



ABNJ in the Western Indian Ocean Options for Governance & Management

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- Case study: Walters shoal
- Discussion

Overview of ABNJ governance in the WIO region

Overview of ABNJ Governance

The global picture

- No international agreement on conservation and sustainable use of marine biodiversity in ABNJ
- No international mechanism for creating binding marine protected areas (MPAs)
- A range of regional and sectoral bodies with mandates in ABNJ and/or powers to establish sectoral area-based management tools (ABMTs)

Regional Seas programmes

Nairobi Convention

- The Nairobi Convention does not explicitly include ABNJ in its geographical mandate.
- CP8/10 urging States “to cooperate in improving the governance of areas beyond national jurisdiction...”.



Fisheries bodies

Indian Ocean Tuna Commission (IOTC)

- Promotes cooperation with the aim of ensuring management, conservation, and optimum utilisation of stocks of tuna and tuna-like species in the Indian Ocean.
- Covers both national waters and ABNJ.



Fisheries bodies

Southern Indian Ocean Fisheries Agreement (SIOFA)

- Aims to ensure the long-term conservation and sustainable use of fishery resources in the Indian Ocean
- 2006 UN General Assembly resolution called on Regional Fisheries Management Organisations (RFMOs) “with the competence to regulate bottom fisheries to adopt and implement measures (...) as a matter of priority”.
- Many RFMOs worldwide have closed Vulnerable Marine Ecosystems to bottom fishing

Fisheries bodies

Southwest Indian Ocean Fisheries Commission (SWIOFC)

- Advisory fisheries body that promotes sustainable utilisation of the living marine resources of the SWIO region.
- Only covers waters under national jurisdiction
- Could nonetheless play a role in scientific advice and coordination.

