The regionalization of maritime governance: Towards a polycentric governance system for sustainable shipping in the European Union

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ABSTRACT

Driven by the global nature of shipping, maritime governance is characterized by a long history of intergovernmental decision making with the International Maritime Organization (IMO) as central locus of authority. Since the 1980s, maritime governance for the European Union (EU) and its member states is subject to processes of regionalization, especially in the environmental domain. Dissatisfaction with the ambition level of the IMO as well as lack of effective implementation and enforcement of IMO standards has driven the emergence of four regionally-based initiatives: the use of special areas in IMO Conventions, the adoption of the Paris Memorandum of Understanding (MoU) on Port State Control, the development of the European Union shipping policy domain and the emergence of market based initiatives by ports and cargo-owners. This article analyses how each of these regional initiatives are based on cooperation between a regional group of actors and how each initiative has become integrated in maritime governance. The article concludes that although IMO remains a central locus of authority, the emergence of the Paris MoU on PSC and EU legislation for shipping has resulted in a move from a centralized, intergovernmental maritime governance system between the 1950s and 1980s to a more polycentric governance system for EU member states today.

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1. Introduction

Shipping is one of the biggest marine economic activities as 90 percent of all traded goods are transported by ships. Generally, the demand for seaborne transport keeps rising, although the growth of shipping slowed down since 2008 as a result of the economic crisis (Institute of Shipping Economics and Logistics, 2012; UNCTAD Secretariat, 2013). Driven by the global nature of shipping, maritime governance is characterized by a long history of intergovernmental decision making through international agreements. The central loci of authority in maritime governance are the International Maritime Organization (IMO) when it comes to safety and environmental issues and the International Labour Organization (ILO) for labour and training issues.

Since the 1980s, maritime governance for European Union (EU) member states is subject to processes of regionalization, especially in the environmental domain. The driving force for regionalization in maritime governance is the dissatisfaction with the ambition level of the IMO as well as lack of effective implementation and enforcement of IMO standards. Even though numerous international conventions have already been adopted by the IMO, developing this legislation is a time-consuming process in which compromises are made and enforcement problems remain (Mitchell, 1994; Tan, 2006; Van Leeuwen, 2010). Several regionally based initiatives have emerged to higher the ambition level of maritime governance as well as to make it more effective in order to combat persistent water and air quality issues linked to shipping. While this is a general trend, it is most prominent in the EU where a combination between the development of EU shipping legislation and a strong system of Port State Control has emerged. As a result, maritime governance for the EU member states is characterized by a "highly fragmented, but dense, structure of international and European environmental policies and institutions" (Van Leeuwen and Kern, 2013, p.69). Within this fragmented structure of maritime governance, tensions exist between international and regional standard setting (Blanco-Bazán, 2004). While on the one hand EU's proactive approach towards developing shipping legislation has been counted as a success, it also goes against the desire to have uniform, international standards for the global shipping industry (Liu and Maes, 2011).

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This article aims to understand how for the EU member states, regionalization and its underlying processes of integration and cooperation has affected maritime governance. Four regionally based initiatives will be analysed: 1) the use of special areas in IMO legislation, 2) the adoption of the Paris Memorandum of Understanding (MoU) on Port State Control (PSC), 3) the development of the European Union shipping policy domain, and 4) the emergence of market based initiatives by ports and cargo-owners in North-West Europe. While not all four initiatives can be seen as separate loci of authority and strong interplay exists between the IMO and these four initiatives, the analysis will show how maritime governance is moving from a centralized, intergovernmental system towards a more polycentric governance system consisting of strongly connected loci of authority that share the objective of making shipping more sustainable.

The analysis in this article is based on a literature review of earlier published empirical material. An important source of information is the book by Van Leeuwen which shows the results of an historical analysis into the changes in authority in maritime governance (Van Leeuwen, 2010). In addition to that, Van Leeuwen and Kern have analysed the interdependence and influence of the EU on IMO decision making and implementation (Van Leeuwen and Kern, 2013). Finally, Wuisan et al. have done research into the role of private initiatives in maritime governance with a specific focus on the Clean Shipping Project (Wuisan et al., 2012). In some cases, the literature review is supplemented with information from recent policy documents to allow for an update of the empirical material covered by the earlier mentioned publications.

