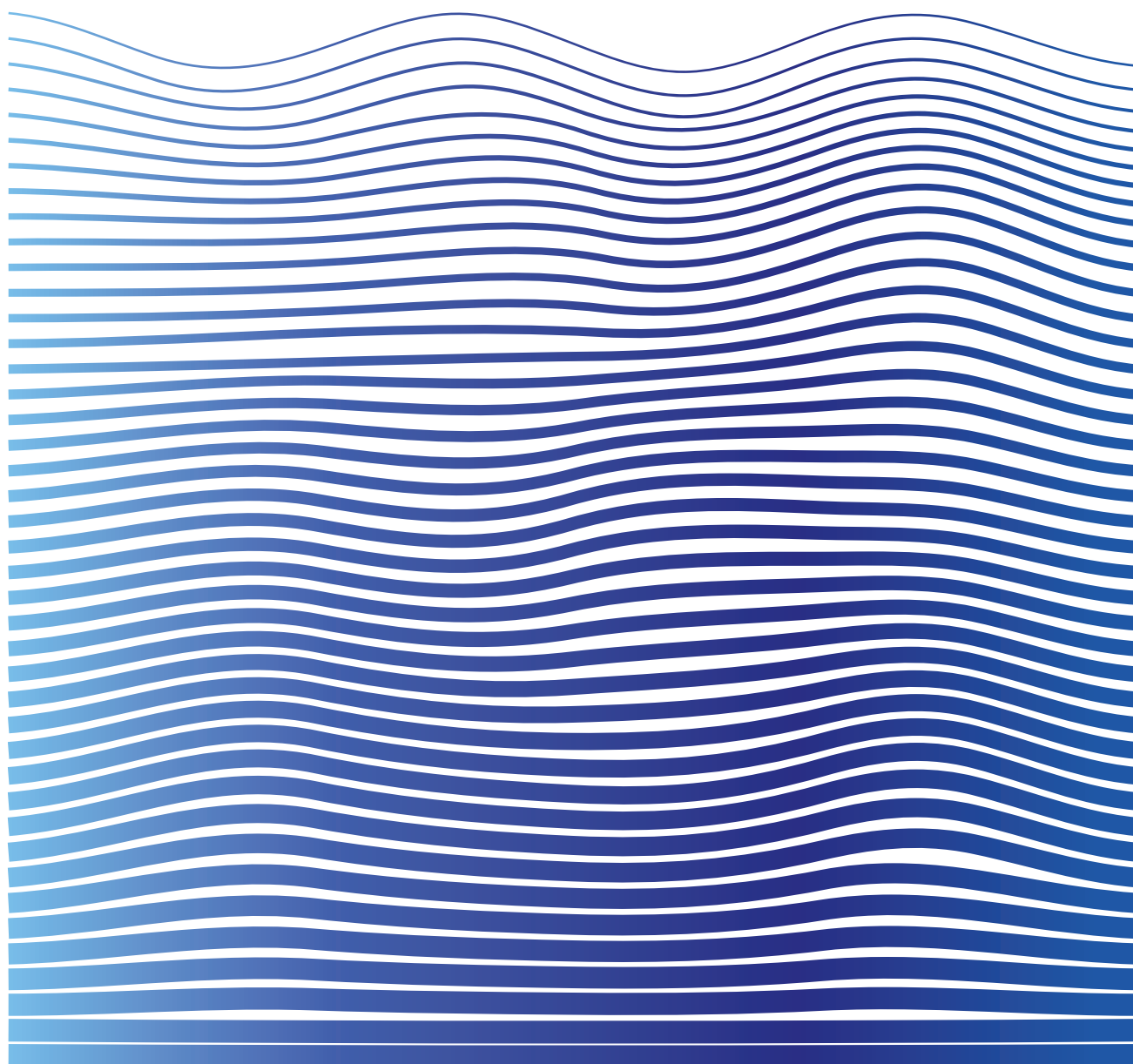# A EUROPEAN OCEANS PACT
TO ENHANCE OCEAN GOVERNANCE

PERMAGOV

Cross
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A European Oceans Pact to enhance Ocean Governance

