm ground for
regional cooperation around a significant environmental problem. However, up to date, no progress has been made to agree on final version of the document (O’Higgins et al. 2014). Negotiations between the Black Sea coastal countries have been dominated by political and economic priorities rather than environmental considerations (Knudsen 2015).

The next and the most important step to set a legal framework for environmental cooperation between the Black Sea coastal countries was the adoption of “Convention for the Protection of the Black Sea Against Pollution” known as Bucharest Convention. It was signed in 1992 and ratified by all six coastal countries two years later (Oral 2013). Importantly, it contains a basic framework agreement for cooperation and four definite protocols on pollution from land based activities (1), oil spills caused by emergency situations (2), dumping (3), and biodiversity and landscapes preservation (4) (Dimadama & Timotheou 2010). The implementation of the Convention and its protocols is promoted by the Black Sea Commission (Velikova & Oral 2012). From the beginning of the Convention implementation, Black Sea states requested financial assistance of different international organizations and developed countries in order to stimulate environmental cooperation between riparian countries and to elaborate a long term action plan for the implementation of the Convention (Oral 2013). Black Sea Environmental Programme (BSEP) has been launched by the financial contribution of GEF and EU, leading to the development of Strategic Action Plan for the Rehabilitation and Protection of the Black Sea (BS-SAP) signed by all six coastal states (Knudsen 2015). The responsible body for the implementation of the action plan was (is) again BSC (Cognetti 1997). It should be noted that the legal framework of the Convention and the protocols has been subsequently supplemented with Ministerial Declarations in Odessa (1993), Sofia (2002), Bucharest (2007) and again Sofia (2009) (Velikova & Oral 2012).

All these efforts together have brought to some essential achievements, particularly in establishing databases, identification of problems, regional networking, general monitoring etc., by gathering together scientists and governmental representatives (Knudsen 2015). Sure enough, first steps to establish participatory regional cooperation in the Black Sea have been made since 1990s. However, the actual implementation of the Convention and declarations has been continuing at a very slow pace. This “lack of progress” has been reflected in the first Sofia Declaration (2002), pointing out noticeable delays in the implementation of BS-SAP and lack of agreement upon the indicators to evaluate the efficiency of taken measures (Velikova & Oral 2012).

1.3 Attempts to establish collaborative governance

In light of global transition from government to governance for the management of environmental issues (e.g. Pahl-Wostl et al. 2008), the region of Black Sea also experiences a host of mechanism promoting collaborative environmental governance. This shift represents the fact that governments no longer are the only body of environmental decision and policy making (Loë et al. 2009). Different “non-state” actors now play relatively important roles in marine governance of the Black Sea through diverse range of collaborative arrangements. Only joint efforts and combined resources could lead to tangible results in marine governance, which could not be achieved by merely independent actions of riparian countries and without engagement of all relevant stakeholders (Manoli 2010). Collaborative governance entails “the processes and structures of public policy decision making and management that engage people constructively across the boundaries of public agencies, levels of government, and/or the public, private and civic spheres in order to carry out a public purpose that could not otherwise be accomplished” (Emerson et al, 2012, p.2).

First attempts to engage in regional cooperation processes other stakeholders than only government representatives have been already made in 1990s. After the establishment of BSEP, almost all Black Sea states provided a great number of experts (scientists, economists, engineers etc.) to be engaged in the preparation of BS-SAP and relevant reports within the Working Parties and through different workshops, meetings and trainings (Rudneva & Petzold-Bradley 2001). However, according the final
report of Black Sea Environmental Recovery Project, the reports and recommendations of these advisory groups were not in use by the policy makers in most cases as they were not considered to be relevant for the implementation (BSERP 2006). Moreover, the mechanisms to connect their work with regional decision-making were not historically developed (Rudneva & Petzold-Bradley 2001) being, in fact, of western style.

Another initiative and earlier step taken within the framework of BSEP towards collaborative governance was the establishment of Black Sea NGO Network. The idea to mobilize environmental and other NGOs around Black Sea environmental problems could be a big step forward in terms of enhancing participation of different stakeholders. However, this entity is strongly attached to the BSEP agenda and mainly engaged in awareness raising (Knudsen 2015). Moreover, leading marine environmental NGOs and other social, political activist organizations are not members of the network (Oral 2013). Overall, Black Sea environmental NGOs have moderate influence on regional policy and decision making, mainly conditioned by hierarchical political regimes (Knudsen 2015) and limited traditions to consult stakeholders in most Black Sea states (Raakjaer et al. 2014).

1.4 Problem statement

Despite all the efforts directed to the enhancement of regional cooperation and opportunities given to the riparian countries to cooperate through a number of regional institutional structures and initiatives, the region still suffers from the lack of coordination and participation. Challenges for regional cooperation and collaboration vary from the lack of institutional and organizational capacity of coastal states to geopolitical tensions, lack of financial resources and prioritization of economic and other interests (Knudsen 2015). This factors lead to the slow or partial implementation/non-compliance of conventions, declarations, action plans and different strategies at regional and national levels. The geopolitical situation in the Black Sea region represents a major challenge to regional cooperation and implementation of marine policies (O’Higgins et al. 2014). Limited public involvement in marine policy and decision making further complicates the attempts directed to collaborative governance and management (Rudneva & Petzold-Bradley 2001). Currently, the Black Sea environmental collaboration mainly takes place at national level with little involvement of the local level, private sector and the civil society in general (Vladova & Knieling 2014). Moreover, multiplicity of institutions, organizations and networks active in the Black Sea gives rise to the institutional ambiguity characterized by uncertainty and confusion about the rules of policy making and participation (Van Leeuwen et al. 2012). In the absence of clearly defined roles and lack of coordination, the existence of numerous institutions, legal frameworks and regulations leads to a high degree of system fragmentation with incorrectly positioned priorities and misused financial resources (Dimadama & Timotheou 2010). Finally, there is a disconnection between a very progressive environmental policy agenda and considerable lack of political commitment among non-EU coastal countries to implement marine policies that could improve the environmental state of the Black Sea (Knudsen 2015).

Overall, a progress on transboundary environmental cooperation and collaboration to effectively address main problems of the Black Sea environment seems very difficult considering geopolitical situation in the region, fragmented marine governance, lack of institutional capacity of riparian countries, de-prioritization of environmental issues and limited public involvement.

1.5 Research objective and research questions

Currently, there is a need to study the existing and potential dynamic correlations and interconnectedness between the states and different stakeholders in the Black Sea region at local,
national and cross-border levels to assess the progress and capacity of regional cooperation and collaborative governance (Vladova & Knieling 2014).

This thesis will focus on the analysis of marine governance in the Black Sea region by assessing collaborative efforts of the Black Sea countries facilitated by the Black Sea Commission and the performance of Black Sea Commission itself. Strengths and weaknesses of BSC institutional structure will be analyzed to identify the paths marine governance arrangements in the Black Sea coastal countries foster or block regional cooperation. Furthermore, the applicability of collaborative governance framework (based on the integrative framework for collaborative governance by Emerson and Nabatchi (2015) to assess marine collaborative efforts of Black Sea coastal countries and Black Sea Commission first time will be tested within this study.

Thus, the overall objective of this research project is to study the strengths, limitations and possibilities of the Black Sea marine governance structures and particularly the Black Sea Commission, in fostering cooperation between the coastal countries.

In order to achieve the objective of this study the following main research question and sub questions have been identified:

Main research question:

*To what extent regional cooperation in the Black Sea facilitated by the Black Sea Commission was effective?*

Research sub-questions:

*How does the system context (based on which the Black Sea Commission and regional cooperation between the Black Sea coastal countries operate) influence the effectiveness of collaborative efforts?*

*What are the strengths and limitations of the Black Sea Commission regime?*

1.7 Research methodology

To address above mentioned research question and sub-questions following research methods will be used:

**Case study design**

In order to analyze the challenges and possible perspectives of marine regional cooperation in the Black Sea and to understand to which extent collaborative governance is functioning there, case study approach has been selected. Case study approach was chosen to be relevant for this study as it enables to understand “how a phenomenon is influenced by the context within which it is situated” (Baxter et al. 2008, p.556). Moreover, from analyzing a single case, generalizations could be made to make it applicable also for other cases of the same type. Therefore, case of performance of Black Sea Commission has been analyzed in regard of fostering effective regional cooperation and implementing the Bucharest Convention.

**Data collection**

In order to gather data for the analysis in-depth interviews (face to face and online) and analysis of documents and literature have been conducted.
In-depth Interviews

In-depth interviewing is a qualitative research method to obtain detailed information about stakeholder’s discourses, experiences, perspectives and point of view on particular topic(s) by means of asking open-ended questions in a manner of conversation (Boyce & Neale 2006). During the fieldwork, twelve face to face in-depth interviews were conducted with governmental and non-governmental (including scientific institutions) representatives of different institutions based in Georgia and related to marine policy and decision making in the Black Sea region. Then the same list of questions (Annex 2) has been used to interview current and former staff of the Black Sea Commission Secretariat via two video conferences. Furthermore, another two skype sessions have been conducted with stakeholders from other Black Sea coastal countries. Overall, the aim of these interviews was to identify and understand the perceptions of relevant stakeholders about the challenges and possible perspectives of regional cooperation and collaboration in the Black Sea region and effectiveness of Black Sea Commission in enabling countries to cooperate. The main topics discussed were categorized into two main themes: collaborative processes and organizational/governance arrangements including Black Sea Commission. Furthermore, the questions under these two main themes were grouped into the questions addressing the past, current and future situation on marine transboundary cooperation in the Black Sea region. The data from the interviews were analyzed by applying the empirical method of qualitative content analysis: framework analysis which creates a new structure for the data that is helpful to summarize/classify the data in thematic framework and in a way that can support answering the research questions (Gale et al. 2013). For the purpose of the present research project the collected interview data were transcribed and then coded. Different components of the theoretical framework of this study discussed in the Chapter 2 and their respective elements were used as the codes for the collected data.

Document analysis and literature study

All relevant policy reports, documents, project publications as well as scientific articles related to the marine governance of the Black Sea and the work of Black Sea Commission were reviewed and analyzed in order to collect data on regional cooperation and collaborative dynamics. Additionally, scientific articles related to collaborative governance framework and theories were studied to ensure the relevance of the framework to marine regional collaboration.

1.8 Thesis outline

The present thesis is organized in five chapters. Following the introductory chapter, the chapter of theoretical framework first briefly discusses the main concept of this thesis, namely collaborative governance. Then the overview of the integrative framework for collaborative governance is presented following with the detailed description of all elements operationalized for their application through the conceptual framework of this thesis. The third chapter illustrates the system context based on which the Black Sea Commission and regional cooperation between the Black Sea countries operate. Overview of the Black Sea conditions, detailed analysis of legal and institutional frameworks for regional cooperation, characteristics of the political and economic context as well as external drivers influencing the cooperative efforts in the region are presented in this chapter. Following, the fourth chapter examines the functioning of the Black Sea Commission as collaborative governance regime by illustrating collaborative dynamics within the BSC and between its member countries, and collaborative actions and measures undertaken within the BSC and by its member countries. Then, based on this examination, the assessment of BSC’s performance is given followed by summery of main weaknesses and advantages of the regime. Finally, in chapter five, main findings of this research are presented followed by policy and research recommendations.
2. Theoretical framework

This chapter provides a conceptual framework for enabling the examination of the marine governance in the Black Sea in general and the strengths and limitations of the Black Sea Commission in fostering and facilitating regional cooperation between the coastal countries in particular. The theoretical framework of the present research is based on the integrative framework for collaborative governance developed by Emerson and Nabatchi (2015). The chapter is organized in three sections. In the first section the concept of collaborative governance is presented. The second section provides an overview of the integrative framework for collaborative governance. The third section defines collaborative marine governance and operationalizes the integrative framework for collaborative governance for its application in the present research project.

2.1 Collaborative governance: definition of the concept

The term of “governance” has acquired great usage in the contemporary literature on public administration. Despite the fact that scientific community, governmental and non-governmental agencies have defined the concept of governance, there is no consensus on a widely accepted common definition as this term has different meanings in different contexts. There are comparatively general definitions of governance such as the definition proposed by Vodden (2015): “governance reflects a sharing of power and broadening of the policy sphere to include networks of government, private sector, and civil society actors”. Emerson and Nabatchi (2015) also give a broad definition to the term of governance by presenting it as a process of governing, when actors decide, take actions and execute power based on the principles and rules around which they come together. At the same time, in academic literature we can also find more detailed and descriptive definitions of governance, for example the one from (Woods 2005): “new styles of governing that operate not only through the apparatuses of the sovereign state but also through a range of interconnecting institutions, agencies, partnerships, and initiatives in which the boundaries between the public, private, and voluntary sectors become blurred” (Woods 2005, p. 164).

Almost all definitions of governance share some common characteristics. First of all, governance, which can be formal and informal, is a horizontal process of involving wide range of actors (Gibson 2011). Second, multi-level, cross-boundary partnership is significant in governance. Third, governance entails collective decision-making among stakeholders based on trust, consensus and participation; and reflects a new mode of engagement different from government, when participants are directly engaged in decision making instead of being only consulted by state/public agencies (Ansell & Gash 2008). Consequently, governance should be collaborative to ensure a partnership, build a trust and reach a consensus. In this light, the following definition of collaboration by (Margerum 2011, p.6): “an approach to solving complex problems in which a diverse group of autonomous stakeholders deliberates to build consensus and develop networks for translating consensus to results” highlights the interconnectedness of the concepts governance and collaboration.

Despite the fact that scholars have started to merge the concepts “collaborative” and “governance” relatively recently, collaborative governance term has become widely accepted and frequently used in the public administration literature (Emerson & Nabatchi 2015). In general, collaborative governance is characterized by multi-level partnership of a wide range of stakeholders engaged in a process of trust and consensus building to decide on the solutions of commonly agreed problems. For the purposes of this report, we use the following definition of collaborative governance: “the processes and structures of public policy decision making and management that engage people across the boundaries of public agencies, levels of government, and/or the public, private and civic spheres in order to carry out a public purpose that could not otherwise be accomplished” (Emerson et al, 2012, p.3). This definition of collaborative governance encompasses a broader range of cross-
boundary governance and going beyond the traditional focus on public/state managers and or the sector in general (Emerson et al. 2012). Thereby, the definition is more comprehensive than the one proposed by Ansell and Gash (2008): “A governing arrangement where one or more public agencies directly engage non-state stakeholders in a collective decision-making process that is formal, consensus-oriented, and deliberative and that aims to make or implement public policy or manage public programs or assets” (Ansell and Gash, 2008, p. 544). Here the authors limit the collaborative governance to state-driven, formal arrangements by engaging in the process of collaboration only governmental and non-governmental stakeholders. In contrast, Emerson et al. (2012) emphasize the role of intergovernmental collaborative structures in the whole process of collaborative governance of collective resource management which is in the scope of analysis of the present research project.

2.2. Integrative framework for collaborative governance

The integrative framework for collaborative governance developed by Emerson and Nabatchi (2015) is presented (figure 2) as three dimensional system of collaborative governance regime (CGR) within the “system context” consisting of political, socio-economic, environmental and other influences. This “system context” constrains and influences the overall process and dynamic of collaboration by pushing forward specific drivers such as uncertainty, interdependence, consequential incentives and leadership to initiate and set the starting point for collaborative governance regime (Emerson & Nabatchi 2015). Uncertainty being a primary feature of “wicked” problems drives stakeholders to cooperate to mitigate, disseminate, and share risks. Interdependence is the necessity of reciprocal dependence or reliance in contexts where individual organizations or people are incapable to achieve goals merely by themselves. Consequential incentives relate to internal problems, resource demands, interests or possibilities and to external crises (situational or institutional), threats or possibilities that should be addressed to reduce perceptible risks or promote acceptable conditions for key stakeholders. And finally, leadership is essential to initiate and drive initial involvement of potential members and to establish the circumstances or conditions to begin collaborative dynamics (Emerson & Nabatchi 2015).

The authors argue that at least one of these drivers should be present in the system to establish a CGR and that the existence of more drivers can improve the chances for that regime to be launched. Once a CGR was initiated, “collaborative dynamics” consisting of “principled engagement”, “shared motivation”, and “capacity for joint action” are set in motion. Actors elaborate collective goals and a roadmap to reach those goals, thus initiating collaborative actions. According to the authors, capacity for joint collaborative action is generated and sustained by means of “principled engagement” and “shared motivation” illustrating the interdependence of these components within CGR (Emerson & Nabatchi 2015). These collaborative actions lead to outcomes, which in turn opens up possibilities of “adaptation” both for the CGR and surrounding system context. The latest means that for CGR to be sustainable for a long time it should adapt to the impacts derived from the collaborative actions (Emerson et al., 2012).
In general, the integrative framework for collaborative governance developed by Emerson and Nabatchi is chosen to be relevant as theoretical framework for the present research project because of its integrative nature. First of all, it is framed on the basis of already existing models and frameworks of collaborative governance with the improvement that it is broadening the overall scope of collaborative governance by encompassing also intergovernmental collaborative institutions (interstate commissions, regional interagency cooperation structures) functioning at regional level. Second, it gives an opportunity to study different elements within the components of collaborative dynamics (principled engagement, shared motivation and capacity for joint action) to understand what is essential for the success of cooperation and collaboration (Emerson & Nabatchi 2015). Third, it provides also enough theoretical background to identify main challenges and limitation of environmental governance structures in terms of enabling collaborative strategies which is relevant for the present study. Importantly, it is also incorporating stakeholders’ motivation to participate in collaborative initiatives (Shimaoka & Sato 2014). Fourth, it gives a conceptual map for examining detailed system of cross-boundary governance that vary from policy or project based intergovernmental cooperation to systemic regional cooperation with inclusion of nongovernmental stakeholders. And finally, it incorporates best practices from collaborative management and policymaking as well as environmental and particularly common-pool resource management.

In the next section, all the concepts and variables with their respective elements chosen to be relevant (based on their direct relations to the objective of this study) for the analysis are summarized in the conceptual framework of analysis of the present research project.
2.3. Conceptual framework for analysis

The following figure (3) demonstrates the theoretical framework adapted from Emerson and Nabatchi (2015) and chosen to be useful to answer the research questions of this thesis.

![Conceptual Framework Diagram]

**Figure 3. Theoretical framework of this research project adapted from Emerson and Nabatchi (2015)**

In the table below all the variables are presented with their respective elements to be analyzed within this research project following with the detailed description of all of them.

**Table 1. A diagnostic model approach to marine collaborative governance**

<table>
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<th>Variables within variables</th>
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<th>Collaborative dynamics and process</th>
<th>Capacity for joint action (regional cooperation)</th>
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2.3.1. Marine collaborative governance: system context

In general, marine governance refers to the processes of negotiations and interactions between public and private stakeholders to share expertise on marine policy making aimed at governing and controlling activities at sea (Van Leeuwen & Van Tatenhove 2010). Marine governance processes are taking place in multilayered institutional settings (Soma et al. 2015) and different governance arrangements (Knudsen 2015). The latest is defined as “a temporary stabilization of the content and organization of marine policy domain” (Van Tatenhove 2013, p.298). Different groups of governmental actors, representatives of NGOs, maritime organizations and other stakeholders attempt to influence the processes occurring at the sea by participating in a marine governance arrangement. In other words, marine governance is a process of interaction of different marine governance arrangements at national, regional and international levels. The analysis of marine governance, in fact, is an analysis of different marine governance arrangements directing overall process of marine policy and decision making. To understand the character of marine governance in a particular sea, it is necessary to identify main actors involved and the level of cooperation and interaction between them; the analysis of institutional setting comprising of formal marine agreements, treaties, legislation, policies or strategies and the informal interactions among institutions.

As the purpose of this research is to study ongoing collaborative initiatives between the Black Sea coastal countries, collaborative arrangements/initiatives (such as the Black Sea Commission) within the marine governance of the Black Sea are the core of the conceptual framework to be analyzed. However, most of the literature examining collaborative governance in the field of environmental protection is describing the collaborative environmental governance without specifying it for the marine sector. Thus, based on the concepts of collaborative governance and marine governance, we define marine collaborative governance as follows: the processes and structures of decision making and management that constructively engage public, private and civic marine stakeholders in a reasoned communication and cooperation across the state boundaries in order to formulate and implement marine policies and projects.

In general, researchers have recognized that conditions existing at the starting point of collaboration can either promote or impede cooperation among different actors and agencies. The starting point from which the collaborative governance emerges is a multilayered and interrelated context of legal, political, socio-economic and other conditions (Borrini-Feyerabend 1996). For better understanding of feasibility and sustainability of particular marine collaborative initiative or regime, it is important to study the system context that shapes it. A fuller comprehension of the system conditions can inform the actors about the possibilities of and constraints on transboundary collaboration (Emerson & Nabatchi 2015). Importantly, conditions or drivers within the system context not only open up opportunities, shape overall CGR or create restrictions for the collaboration but also collaborative process or regime itself can influence and change the conditions within the system context through retrospective impacts of collaborative actions (Emerson et al. 2012).

For the purpose of this research project, we narrowed the outset conditions surrounding the CGRs into four broad variables such as resource conditions (1), institutional and legal frameworks (2), external drivers (3), economic and political context (4).

**Resource conditions**

Before studying the institutional design of particular regional sea, it is important to analyze the resource conditions which are the main incentives for the formation of institutional setting and baseline context for the establishment of CGRs. In case of marine governance, these conditions consist of the state of pollution or deterioration of marine resources with corresponding consequences such as the decline of living marine resources, risk to human health and the need for the protection and rehabilitation of these resources. Consequently, institutional arrangements and
CGRs are mostly emerging in response to the concerns about these resource conditions (Emerson & Nabatchi 2015).

