

MASTER'S THESIS (30 ECTS)

Power and Fragmentation in Global Governance Architectures: Global North vs. Global South at the Biodiversity Beyond National Jurisdiction Negotiations



Sam Tenniswood (5616522)

s.tenniswood@students.uu.nl

Utrecht University - Faculty of Geosciences

Master Sustainable Development - Earth System Governance

GEO4-2321

Supervisor: Dr. Rak Kim

2nd Reader: Dr. Frank Biermann

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Abstract

How does power play a role on the fragmentation of global governance architectures? This thesis starts with theory-based hypotheses that fragmentation creates distinctive winners and losers between the powerful nations of the Global North and the weaker Global South. Powerful, Global North nations gain from this phenomena as the proliferation of international institutions allows them to maintain dominance across a non-hierarchical international system. Weaker nations lose out due to increased transaction costs and a lack of ability to form coalitions to compete in deliberations. Weaker nations are therefore in favour of coordination, integration and defragmentation of the system. In order to test this theory, an empirical analysis of the negotiations on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction was conducted. One exemplified the degree of fragmentation each nation supports and bargains for in the context of a theoretical typology and found patterns and variations in that process. This research used a relational content analysis upon the negotiation texts, compiled by the International Institute for Sustainable Development, of all four Preparatory Committees plus proposals submitted to the committee chairs. The data gathered was coded based upon various aspects of fragmentation elucidated by theory. It was then organised based upon individual nations and then by the respective nations' relative position in the Global North or South. This information was supplemented with data gathered from delegates to the negotiations and academics. The results show that, indeed support for full, autonomous fragmentation of the area beyond national jurisdiction architecture is purely the preference of powerful, Global North nations with one exception. Conversely, a fully synergistic, defragmented area beyond national jurisdiction architecture is not solely the inclination of Global South nations nor is it supported by all Global South nations. A selection of Global South nations are particularly defensive about maintaining the fragmentation of fishing institutions. Further variance occurs with some relatively poorer Global North nations when they amalgamate genuine concerns about global sustainability targets and marine biodiversity into support for loose integration. Overall, the vast majority of nations want some degree of integration varying from a loose degree to full centralisation of all ocean affairs. The evidence strongly supports the theory that powerful nations are gaining from this phenomenon and generally supports that weaker nations are losing out.

Keywords: Area Beyond National Jurisdiction; Biodiversity Beyond National Jurisdiction; Negotiations; Fragmentation; Global North; Global South

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List of Abbreviations

ABMT	Area Based Management Tools
ABNJ	Area Beyond National Jurisdiction
ABS	Access and Benefit Sharing
ABT	Aichi Biodiversity Targets
BBNJ	Biodiversity Beyond National Jurisdiction
CARICOM	Caribbean Community
CB & TT	Capacity Building & Technology Transfer
CBD	Convention on Biological Diversity
CCSBT	Commission for the Conservation of Southern Bluefin Tuna
CHM	Clearinghouse Mechanism
CITES	Convention on International Trade in Endangered Species of Wild Flora and Fauna
CMS	Convention on the Conservation of Migratory Species of Wild Animals
COP	Conference of Parties
EBSA	Ecological or Biological Significant Area
EEZ	Exclusive Economic Zone
EIA	Environmental Impact Assessment
ENB	Earth Negotiations Bulletin
EU	European Union
FAO	Food and Agriculture Organisation
FSM	Federated States of Micronesia
GDP per capita (PPP)	Gross Domestic Product (Purchasing Power Parity)
GEF	Global Environment Facility
HSA	High Seas Alliance
IATTC	Inter-American Tropical Tuna Commission
ICCAT	International Commission for the Conservation of Atlantic Tuna
IGC	Intergovernmental Conference
IGO	Intergovernmental Organisation
IISD	International Institute of Sustainable Development
ILBI	International Legally Binding Instrument
IMO	International Maritime Organisation
IOC	Intergovernmental Oceanographic Commission
ISA	International Seabed Authority
ITPGR	International Treaty on Plant Genetic Resources
IWC	International Whaling Commission

LDC	Least Developed Countries
MGR	Marine Genetic Resources
MPA	Marine Protected Area
MSR	Marine Scientific Research
NGO	Non-Governmental Organisation
NILOS	Netherlands Institute for the Law of the Sea
P-SIDS	Pacific Small Island Developing States
PrepCom	Preparatory Committee Established by General Assembly Resolution 69/292
PSSA	Particularly Sensitive Sea Area
RFMO	Regional Fisheries Management Organisation
RGS	Royal Geographic Society
SDG	Sustainable Development Goals
SEA	Strategic Environmental Assessment
SPRFMO	South Pacific Regional Fishery Management Organisation
UN	United Nations
UNCLOS	United Nations Convention on the Law of the Sea
UNDOALOS	United Nations Division for Ocean Affairs and Law of the Sea
UNESCO	United Nations Education, Scientific and Culture Organisation
UNFSA	United Nations Fish Stocks Agreement
UNGA	United Nations General Assembly
USA	United States of America
VME	Vulnerable Marine Ecosystem
WCPFC	Western and Central Pacific Fisheries Commission
WIPO	World Intellectual Property Organisation
WTO	World Trade Organisation

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1. Introduction

Within recent years, there has been a growing debate within academic circles as to the relevance and impacts of fragmented global governance architectures. This term, fragmentation, is defined in this debate as a patchwork of various, non-hierarchical organisations, regimes and agreements within a specific issue area existing with their varying regulations, norms, principles and membership of nations (Biermann et al, 2009). One aspect of the debate is whether this phenomenon occurs naturally, through the guises of globalisation and decentralised pluralism (Koskenniemi & Leino, 2002), or whether there is an insidious creation and control by powerful nations to suit their own interests (Benvenisti & Downs, 2007). This research aims to contribute to this debate through the lens of power asymmetry, particular in relation to a contemporary issue area, marine biodiversity within the area beyond national jurisdiction (ABNJ). How does power play a role in the fragmentation of global governance architectures? The recent biodiversity beyond national jurisdiction (BBNJ) negotiations provides the opportunity to investigate.

Power, especially, in the realm in international environmental governance is a complicated issue. Control over interests in the ABNJ can be theorised through neoliberal realism, that they are to maximise their own utility at the expense of other nations (Powell, 1991). Similarly, power within international environmental negotiations has been empirically tested to suggest that external power, i.e. economic wealth, significantly increases relative gains in negotiations (Weiler, 2012). Accordingly, power is an extremely important variable in many areas of international governance. However, in the realm of fragmentation of global governance architectures, it is a variable that has been relatively neglected. There has been limited theory by Benvenisti & Downs (2007) and Zelli & Van Asselt (2012) that does shed some theoretical basis to this association. However, in terms of empirical detail, there has been no study directly looking into power and fragmentation. As a variable too, it requires more specificity with economic wealth, military power and natural resources all being usable proxies. Depending on the study, there has been various ways in which to operationalise it. The Global North and South division is one such system to do so, and is particularly relevant in global politics. The North-South divide represents a global order of power, one which has been constructed by powerful, Global North nations and still purveys global governance structures (Hurrell & Sengupta, 2012). It therefore, is relevant to represent power asymmetries in the ABNJ architecture.

In order to establish the research for this thesis, the following sections of the introduction firstly elucidates the empirical, fragmented nature ABNJ governance architecture, and how it impacts the ocean and the national stakeholders among it. This is in order to explain the importance and context behind this research. Secondly, more detail will be clarified to the problem definition,

knowledge gap and the operationalisation of power followed by a more in-depth overview of the BBNJ negotiations. This cumulates into the research objective, questions and framework.

1.1. Background & Problem Definition: Fragmentation of the ABNJ Governance Architecture

As previously mentioned, there is a debate as to both the control of fragmentation and to its effects. While this thesis will investigate one aspect of the former, the reason unequal power dynamics may be a problem in fragmented architectures stems from the ill-distribution of advantages and disadvantages to the various stakeholders. Many disadvantages specifically stem from the negative environmental effects caused by fragmented governance institutions. As one will subsequently explain, specifically, in the ABNJ issue area, there is little doubt that the fragmented architecture is allowing significant harm to marine biodiversity and in turn is potentially causing significant handicaps to weak, Global South nations.

As the ocean covers 70% of the Earth's surface, and 64% of the ocean resides in the ABNJ, control and governance of this area environmentally and in general, is particularly difficult (GEF, 2017). The ABNJ, specifically the high seas, under the Law of the Sea (UNCLOS) article 87, has been designated as open to “all states” for activities such as navigation, overflight, laying of pipelines, fishing and scientific research (UN, 1982). UNCLOS is the overarching agreement which provides a binding legal framework for all nautical activities, including Part XII which focuses on the conservation of ecosystems and endangered species, although with no specific provisions (Ardron et al., 2014). UNCLOS articles 117-120 also generically refer to the protection and conservation of ABNJ species, again with no specific measures (UN, 1982). The framework has been referred to as an outdated, 1970s view of the ocean with pollution being the main threat, climate change being non-existent and no mention of deep sea ecosystems and hydrothermal vents, as they had yet to be discovered (Gjerde, 2012; HSA, n.d.). Ban et al. (2014) also remarks that UNCLOS’s decentralised division of authority to particular sectors as well as the separation of the ocean from the seabed, overshadows any form of comprehensive management. This creates a situation whereby numerous interests are represented separately, and unlike on a national governmental level, there is no central authority to balance these interests. Authors such as Ban et al. (2014) claim that this governance paradigm on the ABNJ is all to the detriment of biodiversity conservation. As to these sectoral and regional institutions, Figure 1 describes the various organisations which have a ABNJ mandate. Figure 2 gives a visual representation to the overlaps and gaps.

Abbreviation	Full name	Abbreviation	Full name
Regional fisheries management organizations		Regional seas organizations	
CCSBT	Commission for the Conservation of Southern Bluefin Tuna	CCAMLR	Commission for the Conservation of Antarctic Marine Living Resources
GFCM	General Fisheries Commission for the Mediterranean	MAP	Mediterranean Action Plan for the Barcelona Convention
IATTC	Inter-American Tropical Tuna Commission	OSPAR	OSPAR Commission (from the Oslo and Paris Conventions)
ICCAT	International Commission for the Conservation of Atlantic Tuna	SPREP	Secretariat of the Pacific Regional Environment Programme
IOTC	Indian Ocean Tuna Commission	Global/sectoral organizations	
NAFO	Northwest Atlantic Fisheries Organization	IMO	International Maritime Organization
NEAFC	North East Atlantic Fisheries Commission	ISA	International Seabed Authority
NPAFC	North Pacific Anadromous Fish Commission	IWC	International Whaling Commission
SEAFO	South East Atlantic Fisheries Organization		
SIOFA	South Indian Ocean Fisheries Agreement		
SPRFMO	South Pacific Regional Fisheries Management Organization		
WCPFC	Western and Central Pacific Fisheries Commission		

Figure 1: Organisations with a ABNJ mandate (Pew Charitable Trust, 2016)

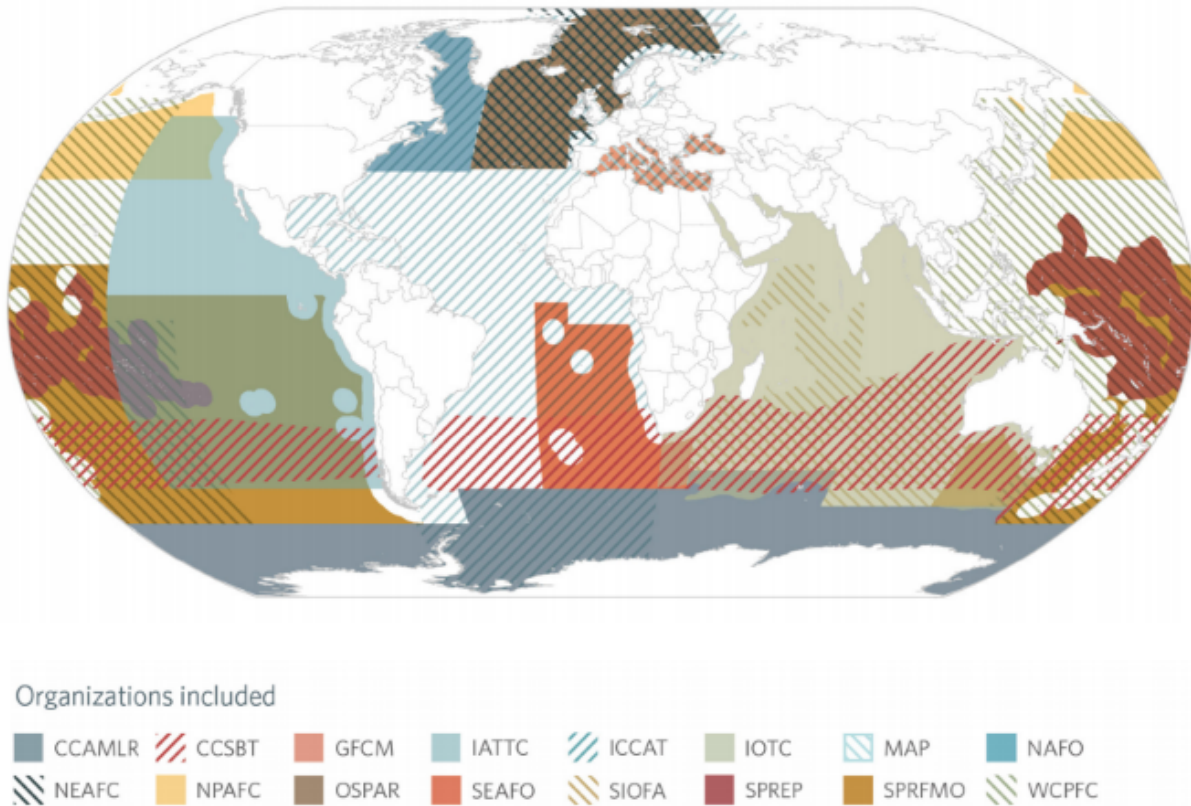


Figure 2: High seas sectoral fragmentation (Does not include IWC, IMO and ISA due to their universal high seas mandates) (Pew Charitable Trust, 2016)

Other organisations who operate on the ABNJ include:

- The Conservation on Biological Diversity (CBD) which has a ABNJ mandate under the control of Parties in regard to conserving marine biodiversity. It also is concerned with the governance and implementation of the Aichi Biodiversity Targets (ABT) and their version of a MPA, Ecological or Biologically Significant Areas (EBSAs) (Wright et al., 2016).
- Convention on the International Trade in Endangered Species of Wild Flora and Fauna (CITES) is concerned with the protection of endangered marine species from exploitation (Gjerde et al., 2008).
- Convention on the Conservation of Migratory Species of Wild Animals (CMS) is concerned with protecting migratory species and their respective migration routes. The CMS has 7 binding agreements, 5 of which are related to marine biodiversity (Ardrón et al., 2014).

Beyond the sectoral organisations there are also further agreements such as:

- UN Fish Stocks Agreement (UNFSA) which deals with the long term sustainability of straddling and migratory fish (Gjerde et al., 2008).
- FAO Compliance Agreement which attempts to prevent flagging and re-flagging fishing vessels. A practise that allows fishing vessels to flout regulations pertaining to overfishing (ibid.).

This non-exhaustive list of the organisations, regimes and agreements gives a sense of how varied in scope and subject each sectoral body deals with. However, due to these arrangements, ABNJ governance has been “fundamentally disjunctive” (Warner, 2014, 3). The overlapping of the respective institutions, without comprehensive coordinating mechanisms, is one of the main reasons why the environment is degrading to such an extent. This is due to the fact that none of the 19 organisations in Figure 1 have a cross-sectoral mandate for conservation with regulatory authority (Pew Charitable Trust, 2016). The situation leaves the implementation of management tools such as Marine Protected Areas extremely complicated in terms of logistics and legality. Furthermore, due to this fragmentation of ABNJ agreements, not all human activities are governed; not all areas are covered and there is simply no mandate to cooperate (Ban et al., 2013; Wright et al., 2016; HSA, n.d.). Despite the serious damage human activities are doing to marine biodiversity, the fragmentation of ABNJ governance has lead to a paradigm of duplication and gaps where there are minimal attempts to bridge these gaps through cooperative measures (Ban et al., 2014). It is because of fragmentation, that the ability of stakeholders to collaborate and cooperate effectively for the sake of the ABNJ is seriously hindered (Wright et al., 2016). This poor communication and cooperation between the various regimes and organisations therefore prevents effective attempts to combat particular groups and individuals who seek to profit from the exploitation of marine resources (Ardron et al., 2012).

The environmental issues mentioned have the potential to influence the salient problem definition for this thesis. That problem is fragmented institutions having the potential to create distinctive winners and losers for Global North and Global South nations. Powerful, Global North nations are theorised to be benefiting due to the proliferation of institutions allowing them to maintain control across a non-hierarchical, international system (Benvenisti & Downs, 2007). The benefits they gain from this control is a command on the interpretation of rules, essentially manipulating them for their own interest. The large amount of institutions also allows them to unilaterally pick and quit regimes, frameworks and organisations based on their particular concerns (ibid.). Conversely, weak, Global South nations are theorised to be in a disadvantaged

position with such a paradigm due to an inability to effectively coordinate and log roll votes against the decisions of the more powerful nations (ibid.; Zelli & Van Asselt, 2012). Fragmented institutions leaves them boundedly rational to the overall governance picture and at the whim of pressure to agree from the powerful, Global North nations in a proliferation of small-n institutions (ibid.; Drezner, 2009). In order to understand these potential problems in more depth, relevant literature will be explicated further in the theory chapter.

1.2. Knowledge Gap

If, as according to the aforementioned empirical research, the ABNJ is so negatively fragmented, there must be an underlying reason behind the status quo. As many of the aforementioned cited authors agree, the only way to govern and protect marine biodiversity on the ABNJ is to cooperate and integrate based on the nature and the needs of the ocean (Barnes, 2016). One must question why the ABNJ architecture is built this way and why there has been little attempt up to this point to try to integrate, defragment or democratise the entire system through cooperative measures or mandates. The power asymmetry in fragmentation theory by Benvenisti & Downs (2007) provides a speculative answer to that. Powerful, Global North nations are benefiting from the fragmented ABNJ architecture and in doing so, control the proliferation of institutions. Those weak, Global South nations who are suffering from the disadvantages of the ABNJ architecture are too powerless to effectively compete for a more integrated governance paradigm. Therefore, one would expect to find that the former is fully supportive of the current, fragmented ABNJ architecture and the latter would be supportive of creating deep integration to rebalance the power relationships.

Fragmented issue architectures therefore become a matter for debate across the current divide in world power. As there is no empirical study explicitly testing the power asymmetry in fragmentation theory mentioned, this provided a gap for this thesis to fill. It was useful to determine whether nations states are firstly, genuinely concerned about this governance paradigm and secondly, whether they are attempting to influence fragmentation for their own interests. This provided evidence to support or criticise the theory, strengthening or weakening it. One hoped to find variation and patterns with certain positions on fragmentation against their position of power. However, in order to frame the debate there needs to be a stronger definition of powerful and weaker nations, the definitions that Benvenisti & Downs use.

1.3. Context & Definition of Power: Global North vs. Global South

The current situation of international power relations comes in the form of a dichotomy between the Global North and the Global South. The empirical divide incorporates large inequality in

terms of economic wealth and social development (RGS, n.d.). The inequality stems from numerous indicators such as the availability of resources, the level of education, the structure of economic and industrial sectors, among others (ibid.). In doing so, the hegemonic relationships between the powerful North and the weaker South have been clearly documented by international development scholars (e.g. Hurrell & Sengupta, 2012). As powerful and weaker nations are not explicitly defined in the theory beyond explicit mentions of the United States, Russia and China (Benvenisti & Downs, 2007), this Global North/South dichotomy shall be framed as the competing sides within the aforementioned theory, with the Global North defined as the powerful states, and the Global South as the weaker states. Furthermore, as there is no solid definition of Global North and South, especially in terms of power, one shall use economic wealth as a proxy. The Royal Geographical Society defines a Global South nation as a country that has a GDP per capita (PPP) that is less than 10,700 US Dollars, i.e. the world average in this particular economic indicator (RGS, n.d.). However, the map provided by the RGS to indicate which nations are in the Global South is too small to clarify small nations, plus there is no date to this particular figure. Therefore, using the GDP per capita (PPP) figure world average for 2016, \$16,215 (World Bank, 2018) as a threshold, nations have been ranked North or South by the researcher using each nations' 2016 GDP per capita (PPP) data from Trading Economics (2018). The traditional definition, called the Brandt line is too simplistic for contemporary studies as there is too many exceptions to that rule. For instance, Singapore, Qatar, Bahrain and the United Arab Emirates qualify as Global South and poor European nations such as Ukraine and Albania qualify as Global North. The list of nations categorised and ranked by this is available in Appendix B.

Beyond the main focus of this study, the main information gathered also provided an opportunity to scrutinise this dichotomy of economic wealth as a proxy for power. Any nuances or intervening variables to this definition of power will aid in providing a critical analysis of the data.

1.4. Biodiversity Beyond National Jurisdiction Agreement

As of 2017, the 4th preparatory committee of the United Nations General Assembly have drafted a report outlining an international legally binding instrument (ILBI) to be added to UNCLOS (UN General Assembly, 2017). This report drafts four areas to conserve BBNJ. These are the equal sharing of marine genetic resources; the implementation of area based management tools (ABMTs), i.e. marine protected areas (MPAs); environmental impact assessments (EIAs) and capacity building including the exchange of marine technology. The current negotiations are at a preliminary stage with exact measures being far from agreed. It is this negotiating forum that the theory will be tested, i.e. that powerful, Global North countries support fragmentation because

they benefit from it and that weaker, Global South nations support defragmentation and integration because they are disadvantaged by the status quo.

The BBNJ process began in 2006, when the UN General Assembly commissioned an ad hoc working group to investigate various matters relating to the conservation and sustainable use of marine biological resources in the ABNJ. The working groups met nine times between 2006 and 2014, discussing illegal, unregulated and unreported fishing, MGRs, ABMTs amongst other issues. Most importantly, delegates came to the conclusion that an ILBI shall be created as a response to govern the situation of BBNJ (IISD, 2016). From here, four preparatory committees were commissioned by the UN General Assembly with the first two in 2016 and two more in 2017. The BBNJ PrepComs were preliminary forums in order to advance negotiations towards an intergovernmental conference in 2018. The point of these negotiations is to create convergence on the objectives, the principles, the institutional arrangements and other cross-cutting issues to build upon on the next stage of developing the ILBI. Beyond the deliberations concerning objectives and benefits, the BBNJ negotiations provided an opportunity to deal with the issue of institutional arrangements and fragmentation on the ABNJ.

There is uncertainty as to how the power dynamics presented in theory played out at these negotiations. Therefore, it is unknown whether this would ultimately lead to defragmenting the system by creating overarching frameworks; integrating current frameworks or by further fragmenting the architecture. The use of the BBNJ PrepCom as a forum for this discussion is speculative and unknown and provided a further knowledge gap for this research. There are specific unknowns as to what extent specific actors are wanting to use this forum to address this issue, what power do they hold and how they address it. How does ABNJ fragmentation manifest into any form of debate and influence the discussions?

Obviously, it is going to be extremely difficult to measure any causal link between the actions or opinions of powerful nations and the status of the ABNJ architecture. It is especially impossible to measure through the BBNJ negotiations as the ILBI is not yet part of the institutional network. However, one can get test correlation between the asymmetrical power patterns suggested in theory and those patterns explicated by opinion and intentions at the negotiating table. To be explicit, this thesis is not testing causality between power and the state of the ABNJ architecture, but a correlative relationship.

1.5. Research Objective

The objective of the research is to provide a descriptive evaluation of how fragmentation of the ABNJ governance architecture is supported at the four BBNJ PrepComs to correlate against the power asymmetry elucidated in theory. This objective begins from understanding how the

benefits and hindrances of fragmentation and its relevant concepts are theorised. Hypotheses based on the theoretical benefits and disadvantages will be tested against how it was debated at the negotiating forum by the various Global North and Global South actors. This will allow for a critical analysis of the positions and bargaining argumentation of the respective delegates towards support for or against this phenomenon as well as a critical analysis of the theory. The information this will provide shall illuminate which actors are in favour of defragmenting or integrating the architecture; which are in favour of maintaining or increasing fragmentation and any logic or argumentation behind these stances. The patterns and variations of such analysis can be stood up against the prevailing theory to either support or falsify the claims. The argumentation that will be searched for is how the delegates understand this concept; what their view is of its consequences; and what they intend to do to manage it. Beyond analysing all the delegates, one can come to a conclusion whether this issue has created any form of convergence or consensus. This research will be useful in gaining an insight as to the place and impact the BBNJ ILBI will take among the ABNJ governance architecture.

This objective will be realised by coding a series of concepts, keywords and phrases within a relational content analysis on the negotiating texts and official statements across the four respective PrepCom meetings. Meetings and email exchanges will supplement important or significant findings and conclusions in relation to this content analysis. This leads to the specific questions that will frame this research:

1.6. Research Questions

- **To what extent do nations support or oppose fragmentation of the ABNJ governance architecture?**

The main research question comes from the theory that powerful Global North nations and weaker, Global South nations would have opposing stances on the state of ABNJ fragmentation due to its respective advantages and disadvantages. If the theory is accurate, one can infer that powerful nations will be using these negotiations as an attempt to maintain the fragmented status quo. Similarly, the weaker nations will be calling for coordination, cooperation and defragmentation. Potential variations and patterns to the fragmentation interests of Global North nations compared to the Global South nations will provide the extent of influence and correlation.

The following sub-questions will aid in answering the main question:

- In what ways did the delegates promote the advantages and disadvantages of fragmentation in their negotiating positions?

- In what ways did they bargain for new institutional arrangements and governance architecture?
- Has a convergent position regarding fragmentation been agreed?
- How will this negotiation potentially impact the status quo of ABNJ governance fragmentation?

Sub-question 1 and 2 focuses upon the debate within the various sections of the BBNJ global negotiation fora, i.e. the proposals and the bargaining stage. Sub-question 3 attempts to marry the collection of values on this topic from the previous sub-questions into a general theme or direction. If there is a consensus of opinion regarding reform of fragmentation, either officially or unofficially this will influence the negotiations positively. Alternatively, no convergence or a convergence supporting the architectural status quo will negatively impact it. Sub-question 4 is looking into the future as to how this influence may impact further negotiations the intergovernmental conference and the ILBI itself.

1.7. Research Framework

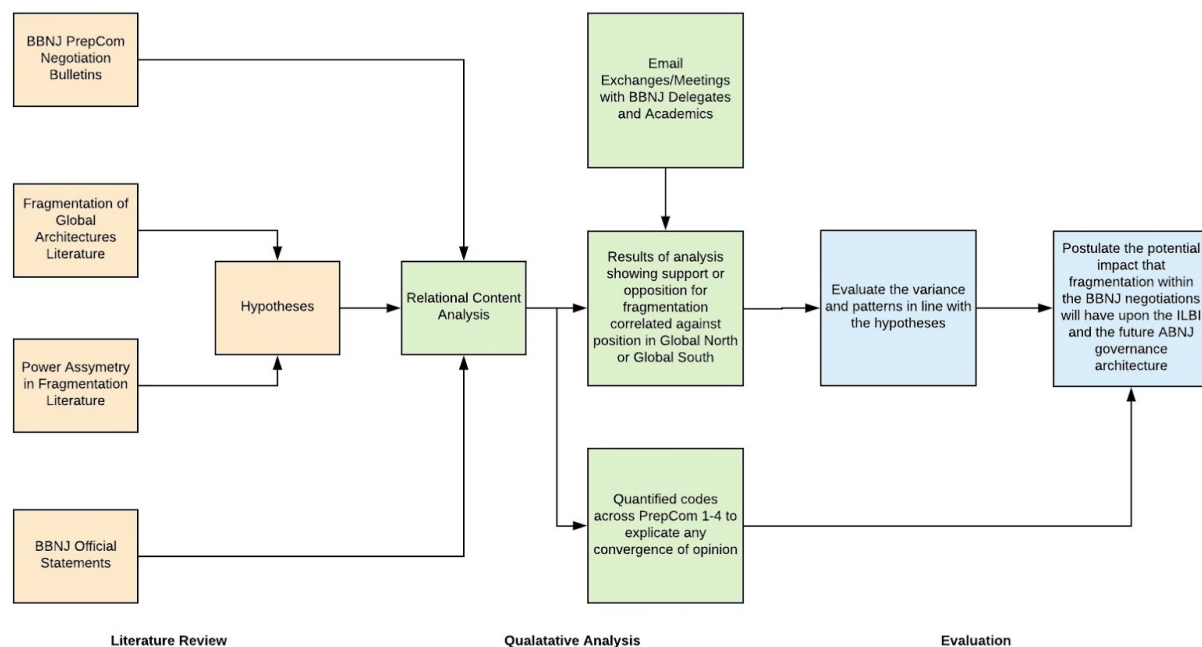


Figure 3: Research Framework - A schematic representation of the research objective

This framework firstly represents the literature review that was performed in order to build the hypotheses. This began with reading through the theoretical debate concerning fragmentation of governance architectures in addition to its related concepts. This was done simultaneously with understanding the theory behind power asymmetry and control within fragmented governance architectures. These theories allowed for the construction of hypotheses to be applied to the content analysis. Still within the literature review section at the top and bottom sits the main mine of information required in order to complete the content analysis. These are the bulletins recorded and presented each day at all four PrepCom meetings. They provide in depth commentary of every argument and position by each respective delegate. Furthermore, the official statements which were filed separately from each country and organisation to the chair of the committee, provides the detailed position of the respective delegates who filed such a paper. The information provided by the content analysis leads to a detailed understanding of fragmentation as an issue at these negotiations. This analysis finally leads to the evaluation section which discovers the inferences and conclusions relating to any form of convergence between the delegates on this issue and how this may affect the instrument in the future.

