

# The United Nations in Global Ocean Governance: Role, Dilemma and Solution

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**T**he world today is undergoing profound changes unseen in a century. With increasing common challenges facing mankind, the call for improved global governance is growing. The decision on some major issues concerning how to uphold and improve the system of socialism with Chinese characteristics and advance the modernization of China's system and capacity for governance, adopted at the fourth plenary session of the 19th CPC Central Committee, and the communiqué of the plenary session both emphasize that "a more just and reasonable global governance system should be promoted." Ocean governance is an important part of global governance, and the UN has great influence on it. However, the UN still faces many dilemmas and challenges in promoting global ocean governance, and it is not yet possible to solve some of them once and for all. Sorting out the role and dilemmas of the UN in global ocean governance comprehensively will help deepen the understanding of the influence and limitations of the UN in global governance in the face of more uncertainties around the world. In addition, it will promote the UN to better play its leading role in global governance.

## The UN's Role in Global Ocean Governance

Compared to other international organizations, the UN has a clear

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advantage in the area of global ocean governance, with its higher authority and voice and its rich experience in global governance. According to the “3Cs” analytical framework,<sup>1</sup> the UN plays a significant role in formulating and disseminating ocean governance initiatives, creating a contractual environment for global ocean governance in multiple ways, and enhancing the compliance capacity of relevant governance actors.

### **Formulating and disseminating global ocean governance initiatives**

In its over 70 years of involvement and leadership in global ocean governance, the UN has formulated and disseminated a number of global ocean governance initiatives. The important ones in recent years include:

First, the UN has developed the 2030 Agenda for Sustainable Development and Sustainable Development Goals (SDGs). At the historic summit held in September 2015, the 193 member states of the UN unanimously adopted 17 SDGs for 2030, the fourteenth of which is aimed at “conserving and sustainably using the oceans, seas and marine resources.”<sup>2</sup> The UN, through the launch of the Blue Growth Initiative and the UN Ocean Conference, has promoted voluntary commitments to facilitate the development of a blue economy in developing countries and the achievement of SDG14. In January 2020, the UN formally launched a “Decade of Action” to deliver the SDGs by the 2030 deadline and secure a “peaceful future for all people” through global cooperation.<sup>3</sup>

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1 According to the “3Cs” analytical framework, three conditions are essential for effective governance of global environmental issues: first, governments must give high priority to environmental issues; second, a good contractual environment can free countries from fear of fraud, enhance their sense of security and help them to make and implement commitments; and third, countries must have the governance capacity to manage domestic affairs and effectively comply with and enforce international norms. See M. A. Levy, P. M. Haas and R. O. Keohane, “Institutions for the Earth: Promoting International Environmental Protection,” *Environment: Science and Policy for Sustainable Development*, Vol.34, No.4, 1992, p.13.

2 “About the Sustainable Development Goals,” United Nations, <https://www.un.org/sustainabledevelopment/sustainable-development-goals>.

3 “UN Chief Outlines Solutions to Defeat ‘Four Horsemen’ Threatening Our Global Future,” *UN News*, January 22, 2020, <https://news.un.org/en/story/2020/01/1055791>.

Second, the UN has promoted the establishment of ocean governance partnerships. The UN has been active in promoting the broadest partnerships for global governance, establishing the UN Office for Partnerships in 1998.<sup>4</sup> In particular, the UN Economic and Social Council enhances mutual learning and dialogue on ocean and climate issues through annual meetings, forums, functional and regional commissions.<sup>5</sup> In June 2019, the Sustainable Ocean Business Action Platform of the United Nations Global Compact convened leading actors from business, academia and government institutions to take concrete action for a productive and healthy ocean and inspire partnerships.<sup>6</sup> The Marrakech Partnership for Global Climate Action, which the UN initiated to support implementation of the Paris Agreement, also takes marine cooperation as a priority, enabling collaboration between governments, cities, regions, businesses and investors. Over 70 percent of the current nationally determined contributions submitted under the Paris Agreement include ocean and marine issues.<sup>7</sup>

Third, the UN has appointed the Special Envoy for the Ocean. To further formulate and disseminate initiatives for the sustainable use of marine resources globally, UN Secretary-General António Guterres appointed Fiji's Ambassador to the UN, Peter Thomson, as UN Special Envoy for the Ocean in September 2017 to coordinate the implementation of the positive outcomes of the UN Oceans Conference and to be responsible for publicity works within and outside the UN system.<sup>8</sup> In addition, the UN Special Envoy for the Ocean will actively promote cooperation among civil society organizations, the scientific community

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4 "What is UNFIP," United Nations, <https://www.un.org/partnerships/content/what-unfip>.

