

Integrated Marine Governance: Rethinking Legitimacy and Accountability

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Outline of the presentation

- The EU Governance Framework
- Policy Arrangement Approach
- EU Integrated Marine Governance
- Legitimacy and Accountability
- Conclusions



The EU Governance Framework (1)

- The *sui generis* character of the EU
 - It is not ...
 - International organization; Federal State (The United States of Europe); a collection of member states
 - But ...
 - A unique political system
 - In constant flux
 - Driven by intergovernmental history-making decisions
 - Fragmented system with different competences

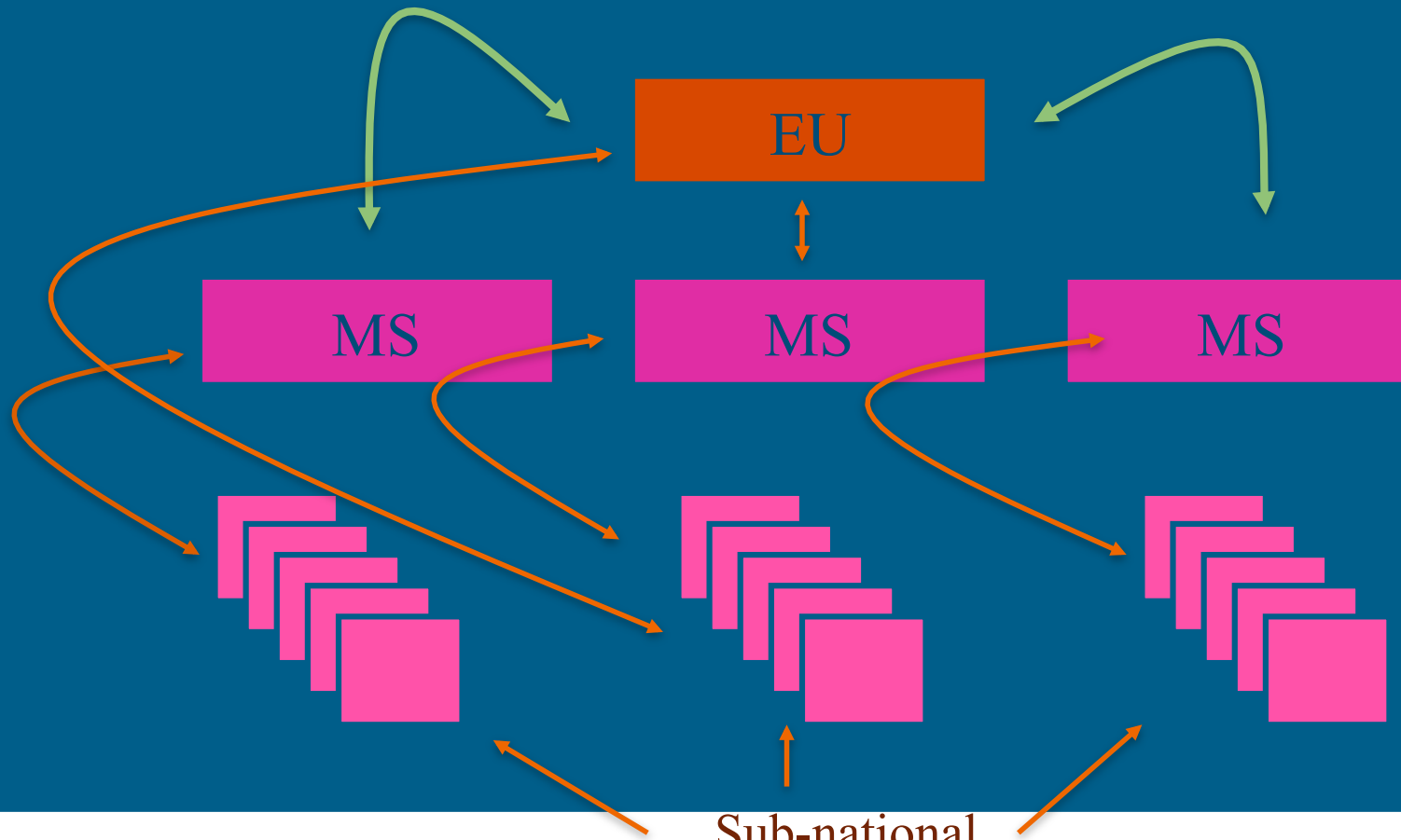


The EU Governance Framework (2)

