

# STRONG High Seas Capacity Development Workshop – 27<sup>th</sup> and 28<sup>th</sup> November 2019 Cape Town, South Africa



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## Strengthening Regional Ocean Governance for the High Seas

A regional capacity development workshop, addressing Marine Biological Diversity in Areas Beyond National Jurisdiction (BBNJ) was held in Cape Town, South Africa on the 27<sup>th</sup> and 28<sup>th</sup> November 2019. The workshop was the first of two workshops being held for the Southeast Atlantic region under the STRONG High Seas Project, and organised by the International Ocean Institute – African Region in collaboration with BirdLife International.

The workshop brought together representatives from countries within the Abidjan Convention region – specifically Angola, Benin, Cameroon, Democratic Republic of Congo, Gabon, Ghana, Guinea, Ivory Coast, Liberia, Namibia, Sierra Leone and South Africa – to learn more about the negotiations taking place at the United Nations (UN) in New York towards a new treaty under the UN Convention on the Law of the Sea (UNCLOS) to conserve and sustainably use [Biodiversity Beyond National Jurisdiction](#) (BBNJ). The workshop aimed to provide a broad understanding of the issues related to BBNJ, as well as the structure of the draft treaty and how African representatives can play a meaningful role in the UN negotiations. The first day of the workshop outlined the importance of BBNJ and what has happened in the negotiations so far, whereas the second day focused on what potential role the Abidjan Convention Secretariat, African State representatives, the STRONG High Seas Project, and everyone participating in the workshop can play going forward. A summary of the key recommendations, presentations and discussions are recorded below. All presentations are available online: <https://www.prog-ocean.org/blog/2019/12/11/strong-high-seas-capacity-building-workshop-in-africa/>

**Key recommendations:**

- The African States have the potential to contribute meaningfully and effectively to the UN negotiations for a treaty on the conservation and sustainable use of Marine Biological Diversity in Areas Beyond National Jurisdiction (BBNJ), particularly if they are supported by the political processes and the African Union (AU).
- There are opportunities in Areas Beyond National Jurisdiction (ABNJ) beyond those that are exploitative – skills and capacity required for ABNJ should be transferrable to the effective management of the State’s Exclusive Economic Zones (EEZs).
- The key research findings of the STRONG High Seas project should be presented at the next Abidjan Convention COP (May 2020) and shared with the Committee of Science and Technology of the Abidjan Convention.
- An effective scientific working group should be developed within the Abidjan Convention region in order to provide meaningful advice during the BBNJ negotiations and beyond.
- A formal and organised process for national representatives to participate on the BBNJ Working Group for the Abidjan Convention should take place to ensure adequate benefits from the project are transferred to the working group.



*Participants at the STRONG High Seas Capacity Development Workshop, Cape Town, South Africa 27 November 2019*

**Day 1: The importance of Areas Beyond National Jurisdiction**

The workshop participants were brought up to date on the BBNJ negotiations at the UN in New York, and the importance of the role of African states in the ongoing formal deliberations. In many African countries, the challenges associated with managing national waters has overshadowed the importance of ecological connectivity with Areas Beyond National Jurisdiction and their impact on national waters, and therefore some countries have not felt incentivised to be involved in the negotiations. The participants were challenged to engage in the conversations, no matter their level of background knowledge on the subject, and contribute their experience, expertise and opinions to share relevant knowledge for an effective exchange of information.

The Director of the International Ocean Institute – African Region (IOI-SA) Dr. Adnan Awad, delivered a presentation demonstrating the ecological connectivity of national waters and seas in areas beyond national jurisdiction (ABNJ), introducing key concepts and their role with respect to provision, regulating, supporting and cultural services for society. He also outlined the pressures that are facing ABNJ and impacting marine biodiversity and therefore the ecological integrity of adjacent national waters. Dr. Awad highlighted the challenge that, while we are increasing our understanding of the ABNJ, we still have to learn about how activities will impact on the functioning of the ecosystems and how global change is impacting ocean health. Dr. Awad outlined the regulatory framework for ABNJ while highlighting that it is often fragmentary with gaps in the framework and limited cooperation amongst different governance bodies.

