

**Setting the Agenda of the European Union Maritime Policy:
Multi-Level Transfers of Ideas and Legitimacy.**

Virginie, SALIOU

*Ph.D. Candidate,
IEP de Rennes
visaliou@yahoo.fr*

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Abstract

For two years, the European Commission has been working on a new territorial policy dealing with maritime affairs, the European Maritime Policy. The main aim of this policy is to bring together and coordinate all European policies concerning the seas and oceans in all three pillars of the Union. With this objective in mind, in June 2006 the Commission published a consultative document - a Green Paper in Commission terms - on EU Maritime Policy. This Green Paper could be considered as the first conceptualisation of the EU Maritime Policy and its adoption launched a broad consultation process, involving other Commission departments, Member States, stakeholders and citizens. It allows us, as A. Smith expressed it, "to consider the government of the European Union [as] a configuration of powers composed by all of those who try to formulate and resolve "European issues".(Smith, 2004). Our aim is therefore to analyse the interactions between players involved in European integration through the study of a specific public policy. We argue that a public policy is mainly the result of interactions between different players acting at various stages of European public action. In this case, it is not necessary to oppose the three levels of European government (supranational, national, and local). It seems more interesting to understand how these three levels can work together in order to produce

“European” decisions. We believe that European integration can be seen as a “normal” research subject that can be studied with the classical tools of policy analysis (Hassenteufel, Surel, 2000).

Introduction

The birth of the Maritime Policy at EU level is symbolized by the March 2005 Communication outlining the Commission's will to change its way of thinking about maritime issues. Until this Communication, the Commission showed little concern for the maritime issue as a whole, with sea and ocean-related matters being considered as part of broader sectors such as transport, research and the environment. The specificity and novelty of this new policy lie in its integrated, holistic approach to maritime issues, and this implies the need to focus on the factors that triggered the change in the Commission's way of doing things. Indeed, this policy reveals a change in the conception of public action at the European level, and a change in the way the Commission presents itself to European citizens.

The Commission has already been studied as an institution with a specific agendaⁱ (Garraud, 1990) and able to initiate its own public actionⁱⁱ (Muller, 1995). Previous studies have also already analysed the Commission's resources and its public policy entrepreneurship, limited by external and internal restraints (Lequesne, 1996; Robert, 2000). Likewise, the political role of the Commission has been explored, although one might regret an over-basic analysis of the political dimension of European public action (Smith, 2004). This link between politics and policy-making can be illustrated by the Maritime Policy, especially in its agenda-setting and public policy formulation phaseⁱⁱⁱ (Jones, 1970). Thus, our aim is not only to understand how a new European public policy is built but also which meaning(s) actors give to their action and how they attempt to legitimate European intervention in a new field. What we are really dealing with is the key issue of the Commission's legitimacy. We would like to define legitimacy as the

possibility of presenting a public action as a “benefit, a social necessity” (Lagroye, 1985). Thus, we refrain from judging what is or is not fundamentally legitimate and instead prefer to concentrate on what is presented or perceived as legitimate. In so doing, we analyse the construction of the Maritime Policy with the cognitive analysis tools developed by P. Muller. We will focus on the way ideas are produced and on the meaning given to their policies by European public players.

To understand the construction of the Maritime Policy, we need to concentrate on the way the issue came to be included on the European agenda. Firstly, we will explain how the maritime issue became a European one in order to legitimise Commission intervention in this field. This transformation is analysed in two steps: the turning of a world issue into a European issue and the narrative scheme developed by the Commission to justify its action. Secondly, we will demonstrate that this process reveals a political will to “seize” the issue. The President of the Commission's role and ability to give political drive is one of the key factors in understanding the arrival of the Maritime Policy on the European agenda, while the consultation process adopted by the Commission is also an important factor to bear in mind when examining how the Commission deals with its lack of “democratic legitimacy”. This process allows us to focus on two points: firstly, that the consultation process is a way to define and develop future Maritime Policy, and secondly, that the consultation process reveals a lack of legitimacy of the European Commission, since it shows the Commission's need to obtain the agreement of other European players before committing itself to a new policy. It reveals that the Commission's right of initiative is not always a sufficient condition to bring the development of a new policy to completion. However, the consultation process is also a way for the Commission to bypass possible conflicts and to present itself as a democratic institution, taking citizens' opinions into account. We would like to demonstrate in this paper how the maritime policy is becoming a main topic on the European agenda and how the Commission

transforms external^{iv} and internal constraints into resources in order to legitimise its action and drive change at the European level.

The Cognitive Dimension of Agenda-Setting: The Construction of a European Maritime Issue

Let us begin with the process of intellectual construction behind this Maritime Policy in order to understand how the topic became a priority for the European authorities. As P. Muller suggested, we would like to show that in the construction of a European maritime issue, ideas and interests are interlinked^v (Muller, 2000). For a long time, the maritime issue was outside the Commission's political agenda and was not considered as a European problem but more as a national one. However, the subject was discussed as a whole at the international level. Our aim is to demonstrate how public players seized hold of the issue in order to present it at the European level. This part aims to show the new order proposed by the Commission for a complex issue in which a great many players from various stages of public action are involved. It also endeavours to prove that the intellectual construction of a policy works together with an attempt to legitimise European public action.

Turning a World Issue Into a European Issue: The External Legitimation of the Commission's Action.

