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Strengthening ZOPACAS: The Maritime Safety Roadmap for the South Atlantic

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ABSTRACT

Population growth poses one of the greatest challenges for human survival in the 21st Century and, increasingly, man is turning to the sea for food and energy. As the ocean has no physical boundaries, it is inevitable that some of these activities will affect the seashore and jurisdictional waters of coastal States, negatively affecting those nations' territorial waters, with all the economic and social ramifications that entails. Recent case studies point to most threats to maritime jurisdictions coming from undetected acts perpetrated beyond national jurisdiction, on the high seas. Therefore, this article looks at potential threats in this domain and measures to mitigate those threats, in full compliance with the provisions of the United Nations Convention on the Law of the Sea. The occurrence area, and the limitations imposed by international law, make it impossible for any one country to address these issues alone. Increasingly States need the support of international alliances and intergovernmental forums such as the Zone of Peace and Cooperation of the South Atlantic (ZOPACAS). Leveraging those alliances to reinforce maritime safety and achieve comprehensive peace is the surest way to foster cooperation among developing nations, including those with coasts along the South Atlantic, and to prevent maritime threats from undermining their future.

Keywords: Maritime Safety; High Seas; Illegal-unreported-unregulated Fishing; Oil spill; International Alliances.

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INTRODUCTION

The modern world is facing its greatest challenge since the end of the Second World War. The United Nations Department on Economic and Social Affairs (UN DESA) has forecasted the world's population, now at 7.7 billion, to reach 9.7 billion by 2050. (United Nations Department of Economic and Social Affairs, 2022) Additionally, according to the UN DESA study, that increase will be unevenly distributed. In fact, only 6 million (about the population of Rio de Janeiro) of that increase of nearly 2 billion people will live in more developed parts of the world like Europe, North America, Australia, New Zealand, and Japan.

In the future, as mineral, energy and food sources available on dry land become scarcer, the Earth's oceans will be tapped for their natural resources. Man will seek new energy matrices such as those generated by wind fields, waves, tides, and density-driven currents. Exploration for oil and mineral deposits, and chemical elements for producing fertilizers, livestock feed and agricultural pesticides that increase food production will also increase, as will demand for fish and living organisms from the marine biota, many of which are foundational to the pharmaceutical industry, and all related to activities that make up the clearly expanding blue economy concept (Andrews, et al., 2021).

This type of resource exploration will not be limited to areas close to seashore and, if it increases quickly, will trigger environmental imbalances that make the ocean no longer a solution but, instead, one of the factors contributing to growing scarce resources on dry land as the environmental impacts of climate change become more pronounced (Andrews, et al., 2021).

The Seventh Edition of the United States *Global Trends Report* (United States National Intelligence Council, 2021) highlights compromised food security and increased poverty as the main drivers of destabilization and internal conflicts in countries over the next 20 years – mainly due to environmental pollution, overfishing and the warming and acidification of the oceans. Thus, environmentally vulnerable nations that already have difficulty feeding their people today will cause large migratory flows to other nations and, potentially, this could lead to more frequent humanitarian crisis in the coming decades.

This paper discusses the vital role that international organizations play in protecting the high seas, traces the development of the high seas

concept in international law, and addresses the relationship between natural phenomena that occur on the high seas and changes in ecosystems in areas under States' jurisdictions. The paper also maps out , based on recent case studies, threatening actions that boost the overfishing and chemical pollution on sea, therefore jeopardizing the marine biodiversity beyond national jurisdiction (BBNJ) (FAO, 2022) and the coastal environment. Afterwards, explains different measures for mitigating those actions and provides an example of an intergovernmental forum that has among its main objectives the goal of bringing about the type of environmental sustainability and comprehensive peace that will sustain future generations in a region comprised entirely of developing nations.

THE LONG ROAD TO THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA (UNCLOS)

The legal framework that eventually served as the foundation for the Law of the Sea dates back to the 15th Century when the kings of Portugal and Castille obtained Papal bulls that allowed them to claim ownership of the seas. The concept of *Mare Clausum* came about as an attempt to grant legal certainty to titles of ownership for newly discovered territories, adjacent seas, and maritime access routes (Beirão & Pereira, 2014).

In 1609 the Dutch jurist and philosopher Hugo Grotius published the book, *Mare Liberum*, - Latin for "free seas" (Borschberg, 2005) - to challenge the *Mare Clausum* premise and establish a new principle whereby the sea would be considered international territory and all nations would be free to enjoy the benefits of maritime trade. Grotius was also the first to mention the right to freedom of navigation and innocent passage on the high seas, both of which were in the interests of Dutch and other European nations and ran counter to Portugal's position.

Beginning in the 18th Century, a process began to determine the official boundaries of territorial seas, as measured in nautical mile off the coast. In 1793, the United States of America unilaterally declared its territorial seas to extend 3 miles off its seashore, and the country established that precedent in Article I of the Anglo-American Convention of 1818 with the United Kingdom. Also known as the Treaty of 1818, the agreement settled border issues between the two nations and guaranteed fishing rights along the northern border of the United States. During the 19*th* Century, the three nautical mile rule served as a benchmark that came

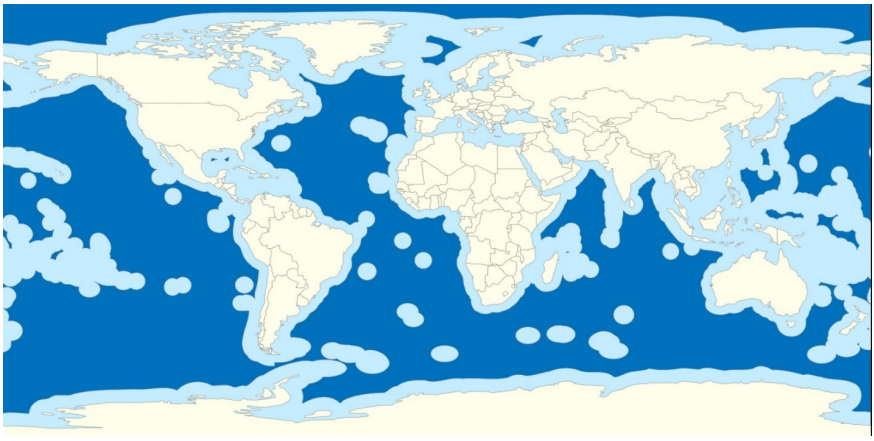
to define maritime boundaries for many other countries.

