

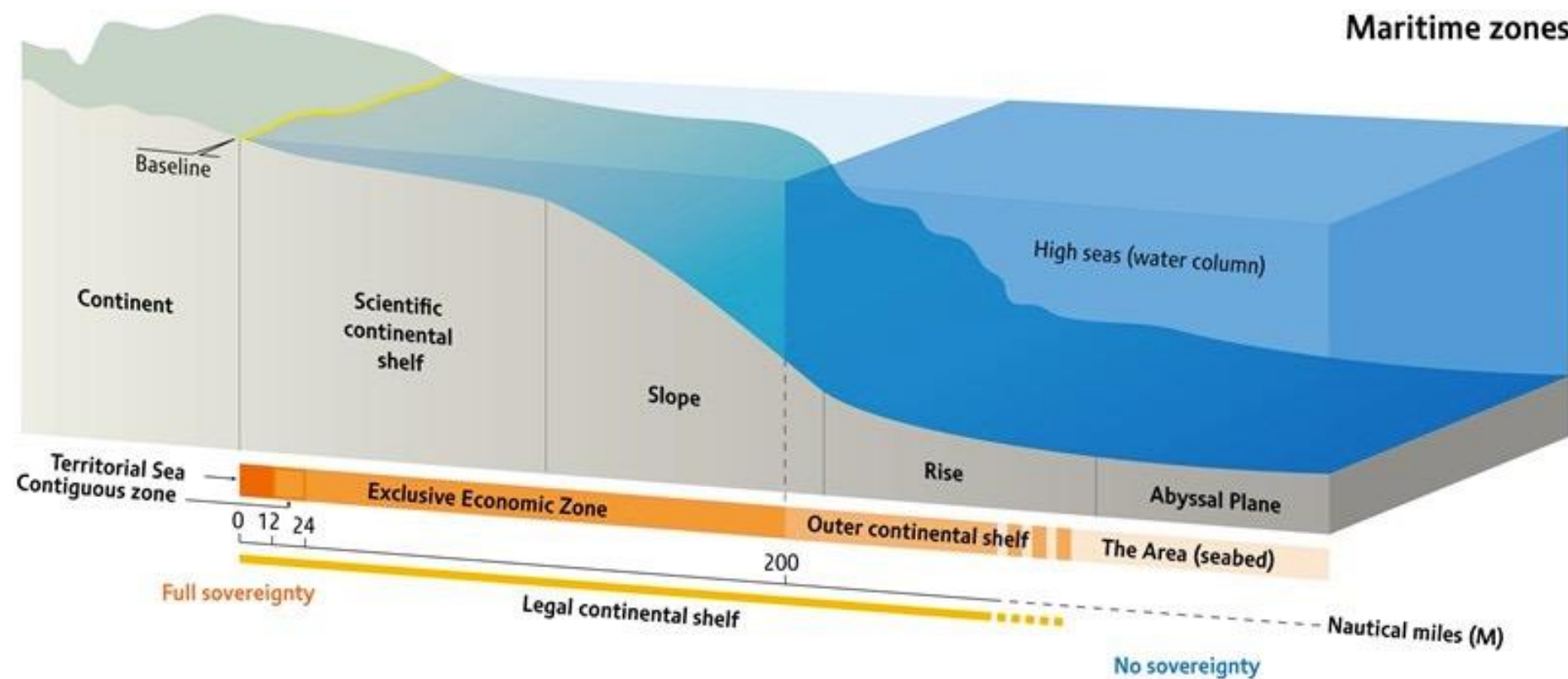


Negotiations for a new agreement on the conservation and sustainable use of marine biodiversity in ABNJ

Area Based Planning tools and Regional Cooperation in the Western Indian Ocean
Mahé, Seychelles, 13-14 October, 2016

Glen Wright
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Maritime zones



Source: Riccardo Pravattoni, GRID-Arendal
http://www.grida.no/graphicslib/detail/maritime-zones_e96c

