

Seminar Report
(#SR-2022-XVII-AT)

BLUE TALKS

**Enhancing the Conservation and
Sustainable Use of Oceans and
Their Resources by Implementing
International Laws**

Acknowledgment

The Institute of Policy Studies (IPS) wishes to express special thanks to all the speakers and participants of the Blue Talks for sharing their insights on the issue and contributing to the recommendations. IPS is also highly thankful to the Portuguese Embassy in Islamabad, the Kenyan Embassy, and the National Institute of Maritime Affairs (NIMA) for encouragement and support in organizing this event. Thanks to the IPS and NIMA teams for putting in their heart and soul to make the conference a big success, Alhamdulillah!

Executive Summary

Oceans are an essential part of the earth and have an incredibly significant role in the growth of life. Due to the oceans, the world is connected and is provided with oxygen, which is essential for living organisms. Food security is also possible due to ocean resources. They also provide transportation and contribute to the growth of commerce by providing trade routes.

In addition, oceans also play a crucial role in stabilizing the earth's environment. Oceans have absorbed 93% of the heat produced by human activity since the 1950s. This points toward the dangers humans face due to neglecting the climate aspect of the oceans. While benefiting from the seas for the betterment of life, humans use unsustainable practices that are detrimental to the health of the oceans.

Oceans are under threat due to climate change, which is increasing their temperature and impacting their biodiversity. This can affect the food chain and destroy the whole ecosystem. Furthermore, climate change leads to ocean acidification that can further impact marine life. Pollution also impacts the health and well-being of marine life because increasing pollution decreases the amount of oxygen absorbed by the seas.

Maritime crimes impact life in the ocean and the people living on the land. There is no reliable data available about maritime crimes. However, oceans are connected and a crime committed in one country can have an impact in another country. Eventually, these crimes affect the biodiversity in all oceans.

The United Nations Convention on the Law of the Sea (UNCLOS) provides us guiding principles to overcome challenges faced by the health of the oceans. However, many issues exist that are not covered by UNCLOS. Therefore, there is a need for a new legally-binding instrument.

To advance the discussion on the sustainable use of ocean resources, a seminar was held at the National Institute of Maritime Affairs in collaboration with the Institute of Policy Studies, Islamabad, and the Embassy of Portugal in Islamabad.

The experts pointed out that many gaps exist within the framework of UNCLOS. Firstly, it was highlighted that oceans are inextricably linked with the development of any country. All Sustainable Development Goals (SDGs) are linked with the oceans, not just Goal 14. There are multiple challenges to the sustainable use of the Indian Ocean's resources. Secondly, the new legally-binding instrument should also incorporate maritime crimes into its domain, and due to the transnational nature of these crimes, regional countries should cooperate. In addition, these crimes impact the livelihood of coastal communities, who should be at the center of any development. Thirdly, it was urged to incorporate the protection of biodiversity on the high seas into the legal instrument.

Proceedings of the Conference

Opening remarks by Commodore (retd) Bilal Abdul Nasir, Director NIMA



This conference is significant because it is being held a day before the World Oceans Day. This year's World Oceans Day theme is revitalization and collective action for the ocean. Goal 14 of the United Nations' SDGs relates to life below water. This goal mandates the conservation of the ocean and sustainable use of its resources. To monitor progress on SDG 14, the UN holds ocean conferences every three years. This year's ocean conference will be co-hosted by the governments of Kenya and Portugal from June 27 to July 1 in Lisbon, Portugal. Pakistan is to be represented by the Ministry of Maritime Affairs. So what exactly is the sustainable use of the oceans? To clarify, one good example is shark hunting. Every year approximately 100 million sharks are killed for their fins, sold for about \$1,100 per kilogram, and used in preparing a popular dish, shark fin soup, consumed primarily by rich people. The fin is removed and the fish is thrown back into the sea, where it dies a slow and painful death. This inhumane act is a classic example of the unsustainable use of ocean resources, which must be stopped by implementing laws effectively. The sharks are highly susceptible to extinction due to their slow growth rate. Therefore, we need not only laws but also practical implementation and monitoring. Today's seminar is being held in this spirit to create awareness about the conservation and sustainable use of ocean resources by implementing the laws already in place.

Welcome note by Vice Admiral Abdul Aleem, DG NIMA



I welcome you all to this hybrid seminar, organized in collaboration with the Embassy of Portugal in Pakistan, Institute of Policy Studies, Islamabad, and NIMA, to mark the World Ocean Day 2022. We are honored to have very learned speakers from inland and abroad. Special thanks to the Ambassador of Portugal, Paulo Neves Pocinho. NIMA observes all days related to the maritime domain. Yesterday, we observed World Environment Day, held on June 5 every year. These two days help in generating awareness of how much we lack in our efforts to save the earth and our oceans. This is a good working group to prepare for the World Oceans Conference in Portugal on June 27, 2022. In Pakistan, we are not much aware of two essential aspects: Sustainable Development Goals and World Ocean Decade. We learned through the Embassy of Portugal that they were going to organize a World Ocean Conference at the end of June, so we thought it was an excellent opportunity to reignite this subject. The conference will help us understand our responsibilities regarding UN conventions such as the UNCLOS and the UN SDGs.

Speech by Paulo Neves Pocinho, Ambassador of Portugal



First, I would like to thank you, NIMA, IPS, and their teams for organizing a seminar on World Oceans Day. As you know, oceans have been a focus for Portugal since the 16th century. As a maritime nation, Portugal has vast experience in marine affairs and can benefit Pakistan in many ways. For us, the sustainable management of the oceans is a fundamental and strategic priority. The Ocean Conference that will be held at the end of the month will be the second UN Ocean Conference. The first conference was held in 2017. The Ocean Conference is a call that is very relevant after five years. We're also actively involved in the pursuit of an SDG for the oceans under the UN 2030 agenda. These efforts resulted in the adoption of SDG 14 to sustainably use the oceans and marine resources for sustainable development. In this context, everyone

may be asking why there is a need for a new ocean conference. There is a need because the deadline for the 2030 Agenda is approaching rapidly and because successful management of the oceans is central to achieving our collective goals.

In 2017, the first UN Ocean Conference raised awareness about these issues. We now have a renewed sense of urgency. In fact, the world has missed the target as Goal 14 should have been achieved by 2020. We now need to notice the progress so far. Most importantly, we need to agree on decisive action to move forward. As the UN Secretary-General António Guterres has said, we urgently need collective action to revitalize the ocean.

At the UN Ocean Conference, we will pursue the following goals:

1. We want to highlight the ocean-climate nexus to support ambitious ocean-based solutions in climate action. This contributes to the deliberations of clauses 27 and 28 of the UN Framework Convention on Climate Change.
2. We want to keep the momentum for successful biodiversity beyond national jurisdictions negotiations where we expect to fill in the gaps in international ocean governance directed at preserving the marine environment, the sustainability of resources, and the conservation of ecosystems.
3. We want to capitalize on the results achieved by the fifth session of the UN Environment Assembly, which agreed to negotiate a legally binding agreement on the global agreement to fight against plastic pollution and marine plastic litter on a global scale.
4. We need to maintain high levels of ambition and innovation to reduce biodiversity loss and establish an international target of conserving 30% of the marine environment.
5. Underline the importance of the science decision-making interface and our joint commitment to the UN Decade of Ocean Science for Sustainable Development and the ecosystem.
6. We want to build on the outcomes of the first UN Ocean Conference.

Those are our ambitions for this conference. We expect that the UN Ocean Conference will adopt an action-oriented declaration focusing on science to support the implementation of Goal 14.

Apart from the declaration, which provides an opportunity to evaluate the most relevant and pressing issues relating to SDG14 from different perspectives, marine pollution, the blue economy, protecting and restoring marine and coastal ecosystems, fisheries, laws of the sea, and marine technology are the themes that we are going to focus on. We have been working to ensure that we directly involve civil society, the scientific community, academia, the private sector, financial corporations, and non-governmental organizations. The effective engagement of major stakeholders is essential. In this context, we plan to organize special events on the sidelines of the UN Ocean Conference. A sustainable investment and innovation fund is aimed at creating a closer link between the private sector, including the financial sector, in the blue economy. We will seek to launch a process for agreeing on sustainable blue economy standards. It will hopefully become a step for financial instruments and investment decisions and promote the nexus between those solutions and the financial means to implement them. We also have a youth innovation forum that will promote ocean and science literacy among younger generations. The sustainability of the oceans cannot be separated from sustainable water management. Developing a comprehensive strategy that will suit the entire water cycle is crucial. This is the purpose of the High-Level Symposium on Water bridging SDG6 and SDG14. We are also planning an event

focusing on the roles and responsibilities of regional and local governments for localizing action for the ocean. The success of the UN Ocean Conference will depend on our joint capacity to inspire and mobilize political community, innovative ideas, scientific knowledge, and necessary resources to bring about meaningful transformation in how humankind interacts with the ocean. We strongly encourage all member states to present an innovative and action-oriented solution and to meet the mission for entire commitments towards implementing goal 14 and associated targets. The world is going through a difficult turn, and so are our oceans. We must use this opportunity to create a truly transformative moment to reverse the decline of ocean health and ensure the sustainable use of ocean resources for present and future generations.

Video message by Macharia Kamau, Principal Secretary, Ministry of Foreign Affairs, Kenya



I appreciate the global effort related to the second Ocean Conference. Currently, 70 countries are in the process of organizing the Blue Talks. These talks have generated momentum for the second UN conference. Furthermore, these Blue Talks will create understanding among people about the significance of the Ocean Conference. Every SDG goal is tied to Goal 14 of sustainable development.

Keynote speech by Dr. Vasco Becker-Weinberg, President, Portuguese Institute of the Law of the Sea



The maritime dimension of environmental crimes departs from the factual and legal reality of crimes taking place on land. Evidence of environmental crimes on land is ampler and easily obtained. Legal regimes addressing environmental crimes on land are greatly advanced and provide a more efficient response, particularly regarding responsibility and liability. Damage at sea is not always easily detected. Even in situations of accidental pollution, ships often fail to report for fear of legal and financial repercussions. Establishing causation can also be extremely difficult and depends on states cooperating by sharing information and intelligence, in addition to collaborating at the operational level with international law-enforcement agencies. There is no harmonization concerning the standard of evidence admissible under different national jurisdictions.

