



# ABNJ in the Western Indian Ocean Options for Governance & Management

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# Content

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- Overview of ABNJ governance in WIO region
- Case study: Walters shoal
- Discussion

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# Overview of ABNJ governance in the WIO region

# Overview of ABNJ Governance

## *The global picture*

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- 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*

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- 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)*

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- 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)*

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- 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)***

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- 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

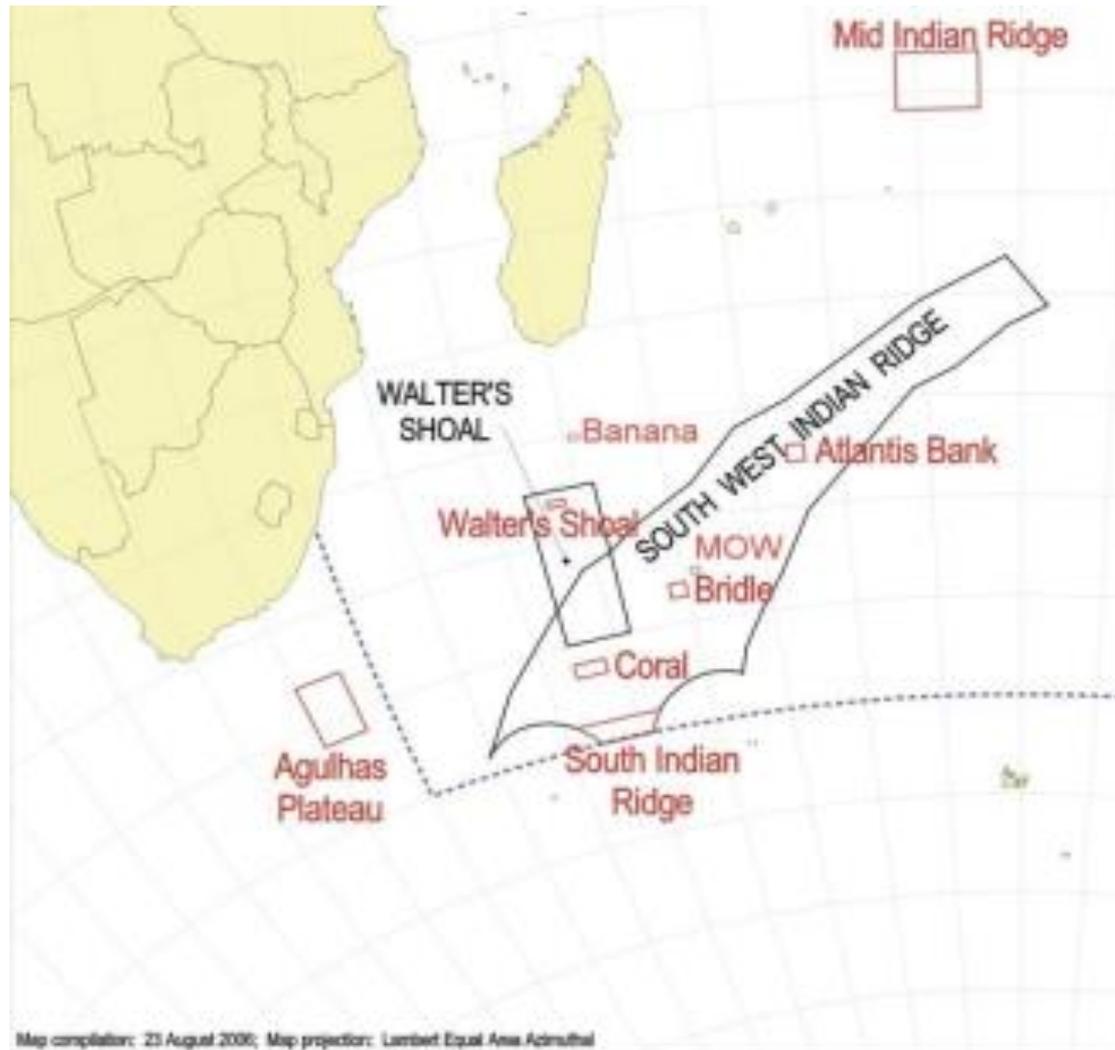
### *Southern Indian Ocean Deepsea Fishers Association*

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- 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)*

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- 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)*

