The Concept of Maritime Governance
in International Relations

Tomasz Łukaszuk

University of Warsaw

The aim of the article[1] is the identification of components of maritime governance and evolution of the concept of maritime governance in contemporary International Relations. The main research questions are: what elements constitute the structure of maritime governance and why the role of maritime governance is increasing in the policy of super and regional powers. The answer to these questions will be used to verify the adopted hypothesis which indicates that maritime governance is a dynamic process consisting of interdependent areas of legal regulations, blue economy, security and environmental elements. Their horizontal and vertical interdependence and interrelation while dealing with oceans make maritime governance necessary instrument for super and regional powers to attain their interests.

Based on the presented assumptions and purpose, the following structure of the article was adopted. The introduction highlights the role of oceans in the world affairs and presents research questions and hypothesis. In the second part of the article main stages of discourse on maritime governance are discussed and characterized, putting emphasis on the process of shaping its conceptual and terminological framework. Methodological differences and similarities in defining maritime governance are explored. The third part indicates the operational dimension of the concept of maritime governance, presenting the stages of the process of institutionalization of maritime cooperation between states. Finally, the case study of the Integrated Maritime Policy of the European Union is presented to serve as an exemplification of the modern maritime governance. The conclusion of the article contains answers to the research questions posed.

Key words: maritime governance, law of the sea, security, maritime safety, sustainable development, environment

Introduction

Covering 72% of the surface of the Earth, producing 60% of oxygen and carrying 90% of global trade, oceans are the most important elements of the world's transportation infrastructure, economy, and ecosystem.[2] Oceans also play a significant political role as symbols of cohesiveness of interests among countries from different continents. The Atlantic Ocean Research Alliance or the Indian Ocean Rim Association are examples of international regional organizations based on the concept of joint responsibility for specified aspects of maritime activities. The creation of such organizations has been the consequence of growing awareness of the importance of the United Nations Convention on the Law of the Sea (UNCLOS) and its role in introducing maritime governance as management of ocean waters belonging not only to states but also to open seas, constituting the common heritage of humankind.

The law of the sea, the increase in the importance of maritime transport with the necessity of securing Sea Lanes of Communication, and the development of maritime mining, constituted some of the prerequisites for the formation of a new maritime policy by the global and regional powers. At the same time, the geographic conditions of these countries influenced this. It should be noted that the United States claim the Exclusive Economic Zone of 11,5 million km^2 – the world's largest. Its coastline extends for 19 924 km and is accounted for 41 per cent of the nation's GDP.[3] Mainland China has more than 18,000 km of coastline ranking fourth in the world, and as such over 90% of the foreign trade of China is conducted through sea transportation.[4] The EU's coastline is 7 times as long as the US' and 4 times as long as Russia's – including its outlying regions it has the world's largest maritime territory.[5] In India is estimated that 50 per cent of the country's total population live in fifty-three coastal districts.[6]

At the same time after the end of the Cold War numerous challenges in the field of the sea security, environment and economy with the big share of trans-boundary and trans-continental phenomena, have encouraged states to change own maritime policy and engage even deeper in institutional cooperation.

Global and regional powers like US, EU, China, and India engage themselves in maritime institutional cooperation being aware of the importance of oceans in their economies and the necessity of joint actions. An example of a new maritime policy approach to cooperation is, among others:

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[2] P.G. Patil, J. Virdin, S.M. Diez, J. Roberts, A. Sing, *Toward a Blue Economy: A Promise for Sustainable Growth in the Caribbean. An Overview*, Washington D.C.: The World Bank, 2016.

[3] B. Cicin-Sain, D.L. Van der Zwaag, M.C. Balgos (eds), *Routledge Handbook of National and Regional Ocean Policies*, London–New York: Routledge, 2015.

[4] Juan Ding, Xueqian Ge, Ryan Casey, 'Blue competition in China: Current situation and challenges', *Marine Policy*, 2014, vol. 44, pp. 351–359.

[5] www.ec.europa.eu/maritimeaffairs/documentation/facts_and_figures_en (accessed on 21 January 2019).

[6] B. Cicin-Sain, D.L. Van der Zwaag, M.C. Balgos (eds), op. cit.

  – the EU and China signed the ocean partnership agreement to improve international governance of the world's oceans, including through tackling illegal, unreported and unregulated (IUU) fishing and promoting a sustainable blue economy;[7]
  – the US, Canada and the EU concluded the agreement on the creation of Atlantic Ocean Research Alliance (AORA)[8] in 2013;
  – India was one of the founders of the Indian Ocean Rim Association in 1997.[9]

The increased significance of the maritime factor in the politics of the global and regional powers was accompanied by a vibrant scientific discourse among researchers of international relations on this subject. Due to its complexity and multidisciplinary character maritime governance has been named, defined and described in different ways. In the literature the following terms have been used: the public order of the oceans (McDougal and Burke),[10] the order at sea (Bekkevold and Till,[11] Adluri Subramanyam Raju[12]), ocean governance (Mann Borgese,[13] Haward, Vince,[14] Tanaka,[15] Kundis Craig,[16] Chang,[17] Pyc,[18] Kimball[19]), oceans governance (Kem Lowry,[20] Rothwell and Stephens,[21] Pretlove and Blasiak[22] 2018), integrated oceans management (Scott),[23] integrated maritime

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[7] The EU and China signed the agreement 'Blue Partnership for the Oceans: Towards Better Ocean Governance' at the 20th Summit between the EU and China, which took place in Beijing, China, on 16 July 2018.

[8] https://www.atlanticresource.org/aora/site-area/publications/publications (accessed on 21 January 2019).

[9] The Indian Ocean Rim Association is an inter-governmental organization which was established on 7th March 1997. The vision for IORA originated during a visit by late President Nelson Mandela of South Africa to India in 1995 (www.iora.int/en/about/about-iora (accessed on 20 May 2018).

[10] M.S. McDougal, W.T. Burke, *The Public Order of the Oceans*, New Haven–London: Yale University Press, 1962.

[11] J.I. Bekkevold, G. Till (eds.), *International Order at Sea. How it is challenged. How it is maintained*, London: Palgrave Macmillan, 2016.

[12] A.S. Raju (ed.), *Good Order at Sea. Indian Perspective*, New Delhi: Studera Press, 2018.

[13] E. Mann Borgese, *Ocean Governance and the United Nations*, Halifax: Centre for Foreign Policy Studies, Dalhousie University, 1995.

[14] M. Haward, J. Vince, 'Australian Ocean Governance – initiatives and challenges', *Coastal Management*, 2009, no. 37, pp. 1–16.

[15] Y. Tanaka, *A Dual Approach to Ocean Governance. The Case of Zonal and Integrated Management in International Law of the Sea*, Ashgate, 2008.

[16] R. Kundis Craig, *Comparative Ocean Governance. Place-Based Protections and in an Era of Climate Change*, Cheltenham: Edward Elgar, 2012.

[17] Y-C. Chang, *Ocean Governance. A Way Forward*, Springer, 2012.

[18] D. Pyc, J. Puszkarski (eds.), *Global Ocean Governance. From Vision to Action*, Poznań: Ars Boni et Aequi, 2014.