1.8. Scientific & Social Relevance

In relation to scientific relevance, this research is important for contributing to and building theory into fragmentation, especially the theory regarding its purposeful construction to aid powerful nations. Fragmentation is a contemporary and relevant area of international governance which has garnered debate in terms of its existence and its effects. Authors such as Biermann et al. (2009) and Zelli & Van Asselt (2013), who are at the forefront of this discipline, have generally focussed on the climate change architecture. Young (2016) does touch upon ABNJ fragmentation in relation to the Arctic, but as a whole, this issue area has not been thoroughly explicated through this theoretical lens. A particular contribution from this research is understanding which groups of actors specifically support which side of the argument and whether there is any variation or patterns. There is a distinct lack of empirical evidence which supports this theory, evidence that this research hopes to fill.

Van Asselt (2014) remarks that the perception of fragmentation is in the eye of the beholder. To what extent certain stakeholders care about it or whether they support or condemn its existence can only be explicated through research such as this. To date there is no known studies on this particular research direction, especially not within the BBNJ PrepCom negotiations as they have only recently concluded. With the results, further research can be conducted into other negotiating forums to compare and contrast the results and provide further supporting or falsifying evidence to the theory. Also, by fully understanding actors interests and motivations behind fragmentation, one is better able to combat the negative impacts. New alternative

solutions to tackle this asymmetrical power barrier more effectively is for the benefit of marine biodiversity and other issue areas plus their respective institutional architectures.

In terms of social impact, effective ocean governance is an extremely important area, not just for marine ecosystems but for humanity. An equilibrium must be struck between maximising the benefits of ocean ecosystem services and the sustainability of the systems themselves. This is reflective between the purposes of the BBNJ instrument and processes driving the sectoral areas such as shipping and fishing. Numerous authors have called that the only way for us to manage the ocean effectively within such a balance is to have a strong, coherent, holistic and integrated approach to management (Barnes, 2016; Blanchard, 2017; Ardron et al., 2012; HSA, n.d.; Pyć, 2016). This research hopes to shine a light on the potential impacts these negotiations could have towards a holistic goal, in light of the prevailing stances on the ABNJ architecture.

Ideally, according to the aforementioned cited authors, coordinated and cooperative international governance on the ABNJ between various sectors and marine biodiversity should ideally lead to the consistent implementation of regulations by members states. The reduction in fragmented decision making and stakeholder participation should be reduced and therefore coordinated cooperation can ensue (Pyć, 2016). With no contradictions or conflict of regulations, principles, objectives and strategies, all actors can work together in a sustainable manner towards their respective mandates and goals. However, if this is at the expense of a loss of control or power by the Global North, it is unlikely to occur. If the theory is correct, this study could enlighten the fact that integrated governance, to the extent of full sustainability, is highly unlikely. There is a potential that the BBNJ ILBI could be used as just another institution in the architecture to maintain control and maintain the fragmented order. This will mean no radical change in governing values and regulations and therefore no real impact upon conserving marine biodiversity.

1.9. Outline of the Thesis Report

The subsequent sections of this thesis is partitioned into four major chapters. The chapter immediately following the introduction is concerned with the theoretical background and developing testable hypotheses. This includes defining the concept, differentiating the various scales as well as its relationship with asymmetrical power relationships. Chapter three is the methodology which contains the explanation and justification of qualitative data and the use of a relational content analysis. This is followed by the explication of a coding agenda in the form of an analytical framework. The second half of the thesis, i.e chapters four and five, contains the analysis and discussions relating to the empirical study and its related hypotheses. The discussions include a critical analysis of the theory, reflections on the method, limitations and possibilities for further research. The thesis concludes with chapter six. Beyond this point, the references and appendices can be found.

2. Theory

This following sections will explain in detail the respective theories and concepts most relevant to the core of the research. As mentioned in the introduction, the theory of fragmentation of global governance architectures and its power asymmetry are particularly crucial to developing hypotheses and answering the research question. These theoretical underpinnings of this research are contemporary and relevant to advance the study of international environmental governance (Zelli & Van Asselt, 2013). One which this thesis intends to take beyond the general research area in this regard, i.e. the relationship between fragmentation and output effectiveness, towards new implications of the phenomenon in regards to power (ibid.).

This section begins with the theory of global negotiations as a contextual base and to focus the specific areas of analysis of the BBNJ fora. From here, extensive detail will be used to define fragmentation, explicate the typologies of its existence and to explore its theoretical relationship with power. This provided the foundation for the analytical framework and hypotheses.

2.1. Global Negotiations

Before fragmentation is discussed, it is useful to give the area of the research context through its theoretical background. The theory of global negotiations clarifies the notion and the organisational structure of such an institution.

A negotiation can be defined as “a process of mutual persuasion and adjustment which aims at combining non-identical actor preferences into a single joint decision” (Rittberger, 1983). This is the way in which stakeholders with varying opinions and preferences can come together to reach a middle ground through compromise and understanding. Three conditions need to be present to in order to accomodate a negotiation: interdependence, discord and the rejection of other means of attaining one’s preferences, e.g. force (Depledge, 2005). Interdependence signifies that there is a domain whereby two opposing actors share and that the actions of one, affects the other. Discord signifies that in order to govern this domain, each actor prefers a different course of action. This is relevant in the realm of fragmented architectures where the international institutional architecture is the domain that nations share and the actions of powerful nations affect those of weak nations. The discord in relation to how to build and manage the ABNJ architecture is crux of the analysis.

Global negotiations are a currently popular and ubiquitous method to dealing with issues that have a transnational characteristic. Environmental problems are one such issue that has been the catalyst for numerous global negotiations. Climate change has lead to the negotiation of the

UNFCCC and new developments negotiated at its respective Conference of Parties (COP). Dumping of hazardous waste has led to the Basel Convention. Destruction of the ozone layer has led to the Montreal Protocol. The negotiations to implement a new ABNJ regime to protect marine biodiversity is also such a phenomenon. Global negotiations are particularly different and more complicated than other types of negotiations (Depledge, 2005). This is due to a variety of complex variables such as the number of participants, numerous different languages, historical relationships, the inequality in terms of wealth and power, national sovereignty amongst others (ibid.). Those who champion these global types of process say that in order to capture the complexity of the issue at hand, the complexity of the various viewpoints need to be heard (Seyfang & Jordan, 2002). However, it is this complexity that leads to their weaknesses at creating effective new policies, to what Seyfang & Jordan (2002) refer to as institutional clumsiness. It is a stage whereby leaders and delegates can make lip service with promises that they have no intention on ever implementing. Irrespective of such, these global forums provide a opportunity to express and advertise issues to a wide audience. They are able to entrench these concerns into the discourse of national governments, businesses and the public (ibid.). The BBNJ as the negotiation forum in focus for this thesis is therefore the opportunity for delegates to express their concerns for ABNJ fragmentation, or to defend it. At present, before the forthcoming intergovernmental conference in late 2018, PrepCom was the highest level negotiating forum to express opinions regarding ABNJ fragmentation. In order for any other actors to seriously consider aiding in the reformation of the regime architecture, fragmentation needs to be strongly promoted as such, at this level.

There are key stages within a negotiation forum according to Depledge (2005). Beyond agreeing to an agenda and a mandate which defines the issues at hand, the negotiation begins with the delegates' proposals. These express the participants' positions and preferences clearly. These positions can include specific interests or a general statement of their values and principles. Beyond the proposal stage, negotiations move towards bargaining. This is where the participants actively engage the others to reach an agreement. This usually begins with benign, non-contentious issues, moving towards the main essence of the discord. The final stage is the deal where either by mutual consent or by a deadline, a significant and adequate amount of adjustment to their respective interdependence is achieved. These provide the two areas where the data will be sourced for this thesis, the proposals and the bargaining. The proposals are usually in much greater depth in terms of content and nuance. The stakeholders have had a significant amount of time to research and provide detailed arguments about their interests and what they want to attain from the end of the deliberations. This will provide a wealth of data that one can analyse in terms of institutional fragmentation. The second area, bargaining will provide a more complicated data set in terms of understanding the main premise of each argument. The bulletins of each negotiating day will provide detail but shrouded in context that needs to be carefully coded.

2.2. Fragmentation

The fragmentation of global architectures is a contemporary and relevant topic being addressed in the field of international governance. There are numerous authors and studies addressing the causes and the ramifications of this paradigm. As with many theoretical undertakings, there is a debate as to all aspects relating to whether this constitutes a positive or negative governance system. In this literature review, one will firstly attempt to give a background and definition of the term, followed by the theoretical typologies on how to measure and categorise degrees of fragmentation. Finally, the theory regarding power asymmetry and fragmentation will be explicated and formed into hypotheses.

2.2.1. Definition of Fragmentation

The problem with defining fragmentation is that the word has a negative connotation even if that might not be representative of the actual situation (Van Asselt, 2014). Other terms to describe similar phenomenon would be diversity, polycentricity or pluralism which equally have positive connotations among many academic pursuits. It is therefore important to define fragmentation without any form of normative judgement from the beginning. Biermann et al. (2009, 16) refers to fragmentation as a patchwork of different institutions that are different in their “character”, their “constituencies”, their “spatial scope” and their “subject matter”. The authors of this paper make it clear that fragmentation does not refer to the individual dyadic relationships between certain institutions but at the meta-level concerning the entire network. This means the overall picture of all individual institutions and their specific networks together as part of an issues’ governance architecture. Furthermore, referring to the fragmentation of issue specific institutions, Young (2016) defines the concept as when issue specific regimes and agreements co-exist separately from each other and rarely interact. Beyond existing parallel and irrespective to each other, as Young remarks, They also have varying degrees of overlap (Alter & Meunier, 2009). As to what overlaps, Orsini et al. (2013) explicate that regimes interact through their respective political and material means or through their norms, rules or procedures. It is not the case that one regime has to overlap with every other regime to be considered part of a sub-network within the whole architecture, it only has to have some form of interaction with one other institution that is further connected to the network. Due to the nature of this phenomenon, attempting to regulate fragmented governance architectures on the international stage is extremely difficult. From a legal perspective, national law cannot cover the transnational aspects of the globalised networks and international law is inadequate to cover all their relative interests (UN, 2006). Furthermore, it is difficult to manage as institutions are created separately without due care or consideration of other legal frameworks, principles and activities of similar

institutions, leading to conflictive situations and confusion. Attempting to diffuse these conflicts becomes troublesome due to the lack of defined hierarchy within international governance leading to attempts to define it ad hoc (ibid.).

Whether referring to regulatory, legal systems or the constituency of the separate institutions, they all exist within a large meta-network of governing bodies and within their own demarcated boundaries. These boundaries are separate legal frameworks, defined issue areas and their spatial area of operation. Therefore, for this thesis, fragmentation of governance architectures will be defined as:

The multiplicity of separated and overlapping governance institutions between legal, issue and geographical boundaries .

Fragmentation is also not a binary concept, it exists as a scale or continuum from high to low. It can be a particularly centralised governance domain controlled significantly by one major body; it can be extremely decentralised with intricate complexities across the governance network, or it can be a description of anything between those two extremes (Zelli & Van Asselt, 2013). A salient point to make is that all institutions on the international governance arena are fragmented in one way or another, there is not, nor is there likely to be a World Environment Agency (Biermann et al., 2009). Biermann et al. further expedite this scale to refer to three degrees of fragmentation: synergistic, cooperative and conflictive. This is important to reinforce the issue that we cannot remove all fragmentation, only reduce it or make it function better. There are no studies that show at what point on this scale does fragmentation go from being effective to ineffective. One therefore cannot theoretically make a normative value judgement as to fragmentation as a whole.

Synergistic fragmentation refers when the main institution includes the majority of countries and creates “effective and detailed general principles that regulate the policies in distinct yet substantially integrated institutional arrangements” (Biermann et al., 2009, 20). A synergistic governance architecture in this regard, refers to one overarching, centralised institution that encompasses and influences other institutions within its jurisdiction. Similarly, Zürn & Foude (2013, 127), use the term “authoritative coordination” to refer to a hierarchical, centralised institution of the same purpose, to fully integrate the system. The benefits of having an overarching framework such as this, is universal membership and representativeness to all nations (Humrich, 2013). An overarching institution could also provide and stimulate inter-institutional learning while principally, provide authority to synergise the relationships between institutions (Oberthür, 2009). Humrich (2013, 92) also points that principally, a comprehensive framework could “provide the organizational integration of the diverse institutions in the region, the harmonization of norms, and the policy integration of the

sub-complexes”. However, Young (2011) argues that, especially on the Arctic ocean, that creating an overarching framework would be almost impossible due to varying governing needs of the region and creating a clear framework based on each members needs and interests. The idea of an completely overarching framework that reduces fragmentation to its most minimalistic form is also extremely unfeasible according to the UN. The main conclusion of their report claims “no homogenous, hierarchical meta-system is realistically available to do away with such problems” (UN, 2006, 249). Therefore, while it may be desirable in terms of full integration and consistency, a fully centralised overarching authoritative framework, is unworkable. However, that is not to suggest that certain actors would not support this option for the ABNJ.

On the other end of the scale, conflictive fragmentation refers to different institutions that barely or do not interact. They also have different and non-complementary rules, norms, principles and decision-making procedures. Furthermore, their actors networks are different in membership with potential coalitions that accept or feed this fragmentation (Biermann et al., 2009). Zürn & Foude (2013, 127) use the term “decentralized coordination through market competition”, suggesting the conflict is synonymous with the market like proliferation of rules available to states. Humrich (2013, 92) and Oberthür (2009, 376) also refer to this type of fragmentation as “autonomous cooperation” or “autonomous management”, where individual states and organisations deal with the issues individually, with no little or no cooperation from other institutions. This is problematic according to Humrich who claims that “creeping jurisdiction” allows nations to exploit the system for their own individual benefit (2013, 92). Any form of cooperation or harmonisation for the collective benefit is not considered. However, the authors of the UN report into legal fragmentation indicates that creating complete harmony and coherence across all sectors is simply impossible and not necessarily desirable. The pluralism of sectoral interests has created “responsiveness and functionality” (UN, 2006, 249). It is therefore important to maintain some degree of balance between coherent and cooperative norms and regulations with pluralistic efficiency. Beyond sectoral functionality is that of flexibility and adaptability when faced with changing circumstances. This flexibility has created space for a multitude of different preferences to exist within the same system which is important when considering inclusiveness, representativeness and democracy. Overlap is inevitable when many interests are functioning within the same system, however, there is also a benefit where these unintentional overlaps create redundancies. These seemingly redundant overlaid measures can provide a safety net so if one measure fails to govern effectively, the other institution can pick up the slack (Weitz et al., 2017). The adaptability can expand the governing network to new areas as they emerge, however quantity does not necessarily mean quality (Van Asselt, 2013, 42). Other benefits from this side of the argument include regulatory competition and diffusion, where spreading the governing mandate allows for incentivising new ideas and varied solutions that may be more effective (ibid., 42). The competition can reveal a race to become the most effective institution whose best ideas can spread across the meta-network. Finally, the pluralist system is

also representative of the complexity of the world society in terms of differing needs and interests (Zürn & Faude, 2013)

Between the two extremes, cooperative fragmentation is a middle ground between these with loose levels of integration (Biermann et al, 2009; Zürn & Foude, 2013). Oberthür (2009, 376) further separates this into two forms. The first being “unilateral management”, the second being “joint management”. The former refers to one or a few particular actors who either individually pursue new frameworks to influence similar change in others or they individually create similar courses of action which unintentionally coordinate. The latter term refers to active, international involvement by the actors at respective institutions to coordinate their outputs. Zürn & Faude (2013) make the comment that it is not the case that one should be looking to reduce fragmentation, but how to coordinate it due to its certain benefits. The main benefit of cooperative fragmentation, compared to full synergisation is feasibility (Zelli & Van Asselt, 2013). Attempting to reform a governance architecture towards full synergy is fraught with various issues such as those mentioned by Young (2011) and path dependency of the system (Zelli & Van Asselt, 2013). As an alternative, Young (2011), for example, explains that an architecture built around a central regional organisation that harmonises with small and large organisations meets the issues of fragmentation. This regional central organisation can provide the focal point which can represent all interests and shape the discourse for the issue area. Similarly, the response to fragmentation, according to the UN, is to harmonise or integrate the conflicting standards through defining the relationship between the institutions and prioritising one over the other. This means creating a focal, coordinating institution rather than one that controls the entire system.

Despite the listed benefits and disadvantages of each particular form of fragmentation, which type of system works best is context-specific. A particular architecture does not have to display only one of these descriptions, but can be a combination of all. Nor does it have to conform exactly to these definitions, as the phenomenon is a continuum. In doing so, these three stages of fragmentation are very important for framing the results of the research. The scale of fragmentation creates more nuance beyond support and opposition of fully fragmented and fully synergised. The continuum of the phenomenon is extremely useful in determining the extent of support which is defined in the main research question. This will allow for the results of the analysis to be scaled in a similar fashion between the two extremes.

2.2.2. Power Asymmetries in Fragmented Governance Architectures

Some authors argue that fragmentation is a natural response to the nature of globalisation and that there has never been, nor is there ever been a will, to create such a global, overarching governance system (Zürn & Foude, 2013). Others however, see that fragmentation as a result of

planning and control from powerful states (Broude, 2013; Benvenisti & Downs, 2007). Only the richest and most resourceful can maintain presence and control at numerous institutions which preserves their dominance “in an era which hierarchy is increasingly viewed as illegitimate” (ibid., 595). The fragmented architecture serves no goal for the collective, it is therefore a deliberate act by powerful states to infiltrate their influence across sectors. The following theory defines the advantages, disadvantages and reasons why powerful and weaker states support fragmentation or integration.

2.2.2.1. Support for Fragmented Architectures

In the international institutional architecture, any evidence towards an integrated and democratised system is extremely tenuous (Benvenisti & Downs, 2007). This has been posited due to the notion that fragmentation creates a series of winners and losers on the international scene. The lack of a hierarchical order such as within individual nation states has led to a change of ethos on the international governance scene. Koskenniemi & Leino (2002) remark that, in relation to international institutional fragmentation, law and republicanism are replaced by individual interests, strategic planning, and technical networks. Broude (2013, 291) adds that it is not fragmentation as a paradigm that is the issue, but that how it breeds “anti-formalist managerialism”. Essentially, without any prescribed rules and norms on how to create particular governance architectures on the international arena, hegemonic nations fill that void with their influence.

According to Benvenisti & Downs (2007), not only do powerful nations benefit from fragmented regimes, but they actively manipulate and promote the system to maintain this governing paradigm. These authors make three points as to why powerful nation would support such a system and how they maintain their dominance from it. Firstly, by creating and participating in a multitude of issue specific institutions, with a limited scope, they limit weaker nations ability to build cross-issue coalitions which they can use to logroll votes. Also, by increasing the number of institutions, it increases the transaction costs for weaker nations to participate in deliberations and in doing so, reduces their participation. Similarly, by multiplying the number of regulations, they reduce weaker nation ability to understand the system and increase the cost of employing a proliferation of lawyers to do so (Drezner, 2009). It is a strategy to ensure they remain boundedly rational. With this power, certain hegemonic nations are able to promote and interpret their version of the legal framework, without interference by weaker nations (Broude, 2013). The power of interpretation of international norms and regulations allows nations to compete against other countries in rivalrous institutions, one upping each other for control of particular issue areas (ibid.). Consequently, by limiting the influence of weaker nations at the negotiating table, they increase theirs.

A second reason why fragmentation benefits powerful nations is that numerous rivaling institutions gives them an opportunity to forum shop and find particular regimes that suit their interests (Benvenisti & Downs, 2007; Raustiala & Victor, 2004). The flexibility and proliferation of numerous institutions means that there is little need for powerful states to unequivocally commit to one in particular, allowing them to commit and quit without severely compromising the whole network. The more they choose that suits their interests, the more their compliance rate increases, leading to further political leverage (Benvenisti & Downs, 2007). If a particular institution goes against their national interests, they have the influence and leverage to either force a consensus around their interests or just leave. An example of this is the United States with the Kyoto Protocol where reluctance to agree on any sustainability targets caused them to withdraw. The US, in particular, are known for oscillating between various environmental commitments and unilateral abstention (Falkner, 2005). They use environmental multilateralism as a tool for their advantage whereby they have stated repeatedly that national interests come before any notion of planetary interests (*ibid.*). This order leaves certain institutions to be more popular than others. The “structural bias” of certain regimes who represent the most powerful nations can lead to others prioritising one agreement over another (Van Asselt, 2014, 41). Indeed, the fragmentation can become entrenched and path dependent with any chances of serious reform unlikely (Zelli & Van Asselt, 2013).

Thirdly, by limiting cooperation and coordination through multiplying functionally specific institutions and their linkages, powerful nations limit the creation and influence of independent, overarching policy making authorities. This way powerful nations can influence and interpret agreements as they wish without any independent inconvenience (Benvenisti & Downs, 2007). An example of this, is within the fragmentation of World Trade Organisation (WTO) agreements. Independent bodies have no jurisdictional or regulatory powers to enforce any new rule and they are only able to produce reports which are recommended for adoption by member states (Von Bogdandy, 2001). With this form of soft governance, powerful nations can do what they will with that information without fear of recourse if they decide to do nothing. Finally, fragmentation as a control method is extremely beneficial to powerful nations due to many observers and political scientists who claim that it is a natural phenomenon born from globalisation towards egalitarian and polycentric governance (Benvenisti & Downs, 2007). Through this smokescreen, hegemonic nations can maintain influence without fear of indictment (*ibid.*).

The conclusion from these theoretical perspectives is that powerful nations, especially the United States, use fragmentation as tactic to maintain some degree of hierarchical order within a non-hierarchical international system. In the BBNJ negotiations, one will expect to find the USA plus other hegemonic Global North nations attempting to maintain their influence and interests upon the ABNJ. One would expect to see a lack of commitment to the strict regulation and attempts to make the ILBI as narrow and functionally specific as possible, without any broad

overarching agreements. Therefore, one would expect these countries to be contrarian in respect to coordination and cooperation whilst being dismissive about any intrusion by new independent authorities. Furthermore, if fragmentation is such an important tool to maintain power and it cannot be explicitly linked back to their efforts, one would assume that these actors would be actively promoting the benefits of autonomous or conflictive fragmentation, such as sectoral functionality and efficiency. This argumentation lead to a hypothesis:

If Global North countries are benefiting from ABNJ fragmentation, then they will be supporting fragmentation at the BBNJ negotiations.

2.2.2.2. *Opposition to Fragmented Architectures*

If powerful nations use and build fragmentation to their advantage, at the expense of weaker nations, there is expected to be a counteracting reaction. Weaker nations appreciate that the deck is stacked against them and in doing so, they attempt to reduce the level of fragmentation (Benvenisti & Downs, 2007).

The major weaknesses that weaker, developing nations have in a fragmented paradigm is superior numbers, highly diverse cultures and political systems and therefore highly diverse preferences. It therefore makes it difficult to come to any sort of consensus with their fellow weak nations (ibid.). Weak nations bounded by a reduced ability to log roll votes and build coalitions in a functionally specific institution, have to resort to other measures. Benvenisti & Downs (2007) suggest that weak nations actively try to reduce fragmentation by reducing cooperation costs. This is by creating generalising principles and by being consistent, weaker nations can consolidate a stable framework of preferences for which they can apply to the various institutions.

Zelli & Van Asselt (2012) remark about how the weakest, least developed nations are simply excluded from a fragmented climate change regime, yet many developing, Global South nations still support the multilateral governance approach. Pyć (2016) suggests that fragmented ABNJ governance leads to the elimination of relevant stakeholders, especially those who represent Global South nations.. This equals what Biermann et al. (2009) report, that small-n regimes may speed procedures by reducing participating numbers, but it disincentivises other stakeholders from participating in other relevant discussions and prioritises short term gains over long term sustainability. Weak, Global South nations are excluded due to increased transaction costs and lack of expertise and must rely on other nations or groups to represent them. The most obvious way of being represented is to integrate the system and group together against the powerful nations. “Less fragmented and more integrated architectures allow the South to count on its numbers in diplomatic conferences and gain bargaining power from a uniform negotiation

position” (Zelli & Van Asselt, 2012, 15). By cooperating and coordinating themselves, through side-payments across issue areas and policies, they can be better prepared to compete against being coerced into substandard, fragmented, bilateral agreements by the powerful nations (Abrego et al., 2003).

Another strategy which weaker nations use to reduce fragmentation is the support of independent judiciaries and bureaucracies. These particular states realise that for in order to gain legitimacy and recognition of authority, they have to erode the hegemony of powerful states and balance interests (Benvenisti & Downs, 2007). If particular judges or bureaucrats are nationals of a weaker states, they too are more more inclined to represent the interests of the weaker states on the international stage (ibid.). These overarching or coordinating institutions have their own consistent level of principles and output, which not only increases their efficiency but also reduces coordination costs and limits fragmentation.

As previously mentioned in the introduction chapter, many authors refer to the fragmentation of ABNJ governance, in particular as the one of the main reasons why it is ineffective. Weaker, Global South nations, in particular are losing out to their access and control of marine resources. Bioprospecting is one particular example, whereby the genetics of new or yet to be discovered organisms from the areas such as deep trenches and the hydrothermal vents could have significant economic and scientific value. Currently, three nations own up to 70% of all marine genetic patents, with 10 nations owning up to 90% a clear issue which developing nations regard as extreme inequity (Arnaud-Haond et al., 2011; Wright et al., 2016). Powerful nations are claiming that *mare liberum* is relevant for MGRs and therefore, collecting these resources are a first come first serve basis . Some African nations have commented that powerful nations are exploiting the gaps in the fragmented system, especially regarding access and benefit-sharing, that is causing them to be exploitative and uncommitted to protecting the environment (ibid.). Similar to the last point, in order for developing nations to have an equitable share of the MGRs, they are going to have to attempt to create strong coalitions on this issue to create an overarching regime or clearinghouse mechanism that can equally distribute what they feel is rightfully theirs. As opposite to what powerful nations acquire, weaker nations need powerful, equitable, independent authorities to enforce rules and regulations equally across the issue area (Benvenisti & Downs, 2007). Similarly, they need this committee or authority to be legally binding to prevent powerful nations from ignoring it.

In summary of the theoretical perspectives regarding weak, Global South nations and fragmentation, the deck is well and truly stacked against them. Within this theoretical order, they are attempting to integrate and coordinate their efforts in order to defragment or at least, integrate the system and provide the best opportunity for them to compete against the Global North. At the BBNJ negotiations, one would expect to find developing nations supporting cooperation,

particularly between each other as well as the integration of the ABNJ architecture. This would be potentially through supporting the creation of independent, overarching policy making authority with equal representation. These arguments lead to this hypothesis:

If ABNJ fragmentation is detrimental to Global South countries, then they will be opposing fragmentation at the BBNJ negotiations.