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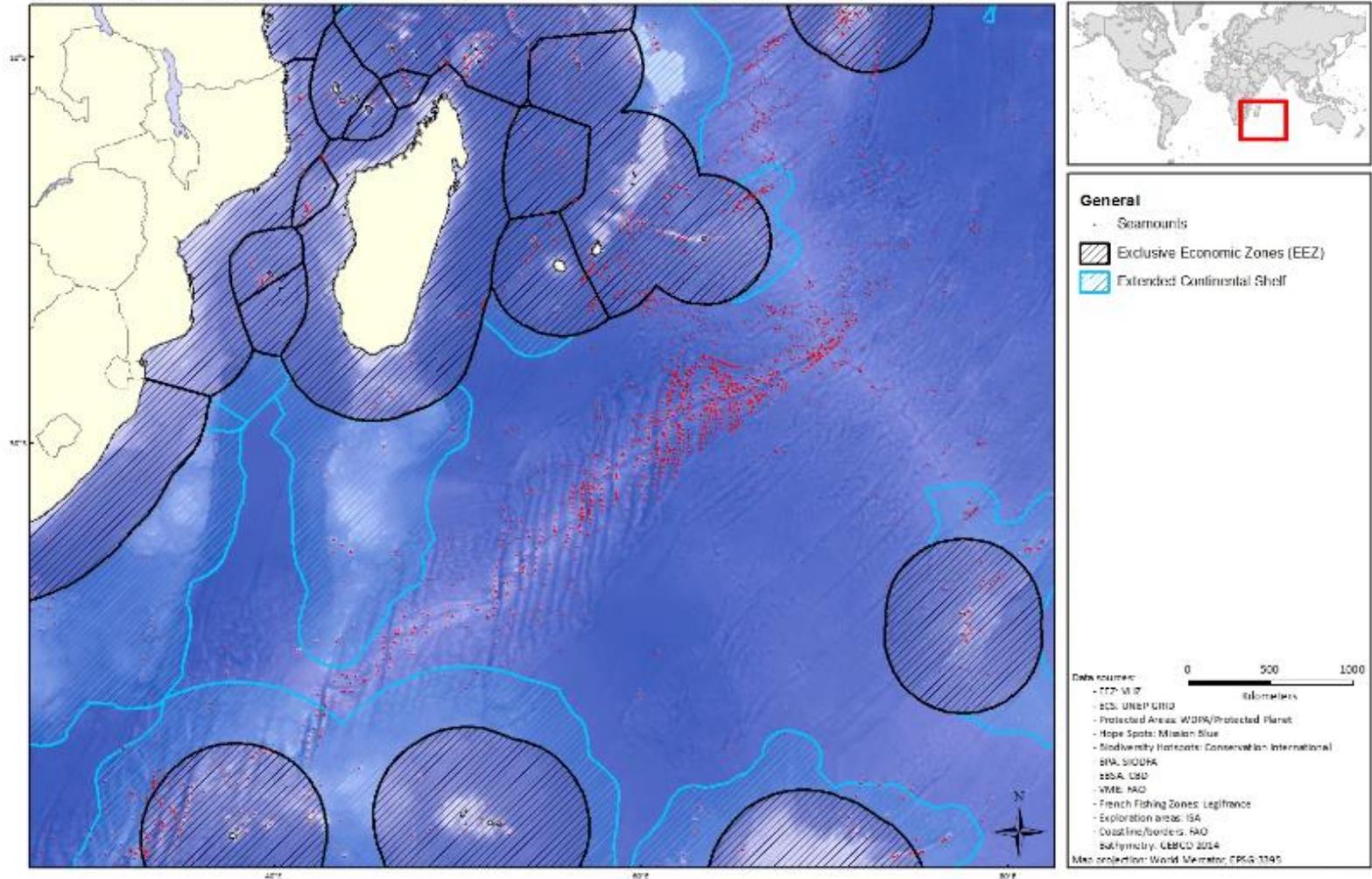
- 28 exploration contracts; 5 in the WIO
- 9 Areas of Particular Environmental Interest (APEI); no mining permitted
- No APEI has been established in the WIO so far



# National Governments

## *Continental shelf*

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



Disclaimer: boundaries are indicative only.

