

# **Science for Solutions: Bringing Stakeholders Together to Improve Ocean Planning and Governance in ABNJ of the South-East Atlantic and Western Indian Ocean**

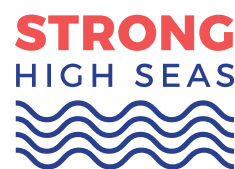


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**Joint Workshop between the Abidjan  
Convention, Nairobi Convention, ABNJ Deep  
Seas Project and STRONG High Seas Project**

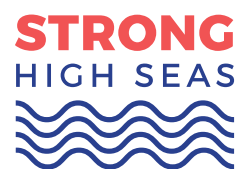
Lagoon Beach Hotel, Cape Town, South Africa

10-12 June 2019



**Joint Workshop Science for Solutions: Bringing Stakeholders Together to Improve Ocean Planning and Governance in ABNJ of the South-East Atlantic and Western Indian Ocean** Lagoon Beach Hotel, Cape Town, 10-12 June 2019

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## Workshop Summary

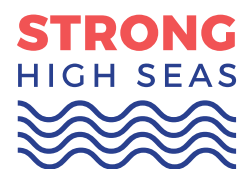
The Abidjan Convention Secretariat, the Nairobi Convention Secretariat, the ABNJ Deep Seas project and the STRONG High Seas ('Strengthening Regional Ocean Governance for the High Seas') project co-hosted a Joint Workshop between 10 and 12 June 2019 in Cape Town, South Africa. The workshop was organised back-to-back with a Collective Meeting of the Abidjan Convention and Nairobi Convention on 12 June 2019 and a Meeting of the Areas Beyond National Jurisdiction (ABNJ) Working Group of the Abidjan Convention on 13 June 2019.

This workshop was part of a series of workshops organised under the ABNJ Deep Seas and STRONG High Seas projects in the Southeast Atlantic and Western Indian Ocean regions, to bring together stakeholders within the regions to discuss the status and challenges for global and regional ocean governance, foster exchange and build new networks. The workshop was the closing workshop of the ABNJ Deep Seas project and the second dialogue workshop of the STRONG High Seas project.

Representatives from member States of the Nairobi Convention and the Abidjan Convention, as well as, global and regional organisations, regional scientific institutions, academia and NGOs, took part in a three-day workshop. 86 participants attended the workshop (see **Error! Reference source not found.**). The workshop provided a rare opportunity for participants from the two regions to discuss the current status, interests and challenges for global and regional ocean governance, foster exchange and build new networks.

## Key messages

- The 'Science for Solutions' workshop brought together State representatives from the Abidjan Convention, the Nairobi Convention, as well as a range of stakeholders from global and regional organizations, science, academia and NGOs. It was followed by the first joint meeting between the two Conventions.
- This workshop offered a space for convention member States, the Secretariats, sectoral organisations and academia to present their work and discuss critical aspects relevant to areas beyond national jurisdiction (ABNJ) and marine biodiversity beyond national jurisdiction (BBNJ) issues. Workshop participants highlighted the importance of organising these dialogue workshops in the region to discuss issues related to ABNJ, and particularly in relation to the BBNJ process.
- The workshop highlighted the progress of the ABNJ Deep Seas and STRONG High Seas (Strengthening Regional Ocean Governance for the High Seas) projects in the Southeast Atlantic and Western Indian Ocean. The ABNJ Deep Seas project is ending in August 2019 and the STRONG High Seas project is in its second year of implementation (continuing until May 2022).
- Participants recognized of the importance of conservation and sustainable use of marine biodiversity in ABNJ.
- It is important to engage in further debates and negotiations related to ABNJ at the national, regional and global level. Opportunities to support ongoing national and regional policy processes should be identified to support greater involvement of African states in the BBNJ negotiations.

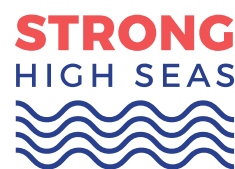


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- Cross-sectoral collaboration and communication is needed at both the national, regional and global level to advance the governance of ABNJ. The importance of sharing knowledge and experience between regions, such as on marine spatial tools and the identification of existing legal frameworks for their use in ABNJ, was underscored.
- A multi-level stakeholder engagement platform for the region will require clear objectives, a common vision on the needs and interests of the different stakeholders of the region, sufficient financial resources to guarantee its long-term use, and be cost-effectively managed. In this regard, workshop participants also emphasised that cooperation amongst academics in the region is required, as well as more science to underpin the development of policies.
- Many African states lack national ocean governance structures. These could be more easily developed once strong regional and global structures are in place.
- Research is ongoing in both regions, but knowledge and data gaps remain. Research collaboration and information sharing between states and organizations can avoid duplication of efforts and increase operational efficiencies.
- Attention should be paid to establishing robust science to policy processes to ensure that research findings are easily accessible to decision makers.
- In order to address maritime security issues in the waters off African coasts, collaborations between states, information sharing, and private-public partnerships are needed.
- Area-based planning and management tools, such as Marine Spatial Planning (MSP), are appropriate for use in ABNJ. It is important to involve a broad range of stakeholders, including non-governmental stakeholders.
- Capacity building and the transfer of marine technology are required to ensure the full implementation of BBNJ objectives and the participation of African states in the negotiations. Several ongoing projects are running capacity-building initiatives, but it still has to be better understood what form of capacity building is most effective and desired.
- There is an abundance of technological tools for Monitoring, Control and Surveillance (MCS), but currently policy options are lacking. MCS is indispensable for the sustainable governance of maritime areas.
- Any ocean management regime must acknowledge that coastal waters and the High Seas are ecologically connected. Biodiversity loss in the High Seas also threatens coastal livelihoods and activities in the Exclusive Economic Zone (EEZ).
- Activities offering the potential of economic revenue (fishing, shipping, offshore oil and gas, marine genetic resources, etc.) are of particular interest to African states. A sustainable blue economy, balancing economic, environmental and social concerns, is important to ensure the continued provision of ecosystem services by the ocean.
- Socio-ecological interactions, climate change and culture play a significant role for ocean governance and will be covered in more detail by upcoming STRONG High Seas project assessments.

## Outlook and next steps

The ABNJ Deep Seas project will end in August 2019. The project is currently working on the finalisation of project reports, including a synthesis bringing together all key messages from each of the project outcomes. The Ocean+ Initiative (led by UNEP-WCMC) and MiCO project (Migratory Connectivity in the Ocean) (led by Duke University) will continue beyond the end of the ABNJ Deep Seas project. These projects can help to improve access to—and the use of—marine data of relevance to biodiversity in the region, which can be used to support



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countries in tracking progress towards international targets and inform the region about ecological connectivity, respectively. Based on the feedback received during the workshop, a draft framework for marine spatial planning (MSP) will be updated and circulated to member States for review. The framework will be finalized in August 2019 and will be made available through the Common Oceans website ([www.commonoceans.org](http://www.commonoceans.org)). Outcomes of the ABNJ Deep Seas project will be presented at the third session of the BBNJ negotiations in August 2019. A final evaluation will be carried out at the end of 2019 to determine the impact of the project. Work is currently underway to develop a second phase of the project, led by the Food and Agriculture Organisation (FAO).

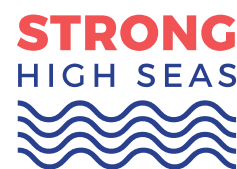
This workshop was the second dialogue workshop organised under the STRONG High Seas project, with three more dialogue workshops planned until 2022. Within the next year, the project will publish a report on ecological baselines for the region as well as undertake a socio-economic analysis on the importance of high seas biodiversity for the Southeast Atlantic (and Southeast Pacific) region. An evaluation of the legal framework for the monitoring, control and surveillance (MCS) of human activities in ABNJ will also be done and a MCS workshop for the Abidjan Convention region will be organised in the 2020. Stakeholder participation will be promoted by strengthening links between the Permanent Commission for the South Pacific (CPPS) and the Abidjan Convention regions, as well as with other relevant marine regions. To this end, a joint workshop with the Noumea Convention and another with the Nairobi Convention are planned. In addition to further scientific analysis on underpinning the global BBNJ process through sectoral and regional governance for the upcoming BBNJ negotiations and the organisation of webinars, a capacity building workshop and expert meeting will be organised during the third session of the BBNJ negotiations in August 2019. Abidjan Convention member States and stakeholders are invited to participate actively in the project, by contributing to and reviewing technical documents and scientific assessments, participating in expert meetings, dialogue workshops, capacity building workshops as well as other project events organised during the BBNJ negotiations in New York. More information about the project can be found on the project website (<https://www.prog-ocean.org/our-work/strong-high-seas/>) as well as through [Facebook](#), [Twitter](#) and a [biannual newsletter](#).

## **Summary of the Presentations and Discussions**

### **1 Welcome**

Participants of the three-day joint workshop, entitled 'Science for Solutions: Bringing Stakeholders Together to Improve Ocean Planning and Governance in ABNJ of the South-East Atlantic and Western Indian Ocean', were welcomed on behalf of the Abidjan Convention Secretariat, the Nairobi Convention Secretariat, the ABNJ Deep Seas Project, the STRONG High Seas Project and Germany, which is funding the STRONG High Seas project through its International Climate Initiative (IKI).

**About Bamba**, Head of the Abidjan Convention Secretariat, recalled that at COP 10 of the Abidjan Convention, 22 countries agreed to strive to better understand ABNJ issues and their relevance to the region. Consequently, the Areas Beyond National Jurisdiction (ABNJ) Working Group was created in 2015 and has since developed a budget, a Programme of Work and a Plan of Action. While many African countries were initially sceptical with regards to their



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capacity to play a role on the high seas, Mr. Bamba stressed the stake of African countries in ABNJ and the vital role which they can play in the ongoing negotiations.

**Dixon Waruinge**, Head of the Nairobi Convention Secretariat, pointed to the potential of blue growth and stressed the economic importance of the maritime domain. He underlined the importance of the ongoing discussions for a high seas treaty, especially considering that activities in ABNJ might adversely affect EEZs. He further mentioned the need to link science and policy and expressed his hope that the workshop will support African countries in defining a common position in and contribute to the BBNJ negotiations.

**Ben Boteler**, co-lead of the STRONG High Seas project, welcomed the participants from a variety of organizations and governments on behalf of the project. He expressed his hope that the project in general and this meeting in particular would make collective strides towards marine conservation. The two main objectives of the workshop are to offer an opportunity for dialogue between the Southeast Atlantic and the Western Indian Ocean regions and to discuss the scientific work, which will shape the dialogue and policies.

**Matthias Steitz**, The Ministry for the Environment, Nature Conservation and Nuclear Safety (BMU) Germany, opened by recalling the vital role of ocean habitats, which is contrasted by the lack of progress towards reaching Sustainable Development Goal (SDG) 14 target of protecting 10% of marine areas. This is especially evident for the high seas, of which only 1.18% are protected. The ongoing BBNJ negotiations offer an opportunity to create an international mechanism for marine protected areas (MPAs). The German government has been supportive of these discussions from the beginning and is advocating for the development of a strong international agreement on BBNJ, which will in return have to rely on strong structures at the regional level. Germany has initiated the STRONG High Seas Project, which aims to strengthen regional approach. The project is an opportunity to address climate change and biodiversity and also contributes to South Africa's biodiversity plan.