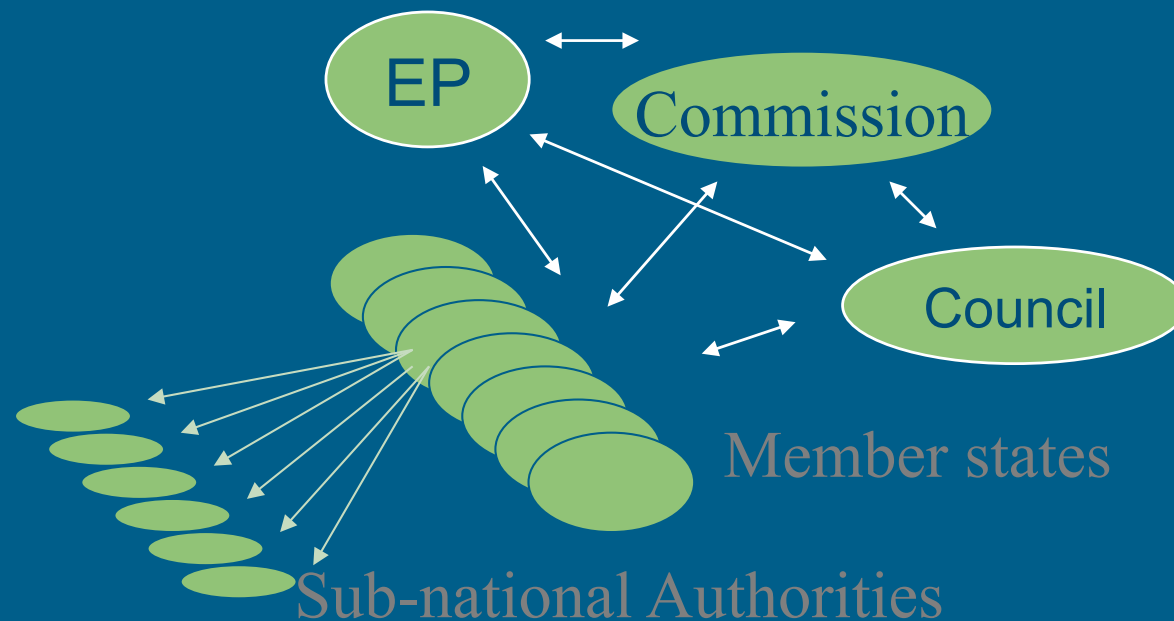
- The interconnection of Arenas
 - Intergovernmental
 - Codified institutions: MS, Council
 - Supranational
 - Codified institutions: EC, EP, Council, ECJ
 - Transnational
 - Formal: committees and European agencies
 - Informal: epistemic communities; best practices and benchmarking
- Multi-level Governance