**Institutional and legal frameworks**

Although the integrative framework of collaborative governance (Emerson & Nabatchi 2015) deals only with policy and legal frameworks as system context elements, we incorporate in our conceptual framework also the element of institutional framework. Scholars define the institutional framework in different ways, from formal regulations and organizations, to informal rules and norms (Evans 2007), and the term is used sometimes to describe both institutional structures and legal frameworks together. In this conceptual framework the element of institutional framework examines regional institutional framework for protection and rehabilitation of marine environment and represents institutional structures and administrative mechanisms to manage collaborative processes between the countries. In its turn, legal framework, essential for the overall legitimacy of the collaborative processes, includes formal rules of collaboration, key policies, main regulations, protocols and plans that enable the cooperation between stakeholders as well as informal procedures taking place within institutions and actors (Ansell & Gash 2008). In most cases, the legal framework promoting cooperation constitute part (chapters, orders, memorandums etc.) of laws, conventions or other regulations related to the management of marine resources.

Although literature on collaborative governance points out at the openness and inclusiveness of the process (Burger et al. 2001; Gunton & Day 2003; Plummer & Fitzgibbon 2004), literature on marine governance warns about institutional ambiguity encountered especially at the level of regional seas (Van Tatenhove 2013). In case of the regional seas, inconsistency between regional and/or international institutional rules and national regulations in some cases generate confusion about the principles of engagement and cooperation, giving an opportunity to some actors to deliberate existing institutional settings (Van Leeuwen et al. 2012). In these light, clearly defined rules, roles and the procedures to ensure legitimacy, transparency and inclusiveness of the collaborative process are significant parameters of institutional design (Geoghegan & Renard 2002).

**External drivers**

In general, environmental law-making is largely shaped by international organizations affecting directly or indirectly the legal commitments of the countries and establishing environmental institutional structures to enable that (Sommer 1996). In case of marine governance, the role of UNEP and Regional Seas Programme, the significance of GEF and its substantial financial allocations, the regionalization of EU and its different directives and strategies, are important elements to be considered while analyzing the establishment and functioning of marine collaborative governance. Considering the objective of this research project a new component of external drivers has been incorporated into the conceptual framework. The purpose is to analyze the role of international organizations as external drivers in promoting and fostering marine regional cooperation. Consequential incentives, such as availability of new project calls or other funding opportunities, provided by international organizations to stimulate the development of collaborative initiatives, will be presented.

**Economic and political context**

Scholars on collaborative governance have recognized that political and socio-economic dynamics present at the outset of collaborative processes form opportunities or barriers and influence overall system of collaborative arrangements by stimulating or impeding cooperation between stakeholders (Ansell & Gash 2008; Emerson et al. 2012). Regarding to marine governance, there is relatively little attention on the examination of economic and political conditions facilitating or blocking collaborative processes within regional seas. Most of the literature illustrates the influence of socio-economic and political factors on the implementation of different marine policies (e.g. Van Leeuwen et al. 2014).
While analyzing social and political drivers of collaborative processes, it is important to consider the institutional changes at regional seas imposed by the processes of political modernization. The latest relates to the shifting processes of interrelations between government, market and civil society and is characterized by globalization and Europeanisation as well as diffusion of power (Van Tatenhove 2015). Countries within regional seas are confronting with various regulations and conventions by international organization and economic activities of large market actors such as fishing or oil industries (Van Tatenhove 2015). Geo-political games at regional seas are becoming more complex in light of the blurred borders of political, economic, social or environmental priorities and overlapping international regulations. Therefore, the examination of economic and political context underlying collaborative processes within marine governance is imperative in order to reveal political commitment among stakeholders to cooperate as well as economic and social incentives to collaborate.

Further, imbalances and asymmetries in power distribution among stakeholders are frequently mentioned problem in the literature of collaborative governance (Felipe-Luca et al. 2015; Short & Winter 1999). The collaborative governance process is a subject of manipulation by powerful actors if there are stakeholders lacking capacity or resources, namely organizational infrastructure, skills or expertise, to take part in collaborative processes or participate on the basis of equal rights with other stakeholders (Warner 2006). Eventually, such power imbalance generates distrust or avoidance of commitments. In fact, all stakeholders engaged in collaborative processes have their own individual or organizational interests. In order to push forward those interests, they execute their power in the process of deliberation about goals, principles and values (Jentoft et al. 2011). For example, some scholars mention that collaborative governance processes are favorable for executing interests of large industries (McCloskey 2000). In marine governance, economic interests of major fish farming companies may overweight interests of environmental advocates while negotiating different collaborative marine arrangements. Accordingly, without robust measures to ensure the representation of less powerful or less organized voices, the collaborative processes are not in favor of environmental or social groups (Schuckman 2001). Not surprisingly, proponents of collaborative governance have developed different strategies to empower “weaker” stakeholders and to overcome the problem of power imbalances in collaborative processes (Schuckman 2001). At the same time, some authors also mention that certain stakeholders can be empowered by institutional settings and mandates, which can ensure wider opportunities for them to be engaged in and influence collaborative processes (Van Leeuwen et al. 2014). Therefore, besides the capacity of actors to participate in collaborative processes by means of executing the power and resources they have, the analysis of the institutional context in which they operate is important in terms of understanding the legitimacy of the whole process of engagement in collaboration.

Many scholars point out that the history of past conflicts or cooperation between different actors will impede or support collaboration process (Grimble 1998; Margerum 2001). Collaborative actions between stakeholders are more likely to take place over a new problem if there was a prehistory of collaboration over other or the same problem. The same refers to the conflicts. If there was a history of conflicts between stakeholders, the detection of common interests may not be sufficient to negotiate the conflicts (Grimble 1998). A prehistory of conflict can be expressed, for example, in distrust among stakeholders by means of past stereotypes. At the same time, having an experience of successful past cooperation can generate high level of trust and facilitate the collaborative process. Nevertheless, Ansell and Gash (2008) mention that high level of conflict can also strongly stimulate collaborative process. These situations are taking place, for example, in case of policy deadlocks in environmental resource management context, when the deadlock creates serious problems for both parties of the conflict forcing them to collaborate to solve the problems (Ansell & Gash 2008). Consequently, the history of having conflict is not always an obstacle for collaboration as some stakeholders can realize that without collaborating with other stakeholder having opposite interests, they will not be able to achieve their own goals.
2.3.2. Collaborative marine governance regimes: collaborative dynamics and process

Marine collaborative governance arrangements occur within the system context of resource conditions, legal and institutional frameworks, and economic - political circumstances include collaborative dynamics and processes, and generate collaborative outcomes through collaborative actions. Thereby they have all characteristics to be considered as collaborative governance regimes (CGRs) described by Emerson and Nabatchi (2015). They define the collaborative governance regime as “a type of public governance system in which cross-boundary collaboration represents the predominant more for conduct, decision making, and activity between autonomous participants who have come together to achieve some collective purpose defined by one or more target goals” (Emerson & Nabatchi 2015, p.18). The authors use the word regime not in its traditional meaning of, for instance, authoritarian political system or party, but as term used in international political theory, where regime is a sustained cooperation between governmental and non-governmental actors.

**Collaborative dynamics**

The collaborative dynamics are shaped initially by the influences coming from the system context and external drivers described above. In other words, these influences are setting the collaborative dynamics and process in motion. Several authors illustrate the collaborative process by means of a stage model. For example, Edelenbos (2005) defines collaboration as a three step process: preparation stage, policy development, and decision making. In this conceptual framework we follow Emerson and Nabatchi (2015) by choosing iterative model of collaboration where collaboration consists of interactions between the regime participants and those they represent. The collaboration processes and dynamics occurring over time in the CGR are unpacked across three components to be analyzed: principled engagement, shared motivation and capacity for joint action. These components with their respective elements reinforce or weaken each other through the iterative cycling (Emerson & Nabatchi 2015).

**Principled engagement**

Principled engagement is the process of interaction between different stakeholders with differing perceptions, discourses and goals who work together across their organizational, institutional or sectoral boundaries to find solutions to commonly recognized problems or to fulfil legal obligations and commitments (Emerson et al. 2012). Principled engagement is taking place in face-to-face format or at distance (virtual) and can be either public or private.

In the present conceptual framework, principled engagement is the interplay of four process elements: discovery, definition and deliberation leading to the shared theory of change.

*Discovery* is the process of identification of different interests, discourses, values and concerns, both individual and shared, within the collaborative initiative (Emerson et al. 2012). In fact, this is the process when participants of a collaborative arrangement are engaged in a basic dialogue in order to explore their common or different interests, individual or shared perspectives (Emerson & Nabatchi 2015). In marine governance, this process can include discovery of shared knowledge, comprehension of the marine ecosystem conditions and/or practicability of restoration efforts.

*Definition* process is the logical extension of discovery process when participants construct shared meaning and understandings of the terms and concepts they use in describing and discussing problems or possibilities, clarifying and adjusting tasks and expectations from each other and setting common criteria to assess the information and alternatives (Emerson & Nabatchi 2015).

When different stakeholders are gathering together while having differing interests and perspectives on the problem or on the process of cooperation in general, so called *deliberation* is taking place. 
Deliberation (or reasoned communication) is an essential part of an effective cooperation and can be seen as a first step in achieving mutual trust, understanding and commitment for the collaboration (Ansell & Gash 2008). Tough, but also constructive conversations, challenging questions, disagreements are integral part of effective communication. Collaborative governance provides spaces for deliberation and communication. As Roberts (2004, p. 333) mentions: “Deliberation is not ‘the aggregation of interests.’ It requires thoughtful examination of issues, listening to others’ perspectives, and coming to a public judgment on what represents the common good”. Deliberation is the first step in generating trust, mutual understanding, respect, and commitment to collaboration (Ansell & Gash 2008).

When procedural decisions (approving agenda, assigning tasks etc.) and substantive decisions (agreeing on action or plans, recommendations etc.) are made, the process of making determinations is taking place (Emerson & Nabatchi 2015). Literature on collaborative governance suggests that strong engagement will lead to fairer, stronger and efficient determinations (e.g. Innes and Booher 1999). However, there is limited research on the character/quality of determinations leading to implementation and practical actions (Emerson & Nabatchi 2015). The most important determination is whether, when and how participants of collaborative initiative are able to agree on common purposes, shared goals or joint objectives they aim to achieve together. This determination Emerson and Nabatchi (2015) call a shared theory of change shaping and directing the activities of CGR participants over time. In fact, shared theory of change is the collective purpose of CGR, which is usually taking a shape of strategy or action plan.

Shared motivation

Shared motivation indicates interpersonal and relational components of collaborative process, in other words, social capital describing the nature of relationship between stakeholders(Emerson et al. 2012). Social capital is not only important to reach an agreement but also to support the implementation of management plan (Margerum 2001). Importantly, shared motivation is based on principled engagement, but once initiated, it can reinforce or change the principled engagement process (Emerson & Nabatchi 2015). This illustrates the reinforcing and interrelated nature of collaborative dynamics. In the present conceptual framework, shared motivation indicates the process of trust building which in its turn leads to mutual understanding and commitment to the collaborative process.

The concept of trust has been recognized by academics as one of the most essential and fundamental elements within collaborative governance (Ansell & Gash 2008; Wood & Gray 1991; Margerum 2001). Good or successful collaborative governance is defined by the sufficient level of trust among stakeholders seeking to achieve collaborative objectives (Dickinson & Sullivan 2014). Trust building process is taking place over time, starting from the initial stages of collaborative processes. However, it can be time consuming and problematic to accomplish (Thomson & Perry 2006). Moreover, lack of trust among actors is a widespread starting point of collaboration as they sit to the table of negotiations with their own interests, values and perceptions of the problem, even if they recognize common objectives of the process which are possible to achieve by means of cooperation.

Especially, when there is a history of tensions among stakeholder, conflicting interests of them can generate distrust and non-collaborative behavior (Ansell & Gash 2008). In this regard, some authors attempt to answer to the question whether trust can be fostered and how (Leach & Sabatier 2005). They conclude that within collaborative processes, stakeholders are more likely to trust each other if they recognize transparency and legitimacy of the deliberation process. Indeed, the cyclical nature of collaborative dynamics, and interconnectedness of different elements of the process can be clearly seen from the initial stages of collaborative processes such as trust building. Emerson et al. (2012) also conceptualize the mechanism of trust building as an element of cyclic system, where trust produces mutual understanding, the latest legitimacy and all together mutual commitment,
reinforcing each other at different stages of collaborative processes. In other words, once mutual trust is achieved, it establishes ground for mutual understanding and commitment.

In intergovernmental CGRs, different individual participants can achieve to a shared understanding about a particular objective or goal, however, their individual concerns and interests coupled with the interests of the governments they represent can vary substantially. Mutual understanding is achieved when participants, while recognizing their different rationales to cooperate, agree on why a particular goal is important and how to achieve it (Emerson & Nabatchi 2015). And finally, commitment enables participants to cross their organizational boundaries and commit to the CGR (Ansell & Gash 2008). Initially, the commitment can be informal; however, at some point of collaborative dynamics, this turns into formal obligations (e.g. charters, memoranda of understanding etc.). Importantly, the process of shared motivation encompassing trust, mutual understanding and commitment is taking place simultaneously on two levels: between the CGR participants and between the organizations they represent (Emerson et al. 2012)

**Capacity for joint action**

In general, collaborative governance seeks to generate outcomes that participants of collaborative arrangement could not achieve separately (Margerum 2001). However, to cooperate successfully, CGR parties have to generate improved or new capacities for joint actions that did not exist before. Considering that, Emerson and Nabatchi (2015, p.68) define capacity for join action as “a collection of cross-functional elements that come together to create the potential for taking effective action”. In other words, capacity for joint action enables CGR members to accomplish their common goals. Authors also mention that it can be viewed as an intermediate result/outcome of the collaboration dynamics. In the present conceptual framework, capacity for joint action (or capacity for regional cooperation) is presented as a combination of three elements: procedural and institutional arrangement, knowledge and resources. These are process outcomes crucial for establishing the impetus that may lead to a successful regional cooperation by means of creating capacity for taking effective actions.

Thomson et al. (2007, p.23) define collaboration as “a process in which autonomous actors interact through formal and informal negotiation, jointly creating rules and structures governing their relationships and ways to act or decide on the issues that brought them together”. They suggest that the purpose of collaboration is to establish ground rules and structures to manage interactions among stakeholders over time. Thereby, as an outcome of collaborative process, procedural and institutional arrangements embody the range of formal action plans, strategies, agreements protocols, institutional structures as well as informal norms required to govern agreed interactions and joint actions. These institutional arrangements can vary from basic rules and protocols to charters and regulations depending on the longitude and character of the cooperation (Emerson et al. 2012). This means that complex and long term collaborative initiatives, such as the implementation of MSFD, require more comprehensive and even legally binding structures for the coordination of activities. However, like in case of MSFD, many collaborative initiatives do not provide enforceable legal frameworks or specific institutional structures to facilitate cooperation and collaboration (Van Tatenhove 2015). This fact reduces commitment of stakeholders to the implementation of agreed activities (Thomson & Perry 2006).

Second and third elements to be considered within capacity of joint action are knowledge and resources. In general, Institutional capacity building relies on the ability of stakeholders in collaborative governance arrangements to participate in policy and decision-making processes by mobilizing knowledge and resources (Van Tatenhove 2013). Emerson et al. (2012) describe knowledge as a currency of cooperation that should be fully considered if it is contested and strengthened with new knowledge if it is not complete. Importantly, collaboration requires creation of shared, new knowledge. In the present conceptual framework, knowledge is a sum of shared information, knowledge, data and expertise that has been integrated with the perceptions and values of all stakeholders. Referring to resources, Thomson & Perry (2006) mention that the
possibility to share resources among stakeholders can be seen as one of the outcomes and benefits of collaboration. Needed resources may include financial, technical, scientific or logistical assistance and organizational support. Resource differences and imbalances among stakeholders are especially highlighted in regional and international settings, where economic, political and/or cultural disparities can block the participation in collaborative initiatives (Emerson & Nabatchi 2015). Nonetheless, in the best scenario, these resources can be redistributed through collaborative initiatives in order to achieve the objectives of those initiatives. Consequently, the effectiveness of collaborative process can also depend on how efficient this resource difference is managed (Emerson et al. 2012).

2.3.3. Collaborative actions and adaptation

Collaborative actions with their consequent outcomes and adaptation are the results or outputs of the process of collaborative dynamics (Emerson & Nabatchi 2015). These are the actions that “could not have been attained by any of the organizations acting alone” (Huxham 2003, p.403). Emanate from collaborative dynamics, collaborative actions are the intentional measures undertaken as a result of collective choices made by CGR to achieve the target goals (Emerson et al. 2012). They take different forms depending on the CGR’s goals and purposes. In marine governance, collaborative actions may include, for instance, enacting new marine policies, strategies or implementing monitoring or assessment. Moreover, collaborative actions may be employed by regime participants collectively or by individual members separately, by the CGR’s managers or by organizations represented in CGR (Emerson & Nabatchi 2015). These actions can also be different in their functions. For example, operational collaborative actions enable the development of CGR itself, networking actions enhance external reputation of CGR, and substantive actions promote the collective mission of the regime participants (Agranoff 2012). Importantly, these different collaborative actions are derived from the CGR’s shared theory of change. However, Emerson and Nabatchi (2015) warn that even if the shared theory of change is set, it does not mean that logical round of collaborative actions will unfold. Moreover, as long as collaborative dynamics continue and collaborative actions take place, the initial shared theory of change can be changed and transformed based on the outcomes of those processes. Therefore, if the collaborative actions have negative consequences or do not lead to expected outcomes, the shared theory of change will require a reconsideration and adaptation to those unexpected or negative outcomes (Emerson et al. 2012). In general, adaptation is highly important concept for assessing the performance of CGRs over time, as it demonstrates the ability of the regime to respond to the outcomes (both positive and negative) of the actions it takes (Emerson & Nabatchi 2015). Moreover, CGR have to adapt also to the changes happening in larger system context (e.g. changes in resource conditions, political situation or outdated legal framework) and to internal variations within the regime, between its members and organizations those member represent (Emerson et al. 2012).
3. Establishing marine collaborative governance in the Black Sea: system context

The chapter illustrates an overview of different cooperative efforts, regional initiatives, mechanisms and arrangements that have been developed under environmental conventions, agreements and other institutional arrangements to promote regional cooperation on the protection and rehabilitation of the Black Sea. The set of system context variables of the theoretical framework developed on the basis of the integrative framework for collaborative governance by Emerson and Nabatchi (2015) is used to present the conditions that influence the formation of CGR, the Black Sea Commission, as well as necessary drivers to initiate regional cooperation. As noted in Chapter 2, legal, institutional, external, political and other conditions create opportunities and limitations that shape the creation and later the performance of CGRs (Emerson & Nabatchi 2015). The context system shaping the Black Sea marine collaborative governance regime consists of resource conditions, institutional and legal framework, external driver such as intervention of EU and GEF, and economic and political context including power and resource asymmetries and prehistory of cooperation or conflicts on marine issues.

3.1.1 Conditions of the Black Sea

As it was already mentioned in the introduction, the Black Sea is considered to be one of the most degraded seas in the world (Knudsen 2015). Although there is no agreement among scientists on the degree of the seriousness of ecological situation in the Black Sea, pollution and ecological decline of the sea are practically mentioned on every environmentalist’s list of major ecological problems in the globe (DiMento 2001). To simplify in terms the seriousness and urgency of the problem, different scientists have been using different terms to describe the environmental degradation of the Black Sea. In the beginning of 1990s, expressions like “crisis”, “dead”, “unholy mess”, “environmental disaster”, “catastrophic”, “close to collapse” were widely used among scientists to describe the Black Sea resource conditions (Oral 2013). It was generally acknowledged that drastic environmental decline of the Black Sea has started since 1960s (Knudsen 2015).

This dramatic change in the ecology of the sea is best understood as a complex of interactions of different anthropogenic and natural pressures and processes resulted to the shift of oligotrophic conditions of the sea into a eutrophic water body (Oral 2013). While being an unclosed sea and having limited connection to and water exchange with the world water bodies, the Black Sea is considered to be one of the biggest anoxic (lacking oxygen) basins in the world. Because of this physical peculiarity of the sea, it is strongly vulnerable to human alterations as pollutants stay in waters for longer period of time and in higher concentrations (DiMento & Hickman 2012). Moreover, from 150 meters below the surface, there are no living organisms as the sea is filled by hydrogen sulfide. Consequently, the layer of seawater which supports the Black Sea biodiversity is even more vulnerable to the detrimental impact of anthropogenic pollution as the alteration of the natural balance between these two layers can cause expendable loss of the Black Sea ecosystem (BSC 2008).

Nevertheless, as the catchment area for about thirty rivers and particularly for Danube river, the Black Sea uptakes waste or sewage discharges of 170 million people from seventeen countries (DiMento 2001) combined with heavy nutrient inflow and industrial/agricultural waste. Not surprisingly, the Black Sea is also considered to be one of the most eutrophic seas in the world (Borysova et al. 2005). Polluted river discharges resulted to the eutrophication have a destructive impact on marine biology of the Black Sea (TSU, Material Research Institute, interview). Additionally, the Black Sea is polluted by oil spills, especially from offshore platforms and nuclear fallout from the Chernobyl disaster (1986). About one billion cubic meters of polluted water containing also radioactive remaining from the Chernobyl accident is dumped into the Dnieper River each year and further the Black Sea (Oral 2013). The presence of radiation fallout in the Black Sea coastal zones
was proved also by the senior researcher of Material Research Institute of Tbilisi State University who mentioned during the interview that they found remaining of Chernobyl disaster in some of the Georgian coastal zones of the Black Sea while conducting measurements of the content of radionuclides in the sediments. Fortunately, the present level of pollution by radioactive fallout does not constitute a threat to human life.

