

Fishing In The Arctic: Round 2?



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— Est. 1884 —
NEWPORT, RHODE ISLAND

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BBNJ: What Are We Talking About?

- Human Activity
- Areas Beyond National Jurisdiction
- Affecting Marine Biodiversity



Marine Biodiversity

- Not defined in UNCLOS
- Biodiversity is defined in the CBD as "Biological resources" includes genetic resources, organisms or parts thereof, populations, or any other biotic component of ecosystems with actual or potential use or value for humanity.
- **THIS IS THE KEY : MARINE ECOSYSTEMS ARE INTERCONNECTED**



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Examples of Interconnectivity



40 Years of Piracy Data

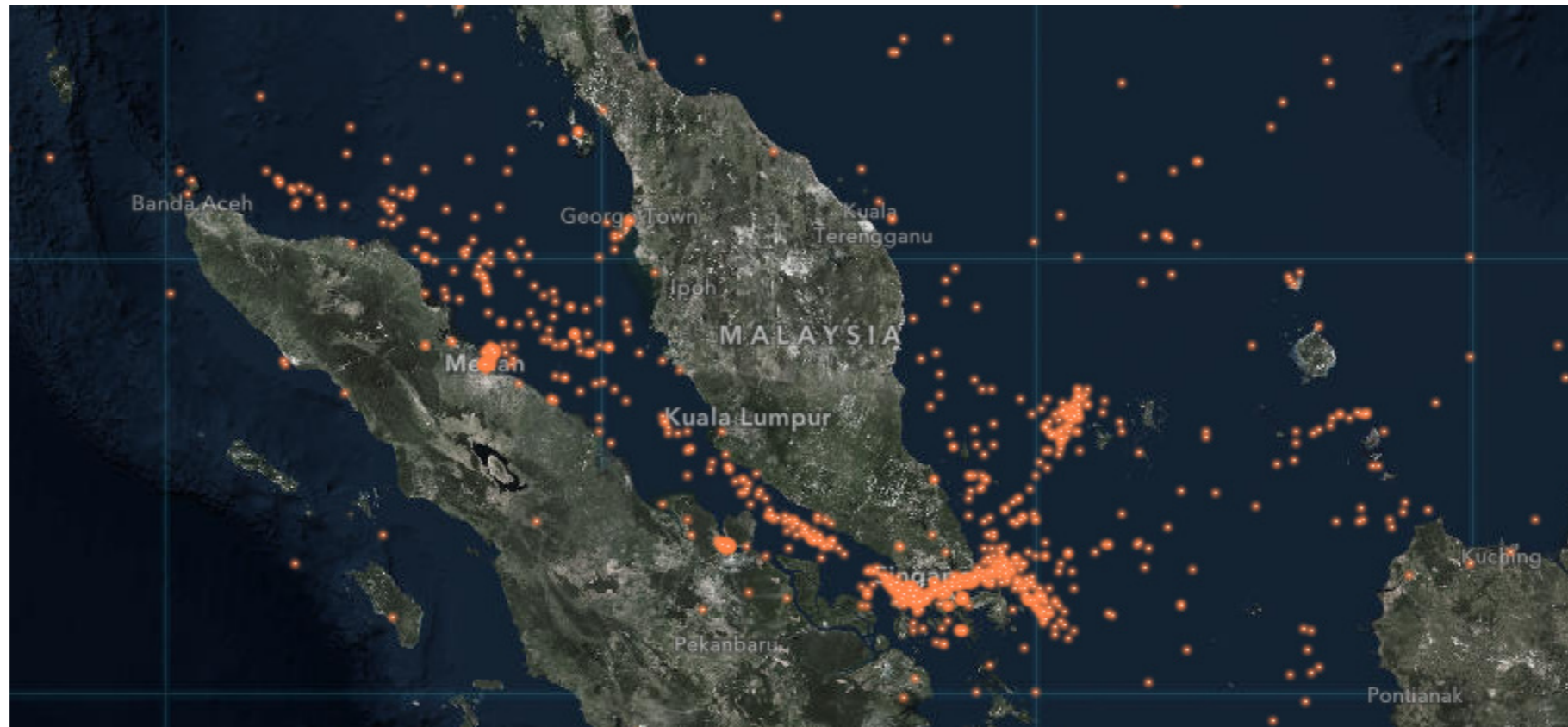
<https://www.visualcapitalist.com/map-visualizing-40-years-of-nautical-piracy/>

