

Task Force 06

STRENGTHENING MULTILATERALISM AND GLOBAL GOVERNANCE

Shift of States' Territorial Bases Towards the Marine Environment: Role and Responsibilities of the G20 in Ocean Governance

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TF06



Abstract

The G20 is a key player for ocean governance. The countries that comprise the group exercise jurisdiction over a large sea area. Thus, member States of the G20 have responsibilities for different policies and activities ranging from freedom of navigation to the conservation of living and non-living resources, that is, from food to the economic development (energy and mineral resources). The G20 is fully aware of this situation when launched Ocean 20 (Ocean 20, 2022), an initiative to ensure the long-term sustainability of the ocean economy. However, considering the existence of a global geopolitical changes resulting from the displacement of the States' territory toward the marine environment and the weakening of multilateralism due to the decline of international law as normative ideal, significant steps are required to face these challenges with reference to ocean governance. Considering that: 1) The international regulatory framework has already a wide range of instruments for marine governance; 2) The G20 has the capacity to ensure ocean governance due to its territorial presence in the oceans and seas. Our recommendations include: 1) Deepening and strengthening Ocean 20 initiative; 2) Promoting and implementing existing instruments that will assure the viability of Ocean 20 and its acceptance by the G20 members; 3) Regionalization of the Ocean 20 initiative. However, to achieve these goals institutional structures are required to provide capacity of action. Moreover, it needs coordination to generate influence and a degree of commitment among its members (States and international organizations) able to generate effective responses even though the regulations are not binding. Improving ocean governance also implies enhancing sovereign positions, though in the current geopolitical context, marine policy must be understood as a global-scale strategy for the G20 and at the same time for the national interests of its member States.

Keywords: G20; Ocean Governance; Multilateralism; Geopolitical Change



Diagnosis of the issue

The G20 is a key player for ocean governance. The countries that comprise the group exercise jurisdiction over a large ocean area and global EEZs (Figure 1 and Figure 2). The G20 members have responsibilities for different policies and activities ranging from freedom of navigation to the conservation of living and non-living resources, that is, from food to the economic development (energy and mineral resources). The weight and influence held by the G20 is not limited to governance in areas within national jurisdiction (Figure 3), but it also extends to common areas (high seas and the Area) since the G20 is a key player in international relations. Ocean geopolitics has experienced significant changes in the recent decades, it is worth mentioning those related to the territory of the States and the flaws of the international regulatory framework, which resulted in the decline of multilateralism (Suárez and Rodríguez 2024).

Multilateralism in the Global South seeks to address global issues through multilateral institutions, though always strengthening the local, regional, and national aspects. The participation in multilateral organizations such as the United Nations (UN) represents a milestone in the aspirations of developing States, providing the foundations for complex studies concerning the development of marine areas, in accordance with international standards. Therefore, among the objectives sought by the countries in the Global South are equity and justice to foster a more equitable and fair international order. These ambitions face the decline of international law as a normative ideal (Scott, 2018) and the shift toward the “rules-based order” system (Lake, Martin, and Risse 2021; Scott 1994). The loss of significant influence of international law in the recent decades is reflected in the predominance of national initiatives in the generation of new instruments for ocean governance, particularly in terms of marine policy and strategy and spatial planning –

including the entire area within the jurisdiction of the States (Table 1) –, which is essentially outside the multilateral framework. A relevant aspect in this process is the Ilulissat Declaration (Arctic Ocean Conference, 2008) whereby the sovereign rights of the coastal States in the region is reaffirmed, while rejecting new international instruments for the Arctic basin (Alcaide and Cinelli, 2009).