There is no specific data on the value of maritime environmental crimes. Crimes are perpetrated in every part of the ocean and include a vast array of activities. Perpetrators use deceit and concealment as a part of their modus operandi. Crimes occur while vessels are on route, taking advantage of the growing maritime traffic and avoiding detection, as well as during nighttime when visibility is low. Most crimes are related to ship-source pollution, particularly accidental and willful oil discharges; these account for most of the oil pollution in the ocean. Crimes occur across the shipping sector, from unseaworthy vessels engaged in illegal, unreported and unregulated (IUU) fishing to oil tankers and luxury cruise lines.

Despite a decline in accidental and intentional discharges in recent years, the impact of human-produced incidents greatly offsets natural processes, given the large volumes of oil that can be released in a single incident. A total of 53% of all petroleum reaching the marine environment is human-produced and occurs near coastlines. Most of the 2.1 million tons of oil discharged yearly into the sea goes undetected.

Crimes affect the livelihood of coastal communities and impact economic activities that depend on the ocean. Despite improvements in oil-spill response, clean-up, and restoration methods, restitution of affected areas is generally very difficult, extremely costly, and time-consuming. In some cases, the damage is simply irreparable.

The perpetrators are organized and act concerted and evasively, aiming to commit these crimes at sea, taking advantage of existing gaps and overlaps in international law. There is a financial reward for not calling into the port to use their facilities and to avoid procedures under national and/or international law, which are time-consuming and entail high costs. The rewards of maritime environmental crimes can be seen, for example, in the fact that illegal disposal can save a ship owner anywhere from \$80,000 to \$220,000 every year, depending on the size and age of the ship, the number of days at sea, and how well it is maintained, which can represent 5% to 12% of a ship's operating costs.

There is a lack of awareness or a clear sense of direction by states to address these crimes and to do so in a collective manner in order to improve the international legal response to maritime environmental crimes. No single state can tackle the causes and consequences of maritime environmental crimes. The existing legal rules addressing spatial and functional jurisdiction at sea result in complex multijurisdictional challenges that can cause a conflict of jurisdictions. There is a general ineffectiveness of international law in preventing and combating maritime environmental crimes, and there is a lack of specific legal rules addressing maritime environmental crimes.

There are two specific operations that recently took place: the 2018 Interpol-led-international operation, which had 276 law-enforcement and environmental agencies across 58 states and a global network of 122 national coordinators. This operation lasted one month and carried out 5,200 inspections that resulted in approximately 185 investigations and detected more than 500 offenses, including illegal discharges of oil and garbage from vessels, shipbreaking, breaches of ship emissions regulations, and pollution on rivers and land-based runoff to the sea. In 2019, 61 states and regional law-enforcement partners identified thousands of illicit activities behind severe marine pollution in an Interpol-led international operation. The preliminary results of this concerted operation, which lasted one month, gathering more than 200 enforcement authorities worldwide, across all continents, revealed more than 3,000 offenses detected during 17,000 inspections. These offenses were committed primarily to avoid the cost of compliance with environmental legislation.

There is no set definition of maritime environmental crimes, nor does international law criminalize acts or conducts considered as such. It can be roughly defined as “acts committed at sea that breach national and/or international law, causing harm or damage to the environment”. This broad definition included acts perpetrated within and beyond national jurisdiction and pollution from different sources. These include ship-source pollution, such as illegal dumping, especially of oil and oil-bunkering, or pollution from offshore installations, structures, cables, and pipelines. The concept must be based on recognizing that, individually or collectively, environmental rights are an extension of human rights. These include the right to a healthy environment, access to information, public participation in decision-making, and access to justice in environmental matters, all of which reinforce the connection between the human element and the environment.

The multijurisdictional challenge is a global problem, not one exclusively subject to national jurisdiction. No flag state can control every ship flying its flag at all times. The question arises how to tackle gaps and overlapping rules that cause a conflict of jurisdictions and, consequently, the ineffectiveness of international law to prevent and combat maritime environmental crimes.

There is a conflict and overlap of jurisdictions. A coastal state having evidence that a vessel is polluting its territorial sea or EEZ may be unable to exercise its enforcement powers if the flag state exerts its prerogative to exercise jurisdictional pre-emption. A flag state of a vessel engaged in pollution in the territorial sea or EEZ cannot intervene if the coastal state tolerates such conduct because any enforcement action in the territorial sea or EEZ without consent of the coastal state would be a breach

of the law of the sea. In both cases, one of the states (willingly or unwillingly) creates a permissive environment for maritime environmental crimes. The result is international law becoming ineffective, despite existing legal rules allowing for the exercise of jurisdiction and enforcement powers. In these cases, crimes would go unpunished, despite being detected and reported.

Now, I will discuss the shortcomings and the need to recognize marine environmental crimes. No international human rights legal instrument mentions the oceans. Although there is a collective interest in protecting and preserving the marine environment, international law has not made the right of each state to intercede on behalf of the marine environment in areas subject to the jurisdiction or sovereignty of other states. One state may only seek legal action against another state based on the latter's responsibility for damage suffered. No international legal regime specifically criminalizes and/or requires states to criminalize and punish acts and conduct that cause harm or damage to the marine environment. Criminalization only exists under national law, subject to the states' discretion. States often contribute toward a permissive environment for crimes to occur. In addition, the presence of other circumstances favorable to organized crime, including corruption, bribery, and obstruction of justice.

Only a few states have legislation on maritime environmental crimes, and even fewer exercise jurisdiction. The USA has exercised prescriptive and enforcement jurisdiction. In addition to accepting and rewarding whistleblowers, other than this, it is also enforcing the Oil Pollution Act 1990 and The Act to Prevent Pollution from Ships 1980. There is no international body to monitor maritime environmental crimes, measure performance and progress, and identify ways to enhance cooperation between states. Existing organizations such as the IMO or the UNODC do not have the competence to tackle these crimes, despite the natural contiguity of their mandates concerning protecting and preserving the marine environment and combating transnational organized crime, or providing maritime law-enforcement capacity building.

There is a deep disconnect between international law and protecting the marine environment from criminal acts. The existing international rules do not echo the overall concern for protecting and preserving the environment or meet the expectations of those looking to implement and enforce more stringent and effective rules.

No international legally binding rule, the body of rules, or principle, criminalizes or establishes an obligation for states to criminalize maritime environmental crimes.

The recognition of and adherence to the concept of international maritime environmental crimes would have the effect that criminalization would no longer be dependent solely on domestic law, even though it would be difficult to overcome the limitations resulting from the existing legal framework applicable to prescriptive and especially enforcement jurisdiction at sea.

Proposals for a new international crime such as "ecocide" could potentially lead the way for international law's further development and the legal tools necessary to ensure a collective and effective legal response to maritime environmental crimes.

To conclude, I will state that there is a lack of harmonization of national laws with international law. There is a shortage of law-enforcement cooperation considering the global scale of the problem. Sharing investigative tools, evidence and intelligence are particularly important, including for enforcement and prosecution. There is a lack of access to and sharing of technology and information in a timely and effective manner. There is a need to promote the simplification and better coordination of national authorities. Criminals, as non-state actors, benefit or suffer from the shortcomings of international law. The foundation of the responsibility to protect lies in the obligations inherent to the concept of

sovereignty: sovereignty includes the responsibility to prevent and react. Sovereignty must be viewed both as control and responsibility and should be considered in the context of international accountability.

Dr. Asif Inam, Head of Maritime Sciences, Bahria University, Karachi



Dr. Asif Inam spoke on the “Importance of Collaborative Efforts by Regional Stakeholders for the Conservation and Sustainable Use of Ocean Resources in Indian Ocean Region”.

I will give a brief background starting from the fact that regional cooperation in marine matters has a history extending beyond the 1982 adoption of the UNCLOS. The UNEP adopted oceans as a relevant international and regional cooperation area and established the Regional Sea Program in 1974. During the third UN Conference on the Law of the Sea, a proposal was made to the Seabed Committee in 1973 to include a cooperation obligation relating to pollution prevention. This eventually became Article 197 of the UNCLOS with a general obligation relating to cooperation for protecting and preserving the marine environment.

The Regional Seas Conventions and Action Plans (RSCAPs) provide inter-governmental frameworks to address the degradation of the oceans and seas at a regional level. The focus is on promoting regional oceans governance to deliver the global oceans agenda and respond to emerging issues, new policies, and initiatives such as the blue economy. The region and its resources face multi-dimensional challenges from climate change impacts such as sea-level rise, ocean acidification, and extreme weather events – the latter leads to changes in the distribution of aquatic species and community structures due to migration and decreased economic productivity.

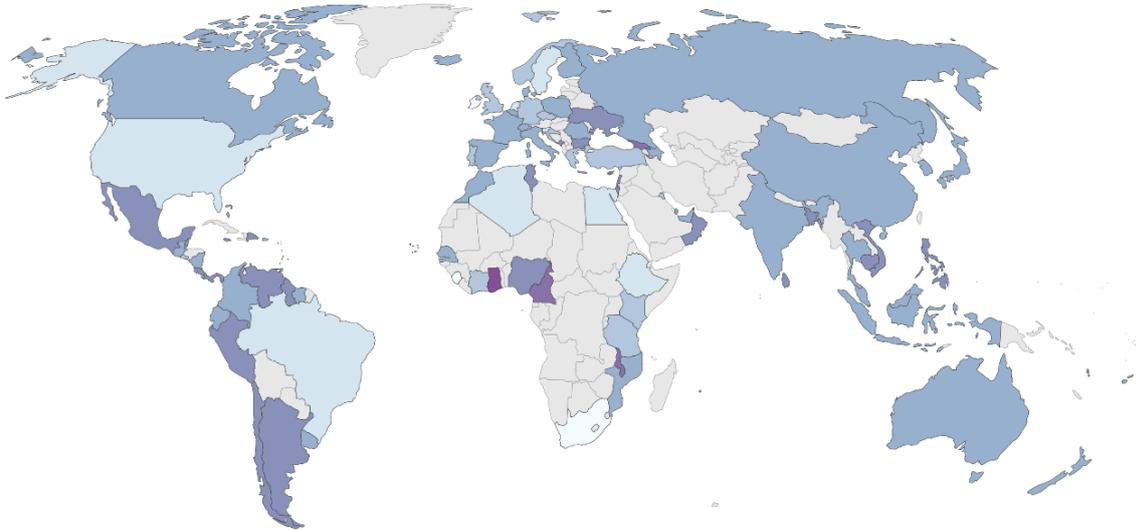
I will briefly comment on SDG14’s targets and current status. The SDGs in the 2030 Agenda for Sustainable Development require countries worldwide to accelerate the development of human and technical capacities through individual commitments and partnerships at local, national, regional, and global levels. The conservation and sustainable use of the ocean and coastal areas are specifically called for in SDG14: ‘Conserve and sustainably use the oceans, seas and marine resources for sustainable development’.

