

Chapter 1

The Beginning

Abstract We left the story of maritime governance acknowledging that much remained to be done, and although many were contributing to resolving global problems and much had been achieved, some fundamental issues still had to be addressed. This book attempts to move the discussion further on and to suggest ways that policy-makers and those responsible for the design of maritime governance can improve upon what we have. We will venture into the dark world of the maritime administrator, shipowner, media company and politician in an attempt to unfathom the inadequacies of maritime governance, digging deep into the philosophical contexts of form, flow, time, speed and process. This chapter proceeds to examine the characteristics and problems that remain with maritime governance, in particular those relating to nation-states, institutions, the narrow definition of stakeholders, shipowner domination and the absence of fluidity in policy-making.

But in an era of bad faith, the man who does not want to renounce separating true from false is condemned to a certain kind of exile. Albert Camus (1956), quoted in Mooij and De Vos (2003: 30).

A new scientific truth does not triumph by convincing its opponents and making them see the light, but rather because its opponents eventually die, and a new generation grows up that is familiar with it. Max Planck, *A Scientific Autobiography and Other Papers*, 1949.

The Palais Stirbey was much older and smaller than the great stucco one with the lions with the blazing eyes... it was built, I should think, early in the nineteenth century, in a charming Regency style: long rooms with ceilings supported by white wooden free-standing pillars. I think with Ionic capitals, and adorned with lustres of many tear-like, glittering drops; and I remember that the parquet floors, during the few moments that these were empty of dancers, had a very slight wave to them, a faint and scarcely discernible warp, like the marquetry of a casket that age has twisted very slightly out of the true. This charm-enhancing blemish, an infinitesimal trace of some long-forgotten earthquake perhaps, gave a wonderful appearance of movement to the interior, something I have hardly ever seen since; a feeling of simultaneous stasis and flux. Patrick Leigh-Fermor (2013: 199).

Katie Holmes

Like Katie Holmes in ‘Batman Begins’ and her troubled relationship with the superhero, we left the story of maritime governance acknowledging that much remained to be done, and although many were contributing to resolving global problems and much had been achieved, some fundamental issues still had to be addressed. This book attempts to move the discussion further on and to suggest ways that policy-makers and those responsible for the design of maritime governance can improve upon what we have, although unlike Katie we cannot necessarily depend upon inestimable talent as well as our good looks and an irresistible taste in silk shirts. Instead, we will again venture into the dark world of the maritime administrator, shipowner, media company and politician in an attempt to unfathom the inadequacies of maritime governance, digging deep into the philosophical contexts of form, flow, time, speed and process. But first, and in the time-honoured way of Danish TV crime dramas, a swift review of what we have already seen.

For those of you with good memories, the advice is to miss the next part and get onto the new plot in Chap. 2; for the rest the story begins here (Fig. 1.1).



Fig. 1.1 Katie Holmes and The Caped Crusader © 2005 Warner Brothers Pictures

What Problems of Maritime Governance?

The Eastern paradigm looks at ocean wealth as ‘value-in-existence’, that is the life-giving value of the oceans – and this is something that cannot be mathematically or statistically determined. The national system of accounts... can capture neither the global, planetary dimension of the oceans nor its inestimable value to humanity as the sustainer of life. The Western paradigm aspires to be objective, value-free, based on science, technology and economics; the Eastern paradigm is, in various ways, value-loaded. The Western mind is excessively individualistic; the Eastern world view is holistic, conceiving the individual as an ‘illusion’, unless integrated into the community in nature, in the universe. The integration of individuality and community has implications for the concept of ‘ownership’ or ‘property’. Thus the Lord Buddha taught, ‘it is because people cherish the idea of an ego-personality that they cling to the idea of possession, but since there is no such thing as an *ego* there can be no such things as possessions. When people are able to realize this truth, they will be able to realize the truth of non-duality’. In contrast to the Roman law concept, the Eastern paradigm conceives property as a trust, to be managed responsibly for the good of the community as a whole and with due respect for nature, of which the human community is part. Borgese (1998: 91–92).

To suggest that there is any need to consider changes in maritime governance, there needs to be a case made that something at present could be improved. This is not difficult. The range of failure that maritime policy initiatives continue to display is both substantial and widespread and includes almost all aspects of the industry—all sectors (liner, bulk, ferry); all activities (safety, the environment, security and efficiency); all locations (from the European Union to the USA, and from the Far East and China to the developing countries of Africa); and in particular every part of the jurisdiction and functioning of policy-making and its underlying governance from the international and global down to the local and regional passing on the way through the supranational and national. Perhaps the most indicative and also in some ways the most shocking are the continued problems exhibited by the inadequate functioning of the United Nations International Maritime Organisation (IMO) and its strained relationships with both its supra-national (in particular the EU) partners and even with its own national members. This is well documented and covers issues from climate change, environmental policy and safety to issues that stem from the organisational relationship between the IMO and its constituent members (see, e.g. the debate over maritime safety in Tradewinds 2008a, b, c; Lloyd’s List 2008, 2009a, b, 2010). In the words of Jordan (2001: 204) in his discussion of the failure of institutions to agree how to approach the problems of governance; ‘to all intents and purposes, the dialogue between the two paradigms is essentially one of the deaf’.

There has been considerable commentary on these problems of maritime governance and over many years. See, for example, Sletmo (2001, 2002a, b), Selkou and Roe (2004, 2005), Bloor et al. (2006), Kovats (2006), Roe (2007a, b, c, d, e, 2008a, b, 2009a, b, c, d, 2010a, b, 2013), Roe and Selkou (2006), Van Tatenhove (2008), Sampson and Bloor (2007), De Vivero and Mateos (2010), Van Leeuwen and Van Tatenhove (2010), Baidur and Vegas (2011), Vanelslander (2011), Campanelli (2012) and Wirth (2012: 224, 239); and whilst this does not provide

evidence that these governance problems are severe, it is indicative that things are not perhaps straightforward and simple. It is also a trend that can be seen across wider disciplines in their consideration of governance failure. Examples include those analysing the broadest global implications (e.g. Held 1991; Ruggie 1993; Crosby 1996; Stoker 1998; OECD 2000; Jessop 2004; Ramachandran et al. 2009; Borzel and Risse 2010). This in turn raises the issue as to why there has been so little debate about the difficulties of maritime policy-making and the fundamental governance problems that have appeared. If policy-making is problematic, then perhaps something needs to be done (or at least considered). In fact, the structure of maritime governance remains the same as it has been since the 1940s, in turn essentially based upon a framework that was developed from the 1920s and which can be traced back as far as the Treaty of Westphalia signed in 1648. Is it not time that change is considered?

Maritime governance at present has a number of fundamental characteristics that define its operation and structure and which in turn have a major effect upon what can (and cannot) be achieved and by whom. These characteristics can be summarised as follows:

- Nation based,
- Institutionally determined,
- Conservatively defined stakeholders,
- Shipowner dominated and
- A focus on form rather than process.

Each of these issues needs to be addressed if maritime governance is to be appropriate for today's and the future's shipping marketplace. Currently, none are being considered effectively. The nation-state retains its jurisdictional pre-eminence, whilst maritime governance remains essentially institutionally driven with alternative frameworks for policy-making neglected. The role of extended stakeholder involvement is at least understood (see, e.g. recent commentary by the EU on maritime stakeholders). Meanwhile, the ambitions of over-influential shipowners and associated maritime stakeholders is unlikely to change whatever developments in governance occur—these undesirable effects need to be understood and measures taken to produce policies that balance these desires. Major governance revision is not going to remove the significance of shipowners in maritime policy-making, but their ambitions could be accommodated more successfully in policies that address all sides of the environmental, safety, security and efficiency arguments.

At the same time, globalisation centres upon flows—of information, materials, money, etc.—and yet maritime policies are essentially static—designed at one point in time, for a defined situation with an inability to be flexible to accommodate change. Processes—the movement of money, information, materials—dominate the sector and effective governance structures need to accommodate this dynamism, one which takes little account of national borders and acts as the antithesis of the static policies that characterise the maritime sector.

Let us now turn to each of these characteristics in some more detail.

The Characteristics of Maritime Governance

Nation based:

...she undertook to devote her untiring active life to getting the Newts accepted as members of the League of Nations. In vain did the statesman explain to the eloquent and energetic lady that Salamanders, having no sovereignty of their own in the world, or their own State territory, could not be members of the League of Nations. Mme Dimimeau began to give currency to the view that the Newts should therefore be granted somewhere their own free territory and their submarine state. This idea, of course was rather unwelcome if not actually opposed; at last, however, a happy solution was arrived at to the effect that the League of Nations should set up a special COMMISSION FOR THE STUDY OF THE NEWT PROBLEM to which two newt delegates would also be invited.

Capek (1936), *War With The Newts*, 235–237.

‘The thing exists and no amount of conceptual restructuring can dissolve it’. Nettle’s (1968: 559) comment on the nation-state was not entirely popular at the time but may actually have had rather more foresight than envisaged and issues of stateness have remained central to debate ever since (see, e.g. Evans 1997: 62). Despite this, the nation state has been widely seen to be in decline and its political, economic and social influence has lessened over many decades with the rise of globalisation. In governance terms, this has had a marked change on the effectiveness of policy-making and the relationship that exists between increasingly influential global enterprises, the increasingly liberalised consumer and national governments. Many of the maritime policy failures that we see stem from these changes.

Despite this, the nation-state remains central to maritime policy-making forming the most significant jurisdictional element with a key role at the IMO, OECD, UNCTAD, WTO, European Commission, ASEAN and many other policy-making bodies. The inviolability of the state although questioned and threatened remains paramount. The situation is consequently curious. An overtly significant nation-state in terms of maritime policy-making finds itself impotent in terms of maritime governance within an ever-globalised world. This contrasts in particular with a more general political concentration that remains centred upon the nation-state.

The significance of the nation-state in the development of maritime policies has been unrestrained by the spread of globalisation. Shipping is an intensely globalised sector—perhaps more than any other with characteristics of ownership, operation, finance, legality, supply, demand, labour and commodities that can emerge from almost anywhere in the world—and frequently do—as well as changing location with intense and unpredictable speed. The nation-state retains its significant role at the UN (IMO), the EU and of course through the development of domestic shipping policies. This role is as important as it has ever been even though the influence that nation-based decision-making can have over a globalised sector is erratic and minimal. The shipping industry uses this conflict between globalisation and domesticity to its advantage, trading off one jurisdiction against another and involving itself at the different levels as and when it sees fit.

The maritime sector is a classic example of this contradiction but why has the nation-state survived in terms of policy-making? Why does it remain central to governance whilst at the same time largely inadequate in exercising that influence? These questions are fundamental to the nature of the maritime sector and policy-making, policy interpretation and policy implementation—where and how it succeeds and more importantly, where and how it fails.

Although Wright-Mills (1959: 135–136) was an early commentator on the significance of the nation-state, questioning its domination in society and the need for a broader ‘sociological imagination’ that looks beyond national borders, it was not until the early 1990s that the inadequacies of the nation-state were more widely realised. Walker (1991: 445) emphasises the resilience of the nation-state despite the forces of globalisation. He sees the nation-state as an:

institution, container of all cultural meaning and site of sovereign jurisdiction over territory, property and abstract space, and consequently over history, possibility and abstract time, that still shapes our capacity to affirm both collective and particular identities. It does so despite all the dislocations, accelerations and contingencies of a world less and less able to recognise itself in the fractured mirror of Cartesian coordinates.

Agnew (1994) suggests that the state is a spatial commodity defined by national boundaries which retains its superiority over other scales (local, regional, global) especially in terms of political sociology, macroeconomics and international relations.

He continues in a later paper to outline the ‘Territorial Trap’ and analyse the factors that continue to make the state all important in terms of political power, suggesting that the characteristics of bounded territory, the clear decision that remains between domestic and foreign affairs and the widespread view of the nation-state as the geographical container of modern society ensures that the state remains a timeless conception as a ‘unique source and arena of political power in the modern world’ (Agnew 1999: 503).

Scharpf (1994: 220) considers the role of nation-states in the EU and suggests that the rapid diminution of their powers is unlikely, whilst the EU remains democratically deficient—and little has so far changed. Member states continue to resist erosion of their influence. Meanwhile, Anderson (1996: 133, 135) dismisses ideas that the nation-state is being eroded from below by regionalism and above by globalisation and that it is as a result an anachronism, considering that it lacks plausibility. He suggests that new, postmodern forms of territoriality centring on the nation-state are emerging and that ideas of the death of the state and the emergence of a borderless world are far from the mark (Kaldor 1993; Anderson 1995). States are simply changing their form and function retaining their control over the majority of law and order, education, health, welfare and taxation. They remain the most significant redistributor of resources and wealth and continue to play significant parts in cross-border cooperation (Anderson and O’Dowd 1999: 601).

Brenner (1998: 468) considers that the nation-state—what he defines as a distinctive organisational-territorial locus focussing on capital circulation, class struggle and nationalist/statist ideologies—will always be significant. As such it plays

a central role in capitalist territorial organisation accommodating elements of all jurisdictional scales. This focuses upon the mediation of uneven geographical development, itself an essential part of the capitalist model permitting the exploitation of resources and labour. In similar fashion to Harvey's (1981, 1990) vision of the spatial fix and the process of de- and re-territorialisation, the state remains an essential feature. Harvey himself reiterates the continuing significance of the state (Harvey 2001: 29) stressing that far from having its power undermined, it has been in Marx's terms, restructured as 'a committee for managing the common affairs of the whole bourgeoisie' (Marx and Engels 1998: 37). The maritime sector provides inexhaustible examples. Cooper (2000: 23) is firmly convinced:

The package of national identity, national territory, a national army, a national economy and national democratic institutions has been immensely successful. Economy, law-making and defence may be increasingly embedded in international frameworks, and the borders of territory may be less important but identity and democratic institutions remain primarily national.

Harding (1997: 308) concludes that 'little can happen subnationally without (the national state's) cooperation, acquiescence or benign ignorance' and this could just as easily be applied across other jurisdictions. Le Gales and Harding (1998) are enthusiastic about the state's future, whilst Gordenker and Weiss (1995: 373) stress how government representatives, international officials and academics continue to emphasise the state even in his chosen discipline of transnational cooperation where perhaps a more globalised attitude might have been expected (Waltz 1979; Del Rosso 1995; Morgenthau 2005). Picciotto (1997: 1015) agrees that there are very strong underlying socio-economic forces stimulating globalisation at the expense of the traditional nation-state but even so it is 'misleading to suggest that inexorable tides of global economic flows are eliminating the political structures of nation-states'. Picciotto (1998: 4) continues emphasising that the state remains in Slaughter's (1997: 185) terms the 'primary arena for legitimation and enforcement of societal norms'.

Hirst (1997: 13, 243) is more guarded about the future of the nation-state suggesting that it is losing capacity to deal with international issues such as the environment and economics, but he retains a belief that it remains fundamentally important to broader issues of democratic rights and personal liberty, alongside stabilisation of financial markets, the orchestration of social cohesion and as a guarantor of the rule of law.

