

Circulated in more than 100 States to personalities in the legal and maritime professions



The IMO International Maritime Law Institute Official Electronic Newsletter (Vol. 4, Issue No. 41) 21 March 2007

EU COMMISSIONER FOR FISHERIES INAUGURATES 12TH EC MARITIME LAW COURSE

Commissioner Joe Borg, EU Commissioner for Fisheries, inaugurated the 12th EC Maritime Law Course.



*Commissioner Joe Borg delivering his lecture on
“The Future Challenges of Coordinating a European Maritime Policy” to the Class of 2006-2007*

The text of his speech is quoted below.

Speech by Commissioner Joe Borg
At the International Maritime Law Institute
“The Future Challenges of Coordinating a European Maritime Policy”
Malta, Tuesday, 20 March 2007

Professor Attard,
Students,
Ladies and gentlemen,

I would like to take the opportunity of your kind invitation to be here today, to give you a broad view of the developments underway with respect to a maritime policy for the EU.

The foundations for this policy were laid last June when the European Commission adopted the Green Paper “Towards a future Maritime Policy for the Union: a European vision for the oceans and seas.” A one-year period of consultation was then launched, a period that will come to an end in June this year. We are now more than half way through that consultation period and, already, the response from stakeholders has been both enthusiastic and constructive.

One crucial element of the consultation process has been to emphasize that, while particular sectoral policies will continue to be pursued as policies in their own right, the aim of the proposed maritime policy is to bring these together in such a way so as to ensure better coordination of the existing policies.

The idea of a European maritime policy therefore, is to put forward:

- A holistic framework within which sectoral policies may develop further in a cohesive manner – this necessarily addresses issues to do with governance;
- Ways in which synergies between existing or planned projects may be exploited – this will allow us to maximize the output of the European maritime sector in a sustainable manner.

Europe’s maritime economy is currently enjoying a phase of impressive growth:

- Seaborne trade has grown fourfold in the past 40 years, and the trend is for this to continue, with a real boom in some sectors.
- Container traffic is predicted to triple in 20 years.
- Marine tourism is also displaying high growth rates: the cruise industry, for example, has been growing at around 10% per annum, and the leisure boating industry looks like it can expect steady growth of 5-6% a year.

There is great potential for Europe in many newer maritime activities, too. Deep-sea drilling, renewable energy, blue biotech, mariculture and ocean observation technologies are all becoming important markets. Europe is already the undisputed frontrunner in developing energy from wind, waves and tidal power.

The scope for growth in these sectors, and for the creation of new and better jobs, is abundantly obvious. The need to maintain our position in those sectors where we already enjoy a lead is also crucial.

However, we also know that in the tough, competitive environment of the modern, globalised economy, the EU's leading position in the world's maritime sector cannot be taken for granted. Maintaining Europe's competitiveness in a sustainable manner is the real challenge. Finding the solution will involve ensuring that the right policies, legal framework and decision-making procedures are all in place.

Put simply, we need to ensure we have the right mechanisms of governance to allow us to achieve the desired results.

The EU is in a position of strength to influence the fate of the seas and oceans of the world, as well as of its own extensive coastline. It also has a vested interest in preserving its extensive maritime heritage. But this requires an important, political decision to adopt an integrated approach and to then establish the appropriate management mechanisms for maritime policy-making.

Such policy-making would have to be based on the best technical and scientific advice available and on wide consultation with relevant stakeholders. It would also entail ensuring coherence across sectors, policy objectives, geographical realities and the EU's external policies. Internal institutional questions must be resolved so that the mechanisms for cooperation, coordination and integration are clearly identified. Coordination may also be extended to other areas, such as the military dimension of maritime policy, to the integrated management of territorial waters and even to join work on customs, coastguard activities or security control.

The Green Paper has launched a wide-ranging debate amongst stakeholders on the current international approaches to regulation. We have seen the emergence of some original thinking that puts forward new approaches to meeting the challenges facing today's maritime cluster.

In this context, I would like to make particular reference to the ideas put forward by BIMCO – the Baltic and International Maritime Council – whose members control around 65% of the world merchant fleet. BIMCO makes the point that international shipping regulation has traditionally been focused on ships. Rules have been agreed to, and put into place for, minimum quality standards for ships and their crews and for the quality of safety management. To make further progress in developing the quality of maritime transport, there is a feeling that we need to look beyond the current focus on ships. Should we look at the role of coastal States for example?

Quality ships do indeed require quality services from coastal States – and in particular, the supply of port services, including waste reception facilities, accommodation, certainty of safe passage and essential navigational aids. We need to reflect on the added value of such ideas. I anticipate quite a debate on this particular point.

The sea is a major asset for Europe. This is especially the case for the transport of goods and people to and from Europe – both legally and illegally. The range of challenges we are facing, in order to ensure this access to Europe is managed sustainably, is both wide and far-reaching.

Illegal immigration, particularly human trafficking, poses social and humanitarian problems. It also demands new and improved surveillance from coastal authorities. Furthermore, port installations and shipping are also increasingly vulnerable to terrorist threats.

Effective responses can come only from a higher degree of security cooperation, between civil and military authorities, within the EU and beyond. We need to deploy high-tech responses to new high-tech challenges, with convergence and inter-operability of marine surveillance systems and consistent management of land and marine regulatory systems, to plug existing gaps and to avoid duplication. An integrated maritime strategy will provide the essential framework for such a coordinated response.

