

Workshop on Governance of Marine Areas Beyond National Jurisdiction: Management Issues and Policy Options

November 3-5, 2008, Singapore Botanic Gardens, Singapore

Organized by the Global Forum on Oceans, Coasts, and Islands, the National Parks Board, Singapore, and the University of Delaware Gerard J. Mangone Center for Marine Policy, with funding support from the Nippon Foundation, Japan, and the Global Environment Facility

Background

The Global Forum on Oceans, Coasts, and Islands has, since 2001, brought together ocean leaders from governments, UN agencies, NGOs, the private sector, and science groups from 105 countries to advance the global oceans agenda, particularly the implementation of the ocean targets from the World Summit on Sustainable Development and addressing new challenges such as climate change and governance of marine areas beyond national jurisdiction. Since 2005, the Global Forum has been engaged in an informal process to bring together major relevant interests to facilitate open and constructive multi-stakeholder policy dialogue to inform and support the formal processes that have been or may be established by the United Nations General Assembly regarding governance of marine areas beyond national jurisdiction. The general intent is to work to clarify the issues, lay out various perspectives, discuss options, and identify possible avenues for consensus-building among disparate interests.

The question of governance of the 64% of the oceans that lies beyond national jurisdiction looms as a major issue that countries will need to address and negotiate over in the next decade. While there has been substantial progress in recent years in achieving integrated oceans governance in areas under national jurisdiction and in regional seas areas, governance of areas beyond national jurisdiction at present remains largely sectorally-based and fragmented. Thus, it is difficult to address inter-connected issues (such as fishing issues; extraction of genetic resources; maritime transportation; pollution; offshore oil and gas development; marine scientific research; climate change; carbon sequestration and storage) through an integrated and ecosystem-based approach. There are, moreover, significant differences of opinion among developed and developing countries, industries, and environmental interests, on what, if anything, needs to be done to improve governance of these important ocean areas.

This Workshop is part of a series of workshops, policy analyses, and multistakeholder dialogues being carried out under the Project *Governing the Oceans Beyond National Jurisdiction: Multistakeholder Policy Analyses and Policy Dialogues for Improved Ocean Governance*,



supported by the Nippon Foundation, Japan, and carried out at the University of Delaware Gerard J. Mangone Center for Marine Policy, which included two past workshops:

- *Strategic Planning Workshop on Global Oceans Issues in Marine Areas Beyond National Jurisdiction in the Context of Climate Change*, January 23-25, 2008, Nice, France
- *Workshop on Ecosystems and Uses in Marine Areas Beyond National Jurisdiction*, held on April 5, 2008 as part of the Fourth Global Conference on Oceans, Coasts, and Islands: Advancing Ecosystem Management and Integrated Coastal and Ocean Management by 2010 in the Context of Climate Change held in Hanoi, Vietnam, April 7-11, 2008

A report on these two workshops was submitted to the Second Meeting of the UN Ad Hoc Open-ended Informal Working Group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction held in New York on April 28-May 2, 2008 and is available at

<http://www.globaloceans.org/globalconferences/2008/pdf/GlobalForumSubmission-2ndAdHocWGMeeting-April2008-red.pdf>

The Singapore Workshop builds on the two workshops noted above and continuing work carried out by the Global Forum's *Expert Working Group on Governance of Marine Areas Beyond National Jurisdiction*, which includes 72 experts from both developed and developing countries and from a broad range of sectors including national governments, academia, UN agencies, intergovernmental organizations, nongovernmental organizations, and industry and is co-chaired by Salvatore Arico, UNESCO, and Sivu Maqungo, Permanent Mission of South Africa to the United Nations.