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1. Background

The Oceans Pact, together with the European Green Deal (EGD) aims to promote and ensure sustainable use and protection of the oceans and the prosperity of EU's coastal communities. The EGD provides an important basis with strong sustainability objectives for accelerating ocean energy, decarbonizing shipping and ports, expanding marine biodiversity protection, reducing pollution, and advancing sustainable blue food production. The marine social scientific consortia of three Horizon Europe (HE) funded projects (PERMAGOV, CrossGov and BlueGreen Governance) welcome the initiative of the Oceans Pact's objectives for healthy and productive oceans. As established in the EGD, there is a need to work towards ambitious sustainability goals to address the multiple interrelated crises affecting the marine environment, specifically climate change, pollution and biodiversity loss. The three project consortia emphasize the need to study and address the institutional and regulatory challenges that come from a fragmented ocean governance system in implementing these ambitious EGD policy objectives. Overcoming these barriers is crucial for a coherent and integrated governance approach to our oceans. As such, the European scientific consortia implementing the three projects in particular agree with the Ocean Pact's ambition to develop a single reference framework for all ocean-related policies.

1.1. Need for transforming ocean governance

The need for transformative change in how we govern our oceans is widely acknowledged within the community of marine social scientists. The three HE projects strongly emphasize that there is a need for transformative change to how the oceans are governed. The newly released IPBES Report describes 'Transformative change' as a process that involves moving from fragmented, partial and incremental approaches that fail to address the underlying causes of the triple planetary crises (climate change,

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pollution and biodiversity loss) to initiatives that are integrated and guided by the principles of transformative change. The Report highlights, amongst other things, that governments across all levels are key to enabling transformative change by fostering more policy coherence and enacting and enforcing stronger regulations that benefit nature in policies and plans across different sectors. The HE consortia recommend that this includes the need to:

1. Set **clear and enforceable goals and targets** for biodiversity decline, climate change and the deterioration and loss of crucial ecosystem services and their impact on human health and (coastal) communities through measurable indicators, and with an ambitious timeframe.
2. Establish **mechanisms to coordinate across governance and decision-making** structures to ensure effective information flow and efficient implementation of the transformative goals and targets. Coordination mechanisms are needed on all levels of governance to minimise fragmentation and information needs to ensure concerted efforts.
3. Develop and use **collaborative and participatory approaches** that minimize power imbalances and ensure the resilience of the affected groups and communities, already during setting of goals and targets, to foster evidence-based practices and decision-making processes.
4. Enhance **monitoring and enforcement** through robust systems of knowledge generation, empowerment of citizens and NGOs that play an important role in monitoring and enforcement, and strengthening EU capacity for enforcing compliance with EU laws.

The ability of ocean governance actors and arrangements (i.e. the set of actors that interact to develop and implement policies and legislation for a particular policy or issue area) to set such goals and targets, coordinate effectively, develop and use collaborative and participatory approaches and ensure monitoring and enforcement requires profound changes in the ways oceans are governed. Existing ocean governance arrangements will impact how the Oceans Pact is developed and implemented. Ocean governance arrangements vary and consist of sets of practices and institutions spanning different sectors and geographies. So far, these ocean governance arrangements have failed to adequately govern the ocean's use and its protection, culminating in the triple blue environmental sustainability crises.

1.2 Key focus for the Oceans Pact

The Oceans Pact can only be successful if it actively focuses on changing ocean governance arrangements. The Pact should not only set clear policy objectives, but also contain effective mechanisms for more integrated and coherent ocean governance. More precisely, the Oceans Pact should provide a clear and coordinated way to transform ocean governance arrangements so that policies and legislation are well-designed, effectively implemented, and fit-for-purpose to tackle the triple crises. This policy brief will outline how this requires:

1) identifying the main barriers and enablers for transforming ocean governance, and

2) developing pathways for transforming ocean governance. Which include ensuring:

- **Policy coherence and integration**
- **Governance capabilities**
- **Collaboration, shared motivation and trust**
- **Access and sharing of knowledge**

2. Identifying barriers and enablers for transforming ocean governance

Identifying priorities for transforming ocean governance requires identifying strengths and weaknesses in terms of policy (in)coherence as well as institutional attributes, which together cause barriers and enablers for transforming ocean governance.

