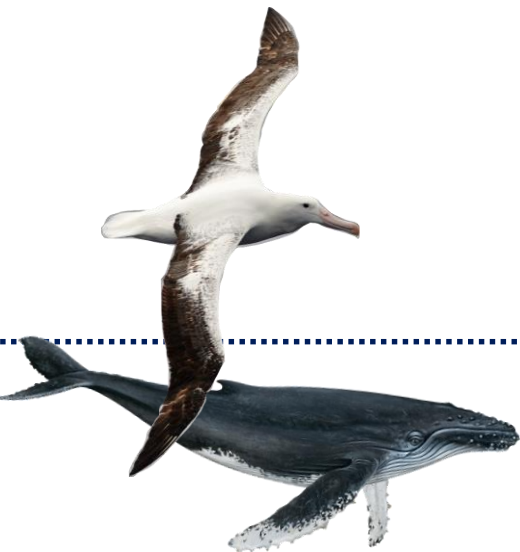


An Introduction to ABNJ

Dr. Adnan Awad

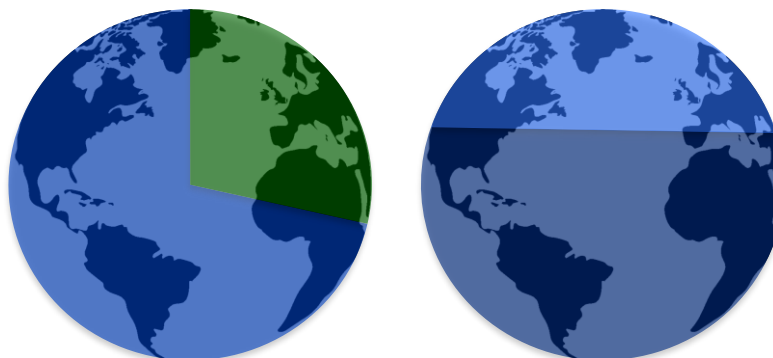
International Ocean Institute (IOI)

What are Areas Beyond National Jurisdiction (ABNJ)?

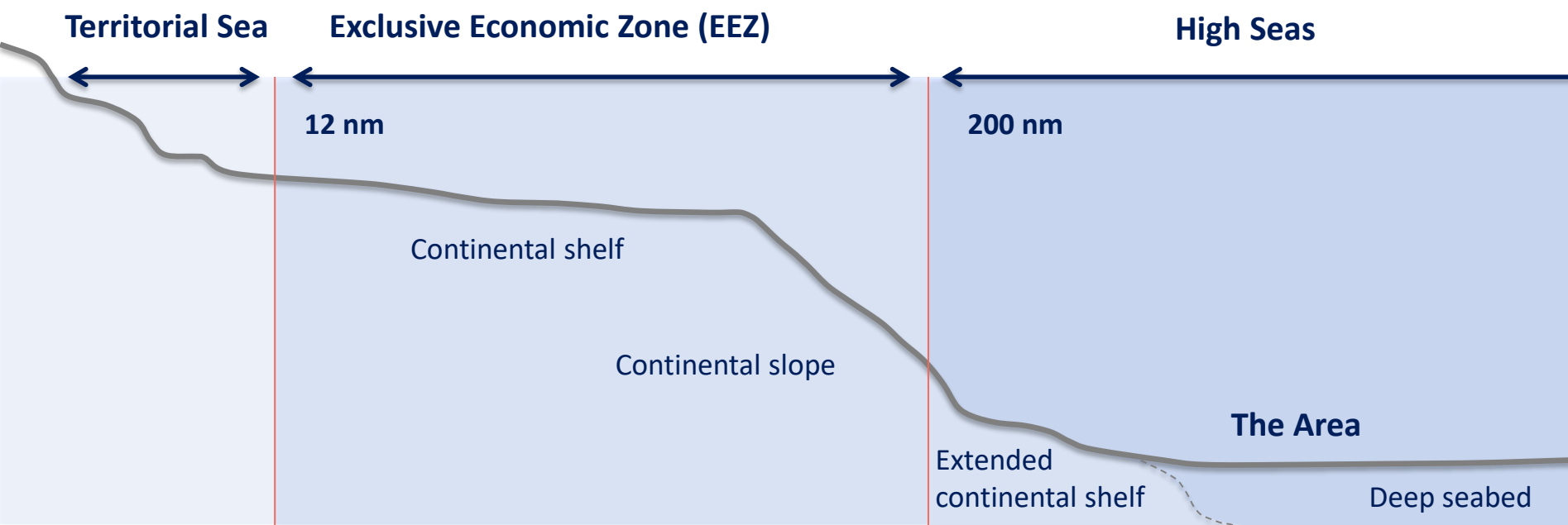


ABNJ explained

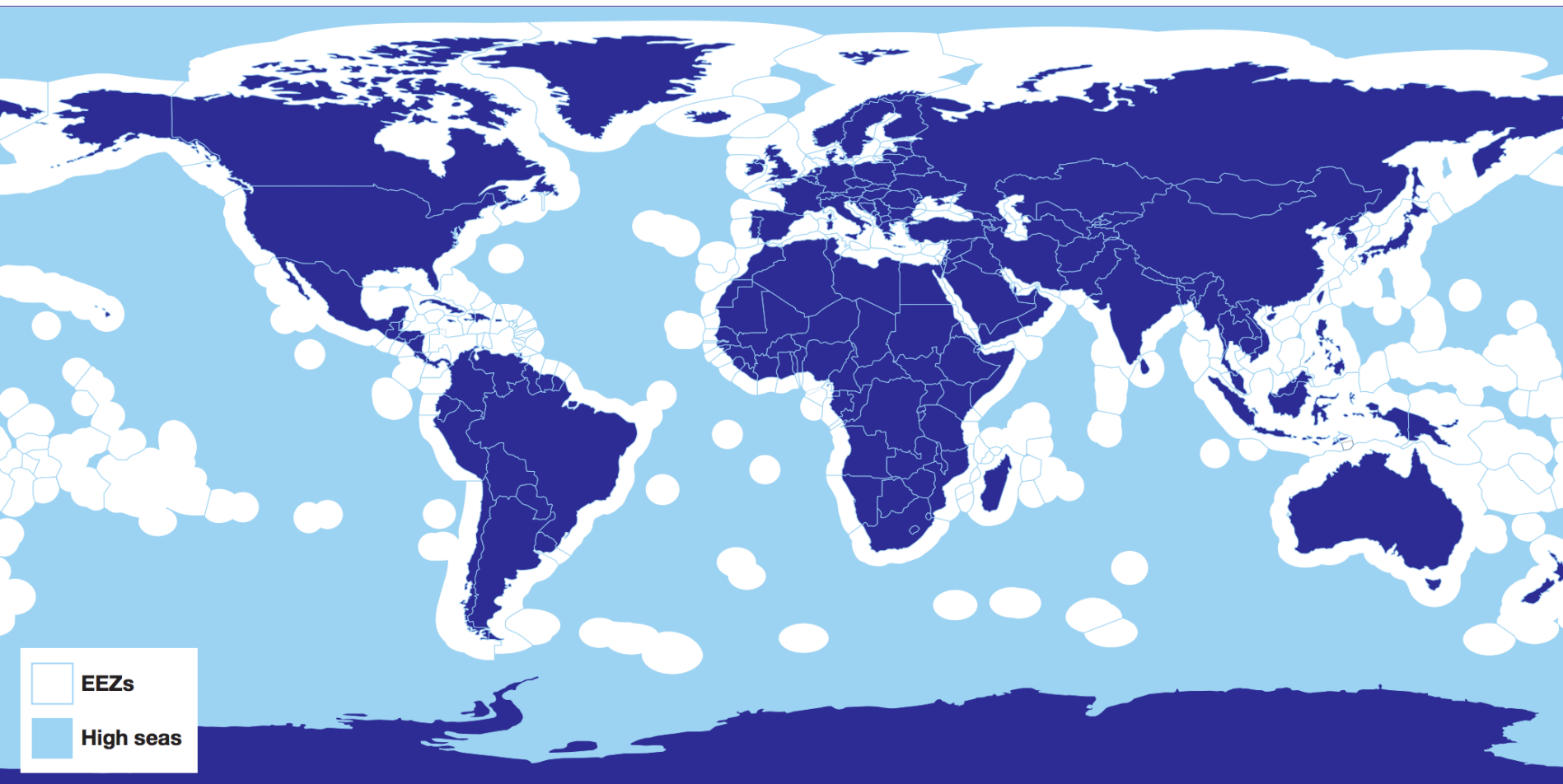
71% of the planet
are covered by
oceans



~ 60% of the
oceans are high
seas



The High Seas in view



Maritime Zones

ABNJ – High seas

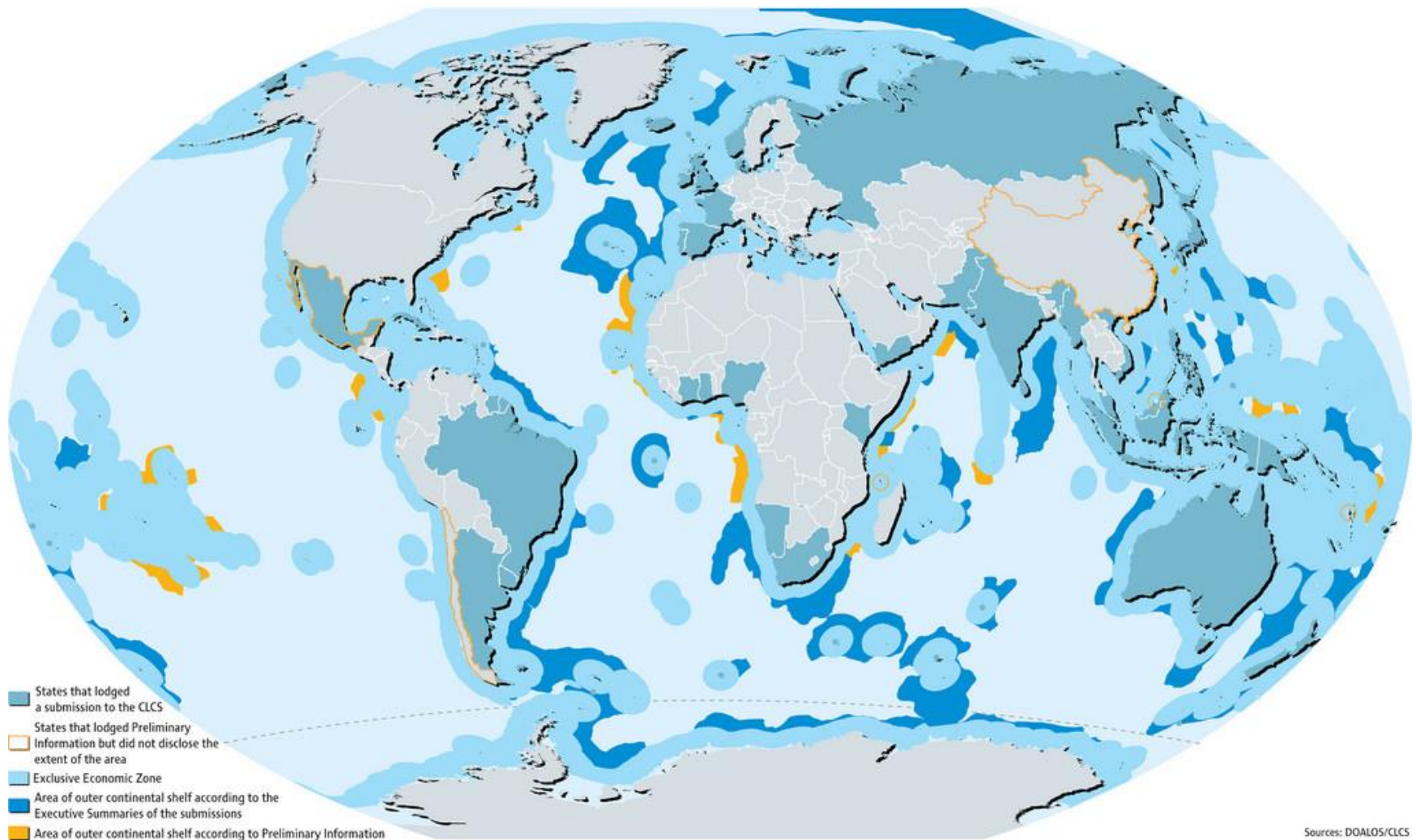


- Water column beyond EEZ
- Freedoms of the high seas: navigation, overflight, laying submarine cables and pipelines, construction of artificial islands, fishing, scientific research
- “Every State, whether coastal or landlocked, has the right to sail ships flying its flag on the high seas”