5 Li Dongyan, *Global Governance: Actors, Mechanisms and Issues*, Contemporary China Publishing House, 2015, p.36

6 "Sustainable Ocean Business," UN Global Compact, <https://www.unglobalcompact.org/take-action/action-platforms/ocean>.

7 "Oceans and the Law of the Sea: Report of the Secretary-General," September 11, 2019, <https://undocs.org/zh/A/74/350>.

8 "UN Chief Appoints Former President of UN General Assembly Peter Thomson as Envoy for Oceans," *Xinhua*, September 13, 2017, [http://www.xinhuanet.com/world/2017-09/13/c\\_1121656428.htm](http://www.xinhuanet.com/world/2017-09/13/c_1121656428.htm).

and other stakeholders to better promote the sustainable development of the oceans.

### **Creating conditions for a global compact on ocean governance**

In order to promote maritime cooperation for the development of the blue economy, the UN has created a sound environment for a global compact on ocean governance in various ways.

First, the UN has developed the international rules for global ocean governance. The UN Ocean Conference, the Meeting of States Parties to the UN Convention on the Law of the Sea (UNCLOS), and the UN Open-Ended Informal Consultative Process on Oceans and the Law of the Sea are all promoted and organized through the United Nations. They have adopted many resolutions directly relevant to global ocean governance, ranging from charter-style, framework conventions to conceptually specific treaties or agreements, providing a comprehensive policy framework to facilitate and guide consultations and negotiations on international ocean governance. To promote marine environmental protection and the sustainable development of fisheries, the UN has adopted the International Convention on Oil Pollution Preparedness, Response and Cooperation in 1990 which entered into force on May 13, 1995, and the International Convention for the Conservation of Atlantic Tunas which took effect on March 21, 1996. In 2002, the UN Environment Program launched the Global Program of Action for the Protection of the Marine Environment from Land-Based Activities, which is the “only global intergovernmental mechanism directly addressing the connectivity between terrestrial, freshwater, coastal and marine ecosystems.”<sup>9</sup> With regard to the exploration and exploitation of marine minerals in the international seabed area, the International Seabed Authority, which was established by UNCLOS, has created a series of rules, regulations and procedures, represented by the “Mining

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9 “Oceans and the Law of the Sea,” *UN News*, <https://www.un.org/en/sections/issues-depth/oceans-and-law-sea/index-2.html>.

Code,”<sup>10</sup> to ensure maximum protection of the marine environment from deep-sea mining activities.<sup>11</sup>

Second, the UN has identified key areas and directions for negotiations on global ocean governance. In June 2017, the UN proposed nine priority areas for action that are closely related to global ocean governance, including implementing international law as reflected in UNCLOS, managing ocean and coastal ecosystems, addressing ocean acidification, building ocean research capacity, transferring marine technology, and developing sustainable blue economy and sustainable fisheries. Within the framework of UNCLOS, three intergovernmental meetings of states parties have been held on issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction (BBNJ).<sup>12</sup> In August 2019, during the third session, sub-thematic consultations were held on the draft resulting from the second intergovernmental meeting.<sup>13</sup> The fourth session, originally scheduled to be held from March 23 to April 3, 2020, has been postponed due to COVID-19. The BBNJ negotiation covered major cutting-edge issues currently at the forefront of global marine resource development and environmental management,<sup>14</sup> including core issues such as the

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10 The “Mining Code” refers to a comprehensive set of rules, regulations and procedures issued by the International Seabed Authority (ISA) to regulate prospecting, exploration, and exploitation of marine minerals in the international seabed area. All rules, regulations and procedures are issued within a general legal framework established by the 1982 United Nations Convention on the Law of the Sea and the and its 1994 Agreement relating to the implementation of Part XI of UNCLOS. The Authority has updated the Regulations on Prospecting and Exploration for Polymetallic Nodules in the Area in 2013 to ensure the coordination between seabed prospectors and the Authority for the sustainable development of seabed mineral resources.