The UN has defined ten targets and ten indicators for SDG14. The targets specify the goals, and indicators represent the metrics by which the world aims to track whether these targets are achieved.

Target 14.1: Reduce marine pollution. UN definition: By 2025, prevent and significantly reduce marine pollution of all kinds, particularly from land-based activities, including marine debris and nutrient pollution. The maps below (of the world and of Asia) compare beach litter in the world and beach litter in the countries bordering the northern Indian Ocean. The situation was alarming for both types of countries – the ones with a large amount of litter on their coasts or the ones that did not have sufficient data. There were many countries that had little or no data concerning land-based pollution.

Beach litter, 2020

The average count of items of plastic beach litter per square kilometer.

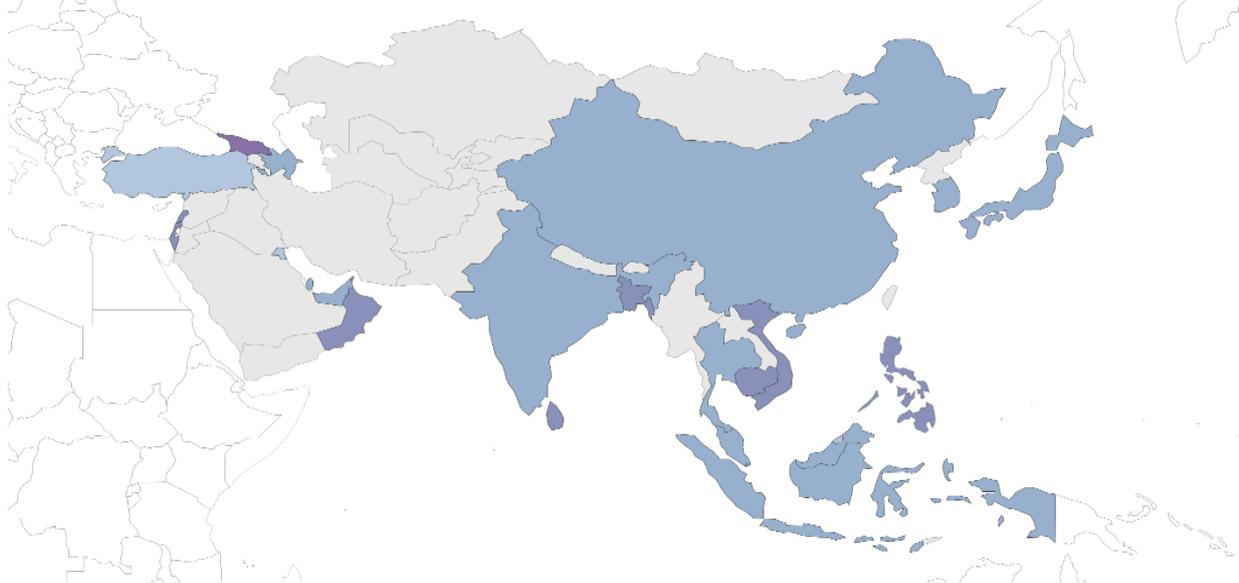


Source: Data from multiple sources compiled by the UN

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Beach litter, 2020

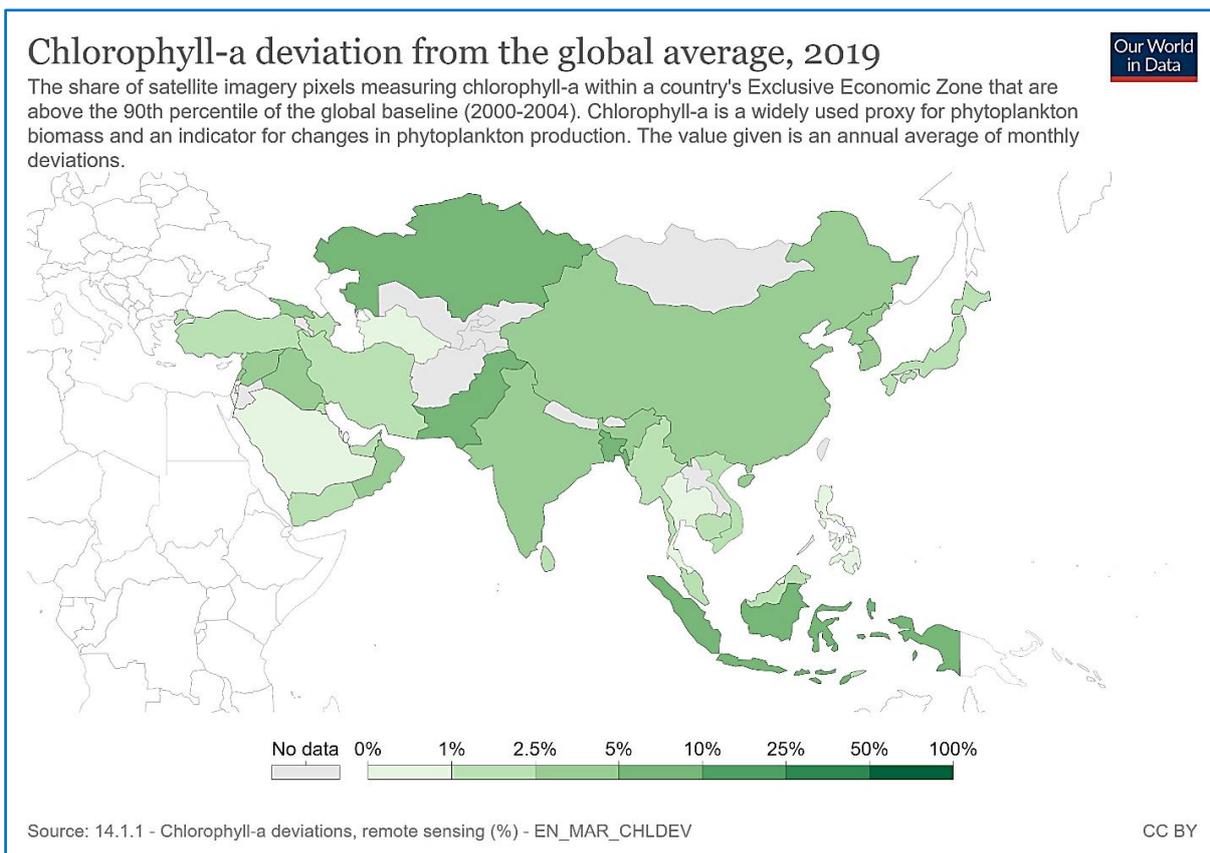
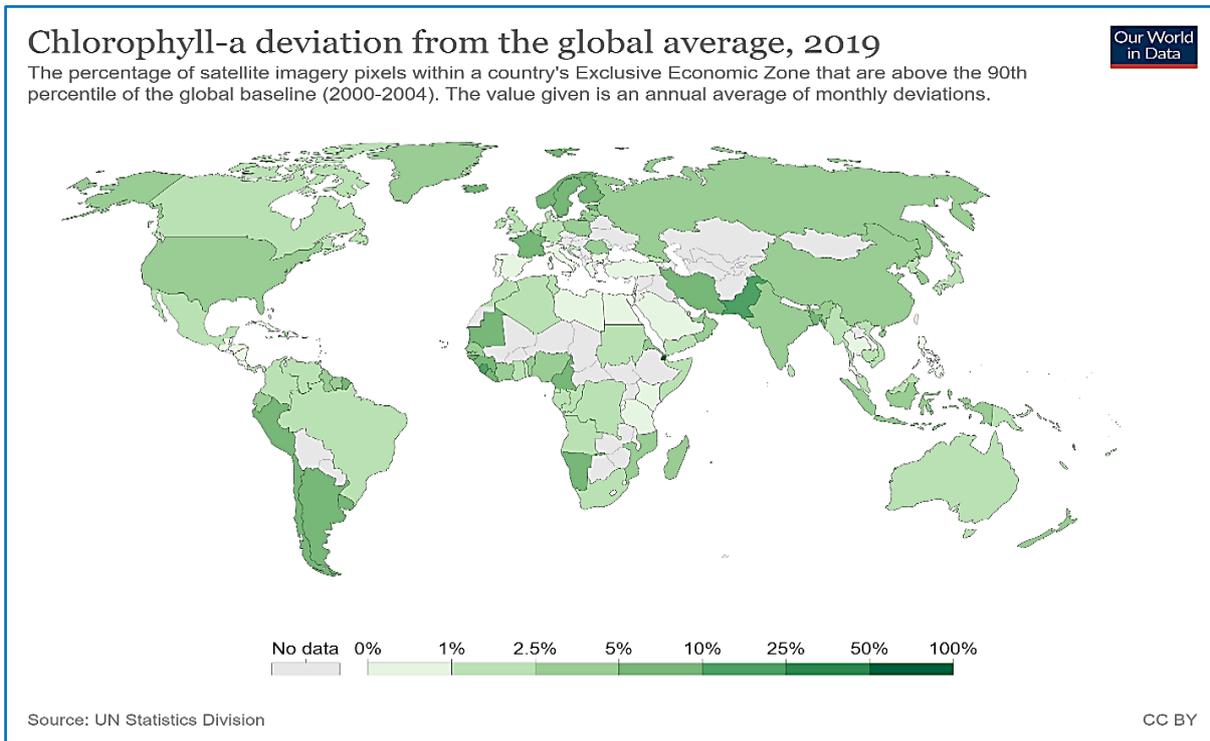
The average count of items of plastic beach litter per square kilometer.