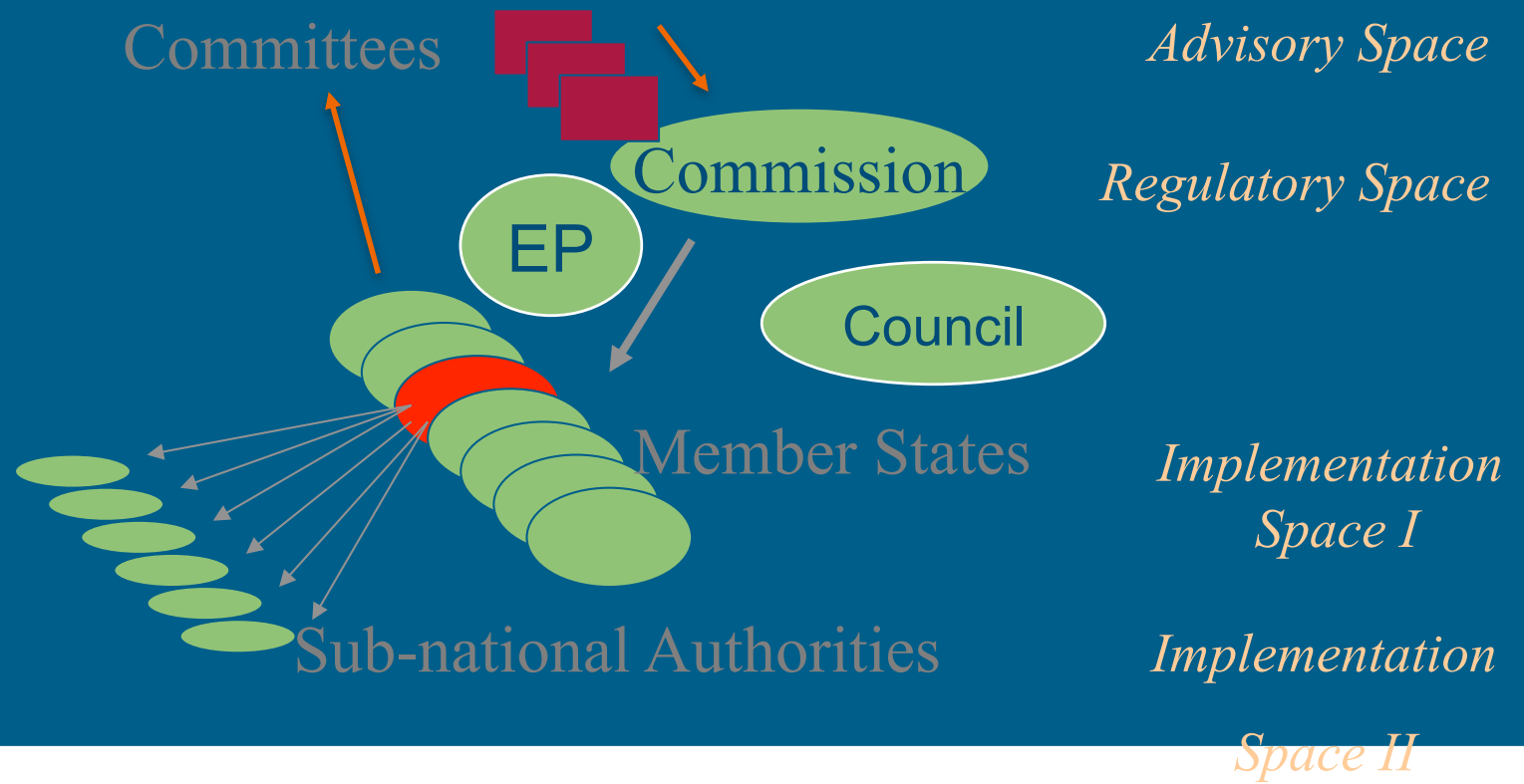
A Simple perception of MLG



A complex perception of MLG: multiple (formal and