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
<table>
<thead>
<tr>
<th>Time</th>
<th>Activity</th>
<th>Facilitator/Presenter</th>
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<tbody>
<tr>
<td>12:30 – 12:40</td>
<td>Opening of the workshop and housekeeping rules</td>
<td>Facilitator: Paule Myriam Bana (Abidjan Convention Secretariat)</td>
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<tr>
<td>12:40 – 12:50</td>
<td>Welcome on behalf of the Abidjan Convention Secretariat &amp; the STRONG High Seas project</td>
<td>Abou Bamba (Abidjan Convention Secretariat)</td>
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<tr>
<td>12:50 – 13:00</td>
<td>Workshop objectives</td>
<td>Ben Boteler (IASS)</td>
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<tr>
<td>13:00 – 13:15</td>
<td>Short introduction round in small groups</td>
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<tr>
<td>13:15 – 14:30</td>
<td>Session 1: Update from ongoing activities and BBNJ Negotiations</td>
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<tr>
<td>13:15 – 13:30</td>
<td>Update on the STRONG High Seas project</td>
<td>Ben Boteler (IASS)</td>
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<td>13:30 – 13:50</td>
<td>Update from the Abidjan Convention Secretariat</td>
<td>Abou Bamba (Abidjan Convention Secretariat)</td>
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<td>13:50 – 13:55</td>
<td>Group picture</td>
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<td>13:55 – 14:05</td>
<td>Break</td>
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<tr>
<td>14:05 – 14:30</td>
<td>Update on the BBNJ Negotiations &amp; other global policy processes</td>
<td>Jean Kenfack (Ministry of the Environment, Cameroon)</td>
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<tr>
<td>14:30 – 15:25</td>
<td>Session 2: Update from the Southeast Atlantic region</td>
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<tr>
<td>14:30 – 15:25</td>
<td>Discussion with States and stakeholders on ongoing and upcoming activities in the Southeast Atlantic region</td>
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<td>15:25 – 15:30</td>
<td>Close of Day 1</td>
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<td>15:30 – 16:00</td>
<td>Social event</td>
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<td>Time</td>
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<tr>
<td>12:30 – 12:40</td>
<td>Welcome and summary of day 1</td>
<td>Facilitator: Leticia Greyling (IOI-SA)</td>
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<tr>
<td>12:40 – 13:30</td>
<td>Session 3: STRONG High Seas project work and other ongoing research</td>
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<tr>
<td>12:40 – 13:00</td>
<td>Presentation on the conservation measures report</td>
<td>Shannon Hampton (IOI-SA)</td>
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<tr>
<td>13:00 – 13:30</td>
<td>Presentation on deep-sea mining in ABNJ and links to BBNJ negotiations</td>
<td>Pradeep Singh (IASS and University of Bremen)</td>
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<tr>
<td>13:30 – 13:40</td>
<td>Break</td>
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<tr>
<td>13:40 – 15:25</td>
<td>Session 4: Interactive session on the role of regional cooperation for ABNJ</td>
<td>Carolina Hazin, BirdLife International</td>
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<tr>
<td>13:40 – 13:55</td>
<td>Introduction to the session</td>
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<tr>
<td>13:55 – 14:55</td>
<td>Interactive session</td>
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<tr>
<td>14:55 – 15:25</td>
<td>Plenary Discussion</td>
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<tr>
<td>15:25 – 15:30</td>
<td>Closing of the workshop by the Abidjan Convention Secretariat &amp; the STRONG High Seas project</td>
<td>Abou Bamba (Abidjan Convention Secretariat)</td>
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<td>Ben Boteler (IASS)</td>
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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

based on a decision of the German Bundestag
71% of the planet are covered by oceans

~ 60% of the oceans are high seas

Areas Beyond National Jurisdiction (ABNJ)

- Territorial Sea: 12 nm
- Exclusive Economic Zone (EEZ): 200 nm
- Areas Beyond National Jurisdiction: High Seas

Continental shelf
Continental slope
Extended continental shelf

The Area
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

© stock image
STRONG High Seas Partners

Southeast Pacific

Southeast Atlantic

1. STRONG High Seas Partners
2. United Nations Environment Programme
3. IASS Potsdam
4. IDDRI
5. BirdLife International
6. International Ocean Institute
7. United Nations of Chile
8. WWF

Project Focus

Strengthening ocean governance in the focal regions

Strengthening dialogue between marine regions

Linking regional and global governance

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.progocean.org/our-work/strong-high-seas/

https://www.progocean.org/our-work/strong-high-seas/strong-high-seas-resources/

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Thank you!

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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.