**Dr. Nina Bhola**, co-lead of the ABNJ Deep Seas Project, welcomed the participants on behalf of the UN Environment Programme World Conservation Monitoring Centre (UNEP-WCMC) and thanked the Nairobi Convention Secretariat for its continued engagement as a pilot region of the project. She further expressed the hope about the potential derived from States working together, as evidenced for example by the progression in the application of marine spatial planning as a cross-sectoral area-based planning tool in the Western Indian Ocean. This workshop presents an opportunity to take cooperation even further, by bringing together two regions spanning two ocean basins.

## **2 Session 1: The importance of ABNJ and an update on the BBNJ Negotiations**

**Dr. Carole Durussel (IASS)** gave an introduction to the importance of Areas Beyond National Jurisdiction (ABNJ) and the ongoing Biodiversity Beyond National Jurisdiction (BBNJ) negotiations. The ocean covers 71% of planet, of which 61% are ABNJ. The high seas are defined by the United Nations Convention on the Law of the Sea (UNCLOS) as the water column beyond 200 nautical miles. The seabed is legally known as 'the Area' and treated under a different legal regime within UNCLOS from the high seas.

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ABNJ are full of marine life and provide important ecosystem services, which are increasingly threatened. Pressures from human activities are not limited to coastal areas but extend to the high seas and have reached as far as Antarctica and the Mariana Trench. The whole planet is connected, driven by ocean currents and migration of animals, as a result activity in coastal zones impact ABNJ and other way round. Political and legal divisions of the ocean do not reflect this ecological connectivity. Currently ABNJ are governed by a complex and fragmented institutional and legal framework. The ocean is not only divided into areas beyond and within national jurisdiction, but also compartmentalized by sector. The International Seabed Authority (ISA), for example, is in charge of managing seabed mining; the International Maritime Organisation (IMO) is responsible for shipping, dumping of waste, and marine pollution; the Food and Agriculture Organization (FAO) covers fishing; the International Whaling Commission (IWC) works on whaling; and the Intergovernmental Oceanographic Commission (IOC) is responsible for guidelines on technology transfer. Regional fisheries management organizations (RFMOs) act at the regional level, but not all fishery species and regions are covered. Regional Seas Programmes (RSPs), such as the Abidjan and Nairobi Conventions, also play an important role for ocean governance, but most of them do not extend into ABNJ. At the moment cooperation between regional and global organizations is limited, which is compromising the conservation of high seas biodiversity.

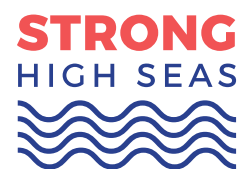


Ben Boteler (IASS) and Carole Durussel (IASS) ©Mathias Greiner

Under UNCLOS there are two implementing agreements: the UN Agreement on the Implementation of Part XI (1994) and the UN Fish Stocks Agreement (1995). The BBNJ agreement currently under discussion would be the third implementing agreement under UNCLOS. BBNJ Elements under discussion are Marine Genetic Resources (MGRs), Area-Based Management Tools (ABMTs),

Environmental Impact Assessments (EIAs), and Capacity building and Technology Transfer (CB&TT). Official discussions started in 2016 with the Preparatory Committee (PrepCom) meetings, and formal negotiations began in September 2018. Negotiations are planned to finish in spring 2020.

The negotiations during the first session of the Intergovernmental Conference on BBNJ proceeded based on the document 'Aid to Discussions', the second session was based on the



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document 'Aid to Negotiations'. Currently an early draft text is available to facilitate text-based negotiations.<sup>1</sup> Progress to date across the package deal elements is mixed:

- **MGRs:** There is a broad consensus on the need for a benefit sharing mechanism. Open questions remain, among others, surrounding the type of access, the regulation of access, whether benefits will be monetary or non-monetary, whether benefit sharing will be voluntary, how to consider intellectual property rights, the monitoring of MGR use, and whether to include MGRs from both the high seas and the Area.
- **ABMTs:** There is consensus on the importance of the precautionary approach, the ecosystem approach, the science-based approach, inclusion of indigenous knowledge, as well as maintaining coherence with existing institutional and legal frameworks. Questions remain surrounding the criteria and standards, whether MPAs will be permanent or temporary, decision making mechanisms, and distribution of responsibilities.
- **EIAs:** States have so far agreed that it should be obligatory to conduct EIAs and that duplication with existing processes should be avoided. Discussion continues on which activities requires EIAs, the modalities of assessment, how to consider cumulative and transboundary impacts, how to consider socioeconomic and cultural impacts, who should conduct EIAs, who should pay for them, and how to involve adjacent coastal States in this process.
- **CB&TT:** Guidelines for CB&TT already exist under IOC-UNESCO; the role of the new agreement is to catalyse them. States have agreed upon the importance of CB&TT and that it should be needs-driven and state-driven. Open remains whether it should be voluntary or mandatory, which states should receive preferential treatment, areas in which technology will be transferred, the form of the Clearing House Mechanism to be established, and how to establish a funding mechanism.

States can apply via their permanent mission in New York for funding to send a representative to the next round of negotiations in September 2019 through the DOALOS Trust Fund (deadline 28 June 2019).

Discussion:

- A lack of capacity is affecting countries around the globe to engage in the BBNJ process in New York. UN is aware of this issue and welcomes any ideas and suggestions on how to resolve it.
- It is unclear how exactly a technology transfer would take place.
- Some West African countries have national regulations for EIAs, but these are currently only applied on land. It will be challenging to apply them offshore.
- EIAs already exist for some organizations; the BBNJ negotiations take note of these. SEAFO, for example, has a working group on 'ecological assessments'.
- The High Seas Alliance shares, through the 'Treaty Tracker' website,<sup>2</sup> all interventions made by countries during the BBNJ negotiations.

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<sup>1</sup> See: <https://undocs.org/en/a/conf.232/2019/6>

<sup>2</sup> See: <http://highseasalliance.org/treatytracker/>

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## 3 Session 2: Project updates

### *STRONG High Seas Project: State of Play*

**Ben Boteler (IASS)** gave an overview of the state of play of the STRONG High Seas Project. The primary objective of the project is to strengthen regional ocean governance for the conservation and sustainable use of biodiversity. The project is driven by regional discussions and guided by the integrated ecosystem-based approach and the main objective is to foster engagement among the various actors. There are three project components:

- Strengthening ocean governance in the focal regions,
- Strengthening dialogue between marine regions,
- Linking regional and global governance.

Within these three components, the project has several activities, such as: Technical workshops, dialogue workshops, capacity building, the development of a stakeholder platform,



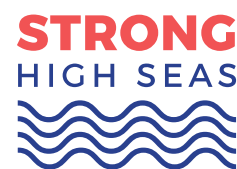
regional workshops, interregional workshops, policy engagement, scientific assessments, and policy briefs.

The primary objective of the dialogue workshops is to exchange, learn, and provide and receive information on ocean governance and BBNJ. Based on a collaborative approach, together with the regions, topics for in-depth assessment are identified, regional scientific assessments are co-designed, data and information are exchanged, project outputs are reviewed and

*Ben Boteler presents the STRONG High Seas project ©Mathias Greiner*

evaluated, and joint workshops and trainings are co-developed.

The first STRONG High Seas project report was published in late 2018 on the legal and institutional framework of the regions. In addition, a report on regional lessons learned in ocean governance and a policy brief on how to link the regional and the global level have been published. A report on ecological baselines seeking to create an assessment of the current status of the high seas in the focal regions is currently underway. An assessment of technological tools necessary for the Monitoring, Control and Surveillance (MCS) of human activities in ABNJ is in progress and another policy brief on the linkages between the regional and global levels will be published leading up to the third round of negotiations in August 2019. In addition, the project is working on the development of an assessment of regional capacity needs and a stakeholder platform. A capacity building workshop will be held during the third session of the BBNJ negotiations.



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### ***ABNJ Deep Seas Project: State of Play***

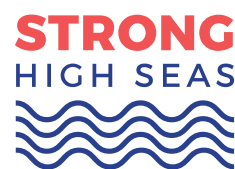
**Dr. Nina Bhola (UNEP-WCMC)** presented the ABNJ Deep Seas Project. This 5-year project funded by the Global Environment Fund (GEF) is coming to an end and all results are available online ([www.commonoceans.org](http://www.commonoceans.org)). The project has four components:

1. Improved application of policy and legal framework (*led by FAO*)
2. Reducing adverse impacts on vulnerable marine ecosystems (VMEs) and components of ecologically or biologically significant areas (EBSAs) (*led by FAO*)
3. Improved planning and adaptive management for ABNJ deep-sea fisheries (*led by FAO*)
4. Development and testing of a methodology for area-based planning (*led by UNEP-WCMC*)

The objective of component 4 is to develop a draft area-based planning methodology suitable for use in ABNJ and to build capacity in the pilot regions to apply it. Throughout the project, UNEP-WCMC, in collaboration with project partners, have undertaken a number of reviews and workshops to build a scientific evidence base that has then been used to inform the development of a methodology for area-based planning in ABNJ. Activities have been undertaken under three core themes. Firstly, the project aimed to understand and enhance existing levels of capacity and knowledge sharing within project pilot regions. Information in relation to this was collected via capacity assessments to identify how capacity for area-based planning has changed over time as the project and BBNJ discussions have progressed; via dedicated workshops bringing together different stakeholders to share information and experiences, and build awareness and understanding of different marine activities in ABNJ; webinars to share information with wider stakeholders; and a number of reviews. These reviews focused on identifying key elements of different area-based planning tools and exploring how such tools could be applied in ABNJ, as well as identifying key lessons and experiences from case studies of area-based planning already underway in ABNJ. From this work, it was identified that marine spatial planning (MSP) could be a useful framework under which cross-sectoral area-based planning in ABNJ could be implemented. Secondly, the project explored the existing governance frameworks (and sectoral activities and mandates) in place in ABNJ and how they enable or hinder area-based planning in the pilot region ABNJ. Finally, the project identified existing data sources and explored the data storage and sharing tools available within each of the pilot regions. This information was used to identify gaps in current data and to undertake exercises to determine marine connectivity and cumulative impacts within the pilot regions.

The data, information and experiences collected form a 'toolbox' of sorts, which has helped in the identification and exploration of the current context in ABNJ within the pilot regions and identification of appropriate tools for cross-sectoral area-based planning in ABNJ. The result is the development of a framework to guide and support the undertaking of MSP in ABNJ, which has been shaped by existing regional capacities, perspectives and experiences and can be adapted in light of the evolving governance landscape. The key lessons and findings from all of the project activities will be summarised in a summary document, which may be useful for informing policy makers.

The major expected project outcomes include an improved understanding of the characteristics of ABNJ and activities occurring in the pilot regions, the development of area-based planning knowledge, enhancement of capacity for engagement, and the development of regional resources to support area-based planning in ABNJ.



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## **4 Session 3: Engagement related to biodiversity, ABNJ and BBNJ in the regions**

### **4.1 Presentations by the Conventions**

#### ***Abidjan Convention Presentation on State of Play related to ABNJ/BBNJ***

**Abou Bamba (Abidjan Convention Secretariat)** recalled the various national and regional interests of African states in ABNJ, namely fishing, shipping, deep sea mining, telecommunications, MGRs, carbon sequestration and storage, offshore oil and gas, aquaculture, sea farming and maritime security. He then turned his attention to the environmental, social and economic issues which negatively affects these interests: a lack of information, knowledge and capacity; a lack of scientific research on MGRs; a lack of control over resources; competition with developed countries, high poverty levels demanding immediate attention; and threats to marine biodiversity.

