

# **STRONG High Seas**

## **Dialogue Workshop**

**The Role of Regional Cooperation Efforts  
for the High Seas of the Southeast Atlantic**

## **Atelier de dialogue**

**Le rôle des efforts de coopération  
régionale pour la haute mer de l'Atlantique  
du Sud-Est**

**16-17 November 2021 / 16-17 novembre 2021**

# Workshop agenda | Programme de l'atelier

16 November 2021 | 16 novembre 2021

12:30 – 12:40	<b>Opening of the workshop and housekeeping rules</b>	Facilitator: Paule Myriam Bana (Abidjan Convention Secretariat)
12:40 – 12:50	<b>Welcome on behalf of the Abidjan Convention Secretariat &amp; the STRONG High Seas project</b>	Abou Bamba (Abidjan Convention Secretariat) Ben Boteler (IASS)
12:50 – 13:00	<b>Workshop objectives</b>	
13:00 – 13:15	<b>Short introduction round in small groups</b>	
<b>13:15 – 14:30</b>	<b>Session 1: Update from ongoing activities and BBNJ Negotiations</b>	
13:15 – 13:30	<b>Update on the STRONG High Seas project</b>	Ben Boteler (IASS)
13:30 – 13:50	<b>Update from the Abidjan Convention Secretariat</b>	Abou Bamba (Abidjan Convention Secretariat)
13:50 – 13:55	<b>Group picture</b>	
13:55 – 14:05	<b>Break</b>	
14:05 – 14:30	<b>Update on the BBNJ Negotiations &amp; other global policy processes</b>	Jean Kenfack (Ministry of the Environment, Cameroon)
<b>14:30 – 15:25</b>	<b>Session 2: Update from the Southeast Atlantic region</b>	
14:30 – 15:25	<b>Discussion with States and stakeholders on ongoing and upcoming activities in the Southeast Atlantic region</b>	
15:25 – 15:30	<b>Close of Day 1</b>	
15:30 – 16:00	<b>Social event</b>	

# Workshop agenda | Programme de l'atelier

**17 November 2021 | 17 novembre 2021**

12:30 – 12:40	<b>Welcome and summary of day 1</b>	Facilitator: Leticia Greyling (IOI-SA)
12:40 – 13:30	<b>Session 3: STRONG High Seas project work and other ongoing research</b>	
12:40 – 13:00	<b>Presentation on the conservation measures report</b>	Shannon Hampton (IOI-SA)
13:00 – 13:30	<b>Presentation on deep-sea mining in ABNJ and links to BBNJ negotiations</b>	Pradeep Singh (IASS and University of Bremen)
13:30 – 13:40	<b>Break</b>	
13:40 – 15:25	<b>Session 4: Interactive session on the role of regional cooperation for ABNJ</b>	
13:40 – 13:55	<b>Introduction to the session</b>	Carolina Hazin, BirdLife International
13:55 – 14:55	<b>Interactive session</b>	
14:55 – 15:25	<b>Plenary Discussion</b>	
15:25 – 15:30	<b>Closing of the workshop by the Abidjan Convention Secretariat &amp; the STRONG High Seas project</b>	Abou Bamba (Abidjan Convention Secretariat)
		Ben Boteler (IASS)



# Update: STRONG High Seas activities relevant to Abidjan Convention area and BBNJ Negotiations

16 & 17 November 2021 / 16 et 17 novembre 2021

Ben Boteler

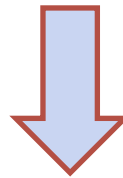
Institute for Advanced Sustainability Studies (IASS)



## STRONG High Seas:

### Strengthening Regional Ocean Governance for the High Seas

- 5-year project (June 2017 – May 2022)
- Funded by the German Federal Ministry for the Environment, Nature Conservation and Nuclear Safety (BMU) through the International Climate Initiative (IKI)
- Objective: To strengthen regional ocean governance for the conservation and sustainable use of biodiversity



- To develop integrated and ecosystem-based approaches
  - within our two focal regions
  - between marine regions
  - between the regional and global level

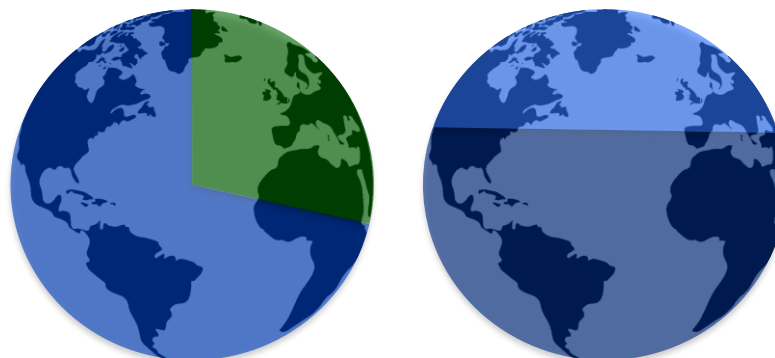
Supported by:



Federal Ministry  
for the Environment, Nature Conservation  
and Nuclear Safety

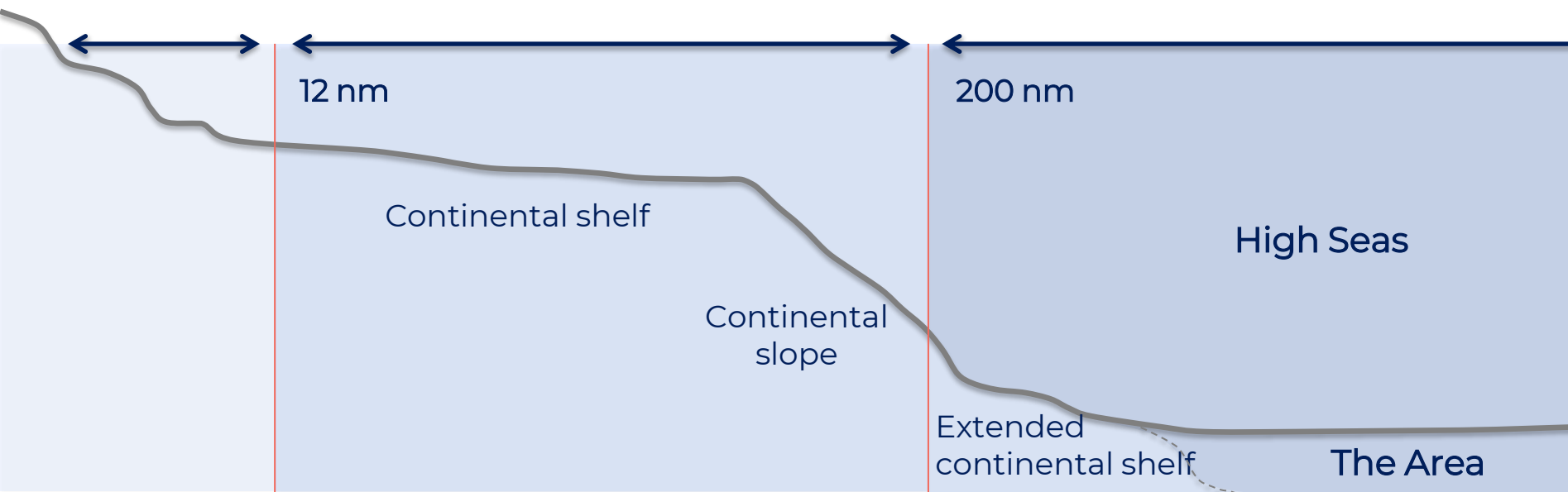
# Areas Beyond National Jurisdiction (ABNJ)

71% of the planet are covered by oceans



~ 60% of the oceans are high seas

Territorial Sea      Exclusive Economic Zone (EEZ)      Areas Beyond National Jurisdiction



# Why are Areas Beyond National Jurisdiction important?

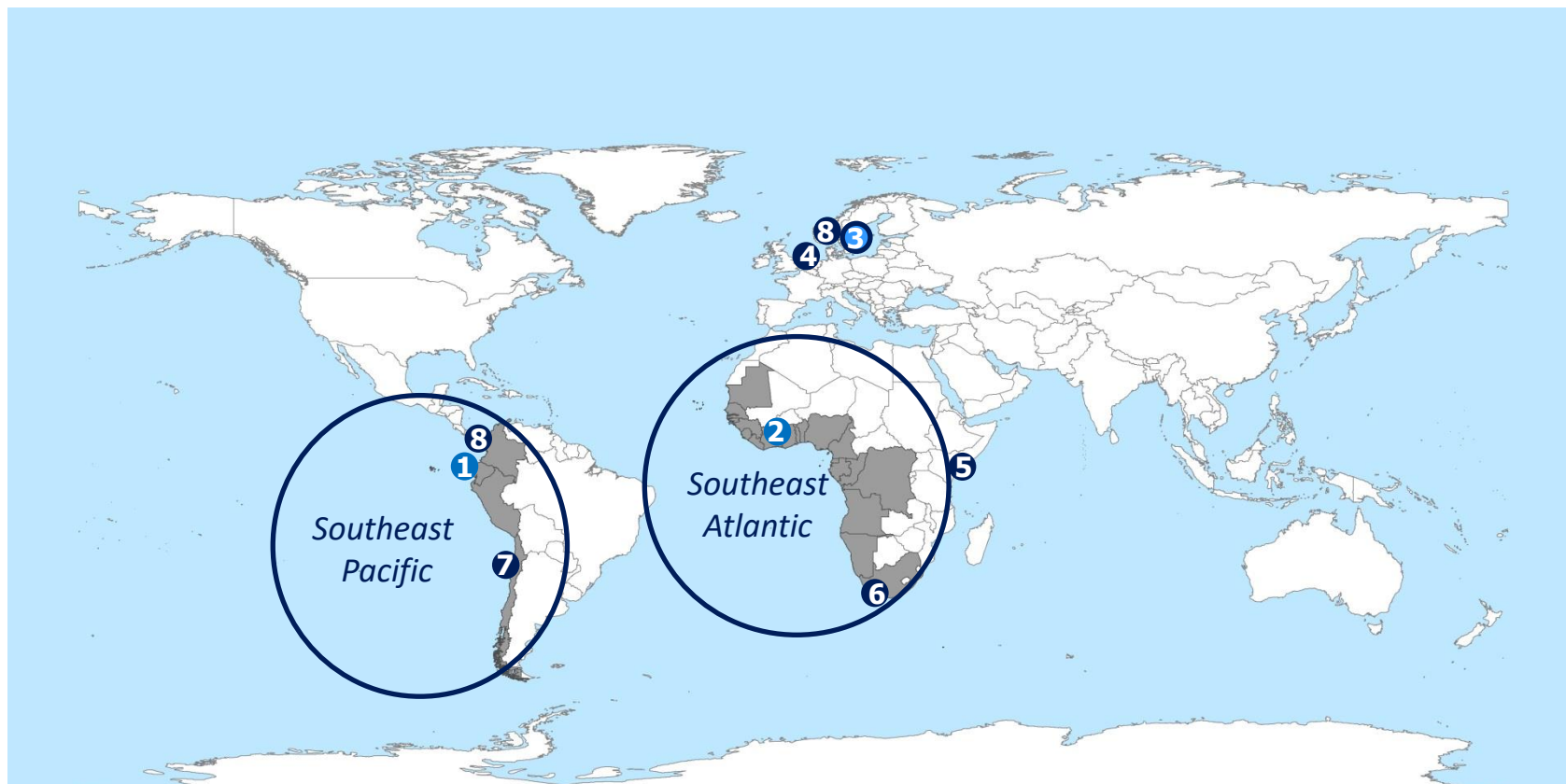
Areas Beyond National Jurisdiction are:

- connected to national waters
- full of life
- essential to all life on the planet
- under increasing pressure
- one of the least protected areas on the planet



