



# EU International Ocean Governance Forum



## THEMATIC WORKING GROUP 1

### IMPROVING THE INTERNATIONAL OCEAN GOVERNANCE FRAMEWORK

As the “constitution for the seas”, the **United Nations Convention on the Law of the Sea** lays down a comprehensive regime of law and order in the world’s oceans and seas establishing rules governing all uses of the oceans and their resources. It enshrines the notion that all problems of ocean space are closely interrelated and need to be addressed as a whole.

The existing **ocean governance structure**, that is the institutional and policy framework established to manage human activities and ensure the conservation and sustainable use of ocean resources including for seizing blue economy opportunities, is however often criticized as insufficient to address the prevailing challenges facing the ocean. The current framework is **fragmented**, both in terms of the sectoral institutions set up for the management of the different human activities as well as the different jurisdictions. In addition, there are important regulatory gaps and not all institutions and actors may be adequately equipped to coordinate and actively achieve and co-implement cross-sectoral measures (e.g. connected networks of marine protected areas or data and knowledge exchange), or to translate sustainability principles, such as the precautionary principle, the ecosystem approach, or transparent and inclusive decision-making processes, into practice.

With a growing world population and mounting expectations to seize blue growth opportunities, growing dependencies and pressure on marine resources and ocean space can be expected. The ocean is delimited to **Areas Beyond National Jurisdiction (ABNJ)** which includes the water column (the High Seas) and the seabed (the Area), as well as areas which fall under the national sovereignty or jurisdiction of States, which include the **Exclusive Economic Zone (EEZ)**, the Continental shelf and the **Territorial Sea**. Despite clear-cut jurisdictional distinctions between ABNJ and waters under national sovereignty or jurisdiction, all maritime areas remain physically and ecologically connected through ocean currents or migration of marine fauna as well as through transboundary pressures stemming from human activities. Hence pressures such as pollution, overfishing, mining, or geoengineering experiments translate into ecological and socioeconomic impacts in waters that are possibly located far from their source or in jurisdictional areas under different governance regimes such as ABNJ and EEZs. Furthermore,

pressures increase from various impacts and activities are observed in areas where the risks of cumulative effects on the marine environment are not sufficiently understood, including from land-based activities. Yet most ocean-related activities are regulated and managed by sector specific rules and bodies that do not allow for addressing cumulative impacts.

Building on increasing global political momentum in favour of the protection of oceans, **three major ocean governance processes** have been initiated under the umbrella of the United Nations. First, the development of an international legally binding agreement under the United Convention of the Law of the Sea (UNCLOS) for the **conservation and sustainable use of marine biodiversity in areas beyond national jurisdiction (BBNJ)** is being negotiated. Second, under the Convention on Biological Diversity (CBD), **Aichi Biodiversity Targets** (currently updated in the context of the Post 2020 Global Biodiversity Framework) were established in an effort to reduce pressures on terrestrial and marine biodiversity, promote its sustainable use and safeguard ecosystem functions. **Sustainable Development Goal 14 (SDG 14) to “Conserve and sustainably use the oceans, seas and marine resources for sustainable development”** as well as other ocean related SDGs aim to holistically address current global challenges to sustainability, including specific challenges facing the oceans and their ecosystems. These three processes, developed under different political processes and reflecting different aspects of ocean environmental challenges, all aim to strengthen ocean governance, increase international cooperation and contribute to ocean conservation.


Other important processes and relevant initiatives should be taken into consideration during the discussion, including **climate negotiations** under the United Nations Framework Convention on Climate Change (UNFCCC), work to develop a regulatory framework for the possible exploitation of marine mineral resources in the Area under the auspices of the **International Seabed Authority (ISA)**, as well as relevant initiatives such as the **European Commission’s Green Deal** proposal and new types of partnerships between policy-making, the private sector or civil society. Likewise, emerging topics and challenges such as the blue economy or possible future ocean geoengineering will be considered.

