

## Project information

### Project title

Assessing the implications of a global treaty on marine biodiversity in areas beyond national jurisdiction for ecosystem-based governance in the Arctic Ocean (ARCTIC\_BBNJ II)

### Year

2019

### Project leader

Vito De Lucia

Geographical localization of the research project in decimal degrees (max 5 per project, ex. 70,662°N and 23,707°E)

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### Participants

JCLOS: Vito De Lucia, Ingvild U. Jakobsen and Kristine Dalaker Kraabel

Fridtjof Nansen Institute (FNI): Christian Prip

BFE, UiT – Arctic University of Norway: Raul Primicerio

Institute of Marine Research (IMR): Maria Fossheim, Lis lindal Jørgensen, Ulf Lindstrøm

Administrative responsible for lead institution:

Christin Skjervold. [christin.skjervold@uit.no](mailto:christin.skjervold@uit.no)

**NB: JCLOS has now changed name to Norwegian Centre for the Law of the Sea (NCLOS)**

### Flagship

Ocean Acidification

### Funding Source

Arctic Ocean

### Summary of Results

The project in its first year has managed to accomplish a good deal of the objectives it set for itself. The overall objective of the project is to improve the understanding of the *risks and opportunities* for ecosystem-based marine biodiversity governance in the Arctic Ocean in light of the BBNJ treaty process by adopting a multi- and interdisciplinary approach. Additionally, a number of sub-objectives (SO) were identified in the project description. Of these, the following have been addressed in forthcoming publications that are part of a forthcoming special issue of the journal Marine Policy guest edited by the project leader, Dr. Vito De Lucia. Each publication addresses one or more of the SOs. For example, One of the forthcoming publications (Primicerio et al.)<sup>[1]</sup> addresses “the uncertainties and knowledge gaps related to the governance of the remote, rapidly changing AO LME (SO1). One of the forthcoming publications (De Lucia)<sup>[2]</sup> explores the complexities involved in implementing EBM in ABNJ considering that the AO LME includes both ABNJ and the exclusive economic zones of several Arctic coastal States (SO2). Another (Prip)<sup>[3]</sup> addresses the implications of the potential spatial fragmentation of conservation measures, especially MPAs (SO3) and evaluates the BBNJ treaty negotiations against the current AO governance regimes (SO4). Two of these publications (De Lucia and Prip) also address the question of the tension between individual coastal AO states’ interests and the interests of protecting biodiversity in the AO as a global common (SO5). Some of the forthcoming publications (De Lucia, Balton,<sup>[4]</sup> Kraabel<sup>[5]</sup> and Prip) also explore and map the complexity of existing institutions, bodies and legal instruments potentially involved in the implementation of effective ecosystem approaches to AO governance, and discuss ways and means to reconcile and integrate regional and global approaches to AO biodiversity governance (SO6). Initial discussion of SO7 is also included to varying degrees in some of the publications (De Lucia, Kraabel, Prip).

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<sup>[1]</sup> Raul Primicerio, Eleanor Bors, Laurene Pecuchet, Øystein Varpe, Lis Jørgensen, Lindal, “Conservation and management of Arctic

marine ecosystems”. forthcoming, Marine Policy

[2] V. De Lucia, “The BBNJ Negotiations and Ecosystem Governance in the Arctic”, 2019, Marine Policy

[3] C. Prip, “Arctic Ocean governance in light of an international legally binding instrument on the conservation and sustainable use of marine biodiversity of areas beyond national jurisdiction”, 2019, Marine Policy

[4] D. Balton, “What Will the BBNJ Agreement Mean for the Arctic Fisheries Agreement?”, 2019, Marine Policy

[5] K. Kraabel, “Institutional Arrangements in a BBNJ Treaty: Implications for Arctic Marine Science”, 2020, Marine Policy

#### Published Results/Planned Publications

- Vito De Lucia, Raul Primicerio, Christian Prip & Kristine Dalaker Kraabel, Arctic protection can't wait for global treaty, *Nature* 565, 161 (2019)
- Special Issue of *Marine Policy: Arctic Governance and a new Global Treaty on Marine Biodiversity in Areas beyond National Jurisdiction*, V. De Lucia (ed) forthcoming 2020 (some of the articles have now been published as online advance, see below)
  - o Raul Primicerio, Eleanor Bors, Laurene Pecuchet, Øystein Varpe, Lis Jørgensen, Lindal, “Conservation and management of Arctic marine ecosystems”
  - o V. De Lucia, “The BBNJ Negotiations and Ecosystem Governance in the Arctic”, published 2019, <https://www.sciencedirect.com/science/article/pii/S0308597X19306025>
  - o C. Prip, “Arctic Ocean governance in light of an international legally binding instrument on the conservation and sustainable use of marine biodiversity of areas beyond national jurisdiction”, published 2019, <https://www.sciencedirect.com/science/article/pii/S0308597X19304762>
  - o D. Balton, “What Will the BBNJ Agreement Mean for the Arctic Fisheries Agreement?”, published 2019, <https://www.sciencedirect.com/science/article/pii/S0308597X1930449X>
  - o K. Kraabel, “Institutional Arrangements in a BBNJ Treaty: Implications for Arctic Marine Science”, published 2020, <https://www.sciencedirect.com/science/article/pii/S0308597X19305081>
- C. Prip, “Biodiversity governance under the Arctic Council: The role of science, business and NGOs”, *Polar Record* (Forthcoming).
- Jørgensen, L. L., Primicerio, R., Ingvaldsen, R. B., Fossheim, M., Strelkova, N., Thangstad, T. H., ... & Zakharov, D. (2019). Impact of multiple stressors on sea bed fauna in a warming Arctic. *Marine Ecology Progress Series*, 608, 1-12.
- Thorson JT, Fossheim M, Mueter FJ, Olsen E, Lauth B, Primicerio R, Husson B, Marsh J, Dolgov A, Zador SG. 2019. Comparison of near-bottom fish densities show rapid community and population shifts in Bering and Barents Seas. *Arctic Report Card* In Press

