210130 SE M11:
FOP Research Practice –
Global inequalities in the making of a new marine biodiversity agreement

Time: Friday 09:45-16:30
DIGITAL
Start: 3rd of December 2021
(preparatory Meeting 8th of October 2021)

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Office hour: after agreement

Aims, contents and method of the course

This Research Workshop introduces students to the empirical study of international environmental negotiations, in particular the ongoing negotiations for the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction (BBNJ). Departing from the point that states require a solid science and knowledge base for decision-making to find solutions to environmental problems, this seminar addresses the inequalities involved in the access to and creation of this knowledge in relation to the BBNJ Negotiations, as well as how such inequalities influence the agreement making. The course will be closely connected to the research project MARIPOLDATA (www.maripoldata.eu) and train students in the development of their own research questions and research designs related to diverse aspects of the BBNJ treaty making process. Throughout the semester, students will be closely working with the empirical material, collected through both digital and collaborative event ethnography by the MARIPOLDATA team, as well as with official UN documents and Earth Negotiation Bulletin reports.

The course aims to
1.- familiarise students with
- 1.1.- the complexity of the international legal and political framework to manage the use and protection of the high seas (i.a., UNCLOS, RFMOs)
- 1.2.- the package elements of the BBNJ treaty (a) access to and the sharing of benefits deriving from marine genetic resources (MGRs), (b) the establishment of area-based management tools (ABMTs), including marine protected areas (MPAs), (c) the process of conducting environmental impact assessments (EIAs), and (d) capacity building and the transfer of marine technology (CBTMT)).
- 1.3.- concepts and approaches to analyse global environmental negotiations (e.g. roles of state and non-state actors, knowledge types in regime formation)
- 1.4.- empirical methods to study global environmental politics (e.g.., collaborative event ethnography, digital ethnography, interviews, social network analysis)

2.- guide students in the design of their own empirical research in relation to the BBNJ treaty and negotiation process.

The course targets master students with interest in global environmental politics, disputes over international legal order, political ecology, and marine issues.

The method of the course consists of

- short lectures and introduction to the topics of the course,
- reading of academic literature,
- preparation of sessions,
- writing of short summaries,
- group work during the course,
- short students' presentations,
- writing of final seminar paper
- discussions.

Assessment and permitted materials

- Active participation (you are allowed to skip only one session and must inform us in advance via email alice.vadrot@univie.ac.at; ina.tessnow-vonwysocki@univie.ac.at. If you cannot attend the class a second time, please provide an excuse (doctor´s notice, etc.)
- Hand in all writings on time!
- Writings: Short summary guided by questions (by 20.11.2021) (20%) & Term Paper (60%) (30.04.2022).
- Active participation in class: group work, presentations, and discussions (online) (20 %)
- Readings will be provided in Moodle

Grading:

- 100 to 90 Points: Very good (1)
- 89 to 80 Points: Good (2)
- 79 to 70 Points: Satisfactory (3)
- 69 to 60 Points: Sufficient (4)
- >60 Points: Poor (5)

Structure, topics and timeline of the seminar

Friday 08.10. 09:45 – 10:45: Introduction to the topics of the course and the research groups
Friday 03.12. 09:45 - 16:30: Global Environmental Governance and the BBNJ Negotiations
Friday 10.12. 09:45 - 16:30: Research design, methodology, data
Friday 14.01. 09:45 - 16:30: Group work and presentations
Friday 21.01. 09:45 - 16:30: Group work and presentations
Friday 28.01. 09:45 - 16:30: Presentations and wrap-up

Minimum requirements and assessment criteria

- Knowledge about the content of all mandatory literature + literature of the group
- Development of research plan/concept
- Delivery of the term paper

Detailed overview of the course

Timeline & topics

Students will work in groups after the second meeting according to the research topic of their choice. Additionally, each group will focus on one of the following three state actors: Brazil, the EU and USA.