[19] L. Kimball, *International Ocean Governance. Using International Law and Organizations to Manage Marine Resources Sustainably*, Switzerland–Cambridge, UK: IUCN, Gland, 2001.

[20] K. Lowry, T.E. Chua, *Strengthening Regional Cooperation in Coastal and Ocean Governance. Securing the Oceans: Essays on Oceans Governance-Global and Regional Perspectives. Partnerships for Environmental Management of the Seas of East Asia (PEMSEA)*, Quezon City, Philippines, 2007.

[21] D.R. Rothwell, T. Stephens, *The International Law of the Sea*, Hart Publishing, London, 2016.

[22] B. Pretlove, R. Blasiak, *Mapping Ocean Governance and Regulation*, Working paper for consultation for UN Global Compact Action Platform for Sustainable Ocean Business, source: Research Gate, 2018.

[23] K. Scott, 'Integrated Oceans Management. A New Frontier in Marine Environmental Protection', in *The Oxford Handbook of the Law of the Sea*, Oxford: Oxford University Press, 2017.

policy (Adamczak-Retecka[24] 2014), maritime governance (Heather McLaughlin[25] 2010, Roe[26] 2016). In the Polish literature within the science of International Relations, the problem of the maritime factor has been developed since the 1970s by J. Symonides,[27] R. Bierzanek,[28] J. Zajaczkowski,[29] E. Halizak,[30] L. Lukaszuk.[31] Polish scholars D. Pyć and J. Puszkarski[32] explored challenges of maritime governance in the first two decades of the 21st century with the focus on legal and environmental issues. K. Kubiak[33] and A. Walczak[34] elaborated in details the complex question of the security of Sea Lanes of Communication, an important element of maritime governance, essential for energy security and blue economy as a whole.

The scope of the definitions and descriptions has been constantly expanding due to the emergence of new phenomena and non-state actors at seas and oceans. As highlighted by Suarez de Vivero and Rodriguez Mateos „the transition to the 21st century marks the beginning of a phase in which a significant number of new marine policies and strategies have sprung up to respond to the new maritime paradigm that involves a new strategic vision of the seas and oceans: the old paradigm, associated with discoveries, the creation of colonial empires and trade which is giving way to a model that is deeply rooted in competitiveness, innovation and knowledge. This new vision means a loss of strategic interest in traditional activities and the shifting of the maritime centre of gravity towards the new technologies, energy security and global leadership."[35]

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[24] M. Adamczak-Retecka, ' "Błękitna" polityka Unii Europejskiej', *Gdańskie Studia Prawnicze*, 2014, vol. 32, 2014, pp. 17–24.

[25] H. McLaughlin, 'SKEMA Consolidation Study: Maritime Governance', SKEMA Coordination Action 'Sustainable Knowledge Platform for the European Maritime and Logistics Industry', European Commission, 2010.

[26] M. Roe, *Maritime Governance and Policy-Making*, Heidelberg: Springer, 2013.

[27] J. Symonides, 'Konwencja Narodów Zjednoczonych o Prawie Morza w 30 lat od jej przyjęcia', *Prawo Morskie*, 2012, vol. 28, pp. 7–32.

[28] R. Bierzanek, J. Symonides, *Prawo międzynarodowe publiczne*, Warszawa: Wydawnictwo Prawnicze LexisNexis, 2005, edition 8 modified.

[29] J. Zajączkowski, 'Strategie morskie Indii, Chin i USA w regionie Oceanu Indyjskiego: analiza w kategoriach realizmu ofensywnego', *Stosunki Międzynarodowe*, 2015, vol. 51, no. 2, pp. 37–70.

[30] E. Haliżak, *Stosunki Międzynarodowe w Azji i Pacyfiku*, Warszawa: Wydawnictwo Scholar, 1999.

[31] E. Haliżak, W. Lizak, L. Łukaszuk, E. Śliwka (eds.), *Morze w cywilizacji, kulturze i stosunkach międzynarodowych*, Warszawa–Pieniężno: Fundacja Misyjno-Charytatywna Księży Werbistów, 2006.

[32] D. Pyć, J. Puszkarski (eds.), *Global Ocean Governance. From Vision to Action*, Poznań: Ars Boni et Aequi, 2014.

[33] M. Ilnicki, K. Kubiak, P. Mickiewicz, *Morski transport ropy i gazu w warunkach zagrożeń aktami przemocy*, Wrocław: Wydawnictwo Naukowe Dolnośląskiej Szkoły Wyższej Edukacji TWP, 2006; K. Kubiak, *Przemoc na oceanach. Współczesne piractwo i terroryzm morski*, Warszawa: Centrum Europejskie Natolin, Wydawnictwo Trio, 2009.

[34] A. Walczak, *Piractwo i terroryzm morski*, Szczecin: Akademia Morska w Szczecinie, 2004.

[35] J.L. Suarez de Vivero, J.C. Rodrıguez Mateos, 'Ocean governance in a competitive world. The BRIC countries as emerging maritime powers – building new geopolitical scenarios', *Marine Policy*, 2010, no. 34, pp. 967–978.

Definitions and approaches towards maritime governance differ also methodologically. Bekkevold, Till, McDougal and Burke's views on maritime governance are realist, close to the A.T. Mahan's traditional vision of the world ocean as a battle field between great sea powers. Other authors' approach is mainly neoliberal, similar to the complex interdependence theory created by Keohane and Nye Jr., where all the elements of human activities and natural phenomena are interdependent and international organizations, governmental and non-governmental, play crucial role in coordinating endeavours of state and non-state actors. Keohane and Nye in their "neoliberal foundational text" "Power and Interdependence"[36] chose oceans as one of the case studies of their theory of interdependence within the framework of the institutional neoliberal theory of international relations. The maritime governance implicates cooperation of the states which are interdependent. In contrast to the land surface, it is impossible to set physical borders on seas, to limit positive or negative phenomena in the environment (rise of sea level) or security (piracy and terrorism). Transnational activities in fishing, offshore drilling, transportation, the security of Sea Lanes of Communication (SLOCs), are functionally interlinked and exemplify growing interdependence among different activities at sea. The maritime domain's space as well as its complexity, covering all kinds of activities within and beyond national jurisdiction, made the institutions created by the states necessary. Without them, due to the vastness and interdependence of the states and the oceans, it will be impossible to reach the goals within national and common interests of littorals.

The researchers have not analyzed the differences between the definitions or descriptions of maritime governance yet, and there is lack of its precise definition in key United Nations conventions, including the UN Convention on the Law of the Sea, UNCLOS,[37] concentrating on selected aspects of maritime governance. In the literature on international relations, the security, legal and economic approaches prevail. There is a lack of analysis of the above mentioned differences as well as a holistic approach to the concept of maritime governance, especially in the context of the foreign policy of the state.

The article constitutes an attempt to explain in a holistic way the problems of maritime governance. It will not only discuss and characterize the main stages of research discourse in this area, but will also explore the operational dimension of this concept by characterizing the process of institutionalization of international maritime cooperation. In order to show the growing importance of the concept of maritime

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[36] R.O. Keohane, J.S. Nye Jr., *Power and Interdependence. Fourth Edition*, London: Longman, 2012.