11 International Seabed Authority, “The Mining Code,” <https://www.isa.org.jm/mining-code>.

12 The three sessions were held on September 4-17, 2018, March 25-April 5, 2019, and August 19-30, 2019, respectively.

13 “Oceans and the Law of the Sea: Report of the Secretary-General,” September 11, 2019.

14 In the context of seabed resource development, the BBNJ document follows the provisions of Part XI of UNCLOS and the 1994 implementation agreement relating to deep seabed mining. The seabed and ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction, as well as the resources of the area, are the common heritage of mankind, taking into account the interests and needs of developing states in particular. At the same time, the ISA is empowered to take necessary measures, depending on the circumstances, to ensure that the marine environment is protected from possible adverse effects of activities related to the exploitation and use of seabed resources, such as the adoption of rules, regulations and procedures to prevent damage to marine flora and fauna and interference with the ecological balance of the marine environment during the exploitation of seabed resources.

acquisition and benefit sharing of marine genetic resources, assessment of environmental impact, and area-based management tools (including marine protected areas).<sup>15</sup> The BBNJ negotiation under UNCLOS is an important part of the international legal arrangements for the oceans and seas and will guide the direction of global ocean governance.

### **Enhancing compliance capacity of relevant governance actors**

First, the UN has established a series of ocean governance institutions. A number of marine-related institutions have been established within the UN system to provide institutional safeguards for improving the compliance capacity of the states concerned, including the International Maritime Organization (IMO), the International Seabed Authority (ISA), the UN Division for Ocean Affairs and the Law of the Sea (DOALOS), and the UN Environment Program (UNEP). As early as 1991, the UN Intergovernmental Oceanographic Commission (IOC) launched the Global Ocean Observing System (GOOS), which has contributed significantly to the understanding of the role of the oceans in global climate. Through the UNEP's marine protected areas project, the capacity of small island states and developing countries to govern their oceans has been significantly enhanced.

Second, the UN has organized and implemented specific plans and pathways for the sustainable development of the oceans. In order to link marine science more directly with social actors, the UN has launched the Decade of Ocean Science for Sustainable Development (2021–2030) to promote the development of ocean governance capacity and resource sharing in developed and developing countries.<sup>16</sup> Meanwhile, the UN has taken action to enhance the implementation of ocean governance in relevant countries through the Small Island Developing States Accelerated

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15 Rachel Tiller and Elizabeth Nyman, "Ocean Plastics and the BBNJ Treaty—Is Plastic Frightening Enough to Insert Itself into the BBNJ Treaty, or Do We Need to Wait for a Treaty of Its Own?," *Journal of Environmental Studies and Sciences*, Vol.8, No.4, 2018, p.412.

16 Martin Visbeck, "Ocean Science Research Is Key for a Sustainable Future," *Nature Communications*, Vol.9, No.1, 2006, p.1.

Modalities of Action (SAMOA) Pathway. Currently, 143 states have acceded to the Regional Seas Program,<sup>17</sup> and their compliance capacity to achieve sustainable use of the marine environment continues to improve.

Finally, the UN has developed a series of regional ocean governance arrangements, which include Regional Seas programs, Regional Fishery Bodies, Large Marine Ecosystem mechanisms, and marine conservation areas.<sup>18</sup> In order to promote experience sharing and exchange on regional ocean governance arrangements, the UN has convened meetings regularly and facilitated the conclusion of formal agreements on ocean governance arrangements in Northeast Atlantic and West, Central and Southern African regions.<sup>19</sup>

## **Dilemmas and Challenges**

Since the beginning of the 21st century, differences between the actors and complexity of the issues in global ocean governance have both become more evident. In addition to the limitations of the global ocean governance system under its framework, the UN is facing new dilemmas and challenges in developing a consensus on global ocean governance, creating an environment for a global ocean governance compact, and improving the compliance capacity of the actors in the governance. At the same time, the situation of global ocean governance has continued to deteriorate objectively, which has also increased difficulties for the UN to govern global ocean affairs.

