

La Haute Mer

Historique et perspectives

L'océan, Bien Commun De L'humanité : Une Utopie Pour Le Xxi^e Siècle

Colloque Organisé par L'institut Français de la Mer

Paris

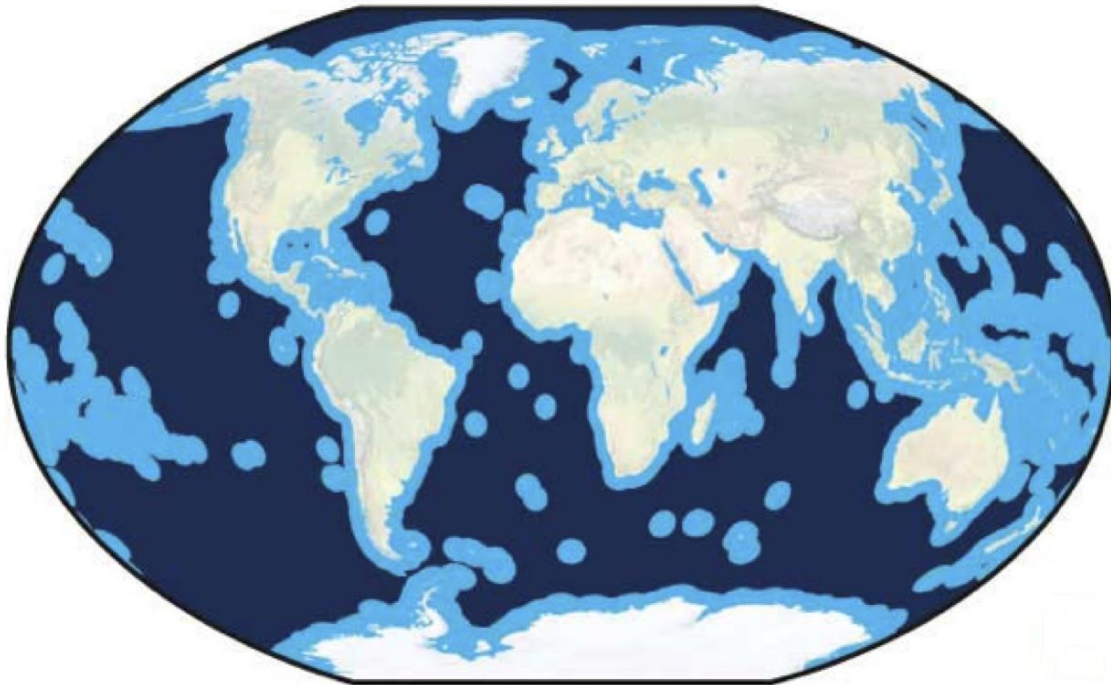
1 Octobre 2015

Glen Wright

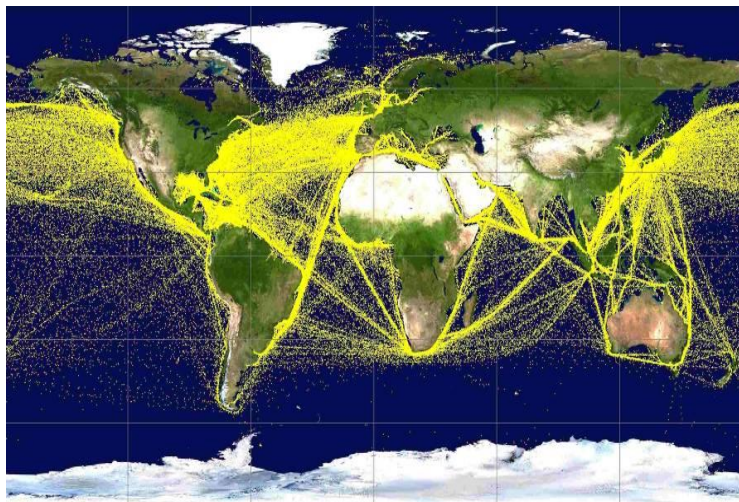
Les zones marines

Zones au-delà de la juridiction nationale (ZAJN)

- La Zone
- La Haute Mer



Les ZAJN : l'exploitation s'accroît



Gouvernance de les ZAJN : lacunes

- Cadre institutionnel fragmenté
- Aires marines protégées
- Le statut des ressources génétiques marines
- Règles pour l'évaluation de l'impact environnemental
- Obstacles au renforcement des capacités et de transfert de technologie

Groupe de travail de BBNJ

“Groupe de travail officieux à composition non limitée chargé d’étudier les questions relatives à la conservation et à l’exploitation durable de la biodiversité marine dans les zones situées au-delà des limites de la juridiction nationale”

Nouvel instrument juridique
ou
Application effective des
instruments existants?



