

# Ocean Governance: Theory and Practices

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The idea of ocean governance-maintaining order over more than 70 percent of the Earth's surface seemed radical when it was introduced and championed by Elizabeth Mann Borgese, widely known as the Mother of the Oceans. Dr. Borgese identified in 1967, "The oceans are a great laboratory for the making of a new world order based on new forms of international cooperation and organization, on a new economic theory, on a new philosophy." The theory of ocean governance gradually took shape, although writing in 2022, it is evident how ocean governance experiences cross-cutting challenges.

Ocean governance, in essence, includes rules, practices, and institutions that create a horizontal field of interactions among different actors. It has to be recognized that oceans do not necessarily imply the water bodies but also incorporate ideas of the

interrelatedness of the oceans along with their biophysical and environmental characteristics along with activities that end up getting stored in the oceans. In other words, the oceanic environment has deep connections with land-based activities and its fallouts that are increasingly being visible. Similarly, the second part of the concept denotes governance of different natures-not only governments-to be recognized as one of the multiple actors with a significant role to play. The idea of ocean governance involves three primary areas: legal frameworks of operation, institutional framework, and methods of implementation to be observed by sovereign nation-states across regions. As the central actors, Westphalian states are to recognize, observe, and implement international treaties, although dynamics within states make the process incredibly complex. The state system emerged with the understanding of

the centrality of states and what Max Weber argued as a "human community that (successfully) claims the monopoly of the legitimate use of physical force within a given territory." Internally and externally, states are the legitimate authority, while ocean governance is based on recognizing other actors at the non-state levels.

The management of ocean resources has, thus, been historically seen based on two principles—the principle of state sovereignty and the principle of freedom of navigation, the oceans being one in the sense of connectivity. This historical approach gradually morphed into identifying the coastal states' rights in managing their territorial waters and later developing the idea of exclusive economic zones. The next shift was to adopt the zonal management approach of oceanic/sea resources. The increasing awareness regarding the failure of the zonal management approaches was recognized as a problem, and issues may have their local origins but have implications afar. Also, local communities and other non-state actors' involvement must be recognized for a better understanding and approaches to attending to emerging issues. States being in control of implementing rules and regulations as an 'organized hypocrisy,' thus, does not work in the maritime domain. Instead, the ideas of 'biological-geographical solidarity,' 'legal solidarity,' and, more significantly, 'domain public international' emerged, calling for a holistic approach to managing oceanic spaces as an integrated whole. This idea also included territorial seas and argued for "a unity of spaces whose utilization concerns the international community as a whole." This process widens the involvement of actors in the management of oceanic spaces as one where not only governments but non-governmental organizations, scientists, academics, super-empowered individuals

who can influence decision-making at the national and international levels, and last but not the least, the coastal people, and their particular methods of conservation and adaptation. As a result, there emerge four discernible and distinctive levels of implementation of ocean governance - national, international, regional, and local. One can only imagine how dichotomous and fragmented the entire process can be to work for the creation of an oceanic circle. This discussion provides the segway to move to the discussion of what is happening on the ground.

The United Nations (UN) provides a broader umbrella for nation-states through its different arms coordinated by the Division of Ocean Affairs and the Law of the Sea, which manages the 1982 United Nations Convention on the Law of the Sea (UNCLOS) and the related agreements as well as the UN functions of oceanic activities. Several regions have also taken up their initiatives to create regional governance mechanisms. The Pacific Ocean states, for example, have adopted the Pacific Plan (2005), the Pacific Islands Regional Ocean Policy (PIROP, 2002), and a related Framework for Integrated Strategic Action (PIROF-ISA, 2005), among others, to ensure sustainable development for Pacific Island nations. In the Caribbean Sea region, several efforts among the coastal countries to build Caribbean ocean governance mechanisms involve identifying the Caribbean Large Marine Ecosystem (LME), recognizing the Wider Caribbean Region (WCR), capacity-building activities, and attending to environmental and ocean resources conservation mechanisms.

In the case of ocean governance in the Atlantic Ocean, the European Union (EU) has undertaken many initiatives through its European Environment Agency (EEA). The

EEA oversees the marine roadmap at the global, regional (EU), and national levels. It works in contributing to realizing the European Neighbourhood Policy by working in areas such as depolluting the Mediterranean sea and assisting in some Regional Sea Conventions such as OSPAR for the North-east Atlantic, HELCOM for the Baltic Sea, the Barcelona Convention for the Mediterranean Sea, eg, the UN Environment Programme (UNEP) Mediterranean Action Plan (UNEP/MAP), and the Black Sea Convention (BSC).

The Indian Ocean, perhaps, exposes an exciting case study of largely lacking understanding and recognizing the need to have an integrated framework of cooperation regarding ocean governance. The Western Indian Ocean (WIO) countries, however, have fared better in this case by adopting the Nairobi Convention (NC) related to regional ocean governance, where the Conference of Parties (COP) committed to working in the areas of coastal zones, exclusively maritime zones and high seas management. The NC is also committed to working in ocean governance, regional priorities, and strategic plans of the WIO region. On the contrary, the regional working mechanism on the other parts of the Indian Ocean does not seem as robust as the NC. Although the entire Indian Ocean is within the purview of the Indian Ocean Rim Association for Regional Cooperation

(IORA-RC), IORA has seldom been able to make an impact in the region. The eastern part of the Indian Ocean is home to the Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation (BIMSTEC), which takes a sectoral approach to address issues in the Bay of Bengal community by appointing sectoral leaders. Apart from this, it convenes policymakers and scholars under the rubric of the Galle Dialogue and the Indian Ocean Naval Symposium (IONS).

Ocean governance is a vast area where state and non-state actors have to commit to participate and work together. As nature's threats in the oceans are transnational, states must work beyond their ego to cooperate. Although we can see several cooperative frameworks emerging relating to ocean governance, it is still a long way to go, as states often tend to emphasize their short-term interests and immediate issues. Let us remember Dr. Borgese's words once again to establish a just world ocean order, where states would commit to cooperation: "The idealists of today are the realists of tomorrow. The realists of today are dead tomorrow".

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