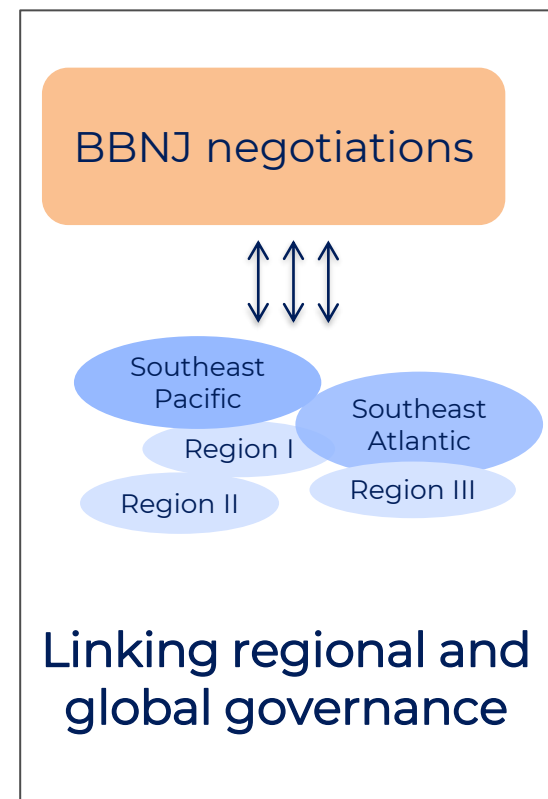
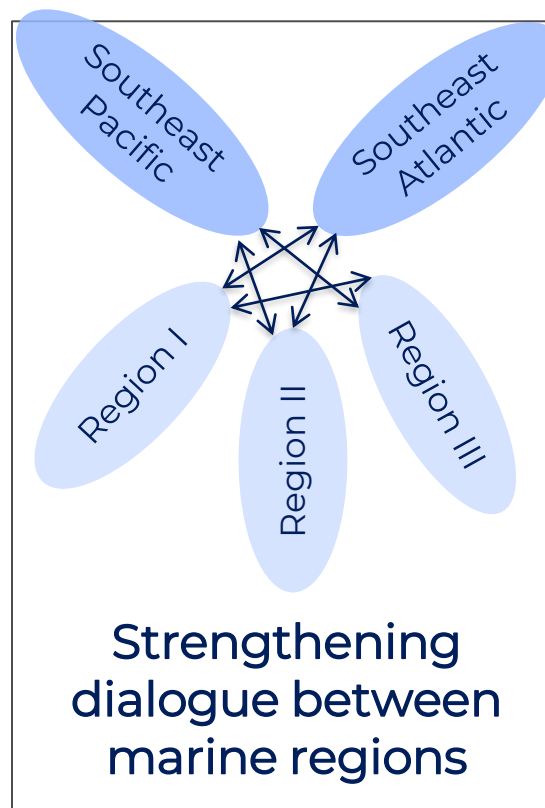
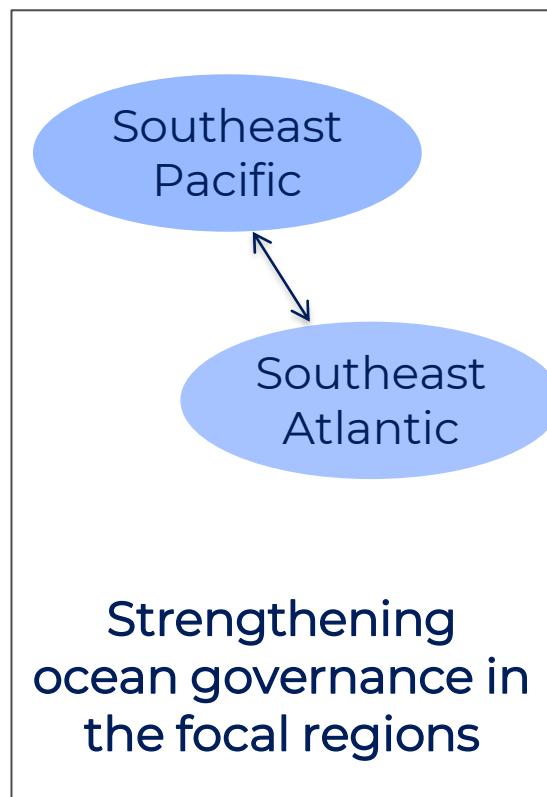


# STRONG High Seas Partners



- |   |  |   |   |   |   |   |   |   |
|---|--|---|---|---|---|---|---|---|
| 1 |   | 3   |  | 5   |  | 7   |  |   |
| 2 | <br>United Nations<br>Environment Programme | <br>Abidjan Convention<br>Convention d'Abidjan | 4   |  | 6   |  International Ocean Institute<br>African Region | 8   |  |

# Project Focus



Support **integrated and ecosystem-based governance approaches** for the conservation and sustainable use of biodiversity in ABNJ at the regional level.

# What does STRONG High Seas bring to the region?

Work with the region to build knowledge of processes and issues regarding regional governance for conservation and sustainable use of marine biodiversity in ABNJ for decision making, including for BBNJ negotiations;

Support regional capacity building on ocean governance and marine biodiversity conservation and sustainable use issues in ABNJ, including for BBNJ negotiations;

Develop a stakeholder platform to ensure information exchange on issues of ocean governance and conservation and sustainable use of marine biodiversity in the high seas;

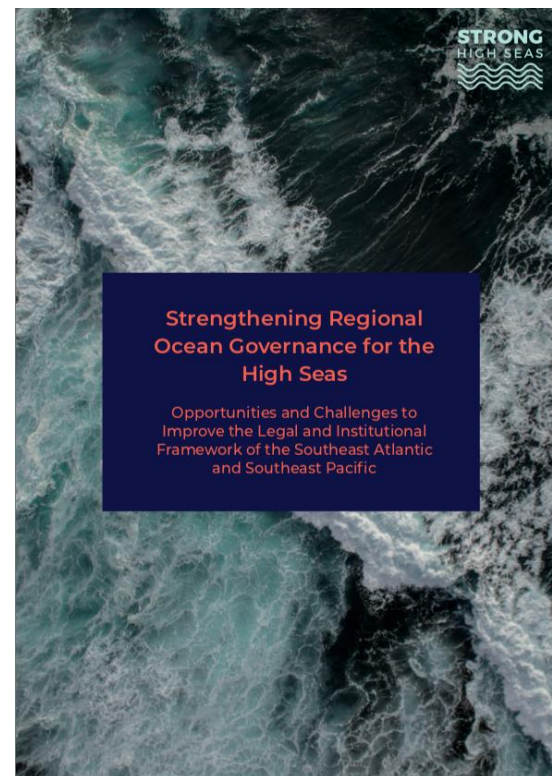
Support the exchange of knowledge and best practices between marine regions;

Boost knowledge sharing between regions and the global level.



# Recent publications and resources

- Report on Socio-Economic Importance of Areas Beyond National Jurisdiction for the Southeast Atlantic Region
- The Role of Regional Cooperation in Strengthening High Seas Governance: Conceptual Framework and Key Recommendations
- Options for Strengthening Monitoring, Control and Surveillance of Human Activities in the Southeast Atlantic Region



Information Website  
<http://www.highseas-abidjanconvention.org/>

# In the pipeline

- Recommendations for conservation measures in the Southeast Atlantic region (2021) *(working title)*
- Recommendations for enhancing integrated management for conservation of marine biodiversity beyond national jurisdiction in the Southeast Atlantic region (2022) *(working title)*
- Capacity Building Series *(ongoing)* – next event 18 November on Marine Genetic Resources; and 9 December on conservation measures and integrated management
- Capacity needs assessment for the Southeast Atlantic region (2022) *(working title)*
- Webinar: Towards a better management of Western African marine resources The Role of Monitoring, Control and Surveillance – 23 November 2021
- Dialogue workshop (29-31 March 2022) – with partner region, the Southeast Pacific

# Find out more!

<https://www.prog-ocean.org/our-work/strong-high-seas/>

<https://www.prog-ocean.org/our-work/strong-high-seas/strong-high-seas-resources/>





# Thank you!



Supported by:



Federal Ministry  
for the Environment, Nature Conservation  
and Nuclear Safety

based on a decision of the German Bundestag



**INTERNATIONAL  
CLIMATE INITIATIVE (IKI)**

# PROG

Partnership for Regional  
Ocean Governance

## Ben Boteler

Co-Lead, STRONG High Seas

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ABIDJAN CONVENTION  
CONVENTION D'ABIDJAN



IDDRI



International Ocean Institute  
African Region



# Presentation of the BBNJ process

# **BIODIVERSITY BEYOND NATIONAL JURISDICTION**

- **Purpose: to develop a legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biodiversity beyond areas of national jurisdiction.**



- Initiation of the work of the General Assembly in 2006 on the consideration of issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction in order to assess the need for further international cooperation in this field; establishment of a formal open-ended Working Group to consider these issues.
- Rio+20 ownership of the progress of the work of the informal open-ended working group. Decision by States at the end of the Conference on Sustainable Development to take urgent action on the issue of conservation and sustainable use of marine biodiversity beyond areas of national jurisdiction, including through the adoption of an act on the elaboration of a legal instrument under the United Nations Convention on the Law of the Sea
- Resolution 68/70 & 200: the UN GA requests the Secretary General to convene three sessions of the Informal Open-ended Working Group;
  - 1-4 April 2014; 16-19 June 2014, 20-23 January 2015: held the last three sessions of the Informal Open-ended Working Group and recommended to the General Assembly to establish a Preparatory Committee on the elements of a BBNJ instrument

- Resolution 69/242 of 19 June 2015: establishment by the GA of the Preparatory Committee on the Elements of a Legally Binding Instrument relating to the United Nations Convention on the Law of the Sea and relating to the Conservation and Sustainable Use of Marine Biodiversity beyond areas of National Jurisdiction.
- New York, 28 March-08 April 2016, 26 August-09 September 2016, 27 March-07 April 2017, 10-21 July 2017, holding of the Preparatory Committee and Recommendation to the General Assembly to convene an Intergovernmental Conference on the adoption of a legal instrument BBNJ
- Resolution 72/249 of 24 December 2017: The General Assembly decides to convene an Intergovernmental Conference on the Adoption of a Legally Binding Instrument relating to the United Nations Convention on the Law of the Sea and relating to the Conservation and Sustainable Use of Marine Biodiversity beyond Areas of National Jurisdiction, on a four (04) session basis;
- New York: 4-17 September 2018; 25 March-05 April 2019; 19-30 August 2019 holding of the first three sessions of the Intergovernmental Conference; Development of an implementation programme for the national ABS strategy;
- March 14, 2020, postponement of the 4th session initially scheduled from March 23 to April 03, 2020 due to the Covid-19 pandemic.

# Themes selected for the negotiations

- Marine genetic resources, including benefit sharing ;
- Measures such as areas including marine protected areas ;
- Environmental impact studies including strategic environmental assessment ;
- The transfer of marine technology and the capacity building.

# EVOLUTION OF THE NEGOTIATIONS

- Work of the first two substantive sessions of the Conference: general discussions
- Work of the 3<sup>rd</sup> substantive session of the Conference: discussions on the basis of a draft treaty prepared by Chairperson RENA LEE, Ambassador of Singapore to the United Nations

# Thematic analysis

- Marine genetic resources including benefit sharing
- Measures such as area-based management tools including marine protected areas
- Environmental impact assessments including strategic environmental assessment
- Transfer of marine technology and capacity building



# Marine genetic resources

## **The objectives sought**

- the statement of objectives of an international agreement on marine genetic resources: the discussions are therefore stalled on the following points:
  - . Fair and equitable benefit sharing;
  - . Capacity building in developing countries to access to genetic resources;
  - . Promotion of knowledge generation and technical innovation including transfer of marine technology

- Scope of application

Material application: the question is what types of marine GR the agreement should govern: GR collected or accessed in situ, ex situ, in silico, or as genetic or digital sequencing information. Should the agreement apply to derivatives? It also raises the issue of exclusion clauses: the use of fish and other biological resources as commodities

- **Temporal scope:**

It raises the issue of the agreement from its entry into force or it should apply to marine genetic resources collected and used before the entry into force of the legal instrument

# Measures such as area-based management

- Area-based management tools aim to conserve marine biodiversity. Such tools are being developed in ABNJ through the creation of marine protected areas, the adoption of fisheries regulation and closure measures by regional IOs or sectoral measures such as restrictions on mammal catches and navigation implemented by sectoral IOs. However, this movement is still limited and suffers from a lack of coordination.

- The problem is that there are types of organizations, mechanisms and projects dedicated to the conservation and sustainable use of marine biodiversity. However, there is a serious problem of cooperation and coordination between the sectoral and regional levels on the one hand, and the global level on the other. There is therefore a need to promote a comprehensive and cross-sectoral approach to ocean management.

## **Objectives:**

- strengthen cooperation and coordination in the use of area-based management tools among States, relevant legal instruments and frameworks, and relevant global, regional and sectoral bodies
- Regenerating and restoring marine biodiversity and ecosystems
- Creating a global network of marine protected areas and ecologically representative.
- To support food security and other purposes socio-economic.



# **Environmental impact studies including strategic environmental assessment**

- Important tool for the sustainable use of marine biodiversity;
- It identifies the adverse effects of activities on ABNJ and allows mitigation or remediation measures to be considered

- **Objectives:** To implement the Convention's provisions on environmental impact assessment by establishing procedures, thresholds and guidelines for States to conduct and report on environmental impact assessments;
- Allow for the consideration of cumulative effects ;
- Provide for strategic environmental assessments ;
- Establish a coherent framework for environmental impact assessment of activities in areas beyond national jurisdiction

# **THEMATIC PRESENTATIONS: THE CAPACITY BUILDING AND THE TRANSFER OF MARINE TECHNIQUES**

- This is an essential issue for developing countries, as there can be no transparent, participatory and democratic governance if developing countries cannot access the high seas. However, in order to be a real stakeholder in the process, it is necessary to have the marine technology

## **Objectives:**

- Helping DEPs implement provisions of the agreement;
- Promote the participation of DCs in the governance of the high seas ;
- Promote knowledge sharing on the conservation and sustainable use of marine biodiversity BBNJ;
- Building scientific and technical capacity techniques of DCs

## **Means and Modalities:**

- Cooperation in capacity building and transfer of marine technology: Use of existing global, regional or sectoral legal instruments and frameworks, partnership with the private sector, involvement of civil society.
- obligation for States Parties to build the capacities of developing countries on a voluntary/mandatory/voluntary and mandatory basis
- Obligation of transparency
- Taking into account the needs and priorities of the beneficiary
- Streamlining of procedures



- The issue of accessibility of technology •

The question of the conditions for the  
transfer of techniques

# Position of the African Group

- In general, African states are in favour of participatory, transparent and democratic governance of areas beyond national jurisdiction.
- Specifically, the Group's positions are based on the themes:
  - With regard to marine genetic resources, Africa is committed to basing the agreement on the principle of the common heritage of mankind, the establishment of a benefit-sharing mechanism, the application of the agreement to marine genetic resources collected in situ, ex situ, in silico or through sequencing.

- With regard to measures such as area-based management tools, including marine protected areas, the group's positions are based on the establishment of a network of marine protected areas at the global level, the establishment of a coordination mechanism between the regional or sectoral mechanisms and the international (global) mechanism.

