

WCC-2012-Res-074-EN

Implementing conservation and sustainable management of marine biodiversity in areas beyond national jurisdiction

RECOGNIZING the key role oceans play in sustaining life on our planet and the urgent need to maintain and conserve the resilience of the oceans' resistance to human impacts especially in light of climate change and ocean acidification;

ACKNOWLEDGING that the 1982 United Nations Convention on the Law of the Sea (UNCLOS) provides the overarching legal framework for governance of human activities in marine areas beyond national jurisdiction, including the conservation and management of living resources and the protection and preservation of the marine environment;

ACKNOWLEDGING also Articles 117, 118, 119, 192 and 197 of UNCLOS for the protection and conservation of marine biodiversity in areas beyond national jurisdiction;

ACKNOWLEDGING further that the Convention on Biological Diversity (CBD) provides the 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 the role of the CBD for the provision of scientific and, as appropriate, technical information and advice relating to marine biological diversity with respect to areas beyond national jurisdiction as set forth in Decision VIII/24, paragraph 42, of the 8th Meeting of the Conference of the Parties (COP8) to the CBD;

RECOGNIZING that the high seas comprise some 64% of the world's oceans, cover nearly half of the planet's surface, harbour an enormous reservoir of biological diversity, and are under increasing threat from human activities, yet our knowledge of them is still far from complete;

RECOGNIZING FURTHER that sustainable management of marine areas beyond national jurisdiction is essential to safeguarding marine biodiversity and productivity, and maintaining ecological services:

NOTING WITH CONCERN the international community's failure to achieve the CBD target to achieve "by 2010 a significant reduction of the current rate of biodiversity loss at the global, regional and national level as a contribution to poverty alleviation and to the benefit of all life on Earth;"

ACKNOWLEDGING that this target was subsequently endorsed by the World Summit on Sustainable Development and the United Nations General Assembly – UNGA (A/RES/60/1) and was incorporated as a target under the *Millennium Development Goals*;

ACKNOWLEDGING the commitment in paragraph 32(c) of the *Johannesburg Plan of Implementation*, which calls on States to take action at all levels to "develop and facilitate the use of diverse approaches and tools, including the ecosystem approach, the elimination of destructive fishing practices, the establishment of marine protected areas consistent with international law and based on scientific information, including representative networks by 2012 and time/area closures for the protection of nursery grounds and periods, proper coastal land use and watershed planning and the integration of marine and coastal areas management into key sectors";

ACKNOWLEDGING further the Aichi Targets of the *Strategic Plan for Biodiversity 2011–2020*, adopted in 2010, in particular Target 11 by which governments agreed by 2020, that "at least 17 per cent of terrestrial and inland water, and 10 per cent of coastal and marine

areas, especially areas of particular importance for biodiversity and ecosystem services, are conserved through effectively and equitably managed, ecologically representative and well connected systems of protected areas and other effective area-based conservation measures, and integrated into the wider landscapes and seascapes”;

RECOGNIZING international support for area-based management tools, including marine protected areas and marine reserves, as important measures to support conservation and sustainable use of marine biodiversity both within and beyond national jurisdiction;

RECALLING IUCN’s commitment to the goal of implementing effective protection, restoration and sustainable use of biological diversity and productivity and ecosystem processes in Areas Beyond National Jurisdiction (ABNJ) (including the water column and seabed) and the establishment of a representative system of marine protected areas at regional and global scales that includes ABNJ;

RECALLING also IUCN’s commitment to protecting species that rely on marine areas beyond national jurisdiction for at least part of their life cycle and to promoting the improved management of activities that may affect biodiversity in such areas, as well as to encouraging enhanced governance of specific ocean regions, as evidenced by Resolutions adopted by the 4th IUCN World Conservation Congress (Barcelona, 2008) as well as earlier World Conservation Congress Resolutions;

ACKNOWLEDGING the ongoing CBD process to identify and maintain a global inventory of ecologically and biologically significant areas (EBSAs) in marine ABNJ, while EMPHASIZING that the CBD can only identify areas that are candidates for protection, but cannot establish marine protected areas;

NOTING that despite progress on many issues and fronts, much work remains to be done to secure full implementation of international legal duties and commitments under UNCLOS, the CBD, the *UN Fish Stocks Agreement* and associated UN Resolutions, Chapter 17 of *Agenda 21*, the *Johannesburg Plan of Implementation* and the *Millennium Development Goals* with respect to conservation and sustainable use of marine biodiversity beyond national jurisdiction;

DEEPLY CONCERNED by the absence of a legal mandate in current ocean governance to identify, create/designate, manage and monitor marine protected areas and reserves in most ABNJ;

RECOGNIZING the central role of the UNGA relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction;

WELCOMING Resolution A/RES/66/231 on *Oceans and the law of the sea* adopted by the 66th UNGA Session which decided to initiate a process to address legal gaps in the conservation and sustainable use of marine biodiversity on the high seas, including through the possible development of a multilateral agreement under UNCLOS; and

ACKNOWLEDGING that there is substantial support from a broad spectrum of developed and developing States and civil society, as evidenced by inputs to the compilation document of the United Nations Conference on Sustainable Development (UNCSD or Rio+20), for the negotiation of a new implementing agreement under UNCLOS for the conservation and sustainable use of marine biological diversity, with a particular mandate to address the absence of high seas marine protected areas, environmental impact assessments and benefits arising from marine genetic resources originating from areas beyond national jurisdiction;

The World Conservation Congress, at its session in Jeju, Republic of Korea, 6–15 September 2012:

1. CALLS ON States individually and as IUCN Members to address ocean governance gaps in the protection and conservation of biodiversity in areas beyond national jurisdiction through the negotiation of a new implementing agreement under UNCLOS for the protection and conservation of high seas biodiversity which could:
 - a. identify, designate and effectively manage a global network of fully comprehensive, adequate and representative high seas marine protected areas, including reserves and other effective spatial management measures;
 - b. require comprehensive prior environmental impact assessments and strategic environmental assessments, together with ongoing monitoring of the marine environment;
 - c. ensure the provision of access to and dissemination of information and transparency in decision-making processes;
 - d. consider the question of the sharing of benefits derived from marine genetic resources in areas beyond national jurisdiction;
 - e. require application of the precautionary approach as set out in Principle 15 of the Rio Declaration on environment and development, and of the ecosystem approach in decision making and management, and ensure that activities are in conformity with relevant international commitments and resolutions; and
 - f. ensure that effective monitoring, control, surveillance and compliance and enforcement measures are implemented to support the long-term conservation and sustainable use of high seas biodiversity;
2. FURTHER CALLS upon States, acting individually or through multilateral organizations, to promote consistent, coordinated and coherent application of the best conservation and governance principles and approaches, through actions to:
 - a. ensure, through spatial and regional approaches, the identification, protection and where necessary, restoration of areas of importance for marine biodiversity beyond national jurisdiction, including support to the Global Ocean Biodiversity Initiative (GOBI) and similar scientific efforts that assist in identifying Ecologically or Biologically Significant Areas (EBSA), Vulnerable Marine Ecosystems (VME) and other important areas and the design of marine protected area networks, as well as broader scale spatial planning and management;
 - b. contribute to regional governance, by promoting relevant stakeholders to implement ecosystem-based management in the high seas and seabed area, and support increased transparency as well as accountability of Regional Fisheries Management Organizations (RFMO) including regular RFMO reviews;
 - c. encourage the marine private sector and related high seas stakeholders to better integrate marine conservation and sustainable development priorities into fishing, maritime transport, mining, trade, energy, tourism and other activities with the potential to impact the marine environment and its biodiversity in areas beyond national jurisdiction;

- d. support efforts to improve the implementation of existing agreements and to strengthen the global institutional framework for sustainable and ecosystem-based ocean management built on transparency, accountability, precautionary and ecosystem approaches, and improving harmonization of regional approaches and appropriate global oversight of regional institutions;
- e. promote the conservation of deep sea biodiversity, implementation of UNGA resolutions and further assessments of biodiversity values of deep ocean areas, and the impacts of deep sea exploration and mining operations;
- f. support the Regular Process for global assessment and reporting on the state of the marine environment and promote the sharing of information, data and best practices;
- g. encourage mobilization of finance for ocean and regional seas conservation actions, including the sustainable management of marine areas beyond national jurisdiction, with priority given to seamounts, submarine canyons and other VMEs, or EBSAs;
- h. promote the strengthening or development of new agreements at the regional level to encompass the protection of the marine environment and conservation and sustainable use of marine biodiversity beyond national jurisdiction including the development and implementation of regional marine protected area networks, where needed; and
- i. ensure long-term conservation and sustainable use of fisheries resources in areas beyond national jurisdiction while protecting marine biodiversity, safeguarding vulnerable species and habitats, and maintaining ecosystem goods and services, including by:
 - i. recognizing that illegal, unregulated and unreported fishing in waters beyond national jurisdiction threatens sustainable management of global fish stocks and sustainable development and is often linked to organized crime, ensuring that appropriate resources are deployed to combat this form of illegal activity, including global information sharing and policing agreements, the use of flag State, port State, national measures and market State measures and coordinated regional and global actions;
 - ii. promoting and ensuring compliance with international commitments and resolutions related to the prevention of significant adverse impacts on vulnerable marine ecosystems and ensuring the sustainability of deep sea fish stocks;
 - iii. ensuring that only precautionary, science-based and well-managed fisheries activities are allowed in a given area, ensuring that all fishing activities are carried out in conformity with relevant international commitments and resolutions;
 - iv. encouraging States to eliminate harmful subsidies that contribute to fisheries overcapacity and lead to over-harvesting of fisheries stocks; and
 - v. ensuring transparency and accountability of RFMOs through regular independent performance reviews, public reports on measures taken to address any shortcomings, and consider UNGA oversight, within the objective of ensuring that all RFMOs incorporate a broader ecosystem conservation mandate; and

3. CALLS ON the Director General and all components of IUCN to promote and support the actions described in paragraphs 1 and 2 above, with the view to having these achieved.

The State Member Japan provided the following statement for the record concerning this Motion:

“Japan is committed to conservation and management of biodiversity in areas beyond national jurisdiction, but not yet convinced whether a new implementation agreement under UNCLOS will be the best option to address this issue. As has been already agreed in New York and Rio, we would like to discuss this issue further through the two workshops to be held under the UN Ad-hoc Working Group next year and see what approach will be best, including starting of a negotiation on the new implementation agreement. At this point, we cannot support any language which prejudices the outcome of the process. Therefore, we support insertion of “including potentially” in the first paragraph. Without these two words, we cannot support this motion.”

State and agency Members of the United States voted against this Motion.

The State Member United States of America provided the following statement for the record:

“The United States believes that this Motion is beyond the scope of what IUCN should address. This issue is already under active consideration in the UN General Assembly Working Group on marine biodiversity beyond national jurisdiction, and this Motion prejudices the work of that group.”