



The Politics of Ocean Governance Transformations

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Recently, oceans have become the focus of substantial global attention and diverse appeals for “transformation.” Calls to transform ocean governance are motivated by various objectives, including the need to secure the rights of marginalized coastal communities, to boost ocean-based economic development, and to reverse global biodiversity loss. This paper examines the politics of ocean governance transformations through an analysis of three ongoing cases: the FAO’s voluntary guidelines for small-scale fisheries; debt-for-“blue”-nature swaps in the Seychelles; and the United Nations’ negotiations for a high seas’ treaty. We find that transformations are not inevitable or apolitical. Rather, changes are driven by an array of actors with different objectives and varying degrees of power. Objectives are articulated and negotiated through interactions that *may* reassemble rights, access, and control; however, there is also the potential that existing conditions become further entrenched rather than transformed at all. In particular, our analysis suggests that: (1) efforts to transform are situated in contested, historical landscapes that bias the trajectory of transformation, (2) power dynamics shape whose agendas and narratives drive transformational change, and (3) transformations create uneven distributions of costs and benefits that can facilitate or stall progress toward intended goals. As competing interests over ocean spaces continue to grow in the coming decades, understanding the processes through which ocean governance transformations can occur—and making the politics of transformative change more explicit—will be critical for realizing equitable ocean governance.

Keywords: ocean governance, power, transformation, equity, politics, ocean management, small-scale fisheries, high seas

INTRODUCTION

Calls to transform oceans and ocean governance are growing louder and more expansive in scope (Campbell et al., 2016). However, interpretations of the notion transformation are not uniform, and approaches to advancing transformations are frequently motivated by different aims and objectives (Blythe et al., 2018). Some call for transformation in order to secure the access rights, food security, and livelihoods of coastal communities (Cohen et al., 2019; Giron-Nava et al., 2021). For example, Allison et al. (2012) emphasize a need to redefine fisheries governance, based on

legally mandated human rights to decent working conditions, gender equality, and the rights of migrants and other vulnerable groups. Others advocate for substantial growth of the ocean economy, increasingly framed under the banners of “blue growth” or the “blue economy” in order to boost the global economy in a post-pandemic world (Northrop et al., 2020). The Economic Commission for Africa, for example, has proposed that the “Blue Economy can play a major role in Africa’s structural transformation” (Economic Commission for Africa (EAC), 2016, p. xi, emphasis added). Others still call for a substantial increase in marine protected areas, under the slogans of “nature needs half” (Locke, 2013) and “half earth” (Wilson, 2016) in order to stop declines of marine biodiversity and increase productivity in fisheries (Duarte et al., 2020). Whatever the rationale, the idea of incremental change is being cast aside in favor of large-scale transformation (Rudolph et al., 2020). Given this context, critical questions about what characterizes transformation and how efforts are being undertaken in pursuit of governance transformation need to be addressed. Such widespread calls for initiating transformations also raises questions as to whether everything is indeed a transformation; more specifically whether there are analytical stages through which transformations can be understood and qualified.

Ocean governance is a broad-stroke term that combines governing structures, processes, rules, and norms that shape how relevant actors make decisions, share power, assign responsibility, and pursue accountability in the use and management of the marine environment (Kooiman, 2003; also see Cundill and Fabricius, 2010; Campbell et al., 2016). The term transformation refers to radical shifts in social, political, economic, and ecological system configurations that emerge through forced, emergent, or deliberate processes (O’Brien, 2012). When applied to ocean governance, then, the notion of transformation implies profound changes in the structures, processes, rules, and norms that produce radical reconfigurations in social, political, economic, and/or ecological aspects of the ocean (Armitage et al., 2017; Blythe et al., 2017; Gelcich et al., 2019). In acknowledging the heterogeneous and overlapping nature of ocean uses, transformations will invariably affect diverse sectors and stakeholders. Friction and contestation are expected, along with possible winners and losers. Our definition of ocean governance, thus, encompasses all ocean sectors, at least in principle, and focuses on their direct and veiled interactions.

In this paper, we understand politics as the power relations associated with control and decision-making that shape the distribution of rights and access to marine resources (Bennett, 2019). In this light, it is incorrect to assume that ocean governance transformations are politically neutral processes wherein a new management regime is objectively selected and built, with the support of everyone affected. Rather, the “world’s oceans and coasts are awash in politics” (Bennett, 2019, p. 2) and transformation entails fundamental disruptions to who is involved in decision-making processes and the way ocean benefits and harm are accumulated and distributed (Blythe et al., 2018; Bennett et al., 2021). In other words, governance transformations are neither inevitable nor apolitical (Blythe et al., 2018). Ocean governance

transformations should be understood as shaped by discursive processes and the particularities of actors, places, and power (Gray et al., 2020).

