

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

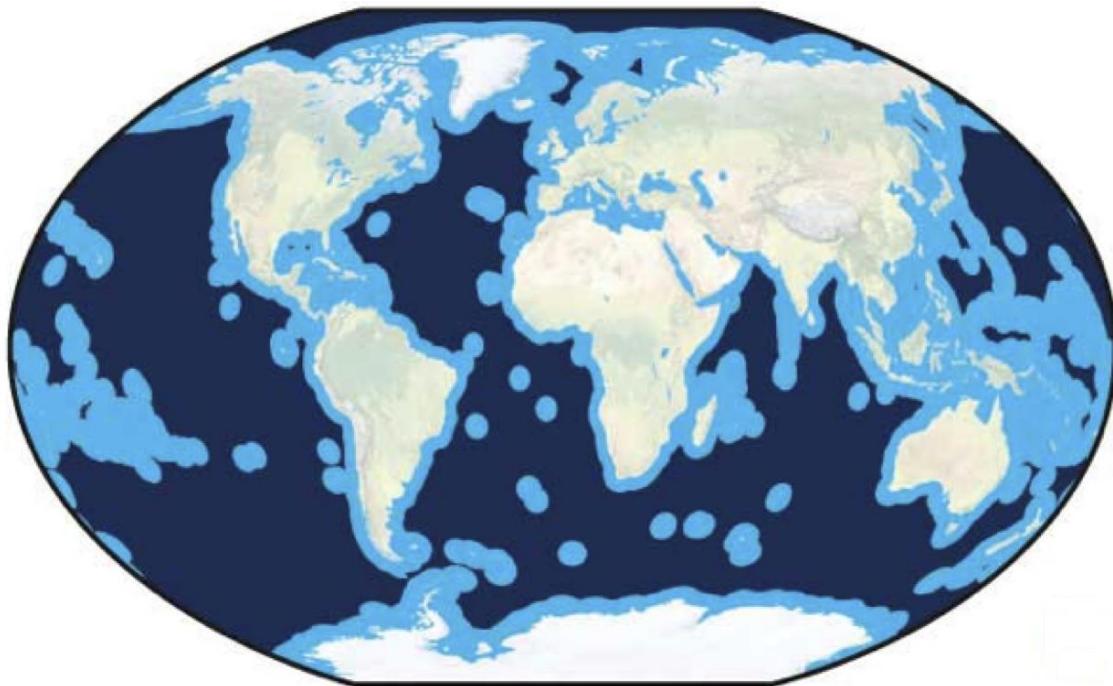
1 Octobre 2015

Glen Wright

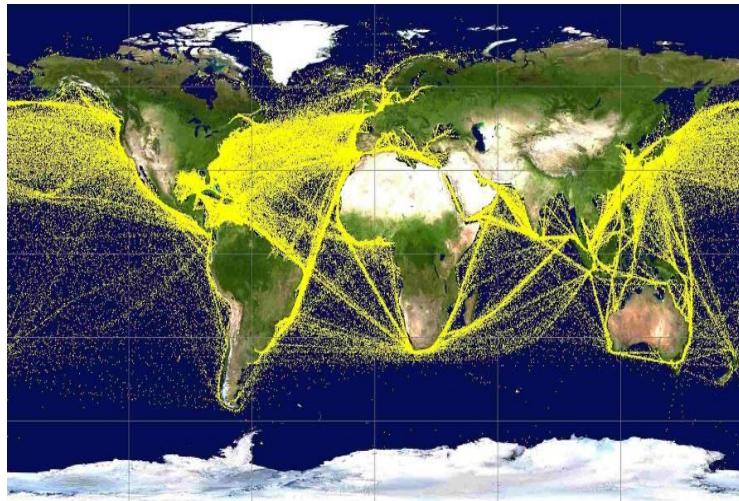
Les zones marines

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

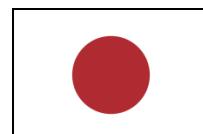
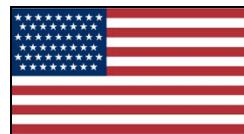


RIO+20

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



STUDY

N°9/2012 SEPTEMBER 2012 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 aegis of the United Nations General Assembly (UNGA) to develop a new international legal instrument, 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 at the regional level, a concerted, integrated approach is now in order. The operational level is essential. Indeed, the time has come to today the operational level and programs made within regional frameworks could potentially influence discussions in other international forums.

FIVE CASE STUDIES

In order to address this issue, this study analyses five different regional marine biodiversity protection approaches in the following regions for the clearest. 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 intergovernmental groups exist which have adopted the appropriate actions. Finally, in the Sargasso Sea, where there is no regional framework in place, actions have been undertaken by an Alliance formed with public and private partners.

THE COMPLEMENTARITY OF THE REGIONAL AND GLOBAL LEVELS
Although the approach 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 States issue or the question of coordination and cooperation within the regional organizations and between these organizations and the global framework. The study also highlights the importance of 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.

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STUDY

N°9/2013 JANUARY 2013 BIODIVERSITY

Environmental impact assessments in areas beyond national jurisdiction

Elisabeth Druel (IDDRI)

GIAPS 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 pollution prevention) and region-specific (within the Antarctic Treaty System). To a lesser extent it is a matter of regional sea conventions, and does not take into account cumulative impacts of human activities on the marine environment. General guidance on this subject has been adopted in 2012 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 implementing agreement.

POSSIBLE WAYS FORWARD

The adoption of an international legally-binding instrument dealing *inter alia* or solely with environmental impact assessments in areas beyond national jurisdiction would already be a good step forward. However, as concern will arise regarding the implementation of an 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 impact of any EIA can be measured, such as "no significant adverse impact"; 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.



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ISSUE BRIEF

N°9/2014 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 jurisdiction¹

Glen Wright, Julien Rochette (IDDRI), Sébastien Unger (IASS), Kristina Gjerde (IUCN), Jeff Ardron (IASS)

¹ 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 half of the Planet's surface and a significant amount of its biodiversity. Over the past decades, the international community has become increasingly cognizant of the growing threats to ABNJ. This issue brief is the result of the International 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 (UNCLOS).

Since the commencement of the negotiations, 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 possibility of opening negotiations on a new instrument at the United Nations Conference on Sustainable Development (Rio+20) to be held by the end of the sessions of the UNGA (September 2015) whether or not to launch the negotiations for the conclusion of such a new global agreement. This decision-making process is quite similar to the one followed by 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 16-17, 2014. This issue brief describes the remaining challenges on the "long and winding road"² towards the conservation and sustainable use of marine biodiversity in ABNJ.

HIGHLIGHTS

- I 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.
- I States also agree that the possible future negotiations should be based on "Package Deal" agreed in 2011, covering (i) marine genetic resources; (ii) deep-sea mining; (iii) environmental impact assessments; and (iv) capacity building and the transfer of marine technology.
- I There are however controversies about whether an UNCLOS Implementing Agreement should fill only legal gaps (e.g. on access and benefit sharing (ABS)), or whether it should also include environmental impact assessments, and environmental management.
- I States are divided on the role of an UNCLOS Implementing Agreement in environmental management.



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