Source: Data from multiple sources compiled by the UN

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One of the symptoms of degraded water quality conditions is the increase in the biomass of algae, as measured by the concentration of chlorophyll. Waters with high levels of nutrients from fertilizers, septic systems, sewage treatment plants and urban runoffs may have a high concentration of chlorophyll and an excess amount of algae. This is a quite common phenomenon in our own backyard.



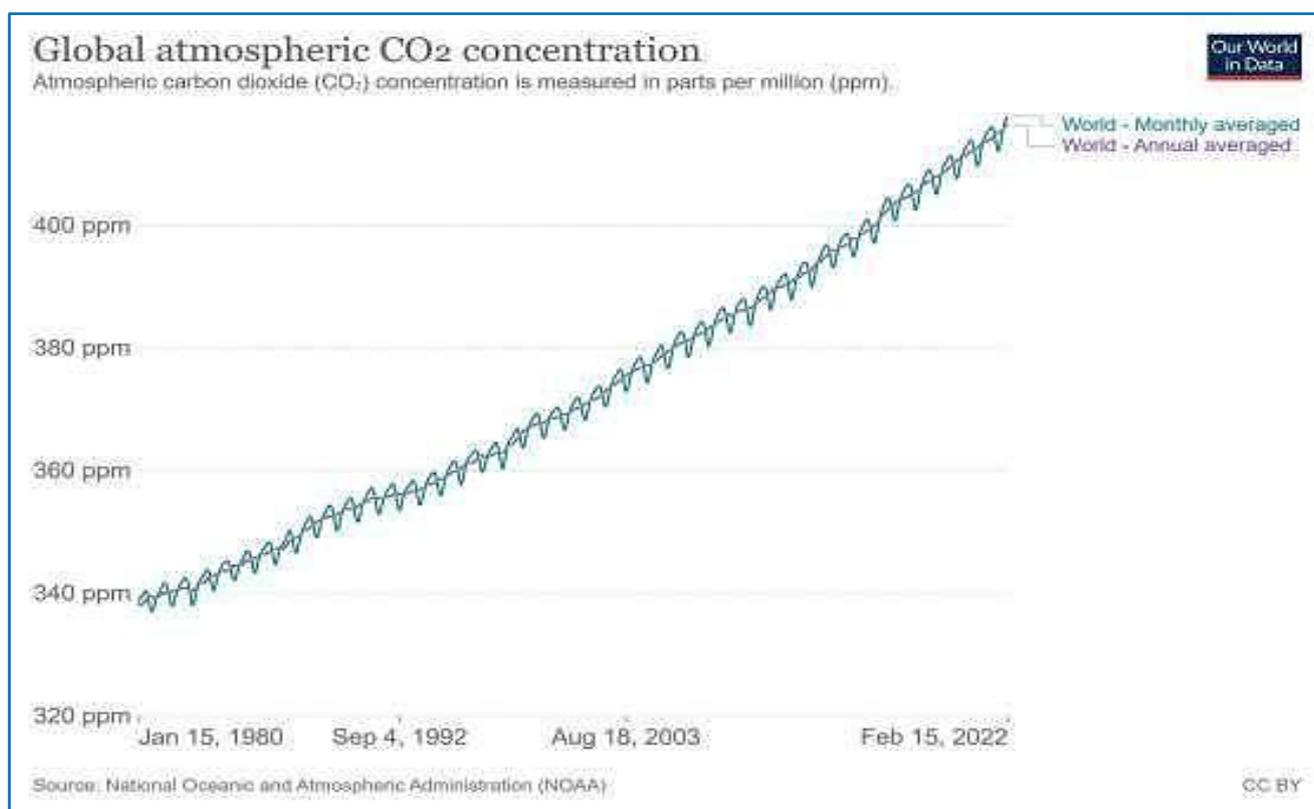
Target 14.2: Protect and restore ecosystems. UN definition: By 2020, sustainably manage and protect marine and coastal ecosystems to avoid significant adverse impacts, including by strengthening their resilience and taking action for their restoration in order to achieve healthy and productive oceans.

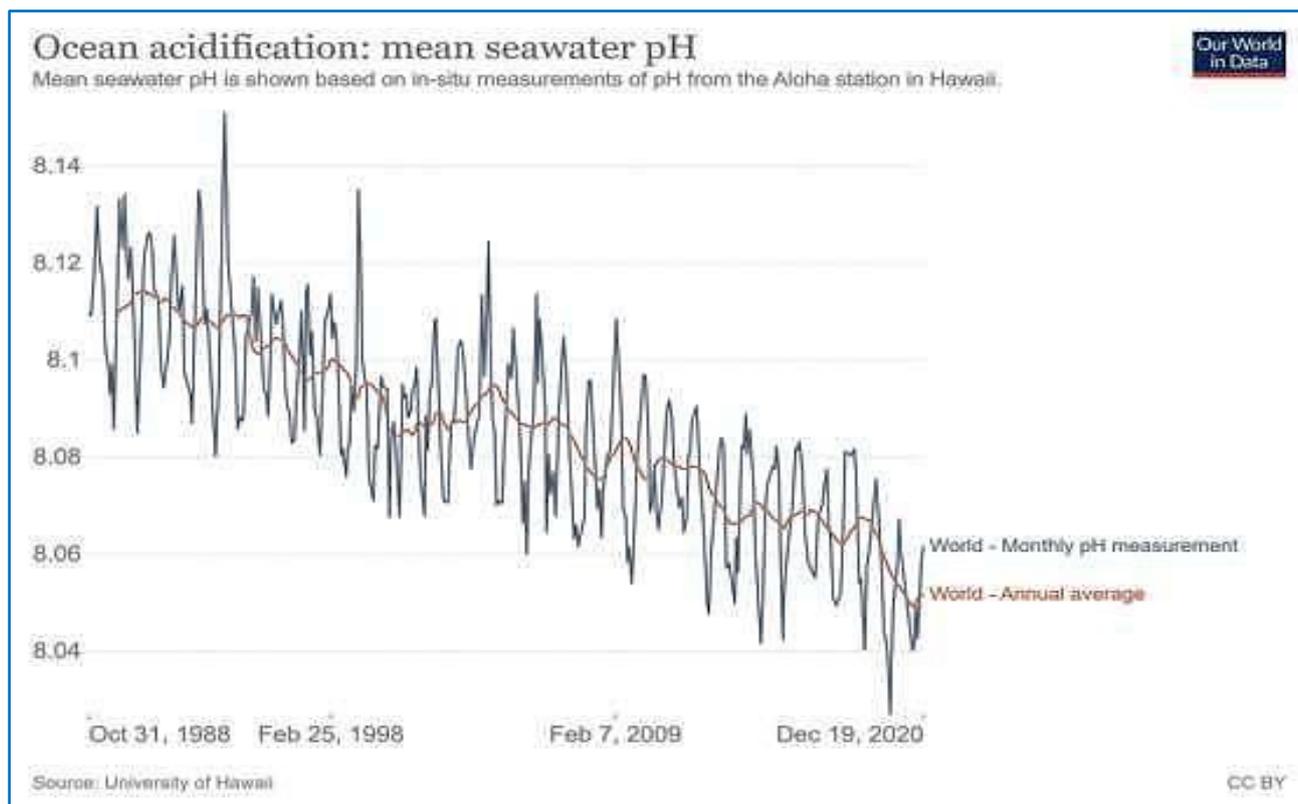
There are a number of publications to manage coastal areas and fishery resources. There is a need that all this research be compiled by regional stakeholders, not only to meet the objectives of SDG14 and its targets but also to fill gaps in data collection, if there are any.

Target 14.3: Reduce ocean acidification. UN definition: Minimize and address the impacts of ocean acidification, including through enhanced scientific cooperation at all levels.

When carbon dioxide dissolves in salt water, it forms carbonic acid. Ocean acidification results from an increased concentration of hydrogen ions and a reduction in carbonate ions due to the absorption of an increased amount of carbon dioxide.

The first graph shows that there is a continuous rise in the global atmospheric carbon dioxide concentration.