### **Consensus building still a long way to go**

The UN has been playing an important role in the process of developing consensus on global ocean governance. Although many

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17 "Oceans and the Law of the Sea," *UN News*.

18 Julien Rochette, et al., "Regional Oceans Governance Mechanisms: A Review," *Marine Policy*, Vol.60, 2015, p.9.

19 *Ibid.*, p.15.

disputes have been resolved, there are still considerable differences in the perceptions of countries and regions around the world on specific issues of ocean governance, especially among the major global governance forces.

*Differences in national and regional perceptions of global ocean governance.* With 20 ocean regions around the globe,<sup>20</sup> the focus of different regional governance arrangements and regional clusters inevitably varies. Owing to differences in geographical location, landlocked, coastal and land-sea countries have different assessments of their own ocean governance needs and different attitudes towards specific issues of global ocean governance. In general, coastal countries that are more affected by the oceans have a more positive attitude than land-sea and landlocked countries towards issues like marine environmental protection, the development of marine economy, and the exploitation and conservation of marine resources. Thus, freeriding in the global ocean governance process is not uncommon.

Ocean governance is, to a large extent, an international public good, with varying degrees of attention and different specific aspects of focus from one country or region to another. Global ocean governance under the UN framework involves different aspects, including the marine environment, maritime economy, the development and maintenance of marine resources, and maritime security. Different countries and regions focus on different specific issues of global ocean governance, which, to varying degrees, makes it more difficult for the UN to develop consensus on global ocean governance. Moreover, the current upsurge of anti-globalization thinking in certain regions has had a negative impact on the promotion of international cooperation around the world, and is not conducive to the achievement of global ocean governance objectives under

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20 The 20 regions include Antarctic, Arctic, Baltic Sea, Black Sea, East Central Pacific, Eastern Indian Ocean, Mediterranean Sea, Northeast Atlantic, Northeast Pacific, Northwest Atlantic, Northwest Pacific, Pacific Islands, Red Sea, ROPME (Regional Organization for Protection of the Marine Environment) Sea Area, Southeast Asia, Southeast Atlantic, Southeast Pacific, Southwest Atlantic, West Central Atlantic, and Western Indian Ocean. See Robin Mahon and Lucia Fanning, "Regional Ocean Governance: Polycentric Arrangements and Their Role in Global Ocean Governance," *Marine Policy*, Vol.107, 2019, p.3.

the UN framework.

*Divergent perceptions of ocean governance among major global governance forces.* Emerging and hegemonic actors of global governance hold different attitudes towards various global governance issues, including ocean governance. Currently, emerging actors, represented by China, India and South Africa, have a more positive attitude towards global ocean governance issues, while the United States, as a hegemonic actor, has a relatively negative attitude towards multilateralism and multilateral institutions. If this situation continues, it will have an adverse impact on global ocean governance under the UN framework.

So far, there are still many multilateral governance mechanisms that have not incorporated ocean issues into their major agendas. For example, the Group of 20 (G20) has not paid enough attention to ocean issues. For the Shanghai Cooperation Organization (SCO), while the geographical scope of its member states has expanded to the Arctic, Pacific and Indian Oceans, issues such as the sustainable use of the oceans and the protection of marine ecology have not yet become main concerns of the organization.<sup>21</sup> In addition, relevant non-governmental organizations (NGOs) also disagree on issues such as marine resources development and environmental protection, which has undermined the UN's efforts to develop consensus on global ocean governance.

### **Difficulties in creating contractual environment for ocean governance**

In light of the differences in global ocean governance concepts, the UN-centered global ocean governance regime is lagging behind to a certain extent, which is not conducive to the UN fully playing its role in creating a contractual environment for good ocean governance.

