PART II
AFRICA AND OCEAN REGIONS GOVERNANCE

CHAPTER SEVEN

GOVERNING AFRICAN OCEAN REGIONS: ASSERTING STRATEGIC AGENCY THROUGH INTERNATIONAL LAW OR THE RULES-BASED ORDER?

Vishal Surbun
University of KwaZulu-Natal, South Africa

INTRODUCTION

The dawn of the 'Oceanic Century' has fundamentally transformed the global maritime domain from a mere conduit for shipping and commerce into a central arena of contestation, encompassing geopolitical rivalry, competition for marine resources and strategic agency. For Africa, a continent once marginalised as an object rather than a subject of international law during the colonial era (Rembe 1980), the sea has become a vital frontier for asserting regional autonomy and seeking a more equitable global order. This chapter considers how African states navigate the growing jurisprudential divide between the universal discipline of international law and the increasingly invoked 'rules-based international order' (RBO) (Dugard 2023).

It argues that Africa's maritime strategy is firmly rooted in international law, in particular the United Nations Convention on the Law of the Sea (UNCLOS), which serves as the keystone for ocean governance (United Nations General Assembly 2024 para 96). Unlike the RBO, which Durgard (2023) has criticised as an amorphous, Western-led project that promotes exceptionalism and double standards, international law offers a stable framework grounded in sovereign equality and consent. Africa's role as a 'norm entrepreneur' is not new; the continent was instrumental in the creation of the Exclusive Economic Zone (EEZ) and the principle of the 'common heritage of humankind' during the Third United Nations Conference on the Law of the Sea (UNCLOS III) (Rembe 1980), thereby actively shaping the modern law of the sea.

This chapter traces the evolution of African maritime agency in policy development across three critical phases, selected as illustrative examples. First, it examines how the piracy crisis off the Horn of Africa, which reached epidemic proportions between 2006 and 2012, catalysed a shift from reactive security to permanent, law-based policies, such as Africa's Integrated Maritime Strategy 2050 (AIMS 20250) and the African Charter on Maritime Security, Safety and Development in Africa (Lomé Charter) adopted in 2016. Second, it analyses the Combined Exclusive Maritime Zone of Africa (CEMZA) as an innovative governance model that reconsiders traditional Westphalian sovereignty to protect collective community interests. Finally, it highlights Africa's recent legal activism in the International Tribunal for the Law of the Sea (ITLOS) Advisory Opinion on Climate Change (ITLOS 2024), where the African Union (AU) advocated for global accountability within the framework of a consensual, treaty-based legal order.

INTERNATIONAL LAW, THE RULES-BASED INTERNATIONAL ORDER AND THE GENESIS OF AFRICAN CONTINENTAL OCEAN GOVERNANCE

Germane to Africa's assertion of regional agency and economic rebalancing is the choice between two competing frameworks: the established regime of international law and the increasingly invoked RBO. I argue here that African ocean governance is fundamentally aligned with the former, as the codified, universal and consent-based nature of international law provides a more equitable framework for the continent than the amorphous and often exclusionary RBO. The distinction between international law and the RBO is not merely semantic; it represents a significant jurisprudential divide. International law is a universal system that has governed state behaviour for centuries and is founded on the sovereign equality of states, the UN Charter and the responsibility of states and international organisations (Strydom et al. 2016).

Regarding this regime of international law, a Chinese Foreign Minister commented that '[i]nternational rules must be based on international law and must be written by all. They are not the patent or privilege of a few. They must be applicable to all countries, and there should be no room for exceptionalism or double standards' (cited in Dugard 2023: 230). Historically, newly independent African states questioned whether international law took their specific needs and requirements into account or reflected their particular interests (Zouapet 2023). However, Zouapet surmises that 'Africa seems to be gradually moving away from

its distrust of international law to embrace it. It is, therefore, an Africa that is particularly active in the development of international law, and no longer merely the object or a simple consumer of the rules of international law' (Zouapet 2023: xi).

In contrast, the proponents of the RBO refer to general principles of international law, such as self-determination, territorial integrity and freedom of navigation, but do not consider how these principles are applied within the framework of multilateral treaties, customary rules and dispute settlement procedures. Accordingly, they do not address their binding force or enforceability (Dugard 2023). As a result, Dugard (2023) contends that the RBO is an alternative, competing regime outside the discipline of international law, advocated by Western states to impose an interpretation of international law that best advances Western interests. A consequence of this is that the RBO is seen to be 'broad, open to political manipulation and double standards' (Dugard 2023: 226). Furthermore, Beqiraj, Anastasiadou and Darnopykh (2024: 8) note that '[r]ules, however, are not neutral but reflect the interests and values of the states that sustain them' and argue that 'there is no single rules-based order or system'.

