" Ocean Governance" - A subject the maritime industry should pay attention to? -

ABSTRACT

The paper aims at presenting the novel issue 'ocean governance' concerning its background, basics, current situation, and future impact that shall lead to a consideration what position, or part the maritime industry should envisage to play. As 'ocean governance' implies for a comprehensive involvement of all sectors of society, education and capacity building, the maritime industry can continue doing business as usually, or to strive being an active, if not leading part in this field, whereby the traditional maritime training institutions should be the spear head, based on the demands and support by the maritime industry.

THE APPROACH IN ANSWERING THIS QUESTION

The title of the paper indicates the intention of transmitting a message meant to persuade the maritime industry to pay more attention to 'Ocean Governance'. This should be regarded as a friendly piece of advice and not as an obligation, although it would presumably have a negative effect for the industry in the long run if neglected. The presentation will particularly stress that seafaring and shipping are 'naturally' involved in ocean affairs, which is not necessarily equivalent to ocean governance.

The idea of this theme has its roots in the observation that training in ocean governance is in an incipient stage, and, if delivered nowadays, it is not delivered by maritime training institutions, or the shipping industry. Whether this should be handled differently will primarily depend on the weight one attributes to the 'ocean governance' subject, which requires knowing what the term actually could mean. This is essential for understanding the importance of the stakes. Even if it is clear from the beginning that it means the implementation of the United Nations Convention on the Law of the Sea of 1982 and related documents, the subject 'ocean governance' covers a different complex than often anticipated in the maritime field – for example - the implementation of IMO-Conventions.

Therefore, the beginning of this paper will focus on the background that generated the term 'ocean governance'. It will provide some examples and references on how the matter is currently addressed. Particular attention will be paid to the recent "Blue Book" from the EC Commission on "An Integrated Maritime Policy for the European Union", which employs the term 'maritime governance'. This Communication Paper from October 2007 outlines a new European integrated maritime policy, which "requires a governance framework that applies the integrated approach at every level, as well as horizontal and cross-cutting policy tools".

The call for a "new intergraded maritime policy that truly encompass all aspects of the oceans and seas" by the Commissions Blue Book (2007) indicates a sea change in ocean policy-making. The aim is to develop and act by a holistic and integrated approach that overcomes the approach of compartmentalised maritime activities. This will affect the shipping industry in many ways. As ocean affairs are part of many discussion topics, the shipping industry needs to realise that seafaring is only one of the relevant topics among many others. Several non-shipping matters may even dominate the way ocean matters are handled. The high competence the shipping industry has developed over centuries may not necessarily qualify for having competence in the field of 'ocean governance'. Any indifference

and reluctance to discussion and development of an 'integrated maritime policy' may become a severe disadvantage.

Suggesting that the maritime industry should play an active role needs to explain how this could be achieved, and will be discussed on the assumption that it would make little sense to ask the entire industry to organise and sustain a systematic involvement in the forthcoming development of 'ocean governance'. The appropriate addressees are the maritime training institutions, which are to provide lectures, workshops, and study courses. They should be highly interested to achieve competence in this field, and not allow this matter to be left alone to other educational institutions. On the other hand, relevant societies concerned with maritime matters should require from maritime training institutions to offer training and education in 'ocean governance' and to support them accordingly.

'Ocean governance' just emerged and will be shaped and developed in the near future. Those who want to be part of it need to get involved now. Those who are part of it will be awarded with influence, competence, and expertise.

1. BACKGROUND AND MEANING OF 'OCEAN GOVERANCE'

1.1 Introduction - A legal or a political subject?

The term 'Ocean Governance' is new, presumably not older than 15 years, when it first appeared in academic articles. It is not a legal term, as it has not been defined – as far as the author is aware of - in legal instruments yet. Only very recently one could find the term used in political documents, and is gaining a more meaningful content. What counts is the fact that the term shall stand for something. 'Governance' is a word that means at least to rule, to control, to lead, or to manage - to mention just a few possible interpretations. If such a term is used in a new context, this happens for a reason. With regard to ocean affairs, the reason lays in the developments and changes that took place over the last few decades.

1.1.1 The developments after World War Two

With the birth of the United Nations Organisation in 1945, the shaping up of a body of international maritime law commenced simultaneously, resulting in four Geneva Conventions concerning sea law matters in 1958[1], and in the work of the International Maritime Organisation (IMO) since 1948[2]. It took only two decades to turn the law of the sea issue into a political one. Not only extended many countries their jurisdiction beyond the territorial sea limits of usually three nautical miles for various reasons, but the concern for the marine environment and assumed riches of the seas came in the spotlights as well. The most prominent actor in those days was the Ambassador of Malta to the UNO, Arvid Pardo, who drew the following picture in 1972:

> "The seas are mankind's last frontier on this planet. From the drawn of history the
> seas have served as highway for ships and as hunting grounds for fishermen.