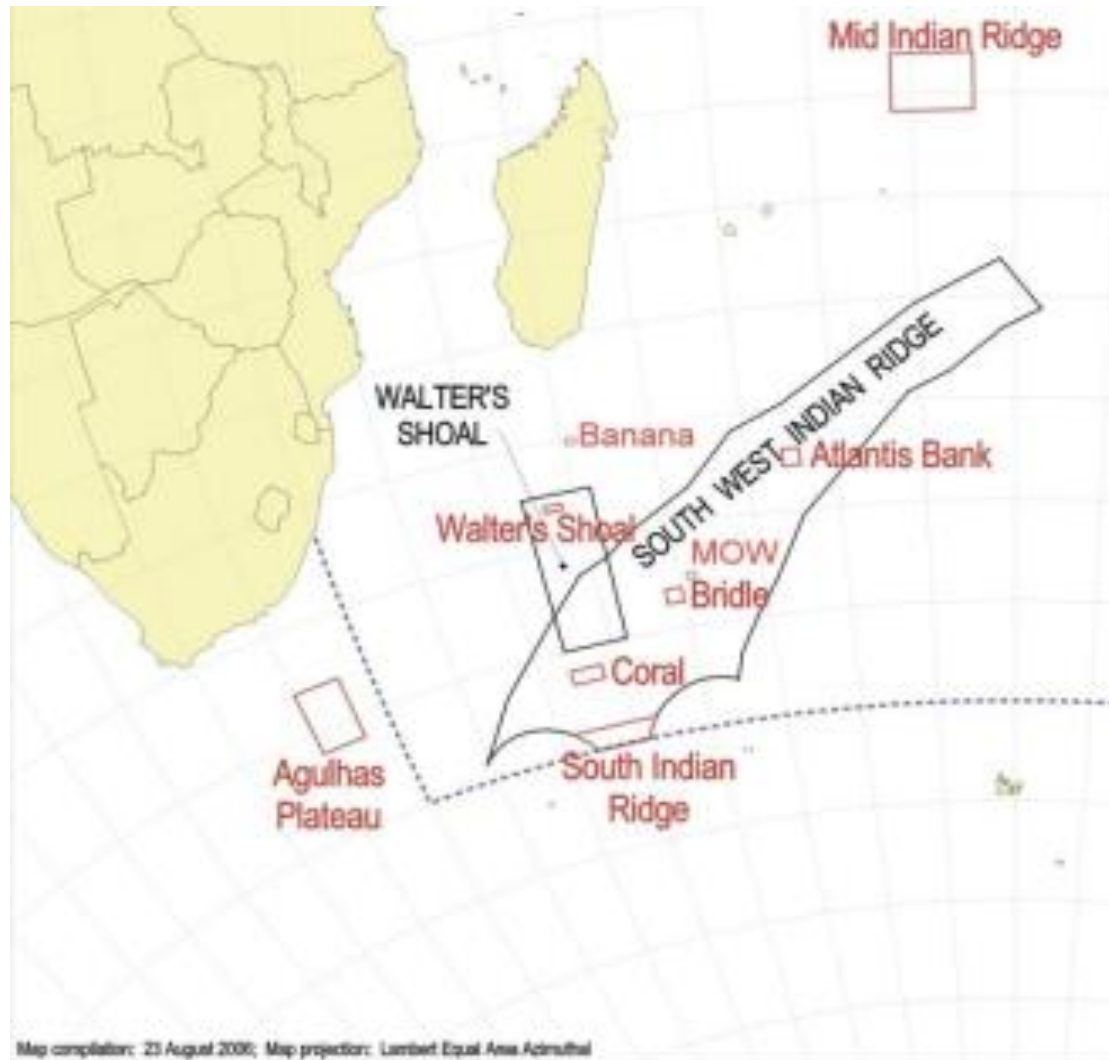
Fisheries bodies

Southern Indian Ocean Deepsea Fishers Association

- Industry association
- Aims to promote responsible management of the deep-water fishery while conserving biodiversity
- Has established 'Benthic Protected Areas' (BPAs)



Southern Indian Ocean
Deepsea Fishers Association



Disclaimer: boundaries are indicative only.

Global sectoral bodies

International Maritime Organisation (IMO)

