

Webinar Summary



Background

Human influence on the oceans, including areas of the high seas (or areas beyond national jurisdiction-ABNJ), continues to intensify; global shipping and new technologies increase our reach to the last "frontiers" of the ocean

This human domination of the ocean implies the need to design strategies to protect and sustainably manage the marine biodiversity present in both EEZs and ABNJs. For this reason, the ongoing BBNJ (Biodiversity Beyond National Jurisdictions) negotiations to implement an agreement within the framework of the United Nations Convention on the Law of the Sea (UNCLOS), for the conservation and sustainable use of marine biodiversity in ABNJ, have outlined a series of alternatives for protecting biodiversity in these zones.

In case of the Southeast Pacific region, the various existing ocean conservation and integrated regional management initiatives can help outline effective area-based management tools and guide decision-making applicable to the high seas.

In this regard, we provide some of the ideas shared by experts at the workshop "Sustainable use and conservation of biodiversity in ABNJ in the Southeast Pacific", held within the framework of the joint activities of the Permanent Commission for the South Pacific (CPPS) and the STRONG High Seas project, which aims to strengthen regional ocean governance for the conservation and sustainable use of marine biodiversity, in areas beyond national jurisdiction.

Here are some thoughts from the panelists of the "Sustainable Use and Conservation of Biodiversity in ABNJ (Areas Beyond National Jurisdictions) in the Southeast Pacific" workshop, held on March 4 & 5:

Summary Day 1 (4 March)

Juan Camilo Cárdenas, Professor at the School of Economics - CEDE of the Universidad de los Andes:

The regulation of exclusive economic zones is clear, while the same is not true for zones beyond national jurisdiction. However, the number of resources classified as overexploited varies little between the two. The reason?

In the words of Cárdenas, according to the result of his research, the logic of the fisheries and agencies that make extractions in ABNJ and that have participated in hundreds of studies is reflected as follows: "If I see a lot of overexploitation in the previous round, I myself make an effort to conserve the resource. If there was a lot of conservation in the previous round, now I feel I have the permission or license to increase my extraction because I feel that as a group we were conservative of the resource. That is what we have analyzed," says Cardenas.

To conclude this, he adds that, "what we did was to collect the theoretical models that exist to explain, when there can be balances of sustainability and collective action without the need for the obligation of imposed rules, which is what we are used to within countries and communities. Also, when these models can predict and solve these problems at a collective level without the need of imposing on institutions".

On the other hand, Cárdenas explained that due to climate change, ocean monitoring must be done in a different way than during the 20th century, taking into account that this phenomenon has impacts on biological and oceanographic characteristics, so it is increasingly important to make a permanent record of key indicators such as temperatures, dissolved oxygen, winds, etc., to know how these can affect the cycles of traditional fisheries as they were known. "I believe that today everything that can be done to improve information on species and biophysical indicators is key to understanding what climate change is causing. In addition, I consider it fundamental to involve the industry in this monitoring.

I believe that all fishing fleets could set up agreed monitoring networks to generate public and open information, because that is a win-win situation. In that sense, with better information, we would know when to intervene and when not to intervene in the extraction of resources".

Elizabeth Mendenhal, Assistant Professor in the Department of Marine Affairs at the University of Rhode Island (USA):

According to Mendenhal, there are four structural changes to ensure conservation in ABNJ:

- Control "balloon effects", i.e., the tendency of fisheries to change extraction areas when they encounter greater surveillance and control measures.
- Avoid undermining institutional legal frameworks that are already in place
- Consider the impacts of climate change and pollution in order to make decisions about the creation of new Marine Protected Areas.

- Equalize the production and collection of scientific data in ABNJ of the world, e.g. in the Atlantic and North Pacific there is a lot more information about these zones than in other regions. Considering that current knowledge production is not done with the same intensity throughout the different areas, and that this is the basis for making important decisions, such as which areas should be protected and which management tools are appropriate for a given marine territory, it is necessary to overcome this inequality.

Mendenhal also mentioned some suggestions for improving ABNJ management, including creating a forum for stakeholders, with interests in how to use the ocean, to interact and define joint strategies, especially in terms of biodiversity protection.

"Also, I think it is very important that there is a body that represents the common good and the defense of the ocean's biodiversity, taking into account that there are so many small groups with particular interests. And at the same time, it is necessary to apply a standard of scientific authority that can verify the worthwhile proposals for an ABNJ treaty," the expert explained.