Africa's preference for international law over the RBO is rooted in the continent's historical experience with shifting global power dynamics. On Africa Day in 2022, diplomatic speeches addressed to the continent highlighted that a small group of Western countries use the RBO to impose a 'unipolar model' where 'exceptional' countries lead while others must obey the 'club of the chosen' (Dugard 2023; Lavrov 2022; Klomegah 2022). For African states, the sovereign equality guaranteed by international law is a vital shield against external interference and power asymmetries (Rembe 1980). International law requires that rules be consensual; thus, no state can be bound by a rule it has not accepted (Dugard 2023). This is particularly relevant in ocean governance, where UNCLOS, often called the constitution for the oceans, establishes a comprehensive legal framework for all activities in the oceans and seas (United Nations General Assembly 2024). Because the RBO lacks defined rules for law-making and often justifies 'non-consensual methods for resolving international disputes' (Dugard 2023: 228), it is inherently less stable for African nations seeking to protect their maritime interests.

Africa's alignment with international law is most visible in its active role as a norm entrepreneur during the negotiations at UNCLOS III between 1973-1982 (Egede 2023). Following decolonisation, African states moved to renegotiate Eurocentric maritime laws and concepts, such as freedom of navigation, that

had previously excluded them. Driven by a blue/ocean economy developmental approach, African states sought to rebalance the international economic order through the seas (Egede 2023). One of the most significant African contributions to the modern law of the sea is the concept of the EEZ. Originally proposed by Kenya to the Asian-African Legal Consultative Committee in 1971, the EEZ, as a functional maritime zone, was designed to grant coastal states sovereign rights over living and non-living resources up to 200 nautical miles from their baselines (Egede 2023). The erstwhile Organisation of African Unity (OAU) mobilised the continent around this idea, ensuring its integration into UNCLOS (Egede 2023). This was a marked shift in ocean governance, moving away from the traditional *mare liberum* (freedom of the seas) model that allowed technologically advanced nations to exploit resources off the African coast with impunity (Bastos 2012: 110; Egede 2023). Furthermore, African states were instrumental in advocating for the Continental Shelf (CS) regime and the internationalisation of the Seabed Area (the Area) beyond national jurisdiction (Egede 2023; Rembe 1980). Africa also pushed for the principle that the resources of the deep seabed are the 'common heritage of humankind', which eventually led to the establishment of the International Seabed Authority (ISA) (Egede 2023). These policy contributions demonstrated that Africa did not merely follow international law but also actively shaped it to ensure that the equitable and efficient use of ocean resources benefits all, including landlocked states (Egede 2023). Currently, AIMS 2050 stipulates that '[p]utting Africa's maritime sector in the center *[sic]* stage during international discussions associated with African or global maritime agenda is crucial for longlasting meaningful development of the [African Maritime Domain]' (African Union 2014a: par 98).

The African region, geographically divided into five regions in a resolution of the Organisation of African Unity (OAU 1976), viewed international law not as a static set of rules inherited from the colonial past, but rather as a dynamic and universal framework that can be steered towards regional prosperity. By favouring the codified discipline of the UNCLOS framework over the amorphous and discriminatory RBO, Africa asserts its right to be a subject, rather than an object, of global history. This legal activism serves as a foundation for the continent's subsequent maritime policies that are discussed below, and which aim to secure the African Maritime Domain (AMD) as a stable, secure space for wealth creation and regional integration.

THE PIRACY IMPETUS: FROM VULNERABILITY TO AFRICAN MARITIME AGENCY

Having set out Africa's normative preference for international law over an amorphous rules-based order, I here examine how a specific crisis, the surge of Somali-based piracy between 2006 and 2012, served as the primary catalyst for transforming African maritime policy. Cropsey (2017: xi) observes that:

> "[t]hroughout history, great maritime powers that forgot, neglected, or were otherwise distracted from the oceanic anchor of their commerce and security fell from their high positions. Such amnesia or strategic befuddlement is called seablindness."

Historically characterised by this seablindness, African states were initially ill-equipped to handle the surge of maritime crime (Potgieter 2015). However, the response to piracy reveals a fundamental tension: whereas, through external powers, such as NATO's Operation Shield and the European Union's Operation Atalanta, an order-focused, interventionist 'rules-based' approach was sought, African states leveraged the crisis to build permanent legal frameworks and regional agreements that are rooted in international law.