Objectives of the Singapore Workshop

The workshop will provide expert and multi-stakeholder perspectives on addressing important issues related to the governance of marine areas beyond national jurisdiction, specifically:

1. Assess each of the major management options for improved governance of marine areas beyond national jurisdiction (ranging along a continuum of enhancing institutional capacity for ecosystem-based management), building on the outcomes of the Nice Workshop and of the Hanoi Conference;
2. Address the following focal areas in the management of marine genetic resources: Identifying opportunities--enhancing understanding of values and processes, issues related to intellectual property, options for access and benefit sharing, and governance gaps, taking into account the outcomes of the 8th meeting of the UN Open-ended Informal Consultative Process on Oceans and the Law of the Sea (ICP-8, June 2007) and the second meeting of the UN Ad Hoc Open-ended Informal Working Group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction (April-May 2008);
3. Discuss priority activities that might be taken to move toward ecosystem-based governance of marine areas beyond national jurisdiction (including the Arctic) that could be considered for support through future Global Environment Facility (GEF) funding; and
4. Identify next steps for the continuation of policy analyses and multistakeholder dialogues following the Singapore workshop.

Workshop Structure

The workshop will be organized into four plenary sessions covering the themes:

- 1) Review of Relevant Recent Developments and Workshops on Governance of Marine Areas Beyond National Jurisdiction;
- 2) Some Policy Options for Moving Toward Ecosystem-Based Management of Marine Areas Beyond National Jurisdiction;
- 3) Management of Marine Genetic Resources: Identifying Opportunities, Options for Benefit Sharing, and Governance Gaps; and
- 4) Funding Considerations in Moving Toward Ecosystem-Based Management of Marine Areas Beyond National Jurisdiction: Possible Approaches and Possible Role for the Global Environment Facility.

Each plenary session will feature key presentations and initial discussion. Parallel discussion sessions will follow each plenary session.

Expected Outputs/Workshop Products

Analytical Papers

Co-Chairs' Summary Report

Input to discussions on governance of marine areas beyond national jurisdiction by the UN General Assembly

Input to the Global Environment Facility (GEF) Replenishment Process

Workshop Co-Chairs

Biliana Cicin-Sain, Global Forum on Oceans, Coasts, and Islands

David Freestone, World Bank

Ambassador Mary Seet-Cheng, Ministry of Foreign Affairs, Singapore

Eden Charles, Permanent Mission of Trinidad and Tobago to the United Nations

Salvatore Arico, UNESCO, Co-Chair of the Working Group

Workshop Agenda

NOVEMBER 2, SUNDAY: ARRIVAL

4:30 – 6:00 PM: Official Field Visits to Labrador Nature Reserve

This field visit will introduce Workshop participants to examples of Singapore's efforts to balance the imperatives of economic development and the need to conserve indigenous biodiversity and preserve the environment.

6:00 – 9:00 PM: Welcome Dinner, The Olive Ristorante at Labrador Park

Sponsored by the National Parks Board, Singapore

Welcome Remarks, Dr. Leong Chee Chiew, Chief Operating Officer, National Parks Board, Singapore

Nigel Goh, National Parks Board, Singapore, Emcee

DAY 1, NOVEMBER 3, MONDAY

9:00-10:00 AM Opening Session

Co-Chairs' Opening Remarks

Welcome Remarks by Ambassador Mary Seet-Cheng

Opening Keynote Address: Ambassador Tommy Koh, Ambassador-At-Large, Ministry of Foreign Affairs, and Chairman of the Institute of Policy Studies, Singapore (President of the Third UN Conference on the Law of the Sea, 1980-1982, and Chairman of the Preparatory Committee and the Main Committee of the UN Conference on Environment and Development, 1990-1992)

Introduction of Participants

Workshop Overview

10:00-10:15 AM Coffee Break

Group Photo Shoot

10:15-11:15 AM Session 1. *Review of Relevant Recent Developments and Workshops on Governance of Marine Areas Beyond National Jurisdiction*

This session will provide an update on recent developments and outlook in the governance of marine areas beyond national jurisdiction

Speakers:

Discussion of Outcomes from:

