

## Chapter 2

# Governance

Such a short and simple word but what confusion it causes. Its significance in the context of maritime failure is so substantial that before we go on it is essential that its meaning and interpretation are made clear. Our first task is to define the term governance—but however, easy this might sound, the sheer number of definitions that exist is itself indicative of a concept that is both uncertain and central to the policy-making debate.

Governance is a vague term that has been widely re- and mis-interpreted over many years and examples of the variety of interpretations come from Finkelstein (1995), Gaudin (1998), Heretier (2002), Kooiman (2003), Kersbergen and Waarden (2004) and as far back as Hecló (1972). Jessop (1998, p. 29) indicated that governance had only relatively recently become a ‘buzzword’ in the social sciences while Krahnmann (2003, p. 323) stressed that definitions are ‘as varied as the issues and levels of analysis to which the concept is applied’. However, he did suggest that common to them all was the changing focus of political activity. Meanwhile Rhodes (1996) had already observed that there were at least six uses of the term governance in the UK political system alone. The range of meanings and definitions has expanded as the concept has increased in use which between 1980 and 2000, an analysis of the Social Science Citation Index indicated had risen to 20 entirely different areas from virtually none. The significance of arriving at an acceptable definition was stressed by Skelcher et al. (2004, p. 3) who cited Hajer’s (2003) conviction that policy-making now proceeds in an ‘institutional void’ with no clear rules or processes for governance which increasingly addresses multiple problem public domains. At the same time the creeping influence of globalization has meant that policy-making is occurring ‘in spaces parallel to and across state institutions and their jurisdictional boundaries’; Jessop (2003a, p. 31) described this as ‘looking beyond the state’ while Zurn (2003, pp. 348–349) used similar terminology to encompass ‘political denationalization’ which can take the form of regional, supranational or international government. The need for a meaningful definition could not be more obvious.

Here we can only point to the large body of literature that has considered the issue of definition and suggest a number of interpretations that are acceptable and

have particular relevance to the policy-making process in the maritime sector. Krahmman provided support for this approach as he defined four broad areas of use of governance as a concept, one of which he identified with studying a particular policy sector such as education, health or transport. For our purposes this will focus on maritime governance.

Jachtenfuchs (2001, p. 24) took the work of Zurn (1998, p. 12) to provide a generic definition that is useful in establishing the premise upon which governance is based:

governance can be understood as the intentional regulation of social relationships and the underlying conflicts by reliable and durable means and institutions, instead of the direct use of power and violence.

A similarly very broad definition was given by Kazancigil (1998, p. 70) quoting from the Report of the Commission on Global Governance (1995, p. 2) where governance was seen as:

the sum of the many ways individuals and institutions, public and private, manage their common affairs. It is a continuing process through which conflicting or diverse interests may be accommodated and co-operative action may be taken. It includes formal institutions and regimes empowered to enforce compliance as well as informal arrangements that people and institutions either have agreed or perceive to be in their interest.

Rhodes (1997, p. 11) suggested an alternative which he applied to the analysis of governmental change:

Governance refers to self-organizing, interorganizational networks characterized by interdependence, resource exchange, rules of the game, and significant autonomy from the state.

In the light of this he suggested that there were six different ways in which governance can be used:

- In the minimal state.
- As corporate governance.
- As the new public management.
- As good governance.
- As a socio-cybernetic system.
- As self-organizing networks.

It is the contention here that these all interlink and overlap and that in the context of maritime policy-making, 1, 3, 4, 5 and 6 all have their role to play. However, 5 is probably of most interest at this stage as its consideration would inevitably include a variety of issues such as:

- Policy outcomes are not only the products of actions by central government as these actions have to interact with many other authorities.
- Central and national government is no longer supreme.

- The international system is a vital component of governance at all jurisdictions (Rhodes 1997, pp. 25–26).

Rhodes concluded that there were a number of shared characteristics of governance that will always feature regardless of the context:

- Interdependence between organizations. Governance is broader than government, covering non-state actors. Changing the boundaries of the state meant that the boundaries between public, private and voluntary sectors became shifting and opaque.
- Continuing interactions between network members, caused by the need to exchange resources and negotiate shared purposes.
- Game-like interactions, rooted in trust and regulated by rules of the game negotiated and agreed by network participants.
- A significant degree of autonomy from the state. Networks are not accountable to the state they are self-organizing. Although the state does not occupy a sovereign position it can indirectly and imperfectly steer networks.

How many of those are reflected in the current state centric, hierarchical governance framework that characterizes the maritime sector?

Meanwhile, De Alcantara (1998, p. 105) focused more on the process of governance in defining it as involving:

building consensus, or obtaining the consent or acquiescence necessary to carry out a programme, in an arena where many different interests are in play.

The World Bank (2000), cited in (Brooks and Cullinane 2007a, p. 10) suggested that governance is:

The traditions and institutions by which authority in a country is exercised for the common good. This includes (i) the process by which those in authority are selected, monitored and replaced, (ii) the capacity of the government to effectively manage its resources and implement sound policies, and (iii) the respect of citizens and the state for the institutions that govern economic and social interactions among them.

Perhaps most interestingly, the World Bank, despite being an international policy-making institution, is clearly nationally focused in its assessment of governance, reflecting the national representation that dominates its proceedings. Meanwhile, Jessop (1998, p. 30) considered governance to be a complex issue but this complexity can be accommodated if it is decentred and pluralistic, the latter reflecting the multi-stakeholder characteristics of those governed (Glagow and Willke 1987). He rejected the traditional dichotomous governance arguments of market vs hierarchy, plan vs market, anarchy vs sovereignty and private vs public which have dominated the literature (see for example Zhang 2005, p. 199 who suggested that governance models which reflect the rise of globalization can be divided neatly into market-economy oriented and civil society oriented) and quoted from Scharpf (1993, p. 57):

Clearly, beyond the limits of the pure market, hierarchical state, and domination-free discourses, there are more—and more effective—co-ordination mechanisms than science has hitherto grasped empirically and conceptualized theoretically. (*translated by Jessop*)

Wang et al. (2004, p. 238) cited Stoker (1998) who saw governance increasingly accommodating market and government failures and needing to recognize the increasing power and influence of non-government bodies. This suggested an ever increasing interdependence of actors leading to the idea that governance was best seen as:

- A set of institutions and actors that are drawn from but also beyond government.
- The blurring of boundaries and responsibilities for tackling social and economic issues.
- Power dependence involved in the relationships between institutions involved in collective action.
- Autonomous self-governing networks of actors.
- The capacity to get things done which does not rest on the power of governments to command or use their authority.

Williams (2005, p. 9) provided a state-orientated definition that although vague, pointed in the direction of governance that many people might first consider:

the ability of the state to impose an order on aspects of social, political and economic life... It is concerned above all with the capacity of the state to govern social, political and economic processes.

Referring back to Krahmhann (2003, p. 9), he also provided a national focus where:

the concept of governance has come to represent political systems in which authority is fragmented amongst a multitude of governmental and nongovernmental actors to increase efficiency and effectiveness.

Jessop (1998, p. 29) suggested that governance can refer to ‘any mode of coordination of interdependent activities’ These included what he termed as the anarchy of exchange (or the market approach to activity); organizational hierarchy (which has particular relevance to maritime governance); and self-organizing heterarchy (which referred to networking by self-interested participants). The choice of which governance mode is applied in any particular context (including maritime) should rest on the characteristics of the sector.

Smouts (1998, p. 83) took a wider view and incorporated explicitly both the private and public sector in his consideration of governance, quoting from the Commission on Global Governance (1995, pp. 2–3):

Governance is the sum of the many ways individuals and institutions, public and private, manage their common affairs. It is a continuing process through which conflicting or diverse interests may be accommodated and co-operative action taken. It includes formal institutions and regimes empowered to enforce compliance, as well as informal arrangements that people and institutions either have agreed or perceive to be in their interest.

Borzel (2010, p. 194) suggested that governance had to consist of both structure and process, the former consisting of the actors and institutions and the latter the social coordination that takes place between them. Gereffi et al. (2005, pp. 83–84) defined the characteristics of governance within value chains while Hess (2008, pp. 456–457) took this further, quoting Allen (1997, p. 64) who suggested that governance was related to power and that:

power is anchored in institutional space, with different types of disciplinary institutions, the workplace among them, governed by an assembly of practices which map onto one another but also display their own specific, diagrammatic quality.

Other definitions included Malpas and Wickham (1995, p. 40) who took the broadest of views of governance as ‘any attempt to control or manage a known object’; and Hirst’s (1997b, p. 3) all encompassing attempt:

the means by which an activity or ensemble of activities is controlled or directed, such that it delivers an acceptable range of outcomes according to some established social standard.

Szczerski (2004, pp. 1–2) took a comprehensive review in outlining Rhodes’ (2000, pp. 56–64) seven different types of governance to which we referred earlier. Meanwhile de Senarclens (1998, p. 92) claimed that governance:

reflects the idea that national governments do not have the monopoly to legitimate power, that there are other institutions and actors that contribute to maintaining order and participate in economic and social regulation. The mechanisms of managing and controlling public affairs involve – at local, national and regional level – a complex set of bureaucratic structures, political powers ranked in a more or less rigid hierarchy, enterprises, private pressure groups and social movements. Governments no longer monopolize the functions of political command and mediation. These functions are now exercised by a broad range of governmental and non-governmental organizations, private undertakings and social movements.

and that of De Alcantara (1998, p. 105) who suggested that:

governance’ involves building consensus, or obtaining the consent or acquiescence necessary to carry out a programme, in an arena where many different interests are at play.

The emphasis on the word ‘consensus’ is especially significant in the light of the deteriorating relationships between the IMO, the EU and member states over many maritime policy issues and the debates going on within member states about governance and the maritime sector (Lloyd’s List 2008).

Jordan (2001, p. 199) attempted to place a definition of governance within the framework of European Union integration—something of direct relevance to the discussion of maritime policies. He quoted Rosenau (1992, p. 4) on governance:

Governance... is a more encompassing phenomenon than government. It embraces governmental institutions, but it also subsumes informal, non-governmental mechanisms whereby those persons and organizations within its purview move ahead, satisfy their needs and fulfill their wants.

This optimistic view of governance is of direct relevance to the policy failures we have identified here—if successful governance creates a satisfied and fulfilled

society, then does this not question the competence and relevance of a governance framework for the maritime sector that seems to generate an over-abundance of failure?

He went on to quote Kooiman (1993, p. 4) whose comments on governance he saw as particularly relevant to the EU in that governance was:

a pattern or structure that emerges in socio-political systems as a 'common' result or outcome of the interacting intervention efforts of all the involved actors. This pattern cannot be reduced to one actor or group of actors in particular... No single actor, public or private, has all knowledge and information required to solve complex, dynamic and diversified problems; no actor has sufficient overview to make the application of particular instruments effective: no single actor has sufficient action potential to dominate unilaterally in a particular governing model.

This view that governance is far from restricted to state action was backed up by Stoker (1998, p. 17) who saw:

the essence of governance (as) its focus on governing mechanisms that do not rest on recourse to the authority and sanctions of government.

Stoker also suggested that governance provided a framework for 'understanding changing processes of governing' and quoted Judge et al. (1995, p. 3) who claimed that these frameworks:

provide a language and frame of reference through which reality can be examined.

Stoker also provided what he termed five 'propositions' that define governance. They comprise a useful summary of the characteristics of governance that have relevance to our discussion as we move on. In some cases the characteristics he pointed out relate directly to issues we shall raise in maritime governance and its potential failure to provide an adequate framework for the policy-making process:

- Governance refers to a set of institutions and actors that are drawn from but also beyond government.
- Governance identifies the blurring of boundaries and responsibilities for tackling social and economic issues.
- Governance identifies the power dependence involved in the relationships between institutions involved in collective action.
- Governance is about autonomous self-governing networks of actors.
- Governance recognizes the capacity to get things done which does not rest on the power of government to command or use its authority. It sees government as able to use new tools and techniques to steer and guide.

Newman and Thornley (1997, p. 968) considered governance in the light of urban policy and planning and believed it involves 'grasping the fragmentation of institutions, the changing role of central government and the emergence of new networks—both public and private—which attempt to co-ordinate policy areas'. Obando-Rojas et al. (2004, p. 299) saw governance as typically dependent upon fulfilling 'multi-layered and multi-agency obligations to achieve intended goals'.

One of the most interesting definitions was provided again by Borzel (2007, p. 3) who, following the work of Mayntz and Scharpf (1995, p. 19; Mayntz 2004; Scharpf 2001) considered that governance could be:

understood as institutionalized modes of coordination through which collectively binding decisions are adopted and implemented. In this understanding governance consists of both structure and process. Governance structures relate to the institutions and actor constellations while modes of social coordination refer to the processes which influence and alter the behaviour of actors. Governance structures and processes are inherently linked since institutions constitute arenas for social coordination and regulate their access, allocate competencies and resources for actors and influence their action orientations.

Newman (2001, pp. 11–12, 15, 17) wrote extensively defining governance and identifying its main themes. She suggested that it represented shorthand for changes in a number of relationships:

- A set of elusive but potentially deeply significant shifts in the way in which government seeks to govern (Pierre and Peters 2000).
- It denotes the development of ways of coordinating economic activity that transcend the limitations of both hierarchy and markets (Rhodes 1997).
- It highlights the role of the state in ‘steering’ action within complex social systems (Kooiman 1993, p. 2000).
- It denotes the reshaping of the role of local government away from service delivery towards ‘community governance’ (Clarke and Stewart 1999; Stewart and Stoker 1988).

These changes are located within the broader process of change exemplified by globalization and later described and analyzed within the Postmodern epoch where the flow of power has been away from the nation-state and both upwards to international and supra-national authorities and downwards to the regions and localities. The new governance that these changes demands must ‘rely on a plurality of interdependent institutions and actors drawn from within and beyond government’. Newton (2001, p. 12) cited Pierre and Peters (2000) and Rhodes (1997) in describing governance as a ‘promiscuous concept, linked to a wide range of theoretical perspectives and policy approaches’. It was a two-way process following the work of Kooiman (1993a, p. 4), no longer the governed following the governing but one where ‘aspects, qualities, problems and opportunities of both the governing system and the system to be governed are taken into consideration’. It operates over all jurisdictions and at each may well operate in different ways. It was complex and multi-faceted accommodating ‘complex interactions and interdependencies of government institutions, communities, citizens and civil society’ (Newton 2001, p. 17). Table 2.1 summarizes Newton’s view of the new governance that needed to emerge as a response to the globalized era which we are witnessing.

Weiss (2000, p. 806) also reflected on the need for a new governance accompanying globalization, noting the fact that international trade, relations and politics are no longer simply composed of states but are also characterized by a growing number of non-state actors. The world has become increasingly decentralized so

**Table 2.1** Governance shifts

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1. A move away from hierarchy and competition as alternative models for delivering services towards networks and partnerships traversing the public, private and voluntary sectors
  2. Recognition of the blurring of boundaries and responsibilities for tackling social and economic issues
  3. Recognition and incorporation of policy networks into the process of governing
  4. Replacement of traditional models of command and control by ‘governing at a distance’
  5. The development of more reflexive and responsive policy tools
  6. The role of government shifting to a focus on providing leadership, building partnerships, steering and coordinating and providing system-wide integration and regulation
  7. The emergence of ‘negotiated self-governance’ in communities, cities and regions, based on new practices of coordinating activities through networks and partnerships
  8. The opening-up of decision-making to greater participation by the public
  9. Innovations in democratic practice as a response to the problem of the complexity and fragmentation of authority and the challenge this presents to traditional democratic models
  10. A broadening of focus by government beyond institutional concerns to encompass the involvement of civil society in the process of governance
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Source Newton 2001

that the existing ‘monolithic and top-down view of governance’ with a central sovereign in its midst, is now inappropriate.

