



***Europeanization of
Sea-Level Bureaucrats***
A Case of Ship Inspectors' Training

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*Working Paper
No. 4, March 2010*

ARENA Working Paper (online) | ISSN 1890- 7741

Working papers can be downloaded from the ARENA homepage:
<http://www.arena.uio.no>

Abstract

How is the EU utilizing national bureaucracies, this paper asks. It reports findings from semi-structured interviews with ship inspectors and their superiors about international training efforts aimed at harmonizing inspections. The maritime sector, with its highly institutionalized global rule-making, may constitute an unlikely case for EU co-optation of national bureaucrats for historical, institutional and economic reasons, but by examining the work of 'sea-level bureaucrats' we see how the EU builds executive capacity at the lowest level of national bureaucracies and gain insight into some hitherto under-researched mechanisms of implementation and compliance in European governance. We find evidence of Europeanization of inspections, adding to the body of evidence suggesting a new international, multilevel administrative order with stronger traits of direct implementation is emerging.

Keywords: bureaucracies, European Union, implementation, maritime safety, street-level

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Departure

How can the European Union (EU) adjust the bureaucratic machinery of nation-states, and what does this imply for the application of international law? Drawing on literature on EU compliance, implementation, and governance, this paper is aimed at examining some tools that help shape practical implementation of international maritime safety legislation, shedding light on larger questions in international administrative systems, such as the potential for Europeanization of nation-states and their relations with other international organizations. I have gone below the levels usually studied in EU implementation and administration studies; to where policy is put into practice: To sea-level. My findings suggest the European Union is building executive capacity at this lowest level of national bureaucracies, moving from a practice of indirect implementation to a more direct kind of implementation.

The first section of this paper broadly summarizes the empirical seascape, followed by a section on theory, research questions and case selection, a section on methodology, and one on empirical findings. These are then discussed in the last section.

Oceanography

Strategically and economically important to many states, the maritime sector retains a powerful grip on imaginations. Coastal nations in Europe's north-eastern corner associate it with national pride, connections to the wider world and great pasts¹. Maritime affairs also have an intrinsic cross-boundary nature. Once a fiercely guarded domain of national legislators, albeit with extensive commercial self-regulation, from the 1950s onwards technological and economical developments in the wake of de-colonization prompted international safety regulation under the auspices of what is now the International Maritime Organization (IMO). Successive increases in regulation have meant safer and cleaner ships. However, so-called Flags of Convenience (FoCs) became registries for large parts of the world's tonnage from the 1960s, and by the 1990s European states faced labour market, environmental and safety challenges from ships registered in FoC states - highlighted some major shipping accidents in the 1980s and 1990s (Selkou and Roe 2004: 35-36; Stevens 2004: 135).

¹ Fittingly, a recent documentary on shipping history aired on Norwegian national broadcaster NRK was entitled "Our glory and our power" (Vår ære og vår makt).

European states were initially reluctant to act within the European Community on maritime matters, retaining as much national sovereignty as possible by creating the purely intergovernmental Paris Memorandum of Understanding on Port State Control (Paris MoU) in the early 1980s. Several ship disasters made it clear by the 1990s that common Port State Control (PSC) regulations alone would not be sufficient to enforce satisfactory ship safety standards, and the EU began legislating on its own (Stevens 2004). Most EU legislation adopted since enforces IMO rules or makes voluntary IMO rules mandatory, but has also in a few cases gone beyond or slightly modified and adapted global rules (Ringbom 2007). Seen in light of the early 1980s' resistance, this development is probably not uncontroversial, and EU legislative and regulatory effort within maritime safety has remained focused on consolidating and strengthening a PSC regime in Europe built on the Paris MoU. The aim is to ensure high standards on ships calling at European ports, avoiding reliance on flag states' control alone. In 2002 the EU established (limited) operational capabilities with the establishment of the European Maritime Safety Agency (EMSA), now headquartered in Lisbon. This development gave the EU a stronger role in defining the European PSC framework.

Today EU member states and European Free Trade Association (EFTA) members Norway and Iceland enforce both EU and IMO legislation. Ship inspections are performed nationally, but the EU relies on database development and training efforts to harmonize inspection practices. In PSC matters EMSA and Paris MoU cooperate on developing inspection protocols and providing training to national PSC inspectors. The cooperation between EMSA and the Paris MoU is so tight that it is sometimes difficult for outsiders to distinguish who does what, as demonstrated later.