2.1 Identifying Policy (in)coherence

Ocean governance in Europe is characterized by complex multi-level governance arrangements that span various policy and geographical areas. It has become increasingly important to understand how different policies interact and mutually influence one another. Limited consideration of vertical, horizontal and geographic interactions can result in disjointed policy frameworks that fail to adopt an integrated and holistic perspective, instead focusing on isolated fragments of the socio-ecological system they seek to govern. A key pathway to address the multifaceted social and ecological challenges in marine and coastal regions lies in promoting policy coherence.

Policy coherence refers to the extent to which different policies work in concert, reinforcing each other by fostering synergies and mitigating conflict. The lack of coherence can result in sub-optimal trade-offs or incentives that undermine the objectives of other policies. Even when there are no direct conflicts, maintaining policy coherence is crucial for fostering intended synergies. For instance, while multiple policies are often designed to be mutually supportive, they frequently fail to achieve the desired synergistic effects (CrossGov Policy Brief, and D1.3).

To better understand the level of policy coherence, both objectives and measures need to be assessed. For objectives, the main question is whether these are supporting/enhancing the achievement of other policy's objectives. Are they substantively, geographically, and temporally aligned? Do the objectives have coherent legal implications in regulating the conduct of authorities and actors towards achieving them (obligations of result vs best effort only)? And how do exemptions affect the level of coherence? For measures, it is important to understand how the results created by the implementation of measures of one policy affect the realization of another policy's objective. (See further, CrossGov Practical Handbook on Policy Coherence, forthcoming April 2025).

By applying the CrossGov Policy Coherence Framework (CrossGov D1.3) to core EU marine-related policies, several obstacles and/or risks were identified both at an overarching level and at the level of specific issues that hinder horizontal coherence (see CrossGov D2.2 and Policy Brief D2.4. For vertical coherence see CrossGov D2.3):

- **EU legislation on protecting and restoring marine biodiversity is narrow in coverage and provides weak levels of protection**. As a result, marine protection and biodiversity is not able to compete with sectoral policies aimed at economic development. For example, the unclear legal nature of the MSFD objectives and the ensuing limitation in their enforcement, can result in promoting the rapid expansion of marine renewable energy installations in European seas without carefully considering its long-term and cumulative impacts on marine biodiversity.
- **Policy domains under exclusive competence (such as fisheries and agriculture) know insufficient integration of environmental and economic objectives and measures**, which mean that pressure of fisheries and agriculture on the marine environment remain at high levels.
- **Lack of approaches based on the polluter pays principle and policy results** to steer to reduced pollution and enhanced biodiversity protection in a way that provides incentives for better marine environmental protection.

2.2 Identifying institutional barriers and enablers

Identifying institutional barriers and enablers requires a mapping of the institutional attributes (see Annex 1, PERMAGOV D3.2 and Policy brief, and BlueGreen Governance D1.1 and Policy Brief). Important institutional attributes to include in this mapping are the role, responsibility, connectivity and eligibility of actors involved in ocean governance arrangements as well as their power and accountability. Second, the development and use of knowledge to support decision making and implementation is a key attribute. Finally, the scale, rigidity and formality of institutions as well as how institutions incentivize change are institutional attributes that can constrain or enable ocean governance change.