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# **Case study: Walters shoal**

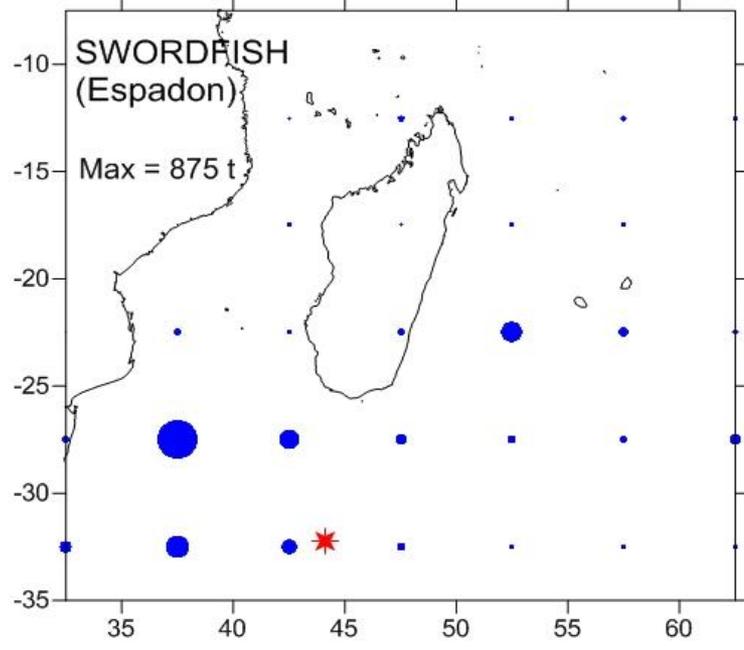
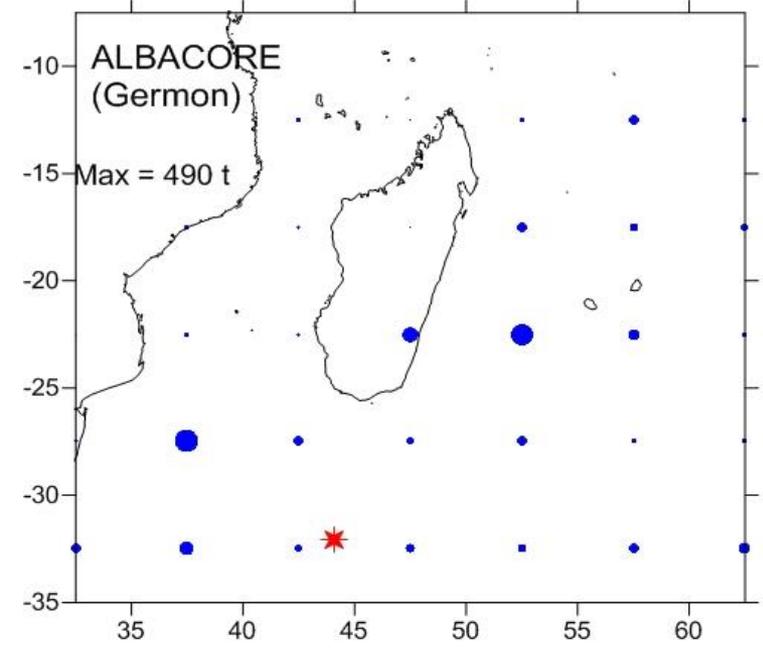
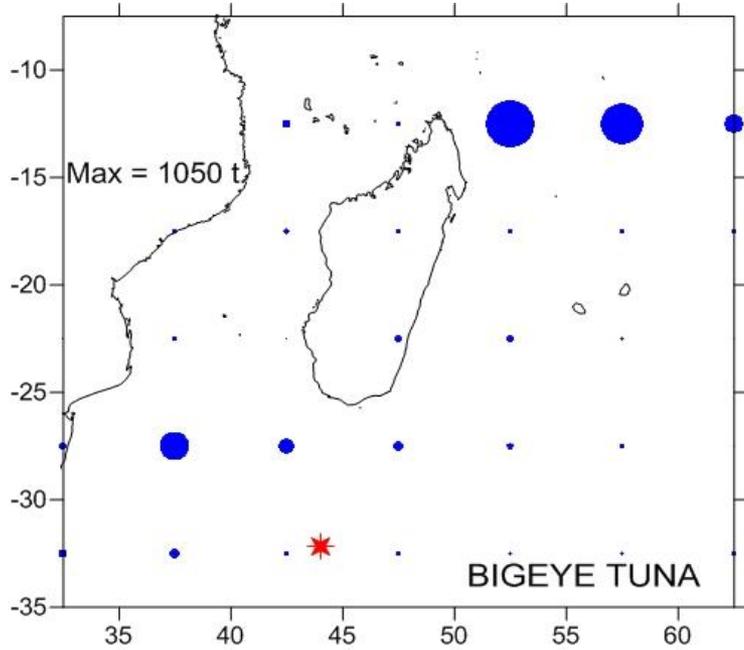
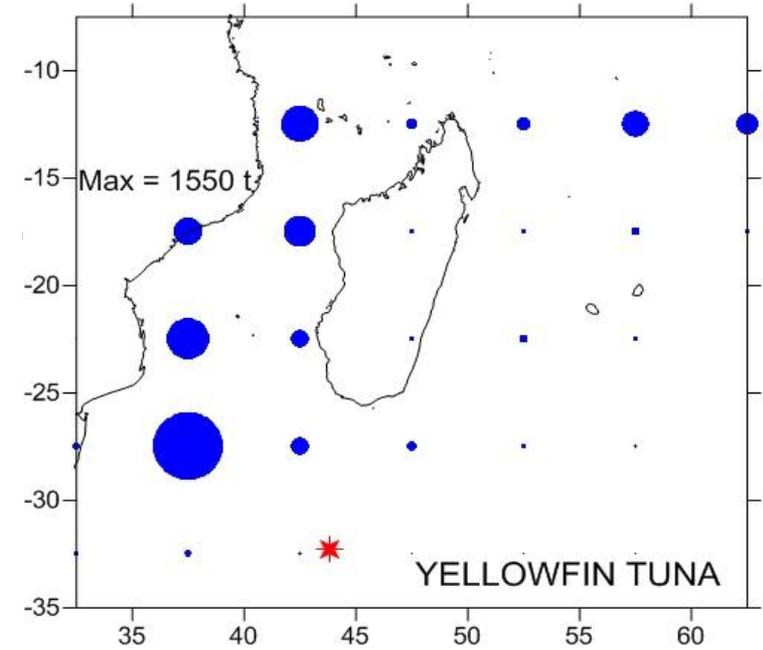
## **Options for governance & management**

