

Editorial

## Constructing Ocean and Polar Governance

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### Abstract

The governance of ocean and polar regions is among the most relevant challenges in the combat against global environmental degradation and global inequalities. Ocean and polar regions are climate regulators and very much affected by climate change. They are an important source of nutrition for life in and above the sea. At the same time, they are subject to an increasing number of geopolitical and geo-economic conflicts. Due to the lasting virulence of many security issues, economic conflicts, legal disputes, new technological developments, and environmental crises in global marine areas as well as the intricate overlap of sovereign, semi-sovereign, and global commons territories, the relevance of ocean and polar governance is bound to rise. This thematic issue sketches important trends in research on these issues and identifies future avenues of inquiry. In this editorial, we first provide an overview of governance challenges for ocean and polar regions and their relevance for geopolitical and geo-economic conflicts. In a second step, we present the eight contributions that make up the thematic issue by clustering them around three themes: (a) challenges to norm-creation in ocean governance, (b) the impact of territorialisation on governance and the construction of authority, and (c) the effectiveness of regimes of ocean and polar governance.

### Keywords

Arctic Council; climate change; ecosystems; global commons; maritime governance; polar governance; United Nations Convention on the Law of the Sea

### Issue

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## 1. Ocean and Polar Governance

In June 2022, the United Nations Conference on the Human Environment celebrated its 50th anniversary. In 1972, for the very first time, this conference brought together representatives from a majority of states to explicitly deal with the environment as an object of governance, as an entity that needed to be governed. The conference in Stockholm is often seen as the start of global environmental policy and it pushed the need for a global and holistic perspective to preserve the Earth’s environment, acknowledging the shift from the Holocene to the Anthropocene. The future of the oceans and the polar regions soon emerged as one of the

most crucial areas on the agenda of global environmental policy. It was in particular the emergence of climate change as core challenge which underlined just how important and at the same time endangered the preservation of these areas was and still is. Containing vital resources for human survival (nutrition, raw materials, biological resources, etc.) they have also been spaces of contested authority. The overlap of sovereign, semi-sovereign, and global commons territories poses a particular challenge for governance. Numerous security issues and geopolitical rivalries complicate global cooperation, exemplified by the recent Russian blockade of Black Sea shipping lines which cuts off deliveries of vital food resources for many parts of the world

in desperate need. The global geopolitical turmoil resulting from the war in Ukraine also challenges established forms of cooperation: Various states ended their bilateral cooperation with the Russian Federation restraining also collaboration in multilateral settings to which the Russian Federation is a member. Given the dynamic situation, it is still too early to assess the long-term implications for the governance of the ocean and polar regions. However, the Arctic Council's decision to pause all official meetings of the Council and its subsidiary bodies implicates that in this setting it is unlikely to agree on shared strategies and to continue scientific cooperation with researchers from Russia in the near future, illustrating once more how political cooperation (and conflict) affects also the generation of knowledge(s).

### 1.1. Governance Challenges

International ocean and polar governance describes processes, rules, institutions, and norms which determine how humans use and manage the ocean and polar regions as well as their vital resources. In this thematic issue, we are interested in the "construction of ocean and polar governance" and in the geopolitical aims related to the territorialisation of the oceans and the polar regions. While rivalries regarding the exploitation of resources in the Eastern Mediterranean or the South China Sea exemplify how "classical" geopolitical interests encourage the proliferation of maritime security strategies, this thematic issue also considers "critical" geopolitical perspectives and how governance challenges are framed in spaces with contested authority and areas beyond national jurisdiction labelled "global commons." How do both classical and critical geopolitics shape the governance of the oceans and the polar regions? And is there a need to adapt maritime and polar governance to meet the environmental and geopolitical challenges of the 21st century?

### 1.2. Governance Regimes

The Antarctic Treaty System, the United Nations Convention on the Law of the Sea, the International Seabed Authority, and the Arctic Council all emerged since 1959 and are considered the main governance regimes for the oceans and polar regions. Under their auspices, additional agreements were negotiated and the number of members and signatories grew. At the time when global governance became a buzzword in political sciences in the 1990s, non-state actors already had a say in ocean and polar governance regimes and were included as permanent participants, observers, and experts in policy-making. Given the complexity of governance challenges and wide-ranging implications of climate change, the greater membership and inclusion of non-state actors strengthened the legitimacy of these governance regimes. At the same time, ocean and polar governance regimes have been subject to criticism and

reform proposals calling into question their abilities to relate effectively to the environmental and geopolitical challenges and their implications for the planet.

### 1.3. Norm-Creation

Global agreements like the Paris Climate Agreement and the 2030 Agenda for Sustainable Development (both 2015) do not specifically address the governance regimes for the oceans and the polar regions mentioned. Instead, they call upon all countries, all levels of government, and various actors to act "in collaborative partnerships" (United Nations General Assembly, 2015, SDG 17). To integrate policies geared towards "just transitions," however, shared overarching norms matter. Norms regarding the oceans and polar regions are competing and contested although these are often (incorrectly) perceived as "empty places." While some envision these areas as "global commons," others consider them as their "homeland," as "source of nutrition," and denounce "climate imperialism" and "eco-colonialism" (Dauvergne, 2016; Hornidge, 2020; Nuttall, 2019; United Nations Decade of Ocean Science for Sustainable Development, 2021).