- With regard to EIAs, including strategic environmental assessment, the African Group agrees in principle but expresses its reservation about any system that may hinder DCs from undertaking activities in ABNJ

The African Group is strongly committed to the transfer of marine technology and capacity-building, especially as this is a way of implementing the provisions of UNCLOS: in this respect, transfer must be compulsory for developing countries, under the least restrictive conditions of access possible for developing countries.

# OUTLOOK

- Discussions at of the intersession but persistence of discrepancies th different groups on key points
- Rejected resumption of negotiations at face-to-face
- Reluctanc on thepossibility of reach adoption fro the agreement at fourth session of the conference intergovernmental.



# Measures to Support Conservation Efforts for Areas Beyond National Jurisdiction in the Southeast Atlantic Region

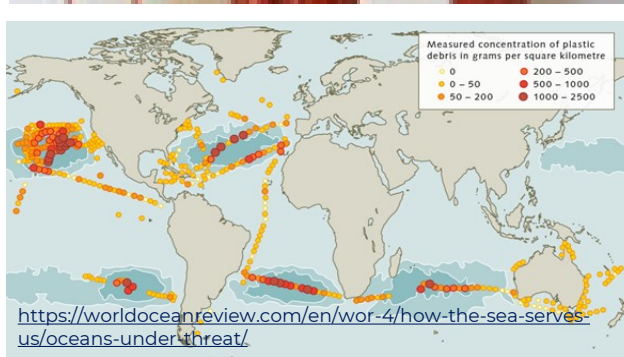
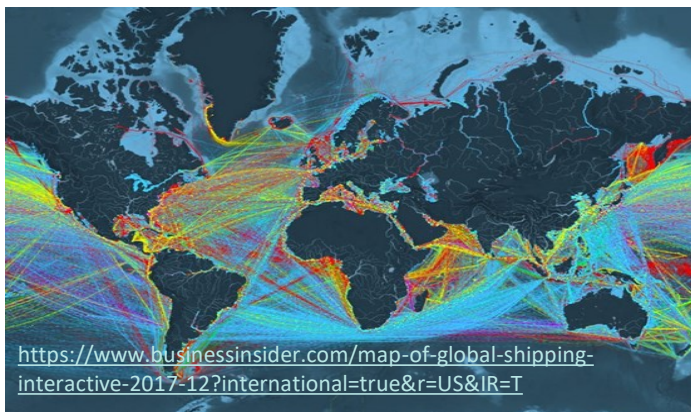
Dr. Shannon Hampton  
International Ocean Institute (IOI)



# Key Biodiversity Components

## Major Pressures and Threats on Biodiversity

### Socio Economic Importance of BBNJ



# Conservation Measures and Management Tools

**legally binding or non-legally binding**

**policy or practice**

**conservation and sustainable use**

**restricting access, creating output controls, creating input controls**

**comprehensive or sector specific**

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# UN Convention on Law of the Sea (UNCLOS)

Duty to cooperate

Duty to prevent harm

Duty to protect the marine environment

Duty to conserve marine living resources

Sectoral / regional and global conventions



Shipping



Deep Seabed Mining



Fishing



## Biodiversity protection

- Convention on Biological Diversity
- Convention on Migratory Species
- Convention on Trade in Endangered Species

# Sectoral Measures to Support Conservation Efforts in ABNJ



Shipping



Deep Seabed Mining



Fishing



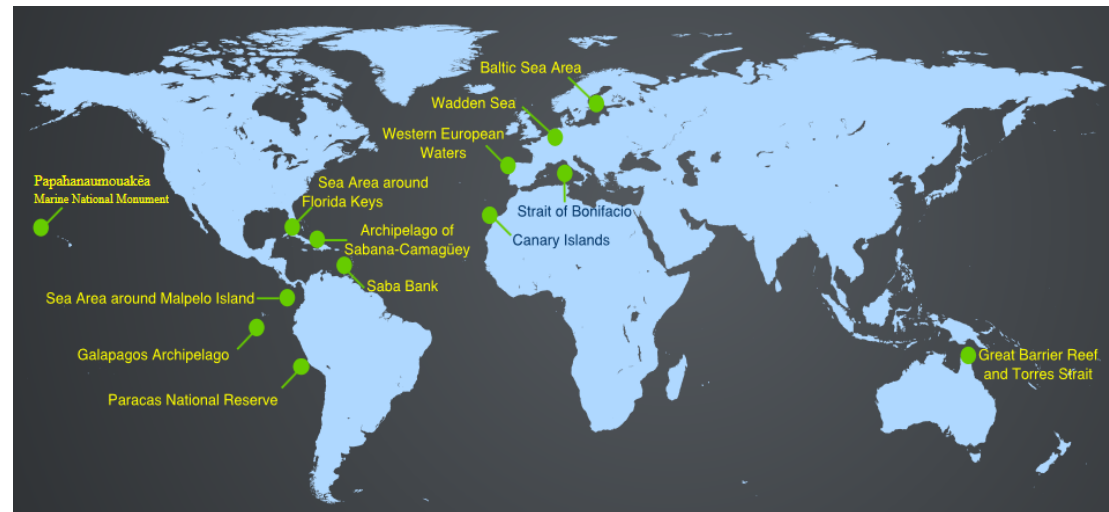
# Particularly Sensitive Sea Areas (PSSAs)



A PSSA is an area that needs special protection through action by IMO because of its significance for recognized ecological or socio-economic or scientific reasons and which could be vulnerable to damage by international shipping activities.



At the time of designation of a PSSA, an associated protective measure, which meets the requirements of the appropriate legal instrument establishing such measure, must have been approved or adopted by the IMO to prevent, reduce, or eliminate the threat or identified vulnerability.



Source: <http://pssa.imo.org/#/globe>

# Regional Environmental Management Plans (REMPs)

## Areas of Particular Environmental Importance (APEIs)

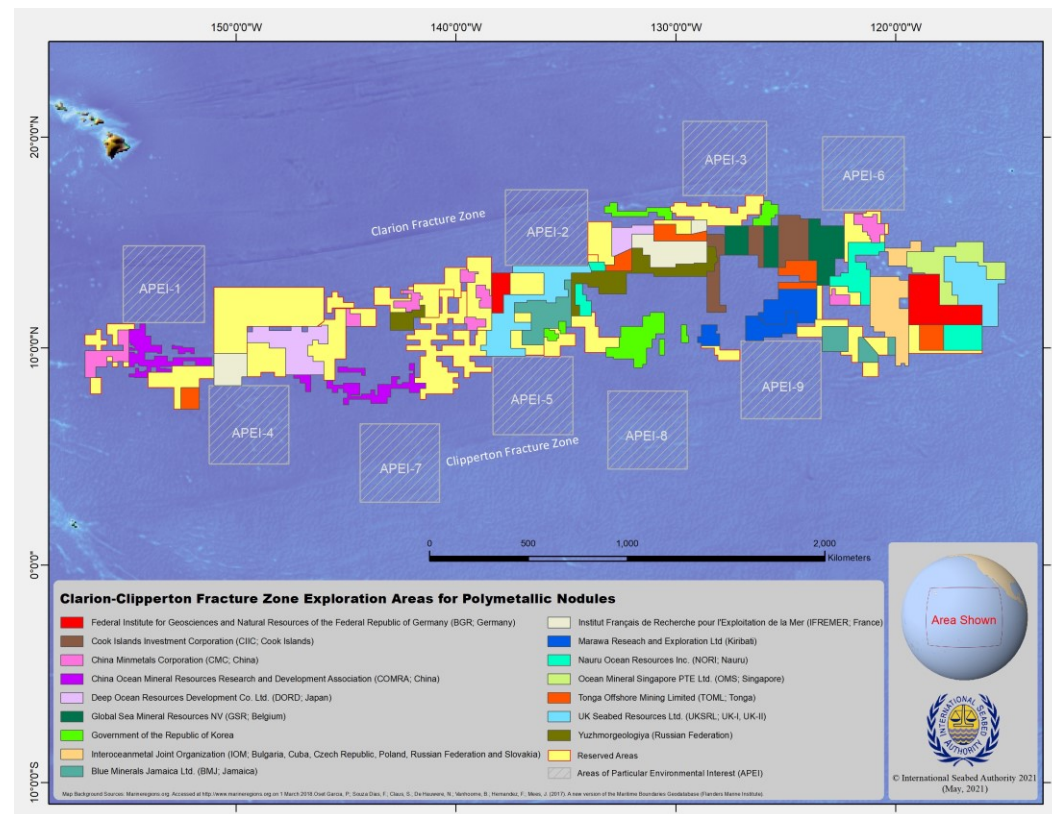


Deep Seabed Mining

‘proactive area-based and other management tools to support informed decision-making that balances resource development with conservation’

The regulations provide a comprehensive basis for monitoring and protecting the marine environment in the Area by imposing obligations on the entities involved in prospecting or (future) exploitation. Obligations include assessment and monitoring of their activities and the development of oceanographic and environmental baseline studies

Source: <https://www.isa.org.jm/map/clarion-clipperton-fracture-zone>

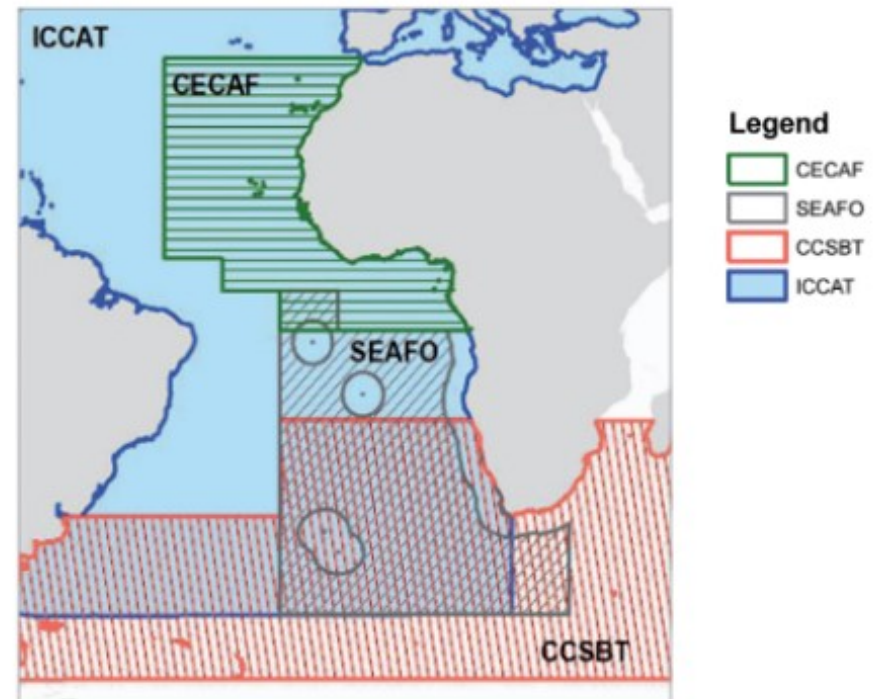


# Vulnerable Marine Ecosystems (VMEs)

VMEs are groups of species, communities, or habitats that could be vulnerable to impacts from fishing activities and typically include benthic communities associated with seamounts, hydrothermal vents, deep-sea trenches and submarine canyons, as well as oceanic ridges – such as cold water corals and sponge fields.



UNGA Resolution 61/105: ...close areas to bottom fisheries until appropriate measures have been put in place to prevent significant adverse impacts on vulnerable marine ecosystems (VMEs).