- IMO member States can designate Particularly Sensitive Sea Area (PSSAs)
 - Any State could submit a proposal; approval requires consensus
- No PSSA has been established in ABNJ
 - But possible, in theory



Global sectoral bodies

International Seabed Authority (ISA)

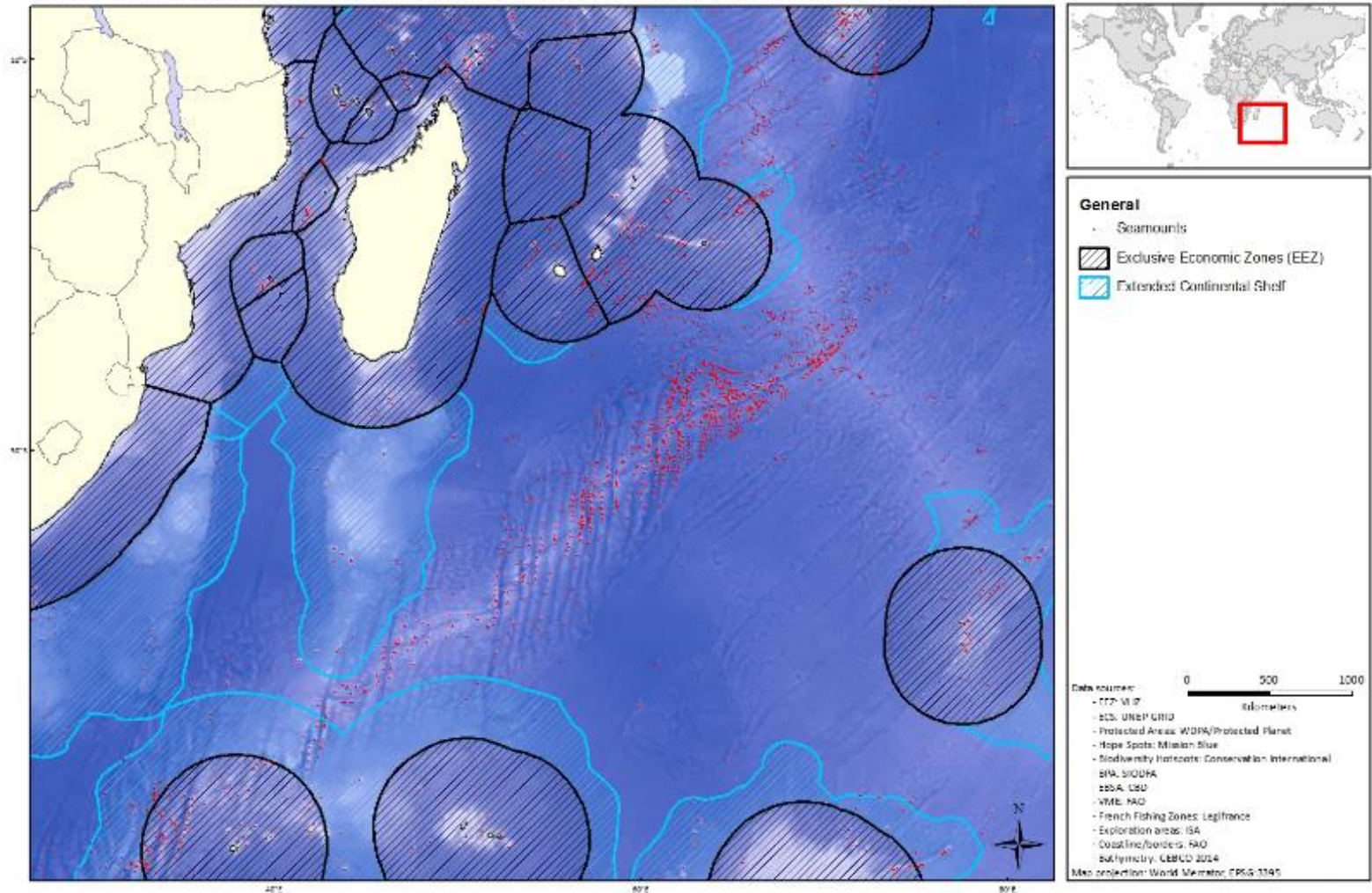
- 28 exploration contracts; 5 in the WIO
- 9 Areas of Particular Environmental Interest (APEI); no mining permitted
- No APEI has been established in the WIO so far



