

2022-06-30

## Save our Ocean, Protect our Future

Inter active Dialogue 7. 2022 United Nations Ocean Conference Interactive Dialogue 7:  
Enhancing the conservation and sustainable use of oceans and their resources by  
implementing international law, as reflected in the United Nations Convention on the  
Law of the Sea

Goal 14. Conserve and sustainably use the oceans, seas and marine resources for  
sustainable development.

Target 14.c Enhance the conservation and sustainable use of oceans and their  
resources by implementing international law as reflected in UNCLOS, which  
provides the legal framework for the conservation and sustainable use of  
oceans and their resources, as recalled in paragraph 158 of “the future we  
want”.

Thank you etc. Moderator Professor Alexander Tudhope

- I participate in this interactive dialogue/panel in my dual role as the Director General of the Swedish Agency for Marine and Water Management and in my role as the Chair of the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) for a two- year period 2019 – 2022.
- Let me frame my intervention as a lead discussant around three key topics:
  1. The evolution of international law and potential gaps in it demands sustained investment in developing the global ocean management framework.
  2. Regional collaborative mechanisms and global legal regime building processes complement each other.
  3. The importance of tools that enhance the quality of cooperation such as marine spatial planning (MSP) unlock both conservation and blue economy opportunities.

**1. First of all, as we have heard, there is an ongoing very positive evolution of international law as it refers to ocean governance and in particular as it relates to Areas Beyond National Jurisdiction (ABNJ), but there are many gaps.**

- Norms are being established at the global level and awareness of the state of our oceans are growing.
- A robust legal regime that is implemented in accordance with its provisions establishes clear rules of the game where one knows what to expect and can act accordingly.
  - This is valid in a national context as well as in public international law governing the high seas. On the other hand, an unclear legal situation creates uncertainty.
- As we have heard, gaps in governance and regulatory frameworks are being filled for example through the ongoing negotiations:
  - on a legally binding instrument under UNCLOS on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction, and
  - the International sea bed authority mining code relating to rules and regulations on how to exploit seabed mineral resources in the area.
- At the same time it is obvious that the current governance system is fragmented and that we as a global community continue to address ocean challenges and opportunities in silos.
- An example is compliance and enforcement of international law in areas beyond national jurisdiction.
  - This is clear for example in relation to ongoing Illegal, Unreported and Undocumented fishing (IUU) in spite of the work of Regional Fishing Management Organisations.
- However, opportunities to use modern technology for monitoring and surveillance is increasing rapidly and can support detecting illegal practises in the ocean space.
- It is evident that more knowledge through marine scientific research and awareness about the oceans and particular the ABNJ is critical in order to establish and agree on new regulatory measures and also to implement those accordingly once they are in place.
  - This need is clearly spelled out in the UN Ocean decade of science for sustainable development.
- In conclusion, a sustained investment in continuing building the global governance architecture for ocean management is therefore critical.

## 2. Secondly, regional collaborative mechanisms and governance regimes complement the important norm building and global legal regime building process

- Regional collaborative mechanisms are critical to ensure trust, ownership and financing of joint research, sharing of knowledge, marine protection and investment for the blue economy in many regions of the world.
- Regional collaboration can work fast in terms of regional rules and be action oriented in terms of agreeing on common measures, compliance and financing.
- An example is the Antarctic Treaty System, that has been developed since 1959. A key component of the system is the Convention for the Conservation of Marine Living resources (CAMLR) that was established in 1982.
- The overall objective of the Antarctic Treaty is to ensure that Antarctica shall be used exclusively for peaceful purposes, freedom of scientific investigation and protection of the environment.
- The CAMLR regional regime within the Antarctic Treaty System has the objective of conservation of marine living resources which also includes rational use.
- For over 40 years CCAMLR has developed an ecosystem based approach to management of the Southern Ocean based on consensus driven management decisions covering about 6.1 percent of the global ocean i.e. south the 60 degree latitude.
  - Some of the conservation measures in force regulate fishing in time and space; fisheries control at sea with observers and cameras, scientific work to underpin management decisions, and catch documentation schemes as a basis for legal import and export of Toothfish.
- Spatial management approaches include the establishment of two marine protected areas (South Orkney Island and Southern Shelf MPA and the Ross sea region MPA).
  - they cover a marine space of about 6% of the convention area.
  - three more MPAS are proposed (Weddel Sea MPA, East Antarctic MPA and Antarctic Peninsula MPA). If established they would in total cover an area about 1,5% of the world ocean and 15% of the convention area.
- This example demonstrates that regional governance regimes in the ABNJ can work over time and be built on best available science towards management decisions in consensus.
- **Further**, in areas within national jurisdiction the coupling of marine regional conservation and development with mainstream Regional Economic Community policy could be a way forward to save our oceans and protect our future.
  - An example is EU policy that integrates its new approach to the blue economy with the European Green Deal and the Recovery Plan for Europe.
  - the blue economy will contribute to climate change mitigation by eg. developing offshore renewable energy at scale and decarbonizing maritime transport.
  - it will make the economy more circular by establishing standards for blue economic activities such as for fishing gear design and for ship recycling.
  - It will help developing blue and green infrastructure in coastal areas that enhance biodiversity and benefit local economies.
- In conclusion, global and regional governance frameworks can therefore exist in conjunction. It is critical to ensure that governance frameworks such as the Antarctic Treaty System, with CAMLR are maintained and fully functional. Learning from the different approaches to governance should be enhanced.

**3. Finally, tools that enhance the quality of cooperation on public goods are critical at the regional seas level. A process that enhance participation and involve many stakeholders is marine spatial planning (MSP). It takes into consideration both conservation, sustainable use and international law when building the investment framework for the blue economy.**

- a. Global lessons learned are found for example in the EU and is well documented in the “MSP global International Guide on Marine/Maritime Spatial Planning” developed by the Intergovernmental Oceanographic Commission (IOC) of UNESCO, the European Commission (Directorate-General for Maritime Affairs and Fisheries (DG MARE)) and its members states.
- b. Marine Spatial Planning should not in any way prevent the freedoms of the high seas (see art 87 in UNCLOS). It is a process designed to understand different use case investment scenarios and their impacts on the marine environment and guide use at the scale chosen.
- c. MSP processes are ideal for regional frameworks considering that they cover all aspects of sustainable blue development, protection and restoration of ecosystem services by applying an ecosystem based management practise.
- d. Non-state actors can effectively participate in the MSP process and contribute with information and development scenarios.
- e. An MSP process can include the use of Marine Protective Areas (MPA) in the planning work as a key management tool. MPAs are thereby set into a wider context of sustainable use of the marine space.
- f. In conclusion, MSP can be one way of bringing along more countries in a sustainable planning model by considering many aspects and interests of conservation and use.

**Let me repeat my three observations:**

1. The evolution of international law and potential gaps in it demands sustained investment in developing the global ocean management framework.
2. Regional collaborative mechanisms and global legal regime building processes complement each other.
3. The importance of tools that enhance the quality of cooperation such as marine spatial planning (MSP) unlock both conservation and blue economy opportunities.

Extra on developing capacity

- Enhance the ability of flag states, coastal states and port states to implement their existing rights and obligations under UNCLOS and other relevant international instruments, with a particular focus on protection of the marine environment and conservation of all living marine resources and biodiversity in ABNJ.
- Enabling a shared information system, based on trustworthy, science-based data, from all parts of the world's ocean, is well in line with the goals of the UN Decade of Ocean Science for Sustainable Development.

*Ccamlr: extraordinary meeting of the Commission on Spatial planning and Marine Protected Areas)  
Agree on a new Krill management plan, fishing in area 48.3*