For decades, African security thinking was predominantly terracentric, and the AMD was not at the forefront of AU policy (Vreÿ 2013: 1). The brazen acts of Somali pirates against international shipping however changed this trajectory, drawing global media attention and exposing the continent's vulnerability (International Chamber of Commerce 2013). Piracy flourished in the ungoverned spaces off the Horn of Africa (Brenthurst Foundation 2010) owing to a substantial lack of capacity in the Somali state to police its own waters (United Nations Security Council 2008). This crisis was, in many ways, described as a blessing in disguise for African agency (Potgieter 2015). It forced a re-evaluation of the maritime domain, moving it from the periphery to the centre of the continental security debate (Bueger 2015; Stockbruegger 2014: 110). The need to address the epithet 'you cannot control what you cannot patrol' (Kings 2016) in the context of the piracy epidemic sparked an unprecedented drive for regional maritime integration.

The global response to piracy initially followed a model frequently associated with the RBO: the creation of ad hoc, exceptional rules to manage a specific security threat. The United Nations Security Council Resolution 1816 (2008) was a landmark in this regard, authorising foreign naval forces to enter Somali

territorial waters to repress piracy (United Nations Security Council 2008). This was a dramatic departure from established international law, as Article 105 of UNCLOS (United Nations Convention on the Law of the Sea: 1982) normally limits universal enforcement jurisdiction to the High Seas. To navigate this, the text of the resolution emphasised the *ad hoc* and *sui generis* nature of its measures (United Nations Security Council 2008: para. 9). The Resolution contained a deliberate caveat: they were not to be 'considered as establishing customary international law' (United Nations Security Council 2008: para. 9). This reveals a core characteristic of the RBO outlined by Dugard (2023) earlier, namely the use of exceptionalism and temporary rules to bypass the perceived discipline or limitations of codified international law (Houghton 2009: 253). African states were wary of this exceptional order. During the deliberations on Resolution 1816 (2008), delegations from South Africa, Libya and China expressed deep scepticism about tampering with an enforcement regime that violated the sanctity of territorial sovereignty (Petrig and Geiß 2011; United Nations Security Council 2008). For these states, the solution was not temporary intervention but rather institutional capacity-building in the framework of international law.

African actors demonstrated agency through the development of the AIMS 2050 and the Lomé Charter, adopted in 2016. Rather than accepting a secondary role in a Western-led security order, the AU sought to frame the ocean as a site of African renaissance and economic development. AIMS 2050 explicitly adopted the 'IC5' principle, namely: 'Information Sharing, Communication, Collaboration, Cooperation, Capacity-building and Coordination' as guiding philosophies (United Nations Security Council 2008: para. 22). It aimed to move beyond the immediate piracy threat towards a sustainable, thriving Blue Economy (United Nations Security Council 2008: para. 18). Through AIMS 2050, we see a move from reactive security to proactive law-making. The strategy emphasises that 'all related binding legal instruments [must be] ratified … and domesticated' in accordance with international law (United Nations Security Council 2008: para. 12).

The African preference for law-based regional solutions is best exemplified by the Djibouti Code of Conduct (International Maritime Organisation 2009). This agreement, while inspired by the need to suppress piracy, contains obligations that must be carried out 'in a manner consistent with the principles of sovereign equality and territorial integrity of states and that of non-intervention in the domestic affairs of other States' (International Maritime Organisation 2009: art. 2(3)). Crucially, the Code of Conduct sought to harmonise regional efforts within the UNCLOS framework (International Maritime Organisation

2009: preamble). Article 4(4) of the Code of Conduct mirrors the UNCLOS enforcement provision, and Article 4(5) ensures that any pursuit into territorial seas is 'subject to the authority' of the coastal state. This demonstrates a commitment to multilateralism and consensus-building, both of which are cardinal to international law, rather than the non-consensual methods often favoured by the RBO (Bastos 2012: 110; Dugard 2023).