Fritz (2010, pp. 4–5) characterized good governance by five main principles derived from the work of the EU:

- *Participation*—which he saw as the most significant characteristic. This is often viewed as the same as pluralism and ensuring that the maximum number of interested parties has the opportunity to take part in the governance process. Fritz divided pluralism into external and internal features with the former only well designed when it provides for widespread opportunities for participation rather than involving pre-selection of familiar experts. Internal pluralism referred to those from the immediate community of the discipline involved. External maritime pluralism would include politicians, environmentalists, media groups etc.; internal pluralism would include traditional maritime interests. Both should encourage participation rather than only inviting it.
- *Accountability*—this is usually equated with traceability and accepted rules of procedure and might be reflected in procedures in meetings, the layout, content and language of documents and discussions etc.
- *Openness*—is more about transparency although it is both recognized and understood that complete openness in any policy-making is not always possible for security and confidentiality reasons. In maritime governance openness raises questions about public accessibility to where decisions about policy are made, the availability and cost of policy documents, the use of language and the clarity of information provided by policy-makers etc.
- *Effectiveness*—centres on the use of resources in the context of the task in hand. It is thus a criterion close to ‘efficiency’. The EU has recently come up with

three sub-criteria—saliency (have decision-makers the information they need), credibility (is the information technically correct) and legitimacy (are the interests of the maritime user at its heart)—which might help to make the assessment of effectiveness more precise.

- *Coherence*—is the governance process consistent and does it provide a coordinated and systematic process of policy-making?

The European Commission (Commission of the European Communities 2001, pp. 10–11; Commission of the European Communities 2009, pp. 2–3) provided considerably more detail of these five pointers (dressed up with a little proportionality and subsidiarity) towards good governance and for now we shall take them as indicators of how we might progress the maritime governance process at all jurisdictions. Gore and Wells (2009, p. 160) indicated what they saw as particularly useful approaches to understanding policy-making and governance including adopting post-positivist analytical and methodological approaches as outlined by Mazey (2000, p. 355). These include constructivism, discourse analysis, new institutionalism, policy networks and social movement theory which together can be used to explain ‘political and policy phenomena’. Governance has to accept that ‘reality is socially constructed and as such, rests upon ideational factors such as norms and embedded belief systems’. Good governance therefore needs to be diffused, dispersed across multiple jurisdictions, essentially superior to any monopoly-based governance determined by a central state (Marks and Hooghe 2004, p. 16). Such systems would reflect better the ‘multitude and complexity of individuals’ preferences, alluding to the issue of stakeholders in policy-making to which we return much later on, and also to the greater opportunities for jurisdictional competition, experimentation and innovation—something which is wholly absent in maritime governance at present (Weingast 1995; Oates 1999, 2002; Perraton and Wells 2004). Jessop (1997, p. 574) agreed identifying a clear move from government to governance, from a central state apparatus, characterized by ‘state-sponsored economic and social projects and political hegemony towards an emphasis on partnerships between governmental, para-governmental and non-governmental organizations in which the state apparatus is often only first amongst equals’ (MacLeod and Goodwin 1999, p. 506).

Haas (1992, p. 6) suggested that good governance is only possible if there is a greater understanding of international policy change and he proposed a number of ways in which this understanding could be improved. Table 2.2 summarizes these approaches.

Valaskakis (1999, pp. 163–164) debated the appropriate level of governance that should be applied and hit upon the problem that around 500,000 individual government bodies existed at all jurisdictions world-wide and the extension of globalization had made the selection of suitable jurisdictional locations for policy-making that much more difficult. He saw the principle of subsidiarity very useful but left the reader a little lost as to how to arrive at the optimum jurisdiction for any governance application. Turke (2008, p. 1) meanwhile saw complexity, diversity and dynamics as central features in today’s governance referring to the

**Table 2.2** Approaches to the study of policy change

Approach	Level of analysis and area of study	Factors that influence policy change	Mechanisms and effects of change	Primary actors
Epistemic communities approach	Transnational; state administrators and international institutions	Knowledge; causal and principled beliefs	Diffusion of information and learning; shifts in the patterns of decision-making	Epistemic communities; individual states
Neo-realist approaches	International; states in political and economic systems	Distribution of capabilities; distribution of costs and benefits from actions	Technological change and war; shifts in the available power resources of states and in the nature of the game	States
Dependency theory-based approaches	International; global system	Comparative advantage of states in the global division of labor; control over economic resources	Changes in production; shifts in the location of states in the global division of labor	States in the core, periphery and the semi-periphery; multinational corporations
Post-structuralist approaches	International; discourse and language		Discourse; the opening of new political spaces and opportunities	Unclear

Source Haas (1992, p. 6)

fact that modern societies were multi-layered and complicated and that multiple actors rather than governments alone, featured prominently. These actors were pluralist and fragmented and governments switched between representation of local/regional to international/supranational constituencies at alarming speed.

The issue of pluralism and its contrast with the traditional hierarchical governance framework that characterizes the maritime sector is one that deserves more explanation especially since any move away from hierarchies and state-centricism will inevitably involve a pluralist shift. McLennan (1995, p. 39) stressed the rise of pluralism and its relevance to today's governance debate:

with Marxism and neo-corporatism shoved out into the wings, we are now confronted with the rather surprising scenario in which sociopolitical pluralism, somewhat dazed, rusty and hesitant, has been summoned to rise up and take the theoretical centre-stage once again.

McLennan (1995, pp. 28–29) was a fierce proponent of pluralist governance citing Bertrand Russell who in 1907 had experienced a ‘revolt into pluralism’. Russell was fearful of the ‘monistic theory of truth’ when he spoke at the Aristotelian Society in London (Russell 1959). This ‘logical atomism’ as it became known had negative characteristics, viz:

the logic that I should wish to combat maintains that in order thoroughly to know any one thing, you must know all its relations and all its qualities, all the propositions in fact in which that thing is mentioned; and you deduce of course from that that the world is an interdependent whole... of course it is clear that since everything has relations to everything else, you cannot know all the facts of which a thing is a constituent without having some knowledge of everything in the universe. (Russell 1972, pp. 59–60)

William James was another proponent who expressed concern at the neglect of pluralism as a philosophical concept:

It is curious how little countenance radical pluralism has ever had from philosophers. Whether materialistically or spiritualistically minded, philosophers have always aimed at clearing up the litter with which the world is apparently filled... As compared with all their rationalizing pictures, the pluralistic empiricism which I profess offers but a sorry appearance. It is a turbid, muddled, gothic sort of affair, without a sweeping outline and with little pictorial nobility. (James 1909, p. 26)

Quite. Yet no less valid because of it. Pluralist trends have been emerging for decades and the increasing problems faced by maritime policy-makers are indicative of the pluralist conflict with the traditional monolithic, governance hierarchy. Pluralism rests on the suggestion that as McLennan states, ‘there are many separate things in the world’. However, its own characteristics mean that it lacks coherence and as a result has been commonly looked upon as an ‘oppositional programme’ which provides a ‘purposeless’ framework for society (including governance, policy-making and so on). Ward (1911) also recognized a self-defeating problem with pluralism in that if strictly adhered to, the differentiation it implies can run to infinity. Meanwhile, to be able to make use of its values as a philosophical structure, an overarching framework is needed, a ‘unifying move’ which is represented by a principle of faith to make sense of the ontological dispersion that pluralism suggests. This is inevitably self-contradictory. The pluralist debate has continued ever since as the concept has risen in significance with the dialect implied by globalization where fragmentation and consolidation work hand in hand to create dilemmas for governance.

Definitions of pluralism abound. Schmitter (1979) suggested that:

Pluralism can be defined as a system of interest representation in which the constituent units are organized into an unspecified number of multiple, voluntary, competitive, non-hierarchically ordered and self-determined... categories which are not specially licensed, recognized, subsidized, created or otherwise controlled in leadership selection or interest articulation by the state and which do not exercise monopoly of representational activity within their respective categories.

Atkinson and Coleman (1989, pp. 55–57) wrote extensively on a variety of different pluralisms that they identified including ‘pressure’, ‘clientele’ and

‘parentula’ pluralisms each of which are characterized to a different degree by fragmented interests and horizontal power relationships.

Puchala (1972, p. 278) reflected on pluralist interpretations of the nation-state while Kjaer (2004, p. 22) viewed pluralism as opposed to interests vested in powerful organizations with direct and privileged access to state institutions and instead placed in a plurality of individuals. McLennan (1995, p. 34) viewed pluralism as ‘premised on a critical approach to both metaphysics and statism’, but particularly focusing on the latter. As such it is particularly relevant to our discussion of governance, the role of the nation-state and the problems that seem to have occurred in policy-making in the maritime sector. He supported the significance of pluralism in the newly globalized world through five ‘planks’:

- Industrial society evolves in an ever-more complex way, interdependent and increasingly well-informed.
- Social groups are the basic units of interaction and socialization—commonly overlapping and relatively small.
- The state remains but should be acting as a ‘processor’, aiming at striking balances between competing interests and demands.

The whole political process has been cast by turns as a social physics of pressures and counter-pressures, as an equilibrium curve, as the demand for and supply of political goods, and as an evolutionary sequence of competition and organic adaptation. (Kjaer 2004, p. 22)

- Basic civic democracy is reflected in a pluralist organization of society and this is allied with the individual’s failure to agree to the over-arching interests of social harmony.
- Pluralism rejects ‘grand theorizing around abstract quasi-philosophical themes’, preferring empiricism and qualitative description.

Pluralism as a concept related to governance has generated considerable debate over a considerable period of time. Morgan (1997, pp. 404–405) identified a substantial literature relating to political thought (Bentley 1908; Maitland 1911; Figgis 1913; Follett 1918; Laski 1917, 1919); organizational theory (Follett 1973; Filley 1975; Thomas 1976; Robbins 1978; Burrell and Morgan 1979; Brown 1983; Graham 1995); its contrast to unitary theory (Ross 1958, 1969; Fox 1966, 1974); its relationship to disordered social and cultural cleavages (Merrien 1998, p. 58); and its relationship to conflict (Coser 1956). Atkinson and Coleman (1992, p. 160) stressed the importance of policy pluralism quoting Laumann and Knoke (1987, pp. 378–380) in that policy outcomes ‘are the product of decentralized contention among a plurality of organizations’; ‘a collection of policy arenas incorporating both governmental and private actors’. Turke (2008, pp. 1–2) summed it up:

Complexity’, ‘Dynamics’ and ‘Diversity’ are omnipresent in today’s discourse on governance... social conditions in modern societies are perceived as multi-layered and complicated. Social issues are being addressed by multiple actors: governments are not

playing a primary role anymore.... actor and group identities are fragmented and pluralistic.

Jencks' (1992b, p. 11) comments were particularly relevant since he related the rise of pluralism to that of Postmodernity—something to which we return in some detail in a later chapter. The end of a 'single world view' is a key characteristic of the Postmodern and as such pluralism is an essential part whether we are dealing with architecture, governance, literature, philosophy or shipping, the EU, the Far East or developing Africa. Postmodernism embraces pluralism by revisiting single explanations, respecting differences, and celebrating all jurisdictions. The relevance of pluralism to the Postmodern condition that we shall consider more deeply later is evidenced elsewhere. Three quotes will suffice:

The Postmodern political condition is premised on the acceptance of the plurality of cultures and discourses. Pluralism (of various kinds) is implicit in Postmodernity as a project. (Heller and Feher 1988, p. 5)

At the heart of a Postmodern culture is the acceptance of the irreducible pluralistic character of social experiences, identities and standards of truth, moral rightness and beauty. (Seidman 1994, p. 324)

Distinctive features of the new cultural politics of difference are to trash the monological and homogenous in the name of diversity, multiplicity and heterogeneity; to reject the abstract, general and universal in the light of the concrete, specific and particular; and to historicize, contextualize and pluralize by highlighting the contingent, variable, tentative and changing. (West 1993, p. 3)

Kjaer (2004, pp. 84–85) considered pluralism in the light of the governance of international relations. Braudel (1982, pp. 464–466) compared societies from the basis of hierarchies and pluralism and concluded that the hierarchical order is never simple and that plurality is an essential feature of any movement resistant to change. Meanwhile Jessop (1998, p. 30) saw pluralism as an important part of governance directing 'inter-systemic coordination', bringing together the various stakeholders in policy-making.

Jordan and Schubert 1992 considered the role of the pluralist state where authority and autonomy are diluted by the range of interest groups and individuals attempting to access the policy-making process. The state retains a role but reduced from the hierarchical, state-centred governance that characterizes the maritime market place. Pluralism was seen as a response to totalitarianism and a function of the Cold War from 1945 until 1989/1990. Only by dispersing political power over a wide range of interests could individual rights be secured. Despite the ending of the Cold War, this move from a rigid and institutional bound, hierarchical process is one that has continued across many governance scenarios. However, the maritime sector shows little such progression.

King and Kendall (2004, pp. 72–3, 145) commented on the globalization of business and suggested that the business environment of firms is more 'pluralist, diverse and dynamic than is often supposed' (Mathews 2002). Functional differentiation needed to be accommodated by the distribution of political power to

accommodate ‘multiple identities, cross-cutting group memberships and diverse sources and centres of power’. This meant that there can be no legitimate national ‘will’. Such pluralist power was a ‘critical democratic resource for preventing despotism’ in a global world. Scharpf (2001, p. 20) agreed suggesting that the complexity of policy-making institutional configuration that is ignored by maritime policy-making at present can be accommodated by using a ‘plurality of simpler concepts representing different modes of multi-level interaction’. A pluralist approach to governance might overcome the inadequacies of the state-centric hierarchy to provide a Postmodern interpretation of policy-making.

Krasner (1984, pp. 226–230) discussed extensively the issue of pluralism placing it within a political context. Pluralism he saw emphasizing issues of allocation and responsibility rather than ‘rule and control’. He quoted Nordlinger (1981, p. 151):

... (as) portrayed by pluralism, civil society is made up of a plethora of diverse, fluctuating, competing groups of individuals with shared interests. Many effective political resources are available to them.

As such they need to be accommodated in the governance and policy-making framework. They are self-interested, at times autonomous but kept under control by ‘cross-cutting cleavages and broad consensus on the rules of the game’.

However, pluralism is not without its problems. Atkinson and Coleman (1992, pp. 157, 162, 167) viewed the complexity that the pluralist approach to policy-making implies as unhelpful with different policy requirements for every discipline (transport, agriculture, monetary policy etc.), actor (trade associations, corporations, universities, private industry, state enterprises etc.), and generating transfers of power from the state to sub-sectors and sub-systems. As such, ‘progress toward a multi-level model of the policy process, in which networks and communities play a critical role, will be hampered by a slavish devotion to pluralist images of the state’.

Rhodes (1990, p. 301) quoted Hanf (1978, pp. 1–2) who argued that the characteristic problem of many countries is that ‘the problem-solving capacity of governments is disaggregated into a collection of sub-systems with limited tasks, competences and resources’. King and Kendall (2004) implied that governance pluralism has been doomed from birth citing the work of Michels (1911) who had serious reservations about participatory democracy in societies that were increasingly bureaucratized and complex. Inevitably an elite has to emerge (thus reducing the validity of claims of pluralism) because of the need for technical expertise and the result is decision-making and the exercise of power is bound to be restricted to key policy-makers alone.

Pluralism has a particular resonance within the network form of governance which is considered in more detail in a later section of this chapter. Rhodes and Marsh (1992, pp. 200–201) reflected on the neo-pluralist view that some interest groups retain privileged positions and that networks of individuals are a fundamental part of this. This rejection of naïve pluralism is simply a process of being more realistic and in Richardson and Jordan (1979, p. 74) terms, entirely consistent with a pluralist stance. Those in privileged positions do enjoy advantages but

despite this network governance allows a wider range of interests to be involved in the policy-making process. As Rhodes and Marsh suggested:

disaggregation and plurality are seen as synonyms in this species of corporate pluralism. There are many divisions within government, civil society is highly fragmented... and policy-making takes place within a variety of policy networks characterized by close relations between different interests and different sections of government.

