

July 10, 2026

The Blue Frontier: Who Really Owns the Ocean?

By: John Kurien

Coastal fishing communities are ocean citizens with historical rights & responsibilities. The Blue Economy is a project of de-citizenship & enclosure. Customary claims must be translated into legal rights & coalitions built to defend ocean citizenship against corporate & state appropriation.

The ocean is back in fashion. Governments speak of a "Blue Economy". International banks fund "blue bonds". Conservation organisations draw up marine protected areas with the confidence of colonial cartographers. The coast, once the quiet domain of fishing villages and monsoon rhythms, has become a new frontier-contested, coveted, and increasingly closed to the people who have lived beside it longest.

Those who wish to govern the ocean without the ocean citizens in the room are not managing a resource. They are conducting an enclosure.

But before accepting the terms of that conversation, it is worth pausing over a distinction that is easy to miss and costly to ignore: the difference between a claim and a right.

Anyone can make a claim to the sea. A corporate investor, a government ministry, a hotel chain, a conservation non-governmental organisation (NGO)-all can and do assert that some stretch of coast or ocean belongs to them. Often, they conveniently exclude the coastal communities who have been living there for centuries.

The difference between a claim and a right is, at its heart, a social one. A right is a claim that others agree to recognise and uphold. For small-scale fishing communities across the global South, the central political question is not whether they can make claims-they have been doing that for centuries-but whether enough of the relevant "others" will agree.

The central argument of this essay is that coastal fishing communities are not merely users of the sea. They are ocean citizens-people who have lived in, worked on, and stewarded coastal waters for centuries, carrying both rights and responsibilities in relation to the sea. The Blue Economy, in its current form, is a project of de-citizenship-stripping ocean citizens of their rights and reducing them to residual populations.

This raises an urgent question: how do we convert customary claims into legally recognised rights? Customary provisions, however ancient and legitimate, are vulnerable in an era of corporate legal departments and state-backed enclosures. They need to be translated into statutory law-not to replace them, but to give them enforceable force.

Before and After UNCLOS

In 1998, a monograph published jointly by the Centre for Development Studies, Thiruvananthapuram, and the South Indian Federation of Fishermen Societies set out to answer a deceptively simple old question: who has the right to the fish in the sea, and what does that right mean for how the resource is managed, and by whom?

The near-shore zone-perhaps four to six nautical miles out, but within the Territorial Sea-is the most biologically productive water in the world.

The analysis, grounded in political economy and ecosystem thinking rather than mainstream fisheries economics, drew a map of ocean governance that looks more accurate today than it did then-because the processes it described have matured into the full-blown crisis now dressed up as the Blue Economy.

The starting point of the analysis gives that opening distinction its name. A property rights regime always involves a triad of elements-a benefit stream from a resource, a claimant to that stream, and "the others": everyone else who duly respects and upholds those claims. The presence of "the other" is what separates a right from a wish or claim. Without "the other", there is only open access-a

free-for-all where only possession rights prevail, and the result is the familiar spiral of overexploitation, famously but mistakenly termed the "tragedy of the commons".

For the oceans of our planet, the fraternity of nations struggled between 1958 and 1982 to create a legal framework called the United Nations Convention on the Law of the Sea (UNCLOS). It changed the vast "open access" realms of the oceans into realms where nation states have property rights.

The Exclusive Economic Zone (EEZ), established through the UNCLOS and ratified in 1994, gave coastal nation states formal sovereign rights over 200 nautical miles of ocean. But the UNCLOS says nothing about rights below the nation-state level.

Each government decides how the ocean wealth within its Exclusive Economic Zone (EEZ) is to be distributed. In India, resources up to 12 nautical miles from the coast-designated as Territorial Sea (TS) under the UNCLOS-fall under the jurisdiction of state governments; beyond that, under the central government.

The near-shore zone-perhaps four to six nautical miles out, but within the Territorial Sea-is the most biologically productive water in the world. Yet, in most countries it sits in legal twilight: no rights framework, no effective management, and communities whose livelihoods depend on it being treated as a residual population rather than as ocean citizens with a rightful claim.

For the Small Island Developing States (SIDS) of the Pacific and Caribbean, land-poor but ocean-rich, the EEZ was transformative: it converted their initial claims into recognised rights. That conversion is what allowed them to stand at Rio+20 in 2012 and assert a "Blue Economy" on their own terms-grounded in justice, local priority, sufficiency, and the ocean as a gift rather than a commodity.

|| The frontier logic had won-the same logic that had once emptied the American West of its indigenous inhabitants and parcelled up Africa in Berlin.

But this SIDS vision did not survive contact with the institutions of global capital. The European Union (EU) rebranded it as "Blue Growth". The Organisation for Economic Co-operation and Development (OECD) turned it into a "Sustainable Ocean Economy". India's NITI Aayog christened it "Sagar Mala and Sagar Sampada".