# RFMO Conservation/ Management Measures

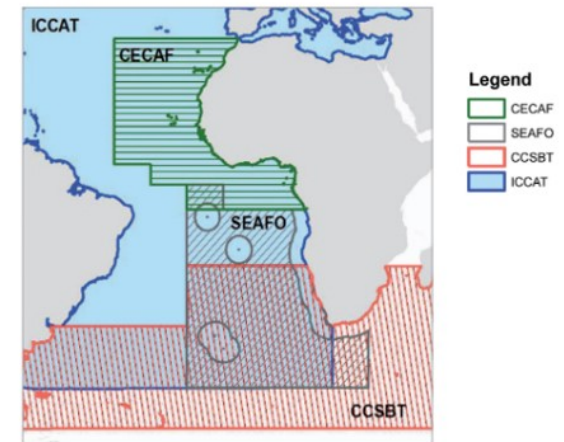
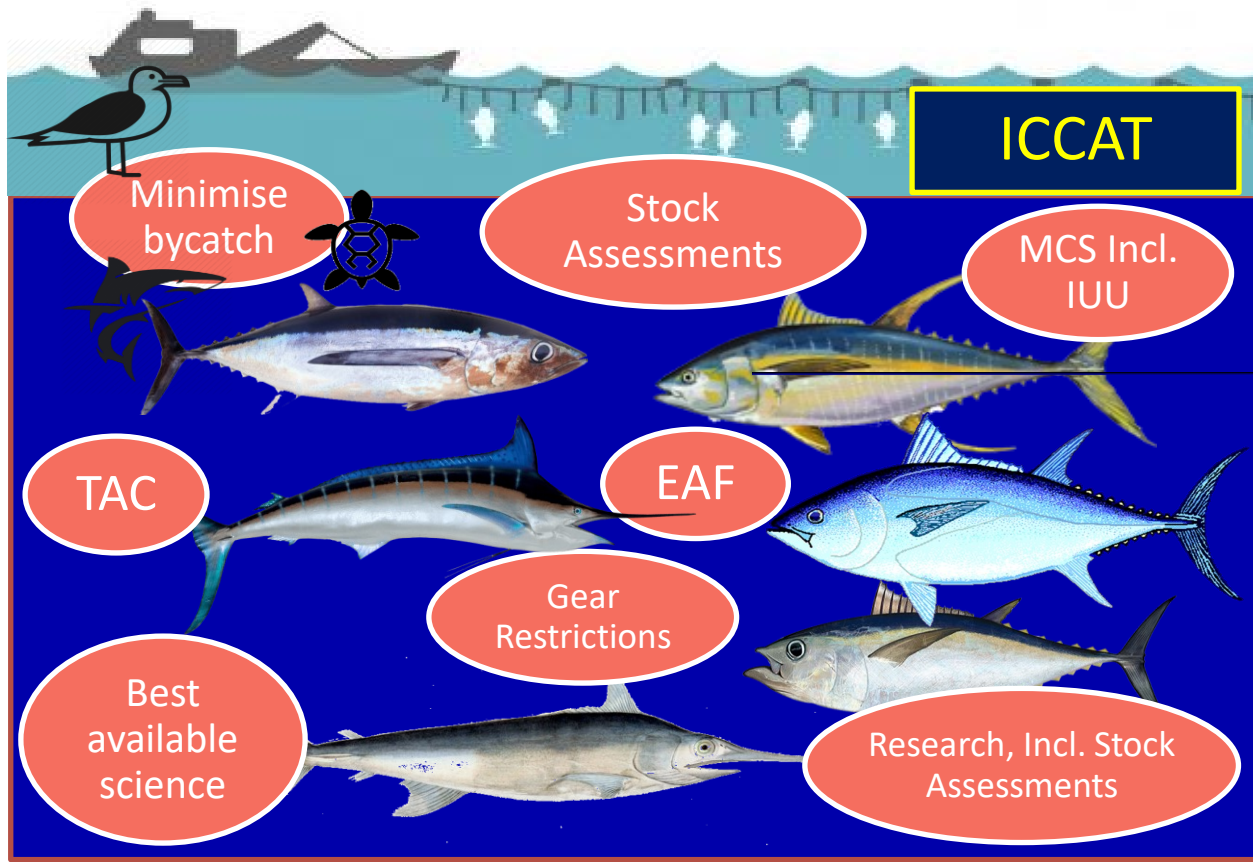


Figure: A non-exhaustive summary of Conservation Measures associated with the RFMO, ICCAT. The ICCAT focuses on sustainable management of yellowfin tuna, albacore tuna, bigeye tuna, swordfish, billfishes and bluefin tuna (pictured) and associated bycatch.

# Cross-Sectoral Measures to Support Conservation Efforts in ABNJ



Shipping



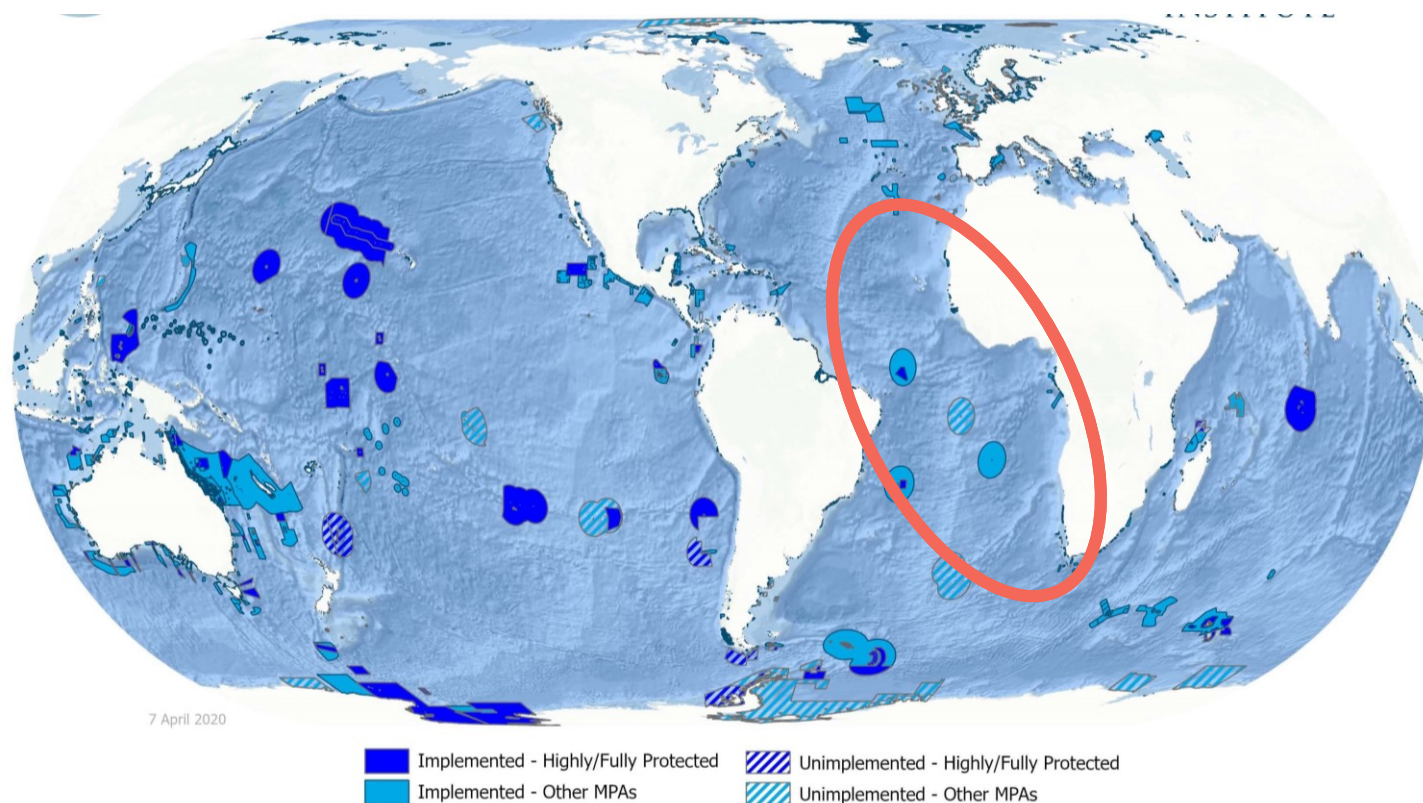
Fishing



Deep Seabed Mining

# Marine Protected Area (MPA) (and networks)

A clearly defined geographical space, recognised, dedicated and managed, through legal or other effective means, to achieve the long-term conservation of nature with associated ecosystem services and cultural values (IUCN, 2008).



## Applicability



## Sector

## Key Actor

## Measure and key features

## Legal Status

Maritime  
Transport

PSSA

Triggers step to set  
IMO regulations

Legally binding to signatories of IMO

Maritime  
TransportMARPOL Special  
Area

Pollution Management

Legally binding to signatories of  
IMODeep Seabed  
Mining

APEI

Monitoring and protection  
obligationsLegally binding to signatories of  
UNCLOSDeep Seabed  
Mining

REMPs

Area Based Management  
ToolsLegally binding to signatories of  
UNCLOS

Fishing



VME



No bottom fishing

Legally binding to members of  
RFMO

Fishing



RFMOs

Various Conservation and  
Management MeasuresLegally binding to members of  
RFMO

Fishing



Appendix I, II, III

Control trade of listed  
speciesLegally binding to signatories of  
CITES

Cross-Sectoral

States

MPA/ MPA  
NetworksVarious levels of  
protectionLegally binding to States who have  
ratified it

Cross-Sectoral

Marine World  
Heritage SitesProtection of culturally  
important marine sitesLegally binding to States signatory  
to World Heritage Site Convention

Cross-Sectoral

CMS Ap. I, II.  
ResolutionsHabitat and species  
protectionLegally binding to signatories of  
CMS

Cross-Sectoral



IWC

Conservation and  
Management of whalesLegally binding to signatories of  
IWC

Cross-Sectoral



ACAP

Conservation of Albatross  
and PetrelsLegally binding to signatories of  
ACAP

# Resources for Identifying Key Areas and Supporting Conservation Efforts in ABNJ



Convention on  
Biological Diversity

**IBA**  
BIRDLIFE IMPORTANT BIRD  
AND BIODIVERSITY AREA

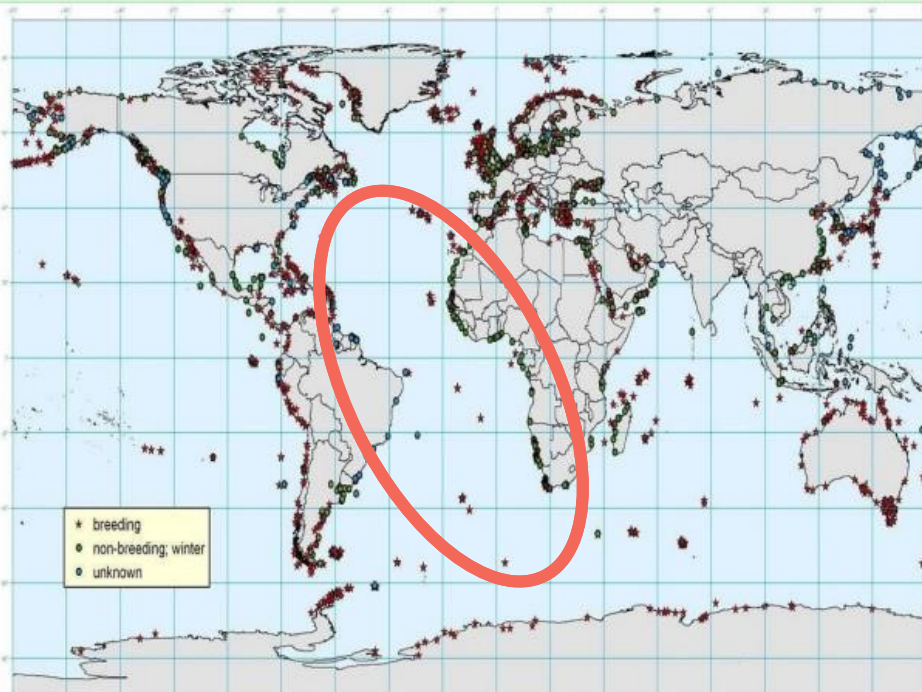


KBAs, EBSAs, IBAs, IMMAs...



# Important Bird and Biodiversity Areas (IBAs)

Important Birds and Biodiversity Areas are places identified by Birdlife as being of international significance for the conservation of birds and other biodiversity using standardised criteria.



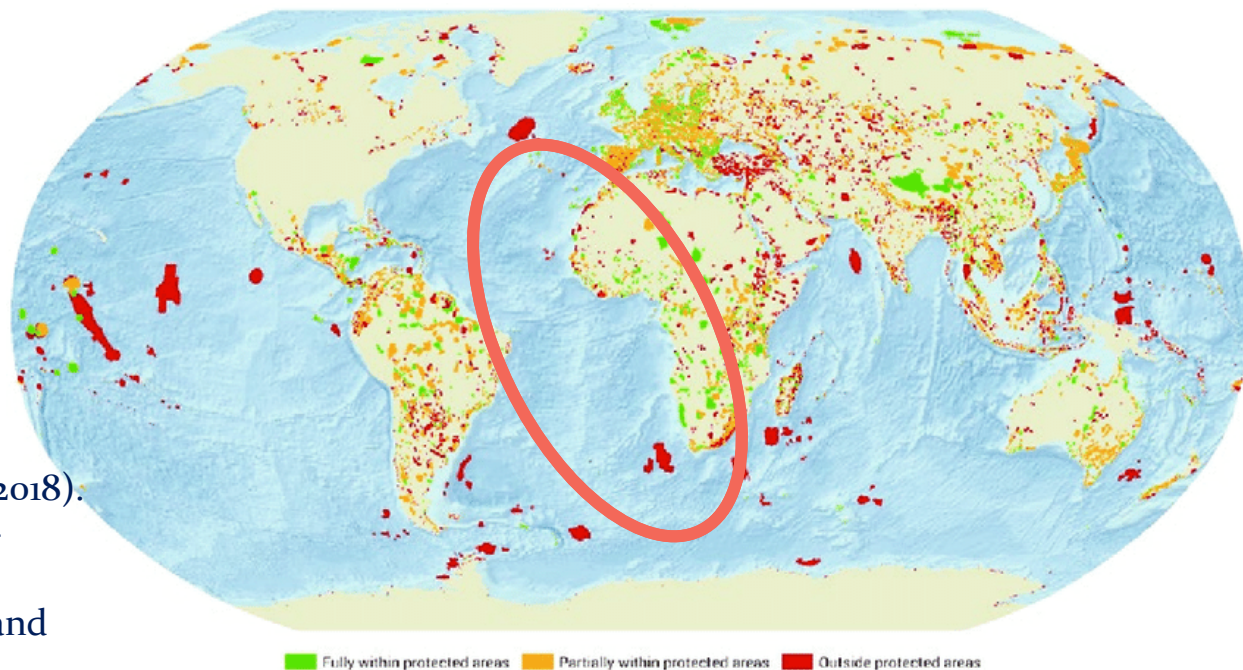
**Rule Box 5:** Flow chart showing how data and expert opinion form a central part of marine IBA identification, and can be used to inform each stage of the process.



# Key Biodiversity Areas (KBAs)

Key Biodiversity Areas (KBA) are sites identified by the KBA partnership which contribute significantly to the global persistence of biodiversity, in terrestrial, freshwater and marine ecosystems.