In general eutrophication was one of the main causes of biodiversity loss in the Black Sea and the decline of fish stock. This was compound with non-sustainable fishing practices in the coastal countries, illegal fishing, and introduction of non-native species and poor management of fisheries (FCE director, interview). However, only recently the first Black Sea fish stock assessment (only for ten fish stocks) has been conducted (Daskalov et al. 2012). The absence of the assessment has resulted to divergent reports on the overall state of fish stock and particularly on the number of species impacted by the different sources of pollution and illegal fishing (DiMento 2001). Nevertheless, according to the Second Black Sea Transboundary Diagnostic Analysis (BS-TDA) published in 2007, in general “commercially important marine living resources have been greatly affected by alien species introductions (Figure 4), eutrophication, over-fishing and habitats change/damage” (p.3).

![Figure 4: Number of new recorded alien species per decade (BS-TDA 2007)](image)

Based on the same report (BS-TDA 2007, p.1), currently the resource condition of the Black Sea is characterized by number of priority transboundary problems (Figure 5): eutrophication/nutrient enrichment, changes in marine living resources, chemical pollution (including oil) and biodiversity/habitat changes, including alien species introduction”. Importantly, the interconnected nature of these problems allows presuming that improvement of one problem will have positive effect on the other. Overall, there is a consensus among scientific community and policy/decision makers that the Black Sea is in the transition period from one of the worst environmental disasters to a gradual recovery (DiMento & Hickman 2012). However, according to the BSC (2008) the lack of reliable data from many sectors makes it difficult to summarize physical changes in the Black Sea, and based on existing information it is not possible to draw a conclusion on anything more concrete than the Black Sea is still frangible and inclined to disturbances without permanent improvement.
3.1.2. Institutional and legal framework for collaboration

Early attempts

Before the dissolution of USSR (1991), marine governance in the Black Sea was mainly based on national environmental legislation and partially on multilateral environmental agreements which resulted to the disconnected system for regional marine governance. The first and the only international regulative mechanism of environmental importance for the Black Sea was the Varna Convention concerning fishing in the Black Sea (1959). However, it was incomplete regional agreement signed only by three of the Black Sea riparian countries (former USSR, Bulgaria, and Romania) and acknowledged outdated after the collapse of USSR (Knudsen 2015). In general, the Cold War was a substantial barrier towards the establishment of regional environmental governance for the Black Sea (Oral 2013). For instance, during the negotiations of the Barcelona Convention (Convention for the Protection of the Mediterranean Sea against Pollution) signed in 1976, USSR came up with a proposal to include the Black Sea in the framework of the Barcelona Convention. Nevertheless, the proposal has been rejected to hamper any possible influence and operation of the USSR in the region (Oral 2013). Later, another process has been initiated by the former USSR to develop a convention for the protection of the Black Sea (Mee 2001) which is seen sometimes as the root of the Bucharest Convention (Knudsen 2015). However, these negotiations also did not succeed to produce a regional convention.

Institutional framework: BSC and BSEC

Following the dissolution of the USSR in 1992, the Black Sea six riparian countries, including newly independent republics of Ukraine and Georgia, adopted the first Black Sea regional marine convention namely the Convention for the Protection of the Black Sea Against Pollution known as Bucharest Convention. The historical legal and environmental cooperation involving all six coastal countries was put into motion (Oral 2013). The Commission for the Protection of the Black Sea against Pollution (BSC) was established through the UNEP in 1995 with clearly defined responsibilities under Article 18 of the Bucharest Convention to execute and promote the implementation of the Convention, its protocols, actions plans (BS-SAP) and cooperate with competent international organizations (BSC 2008). Thus, the overall goal of the BSC is the rehabilitation and preservation of the Black Sea, while ensuring the sustainable use of its marine resources (BS SAP 2009).

In fact, the BSC is one of the two regional organizations constituting the Black Sea institutional framework for the protection of marine environment which meets once a year and adopts a work program/plan for the coming year (Velikova & Oral 2012). While being a regional cooperation framework, the BSC is made up of one member from each of the six coastal countries (BS SAP 2009). From 2000, the work of the BSC in daily implementation of annual work programs is supported by the Black Sea Permanent Secretariat based in Istanbul. Furthermore, seven Advisory Groups for

<table>
<thead>
<tr>
<th>Transboundary Problem*</th>
<th>Present day</th>
<th>Future (10-15 years)*</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>Median Score</td>
<td>Priority</td>
</tr>
<tr>
<td>Decline in natural resources (e.g. fish stocks)</td>
<td>3.0</td>
<td>High</td>
</tr>
<tr>
<td>Nutrient over-enrichment/ eutrophication</td>
<td>3.0</td>
<td>High</td>
</tr>
<tr>
<td>Chemical pollution</td>
<td>3.0</td>
<td>High</td>
</tr>
<tr>
<td>Habitat and biodiversity changes</td>
<td>2.0</td>
<td>Moderate</td>
</tr>
<tr>
<td>Alien species introduction</td>
<td>2.0</td>
<td>Moderate</td>
</tr>
<tr>
<td>Coastal erosion</td>
<td>1.0</td>
<td>Low</td>
</tr>
<tr>
<td>Changes in the flow regime from rivers</td>
<td>1.0</td>
<td>Low</td>
</tr>
</tbody>
</table>

Figure 5: Priority transboundary problems in the Black Sea (BS-TDA 2007)
specific areas of environmental protection in the Black Sea (Figure 6), consult the Commission and Secretariat mainly through information gathering (DiMento & Hickman 2012). Each of the Advisory Groups consisting of two representatives (an expert and representative of the relevant ministry) has corresponding Activity Centers located in all six coastal countries and consists of local researchers thus using the potential of existing national structures. As it was mentioned by the member of the BSC from Georgia “the Advisory Groups are an important linkage between the Commission from one side and governmental representatives and other professionals from another, as they are not merely technical entities, but also channel for better communication and collaboration between professionals from riparian countries and the Black Sea Commission”.

The performance of activities and initiatives undertaken within the BSC as CGR will be analyzed and discussed in the chapters 4 and 5.

![Figure 6: General structure of the Black Sea Commission (BS-TDA 2007)](image)

The second organization within the regional institutional framework for collaboration and protection of the Black Sea marine environment is the Organization of the Black Sea Economic Cooperation (BSEC), also established in 1992. While BSC was initiated exceptionally for the rehabilitation and protection of the Black Sea, the BSEC was established primarily to encourage trade and economic development in broader Black Sea region encompassing twelve countries (Velikova & Oral 2012). The organization’s charter emphasizes in the first place economic objectives by including environmental protection only in Article 4 of cooperation areas (BSEC 1999). Nevertheless, after the “Agreement on Co-operation between the Black Sea Economic Co-operation and the United Nations Environmental Programme” was signed in 2002, the BSEC has started to give greater attention to

In light of the theoretical framework of the present research project intended to analyse the formation and performance of CGR (in this case BSC), it might be confusing that the establishment of BSC is presented under the section of system context driving the creation of CGR. Since by the time when the Commission has been established, the operational unit of BSC, permanent secretariat, was not yet created, BSC as fully functioning CGR can be presented only after that event. Thus the formal establishment of BSC is presented as a system condition that led to the formation of CGR later.
the protection of the environment (Oral 2013). A working group on Environmental Protection has been formed to “promote cooperative activities in the BSEC region in the field of environmental protection”3. Broad definition of environmental protection includes a wide range of environmental issues since half of the BSEC countries are not bordering with the Black Sea and suffering from different environmental problems. Regarding to the Black Sea protection and collaborative efforts, most important provisions from the Tor of Working Group are

- “Sustain the development of regional environmental cooperation in intersectoral and thematic areas such as ...marine environment;
- Strengthen cooperation with UNEP and UNEP/MAP, the International Maritime Organization and with other related international organizations
- Facilitate the exchange of information related to the environmental situation in the BSEC, especially with respect to pollution prevention and biodiversity conservation with particular attention to the areas not covered by the Bucharest Convention;
- Contribute for the harmonization of the environmental legislation in the BSEC Member States,
- Improve the coordination with regional organizations, institutions and initiatives, in particular with the Commission on the Protection of the Black Sea against Pollution”

These provisions are also incorporated in the BSEC Action Plan for cooperation in the field of environmental protection adopted in 20064. Despite the given priority to the environmental cooperation on the BSEC agenda, the reality seems less optimistic. Although the environment was the sector expected to deliver most of the collaborative initiatives, the Black Sea marine management and regime stays completely outside the BSEC agencies (Manoli 2013). First of all, as six BSEC member countries are not Black Sea coastal states and may perceive no liability towards the Black Sea nor make use of the benefits of its recovered conditions, reaching the consensus on Black Sea rehabilitation and preservation is challenging despite the recognition of the sea as the “heart” of BSEC geographic identification (Mee 2001). Such an example can be considered the failure to reach an agreement on fisheries as it could not involve all BSEC countries and fulfil the main principle (consensus) of the organization (Manoli 2013).

Second of all, EU has elaborated its own environmental policy in the region and bypassed the BSEC. Environmental legislation of Bulgaria, Romania and Turkey is improved in accordance with the EU requirements, while the harmonization of the environmental legislation of all BSEC countries is one of the provisions of the ToR of Working Group (WG) on environmental protection. Moreover, none of the environmental activities of BSEC has been funded by the EU, which in fact left the WG on environmental protection without a practical agenda (Manoli 2013). Not surprisingly, only a minor progress has been mentioned in the implementation of BSEC Action Plan for Cooperation in the field of environmental protection at the meeting of the WG on Environmental Protection on 2010 (Dimadama & Timotheou 2010).

Importantly, parliamentary Assembly of the BSEC (PABSEC) has prepared in 2001 a generic report entitled “Black Sea Environmental Protection: New Challenges” highlighting the lack of coordination between various international programs/ projects implemented in the region and ineffective enforcement despite the existence of ratified international environmental conventions (BSEC 2001) including the Bucharest Convention. Lack of sufficient funds for environmental projects also has been stressed out in the report. However, projects concerning to the environmental protection are not mentioned amongst the sectors that can be financed through the main funding mechanism of the organization namely Black Sea Trade and Development Bank (Oral 2013).

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3 Terms of Reference of the BSEC WG on Environmental Protection available at http://www.bsec-organization.org/aoc/environprotect/Pages/termsofref.aspx

In general, it might be uncertain how a regional organization initiated primarily to facilitate economic development and cooperation is granted with the capacity of promoting and executing arrangements for environmental protection, when the latest will frequently be considered as a limitation for economic development particularly in a region where not all national authorities give a high priority to the environment (Dimadama & Timotheou 2010). Very figurative description was given to the work of BSEC by the pollution monitoring and assessment officer of BSC who mentioned: “...we are dealing with environmental problems of the Black Sea, the BSEC is dealing with the need to coordinate the efforts of the countries in many directions. We are not staying until midnight, fight and make political statements like BSEC does”.

In this light, the co-existence of the BSC and the BSEC also poses some questions, as it is sometimes considered as duplication and overlap of measures and responsibilities in marine governance, particularly in the implementation of regional norms (DiMento & Hickman 2012). Both organizations while having formal requirements to cooperate (BSC – in Strategic Plan for the Rehabilitation and Protection of the Black Sea, BSEC – in the charter), decided upon an observer status in 2002, thus enabling the participation in each other’s meetings (Stribis 2009). However, coordination of efforts and cooperation between BSC and BSEC has been limited to that participation in each other’s meetings without concrete and action based results (Knudsen 2015).

**Legal framework for cooperation**

The Black Sea legal framework for cooperation aimed to protect the marine environment at the regional level was set up in 1992 under the UNEP Regional Seas Programme. Analogous to other regional seas programmes of UNEP, the basis of the Black Sea legal framework is a “framework convention” approach with more detailed and action-based protocols (Mee 2001). Notably, The Black Sea Regional Seas Programme is a non-UNEP Administered Programme, which means that it ensures overall coordination and cooperation rather than granting support and leadership (which is a case for UNEP Administered programs). Another difference from UNEP administered programs is that while still being classified under the UNEP Regional Seas Programme, the secretariat is provided by another institution such as BSC established to facilitate the implementation of the Bucharest Convention (DiMento & Hickman 2012). Furthermore, the Bucharest Convention has been adopted before the first transboundary diagnostic analysis of the ecological state of Black Sea had been finalize in 1996. This would not be a case for UNEP Administered Regional Seas Programme (Oral 2013).

**The Bucharest Convention** consists of the basic framework of agreement specifying the objectives and obligations of the Parties\(^5\) and four specific Protocols defining the practical implementation of the Convention, which are:

- The Protocol on Protection of the Black Sea Marine Environment against Pollution from Land-Based Sources;
- Protocol on Cooperation in Combating Pollution of the Black Sea Marine Environment by Oil and Other Harmful Substances in Emergency Situations (Emergency Protocol);
- Protocol on the Protection of the Black Sea Marine Environment against Pollution by Dumping;
- The Black Sea Biodiversity and Landscape Conservation Protocol to the Convention on the Protection of the Black Sea against Pollution, which was signed in Sofia\(^6\)

In general, the text of Bucharest Convention does not explicitly define the purpose or the objective of the Convention, but specify the general obligations to be executed by the Parties, particularly “to prevent, reduce and control pollution thereof in order to protect and preserve the marine

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\(^5\) Georgia, Russia, Romania, Ukraine, Bulgaria and Turkey

\(^6\) Has not yet entered into force, as was not ratified by all Parties
environment of the Black Sea”. It addresses five generally recognized sources of marine pollution: land-based (Art. VII), vessel-source (Art. VIII), ocean dumping (Art. X), exploitation of the seabed of the continental shelf or margin (Art. XI), and from or through the atmosphere (Art. XII) (Mee 2002). Amongst other obligations such as “to take individual or joint actions to prevent, reduce and control pollution from land based sources, vessel-based sources, and dumping, as well as to cooperate in order to prevent, reduce and combat pollution due to emergency situations and adopt laws and regulations to take measures.” (Oral 2013, p. 87-88), regarding to cooperative efforts, the Contracting Parties “… convinced that the natural resources and amenities of the Black Sea can be preserved primarily through joint efforts of the Black Sea countries… reaffirming their readiness to cooperate in the preservation of the marine environment of the Black Sea and the protection of its living resources against pollution … noting the necessity of scientific, technical and technological cooperation for the attainment of the purposes of the Convention …. realizing the need for close cooperation with competent international organizations based on a concerted regional approach for the protection and enhancement of the Black Sea, have agreed on the following: the contracting Parties shall cooperate

- in the elaboration of additional Protocols and Annexes to the Convention as well as in promoting within international organizations the elaboration of measures contributing to the protection and preservation of the marine environment of the Black Sea (Art. V).
- in combating pollution in emergency situations (Art. IX)
- in preventing, reducing and controlling pollution caused by dumping (Art. X) and due to hazardous wastes in transboundary movement, as well as in combatting illegal traffic (Art. XIV)
- in conducting scientific research aimed at protecting and preserving the marine environment of the Black Sea, in developing ways and means for the assessment of the nature and extent of pollution as well as will undertake joint programmes of scientific research and exchange relevant scientific data and information (Art. XVI)
- in developing and harmonizing laws, regulations and procedures relating to liability, assessment of and compensation for damage caused by pollution of the marine environment of the Black Sea (Art. XVI)

Although the legal framework for cooperation in the Black Sea region was formed by means of the Bucharest Convention, the latest is considered to be a “barebones” framework agreement that covers more generic obligations. Importantly, it is lacking of legal principles to act as the foundation of cooperative efforts of the Black Sea coastal countries (Oral 2013). Moreover, it was adopted few months before the adoption of the substantial Rio Declaration and Agenda 21 in 1992, which resulted to the lack of modern marine governance principles, acknowledged during the Rio Conference (Mee 2001). Thus, in order to fill this gap and other drawbacks conditioned by the “hasty” adoption of the Bucharest Convention and its protocols (Manoli 2013), four Ministerial Declarations have been adopted: the Odessa Declaration (1993), the Sofia Declaration (2002), the Bucharest Declaration (2007) and the Second Sofia Declaration (2009) further supplemented also by the Black Sea Strategic Action Plans (BS SAP) from 1996 and 2009.

Odessa Ministerial Declaration on the Protection of the Black Sea (the Odessa Declaration) adopted in 1993 expanded the scope of the Bucharest Convention beyond pollution and more precisely elaborated environmental goals to protect, preserve and rehabilitate (where necessary) the marine environment by means of ensuring the sustainable management of the Black Sea (DiMento 2001). In order to reach the goals the Ministers of Environment from Black Sea coastal countries declared their commitment to ensure sustainable development by elaborating and implementing national integrated management policies, legislative improvements and economic instruments (Velikova & Oral 2012). This declaration was historical (and ambitious) as it was the first policy paper on regional
seas reflecting crucial in environmental history Agenda 21\(^8\) and incorporating public participation, precautionary principle, accountability, need for cooperation and coordination of regional activities (DiMento 2001).

In fact, based on all these principles, the Odessa Declaration built foundation for the establishment of collaborative governance. Moreover, it set up a time frame to manage the implementation of the Convention and associated arrangements (Mee 2002). Particularly, in the Action 1 of Harmful substances it has been agreed “to develop, by 1996, common environmental quality objectives and standards for inputs of substances...common assessment and monitoring programs...” and in the Action 7 of arrangements for future cooperation it has been decided “to select, by the end of 1993, activity centers based upon existing national institutions in order to provide technical support and coordinate the national and regional actions highlighted in this Declaration”\(^9\). However, the Odessa Declaration was a limited legal/binding instrument as it did not provide a consistent legal regime for the environmental management of the Black Sea nor could legally amend the Convention (Oral 2013). In contrast, Mediterranean Action Programme by applying hard law approach amended the Barcelona Convention to harmonize it with principles of Agenda 21. Thus, the Odessa Declaration was a commitment for all the six Black Sea countries, but was lacking feasible enforcement mechanisms (Oral 2013), drawback of the whole Bucharest convention regime to be discussed in the following chapters.

In general, the Odessa Declaration gave a clear sign to donors that the Black Sea states are willing to cooperate on protecting and rehabilitating the marine environment of the Black Sea. This opened a way for international financial assistance to transform the text of Odessa Declaration into factual activities and institutions (Knudsen 2015). As a result, the Black Sea Environmental Programme (BSEP) has been established in 1993 funded by Global Environment Facility (GEF). A major accomplishment of BSEP was the preparation of the first Black Sea Transboundary Diagnostic Analysis (BS TDA) produced in 1996. The BS TDA is a technical document examining main environmental problems of The Black Sea, the causes of ecological degradation, options/actions to address them as well as actors responsible for the creation of the problems. In fact, this document is intended to give solutions and/or alternative options to the environmental problems of the Black Sea with specific time frames and cost for the solutions (Mee 2002). The elaboration of the first BS TDA took two years, and was a substantial achievement in the sense of gathering together different national, regional and international actors.

Based on this analysis the Black Sea Strategic Action Plan (BS SAP) has been adopted in 1996, at the Ministerial Conference in Istanbul (Knudsen 2015). In general, the plan reaffirmed commitment of the countries to protect and rehabilitate the Black Sea and use its resources in a sustainable way (DiMento 2001) by means of close cooperation among Black Sea countries, including Black Sea basin states and with international organizations. The whole second chapter of the document was concerning to the principles forming the basis for regional cooperative actions: “sustainable development, precautionary principle, anticipatory actions (contingency planning, environmental impact assessment, and strategic environmental assessment), use of clean technologies, use of economic instruments, environment and health considerations, and importantly, close cooperation among Black Sea coastal states, cooperation among all Black Sea basin states, involvement of stakeholders and transparency and public participation” (BS SAP, 1996).

Thus, the foundation for the establishment of collaborative governance set down with the adoption of Odessa Declaration was reinforced with the elaboration of SAP in 1996, committing countries to

\(^8\) Non-binding UN resolution adopted in 1992 that suggests ways for governments and NGOs to promote sustainable development

cooperate and engage stakeholders for the healthy living environment. However, the actual implementation of the action plan was less optimistic than the text itself. The corresponding ministries were not meeting the deadlines agreed by themselves (Mee 2002), and the implementation of the plan was very slow also because of the non-payment of annual contribution (to BSC) by some governments (DiMento 2001). This lack of progress was recognized in the Sofia Declaration of 2002, highlighting a substantial delay in the implementation of BS SAP as well as a failure to agree on common indicators for the assessment of the efficiency of already taken measures (Oral 2013). The Sofia Declaration also amended the timetable dates of the 1996 BS SAP (Velikova & Oral 2012) and restated that “...the cooperation for environmental protection and rehabilitation, and in sustainable development in the Black Sea basin is crucial for the recovery of the Black Sea ecosystem and for the sustainable use of its natural resources” 10.

As in case of first BS TDA, based on the second BS TDA from 2007 new, updated version of BS SAP was produced by reorganizing the priorities and actions of the previous plan and using more flexible and non-binding short, medium and long term targets (Oral 2013) including legal and institutional reforms and long-term ecosystem quality objectives, such as preservation of commercial marine living resources, conservation of the Black Sea biodiversity and habitats, reduction of eutrophication and ensuring good water quality for human health, recreational use and aquatic biota (BS SAP 2009). The document, being in use up to now, has been adopted during the Sofia Ministerial Meeting in 2009 and again reiterated that “conservation, protection of biodiversity and habitats, reduction of eutrophication, increasing environmental safety aspects of shipping and other improvements in water quality are primary areas for transboundary cooperation” (BSC 2009, p.2)

To summarize, all legal documents produced under the Bucharest convention highlights the need for enhanced cooperation among all Black Sea coastal countries and engagement of international organizations, other Black Sea basin countries as well as different stakeholders in the cooperative efforts to protect and rehabilitate the Black Sea environment. Particularly, the Odessa Declaration and BS SAPs from 1996 and amended in 2009 comprise commitments with legal effect for all Black Sea coastal countries and could also compose binding agreements as they have been adopted at the highest level Ministerial (diplomatic) meetings (Oral 2013). However, the drawback of these documents, as already mentioned, is the lack of visible enforcement mechanism to enable regional cooperation and fulfill the commitments.

