CHAPTER THIRTY-ONE

PRINCIPLES AND NORMATIVE TRENDS IN EU OCEAN GOVERNANCE

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INTRODUCTION

The regulation of maritime activities is undergoing fundamental change in the European Union (EU). Much of this change is orchestrated under the rubric of the so-called EU’s Integrated Maritime Policy (IMP) and is aimed at promoting a more harmonious and efficient approach to ocean governance by the EU and the Member States. In parallel with this development, the EU is supporting several academic research projects that are exploring different ways to improve marine resources management in the EU. Among these projects, the ODEMM project1 is reviewing management options that will improve the implementation of the ecosystems approach in the European marine environment in line with the obligations set down in a new generation of EU Directives including the Marine Strategy Framework Directive (MSFD) and its more complex sister the Water

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1 This acronym refers to “Options to Deliver Ecosystem-Based Marine Management”. This project is supported by the European Commission’s 7th Framework Research Programme, Theme ENV.2009.2.2.1.1, Project No. 244273. Further information: http://www.liv.ac.uk/odemm/. The author wishes to acknowledge the comments and proof reading skills of Margaret Armstrong MSc and Erin McVeigh in preparing this chapter, which remains the sole and original work of the author.
Framework Directive (WFD),\textsuperscript{2} as well as the Habitats and Birds Directives,\textsuperscript{3} to name but a few.

One common feature in these instruments is that they codify a number of fundamental principles that are applicable to the task of maritime regulation and ocean governance in the EU. This is not a unique development, stemming from the \textit{sui generis} nature of the European legal order, as many similar principles permeate a growing range of multilateral and regional agreements that set down legally binding obligation for the EU and the Member States in relation to the protection and preservation of the marine environment and the resources that it supports. Unsurprisingly, these normative influences are also at the heart of the ten principles identified by the International Union for Conservation of Nature (IUCN) that are applicable to modern ocean governance.\textsuperscript{4} They are clearly germane to managing the jurisdictional overlaps and conflicts arising between the various maritime sectors that come within the scope of EU law and policy. Their application is necessary because in the words of the European Commission “all matters relating to Europe’s seas and oceans are interlinked” and maritime sector policies need to be coherent and integrated.\textsuperscript{5} They are thus a vital mechanism for mitigating the environmental effects of maritime activities, a key objective of the IMP and its so-called environmental pillar the MSFD.

With this in mind, the overall focus of this chapter is to describe a number of key ocean governance principles that are applicable to the nascent IMP and to present a brief assessment of their status and effectiveness within the European legal order. In order to tackle this subject, this chapter describes briefly the objectives and legal basis of the IMP and goes on to outline four of the principles that are beginning to shape various aspects of the EU’s approach to maritime governance.