Training is done through combining distant learning programs on CD-ROMs with workshops where inspectors from EU/EFTA and/or Paris MoU member states gather for lectures on rule developments, exchanging experiences and working together on specific cases. Some of these are organized by EMSA, some by the Paris MoU, but usually, it seems, in cooperation between them (European Maritime Safety Agency 2009; Paris Memorandum of Understanding 2009). It is clear from my interviews with management at the Norwegian Maritime Directorate (NMD) in spring 2009 that ship inspectors have to participate in these training sessions to become certified PSC officers. Apart from these trainings, there seems to be little direct contact between international levels and ship inspectors.

With these empirical soundings we are ready to move on to discussing the theoretical and general questions these developments raise, before turning to empirical findings.

Which stars do we maneuver by?

What consequences for implementation does the above map entail? Do European training activities influence practice? And if so, does this tell us anything about the EU's role and potential for gaining power in the space between nation states and global international organizations?

We can think of different frameworks for implementing international rules. What we could term the 'standard intergovernmental method' for international policy-making and implementation (seen from an intergovernmental organization (IGO)) is quite simple. Governments negotiate international agreements at international conferences or in the context of IGOs, national parliaments ratify them and they are then incorporated into national legislation which in turn is implemented by national administrations. We can call this 'indirect implementation' (Hofmann (2008: 667) talks about indirect and direct 'administration').

Conversely, 'direct implementation' would be the case when international organizations themselves apply the rules without going through national governments. One case of this may be the European Aviation Safety Agency, which performs several operational tasks related to certifying aircraft. It states on its website (emphasis added): "The Agency works hand in hand with the national authorities which continue to carry out many operational tasks, (...)" (European Aviation Safety Agency 2010) - in other words an EU-level agency so strong it necessitates clarification of national authorities' role.

In between these 'pure' forms there may be many 'composite' ways of organizing implementation of international regulations (Hofmann 2008: 667). To ensure compliance and harmonization, we can imagine that international organizations may have at their disposal both 'hard' and 'soft' tools (a term derived from Joseph Nye's concepts of 'hard' and 'soft' power - (see e.g. Nye (2004)). Examples of 'hard' tools would be rules and regulations with direct effect, enforcement through court judgements and fines, as well as military means. 'Soft' tools on the other hand could range from i.a. voluntary audits and inspections for 'naming and shaming', via training activities, to information exchange through databases and networks. Moving from indirect

towards direct implementation within the composite mode we would expect the degree of harmonization of practice to increase.

Building on Chayes and Handler Chayes (1993: 177-187) I believe the most appropriate for this case is to work from the starting assumption that international commitments in general will be respected, since degree of compliance in itself does not concern me. I assume there is both will and ability to comply, since this is a central task for the authorities examined – something also indicated by my informants. I just want to see if lower levels of national bureaucracies are directly connected to international levels of organization and what this implies. One of the less costly ‘soft’ tools for ensuring compliance that Chayes and Handler Chayes outlines (*ibid.*: 204-205) is technical and financial assistance, which would include training efforts. We know that these are utilized by EMSA and the Paris MoU, so this is a fruitful place to look for such effects.

These three modes of implementation – direct, indirect and composite – relate to three different broad categories of international cooperation. Indirect implementation corresponds with a state-centered view, such as that of neo-realists and liberal intergovernmentalists. Direct implementation is related to concepts of supranationalism. The composite mode is connected to concepts such as networked governance (see e.g. Kohler-Koch and Eising (1999)), multi-level governance (Hooghe and Marks 2001) and ‘double-hatted’ agencies (Egeberg 2006).

Taking on a national perspective, any harmonization processes of implementation may also be labelled according to the scope of these processes. If it occurs in relation to global rules, we might term it ‘internationalization’ (Howlett and Ramesh 2002), and if it occurs in relation to European rules for ‘Europeanization’ (see also Goetz (2000)). Little research seems to link global and European legislation and practice from an implementation perspective. What happens when European and global rules are meshed together and are supposed to be implemented by the same people at the national level? Are different influences on this implementation possible to disentangle?