# Fisheries

## *Pelagic*

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- 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



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Walters Shoal

# Fisheries

## *Pelagic*

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- 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*

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- 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*

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- 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*

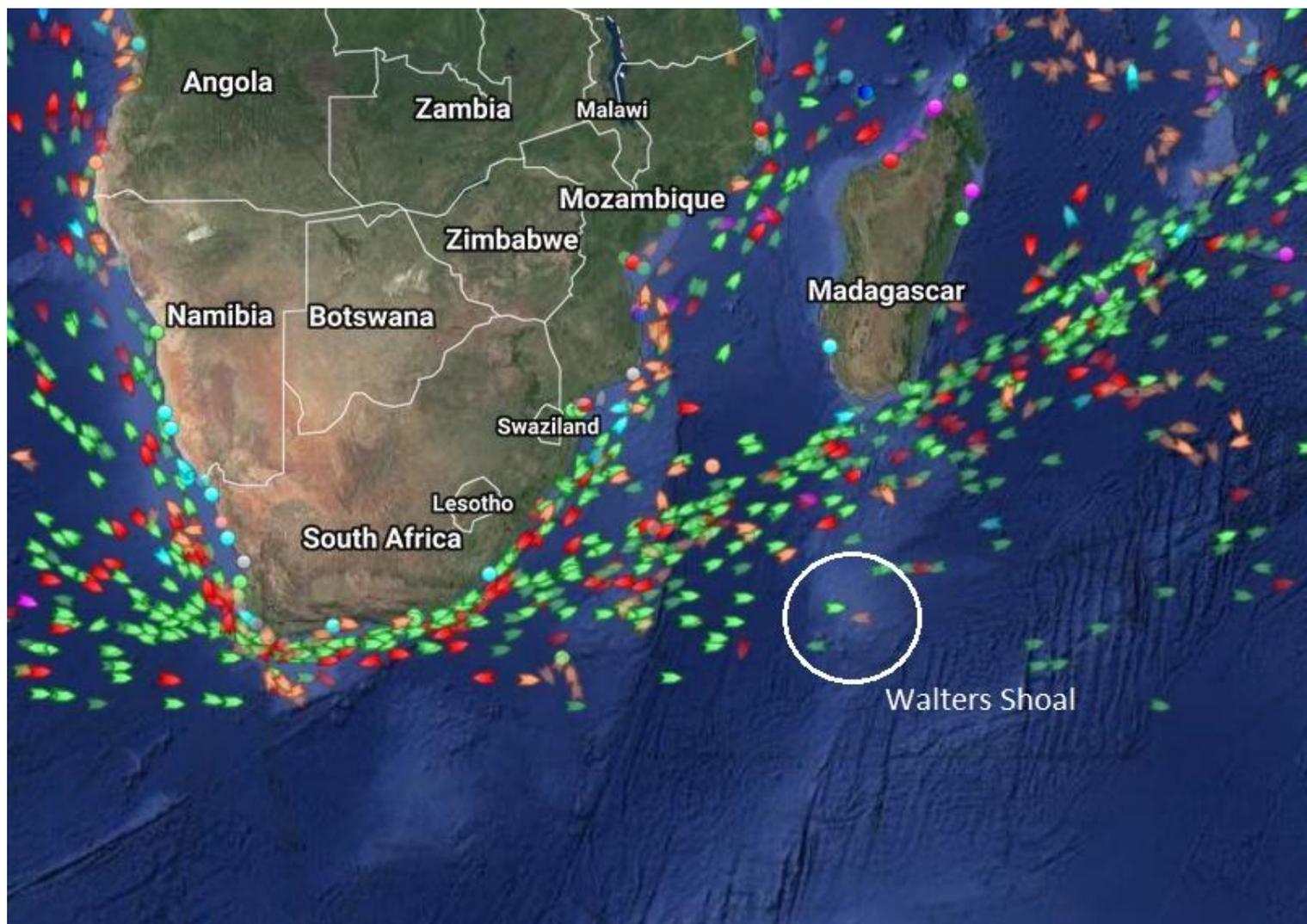
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- One or several States could unilaterally declare that they will prohibit or restrict fishing in the Walters Shoal area by vessels flying their flag.



# Shipping

## *Designation of a Particularly Sensitive Sea Area*



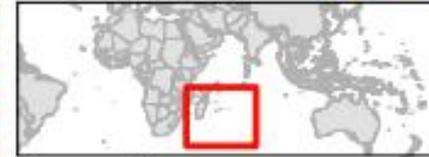
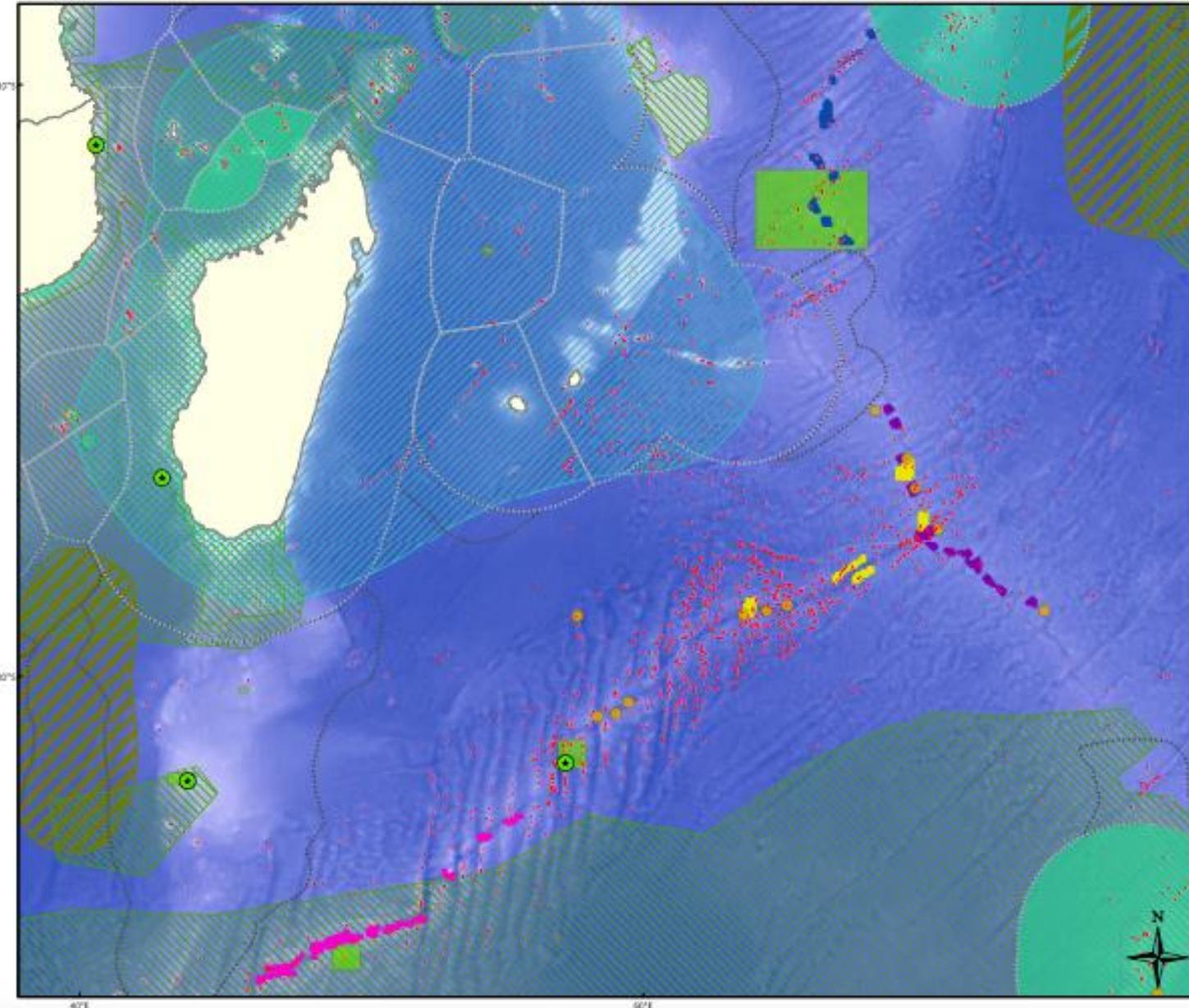
# Mining