Yet, close attention to the politics of institutional change has not been central to the transformation literature broadly, nor to studies of ocean governance transformation specifically (O’Brien, 2012; Bennett et al., 2019a). Research that engages with the dynamic, and often contested, nature of initiatives and efforts intended to pursue transformational change is thus needed to gain insights into the politics of efforts to transform ocean governance (Avelino et al., 2016; Patterson et al., 2017). Assessment of the politics of ocean governance transformations is also timely given the recent, extraordinary interest by old and new actors endeavoring to extend their control of ocean spaces through, for example, conservation enclosures or *de facto* privatization of ocean space for aquaculture (Silver, 2014; Bennett et al., 2015; Blythe et al., 2015; Zalik, 2015; Gruby et al., 2016; Barbesgaard, 2018; Blasiak et al., 2018; Mallin, 2018; Jouffray et al., 2020).

This paper aims to contribute to transformations literature by examining three intentionally distinct and ongoing cases of what might be considered, or framed as, ocean governance transformations. Each case offers unique insights on the politics of transformation but collectively contribute to ongoing theoretical debates about transformations in ocean governance through a lens that challenges apolitical accounts of such processes. Explicit engagement with the motivations and politics of transformational change is relevant since radical reform in ocean governance will inevitably produce uneven processes and material impacts that often exclude the most marginalized and vulnerable (Silver, 2014; Silver and Stoll, 2019). Specifically, our analysis of these cases was guided by three central questions:

1. What conditions preceded ocean governance transformation? Why was governance transformation perceived to be necessary (and by whom)?
2. By whom (the actors) and how (the institutions and decision-making processes) were new governance objectives and approaches pursued?
3. What political conditions enabled the institutionalization of the new governance approach?

Following the introduction, we define ocean governance transformations in more detail and present the analytical framework used in our analysis. In the results section, we describe the conditions that enabled (or hindered and politicized) ocean governance transformations in three ongoing cases: (1) the Food and Agricultural Organization’s (FAO) Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication (“the SSF Guidelines”), (2) debt-for-“blue”-nature swaps in the Seychelles, and (3) the United Nations’ (UN) negotiations for a legally binding treaty to govern the high seas. In the discussion, we synthesize the political processes that are shaping ocean governance transformations and highlight the political nature of the three cases. We conclude by reasserting the need for closer analysis of the politics of

BOX 1 | Definitions of key terms used to analyze ocean governance transformations.

Ocean governance – Structures, processes, rules, and norms that shape how relevant actors make decisions and share power, assign responsibility and ensure accountability, in the use and management of marine resources and biodiversity (Kooiman, 2003; Cundill and Fabricius, 2010).

Transformations – Radical shifts in social, political, economic, and ecological system configurations that emerge through forced, emergent, or deliberate processes (O'Brien, 2012).

Ocean governance transformations – Profound changes in the structures, processes, rules and norms of ocean governance that produce radical reconfigurations in social, political, economic, and/or ecological aspects of the ocean (Armitage et al., 2017; Blythe et al., 2017; Gelcich et al., 2019).

ocean governance in order to realize more equitable forms of ocean governance.

A FRAMEWORK FOR DEFINING AND ANALYZING OCEAN GOVERNANCE TRANSFORMATIONS

As academics and practitioners advocate for transformative ocean governance, it becomes necessary to ask: *how do we define ocean governance transformations?* In many instances, “it is not clear what is being transformed, by and for whom, and through what processes” (Scoones et al., 2018, p. 5). Moreover, the idea of transformations is characterized by a variety of interpretations (Feola, 2015) and justified through an array of narratives (Blythe et al., 2018).

Ocean governance refers to the structures, processes, rules, and norms that determine how people make decisions, share power, exercise responsibility, and ensure accountability in the use and management of marine resources (Kooiman, 2003; Cundill and Fabricius, 2010) (**Box 1**). Importantly, the notion of governance highlights a multitude of non-state actors (e.g., NGOs, private companies, civil society groups, etc.) who have a say and are involved in the process (Kooiman, 2003). In the social-ecological literature, transformations are defined as new assemblages of actors, structures, or processes of collective decision-making about natural resources (O'Brien, 2012; Chaffin et al., 2016; Rudolph et al., 2020). Hence, governance transformations differ from the introduction of new policies that entail incremental shifts in existing structures or processes (Gelcich et al., 2019).

Building on these definitions, a second important question becomes: *how can we analyze the process and politics of governance transformations?* Olsson et al. (2004) developed a framework dedicated to the analysis of governance transformations from a social-ecological systems perspective. The framework conceptualizes transformations as a process comprised of three, iterative phases: (i) preparing for transformation, (ii) navigating a transition, and (iii) building resilience within a new system trajectory. Application of this framework, or adaptations of it, have been used to examine key social and ecological outcomes associated with governance transformations (Gelcich et al., 2010; Armitage et al., 2011, 2017; Blythe et al., 2017). Key lessons from this literature have highlighted the importance of identifying social and ecological triggers of governance transformations and mechanisms for navigating transformative change (Gelcich et al., 2010; Armitage et al., 2011). This work has also explored warning signals in

relation to thresholds and regimes shifts (Blythe, 2015) and advanced theories on building the resilience of new governance regimes (Gelcich et al., 2019).