[37] The conceptual framework of the convention is based on the term of "sea" and its derivatives. The term "ocean" appeared in the preamble of UNCLOS in the context of acknowledgment that "the problems of ocean space are closely interrelated and need to be considered as a whole" and in article 1 of part I (Introduction) in the description of area which means the sea-bed and ocean floor. "United Nations Convention on the Law of the Sea" in A.V. Lowe, S.A.G. Talmon (eds.), *The Legal Order of the Oceans. Basic Documents on the Law of the Sea*, Oxford: Hart Publishing, 2009.

governance in international practice, the case study of the Integrated Maritime Policy of the EU will be discussed. The selection of this case study is related to the holistic approach utilized by the EU, emphasizing in documents concerned that "the Integrated Maritime Policy will enhance Europe's capacity to face the challenges of globalization and competitiveness, climate change, degradation of the marine environment, maritime safety and security, and energy security and sustainability."[38] The Integrated Maritime Policy reflects precisely the spirit and the letter of the Rio Conference 1992[39] and its goal number 14 among the sustainable development goals,[40] as well as the conclusions of the report of the UN Independent World Commission on the Oceans 1998.[41] The report emphasizes six major challenges for human kind in the context of oceans: peace and security, equity, science and technology, economic value, public awareness and participation, effective oceans governance.[42]

The Idea of Maritime Governance in International Relations Studies – Main Stages of the Discourse

Different aspects of activities and phenomena on sea have always been the topic of states' and researchers' interest due to oceans' vastness and role in human life. Human civilizations have been changing their attitudes towards oceans over the centuries of their existence, but always considered them as an important element of their security, trade and social interactions.[43]

The roots of the current debate on maritime governance can be found at the turn of 16th and 17th centuries. By identifying the main scientific discourse on this subject, we can identify the following stages:

- the first stage from 16th century until the end of World War I (1918); in that period, it was perceived that the seas off the coastlines belong to colonial powers which discovered the land and settled there, and all the vessels have the freedom to sail through other parts of the seas and oceans; the scholars viewed the justification of the interests of their respective countries as their main research task; this period, especially from the end of the 19th century, was primarily characterized by the emphasis on two conflicting visions: on one side researchers focused on

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[38] 52007DC0575, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – An Integrated Maritime Policy for the European Union {COM(2007) 574 final)} {SEC(2007) 1278} {SEC(2007) 1279} {SEC(2007) 1280} {SEC(2007) 1283} /* COM/2007/0575 final */, Brussels, 2007, p. 1.

[39] *The Rio Declaration on Environment and Development*, United Nations Conference on Environment and Development (UNCED), "Earth Summit", Rio de Janeiro, 3–14 June 1992.

[40] "Life below water".

[41] The Ocean Our Future, the Report of the Independent World Commission on the Oceans, Cambridge University Press, 1998.

[42] Ibidem, p. 16.

[43] Ancient European (Onesicritus and Nearchus, Pliny the Elder) and Asian (Kosmas, Chanakya, Sun Tzu) writers described the wide scope of political, trade and military activities and theories related to the sea.

the importance of international law/legal aspect, others attached greater importance to the rivalry of super powers at sea;

- the second stage from 1918 till 1958, where the researchers concentrated on exploration of the rules of conduct at sea, delimitation of borders, and peaceful solution to the disputes in maritime space;
- the third stage started in mid 1950s and last till mid 1990s; scientific discourse were connected and inspired by such event like: First Conference on the Law of the Sea (1958), Third Conference on the Law of the Sea (1973–1982), adaptation of the United Nations Convention on the Law of the Sea (UNCLOS) in Montego Bay in 1982 and its coming into force in 1994; that stage was marked by the qualitative, quantitative and functional growth of the scope of the debate with growing number of state and non-state actors, increase of areas relevant to maritime governance making it even more interdisciplinary than before, the critical evaluation on UN institutions and conventions became a permanent part of the debate with numerous researchers from developing, postcolonial countries joining the debate with different perspective on existing methodology and regulations;
- the fourth stage started in mid 1990s and it lasts till today; during this period new dimensions in maritime governance have emerged linked to sustainable development at sea and below the surface of the seas, with the growth of environmental awareness and climate change impact; scholars have started to put stress on holistic conceptual and executive approach towards maritime affairs, together with the concept of maritime governance and integrated maritime policy as its exemplification.

The uniqueness and importance of the maritime area for the strength of colonial powers were at the root of the creation of Hugo Grotius "Mare Liberum" – the first endeavour to define and establish the regulations for the seas and the very beginning of the first stage of scientific discourse on maritime governance. "It had implications no less for coastal waters than it did for the high seas, for the West Indies as much as for the East Indies, and for intra-European disputes as well as for relations between the European powers and extra-European peoples."[44] Grotius treatise was mainly created in order to justify claims of his country to rule the seas however, it triggered the debate on the fundamental maritime issues called the battle of books. Several authors like William Welwood,[45] John Selden,[46] Justo Seraphim de Freitas,[47] and Juan Solorzano Pereira,[48] presented their concepts of organization and codification of shipping, as well as the polemics of Grotius' work. The debate continued in the 18th century contributing

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[44] H. Grotius, *The Free Sea*, Indianapolis: Liberty Fund, 2004.
[45] W. Welwood, *An Abridgement of All Sea-Lawes*, 1613.
[46] J.Selden, *Mare Clausum Of the Dominion, or, Ownership of the Sea*, Two Books: London, 1618, reprint: 2004.
[47] Justo Seraphim de Freitas, *De Justo Imperio Lusitanorum Asiatico*, Valladolid, 1625, reprint: 2018.
[48] J.S. Pereira, *De Indiarum Jure, Sive de Justa Indiarum Occidentalium Inquisitione*, Madrid, 1629.

to the development of customary rules at seas. Cornelius Bynkershoeck[49] and Ferdinando Galiani[50] introduced the principle of a cannon shot in the delimitation of the territorial sea which recognized widely served as a rule until mid-20th century. Emmerich de Vattel[51] also presented arguments to introduce to international practice the rule of the open and territorial sea. Debates in the 17th and 18th centuries put forth the freedom of the seas doctrine and contributed to the development of "customary" law of the sea, which may be considered as the beginning of deliberations about the concept of maritime governance.

The progress in sailing, rapidly growing movement of people between the continents in the 19th century and the competition between the United Kingdom and other regional and global powers, the creation of international regimes and institutions at sea in order to better organize the movement of ships and the solve disputes between the states, were the premises that broaden the scientific discourse at the beginning of the 19th and 20th centuries.

Alfred Thayer Mahan and Sir Julian Corbett like their predecessors "tended to focus rather more on the sea as a medium for dominion."[52] Their approach was "state-focused", which influenced the strategic thinking about seas in the US, the UK, Germany and Japan. Mahan listed six basic elements that determine the sea power of nations[53] and Corbett pointed to the importance of maritime lines of passage and communication.[54] At the same time the patterns of not only aggressive military thinking, but also positive "mercantile" approach in Mahan's work, stressing "the profound influence of sea commerce upon the wealth and strength of countries,"[55] encouraged major powers to cooperate and regulate sea issues.