Le 'Package Deal' de 2011

- (i) les ressources génétiques marines, et les questions sur le partage des bénéfices
- (ii) les outils de gestion par zone, et les aires marines protégées
- (iii) les évaluations de l'impact environnemental
- (iv) le renforcement des capacités et le transfert de technologie marine

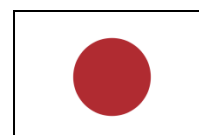
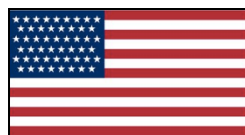


RIO+20

Conférence des
Nations Unies
sur le
développement
durable

Réunion BBNJ, Juin 2014

- Maintien du 'Package Deal' de 2011
- Consensus émergeant sur les questions de fond
 - Nouveaux participants
 - Le Caricom
 - L'Union africaine
 - Les Etats du pacifique
- Quelques États restaient réticents



Réunion BBNJ, Janvier 2015

Décision historique de recommander à l'Assemblée générale:

De décider d'élaborer, dans le cadre de la Convention, un instrument international juridiquement contraignant sur la conservation et l'exploitation durable de la biodiversité marine dans les zones situées au-delà des limites de la juridiction nationale

Prochaines étapes

- Commission préparatoire : 2016-2017
- Préparer des recommandations de fond
- L'Assemblée générale: décision avant la fin de sa 72e session (Septembre 2018).

Defis et pièges

- Veiller à ce que les négociations ne régressent pas
- “En respectant les mandats des organisations existantes”
- La gestion des pêches?
- Arrangements institutionnels?
- L'évaluation environnementale/aires marines protégées
- L'accès et le partage des bénéfices des ressources génétiques

Pour aller plus loin

IDDRI
SciencesPo.



STUDY

N°102/14 SEPTEMBER 2014 | BIODIVERSITY

Governance of marine biodiversity in areas beyond national jurisdiction at the regional level: filling the gaps and strengthening the framework for action

Case studies from the North-East Atlantic, Southern Ocean, Western Indian Ocean, South West Pacific and the Sargasso Sea

Elisabeth Druel, Pascale Ricard, Julien Rochette (IDDRI), Carole Martinez (French Marine Protected Areas Agency)

PROTECTING MARINE BIODIVERSITY IN AREAS BEYOND NATIONAL JURISDICTION AT THE REGIONAL LEVEL

Marine biodiversity in areas beyond national jurisdiction (ABNJ) is currently at the heart of various international negotiations, including a process held under the auspices of the United Nations General Assembly. This process may, in the future, lead to the adoption of an implementing agreement to the United Nations Convention on the Law of the Sea (UNCLOS) on the subject. However, while discussions are ongoing, it is becoming more and more apparent that action at the regional level is needed. Indeed, the regional level is today the most operational level and progress made within regional frameworks could positively influence discussions at other international fora.

FIVE CASE STUDIES

In order to address this issue, this study analyses five different regional frameworks, highlighting their major gaps and defining options for their closure. In the North-East Atlantic and in the Southern Ocean, protection is being established through regional conventions which have a mandate for ABNJ. In the Western Indian Ocean and in the South West Pacific, major national gaps exist, which need to be closed through appropriate action. Finally, in the Sargasso Sea, where there is no regional framework in place, actions have been undertaken by an Alliance formal with public and private partners.

THE COMPLEMENTARY ROLES OF THE REGIONAL AND GLOBAL LEVELS

Although each region described in the study has its particularities, there are a number of issues which are common to all, such as the third and free rider status issue or the question of coordination and cooperation within the regional organizations and between these organizations and the global organizations. A solution to these issues will only be found at the global level. In this respect, the two levels (global/regional) must be seen as complementary, especially if an implementing agreement to UNCLOS on marine biodiversity in ABNJ is adopted in the near future.

IDDRI
SciencesPo.



STUDY

N°101/1 JANUARY 2013 | BIODIVERSITY

Environmental impact assessments in areas beyond national jurisdiction

Elisabeth Druel (IDDRI)

GAPS IN THE CURRENT GLOBAL FRAMEWORK

Although a number of obligations to carry out environmental impact assessments in areas beyond national jurisdiction exist, the current global framework is far from being complete. It is mostly sector-based (deep-sea fisheries, seabed mining, ocean fertilization) or region-specific (within the Antarctic Treaty System or to a lesser extent in a number of regional sea conventions), and does not take into account cumulative impacts of human activities on the marine environment. General guidance on the subject has been adopted in 2002 by the Parties to the Convention on Biological Diversity, but is limited to technical aspects and is not legally binding.

AN ISSUE DEBATED AT THE GLOBAL LEVEL

The United Nations General Assembly has been debating on the need for an implementing agreement to the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biodiversity in areas beyond national jurisdiction. Environmental impact assessments are considered as being one of the potential topics for inclusion in a future multilateral agreement.