These questions are intimately connected with change in governance modes. Researchers have shown that new governance modes have emerged or spread – both nationally and internationally (Héritier 2002, 2003) (but see Treib et al. (2007) for the view that the labels ‘new’ and ‘old’ have little analytical value). Although cases of direct implementation are still rare, many examples of the composite mode of implementation have been found – especially within Europe. A problem with much ‘implementation’ literature is that it focuses

little on what can barely be labelled 'implementation' proper – i.e. applying rules and regulations in practice – but instead on what we might term 'legal implementation'; the process of transposing and incorporating international or European rules into national legislation. What happens at the lowest level of the administrative hierarchies is far less studied in this context.

The first generations of implementation studies (e.g. Kaufman (1967), Lipsky (1980) and Pressman and Wildavsky (1973)) showed that what is done at the bottom of hierarchies among front-end civil servants is vital for shaping the outcomes of policies decided at higher levels, although they may be hemmed in by other factors (Meyers and Vorsanger 2003). Their actions and inactions define much of policy as it is known for those who encounter it, such as when shipping companies, ship builders and ship masters face 'sea-level' bureaucrats in the shape of ship inspectors.

Although Treib in a review of EU implementation research also laments the lack of studies of what he terms 'enforcement and application' (Treib 2008: 6, 18), there is not a complete dearth of such studies (see also the overview provided by Mastebroek (2005: 1105-1107)), and he does point out several who have done this kind of research, identifying three waves of EU implementation research: A first wave dealing with institutional efficiency, with 'clearly stated policy objectives and the availability of a well-organised state apparatus' (Treib 2008: 7) as main explanatory variables for all stages of the process – i.e. transposition, application and enforcement; a second wave dealing with 'degree of fit or misfit between European rules and existing institutional and regulatory traditions' (ibid.: 8) to explain implementation performance, and a third wave marked by theoretical and methodological differentiation following 'a desire to broaden the theoretical and empirical perspective in order to get a fuller picture' (ibid.: 10). Within the third wave most have focused on transposition (or 'legal implementation'), but some have gone further to deal with enforcement and application. Treib reiterates that 'studies covering not only transposition but also enforcement and application have become a very small minority in recent years' (Treib 2008: 14). His main exceptions to this are Versluis (2007) and her study of inspectors in the field of chemical safety, and the study of Falkner et al. (2008) on implementation of social policy directives in Central and Eastern Europe. Also, Falkner et al. (2005) suggest that several of the new member states in the EU make up a 'world of dead letters', where transposition is successful, but enforcement and application is flawed. However, their study mainly considered compliance with transposition requirements.

Research that has studied the lowest levels of bureaucracies seems to have had a very policy-oriented approach centered on compliance or non-compliance, with administrative behavior being an independent or intervening variable. However, we do have strands of organizational research which centers on administrative behavior being a dependent variable. The work of Egeberg et al. (Curtin 2009: 166-169; Curtin and Egeberg 2008; Egeberg 2006; Egeberg and Trondal 2009) on 'double-hatted' agencies and the European executive order has raised questions of whether national administrations serve two 'masters', becoming part of an integrated European administrative system or not (see also Hofmann (2008) on the concept of a 'European administrative space'). These studies seem to have concentrated their attention on higher-level processes in national administrations, though, rarely dealing with happenings in our type of 'sea-level' services.

There is little consensus to guide our expectations from examining the effect of training as a 'soft tool' for harmonization, especially since so little research has been done on it. On the one hand, the transposition literature suggests we should find a 'world of law observance' (Falkner et al. 2008: 321-333) because we study a Norwegian agency, whereas the work of Versluis (2007) suggests that we should be wary of assuming that findings regarding transposition can be transferred by some sort of analogy to the last stages of application. Taking seriously the suggestions from Treib's review and turning to insights from domestic implementation research, we should not be surprised to find that 'street-level' bureaucrats have to reconcile conflicting goals to such an extent that implementation may be much less than 'perfect' (Lipsky 1980), so it is necessary to be open to large variations in actual practices.

If the 'world of law observance' thesis proposed by Falkner et al. holds for this detailed, practical level of application, and not only for transposition, we should expect training sessions to have little or no relevance to ship inspectors, since they would then already be going about their business in the manner prescribed by European authorities. This would manifest itself in descriptions of the courses being of little use as inspectors already do what they should. It is also conceivable that inspectors find the training sessions to be of little use and just carrying symbolic importance only if they have a mindset geared to indirect implementation, wherein only guidance from the national level is deemed relevant. This would be the case if inspectors describe that they participate because they are told they should, but without linking it to what they normally do or seeing any practical uses of the training. If on the other hand we have a composite mode of implementation, we should expect that inspectors attach practical importance to these training sessions, describing changes in the behavior of themselves or others that are linked to participation

in training. As for instance Pruitt (1979) has shown, professional background may provide an important explanation for behavior. If the inspectors see these training sessions mainly as furthering their education and general training, then we should also expect that they will have a higher impact.