Friday 08.10.
09:45 – 10:45: Introduction to the topics of the course and the research groups

09:45: Welcome & introduction of the teaching team
09:50 - 10:10 Explorative survey
10:10 - 10:20 Presentation of syllabus
10:20 - 10:30 Introduction to assignments (graded)
10:30 - 10:40 Further tasks: readings, group choice, deadlines
10:40 - 10:45 Readings for the following session

To do´s:

- 1st assignment. Answer the following questions based on the list of readings. Deadline 20.11.21

Questions:

- What is the role of international negotiations in global environmental politics?
- What are key legal, political, and scientific challenges of protecting BBNJ?
- Why do we need a new treaty on BBNJ?
- How can international negotiations be studied with CEE?
- What are key actors in BBNJ?

Reading list:

Ardron, J. A., Rayfuse, R., Gjerde, K. M., & Warner, R. (2014). The sustainable use and conservation of biodiversity in ABNJ: what can be achieved using existing international agreements? Marine Policy, 49, 98–108. https://doi.org/10.1016/j.marpol.2014.02.011

Blasiak, R., Jouffray, J., Wabnitz, C. C. C., Sundström, E., & Österblom, H. (2018). Corporate control and global governance of marine genetic resources. Science Advances, 4(6), Article eaar5237.

Churchill, R. R. (2009 or 2015?). The 1982 United Nations Convention on the Law of the Sea. In D. R. Rothwell, A. G. O. Elferink, K. N. Scott, & T. Stephens (Eds.), Oxford Handbook of the Law of the Sea (pp. 24-45). Oxford University Press.

Dimitrov, R. S. (2013). Environmental Diplomacy. In: Harris P (Ed.) Handbook of Global Environmental Politics (pp. 259-271). Routledge

Campbell, L. M., Corson, C., Gray, N. J., MacDonald, K. I. & Brosius, J. P. (2014). Studying global environmental meetings to understand global environmental governance: Collaborative

Event Ethnography at the tenth Conference of the Parties to the Convention on Biological Diversity. Global Environmental Politics, 14(3), 1-20. https://doi.org/10.1162/GLEP_e_00236

Gjerde, K. M. (2012). Challenges to protecting the marine environment beyond national jurisdiction. International Journal of Marine and Coastal Law, 27, 839–847. https://doi.org/10.1163/15718085-12341255

Harrison, J., (2017). 2 The United Nations Convention on the Law of the Sea and the Protection and Preservation of the Marine Environment. In Saving the Oceans Through Law: The International Legal Framework for the Protection of the Marine Environment (pp. 17-42). Oxford University Press. https://doi.org/10.1093/law/9780198707325.001.0001

Kamau, M., Chasek, P., O'Connor, D. (2018). Multilateralism: Complexity and intrigues. In Transforming Multilateral Diplomacy: The Inside Story of the Sustainable Development Goals (pp. 16-46). Routledge.

O'Neill, K. (2009). International environmental problems. In J. Vogler & M. F. Imber (Eds.), The Environment and International Relations (pp. 24-47). Cambridge University Press. https://doi.org/10.1017/CBO9780511805974.003

O'Neill, Kate, & Haas, Peter M. (2019). Being There: International Negotiations as Study Sites in Global Environmental Politics. Global Environmental Politics, 19(2), 4-13.

Tessnow-von Wysocki, I., & Vadrot, A. B. M. (2020). The Voice of Science on Marine Biodiversity Negotiations: A Systematic Literature Review. Frontiers in Marine Science 7, Article 614282. https://doi.org/10.3389/fmars.2020.614282

Tunçalp, D., & Lê, P. L. (2014). (Re)Locating boundaries: A systematic review of online ethnography. Journal of Organizational Ethnography, 3(1), 59-79. https://doi.org/10.1108/JOE-11-2012-0048

UN. (2019). Revised draft text of an agreement under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction. Retrieved from: https://undocs.org/en/a/conf.232/2020/3

Vadrot, Alice B. M. (2020). Multilateralism as a 'site' of struggle over environmental knowledge: The North-South divide. Critical Policy Studies, 14(2), 233-245. https://doi.org/10.1080/19460171.2020.1768131

Vadrot, A. B. M. (2021). Ocean Protection. In J. F. Morin & A. Orsini (Eds.), Essential Concepts of Global Environmental Governance (2nd ed., pp. 173-175). Routledge.

Vadrot, A. B. M., Langlet, I., & Tessnow-von Wysocki, I. (2021). Who owns marine biodiversity? Contesting the world order through the 'common heritage of humankind' principle. Environmental Politics. https://doi.org/10.1080/09644016.2021.1911442

Friday 03.12.