The process of strengthening the jurisdiction of the States in last decades has resulted in the modification of the world geopolitical map and in the reorganization of the territorial power. For example: 99 out of 158 coastal States – over which they exercise sovereignty and sovereign rights – have a greater sea area than land area; and in 60 of them the sea area represents more than 80% of the territory of that State (Suárez and Rodríguez 2024) (Figure 4). Therefore, the projection of sovereignty and sovereign rights over oceans and seas generates what can be characterized as a “maritime nationalism” (Lucchini and Voelckel, 1978) and it makes the G20 as the political organization with the largest territorial power, including significant parts of the oceans and seas (Figure 5). In this context, Brazil has a significant role both as global (Figure 4) and regional player (25% of the South Atlantic’s EEZ); it is also important to keep in mind that States in the Global South have jurisdiction over 70% of the areas within national jurisdiction of the world (Suárez et al, 2020). Therefore, Brazil has a great political and territorial responsibility in the ocean governance of the Global South.

From a global point of view, the scenarios that ocean governance must address are defined and identified in two important international initiatives: 1) the 2030 Agenda for Sustainable Development, in particular Goal 14 (Life below water); 2) The Ocean Decade Vision 2030 White Papers through the 10 Ocean Decade Challenges (Unesco, 2023). Although the challenges, conflicts, and problems are well known and there is a good level of knowledge to address them, the foundations, and political instruments of ocean



governance – both in areas within national jurisdiction and beyond national jurisdiction (high seas and the Area) – the adaptation and implementation to achieve a real effectiveness is still weak.



Recommendations

Assuming the following premises: 1) Both States and the international regulatory framework have already a wide range of instruments for marine governance, as a consequence, it is not a matter of creating new instruments (policies, treaties, or plans), but generating more efficient results for the existing ones; 2) The G20 has the capacity to implement ocean governance (Figure 3 and Table 2), thus the adoption of policies and plans (Table 1) would generate a positive effect on a global scale. In this context, the level and degree of development of the marine scientific institutions of a significant part of its members should also be noted, together with the capacity and potential of the main sectors of the maritime economy. Accordingly, considering the feasibility and level of acceptance, the proposed recommendations are as follows:

1) Deepening and strengthening the Ocean 20 initiative. To broaden its field of action beyond the blue economy through actions to develop marine spatial planning and management mechanisms: i) helping States – economically and technically – which need support to build and strengthen their oceanic governance structures; ii) creating formulas to facilitate common political actions to address sovereign approaches.

2) Promoting and executing existing instruments. Policies, strategies, and plans for marine spatial planning have already been formulated by several G20 member States and international organizations (Table 1) (Harihar et al, 2024), such as the African Union (2050 Africa's Integrated Maritime Strategy) and the European Union (EU Integrated Maritime Policy). Moreover, the latter initiative also includes binding regulations such as the Marine Strategy Framework Directive (2008) and the EU Maritime Spatial Planning



(2014). Most of these initiatives are planned to be applied in areas within the jurisdiction of the States (EEZ and continental shelf beyond 200 M). However, in many cases their normative support and level of development fall short. Therefore, considering that G20 member States share sea areas, including maritime boundaries (Figure 3 and Table 2), transboundary initiatives may constitute an option to be coordinated in the context of the Ocean 20 initiative.

3) Regionalizing the Ocean 20 initiative.

Marine regionalization (Table 2) facilitates the integration of national policies while making more clear States' responsibilities concerning the spatial dimension. Thus, regional leaders, such as Brazil in the South Atlantic, play a major role not only due to its territorial dimension, but also to its historical contributions and pioneering initiatives for the development of marine policy-making.



Scenario of outcomes

In the current geopolitical context, marine policy must be understood as a global strategy of the G20, but it is equally important for the national interests of its member States. Some of them are already aware of that, for example, some G20 member States have adopted Arctic strategies, though they are non-Arctic States (for example, China, India, and South Korea).

Considering that both the strengthening of the maritime dimension of the States and the decline of global regulatory principles in the management of common resources seem to contribute to the greater complexity of ocean governance, two perspectives need to be considered. On the one hand, there have been an increase in the terms of unilateral initiatives adopted by States supporting marine spatial planning, an instrument that facilitates the control of marine territory. On the other hand, the new global regulatory instruments are not yet into force – the BBNJ Agreement –, which cast doubt on the establishment of the principles of solidarity and cooperation and the regulation of other key obligations.

