

МІЖНАРОДНЕ ПРАВО ТА ГЛОБАЛЬНІ ВИКЛИКИ

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THE CONCEPT OF THE “BLUE ECONOMY”: INTERNATIONAL LEGAL ASPECTS AND IMPLICATIONS

Abstract: This article delves into the transformative framework known as the “Blue Economy,” underscoring its significance in recognizing and enhancing the economic value of ocean resources while advocating for their sustainable management. The oceans play a foundational role in supporting human life, contributing to essential services such as oxygen production, climate regulation, and food supply. As the world’s oceans are increasingly strained by climate change, pollution, and overfishing, understanding the nexus between ocean health and economic vitality becomes paramount. With ocean-based industries accounting for an estimated \$24 trillion in global economic value, it is evident that effective management of marine ecosystems is not just an environmental imperative but a vital economic necessity. The article examines critical international legal frameworks established by the United Nations, such as the 1982 UN Convention on the Law of the Sea, which provides a comprehensive legal structure for the governance and preservation of oceanic resources. It further discusses the recent adoption of the High Seas Treaty, which aims to expand protections for marine areas, and emphasizes the need for countries to collaborate on sustainable practices and policies to address the multifaceted challenges facing the oceans. A thorough analysis reveals the rapid growth of the Blue Economy within regions such as the European Union, which has seen substantial increases in employment and economic output associated with ocean industries. The article identifies key sectors, including marine fisheries, aquaculture, and coastal tourism, that are critical to fostering economic development while maintaining the integrity of marine ecosystems. In response to environmental threats, the authors propose a holistic approach that encompasses seven priority areas for action: 1) National Accounting Systems for Ocean Resources; 2) Territorial Planning of Coastal Marine Areas; 3) Sustainable Management of Fisheries and Aquaculture; 4) Investment in Maritime Infrastructure; 5) Development of Human Capital; 6) Sustainable Practices in Coastal and Deep-Sea Resource Extraction; 7) International Cooperation and Security. These areas serve as strategic categories for future initiatives under a global Blue Economy framework. The article advocates for intensified international collaboration and innovative research to ensure that ocean resources are utilized sustainably and equitably, as well as the establishment of regional programs to enhance cooperative efforts. It underscores the necessity of integrating scientific research into policy-making to address pressing issues such as illegal fishing, marine pollution, and habitat degradation. In conclusion, the authors call for a global approach to ocean governance that transcends national boundaries and emphasizes cooperative, multi-stakeholder initiatives. This collaborative framework is essential for realizing the potential of the Blue Economy while safeguarding marine ecosystems for future generations. The sustained health of our oceans is not only vital for current economic stability but also for the well-being of future generations, making the responsible stewardship of ocean resources a universal priority. Through shared knowledge and commitment to sustainable practices, nations can collectively harness the economic opportunities presented by the Blue Economy while ensuring the protection and resilience of our oceans.

Keywords: Blue Economy, Sustainable Development, UN Convention on the Law of the Sea, Maritime Law, Environmental Regulation, Marine Resource Rights, Sustainable Fisheries Law.

Problem setting. The Earth's oceans are essential to human life, providing not only the oxygen we breathe and the water we drink but also the food we consume. However, this vital relationship is under significant strain due to challenges such as rising water temperatures and deoxygenation, which are adversely affecting marine health at an alarming rate. As we confront these pressing environmental threats, understanding the economic ramifications of neglecting ocean health is crucial. Oceans facilitate the movement of 90% of the global economy. If considered as a distinct entity, the ocean economy would rank as the seventh largest in the world, highlighting its indispensable role in international trade. According to World Life Center research ocean-based industries contribute an astounding \$24 trillion to the global economy and sustain the livelihoods of 3 billion people across sectors such as fisheries, port development, and coastal tourism [1]. The ocean generates approximately €1.27 trillion in gross value added to the global economy each year, with projections suggesting this could rise to €2.54 trillion by 2030. The blue economy is pivotal not only for the economic growth of the EU but also for advancing the goals outlined in the European Green Deal [2].