With respect to the Commission's intervention in maritime affairs, the international context seems to be a window of opportunity used in its fullest sense – that is to say a situation likely to foster the emergence of specific issues on the political agenda. For several years now, the maritime issue has come up time and time again in international debates. The Commission has taken advantage of this situation and is using international mobilization around maritime affairs as justification and a model for its own intervention.

First of all, the Commission is an active player in these international fora. Let us define that we consider international fora as "scenes, more or less institutionalised, with specific rules and dynamics, where various players can debate the policy we are studying" (Fouilleux, 2000) located at the international level. The Commission is part of the informal UN forum on oceans and seas created and organised during the Johannesburg Summit in 2002, a member of UNESCO's International Oceanographic Commission and is a party to the debate engaged in 1982 on maritime affairs and the Law of the Sea^{vi}. The Commission's participation in all these debates and fora helps to facilitate the promulgation of ideas in European political circles and to make European leaders more aware of the problem. Moreover however, this participation is also leading the Commission into an international movement in favour of a new way of looking at maritime issues that may legitimise its intervention on the subject. By being part of all these fora, the Commission can play down the importance of its action and justify it by placing itself under the patronage of international texts. The objectives of the Green Paper, a Commission document, and of the Johannesburg Declaration , an international one, are indeed quite similar: the Johannesburg Declaration wants an "integrated, multidisciplinary and multi-isectoral approach to coastal zones and oceans" and the Commission asserts that it wants "to look at oceans and sea affairs in a more coordinated way, rather than in the current sectoral manner [...] and to develop an exhaustive policy on maritime issues"^{vii}. In a way, this international change in the way maritime affairs are considered might be seen as a constraint for the European Commission. However, there is no international pressure on the Commission to force it to act on the subject, as confirmed by a member of the Commission:

"There is no international pressure on this subject, not at all, but there is a real interest for the success of our policy at the international level."^{viii}

In fact, this international context is more a "chosen constraint" for the Commission since it allows it to play a role in the international trend towards a

new agenda on maritime affairs and, in so doing, to justify its intervention in the face of any opposition, especially from the Member States.

Secondly, this international context gives the Commission's new policy a framework. In the March 2005 Communication, the Commission refers to this international context in explaining its choice of an integrated Maritime Policy: "there is a growing international recognition that ocean and sea affairs are interlinked and require a comprehensive approach, and there is a clear move towards such an approach in many parts of the world." It is interesting to observe that the options chosen by the Commission for its new Maritime Policy are the same as those promoted at the international level. As Fouilleux notes: "the notion of forum shows that the process of selection of possible alternatives for a public policy begins "at the source", a long time before its political agenda setting." (Fouilleux, 2000). In our case, we must conclude that the way of thinking about a European maritime policy is predefined by the international context. One of the main reasons for this is undoubtedly the circulation of players between all these international fora and decision-making arenas; what we might call the "political maritime community" in fact boils down to a very small number of players sharing similar backgrounds and experiences. They meet regularly in international fora and are supposed to promote the spread of ideas in their respective governments or organizations. This spreading of ideas is reinforced when these people move from one institution to another. In the case of the Maritime Policy, the member of the Commission in charge of drafting the March Communication not only took part in these international fora but was also one of the people who organised the informal forum of oceans and seas in Johannesburg and helped to write the Declaration. Moreover, this very same person was also behind the inception and implementation of an integrated Maritime Policy in Portugal. This makes it easier to understand why there are so many similarities between the texts and objectives of these different policies. In fact, this situation refers to the notion of policy transfer as defined by Dolowitz and Marsh: "a

process in which knowledge about policies, administrative arrangements, institutions and ideas in one political setting (past or present) is used in the development of policies, administrative arrangements, institutions and ideas in another political setting.”(Dolowitz and Marsh, 1996). The notion of policy transfer is used by C. Radaelli to demonstrate how a “polyarchy decides to “copy” one policy program from another political system [in order to be] legitimised in doing so by democratic rules and procedures, most notably elections.” (Radaelli, 2000) The author mostly considers policy transfers from a national to a supranational level rather than from an international to a supranational level. In this case, the sought after goal is not democratic legitimisation but rather the fact of being part of an international trend. In conclusion, the circulation of ideas and of people furthers the emergence of similar policies in different parts of the world but also facilitates transfers of legitimacies between different international scenes. Thus, the European Commission takes advantage of the external legitimacy given by the idea that what is done at the international level should be followed by other institutions.

The transformation of a world issue into a European issue also reveals the Commission's determination to become a key player in maritime affairs at the international level. It seems important to underline the cognitive dimension of this transformation. As Muller asserts, public policies do not only exist to solve problems (Muller, 2000). They also reveal a conception of the world and reality that players try to promote, and disclose the image their authors want to portray of themselves. Obviously, the Commission chose to be part of this new international change in the way maritime affairs are considered in order to appear as a major player. In its Communication, the Commission quotes a number of other States which are already involved in this trend: “Several countries, including Australia, Canada and more recently the USA, have been developing new integrated ocean policies.” The fact that other countries are developing integrated maritime policies is another kind of external legitimisation

and apparently a "soft" constraint on the Commission if it does not want to fall behind the international trend. Moreover, the Commission wishes to be considered as a legitimate partner for these countries, as revealed in the Green paper: "In so doing we will be placing ourselves at the forefront of a worldwide trend towards the integrated analysis and management of maritime activities. Canada and Australia have already done much in this regard, the United States has completed comprehensive studies of this approach, and other countries around the world are following suit. Even within the EU, some Member States have already started working in this direction." This international context is presented by the Commission both as a constraint (if it wants to be a major player at the international level, it has to take action of this issue) and as a deliberate choice. The Commission has thus taken up this so-called constraint to justify its action.