Several regional initiatives have been put in place to address those issues, namely the Abidjan Convention decision CP11/10, the Africa Group statement at the 8th Ad-Hoc Open-ended Informal Working Group to study issues relating to the conservation and sustainable use of marine biological diversity in ABNJ, as well as the STRONG High Seas and the ABNJ Deep Seas projects. The effectiveness of regional governance, however, is constrained by a range of factors: fragmented governance structures, lack of capacities and lack of financial means. These challenges could be addressed by a comprehensive regional ocean governance mechanism, by capacity building and transfer of maritime technology, by learning from the experience of other regions (e.g. OSPAR), and by balancing socio-economic aspects and the conservation of biodiversity. Economic benefits (e.g. from fishing and mining) are the primary interests of African countries in ABNJ.

There is no regional approach or mechanism for EEZ management in Africa. In addition, some maritime boundaries remain contested. Issues of EEZ management feel far away to most States and ABNJ even further. Nonetheless, the Abidjan Convention recognized the need of African countries to be involved in the ABNJ agenda with their decision CP11/10. As a result, the Abidjan Convention Working Group on ABNJ was established in 2015. It is made up of State parties as well as Technical Cooperation Partners (e.g. The Intergovernmental Oceanographic Commission of UNESCO (IOC-UNESCO), IASS). The tasks of the group are the determination of issues to be studied, studies, capacity building, technical reports and recommendations to the COP. An important issue is to guarantee the involvement of all stakeholders, not only those present in New York. The working group also aims at supporting the African Union (AU) Agenda 2063.

The basic principles of their work are the post-2015 agenda, the ecosystem-based approach, the regional approach, as well as the involvement of all stakeholders. Elements of the programme of work include:

1. Relationship between the upcoming legal instrument with other instruments and frameworks,
2. Marine genetic resources, including questions on the sharing of benefits,
3. Measures such as area-based management tools, including marine protected areas,
4. Environmental impact assessments,

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5. Capacity-building and transfer of marine technology, and
6. Institutional arrangements, responsibility, dispute settlement and final clauses.

Beyond the programme of work, it is important for African countries to have a common position. The Nairobi Convention and the Abidjan Convention should formulate a joint position paper. In this view, their first collective meeting on June 12 in Cape Town is very important step. The Barcelona Convention of the Mediterranean should also be included in this process.

***Nairobi Convention Presentation on State of Play related to biodiversity***

**Dixon Waruinge (Nairobi Convention Secretariat)** started his presentation by clarifying that the Nairobi Convention, which has ten member States, does not have the mandate to work on ABNJ. However, member countries have decided to *“cooperate with existing regional institutions on ocean governance and the conservation of marine biodiversity in adjacent areas beyond national jurisdiction ... to promote blue economy pathways in the Western Indian Ocean region”* (Decision CP9/10.2) and *“in collaboration with partners, to prepare a report on the feasibility, options and scenarios for the establishment of marine protected areas in areas beyond national jurisdiction”* (Decision CP9/10.3).

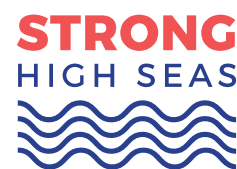


Participants at the workshop ©Mathias Greiner

In the Western Indian Ocean (WIO), the economic value of marine goods and services is estimated at over USD 20 billion per year with an asset base of USD 333.8 billion, potentially bringing wealth to the WIO coastal regions. The WIO is the site of an emerging oil and gas frontier. Regardless of the commercial potential of resources from marine areas, so far only few African countries have invested here. For example, not many African countries have explored the possibility of applying for seabed

mining licenses to the ISA. In addition to this economic potential, over 40 EBSAs have been identified in the region, which is host to approximately 700 seamounts, hydrothermal vents and a range of endemic species. There is an increasing emphasis on the sustainable use of ocean and coastal resources for blue economy growth in the region.

After introducing the WIO region, Mr. Waruinge continued to speak about the challenges to ABNJ. First of all, there is a lack of awareness of these far-away regions. Secondly, while there are a multiplicity of organizations active in the region – Common Market for Eastern and Southern Africa (COMESA), IOC-UNESCO, Intergovernmental Authority on Development (IGAD), Southern African Development Community (SADC), Southwest Indian Ocean Fisheries Commission (SWIOFC), Southwest Indian Ocean Fisheries Commission (SIOFA), Southern Indian Ocean Deepsea Fishers Association (SIODFA), Indian Ocean Tuna Commission (IOTC) – multi-sectoral and emerging issues are insufficiently governed. The dualism between



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sovereign rights in the EEZs and freedom of access on the high seas complicates the governance of ABNJ. It is also often unclear which ministry or body within a country should deal with ABNJ. In addition, ABNJ are threatened by global warming, coral bleaching, ship strikes, ocean noise, oil spills, and ocean acidification. The Nairobi Convention supports the use of Area-Based Management Tools to address these challenges, which is furthered by Component 4 of the ABNJ Deep Seas Project.

In the future, the Nairobi Convention plans to support the African Union Agenda 2063's goal 6 on the Blue/Ocean Economy; to enhance the application of management tools like Marine Spatial Planning (MSP), Ecosystem-based Management (EBM), and Integrated Coastal Zone Management (ICZM); and to develop an Ocean Governance Strategy for the WIO region to determine the African contribution to ocean governance. On July 5, 2019 an Ocean governance session will be held at the symposium organised by the Western Indian Ocean Marine Science Association (WIOMSA). In August/September 2019, a Regional Ocean Governance Workshop will be held. In September 2019, the Nairobi Convention will attend the Marine Regions Forum organised by IASS. The Nairobi Convention is also planning its participation at the 2020 UN Ocean Conference in Portugal.

### ***Discussion***

- It is important to consider the diplomatic aspects around the BBNJ negotiations and convince those rooted in politics rather than ABNJ issues of the importance of the process.
- African countries should have a list of uses and economic value of ABNJ. This could help convince governments of the importance of the high seas, and to actively engage in the discussions.
- Many countries do not have national ocean governance structures in place. These could be built more easily once regional ocean governance structures are in place, upon which national structures could be based.
- Decision makers need to be able to attend and contribute to the BBNJ negotiations, which is not always the case.
- Countries should take ownership of the STRONG High Seas project in order to ensure that it continues beyond the official project end date of 2022.

## **4.2 States Presentations on State of Play related to ABNJ/BBNJ**

### ***Mauritius***

**Allen Cedras**, who is from the Seychelles and based in Mauritius, presented the Joint Management Area (JMA) Demonstration Project of the United Nations Development Programme (UNDP). On July 29, 2008 the governments of Mauritius and the Seychelles signed an agreement on the delimitation of the EEZ between the two states. On December 1, 2008 a Joint Submission concerning the Mascarene Plateau Region was made to the Commission on the Limits of the Continental Shelf, in accordance with Art.76 §8 of UNCLOS. On March 30,

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2011, the Commission adopted by consensus the recommendation for joint jurisdiction over seabed and subsoil for an area of 396,000 km<sup>2</sup>.

Under the SAPPHERE Project,<sup>3</sup> Component 4, Deliverable 2.4: “*Delivering best practices and lessons through innovative ocean governance demonstration (particularly strengthening partnerships for management ABNJ)*”, the two countries implement a Joint Management Area (JMA). This is the largest maritime zone in the world established by two countries. The project is worth USD 2.2 million in GEF grant financing and will be executed over 4 years from 2018 to 2021. It is implemented by UNDP and the executing agency is the Government of Mauritius. There is a joint management commission with a steering committee with representatives from both countries.

The UNDP-JMA Demonstration Project has the overall objective to enable the two countries to effectively manage the Mascarene plateau. At the end of the project, UNDP-JMA will establish a comprehensive marine spatial plan to address key challenges in the JMA, reduce conflict and enable the sustainable use of resources. The spatial plan should, among others, provide a framework for the identification, selection and establishment of areas; ensure the sustainability of the economic uses of the JMA; reduce and resolve spatial and temporal conflicts among current and future human activities and between human activities and nature; and identify data and sources of data relevant to the JMA. The project also includes the development of a data management system and the identification of options for the Monitoring, Control and Surveillance (MCS) of human activities in the JMA.

### Seychelles

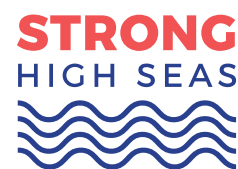
**Francesca Adrienne** gave a presentation on Seychelles and its maritime space. The Seychelles are located in the Indian Ocean and are composed of 116 islands inhabited by 94,000 people, who mostly live on three islands. Its territories are made up of almost three times as much ocean area than land. The EEZ has been legally defined, and the Northern plateau has been accepted as an extended continental shelf.



Zacharie Sohau (IRHOB) asking a question ©Mathias Greiner

The Seychelles have historically benefitted from their marine resources, and in 2016 the government established a Blue Economy strategy. In 2012, the government initiated the development of a Marine Spatial Plan. It committed to protect 30% of the EEZ (as of now, 26% are protected), including 15% no-take zone. The 2016 Debt-for-Climate-Adaptation swap has raised funds for sustainable projects. The Seychelles have also been very active with regards to

<sup>3</sup> <https://www.unenvironment.org/nairobiconvention/projects/western-indian-ocean-large-marine-ecosystems-sapphire>



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fighting plastic pollution: In 2019 the Aldabra Clean up took place, collecting 25 tonnes of plastic; bans of single-use plastic have been put into place; and there are ongoing community awareness projects. Moreover, there is ongoing research into commercial fish species, especially tuna, which is one of the economic pillars of the Seychelles and the wider WIO.

Regarding the ongoing BBNJ negotiations, Ms. Adrienne mentioned that coastal states and particularly Small Island Developing States (SIDS) insisted on maintaining the concept of adjacent countries in getting benefits from sustainable use of the resources adjacent to their EEZ.

## **Nigeria**

**Halima Bawa-Bwari** started out by giving an overview of the existing national policies and strategies. Nigeria does not have a national ocean policy or strategy in place, neither is there a country policy or legislation on ABNJ. There is also no Marine Spatial Planning. Nigeria does, however, have an Integrated Coastal (Area) Management Plan (ICAMP). The goal of this plan is to improve the livelihood of coastal communities by contributing to the successful management of the Gulf of Guinea Large Marine Ecosystem (GOGLME) project. ICAMP strategies include the preparation of an ecological master plan to guide the use of coastal areas; the facilitation of management structures; the promotion of sustainable agriculture, soil and water conservation techniques; the enforcement of compliance with the National Environmental Protection Regulations; and the operation of environmental assessment, monitoring and audit programs. Nigeria also has a National Fisheries Management Plan, as well as a National Biodiversity Strategy and Action Plan (NBSAP), which reflects the CBD Strategic Plan for Biodiversity 2011-2020. Regional coordination has no direct role in the NBSAP, as the focus is mainly for national action, but it links to broader global agendas.