Within the EU, the blue economy is experiencing rapid growth, attracting global investments, and is anticipated to yield net positive returns. In 2019, the blue economy in the EU employed nearly 4.5 million individuals and produced €184 billion in gross value added—a 20% increase since 2009—alongside generating approximately €667 billion in turnover, up 15% from €578 billion in 2009 [3]. Given its capacity for resource wealth, economic expansion, job creation, and innovation, the ocean is rightly regarded as the “next great economic frontier.” The future of the blue economy is expected to be characterized by growth driven by various contextual factors, promising returns, and significant innovations.

Nevertheless, human activities—ranging from fossil fuel burning and overfishing to plastic pollution and seabed mining—pose serious risks to marine ecosystems. The increasing levels of carbon dioxide in the atmosphere result in higher acidity in the oceans, further harming marine environments. This degradation creates a ripple effect on industries and local economies that depend on the vitality of ocean ecosystems for their survival.

Analysis of recent researches and publications. Recent studies underscore the economic potential and sustainability challenges of the blue economy. The European Union's Blue Economy Report (2023) projects that the blue economy could generate €2.54 trillion by 2030 while supporting millions of jobs across sectors like fisheries and tourism [9]. This highlights the need for sustainable practices to maximize environmental

health and economic gain. The OECD report “The Ocean Economy to 2050” supports these findings, emphasizing that a sustainable ocean economy can unlock significant economic benefits [2]. The WWF's “Blue Finances” report (2023) further notes that healthy ocean ecosystems can generate over \$2.5 trillion annually, reinforcing the urgency of marine conservation [1]. The current literature also points to a gap in centralized coordination mechanisms among private initiatives and regional efforts, suggesting that a global approach is necessary to tackle the complexities of ocean governance. With that in mind, this article serves as a significant contribution to the understanding of ocean economics and sustainability, shining a light on the urgent need for collective action and research to address the pressing challenges facing the World Ocean today.

Purpose of the article. The purpose of this article is to address the crucial relationship between the health of the Earth's oceans and human life, emphasizing the economic implications of neglecting marine ecosystems. With rising water temperatures, deoxygenation, and human activities threatening ocean health, the article outlines the socio-economic importance of the ocean, particularly in terms of its contribution to the global economy and job creation. By exploring the role of international frameworks, especially those spearheaded by the United Nations, in promoting sustainable ocean management and the development of blue economy initiatives, the article aims to highlight areas where concerted efforts are essential for safeguarding marine resources while advancing economic growth.

Scientific novelty. The scientific novelty of this article lies in its comprehensive assessment of the blue economy as a critical sector for future economic growth and sustainability. It combines empirical data on the economic contributions of ocean-based industries with a detailed exploration of international and regional frameworks aimed at preserving marine environments. The article synthesizes current research on the challenges posed by climate change, pollution, and unsustainable practices and presents actionable recommendations in seven priority areas for the sustainable management of ocean resources. This interdisciplinary approach not only enriches the discourse on ocean health and economic sustainability but also offers a strategic framework that can inform policy-makers and stakeholders engaged in the blue economy.

Article's main body. In an era marked by escalating environmental challenges and the urgent need for sustainable resource management, the intricate relationship between economic development and ocean health has never been more apparent. Recognizing this reality, the United Nations has taken a leading role in establishing frameworks aimed at the sustainable management of the world's oceans. The foundations

were laid with the adoption of the Convention on the High Seas in 1958, a critical step toward fostering international collaboration on ocean issues. However, it wasn't until the early 1980s that ocean-related matters were firmly integrated into the UN agenda. In 1982, the UN Convention on the Law of the Sea was established, and to date, it has been ratified by over 110 states. This pivotal document acts as a constitution for the ocean, outlining the legal framework governing the seas and oceans. It sets forth regulations that manage all activities related to ocean resources, including fishing, aviation, mineral exploration and extraction, conservation, pollution control, and maritime transport. Importantly, the Convention emphasizes that challenges linked to ocean space are interconnected and should be approached holistically [4].