Blom-Hansen (1997, p. 670) saw policy networks growing out of earlier traditions of interest group politics and therefore from the literature on pluralism, sub-governments and corporatism (Jordan 1990; Rhodes and Marsh 1992; Smith 1993; Rhodes 1997, p. 30), something supported by Marsh (1995). Atkinson and Coleman (1992, p. 163) discussed the relationship between the emergence of network governance and pluralist theories of the state where authority is seriously fragmented, competition characterizes agencies, interest groups proliferate and 'disjointed incrementalism is the dominant policy style'. This is highly reminiscent of the globalized maritime sector—or at least the pressures to which the globalized maritime sector should be reacting. Research from a wide range of disciplines has reinforced the validity of this view—for example Heinz et al. (1990, pp. 390–391) found little evidence of a policy core in Washington lobbyists where network contacts reflected the pluralist nature of political life, something Rhodes and Marsh (1992) called 'elite interest group pluralism'.

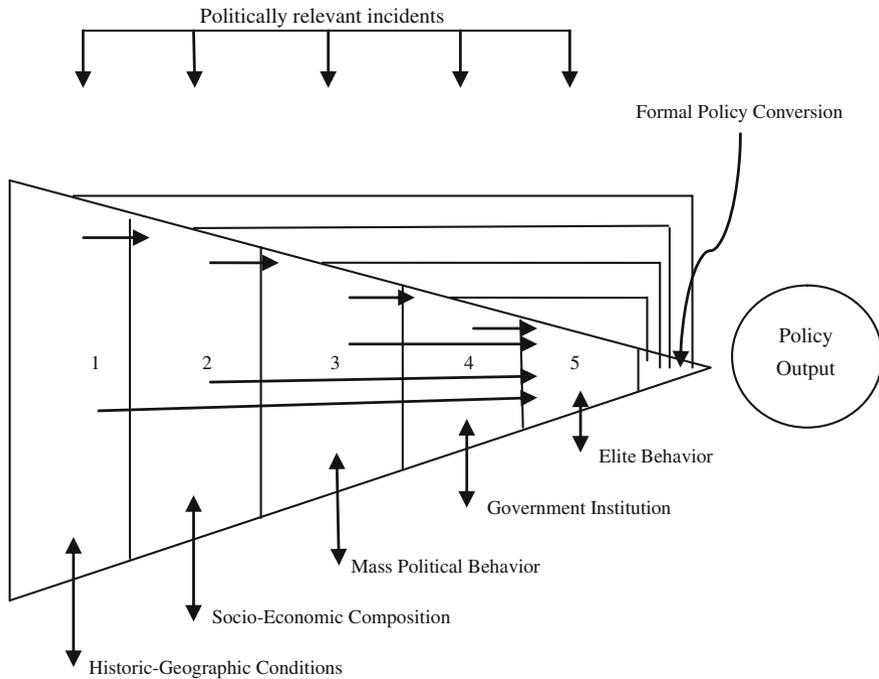
Governance presents difficulties in definition which changes according to context, time, space and a multitude of other factors. This complexity and variability paints the background for the discussion on external cluster governance that follows. However, before we can go on to look at the ways in which governance in the maritime sector is configured and to examine its relationship to policy failure we must first take some time to understand the different models of governance that exist. This in turn will provide us with an insight into the alternative ways that governance frameworks can be applied to the maritime sector.

Governance is a complex and ever changing concept that both reflects and is reflected by societal change—and the failure of policy mechanisms to recognize the need for a sensitive and flexible governance framework can lead to policy inadequacy and failure. Maritime policy problems may well be a reflection of such inadequacies. To quote Eberlein and Kerwer (2004, p. 136):

Just as there is no one single 'old governance', we should not expect to find a one single 'new governance'.

## 2.1 Governance Models

While Amin and Hausner (1997) introduced a wide discussion on the issues of governance models and Davies (2005) provided a brief introduction, a more useful and succinct assessment is to be found in Borzel et al. (2005, p. 3) who suggested that they are needed as a way of simplifying the:



**Fig. 2.1** Model of comparative study of policy formation. *Source* Hofferbert 1974

Babylonian variety of definitions and understandings of governance.

Much earlier, Hofferbert (1974) had synthesized a wide range of policy formulation models into a single cohesive model that although not termed as such, clearly has a close relationship to models of governance (Fig. 2.1).

Hofferbert's model of policy formation, although a useful and early contribution to the debate and also giving some insights to the design of good governance, was highly rigid and formulation based in that it relied upon specific and detailed socio-economic and attitudinal measures which may not always be appropriate nor even possible to calculate. The model did however, encourage the inclusion of qualitative measures of government institutional impact, the effect of elite behaviour and the role of citizen participation. Mazmanian and Sabatier (1980, p. 465) suggested that the model was very useful in its consideration of a broad conceptual overview of policy formation that can help to guide governance design. As such it is a useful starting point in reflecting upon the wide range of issues that needs to be considered.

Meanwhile Borzel (1998) claimed that governance draws heavily as a concept on transaction economics, referring to the structures of social order which are conventionally divided into three main forms (Eccles 1981; Mariotti and Cainarca 1986; Jarillo 1988). The earliest identified are markets and hierarchies (Lindblom

1977; Williamson 1979) which Davies (2005) saw as forming the foundations of the nation-state as a complex compound with economic processes involving ‘a mix of market and hierarchy’. Meanwhile, these two have been joined in recent years by networks (alternatively known as communities, clans and associations). The extensive literature on policy networks includes Stoker (1998), Ouchi (1980), Streeck and Schmitter (1985), Atkinson and Coleman (1989, 1992), Jordan (1990), Powell (1990), Schneider (1992), Blom-Hansen (1997), Borzel (1998, 2007), Jessop (1998), Carlsson (2000), Rosenau (2000), and Mikkelsen (2006) amongst very many others. In the words of Borzel et al. (2005, p. 4) hierarchies attempt to ‘coordinate social action by using command and control mechanisms’. Meanwhile, markets are ‘spontaneous orders that emerge from the self-coordination of autonomous actors’ and networks function by ‘non-hierarchical coordination based in the exchange of resources and/or trust’. Table 2.3 provides a comparison of the three approaches and indicates how they differ in their generic approach to governance. Kjaer (2004) saw hierarchies as using power as the medium of exchange relying on chains of command and control. They are viewed as inefficient in the allocation of values and generate market failures in the provision of public goods. Markets operate through competition using prices as the medium of exchange. Government is minimized. Individualism is preferred as this maximizes utility, while public bureaucracies are seen as inefficient ‘rent-seekers’. Networks meanwhile might be considered as replacing both hierarchies and markets and governments would have to accept the loss of their ability to steer economies and societies and have to learn how to manage networks. We shall look at each of these types of governance model in the following sections, but in particular will focus on hierarchies as the existing governance framework for the maritime sector shows considerable reliance on this type of structure to form the basis for current policy-making.

Nielsen (2001), along with Somerville (2004), Powell (1990) and Rhodes (1997) who applied the concept to the activities of the UK government, also identified three broad modes of governance simplified to hierarchies, characterized by top down control and state regulation; market-based forms of resource allocation; and networks involving a variety of public and private cooperation (Bell and Park 2006). Interestingly he noted an increasing reliance upon network governance models responding to increased complexity in society which, following Jessop (2003b) ‘cannot be managed appropriately through more traditional forms of governance such as hierarchy and market’. Hirst (1997a) also suggested that three models of governance existed which he termed Imperative, Exchange and Negotiated Controls. These are Hierarchies, Markets and Networks under a different name.

The network theme is one that has appeared under a number of other guises one of the more emotive of which is the ‘iron triangle’, emerging from the USA in the 1950s (Maass 1950; 1951), describing how decision-making is commonly segmented between interest groups, the relevant administrative agency and the relevant government committee (Jordan 1981, p. 96; Peterson 1993). Peters (1986, p. 24) quoted in Jordan (1990, p. 324) suggested that:

**Table 2.3** Comparing market, hierarchies and network models of governance

	Markets	Hierarchies	Networks
Basis of relationships	Contract and property rights	Employment relationship	Resources exchange
Degree of dependence	Independent	Dependent	Interdependent
Medium of exchange	Prices	Authority	Trust
Means of conflict resolution and coordination	Haggling and the courts	Rules and commands	Diplomacy
Culture	Competition	Subordination	Reciprocity

Source Kjaer (2004, p. 42), taken from Rhodes (1999) in Stoker (ed.) (1999)

Each actor in the iron triangle needs the other two to succeed, and the style that develops is symbiotic. The pressure group needs the agency to deliver services to its members and to provide a friendly point of access to government, while the agency needs the pressure group to mobilize political support for its programs among the affected clientele... All those involved in the triangle have similar interests. In many ways they all represent the same individuals, variously playing roles of voter, client and organization member.

Iron triangles were actually a response to the popularists who had viewed policy-making as ideally taking place as a response to the interests of the many (Jordan and Schubert 1992, p. 21). In practice ‘the flaw in the pluralist heaven was that the heavenly chorus sings with a strong upper class accent’ (Schattschneider 1960, p. 35). Yishai (1992, p. 92) cited Wolfe (1977) and Lowi (1979) who stressed that the participants in the iron triangle network became largely autonomous with mutual interests. The result was an insulated policy-making process where the ‘irony of democracy, was revealed, with policy decisions restricted to the elite and yet all the formal rules of the democratic game adhered to’ (Dye and Ziegler 1970; Rhodes and Marsh 1992, pp. 198–199). Iron triangle policy-making is thus characterized by predictable and closed private relationships between a limited number of interested groups. Further definitions can be found in Adams (1982), Gais et al. (1984), Van Waarden (1992, p. 45), Marsh (1995) and Rhodes (1997, p. 34) and including that of Cerny (2001, p. 400) who felt that the traditional iron triangle had now mutated into ‘issue networks’, and ‘policy networks’ less well defined by Euclidean geometry (King 1978). Meanwhile Dowding (1995, pp. 136–142) and Jordan and Schubert (1992, pp. 12–14) along with Van Waarden (1992, pp. 29–31), citing much of the work of Hecló (1972, 1978) indicated how iron triangles are just part of a range of policy models including policy community, policy network, issue network, sub-governmentalism, corporatism, cabinet government and the like. Jordan (1981, p. 98) provided a direct comparison in Table 2.4.

Iron triangles have not been without their critics. Sabatier (1988, p. 131) suggested that there is a need to broaden traditional notions of iron triangle policy-making with their limited actors, and to increase stakeholder involvement to journalists, researchers, policy analysts and any others who play significant parts in the ‘generation, dissemination and evaluation of policy ideas (Hecló 1978; Dunleavy 1981; Milward and Wamsley 1984; Sharpe 1984).

**Table 2.4** Characteristics of images of the policy process

	Iron triangles	Issue network	Cabinet government	Corporatism
Political alignments	Stable	Not stable	Stable	Stable
Decision-making arenas	Segmented	Fragmented	Segmented (under cabinet)	Segmented
Number of participants	Limited	Unlimited	Limited	Limited
Central authority power	None disaggregated	None. Very disaggregated	Present. aggregated by political channels	Present
Final point of decision	Yes (in each sector)	No	Cabinet	
Groups	Voluntary	Voluntary	Voluntary (unimportant). closed	Compulsory
Access to decision process	Closed	Open	Closed	Closed
Issue resolution	Issues resolved	Issues often not resolved	Issues resolved	Issues resolved

Source Jordan (1981, p. 98)

Gais et al. (1984, p. 162) were particularly critical questioning the utility of such a policy model as a guide to the process of policy-making. Referring once again to Heclo (1978, pp. 94–105), and echoing Sabatier, they identified the presence of fluid issue networks which go far beyond the traditional three of the iron triangle and include technical specialists, administrators and political entrepreneurs. King (1978, p. 391) viewed these new and looser networks as ‘like trying to build coalitions out of sand’ while Heclo saw these as seedbeds for coalitions advocating new legislation:

Based largely on early studies of agriculture, water and public works policies, the iron triangle concept is not so much wrong as it is disastrously incomplete... the conventional view is especially inappropriate for understanding changes in politics and administration during recent years... Looking for closed triangles of control, we tend to miss the fairly open networks of people that increasingly impinge upon governments. (Heclo 1978, p. 88)

Gais et al. (1984, p. 163) concluded that many iron triangles were still identifiable in 1984 but their influence was ‘less pervasive than in the 1940s and 1950s’.

Rhodes (1990, p. 297) was equally as dismissive, and although recognizing the significance of sub-governmental governance (of which iron triangles are one example) he felt that this image of the ‘policy-making process is altogether too rigid and stereotypes the literature on sub-government (Freeman and Stevens 1987, pp. 12–13)’. This view was confirmed by Scholzman and Tierney 1986 cited in Jordan (1990, p. 330) who favoured the idea of ‘a less clearly focused issue network rather than ossified sub-government’. Jordan went on to describe the iron triangle as ‘a fixed and forceful metaphor of rigidity’.

Finally Cerny (2001, p. 402) pointed the way forward, suggesting that iron triangles, once valuable as a policy model, were now superseded by ‘golden pentangles’. Iron triangles were characteristic of giant industries, with national markets and ‘close corporatist relationships with the state’. Meanwhile the new pentangles reflect global financial markets, cross-border activity, international capital flows and an increased market orientation (Cerny 1994). Three of the pentangle sides are the same as the iron triangle—politicians, bureaucrats and interest groups. The other two are international/transnational actors (typified by the IMO, OECD, WTO etc.) and cross-cutting structural factors composed of the ‘interlocking webs of governance’—mixed private/public quasi-institutions and interest groups.

Zhang (2005) provided a rather different view on governance models but still one closely related to the tripartite framework noted above. He saw governance transformed by globalization into two dimensions—relating to the market economy and the civil society—but then expanded to include both the private and public sector in each dimension. Effective governance thus requires the reconciliation of market, state and civil dimensions. While retaining their own features these three characteristics reflect the market, hierarchy and network governance models noted already.

Ronit and Schneider (1999, p. 243) provided a more extensive discussion of the significance of markets, hierarchies and networks to governance. They suggested that recent emphasis on the role of markets above all other governance mechanisms is misplaced as:

Not all of the resources necessary for the production and maintenance of social systems... can be supplied by the interactions of individuals though the marketplace. Some goods and services can only be provided through such non-market devices such as hierarchies and networks.

The significance of public goods and non-market externalities in the maritime sector is worth noting here and the failure of any governance framework to recognize this would in turn make it ineffective. Ronit and Schneider went on to discuss this in relationship to governance models generally and the implications of mixed private and public organizations that exist.

Podolny and Page (1998, p. 59) also recognized the hierarchy, market and network configuration of governance but suggested that too much emphasis had been placed upon the former two derived from transaction cost economics and principal-agent theory which envisaged a dichotomous view of sociological and economic organization. Network governance emerged as an alternative to this view, not as a hybrid of hierarchical or market governance but as a framework in its own right (Jones et al. 1997; Powell 1990; Dicken et al. 2001). Podolny and Page also went on to stress that from a structural viewpoint, all governance models are networks and that the hierarchical and market forms are ‘simply two manifestations of the broader type’. What differentiates the three is that network governance assumes ‘enduring exchange relations’; in hierarchies:

relations endure for long episodes and there is a clearly recognized, legitimate authority to resolve disputes.

... while in markets:

relations are not enduring, but episodic, formed only for the purpose of a well-specified transfer of goods and resources and ending after their transfer.

They continued by emphasizing that the moves away from nation-state dominated governance will have a significant effect upon the importance of networks, moving governance away from other models.

Stewart (1996, p. 36) was emphatic that linear governance (epitomized by the hierarchy) was anachronistic, stressing Rhodes' (1997, p. 78) work illustrating the importance of networks. The move from hierarchies to an appreciation of the value of market and network based governance models was outlined by Kjaer (2004) who suggested that the original Weberian principles that generated the hierarchical approach no longer held a monopoly. The appropriateness of what Kjaer termed the 'hands-on control' has been replaced by a move towards 'steering through policy networks'. The significance of these comments was not so much that a variety of governance models existed, but that there were circumstances where hierarchical models were still applied despite their origins in social and economic history under circumstances which may have well changed significantly. This of course hints at where we are going in this discussion in looking at the dominant governance model at work in maritime policy-making and to see how appropriate it now is. Perhaps the noted policy failures of recent years have some connection with the approach to the governance of the maritime sector that has been taken.