Nigeria has made a formal submission to the Commission on the Limits of the Continental Shelf through their representative, Prof. Awosika, to extend its continental shelf to 350 nautical miles. There is an inter-ministerial coordination structure in which cross-sectoral issues are discussed, but there has been no national preparation for the BBNJ negotiations. The main challenges with regards to BBNJ are a lack of national consultation and coordination; poor institutional capacities; lack of data and information; poor access to research; and a lack of funds to ensure relevant negotiators participate actively for the thematic areas. A new BBNJ agreement could help to better bridge cross-sectoral cooperation within Nigeria and the wider region by facilitating the formulation of an oceans policy and governance structure (in place of the current sectoral approach) and by encouraging more effective participation at the regional level to ensure policy and implementation coherence at all levels. In the experience of the speaker, once there is a nudge from the regional or global level, governments are more likely to move quickly. The region can offer valuable input to the BBNJ negotiations but needs increased knowledge and understanding (e.g. of the biodiversity on the continental shelf), data, and capacity (e.g. for area-based management tools, environmental impact assessments, marine biotechnology, deep sea mining, ocean resilience to climate change, operationalizing the blue economy).

## **Panel discussion on State of Play related to ABNJ/BBNJ**

- Implementation has always been a challenge for marine spatial planning in the region, often due to a lack of financial resources.

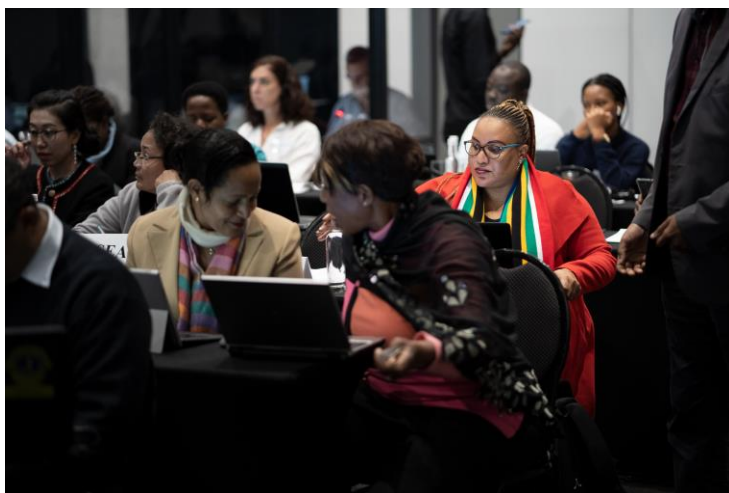
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- African countries should work together and do joint research rather than focus on individual projects.
- When restricting fishing it has to be taken into account that many people depend on it for their livelihoods.
- When international researchers use data gathered in or by African countries, it is important to be aware of this, in order to not duplicate efforts and benefit from the research. In general, research on ABNJ is lacking.
- The Secretariats can act as a facilitator or mediator for transboundary issues.

### 4.3 Stakeholder Presentations on State of Play related to ABNJ/BBNJ

#### *South East Atlantic Fisheries Organization (SEAFO)*

**Graca D'Almeida** (SEAFO) began by showing that SEAFO lies in the Southeast Atlantic Ocean beyond the EEZ's of the coastal states of Angola, Namibia, South Africa and the United Kingdom (through its islands of Ascension, Saint Helena and Tristan da Cunha). Contracting Parties to the Convention are Angola, the EU, Japan, South Korea, Namibia, Norway, and South Africa. It is mandated to conserve and manage fisheries reserves with the objective of ensuring the long-term conservation and sustainable use of these resources. SEAFO is guided by existing international guidelines.



*Participants at the workshop ©Mathias Greiner*

SEAFO employs a range of management strategies: annual Total Allowable Catch (TACs) for four deep-sea species and one deep-sea crab stock that also include bycatch regulations in one mixed fishery; a global TAC is allocated between parties, and a fishery is closed when the agreed total catch level is reached; prohibition of direct fishing of deep-sea sharks and the use of gillnets; measures to reduce the incidental catch of seabirds; a system to minimise risk of 'ghost fishing'; measures to protect Large Marine

Ecosystems from significant adverse impacts from deep-sea fishing; and area management for fishing activities. Measures are always based on best available scientific information, the precautionary approach is applied, and SEAFO can adopt legally binding measures related to fishing in the Convention Area. SEAFO has also established an MCS system.

Regarding the role of RFMOs in a future BBNJ agreement, Ms. D'Almeida stressed that RFMOs have done a lot to address biodiversity and sustainable use of resources, and that role of RFMOs should be recognised and strengthened by addressing the existing gaps instead of establishing a new organization.



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### ***Western Indian Ocean Marine Science Association (WIOMSA)***

**Julius Francis Woiso** began by recalling the various functions of WIOMSA: a forum for addressing regional issues; knowledge generation and capacity building; partnership and collaboration development; strengthening the relationship between science and management; providing opportunities for upscaling and enhancing outcomes and impacts; and resource mobilization. With regards to ABNJ, functional connectivity is used as a basis for aligning marine spatial conservation priorities across maritime jurisdictions. On the economics of fishing in the WIO ABNJ, the presentation showed that the two main fishing countries are Spain and France, alongside some fishing activity from New Zealand, South Korea, Taiwan, Japan, Iran, Portugal, and China.

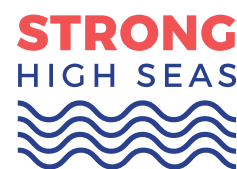
Mr. Woiso left the participants with a range of questions: Are there lessons to learn from the UNCLOS experience? Are key actors at the table to discuss (Food and Agriculture Organisation (FAO), Regional Fisheries Management Organisations (RFMOs), and the African Union (AU))? Is existing data optimally used? How to link up with other similar processes? What is the appropriate framework for these dialogues at regional level? What is regional ocean governance in the context of ABNJ?

### ***IOC's Subcommission for Africa and the Adjacent Island States (IOC-AFRICA), IOC-UNESCO***

**Mika Odido (IOC-UNESCO)** presented the tasks of IOC-UNESCO, the UN focal point for ocean science, which include ocean observations and services, data and information exchange and capacity building. The vision of the IOC is *"Strong scientific understanding and systematic observations of the changing world ocean climate and ecosystems shall underpin sustainable development and global governance for a healthy ocean, and global, regional and national management of risks and opportunities from the ocean."*

The IOC has several functions:

- *Function A:* Ocean Research (e.g. on ocean acidification, oxygen in the ocean, Global Ocean Science Report to be released in 2020);
- *Function B:* Observing System (e.g. Global Ocean Observing System (GOOS), JCOMM Oceanography and Marine Meteorology, Global Sea Level Observing System (GLOSS), Global Climate Observing System (GCOS), Ocean Biogeographic Information System (OBIS), International Oceanographic Data and Information Exchange (IODE), 2<sup>nd</sup> International Indian Ocean Expedition (IIOE-2));
- *Function C:* Early Warning (e.g. for tsunamis, storm surges, coastal flooding, coastal erosion, harmful algal bloom);
- *Function D:* Assessments and Information for Policy;
- *Function E:* Sustainable Management/ Governance (e.g. acceleration of Marine Spatial Planning, aiming at 50% of EEZs having approved marine spatial planning by 2050, working with UN Environment, UNDP, WIOMSA and national agencies; GEF LME:LEARN);
- *Function F:* Capacity Development (e.g. Capacity development guidelines, OceanTeacher Global Academy, Global Ocean Science Report (GOSR), Ocean Literacy Portal to improve knowledge on ocean science, UN Decade on Ocean Science for Sustainable Development 2021-2030).



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### ***South African Institute of International Affairs (SAIIA)***

**Alex Benkenstein (SAIIA)** explained that the South African Institute of International Affairs (SAIIA) looks across the region on a range of different topics including the environment and ocean to develop targeted assessments and science to policy communication. SAIIA links local experiences with national policies, to create a regional vision that fits to global considerations. Many actors are involved in the African blue economy but the definition of this concept remains unclear. It is a challenge to speak with a coherent and strategic voice in the region and beyond. He then turned to the African Union's Agenda 2063, which sees the blue economy as an opportunity for transformation and growth. On a broader level, the Agenda aims to enhance a united African voice in global negotiations; catalyse education and skills revolution and actively promote science, technology, research and innovation; to act with a sense of urgency on climate change and the environment; and to transform, grow and industrialize African economies through beneficiation and value addition of natural resources. In addition, the African Integrated Maritime Strategy (AIMS) 2050/ Lomé Charter on maritime security should be noted, which sets out the objective of developing a sustainable Blue Economy.

### ***South African Development Community (SADC)***

**Sibongile Mavimbela (SADC)** began by stating that the organization, which has 16 African member states, is currently developing a Blue Economy Strategy. In addition, SADC is working on:

- A post-2020 agenda for the member States;
- Overarching frameworks: SADC industrialisation strategy and roadmap (2015) and related action plan (2017);
- Protocol on environmental management for sustainable development (2014) (not yet enforced because not all States have ratified it);
- SADC climate change strategy and action plan (2014);
- Green economy strategy and action plan for sustainable development (2015);
- Tripartite Free Trade Area (SADC-COMESA-EAC);
- Task teams (for natural gas, transfrontier conservation, fourth industrial revolution, blue economy);
- SADC processes to support implementation of frameworks and protocols (Summit, Council of Ministers, sectoral Ministerial meetings);
- Regional Value Chains; and
- Alignment of key strategies, frameworks and protocols with the objectives of the Nairobi Convention and major projects (Western Indian Ocean from land-based sources and activities (WIOSAP), SAPPHERE).

The SADC is strengthened by its strategic geographical position and strong political will, as well as from the alignment of key strategies, frameworks and protocols with the objectives of the Nairobi Convention and major projects (e.g. WIOSAP, SAPPHERE). In addition, a Memorandum of Understanding has been signed with UN Environment. However, financial and technical capacity limitations; research and knowledge gaps; the 'domestication' of policies, protocols and action plans; and the need to monitor the implementation of action plans and other commitments represent challenges.

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In the future, SADC plans to strengthen collaboration and joint implementation of programmes and initiatives (between member States, Regional Economic Communities (RECs), Regional Seas Programmes, Research partners, etc.) and strengthen knowledge sharing platforms. With regards to the BBNJ negotiations, SADC supports its member states to enable them to remain engaged with the developing governance regime. They support the management of large marine areas and ecosystems, integrated coastal zone governance, and the adoption of marine spatial planning for ABNJ.

### *Intergovernmental Authority on Development (IGAD)*



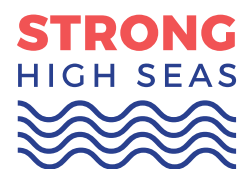
Ahmed Hersi (IGAD) and Andre Ciseau (PMAESA) ©Mathias Greiner

**Ahmed Hersi (IGAD)** began by introducing the eight member states of the Western Indian Ocean trade bloc: Djibouti, Eritrea, Ethiopia, Kenya, Somalia, South Sudan, Sudan, and Uganda. The organization is concerned security in the region. With regards to maritime security specifically, it is concerned with threats such as maritime interstate disputes, maritime terrorism, piracy, and maritime crime (i.e. drug-

trafficking, illegal fishing, arms proliferation). Partnerships including potential collaboration on maritime security with East African Community (EAC), COMESA, and IOC-UNESCO. Effective coordination is necessary to eliminate duplication of efforts and resources, but right now there is little collaboration among coast guard services, which are often left to the navy. In order to increase capacity and effectively address issues of maritime security, state-to-state cooperation, information sharing and public-private partnerships (e.g. with shipping industry and insurance companies) are needed.