A renewed global focus on oceanic issues emerged in the 1990s, particularly during the UN Conference in Rio de Janeiro in 1992, often referred to as the Earth Summit. The final document, "Agenda for the 21st Century," included a dedicated chapter on the protection of oceans and seas, encompassing all types, including closed and semi-closed bodies of water, as well as coastal areas. It underscored the importance of protecting, rationally using, and developing the living resources within these environments. The areas of focus for the development of the World's oceans, which were adopted and endorsed at the highest levels, include the following: Integrated and rational use, as well as sustainable development, of coastal areas including exclusive economic zones; Protection of the marine environment; Sustainable use and conservation of marine living resources in the high seas; Sustainable use and conservation of living marine resources within national jurisdiction; Elimination of uncertainties critical to the rational use of the marine environment and the assessment of climate change; Strengthening international and regional cooperation and coordination; Sustainable development of small island nations.

Two decades later, ocean issues re-emerged prominently on the agenda of the UN Conference on Sustainable Development, also held in Rio de Janeiro and known as Rio+20. Its final document, "The Future We Want," underscores the necessity of preserving the vital functions of the oceans and seas. Growing attention and concern regarding the state of the world's oceans have led to the inclusion of an ocean-related goal within the 17 United Nations Sustainable Development Goals (SDGs), which have been guiding global efforts for several years. Specifically, SDG 14 focuses on several critical objectives for the conservation, development, and sustainable management of oceanic resources. Officially titled "Conserve and sustainably use the oceans, seas, and marine resources for sustainable development," it emphasizes the commitment to address

key environmental and economic challenges facing the World Ocean. To further support the development of the Blue Economy concept, in early March 2023, the United Nations reached a significant milestone by adopting the High Seas Treaty. This treaty aims to designate 30% of the world's oceans as protected areas by 2030, a notable increase from the current figure of approximately 10%. The initiative involves implementing restrictions on activities such as fishing, shipping, and exploration within these protected zones.

Various specialized organizations dedicated to addressing the challenges of the World Ocean operate within the framework of the United Nations. Notably, the Regional Seas Programme, established under the United Nations Environment Programme (UNEP), promotes the environmentally sustainable use of marine resources. UNEP has also launched the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities [5].

Additionally, UNESCO supports the Intergovernmental Oceanographic Commission, which coordinates projects in marine research, monitoring systems, hazard mitigation, and improved management of ocean and coastal areas. The International Seabed Authority (ISA), established under the United Nations Convention on the Law of the Sea, focuses on organizing and regulating the exploration and development of seabed mining resources in areas beyond national jurisdiction.

Another crucial UN agency related to ocean governance is the International Maritime Organization (IMO), which works to establish an effective global regulatory framework for the shipping industry that considers the interests of all stakeholders. The IMO has developed several instruments to combat marine pollution from ships, including the International Convention for the Prevention of Pollution from Ships (MARPOL), the International Convention for the Prevention of Marine Pollution by Oil, and the International Code for Ships Operating in Polar Waters (Polar Code).

Given the oceans' critical role in providing food for the global population, the Food and Agriculture Organization of the United Nations (FAO) plays a significant role in discussions surrounding these issues [6]. The FAO has developed the Code of Conduct for Responsible Fisheries, which sets international standards for responsible fishing practices aimed at ensuring the effective conservation, rational use, and development of living aquatic resources while considering ecosystem health and biodiversity. The FAO also supports the Global Sustainable Fisheries and Biodiversity Conservation Program in Areas Beyond National Jurisdiction (Common Oceans ABNJ Program), which focuses on territories that are vital to supranational

governance and international collaboration. Furthermore, the UN is actively raising awareness about ocean-related issues, urging the global community to enhance and expedite their consideration and study [7]. The years 2021 to 2030 have been declared the UN Decade of Ocean Science for Sustainable Development, alongside the UN Decade for Ecosystem Restoration. Since 2017, the UN has been convening conferences focused on ocean matters, facilitating progress toward achieving UN Sustainable Development Goal 14.