Second stage of the scientific debate on the concept of maritime affairs which lasted between 1918 and 1958 was mainly limited to discussion on the limits to coastal areas and territorial sea. At the same time the failure of several efforts to introduce regulations on those particular elements of order at sea was witnessed. That lack of success of the endeavours of Hague conference 1930 and many others stemmed from the technological progress and aggressiveness of the biggest navies, as well as increasing awareness of the richness of natural resources located on the sea shelves off the coast of these countries. The world wars influenced the discourse – first forcing maritime researchers to focus on military, naval dimension of maritime governance; then on peaceful solution of disputes, prevention of wars through legal instruments and security of civilian vessels carrying passengers and oil.

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[49]   C. Bynkershoeck, *De Dominio Maris Dissertatio*, The Hague, 1702.

[50]   F. Galiani, *De doveri dei principi neutrali verso i principi guerregianti*, Naples, 1782.

[51]   E. de Vattel, *Le Droit de Gens*, London, 1758.

[52]   M. Haward, J. Vince, *Oceans Governance in the 21st Century. Managing the Blue Planet*, Cheltenham: Edward Elgar Publishing Limited, 2008.

[53]   A.T. Mahan, *The Influence of Sea Power upon History 1660–1783*, Gretna: Pelican Publishing, 2003.

[54]   J.S. Corbett, *Some Principles of Maritime Strategy*, Uckfield: The Naval and Military Press Ltd., 2017 (reprint).

[55]   A.T. Mahan, op. cit.

During the third stage of the discourse its topics focused on issues regarding legal, political and economic aspects of The First (1958) and the Third Conference on the Law of the Sea (1973–1982). Negotiations on United Nations Convention on the Law of the Sea (UNCLOS) and later efforts to implement this Convention may be considered as the essential elements of the third stage of the debate on maritime governance. Especially views of scholars from the West were contested by scholars from developing countries. They argued that the customary law and science related to maritime affairs were dominated by descendants of colonial powers and aimed at protecting their interests.[56]

The end of the Cold War, new maritime policy of great and regional powers and coming into force of UNCLOS, triggered new academic discourse on maritime governance and started the new stage of the discourse. The majority of researchers share the view of the inadequacy of regulations adopted in Montego Bay. Michael Roe assessed that by the time UNCLOS was signed in 1982, it was already outdated and not suited to modern times.[57] Similar opinion was expressed by Elisabeth Borgese. She pointed at the phenomenon „when informal changes outpace formal changes made in the legal and institutional framework an institutional gap opens."[58] She repeated in different form the Keohane's and Nye's thesis on growing interdependence of financial, production, environmental, technological and information systems. The scientific and technological development of trade and mining as well as the growing number of challenges linked to environment influenced the debate among scholars and their perception of maritime issues. They acknowledged the growing cross-disciplinary character of sea and ocean studies with ecology, security, economy and law influencing and overlapping each other. That factor of developing interdisciplinarity may be indicated as a reason of the phenomenon of the diversity of terminology in ocean and sea studies. Another one could be the fragmentation of the authority of UNCLOS into several agencies dealing with particular elements of maritime affairs what was not conducive to the consistency of the approach to the issues of conceptual framework and terminology, creating conceptual silos.

A new quality in the discourse at the beginning of the 1990s was testified by the fact that the term "order at sea" was gradually replaced by the term of "ocean or oceans governance" in connection with the Rio Conference 1992. The United Nations Conference on Environment and Development ("the Earth Summit") adopted Agenda 21, where chapter 17 was dedicated to the protection of oceans and intro-duction of the Integrated Oceans Management program.[59] A special commission was established under auspices of the United Nations in 1995, a year after the entry into force of UNCLOS. The Independent World Commission on the Oceans consisted

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[56] R.P. Anand (ed.), *Law of the Sea. Caracas and Beyond*, New Delhi: Radiant Publishers, 1978.
[57] M. Roe, *Maritime Governance. Speed, Flow, Form, Process*, Heidelberg: Springer, 2016.
[58] E. Mann Borgese, op. cit.
[59] A.V. Lowe, S.A.G. Talmon, op. cit.

of 43 scientists, representing the academic circles of all continents, from developed and developing countries. The Commission reviewed the situation under the regulations and institutional framework of UNCLOS, identifying future directions, involving the majority of maritime scientists into the debate resulted in report in 1998.

At the beginning of the 21st century debate was continuing to expand. The discourse was characterized by the attempt of multidimensional perception of the maritime factor in International Relations and the formation of the term of maritime governance. This was also influenced by the process of further institutionalization of cooperation in this area. The UN agencies dealing with oceans and coastal issues formed the Sub-committee on Oceans and Coastal Areas of the Administrative Committee on Coordination (ACC SOCA) called UN-Oceans. The term "governance" was an emanation of the process described by Manoj Gupta: „[…] recent political science literature has tended to replace the word „management" with that of „governance" to focus on the ocean as a system that needs to be considered as a whole."[60] Ocean governance in the UN documents mainly deals with environment, climate change and sustainable development, especially after 2002 World Summit on Sustainable Development.

Those patterns are followed by researchers writing about ocean/oceans governance in the first two decades of the 21st century.[61] The adjective "maritime" in connection with the governance started to appear in the first decade of the 21st century with the intent to strengthen the holistic meaning of the governance, dealing with oceans and sea within or beyond national jurisdiction of littorals, covering all the areas including security, blue economy, marine safety and legal framework. Integrated maritime policy, which also appeared in the 21st century only, based on the Keohane's and Nye concept of the complex interdependence, is of a more operational nature, describing the scope of executive priorities in maritime affairs to be implemented by the EU members. It will be elaborated in the fourth part of the article.

On the verge of the third decade of the 21st century, the scientific discourse on maritime governance continues. Bekkevold and Till defined the international order at sea as "the consequence how countries and the international community at large make use of the oceans as a medium for dominion and strategic manoeuvre, as a stock resource, and as a medium of transportation in an orderly, legal and sustainable manner."[62] Oceans are considered by them as an arena of a growing great powers rivalry which prevails over cooperation, competition between access and denial strategies, relationship and balance between international law and power, operational balance between strategies

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[60]   M. Gupta, *Indian Ocean Region. Maritime Regimes for International Cooperation*, Heidelberg: Springer, 2010.

[61]   As a good example serves the definition of ocean governance by Polish researcher Dorota Pyć: 'Ocean governance means the coordination of various uses of the ocean and protection of the marine environment', *Global Ocean Governance, the International Journal of Marine Navigation and Safety of Sea Transportation*, 2016, vol. 10, no. 1, pp. 159–162.