1. IUCN Workshop on High Seas Governance for the 21st Century, October 17 -19, 2007, New York, *Kristina Gjerde, IUCN*
2. Strategic Planning Workshop on Global Oceans Issues in Marine Areas Beyond National Jurisdiction in the Context of Climate Change, January 23-25, 2008, Nice, France, *Biliana Cicin-Sain, Global Forum on Oceans, Coasts, and Islands*
3. International Seminar on Towards a New Governance of High Seas Biodiversity, March 20-21, 2008, Monaco, *Lucien Chabason, IDDRI*
4. Workshop on Ecosystems and Uses in Marine Areas Beyond National Jurisdiction, April 5, 2008, Hanoi, Vietnam, *Salvatore Arico, UNESCO*
5. Second Meeting of the UN Ad Hoc Open-Ended Informal Working Group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction, April 28-May 2, 2008, New York, *Charlotte Salpin, UN DOALOS*
6. International conference on marine affairs and the Law of the Sea, Fridtjof Nansen Institute, Oslo, 21-23 August 2008, *Salvatore Arico, UNESCO*
7. IUCN World Conservation Congress, October 5-14, 2008, Barcelona, *David Freestone, World Bank*
8. UN General Assembly discussions, Fall 2008, *Chris Tompkins, UK*
9. Perspectives from the French Presidency of the European Union, *Christophe Lefebvre, French Marine Protected Areas Agency*
10. Plans for 2012 Marine Targets: European Marine Strategy and Issues in High Seas, Brest, France, December 9-11, 2008, *Olivier Musard, French Marine Protected Areas Agency*
11. Plans for an Intergovernmental Platform on Biodiversity and Ecosystem Services, *Lucien Chabason, IDDRI*

11:30 AM-12:30 PM Discussion Session 1

12:30-2:00 PM Lunch

2:00-4:00 PM Session 2. *Some Policy Options for Moving Toward Ecosystem-Based Management of Marine Areas Beyond National Jurisdiction*

This session will:

--Consider the development of a common set of criteria for assessing the management options, including projected effectiveness, costs and benefits, political and administrative feasibility;

--Consider the examination of the major options including:

- a) Improvements in existing sectoral authorities and processes;*
- b) Achieving cross-sector coordination and initiating area-wide Environmental Impact Assessment; and*
- c) Establishing new management institutions or enhancing existing institutions to govern marine areas beyond national jurisdiction.*

Speakers:

General Perspectives and Criteria for the Assessment of Management Options

Biliana Cicin-Sain, Global Forum on Oceans, Coasts, and Islands

Hiroshi Terashima, Ocean Policy Research Foundation, Japan

Eden Charles, Permanent Mission of Trinidad and Tobago to the United Nations

Improvements in Existing Sectoral Authorities and Processes

Lori Ridgeway, Department of Fisheries and Oceans, Canada

David Freestone, World Bank

Chris Tompkins, Consultant to UNEP/GPA

Joji Morishita, International Affairs Division, Fisheries Agency, Japan

3:00-3:15 PM Coffee Break

Achieving Cross-sector Coordination and/or Initiating Area-wide Environmental Impact Assessment

Kristina Gjerde, IUCN

Duncan Currie, Greenpeace

Marjo Vierros, United Nations University-Institute of Advanced Studies

Vladimir Golitsyn, ITLOS and Moscow State Institute of International Relations, Russian Federation

Nguyen Chu Hoi, Vietnam Administration for Seas and Islands

Establishing New Management Institutions or Enhancing Existing Institutions to Govern Marine Areas Beyond National Jurisdiction

Duncan Currie, Greenpeace

Lucien Chabason, Institut du Développement Durable et des Relations Internationales (IDDRI)

Martijn Peijs, Ministry of Agriculture, Nature, and Food Quality, The Netherlands

4:00-5:30 PM Discussion Session 2

DAY 2, NOVEMBER 4, TUESDAY

9:00-9:30 AM Reflections on and Recap of Day 1

9:30 AM-3:30 PM Session 3. *Management of Marine Genetic Resources: Identifying Opportunities, Intellectual Property Issues, Options for Access and Benefit Sharing, and Governance Gaps*