If inspectors attribute practical value to training sessions, then the EU is directly affecting how inspectors do their job. Other international organizations, in this case the IMO and the International Labour Organization (ILO), do not have comparable means of ensuring system-wide harmonious operationalization of legislation. If there are no other contact patterns between inspectors and these organizations, the EU gets to define more of how international legislation is to be interpreted and practiced at the national level. Organizations structure attention (Egeberg 2003), and more organizational focus on what EU institutions prefer to have attention towards at the level of practical implementation gives the EU opportunity to influence actual administrative behavior in more extensive fashion than any other international organization ever has. If this is the case, then the EU may be transforming the intergovernmental order at a more profound level than previously assumed, creating a complex multilevel structure that also raises vital questions of democratic accountability (Curtin and Egeberg 2008).

Any development entailing an increased role for the EU will raise the question whether this outcrowds global or national institutions or not. If inspectors keep doing what they have been doing, but starts attending European training sessions as well, then we seem to have an instance of how 'layering' of institutional structures (Thelen 2003) serves to increase the complexity of the administrative system, as opposed to a situation where the EU replaces something else, approximately maintaining system-wide complexity at previous levels.

In the next section, I elaborate on how I have ventured to answer the questions outlined above. After that, we turn to the actual findings.

Tools

I have interviewed nine ship inspectors and two managers at three of the NMD's regional stations during 2009. Two inspectors have engineering backgrounds and the rest are former sailors and ship masters. Interviews were semi-structured (Rubin and Rubin 1995: 5), conducted in Norwegian and recorded with a digital recorder, before being transcribed, anonymized and partially translated. All interviewees were promised anonymity. I used the

same topic guide for all but two (SI010 and SI011) interviews, but all interviews covered the same topics and mostly the same questions. Interviews lasted between 25 minutes and an hour, and were conducted after a broader set of 35 interviews at NMD headquarters. They make up part of a larger project on the internationalization of national administration, and when appropriate all these interviews are utilized in this paper.

The interviews dealt with job situation, experiences with international activities and organizations and national and international contact patterns. Inspectors' international participation was limited, so we could go in-depth about each activity participated in. I also asked about how colleagues' international participation affected their own work. I have relied on inspectors' self-reporting on whether or not participation in international activities, mostly training, had been useful and changed their way of doing things, and on how difficult or not harmonization across Europe is. Relying so heavily on self-reporting carries risks, but I believe it is the best possible source of information here. Full scale observation and comparison of different inspectors' actions would not only be extremely time-consuming, but would also not be meaningful, even if I were a fully trained ship inspector or engineer myself. Not only would it be near impossible to reliably record differences in the minutiae of ship inspections, but interfering with inspections, and thereby distorting data, would have been unavoidable.

After interviews with division management, the assistant deputy director and myself chose which regional stations to perform interviews at. We chose large stations that were easy to reach to ensure a larger number of interviewees, and we chose stations with different levels of international experience to capture variation. At each station, interviews were then conducted with all inspectors and managers present at the time of my visit to avoid any handpicking of interviewees. At the respective stations I interviewed two inspectors, two inspectors and one manager and five inspectors and one manager. This procedure also ensured that disruptions to inspections was kept to a minimum, as well as securing a sample that would be fairly representative in terms of variation.

Could I still have incomplete data? To some degree, certainly. I have not interviewed those at the smallest stations, and since they have less infrastructure, they might be less able to participate in training activities. However, information provided by NMD management and corroborated by the inspectors indicates that all inspectors have to participate in training on PSC, since all inspectors need PSC certification. Station visits were spread out in time, thus avoiding any potential effects of any hypothetical yearly cycle on

interviewee selection. All inspectors interviewed were active inspectors, and had differing areas of expertise, various attitudes and differing seniority. Without interviewing most or all inspectors I can not be certain that I have captured all variations, but time and resources have limits. Interviews varied little, so I believe that little additional variation would be captured by producing more interviews.