Conversely, it cannot be ignored that the construction and development of these recommendations by the G20 require institutional structures which provide capacity to coordinate, and influence engaged actions by G20 members (States and international organizations) able to coordinate efficient responses, even without having binding regulations to do so. Hence, Ocean 20 initiative plays a major role, which it is crucial to deepen and strengthen its organizational architecture. Improving marine governance also implies deepening sovereign approaches, which contributes to the weakening of multilateralism and expands the decline of international law as a normative ideal. A good example is the Ilulissat Declaration adopted by the five coastal States of the Arctic Ocean

(Jon Rahbek-Clemmensen and Gry Thomasen, 2018).

The search for a third way between maritime nationalism and ocean governance based on the principle of *mare liberum* becomes essential to reconcile conflicting interests in a maritime geography which is essentially divided between areas within national jurisdiction and areas beyond national jurisdiction, and in areas which the territory of the States is essentially a maritime one. A proposal to strengthening multilateralism in terms of ocean governance constitutes a challenge that faces such trends, but at the same time, without strengthening multilateralism, it is not feasible to address solutions to the serious problems that have been threatening the sustainable use of 70% of our planet.



References

- Alcaide Fernández, J y Cinelli, C. 2009. La ‘cuestión ártica’ y el derecho internacional. *REDI.*, vol. LXI, 2, 381-409
- Chan, N. 2018. Large ocean states: Sovereignty, small islands, and marine protected areas in global governance. *Global Governance* 24: 537–55. Downloaded from Brill.com12/19/2019 08:47:58AM via communal account. doi:10.1163/19426720-02404005.
- Harihar, Nandini and Malyan, Ankur. 2024. *Rethinking Ocean Governance in an Era of Climate Urgency. Science, Impact and the Complexities in Between*. Report, January 2024. Council on Energy, Environment and Water (CEEW). Jon Rahbek-Clemmensen and Gry Thomasen, 2018. Learning from the Ilulissat Initiative. *State Power, Institutional Legitimacy, and Governance in the Arctic Ocean* 2007–18. University of Copenhagen. Centre for military studies
- Lucchini L, Voelckel M. 1978. *Les États et la mer. Le nationalisme maritime*. Paris: La Documentation Française.
- Ocean 20. 2022. *A New Sustainable Growth Agenda for the G20*. World Economic Forum. O20 Indonesia.
- Scott, S. V. 1994. International law as ideology: Theorising the relationship between international law and international politics. *European Journal of International Law* 5 (3):313–25. DOI:10.1093/oxfordjournals.ejil.a035873.
- Scott, S. V. 2018. The decline of international law as a normative ideal. *Victoria University of Wellington Law Review* 49 (4):627–44
- Suárez-de Vivero, Juan L and Rodríguez Mateos, Juan C. 2023. Facing a New Ocean Decade: Geopolitical Change and Challenges in Ocean Governance. *Geopolitics*, DOI: 10.1080/14650045.2022.2151901



Suárez -de Vivero, Juan L and Rodríguez Mateos, Juan C et al. 2009. Geopolitical factors of maritime policies and marine spatial planning: State, regions, and geographical planning scope. *Marine Policy*, 33: 624-634

Suárez-de Vivero, Juan L and Marroni, Etienne Villela et al. 2020.

Atlantismo no Atlântico Sul: Comunidades de interesses e governança oceânica. *Revista da Escola de Guerra Naval*. Rio de Janeiro, v. 26, n.1, p.143-197. DOI: 10.21544/1809-3191.v26n1.p143-197

Unesco. 2023. *Ocean Decade Vision, 2030. Draft White Papers.*;
<https://oceansdecade.org/tag/vision-2030/>.