Data Source: National Geospatial-Intelligence Agency



Examples of Interconnectivity

- **Strait of Malacca:**
- A key chokepoint that sits between Malaysia and Indonesia, the Strait of Malacca is as narrow as 25 miles wide while also seeing a quarter of the world's traded goods shipped through it every year. As a result, the strait and surrounding area are a frequent target for modern piracy.





Somalia

“BETWEEN 2008 and 2011, the waters off the coast of Somalia were the most treacherous shipping lanes in the world. More than **700 attacks** on vessels took place in this period. **In early 2011, 758 seafarers were being held hostage by pirates.** Hijackings cost the shipping industry and governments as much as **\$7bn in 2012.** But then, quite suddenly, the banditry stopped.” The Economist, Apr. 2017





UNITED NATIONS CONFERENCE ON TRADE AND DEVELOPMENT
PIRACY PART II: AN OVERVIEW OF THE INTERNATIONAL LEGAL FRAMEWORK AND
OF MULTILATERAL COOPERATION TO COMBAT PIRACY

Studies in Transport Law and Policy – 2014 No.2 (2014)

“[M]aritime piracy has developed from a localized maritime transport concern to a **cross-sectoral global challenge with humanitarian and security implications and with a range of important repercussions for the development prospects of affected regional economies as well as for global trade.** ...Addressing this challenge in an effective manner requires strong cooperation at the **political, economic, legal, diplomatic and military levels**, as well as collaboration between diverse public and private sector stakeholders across regions.”

You could replace “Piracy” with “Marine Biodiversity”...



2017 Central Arctic Ocean Fishing Agreement

- 9 nations agreed to a moratorium on fishing in the Central Arctic Ocean for 16 year to allow time for scientists to study the fish and fish habitat in the region and their suitability for commercial fishing.



The Central Arctic Ocean





BBNJ and the Marine Environment

- ABNJ ecosystems, which cover approximately half the earth's surface, are being negatively affected by pollution, overfishing, expanded shipping, marine mining, energy development etc. – exacerbated by climate change.
- UNCLOS only provides very broad obligations to protect the marine environment and its living resources in ABNJ.
- Mandate of BBNJ negotiation: MGR, ABMT, EIA, Capacity Building
- Outstanding issue (among many): The role of fisheries and RFMOs in MPA designation. Certainly new treaty will have a big impact on marine governance regardless.



BBNJ and Arctic

- Appr. 20% of the Arctic Ocean is beyond national jurisdiction - a very special ocean encircled by 5 coastal states
- Competing commercial and conservation interests
- Arctic is not a specific subject of BBNJ negotiation.
- Within the international community, there is strong interest in providing greater protection for Arctic Ocean ecosystems.