But this is not a question solely of security. European coastal regions are becoming more and more attractive for a variety of purposes including for leisure and retirement. Maritime activities along the coast are therefore on the increase. The accompanying development of coastal regions inevitably brings pressures on space and the environment.

European coastal waters possess many opportunities for competing activities. One example is for offshore renewable energy installations. Offshore wind, ocean currents, waves and tidal movements are sources of vast amounts of energy – and are ripe for further development at a time when Europe is increasingly pondering its energy security and the means it can employ to reduce its dependency on fossil fuels.

These opportunities for renewable energy sources however have to compete for space with other uses of coastal waters, such as coastal populations, shipping and fisheries. Maritime traffic is growing at a high rate bringing with it the risk of increased maritime accidents. Shipping, port infrastructure and offshore resource exploitation, including fisheries, are also sectors where, often, large investments in innovative products designed to last for many years, are made. We need to have the means, whereby decisions that can make such investments no longer tenable, are avoided.

All these forces, often pulling in different directions, increase the need for spatial planning – a field in which a maritime policy has significant value to add. Marine spatial planning can play a key role in reducing the vulnerability of marine and coastal areas and in allowing competing activities to comfortably co-exist. It can also help provide the stable, regulatory environment which so many operators need for their business.

Yet to move forward in this area, a number of issues need to be addressed.

At the technical level, Europe needs to look at how marine spatial planning can be achieved. It will be vital to identify the type of data needed, the ways of collecting it and the means of analysis. In order to attain this, we need to identify the existing monitoring tools within the EU –

in the Member States, the Commission and the European agencies – and how planning systems operate, from data collection to planning, design, implementation and, ultimately, enforcement.

On the legal level, it is crucial to establish a solid legal basis for marine spatial planning. We need to take account, in particular, of the United Nations Law of the Sea and current EC law. We need to see what links already exist between the instruments that deal directly or indirectly with spatial planning, such as the recommendation on Integrated Coastal Zone Management, the Water Framework Directive and the proposed Marine Strategy Directive.

At the governance level, lies the issue of the planning process where many questions need to be addressed:

- Who will be in charge of what?
- Which level of governance is the most appropriate to do what: European, national, regional?
- To what extent should stakeholders be involved?
- What common framework of rules is necessary to make cooperation on marine spatial planning work between neighboring countries within the same ecosystem?

I believe that this is one of the most challenging aspects which the Green Paper puts forward for debate.

The consultation process has raised many questions on how to optimize the maritime functions performed by governments. It is clear that we need a detailed analysis of how these functions are carried out by each EU Member State. We can then examine the potential for improving coherence and efficiency through cross-sectoral and cross-border initiatives and cooperation.

Government activities carried out by Member States in coastal waters are not always well integrated. It is often the case that information is not shared between interested ministries or governmental agencies. These activities cover a wide spectrum, ranging from search and rescue to crime prevention and law enforcement in areas such as fisheries inspection, activities related to the prevention of maritime accidents and pollution, illegal trafficking of people and goods, and counter-terrorism. From the consultation process, we can see the potential added value to be gained from further developing cooperation between Member States' offshore activities at national and regional levels.

One idea is to examine how to provide EU Member States with more effective and more efficient vessel identification, tracking and surveillance services. The purpose of these systems would be for Member States to optimize their functions at sea relating to prevention of maritime accidents, illegal activity and law enforcement.

I see an emerging consensus in respect of the fact that the collection of accurate data from different sources constitutes a key component for a safe, secure and sustainable European maritime space. This needs to be given a strong push so as to ensure that the current duplication of efforts and heterogeneous data collections can become a thing of the past.

Another of the challenges faced by the maritime sector is employment. For a number of reasons, primarily the poor image portrayed by the maritime sector, the number of people willing to pursue a 'life at sea' has dwindled considerably.

It is clear that achieving quality in the maritime sector, and thus improving its recruitment prospects, is closely related to improving education and training. We are looking at the possibility of developing a new certificate of maritime excellence for European Maritime Academies. This would go beyond the requirements of the Standards of Training, Certification and Watchkeeping, with a view to equipping European graduates with additional skills and thus more flexibility.

Another aim should be that of developing a maritime qualification that can increase job mobility. This would take the form of a qualification that ensures employability beyond the first stage of a maritime career. A precondition for this, however, would be the mapping out of an individual's potential career path. The advantage of having such a career is twofold. For young people, it is the prospect of a life-long career, and for the industry as a whole, it is a means of attracting and retaining highly qualified people over a longer time span.

Europe's maritime cluster is a major asset – in strategic, economic, social and cultural terms. As I have indicated, we are in the process of identifying the optimal way of governing this asset and I am sure that this unprecedented one-year period of consultation will be time well spent towards achieving this goal.

Governance is not only about putting in place the right decision-making procedures, it is also about asking the right questions and learning the art of listening to the responses.

By stimulating debate and by drawing up policies based on this debate, we hope to provide real added value – value which can best be produced at a European level. We are not in any way seeking to replicate work that is already being done, at a regional, national or international level.

I am pleased to say that developing Europe's maritime policy is proving to be an example of how such a process can truly yield results and leave a positive impact on the life of millions of European citizens who, directly or indirectly, interact with our seas.

I augur that you too, already at this stage or later on in your chosen career, will make a contribution to our European maritime sector. We have a long and rich maritime tradition of which we can be most proud. It is however a heritage that we must also protect.

I wish you a successful and rewarding course.

For further information please contact Ms. Josephine Uranza (Editor, IMLI e-News) at publications@imli.org