Blatter (2003) has also suggested that there has been a transformation of 'political order' from hierarchies and what he termed market anarchy towards networks. Society is no longer controlled by the state central unit but the controlling devices that do exist are further dispersed and 'material resources and information are shared by a multiplicity of divergent actors'. He stressed that this trend away from hierarchical and market governance towards network governance was reflected in the moves towards federalism, changes in local politics, in international trade and relations and much more.

## 2.2 Networks

Today, the role of the government in the process of governance is much more contingent. Local, regional and national political elites alike seek to forge coalitions with private businesses, voluntary associations and other societal actors to mobilize resources across the public-private border in order to enhance their chances of guiding society towards politically defined goals. (Pierre and Stoker 2002, p. 29, quoted in Davies 2005, p. 313)

What we have, in reality, is a variety of developmental trajectories and a spectrum of different forms of governance, that are best captured by the notion of *networked*

*interrelationships structured by different degrees and forms of power and influence.* (Dicken 1994, p. 105) (emphasis original)

Cooke and Morgan (1993, p. 543) noted the emergence of networks in organizations across a range of activity including ‘organizational theory, business administration, economic theory, sociology, political science and regional studies to name but a few (Antonelli 1988; Freeman 1990; Imai 1989; Imai and Baba 1989; Powell 1990; Sabel 1989). Miles and Snow (1992, p. 33) had earlier commented on the ‘organizational revolution’ from centrally controlled hierarchies towards flexible networks which were an ocean away from the traditional pyramid.

Stalder was wholly convinced:

in all sectors of society we are witnessing a transformation in how their constitutive processes are organized, a shift from hierarchies to networks... Through deep flows of information and people along networks that span the globe, innovation (or tradition) travels from its place of origin to where it appeals to people and their agendas. In the process it is transformed, adapted, and becomes an essential part in the constitution of the very networks along which it flows. This applies as much to production methods as to social movements, to efforts to save the planet as to attempts to destroy it. (Stalder 2006, pp. 1, 2)

While Rhodes (1990, 1997, p. 11) suggested that policy networks are ‘meso-level’ concepts which describe interest group and government intermediation (Schmitter and Lehbruch 1979; Marsh 1983; Benson 1982), Jordan (1990) along with Marsh and Smith (2000), Carlsson (1996) and Heinz et al. (1990) outlined the development and application of policy networks. However, it is Dowding (1995, pp. 138–139) who provided more detail of the history and development of network models of governance noting the earliest examples from Griffiths (1939) (whirl-pool); Cater (1964), Freeman (1965), Truman (1971) (sub-governments, triangles); and Jones (1979) (sloppy hexagons). Hecló (1978) suggested that ‘issue network’ was a more appropriate term than ‘policy network’ building on earlier work defining ‘community networks’ (Hecló and Wildavsky 1974). However, all commentators were agreed on the issues of policy-making in principle; the distinction between private and public was flexible, patterns of linkages affected outcomes, and that underlying sub-linkages were fundamental to policy success and outcomes.

Deleuze and Guattari (1988, p. 17) outlined the principles of the network as a governance framework with:

all individuals interchangeable, defined only by their state at a given moment – such that the local operations are coordinated and the final, global result synchronized without a central agency. Transduction of intensive states replaces topology and the ‘graph regulating the circulation of information is in a way the opposite of the hierarchical graph’.

Kjaer (2004, p. 34) outlined the importance of policy networks in the context of the activities of the UK government suggesting that this involved the greater use of non-government actors and agencies to undertake service delivery. Rhodes and Marsh (1992, pp. 182–183) discussed the types of policy network model that

existed and developed a new approach to understanding how they worked. Alba (1982), Thorelli (1986), Schneider (1992), Van Waarden (1992), Dowding (1995, pp. 150–158), Marsh (1995), Rhodes (1997, pp. 4, 9–13) and Hirst (1997a, pp. 7–15) provided general and wide-ranging discussion about the role of networks in governance of all types and contexts while de Senarclens (1998, p. 97) was more forthright:

The political system is no longer structured by government decisions alone but by a dense and complex system of networks and systems of functional cooperation.

Altman and Petkus (1994, p. 39) took a stakeholder approach to policy-making that is in effect network structured while Cox (1998, pp. 2–3) encouraged greater attention to be placed on networks if the ‘politics of space’ are to be understood better and emphasized their unevenness and porous boundaries. Picciotto (1997, p. 1036) even considered that the modern international state system comprised networks of state activity rather than hierarchical arrangements of which the state was a part. Borzel (2010, p. 192) saw network governance as where ‘the authoritative allocation of values is negotiated between state and societal actors’ (Kohler-Koch and Eising 1999; Ansell 2000; Schout and Jordan 2005). Skelcher et al. (2004, p. 3) described how network forms of governance have been encouraged by the ‘fragmentation of organizational structure, political control and accountability that resulted from the hollowing out of the state’ which in turn has occurred as a result of globalization and the changing fortunes of alternative jurisdictions.

MacLeod (1997, p. 300) was confident that the growth of socio-economic networks and territorial embedding which he grouped together under the term ‘institutional thickness’ were fundamental to creation of institutional and socio-cultural factors that underpin sustained economic success (Amin and Thrift 1994a, b; Granovetter and Swedberg 1992; Cooke and Morgan 1993; Putnam 1988, 1993). This institutional thickness:

establishes legitimacy and nourishes relations of trust... (and)... continues to stimulate entrepreneurship and consolidate the local embeddedness of industry... what is of most significance here is not the presence of a network of institutions *per se*, but rather the process of institutionalization; that is the institutionalizing processes that both underpin and stimulate a diffused entrepreneurship—a recognized set of codes of conduct, supports and practices which certain individuals can dip into with relative ease. (Amin and Thrift 1995)

The network approach to governance has not been without its critics (see for example Dowding 1995; MacLeod and Goodwin 1999, p. 512; Gore and Wells 2009, p. 161) where the main disappointment lies in the failure to provide a means of understanding how networks work and how bargaining within them is structured. However, support for the analysis of governance using a network approach has grown to the point where it is now widely recognized to have considerable validity over and above that of the traditional hierarchy. Obando-Rojas et al. (2004) for example, use the maritime sector to emphasize the long-standing globalized characteristics of the sector and the inadequacies of a state-centric hierarchical approach to understanding the way it works.

**Table 2.5** Rhodes' model of policy networks

Network type	Network characteristics
Policy community/territorial community	Stability, highly restricted membership, vertical independence, limited horizontal articulation
Professional network	Stability, highly restricted membership, vertical independence, limited horizontal articulation, serves interests of the profession
Intergovernmental network	Limited membership, vertical independence, extensive horizontal articulation
Producer network	Fluctuating membership, limited vertical interdependence, serves interests of producer
Issue network	Unstable, large number of members, limited vertical interdependence

Source Rhodes and Marsh (1992, p. 183)

Rhodes (1986) distinguished five types of policy network lying on a continuum from integrated policy communities, through professional networks, intergovernmental networks, and producer networks to loose issue networks (Table 2.5).

Etzioni and Lawrence (1991), Granovetter and Swedberg (1992), Perrow 1986 and Zukin and Di Maggio (1990) considered their role in socially embedding economic decision-making, and Hess (2004) looked at the relationship between spatial activity, embeddedness and networks. Meanwhile Forsgren and Johanson (1992) Johanson and Mattson (1987), Hakansson (1987) and Hagg and Johanson 1992 have argued that production systems as a whole as well as the activities of all actors within them, should be viewed from a network perspective. Brandes et al. (1999, pp. 83–84) argued that political networks could be interpreted from a visualization perspective concentrating on the nodes (organizations or individuals) and links (communications, participation, resource exchange etc.) and that it was possible to understand the policy-making process by analyzing these structures and relationships (Knoke 1990). Bair (2008, p. 340) cited Castells (1996) in considering the social connectivity issues of networks, Boltanski and Chiapello (2007) and the relationship between new capitalism and networks, and Harvey (1990) in terms of networks, space-time compression and flexible accumulation.

Peters (1998) provided a comprehensive introduction to networks as models for governance, Peterson (1994, p. 156) emphasized their importance within EU governance activity; Zurn (2003, p. 354) suggested that any transnational activity requires a network governance approach; while Grabher and Stark (1997, pp. 534, 537) were unashamed in their belief in networks as all-embracing. Taking East Europe as their example they stressed that the only way of understanding economic activity was to view it as a network linking firms and connecting individuals. Governance of this activity has to be similarly structured (Powell 1990; Grabher 1993; Stark and Bruszt 1995). Meanwhile Scharpf (2001, pp. 3–4) stressed the suitability of a network governance model for the EU, describing the 'European polity as a condominio, consortio or a fusion of governing functions' (Marks et al. 1996; Schmitter 1996; Wessels 1997; Kohler-Koch and Eising 1999).

Skelcher et al. (2004, p. 3) felt that globalization's 'hollowing out of the state' had generated more 'collaborative arrangements' to cope with the fragmentation of organizational structure, political control and accountability (Agranoff and McGuire 2003; Milward and Provan 2000; Lowndes and Skelcher 1998). King and Kendall (2004, pp. 129–130) described 'epistemic communities' consisting of all manner of governance stakeholders that form a 'maze of public and private interconnections'. These networks form the key to effective governance rather than the 'power of legal violence or surveillance' (Giddens 1985). Altman and Petkus 1994 discussed the relationship between stakeholders, networks, governance and policy-making. Kenis and Schneider (1989, pp. 6–9), cited in Jordan and Schubert 1992 noted networks had proliferated because of a number of factors:

- The emergence of an organized society.
- Sectorization in policy-making, generating cross-jurisdictional and contextual interaction.
- Overcrowding in the policy-making arena.
- Increased scope of state policy-making.
- Decentralization and fragmentation of the state.

The implication is that hierarchies do not have much of a role to play. Network relationships are temporary, sporadic and all-embracing but nevertheless highly significant especially as Klijn and Koppenjan (2000, p. 136) suggested 'government is not actually the cockpit from which society is governed and that policy-making processes rather are generally an interplay among various actors'. Klijn and Koppenjan (2000, p. 142) also went on to provide a description of the main characteristics of policy networks (Table 2.6) which provided a good indication of how networks differed as an approach to governance from hierarchies and markets. Thompson (2005, p. 6) commented on the four types of networks that he identified particularly emphasizing their socio-economic context and policy-making implications (Table 2.7). Significance was emphasized by the number of publications that emerged on this topic so quickly between 1985 and 1998 including, Milward and Wamsley (1985) Wilks and Wright (1987), Rhodes (1988), Marin and Mayentz (1991), Marsh and Rhodes (1992), Glasbergen (1995), Provan and Milward (1995), O'Toole (1997), Kickert et al. (1997) and Yeung (1998).

Definitions of networks and their relationship to governance abound. Evans (2001, p. 542) described a policy network as 'a metaphorical term characterizing group-government relations, while Dowding (1995) suggested they are common within the policy sciences. O'Toole (1997, p. 45) saw them as 'structures of interdependence involving multiple organizations or parts thereof, where one unit is not merely the formal subordinate of the others in some larger hierarchical arrangement'. Kassim (1994, p. 19) felt that the network governance model grew out of international relations and was characterized by a 'multiplicity of linkages and interactions connecting a large number and a wide variety of actors from all levels of government and society'. Power is believed to be 'widely dispersed between the wide number of actors that influence the determination of policy'.

**Table 2.6** Theoretical assumptions of the policy network approach

	Theoretical assumptions
Networks	<p>Actors are mutually dependent for reaching objectives</p> <p>Dependencies create sustainable relations between actors</p> <p>Dependencies create some veto power for various actors. The sustainability of interactions creates and solidifies a distribution of resources between actors</p> <p>In the course of interactions, rules are formed and solidified which regulate actor behavior</p> <p>Resource distribution and rule formulation lead to a certain closeness of networks for outside actors</p>
Policy processes	<p>Within networks, interactions between actors over policy and issues take place focused on solving the tension between dependencies on the one hand and diverging and conflicting interests on the other</p> <p>In doing so actors depart from perceptions they hold about the policy area, the actors and the decisions at stake</p> <p>Actors select specific strategies on the basis of perceptions</p> <p>Policy processes are complex and not entirely predictable because of the variety of actors, perceptions and strategies</p>
Outcomes	<p>Policy is the result of complex interactions between actors who participate in concrete games in a network</p>
Network management	<p>Given the variety of goals and interests and—as a result—the actual and potential conflict over the distribution of costs and benefits, co-operation is not automatic and does not develop without problems</p> <p>Concerted action can be improved through incentives for co-operation through process and conflict management, and through the reduction of risks linked to co-operation</p>

Source Klijn and Koppenjan (2000, p. 142)

Meanwhile Podolny and Page (1998, p. 59) in their extensive review of network governance in organizations defined a network as a:

form of organization as any collection of actors (n2) that pursue repeated, enduring exchange relations with one another and, at the same time, lack a legitimate organizational authority to arbitrate and resolve disputes that may arise during the exchange.

Keating and Hooghe (1996, p. 218) quoted in King and Kendall (2004, p. 176) noted the growth in significance of networks with globalization and the decline of the nation-state:

Policy-making retreats into complex networks that do not correspond to formal institutions; and new and rediscovered forms of identity emerge at the sub-national level and even the supranational.

Dicken et al. (2001, p. 97) provided a clear interpretation of what is needed if governance in an age of globalization is to be relevant. They began by suggesting that ‘social actors’ and ‘business networks’ have to be identified before a workable governance framework can be created. The global economy is made up of ‘spaces of network relations’. The social actors are represented by a wide variety of stakeholders—for example individuals, households, firms, industrial sectors, trades

**Table 2.7** Macro political structures/models involving network formations of various kinds that affect policy-making

Policy networks	<ul style="list-style-type: none"> <li>Policy community</li> <li>Issue networks</li> <li>Fragmentation of the policy-making framework</li> <li>Sectoralization of policy-making</li> <li>Organizational explosion</li> <li>Increased scope for policy-making</li> <li>Democratization/fragmentation of the state</li> <li>Blurring of boundaries between public and private</li> <li>Over-crowded policy-making</li> <li>Increase in policy turnover rate</li> </ul>
Corporatism	<ul style="list-style-type: none"> <li>Private interest governance</li> <li>Large-scale interest groups/social partners</li> <li>Macro-level network of policy governance operating in parallel to state apparatus</li> <li>Return of social compacts</li> </ul>
Associationalism	<ul style="list-style-type: none"> <li>Pluralistic version of corporatism</li> <li>Political associations with dispersed sovereignties (commissions, churches, trusts, trade unions, friendly societies, professional societies, places of work, QUANGOs)</li> <li>Negotiated state</li> <li>Normative mutualism</li> </ul>
NGOs of dissent	<ul style="list-style-type: none"> <li>Similar to associationalism/private interest governance</li> <li>Campaigning and propaganda for a particular purpose</li> <li>Persuasion, mobilization, pressure politics</li> <li>Bottom-up rather than top-down networks</li> </ul>
Elites	<ul style="list-style-type: none"> <li>Small groups with a particular access to power</li> <li>Based on common economic, political and cultural outlook/formation</li> <li>Exclusive top down network</li> <li>Undemocratic and non-egalitarian</li> </ul>
Multi-level governance and commitment	<ul style="list-style-type: none"> <li>Vertical networks</li> <li>OMC</li> <li>Distribution of jurisdictions</li> <li>Experts</li> </ul>

Source Thompson (2005, p. 19)

unions, interest groups etc.—and to generate meaningful governance structures then the ‘intentions and motives’ and the consequent ‘emergent power’ of these groups needs to be considered. These relationships are to be found in specific, varying and overlapping spaces. The spaces vary through time, dependent on jurisdiction and context and also the actors who are taking part. There is no one single representative framework. Governance can then be designed, described, analyzed and understood in many different ways—for example spatially, sectorally, organizationally and so on. The key is to:

recognize the fundamental interrelatedness of all of these phenomena, not in some abstract sense but in seriously grounded form.