3.1.3. External drivers: EU and GEF in the Black Sea

The external role of EU and other international organizations is enormous in the creation of collaborative marine governance in the Black Sea region. However, within the scope of the present research project it is not possible to discuss all the initiatives and consequent projects undertaken by international organizations to enhance the environmental management in the Black Sea. Thus, main international efforts with special emphasis on improving regional cooperation in the region are highlighted in this subchapter.

EU regionalization

The EU has been considering the wider Black Sea region as a neighboring region since 1990s when after the resolution of USSR the strategic importance of the region became apparent in terms of energy, environment, transport, trade and geopolitics, particularly possible enlargement of the EU (Knudsen 2015). While during the 1990s the EU was mainly financing the improvement or establishment of institutional structures for environmental management in the region by

encouraging sectoral based networks, direct involvement in the Black Sea regional structures as regional actor and explicit promotion of regional cooperation has started after the accession of Bulgaria and Romania to the EU in 2007 (Emerson 2008).

The DABLAS (Danube - Black Sea) Task Force is one of the first attempts towards the establishment of a regional institutional mechanism launched by the EU in the Black Sea wider region. It is considered to be one of the most successful examples of EU’s efficient collaboration with the countries in the region to address transboundary environmental problems (Knudsen 2015). The aim of DABLAS “is to provide a platform for cooperation to ensure the protection of water and water-related ecosystems in the Danube and the Black Sea”\(^{11}\) by facilitating the coordination of efforts and developing financial mechanisms for the implementation of different projects to reduce pollution and rehabilitate the Black Sea wider region ecosystems (Stribis 2009). It comprises representatives of a number of non-EU countries from the region and interested EU Member countries, various international institutions and importantly the BSC. Different NGOs and representatives of the civil society are also involved in diverse tasks implemented by the DABLAS Task Force. Under this initiative, numerous projects have been implemented, mostly on municipal and industrial water treatment (Popovici 2004) having direct effect on the reduction of nutrient discharges in the Black Sea (Knudsen 2015). Noticeably, in 2003 the DABLAS Task Force developed a list of priority projects (mainly related to the EC Water Framework Directive) to be presented to donors and different financing Institutions based on the existing lists of possible investment projects elaborated by the Black Sea Commission and the International Commission for the Protection of the Danube River (ICPDR or Danube Commission) (Popovici 2004). In fact, the main reason of the recognized success of the EU’s DABLAS initiative is that it brought together the BSC, the ICPDR and countries of wider Black Sea region (Knudsen 2015). The DABLAS Task Force was formally closed in 2011, as the EU has already initiated new mechanisms and instruments to work with the Black Sea countries.

Right after the accession of Romania and Bulgaria in 2007, the EU adopted the Black Sea Synergy-a New Regional Co-operation Initiative (BSS) Communication defining the future EU strategy in the Black Sea region formally launched in 2008. The main objective of the BSS is “to develop cooperation within the Black Sea region and also between the region and the EU, through projects and dialogue” (EC 2015). This initiative was new opportunity for project funding to promote sustainable development, including sustainable environmental management and governance in the Black Sea (Oral 2013). Amongst broad political and economic strategies and policies, it also addresses the necessity for improved cooperation in environmental management and maritime activities thus signaling that EU considering the Black Sea as European Sea. However EU’s support for regional development and promotion of Black Sea regionalization was/is seen by some countries, especially by Russia, as an attempt by European “bureaucracy” to enhance its political and economic influence in the region (Knudsen 2015).

Unsuccessful efforts of the EU to join the Bucharest Convention can be considered as an example of such a notion. After Romania and Bulgaria join the EU in 2007, they prepared an official proposal for the EU to access the Bucharest Convention and presented it to the BSC (Oral 2013). However, the Convention has to be amended to allow the accession of EU as regional economic integration organizations (BSC PS officer, interview). This issue has been discussed during the Ministerial Meeting in Sofia and was documented in the 2009 Sofia Declaration in the way that all Black Sea coastal countries have agreed to “initiate a joint process within the Black Sea Commission to elaborate further on the proposal for the amendment of the Convention submitted by Bulgaria and Romania on the accession of regional economic integration organizations with a view to develop a recommendation on such amendments as may be required”\(^{12}\).

\(^{11}\) ICPDR activities, available at https://www.icpdr.org/main/activities-projects/dablas

For that purpose, a working group was created within the BSC. However, no consensus was reached to amend the Convention despite all the efforts of Romania and Bulgaria to highlight the benefits of EU accession, such as incorporation of EU’s know-how, enhanced technical and financial support, promotion of the Convention in international arena (Oral 2013). “There are many speculations about this issue... EU says it is Russia who does not want to see them as a member of the Convention and Russia says you never came up with new text of Convention.... moreover, the amendment of Convention, which is possible through the Ministerial Meeting, is quite difficult as we have to gather all the ministers together and convince them that the amendment of the Convention is necessary” (BSC PS officer, interview). Not surprisingly, some of the interviewed stakeholders mentioned that they do not see the EU as Convention Party in a foreseeable future, mainly because Russia does not support certain interventions in Bucharest regime (BSNN director, interview). However, there was also opinion that Russia is not against the EU accession, and they object only because more legal analysis is needed to approve the need for amendment and ensure the quality of the new text of Convention (former BSC PS officer, interview). Nevertheless, even if the accession of the EU to Bucharest Convention will not be completed, the EU is making use of the alternative options, such as specific projects to strengthen the regional cooperation with and between Black Sea countries. The main projects which include the BSC PR as a partner are:

- “Support to the Black Sea Commission for the Implementation of the Marine Strategy”,
- “MSFD Guiding Improvements in the Black Sea Monitoring System” (MISIS),
- “Improving Environmental Monitoring in the Black Sea” (EMBLAS),
- “Baltic2Black project Tools for Understanding Marine Biodiversity and Assessing Good Environmental Status” (DEVOTES),
- “Policy-oriented Marine Environmental Research for the Southern European Seas” (PERSEUS),
- “Towards Coast to Coast networks of marine protected coupled with sea-based wind energy potential” (COCONET)

**GEF intervention**

Global Environmental Facility (GEF) is an international organization, established on the eve of the Rio Earth Summit (1992), for the protection of the planet’s environment through the project financing in developing and transition countries (Morin & Orsini 2014). From the beginning of 1990s the intervention of GEF in the Black Sea region demonstrated new regional approach aimed at building cooperation around transboundary water resources through creating and sharing scientific knowledge and reinforcing regional institutions (Gerlak 2004). As noted above, the first step undertaken by GEF to improve the environmental situation in the Black Sea was the launching of Black Sea Environmental Programme (BSEP) in 1993 after the Bucharest Convention has been signed. GEF together with other donors provided more than 17 million USD financial assistance to the region to enhance the capacity of the Black Sea coastal countries to assess and manage the environment, to assist the elaboration and implementation of new environmental policies and regulations for preserving the Black Sea (Mee 2002). The main outcome of the Programme was the elaboration of BS TDA and BS SAP discussed above. In order to coordinate the activities of BSEP and divide the task implementation between countries, a Programme Coordinating Unit (PCU) in Istanbul and BSEP Activity Centers in each Black Sea state have been established. And although the BSEP was only three years program and was formally closed in 1996, the PCU in Istanbul remained operational until the Bucharest Commission secretariat started its functioning in 2000 (Knudsen 2015). Furthermore, Activity Centers of BSC have their roots in BSEP Activity Centers. Thus, the institutional contribution of GEF in the formation and further enhancement of BSC’s CGR is enormous.

In 2001 World Bank and GEF launched the Strategic Partnership for Nutrient Reduction in the Danube River Basin and Black Sea resulted to the investments in pollution reduction, habitat

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13 Collateral funding from the EU, Austria, Canada, Japan, the Netherlands and Norway
rehabilitation and capacity building. In the framework of this initiative GEF/UNDP Black Sea Ecosystem Recovery Project (BSERP) started in 2002 with the participation of all Black Sea coastal countries. The project, with 10 million USD financial assistance, in general strengthened the role of BSC and the capacities of BSC member countries by means of supporting 14

- Development of the Black Sea Monitoring and Assessment Programme (BSIMAP) – different pilot monitoring exercises, inter-calibration exercises, research cruises, capacity-building workshops have been organized in the Black Sea countries, handbooks/manuals including Quality Assurance guidelines have been developed, monitoring equipment has been provided
- Development of the second BS TDA and revision of BS SAP
- Development and implementation of the Black Sea Vessel Traffic Oil Pollution Information System
- Development and implementation of inventories in municipal and industrial sectors, including “hot-spot” analysis
- Development and installation of the Black Sea Information System within the BSC to support regular reporting of the Black Sea countries to the Commission, and the Commission to European Environment Agency;
- Development and implementation of Small Grant Programme in the Black Sea countries (52 projects in total)
- Progressive implementation at national level of different EU directives on environmental pollution.
- Establishment of the Black Sea NGO network and involvement of NGOs in the project activities leading to the considerable increase of public involvement in the activities of the BSC, including celebration of the annual International Black Sea day and implementation of detailed communication strategy

Overall, the 15 years of GEF support to improving environmental governance in the region built a firm ground for the operationalization of BSC as CGR. The GEF financial assistance has stimulated regional cooperation between Black Sea coastal countries through the BSC in the past two decades by means of provision of the funding for the BSC to implement different projects at national and regional levels and to form new partnerships and institutional arrangements between and among Black Sea states and various institutions active in the region. The GEF initiated projects have also attracted considerable investments from other donor organizations thus improving the overall effectiveness of the initiatives (Gerlak 2004). In general, main outcomes of GEF intervention in the Black Sea region promoting the establishment of collaborative governance are joint creation and exchange of scientific knowledge, strengthening the institutional structure of BSC, incorporation of stakeholder involvement in the regional initiatives and particularly in the activities of BSC and overall demonstration of ecological improvement based on coordinated joint actions.

However, further development of the main achievements of BSERP including the elaboration of BS TDA finalized in 2007, the formation of BS SAP adopted in 2009, the adoption of revised Black Sea Land Based Pollution Protocol and the draft fisheries legally binding document has been suspended when in 2008 GEF terminated the Phase III of BSERP (Oral 2013). Although the main objective of the BSERP was to create a self-sustaining institutional and legal structure in the face of BSC to advance further the Black Sea ecosystem recovery, the BSC was not yet self-sufficient in terms of having sufficient human and financial resources to promote the implementation of BS SAP and meet overall commitments under the Bucharest Convention (Oral 2013). Even the final report of BSERP recognizes inability of BSC to meet the responsibilities after losing GEF support (BSERP, 2007), which will be discussed further under the subsection of collaborative actions.

3.1.4 Economic and political context

Political and socio-economic dynamics present at the outset of collaborative processes regarding preservation and rehabilitation of marine resources of the Black Sea are shaping opportunities as well as barriers for the efficient functioning of collaborative marine governance in the region. These conditions stimulate or hamper regional cooperation between the Black Sea coastal countries and different stakeholders. As the Black Sea region is extremely heterogeneous in terms of political priorities of the countries, economic interests and social structures, the transboundary environmental cooperation is characterized by geopolitical tensions and prioritization of economic and other interests. This became apparent especially after the political and socio-economic shift in the region characterized by two major political events taking place during the past two decades: the dissolution of USSR leading to the creation of new independent countries with nearly collapsed economies and accession of Bulgaria and Romania to EU changing the overall political and economic reality of the region.

Economic characteristics

The consideration of economic characteristics of the region while analyzing the marine governance of the Black Sea and collaborative efforts of the coastal countries is highly important as these characteristics are affecting the quality of marine resources and contributing to the environmental problems related to resource conditions of the Black Sea described in the beginning of this chapter. The opposite is also true as each of the environmental problems and overall environmental degradation of the Black Sea can have specific socio-economic consequences for the region. In general, the Black Sea region has substantial economic importance to the EU and its neighbors. While the countries have varied levels of economic development, substantial differences in national GDP and annual population growth, in terms of maritime economic activities they have some similarities as overall the region is major oil and gas producer which has also active maritime transport network, developed fisheries and tourism industry (Vladova & Knieling 2014).
Overall, the economic situation of the Black Sea region has radically changed since the 1990s though the region is still facing with complex security and development problems. Currently, the Black Sea states are going through sectoral reforms taken on in the past long period of transition, which was marked by a drastic economic decline of the newly independent Black Sea countries in the beginning of 1990s (BST 2010). This initial or first phase was characterized by the collapse of old economic systems, absence of legal frameworks and instability of financial sector (BS-TDA 2007). The second half of the 1990s was a period of economic stabilization and consolidation as initiated reforms began to give first results. In the figures of economic growth, Black Sea countries showed annual GDP increase of 0.7% in average from 1995 to 1999 (BST 2010). During the period from 2000 to 2008 this figure was substantially increased to an average of 5.9%. Following to the global economic crisis of 2008, the Black Sea countries generally demonstrated resilience to external financial strikes (Manoli 2014).

Economic growth returning to the region has brought environmental pressures resulting from urban development, extensive industrial development and large-scale infrastructure construction (Tavitian et al. 2008). In the region of approximately 170 million population of which 39 million live in the Black Sea coastal zone (EC 2014), almost every type of heavy industry is presented (Table 1).

<table>
<thead>
<tr>
<th>Country</th>
<th>Main industry</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bulgaria</td>
<td>Energy, coal industry, metallurgy, chemical industry</td>
</tr>
<tr>
<td>Georgia</td>
<td>Energy</td>
</tr>
<tr>
<td>Romania</td>
<td>Energy, coal industry, metallurgy, chemical industry, machine-building, oil industry, petroleum refining industry</td>
</tr>
<tr>
<td>Turkey</td>
<td>Energy, chemical industry</td>
</tr>
<tr>
<td>Russian Federation</td>
<td>Energy, coal industry, metallurgy, chemical industry, machine-building</td>
</tr>
<tr>
<td>Ukraine</td>
<td>coal industry, metallurgy, chemical industry, machine-building, oil industry, petroleum refining industry</td>
</tr>
</tbody>
</table>

Table 2: Major industries in the Black Sea coastal countries (Borysova et al. 2005)

Every type of industries shown in Table 1 contributes to the severe pollution of the Black Sea through wastewater flows, discharges from waste dumps or air pollution precipitated further in the waters (Borysova et al. 2005). In addition, intensive agriculture in the region leads to nutrient and chemical discharges into rivers and then into the Black Sea, although usage of the latest has been decreased in the past decade (BSC 2008). There are also considerable concerns about the extensive maritime transport in the region adversely impacting water quality on a daily base and representing potential risk in case of accidents and oil spills (Knudsen 2015). Importantly, overfishing is remaining the most significant pressure on the Black Sea living marine resources. Consequently the decline in the commercial fish stocks in the Black Sea has been recognized as one the major regional problems by the first Black Sea TDA (1997) as only five of the twenty six commercial fish species present in the Black Sea in 1970s remained commercially viable in 1990s (BSC 2008). Although some of the stocks have begun to recover recently, others are still suffering from the depletion (BS-TDA 2007).

**Political dynamics and power relations**

As mentioned in the introduction, in general, the geopolitical situation in the Black Sea region represents a major challenge to regional cooperation and implementation of marine policies (O’Higgins et al. 2014). However, it is fair also to note that several political developments in the beginning of 1990s and later had stimulated the regional environmental cooperation in the region. First of all, the dissolution of USSR and establishment of new democratic states opened up a possibility to bring together countries with common understanding of environmental disaster in the Black Sea and no longer hampered by the Cold War politics (Oral 2013). Importantly, the Black Sea coastal countries signed the Bucharest convention while having long history of political conflicts lasting for centuries to control the access to Black Sea. Second, Romania and Bulgaria by becoming European countries, directly involved the EU into the regional cooperation thus stimulating a flow of funds and additional expertise for the protection and rehabilitation of the Black Sea environment.
Although regional cooperation around the Black Sea in general, and Bucharest Convention in particular lasted even during times of strong political tensions and armed conflicts between riparian countries, it has been affected by those political problems in different ways. For example, the Russian-Georgian war in 2008 or Russian-Ukrainian conflict around Crimea in 2014 did not question the existence of environmental collaborative mechanisms between these countries, but slow down the process by making difficult reaching a consensus around different issues and identification of common goals. Furthermore, after these two conflicts Georgian and Ukrainian governmental and non-governmental representatives are not accepting the participation to the events (concerning the Black Sea environmental management) organized in the territory of Russian Federation (REC Georgia director, interview). Not surprisingly, it is expected to conduct the next BSC Ministerial Meeting in Istanbul (Turkey) as it is considered to be “neutral zone” for all participant countries (BSC officer, interview). In addition, because of the Crimea crisis EU funded environmental projects in Crimea have been suspended (EC 2015) and the political status of a number of highly knowledgeable experts and scientific institutions from this region is not clear. “Both Russia and Ukraine want to use their expertise and fighting for them, but because of different, including practical issues, such as visa or valid passport, these professionals currently are not able to participate in ongoing initiatives (projects, meetings etc.) around the Black Sea and cannot be also hired by UNDP or EC (BSC officer, interview).

Thus, bilateral political conflicts in the region negatively affect collaborative efforts of the coastal countries in specific cases, however overall logic of regional environmental cooperation is mostly influenced by wider geopolitical interests. The Black Sea is a region where interests of three powerful actors meet: EU, Russia and Turkey competing for the “control” over the region (Knudsen 2015) and pursuing strictly different policies and strategies for that purpose. Especially Russia is inclined to hinder EU influence in the Black Sea region (Emerson 2008) mainly because of the issues related to energy security. According to Knudsen (2015) in the foreseeable future EU has to rely on the energy resources (oil and gas) coming from Russia through the Black Sea. Thus Russia is interested in controlling the region and the flow of these resources from the Black Sea into Europe to ensure high revenues and political security. Furthermore, historically (since Russian imperial times) the region of Black Sea was considered by Russian authorities as a “Russian” area of political influence. Recent political conflicts with Georgia and Ukraine are the best examples of Russian attempts to retain influence in the region, by means of for example “taking the control” over Sevastopol which is a strategically important port and naval base.

In terms of resource imbalances between the Black Sea coastal countries, it is important to mention that two states out of six are EU member countries (Romania and Bulgaria), Turkey is a candidate for accession to the EU and Georgia and Ukraine signed EU Association Agreements. This means that except Russia, all the Black Sea coastal countries are committed (EU member countries are obliged) to improve environmental management under the MSFD, WFD and number of other directives related to the sustainable management of marine resources. For example, Georgia while implementing some articles from the MSFD will also adopt in 2016 a new Water Law harmonized with WFD (NEA Georgia, interview). Furthermore, Romania and Bulgaria have direct access to different European funds for the improvement of marine resource management such as European Fisheries Fund (EFF) which supports Common Fisheries Policy of the EU (BSNN director, interview). Thus compared to other Black Sea coastal countries Bulgaria and Romania are considered to be more advanced in terms of incorporating European best expertise of marine resource management into their managerial structures.

15 As a result of the annexation of Crimea by Russia, Sevastopol is currently a subject of territorial dispute between Ukraine, which considers Sevastopol as a city with special status, and Russia, which considers it a federal city within the Crimean Federal District, source: https://en.wikipedia.org/wiki/Sevastopol

16 This statement has been made by almost all interviewees
4. Collaborative marine governance regime: Black Sea Commission

This chapter examines the functioning of the Commission on the Protection of the Black Sea Against Pollution, a CGR, created in response to rehabilitate and preserve the Black Sea in a politically tense, socially diverse and geographically large region. We illustrate how regime’s participants move from the start up to collaborative actions. The central components and corresponding variables of CGR such as collaborative dynamics of principled engagement, shared motivation and capacity for joint action are presented. Further, collaborative actions undertaken by BSC and its member countries over time are illustrated. Based on the results of previous sections, the evaluation of the BSC performance is presented followed by the summery of the limitations and strengths of the Black Sea Commission regime.

4.1. Collaboration dynamics and process

While conceptualizing and analyzing collaboration dynamics within BSC it is important to mention that we describe collaboration processes not only as an interaction between participant countries through their corresponding representatives “at the table” but also additional dynamics between each of them and governments they represent. As the participation of the representatives of Black Sea coastal countries in the BSC is constrained by the interests, demands and limitations of their governments, the components of collaboration dynamics applying directly to the participants should be extended indirectly to align with and generate the force needed to influence their governments. Thus collaboration dynamics within BSC are not only gathering individuals into a collective, but also engaging the governments they represent in the CGR.

Though the BSC was established in 1995, full operation of the Bucharest Convention (through the BSC) was achieved only in 2000, when the Permanent Secretariat was established to assist the BSC. Since its establishment, the BSC PS has contributed essentially to the development and improvement of the practical institutional mechanisms for the implementation of the Convention and the BS SAPs. Specific coordination activities of the BSC PS, including organization of the annual meeting, preparation of the reports and different documents, data collection etc. are based on the Annual Work Programs adopted by the BSC (BSC PR officer, interview). Thus, BSC as a fully functioning CGR can be acknowledged only after the BSC PS started its operation, and the period between the establishment of BSC and BSC PR can be considered as an initial stage of the formation of CGR where collaboration dynamics were already taking place.