Maritime Zones

Extended continental shelf

Global distribution of outer continental shelf



Maritime Zones

ABNJ – The Area

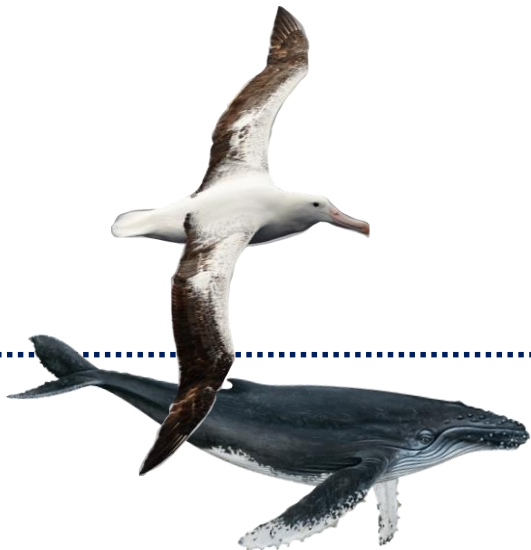


- Seabed and sub-seabed beyond national jurisdiction (i.e. beyond continental shelves)
- The Area and its resources are the 'common heritage of mankind'
 - (unique to the mineral resources in the Area)
- Exploration and exploitation governed by the International Seabed Authority (ISA)

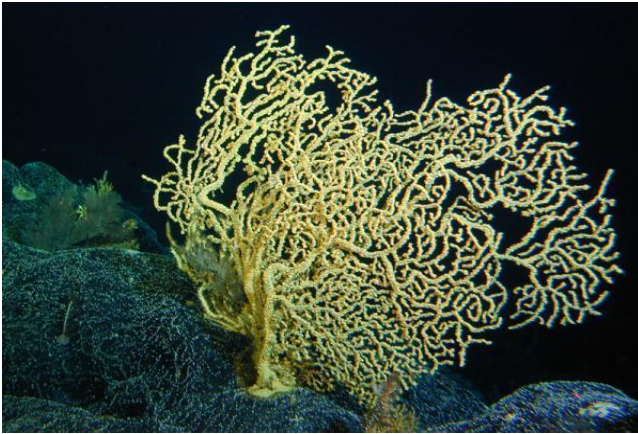




Why do ABNJ matter?

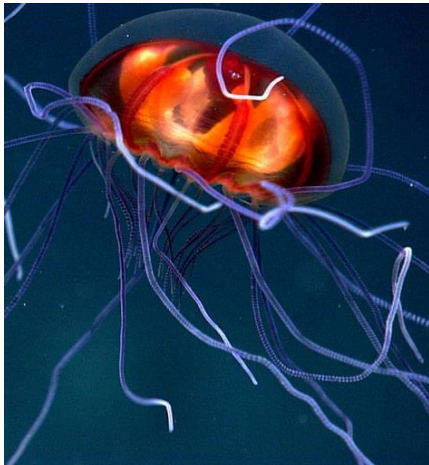


Biodiversity



The High Seas are full of life

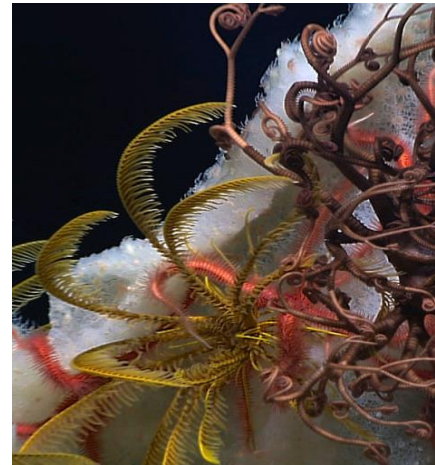
- Deep-sea species often show **longevity**, **high endemism**, **low growth rates**, **late maturity** and **high sensitivity to disturbances**
- **Unique oceanographic and biological features**, e.g. seamounts, hydrothermal vents and cold seeps
- **Highly productive ecosystems**
- Largely **unexplored** and **understudied**



Hydromedusa



*Hydrothermal vents
in the Lau Basin*



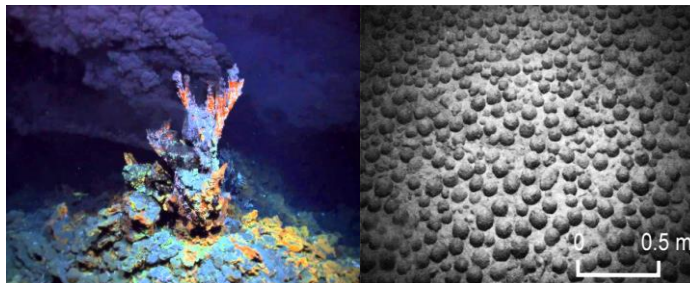
*Deep sea sponge
covered with
anemones*



*Unidentified
swimming organism*



Resources



The High Seas are providing

Seafood, raw materials,
genetic and medicinal
resources

Provisioning services

Climate regulation,
carbon sequestration, air
purification, habitat

Regulating services

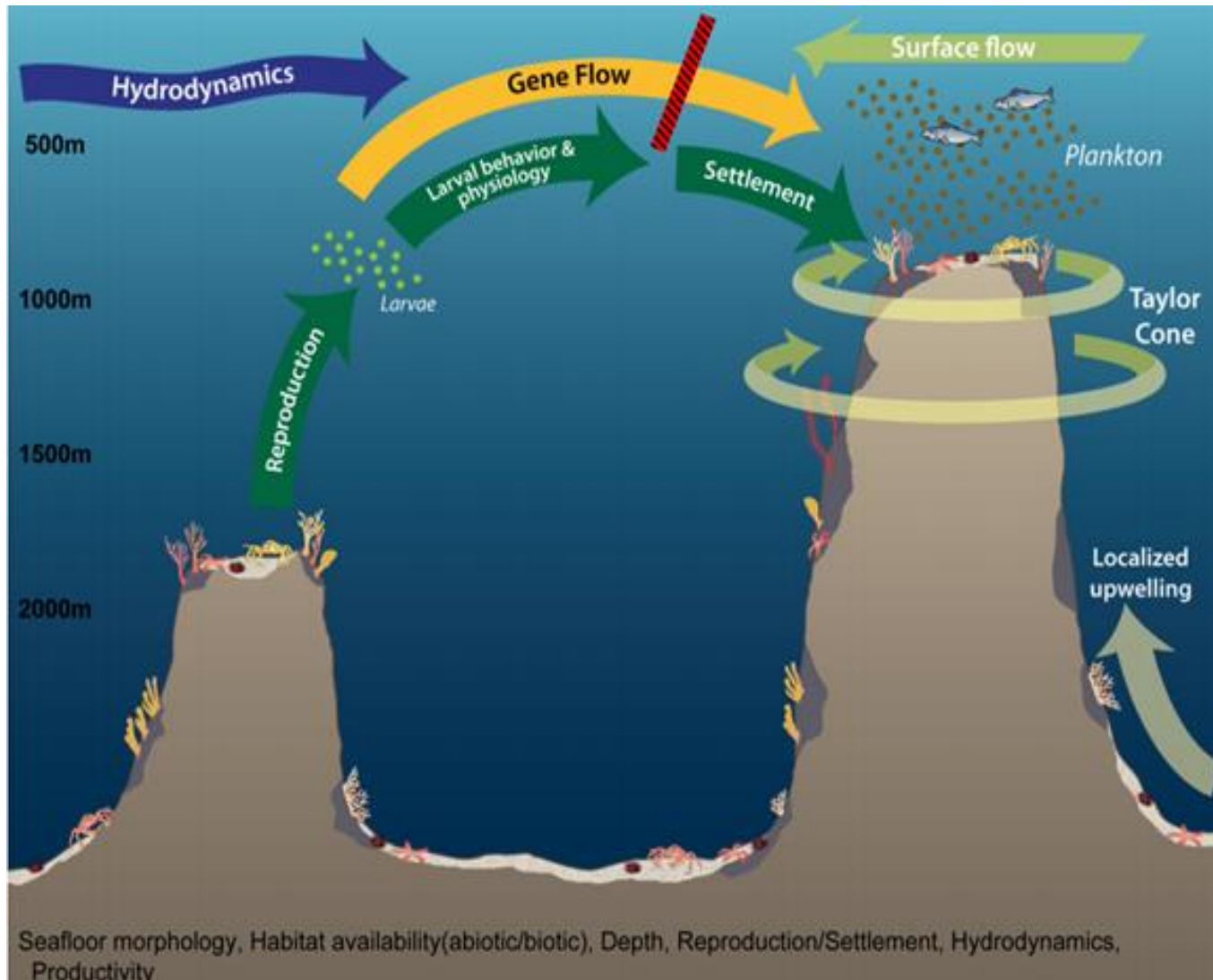
Supporting services

Nutrient recycling,
primary production

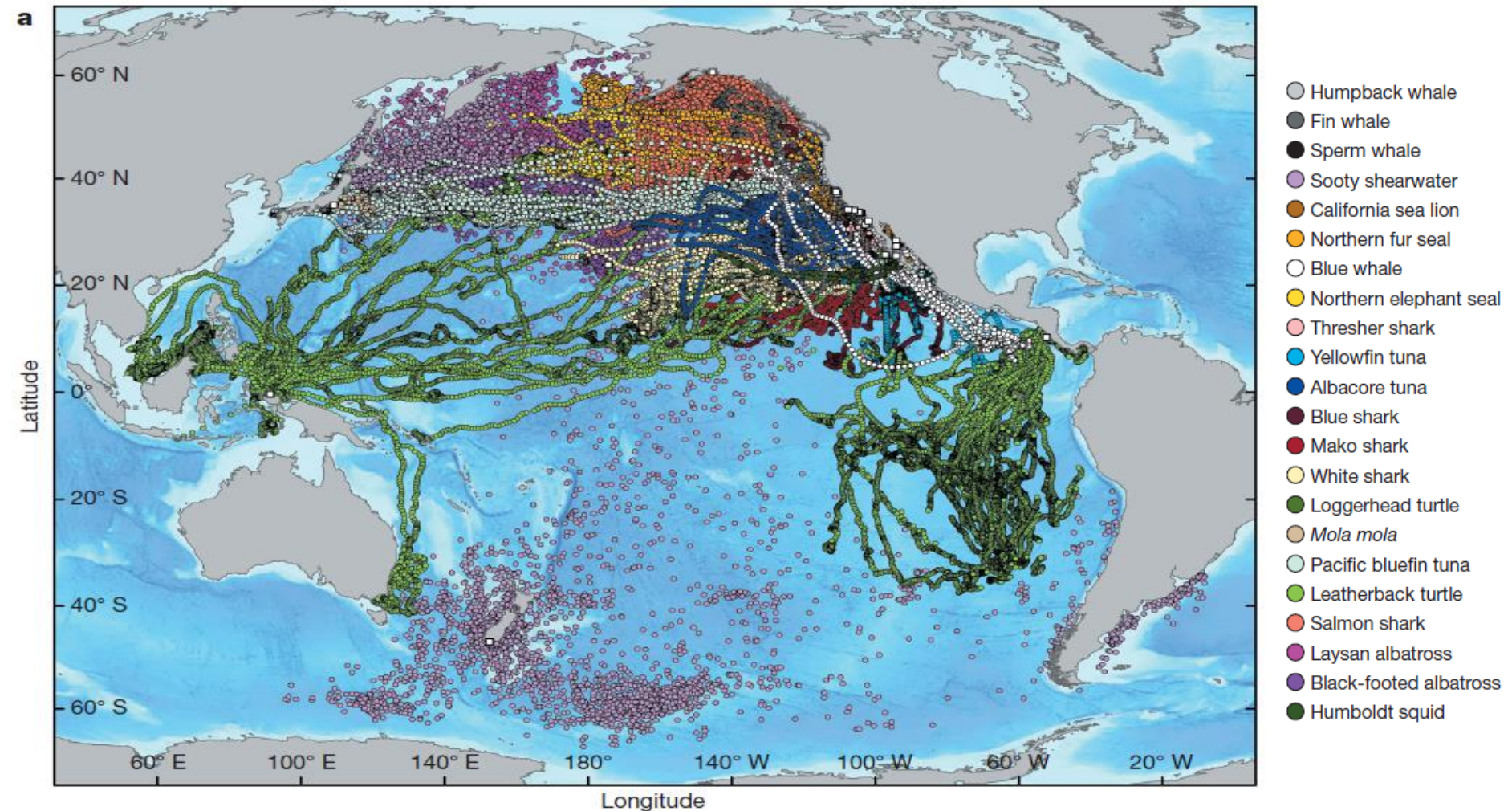
Cultural services

Recreation, spirituality,
history, science and
education

Connectivity

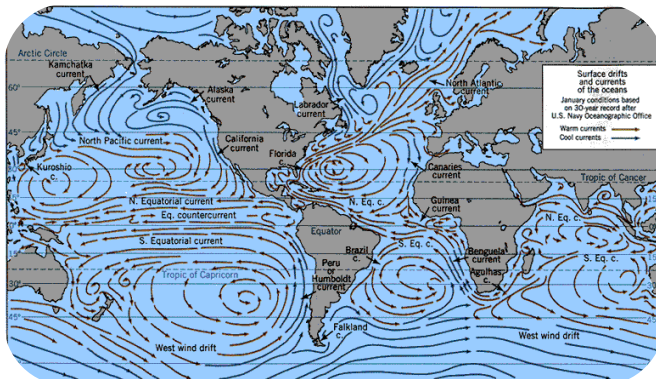


Migratory connectivity in action



The high seas are connected to national waters

- Clear-cut **jurisdictional and geopolitical distinction** between ABNJ and national waters, but tight **ecological connectivity**
- Connectivity is **essential for the functioning of ecosystem** (restocking of marine resources)



Circulatory (passive) connectivity
transports plankton and larvae



Migratory (active) connectivity
through tuna, whales, turtles, etc.