3. Methodology

The aim of this study is to investigate to what extent the delegates of the BBNJ PrepCom negotiations promote or oppose fragmentation in their positions and bargaining based against their level of power, i.e. their position in the Global North or South. This will be processed in the form of a relational content analysis upon the negotiation texts compiled at the respective fora. Henceforth, this section will firstly define the type of and motivation for the choice of research. This will explain why qualitative data is explicitly vital and appropriate to answer the research question. This will be followed by explaining what a relational content analysis is, its purpose and why it is particularly relevant for this thesis. Beyond this point, the other sections define what specific data was gathered, how it was processed and how it was analysed. An analytical framework and operationalisation of variables in the form of tables aid in this action. Finally, sections respecting reliability and validity plus the gathering of extra data finish off the chapter.

3.1. Qualitative Research

Purely qualitative data will be used for this research in the form of a content analysis complemented by meetings and email exchanges. Qualitative research can be defined as any type of research that does not create conclusions based on “statistical procedures” or other methods of quantification (Strauss & Corbin, 1990, 17). The usefulness of qualitative research is that many occurrences or causal inferences are simply not measurable through statistical and numerical methods. It is this in-depth comprehension and interpretation of language that provides more detail to said occurrences. Further benefits of a qualitative method is the focus on “naturally occurring, ordinary events in natural settings” (Miles et al., 2014, 11). It reveals data which is rich and holistic, providing complexity and context (ibid.).

Conversely, there is a debate that qualitative methods are too subjective due to the relationship between the researcher and the data. This issue will be discussed further in the reliability and validity section of this methodology. Further criticisms of this method fall in the specificity of the conclusions to the particular case and the lack of generalisation and usability of these conclusions to a wider area of research (Bryman, 2008). However, the aim of this research is not to make sweeping generalisations about this phenomena, one is only interested in how it applies in this particular case.

The choice of qualitative research over quantitative is due to the fact that it can reveal the complexity and detail between the various delegates at the BBNJ PrepCom. One is trying to reveal their comprehension of fragmentation which will require a complex understanding of the theory to grasp the nuance and context of their respective arguments and positions.

3.2. Content Analysis

Language and its application defines politics and is essential to the study of it (Grimmer & Stewart, 2013). A content analysis is an extremely important method for research into political communication due to its ability to reinforce verbal messages and understand the nuances of political messages in a systematic and scientific way (Benoit, 2011; Kassarian, 1977; Mayring, 2007¹). Benoit (2011, 269) defines a content analysis as “the measurement of dimensions of the content of a message or message in a context.” A content analysis can be used to quantify or describe a group of related messages, make inferences about said messages or who produced those messages, or potentially draw inferences about the reception of those messages by their audience (ibid., Busch et al., 2012). It can be used to examine any piece of written text or recorded communication for the purposes of, inter alia, revealing differences in communication content; identifying the intentions, focus or trends of a particular person, group or organisation or describe the behavioural responses to a form of communication (ibid.). This, therefore makes it an appropriate analytical method in order to measure and analyse the extent to which fragmentation is supported within the BBNJ negotiations. One can focus in on the differences of the respective delegates content regarding these concepts and compare and contrast these across the various PrepCom meetings.

There are two distinct types of content analysis, conceptual and relational. The former refers to quantifying certain words or phrases in their frequency. The occurrence of terms can be used to attribute patterns and inferences about that concepts significance to the research. This supplies quantitative data from the text and which one can make statistical conclusions. The second term, relational goes further than simply quantifying the texts and is purely qualitative. It refers to attributing relationships between the various concepts within the text. Using specific coding rules to determine a concept, a relational analysis is concerned about the co-occurrence of said concept (Busch et al., 2012). The depth and detail to which these co-occur can provide points of analysis. The analysis can vary from defining the strength of relationships, it can define the positive or negative relationship between the concepts as well as the direction and whether the input of new variables can change said relationships (ibid.; Denscombe, 2010). A relational analysis here are the most appropriate to apply to this research. The research is specifically looking into the various ways that delegates promote and bargain their opinion on fragmentation.

The advantages of a content analysis is that it is instructive form of measuring interactions. This means the researcher does not have to measure the interactions in real time and it is considerably more economical in terms of time and money. This is therefore extremely useful for this

¹ The referenced publication is in German. Publication was translated into English using online software

research, in that the interactions and communications occurred in the past. The wealth of data gathered by Earth Negotiations Bulletin is more than one as an individual could have possibly gathered during the whole negotiating process. Even if a hypothetical 5th PrepCom were being held right now, it would be unlikely that one would be able to visit the UN General Assembly due to time and financial restraints. It is also useful for providing historical context across temporal changes, i.e. from the positional statements through each of the respective meetings. The temporal changes of the co-occurrence will be useful in answering whether a convergence has been agreed on this subject and potentially giving clues as to why or why not. Further advantages of this method is that it considers the context of the situation which includes degrees of flexibility depending on the material. Furthermore, and quite importantly, it allows for the consideration of the theoretical basis (Mayring, 2007).

The negative aspects of this form of research is that it can be very time consuming dependent on the amount of content that is required and the amount of coding that needs to be performed. There was a requirement for manual coding as computer programs such as NVivo missed some level of nuance. Therefore, there was a significant amount of time spent coding and organising the data. Secondly, content analyses are a reductionist method when considering the complexity of the subject matter within the text. Dependent on the depth of the coding and the detail of the text, there is a possibility to miss or misinterpret context. Furthermore, as the content of the negotiation texts has been simplified and summarised, rather than a direct transcript of the interactions, there will be some degree of nuance and meaning that is irretrievable. The meetings/email data will attempt to return some details but due to the fact they will occur months after the conclusion of PrepCom 4, it is entirely dependent on the contacts memory to rebuild some of the interactions.

3.3. Unitising

The units of data for the content analysis are purely textual. The specific texts used are the Earth Negotiation Bulletins (ENB) compiled by the International Institute for Sustainable Development (IISD) and the official statements provided to the chair to the delegation at the respective meetings. These texts were found at the website for the IISD and the UN Division for Ocean Affairs and Law of the Sea (UNDOALOS), respectively. The reference list of these texts is available in Appendix A. The ENB texts provides detailed explanations of every talking point provided at the negotiation in a concise yet comprehensive manner. They are not exact transcripts, which is a disadvantage but they are certainly invaluable in their level of coverage of each meeting. There is a bulletin for each day of PrepCom 1 through 4 as well as a preamble to the meeting and a summary of the whole PrepCom session. The summary and the preamble will not be coded as they are repetitions and further concise detail of the main daily bulletins. Overall, there are 9 for each PrepCom combining for a total of 36 individual bulletins to analyse. The

official statements are not summarised, and are the official position of the delegates with full context and nuance available. In terms of coverage, only 21 statements were officially handed to the chair of the delegation. This is obviously not representative of all the delegates but a limitation that cannot be avoided. Only 11 of these 21 statements were coded due to the relatively large size of the documents and the aforementioned time constraints due to manual coding. Similarly, only the statements and proposals made by sovereign nations shall be considered for this research. While IGOs and NGOs may have valuable inputs to this particular subject, they are not relevant for testing the hypotheses and answering the research questions.

3.4. Sampling

Krippendorff (2013, 120) remarks that in order to answer your research questions, one must select all textual units that is conducive to that goal, in what he refers to as “relevance sampling”. The choice of gathering the aforementioned textual units is therefore testament to that purpose. It is hard to suggest whether any other units of data would be any more relevant than those chosen. If such data such as direct transcripts of the meetings exist, then it would have proved invaluable. However, due to the fact of their speculative existence, and time constraints, one cannot maintain a consent vigil for relevant data sources. Furthermore, as the phenomena being measured happened in the past, there is an inability to create and code relevant empirical data through direct experience. The method of meetings/emails can only be used to supplement the data found through coding.

Another sampling issue is when attempting to code and present every relevant statement in response to the coding agenda. Specific statements were coded based on the depth of detail that they presented. This is in the quality of the communications, i.e. they fit very closely to the coding rules. Some statements may have been overlooked based on the interpretation of the researcher and subsequently missed due to the rigidity of searching for specific codes in NVivo.

3.5. Analytical Framework

Measuring support or opposition to fragmentation of the ABNJ and its influence on the negotiations is very difficult. There has been few other studies applying this form of analysis to negotiation texts. It is encouraging in the fact that this exemplifies the uniqueness and relevance of this research. In order to create a systematic coding agenda for this research, one began with a first stage manual coding. This required manually reading each of the proposals and ENBs and underlining every instance where someone was directly or indirectly mentioning fragmentation or the current state of the ABNJ governance architecture. The statements were anything from a few words to several sentences, depending on the context and available information. With each

of the underlined statements, patterns of terms and phrases could be developed as codes, especially ones which are mentioned in the theory. By maintaining codes which are as relevant to the fragmentation theory as possible, it provided the best chance to answer the hypotheses and analytically reflect back on said theory. This method is important as the original theory was too inflexible to create a sufficient amount of codes to cover the nuance of the situation and the lexicon of the delegates. The important aspect is that the relationship between the research question and the material should guide the analysis (Mayring, 2003²). Furthermore, when a particular underlined statement did not fit into a particular code, a new one was developed. It should be mentioned that some codes were not necessarily direct translations of the texts. For the sake of avoiding a multiplicity of similar codes, one used codes that cover obvious synonyms or antonyms. Codes that were explicitly relevant to each other were grouped together, again to avoid a multiplicitous list of codes and rules.

After creating all the respective codes, from the underlined text, the textual units were subject to a secondary coding process. This meant using those codes to systematically re-highlight the statements from the first coding process, plus illuminating any other relevant statements that may have been missed. This strengthens the reliability of the results for repetition and comparison. From here, all the coded statements were organised based upon the country or regional group who made the respective remark. This allows for a particular understanding of all the talking points from each country and allows for a comparison between the Global North and Global South nations.

The analysis of the qualitative coded statements was scrutinised into a general fragmentation theme based on the three general fragmentation typologies explicated in chapter 2. These are full synergistic fragmentation, some cooperative fragmentation and status quo fragmentation. Not one particular authors' typology was used exclusively (i.e. Biermann et al., 2009; Zürn & Foude, 2013, Oberthür, 2009; Humrich, 2013) but an amalgamation of all their points under each of the three classifications of fragmentation. Full synergistic fragmentation refers to a nation wanting the ABNJ to be fully integrated either by a centralised, authoritative institution or by full coherence and coordination of outputs across the entire ABNJ architecture. Some cooperative fragmentation categorises nations who want a combination of loose to high integration but maintain a degree of institutional autonomy. This is a fairly large designation of opinions as it covers all that fall in between the extremes. Nations who fall into this group will be explicated for further analysis depending on their specific preferred blend of fragmentation. Lastly, status quo fragmentation covers nations who wish for the current system of decentralised autonomy for institutions remains. This means they fully support the fragmentation of the ABNJ architecture. The classification of a nation's statements under these categories has been concluded by the

² The referenced publication is in German. Publication was translated into English using online software

researcher based on references to the theoretical indicators and other fragmentation points that had not been explicated in the theory. As much care has been taken to categorise these based on evidence, however, as mentioned there is still some degree of subjectivity in interpreting qualitative data.

Finally, in terms of the analysis, and to answer the third sub-question, there was an extra use of the data. This was to quantitatively tally the codes across the four PrepComs to give a perspective of a degree of convergence. It was done to understand what particular areas of fragmentation were being prevalently argued and balanced against whether those areas support the status quo or integration. This can be compared and contrasted over the four fora to find patterns and variations on the code prevalence. To test convergence on an individual nation level, i.e. if there is any change in fragmentation opinion, this was done based on interpreting the coded statements, organised by the respective PrepComs.

The analytical framework for a relational content analysis is essentially a coding agenda which defines the characteristics of the content which is to be coded. This is presented with the types of content that represent that position based on the aforementioned theory. This analytical framework is based on the structure presented in Gerbic & Stacey (2005). The indicator column uses areas of analysis that were previously explicated in the theoretical section (See section 2.2.2).

Fragmentation Characteristics	Indicated by or exemplified by
Global South opposition to fragmentation or support for a defragmented/integrated ABNJ architecture	<ul style="list-style-type: none"> ● Actively seeking cooperative measures with fellow Global South nations ● Actively attempting to include fellow nations who are excluded from negotiations ● Ensure all nations are included, supporting a large-n instrument ● Promote independent judiciaries or bureaucracies ● Support broad, global measures ● Referring to inequitable governing practices, in bioprospecting, for example.
Global North support of fragmented ABNJ architecture	<ul style="list-style-type: none"> ● Arguing for no change to existing regimes that they are involved in ● Dismissive of new coordinating mechanisms ● Dismissive of independent policy making bodies ● Promote autonomous management, i.e.

	sectoral functionality, polycentricity, adaptability. <ul style="list-style-type: none"> • No broad agreements, very functionally specific comments
Convergence of fragmentation opinion	<ul style="list-style-type: none"> • Actors from Global South and North rally around similar opinions by the end of PrepCom 4 • Distinct change of opinion towards the majority from PrepCom 1 to 4

Table 1: Analytical Framework

3.6. Operationalisation

Using the theory of fragmentation that has been thoroughly explicated in chapter 2, a preliminary analysis, or first stage coding was performed. This method involved manually reading the texts for examples of fragmentation and building code words based on the lexicon of the delegates. This is more accurate than directly using codes from theory due to the unlikelihood that theory terminology will be quoted verbatim. The following codes were explicated and statements were organised under these headings using the following rules.

Code	Coding Rules
Fragmentation	This code refers to an explicit reference of the ABNJ architecture .
Existing (Frameworks / Regimes / Instruments / Mechanisms / Organisations / Committees / Bodies)	All these terms encompass the status quo of institutions on the ABNJ. A nation wants to maintain the current fragmented architecture.
New (Frameworks / Regimes / Instruments / Mechanisms / Organisations / Committees / Bodies)	These terms encompass further additions or integrations to the architecture. A nation wants to integrate a new institution into the architecture to coordinate or control.
Overlap / Overlapping Mandates	When two or more institutions’ norms, rules or practises collide. A nation wants to maintain the parallel existence of the ILBI to certain existing institutions.
Undermining	The new ILBI will create norms, rules and

	practises that negatively interfere with that of another institution. A nation wants to maintain the integrity of existing mandates and rules.
Duplication	The new ILBI will create norms, rules and practises that are redundancies of that of other institutions. A nation does not want any repetitions of rules or mandates.
Cooperation	Working with fellow nations to achieve collective goals. Referring to wanting separate institutes to cooperate in achieving their goals. Also, to nations cooperating in enforcing rules and mandates.
Coordination / Coherence / Synergy / Harmonisation / Integration	Ensuring that the new ILBI produces outputs that complement with other institutions. A nation requires institutions to interact with coordinating and harmonious outputs
Expand Mandate	Build upon institutions in the network with new, updated mandates. A nation wants present institutions to increase their competency to incorporate new BBNJ responsibilities
Overarching / Global / Universal / Umbrella / Centralisation / Standardisation	Referring to the need for a central, worldwide institution to control the ABNJ. A nation wants the ILBI to fashion an international, hierarchical institution to standardise and coordinate outputs
Decentralisation / Regional	The need to maintain or increase the status quo. A nation's wants the opposite, in the maintenance of regional and sectoral status quo
Gaps	These refer to the areas that either sectorally or geographically missed by fragmentation. A nation is concerned about this consequence of fragmentation.

Table 2: Codes and coding rules as operationalisation of opinion on ABNJ fragmentation

3.7. Reliability & Validity

Achieving reliability within a quantitative study is extremely difficult with some scholars remarking that full reliability is simply impossible in reality (Taylor & Bogdan, 1998). Silverman (2006) remarks that in order to achieve the best possible reliability standards within any form of qualitative research is to be as clear and transparent about ones methods, so that other researchers can retrace them without confusion or ambiguity. This is achieved in this paper by explicating the theory and steps taken during coding, plus presenting the full results of all the coding using direct quoted statements from the textual units rather than summaries or generalisations.

In terms of validity, one has to take into account whether the observations made have accurately measured what was intended (Silverman, 2006). Within a content analysis, this becomes an issue depending on how much inferences can be used to come to the same conclusion. Some words have numerous meanings and interpretations depending on the context by which they are said. These types of nuances are not necessarily distinguished by computer aided coding software (Busch et al., 2012). In order to overcome such an issue, the coding rules and structure must be solid and consistent that only the most relevant data is included. This way, if a further researcher uses the same coding structure, they should achieve the same results. Beyond consistency to coding, one needed to combine the backup automated computer coding with a further manual coding safety net. This included systematically checking the automated coding for instances of synonyms, homonyms or wrong contextual usage. This method still allows for some degree of error, but it significantly reduces it in respect to relying on the purely automated method.

3.8. Meetings / Email exchanges

As the ENBs are a summation of the communications that were presented at the negotiations, it is useful and important to backup this data with further empirical information. Although, it must be stressed though that this form of data gathering is a supplement to the main content analysis rather than the data required for it. Through meetings and email exchanges, one is able to build upon points of particular interest found through coding that require either clarification or further explication. This is important too for triangulating the empirical data, ensuring that the reliability of the desk research. However, due to the nature of the participants of the delegations, i.e. international bureaucrats, it was extremely difficult to arrange any form of communication stream. The vast majority of the actors who were contacted for information, i.e. all but one, simply did not honour the researcher with any reply whatsoever. Therefore, beyond the one delegate who exchanged emails, the only extra detail one was able to determine through this process was by contacting academics in this field.

The only delegate from PrepCom to reply represented Mauritius.

Richy Bukoree (Second Secretary to the Mauritius UN Permanent Mission)

The following academics from NILOS were met and emailed for this process:

Catherine Blanchard (PhD Candidate, Utrecht University)

Alex Oude Elferink (Utrecht University)

Email exchanges fulfil the same purpose as the meetings, to triangulate sources and expand on detail. The benefits of this method is the convenience for both the researcher and the recipient. As one is unable to travel due to time and budget constraints, this provides the easiest and cheapest way to obtain new information. The exchanges began similar to the meetings with questions relating to certain points raised through coding. To the recipients convenience, they responded in as much or little detail they saw fit. One is able to digest this information far more clearly than through spoken word and can repeat the process of investigating any new points raised. The limitations of such a method is that one can only communicate effectively with delegates who speak English

4. Results

In this section, the results from the content analysis shall be presented along with additional remarks gathered from email exchanges and meetings with respective experts. The results shall be presented and discussed from beginning with nations who support fragmentation through the scale mentioned in the theoretical section, to nations who oppose fragmentation and support full integration. The aim is to find to what extent there is any variation or pattern to the fragmentation power asymmetry theory compared to Global North and Global South nations at the BBNJ negotiations. Not all nations who presented an opinion will be discussed in detail, only those who have made a significant contribution on this topic shall be explicated. A list of all coding results is available in Appendix B.

4.1. Nations at the BBNJ Negotiations

In this section, one shall give a brief overview of the actors, i.e. the nations that took part in the negotiations and how many represent the Global North and how many represent the Global South. This is to understand the dynamics and representativeness of each side at the negotiating table. It should also be added that some nations were only present at fewer than the four separate PrepComs. Similarly, some nations were present at all four, but either made no comment or were represented by a group of nations.

Overall, there were 101 sovereign nations or territories present. On top of this, there were 5 groups of nations, whom many were speaking for the nations present. The first of these groups was the European Union, who spoke for all individual EU nations. It should be noted that individual nations of the EU did not make any remark and only spoke through the EU delegation. The EU can be qualified as a Global North entity due to their GDP per capita (PPP) being well above the world average GDP per capita (PPP) threshold of Global South. Despite China being a Global North nation, the G77/China also represented the poorest 77 nations, and are therefore qualified as a Global South entity by the researcher. Similarly, the Caribbean Community (CARICOM), the African Group and the Pacific Small Island Developing States (P-SIDS) will all be qualified as Global South for this thesis. The latter four groups spoke both as a group and as individual nations. As an important note, according to the RGS's definition of Global South, there are some notable and very debatable inclusions in the Global North. Gabon, Mauritius and Trinidad & Tobago all have GDP per capita (PPP) above the threshold, and therefore must be considered Global North. Therefore, with that considered and if one excludes all the individual European Union nations, there were 28 Global North delegations and 57 Global South.

4.2. Coding Analysis

	STATUS QUO FRAGMENTATION	SOME COOP. INTEGRATION	FULL SYNERGISTIC INTEGRATION
GLOBAL NORTH	Singapore; USA; Iceland; Japan; South Korea; Russia	Holy See; Norway; Switzerland; Australia; Canada; EU; New Zealand; Trinidad & Tobago; Uruguay; Iran; Mexico	Monaco; Chile; Mauritius; Argentina
GLOBAL SOUTH	China	Barbados; Palau; Brazil; Lebanon; Sri Lanka; Indonesia; Ecuador; Fiji; Philippines; India; Tonga; Zambia; Micronesia; Bangladesh; Nepal; G77/China	Venezuela; Costa Rica; Algeria; South Africa; Peru; Jamaica; El Salvador; Belize; Cabo Verde; Pakistan; Honduras; Cameroon; Senegal; Eritrea; P-SIDS; African Group; CARICOM

Figure 4: Matrix representing the respective national delegation opinion of fragmentation at the BBNJ PrepComs (The nations are ordered in each section by their GDP per capita (PPP) as per the Global North/South definition by the RGS)

N.B. Although Guatemala, Malaysia, Papua New Guinea, Saudi Arabia and Vietnam were also coded, their respective single statements were too inconclusive to interpret.

Figure 3 represents an overview of the coding results from this thesis. The matrix splits the Global North and South nations based upon their general opinion upon ABNJ fragmentation. As explained in the theory, this opinion of fragmentation is based on the series of typologies in reference to its scale. The following results section is organised based on the three typologies with both Global North and South nations discussed. Within each typology, the respective patterns and themes based on the coding will be explicated followed by its relevance to the theory and the hypotheses. Beyond the overall themes, individual nations who are outliers to the general patterns will be investigated in more detail. The information from these separate discussions will lead to a synthesis of the results in respect to the relevance of the theory. The hypotheses can therefore be falsified or supported and a conclusion developed. Similarly, a short analysis of the convergence of views based on the codes will give an opportunity to discuss the future of BBNJ

negotiations and future reform to the ABNJ architecture. Refer to Appendix D to find all the coded statements this analysis was based upon.

4.2.1 Status Quo Fragmentation

4.2.1.1. Global North

The fragmentation of the ABNJ governance architecture was an issue that had a variety of opinions throughout all four preparatory committees. There were a series of nations supporting each extreme of the spectrum as well as a nuanced combination of both. The countries in the Global North who support the current fragmented ABNJ architecture are some of the most economically powerful nations. In terms of ABNJ interests, the USA, Russia and Japan are three of the five top fishing nations in the world (based on total catch) with South Korea and Iceland in the top 20 (FAO, 2016). Singapore is the 5th largest flag state in terms of maritime shipping (Lloyd's List, 2017).

These nations are fiercely defensive of existing institutions and their respective legal frameworks and mechanisms. Countries such as Iceland and Russia were also very protective of the current, overarching framework in UNCLOS and its delegation of power to sectoral and regional organisations (IISD, 2017o)³. Of all the institutions operating in the ABNJ, fishing institutions such as RFMOs and the UNFSA are among those who are most staunchly defended. Such arguments for the maintenance of autonomous institutions from Japan is that they already have competences in governing fish stocks. Likewise, they can create no-fishing zones which are de facto ABMTs (IISD, 2016e). Russia, especially sees no legal gaps in ABNJ fishing governance and along with the other nations in this category, insists that attempting to govern fish with the ILBI will only create unnecessary overlap and duplications of mandates (IISD, 2016b). Creating new frameworks or mechanisms through the ILBI is seen as an infringement of existing mandates and they are not keen to renegotiate settled issues within the status quo (IISD, 2016e; 2016r). Similarly, independent, international policy bodies were also denounced in terms of their proposed regulatory authority. The USA cautioned against international oversight and recommended a scientific process rather than a committee. (IISD, 2016o; 2017k).

The main themes as to why they hold these views, is that overlap and duplication are inefficient, a bureaucratic burden and expensive (e.g. IISD, 2017d; 2017i). Russia, again in particular, critiques a global, comprehensive approach by the fact it is unlikely to have more knowledge and expertise than a regional equivalent (IISD, 2017c). They add that a regional, decentralised

³ Citations alluding to the International Institute of Sustainable Development (IISD) or BBNJ Proposal are from the content analysis literature. These are listed separately in Appendix A, not in the reference chapter.

system as is present allows for the balance of interests among lawful activities on the ABNJ (Russia, n.d.). The USA further adds that certain processes such as EIAs, when completed at a decentralised level, i.e. by states, they allow for public participation and input (USA, 2016). They claim this is something a centralised, international BBNJ institution is unable to do effectively. As a side note but quite significantly, only one statement from Japan regarding the institutional arrangements were explicitly justified for the sake of marine biodiversity (IISD, 2017f).

The options for this ILBI according to these select nations is to increase the functionality of UNCLOS, RFMOs and other sectoral and regional institutions (e.g. Iceland in IISD, 2016o; IISD, 2017h). The ILBI should be used as a tool in order for said institutions to better fulfill their mandates and to increase their governance effectiveness. This increase in individual effectiveness will therefore cover the legal and regulatory gaps which have led to this BBNJ process. Iceland speaks of cross-sectoral cooperation in light of expanding RFMOs mandates, while Singapore supports a pragmatic clearinghouse mechanism (IISD, 2017c; 2017k). However, none speak of integrating or synergising their frameworks and policy outputs. Overall, the options that these nations put forward for new institutional arrangements is extremely limited. Beyond these points, the main crux of their positions is to defend fragmentation.

4.2.1.2. Global South

As one can see, China is the only Global South nation that supports this position regarding fragmentation. China, like the nations beforehand, is by far the most powerful fishing nation in terms of catch (FAO, 2016). Similarly, their global power in terms of their population size, their national resources and industrial productivity renders this power categorisation rather redundant. As such, China's position on fragmentation continues as that of the aforementioned Global North nations despite being in the Global South. They are very defensive of the mandates of the IMO, the ISA, the FAO and RFMOs, citing that they should not be duplicated, overlapped or undermined (IISD, 2016r). Similarly, they direct strong defense against fishing governance, recognising the clear provisions already in place by UNCLOS and UNFSA (IISD, 2017g). Beyond these points, they are also in favour of utilising existing frameworks and opposing globalised systems for ABMTs. As to why they hold these views, it is difficult to interpret as they have not mentioned these at the negotiations. Likewise, they are also represented by China/G77, who support cooperative fragmentation. This muddies the water in terms of establishing true rationale behind their position. Interestingly though, China does seem to mention their position in respect to marine biodiversity, promoting the filling of BBNJ gaps and utilising best available science. It seems they are attempting to maintain the fragmented institutional status quo whilst attempting to use the exchange of knowledge as the plug that addresses the marine biodiversity issue. Overall, this result seems like an outlier to the Global

South hypothesis. China, along with the previously mentioned Global North nations, who are very significant players in the fishing industry, suggest that interests in the ABNJ play a significant part in shaping opinion on fragmentation. It may therefore not be overall power that is the issue but specific pockets of control within sub-issue areas of the network.

Beyond China, there is very few Global South nations who agree or share the same views. Bangladesh, for example, uses the reasoning of cost-effectiveness when discussing the institutional arrangements (IISD, 2017g). The Philippines also agrees with strengthening the individual effectiveness of organisations such as the IMO and RFMOs and avoiding unnecessary overlap with respective mandates (IISD, 2017b). However, beyond these slight convergences of views, these particular nations lean towards a mild form of integrated fragmentation when suggesting to harmonise existing mechanisms and expand the mandates of the ISA to be more functionally diverse. It is therefore clear that fully autonomous, fragmented ABNJ institutions are the preference of the most wealthy and powerful Global North nations plus the most powerful, Global South fishing nation. While it is extremely hard from this data to conclusively interpret that these nations are deliberately controlling the ABNJ architecture for their own benefit, their contrarianism towards any reform is stark evidence that they are benefiting from it.

4.2.1.3. Status Quo Fragmentation Discussion

Benvenisti & Downs (2007) remarks that these “powerful” nations would support creating more functionally specific institutions in order to have control. The data suggests that the USA wants the ILBI to provide only science to aid other institutions mandates (IISD, 2016o). This is very functionally specific and is unlikely to have significant influence across the whole meta-network. They all are attempting to prevent any form of power loss with existing institutions, with the ILBI creating no overlap and no duplication of mandates. It seems that they are desperate to prevent alternative, competing institutions from undercutting their regional and global influence. They want to maintain the structural bias of the ABNJ architecture as coined by Van Asselt (2014) towards the institutions that currently exist because they fit their interests. The theory is further backed up by statements regarding the dismissal of new regulatory authorities and coordinating mechanisms in both their power and their existence. The USA calls for independent scientific committees but only for policy input rather than policy creation. Russia simply dismisses these entirely and suggests making use of existing committees, while Japan cautions against any external body implementing management measures (IISD, 2016r). As mentioned by Benvenisti & Downs (2007), by ensuring that current institutions, to which they are a member, remain totally autonomous from ILBI judiciaries or bureaucracies, they will not be unduly burdened by new regulations that may hurt their interests. For these specific, relatively economically powerful, Global North nations. this extent of support for fragmentation correlates strongly with the theory.