When examining the EU's ocean policy, it is essential to contextualize it within the framework of the blue economy, which encompasses six primary sectors: the extraction and production of living resources (including fishing, aquaculture, and fish product processing), offshore oil and gas production, port and warehouse operations, implementation of water projects, marine transport, shipbuilding and repair, and coastal tourism [8]. However, the scope of the EU's initiatives is expanding beyond these established sectors. Currently, several key acts are in force within the EU framework that guide water and maritime policies. These include: Directive No. 2000/60/EC of the European Parliament and the European Council, dated October 23, 2000, which establishes a framework for water policy emphasizing the importance of communication; Directive No. 2014/89/EC of July 23, 2014, concerning the creation of a framework for maritime spatial planning, which sets out requirements for planning in EU maritime areas; The General Fisheries Policy (2002), which includes regulations on fish catch quotas and the governance of the fishing industry; Recommendations from the European Parliament and the European Council on May 30, 2002, regarding the implementation of integrated coastal zone management in Europe (No. 2002/413/EC), which establishes principles and rules for effective coastal zone management; Directive No. 2008/56/EC of June 17, 2008, which outlines standards for the implementation of Marine Environmental Policy through the Marine Directive, aiming to preserve a good ecological state of marine environments; Directive No. 92/43/EEC of May 21, 1992, focused on the protection of natural habitats and wild fauna and flora, which regulates the conservation of biological diversity; Directive No. 2006/7/EC of February 15, 2006, which manages water quality for recreational purposes, along with the repeal of Directive No. 76/160/EEC (the Beach Directive), focusing on the quality control of coastal areas suitable for swimming; Regulation No. 708/2007 of June 11, 2007, concerning the use of non-native and locally originating species in aquaculture [9].

Additionally, the European Union (EU) is set to develop a comprehensive marine data database, establish tools for effective data utilization, and create a monitoring center dedicated to ocean surveillance

initiatives. This initiative aims to streamline information collection and foster a transition toward sustainable investment in marine industries.

Beyond the EU, numerous countries have devised national strategies to implement the principles of the blue economy, encompassing spatial development, value chain functionality, and targeted sector allocation.

- Japan introduced the 'Osaka Blue Ocean Vision,' which aims to eliminate marine plastic litter pollution by 2050. Furthermore, the Japanese Government launched the "MARINE Initiative" to enhance capacity building and infrastructure development in waste management.

- With its extensive coastline exceeding 7,500 kilometers, India is witnessing the growth of the blue economy as a significant sector. The Government of India is currently formulating the National Maritime Policy and the National Blue Economy Policy. A notable initiative includes recent deep-sea expeditions aimed at exploring potential living and non-living resources in the deep ocean.

- In Seychelles, which boasts a marine area of 1.35 million square kilometers, the Department of Blue Economy was established in 2015 within the Ministry of Finance.

- In China, the establishment of the Shandong Peninsula Blue Economic Zone has been approved as one of three pilot projects aimed at advancing the country's marine economy. In 2012, the State Council endorsed zoning plans for eight key coastal regions to enhance the maritime economy's contribution to overall economic growth and employment [10].

Despite the ongoing development of blue economy initiatives, certain challenges persist that could hinder progress and sustainability in marine industries. This includes, but not limited to conflicts over resource use, invasive species and biosecurity, overfishing, marine pollution, habitat destruction. Although the United Nations and its agencies serve as the hub for international collaboration that aims to fight these issues and establish blue economy, private initiatives, including interregional efforts, often lack a centralized coordination mechanism.

Conclusions and prospects for the development.

Given that the world's oceans function as a cohesive system that impacts the entire planet, a global approach is essential. In this context, to effectively achieve the Sustainable Development Goals (SDGs), it would be beneficial for the UN to catalog national and international initiatives aimed at utilizing blue economy resources. Establishing commissions or councils focused on regional programs for ocean development and conservation could further enhance cooperative efforts [11].

In light of the current trajectory of Blue Economy development, the authors of this paper identify seven priority areas critical for the effective implementation of

blue economy principles. Recognizing the interconnected nature of ocean health and economic sustainability, these areas provide a strategic framework for action and can serve as categories for a future United Nations catalog of initiatives aimed at fostering global cooperation and sustainable practices. The identified priority areas are as follows:

1. National Accounting System and Management of the Ocean Economy: This area emphasizes the importance of creating robust national accounting frameworks that accurately reflect the economic contribution of ocean resources. By integrating oceanic data into national economic assessments, countries can make informed decisions that prioritize sustainable management and resource allocation.

2. Territorial Planning of Coastal Marine Areas and Tourism: Effective territorial planning is crucial for balancing ecological integrity with economic development, especially in coastal regions where tourism is prominent. Implementing strategic plans that manage tourism activities while protecting marine environments can enhance both economic benefits and conservation efforts.