Dicken et al. went on (2001, p. 106) suggesting that this network approach will undermine ‘the image of the faceless juggernaut of globalization’ and instead will ground governance in a web of social, political and economic relationships. Unfortunately maritime governance is currently far removed from such a conceptual model, failing to reflect either the participants or their relationships in how it is designed or operated.

Sabatier (1991, p. 148) was insistent that the traditional focus of decision-makers on single institutions and a single level of governance may be helpful in understanding decisions made but are ‘inadequate for understanding the policy process over any length of time’ (Jones 1975; Hecllo 1978; Kingdon 1984; Sabatier 1988). Kassim (1994, p. 16) reiterated the value of networks particularly in understanding policy-making in the EU and the ‘important role played by interest groups’. Merrien (1998, p. 58) stressed how good governance can only occur when the state operates in a network configuration utilizing the private sector interests and groups as partners. Meyer et al. (1997, p. 148) suggested that the governance situation is even more important to get right:

For realist perspectives the world is either anarchic ...or networked.

Jones et al. (1997, p. 911) provided a variety of definitions of network governance in a wide-ranging discussion of the issue summarized by: ‘coordination characterized by informal social systems rather than by bureaucratic structures within... formal contractual relationships between them—to coordinate complex products or services in uncertain and competitive environments’ (Piore and Sabel 1984; Powell 1990; Ring and Van de Ven 1992; Snow et al. 1992). Jones et al. (1997, p. 915) continued by providing an extensive categorization of network governance definitions which clarifies the boundaries and helps to be more specific in dealing with this area (Table 2.8).

Carlsson (2000, p. 502) suggested that although network governance remains lacking in theoretical construct it does provide what Kenis and Schneider (1991) saw as a viable alternative to the ‘textbook’ version of policymaking (Nakamura 1987). He went on to quote, Benson (1977) in Rhodes (1990, p. 304) in that the term policy network could be understood as a broad generic categorization of a large number of subcategories. Policy networks are seen as ‘cluster(s) or complexes of organizations connected to each other by resource dependencies and distinguished from other clusters or complexes by breaks in the structure of resource dependencies’. Kenis and Schneider (1991, pp. 41–42) were more explicit:

A policy network is described by its actors, their linkages and its boundary. It includes a relatively stable set of mainly public and private corporate actors. The linkages between the actors serve as channels for communication and for the exchange of information, expertise, trust and other policy resources. The boundary of a given policy network is not in the first place determined by formal institutions but results from a process of mutual recognition dependent on functional relevance and structural embeddedness. Policy networks should be seen as integrated hybrid structures of political governance.

**Table 2.8** Differing terms and definitions for network governance

References	Term	Definition of network governance
Alter and Hage (1993)	Inter-organizational networks	Unbounded or bounded clusters of organizations that, by definition, are non-hierarchical collectives of legally separate units
Dubini and Aldrich (1991)	Networks	Patterned relationships among individuals, groups and organizations
Gerlach and Lincoln (1992)	Alliance capitalism	Strategic, long-term relationships across a broad spectrum of markets
Granovetter (1994, 1995)	Business groups (some)	Collections of firms bound together in some formal and/or informal ways by an intermediate level of binding
Kreiner and Schultz (1993)	Networks	Informal inter-organizational collaborations
Larson (1992)	Network organizational forms	Long-term recurrent exchanges that create interdependencies resting on the entangling of obligations, expectations, reputations and mutual interests
Liebekind et al. (1996)	Social networks	Collectivity of individuals among whom exchanges take place that are supported only by shared norms of trustworthy behavior
Miles and Snow (1986, 1992)	Network organizations	Clusters of firms or specialized units coordinated by market mechanisms
Powell (1990)	Network forms of organization	Lateral or horizontal patterns of exchange, independent flows of resources, reciprocal lines of communication

Source Jones et al. (1997, p. 915)

The significance of network governance over and above that of markets or hierarchies is drawn out by a number of commentators. Grabher and Stark (1997, p. 534) considered that alternatives to the hierarchy and market are needed to understand social organization (Powell 1990). O'Toole (1997, p. 45) viewed networks as independent structures made up of multiple organizations or parts thereof which are not necessarily placed in an hierarchical arrangement (Grabher 1993; Stark and Bruszt 1995). Nielsen (2007, pp. 4–5) suggested that network governance differs substantially from markets and hierarchies. Network governance was characterized by:

- Relationships between actors, pluri-centric and interdependent (Kersbergen and Waarden 2004, p. 148). Hierarchies are mono-centric and based on dependency and subordination. Market governance is multi-centric, consisting of a virtually infinite number of independent actors.
- Decision-making. Networks are characterized by reflexive rationality, continuing negotiation and the pursuit of collective solutions. Hierarchies are centralized and top-down; markets directed by Adam Smith's 'invisible hand'.
- Compliance. Networks rely on trust. Hierarchies on rules and laws; markets on the fear of economic loss.

Jachtenfuchs (2001, p. 254) was equally as supportive of networks in his consideration of governance models calling it a 'fruitful heuristic device for empirical analysis', significant in understanding EU governance in particular despite criticisms of fuzziness (Borzel 1998). The move towards supranationalism that has characterized maritime policy-making since 1945, with its weakness of power centre and fragmented and fluid institutional structure, has changed the context for governance from that state-orientated where an hierarchical approach was more relevant. Networks lie in the governance spectrum between hierarchy and anarchy/markets (Benz 1998, 2000) with a loose coupling of elements contrasting with the rigidity of hierarchies and the complete freedom from coupling of anarchy/markets. Networks have 'flexible mandates' from their 'constituents' which can accommodate the decline in formalism and rigidity that characterizes international and domestic relationships, not least in the maritime sector. 'Hierarchical governance in such a setting is not a very promising endeavour' (Jachtenfuchs 2001, p. 255). Yet maritime governance remains hierarchical.

Hill and Lynn (2004, p. 174) emphasized how the decline in hierarchical domination has affected all jurisdictions quoting Frederickson and Smith (2003, p. 208)—'The administrative state is now less bureaucratic, less hierarchical and less reliant on central authority to mandate action', with the 'emphasis now on horizontal, hybridized and networked aspects of governance' (Hill and Lynn 2004, p. 174; Kettl 2002; Salamon 2002).

Peters (1998, p. 302) was equally as sceptical of hierarchical governance stressing that strong vertical linkages within governance makes horizontal coordination that much more difficult. 'Less pluriform networks are less likely to coordinate effectively'. Castells (2000, p. 12) concurred commenting:

The work process is interconnected between firms, regions, and countries, in a stepped up spatial division of labour, in which networks of locations are more important than hierarchies of places.

He went on (Castells 2000, p. 19):

Networks dissolve centres, they disorganize hierarchy, and make materially impossible the exercise of hierarchical power without processing instructions in the network, according to the network's morphological rules.

Castells actually provided a long and robust argument in favour of the network approach considering that new technological developments had retained the advantages of networks of flexibility and adaptability, while overcoming traditional difficulties of co-ordination, management and focusing resources. They are therefore vital to modern decision-making and governance particularly in a globalizing environment where social organization has changed dramatically.

O'Toole (1997, pp. 46–47) suggested that any policies for ambitious or complex issues require networked structures, a trend that was encouraged by the continued growth of limited and liberal government and the recognition of the secondary (even tertiary) impacts of policy initiatives. Brugh and Varvasovszky (2000, p. 240) provided indirect support for the network approach in relating it to

the significance of stakeholders and how they form a major part of this form of governance. There is almost universal agreement that the role of stakeholders needs to be raised across all governance, not least maritime and so an approach which overtly recognizes this has to have an advantage. The need to move governance in the maritime sector from elitism (Lasswell 1958; Bacharach and Baratz 1962) where power is constrained to the very few; professionalism, where power rests with professional elites who may use it to further their own interests; and technocracy where decision-making is dominated by scientific rationalism; to pluralism (Lindblom 1959; Dahl and Lindblom 1976) where power is distributed across relevant groups in society, is not only a necessary trend but also one that is helped by adopting a network approach.

Dicken et al. (2001, pp. 91–92) also saw networks as significant. They saw networks as ‘relational’ and as a mechanism suitable for application to the global economy (Gulati et al. 2000; Hassard et al. 1999; Latour 1993; Law 1994; Sack 1997; Thrift 1996). They represented an organizational form which is far more appropriate for modern governance than the existing structural systems that dominate the maritime sector, described by Dicken et al. as ‘atomistic’. The global economy is made up of ‘spaces of network relations’ and modern governance must reflect the changes that have taken place largely as a consequence of globalization and its core characteristics relating to communication, speed and flexibility. Powell and Smith-Doerr (1994) described them as analytical tools that subscribe to a form of governance, while many other commentators rave about their contribution to governance in the business sector (for example; Doz and Mahel 1998; Dunning 1997; Nohira and Goshal 1997).

However, Nohira (1992, p. 3) was less convinced:

[a]nyone reading through what purports to be network literature will readily perceive the analogy between it and a terminological jungle in which any newcomer may plant a tree.

So there is no universal support for network governance and it is not without both critics and criticisms. Rhodes and Marsh (1992, p. 183) were critical of the Rhodes model of network governance in particular and its attempt to place networks on a logical continuum of interpretation of policy-making. Kassim (1994, pp. 16, 20–25) was particularly sceptical citing three major drawbacks. Firstly he claimed that policy-making at the supranational level (referring particularly to the EU but applicable to other policy-makers) was characterized by variety at the micro-level with considerable fragmentation taking place so that no one process is appropriate. Network governance is a meso-level approach requiring consistency across this level to be meaningful and this in turn cannot readily accommodate micro-level variation (Marsh and Rhodes 1992). Secondly, the continued significance of institutions in policy-making (including those of the nation-state) contrasted with the network governance approach that aims to move away from this. Finally, network governance demanded the definition of a boundary to the network under consideration—but increasingly this was impossible to achieve meaningfully. Without clear boundaries it becomes very difficult to manage, interpret or manipulate the process of governance.

Stoker (2004, p. 24) quoted in Davies (2005, p. 314) claimed that:

There is nothing to suggest that networked community governance should be any less susceptible to conflict regarding goal definitions and defining priorities, than the traditional view of planning.

Meanwhile Hess (2008, p. 452) noted that a number of commentators had expressed unease at ‘network essentialism’ including Thompson (2003) and Sunley (2008). He summarized their concerns that the term network had become a ‘ubiquitous metaphor, lacking precision, being applied to everything and therefore becoming void of explanatory power’. Curiously they also contradicted Kassim’s claim that networks were too meso-level orientated, suggesting instead that they could deal only with micro-level governance and are inadequate when considering higher level dynamics. Others have supported this criticism including Granovetter (1985), Peck (2005), Yeung (2005), and Sunley (2008).

Podolny and Page (1998, p. 60) suggested that the network approach to governance remained unclear as it was always difficult to map formal organizational arrangements, which remain dominant within the maritime sector, onto a network structure. However the clearest criticisms of the network approach came from Klijn and Koppenjan (2000, p. 137) who identified five main drawbacks that had been commonly cited (Table 2.9). While they argued against many of these criticisms, there remained some notable questions to be answered. Skelcher (2005, p. 90) considered that the polycentric nature of networks made democratic decision-making almost impossible as conventional democratic ‘constitutional engineering’ required a strict hierarchical jurisdictional arrangement for it to work while networks lack this jurisdictional integrity:

Authority is diffuse and ill-defined because of the complexity of spatial patterning, functional overlays between jurisdictions, variable density of political spaces, and differential coupling between organizations.

### 2.3 Other Governance Models

Rosenau (2000, pp. 11–13) provided a detailed analysis of a governance model which brought together many of the issues discussed. Table 2.10 provides a summary of his typology.

Rosenau considered that this model might accommodate all the diversity, horizontality and number of steering mechanisms that characterize the world of globalized governance. The formal, top-down process is typically that of nation-state governments and is characterized by the existing maritime governance process. Bottom-up governance reflects the growth of power in institutions and sectors which are now pressing to be active ingredients in the policy-making process. They are sadly neglected by traditional maritime policy-making and governance frameworks. Market governance attempts to summarize the rising role of

**Table 2.9** Criticisms of the network approach

1. Lack of theoretical foundations and clear concepts. The network approach is not based on a solid theoretical body of knowledge and as a result there is no coherent theoretical framework (Borzel 1998).
2. Lack of explanatory power. Networks are primarily ‘metaphoric’, highly descriptive and provide no explanation of the policy process (Dowding 1995; Salancik 1995; Blom-Hansen 1997; Borzel 1998)
3. Neglect of the role of power. Too much emphasis on the role of co-operation and consensus and ignores conflict, power and power differences (Brans 1997)
4. Lack of clear evaluation criteria. They are vague and lack a substantive norm. The approach insufficiently acknowledges the goals of government (Propper 1996; Brans 1997)
5. Normative objections against networks and the role of public actors within them. Network approaches consider governments as only just another actor and ignore their social role. As a result network approaches to governance seriously jeopardize public sector policy innovation, the pursuit of the common good and the primacy of politics (Ripley and Franklin 1987; Marin and Mayentz 1991; Rhodes 1996; De Bruijn and Ringeling 1997)

Source Derived from Klijn and Kopperjan (2000, p. 137)

**Table 2.10** Six Types of Governance

Structure	Process	Process
Formal	Top-down governance (states, TNCs, IGOs)	Network governance (states, business, alliances, IGOs)
Informal	Bottom-up governance (mass public, NGOs, INGOs)	Side-by-side governance (NGO and INGO elites, state officials)
Mixed formal and informal	Market governance (states, IGOs, elites, mass public, TNCs)	Mobius-web governance (states, elites, mass public, TNCs, IGOs, NGOs, INGOs)

Source Rosenau (2000, p. 12–13)

TNC Trans-national corporation, IGO International Governmental Organization, NGO National and Sub-national non-profit Non-governmental Organization, INGO International non-profit Non-governmental Organization

horizontal linkages and the decline of the hierarchy as a formal governance structure. Once more the maritime sector seems sadly lacking.

Rosenau went on to explain that while some model categories are obvious, that of the Mobius web refers to the highly intricate networking that can occur across structures (jurisdictions) and between private and public, interest group and individual, company and elites, mass public and governments and which is increasingly the case. Maritime governance structures show little appreciation of these trends that are ‘pervaded by nuance, by interactive and multiple flows of influence’ which make them difficult to understand but no less important to accommodate.

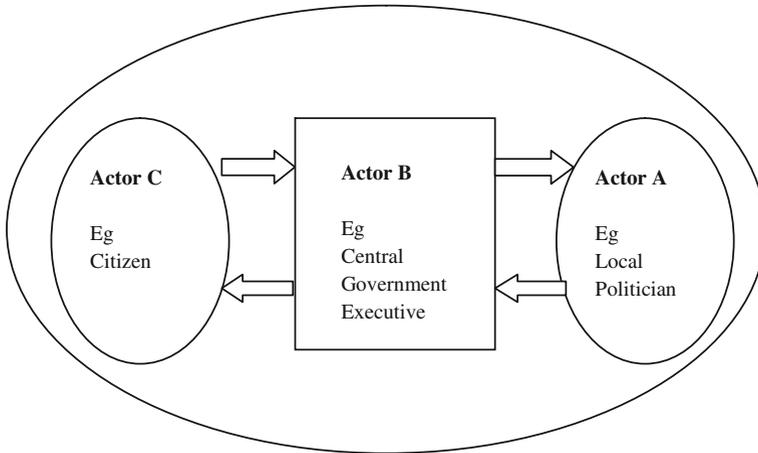
Turke (2008, pp. 3–8) identified three models of governance that provide a structure to the discussion of governance problems and policy-making inadequacies that feature so prominently in the maritime sector today:

- The *structure-oriented* view—where the social system is viewed as entirely independent and where it governs itself in a way through ‘self-reverential’ processes (autopoiesis). Thus they are operationally closed systems, with only the system’s internal configuration and skills determining the governance process that exists (Kickert 1993).
- The *actor-oriented* view—whereby social systems are considered ‘Gebilde’ and the system is viewed as constituting both the communications that take place but also the actors involved. Human actions and actor constellations are the focus (Mayntz 1976, 2004).
- The *synthetic* view—attempts to combine the best of both of these models by striking a middle ground between organization and actor. Kooiman (2003, p. 4) provides a central focus in which governing (and by implication governance) is ‘the totality of interactions in which... actors participate’. Turke even attempts to summarize his view on these interactions (Fig. 2.2)—and although this may be only one view, and indeed simplified at that, it remains a pertinent reminder of the process of governance in a globalized world that is replacing the existing traditional, simplistic, hierarchical model.