National Governments

Continental shelf

FFEM - SWIO: Exclusive Economic Zones & Extended Continental Shelf submissions



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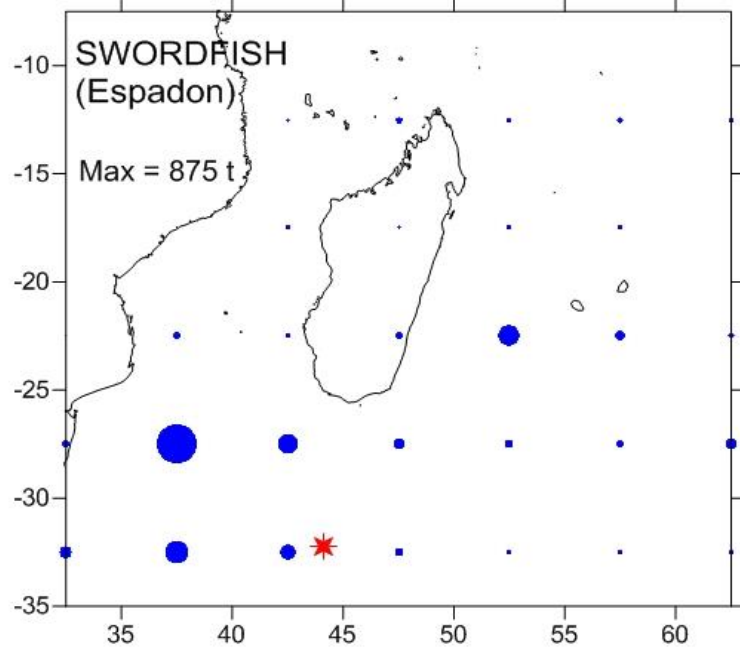
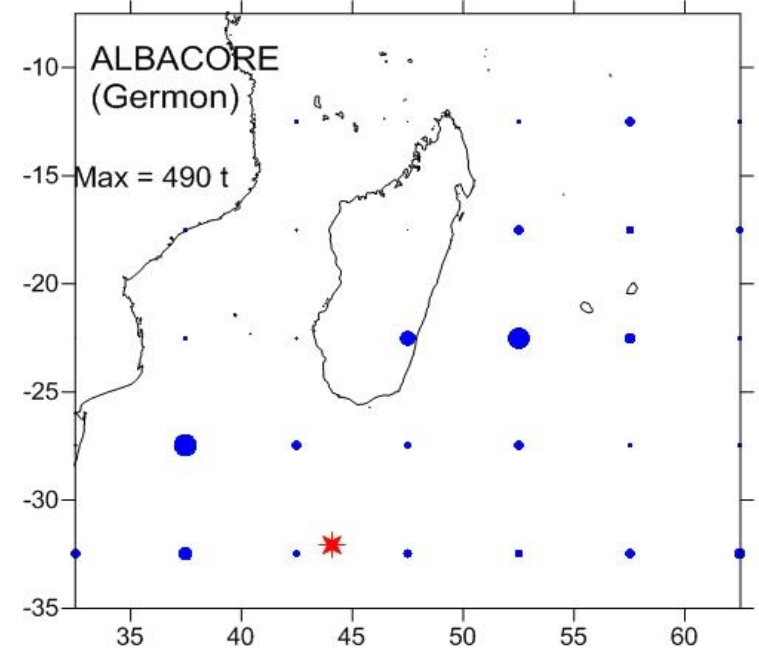
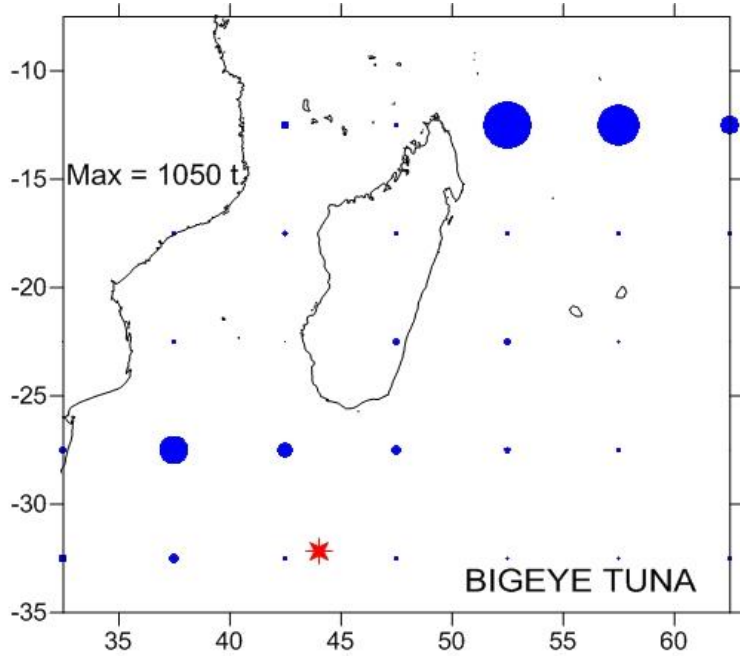
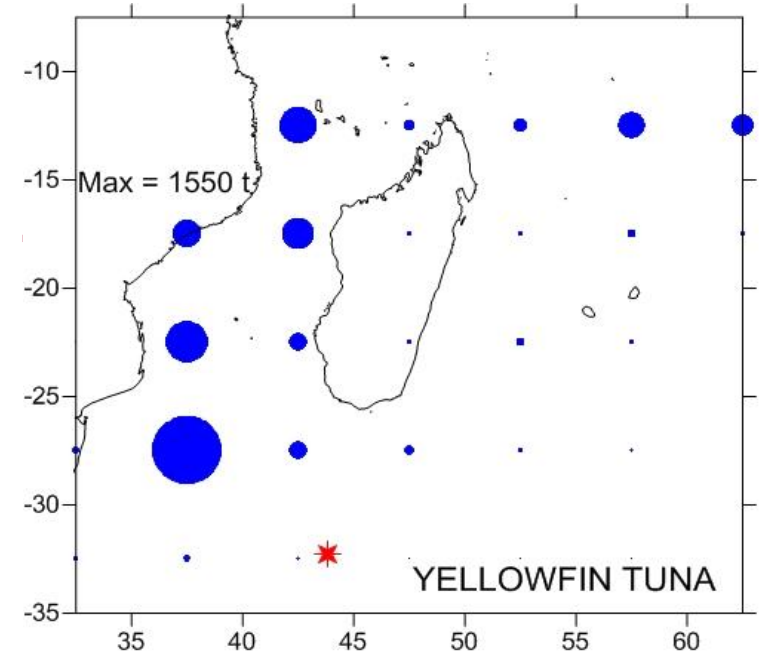
Case study: Walters shoal