Support conservation in EIA, SEA, planning processes and also further formal protection and support specific management measures



Pic: UNEP-WCMC, IUCN and NGS (2018).  
Protected Planet Report 2018. UNEP-  
WCMC, IUCN and NGS:  
Cambridge UK; Gland, Switzerland; and  
Washington, D.C., USA.

Standard for Identification: <https://portals.iucn.org/library/node/46259>

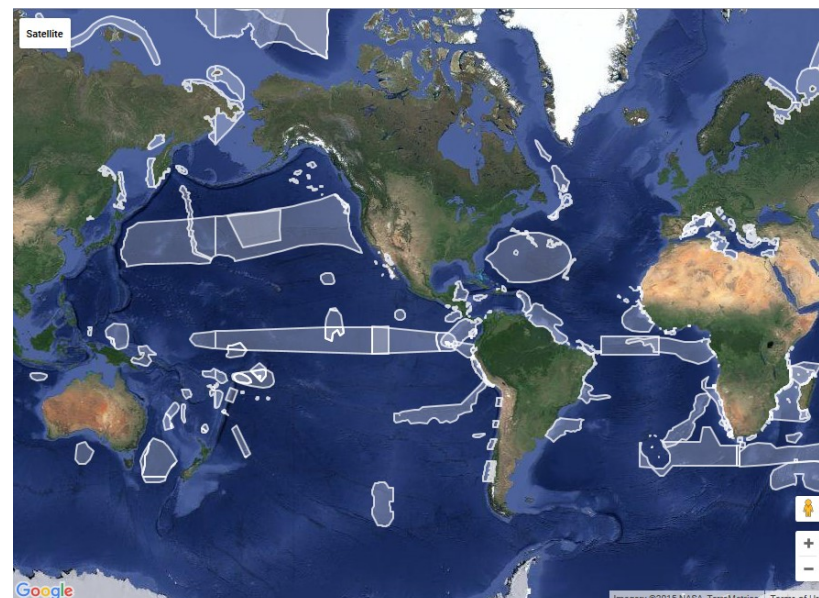
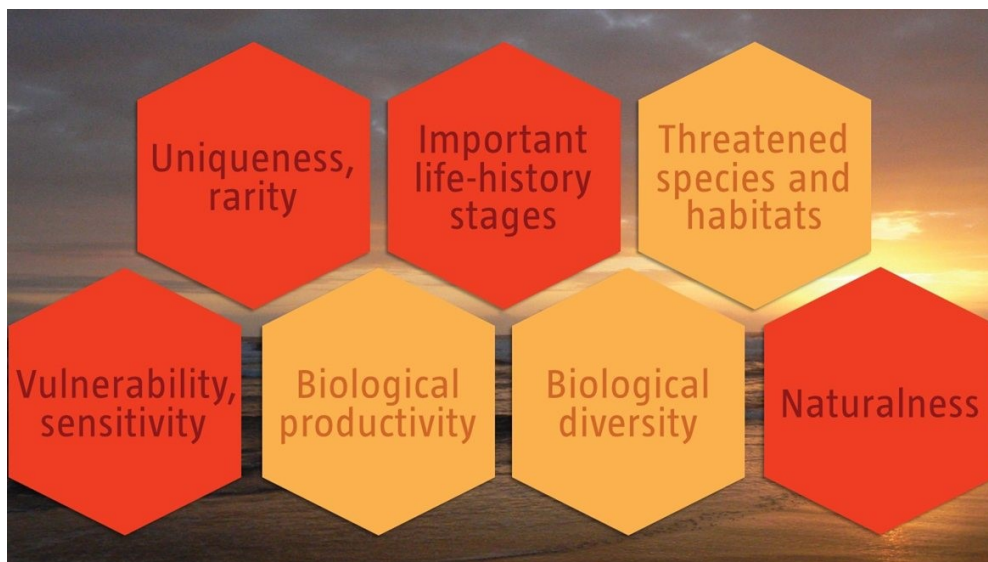


# Ecologically or Biologically Significant Areas (EBSAs)

EBSAs are special areas in the ocean that serve, in one way or another, to support the healthy functioning of oceans and the many services that it provides. The identification of EBSAs is a scientific and technical process which has a legal basis under Articles 7 and 17-18 of the Convention on Biological Diversity (CBD) (CBD, 2017).



**Convention on  
Biological Diversity**



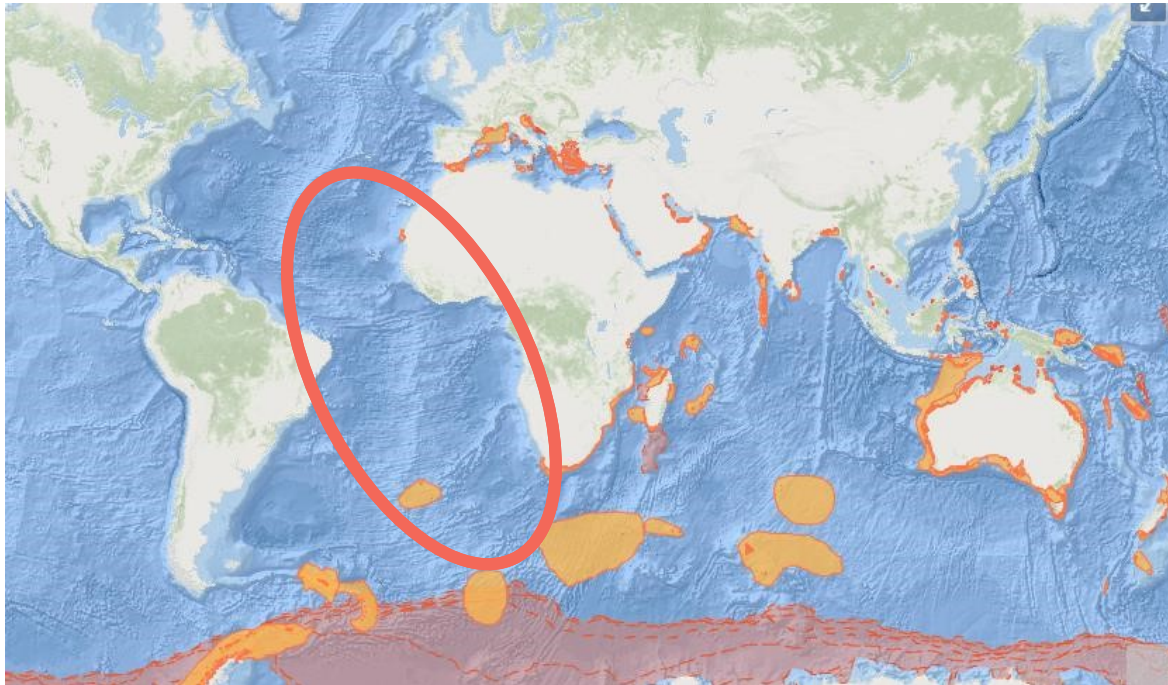
Pic: <https://cmr.mandela.ac.za/Research-Projects/EBSA-Portal/Namibia/Walvis-Ridge-Namibia>

<https://www.cbd.int/ebsa/>



# Important Marine Mammal Areas (IMMAs)

Important Marine Mammal Areas (IMMAs) are defined as “discrete portions of habitat, important to marine mammal species that have the potential to be delineated and managed for conservation.”



# **Other options to Support Conservation Efforts in ABNJ**

## Other Tools to Support Conservation Efforts in ABNJ

Marine Spatial  
Planning

Environmental  
Impact Assessment

Monitoring, Control  
and Surveillance

Pictures removed due to copyright

# Global Initiatives of relevance



**2021**  
**2030** United Nations Decade  
of Ocean Science  
for Sustainable Development

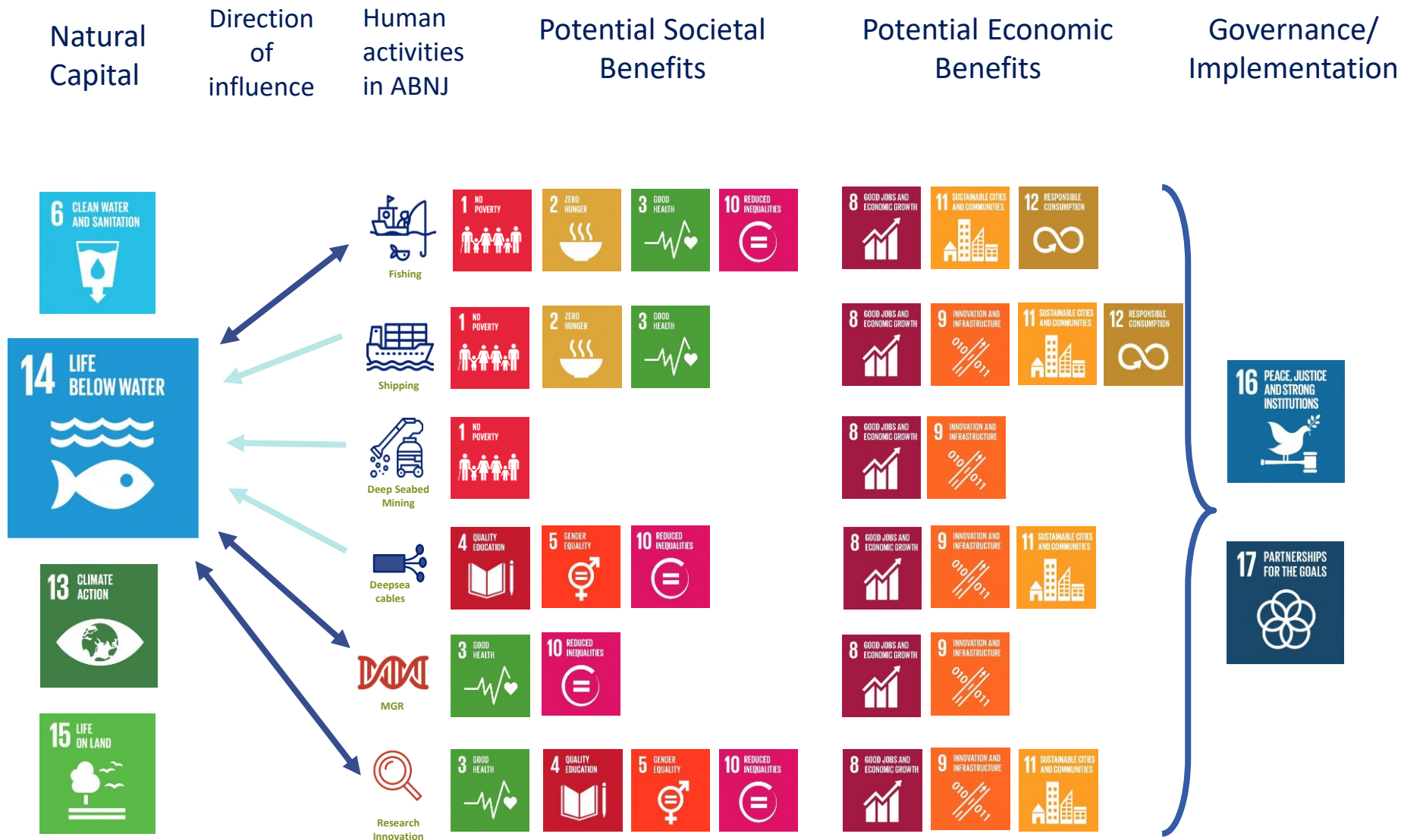


**SUSTAINABLE DEVELOPMENT GOALS**  
17 GOALS TO TRANSFORM OUR WORLD



**STRONG  
HIGH SEAS**

Three blue wavy lines representing the ocean.



# Key Messages

- Biodiversity in ABNJ continues to be at risk from anthropogenic activities
- Sectoral measures exist but are currently not applied within ABNJ in Southeast Atlantic
- RFMOs have a key role to play in protecting the ecosystem and managing resources in a sustainable way
- Use established science-based methods to identify MPAs (e.g., EBSAs, KBAs, IBAs, IMMAs etc.)
- Cross-sectoral cooperation is crucial
- Innovative management and conservation measures

# Key Messages

- Monitoring Control and Surveillance
- Financial mechanisms
- Capacity building in the region
- Transparent, science-based decision making
- Stakeholder Engagement
- Clear objectives and a management plan – including evaluation
- Conflict resolution & Communication
- Integrated, ecosystem-based ocean management approach



# Thank you! Merci!



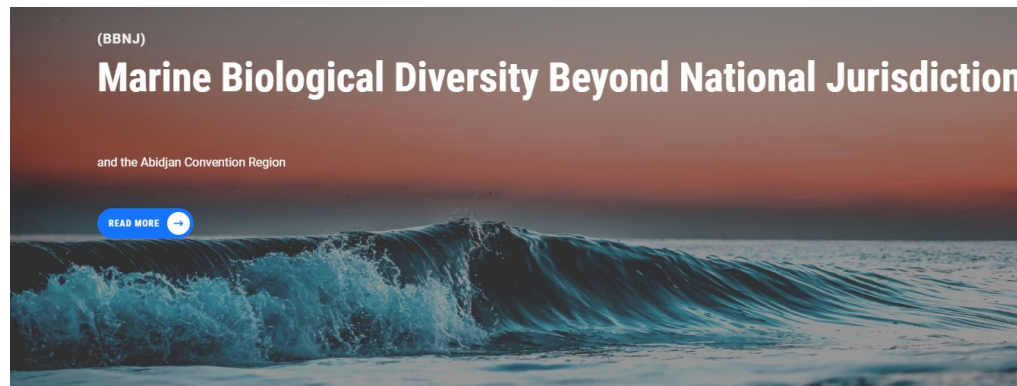
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[www.highseas-abidjanconvention.org](http://www.highseas-abidjanconvention.org)

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ABIDJAN CONVENTION  
CONVENTION D'ABIDJAN





# Deep-sea mining in ABNJ and links to the BBNJ negotiations

**Pradeep A. Singh, University of Bremen**

*STRONG Workshop: Regional Cooperation Efforts  
for the High Seas of the Southeast Atlantic.*

17 November 2021, Virtual.

# Outline

1. Introduction
  - What is deep-sea mining (DSM)?
  - What is the International Seabed Authority (ISA)?
2. Current Developments at the ISA
  - State-of-the-art: current exploration and future exploitation.
  - The recent invocation of the 'two-year rule'.
3. Concerns of African Group at the ISA
  - Environmental concerns.
  - Economic concerns.
  - Equity concerns.
4. Links to the BBNJ negotiations
5. Conclusion/Key messages

# 1. Introduction – What is DSM?

- Exploration and exploitation of mineral deposits at depths greater than 200 m. Broad definition: “all solid, liquid or gaseous mineral resources”. Three main mineral deposits (see below).
- Located in seabed areas within national jurisdiction (continental margin of 200 nautical miles or more), as well as seabed areas beyond national jurisdiction (the Area).
- The Area and its mineral resources are the ‘common heritage of mankind’: belongs to humankind as a whole – access only via International Seabed Authority and benefits to be shared equitably.