71%

OF EARTH IS
COVERED BY
OCEAN

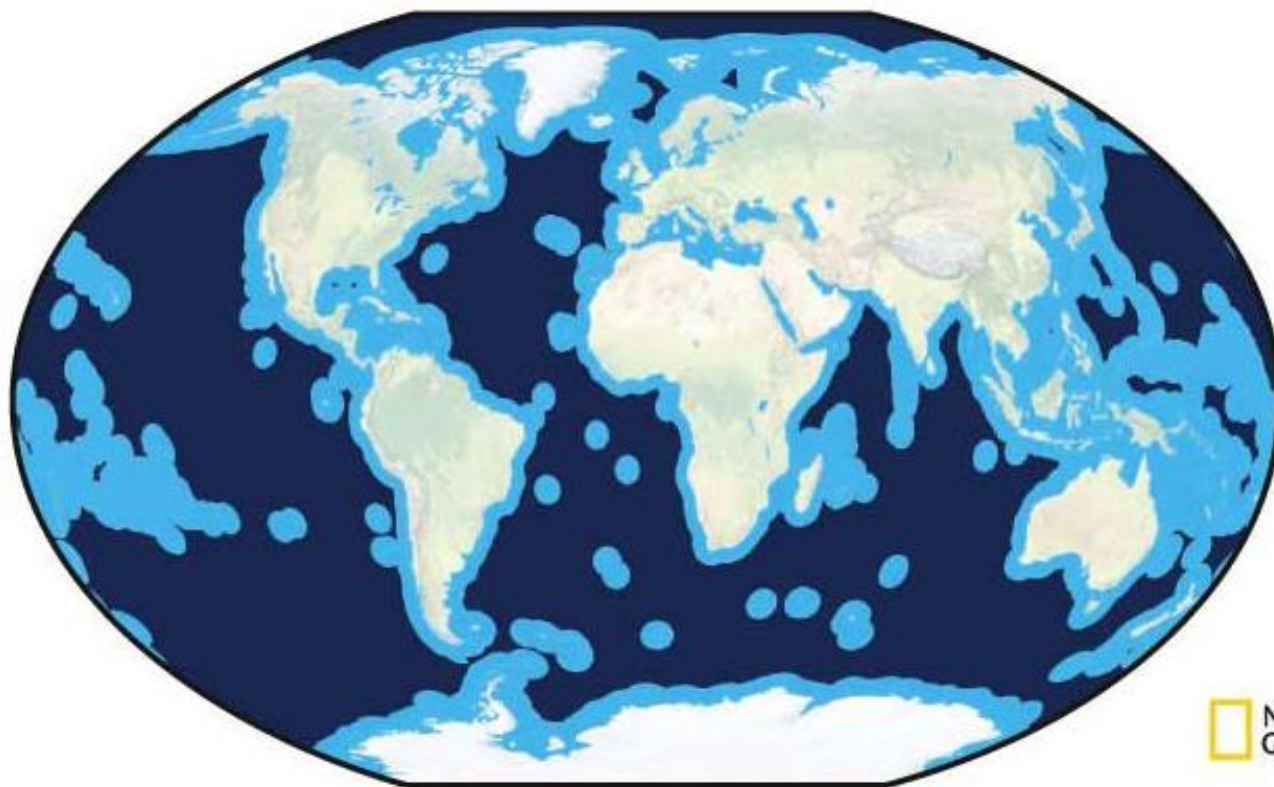
64%

OF THE OCEAN
IS CONSIDERED
THE HIGH SEAS/
INTERNATIONAL