As already mentioned, the logic and initial direction of the BSC has been shaped by drivers emerging from the system context, the most crucial of which was the recognition of the pressing issue of the degraded resource condition of the Black Sea followed by the adoption of Bucharest Convention underpinning the legal framework supporting regional cooperation. However, the establishment of CGR does not always entail an effective performance of the system as the effectiveness of the CGR depends on the actions/taken measures and outcomes. The effectiveness of BSC is influenced over time by the interplay of collaboration dynamics and actions and conditioned by the changeable system context. The following subsection illustrates the collaboration dynamics sustaining the long-term productivity of BSC by means of the principled engagement, shared motivation and the capacity for joint action. These processes are not linear and by emerging at different times, they reinforce (or limit?) each other.

4.1.1. Principled engagement

Principled engagement within the BSC is a repeating process occurring over time. It enables governments (through the Commissionaires representing six Black Sea coastal countries in the BSC)
with differing national priorities, institutional legal structures and cultural identities to cooperate across their corresponding institutional and jurisdictional boundaries to promote the implementation of Bucharest Convention. Balanced representation is met here, as each contracting party of the convention is represented in the Commission by one representative who may be accompanied by alternate representatives, advisers and experts (Art.XVII).

The principled engagement consisting of four basic process elements such as discovery, definition, deliberation and determinations, occurs between Commissionaires of BSC and with participation of BSC PS representatives as well as takes place within subsidiary bodies of BSC: Advisory Groups (AG) supported by Activity Centers located in each riparian country (Figure 5). Both BSC and AGs meet once a year in order “to put in a motion” the processes of discovery when main concerns, interests and values of participants together with relevant sources of information are identified and explained, definition when the concepts and terminology to describe the problems and corresponding solutions (expectations) as well as common criteria to assess the presented information are clarified, deliberation when the reasoned communication and discussion oriented towards problem solution takes place and finally determinations when based on consensus joint decisions are made leading to the creation of strategy to implement those determinations (Emerson & Nabatchi 2015).

The process of principled engagement in BSC was different over time. As the primary incentive stimulating the formation of BSC regime was the collective recognition of the need to protect and rehabilitate the marine environment of the Black Sea, at the early consolidation stages less emphasis was placed on the initial discovery and definition process. Countries’ main concerns and values with defined concepts and terminology have been incorporated in the text of Bucharest Convention. Thus, when the BSC held its first meeting the next year after the ratification of the Bucharest Convention by all Contracting Parties in 1994, the main processes taking place during the meeting were deliberation and determinations regarding administrative and governance issues (e.g. deciding on the name of Commission, choosing the location) as well as the draft texts of BS TDA and BS SAP prepared by BSEP. Importantly, as the elaboration of these two documents has been done by BSEP as an outcome of principled engagement within that institution, determinations process of BSC’s initial meetings was limited upon the discussion of these documents. In general, “due to the failure to integrate the Secretariat, the Commission did not initially prove to be the active, supervisory body as intended by the Convention” (Mee 2002). Later, after the establishment of Secretariat, the second BS SAP (2009) has been already developed within the BSC through the cycling process of principled engagement. By the assistance of its own secretariat and ongoing BSER project BSC was able to produce a strategy/plan as shared theory of change to address agreed determinations (common goals and joint decisions). This is the reason of considering BSC as fully functioning CGR only after the establishment of Permanent Secretariat in 2000.

Determinations made by BSC include also establishing shared procedures (e.g. reporting formats) and internal action plans (tasks for AGs and Secretariat) based on the discovery and definition process of scientific information provided by AGs, technical challenges and feasibility of foreseen efforts. For example, to deal with concerns of AGs regarding annual reporting on the implementation of Convention and the state of Black Sea (pollution assessment), BSC set a task for Secretariat and AGs to elaborate a common short format for country reporting, as the one in use was “quite complicated and broad with different parameters and indicators” (BSC PS officer, interview). Some of the countries could skip the reporting of specific parameters17, while other countries were providing that information. This was creating inconsistency in data. Moreover, up to date countries (by means of AGs) could report relevant information by using different units of measuring pollutants (NEA Georgia, interview). In this light, harmonization of methodologies AGs

17 Head of Environmental Pollution Monitoring Department at NEA of Georgia, who is also member of one of the AGs of BSC, mentioned that compared to other Black Sea countries, it was not possible to analyze some organic pollutants because of the absence of necessary equipment in Georgia
use to collect data and development of common short format executable for all countries was very important task to AGs and Secretariat initiated by BSC. In 2015, BSC formally adopted the new country reporting format, and first reports based on that are expected in 2016 (BSC PS officer, interview).

BSC has a process of deliberation not only within its regime, but also with non-BSC members and public in general. First of all, representatives of different NGOs concerned with Black Sea issues are generally attending the Commission’s annual meetings (BSC Commissioner, interview). Although they are attending the meetings as observers and do not have a status of decision makers, they can participate in the process of deliberation by raising their concerns. Notably, BSC officer mentioned that they are very open to the participation of NGOs in their meetings, however according to the Black Sea NGO Forum director (interview) they only occasionally attend the annual meetings of BSC (more often side events) and that Commission’s meetings are far away of being very open to the public. Second, BSC is organizing Bi-annual Black Sea Scientific Conferences with participation of different scientific institutions from the Black Sea region, governmental representatives, partner projects and public in general (TSU, Material Research Institute, interview) thus implementing Article XV of the Bucharest Convention defining that: “the Contracting Parties shall cooperate in conducting scientific research aimed at protecting and preserving the marine environment of the Black Sea and shall undertake, where appropriate, joint programmes of scientific research, and exchange relevant scientific data and information” (first provision). All the problems and issues identified during the principled engagement processes within the BSC can be deliberated during these conferences intended to use science and information technology in understanding and dealing with the environmental problems of the Black Sea.

Furthermore, BSC was making use of the Ministerial Meetings of the Contracting Parties to the Bucharest Convention (until now 4 meetings took place in 1993, 2002, 2007 and 2009) in order to improve and adapt its agenda and action plans—the results of the periodic process of principled engagement—by means of attracting leadership, building support and credibility. The next Ministerial Meeting is expected to conduct in 2016; and BSC is planning to present as determinations the Implementation Report for the Black Sea Strategic Action Plan from 2009 (SAPIR) and the State of Environment Report (SoE) based on which the future trajectory of the Convention implementation and BSC performance will be defined (BSC PS officer, interview). Thereby, except the chance to deliberate issues related to these two documents (amongst other issues such as EU accession to the Convention) BSC will have an opportunity for interaction and deliberation with Contracting Parties of the Convention (Ministers) thus engaging them in collaboration dynamics within BSC in general and in principled engagement in particular.

4.1.2. Shared motivation

Although in the integrative framework of collaborative governance Emerson and Nabatchi (2015) present shared motivation mainly directly at the interpersonal level as relational component of collaborative process describing the nature of relationship between stakeholders, we find useful to refer here on the intergovernmental level of trust and mutual understanding considering that it can enable governments to cross governmental and jurisdictional divides to commit to joint actions. From the day of establishment, the primary stimulus and motivation of BSC’s participants was to respond to the concerns and interests of their governments regarding to the protection and rehabilitation of the Black Sea marine environment (BSNN director, interview). If these interests (e.g. improvement of national monitoring programs) are not satisfied and the concerns are still valid (e.g. decline in fish stocks), then participants are more likely to proceed the cooperation and work

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18 BSNN is one of the nine official observers of BSC together with EU and other 6 organisations
19 Our research did not directly measure interpersonal relations and the perceived level of trust and mutual understanding by individual members of BSC
together. As the process of *principled engagement* was uninterrupted for more than 20 years of BSC’s existence even despite the periods of lack of trust, strong political tensions between the riparian countries and economic instability, participants’ *shared motivation* and dedication to this CGR seems apparent. Moreover, BSC members—Commissionaires—regularly participate in meetings, and generally, have maintained an active involvement over time which indicates overall commitment to the process.

Nevertheless, as *principled engagement* and *shared motivation* are strongly interrelated, *shared motivation* stimulated by the *principled engagement* can also negatively accelerate the *principled engagement* (Emerson & Nabatchi 2015). For example, after the establishment of BSC Secretariat, governments agreed to make annual financial contribution in order to cover costs of the Secretariat. However, at the 5th meeting of BSC in 2000, Russia and Georgia announced the default in payment (Mee 2002) thus causing lack of trust, internal legitimacy and commitment (components of shared motivation) within the BSC. The result was accelerated process of the *principled engagement* when Commissionaires from Russia and Georgia had to explain the reasons of non-payment.

In general, in terms of building trust and mutual understanding, the BSC’s procedure of the country reporting and providing information may have helped in that. According to the BSC Information policy, chairperson of AG based on the corresponding environmental aspect of the Black Sea collect national information on different parameters of the Black Sea ecosystem state from all countries and make annual report to be presented to the Commission which has to discuss and approve it (BSC Commissionaire, interview). Considering that countries regularly report about the state of marine environment at the national level and the measures taken to achieve commonly agreed goals, they most likely trust each other, feel comfortable in revealing information to each other and committed to implement the present *determination* of CGR.

Institutional structure of BSC also seems as a facilitating factor for the development of shared motivation within this CGR. The governance structure of BSC consists of the Commission itself comprising of one representative from each member state and chaired on a rotation principle so the chairmanship is assumed by each member country for one year, seven advisory groups consisting of national focal points from each member country and supported by Activity Centers distributed across the member states (Figure, 5). Furthermore, the BSC Permanent Secretariat’s Executive Director and other officers are also appointed (by the BSC) from member countries. Thus, balanced representation of all member countries in the institutional structures of BSC as well as balanced allocation of available resources (e.g. financial) among the BSC member countries through these structures may have facilitated the building of trust, internal legitimacy and mutual understanding among the states comprising this CGR.

### 4.1.3 Capacity for joint action

As described by Emerson and Nabatchi (2015,p.68) “*capacity for joint action* is the functional dimension of collaboration dynamics that enables CGR participants to accomplish their collective purpose as specified in their theory of change”. It is a set of cross-functional components, such as *procedural and institutional arrangements, knowledge and resources*, that create together the potential for taking efficient actions. *Capacity for joint action* in the BSC has developed over time. During the early years of BSC functioning new capacities for joint action not existing before have been developed. Over time BSC was improving these capacities in order to ensure efficient collaboration.

In terms of *procedural and institutional arrangements*, legal framework for cooperation, constituting of Bucharest Convention together with Protocols, Ministerial Declarations as well as BS SAP (described in Chapter 3) as a system context component defines overall environmental objectives to be achieved by means of joint efforts, basic principles for and areas of mutual cooperation as well as
the role and main functions of the BSC. The main task of BSC in the early years after its establishment was to translate all these legal provisions into ground rules to manage interactions among members and actual procedural and institutional arrangements to administer and manage collaborative efforts and implement the functions assigned by the Article XVII and XVIII of Bucharest Convention. The document called “Rules of Procedure of the Commission on the Protection of the Black Sea Against Pollution” defines ten administrative and procedural rules regarding representation of Contracting Parties of Bucharest Convention in BSC, Chairmanship of the BSC and main duties of the Chairman, regular and extraordinary meetings of the BSC, including preparation of the agenda and its content, terms of reference for Advisory Groups or other subsidiary bodies, voting procedure, appointment of the Permanent Secretariat’s staff and main duties, official language of the BSC, records/ reports, and conditions and procedure for granting the permanent or ad hoc observer status to any country, international, inter-governmental and non-governmental and other organizations. Furthermore, there are separate administrative documents determining main responsibilities of the Permanent Secretariat’s staff and rules for their nomination and appointment. Importantly, these procedural arrangements coordinate the efforts of BSC’s members at both intraorganizational level, i.e. within the BSC and interorganizational level through defining the rules of integrating with external organizations. However, as system context for marine collaborative governance and processes of principled engagement changes over time, they may reveal new developments that have to be adapted also in procedural and institutional arrangements of CGR. For example, by the time when these documents have been elaborated, NGOs in general and particularly the ones concerned with the Black Sea environmental problems were not very active in the region (BSNN director, interview). Moreover, the open access to the information for all concerned parties and their direct participation in the processes was not considered necessary. Not coincidentally both current and former officers of BSC PS (interviews) mentioned that some of the procedural regulations, for example Information policy, are outdated.

Regarding knowledge as a component of capacity for joint action, here we refer to the knowledge generated by BSC within and outside of its organizational boundaries. As mentioned above, the BSC stimulates the process of principled engagement through discovery of the technical national reports, in fact shared knowledge, provided by AGs to understand the ecosystem conditions of the Black Sea and to assess the measures taken by member countries towards the achievement of commonly agreed goals. Pollution monitoring and assessment, data collecting and combining national information in regional reports, regular annual reporting and information exchange – these are all knowledge-building activities contributing to the capacity for joint action of BSC. Furthermore, bi-annual scientific conferences organized by BSC accumulate scientific research regarding Black Sea environmental problems. Different scientific institutions from the Black Sea region and beyond share their technical studies, deliberate their results and exchange relevant scientific data thus contributing to the building of new knowledge and balancing incomplete knowledge about environmental problems of the Black Sea and the ways of addressing them (TSU, Material Research Institute, interview). The knowledge generated within BSC and beyond contributes also to the development of project proposals by BSC PS’s officers as based on the available information they can identify the areas of intervention where actions and more research are needed. For example, former officer of BSC PR wrote number of project proposals based on her knowledge and information deprived from regional reports presented by AGs during BSC meetings (interview). As a result, few large regional projects have been funded (e.g. EMBLAS, MISIS), and the capacity for joint action has been strengthen within the BSC by means of generating new knowledge (based on available knowledge).

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Although *procedural and institutional arrangements* are in place and *knowledge building activities* have regular character, currently BSC lacks adequate financial support\(^\text{22}\): resource necessary for full realization of capacity for joint action. In general, BSC had always largely relied on funding from various donor organizations (mainly World Bank/GEF and EU especially after 2000) to implement its work program (former BSC PR officer, interview). After the establishment of Permanent Secretariat, BSC member countries have agreed to make annual contribution (each country 12% of the Secretariat’s budget) to the budget of BSC to cover Secretariat’s costs. Except for this, from 2001 to 2008, the budget of BSC has been covered through the project budgets under the larger World Bank/GEF Strategic Partnership for Nutrient Reduction in the Danube River Basin and Black Sea project ended in 2008 (Oral 2013). Full expenses of meetings of Advisory Groups, travel expenses of Commissioners, organizational expenses of BSC conferences and Black Sea day and many other activities of BSC’s work program have been covered by means of this financial assistance. After the closer of the project BSC was expected to be self-sufficient. However, according to the final report of UNDP/GEF Black Sea Ecosystem Recovery Project (2006) BSC’s approved budget for 2006/2007 and draft budget for 2007/2008 were both exceeding 425,000 USD when the total annual contribution by countries was about 261,360. Thus, BSC has to rely on different funding sources (mainly through the projects) to cover the deficit. The lack of stable financial resources has also led to the decrease of human resources: staff of BSC PR currently consists of three people (including IT/accountant). As truly mentioned “The resources, both human and financial, required to maintain such a complex organization are not sufficient” (BSC Commissioner, interview).

### 4.2. Generating change: collaborative actions

The integrative framework of collaborative governance by Emerson and Nabatchi (2015) suggests that collaborative actions are deliberate efforts undertaken as a result of the collective decisions made by CGR during collaborative dynamics. These actions derive from the strategy or *theory of change* that CGR members have concurred is required to accomplish commonly agreed collective goals of the regime. Different collaborative actions have been undertaken by BSC over time to enable the growth of the system, to establish and develop its external legitimacy and reputation and to promote the collective mission of its members such as protection and rehabilitation of the Black Sea environment by means of implementation of Bucharest Convention.

**Period of 1996-2008**

The Strategic Action Plan (1996) for the Rehabilitation and Protection of the Black Sea\(^\text{23}\) (BS SAP) which is the *theory of change* of BSC specifies necessary actions (policy, legal and institutional) to be initiated by BSC operational staff and member countries to advance the joint mission. Two periodic assessments of the implementation of BS SAP (1996) for the years 1996-2000 and 2001-2006 have been produced by BSC so far in order to evaluate the efforts and identify the implementation gaps. Thus the analysis of collaborative actions for the period of 1996-2006 is based on these two reports. According to the second assessment of the SAP Implementation (BSC, 2009), in summary, countries succeeded (or failed) to achieve progress in the following:

#### Reduction of Pollution

- **Land based sources of pollution** — in 2003 countries began to revise the Protocol on the Protection of the Black Sea Marine Environment Against Pollution from Land Based Sources from 1992\(^\text{24}\)

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\(^{22}\) This statement has been made by all interviewees  
\(^{24}\) Revised version was signed in Sofia, Bulgaria 2009. However, it is not ratified by any Contracting Party yet
✓ **Rivers** – although the BS SAP indicates the necessity to develop a Black Sea Basin Wide Strategy to address the eutrophication problem in the Black Sea, the countries did not succeed to negotiate and adopt regional strategy and plan with regional targets. At national level, river basin programs (in some of the BS states) and joint projects supported by international donors have been implemented for two major river basins: the Dnipro and Danube.

✓ **Airborne pollution** – despite the commitment of countries to undertake joint initial assessment by 1999 on airborne pollutants, particularly those that involve transboundary movements, no assessment of the airborne pollution problem in the Black Sea has been conducted.

✓ **High priority point sources** - a list of high priority sites (hot-spots) for reducing discharges of pollutants has been developed. Investment plans for the rehabilitation of these spots were required to be made both at the national and regional levels. National Black Sea action plans were also required to be developed for this purpose. However, none of the countries adopted national SAPs for the Black Sea. Other related or closely linked national programs helped to improve the situation, as of the 50 hot-spots originally identified in 1996 TDA 14 can be considered to have been adequately addressed in terms of required capital investments or a re-assessment of the impacts (pollution loads) discharged from the sites.

✓ **Vessel sources pollution** - all the BS states have signed and ratified either all the annexes of MARPOL 73/78 or only some of them. Although harbor reception facilities are considered to be of critical importance and it is required to establish these facilities for oil, garbage and chemicals by all the BS states until the end of 2007, the status of these activities is not yet at the satisfactory levels. Nevertheless, a harmonized system for port state control has been established through a Memoranda of Understanding signed by the governments of all the member states. With this tool, common procedures for inspection of the ships have been settled for the region and the system is efficiently operating. However, an agreed/harmonized enforcement system, including fines, for the region to avoid discharges has not been achieved, despite the commitment to adopt such a system by 1998. Further, the IMO Convention on the Management of Ballast waters and sediments has been adopted by consensus in London in 2004, but not ratified by any of the Black Sea countries yet. The level of existing national ballast water management requirements varies substantially within the Black Sea countries, i.e. a harmonized and agreed upon uniform approach is lacking.

✓ **Pollution from dumping** - dumping of any type of solid waste in coastal waters of Black Sea is prohibited in all countries and the necessary regulations are available to control illegal dumping activities. However, there are no regional measures (joint actions) to control dumping activities in the Black Sea at regional level.

**Waste management**

✓ **Transboundary movement of hazardous wastes** - The Protocol on Cooperation in Combating Pollution of the Black Sea Marine Environment by oil and other harmful substances in emergency situations is the only tool of the BSC to deal with transboundary movement of hazardous wastes. Regulative mechanism to control transboundary movement of hazardous wastes and illegal traffic does not exist, despite the explicit urgency of adopting the text of a “Protocol to the Bucharest Convention concerning the transboundary movement of hazardous wastes and cooperation in combating illegal traffic thereof” highlighted in the BS SAP.

**Contingency Planning and emergency response**

✓ The Black Sea Contingency Plan to the Protocol on Cooperation in Combating of Pollution of the Black Sea by Oil and other Harmful Substances in Emergency Situations was signed in

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25 No data regarding Upgrading/construction of the remaining 26 original hot-spots as the third SAP implementation report is not completed yet
2003 by only three countries. Nevertheless, it has been commonly accepted as a fully operational document in the region by all countries and is being implemented.

**Assessment and monitoring of pollutants**

- In 2006, the Black Sea Integrated Monitoring and Assessment Program (BSIMAP) has been adopted by BSC in order to improve the assessment process of the chemical/ecological status of the Black Sea. In the framework of this program countries agreed on standardized sampling, storage analytical techniques, assessment methodologies and reporting formats. Back Sea Information System (BSIS): collection of nationally reported data in the fields of land based sources, conservation of biodiversity, fisheries and other marine living resources, environmental safety aspects of shipping, integrated coastal zone management and pollution monitoring and assessment started in 2001.

**Living resources management**

- Countries did not succeed to adopt Fisheries Convention which could result, for instance to regular regionally coordinated stock assessments. Nevertheless, the Advisory Group on Environmental Aspects of Management of Fisheries and Other Marine Living Resources has started to work on the elaboration of regional stock assessments and Stock Assessment Operational Group has been established.

**Biological Diversity Protection**

- The Black Sea Biodiversity and Landscape Conservation Protocol was adopted in 2002 and signed by all countries except Georgia and Russia and ratified only by Turkey and Ukraine. Assessments of marine mammal populations have been undertaken regularly in different parts of the Black Sea in the period 2001-2005.

**Protection of Habitats and Landscapes**

- Countries did not succeed to adopt regional strategy for protected areas in the Black Sea required by BS SAP. The process of designation of marine and coastal protected areas is based on the national strategies and plans.

**Integrated coastal zone management and sustainable tourism**

- A draft regional Integrated Coastal Zone Management Strategy (ICZM) has been prepared, but not adopted
- A number of pilot projects for testing of ICZM methodology have been implemented in the Black Sea coastal countries

Overall, the BS SAP second implementation report produced by BSC identifies significant improvement in compliance with the BS SAP since the 1990s. Importantly it states that “undoubtedly, the Black Sea coastal States share a common desire for the sustainable management of the natural resources and biodiversity of the Black Sea and recognize their role and responsibility in conserving the global value of these resources” (BSC, 2009). All the efforts undertaken by the BSC member countries have been accompanied by different collaborative intermediate actions such as trainings, workshops, and awareness raising campaigns. For example, under the collaborative efforts for the protection of biological diversity, BSC jointly with EEA-European Topic Center on Biological Diversity has organized a special workshop in 2007 resulted to the publication of full list of Black Sea Habitats and later finalization of the text of CBD Protocol (BSC, 2009). Moreover, all collaborative actions have been supported by large amount of regional projects mainly financed by GEF/UNDP and EU (discussed above as external drivers for the formation of BSC’s collaborative governance regime).