Mann (1997: 474) provides two further arguments for why nation-states survive within an increasingly globalised world and which he suggests only 'the most breathless of enthusiasts' could deny:

- State institutions of all types retain causal efficacy because they provide the necessary conditions for social existence, without which society would disintegrate;
- States vary widely in size, characteristics, power, geography, etc. Unless the forces of globalisation can eradicate these differences then they will remain and may grow either sustaining or reformulating the differences that characterise nation-states.

As Opello and Rosow (2004: 2) comment:

Nation-states, having eclipsed all other types of politico-military rule that have existed on the planet, are and will continue to be for the foreseeable future, the basic building blocks of the global order... The nation-state as a form of politico-military rule has become so ubiquitous that its existence is taken for granted, rarely noticed even by scholars of international relations.

Jessop (2003: 31), along with Zurn (2003: 359), stresses that the nation-state will not just go away even though globalisation has placed enormous pressure upon its legitimacy. Viewing the state as essentially a territorialisation of political power, he considers that this will continue in some form or another and that the state will merely change to accommodate it—spatially, politically, economically, etc. In particular he suggests that the new nation-state has an enhanced role to play. Rather than as an instigator of policy, it has a unique role to act as mediator between the new emerging jurisdictions of power—local, regional, supranational and global—which need some sort of structure to coordinate the diverse governance that they represent. In the maritime sector, examples are beginning to emerge of how member states of the EU can act as mediators through the work of the IMO, the Committee of the Regions and Local Communities within states in the development and implementation of maritime policy. Issues such as territorial integration, social cohesion and social exclusion—for example, in maritime terms coordination across the Mediterranean region, the use of port policies and Motorways of the Sea to encourage cross-national integration and labour policies for seafarers to ensure social inclusion are still ideally handled by (member) nation-states with particularly important roles taken by those richer and more powerful (e.g. in EU maritime terms, Greece, UK, Poland, Cyprus and The Netherlands.).

Jessop (2003: 46) stresses the importance of the nation-state today and in the future:

While globalization... (has) undermined the effectiveness of the Keynesian national welfare state, a restructured national state remains central to the effective management of the emerging spatio-temporal matrices of capitalism and the emerging forms of post or transnational citizenship. For national states have become even more important arbiters of the movement of state power upward, downward and lateral; they have become even more important meta-governors of the increasingly complex multicentric, multiscalar, multitemporal and multiform world of governance; and they are actively involved in shaping the form of international policy regimes.

To quote Wood (2001: 36):

However global the economy becomes, it will continue to rely on spatially limited constituent units with a political, and even an economic logic of their own.

Agnew (1994: 56) outlines the state as an example of orthodoxy, the equivalent of a rational individual exercising all the characteristics of free choice. The alternative—anarchy—is simply unimaginable by conservative, organised society in the USA (amongst most other nations) or in the process of undertaking international relations (Ashley 1988; Shimko 1992; Inayatullah and Rupert 1993). The biggest danger of anarchy would come from outside the state borders within which

the analyst found themselves. States are ‘unitary actors whose nature is determined by their interaction with one another. Each state pursues a calculus of state maximisation relative to the others’ thereby best ensuring its survival even at times of intense globalisation (Agnew 1994: 57). The state is so permanent because it existed ‘prior to and as a container of society’ (Agnew 1994: 59). Its fundamental difference from other societal organisations is that it possesses territory—without this it is lost. We return to the issue of territory later.

Nation-states are widely viewed as rooted in the rise of capitalism and Croucher (2003: 9–10) suggests that the concept of the nation depends upon the structure of the capitalist world economy as without it there can be no freedom of movement of goods or regulation of a market economy. Nation-states provide the opportunity for differences and conformity at the same time and thus form part of the ‘ideological superstructure that legitimates and reproduces a particular stage of capitalist development’ (Croucher 2003: 9). Consequently although they may change, they will not disappear. Nationalism is a clear manifestation of the significance of the nation-state to capitalism acting as a mechanism of societal elite to maximise the goals of political and economic development. Whilst emphasising the differences between nations and states, a variety of commentators have noted the close relationship that has to exist between capitalism and the nation-state (e.g. Deutsch 1966; Tilly 1975; Giddens 1985; Appadurai 1996).

Lambert (1991: 9) is clear:

Europe has a lot to answer for. The creation of the nation-state, with its ideology of domination, its centralism, arrogant bureaucracy and latent capacity for repression, must figure high on the list. So must the nurturing and propagation of capitalism, which found in the nation-state an ideal ally, ready to identify a country’s fortunes with those of its capitalists.

However, he goes on to note how the nation-state’s role in keeping control of capitalism’s excesses was dwindling:

Now capitalism has shifted its ground. Organised worldwide, it escapes those checks and balances built up over the years, in the nation-state framework, by workers’ movements and parties of the left. The chances of exerting control at the world level, which would require a political framework and enforceable decisions, are totally remote.

Yeung (1998: 292–293) agrees. He sees the state as performing functions that facilitate capital accumulation and by so-doing legitimise both capitalism and itself. This is what he terms the key argument for the capitalist state (Murray 1971; Jessop 1990). In turn, the expansion of capital beyond its national limits presents a contradiction for the individual state—a global logic to which all states will eventually succumb but which in the intervening period results in a complex system of national and global contradictions and arrangements. Yeung sees the state internationalising itself, losing some traditional capital accumulation functions but gaining others. Consequently, the state will not disappear but reinvent itself as a new beast ready and able to contribute to achieving the capitalist ideal.

Meanwhile, Johnston (1995: 218) reiterates that the main function of the state is to secure conditions of production in both public and private sectors, to regulate patterns of consumption and provide security for the processes of production

and exchange. In so-doing, it provides the conditions for making profit and consequently ‘ensures the allegiance of the capitalist elite’. The state remains a vital part of the capitalist (shipping) infrastructure without which globalised activities could not take place. In addition, the state remains central to multilateral negotiations (although at least in part because it has generated this framework for them) and in a similar way international legal provisions (Thompson 1999: 149–150).

Duncan and Savage (1989: 181) also consider that nation-states are characterised by inertia and once established through a series of social institutions tend to produce a physical, social, economic and political fixity which persists whatever else happens. This is re-emphasised by Castells (1996) who rejects the end of the nation-state, instead preferring to see it as losing power but not influence.

Globalisation can occur only in conjunction with nation-states (or something that resembles a nation-state) as capital (i.e. shipping) uses national political space in which to generate wealth. Commercial activities still need a national space even in times of increasing globalisation as they have to take place somewhere and that cannot easily be in the few remaining non-places on the globe—international high seas, the Antarctic, in international air-space—and hence, nations are convenient. They are also easily abused, with participants trading off one against another and true allegiance to a national flag against commercially generated loyalty. Thus, policy-making is only effective if it permits capital’s (and essentially the shipowner’s) globalised excesses to continue.

Walker (1991) was the first to describe the state as ‘reified’, whereby it is persistently claimed to reflect political reality and its eternal presence is a given and suggesting that it is seen as a series of unalterable units of sovereign space. As a consequence, state formation and disintegration had been dehistoricised and decontextualised. Walker, however, does not see sovereignty and the existence of a nation-state as a ‘permanent principle of international order’. The appearance of permanence is just a reflection where convenient, of complex political practices working to sustain continuities and ‘shift disruptions and dangers to the margin’. Despite Walker’s confidence, we remain fooled by:

the Euclidean theorems and Cartesian coordinates that have allowed us to situate and naturalise a comfortable home for power and authority. Walker (1991: 459).

As such the nation-state has become ‘iconised as the pre-eminent expression of political forms of territorial organisation’ (Swyngedouw 2000: 68).

Nation-states have always needed to retain a close link with territory (Johnston 1995: 219). However, the proliferation of globalisation has made the retention of these links more difficult. Shipping is a good example of how states fail to constrain the growth of mobility of people, things, capital and information whilst at the same time attract mobile property to their territory in competition with others (Agnew 1994: 58–60, 1999: 513). In this process, there is a need for the creation and maintenance of state territory, and as such a nation-state to formalise it. In turn, this demands the definition of clear state boundaries which act as the ‘geographical container of society’ (Agnew 1999: 503).

The issue of boundaries is taken up by Anderson and O'Dowd (1999: 594–595) who emphasise the supreme importance of state borders in the jurisdiction of governance, acting as the framework for all other jurisdictional boundaries and also providing the structure for a range of societal definitions. Controlling state borders in particular provides the key to power in the global system, and the manifestation of the state as a territory within borders is the source of much of the power it retains even within a globalised world. At the same time, it is 'arbitrarily divisive and disruptive of social processes' and 'oversimplifies and hence distorts social realities' (Anderson and O'Dowd 1999: 598).

Nation-states remain vital players in the jurisdictional game of governance albeit with a marked modification of their role and characterised by contradiction and conflict. Maritime transport has felt the impact of these changes and remains heavily entwined with the nation-state as a result. Schrier et al. (1984: 87) actually suggest that the trend is towards global regimes such as the IMO, increasingly dominated by national governments, although the role that those governments play in governance continues to be weakened by extended globalisation.

Institutionally determined:

Institutionalisation is both a process and a property variable. It is the process by which individual actors transmit what is socially defined as real and at the same time, at any point in the process the meaning of an act can be defined as more or less taken for granted part of this social reality. Institutionalized acts then, must be perceived as both *objective* and *exterior*. Zucker (1977: 728).

Institutionalization involves the processes by which social processes, obligations, or actualities come to take on a rule like status in social thought and action. Meyer and Rowan (1977: 341).

(Institutionalisation is) a process in which fluid behaviour gradually solidifies into structures, which subsequently structure the behaviour of actors. Arts and Leroy (2003: 31).

Maritime governance and the development and implementation of maritime policies are essentially institutionally based—and derived from institutions that reflect the industry and its policy needs in the early twentieth century when globalisation was active at a less intense level. This link between institutions and governance is well documented (see, e.g. Oberschall and Leifer 1986: 237; Weingast 1995: 2). Emphasis was placed upon the relationship between those who make up the trans-actors in government and the institutions that underlie them, an essential part of the rise of institutional economics. Close relationships were also apparent with the state as an institution, something developed further by Clemens and Cook (1999: 442):

For many political scientists and sociologists, the massively reinforced and embedded array of the state exemplifies the concept of institution.

These institutions—for example, the IMO, UNCTAD, World Trade Organisation (WTO), the EU Commission and ASEAN—are now no longer fit for the task as they reflect a national domination of jurisdictional integrity that in turn is inappropriate for twenty-first-century global shipping (Keohane 2002). However despite this, there has been little debate about how these institutions might adapt or even be replaced. As artificial constructs of a world seeking good governance

they are now anachronistic and many of the identifiable maritime policy failures can be traced back to a combination of outdated institutions dominated by their nation-state members. This is combined with a tendency to isomorphic institutionalism, defined by Kostova and Roth (2002: 15) as institutions ‘sharing the same environment (employing) similar practices’ and thus liable to toxic conformity.

The variety of institutions that can exist is outlined by Mukand and Rodrik (2005: 376), something further stressed by Evans (2001) and Rodrik (2000) as well as Besley (2001). This focus on institutions has been encouraged through the growth of interest in historical institutionalism and its emphasis of the relationship between institutions and policy-making characterised by the work of Evans et al. (1985), March and Olsen (1989), Shepsie (1989), Pierson (1993: 596) and Campbell (1998: 378–379). Meanwhile, institutions have been widely defined (Koelble 1995). Ostrom (1980: 310) suggests that like organisations, they are:

works of art in which human beings function both as their designers and creators, and as their principal ingredient.

Rather more intriguingly he sees them again like organisations, as:

Faustian bargains where instruments of evil are used to do no good. Those who have legitimate access to use such instruments of evil have unique opportunities to exploit others and dominate the allocation of values in a society. It is entirely problematic when the use of an instrument of evil may come to dominate social relationships so that rules become oppressive rather than liberating.

Scott (1987: 494) considers them as self-centred:

technical instruments, designed as means to definite goals. They are judged on engineering premises; they are expendable. Institutions, whether conceived as groups or practices, may be partly engineered, but they also have a ‘natural’ dimension. They are products of interaction and adaptation; they become the receptacles of group idealism; they are less readily expendable. Selznick (1957: 21–22).

Zucker (1983: 5) sees them rooted in conformity:

not conformity engendered by sanctions (whether positive or negative), nor conformity resulting from a ‘black-box’ internalisation process, but conformity rooted in the taken-for-granted aspects of everyday life... institutionalization operates to produce common understandings about what is appropriate and fundamentally, meaningful behaviour.

White (1992: 116) sees them as:

forced up from counteractions among efforts at control, ... robust articulations of network populations, articulations which draw primarily on structural equivalence. Institutions invoke story-sets across disparate discipline species.

Denzau and North (1994: 4) take a catholic approach suggesting that they are ‘the rules of the game of a society and consist of formal and informal constraints constructed to order interpersonal relationships’. O’Riordan et al. (1998: 346) suggest that an institution is:

an idea that can be clarified only through regular argument, that is through discourse. The notion of institution applies to both organizations with leaders, memberships, clients, resources, and knowledge, and also to socialized ways of looking at the world as shaped by communications, information transfer, and patterns of status and association.

Jones et al. (2003: 153–154) are rather more vocal:

An institution may be defined as a set of individuals acting according to common rules resulting in collective outcomes. Institutional rules are not neutral, in the sense that different rules often lead to different outcomes (Jackson 1990: 2). These aggregations of individuals interacting according to rules react to information from the environment and come to a collective response.

Ng and Pallis (2010: 2150) define institutions in a maritime context although their comments are equally applicable across other disciplines. They take Hall's (1986: 19) definition:

the formal rules, compliance procedures, and standard operating practices that structure the relationships between actors in various units of the polity and economy.

which they suggest 'promote efficiency amongst transacting partners, minimise distributional conflicts, and monitor compliance within social spheres'.

Examples of the many other definitions of institutions can be found in Hughes (1936: 180) who was one of the earliest commentators to note the wide variety of interpretations that was possible, Zucker (1977), Ostrom (1980: 310), Bush (1987: 1076), Scott (1987: 494 and 495), North (1993), Koeble (1995: 233–234, 236) and Crawford and Ostrom (1995: 582) who point out a range of other interpretations including those of the *institution as equilibrium* (Von Hayek 1945, 1967; Menger 1963; Riker 1980; Schotter 1981; Calvert 1995), *institution as norm* (Lewis 1969; Ullmann-Margalit 1977; Coleman 1987) and *institution as rule* (Hohfeld 1913; Commons 1968; Shepsie 1975, 1979, 1989; Shepsie and Weingast 1984, 1987; Oakerson and Parks 1988; North 1986, 1990; Ostrom 1986, 1990; Williamson 1985; Knight 1992).

Many of these definitions hint at a much grander role than those adopted for the maritime sector in the rather formalised structures of the UN, European Union, OECD and so on. Informality is an inherent part of institutionalism accommodating the socialised relationships between individuals as a central and vital part of an institution and something notably missing in the institutional framework that dominates the maritime sector.