Interestingly, though, the power asymmetry theory by Benventisi & Downs (2007) claims that powerful nations promote the creation and proliferation of new institutions in order to disrupt cooperative abilities of weaker nations. Here, the data implies the majority of these select Global North nations plus China are trying to do the opposite, in preventing the creation of a new institution, or at least making it as legally and regulatory weak as possible. One can conclude from this, that countries such as the USA and Russia have no intention to attempt to control this particular framework, nor any regimes that could potentially formulate from this negotiation process. In this sense, these nations are not promoting the proliferation of institutions for the sake of it. Rather, they are suppressing those that would be an inconvenience to their interests. Governance for sustainability entails reducing benefits and interests for the sake of the environment. Therefore, the ILBI has no tangible, direct benefits to these nations and potentially will cause the opposite in a reduction in benefits. These nations will only support proliferation on the basis that, by controlling them, they can benefit from them.

Other conclusions from the data which supports a correlative relationship between fragmentation and power is the total disregard for any form of undermining, overlap and duplication. Authors who support fragmentation say so on the basis that overlap and duplication creates regulatory redundancies (Weitz et al., 2007). If nations also support fragmentation as a natural cause, one would expect them to follow a similar rationale. The evidence here, obviously is contrary to that statement. These nations, therefore see overlap and duplication as an affront to their jurisdiction and their relative power. Rather than cohere these processes, they wish to remove them or prevent their existence in the first place. They would not be so defensive and controlling of this phenomena if it were an inevitable, globalistic process.

4.2.2. Synergistic Fragmentation

4.2.2.1. Global North

On the other end of the spectrum, concerning nations who support a fully synergised or integrated ABNJ architecture, there is more variety in terms of their economic power. The theory suggests that only weak nations would be in favour of this type of governance system to which is clearly not the case. Four Global North nations support full integration of whom Chile and Argentina are significant players in the fishing industry being 11th and 22nd in the world in terms of catch, respectively (FAO, 2016). Monaco, although an incredibly small principality, is the richest per capita territory on Earth and a particularly odd outlier in respect to the theory. The Global North nations in this category speak of issues that are testament to the weak nation theory. These are the need for a global decision making body and global regulations, i.e. an independent coordinating body to legally integrate the system (e.g. Chile (IISD, 2017g) and

Argentina (IISD, 2016b) . They also require harmonisation of requirements and standards; strong coherence and consistency across all institutions as well as independent committees who standardise criteria for and perform activities in the ABNJ. Of these nations, only Argentina are explicit in their opposition of fragmentation, remarking that they felt dealing with this issue was the main reasoning behind these BBNJ negotiations (IISD, 2017o).

The main advantages that these nations give for synergy and disadvantages against fragmentation is that the current system creates legal and regulatory gaps. What these nations are specifically calling for is a new institution that has a holistic, ecosystem approach which has BBNJ conservation as its core mandate. On a specific note, Argentina and Chile support integrating fish into the ILBI and are very skeptical about options to expand the mandate of RFMOs. Monaco, specifically bargains for a global MPA network, a scientific body with jurisdictional power for managing MPAs and full cooperation by all states to this cause (IISD, 2016e; 2016k; Costa Rica & Monaco, 2016). Mauritius, for a global ocean institution (IISD, 2016g). By supporting broad measures, in an industry that Chile and Argentina especially are major players in, suggests that their positions in the industry is relatively weak. The South Pacific Regional Fisheries Management Organisation (SPRFMO) contains Chile in a small-n group with China, Korea, USA and Russia (SPRFMO, n.d.). This suggests that their regional power in this organisation is significantly weakens by the apparent hegemony in this fishing organisation. Similarly, Chile is not a member of the Inter-American Tropical Tuna Commission (IATTC), an RFMO which operated directly outside their EEZ (IATTC, 2018). Along with Argentina, whose individual analysis is available in section 4.3.3., it is clear that relative economic power and large interest in fish does not necessarily translate into support for fragmentation. Regional power within governance and control of the fishing industry again is a significant variable in shaping support or opposition to fragmentation.

4.2.2.2. Global South

The Global South Nations who support full integration represent the majority of nations in this particular category. Many Global South nations were represented by a respective union in order to gain more leverage at the negotiations. These unions represent the whole of Africa, the Caribbean and the Pacific small island states. Beyond these categorisations, two nations represent Central America and one represents South Asia. All of these nations support the exact same points as Monaco et al., but go further, especially in the realm of equity, capacity building and technology transfer. The African Group and CARICOM are particularly explicit in integrating for the sake of equitable benefit sharing (IISD, 2017e; CARICOM, 2016). The current legal gap in this regard, is caused by fragmented institutions being unable to simultaneously incorporate new governing measures towards emerging technologies such as MGRs. The African Group calls out RFMOs in particular in the explicit context of

fragmentation, as they are only mandated to regulate fish, not other species (IISD, 2016b). They, therefore cannot be trusted in governing MGRs effectively. In terms of further rationale behind these positions, South Africa particularly mentions that the lack of integration and coherence means that various regional institutions vary in their effectiveness (IISD, 2017f). Similarly, Costa Rica remarks that monitoring, enforcement and compliance are ineffective without a global system (IISD, 2016i). Other issues regarding fragmentation, and a direct rebuke of a technique to control the fragmented architecture, is that of the proliferation of institutions. Eritrea and Cameroon, speaking as individual nations, remark that numerous institutions governing one area breeds a proliferation of reporting mechanisms (IISD, 2016g). This reduces the effectiveness and increases confusion as to which is the most appropriate to report too. This phenomenon is just as Benvenisti & Downs (2007) remarks as powerful nations' intention to increase bounded rationality and transaction costs of weak nations.

In a similar light to the Global North nations mentioned in the previous section, Peru, is the 6th largest fishing nation in the world in terms of catch (FAO, 2016). Again, their relative economic power in regional management may be the issue towards their position of fragmentation. Like Chile beforehand, Peru is in the small-n SPRFMO with the likes of the USA, China, Korea and Russia (SPRFMO, n.d.). Perhaps, in order to make their position more balanced and competitive, they have to resort to reducing hegemony through defragmentation. Peru, specifically, does not mention cooperation or coordination in this context, only to include a global decision making body. This suggests they want an independent adjudicator to overrule the nations within their RFMO, and as mentioned in the weak nation theory by Benvenisti & Downs (2007), rely on independent bureaucrats to favour their relatively weak interests.

The options for new arrangements for these nations, especially P-SIDS and CARICOM is to create a global coordinating entity that is able to operationalise cooperation and create international standards (IISD 2017f; 2017l). More specific policy positions by the other nations in this category were to expand the mandate of the ISA and to create a single access regime for MGRs. These nations not just support defragmentation but are actively bargaining for de jure integration. By loaning out jurisdiction to an overarching authority, as is one of the Global South indicators, one can conclude that these nations will be relying on international bureaucrats and judiciaries to give them an equitable share of MGRs and other biodiversity services.

4.2.2.3. Synergistic Fragmentation Discussion

In terms of their position in the Global North, Monaco, as the richest territory on Earth, is demonstrably very weak on the international stage due to its extremely small area and population. The same can be said for Mauritius. Monaco can therefore be discounted in terms of the general position and conclusion for the majority of Global North nations. Chile and

Argentina are also not significantly above the threshold into the Global North with GDP per capita (PPP) of \$22,700 and \$18,500 respectively and therefore are some of the least powerful of the Global North nations in this indicator (Trading Economic, 2018). Using the Global North/South dichotomy as a proxy for power variations, therefore creates a lack of clarity in categorising these nations. Power is ill-defined in the power asymmetry theory and ill-defined by the Global North/South dichotomy. Nonetheless, this categorisation is significant by the limited amount of Global North nations and the specificity of these outliers to the Global North hypothesis. The limited numbers is telling in that this form of highly integrated governance is of no interest to the most powerful Global North nations. This could be following the logic of Young (2011) when stating that this form of governance is unfeasible and therefore undesirable. However, it also logically follows the hypothesis that if Global North nations support fragmentation because of its benefits, they will dismiss full integration because it would remove said benefits. The result here, correlates with that assessment. However, as to why Global North nations such as Argentina and Chile hold this position is also interesting in relation to the hypothesis. In explicate this, please refer to section 4.3.3 for specific analysis on Argentina.

In respect to the power asymmetry theory, there were some interesting comments that go against the weak nation indicators. The African Group, especially, mentions that the ILBI should not include all stakeholders as being too representative creates a weak agreement (IISD, 2016r). This position is very unusual as to how it combines with their preferences for global level integration of ANBJ institutions. This goes against what Zelli & Van Asselt (2012) remarks as a strategy to integrate the system. Weak nations need to coordinate and cooperate with each other. More numbers equals a better chance to unionise and effectively compete against the stronger nations. The comment is even more ironic considering the African Group represents an entire continent. It is unclear from their statement as to who to exclude from the agreement. Their strong counter arguments against regional and sectoral fragmentation and their respective gaps suggests they are going after Global North nations. Perhaps, this is a strategy to undercut and exclude the pro-fragmentation, anti-integration nations from the agreement and ensure the ILBI is as comprehensive and robust as possible. However, the effectiveness of the agreement would suffer if these powerful Global North nations are not party to it. Another comment by P-SIDS also creates a degree of counterintuity to their main positions. They mention consistently that fragmentation and the patchwork of sectoral and regional institutions are disruptive to effective coordination and cooperation. They posit that there should be global level decision making bodies, global compliance mechanisms, integrated standards and measures as well as universal participation. It is therefore strange that they also advocate for no change to the Pacific region due to fishery related gains (P-SIDS, 2016). This point is hypocritical in that they are effectively promoting the effectiveness of regional institutions and their direct benefit to Pacific nations; ipso facto they are supporting fragmentation. What this suggests is that they want full integration in areas that they currently disadvantaged, i.e. MGRs, EIAs, capacity building and technology

transfer. However, any areas whereby they are currently benefiting, the governance structure is sufficient and should not be reformed. While one cannot comment on the effectiveness of Pacific institutions, it does seem that even weak, developing states still have a myopic defense of sovereign interests over the greater good for marine biodiversity governance. Despite these two particular comments being off centre in regards to the theory, they are one offs and not something that was consistently argued by the respective delegations. The majority of arguments consistently fit the power asymmetry theory that they are being severely disadvantaged by this phenomenon.

4.2.3. Cooperative Fragmentation

4.2.3.1. Global North

The members in this category are relatively economically powerful nations from Europe, Australia, New Zealand, Canada, and a selection of a few who are just above the Global North threshold. Like previous analysis, conclusions from these borderline Global North nations have limited clarity in relation to the theory and hypotheses. Overall, all of these nations support a hybrid approach which includes an ABNJ architecture that includes both regional and sectoral autonomy along with varying degrees of integration. This degree of integration is important to differentiate as each nation/group of nations does not support the exact same level. The hybrid approach which these nations advocate for is a mix of similar points made by advocates of fragmentation and advocates of full synergy. These nations, like the pro-fragmentation group are intent on maintaining the status quo in terms of the existing frameworks and instruments already in operation on the ABNJ. For instance, Norway and Australia cautioning against prejudicing the relationship between the ILBI and competent international organisations (IISD, 2017l). However, unlike the pro-fragmentation group, they are more open to creating coherence and cooperation (IISD, 2016j). Their arguments are generally that a global framework or mechanism would be highly likely to undermine existing agreements and duplicate efforts. However, this doesn't mean that global standards cannot be used. Australia and Canada remark that global standards are good at promoting the overall objective, however, regional level institutions should not have to seek global endorsement for their decisions (IISD, 2016l; 2017h). Mexico and New Zealand are also supportive of some form of global coordination as it breeds cooperation and a common understanding (IISD, 2017h; 2016c). The European Union and Mexico, also highlight pragmatism and cost-effectiveness when discussing institutional arrangements (IISD, 2016e; 2016f). The EU acknowledge some degree of reform is needed including the creation of new institutions, but this should be done purely on absolute necessity with the minimal of administrative burdens (IISD, 2016c).

4.2.3.2. Global South

The Global South nations who support this type of hybrid, loose cooperative fragmentation vary significantly in location and population size. The G77/China, a union of the 77 least developed nations plus China, is perhaps the most surprising inclusion in this section. They make similar points to other Global South, pro-integration nations by advocating triangular cooperation and pointing to the legal gaps being unilaterally exploited by Global North nations (IISD, 2017m; 2016c). However, beyond this they rather hypocritically argue several times for existing regional and sectoral institutions to not be undermined and are attempting to make it functionally specific, in order for it not to disturb existing institutions (IISD, 2016i). One can only conclude that this arrangement of nations has vastly different points which it cannot argue consistently. Individually, China seeks a very different course of action regarding ABNJ fragmentation than the other 77 nations. Fiji, in general, supports full integration of institutions but follows it up with arguments regarding simplicity and minimalism (IISD, 2017f). These are similar points to the EU's pragmatism and cost-effectiveness. Fiji may have a degree in realism in the fact that full integration is probably not possible and is therefore appealing to compromise in the negotiations. Other nations in this category are also supportive of existing institutions such as the IMO, the ISA, CBD and RFMOs. The Philippines and Bangladesh, especially call for the expansion of mandates and making these aforementioned institutions more effective (IISD, 2017b; 2017g). Other such as Nepal and Zambia speak of just increasing cooperation between regional institutions (IISD, 2016n; 2016g). These options are deemed to be cheaper and simpler to apply to the current architecture. Tonga, who explicitly want to address fragmentation, adds that a hybrid approach combines specific expertise of regional and sectoral institutions with the need to incorporate and internationalise gaps that fall outside their mandates (IISD, 2017g). Beyond championing regional effectiveness, the areas that are specifically called for a universal, global mechanism is in capacity building and MGRs. None of these nations are calling for total global oversight or full integration which is very interesting regarding the weak nation theory.

4.2.3.3. Cooperative Fragmentation Discussion

Many of the nations in the Global North group create a slim gap for the Global North hypothesis. The EU, Norway, Switzerland, Canada, Australia and New Zealand especially are very powerful nations in terms of many power indicators beyond just their economies. Norway, in particular, is a very prominent fishing nation. These nations are also highly democratic, all scoring within the 10 nations in the world. The EU also has the majority of its members in the top 20 (The Economist Intelligence Unit, 2018). As to why they are slightly more open to reforming the fragmented ABNJ architecture, compared to the USA, Russia and China, for example is difficult to uncover from their talking points. Switzerland mentions that this process would be useful to build upon the Aichi Biodiversity Targets and have touted for the inclusion of the

Intergovernmental Science/Policy Platform on Biodiversity and Ecosystem Services (IPBES), while the EU and Australia supports the Nagoya Protocol (IISD, 2016b; 2016d; 2016j). By supporting such institutions, it implies that they are scientifically literate about the state of marine biodiversity and in doing so they should understand that the fragmented ABNJ architecture is a root of that issue. However, pragmatism and cost-effectiveness is not a very strong response. These nations are also vague about coherence and cooperation, making limited references in respect to points regarding the maintenance of existing frameworks. Overall, even though they are attempting to appear somewhat reformist to the governance architecture, they still share many talking points and benefits with the totally pro-fragmentation nations.

It is clear from the weak nation theory that by integrating the system, you are able to redistribute power and create a degree of equality. There are many areas where Global South nations are disadvantaged and need international support in order to gain from the fragmented architecture. Their practical and nuanced views towards ABNJ fragmentation suggests that they too are attempting to protect interests. The Philippines supporting the IMO and RFMOs are testament to their large shipping and fishing industries. Micronesia too, is also highly protective of contemporary fishing governance. They realise that by fully integrating, they will lose the regional functionality by which they are benefiting. The Philippines and Micronesia also make no reference to cooperation, and only coordination in respect that existing institutions are considered and respected beforehand to prevent overlap. This particular situation is not considered in literature. Weak nations are portrayed as being totally subservient and being consistently disadvantaged by their position. Benvenisti & Downs (2007) mentions that they are consistently marginalised and have to resort to tactics elucidated in section 2.2.2.2. This again adds to the critique of the theory that ‘powerful’ and ‘weak’ are too simplistic in their definitions. Global South nations like the Philippines and Micronesia have a role within regional fishing institutions to which they seem content with their position and influence. Overall, they are benefiting from certain aspects of the fragmented architecture. Therefore, the evidence here shows that levels of ABNJ interests plays a role in support for or against fragmentation. This demonstrates that power and benefits are relative in context to the meta-network and in respect to the relative position within institutional membership. Power, defined by Global North and South, therefore does not lend itself to considering regional power relationships and limits the amount of correlation it has with the theory.

4.3. Analysis of Noteworthy Individual Nations

In this section, notable nations that have been identified as being outliers to the common trend have been chosen for further in depth analysis. These nations have been sampled for extra analysis due to either a particularly noteworthy comment or set of comments which aids in creating an argument to support or falsify the respective hypotheses.

4.3.1. Mauritius

Within PrepCom 1, the Mauritian delegation made a comment suggesting the creation of a centralised multilateral organisation that governed all ocean affairs (IISD, 2016g). This opinion is the strongest support for a complete overarching framework to integrate all ocean activities and is therefore testament to their support for synergised fragmentation or authoritative coordination as per the definitions of synergistic fragmentation by Biermann et al. (2009) and Zürn & Foude (2013). Through an email exchange with the delegation of Mauritius, Mr. Bukoree, the second secretary to the Mauritius permanent mission, expanded upon this point as to why they feel this is a necessary arrangement. Mr. Bukoree said that the lack of time and the universal application of the Sustainable Development Goals requires the establishment of a comprehensive global regime. He claimed that the fragmentation of the marine biodiversity protection institutions were to blame due to the lack of coordinating mechanisms (Personal Communication, February 13, 2018) . He also cited how UNCLOS, as the current attempt at a global framework, was weak in their provisions to this particular issue area. He suggested that the ILBI should focus specifically to the protection of the marine environment whilst encouraging and enforcing cooperation between nation states and organisations. Mr. Bukoree's comment about a global regime being able to consistently apply the SDGs is an interesting point. He is suggesting that synergised fragmentation or authoritative coordination in this regard can standardise and harmonise the outputs of the respective other institutions towards a new SDG focused norm, as mentioned by Humrich (2013).

In terms of Mauritius' position of in the Global North or South, it is incredibly difficult to place them. According to the RGS definition, they are placed in the Global North, but within the Brandt line definition, they are in the Global South. However, as a small island nation, they are relatively prosperous and one of the world's most democratic nations (The Economist Intelligence Unit, 2018). However, it would be a misnomer to call them powerful as in Benvenisti & Downs theory. A small island nation that has relative economic power does not necessarily translate to resource or military power. Nonetheless, no other nation at this forum made such a case for this type of fully synergised institutional arrangement. The other nations who supported full synergy did so in the context of just the ABNJ which suggests that this idea is rather unrealistic.

The conclusion of this delegation though is that a borderline Global North country supports the greatest level of defragmentation and integration of all ocean affairs. Their suggestion would eliminate forum shopping on the high seas and a loss of autonomous control of policy. Actions that powerful Global North nations such as the USA or Russia would certainly not allow . The strong support for reform for the sake of the SDGs means Mauritius genuinely cares for marine

protection and biodiversity on the ABNJ and prioritises it over other interests on the ABNJ. However, as a relatively prosperous island nation, they do require a pristine ocean for tourism. The crux here could be that conservation of marine biodiversity is in their national interest. They may appreciate their relative power and the only way to control more powerful nations is to tie every nation down to an overarching authority. Irrespective of the debate about their relative position in the Global North, the evidence portrays that they are being disadvantaged by fragmentation and therefore they falsify the hypothesis.

4.3.2. Eritrea

The Eritrean delegation was most vocal on the subject of the institutional arrangements of the ILBI but did not explicitly mention fragmentation as an issue. They are a significant actor at these negotiations as they also claim to speak for LDCs as a whole (Eritrea, 2017). Despite no explicit mention of fragmentation as an issue, they did make numerous calls for an global regulatory body to create overarching policy coherence (ibid.). One of the reasons why Eritrea sees that a global regime is necessary is that they can fill in the policy and enforcement gaps present within a fragmented governance paradigm. They specifically refer to leakage, whereby increased governance measures on a particular area leads to displacement of illegal activities elsewhere (ibid.). Once the illegal activity has been moved from a particular jurisdiction, it is no longer an issue to the particular institution. The Eritrean delegation suggests that a global, coherent regime can have the foresight to predict and mitigate this issue. They also add that a global authority has the ability to complete and enforce EIAs. By having a universal approach and perspective, they can make an informed decision whether a planned activity can go ahead or not. A further concern that they were arguing is that the global high seas network should cohere with the international trade and financial networks. This is suggesting that they want full coherence and synergy across all governance systems, not just on the ABNJ. Through a highly synergised network, Eritrea is advocating that they, along with the other LDCs they represent, will be able to develop more effectively than if they were to attempt to develop autonomously (ibid.).

Furthermore, the delegation makes a very interesting point in how they see the relationship between this proposed regime and the the current patchwork of high seas institutions. They are not suggesting that this global body controls all ocean affairs such as Mauritius, but for it to be a pivotal coordinating regime. They are claiming that this regime must be as effective as its regional and sectoral counterparts while respecting their existence (ibid.). This is what they mean by undermining, a much more nuanced and softer definition of that of Global North nations such as the USA and Russia. This positions suggests they support full policy coherence. The delegation also goes on to say in PrepCom 1, that it is important to map and review current mechanisms in order to add and delete where necessary (IISD, 2016i). This further adds to the

notion that they are in favour of completely integrating the entire network similar to an authoritative coordination network theorised by Zürn & Foude (2013).

Eritrea is very much a Global South nation with a GDP per capita (PPP) of \$1411 well below the Global North cut off point (Trading Economics, 2018). While they do not explicitly oppose fragmentation, their recommendations for the reform of the governance network firmly suggests that they do. The references to broad global solutions, developing countries as a collective and coherence are strong evidence for a defragmentation and integration ethos as per the analytical framework. They see fragmentation as a hindrance to their all LDCs development, a clear statement that they are suffering due to this paradigm. In this regard, the Global South hypothesis is strongly supported by this example.

4.3.3. Argentina

Argentina make a concerted argument for a global body to regulate marine biodiversity on the high seas. They are specifically calling for a functional regime that coheres with existing instruments and explicitly, limits the fragmentation of the current system (IISD, 2016b; 2017o). Similar to what Eritrea were arguing, this regime should go further than cohering with the status quo mechanisms, real reform to the outputs of existing instruments should be included to create meaningful and effective integration. They make a specific comment referring to the difficulty associated with coordinating agreements and procedures, therefore reform should go to the heart of institutions and reform their mandates (IISD, 2016i). The reasons behind Argentina's support for a global mechanism lies in the limited mandates of high seas institutions. They specifically call out RFMOs, as they have geographical gaps and are not representative of all relevant stakeholders (IISD, 2016f). Furthermore, they do not have BBNJ conservation and sustainable use as their core mandate as they only consider the sustainability of fish (IISD, 2016r). They feel a global mechanism that utilises existing agreements is the only way to ensure BBNJ is protected. A global mechanism with a sustainability and conservation core mandate can ensure that appropriate outputs can be integrated into respective institutions on a global scale. While for different reasons, Argentina and Eritrea are arguing for the same type of institutional arrangement on the high seas. They require full coherence and integration, i.e. defragmentation of the status quo.

Argentina are comfortably a Global North nation with a GDP per capita (PPP) almost double that of the threshold. Their line of reasoning for a global, comprehensive and coherent mechanism exemplifies the complete opposite as to what a powerful, Global North nation should be arguing for according to Benvenisti & Downs (2007). This example completely falsifies the Global North hypothesis. In terms of their main arguments, the Argentine delegation make specific references to fragmented RFMOs as one of the main issues on the high seas and how they are not

representative and only consider a limited number of species of fish. This nation is clearly, then not benefiting from the fragmentation of the ABNJ architecture. Argentina are not members of the two RFMOs, the International Commission for the Conservation of Atlantic Tunas (ICCAT) and the Commission for the Conservation of Southern Bluefin Tuna (CCSBT) that exist in the Southern Atlantic, beyond their exclusive economic zone (EEZ). One can infer from this information that they either see defragmentation as a genuine attempt to protect marine biodiversity or they see it as a way to limit the abilities of the RFMOs. The delegation also added in PrepCom 3 that RFMOs should not have their mandates expanded (IISD, 2017c). This provides further evidence that they do not trust these organisations to enforce conservation policies for fish and other marine biodiversity that could be theirs. By limiting the fragmented RFMOs member states' power and influence within their high seas region, there could be a potential for Argentina to control the benefits of the local marine resources.

4.3.4. Federated States of Micronesia

The Federated States of Micronesia (FSM) makes an extremely nuanced case for how they want the ILBI to influence the ABNJ institutional arrangements. While again, they make no explicit reference to fragmentation being a problem, they do list several issues that stem from it. They seem particularly concerned about the two extreme approaches to a governance architecture. They simultaneously criticise the inefficiency of a global management institution as well as the regulatory gaps and limited scope caused by regional and sectoral management options (IISD, 2017h). In this sense, they are calling for a governance architecture that has a degree of integration but still maintains a degree of autonomy, especially for fish. FSM are particularly staunch in their defense of fishing and nonliving resources institutions, namely the UNFSA and the ISA (IISD, 2016b; FSM, 2016). They are insistent that they no fishing or mining measures shall be undermined by this new instrument. This seems contradictory when critiquing the scope of sectoral institutions, only to fiercely defend those to which the nation has a particular interest. While they criticise and defend certain aspects of the high seas architecture, and suggest a new architecture with a mix of global and regional management options, they make no radical suggestions as to how. They make limited reference to new scientific committees potentially collecting information on ABMTs and EIAs while a new regime ensures equitable access to MGRs (ibid.; IISD, 2016e). Beyond stating that an ecosystem approach is preferable, they make no reference to wanting to synergise or integrate sectoral or regional institutions, nor creating any coordinating mechanisms (FSM, 2016). Their specific positions on fragmentation is therefore very limited and quite divergent from the general statements about its consequences. In terms of the typologies, FSM are advocating for cooperative fragmentation, but for fishing, purely autonomous management.

FSM are very much a poor, Global South nation, which makes this position at the negotiations particularly interesting. While in general terms, they speak of the needs of all developing countries as to why MGRs need to be coordinated by a global access and benefit sharing (ABS) regime. This specific point is consistent to the analytical framework, in that they are representative of other weak nations and support equitable governing practises. However, beyond that, their defence of a fishing institutions status quo is very surprising. FSM are full members of two RFMOs whose jurisdiction is just outside their respective EEZ. The Western and Central Pacific Fisheries Commission (WCPFC) in particular, uses provisions in the UNFSA to manage all fish stocks with specific competence to the physical and geopolitical region of the South Pacific. One can assume from this that FSM is content with their position and the quality of governance in this regional and sectoral setting. They may also see defragmentation and integration of the RFMOs as a reduction in their regional influence and therefore a negative impact upon their fishing industry. They mention in their proposal that ABMTs should be left to the competence of regional organisations, such as the WCPFC. Through this organisation, FSM can more easily suggest to, through a small-n institution, open and close areas of the South Pacific to fishing. Similarly, the WCPFC is also more likely to create and maintain ABMTs surrounding FSM as opposed to a global body. FSM would have less ability to control these measures if those decision-making processes were either globalised or standardised. From this analysis, one can infer that any consistent critique of ABNJ fragmentation by FSM is influenced by a selective view of regional interests. They are therefore, not totally disadvantaged by this governance paradigm. Through only wanting to integrate specific parts of the ABNJ architecture, not all of it, the Global South hypothesis is falsified by this example.