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[1] The four 1958 Geneva Conventions are: (1) Convention on the Territorial Sea and Continues Zone; (2) Convention on the Continental Shelf; (3) Convention on the High Seas; (4) Convention on Fishing and Conversation of Living Resources of the High Seas.
[2] On March 6th, 1948 the IMO Convention was adopted at a conference held in Geneva under the auspices of the United Nations that entered into force on March 17th 1958.

> Other uses were relatively unimportant. But now we are beginning to see that beneath the waves lay vast expanses as challenging as outer space and more promising of economic reward. Man is beginning to understand the ecological unity of the oceans"[3].

Some saw the rise of a 'trillion dollar opportunity', the need to formulate an "ocean strategy", or to address the complexity of issues in a constitution for the oceans[4]. These thoughts accompanied the 3ʳᵈ UN Conference on the Law of the Sea lasting from 1972 to 1982.

In 1982, the result was the UN Convention on the Law of the Sea (UNCLOS), a comprehensive set of rules, which were hailed by Elisabeth Mann-Borgese as providing "a legal framework within which all activities in the oceans will be carried out – perhaps for the next three hundred years."[5] No doubt, the convention is a legal document, the constitution for the ocean, and a political master plan that could be seen as the foundation of effective governance resting on four pillars[6]: (1) the legal pillar; (2) the political pillar; (3) the institutional pillar, comprising management and cooperation; and (4) the capacity-building pillar, which constitutes the necessary tool to achieve effective ocean governance. UNCLOS came into force in 1994.

1.1.2 Agenda 21 – the 1992 Rio Conference

The next boost for ocean affairs came with the UN Conference on Environment and Development, organised in Rio de Janeiro in 1992. The conference was unprecedented for the UN, in terms of both its size and the scope of its concerns, and was thoroughly political. 172 government members and 108 heads of States participated. The result was – inter alias - the Agenda 21, a wide-ranging blueprint for action to achieve sustainable development worldwide. The field of actions range from the atmosphere, in Chapter 9, to radioactive waste, in Chapter 22. On rank nine, Agenda 21 provides, in Chapter 17, a highly detailed set of provisions for the protection of oceans, seas, coastal areas, and related resources.

While the Preamble of UNCLOS expressed the view that the "problems of ocean space are closely interrelated and need to be considered as a whole", Agenda 21 called, in Chapter 17.1, for an "integrated management" as "the marine environment forms an integrated whole that is an essential component of the global life-support system and a positive asset that presents opportunities for sustainable development. Agenda 21 acknowledges that international law, as reflected in the provisions of UNCLOS, sets forth the rights and obligations of the States.

1.1.3 The call for an integrated management

With the adoption of Agenda 21, a new chapter for international cooperation had been opened for strengthening international and regional cooperation and coordination. The

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[3] In: John J. Logue (ed), "The Fate of the Oceans", Pennsylvania, 1992, Arvid Pardo, Preface, p. xii.

[4] Cf. See John J Logue, p. xvi, xvii, and Elisabeth Mann Borgese, p.1ff.

[5] Citation from: Klaus Töpfer and Amy Hindmann, „Integration, Coordination and Implementation: The World Summit in Sustainable Development and the Future of Marine Governance", in: Ocean Yearbook, Vol. 18, p 246-266 (247).

[6] Annick de Marffy; 2004, „Ocean Governance_ A Process in the Right Direction for the Effective Management of the Oceans", Ocean Yearbook Vol.18; p 162-192. (162).

commitment was to provide the international basis upon which to pursue the protection and sustainable development of the marine and coastal environment and its resources, which would improve the implementation of UNCLOS. The decade which followed the Earth Summit in Rio saw the creation or entry into force more than 20 Agenda 21-related instruments and initiatives regarding the marine environment or biodiversity[7], while the International Maritime Organisation (IMO) was presumably not less productive. In addition, a new term emerged shortly after the Earth Summit: ocean governance. The date of its first appearance cannot be dated with exactitude, but the term has certainly been in use since 1993, because in this year the Law of the Sea Institute /Hawaii made a call for its 28th Conference on "Ocean Governance: Strategies and Approaches for the 21st Century" for July 1994, to which the author of this paper contributed[8].