This session will:

- Build enhanced understanding of values and processes in marine genetic resources and bioprospecting, including socio-economic perspectives and state-of-the-art in marine genetic resources research and bioprospecting*
- Explore issues related to intellectual property*
- Share relevant experiences with access and options for benefit-sharing*
- Address governance gaps and discuss options*

9:45-11:00 AM Session 3a. *Identifying Opportunities, Enhancing Understanding of Values and Processes*

Speakers:

Prof Chou Loke Ming, National University of Singapore
Charlotte Salpin, DOALOS: “Marine Genetic Resources: The Crossroads of the Law of the Sea and Intellectual Property Law”
Maria Rowena Eguia, Aquaculture Department, Southeast Asian Fisheries Development Center (SEAFDEC), Philippines
Marjo Vierros, UNU Institute of Advanced Studies
Salvatore Arico, UNESCO

11:00-11:15 AM Coffee Break

11:15 AM – 12:30 PM Session 3b. *Relevant Experiences with and Options for Access and Benefit-sharing*

Speakers:

Rolph Payet, Seychelles
Ambassador Dr. Hasjim Djalal, Advisor to the Minister of Marine Affairs and Fisheries, Indonesia
Elvi Wijayanti, Agency for Marine and Fisheries Research, Ministry of Marine Affairs and Fisheries
Salvatore Arico, UNESCO
Alvin Sim, Intellectual Property Office of Singapore “Implications of Decisions on Access and Benefit Sharing (ABS) of Genetic Resources to the International Intellectual Property System”

12:30-2:00 PM Lunch Break

2:00-3:30 PM Session 3c. *Addressing Governance Gaps*

Speakers:

Robin Warner, University of Wollongong, Australia
Lyle Glowka, Secretariat, Convention on Biological Diversity
Marjo Vierros, United Nations University-Institute of Advanced Studies

3:30-3:45 PM Coffee Break

3:45-5:30 PM Discussion Session 3 (Breakout discussion groups on: 1) Building enhanced understanding of values and processes; 2) Options for benefit-sharing; and 3) Addressing governance gaps)

DAY 3, NOVEMBER 5, WEDNESDAY

9:00-9:30 AM Reflections on and Recap of Day 2

9:30-10:30 AM Continuation of Discussion Session 3

10:30-10:45 AM Coffee Break

10:45-11:30 AM Continuation of Discussion Session 3

11:30 AM-12:00 PM Presentation and Discussion of Breakout Group Reports

12:00-1:30 PM Lunch Break

1:30-4:00 PM Session 4. *Funding Considerations in Moving Toward Ecosystem-Based Management of Marine Areas Beyond National Jurisdiction: Possible Approaches and Possible Role for the Global Environment Facility*

This session will discuss priority activities on the governance of marine areas beyond national jurisdiction (including the Arctic), with a special focus on the application of the ecosystem-based approach to management/governance of marine areas beyond national jurisdiction that could possibly be supported through future GEF funding.

Overview of the GEF, the Replenishment Process, and the International Waters Portfolio
Al Duda, GEF

3:30-3:45 PM Coffee Break

3:45 PM Session 4, continued
Potential Cases for Experimentation

David Hugh Vousden, Agulhas Current Large Marine Ecosystem Project and Magnus Ngoile,
UNDP

Jean-Francois Pulvenis de Seligny, Food and Agriculture Organization (FAO)

Martijn Peijs, Ministry of Agriculture, Nature, and Food Quality, The Netherlands

4:00-4:30 PM Discussion Session 4

4:30-5:30 PM Closing Session

Co-Chairs' Summary

Closing Address, Dr. Leong Chee Chiew, Chief Operating Officer, National Parks Board,
Singapore

NOVEMBER 6, THURSDAY

Optional Post-Workshop Field Trips to Nature Sites

8:00 AM – 12:00 PM

- Sungei Buloh Wetland Reserve (SBWR)
- HSBC TreeTop Walk at Central Nature Reserve