

# 1. Oceans under control

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In 1609, the Dutchman Hugo de Groot, known as Grotius, defended the freedom to navigate and trade throughout the seas in his work *Mare Liberum* (The Freedom of the Seas). The oceans were an open space, where humankind could trade and do business freely. In 1635, the Englishman John Selden published a riposte to Dutch dominance, the *Mare Clausum* (Of the Dominion, or, Ownership of the Sea), which questioned the need for ownership of the seas. A competition emerged for the incremental conquest of the oceans, just as had been the case on land, at the cost of conflict and wars. Given their highly strategic nature, the oceans and seas are without a doubt still the subject of fierce debate and conflicts of interest today. The nature of the debate has hardly changed in several centuries, but with the stakes now global, the distribution maps have been redrawn, reviving ambitions and with them, the issue of access rights.

What kind of governance is needed for marine resources that are shared between nations but are migrating in response to climate change? What type of access should be provided for humans who migrate on a global scale, with constantly evolving technologies, and who are diversifying the use of marine spaces and the exploitation of marine resources, with new types of geopolitical and biological implications? Will new access rights or strangleholds emerge with the restriction on the freedoms of the high seas and the congested use

of seas that lap at often overpopulated coasts? With these challenges, new contexts are emerging, with an ever-greater number of increasingly more global geopolitical, economic, diplomatic and institutional environments.

The marine world now appears to be approaching the limits of its existence and is being rapidly appropriated, with the irreversible nature (in legal, ecological and other terms) of this appropriation highlighting the urgent need for careful consideration of the spatial planning and ownership of the seas.

This chapter brings together a series of contributions which outline the key points and the open questions for achieving a satisfactory outcome to the discussions that are now needed for the development of a coherent global biological and legal strategy for ocean governance.

What does international law, the very basis of the concept of ocean governance, which is being reinvented along with the emergent issues, have to say about the ecosystem approach to fishing, new genetic resources, climate change and the new challenges in the Arctic and Antarctic Oceans, the spatial management of the oceans, scientific overviews or the new role of international negotiations? These myriad questions require an understanding of current developments in governance, the development of practical proposals or consideration of new areas for research.



**Saint Gilles coral reef. The reefs of Réunion Island are under significant threat from motor boats, fishermen, divers and increased levels of pollution. © IRD / A. BORGEL. ■**

This review of the observations, international initiatives and global pressures associated with a new form of governance for the oceans is rapidly taking permanent shape. There is an obligation for decisions taken today to gather the best available expertise for collective decisions on the future of the oceans under the ever-more pervasive influence of the human community.

As an outcome from the joint action of scientists, civil society and certain countries, an analytical report on the ocean and the cryosphere in the context of climate change will shortly be available from the intergovernmental panel on Climate Change (IPCC). In the meantime, we look forward to reading synthetic articles in this chapter on which we can base our reflections on global ocean governance in the years to come.

Editors

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# The Ocean revealed



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