09:45 - 16:30: Introduction to Global Environmental Governance and the BBNJ Negotiations

9:45 – 12:00: Presentation BBNJ

- BBNJ treaty and international law general

- Package elements: MGRs, MPAs/ABMTs, EIAs, CBTMT. 10 min Q&A
- Treaty negotiation and CEE: how do negotiations look like, what are intergovernmental negotiations, CEE, digital ethnography. 10 min Q&A
- Introduction to MARIPOLDATA's data set. 10 min Q&A

12:00-13:00: Break

13:00 – 14:30: Discussion of assignments

- What is the role of international negotiations in global environmental politics?
- What are key legal, political, and scientific challenges of protecting BBNJ?
- Why do we need a new treaty on BBNJ?
- How can international negotiations be studied with CEE?
- What are key actors in BBNJ?

14:30 - 14:45: Short break

14:45 - 16:30: Guest lecture. Inequalities in BBNJ.

Literature:

ENB Report. 2019. Summary of the Third Session of the Intergovernmental Conference (IGC) on the Conservation and Sustainable Use of Marine Biodiversity of Areas Beyond National Jurisdiction: 19-30 August 2019. Vol. 25 No. 218.

Session objectives:

- gain overall overview about the topic

To-dos:

- Readings for next session
- Think about which group you would like to be in

Friday 10.12.
09:45 - 16:30 Research design, methodology and data

09:45 – 11:00: Presentation of groups

- Presentation of groups, choice of groups

11:00 – 12:45: Development of research question, methodology, theory and selection of methods

Campbell, L. M., Corson, C., Gray, N. J., MacDonald, K. I. & Brosius, J. P. (2014). Studying global environmental meetings to understand global environmental governance: Collaborative Event Ethnography at the tenth Conference of the Parties to the Convention on Biological Diversity. Global Environmental Politics, 14(3), 1-20. https://doi.org/10.1162/GLEP_e_00236

Wright S., O'Brien B, Nimmon L, Law M, and Mylopoulos M. (2016). Research Design Considerations. Journal of Graduate Medical Education: February 2016, Vol. 8, No. 1, pp. 97-98.

Booth, W.C., Colomb, G.G., and Williams, J.M. (2008). The craft of research (3. Edition). Chicago: University of Chicago Press. Chapter 3: From topics to questions. S.36-50., chapter 4: From questions to a problem

12:45 - 13:30: Break

13:30 - 15:30: Group work

Silvia: Group 1 - Protecting or challenging the legal status quo / use of TK in ABMTs and MPAs:

Drankier, P. (2012). Marine protected areas in areas beyond national jurisdiction. *The International Journal of Marine and Coastal Law, 27*, 291-350. https://doi.org/10.1163/157180812X637975

Johnson, D., Ferreira, M. A., & Kenchington, E. (2018). Climate change is likely to severely limit the effectiveness of deep-sea ABMTs in the North Atlantic. *Marine Policy, 87*, 111-122. https://doi.org/10.1016/j.marpol.2017.09.034

Scott, K. N. (2012). Conservation on the high seas: Developing the concept of the high seas marine protected areas. *The International Journal of Marine and Coastal Law, 27*, 849-857. https://doi.org/10.1163/15718085-12341243

Arne: Group 2 - Understanding the policy issue of Marine Genetic Resources and its role in negotiations

Vierros, M., Suttle, C. A., Harden-Davies, H., & Burton, G. (2016). Who Owns the Ocean? Policy Issues Surrounding Marine Genetic Resources. Limnology and Oceanography Bulletin, 25(2), 29-35. doi:10.1002/lob.10108

Oldham, P., Hall, S., Barnes, C., Oldham, C., Cutter, M., Burns, N., & Kindness, L. (2014). Valuing the deep: Marine genetic resources in areas beyond national jurisdiction. Defra Contract. MB, 128.