Finally, another element provides the Commission with external legitimisation for its action: the mobilization of certain European Regions. As Garraud underlined, agenda-setting can be divided into several sequences which complete each other (Garraud, 1990): there may be numerous mutually reinforcing reasons explaining the arrival of a new policy on an institution's political agenda^{ix}. Thus, the Commission's intervention is also justified by local demand. Local players played a part in transforming the world maritime issue into a European issue. Following the commitment of the USA and Portugal to the implementation of an integrated Maritime Policy, one of the most coastal Regions in Germany, Schleswig Holstein, also decided to establish an integrated maritime policy at the regional level. Spurred on by its Prime Minister, the Region extended its action to the European level and contacted the cabinet of the Commission's new President, José Manuel Barroso, to try and get the project onto the European agenda. At the same time, the CPMR (Conference of Peripheral and Maritime Regions), which had launched the "Europe of the Sea" project^x, was also asking for European intervention in the management of the seas and oceans - the result of internal mobilization within its

ranks. Some of its Members, especially Brittany, were giving the issue new momentum, driven in part by the arrival of a new Regional President for Brittany, J.Y. Le Drian. Considering his political past (in charge of maritime issues at different levels of public action in France, J.Y. Le Drian had also been France's "Minister for the Sea") it is easy to see why he pressed the issue. Just as the Prime Minister of Schleswig Holstein had done, the President of the Regional Council of Brittany transferred his local agenda to the European level, by lobbying other Regions. To begin with, Regions affected by the maritime issue became involved, followed by the Committee of the Regions. The idea that the seas and oceans could only be efficiently managed at a supranational level, i.e. the European level, was shared between these institutions. As a result, the Committee of the Regions, a European institution, gave its initial political and institutional support to the Commission's possible commitment to the maritime question. This constitutes another form of external legitimisation and justification for the Commission's intervention.

Therefore, the agenda-setting of the maritime issue is the result of the wills of numerous players taking advantage of windows of opportunity opened up partly by local choices. The convergence of these actions can mainly be explained by the international environment. Moreover, this external context appears to be a chosen constraint for the Commission and a way for it to explain and justify its commitment to the maritime issue.

We would now like to demonstrate how the Commission also used internal resources to portray its intervention as legitimate.

The Narrative Scheme of the Commission's Intervention: A Process of Internal Legitimation.

As shown by Radaelli, policy narratives occur in contexts of uncertainty to legitimise a public decision (Radaelli, 2000). In the current European situation,

uncertainty can be seen at three different levels: firstly, at the political level, as demonstrated by the failure to ratify the European Constitution; secondly, at the economic level, due to low growth and unemployment; and finally, at the environmental level, leading to greater awareness of the dangers of pollution and climate change. In this context, European public action in the maritime field could kick-start economic growth in a sustainable way and increase the EU's role on the international scene. The narrative scheme set up by the Commission mainly deals with this aim. It can be examined through an analysis of the Green Paper. This text is useful for us since its main objective is to explain the Commission's intervention in maritime issues to European citizens and it shows the light in which the Commission is portraying itself. However, first and foremost, it is worth specifying that the objective of sustainable development is one of the Commission's fundamental political objectives. We would indeed like to demonstrate that the narrative scheme developed by the Commission is linked with a wider and "more European" cognitive matrix, stated in the Lisbon and Gothenburg Declarations. These two declarations were passed under the former presidency and the current Barroso presidency takes them into account. They form the basis of European intervention. Reference to these two texts provides a first kind of internal legitimisation as it makes European intervention appear "unavoidable" (if the Union wants to reach its aims) and "unquestionable" by the Member States which accepted it.

Thus, intervention in the maritime field is shown as the narrative of sustainable growth. As Stone points out, policy narratives often appear as causal stories. So, they can be split into five time parts: analysis of the past, analysis of the current situation, dramatic tense, positive and negative scenarios and, sometimes, a "happy end" conclusion (Stone, 1989). In our case, the narrative of sustainable growth can be summarised as follows:

Table 1: The Narrative Scheme of Sustainable Growth.

| | |
|------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Analysis of the past | Mention of a glorious maritime past, referring to the golden age of Europe. |
| Analysis of the current situation | A geographical situation of maritime power not (adequately) exploited. |
| Dramatic tense | Dangers of shortage of resources and of climate change. |
| Negative scenario | Still considering management of the oceans in a sectoral manner will prevent growth in Europe and will have irreversible consequences for the marine environment. |
| Positive scenario | Considering maritime affairs as a whole and developing an integrated maritime policy will promote sustainable economic growth. |
| "Happy end" conclusion | Europe will once again become a major maritime power and will play a more important role at the international level. |

The analysis of the past refers to the golden age of a maritime Europe and to the discovery of new lands in the fifteenth and sixteenth centuries. The introduction of the Green Paper starts with a historical perspective: "Any European will remember learning about the great voyages of discovery which opened the eyes of our forebears to the vastness of our planet, to the diversity of its cultures and to the richness of its resources. " According to this text, the main features of this era were an open-mind about the world and scientific breakthroughs, and it is suggested that it should be taken as a model. However, the Green Paper fails to mention the competition and wars between European countries that also existed at the time, tending rather to stress so-called unity and Europe's close links with the sea: "From the earliest times, the oceans and seas have played a leading role in the development of European culture, identity and history." The analysis of the past emphasises a glorious past where European supremacy on the seas was at the very origin of economic prosperity, and it is suggested that this is a situation worth recreating.