Each version shared a common logic: the reduction of the ocean to a resource base-passive, inert, exploitable for private profit. By the time the Blue Economy had passed through the hands of international development banks, large conservation NGOs, and national governments aligned with corporate investment, it had become a programme for large-scale energy extraction, deep-sea mining, industrial aquaculture, private beach tourism under "Blue Flag" certification, and Marine Protected Areas that exclude fishing communities from the waters they have managed for generations.

The frontier logic had won-the same logic that had once emptied the American West of its indigenous inhabitants and parcelled up Africa in Berlin. The ocean was the new blank space on the map.

Ecology of the Argument

The case for community rights over the coastal zone within the Territorial Sea is not only a social justice argument. It is equally an ecological one. Here our 1998 analysis offers something that much contemporary Blue Economy discourse ignores entirely.

The coastal zone-the terraqueous realm where land and sea meet-covers barely 2.5% of the planet's surface. Yet it holds about 65% of the world's marine fish biomass and is the most biologically productive part of our planet, charged with nutrients, structured by tides and river mouths, and home to the nursery grounds on which most commercial fisheries depend.

It is the engine of food security for hundreds of millions of people and sustains the livelihoods of small-scale fishing communities across the global South. This is precisely why controlling this realm has become the central prize in the struggle over the Blue Economy.

In tropical seas, this coastal zone is extraordinarily diverse. That means smaller stocks of each species, greater seasonal variation, and an inherent incompatibility with large-scale, non-selective industrial fishing gear designed for the less diverse conditions of temperate oceans. Industrial trawling deployed in tropical coastal waters causes disproportionate ecological damage-damage that falls first and hardest on the communities that depend on the resource. Their resistance to such technologies, often dismissed as backwardness, is

better understood as an accurate ecological reading of what will happen if industrial methods prevail.

Culture of the Argument

But the argument goes deeper, and this is where the case for ocean citizens is clearest. What the industrial Blue Economy destroys is not only a resource base-it is an entire architecture of human well-being. The ocean matters to coastal communities as a source of cultural identity, occupational pride, and spiritual meaning. It is the substance of what it means to live as a fishing community.

|| The original SIDS vision was co-opted and refashioned into Blue Growth-a programme of enclosure that treats the coast as a frontier to be conquered rather than a homeland to be stewarded.

A governance framework that recognises only monetary values is not merely incomplete; it is actively destructive of the things that make coastal life coherent. This is precisely the pattern the original Blue Economy concept, as articulated by the SIDS, was meant to challenge.

Their vision corresponded, in its essentials, to the Tamil concept of *Neithaliyal*: the classical understanding of coastal life as a web of relationships between people, communities, and the sea, grounded in sufficiency rather than maximisation. The Japanese concept of *satoumi* carries a similar logic-framing the coastal zone as a social contract between fishers and the wider communities around.

But that vision did not prevail. The original SIDS vision was co-opted and refashioned into Blue Growth-a programme of enclosure that treats the coast as a frontier to be conquered rather than a homeland to be stewarded.

Institutions We Need

What the 1998 analysis proposed was a nested, three-level institutional framework: global, national, and local, with overlapping property rights regimes at each level. It remains unbuilt.

At the global level, the high seas should be governed as a Common Heritage of Humanity-with the implication that the present generation has obligations of restraint towards future generations. At the national level, the EEZ should be understood as functional sovereignty-a stewardship on behalf of humanity-rather than a blank cheque for extraction.

At the local level, the most radical and most necessary proposal is this: the resources of the territorial sea and the coastal zone should be governed under community property rights regimes. Small-scale fishers should hold legally recognised co-ownership-not as beneficiaries or stakeholders, but as ocean citizens. The difference matters because co-ownership creates enforceable duties on the part of the state and the market.

What Already Works

The institutional imagination needed to build such regimes already exists-and much of it is alive in the global South. In Kerala, the *kadakkodi* tradition of sea courts has long provided a place-based forum for resolving disputes and governing access to near-shore waters rooted in a community ethic of sufficiency.

|| The Kolis have been able to mount this resistance precisely because they hold documented, legally recognised community rights. Without those rights, they would have been swept aside long ago.

On the Coromandel Coast, *uur* panchayats have performed similar functions. They have a nested hierarchy of village, sub-regional, and regional levels which, like waves in the sea, spring to collective life when the occasion demands, then receding, conserving their authority for when it matters.

In the Maluku archipelago of Indonesia, the *sasi* system, which periodically closes areas to fishing, has combined ecological management with social equity for generations.

Perhaps the most striking example of what community rights look like when they are historically documented and stubbornly defended is that of the Koli fishing communities of Mumbai. The Kolis were the original inhabitants of what is now one of the world's most expensive cities. British East India Company records from the late 18th century acknowledged their exclusive rights to coastal fishing

grounds-rights formally granted in recognition of services rendered.