Frameworks for determining legal rights at sea slowly evolved, driven primarily by social and commercial factors. During the 20th Century, however, technological advances in equipment and techniques for sea exploration – resulting primarily from the two World Wars – quickly led nations to create international bodies, and amend old laws and pass new ones, as they sought to regulate the use of the maritime domain.

As economies grew and the demand for resources increased, so too did efforts to develop legal frameworks with gradual levels of jurisdiction that would make it possible to forge consensus and garner international support. The United Nations Convention on the Law of the Sea (UNCLOS), enacted on December 10th, 1982, in Montego Bay, Jamaica, sought to instill precisely that type of order into the maritime domain. UNCLOS began with 116 signatory countries and has made important advances in standardizing legal concepts and qualitative and quantitative criteria for their application.

Nonetheless, even though UNCLOS has brought about significant advances in the 21st Century, especially in terms of consolidating coastal and archipelagic States' jurisdictional waters, new challenges are emerging beyond the limits of countries' Exclusive Economic Zones (EEZ), that is, in areas referred to as the high seas. Article 86 of the UNCLOS defines the high seas as "all parts of the sea that are not included in the exclusive economic zone, in the territorial sea or in the internal waters of a State, or in the archipelagic waters of an archipelagic State." (United Nations Division for Ocean Affairs and the Law of the Sea, 1982). This immense area represents two thirds of the Earth's total surface covered by oceans, and 50% of the planet's total surface area (Kimball, 2005) as illustrated in Figure 1.

Figure 1: Areas classified by UNCLOS as high seas (in dark blue) and areas under national jurisdiction (territorial sea + exclusive economic zone) marked in light blue



Source: https://www.iucn.org/sites/dev/files/high_seas_map_3.png.

OCEANS WITHOUT BORDERS EMBEDDED BY OVER THE HORIZON THREATS

Some natural phenomena and human activities in areas 200 nautical miles off the coast, referred to as the high seas under UNCLOS, significantly impact other regions of the ocean and activities conducted in jurisdictional waters. Unlike geographic areas on dry land, the absence of physical barriers in the ocean makes it impossible to completely isolate one area or activity from others.

One example of that is the Atlantic Meridional Overturning Circulation (AMOC) phenomena, which is responsible for heat transfers from the South Atlantic to North Atlantic seas. Currents on the ocean's surface carry warm waters north, towards the North Pole, where the water then cools down, becomes denser and sinks, flowing back southwards close to Atlantic basin bottom (Lumpkin & Speer, 2007). AMOC is a clear illustration of the interconnectedness of the Artic and Antarctic regions and oceanic temperatures' sensitivity to climate change.

Likewise, marine biology tells us that uncontrolled fishing in one region, especially if it occurs along the migratory routes for certain species, affects fish stocks in distant regions. This is because it compromises the captured species' ability to reproduce, which has a cascading effect, as the

long-term shoal reduction of a particular species leads to an unbalanced distribution of natural predators in other areas and that, in turn, impacts capture amounts of secondary species, decreasing fish stock in waters far from where the original overfishing took place.

Indeed, it's important to understand the differences between the North Atlantic and the South Atlantic, in terms of the development level of the countries in their vicinity, the impact grade of environment unbalance in each country, and threats and challenges that must be faced in so different regions. Therefore, a military alliance that could be a really good solution to convene nations in the northern hemisphere wont fits well to improve the cooperation between coastal States in the Southern hemisphere, where different levels' economic development, internal politics tensions, cultural specificizes, and the diversity of external commercial partners reinforce the need of a broader and peaceful alliance, addressing themes beyond defense and security matters.

The absence of physical barriers in the oceans, then, means that coastal States experience in their jurisdictional waters the economic and social impacts of events that happen out on the high seas. When these events go undetected, security and defense forces cannot assess the real threats posed.

Undetected maritime threats, in security and defense terms, are those caused in a disorderly manner, or without a responsible agent directly linked to a known or determined State or organization, involving actions with the potential to affect human health and the marine biodiversity and environment, compromise countries' economic matrices and cause environmental and social imbalances that can lead to humanitarian and institutional crises and disrupt peace in a particular State or region.

These threats, although not noticeable and initially treated in this way under security and defense aspects, have consequences that will require actions to restore order and for the defense of States. Additionally, will demand actions from defense agencies to mitigate them in an emergency, especially in developing countries, when these threats are not faced at their origin, due compromising the logistical capacity and livelihood of a people to the point of rendering any innocuous government action if it taken late.

Most threats that go undetected occur on areas beyond national jurisdiction, on the high seas, where UNCLOS guarantees freedom of navigation and other universal rights such as fly overs, scientific research,

fishing, and the freedom to set up submarine cables and pipelines. However, though the Convention establishes many rights and guarantees, in Article 100 it also defines a single, high seas crime: piracy. In fact, UNCLOS authorizes States to take direct action on the high seas in order to combat piracy, which Article 101 defines as: "(a) any illegal acts of violence or detention, or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft, and directed: (i) on the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft; (ii) against a ship, aircraft, persons or property in a place outside the jurisdiction of any State; (b) any act of voluntary participation in the operation of a ship or of an aircraft with knowledge of facts making it a pirate ship or aircraft; (c) any act of inciting or of intentionally facilitating an act described in subparagraph (a) or (b)." (United Nations Division for Ocean Affairs and the Law of the Sea, 1982).