4.3.5. European Union

The EU hold a particularly unique position to ABNJ fragmentation, in that they explicitly mention that fragmentation is an issue to be amended, but only argue for its amendment in one particular area of ABNJ management. Within their proposal, the EU makes the argument that the majority of institutions in the ABNJ, who directly or indirectly affect marine biodiversity, are limited by sectoral and regional mandates (EU, 2016). The problem is that none of them have marine biodiversity as their core mandate and none of them can govern it on a global scale . Similarly, they argue that this paradigm makes it difficult to record and analyse all activities on the ABNJ, particularly its cumulative effects (ibid.). They suggest in order to remove fragmentation and increase coherence of sectoral and regional institutions, the ILBI should provide a global management approach (ibid.). Despite this position, they only argue for this to be established when governing ABMTs, particularly MPAs. They repeat their points regarding sectoral and regional deficiencies in MPA establishment and that a global mechanism to establish these measures does not undermine existing institutions (IISD, 2017h). Beyond this specific area where the EU are extremely supportive of global integration, they support the fragmented status

quo in every other area. They remark that other ocean threats are sufficiently dealt with by existing instruments (IISD, 2016q). The EU are explicit in their position that this new ILBI should also not undermine or duplicate any existing regulations or frameworks (EU, 2016; IISD, 2016r; 2017h). Further to this, they wish for autonomous management in that existing institutions should reform their own systems in order to build conservation objectives (EU, 2016). This is supported by reasoning, similar of that to the pro-fragmentation group, that a pragmatic, cost-effective approach is more feasible while adding that creating a new regime would be an administrative burden (IISD, 2017f; 2016c). Additionally, they mention that fish should not be regulated by the ILBI and remain under the competence of the RFMOs (IISD, 2017a).

This evidence leads to a support of cooperative fragmentation on the ABNJ. However, it is a weak form of cooperation. The EU are for a highly integrated, almost synergistic fragmentation in one small area of the architecture and limited reform elsewhere. This could be, perhaps that the EU sees MPAs as the most effective form of ABNJ management, potentially due to the Birds and Habitats Directive in relation to the ABTs and their 10% goal regarding MPAs (Biodiversity Information System for Europe, n.d.) . Nonetheless, in respect to the whole ABNJ governance architecture, this position would only loosely integrate the network. As a federation of Global North nations, this stance on fragmentation is very nuanced and again makes any analysis to the hypothesis difficult. With both extremes of opinion, they simultaneously promote autonomous management and limited reform in one area whilst promoting global measures in the other. What is clear though, is that the EU want a functionally specific instrument. They do not want the ILBI to manage any issue currently under the purview of current mechanisms to create limitation in the scope and regulatory powers of the instrument. As to why they support this position on fragmentation, fishing is again, likely, the salient issue. The EU is the largest importer of fisheries products in the world and is a member of the majority of the world's RFMOs (European Parliament, 2018). It is an active member of 15 and an advisor on two more (European Commission, n.d.). Within the European Parliament Report, it is explicated that the EU specifically sees other ocean activities as a specific threat to fish, namely maritime shipping and deepsea mining. Maintaining the fragmented nature of RFMOs whilst integrating MPAs would allow for the EU to better able to control and place MPAs on the high seas, thus better protecting fish stocks in order to be caught and imported. A functionally specific, global MPA mechanism is much easier to assert influence than a comprehensive, universally represented ocean affairs regime. This analysis is implying that defragmentation, in small doses, could be beneficial for powerful, Global North (federation of) nations. However, the majority of the evidence points to the EU supporting the majority of fragmentation on the ABNJ architecture. It therefore, if not solidly, supports the Global North hypothesis.

4.4. Convergence

In terms of the magnitude of and change in fragmentation as an issue at the BBNJ PrepComs, one can analyse the most prevalent codes and how they vary across the four negotiating forums. This can be also be done universally across the whole negotiation or for individual nations. One specific note though, is that the code does not necessarily qualify a positive connotation, or support for that particular area of fragmentation. For instance, the USA were coded for new institutions but in the context that they refuse their construction. This is an important caveat, and one which will be explicated in the subsequent analysis.

For specific individual nations, there is extremely limited change with every nation bar one argues consistently for their position on ABNJ fragmentation. The only nation to buck this trend is New Zealand, who in PrepCom 1 is coded consistently with positive connotations for cooperation, coordination and global institutions. By PrepCom 2 and through 3 and 4, they are coded more prevalently under existing institutions and undermining, in their defence. As to why New Zealand changed their opinions is not conclusive. Potentially, they were coerced by Australia as they consistently spoke together. Nonetheless, they are an exception. It seems the general pattern of opinion on fragmentation is a strong, consistent belief, one which is not easily swayed by negotiation.

As for the general negotiation pattern, Fragmentation, as a code was used only for when a particular delegation mentioned that fragmentation of the ABNJ architecture was a problem. The evidence from the content analysis shows that this was only mentioned twice in the first and third PrepComs, once at PrepCom 4 and not at all in PrepCom 2. These consistently low number of coded statements explicitly regarding fragmentation suggests that the delegates are either uniformed on this specific term or are deliberately attempting to avoid mentioning it. From the subsequent analysis on other implicit areas of fragmentation, it would show that while many nations are concerned about this governance phenomenon, they are only concerned about smaller aspects of the meta-network. An overview of all the code tallies are available in Appendix C.

PrepCom 1 was the forum where the implicit aspects of fragmentation were discussed in the most detail. With the exception of 3 out of 13 codes, PrepCom 1 had the highest count compared to the other three forums. Statements regarding new institutional arrangements, coherence and global institutions dominated as the main fragmentation topics within PrepCom 1. There was also a strong critique of regulatory and legal gaps caused by ineffective governance practises. This demonstrates that concern for the fragmented status quo and support for an integrated network was a serious topic for discussion. There is also a noticeable split between support for the status quo and a reformed network. The combined number of coded statements arguing about existing institutions, decentralisation, undermining and overlap were not significantly less than

those concerning new institutions, centralisation, coherence and cooperation. Therefore despite the need for reform, hence the negotiations, the institutional architecture is a strongly debatable topic with no clear direction from the onset.

PrepCom 2 shows that certain aspects of the discussion serious wane away. Discussions about coherence between institutions plummets from 36 coded statements in PrepCom 1 to only 8. Similarly, talk of creating new institutions and cooperation falls significantly. The biggest increase in the talking points is in respect to the new ILBI undermining frameworks of existing institutions. Comments regarding the maintenance and improvement of existing institutions also remained consistent to PrepCom 1 and remained so for the further two. This forum showed a definitive swing away from the original criticism of the contemporary governance status quo towards a more defensive stance of it. However, the general attitude seems on par with coded statements of new institutions being almost exactly the same as existing institutions. A path towards convergence is again very unclear.

PrepCom 3 enlightened the global, centralisation angle of the fragmentation debate. Similar coding number were present here than as in PrepCom 1. However, this was countered by a firm increase in support for decentralisation and regional governance options. Support for coherence similarly rose, but every other code had an insignificant change from the previous forum. The situation in PrepCom 3, like the previous two similarly indicates no real advancement in a consensus towards a new governance architecture. There are distinct battle lines between those who wish to keep the fragmented status quo and those who wish to radically reform the governance network.

The final forum in this process, PrepCom 4 makes is clear that those in favour of maintaining the fragmented status quo are in the ascendancy. Coded statements regarding the creation of new institutions plummets to 9 from 21 in PrepCom 3 and 47 in PrepCom 1. Statements upon centralisation and regulatory gaps also fade into relative obscurity. Conversely, comments regarding maintaining existing institutions and potential undermining increase notably, the former being the dominant issue at the negotiating forum. What this means, over the course of the four fora, is that there seems to be a late swing towards a winning side. The patterns of codes suggest that the pro-fragmentation side have held their stance from the beginning, constantly arguing and defending the same points. The other side have waned from the original stances, especially regarding new institutions, coherence, gaps, expansion of mandates and centralisation. It is hard to conclude this as a convergence of opinion on fragmentation as there is still a large variety of positions regarding the various aspects of institutional arrangements. This is hence why the draft text produced from this process is extremely vague and non-committal. In essence, there is no convergence which provides interesting implications for the future of ABNJ governance. A discussion regarding these potential implications will be explicated in section 5.2.

4.5. Hypotheses Analysis

4.5.1. *Global North Hypothesis*

If Global North countries are benefiting from ABNJ fragmentation, then they will be supporting fragmentation at the BBNJ negotiations.

This hypothesis is supported either very strongly or somewhat strongly by the majority of the most economically powerful Global North nations. As relative power away from these nations wane, the vast majority support integration. The line seems to be drawn at Russia, who are the 18th most powerful nation at the PrepComs according to GDP per capita (PPP) (See Appendix B). With the exception of Monaco and China, who for opposite reasons are outliers, every nation as or more economically powerful than Russia supports autonomous fragmentation as an absolute or as the majority of the ABNJ architecture. The outliers are such because Monaco is extremely economically wealthy per capita but in the majority of other power indicators, they would be extremely low. Hence, their position on power asymmetry and fragmentation is not representative of other Global North nations. Conversely, China, as a Global South nation, has an extremely large population which subdues its per capita ranking. In other indicators such as nominal wealth, military power and natural resources, among others, they are one of the most powerful nations and should therefore qualify to be considered with the likes of the USA and Japan, in this analysis.

In terms of the nations who support autonomous fragmentation exclusively, they are only Global North nations and the most powerful fishing nation, i.e. China. The conclusion is therefore that these nations are, indeed, benefiting from this global architectural arrangement. The indicators that had been elucidated from the power asymmetry theory were highly present across the evidence presented. The call to prevent independent judiciaries was present with the USA promoting a scientific process rather than a committee. Similarly, the bargain for the ILBI to only provide scientific data to aid existing mandates is also very functionally specific. The functionality and adaptability of regional and sectoral institution is most centered to the arguments of these particular nations. The staunch defence of the status quo by the most economically powerful, Global North nations using many of the strategies elucidated in the theory, therefore holds some weight that they are saying so because they are deliberately controlling the system for their own ends. While causality is not being measured here, the specific points where they vehemently try to prevent any overlap or duplication of frameworks and mandates is certainly an attempted control of the architecture. If fragmentation is natural, overlap should be inevitable or at least an expected consequence. Due to the fact this negotiating forum is about conserving biodiversity and limiting the use of biological resources rather than

creating direct gains, it is clear that this ILBI is not a significant interest, and something that these select nations are deliberately trying to weaken rather than strengthen. It would be interesting to compare and contrast negotiating forums where an issue is of direct benefit rather than a process of preventing loss. How these nations support fragmentation in the trade architecture, as an example would be very illuminating.

On the other hand, the nations who are Global North but are economically weaker than the aforementioned baseline (except China), side with the majority of the Global South in supporting full integration or majority integration. This highlights the debate between defining powerful and weak nations as in terms of relative position in the Global North, many of these nation are much closer to the Global South than they are to the USA and Japan, for example. With the exception of Russia, who has a comparable GDP per capita (PPP) with these sub-baseline nations, circa \$20,000, the other nations above the stated baseline have circa \$35,000 and more (Trading Economics, 2018). Certainly a sizable difference. If the Global North was redefined to qualify only the most economically powerful nations, i.e. as this thesis has defined the line, the hypothesis is substantiated. However, as the researcher has used the RGS definition as a proxy for power within the theory, this result reflects upon the ill-definition of a North/South dichotomy and therefore too broad a hypothesis, the RGS definition of a world average GDP per capita (PPP) threshold is incomplete and needs redefining and specifying. Therefore, as it stands the hypothesis is not a consistently applicable and therefore must be considered inconclusive.

4.5.2. Global South Hypothesis

If ABNJ fragmentation is detrimental to Global South countries, then they will be opposing fragmentation at the BBNJ negotiations.

The main issue with the Global South nations is that they were relatively very limited in their talking points. This was to be expected as many of these nations only brought one delegate to the proceedings. As opposed to more powerful nations, who could bring a multitude. In doing to, it was much harder to interpret an overall theme regarding their position of fragmentation and understand their rationale behind it. However, this is not necessarily an issue on a more general front, as the unions of the African Group, P-SIDS and CARICOM were most vocal and provided a solid base for interpretation.

Beyond the Philippines, Bangladesh, Fiji, Tonga and Micronesia supporting various small aspects regarding fragmentation i.e. cost-effectiveness and regional functionality, they still support integration to some extent. They support fishing, conservation and shipping institutions as they exist in relative fragmentation, but do wish for MGRs and EIAs to be fully integrated. This is significant though in the exact definition of the hypothesis. These nations are clearly not

totally detrimented by the fragmented ABNJ architecture as a whole, and therefore the theory and the hypothesis needs to be slightly redefined to be universally applicable. Certainly, more nuance in respect to the specific types of detrimental impacts of fragmentation need to be taken into consideration when discussing power relationships.

In terms of the analytical indicators, many of these nations also propose harmonising existing mechanisms, and creating coordinating bodies for the sake of fairness and equity. Supporting these bodies such as a global BBNJ institution, scientific committees or ABS regimes is wanting to give over jurisdiction to independent adjudicators. This as previous explained is to deliberately dig away at apparent hegemony within current systems by assuming independent adjudicators would be fairer and redistributive. Similarly in relation to the indicators, calls for international standards by P-SIDS is an example of broad, all encompassing measures. What seems to be weak, although it is present among select nations such as Lebanon, Nepal and the G77/China is the call for Global South nations to promote South-South cooperation. This further reinforces that point that although these nations are generally opposed to fragmentation, they are not necessarily unionising in that regard. As a tactic illuminated by Benvenisti & Downs (2007) that weak nations would employ to defragment the system, it seems conspicuously absent among the major Global South speakers. This could be due to this tactic being implied or superceded through a global coordinating institution. Alternatively, it shows that weak nations are still lacking unity to effectively defragment the system.

Where there was clear consensus on integration was with certain sub-networks of the ABNJ architecture, MGRs in particular. All Global South nations who mentioned MGRs said so in regard that either, Global North nation unilaterally exploit the legal gap and/or that fully integrating the architecture allows equitable access. Therefore, at a more reductionist level of ABNJ fragmentation, this hypothesis is very well supported by this substantiation. Overall, as a categorisation of nations, all Global South nations want integration to some degree and all, despite not absolutely, oppose relative forms of fragmentation. Conclusively though, there is no Global South nation who supports full institutional autonomy for all ocean interests. This result is significant in the context of the thesis in that it firmly suggests that the overall impact of autonomous institutions is that they negatively influence weak nations. In doing so, the Global South hypothesis is quite convincingly supported by this evidence.

4.6. Summary of Results

From the overview of all the nations at the BBNJ PrepComs to individual analysis of specific countries, the following main verdicts can be clarified to answer the research question.

- Autonomous fragmentation and maintaining the architecture status quo is the preference of the vast majority of the most economically powerful Global North nations (Except Monaco and inclusive of China).
- Some Global North nations see a level of integration or coherence as a tool to standardise efforts of or contribute to the SDGs or Aichi Biodiversity Targets.
- Support for comprehensive integration is not the solely in the domain of weak, Global South nations. Notable Global North nations, with significant interests in the ABNJ such as Argentina and Chile also support too.
- Some Global South nations are not comprehensively disadvantaged by ABNJ fragmentation. Nations of Micronesia and P-SIDS are particularly defensive of regional, fishing institutions citing gains in these areas.
- Overall trend suggests that support for a specific degree of fragmentation is a consistently held belief. New Zealand is the only outlier to that trend.
- No convergence of opinion across the PrepComs. Codes for supporting existing institutions are consistent across all fora while codes regarding undermining is a rising trend. Those for creating new institutions, centralisation and coherence wane significantly or are inconsistently argued.

In respect to the main research question, there is a significant split and variance between nations in their support for varying degrees of fragmentation. There is a strong agreement of opinion with a selection of the most economically powerful Global North nations. The USA, China and Russia are mooted by Benvenuti & Downs (2007) as being powerful nations who would support fragmentation, which has been fully supported by the evidence in this thesis. Beyond those three, and their respective overall power, the nations wealthier than Russia (except Monaco) support full autonomy or very loose integration. The most notable, staunch defenders of this autonomous position were Russia and Iceland. It therefore seems being an extremely wealthy, Global North nation and having a very strong interest in fishing leads to this position on ABNJ fragmentation. If they are so defensive of the fragmented status quo and want to maintain as much autonomy to existing institutions as possible under UNCLOS, it is clear that it is set up in their favour. However, to suggest that these select nations have purposely manipulated the entire architecture to their own benefit is a step too far from this evidence. Similarly, it is hard to deduce from such a large-n study into such an abstract phenomenon, any specific, micro-level benefits. Nonetheless, this particular result provides an extremely strong correlation between large economic power and the preference for fragmentation.

Other results such as affinity with global targets have been explicated from the data as a possibility to influence opinion towards loose degrees and extremely strong degrees of integration. Nations such as Mauritius feel that global sustainability targets need to be standardised and applied consistently. They uniquely feel full centralisation of all ocean affairs

can ensure the success of the SDGs. On a lesser note, Switzerland make a reference to the Aichi Biodiversity Targets, the EU too in their own literature on ocean affairs. However, in this case, it is unclear as to why they feel that the ABNJ architecture should be integrated for that purpose. The extremely limited, token references to these sustainability targets is also a concern about their relevance and universal applicability, especially in a forum with an issue explicitly covering relevant areas of the SDGs and ABTs. Similarly, their limited reference in respect to pro-fragmentation arguments by the EU and Switzerland suggests that they are caught in a situation where they are trying to contribute to sustainable policies but simultaneously and rather counterintuitively, maintain their ABNJ interests and position in a non-hierarchical system. Global sustainability targets are not a variable that is explicated in the theory. The thesis suggests that only the most democratic and powerful Global North nations use them to shape their position on fragmentation. More research is certainly needed to explicate any relation between nations' position to the targets to the structure and relationships of ABNJ institutions.

The third and fourth conclusion illuminated some outliers to the hypotheses. Argentina, Chile, Monaco and FSM are the most significant of these. The first three are outliers to the Global North hypothesis, with the former two, for reasons previous explained, are potentially against such an ABNJ architecture due to their relative positions within or out of local, small-n RFMOs. Monaco being very small, being home to the world-renowned Oceanographic Institute and having no significant, economic interest in the ABNJ are purely philanthropic in their position to marine biodiversity. Therefore, their position on fragmentation reflects what many scientific literature indicates, that full holistic, governance is required to reflect the holistic nature of the ocean. For the last outlier for the Global South, FSM is fully defensive that the UNFSA is not undermined. While P-SIDS also defends fishing institutions, they are in general more open to fully integrate the entire architecture. As mentioned, this position is opposite to Peru and Argentina, a relatively strong position in a large-n RFMO. Nonetheless, these outliers show that there is far more nuance to just powerful and weak nations, respective advantages or disadvantages from the architecture and defining the Global North and South. The theory needs to be altered to reflect relative power based on specific indicators. ABNJ fragmentation is therefore based on position in the fishing industry, in both RFMO membership and total catch. Similarly, it is based on genuine concern for marine biodiversity and global sustainability as a whole. Beyond this thesis, other variables that should be further investigated are the level of democracy, the number of memberships and the relative positions within ABNJ institutions. This will enable a more in depth understanding behind a nation's position on fragmentation.

Altogether, in terms of numbers, the vast majority of nations at the BBNJ negotiations want to reduce fragmentation and increase integration to some degree. This marries up with what the majority of scientists and NGOs are also saying and requiring about the ABNJ, as elucidated in section 1.2. Within this majority of nations, there is an even split between North/South and

cooperative/full integration. Therefore, only the most powerful nations who support autonomous institutions absolutely have a consistent position. A powerful minority backing a phenomenon that they majority want reforming. One can only conclude that there is tangible evidence to suggest this coalition has either deliberately created the architecture this way or are actively maintaining its path dependency. This thesis hopefully inspires further study into determining whether there is indeed a causal relationship between powerful nation and the state of the ABNJ architecture. A definite conclusion from this thesis, though is that the most economically powerful, Global North nations are most certainly benefiting from this arrangement. As to the other nations, the overall ill-defined position on level of integration suggests that this area of governance is too large and too abstract to have too many defined coalitions on this subject. The plethora of advantages and disadvantages based with relative status in the Global North/South, is reflected in extremely nuanced opinions and policy positions. This is where the lack of convergence and strongly held policy beliefs play a significant part. Power is therefore being reflected in the BBNJ negotiations, as Benvenisti & Downs (2007) described, with one strong coalition benefiting from the lack of cooperation across various cultures, languages and preferences. This is concerning as to how strong the regulations and how effective the ILBI will be.

5. Discussion

This thesis has used hypotheses based upon the power asymmetry theory and economic power in the guise of a Global North/South dichotomy. This discussion section allows for a critical analysis in terms of their applicability and relevance in an empirical setting. Additionally, one is able to process the findings of this thesis into its potential consequences for the ABNJ architecture and marine biodiversity into the future. Beyond this point, a reflection of the method and the limitations of this study are explained. This chapter ends with a chance to suggest further new avenues for research for fragmentation and power relationships in this area of international governance.

5.1. Theory Discussion

In the literature by Benvenisti & Downs (2007), they only cite the USA, China and Russia as powerful. This is far too simple a model of the split, hence why a Global North/South dichotomy was used. Power based on economic wealth is useful in terms of being able to use quantitative indicators and rankings. However, this particular indicator within a Global North/South dichotomy is limited as a proxy for power. There is huge diversity in economic power across the scale, with nations such as Monaco being an extremely rich nation but very limited in other power indicators. The use of a dichotomy rather than a scale means that many of the nations within the Global North categorisation are included with warranted debate. Hence, a single line between powerful nations and weak nations is a tenuous assumption, just as authors such as Pauwelyn (2013) explain regarding developed and developing countries. Economic wealth and therefore power is scaled just like fragmentation. So, in order to discount this debatable division, the theory needs to better define what type of power leads to a view of fragmentation. What would be useful, would be to test the results of this thesis against an index of various power indicators including economic wealth along with, *inter alia*, military power and natural resources. While an economic wealth framework has wielded some evidence towards supporting the theory, this index would create a stronger base to support the evidence.

Similar to the first point, power is relative, the Global North nations do not control everything. They are not present in every forum or institution and fragmentation does allow for many Global South nations to benefit from regional institutions. There is more nuance to the membership structure of many ABNJ institutions than the theory implies, weak nations are not totally subjugated within all areas of the governance architecture. This is too simplistic a situation and does not consider relative power and interests. Global South nations such as the Philippines, Micronesia and Fiji support some degree of fragmentation. This cannot be explained if they are totally subservient to the control and legal interpretation of powerful nations. To improve the

theory, power needs to be combined with amount of interests within the issue area and relative position within that interests governance institutions. These three countries are for instance, within a large-n RFMO, the WCPFC with 18 other small island states in a consensus voting system (WCPFC, 2015). They therefore have relative power against China, Korea and the USA within this institution. Likewise, one should also consider power alongside the number of international institutions a certain country is member of and the size of the membership.

Another area in relation to the power asymmetry theory, one that could not be found in any real detail is powerful autocratic nations attempting to suppress coordination on the international stage, as per the evidence from the national level (Benvenisti & Downs, 2007). Similarly, these authors also suggest that only democratic, weak nations are interested in reducing fragmentation. The countries within the pro-fragmentation, Global North are all categorised as flawed democracies or authoritarian by a global democracy index (The Economist Intelligence Unit, 2018). While the USA, South Korea and Japan were still relatively high within that index, it shows that they are less representative of the people than those Global North nations, who support some degree of coherence. The presence of China and Russia as pro-fragmentation is therefore, some evidence to this, but it is certainly inconclusive. Similarly, while the majority of states at these fora who support a degree of integration are democratic, there are outliers. Eritrea, for instance, is authoritarian and supports full integration. While this is limited part of Benvenisti & Downs theory, it perhaps needs a more specific investigation to test the relationship with democracy and support for fragmentation.

Beyond the power asymmetry theory, the data has also cast light upon the various typologies of fragmentation by Biermann et al. (2009), Zürn & Foude (2013), Humrich (2013) and Oberthür (2009). The typologies of three stages worked extremely well in categorising the preferences of the respective nations. Where there was some distance between these various typologies was categorising the pro-fragmentation camp. They fit very well into Humrich and Oberthür's typology of autonomous management, where there is no coordination and no overarching authority. However, Biermann et al.'s (2009) definition of conflictive fragmentation and Zürn & Foude's (2013) definition of decentralised coordination through market forces were too specific and abstract to be able to test effectively here, especially the conflict element. Mainly as it would be abnormal for nations to explicitly promote inter-institutional conflict in international negotiating fora. Oberthür's (2009) further reductionist, cooperative fragmentation typology referring to unilateral management is also not particularly relevant in the negotiation stage. In a multilateral, large-n international negotiation, many nations not just one or two are looking to coordinate or integrate the architecture. In doing so, there is no indications at the PrepComs to suggest only one nation is leading the charge towards reform of the institutional arrangements. Despite this, the overall evidence from the content analysis showed that there was no position on

fragmentation that could not be justifiably described under a theoretical framework explicated by these specific authors.

The conclusions of this thesis has not conclusively proven that powerful nations are in control and therefore, one cannot totally dismiss the notion in literature that fragmentation is a natural phenomenon (Koskenniemi & Leino, 2002). The power asymmetry theory is simply lacking in empirical detail and certainly needs more to be convincing. The point of this thesis, was not to determine a causal relationship between powerful nations and the state of the ABNJ architecture. The data explicated from the content analysis could only illuminate inferences towards that relationship, to which it did. Obviously, one of the dangers of a content analysis is being too liberal or too interpretive with the data, determining inferences that are not there. Therefore, all the coded statements for the analysis have been exhibited in Appendix D for other researchers to follow the qualitative judgements and replicate the study. The consistency of the coding scheme and rules means that the type of qualitative data is homogenous across all nations. In doing so, the inference of this study that certain powerful nations are benefiting and certain weak nations are losing out, holds weight.

5.2. ILBI Potential Impact

As mentioned in section 4.4, there is no convergence of opinion across the four PrepComs. There seems to be only one definitive coalition regarding the fragmentation of the issue area, i.e. the pro-fragmentation nations, with an overall, unclear direction as to specific policies for the ILBI. This general obscurity towards a particular fragmentation preference suggests that a hybrid option seems to be the most likely option. However, to what degree that hybridity comes depends on the next round of negotiations at the intergovernmental conference (IGC) in 2018/19. With a definitive coalition of very powerful, Global North nations supporting very minor to no reforms, their position will be significant in limiting the scope of the ILBI and preventing deep integration of the architecture. The Global South nations certainly need to coordinate their negotiating efforts to propose a consistent position regarding a reformed institutional architecture to challenge these particular Global North nations. While most of them support integration in general, their policy positions are variable. Some are focussing on MGRs, some on ABMTs, some float coordinating mechanisms or global bodies. This, as according to Benvenisti & Downs (2007), is just as powerful nations intend to ensure their position gains prominence.

The policy positions of the pro-fragmentation camp suggests the status quo of regional and sectoral institutions is not going to change markedly, and they will not forsake their mandates or their rights. Therefore, if pro-fragmentation positions do pull a hybrid model towards very limited integration, this will give more control to current institutions without change to current rights and processes. A scenario based on this option would be that organisations such RFMOs

will have more power and scope within their mandates to govern biodiversity through cooperating with a scientific advisory process, who have no legal or authoritative power. While this is the simplest and most cost-effective option, it will do little to address the fundamental consequences of fragmented governance, i.e. regulatory and geographic gaps. Similarly, having no coordinating institution or COP will also limit any semblance of policy coherence and cooperation to a purely voluntary basis. It is therefore, hard to be an optimist about the future for BBNJ governance. With this evidence along with the fact that the BBNJ negotiating process has been going for nearly 13 years, marine biodiversity is clearly a side note as a policy issue for many nations.

5.3. Reflections & Limitations

The use of a content analysis on this type of document is certainly an original approach as a method. The main constraint, like all content analyses, is that it is purely descriptive and it is very difficult to interpret rationale behind the text, unless that rationale is explicitly written too. Other constraints were that the method was extremely time consuming. In order to elucidate as much detail and context in the form of the delegates lexicon, it was essential that manual coding was completed first. Obviously, attempting to maintain a high level of validity required detailed reading of every line and phrase. As the majority of the focus was upon the negotiation bulletins, this meant that, due to time constraints, one was not able to code every proposal. However, from a preliminary analysis, the missed proposals did not contain any obvious information that would unsubstantiate the results of this thesis.

Another limitation was that with such a large breath of countries present at the negotiations, it is difficult to go into any real depth with any particular nation, beyond their relative contribution to the fora. What the stakeholders presented at the forum and reported via the ENB, while substantial as a collective whole, was very limited with respect to specific nations. This made it extremely difficult to make a concerted judgement as to what their overall opinion on fragmentation was. On a similar note, attempting to fill this gap with primary data gathered from the delegates themselves turned out to be a fairly futile process in gathering any relevant new data. There was a very limited response to a thorough inquiry to the majority of the English speaking delegates, with only one reply from Mauritius. The delegations to PrepCom also varied in size quite considerably from one person as the case was with Mauritius to teams of over 20. This also made it very difficult to pin down specific individuals who could speak representatively for their nation and their individual contact details. This could have been improved if the researcher was positioned in New York and had physical access to various permanent missions to the UN. Limited communication channels from the Netherlands hampered this part of the thesis. Despite this, this form of information was more for additional inquiry and

triangulation rather than providing the bulk of the data. Therefore, the limitation is more of an inconvenience and can be easily rectified with further study.