informal) political spaces



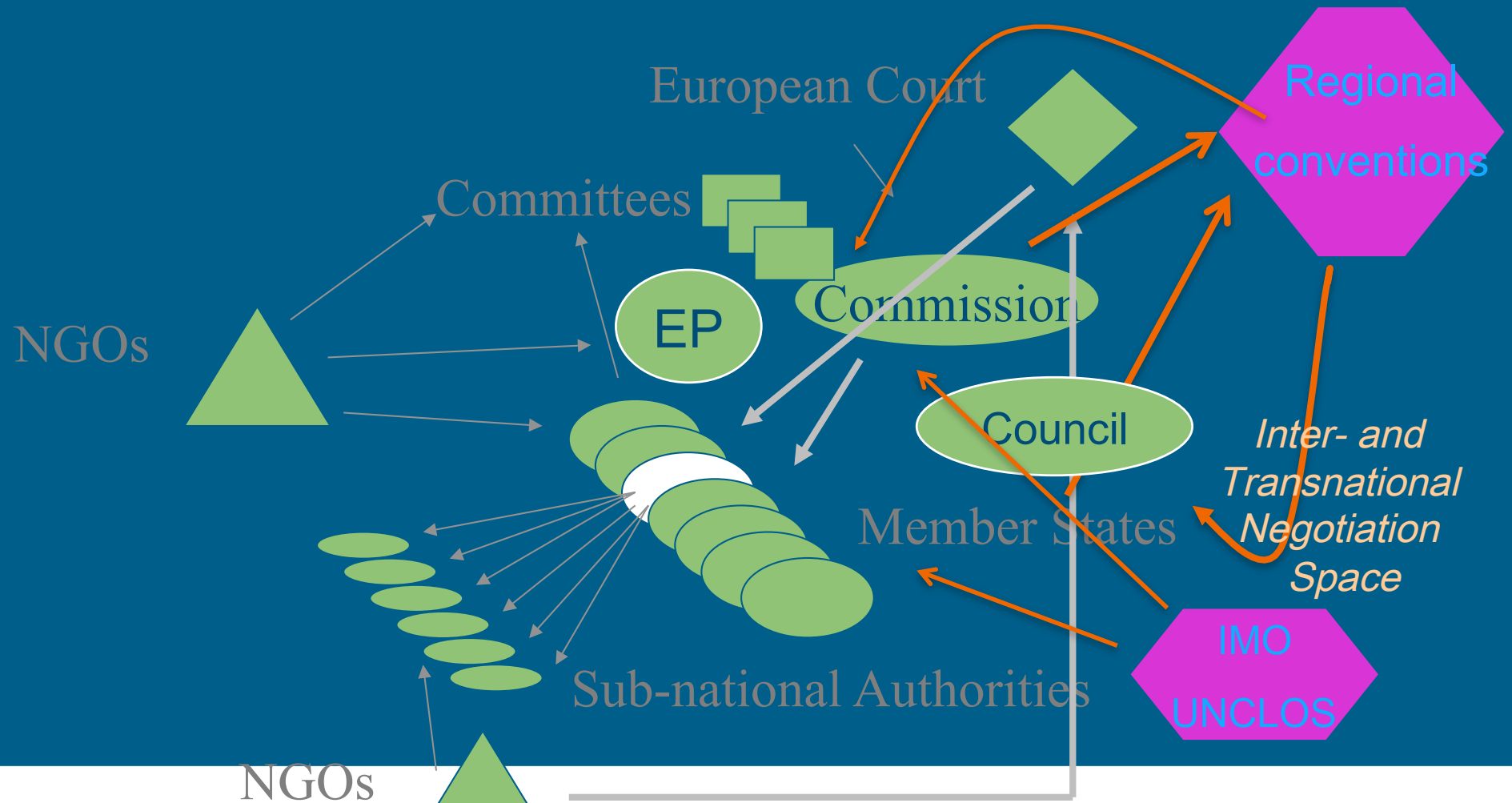
A complex perception of MLG: also committees