Thus, the right to freedom of navigation granted under UNCLOS allows some threats to go undetected. Mapping those threats will become ever more critical as nations seek to ensure compliance with international maritime law, its review to improvement support and, when required, combat illegal acts and actions that compromise the marine biodiversity beyond national jurisdiction (BBNJ), using the legal mechanisms provided under international frameworks like UNCLOS.

ILLEGAL, UNREPORTED, AND UNREGULATED FISHING

Illegal, unreported, and unregulated (IUU) fishing constitutes one of these threats (FAO, 2022), causing economic and environmental damage and compromising the food security of several countries in the world, especially in Latin America and Africa, which are mostly comprised of developing nations. The illegal capture of species, even when accidental, threatens the survival of other species because it destabilizes other ecosystems.

Vessels conducting large-scale, indiscriminate fishing near the outer limits of coastal States' EEZ have drawn the attention of several nations in the world. Six countries on the West Coast of Africa (Mauritania, Senegal, The Gambia, Guinea Bissau, Guinea, and Sierra Leone) lose US$2.3 billion worth of annual earnings due to illegal, unreported, or unregulated (IUU) fishing (Doumbouya, et al., 2017). In addition, the volume of fish caught illegally in this region amounts to 65% of total fish

caught legally and threatens the food security of 7 million people who live in that region and have fish as a staple in their diet. Between 2010 and 2016, monitoring, control and surveillance measures were implemented in these coastal States' jurisdictional waters, but despite the myriad efforts aimed at curbing illegal practices, only 13.8 million dollars were recovered in 2016, the best annual result in that period.

In addition to the direct damage caused by IUU fishing, the authors (Doumbouya, et al., 2017) noted that when local fishermen from affected countries lost their source of employment because their boats' productivity dropped due to vanishing shoals and unfair competition from large vessels' predatory IUU practices, fishermen turned to illegal activities to make a living. They became the labor force for groups involved in the illegal transport of immigrants, especially during Ebola epidemic in Africa.

High seas fishing involves high levels of investment and logistics capabilities due to the distances involved and the need for extended on-call assignments to catch the volume of fish that justifies the investment. Thus, illegal fishing on the high seas promotes other crimes such as slave labor and precarious working conditions prompted by the constant push to reduce production costs. Likewise, these activities usually employ unskilled workers, resulting in crews without any knowledge about basic safety at sea or the use of life-saving equipment.

To make high seas fishing attractive, some countries subsidize the activity, which ultimately stimulates overfishing. Sala et al. (2018) study found that countries spent US$4.2 billion in subsidies for high seas fishing even recognizing that 54% of the area dedicated to the endeavor would be unprofitable (or economically unfeasible) were the countries to withdraw the subsidies (Sala, et al., 2018). The same study also found that in 2016 the greatest fishing efforts observed were located on the high seas near the EEZs of Peru, Argentina, and Japan, as illustrated in Figure 2. Most of the vessels were from China, Taiwan and Korea and were mainly looking to capture squid in those waters. As illustrated in Figure 3, these three countries own large offshore fishing fleets, according to the Global Fishing Watch (GFW) database.

Figure 2: Global patterns of fishing efforts on the high seas. Areas with greater fishing activities are marked in dark blue (Sala, *et al.*, 2018)

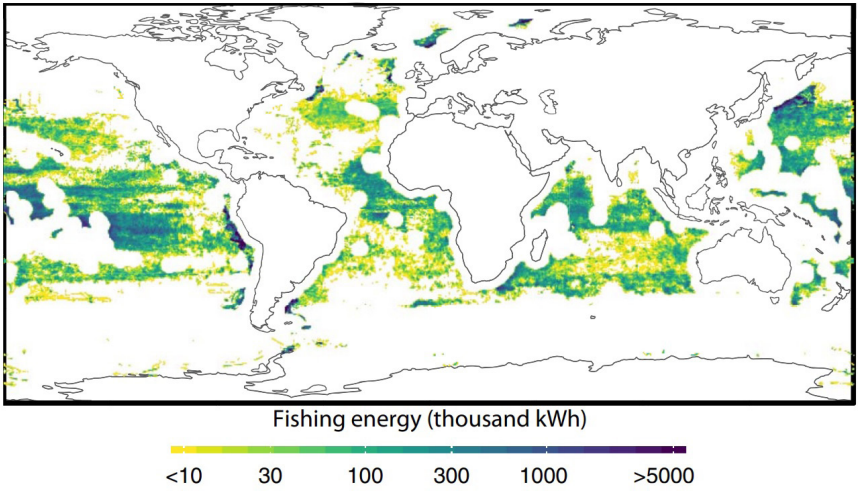
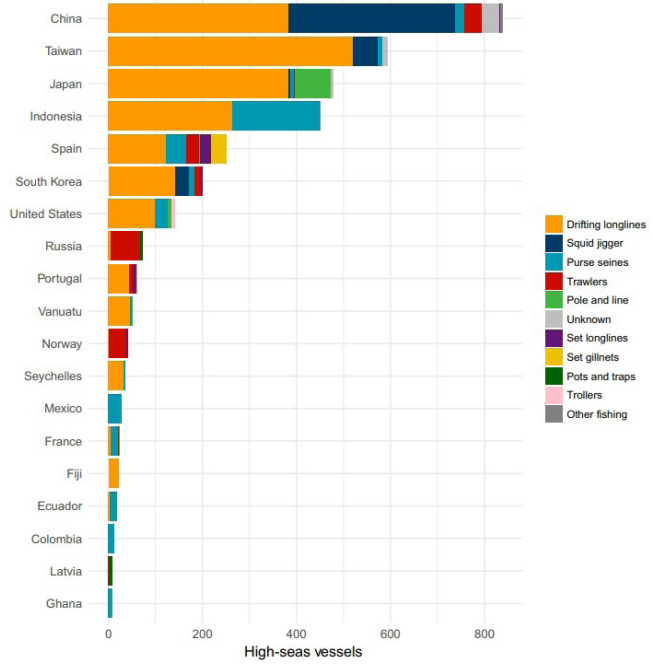