3. Sustainable Management of Fisheries and Aquaculture: As critical components of the ocean economy, fisheries and aquaculture must be managed sustainably to prevent overexploitation and ensure food security. Innovations in fish processing and sustainable fishing practices will bolster economic returns while preserving fish stocks and marine biodiversity.

4. Manufacturing, Trade, and Human Capital Development: The link between manufacturing and the blue economy extends to the need for workforce development and capacity building.

5. Investment in Maritime Infrastructure: Investments in maritime transportation systems and

related infrastructure will facilitate trade and improve access to markets, further integrating countries into the global economy.

6. Sustainable Practices in Coastal and Deep-Sea Resource Extraction: The exploration and exploitation of marine resources, including minerals and renewable energy, must be conducted responsibly. Establishing guidelines for sustainable practices in mining and energy extraction will help mitigate environmental impacts while harnessing economic potential.

7. Security and International Cooperation: Ensuring the safety and security of ocean resources and marine ecosystems necessitates robust international partnerships. Addressing issues such as illegal fishing, marine pollution, and climate change requires coordinated efforts and collaboration among nations.

These identified priority areas underscore the critical need to strengthen international research activities, which cannot be realized without enhanced integration and cooperation at both international and regional levels. Collaborative efforts in research and policy development are vital for mobilizing the necessary resources, sharing best practices, and accelerating the examination of the blue economy. By fostering cooperation among stakeholders—governments, private sectors, NGOs, and local communities—countries can work together to tackle the multifaceted challenges facing our oceans. Such unified initiatives are essential not just for economic growth but also for the sustainable development of ocean resources, ensuring that marine ecosystems remain resilient for future generations. Ultimately, the success of the Blue Economy hinges on a commitment to sustainability, shared knowledge, and collective action, enabling a thriving ocean economy that supports both livelihoods and environmental health.

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КОНЦЕПЦІЯ «БЛАКИТНОЇ ЕКОНОМІКИ»: МІЖНАРОДНО-ПРАВОВІ АСПЕКТИ ТА НАСЛІДКИ

Постановка проблеми. Океани Землі є життєво важливими для людства та відіграють ключову роль у світовій економіці, забезпечуючи кисень, їжу та гнучкість у міжнародній торгівлі. Варто зазначити, що близько 90% глобальної торгівлі здійснюється морським шляхом, що робить океани незамінними для економічної стабільності. Водночас здоров'я цих критично важливих екосистем перебуває під загрозою через низку чинників, зокрема підвищення температури води, зниження рівня кисню, забруднення та надмірний вилов риби. Такі екологічні виклики не лише ставлять під загрозу морське біорізноманіття, а й мають серйозні наслідки для засобів існування людей та глобальної економіки. У зв'язку з поглибленням цих проблем, усвідомлення економічних наслідків нехтування станом океанів набуває все більшої актуальності. Концепція блакитної економіки — економічної моделі, що орієнтована на сталу експлуатацію морських ресурсів — має значний потенціал для забезпечення економічного зростання за умови збереження екологічного балансу.

Аналіз останніх досліджень і публікацій. Сучасні дослідження підкреслюють як величезний потенціал блакитної економіки, так і актуальні виклики сталого розвитку, які супроводжують її реалізацію. У Звіті Європейського Союзу про блакитну економіку за 2023 рік йдеться про те, що до 2030 року блакитна економіка може принести близько 2,54 трильйона євро доходів та забезпечити мільйони робочих місць у таких сферах, як рибальство, морський транспорт і туризм. Це свідчить про суттєву економічну вигоду від етичного управління морськими ресурсами. Крім того, у звіті ОЕСР «Морська економіка до 2050 року» зазначається, що розвиток морських технологій може суттєво сприяти цьому економічному зростанню. Результати дослідження WWF «Blue Finances» (2023) свідчать, що здоровий океан здатен щороку генерувати понад 2,5 трильйона доларів для світової економіки. Водночас наявна наукова література виявляє критичний брак централізованого управління морськими ресурсами, що підкреслює необхідність міжнародної співпраці для їх захисту.