[62]   J.I. Bekkevold, G. Till (eds.), *International Order at Sea. How it is Challenged. How it is Maintained*, London: Palgrave Macmillan, 2016.

of war fighting versus operations other than war (those operations are elaborated by Le Miere,[63] who described them as a persuasive or a coercive maritime diplomacy). The key issue for them is the balance of those features to maintain international order at sea in the future. They consider the current situation in "maritime hot-spots" as worsening with "great powers rivalry on the rise". They doubt that "worlds' political and naval leaders think in systemic terms" and "perhaps notions of a world system are consequence of countries acting in pursuit of their national interests" and "collective action in defence of the system is a very fragile prospect."[64]

The Club of Rome described ocean governance as "the means by which ocean affairs are governed by governments, local communities, industries, non-governmental organizations, other stakeholders, through national and international laws, policies, customs, traditions, culture, and related institutions and processes."[65] Similar character has the World Ocean Council's[66] definition "a range of legal instruments, institutions, and organizations that collectively establish rules and policies for managing, conserving, and using the ocean,"[67] highlighting the importance of the role of a collective approach. Another definition by Rothwell and Stephens puts emphasis on legal aspects of the oceans governance: „Those formal and informal rules, arrangements, institutions and concepts which structure the ways in which sea space is used, how ocean problems are monitored and assessed, what activities are permitted or prohibited, and how sanctions and other responses are applied."[68] They indicated the disaggregated character of authority and the trans-boundary nature of most oceans issues as an important factor in defining oceans governance. They agreed with Johnston's concept that oceans governance is not a static term, but "a process in which there is cooperation by states and other actors to achieve desired objectives."[69] Monaco and Prouzet emphasized the inclusiveness of state and non-state actors as one of the main factors in governance of "maritime spaces."[70] For them "governance of seas and oceans" is "a set of institutions, legal rules and processes enabling the adoption of an institutional

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[63] Ch. Le, *Maritime Diplomacy in the 21st Century. Drivers and Challenges*, London: Routledge, 2014. He distinguished persuasive maritime diplomacy known as "showing the flag", aimed at increasing recognition of particular country's maritime power, and coercive maritime diplomacy, which is "the pursuit of diplomacy through the use of naval capabilities".

[64] J.I. Bekkevold, G. Till, op. cit., p. 9.

[65] *World Ocean Review*, 2015, no. 4, www.worldoceanreview.com (accessed on 20 January 2019).

[66] The World Ocean Council (WOC) is a global, cross-sectoral ocean industry leadership non-profit alliance, launched in 2008, www.oceancouncil.org (accessed on 20 January 2019).

[67] International Ocean Governance Policy Brief 2014, World Ocean Council, www.oceancouncil.org (accessed on 20 January 2019).

[68] D.R. Rothwell, T. Stephens, *The International Law of the Sea. Second Edition*, Oxford: Bloomsbury, 2016.

[69] Ibidem, after Douglas M. Johnston 'The Challenge of International Ocean Governance. Institutional, ethical and conceptual dilemmas', in D.R. Rothwell, D.L. Van der Zwaag (eds.), *Towards Principled Oceans Governance: Australian and Canadian Approaches and Challenges*, London: Routledge, 2006, pp. 349–399.

[70] A. Monaco, P. Prouzet (eds.), *Governance of Seas and Oceans*, London: ISTE Ltd, 2015.

and legal framework for action, and then the development of related public and private interventions, on the delineated space."[71] Pretlove and Blasiak draw the attention to internal dimension of ocean governance, keeping in mind importance of coastal areas and territorial waters for the global ocean – 40% of pollution at sea comes from coastal areas. According to them global ocean governance „includes international and national governance, in which governments and various public bodies are the primary actors, it encompasses private governance initiatives led by companies and other non-state actors such as environmental organizations."[72] They contributed to the definition of ocean governance by the important statement that "private governance mechanisms, including standards, best practices and certification schemes, complement public governance."[73] Analyzing the sources of the effectiveness of global ocean governance Dorota Pyć assumed that it "requires globally agreed international rules, regional action based on common principles, and national legal frameworks and legal policies."[74] Discussing the domestic dimension of the ocean governance Yen-Chiang Chang used the model of good governance, based on definitions of governance by UNDP and World Bank, and good governance by ADB to describe modern ocean governance.[75] The World Bank specifies four elements of good governance, these being: accountability, effectiveness, rule of law and transparency. Chang stressed that „the concept of good ocean governance should be incorporated into the public authorities' decision-making processes" and it will "require the public authorities to follow open, clear and stable rule of law; open their decision-making process in order to allow the broadest possible participation; pro-actively release environmental information to encourage consensus-based decision-making."[76] Haward and Vince used as well the World Bank definition of governance, linking governance to institutional capacity and to the effectiveness of public organizations and putting stress on the significance of implementation of good ocean governance at national level.[77] They extensively examined vertical dimension in oceans governance in the context of institutional arrangements and their effectiveness. Policy capacity of littorals is one of the decisive factors of the success of international institutions in implementation of modern ocean governance with ecosystem based integrated oceans management.[78]

Presenting the characteristics of maritime governance Michael Roe stated that despite the globalization "nation-state remains central to maritime policy-making

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[71] Ibidem.

[72] B. Pretlove, R. Blasiak, 'Mapping Ocean Governance and Regulation', Working paper for consultation for UN Global Compact Action Platform for Sustainable Ocean Business, 2018.

[73] Ibidem.

[74] D. Pyć, 'Global Ocean Governance', *International Journal of Marine Navigation and Safety of Sea Transportation*, 2016, vol. 10, no. 1.

[75] Yen-Chiang Chang, *Ocean Governance. A Way Forward*, Heidelberg: Springer, 2012.

[76] Ibidem.

[77] M. Haward, J. Vince, *Oceans Governance…*, op. cit.

[78] Ibidem.

forming the most significant jurisdictional element with key role at International Maritime Organization, OECD and many other policy-making bodies."[79] According to Roe states have to play coordinating role among different actors both state and non-state like global and regional enterprises. Governments act together through institutions developing norms and policies. The significance of the role of institutions is shown by Heather McLaughlin in her definition: "Maritime governance derives from an institutional framework with jurisdictions at international, national, regional and local level."[80] At the same time Roe criticized existing institutions for their rigidity and inertia. He argued that maritime governance in the current form "has failed to recognize […] process of change". In his opinion "the need for a dynamic, process-based governance that accommodates change."[81] has to be recognized. He suggests that maritime governance should have a dynamic framework to adjust to globalization. It should reflect corporate style of industry management fit for constant changes and adaptation to market needs. The modern model of maritime governance should be based on polycentricism and metagovernance, following the example shipping industry governance, described by Gritsenko and Yliskyla-Peuralahti.[82] "Maritime governance is essentially a polycentric issue with a multitude of ever-changing foci that have to be accommodated within the governance."[83] McLaughlin supports the concept of maritime governance as a multi-level governance, which focuses more on multi-negotiated policies between all jurisdictional levels and encourages the active involvement of a full range of stakeholders – interest groups, the private sector, the politicians, the media and the individuals. The use of that model has in her opinion "considerable potential for the improvement of maritime governance."[84]

Exploring the development of the concept of maritime governance and debate among scholars it's important to stress its complex and dynamic character expressed through the diversity of terminology and choice of topics discussed. Different terms describe the same concept from different angles focusing on selected elements of governance, whose number is increasing. The vast majority of them emphasize the role of institutions and multiplication of stakeholders in maritime governance.