The importance of this case depends on the potential for 'analytic' generalization (Yin 1994: 30-32) or 'inferential' generalization (Ritchie and Lewis 2003: 267-268) to a wider context. I will argue that this case is important mainly for three reasons. Firstly, Norway is not an EU member, but has to implement EU rules under the European Economic Area (EEA) agreement, is an active and important IMO member with a large maritime sector² and has previously been skeptical towards regionalization of maritime affairs, according to several of my interviewees in the Norwegian Ministry of Trade and Industry and the NMD. These are all reasons for any Norwegian administrative and political resistance towards Europeanization. Secondly, EU member states did long hesitate to act on maritime affairs, and still, again according to my interviewees in the NMD, attempt to restrict European coordination within the IMO. This should indicate that maritime security would be an area with little room for a European role as such. Thirdly, the decisions made by ship inspectors and the ways in which they reach their decisions are not trivial matters. Detaining a ship or entering negative findings into international databases may entail significant costs, perhaps in the millions, delays for industry, as well as possible discomfort and increased workload for inspectors. These three reasons combined suggest that we should expect less harmonization.

If on the contrary we still find that ship inspectors' behavior is influenced in a non-trivial manner by European institutions providing guidance through training, such findings then suggest not only that the EU is transforming implementation practices in this case, but may also add to the body of evidence indicating that a change in the international administrative order may be occurring more generally – with an increased role for the EU. In addition, this case may help illuminate the relationship between global-level and European-level rules and implementation.

² The Minister for Trade and Industry emphasized this in the Norwegian daily *Aftenposten*, stating that the Norwegian maritime cluster employs around 10 000 people and stands for a value creation of approximately 100 billion NOK (approx. 12 billion €) each year (de Lange 2010)

Finally, it is necessary to ask if ship inspectors' tasks are suited for this examination. They perform physical ship reviews, going over documentation, structures and technical installations to check if they comply with relevant regulations. Time and resource constraints, as well as practical restrictions on the degree of detail within legislation means that they have a significant amount of discretion when deciding what to examine and whether or not to let a ship sail. Since this entails that there are different ways of going about the job, I assume that the guidance they receive is important for influencing which of the many possible approaches they end up with.

Now that the scene is set and the tools laid out, we can turn to the actual findings from my interviews. The findings in the next section are referenced only by the anonymized reference numbers of the individual interviews. After going through what information we have, we then turn to discussing them in the section after the next.

Catch of the day

Norwegian ship inspectors perform varied tasks. Interviewees gave revisions of classification societies, inspection of ships in drydock, measuring leisure vessels and performing port state control inspections as examples. Vessels range from the smallest leisureboats to the largest cruise ships and tankers. Since most Norwegian ports have relatively limited numbers of ships calling, there is little specialization. Stations also cover large swathes of the coast and inland waterways. Other countries may have dedicated PSC inspectors, but this is not the case in Norway, where all inspectors 'double' as PSC officers and station managers also perform inspections.

Common European/Paris MoU databases seem to be an important tool for inspectors. In combination with national databases on ships calling in ports they are used to select ships for inspections, and information entered into databases by inspectors constitute both outputs from inspections and inputs to other countries' authorities in turn.

As previously explained, PSC officers must attend regular training sessions to retain their certificates. All interviewed inspectors as near as two have participated in one or more training sessions by the Paris MoU and/or EMSA, and the remaining two were planning to attend such courses.

There seemed to be some variation between stations regarding the relative importance of PSC inspections versus other tasks, but PSC tasks do not seem

insignificant for inspectors. One station's management reported dealing with many new ships, and another had more to say on PSC, reflecting activity profiles in the ports and surrounding region. Inspectors' estimates of time spent on PSC inspections relative to other tasks varied; one inspector reported a share of 25% of all inspections (SI007), another 5-10% of all time spent at work (SI005). The inspectors differ widely in their estimates of how much time they spend in the field - SI001 reported spending 20% of his time out of the station; SI011 reported spending 70% of his time aboard ships.³

Overall, inspectors and their managers also seem to emphasize the importance of rules and to be conscious of the wider organizational context they are operating in. One could expect this to generate widespread uniformity, but the inspectors' opinions actually differ when it comes to a fundamental characteristic of the rules they operate under: the room for exercising discretion in practice.

Says SI004:

(...) (T)here's no room for discretion, at all, really. But there's interpretation. Depending on how you interpret the rules, if you interpret them correctly or interpret them wrong, then you might talk about discretion, but...