Figure 3: High seas vessels by flag state and gear type, as detected by GFW in 2016 (Sala, *et al.*, 2018)



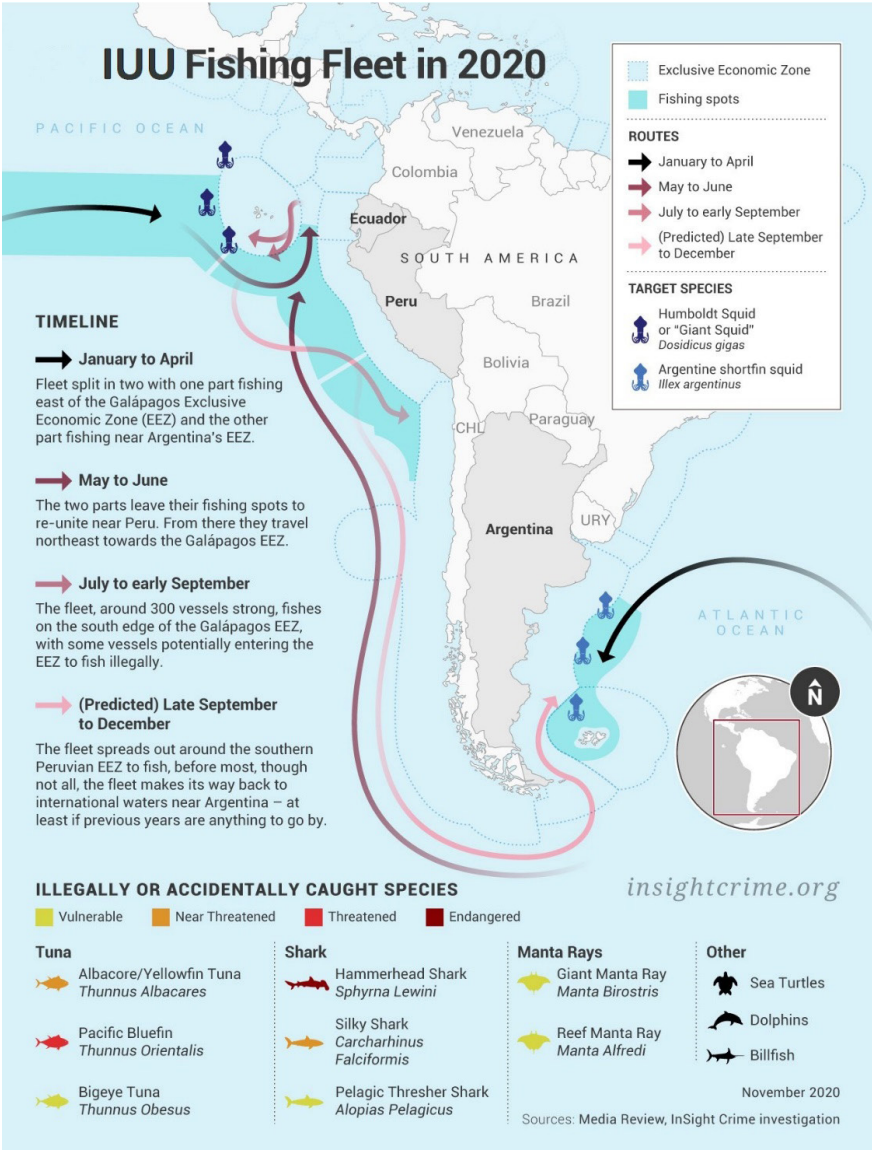
On July 16th, 2020, the Ecuadorian Navy issued an alert about the presence of around 260 foreign fishing vessels, mostly Chinese, in the vicinity of Ecuador's EEZ, and it conducted naval patrol operations to prevent them from invading its jurisdictional waters (as shown in Figure 4). The increased presence of a large fleet of foreign fishing vessels on the high seas in the South Pacific near the jurisdictional waters of Chile, Colombia, Ecuador, and Peru, led the Foreign Ministers of these countries to issue a joint statement on November 3rd, 2020. The statement alerted the international community to predatory fishing activities underway and underscored the countries' concerns about how the increased IUU fishing in the South Pacific threatened the conservation and sustainability of the marine environment in their jurisdictional waters.

Figure 4: An Ecuadorian Navy Ship patrols near to a foreign fishing vessel in the vicinity of the Ecuadorian EEZ

Source: https://www.armada.mil.ec/?p=48604.

Vessel movements have been tracked and corroborate fishing effort data published in Sala et al. (2018) study, which monitored fishing activities at different times of the year in the South Atlantic and South Pacific, near the outer limits of Exclusive Economic Zones pertaining to Ecuador, Peru, Colombia, Chile, and Argentina. In those areas, fishing vessels mostly capture squid and other endangered species, such as tuna and sharks, as shown in Figure 5.

Figure 5: Movements of IUU fishing vessels in the South Pacific and the South Atlantic



Source: https://insightcrime.org/news/analysis/china-fishing-fleet-response/.

On a global scale, when compared with fishing activities conducted in costal State EEZs, high seas fishing has a more dramatic impact on reducing fish stocks (Crespo & Dunn, 2017). Using data from the United Nations Food and Agriculture Organization (FAO), Crespo and Dunn (2017) found that overfishing affects only 28% of fish stocks under the jurisdiction of a single coastal State whereas, on the high seas, that number jumps to 64%. Clearly, that stark increase reflects the absence of protections and practices for managing the sustainability of migratory species or those inhabiting areas beyond coastal States' jurisdictional waters.

