

# "Ocean Governance"

*- A subject the maritime industry should pay attention to ? -*

**By: Arnd Bernaerts, Hamburg**

**1st International Ship-Port-Interface Conference, Bremen, 19-21 May 2008**

# **“Marine Resource Management: Ocean Governance and Education”**

Gunnar Kullenberg, 2004, Ocean Yearbook Vol. 18, 2004, p. 578-599.

## **“The Importance of Education and Capacity-Building Programs for Ocean Governance”**

Hiroshi Terashima, 2004, in Ocean Yearbook, Vol. 18, 2004, p.600-611.

### **NOTE:**

**Neither of the two articles considers the  
experience and potential the  
seafaring community has**

Is 'ocean governance' special?

GOVERNANCE

is an “umbrella concept” that  
implies a political dimension, which captures  
authority and accountability

„Ocean Governance“

is a concept the community of nations  
have to develop, and to learn how to  
implement it sufficiently.

# United Nations Convention on the Law of the Sea of 1982

(UNCLOS)

The Convention sets out the legal  
framework within which all activities in the  
oceans and seas must be carried out

UN Conference on Environment and Development,  
Rio de Janeiro, 1992, which adopted the

## **Agenda 21**

**AGENDA 21 called for an  
“integrated management”,  
to pursue protection and sustainable  
development**

**The term „Ocean Governance“ only emerged  
after 1992**

There are numerous international and regional institutions.  
There are numerous conventions, agreements, and  
recommendation in place.

**For example:**

**IMO Conventions (some 50 in total), supported by hundreds of  
codes, guidelines and recommendations**

**HELCOM: Helsinki Commission has been working to improve  
the Baltic marine environment, largely through some 200  
HELCOM Recommendations since the 1980s.**

**AGENDA 21 initiated several global conventions and  
many dozen regional agreements**

**How far is  
„OCEAN GOVERNANCE“  
already established?  
Why is attention required?**

This shall be discussed along the following topics:

- **Recent Ocean Policy by USA & EC**
- **Why should the maritime industry be interested**
- **How to be fit for participating in the development of „Ocean Governance“.**

# The U.S. maritime policy was enhanced by the Oceans Act of 2000

**On December 17, 2004, President Bush signed Executive Order 13366,  
\_\_\_creating the Cabinet Committee on Ocean Policy,  
\_\_\_and released the U.S. Ocean Action Plan in response to the  
Final Report of the U.S. Commission on Ocean Policy,**

**“An Ocean Blueprint for the  
21st Century.”**



**The US Ocean Action Plan (OAP) 2004 provided 88 actions, and a set of principals to guide those actions, for strengthening and better coordinating US ocean policy by**

- Enhancing Ocean Leadership and Coordination*
- Advancing our Understanding of Oceans, Coasts, and Great Lakes*
- Enhancing the Use and Conservation of our Ocean, Coastal and Great Lakes Resources*
- Managing Coasts and Their Watersheds*
- Supporting Maritime Transportation*
- Advancing International Ocean Science and Policy*

The Committee on Ocean Policy provides frequently reports on the activities and accomplishments of the federal agencies implementing the U.S. Ocean Action Plan, the latest dating from January 2008 is covering the years 2006-2007

## Recent actions by the European Community

2005 \_ A Communication Paper

-Towards a future Maritime Policy for the Union:  
**A European vision for the oceans and seas.**

2006 \_\_ The “Green Paper”

Is a preparatory discussion paper.

It recognizes: “Principles of good governance suggest the need for a European maritime policy that embraces all aspects of the oceans and seas. “

2007 \_\_ The “Blue Paper”

Is the first step for Europe’s oceans and seas towards unlocking its potential and towards facing the challenges of a Maritime Europe.

# The 2007 BLUE PAPER on “An Integrated Maritime Policy for the European Union”

Brussels, 10. 10. 2007, Com(2007)575final

The Blue Paper identifies five areas of action necessary to launch an integrated Maritime Policy for the European Union:

- (A) sustainable use of oceans and seas,
- (B) knowledge and innovation,
- (C) quality life in coastal regions,
- (D) European leadership in international maritime affairs and
- (E) visibility of maritime Europe and its heritage.

# The Commission expects that the new policy will:

“Change the way we make policy and take decisions – at every level”

- \_\_\_ Interactions must be understood and taken into account;
- \_\_\_ common tools developed;
- \_\_\_ synergies identified and exploited; and
- \_\_\_ conflicts avoided or resolved”.

**This Communication lays the foundation for the governance framework and cross-sectoral tools necessary for an EU Integrated Maritime Policy**

- 3.1. Applying the Integrated Approach to Maritime Governance by**
- \_\_\_ analysing maritime affairs and the policies affecting them,
  - \_\_\_ coordinating between sectoral policies,
  - \_\_\_ ensuring interactions, and
  - \_\_\_ piloting the development of crosscutting policy tools.