Conversely SI010:

(...) If you find a small thing on a (...) boat (...) you can just correct it by talking to the skipper. If you find many small things, on the other hand, you'll want to collect them and write an order. But if you find one thing, you can rather talk about it than write it down. But you're supposed to, the regulations say you should write it down.

SI001 seems to see the rules as both highly uniform and somewhat discretionary at the same time:

(...) That's when we get differences, if we bend the rules. If we stick to the rules we have, then there isn't a problem. That's how I see it!

Interviewer: So do you see the rules as having not much room for discretion?

³ SI0XX are references to ship inspectors, SD0XX to interviews in the NMD.

SI001: There's room for discretion, but I mean, when a rule is pretty clear... Everything can be interpreted differently, but if I'm in doubt when interpreting a rule, I usually contact the station manager first, and if he can't answer, I contact colleagues. In case anything can be understood differently than what I've thought.

SI003, on the other hand, is very clear:

There's lots of room for discretion, yes.

SI006 says the rules are standardized, but:

You see, we decide for ourselves how far we wish to go.

Although rule conceptualizations vary, there seems to be consensus that practice varies. Consider these statements:

SI004: There probably is [variation in interpretation]. They might be interpreted wrong or too strictly or too leniently."

SI002: (...) You can't deny that there's differential treatment. Some let the boats go too early."

SI003: (...) he [a foreign inspector] thought we were perhaps too lenient with our inspections, because there was a punctuation error in a certificate or something like that, something we don't think poses a threat to the vessel. It won't sink or burn because of a punctuation error in a certificate. But they would have detained the vessel until it could get a corrected certificate (...)

SI006: (...) at least the reporting is the same, but again there's the individual things when you do inspections, what you look for and what you write in your book and what you report, I think that can vary between individuals.

SI010 and SI011 seem to support this view as well. With the exception of a couple of interviewees (SI007 sees practice as fairly homogeneous throughout the Paris MoU area and SI008 said rules have less room for discretion and individual variations than before), the other interviewees were not asked this question and did not voice any opinion about it.

Seeing that there is some room for discretion and individual variations between inspectors – an important precondition for any possible harmonization effects from training – how do inspectors describe participation in international training courses by EMSA or the Paris MoU? For the most part, they are positive, as SI005, which has a typical description:

[the course] was about doing Port State Inspections. And it was very interesting to see how you should go about it. (...) It was very interesting and a learning experience to see how others perform a Port State Control, and how we do it, and the differences and such.

The two inspectors who had not yet been to any courses, but were going in the near future, also had positive expectations. Only SI003 expressed reservations about the utility of the course he had attended. Still, he found meeting and discussing with colleagues from other countries very useful:

If you take an overall look at the course, I didn't find it very useful (...). But what was useful were those things we inspectors from different countries discussed after the course, in the evenings. That was incredibly useful. (...)

One thing is what interviewees reply to a general question of usefulness; what they say when asked about what they learnt and if they changed their behavior might be another thing. But also when probed, several inspectors described specific learning outcomes that impacted on their work – even SI006, who in his own judgement went to a course too soon:

(...) as I said I didn't have enough background when I went to that course (...). But I got started, after that course, I think. Not just a little bit either, I made a quantum leap forward with getting started and doing it independently.

Then you have those such as SI010 and SI011, who were asked if they changed behavior:

SI010: You learn something new every day. And after these meetings I can be more thorough with things I haven't been as thorough with earlier.

Interviewer: Does it have consequences for the ships?

SI010: Yes, very much so (...).

SI011: I probably do things more correctly, if we've been told how to do things.

SI003, SI005 and SI007 seem to support these views. However, there were also other views regarding the outcome of training sessions. SI002 sees his own station's practice as so good that training does not change it, something echoed also by SI009:

Interviewer: Does this [training] lead to you doing things differently than you would have before those courses?

SI002: No, I don't mean to brag about us, but we did in fact undergo an audit from Paris MoU here for [our station] (...) And they were actually impressed with how we handled it here (...).

SI009: (...) I just got a confirmation that what we are doing here, in Norway, is what we are supposed to do.

Then you have SI001, who presents a contradictory statement, but clearly describes learning something useful:

Interviewer: Did you learn anything there that made you start doing things differently?

SI001: Not directly, perhaps I only became more (...) conscious of being more tactful, of observing the person, body language, and facial gestures and such, watch when I give them orders and such. I have actually after that course received positive feedback from those I have inspected.