IUU fishing trends to grow up due economic crisis caused by COVID-19 pandemic. Low rates of economies growth, mainly in the South America where the mean gross domestic product projected to 2020 was -9.2% than reached in 2010, contributes to vulnerability people growth expanding labor supply to illegal activities like IUU fishing and reduces defense activities budget, compromising efforts to face illegal activities, most notably at sea (Salarichs, 2020).

IUU fishing also plays a key role in the Piracy growth in Africa, as mentioned in the Somali piracy Case Study (Kemp, 2014) that described the "justifications" for piracy peaked in 2011 in this region. Many pirates, such as the notorious Abshir Boyah and Mohamed Abdi Garaad, declared that they turned to piracy after foreign trawlers destroyed their livelihoods as fishers in the mid-1990s and because illegal dumping by foreign vessels was poisoning their fishing grounds.

At that time, the Somalian government did not have maritime surveillance and enforcement agencies and capabilities functioning, so the country's waters were essentially unpoliced and offered a "no man's land" for foreign fishing vessels. Food and Agriculture Organization of the United Nations (FAO) estimated that around 700 fishing vessels from both within the region (Kenya, Pakistan, Saudi Arabia, Sri Lanka, and Yemen) and outside it (Belize, France, Honduras, Japan, South Korea, Spain, and Taiwan) were engaged in unlicensed fishing in Somali waters (Hughes, 2011).

To develop management practices and protective for species and ecosystems not under the jurisdiction of coastal States, the United Nations issued Resolution 69/292 during the General Assembly held on June 19th, 2015. The Assembly established a Preparatory Committee to develop an "international, legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction"

(United Nations, 2015). This the founding document for the Fourth United Nations Conference on the Oceans, which was to be held in Portugal in 2019 and was rescheduled to 2022 due to the COVID-19 pandemic.

In UN Resolution 72/73, during the General Assembly meeting held on December 6th, 2017, the international body also proclaimed the Decade of Ocean Science for Sustainable Development for the period 2021 to 2030. The resolution seeks to guide the efforts of Member States to preserve the oceans and guarantee the future of humanity through sustainable development. During this decade, the UN will enforce actions focused on the 17 Sustainable Development Goals (SDG) (United Nations, 2015) established under the 2030 Agenda for Sustainable Development, which was adopted at the UN Sustainable Development Summit of 2015, that took place in New York City, from 25 to 27 September 2015 (United Nations, 2017).

In alignment with these goals, the International Maritime Organization (IMO) led the Torremolinos Ministerial Conference on Fishing Vessel Safety and Illegal, Unreported and Unregulated (IUU) Fishing from 21 to 23 October 2019. The purpose of the conference was to garner broader support of the 2012 Cape Town Agreement (International Maritime Organization, 2012) that had been signed only by 16 countries. The Cape Town Agreement includes mandatory safety standards for fishing vessels of 24 meters in length and more. It covers key parameters such as "stability and associated seaworthiness, machinery and electrical installations, life-saving appliances, communications equipment and fire protection, as well as fishing vessel construction." Although adopted in 2012, it will only enter into force after at least 22 States, with an aggregate 3,600 fishing vessels of 24 meters in length and more, have expressed their consent to be bound by it.

Indeed, given the severity and breadth of illegal fishing activities and the consequences they have on ocean ecosystems and the coastal States that depend on those systems, an immediate crackdown on IUU fishing is needed. Since most of these activities happen on the high seas, countries and international organizations will need to join forces to tackle these challenges. Therefore, it is of paramount importance that international treaties and trade agreements include provisions to establish international areas for environmental protection, reduce incentives for fishing activities on the high seas, and create certifications for sustainable production or capture, thereby discouraging the purchase of fish from countries involved in high seas fishing far from their own coasts. Finally, a

series of additional measures is needed: increased information exchanges among intelligence, defense and security agencies; multi-national joint operations for enhanced monitoring and surveillance; and mechanisms to require large fishing vessels coming into port or jurisdictional waters for logistics support or transshipment to present documents of origin and electronically auditable route records.

OIL SPILL AT SEA

From August 30th, 2019 to February 2020, oil slicks hit the Brazilian coast through. The oil slicks, given their density and viscosity, spread out below the water surface and were difficult to detect in deep water, only emerging along the coast when they reached the surf zone. Since the polluting agent failed to act to contain the spill, it quickly spread and affected enormous areas along the coast. All told, 3600 km of seashore – more than half of the Brazilian coast – was affected by oil slicks that impacted 1009 locations (Figures 6 and 7) in 130 municipalities, eventually becoming the largest environmental disaster in Brazil's history.

Figure 6: Marine Turtle suffering from oil spill pollution. Found at Sagi's Beach in the Rio Grande do Norte (RN) state on October 8, 2019

Figure 7: Aerial view of the oil slick that reached the Maragogi coral reefs in Alagoas state on October 17, 2019

Source: https://www.reuters.com/news/picture/brazil-cleans-up-mystery-oil-spill-idUSRTS2SD5I.

Brazil's Federal Government triggered the National Contingency Plan for Oil Pollution Incidents and established the Monitoring and Evaluation Group that, until March 20th, 2020, led efforts to mitigate the effects of the oil slicks and conducted research to shed light on what had brought about this unprecedented environmental crime.

During cleanup operations, 16,848 professionals were employed to monitor, track, evaluate, collect, and dispose of different materials and pollutants. The Ministry of Defense responded to the emergency by deploying 12,200 military personnel (72% of the emergency operation staff) and 47 naval, 16 air and 140 land assets (Figure 8). The environmental cleanup and monitoring process had an astronomical price tag attached: R$187,643,857.96 (approximately US$46 million at the time).

Figure 8: Members of the military assisting with emergency cleanup operations on the beach

Source: http://www.ibama.gov.br/manchasdeoleo.