WATERS

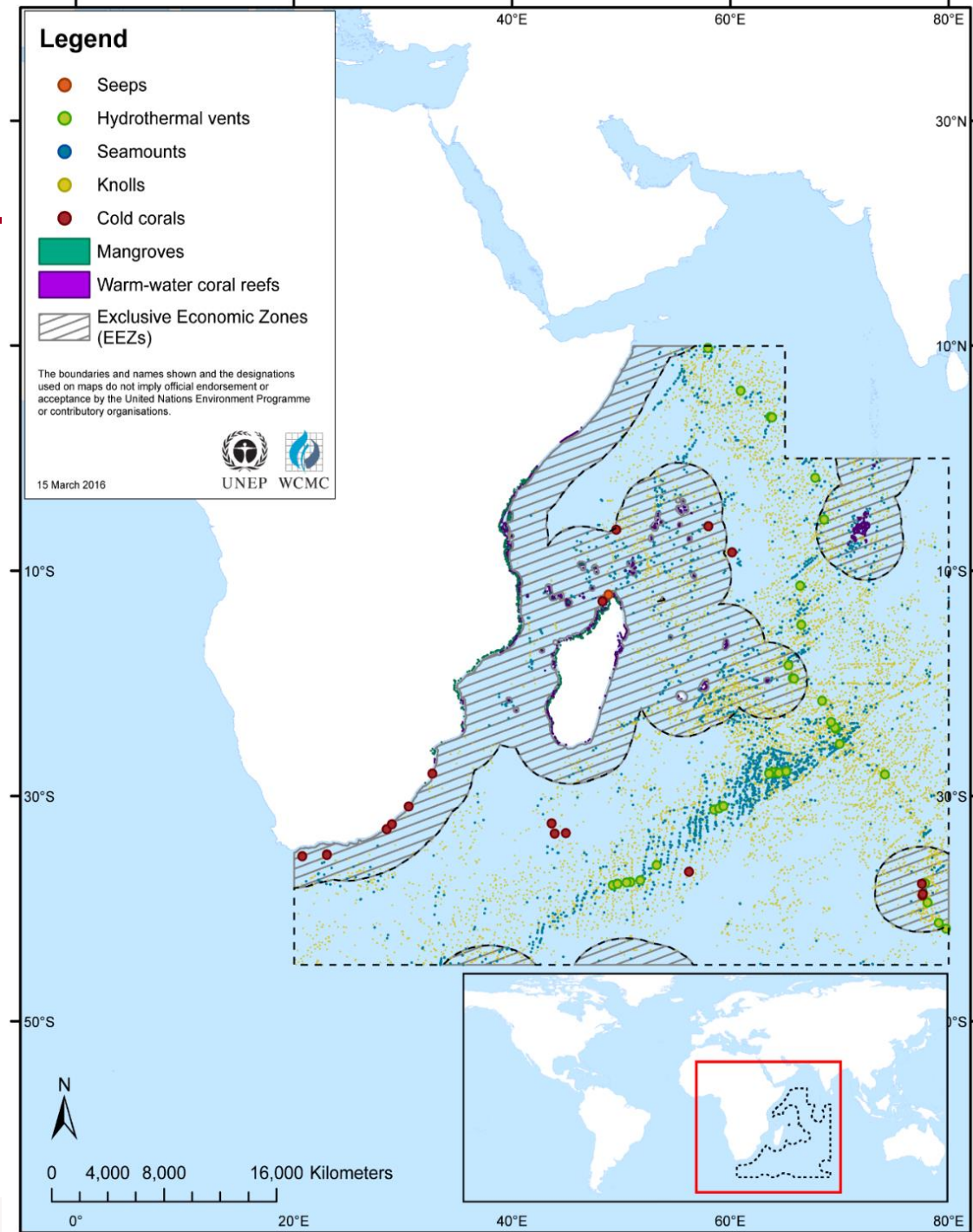
THE HIGH SEAS
COVER

45%

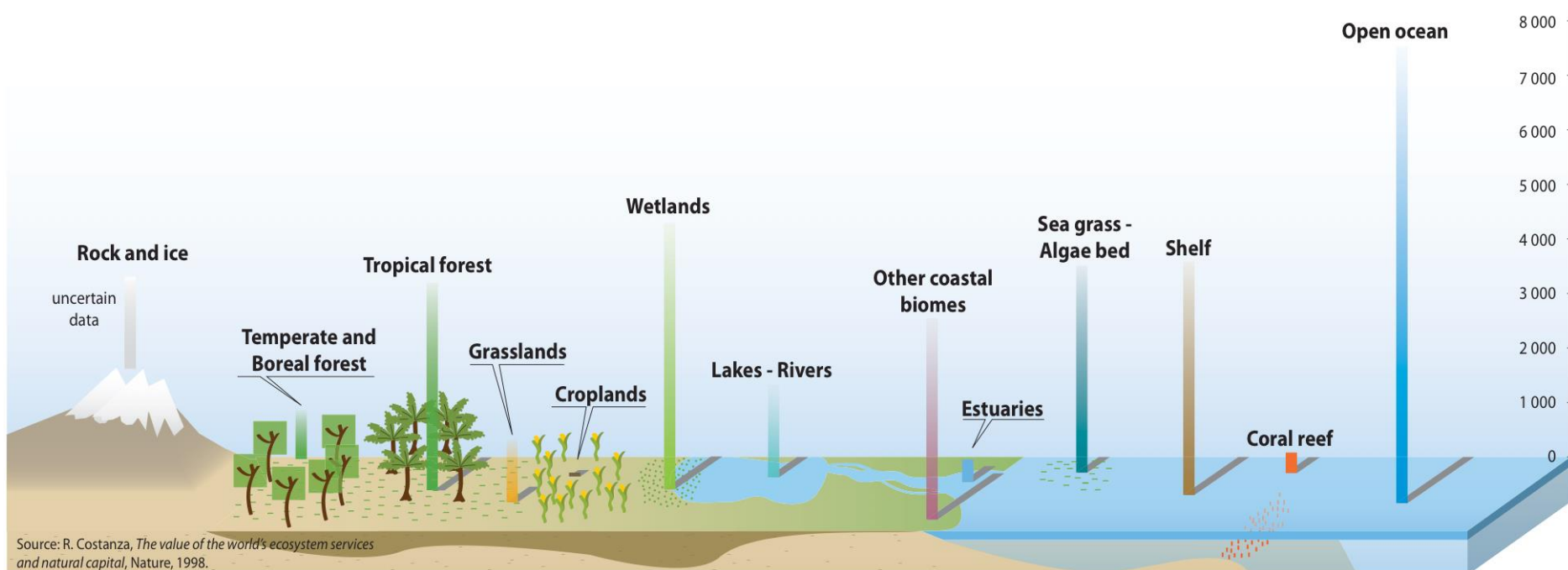
OF THE EARTH'S