Analyzing the definitions and concepts presented by researchers in the first decade of the 21st century among constituent factors of maritime governance, the following features may be distinguished:

- the necessity of neoliberal institutional rather than realist approach while dealing with global issues regarding oceans – to attain their interests and achieve the stable

[79] M. Roe, *Maritime Governance. Speed, Flow, Form, Process*, op. cit., p. 11.
[80] H. McLaughlin, op. cit.
[81] M. Roe, *Maritime Governance. Speed, Flow, Form, Process*, op. cit., p. 11.
[82] D. Gritsenko, J. Yliskylä-Peuralahti, 'Governing shipping externalities: Baltic ports in the process of SOx emission reduction', *Maritime Studies*, 2013, no. 12(1), www.maritimestudiesjournal.com/content/12/1/10 (accessed on 20 January 2019).
[83] M. Roe, TYTUŁ, op. cit., p. 11.
[84] H. McLaughlin, op. cit., p. 15.

cooperation of states voluntarily creating intergovernmental institutions, which can mitigate the negative effects of the dynamic interrelated phenomena at sea;
- dynamism – maritime governance is more a process than a static set of rules and regulations organized under institutional framework of cooperation;
- wide scope of stakeholders, including states, international organizations, international corporations, local communities, media, non-governmental organizations;
- horizontal and vertical multilayered interdependency between all actors at national and international level, and areas of activities – legal regulations, security, blue economy and environmental issues;
- urgency of coordinated international approach with multinational consideration of interests of particular countries, regions and global community.

Considering the above, it can be stated that dynamic, polycentric, and metagovernmental model of maritime governance by Michael Roe constitutes the reflection of the views of many researchers looking at maritime governance as a process not a static description of the phenomenon of coordinated management. Roe's model could be considered as the most adequate to the 21st century dynamics.

The process of institutionalization of cooperation within the framework of maritime governance

The increase in the importance of the maritime factor in international relations, both in the scientific discourse and in the practical dimension, was one of the prerequisites of the process of institutionalization of cooperation between states in the maritime dimension. In this context, the following stages may be distinguished:
- the first stage: the end of the 19th century till 1945: characterized by the establishment of the first institutions to serve as the basic infrastructure of the dialogue between researchers and decision makers, as well as the incipience of security and legal architecture in maritime space;
- the second stage: from 1945 till 1972, when several international institutions at global scale were created under the auspices of the United Nations after WWII;
- the third stage from 1973, the beginning of the 3rd Conference on the Law of the Sea, till 1994, the entry into force of United Nations Convention on the Law of the Sea
- the fourth stage: 1995 till 2019 – the establishment of regional organizations related to maritime governance, transferring global concept to regional and national level, with participation of non-state actors.

The beginning of the first stage is related to the foundation of the International Maritime Committee in 1897 in Brussels. The first conventions were agreed, regulating and unifying different areas of sea activities during peace and war time. The creation of the League of Nations (1920), Permanent Court of International Justice (1922) and the codification conference in Hague (1930) were major steps towards liberal institutionalist approach towards sea with those institutions aimed at "limiting"

the power of states. The Hague conference failed to agree upon territorial waters, the most important issue together with the passage through straits. It was to consider the size of territorial waters, questions pertaining to the rights of innocent passage of foreign vessels and the continuation on the high seas of pursuit begun within territorial waters.[85] At the same time the process of codification of the law of the sea was continued,[86] creating "a clear legal framework establishing liability for actions."[87] Despite the unsuccessful effort to codify international law of the sea, the first stage of the process of institutionalization should be considered as an achievement. Several institutions and conventions created at that time are still in force and are capable of contributing to maritime conceptual and legal framework.

In the second stage states developed the network of institutions dealing with maritime affairs under the auspices of the United Nations, including the Inter-Governmental Maritime Consultative Organization (IMCO) and the International Law Commission, established in 1947/48.[88] Starting from 1958 the conferences on law of the sea were convened leading to the further codification of the law of the sea and creation of the UN Convention on the Law of the Sea (UNCLOS).[89] One of the reasons for the successful implementation of the institutionalized system in maritime affairs just after the war was that "WWII accelerated the process of internationalization of the system of relations among countries. The major colonial powers were so weakened (…) that they were unable to maintain their dominance over their subject territories of Asia and Africa."[90] The number of states in the international system multiplied. For the new and underdeveloped states international organizations became the major forum to defend their interests which made those organizations much more influential than ever before. Leading states from Europe like the US agreed "to assert itself within an institutional order – which restricts its ability to engage in any indiscriminate exercise of power – in exchange for locking in the acquiescence and compliant participation of weaker states. Each gets something for its agreement to embed its relations with others within institutions, putting restrictions on its autonomy. The institutions take on a sort

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[85] H. Miller, 'The Hague Codification Conference', *The American Journal of International Law*, 1930, vol. 24, no. 4, pp. 674–693.

[86] E.J. Osmańczyk, *Encyclopedia of the United Nations and International Agreements*, Third Edition, London: Routledge, 2003.

[87] G.J. Ikenberry, *After Victory. Institutions, Strategic Restraint, and the Rebuilding of Order after Major Wars*, Princeton: University Press, 2001.

[88] In 1982 IMCO was renamed IMO – International Maritime Organization.

[89] At the first conference on law of the sea in 1958 the Convention on the Territorial Sea and the Contiguous Zone; the Convention on the High Seas; the Convention on Fishing and Conservation of the Living Resources of the High Seas, and the Convention on the Continental Shelf were signed. The second conference in 1960 ended with only two resolutions adopted. The third conference 1973–1982 led to the signing of The Law of the Sea Convention.

[90] R. Butwell (ed.), *Foreign Policy and the Developing Nation*, Lexington: University of Kentucky Press, 1969.

of 'soft' constitutional function."[91] Other factors affecting states' interest in regimes and institutions were also technological progress in fisheries and sea-bed exploitation, as well as increasing knowledge about marine environment. 30% of oceans became national jurisdiction of littorals, but many phenomena in oceans were without limits of jurisdiction. An important symbol of states' awareness of the imperative of organized and institutionalized efforts in oceans affairs was the speech of Ambassador Arvid Pardo, Maltese Representative in the United Nations, at the 22nd session of the General Assembly in 1967.[92] He proposed that the seabed and ocean floor beyond national jurisdiction should be considered common heritage of mankind, referring to the ideas of a 1948 draft World Constitution, which provided that the Earth and its resources were to be the common property of mankind, managed for the good of all.[93]

The third stage started in 1973 with the negotiations on UNCLOS and the development of the regimes covering seas. Robert Keohane and Joseph Nye Jr. emphasized that „wholly different fields of ocean activity are becoming more and more inseparable in negotiating situations."[94] That phenomenon stemmed from different reasons. As noticed by Keohane and Nye, ocean regimes have two major dimensions – within or beyond states' jurisdiction. With the progress of the regimes and the extension of the jurisdiction of states up to 200-mile zones, more than 30% of the world's oceans came under national jurisdictions. States were forced to take responsibility for all aspects of maritime issues within territorial waters, continental shelf and exclusive economic zone. Trawler deep-sea fishing with capacity of fish storage and processing, off-shore deep water oil and gas fields and platforms operating up to 120 miles from the shore, shipping containerization of 90% of the world trade and expansion of navies of major powers from brown and green-water to blue-water navies contributed to the process of „diminution of isolation among users of the oceans."[95] "The density of networks of interdependence"[96] increased the sense of globalization and interconnectivity among states. UNCLOS became "the Constitution of the Seas" and many countries, even those which did not ratify it, like the US, introduced its concepts and regulations into domestic law.