However, resilience perspectives (which instruct the Olsson framework) have been critiqued for paying insufficient attention to the power and politics that run throughout transformational change (Brown, 2014). As Cote and Nightingale (2012, p. 479) have pointed out, resilience thinkers’ “reliance on ecological principles to analyze social dynamics has led to a kind of social analysis that hides the possibility to ask important questions about the role of power and culture in adaptive capacity, or to unpack normative questions such as “resilience of what?” and “for whom?” when applied to the social realm.” Fundamental questions such as “who makes decisions?,” “what is considered a desirable future?,” and (even if we assume consensus) “how do we get there?,” need to be addressed (Patterson et al., 2017). Here, we explicitly focus our analysis on the politics of ocean governance transformation because politics are often overlooked in transformations literature and are critical in explaining “which pathways get supported and legitimized, and which are ignored and so fail to gain traction” (Scoones et al., 2015, p. 7; Blythe et al., 2018).

MATERIALS AND METHODS

Case Study Selection

During the last decade, new approaches for ocean governance have proliferated (Jouffray et al., 2020). They provide useful opportunities to explore the conditions that shape transformational change (Gelcich et al., 2019; Herrfahrtdt-Pähle et al., 2020; Rudolph et al., 2020). To better understand which actors are advocating for transformational change, for what purposes, and to what outcomes, we selected three cases that are being characterized as transformational (Yin, 2009). The three cases are similar on the variable of interest (namely, they are cases being framed as “transformational”), yet they are different on almost all other components. Seawright and Gerring (2008) refer to this approach as the “most different” method for case selection, with the differences contributing insights that are the most representative of a broad set of case studies.

We purposefully selected three cases that illustrate transformations toward different governance approaches (rights-based, market-based, and conservation-based). In addition, the cases are also in various stages of the social-ecological transformational change process (preparing, navigating, and building resilience). Finally, the three cases range in scale from

national to global. Analysis of the various stages of institutional change can be used to unpack enabling political conditions and explore questions of access to, and distribution of, marine resources (Burnham et al., 2008). Our aim is not to systematically compare and contrast these cases but rather to draw on the unique experiences, and to identify some of the different pathways along which politics, ocean governance regimes and transformations intersect.

In the first case, we explore the Food and Agricultural Organization (FAO)-led Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty, which illustrates an international scale transformation toward rights-based governance that is moving into the resilience building phase (Food and Agriculture Organization (FAO), 2015c). Second, we explore the emergence of debt-for-“blue”-nature swaps by delving into an example from the Seychelles, which represents a national scale transformation toward market-based ocean governance that is moving out of the navigating phase into the resilience building phase. Through the third and final case, we explore the ongoing United Nations negotiations for an international legally binding instrument for conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction, which illustrates an international scale transformation toward conservation-based governance that is between the preparation and navigation phases (United Nations (UN), 2019).

Analysis

We began our analysis by reviewing official policy documents and gray literature associated with the three cases (Burnham et al., 2008; Bowen, 2009). Documents reviewed for the FAO’s Small-Scale Fisheries Guidelines case included the guidelines themselves (Food and Agriculture Organization (FAO), 2015c), six meeting reports (Food and Agriculture Organization (FAO), 2009a,b, 2011, 2015a; International Collective in Support of Fishworkers (ICSF), 2016; Franz et al., 2019) and one conference proceedings (Kerezi and Ivany, 2014). Documents reviewed for the debt-for-“blue”-nature swaps case in the Seychelles included websites for the Seychelles Conservation and Climate Adaptation Trust¹ and The Nature Conservancy’s Seychelles project². Documents reviewed for the high seas’ treaty case included the draft text of the agreement for the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction (Willmann et al., 2017) and two meeting reports (International Institute for Sustainable Development (IISD), 2017, 2019). Through the document analysis, we sought to identify relevant passages of text as they pertain to the three phases of transformational change: preparation, navigation, and building resilience of the new governance regime (Olsson et al., 2004). We also drew extensively on peer-reviewed papers to provide context and assist in our interpretation of the politics of ocean governance transformations.

In addition to our document analysis, we drew on the expert judgment of the main authors who have been involved to

various degrees in ongoing research around each case for years. Expert judgment involves providing experts with a structured framework to help identify common characteristics, optimal policy decisions, or research frontiers (Burgman et al., 2011). Using the three research questions and Olsson et al.’s (2004) social-ecological systems framework as our guide, we assessed the main characteristics of the processes through which ocean governance was transforming with the aim of highlighting the political nature and implications of transforming ocean governance. Drawing on these two methods (document review and expert judgment) allowed us to corroborate our findings and strengthen our analysis.

RESULTS

FAO’s Small-Scale Fisheries Guidelines

The Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication (“the SSF Guidelines”) is the first internationally agreed policy instrument dedicated to the small-scale fisheries sector (Food and Agriculture Organization (FAO), 2015c). Its publication in 2014 is heralded as a landmark moment that significantly elevated recognition of small-scale fisheries in the global fora, amidst a historic neglect of the sector in comparison to large industrial fishing operations and competing non-fisheries developments (Jentoft, 2014; Jentoft et al., 2017). Comprehensive in its scope, the SSF Guidelines are meant to guide dialogue, policy processes, and action at all levels and for all stakeholders. Its transformative and innovative appeal is also said to lie in the application of human rights principles in its rationale and design (Willmann et al., 2017; Song and Soliman, 2019).