Options for governance & management

Fisheries

Pelagic

- Pelagic ecosystems are generally characterized by high levels of species mobility, large spatial scales, and limited scientific knowledge
- Few operational examples of fisheries closures for highly migratory pelagic species
- Interest has been growing in understanding and developing such measures



★
Walters Shoal

Fisheries

Pelagic

- Longline fisheries are distant
- No purse seine tuna fisheries
- Tuna fisheries currently have little or no impact on the Walters Shoal.
- It therefore does not seem appropriate to propose an IOTC fisheries closure in the Walters Shoal area.

Fisheries

Benthic/bottom fisheries

- Benthic ecosystems are well suited to ABMTs, including fisheries closures
- SIOFA is required by UN resolutions on bottom fisheries to protect vulnerable marine ecosystems (VMEs)
- Pressure on SIOFA is mounting to take such measures as soon as possible.

Fisheries

Benthic/bottom fisheries

- SIOFA could convert the SIODFA BPAs – which include the Walters Shoal – into formal VME closures
- Possibility has been discussed
- Supported by the majority of parties and civil society, but ultimately not passed

Fisheries

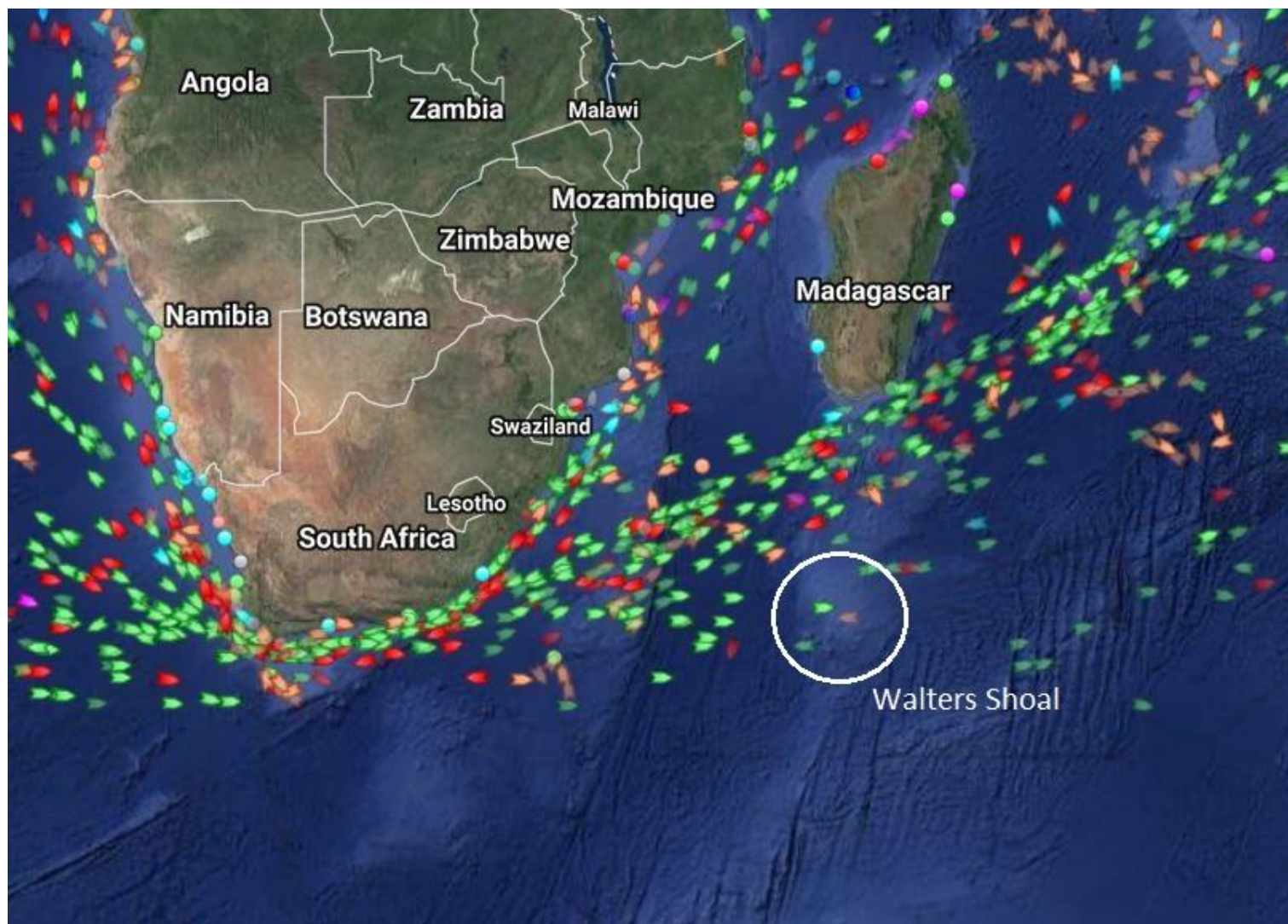
Unilateral action by States

- One or several States could unilaterally declare that they will prohibit or restrict fishing in the Walters Shoal area by vessels flying their flag.