## 2. The Contributions to the Thematic Issue

The contributions in this thematic issue are clustered around three themes. The first three articles illustrate how authority and norm-making is constructed in ocean and polar governance. The second cluster discusses a trend towards a territorialisation of the oceans because of security and economic pressure. The last section deals with the effectiveness of governance regimes in their management of persisting and emerging security issues. All contributions depart from different theoretical and regional perspectives, focusing on regions ranging from South Asia, the Southern Atlantic Ocean, to the polar regions.

### 2.1. Rule- and Norm-Creation in Polar and Ocean Governance

The contributions of the first part deal with the patterns and challenges of governance in the oceans and polar regions. Aletta Mondré and Annegret Kuhn provide an overview of the state of the art of political science research on ocean governance, which has only recently taken up the topic in a comprehensive way (Mondré & Kuhn, 2022). The article maps the multilevel structure and multitude of authorities regulating human activities in the ocean and shows that regulatory approaches are fundamentally different depending on whether they follow either a sectoral or a spatial logic. Ina Tessnow-von Wysocki and Alice Vadrot discuss how a scientific concept such as ecological connectivity can shape governance in areas beyond national jurisdiction (Tessnow-von Wysocki & Vadrot, 2022). Based on interviews with participants in

intergovernmental conferences on biodiversity in marine areas, they argue that in case they are employed strategically by diverse actors, such concepts can lead to epistemological change, transforming marine governance. However, they can also be used to dilute reforms, and their meaning can become so contested as to make them virtually meaningless. Michał Łuszczuk et al. scrutinize how the Barents Regional Council and Northern Periphery and Arctic Programme address the normative trap of the Arctic development paradox (Łuszczuk et al., 2022). By applying the scientific concept of governability, they show that both programs feature economic-driven solutions and frame sustainability only from an environmental perspective. The authors conclude that instead of addressing the Arctic development paradox by translating their different normative postulates into unambiguous guidelines or objectives, both programs have normatively entrapped themselves.

### 2.2. Impacts of Territorialisation on Governance

The polar regions and the oceans have long been subject to attempts at territorialisation. Often understood as “empty” places, with no states having authority over these areas, the tension between the functional needs of governance, potential conflicts of interest, and unclear governance arrangements presents a particular challenge. Daniel Lambach sheds light on the territorialisation of near shore areas and argues that territorializing episodes occur when a space is constructed as “empty,” when there are impelling economic incentives, and when great powers are unable or unwilling to oppose territorialisation (Lambach, 2022). Frank Mattheis and Pedro Seabra investigate how regional security governance mechanisms seek to fill the maritime gaps of non-proliferation (Mattheis & Seabra, 2022). The norms generated by these mechanisms serve to impede the extension of spheres of influence of external powers, creating another variety of functional territorialisation.

### 2.3. Effectiveness of Regimes of Ocean and Polar Governance

Based on the literatures on regime complexity and regulatory regionalism, the contributions of the third part investigate the need of governance arrangements to adapt to environmental transformations, to (persisting) threats, and security challenges. Hannes Hansen-Magnusson sheds light on three governance arrangements that are often perceived as success stories: the Arctic Council, the Antarctic Treaty System, and the United Nations Convention on the Law of the Sea (Hansen-Magnusson, 2022). Given the fundamentally changing context of their existence and the interconnectivity of the oceans and the polar regions for living conditions elsewhere, he argues that, in order to be sustainable, these governance arrangements need to anchor the principles of responsibility. With a lack of local voices and

the subject of responsibility being often contested, he suggests to consider the concept of “common concern” and a “broadened subject of responsibility” that includes remote localities and non-regional actors. Sarah A. Heck explores how ocean governance is based on disaggregated, regulatory forms of statehood, using the example of the Coral Triangle Initiative on Coral Reefs, Fisheries and Food Security (CTI-CFF; Heck, 2022). She argues that CTI-CFF stops short of being an effective supranational organization, but as a multi-level governance structure strengthens regulatory regionalism. Focusing on strategies to combat piracy in Asian waters, Anja Menzel shows how several international fora of cooperation are characterized by a division of labour (Menzel, 2022). Her empirical analysis challenges theoretical contributions on counter-piracy governance which argue that existing counter-piracy institutional frameworks are ineffective because of their fragmentation. Instead, she illustrates that regional cooperation mechanisms follow different objectives: While some focus on information sharing and capacity building, others offer a stronger operational role. Thus, even a fragmented regime complex might be effective in fulfilling its objectives.

As this thematic issue illustrates, the governance of the oceans and the polar regions is affected by similarly profound challenges. The key question is: How can research perspectives on ocean and polar governance be combined to better understand how ocean and polar governance is constructed and practiced towards the complex transformations they are experiencing? Bringing together perspectives from researchers focusing on the ocean and the polar regions does not only encourage the identification of shared governance challenges, but also of factors and analytical perspectives determining how vulnerable environments like the oceans and polar regions are governed in the Anthropocene.

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### Conflict of Interests

The authors declare no conflict of interests.

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