Мета статті. Метою статті є дослідження складного взаємозв'язку між станом океанів та економічною активністю з акцентом на соціально-економічне значення океанів. Стаття спрямована на оцінку чинних міжнародно-правових механізмів, зокрема ініціатив ООН, щодо відповідального управління океанами та розвитку ініціатив у сфері блакитної економіки. Через виявлення сфер, які потребують спільних дій, автори прагнуть надати практичні рекомендації, що сприятимуть економічному зростанню із забезпеченням сталості морських екосистем.

Наукова новизна. Наукова новизна статті полягає в інтегративному аналізі блакитної економіки як важливого сектора для майбутнього сталого розвитку та економічного зростання. Шляхом поєднання емпіричних даних щодо економічного внеску морських галузей із аналізом міжнародно-правових механізмів захисту морського середовища, стаття надає глибоке розуміння перетину між екологічною сталістю та економічною доцільністю. Крім того, вона містить практичні рекомендації, згруповані за сімома пріоритетними напрямками ефективного управління морськими ресурсами.

Основна частина статті. У статті представлено детальний аналіз розвитку взаємозв'язку між економічною діяльністю та станом океанів із наголосом на необхідності сталого управління ресурсами. Протягом багатьох років Організація Об'єднаних Націй відігравала ключову роль у формуванні правових рамок глобального управління океанами, починаючи з Конвенції про відкрите море 1958 року та значно розширюючи ці механізми завдяки Конвенції ООН з морського права, прийнятій у 1982 році. Ця всеосяжна правова база регулює широкий спектр діяльності, пов'язаної з океанами, що відображає комплексний характер викликів, пов'язаних з управлінням морськими ресурсами. Актуальність вирішення проблем океану особливо зросла після Саміту Землі 1992 року та наступної Конференції ООН зі сталого розвитку (Ріо+20) у 2012 році, результатом яких стало затвердження Цілі сталого розвитку №14 (ЦСР 14), що спрямована на збереження морських ресурсів.

Останнім часом ухвалення Договору щодо відкритого моря (High Seas Treaty) ставить за мету забезпечення охоронного статусу 30% світових океанічних територій до 2030 року, що підкреслює серйозність підходу до управління океанами. Різні спеціалізовані установи ООН, зокрема Продовольча та сільськогосподарська організація (ФАО) та Міжнародна морська організація (ІМО), активно впроваджують регуляторні механізми для забезпечення здоров'я океанів, зокрема у питаннях надмірного вилову та морського забруднення.

Океанічна політика Європейського Союзу реалізується в межах концепції блакитної економіки, яка охоплює різні сектори, зокрема рибальство, морський транспорт, офшорний видобуток нафти і газу, а також прибережний туризм. Ключові законодавчі акти, такі як Директива з морської стратегії та Спільна рибальська політика, регламентують сталі практики в цих сферах. Водночас окремі країни, такі як Японія та Індія, також розробляють національні стратегії, що відповідають принципам блакитної економіки.

Висновки та перспективи розвитку. Системний аналіз підтверджує нагальну потребу в єдиному глобальному підході до управління океанами. З огляду на інтегральну роль океанів як глобальної екосистеми, що впливає на всі аспекти життя, ефективне досягнення Цілей сталого розвитку потребує посиленої співпраці та належного врядування.

Автори пропонують сім пріоритетних напрямів для впровадження принципів блакитної економіки:

1. національні системи обліку морських ресурсів;
2. територіальне планування прибережних морських зон;
3. сталий менеджмент рибальства та аквакультури;
4. інвестиції в морську інфраструктуру;
5. розвиток людського капіталу;
6. сталі практики у видобутку ресурсів у прибережних та глибоководних зонах;
7. міжнародна співпраця та безпека.

Ці напрямки підкреслюють взаємозв'язок між здоров'ям океанів та економічною стабільністю, створюючи основу для ефективних політик, які можуть бути впроваджені на глобальному рівні. Зрештою, успіх блакитної економіки залежить від колективного зобов'язання щодо сталого розвитку, що демонструє: відповідальне управління морськими ресурсами може поєднуватися з економічним прогресом і водночас забезпечувати збереження океанів для майбутніх поколінь.

Ключові слова: Блакитна економіка, сталий розвиток, Конвенція ООН з морського права, морське право, екологічне регулювання, права на морські ресурси, право сталого рибальства.

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