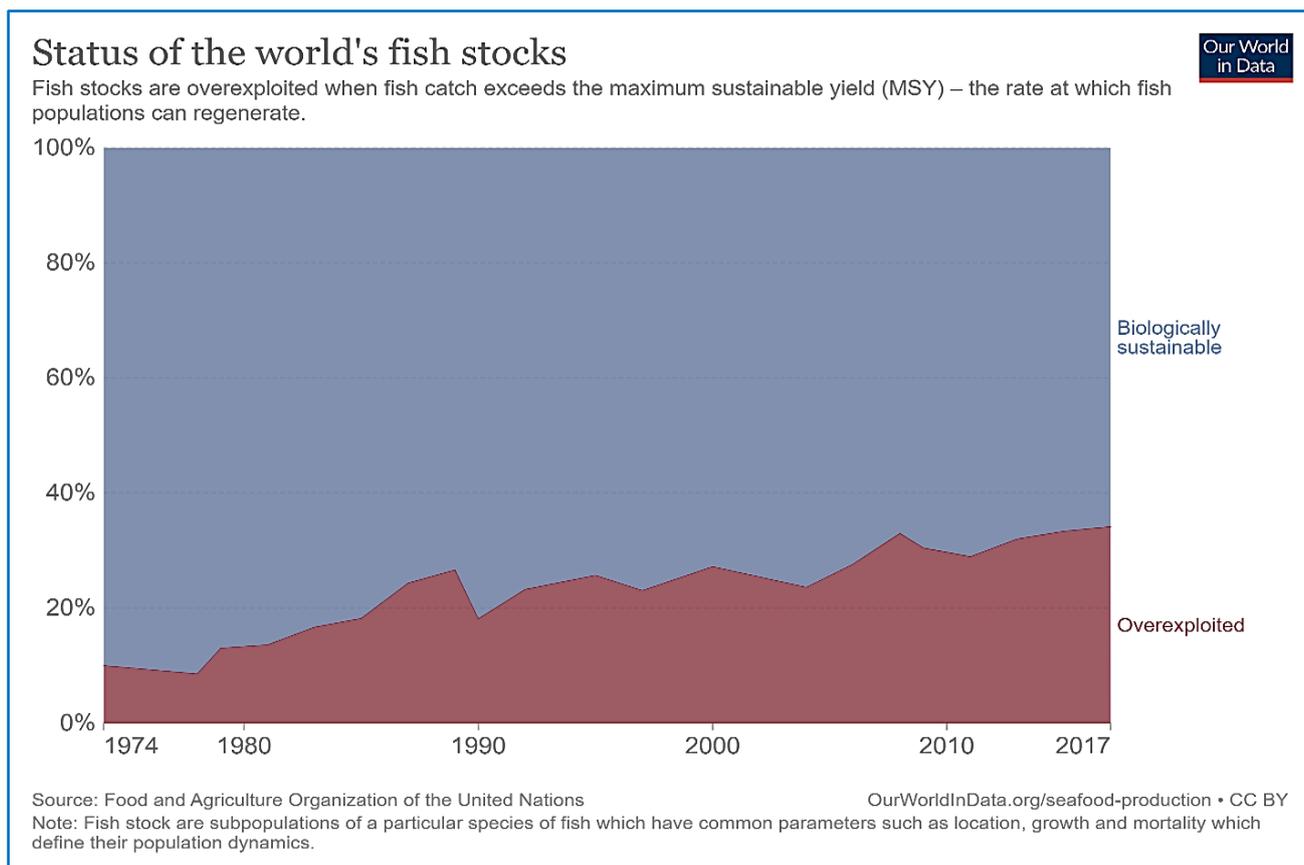




Ocean acidification refers to a reduction in the pH level of the ocean over an extended period, caused primarily by the uptake of carbon dioxide from the atmosphere. The graph shows that the ocean water is rapidly becoming acidic as the pH declines. The Indian Ocean is witnessing acidification as a direct consequence of the continuous rising of atmospheric carbon dioxide concentrations and indirectly due to the rapid ocean warming, which disrupts the pH of the surface water.

Target 14.4: Sustainable fishing. UN definition: By 2020, effectively regulate harvesting and end overfishing, illegal, unreported, and unregulated fishing, and destructive fishing practices and implement science-based management plans in order to restore fish stocks in the shortest time feasible, at least to levels that can produce maximum sustainable yield as determined by their biological characteristics.

The following graph provides indicators about the status of fish stocks that are overexploited, fully exploited, and not fully exploited.



Fish stocks are no longer sustainable when the abundance falls below the Maximum Sustainable Yield (MSY). The data here explains that we have already overexploited over 30% of the global fish stocks. This figure is far more alarming in the case of the fish stock assessments of the Indian Ocean.

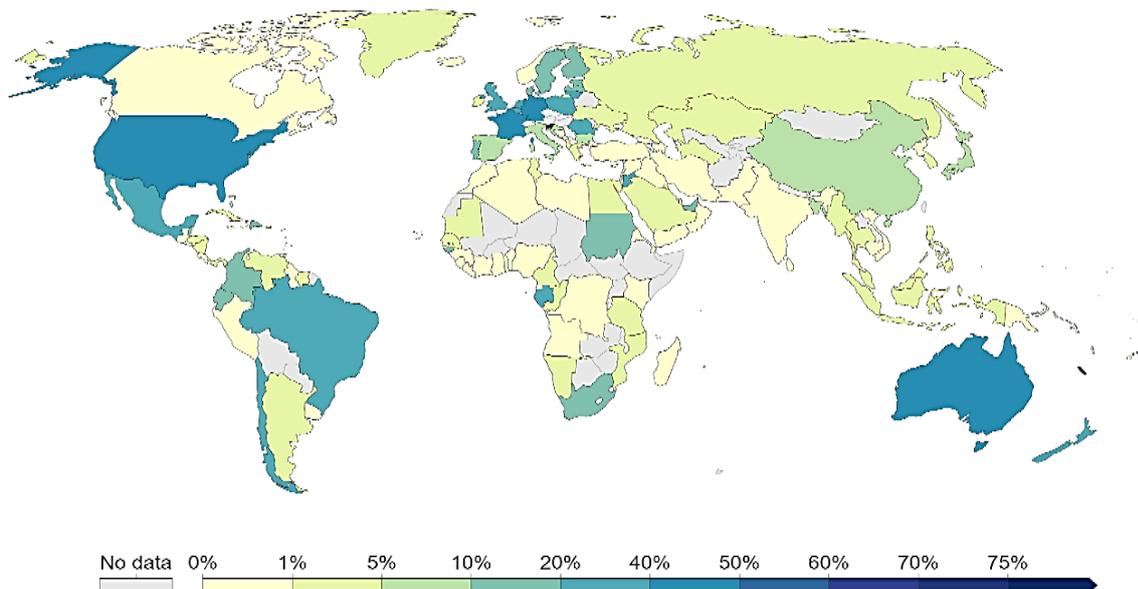
Target 14.5: Conserve coastal and marine areas. UN definition: By 2020, conserve at least 10% of coastal and marine areas, consistent with national and international law and based on the best available scientific information.

Most Indian Ocean countries have yet to achieve the 10% target. This is highly critical as the fish stock is depleting fast. Therefore, it is vital to catch up as early as possible to declare at least 10% as marine protected area. (Figure below)

Share of marine territorial waters that are protected, 2018

Our World in Data

Marine protected areas are areas of intertidal or subtidal terrain - and overlying water and associated flora and fauna and historical and cultural features - that have been reserved by law or other effective means to protect part or all of the enclosed environment.



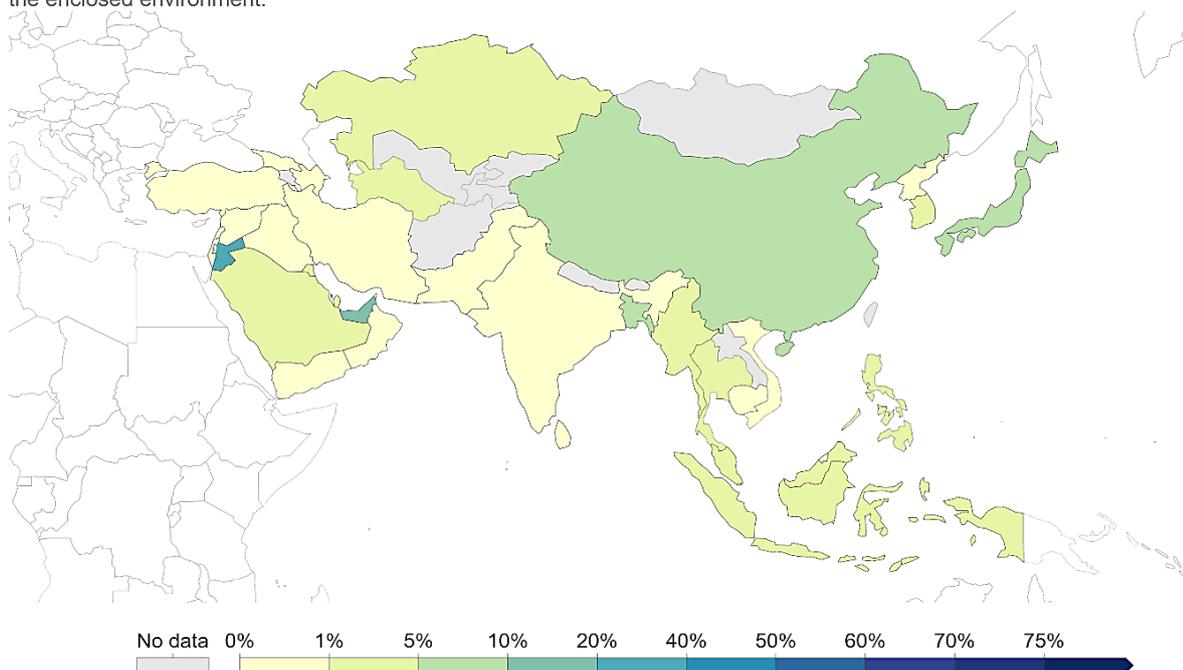
Source: UN Environment Programme (via World Bank)