## *Designation of an Area of Particular Environmental Interest*

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- 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 (WDPA)
- 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: WDPA/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

Disclaimer: boundaries are indicative only.

# Regional initiatives

## *Extension of Nairobi Convention to ABNJ*

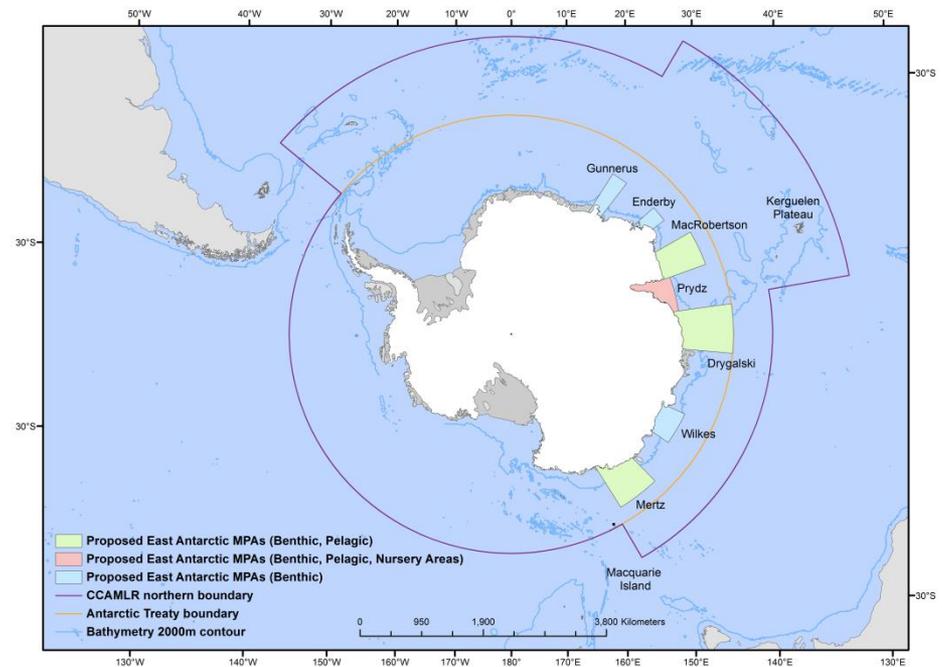
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- 4 areas already covered by a Regional Sea with a specific mandate in ABNJ
- In 2016, the United Nations Environment Assembly (UNEA) adopted a resolution that *“encourages the contracting parties to existing regional seas conventions to consider the 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*