Kristina Gjerde, High Seas advisor and member of the Marine and Polar Program of the International Union for Conservation of Nature:

At the workshop, Gjerde said that better and faster action must be taken to address the threats the world's oceans are facing today, such as pollution, climate change and biodiversity loss. "All states have an interest in healthy, productive, diverse and resilient oceans. Therefore, all states have a responsibility under international law to work for the health of the oceans."

However, she added, current regional and local organizations lack the knowledge and decision-making capacity to meet these challenges. In that sense, an ABNJ treaty provides an opportunity to strengthen the knowledge, capacity and political interest to sustain the world's oceans and their biodiversity.

Summary Day 2 (5 March)

Jaime Aburto, Marine Biologist, Scholar at the Universidad Católica del Norte and Researcher associated with the Núcleo del Milenio en Ecología y Manejo Sustentable de Islas Oceánicas (ESMOI):

Rapa Nui or Easter Island, almost 4,000 km off the Chilean coast, is considered the most isolated inhabited place on the planet. It constitutes, together with Hawaii and New Zealand, the Polynesian Triangle, a region with more than 30 million km² and 1,000 islands. Its remote location is a challenge for the management and conservation of fishery resources, as well as for governance.

So says Jaime Aburto, who recently published a scientific article on how the possible creation of a large-scale marine protected area for the ocean in the area, highlighted the little consideration of native and ancestral customs in the processes aimed at the conservation of marine resources, and thus, brought to light a case of ocean grabbing.

"There were two NGOs there, and later a Mesa del Mar, which tried to present proposals for the creation of marine areas. However, the participatory process was inadequate and there was a lack of transparency. If we only review the process in terms of quality and governance, we could affirm that there was evidence of ocean grabbing, as the principles that determined that this was a process that should be built hand in hand with the communities were being violated," says Aburto.

He adds that, after those attempts, the Chilean Ministry of Foreign Affairs visited the island (2016) to determine, through meetings with stakeholders and organizations, the reason for lacking consensus between locals and those interested in creating the protected area. At that time, it was jointly defined that there would be no National Park (in Chilean law defined as a no-take area), and conversations began around the possibility of creating a multiple-use area that would allow traditional fishing and avoid the presence of industrial fisheries.

There was also intensive work with the communities and, subsequently, a vote to elect local representatives to sit down with representatives of the Chilean government to negotiate what that multi-use area would be like. "Then, in 2017, there was a consultation with the people to find out if they agree with a multiple-use area, which guaranteed a co-administration with a Rapa Nui majority and the use of artisanal fishing gear. Sixty percent of the participants in the consultation approved the agreement".

According to the expert, this experience proved that it is necessary to be free of external agendas and respect the time of the communities to establish their processes, as well as to change the traditional model of conservation with a top-down approach, for a bottom-up one, which considers local norms and works hand in hand with the communities in the sustainable use of natural resources and respect for the dynamics of nature and social systems.

Regarding this experience, Luis German Naranjo, WWF's Director of Conservation and Governance, said: "This case leads us to think that perhaps we have to start applying some of the lessons learned in terrestrial conservation areas, where the exclusion of the considerations

of the indigenous communities and local inhabitants of a given region have led to conflicts and inadequate management of the resources to be conserved".

He added that from a governance and management point of view, "perhaps we have many lessons learned that are worth exploring. And this is a very specific case of not taking into account the particular considerations of native people about their aspirations, interests, what they understand by nature, what they consider to be non-negotiable elements of their territorial identity, which are things that should be taken into account when designing conservation models."

Hugh Gohan, Professor at the School of Government and International Affairs, University of the South Pacific, Republic of Fiji, and Advisor to the Asia Pacific Locally-Managed Marine Area Network:

In the Southwest Pacific - a region made up of 14 independent countries and 8 colonies, and over 100 million km² - a group of 8 countries created a "cartel" or front to control 50% of the world's tuna market (the dominant resource in the area). This was the experience shared by Hugh Gohan during the expert workshop, in which he explained that this initiative was possible thanks to a political movement that was formed to defend the interests of small countries that, annually, lost hundreds of millions of dollars due to the catches made by larger countries with greater extractive capacity in the high seas of this region.

"Tunas are species that move through the Exclusive Economic Zones of these countries, as well as areas beyond national jurisdictions (ABNJ)," he says, adding that in that sense, what this bloc of countries did was to unite in order to increase their participation in a market previously dominated by outsiders, including the European Union and the United States. "In addition, they opted to regulate the fishing effort using satellite technologies and an observer scheme on 100% of the fleet."