As far as the author was able to observe, the term 'ocean governance' was not used in any of the referred documents prior to the release of the Agenda 21, in 1992. The term has primarily been used to raise the readers' imagination of a working model. If the EU Commission uses the term 'maritime governance' (see above), it may look as if the subject is a political issue, describing a planning and activity process, but it primarily comprises the application and implementation of UNCLOS and other relevant international legal documents in every respect.

1.2 How to deal with the term "ocean governance"?

1.2.1. Basic consideration

While the term is primarily used as a describing image until now, any further explanation should keep the matter on a practical level. In a very abstract way, governance means "the state of being governed". In this way, the concept of "governance" is not new, and usually involves the interaction between the formal institutions and those in civil societies[9]. This is different with regard to the oceans and seas, which were regarded, until recently, as mankind's last frontier, and out of reach to be governed. Only when Agenda 21 called for an 'integrated management', 'ocean governance' inevitably came on the scene.

1.2.2. The scope of governance

An initial approach would presumably concentrate almost exclusively on the issue of political legitimacy, which is the dependent variable produced by effective governance and means "the conscious management of regime structures, with a view to enhancing the public realm"[10]. This may rectify in a first stance to consider a three tear approach: A. Ecological protection, B. Governance, and C. Resource management whereby governance should include the participation of all stakeholders, and should be transparent, reliable, accountable, enforceable, have integrity, and be cost-effective, flexible and practical, and apply the following principles: Participation, Transparency, Reliability (Certainty), Accountability,

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[7] Cf. Klaus Töpfer and Amy Hindmann, p. 248.

[8] Arnd Bernaerts, "Legal means for understanding the marine and climatic change issue", in: Thomas A. Mensah (ed), Ocean Governance: Strategies and Approaches for the 21st Century, Hawaii 1994, p. 156-179. Accessible via: www.oceanclimate.de

[9] NN, "Understanding the Concept of Governance"; http://www.gdrc.org/u-gov/governance-understand.html

[10] Cf., NN, "Understanding the Concept of Governance; See below: Web Documents

Enforceability, Integrity, Cost-effectiveness, Flexibility, Practicality[11]. However, this collection of attributes does not necessarily brings the needed clarity.

1.2.3. Governance is not necessarily management

To Olsen et al. the term 'governance' has become prominent in many settings where fundamental rethinking of societal goals, structures and more is necessary. In a wider sense, governance addresses the values, policies, laws and institutions by which a set of issues are addressed[12]. That leads Olsen et al. to making a clear distinction between governance and management, whereby governance probes the fundamental goals and the institutional processes and structures that are the basis of planning and decision-making, while management is the process by which human and material resources are harnessed to achieve a known goal within a known institutional structure. They structure governance on formal and informal arrangements, institutions, etc., which alter and influence human behaviour:

- How resources or an environment are used;
- How problems and opportunities are evaluated and analysed;
- What behaviour is deemed acceptable or forbidden;
- What rules and sanctions are applied to affect the pattern of use.

These mechanisms interact with one another through complex and dynamic interrelations, but are useful for enhancing the legitimacy of the public realm. Where, if not in the field of ocean affairs, a dynamic process is needed to establish a comprehensive governance system.

1.2.4. 'Governance' is an "umbrella concept".

The wide range of possible term attributions suggest to listen to a contribution by Goran Hyden[13], who elevates governance to an "umbrella concept to define an approach to comparative politics", which is the creative potential of politics, especially with the leaders' ability to rise above the existing structure of the ordinary, to change the rules of the game and to inspire others to partake in efforts to move society forward in new and productive directions. According to his statements:

- Governance is a conceptual approach that, when fully elaborated, can frame a comparative analysis of macro-politics.
- Governance concerns "big" questions of "constitutional" nature that establish the rules of political conduct.
- Governance involves creative intervention by political actors to change structures that inhibit the expression of human potential.
- Governance is a rational concept, emphasising the nature of interactions between state and social actors, and among social actors themselves.
- Governance refers to particular types of relationships among political actors: that is, those which are socially sanctioned rather than arbitrary.

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[11] Jon Nevill, 2005, "Good governance of the oceans: key resource management principles", www.ids.org.au/~cnevill/marineHobartPrinciples.htm.

[12] Stephen B. Olsen, Lawrence Juda, Timothy M. Hennessey, Thomas A. Grigalunas; "A Handbook on Governance and Socio-economic of Large Marine Ecosystems", University of Rhode Island, 2006. http://www.iwlearn.net/abt_iwlearn/pns/learning/lme-gov-handbook.pdf. See also: Olsen, S. B., 2003. "Frameworks and indicators for assessing progress in integrated coastal management initiatives". Ocean and Coastal Management, Vol. 46, p. 347-361.