• 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

  - 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 3rd 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 with different groups on key points
• Rejected resumption of negotiations at face-to-face
• Reluctance on the possibility of reach adoption from the agreement at the 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
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

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)

‘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

The ICCAT focuses on sustainable management of yellowfin tuna, albacore tuna, bigeye tuna, swordfish, billfishes and bluefin tuna (pictured) and associated bycatch.

Figure: A non-exhaustive summary of Conservation Measures associated with the RFMO, ICCAT.
Cross-Sectoral Measures to Support Conservation Efforts in ABNJ
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).

https://old.mpatlas.org/data/map-gallery/
<table>
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<tr>
<th>Applicability</th>
<th>Sector</th>
<th>Key Actor</th>
<th>Measure and key features</th>
<th>Legal Status</th>
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<td>Maritime Transport</td>
<td>PSSA</td>
<td>Triggers step to set IMO regulations</td>
<td>Legally binding to signatories of IMO</td>
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<td>Maritime Transport</td>
<td>MARPOL Special Area</td>
<td>Pollution Management</td>
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<td>Deep Seabed Mining</td>
<td>APEI</td>
<td>Monitoring and protection obligations</td>
<td>Legally binding to signatories of UNCLOS</td>
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<td>Deep Seabed Mining</td>
<td>REMPs</td>
<td>Area Based Management Tools</td>
<td>Legally binding to signatories of UNCLOS</td>
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<td></td>
<td>Fishing</td>
<td>VME</td>
<td>No bottom fishing</td>
<td>Legally binding to members of RFMO</td>
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<td></td>
<td>ICCAT, CCSBT, SEAFO</td>
<td>RFMOs</td>
<td>Various Conservation and Management Measures</td>
<td>Legally binding to members of RFMO</td>
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<td>Appendix I, II, III</td>
<td>Control trade of listed species</td>
<td>Legally binding to signatories of CITES</td>
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<td></td>
<td>States</td>
<td>MPA/ MPA Networks</td>
<td>Various levels of protection</td>
<td>Legally binding to States who have ratified it</td>
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<td>Cross-Sectoral</td>
<td>Marine World Heritage Sites</td>
<td>Protection of culturally important marine sites</td>
<td>Legally binding to States signatory to World Heritage Site Convention</td>
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<td></td>
<td>Cross-Sectoral</td>
<td>CMS Ap. I, II. Resolutions</td>
<td>Habitat and species protection</td>
<td>Legally binding to signatories of CMS</td>
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<td>Cross-Sectoral</td>
<td>IWC</td>
<td>Conservation and Management of whales</td>
<td>Legally binding to signatories of IWC</td>
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<td></td>
<td>Cross-Sectoral</td>
<td>ACAP</td>
<td>Conservation of Albatross and Petrels</td>
<td>Legally binding to signatories of ACAP</td>
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Resources for Identifying Key Areas and Supporting Conservation Efforts in ABNJ

KBAs, EBSAs, IBAs, IMMAs...
Important Birds 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.

Source: https://www.birdlife.org/eu/pdfs/Marinetoolkitnew.pdf
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).

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.”

https://www.marinemammalhabitat.org/activities/immas/
Other options to Support Conservation Efforts in ABNJ
### Other Tools to Support Conservation Efforts in ABNJ

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<th>Marine Spatial Planning</th>
<th>Environmental Impact Assessment</th>
<th>Monitoring, Control and Surveillance</th>
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Pictures removed due to copyright
Global Initiatives of relevance

2021 United Nations Decade of Ocean Science for Sustainable Development

UNFCCC

AIM STRATEGY 2050
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!

Dr. Shannon Hampton
IOI-SA

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www.highseas-abidjanconvention.org

Supported by:

Federal Ministry for the Environment, Nature Conservation and Nuclear Safety

IKI

INTERNATIONALE KLIMASCHUTZ INITIATIVE

PROG

Partnership for Regional Ocean Governance
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.

<table>
<thead>
<tr>
<th>Polymetallic nodules</th>
<th>Polymetallic sulphides</th>
<th>Cobalt-rich ferromanganese crusts</th>
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<tbody>
<tr>
<td>Location: Abyssal plains.</td>
<td>Location: Hydrothermal vents.</td>
<td>Location: Seamounts.</td>
</tr>
<tr>
<td>Av. depth: 4,000 – 6,000 m.</td>
<td>Av. depth: 1,400 – 3,700 m.</td>
<td>Av. depth: 800 – 2,400 m.</td>
</tr>
<tr>
<td>Main contents: Nickel, copper, cobalt and manganese.</td>
<td>Contents: Copper, lead, zinc, some gold and silver.</td>
<td>Contents: Mainly cobalt.</td>
</tr>
</tbody>
</table>
Polymetallic nodules – abyssal plains
Polymetallic sulphides – hydrothermal vents
Cobalt-rich ferromanganese crusts – seamounts
Location of mineral deposits