### *Common Market for Eastern and Southern Africa (COMESA)*

**Mclay Kanyangara (COMESA)** stated that the objective of COMESA, which has its headquarters in Zambia, is to promote economic prosperity through regional cooperation in its 21 member States. The organization runs a programme to promote regional maritime security (MASE) and also has a climate change programme. Its activities are currently hindered by lack of adequate financial resources and limited human resources capacity. Future steps include involving other regional economic communities and the African Union in COMESA discussions; ensure that all African countries, including landlocked countries, can play a role in the BBNJ negotiations; and build a strong African position in the BBNJ negotiations.



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## 5 Session 4: Ecological Connectivity

### ***Migration Connectivity in the Ocean (MiCO)***

**Corrie Curtice (Duke University)** presented the MiCO (Migration Connectivity in the Ocean) project, which strengthens understanding of the ecological connectivity that exists between coastal waters and the high seas, for instance as marine species migrate across ocean basins. One fitting example is the Cory's shearwater bird, which nests in Africa and then migrates to three other areas, in the process passing over the jurisdiction of numerous countries as well as ABNJ.

There is an abundance of publications on migratory species, but the data collected is often not taken into account by policy and decision-making processes, especially for ABNJ. One reason behind this knowledge transfer gap is that information often isn't available in an easily accessible form. The MiCO project strives to synthesize available information and data into a free online database and to thus bridge the gap between science and policy.

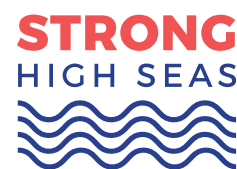
Users can search the database by species, country or data contributor. The acknowledgement of the various data providers is important for users to be able to re-use MiCO data in publications. Users can also look at the different ways in which species move through the oceans, as well as see their breeding and feeding areas. It is also possible to export data for one particular species and do any kind of overlay with other data available. The next steps of the project are to improve the user system interface, to add more data, and to continue outreach to data repositories, observing systems researchers, policy makers, and users.

### ***Integrated Assessment of Atlantic Marine Ecosystems in Space and Time (iAtlantic)***

**Albertus J. Smit (University of the Western Cape)** presented the iAtlantic project, which started on June 1, 2019, following the Belem statement signed on Atlantic Research and Innovation Cooperation in 2017. iAtlantic links research activities in the South Atlantic and Southern Ocean and explores synergies with other initiatives. The intention is to increase operational efficiencies by sharing research infrastructure, data and data management platforms and employ emerging methods of data sciences. There are 33 partners (Brazil, South Africa and the EU) and 11 international associate partners. The project is funded by the EU under the Horizon 2020 programme. iAtlantic is composed of eight work packages (WP):

1. Atlantic oceanography and ecosystem connectivity
2. Mapping Atlantic ecosystems
3. Drivers of ecosystem change and tipping points
4. Impact of multiple stressors
5. Spatial and temporal management and protection (sustainable management)
6. Capacity building, policy, stakeholder engagement and outreach
7. Data management
8. Coordination and management

Mr. Smit also pointed out that the project gives a lot of importance to local capacity and the use of local knowledge bases. Mr. Smit invited audience members interested in establishing links to approach him after the talk.



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From the discussion:

- There is no formal partnership with the Nairobi or Abidjan Convention, but there is an acknowledgment of their existence. These countries, however, are not signatories of the Belem statement.
- Large marine ecosystems (LMEs) are included in the project, but there are no official links with the people representing them.
- The Benguela current is included in the programme, because it is part of the national interest of South Africa.

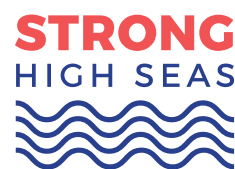
## 6 Session 5: Area-based planning in ABNJ

### *Cross-sectoral area-based planning*

**Rachael Scrimgeour** (UNEP-WCMC) began by giving an introduction to area-based planning (ABP), stating that it is *“the consideration of a geographic area in which activities are carried out and accounting for different factors which may influence, where, when and how you undertake those activities”*. In ABNJ, area-based planning is sector-specific, but there is no strategic cross-sectoral integration. The BBNJ negotiation process aims to address some of the existing limitations, but it is unclear what kind of management framework will be put in place under new agreement. What is known is the ambition is to not undermine existing mechanisms, processes and bodies. Moreover, throughout the President’s aid to negotiations document, words like “communication, cooperation and coordination” feature in the text regarding area-based planning. The objective of the project is to develop a draft area-based planning methodology suitable for use in ABNJ. More specifically, the team is reviewing the applicability of area-based planning tools to ABNJ, gathering experiences and good practices from other regions, and working to understand the relevant governance frameworks.

Developing the framework included research into the different aspects of area-based planning (knowledge sharing and capacity, governance, data and tools). The two pilot regions are the CPPS (South East Pacific) and Nairobi Convention (Western Indian Ocean). Based on this research, it was determined to focus on marine spatial planning (MSP) specifically rather than on ABP more generally. MSP is a cross-sectoral area-based management framework with the aim of ensuring biodiversity conservation and sustainable resource use, as well as the continuation of activities and the avoidance of incompatible uses in the high seas. Currently MSP is mostly carried out in national jurisdictions.

The resulting framework consists of multiple elements and steps. It begins with identifying the need, objective and location for planning; identifies and engages stakeholders; and defines leadership roles and responsibilities. After this, the planning cycle starts (participatory planning, management plan development, implementation and enforcement, monitoring and evaluation, adaptive review). Financial support, capacity and governance frameworks are considered separately as enabling conditions. Given that the governance landscape for ABNJ may evolve in the near future as a result of the BBNJ negotiations, the MSP framework has been considered under two different governance scenarios: one in which a new international legally-binding instrument for BBNJ exists, and one in which it does not (i.e. it has not yet entered into force). The reason for doing so is to help identify what is possible and what conditions are required to support MSP and if any challenges exist.



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From the discussion:

- It is necessary to conduct research prior to conducting an MSP in the ABNJ in order to have baseline data. This is often complicated, especially in the deep-sea, making the use of secondary data from previous ocean expeditions necessary.
- There is a need for strong stakeholder involvement in participatory planning to ensure that a mechanism for conflict resolution in high interest areas is included in the overall MSP development process.
- A stakeholder analysis should be carried out to identify important actors. If adequate, responsible government institutes should give their blessings for the involvement of NGOs, as these often possess valuable resources and capacities.
- MSP is a political process, which can bring sectors together and include mechanisms to bridge the science-policy divide.
- It is unclear whether the new BBNJ agreement will include provisions on MSP.

***Activity: Testing the Framework***

The aim of the activity was to test the framework developed by the ABNJ Deep Seas Project and get input from participants on how could be applied, and by whom, and to consider the impact of the potential governance regimes in place in the future. The input collected will feed into the finalization of the framework, which is expected by the end of August 2019.

Key challenges for MSP are the evolution of the governance framework and the increases in and emergence of new activities in ABNJ. It has to be understood how the framework will be affected by these evolving governance and usage landscapes. To do this, participants were divided into groups (both English-speaking and French-speaking groups) asked to imagine that they are living in a hypothetical future. In this future, increased activity has been noted in an area of the High Seas with important biodiversity features. In this context, participants were asked to consider one element of the MSP process: a) under the existence of an international legally-binding instrument or b) in the absence of an international legally-binding instrument. In groups, they had to explore how the specific governance option influenced their MSP element and to identify any enabling conditions or barriers. Handouts including reading materials and worksheets were provided to each group. Each group reported their findings during a plenary session, summarised below.

***Plenary Discussion***

**Group 1:** Without an international legally-binding instrument, the problems existing are well known. There are regional and sectoral organisations that can work, however the existing legal frameworks do not set out the relevant principles. In order for organisations to work together, they need to have something in common, i.e. an issue of common concern, for example pollution. Physical and environmental data could be provided by scientific organisations (and others) via reviews and publications etc. Stakeholders for this scenario include countries, NGOs, inter-sectoral platforms, regional platforms and communities of States, which can still get together in informal regional or global arrangements even through there is no legal commitment. With an international legally-binding instrument, institutional arrangements should include a decision-making body at the global level which can implement the provisions of the international legally-binding instrument. Data is provided by a global-level scientific committee, established under this international agreement. It is difficult to identify and determine how stakeholders would communicate with one another. However, we know that stakeholders need to be identified in advance and ensure that their interests are included. A global coordination

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Testing the MSP framework – group discussions ©Nina Bhola

mechanism should be established and it should be compulsory for States to cooperate with one another. However, this would only be possible if the international legally-binding instrument provides the necessary means for collaboration and takes account of legal, technical and financial capacity.

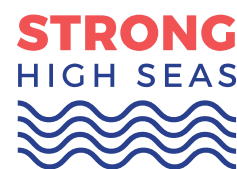
**Group 2:** To enable cross-sectoral cooperation, forums for information sharing should be developed. It is crucial to identify stakeholders so that planning can occur effectively. A key

challenge is how to get all the competent authorities together and coordinate action if there is no new instrument? Another key challenge is implementation of the new agreement. There is a need to ensure that a secretariat to the new agreement does not weaken regional organisations, and will need to be supported by existing organisations and coordinate with existing secretariats. Existing legal structures and bodies should aim to strengthen regional cooperation, share experiences and support opportunities for area-based planning.

**Group 3:** A brief summary of the two different cases was presented, starting by listing the sectors involved in the high seas (including fishing, mining, transport, NGOs and research). There was agreement with the proposals to work with regional organisations, but there is a need to strengthen the capacities of such regional organisations. Regional and global organisations are member state-driven and they should be used to establish partnerships and support the organisations to support multi-sector implementation. These partnerships can support the development of a common vision for different regions and support the sharing of existing experiences to capitalise on the results from existing scientific research.

**Group 4:** Is an ecosystem approach possible? There was agreement that this is possible under both scenarios. Both with and without an international instrument, there will always be a conflict between policy and science, depending on the definition of an ecosystem approach selected. Scientists believe policy-makers should make decisions based on science, yet policy-makers should be obliged to make decisions based on an ecosystem approach. This does not yet extend to ABNJ and more science may be needed. There is a need to revisit the Law of the Sea. There is also a need for a common data platform/mechanism for sharing information. There are existing responsibilities to undertake an ecosystem approach, however the challenge is that often such mandates don't extend into ABNJ. A key challenge is that some States have not ratified the international convention on the law of the sea (UNCLOS).

**Group 5:** The two scenarios were considered as worst case or best case. In the worst case scenario, it will be difficult to implement MSP. The United Nations General Assembly (UNGA) could be the entity responsible for undertaking MSP. Implementation could be facilitated via special resolutions and there can be a mechanism for information sharing. Cross-sectoral forums could include DOALOS as well as existing transboundary programmes, such as the large marine ecosystems programmes. Consensus may be required for agreement under this

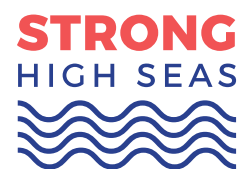


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scenario. Conflicts could be resolved using the existing UNCLOS tribunal. Different environmental, economic and social drivers need to be considered for MSP and different states' interests and/or priorities may make it difficult to bring different parties together. Land-locked countries should be considered as it is not clear how a new agreement would apply. Under the best-case scenario, MSP is possible. It would be necessary to establish a new agency for MSP, which can coordinate the activities, similarly to how IOC-UNESCO coordinated scientific work in the High Seas. A global compliance mechanism and guidelines for implementation would be required. This could consist of a living document that stakeholders could follow, however it may take time to reach a solution. There should be a code of conduct for countries to act appropriately and to facilitate balance between for example, more powerful countries and SIDS. A legally binding dispute settlement mechanism may be required. A technical committee could be established to reduce issues relating to time and trade-offs, and should make recommendations to a central decision-making body.