The importance of institutions within governance is not in doubt. Riker (1980: 432) emphasises the 'force of institutions' seeing them as essentially rules about behaviour derived from language and values:

Even the priestess in her frenzy probably behaves according to rules and, for certain, her interpreter is constrained by specific conventions. So interpersonal rules, that is, institutions, must affect social outcomes just as much as personal values.

March and Olsen (1984) note how the interest in institutions has increased since 1970 with evidence of considerable research in legislature (Shepsie and Weingast 1983), budgets (Padgett 1981), policy-making (Ashford 1977; Scharpf 1977), local government (Kjellberg 1975), political elites (Robins 1976), the state (Wright 1977), national administration (Skowronek 1982), democracy (Potter 1979), corporatism (Berger 1981; Olsen 1981; and Schmitter and Lehbruch 1979) amongst many others. Whilst they go on to suggest that institutions had become less important since 1950, Colomar (1995: 74) continues to stress that 'institutions matter'.

Allegret and Dulbecco (2002: 174) summarise the role of institutions, why they are needed and the problems they can generate if their design and operation are inadequate. They describe them as ‘behavioural regularities associated with a set of rules, norms and routines’. Schotter (1981: 11) concurs considering institutions as a regularity in social behaviour that is agreed by all members of society that specifies behaviour in specific recurrent situations and is either self-policed or policed by some external authority’. Institutions are thus seen to form an essential part of the market to create harmonious social, political and economic functioning.

Borghese (1998: 132) suggests that institutions play a vital part in addressing global problems but that inappropriate institutions would do nothing but create an institutional gap to which the normal response is violence. She goes on to suggest that the twentieth century has revealed a series of institutional gaps and that institutions ‘both national and international, have remained basically static and unchanged’. We return to the static inadequacies of maritime institutions later.

Borghese continues suggesting that there are four principles for the design of institutions that need to be used as a guide:

- Comprehensive—any institution must be effective across all jurisdictions—from local through regional, national and supranational to global. This should reflect the transparency of jurisdictional boundaries which are even more apparent in the maritime sector. Current institutional design reflects a jurisdictional arrangement with clear and strict boundaries between levels generating many of the inadequacies of policy that we have seen.
- Consistent—this demands that regulation and decision-making processes at all jurisdictional levels must be compatible. Innumerable examples of the failure of maritime regulation across jurisdiction (double-hulled tankers; environmental controls; flag-hopping, Port State Control inadequacies, etc.) provide evidence that the current institutional structure does not work.
- Transsectoral—all problems within the maritime sector must be seen as interconnected and holistic and the institutions designed to address them must be the same. Whilst the EU has acknowledged the need for movements in this direction in recent years, there remains little concrete evidence that the wider maritime problems and solutions are considered together. This must include not only consideration of policy problems but also the stakeholders who have an interest in them.
- Participational—refers directly to the involvement of all stakeholders in generating maritime policies and directing maritime governance. We return to this later.

The fact that institutions have a history of failure and inadequacy in all sectors is widely reported. Frankel (1955: 296) notes the institutional rigidity that exists quoting as far back as Veblen (1915: 127) who referred to institutions as ‘installations’, having been:

placed and constructed to meet the exigencies of what is now in a degree an obsolete state of the industrial arts (and having changed little since their origin) are all and several, irrelevant, incompetent and impertinent.

Dopfer (1991: 545) is scathing quoting Bush (1987): ‘institutionalised behaviors have... a tendency to degenerate and to become encapsulated by dysfunctional ceremony’. Koebler (1995: 232) stresses institutional embeddedness and the consequential stasis noting the inertia that they commonly display (1995: 235). Meanwhile, Slaughter (1997: 183) suggests that the ‘new world’ promised by the former US President George Bush following the demise of communism in Eastern Europe was a chimera with the UN unable to function independently of the major powers that make it up.

Wuisan et al. (2012: 165) emphasise the importance of institutions to maritime governance and how the IMO has ostensibly failed exemplified by its inability to move quickly to resolve or ameliorate global issues. Shinohara (2005) continues much in the same vein also noting the prominent role of institutionalism in the maritime sector. Meanwhile, Ng and Pallis (2010: 2150–2151) emphasise the function of ports as institutions citing Airriess (2001), Hall (2003), Jacobs (2007), and Jacobs and Hall (2007).

The substantial and delicate relationship between the IMO (at the time of writing IMCO) and the nation-state was made clear by Silverstein (1978: 158):

It is, of course, a platitude that world order can only be achieved by the sacrifice of a greater or lesser degree of national sovereignty. Perhaps in an ideal world IMCO would have a fleet of ships enforcing some of the Conventions I have mentioned! But that day is not with us and it is the Sovereign States who accept the international agreements who are responsible for their enforcement – not by any means let it be said, a simple task. Colin Goad, IMCO Secretary General (Stockholm, June 1972).

Williams (1987: 2) is positive about the role of the IMO but places the responsibility for inadequacies in maritime policy-making firmly in the court of the nation-state members rather than the institution itself, emphasising the need for them to spend more time dealing with technical rather than political issues. However, Silverstein (1976: 375) attributes the failures of the IMO almost entirely to the creation of an organisation whose member states were ‘hyperdependent upon scientific and technological expertise’ and which fails to address economic or political issues adequately. The significance of any member state is almost entirely related to its ability to contribute to the technical debate, and although economic issues were specifically written into Article 1 of its original convention (e.g. to remove discriminatory restrictions and unfair shipping practices), they have never been invoked (Silverstein 1976: 373–374). The only overt political discussions have been exemplified by the Mainland China–Taiwan, Israel–Suez Canal and Cuban missile crises and a variety of other seemingly minor seating disagreements. Meanwhile, covert political agendas have always been serious (and harmful). Keohane (2002: 34) stresses the over-dependency of the IMO (amongst other global institutions) upon an elite of technocrats and high government officials with a minimum of democratic control. This is made worse by the inadequate representation of flags of convenience over the years which, whilst abhorrent, are more representative of the maritime sector than many of the established flags that continue to wield power.

Lee et al. (1997: 345–350) provide a detailed discussion of the IMO as a global institution that continues to dominate maritime governance albeit inadequately. Whereas any success of the IMO has been widely believed to be a result of its technical competence exercised through committees and with an aversion to politics, it has been dominated by core private/public shipping interests ‘intent upon expanding and protecting global trade and industry’ (Lee et al. 1997: 346). In fact, there is serious resistance to any global shipping institution from the industry itself which sees it as a threat to profit. Private shipping and its commercial interests remain effective lobbyists of governmental delegations and also possess some considerable representation themselves through obtaining consultative status at the IMO.

In addition, the tendency for delegates to fail to represent domestic priorities at the IMO contributes to the dislocation between domestic and global maritime policies that has been noted. The conventional state-centric jurisdictional paradigm depends upon two unjustifiable assumptions about global institutions. Those states should be the only significant actors in world politics and that they are unified actors (Keohane and Nye 1972; Silverstein 1976: 377).

Keohane (2002: 36) notes that transnational institutions similar to the IMO could ‘invigorate transnational society in the form of networks amongst individuals and non-governmental organisations’. The problems that besiege global institutions might then be addressed and as a consequence the dominance that institutions of this type exhibit might be more justifiable. The current situation is one of institutional centrality combined with structural inadequacy and organisational ineptitude creating a maritime policy-making disaster. Keohane (2002: 245) goes on to explain the difficulties in creating effective global institutions—having to meet high standards of accountability as well as trying to rely upon persuasion rather than coercion and interest-based bargaining. The conflict between nation-state self-interest and global altruism based upon universal values and beliefs makes maritime policy-making difficult. The result will be a need for more, not less, global institutions and ones also redesigned to provide effective maritime governance.

Williams (1987: 3) relates some of the inadequacies of the IMO to the fact that its structure dates from institutions designed before 1914 (Silverstein (1976: 368) suggests 1897 or even 1873!) and consequently bound to be inadequate for a substantially more globalised society. Along with others (e.g. Hughes 1936: 182) who noted the increasing complexity of institutions, and White (1992: 116), he is also conscious of the number and diverse nature and operation of global organisations created each with varying and also commonly overlapping interests in the maritime field—for example the IMO, ILO, GATT (subsequently WTO), International Confederation of Free Trade Unions, World Confederation of Labour, UNCTAD, OECD and so on (Williams 1987: 202). He sees the UN as an organisational system in crisis lacking coordination and authority, with declining standards of management, and decision-making systems unrelated to national strength or financial contributions.

Meanwhile, Silverstein (1978: 160–161) emphasises the issue of slowness of ratification that has always followed the IMO around as a major criticism of its activities. This particularly stems from the failure of national governments to ratify negotiated conventions and amendments with a ‘lag time of from five to seven years between passage and final ratification... not uncommon’ (Silverstein 1978: 160). The IMO has no power to force member states to comply with decisions, even those to which they have agreed. It has no independent research capacity and relies upon information from member states, private companies and interest groups. Even its financial structure is questionable as fees are related to gross registered tonnage and as a result those who have to contribute the most have the largest fleets, but are not necessarily those with the most significant influence in the industry or at the IMO from a political, economic or social viewpoint. To quote Hobsbawm (1998: 3):

the *world* does not exist as a political unit at all. Only the so-called *nation-states* exist, although from time to time some of them are powerful enough to have effective global policies or to set-up global institutions for certain special purposes. The United Nations (typically so named) illustrates this problem. It has no power of its own apart from what is made available by its members, and no single policy that cannot be sabotaged by one or more of its members.

Meanwhile, Silverstein (1976: 371) suggests that the average 11-year delay at the IMO between agreement and ratification was largely the effect of disagreement between shipping stakeholders rather than disagreement between nation-states. A rather more cynical view might be that the delay is due to tacit agreement between shipping interests determined to dilute the impact of any maritime regulation.

Discussions with Norwegian, American, British and other shipping men (*sic*) indicate that the chief support of IMCO as an adjunct of the UN comes from national bureaus, such as our State Department and Maritime Commissions, and their equivalents in other nations, rather than from industry levels. George Horne, Times (London), 18th January, 1949.

Despite these clear inadequacies, there remains an air of permanence about maritime institutions once formed whether global, supranational or national. O’Riordan et al. (1998: 361) quote Keohane and Nye (1972: 55). International institutions... will provide a network of interactions which:

once established, will be difficult either to eradicate or drastically to rearrange.

As a result, these institutions tend to outlive the decline of the countries which stimulated their creation. Sheldon (1980: 62) suggests that they are in an ‘ultrastable’ state, and because change of any sort is threatening, none occurs. Acceptance of change would suggest failure and ‘destroy their stability’.

In this state, keeping constant who they are and what they do is more important than any consideration of the value of this activity in and to the outside world.

Clemens and Cook (1999: 441) are equally as convinced that ‘institutions endure’, with a ‘relative permanence of a distinctly social sort’ (Hughes 1936: 180–181; Zucker 1988: 25).

And so to reform? Clearly an institutional problem exists and possibly it lies within the existing framework—or maybe even with the need for new institutions—or perhaps with no institutions at all? There has been much discussion including Angelides and Caiden (1994: 227) along with Peters (2002: 11–12) with an emphasis of needing to incorporate greater ‘fluidity’, Clemens and Cook (1999: 448–450) who look at the factors that can affect the ability to change, Kovats (2006: 78) who suggests the need for a new global forum, Johnson et al. (2000), Buitelaar et al. (2007: 891) who emphasise the need to ‘break through (existing) institutional pathways’ something already recognised by Healey (1998) and Healey et al. (2002), and Lazarus (2009: 1158). This focuses of the need for reform of the UN in particular and can be applied in our case more specifically to the IMO. Whilst this is not the only maritime policy-making institution with global impact, it remains the most significant because of its jurisdictional position and consequential influence upon other jurisdictions (and also them upon it). Matheson (2001) provides a full analysis, and although referring specifically to the Security Council, he indicates along with others (e.g. Luck 2005; Krasno 2004; Reisman 1993) that there is considerable support for something at least to be considered. Meanwhile, little is done and the institutional deficit remains—much to the detriment of maritime governance.

Knight (1971: 384) introduces the idea that the influence of authority (commonly in the form of institutions) can be traced in the geographical landscape, and using a similar model the relationship between institutions and policy frameworks can be analysed. He cites Whittesley (1935: 85) who observed that ‘deep and widely ramified impress upon the landscape is stamped by the functions of effective central authority’. One might add by ineffective authority as well.

This notion is reinforced by Schwind (1970: 103), and Knight (1971: 384) who notes: ‘it is only when ideological considerations and the nature of political control are considered that we can understand many landscape developments’. He quotes examples from Eastern Europe, China, Israel and South Africa.

Three components make up this model of authority and how it might relate to effective impact, and although examples are taken from landscape studies, the principles hold just as true for the relationship that exists between institutional authority, policy implementation and development and could equally be applied to the maritime sector.

- Political goals of all stakeholders need to be clearly defined without which the implications of decisions by authorities may well be misunderstood, deliberately misread or ignored (Hartshorne 1950; Douglas 1968: 16; Kasperson and Minghi 1969: 429). Schat (1969: 258) suggests that we should not concern ourselves so much with ‘problems that are tackled by authorities, but (with) the explanation of the way of approach and the contents of the policy of authorities’.
- Agents then need to be identified including an understanding of the distribution of political power, the legislative structure and the political partitioning that exists. These need to all be considered from a mobile rather than static point of view and an understanding reached of how they work both in competition and cooperation.

- Processes need to be understood including the distribution and redistribution of resources, spatial competition and conflict between political units, and the whole impact of symbolisation. The latter refers to the perception of authority and institutional impact by stakeholders.

Keohane (2002: 31) disagrees with the suggestion that states retain the majority of power through the role they play at international institutions and are considered by some ‘institutionalists’ to wield the only real power in world decision-making. In fact, the decisions by individual states, although highly significant in world terms, are almost always affected by international institutions and their policies, and this is the case with the maritime sector as well. However, the clearly awkward relationship between jurisdictions and the entrenched nature of their structure and operation in a globalised world suggest that the institutional paradox that exists needs to be addressed.

Keohane (2002: 202) along with Borghese (1998: 140–141) goes on to stress that the state retains substantial power within both the national and international/global governance frameworks. The state remains the most important power in maritime governance, but its influence is more nuanced and made more complex by the emergence of new institutional stakeholders including NGOs, TNCs, interest groups, individuals and a range of bodies from seemingly non-maritime areas:

It is state structures, and the loyalty of people to particular states that enable states to create connections among themselves, handle issues of interdependence, and resist amalgamation, even if it might seem justified on purely functional grounds. (Keohane 2002: 203).

Current maritime institutional structures do nothing to address this curious jurisdictional relationship; an historical accident reflecting priorities from earlier times and now increasingly irrelevant. Parker (2000: 1292) helps to sum it all up:

The prince of Darkness no longer appears as a personage... but distinguishes himself willingly, even preferably, under the appearance of corporate personalities or institutions. Davidson (1971: xiv).