[13] Cited by: NN, "Understanding the Concept of Governance; See below: Web Documents.

Understanding this term situated under the sign of 'big questions' emphasises the need to avoid any limited approach. Even as a general term, 'governance' means more than integrated management across several sectors. It should primarily be regarded as an instrument of public affairs management or a gauge of political development.

1.2.5. Is 'ocean governance' special?

Certainly, ocean governance is not special in the general sense of governance, but it is nevertheless special in the way it can be applied to ocean affairs matters. In this field, it is new because 'integrated management' is not related to the common interaction between the formal institutions and the civil society since a long time ago. The term governance was already central in Aristotle's (384 BC – 322 BC) thinking about how to facilitate people's ability to live 'flourishing lives' in Ancient Greece. For the next 2000 years, oceans were not to be governed. With UNCLOS 1982, a first attempt was made to close the gap. The effort was enhanced with the Agenda 21, in 1992, which subsequently initiated the term 'ocean governance', which demonstrates that the new term is special.

What makes it more special and makes it worth of particular attention is the fact that the sphere to be governed is in many respect regarded as "mankind's last frontier on this planet". Many sections in the marine and maritime field are very well understood, many sectors considerably less. One of the biggest concerns should be the considerable lack of understanding the huge ocean body. Although UNCLOS is a legal instrument equal to a constitution, the community of nations have still to learn the technique of sufficient 'ocean governance'.

> The oceans are the planet's last great living wilderness, man's only remaining frontier on earth, and perhaps his last chance to produce himself a rational species. John L. Cullney, "Wilderness Conversation", September-October 1990, http://www.ozh2o.com/h2quotes.html

2 THE EUROPEAN UNION WAY TOWARD 'OCEAN GOVERNANCE'

2.1 The first Communication – 2005 - "A European vision for the oceans and seas"

For its first 50 years, the EU did little more than a piecemeal approach in marine and shipping matters. Had it been almost inexistent until 1990, the items and volume increased considerably during the 1990s, but remained subject and sector specific, and could heartily be regarded as an integrated approach. That changed only very recently.

In the beginning of March 2005, the Commission presented a Communication Paper[14], which can be summarized as follows:
- Oceans and seas are a vital resource for life on earth. They play a key part in our economic, social and cultural life.
- There is growing international recognition that ocean and sea affairs are interlinked and require a comprehensive approach.

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[14] "Communication to the Commission from the President and Mr Borg - Towards a future Maritime Policy for the Union: A European vision for the oceans and seas". See also a for a Directive for establishing a Framework for Community Action in the field of Marine Environmental Policy (Marine Strategy Directive), 24.10.2005, COM (2005) 505 final.

- A strong case can be made for Europe to look at ocean and sea affairs in a more coordinated way, rather than in the current sectoral manner.
- Preparing a Green Paper on a future EU Maritime Policy will be a first step towards the establishment of an all embracing EU Maritime Policy.
- The Communication establishes the Maritime Policy Task Force.

On the 7th of June 2006, the Commission presented the Maritime Green Paper.

2.2 The Green Paper - 2006

The 50 pages-long Green Paper (2006)[15] recognizes:
- "Principles of good governance suggest the need for a European maritime policy that embraces all aspects of the oceans and seas. This policy should be integrated, inter-sectoral and multidisciplinary, and not a mere collection of vertical sectoral policies…..."
- "At the core of a new maritime policy must be the building of a mutual understanding and a common vision among all the decision-makers and players of the various policies impacting on oceans and seas, including maritime transport and ports, fisheries, integrated coastal zone management, regional policy, energy policy and marine research and technology policies. This means joining the dots between different policies with a view to achieving the common goal of economic expansion in a sustainable manner, which is the key challenge of a future Maritime Policy."

However, the Green Paper falls short in the identification of the specific knowledge, understanding, skills and attitudes necessary for tackling particular tasks in e.g. ecosystem management, or for the formulation of integrated policies. Even though the Green Paper expresses the concern about the lack of highly qualified people for the maritime industry, it does not put the matter in the wider context of education in ocean governance.

2.3. The Blue Paper (2007) on "An Integrated Maritime Policy"[16]

The Maritime Policy Blue Paper was released on the 10th of October 2007 which the Commission regards as a crucial first step for Europe's oceans and seas towards unlocking its potential and towards facing the challenges of a Maritime Europe. It reflects the outcome of a one year consultation period launched with the adoption of the Green Paper on Maritime Policy, on the 7th of June 2006.