Gibbon et al. (2008, pp. 317, 319) provided an alternative model placing the discussion on governance in the context of what they called Global Value Chains (GVC) (Rabach and Kim 1994; Bair 2005). They identified two traditional governance models—that of mainstream international political economy and radical political economy. Mainstream international political economy governance looks at how powerful and effective the major international institutions are (for example the IMO, OECD, WTO etc.) in contrast to local, regional and national institutions. A radical political economy interprets governance as a relationship between international finance, the same international institutions, and major private corporations. GVC meanwhile sees the commodity chain as a ‘network of labor and production processes whose end result is a finished commodity’ (Hopkins and Wallerstein 1994, p. 9). It thus focuses specifically on the firm and its organization of production networks rather than on the capitalist process and the institutions that characterize it, and that underlie it. This organization is not spontaneous, automatic or systematic but emerges from the more significant actor firms that manage the access to markets globally.

Termeer (2008) also suggested a three tier structure for governance which she terms first, second and third generation governance. First generation governance focuses upon the tools and instruments of government which can be used to change people’s behavior and therefore resolve societal problems. She identified a number of typologies of instruments typified by ‘carrots, sticks and sermons’ or ‘legislative, communicative and economic’.

She went on to criticize this sort of approach to governance as insensitive to the fact that firms and individuals will avoid disagreeable effects of policies, that substantial information and interference is required of government to achieve impacts and that it is necessary to over-simplify real-life by bureaucrats to have a chance of influencing the market-place.



**Fig. 2.2** Governance as a process of interaction. *Source* Turke (2008, p. 7)

Second generation governance is a reaction to first generation governance and its lack of information, problematic compliance, self-referentiality and its lack of scalability and reflexivity. Here the focus shifts from single instruments to instrumental mixtures or policy arrangements. More indirect measures are employed and attempts are made to work through networks to help those involved solve problems themselves.

Third generation governance tries to ‘leave behind the idea of a government who knows what kind of behaviour is required from people’. It relies more on standing-back, small steps, observing, planning, self-reliance, adaptive management and self-organization and as such is a far cry from the hierarchical, top-down, nation-state approach we have identified in the maritime sector. It is likely to be firmly resisted by policy-makers who are more used to problem identification and solution rather than guidance, stimulating interest, uncovering opportunities and then standing back and waiting to see. Termeer’s view was that all three generations have value but that the third is most appropriate where the environment is complex and dynamic and it is these characteristics of the maritime environment that make the discussion most relevant.

Treib et al. (2007, p. 6) suggested an alternative model of governance derived from their work with the EU NEWGOV project (Table 2.11) looking at the model structure as formulated around actors and steering modes. They also provided an alternative viewpoint using policy, polity and politics as central features guiding the approaches available to governance (Table 2.12).

Meanwhile Ramachandran et al. (2009, p. 343) suggested a far simpler model of global governance that may help to clarify the significant issues involved which have been outlined by Jachtenfuchs (1995, p. 124), Rosenau (2000, p. 4) and Martin (2004, p. 147) amongst many others. Good governance consisted of achieving a balance between three components—people, economics and nation-

**Table 2.11** NEWGOV modes of governance

		ACTOR 1	ACTOR 2	ACTOR 3
		Public actors only	Public and private actors	Private actors only
STEERING MODES	Hierarchical top-down/ legal sanctions	Traditional nation-state, supranational institutions		
	Non-hierarchical bargaining/positive incentives	Intergovern- mental bargaining	Delegation of public functions to private actors; neo- corporatism	Private interest Government.
	Non-hierarchical, non- manipulative; persuasion; learning and arguing; diffusion	Institutional problem- solving across levels; European agencies	Public–private networks; benchmarking	Private –public partnership (NGOs)

Source Derived from Treib et al. (2007, p. 8)

states (Fig. 2.3) an approach adopted in principle for example, by the UN Security Council (Dervis and Ozer 2005) and which although it skims over essential governance ingredients such as non-state actors, military capacity, interest group representation and more, these are actually subsumable within the three elements in this model.

Finally models of good governance need in some ways to be treated with caution for as Smouts (1998, p. 87) pointed out:

international regulation exists among a small number of states, with private and elitist companies sharing the same communication code (that of free trade and the Western conception of human rights). It pertains more to what Hirst and Thompson (1999) (after Yarborough and Yarborough 1992) called ‘minilateralism’ than to global construction.

The concept of working towards good global governance is thus one confined to those with the financial, economic and political resources to even conceive of it; a luxury reserved for the few even though it might impinge on the many.

## 2.4 Governance Failure

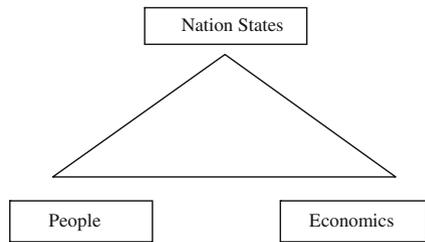
The problems of policy-making and their potential relationship to governance are documented outside the maritime sector, and there has been considerable interest for some time in the more general impact of the relationship between governance and policy effectiveness. Nielsen (2007, p. 2) cited Rosenau (2003, p. 5) suggesting that global governance networks commonly face problems and like all governance approaches, can also be inadequate as they are ‘prey to dilemmas,

**Table 2.12** Existing conceptions of modes of governance

State intervention	Societal autonomy
<i>POLICY</i>	Soft law
Legal bindingness	Flexible approach to implementation
Rigid approach to implementation	Absence of sanctions
Presence of sanctions	Procedural regulation
Material regulation	Malleable norms
Fixed norms	
<i>POLITICS</i>	Only private actors involved
Only public actors involved	
<i>POLITY</i>	
Hierarchy	Market
Central locus of authority	Dispersed loci of authority
Institutionalized interactions	Non-institutionalized interactions

Source Treib et al. (2007, p. 6)

**Fig. 2.3** Model of good global governance. Source Ramachandran et al. (2009, p. 343)



contradictions, paradoxes and failures’. This indicates the need for coordination and management of governance using systems of metagovernance (Sørensen 2006, p. 100). Rosenau (2000, p. 8) also suggested that governance was a social process that transcends ‘state and social boundaries so thoroughly as to necessitate a reinvention of the wheel’. This would require a complete overhaul of ‘rule systems and processes’ through which authority is exercised, and would have to be effective across national boundaries. Rosenau went even further noting that new ‘terminal entities’ were needed to act as replacements for national loyalties and provide an affiliation of the new groups emerging under globalization. Rather than identifying and differentiating between these groups in terms of territory, boundary and location, the need was to refocus on processes, flows and the structures that sustain them. Rosenau saw people (and organizations) now ‘converging electronically as equals, or at least not as superiors and subordinates’. The diffusion of authority that has occurred makes redundant any thought of hierarchical governance centred on the nation-state. And yet what do we have in the maritime sector?

Ruggie (1993, p. 143) expressed concern at the ‘fundamental institutional discontinuity in the system of states’ which was causing repeated governance failures in the ecological field while Sutherland and Nichols (2006, pp. 7–8) identified hierarchical governance models, enacted through policies, laws and regulations (Hoogsteden et al. 1999; Paquet 1999; Savoie 1999) which exhibit

considerable inadequacies. A hierarchical approach which currently characterizes maritime governance, assumes that ‘organizations operate in ‘a world of deterministic, well-behaved mechanical processes’ (Paquet 1999). Life however, is actually ‘full of paradoxes, contradictions and surprises’ making the hierarchical approach inadequate faced with ‘ill-defined, uncertain, unstable or unreliable’ situations (Sutherland and Nichols 2006, p. 7).

Jessop (1998, p. 43, 2004, p. 16) considered that failure was almost endemic in governance particularly if it is based wholly on market forces as it forms an inherent part of the market process. However, the definition of governance failure when it occurs is more difficult. There is no pre-given reference point, nor a substantive criterion against which to judge failure. Jessop suggested that the point of governance is that goals are modified over time and as circumstances change and hence failure is essentially elusive. Malpas and Wickham (1995, p. 40) supported his view suggesting that governance remains permanently incomplete and therefore must fail. To quote Jessop (1998, p. 43):

Given the growing structural complexity and opacity of the social world, indeed, failure becomes the most likely outcome of most attempts to govern it with reference to multiple objectives over extended spatial and temporal horizons – whether through markets, states, partnerships or some other mechanism.

He went on to stress the failure of governance as he saw it manifesting itself as an evaporation of authority with the existing hierarchical arrangements no longer effective as new, network-based horizontal flows (exemplified by the growth of NGO power, the increased role of interest groups and their facilitation by the process of globalization) have come to predominate. Meanwhile the existing structural flows of policy-making remained largely unchanged. Rosenau’s argument built on his earlier observations (Rosenau 1997, p. 363) citing Zurn (1993, p. 40) that globalization has created extended boundary-crossing activities leading to ‘uneven denationalization’ resulting in the alienation of people from the policy-making process.

Arrighi (1994, p. 2) noted the twentieth century failure of governance to be associated as an inevitable consequence of the structural crisis that has affected the Fordist-Keynesian regime of accumulation where investment in fixed capital was expected to create the potential for regular increases in productivity and consumption (Boyer 1990; Tickell and Peck 1992). For this to occur, adequate government policies and actions, social institutions and norms of behavior had to be sustained—in other words an appropriate governance framework. As the structural crisis has dug deep and the process of globalization changed the rules, so a new governance framework is needed or failure will occur (Aglietta 1979; De Vroey 1984; Lipietz 1987, 1988).

Lash and Urry (1987, pp. 6, 300–301) concurred, seeing the rise of a Postmodern era requiring a new form of governance because of the major transformations that this has generated. These transformations manifest themselves as internationalization from above—global corporations, international monetary reorganization and global governments; decentralization undermining national-based

societies from below; and growth of the service sector, transforming society from within. In the face of such change in governance scale and jurisdictional relationships, governance must change too. Held (1991, p. 148) agreed:

by taking the nation-state for granted, and by essentially reflecting on democratic processes within the boundaries of a nation-state, nineteenth and twentieth century democratic theory has contributed very little to understanding some of the most fundamental issues confronting modern democracies and the fate of democracy in the modern world.

This is taken up as well by Taylor (1994, p. 159) who considered that the old ‘wealth containers are no longer operative but politicians have not given up on territoriality. New economic blocks represent another attempt at creating wealth containers but at a scale that may stem at least some of the leaks’.

Stewart (1996) identified policy failure over a wide range of activities particularly associated with problems not of generation but implementation. This may sound familiar. He identified earlier work by Pressman and Wildavsky (1973) which showed how policies created did not necessarily flow into action—something they termed an implementation gap. Barrett and Fudge (1981, p. 9) suggested that this occurs because of the separation of those making policies and those actually implementing them. This may also sound familiar. The need was to view policy-making and implementation as a single process that encompasses a complex assembly job fitting together the different partners that have a stake. The process has to be interactive and recursive and cannot rely upon hierarchies. Crosby (1996, p. 1404) further emphasized the problems of policy implementation caused by the structural failure of governance frameworks that were characterized by a top-down process.

Stoker (1998, p. 24) felt that tensions within civil society in addition to ‘inadequacies in the organizations that bridge the gaps between public, private and voluntary sectors may lead to governance failure’. He cited Orr and Stoker (1994) in suggesting that failure of leadership, the lack of appreciation of various time-scales and horizons of key partners and the existence of social conflict can all derail what might appear to be on the surface, an admirable policy. Consequently there was a need to ‘think beyond the retooling of government to a broader concern with the institutions and social and economic fabric beyond government’. The situation had not been helped by the blurring of boundaries between the state and private sector, between the official and the voluntary, which has occurred increasingly from the 1970s.

Brenner was clear about what he thinks has gone wrong, citing Smith (1997, pp. 50–51) in the process. He criticized what he termed the ‘habitual spatial assumptions’ of the existing state-centric epistemology of contemporary governance. Globalization continues to upset, deconstruct and rework the foundations of society and as a consequence there is a need for new, analytical frameworks that do not ‘imprison the social sciences within timeless, territorialist and unhistorical representations of social space’. However, the response so far has been either to ‘transpose state-centric mappings of space onto a global scale or to assume that globalization is borderless and non-territorial and the state is meaningless. While

the role of the nation-state and its borders may well be changing and governance approaches need reformulating, simply abandoning the notion of space is not an option that makes sense.

Cerny (1995, pp. 620, 625) considered that the failure of governance was a result of the state's own reaction to globalization, commonly cheating or free-riding on opportunities created by 'autonomous transnational market structures' emanating from similarly autonomous transnational unaccountable structures—something that shipping will recognize. The interaction between these new, unrepresentative organizations is complex and non-linear, tending towards chaos or at best 'plurilateral stability'.

Hajer (2003) associated the failure of current governance to the inadequacies in policy-making of what he termed 'classical-modernist' institutions, defined as 'codified arrangements that provide the official setting of policy-making and politics in the post-war era in Western societies'. In later chapters this will emerge as a fundamental feature that has been created by the seismic move in society as capital is chased and the structure of economic, social and political life has changed with globalization. New political institutions have emerged, referred to by Hajer as an 'ensemble of mostly unstable practices' aimed at resolving the problems that the established institutions are failing to address successfully.

the constitutional rules of the well-established classical-modernist polities do not tell us about the new rules of the game. In our world the polity has become discursive; it cannot be captured in the comfortable terms of generally accepted rules, but is created through deliberation. The polity, long considered stable in policy analysis, thus becomes a topic for empirical analysis again. (Hajer 2003, p. 176)

Modernist (nation-state dominated, institutionalized) governance has been eroded by an institutional void generated by the move to a Postmodern, globalized society of which shipping is a central part.

Ramachandran et al. (2009) suggested that no progress at all is being made towards achieving 'an effective, coherent system of global governance' with the existing arrangements involving institutions such as the United Nations and World Bank, failing to keep pace with change in the world. Efforts to reform have been partial and most strikingly, national membership of international organizations is an inadequate guarantee of effective governance. Zurn (2000, p. 184) was equally as dismissive of attempts to incorporate citizens in the process on governance in an effective way provided by international organizations such as the WTO, dominated by hundreds of state representatives and tens of thousands of pages of agreements. While the aims of maritime governance (security, safety, efficiency and environmental improvements) can be 'better achieved with international organizations than without them, the mere existence is no guarantee of good governance'.

