

Editorial

Preserving Community Interests in Ocean Governance towards Sustainability: An Editorial Note

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1. Introduction

It is becoming increasingly evident that the preservation of the marine environment and the sustainable development of marine resources stand as the most critical elements of global ocean governance. These aspects are intricately linked to the fundamental interests of the entire international community. Although there are international normative documents and arrangements concerning ocean governance, such as the United Nations Convention on the Law of the Sea (UNCLOS), the Rio Declaration, and the United Nations Sustainable Development Goals, the traditional *mare liberum* doctrine still remains firm in promoting national interests. Individual states continue to exploit marine space and resources in an unsustainable manner without due consideration for the collective interests of the international community and the interests of future generations. Such national selfishness has resulted in severe environmental risks and disasters in the ocean, particularly in the maritime areas beyond national jurisdiction, including the high seas, Antarctica, and the international seabed (the area), commonly known as the ‘global commons.’ These areas are of vital interest to both the present generation and future generations. Consequently, the need to preserve community interests in ocean governance towards sustainability has become increasingly urgent.

This Special Issue is designed to focus on community interests in ocean governance towards sustainability and how to preserve these interests through the effective implementation of the international law of the sea and the SDGs. It contains a diverse range of papers. First, it examines relevant legal issues concerning ocean governance in the context of the SDGs for the long-lasting benefits of the international community. Second, it identifies new legal obligations to safeguard navigation and maritime security by considering the marine environment. Third, it evaluates effective legal frameworks for the sustainable use of marine resources, both living and non-living. Fourth, it discusses regulations for marine scientific research and new developments in marine technologies for environmental protection. The overall purpose of this Special Issue is to highlight the concept of community interests in sustainable ocean governance, which is fully reflected in the series of published papers. Additionally, this volume fills relevant gaps in the existing literature and aims to attract more academic research on these important topics.

2. Preserving Community Interests towards Sustainability

In recent decades, the international community has increasingly recognized the critical importance of establishing a peaceful and sustainable order for the world’s oceans. As nations expand their maritime activities, addressing common challenges and safeguarding the marine environment have become paramount. Sustainable development, a concept that seeks to meet present needs without compromising the ability of future generations to meet their own needs, has emerged as a guiding principle in this effort.

Since the 1950s, coastal states have increasingly recognized the necessity of cooperation in various maritime domains. Collaborative mechanisms have been established to



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address issues like maritime safety, marine environmental protection, fisheries management, and sustainable marine development. These mechanisms have aided coastal states in mitigating jurisdictional disputes. Countries should take more effective measures to protect the marine environment, both within and beyond national jurisdiction. In the pursuit of common societal interests, the international community should address issues of universal concern with a spirit of solidarity [1]. One significant aspect of this cooperation has been the management of fisheries resources. Overfishing and unsustainable fishing practices have posed a threat to the sustainability of marine ecosystems, leading to severe economic, social, and environmental challenges. In response to this issue, coastal states, regional organizations, and the international community have collaborated to set sustainable catch limits, create protected marine areas, and promote responsible fishing practices. These efforts have started to yield positive results, as more fish stocks are showing signs of recovery.

Another critical area of cooperation has been marine environmental protection. Increasing pollution, habitat destruction, and the effects of climate change have placed immense pressure on the marine environment. The international community, acknowledging the interconnectedness of marine ecosystems and human well-being, has launched global initiatives to safeguard and restore the health of the oceans. This encompasses addressing concerns such as plastic pollution, ocean acidification, and the preservation of marine biodiversity. International agreements like the Paris Agreement and the Convention on Biological Diversity have played a pivotal role in establishing global targets for marine environmental protection. The maintenance of maritime security and the pursuit of secure oceans are fundamental pillars of international cooperation. Maritime safety, law enforcement, and collective efforts in this realm constitute a vital nexus that underpins global stability and promotes marine sustainability.

In summary, sustainable ocean development remains a complex and dynamic challenge. Addressing emerging issues, adopting innovative technologies, and strengthening international cooperation are essential for safeguarding the oceans and ensuring their long-term health. As the international community continues to strive for sustainable development, it is vital to prioritize the oceans and the well-being of both current and future generations.