**Group 6:** The scenario without an international instrument was considered to be the current scenario. Under the scenario with an international instrument as they would hope to have it, MSP might be possible. RFMOs have a lot of scientific and fisheries monitoring and in a lot of countries, sectoral monitoring (and sometimes evaluation) occurs. However, there is little coordination between these monitoring activities and they are heavily focused on fisheries, telecoms and maritime security activities. The current framework is uncoordinated, fragmented and missing information. There is an opportunity to share data between sectors, for example via the establishment of a team. Capacity for individual entities to undertake monitoring can be challenging as there is no continuity. Many countries have capacity for fisheries and maritime security activities, as well as the private sector (e.g. oil and gas). NGOs could potentially help with this. Regional scientific committees exist (e.g. such as the committee within the Abidjan Convention area), and at the country level, there is some collaboration between sectoral committees and with governments. These could be established at the regional level. There is a lack of capacity for monitoring and evaluation and there are coordination issues, as well as challenges relating to data access and sharing. With an international instrument, MSP may be possible. Participation in the new Agreement could provide additional capacity for monitoring and evaluation, i.e. similarly to the UNFCCC, as regional level participation may not be sufficient. Regions should be involved in the implementation of monitoring and evaluation activities. More detail is required on how to support human, technical and financial processes.

**Group 7:** In relation to mutually beneficial (and non-compatible) marine uses, there are some scenarios where conservation might co-exist with sustainable tourism and sustainable fisheries. However, these cannot co-exist with mining. Cable laying may or may not have adverse impacts. These sectors work independently and may not even talk to each other, and therefore it is difficult to have an overarching approach in terms of agreement without a BBNJ instrument. There were differing views from the group. Some said that it was difficult, but possible. Others thought that this was not possible because any agreed operation or implementation would be voluntary, non-systematic, and would not be considered as anything with a compliant conflict management mechanism. There was agreement that since there would be no legally binding instrument, there would be no mandate on any institution to oversee implementation of regulations, guidelines or decisions. A finite institutional arrangement would require a legally binding instrument with structures and functional objectives, including an organisation to oversee the implementation of those decisions, regulations, guidelines, procedures. In the absence of any instrument, how could this ad-hoc institutional arrangement be operational? There is a need to first design measures to bring the parties together under an instrument, before moving towards any proposed institutional arrangements. It is possible that there could be a data repository of data, metadata and information about a region. However, with no formal



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principles, this data would be varied, with various origins of ownership. In the absence of a legal instrument with a formal scientific and research platform, this data framework could be considered as informal and could be unable to feed into policy-making. There is a need to harmonize data systems under a scientific body with a legal mandate to inform policy and recommendations, for example a kind of Intergovernmental Panel on Climate Change (IPCC) for BBNJ. With no instrument, there would be no legal settings/justification/basis for any agreement. Management would ad-hoc, depending on the “dominance” of one or two regional parties. A proper legal framework is critical for a united vision on conservation of BBNJ. There is a risk that sectoral players such as RFMO, ISA, IMO, or even in some case the International Cable Protection Committee (ICPC), would take over the agenda based on their sectorial priorities and a “dominant” sector may take control. A cross-sectoral forum should be recognised under a legal instrument. We may apply MSP and marine management plans, but not in the ABNJ. Or we may unilaterally apply those in the adjacent areas. With no mandate under international law, there will be no legal basis of compliance for any party. This would not be practical and therefore no feasible environment for any management plan.

**Group 8:** Without an international instrument, MSP can be implemented. There would need to identify the party/entity responsibly for leading the process, relevant stakeholders and the adjacent countries in the surrounding area. A legal basis for implementation would be required. Data collection may prove challenging, however a marine forum for implementation could provide a coordination function and help to identify commonalities and common goals. It would be beneficial to change how RFMOs work, by making them more cross-sectoral and allowing them to act as one cross-sectoral body. With an international instrument in place, MSP will be easier; however there will still be challenges. These include: more countries involved may mean prolonged discussions; there may also be greater differences between richer and poorer countries, for example, more advanced countries may be able to handle data more effectively and they may have progress further with science; and there will be uncertainties as to how to incorporate MSP in ABNJ in national legislation. A legal agreement will help to encourage equality (i.e. all countries have the same rights and opportunities) and transparency in the forums so that all countries can be heard. Rules should be global, however all management plans should be regionally-specific, implementation at the regional level and a regional coordination mechanism established. A regional approach will mean that existing data portals can be used to help implementation – this will be easier than establishing a global platform (i.e. regional implementation bodies should implement the global agreement, and not the other way around).

## **7 Session 6: Capacity building and stakeholder engagement**

### ***Capacity needs assessment for BBNJ in the Southeast Atlantic***

**Adnan Awad, Shannon Hampton and Lynn Jackson** (IOI-SA) started out clarifying that under the STRONG High Seas Project, responsibility for the capacity building component of the project in the Southeast Atlantic region was assigned to IOI-SA. Their first step was to undertake a Capacity Needs Assessment to provide direction for the training and awareness-raising activities both under the project and in the longer term. For purposes of the assessment, capacity was seen to include the capacity to implement conservation and management measures in ABNJ; the capacity to participate in the BBNJ negotiations; as well as awareness-

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raising aimed at building the political will in the region to support and participate in ABNJ and the BBNJ process. Capacity building and technology transfer are one of the BBNJ elements. The policy brief on capacity building developed under the Common Oceans project describes capacity building and technology transfer as an 'enabler' of the other package deal elements.



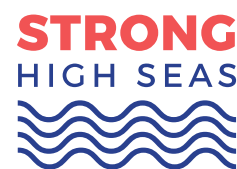
Participants at the workshop ©Mathias Greiner

The scope of technical skills required for operating in ABNJ include legal skills; the ability to identify and develop ABNJ which could potentially contribute to Blue Economy initiatives; the application of various management tools (e.g. area-based management tools, environmental impact

assessments); the implementation of the ecosystem approach; scientific research; technology transfer; and data acquisition and information management. Most of the skills are not unique to ABNJ but are also required for management on marine areas within national jurisdiction.

For the capacity needs assessment, a questionnaire was developed and circulated by email to 150-200 stakeholders and was also made available via social media. To date, 20 responses have been received from individuals from 11 of the 22 countries in the Abidjan Convention region. Most were from government officials - including 6 Focal Points – but responses were also received from academics, research institutions and NGOs. Given the low response rate, results should be considered as preliminary and recommendations only.

- *Level of awareness of ABNJ:* The majority of respondents of the survey were familiar with the topic.
- *Legal aspects:* Of the 11 countries who responded: 8 had policies or legislation on Integrated Coastal Zone Management (ICZM), 9 on conservation of biodiversity, 10 on fisheries management, and 3 on marine spatial planning.
- *BBNJ negotiations and/or DOALOS training on ABNJ:* 7 countries indicated that they were involved in the BBNJ negotiations, but none participated in the DOALOS training (Other sources actually indicate that countries have participated in DOALOS training. This suggests that there is a lack of sharing of information around the BBNJ negotiations and related activities within countries).
- *Management tools:* The most commonly used tools are marine protected areas (MPAs) and environmental impact assessments (EIAs). Most countries use an ecosystem approach but none has this defined in their law.
- *Research:* All of the 11 countries undertake research on coastal ecosystems and resources, but only 5 work on ABNJ.
- *Coastal and ocean monitoring:* 9 of the countries have systems in place. Most have information management systems in place.



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- *Priorities for capacity building:* Most respondents consider capacity building necessary for their region. The highest priority was given to regional introductory short courses on ABNJ and the BBNJ process, policy dialogues at the regional level, regional short courses on management tools and high-level seminars. Less importance was given to Massive Open Online Courses and webinars. Public awareness via social media was ranked higher than public awareness via traditional media.

Opportunities for capacity building existing in the region under IOC-Africa, SEAFO, Benguela Current Commission Benguela Large Marine Ecosystem (BCC-BCLME), the iAtlantic project, the Institute for Sustainable Development and International Relations (IDDRI), Deep Ocean Stewardship Initiative (DOSI), and the Mami Wata Project. The first round of training under this project is scheduled to take place in the second half of 2019 (second round in 2020). The speakers recommended that organizing a regional short course and a high-level seminar should be a priority for the STRONG High Seas project. The policy dialogue at the regional level could be implemented by the STRONG High Seas and iAtlantic projects. The Abidjan Convention ABNJ Working Group has a sub-group on capacity building which could consider the recommendations of this report and in the longer-term help drive and coordinate implementation of regional capacity building activities around ABNJ and the BBNJ process. The working group should also consider capacity needs assessments from other sources.

### ***Developing a stakeholder platform***

**Shannon Hampton** (IOI-SA) recalled that at the first STRONG High Seas Dialogue Workshop in Abidjan (2018), participants identified the lack of an information-sharing mechanism and the lack of a centralized information platform and recommended to establish a platform that would help stakeholders stay in touch and to propagate information. As a response, an information dissemination and communication platform was set up on the [website](#) of the Abidjan Convention. A number of topics are still to be added to the website, including information on marine genetic resources, capacity building and knowledge transfer, updates from the BBNJ negotiations, a database of experts, and organizations working on BBNJ. Pages already exist on the importance of ABNJ for Africa, environmental impact assessments and strategic environmental assessments (SEAs), area-based management tools, training opportunities and publications (as of June 2019). Users can login, which allows them to join conversations between countries and stakeholders on the four elements of the BBNJ process, view the calendar of events, view training opportunities, access the latest and archived news, and attend webinars.

### ***Area-based planning capacity: Capacity Needs for Nairobi Convention***

**Louise Lieberknecht** (GRID-Arendal) conducted a workshop session to assess the capacity needs of the Nairobi Convention network (Secretariat plus Member States) to carry out area-based planning and management in ABNJ of the Western Indian Ocean. The specific objectives of the workshop were to:

- a) identify current capacity development needs;
- b) review & build on previous capacity assessment; and

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c) identify progress made on capacity building within this project.

The workshop session built on two previous capacity assessments undertaken in October 2016 and November 2017 in the Seychelles, the results of which were published in a report.<sup>4</sup> In these previous assessments, three components of capacity were identified:

- Internal Attributes (Structures and Procedures, Organizational Capacity, Goals)
- Resources (Data and Information, Finance, Tools and Technology)
- Enabling Environment (Authority, External Relationships, Legal and Policy Framework).



*Ibukun Jacob Adewumi (NUI Galway) and Louise Lieberknecht (GRID-Arendal) in discussion ©Mathias Greiner*

During this workshop session, participants were asked to review the previous findings from the 2016-17 assessments. They were asked: *Are the findings still valid today? Is anything missing? What has changed? What has the ABNJ Deep Seas project contributed? What are the main capacity development needs in 2019?* Their contributions will inform a final update of the capacity assessment report as the ABNJ Deep Seas project reaches its end, to serve as a reference when planning future capacity development in the region.

### Previous capacity assessment findings

(Asterisks \* indicate capacity development needs that the ABNJ Deep Seas project aimed to address)

Internal Attributes (the abilities, characteristics and properties of the network required to perform functions / achieve objectives)

- Secretariat has clear mandate to work on behalf of Member States as instructed;
- Regular meetings & clear procedures for taking decisions.