#### Communicated Results

- Organization a side event at Arctic frontiers in January 2019 (De Lucia, Prip, Balton, Primicerio, Kraabel): “COMPATIBILITY, COOPERATION AND INTERACTION: IMPLICATIONS OF A BBNJ TREATY FOR THE ARCTIC”, 24 January 2019

The project has also funded participation to the following meetings on themes related to the project objectives:

- PAME meeting, 4-8/02.2019, Goteborg, Sweden (Lis Jørgensen)

#### MARCH 2019

- Scientific Russian-Norwegian Barents Sea Ecosystem meeting 11-15 March, Murmansk Russia (Lis Jørgensen)
- Fjords in the North meeting (organizer), 3-4 March, Tromsø, Norway (Lis Jørgensen, organizer)
- ICES WGIBAR meeting, 11-15 March telecom to Murmansk Russia (Lis Jørgensen)
- Workshop, IDDRI: Operationalizing the Ecologically or Biologically Significant Marine Areas (EBSAs): experiences, challenges, and perspectives for the post-2020 global biodiversity framework. 26 April 2019

#### APRIL 2019

- Participation to EBSA Workshop, Paris, (Prip)

#### JUNE/JULY 2019

- Special Issue on Marine Policy Journal, All papers (5) submitted, under peer review and/or revision currently

#### AUGUST 2019

- Participation to IGC-3 at the UN, New York, (Prip, Kraabel, De Lucia)
- Participation to Regional Governance Workshop, Sunday 25 August (IASS/IEEDSTONG HIGH SEAS PROJECT), (Prip and De Lucia), useful to compare other regions and their challenges and attempted solution
- Participation to Workshop “Workshop: Sound policy through sound science - sustaining growth in scientific knowledge to achieve sound policies on conservation and sustainable use of Marine Genetic Resources of Areas Beyond National Jurisdiction”, organized by the Governments of Singapore and Norway, the International Union for Conservation of Nature, the International Council of Environmental Law and Harvard University, (Kraabel)

#### SEPTEMBER

- PAME 2, meeting 10-13 September, Reykjavik Iceland (Lis Jørgensen)

#### OCTOBER

- “How Recent Developments in Scientific Cooperation in the Arctic May Inform the BBNJ Treaty – and Vice Versa”, Presenter at 6th International Symposium on the Law of the Sea (Tokyo, Japan: 31 October 2019) (Kraabel)

#### NOVEMBER

- CAFF – CBMP\_marine annual meeting, 4-8 November 2020 (Lis Jørgensen)
- LTM network of the PanArctic areas (Lis Jørgensen)
- Primicerio coordinates the UiT *Open day on sustainable development in the North* hosting about 150 10th grade students from Sommerlystskole on November 19 2019. During the open day he will talk about environmental change in Arctic marine ecosystems and challenges to conservation and management in light of UN sustainable goals.
- Workshop: Primicerio and Prof Greenacre held a workshop on *integrated assessment of marine ecosystems* by the Helmholtz Graduate School for Polar and Marine Research - POLMAR AWI, Bremerhaven, Germany - 4-6 November 2019
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#### Training

Visiting Postdoc Eleanor Bors, Fullbright USA, 'Climate change and Arctic ecosystems' - 01 March - 28 June 2019 - During her visit to UiT, Bors participated to the project activities and contributed to a manuscript submitted to the special issue of *Marine Policy*

The project also involved as project member a PhD fellow, Kristine Kraabel, and has funded postgraduate students Philip Nickels (research based on his master thesis for the LLM degree obtained at the Faculty of Law, UiT) and Daniela Toma (research assistance, former exchange master student from the University of Akureyri and intern, Faculty of Law, UiT). Nickels is contributing to an article co-written with the project leader: - V. De Lucia and P. Nickels, "The concept of not undermining and the Arctic Council", under drafting

#### Interdisciplinary Cooperation

The project did benefit from interdisciplinary cooperation at various stages. We had project meetings where exchange of perspectives have enabled plans to integrate the interdisciplinary perspective in an effective and useful manner in one of the planned publications for 2020. Exchanging views on problem areas, envisioned solutions, relation between law and science, as well as perception of roles has proven extremely useful for both lawyers and natural scientists participants in the project

#### Budget in accordance to results

The FRAM Center funding was crucial for accomplishing the objectives of the project so far, both in terms of mobilizing human resources central to the project development which would have not otherwise been able to participate and in terms of operational costs that funded activities without which the project would have not been possible at this scale and depth. It will prove even more crucial next year, for the same reasons.

#### Could results from the project be subject for any commercial utilization

No

#### Conclusions

- a) The project is being instrumental to achieve effective interdisciplinarity. The fruits of this work will be more fully visible in the second project year, 2020.

b) we have been preparing for conducting interviews, which is a novel research method for *legal* research in law of the sea, and which is one of the important value added of this project. The interviews will be carried out in the second project year, 2020. In 2019 we have prepared interview scripts drafts, and we have submitted an application to NSD as regards ethics and consent. The application has been approved in late November 2019.