

REC 3.098 Conservation and sustainable management of high seas biodiversity

RECALLING IUCN's commitment to the goal of implementing effective protection, restoration and sustainable use of biological diversity and productivity and ecosystem processes on the high seas (including the water column and seabed) and the establishment of a representative system of Marine Protected Areas at regional and global scales that includes the high seas (e.g. Resolution 2.20 *Conservation of marine biodiversity*, adopted by the 2nd IUCN World Conservation Congress, Amman, 2000);

ALARMED that the rate of degradation of the high seas due to human activities is accelerating;

ACKNOWLEDGING that the United Nations Convention on the Law of the Sea (UNCLOS) provides the overarching legal framework for high-seas governance, including the conservation and management of living resources and the protection and preservation of the marine environment, and recognizes that the area of the seabed and ocean floor and the subsoil thereof, beyond the limits of national jurisdiction, as well as its resources, are the common heritage of mankind;

ALSO ACKNOWLEDGING that the Convention on Biological Diversity (CBD) provides the overarching legal framework for the conservation of biological diversity, the sustainable use of its components and the fair and equitable sharing of the benefits arising out of the utilization of genetic resources, and recalling in particular Decisions VII/5 and VII/28 of the 7th Conference of Parties – CBD COP7 (Kuala Lumpur, 2004);

AWARE of the need for urgent action and RECALLING the calls for action to protect and maintain high-seas biodiversity and biological productivity as expressed in the World Summit on Sustainable Development (WSSD) *Plan of Implementation* (Johannesburg, 2002), the UN General Assembly (UNGA) Resolutions in 2002, 2003 and 2004, the Vth IUCN World Parks Congress (Durban, 2003), and CBD COP7; and

WELCOMING Resolution 59/24 *Oceans and the law of the sea* adopted by the United Nations 59th General Assembly that, *inter alia*, establishes “an Ad-Hoc Open-ended Informal Working Group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction”;

The World Conservation Congress at its 3rd Session in Bangkok, Thailand, 17–25 November 2004:

1. CALLS UPON states to become party to, comply with and enforce measures associated with the United Nations Convention on the Law of the Sea (UNCLOS), the Convention on Biological Diversity (CBD), the World Heritage Convention (WHC), the UN Fish Stocks Agreement (FSA), the Convention on Migratory Species (CMS) and its Agreements, the UN Food and Agricultural Organization (FAO) Compliance Agreement, and International Maritime Organization (IMO) instruments as well as regional agreements that have complementary aims;
2. CALLS UPON states to implement non-binding instruments such as the FAO *Code of Conduct for Responsible Fishing* and international plans of action;
3. CALLS UPON states to consider the development and adoption within the framework provided by UNCLOS of new international instruments and/or additional mechanisms, tools and approaches for the effective governance, protection, restoration and sustainable management of marine biological diversity and productivity in the high seas;
4. CALLS UPON States Parties to the World Heritage Convention to consider the development of new mechanisms under that Convention and other instruments to enable the recognition and protection of sites of outstanding universal value in marine areas beyond national jurisdiction;

5. URGES states and relevant organizations, to take immediate action to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing and to ensure that fishing activities are conducted in a manner consistent with state responsibilities for the conservation of living marine resources and the protection of biodiversity under international law, including implementation of the FAO *International Plan of Action to Prevent, Deter and Eliminate Illegal Unreported and Unregulated fishing* (IPOA-IUU);

6. URGES states to upgrade urgently the mandates of regional fisheries management organizations, or other arrangements of which they are members, to conform to the principles set forth in the UNFSA, the FAO *Code of Conduct*, and the CBD, notably that fisheries management takes into account and minimizes the impacts on, and protects the wellbeing of, the entire ecosystem by incorporating an ecosystem-based and precautionary approach to fisheries management;

7. URGES states, individually and through the relevant international organizations, to enforce effectively internationally agreed rules and standards for ships where the flag state fails to control its domestically registered ships in accordance with its international legal obligations;

8. ENCOURAGES states and other relevant organizations to cooperate to establish representative networks of marine protected areas beyond national jurisdiction, consistent with international law, and to develop the scientific and legal basis for their establishment and contribution to a global representative network by 2012; and

9. CALLS UPON states and relevant organizations to increase funding and support for marine scientific research, particularly collaborative research that aids capacity-building, to enhance understanding of high-seas biological diversity, productivity and ecological processes and to ensure the sustainability of human activities.

The Ministry of Environment and Forests, Turkey, provided the following statement for the record:

The Republic of Turkey is not a party to the United Nations Convention on the Law of the Sea (UNCLOS). Turkey objects to making any reference to the said Convention.

The Department of State, United States, provided the following statement for the record:

State and agency members United States abstained during the vote on this motion.