Shipping

Designation of a Particularly Sensitive Sea Area

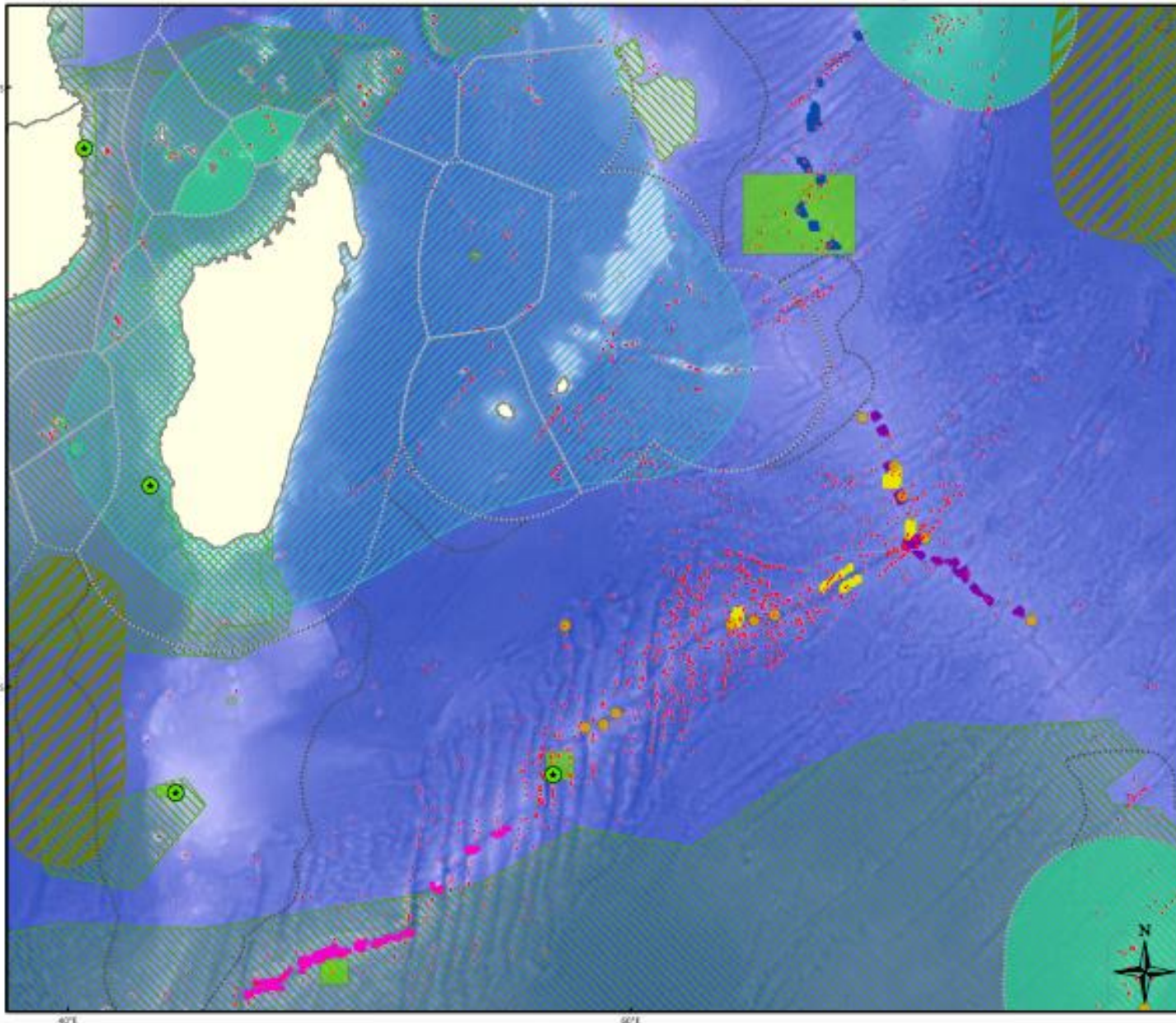


Mining

Designation of an Area of Particular Environmental Interest

- ISA has not yet assessed the opportunity and feasibility of establishing APEIs in the region.
- This is therefore a step WIO States, and the international community more broadly, may be interested in taking in conjunction with the ISA.

FFEM - SWIO: deep sea mining activities



Conservation

- Protected Areas (WOPA)
- Benthic Protected Areas (SIODFA)
- VME: closed areas
- VME: access regulated areas
- Hope Spots
- Biodiversity Hotspots
- EBSA

Deep Sea Mining

- Polymetallic Sulphides
- Polymetallic Crusts
- Polymetallic Nodules
- Exploration China
- Exploration Germany
- Exploration India
- Exploration Korea

General

- Seamounts
- Exclusive Economic Zones (EEZ)
- Extended Continental Shelf

Data sources:

- EEZ: Vliz
- ECS: UNEP GRID
- Protected Areas: WOPA/Protected Planet
- Hope Spots: Mission Blue
- Biodiversity Hotspots: Conservation International
- BPA: SIODFA
- EBSA: CBD
- VME: FAO
- French Fishing Zones: Legifrance
- Exploration areas: ISA
- Coastline/borders: FAO
- Bathymetry: GEBCO 2014