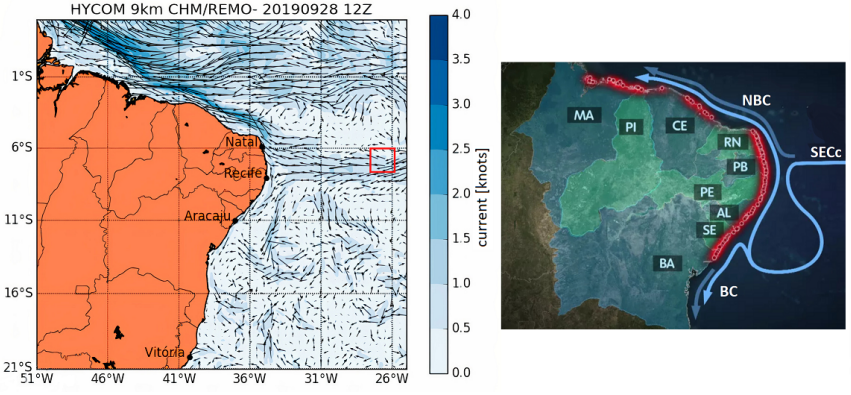
Economic losses, mainly from lost revenues in the fishing, leisure, and tourism sectors, were extremely harmful to communities living along the coast. Furthermore, the environmental damage to the flora and fauna in the coastal region, especially in the hardest hit mangrove regions, are incalculable and will compromise these ecosystems for many years to come.

Following an extensive investigation carried out by the Brazilian Navy with support of the Brazilian Federal Police, National Agency for Petroleum, Natural Gas and Biofuels (ANP) and a multidisciplinary research group, it was possible to determine that the oil that had reached the Brazilian coast was of Venezuelan origin, had been spilled by a ship during its displacement, and may have been deliberately thrown overboard.

Regressive mathematical modeling made it possible to pinpoint the spill having occurred between July 24th and 29th, 2019, in an area of about 750 km of the coast of Paraíba (PB) state and 390 km from the outer limits of the Brazilian EEZ. Approximately 3,000 tons of oil were released into the high seas, transported westward by the central branch of the South Equatorial Current (SECc) and, later, distributed at the

current's bifurcation point near the Brazilian continental shelf towards the northwest through the North Brazil`s Current (NBC) and, finally, towards the south-southwest through the Brazil Current (BC) and inner-shelf currents, hitting the Brazilian coast in different areas along the entire seashore, as illustrated in Figure 9.

Figure 9: The image on the left is a HYCOM map of mathematically derived currents (in knots) provided by the Brazilian Navy Hydrography Center. The red square indicates the possible oil spill area. The image on the right illustrates areas along Brazil's northeast coast affected by the oil spill (in red) and ocean current patterns in the region: central branch of the South Equatorial Current (SECc), North Brazil Current (NBC) and Brazil Current (BC)



Source: Brazilian Navy Hydrography Center's Archive.

By crossing maritime traffic and intelligence data, 3 tankers were identified as having traveled in the region during this period and potentially having caused the oil spill.

This grave and unprecedented environmental crime exposed a serious weak point in the UNCLOS. The same framework that guarantees the fundamental right to freedom of navigation on the high seas also allows navigators to not assume responsibility for their actions conceal illegal activities in remote areas in international waters, leaving marine biodiversity beyond national jurisdiction (BBNJ) at imminent risk. This situation must be remedied immediately with legislation that makes information sharing on the movement of ships mandatory in order to promote adequate, continuous monitoring of maritime traffic, even on the

high seas, as a means of protecting the marine environment and ensuring safety of navigation.

Once again, cooperation among States and international organizations will play a vital role in keeping these types of criminal environmental disasters from happening in the future.

THE IMPORTANCE OF INTERNATIONAL ALLIANCES TO ACHIEVE REAL AND COMPREHENSIVE PEACE

The "Zone of Peace and Cooperation of the South Atlantic" (ZOPACAS) has gained particular relevance as a way for nations to support each other in tackling the effects of undetected maritime threats and contributing to maritime safety in the Atlantic Ocean.

Established through UN General Assembly Resolution A/RES/41/11 of October 27th, 1986, ZOPACAS was established for the purpose of strengthening cooperation for economic development and peace among the signatory nations from South America and West Africa, with a view to preserving the independence, sovereignty, and territorial integrity of these States (United Nations, 1986).

It should be noted that ZOPACAS is in full alignment with UN efforts to "preserve the right of peoples to peace", enshrined in UN General Assembly Resolution A/RES/39/11 dated November 12th, 1984. The concept of peace envisioned by ZOPACAS is not limited to the absence of war but reflects the definition of peace that Fried (1990) proposed: "Peace is based on several mechanisms of cooperation that are dynamically connected. Only by honoring the connection between these enumerated mechanisms can their full impact on society be exercised: cooperation, freedom, independence, national sovereignty, equality, human rights and the fair and equitable distribution of resources." (Fried , 1990). The broader umbrella of UN human rights initiatives also dovetails with the ZOPACAS commitment to maintain a Peace Zone free of nuclear weapons, the statement on the need to ban Apartheid in South Africa, and the recognition of the independence of Namibia, at the time, formed part of a range of innovative UN human rights initiatives.

Despite the noble purpose of promoting peace in a broad sense, ZOPACAS had one negative vote, cast by the United States, and eight abstainers (the European NATO members France, Belgium, Germany, Italy, Luxembourg, Portugal, and the Netherlands, followed by Japan).