Conversely, the Green Paper presents the current situation as one that does not take seas and oceans into account, despite Europe's geographical reality and the maritime assets it incorporates. In fact, the second step of the narrative scheme uses geography as a main argument for the demonstration. Europe is a peninsula surrounded by four seas and two oceans and most European States have larger maritime spaces than land territories. However, in spite of this apparently propitious geography, Europe is failing to capitalize fully on the possibilities offered by the seas, and, what is worse, may not even be aware of them. The analysis of the current situation is quite pessimistic.

This leads to the dramatic tense of the narrative scheme. The Green Paper does underline the fact that Europe takes advantage of its exploitation of the seas: 40% of oil and 60% of natural gas used in Europe come from European offshore areas. But this exploitation is responsible for the shrinking of maritime resources and the later risk of their exhaustion. However, the main dramatic tension consists of the fact that European citizens remain unaware of the importance of oceans and seas in their lives and of the role oceans could play in the fight against global warming. Incidentally, it is interesting to note how significant this reference to global warming is: it deals with a very topical matter likely to be understood by the European population and bring the Green Paper closer to citizens' concerns. The crux of the issue is therefore to encourage European people to become more aware of the need for intervention in the maritime field. The negative scenario is not set out as such but is an implicit consequence of this dramatic tension. If things go on as they are, there will be negative and irreversible impacts on the marine environment and as a result on the European economy as a whole: "The current fragmentation makes it difficult to reconcile competing uses of the oceans and seas and to define priorities. This often results in the adoption of conflicting measures, which in turn have negative consequences on the marine environment.". This is the reason why it is so

necessary to find a solution to this problem: this leads to the positive scenario proposed by the Commission.

This last step in the narrative scheme suggests replacing the current sectoral approach with a global approach to the oceans and seas. This approach is the one put forward on the international scene. In addition, the European approach proposes to reconcile economic growth with sustainable development by increasing "deep knowledge of the oceans, extensive experience and an ability to seize new challenges". This wish is in keeping with the Lisbon and Gothenburg declarations. The Commission makes its maritime policy fit both Europe's political objectives and its cognitive framework. Therefore, the narrative scheme developed by the Commission can be considered as providing internal legitimisation for European intervention in the maritime field.

In analysing this narrative scheme, we have demonstrated that the concept of European intervention in the maritime issue is a policy process mainly organised by the Commission. In one of his papers (Radaelli, 2000), Radaelli underlined the different kinds of policy narratives already used by the Commission. The first one is related to the conditions under which public policies are created at the European level and the second deals with the impact of European policies on domestic policies (Europeanisation). The narrative of the maritime policy is close to the first one since it justifies the creation of a new policy. But, in the example analysed by Radaelli, "one of the main functions of policy narrative[...] is, in a complex context of uncertainty, to make the action contemplated seem like a necessity." In our case, the Commission does not suggest action per se; rather it proposes a vision. The Commission justifies its intervention by its political perceptiveness, its ability to anticipate the future. The Commission has designed a policy narrative, based on a cognitive matrix shared at the European level, intended to present its intervention as a necessary thing and to demonstrate its

ability to stand as a legitimate level of government with a gift for political clear-sightedness.

We now need to consider the institutionalisation of this policy narrative with respect to the political will of players involved in the process. Indeed, as Radaelli suggests, policy narratives must be linked to specific players, political strategies and power games.

Policy Entrepreneurship by the Commission: The Outline of a New European Policy.

Policy entrepreneurship by the Commission and its decisive role in public policy agenda-setting have already been studied by political scientists (Smith, 1995; Christiansen, 1996; Cram, 1999; Fouilleux, 1999; Robert, 2000). However, it has been demonstrated that the political dimension of its action has been partly denied by the Commission due to its lack of "democratic" legitimacy (Robert, 2000). Without questioning the reality of this lack of "democratic" legitimacy, we would like to show that the Commission tends to assert its political role. On the one hand, from an internal perspective, we hope to demonstrate that the President of the Commission and the College of Commissioners are endeavouring to impose their political will upon the Commission's administrative departments. On the other hand, from an external point of view, the Commission is looking for the assent of European citizens to its maritime policy. In a context of severe criticism about the European Union's inability to be close to its citizens, what we are witnessing is an attempt by the Commission to win back political clout.

Politics and Policy-Making: The Political Will to “Create” a New Public Policy.