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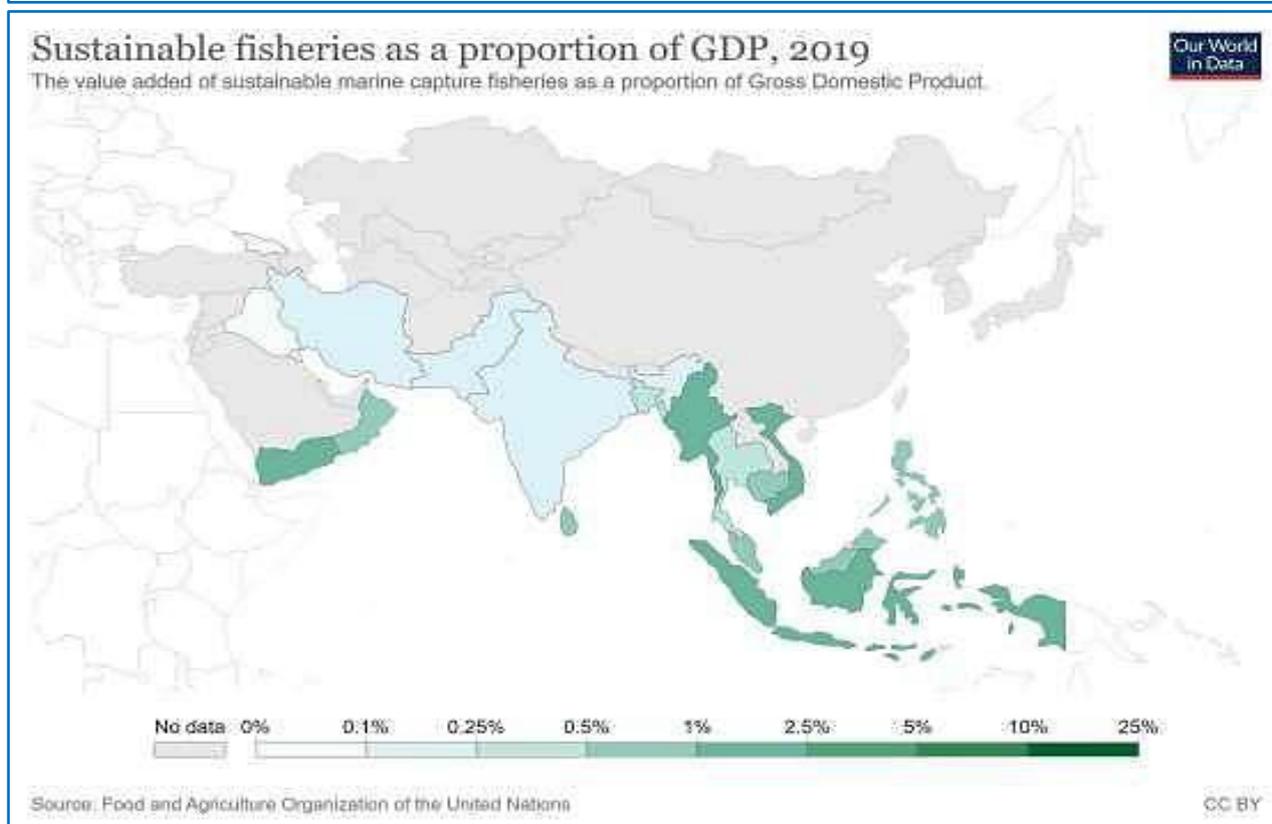
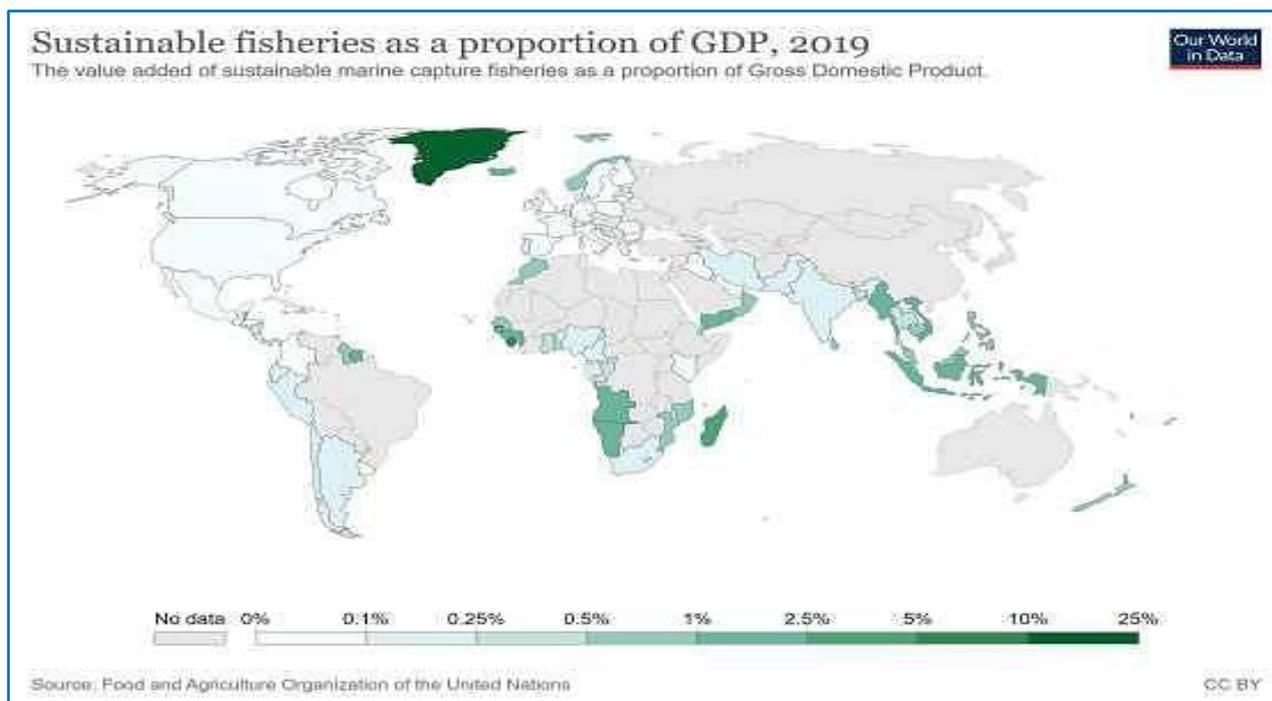
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Target 14.6: End subsidies that are contributing to overfishing. UN definition: By 2020, prohibit certain forms of fisheries subsidies that contribute to overcapacity and overfishing, eliminate subsidies that contribute to illegal, unreported and unregulated fishing and refrain from introducing new such subsidies, recognizing that appropriate and effective special and differential treatment for developing and least developed countries should be an integral part of the World Trade Organization fisheries subsidies negotiation.

Fishing subsidies are estimated to be as high as \$35 billion worldwide, of which about \$20 billion directly contribute to overfishing. These subsidies effectively mean that taxpayers are paying industrial boats to degrade the environment and destroy the food security and livelihoods of vulnerable coastal communities by fueling unfair competition between large fleets and individual artisanal fishers; they are also fostering inequality.

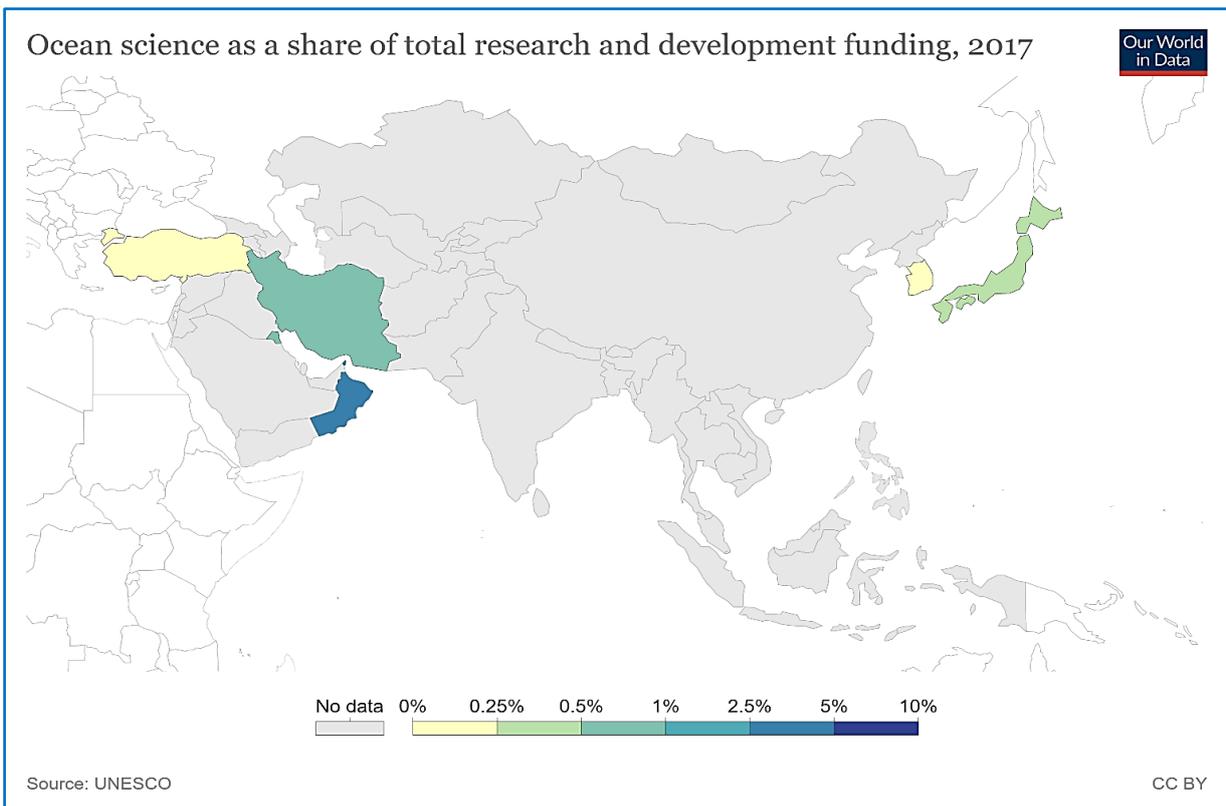
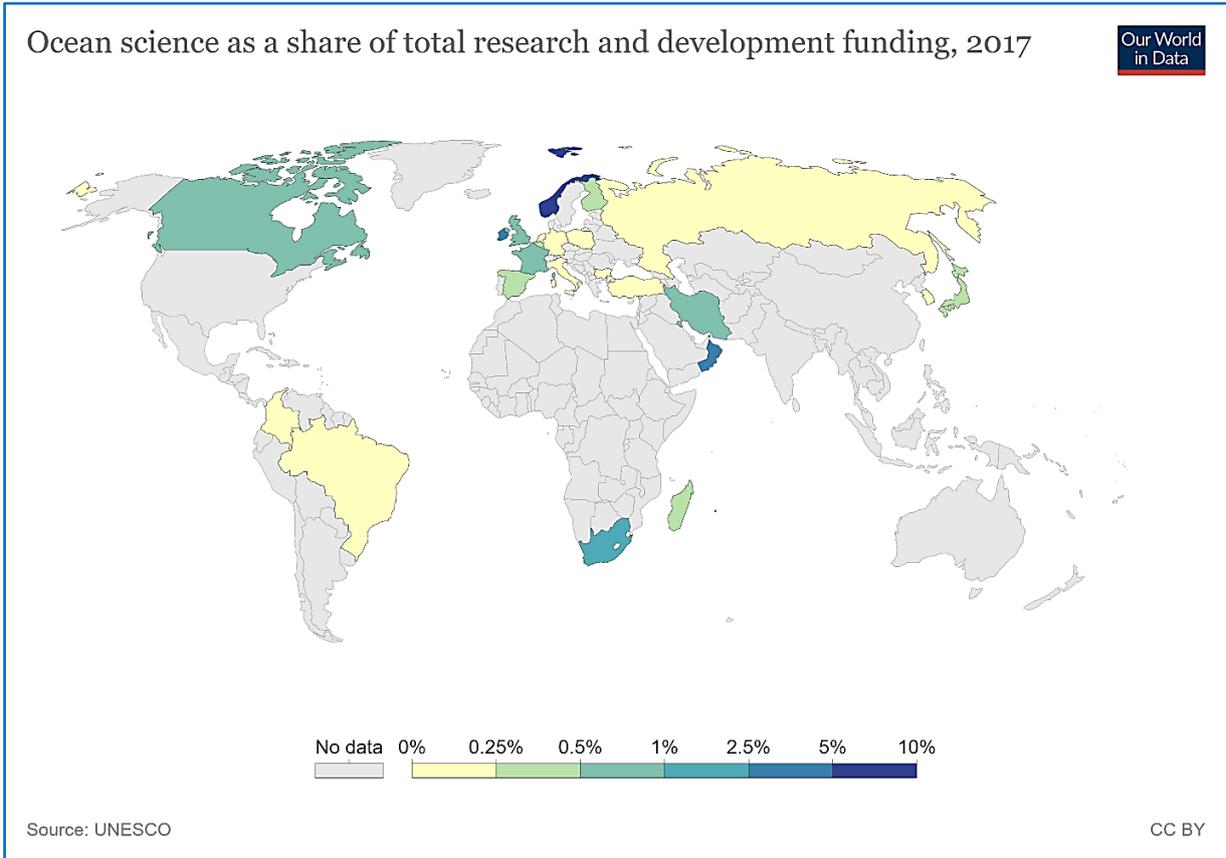
Target 14.7: Increase the economic benefits from sustainable use of marine resources. UN definition: By 2030, increase the economic benefits to small island developing states and least developed countries from the sustainable use of marine resources, including through sustainable management of fisheries, aquaculture, and tourism.

