

## Global Ocean Governance

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**ABSTRACT:** This paper presents a few general comments on the effective global ocean governance (GOG). The Convention on the Law of the Sea (UNCLOS) establishes fundamental legal principles for the governance of the marine environment and its resources. Furthermore, in the context of GOG the international community is conscious that improving of global and regional cooperation ought to be in the mainstream of socio-economic and political discourse. Nowadays, the UNCLOS is not able to give an answer for all new questions arising in the law of the sea. Therefore, it would seem that there is a great need to provide more pragmatic approaches to global ocean governance by international community as well as national governments, using the holistic paradigm of sustainable development. At the regional level, the European Union promotes an integrated maritime policy. Each EU marine Member State is obliged to prepare national integrated maritime policy as a part of the integrated maritime policy of EU. The Maritime Policy of Poland was approved by the Council of Ministers on 17 March 2015.

### 1 INTRODUCTION

The fundamental value of ocean governance is the maintenance of long-term sustainability of marine natural resources. In setting out a comprehensive range of rules governing ocean activities, UNCLOS divides marine space into a number of zones horizontally as well as vertically [1,2].

Ocean governance means the coordination of various uses of the ocean and protection of the marine environment. Ocean governance is also defined as the process necessary to sustain ecosystem structure and functions. Effective ocean governance requires globally-agreed international rules and procedures, regional action based on common principles, and national legal frameworks and integrated policies [3].

Global ocean governance, as well as management of the marine environment (or management of the World Ocean) is essential for achieving the objectives of sustainable development. Common and rational use of the World Ocean (which is also defined as the marine environment and its resources) should be based on integrated maritime governance, understood as the processes of planning, decision-making and management at the global level. It also includes maritime areas beyond national jurisdiction, and integrates activities substantively and institutionally [4]. Protection and preservation of the environment as a unity and natural resources should be considered as superior to irrational use of the marine environment. It is assumed that this would be possible with the creation of a global maritime administration having clear objectives and scope of activities.

Therefore, it would also need to have appropriate available financial resources and adequately-trained human resources, as well as a constantly-updated database. The creation of integrated management of the marine environment in maritime areas within the boundaries of coastal States and territories, where coastal States exercise sovereign rights associated with efficient and flexible instruments, allows a reasonable balance between the protection and preservation of the environment and the freedom to use the seas and oceans. The sectoral approach to the marine environment, developed and persisted through the years, should be balanced by an integrated approach [3].

## 2 OCEAN GOVERNANCE CHALLENGES

The Convention on the Law of the Sea (UNCLOS), very often called “the constitution of the oceans and seas”, pointed out that the main value for maritime law is unity of the Global Ocean: “the problems of ocean space are closely interrelated and need to be considered as a whole” (preamble) [5]. UNCLOS establishes the legal framework for all activities in the oceans. According to its preamble, UNCLOS sets out a legal order for the seas and oceans to facilitate international communication and promote peaceful uses of the seas and oceans, equitable and efficient utilization of their resources, conservation of their living resources and study, protection and preservation of the marine environment.

UNCLOS establishes a holistic and ecosystem approach. One of the objectives of UNCLOS is to develop the rational use of maritime resources and the conservation of marine living resources. The Convention on the Law of the Sea introduced to international law the obligation to protect and preserve the marine environment (Art. 192) as *ius cogens* - an imperative for international community.

Our oceans and seas are threatened by climate change, natural disasters, environmental degradation, depletion of fisheries, loss of biodiversity and ineffective flag state [6]. The process of ocean acidification, which has wide-ranging negative impact on the World Ocean health and marine living resources, is a global problem. UNCLOS is one of the most important sources of the global ocean governance. The Convention on the Law of the Sea establishes a legal regime of rules and recommended practices which can be used as a structure of government [7].

These and many other threats, like observed from many years growth on greenhouse gas emissions, are reasons for taking proper action, internationally and regionally. The International Maritime Organization, as well as the European Union and national governments recognize this problem and understand that co-operation is a must for today. Therefore, it would seem that using LNG as an environmentally friendly fuel for maritime transport fits to the concept of wide introducing international standards for ships fuels [8].

## 3 OCEAN GOVERNANCE GUIDING APPROACHES

The institutional framework is composed by the administrative mechanisms that are required to established system of coordination and co-operation between all the stakeholders that have a role in the management of the ocean. In order to avoid the fragmentation of decision-making and exclusion of stakeholders as well as in implementing an ocean governance framework, the international and regional regulations and procedures of coordination and co-operation should be taken into consideration. In this context the holistic, ecosystem and precautionary approaches are very important as direction or even driving force for the system.

Holistic, ecosystem and precautionary approaches are recognized as rules of marine resources management [9], but the idea of global ocean governance and regional maritime management is deeply fragmented and insufficiently developed [3]. Numerous sectors are regulated and managed independently of others, by diverse agencies and under different rules and procedures [4].

The ecosystem approach has its roots in the international environmental law [10]. This approach is defined as the integrated management of human activities based on knowledge of ecosystem dynamics to achieve sustainable use of ecosystem goods and services and maintenance of ecosystem integrity. This kind of approach has many implications for GOG including the need to established no-take reserves, effective marine monitoring and protection of threatened and endangered marine living resources.

The precautionary approach is necessary in effective prevention against degradation of the marine environment [9]. According to the precautionary approach, where there are threats of serious or irreversible damage, lack of full of scientific certainty shall not be used as a reason for postponing coast-effective measures to prevent environmental degradation.