A complex perception of MLG: including NGOs and ECJ



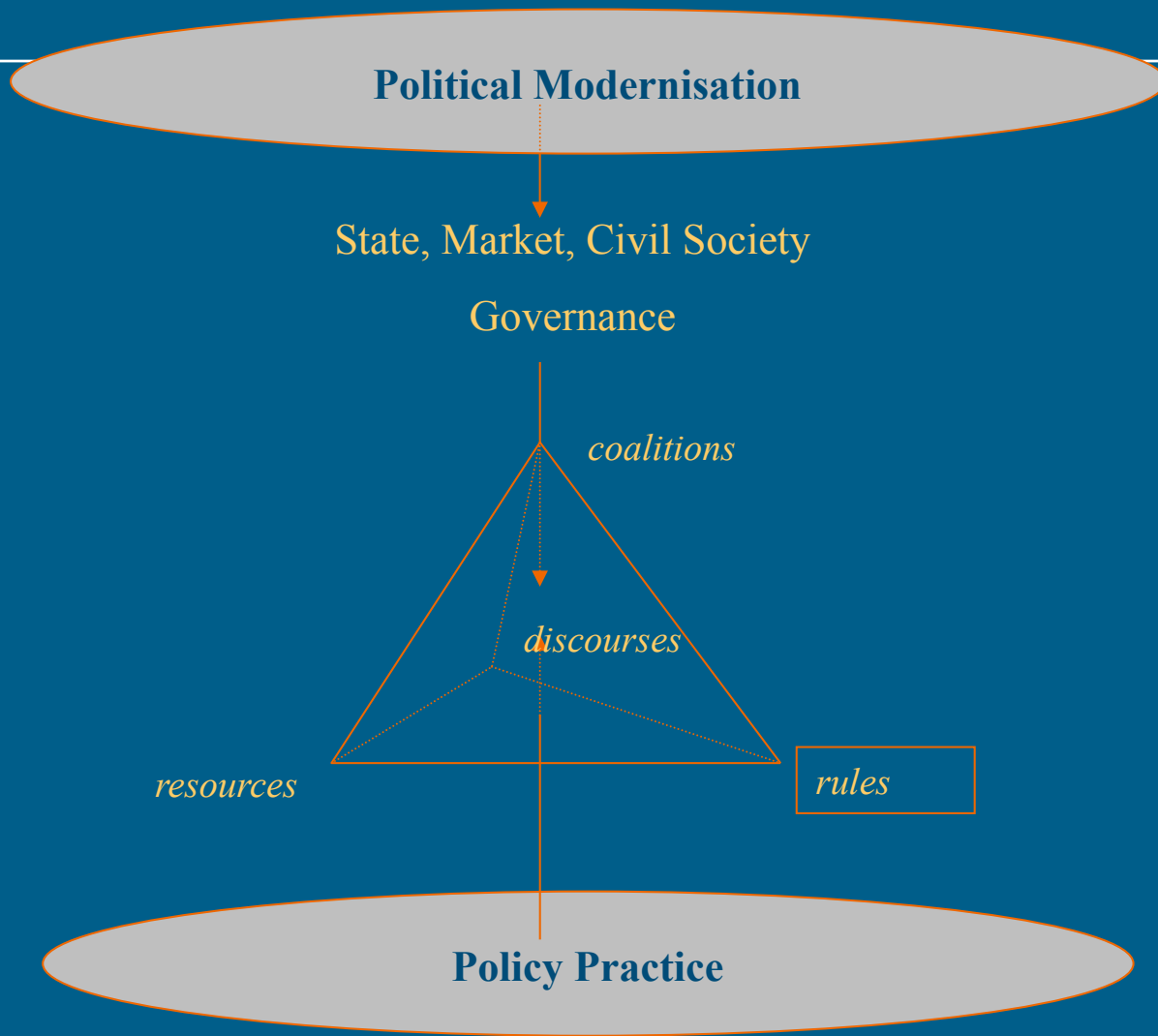
A complex vision on MLG: including IMO, UNCLOS and regional conventions



Policy Arrangements Approach

- Policy Arrangements
 - Coalitions, resources, rules and discourses (structural properties)
- Political Modernization
 - Processes of structural transformation (structure)
- Policy Practices
 - Interactions (agency)





Integrated marine governance

- Sharing of policy-making competences in a system of negotiation between nested general institutions at several levels on the one hand and state actors, market parties and civil society organizations of different maritime activities on the other in order to govern activities at sea and their consequences



Marine Governance is about...