*Fragmentation of global ocean governance system under the UN framework.* The UN has established a number of ocean-related governance

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21 Pang Zhongying, "Governing the Oceans' Tragedy of the Commons at the Global Levels," *Journal of Social Sciences*, No.9, 2018, p.7.

institutions, which inevitably have overlapping institutional functions. These institutions, which are involved in different areas of global ocean governance, often have similar mandates. The institutional fragmentation leads to inconsistency in norms and rules, which hinders collaboration among different sectors, and the jurisdictional fragmentation has caused many negative consequences, such as greater human costs and heavier burden of getting returns.<sup>22</sup> While various agreements and regimes have emerged in specific areas of international ocean governance, they often face inadequate implementation due to the interference from international organizations performing their respective functions. In particular, a significant number of international agreements on the marine environment are currently subject to criticism of “anarchic inefficiency.”<sup>23</sup> At present, international organizations representing different sectors have different purposes and interests, and collaboration among different organizations and agencies involved in global ocean governance is inadequate. Moreover, there are many problems and conflicts that need to be coordinated. These problems have hindered the effective functioning of UN institutions and the smooth implementation of regimes.

*Limitations of UNCLOS affect the effectiveness of global ocean governance.* While UNCLOS provides a relatively well-developed legal framework for the oceans and seas, it also has obvious limitations, particularly in the area of global marine environment governance under the UN framework. First, UNCLOS does not clearly define the obligations of states to protect the marine environment, leading some countries to shirk from their responsibilities of marine environmental protection. Second, UNCLOS lacks enforcement measures with sufficient incentives for state actors to collectively act for the conservation of marine species in general and migratory marine species in particular.<sup>24</sup> Third, the uneven distribution

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22 Zhang Lijun, *International Governmental Organizations in Global Politics*, East China Normal University Press, 2017, p.134

23 Chen Jiagang, *Global Governance: Concept and Theory*, Central Compilation & Translation Press, 2017, p.141.

24 Kjell Grip, “International Marine Environmental Governance: A Review,” *Ambio*, No.4, 2017, p.415.

of UNCLOS's responsibility for cooperation between global and regional levels has left large areas of regional ocean governance out of order and unstable.<sup>25</sup>

### **Challenges in improving compliance capacity of governance actors**

In the case of global ocean governance, the UN faces the challenge of coordinating state actions based on national interests in improving the compliance capacity of governance actors, and of resolving the financial crisis in its own right.

The transnational nature of the supply of international public goods determines the plurality of actors of interest, while the current international community is still based on the nation-state. The UN member states differ greatly from one another in terms of geographical, historical, cultural, and political backgrounds. There are naturally different interests and positions on some issues between countries at different stages of social and economic development or with a marked disparity in national power. The UN, once divided by the ideological camps of the Cold War between the East and the West, is still shaped by the political and cultural differences between Western and non-Western countries, as well as by political cultures under the influence of different races, ethnicities, religions.<sup>26</sup> In global ocean governance, the countries concerned do not necessarily benefit, and if they do, the degree of benefit also varies. This has led to divergent positions on some specific issues of ocean governance. For example, during the BBNJ negotiations, countries such as Australia and New Zealand as well as international organizations such as the European Union argued that independent scientific institutions should be involved in the BBNJ Environmental Impact Assessment (EIA), while some countries such as the United States and Japan insisted on the centrality of national

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25 Dai Ying and Zhou Jingxing, "Challenges to and Thinking on the Global Marine Environment Governance," *Marine Economy*, No.5, 2018, p.62.

26 Li Dongyan, *Global Governance: Actors, Mechanisms and Issues*, p.39.

governments to the BBNJ EIA process and opposed the involvement of third-party institutions.

International public goods are mainly financed by government assistance from the countries concerned, which usually takes time to reach the account. Voluntary contributions are made, but there are few with not large amounts. This has led to instability of the sources of international public goods funding. What is also common is the shortfalls in funding.<sup>27</sup> As the most important and stable source of funding for the UN, contributions from member states account for half or two-thirds of the organization's total funding.<sup>28</sup> As a result, member states' arrears in payment could directly lead to a financial crisis for the UN. For example, the UN experienced its worst financial crisis in nearly a decade in 2019 due to 51 member states' arrears in payment of their contributions to the UN budget for the 2019 fiscal year. The tight cash flow of the UN could not only lead to a confidence crisis among member states, but also adversely affect its ability to promote the implementation of international ocean governance treaties and regulations by all parties concerned. In addition, the financial assistance for capacity-building in ocean governance in developing countries would not be forthcoming.