While using the ENBs, rather than primary data, there is also some degree of nuance that is lost due to an inability to directly ask or experience the negotiations in person. Although detailed, the bulletins are also summaries of talking points rather than direct quotes. This is why, where possible, the proposals were coded for the exact words from the delegates. Although due to the writing style of the reports, some statements were intersected with comments from other nations. In this case, the researcher had to cut out the intersecting comment as is why some data points in Appendix D are separated by a semi-colon. Furthermore, fragmentation as an explicit term was also rarely used across all four forums, although there was an extremely high degree of implicit talking points. However, the implicitness of such meant there was a fair degree of subjective interpretation on whether a particular talking point was referring to issues relating to fragmentation. This is a fundamental issue regarding qualitative data analysis and one which was reduced through the practises explicated in the reliability and validity section.

The secondary sources from the IISD have provided far more detail than it would have been possible to gather as an individual and have been invaluable to this process. Through discussions with academics who have studied this particular negotiation process, they claim that this is by far the most potent source of information. Many of the delegates at the negotiations are international bureaucrats and therefore politicians. The negotiation process is a delicate balance and few are willing to express their true intentions or rationale behind their talking points. Similarly, due to the fact it happened circa one year ago, many of these delegates do not have the issue of ABNJ governance as a primary concern at this particular moment. If the research time coincided with the imminent IGC, primary empirical data could have been sourced far more easily.

5.4. Further Research

Due to the large number of nations studied through this particular research, as well as the limited empirical evidence regarding the power relationship and fragmentation, there is a large scope for further research. The most obvious answer would be investigate single case studies of individual nations and compare and contrast to these results. Several nations view on ABNJ fragmentation did not match with their relative power and interests, e.g. Argentina and Peru. It would be important to deeply explicate the reasoning behind this position and the consistency to which they apply it. The delegates at the PrepCom may not be totally representative of the nations' view, so it would be important to speak to other relevant members of government to build a consensus view. Similarly, in relation to this particular study, the forthcoming IGCs in 2018/19 provides another opportunity to apply this methodology and increase the amount of data in relation to ABNJ fragmentation. The IGC also provides a chance to speak to delegates first hand,

during the negotiation process. This method may provide extra nuance that was missing from this study. Other nations who were missing from the fora would also provide very useful to investigate. Panama, the Marshall Islands and Liberia would be of noteworthy interest due to their strong ties with maritime shipping. Similarly, nations who were there but said nothing or very little relating to fragmentation would be very interesting to expand upon. Burma and Vietnam, who are very strong, Global South fishing nations, are such examples.

Another option for further research could be to test another issue's governance architecture with the same methodology. For instance, the climate change or forestry architecture also has a proliferation of institutions and has varying degrees of fragmentation. Through their respective international negotiating fora, it would be interesting to see how the same nations views on fragmentation compare and contrast across the various issues. The main point for further research is that this area of study simply needs more empirical data to substantiate the theory regarding power and fragmentation. This study is one of the first stepping stones to attempt to accomplish that.

6. Conclusion

According to this thesis, in respect to the research question, there is substance to suggest that only the most economically powerful Global North nations support maintaining fragmentation as an absolute or for the majority of the ABNJ architecture. The only major outlier to include in this support being the Global South, albeit, the most world's most powerful fishing nation, China. This finding through the theoretical lens of power asymmetry and their control of fragmented architecture provides correlative empirical evidence to substantiate the theory. Evidence such as a disregard for authoritative committees or mechanisms, and fierce defence against any overlap or duplication to the rights and mandates of existing institutions, suggests a conscious control of these particular negotiations, other institutions and the meta-network as a whole. This strong stance upon the fragmented status quo in addition to their arguments pertaining fragmentation benefits, clearly indicates that these nations are benefiting from this governance paradigm. However, the hypothesis that all Global North nations support this is inconclusive. Chile and Argentina especially as large fishing nations with support for full integration suggest relative position and regional power in RFMOs in as intervening variable in support for ABNJ fragmentation. The hypothesis therefore, needs revision and further specification to represent only a select few powerful nations.

The theoretical lens provided validation to the stance of weak nations and their position on fragmentation. The vast majority of Global South nations are opposed to fragmentation due to inequity and regulatory gaps, and are subsequently supportive of integrating the ABNJ architecture. There are some outliers who support specific organisations in the governance architecture in combination with more targeted calls for integration in sub-issue areas such as MGRs. This suggests vested interests are a significant variable to this position. Further investigation of these specific nations, such as their relative position and power within these specific organisations would aid this result immensely. Despite this caveat, in general, the hypothesis is validated as all these nations still support some degree of integration to overcome their disadvantaged position.

Into the future, into the IGC and the creation of the ILBI itself, a lack of convergence regarding the institutional arrangements is concerning. If no overlap and duplication to existing institutions is agreed, then it is likely the ILBI will just add to the fragmentation of the architecture rather than reduce it. Whether this instrument will make any marked difference to marine biodiversity is debatable. The pattern of the negotiations, especially from the pro-fragmentation camp seems to defend the status quo as much as possible leans the debate towards limited difference. One will just have to wait for the next round of negotiations in order to make a more profound judgement.

Overall, this is an attempt to link empirical evidence to a theory that is severely lacking in such. In order to further validate these findings, there needs to be similar large-n investigations to other issue area architectures plus specific case studies of the countries elucidated here. With this, one is able to further substantiate the hypotheses and support the suggestion that powerful nations are manipulating the network. With a deeper understanding of how every nation and respective stakeholders understands and applies knowledge of fragmented governance architectures, the better the architectures themselves can be comprehended. If power is a major intervening variable in the shape of the architecture, specifically negatively for the sake of marine biodiversity or the environment in general, this can be targeted for a collective response.

7. References

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APPENDIX B: RESULTS OVERVIEW

COUNTRY	GLOBAL N/S	ABNJ FRAGMENTATION POSITION
Monaco	N	Full Synergistic Integration
Singapore	N	Maintain Status Quo Fragmentation
UAE	N	No Fragmentation Comment
Norway	N	Some Cooperative Integration
Switzerland	N	Some Cooperative Integration
USA	N	Maintain Status Quo Fragmentation
Saudi Arabia	N	Maintain Status Quo Fragmentation
Iceland	N	Maintain Status Quo Fragmentation
Australia	N	Some Cooperative Integration
Canada	N	Some Cooperative Integration
Japan	N	Maintain Status Quo Fragmentation
European Union	N	Some Cooperative Integration
New Zealand	N	Some Cooperative Integration
South Korea	N	Maintain Status Quo Fragmentation
Israel	N	No Fragmentation Comment
Trinidad & Tobago	N	Some Cooperative Integration
Malaysia	N	Maintain Status Quo Fragmentation
Russia	N	Maintain Status Quo Fragmentation
Turkey	N	No Fragmentation Comment
Chile	N	Full Synergistic Integration
Cuba	N	No Fragmentation Comment
Uruguay	N	Some Cooperative Integration
Mauritius	N	Full Synergistic Integration
Iran	N	Some Cooperative Integration
Argentina	N	Full Synergistic Integration
Mexico	N	Some Cooperative Integration
Gabon	N	No Fragmentation Comment
	\$16,215 GDP per capita (PPP) Threshold	
Iraq	S	No Fragmentation Comment
Thailand	S	No Fragmentation Comment
Venezuela	S	Full Synergistic Integration
Barbados	S	Some Cooperative Integration
Costa Rica	S	Full Synergistic Integration

China	S	Maintain Status Quo Fragmentation
Palau	S	Some Cooperative Integration
Brazil	S	Some Cooperative Integration
Algeria	S	Full Synergistic Integration
Lebanon	S	Some Cooperative Integration
South Africa	S	Full Synergistic Integration
Peru	S	Full Synergistic Integration
Sri Lanka	S	Some Cooperative Integration
Indonesia	S	Some Cooperative Integration
Tunisia	S	No Fragmentation Comment
Ecuador	S	Some Cooperative Integration
Paraguay	S	No Fragmentation Comment
Fiji	S	Some Cooperative Integration
Jamaica	S	Full Synergistic Integration
El Salvador	S	Full Synergistic Integration
Belize	S	Full Synergistic Integration
Swaziland	S	No Fragmentation Comment
Morocco	S	No Fragmentation Comment
Philippines	S	Some Cooperative Integration
India	S	Some Cooperative Integration
Cabo Verde	S	Full Synergistic Integration
Vietnam	S	Some Cooperative Integration
Myanmar	S	No Fragmentation Comment
Tonga	S	Some Cooperative Integration
Nicaragua	S	No Fragmentation Comment
Pakistan	S	Full Synergistic Integration
Honduras	S	Full Synergistic Integration
Sudan	S	No Fragmentation Comment
Papua New Guinea	S	No Fragmentation Comment
Ghana	S	No Fragmentation Comment
Zambia	S	Some Cooperative Integration
Micronesia	S	Some Cooperative Integration
Bangladesh	S	Some Cooperative Integration
Cameroon	S	Full Synergistic Integration
Kenya	S	No Fragmentation Comment
Vanuatu	S	No Fragmentation Comment
Lesotho	S	No Fragmentation Comment
Senegal	S	Full Synergistic Integration

Nepal	S	Some Cooperative Integration
Solomon Islands	S	No Fragmentation Comment
Burkina Faso	S	No Fragmentation Comment
Eritrea	S	Full Synergistic Integration
Madagascar	S	No Fragmentation Comment
Togo	S	No Fragmentation Comment
Mozambique	S	No Fragmentation Comment
Congo	S	No Fragmentation Comment
Somalia	S	No Fragmentation Comment

G77/China	S	Some Cooperative Integration
P-SIDS	S	Full Synergistic Integration
African Group	S	Full Synergistic Integration
CARICOM	S	Full Synergistic Integration
Holy See	N	Some Cooperative Integration
Palestine	S	No Fragmentation Comment

Table 3: Overview of the analysis explicating each nations position in the Global North or South and what level of fragmentation they support.

N.B. Global North or South has been established and ranked based on GDP per capita PPP data from 2016 (Trading Economics, 2018).

Legend:

- Maintain Status Quo Fragmentation:** Fully supports the current governance architecture; Supports sectoral and regional autonomy (Refer to Conflictive Fragmentation in theory chapter)
- Some Cooperative Integration:** Generally supports current architecture; Certain aspects need integrating and synergising (Refer to Cooperative Fragmentation in theory chapter)
- Full Synergistic Integration:** Supports full integration and synergy of the governance architecture; Supports the notion of a global, coordinating mechanism of all ocean sectors and regions. (Refer to Synergistic and Cooperative Fragmentation in theory chapter)
- No Fragmentation Comment:** Presented no comment referring to fragmentation or the institutional architecture as an individual nation.

APPENDIX C: CODE TALLY

CODE	PC1	PC2	PC3	PC4
Fragmentation	2	0	2	1
Existing Institutions	28	26	24	29
New Institutions	48	27	21	9
Overlap	19	12	12	4
Undermining	12	7	9	20
Duplication	3	15	7	10
Cooperation	21	7	7	13
Coherence / Coordination	36	8	20	19
Expand Mandate	4	3	2	0
Centralisation / Globalisation	38	23	36	22
Decentralisation / Regional	12	10	24	8
Gaps	14	6	8	2

Table 4: Quantification of all codes

APPENDIX D: CODING RESULTS

COUNTRY	SOURCE	CODE	CODED STATEMENT
Algeria	PC2	Existing Agreements; Regional	Review and build upon existing regional agreements
	PC1	Existing Conventions; Gaps	Address gaps in existing conventions, together with institutional and legal gaps
	PC2	New Body	Underscored the need for a governing body or a scientific or technical body to define activities subject to EIAs
	PC1	New Framework	ABMTs require an institutional framework for standardising
	PC2	Overlapping Mandates	Opined that the PrepCom is the appropriate forum (for IPR), as WIPO does not include ABNJ
Argentina	PC4	Centralisation	Proposed emphasizing the central role of UNCLOS vis-à-vis the role of other existing, relevant legal instruments and frameworks
	PC1	Coherence	Need for a coherent mechanism that goes beyond merely complementing existing mechanisms
	PC1	Coherence	Recalled the need for a coherent and comprehensive mechanism to manage ABMTs
	PC4	Cooperation; Coordination	Called for clarification on language recognizing the need to enhance cooperation and coordination with regard to BBNJ conservation and sustainable use.
	PC2	Duplication	Referring to "existing instruments should not be undermined or duplicated", delete reference to duplication
	PC4	Duplication	Called for avoiding duplication (ABMTs)
	PC1	Existing Organisations	RFMOs geographical and participation limits and limited mandates regarding activities and species they regulate
	PC3	Existing Organisations	RFMOs have limited mandate; do not support strengthening its mandate
	PC3	Existing Organisations	Stated that where there are no competent organizations, the ILBI should not encourage their establishment.
	PC4	Fragmentation; Existing Instruments	Arguing that the section on the ILBI relationship with existing instruments "weakens" the draft, as the ILBI is expected to address the fragmentation of the current system.
	PC1	Global	Create a global clearinghouse mechanism for capacity building
	PC1	Global; Coherence; Universal	Global approach to provide a coherent and comprehensive universal mechanism
	PC2	Global; Existing Mechanisms	No existing instrument has BBNJ conservation and sustainable use as its core mandate, calling for a global mechanism to address this gap through a comprehensive approach drawing upon existing bodies
	PC2	New Body	Favoured a new scientific and technical body
	PC2	New Mechanisms	Underscored the need for traceability and transparent mechanisms, pointing to Nagoya Protocol Article 17
	PC1	Overlapping Mandates	Noted the challenges associated with the interrelationship between agreements and decision making procedures, and the possible need to change existing mandates, such as the ISA
	PC1	Undermine	ILBI cannot undermine something that does not exist, such as a universally accepted instrument on MPAs
	PC1	Universal; New Body	Need for a universal international body responsible for implementing BBNJ regime

Australia	PC2	Coherence; Existing Institutions	Highlighted the need for coherence, favouring a definition that combines CBD and Nagoya Protocol (MGR)
	PC1	Cooperation	International cooperation principle
	PC1	Cooperation	South-South and triangular cooperation
	PC3	Cooperation	Favored a COP advising on and reviewing state obligations, and enhancing cooperation, pointing out that the ILBI could bring together regional-level ABMTs in ABNJ.
	PC4	Cooperation; Coherence; Harmonisation	Supported affirming the importance of enhanced cooperation and coordination, and preferred “coherence,” rather than “harmonization,” in relation to coordinated efforts
	PC1	Coordination	Up to date, easy to engage clearinghouse mechanism to allow articulation of countries needs and catalyse coordination between donors
	PC4	Coordination	Recommended considering a broader range of ABMTs, in a cohesive, comprehensive and coordinated way.
	PC2	Duplication	Avoiding duplication of EIA procedures under other frameworks; if EIA mechanisms don't exist, states have to meet UNCLOS obligations through domestic legislation
	PC4	Existing Bodies	Noted that the text should recognize both the role of UNCLOS and other relevant bodies, suggesting, a recognition “of the critical role” of other existing relevant legal instruments. He further suggested, recognizing the need for enhancing BBNJ conservation and sustainable use in close cooperation and coordination with relevant existing bodies.
	PC1	Existing Instruments	Engage collaboratively with existing instruments and bodies without undermining them
	PC4	Existing Mechanisms	Mechanism of cooperation with relevant regional and sectoral bodies, preferring the use of existing mechanisms
	PC1	Existing Organisations	ABMTs regional leadership as guided by UNFSA, work with existing organizations, including RFMOs
	PC4	Existing Organisations	Cautioned against prejudging the relationship between the ILBI and “competent international organizations.”
	PC1	Global	Cautioned against ABMTs that require a global management and review
	PC1	Global	Global standards for EIAs
	PC2	Global	Removing references to the global level in the procedural steps
	PC2	Global; Regional	Favouring global standards applicable at the regional level and reporting at the the global level without the need for global endorsement of regional decisions
	PC4	Global; Regional	Non-prescriptive language on potential global/regional/hybrid decision-making models.
	PC1	Harmonisation	Called for harmonising transboundary EIAs; same activity can have distinct impacts in different areas. depending on fragility and resilience
	PC2	New Committee	Referring to a scientific process rather than sci. committee, providing input to policy making instead of a policy making body
	PC3	Overlapping Mandates	ILBI should be on an equal footing with other instruments, without assessing their effectiveness or instructing them; defer the adoption of management measures to relevant regional or sectoral organizations, which will remain accountable to their institutional arrangements and share their outcomes of their deliberations with the ILBI structure; and not impose obligations on third parties
	PC3	Regional; New Organisations	Set up new regional management organizations in the absence of frameworks for adopting conservation and management measures
	PC1	Undermine	69/292 recognizes the need not to undermine instruments, frameworks and relevant bodies, which does not mean that there should be no relationship between the ILBI and these instruments
	PC3	Undermine	ILBI should support and not undermine existing mandates

	PC4	Undermine; Coherence	Suggested adding that the ILBI should not undermine “but rather promote greater coherence with, build upon and complement existing instruments.”
	PC1	Undermine; Duplication	No undermining or duplicating regional or sectoral efforts
	PC2	Undermine; Existing Frameworks	Inclusion of the commitment not to undermine existing frameworks
Bangladesh	PC1	Coordination	Ad hoc body to coordinate initiatives, including cooperation on MSR and information exchange
	PC1	Expand Mandate	ISA to monitor BBNJ by expanding its mandate; two divisions be formed to deal with living resources and non-living resources
	PC2	Expand Mandate	Expansion of ISA's mandate
	PC3	Expand Mandate	Pointed to the ISA, with an expanded mandate, as the most cost-effective institutional option to provide policy guidelines to existing organizations to bridge gaps, especially related to MGRs, ABMTs and EIAs.
	PC1	New Body	MPA scientific body under the ILBI to clarify the definition of MPAs
Barbados	PC1	Coordination	Ad hoc body to coordinate initiatives, including cooperation on MSR and information exchange
	PC1	Existing Mechanisms	Cross cutting capacity building; drawing on existing clearinghouse mechanisms under the CBD and Nagoya protocol
	PC1	New Committee	Geographically balanced scientific committee
	PC1	New Framework	Framework promoting partnerships among SIDS' institutions and private companies
Belize	PC2	Centralisation; New Body	Suggested that a top-down approach facilitated by a scientific or coordinating body
	PC1	Overlapping Mandates; Fragmentation	Underscoring the need to identify overlaps and fragmentation
	PC1	Universal	Covering all BBNJ
Brazil	PC1	Coordination	Improved coordination among organizations
	PC1	Gaps	ILBI is addressing gaps under UNCLOS
Cabo Verde	PC1	New Body	A body to oversee implementation
	PC1	Overarching	Robust legal framework
Cameroon	PC1	Global	Called for a global benefit-sharing mechanism
	PC2	New Mechanism; Overarching	Favoured an international mechanism for oversight, beyond a mere repository
	PC2	Overarching	Active role for international mechanisms, ensuring administrative and technical surveillance after EIAs have been conducted
	PC1	New Body	Cautioning against the proliferation of reporting mechanisms, favoured an international monitoring and reporting body
Canada	PC4	Centralisation	Proposed emphasizing the central role of UNCLOS vis-à-vis the role of other existing, relevant legal instruments and frameworks
	PC4	Coherence; Duplication	Suggested language on coherence of relevant tools and mechanisms, while avoiding duplication
	PC1	Cooperation	Collaboration, cooperation and enhanced communication for implementation of MPAs

	PC4	Coordination; Cooperation	Promoting cooperation and coordination, including with relevant regional and sectoral bodies towards conservation and sustainable use
	PC2	Duplication	Recommended avoiding duplication with existing EIA practices
	PC1	Existing Agreements	EIA principles should be in line with existing agreements, avoid duplicative, ineffective layers of assessments
	PC4	Existing Bodies	Proposed adding in the chapeau “making best use of existing bodies.”
	PC4	Existing Body	Cautioned against precluding the opportunity to identify an existing body to play a clearinghouse function
	PC2	Existing Instruments	Number of imminent dangers to the ocean are dealt with by other instruments
	PC4	Existing Instruments	Proposed adding “the need for consistency with and recognition of the role played by other relevant legal instruments, frameworks and bodies.”
	PC4	Existing Instruments	Not undermining existing legal instruments and frameworks and relevant global, regional, and sectoral bodies “including their processes and mandates.” T
	PC3	Gaps	Prioritized identifying institutional needs under the ILBI before discussing whether existing arrangements can fulfill these needs
	PC4	Gaps; Coordination	Suggested including reference to: relevant “instruments, bodies and mechanisms,” in addition to measures, as well as potential gaps in ABMT proposals; coordination, in addition to consultation, with relevant actors
	PC3	Global	Highlighted that a global approach could promote the overall objective and provide an overarching perspective, while a regional approach would take advantage of existing mechanisms.
	PC3	Global; Duplication; Regional	Cautioned against a global approach and duplication of efforts, preferring implementation at the regional or sectoral levels following the UNFSA model
	PC2	Global; Integration	Underscored a global facilitative mechanism providing holistic scientific leadership, building upon and integrating existing knowledge; cautioned against a global mechanism endorsing regional decisions
	PC1	Global; Regional; Coordination	Respect global and regional mandates, increase collaboration and coordination between them
	PC3	Global; Undermine	Opposed creating a “global oversight function,” as it would undermine other instruments.
	PC4	Harmonisation	Noting that the decision-making body should ensure harmonization of BBNJ conservation and sustainable use measures,
	PC2	New Committee	Referring to a scientific process rather than sci. committee, providing input to policy making instead of a policy making body
	PC1	New Regime	Supports a sui generis regime for MGR
	PC1	New Regime	Cautioned against creating a new regime for MGR
	PC3	New Regime	CB & TT regime depends on discussions on other aspects
	PC2	Overlapping Mandates	Fish used as a commodity is addressed by other legal frameworks
	PC2	Overlapping Mandates	Underscored the importance of the relationship between the ILBI and other instruments
	PC4	Overlapping Mandates	Emphasized the need for clarifying that future assessments will not extend to ABMTs under other instruments.
	PC3	Regional	Delineating the roles of the ILBI and existing sectoral and regional bodies, and discussing measures where regional and sectoral expertise is absent
	PC3	Undermine	Indicated that “not undermining” does not mean “no contact” with existing instruments.
	PC4	Undermine; Coherence	Suggested adding that the ILBI should not undermine “but rather promote greater coherence with, build upon and complement existing instruments.”

Chile	PC1	Cooperation; Expand Mandate	Including fisheries, serves to cooperate with them; broaden mandate of ISA for MGR
	PC1	Coordination	Highlighted challenges concerning coordination
	PC2	Existing Institutions	Proposed reference to the role of the ISA among existing instruments and frameworks
	PC3	Global; Gaps; Cooperation; Coordination	Proposed focusing global regulations on existing gaps, based on cooperation, coordination, compatibility, transparency and accountability.
	PC1	New Body	Suggested a new body be established under ILBI to address EIA thresholds
	PC1	New Committee	Permanent scientific committee to conduct SEAs
	PC1	New Institution; Existing Organisations	Create MPAs through RFMOS or new small institutions
	PC2	New Institution; Coordination	ILBI will encompass a higher number of institutions than the UNFSA, thus necessitating a coordinating institution
	PC1	New Mechanism	Establish an effective mechanism to transfer scientific information
	PC2	Overarching	Favoured an overarching definition of ABMTs
	PC3	Undermine; Coherence	Not undermining means consistency and coherence
China	PC3	Duplication	Requested considering EIA regulations that already exist in different fora, cautioning against duplication
	PC3	Existing Instruments	Opposed developing new EIA standards under the ILBI for activities regulated by other instruments.
	PC3	Existing Organisations	Advocated making use of existing platforms and organizations (CB & TT)
	PC3	Existing Organisations	UNCLOS and UNFSA have clear provisions on fisheries
	PC3	Gaps; Overlapping Mandates	Stressed that the ILBI should address gaps and shortfalls in BBNJ conservation, without prejudicing existing mandates. Reemphasizing the integrated ocean management approach,
	PC1	Global; Regional	No conflict between global and regional instruments
	PC4	Integration	Elaborated on the integrated management approach
	PC2	New Mechanism	Called for a comprehensive information sharing mechanism
	PC1	Overarching	Opposes a one-size-fits-all approach to ABMTs
	PC2	Overlapping Mandates	ILBI should not interfere with the mandate of FAO, RFMOs, IMO and ISA, promote coordination and cooperation and avoid duplication or overlap with existing mandates
	PC4	Regional	Restated that AMBTs, including MPAs, should be established in an inclusive and transparent manner on the basis of existing internationally recognized criteria for area- based conservation measures and on best available science
Costa Rica	Proposal	Cooperation	Taking in consideration current challenges in ocean governance on the ABNJ, cooperation needs to be carried out at global and regional levels, improving technical assistance, environmental assessment, monitoring and enforcement.
	PC1	Cooperation	Suggests an indicative list of areas of cooperation between states and other partners, including international financial institutions, IGOs and NGOs
	Proposal	Coordination	Reaffirm the duties of States to cooperate and to protect and preserve the marine environment as well as the need to establish a network of ecologically representative, well connected and effectively managed MPAs, including marine reserves, in ABNJ, in order to enhance good governance and international coordination
	PC1	Coordination	Address existing gaps, while respecting mandates of other bodies, and harmonize requirements and standards to enable coordination, as the status quo is unacceptable

	Proposal	Coordination; Gaps	the enhancement of good governance and of international coordination, as well as the identification, designation and creation of a network of ecologically representative, well-connected and effectively managed MPAs and/or marine reserves in ABNJ could contribute to address a gap in ocean governance and improve the sustainable management of marine resources
	PC2	Duplication	Referring to "existing instruments should not be undermined or duplicated", delete reference to duplication
	PC2	Existing Instruments	Existing instruments "guide and inform" the development of EIAs and TEIAs, ILBI should not depend on these instruments
	PC1	Expand Mandate	Extend the ISA mandate to cover MGRs
	PC1	Expand Mandate	Make the ISA responsible for administering the benefit sharing regime and establishing a clearinghouse
	PC3	Expand Mandate	Do not support strengthening RFMOs mandate
	PC1	Gaps	ILBI is addressing gaps under UNCLOS
	PC4	Gaps	Underscored the ILBI purpose to complement and bridge existing gaps.
	PC1	Global	Global mechanism to monitor, review and ensure compliance
	PC1	Global	Global MPA network contributing to the overall objective of conservation and sustainable management of the marine environment
	PC1	Global	Create global MPA network
	PC1	Global	Create standards binding upon states as well as upon global and regional organizations; global body to monitor, review and ensure compliance
	PC3	Global; Regional	Warning about challenges to amending regional mechanisms' mandates to fulfill greater responsibilities, reiterated the importance of a global mechanism setting standards for ABNJ and supervising compliance
	PC3	Global; Standardise	Called for a global structure and a network of ABMTs according to standardized criteria.
	Proposal	Integration	For ocean areas, in particular in areas beyond national jurisdictions,, the challenge lies in integrating the various management approaches into a comprehensive and cohesive plan with the ecosystem approach as its central framework.
	Proposal	New Body; Existing Organisations	A scientific advisory body to: (i) advise on the compatibility and relevance of potential MPAs with the Implementing Agreement scientific criteria, in accordance with best available science and; (ii) assist in the identification of a 3 network of representative MPAs. This body should draw input from existing processes, including scientific evaluations carried out by existing regional and sectoral organizations.
	PC2	New Body; Regional	Underscored the need for a technical body advising on the compatibility of MPA proposals with best available science; drawing from existing regional and sectoral organizations
	PC1	New Committee	Permanent scientific committee to conduct SEAs
	PC1	New Committee	Called for a scientific and technical committee to take decisions binding on parties
	PC1	Overarching; New Mechanism	Proposed further discussions of an oversight mechanism ensuring monitoring, review and compliance with EIAs
	Proposal	Undermine; Existing Frameworks	These will have a time bound period within which to submit comments regarding the proposal, including any elements of the proposal with the potential to undermine their respective mandates and competencies. This will be undertaken with the objective of not undermining existing relevant legal instruments and frameworks and relevant global, regional and sectoral bodies;
	PC2	Undermine	Standardize criteria used by existing bodies and support their work without undermining them; cautioned against using terms such as non-interference or non-duplication
	PC1	Universal	Broad scope including fishing and all activities and processes with direct impacts on BBNJ