- Processes of marine policy making (in different policy arrangements on different levels)
- The way stakeholders mobilize discourses and how these discourses influence the definition of problems, which solutions are legitimate and which rules of the game are negotiable
- The power relations between these actors and how power balances between the actors in a coalition influence participation (inclusion and exclusion);
- The institutional settings (or system of rules) in which marine policies take place



EU Integrated Maritime Policy

- Green paper: June 2006
- Blue paper: October 2007
 - IMP requires a governance framework that applies the integrated approach at very level as well as horizontal cross-cutting tools, such as
 - Integrated approach to data collection processing and delivery
 - The coordination of surveillance and monitoring activities and processes
 - Maritime Spatial Planning
- Roadmap: 2008



Integrated Maritime Policy: institutional ambiguity and informality

- IMP depends on different implementation regimes
 - MSFD, Natura 2000 (HD and BD), WFD, CFP, ICZM
- IMO – UNCLOS – Regional Conventions – States (MS and non MS) – EU
- Working groups, committees, best practices



EU's Roadmap for Maritime Spatial Planning

- Key instrument for Integrated Maritime Policy (IMP): Blue Paper (October 2007)
- Framework for arbitrating between conflicting claims
 - Balance sectoral interests
 - Achieve sustainable use of marine resources
 - Based on specificities of marine regions and sub-regions
 - Data collection, stakeholder consultation and participatory development of a plan



Reflexive policy arrangements

- Coalitions of public and private actors who have the ability:
 - To change the rules of the game (rule-altering politics)
 - To mobilise resources
 - ...in order to alter the foundations of traditional arrangements based rule-directed politics
- Reflexive marine policy arrangements consists of
 - Coalitions of public actors (several levels) and representatives of the sectoral marine activities have the ability to change the rules of the game and to formulate problems and solutions for specific marine spaces.



The power dynamics of reflexive marine policy arrangements

- Establishing the power architecture of marine policy arrangements
- The negotiations and processes of capacity building within marine arrangements
- The way outcomes of negotiations are translated into formal decision-making circuits



Power architecture

■ Defines the:

- Borders of a marine region and the integrative frame of reference
- Organizational rules and rules of participation/ involvement

■ Dispositional power

- Positioning of actors vis-à-vis each other based on the unequal distribution of resources
- Related to relational and structural power



Negotiations within marine arrangements

- Capacity to define problems and to define solutions
- Relational power (within dispositional power structure) influenced by:
 - Multi-level institutional setting
 - Different dynamics of policies within the sectoral domains
 - Sectoral activities involved



Translation of outcomes in formal decision making circuits

- Processes of institutional embedding:
 - Administrative-bureaucratic
 - Executive
 - Representative-political



Legitimacy

- The acceptance of the political system, law-making, the outcome of policy processes or the quality of decision-making processes.
 - Input Legitimacy
 - Output Legitimacy
 - Throughput Legitimacy
 - Feedback Legitimacy



Questions of legitimacy

	Input legitimacy	Throughput legitimacy	Output legitimacy	Feedback legitimacy
Logic of consequentiality	Are all the relevant participants been selected to formulate solutions for the problems?	Does the process design of marine governance arrangements result in solutions for the problems?	Are the results of the reflexive marine policy arrangements in accordance with the desired outcomes of the actors involved?	Is there consensus and clearness about the political choices among the representatives of the different sectoral marine activities?
Logic of appropriateness	Do forms of cooperation connect to the interests, expectations, norms and values of the participants?	Does the process design fit with the institutional rules of the game?	Do public and private actors show their decisiveness? ready wit? Are the outcomes political and administrative feasible?	Are there enough institutional mechanisms to involve the right actors and to translate the results in formal decision circuits?



Accountability

- A relationship between an actor and a forum, in which the actor has an obligation to explain and to justify his or her conduct, the forum can pose questions and pass judgment, and the actor may face consequences



Four questions

- To whom is the account to be rendered: the problem of many eyes
- Who is the actor: the problem of many hands
- Which aspect of the conduct: financial, procedural, product
- Why would an actor render account to a forum?



Rethinking legitimacy and accountability

- Reflexive marine governance arrangements
- The example of newly to be developed Integrated Marine Governance Councils
 - Change from vertical/hierarchical to horizontal forms of accountability
 - Will enhance input and throughput legitimacy, while the integration of different marine activities could improve output legitimacy
- Multiplication of actors, levels, rules and resources ask for rethinking new modes of legitimacy and accountability



Questions

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