United Nations. 2023. *Intergovernmental Conference on an international legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction (General Assembly resolution 72/249)*. <https://www.un.org/bbnj/>

Appendices

Appendix A - Figures

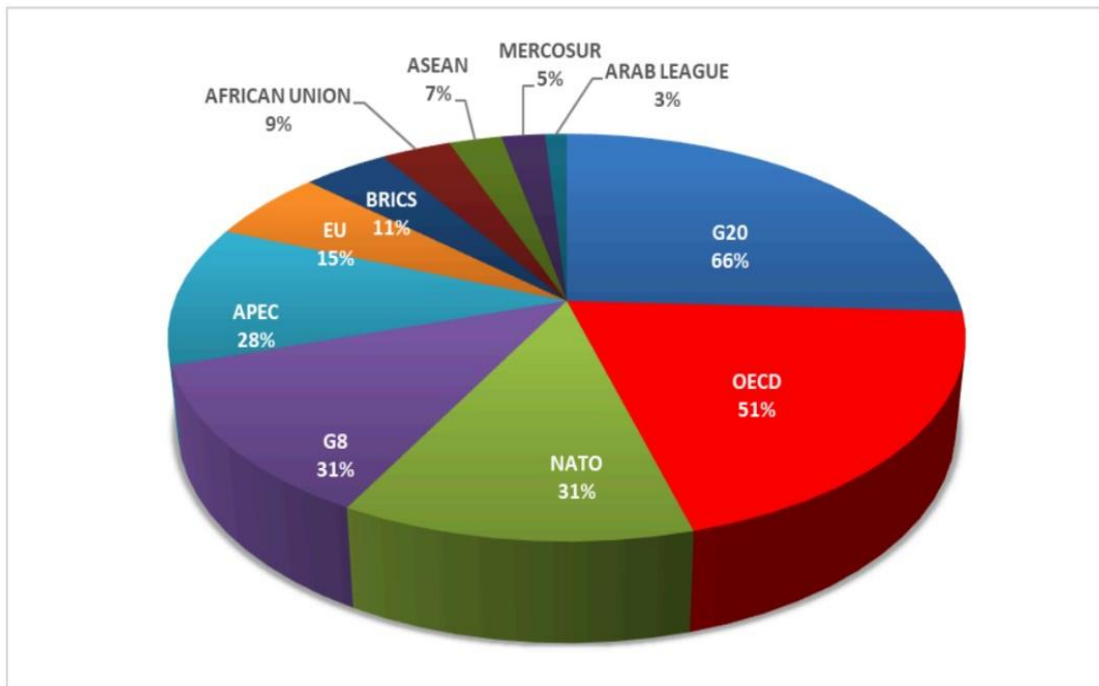


Figure 1. Political Blocks and Alliances. EEZ percentage respect global EEZ

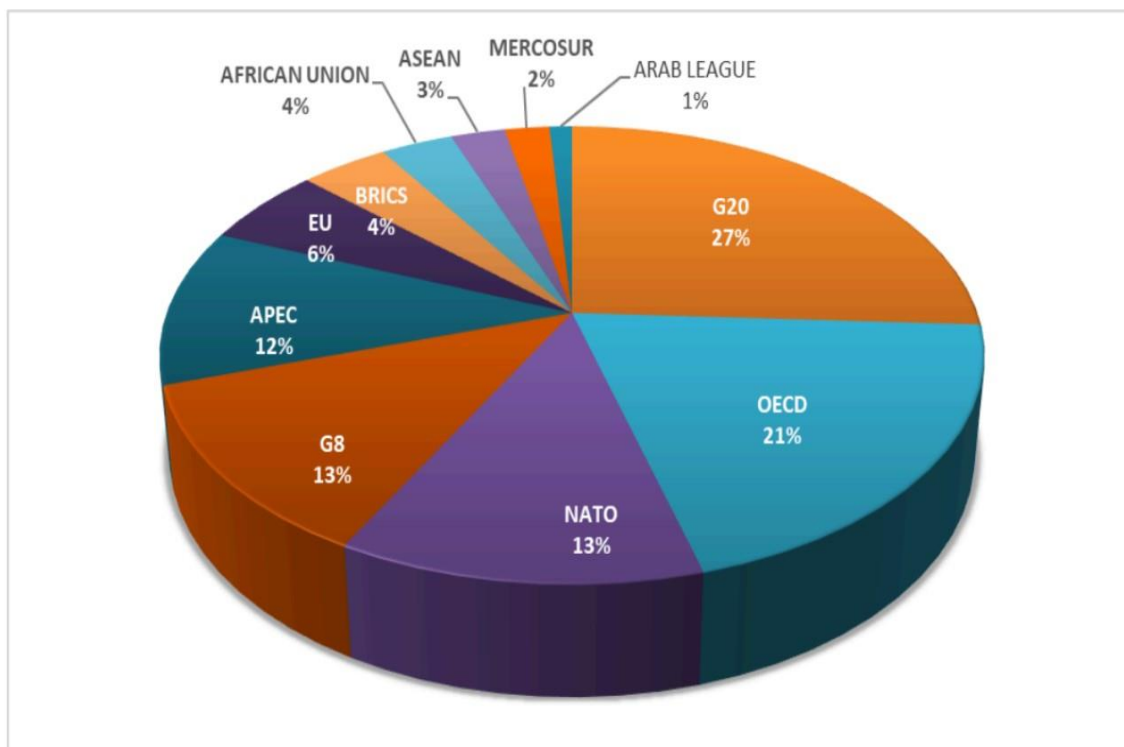


Figure 2. Political Blocks and Alliances. EEZ percentage respect global oceans