The legitimacy of international organizations like the UN, WTO, IMO and others is considered by Coicaud (2001, pp. 523–524) who firmly believed that this is achieved only through the nation-state members, from whom they receive their mandate and agenda. In so-doing they also open up the possibilities for governance over and beyond the member states themselves. However, this seeming panacea

for globalized governance cannot work where the international organizations themselves lack ‘convergence and consistency’ creating ‘quasi-institutionally embedded, disorganized courses of ideas and actions... generating disagreements over values and policies’. Coicard identified these problems existing in international organizations at present and suggested that the relationships with member states, private stakeholders, non-governmental organizations and individuals need to change.

rather than being global institutions with worldwide effective operational reach, they tend to be headquarters organizations. In this context the head is likely to be remote from the rest of the organization and its activities on the ground. At times, the two hardly recognize each other as parts of the same entity. As internal deficiencies usually result in poor power projection, this situation largely accounts for the inadequate cohesion of decision-making processes and erratic implementation of operations in the field. As a consequence what international organizations have built so far is less a thick multi-directional web or matrix than a thin network with a relatively meager normative, operational and political grip on or ‘pull power’ over developed and developing countries. (Coicaud 2001, p. 527)

De Senarclens (2001, p. 509, 510) noted the increasing influence of international organizations since 1945 generated by the ever-increasing globalization of markets and encouraged by the hegemonic traits that they permit or encourage. International organizations act as an intermediary to enable a dominant super-power to retain influence over other nation-states (Petit and Soete 1999, p. 179). However, De Senarclens (2001, p. 514) went on to suggest that nation-state representation at these international organizations was inadequate. Decision-making tended to be in the hands of a very limited number of member nation-states and the mass of stakeholders in any particular process are largely unrepresented. Despite this, most nation-states do not want to abandon their international representation, thus retaining their political audience despite their ineffectual policies, lack of democratic representation and debatable legitimacy. Nation-states remain at the heart of all the international organizations despite the best efforts of globalization and consequently sustain the hierarchical notion of governance that currently persists. Petit and Soete (1999, pp. 178, 180) suggested that only nation-states can co-ordinate and maintain the international organizations and the global policies that have to be agreed. ‘Nation-states will be the principal agents forging the new institutions’.

Meanwhile Woods and Narlikar (2001, p. 569) noted how significant the international organizations had become, intruding ‘deeply into the national politics of member states’:

each of the international economic institutions is now involved in decision-making which directly affects local communities, interest groups, national domestic and political arrangements, and also specific groups of countries. Many of these groups are today claiming that they should be treated as stakeholders, and that the international economic institutions should be more directly accountable to them. (Woods and Narlikar 2001, p. 569)

Borzel (2007, p. 16) was confident that governance within the European Union generally fails because of the lack of representation and involvement of the private

sector—to which much policy-making is directed. This is highly inappropriate. The problem is then intensified by the hierarchical nature of the EU policy-making process, something designed and sustained by the EU itself and which fails adequately to accommodate the multi-level governance characteristics which are needed.

## 2.5 Maritime Governance

The literature considering European Union governance is immense and reflects the substantive issues raised by the growth of new supra-national authorities and their relationship to nation-states. The EU has shown considerable interest in governance in the early twentyfirst century in response to some of the comments made but with only a marginal impact upon the processes adopted. Evidence of the new interest comes from a number of policy documents from the Commission (for example Commission of the European Communities 2001a, b, c, 2008a, 2009), however, clearly, much is left to be done.

We cannot review all that has been discussed with respect to the EU and governance but some of the main issues can be noted. As a result, before we go on to examine maritime governance in more detail, it is important to have a closer look at EU governance and the issues that characterize it, since many of the maritime governance problems that exist worldwide, manifest themselves most clearly in this region.

Ruggie (1993, p. 140) quoted *The Economist* (1991, p. 16) when considering the governance of the EU:

Eurocrats speak of overlapping layers of European economic and political ‘spaces’ tied together in the words of EC Commission President Jacques Delors, by the community’s ‘spiderlike strategy to organize the architecture of a Greater Europe’.

Peterson (1994, pp. 152–153) outlined EU policy-making and governance. EU policies were ‘products of bargaining between a diverse array of national and supranational, public and private and political and administrative actors’. Governance was characterized by networking and actors wishing to influence the process needed to be involved early on when control by EU politicians was most tenuous (Mazey and Richardson 1993). Policy-making, and hence governance, is complex. Peterson gave an example of the levels of analysis in decision-making that characterize this process (Table 2.13).

Scharpf (1994, pp. 220, 221) had identified some years before what he called a ‘democratic deficit’ in EU governance (later to be reiterated by Hofmann and Toller 1998), and particularly the failure of the nation-states which make up the EU to relinquish any power. The plan seemed to be that they would continue to enlarge the competencies of the EU while also controlling decision-making at a nation-state level through the Council of Ministers. Policy-making had to be improved and this Scharpf saw as only possible by improving the governance of

**Table 2.13** Levels of analysis in EC decision-making

Level	Type of decision	Dominant actors	Rationality
Super-systemic	'history-making'	European council: ECJ	Political; legalistic
Systemic	'policy-setting'	Council of ministers; COREPER	Political; administrative
Meso-level	Policy-formulating, shaping and implementing	Commission; council; secretariat; committees; private actors	Technocratic; consensual; administrative

Source Peterson (1994, p. 153)

negotiations between politically autonomous governments. Since the European institutions are completely dependent upon the nation-state members for finance and political power, then this has to be recognized in the governance model adopted. This contrasts somewhat with our earlier suggestions that in fact the way ahead is to do exactly the opposite (especially in the globalized world of shipping) and detach the two jurisdictions, or even derive new relationships across jurisdictions or avoiding jurisdictional interference. Scharpf (1994, p. 238) was confident that the existing EU hierarchical arrangement must fail. Consequently a new model was needed requiring 'complementary adjustments of the forms of governance at both the European level and that of member states'.

Zurn (2000, p. 183) was similarly as depressed by the EU as a democratic institution, citing its inadequate governance as a major factor:

If the EU were to apply for membership in the EU, it would not qualify because of the inadequate democratic content of its constitution.

The maritime sector is also far from immune to governance failures—and it is the contention that this in turn has undermined any attempts at coherent and meaningful maritime policy-making. Sletmo (2002b, p. 5) noted how national shipping policy is an 'oxymoron' as globalization of the industry eliminates the need for national policies. National shipping governance would be similarly ineffective, encouraging distortion of policy-making more generally although alternative views were beginning to emerge in the context of severe worldwide economic depression in 2011 (Tradewinds 2011). Sletmo cited Canada, China and West Africa as examples of where different shipping policies were emerging as a response to the different circumstances that existed making an appreciation of the variation internationally in maritime governance significant. He also noted the importance of maritime policy institutions and that they need to be effective if the policies themselves were to work. Sletmo's contribution also built on earlier work by Zacher and Sutton (1996, p. 38) and Hosseus and Pal (1997) who considered the boundaries of policy that exist for shipping and therefore the types of issues that comprise shipping policy. Some 473 topics were derived, consolidated to 135 categories along with accompanying policy instruments. Although they did not

consider issues of policy governance, their work was valuable in providing boundaries around a highly diffuse and difficult to define area.

Gibson and Donovan (2000) provided an extensive review of USA maritime policy up to the end of the twentieth century and in the process could not avoid the issues of governance. Similarly Cafruny (1987) and Sturmeay (1975) each considered world shipping policies and the governance frameworks that lay behind them even though much of this was unrecognized at the time. Bennett (2000, p. 879) however, was more open in his appreciation of the importance of governance to maritime policy-making and the issues of international regulation in particular quoting Young (1996, p. 2) in support:

Governance... is a social function whose performance is crucial to the viability of all human societies; it centres on the management of complex interdependencies among actors (whether individuals, corporations, interest groups, or public agencies) who are engaged in interactive decision-making and therefore, taking actions that affect each other's welfare.

Bloor et al. (2006) meanwhile placed the maritime industry into the governance of supply chains characterizing the shipping industry as part of Gereffi' et al.'s (2005) global value chains, 'divided among multiple enterprises spread across wide swathes of geographical space'. They went on to reflect upon the poor record of labour standards in the maritime sector and suggested that there were governance issues at the root and not just regulatory failings.

Chircop (2009, p. 361) was firmly convinced of the importance of governance and jurisdictional integrity in particular in his consideration of shipping in the Arctic identifying multiple levels of hierarchical policy-making. De Vivero and Mateos (2010) assessed ocean governance issues and the management of ocean space in some detail while Gekara (2010) provided a more detailed examination of the role of tonnage taxation in the UK and its jurisdictional and governance integrity.

Bennett (2000, p. 893) emphasized the significance of maritime governance by indicating that the problems associated with substandard shipping were not caused by too few or inadequate regulations but by a 'result of a lack of responsibility and enforcement'. In this he had political support:

With the body of laws that now exist... I believe that less emphasis needs to be put on developing requirements relating to new regulatory technical standards for ships and crews and more resources, time and energy needs to be given to fair and effective enforcement. (Speech by former EU Transport Commissioner, Neil Kinnock, June 4th, 1998).

Bloor et al. (2006, p. 535) considered the problems of shipping governance created by the growth in globalization with 'markets in vice' developing as 'competitors seek price advantage without regard to the health and welfare of the workforce, the pollution of the environment, or the protection of the consumer'.

A range of other maritime governance issues have been considered in some detail and these include piracy (Galgano 2009), seafarer certification (Obando-Rojas et al. 2004), port state control (Bloor et al. 2006; Perepelkin et al. 2010), the role of the IMO (Bloor and Sampson 2009), flag states (Kovats 2006), ports

(Brooks 2004, 2007; Slack and Fremont 2005), and also issues relating more specifically to EU maritime policy (Wakefield 2010).

Placing the whole maritime governance debate in its wider context Chlomoudis et al. (2000) considered the movement from the recognition of a Modernist genre for ports to one that we shall see is commonly termed Postmodern. This theme was driven from the work of Rodrigue et al. (1997) and was continued by Van de Loo and Van de Velde (2003, pp. 6–8) who noted Notteboom and Winkelman's (2001b) cultural shift from a Fordist to a Post-Fordist scenario exemplified by the rise in outsourcing which together with globalization provides for a fragmentation and specialization in the ports industry which in turn generates the need for new governance rules and methods. Both Koivurova (2009, pp. 171–173) and his 'creeping jurisdiction', and Sletmo (2002a) and his recognition of the need to revise maritime policy-making to accommodate the national/international movements that were taking place, consider these issues further.

In shipping the emergence of alliances, logistics service providers, dedicated terminals and the like require governance adaptation to new Postmodern ideals. Van de Loo and Van de Velde (2003, p. 14) in particular saw this occurring in the reinvention of port authorities worldwide and Hatzaras (2005, pp. 4–5) noted the applicability of Radaelli's (2003) concepts of inertia, absorption, transformation and retrenchment to the maritime sector.

Thompson (2003, p. 140) placed this discussion into the wider governance debate where under globalization, a new framework of 'disembedded economic relationships' exists, autonomous from national economies and agents largely determining what can be done at the national level, dominated by transnational corporations seeking competitive advantage by 'roaming the globe for cheap but efficient production locations'—something clearly close to the heart of every shipowner. Globalization was viewed by most post-war governments and policy-makers as manageable both domestically and internationally and the result in Thompson's (2003, p. 143) words was 'complacency'. The result was actually the growth of a series of unstable and unmanageable institutions and interests (that) now inhabited national economies'. Shipping is a formidable example. They refuse to be 'managed or controlled and indeed (end) up by dictating the terms of their economic activity to the policy-makers'. Ruggie (1993, p. 164) added the problems of governing international waters to those of shipping as the globalization event has unfolded.

Furger (1997, p. 445) took us beyond the borders of the EU in suggesting that maritime policy, particularly maritime environmental policy, has been 'informed by a command-and-control approach to regulation'. This has relied on all those actively involved being largely self-interested, and economically self-optimizing actors (Sugden 1991). It is assumed that groups of rational actors can rarely maintain commonly defined rules. This failure to self-regulate justifies giving strong regulatory powers to agencies responsible for protecting the public interest. The classic state-centric, hierarchical and institution bound maritime governance model fits the bill sweetly. The industrial and social stakeholder is a nuisance and the role of intermediaries, acting as facilitators between the self-interested industry

**Table 2.14** Defining characteristics of policy-making

Characteristics	Policy-making
Goals	Deal with immediate problems
Valued action	Practical action, decision-making, problem solving, legislation, regulations, decisions and constituency satisfaction
Time frame	Immediate short term (days, weeks, months dependent on the nature of the problem or crisis)
Basis for decisions	Information commonly extracted from science but generally reinterpreted within the political context of values, public opinion and economics
Expectations	Clear advice expected and specific answers to questions. More science and information do not necessarily lead to better decisions
Values	Practical experience valued more highly than qualifications. Public and political opinion valued
Intellectual direction	Balance of resource use and development. Economic efficiency. Sustainable development. Multiple use, jobs and pragmatism
Focus	Focus on problems at hand. Multi-disciplinary approach usually required
World view	Primacy of political, social, interpersonal and economic mechanisms. A mixture of objective and subjective views

*Source* Derived from Plasman (2008, p. 812)

and the protectionist state is an anathema. This is a Modernist vision which is confronting a Postmodern phenomenon.

Plasman (2008, p. 811) in the context of marine spatial planning, considered policy-making and governance to be one and the same thing and to be typically hierarchical. Its defining characteristics are shown in Table 2.14 and from this she derived a series of governance ingredients needed if policy is to be effective. These included:

- The use of all available and relevant authorities of all jurisdictions.
- Recognition of the importance of leadership and the significance of the right individual, with appropriate powers and influence, at the top.
- Extend all activities to all relevant stakeholders and instruments.
- Use science effectively to guide policy options.
- Be interactive and holistic. Build short-term accomplishments into longer-term strategy.
- Communicate transparently and building trust and public support.

Although hardly ground-breaking it is interesting to see how few of these are adequately served by existing maritime governance.

Braithwaite and Drahos (2000) considered extensively the governance issues that emerge from the activities of the IMO. Setting the scene they insist that IMO standards are not a problem and nor is their international acceptance by governments of nation-states:

Their problem is non-enforcement by states and classification societies which supposedly subscribe to them. It is not a leading down of global standards. Rather, it is a problem of a market niche that allows a minority of the industry – albeit a substantial minority – to profit by evading enforcement of global standards and falling back on limited liability and

bankruptcy whenever loss-bearers attempt litigation to internalize the externalities they inflict on the world. (Braithwaite and Drahos 2000, p. 424)

However, the IMO is not wholly innocent when it comes to governance failure. Van Leeuwen (2008, pp. 9–10) assessed the inadequacies which emerged over the issue of double-hulled tankers between the IMO and some of its member-states and the difficult relationships with the EU which have followed. Meanwhile, with contributions dependent upon the tonnage of merchant fleets, Liberia and Panama for example, are major providers, yet by the late 1970s, neither had ever been represented on the IMO Secretariat nor been elected to Council (Silverstein 1978). Despite some representation since then the imbalance remains apparent. Meanwhile, although Braithwaite et al. see the IMO as representing a ‘decisive triumph of global harmonization of standards over national sovereignty’, at the same time Hindell’s (1996, p. 371) opinion was that:

When the member states of the IMO put on their rule-making hats they are at their most benign and most constructive. It is when they go home to exercise their ‘national sovereignty’ by applying these international regulations that the facts of day appear.

Raaymakers (2003, p. 22) identified a number of governance failures surrounding the work of the IMO exemplified by the unilateral action of the French and Spanish governments after the 2003 *Prestige* accident, when they deployed warships to escort transit tankers outside their respective EEZs. This violated the right of innocent passage and freedom of navigation and resulted in the generation of policy from below in direct contradiction to the hierarchical, top-down structure of the IMO and other jurisdictions. The IMO was also seen to be lacking with respect to the ineffectiveness of ballast water regulation and the application of MARPOL to the problem of maritime debris. Raaymakers identified examples of duplication of regulation by national and regional regimes to be applied to the international shipping industry. However, despite these problems, his support was for international policy-making and the retention of the existing hierarchical framework, but clearly its strengthening was a necessity. The IMO was not at fault but the nation-states that make it up were:

UNCLOS... ‘provides the most complete treaty that exists on the maritime environment.’ The principle problem hindering efforts to prevent maritime accidents is the failure by states to implement UNCLOS laws (and IMO instruments) relating to navigational safety and the marine environment. Too often (states are lax and) happy just to react to accidents related to the use of the seas.