Environmental impacts



The High Seas are under pressure

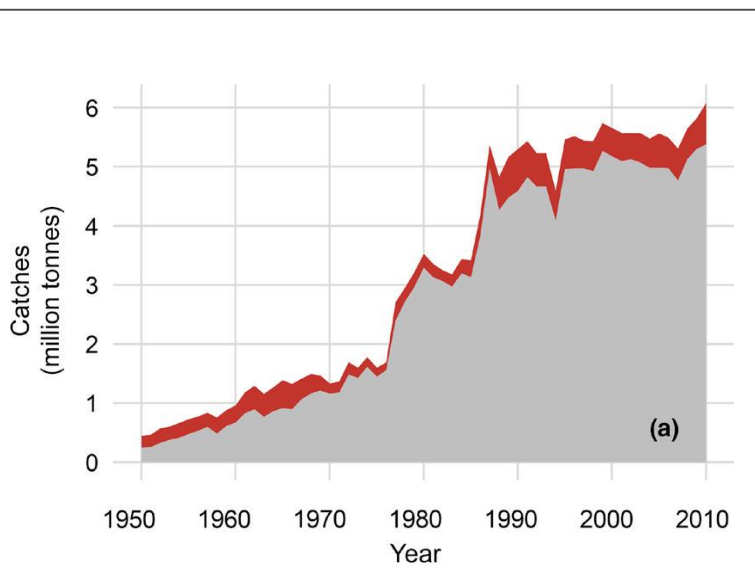
Shipping

Fishing

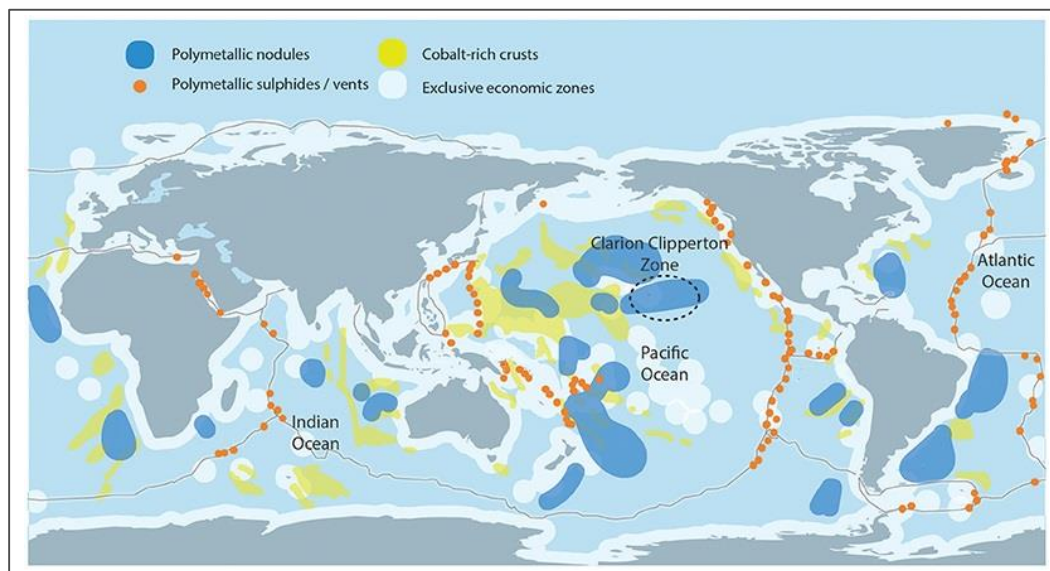
Pollution

Seabed mining

Climate change

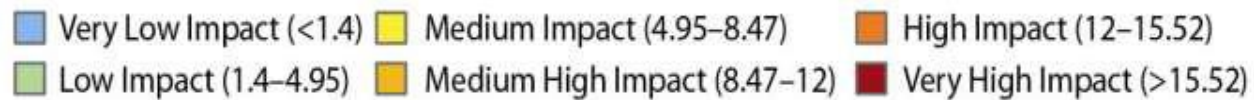
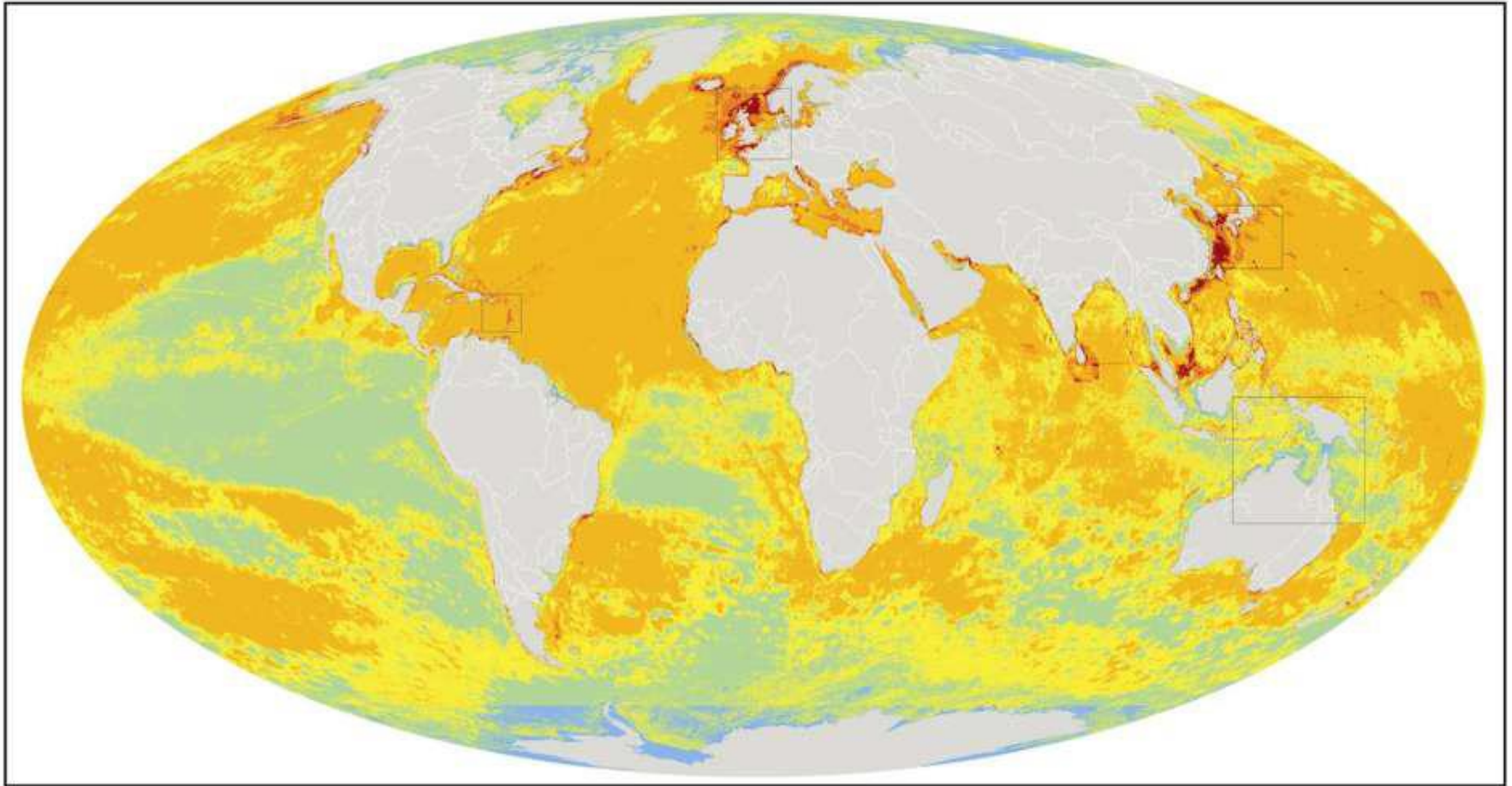