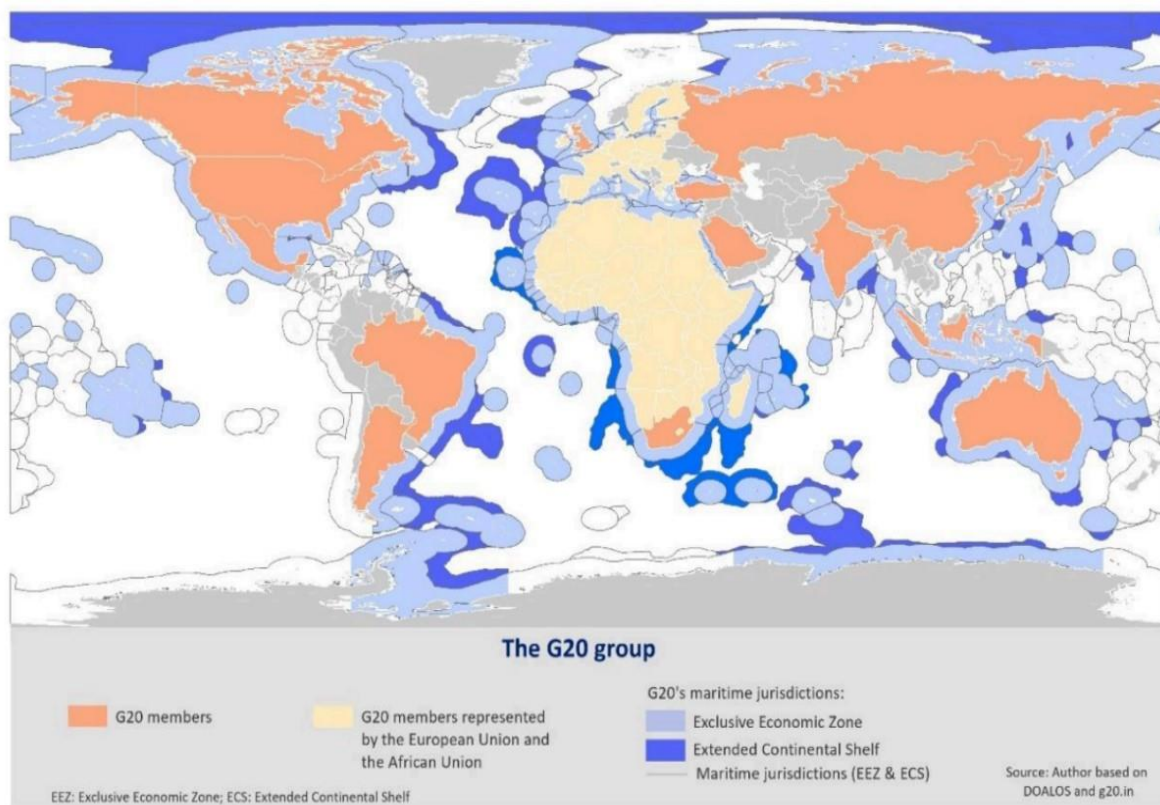


Figure 3. G20 Maritime Geography

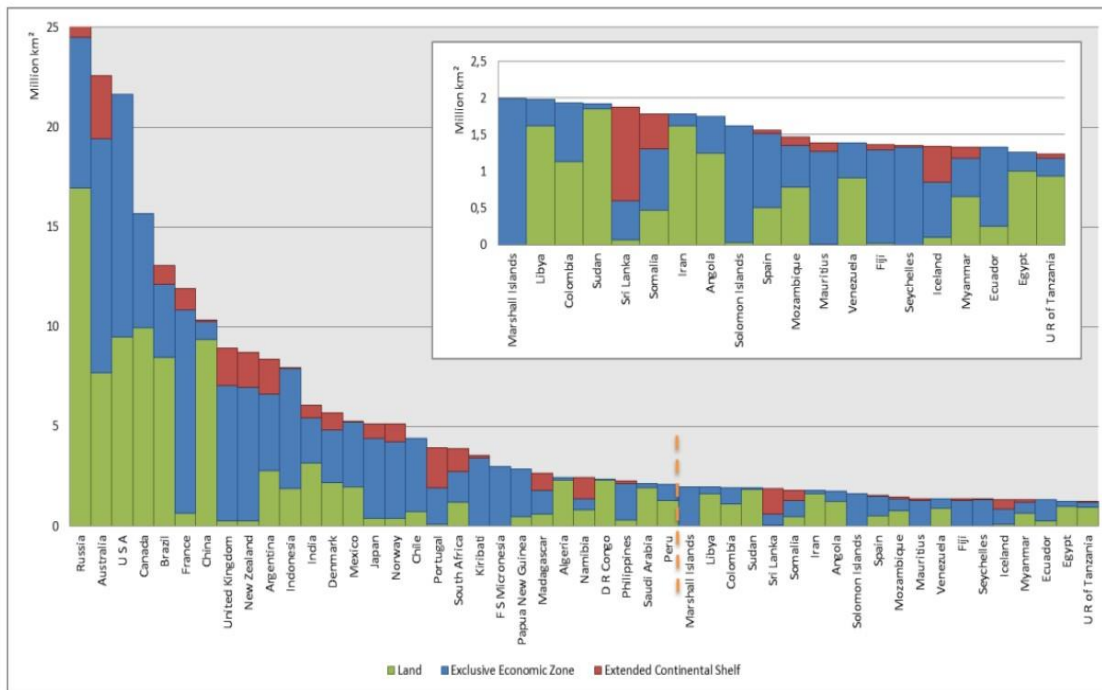


Figure 4. Ranking of States by territorial composition (land/EEZ/extended continental shelf)