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- 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

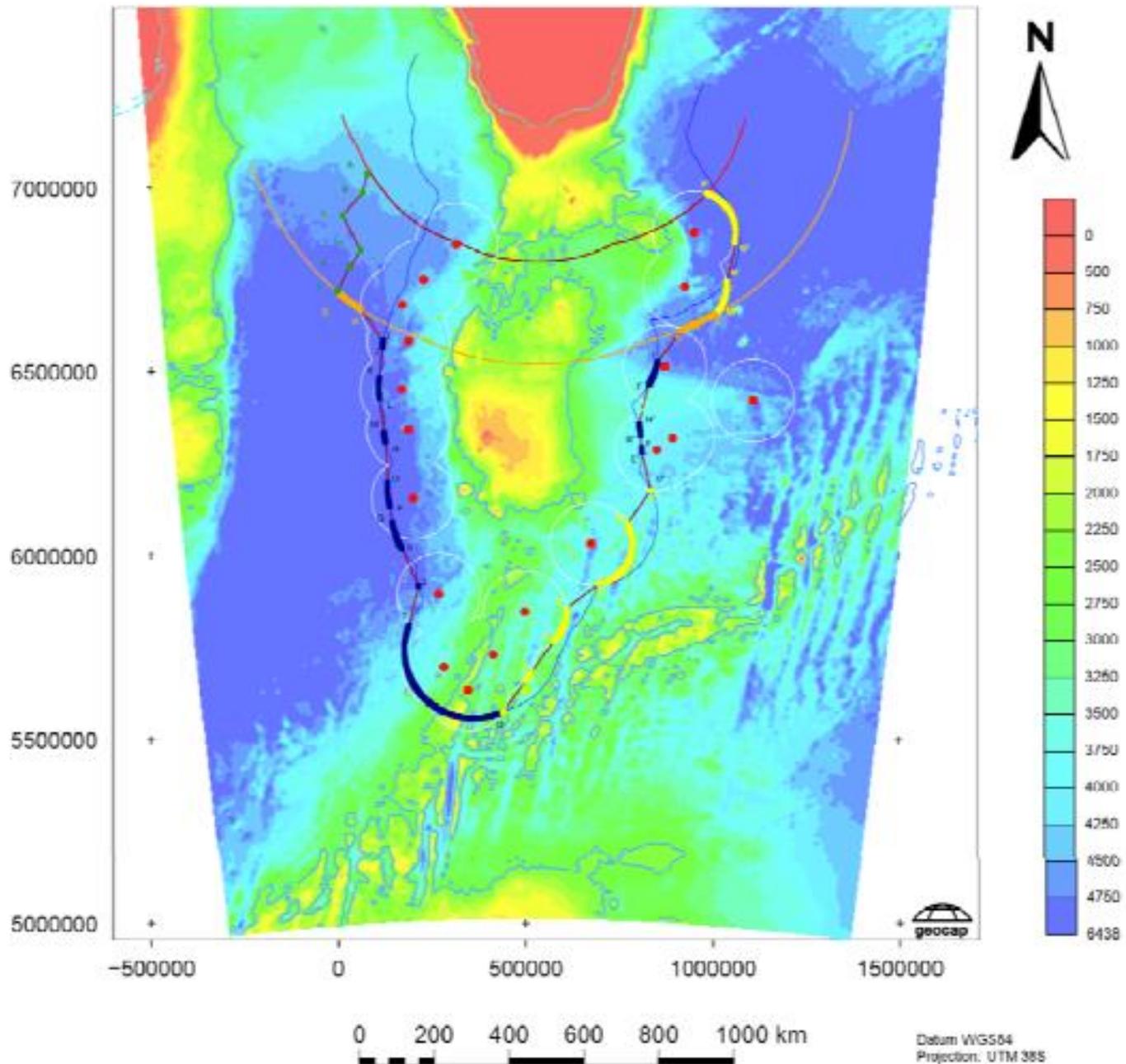
# National Government

## *Madagascar continental shelf submission*

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- 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*

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- 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

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- 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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