And

In Thomas More’s *Utopia*, there is a type of person who rather than live in wretched poverty at home, volunteers for slavery in Utopia (More 1988: 102). That is what organization means to them. A steady job, shops with food in them, and a police force that enforces the law: this has its attractions, and anyone who studies organization will understand the importance of certain sorts of predictability. Lucifer would rather ‘reign in Hell than serve in Heaven’ (More 1988: 263). That is what angelic organization means to him. It means preferring disobedience to the boredom of condescending angels, to the inevitability of hierarchy, the asymmetry of power, and the machine that endlessly manufactures false gods. As Kurt Vonnegut beautifully observes, there is no reason why good cannot triumph as often as evil, and the triumph of anything is a matter of organization. So organization is not one thing, whatever ‘the most Holy Hierotheus’ might claim. Parker (2000: 1297).

Conservatively defined stakeholders: whilst institutions such as the EU have in recent years recognised the need to expand stakeholder definition in policy-making if maritime governance is to be more effective, the consequences have been very limited in scope. Much is made of the processes of public consultation and

involvement in policy development (e.g. through social networking and email), but in practice it is the same interested parties, for a long time part of the policy-making process, that have been involved. The need to widen and deepen stakeholder involvement in maritime governance means taking on-board the opinions and significance of the media, politicians, interest groups of all types and many more if policy-making is to be effective.

The issue of stakeholders is undoubtedly a big one and much has been written—and in some sectors progress made. Collier and Esteban (1999: 176) and Martin (2001: 191) note the growth in recognition of the number, significance and diversity of stakeholders in policy-making, something reaffirmed some years later by Fritz (2010: 2, 4) in considering policy-making in the European Union. The Commission of the European Communities (2001: 14, 2008: 6, 2009: 3, 6) has shown tenacity in attempts at least to consider the stakeholder issue in governance including the maritime sector but elsewhere there is little evidence that the shipping industry has really taken on-board the need to widen and deepen actor involvement. An example of clear evidence of a wider appreciation of the extent of stakeholders comes from Brunn (1998: 121) who some years ago was emphasising the significance of the media as a stakeholder in both state and non-state activities of all sorts. However, an appreciation of the impact upon news and social media and of them upon the shipping industry has so far been minimal and yet from a stakeholder perspective, the impact of Facebook, Twitter and YouTube, the almost ubiquitous use of tablets, smart phones and camera phones is almost inestimable. The maritime sector, along with others, has shown little enthusiasm to expand its stakeholder directory beyond traditional, maritime interests although examples of a more liberal attitude do exist—see for example the work of Braithwaite and Drahos (2000: 476–479) and their understanding of the significance of NGOs, interest groups, the general public and business organisations in addition to the state and more conventional players in the maritime policy-making process. In addition, Furger (1997: 446) suggests that there is a large number of policy-makers that remain unrecognised and which ‘cannot be equated to regulators or regulatees’ but which nevertheless have a significant impact upon the maritime environment. These ‘intermediaries’ represent a system of predominantly private and occasionally public self-governance, largely stemming from the maritime sector itself but also including other less obvious players.

Aligica (2006: 79) suggests that any change initiative or project needs to understand the inventory of institutions which have an involvement and in the process to identify the key players. At a more sophisticated level, these players need to be assessed in terms of their contribution, support or opposition and their role within the sector. The maritime industry is no exception. Borzel (2007: 5) identifies a wide range of actors that have been described as stakeholders by a number of authors. These include public actors alone; public and private interests (Kooiman 1993; Mayntz 1993; Scharpf 1993); those in network form (Rhodes 1997; Eising and Kohler-Koch 1999); and those involving private sector interests alone (Streeck and Schmitter 1985). Brunn (1998: 106, 116–117) emphasises the growth in power and range of stakeholders in governance in the discussion of

territoriality and statehood. Meanwhile, Freeman (1984: 25) defines stakeholders as ‘any group or individual who can affect or is affected by the achievement of the firm’s objectives’—which in shipping’s terms probably includes almost everyone. Other definitions include Rhenman (1973)—‘individuals or groups who depend on the company for the realisation of their personal goals and on whom the company is dependent. In that sense employees, owners, customers, suppliers, creditors, as well as many other groups can all be regarded as stakeholders in the company’; and Thompson (1967)—‘those organisations in the environment which make a difference to the organisation in question’.

The importance attached to stakeholders has been reflected in the growth in number of publications in recent years. These include Charan and Freeman (1979), Savage et al. (1991), Hill and Jones (1992), Donaldson and Preston (1995), Rowley (1997), Donaldson (1999), Gioia (1999), Harrison and Freeman (1999), Hemmati (2002), Friedman and Miles (2002), Fletcher et al. (2003) and Friedman and Miles (2006), whilst Sutton (1999: 25) discusses a range of categories of stakeholder (she terms them interest groups) and their relationship to policy-making.

Stakeholders have a close relationship to governance and policy-making and this is as true for the maritime sector as any. Stubbs (2005: 67) is explicit in his consideration of the relationship between multilevel governance (MLG) and stakeholders. MLG is a way of conducting governance that permits an understanding of the complexity at and between jurisdictional levels including incorporating the contributions of institutions both above and below the nation-state as well as the state itself along with all forms of public and private actors and across all types of policy formulator and contributor. It thus avoids the ‘very narrow, linear debates’ that can characterise governance and policy-making.

Sutherland and Nichols (2006: 6) are even stronger in their conviction of the relationship between stakeholders and governance and even place this relationship within the framework of marine space. They see as fundamental to good governance the recognition and incorporation of all stakeholders and the allocation of priorities between them. They identify a variety of issues that need to be addressed and three that dominate—identification, engagement and managing input. Only then can effective governance have a chance of being implemented. The former was traditionally characterised by a narrow definition, engagement by telling stakeholders what will be done rather than asking them what to do; and the latter by a failure to identify priorities within the maritime community.

Freeman (1984: 26), supported by Altman and Petkus (1994: 39), considers that any form of policy management needs a structured approach for dealing with multiple stakeholders who were involved in multiple issues. The relationship with each stakeholder group would need to be managed including formulation, implementation and monitoring of strategies to address their concerns and interests. Issues of direction/mission, policy choice, resource allocation and the system used to adopt policies for each stakeholder objective need to be included if stakeholders are to form the serious part of governance and policy-making that they should.

Hosseus and Pal (1997: 404) discuss the choice of stakeholders in maritime policy-making, whilst Mason and Gray (1999), Notteboom and Winkelmans (2002), Wang et al. (2004), Pallis (2005–2006), Pallis and Tsiotis (2006, 2008) and Brooks and Pallis (2008) cover related issues in port, land and air transport. Dicken et al. (2001: 91) stress the need to include all stakeholders in policy-making including both agents (e.g. states, labour organizations, regulatory bodies) and what they termed ‘non-human intermediaries’ (facilities, telecommunications, infrastructure, policy documents, manuals, etc.). Phillips and Orsini (2002) provide a detailed discussion of the relationship between citizen involvement and the policy-making process, focussing in particular on the need for greater stakeholder engagement with governance and policy-makers. They spend a considerable time analysing why this should be the case and the techniques for doing so effectively. Pomeroy and Douvere (2008: 616) in their consideration of marine spatial planning and in particular the marine ecosystem outline why it is important to involve stakeholders in the policy-making process:

- Better understanding of the system under examination;
- Better understanding of the individual relationship with specific issues;
- Understanding the compatibility and conflicts of multiple use objectives;
- Identifying and resolving real and potential conflicts; and
- Discovering existing patterns of interaction.

They emphasise how stakeholder involvement in policy-making means much more than just collecting comments on a completed plan or policy. Stakeholders need to be involved from very early on in policy planning and then their interest and involvement needs to be maintained throughout the process. This would encourage ownership with all the benefits that can bring. In turn, this suggests four phases of policy-making where stakeholders would be important:

- Planning including setting out objectives, priorities and ultimate purposes. These need to be derived in discussion with stakeholders and ultimately confirmed with them.
- Evaluation of plans and policies. Choice of policies should incorporate stakeholders’ direct views about choices to be made.
- Implementation. Comanaged application of policies makes their application much more effective and objectives much more likely to be achieved.
- Post-implementation. After policy implementation, to review the whole process and to provide advice for future policies and stakeholder roles and involvement.

Bennett (2000: 876) outlines how currently policy-making and the design of regulations is commonly too simplistic as it excludes innumerable third-party private and public actors who are not the ultimate target of the regulations or policies but have power to influence and be influenced by them. Policy success is dependent upon a whole range of actors whose presence within the policy-making process needs to be enhanced. Governance as a whole needs to incorporate all manner of actors as even if the correct rules, regulations and policies are adopted, the intentions behind them will not otherwise be translated into reality (Vogler 1995: 154).

Bennett (2000: 863) continues emphasising that inputs to maritime policy-making cannot rest only with the IMO and nation-states but must also include shipowners, cargo owners, insurers, classification societies, banks and many others if it is to be relevant and effective.

The importance of the nation-state to the effectiveness of maritime governance is apparent, and Sutton (1999: 26) outlines how state-centred models of stakeholder involvement in policy-making can be a useful way ahead as the state is always a 'powerful actor in its own right'. This is supported by Stalder (2006: 124) who comments on the role of the nation-state as a stakeholder operating at the supranational level:

we now find all kinds of state institutions, not just national governments, immersed in complex games of alliances, trying to use their position within the network as a whole to advance their own specific goals.

Picciotto (1998: 3) sees the state fragmenting into a range of stakeholders each performing specialised tasks—central banks, competition authorities, utility regulators and agencies supervising health, social services, education, policing, prisons, etc. Each has its own agenda. Each has a role to play in policy-making and not necessarily only in their own specific sector. Macleod and Goodwin (1999: 506) agree identifying:

a relative decline in the state's direct management and sponsorship of social and economic projects and an analogous engagement of quasi- and non-state actors in a range of public-private partnerships and networks.

One major relationship between the state and stakeholders in governance was:

not the formal machinery of government, but rather the informal partnership between City Hall and the downtown business elite. This informal partnership and the way it operates constitute the city's regime: it is the means through which major policy decisions are made. (Stone 1989: 3).

MacLeod and Goodwin (1999: 513) go on to outline the concept of 'institutional thickness' as an approach to governance which requires a plethora of actors providing a collective representation (and which reflects a policy of inclusiveness).

To be involved effectively in governance requires a mechanism for stakeholder identification that meets the objectives of the policy-making process. Hosseus and Pal (1997) provide a full discussion on the selection of relevant topics for policy analysis in the shipping sector. Over 140 are listed and the authors claim (rather frighteningly) that this is a substantially restricted version of the full list. These in turn can be interpreted as guidelines for those with an interest in the sector—and thus potential stakeholders.

The choice of stakeholders needs to be comprehensive, something emphasised by Dicken et al. (2001), and Sabatier (1998: 99) suggests that this should always involve all domains and policy subsystems with actors from 'all levels of government within a country and increasingly from international organizations and other countries'. His discussion of advocacy coalition frameworks (ACF) as applied to European policy-making suggests that they should include

legislators, administrative agency officials, interest group leaders, researchers and journalists. Examples can be found in Derthick and Quirk (1985), Robyn (1987), Brown and Stewart (1993), Jenkins-Smith and Sabatier (1994), and Zafonte and Sabatier (1997).

Finally, and with particular reference to the discussion on process and maritime governance that is to follow, Sabatier (1998: 102) emphasises the ‘hundreds of actors from dozens of organizations seeking to influence the overall policy process over periods of a decade or more’, most of which remain excluded from the maritime governance and policy-making framework.

The significance of shipowners: clearly shipowners are very important stakeholders in maritime policy-making and must form a central plank of maritime governance. However at present, their role is so significant as to overwhelm much else. The explosion of tonnage taxation regimes is one example of this whereby relatively profitable shipping companies can gain subsidies through preferential taxation awarded by nation-states desperate to retain a pseudo-domestic shipping industry (Gekara 2010). In order to remain competitive, one country after another has introduced a concessionary scheme of this sort, the like of which is unavailable for any other specific industrial sector (e.g. in other globalised sectors such as the airline industry, satellite TV, international trucking, mobile telephone communications, space exploration). Globalisation has enabled shipowners to trade off national jurisdictions against each other to obtain dubiously justifiable concessions. The role that national flag registers play in the shipping industry is similar in providing opportunities for shipowners to bargain their fleet registration between countries to obtain concessions in taxation, regulation and the like.

This territorial hypocrisy is a characteristic of maritime governance almost always beneficial to the shipowner, manifesting itself in the way that the shipping industry attempts (and largely succeeds) to take advantage of both the national and global framework within which it works. This is the case even when considering wholly domestic shipping activities—and in some ways this is even better evidence of the importance of the hypocrisy that characterises wholly national-based shipping activities which take place within a globalised atmosphere where crewing and flag choices, options for finance, bunkering and insurance and many other decisions are taken in the context of global rather than national standards. In turn, this raises the opportunity of territorial promiscuity that the global shipowner has not been slow to take. Evidence comes from the widespread abuse of maritime policies through flags of convenience, the application of national tonnage tax regimes and the inadequacies of Port State Control which are just some of the ways that the industry trades off policies at national and global level to achieve the best of both worlds (and the worst for the environment, safety, security and competition).

The result is characterised by territorial porosity whereby the impact of national borders can be imposed at will (and taken away) by the shipping sector to maximise profit—either actually or at least by threat. National territory no longer has the meaning it once had and globalisation has created a nightmare for policy-makers condemned to working within a nationally defined framework.

This is not to say that the shipping industry is ambivalent to failures which occur in maritime policy. It is quick to suggest the social advantages that come from clean, secure and safe seas through representatives at the EU, the IMO, through national Ministries and the multitude of ship-owning associations, through a variety of interest and lobbying groups and even through professional associations. However at the same time, it continues to manipulate the globalised maritime governance framework for its own commercial convenience with little true regard for the wider social issues that characterise it. Unlike many other globalised industries, which are positioned in such a way that they can see both short- and long-term benefits in accommodating corporate social responsibility (see, e.g. Bhattacharya and Sen 2004; Kotler and Lee 2005; Quartey and Puplampu 2012), the shipping industry sees (or at least appears to see) almost none.

The factors that lie behind the cause of this state of affairs have been discussed widely by Roe (2007a, b, c, d, e, 2008a, b, 2009a, b, c, d, 2010a, b, 2013), Roe and Selkou (2006), and Selkou and Roe (2004, 2005). In particular, they stem from the wholly inappropriate jurisdictional framework that is central to current maritime governance. This framework emerged over the past 100 years or more and is deeply rooted in the inviolability of the nation-state and the significance that the nation retains regardless of jurisdiction—global, supranational, national, regional, local. The newly globalised world, reflecting continued shifts away from a national focus and towards each of the other jurisdictions, often characterised by linkages that miss out the heavily structured requirement of hierarchical sequencing that remains a feature of maritime governance, has exposed the nation-state and its fragile new existence. Curiously at the same time, the nation-state remains central to the new, globalised maritime governance in that it is the main representative at all global and supranational policy-making institutions. This contradiction between a governance framework designed for nation-state pre-eminence but operating within a highly globalised environment, where nation states have lost their true relevance, provides the opportunity for shipowners to exercise their preference for territorial hypocrisy. Maritime policy derives from this nation-state-dominated framework and consequently clashes with the globalised imperatives of the maritime sector. This generates a series of policy failures which provides the opportunity for the shipping industry to take commercial advantage of structural inadequacies.