Preparations for the introduction of the SSF Guidelines were geographically and temporally diffuse over many decades and regions, often involving unseen grassroots struggles that fought for the rights, livelihoods, and dignity of small-scale fishers against the trends of over-commercialization, modernization, and westernization in fisheries. The rise of large industrial fishing sectors (e.g., factory trawlers) in the mid-twentieth century and the concomitant entry of big business were a particular threat to the viability of small-scale fisheries and fish-dependent coastal communities (Kurien, 1978; Wright, 2001). Civil society organizations such as the International Collective in Support of Fishworkers (ICSF), the World Forum of Fisher Peoples (WFFP) were at the center of this battle. Over time, academic literature that highlighted the unique characteristics and needs of small-scale fisheries was also gaining momentum (e.g., McCay, 1978; Pinkerton, 1989; Platteau, 1989; Bailey and Jentoft, 1990).

A watershed event came in 2008 when FAO and the Thai government, with help of the Southeast Asian Fisheries Development Center (SEAFDEC) and WorldFish, convened the Global Conference on Small-Scale Fisheries in Bangkok (Food and Agriculture Organization (FAO), 2009a). A significant catalyst was the Statement from Civil Society Workshop that was formulated immediately prior to the conference and presented to the audience. This collective voice of fisher representatives

¹<https://seycat.org/>

²<https://www.nature.org/en-us/about-us/where-we-work/africa/seychelles/>

striking synergy with the supportive stance of academic and inter-governmental experts created a timely window of opportunity, through which the call for an international instrument on small-scale fisheries was galvanized and put into action (Food and Agriculture Organization (FAO), 2009a). In the following year, the 28th Session of the FAO Committee on Fisheries (COFI) formally expressed the need for such an instrument, and FAO began to conduct regional workshops to consult with national and regional stakeholders (Food and Agriculture Organization (FAO), 2009b). A participatory approach was coordinated to consult over 4,000 people—including fishers, members of the civil society and state representatives—in 120 countries.

The transition toward formalizing the creation of the SSF Guidelines was facilitated via the Committee on Fisheries (COFI) meetings (e.g., the 29th session held in early 2011 approved the development of the text (Food and Agriculture Organization (FAO), 2011), while the 31st session held in June 2014 endorsed the final draft (Food and Agriculture Organization (FAO), 2015a). Interestingly, at an operational level, the forging of an informal partnership between the academic community and FAO was observed, in which the former supplied scholarly justification to the latter while the latter provided policy relevance and governmental legitimacy to the work of academic researchers. Together, this “alliance” helped generate sustained excitement about the creation of the document. For instance, FAO personnel was on hand at the 2nd World Small-Scale Fisheries Congress held in 2014 in Mexico to introduce the text of the SSF Guidelines to the academic circle and fisher representatives and receive guidance for initiating national-level uptake (Kerezi and Ivany, 2014). In the same vein, a major academic output detailing the anticipated implementation of the SSF Guidelines sought close collaboration with the several champions of the SSF Guidelines within the FAO (see Jentoft et al., 2017).

The entrenched structural imbalance of power that has placed small-scale fisheries under social and economic vulnerability and political marginalization was not evident (or at least not made visible) during the formal negotiation of the text. Jentoft (2014) reports occasions of heated exchanges between countries around concepts such as co-management, redistribution, informal sector, and human rights standards, but compromises were sought and eventually reached. The main challenge going forward will be to ensure that the implementation of the SSF Guidelines is not hindered by the skewed priorities of fisheries development that have so far disadvantaged small-scale fisheries. Within the ranks of the Fisheries Division of the FAO itself, it was worryingly observed that the personnel in charge of the SSF Guidelines (and small-scale fisheries in general) were to some extent isolated from the rest of the group (pers. comm. October 2018). Dispelling the lop-sided political economy that underpins the ongoing marginalization of small-scale fisheries will remain crucial to building resilience for the sector (Nayak and Berkes, 2010; Sneddon and Fox, 2012; Song et al., 2018).

Structured and targeted support will be key to accelerating the integration of the SSF Guidelines into the policy documents and legislations of developing countries where many small-scale fisheries reside. Various regional and national processes have been organized by partnering groups to facilitate