Leary, D. (2019). Agreeing to disagree on what we have or have not agreed on: The current state of play of the BBNJ negotiations on the status of marine genetic resources in areas beyond national jurisdiction. Marine Policy, 99, 21-29. doi:10.1016/j.marpol.2018.10.031

Blasiak, R., Wynberg, R., Grorud-Colvert, K., Thambisetty, S., Bandarra, N., Canario, A., et al. (2020). The ocean genome and future prospects for conservation and equity. Nat. Sustain. 5, 588–596. doi: 10.1038/s41893-020-0522-9

Heffernan, O. (2020). Why a landmark treaty to stop ocean biopiracy could stymie research. Nature 580, 20–22. doi: 10.1038/d41586-020-00912-w

Broggiato, A., Arnaud-Haond, S., Chiarolla, C., and Greiber, T. (2014). Fair and equitable sharing of benefits from the utilization of marine genetic resources in areas beyond national jurisdiction: bridging the gaps between science and policy. Mar. Policy 49, 176–185. doi: 10.1016/j.marpol.2014.02.012

Ina: Group 3 - Science-Policy Interfaces in Global Environmental Politics

Halffman, W. (2019). What Is Science? (And Why Does This Matter?). In E. Turnhout, W. Tuinstra, & W. Halffman (Authors), Environmental Expertise: Connecting Science, Policy and Society (pp. 11-35). Cambridge: Cambridge University Press. doi:10.1017/9781316162514.003

Chasek, P. (2019). Linking scientific knowledge and multilateral environmental governance. In Contesting Global Environmental Knowledge, Norms, and Governance (1st ed., pp. 17-32). Routledge.

National Research Council, Policy and Global Affairs, Development S and C, Committee for Survey and Analysis of Science Advice on Sustainable Development to International Organizations. “4 Structure of Science Advice in the United Nations System Today." In Knowledge and Diplomacy : Science Advice in the United Nations System. National Academies Press; 2002. Accessed October 4, 2021. https://search-ebscohost-com.uaccess.univie.ac.at/login.aspx?direct=true&db=nlebk&AN=87035&site=ehost-live

15:30 - 15:45 Short break

15:45 – 16:30: Short students’ presentations about their research project

Session objectives:

- knowledge of the specific topics
- organized into final subgroups for paper
- familiar with methodologies
- feedback from group on ideas

To-dos:

- think about research question, methodology, data etc.
- prepare one page research outline over the holidays
- read readings

Friday 14.01.
09:45 - 16:30 Group work and presentations

09:45 - 10:15: Presentations (3min) one page research outline

10:15 - 12:45: Group work

Group 1.a: Protecting or challenging the legal status quo

Chasek, P. (2001). Multilateral Negotiation. In Earth Negotiations: Analyzing Thirty Years of Environmental Diplomacy (p. 24-52). United Nations University Press.

Friedman, A. (2019). Beyond "not undermining": possibilities for global cooperation to improve environmental protection in areas beyond national jurisdiction. ICES Journal of Marine Science, 76(2), 452-456. https://doi.org/10.1093/icesjms/fsy192

Scanlon, Z. (2018). The art of "not undermining": possibilities within existing architecture to improve environmental protections in areas beyond national jurisdiction. ICES Journal of Marine Science, 75(1), 405-416. https://doi.org/10.1093/icesjms/fsx209

Group 2: Political conflicts around MGRs

Leary, D. (2018). Marine Genetic Resources in Areas beyond National Jurisdiction: Do We Need to Regulate Them in a New Agreement? Maritime Safety and Security Law Journal, 19(5), 22-47.

Blasiak, R., Jouffray, J.-B., Wabnitz, C. C. C., Sundström, E., & Österblom, H. (2018). Corporate control and global governance of marine genetic resources. Science Advances, 4(6), eaar5237. doi:10.1126/sciadv.aar5237

Tvedt, M. W. (2020). Marine Genetic Resources: a Practical Legal Approach to Stimulate Research, Conservation and Benefit Sharing In (pp. 238): Brill | Nijhoff.

Group 3: Science & Knowledge

UN Scientific Advisory Bodies in Global Environmental Governance

Beck, Silke, et al. "Towards a reflexive turn in the governance of global environmental expertise: the cases of the IPCC and the IPBES." GAIA - Ecological Perspectives for Science and Society, vol. 23, no. 2, May 2014, pp. 80+. Gale Academic OneFile, link.gale.com/apps/doc/A403449737/AONE?u=43wien&sid=bookmark-AONE&xid=1c488714. Accessed 4 Oct. 2021.