The discussion that followed the presentation focused on whether there is cooperation amongst the different sectors and how the negotiations are working towards clarity of roles and mandates for improved cooperation. Trying to promote equitable access to ABNJ while protecting biodiversity is a key part of the negotiations – particularly in light of different State access to technology and levels of capacity to access ABNJ resources.

**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)

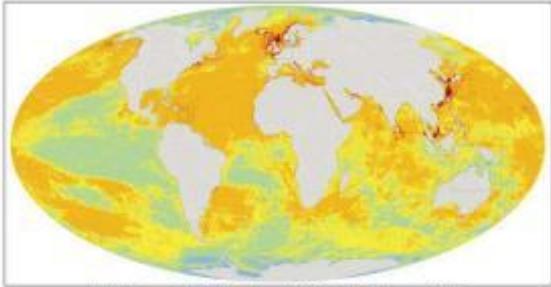


**Circulatory [passive] connectivity**  
transports plankton and larvae



**Migratory [active] connectivity**  
through tuna, whales, turtles, etc.

**Environmental impacts**



Very Low Impact (<1.4)    Medium Impact (1.95-6.67)    High Impact (12-15.52)  
 Low Impact (1.4-1.95)    Medium-High Impact (6.67-12)    Very High Impact (>15.52)

Molina et al., 2020

Dr. Carolina Hazin (BirdLife International) then explained to the participants how the negotiations around the new instrument are aiming to fill some of these gaps and how the regional seas framework may play a role in the governance of ABNJ. The instrument is looking at how improvements can be made to this multi-level governance architecture, and develop a more harmonised and effective way of managing ABNJ.

Dr. Hazin presented the details of the STRONG High Seas project, explaining that it is about promoting and facilitating a collaborative approach amongst countries in the Southeast Atlantic region and exchanging lessons through dialogue with other regions. The project aims to promote and support robust science and capacity building in order to improve the strength of engagement and input from the region within the framework of the Abidjan Convention, as well as at the UN. The involvement of the Southeast Pacific (through the Secretariat of the Comisión Permanente del Pacífico Sur (CPPS)) region in the project is intended to facilitate sharing and cross-pollination between these two regions. Discussions revolved around the role of the Abidjan Convention in the negotiations and how to include the regional seas programme more broadly in the process. The Abidjan Convention, through its Secretariat, is one of the partners in the STRONG High Seas Project and the project is working closely with them to encourage and support the participation of its member States in the UN negotiations. The project also aims to have a number of activities at the next Conference of the Parties (COP) of the Abidjan Convention to increase the awareness of issues surrounding the negotiations and future of BBNJ.

**Possible Options to Strengthen Regional Ocean Governance in the Regions**



- States in the regions could:
  - implement a common approach or policy for the region on conservation priorities by championing flag State responsibility to impose regulations regarding areas or activities that are not currently covered by a competent management authority;
  - form coalitions to promote mutual interest in specific BBNJ-related issues within existing processes;
  - promote conservation and sustainable use of BBNJ by voicing their views and proposing management actions at global and regional fora;
  - support a robust scientific basis and the development of capacity for taking action to ensure the establishment of conservation and management measures and ensure the complementarity of sectoral measures.

**Project activities**



The participants discussed the progress of the draft UN treaty text being discussed after the third round of negotiations, as well as the history, including a series of past meetings that have led to the development of the four key elements being negotiated, namely: Marine Genetic Resources, including access and benefit-sharing; Area-Based Management Tools including Marine Protected Areas; Environmental Impact Assessments; Capacity Building and the Transfer of Marine Technology. Although the draft text for the treaty was presented at the 3<sup>rd</sup>

Intergovernmental Conference (IGC-3), there remains much work to be done to align positions of member States that are contesting and negotiating much of the wording. There is therefore doubt that the discussions will be concluded as planned at the upcoming and currently final round of negotiations (IGC-4) in March/April 2020. There is also concern that extra, intersessional meetings and a possible extension to IGC-5 will have logistical and financial implications for member States.

There is still uncertainty over how particular conflicts will be managed, and the level (regional vs. global) at which some aspects (e.g. decision making, monitoring, information exchange) of implementation will take place, including what the mechanisms for cooperation might be. Regional and/or sectoral organisations are seen as possible instruments to support this, although some participants felt that a global approach to monitoring and compliance would be more effective.