Rising high seas catches

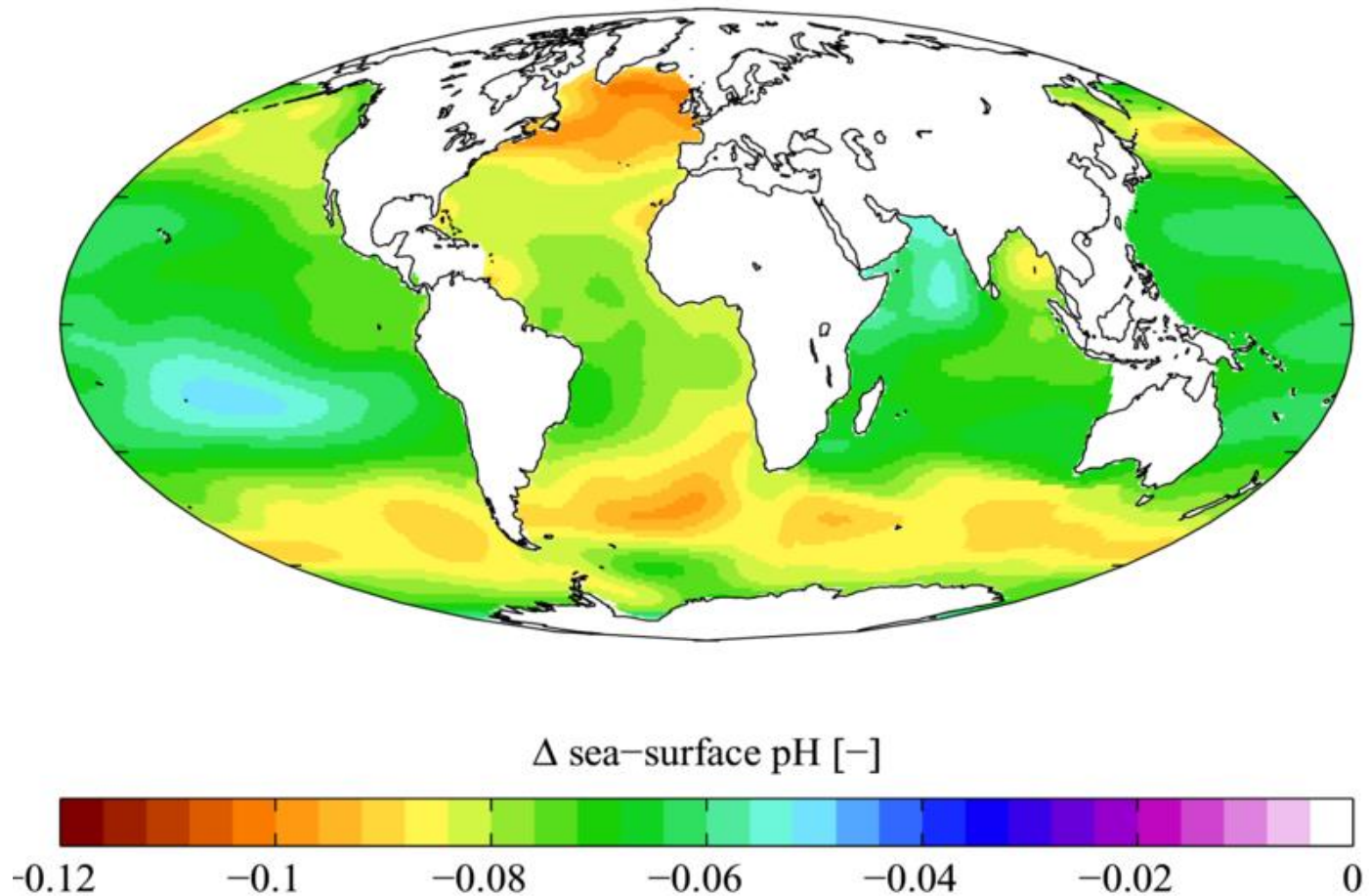


Location of deep-sea minerals

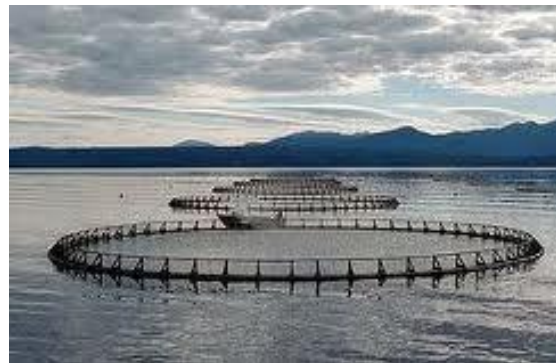
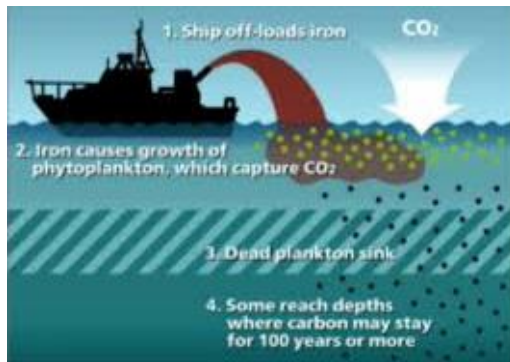
Environmental impacts



Climate change & ocean acidification



Impacts of future activities?



14 LIFE BELOW WATER



SDG 14 TARGETS:

14.1 By 2025, prevent and significantly reduce marine pollution of all kinds

14.2 By 2020, sustainably manage and protect marine and coastal ecosystems to avoid significant adverse impacts

14.3 Minimize and address the impacts of ocean acidification, including through enhanced scientific cooperation at all levels

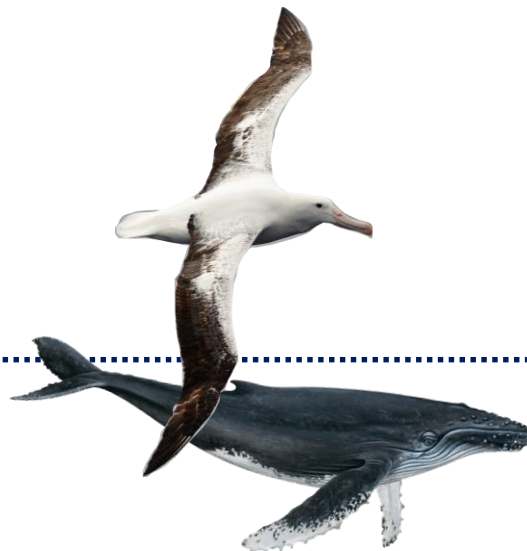
14.4: By 2020, effectively regulate harvesting and end overfishing, illegal, unreported and unregulated fishing and destructive fishing practices

14.5: By 2020, conserve at least 10 per cent of coastal and marine areas

14.6 By 2020, prohibit certain forms of fisheries subsidies which contribute to overcapacity and overfishing, eliminate subsidies that contribute to illegal, unreported and unregulated fishing

14.7 By 2030, increase the economic benefits to Small Island developing States and least developed countries from the sustainable use of marine resources

How are the ABNJ governed?



Overview of international legal framework



Global

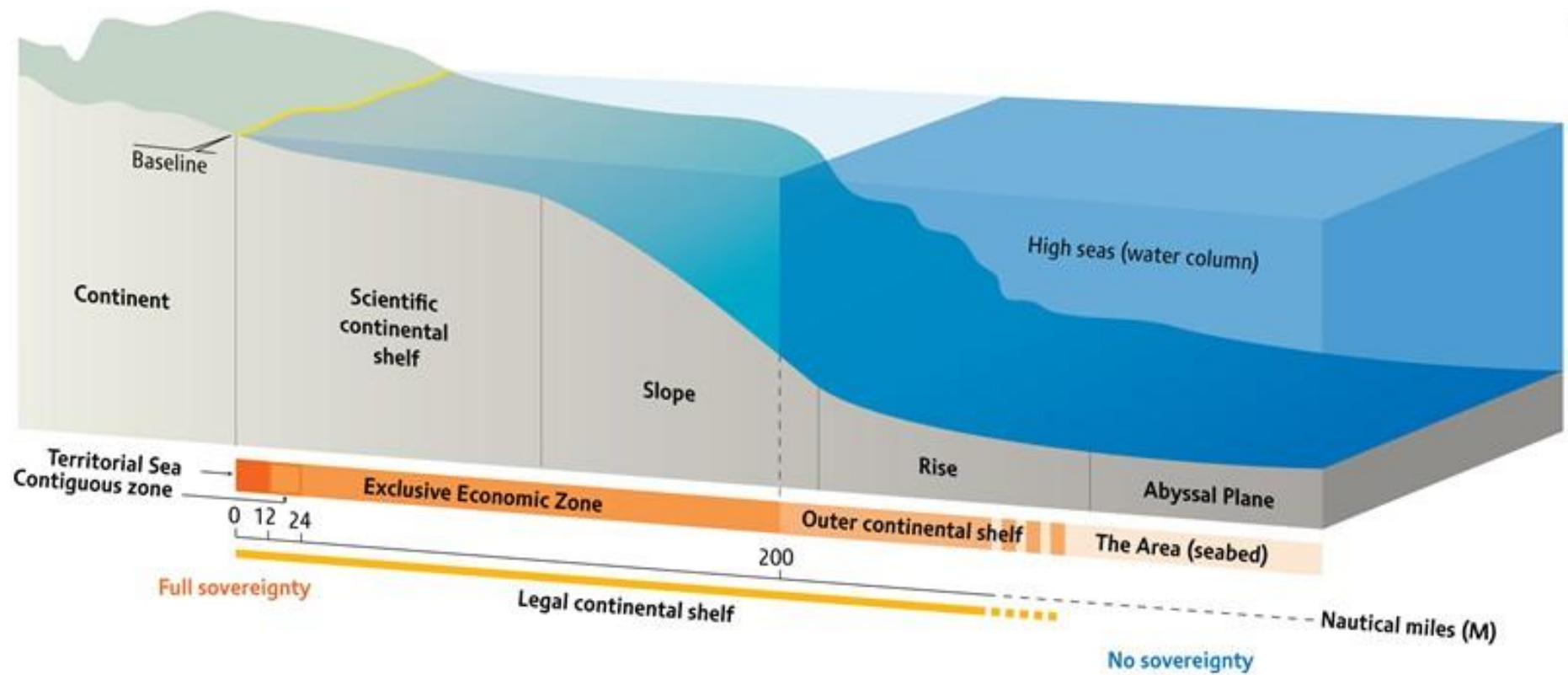
UN Convention on Law of the Sea (UNCLOS)

Sectoral conventions

Regional

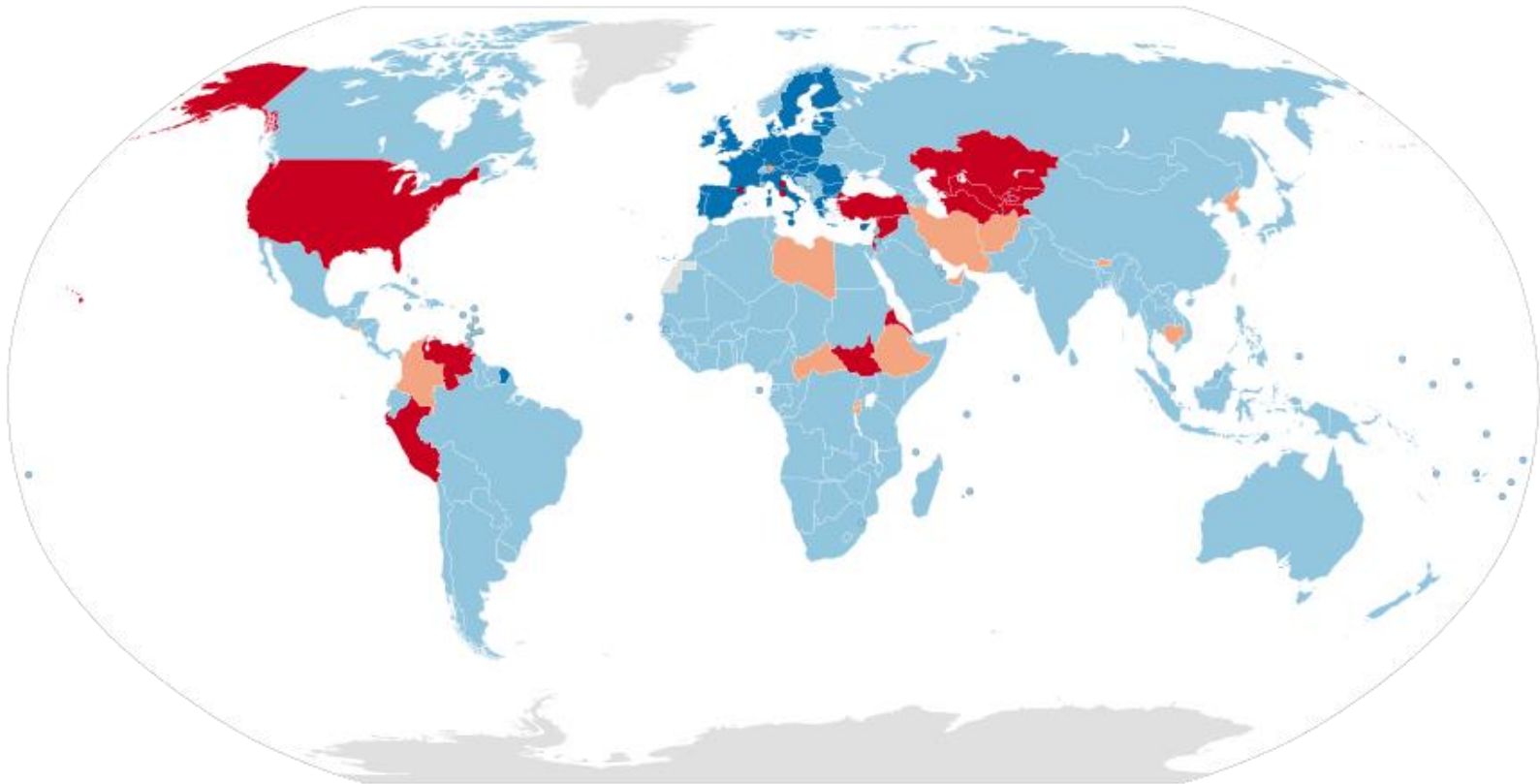
Regional conventions/initiatives

Maritime zones



UN Convention on the Law of the Sea (UNCLOS)

- A “Constitution for the Ocean”
 - Defines maritime zones
 - Sets out basic freedoms/obligations
 - Wide participation - ### parties
 - Many provisions considered customary international law



Duty to cooperate

- *UNCLOS, articles 61, 118 & 197*
- *UN Convention on Biological Diversity (CBD), article 5*
- *UN Fish Stocks Agreement (UNFSA), article 8*

Duty to prevent harm

- *UNCLOS, article 194.2*
- *CBD, article 3*

Duty to protect the marine environment

- *UNCLOS, articles 192 & 194.5*

Duty to conserve marine living resources

- *UNCLOS, articles 61 & 119*

Navigation

- Rules on maritime safety
- MARPOL Convention
- Resolution on Particularly Sensitive Sea Areas

Fishing

- UN Fish Stocks Agreement (1995)
- FAO Guidelines
- UNGA bottom fishing resolutions

Seabed mining

- Part XI Agreement (1994)
- International Seabed Authority

Dumping

- London Convention/Protocol (1972/1996)
 - Resolution on ocean fertilisation (2008)