Map projection: World Mercator, EPSG:3395

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Regional initiatives

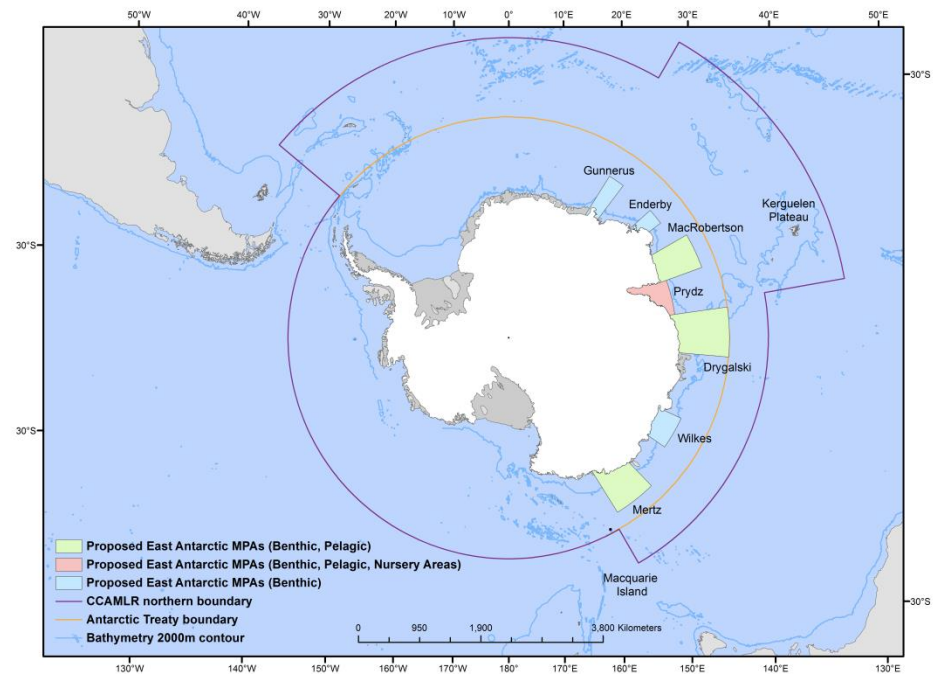
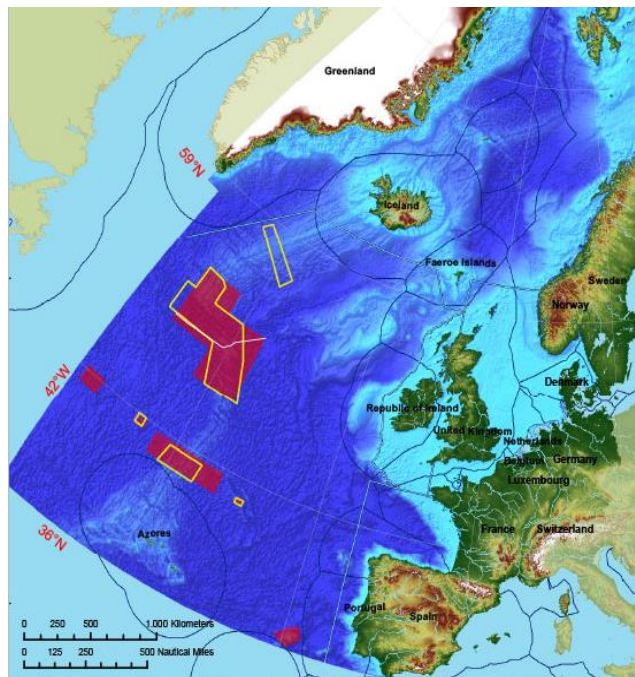
Extension of Nairobi Convention to ABNJ

- 4 areas already covered by a Regional Sea with a specific mandate in ABNJ
- In 2016, the United Nations Environment Assembly (UNEA) adopted a resolution that *“encourages the contracting parties to existing regional seas conventions to consider the possibility of increasing the regional coverage...”*
- Opportunity to extend the geographical coverage of the framework convention into ABNJ

