



Area Based Management  
Tools in Marine Areas Beyond  
National Jurisdiction:

TIME TO BE **BOLD**,  
**VISIONARY** AND  
**PRAGMATIC** FOR THE  
BENEFIT OF HUMANKIND  
AND THE OCEAN

Key messages of the IUCN workshop  
on "Area Based Management  
Tools in Areas Beyond National  
Jurisdiction" (7 & 8 December 2021)



Ministry of Infrastructure  
and Water Management  
of the Netherlands



Government Offices of Sweden  
Ministry of the Environment and Energy

## Bold

Adopt ambitious goals and objectives focused on securing ocean health, productivity and resilience for the benefit of humankind and the ocean.

## Visionary

Manage the global ocean as a shared commons based on principles of equity, informed decision-making, shared responsibility, and accountability.

## Pragmatic

Adopt systematic, strategic and collaborative processes to identify common interests and avoid competition while building nimble institutions ready to manage the challenges of a rapidly changing ocean.

The upcoming IGC4 is a critical opportunity to consolidate progress made since the last in-person IGC in August 2019 but negotiators are tasked with finding a delicate balance: reaching an ambitious agreement that empowers the Conference of Parties and protects marine biodiversity while also accommodating and respecting the rights and interests of all States. Concerns that a BBNJ Agreement could undermine existing instruments and bodies should be reframed as a way to strengthen existing organizations through enhanced cooperation and collaboration for the benefit of present and future generations of humankind and the ocean. For this purpose, negotiators should feel empowered to be BOLD, VISIONARY as well as PRAGMATIC. Suggestions from a December 2021 IUCN-convened workshop follow.

### BOLD Message 1

#### Urgency to finalize in 2022

Considering the urgent need to rebuild global ocean health, productivity and resilience and safeguard marine life in areas beyond national jurisdiction (ABNJ), it is crucial that all States and other stakeholders cooperate to conclude an ambitious BBNJ Agreement as soon as possible. Should IGC4 not be able to adopt the final text, any subsequent IGC session should take place in 2022.

### VISIONARY Message 2

#### Equity is an enabling condition for unlocking benefits for humankind and the ocean beyond borders

The Global Ocean is a “commons” whose health is a shared interest of all humanity. If the international community is to act collectively to safeguard marine biodiversity, all States require the capacity to study, manage, protect, and benefit from marine biodiversity in ABNJ. However, inequality is a pervasive concern including with regards to data, information, technology, resources as well as capacity for marine scientific research and management. Capacity, technology, skills and information transfer and data sharing supported by sustained and adequate funding are urgently needed to address knowledge inequities and gaps.

### PRAGMATIC Message 3

#### Time for climate smart management

Climate smart measures are needed now to stem cumulative effects, build resilience, protect climate refugia and accommodate the redistribution of species and ecosystems over time. The management of the ocean should thus be based on the best climate science and reflect that all parts of the ocean are interconnected. In addition to MPAs, the BBNJ Agreement could enable the evolution of innovative ABMTs like dynamic closures and migratory corridors, based on systematic assessments, cross-sectoral spatial planning, monitoring and adaptive management to respond to monitoring results.

### BOLD Message 4

#### Breaking silos and fostering engagement

To foster cross-sectoral engagement, the BBNJ Agreement can play an essential role by facilitating integrated planning and management. The BBNJ agreement can for example, provide the missing platform to convene relevant stakeholders in an inclusive and transparent manner, and channel collective ambition. It will complement the mandates of the existing organizations by delivering the transformative change we need to safeguard ocean life amidst a rapidly changing climate.

### VISIONARY Message 5

#### Need for systematic approaches

Systematic approaches will be essential in the design and effectiveness of climate-smart, representative and connected networks of MPAs and other ABMTs. Coupling a socio-economic assessment with an ecosystem diagnostic assessment can better link natural systems with human activities. At the same time, good management requires good information and shared datasets. For this purpose, obligations to exchange data via the future clearinghouse mechanism in the BBNJ Agreement will be key.

### PRAGMATIC Message 6

#### Mechanisms to facilitate a proposal

Expertly facilitated multi-stakeholder deliberations will be needed to address differing interests, build knowledge and trust, encourage early collaboration to enable access to and exchange of data, and encourage as well as build support for buy-in to conservation measures. States may wish to consider establishing or designating a lead institution/s with dedicated funding and specially trained facilitators to help coordinate work with stakeholders, including coastal States, other States, sectoral bodies, industry, scientists and other experts, Indigenous Communities, and civil society.

