

### **RES 3.064 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 2<sup>nd</sup> 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 sea bed 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 7<sup>th</sup> Conference of the Parties – 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 V<sup>th</sup> IUCN World Parks Congress (Durban, 2003); and CBD COP7;

WELCOMING the decision of the United Nations 59<sup>th</sup> General Assembly *inter alia* “to establish 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 3<sup>rd</sup> Session in Bangkok, Thailand, 17–25 November 2004:

CALLS upon the IUCN Director General, and members of IUCN to facilitate the following actions by states and relevant international organizations, both individually and collectively, to:

(a) become party to, comply with, and enforce measures associated with, UNCLOS, CBD, the World Heritage Convention, the UN Fish Stocks Agreement (FSA), the Convention on Migratory Species (CMS) and its Agreements, the UN Food and Agriculture Organization (FAO) Compliance Agreement, and the International Maritime Organization, as well as regional agreements that have complementary aims, and to implement non-binding instruments such as the FAO *Code of Conduct for Responsible Fishing* and international plans of action;

(b) further develop expert processes within IUCN in order to contribute to the Ad Hoc Open-ended Working Group established by the UNGA and to the Ad Hoc Open-ended Working Group on Protected Areas established by the CBD, to identify gaps and deficiencies in existing governance arrangements, and to recommend options for improved governance arrangements to overcome such gaps and deficiencies for the better conservation and management of marine biodiversity beyond national jurisdiction;

(c) consider the development and adoption within the UNCLOS framework 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;

(d) investigate the development of new mechanisms under the World Heritage Convention and other relevant instruments to enable the recognition and protection of sites of outstanding universal value in marine areas beyond national jurisdiction;

(e) take immediate action to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing and 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;

(f) agree to upgrade urgently regional fisheries management organizations to conform to the principles set forth in the UN FSA, 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 and incorporates an ecosystem-based and precautionary approach to fisheries management;

(g) urgently explore ways in which existing rules and mechanisms can be more effectively implemented or strengthened to ensure enforcement of 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;

(h) 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

(i) support marine scientific research, particularly capacity-building collaborative research, to enhance understanding of high-seas biological diversity and productivity and ecological processes and to ensure the sustainability of human activities.

The Ministry of Foreign Affairs, Japan, provided the following statement for the record:

*Although Japan can support some parts of this resolution such as the idea to implement measures to eliminate the illegal, unreported and unregulated (IUU) fishing, we cannot support the other parts of this resolution. We believe that it is the responsibility of regional fisheries management organizations to conduct conservation and management measures that are appropriate in view of the characteristics of each region. We should recognize that most of the issues mentioned in this resolution are already being dealt with by many regional fisheries management organizations.*

*Also, we believe that all marine resources, both within and beyond national jurisdiction, should be used in a sustainable manner, with due consideration to marine environment, on a scientific basis. The issue of marine protected areas has not been well discussed what types of measures are appropriate in order to conserve marine environment. Further, the influence of fishery activities to the environment has not been discussed. Therefore, Japan cannot support this Resolution.*

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

*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 mentioned 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.*