→ Main capacity building needs:

- Improve shared understanding of area-based planning tools and related concepts\*;
- Political will from Member States if the Nairobi Convention is to be active in ABNJ and/or act as the coordinating body for area-based planning in ABNJ;
- Articulate clearer case for area-based management in ABNJ (Member States currently priorities management of EEZs).

<sup>4</sup> Macmillan-Lawler, M., Thomas, H., Fletcher, R., and Martin, J. 2018. Capacity assessment for area based planning in areas beyond national jurisdiction for the Nairobi Convention. Technical document produced as part of the GEF ABNJ Deep Seas Project. Cambridge (UK): UN Environment World Conservation Monitoring Centre. 22pp



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Resources (materials, services & assets required to perform functions / achieve objectives)

- Good computing and communication infrastructure, including some capacity to use a geographic information system (GIS).

→ Main capacity building needs:

- Long-term funding for area-based management in ABNJ;
- Accessible shared data platform\*;
- Technical training on specific tools (framework\*, GIS, decision-support tools).

Enabling Environment (external working environment required for functions & objectives)

- Good informal links with other competent authorities active in ABNJ;
- Some shared understanding of technical concepts and of legal & governance context.

→ Main capacity building needs:

- Formal mechanisms for intersectoral integration both nationally and regionally;
- Formal mandate for Nairobi Convention in ABNJ (dependent on political will);
- Regional ocean policy.

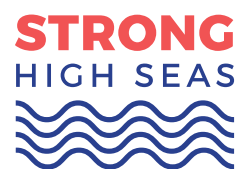
**Capacity development actions carried out by the project**

1. Develop communication materials highlighting why the ABNJ is important to coastal states of the Nairobi Convention region and how area-based planning can be used to benefit these coastal states → Synthesis Report (to be published in 2019)
2. Work with the member states to explore different scenarios in area-based planning in ABNJ and how different approaches may support different outcomes. Representatives of other competent bodies (e.g. ISA, IMO, RFMOs, etc.) should be invited to this workshop & others
3. Data and metadata collated through the pilot projects should be centrally stored in a designated data store so that it is available to the Secretariat and Member States have access to this after the project is concluded

**Outcome of the workshop session**

The results of the workshop indicated that, although some of the shortfalls in capacity identified in previous assessments still remain, significant progress has been made in the last three years. To this effect, participants highlighted:

- an increased awareness of the Nairobi Convention Secretariat among other sectoral authorities;
- a generally increased awareness of potential synergies between organisations and programmes (the ABNJ Deep Seas project having contributed to this by creating opportunities for these different bodies to meet at workshops);
- a decision taken by the Conference of the Parties to the Nairobi Convention in 2018 to encourage Contracting Parties to include ABNJ of the Western Indian Ocean Region in the scope of future partnerships and projects developing area-based management tools for the promotion of the blue economy and the conservation on marine biodiversity, reflecting an increased awareness of the importance of ABNJ to the region;
- the Clearing House Mechanism established by the Nairobi Convention Secretariat as a good platform for future communication about ABNJ strategies in future; and
- increasing political will in the region to engage in strategic planning for the blue economy at both national and regional scales, and increased awareness of importance



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of ABNJ in this context (some of the technical reports and communication materials produced by the STRONG High Seas project having been helpful in this regard).

This progress notwithstanding, significant capacity building needs remain in the region. At the end of the workshop session, participants were asked to reflect on what they considered the most important outstanding needs were. They highlighted a need for

- better data management and data sharing across the region;
- enhanced institutional capacity for environmental impact assessments and strategic environmental assessments in ABNJ;
- increased awareness of synergies between ABNJ management and the CBD, especially in relation to marine genetic resources;
- a better understanding of the potential benefits of exploiting marine genetic resources and mechanisms for sharing those benefits equitably;
- improved cross-sectoral integration at both national and regional scales;
- further political will and a stronger mandate for the Secretariat of the Nairobi Convention to engage in ABNJ management;
- clear cost-benefit analyses to be conducted for area-based management in ABNJ.

An updated capacity assessment report will be produced to reflect the outcome of this workshop session more fully, including a more detailed assessment of progress made as well as remaining capacity assessment needs.

## **8 Session 7: The state of biodiversity in the Southeast Atlantic**

### ***Ecological Baselines Report***

**Ross Wanless** (BirdLife International) started by presenting the rationale behind the Ecological Baselines Report of the STRONG High Seas project. The single biggest impact that humans have on the oceans are fisheries. Only about 10% of fisheries are currently underexploited, leaving very little leeway for adjustment. The objective of the Ecological Baselines Report is to determine the state of the high seas (geophysical and biodiversity) and the pressures acting upon it. This knowledge is necessary developing ecosystem-based approaches to managing the high seas. A particular focus of the report is the development of an integrated (multi-agency) approach to establishing protected areas on the high seas. The first step is a desk review of major themes, collating “what is known” and “what is not known”, after which the sections are drafted by regional experts. There is no time or budget to develop new analyses or conduct primary research, but there is actually a significant amount of existing information on Ecologically and Biologically Significant Areas (EBSAs), Vulnerable Marine Ecosystems (VMEs), Important Bird and Biodiversity Areas (IBAs), Particularly Sensitive Sea Areas (PSSAs), etc. The “alphabet soup” however reflects that the identification of areas of high ecological value is done through a sectoral approach – the information needs to be integrated to be useful.

What makes high seas governance so complicated, is that marine ecosystems are not isolated, but intricately connected to each other – much more so than terrestrial ecosystems. The legal boundaries imposed on the ocean are largely arbitrary and don't mean anything to the animals

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and nutrients that move within the ocean. The report will be drawing attention to how biodiversity and habitats straddle boundaries and how activities in ABNJ can directly threaten activities in EEZs. Marine conservation can thus be no task for one country alone but demands cooperation across national boundaries.

Once finished, the report will support recommendations for area-based management tools, targeted at decision-makers (including those at the BBNJ negotiations). It will identify priorities for spatial conservation and other area-based management objectives, and identify threats including those not easily addressed by ABMTs such as climate change and plastic pollution. The report will also identify information gaps and link to socio-economic assessment work to be done under the STRONG High Seas project.

Discussion:

- The first steps to establishing a marine protected area (MPA) network have already been taken: identify patterns of connectivity and presenting that info to decision-makers, and then to identify EBSAs, VMEs, etc. The next steps have to be to link this knowledge to biodiversity threats/ challenges, and to then establish whether the threats can be addressed by MPAs, or whether wider measures are needed to address e.g. overfishing and pollution.
- The report has attempted to include wider processes beyond species-driven connectivity, e.g. connectivity driven by ocean currents, seafloor maps, geophysical processes, and climate change.

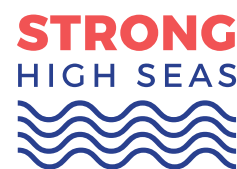
## 9 Session 8: Governance and biodiversity in ABNJ

***Legal report titled 'Strengthening Regional Ocean Governance for the High Seas: Opportunities and Challenges to Improve the Legal and Institutional Framework of the Southeast Atlantic and Southeast Pacific'***



Carole Durussel (IASS) presenting at the workshop ©Mathias Greiner

**Carole Durussel** (IASS) presented a recent STRONG High Seas project report on the challenges and opportunities of the legal-institutional framework for ocean governance in the Southeast Atlantic and Southeast Pacific. This report is part of a series of reports on the high seas, the remainder of which will be published in the upcoming years. The report assesses the current governance framework in the two regions, identifies challenges and opportunities for advancing conservation and sustainable use of high seas biodiversity, and



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identifies possible options for strengthening governance and regional cooperation. The approach taken was to work directly with the Secretariats of the Abidjan Convention and CPPS, in addition to a literature review and an analysis of legal and policy documents. The draft report was reviewed by Secretariats and their member states as well as ocean governance experts, including those on board the STRONG High Seas project Advisory Board.

The discussion in this report is structured around two important ongoing international processes, namely the BBNJ negotiations and SDG 14. It was asked whether existing governance structures are adequate to effectively manage area-based management tools, environmental impact assessments, marine genetic resources, capacity building and technology transfer, marine pollution, management and protection of ecosystems in ABNJ, and illegal, unregulated and unreported (IUU) fishing. The report considers both global and regional legal and institutional structures. Several challenges in the regions were identified: Organizations hold varying and non-comprehensive or limited mandates to address issues related to BBNJ. There is limited cross-sectoral cooperation. Participation in regional and global agreements is varied and uneven. In addition, member States in the Southeast Atlantic are diverse in terms of culture, language and available capacity.

The report lists a range of possible options to strengthen regional ocean governance. First of all, cross-sectoral collaboration can be eased if more States become parties to key international and regional agreements to create common ground for action. It can also be enhanced through joint programs, Memoranda of Understanding, and participation in events, as well as by empowering regional seas programs to act in ABNJ. The ABNJ Working Group of the Abidjan Convention was mentioned as a positive example for the latter point. In addition, states in the regions could implement a common approach or policy on conservation priorities; form coalitions to promote their mutual interest in specific BBNJ-related issues; promote conservation and sustainable use of BBNJ by speaking up in global and regional fora; and support a robust scientific basis and the development of capacity. States may also consider the negotiation of a BBNJ agreement as an opportunity to give coherence to a fragmented governance regime, offering an opportunity to achieve many of the aforementioned options.

Discussion:

- Socio-ecological interactions (livelihood and well-being of people, welfare of at-sea ship crews, human security, maritime crimes), cultural aspects, as well as climate change could not be included in this report, but some of these issues will be covered in the next phase of assessment.
- A strong global legal framework would also support action at the regional level.
- Many African organizations are restricted either by their geography or mandate, but the African Union's Agenda 2063 explicitly mentions the ocean, which could support further steps.
- The two focal regions of the STRONG High Seas project have just started to work on ABNJ; BBNJ negotiations are driving progress.
- It is sometimes challenging to raise the necessary legitimacy for existing organizations.
- It is important to raise awareness in countries of the importance to assimilate resolutions from conventions and agreements into national laws and policies.
- The African Union could support African countries' engagement in the BBNJ negotiations; possibly there are other regional actors which could be of help.

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## **Activity progress on Monitoring, Control and Surveillance (MCS) of Human Activities in ABNJ**

**Klaudija Cremers** (IDDRI) presented on Monitoring, Control and Surveillance (MCS) of human activities in ABNJ. IDDRI is currently preparing a report on MCS, which is expected by the third session of the BBNJ negotiations in August 2019. The report is based on two expert workshops on the technological tools and policy options for MCS which have been hosted in 2017 and 2018 in Paris, as well as a literature review. Regional workshops in the Permanent Commission of the South Pacific (CPPS) and Abidjan Convention areas are planned for 2019 and 2020.

According to the FAO (1981), MCS can be defined as follows:

- a) *Monitoring*: the continuous requirement for the measurement of fishing effort characteristics and resource yields;
- b) *Control*: the regulatory conditions under which the exploitation of the resource may be conducted;
- c) *Surveillance*: the degree and types of observations required to maintain compliance with the regulatory controls imposed on fishing activities.