Biodiversity protection

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

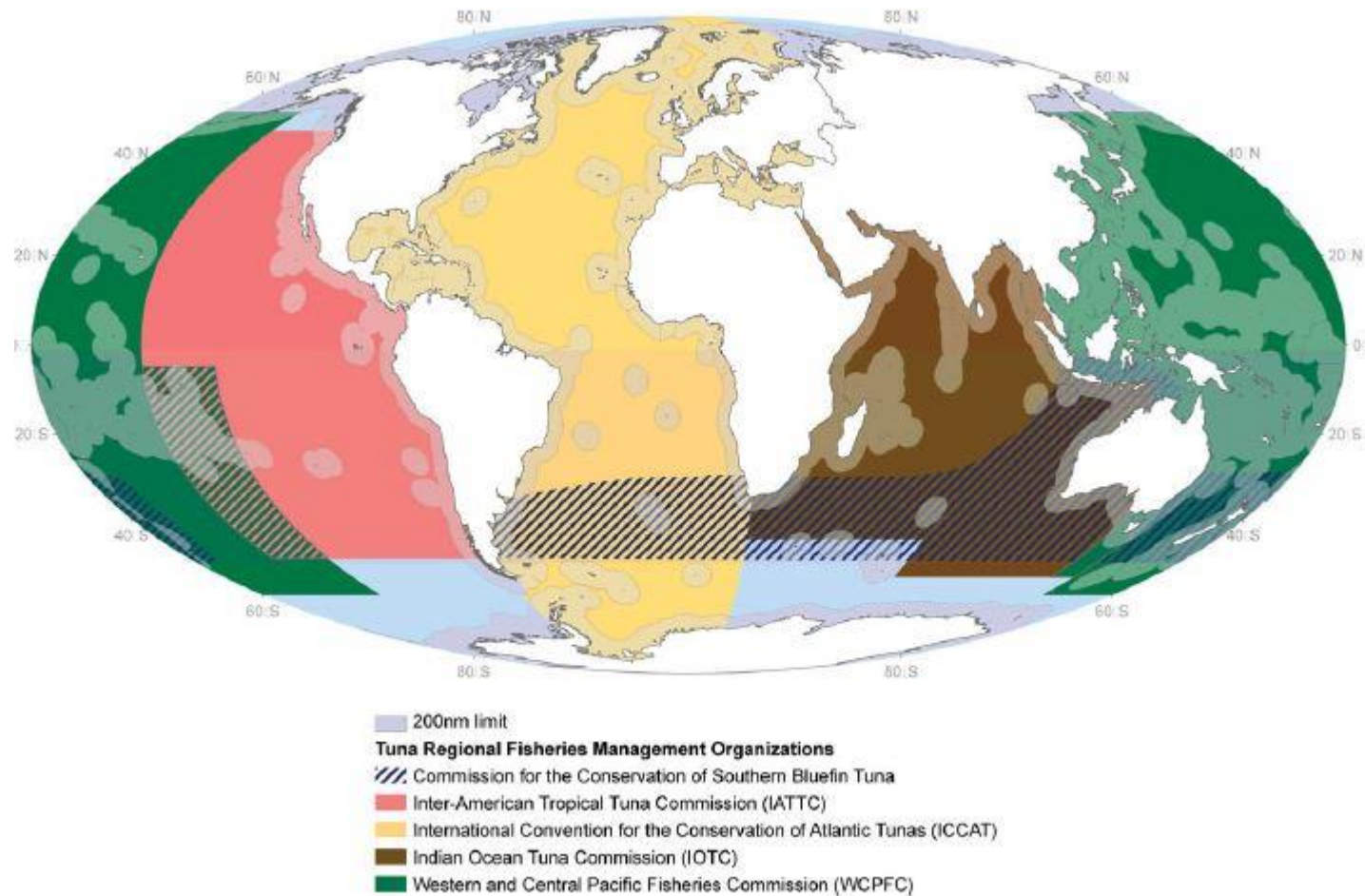
Sectoral conservation & management tools



Agreement/body	Tool/process
Regional Fisheries Management Organisations	Fisheries management measures; closures to protect Vulnerable Marine Ecosystems (VMEs)
International Maritime Organization	Particularly Sensitive Sea Areas (PSSAs)
International Seabed Authority	Areas of Particular Environmental Interest (APEI)

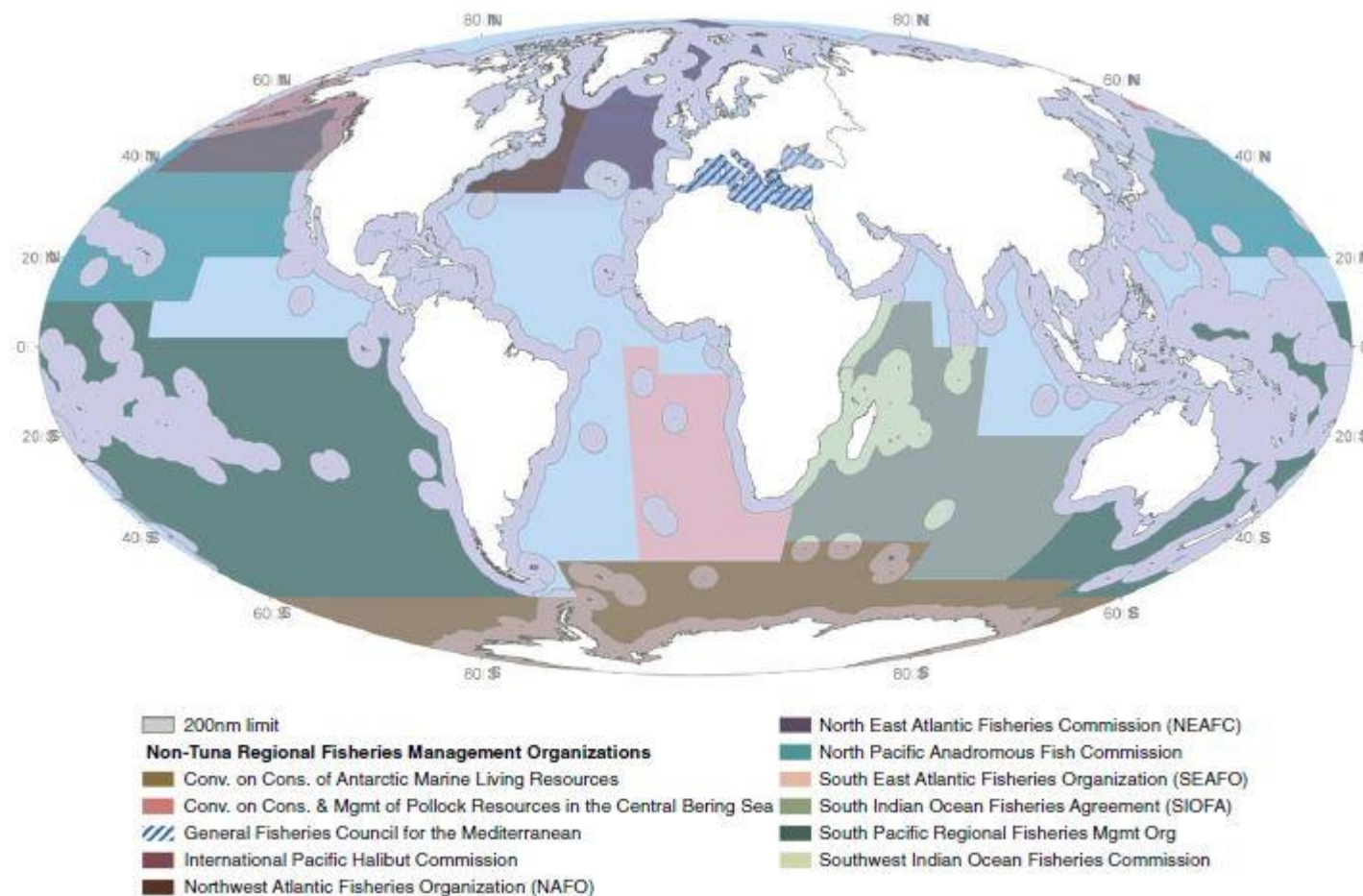
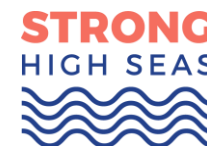
Regional Fisheries Management Organisations (RFMOs)

Tuna



Regional Fisheries Management Organisations (RFMOs)