Kohler, P. M. (2020). SCIENCE AND GLOBAL ENVIRONMENTAL GOVERNANCE. In Science Advice and Global Environmental Governance: Expert Institutions and the Implementation of International Environmental Treaties (pp. 9–36). Anthem Press. https://doi.org/10.2307/j.ctvq4bzt8.7

Andresen, S., Baral, P., Hoffman, S.J., & Fafard, P. (2018). What Can Be Learned from Experience with Scientific Advisory Committees in the Field of International Environmental Politics? Global Challenges, 2(9), Article 1800055. https://doi.org/10.1002/gch2.201800055

12:45 – 13:30: Break

13:30 - 15:30: Group work

Group 1.b: The use of TK in ABMTs and MPAs

Dunn, D. C., Crespo, G. O., Vierros, M., Freestone, D., Rosenthal, E., Roady, S., Alberini, A., Harrison, A.-L., Cisneros, A., Moore, J. W., Sloat, M. R., Ota, Y., Caddell, R., Halpin. P. N. (2017). Adjacency: How legal precedent, ecological connectivity, and Traditional Knowledge inform our understanding of proximity [Policy brief]. The Nippon Foundation. https://archives.nereusprogram.org/policy-brief-adjacency-how-legal-precedent-ecological-connectivity-and-traditional-knowledge-inform-our-understanding-of-proximity/

Chasek, P. (2001). Multilateral Negotiation. In Earth Negotiations: Analyzing Thirty Years of Environmental Diplomacy (p. 24-52). United Nations University Press.

Huntington, H. P. (2000). Using traditional knowledge in science: Methods and applications. Ecological Applications, 10(5), 1270-1274. https://doi.org/10.1890/1051-0761(2000)010[1270:UTEKIS]2.0.CO;2

Mulalap, C. Y., Frere, T., Huffer, E., Hviding, E., Paul, K., Smith, A. Dr., & Vierros, M. K. (2020). Traditional knowledge and the BBNJ instrument. Marine Policy, 122, Article 104103. https://doi.org/10.1016/j.marpol.2020.104103

Group 2: Understanding the role of other International Organizations

Orsini, A., Oberthür, S., & Pożarowska, J. (2014). Transparency in the governance of access and benefit sharing from genetic resources. Transparency in Global Environmental Governance: Critical Perspectives, Gupta A, Mason M (eds)(eds). MIT Press: Cambridge, MA, 157-180.

Oberthür, S., & Pożarowska, J. (2013). Managing Institutional Complexity and Fragmentation: The Nagoya Protocol and the Global Governance of Genetic Resources. Global Environmental Politics, 13(3), 100-118. doi:10.1162/GLEP_a_00185

Raustiala, K., & Victor, D. G. (2004). The regime complex for plant genetic resources. International organization, 58(2), 277-309.

Group 3: Science & Knowledge

- Working with MARIPOLDATA ethnographic data on science in BBNJ

Group 3 A

Dimitrov, R.S. (2003). Knowledge, Power, and Interests in Environmental Regime Formation. International studies quarterly, 47, 150. https://doi.org/10.1111/1468-2478.4701006

Group 3 B

Andresen, S. (2014). The role of scientific expertise in multilateral environmental agreements: influence and effectiveness. In E. Hey, H. Raulus, K. Arts, & M. Ambrus (Eds.), The Role of 'Experts' in International and European Decision-Making Processes: Advisors, Decision Makers or Irrelevant Actors? (pp. 105-125). Cambridge University Press.

15:30 – 15:45: short break

15:45 - 16:30: Short students' presentations about the current state of their research project

Session objectives:

- advance research in a group
- division of work within the groups
- think about what data is needed

To dos:

- readings for next session
- write a data request to send to Arne by 19.01.

Friday 21.01.