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26 New text of BSIMAP has been drafted in accordance to MSFD requirements but not adopted (BSC PS officer, interview)
27 However up to now, there is no agreement between countries regarding either Fisheries Convention or Fisheries Protocol to Bucharest Convention
They have also been coordinated through the BSC’s annual work program adopted by its members and discovered, defined, deliberated and determined by the process of principled engagement.

However, it should be noted that improvements were related primarily to technical outcomes. For example, countries succeeded in completion of a number of technical reports and assessments such as national reports on the progress made in addressing the hot-spots, inspections of the ships, dumping sites, pollution from land based sources, conservation of marine living resources, assessments of the pollution loads from hot-spots, etc. Although the reporting of some countries was not always proper and regular, collection of nationally reported technical information started in 2001 with the establishment of BSIS and has been significantly improved by 2008 (BSC, 2009). Scientific cooperation, to which one article (XV) is dedicated in the Bucharest Convention, has been also greatly improved. Along with different technical meetings and workshops (e.g. workshop and training course on Satellite Monitoring and Assessment of Sea-based Oil Pollution in the Black Sea, 2005), scientific bi-annual conferences and studies (e.g. Black Sea SCENE regional project), the process of preparation of the second BS TDA (from 2005-2007) is an example of successful scientific collaborative efforts/actions of BSC member countries. Inter-ministerial technical committees with specific specializations (fisheries, biodiversity, pollution levels, sources etc.) have been created by the Black Sea countries in order to collect national information and conduct studies on environmental threats in the Black Sea (BS TDA, 2007). These national expert teams have been leading national planning meetings as well as local workshops to consult also with subnational governmental and scientific institutions regarding marine related environmental problems on the “ground” (Gerlak 2004). Further, during the multinational regional meetings, they have been exchanging the results of thematic analyses conducted at national level with each other and international experts to construct the regionally integrated TDA of the Black Sea (BS TDA, 2007). The successful process of preparation of BS TDA was a remarkable accomplishment as it provided a platform for dialogue and collaboration of many local, national and regional actors, thus advancing scientific cooperation as well as public participation in the Black Sea (NEA Georgia, interview). Not surprisingly, the second assessment of the SAP Implementation (BSC, 2009, p.245) concludes that “improvement of cooperation in science, research and public participation is obvious”.

In contrast with positive outcomes in scientific cooperation and technical reporting, the institutional reforms and legal improvements have not been performed by the countries in line with the BS SAP. According to the BS TDA (2007), the implementation of BS SAP regarding to overall regional governance structure of the Black Sea regime has been limited. Even a brief inspection of the assessment of the SAP Implementation (BSC, 2009) indicates the failure of countries to agree on main regional strategies and enforcement/regulative mechanisms and lack of coordinated actions at regional level. Despite the commitments of the countries under the BS SAP to develop a Black Sea Basin Wide Strategy to address the eutrophication problem in the Black Sea, conduct a joint assessment on airborne pollutants, elaborate and adopt national SAPs for the Black Sea, adopt a regulative mechanism to control transboundary movement of hazardous wastes and illegal traffic, accelerate the adoption of Fisheries Convention, initiate regional strategy for protected areas in the Black Sea and develop regional Black Sea strategy for ICZM, none of them has been complied. There are many reasons for the overall acknowledgement of the “lack of progress” in the implementation of the BS SAP (Knudsen 2015). Different scholars and professionals28 mention financial and legal issues compounded with a lack of institutional capacity as constraining factors for the fulfillment of commitments undertaken by the Black Sea countries under the BS SAP (e.g. Velikova & Oral 2012, Mee 2002, Dimadama & Timotheou 2010).

Regarding to financial constraints, BSC member countries were having difficulties to commit financial annual contributions for the maintenance of BSC Permanent Secretariat. This was continuous challenge, both before and after the secretariat became operational. The organizational mandate to

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28 Many of them, for example Laurence Mee and Violeta Velikova, have been directly involved in the work of BSC.
assist countries in the implementation of BS SAP granted to BSC and its secretariat could not be achieved through such unsustainable financial setting. As noted by the former officer of BSC PR (interview): “It is very difficult to ask countries to increase the annual contribution, the fact that they pay is already good. Ukraine for instance was not able to pay last year (2014), Georgia for some years was not able to pay, the same happens with Bulgaria, Romania from time to time. The countries struggle with economic difficulties while having financial obligations under many conventions”. And despite the fact that the secretariat has been always largely relying on different project budgets, it was continuously struggling with lack of funding and professional staff (BSC commissioner, interview). There was also lack of national financial allocations for the maintenance of Activity Centers of BSC, such as funding of the laboratories, staff and provision of equipment. According to BSC’s internal regulations, Activity Centers have to be supported (financially) by national governments (BSC PR officer, interview). However, only two of the six Activity Centers (in Bulgaria and Ukraine) were functioning and supporting the BSC while having financial assistance from the national governmental budget (BSERP, 2006). Thus, by not meeting their financial obligations, some of the BSC member countries (e.g. Georgia and Russia) were hampering organization and coordination of BS SAP implementation, which could greatly benefit from sustainable functioning of BSC’s subsidiary bodies: permanent secretariat and activity centers. In other words, they were not helping themselves (by paying) to make use of the provided assistance to implement their own commitments under the BS SAP. This evasive process for meeting financial agreements contrasts sharply with the fact that from 1993 to 2008 the GEF and the EU had made available substantial financial resources through various national and regional projects (discussed above) to enable implementation of BS SAP by countries. Thereby it should be noted that the lack of actions by BSC member countries to fulfill commitments under BS SAP related particularly to institutional and legal reforms was not conditioned by the scarcity of financial resources of the countries (Oral 2013).

The roots of lack of progress in the implementation of BS SAP are more likely to be found in the legal setting of BSC regime. The failure of the Black Sea countries to fully comply with their commitments under the BS SAP had revealed the lack of enforcement mechanisms in the overall system. This was mentioned also by the pollution monitoring and assessment officer of BSC: “…we are more soft law; we are not like MSFD, which has real mechanisms of punishments and different sanctions. We do not have it, that is why it takes more time to remind governments that do not forget we have strategic action plan, do not forget we have reporting under the convention... sometimes they report under MSFD, but they do not report to us...”. Not surprisingly, the second BS TDA (2007) had identified considerable drawbacks in the institutional and legal structures of the BSC regime (Oral 2013). The document presented two principle conclusions regarding regulatory framework of the Bucharest Convention: “first, from the point of view of its general adequacy and consistency with current trends in international environmental law-making, the existing legal basis for regional environmental cooperation in the Black Sea is unsatisfactory; it is outdated (particularly in the sense of not having legal enforcement mechanisms). The second point, however, is that even in its current form this framework still provides the foundation for more effective regional efforts and actions in combating marine pollution and improving the environmental status of the Sea. Consequently, some immediate improvements in the performance of the BSC could be achieved without radical changes in the existing legal framework” (BS TDA 2007, p.140). However, it seems, BSC member countries are making use of the absence of any enforcement mechanisms of their commitments as the results of the evaluation of BS SAP implementation reveal lack of progress particularly in making reforms at the governmental level (RECC director, interview). The same evaluation report (BSC, 2009, p.4) highlights that “the 1996 BS SAP suffered from problems of enforcement of national environmental laws and legislation, and the lack of a regional mechanism to ensure compliance with different policy actions”. 
Another reason of incomplete implementation of BS SAP was the lack of institutional capacity of BSC member countries to undertake such reforms and coordinate collaborative actions at regional level. Different constraints have been emerging including slow-moving and top down decision making process resulting also to a limited public participation, lack of qualified professional staff and coordinating mechanisms between different governmental and scientific institutions both at national and regional levels (Dimadama & Timotheou 2010). For example, during the interview, head of Water Resources Management Service of the Ministry of Environment of Georgia mentioned that they have only one person within the ministry, a member of BSC from Georgia (commissionaire), who is working on the issues related to the Black Sea. Considering that Georgia has also a member of BSC AG from the National Environmental Agency (an independent legal entity under the control of Ministry), who is responsible for national data collection to be provided to BSC, this statement illustrates two drawbacks of the institutional capacity of Georgia: lack of professional staff and coordination mechanism between institutions. Although nearly all projects, implemented in the Black Sea countries under the umbrella of GEF/UNDP, EU and other donor organizations, have had “capacity building” components, countries were demonstrating institutional and organizational deficiencies while implementing BS SAP. There was even a specific capacity building regional project entitled “Developing the Implementation of the Black Sea SAP” and funded by GEF. This project was developed to assist the elaboration of National Black Sea Strategic Action Plans and support institutional capacity building at both national and regional levels for the implementation of those plans (Gerlak 2004). The project consolidated “last fashions” in environmental policy at the moment (Integrated coastal zone management, ecosystem approach etc.) and tried to incorporate them in the countries with hierarchical political systems, public administration practices entrenched since the Soviet Union and low environmental awareness of national authorities. As a result of project financial incentive, all six coastal countries drafted national strategic action plans to improve the national policy framework for the implementation of BS SAP, however, those plans have never been implemented (Knudsen 2015). Similarly, Black Sea ecosystem recovery project provided capacity-building support to all Black Sea coastal countries. Nevertheless, as Oral (2013,p.227) argues “Yet, in fifteen years and after investing millions of dollars, when the project ended in 2008 the overall review of the governance structure for the Black Sea was negative”.

When it became clear that the implementation of BS SAP is behind the schedule and most of the commitments are unfulfilled, BSC member countries merely amended the document with new dates in 2002. However, this was not a useful strategy as most of the new dates/deadlines also have not been met by the countries. After a decade of the implementation of BS SAP, the evaluation report ultimately concluded: “the 1996 BS SAP was a groundbreaking document for the Black Sea region which established specific targets and timetables for implementing the objectives of the 1992 Bucharest Convention. However, it was an overly ambitious document and very few of the targets were accomplished on time” (BSC, 2009, p.8). By justifying noncompliance through the ambitious objectives of BS SAP, Black Sea countries began the revision of the document based on the 1996 BS SAP, evaluation reports and the 2007 BS TDA. The new BS SAP has been adopted in 2009 during the Ministerial Meeting (last one so far) in Sofia. The countries agreed to follow the following environmental management approaches: integrated coastal zone management (ICZM); the ecosystem approach (in line with the requirements of the MSFD); and the integrated river basin management (IRBM) (BSC, 2009). Instead of specific dates and targets setting up in the previous BS SAP, the new action plan adopted long-term ecosystem quality objectives (EcoQOs)29 and short-term (1.5 years), medium-term (>5–10 Years) and long-term (> 10 years) management targets to achieve those objectives (BSC,2009). The four EcoQOs and associated Sub EcoQOs are:

**EcoQO 1:** Preserve commercial marine living resources

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29 The Ecosystem Quality Objectives (EcoQOs) are statements regarding the Vision that reflect how stakeholders would like the state of the Black Sea to be over the long term, based on a resolution of priority problems identified in the Transboundary Diagnostic Analysis (BSC,2009)
✓ EcoQO 1a: Sustainable use of commercial fish stocks and other marine living resources
✓ EcoQO 1b: Restore/rehabilitate stocks of commercial marine living resources

EcoQO 2: Conservation of Black Sea Biodiversity and Habitats

✓ EcoQO 2a: Reduce the risk of extinction of threatened species.
✓ EcoQO 2b: Conserve coastal and marine habitats and landscapes.
✓ EcoQO 2c: Reduce and manage human mediated species introductions

EcoQO 3: Reduce eutrophication.

EcoQO 4: Ensure Good Water Quality for Human Health, Recreational Use and Aquatic Biota.

✓ EcoQO 4a: Reduce pollutants originating from land based sources, including atmospheric emissions.
✓ EcoQO 4b: Reduce pollutants originating from shipping activities and offshore installations

Compared to relatively short 1996 BS SAP, the volume of 2009 BS SAP is larger with detailed description of EcoQOs and their management targets, including outputs, time to implement, legal, institutional and policy reforms required to solve main environmental problems identified within the 2007 BS TDA, indicators to assess progress, priorities and uncertainties (BSC, 2009). More precisely, it contains “realistic” targets (SOER 2015). The preparation of the 2009 BS SAP was supported by means of last efforts of the GEF in the region (through BSER project). It has passed the process of principled engagement, was largely deliberated, and discussed within the BSC by the participation of main interested parties and key institutions of the Black Sea coastal countries (BSC, 2009). In fact, the ability of BSC regime to adapt and respond to the consequences of the outcomes it has created through its actions, regardless the disappointing nature of those consequences, illustrates the potential of the system for transformative changes in response to the outcomes of collaborative actions. The adaptive capacity of the CGR is very important systemic feature, as CGRs must face and respond to the outcomes of their own actions as well as ongoing changes in the external system context (Emerson & Nabatchi 2015). The adaptation was enabled by BSC’s inclusive and deliberative process to respond to the main legal and policy gapes of 1996 BS SAP. As mentioned by Mr. Goga Khachidze, Minister of Environment Protection and Natural Resources of Georgia, during his speech at the Sofia Ministerial Meeting in 200930:

“We are all very well aware what has been carried out during the last 15 years for the improvement of the state of the Black Sea and also are aware that 1996 Strategic Action Plan was very ambitious and not all countries succeeded to implement it fully. Now, we hope that the present Strategic Action Plan is more realistic and we should do our best to carry out those activities the implementation of which would be beneficial for the states of the Black Sea and, as a result, will be beneficial for all those who use and those who protect the sea”.

With such positive spirit, BSC member countries gave a start to the implementation of adapted and more “realistic” Strategic Action Plan for the Environmental Protection and Rehabilitation of the Black Sea. Certainly, the implementation and compliance will be the true test rather than the mere existence of this document. As truly noticed by Emerson and Nabatchi (2015), even if the shared theory of change is set, it does not mean that logical round of collaborative actions will unfold.

Current situation: from 2009 to 2015

Currently, it is difficult to make any formal prognosis regarding to the collaborative actions and implementation of 2009 BS SAP by BSC member countries as the evaluation report covering the implementation of strategic action plan from 2009 to 2014 is not yet finalized. As it was mentioned

by the pollution monitoring and assessment officer of BSC PS (interview), currently the BSC secretariat is working on the Implementation Report for the Black Sea Strategic Action Plan from 2009 (SAPIR) and the State of Environment Report (SoE) for the Black Sea (2009-2014). Despite having the list of appointed experts, draft templates and time-tables for both reports, the work is being postponed due to the lack of financial resources as well as because the secretariat did not receive from the Black Sea countries the names of nominees to be national consultants engaged in the preparation of the reports. According to her, considering these problems, the BSC permanent secretariat took the initiative to draft both reports with the help of experts (specialists) based on the information annually provided by countries and hope to finalize them next year (2016). Nevertheless, the available information (project reports, publications, and interviews) makes it possible to give an overview of collaborative actions within the BSC and the BSC member countries.

In the absence of BS SAP implementation regular report, the only official document describing the progress made by countries so far is the State of environment report (SOER) 2015 by European environment agency. According to this report, the implementation of commitments under the existing legal framework is characterized by the same challenges as with the 1996 BS SAP and remains problematic (SOER 2015). The quality of country reporting is supported by differing from each other national monitoring systems (highly dependent on national priorities and funding) instead of holistic regional monitoring program (BSIMAP) which is not adopted yet (the updated version). Moreover, conditioned by the lack of compliance instrument under the BSC, national reporting is being implemented on the volunteer base leading to a fragmented assessment at regional level (SOER 2015). The same report also states that despite the positive improvement of BS SAP, which is based now on a modern ecosystem approach in line with the MSFD standards and contains realistic time frames for achieving the objectives of the plan, the implementation is currently behind the schedule. The most illustrative example of “slow” or “failed” implementation of commitments appears to be the absence of joint fisheries agreement between the coastal countries. After more than two decades of cooperative efforts, deliberations and negotiations, Black Sea countries are unable to conclude with any form of agreement. Both BS SAPs, however, highlight the need for preservation and rehabilitation of commercial fisheries and make reference to the necessity of fisheries agreement in the form of separate Convention or protocol to the Bucharest Convention (Knudsen 2015). Furthermore, no comprehensive assessment of the fish stock for the Black Sea has been carried out.

The current state of affairs raises a question of why the successful revision of BS SAP and the adoption of its “realistic” objectives by the authorities of BSC member countries do not leading to the improved compliance with and implementation of the plan. Regarding to the 1996 BS SAP, countries concluded that it was too ambitious to be implemented and the new plan will correct that drawback. It seems, however, that the reasons for the lack of improvement in the implementation of the plan are conditioned by the same financial and legal constraints together with lack of institutional capacity of riparian countries hampering the collaboration and implementation of 1996 BS SAP. Moreover, given its scares resources (human and financial), the capacity of BSC and its subsidiary bodies also appears to be not enough to carry the mandate of coordinating and assisting the collaborative actions of the countries in the implementation of BS SAP (BS TDA, 2007).

First of all, it should be noted that the successful revision of BS SAP was coupled with the termination of GEF founded BSER project in 2008. This resulted to additional financial difficulties within the BSC and its subsidiary bodies. Although one of the main objectives of GEF intervention was to strengthen BSC’s regime as a self-sustaining joint governance mechanism capable to advance further implementation of all agreements made during the period of GEF assistance, it is still uncertain whether or not this collaborative governance regime has enough resources to fill the technical and financial vacuum formed after the loss of GEF support (Oral 2013). In the exit strategy of the BSERP, the following conclusion has been made: “the current situation is not sustainable in that the organizational and financial programme mandate given to the BSC cannot be achieved with the existing resource base...” (BSERP 2007, p.17). On the other hand, the same exit strategy included
an “agreement on the transfer of activities and responsibilities from the BSERP to the BSC Permanent Secretariat and Advisory Groups”. It is questionable how the responsibilities of the project with a budget of few millions of dollars could be converted to an organization relying now and then mainly on small amount of countries’ contribution. The institutional and legal drawbacks of the BSC regime identified in the BS TDA (2007) also remained unaddressed when the BSERP terminated. Since 2009, the expenses of AG meetings, BSC conferences, travel expenses of BSC members and many other activities of BSC had to be covered by means of country annual contributions and through the relatively small (compared to BSERP) project budgets involving BSC. Consequently, commissioners had been asked to recommend a new level and allocation of the budget/resources among the BSC member countries. The amount of annual country contribution has been slightly increased, although was not enough to implement BSC’s annual work plan and assist countries in the implementation of SAP (former BSC PR officer, interview). The number of BSC PR personnel over time fully illustrates the financial difficulties within the regime: in 2011 it was staffed by 11 people (mainly payed through the project budgets), one year later – 7, and currently, only 3, including technical assistance (IT/accountant).

As BSC has been always relying on funding from mainly the GEF, in order to sustain its functioning, it started to attract funding through the implementation of different projects (HDC team leader, interview). In other words, the scientific cooperation ongoing between BSC member countries through the GEF support (under the BSERP) transformed to EU sponsored project based cooperation with different thematic directions. The following table summarizes projects participated or implemented by BSC or where BSC is either End User or member of Advisory Board (since 2009).

<table>
<thead>
<tr>
<th>Period</th>
<th>Title</th>
<th>Donor</th>
</tr>
</thead>
<tbody>
<tr>
<td>2009-2011</td>
<td>BlackSeaScene: On-line access to in-situ and remote sensing data, meta-data and products</td>
<td>EU</td>
</tr>
<tr>
<td>2009-2010</td>
<td>MONINFO: Monitoring and reduction of oil pollution in the Black Sea</td>
<td>EU</td>
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<tr>
<td>2010-2014</td>
<td>PEGASO: Integrated Coastal Zone Management (ICZM)</td>
<td>EU</td>
</tr>
<tr>
<td>2010-2014</td>
<td>SEA-ERA: Integrated Marine Research Strategy and Programmes</td>
<td>EU-ERA-NET Scheme</td>
</tr>
<tr>
<td>2011-2013</td>
<td>Baltic2Black: Focusing on nutrient pollution and eutrophication, through transfer of related existing best practices from other regions, in particular the Baltic Sea</td>
<td>EU</td>
</tr>
<tr>
<td>2011-2014</td>
<td>CREAM: Ecosystem approach to Fisheries, management advice in the Mediterranean and Black Sea</td>
<td>EU</td>
</tr>
<tr>
<td>2012-2016</td>
<td>CoCoNet: Marine protected areas coupled with sea based wind energy potential</td>
<td>EU</td>
</tr>
<tr>
<td>2012-2015</td>
<td>PERSEUS: Assessing the dual impact of human activities and natural pressures on the Mediterranean and Black Seas</td>
<td>EU</td>
</tr>
</tbody>
</table>
Table 3: Black Sea marine environment related projects, source: SOER 2015

<table>
<thead>
<tr>
<th>Year</th>
<th>Project Description</th>
<th>Funding</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012-2014</td>
<td>MISIS: MSFD Black Sea integrated monitoring system</td>
<td>EU Ministries of Environment in selected countries</td>
</tr>
<tr>
<td>2013-2016</td>
<td>EMBLAS: Improving Environmental Monitoring in the Black Sea and strengthen the capacities of Georgia, Russian Federation, Ukraine for biological and chemical monitoring of water quality in the Black Sea, in line with EU water related legislation</td>
<td>EC/UNDP</td>
</tr>
</tbody>
</table>

Perhaps, the implementation of these projects generally improved the cooperation between governmental and non-governmental institutions of the Black Sea coastal countries in many directions and promoted the implementation of BS SAP. As most of the projects have been designed in the way that they incorporate different provisions from the BS SAP, the role of BSC in these projects was to facilitate the implementation of project action plans in line with the BS SAP (BSC PR officer, interview). For example, two environmental monitoring projects (EMBLAS and MISIS) have been developed by the staff of BSC PR\(^{31}\) to strengthen the capacities of all six Black Sea coastal countries for biological and chemical monitoring and improve the availability and quality of chemical and biological data in line with MSFD and BS SAP (EC 2015). Overall, these projects supported the implementation of the countries’ commitments under the BS SAP in terms of data gathering, conducting of scientific studies and capacity building. Another example is the project called Baltic2Black jointly implemented by the BSC and Helsinki Commission (HELCOM). The aim of this project was “to promote measures to facilitate delivery of Black Sea Commission integrated regional monitoring and assessment products, with focus on nutrient pollution and eutrophication, through transfer of related existing best practices from other regions, in particular the Baltic Sea” (BSC 2012). This project greatly contributed to the improvement of Black Sea Integrated Monitoring and Assessment Programme (BSIMAP) for 2013 - 2020 (EC 2015). However, the latest is not adopted yet by BSC member countries.