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:

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[15] COM (2006) 275 final, Volume II – ANNEX, classified as 'Green Paper', which is a preparatory mean and discussion paper that may lead to being subsequent legislation.
[16] COM (2007) 575 final, 10.10.2007, Communication on „An Integrated Maritime Policy for the European Union". Related documents: COM (2007)574 final, Conclusion from Consultation; and SEC (2007) 1278, Commission Staff Working Document.

"Change the way we make policy and take decisions – at every level compartmentalised policy development and decision-making are no longer adequate. Interactions must be understood and taken into account; common tools developed; synergies identified and exploited; and conflicts avoided or resolved".

2.4 Commenting the Commission's Maritime Policy

It should be most welcome that the EU has started to give ocean affairs increased attention; and furthermore it should be highly acknowledged that it has been done in a comprehensive manner. About three dozen items are mentioned in an 'Action Plan'. What does this mean for the maritime industry?

2.4.1. The Blue Paper is only a first attempt

The recent developments should be taken very seriously, but with reservation with regard to the effectiveness of the anticipated 'integrated management'. There is, on one hand, the clear indication that a certain selection of themes has been made, although it would be possible to raise many more. On the other hand, oceans are in many respects still an unknown frontier and, for this reason, up for many surprises and challenges.

Actually, the Blue Paper acknowledges this in section 4.2 entitled: "Building a knowledge and innovation base for the maritime policy", expressing that marine science, technology and research are crucial for the sustainable development of sea based activities.

The current incipient stage of affairs is highlighted in the way the mentioned term 'maritime governance' is applied, according to which: "an integrated maritime policy requires a governance framework…" With reference to the previous discussion about ''Governance' as an "umbrella concept", the Blue paper provides little information, but is the mere collection and discussion of a number of items and intended actions. Actually there is not one single section in the entire Blue Paper that could be regarded as initiating a 'governance framework'. Nevertheless the Blue Paper can and will serve, eventually, to develop such a framework.

3.4.2. Relevant items related to the maritime industry
The attention given to the maritime industry is substantial. The topics mentioned are the following:

Extract from ToC: SEC (2007) 1278, Commission Staff Working Document.
4.2. Maritime Transport   ....…....11
4.3. Strengthening careers and employment in the maritime sectors..………13
4.4. Ports policy...........………….…..……. 15
4.5. Air Pollution by Ships..…… 16
4.6. Ship dismantling...……16
4.7. Action on marine-based energy infrastructures and resources ....…..17
(total length of the paper is 33 pages)

The maritime industry will have no problems to respond in a sufficient, competent, and comprehensive way to any of these subjects. But are they interested and able to get involved in one or even in several items under discussion? This would be required to minimise the risk of being suddenly confronted with 'ocean governance' measures, or action due to integrated management requirements. This aspect will be picked-up later again.

2.5 No doubt - the EU Commission has started to make ocean policy

At the Ministerial Conference on an Integrated Maritime Policy for the European Union, which took place in Lisbon, on the 22nd of October 2007, the Commission President, José Manuel Barroso, who initiated the new approach to maritime policy[17], stated:

> " We need to start, firstly, by improving the very way we approach and take decisions on maritime affairs and, secondly, we should invest more in marine sciences, on research and on technology.
> Let me explain: we should not continue to fragment our decision-making through over-compartmentalised sectoral areas of governance. Our vision is that all maritime affairs are interlinked. So our sectoral sea-related policies need to be developed in a joined-up way. In other words, we need to establish a coordinated decision-making process that develops these policies under a broader and more strategic overall framework. Only in this way will we be able to move towards a more integrated, and therefore more intelligent, management of our maritime affairs."[18].

3   OTHER EXAMPLES ON OMPLENETING 'OCEAN GOVERNANCE'

3.1 United States - Federal Government

The U.S. maritime policy was enhanced by the Oceans Act of 2000, which created the U.S. Commission on Ocean Policy[19]. Virtually all management decisions, whether made by government, non-governmental organizations or private interests, are made in recognition of the organization and policies established in the framework. In 2004, the Federal Government released the Ocean Action Plan (OAP), which was covering a set of 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 Resource;
- __Managing Coasts and Their Watersheds; Supporting Maritime Transportation;
- __Advancing International Ocean Science and Policy.