Furthermore, the continuing deterioration of the global ocean governance situation poses great challenges for the UN's promotion efforts in this regard. First, climate change is a growing threat to the global marine environment, with record increases in surface and seawater temperatures, sea-level heights and the concentration of greenhouse gas. Increasing greenhouse gas emissions have led to major changes in the ocean system. Assuming no adaptation or protection at all, in a scenario of a temperature increase of 1.5 degrees centigrade, 31–69 million people worldwide are projected to be exposed to flooding in 2100; the number of people

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27 Li Zhanyi, "The Supply Dilemma and Solution of International Public Goods from Game Theory Perspective: A Case Study of International Environment Governance," Shandong University dissertation for doctoral degree, 2015, p.6.

28 Li Dongyan, *Global Governance: Actors, Mechanisms and Issues*, p.65.

affected would reach 32–79 million in the event of a temperature rise of 2 degrees centigrade.<sup>29</sup> At the same time, the highly uncontrollable nature of human factors has added to the complexity of global marine environment governance and greatly reduced the effectiveness of governance under the UN framework. Second, global marine fishery resources are witnessing continuous exhaustion. Over the course of the last century, the earth has seen a 70 percent decline in the abundance of ocean life and in biomass in the sea.<sup>30</sup> Moreover, the “extreme environmentalism,” which is highly influential over intergovernmental consultations represented by BBNJ negotiations, may hinder the achievement of a consensus on global ocean governance within the UN framework. Third, the global maritime security situation is also bleak with traditional and non-traditional security threats intertwined. For example, in the Arctic region, while cooperation in the field of environmental protection is progressing smoothly, the military competition between the United States and Russia has not stopped. In West Africa and the South China Sea, the number of incidents of piracy and armed robbery against ships has continued to climb in recent years, posing a security threat to merchant ships in transit, with 141 persons taken hostage and 83 kidnapped in 2018, and 38 persons taken hostage and 37 kidnapped in the first six months of 2019.<sup>31</sup>

## **Strengthening the UN’s Role in Ocean Governance**

The UN should adopt pragmatic responses to accelerate the development of a global consensus on ocean governance and overcome the negative factors in creating a contractual environment for ocean governance. At the same time, it should actively address the challenge of improving the compliance capacity of ocean governance actors and strengthen its central

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29 “Oceans and the Law of the Sea: Report of the Secretary-General,” September 11, 2019.

30 “SDG14: Navigating an Ocean of Risks and Opportunities,” *Businessgreen*, January 16, 2020, <https://www.businessgreen.com/feature/3084987/sdg14-navigating-an-ocean-of-risks-and-opportunities>.

31 “Oceans and the Law of the Sea: Report of the Secretary-General,” September 11, 2019.

role in global ocean governance.

### **Understanding differences in national and regional perceptions and raising awareness of ocean governance issues**

The UN should comprehensively grasp the basic knowledge of different countries and regions on global ocean governance and adopt a reasonable approach to solve the problem of freeriding. If the UN intends to further build consensus in global marine environment governance, it needs to understand the perceptions of relevant parties on issues concerning marine environment governance. Furthermore, the UN should clarify the differences in the level of attention and focus of different countries and regions on these issues. On this basis, the UN should also work to understand the needs and preferences of relevant countries and regions on marine environmental issues, analyze the causes and forecast the prospects, to propose targeted initiatives and differentiated goals for different countries and regions. Different voices can also be incorporated into the UN's ocean governance agenda if necessary. Besides, the UN can promote communication and exchange on more occasions to broaden all parties' similar perceptions of interests. In addition, the UN can take advantage of events such as the UN Global Compact (UNGC) Leaders Summit to leverage the power of many businesses and organizations, thus accelerating "global action" and "local participation" in ocean governance.

The UN should also work to raise the awareness of global ocean governance issues, especially among the key actors. On the one hand, the UN can give full play to the various platforms and channels to further build consensus and concepts for global ocean governance. As the most widely influential international organization in the world, the UN has a wealth of platforms and consultative mechanisms as well as the resources and conditions to put the issues of global ocean governance on the major agenda of global governance. For example, active advocacy and mobilization can be carried out on the World Oceans Day on June 8 each

year or at intergovernmental meetings on related issues, such as the BBNJ negotiations, to engage in dialogue and interaction on the issue of marine resources and environment, and raise attention to global ocean governance. On the other hand, the UN should actively encourage members of prominent global forums or international organizations to attach more importance to global ocean governance issues, and give full play to the role of G20 and other organizations in promoting global collaboration. Meanwhile, the active mobilization of international non-governmental and civil society organizations could have a decisive impact on the ocean policies of some countries. Their involvement in negotiations on relevant issues could provide a much-needed “global and regional perspective”<sup>32</sup> on global ocean governance.