## Polymetallic nodules

Location: Abyssal plains.

Av. depth: 4,000 – 6,000 m .

Main contents: Nickel, copper, cobalt and manganese.

## Polymetallic sulphides

Location: Hydrothermal vents.

Av. depth: 1,400 – 3,700 m.

Contents: Copper, lead, zinc, some gold and silver.

## Cobalt-rich ferromanganese crusts

Location: Seamounts.

Av. depth: 800 – 2,400 m.

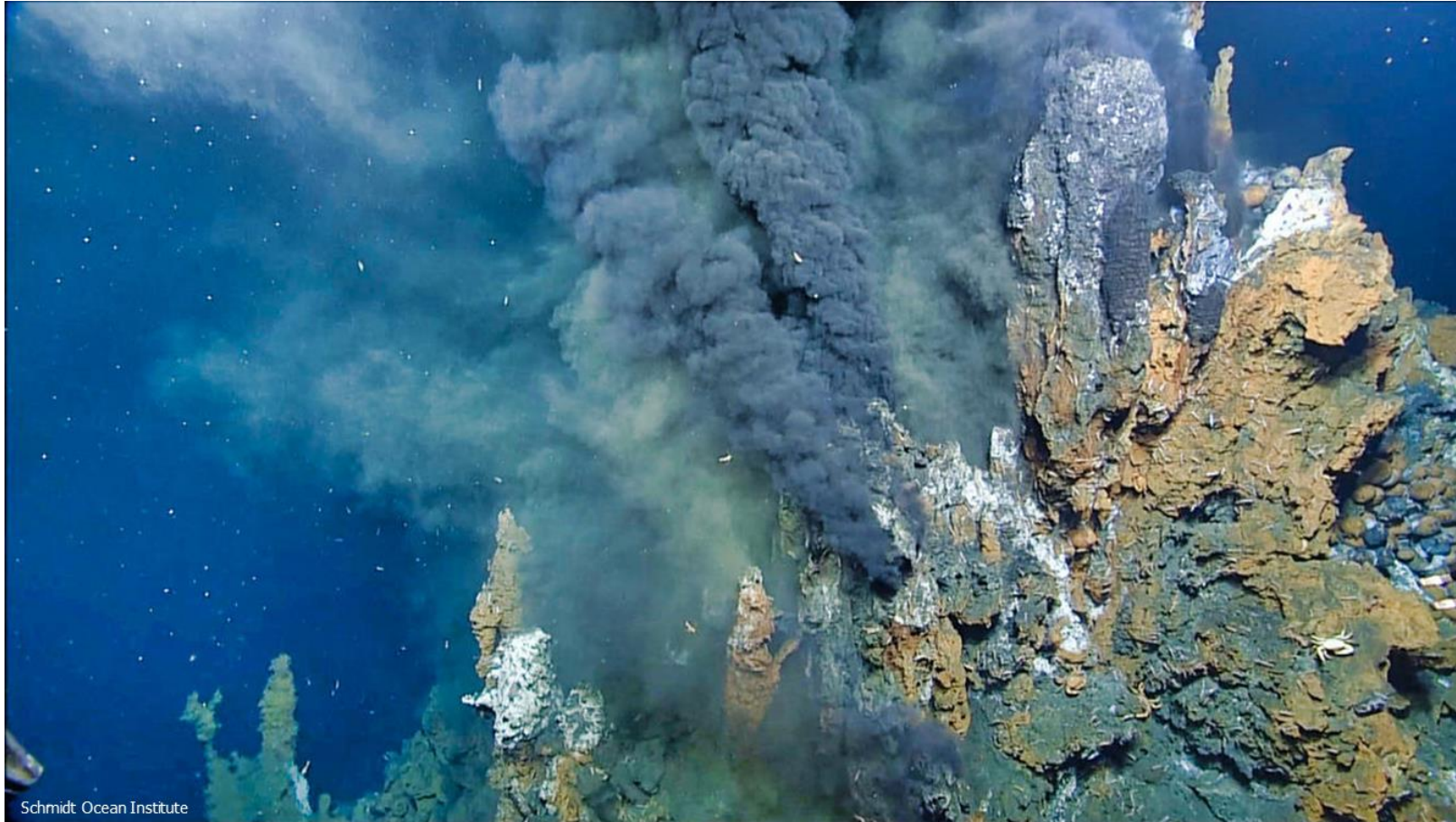
Contents: Mainly cobalt.

# Polymetallic nodules – abyssal plains





# Polymetallic sulphides – hydrothermal vents

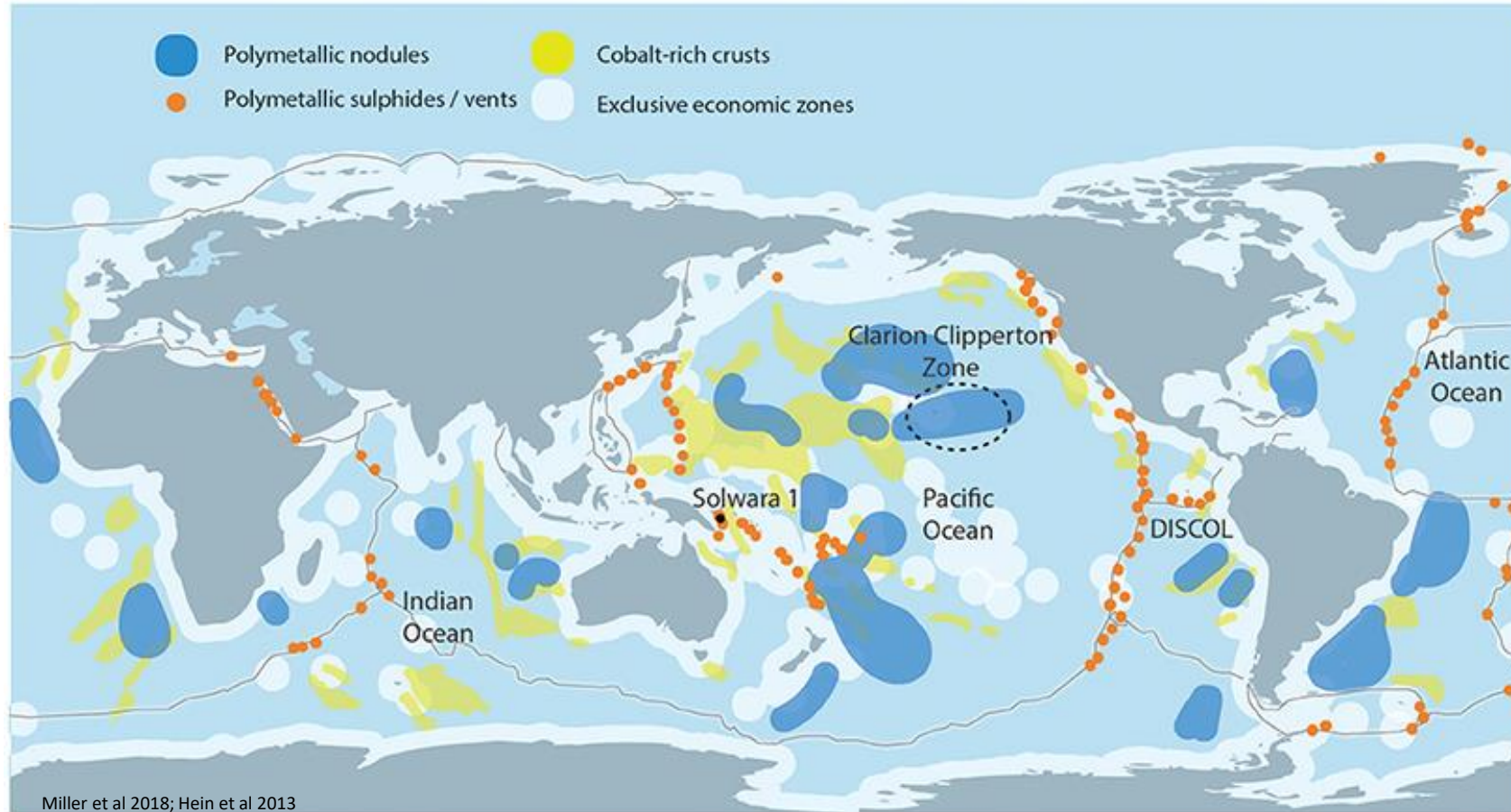


# Cobalt-rich ferromanganese crusts – seamounts



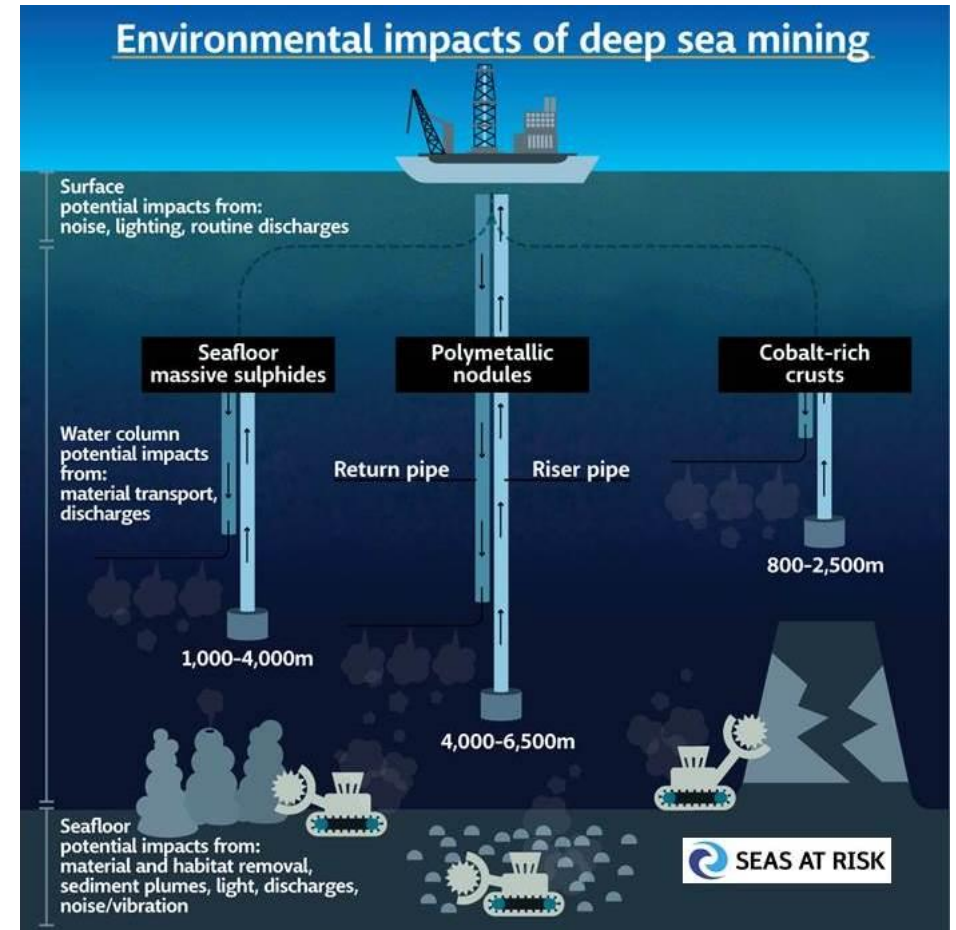


# Location of mineral deposits



# Environmental impacts of deep-sea mining

- Deep-sea minerals take centuries to form.
- Organisms are dependent on the minerals (nodules).
- Vents and seamounts are full of life.
- Deep ocean not exposed to human disturbances.
- Contemporary mining methods are highly destructive.
- Current knowledge indicate restoration not possible.
- Noise/light impact on marine life/mammals not known.
- Impacts are 3-D and will spread quite a distance.
- “Benefits” of natural capital not yet quantified.
  - Climate regulation and carbon storage.
  - Sustenance of the marine food web.
  - Provision of key ecosystem services.
  - Potential source for future medical and pharmaceutical needs.