3. Main Insights of This Volume

This volume contains 11 papers focusing on preserving community interests in ocean governance towards sustainability. These papers can be broadly categorized into four main themes: (1) marine fisheries; (2) marine environmental protection; (3) maritime security; and (4) marine sustainable development. Turning to marine fisheries, in the four decades since the signing of UNCLOS, the evolution and development of international fisheries law has gained significant momentum. As reflected in the paper ‘The Impact of Globalisation on the Development of International Fisheries Law’, the international approach to marine resources has shifted from ‘possession and use’ to ‘conservation and management’. This shift involves setting sustainable catch limits and promoting cooperation among coastal states and fishing nations at regional levels to reduce conflicts and foster harmony. This transition represents the emergence of ‘ocean governance’, aimed at ensuring the sustainable and effective use of ocean space and resources [2]. The focus is on establishing and enforcing sustainable catch limits to prevent overfishing and the depletion of marine resources. This not only safeguards the livelihoods of coastal communities and the global seafood industry but also preserves the biodiversity and ecological balance of our oceans. To better implement SDG14 and its sustainable fisheries targets, ‘Revisiting Traditional Fishing Rights: Sustainable Fishing in the Historic and Legal Context’ argues that the balance between theory and practice in traditional fishing rights for sustainable ocean exploitation involves dynamic changes in the rights and obligations of coastal and fishing states. Bilateral negotiations are the most suitable approach for addressing these changes, ensuring mutual benefit and a sustainable ocean as the international law of the sea and marine environmental standards evolve [3].

Furthermore, in response to the issue of illegal, unreported, and unregulated (IUU) fishing, China has taken several positive measures to combat IUU fishing in the South China Sea. In the paper entitled 'China's Incentives and Efforts against IUU Fishing in the South China Sea', it is suggested that, while China's actions against IUU fishing have faced criticism, the efforts made by the country to combat IUU fishing, particularly in the South China Sea, should not be underestimated. China has established various forms of fisheries cooperation at the bilateral level and is dedicated to finalizing agreements in the South China Sea region. The Centre for Strategic and International Studies (CSIS) Fisheries Blueprint proposes several measures for China to enhance fisheries resource management, including strengthening enforcement capacity, improving data collection and sharing, promoting sustainable fisheries practices, and enhancing international cooperation [4].

Marine environmental protection is a pressing global concern. To secure the oceans for the well-being of future generations, it is imperative to safeguard the marine environment and rejuvenate the health of marine ecosystems. In addressing the legal framework for the sustainable administration of high-seas marine protected areas (MPAs), the agreement on the conservation and sustainable use of marine biodiversity of areas beyond national jurisdiction (BBNJ Agreement) proves better suited for comprehensive and sustainable governance of high-seas MPAs, capable of surpassing the constraints posed by regional treaties. In the paper entitled 'Sustainable Management of Marine Protected Areas in the High Seas: From Regional Treaties to a Global New Agreement on Biodiversity in Areas beyond National Jurisdiction', it was argued that the BBNJ Agreement, without undermining existing instruments and frameworks, will result in the coexistence of different legal regimes in the management of high-seas MPAs. In the context of 'not undermining', the Agreement should be applied preferentially, ensuring the universal participation of stakeholders in decision-making and the role of soft law for non-contracting parties [5].

Likewise, deep seabed mining has the potential to harm the marine environment and biodiversity. To control and reduce the potential adverse impacts of deep seabed mining on the marine environment and biodiversity in the international seabed area, multi-subject participation in the International Seabed Authority (ISA)'s law-making on taking precautionary approaches to governing commercial deep seabed mining should be strengthened. This involves identifying the scope of environmental impact assessment, developing environmental standards and guidelines, promoting the implementation of environmental management and monitoring, and improving the application of regional environmental management plans (REMPs) [6]. To safeguard the marine environment, China has implemented proactive measures, including stringent legal liability regarding marine environmental matters. This approach fundamentally aims to address the issue of minimal legal consequences for violations and reduce instances of marine environmental offenses.

Maritime security is a comprehensive topic that encompasses various dimensions, including national security, maritime disputes, and the safety of shipping. As globalization continues to deepen and maritime activities increase, the importance of preserving maritime security has grown significantly. It is directly intertwined with the welfare and stability of the global community. Nevertheless, the concept of maritime security remains a subject of debate in academic discussions. In the paper entitled 'Building Up a Sustainable Path to Maritime Security: An Analytical Framework and its Policy Applications', it was argued that conducting an analytical comparison of the various concepts of maritime security could help clarify its fundamental elements. This, in turn, could facilitate the establishment of a sustainable development approach aimed at advancing maritime security as a comprehensive set of policy objectives [7]. China has introduced the concept of a 'maritime community with a shared future', allowing for a more flexible policy approach when considering the actions of relevant stakeholders. China's efforts have made advancements on both domestic and international fronts, although certain constraints persist. For instance, China's participation in Arctic governance has only just begun, and it has faced challenges in coordinating the positions of various parties and balancing the sustainable development of the Arctic region's environment. However, as the paper entitled 'China's Engagement