SURFACE



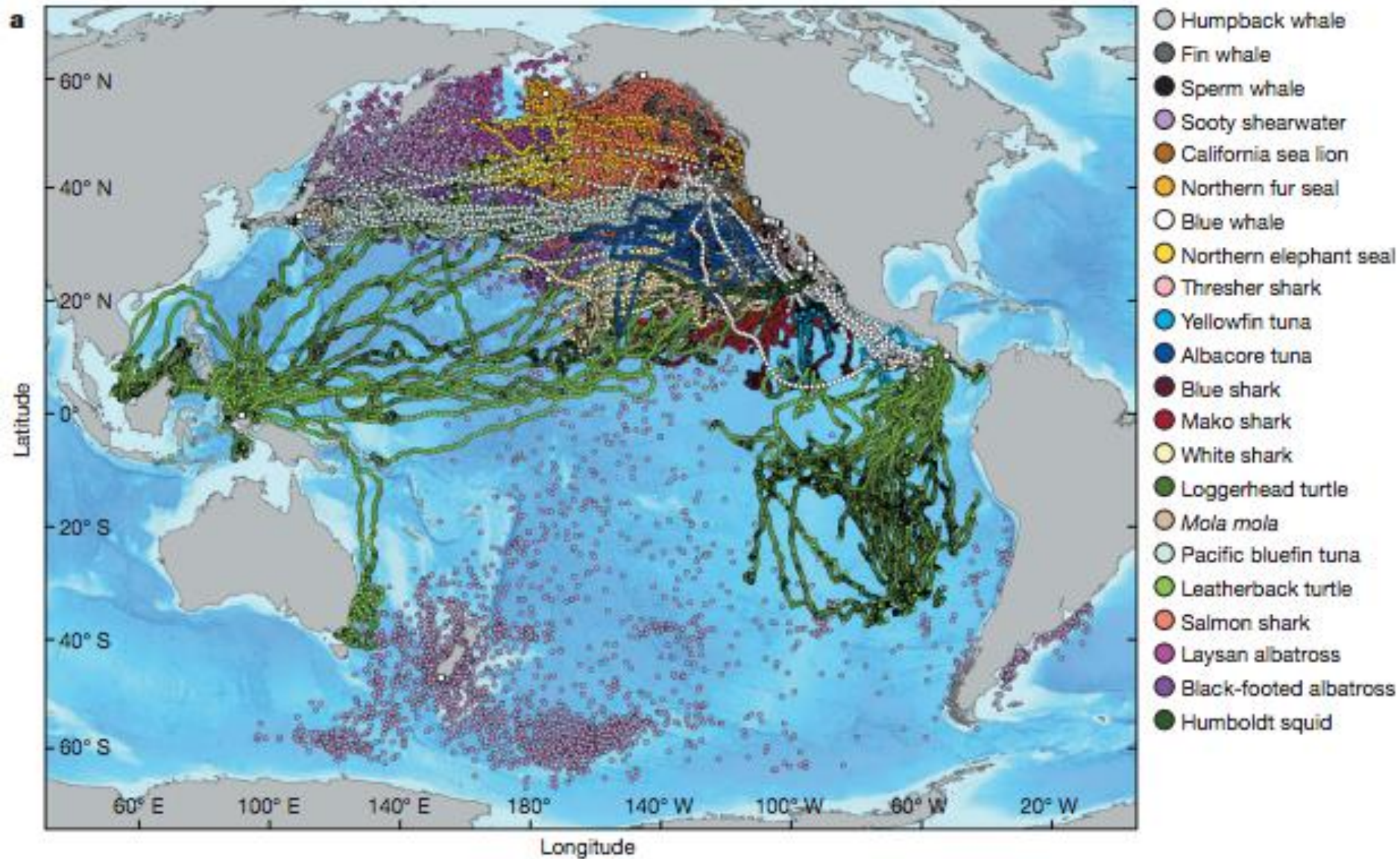
 NATIONAL
GEOGRAPHIC



Estimated value of ecosystem services (US\$ billions per year)



GRID-Arendal graphics library
http://www.grida.no/graphicslib/detail/estimated-ecosystem-services-value_4f0c