Ecuador	PC1	Universal; Crosscutting	Underscored the need for an efficient, universal, intergovernmental, transparent, participatory, accessible and crosscutting mechanism for capacity building and technology transfer.
El Salvador	PC3	Global; Cooperation; Regional	Global management approach ensuring cooperation with regional bodies
Eritrea	Proposal	Coherence	The promotion of policy coherence and consistency of the international economic, financial and trading systems with the aim of increasing the quantity, quality and effectiveness of developing country-focused international support measures and mechanisms is of key importance.
	Proposal	Duplication; Undermine	We recognize that one of the challenges facing ex-ante evaluations in ABNJ, often characterized by lack of adequate data, is establishing a baseline. In the interest of avoiding duplication and not undermining existing instruments, we propose including the use of the UN System of Environmental-Economic Accounting (SEEA), which provides a standardized framework for natural capital accounting
	PC3	Existing Regimes	ILBI could provide for eliminating barriers to technology transfer and unfavourable trading regimes
	Proposal	Global; New Body	Our delegation, on behalf of LDCs calls for the establishment of a global governing body
	Proposal	Global; New Body	There should be a zero net loss of values and functions of biodiversity. ABMTs will only be effective if they do not lead to displacement of destructive activities to other locations. One way of mitigating leakage is by giving a global governing body the mandate to monitor and assess risks of leakage and introduce countermeasures.
	PC2	Global; New Body	Importance of a global governing body to determine whether a planned activity could occur, as well as to monitor and enforce EIAs in ABNJ
	PC1	Integration	Suggests mapping relevant instruments, and enabling and disabling mechanisms derived from these relationships
	PC1	New Body	Cautioning against the proliferation of reporting mechanisms, favoured an international monitoring and reporting body
	Proposal	Undermine	The global governing body should not undermine existing relevant legal instruments and frameworks and relevant global, regional and sectoral bodies, where undermining will be understood to mean that the regulations and measures put in place by the IA and the governing body “shall be no less effective than international rules, standards and recommended practices and procedures”
European Union	PC4	Centralisation	Proposed emphasizing the central role of UNCLOS vis-à-vis the role of other existing, relevant legal instruments and frameworks
	PC3	Centralisation; New mechanism	Favoured further exploring the PSIDS proposal for a central CHM linked to regional ones; as well as an inventory and gap assessment of existing mechanisms
	PC2	Cooperation	Proposals to designate or recognize existing ABMTs should come from state parties; platform for cooperation be formed through the establishment process
	Proposal	Cooperation; Coordination	Taking into account the fact that a number of international organizations have mandates and competences which can be related to the conservation objectives of the adopted MPAs, the IA should establish a mechanism for coordination and cooperation with those organisations
	PC1	Cooperation; Coordination	Cooperation and coordination should be a general principle
	PC1	Existing Agreements	Minimal administrative burdens and cost effective institutions; use ITPGR and Nagoya Protocol as models for MGR
	PC2	Existing Agreements	Number of imminent dangers to the ocean are dealt with by other instruments
	PC2	Existing Agreements	Define technical terms, inspired by existing agreements for consistency

	PC3	Existing Agreements	Stressed that the ILBI should respect the balance of rights and obligations under UNCLOS and the competence of other bodies.
	PC2	Existing Agreements; Coherence	Drawing from UNFSA for inspiration for non-parties, moving towards enhancing coherence
	PC3	Existing Mechanisms	ILBI does not manage issues under the purview of existing mechanisms
	PC4	Existing Mechanisms	Recommended using CB existing mechs.
	PC3	Existing Mechanisms; Cost-Effectiveness	Highlighted cost effectiveness, using existing mechanisms and establishing new institutions only when necessary.
	PC1	Existing Organisations	Proposals for MPAs should be made by state parties collectively including through existing organizations.
	PC1	Existing Regimes	Preferred a pragmatic approach, building on existing regimes including ITPGR
	Proposal	Fragmentation; Existing Bodies; Coherence	We would like to reiterate that the majority of existing bodies entrusted with competences potentially affecting marine biodiversity beyond areas of national jurisdiction have a sectoral and/or regional mandate, and none of them have global responsibility concerning this subject as a whole conferred on them. The IA should fill this gap and provide the added value of a global approach in order to move from fragmentation to coherence.
	PC1	Gaps	ILBI should strengthen UNCLOS; address regulatory gaps
	Proposal	Global	Currently, no globally agreed procedure exists to effectively implement Articles 204, 205 and 206 of the UNCLOS in order to achieve the protection and preservation of the marine environment; the resulting difficulty in assessing the potential cumulative effect of all relevant activities in ABNJ, in particular the cumulative effect of activities, including new and emerging ones.
	PC1	Global	Mechanism to establish and manage a global MPA network; overarching mechanism will review effectiveness and their management plans
	PC1	Global	Global MPA network contributing to the overall objective of conservation and sustainable management of the marine environment
	PC3	Global; New Mechanism; Undermine	Emphasized the need for a global MPA network and a global mechanism establishing MPAs, arguing that: stricter protection measures do not undermine existing agreements; coherence, consistency, and inclusiveness are missing in the current patchwork system, with ABMTs being adopted under different criteria; and capacity building to ensure implementation of ILBI measures on ABMTs is needed.
	PC1	Global; Regional	Ping pong approach between global and regional approaches to achieve ecosystem approach, in addition to RFMOs and other competent organizations
	PC4	Harmonisation	Suggested replacing “harmonization” with cooperation, coherence or complementarity.
	PC4	Harmonisation	Harmonization of efforts” as a possible function of the decision making body, with JAPAN suggesting instead “to address the issue of harmonization of efforts.”
	PC1	New Mechanism	Called for a consultation mechanism including a wide range of stakeholders; respect rights and obligations of UNCLOS
	PC3	New Regime	CB & TT regime depends on discussions on other aspects
	PC1	Overarching	Underscored the absence of an overarching mechanism establishing MPAs in ABNJ; current active organizations' mandate have spatial and substantive limitations; international commitments on MPAs must be respected
	PC1	Overlapping Mandates	Cautioned against discussing IPRs in this forum given the mandates of the WTO and the WIPO
	PC3	Overlapping Mandates	Fish fall outside the mandate of the ILBI
	PC3	Regional; Overlapping Mandates	Identifying and consulting regional and sectoral bodies with mandates on ABMTs
	Proposal	Synergy; Duplication	The EU and its Member States welcome a discussion on the modalities to foster capacity building and the transfer of marine technology that can respond to the needs identified. This should be done whilst keeping in mind existing initiatives, models and mechanisms of cooperation and

			coordination at global and regional levels, as well as the need to enhance synergies and avoid duplication.
	Proposal	Undermine	It follows that any measures adopted under the IA must have due regard for and be without prejudice to the mandate and competence of the International Seabed Authority (ISA)
	PC2	Undermine	Shall not undermine UNCLOS rights and obligations
	PC3	Undermine	Called for EIAs and strategic environmental assessments (SEAs) to contribute relevant information for MPA designation and management, reiterating the need not to undermine existing mandates and not to duplicate EIA arrangements under existing instruments.
	Proposal	Undermine; Existing Frameworks	We also wish to reiterate that the IA should not undermine existing, relevant legal instruments and frameworks and the functioning of relevant global, regional and sectoral bodies.
Fiji	PC1	Cooperation	International cooperation principle
	PC3	Existing Organisations	Supporting UNDOALOS as the secretariat and sectoral organizations participating in a scientific forum; proposed an evolutionary, minimalistic approach to the ILBI's institutional arrangements.
	Proposal	Existing Organisations; Regional	Drawing from existing examples of regional organizations, it is perhaps worth considering how a regional organization, or even a collaboration of organizations, can serve as an implementing or administrative arm of the new IA
	PC1	Gaps	Respect UNCLOS principles while addressing gaps and new challenges
	Proposal	Harmonisation	States and all those engaged in management of biological diversity should, for areas under the Agreement, adopt harmonized measures for the long-term conservation and sustainable use of biological diversity
	Proposal	Undermine	That the Agreement be interpreted and applied in a manner that does not undermine, is consistent with, or is in magnification of, the 1982 United Nations Convention on the Law of the Sea and its related instruments.
	Proposal	Undermine; Cooperation	To not undermine UNCLOS and its derivatives means to also address the need to develop a framework that looks to bringing together the regulated or partly regulated activities in the ABNJ under a collective mechanism for implementing cooperation, noting that there are existing Agreements and institutions with a mandate in ABNJ.
Guatemala	PC3	Overlapping Mandates	Proposed "not contradicting or weakening" existing instruments' mandates.
Holy See	PC3	Global	Recalling the weak international institutional structure for conservation, stressed the political nature of establishing an MPA network in ABNJ requiring a global perspective, as well as the need for marine spatial planning and strategic environmental assessments; favored ILBI provisions stimulating measures at the regional level and ensuring their implementation; and suggested a scientific advisory body for each region, coordinating with existing ones, to provide a single information repository.
Honduras	PC3	New Mechanism	Promotion of an effective mechanism to implement CB & TT through a subsidiary scientific body, promoting cohesive cooperation with other mechanisms
Iceland	PC4	Centralisation	Proposed emphasizing the central role of UNCLOS vis-à-vis the role of other existing, relevant legal instruments and frameworks
	PC2	Duplication	Referring to "existing instruments should not be undermined or duplicated", maintain reference to duplication
	PC2	Duplication	Supported non-duplication

	PC4	Duplication	Adding a reference to “avoiding duplication” with other instruments.
	PC2	Existing Frameworks	Favoured using existing frameworks to guide and inform the development of procedures, rather than measures (EIA)
	PC2	Existing Instruments	Number of imminent dangers to the ocean are dealt with by other instruments
	PC2	Existing Mechanisms	Underscored that PrepCom is not a venue to renegotiate existing mechanisms
	PC2	Existing Organisations	Reinforcing RFMOs work is the only way forward
	PC3	Existing Organisations	Proposed to strengthen cross-sectoral cooperation and build RFMOs capacity
	PC1	Global	Skeptical over the need for a global body to designate MPAs in the high seas
	PC1	Overlapping Mandates	Fishing falls outside ILBI scope
	PC2	Overlapping Mandates	Fish used as a commodity is addressed by other legal frameworks
	PC2	Overlapping Mandates; Global	Cautioned against infringing on RFMOs mandates through a potential global body
	PC3	Regional	Supported a regional approach, recommending capacity building for RFMOs and regional seas conventions.
	PC4	Undermine	Noted that language on “not undermining” existing instruments is not strong enough
	PC4	Undermine	Questioned the meaning of “not undermining” existing relevant legal instruments, and proposed that the ILBI “shall be without prejudice to existing relevant instruments.”
	PC4	Undermine	Not undermining existing legal instruments and frameworks and relevant global, regional, and sectoral bodies “including their processes and mandates.”
	PC4	Undermine	Suggested that the ILBI “shall” not be interpreted and applied in a manner which would undermine existing instruments
	PC1	Undermine; Existing Frameworks	High seas fisheries should not be part of the ILBI; Cautions against reopening settled issues and undermining existing frameworks
India	PC3	Existing Bodies	EIA activities should be reviewed by a competent body, drawing on ISA experience
	PC1	Existing Instruments	EIA implementation criteria based on existing instruments
	PC2	Gaps	Should fill legal and implementation gaps, especially MGRs
	PC1	New Body	Proposed that a contractor monitor EIAs and report back to to an ILBI scientific of technical body
	PC3	New Mechanism; Coordination	Underscored the need for an institutional mechanism to coordinate ABMTs
Indonesia	PC1	Cooperation; Coordination; New body	Ad hoc body to coordinate initiatives, including cooperation on MSR and information exchange
	PC1	New Mechanism	Suggest a mechanism for addressing transboundary impacts
	PC1	New Regime	Create a pragmatic sui generis regime for MGR
	PC3	New Regime	Supported a sui generis regime (MGR)
	PC1	Overlapping Mandates	Include fisheries in ILBI
	PC3	Regional; Coordination; Coherence	Enhance regional level coordination and coherence
Iran	PC2	Coherence; Universal; Regional	Urged distinguishing coherence with universal instruments and taking inspiration from regional instruments
	PC4	Existing Mechanisms	Recommended using capacity building existing mechanisms

	PC3	Global	Favours a global approach
	PC4	Global	Global platform with decision making functions
	PC2	New Instrument; Cooperation	Entrusting MPA management to an international cooperation instrument
Jamaica	PC1	Coherence; New Regime	Promote regulatory coherence through a single regime for the Area and high seas for MGR
	PC1	Duplication	No duplication of WIPO but called for further discussion on IPR in relation to commercialization of MGRs
	PC2	Existing Instruments	Favoured building on existing institutions, including the ISA
	Proposal	Expand Mandate	The already existing mandate and competencies of the ISA in the areas of MSR and protection of the environment, along with its jurisdictional reach, make this body a more suitable authority to regulate MSR of fisheries than RFMOs
	Proposal	Fragmentation	RFMOs reflect a fragmented sectoral approach which is unsuitable to the management of MGRs
	Proposal	Gaps	Gaps in the jurisdiction and competences of RFMOs highlight the need for a unified and coherent approach
	PC1	Global	Create a global clearinghouse mechanism for capacity building
	PC1	Integration	Integrated approach to BBNJ management
	PC1	New Body	ILBI establish a competent authority to review and monitor implementation of relevant obligations.
	Proposal	Synergy	Aims and objectives of RFMOs may conflict with the aims of the BBNJ instrument
Japan	PC4	Cooperation	Proposed deleting reference to “North-South, South-South and triangular cooperation, in the context of international cooperation and coordination.”
	PC2	Cooperation; Coordination	Favoured a cooperation and coordination forum to avoid contradictions between measures; cautioned against the ILBI directly implementing management measures
	PC4	Cooperation; Coordination; Existing Legal Instruments	Including reference to cooperation and coordination with other existing legal instruments; adding reference to the “critical” role of other existing relevant legal instruments
	PC1	Coordination	Called for strengthening coordination and information sharing among IGOs and pointed to effective knowledge sharing through Ocean Biographic Information System
	PC2	Duplication	Recommended avoiding duplication with existing EIA practices
	PC2	Duplication	Referring to "existing instruments should not be undermined or duplicated", maintain reference to duplication
	PC3	Duplication	Requested considering EIA regulations that already exist in different fora, cautioning against duplication
	PC3	Duplication	Emphasized the need to avoid duplication, arguing that the ILBI should be on an equal footing with other processes, without assessing their effectiveness.
	PC4	Duplication	Cautioned against duplicating the IOCs activities
	PC4	Duplication	Adding a reference to “avoiding duplication” with other instruments.
	PC3	Existing Bodies	Reiterated that the ILBI should identify concrete measures in consultation with relevant bodies and consider establishing MPAs from a holistic viewpoint, and refer guidance to regional bodies for their final decision, which would be binding on ILBI members, including those that are not members of regional organizations.
	PC2	Existing Frameworks	Cautioned against giving the ILBI authority to intervene in existing frameworks
	PC1	Existing Instruments	Existing instruments used to accumulate pertinent scientific information on BBNJ

	PC1	Existing Instruments	Outlined RFMOs establishment of no-fishing zones and de facto MPA designation if fishing vessels encounter VMEs
	PC3	Existing Instruments	Consider conservation and sustainable use of BBNJ holistically, developing policy guidelines on AMBTs and EIAs for consideration of other instruments
	PC4	Existing Instruments	Noted that the text should recognize both the role of UNCLOS and other relevant bodies, suggesting a recognition “of the critical role” of other existing relevant legal instruments. He further suggested, recognizing the need for enhancing BBNJ conservation and sustainable use in close cooperation and coordination with relevant existing bodies.
	PC1	Existing Instruments; Undermine	Noted existing criteria to determine when other organizations are undermined
	PC3	Existing Mechanisms	Considered discussions on a compliance mechanism premature, suggesting use of existing compliance mechanisms under other bodies.
	PC4	Existing Mechanisms	Suggested using existing mechanisms
	PC2	Expand Mandate	No expansion of ISA mandate
	PC4	Global; Regional	Non-prescriptive language on potential global/regional/hybrid decision-making models.
	PC2	New Body	Considered it unrealistic for a new body to review EIA reports
	PC3	New Body	Supported a COP providing policy guidance on MPAs and EIA guidelines
	PC1	Overlapping Mandates	No overlap with mandates of RFMOs
	PC1	Overlapping Mandates	Fisheries are already addressed by RFMO and FAO instruments
	PC1	Overlapping Mandates	Cautioned against renegotiating UNCLOS
	PC1	Overlapping Mandates	Cautioned against discussing IPRs in this forum given the mandates of the WTO and the WIPO
	PC3	Overlapping Mandates	Cautioned against overriding the mandates of existing bodies like the IMO and RFMOs, calling for consultation, cooperation and collaboration; proposed to strengthen cross-sectoral cooperation and build RFMOs capacity
	PC2	Overlapping Mandates; Existing Frameworks	Addressing how to avoid overlap with existing frameworks
	PC4	Undermine	Not undermining existing legal instruments and frameworks and relevant global, regional, and sectoral bodies “including their processes and mandates.” T
	PC4	Undermine	Suggested that the ILBI “shall” not be interpreted and applied in a manner which would undermine existing instruments
	PC2	Undermine; Decentralisation	Preferred a horizontal, as opposed to a top-down approach to ABMT designation and management, to ensure that the ILBI does not undermine existing frameworks
Lebanon	PC1	Cooperation	Triangular north-south, south-south cooperation
Malaysia	PC4	Undermine	suggested that the ILBI “shall” not be interpreted and applied in a manner which would undermine existing instruments
Mauritius	PC1	Centralisation; Umbrella	Suggested a centralized multilateral organization responsible for mid- to long term training on ocean affairs and marine technology; and proposed working towards an umbrella organization to manage all ocean affairs by 2020
	PC3	Existing Agreements	MGRs in the water column above the extended continental shelf are not sufficiently covered by existing agreements, so the ILBI should clarify their legal regime
	PC1	Regional; New Body	Suggested that independent regional bodies, with consent from adjacent coastal states, conduct additional EIAs

	PC2	Universal	Underscored the idea of universality
Mexico	PC4	Centralisation; Harmonisation	Proposed establishing a central entity to harmonize and coordinate measures adopted under the ILBI and existing measures adopted by other instruments.
	PC1	Cooperation	International cooperation principle
	PC1	Cooperation	International cooperation for MSR
	PC1	Cooperation; New Mechanism	Facilitating scientific cooperation, financing mechanism for technology transfer
	PC1	Gaps	ILBI is addressing gaps under UNCLOS
	PC3	Global; Coordination	Emphasized the added value of a global system facilitating greater coordination, using existing tools.
	PC4	New Bodies	Cautioned against precluding the possibility of creating new bodies.
	PC2	New Regime	Cautioned against creating a separate regime for MSR and applied MSR
	PC3	Overlapping Mandates	Proposed “not contradicting or weakening” existing instruments’ mandates.
	PC1	Regional	Highlighted existing efforts under the CBD, FAO and MARPOL, calling for an organic, pragmatic and low-cost approach to MPAs based on the development of regional schemes
	PC1	Regional; Coordination	Mechanism to promote scientific and technical cooperation and to coordinate with existing bodies under CBD, ISA and regional mechanisms
Micronesia	PC2	Duplication	Referring to "existing instruments should not be undermined or duplicated", delete reference to duplication
	Proposal	Existing Regulations	BBNJ instrument must not disturb existing regulations of non living resources in the Area by the International Seabed Authority, pursuant to Part XI of UNCLOS
	Proposal	Existing Regulations	The sole exception to this designation among the living resources of ABNJs is fish, but only to the extent that existing international, regional, and subregional instruments, institutions, and other regulatory entities do not currently allow for such a designation to attach to the fish stocks they regulate.
	Proposal	Existing Regulations; Undermine	Such regulations must not undermine existing regulations of fish stocks of ABNJs, particularly (but not limited to) highly migratory and straddling fish stocks currently regulated pursuant to the 1995 United Nations Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Sustainable Management of Straddling Fish Stocks and Highly Migratory Fish Stocks.
	Proposal	Existing Tools	Existing management tools in maritime areas are typically sectoral, i.e., focused on particular resources or activities. This is too limited of an approach. The BBNJ instrument must employ management tools that encompass discrete maritime areas— i.e., an ecosystem approach rather than a resource- or activity-specific approach
	PC2	Gaps	ILBI address existing legal and implementation gaps
	Proposal	New Body	The proposed scientific committee or similar body can be an existing entity or a creation of the BBNJ instrument.
	PC1	New Committee	Establish a scientific committee collating information on EBSAs, VMEs and PSSAs for identifying areas in need of protection, ensuring transparency and consultations with all relevant stakeholders and adjacent states
	PC1	New Committee	The who and the how regarding EIAs in ABNJ need to be determined by a proposed permanent scientific committee
	PC1	New Committee	Permanent scientific committee to conduct SEAs
	PC1	New Mechanism	Clearinghouse mechanism including information of MGRs

	Proposal	New Regime	It is the FSM's view that marine genetic resources (MGRs)—being the common heritage of humankind and a key component of the marine biological diversity to be regulated by the BBNJ instrument—must be subject to an access and benefit sharing (ABS) regime that is robust, equitable, and properly attuned to the needs and interests of developing countries.
	PC1	New Regime	Equitable ABS regime
	Proposal	Regional	The BBNJ instrument must acknowledge and respect efforts by regional and subregional instruments and institutions to manage certain ABNJs
	PC3	Regional; Global	Scientific body could be regional or global
	PC3	Regional; Global	The FSM cautioned that global decision-making could be slow, and regional approaches could create implementation gaps, calling for more information on decision-making under the hybrid approach.
	Proposal	Undermine	The separate regulatory systems must complement rather than undermine each other's important work.
	PC1	Undermine	No undermining of UNFSA
Monaco	Proposal	Coordination	Reaffirm the duties of States to cooperate and to protect and preserve the marine environment as well as the need to establish a network of ecologically representative, well connected and effectively managed MPAs, including marine reserves, in ABNJ, in order to enhance good governance and international coordination
	Proposal	Coordination; Gaps	The enhancement of good governance and of international coordination, as well as the identification, designation and creation of a network of ecologically representative, well-connected and effectively managed MPAs and/or marine reserves in ABNJ could contribute to address a gap in ocean governance and improve the sustainable management of marine resources
	PC2	Gaps	ILBI address existing legal and implementation gaps
	PC1	Global	Global MPA network contributing to the overall objective of conservation and sustainable management of the marine environment
	PC2	New Body	Highlighted the need for a scientific body to decide on proposed MPAs
	Proposal	New Body; Existing Organisations	A scientific advisory body to: (i) advise on the compatibility and relevance of potential MPAs with the Implementing Agreement scientific criteria, in accordance with best available science and; (ii) assist in the identification of a 3 network of representative MPAs. This body should draw input from existing processes, including scientific evaluations carried out by existing regional and sectoral organizations.
	PC2	New Committee	Referring to a scientific process rather than scientific committee, providing input to policy making instead of a policy making body
	PC1	New Framework	Create new framework and criteria for MPA establishment
	PC1	New Mechanism	Recommended follow-up and compliance mechanisms (EIA)
	Proposal	Undermine; Existing Frameworks	These will have a time bound period within which to submit comments regarding the proposal, including any elements of the proposal with the potential to undermine their respective mandates and competencies. This will be undertaken with the objective of not undermining existing relevant legal instruments and frameworks and relevant global, regional and sectoral bodies;
	PC1	Universal	Universal and holistic ILBI
	PC2	Universal; Overarching	Favoured a universal overarching, complementary framework
Morocco	PC2	Cooperation	Referring to international cooperation and capacity building for developing countries
	PC2	Duplication	Referring to "existing instruments should not be undermined or duplicated", delete reference to duplication

	PC1	Global	Called for a global, transparent and accessible mechanism.
	PC3	Overlapping Mandates	ILBI should not affect existing instruments' effectiveness.
Nepal	PC2	New Body	Underscored the need for a scientific body
	PC2	Integration; Cooperation	Emphasized linking regional mechanisms and greater south-south cooperation
	PC2	New Mechanism	Called for a global CB & TT funding mechanism
New Zealand	PC1	Cooperation	International cooperation principle
	PC1	Cooperation	South-South and triangular cooperation
	PC1	Cooperation; Coordination	Enhanced coordination and cooperation
	PC1	Coordination	Draw on existing expertise and better coordinating existing capacity-building and technology transfer initiatives
	PC4	Duplication	Proposed adding "avoiding duplication".
	PC3	Existing Bodies	Opposed having an ILBI body to review existing EIA regulations in other bodies
	PC4	Existing Mechanisms	A mechanism of cooperation with relevant regional and sectoral bodies, preferring the use of existing mechanisms
	PC2	Existing Organisations; Regional	Build upon expertise in regional and sectoral organizations, and improve the current framework by creating incentives for enhanced performance
	PC1	Global	Complement existing frameworks to ensure a comprehensive global framework; excluding fisheries would undermine governance coherence
	PC1	New Mechanism	EIA monitoring and review mechanisms, states require proponents to monitor impacts, including long terms ones, and report back
	PC1	Overarching	Concern for the lack of an overarching framework for MPAs in ABNJ; develop a common understanding
	PC1	Overlapping Mandates	Fisheries should be included in the ILBI
	PC3	Regional	Set up new regional management organizations in the absence of frameworks for adopting conservation and management measures
	PC3	Regional	ILBI should provide guidance to states, relying on existing mandates within regional and sectoral bodies for the ILBI implementation
	PC3	Regional	Supported regional coordination, questioning whether an ILBI COP would have better understanding of measures required than regional and sectoral bodies.
	PC4	Undermine	Noted that language on "not undermining" existing instruments is not strong enough
	PC4	Undermine	Not undermining existing legal instruments and frameworks and relevant global, regional, and sectoral bodies "including their processes and mandates.
Norway	PC4	Centralisation	Proposed emphasizing the central role of UNCLOS vis-à-vis the role of other existing, relevant legal instruments and frameworks
	PC4	Centralisation	Strengthening language on the central role of UNCLOS, by adding that it sets the legal framework within which all activities in the oceans and seas must be carried out; eliminating language recognizing the need for a comprehensive global regime to better address BBNJ conservation and sustainable use, noting that, although it contains language from Resolution 69/292, it is removed from its original context
	PC3	Coherence; Coordination	ILBI in contributing to coherence and coordination, activating, utilising and challenging existing mechanisms, including RFMOs

	PC2	Cooperation	ILBI focus on enhancing cooperation between regional and sectoral bodies to ensure a holistic approach
	PC2	Duplication	Recommended avoiding duplication with existing EIA practices
	PC3	Duplication	Requested considering EIA regulations that already exist in different fora, cautioning against duplication
	PC3	Duplication; Cooperation	Cautioned against: duplicating existing initiatives, preferring to make current arrangements, in particular regional seas conventions and RFMOs, more effective and facilitating cooperation and cooperation; and creating a “supra-national instrument,” arguing that holding other bodies and instruments accountable to ILBI structures could be seen as undermining them
	PC1	Existing Agreements; Cooperation	Respect for existing agreements principle; obligation to cooperate in different fora
	PC3	Existing Bodies	Opposed having an ILBI body to review existing EIA regulations in other bodies
	PC4	Existing Instruments	Proposed adding “the need for consistency with and recognition of the role played by other relevant legal instruments, frameworks and bodies.”
	PC4	Existing Instruments	Adding reference to the “essential” role of other existing relevant legal instruments
	PC4	Existing Instruments	Referencing the UN Fish Stocks Agreement on affirming that matters not regulated by UNCLOS or the ILBI continue to be governed by the rules and principles of general international law
	PC2	Existing Organisations	Cautioned against less valuable inputs from organizations without a conservation mandate
	PC4	Existing Organisations	Cautioned against prejudging the relationship between the ILBI and “competent international organizations.”
	PC1	Existing Structures	Noted the opportunities to build upon existing structures
	PC1	Existing Structures	Existing structures are more cost-effective than creating a new structure.
	PC1	Gaps; Undermining	Filling gaps without undermining other instruments
	PC3	Global; Regional	Preferred a hybrid approach of global and regional elements, supporting the WWF written submission, and expressing the need for: a COP where states and stakeholders exchange views, to provide direction to the regional level; a scientific function, potentially at the regional level; a secretariat role performed by a strengthened UNDOALOS; and a clearinghouse, which could be managed by UNDOALOS, drawing from the International Seabed Authority (ISA) or the Intergovernmental Oceanographic Commission (IOC).
	PC3	Global; Regional	Favoured a hybrid approach, help achieve compromise
	PC1	Integration; Umbrella	ILBI should be fully integrated into UNCLOS; Provide an umbrella for sectoral frameworks; Balance interests
	PC4	Overlapping Mandate	Emphasized the need for clarifying that future assessments will not extend to ABMTs under other instruments.
	PC1	Overlapping Mandates	Include fisheries in ILBI
	PC1	Regional	ILBI will not have management tools of its own, as they are already enshrined in other bodies' and states' competences; regional and sectoral bodies be allowed to develop measures to deal with goals identified by ILBI
	PC2	Undermine	Inclusion of the commitment not to undermine existing frameworks
	PC4	Undermine	Suggested adding that the ILBI should not undermine “but rather promote greater coherence with, build upon and complement existing instruments.”
	PC4	Undermine	Not undermining existing legal instruments and frameworks and relevant global, regional, and sectoral bodies “including their processes and mandates.”