Another important change that came out of this experience, said the expert, is that the member countries of the agreement began to charge access fees to other countries, going from US \$50 million to more than US \$500 million for this type of payment.

"However, one of the problems that has arisen from this initiative is that many countries, which do not benefit from this arrangement, have tried to destabilize this cartel, trying to negotiate the exit of its members. What this makes clear is that there is a problem of solidarity with a region that has achieved a good management of its fishing resources and, at the same time, improve its economic position".

Another problem, he said, has been the lack of international recognition for this measure that has an impact on the conservation of the resource, even in areas outside national jurisdiction (ABNJ), while in various political and environmental scenarios what has more echo is the creation of marine protected areas. "It is very difficult to believe that these large protected areas can work to protect migratory species such as tuna. On the other hand, what can determine the sustainability of the resource is the management of the fishery itself."

Beyond this, he concluded, the possibility of replicating experiences in other regions where countries join together to ensure their fisheries production and sustainability and define joint conservation strategies, is promising.

For his part, Luis Germán Naranjo added that "I am struck by the healthy skepticism about the role of marine protected areas versus that of fishing activity regulation. The model they proposed about cartels or shared fisheries is fascinating. It is very innovative to look at fisheries management as perhaps a more efficient measure to conserve resources in the high seas, but it leaves me with the question about what could happen with regards to new extractive processes of renewable and non-renewable resources in the high seas, whether in EEZs or in areas beyond national jurisdiction".

Annex 1. Agenda

Thursday 4 March 2021

Time	Activity
9:00 am	Introduction to the webinar (objectives and methodology)
9:10 am	CPPS intervention Méntor Villagómez Secretary General Permanent Commission for the South Pacific -CPPS
9:15 am	Expert talk #1 "Collective Action in the common Oceans: Challenges and Opportunities in the ABNJ". Juan Camilo Cardenas Professor Faculty of Economics - CEDE University of the Andes
09:30 am	Question and answer session
09:45 am	Expert Talk #2 "Structural Changes in High Seas Conservation". Elizabeth Mendenhal Assistant Professor Departement of Marine Affairs University of Rhode Island
10:05 am	Question and answer session
10:20 am	Expert Talk #3 "Common interests and shared responsibility for the conservation and sustainable use of marine biodiversity in ABNJ" Kristina Gjerde Senior High Seas Advisor IUCN Global Marine and Polar Programme
10:40 am	Question and answer session
10:55 am	Final remarks and conclusions

Friday 5 March 2021

Time	Activity
9:00 am	Introduction to the webinar (objectives and methodology)
9:10 am	Expert Talk #4 "A large-scale marine protected area for the Sea of Rapa Nui: From ocean grabbing to legitimacy" Jaime Aburto Universidad Católica del Norte Departamento de Biología Marina Núcleo Milenio: Ecology and Sustainable Management of Oceanic Island (ESMOI)
9:25 am	Question and answer session
9:40 am	Expert Talk #5 "Effective conservation in the High Seas through regional fishery management tools versus paper parks". Hugh Govan The University of the South Pacific, Suva, Fiji
10:00 am	Question and answer session
10:15 am	Final remarks and conclusions

About STRONG High Seas

STRONG High Seas 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 (ABNJ). It is coordinated by the Institute for Advanced Sustainability Studies (IASS) and implemented together with the Institute for Sustainable Development and International Relations (IDDRI), BirdLife International, the International Ocean Institute (IOI)-South Africa, the Catholic University of the North (UCN), WWF Colombia and WWF Germany. In collaboration with CPPS and the Secretariat of the West and Central African Regional Seas Programme (Abidjan Convention), this project aims to develop and propose specific actions to support the coordinated development of integrated, ecosystem-based management approaches to ocean management in the Southeast Pacific.

For more information on the STRONG High Seas project, please visit: <https://www.prog-ocean.org/our-work/strong-high-seas/> or contact: stronghighseas@iass-potsdam.de.



ABIDJAN CONVENTION
CONVENTION D'ABIDJAN



IDDRI



International Ocean Institute
African Region



Fomentado por el:



Ministerio Federal
de Medio Ambiente, Protección de la Naturaleza
y Seguridad Nuclear

en virtud de una resolución del Parlamento
de la República Federal de Alemania

The STRONG High Seas project is part of the International Climate Initiative (IKI; www.international-climate-initiative.com/en/).

The Federal Ministry for the Environment, Nature Conservation and Nuclear Safety (BMU) is promoting this initiative on the basis of a resolution of the German Bundestag.

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