Which barriers and enablers are relevant depends on the sector, local context, and actors' capacity to utilise or overcome them (PERMAGOV D3.2). A review carried out within the PERMAGOV (Policy Brief) and BlueGreen Governance project (D1.1) found that certain institutional barriers are common in a European marine and maritime policy context:

- Mismatch between the scale of the marine problem and the scale of governance institutions, which give rise to **fragmented and overlapping responsibilities between institutions**. For example, in the decarbonization of shipping, there is a mismatch between global emissions of greenhouse gases, and the way in which the International Maritime Organization and the European Union manage them
- Fragmentation of policies across sectors and scales due to **misaligned spatial and temporal scales**, where policy interventions fail to address interconnected policy issues. This includes interaction between land and sea when it comes to for example addressing land-based sources of plastic marine pollution.
- The development and use of knowledge is characterized by **a lack of sharing or harmonization of data to assessment and monitoring** biodiversity, climate change and pollution. For example, the lack of a system to coordinate data collating and mapping of habitats between Member States within the same sea basin is a barrier to achieving Marine Strategy Framework Directive goals. (For more science-policy-society related barriers and examples, see also CrossGov's infographic D1.5).

Key questions to include in identifying these three institutional barriers are depicted in the table below.

Barrier	How to identify the barrier?
Fragmented or overlapping responsibilities	How fragmented is the governance landscape and the legal framework? Is there a central leading authority and what is its capacity to govern (a coordination process)? Do several organizations have responsibility for the same policy issue? How well do they coordinate?
Misaligned spatial and temporal scales	What are the geographical and temporal scopes of management plans or policy interventions? To what extent do these address interconnected policy issues? Are interactions across the land-sea interface considered?
Inadequate monitoring and assessments	Are assessments coordinated (between countries; across legal frameworks; in terms of methods and focus) and conducted thoroughly (do they capture cumulative impacts)?

Source: BlueGreen Governance D1.1

3. Pathways for transforming ocean governance

After identifying the level of policy coherence and main institutional barriers, a next step is to identify and implement pathways for a better performance of ocean governance. The three HE projects therefore also explore various needs and possibilities for leveraging institutional enablers to facilitate ocean governance transformation. The projects in particular note the need to enhance:

3.1 Policy coherence and integration

To meet the objectives of the Oceans Pact, CrossGov recommends that the European Commission strengthens coherence between environmental and sectoral economic policies, especially through better enforcement and integration of directives and policies such as the Marine Strategy Framework Directive (MSFD), Water Framework Directive, Common Agricultural Policy, and Common Fisheries Policy. This will be essential for protecting marine biodiversity, reducing pollution, and fostering sustainable growth. By focusing on strategic enforcement, streamlining environmental and sectoral economic policies, and promoting result-based approaches, the EU can more easily advance toward its 2030 and 2050 goals.

Strategic enforcement requires a combined approach of strengthening the legal status of policy objective and measures, as well enhancing monitoring and enforcement. For the protection of marine biodiversity and the reduction of pollution in particular, stepping up the enforcement of the central policies will be crucial in achieving the high-level objectives of the Oceans Pact. To secure marine biodiversity in times of extensive fishery activities and development of offshore wind energy, the Good Environmental Status objective needs to be enforceable. This can be achieved by clearly clarifying the legal expectations towards Member States to achieve this objective and by operationalizing it as a condition in the planning and authorisation of offshore economic activities as well as land-based pollution sources.

Further, to ensure a healthy balance between sustainable use and protection, the Oceans Pact needs to promote mechanisms that promote the timely and due implementation of marine biodiversity conservation and restoration obligations. Completion of the marine dimension of the Natura 2000 network of protected sites, the establishment of marine protected areas under the MSFD and the implementation of restoration plans required under the Nature Restoration Law, are all essential to create sustainable environmental framework strong enough to balance the projected intensification of economic activities at sea. This also requires that the excessive use of exemptions must cease. Too often, exemptions are allowed for the sake of public interest in directives aimed at protecting marine biodiversity.

Finally, policy implementation should shift focus from paying for management practices to paying for performance in reducing advancing biodiversity and reducing pollution emissions. The polluter pay principles is a crucial principle to include in the Ocean Pact single framework. It would also be recommended to demand increased use of result-based approaches, especially in areas where water bodies are failing to achieve good status due to pollution.