The problems of a functional nature are related with the process of planning and implementation of many of elements which are included in maritime policies.

## 4 INTEGRATED MARITIME POLICY AS AN INSTRUMENT OF REGIONAL COORDINATION OR DUTY TO CO-OPERATE

The integrated maritime policy of the European Union arises either through legislative actions as well as executive initiatives of its Member States [11]. It is desirable for the development of the management system to base it on the integration of instruments and institutional capacity for cooperation and coordination, the creation of a knowledge base and cross-cutting tools necessary to enable the introduction of an integrated policy, the improvement the quality of sector policies through the active search for synergies and increased coherence between sectors [12].

The concept of the EU integrated maritime policy permits a clear vision of the direction Member States should take to achieve an integrated and sustainable management in marine affairs. European regional maritime management is based on marine spatial planning, decision making and integrated management understood as the implementation of decisions and continuous improvement planning procedures and decision-making.

Maritime spatial planning involves identifying possible uses of marine resources and their rational distribution, as well as providing sustainable activity in terms of the ecosystem, all of which is performed in the marine environment in order to achieve economic, social and environmental objectives arising from regional and national policies in accordance with international rules and standards, recommended practices and procedures for the protection and preservation of the marine environment [13].

In Europe, according to the policy of the European Union, maritime spatial planning involves the process of planning and regulating all human activities in marine areas, including maintaining the good condition of marine ecosystems, as well as marine biodiversity. The process of decision-making is closely interrelated to international global and regional cooperation. This approach is the essence of the maritime policy for both European Union and States in their national and regional maritime relations. This is also a framework for developing actions for better ocean governance.

The integrated management of the marine environment includes comprehensive, integrated management of human activities based on the available scientific knowledge on ecosystems and their dynamics, origin and impact of the activities, which are essential for the health of the marine ecosystem, as well as achieving sustainable use of marine ecosystem assets and maintaining the integrity of the marine ecosystem.

## 5 MARITIME POLICY OF POLAND – ENFORCEMENT OR COMPLIANCE

The Maritime Policy of the Republic of Poland up to 2020 (with perspective up to 2030) was approved by the Council of Ministers on 17 March 2015 [14]. The draft of the Maritime Policy of Poland was prepared on the governmental level by the Inter-Ministerial Committee on Maritime Policy of Poland. The Inter-Ministerial Committee on Maritime Policy of Poland is a main governmental body responsible for formulation of the national maritime policy and implementation of an Integrated Maritime Policy for the European Union. The Inter-Ministerial Committee has been established by the Prime Minister and is chaired by the Minister of the Maritime Economy and Inland Transport, who is responsible for maritime affairs. In September 2009 the Government of Poland approved the general principles and objectives of maritime policy of Poland up to 2020.

Policy can be defined as purposive course of action followed by governmental or non-governmental actors in response to some set of perceived problem [15]. It has been noted that the main elements of a national maritime policy are the entities involved and the administration capabilities in the range of their issues, which should be effectively solved as well as some economic interests.

The Maritime Policy of Poland is based on the constitutional principle of sustainable development [16].

It has been pointed out that in establishing the effective mechanisms of inter-institutional coordination the Polish national maritime policy should be managed and achieved at the highest level of governance.

The Maritime Policy of Poland is the fulfilment of the obligation addressed to the EU Member States to develop their own national maritime policies *inter alia* according to the European Commission Communication “An Integrated Maritime Policy for the European Union” and “Guidelines for an integrated approach to maritime policy”.

The priorities of the Maritime Policy of the Republic of Poland up to 2020 (with perspective up to 2030) are:

- strengthening the position of Polish sea ports;
- enhancing maritime transport competitiveness;
- ensuring maritime safety and security;
- improvement of the state marine environment and coastal protection;
- creating conditions for the development of the economy based on knowledge and qualifications;
- rational use of the natural resources of the marine environment;
- sustainable management of marine fisheries;
- strengthening the national energy security;
- streamlining maritime governance.

One of the general conclusions is that from a formal point of view the Maritime Policy of Poland is now the key development policy, but it needs more concentrate focus on the enforcement of its priorities in practice – in order to ensure its effectiveness. The question is now what will be the status of the new Polish maritime policy.

## 6 CONCLUSIONS

It has been pointed out as a rather obvious fact that the future of the oceans depends on enhanced scientific research into ocean processes, effective implementation of the international legal instruments that regulate various oceans activities and a comprehensive and integrated approach to ocean management. Consequently, the concept of global ocean governance and integrated maritime policy of the EU as well as national maritime policies have emerged. Furthermore, it should be emphasized, the relation between the concepts of global ocean governance and maritime policy is that every national maritime policy is an element of the governance of the ocean.

Promoting the principles of sustainable development in the maritime domain including shipping safety and security, protection of marine environment, maritime spatial planning, integrated coastal zone management and marine education and knowledge, an Integrated Maritime Policy for the EU is dealing a lot with the issues related to ocean governance. All these activities should take into account the specificity of each of the EU regional seas, as well as all the ocean space, through solutions tailored to the needs and pragmatic enforcement of the global ocean governance rules, instruments and recommended practices.

The most important step is to determine how an integrated national maritime policy should be developed. It is rather obvious that the mission of the maritime policy should maximize benefits for the people and economy from a sustainable use of coastal location and marine resources. There is no doubt that cooperation of States for effective ocean governance, as the result of providing the countries maritime policies and strategies is essentially important and may provide fruits for present and future generation.

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