The significant role that the nation-state has retained within maritime governance is surprising given the continued acceleration in the importance of globalisation and especially for an industry where the impact of time-space compression has been obvious (Harvey 1981, 1990, 2001). Shipping has played a substantive role in reducing the friction of distance and increasing place utility for all manner of commodities and products, so much so that to suggest that the nation-state has any function in maritime policy-making may sound ludicrous. Where an industry like shipping is characterised by the ability to largely ignore national definitions and boundaries at will whether it be for financial, legal, administrative, operational, social, environmental or any other issues, then it would appear to be nonsensical for the nation-state to claim any realistic influence. However, the structure of maritime governance assumes just that, with nation-states central to policy-making yet peripheral to policy implementation.

Mangat (2001: 9) suggests that governments have been stripped of any sovereignty they once had and now lack not only the ability but also the desire to develop and enforce policy in an area such as maritime. In the terms of Mittelman (1999), states acting as a facilitator of this process actually encourage further globalisation and their own ultimate demise as effective maritime policy-makers handing over responsibility for the market to the shipowner. This post-Westphalian world is one characterised by companies that fly the flag of their 'home' country and for a variety of political, financial, marketing and to a certain extent legal reasons retain a distinct national identity. Shipping companies are prime examples. Simultaneously, they are independent of any specific state, and their domicile is one they have chosen rather than been born to. This in turn generates footloose capital and a market for global activity again epitomised by the markets for seafarers, ship registration, ship taxation regimes and the like. One consequence is the inadequacy of maritime governance, reflected in maritime policy-making failure and in the problems faced by the maritime environment, maritime security, maritime safety and maritime efficiency—and ultimately the pollution, injury and death that results.

Evidence for the influence that nations still seemingly hold in maritime policy comes from Alderton and Winchester (2002: 36) who suggest that a ship's nation state still has exclusive dominion over that ship. However, they also emphasise that the choice of which state has this dominion is now down to the shipowner and as such a competitive market for ship registration has emerged with clear regression to the lowest standard. Globalisation in maritime governance has enabled the shipowner to dictate policy standards to his or her own advantage. Open registries have the possibility to provide vessel registration with almost no conditions because sufficient shipowners welcome the financial opportunities this affords.

Alderton and Winchester (2002: 39) go on to discuss flags of convenience and the failure of national or global policy-makers to provide an adequate response to their deficiencies. The path between the 'flag state and the ship owner is at best, obscure and minimal' and the role of the nation-state in encouraging such registries is in fact a deliberate attempt to minimise the influence of the nation-state in the governance of shipping. Shipowners have welcomed the divorce of national (or in fact any) governance and flag. International attempts at raising standards of registries have in many cases just provided more opportunities for shipowners to flout rules by encouraging disreputable flags to emerge to fill a growing demand for lower standards for shipowners who cannot or choose not to afford the costs of higher standards. Globalised maritime governance has no framework to deal with this because all authority ultimately rests with the nation-state which in turn is regulator of each open registry. Hence, the policeman is also the criminal.

To quote Alderton and Winchester (2002: 43):

In the context where international regulation is enacted upon a nation by nation basis then it is no wonder that this situation occurs. Where legislation still relies on a state as the analytical model, yet the context itself is irredeemably global, there is always a remainder, a remainder that, due to its sovereign privilege may create an unregulated environment where capital is free to act as it pleases.

The shipowner finds him/herself protected in two ways:

- The whole reason for the existence of open registries is that in terms of regulation they are liberal; their success depends on the maintenance of this. The associated nation-state has no incentive to regulate as to do so would destroy the cash-cow from which they benefit.
- As an intrinsic part of this, the nation-state neither attempts to encroach on the autonomy of the shipowner nor introduces or encourages structures and frameworks that might restrict the power of the flag over the state or shipowner.

The insignificance of the nation-state is recognised by Bauman (2000: 192) citing Hobsbawm (1998: 4–5):

What we have today is in effect a dual system, the official one of the ‘national economy’ of states, and the real but largely unofficial one of transnational units and institutions... [Un]like the state with its territory and power, other elements of the ‘nation’ can be and easily are overridden by the globalization of the economy. Ethnicity and language are the two obvious ones. Take away state power and coercive force, and their relative insignificance is clear.

Bauman goes on to suggest that multinationals (and shipping companies, however, small have many of the same characteristics) have a penchant for small states. Small states are generally weak, and as a result it takes less money to buy them and their favours. Small of course does not mean necessarily spatially small, but it does mean politically and financially small. But with globalisation, the influence that small states can have through providing opportunities for manipulating maritime governance has declined to the point where their purchase is hardly necessary. As national governments increasingly cannot balance books with their own resources, they are forced into global collaboration, of which the maritime sector plays a disproportionate part, something Anthony Giddens calls a juggernaut controlling modernisation. Most governments now happily:

vie with each other to implore, cajole or seduce the global juggernaut to change track and roll first to the lands (*or ship registry*) they administer. The few among them who are too slow, dim-witted, myopic, or just vainglorious to join in the competition will either find themselves in dire trouble having nothing to boast about when it comes to wooing their ‘voting with wallets’ electors or be promptly condemned and ostracized by the compliant chorus of world ‘opinion’ and then showered with bombs or with threats of showering with bombs in order to restore their good sense and prompt them to join or rejoin the ranks. Bauman (2000: 192–193) (*italics added*).

Walton and McKersie’s (1965) ‘behavioural theory’ of social negotiations is cited by Putnam (1988: 433–434) as central to much state-centric policy-making and a considerable amount of international policy-making, and shipping is one commercial activity that is central to this and operates at what they termed a ‘two-level game’. Domestic interests (and this includes shipowners) do what they can to pressurise their national governments to adopt policies that are favourable to them. Meanwhile, domestic politicians seek to increase their influence by ‘constructing coalitions amongst those groups’. Internationally, these same national politicians

aim to ‘maximise their own ability to satisfy domestic pressures, whilst minimising the adverse consequences of foreign developments’. Every nation-state appears at both game boards.

The complexities that follow are substantial but regularly form part of shipowners’ activities in maritime governance and policy-making. Decisions at one table may conflict with decisions taken by the same interests at another or even the same table but on another occasion. This game played by the shipowning community (amongst others) is commonly seen at the IMO, at the various institutions of the European Union, in discussion with national ministries and so on—with the ultimate consequences reflected in the inconsistency and inadequacy of tonnage tax regimes, delayed or even failed environmental international legislation and the practice of flag-hopping. On some occasions, a clever player will be able to align his or her ambitions at all tables to achieve the ultimate ambition of both national and global maritime policy which whilst seemingly provides benefits on both fronts.

Druckman (1978), Axelrod (1987) and Snyder and Diesing (1977) amongst many others recognise that this two (or even more)-level game has been played across the national/global divide so that at times even the most conflicting policies can be agreed by all depending upon circumstances and the characteristics of those present. The shipping sector finds itself fortunate in that its intensely global nature permits trade-offs to be undertaken much more easily than sectors where national factors dominate. The close links between globalisation, shipowner interests and the decline of the influence of the nation-state are clear.

The somewhat difficult relationship between state and shipowner has been recognised for some time although this does not seem to have made it any easier for national governments to do anything about it—even if they wish to. Strange (1976: 358) emphasised in the 1970s that the ‘authority of states over the operators and the market is generally rather weak’, something she continued to emphasise in later years (Strange 1996). She contrasts this to other markets and in particular the air transport industry which initially might seem to be comparable with commercial shipping. However, shipping exhibits considerably more flexibility in the opportunities it has to enter and leave ports and in the difficulties of preventing shipping movements. Shipping is characterised by two concepts almost unheard of in air transport—the freedom of the seas and the Master’s sole authority over a vessel. Both reflect the independence of shipping, the globalised nature of the business, and the inherent power of the shipowner over much of what the Master decides to do.

Strange continues to emphasise the ambivalent attitude of national governments to the shipping industry and to shipowners in particular. This has stretched across full-scale nationalisation (or at least full-scale national control) of shipping interests at times of war; partial but substantial control of imperial interest at times of colonial expansion; protectionism to support commercial activities through subsidy, trade direction, guarantees for labour markets typified by the US Jones Act (1920); and over-liberalisation of markets where shipping interests emphasise their need for

support and can threaten domestic emigration without concessions (e.g. tonnage tax, flag favouritism or even direct financial support). Strange's comment that:

Considering the multitude of international problems which the transnational operations of ship-operators create, the impact of international law and organization on shipping is still relatively weak. (Strange 1976: 361).

...is as valid today as when written. The weakness of international maritime law is a reflection of the ability of shipping interests to influence its design and application, and with globalisation, this ability rather than decline has intensified. The IMO remains a classic example of this situation with laudable aims continuously thwarted or severely delayed to meet the increasingly significant demands of an industry as globalisation itself becomes more and more significant.

Strange continues with some severe criticism of a number of other international organisations with shipping interests relevant at the time (1976)—UNCTAD, CENSA (Committee of European National Steamship Owners' Association), ICS (International Chamber of Shipping), CMI (Comité International Maritime) and the OECD. These she describes as 'transnational pressure groups or... collective bargaining organisations more than sources of regulatory authority'—something that still rings true today. Many of these global groups are effectively representational bodies for the shipping community (and shipowners in particular) rather than organisations with the prime aim of making the industry cleaner, safer and more efficient.

The distinction between lobbying and regulation is blurred and much more so than in many other sectors, even those with clear global characteristics—air transport, satellite television, telecommunications, space exploration, etc. The result has been almost universally more success in lobbying by international shipping as commercial interests dominate. She sums up:

...the world shipping business seems to be heading for decreased efficiency, and for increased inequity and continued instability. It is in a condition of relative anarchy dangerous to the environment and to human life, and potentially very disruptive both to the rest of the world economy and to the political relations between governments – and even perhaps to politics within states. Strange (1976: 364).

Whilst her comments are from 40 years ago, their pertinence remains clear and her ability to see the impact of globalisation upon maritime governance and policy-making is remarkable. This vacuum is a convenience for the international shipping industry and has stemmed from a nation-state-focussed governance framework that has become anachronistic in the light of change exemplified by globalisation. Shipowners delight in the increasingly globalised world whilst taking advantage of the lax governance that it permits. In the meantime policy-making frameworks, processes and institutions take their time to catch up. Strange finishes with what might be seen as prophetic comments—that as shipping continues to expand it needs to be regulated more rather than less, but despite this with every technical change, the level of political authority has declined (Strange 1976: 364).

Cerny (1995: 618) provides support in commenting upon the complex relationship between globalisation, the state and the democratic and social aspirations of people. The processes of globalisation have detrimental effects upon the relationship between major commercial interests (e.g. shipping) and society.

Thus economic globalization contributes not to the suppression of the state by a homogenous world order as such but to the differentiation of the existing national and international political orders, as well. Indeed globalisation leads to a growing disjuncture between the democratic, constitutional and social aspirations of people - which continue to be shaped by and understood through the framework of the territorial state - and the increasingly problematic potential for collective action through state political processes.

Cerny (1995: 618) suggests that collective action through multilateral regimes (e.g. the IMO) might well increase but will operate at least one remove away from democratic accountability. New 'nodes of private and quasi-public economic power' were seen to be crystallising which would ultimately end up as more powerful than the state. This sounds very familiar in the early decades of the twenty-first century and in the context of the global shipping industry where the state has become less effective, the private sector in the form of shipping interests evermore powerful and the whole charade dressed up in the form of quasi-public representation. The state today:

...is a potentially unstable mix of civil association and enterprise association - of constitutional state, pressure group, and firm - with state actors, no longer so autonomous, feeling their way uneasily in an unfamiliar world. Cerny (1995: 619).

Cerny goes on to cite Andrews (1994: 201) who sees the state as an agent for the 'commodification of the collective, situated in a wider, market-dominated playing field' (Cerny 1995: 620). The nation-state then can be seen increasingly to be free riding on 'opportunities created by the autonomous transnational market structure'.

Cerny emphasises further the governance problems faced by a globalised world where the nation-state retains its policy-making significance at the same time as losing its policy implementing influence. A globalised world retains much of the anarchy that has always characterised governance, but its structural nature will change. The new void in governance that globalisation has generated and of which shipping takes advantage has yet to be filled in any effective way. This cannot be done using the hierarchical structures that characterise shipping governance at the moment as they are ineffective and largely irrelevant. New structures are needed which interact across current hierarchical jurisdictions and which feature complex relationships between actors within which the nation state may have no role to play—'a complex, world-wide evolutionary process of institutional selection' (Cerny 1995).

Globalization does not mean that the international system is any less structurally anarchic; it merely changes the structural composition of that anarchy from one made up of relations between sovereign states to one made up of relations between functionally differentiated spheres of economic activity, on the one hand, and the institutional structures proliferating in an ad hoc fashion to fill the power void, on the other. Different economic activities - differentiated by their comparative goods/assets structures - increasingly need to be regulated through distinct sets of institutions at different levels organized at different

optimal scales. Such institutions of course, overlap and interact in complex ways, but they no longer sufficiently coincide on a single optimal scale in such a way that they could be efficiently integrated into a multitask hierarchy like the nation-state. Some are essentially private market structures and regimes, some are still public intergovernmental structures, and some are mixed public-private. Cerny (1995: 620–621).

Central to these changes are the private-sector shipowners who as Forsyth (1993: 209) suggests have found themselves conveniently placed within international law that recognises the flag of a vessel as its nationality, not necessarily related to the nationality of the owner, crew or officers. The confusion so caused is one prime example of how the shipowner holds all the cards in globalised governance and acting effectively as transnational corporations engages widely in socially injurious actions (Forsyth 1993: 208; Michalowski and Kramer 1987: 39–45).

Taking the neo-classical argument of Rugman (1982) and the Marxist approaches of Brett (1985), and Jenkins (1988), Picciotto (1991: 46) suggests that the internationalised ownership of capital, which is exemplified by the shipping sector, developed through the creation of corporations which were facilitated by the proliferation of nation-state-backed protectionist regulations. These included tariffs, national procurement policies and national financial protection measures. In particular, foreign-owned capital is commonly considered in a different way to national capital (e.g. tonnage taxation regimes which avoid domestic taxation rules applied to other sectors). However, having been offered and accepted special conditions because of their international characteristics, these same, global investors then become the staunchest of all nation-state defenders. Shipping obtains this significant competitive advantage by exploiting national differences across all jurisdictional levels both politically and economically. Effective maritime policy-making is almost impossible.