The workshop then had a presentation from Advocate Thembile Joyini (DIRCO), who has been directly involved in the UN negotiations in New York for several years, to elaborate on the perspectives of the South African government, as well as the African Group, within the international negotiations. South Africa promotes the principle of Common Heritage of Mankind relating to Marine Genetic Resources and identifies this as a legal gap in the United Nations Convention for the Law of the Sea – it is hoped, by the African Group, that the implementing agreement will close that gap.

The African group has the potential to have a strong and influential voice at the UN negotiations and is doing well coordinating itself. It was discussed that the African States need to be more engaged and could be further aided by the endorsement at the African Union (AU) level, such that African States are empowered by regional endorsement and strategic agreement. The draft treaty text concerning Marine Genetic Resources is still in need of extensive work and African countries have the potential to further contribute to the discussion if they can develop a united voice. The African group is advocating for Marine Genetic Resources to be considered the Common Heritage of Mankind and that there needs to be a legal basis and mechanism to share benefits. Capacity building is also a key issue for African States, especially as regards the development of formal mechanisms for benefit sharing.

The African Decade of Oceans and Seas and Africa Union (AU) Agenda 2063 are geared to ensure that the potential of the ocean space is unlocked. It is important for those involved in the negotiations to understand the consequences of further delays in the finalisation of the treaty, and what the different scenarios are going forward. There is a strong feeling that the instrument needs to “have teeth” in order to be effective and change the status quo, and developing States will not accept a continuation of the status quo.

## **Day 2: The importance of Africa's role in the UN Negotiations**

Dr. Awad explained how Marine Genetic Resources are a complex issue, not least of all because while there is potential for financial profits to be made, this is preceded by a long period of research and a large investment of time and capital before there may be potential benefits. There are opportunities in ABNJ beyond Marine Genetic Resources. Some of the benefits are not necessarily exploitative but include opportunities to be involved in research, monitoring, control and surveillance developments, including technological advancements and the creation of jobs. The skills required for management approaches in ABNJ are unlikely to be restricted to ABNJ and should assist with capacity and technology advances for the management of Exclusive Economic Zones (EEZs) too. Marine Spatial Planning approaches could be particularly useful in this regard. For this to be effective, the capacity building initiatives need to be meaningful and able to contribute to the capacity of States to manage their own resources and take part in activities outside of the EEZs.

One of the mechanisms available for increasing the involvement of the Abidjan Convention countries in the BBNJ negotiations is through the strengthening of the ABNJ Working Group. The decision to form the working group was adopted at COP11 of the Abidjan Convention. There was discussion in the workshop about the uncertainty over ABNJ working group membership, and the process ahead for addressing this. It was highlighted that a more formalised process for nominating people to the working group should take place. An effective working group will be able to put forward advice and recommendations to the member States of the Abidjan Convention. The participants of this workshop and the Dialogue Workshops that have been held by the STRONG High Seas Project should be champions for the importance of the BBNJ negotiations to African States. It is recommended that the outcomes of the STRONG High Seas project research should be shared with the Committee of Science and Technology of the Abidjan Convention and presented at the next COP.

The [latest update to the draft text of the treaty](#) was released overnight before the last day of the workshop, and Dr. Hazin was able to present and discuss some of the text with the participants. Regional organisations are mentioned throughout the document – this shows the importance of regional level cooperation. The text is still being negotiated, but includes mention of a comprehensive global approach although some countries are calling for a hybrid approach that will include both regional and global mechanisms for implementation and management. The text is still far from concluded and it was noted by Adv. Joyini that many of the proposals that were put forward at IGC-3 were not included in the updated text, suggesting there will be ongoing negotiations over these differences. There are sections of the text that still require extensive discussion and debate, therefore there is still adequate time for the ABNJ working group of the Abidjan Convention to be involved.

The participants were asked to recommend what the project can do to support the region. The priority was to get representatives from the countries involved in the process as soon as possible. The participation of the Abidjan Convention region in the BBNJ negotiations could be improved and there is potential for benefits to be seen throughout the region. Non-Governmental Organisations (NGOs) have already played a role in increasing awareness and knowledge about the topic and can continue to assist by ensuring that African delegates are able to attend the BBNJ negotiations and intersessional meetings that might be organised – particularly in the likely incident that the negotiations extend beyond IGC-4. It was also further stressed that it is important to work towards a united African voice.