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[17] The vision for the new integrated maritime policy is also grounded on the Lisbon Strategy which was relaunched in 2005 and the Thematic strategy for the marine environment proposed by the European Commission in October 2005 (Framework Directive for the Marine Environment" – see above Footnote 13). The Lisbon Strategy is based on the economic concept that innovation, learning economy, social and environmental renewal will create more growth and better jobs. On the other hand, The thematic strategy for marine environment is one of environmental concern; aims at protecting and restoring Europe's seas and ensuring the ecological sustainability of economic activities linked to the marine environment by 2021

[18] José Manuel Durão Barroso, President of the European Commission, "Key note speech - European Maritime Policy" Portuguese Presidency Ministerial Conference, Lisbon, 22 October 2007,
http://ec.europa.eu/commission_barroso/president/archives/2007/index_en.htm

[19] Details at: Council on Environmental Quality's Committee on Ocean Policy Web site:
http://ocean.ceq.gov/

This broad plan proposed a fundamental restructuring of ocean governance, research, and management intended to "engender responsible use and stewardship of ocean and coastal resources for the benefit of all Americans."

The overall concept can be regarded as an authoritative governance framework, which shows first results. 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[20].

3.2. U.S.A. - The Massachusetts Office of Coastal Zone Management (CZM) - Example

The CZM is a part of the Massachusetts State Government and was primarily funded through the local government as well as Federal institutions (NOAA and EPA). A report called "Waves of Change" from March 2004[21] recommended:
> 1. the passage of a Comprehensive Ocean Resources Management Act;
> 2. ocean management coordination among federal, state, and regional agencies;
> 3. adoption and implementation of a climate change action plan; and revisions to the Ocean Sanctuaries Act.

The main topics of the anticipated management act are:
- _Preamble - articulating the need for comprehensive ocean resource management;
- _Ocean Resource Management Principles;
- _An explanation of the state-wide interests, protecting fisheries; preserving public access; enhancing biodiversity and ecosystem health; addressing climate change and sea-level rise; fostering the growth of marine industries, trade and economic opportunity; and supporting needed infrastructure for the Commonwealth's economy;
- _A statement of legal authority: developed through a public stakeholder process and adopted by the state, with common elements that will be articulated through agency guidelines.

3.3 Vision and Principles of "Pacific Island Regional Ocean Policy"

A very comprehensive and convincing concept is a document written by the Council of Regional Organisation in the Pacific[22] that begins as follows:
> "The care of the ocean is the responsibility of all people. The oceans are inter-connected and interdependent, covering some seventy per cent of the world's surface. They are the last great frontier and their conservation and sustainable use is vital to the well being and survival of the human race."

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[20] U.S. Commission on Ocean Policy , 2008, "Federal Ocean and Coastal Activities Report to the U.S. Congress – For CY 2006 and 2007", http://ocean.ceq.gov/ .
[21] The Massachusetts Ocean Management Task Force, 2004, "Waves of Change – Report and Recommendations", p.28;
http://www.mass.gov/czm/oceanmanagement/waves_of_change/index.htm
[22] Council of Regional Organisation in the Pacific, 2005, "Pacific Islands Regional Ocean Policy"; http://www.spc.int/piocean/forum/New/policy2.htm

The study of the full document "http://www.spc.int/piocean/CROP/spocc.htm" is highly recommended. It provides a call for improving the following guiding principles[23]:

1. Improving our Understanding of the Ocean
2. Sustainably developing and managing the use of Ocean Resources
3. Maintaining the Health Of the Ocean
4. Promoting the Peaceful Use of the Ocean
5. Creating Partnerships and Promoting Co-Operation

4 TRAINING OF 'OCEAN GOVERNANCE'

4.1. What training programmes can tell

For assessing the progress of transformation of the UNCLOS concept regarding the "ocean space to be considered as a whole", a look at some training schedules may serve as an indicator. Providing legal training is one thing, but training ocean governance in a comprehensive manner is the much more important aspect. Although it is fair to assume that there is a lot of subject and sector specific training offered on a very competent level around the globe, it seems that the issue has not been taken up by the international community as UNCLOS requirements deserve. After all, this paper aims at underlining the importance of participation in the development of ocean governance. The following examples may serve as indicators that a lot more needs to be done.

4.2. Example 1 – Ocean Institute/ Halifax / Canada

The International Ocean Institute (IOI), Halifax / Canada, which has offered interdisciplinary training programmes since 1981[24], describes the goal of a forthcoming six-week course as follows:

> The course emphasises the importance of viewing the ocean as a system with varied users and multiple, often competing and conflicting, uses. It also aims to increase awareness of the fact that ocean management requires broad interdisciplinary skills, new institutional and legal infrastructures, and new forms of intergovernmental and non-governmental organisation and cooperation at the local, national and international levels.

The programme is expected to include, inter alias:

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

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[23] Ditto, Council of Regional Organisation in the Pacific

[24] International Ocean Institute Training Programme on Ocean Governance: Policy, Law and Management 22 May -19 July, 2008, http://internationaloceaninstitute.dal.ca/IOI2008/08ann.html .