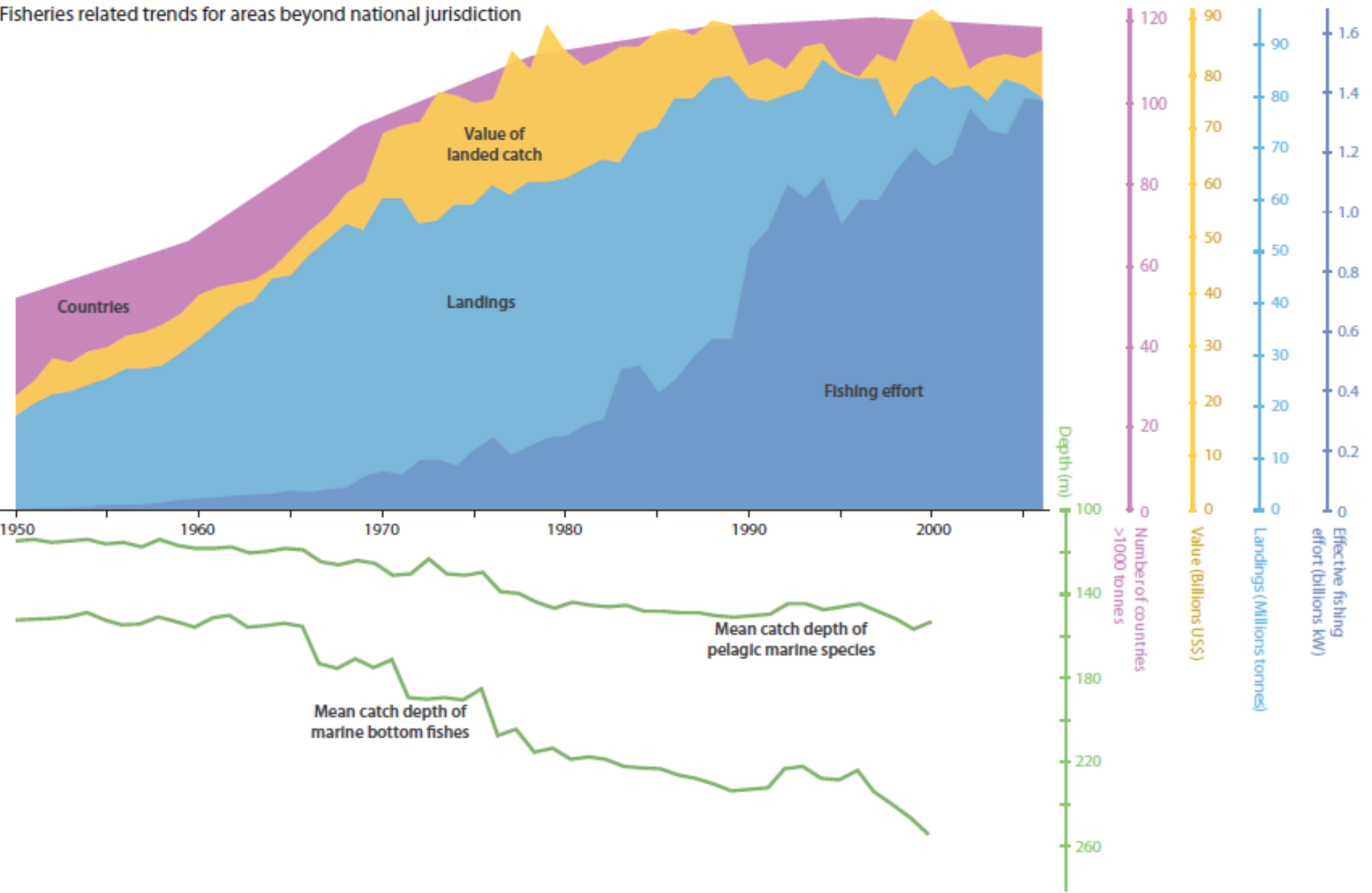
Block et al. 2014

Existing, planned and possible future activities in ABNJ

- **Fishing**
- **Shipping**
- Cable Laying
- Marine Scientific Research
- Archaeology
- Military Activities
- Dumping of Waste
- Mining
- Bioprospecting
- Marine Genetic Resources
- Floating Energy Generation
- Open Ocean Aquaculture
- Deep Sea Tourism