The international anti-piracy response reveals a tension between order-focused maritime governance and law-based regional solutions. The international community, focused on the 'security of commercial maritime routes', prioritised immediate interdiction and burden sharing (United Nations Security Council 2017). In contrast, African states viewed piracy as a symptom of deeper structural inequalities and sought to protect their sovereign rights to the resources within their EEZs (African Union 2014a). The Lomé Charter further solidified this by legally obligating states to 'protect [their] maritime territories ... in conformity with the relevant international laws and principles' (African Union 2016). This was a move to ensure that foreign intervention remained the exception rather than the rule. The goal was to transition from outsourcing maritime security to international partners towards an African-owned security architecture (Brenthurst Foundation 2010; Baker 2011: 9).

While the threat of piracy exposed the continent's vulnerability, Africa's response was not to abandon international law in favour of a Western-led RBO. Instead, African states acted as norm entrepreneurs, creating regional agreements such as the Lomé Charter and strategic frameworks such as AIMS 2050 to master the maritime domain on their own terms (Baker 2011: 9). This agency turned a security crisis into an opportunity for regional integration, ensuring that the 'Oceanic Century' remains governed by a universal legal framework that respects sovereign equality and prioritises the long-term stability of the AMD.

THE COMBINED EXCLUSIVE MARITIME ZONE OF AFRICA (CEMZA): A PARADIGM SHIFT IN COLLECTIVE GOVERNANCE

Having outlined how the piracy crisis catalysed a shift from seablindness to strategic maritime policy, I now explore one of the most ambitious and conceptually innovative outcomes of this transformation: CEMZA. CEMZA was introduced as a strategic objective in AIMS 2050. While African countries support and advocate for collective security mechanisms and peaceful conflict-

resolution processes within the framework of international law (Beqiraj, Anastasiadou and Darnopykh 2024), CEMZA represents a unique reimagining of ocean governance. It moves beyond the traditional regime of fragmented national maritime domains towards a vision of a 'common African maritime space without barriers' (African Union 2014a: para. 30). I outline here the conceptual foundations of CEMZA and consider its juridical implications for sovereignty, its compatibility with the UNCLOS framework and the challenges attending its implementation.

The AMD is vast, encompassing thirteen million km^2 of EEZs and a coastline of 26 000 nautical miles (African Union 2014a: preambular para. 1). Historically, this domain has been fragmented into nearly 40 distinct national maritime jurisdictions (Vrancken 2020), a legacy of the Westphalian state model that often hindered collective action against transnational threats (Molenaar 2015: 251). The AU describes the Blue Economy and the AMD as a 'new frontier of African renaissance' (United Nations Economic Commission for Africa 2016). CEMZA is the institutional expression of this renaissance. It is defined as a concept aimed at boosting intra-African trade, simplifying administrative procedures and fostering the integration of internal markets for maritime services (African Union 2014a: para. 30). By creating a unitary space for cooperation, CEMZA seeks to transform the AMD from a site of external exploitation into a platform for regional prosperity (African Union 2014a). This unitary space would enable the African Continental Free Trade Agreement by facilitating the actual flow of goods across African waters, turning legal trade agreements into a physical reality. It is a 'bold manifesto' of Africa's intent to manage its own resources for the benefit of its people (Nmehielle and Pasipanodya 2017: 52), echoing the norm entrepreneurship that characterised Africa's earlier contributions to establishing the EEZ.

The primary legal challenge posed by CEMZA is its relationship with traditional state sovereignty under international law. Critics and member states alike have expressed wariness about whether a 'combined' zone requires states to cede their sovereign rights (Potgieter and Walker 2015: 110; Vrancken 2018: 223). However, AIMS 2050 makes it clear that the strategy must not be applied in ways that conflict with the existing legal framework of its member states (African Union 2014a: para 13 and Annex B). To resolve this tension, Tanaka (2011: 374) points to the doctrine of *dédoublement fonctionnel*, or role splitting. This theory posits that those national members of the executive of the respective member state act in a dual capacity: as state organs when operating domestically and as international agents when operating within a regional

or global system (Cassese 1990: 212). Under this model, the CEMZA does not necessarily require the pooling of sovereignty (ownership), but rather the pooling of jurisdiction (the power to rule and enforce) (Surbun 2021). Tanaka identifies models for protecting community interests, suggesting an institutional application of *dédoublement fonctionnel*, where states act under the auspices of the AU to share information and co-ordinate surveillance (Tanaka 2011: 374). This model appears to be the most realistic path for CEMZA. This perspective allows the AU to protect community interests, such as combating illegal, unreported and unregulated (IUU) fishing and maritime crime, without requiring states to formally surrender their territorial sovereignty and integrity (Surbun 2021; Vrancken 2018: 223).