POSSIBLE WAYS FORWARD

The adoption of an international legally-binding instrument dealing either alone or solely with environmental impact assessments in areas beyond national jurisdiction would already be a good step forward. However, its content will prove crucial to ensure the efficiency of any environmental impact assessment process in areas beyond national jurisdiction and to fill regulatory and governance gaps. Minimum requirements should therefore be defined, for example: including objectives or principles against which the outcome of any EIA will be tested, such as "zero-biodiversity loss", defining a screening process, with appropriate thresholds, and providing for the creation of an advisory scientific and technical body and of a global compliance committee.

IDDRI
SciencesPo.



This article is based on research that has received financial support from the French government in the framework of the programme "Investissements d'avenir" managed by ANR (French national agency for research) under the reference ANR-10-LABX-14-01.

Institut du développement durable
et des relations internationales
27, rue Saint-Guillaume
75337 Paris cedex 07 France

ISSUE BRIEF

N°102/14 SEPTEMBER 2014 | OCEANS AND COASTAL ZONES

The Scores at Half Time

An update on the international discussions on the governance of marine biodiversity in areas beyond national jurisdiction*

Glen Wright, Julien Rochette (IDDRI), Sebastian Unger (IASS), Kristina Gjerd (IUCN), Jeff Ardron (IASS)

* The second meeting of the BBNJ WG took place during the group stages of the 2014 World Cup, resulting in a number of light-hearted exchanges amongst delegations.

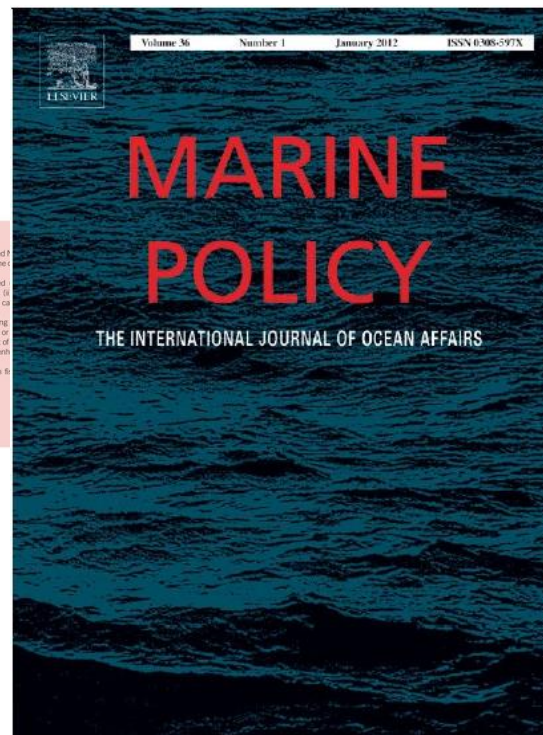
Marine areas beyond national jurisdiction (ABNJ) represent around half of the Planet's surface and a significant amount of its biodiversity. Over the past decades, the international community has become increasingly cognisant of the growing threats to ABNJ. To address this issue, the United Nations General Assembly (UNGA) created an Ad-Hoc Open-ended Informal Working Group ("BBNJ Working Group") to engage in discussions on the conservation and sustainable use of marine biodiversity in ABNJ. Since the commencement of discussions in 2006, the focus has mainly been on gaps in the current international framework and whether these necessitate the adoption of a new instrument. In particular, States have discussed the possible adoption of an Implementing Agreement to the United Nations Convention on the Law of the Sea (UNCLOS) on the conservation and sustainable use of marine biodiversity in ABNJ (UNCLOS IA).

At the 2012 United Nations Conference on Sustainable Development ("Rio+20"), States agreed to decide by the end of the 69th session of the UNGA (September 2012) whether or not to launch the negotiations for the conclusion of such a new global agreement. This decision-making process spans three meetings of the BBNJ Working Group, specifically convened to discuss "the scope, parameters and feasibility of an international instrument under UNCLOS".

Two of these meetings have already taken place, in April 1-4 and June 10-19, 2014. This paper highlights the remaining challenges on the "long and winding road" towards the conservation and sustainable use of marine biodiversity in ABNJ.

HIGHLIGHTS

- A large majority of States now support the opening of negotiations for a United Nations Convention on the Law of the Sea (UNCLOS) Implementing Agreement on the conservation and sustainable use of marine biodiversity in ABNJ.
- States also agree that the possible future negotiations should be based on "Package Deal" agreed in 2011, covering (i) marine genetic resources, (ii) seabed management tools, (iii) environmental impact assessments, and (iv) co-located and the transfer of marine technology.
- There are however controversies about whether an UNCLOS Implementing Agreement should fill only legal gaps (e.g. on access and benefit sharing (ABS)), or broader vision, e.g. by enumerating guiding principles for the management of strengthening, ending agreements and institutional arrangements, and enhancing cooperation and coordination.
- States are divided on the role of an UNCLOS Implementing Agreement in B management.



Institut du développement durable
et des relations internationales
27, rue Saint-Guillaume
75337 Paris cedex 07 France



Glen Wright

Institute for Sustainable Development and International Relations (IDDRI)

Glen.Wright@iddri.org