### **Addressing governance fragmentation and improving UNCLOS**

Efforts should be made to bridge the fragmentation of global ocean governance under the UN framework. First, regarding cooperation and coordination within the UN system, the UN should further develop the role of UN-Oceans,<sup>33</sup> so that all parties concerned can establish a wider range of contacts, explore effective channels of communication, exchange information and resources, and gradually develop common stands. It needs to be stressed that a clear and transparent decision-making process is particularly important. Second, the multilateralism of the UN can be organically unified with the bilateralism of other powers to achieve the integration of multilateral ocean governance forces under the UN framework and bilateral governance forces among states. A successful example of such a model is the joint statement on climate change between the major powers, which enabled major negotiating differences, including

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32 Kjell Grip, “International Marine Environmental Governance: A Review,” p.422.

33 UN-Oceans is an inter-agency mechanism that seeks to enhance the coordination and cooperation between competent organizations within the United Nations system and the UN Secretariat in ocean-related activities.

“common but differentiated responsibilities,” to be resolved before the Paris negotiations.<sup>34</sup> Third, the UN should expedite the improvement of relevant ocean governance regimes, establish more effective supervision and inspection agencies, and enrich the operational mechanisms for ocean governance. At the same time, the UN system should further strengthen cooperation and coordination among global, regional, sub-regional, and sectoral institutions related to ocean governance. In particular, regional ocean governance may become the “missing link” between national and global systems that is needed to support the fulfillment of global ocean governance objectives.<sup>35</sup> Other regional and sub-regional multilateral agreements, in particular “home-grown” agreements developed by countries in the region, should also be taken into account when establishing comprehensive regional ocean governance.

UNCLOS should be refined and revised as appropriate to enhance its applicability to addressing specific ocean governance issues. First, UNCLOS should further clarify the responsibilities and obligations of states in promoting sustainable development of the oceans and seas, while improving and specifying provisions on the protection of marine biodiversity and the sustainable use and development of marine resources. The UN could facilitate the improvement of relevant international agreements and provide more specific legal guidance on global governance of the marine environment and development of marine resources. Second, regulatory measures and guidance on the use of marine science and technology should be incorporated into UNCLOS, to reduce the uncertainty that the improper use of science and technology brings to ocean governance. The International Seabed Authority should fully play its role as a platform for capacity-building, promoting marine scientific research in developing countries, and facilitating the transfer of marine

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34 UN Association of China, *The 70 Years of UN: Achievement & Challenges*, World Affairs Press, 2015, p.376.

35 Robin Mahon and Lucia Fanning, “Regional Ocean Governance: Polycentric Arrangements and Their Role in Global Ocean Governance,” p.11.

technology. Third, more scientifically sound rules for the evaluation of marine environment governance should be added to UNCLOS so that they can better guide relevant national actions.

### **Fostering inclusive cooperation to mitigate UN financial crisis**

By fostering an inclusive cooperation mechanism for global ocean governance, and combining internal and external efforts to mitigate its financial crisis, the UN can effectively encourage relevant states to fulfill their treaty obligations in ocean governance.

With the increasing complexity of global ocean issues, the UN needs to be more open to new organizations and forces, for example, by promoting complementarity between the UN system and the G20 mechanism.<sup>36</sup> At the same time, the UN should also focus on creating an inclusive and long-term mechanism for global ocean governance, in cooperation with such forces as middle powers and non-governmental organizations. The establishment of a tripartite mechanism between the UN, regional organizations and relevant countries is conducive to the realization of their respective strengths in order to better achieve the goal of ocean governance. The UN could also mobilize its highly flexible and autonomous polycentric system to advance a polycentric, multi-layered and networked institutional arrangement for global ocean governance.<sup>37</sup> In addition, responses to the problem of marine plastic pollution will need to involve and link state and non-state actors, business, and civil society, looking to integrated solutions.<sup>38</sup>

At present, the UN should address its financial crisis in two main ways: on the one hand, by issuing warnings to countries that have defaulted on their contributions, including the United States, and pressing

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36 Xiao Su and Zhu Tianxiang, *Peace and Development: The UN's Mission and China's Plan*, Current Affairs Press, 2018, p.8.