09:45 - 16:30 Group work and presentations

09:45 - 10:15: Questions on data access,

10:15 - 12:45 Group work

Group 1.a: Protecting or challenging the legal status quo

Gjerde, K. M., Clark, N. A., & Harden-Davies, H. R. (2019). Building a platform for the future: The relationship of the expected new agreement for marine biodiversity in areas beyond national jurisdiction and the UN Convention on the Law of the Sea. Ocean Yearbook, 33, 3-44. https://doi.org/10.1163/9789004395633_002

Gownaris, N. J., Santora, C. M., Davis, J. B., & Pikitch, E. K. (2019). Gaps in protection of important ocean areas: A spatial meta-analysis of ten global mapping initiatives. Frontiers in Marine Science, 6. Article 650. https://doi.org/10.3389/fmars.2019.00650

Rietig, K. (2014). 'Neutral' experts? How input of scientific expertise matters in international environmental negotiations. Policy Sciences, 47, 141-160. https://doi.org/10.1007/s11077-013-9188-8

Group 2:

- Connect Data to Questions
- Using MARIPOLDATA ethnographic database
- Using data analysis tools: R, Atlas.ti

Group 3: Science & Knowledge

- Analyzing MARIPOLDATA ethnographic data on science in BBNJ

13:30 - 15:30: Group work

Group 1.b: The use of TK in ABMTs and MPAs

Johnson, D. E., Froján, C. B., Turner, P. J., Weaver, P., Gunn, V., Dunn, D. C., Halpin, P., Bax, N. J., & Dunstan, P. K. (2018). Reviewing the EBSA process: Improving on success. Marine Policy, 88, 75-85. https://doi.org/10.1016/j.marpol.2017.11.014

Schlosberg, D., & Carruthers, D. (2010). Indigenous struggles, environmental justice, and community capabilities. Global Environmental Politics, 10(4), 12-35. https://doi.org/10.1162/GLEP_a_00029

Suiseeya, K. R. M. (2014). Negotiating the Nagoya Protocol: Indigenous demands for justice. Global Environmental Politics, 14(3), 102-124. https://doi.org/10.1162/GLEP_a_00241

Group 2:

- Connect Data to Questions
- Possible other data sources, desk research

Group 3: Science & Knowledge

- Analyzing MARIPOLDATA ethnographic data on science in BBNJ

15:30 - 15:45: Short break

15:45 - 16:30: Short students' presentations about the state of their data analysis

Session objectives:

- start data analysis in group
- start operationalizing concepts

To dos:

- advance research & draft to a presentable level

Friday 28.01.
09:45 - 16:30 Presentations and Wrap-up

09:45 - 10:15: Q&A

10:15 - 12:45: Group work

Discussion of draft, finalize presentations

13:30 - 16:30: Plenary session, presentations

Presentation must include: research question, state of the art, theory, methodology, use of data, preliminary results

10 min presentation, 20 min discussion

Group work and research

The BBNJ Negotiations are complex from different perspectives (actors, package elements, practices and more). As a way to facilitate the study of these negotiations, students will work in groups. Such work further aims to familiarize students with particular methodologies and data about their research interest.

Students of each group are expected to design a research project together and under the guidance of the supervisors. This includes: identifying a research interest, formulating a research question, choosing appropriate research methods, developing a theoretical framework, describing the state of the art, agreeing on a timeline, and recollecting data. These steps will enable students to deliver a final paper in which they additionally analyze the data, and write results and conclusions.

Each group will consist of 5 students maximum and will focus on one topic. The topics and groups are the following:

1. **Tracking the roles of Brazil, the EU and USA with regards to ABMTs and MPAs in the BBNJ Negotiations**

Parties in multilateral environmental negotiations can play different roles – drive, conduct, defend, brake or cruise (Chasek, 2001; Zartman, 1994). These roles represent their position regarding a political issue. For instance, the role of the future agreement in the coordinated establishment of ABMTs and MPAs and the use of a non-scientific knowledge system in such tools constitute matters of dispute in the case of the BBNJ Negotiations.

Thus, the first subgroup of this topic will focus on the roles of either Brazil, the EU or USA with regards to protecting or challenging the legal status quo to establish ABMTs and MPAs in areas beyond national jurisdiction. The second subgroup will investigate the roles of one of the abovementioned state actors in relation to the use of Indigenous, local and traditional knowledge (TK) in ABMTs and MPAs.