Today sustainable fisheries account for approximately 0.1% of the global GDP, while in specific regions and the least developed countries, they contribute more than 0.5%. Stocks at sustainable levels can support the communities and industries that rely on them without compromising reproduction and long-term sustainability. By contrast, a stock overexploited to the point that it can no longer replenish itself will ultimately provide a sub-optimal economic return for stakeholders.



Target 14.8: Increase scientific knowledge, research and technology for ocean health. UN definition: Increase scientific knowledge, develop research capacity and transfer marine technology, taking into account the Intergovernmental Oceanographic Commission Criteria and Guidelines on the Transfer of Marine Technology, in order to improve ocean health and to enhance the contribution of marine biodiversity to the development of developing countries, in particular, small island developing states and least developed countries.

Following maps of the world and Asia show some of the leading states that are investing in the future, knowing the importance of marine research.



The UN's FAO estimates that 51 million fishers are small-scale and most of them live in developing countries. These small-scale fishers produce nearly half of the fish consumed globally, most of which are consumed in the developing world. In addition, hundreds of millions of people in developing countries depend on fisheries for their livelihoods.

Now, I will comment on the importance of collaborative efforts by regional stakeholders for ocean governance. Due to the interconnected nature of the 2030 Agenda and SDG14, a fundamental prerequisite to the successful implementation of SDG14 includes ensuring that multiple actors work together. Given the specificities of the marine environment, including its transboundary nature, responses must be collaborative across sectors, stakeholder groups, and territorial boundaries to be truly effective.

Integrated marine governance through stakeholder engagement across sectors and levels is increasingly committed to ocean sustainability practices and marine governance framework, yet they are far from being widely implemented or assessed.

The progress made by the regional countries in the Indian Ocean in achieving the targets of SDG14 is less than in other marine regions of the world. The transboundary nature of the marine environment requires collaborative actions by regional stakeholders coordinated across sectors and territorial boundaries to deal with the ocean's various challenges. Cooperation and coordination among stakeholders in marine regions have proven to be important levers for policy implementation and strengthening ocean governance yet remain challenging.

Transparent and engaging stakeholder dialogue processes have the potential to provide guidance for the necessary transformation towards ocean sustainability and support the attainment of SDG14 and other interlinked ocean-related targets. While many stakeholders may desire to participate in a collaborative process within the Indian Ocean, travel restriction may prevent their participation. It is more often a question of what degree of collaboration is possible or appropriate with regional stakeholders, rather than a black and white choice between collaboration or no collaboration.

Dr. Maliha Zeba Khan, Assistant Professor, National University of Modern Languages, Islamabad



Before the speech, I want to thank the Embassy of Portugal, NIMA, and IPS for conducting this event. Most of the issues highlighted here are related to non-traditional security threats. From the perspective of international relations, we see that the spectrum of security has changed from traditional to non-traditional. All the issues we face in the maritime domain are primarily non-traditional. Traditional security issues are there that are relevant. For those issues, we are very much in a better position in terms of operational preparedness, but if you look at the non-traditional security threats, which have been highlighted before, like overfishing and other issues being faced like pollution and ship emissions. All these things need serious consideration by the state.

We talk about sustainability, but we always ignore that oceans and humanity have a strong link. We cannot separate them because humanity could not expand to this extent without the connection of the oceans, and the expansion of religion, beliefs, and faith is highly indebted to the oceans. People used the seas and oceans for commuting when technology was not as advanced as today. The question is that with time, are we taking good care of the environment? The environment which is giving us nutrition, connecting us, help us in promoting humanity, and all the good things from which we get benefit. If we

look at this domain of non-traditional security, we see the fundamental issues related to the environment, society, and economy. If we look at the rest of the two sectors, as provided by Barry Buzan, politics and military, both are relevant, but they are not directly relevant to the maritime domain. Instead, they are indirectly relevant.

Another point that I wanted to highlight was the question of good governance in the oceans or good ocean governance. That is a point in which we are lacking, and the role of the United Nations is missing. We are a little delayed in that domain. Allow me to highlight a few of the points in which we are delayed and there are deficiencies. If we look at the high seas covering 54% area and look at it volume-wise, that is over 90%, but we do not have enough regulations and law-making regarding those high seas, which are beyond national jurisdiction. When we talk about national jurisdiction, do not forget that it is purely 12 nautical miles of territorial waters. Even within exclusive economic zones (EEZ) and continental shelf (CS), you have partial jurisdiction, and you do not have 100% jurisdiction. Yes, you are there to use the resources, but you must follow specific rules and regulations. On the high seas, we see that all these rules and regulations are very much deficient, and some things need to be revised with time; such as if we look at the rule in which they mentioned the high-water mark for deep-sea fishing, that has not been changed after 1994. If we look at the weak and soft laws that are not very effective for the national goal, those things are creating challenges for law enforcement. If I look at Pakistan and I see the role of security agencies such as Pakistan Maritime Security Agency (PMSA), Coast Guards, and the Navy. The Navy has always been helpful to these agencies. These agencies are facing shortage of equipment. This is the area in which we are lagging because of the threat and the number of challenges increasing daily. Despite all this, maritime security is very comprehensive. It is not only about threats coming from the enemies. These are the threats coming from organized blue crimes. Threats are coming from the smugglers. These are the threats from the traffickers and the people who are using illegal practices on the seas, which are harming the natural ocean environment.

If we talk about SDGs, it is understood that SDG14 is relevant to the oceans and their resources. In my opinion, all the 17 SDGs are relevant to the ocean, from the elimination of poverty till the 17th one. These goals are very relevant, and we cannot keep them apart from ocean development. Again, I mentioned soft laws or those that need to be updated. There is an International Seabed Authority at the global level that is working under the UN, and it was established in 1994. Since then, it has never turned down any license request put forward for seabed mining even though all the environmental agencies have been asking to stop this practice. There must be regulation and a full stop to these practices, which are harming the national environment. There is a significant flaw in that.

I think the practice we are discussing in this domain is the maritime environment. These practices should be divided into three parts. First, the national practices, which we are carrying out in our country. And it is not only about Pakistan, but also about all other countries, they must look into the flaws. There are gaps in the laws, not only the national laws but the support that should be coming from outside with the international organizations. The second thing that I see is lacking is the regional response; we do not have enough regional response to deal with these threats. And the third thing is international response. That needs to be integral, and that needs to be very much practical and relevant to deal with all these things. The major takeaway I want to present here is that strengthening the global, regional, and national response is vital. It is very much the need of the hour. Thank you very much.

Speech by Rear Admiral Foad Amin Baig, DG, Pakistan Maritime Security Agency



First of all, I wish to congratulate the NIMA and the embassies of Portugal and Kenya for the successful hosting of this significant event. This event is about sustainable development and exploitation of sea and marine resources. I am grateful to DG NIMA for providing me an opportunity to participate in this valuable session of Blue Talks on enhancing the conservation and sustainable development of oceans and their resources by implementing international law. A disclaimer, before I start, is that in this august house of knowledge and subject matter experts, I consider myself a beneficiary only as a student and by no means an expert, and can only contribute in terms of my experience as a practitioner and law enforcer at sea.

At the onset, I must appreciate Commodore Bilal for his active moderation. He certainly took me out of my afternoon haze when he mentioned the millions of sharks that are being hunted and that too in such a gruesome manner. I agree with DG NIMA that, most importantly, nationally addressing these challenges for achievement or sustainable development goals is essential. Furthermore, we need to raise awareness of issues relating to the sustainability of ocean resources, both amongst the masses and, more importantly, I guess, amongst the policymakers. The upcoming UN conference in Lisbon is undoubtedly an opportunity to expand our perspective and bring our action plans in sync with ongoing international efforts for sustainable development goals and the UN Ocean Decade. In this context, very pertinent advice came from the ambassador of Portugal and the principal secretary of Kenya's Ministry of Foreign Affairs who emphasized the need to adhere to the deadlines of these sustainable development goals. Hence, do you see a sense of urgency in our actions?