The United States and European powers' behavior in that UN General Assembly was motivated by a weird general concern on the freedom of navigation guarantee in the South Atlantic but in fact, revealed a colonialist dissatisfaction with the ZOPACAS Declaration terms that clearly mention the intent to avoid extra-continental influence in the South Atlantic, as transcript below:

> "3. Calls upon all States of all other regions, in particular the militarily significant States, scrupulously to respect the region of the South Atlantic as a zone of peace and co-operation, especially through the reduction and eventual elimination of their military presence there, the non-introduction of nuclear weapons or other weapons of mass destruction and the non-extension into the region of rivalries and conflicts that are foreign to it;" (United Nations, 1986)

On the opposite, ZOPACAS not only intends to preserve all universal rights, such as the Freedom of Navigation, but addresses in a broad way most aspects related to Maritime Safety, defined as "the safety of life, health, and property against environmental and operational risks associated with navigation" and, moreover, could be expanded to "such desirable conditions of human activity at sea that do not endanger human life and property and are not harmful to the marine environment" (Formela, Neumann, & Weintrit, 2019).

At a 1994 meeting convened in Brasilia, the 24 States participating in ZOPACAS reaffirmed that peace, security, and development are inextricably linked. They issued a statement that already alluded to the threats mentioned above and acknowledged that pollution from any source can threaten coastal and marine environments and jeopardize ecological balance and sustainability. In addition, they voiced their concerns about fishing methods and practices that over-exploit living marine resources, especially highly migratory species, both within and beyond Exclusive Economic Zones (United Nations, 1994).

As a result of the seventh ZOPACAS Ministerial meeting held in Montevideo from January 15th to 16th, 2013 was enacted the UN General Assembly Resolution A/67/746 on February 19th, 2013, publicizing the Montevideo Declaration and its Plan of action (United Nations, 2013).

It was the last ZOPACAS ministerial meeting with a clear and formal document describing commitments and proposed actions for its Member States. Among various concerns, the Montevideo Declaration mentioned in its item 11 that its Member States: *"Stress the need to continue to preserve the South Atlantic region free from the scourge of war, the instability of conflict, drug trafficking, piracy"*.

In the blur and complex landscape of the 21st century, these defense and security issues must be addressed in a broad approach that includes not only these threats and drug trafficking, but all transnational organized crimes, hybrid threats, and illegal, unreported, or unregulated (IUU) fishing in further ZOPACAS' resolutions.

More recently, on October 27th, 2021, Brazil held the first ZOPACAS' maritime symposium, in virtual mode, to promote increased cooperation among the 24 signatory nations given the mounting threats posed by IUU fishing, drug trafficking, and acts of piracy, especially near the Gulf of Guinea. The meeting focused on mechanisms for increasing information exchanges among security and defense agencies and contributing to economic development and maritime safety in the South Atlantic. Brazil is working to shorten the time between meetings and to consolidate the ZOPACAS, according to the Brazilian Navy Strategic Plan (Marinha do Brasil, 2020), to avoid the interference of illegitimate interests aimed at exploiting abundant natural resources in South America, Western Africa, and Antarctica.

Maritime safety and the sustainable development are fundamental elements for the establishment of ZOPACAS as they are directly related to cooperation between nations to ensure their sovereignty and protect their natural resources and environment, through coordinated actions and exchange of information to prevent offshore occurrences that may cause environmental impacts or reduce the availability of living resources in the jurisdictional waters of South Atlantic Coastal States.

Therefore, ten years after the last one meeting in Uruguay, the VIII ZOPACAS Ministerial Meeting schedule to be held in Mindelo, Cape Verde, from April 17th to 18th, 2023 will be a great opportunity to revisit the Montevideo Declaration and implement important improvements such as:

- Concerning Global Governance: recognize the importance of multilateralism for global governance towards peacekeeping. In this sense, establish the Permanent Executive Secretariat

for ZOPACAS, with the objective of acting as an international organization with operational capacity and institutional body with representation in international forums related to regional issues of the South Atlantic, supporting ZOPACAS as an effective forum for discussion of regional problems and challenges, joining efforts for their solution or confrontation, and to seek international alliances with other countries and extra-continental alliances existing in the world, seeking the joint economic and social development of the Coastal States members of this Peace Zone;

- Concerning Oceans and Marine Resources: With the objective of implementing effective actions for the protection of the Oceans, the Marine Biodiversity and Environment, and also to human life safety on the sea, not only in the jurisdictional waters of the Member States but in areas beyond national jurisdiction of the whole South Atlantic Ocean, in line with the Sustainable Development Goals established by the UN and in allusion to the 40th anniversary of the United Nations Convention on the Law of the Sea (UNCLOS), the Member States must agree to submit to the UN a proposal to amend the International Maritime Law, as a natural evolution of the important legal framework established by UNCLOS, in order to provide the necessary legal basis for the effective control and monitoring of vessels in Search and Rescue (SAR) areas by the responsible countries, and under International Maritime Organization (IMO) coordination, similar to what already occurs in the above airspaces where the Flight Information Regions (FIR) permit the operational control under the International Civil Aviation Organization (ICAO).
- Concerning multidomain threats: Stress the need to continue to preserve the South Atlantic region free from the scourge of war, conflict instability, transnational organized crime, hybrid threats, piracy, and Illegal, Unreported or Unregulated Fishing (IUU). In the same way, express that the Zone must be a forum for the development of cooperation among its Member States in areas such as science and technology, education, capacity building, maritime surveillance (not only coastal surveillance as mentioned in the Montevideo

> Declaration), environment, defense and security (not only defense), strengthening of national institutions, trade, sports, tourism, economy, communications, transport, culture and political dialogue, recalling the strong potential the South Atlantic presents for the socio-economic development of the Member States of the Zone.

Indeed, the establishment of a Permanent Executive Secretariat for ZOPACAS dedicated to improving the cooperation by effective actions and regular meetings to narrow the Member States relationship would offer an opportunity to ZOPACAS becomes more proactive in the world scenario, contributing to a real multilateralism in the XXI Century and to a better South Atlantic governance.

The proposals presented here could modernize the ZOPACAS and offer this peaceful alliance as a tool to reach the 17 United Nations' Sustainable Development Goals.