Those readers from the shipping and maritime industry should kindly note which weight and attention their sectors will receive.

4.3. Example 2 – Ocean Institute / Valletta / Malta

Also the International Ocean Institute (IOI) / Malta[25], with a long training experience behind, had run its latest course in November 2007. It consisted of 4 modules, was presented over a five-week period and covered the following topics:

- Global Ocean Governance Framework
- Managing our relations with the oceans
- Conflict Management and Consensus-Building
- Regional Ocean Governance Frameworks for the Mediterranean, Black, Baltic and Caspian Seas

IOI / Malta is laying the focuses on the linkages between the natural, social and economic sciences, on the development of sustainable ocean governance, and on the research-management interface that can render governance operable. The Course stresses the inter-linkages of multi-disciplinary inputs, and the support of technology to enable the effective achievement of ocean management and sustainable development. A further emphasis of the course had been the implications and the practical implementation of the EU maritime policy for the European regional seas, including the Caspian & Black Sea.

4.4. Example 3 – Washington University - School of Marine Affairs

Washington University – School of Marine Affairs SMA 500: Introduction to Marine Affairs	
Autumn 2002 Syllabus	**Autumn 2007 Syllabus**
- Ocean and Coastal Governance - Marine Scientific Research - Living Marine Resources and Their Management - Marine Environment Quality - Marine Recreation and Tourism - Ocean Commerce and Security - Ocean Issue and the Public - Ocean and Coastal Governance Revisited	- Human Dimension of Global Change in the Marine Environment - Living Marine Resources and Their Management - Marine Environment Quality - Marine Commercial Activity and Security - Marine Recreation and Tourism

The reasons for a different syllabus in 2002 and 2007 have been given an interesting explanation. According to the faculty of SMA, the previous course has emphasized the multiple uses of the sea and coast, the institutional structure at all levels of government that controlled these uses, and the policy problems that had to be resolved to gain net benefits from marine resources. The new curriculum recognizes that issues and problems of marine affairs are part of global scale changes that will define important topics for humankind in the 21st Century. These changes include physical, social and institutional phenomena.

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[25] International Ocean Institute (IOI) - Malta Operational Centre Course on: Ocean Governance 12 Nov - 14 Dec 2007;
http://www.capemalta.net/ioimoc/course2007/content.html

1st International Ship-Port-Interface Conference – ISPIC 2008 – 19-21 May 2008, Bremen.

Arnd Bernaerts; "Ocean Governance", in: W. Wittig; Prieser C., ed; "The Human Element at the Ship/Port Interface", 2008, Kiel, pp. 63-77

4.5. Those who do and those who do not offer training

It is to admit that the few examples are in no way representative in assessing the extent and the comprehensiveness of integrated training in ocean affairs. On the other hand, the examples are taken from acknowledged institutions with a related training record over three decades.

If searching for professional ocean governance and coastal zone education around the world, it seems there are currently only a few universities and graduate schools where this kind of comprehensive and interdisciplinary approach is being undertaken. The scholar Hiroshi Terashima (2004) observed[26] "that at most universities conditions presently range from a total lack of courses in ocean governance and coastal zone management to a great variance in the aims and levels of courses that are indeed offered, with the latter often noticeably lacking in the interdisciplinary approach in the subject demands. The danger resulting from this is that, if current conditions are allowed to persist, bottlenecks may obstruct effective ocean governance implementation in those countries and regions where such education and research are absent. A most important challenge for the near future, therefore, is reformation of higher education in ocean governance, with a particular emphasis on meeting the needs of the state and region where such institutions are located".

That brings up another point, which should be regarded as a surprise-element. As much as it could be observed, those institutions which are the closest to the ocean sphere and have trained seafarers for up to two hundred years seem to play absolutely no role in developing and establishing comprehensive training on ocean governance. Sometimes one can get the impression that they have not yet fully realised what UNCLOS is standing for. While it is not to question that training and expertise in ocean governance are new and rare, this fact applies to any and all training institutions. But if one is looking for at least partial competence, those institutions that have been training seafarers for centuries should be most interested to make the best out of it, should try to provide excellence, and strive to be leading the filed. In summary, it can be said that:

- Maritime training institutions do not seem to play a significant role.
- Training opportunities in ocean governance are rare.
- Scope and intensity of training various considerably.
- Timely implementation of ocean governance may be seriously obstructed
   if adequate training is absent.