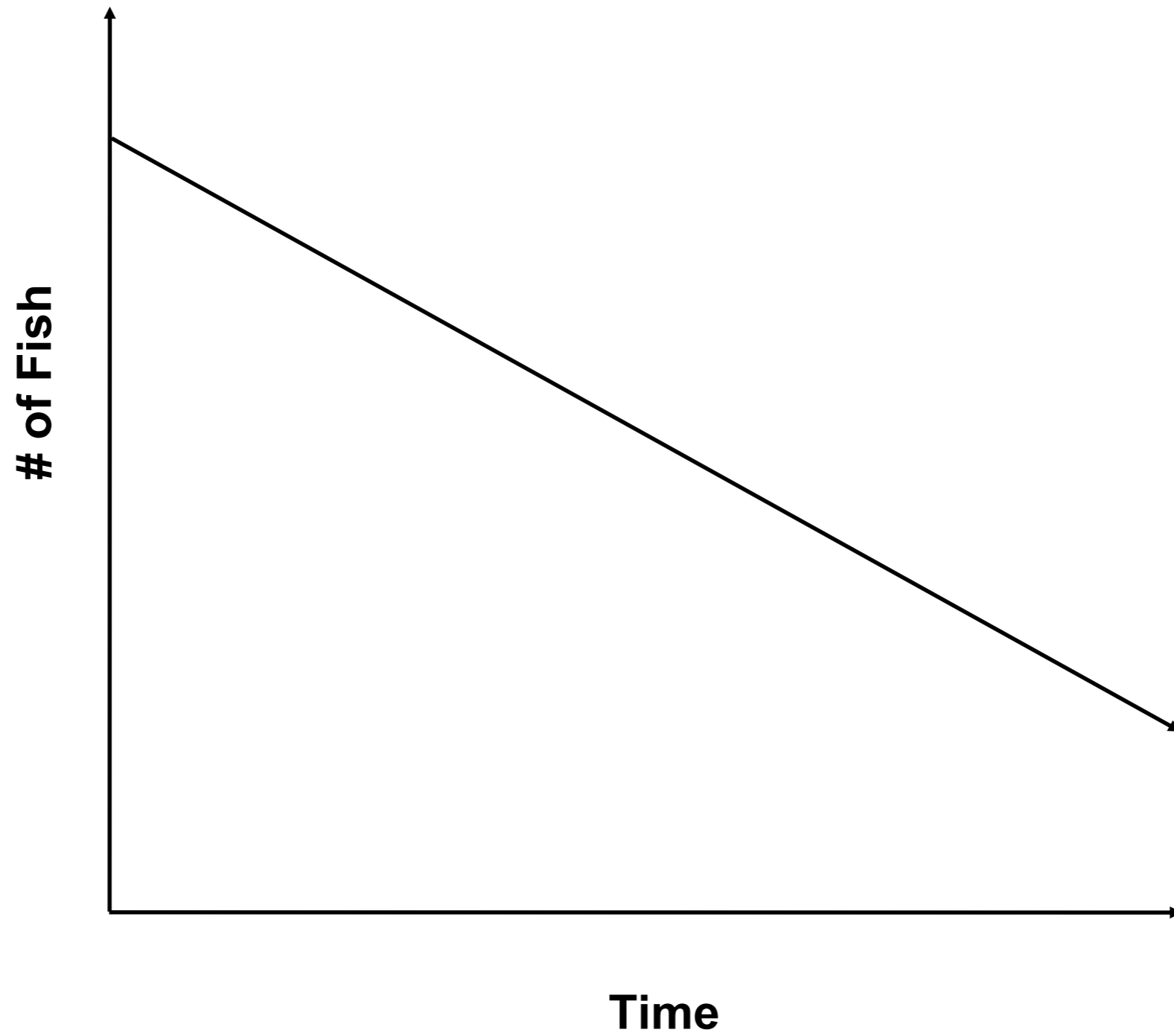


Arctic Governance

- Illulissat Declaration, 2008. Arctic 5: U.S., Canada, Russia, Norway, and Denmark - Coastal States have the ‘stewardship’ over the AO. Existing regime under LOSC complemented by Arctic regional cooperation provides sufficient governance – no need for new regimes.
- Arctic Council - A high level intergovernmental forum to provide a means for promoting cooperation, coordination and interaction among the Arctic States, with the involvement of the Arctic Indigenous communities and other Arctic inhabitants. Eight permanent member plus states with observer status.
- Legally binding agreement on oil spill preparedness and response, 2013.
- The Polar Code, 2015 (IMO)
- If BBNJ instrument is adopted, MPA’s for the Arctic in the future?