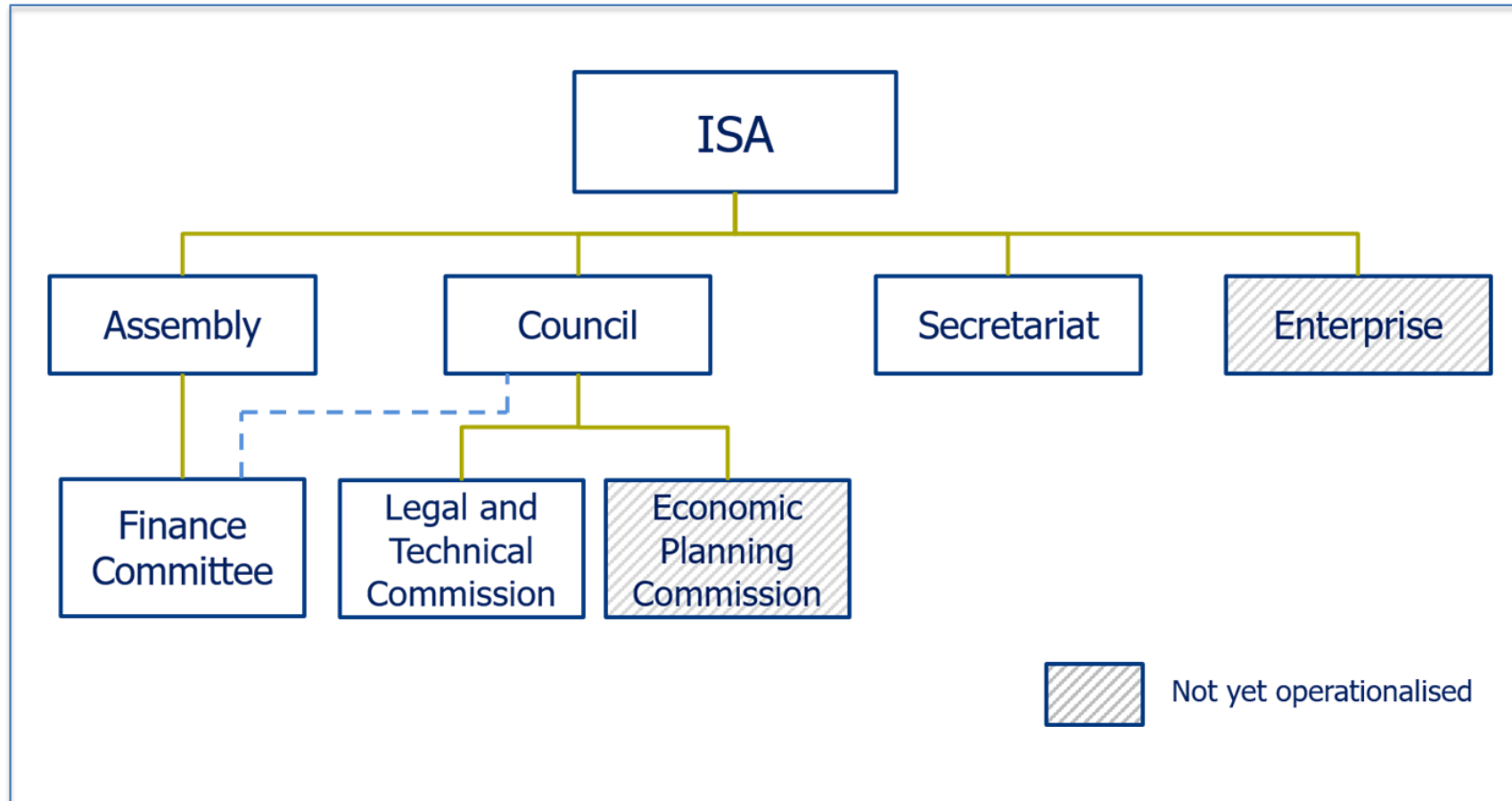
# What is the International Seabed Authority?

- ISA is an autonomous international organization established under Part XI of the UN Convention on the Law of the Sea 1982 (UNCLOS).
- Mandate over mineral resources of the Area, with ISA acting 'on behalf of mankind as a whole'.
- Responsible for:
  - development of regulations for mineral exploration and exploitation;
  - considering and awarding mining contracts;
  - facilitate equitable sharing of financial and other economic benefits derived from mining in the Area;
  - compensating land-based mining developing countries for adverse economic impacts;
  - whilst ensuring the effective protection of the marine environment from harmful effects of mining; and
  - promoting marine scientific research.

# The ISA

- All States to UNCLOS collectively form the ISA. Based in Kingston, Jamaica.
- Primary organs:
  - Assembly
    - Supreme organ: 167 States + EU.
    - Approve regulations, ISA general policies (on Council's recommendations)
  - Council
    - Executive organ: 36 States only.
    - Decision-making organ: adopt and provisionally apply regulations, ISA specific policies, consider and approve mining applications.
  - Secretariat
    - Administrative organ: Secretary-General and staff.
    - Permanent organ responsible for day-to-day running.

# Institutional structure of the ISA



# Members of the Council (for 2021)

Group A (Major consumers)
China
Italy
Japan
Russian Federation

Group B (Major investors)
France
Germany
India
South Korea

Group C (Major exporters)
Indonesia
Canada
Chile
<b><u>South Africa</u></b>

Group D (Developing States and representing special interests)
Bangladesh
Brazil
Fiji
Jamaica
<b>Lesotho</b>
<b>Uganda</b>

Group E (Equitable Geographic Representation)		
Argentina	Mexico	Singapore
Australia	<b>Morocco</b>	Spain
<b><u>Cameroon</u></b>	<b>Mozambique</b>	Tonga
Costa Rica	Netherlands	Trinidad and Tobago
Czech Republic	<b><u>Nigeria</u></b>	U.K.
<b><u>Ghana</u></b>	Poland	
<b>Mauritius</b>	<b><u>Sierra Leone</u></b>	

## 2. Current Developments at the ISA

- ISA 'turned' 25 in 2019.
- Exploration have been going on for two decades
  - Nodule exploration regulations: adopted 2000 (revised 2013).
  - Sulphides exploration regulations: adopted 2010.
  - Crusts exploration regulations: adopted 2012.
- A total of 31 exploration contracts awarded.
  - Nodules: 19
  - Sulphides: 7
  - Crusts: 5
- No exploitation activities as of yet.

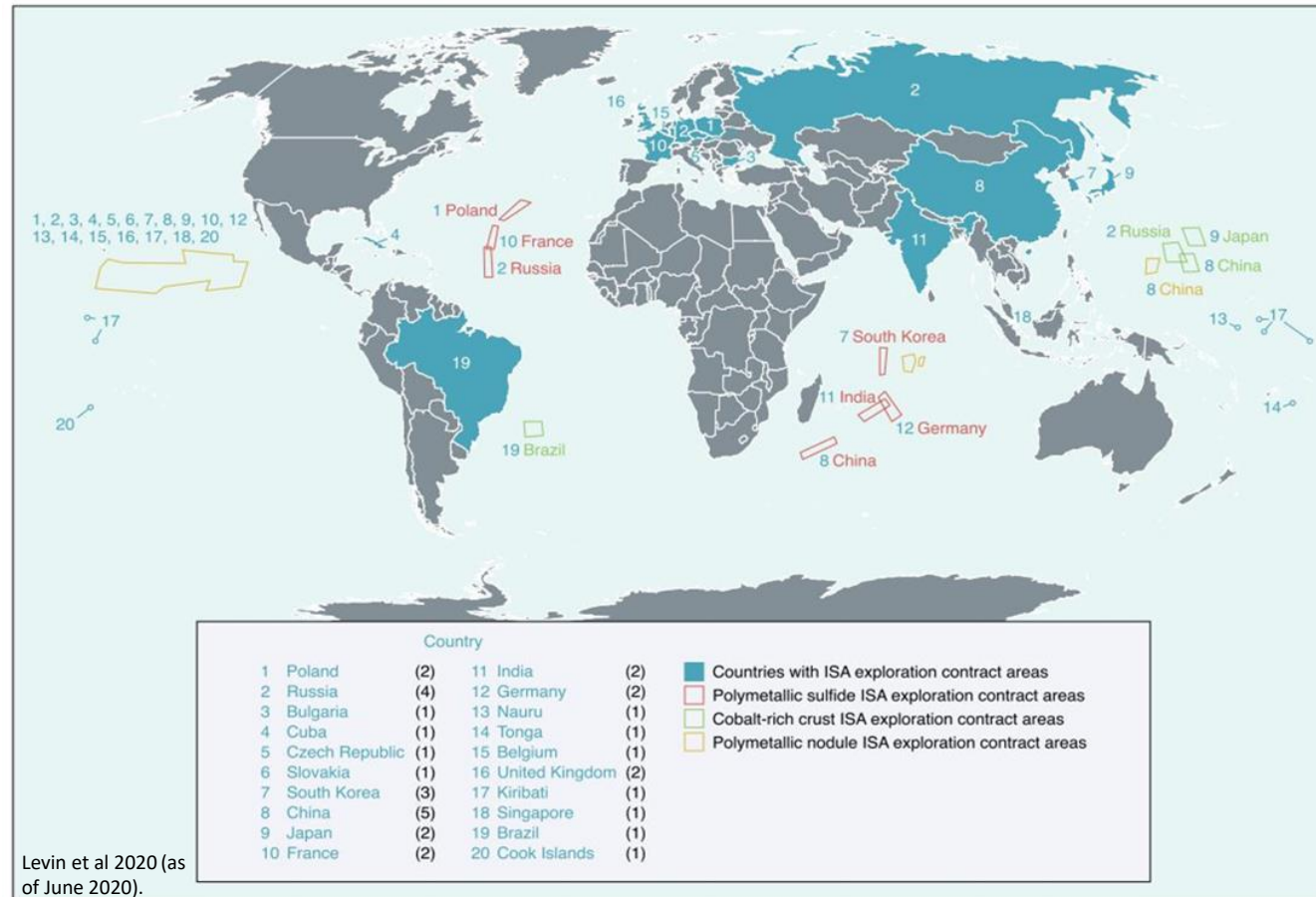


IISD/RS



Current status of ISA Exploration contracts (as of September 2021). Source: ISA

# Location of current exploration contracts





# The draft exploitation regulations

- Work commenced in 2014 at the Legal and Technical Commission (LTC, subsidiary organ of Council). In 2019, an advanced draft text presented to the Council.
- Text negotiations commenced at the Council in July 2019 and resumed in February 2020.
  - Three informal working groups established in February 2020:
    - Protection and preservation of the marine environment
    - Inspection, compliance and enforcement
    - Institutional matters
  - In addition to existing working group on the financial terms of exploitation contracts.
- The pandemic struck in March 2020 and halted progress since.
- In June 2021, the Republic of Nauru invoked a treaty provision known as the “two-year rule”.

# What does the invocation mean?

- Section 1(15) of the 1994 Agreement Relating to the Implementation of Part XI of UNCLOS.
- Obligates the ISA Council to accelerate and make progress with the exploitation regulations, i.e. to complete elaboration and adoption within two years (which is by 9 July 2023), failing which, the Council would have to still have to consider and decide upon any pending application for exploitation despite the absence of regulations.
- Exploitation regulations must be adopted by consensus at Council.
  - The existence of one formal objection could result in a deadlock: Section 1(15) addresses that legal gap.
- Contrary to some media reports, does not mean that commercial mining will commence in 2023.
  - An application first has to be submitted, including to meet all environmental and other regulatory requirements.
  - LTC may recommend disapproval and/or Council may decide to disapprove.

### 3. Concerns of the African Group at the ISA



African Group		
Algeria	Gabon	Niger
Angola	Gambia	Nigeria
Benin	Ghana	Sao Tome and Principe
Botswana	Guinea	Senegal
Burkina Faso	Guinea-Bissau	Seychelles
Cabo Verde	Kenya	Sierra Leone
Cameroon	Lesotho	Somalia
Chad	Liberia	South Africa
Comoros	Madagascar	Sudan
Congo	Malawi	Togo
Côte d'Ivoire	Mali	Tunisia
Democratic Republic of the Congo	Mauritania	Uganda
Djibouti	Mauritius	United Republic of Tanzania
Egypt	Morocco	Zambia
Equatorial Guinea	Mozambique	Zimbabwe
Eswatini	Namibia	

# a) Environmental concerns

- Rights and interests of adjacent coastal states: transboundary environmental harm (African Group Statement, 2018).
- Link has been well established that mining activities will harm coastal communities and affect the marine food web.
- Growing evidence of strong ecological connectivity between what happens in ABNJ and African States.