in Arctic Governance for Its Sustainable Development Based on an International Law Perspective' indicates, China does not advocate for disrupting the existing international legal order of Arctic governance for its sustainable development, particularly in the context of the situation in Ukraine. This conclusion can, to some extent, alleviate the doubts of certain Arctic states regarding China's engagement in Arctic affairs related to this theme [8].

The increase in maritime disputes is usually closely linked to a variety of factors, including geopolitics, competition for resources, legal disputes, environmental changes, and military rivalries. In the article "Why International Conciliation Can Resolve Maritime Disputes: A Study Based on the Jan Mayen Case", it was argued that international mediation will play a significant role in the resolution of maritime disputes in the future. The Jan Mayen case also shows that international mediation has the following four advantages: (1) guaranteeing the parties' ultimate decision-making power over the dispute settlement; (2) allowing for the flexible application of laws and procedures; (3) Providing recommendations without increasing the pressure on disputing parties; and (4) Incurring relatively low political and time costs [9].

Peace is an important prerequisite for achieving the goals of sustainable development. Peace contributes to the protection of the environment, the management of resources, and the enhancement of social equity, thus creating the conditions for long-term sustainable development. Peace is an important goal that we collectively pursue and is worthy of constant efforts to preserve and promote. With the growing global concern for sustainable development, we need not only to make better use of the ocean economy but also to promote the development of clean energy to achieve a balance between environmental protection and socio-economic development. By compiling relevant statistical data from 2009 to 2019 and considering four key factors: marine economy, marine resources, ecological environment, and technological innovation, we established an evaluation index system for the sustainable development of the marine economy. In the article "Measuring the Sustainable Development of Marine Economy Based on the Entropy Value Method: A Case Study in the Yangtze River Delta, China", it was suggested that promoting regional collaboration in the Yangtze River Delta, improving technological innovation, and enhancing environmental protection are crucial for supporting the sustainable development of the regional marine economy [10].

Many coastal countries, especially those classified by the World Bank as highly indebted poor countries (HIPC), face significant external debt burdens, which constitute a substantial portion of their gross domestic product (GDP) and impose a heavy burden on their economies. However, these countries typically make a minimal contribution to cumulative greenhouse gas emissions, resulting in a "climate debt". This implies that the cost of global climate change to them is much greater than their contribution. In the article "Multilateral Debt Relief for Clean Ocean Energy", it was argued that the policy of exchanging climate debt for clean energy provides a fair solution [11]. The core idea of this policy is that debtor countries can obtain clean energy by transferring a portion of their debt, thereby assisting them in achieving economic sustainability. This not only helps alleviate the debt burden but also promotes the development of clean energy, contributing to global efforts to mitigate climate change. For coastal nations, policy exit clauses are also crucial. Over time, the demands and the environment of policies may change, so policies must be flexible to adapt to new challenges and opportunities. In the article "Blue Than Blue: Exit from Policy Support for Clean Marine Energy", it is proposed that coastal states need to include a policy exit clause in their investment contracts to address changing circumstances. The analysis of policy optimization is applicable to policies supporting the transition to sustainable energy sources beyond marine energy [12]. Policy exit clauses can ensure policy adaptability, thus providing coastal states with better policy tools to promote their sustainable development.

4. Conclusions

The oceans are a global commons and cannot be divided separately. Before any decision is made, global common interests need to be taken into account, and national interests cannot be satisfied at the expense of the global common interests. Countries should take the common interests of all mankind as the starting point, adhere to the concept of the unity of rights and obligations, protect marine biodiversity, achieve the orderly exploitation of marine resources, and become advocates, builders, and contributors to international order based on international law. Ultimately, ocean governance is about striking a balance between human needs and environmental preservation. It seeks to ensure that we can continue to benefit from the wealth of resources the oceans offer while safeguarding their long-term sustainability for future generations. The international community must work together in solidarity, guided by a long-term vision of sustainable development, to establish a peaceful and sustainable order for the oceans. Only through such collective efforts can we ensure the health and prosperity of our oceans and the well-being of all those who depend on them.

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