37 Dai Ying, "On Coordination and Cooperation in Trans-Regional Marine Environmental Governance," *Economic Research Guide*, No.7, 2014, p.110.

38 Marcus Haward, "Plastic Pollution of the World's Seas and Oceans as a Contemporary Challenge in Ocean Governance," *Nature Communications*, Vol.9, No.1, 2018, p.1.

them to fulfill their payment; and on the other hand, by “cutting back” internally, postponing some meetings and curtailing some non-essential travel of staff.<sup>39</sup> The pressure of international public opinion to urge the countries concerned to pay their contributions has had a clear effect, with the US paying \$563 million in UN regular budget dues and many other countries paying their contributions to the UN in succession. It should be noted that the financial crisis originating from the arrears of the countries concerned in their contributions to the UN was essentially the result of power politics. On the one hand, the UN could take more effective measures to rein in countries in arrears and, meanwhile, undertake specific reforms, particularly in the regular budget, to strengthen cash flow management and improve budget execution. On the other hand, the UN should work to enhance its leadership and authority in global governance, thus freeing itself from the influence and control of power politics and chauvinism.

In addition, the UN should also actively address the challenges brought by the continuing deterioration of the global ocean governance situation. On the one hand, the UN should give full play to the role of science and technology in global ocean governance and make use of the rapidly evolving scientific and technological achievements to facilitate multi-dimensional governance. In order to fulfill the objectives defined in the Decade of Ocean Science for Sustainable Development (2021-2030), there is a need to focus on the coordination of four interlinked mechanisms, namely the Executive Planning Group (EPG), stakeholder forums, regional workshops, and the Global Planning Meetings (GPMs).<sup>40</sup> On the other hand, the penalties and monitoring of marine pollution and overexploitation of resources should be strengthened. The UN system should improve its monitoring capacity for the development and management of marine resources, strengthen its effective

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39 Gao Fei, “The UN Financial Crisis is a Political Issue,” *Global Times*, October 10, 2019, p.14.

40 Athena Trakadas, et al., “The Ocean Decade Heritage Network: Integrating Cultural Heritage within the UN Decade of Ocean Science 2021-2030,” *Journal of Maritime Archaeology*, Vol.14, No.2, 2019, p.154.

supervision and assessment capacity, and gradually develop a system of incentives and sanctions for compliance.<sup>41</sup> The UN could consider introducing property-oriented penalties into the punishment for crimes against the marine environment, and developing institutionalized means to promote the “hard effect” of “soft law” and work towards an approach that gives play to complementarity of hard and soft elements.<sup>42</sup> At the same time, the UN should further strengthen its peacekeeping forces in turbulent areas and continuously improve the global maritime security environment.

## Conclusion

Over the past seven decades or so, the United Nations is uniquely positioned to make a significant contribution to global ocean governance. In the context of a new round of changes and adjustments in the global governance order, global ocean governance under the UN framework will inevitably face new opportunities and challenges. If the UN does not respond well to the new demands of global governance in the midst of profound changes, its voice and standing in global governance will be seriously undermined. With global ocean governance already in a critical period, the UN, while further enhancing its action power in global ocean governance, should also provide its solutions to ease the competition among ocean governance actors. Global ocean governance is an important part of global governance, and China should actively support and help the UN to overcome the difficulties and challenges it faces in global ocean governance in various ways. Therefore, a fairer and more reasonable global ocean governance system and an ocean community with a shared future will be established. 

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41 Zhang Lijun, *International Governmental Organizations in Global Politics*, p.134.

42 Quan Yongbo, “The Logical Basis and Institutional Supply of the Cross-Regional Governance on Marine Environment,” *Chinese Public Administration*, No.1, 2017, p.20.