Marine Policy 104 (2019) 90–102

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journal homepage: [www.elsevier.com/locate/marpol](http://www.elsevier.com/locate/marpol)

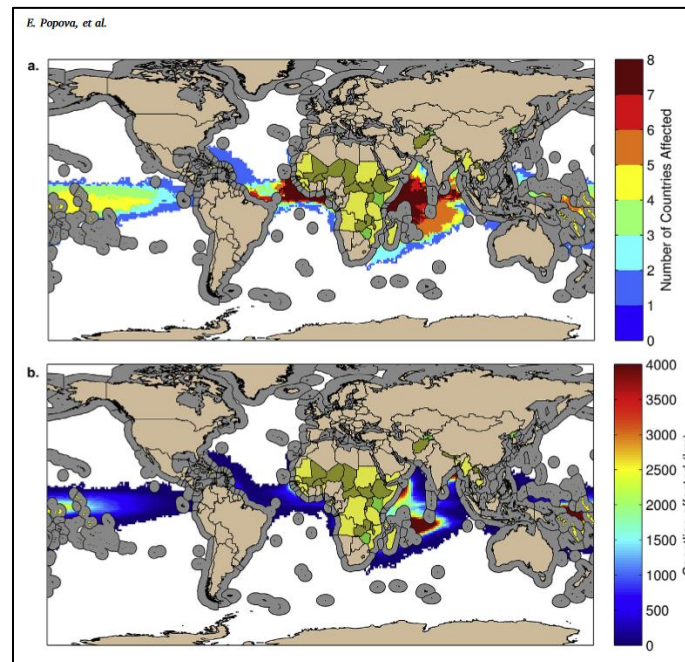
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Check for updates

**Ecological connectivity between the areas beyond national jurisdiction and coastal waters: Safeguarding interests of coastal communities in developing countries**

Ekaterina Popova<sup>a,\*</sup>, David Vousden<sup>b</sup>, Warwick H.H. Sauer<sup>b</sup>, Essam Y. Mohammed<sup>c</sup>, Valerie Allain<sup>d</sup>, Nicola Downey-Breedy<sup>b</sup>, Ruth Fletcher<sup>e</sup>, Kristina M. Gjerde<sup>f</sup>, Patrick N. Halpin<sup>g</sup>, Stephen Kelly<sup>h</sup>, David Obura<sup>b</sup>, Gretta Pecl<sup>i</sup>, Michael Roberts<sup>a,j</sup>, Dionysios E. Raitsos<sup>k</sup>, Alex Rogers<sup>l</sup>, Melita Samoilys<sup>b,m</sup>, Ussif Rashid Sumaila<sup>n</sup>, Sean Tracey<sup>o</sup>, Andrew Yool<sup>a</sup>

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**Deep-seabed mining disrupts seafloor food web**

Interventions on the seabed reduce the turnover of carbon

OCTOBER 09, 2020

[Biology](#) [Climate](#) [Microbiology](#) [Ocean](#)

Deep-seabed mining is considered a way to address the increasing need of rare metals. However, the environmental impacts are considered to be substantial but remain largely unknown and clear regulatory standards are lacking. Researchers at the Max Planck Institute for Marine Microbiology in Bremen, Germany, together with colleagues from The Netherlands, Belgium, Portugal, Germany and the UK, now describe that mining-related disturbances have a long-term impact on carbon flow and the microbial loop at the deep seafloor.

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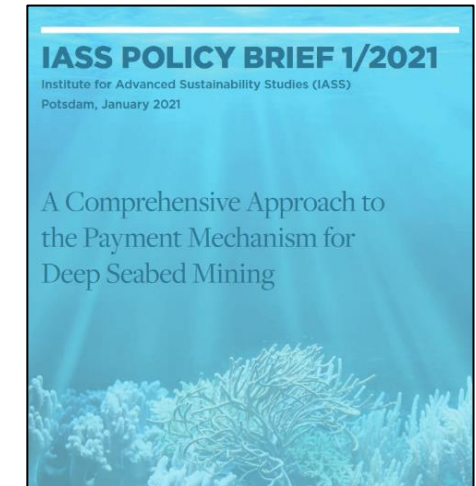
Daniëlle S.W. de Jonge  
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 Email: dsd3@hw.ac.uk

The Lyell Centre for Earth and Marine Science and Technology, Heriot-Watt University, Edinburgh, UK

Sampling in the DISCOL area, an area 3000 kilometers off the coast of Peru. Some larger animals recover faster from disturbances of the ocean floor than microbes. However, especially organisms living attached to manganese nodules, such as this stalked sponge, might be very vulnerable.

## b) Economic concerns

- Financial terms of exploitation contracts (African Group statements, 2019, 2020):
  - How much contractors have to pay the ISA to conduct commercial mining activities (e.g. royalties/profit-sharing).
  - Current financial models being considered are favourable to mining:
    - Do not include environmental considerations
    - Does not provide adequate compensation to humankind for the loss of mineral resources and other services (natural capital), the benefits of which remains to be quantified.
- Mechanism for benefit-sharing (African Group statements 2019, 2020):
  - How the ISA distributes the revenues that it receives from contractors.
  - Discussions still at early stages but proving to be quite elusive.
- Compensation for land-based mining developing countries:
  - Since deep-sea mining will be a form of 'competition' for terrestrial mining, how to compensate developing countries whose economies are reliant on land-based mining.
  - A recent ISA study has identified 13 States that will be particularly affected, with eight of them located in Africa: Chile, **Democratic Republic of the Congo**, Eritrea, **Gabon**, Laos, **Madagascar**, **Mauritania**, Mongolia, **Namibia**, Papua New Guinea, Peru, **Zambia** and **Zimbabwe**.



## c) Equity concerns

- Transfer of technology.
  - Was a key requirement under UNCLOS; however, diluted through the 1994 Implementation Agreement.
  - Without technology transfer, African States are hindered from participating in the Area.
- Capacity building and training programs.
  - There are training program at the moment, however, there are many issues with the current approach (African Group statement, 2019).
  - For example, very limited training on how to conduct and evaluate/review environmental assessments.
- Operationalization of 'the Enterprise'.
  - Envisioned under UNCLOS as the 'mining arm' of the ISA that will conduct mineral exploration and exploitation on behalf of humankind.
  - The Enterprise was established under UNCLOS, however, the 1994 Implementation Agreement postponed its operationalization (and it remains the case until today).
  - This is seen as the most effective way for developing countries to participate in activities in the Area.
  - African Group statements since 2017 have insisted that the Enterprise be operationalized as a matter of priority.



## 4. Links to the BBNJ negotiations

- Since both apply to ABNJ, there is clear overlap, e.g.:
  - Environmental harm from deep-sea mining is 3-D (includes water column).
  - Potential conflicts in the use of the marine environment: 'reasonable regard' (Article 147 of UNCLOS).
- Open questions:
  - Status of marine genetic resources?
    - Deep-sea mining will result in biodiversity loss; may impede access if ISA has issued mining contracts.
  - ABMTs (including MPAs) established through the BBNJ process: will this bind the ISA?
    - ISA has in the past issued an exploration contract covering an area identified as EBSAs through the CBD process.
  - Streamlining environmental objectives and the EIA process?
    - ISA is developing its own sectoral objectives and EIA/EIS process, which will apparently be inconsistent.
- ISA Secretariat attends the BBNJ negotiations – repeated emphasis on 'not undermine' caveat.

# 5. Conclusion/Key messages

- The deep ocean remains poorly understood, but what little is known indicate that humankind are heavily dependent on the deep ocean.
  - Strong evidence linking deep ocean to the origin of life on Earth. Deep ocean continues to sustain our lives.
- Short-term economic gains from deep-sea mining may not justify long-term natural capital loss.
  - Especially if only a few actors stand to benefit while environmental burdens are felt by developing countries.
  - Need to embrace precautionary principle and polluter-pays principle to internalize all externalities.
- Knowledge has progressed from when UNCLOS was negotiated but still lacking greatly.
  - Contemporary knowledge must be taken into account when making present day decisions.
  - Consequently, there have been increasing calls for a moratorium/pause until concerns are addressed.
  - The ongoing UN Decade for Ocean Science is an excellent opportunity to close knowledge gaps.
- Connection between the BBNJ process and the work of the ISA is very obvious. However, based on current progress, there is a growing risk that both may not be in sync with each other.

# THANK YOU

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**Interactive session on the role of  
regional cooperation for ABNJ-  
Cooperative efforts for the  
Southeast Atlantic high seas**

**Carolina Hazin**, BirdLife International  
16th, 17th Nov 2021

# Objectives of this session

Identify **opportunities for cooperation** in regional and global policy processes.

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To support the preparation of a report on **cooperation and integrated management**

# Integrated management for BBNJ conservation and sustainable use



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	Cooperation	Coordination	Collaboration
Connection	weak	medium	interdependent
Trust	little	medium	high
Communication	ad hoc	structured	frequent
Information exchange	existing	formalized	tactic
Objectives	independent	semi-independent	shared
Commitment	with the organization	with the organization	with the network
Duration	short	based on the shared program/media	long
Risk and reward	low		high
Power	remain in the organization	remain in the organization	shared between organizations
Resources	remain in the organization	remain in the organization	collective and pooled
Other	require adaptating to others	joint policies, programmes and resources	system change

# Types of regional cooperation/coordination/collaboration



joint scientific  
bodies / data  
centres



shared projects



regional  
assessments



joint capacity  
development  
programmes



Strategies:  
common vision  
and objectives



funding partnerships

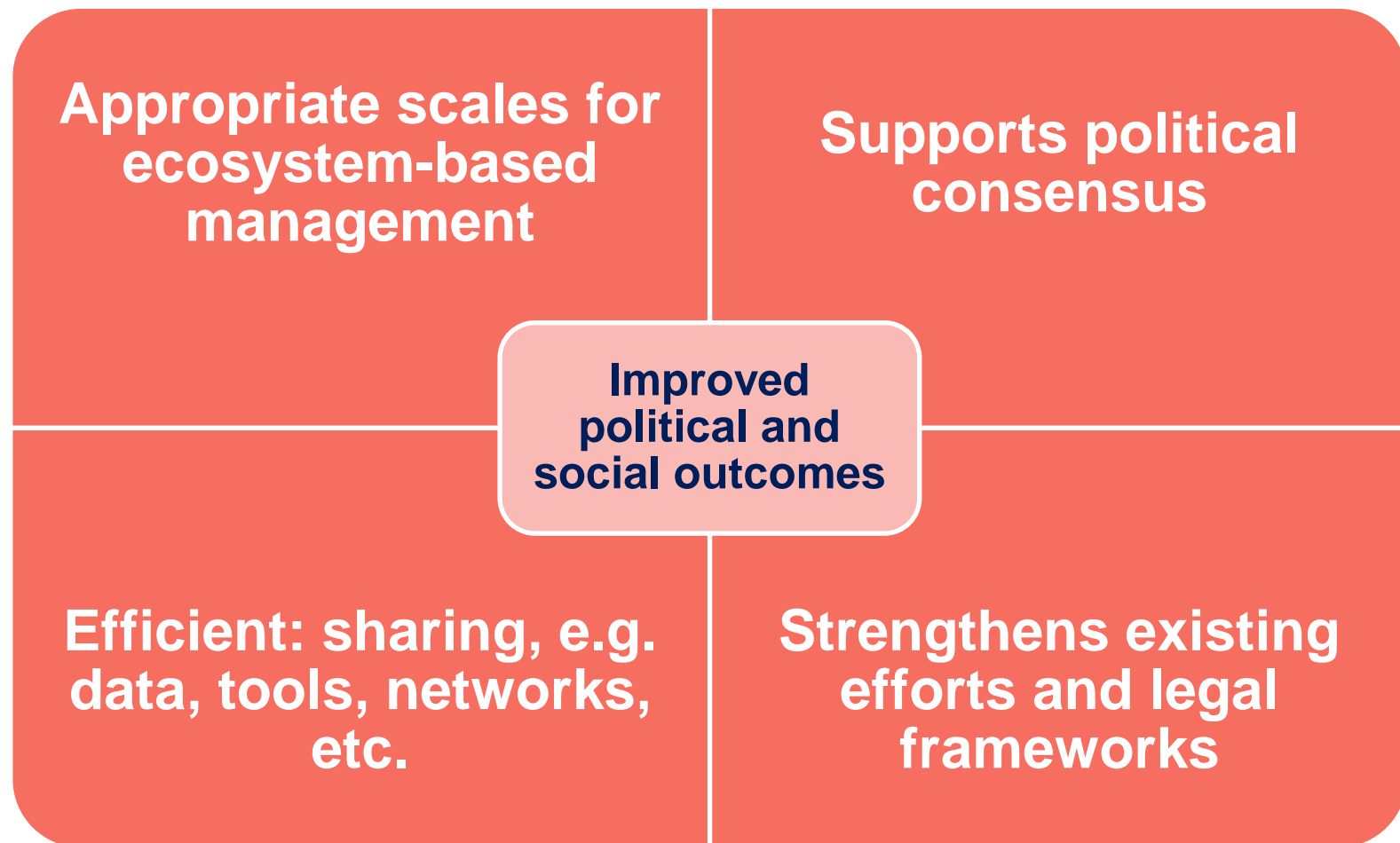


co-management



and more....

# What are the benefits of regional cooperation?



# In world politics

- UNCLOS: importance of regional cooperation (Article 197)

States are encouraged to cooperate "**as appropriate, on a regional basis, directly or through competent international organizations....for the protection and preservation of the marine environment, taking into account characteristic regional features**".

UNCLOS also makes special mention of regional cooperation on the living resources of the high seas.

- United Nations Fish Stocks Agreement
- Convention on Biological Diversity (Art. 5)
- Sustainable Development Goals

# Some examples of regional cooperation

**OSPAR- NEAFC(NEAFC)**  
- "collective agreement".



**Sargasso Sea Commission (SSC)**



**El Santuario de Pelagos para  
Mamíferos Marinos del Mediterráneo**



# Regional Fisheries Bodies

ABNJ – EEZ

EEZ

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# Existing efforts in the Southeast Pacific - EEZ



## Abidjan Convention



The Convention for Cooperation in the Protection, Management and Development of the Marine and Coastal Environment of the Atlantic Coast of the West, Central and Southern Africa Region



## The Benguela Current Commission



Canary, Benguela and Guinea currents **Large Marine Ecosystems**

# Existing efforts in the Southeast Atlantic

- Memoranda of understanding:



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based on a decision of the German Bundestag



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Partnership for Regional  
Ocean Governance

*Thank you!*

*Carolina Hazín*

Global Marine Policy Coordinator

BirdLife International

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African Region