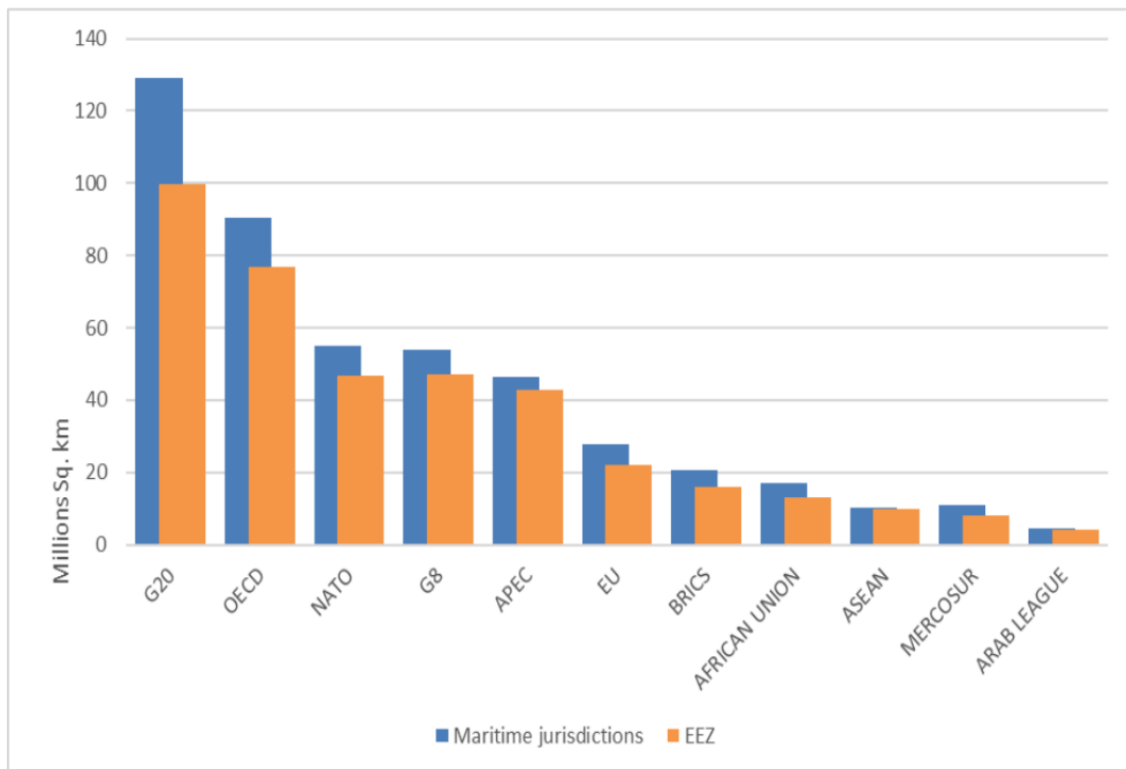


Figure 5. International organizations. Maritime jurisdictions surface

Table 1. Maritime policies/strategies and Marine Spatial Planning

Country	POLICY/ STRATEGY	MARINE SPATIAL PLANNING	Country	POLICY/ STRATEGY	MARINE SPATIAL PLANNING
Brazil			Italy		
African Union			Japan		
Argentina			Mexico		
Australia			Russia		
Canada			Saudi Arabia		
China			South Africa		
European Union			South Korea		
France			Turkey		
Germany			United Kingdom		
India			United States		
Indonesia					

Instruments with normative or administrative value in force

Source: author based on mspglobal2030.org and maritime-spatial-planning.ec.europa.eu.

Table 2. G20 riparian countries (IHO oceans and seas subdivisions)

Country	North Atlantic Ocean	Baltic Sea	Mediterranean Region	South Atlantic Ocean	Indian Ocean	South China & Eastern Archipelagic Seas	North Pacific Ocean	South Pacific Ocean	Arctic Ocean	Southern Ocean
Brazil										
African Union										
Argentina										
Australia										
Canada										
China										
European Union										
France										
Germany										
India										
Indonesia										
Italy										
Japan										
Mexico										
Russia										
Saudi Arabia										
South Africa										
South Korea										
Turkey										
United Kingdom										
United States										

Source: Author based on International Hydrographic Organization



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