In short, better attention needs to be paid to the possible interactions between the different EU policies and measures instead of focusing on the potential impacts of each individual policy and its measures. A way forward for the Commission could be to produce an updated assessment guide that sheds light on the possible interactions of objectives in different policies, and between the instruments and measures introduced to achieve these objectives.

3.2 Governance capabilities

The performance of ocean governance arrangements is co-determined by actors possessing the capabilities to come up with solutions that support the achievement of shared policy goals. This requires going beyond understanding how socio-economic, political or cultural factors enable and constrain actors' actions and collaborations. Governance capabilities are the abilities of actors (e.g. individuals and organizations) to observe and define complex problems and create opportunities, and to develop and employ strategies to address these problems and opportunities in interaction with others. While actors are bound to structural and cultural conditions, they also have (and need) a certain degree of freedom to choose problem definitions and strategies which they see fit considering their roles, responsibilities, ambitions and positions in a governance landscape (PERMAGOV D5.1 forthcoming). This includes the ability to deal with multiple frames and points of view, adapting to changing circumstances and insights, including changing agendas and public demands and identifying barriers and stagnations in policy processes, addressing mismatches between scales of the problem and solution or governance action. PERMAGOV has developed a tool to assess governance capabilities with a view to developing capacity building strategies (PERMAGOV D5.1 forthcoming).

Capacity building can be a crucial instrument to achieve better ocean governance. At the individual level, this implies developing the competencies and skills of policy workers and other actors to move away from business-as-usual scenarios and procedures, and to develop, sustain and strengthen evidence-informed practices and citizen interactions. At the organisational level, capacity building requires the development of guidelines and procedures that can facilitate governance capabilities by defining the roles, responsibilities and mandates of governance actors. A focus on capacity building for key capabilities around ocean governance within Member States and at various levels of government responsible for tackling these issues will enhance how the EGD and Ocean Pact can maintain the health and productivity of the oceans.

3.3 Collaboration, shared motivation and trust

To transform ocean governance, we need to improve the collaboration between actors operating on multiple institutional levels and across multiple sectors. First, we need to recognize the complexity of ocean governance, comprising of governmental and non-governmental actors of different governance levels (subnational, national, supranational, international) who all try to influence activities and developments using unequal resources (e.g. power, knowledge, financial means). To navigate this complexity, it is important to strengthen actor's capabilities so they can share their diverse sustainability perspectives, from land and sea, become better informed, and deliberate and determine beneficial joint actions. The strengthening of governmental and non-governmental actors' joint capacity for action can be enhanced by establishing coordination mechanisms and platforms for collaboration.

Collaboration and sustainability are therefore key guiding norms in ocean governance. Effective collaboration dynamics depend on actors' involvement in the entire decision-making process, from the deliberation of problems to the co-creation of solutions that benefit all the different actors (albeit differently). Shared motivation is a critical element in collaboration, which results from mutual trust, mutual understanding, and a shared commitment to address the problem together with others. To improve equity in collaboration, decision-makers need to ensure increased/inclusive representation, encourage learning and reflection, develop procedures for conflict resolution, and allocate resources for capacity building.

3.4 Access and sharing of knowledge

Ocean governance requires a knowledge base to set objectives and targets, and to monitor and assess environmental, social and economic change. Many scientific uncertainties exist due to the complexity of the marine environment as well its connections with climate change and land-based pollution. Such uncertainties hamper the development of evidence-based decision making and implementation. Access, sharing and use of knowledge is also fragmented in terms of tacit and expert knowledge that is spread between users (such as fisherman), scientific research, civil society (such as eNGOs) and policy makers. Moreover, existing scientific knowledge about the marine environment and ocean governance is dominated by natural scientists.