Overall, it is difficult to measure project effectiveness towards achieving the objectives to promote the implementation of BS SAP and enhance the outcome oriented cooperation between the countries. One of the interviewees who preferred to stay anonymous mentioned: “Countries get involved in the projects and they start to cooperate mainly in order to attract funds. They develop number of strategies, road maps and plans, but actual translation of those documents into national and regional policies usually is not happening”. Despite the difficulty to measure the effectiveness of these projects in regard of achieving the objectives, two important outcomes for BSC are obvious. First of all, by means of the project budgets BSC was able to implement its annual work plan and cover different administrative expenses. Second, public participation in the work of BSC has been greatly enhanced, as upon the requirement of donor organizations, NGOs and scientific organizations were actively involved in the project implementation.

However, the present financial situation of BSC, which is the most difficult so far (Knudsen 2015), points out on the noticeable decrease in project implementation and participation. Currently, BSC does not have any ongoing project implemented by the staff of secretariat or separate project personnel under the supervision of BSC. According to the official webpage of BSC\(^{32}\), currently Black Sea Commission is engaged as partner in only three projects, namely EMBLAS (Improving Environmental Monitoring in the Black Sea), MareFrame (Enhancing Ecosystem-based Fisheries Management in Europe) and CleanSea project (Towards a Clean Litter-Free European

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\(^{31}\) more precisely these projects and many others have been developed by former BSC PR officer Violeta Velikova (interview)

\(^{32}\)http://www.blacksea-commission.org/
One of the reasons of the decline of project quantity seems to be the limited number of people (only 3) responsible for overall organizational burden of the BSC, including project proposal writing as well as lack of project development capacity of the present staff of BSC PR. Nevertheless, in spite of having scarce financial and human resources, currently BSC carries out its regular collaborative actions in accordance with the annual work plan. Commissionaires meet once a year to discuss the implementation of annual work plan and adopt new one for coming year. Advisory Groups also conduct their annual meetings in order “to provide the Commission with the best possible advice and information on topics which are key to the implementation of BS SAP” (BSC, 1996). However, financial constraints seem to have certain influence on organizing some events. Last year, BSC did not organize the regular (since 2006) biannual scientific conference, which aims to strengthen the scientific foundation for the decision making in the Black Sea region, apparently, because of the lack of financial resources.

Although human and financial resources of BSC are limited, its mandate has been broadened with time by including additional activities and responsibilities to those defined under the Bucharest Convention and Protocols. Additional functions have been assigned to the BSC and its member countries by different memoranda of understanding and cooperation between the Commission and other international organizations such as The International Commission for the Protection of the Danube River (ICPDR), EEA, Agreement on the Conservation of Cetaceans in the Black Sea Mediterranean Sea and Contiguous Atlantic Area (ACCOBAMS), Global Invasive Species Programme (GISP), International Maritime Organization (IMO), General Fisheries Commission of the Mediterranean (GFCM). Specific actions for the implementation of these memoranda are defined in the annual work plans of BSC. For example, according the work plan of BSC for 2014-1015, the implementation of the memoranda of understanding between the BSC and ACCOBAMS includes the promotion of the designation of the MPAs eligible for cetaceans in the Black Sea, official adoption of the Regional Conservation Plan for Cetaceans, the adaptation of the Black Sea Red Data Book, coordination of assessment of the marine living resource in the Black Sea etc. Certainly, these memoranda compose additional mechanisms to enhance the cooperation between the Black Sea countries and promote the implementation of BS SAP provisions while making use of the expertise and capacity of above mentioned international bodies.

To sum up, currently BSC member countries are mainly engaged in project based cooperation and regular activities of the BSC to implement BS SAP. Expected regional agreements and improvement of marine governance structure underpinned in the BS SAP are not made yet considering the above mentioned constraints.

4.3. Assessing the performance of Black Sea Commission

Before assessing different elements of the collaborative governance regime of BSC, it is important to discuss some of the universal challenges associated with the measurement of results of intergovernmental cooperation. First of all, there is no consensus about what constitutes an efficient performance of collaborative arrangement (Koliba et al. 2010). Some scholars evaluate relational outcomes of collaborative governance, e.g. enhanced knowledge management or improved conflict resolution, while others measure better coordination of efforts, enhanced policy compliance or the changes in the condition of the problem targeted by CGR (Emerson & Nabatchi 2015). Second, CGRs perform over time, change and adapt. Impermanent nature of regimes makes it difficult to assess multiple performances occurring over time. Third, CGRs constitute of number of participants with divergent perspectives about the regime’s performance. Organizations that are represented in the

33 Available at http://www.blacksea-commission.org/_commission-wps.asp?yr=2014
regime can have different views and interests about what aspect of regime performance matters from those individuals who represent them. Moreover, end users or beneficiaries of the collaborative actions as well as donor organizations can also have differing views about the effectiveness of the process (Emerson & Nabatchi 2015). Thus, the assessment of CGR performance is a complex, time consuming and difficult process requiring the consideration of the noted aspects. Considering these challenges, it should be noted that below we present experimental attempt to assess the performance of Black Sea Commission based on available information. Collaborative performance of the BSC is assessed in terms of reaching its objectives/goals envisaged by the legal documents of the regime. In order to identify strengths and limitations of the BSC regime, we discuss separately system context, process performance (collaborative dynamics) and productivity performance (collaborative actions). Moreover, different perspectives of regime participants and “recipients” of collaborative actions on the overall functioning of the regime are presented based on the information from the interviews.

4.3.1. System context

Institutional framework/structure

Current Institutional framework/structure (Figure 5) for the regional cooperation in the Black Sea, the Black Sea Commission, is based on the institutional structure of the Black Sea Environment Programme funded by GEF in the early 1990s. Working Parties of BSEP have been transformed into Advisory Groups, BSEP Programme Coordinating Unit into BSC Permanent Secretariat and BSEP Activity Centers into BSC Activity Centers. Certainly, the present structure ensures the representativeness of all Black Sea coastal countries. However, established on the basis of a program operating in 1990s, it does not provide any institutional mechanism for public engagement in decision making of BSC (BSNN director, interview). Black Sea NGO Network is granted only status of observer of the BSC meetings. Moreover, compared to other regional seas commissions (HELCOM, OSPAR), the institutional structure of BSC has not been systematically changed since its establishment. Only three ad hoc working groups have been created so far: Ad hoc Working Group on the Water Framework Directive and Joint Black Sea – Danube Technical Working Group (1997) and Working Group on Financial Management, which is not enough to better meet the present developments in marine environmental management (e.g. implementation of MSFD) and needs/challenges in the countries’ efforts to protect the Black Sea.

Besides, the Permanent Secretariat, currently staffed by only three people, is facilitating the work of BSC’s sixteen subsidiary bodies (seven advisory groups, six activity centers, and three ad hoc working groups), implementation of Annual Work Program of BSC, coordination of BSC’s regional projects and activities, and communication with International organizations while having also additional task to elaborate new regional projects and participate in the development of two upcoming reports (SAPIR and SoE). Certainly, the responsibilities of the Secretariat are over-ambitious, given its resources (BS TDA, 2007) both human and financial. Moreover, the staff of Secretariat is recruited among the representatives of the ministries of environment of Black Sea countries only based on the recommendations of BSC Commissioneres representing the same ministries (BSC PR officer, interview). While having equal opportunities (according to the respective regulation), already appointed candidates are being evaluated and selected by the Commission itself functioning as selection committee. Thus both the nomination and selection of candidates is executed by the Commissioneres. This internal procedure is lacking transparency, as there is no public announcement open for all interested and, possibly, highly qualified professionals working in other institutions than the Ministries. As mentioned by one of the interviewees: “the choice of director and officer of Secretariat is still political, it is not with an open advert and fair competition, it is a political choice”. Considering the crucial role of Secretariat in coordination and facilitation of the overall work of BSC and countries efforts to cooperate, there is a need to develop new mechanism
of selection of candidates based on fair and open procedure of selection (as in other Regional Seas programs) to ensure the qualification of the staff.

There is also little accountability between multi layered organizational structures of BSC. For instance, deadlines which have not been met, are frequently further prolonged and unfinished activities are postponed to be implemented later. There is also no mechanism for interaction of Advisory Groups with each other. Advisory Groups meet one or two times per year, however there is no joint meeting of all Advisory Groups. “The function of Secretariat is to know very well the capacities of the groups in order to unit them and make them to cooperate also with each other as joint efforts of Advisory Groups could be extremely helpful for the overloaded work of Secretariat” (former BSC PR officer, interview). Additionally, according to BS TDA (2007) “there has been a lack of focus on outputs from the Advisory Groups...the outputs of Advisory Groups are not generally used by decision makers in the Black Sea countries because they are seen as being irrelevant to policy making or because national funding has been insufficient”. One example of the latest is the implementation of BSIMAP used by AGs to monitor and assess the environmental status of the Black Sea. The monitoring results should be one of the most important outputs of AGs and Secretariat (MoE Georgia, interview), however, lack of national funding of the staff, laboratories and necessary equipment to undertake this work in some countries is making the regional results inconsistent and thus not relevant for decision making and policy application.

Regarding to institutional structure of the Commission itself, the nomination of Commissionaires is taking place again through the Ministries of Environment of Black Sea states, but, compared to the staff of Secretariat, for unlimited time. Usually, leading or senior specialists of the Ministries selected to be representatives in the BSC have little influence on decision making at national level (interview). This fact sharply contrasts with their responsibilities (e.g. “...promote the implementation of the Convention” or “…promote the adoption by the Contracting Parties (ministries) of additional measures needed to protect the marine environment of the Black Sea”) within the BSC. However, there is no specific internal or external procedure to evaluate the work of Commission and its Commissionaires or to assess their qualifications and/or work outputs. Being the main communication channel between the BSC and relevant authorities and institutions in each country responsible for the implementation of BS SAP, the qualification, reputation and overall expertise of these people are strongly important for the performance of BSC’s regime. Moreover, according to the Bucharest Convention (Art.XVII) “each Contracting Party shall be represented in the Commission by one Representative who may be accompanied by Alternate Representatives, Advisers and Experts”. However, Commissionaires usually are not accompanied with other people who could contribute to the overall process or to fill the gap of public involvement.

Legal framework

Current legal framework for cooperation, as already mentioned, is based on the Bucharest Convention, its protocols, four Ministerial Declarations and the Black Sea Strategic Action Plan. Bucharest Convention never been amended since the adoption. As the text of the Convention has been finalized before the adoption of Rio Declaration and never been changed (which is not a case for other regional seas programmes), it is lacking modern marine governance principles acknowledged during the Rio conference and after. Although this legal gap has been somehow compensated by the adoption of Ministerial Declarations over time, the main legal document, Bucharest Convention, aimed to protect the marine environment of the Black Sea and enhance the regional cooperation is considered to be outdated. It is also focused mainly on pollution, without giving a reference to other marine environmental problems caused by non-pollution threats (Oral 2013). According to the Article 5 of Bucharest Convention the Black Sea countries shall take all necessary measures consistent with international law to prevent, reduce and control pollution in order to protect and preserve the marine environment of the Black Sea (Bucharest Convention, p.2). However, protection and preservation of the marine environment should be based on a holistic and integrated approach rather than focus only on pollution prevention and reduction. Moreover, the
lack of enforcement mechanisms of the overall legal framework for cooperation in the Black Sea\textsuperscript{34} is widely acknowledged (e.g. BS TDA, 2007). Whereas legal setting of the Bucharest Convention applies the language of mandatory “shall”, it is considered to be “soft” in its core. One of the reasons of the failure of the Black Sea countries to fully fulfill their commitments under the BS SAP was/is the lack of enforcement mechanisms in the regime.

Internal regulations\textsuperscript{35} related to functioning of the Commission (information policy, the rules of procedure of the Commission, the staff regulations and procedures of the Commission etc.) are also considered to be outdated as some of them have been written about 20 years ago (BSC PS officer, interview). After detailed institutional analysis has been carried out in 2008 within the BSERP, based on identified institutional gaps, there was a decision to revise all these documents (BSC PR officer, interview). However, little progress has been achieved since that time. The secretariat is still working on the revision of the internal documents to be adopted during the regular meeting of BSC (BSC PS officer, interview). The revision of internal regulations, particularly the procedures of nominating and selecting staff of BSC PR, AGs and member of BSC will enhance the efficiency of the whole regime by attracting “new faces” based on fair and open selection procedure (former BSC PR officer, interview).

The role of external donor organizations

The role of EU and GEF as external drivers (discussed above) for the formation of collaborative governance regime of the Black Sea is enormous. Technical and financial assistance particularly of these two international institutions shaped the overall logic of BSC regime by establishing project based scientific cooperation between the Black Sea countries and new partnerships between different scientific institutions and non-governmental organizations. In fact, by providing substantial funds for regional project implementation, these organizations stimulated interest of Black Sea countries in regional cooperation and created capacity for joint action by ensuring knowledge and resources.Speaking in more illustrative way, in essence, they have been acting like conductors assembling and directing musicians who have never played all together before. Importantly, they ensured relatively high level of accountability among the countries in project implementation. However, most of the funds have been allocated to implementation of scientific projects, organizations of meetings and elaboration of reports (FCE director, interview). Identified gaps in legal and institutional frameworks of BSC have not been addressed through these funds. Moreover, mechanisms to make applicable the outputs of those technical projects (e.g. BSIMAP) for policy making have not been established by the time when GEF closed its financial assistance.

Political context

The level of influence of political situation in the region on the work of BSC and overall collaboration of the countries cannot be considered as of being high. The BSC was functioning even during strong political tensions and armed conflicts between the coastal countries (RECC director, interview). Compared to EU funded national environmental project implemented in Crimea, the EMBLAS regional project has not been suspended because of Russian-Ukrainian political conflict (NEA Georgia, interview). Russia and Ukraine are currently participating in the second phase of that project, while having mainly disagreement regarding, for example, of choosing the place where the project meetings have to be conducted and whether experts from Crimea have to participate in project activities (BSC PR officer, interview). In general, most of the interviewed professionals (Fig.7) directly engaged in different collaborative efforts of BSC and beyond, also mentioned that they see only moderate/medium or low level of influence of political realities in the region on cooperative efforts of the countries. Moreover, recently BSC has made a political statement during one of the

\textsuperscript{34} The lack of state compliance with regional and international obligations is not a problem concerning only to the Black Sea region. It is a challenge in international environmental law in general.

\textsuperscript{35} In fact, these documents represent the \textit{procedural and institutional arrangements} (component of capacity for joint action), translation of main legal documents of the regime into ground rules for administration and management of collaborative efforts and interactions of member countries.
regular meetings and internally agreed to avoid political disagreements and discussions (BSC PR officer, interview).

![Graph showing Level of influence of political situation]

**Figure 7:** The results of 16 interviews: the influence of political situation on environmental cooperation in the region

### 4.3.2. Process performance

Emerson and Nabatchi (2015, p. 185) define process performance as “the level of functioning of collaboration dynamics that emerges from the combined interactions of principled engagement, shared motivation, and the capacity for joint action. As it has been already illustrated, CGR of BSC has a multi-layered process of collaborative dynamics taking place directly within the BSC as well as indirectly with BSC member countries and non-BSC members and public in general. As balanced representation of all Black Sea countries is ensured within the BSC, Commissionaires representing the countries have equal right to discuss and deliberate issues concerning national priorities, needs and opportunities of their countries during the processes of **principled engagement**. Moreover, the regular meetings within the BSC and its subsidiary bodies are generally characterized by civil discourse and open and inclusive communication among the participants structured and oriented toward problem solving. “BSC members (commissionaires) and professionals from AGs are working together long enough to trust each other and respect differences in their national priorities while having a common purpose to protect the Black Sea environment” (BSC Commissionaire, interview). Thus, the most important principles of effective engagement: balanced representation, civil discourse and open, inclusive communication are observed within the BSC. However, it does not entail reaching consensus on every issue discussed. An example is the failed negotiations between BSC member countries on fisheries agreement lasting more than two decades.

Collaboration dynamics and particularly the component of shared motivation in the BSC’s regime are highly influenced by the system context of BSC, such as resource condition, legal framework (Bucharest Convention) and external divers. From the day of its establishment, the primary motivation of BSC members was to deal with the concerns of countries regarding to protection and rehabilitation of the Black Sea marine environment. “Bucharest Convention was the first in the history of regional seas programme which was prepared and agreed in a very short time, in couple of years. This does not happen very often. Obviously, the countries were eager to take joint measures for rehabilitation of disastrous state of the Black Sea” (former BSC PR officer, interview). The collaboration dynamics were taking place uninterrupted for more than two decades of BSC’s existence despite strong political tensions between the countries and economic instability in the region. This is also an indicator for high motivation of countries to cooperate and build a trust. As none of the interviewees mentioned cases when countries were intentionally hiding required
information on national monitoring and assessment or were not providing data for purpose, *mutual understanding* seems of being at high level. Countries feel comfortable revealing the information to others and are committed to the collective purposes of BSC. Nevertheless, the implementation of those commitments is lacking in almost all countries conditioned by different constraints discussed above, including one of the components of capacity for joint action – resources.

As mentioned in the legal framework above, *procedural and institutional arrangements*, internal regulations of the BSC, constituting part of *capacity for joint action* are outdated and need to be improved to meet the modern requirements of marine resource management. According to BS TDA (2007) the extent to which these arrangements enable effective administration and management of the BSC is not satisfactory. On the other hand, the second element of *capacity for joint action*, *knowledge*, is very well accumulated and articulated through different knowledge-building activities, such as implementation of scientific projects and studies, organization of technical conferences, trainings and exercises. Most of the funds of donor organizations have been allocated to scientific research in the Black Sea. “The Black Sea is very well studied, now it is a time to translate the generated knowledge into a practical work” (FCE director, interview). However, BSC and some of its member countries are lacking of *resources*, both human and financial, to translate the generated knowledge into policies and implement their commitments and legal obligations under the BS SAP and Bucharest Convention.

### 4.3.3. Productivity performance

Productivity performance is defined by “the actions of CGR and the resulting outcomes and adaptation they generate” (Emerson & Nabatchi 2015, p.185), which means that the efficacy of BSC depends on the extent to which collaborative actions of BSC and its members are aligned with the BSC’s collective purpose (Bucharest Convention) and shared theory of change (BS SAP). In other words, to measure the regime efficacy we have to rate the match between the BS SAP and the actions/outputs produced by the BSC over time and answer to the question *whether BSC and its member countries are taking actions that are consistent with what they set out to achieve and how it was planned to achieve*. Due to the time and data limitation of the present research project, it is not possible to rate the mismatch between the BS SAP and outputs of taken actions (considering also the longitude of the implementation of BS SAP: from 1996 to present). Thus we give only generalized answered to the mentioned question based on interview data and document analysis.

As it was illustrated in the subchapter of collaborative actions, both in the period of 1996-2008 and after, implementation of BS SAP, *the theory of change* of BSC, was behind the schedule and most of the commitments remained unfulfilled by the BSC member countries. When it became clear that there is a lack of progress in the implementation of BS SAP, countries have concluded that the BS SAP “was an overly ambitious document and very few of the targets were accomplished on time” (BSC, 2009, p.8). Instead of adopting measures to enhance the capacity of BSC regime to meet the targets, the countries adaptive response was to simply amend the BS SAP with new dates in 2002 and with more flexible and less-committal objectives in 2009. Although BSC regime has shown an adaptive capacity to respond to the consequences of the outcomes it has created through its actions, the adaptive response did not generally improve the implementation of the BS SAP and was not viable. Thus, the lack of progress was constrained also by other factors (lack of financial resources within BSC, insufficient legal framework of the regime and lack of institutional capacity of BSC and its member countries) rather than merely by ambitious nature of the targets indicated in the BS SAP. It should be noted that lack of progress was/is seen particularly in institutional reforms, legal improvements and strengthening the overall regional governance structure by means of adoption of regional strategies and regulative mechanisms. Main improvements are seen primarily in technical outcomes (BSNN director, interview), although the viability of those outcomes is
questionable as they are not turned into regional regulative mechanisms foreseen by BS SAP. As a result, there is considerable mismatch between the BS SAP and the actions/outputs of BSC and its member countries36. Moreover, there is also noticeable mismatch between the mechanisms required by BS SAP to achieve the targets and actual methodologies applied by countries. For example, despite the existence of BSIMAP and commitment to integrate it into national monitoring and assessment programs, Black Sea countries follow their national monitoring systems strictly differing from each other. Thus, BSC member’s productivity performance is lacking of efficacy which is coupled with inadequacy of BSC’s actions conditioned by lack of human and financial resources and legal/institutional gaps.

