

The EU Maritime Policy: The emergence of subnational levels into global ocean governance?

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Abstract

While eliciting the current and potential roles of subnational levels of government (thereafter called *regions*) in the development of the European Union (EU) Maritime Policy, the researcher found linkages between regions and international fora, and produced recommendations for these regions to participate in international fora related to ocean management. The evidence found suggests that EU and non-EU regions are emerging as new players in the global arena of ocean governance, and therefore, perhaps paving the way for a new level in global ocean governance.

Driven by economic and political pressures, in March of 2005, the European Commission launched an internal debate on what should be the Future Maritime Policy for the European Union (EU) and how the governance system for this policy should be shaped. The starting point for this broad internal debate was the Commission's overall vision for the EU Maritime Policy: to develop an integrated and holistic policy that would promote innovation, jobs, competitiveness, sustainable social and economic development, while promoting the health of the European marine environment. This debate lasted over one year and involved an intense exchange of expert knowledge and political positions among EU's institutions, its member states and respective subnational units, as well as input from non-governmental organizations (NGOs), academia, and stakeholders through working groups, seminars and debates promoted by the EU institutions, European countries, and interested parties across Europe.

Since the EU is an intergovernmental organization of confederal nature, it would be expected, at least theoretically, that the EU Maritime Policy would be developed under the sphere of international relations. However, the EU is an international organization with a unique character, given that its member States have relinquished some sovereignty to the EU supranational institutions in various areas, including competence to participate in international fora, and formal channels are provided for the sub-national levels to participate in the policy development in various policy areas.

In that context, the Conference of the Peripheral Maritime Regions of Europe (CPMR), a network of approximately 140 coastal regions, provided active input in shaping the EU Maritime Policy through the research and development project, the *Europe of the Sea*. The *Europe of the Sea* provided expert knowledge and advice for the CPMR and its members during the internal debate for shaping the EU Maritime Policy and legislative process ahead in the areas of: ocean governance, research, development and innovation (RD&I), economic activities, and maritime transportation.

The researcher led and produced the ocean governance component of the *Europe of the Sea*. It was while participating in this project that the researcher produced and recommended a principled ocean governance theoretical model for the EU Maritime Policy driven by the ecosystem based approach and the principle of subsidiarity and elicited the roles of regions in the EU maritime policy. Within this process, the researcher found linkages and produced recommendations for these regions to participate in related international fora for ocean management. These, led to the question whether subnational levels are emerging into global ocean governance.

Note: The findings presented are part of the doctoral dissertation of the author. Some of them have been made available to the wider public within the report *Europe of the Sea*. The copyrights have been secured by the author with CPMR. The opinion and policy advice provided in the context of the *Europe of the Sea* and in the doctoral dissertation do not necessarily represent the positions of the CPMR and its membership.

Supporting Materials

Please, read the definitions before the seminar:

- **Ocean governance:** the architecture and makeup of the regime used to govern behavior, public and private, relative to an ocean area and the resources and activities contained therein (Cicin-Sain & Knecht, 2000).
- **Multilevel governance:** a set of general purpose or functional jurisdictions that enjoy some degree of autonomy within a common governance arrangement, whose actors claim to engage in an enduring interaction in pursuit of a common good (Zurn, 2002)
- **Subsidiarity principle:** decisions within the European Union (EU) should be taken at the closest practical level to the citizen. The EU, therefore, should not take on tasks which are better suited to national, regional or local administrations. <http://eur-lex.europa.eu/LexUriServ/>
- **Environmental (Sustainable Development) Objective:** Environmental protection requirements must be integrated into the definition and implementation of other Community policies (Article 174 of the Treaty of Amsterdam and Article 6 of the Lisbon Treaty). *The EU shall contribute to pursuit of preserving, protecting and improving the quality of the environment, protecting human health, promote prudent and rational utilization of natural resources, and promote measures at international level to deal with regional or worldwide environmental problems. The Community policy on the environment shall aim at a high level of protection taking into account the diversity of situations in the various regions of the Community. It shall be based on the precautionary principle and on the principles that preventive action should be taken, that environmental damage should as a priority be rectified at source and that the polluter should pay. In this context, harmonization measures answering environmental protection requirements shall include, where appropriate, a safeguard clause allowing member States to take provisional measures, for non-economic environmental reasons, subject to a Community inspection procedure. In preparing its policy on the environment, the Community shall take account (...) environmental conditions in the various regions of the Community (...) the economic and social development of the Community as a whole and the balanced development of its regions. Within their respective spheres of competence, the Community and the Member States shall cooperate with third countries and with the competent international organizations. The arrangements for Community cooperation may be the subject of agreements between the Community and the third parties concerned, which shall be negotiated (...). The previous subparagraph shall be without prejudice to Member States' competence to negotiate in international bodies and to conclude international agreements.* <http://eur-lex.europa.eu/LexUriServ/>
- **(Integrated) National Ocean Policies:** holistic policy frameworks to manage uses and resources within jurisdictional waters, as well as compliance with international commitments, aiming at sustainable (and equitable) development of oceans (Noronha, 2004, 2006). These policies tend to have an integrated approach, i.e. intersectoral, or crosssectoral approach as defined by Cicin-Sain & Knecht (2000) for the management of the different uses and resources therein (Noronha, 2004, 2006), and based in a set of guiding principles, of which ecosystem based management is emerging as a founding principle.
- **Ecosystem based management/approach (EBM) in the marine environment:** an integrated management approach that recognizes the full array of interactions within a marine ecosystem, including cumulative impacts of human activities, rather than considering single issues, species, or ecosystem services in isolation. For this definition the ecosystem unit is considered as a relatively large marine area, which encompasses a geographically distinct set of marine communities that share common environmental conditions and interact ecologically in ways that critical to their long-term subsistence (WWF, n.d.), rather than being limited by political borders. This management approach is analogous to the ICZM approach at the scale of the marine ecosystem.