contextualized adoption (e.g., Southeast Asia–Food and Agriculture Organization (FAO), 2015a; Brazil–International Collective in Support of Fishworkers (ICSF), 2016; West and Central Africa–Franz et al., 2019). The FAO is also in the process of creating the Global Assistance Programme framework to advance capacity development, institutional strengthening, awareness raising and knowledge sharing (Food and Agriculture Organization (FAO), 2015b). As implementation efforts ramp up, a sensitive approach to engaging with regional and national contexts will prove critical. Not doing so risks overlooking an area’s unique “policyscape” (and any parallel process occurring within) and thereby misjudging the shape and level of incentives that exist for the uptake of the SSF Guidelines. In the Pacific Island region, for example, enthusiasm about the SSF Guidelines has been lower than in other regions (Song et al., 2019b), for the region has already developed a number of region-specific small-scale fisheries policies. A greater familiarity with more contextualized policy processes and products (i.e., national fisheries agencies have been part of drafting these documents) has likely added to the increased awareness of regional guidelines over the SSF Guidelines in the Pacific so far. As a result, many government fisheries officers in the region are only beginning to be receptive of the SSF Guidelines, with the recommendation of using it to guide their countries’ fisheries management programmes gradually being accepted (Song et al., 2019a). Nevertheless, the high degree of thematic overlap, or policy coherence, between the SSF Guidelines and the region-specific documents presents an encouraging institutional starting point for building a lasting governance transformation that could benefit the small-scale fisheries of the Pacific Island countries (Cohen et al., 2017; Song et al., 2017).

Debt-for-“Blue”-Nature Swaps in the Seychelles

The *Debt Restructuring for Marine Conservation and Climate Adaptation Program* is an ocean governance arrangement that uses private investment capital to purchase debt of Small Island States in exchange for government commitments to expand their marine managed areas. Debt restructuring in exchange for conservation areas have been employed in terrestrial contexts for several decades now, but this is the first of its kind in the ocean that reflects a collaboration between international environmental non-governmental organization, The Nature Conservancy (TNC), and the Government of The Republic of Seychelles. The arrangement was designed to restructure a portion of debt owed by the Government of Seychelles to the Paris Club of Creditors and redirect debt payments and interest toward marine conservation projects. In exchange for debt restructuring, the Government of Seychelles committed to marine spatial planning throughout the full extent of its 1.37 million km² EEZ and to setting aside 30% for marine conservation. Of that 30%, half (or 15% of the total EEZ) will be designated as a “no-take” marine protected area (for additional details, see Silver et al., 2015; Silver and Campbell, 2018).

Inspired by the decades old “debt-for-nature” model (Reilly, 2006), TNC developed a relationship with the Government of

The Republic of Seychelles prior to the 2012 United Nations Conference on Sustainable Development (i.e., “Rio + 20”). Between 2011 and 2012, TNC began to explore the possibility of a debt restructuring with The Paris Club. While the Government of Seychelles had hoped to achieve a deal that restructured up to US\$80 million of debt, a figure of US\$21.6 was ultimately agreed upon. In order to formalize the deal, and create a structure for transferring and overseeing the debt, the Government of Seychelles passed a piece of national legislation called the “Conservation and Climate Adaptation Trust of Seychelles Act” in 2015. This included the creation of an “arms-length” institution called the Seychelles Conservation and Climate Adaptation Trust (SeyCCAT).

This governance arrangement was enabled by two windows of opportunity. The first window stems from the fact that many Small Island and Coastal Developing States struggle under debt burdens. King and Tennat (2014) relate this pattern to a domestic economic development approach that prioritizes export-led industrialization. Starting in the 1970s, many developing countries were encouraged by the international community to open their borders and markets. The question was not whether to accumulate national debt, but how much was necessary and appropriate to stimulate macro-economic conditions attractive to foreign capital. Today, countries like the Seychelles are looking for creative and proactive ways to pay down debt while retaining connectivity with global investors and markets.

The second window opened through growing international attention to oceans and marine conservation. Over the last 15–20 years, oceans have become an important centerpiece to global environmental governance conferences and initiatives and prominent international organizations have sought large-scale fisheries management and marine conservation “solutions” (Campbell et al., 2016; Bennett et al., 2019b). Marine Spatial Planning (MSP) and Large Marine Protected Areas (LMPAs) are attractive because they offer frameworks that seek to integrate attention to ecological habitat and connectivity, livelihood activities, property rights, and enforceable boundaries (Silver and Campbell, 2018).

At Rio + 20, and in the years immediately after, the Seychelles positioned itself as a leader in novel arrangements for sustainable ocean development and marine conservation. For its part, TNC heralded the debt restructuring model as a “win” for marine conservation. SeyCCAT was at the center of the debt transaction itself. Specifically, it used US\$20.2 million convened by TNC from donations and private “impact investors” to buy back a portion of the Seychelles’ debt from The Paris Club at a reduced rate. Instead of making payments to The Paris Club, the Government of Seychelles now owes SeyCCAT installments to be paid in local currency and at a reduced interest rate. SeyCCAT uses these funds to support conservation projects and the MSP process. TNC asserts that it will continue to play a role “on-the-ground” by monitoring ecological outcomes and facilitating MSP. It is now also promoting the idea that the debt restructuring model should be replicated in the EEZs of other Small Island and Coastal Developing States.