**It shall bring together EU agencies with maritime-related functions, with a view to ensuring their collective contribution to the development of the maritime policy.**

*The Action Plan to the Blue Paper says about:*

## MARITIME GOVERNANCE

An integrated maritime policy requires a governance framework that applies the integrated approach at every level, as well as horizontal and cross-cutting policy tools.

### MARITIME \_

- : relating to, or bordering on the sea
- : relating to navigation or commerce on the sea
- : having the characteristics of a mariner

[www.merriam-webster.com](http://www.merriam-webster.com)

The 'Action Plan' is a  
COMMISSION STAFF WORKING DOCUMENT  
SEC(2007) 1278



**FACIT:**

**A tremendous development towards an integrated marine policy has taken place very recently.**

**QUESTION:**

**Why should the maritime industry be prepared to play an active role?**

# ANSWER:

- Although recent developments are very impressive the ocean policy matter is in an infancy stage.


Actually, „Ocean Governance“ in the sense of comprehensive authority and accountability is still a vision, but not exciting yet.



The EU Commission's Blue Paper says:

“We are at the crossroad in our relationship with the oceans”,  
*and invite*

„All stakeholder to participate in the governance process ...in achieving an  
Integrated Maritime Policy



**What does the call to  
participate in the governance  
process means for the  
maritime industry,  
including  
maritime training institutions?**

# The Maritime Industry is at risk for playing only a sectoral role among many stakeholders



Source: European Commission: **Towards a future Maritime Policy for the Union: A European vision for the oceans and seas**  
 Luxembourg: Office for Official Publications of the European Communities; 2006 — 56 pp. ISBN 92-79-01825-6

Amd Bernaerts, ISPIC, May 2008, Bremen

International Ocean Institute Training Programme on  
Ocean Governance: Policy, Law and Management 22 May -19 July, 2008.

- Ocean Sciences
- Law of the Sea
- Integrated Coastal and Ocean Management
- Sustainable Development
- Implementation of the UNCED Programmes with emphasis on Chapter 17 of Agenda 21
- Fisheries and Aquaculture
- Energy
- Marine Security
- Ports and Harbours
- Marine Transportation
- Project Cycle Management
- Environmental Impact Assessment
- Media and Communications
- Simulation Exercise on Negotiation International Round Table

**Is the Maritime Industry ready to ensure that its  
long standing seagoing expertise will be  
comprehensively represented in the forthcoming  
„Ocean Governance“?**


**Particularly:**

**Are the Maritime Training Institution  
able, willing, and prepared to play a  
decisive role in preparing stakeholders for an  
„Integrated Maritime Policy“**

**It seems advisable:**

**The maritime industry is seeking to establish a permanent platform for discussion, education and training to ensure that its seagoing expertise and competent participation in the process of formulating and implementing „Ocean Governance“ is optimal ensured.**

**The platform should be the maritime colleges and training institutions.**



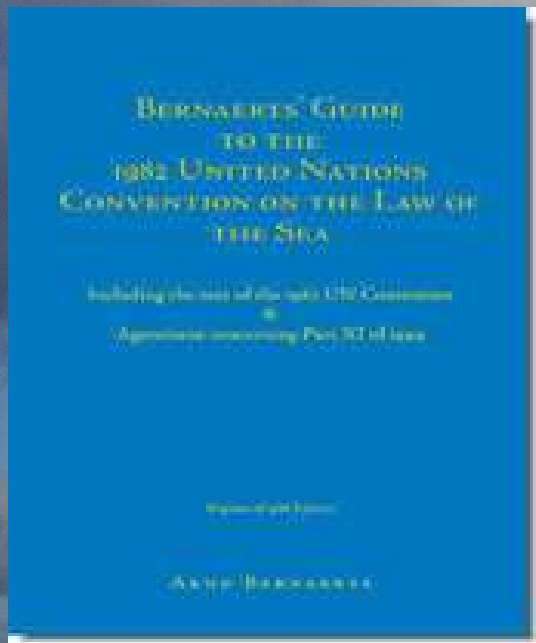
„Ocean Governance“  
is a fascinating,  
but very  
demanding subject.

**“Those who come to late,  
will be punished by life”**

Michail Gorbatschov

Many thanks for your kind attention.

# BERNAERTS' GUIDE TO THE 1982 UNITED NATIONS CONVENTION ON THE LAW OF THE SEA



Reference  
SEA-LAW (UNCLOS) links :

<http://www.bernaerts-sealaw.com>

<http://www.bernaerts-guide.de>

<http://www.bernaerts-guide-russian.de>

<http://www.bernaerts-unclos.de>

[www.trafford.com](http://www.trafford.com)

Reprint 2005