There is hope that the negotiated instrument will include formal requirements for capacity building to be supported and a fund to be developed that will ensure that this occurs. The participants hoped that African representatives will have support for active participation in defining the type of capacity building initiatives that will take place. They highlight the need for a regional mechanism on ocean governance to promote the role of science in decision making processes. It is hoped, by the participants in the workshop, that the mandate of the Abidjan Convention will be extended to include ABNJ and that an effective scientific committee is established within the Abidjan Convention to work on BBNJ issues so that they are able to provide meaningful advice to delegates and decision makers.



*Participants at the STRONG High Seas Capacity Development Workshop, Cape Town, South Africa 28 November 2019*

## Appendix 1: Agenda

# STRONG High Seas Regional Capacity Development Workshop

## The Protection of Biodiversity in Areas Beyond National Jurisdiction (BBNJ)

Wednesday 27<sup>th</sup> and Thursday 28<sup>th</sup> November 2019

09:00 – 16:00

Lagoon Beach Hotel, Cape Town, South Africa

### Day 1: Wednesday 27<sup>th</sup> November

*Tea and coffee on arrival*

09:00 – 09:15	Welcome and Introduction	<b>Adnan Awad</b> International Ocean Institute
09:15 – 10:00	Introduction to ABNJ	
10:00 – 10:45	STRONG High Seas – Project Overview	<b>Carolina Hazin</b> BirdLife International
10:45 – 11:15	Tea Break	
11:15 – 12:30	Introduction to the UN negotiations toward a new Treaty on the protection of BBNJ – Part II <ul style="list-style-type: none"> <li>- History and process</li> <li>- Structure of the draft agreement and key issues</li> </ul>	<b>Adnan Awad</b> International Ocean Institute
12:30 – 13:30	Lunch Break	
13:30 – 14:30	Perspective of South African and the African Group <ul style="list-style-type: none"> <li>- Structure of the draft agreement and key issues</li> </ul>	<b>Adv. Thembile Joyini</b> Department of International Relations and Cooperation, South Africa
14:30 – 15:00	Tea Break	
15:00 – 16:00	Facilitated discussion – regional and sectoral issues <ul style="list-style-type: none"> <li>- Relevance between countries and government departments</li> </ul>	Facilitator

**Day 2: Thursday 28<sup>th</sup> November**

*Tea and coffee on arrival*

09:00 – 09:15	Welcome and Aim of the Day	<b>Shannon Hampton</b> International Ocean Institute
09:15 – 10:30	Relevance of BBNJ in the South East Atlantic region - Baseline conditions, including connectivity and capacity issues	<b>Adnan Awad</b> International Ocean Institute
10:30 – 11:00	Tea Break	
11:00 – 12:00	The Abidjan Convention - Arrangements and engagement with the Secretariat and the Parties, including preparations for the next CoP	<b>Carolina Hazin</b> BirdLife International
12:00 – 12:30	Facilitated discussion	<b>Facilitator</b>
12:30 – 13:30	Lunch Break	
13:30 – 15:00	Group Exercises Role of the BBNJ Working Group under the Abidjan Convention	
15:00 – 16:00	Report back and final plenary discussion - Next steps	Facilitator



*Group Discussions 28 November 2019*

## Appendix 2: List of Participants

<b>Name</b>	<b>Surname</b>	<b>Country</b>
Pineahs	Auene	Namibia
Adnan	Awad	South Africa
Judy	Beaumont	South Africa
Alan	Boyd	South Africa
Sango	De Sa	Angola
Thierno Moussa	Diallo	Guinea
Marianne	Donoumassou	Benin
Peace	Gbeckor-Kove	Ghana
Shannon	Hampton	South Africa
Carolina	Hazin	UK
Camille	Iyaka Ankao	DRC
Tembine	Joyini	South Africa
Potlateo	Khati	South Africa
Belly Bonaventure	Kpogodo	Benin
Paul	Lamin	Sierra Leone
Estelle	Mawal	Cameroon
Viviane Moutsinga	Mirapou	Gabon
Yamkela	Mngxe	South Africa
Thabo	Molefe	South Africa
Jeanne	N'Tain	Ivory Coast
Levi	Piah	Liberia
Mohamed Lamine	Sidibé	Guinea