The Seychelles has formally demarcated the agreed upon 30% of its EEZ, and local marine conservation projects have begun to be funded through SeyCCAT. To ensure the long-term resilience and effectiveness of this arrangement, the social and ecological outcomes of the *Debt Restructuring for Marine Conservation and Climate Adaptation Program* will have to be monitored carefully over time. For example, there have been some media reports wherein local fish harvester groups express concern over planning processes and new exclusions from important fishing grounds. Likewise, biodiversity measures in conservation and no-take areas will need to be periodically evaluated to ensure maximum positive ecological impact. However, it is important to conclude with the point that this ocean governance model rests on an unresolvable tension that is inseparable from the global hegemony of neoliberalism and has significant implications for resilience: it is predicated on an economic development approach that opens up Small Island and Coastal Developing State economies and may render them *more* vulnerable to international market fluctuations and the uneven power dynamics of foreign investment and multilateral negotiation.

United Nations Negotiations for a Legally Binding Treaty for the High Seas

The high seas cover two thirds of the world’s oceans and provide vital services including the generation of oxygen, regulation of climate, and commercial fishing. Yet, less than 1% of the high seas is formally managed and the benefits of high seas marine resources are accrued by a handful of powerful nations and corporations (Blasiak et al., 2018; McCauley et al., 2018). Starting in 2018, member states of the United Nations began negotiating a new, global legally binding treaty that could transform ocean governance at a scale unseen since the drafting of the United Nations Convention on the Law of the Sea (UNCLOS) in 1982 (United Nations (UN), 2019).

Before the 1982 UNCLOS, countries generally controlled access and harvesting rights in their territorial waters, which extended 3 nautical miles. After the establishment of the Law of the Sea, exclusive economic zones (EEZ) were established. EEZs extend from national coasts out to 200 nautical miles and nations were prescribed formal governance control of their EEZs. At this point, waters beyond national EEZs, generally referred to as the high seas, were considered international waters and free to all nations to access (High Seas Alliance (HSA), 2019). In the early 1980s, few nations had the need or the technological capacity to fish in the high seas, so overexploitation resulting from the lack of formal high seas governance was of little concern.

Yet, pressures on the high seas began to rise throughout the 1980s and 1990s. Technology improved, demand for mineral resources mounted, new global markets outpaced outdated governance, and coastal fisheries became depleted. As coastal waters became overharvested and new markets emerged, fishing fleets exploited marine resources in increasingly distant waters (Pauly et al., 2014; Tickler et al., 2018). For example, catch from the high seas has risen from less than two million tonnes in the 1950s to more than ten million tonnes in recent decades (Food and Agriculture Organization (FAO), 2009c). Moreover,

two-thirds of stocks fished on the high seas, including high-value toothfish, tuna, sharks, and billfish, have been classified as either depleted or overexploited (Cullis-Suzuki and Pauly, 2010). Technology increased fishing capacity, but it also allowed us to better understand the global impact of commercial fishing on the high seas (Kroodsma et al., 2018). The emergence of automatic identification systems (AIS) systems and satellite remote sensing, among others, heightened the public and policy makers' awareness of the immense and uneven impacts of fishing on the high seas, primarily by a few wealthy nations (McCauley et al., 2018). In addition, political tensions around access and control of marine genetic resources motivated treaty discussions around biodiversity beyond national jurisdiction (BBNJ) (Rabone et al., 2019).

Preparation for the high seas' treaty formally began in 2004, when the United Nations General Assembly (UNGA) established an *ad hoc* working group to study BBNJ (High Seas Alliance (HSA), 2019). After 2 years, the BBNJ working group identified significant governance gaps and called for immediate action, which led to the adoption of Resolution 61/105 on bottom fishing in areas beyond national jurisdiction (ABNJ). This resolution aimed to mitigate the adverse impacts of deep-sea fisheries on cold-water corals, sponges, seamounts and other vulnerable benthic ecosystems and species. Building on this momentum, the United Nations' 2030 sustainable development agenda established a deadline for a new implementing agreement for the high seas (UN, 2015). In 2015, the United Nations general assembly adopted resolution 69/292, which recommended the development of an implementing agreement (ibid). By 2017, the UNGA adopted resolution 72/249 for an intergovernmental panel to convene four meetings between 2018 and 2020 to negotiate an international legally binding treaty to govern the high seas (ibid).

At the same time, a proliferation of scholarly publications on the social, ecological, and economic benefits of radical change in high seas governance is adding support for transformation. As early as 2001, academics such as Kirstina Gjerde, were exploring the potential benefits of marine protected areas on the high seas (Gjerde, 2001). In 2007, Rashid Sumaila and colleagues conducted an economic cost-benefit analysis of establishing no-take marine reserves on the high seas. Their study concluded that no-take closures on the high seas could provide substantial benefit the international community, through protected biodiversity at relatively little cost (Sumaila et al., 2007). Within the last 5 years, publications on the governance of the high seas have increased exponentially. For example, the high-impact journal *Science Advances* published a special feature devoted entirely to the high seas in 2018. Importantly, much of the academic work in this space highlights the highly uneven access to high seas resources and the exclusion of poor coastal nations from both access to marine resources and participation in decision-making (Blasiak et al., 2018; Schiller et al., 2018).