### BOLD Message 7

#### Powers of the COP

To enable timely action, the COP will need a clear mandate to adopt measures even where there are other bodies, as these other bodies may be slow, reluctant, blocked by one or two States parties, and/or apply different definitions of precaution and “sustainability”. While consensus-based decision-making approach is the optimal objective, a pragmatic mechanism for majority-voting procedure is needed to ensure timely progress.

### BOLD, VISIONARY AND PRAGMATIC Message 8

#### Effective financial support is the linchpin of progress

Funds will be needed at multiple stages of ABMT proposals: to acquire scientific and indigenous and local knowledge, collect relevant commercial data, convene stakeholders, and support consultative processes. Cost-benefit assessments, while useful for some purposes, are still poor at including the costs of no-action (biodiversity loss, fishing opportunities loss, etc.). A robust financial mechanism for ABMT proposals will be vital to maintain momentum and ambition throughout the proposal process and later implementation.

## Possible ABMTs in ABNJ real case studies

### The Thermal Dome<sup>1</sup>

Given its unique biodiversity features and strategic location, the Thermal Dome off the Pacific Coast of Central America (also referenced as the Costa Rica Thermal Dome or Costa Rica Dome) attracts great interest from the fisheries, shipping, and conservation communities. It is a highly productive area supporting important yellowfin tuna fisheries. Four to six percent of the global maritime traffic overlaps with an area of high cetacean density.

The Thermal Dome poses particular problems to manage and conserve as it is a complex area that shifts in space over the seasons as well as straddles multiple countries' exclusive economic zones (EEZs) as well as ABNJ. Furthermore, countries in the region have limited research capacity and limited access to data from ocean users that could be used to improve management of the area. At the regional level a form of inter-institutional cooperation exists but needs to be strengthened to include all relevant actors and institutions.

In complex transboundary regions such as the Thermal Dome, a flexible and accessible financial mechanism is needed to support regional consultations and multi-stakeholder deliberations well before a proposal is submitted and regularly throughout the process. As many national governments have limited capacity, advancing from a pre-proposal to implementation will require putting in place the financial means, advanced technologies, and strategic partnerships to pool resources for e.g. monitoring, control and surveillance. The BBNJ Agreement will be an important vehicle for supporting not only national implementation but also cross-sectoral coordination, cooperation and compliance. Similarly, technical support will be needed to facilitate access to scientific information and evidence regarding the ecological status and impacts of economic activities on the concerned ecosystems.

### The Sargasso Sea

The Sargasso Sea in the Western Central Atlantic has seen substantial increases in fishing activities in the past three years. No non-tuna regional fishery management body is in place in the region, although tuna and tuna-like species are managed by the International Commission for the Conservation of Atlantic Tunas (ICCAT). Perhaps due to increased capacity in the Panama Canal, there has been a significant increase of commercial vessels through the Sargasso Sea in the past decade. Future plans for seabed mining are an increasing concern due to the potential for currents to carry sediment plumes from the Mid-Atlantic Ridge (where three exploration sites already exist) into the Sargasso Sea.

The Sargasso Sea Commission, in cooperation with ten governmental Signatories to the Hamilton Declaration, is in a position to support and promote marine scientific research and to attend various international meetings as observers, but currently lacks any form of management mandate.

A more strategic planning process will help the Sargasso Sea Commission identify gaps in knowledge, management and governance relevant to future ABMTs. The upcoming GEF and FFEM projects are designed to provide the financing to convene stakeholders to orchestrate the planning effort, which is currently lacking in the Sargasso Sea, as in all other high seas areas.

The BBNJ Agreement could help by providing a mandate and capacity for an overarching convening organization, by supporting a common vision and shared commitments, strengthening the communication between existing organizations, and keeping such planning efforts under review.

<sup>1</sup> This document adopts the terminology “Thermal Dome” to refer to an oceanic feature caused by the interaction between wind and ocean current systems in the eastern tropical Pacific that has high biological productivity and that oceanographers refer to as the “Costa Rica Dome”.



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