The structure of this article is as follows. First, the conceptual framework of regionalization within marine and maritime governance will be elaborated in Section 2. This section is based on the first article of this special issue by Soma et al. (2015, this issue). The global nature of the shipping industry and the central locus of authority in maritime governance, i.e. the International Maritime Organization is introduced in Section 3. Section 4 presents the main results of this article, namely the four regionally based initiatives that influence maritime governance for the EU member states. Section 5 will discuss how these regional initiatives shape integration and cooperation within a more polycentric system of maritime governance. The conclusions of this article will be given in Section 6.

2. Regionalization in marine and maritime governance

The conceptual framework in this article is based on the first article of this special issue by Soma et al. (2015, this issue). They discuss regionalization as a driving force within marine governance. To understand recent developments in marine governance, one has to have an eye for the spatial turn that is taking place as a result of the adoption of eco-system based management (EBM) approaches as well as the institutionalization of marine governance around a specific type of public goods. Regionalization therefore "refers both to processes of the spatial ordering and organizing of activities within regions and to the specific governance arrangements needed to accompany processes of regionalization" (Soma et al., 2015, this issue, p.2). A new spatial grammar of marine governance needs to evolve in which there is both space for processes of rescaling decision making to the ecosystem level and for network forms of governing to emerge (Bulkeley, 2005). The regional level is emphasised within an ecosystem perspective as it facilitates developing an integrated and holistic sustainability strategy for an ecosystem. In addition to that, the regional level also allows for closing the implementation gap between international standard setting and national implementation (Hinds, 2003). Often, however, no institutional framework exists at the regional level to

deal with the coordination and integration needs stemming from EBM, resulting in institutional ambiguity about how to implement EBM (Raakjaer et al., 2014; van Leeuwen et al., 2014; Van Leeuwen et al., 2012). Regionalization changes power dynamics in marine governance because territorial and political spaces become contested and are redefined at the regional level (Soma et al., 2015, this issue).

In this article, I make a distinction between maritime and marine governance. Maritime governance specifically refers to the regulating efforts for increasing the sustainability of the shipping industry, whereas marine governance refers to the regulating efforts of all activities taking place that use and impact the marine environment. Marine governance is defined as "the sharing of policy making competencies in a system of negotiation between nested governmental institutions at several levels (international, supranational, national, regional and local) on the one hand, and state actors, market parties and civil society organizations on the other hand in order to govern activities at sea and their consequences" (Van Leeuwen and Van Tatenhove, 2010, p.591). Following this definition, maritime governance is defined as the sharing of policy making competencies in a system of negotiation between nested governmental institutions at several levels (international, supranational, national, regional and local) on the one hand, and state actors, market parties and civil society organizations on the other hand in order to govern the activity of shipping and its consequences. This distinction is also important because this article takes a sector specific governance system as a starting point, rather than broader marine and EBM-based governance arrangements as Soma et al. (2015, this issue) do. It is important to acknowledge that regionalization is not only a driving force within marine governance in general, but also within different marine sectors and their governance systems. As this article shows, regionalization affects not only marine governance, but also sector specific governance systems such as maritime governance.

Central processes in the redefinition of territorial and political spaces within regionalization are integration and cooperation, see Fig. 1 (ibid). Integration is about the (mis)connection and coordination of activities and policy objectives and plans, as well as institutions and stakeholders, at the regional level. Integration is possible in three ways: a) the integration of marine policies and planning systems of different sectors, b) the integration of stakeholders' views in decision making, and c) the integration of socio-economic and ecological policy goals to achieve sustainable development. In addition, different levels of integration are possible. Cooperation is about the interaction of actors, sectors and/
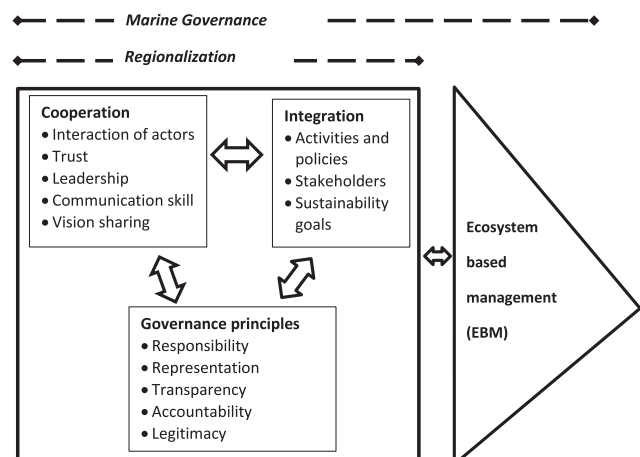

Fig. 1. A theoretical Marine Governance framework.