The European Commission has the right to initiate new policies, as set out in Article 308 of the EEC Treaty. The meaning of this right to initiate is accentuated according to the department which uses it (Polo, 2003). In the maritime case, it was taken up by the President of the Commission and his cabinet. The Maritime Policy thus benefited from the renewal of the College of Commissioners and of its President and the role of José Manuel Barroso, the new President of the Commission, was decisive. He was identified as the instigator of this policy at several levels – European, national and local – of the European Union:

“The date of this initiative corresponds to the arrival of José Manuel Barroso as President of the Commission^{xi}”; “Why are we engaged in this process? The reason is the President of the Commission; José Manuel Barroso is the one who came with the idea of developing a new integrated maritime policy for the European Union. When he took up his post, in autumn 2004, he asked us to think about this issue and a communication was published in March 2005^{xii}”; “The idea of a new European maritime policy? It's down to José Manuel Barroso's political will - he launched the debate.^{xiii}”

In order to understand José Manuel Barroso's interest in the maritime issue, we need to use the notion of “trajectory”. José Manuel Barroso's political trajectory was closely linked with the maritime issue. When he was President of the Council in Portugal, Barroso organised a think tank aimed at giving Portugal an integrated Maritime Policy. The “National Strategy for Oceans” was written and Portugal became the first European country to claim its will to be considered as a Maritime State on the international scene. José Manuel Barroso's trajectory is, in fact, considered by public players to be the main reason for his initiative at the European level:

“So, Barroso, coming from Portugal, considered it was a good idea to implement a similar integrated maritime policy at the European level.^{xiv}”

Might it not be said that José Manuel Barroso transferred a national stake to the European agenda? There can be no doubt that unless we bear in mind the President of the Commission's political trajectory and his national identity, his initiative cannot be understood. Portugal has been a key player on the international maritime scene for almost fifteen years. In 1995, Portugal stepped up its action on oceanic diplomacy. The Independent World Commission for Oceans was based in Lisbon, and Portugal played an important role in its organisation. Similarly, Portugal put forward a suggestion to the United Nations suggesting that 1998 be declared the “International Year of the Ocean”. The same year, the International Exhibition was organised in Lisbon on the theme of “The Ocean, a heritage for the future.” In April 1999, Portugal took action in favour of a common EU stance on the seas and oceans and took over the leadership of the negotiations. Such Portuguese activism in the maritime field helps to account for the role played by J.M. Barroso at the European level. However, the President of the Commission, like all other Commissioners, has to maintain his independence from his national identity, which is why this initiative cannot be seen as an extension of a Portuguese strategy but instead should be considered as a kind of hybridization between national and European cultures. Bellier has already identified this tension between identification with the superiority of the European interest and a socialisation in national registers (Bellier, 1995). Because of his sensitivity to the maritime issue, J.M. Barroso considered it a political priority when he became President of the Commission. This sensitivity of Commission Presidents to specific subjects was previously studied for the creation of the PHARE program (Robert, 2000) and during the emergence of the Commission's audiovisual policy (Polo, 2003). In both cases, the role of J. Delors influenced the development of these public policies. Bearing this in mind, we can conclude that the President of the Commission can be

considered to play a decisive political role. He acts as a policy entrepreneur, choosing the Commission's priorities and giving his political authority to some of his favourite subjects.

The translation of this political will is, consequently, the institutionalisation of the maritime issue. This political and administrative recognition is characterized by two points: the creation of a new Commissioner's post and the creation of an administrative basis for a new department or DG. Firstly, the creation of a new Commissioner's post came at the same time as a number of new Member States joined the European Union, and consequently, at the same time as competences were being redistributed among Commissioners. Thus, the "Agriculture and Fisheries" remit was separated into two distinct remits, "Agriculture" and "Fisheries and Maritime Affairs", the latter of which was allocated to the Maltese Commissioner, Mr. J. Borg. An administrative structure was also created to write the Green paper and coordinate all future work. This Task Force – a kind of growing secretariat initially consisting of less than ten people from the Commission and the Member States – has to organise the work of the interdepartmental group, i.e. the meeting of everyone concerned by maritime affairs in the Commission's various DGs (14 to begin with). Internally, this structure is looked upon as a future Commission department – or DG – depending on how the consultation process and the agreement of Member States and stakeholders pan out. By institutionalizing a policy through the creation of a political function and of an administrative structure, the Commission is endeavouring to extend its remit. We could speak of "administrative communitisation", as Polo did for audiovisual policy (Polo, 2003), given the gradual phasing in of a political and administrative department dealing with maritime affairs prior to any official recognition of the Commission's jurisdiction in this field.

The inclusion of the maritime issue on the Commission's political agenda also reveals the role played by the President in imposing his choice at the European level. First of all, maritime policy is considered as one of the Commission's "strategic objectives" as quoted in the March 2005 Communication: "The Strategic Objectives of the Commission for 2005-2009 noted "the particular need for an all-embracing maritime policy aimed at developing a thriving maritime economy and the full potential of sea-based activity in an environmentally sustainable manner". The "strategic objective" description is repeated three times in this five-page communication, providing significant proof of the importance given to the subject. Moreover, to achieve this aim, the President set up a special College of ten Commissioners to deal with the issue. The March Communication specified that: "this Communication establishes the Maritime Policy Task Force (MPTF) that will bring this process forward and takes note of the decision of the President to create a Steering Group of Commissioners that will direct its work". This decision is explicitly mentioned as being down to the President. In a way, it implicitly implies that the value of creating a maritime policy cannot be questioned. As such, the President of the Commission seems to act as a head of government.