The Thematic Working Group 1 (TWG1) **“Improving the international ocean governance framework”** will focus on key opportunities for change and develop short-term and mid-term recommendations for action to strengthen international ocean governance further. Preliminary issues to be possibly considered by TWG1 include:

▶ **Addressing gaps in the international ocean governance framework** → TWG1 will discuss how to identify pathways towards a robust and comprehensive institutional and policy framework within and across scales – from the local to the global and across different jurisdictional zones established by UNCLOS. Institutional and policy gaps, e.g. with regard to the conservation and sustainable use of marine biological diversity in areas beyond national jurisdiction or multi-level action against pollution will be addressed with a view to strengthening policies, regulations and institutions across sectors and governance scales. TWG1 will also explore emerging regulatory aspects of the blue economy and possible future ocean-based activities such as ocean geo-engineering and deep sea mining in regard to opportunities or challenges that might arise when considering the existing ocean governance framework.

▶ **Ocean governance in a fast changing climate** → In view of the IPCC report on oceans and climate and the recognition of the importance of the oceans for the first time by the parties at UNFCCC COP 25, it should be discussed how the EU could best tackle ocean-based mitigation and adaptation actions in the existing International Ocean Governance framework. How could the EU further support regional (e.g. Regional Fisheries Management Organisations (RFMOs) and Regional Sea Conventions (RSCs)) and global organisations with mandates on conservation and sustainable use of oceans and seas to address climate change will be discussed. The recent IPBES report and the need for biodiversity conservation and restoration for climate resilience and nature based solutions will be considered in this context.

▶ **Coordination and cooperation to strengthen the ocean governance frameworks** → The transboundary nature of marine ecosystems requires holistic and cross-sectoral ocean management and TWG 1 will consider possible approaches for more effective and co-



ordinated collaboration between different sectors and across governance levels. With the aim to bridge current divides, strengthen overall policy coherence, and promote the development of complementary action for marine conservation and sustainable management of human activities, TWG 1 will discuss and identify potentially successful mechanisms and arrangements for improved ocean governance such as the creation of bilateral partnerships, regional ocean governance strategies, coherent and targeted capacity-development, as well as improved North-South and South-South cooperation.

► **Ocean knowledge systems** → There is a need to stimulate the development and implementation of new mechanisms at the science-policy interface for collecting, sharing and using essential data and ocean knowledge. How to strengthen the knowledge chain from research and data collection to informed decision making based on best available knowledge? How to use efficiently the best available knowledge to support and strengthen the international ocean governance frameworks.

► **Identify and promote critical enablers for action** → Effective ocean governance depends on various factors, including individual and collective capacities, informal and institutional cooperation frameworks, ocean literacy, political will, and adequate funding sources to spur stakeholder engagement, facilitate common and comprehensive governance strategies, and support coordinated and informed action. Identifying and further developing these critical enablers for successful action within international ocean governance should also be considered.

### How will TWG1 operate?

Members of the TWG are selected on the basis of their expertise and are invited to participate in their personal capacity (i.e. not as representative of institutions or stakeholder groups, Chatham-house rules will apply during the discussions). TWG1 members will be invited to participate in 1-2 working group meetings per year, including the first IOG Forum in Brussels, 22-24 April 2020. Additional exchanges that might be required will be organized through web conference meetings to reduce the burden of travel.

TWG1 will produce a report on options for strengthening the international ocean governance framework that will be presented and discussed at a forthcoming IOG Forum. This report will identify key challenges to be addressed, identify possible solutions as well as conditions for their effective implementation, and put forward options for the EU how to best support global efforts. The recommendations will inform the further development of the EU's IOG Agenda. TWG1 members will provide their expertise and contribute to written outputs of the TWG, including through short written contributions, comments and reviews, linking to and ensuring consistency with TWG2 and 3. The final responsibility for drafting the reports and discussion papers lies with the TWG1 Secretariat.

Whilst TWG1 will focus on the issues outlines above and/or other issues to be agreed by the TWG, it will also address transversal issues in close cooperation with the other TWGs, in particular dealing with the implementation of the 2030 Agenda, including partnerships and (cross-sectoral) cooperation; capacity building, drivers to accelerate action; innovative financing; and building an effective knowledge base to support decision ■



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 <https://webgate.ec.europa.eu/maritimeforum/en/frontpage/1469>