Chowdhury (2006: 141) suggests a close and inevitable relationship between capital (in this case shipping and shipowners), globalisation and the nation-state. Each relies upon the other, but at the same time, some elements (notably the shipping community) can take advantage of the situation in which they find themselves and this in turn does nothing to encourage effective governance.

Form rather than process: maritime policies have traditionally focussed on the static rather than the dynamic; on form rather than process. The shipping industry is far from static and the problems which policy-makers are addressing need dynamic approaches if they are to be effective. Curiously, policies are traditionally ‘snapshot’, relevant to one moment in time and increasingly anachronistic even before they are implemented. Whilst the idea of developing dynamic policies rather than static ones, focussing on processes that are going on rather than their form, on developing a dynamic governance, is a difficult one; it is one that has attracted much attention in many fields already—it is time that the maritime sector entered into this debate.

The issue of dynamism is fundamental to the problems facing maritime governance and the need to overcome the dead hand of stasis is paramount. Process, change, dynamism or whatever else it might be called is consequently the focus of the remaining chapters and will be considered in full in the following pages.

Conclusions

Each of these issues needs to be addressed if maritime governance is to be appropriate for today's and the future's shipping marketplace. Currently, none are considered effectively. The role of extended stakeholder involvement is at least understood [see, e.g. recent commentary by the EU on maritime stakeholders (Commission of the European Communities 2008)]. Meanwhile, the ambitions of over-influential shipowners and associated maritime stakeholders are unlikely to change whatever governance changes are made—these undesirable effects need to be understood and measures taken to produce policies that balance these desires need to be generated. Major governance revision is not going to remove the significance of shipowners in maritime policy-making, but these ambitions could be accommodated more successfully in policies that address all sides of the environmental, safety, security and efficiency arguments.

Meanwhile, the importance of the nation-based bias within current maritime governance cannot be overestimated and the outdated characteristics of the institutions that dominate policy-making remain fundamental. However, it is none of these highly significant characteristics which will be considered in the pages that follow. Instead, it is the nature of policies and the continued focus on static rather than dynamic measures that will be addressed, upon form rather than process. And upon the need to develop maritime governance and policy-making so that it can accommodate change rather than fixation. Fundamentally, this needs to be addressed if any of the other inadequacies are to be resolved.

The remainder of this book will focus on this debate central to maritime governance—how a dynamic industry that needs policies that can accommodate change can emerge from what is essentially a static governance framework based upon an anachronistic institutional structure dominated by commercial and traditional self-interests rather than those of society.

References

- Agnew, J. (1994). The territorial trap: The geographical assumptions of international relations theory. *Review of International Political Economy*, 1(1), 53–80.
- Agnew, J. (1999). Mapping political power beyond state boundaries: Territory, identity, and movement in world politics. *Millennium: Journal of International Studies*, 28(3), 499–521.
- Airriess, C. A. (2001). The regionalization of Hutchison port holdings in mainland China. *Journal of Transport Geography*, 9, 267–278.
- Alderton, T., & Winchester, N. (2002). Globalization and de-regulation in the maritime industry. *Marine Policy*, 26(1), 35–43.
- Aligica, P. D. (2006). Institutional and stakeholder mapping: Frameworks for policy analysis and institutional change. *Public Organization Review*, 6, 79–90.
- Allegret, J.-P., & Dulbecco, P. (2002). Global governance versus domestic governance: What roles for international institutions? *European Journal of Development Research*, 14(2), 173–182.

- Altman, J. A., & Petkus, E. Jr. (1994). Towards a stakeholder-based policy process: An application of the social marketing perspective to environmental policy development. *Policy Sciences*, 27, 37–51.
- Anderson, J. (1995). The exaggerated death of the nation-state. In J. Anderson, C. Brook, & A. Cochrane (Eds.), *A global world? Reordering political space* (pp. 65–112). Oxford: Oxford University Press.
- Anderson, J. (1996). The shifting stage of politics: New medieval and postmodern territorialities? *Environment and Planning D*, 14(2), 133–153.
- Anderson, J., & O'Dowd, L. (1999). Borders, border regions and territoriality: Contradictory meanings, changing significance. *Regional Studies*, 33(7), 593–604.
- Andrews, D. M. (1994). Mobility and state autonomy: Toward a structural theory of international monetary relations. *International Studies Quarterly*, 38(2), 193–218.
- Angelides, C., & Caiden, G. (1994). Adjusting policy thinking to global pragmatics and future problematics. *Public Administration and Development*, 14, 223–239.
- Appadurai, A. (1996). *Modernity at large: Cultural dimensions of globalisation*. Minneapolis, MI: University of Minneapolis Press.
- Arts, B., & Leroy, P. (2003). *Veranderingen van politiek, vernieuwing van milieubeleid klassieke en postmoderne arrangements*. Nijmegen: Nijmegen University Press. (in Dutch).
- Ashford, D. E. (1977). Political science and policy studies: Towards a structural solution. *Policy Studies Journal*, 5, 570–583.
- Ashley, R. K. (1988). Untying the sovereign state: A double reading of the anarchy problematique. *Millennium*, 17, 227–262.
- Axelrod, R. (1987). *The Gamma Paradigm for studying the domestic influence on foreign policy*. Washington, DC: Annual Meeting of the International Studies Association.
- Baindur, D., & Vegas, J. (2011). Challenges to implementing motorways of the sea concept—Lessons from the past. *Maritime Policy and Management*, 38(7), 673–690.
- Bauman, Z. (2000). *Liquid modernity*. Cambridge: Polity Press.
- Bennett, P. (2000). Environmental governance and private actors: Enrolling insurers in international maritime regulation. *Political Geography*, 19, 875–899.
- Berger, S. (Ed.). (1981). *Organizing interests in Europe: Pluralism, corporatism and the transformation of politics*. Cambridge: Cambridge University Press.
- Besley, T. (2001). Political institutions and policy competition. In G. Kochendorfer-Lucius & B. Pleskovic (Eds.), *Institutional foundations of a market economy* (pp. 102–109). Villa Borsig Workshop Series 2000. Washington, DC: World Bank.
- Bhattacharya, C. B., & Sen, S. (2004). Doing better at doing good: When, why and how consumers respond to corporate social initiatives. *California Management Review*, 47(1), 9–24.
- Bloor, M., Datta, R., Gilinskiy, Y., & Horlick-Jones, T. (2006). Unicorn among the cedars: On the possibility of effective 'smart regulation' of the globalized shipping industry. *Social and Legal Studies*, 15(4), 534–551.
- Borghese, E. M. (1998). *The oceanic circle: Governing the seas as a global resource*. New York: United Nations University Press.
- Borzel, T. A. (2007). *European governance—Negotiation and competition in the shadow of hierarchy*. European Union Studies Meeting, Montreal, May 7–10, 2007.
- Borzel, T. A., & Risse, T. (2010). Governance without a state. Can it work? *Regulation and Governance*, 4, 113–134.
- Braithwaite, J., & Drahos, P. (2000). *Global business regulation*. Cambridge: Cambridge University Press.
- Brenner, N. (1998). Between fixity and motion: Accumulation, territorial organization and the historical geography of spatial scales. *Environment and Planning D*, 16(4), 459–481.
- Brett, E. A. (1985). *The world economy since the war—The politics of uneven development*. Basingstoke: Macmillan.
- Brooks, M. R., & Pallis, A. A. (2008). Assessing port governance models: Prices and performance components. *Maritime Policy and Management*, 35(4), 411–432.

- Brown, A. E., & Stewart, J. (1993). Competing advocacy coalitions, policy evolution and airline deregulation. In P. Sabatier & H. Jenkins-Smith (Eds.), *Policy change and learning* (pp. 83–104). Boulder, CO: Westview Press.
- Brunn, S. D. (1998). A treaty of silicon for the treaty of westphalia? New territorial dimensions of modern statehood. *Geopolitics*, 3(1), 106–131.
- Buitelaar, E., Lagendijk, A., & Jacobs, W. (2007). A theory of institutional change: Illustrated by Dutch city-provinces and Dutch land policy. *Environment and Planning A*, 39, 891–908.
- Bush, P. D. (1987). The theory of institutional change. *Journal of Economic Issues*, XXI(3), 1075–1116.
- Calvert, R. (1995). Rational actors, equilibrium and social institutions. In J. Knight & I. Sened (Eds.), *Explaining social institutions*. Ann Arbor, MI: University of Michigan Press.
- Campanelli, O. (2012). The global governance of maritime piracy. *Journal of Global Policy Governance*, 1, 73–84.
- Campbell, J. L. (1998). Institutional analysis and the role of ideas in political economy. *Theory and Society*, 27, 377–409.
- Camus, A. (1956) *The Fall*. London: Vintage.
- Capek, K. (1936). *War with the Newts*. London: Geo. Allen and Unwin.
- Castells, M. (1996). *The rise of the network society*. Cambridge, MA: Blackwell.
- Cerny, P. G. (1995). Globalization and the changing logic of collective action. *International Organization*, 49(4), 595–625.
- Charan, R., & Freeman, R. E. (1979). Building bridges with corporate constituents. *Management Review*, 68(11), 8–13.
- Chowdhury, K. (2006). Interrogating “newness”. Globalization and postcolonial theory in the age of endless war. *Cultural Critique*, 62, 126–161.
- Clemens, E. S., & Cook, J. M. (1999). Politics and institutionalism: Explaining durability and change. *Annual Review of Sociology*, 25, 441–466.
- Coleman, J. S. (1987). Norms as social capital. In G. Radnitzky & P. Bernholz (Eds.), *Economic imperialism*. New York: Paragon.
- Collier, J., & Esteban, R. (1999). Governance in the participative organisation: Freedom, creativity and ethics. *Journal of Business Ethics*, 21(2–3), 173–188.
- Colomar, J. M. (1995). Strategies and outcomes in Eastern Europe. *Journal of Democracy*, 6(2), 74–85.
- Commission of the European Communities. (2001). *Multi-level governance: Linking and networking the various regional and local levels*. Report of Governance Working Group 4c, Brussels.
- Commission of the European Communities. (2008). *Guidelines for an integrated approach to maritime policy: Towards best practice in integrated maritime governance and stakeholder consultation*, COM (2008) 395 final, Brussels.
- Commission of the European Communities. (2009). *Towards an integrated maritime policy for better governance in the mediterranean*. Communication from the Commission to the Council and the European Parliament, COM (2009) 466 Final, Brussels.
- Commons, J. R. (1968). *Legal foundations of capitalism*. Madison, WI: University of Wisconsin Press.
- Cooper, R. (2000). *The post-modern state and the world order*. London: Demos.
- Crawford, S. E. S., & Ostrom, E. (1995). A grammar of institutions. *American Political Science Review*, 89(3), 582–600.
- Crosby, B. L. (1996). Policy implementation: The organizational challenge. *World Development*, 24(9), 1403–1415.
- Croucher, S. L. (2003). Perpetual imagining. Nationhood in a global era. *International Studies Review*, 5, 1–24.
- Davidson, G. (1971). *A dictionary of angels, including the fallen angels*. New York: The Free Press.
- De Vivero, J. L. S., & Mateos, J. C. R. (2010). Ocean governance in a competitive world. The BRIC countries as emerging maritime powers—Building new geopolitical scenarios. *Marine Policy*, 34, 967–978.

- Del Rosso Jr., S. J. (1995). The insecure state (What future for the state?). *Daedalus*, 124, 2.
- Denzau, A. T., & North, D. C. (1994). Shared mental models: Ideologies and institutions. *Kyklos*, 47(1), 3–31.
- Derthick, M., & Quirk, P. (1985). *The politics of deregulation*. Washington, DC: The Brookings Institution.
- Deutsch, K. (1966). *Nationalism and social communication*. New York: MIT Press.
- Dicken, P., Kelly, P. F., Olds, K., & Yeung, W. (2001). Chains and networks, territories and scales: Towards a relational framework for analysing the global economy. *Global Networks*, 1(2), 89–112.
- Donaldson, T. (1999). Making stakeholder theory whole. *Academy of Management Review*, 24(2), 237–241.
- Donaldson, T., & Preston, L. E. (1995). The stakeholder theory of the corporation: Concepts, evidence, and implications. *Academy of Management Review*, 20(1), 65–91.
- Dopfer, K. (1991). Toward a theory of economic institutions: Energy and path dependency. *Journal of Economic Issues*, XXV(2), 535–550.
- Douglas, J. N. H. (1968). Political geography and administrative areas: A method of assessing the effectiveness of local government areas. In C. A. Fisher (Ed.), *Essays in political geography*. London: Methuen.
- Druckman, D. (1978). Boundary role conflict: negotiations as dual responsiveness. In J. W. Zartman (Ed.), *The negotiation process: Theories and applications* (pp. 100–101, 109). Beverly Hills, CA: Sage.
- Duncan, S., & Savage, M. (1989). Space, scale and locality. *Antipode*, 21(3), 207–231.
- Eising, R., & Kohler-Koch, B. (1999). Introduction. Network Governance in the European Union. In R. Eising & B. Kohler-Koch (Eds.), *Interessenpolitik in Europa*. Baden Baden: Nomos.
- Evans, P. (1997). The eclipse of the state? *Reflections on stateness in an era of globalization*, *World Politics*, 50(1), 62–87.
- Evans, P. (2001). *Beyond institutional monocropping: Institutions, capabilities and deliberative development* (Unpublished).
- Evans, B., Reuschmeyer, D., & Skopcol, T. (1985). *Bringing the state back in*. Cambridge: Cambridge University Press.
- Fletcher, A., Guthrie, J., Steane, P., Roos, G., & Pike, S. (2003). Mapping stakeholder perceptions for a third sector organization. *Journal of Intellectual Capital*, 4(4), 505–527.
- Forsyth, C. J. (1993). Transnational corporations: Problems for study in the new international order of maritime shipping. *Maritime Policy and Management*, 20(3), 207–214.
- Frankel, M. (1955). Obsolescence and technological change in a maturing economy. *The American Economic Review*, 45(3), 296–319.
- Freeman, R. E. (1984). *Strategic management: A stakeholder approach*. London: Pitman.
- Friedman, A. L., & Miles, S. (2002). Developing stakeholder theory. *Journal of Management Studies*, 39(1), 2–21.
- Friedman, A. L., & Miles, S. (2006). *Stakeholders, theory and practice*. Oxford: Oxford University Press.
- Fritz, J. (2010). Towards a 'new form of governance' in science policy relations in the European maritime policy. *Marine Policy*, 34, 1–6.
- Furger, F. (1997). Accountability and systems of self-governance: The case of the maritime industry. *Law and Policy*, 19(4), 445–476.
- Gekara, V. O. (2010). The stamp of neo-liberalism on the UK tonnage tax and the implications for British seafaring. *Marine Policy*, 34(3), 487–494.
- Giddens, A. (1985). *The nation-state and violence*. Cambridge: Polity Press.
- Gioia, D. A. (1999). Practicability, paradigms, and problems in stakeholder theorizing. *Academy of Management Review*, 24(2), 228–232.
- Gordenker, L., & Weiss, T. G. (1995). Pluralising global governance: Analytical approaches and dimensions. *Third World Quarterly*, 16(3), 357–387.