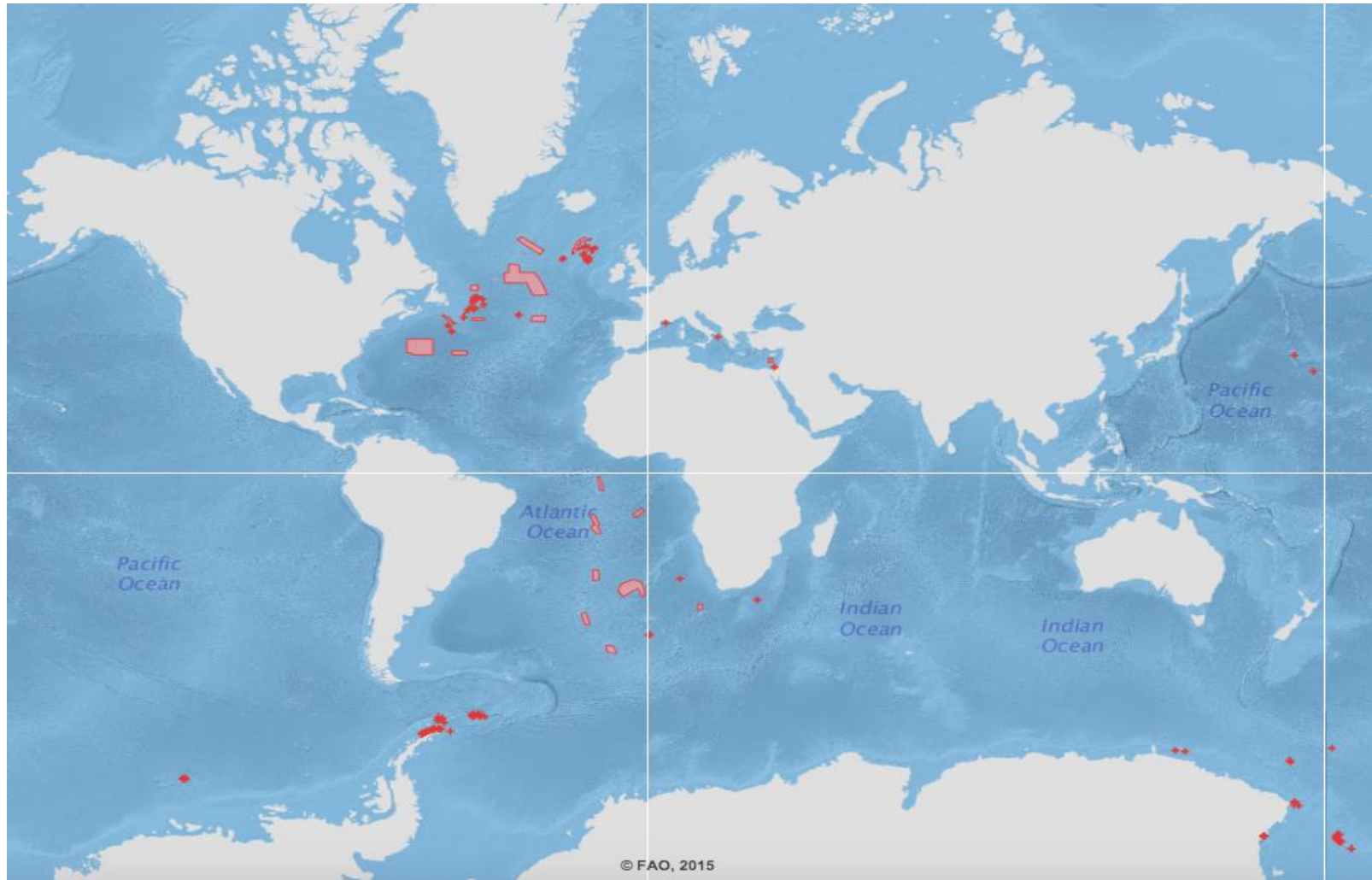
Non-Tuna



Ban et al. 2014

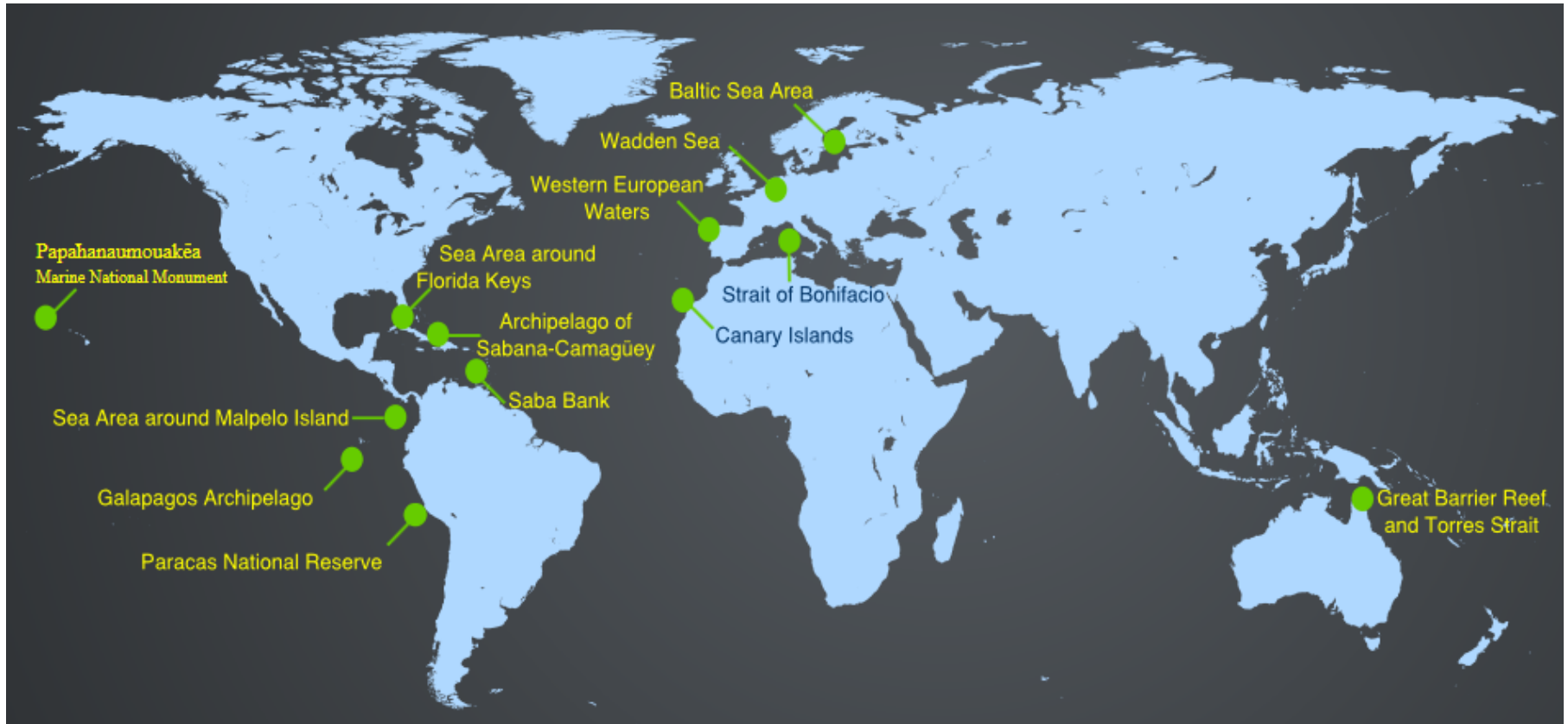
Conservation & management tools

Vulnerable Marine Ecosystems (VMEs)



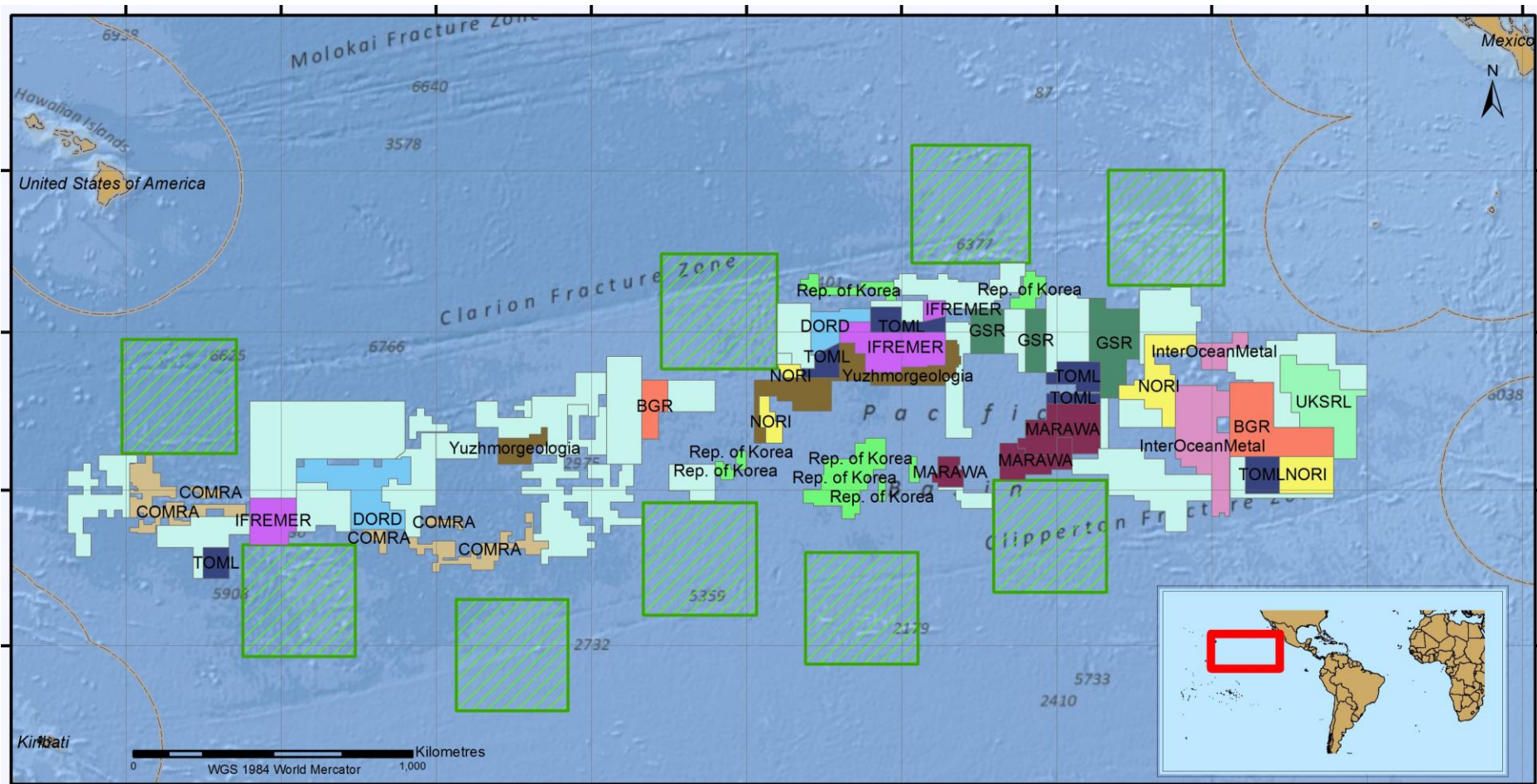
Conservation & management tools

Particularly Sensitive Sea Areas (PSSAs)



Conservation & management tools

Areas of Particular Environmental Interest (APEIs)

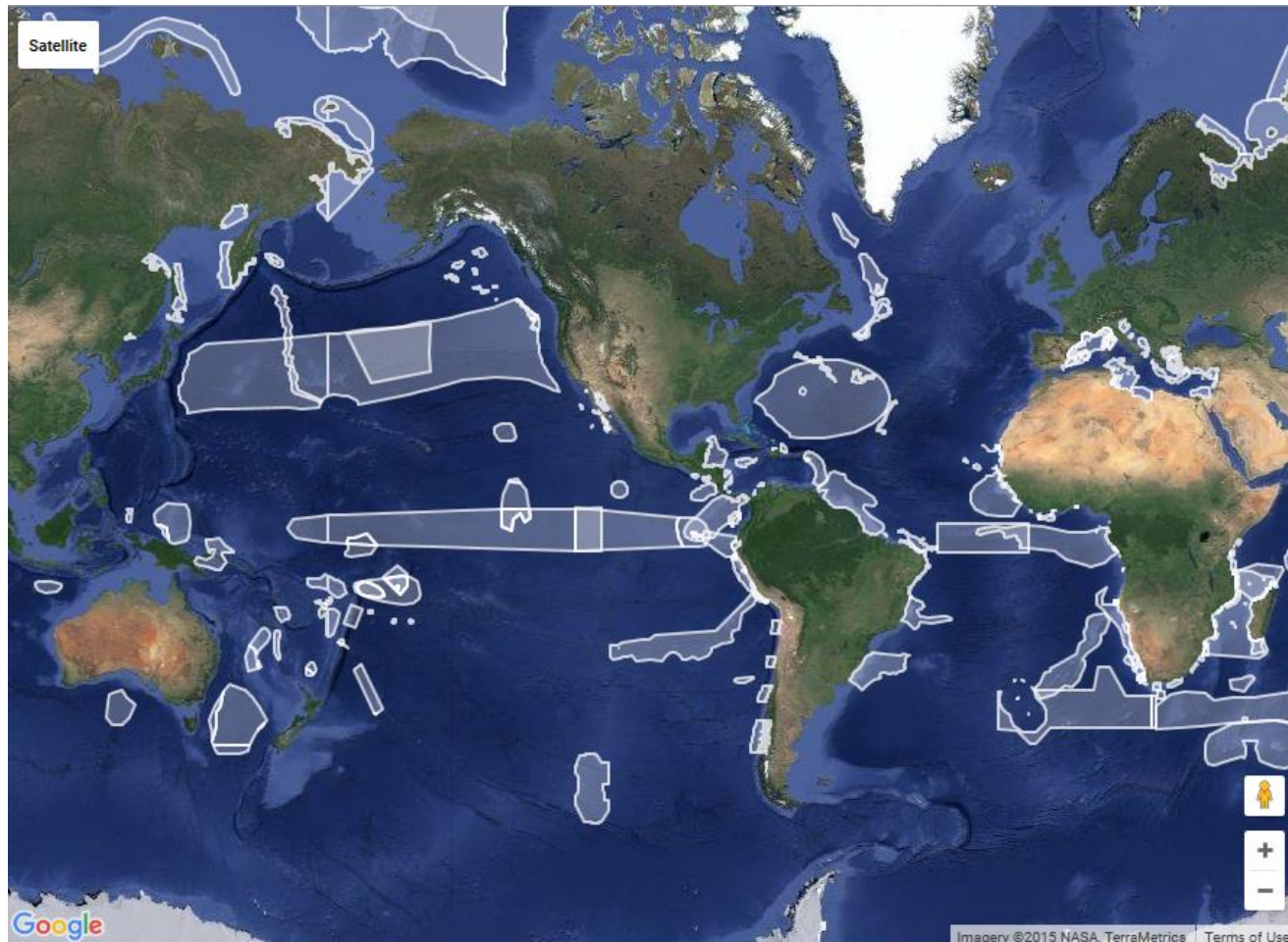


Other conservation & management tools



- CBD Ecologically or Biologically Significant Marine Areas (EBSAs)
- International Convention for the Regulation of Whaling (1946)
 - Sanctuaries - Indian Ocean & Southern Ocean
- UNESCO Convention for the Protection of the World Cultural & Natural Heritage (1972)
 - World Heritage Sites?