Having looked at the institutionalisation of this political will, we would now like to concentrate on the concrete forms this political will takes. First of all, the President of the Commission has a moderating influence on the Commissioners. Each Commissioner has his own agenda and his own priorities, but in the case of the maritime policy, the President required all Commissioners involved in the maritime area to work together and to share their political priorities. This could have meant a loss of visibility and of recognition for their own actions. In the very early stages, Commissioners might have feared that they would lose their jurisdiction to the brand new Commissioner in charge of maritime affairs. The President managed to impose his will mainly by attending all Steering Group meetings and by constantly reaffirming his position:

“It is true that the initial and continuous and reasserted support of the President played a very important role. I believe that for such a subject and such an idea, things could not work without him.^{xv}”

We were allowed to attend one of the meetings of the Steering Group of Commissioners and it was obvious that a consensus had been reached between them on the need for an integrated Maritime Policy. The President's political will is not only apparent in that the issue has been put firmly on the European agenda but can also be seen in his direct involvement in the decision-making process. The President and his cabinet are in fact involved in almost each stage of the policy process. The President is represented in administrative meetings, and each time the Task Force organises an interdepartmental group meeting to coordinate the progress made in the work, a Member of his cabinet attends and is consulted by the Task Force so as to have his opinion and agreement. The President's political will is also demonstrated to European civil servants in e-mails and letters. At the start of every New Year, the Commission's political priorities and directions are again set out and a letter from the President is sent to every civil servant in the Commission explaining his action. In 2007, it mentioned that the Maritime Policy is still a priority for the President. Thus, the President's political will is asserted at every level of the Commission. Consequently, we have to conclude that the Maritime Policy enjoys real political leadership.

This political involvement is also revealed by the major role played by Commissioner Borg and his cabinet. At the beginning, the commitment of other Commissioners to the Maritime Policy was not taken for granted and Commissioner Borg and his cabinet had to convince them of its necessity. Horizontal negotiations are in fact their daily lot, and can take the form of political bargaining between Commissioners. For example, in exchange for his full support for the Maritime Policy, a Commissioner might ask Commissioner Borg to pay special attention to one of his own specific policies – to mention it in his

speeches for example – and to support him during negotiations in the Council. Similarly, vertical negotiations are also required to impose this policy in the different DGs. In its daily work, the Task Force may identify reluctance – or at least inertia – on the part of other departments. When such problems are not resolved in the interdepartmental group meetings or by the General Directors, the Commissioner Borg's cabinet may be asked to contact a Commissioner to restore the political impetus. Finally, the Commissioner's personal involvement and commitment in presenting the policy to stakeholders and citizens provides additional political endorsement for the issue. During the consultation process – which we will explain in the next part of the paper – members of the Task Force were asked to attend external meetings to present and explain the Commission's aims. Commissioner Borg personally attended more than a third of these meetings which shows considerable political commitment to the issue.

The last point we would like to mention is the relationship between the Task Force and Commissioner Borg and his cabinet. It has been shown that the Commission's administrative departments are able to define a policy's directions by using their technical competences (Robert, 2000). The Task Force is in charge of identifying what a Maritime Policy should deal with. However, political guidance is not excluded from the process and Commissioner Borg's cabinet is in constant touch with the Task Force. All projects are submitted to the approval of his cabinet. The Head of the Task Force and some members of his team meet with Commissioner Borg and his staff on a monthly basis to show what progress has been made in the consultation process and set out guidance for future work. At the very end of the process, choices are made by the cabinet. Despite some divergence of opinions on the way the policy process should be driven, the political direction given by the cabinet is the one that is followed. At the internal level, political will supplants administrative power.

A Limited Proactive Step: The Consultation Process.

The impetus may have come from the Commission's highest political level but in spite of this proactive step in favour of a new approach to maritime issues, it is a move limited by the difficulty the Commission has in imposing its decisions on external parties and especially Member States. The Commission cannot act without their support, whether given in the immediate future or postponed to a later date. The consultation process, partly launched before the Green Paper was drafted and ongoing after its publication, fits this need for external support and is an attempt to overcome current criticism of the Commission's "democratic deficit". C. Radaelli spoke about "technocratic" legitimacy in explaining the EU policy process which excludes the fundamental consensus of citizens (Radaelli, 2000). We would like to demonstrate in this part that the consultation process represents the quest for such citizen consensus, given not by vote but rather expressed by a participatory democracy-type process.

The consultation process organised by the Commission is quite unusual in that it occurred in two separate stages. The first of these stages, known as the preliminary consultation process, was limited to the consultation of people working in the various DGs of the Commission affected by maritime issues and to the contributions of Member States and stakeholders interested in the policy. This preliminary consultation aimed to identify the different positions of these players in order to anticipate reactions to the Commission's proposals. The second stage of the process is the "official" consultation process involving every European citizen wishing to give his or her opinion on the Commission's initiative.

This consultation process endeavours to achieve two aims. First of all, it attempts to bring a large number of stakeholders into the policy process and to heighten public awareness of the maritime issue. Through the consultation process, the Commission tries to obtain the agreement of the main part of European citizens and to justify its intervention as the only level efficient enough to do so. One of

the fundamental tasks required of the Task Force is to gather the opinions of people not directly involved in maritime affairs, in order to get away from the current sectoral approach and from the pressures exerted by traditional lobbies. On the one hand, consulting citizens is a way for the Commission to gain a kind of support it often lacks - democratic support. On the other hand (and even though this aim is not explicitly admitted), such a broad and long (almost two years) consultation process is a way to avoid and neutralize opposition of different kinds to the changes proposed by the Commission.