- Hall, P. A. (1986). *Governing the economy: The politics of state intervention in Britain and France*. Cambridge: Polity Press.
- Hall, P. V. (2003). Regional institutional convergence? Reflections from Baltimore waterfront. *Economic Geography*, 79, 347–363.
- Harding, A. (1997). Urban regimes in a Europe of the cities. *European Urban and Regional Studies*, 4(4), 291–314.
- Harrison, J. S., & Freeman, R. E. (1999). Stakeholders, social responsibility, and performance: Empirical evidence and theoretical perspectives. *Academy of Management Journal*, 42(5), 479–485.
- Hartshorne, R. (1950). The functional approach in political geography. *Annals of the Association of American Geographers*, 40(2), 95–130.
- Harvey, D. (1981). The spatial fix—Hegel, Von Thunen and Marx. *Antipode*, 13(3), 1–12.
- Harvey, D. (1990). *The condition of postmodernity*. Cambridge, MA: Blackwell.
- Harvey, D. (2001). Globalization and the “spatial fix”. *Geographische Review*, 2, 23–30.
- Healey, P. (1998). Building institutional capacity through collaborative approaches in urban planning. *Environment and Planning A*, 30, 1531–1546.
- Healey, P., Cars, G., Madanipour, A., & de Magalhaes, C. (2002). Transforming governance institutionalist analysis and institutional capacity. In G. Cars, P. Healey, A. Madanipour, & C. de Magalhaes (Eds.), *Transforming governance institutional analysis and institutional capacity* (pp. 6–28). Aldershot: Ashgate.
- Held, D. (1991). Democracy, the nation-state and the global system. *Economy and Society*, 20(2), 138–172.
- Hemmati, M. (2002). *Multi-stakeholder processes for governance and sustainability: Beyond deadlock and conflict*. London: Earthscan.
- Hill, C. W. L., & Jones, T. M. (1992). Stakeholder-agency theory. *Journal of Management Studies*, 29(2), 131–154.
- Hirst, P. (1997). *Democracy, civil society and global politics*. London: UCL Press.
- Hobsbawm, E. (1998). The nation and globalization. *Constellations*, 5(1), 1–9.
- Hohfeld, W. N. (1913). Some fundamental legal concepts as applied in the study of primitive law. *Yale Law Journal*, 23, 16–59.
- Hosseus, D., & Pal, L. A. (1999). Anatomy of a policy area: The case of shipping. *Canadian Public Policy*, XXIII(4), 399–415.
- Hughes, E. C. (1936). The ecological aspect of institutions. *American Sociological Review*, 1(2), 180–189.
- Inayatullah, N., & Rupert, M. E. (1993). Hobbes, Smith and the problem of mixed ontologies in neorealist international political economy. In S. Rosow (Ed.), *The global economy as political space* (pp. 61–85). Boulder, CO: Lynne Rienner.
- Jackson, J. E. (Ed.). (1990). *Institutions in American society*. Ann Arbor, MI: University of Michigan Press.
- Jacobs, W. (2007). Port competition between Los Angeles and Long Beach: An institutional analysis. *Tijdschrift Voor Economische en Sociale Geografie*, 98, 360–372.
- Jacobs, W., & Hall, P. V. (2007). What conditions supply chain strategies in ports? The case of Dubai. *GeoJournal*, 68, 327–342.
- Jenkins, R. (1988). *Transnational corporations and uneven development*. London: Routledge.
- Jenkins-Smith, H., & Sabatier, P. (1994). Evaluating the advocacy coalition framework. *Journal of Public Policy*, 14, 175–203.
- Jessop, B. (1990). *State theory: Putting capitalist states in their place*. Cambridge: Polity Press.
- Jessop, B. (2003). The future of the state in an era of globalization. *International Politics and Society*, 3, 30–46.
- Jessop, B. (2004). Multilevel governance and multilevel metagovernance. Changes in the EU as integral moments in the transformation and reorientation of contemporary statehood. In I. Bache & M. Flinders (Eds.), *Multi-level governance* (pp. 49–74). Oxford: Oxford University Press.

- Johnson, G., Smith, S., & Codling, B. (2000). Microprocesses of institutional change in the context of privatization. *Academy of Management Review*, 25(3), 572–580.
- Johnston, R. J. (1995). Territoriality and the state. In G. Benko & U. Strohmayer (Eds.), *Geography, history and social science* (pp. 213–226). Dordrecht: Kluwer.
- Jones, B. D., Sulkin, T., & Larsen, H. A. (2003). Policy punctuations in American political institutions. *American Political Science Review*, 97(1), 151–169.
- Jordan, A. (2001). The European Union: An evolving system of multi-level governance... or government? *Policy and Politics*, 29(2), 193–208.
- Kaldor, M. (1993). Civil society and democratic renewal. In A. Roberts (Ed.), *Power to the People? Economic self-determination and the regions*. London: European Dialogue, Ebert Foundation.
- Kasperson, R. E., & Minghi, J. V. (1969). *The structure of political geography*. Chicago, IL: Aldine Publishing Co.
- Keohane, R. O. (2002). *Global governance and democratic accountability*, Miliband Lectures, London School of Economics.
- Keohane, R. O., & Nye, J. (1972). *Transnational systems and international organizations*. Boston, MA: Harvard University. (Unpublished Seminar Paper, Harvard Center for International Affairs).
- Kjellberg, F. (1975). *Political institutionalization*. London: Wiley.
- Knight, D. B. (1971). *Impress of authority and ideology on the landscape* (pp. 383–387). LXII: Tijdschrift Voor Economische en Sociale Geografie.
- Knight, J. (1992). *Institutions and social conflict*. New York: Cambridge University Press.
- Koelble, T. A. (1995). The new institutionalism in political science and sociology. *Comparative Politics*, 27(2), 231–243.
- Kooiman, J. (Ed.). (1993). *Modern governance. New government-society interactions*. London: Sage.
- Kostova, T., & Roth, K. (2002). Adoption of an organisation practice by subsidiaries of multinational corporations, institutional and relational effects. *Academy of Management Journal*, 45(1), 215–233.
- Kotler, P., & Lee, N. (2005). *Corporate social responsibility: Doing the most good for your company and your cause*. Hoboken, NJ: Wiley.
- Kovats, L. J. (2006). How flag states lost the plot over shipping's governance. Does a ship need a sovereign? *Maritime Policy and Management*, 33(1), 75–81.
- Krasno, J. E. (Ed.). (2004). *United Nations: Confronting the challenges of a global society*. Boulder, CO: Lynne Rienner.
- Lambert, J. (1991). Europe: the nation-state dies hard. *Capital and Class*, 43, 9–24. (Spring).
- Lazarus, R. J. (2009). Super wicked problems and climate change: Restraining the present to liberate the future. *Cornell Law Review*, 94(5), 1153–1234.
- Le Gales, P., & Harding, A. (1998). Cities and states in Europe. *West European Politics*, 21(3), 120–145.
- Lee, K., Humphreys, D., & Pugh, M. (1997). 'Privatisation' in the United Nations system: Patterns of influence in three intergovernmental organisations. *Global Society*, 11(3), 339–357.
- Leigh-Fermor, P. (2013). *The broken road. From the Iron Gates to Mount Atlas*. London: John Murray.
- Lewis, D. K. (1969). *Convention: A philosophical study*. Cambridge, MA: Harvard University Press.
- Lloyd's List. (2008). *French owners urge IMO to follow lead on Erika3*, October 13.
- Lloyd's List. (2009a). *Is the European Commission really interested in ship safety*, January 14.
- Lloyd's List. (2009b). *IMO under fire over fatigue related accidents*, February 19.
- Lloyd's List. (2010). *Mordue quits European maritime safety chief role*, January 25.
- Luck, E. C. (2005). How not to reform the United Nations. *Global Governance*, 11, 407–414.

- MacLeod, G., & Goodwin, M. (1999). Space, scale and state strategy: Rethinking urban and regional governance. *Progress in Human Geography*, 23(4), 503–527.
- Mangat, R. (2001). The death of distance? Globalization of international relations. *E-merge, Student Journal of International Affairs*.
- Mann, M. (1997). Has globalization ended the rise and rise of the nation-state? *Journal of International Political Economy*, 4(3), 472–496.
- March, J. G., & Olsen, J. P. (1984). The new institutionalism: Organizational factors in political life. *The American Political Science Review*, 78(3), 734–749.
- March, J. G., & Olsen, J. P. (1989). *Rediscovering institutions: The organizational basis of politics*. New York: Free Press.
- Martin, R. (2001). Geography and public policy: The case of the missing agenda. *Progress in Human Geography*, 25(2), 189–210.
- Marx, K., & Engels, F. (1998). *The Communist Manifesto*. London: Verso.
- Mason, K. J., & Gray, R. (1999). Stakeholders in a hybrid market: The example of air business passenger travel. *European Journal of Marketing*, 33(9/10), 844–858.
- Matheson, M. J. (2001). United Nations governance of postconflict societies. *The American Journal of International Law*, 95(1), 76–85.
- Mayntz, R. (1993). Policy-Netzwerke and die Logik von Verhandlungssystemen. In A. Hertier (Ed.), *Policy analyse. Kritik und Neuorientierung* (Politische Vierteljahresschrift Sonderheft 24, pp. 148–168). Opladen: Westdeutscher Verlag.
- Menger, K. (1963). *Problems in economics and sociology*. Urbana, IL: University of Illinois Press.
- Meyer, J. W., & Rowan, B. (1977). Institutional organizations: Formal structure as myth and ceremony. *American Journal of Sociology*, 83, 340–363.
- Michalowski, R. J., & Kramer, R. C. (1987). The space between laws: The problem of corporate crime in a transnational context. *Social Problems*, 34(1), 34–53.
- Mittelman, J. H. (1999). Rethinking the ‘New Regionalism’ in the context of globalization. In J. Hettne, A. Inotai., & O. Sunkel (Eds.), *Globalism and the new regionalism* (Vol. 1, pp. 25–53). New Regionalism Series. London: Macmillan.
- Mooij, J., & De Vos, V. (2003). *Policy processes: An annotated bibliography on policy processes, with particular emphasis on India*. Working Paper 221, Overseas Development Institute, London.
- More, T. (1988). *Utopia*. London: Penguin.
- Morgenthau, H. J. (2005). *Politics among nations: The struggle for power and peace*. New York: McGraw Hill.
- Mukand, S. W., & Rodrik, D. (2005). In search of the Holy Grail: Policy convergence, experimentation and economic performance. *The American Economic Review*, 95(1), 374–383.
- Murray, R. (1971). The internationalization of capital and the nation state. *New Left Review*, 67, 84–108.
- Nettl, J. P. (1968). The state as a conceptual variable. *World Politics*, 20(4), 559–592.
- Ng, A. K.-Y., & Pallis, A. A. (2010). Port governance reforms in diversified institutional frameworks; generic solutions, implementation asymmetries. *Environment and Planning A*, 42, 2147–2167.
- North, D. C. (1986). The new institutional economics. *Journal of Institutional and Theoretical Economics*, 142, 230–237.
- North, D. C. (1990). *Institutions: Institutional change and economic performance*. New York: Cambridge University Press.
- North, D. C. (1993). *Economic performance through time*. Stockholm, Sweden: Alfred Nobel Memorial Prize Lecture.
- Notteboom, T. E., & Winkelmann, W. (2002). *Stakeholder relations management in ports: Dealing with the interplay of forces among stakeholders in a changing competitive environment*. In International Association of Maritime Economists Annual Conference (IAME), Panama.

- O'Riordan, T., Cooper, C. L., Jordan, A., Rayner, S., Richards, K. R., Runci, P., & Yoffe, S. (1998). Institutional frameworks for political action. In S. Rayner & E. L. Malone (Eds.), *Human choice and climate change, the societal framework* (Vol. 1, pp. 345–440). Columbus, OH: Battelle Press.
- Oakerson, R. J., & Parks, R. B. (1988). Citizen voice and public entrepreneurship: The organizational dynamic of a complex metropolitan county. *Publius*, 18, 91–112.
- Oberschall, A., & Leifer, E. M. (1986). Efficiency and social institutions: Economic reasoning in sociology. *Annual Review of Sociology*, 12, 233–253.
- OECD. (2000). *Reducing the risk of policy failure. Challenges for regulatory compliance*, Organisation for Economic Cooperation and Development, Paris.
- Olsen, J. P. (1981). Organizational integration in government. In P. Nystrom & W. Starbuck (Eds.), *Handbook of organizational design* (Vol. 2). New York: Oxford University Press.
- Opello, W. C., Jr., & Rosow, S. J. (2004). *The nation-state and global order: A historical introduction to contemporary politics*. Boulder, CO: Lynne Rienner.
- Ostrom, V. (1980). Artisanship and artifact. *Public Administration Review*, 40(4), 309–317.
- Ostrom, E. (1986). An agenda for the study of institutions. *Public Choice*, 48, 3–25.
- Ostrom, E. (1990). *Governing the commons: The evolution of institutions for collective action*. New York: Cambridge University Press.
- Padgett, J. F. (1981). Hierarchy and ecological control in federal budgetary decision-making. *American Journal of Sociology*, 87, 75–129.
- Pallis, A. A. (2005–2006). Maritime interest representation in the EU. *European Political Economy Review*, 3(2), 6–28.
- Pallis, A. A., & Tsiotis, S. G. P. (2006). *Inside EU-level maritime interest groups: Structures, lobbying practices and governance*. Report of the Jean Monnet Centre in European Port Policy, University of the Aegean, Chios, Greece.
- Pallis, A. A., & Tsiotis, S. G. P. (2008). Maritime interests and the EU port services directive. *Trasporti Europei*, 38, 17–31.
- Parker, M. (2000). Angelic organization: Hierarchy and the tyranny of Heaven. *Organization Studies*, 30(11), 1281–1299.
- Peters, B. G. (2002). *Governance. A garbage can perspective*. Political Science Series 84, Institute for Advanced Studies, Vienna.
- Phillips, S. D., & Orsini, M. (2002). *Mapping the links; citizen involvement in policy processes*. CPRN Discussion Paper F 21, Canadian Policy Research Networks, Ottawa.
- Picciotto, S. (1991). The internationalization of the state. *Capital and Class*, Spring, 43, 43–63.
- Picciotto, S. (1997) Networks in international economic integration, *Northwestern Journal of International Law and Business*, 17(2/3), 1014–1056.
- Picciotto, S. (1998). Globalization, liberalization, regulation. In *Conference on Globalization, The Nation-State and Violence*, University of Sussex.
- Pierson, P. (1993). When effect becomes change. *World Politics*, 45, 595–628.
- Pomeroy, R., & Douvere, F. (2008). The engagement of stakeholders in the marine spatial planning process. *Marine Policy*, 32, 816–822.
- Potter, A. L. (1979). *Political institutions, political decay and the Argentine crises of 1930*, Unpublished Doctoral Dissertation, Stanford University, Stanford, CA.
- Putnam, R. D. (1988). Diplomacy and domestic politics: The logic of two-level games. *International Organization*, 42(3), 427–460.
- Quartey, S. H., & Pupilampu, B. B. (2012). Employee health and safety practices: An exploratory and comparative study of the shipping and manufacturing industries in Ghana. *International Journal of Business and Management*, 7(23), 81–95.
- Ramachandran, V., Rueda-Sabater, E., & Kraft, R. (2009). Rethinking fundamental principles of global governance: How to represent states and populations in multilateral institutions. *Governance*, 22(3), 341–351.
- Reisman, W. M. (1993). The constitutional crisis in the United Nations. *The American Journal of International Law*, 87(1), 83–100.