SI004 also seems to regard the courses as necessary, but not always useful, perhaps indicative of an understanding of the courses as being mostly of symbolical importance:

Interviewer: Did you pick up things at that course which made you change the way you were doing things here?

SI004: No, I wouldn't say that.

Interviewer: (...) Is it mostly useful for everyone, do you think?

SI004: Yes. Yes, yes. It's completely decisive. You must have it, should have it.

When asked about who they come into contact with the most and who they see as the most important actors in defining their job – first with an open question and then guided by a schematic – the interviewees uniformly pointed to industry as their main and most important contact. This is hardly surprising, as industry is the subject of their work. They also indicated NMD headquarters as important, although the extent to which they were in contact with headquarters varied between stations, with some inspectors feeling that they had to fend for themselves to a larger extent than before (attributed to the loss of personnel and know-how at headquarters after a move from Oslo), whereas others seemed content with their contact. One inspector (SI008, who otherwise stated he had much to do with headquarters) also stated that training of inspectors as such – i.e. not purely technical training – was mostly done at the station and at international courses. In general, these inspectors had little or no contact with any international organizations.

When we discussed the training activities inspectors had participated in, few distinguished actively between EMSA and Paris MoU. This is not surprising, given the close cooperation on training PSC officers. Most inspectors pointed out both as important actors for defining frameworks for their job, together with the Norwegian Ministry for Trade and Industry, the IMO and the ILO. Interviewees SI002-006 and SI009 all mentioned both Paris MoU and EMSA. SI001 and SI008 only mentioned EMSA, whereas SI007 only mentioned Paris MoU. SI010 and SI011 were not asked this question, but SI011 underlined the importance of EU rules in general. SI001-008 mention the IMO as important, and all of these, except SI001 and SI007, also mention the ILO. SI010 and SI011 were again not asked about this, but SI010 highlighted the IMO as an important rulemaker and SI011 the ILO as becoming more important.

The answers from the inspectors seem to be in line with impressions in the directorate. SD003 and SD011, chosen here for being at management-level and having a good overview of inspectors' activities, both stated that there is significant room for exercising discretion when applying rules. They also underlined that inspectors are encouraged to – and often do – discuss rule application with each other, their managers and NMD headquarters. They also said that inspectors' participation in international training was important and extensive. Although SD003 reported that there were a higher number of national than international training sessions for each inspector, this person also said:

You might say we have been perhaps more superficial, and that they have gone more in-depth on some of the courses they have down there, since they span several days.

SD003 sees that the value of international training sessions lie in “finding things and seeing why” things are done the way they are, connecting with other administrations and in discussing with colleagues from other countries – although SD003 also states that there is probably seldom need for adjusting Norwegian practices. SD011 answered affirmatively when asked if training was valuable. SD011 also said it was important to send people with good dissemination skills to expert training sessions, which indicates that these courses are an important source for information used in in-house training activities as well.

Having now described the information given by inspectors and their management, we can turn to interpreting these findings.

Muddy water?

Firstly, there is probably variation in how maritime safety inspections can be and are performed, probably connected to inspectors’ evaluation of what salient aspects of the regulations are (see Versluis (2007) on ‘issue salience’), as well as variances in their professional judgement of what constitutes ‘safe’ and ‘unsafe’ situations (cfr. Pruitt (1979)). I can not find evidence of any policy-oriented reasons for this variation – although a couple of interviewees have indicated blaming the EU for cumbersome rules when encountering opposition from ship masters can be useful, variation in practices seem not to be connected to policy content or policy origin.

This variation and the probable reasons for it indicate that practice can be changed and shaped through other means than rulechange – even that other means might be more effective in influencing how practice develops. This is why a second indication from the interviews is important: EMSA/Paris MoU training courses seem to be regarded as practically useful education by several inspectors and their managers. For some, it seems to have had an important impact on their job – for others it has only provided an interesting venue for exchanging opinions or just self-affirmation in how they do their job. Although some may only attach symbolical importance to this training, when we look at the inspectors as a group, inspection practice will probably have been affected to some, non-trivial extent. That international training is also used as ‘training for trainers’, thereby influencing national training efforts, as indicated by answers from directorate management, strengthens this. Although we might be moving mainly in the ‘world of law observance’, it is not always clear-cut what the law to be observed is.