The knowledge and expertise obtained through ZOPACAS exchanges, by its strengthening, can be applied to other international alliances, such as those fostered by the Inter-American Defense Board, under the Organization of American States (OAS). This is especially for areas related to maritime safety and efforts aimed at carrying out actions to mitigate oil spills at sea, IUU fishing and other threats to the Atlantic and Pacific Oceans on international areas.

Mark Hamilton alluded in his 2020 study to a shift in the OAS approach to hemispheric insecurity following the terrorist attack on the Twin Towers on September 11th, 2001 and asserted that the Declaration on Security in the Americas (Organization of American States, 2003) reflects OAS concerns over ever broader security threats now being multidimensional in scope: "The traditional approaches must be expanded to include new and non-traditional threats, which include political, economic, social, health and environmental aspects." (Hamilton, 2020) The author also underscores that the "multidimensional" approach demands a multidisciplinary, multifaceted, multinational, and multi-agency analysis of major regional issues, such as corruption, drug trafficking, illegal mining, etc. Furthermore, it's a useful starting point for discussing creative and cooperative ways to engage different stakeholders in a more comprehensive response.

Even the threats that are common to all nations in the Americas,

especially those posed by activities on the high seas, can contribute to a more unified stance and greater understanding of the fact that international action does not have to jeopardize national sovereignty or the independent action of States. Rather, coordinated efforts on the world stage can be an effective solution for tackling maritime threats beyond nations' jurisdictional waters.

Indeed, combating these types of threats in the South Atlantic can have a cohesive effect, because they have the potential to strengthen the OAS as its member states unite to overcome challenges common to all. According to Raderstorf and Shifter (2018), the absence of a clear and present threat can slow down the pace of policy development in the international arena and hinder the ability of the OAS to overcome old notions of ineffectiveness (Raderstorf & Shifter, 2018). Finally, hemispheric-level joint actions in the Atlantic and Pacific would be most effective under the auspices of the OAS, which is still the continent's most stable and robust institution (Covarrubias, 2019). Joint activities could also help Latin American countries overcome cases where there was a lack of trust or fears related to sovereignty. Therefore, how the OAS tackles the daunting challenges of the high seas in the 21st century has the potential to define how relevant it will be in the future and determine which of the characteristics Hamilton (2020) highlighted will become more pronounced: integration and collaboration or fragility and mistrust.

Threats that go undetected in waters beyond countries' jurisdictions represent a common international opponent for the Americas and are the epitome of a multidimensional context. Those threats require significant attention and unified action at the international level, and that may present an opportunity for strengthening hemispheric alliances espoused by the OAS. Those partnerships will play a vital role in promoting and legitimizing efforts to bolster maritime safety and improve cooperation on the American continent and across the ocean, with developing nations in Western Africa.

CONCLUSION

The oceans are the new frontier for human exploration as man searches for new resources to guarantee survival. Similarly, the sustainable use of the oceans is a great challenge, but it is also vital for averting environmental imbalances and ensuring the health and well-being of future generations.

The oceans' natural continuity and lack of physical boundaries

explain the urgent need for the international legal system to develop frameworks that can be applied to those areas beyond national jurisdiction. In this study, two examples were provided of how illegal or undeclared activities and environmental accidents on the high seas can have serious environmental impacts on countries' seashore and jurisdictional waters and tremendous socio-economic consequences that can threaten human health and the sustainable development of coastal States.

These events and activities on the high seas, from a defense and security standpoint, can be considered undetected maritime threats because they have direct impacts on defense agencies when, in emergency situations and especially in developing countries, the military is called upon to take action to reduce the adverse effects.

The international law factors and remote areas characteristic of undetected maritime threats mean that joint actions are the most effective to reinforce maritime safety and building countries' common understandings about these phenomena. International initiatives like ZOPACAS embody the values to drive that type of collective approach and could support international alliances, such as the OAS, to go forward to real and comprehensive peace.

The future of mankind and the right to live in peace, especially for those in developing nations, depends on how effectively we will leverage international alliances to protect and guarantee the sustainable use of the oceans, especially in areas beyond national jurisdiction.

FORTALECIMENTO DA ZOPACAS: O ROTEIRO DE SEGURANÇA MARÍTIMA PARA O ATLÂNTICO SUL

RESUMO

O crescimento populacional representa um dos maiores desafios para a sobrevivência humana no século XXI e, cada vez mais, o homem se volta para o mar em busca de alimento e energia. Como o oceano não tem fronteiras físicas, é inevitável que algumas dessas atividades afetem a costa marítima e as águas jurisdicionais dos Estados Costeiros, provocando efeitos negativos nas águas territoriais dessas nações, com todas as ramificações econômicas e sociais que isso implica. Estudos de casos recentes apontam que a maioria das ameaças às jurisdições marítimas são provenientes de atos não detectados perpetrados além da jurisdição nacional, em alto-mar. Este artigo analisa ameaças potenciais neste domínio e medidas para mitigar tais ameaças, em plena conformidade com as disposições da Convenção das Nações Unidas sobre o Direito do Mar. A área de ocorrência, e as limitações impostas pelo direito internacional, tornam impossível para qualquer país abordar estas questões sozinho. Cada vez mais os Estados precisam do apoio de alianças internacionais e de fóruns intergovernamentais, como a Zona de Paz e Cooperação do Atlântico Sul. Alavancar essas alianças e acordos para reforçar a segurança marítima é a maneira mais segura de fomentar a cooperação entre nações em desenvolvimento, incluindo aquelas com litoral ao longo do Atlântico Sul, e para evitar que as ameaças marítimas comprometam seu futuro.
Palavras-chave: Segurança Marítima; Alto-mar; Pesca Ilegal, não declarada ou não regulamentada; Derramamento de óleo; Alianças Internacionais.

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