- Rhenman, E. (1973). *Organization theory for long range planning*. New York: Wiley.
- Rhodes, R. A. W. (1997). *Understanding governance. Policy networks, governance, reflexivity and accountability*. Buckingham: Open University Press.
- Riker, W. (1980). Implications from the disequilibrium of majority rule for the study of institutions. *American Political Science Review*, 74, 432–446.
- Robins, R. S. (1976). *Political institutionalization and the integration of elites*. Beverly Hills, CA: Sage.
- Robyn, D. (1987). *Braking the special interests: Trucking deregulation and the politics of policy reform*. Chicago, IL: University of Chicago Press.
- Rodrik, D. (2000). Institutions for high quality growth: What they are and how to acquire them. *Studies in Comparative Development*, 35(3), 1–33.
- Roe, M. S. (2007a). *European Union Maritime Policy. The role of new member states and the need for a review of governance*, International Shipping Management Forum 07, May 10–11, Athens, Greece.
- Roe, M. S. (2007b). Shipping, policy and multi-level governance. *Maritime Economics and Logistics*, 9, 84–103.
- Roe, M. S. (2007c). *Jurisdiction, shipping policy and the “new” states of the European Union*. International Association of Maritime Economists Annual Conference (IAME), Athens, July 4–6.
- Roe, M. S. (2007d). Shipping policy governance: A post-fordist interpretation. In I. Visvikis (Ed.), *Trends and developments in shipping management* (pp. 131–142). Athens: T and T Publishing.
- Roe, M. S. (2007e). Shipping policy, governance and jurisdictional friction. *Economic Outlook*, 104, 8–15 January.
- Roe, M. (2008a). Safety, security, the environment and shipping—The problem of making effective policies. *WMU Journal of Maritime Affairs*, 7(1), 263–279.
- Roe, M. S. (2008b). *State versus the stakeholder: The governance of the maritime sector*. International Association of Maritime Economists Annual Conference (IAME), Dalian, April 2–4.
- Roe, M. S. (2009a). *Maritime capitalist liposuction—A postmodern interpretation of maritime governance failure*. International Association of Maritime Economists Annual Conference (IAME), Copenhagen, June 24–26.
- Roe, M. S. (2009b). *Policy failure in shipping: A global disaster of epic dimensions*. 2nd International Symposium on Maritime Safety, Security and Environmental Protection, National Technical University of Athens, Athens, Greece, September 17–18.
- Roe, M. S. (2009c). Multi-level and polycentric governance: Effective policymaking for shipping. *Maritime Policy and Management*, 36(1), 39–56.
- Roe, M. S. (2009d). Maritime governance and policy-making failure in the European Union. *International Journal of Shipping, Transport and Logistics*, 1(1), 1–19.
- Roe, M. S. (2010a). *Globalization and maritime policy-making—The case for governance rehabilitation*. International Association of Maritime Economists Annual Conference (IAME), Lisbon, July 7–9.
- Roe, M. S. (2010b). Shipping policy and globalization: Jurisdictions, governance and failure. In C. Grammenos (Ed.), *The handbook of maritime economics and business* (pp. 539–556, 2nd ed.). London: Lloyd’s List.
- Roe, M. S. (2013). *Maritime governance and policy-making*. London: Springer.
- Roe, M. S., & Selkou, E. (2006). Multi-level governance, shipping policy and social responsibility. In *International Conference ‘Shipping in the Era of Social Responsibility’ in honour of the late Professor Basil Metaxas (1925–1996)*, Argostoli, Kefalonia, Greece.
- Rowley, T. J. (1997). Moving beyond dyadic ties: A network theory of stakeholder influences. *Academy of Management Review*, 22(4), 887–910.
- Ruggie, J. G. (1993). Territoriality and beyond: Problematizing modernity in international relations. *International Organization*, 47(1), 139–174.

- Rugman, A. (Ed.). (1982). *New theories of the multinational enterprise*. London: Croom Helm.
- Sabatier, P. A. (1998). The advocacy coalition framework: Revisions and relevance for Europe. *Journal of European Public Policy*, 5(1), 98–130.
- Sampson, H., & Bloor, M. (2007). When Jack gets out of the box: The problems of regulating a global industry. *Sociology*, 41(3), 551–569.
- Savage, G. T., Nix, T. W., Whitehead, C. J., & Blair, J. D. (1991). Strategies for assessing and managing organizational stakeholders. *Academy of Management Executive*, 5(2), 61–75.
- Scharpf, F. W. (1977). Does organization matter? Task structure and interaction in the ministerial bureaucracy. In E. H. Burack & A. R. Negandhi (Eds.), *Organizational design: Theoretical perspectives and empirical findings*. Kent, OH: Kent State University Press.
- Scharpf, F. W. (1993). Positiv und negativ Koordination in Verhandlungssystemen. In A. Hertier (Ed.), *Policy-analyse. Kritik und Neuorientierung* (pp. 57–83). PVS Sonderheft 24, Opladen: Westdeutscher Verlag.
- Scharpf, F. W. (1994). Community and autonomy: Multi-level policy-making in the European Union. *Journal of European Public Policy*, 1(2), 219–242.
- Schat, P. (1969). Political geography: A review. *Tijdschrift Voor Economische en Sociale Geografie*, 60(4), 255–260.
- Schmitter, P., & Lehbruch, G. (1979). *Trends towards corporatist intermediation*. Beverly Hills, CA: Sage.
- Schotter, A. (1981). *The economic theory of social institutions*. Cambridge: Cambridge University Press.
- Schrier, E., Nadel, E., & Rifas, B. E. (1984). Forces shaping international maritime transport. *World Economy*, 7, 87–102.
- Schwind, M. (1970). Die Aufgaben einer Politischen Geografie in neuer Sicht. *Geographische Rundschau*, XXII, 3.
- Scott, W. R. (1987). The adolescence of institutional theory. *Administrative Science Quarterly*, 32, 493–511.
- Selkou, E., & Roe, M. S. (2004). *Globalization, policy and shipping*. Cheltenham: Edward Elgar.
- Selkou, E., & Roe, M. S. (2005). Container shipping policy and models of multi-level governance. *Annals of Maritime Studies*, 43, 45–62.
- Selznick, P. (1957). *Leadership in administration*. New York: Harper and Row.
- Sheldon, A. (1980). Organizational paradigms: A theory of organizational change. *Organizational Dynamics*, 8(3), 61–80.
- Shepsie, K. A. (1975). Congressional committee assignments: An optimization model with institutional constraints. *Public Choice*, 22, 55–78.
- Shepsie, K. A. (1979). Institutional arrangements and equilibrium in multidimensional voting models. *American Journal of Political Science*, 23, 27–59.
- Shepsie, K. A. (1989). Studying institutions some lessons from the rational choice approach. *Journal of Theoretical Politics*, 1, 131–147.
- Shepsie, K. A., & Weingast, R. (1983). Institutionalizing majority rule: A social choice theory with policy implications. *American Economic Review*, 73, 357–372.
- Shepsie, K. A., & Weingast, R. (1984). When do rules and procedure matter? *Journal of Politics*, 46, 206–221.
- Shepsie, K. A., & Weingast, R. (1987). The institutional foundations of committee power. *American Political Science Review*, 81, 85–104.
- Shimko, K. (1992). Realism, neo-realism and American liberalism. *Review of Politics*, 54, 281–302.
- Shinohara, M. (2005). Quality shipping and incentive schemes: From the perspective of the institutional economics. *Maritime Economics and Logistics*, 7, 281–295.
- Silverstein, H. B. (1976). Technological politics and maritime affairs—Comparative participation in the intergovernmental maritime consultative organization. *Journal of Maritime Law and Commerce*, 7, 367–407.
- Silverstein, H. B. (1978). *Superships and nation-states*. Boulder, CO: Westview Press.

- Skowronek, S. (1982). *Building a New American State*. Cambridge: Cambridge University Press.
- Slaughter, A.-M. (1997). The real new world order. *Foreign Affairs*, 76(5), 183–198.
- Sletmo, G. K. (2001). The end of national shipping policy? A historical perspective on shipping policy in a global economy. *International Journal of Maritime Economics*, 3, 333–350.
- Sletmo, G. K. (2002a). The rise and fall of national shipping policies. In C. Grammenos (Ed.), *The handbook of maritime economics and business* (pp. 471–494). London: Lloyd's of London Press.
- Sletmo, G. K. (2002b). *National shipping policy and global markets: A retrospective for the future*. International Association of Maritime Economists Annual Conference (IAME), Panama City, November 13–15.
- Snyder, G. H., & Diesing, P. (1977). *Conflict among nations: Bargaining, decision-making and systems structure in international crises*. Princeton, NJ: Princeton University Press.
- Stalder, F. (2006). *Manuel Castells*. Cambridge: Polity Press.
- Stoker, G. (1998). Governance as theory: Five propositions. *International Social Science Journal*, 50(155), 17–28.
- Stone, C. (1989). *Regime politics: Governing Atlanta 1946-88*. Lawrence, KS: University Press of Kansas.
- Strange, S. (1976). Who runs world shipping? *International Affairs*, 52(3), 346–367.
- Strange, S. (1996). *The retreat of the state. The diffusion of power in the world economy*. Cambridge: Cambridge University Press.
- Streeck, W., & Schmitter, P. C. (Eds.). (1985). *Private interest government beyond market and state*. London: Sage.
- Stubbs, P. (2005). Stretching concepts too far? *Multi-level governance, policy transfer and the politics of scale in South-East Europe, Southeast European Politics*, vi, 2, 66–87.
- Sutherland, M., & Nichols, S. (2006). Issues in the governance of marine spaces. In M. Sutherland (Ed.), *Administering marine spaces: International issues* (FIG Publications No. 36, pp. 6–20). International Federation of Surveyors, Copenhagen, Denmark.
- Sutton, R. (1999). *The policy process: An overview*. London: Overseas Development Institute.
- Swyngedouw, E. (2000). Authoritarian governance, power and the politics of rescaling. *Environment and Planning D*, 18, 63–76.
- Thompson, J. (1967). *Organizations in action*. New York: McGraw-Hill.
- Thompson, G. (1999). Introduction: Situating globalization. *International Social Sciences Journal*, 160, 139–152.
- Tilly, C. (1975). *The formation of National States in Western Europe*. Princeton, NJ: Princeton University Press.
- Tradewinds. (2008a). *Accident process to cast wider net*, February 29.
- Tradewinds. (2008b). *A good plan that could go wrong*, February 29.
- Tradewinds. (2008c). *Time to reassess the safety regime*, March 14.
- Ullmann-Margalit, E. (1977). *The emergence of norms*. Oxford: Clarendon.
- Van Leeuwen, J., & Van Tatenhove, J. (2010). The triangle of marine governance in the environmental governance of Dutch offshore platforms. *Marine Policy*, 34, 590–597.
- Van Tatenhove, J. (2008). *Innovative forms of marine governance: A reflection*. Paper presented at Dies Natalis Wageningen University, Wageningen, Netherlands.
- Vanelslander, T. (2011). Port and maritime governance and regulation: Emerging issues. *Maritime Policy and Management*, 38(3), 215–217.
- Veblen, T. (1915). *Imperial Germany and the industrial revolution*. London: Macmillan.
- Vogler, J. (1995). *The global commons: A regime analysis*. London: Wiley.
- Von Hayek, F. (1945). The use of knowledge in society. *American Economic Review*, 35, 319–330.
- Von Hayek, F. (1967). Notes on the evolution of rules of conduct. In F. A. Von Hayek (Ed.), *Studies in philosophy, politics and economics*. Chicago, IL: Chicago University Press.
- Walker, R. B. J. (1991). State sovereignty and the articulation of political space/time. *Millennium*, 20, 445–461.

- Walton, R. E., & McKersie, R. B. (1965). *A behavioral theory of labor negotiations: An analysis of a social interaction system*. New York: McGraw-Hill.
- Waltz, K. N. (1979). *Theory of international politics*. Reading: Addison-Wesley.
- Wang, J. J., Ng, A. K.-Y., & Olivier, D. (2004). Port governance in China: A review of policies in an era of internationalizing port management practices. *Transport Policy*, 11, 237–250.
- Weingast, B. R. (1995). The economic role of political institutions: Market-preserving federalism and economic development. *The Journal of Law, Economics and Organization*, 7(1), 1–31.
- White, H. C. (1992). *Identity and control: A structural theory of social action*. Princeton, NJ: Princeton University Press.
- Whittesley, D. (1935). The impress of effective central authority upon the landscape. *Annals of the Association of American Geographers*, 25(2), 85–97.
- Williams, D. (1987). *The specialized agencies and the United Nations*. London: C. Hurst and Company.
- Williamson, O. E. (1985). *The economic institutions of capitalism: Firms, markets, relational contracting*. New York: Free Press.
- Wirth, C. (2012). Ocean governance, maritime security and the consequences of modernity in north-east Asia. *The Pacific Review*, 25(2), 223–245.
- Wood, E. M. (2001). Global capital. National states. In M. Rupert & H. Smith (Eds.), *Historical materialism and globalization* (pp. 17–39). New York: Routledge.
- Wright, H. T. (1977). Recent research on the origin of the state. *Annual Review of Anthropology*, 6, 379–397.
- Wright-Mills, C. (1959). *The sociological imagination*. New York: Oxford University Press.
- Wuisan, L., Van Leeuwen, J., & Van Koppen, C. S. A. (2012). Greening international shipping through private governance: A case study of the clean shipping project. *Marine Policy*, 36, 165–173.
- Yeung, H. W. (1998). Capital, state and space: Contesting the borderless world. *Transactions of the Institute of British Geographers NS*, 23, 291–309.
- Zafonte, M., & Sabatier, P. (1997). *Shared beliefs and functional interdependence as determinants of ally networks in overlapping subsystems*. Unpublished Manuscript, University of California.
- Zucker, L. G. (1977). The role of institutionalization in cultural resistance. *American Economic Review*, 42, 726–743.
- Zucker, L. G. (1983). Organizations as institutions. *Research in the Sociology of Organizations*, 2(1), 1–47.
- Zucker, L. G. (1988). Where do institutional patterns come from? Organisations as actors in social systems. In L. G. Zucker (Ed.), *Institutional patterns and organizations: Culture and environment* (pp. 23–52). Cambridge, MA: Ballinger.
- Zurn, M. (2003). Globalization and global governance: From societal to political denationalization. *European Review*, 11(3), 31–364.