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CONTEXT ELEMENTS :

One is that the Oceans are one of the most efficient tools for human exchanges ie for peace, and an irreplaceable link between people and between continents. But another one is that the weight of maritime activities is dramatically accelerating (they represent to-day 1500 billion € and should reach around 2500 in ten years, out of which 500 will come from the “new sea industries”: food, medicine, renewable energies, deep-sea mining, biotechnologies...). This illustrates that in all respects (economic, social or environmental) the seas are the future of earth/mankind, and that the main challenge of the sustainable development is to conciliate the protection of the fragile marine environment with the economic growth...which remains absolutely necessary *no 0 growth!* (And for which good quality professionals should absolutely be supported and encouraged).

Another one is that the freedom of the seas remains necessary for peace, but that (from an environmental point of view) one has probably reached the stage where too much freedom could kill freedom itself. Maritime nature needs to be protected

One last element is that maritime governance has become more and more complex in the recent past, due to:

- the appearance (or awareness) of numerous hot environmental challenges
- the necessity to secure more and more both safety and SECURITY at sea
- the necessity to coordinate numerous simultaneous activities in same geographical areas
- the necessity that the States should no longer hide themselves behind the absolute concept of sovereignty (for instance States should possibly be attracted to Court when they fail in their duty “as managers” . Example of Maltese State not in the Erika case).

International governance

- The quality of the work of IMO is generally excellent and appropriate. It is the way the rules are being applied which is more under fire.
- On the one hand some countries have either insufficient means (poor countries), or no goodwill (the convenient countries) to enforce

agreements in their areas of jurisdiction, whilst on the other hand there is no international police force (not even blue helmets like) in the High Seas, to ensure the effective enforcement of the international governance tools

- In another respect, there are indeed a plethora of official bodies involved in ocean governance, and most of them are related to the United Nations. The work of these organizations should be better coordinated
- Indeed there is inefficient use and implementation of the existing international ocean governance framework, or insufficient coordination among its components, and finally the whole system is perverted: *For instance with regards to the illegal, unregulated and unreported and unpunished fishing!, where there is often a lack of means when it comes to enforcement of the agreements, maritime surveillance and prosecution. It does not only concern Third World countries but also richer European countries (which moreover shorten military expenditures at sea). Whilst if the states were fulfilling their duties, the fishing poaching would be eradicated, and there would not be any problem of overfishing!*
- Hence there is a clear need for a strong coordination authority at international level (a world ocean governance).

Given the amount of existing bodies, it does not make sense to create a new body. In our view the best approach is to reinforce the existing International Maritime Organization (IMO) whose expertise covers most of the relevant issues but who is a political dwarf. One should probably extend the scope and the means of the Organization itself (which currently must rely only on the states goodwill to have its regulations enforced)

European governance

- Maritime Europe must less think/decide European regional regulations, and more push towards universal measures (at IMO level)
EU did prove in the past that it could force and obtain universal positive rules, just by being very firm (example of the third level of compensation by the FIPOL Fund)

- In the EU, progresses could/should come only from succeeding to push all political Bodies to proceed together (Council, Commission, Parliament) with the will to speak with one voice, and have common maritime proposals, pushed by all MS's at the appropriate international Bodies.
- The European Union should continue to seek an observatory status, (by no means a full membership, by principle and because European positions will remain stronger with 28 voices instead of one) in order to better coordinate Member States positions.
- Still Europe has a specific weight and responsibility: biggest EEZ worldwide; presence one way or another in all existing regional oceanic commissions; maritime regulatory capacity for instance re fishing and gas emissions; security challenges along its maritime borders...
- Last but not least, when it comes to ratification of international conventions, the EU (through stronger and coordinated joint pressures from both the Commission and the European Parliament) should push more efficiently the States to ratify quickly, thereby paving the way for a quicker entry into force)

Identified fields in which Europe could/should have a leading role:

- The EU should provide foreign aid to enable poorer countries to manage and protect their territorial waters and Exclusive Economic Zone, and to have qualified human means to control the respect of international conventions in their territorial waters (not expensive: technical co-operation).
- Governance for deep sea mining (in- and outside national waters), thanks to the numerous worldwide European industrial (leaders acting in that field of activity
- Governance for offshore activities in arctic area (from a stakeholder perspective)
- Sustainable development: possible unbalances between protection of the environment (sustainability) and growth (development) have to be

overcome with incentives, e.g. of fiscal nature (investment tax credit for the purchase of new ships or new equipment, provided there is a positive environmental impact)

- Insist on reference to the Montego bay convention for solving the emerging conflicts (in the Sea of China for instance)
- Encourage the use of a common maritime economic data base (at least at European regional level). Encourage the emergency of cluster type entities