Following more than two decades of preparation, the first of four intergovernmental negotiation sessions for a new legally binding treaty to govern the high seas was held at the United Nations in September 2018. The negotiations, which were

launched by the United Nations General Assembly in Resolution 72/249 of 24 December 17, provide an opportunity for delegates to draft the terms of a new high seas treaty under the 1982 United Nations Convention on the Law of the Sea (UNCLOS). The instrument's substantive elements will likely include a mechanism to establish Marine Protected Areas (MPAs) on the high seas and require environmental impact assessments for many human activities that happen in areas beyond national jurisdiction. While negotiations provide what has been called a "once in a lifetime opportunity" to protect the biodiversity and functions of the high seas (High Seas Alliance (HSA), 2018), critics are highlighting the potential risks associated with power differentials between member states of the UN. For example, Decker Sparks and Sliva (2019) assert that UNCLOS ascribes a singular identity to all member states. They argue that "[t]his practice inhibits equity by ignoring the plurality of characteristics that formulate each state's identity and how these characteristics interact to influence the state's behaviors and participation in international high seas policy decision-making processes" (Decker Sparks and Sliva, 2019, p. 261).

Importantly, tensions between developing and developed nations have arisen during the preparatory meetings. For example, while developing nations are calling for ambitious and formal institutional structures, developing nations have been reluctant to commit to formal institutional structure citing costs as a barrier (International Institute for Sustainable Development (IISD), 2017). These discursive struggles have led critics to point out that the four preparatory meetings have offered "opportunity for economically powerful states (e.g., Russia and the United States) to undermine and dilute language regarding stricter proposed regulations before full treaty negotiations even began" (Decker Sparks and Sliva, 2019, p. 265).

The first step in the navigating stage will be the establishment of an international legally binding treaty to protect the high seas. Through the ongoing negotiations, member states of the UN are currently discussing the potential merits of marine protected areas (MPAs), environmental impact assessments (EIAs), and benefit sharing and technological transfer as mechanisms to support the effective governance of the high seas. While the negotiations will not conclude until 2021, it should be noted that tensions are arising around the level of biodiversity protection within the treaty. Some parties, particularly academics, large ENGOs and philanthropic organizations from the global north, are advocating for large, fully closed areas with no extractive activity, while other stakeholders are encouraging for more mixed-use areas. This tension raises an important point of caution, namely how to balance multiple, conflicting interests and political inequalities that exist between UN member states (Blythe et al., 2018). These power dynamics must be accounted for to advance equity in the new treaty (Decker Sparks and Sliva, 2019).

DISCUSSION

As competing interests in the ocean continue to grow, understanding how politics shape ocean governance transformations will be critical to achieving outcomes that

are sustainable and equitable (Bennett et al., 2019b; Viridin et al., 2021). The politics of ocean governance transformations takes many forms, from the politics of participation, to profound differences in political power and the (in)ability to control the narrative, to the resultant (re)distributions of marine resources (Campbell et al., 2009; Silver, 2014; Silver and Stoll, 2019). The inherently political nature of transformational change urges us to ask: Who is driving these changes? What discursive strategies are they using? Who benefits? Who loses? What are the known (and unknown) social and ecological distributional consequences of governance processes that aim to be transformative? In response to these questions, we discuss three key findings that emerge from our analysis (Table 1).

First, governance transformations do not occur in a void; rather, they are situated within complex, and often contested, policy landscapes that shape how governance change occurs (Corson et al., 2014; Silver et al., 2015; Gray et al., 2020). In the Pacific, for example, the FAO's small-scale fisheries guidelines were received with reluctance due to limited on-the-ground engagement during its initial development and insufficient recognition of existing policy documents found to have substantial thematic overlap. In Seychelles, the expansion of market-based ocean governance was predicated on history of colonialism that rendered the country vulnerable to neoliberal logic that opens Small Island and Coastal Developing State economies to global markets (Silver and Campbell, 2018). Similarly, Swilling et al. (2016) have highlighted the role of historical context in shaping natural resources use in post-apartheid South Africa. This first finding is in line with works that argues ocean policy landscapes, decision-making processes, and actions identified and taken are all tied closely to historical patterns of power, competition, and trade (Blythe et al., 2013; Gruby et al., 2016; Childs and Hicks, 2019; Decker Sparks and Sliva, 2019).

Next, we find that entrenched political economies, geopolitics, and associated power dynamics can influence whose agendas and narratives drive transformational change (Steinberg, 2001; Avelino et al., 2016). This finding is important since governance transformations are often framed as apolitical, inevitable, and universally desired and desirable (Blythe et al., 2018). In contrast, we find that governance approaches are situated in larger assemblages of ethics, environmental processes, cultural norms, and material practices that facilitate or limit their operation. For example, agreement on the appropriate direction

of change for governance transformations may be difficult to achieve. Efforts by internationally organizations to formally certify threatened ecosystems in the form of UNESCO World Heritage sites have been actively resisted by some national governments who prioritize economic development of high-value natural resources (Morrison et al., 2020). In the ongoing UN negotiations for the high seas' treaty, as discussed in this paper, a wide range of actors are negotiating for vastly different approaches, ranging from strict nature reserves to fully open-use areas (Blasiak et al., 2018). Actors may be sharing the goal of sustainable ocean governance, but interpret it differently or prioritize different solution pathways (Gray et al., 2014). Also, certain groups of powerful actors often control the narrative about why and how transformations should occur. Such is the case in the UN high seas treaty negotiations where discussions are dominated by certain high-profile countries and NGOs, whereas Indigenous voices and SIDS perspectives are sidelined (Decker Sparks and Sliva, 2019; Vierros et al., 2020). This suggests an ironic result, because when the change is driven by entrenched powers, the true nature of the transformation (i.e., involving radical shifts) should be called into question.