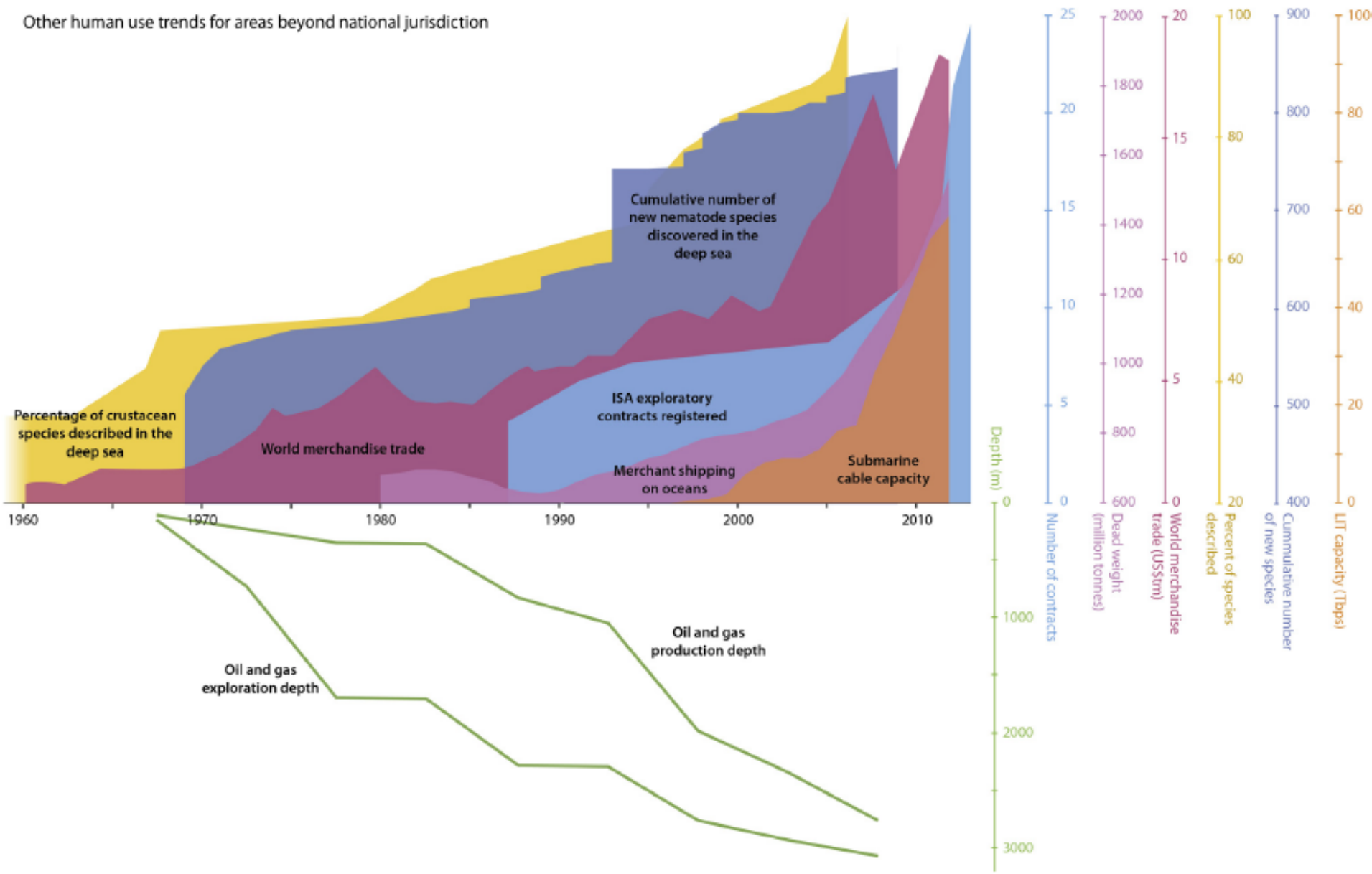


Fisheries related trends for areas beyond national jurisdiction



Merrie et al., 2014

Other human use trends for areas beyond national jurisdiction



Merrie et al., 2014

Timeline

- **2006** – Formation of the BBNJ Working Group*
- **2011** – Agreement on the '**Package Deal**'
- **2012** – Rio+20 commitment
- **2014** – 2 BBNJ meetings
- **2015**
 - Final BBNJ WG meeting - January
 - UNGA – August/September
- **2016**
 - Meetings of the **PrepCom** – March & August

*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 2011 'Package Deal'

1. Marine genetic resources, including questions on the sharing of benefits
2. Measures such as area-based management tools, including marine protected areas
3. Environmental impact assessments
4. Capacity-building and the transfer of marine technology