Ecologically or Biologically Significant Marine Areas (EBSAs)



International legal framework

Summary

Overarching "constitution" (UNCLOS); complemented by sectoral conventions/organisations & management tools:

- **Shipping:** IMO; Particularly Sensitive Sea Areas
- **Fishing:** FAO and RFMOs; UN Fish Stocks Agreement; UNGA bottom fisheries resolutions; VME closures
- **Mining:** ISA: Areas of Particular Environmental Interest
- Other sectoral/biodiversity measures

But:

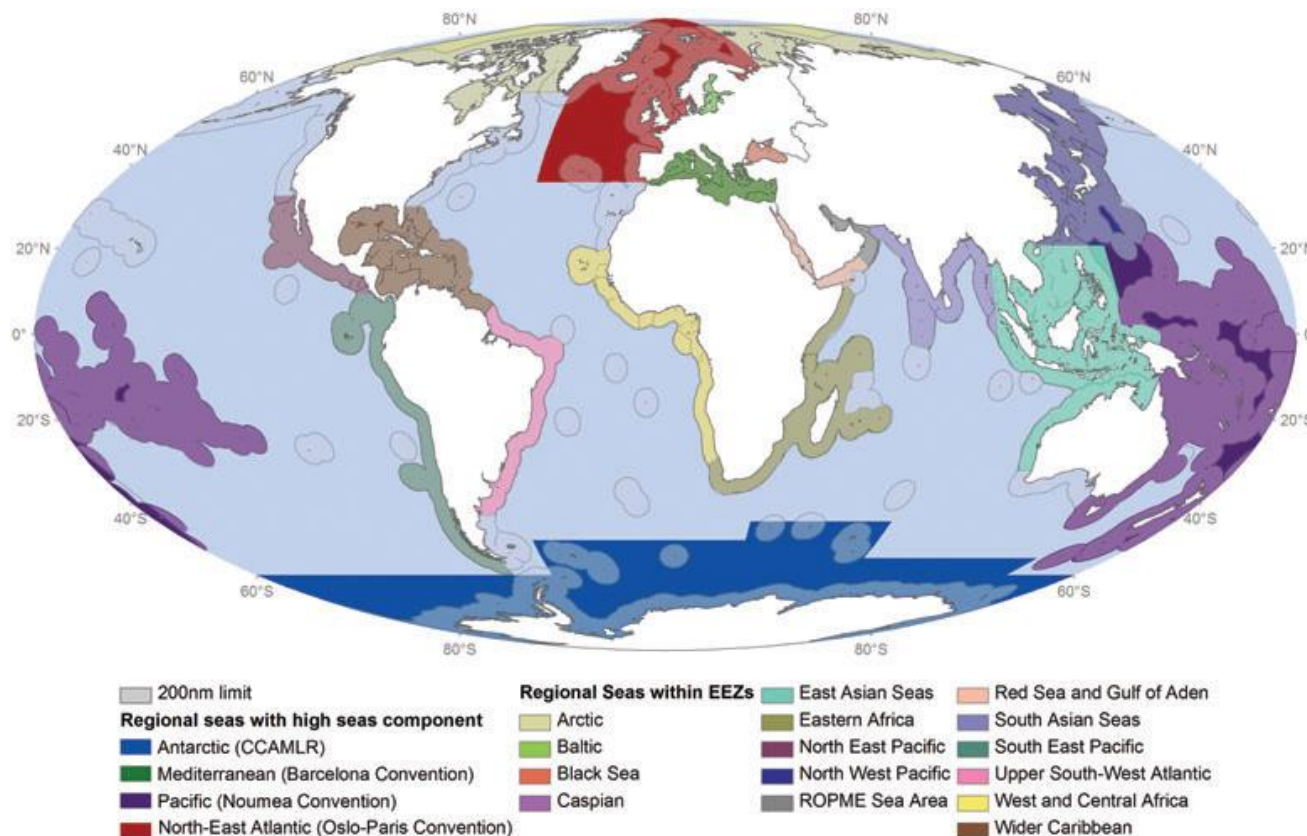
- Patchwork of legal instruments; highly fragmented framework
- Little coordination/cooperation; no integrated management
- Gaps in coverage: species, activities, geographic
- No specific tools to protect marine biodiversity in ABNJ
 - E.g. Marine protected areas (MPAs)

Regional governance in ABNJ



- Regional Seas programmes (RSPs)
 - *“The regional seas provide an indispensable link between the national and global level of ocean policy”*
 - Elisabeth Mann Borgese
 - Four RSPs have an established mandate in ABNJ
- Regional Fisheries Management Organisations (RFMOs)
- Emerging initiatives/models, e.g. Sargasso Sea Commission

Regional Seas conventions

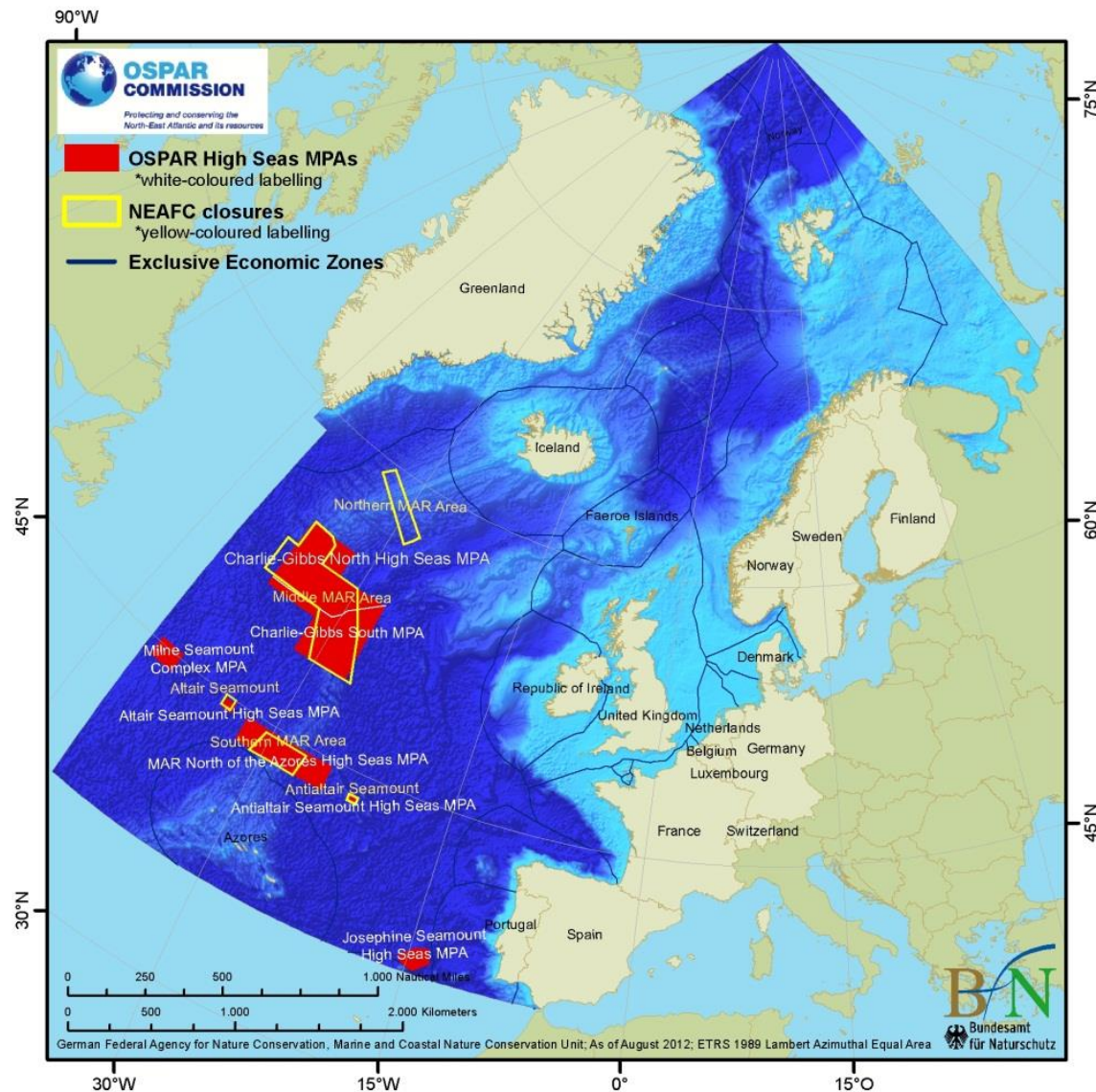


Ban et al. 2014

- Mostly coastal areas
- Only four cover ABNJ (CCAMLR, Barcelona Convention, OSPAR, SPREP)
- Mandate: marine pollution to marine biodiversity

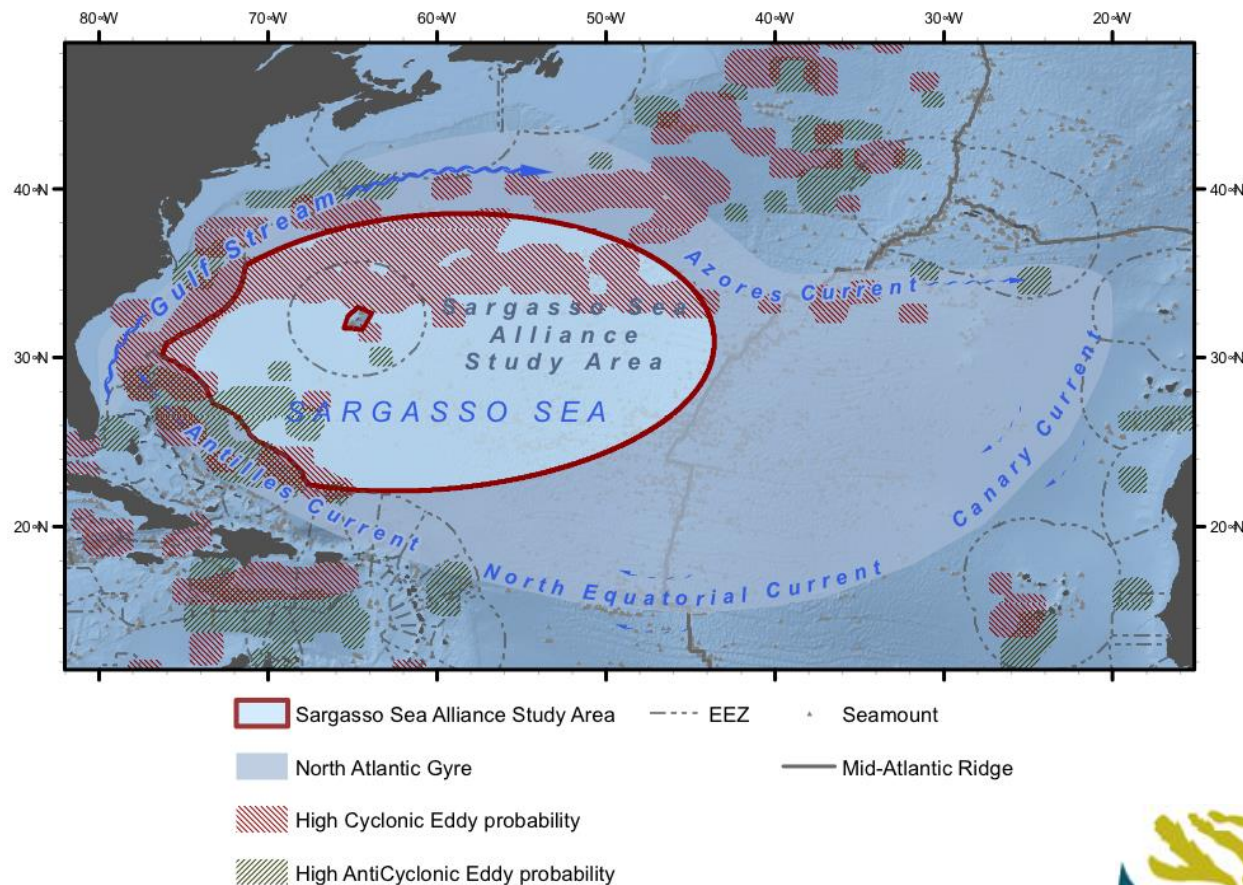
Regional initiatives in ABNJ

OSPAR MPAs & NEAFC VME closures



Regional initiatives in ABNJ

Sargasso Sea Commission



Growing momentum for regional governance

United Nations Environment Assembly (2016):