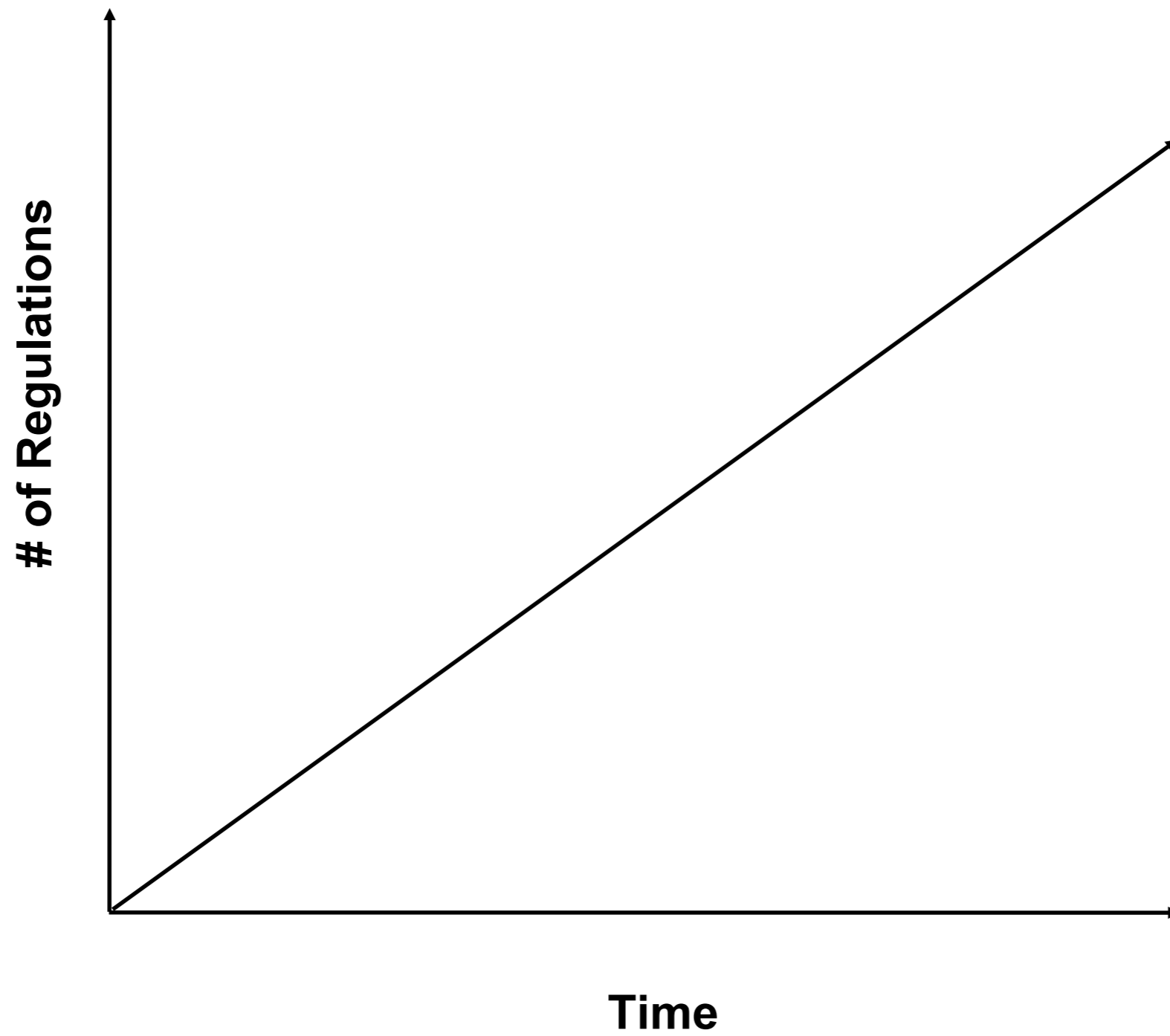


Current State of Affairs in the World





World's Response: More and More Oversight and Regulation





So...?