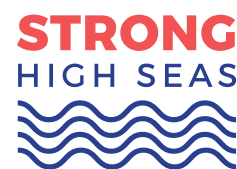
MCS is very important for ABNJ because human activities are continuously expanding, often with negative consequences for biodiversity. It has a role to play in fighting Illegal Unreported and Unregulated (IUU) fishing and transnational crime, enforcing MPAs, mapping biodiversity and human activities, mapping and managing threats from pollution and oil spills, ensuring food safety and traceability, etc. In West Africa, for example, 40% of fish comes from IUU fisheries, but MCS efforts are hindered by governance issues and costs. This leads to large monetary losses of more than USD 2 billion a year. If IUU fishing is not addressed, it will be impossible for the region to meet the SDGs.

A range of factors must be taken into account when choosing the most appropriate MCS tools for a given context, including purpose, costs, access, reliability, coverage, ease of manipulations, privacy considerations, cross-checking of data, capacity to analyse data, different actors/ stakeholders. Traditional MCS tools include inspectors, logbooks and naval and aerial surveillance at sea. Recent years have seen the arrival of a range of new tools, for example Automatic Identification Systems (AIS) or vessel monitoring systems (VMS). AIS is a safety system to track ships to avoid accidents and is required for a range of ships; the data is publicly available. VMS, on the other hand, is a satellite-based technology which helps locate vessels at sea. VMS is required by some RFMOs, but there is no global requirement harmonized and data is not always openly accessible.



Bonface Mutisya (Nairobi Convention Secretariat) and Klaudija Cremers (IDDRI) ©Mathias Greiner

Another innovative tool is the synthetic aperture radar (SAR), which can take images day and night regardless of cloud cover and can be used to track vessels, as well as pollution. There is also the visible infrared imaging radiometer suite (VIIRS), which measures surface temperature, ocean current speed, or ocean color. Also, e-monitoring, e.g. through sensors on gear or CCTV, has been discussed, even though privacy concerns have to be taken into account. In addition, the use of drones is an option. Drones are already used on land for wildlife management, but



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battery life is a limiting factor for marine use. E-reporting using tablets, phones and computers can replace paper logbooks and has the benefit of improving transparency and offering additional functions, such as voice recording useful in wet conditions or social media functionality useful for stakeholder networking. New MCS tools using artificial intelligence are under development.

Best practices for MCS can be described as the RFMO level, for international MCS platforms and networks, and for transnational partnerships (e.g. fish-i Africa, Global Fishing Watch). Nonetheless, challenges to effective MCS are abundant: a patchwork of rules across the globe, lack of capacity and governance gaps. MCS could be strengthened by developing new and improving existing technological tools, but most important is increasing the political will and creating policy options. In addition, market measures, such as ecolabels of seafood products, could increase the demand for MCS. The BBNJ negotiations cannot be expected to create a global MCS system, but MCS can help enforce and implement the future treaty. MCS should be seen as a cross-cutting issue in the negotiations.

Ms. Cremers concluded that there is an abundance of technological options for MCS tools, but that there are serious implementation gaps and a lack of capacity. There is no one-size-fits-all approach to MSC, but options have to be adjusted to the specific context. Cooperation is key to cost-effectively strengthen capacity and effectiveness, but the integration across regional and global scales remains challenging. Disagreement remains over whether we need a regional or a global approach to MCS.

### Discussion:

- The presentation focused on the use of MCS to counter IUU fishing, but there is also a lot of information on its application to respond to oil spills.
- A lot of work on MCS has been done in the Western Indian Ocean, including in the island states.
- Regional Seas Programmes should work together to advance MCS.
- Costs are limiting the implementation of MCS.
- Cooperation between countries in the form of joint surveillance can solve capacity issues.
- It should be investigated to what extent MCS for the high seas can be integrated with port communications systems.
- It is important to differentiate clearly between responsibilities at the national, regional and global level.

## 10 Session 9: Next steps

### ***Next steps: STRONG High Seas Project***

**Ben Boteler** (IASS) began his presentation by offering a number of general reflections on the first two days of the Dialogue Workshop. He noted the widespread recognition of the importance of conservation and sustainable use of marine biodiversity in ABNJ, and the importance to engage further in debates at the national, regional and global level. While there is notable ongoing research, a robust link between science and policy processes must be ensured. In addition, collaboration, coordination and communication between sectors are needed. This could be aided by a regional (or inter-regional) mechanism or platform for sharing knowledge



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and data. Area-based management tools, such as MSP, are appropriate for use in ABNJ, but capacity building and the transfer of marine technology and improved tools and policy support for monitoring, control and surveillance are required to ensure the full implementation of BBNJ objectives. He also observed that activities offering economic revenues such as fishing, shipping, offshore oil and gas, as well as marine genetic resources are of particular interest to states. A sustainable blue economy is important to lasting ensure the socioeconomic development and halt biodiversity loss in the high seas, which threatens coastal livelihoods and activities in the EEZ.

The STRONG High Seas project will prepare a workshop summary, including presentations and pictures, to be made available publicly. Upcoming publications include the ecological baselines report, a report of MCS for ABNJ, and a policy brief in preparation of the third session of the BBNJ negotiations. Alongside this third session, there will also be a capacity building event. Further along, regional workshops of MCS will be held in 2019 and 2020. A capacity building workshop will be held later in 2019, which will lead to a report on regional capacity building needs. Furthermore, the development of an initial stakeholder platform, hosted by the Abidjan Secretariat website, is ongoing, and work on a socioeconomic assessment report has begun.

The audience was invited to apply to the DOALOS trust fund by June 28, 2019; join STRONG High Seas in New York for IGC3 and at the next Dialogue Workshop in 2020; engage with the [STRONG High Seas](#) team; sign up for the [newsletter](#) and follow the project on [Facebook](#) and [Twitter](#). In addition, Mr. Boteler encouraged everyone to become champions for ABNJ in their national governments or organizations and in the region.

Discussion:

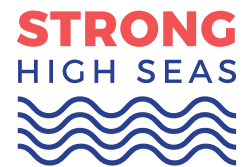
- Business stakeholders should be engaged in the conversation around the sustainable use of ABNJ.
- The joint meeting between the Abidjan and Nairobi Conventions following the closing of the Dialogue Workshop will offer more opportunities to discuss a potential regional ocean strategy for Africa.
- Duplication of efforts with other projects and adequate follow-up must be ensured.
- It is important to prioritize in light with regards to the many ongoing activities.

***Next steps: ABNJ Deep Seas Project***

**Nina Bhola** (UNEP-WCMC) presented the next steps of the ABNJ Deep Seas Project, which will end in December 2019. The output remaining is a synthesis report including a summary for policy makers with key messages, the methodology for cross-sectoral planning in ABNJ, which will be launched at IGC3, as well as an online summary report.

Capacity assessment workshop for Nairobi Convention members yielded a lot of useful input and highlighted the need for a user-friendly data sharing platform that brings together information from across all sectors active in ABNJ. A prototype for such platform will be developed by GRID-Arendal.

The ABNJ Deep Seas project had 35 partners over the last five years and received USD 5 million from the GEF, as well as and co-funding of approximately USD 79 millions of in-kind support. It has been led by the FAO and UNEP-WCMC. There is a possibility for a next phase of the ABNJ Deep Seas Project under GEF 7, which would be an opportunity to build on the work that has already been done. All outputs are available [online](#).



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## 12 Closing of the Workshop

Representatives of the Abidjan Convention Secretariat, the Nairobi Convention Secretariat, the ABNJ Deep Seas Project, the STRONG High Seas Project, the host country South Africa and Germany closed the workshop by thanking participants for their effort and commitment, expressing hope about the progress of existing initiatives and once again stressing the importance of further advancing the sustainable use of the high seas.

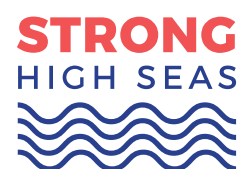
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## Table 1: Participants List

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Piah, Levi	Environmental Protection Agency, Liberia
Moses Ramakulukusha	Ministry of Environmental Affairs, South Africa
Rasaonaina, Jacques	Ministry of Environment and Sustainable Development, Madagascar
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Scholtz, Cornelius	Department of International Relations and Cooperation, South Africa
Scrimgeour, Rachael	UNEP-WCMC, UK
Sheikh, Abdikadir	Directorate (Office) of the Environment, Somalia
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Sidibe, Mohamed Lamine	Ministry of Environment, Guinea
Sikiru Oladele, Tihamiyu	Federal Ministry of Environment, Forestry Department, Nigeria
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## About STRONG High Seas

The STRONG High Seas project is a five-year project that aims to strengthen regional ocean governance for the conservation and sustainable use of marine biodiversity in areas beyond national jurisdiction. Working with the Secretariat of the Comisión Permanente del Pacífico Sur (CPPS; Permanent Commission for the South Pacific) and the Secretariat of the West and Central Africa Regional Seas Programme (Abidjan Convention), the project will develop and propose targeted measures to support the coordinated development of integrated and ecosystem-based management approaches for ocean governance in areas beyond national jurisdiction.

The STRONG High Seas project has the following overarching objectives:

1. Facilitate the development of improved management approaches for the conservation and sustainable use of biodiversity in areas beyond national jurisdiction in the Southeast Pacific and Southeast Atlantic regions;
2. Identify best practices and provide support to regional institutions and national authorities for implementing existing regional instruments;
3. Develop options for regional governance in a future international instrument under UNCLOS and transfer regional lessons learned to the global level to promote ocean governance.

For more information about the STRONG High Seas project, please visit the [website](http://stronghighseas@iass-potsdam.de) or contact: [stronghighseas@iass-potsdam.de](mailto:stronghighseas@iass-potsdam.de)

## Partners of the STRONG High Seas project



International Ocean Institute  
African Region



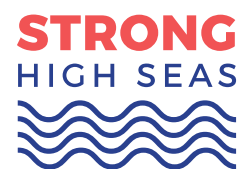
Supported by:



Federal Ministry  
for the Environment, Nature Conservation  
and Nuclear Safety

The STRONG High Seas project is part of the International Climate Initiative (IKI). The Ministry for the Environment, Nature Conservation and Nuclear Safety (BMU) supports this initiative on the basis of a decision adopted by the German Bundestag.

based on a decision of the German Bundestag



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## About ABNJ Deep Seas Project

Addressing the need to enhance sustainability in the use of deep-sea living resources and biodiversity conservation in Areas Beyond National Jurisdiction, is the ABNJ Deep Seas Project. This project is one of the projects under the [Common Oceans](#) project, supported by the Global Environment Facility (GEF). The Project, led by the Food and Agriculture Organization of the United Nations (FAO) and works in close collaboration with the United Nations Environment Program (UNEP) as well as other executing partners including UN Environment World Conservation Monitoring Centre (UNEP-WCMC), Regional Fisheries Management Organizations (RFMOs), national governments and NGOs.

The overarching objective of this project is to achieve efficiency and sustainability in the use of deep-sea living resources and improve biodiversity conservation in the ABNJ through the systematic application of an ecosystem approach.

The ABNJ Deep Seas Project is focusing on four areas:

1. Improving implementation of existing policy and legal frameworks
2. Reducing adverse impacts on Vulnerable Marine Ecosystems (VMEs) and enhanced conservation and management of components of Ecologically and Biologically Significant Areas (EBSAs)
3. Improving planning and adaptive management for deep-sea fisheries in ABNJ
4. Developing and testing methods for area-based planning

## Partners of the ABNJ Deep Seas Project