Finally, our analysis shows that attempts to transform ocean governance can produce highly uneven costs and benefits that reinforce or reorder power dynamics among participants. In the cases observed here, we see struggles between a small group of powerful (often corporate) actors who stand to benefit from changing the rules of ocean governance, and diverse groups of resource users who risk losing access, use rights, and control of marine resources. In the Seychelles, for example, the adoption of a market-based governance approach, and the associated pricing and property regimes, may render the country more vulnerable to international market fluctuations and the uneven power dynamics of expanding foreign investment and multilateral negotiation. Previous research has suggested that the entry of private actors into public policy domains can lead to the consolidation of economic and political power among a small group of corporate actors (Pinkerton, 2017; Silver and Stoll, 2019). Similarly, the increasing prevalence of blue growth agendas, often framed by the concept of the blue economy, has prompted concern about the potential negative environmental and social impacts of deepened market-based governance (Silver et al., 2015; Schutter and Hicks, 2019; Bennett et al., 2021).

TABLE 1 | Examples of the political nature of ocean governance transformations derived from the three case studies reviewed in this paper.

Transformations are situated in contested, historical contexts

- In Seychelles, colonial debt legacies rendered the country vulnerable to market-based governance intervention by foreign investors (Case 2—Debt for “blue” nature swaps).

Power dynamics influence whose agendas and narratives drive transformational change

- In the ongoing UN negotiations for the high seas' treaty, for example, certain high-profile countries and NGOs are shaping the narrative of why and how transformation should occur, while Indigenous and local voices are being sidelined (Case 3—UN high seas' treaty)

Transformations create uneven distributions of costs and benefits

- In all three cases, we see struggles between a small group of powerful (often corporate) actors who stand to benefit from changing the rules, and diverse groups of resource users who risk losing access, use rights, and control of marine resources.

However, research has also shown that ocean governance transformations can serve as a catalyst for grassroots resistance to privatization and social movements in defense of marine access rights and different ways of relating with/to ocean spaces and species (Pinkerton, 2017; Boucquey, 2017; Todd, 2018). The adoption of a high seas' treaty could shield global marine commons from exploitation by a handful of powerful transnational corporations (Blasiak et al., 2018). The impetus toward implementing the SSF Guidelines have emboldened the standing of the civil society representing fish workers and elevated the legitimacy of their voices toward addressing socio-political struggles.

CONCLUSION

Oceans are dynamic spaces where constellations of diverse actors, ranging from transnational corporation to Indigenous fishers, grapple for use, access, and control. In the three cases analyzed here, actors including small-scale fishers, extractive industries, civil society organizations, national governments, private investors and creditors, NGOs, and academics are jockeying to shape the governance systems for various purposes. By focusing on the political nature of transformational change, we highlight that historical political-economies and policy landscapes shape ocean governance transformations, that transformations create new constellations of winners and losers, and that power dynamics influence whose politics and narratives drive governance transformations.

Ultimately, our analysis suggests that the surge in competing approaches for ocean governance is likely to result in diverse outcomes that may not be coherent to each other, ranging from securing the rights of small-scale fisheries to exposing Small Island States to international market fluctuations and the continued domination of entrenched powers in foreign investment and multilateral negotiation. Going forward, assessment of past and ongoing efforts to foster ocean governance transformation, with an explicit focus on politics, will remain critical. While these issues can be sidetracked by the urgency of “grand crises” narratives, prioritizing the

politics of transformative change in academic analyses of ocean governance is essential for informing governance that reduces social inequalities and environmental degradation, rather than intensifies them. Importantly, we need to continue to ask whether “transformational” ocean governance approaches challenge the root causes of uneven distribution of rights and access to marine resources and whether they are really transformative in nature (or merely a façade for maintaining the *status quo*) (Blythe et al., 2018). Attention to these aspects of politics will become especially pertinent for informing equitable ocean governance as a plethora of actors seeks to extend their reach or (re)assert their control of ocean spaces.

DATA AVAILABILITY STATEMENT

The original contributions presented in the study are included in the article/supplementary materials, further inquiries can be directed to the corresponding author/s.

AUTHOR CONTRIBUTIONS

JB, DA, NB, JS, and AS contributed to the study conception and design, analysis and writing. All authors read and approved the final manuscript.

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Conflict of Interest: The authors declare that the research was conducted in the absence of any commercial or financial relationships that could be construed as a potential conflict of interest.

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