Based on the presented evidences and using the integrative framework of collaborative governance we summarize the performance of Black Sea Commission in the Table 4. The logic model approach, which is an important evaluation tool in performance measurement, was used to trace the causal connection between inputs, processes, outputs, outcomes (Emerson & Nabatchi 2015). The dimensions represent here the general system context, collaborative dynamics (process performance), and collaborative actions and adaptation (productivity performance). The components indicate the corresponding interconnected elements of the conceptual framework. Indicators have been developed based on the recommendations for potential indicators to measure the performance of CGRs by Emerson and Nabatchi (2015). They have been also adjusted to the objectives/goals of BSC envisaged by the legal framework of the regime, to enable the assessment of collaborative performance of the Commission in terms of reaching those objectives or goals. Thus the rating of the process and productivity performance is conducted to determine the consonance between the BSC’s goals or theory of change and the outputs actually produced by the regime.

36 Although the official BS SAP implementation report for the period of 2009-2013 is not finalized yet, there is no information available on the progress of adopting urgent regional strategies/mechanisms to protect the Black Sea (e.g. Fisheries regional agreement or regional regulative mechanism to control transboundary movement of hazardous wastes and illegal traffic)
<table>
<thead>
<tr>
<th>Dimension</th>
<th>Component</th>
<th>Indicator</th>
<th>Rating*</th>
</tr>
</thead>
<tbody>
<tr>
<td>System context</td>
<td>Institutional framework</td>
<td>Degree to which the established institutional set up enables or constrains the collective purpose of BSC</td>
<td>High degree of constraining</td>
</tr>
<tr>
<td></td>
<td>Legal framework</td>
<td>Extent to which legal framework of BSC enables or constrains the collective purpose of BSC</td>
<td>Substantial constraining</td>
</tr>
<tr>
<td></td>
<td>Political context</td>
<td>Level of influence of political situation on collaborative efforts of BSC</td>
<td>Medium</td>
</tr>
<tr>
<td></td>
<td>External drivers</td>
<td>Degree to which BSC regime influenced by external drivers</td>
<td>High</td>
</tr>
<tr>
<td>Collaborative dynamics</td>
<td>Principled engagement</td>
<td>Extent to which participants engage in fair and civil discourse and recognize shared goals</td>
<td>Substantial</td>
</tr>
<tr>
<td></td>
<td>Shared motivation</td>
<td>Level of trust, extent to which participants are comfortable revealing information to others and are committed to the collective purpose of BSC</td>
<td>High</td>
</tr>
<tr>
<td></td>
<td>Capacity for joint action</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>✓ Procedural and institutional arrangement</td>
<td>Extent to which ground rules enable effective administration and management of the BSC</td>
<td>Negligible</td>
</tr>
<tr>
<td></td>
<td>✓ Knowledge</td>
<td>Extent to which relevant knowledge was generated and developed</td>
<td>Substantial</td>
</tr>
<tr>
<td></td>
<td>✓ Resources</td>
<td>Extent to which resources of BSC (human, financial, capacities) enable or constrain collective purpose of BSC</td>
<td>Negligible enabling</td>
</tr>
<tr>
<td></td>
<td>Collaborative actions</td>
<td>Level of consistency of BSC’s actions with BS SAP</td>
<td>Law</td>
</tr>
<tr>
<td></td>
<td>Adaptation</td>
<td>The extent to which BSC continues to carry out actions and align to changing conditions</td>
<td>Modest</td>
</tr>
</tbody>
</table>

*Ratings:
- degree – high, medium, law
- level – high, medium, law
- extent – substantial, modest, negligible

Table 4: Matrix of BSC performance
4.3.4 Summarizing strengths and limitations of the Black Sea Commission regime

In this final subchapter, we narrow the performance analysis of the Black Sea Commission to illustrate strengths and limitations (table 5) of the regime and give an answer to the second sub research question. Certainly, the main advantage of Black Sea Commission regime is that it is the only joint marine governance structure in the Black Sea region comprising of all Black Sea coastal countries and ensuring equal representation of them in the Commission and its subsidiary bodies. Compared to other governance mechanisms for the environmental cooperation of the states (e.g. BSEC), the Black Sea Commission is established exclusively for the protection and rehabilitation of the Black Sea environment which increases the precision of the common goals to address transboundary marine environmental threats. Relatively small number of coastal countries (e.g. Mediterranean Sea is surrounded by twenty states) also could be seen as strength. Although the Black Sea countries have divergent traditions, regulations and governance arrangements in national environmental management in general and water management in particular, for instance, if they are committed to the Art. XVI of Bucharest Convention “to cooperate in developing and harmonizing their laws, regulations and procedures....”, then relatively small number of national governments and relevant institutions involved makes this process easier and faster. Well-developed network of scientists, different stakeholders, relevant institutions and organizations is another advantage of the regime resulted from more than two decades of knowledge-building activities, cooperative efforts, initiatives, number of joint projects, conferences, trainings and formal/informal meetings. Through this network substantial volume of scientific knowledge has been generated by BSC within and outside of its organizational boundaries. Moreover, by means of adaptive capacity of the regime, BSC is able to turn new scientific knowledge coupled with other developments and changes in the whole system, into adapted and changed policy documents (e.g. revised BS SAP). However, the weaknesses and limitations of the Black Sea Commission regime presented below constrain the application of generated knowledge and adaptive measures, and, in general, the joint mission of Black Sea countries.

The main weaknesses of the Black Sea regime are hidden in its institutional and legal frameworks. First limitation in the institutional framework of BSC is the absence of institutional mechanism for direct public engagement in decision making. Although the institutional structure of BSC ensures the representation of all Black Sea coastal countries, it is limited to governmental representatives and professionals appointed through the governments. However as Manoli (2010) argues, only joint efforts and combined resources could lead to tangible results in marine governance, which could not be achieved by merely independent actions of riparian countries and without engagement of all relevant stakeholders. Only the Black Sea NGO Network (which excludes according to Oral (2013) leading marine environmental NGOs and other social political activist organizations in the region) is granted a status of observer of BSC meetings. Further, the institutional structure of BSC has not been systematically modified since its establishment to meet the present developments in modern marine environmental management. The nomination and selection of Commissionaires and professionals involved in the BSC’s subsidiary bodies is based on outdated internal regulations lacking transparency. Regarding to legal framework, legal limitations of the Black Sea Commission regime have their roots in the Bucharest Convention. This framework convention never been amended to meet current developments and include modern marine governance principles. It is focused mainly on pollution reduction and prevention excluding non-pollution threats of marine environment. Moreover, lack of enforcement mechanisms of the overall legal framework of BSC is acknowledged to be as main reason of the failure of the Black Sea countries to fulfil their commitments under the BS SAP coupled with another limitation of the regime, lack of resources (human, financial) and capacities of BSC and its member countries.
5. Conclusions and recommendations

The present research project aims to study the strengths, limitations and possibilities of the Black Sea marine governance structures in fostering environmental cooperation between the coastal countries. In order to illustrate to which extent marine governance institutions and collaborative governance arrangements are effective in promoting and facilitating regional environmental cooperation in the Black Sea region, the Black Sea Commission has been chosen as a governance structure to be analyzed. In general, policy and literature analysis suggests number of difficulties, such as political tensions between the countries, fragmented marine governance, lack of institutional capacities or limited public involvement, to effectively address main environmental problems of the Black Sea. For this reason, it was of particular interest to us to examine how the only marine governance mechanism, the Black Sea Commission, established two decades ago exclusively for the protection and rehabilitation of the Black Sea environment through the joint efforts of Black Sea countries is functioning under these conditions. Therefore, the main research question of the study has been formulated:

To what extent regional cooperation in the Black Sea facilitated by the Black Sea Commission is effective?

In order to meet the objective of the study and answer to the research question, the integrative framework for collaborative governance by Emerson & Nabatchi (2015) has been applied. Compared to other existing models and frameworks dealing with collaborative governance, the present framework encompasses also examination of intergovernmental collaborative institutions, such as interstate commissions, functioning at regional level. It is bringing together and recognizing behavioral, relational, and structural elements of CGRs by using performance logic. Accordingly, the framework helped us to better understand when, where, why, how and what effect collaborative governance arrangements were effective, for instance in terms of enabling collaborative strategies. Moreover, as the framework examines overall system of cross-boundary collaboration, it incorporates also the system context composing of number of influencing factors that externally create opportunities or constraints for the cooperation. Thus, the framework allowed us to understand the extent to which the constraining factors for cooperation identified in the initial stage of problem definition of the present research influence the effectiveness of the cooperation between the countries. In addition, by adapting this framework to our research objective, we built theoretical background to identify main advantages and limitations of the Black Sea Commission by assessing its performance and effectiveness as collaborative governance regime enabling regional cooperation in the Black Sea.

Our findings demonstrate that the measures undertaken by Black Sea Commission are effective only in terms of enabling scientific and project based cooperation between the Black Sea coastal countries. The cooperation between the countries around regional and national institutional reforms, legal improvements and integration of regional strategies and regulative mechanisms to tackle the Black Sea environmental problems is found to be weak. Moreover, the viability of outcomes of scientific cooperation is uncertain, as those outcomes are generally not translated into regional regulative policies and mechanisms. The present conclusion is a result of detailed examination of system context surrounding the Black Sea Commission regime, collaborative dynamics taking place within the regime, and collaborative actions and measures undertaken by BSC and its member countries. We deconstructed the main research question into two sub research questions in order to enable this examination.

Sub research question 1: How is the system context, based on which the Black Sea Commission and regional cooperation between the Black Sea coastal countries operate, influence the effectiveness of collaborative efforts?
Our findings illustrate that the components of the complex system context that shapes the BSC regime at the outset and over time influence the efficacy of collaborative efforts in different ways, and both positively and negatively. Resource condition of the Black Sea points out the urgency of environmental problems of the sea and the need to address these environmental pressures through successful regional cooperation. The most important settings of the regime, legal and institutional frameworks directing the overall logic of the BSC regime though providing legal ground (Convention, protocols, declarations, regulations etc.) and institutional structure (BSC) are found to be not efficient to foster the joint mission of the BSC regime. Identified legal and institutional gaps are blocking the full realization of the BSC capacity. At the same time, economic and political situation in the region, initially identified in the problem description to have substantial influence on the functioning of BSC, has a moderate degree of influence on the collaborative efforts of the BSC member countries. And finally, we revealed significant positive impact of international external drivers (mainly EU and GEF) on the formation and further development of BSC trough allocation of considerable financial and technical assistance. It is also important to mention that the system context itself can be adapted to the outcomes of the BSC’s actions and be changed or modified over time. The response to the Commission’s actions and outcomes can include, for instance, the improvement of the resource conditions e.g. environmental state of the Black Sea or revision of legal frameworks.

Sub research question 2: *What are the strengths and limitations of the Black Sea Commission regime?*

After examining the system context of BSC regime we moved to exploring the actual collaborative dynamics and processes taking place within the Black Sea Commission and between the Black Sea coastal countries as well as collaborative actions undertaken by them. In order to identify the strengths and limitations of the BSC regime, we have conducted experimental assessment of the BSC performance based on the findings of previous chapters. The results show that in line with a number of advantages and strengths of the system, such as equal representation of the Black Sea coastal countries in the BSC regime, targeted focus on the protection and rehabilitation of the Black Sea environment, relatively small number of coastal countries, well-developed network of scientists, different stakeholders, relevant institutions and organizations, substantial volume of generated scientific knowledge and adaptive capacity of the regime, BSC experiences also different limitations and weaknesses affecting overall effectiveness of the system.

Our findings clearly demonstrate that the Black Sea countries are willing to cooperate and take joint actions in protecting and rehabilitating the Black Sea. However, the governance mechanism, both national and regional, through which they can enable joint actions, is seen to have number of weaknesses. Most of the limitations of the BSC regime are grounded in its institutional and legal frameworks setting up in the system context and constraining the effectiveness of collaborative efforts from the outset. First of all, the legal basis of the BSC regime, Bucharest Convention is an old generation framework convention never amended to meet modern developments of environmental management and governance. The text is oriented on pollution reduction and prevention excluding non-pollution threats of marine environment. Second, the overall legal framework of BSC is lacking of enforcement mechanisms to enable countries to meet their commitments under the BS SAP and other BSC policies. Third, the institutional structure of BSC and its internal regulations never been systematically changed since its establishment and do not provide institutional mechanisms for public engagement in decision making nor transparent procedures for appointing and selecting BSC Commissionaires and member of subsidiary bodies. And finally, the last identified drawback limiting the effective regional cooperation in the Black Sea is the lack of resources both human and financial and capacities within the BSC and BSC member countries. Lack of institutional capacity of BSC member countries to undertake substantial legal and institutional reforms proposed by BSC is
conditioned by top down decision making process in the countries, limited public participation, and lack of qualified professional staff. In its turn, the mandate given to BSC to facilitate the implementation of Bucharest Convention and coordinate the countries overall cooperative efforts, is not consistent with the resources and resulted capacities it has.

On the whole, we found that collaborative dynamics and processes between the Black Sea countries are taking place regularly based on overall trust, mutual understanding, shared motivation and commitment to the BSC regime as illustrated in countries’ willingness to take measures in accordance to the BSC’s shared theory of change: BS SAP. However, the progress on achieving target goals/joint mission is lacking of visible outcomes conditioned by above mentioned limitations of the regime, and is limited upon scientific cooperation, and data exchange and collection. Thus, we restate the answer to our main research question that BSC regime is legally weak and institutionally inadequate to respond to the environmental challenges of the Black Sea, and regional cooperation promoted by the BSC is not efficient in achieving the target goals. Nevertheless, we assume that following general improvements in legal and institutional frameworks could lead to the enhanced performance of BSC regime and, consequently, to efficient regional cooperation:

- amendment of Bucharest convention to meet the standards of modern best legal practices, ensure application of current environmental principles and approaches in marine governance as well as allow the accession of international organization (e.g. EU) to open up formal opportunities for financial resources, technical assistance and best experiences in marine governance;
- revision of internal regulations of BSC to ensure better accountability between the subsidiary bodies, enhance the qualifications of members through transparent selection procedure, provide visible institutional mechanisms for public engagement and secure necessary resources (human and financial) in accordance with the BSC’s responsibilities and obligations.

In addition, further detailed examination of the BSC performance could lead to more concrete and action based recommendations to enhance its effectiveness in terms of promoting regional cooperation. During our research we encountered with a lack of data to evaluate both process and productivity performance of BSC. First, internal documents of BSC, such as meeting minutes of annual meetings, reports on implementation of annual work plans and many others are not accessible for public. Some of them have been requested from BSC PR, however, were not sufficient to conduct comprehensive assessment of process performance of BSC. Second, the report of implementation of BS SAP covering the period of 2009-2014 is not yet finalized, and the productivity performance of BSC cannot be considered being complete. Third, the field work has been conducted only in one of the coastal countries of the Black Sea: Georgia. In order to balance the representativeness of all coastal countries in the process of interviewing, the absence of the possibility to meet in person representatives of all six countries has been compensated through video conferences/conversations. Nevertheless, the number of interviewed Georgian stakeholders prevails over others.

Despite these restricting factors, our experimental attempt to assess the BSC’s performance gives an overview of the regime challenges to meet its target goals and opens up possibilities for further research on different system components of BSC needed intervention. We clearly demonstrate that integrative framework of collaborative governance provides a powerful tool for explaining the functioning of CGR over time even in case of having lack of data. Moreover, the framework has been tested in marine governance research first time and proved its applicability. Based on this framework, further research can be also conducted in the attempts to assess the effectiveness of other Regional Seas Programmes.

From the collaborative governance perspective this research project concludes that, as case of Black Sea Commission illustrates, collaborative governance regimes are not always appropriate or successful. To be fully functional and efficient, CGR has to coordinate complex actions of its
participants to ensure meaningful outcomes for the regime, and most importantly, demonstrate ability to adapt its target goals to these outcomes as well as changing or limiting conditions of the system context based on which it operates. And despite regional cooperation is believed to be necessary to address transboundary environmental problems, it is often not easy to ensure the efficiency of that cooperation. And yet the risk of cooperation failure may not be as significant as the risk of leaving disturbing environmental problems of the Black Sea unaddressed. Given the seriousness of those problems, it is worth the efforts to seek better understanding of the Black Sea Commission regime and improving the odds of regional cooperation success.
Annex 1: List of interviewed stakeholders

<table>
<thead>
<tr>
<th>Interviewee</th>
<th>Organization</th>
<th>Position</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sophiko Akhobadze</td>
<td>Regional Environmental Center for the Caucasus</td>
<td>Director</td>
</tr>
<tr>
<td>Eliso Barnovi</td>
<td>Ministry of Environment And Natural Resources Protection of Georgia</td>
<td>Head of Water Resources Management Service</td>
</tr>
<tr>
<td>Mariam Makarova</td>
<td>Ministry of Environment And Natural Resources Protection of Georgia</td>
<td>Deputy Head of the Water Resources Management Service, Department of integrated environmental management</td>
</tr>
<tr>
<td>Nino Tskhadadze</td>
<td>Ministry of Environment And Natural Resources Protection of Georgia /Black Sea Commission</td>
<td>Senior Expert, Department of Environmental Policy and International Relations Member of the Black Sea Commission</td>
</tr>
<tr>
<td>Zurab Chincharadze</td>
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<tr>
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<td>Team Leader, Environment and Energy portfolio at UNDP Georgia, EMBLAS project Georgian implementation team</td>
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<td>Foundation Caucasus Environment</td>
<td>Director</td>
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<td>Head of Fisheries and the Black Sea Monitoring Center</td>
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<td>Senior Researcher</td>
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<td>Deputy Head</td>
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<tr>
<td>Eremia Tulashvili</td>
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<td>Senior Researcher</td>
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<tr>
<td>Irina Makarenko</td>
<td>Black Sea Commission Permanent Secretariat</td>
<td>Pollution Monitoring and Assessment Officer</td>
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<tr>
<td>Emma Gileva</td>
<td>Black Sea NGO Network</td>
<td>Director</td>
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<tr>
<td>Violeta Velikova</td>
<td>SuRDEP</td>
<td>Board of Directors/ Former Pollution Monitoring and Assessment Officer at Black Sea Commission Permanent Secretariat</td>
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</table>
Annex 2: List of interview questions

<table>
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<tr>
<th>Categorization of the question/topic</th>
<th>Questions</th>
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</table>
| **Collaborative process- challenges and opportunities** | • Why did your country/organization initially start to cooperate with other coastal countries and/or EU on marine issues? What was the facilitating factor that assists you to cooperate? Were there specific or significant events (crisis)? Common understanding of the problem and the transboundary nature of this problem?  
• Did you start to cooperate due to a government mandate or under an existing treaty or legal authority? Or due to social/economic or other concerns?  
• What was the main barrier to start to cooperate initially? How did you overcome it? If you didn’t, then how did you continue to work while having that difficulty?  
• To what extent has the political and economic situation played a role in the overall process of collaboration on marine environmental issues in the region?  
• Have there been strong (political) supporters for the cooperation/regionalization? Particular country? EU, GEF or other international organizations?  
• Have there been strong (political) opponents for the cooperation/regionalization? What do you think why they were opposing the process of regionalization and integration of marine policies in the region? |
| **Past** | • The parties still working together? Why? Is there a long-term commitment from all parties?  
• Could you describe particular cases of cooperation (both successful and failed) with other Black Sea coastal countries/organizations?  
• What is the priority objective of your country/organization to implement particular marine policies in cooperation with other coastal countries/organizations? You have a specific strategy to achieve that? Black Sea Strategic Action Plan?  
• In your opinion what are the main barriers towards the achievement of effective regional cooperation on integration and implementation of Bucharest Convention and its Protocols?  
• What role does the EU and other international organizations play in the Black Sea marine governance in terms of strengthening transboundary cooperation between coastal countries?  
• To what extent is the political and economic situation playing a role in the overall process of collaboration on marine environmental issues in the region?  
• Are there strong supporters for the cooperation/regionalization? Particular country? EU?  
• Are there strong opponents for the cooperation/regionalization? What do you think why they were opposing the process of regionalization and integration of marine policies in the region? |
| **Present** | • What are the possible perspectives of transboundary cooperation in the Black Sea region and how you see the future role of Black Sea Commission in that?  
• What are the main ways to overcome challenges of cooperation on marine environmental issues? Which models of cooperation could you propose?  
• What do you think, are the actors/countries involved able (or will be) to develop mutual learning and mutual trust? |
<table>
<thead>
<tr>
<th>Organizational/governance arrangement</th>
<th>Past</th>
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<tbody>
<tr>
<td></td>
<td>• Which governance structures and mechanisms were in place (only Black Sea Commission?) to implement relevant marine agreements, treaties? Specific committees or working groups? If yes, were they mainly scientific or more policy oriented in nature? Was it possible to enable transboundary cooperation through those governance mechanisms?</td>
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<tr>
<td></td>
<td>Present</td>
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<td>• How is the implementation of marine environmental policies organized in your country (top-down, bottom-up, or market-led)?</td>
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<td>• In your opinion, what are the flaws and strengths in Black Sea Commission, and what are the impacts for transboundary cooperation?</td>
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<td>• To what extent is the current governance structure of your country able to tackle environmental issues of the sea from both national and regional perspective? Is the funding a limitation factor to for the effective implementation of the policies?</td>
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<td>• How do you incorporate science into your activities? How is the information on marine issues shared across the state boundaries? How stakeholder communication is carried out between the countries (top-down model, deliberation among stakeholders..)?</td>
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<td></td>
<td>Future</td>
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<td></td>
<td>• What do you think; a different governance structure (or improved) could work better in terms of enabling effective transboundary cooperation on marine environmental issues in the region? How?</td>
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