An analysis of Articles 29 and 30 of CEMZA in AIMS 2050, read with Annexes B and C, indicates that the CEMZA framework is intended to complement rather than replace the UNCLOS regime. While UNCLOS focuses on zonal management through the spatial distribution of state jurisdiction based on distance from the coast, CEMZA advocates an Integrated Management Approach based on common interests (Tanaka 2008). This integration is evident in other AU instruments, such as the Policy Framework and Reform Strategy for Fisheries and Aquaculture (African Union 2014b). This policy identifies weak, uncoordinated management of transboundary resources as a primary threat. Its sections advocate regional collaborative management, the harmonisation of legislation for shared resources and the establishment of subregional fisheries organisations. This aligns with the Integrated Management Approach, which seeks to overcome the divergence between artificial legal boundaries and the biological reality of migratory species (Tanaka 2008). Furthermore, CEMZA envisions a common information-sharing environment that enables the convergence of tracking systems for maritime safety, border control, and environmental protection (African Union 2014a). By functioning as an issue-specific combined zone, CEMZA provides a legal architecture for collective security and economic development that UNCLOS's spatially limited provisions cannot provide on their own (Surbun 2021).

Despite its innovative potential, CEMZA largely remains a concept on paper and to date it has not come into operation. The 2050 AIM Strategy set short-term goals for establishing a Strategic Special Task Force (SSTF) to prepare a technical file, including charts of the CEMZA limits, but these goals have not been fully met (African Union 2014a: Annex C). This reveals the significant gap between the AU's ability to set norms and its capacity to implement them (Brits and Nel 2018: 232).

Gottschalk (2018) outlines several obstacles that hinder the operationalisation of CEMZA: (i) technical constraints, such as continental hydrographic capacity which many African states currently lack; (ii) inter-state disputes about maritime boundary delimitation; (iii) harmonisation and legal fragmentation, where state parties would need to incorporate and harmonise the CEMZA provisions into their domestic legislation and other instruments adopted by the AU and should cross-reference the CEMZA provisions in their definition and use of the term AMD; and (iv) motivational malaise, where scholars observe that when maritime threats like piracy decrease, political will often fades—causing nominal targets such as '2030, 2050, 2063' to become a mirage that retreats further into the future.

Ultimately, CEMZA offers a new perspective on ocean governance by shifting the focus from seablindness to strategic autonomy. It represents an innovation in protecting the continent's common interests. If fully realised, with the required operationalisation envisaged in AIMS 2050, CEMZA would allow Africa to move from outsourcing its security to international partners towards an African-owned security architecture. By fostering a secure maritime environment through collective jurisdiction, CEMZA facilitates what some term continental sovereignty (Kornegay 2012: 71). The CEMZA concept confirms that the African oceans are not merely empty spaces between landmasses, but also vital spaces where power, trade and ecological protection are inextricably linked. Therefore, I argued in this section that while the technical and political hurdles in implementation are formidable, the conceptual shift offered by CEMZA is essential for transforming Africa into a leading maritime actor in the Oceanic Century.

AFRICA AND THE ITLOS ADVISORY OPINION: LEGAL ACTIVISM IN THE CONTEXT OF CLIMATE CHANGE

The final component of Africa's modern maritime agency is its engagement with the evolving intersections of environmental science and the law of the sea. On 21 May 2024, ITLOS delivered a landmark unanimous advisory opinion in Case No. 31 (ITLOS 2024). Although the advisory opinion does not constitute a legally binding decision on the parties, it fundamentally alters the global maritime legal landscape. The Tribunal found that anthropogenic greenhouse gas (GHG) emissions constitute 'pollution of the marine environment' according to UNCLOS (ITLOS 2024: para. 441.3). Consequently, the Tribunal establishes that states have specific 'stringent' due diligence obligations to take all necessary measures to prevent, reduce and control such pollution (ITLOS 2024: para. 441.3).

The proceedings marked a historic milestone for the continental agency, as it was the first time the AU appeared in a case before ITLOS (2024: paras 31 and 339). Representing its 55 member states and over fifteen per cent of the world's population, the AU moved from the periphery of maritime law-making to assert its voice (ITLOS 2024: para. 339). The AU's participation was motivated by the asymmetric impact of climate change: although Africa contributes only 3.8 per cent of global GHG emissions, it bears a disproportionate burden of the resulting ocean acidification, sea-level rise, and ecosystem collapse (ITLOS 2024: paras 50, 51, 327, 339).