This can be illustrated by the analysis of the preliminary consultation process. Indeed, even if at the very end of this first consultation an agreement was reached, the content of the Green paper and the conception of a new maritime policy was internally criticised:

“No, we cannot say there was any real opposition to the project, but there were misunderstandings, hesitations on the part of some departments because people who are specialised in one subject or one sector don't really like the “cross-sectoral” concept. They think they have more “technical” legitimacy than us to speak about maritime affairs. But this is a classical reaction in government departments. In our case, the DGs contributed to the project very well; they expressed their disagreements and fears when it was time to do so and now we are working closely together.^{xvi}”

This interview refers to the institutional change-resistance identified by P. Pierson: “formal institutions are change-resistant.” (Pierson, 1997) Another kind of resistance is more political, based on the suspicion that the new maritime policy calls into question the way competences are distributed between DGs. This situation reveals a conflict of powers in which existing institutions do not want to share or hand over their competences or budgets to other departments. However, although it is clearly admitted inside the Task Force that the possible

stakes are "budgetary transfers and transfers of competences", in some other DGs these stakes are not identified or are simply denied:

"Well, in fact, there is no need to transfer anything into a maritime policy which will not, to my mind, be centralised anyway. The aim is to develop a coherent framework and to use the resources where they already are."^{xvii}

These two quotations clearly underline the different conceptions of a Maritime Policy existing inside the Commission. Besides, in spite of the commitment of a large number of Commissioners, not all the DGs considered the Maritime Policy as a priority and, when they did, it did not mean they fully agreed with the conception of an all-embracing policy: "Obviously, each DG tries to have maximum exposure in the Green paper."^{xviii}

As a last point, this interview also emphasizes the fight for legitimacy between Commission departments. All DGs concerned by a part of maritime affairs consider they are more equipped to deal with the question than a brand new department would be. The member of the Task Force spoke of "technical" legitimacy. This is in fact a quality usually recognized as being particular to Commission departments since the subjects they deal with are most of the time highly specific and require a lot of technical skills. The "lack" of a technical dimension to the Task Force (as it is supposed to deal with an all-embracing policy) basically calls into question the "raison d'être" of other departments. The Task Force needs another form of legitimacy to set opposite their technical skills: what they call a "vision". Indeed, one Member of Commissioner J. Borg's Cabinet stated that the development of a new vision of Maritime Policy was the main aim the Commission was trying to reach. This "vision" is supposed to override technical legitimacy in that it is "all-seeing", a kind of God's eye organising what people, whose minds are stuck in their subjects, can no longer see. Other DGs will continue to deal with specific maritime subjects but the maritime issue as a whole will be organised by the Task Force. An interesting point is the fact that all

DGs agreed on the need for a coordinated structure for maritime affairs. This agreement in principle within the Commission has been reinforced by the consultation of external parties.

Member States were asked by the Commission to give their opinions on the maritime issue by completing a questionnaire and/or by sending contributions to the Task Force, in which they were invited to present their ideas for an integrated European Maritime Policy. All contributions received were in favour of the Commission's project. The joint contribution made by Spain, Portugal and France is a good example of this: some of its chapter titles are very close to the Commission's proposals: "the need for a European maritime policy", "the gaps in a sectoral and divided approach^{xi}", "questioning the efficiency of an over-sectoral approach" and the "need for a joint maritime strategy^{xx}". This joint contribution was in fact very well received by the Task Force as this extract from an interview proves:

"From the very beginning, three States were really involved in the process and influenced our thinking – namely Spain, Portugal and France – and they decided to send a joint contribution. This work was very well appreciated by the Commission since a joint contribution from three States give more credit and more meaning to our initiative, especially when they promote an integrated vision of maritime affairs, which is the case!^{xxi}"

The support given by Member States is a bastion against internal (referring to other DGs) doubts and criticisms as it provides external support for the necessity of intervention. However, this commitment by Member States does not mean unfailing support for the Commission's proposals. Conversely, some States are suspicious and are afraid that the Commission is trying to extend its remit and to transfer further competences from the Member States to the European Union. For some of them, the added value of intervention by the Commission is strongly

questioned; maritime affairs should remain a national responsibility. As was the case inside the Commission, two kind of resistance can be identified on the outside; a/ political resistance due to the suspicion felt by some Member States towards the ability of the European Union to act as a real and efficient level of government and b/ institutional resistance, since Member States fear that the existing distribution of competences may be brought into question. Basically, the Commission has to address the same kind of criticism both internally and externally. But at the end of the day, this preliminary consultation process looks like a gamble where everybody is waiting for everyone else to show their hand. The official consultation process is the last kind of external support for the Commission and also the most important, since it is presented as being the most democratic. It can be considered as a way of putting pressure on Member States, as the analysis of contributions sent by citizens and the various interviews we have held with stakeholders reveal that people are greatly interested in the implementation of an integrated Maritime Policy. This obviously does not bring into question the different conceptions of what a European Maritime Policy should be, but the consultation process really seems to have paid off for the Commission. The consultation process is one way for the Commission to reaffirm its will to be close to Europe's citizens in a period when Europe is being strongly criticised for the gap that exists between its institutions and citizens. The players we interviewed all shared this gratitude towards the Commission and thanked it for being in touch with citizens. A further example might be given to illustrate this demonstration: during a meeting in Paris organised in December 2006 by the national paper *Les Echos*, the Commission was highlighted as a model when it comes to listening to what citizens have to say. This conference was held to present the integrated maritime projects of France and of the European Union and the French government was criticized for not having engaged a consultative process as the European Union did. This example allows the Commission to put forward the support of public opinion. However, although the Commission really is involved in a broad consultation process asking for citizen participation in the