Enhancing the access to and sharing of knowledge to work towards a strong knowledge base that can guide decision making and implementation is needed to improve ocean governance. A plethora of e-governance and foresight tools exist that offer potential to enable access and sharing of knowledge. For example, foresight tools can establish a clear and shared sense of direction (BlueGreen Governance D1.1), while digital tools facilitate a better understanding of marine issues, allow more participation of different actors and can foster decision making (PERMAGOV D2.3 forthcoming). Many of such tools already exist, but are not used to their full potential. Over the past decades, experience and attention has also gone to inter- and transdisciplinary research which brings together multiple scientific disciplines and societal actors. Funding for such projects remains important as is the development of permanent platforms to exchange knowledge and information between various disciplines and actors in society (CrossGov D1.5). Competence and capacity building for scientists and societal actors to collaborate and bridge the science-society-policy side should be included in curricula, training and research projects (CrossGov D1.5). To strengthen social scientific input, future funding for social scientific research projects are a priority too (BlueGreen Governance D1.1).

4. Conclusions and main takeaways

The Oceans Pact's success in ensuring the oceans' health and resilience will depend on how it facilitates transformation of existing ocean governance arrangements. Ocean governance requires setting clear policy objectives, establishing coordination mechanisms, initiating participatory and inclusive decision-making processes and enhancing implementation and performance. The Ocean Pact's ambition to develop a single reference framework for all ocean-related policies is crucial to transform and improve ocean governance.

Various institutional challenges and enablers for transforming ocean governance exist related to actors, knowledge, institutions and incentives involved in existing ocean governance processes. The Oceans Pact should include a continuous process to identify institutional challenges and enablers, as well as transparent mechanisms for addressing them, to enhance the performance of ocean governance and can benefit from the social scientific research undertaken in the three HE projects PERMAGOV, CrossGov and BlueGreen Governance.

Insights into institutional challenges and enablers should subsequently be used to develop transformative pathways for ocean governance that enhance policy coherence and integration, enhance actors capabilities to identify and address complex ocean issues, enhance collaboration and trust between actors, across multiple economic sectors and governance scales and improve access, sharing and use of (digital) knowledge to better anticipate governance challenges that impede the Ocean Pact's ambition for healthy and resilient oceans. It is also in the development of these pathways that social scientific insights from the three HE projects should be included.

Annex 1 an overview of institutional attributes to identify institutional barriers and related governance issues

Attribute	Description of barriers pertaining to institutional attributes	Governance Issues
Actor eligibility	Lack of (appropriate) boundary rules that regulate the set of eligible actors in action situations.	• Lack of clarity about actor eligibility • Key actors excluded • Too many non-key actors involved
Actor roles and responsibilities	Inappropriate rules that regulate the positions available to participants and the set of required, prohibited and allowed actions assigned to positions.	• Lack of clarity about positions and roles of actors • Limits on actors' capacity to act in specific times, or to specific issues • Competence creep (actors taking an institutional role for which they are not authorized)
Actor control (power distribution)	Lack of (appropriate) rules that establish the kind of control actors have over outcomes of action situations.	• Powerful actors (or coalitions) inappropriately control action situations • Weak actors cannot influence institutions or policy outcomes • Tokenistic participation • Weak institutional provisions for leadership • Unclear distribution of power and responsibilities
Actor accountability	Inappropriate institutional provisions for monitoring, evaluating, rewarding, and enforcing responsibilities.	• Lack of transparency in decision making processes • Absence of feedback mechanisms • Ineffective compliance and enforcement mechanisms (i.e. institutions not facing consequences when not fulfilling responsibilities).
Actor connectivity	Inappropriate structures that connect actors within and across multiple tiers of social organization.	• Poorly networked actors within and/or across tiers of social organization
Conflict mechanisms	Lack of (appropriate) institutional provisions for regulating, preventing or resolving conflicting values, preferences and actions among actors.	• Conflicts among actors • Disputes over rules-in-use • Dispute settlement mechanisms lacking or ineffective
Development and use of knowledge	Inappropriate institutional attributes that shape how information, knowledge claims and values are constructed, communicated, accepted, and used.	• Weak process(es) for reflexivity and institutional learning • Inappropriate science-policy interfaces • Exclusion or marginalization of relevant knowledge providers

Source: PERMAGOV D3.2