Raaymakers’ conclusions were that integrated and meaningful maritime policies need to be multi-sectoral and holistic as well as ensuring that related jurisdictions work effectively together. Meanwhile Hinds (2001, p. 415) suggested that the UN overall exhibits problems because of the structure it has adopted and in particular the specialized agencies such as the IMO. The agency structure has resulted in global fragmentation and there has been evidence of resistance to coordination. As Williams (1987, p. 48) commented:

the ‘Founding Fathers’ of the system decided that the system should be polycentric, with connected but essentially separate organizations responsible for political matters (the UN), health matters (WHO), labour matters (ILO), and so on (e.g. *the IMO for maritime matters*). The dangers and disadvantages of having one monolithic organization were considered to outweigh the dangers and disadvantages of having a dispersed network. So the various specialized Agencies were set up as separate institutions, each with its own membership, intergovernmental institution, budget, staff, Executive Head and policies. (*section in italics added*)

Hinds suggested that a fundamental problem that this structure created is that these agencies have failed to accommodate regional needs and ambitions and that to be more effective they need to transfer more of their programme leadership to the regions and nation-states that make up the agencies. At present policy-making at this level is realized through a ‘dialogue process within the institutional architecture of individual specialized agencies’ in combination with many special conferences which together has led to a ‘multitude of action programmes’, ‘excessive demands on the UN system and their member states’, and diffusion of responsibility and competition for scarce resources (Hinds 2001, p. 419). There are no external monitors of what goes on—the process of control is limited to family agencies of the UN system.

The result was that member states fail to assume ownership rights to UN sponsored activities and as such:

it is not surprising then, that most recipient governments display little urgency to economize in the use of grant-financed technical co-operation... the prevailing incentives contribute to proliferation of projects, minimal local ownership, haphazard linking of technical co-operation with national priorities, and wasteful retention of unsatisfactory or little-used technical assistance personnel. (Berg 1993, p. 174).

In Hinds’ (2001, p. 420) words, ‘in the case of the UN system in general, the necessary resources and the political will to effectively implement its mandate has been elusive over the past five decades’. Additionally, the problems of the IMO as a Specialized Agency were further emphasized by Childers and Urquhart (1994, p. 189).

It is now seldom recalled that the founders of the UN family intended, and in fact the first General Assembly provided, that the headquarters of Specialized Agencies should be located at the seat of the UN itself. There were supposed to be only ‘very strong reasons’ for any exception to this general principle. Fifty years of experience demonstrate what was lost by the total ignoring of this key feature of the original design.

Evidence of concern over maritime governance failure comes from all quarters, not just the IMO, and builds upon the discussion on maritime policy failure in the previous chapter. Of course, the two are intrinsically linked as the possibility of meaningful and enforceable policies without a robust and appropriate governance structure is slim.

The focus of many of the maritime policy failures which we have identified has been the European Union, and although maritime failure is clearly apparent elsewhere, the EU provides the most serious and concentrated examples of the problems that exist. Recent discussion is exemplified by Wegge’s (2011)

consideration of Norway's role in the EU maritime policy process. Meanwhile we have noted the five main good governance principles that the EU identified in 2001 and which Fritz (2010, pp. 4, 5) summarized as openness, participation, accountability, effectiveness and coherence, reinforced by proportionality and subsidiarity. However, although fine in principle, there remains much to be done to actually improve EU governance and quite possibly this has to involve substantial reform. An indication of the changes needed comes from the 2001 White Paper (Commission of the European Communities 2001a, p. 25) where the emphasis is clearly placed upon the nation-state to ensure effectiveness of governance, overlooking the shift that has occurred towards globalization—maritime or otherwise. The hierarchical nature of traditional governance is emphasized through the Commission's insistence on EU law and the significance this takes in ensuring good governance and the hierarchy is re-emphasized where the Commission continues by stressing its need to extend supranational representation across all the jurisdictional levels—especially international and regional. In fact it is only in the Commission's acceptance of the increasing extended role of stakeholders from wider backgrounds that any form of move away from the traditional hierarchy model can be seen. This was followed by more specific maritime governance proposals in 2006 and 2009 (Commission of the European Communities 2006, 2009).

Meanwhile, the European Union Integrated Maritime Policy emerged in 2007 (Commission of the European Communities 2008a), and made specific reference on a number of occasions for the need for proper governance measures if it was to succeed in its aims of integrating increased economic activity and environmental protection. In the EU the maritime governance problem is extremely complex as the region includes a number of highly sensitive enclosed seas (Mediterranean, Baltic and Black Seas) as well as considerable areas of High Sea (Commission of the European Communities 2009, p. 1). The Commission identified two significant problems that achieving effective maritime governance faced:

- Each sectoral policy is pursued by its own national administration making effective international policy very difficult to develop. This problem we have already seen relating to the work of the IMO in particular, where nation-states tend to work to their own agendas rather than those globally optimal.
- The large area of High Seas which lie near to the EU or within which EU vessels operate makes the planning, organization and regulation of activities very difficult within a national-bound governance regime.

In addition, EU maritime governance would need to comply with the ideal principles of good governance identified in 2001 (Commission of the European Communities 2001a) viz. stakeholder participation, transparency of decision-making, and effective implementation of agreed rules. Almost none are currently upheld.

To move towards a position of good maritime governance the Commission has proposed a number of changes in the maritime policy-making process specifically for the Mediterranean region and which might be applied elsewhere more generally:

- Encourage stakeholders and administrations in the Mediterranean to address maritime affairs in a more integrated manner and to engage in priority-setting for maritime governance.
- Examine ways to foster further cooperation among stakeholders and administrations from across all maritime related sectors and the Mediterranean.
- Assist Mediterranean EU Member states to exchange best practice in integrated maritime policy.
- Make available assistance under the European Neighbourhood and Partnership Instrument for non-EU countries.
- Promote ratification and implementation of UNCLOS.
- Set up a basin-wide Working Group on integrated maritime policy to foster dialogue.
- Enhance multi-lateral, cross-sectoral cooperation through specific studies and regional agreements.

The focus was clearly on technical competence within the confines of the existing governance jurisdictional structure—reliant upon the nation-state and the convergence of national and supranational/global priorities. Essentially the right words were being used (stakeholders, integration, transparency, dialogue etc.) but little is being done to move away from the traditional hierarchical, state-centred focus.

These policy trends were re-emphasized in 2008 with the publication of a Communication from the Commission to the Parliament and the Economic and Social Committee (Commission of the European Communities 2008b). This document stressed the need for holism in policy-making in the maritime sector and many of the proposals put forward were clear and well-defined with examples of good practice in the generation of maritime policy by member states that attempted (and succeeded) in looking at the maritime sector as a whole. However, there remained an assumption that the existing hierarchical governance structure would be unchanged with no discussion of the need at least to review the institutional and decision-making framework, and in addition although the important role of stakeholders in policy-making was clearly flagged up, there was nothing to suggest that those involved or who needed to be involved would be any more than the traditional enthusiasts who characterized maritime policy-making to date.

Discussion of the problems of maritime policy-making dates back some years [see for example Yannopoulos (1989) and Cafruny (1987, 1991)] but without any explicit linkage to maritime governance. However, more recently the issues have clarified. For example, Vallega (2001, p. 399) began a wide-ranging discussion of ocean governance by outlining the maritime origins of the word. Derived from the Greek 'kybernan', meaning 'to hold the helm', its roots are clearly in navigation and implies conducting a structure/vessel towards a destination, considering the organization of a system as a whole in a way consistent with that organization's aims. While governance's maritime roots may be co-incidental to our discussion, it remains a neat reminder of the relevance of governance to the sector as a whole.

Vallega goes on to stress how the rise of the Postmodern ocean has required a Postmodern approach to governance and questions whether this has been achieved.

Van Leeuwen and Bruyninckx (2006) considered the broader issues of maritime governance in relation to the dumping of waste by shipping, while Van Leeuwen (2008, p. 2) discussed the application of new governance principles in the maritime sector and stressed early on how multiple actors are now seen as a vital ingredient in the general governance mix, including non-state and private stakeholders. Governance has also recognized the importance of incorporating multi-level practices through the interlinking of international, supranational, national and regional representatives across traditional jurisdictional boundaries, along with the development of more informal policy regulations and norms. However, how much of this has actually happened and more importantly, how much in the maritime sector?

Van Leeuwen (2008, pp. 7–8) continued to stress the significance of the nation-state in maritime policy-making to date. She notes what she terms the importance of the ‘actor dimension’ of states—reflected in the terms port state (when a ship visits a port); flag state (reflecting registration) and coastal state (when the ship passes through a state’s coastal waters). This state domination of maritime governance is further apparent from the work of the IMO which is designed by and operationalized at a state level. Power struggles over maritime policy are almost always between ‘flag states and ship owners’ in some direct or indirect way.

Alderton and Winchester (2002, p. 39) saw a direct link between sovereignty and maritime governance failure, citing flags of convenience as an excellent example. Here they claimed, the problem was that whatever international policy-making organization you have (for example the IMO), policy is always enacted on a state-by-state basis and transforming these universally accepted goals and rules into a binding legal obligation was each state’s sovereign privilege (Cairola and Chiarabini 1999). This presented the freedom both to act and not to act and this in turn meant that the ‘path between the flag state and the ship owner is at best, obscure and minimal’ (Alderton and Winchester 2002, p. 40). This governance failure was reinforced by the increased standards implied by port state control policies which hunted down the lower quality vessels to the point that a new market was created for those shipowners who could afford to maintain standards.

Van Tatenhove (2008) provided a general discussion of maritime governance and its links to maritime policy-making in the context of fisheries, commercial shipping and offshore activities relating these to the changing role of nation-states and the rise of the private sector in comparison to the public. He stressed the significance of achieving an integrated and effective maritime governance framework and the inertia identifiable in the existing governance institutions along with their institutionalized maritime policy domains. In an earlier paper, along with Van Tatenhove et al. (2006, p. 10) he stressed the importance of informal networks and the emergence of the ‘network state’. This followed the work of Castells (1997, p. 332) who described:

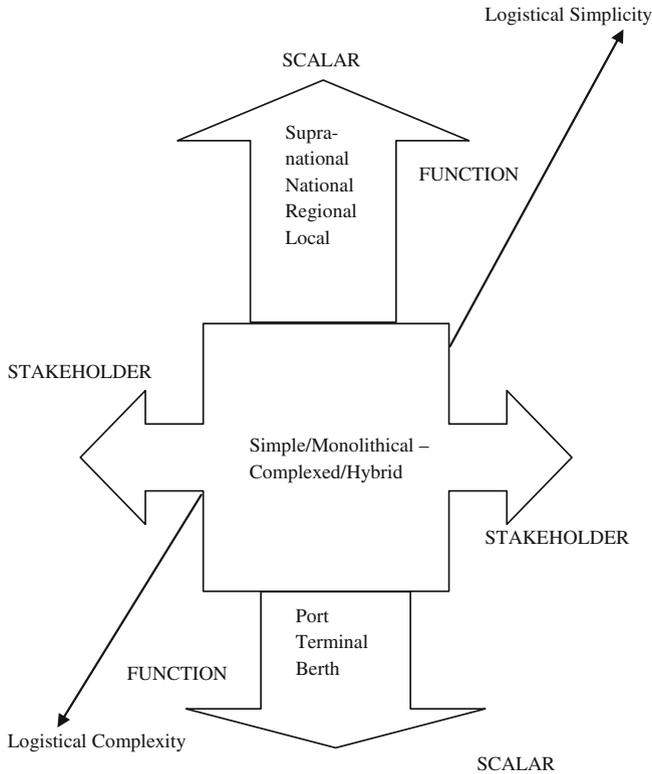
... the new form of state epitomized by European institutions; *the network state*. It is a state characterized by the sharing of authority... along a network. A network by definition has nodes not a centre. Nodes may be of different sizes, and may be linked by asymmetrical relationships in the network, so that the network state does not preclude the existence of political inequalities among its members. (*emphasis in original*)

The relationship between ports and governance has generated much interest in recent years, stimulated in part by the proliferation of privatization that has taken place and the changes in ownership structure and the process of organizing and administering the port sector that has resulted.

De Langen (2002) defined port cluster governance as the ‘mix of and relations between different modes of governance’ and identified four main variables—trust, intermediaries, leader firms and the quality of solutions to collective action problems which dictated the success of otherwise of the governance model adopted. Port cluster success was dependent upon an appropriate governance framework. Wang et al. (2004, p. 237) suggested that port governance modeling had gained increased credibility in the early years of the twentyfirst century with particular reference to port reforms in developing economies (Baltazar and Brooks 2001; Wang and Slack 2002; Wang and Olivier 2003) citing particular examples from China. After some discussion of the different ways that port governance had been viewed, they went on to propose that a greater emphasis was needed on stakeholder involvement (something we return to in a later chapter) and also an increase in the weight placed on social and cultural variables, citing Stoker’s five propositions of governance (Stoker 1998). Their adapted framework for port governance is shown in Fig. 2.4 where the three axes consider scale, function and stakeholder. While far from ideal (or even very clear!), Wang et al.’s emphasis on the significance of port governance and its relationship to scale, stakeholder, function and jurisdiction is obvious.

Brooks and Cullinane (2007a) placed considerable emphasis on the ownership issues relating to governance and the devolution process that has occurred widely in ports. While ownership and its impact remain significant for port governance there are many other aspects that need consideration as well. The models of port governance described in Brooks and Cullinane (2007b) relate almost entirely to port responsibilities in relation to types of devolution and the balance achieved between private and public and there is no discussion of the cultural and societal issues nor of the flows of information, power and influence nor of the alternative structures that might develop in jurisdiction and government. While Cullinane and Brook’s discussion is wholly relevant to port governance, it remains only partial and over-emphasizes the impact of the process of privatization that has taken place.

Brooks and Pallis (2008, pp. 411–413) took a similar line with continued emphasis on ownership as the fundamental port governance issue in their interpretation of the relationship between governance models and port performance. The emphasis is clear from their discussion of the 34 different models of ownership derived by Brooks and Cullinane (2007b) which were considered in themselves models of governance and not of ownership. Meanwhile Notteboom and



**Fig. 2.4** Three dimensional model of port governance. *Source* Derived from Wang et al. (2004)

Winkelmanns (2001a) provided a broad introduction into the idea that the public sector must provide good governance for seaports especially as they face continuous reform in the light of further globalization pressures. As part of this they widened the discussion to issues such as stakeholder relations and agreed with Wang and Slack (2002) in that social and cultural variables were a vital part. As emphasized in Table 2.14, there is much more to port governance than ownership and failure in ports is evidenced by the relationship that exists between performance and governance in its widest sense

However, in contrast Verhoeven (2009, p. 79) saw the changing ownership patterns in ports challenging existing governance models especially in the context of repeated (and failed) attempts by the EU to introduce a ports policy centred around competition. Verhoeven went on to define port governance as confined between markets and regulation with a large number of positions that could be taken up between these two. No mention was made of network models as an alternative nor of the significance of hierarchies, nation-state changes or jurisdictional chaos.

Three challenges that new port governance models need to face were identified as arising from sustainability, the rise of integrated logistics and the increased role of markets but these were then interpreted only in terms of ownership issues and there was limited space given to the need to address representation, stakeholder involvement or jurisdictional integrity. However, Verhoeven did finish with some more diverse ideas about what needs to be considered to encourage ‘good’ port governance. These reflected on the need for enhanced autonomy and management culture of port authorities; improvements in the interaction between government, port authorities and market actors; increasing the effectiveness of reform programmes including political influence and finally increasing diversity in port governance systems.

## 2.6 Conclusions

Governance is at the heart of maritime failure and it is clear from this discussion just how complex the area is and how significant an issue it has become in the debate about policy-making in general both within and outside the maritime sector. Before we can go on to assess the ways that something might be done to overcome the plague of policy failure that has affected shipping and ports, it is appropriate first to understand the fundamental principles that lie behind current and future potential governance structures. To do this we first turn to the notion of the hierarchy, followed in turn by the nation-state and globalization. Alternative configurations to the existing Modernist maritime governance model can then be considered.

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