designing of a public policy, we must question this democratic "success", since for the moment very few citizens compared to the number of European citizens have actually responded to the Green Paper and given their opinion. Moreover, in spite of the engaging of a consultant agency to promote the Maritime Policy and give it greater exposure, knowledge of this consultation process is very limited and restricted to the maritime field. And finally, real participatory democracy means taking account of the opinion of citizens in the policy and since the consultation process is not yet over, it seems difficult to come to any conclusions about the reality of this democratic endeavour, even if the Commission has displayed its will to get closer to Europe's citizens.

With this consultation process, the Commission is trying to recover a part of the democratic legitimacy it does not currently have. No matter whether this is a success or not, in a period of crisis and uncertainty, the Commission has tried to be closer to Europe's citizens and committed itself to winning back political clout.

CONCLUSIONS

The European Maritime Policy stems from a number of players interacting at various levels of public action. The circulation of people and ideas combined with changes in the line-up of political and institutional staff provided a favourable context for change in Europe. The arrival of players sensitive to the maritime issue at various key positions – at the international, European and local levels of public action – can be considered as the factor that triggered the inclusion of a new Maritime Policy on the European agenda. However, the Commission's intervention in favour of an integrated Maritime Policy is also a mental construction of a problem. The way the Commission presents its action is at the same time the justification of its action. The Commission is still dealing with the major issue of its legitimacy. However, a change can be observed concerning this issue. The two forms of legitimisation used by the Commission complement one another. Although the international context is apparently a chosen constraint, it

also reveals the Commission's determination to take over a question neglected by most of the Member States. As such, the Commission is extending its remit by moving into a sector often considered as minor by Member States. However, an integrated Maritime Policy is supposed to deal with all questions related to maritime affairs, including justice, the army and foreign policy, i.e. areas that are usually the preserve of national governments. Moreover, it allows the Commission to play a more important part in international negotiations and an increasing role on the international scene. Secondly, the policy narrative scheme used by the Commission expresses its wish to be considered as a legitimate level of government. Proposing a vision, anticipating the future and accentuating its political dimension are three elements which may help the Commission to reach its aim. The European Maritime Policy is a symbolic one since it fundamentally proposes a change of vision. This change concerns three different levels: the first one is a change in the way of thinking about maritime affairs; the second one is a change in the way the Commission works (to better coordinate actions and policies at the European level and to reinforce the political dimension inside the Commission); and the third one is a change in the way the Commission wishes to be seen: a more political, democratic and legitimate institution. Before being implemented and even before being ratified by the European Council, the Maritime Policy is driving changes in the European policy process.

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ⁱ P. Garraud underlines that the notion of agenda is very broad and should be used carefully. He divides agenda-setting into several mutually complementary and mutually reinforcing models. To his mind, if we are not careful, the notion of agenda tends to imply a chronological and consequently restrictive view of public action.

ⁱⁱ P.Muller speaks about a "European arena for public policies".

ⁱⁱⁱ Refers to the first two sequences in the sequential analysis developed by Jones. We use them as tools for our analysis, but not in a rigid way.

^{iv} By "external" we mean not coming from the Commission but given by another player.

^v Contrary to P. Hall and E. Fouilleux, who concentrate their analysis on "ideas", we prefer not to separate ideas and interests as P. Muller suggests: "we need to reaffirm that a cognitive analysis of public policies cannot be opposed to an approach based on interests and on institutions." (p.104)

^{vi} The Commission was a party to the debate not only in its capacity as a representative of EU Member clout in these issues but also as an independent player in charge of competences transferred by Member States. The Commission also signed and ratified the Convention. (*JO L 215 of 20.8.1994, p. 10-20*)

^{vii} European Commission, *Communication to the Commission from the President and Mr. Borg: Towards a future Maritime Policy for the Union: a European vision for the oceans and seas*, 2nd March 2005

^{viii} Interview with a Member of the Task Force, 27/03/2006

^{ix} We can quote for instance the external mobilization model, the internal mobilization model or the anticipation model.

^x Initiative launched by the CPMR to respond to produce expertise from the regions so as to contribute to the Green Paper and to the Maritime policy.

^{xi} National level, interview in France (Secretary of State for the Sea), 10/04/2006

^{xii} European level, interview at the Task Force, 27/03/2006

^{xiii} Local level, interview at the CPMR, 06/03/2006

^{xiv} Local level, interview at the CPMR, 06/03/2006

^{xv} Interview with a Member of the Task Force, 27/03/2006

^{xvi} *Idem*

^{xvii} Interview with a member of Environment DG.

^{xviii} Interview with a member of Regional Policy DG

^{xix} Spanish-Portuguese-French contribution.

^{xx} Quotations from the Green Paper.

^{xxi} Interview with a Member of the Task Force, 27/03/2006