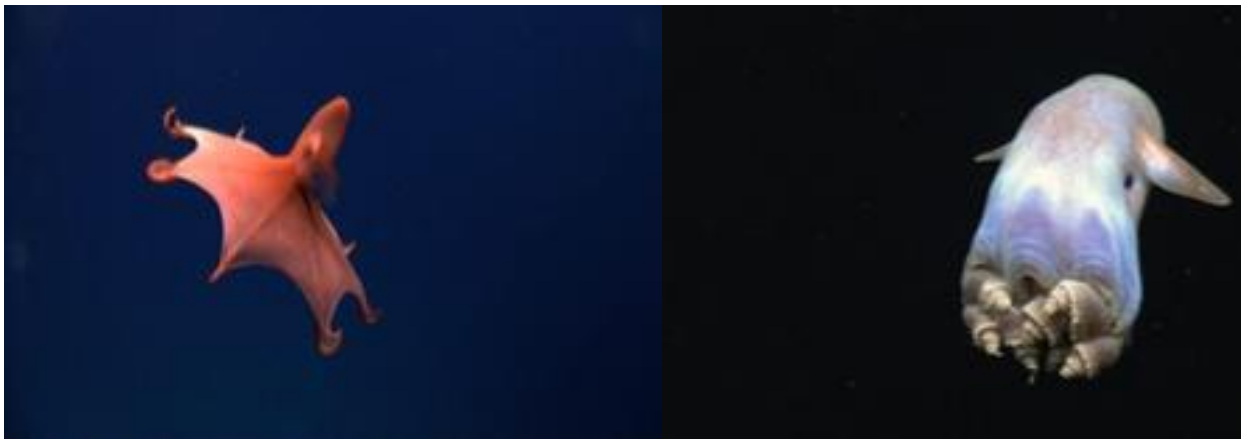
BBNJ meeting - June 2014

- A strong 'coalition of the willing' developing
- Progressive involvement of developing states
 - Pacific nations
 - CARICOM
 - African Union
- Inclusion of civil society
- But, a number of States impeding consensus
- England knocked out of the world cup :(



BBNJ meeting – January 2015

- Recommended the establishment of a UN Preparatory Committee (PrepCom)
- Explore elements of a legally binding BBNJ instrument
- Report to UN General Assembly by December 2017



PrepCom 2 (August/September 2016)

Area-based management tools

- **Areas of convergence:**
 - MPAs should contribute to conservation & sustainable use
 - Transparent process for adoption
 - Ecosystem approach; science-based
- **Areas for further discussion:**
 - How MPAs will be designated & implemented
 - Stakeholder engagement
 - What the criteria for MPAs will be
 - Enforcement



Environmental Impact Assessment

- **Areas of convergence:**
 - EIAs should contribute to BBNJ conservation and sustainable use
 - Existing relevant legal instruments and frameworks should not be undermined
 - EIA process needs to be transparent, including by involving states and relevant stakeholders
 - EIA reports should be made publicly available.
- **Areas for further discussion:**
 - Trigger for an EIA
 - Process
 - Strategic Environmental Assessments

Marine Genetic Resources

- **Areas of convergence:**
 - Benefit-sharing could contribute conservation and sustainable use
 - Non-monetary benefit-sharing
 - Benefit-sharing should/could be beneficial to current/future generations, build capacity
 - Draw on definitions in existing instruments
 - Respect for states' rights over continental shelf
- **Areas for further discussion**
 - Need and possible modalities for an access and benefit-sharing (ABS) regime
 - Whether derivatives should be included
 - Legal status of MGRs

PrepCom 2 (August/September 2016) – Areas of convergence

Capacity Building and Technology Transfer

- Agreement that capacity building and technology transfer are cross-cutting and vitally important
- Varied views on: scope; nature (mandatory/voluntary); financing



Picture: NOAA. Source: <https://www.theguardian.com/environment/gallery/2016/aug/20/world-heritage-in-the-high-seas-oceanic-wonders-explored>

Overarching issues

- Very little convergence so far on details - much remains to be discussed/agreed
- Legal gaps vs. implementation gaps
- Narrow implementing agreement vs. ambitious vision
- Respect the mandates of existing organisations - what does this mean in practice? E.g. Fisheries
- International vs. Regional
- Standards and scientific input for EIAs, MPAs
- Institutional structure



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References

- Merrie et al., 'An Ocean of Surprises – Trends in Human Use, Unexpected Dynamics and Governance Challenges in Areas beyond National Jurisdiction' (2014) 27 Global Environmental Change 19.
- Block et al., 'Tracking apex marine predator movements in a dynamic ocean' (2011) Nature, 475(7354).
- Images:
<https://www.theguardian.com/environment/gallery/2016/aug/30/world-heritage-in-the-high-seas-oceanic-wonders-explored>