5 IS 'OCEAN GOVERNANCE' A NEED OR OPPORTUNITY TO PARTICIPATE TO?

1.1 Ocean governance is a policy tool to reckon

Many countries and regions, like the U.S.A., the Pacific Regional Council, and Europe have recently implemented new ocean policy measures. In a speech delivered on the 15th of February 2008, the EC Commissioner for Fisheries and Maritime Affairs, Joe Borg, addressed students in Malta as follows:

> "I would like to emphasise that the logic that has underpinned our drive towards an Integrated Maritime Policy for the Union is the same as that which inspires our efforts to secure more and further-reaching multilateral commitments. Separate and

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[26] Hiroshi Terashima, 2004, "The importance of education and capacity-building programs for ocean governance"; in Ocean Yearbook, Vol. 18, 2004, p.600-611.

disparate action for the oceans and seas – a resource which knows no borders - can never really bear fruit. It follows, therefore, that our efforts must be targeted at closely co-ordinated and better integrated management – management that truly takes the 'bigger picture' into account.
I genuinely believe that we have the resources and the willpower to do what it takes: to build better and broader legal frameworks that will safeguard our precious and invaluable maritime space."[27]

Meanwhile it is certain: The issue of 'ocean governance' has entered politics too a degree never imagined a few years ago. It will certainly be shaped and developed over the next few decades. As this policy tool has come into being, stakeholders in ocean affairs should consider thoroughly what it may mean to them and what role they would want play. Those who want to be part of it need to get involved now.

5.2 Challenges and Opportunities

Presumably the stakeholders most effected by a new maritime policy, as expressed for example in the 2007 EC 'Blue Paper', are those industries traditionally involved in sea going matters. While the 'freedom of the seas' needed to be curtailed due to environmental requirements since the 1940s, the emerging needs for 'ocean governance' will result in new management tools, and bring-in many new stakeholders, as well as other concerned parties.

On one hand, the maritime industry should avoid the risk of being marginalized. On the other hand, competent assistance should be offered, as long as new stakeholders may not have the necessary competence yet. This does not necessarily mean that the maritime industry has any particular experience concerning new aspects of ocean governance, but merely that it may be better placed in gaining competence in new areas of handling ocean affair. At least, in the long run, a serious involvement would lesson any risk from being suddenly confronted by new legislation, or administration and management tools. For the time being, a serious involvement would give the opportunity of being part of shaping the concept of 'ocean governance'.

5.3 The key to ocean governance: training

We hope that this paper has demonstrated that the emergence of 'ocean governance' is a fact, but that it is by far not clear how the governance will develop and, eventually, be institutionalised. In so far, training does not necessarily mean training in individual subjects, but developing 'ocean governance' through training efforts. Gunnar Kullenberg (2004) expressed it in this way[28]: that the demand for an education and training system on ocean

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[27] Joe Borg, EC Commissioner for Fisheries and Maritime Affairs; 2008, "The integrated Maritime Policy for practitioners", at the Inauguration of the IMLI Course on Maritime Law, Malta, Malta, 15 February 2008, http://ec.europa.eu/maritimeaffairs/.
[28] Gunnar Kullenberg, 2004, "Marine Resource Management: Ocean Governance and Education", Ocean Yearbook Vol. 18, 2004, p. 578-599.

matters to help change attitudes, to enhance understanding, and to help achieve participation, awareness, and responsibility is growing.

Maritime industry should get involved, but we need to define how this could be achieved. It would make little sense to expect this from the entire industry, as it is too heterogeneous to organise, and sustain a systematic involvement in the forthcoming development of 'ocean governance'.

The appropriate addressees are the maritime training institutions to provide lectures, workshops, and subsequently study courses. They should be highly interested to achieve competence in this field, and not allow this matter to be left alone to other educational institutions. On the other hand, relevant societies concerned with maritime matters should require from maritime training institutions to offer training and education in 'ocean governance', but also support them accordingly.

6 SUMMARY

Because the emerging political tool called 'ocean governance' is new, there is a unique opportunity in being involved in shaping this instrument. The maritime industry should consider which role it wants to have, based on one hand on the 'common expertise' the maritime industry has with regard to ocean affairs, and on the other hand keeping in view that being part in shaping and developing an effective system of 'ocean governance' is more promising to serve the industry than neglecting this field. In this effort, the traditional maritime training institutions should be the spear head, based on the demands and support offered by the maritime industry.

Principal Author's Short Biography

As a trained seaman and a master mariner, the author was a shipmaster before he became a lawyer and a doctor of law in the 1970s, with a law office in Hamburg, and an international consultant since the 1980s. In 1988, FAIRPLAY/UK published his book, "Bernaerts' Guide to the 1982 United Nations Convention on the Law of the Sea", which was reprinted by TRAFFORD/CA in 2005, and is available online on: www.bernaerts-sealaw.com.

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