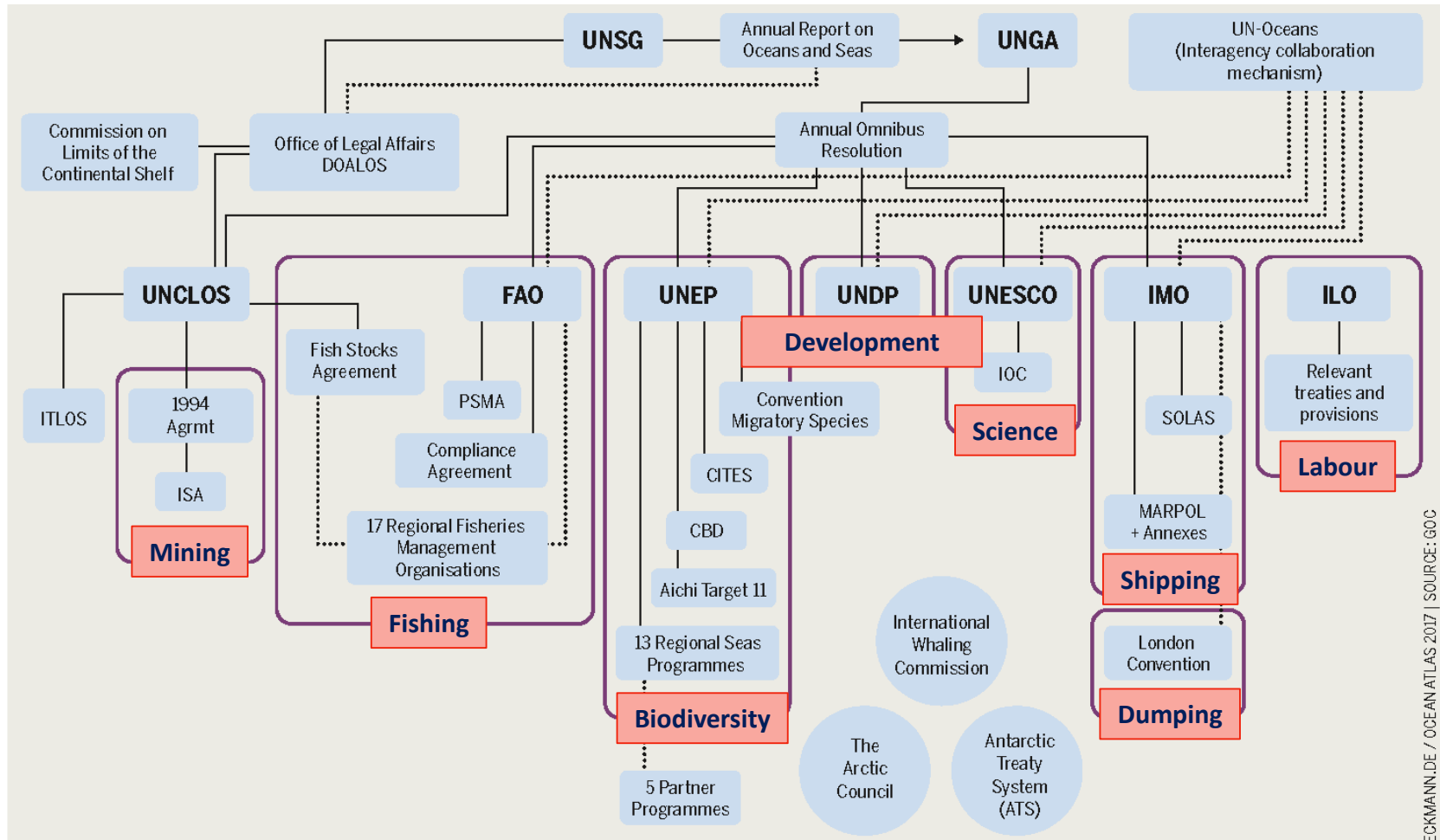
- Resolution encouraging parties to Regional Seas conventions to consider the possibility of extending their geographical coverage

Global Environment Facility, Scientific & Technical Advisory Panel (2017):

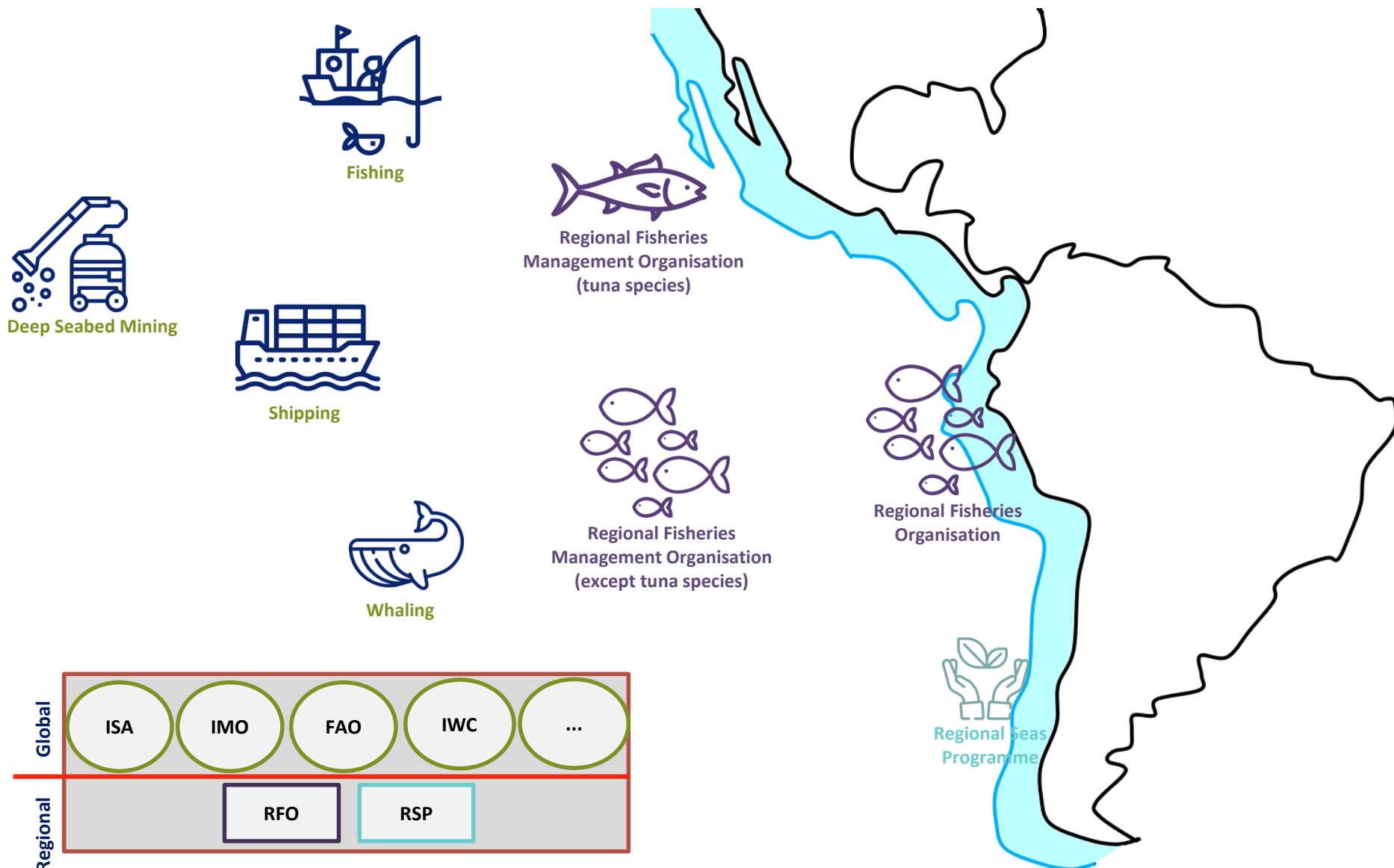
- Enhance the capacity of relevant bodies to “act as platforms for integrated conservation and management of ABNJ that are adjacent to their existing regional mandates”

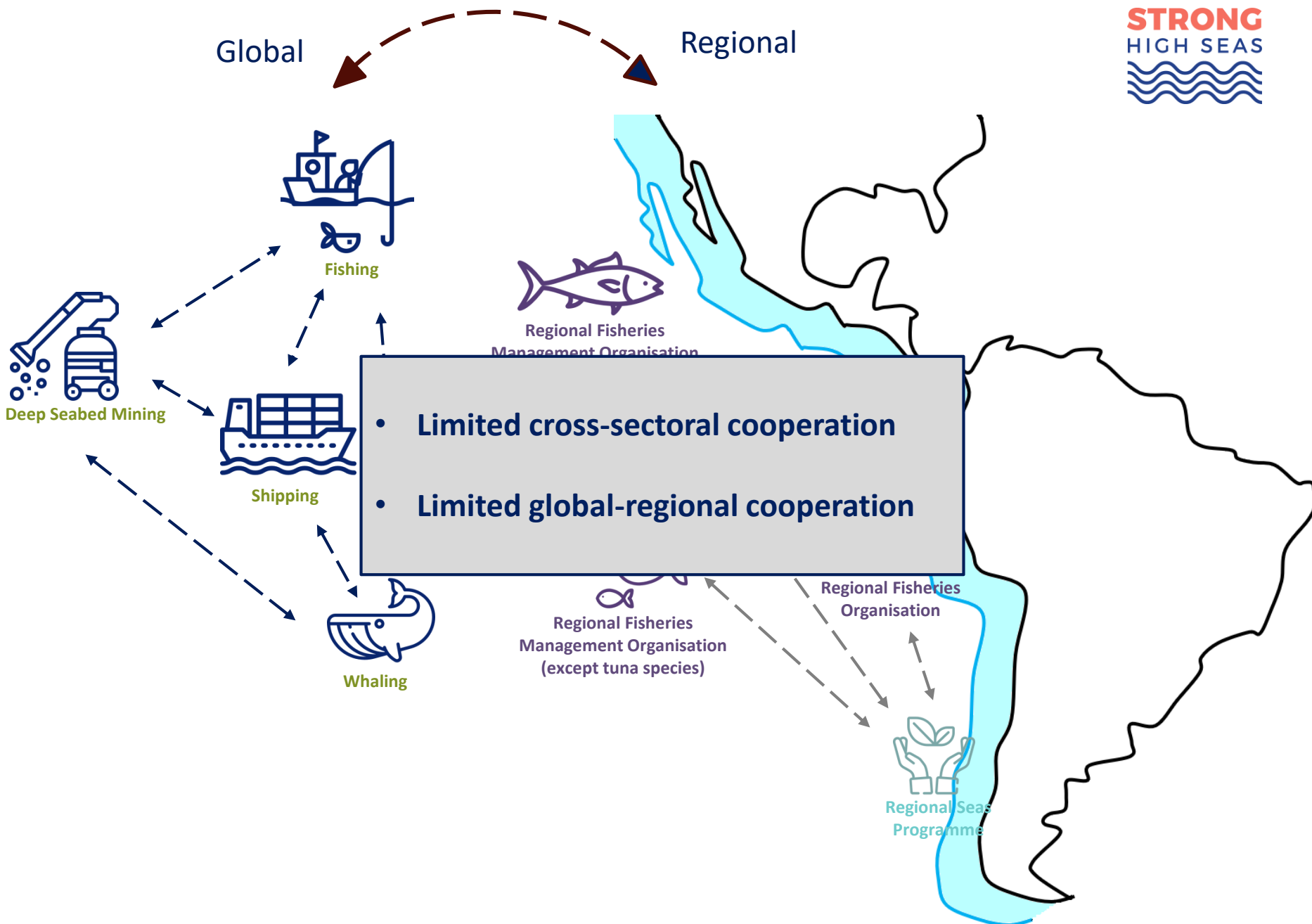
Many regional programmes now considering options for ABNJ

Complex, fragmented governance framework



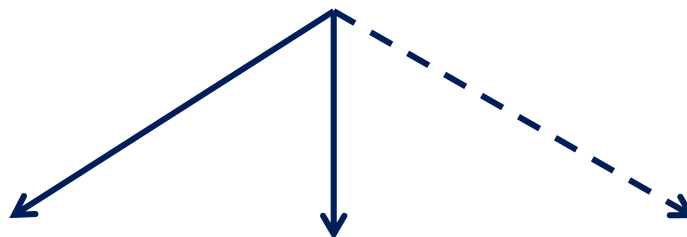
CBD Convention on Biological Diversity; **CITES** The Convention on International Trade in Endangered Species of Wild Fauna and Flora; **DOALOS** Division for Ocean Affairs and the Law of the Sea; **FAO** Food and Agriculture Organization [of the United Nations]; **ILO** International Labour Organization; **IMO** International Maritime Organization; **IOC** Intergovernmental Oceanographic Commission; **ISA** International Seabed Authority; **ITLOS** International Tribunal for the Law of the Sea; **MARPOL** International Convention for the Prevention of Pollution from Ships; **PSMA** Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing; **RFMOs** Regional Fisheries Management Organisations; **SOLAS** International Convention for the Safety of Life at Sea; **UNDP** United Nations Development Programme; **UNEP** United Nations Environment Programme; **UNESCO** United Nations Educational, Scientific and Cultural Organization; **UNGA** United Nations General Assembly; **UNSG** United Nations Secretary-General





The Future BBNJ Agreement

**United Nations Convention on the Law of the Seas
(UNCLOS)**



**UN Agreement on the
Implementation of Part XI**

1994

**UN Fish Stocks Agreement
(UNFSA)**

1995

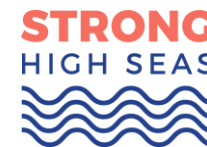
**UN Agreement on Biodiversity
beyond National Jurisdiction
(BBNJ)**

In negotiation

Thank you!



International Ocean Institute
African Region



Dr. Adnan Awad
Director, IOI-SA

Email: aawad@ioisa.org

Web: www.ioisa.org

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



ABIDJAN CONVENTION
CONVENTION D'ABIDJAN

IDDRI