Dr. Vasco Becker-Weinberg was spot-on in highlighting the challenges of law enforcement at sea. Due to the stealthy nature of environmental offenses and impediments, we at PMSA also face problems in our law-enforcement efforts when it comes to satisfying the courts vis-à-vis the proof of evidence of these crimes. Also, a lack of regional framework for the judicial conclusion of border offenses remains challenging. Dr. Maliha was spot-on when she mentioned the gaps in legislation that need to be addressed. The PMSA, indeed, faces these challenges in our day-to-day law-enforcement activities.

May I also bring the attention of the house to the challenges that we face in areas beyond national jurisdiction, which constitute about 61% of the ocean surface and 73% of its volume. Marine ecosystems represent four billion years of evolution. Because of the gaps in the governance framework of these areas and the absence of internationally binding legislation on marine biodiversity, these are not protected and regulated. The UN is making an effort to develop such an instrument under the UNCLOS, and a draft has already been prepared that needs our attention. This document highlights four key areas: marine genetic resources, area-based management tools, marine protected areas, environmental impact assessment, capacity building, and technology transfer. Developing nations like us need to be a part of this process and benefit from participatory building clauses and gain an equitable share of these resources, research, and development by participating in the issue at this stage.

Ladies and gentlemen, taking this opportunity, I would like to highlight the role and efforts put in by the PMSA in the conservation and sustainable use of ocean resources. The PMSA contributes to the sustainable use of ocean resources in several ways, the foremost being coordinating a timely, robust and effective response to oil chemical spills to prevent, mitigate and, where possible, restore pollution damages caused by such events. The PMSA acts as the disaster response center in case of any incident involving marine pollution. The Agency enforces rules and policies concerning fishing and trade, which are aligned with the UN Convention on Law of the Sea, and counter illegal and unauthorized exploitation of resources. We actively participate in ensuring preservation and sustainability, marine life and

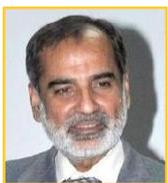
environmental sustainability in marine protected areas, and ensuring adherence to non-fishing season to ensure the breeding of fish species.

The PMSA also takes the lead in educating the fisher communities regarding marine pollution so that safeguarding the marine environment can also become a priority. Fishers are frequently educated on the importance of regulated fishing, marine sanctuaries, and marine protected areas, so that different breeds of fish can thrive. Fishers are also taught about sizes of suitable nets to use, so that small fish are not caught in the net, particularly during the breeding season. The PMSA also regularly conducts coordinated training of all national stakeholders for marine oil spill response and exercises. Apart from meeting national objectives on environmental control and pollution, the exercise also provides a common platform to deliberate upon and run through the response mechanism for various marine pollution incidents.

I would now like to address a couple of questions that popped up during the Q&A session, which perhaps pertains to PMSA also. One of the questions was about how the laws should be framed for coastal development. I think any legislation for coastal development needs to be sensitive to a few crucial points. First, it needs to be people-centric and benefit the local communities. Very clearly, they must benefit from this development. They should not have a sense of deprivation and exploitation. It needs to cater to sustainable use of resources and management of the environment while developing these facilities.

There was another question about pollution in the harbor and creeks; indeed, it is a preeminent problem and perhaps the biggest challenge in Karachi. I want to apprise the house regarding the Karachi Transformation Plan under which the nullahs in Karachi have been lined with bricks. Moreover, secondly, funding for treatment plants is being arranged so we can treat the waste before it drains into the sea. This is only a small effort, but we need to build upon these efforts. Mounting a comprehensive response to this problem, I think the most severe aspect is the attitude as a nation that we need to shape and curtail. Furthermore, if we can change this attitude through an awareness campaign, perhaps today's seminar will be a handy tool. Should we fail to discuss these imperatives of caring for the planet, of course, we will pay a heavy price. I want to thank DG NIMA for allowing me to be a part of today's proceedings and the governments of Portugal and Kenya for their contribution to this noble cause. I am sure today's session will help Pakistan prepare better for the upcoming UN conference in Lisbon and create awareness about this vital subject.

Concluding remarks by Khalid Rahman, Chairman, Institute of Policy Studies, Islamabad



Let me express my thanks to all the panelists, our cohost, and all the participants. I think I would not be exaggerating if I say that we are going back from this hall more educated due to the presentations made here. Some of us already had knowledge about the subject, however the session has enlightened us about many facts and motivated us to know more about the situation and the procedures, laws, and whatever is being done globally under the UN umbrella. That gives us motivation as well as makes us realize that there is a big challenge and whatever is being done, it is not enough.

Many concerns are there, that is true, and many of these concerns have been expressed. One can say that this was not an exhaustive list shared by different speakers; perhaps, more seminars are needed to understand what kind of concerns should be further acknowledged. And then, of course, once you recognize something, you move to resolve the issue. We were rightly reminded that the oceans, though recognized under different names, are fundamentally one, and it was also rightly pointed out that they are interconnected. Moreover, the ocean is crucial to our lives. Human actions are causing a lot of destruction and damage. There is now a lot in place, but there are gaps that need to be addressed.

The UN has taken the initiative to develop an international legally binding instrument, as we were told, but as it happens when you are working in the global arena, it takes much time to develop consensus and to reach a final agreement. So, as was rightly stressed, it is taking time, and it will take time. I think that Dr. Maliha said that all 17 SDGs are directly linked to any achievement that we will meet under SDG14, which is related to oceans. So, that is extremely important for all the policymakers worldwide that whatever you want to achieve in any of the SDGs, you will have to focus on the oceans.

It is always good to note that the UN is taking the initiative on something, and when we are talking of the oceans, we are reminded that for around 30 years, a day has been celebrated, which has also motivated us to hold this program today. Furthermore, now, a decade related to the ocean is being celebrated, of which a year has already passed.

We have also talked about the management paradigm; the video highlighted that, without global governance, we could not ensure effective regional governance. The dilemma is related to the paradigm of getting versus giving. When we talk of exploitation, whether it is related to the ocean, our planet, or any community, this is a reflection of the role of that community or that particular area that is being governed under the 'getting' paradigm; because the 'giving' paradigm asks you to share. The dilemma is that the 'getting' drives the whole governance model of today's governments. The paradigm is to maximize wealth and profit, which leads to exploitation.

So, the question is, is it possible to have good ocean governance without having good global governance? The joke about the fish and the baby fish is relevant here. The baby fish asks the mother fish why aren't they allowed to go to land when humans come to oceans all the time. The mother fish responds that it is because they are selfish and we are fish. So, the answer is that it is being governed by selfish people, which is the paradigm of today's world. I think all those ideas that have been presented here are essential, and we need to focus on those and make our contribution.

I once again thank all the speakers and all the participants, and we look forward to many such sessions because there were many questions, and I think while some of the questions were responded to, there is a need to have multiple sessions with experts from each domain to cover all the possible questions. I think we shall be organizing more sessions to achieve something even more in the future. Thank you very much.

Question-Answer Session

Fiza from Research Center for International Maritime Law and Practice: How Pakistan can benefit from bilateral trade with Portugal and how Portugal can invest in the development of Gwadar port?

Answer: I do not know much about Gwadar port. A port is being developed in Portugal to transport gas to other parts of Europe. This experience can also be relevant for Pakistan because there is a need to decarbonize the economy. Regarding the usefulness of Portugal's experience for Pakistan, the country has considerable expertise in marine protected areas and developed its first marine area in the 1970s. It is an excellent example that can be replicated in other parts of the world.

Ambassador Pocinho: Portugal has a vast experience regarding the issues connected with the ocean. Therefore, Portugal started a discussion to discover various avenues of cooperation.

Zohaib Altaf, maritime researcher at IPS: What is the link between poverty and environmental degradation. How can nations ensure the development of coastal communities with the help of international law?

Dr. Becker-Weinberg: It is a critical aspect. People living in the coastal areas are facing tremendous pressure. The sea level is rising, and other aspects, such as illegal fishing, impact their livelihood. There is concern that the way of life of coastal communities and their rich maritime knowledge is under threat. From a legal perspective, work related to coastal communities happens in the framework of special marine planning where states develop a blue economy while putting coastal communities at the center.

Fiza from Research Center for International Maritime Law and Practice: How can Pakistan-Portugal cooperation help the ecological development of an island near Karachi?

Ambassador Pocinho: Discussions with different experts in Portugal can be held to see what could be done in this regard.

Dr. Asif Inam: Any island near Karachi harbor faces the threat of a rise in sea level. The UN's Intergovernmental Panel on Climate Change has estimated a 60 cm rise in sea level in the coastal belt of Sindh. If this happens, any island in the vicinity of Karachi will disappear.

Tahira, a student: How practical are government steps to curb industrial waste flowing into the ocean?

Dr. Asif Inam: People in Pakistan lack awareness about the pollutants introduced into the oceans. Almost every kind of pollutant is being added to the open sea. The government must develop a rigorous sampling and monitoring plan for the whole system. However, the problem cannot be sorted out without relevant data.

Farjad Khan, intern at Institute for Strategic Studies, Research & Analysis (ISSRA): How can Pakistan play a role in preserving the ocean when it has so many domestic issues and little focus on the seas?

Dr. Becker-Weinberg: Academia's role is crucial in developing an ocean-centric approach. Ocean policies start with academia and must trickle down to the policy level.

Zahra from Institute of Strategic Studies Islamabad: What does international law say about dumping nuclear waste into the ocean?

Dr. Becker-Weinberg: Different legal and international frameworks address land-based pollution regarding dumping chemical and nuclear waste into the ocean. There is an international convention that deals with nuclear waste and even ships carrying such waste.

Recommendations

- Incorporate maritime crimes into international law
- Regional cooperation to deal with maritime crimes
- Strengthen national, regional, and international response
- Expand law into the high seas to protect biodiversity
- Put coastal communities at the heart of any development related to oceans
- Improve legislation at the national level according to needs
- Capacity building of enforcement agencies
- Acknowledge the importance of the ocean in all SDGs
- Conserve 30% of the marine environment