A core African contribution to the opinion was the insistence on the principle of Common but Differentiated Responsibilities and Respective Capabilities (CBDR-RC) (ITLOS 2024: paras 35, 131, 143). The AU argued that UNCLOS should not be viewed as a relic of the past but rather as a living instrument to be interpreted in the light of modern environmental regimes such as the Paris Agreement (ITLOS 2024: paras 127, 130). The AU successfully pushed for a legal standard under which developed states bear a heavier mitigation burden and are obligated to provide financial assistance, technology transfer, and capacity-building to developing regions (ITLOS 2024: paras. 182, 190, 202, 227). Furthermore, the AU submitted that mere compliance with the Paris Agreement is insufficient to satisfy UNCLOS obligations (ITLOS 2024: paras. 18, 187, 341). The AU argued that, while the Paris regime allows continued emissions, subject to temperature targets, article 194 requires states to 'prevent' and 'reduce' pollution (ITLOS 2024: para. 21). This bold stance challenged the global status quo, framing the protection of the AMD not just as a policy goal but also as a binding requirement for the survival of coastal communities.

This engagement aligns with the tenor of this chapter: Africa's preference for international law over a rules-based order. By seeking a formal advisory opinion from an UN-established Tribunal, Africa reified its commitment to a universal treaty-based discipline (ITLOS 2024: para. 5, 340). The AU's arguments leveraged the sovereign equality of states to demand accountability from high-emitting nations—a sharp contrast with the exceptionalism often associated with an amorphous RBO. Finally, the opinion reinforces the Blue Economy and collective governance themes discussed under the section on CEMZA. The AU's focus on the human dimension, specifically the threats to African fisheries, food security and the existential risk to Small Island Developing States (SIDS) demonstrates that for Africa, ocean governance is a developmental imperative (ITLOS 2024: paras 3, 4, 24, 118, 119, 121). Through this legal activism, Africa has transitioned from being an object of maritime law to a norm entrepreneur,

ensuring that the Constitution for the Oceans is used as a shield to protect the continent's strategic and ecological future (Egede 2023).

In a recent example of an inter-state dispute concerning maritime boundary delimitation between Ghana and Togo, the government of Ghana issued a statement announcing its decision to have the maritime boundary delimited by recourse to international arbitration under UNCLOS (Presidency Communications 2026). The decision by the government of Ghana to resolve its maritime boundary dispute with Togo through international arbitration under UNCLOS serves as a pertinent modern example of African strategic agency opting for the universal, consent-based discipline of international law.

CONCLUSION

The evolution of African ocean governance in the Oceanic Century underscores a definitive shift from historical seablindness to assertive strategic agency. This chapter has argued that Africa's pursuit of regional prosperity and security is intrinsically tied to the discipline of international law rather than the amorphous RBO. While the latter is frequently critiqued as a 'one-sided Western project' that facilitates exceptionalism and double standards, Africa's alignment with international law, UNCLOS, upholds the cardinal principles of international law, such as sovereign equality**.**

African agency was notably catalysed by the piracy crisis off the East African seaboard, which transitioned the continent from a state of vulnerability to one of norm entrepreneurship. By developing strategic frameworks such as AIMS 2050 and the Lomé Charter, African states rejected *sui generis* ad hoc responses associated with an RBO, in favour of permanent, law-based regional solutions. This shift towards collective governance is most ambitiously expressed in the CEMZA concept, which seeks to transform the AMD into a borderless space for prosperity by pooling jurisdiction and 'continental sovereignty'.

Furthermore, the recent ITLOS advisory opinion on climate change serves as a historic milestone for continental agency, marking the first time the AU appeared as a legal participant before the Tribunal. By successfully arguing that greenhouse gas emissions constitute marine pollution, Africa has reified its commitment to using international law as a tool for climate justice and accountability. The 2024 UN Report of the Secretary-General on Oceans and the Law of the Sea reaffirms that UNCLOS remains the keystone of global ocean governance (United Nations General Assembly 2024: para. 96), and the high level of engagement in the climate change debate underscores the relevance of convention-based institutions in addressing existential global threats.

Ultimately, Africa prioritises a legal regime characterised by inclusive multilateral law-making over an RBO that operates as the private domain of a few powerful actors. The universalism of international law provides a sounder recipe for regional autonomy than the discriminatory nuances of a unipolar RBO. Through its active role in UNCLOS and ITLOS, Africa continues to craft a renaissance beneath the waves, ensuring that its strategic interests are secured within a stable, consensual and equitable global legal order.

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