Thirdly, EMSA and Paris MoU are seen as important actors, sometimes almost equal to the IMO and ILO. Inspectors rarely encounter the EMSA or Paris MoU organizations directly in their daily lives, but training does provide a link. The IMO and ILO, albeit highly important rulemakers, are not directly involved in implementation, and are naturally more remote for inspectors.

I find no reason to doubt that the chain of command from the Ministry of Trade and Industry via NMD headquarters to stations is strong. Both headquarters and the Ministry are perceived as important, with headquarters being naturally closer, and this seems confirmed at different links in the chain of command. Influences from the IMO and ILO seem predominantly channeled through this chain. But as we have seen, this is not the only link to the outside world, and participation in Paris MoU and EMSA activities invites other influences. Training seems to be a factor in influencing inspectors' behavior.

Would inspectors be doing the same things the same way if there were no training sessions, just the rules and regulations? Probably not. Although some inspectors from the outset may do things the way these courses teach, other informants' reports of behavioral change – not to mention the probable room for discretion – indicates that there would be greater variation from how EMSA or Paris MoU secretariats would like to see things done if these courses had not taken place.

This brings me to the conclusion that Norwegian ship inspectors' behavior is being changed and shaped to some degree by European institutions – the Paris MoU and EMSA. Disentangling what stems from the Paris MoU and what stems from EMSA is difficult, but not important. Although Paris MoU started as an intergovernmental alternative to the Community method (Stevens 2004: 125-126) and today encompasses both coastal EU states, and non-EU members Canada, Russia, Iceland, Norway and Croatia, its cooperation with the EU through the Commission and EMSA are close enough to question its independence. It seems to mainly serve the purposes of the European Union's port state regime, although we should be careful to discount the role of Canada and Russia completely.

If we accept that the Paris MoU and EMSA mostly serve EU interests and have an important influence on ship inspectors' practices, we seem to have identified a shift from indirect towards direct implementation within a composite mode of implementation of international rules. It thus seems as if Norwegian ship inspectors provide yet another instance of civil servants

serving multiple interests in a complex, multilevel administrative system – perhaps ‘flying two flags’, as it were (or being ‘double-hatted’ (Egeberg 2006)). These findings have implications for the wider international system. Although others in the NMD also deal with applying IMO, ILO and EU rules to ships, inspectors perform a significant amount of the tasks related to rule application, both through flag state inspections, safety management audits and following up on other case handlers’ decisions. As I have shown, EMSA and Paris MoU training provide important guidance as to how rules should be practiced, rules that stem mostly from the IMO and ILO originally. The EU is consequently not supplanting global rules with regional ones, but rather defining some of the interpretation and implementation of global rules. The EU seems to have inserted itself between global organizations and the nation state as an interpretative filter. Its member states together have great economic importance, and it is difficult for ships to avoid calling at European ports, so we should not discount the practical importance of such a ‘filtering’ function. Economic clout provides a reason for the European PSC regime, and this regime seems to provide the EU with tools to potentially make a solid mark on practical global shipping policy. It influences even a non-member state with an important shipping sector and vested interests in global harmonization through the IMO - Norway.

This raises important democratic questions (see Curtin and Egeberg (2008)). Norwegian officials’ behavior is influenced by an organization in which Norway is not a member. But even if Norway had been a member, who would any shortcomings in or undesirable approaches to rule application from a citizen’s point of view be attributable to? The Commission? EMSA? The Paris MoU secretariat? Or the Norwegian government? Who should you vote for – and where – to change ship inspectors’ behavior? This muddying of the political water is an intrinsic problem with the new administrative order that seems to be emerging that meshes together global, European and national administrations in a metasystem, but we will leave that question for further research.

Conclusion

Going beyond studies of ministries or agency headquarters to study ‘sea-level’ bureaucrats, I have shown that the EU through ‘soft policy’ training tools is able to non-trivially influence the behavior of ‘sea-level bureaucrats’ in their application of both global and European rules. Ship inspectors’ practices seem shaped by forces both inside and outside of the nation-state – in this case being the Norwegian government and EU institutions. The EU’s acquisition of

executive capacity represents a move from indirect towards direct implementation that allows it to insert itself as a filter for interpreting global maritime safety legislation, contributing to change in the traditional intergovernmental ways of doing things and raising questions of democratic accountability in a global multi-level system.

Acknowledgements

I thank participants at the Norwegian national political science conference 6 - 8 January 2010, as well as Morten Egeberg and Jarle Trondal, for their useful suggestions and comments on previous versions.

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