The most characteristic feature of the fourth stage of the institutionalization of maritime governance is characterised by introduction of institutional framework to the regional level.[97] At the same time the phenomenon of the growing role

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[91] G. J. Ikenberry, op. cit.

[92] A. Pardo, Address to the 22nd Session of the General Assembly of the United Nations, UN GAOR, 22nd sess., UN Doc. A/6695 (18 August 1967).

[93] P. Taylor, *The Common Heritage of Mankind: A Bold Doctrine within Strict Boundaries*, 'The Wealth of the Commons. A World beyond Market and State', www.wealthofthecommons.org, The Commons Strategy Group, 2011.

[94] R.O. Keohane, J.S. Nye, Jr., op. cit.

[95] Ibidem.

[96] Ibidem.

[97] Maritime Organization for West and Central Africa (MOWCA), The Indian Ocean Rim Association (IORA), (CRESMAC) The Regional Center For African Maritime Security.

of non-state actors in positive (international shipping companies, non-governmental organizations advocating the protection of the environment) and negative (pirates and terrorists) activities at sea, was noticeable. They resulted in raising awareness of the common interests of the states and changing concept of distance. The various aspects of the growing use of the ocean space which were weakly related to each other before became interlinked functionally and perceptually. Transnational activities in fishing, offshore drilling, transportation, the security of Sea Lanes of Communication (SLOCs), were functionally interlinked and exemplified growing interdependence among different activities at sea. The important role in the process was played by legal regulations, due to the fact that "legal norms about one use of ocean space frequently become precedents for similar norms about other uses."[98] Climate change could also be highlighted as one of the significant factors together with unprecedented number of phenomena like rising sea level and more violent natural disasters, which have no state boundary limitations forcing countries to cooperate closer than before.

The number of channels of contacts in maritime issues have multiplied during last 70 years due to the significant increase in quantity of littoral independent countries, creation of international organizations at global or regional level under auspices of the United Nations and other international institutions, and fora. They deal with different issues from maritime security, through fishery, movement of ships, legal framework or arbitration, up to marine safety, following geographical and functional divisions. Environmental non-governmental organizations supporting the protection of marine fauna and flora are active at various levels of interaction. Shipping and logistics companies are involved in intensive lobbying campaigns with governments and international organizations.

At the verge of the third decade of the 21st century, the growing complexity and interdependence of issues influenced the agenda of maritime affairs, where there is no clear hierarchy of issues. Security is interrelated to economy, marine safety is associated with climate change, legal framework and sustainable development cover all the issues of maritime affairs.

The irrelevance of use of military force is the consequence of the influence of factors like the growing dependency of the majority of the countries on the sea for the transit of raw materials, the export of products, the supply of energy, minerals and food.[99] More than 57,8% of ships are registered in Liberia, Panama, Marshall Islands, Singapore and Hong Kong (China).[100] To secure the transportation of the goods vital for their economies major sea powers have to protect ships owned by global private shipping companies registered in one of the small countries mentioned above. Maritime trade

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[98] Ibidem.
[99] A.J. Cottrell, *Sea Power and Strategy in the Indian Ocean*, Sage Publications, London, 1981, p. 3.
[100] 'Structure, Ownership and Registration of the World Fleet', chapter 2 of UNCTAD report 'Review of Maritime Transport 2017', www.unctad.org/en /PublicationsLibrary/rmt2017/en (accessed on 20 January 2019).

has become a truly global, non-national business.[101] Any use of military power at sea could have negative impact on the security of SLOCs and economic interests of any actor of global economy. Navies of regional and global powers are being used now as an instrument of maritime diplomacy. Emerging sea powers have to shape their maritime security strategies and doctrines also in a different, modern way, as Geoffrey Till put it: "the concept of security has expanded from notions that are mainly military to encompass the dimensions of political security, economic security, societal security, and environmental security."[102] Due to growing asymmetric non-traditional threats, navies cooperate in organizing joint exercises and patrols in areas prone to piracy and people smuggling. „Collaboration has become essential to survive and to influence global outcomes, as reflected in the growth of international regimes and institutions."[103]

The European Union Integrated Maritime Policy – case study

The European Union is one of the most significant global actors in maritime affairs. Oceans and seas play important role for the EU – 23 out of 28 EU countries have a coastline, and the EU's maritime regions are home to 40% of its population and account for more than 40% of its GDP.[104]

EU promotes maritime governance within United Nations – the United Nations General Assembly adopted two resolutions concerning the oceans and the Law of the Sea and sustainable fisheries in line with the EU's agenda on ocean governance.[105] The General Assembly calls on the international community to beef up implementation of the United Nations Convention on the Law of the Sea (UNCLOS) and harmonize national legislation with it. It also reaffirms the importance of long-term conservation, management and sustainable use of the living marine resources.

The EU is the global leader in implementing the UN concept of integrated oceans management, adopted the recommendations of the UN Conference on Environment and Development in 1992, and is recognized as one of key promoters of maritime dimension of Agenda 21.[106] Following the UN recommendations, the Integrated Maritime Policy was introduced by the European Union in the first decade of the 21st century, but already in 1983, the Common Fisheries Policy (CFP) was implemented to

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[101] M. Pugh, 'Is Mahan Still Alive? State Naval Power in the International System', *Journal of Conflict Studies*, Vol. 16, No.2 (at: http://journals.hil.unb.ca/index.php/JCS/issue/view/998) (accessed on 10 January 2019), p. 3.

[102] Geoffrey Till, 'A cooperative strategy for 21st century seapower. A view from outside', *Naval War College Review*, 2008, vol. 61, no. 2.

[103] M. Pugh, op. cit., p. 3.

[104] M. Adamczak-Retecka, op. cit.

[105] 'EU promotes maritime governance at United Nations General Assembly' – two resolutions adopted 12/12/2018, http://www.un.org/en/ga/ (accessed on 20 January 2019).

[106] K.N. Scott, 'Integrated oceans management. A new frontier in marine environmental protection', in *The Oxford Handbook of the Law of the Sea*, Oxford: Oxford University Press, 2017.

manage European fishing fleets and to conserve fish stocks. Since then CFP has been successfully reviewed and modernized with the main goal of responsible and sustainable fishing and aquaculture production. The interest in introduction of an overall maritime policy was limited until the enlargement of the European Union, when several island and littoral countries like Cyprus, Malta, Poland, Latvia and Estonia joined EU.[107] The growing competition over maritime space, environmental challenges and fragmented decision-making process triggered the debate among old and new member states on the urgency of a new integrated approach towards maritime affairs.[108]

The process of preparing the Integrated Maritime Policy as a more coherent approach to maritime issues, with increased coordination between different policy areas, started in 2006, just two years after enlargement, when the European Commission published the Green Paper on the Future Maritime Policy for the Union, which was in line both with Lisbon Strategy for Economic Development (2000) and the United Nations Plan of Implementation of the World Summit on Sustainable Development (2002). The EU was described in the Paper as "the world's leading maritime power"[109] in terms of maritime transport, coastal tourism, offshore energy production and shipbuilding technologies. The aim was to achieve sustainable development by reconciling the economic, social and environmental dimensions of the exploitation of the seas and oceans.[110] The publication of the Green Paper was followed by a one-year consultation period with a wide scope of stakeholders – national governments, industrial groupings, and environmental NGOs. There was a common agreement about the urgency of changing the sectoral approach which harmed competitiveness and efficiency and was leaving the potential synergies untapped. Based on the results of the consultations the European Commission recommended the creation of "overarching Maritime Policy."[111] As the next step the Blue Book and corresponding action plan were presented in 2007 by the European Commission for the approval of the European Council. The Blue Book described the integrated maritime policy as a strategy, which "will truly encompass all aspects of the oceans and seas in a holistic, integrated approach."[112] The EU was expected to tackle all economic and sustainable development aspects

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[107] Z. Godecki, M. Bizewska, 'Dalsza finansowa integracja polityki morskiej Unii Europejskiej', *Prawo Morskie*, 2012, vol. 28, pp. 147–164.