Group A: Protecting or challenging the legal status quo

Currently, multiple organizations establish ABMTs and MPAs in different areas of the high seas, but they lack a coordination process (Ardron et al., 2014; Gjerde et al., 2019; Gownaris et al., 2019; Harden-Davies et al., 2020). The future BBNJ agreement could increase coordination because it could establish ABMTs and MPAs in areas beyond national jurisdiction (G.A. Res. 72/249, paragraph 2). However, states might want to limit the role of the future BBNJ agreement in this regard by pointing to organizations that already have the mandate to implement ABMTs or MPAs in different ocean areas.

While state actors give legal arguments to support their position in this regard, they might also make use of scientific arguments, as science plays a role in environmental negotiations (see Haas, 1992; Lidskog & Sundqvist, 2002; Liftin, 1994; Vadrot, 2014). Yet, if and how Brazil, the EU and USA make claims to science to support the current legal framework of implementation of ABMTs and MPAs is an open question.

Thus, guiding questions for this research group are:

- What states protect or challenge the legal status quo of ABMTs and MPAs?
- Do states provide scientific arguments to protect or challenge the implementation of ABMTs and MPAs by the future treaty?
- How do they provide such arguments?
- Do states change their roles across IGCs in relation to the implementation of ABMTs and MPAs by the BBNJ agreement?

Group B: The use of traditional knowledge in ABMTs and MPAs

Indigenous People and Local Communities (IPLCs) have struggled through decades to include TK in international instruments of environmental protection and participate in multilateral environmental negotiations to fulfill this aim (Belfer et al., 2019; Suiseeya, 2014; Suiseeya & Zanotti, 2019). After such efforts, authors of different scientific disciplines support the use of this knowledge system to manage and protect the marine environment and

propose to include it in the future BBNJ agreement (see Dunn et al., 2017; Harden-Davies et al., 2020; Mulalap et al., 2020).

IPLCs are underrepresented in the BBNJ Negotiations (Mulalap et al., 2020) where state actors introduce TK. Some state actors might seem to have a strong interest in including TK in the future agreement, such as Pacific coastal countries (own ethnographic observations; see Mulalap et al., 2020), while other state actors might try to exclude the use of this knowledge system in the BBNJ instrument. In this subgroup, we will focus on the roles of Brazil, the EU and USA with regards to the use of TK in the different phases of ABMTs and MPAs (identification, proposals, consultation and assessment of proposals, decision-making, implementation, and monitoring and review).

Guiding questions for this research group include:

- Does TK count in any of the phases of the process of ABMTs and MPAs in the plenary discussions and the treaty drafts?
- What are the positions of state actors with regards to including TK in any of phases of the process of ABMTs and MPAs?
- How do states refer to TK in relation to ABMTs and MPAs?
- Can you identify conflicts regarding the inclusion of TK in the treaty text?

2. Understanding the issue of Marine Genetic Resources and the role of international bodies

The high seas and their organisms remain to a large extent unexplored and unknown. From what is known, however, genetic materials of high and deep-sea organisms can play a fundamental role in fighting diseases and conducting economically valuable pharmaceutical research. For instance, COVID-19 rapid tests have been developed using materials from deep-sea bacteria. So-called marine genetic resources (MGRs) are one of the key issues in the ongoing BBNJ negotiations.

The current negotiations towards a new BBNJ treaty aim to set rules and strengthen cooperation in researching the High Seas and conserving and sustainably using its biological resources, including MGRs. Introducing such rules and forms of cooperation has become an increasingly important agenda, as the current lack thereof led to conflicts amongst states and other stakeholders in the past. Within the BBNJ, this topic is addressed in the package on MGRs and in discussions about the access and benefit regime related to these resources. Throughout the three IGCs, this issue remains as one of the main unresolved points of contention.

In summary, the different state positions can be explained as followed: Developing countries claim rights to MGRs from the high seas – preferably under the common heritage of mankind principle, whereas developed countries aim to prevent monetary benefit sharing and claim that a strict access and benefit system may hamper marine scientific research.

This group aims to tackle this topic from two sides:

- How can a compromise on the access and benefit-sharing system be found?
- What role can other international organizations play – in light of the function of a clearing house mechanism?

Group A: How can a compromise on the access and benefit-sharing system be found?