Pakistan	PC4	Duplication	Adding a reference to “avoiding duplication” with other instruments.
	PC3	Global	Supported a global approach, with a role for regional bodies on a case-by-case basis
	PC4	Global; New Mechanism	Envisaged a global CHM for CB & TT with a network of regional and subregional CHM
Palau	PC2	Overarching	Oversight mechanism in light of flags of convenience
PNG	PC1	Overlapping Mandates; New Mechanism	Cautioned against a definition of MGRs overlapping with fisheries or biological resources; mechanism similar to the ISA or RFMOs
Peru	PC3	Global; New Body	Favoured a global decision making body, and a scientific body modelled on CBD or UNFCCC subsidiaries
	PC4	New Regime	Proposed adding “having considered the feasibility of developing an ILBI” to language recognizing the need for the comprehensive global regime to better address BBNJ conservation and sustainable use
	PC1	Overlapping Mandates	Include fisheries in ILBI
	PC3	Regional	Favoured monitoring through sectoral and regional organizations
	PC4	Undermine	Questioned the meaning of “not undermining” existing relevant legal instruments, and proposed that the ILBI “shall be without prejudice to existing relevant instruments.”
Philippines	PC1	Coordination	Provisions on PSSAs, EBSAs and RFMOs to avoid overlapping mandates to ensure coordination and monitoring
	PC1	Existing Organisations	Called for enhanced collaboration supported by IGOs such as the IOC
	PC3	Existing Organisations	Strengthen existing frameworks including IMO, CBD, CMS and RFMOs, bridging implementation gaps
	PC1	Gaps; Overlapping Mandates	Fill gaps in high seas governance; avoid unilateral actions; clarify the relationship between other instruments and RFMOs over fishing
	PC4	Overlapping Mandates	Highlighted the importance of compatibility between ABMTs established under the ILBI and existing measures in the area or areas adjacent to it.
	PC2	Undermine; Duplication	Existing mechanisms should not be undermined or duplicated but rather strengthened, harmonized and simplifying;
Republic of Korea	PC4	Duplication	Adding a reference to “avoiding duplication” with other instruments.
	PC1	Global; Regional; Undermining	Balance between sustainable use and conservation; no undermining of global frameworks and regional bodies
	PC3	Harmonisation; Cooperation	Emphasized cooperating within, harmonising and building upon existing programs
	PC2	Overlapping Mandates	Fish used as a commodity is addressed by other legal frameworks
	PC4	Undermine	Emphasized that the ILBI should not undermine existing relevant legal instruments, and strike a balance between conservation and sustainable use, taking into account all legitimate interests.
	PC4	Undermine	Noted that language on “not undermining” existing instruments is not strong enough
	PC4	Undermine	Not undermining existing legal instruments and frameworks and relevant global, regional, and sectoral bodies “including their processes and mandates.”

Russia	PC3	Centralisation	Expressed skepticism regarding a centralized body, cautioning against duplication of mandates, bureaucratization and delays (EIAs)
	PC4	Centralisation	Strengthening language on the central role of UNCLOS, by adding that it sets the legal framework within which all activities in the oceans and seas must be carried out; eliminating language recognizing the need for a comprehensive global regime to better address BBNJ conservation and sustainable use, noting that, although it contains language from Resolution 69/292, it is removed from its original context
	PC2	Coherence	Cautioned about the legal implications of adapting definitions from other instruments
	PC4	Cooperation	Queried references to triangular cooperation and partnerships with relevant stakeholders
	PC3	Cooperation; Coordination; Harmonisation	Emphasized cooperation, coordination and harmonization of competent international organizations, as well as high seas freedoms
	Proposal	Decentralisation	respecting the proper balance of interests concerning environmental activities and other lawful activities at sea (for example, navigation and fishing)
	PC2	Duplication	Referring to "existing instruments should not be undermined or duplicated", maintain reference to duplication
	PC3	Duplication	Requested considering EIA regulations that already exist in different fora, cautioning against duplication
	Proposal	Duplication	In order to avoid changing or duplicating the mandate and terms of reference of these existing international mechanisms, these issues should not be referred to newly established international bodies
	Proposal	Duplication: Existing Bodies	The instrument should also not modify or duplicate the mandate and terms of reference of existing global and regional international bodies and organizations
	PC1	Existing Agreements	Cautioned against concluding that certain relationships would not alter rights and obligations under existing agreements, due to insufficient information on the process
	PC4	Existing Agreements	Referencing the UN Fish Stocks Agreement on affirming that matters not regulated by UNCLOS or the ILBI continue to be governed by the rules and principles of general international law
	PC1	Existing Agreements; Overlapping Mandates	No provisions pertaining to fisheries; already governed by existing agreements and RFMOs
	PC4	Existing Bodies	Called for strengthening existing bodies including RFMOs, cautioning against undermining their mandates.
	PC2	Existing Committees; Regional	Scientific cooperation should be addressed by existing scientific committees under regional agreements
	PC1	Existing Instruments	Practical approach on the need for the ILBI not to undermine existing instruments and bodies
	PC4	Existing Mechanisms	Suggested using existing mechanisms
	PC3	Existing Organisations; Centralisation	Cautioned against undermining the UNFSA regional approach , arguing that a centralized body is unlikely to have more expertise than regional ones
	PC2	Expand Mandate	No expansion of ISA mandate
	PC1	Gaps	Focus on real legal gaps; fishing is not among these
	PC1	Global	A global MPA network is not wise and should be established by a cases by case scenario
	PC4	Global	Stating that she could not support any global structures on ABMTs, proposed deleting the sections on: relationships to measures under relevant instruments
	PC3	Global; New Body	Opposed establishing a supra-national authority, adding that it would be impractical to create a global scientific forum.
	PC2	Global; New Mechanism	Cautioned against a global mechanism governing MPAs

	PC4	Global; New Mechanism	Opposed the creation of a new global mechanism for creating ABMTs, noting that they should be established by existing specialized mechanisms without additional instructions, and that the text should address coordination and cooperation among competent instruments.
	PC4	Global; New Mechanism	Opposed a new global mechanism, arguing that diverse CB & TT needs require case-by- case consideration.
	PC4	New Regime	Opposed recognizing the need for a comprehensive, global regime, noting that any future regime should be built on strengthening cooperation with regional organizations.
	PC1	Overlapping Mandates	Argued that including MGRs under ISA's mandate would violate UNCLOS
	PC2	Overlapping Mandates	Opposed including fish under the ILBI; cautioned against using definitions from the CBD or the Nagoya Protocol as their scope is different
	PC3	Overlapping Mandates	Cautioning against prejudging existing agreements, MGRs do not include fish and marine mammals
	PC1	Regional	MPAs must be assessed individually, considering geographical parculiarties and the status of ecosystems, only on the basis of sufficient scientific data; not restrict all activities and not permanent
	PC3	Regional	Preferred global guidelines on ABMT management under the ILBI, noting that rapid action to designate, review or terminate MPAs should be taken at the regional level to ensure responsiveness to regional needs.
	PC3	Regional; Overlapping Mandates	Prioritized respecting the mandates of existing regional and sectoral bodies like the IMO and RFMOs
	PC3	Umbrella	Opposed the ILBI serving as an umbrella body to manage ABMT management
	PC4	Undermine	Questioned the meaning of “not undermining” existing relevant legal instruments, and proposed that the ILBI “shall be without prejudice to existing relevant instruments.”
	PC1	Universal	Universal standard is not possible for MPAs
	PC2	Universal	Stressed that remote states should not participate in the creation of MPAs in the high seas
Saudi Arabia	PC3	Existing Organisations; Regional	Utilising existing regional organizations (ABMTs)
Singapore	PC4	Centralisation	Recommended referring to a single CHM with different functions rather than a multiplicity of CHMs
	PC4	Centralisation	Proposed emphasizing the central role of UNCLOS vis-à-vis the role of other existing, relevant legal instruments and frameworks
	PC2	Coordination; New Mechanism	Coordinating mechanism for capacity building
	PC3	Decentralisation	Argued that the relationship should not be hierarchical and involve no reporting requirements.
	PC4	Existing Instruments	Argued against the ILBI superseding other existing instruments in establishing MPAs and applying ABMTs.
	PC2	Global	Removing references to the global level in the procedural steps
	PC4	Global; Regional	Non-prescriptive language on potential global/regional/hybrid decision-making models.
	PC1	Regional	Favoured placing obligations to conduct EIAs upon states
South Africa	PC1	Cooperation	ILBI establish an obligation to cooperate on capacity building
	PC3	Gaps; Integration; Coherence	Governance and regulatory gaps; limited integration, coherence, collaboration and cooperation; and the varying degrees of effectiveness of different regional bodies.
	PC3	Global; New Regime	Supported a comprehensive global regime in line with Prepcoms mandate
	PC1	New Framework	Use common heritage principle to MGR to build a more equitable framework

	PC4	New Regime	Noted that Resolution 69/292 refers to the need for a comprehensive, global regime
Sri Lanka	PC2	New Body	Recommended a permanent scientific body
	PC3	New Body	Establishing a permanent scientific body
	PC1	Overlapping Mandates; Existing Instruments	Must complement UNCLOS and other instruments
	PC1	Undermine; Existing Instruments	Complement other ocean instruments without undermining them
Switzerland	PC1	Existing Organisations	Build upon tools from other bodies, such as IMO, RFMOs, international shipping associations and NGOs for ABMTs
	PC2	Existing Organisations	Tasking the IPBES or IOC-UNESCO with deciding on proposed MPAs
	PC1	Gaps; Coherence	Fill gaps and promote coherence, contributing to the Aichi Biodiversity targets
	PC2	Overlapping Mandates	Noted that PrepCom is not a forum for discussing IPRs, recommending leaving these discussions to the WIPO and WTO
	PC4	Synergy	Proposed “synergies.”
Tonga	PC1	Coordination; Undermine	Coordinated conservation approach; equity and fairness; no undermining of frameworks
	PC3	Regional; Coherence	Observed that a hybrid approach captures the accumulated expertise of regional and sectoral organizations and the need for coherence and international regulation of areas that fall outside their mandates; and favored a CHM, an assembly as a governing body, a smaller executive body, and an elected technical and scientific body.
	PC3	Global; New Body	suggested designating an international body responsible for ensuring fairness and transparency in the EIA process through uniform guidelines, as well as a monitoring and review mechanism.
	PC3	Fragmentation	recognition of other bodies deploying ABMTs in ABNJ, to address fragmentation
Trinidad & Tobago	PC1	New Body	ILBI establish a competent authority to review and monitor implementation of relevant obligations.
	PC1	New Body	Recommended that an independent advisory scientific and technical body
	PC1	New Committee	Create or identify a permanent scientific committee to inform the placement, character and scope of ABMTs.
	PC1	New Committee	Permanent scientific committee to conduct SEAs
	PC1	New Institution	Create a new institution similar to ISA
	PC1	New Mechanism; New Committee	Suggested a mandatory mechanism to monitor and review activities on the high seas; permanent scientific committee to monitor SEAs and a compliance mechanism to ensure effective EIAs
USA	PC4	Cooperation	Proposed deleting reference to “North-South, South-South and triangular cooperation, in the context of international cooperation and coordination.”
	PC4	Cooperation; Coordination	“Promoting cooperation and coordination, including with relevant regional and sectoral bodies towards conservation and sustainable use,”
	PC1	Coordination	There is much more we can be doing to coordinate efforts and increase developing countries’ capacities. At the same time, we should not lose sight of work that is already occurring, especially developing countries’ efforts to improve absorptive capacity to integrate transferred technologies.
	PC2	New Regime	High seas regime applies to MGR; no further administrative or financial burdens

	PC2	Duplication	Recommended avoiding duplication with existing EIA practices
	PC1	Efficiency	The US expressed willingness to discuss potential non-monetary benefit-sharing options, in particular related to achieving conservation objectives, without creating operational inefficiencies and obstructing beneficial research and development activities.
	PC2	Existing Agreements	Cautioned against renegotiating UNCLOS
	PC2	Existing Bodies	Expressing support for existing regional and sectoral bodies; suggested a two step scientific policy process
	PC1	Existing Bodies	They could then ask existing regional or sectoral bodies to take action within their mandates.
	PC3	Existing Bodies	These sector-specific bodies should develop and implement measures within their competency and mandates
	PC4	Existing Bodies	We support the work of the existing regional and sectoral bodies and believe that we must endeavor to work through these organizations to successfully manage areas and activities within their mandates.
	PC4	Existing Committees	Referring to a scientific process rather than sci. committee, providing input to policy making instead of a policy making body
	PC2	Existing Instruments	Noted that under UNCLOS art 206, states are responsible for conducting EIAs; Antarctic treaty: state parties decide how to incorporate comments received by other parties without a decision making body
	PC4	Existing Instruments	Existing rules on responsibility and liability suffice
	PC1	Existing Instruments	Not undermining existing legal instruments and frameworks and relevant global, regional, and sectoral bodies “including their processes and mandates.”
	PC4	Existing Mechanisms	Recommended using CB existing mechanisms
	PC1	Existing Organisations	Underscored RFMOs capacity building activities
	PC1	Existing Regime	There is no legal gap in regard to marine genetic resources in areas beyond national jurisdiction. Rather, these resources fall under the high seas regime of international law as reflected in the Law of the Sea Convention (LOSC)
	PC2	Existing Regime	If, however, fish are used as a commodity, then many would fall under existing regimes, including regional fisheries management organizations, and should not be addressed here.
	PC2	Harmonisation	Harmonization of efforts” as a possible function of the decision making body, with JAPAN suggesting instead “to address the issue of harmonization of efforts.”
	PC3	Institutional Mechanism	cautioned against deciding on the organization of an institutional mechanism before addressing its scope and tasks; stressing that the ISAs mandate may provide a disincentive for UNCLOS non-parties to participate in a benefit sharing regime
	PC2	New Framework	Proposed deleting reference to: “measures,” in the context of the ILBI relationship to other instruments, with NORWAY noting no consensus on the adoption of new measures under the ILBI
	PC1	New Mechanism	States and entities involved could establish a regional mechanism that would be open to all States and entities or could take actions “inter se” to address the issue on an inclusive and transparent basis
	PC1	New Mechanism	We are supportive of establishing mechanisms that are not unduly burdensome, and that will improve the efficiency and effectiveness of existing international mechanisms already in place
	PC3	New Mechanism; Existing Organisations	supported robust and ambitious capacity-building provisions under the ILBI and a clearinghouse mechanism modelled after the International Oceanographic Commission
	PC2	New Regime	Cautioned against creating a new regime for MGR
	PC2	New Regime	Did not support a benefit-sharing regime for MGRs in the water column
	PC4	Overarching	Recommended discussion of the need for any international involvement or oversight

	PC4	Overarching; Regional	Opposed an oversight mechanism for the review of MPAs, preferring that the ILBI work with the regional and sectoral bodies to fulfill their mandates.
	PC1	Overlapping Frameworks	Fish used as a commodity is addressed by other legal frameworks
	Proposal	Overlapping Mandates	Clear and broad scope, without excluding fishing.
	Proposal	Overlapping Mandates	Cautioned against discussing IPRs in this forum given the mandates of the WTO and the WIPO
	Proposal	Overlapping Mandates	Cautioned against bringing the CBD negotiations into the BBNJ process
	Proposal	Overlapping Mandates; Existing Organisations; New Body	Stressed the need to secure relationships with existing organizations and to establish new bodies where necessary
	Proposal	Regional; Decentralisation	EIAs being carried out by states or under states direction, allowing for public participation and making reports publicly available; as opposed to being carried out by a BBNJ institution
	Proposal	Regional; Global	Adding reference to relevant regional and sectoral organizations, cautioning against language presupposing a global model for ABMTs; and using “designating,” rather than “establishing,” ABMTs.
	Proposal	Undermine	Noted that language on “not undermining” existing instruments is not strong enough
	Proposal	Undermine	We must ensure that we do not undermine or duplicate relevant instruments, frameworks, or bodies that already exist, including by allowing due time for such bodies to complete internal processes for addressing conservation objectives.
	Proposal	Undermine; Duplication	All major activities should be covered by ILBI scope, without undermining or duplicating existing agreements
Uruguay	PC4	Cooperation	Preferred retaining reference to triangular cooperation, and including “cooperation principle.”
Venezuela	PC2	Cooperation	Highlighted the importance of international cooperation
	PC2	Duplication	Referring to "existing instruments should not be undermined or duplicated", maintain reference to duplication
	PC1	Gaps	Address governance gaps
	PC1	New Body	Technical or scientific body should be representative and inclusive, irrespective of UNCLOS membership
Vietnam	PC1	Integration	Water column and the seabed should be considered as whole
Zambia	PC1	Regional; Cooperation	North-South regional cooperation
	PC2	New Body; Coordination	Establishing a CB & TT coordinating body
	PC3	Cooperation	Most MSR and data sharing initiatives are north led and involve limited cooperation
African Group	PC3	Centralised; Regime	Clear, single access regime to MGR found in the area and water column incentivizes private sector; link CB & TT, a global ABS mechanism and a benefit sharing fund
	PC1	Coordination	Principle of coordination between existing mechanisms and those established under the ILBI to create MPAs
	PC1	Coordination	Integrated approach cannot be achieved through RFMOs; coordination between existing and ILBI mechanisms
	PC1	Coordination; Fragmentation	RFMOs are limited to a particular oceanic area; mandated to a specific resource; comprehensive regime, including fisheries, to address fragmentation and lack of coordination

	PC3	Existing Institutions; New Institutions; Cost-Efficiency	A combination of existing and new institutions, for cost efficiency;
	PC1	Expand Mandate	ISA to monitor BBNJ by expanding its mandate; two divisions be formed to deal with living resources and non-living resources
	PC1	Gaps	ILBI is addressing gaps under UNCLOS
	PC2	Gaps	ILBI address existing legal and implementation gaps
	PC3	Gaps; Regional	ILBI can provide complementary arrangements, focusing on existing gaps and underscoring that existing regional, subregional and sectoral bodies' efforts should not be undermined by lowering existing standards.
	PC3	Gaps; Undermine	ILBI should fill gaps resulting from these bodies' limited mandates and enforcement mechanisms, without undermining mechanisms
	PC3	Global; Gaps	Cautioned against prioritising regional arrangements over a global mechanism, if no gaps existed, there would be no need for PrepCom
	PC3	Global; Overlapping Mandates	Global-level, consensus based decision making on ABMTs, identifying and consulting regional and sectoral bodies with mandates on ABMTs
	PC1	Institutional Mechanism	The need for a benefit sharing institutional mechanism ensuring accountability, monitoring and compliance with the ABS
	PC2	Integration; Coordination	Proposed an integrated and coordinated approach to MPA establishment through the ILBI
	PC2	New Institution	Expressed openness to discuss the need for a new institution
	PC3	Regional; Undermine	Argued that addressing recommendations to regional or sectoral bodies does not constitute "undermining," especially when these bodies can participate in decision-making. PSIDS proposed interpreting "not undermining" as not reducing or eroding the effectiveness of existing instruments, as in the UNFSA.
	PC1	Undermine	Cautioned against overstating concerns about undermining other instruments
	PC1	Universal	ILBI should provide a more unified approach to MPA establishment
	PC2	Universal	Cautioned against crafting a watered down agreement to accommodate a large number of states
CARICOM	PC4	Centralisation; Harmonisation	Proposed establishing a central entity to harmonize and coordinate measures adopted under the ILBI and existing measures adopted by other instruments.
	PC1	Cooperation	ILBI should ensure cooperation
	PC4	Cooperation	Suggested a reference to cooperation in MSR and technology transfer
	PC4	Duplication	Called for avoiding duplication (ABMTs)
	PC3	Existing Arrangements	ILBI should build on UNCLOS, support and strengthen existing arrangements and facilitate engagement on a regional level
	PC4	Existing Institutions	Underscored the need to examine existing institutions as part of the ILBI institutional arrangements to increase coherence.
	PC4	Existing Instruments	Argued against the ILBI superseding other existing instruments in establishing MPAs and applying ABMTs.
	PC4	Existing Mechanisms	Recommended using CB existing mechs.
	Proposal	Expand Mandate	The existing function of the International Seabed Authority (ISA) in regulating the mineral resources of the Area can naturally be extended to regulating research on the MGRs in ABNJ.
	PC2	Gaps	ILBI address existing legal and implementation gaps
	PC3	Gaps; Coherence	Opined that "not undermining" involves non-duplication, coherence and coordination, addressing existing gaps.

	PC1	Global	Lamented the lack of global requirements or frameworks for cumulative EIAs or SEAs
	PC3	Integrate; Fragmentation	Emphasized the need for interlinkages with CB & TT (ABMTs); recognition of other bodies deployed deploying ABMTs in ABMJ, to address fragmentation
	Proposal	New Regime	Moreover, there are four existing access and benefit sharing models that may be considered in developing an ABS regime for marine genetic resources in areas beyond national jurisdiction
	PC3	New Regime	Supported an ABS regime covering in situ and ex situ resources
	Proposal	Overlapping Mandates; Cooperation	Any overlap between the proposed ABMT and an existing ABMT should be identified and measures for coordination proposed
	PC3	Regional; Coherence	Recognizing ABMTs established by regional and sectoral bodies, conditionally upon satisfaction of ILBI criteria ensuring coherence,
	PC4	Undermine	Proposed adding that the ILBI should not be “interpreted as” undermining existing instruments or prejudicing states’ rights and obligations under existing instruments.
G77/China	PC4	Cooperation	Called for promotion of north-south, south-south and triangular cooperation
	PC4	Cooperation	Strengthening North-South, South-South and triangular cooperation
	PC1	Cooperation; Coordination	Need for an international mechanism for cooperation, coordination and review of compliance.
	PC2	Existing Bodies	Recommended consultations with relevant scientific and technical bodies
	PC4	Existing Instruments	Restated that AMBTs, including MPAs, should be established in an inclusive and transparent manner on the basis of existing internationally recognized criteria for area- based conservation measures and on best available science, with CHINA stressing case-by-case identification of areas requiring protection.
	PC1	Existing Instruments; Undermine	ILBIs geographical, substantive and functional scope critical for determining how not to undermine existing instruments
	PC1	Gaps	Emphasising implementation gaps regarding technology transfer, clearinghouse mechanism
	PC1	Gaps; New Mechanism	Legal gaps on MGR allow countries to exploit it unilaterally; institutional mechanism should manage ABS
	PC3	Global; New Framework	Stressed the need for a legal framework for international cooperation at all levels
	PC2	New Body	Suggested an advisory scientific or technical body
	PC4	New Body	Establishing a decision making body under the ILBI
	PC2	New Mechanism	Clearinghouse mechanism promoting and facilitating technological and scientific cooperation
	PC1	New Mechanism; Global; Coordination	Calls for a global institutional mechanism to coordinate ABMTs; existing regional and sectoral bodies have limited mandates
	PC2	Undermine	Shall not undermine UNCLOS rights and obligations
	PC3	Undermine	Review and monitoring of ABMTs without undermining existing regional and sectoral organizations
	PC1	Undermine; Existing Instruments	No undermining of existing relevant bodies, instruments and frameworks
P-SIDS	PC4	Cooperation	Highlighted cooperation with international, regional and subregional organizations
	Proposal	Cooperation; Coordination	The new internationally legally binding instrument should contribute to improving the cooperation and coordination among States and relevant and competent organizations.
	Proposal	Cooperation; Coordination	This instrument would operationalize the cooperation and coordination of all relevant actors while not undermining existing frameworks and instruments.
	PC1	Crosscutting; Existing Mechanisms	Cross cutting capacity building; drawing on existing clearinghouse mechanisms under the CBD and Nagoya protocol

	PC4	Duplication	Cautioned against duplicative EIA requirements under different bodies
	PC4	Existing Mechanisms	Recommended using CB existing mechs.
	Proposal	Fragmentation; Cooperation; Coordination	The new instrument should, therefore, complement the existing patchwork of instruments and frameworks and aim to facilitate coordination and cooperation among the many different actors that operate through specific and sectoral objectives.
	Proposal	Fragmentation; Cooperation; Coordination	ABNJ are characterized by a patchwork of sectoral management with limited coordination and cooperation
	PC2	Gaps	ILBI address existing legal and implementation gaps
	Proposal	Gaps; Cooperation; Coordination	As such, the new implementing agreement would strengthen the implementation of the UNCLOS, including through resolving legal gaps and improving cooperation and coordination among States and relevant organizations and mechanisms
	PC3	Global	Supporting global decision making and implementation
	PC4	Global; Centralisation	Envisaged a global CHM for CB & TT with a network of regional and subregional CHM
	PC3	Global; Harmonisation	Advocated designating and managing ABMTs at the regional level under globally harmonized standards and oversight,
	PC3	Global; New Body	Proposed a global decision making body and reliance on CBD Ake: Kon guidelines to integrate traditional knowledge into the EIA process
	PC3	Global; New Body	Envisaged: a global decision-making and executive body; implementation at the regional level, establishing regional and subregional expert committees; integration of traditional knowledge; and a global-level compliance mechanism.
	PC3	Global; New Committee	Supported a global-level compliance committee, reporting to a decision-making authority and complemented by regional and sub-regional authorities.
	Proposal	Global; Universal	A global and universal system should be designed, developed and implemented so as to enable identification of the origins for resources used in the development of products.
	Proposal	Integration	Adequate conservation and sustainable use of marine biodiversity requires an integrated and inclusive approach;
	Proposal	Integration	To do so, the new implementing agreement could develop international standards and a framework for integrated measures in ABNJ
	PC1	Integration	Broad scope covering all living resources
	PC1	Integration	Integrate EIAs in approval processes of extractive activities
	PC1	Integration	Principle of integrated management
	PC1	Integration	Highlighted EIAs interlinkages with ABMTs
	PC2	Integration; Universal	Adoption of an integrated approach, attaining universal participation in the ILBI
	PC1	New Mechanism	Underscored the need for an enforcement and compliance mechanism (EIA)
	PC1	New Mechanism	Called for mandatory, responsive, effective and flexible tech. transfer facilitation mechanism among regions
	Proposal	New Regime	The new implementing agreement could establish a cooperation regime, as described in the ITLOS case no 21 (Para 199). Such provisions would be consistent with Article 197 of UNCLOS, which provides for the consideration of regional characteristics related to cooperation for the protection and preservation of the marine environment.
	Proposal	New Regime; Global	The PSIDS support the position that the new implementing agreement (IA) should provide a comprehensive global regime to better address the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction, in accordance with UNGA resolution 69/292
	PC3	Overarching; New Committee	Proposed EIA oversight by a scientific and expert committee

	PC4	Overlapping Mandates	Highlighted the importance of compatibility between ABMTs established under the ILBI and existing measures in the area or areas adjacent to it.
	PC1	Synergy	Synergize MGR benefit sharing regime with Nagoya Protocol
	Proposal	Undermine	Consistent with resolution 69/292, PSIDS support that the new instrument should not undermine existing instruments and frameworks.
	Proposal	Undermine	The new instrument should not compromise the significant advances and interests of the Pacific region, including fisheries-related gains in existing frameworks.
	Proposal	Universal	In order to achieve these objectives, universal participation in the future agreement will be crucial. It is important that all States and relevant actors be part of the discussions and decision making.
	Proposal	Universal	The PSIDS support that the new legally binding instrument under UNCLOS that should aim for universal participation

Table 5: Archive of all coded statements organised by nation, then alphabetically by code. This table also explicates the specific Prepcom (PC1-4) to which each code was taken from.