[108] M. Adamczak-Retecka, op. cit., p. 16.

[109] www.eur-lex.europa.eu/legal-content/EN/TXT/ (accessed on 20 January 2019).

[110] Ibidem. The Green Paper suggested the following steps: in order to reduce the impact of these environmental pressures, introduction of thematic strategy for the marine environment; support for national research programs, plans for development of renewable sources of energy, the establishment of incentive mechanisms for ship owners, support for sustainable development of coastal regions, introduction of new methods of maritime governance.

[111] www.eur-lex.europa.eu/legal-content/EN/ALL/ (accessed on 20 January 2019). The goals of Maritime Policy: (1) maximizing the sustainable use of the oceans and seas; (2) building a knowledge and innovation base for the maritime policy; (3) delivering the highest quality of life in coastal regions; (4) promoting Europe's leadership in international maritime affairs; and (5) raising the visibility of Maritime Europe.

[112] Ibidem.

of the oceans and seas in a coherent manner.[113] The term "maritime governance" was used in the Book to stress that the proposed integrated maritime policy "requires a governance framework that applies the integrated approach at every level, as well as horizontal and cross-cutting policy tools."[114] The European Commission stressed that "the Policy seeks to coordinate, not to replace policies on specific maritime sectors."[115]

The Integrated Maritime Policy (IMP) was approved in December 2007. Among the main goals set out in IMP the following objectives should be mentioned:
– improving the efficiency of maritime transport in Europe and ensuring its long-
  -term competitiveness;
– issuing guidelines for the application of environmental legislation relevant to ports
  and proposing a new ports policy;
– promoting technological innovation in shipbuilding and a European network
  of maritime multi-sectoral clusters;
– improving quality of life in coastal regions;
– reducing the impact and adapting to climate change in coastal zones, and diminish-
  ing pollution and greenhouse gas emissions from ships;
– eliminating discards, destructive fishing practices and illegal, unreported and
  unregulated fishing;
– promoting environmentally safe aquaculture.

IMP was introduced at regional, sub-regional and national level. Comprehensive strategies were passed for the Mediterranean Sea, Baltic Sea, North Sea, Black Sea, the Atlantic and the Arctic Oceans. Additionally, the Sustainable Blue Growth Agenda for the Baltic Sea Region was adopted, as well as the Strategy for the Black Sea and the Strategy for the Adriatic and Ionian Region. Member states adapted IMP to their legislations and adopted their national integrated maritime policies.

Koivurova rightly assessed IMP as "a unique exercise in the history of ocean governance."[116] IMP has advantages over the same policies of the biggest littorals with federative system of governance like the US and Canada. "The EU's approach identifies future steps specifically, even explicitly justifying the planned action and having specific policy and legislative actions identified in the IMP."[117] Koivurova draws also attention to mechanisms of coordination and cooperation in maritime surveillance and marine data system, as well as maritime spatial planning, calling them innovative. The EU created the system which embodied the modern concepts of maritime governance presented by Roe and other researchers, including the idea of meta-governance for a coherent and efficient coordination of maritime affairs.

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[113] www.eur-lex.europa.eu/legal-content/EN/ALL/ (accessed on 20 January 2019).
[114] Ibidem.
[115] www.ec.europa.eu/maritimeaffairs/policy_en (accessed on 20 January 2019).
[116] T. Koivurova, 'A note on the European Union's integrated maritime policy', *Ocean Development & International Law*, 2009, no. 40, pp. 171–183.
[117] Ibidem.

As recommended by Pretlove, Blasiak and Pyc, the Integrated Maritime Policy has a multilayered structure with consideration of global, regional, sub-regional, national and local dimension. It serves as a significant improvement of cross-cutting coordination among all stakeholders and fosters the dynamics of the institutional framework. The holistic approach helps to avoid the conflicts of interests among main areas of human activities and environmental imperatives.

Conclusion

The analysis allows answering the research questions raised in the article: what elements constitute the structure of maritime governance and why is the role of maritime governance increasing in the policy of super and regional powers.

The structure of the concept of maritime governance has changed following the progress in maritime technologies and the perception of the role of the sea in global and regional powers policies. Limited to security and trade until the middle of the 19th century, it started to cover the legal aspects due to the intensity of movement of goods and people, and the number of armed conflicts at sea. 20th century brought the element of blue economy and the environment. 21st century contributed to maritime governance idea the institutional as well as executive aspects with crosscutting interdependence at all horizontal and vertical levels within and beyond national jurisdiction.

Nowadays, maritime governance with its complexity and dynamic character is more a process than a static description of policies at global, regional and national levels, regulating and monitoring all spheres of state and non-state actors' activity at seas and oceans. It went through different phases of development of the conceptual framework and terminology, as a consequence of its dynamism under the conditions of constant changes in maritime affairs in terms of technological progress in shipping and mining, legal regulations and growing interdependence in economy as a part of globalization. Its multidisciplinary character and fragmentation of the institutions created within the system of the United Nations Convention of Law of the Sea also contributed to that variety. Neoliberal way of description and definition of maritime governance is being used by majority of the researchers as the most adequate way to capture its main features like dynamism, imperative of coordinating international and national institutions, interrelation of main areas like legal framework, security, marine safety (the protection of the environment), blue economy. Keohane's and Nye's model of complex interdependence together with Roe's meta-governance reflect the modern shape of maritime governance.

The role of maritime governance has been increasing in the policy of great and regional powers due to its growing role in their economies and security. Oceans have been the most adequate exemplification of the process of globalization bringing interdependence among states and has become one of the most obvious evidence for the efficiency of institutional neoliberalism. Interdependence as a part of globalization

resulted in irrelevance of use of power and created imperative of deeper institutional cooperation among states. The meaning of sea or maritime power changed due to phenomenon of the spread ownership of the fleet with small littoral countries as biggest flag states and major powers securing vessels registered in those states, navigating along Strategic Lanes of Communication and carrying 90% of global trade. The maritime factor became one of decisive elements of the political and economic development of the countries, essential to achieve their interests at national and international level. In order to develop in a sustainable way, great and regional powers used maritime governance concept as the basis for integrated oceans management accepted by the United Nations as a global model for development in maritime space. It served as a conceptual framework for the Integrated Maritime Policy created by the European Union. The Policy is considered by researchers as a raw model of implementation of modern maritime governance. It coordinates and regulates maritime activities in all interconnected areas at the regional and national level in a holistic and sustainable way.