To this day, Koli communities hold some of the costliest real estate on the planet (their koliwadars in Mumbai) and retain traditional rights to the sea areas where they place their stationary nets. Their communal organisations negotiate with metropolitan authorities over land and with fisheries departments over the sea.

Yet, theirs is not a story of secure rights peacefully enjoyed. The Mumbai coastal road project-a \$1.8 billion infrastructure behemoth-has become a bitter battleground between the Kolis and the city's planners, backed by some of India's wealthiest interests.

The Kolis have been able to mount this resistance precisely because they hold documented, legally recognised community rights. Without those rights, they would have been swept aside long ago. The lesson is clear-legal recognition does not guarantee permanent security. But without it, there is no ground to stand on when the contest comes.

Alongside these governance institutions also sits a remarkable example of internal equity. In Pulicat Lake, which straddles the border of Andhra Pradesh and Tamil Nadu, the padu system allocates fishing plots that vary in ecological productivity through a seasonal lottery, ensuring that entitlement rotates and no member is permanently advantaged. The system also manages the prawn fishery across the lagoon and the adjacent Bay of Bengal as a single ecological unit-a practical demonstration that community governance can be both equitable and ecologically coherent.

Community property rights are not self-executing. They require that working fishers-owner-workers present at sea on their vessels-hold recognised standing.

There is the Norwegian precedent of the 1930s-where coastal communities, with the support of the labour government of the time, won community property rights and kept industrial trawlers out of near-shore waters. This is often cited as evidence that such arrangements are possible. But the more important point is that the global South does not need to look to Norway for proof of concept. The proof is already here, in institutions that have survived colonial disruption, state neglect, and market pressure.

However, what makes the Norwegian example relevant to the tropics is that it highlights that enabling conditions matter too. Community property rights are not self-executing. They require that working fishers-owner-workers present at sea on their vessels-hold recognised standing. They require community control over the first-sale transaction of the catch. And they require some social regulation of fish exports to prevent international commodity prices from overwhelming the community regime from the outside.

The Triad Revisited

Return, then, to the triad. Fishing communities have the claim. They have the ecological knowledge, the inter-generational bond with the resource, and the moral case. What they have lost is the third element-the coalition of "others" who will stand by that claim and give it the force of a right. Building that coalition is the political task of coastal activism today.

Part of that task is a struggle over language. Small-scale fishers are routinely described as "stakeholders", "beneficiaries", or "vulnerable groups"-political framings that position them as passive recipients of decisions made elsewhere.

A more honest description of them is ocean citizens: people who carry both rights and responsibilities in relation to the sea. Ocean citizenship is a governance claim-one that insists on inclusion not as charity but as democratic necessity. Those who wish to govern the ocean without the ocean citizens in the room are not managing a resource. They are conducting an enclosure.

The Blue Economy, as currently practised, is a rival coalition: governments, banks, corporations, and conservation organisations who have agreed on a different set of rights, a different distribution of the ocean's wealth, and a different vision of whose future the sea is meant to secure. Their claims have institutional weight.

These are not maximalist demands. They are the minimum conditions for ocean citizenship to mean anything at all.

The task of activists-equipped with conceptual clarity about rights, ecological literacy about coastal systems, and historical memory-is to build a coalition that is more than a match for it.

That coalition is already forming-in the fish worker unions and associations of Asia, the small-scale fisheries networks of Latin America and West Africa, and the coastal community assemblies of the Pacific. It needs to include lawyers who can translate customary claims into statutory rights, academics who can document the costs of enclosure, journalists who can tell the stories that corporations and governments would prefer to bury, and citizens in the temperate-minority world who are willing to question their own consumption.

What it needs, above all, is a clear political programme: legal recognition of traditional fishing zones, community veto power over coastal projects, and a Coastal Rights Act modelled on the Forest Rights Act.

These are not maximalist demands. They are the minimum conditions for ocean citizenship to mean anything at all.

The ocean connects us all. But connection, by itself, means nothing. The question is always: on whose terms?

John Kurien was a former Professor at the Centre for Development Studies, Thiruvananthapuram.

References:

Allison, E. H., J. Kurien, Y. Ota, et al. 2020. *The Human Relationship with Our Ocean Planet*. Washington, DC: World Resources Institute / High Level Panel for a Sustainable Ocean Economy.

Kurien, J. 1998. *Property Rights, Resource Management and Governance: Crafting an Institutional Framework for Global Marine Fisheries*. Thiruvananthapuram: Centre for Development Studies and the South Indian Federation of Fishermen Societies.

Kurien, J., D. Nandakumar, and N. Nayak. 2023. *Webbing a New Net: Envisioning Bioregions for the Coastal Area and Adjacent Ocean*. South Asia Bioregionalism Working Group.