Regional initiatives

Establishment of a marine protected area

- North Atlantic: OSPAR/NEAFC
- Antarctic: ATS/CCAMLR



Regional initiatives

Limitations

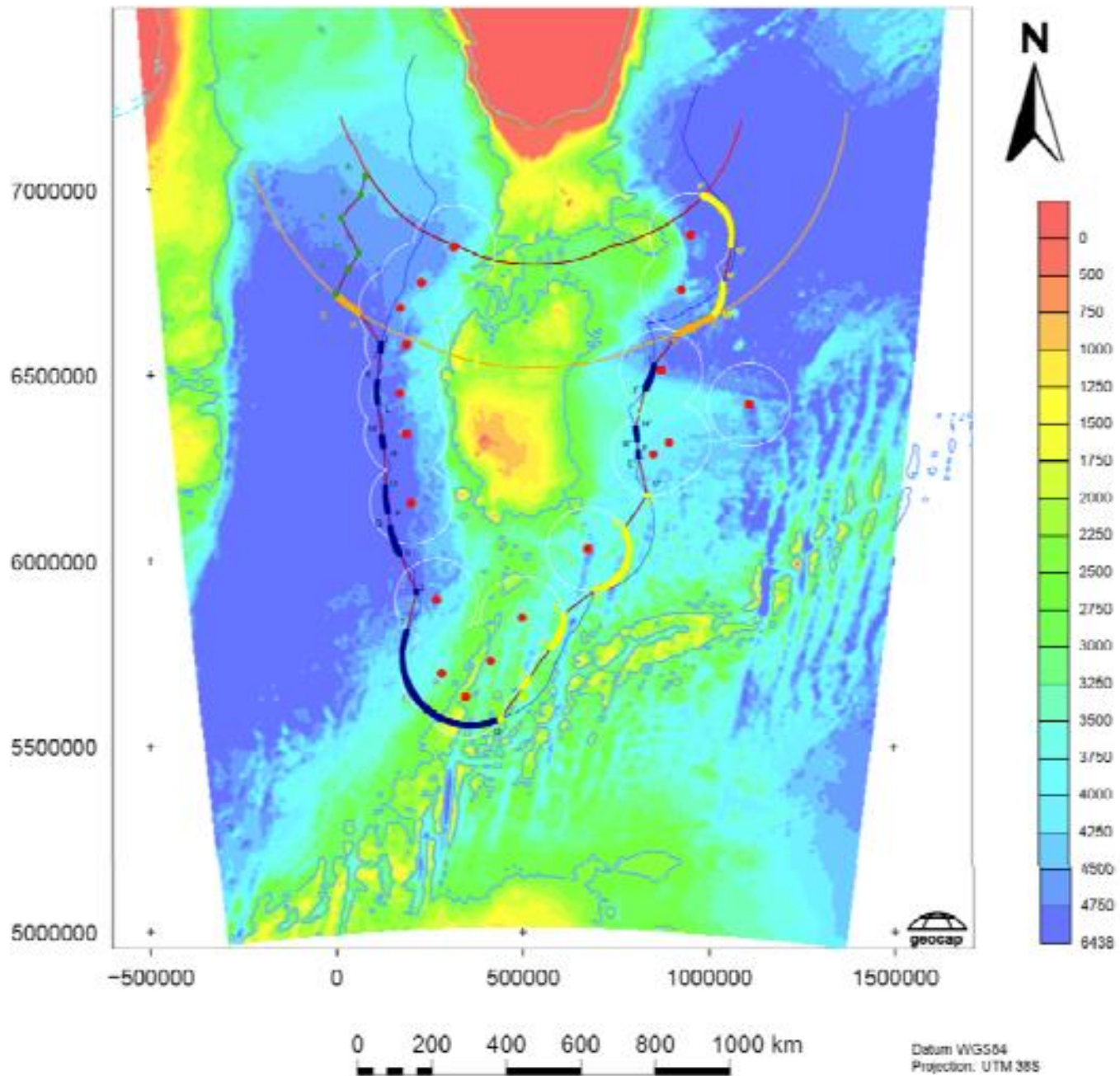
- Regional initiatives only binding for Contracting Parties to the regional organisation
- Complete coverage of ABNJ by regional organisations far from established
- Because of the fragmentation of oceans governance, need for cooperation and coordination between competent authorities

National Government

Madagascar continental shelf submission

- Madagascar has submitted a proposal to the Commission on the Limits of the Continental Shelf (CLCS)
- Should Madagascar's submission be accepted by the CLCS, this would have significant ramifications for the potential options available for the protection of the Walters Shoal.

THE OUTER LIMIT OF THE EXTENDED CONTINENTAL SHELF OF MADAGASCAR



National Government

Madagascar continental shelf submission

- Portugal provides a precedent:
 - Worked together with OSPAR to create MPAs encompassing the Portuguese continental shelf and the superjacent waters.
 - Currently developing a plan for these areas that covers both its own continental shelf, but also contemplates possible high seas uses.



Summary of options

- Pelagic fisheries: Not relevant
- Bottom fisheries:
 - VME closures; conversion of BPAs
 - Will depend on status of continental shelf
- Shipping: not relevant
- Seabed mining: ISA could consider designating an APEI
- MPAs: potential extension of Nairobi Convention

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