Miller et al 2018; Hein et al 2013
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)

<table>
<thead>
<tr>
<th>Group A</th>
<th>Group B</th>
<th>Group C</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>(Major consumers)</strong></td>
<td><strong>(Major investors)</strong></td>
<td><strong>(Major exporters)</strong></td>
</tr>
<tr>
<td>China</td>
<td>France</td>
<td>Indonesia</td>
</tr>
<tr>
<td>Italy</td>
<td>Germany</td>
<td>Canada</td>
</tr>
<tr>
<td>Japan</td>
<td>India</td>
<td>Chile</td>
</tr>
<tr>
<td>Russian Federation</td>
<td>South Korea</td>
<td>South Africa</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Group D</th>
<th>Group E</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>(Developing States and representing special interests)</strong></td>
<td><strong>(Equitable Geographic Representation)</strong></td>
</tr>
<tr>
<td>Bangladesh</td>
<td>Argentina</td>
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<tr>
<td>Brazil</td>
<td>Australia</td>
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<tr>
<td>Fiji</td>
<td>Cameroon</td>
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<tr>
<td>Jamaica</td>
<td>Costa Rica</td>
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<tr>
<td>Lesotho</td>
<td>Czech Republic</td>
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<tr>
<td>Uganda</td>
<td>Ghana</td>
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<tr>
<td></td>
<td>Mauritius</td>
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</table>
2. Current Developments at the ISA

• ISA ‘turned’ 25 in 2019.

• Exploration have been going on for two decades
  • 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.
Location of current exploration contracts

Levin et al 2020 (as of June 2020).

1 Poland (2) 11 India (2)
2 Russia (4) 12 Germany (2)
3 Bulgaria (1) 13 Nauru (1)
4 Cuba (1) 14 Tonga (1)
5 Czech Republic (1) 15 Belgium (1)
6 Slovakia (1) 16 United Kingdom (2)
7 South Korea (3) 17 Kiribati (1)
8 China (5) 18 Singapore (1)
9 Japan (5) 19 Brazil (1)
10 France (2) 20 Cook Islands (1)
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
a) Environmental concerns

- 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.
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 programs 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.

To support the preparation of a report on cooperation and integrated management.
Integrated management for BBNJ conservation and sustainable use

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<table>
<thead>
<tr>
<th></th>
<th>Cooperation</th>
<th>Coordination</th>
<th>Collaboration</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Connection</strong></td>
<td>weak</td>
<td>medium</td>
<td>interdependent</td>
</tr>
<tr>
<td><strong>Trust</strong></td>
<td>little</td>
<td>medium</td>
<td>high</td>
</tr>
<tr>
<td><strong>Communication</strong></td>
<td>ad hoc</td>
<td>structured</td>
<td>frequent</td>
</tr>
<tr>
<td><strong>Information exchange</strong></td>
<td>existing</td>
<td>formalized</td>
<td>tactic</td>
</tr>
<tr>
<td><strong>Objectives</strong></td>
<td>independent</td>
<td>semi-independent</td>
<td>shared</td>
</tr>
<tr>
<td><strong>Commitment</strong></td>
<td>with the organization</td>
<td>with the organization</td>
<td>with the network</td>
</tr>
<tr>
<td><strong>Duration</strong></td>
<td>short</td>
<td>based on the shared program/media</td>
<td>long</td>
</tr>
<tr>
<td><strong>Risk and reward</strong></td>
<td>low</td>
<td></td>
<td>high</td>
</tr>
<tr>
<td><strong>Power</strong></td>
<td>remain in the organization</td>
<td>remain in the organization</td>
<td>shared between organizations</td>
</tr>
<tr>
<td><strong>Resources</strong></td>
<td>remain in the organization</td>
<td>remain in the organization</td>
<td>collective and pooled</td>
</tr>
<tr>
<td><strong>Other</strong></td>
<td>require adapting to others</td>
<td>joint policies, programmes and resources</td>
<td>system change</td>
</tr>
</tbody>
</table>
Types of regional cooperation/coordination/collaboration

- joint scientific bodies / data centres
- regional assessments
- Strategies: common vision and objectives
- co-management
- shared projects
- joint capacity development programmes
- funding partnerships
- and more….
What are the benefits of regional cooperation?

- Appropriate scales for ecosystem-based management
- Supports political consensus
- Improved political and social outcomes
- Efficient: sharing, e.g. data, tools, networks, etc.
- Strengthens existing efforts and legal frameworks
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:

  - UNEP
  - Convention of Abidjan
  - CIAT
  - IATTC
  - OSPAR Commission
  - COREP
  - FAO
Thank you!

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