The topic of an access and benefit-sharing system (ABS) is one of the main dividing themes. Although there is already an ABS system under international law, the ABS system of Convention of Biological Diversity (CBD) or its Nagoya Protocol does not apply directly to ABNJ. One obvious feature is the lack of a state with sovereign rights to and jurisdiction over marine genetic resources. Consequently, there are no existing institutions to grant access, provide a prior informed consent and be the counterpart in a contract.

Because this topic is being debated and a compromise on a (new) ABS system will have to be found, this group will explore negotiation analysis techniques to find the individual state's positions and possibly

Group B: The role of a CHM and existing international bodies

In order to trace and control the ABS system for MGRs, a clearing-house mechanism has been proposed. Its tasks would include to gather and host related data and possibly monitor compliance to the ABS system. Scientists have intervened to demonstrate how common scientific practice currently organizes the tasks that the CHM would have. Also, different organizations such as the IOC have made their intentions clear to host this clearing-house mechanism also the CBD already possesses a CHM.

Related to this, the relationship between the future BBNJ Treaty and existing IOs has been identified as a stumbling block for the consensual formulation of a new Treaty. Which organizations are in contention and are likely to host the CHM, which states prefer which existing IOs and why are central questions for this group.

3. The role of Science and Knowledge in the BBNJ Negotiations

Science plays an important role in emerging regimes. Environmental issues are technical and complex and solutions to such problems require "the best available science". Informed decisions on how to protect the ocean and how to use marine resources in a sustainable manner, depend on the knowledge of the state of the ocean, an understanding of its physical and biological processes, as well as estimations about impacts of human activities and possible future scenarios. Moreover, there is a need to take into account the socio-economic implications of ocean use and an incorporation of local knowledge. This group will split into two subgroups: a) Which knowledge counts in BBNJ and b) the (given) power of a Scientific and Technical Body in BBNJ.

Group A: Which Knowledge counts in BBNJ?

While there is consensus that science and knowledge are a crucial base for decision-making, it remains understudied which types of knowledge are present in the BBNJ negotiation and perceived as relevant by actors. With a variety of actors attending the BBNJ negotiations, diverging interests on how to value and make use of the ocean space and marine ecosystems, different ways of knowing and learning about the ocean exist. According to Dimitrov (2003, p. 128), it is valuable to categorize knowledge for international regime formation into: (1) knowledge about the extent of the problem, (2) knowledge about the causes of the problem, and (3) knowledge about its consequences. This working group will look into the forms of knowledge that are regarded as relevant by the USA for the BBNJ case and qualitatively analyze the justifications of the US delegation in this regard.

Research questions include:

- Which knowledge counts for BBNJ negotiations?
- Can you identify conflicts of opinions regarding relevant knowledge in BBNJ among actors?
- Which knowledge is mentioned by the USA delegation in the BBNJ negotiations?
- Which forms of knowledge are discussed in the plenary; and which can be found in the draft text of the agreement?

Group B: The (given) power of a Scientific and Technical Body in BBNJ

Scientific and Technical expert bodies provide advice to international policy-making processes, such as the Intergovernmental Panel on Climate Change (IPCC) and the Intergovernmental Platform on Biodiversity and Ecosystem Services (IPBES) (Beck, 2014). Such advisory bodies are common in multilateral processes, but their characteristics and influence varies (Andresen, 2014; Andresen, Baral, Hoffman, & Fafard, 2018). Within the BBNJ negotiations, there is agreement on the importance of scientific and technical advice and it is foreseen that a "Scientific and Technical Body" will be established for the implementation of the new instrument. The characteristics and powers of the future Scientific and Technical Body, the areas it is supposed to cover and the selection of its experts depend on what is decided in the negotiations. As the negotiations are ongoing, there is still uncertainty on how the Scientific and Technical Body will look like for the BBNJ negotiations, Science Advice in BBNJ offers a timely and relevant area of research.

This group will be studying the position of the USA regarding this "Scientific and Technical body" of BBNJ.

Research questions include:

- What is the position of the USA regarding the power of the new Scientific and Technical Body for the new agreement?
- How the US position developed throughout the BBNJ process regarding a Scientific and Technical Body?
- What are examples of other science advisory bodies from already existing regimes?