

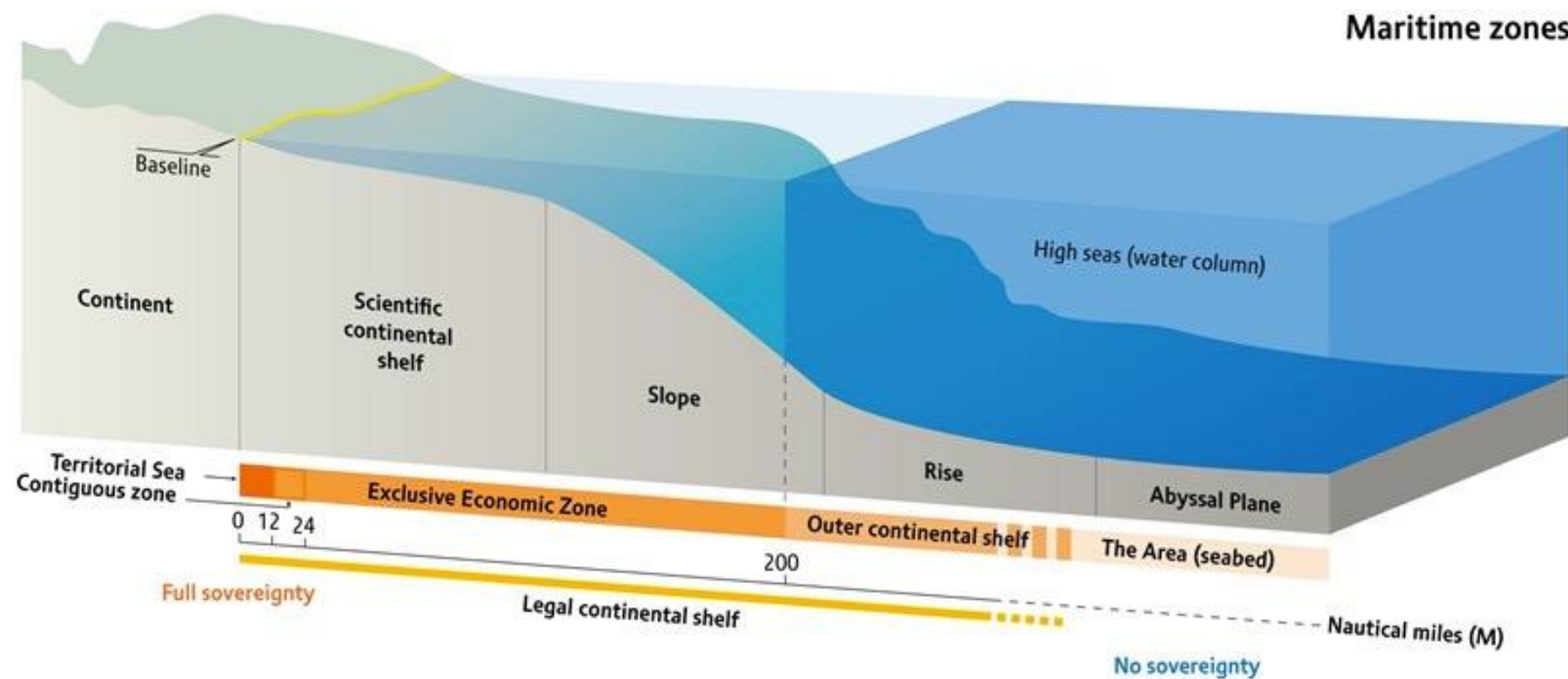


# **Negotiations for a new agreement on the conservation and sustainable use of marine biodiversity in ABNJ**

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

**Glen Wright**  
glen.wright@iddri.org

## Maritime zones



Source: Riccardo Pravettoni, GRID-Arendal  
[http://www.grida.no/graphicslib/detail/maritime-zones\\_e96c](http://www.grida.no/graphicslib/detail/maritime-zones_e96c).

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**71%**

OF EARTH IS  
COVERED BY  
OCEAN

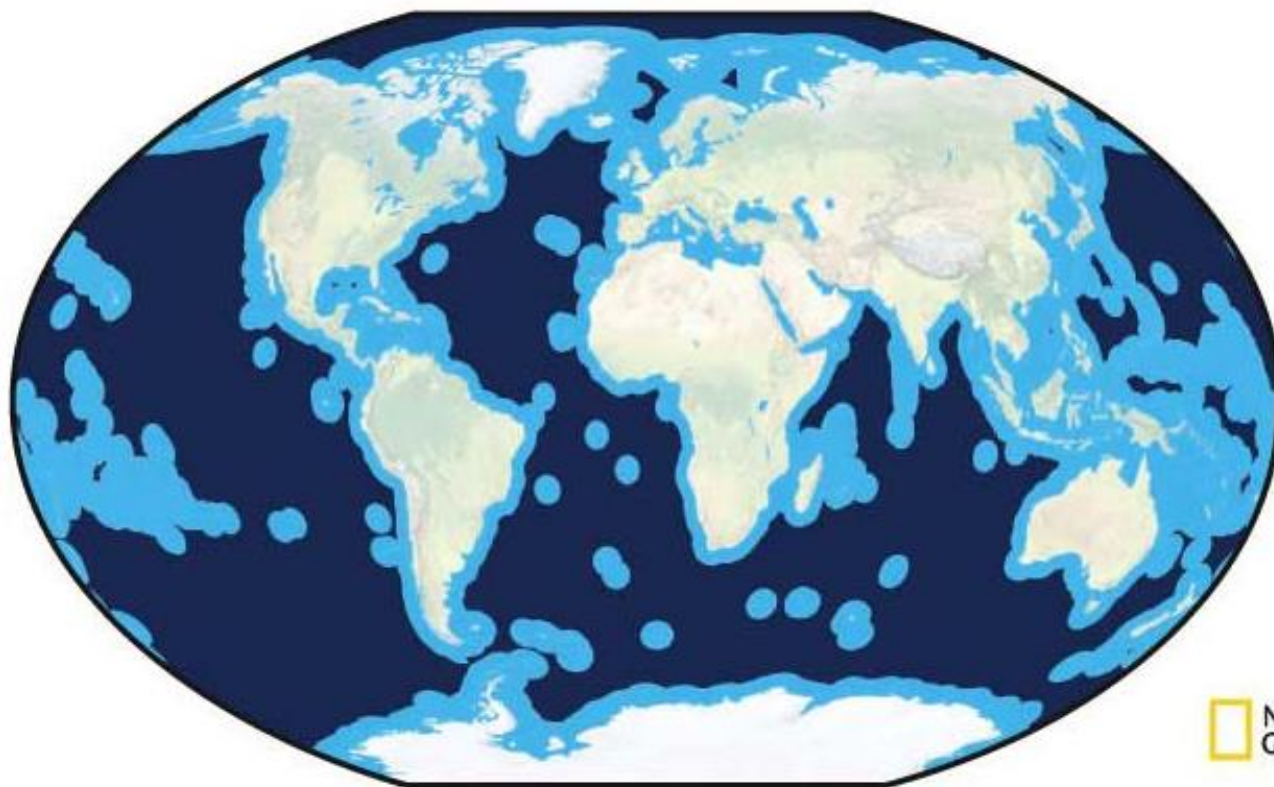
**64%**

OF THE OCEAN  
IS CONSIDERED  
THE HIGH SEAS/  
INTERNATIONAL  
WATERS

THE HIGH SEAS  
COVER

**45%**

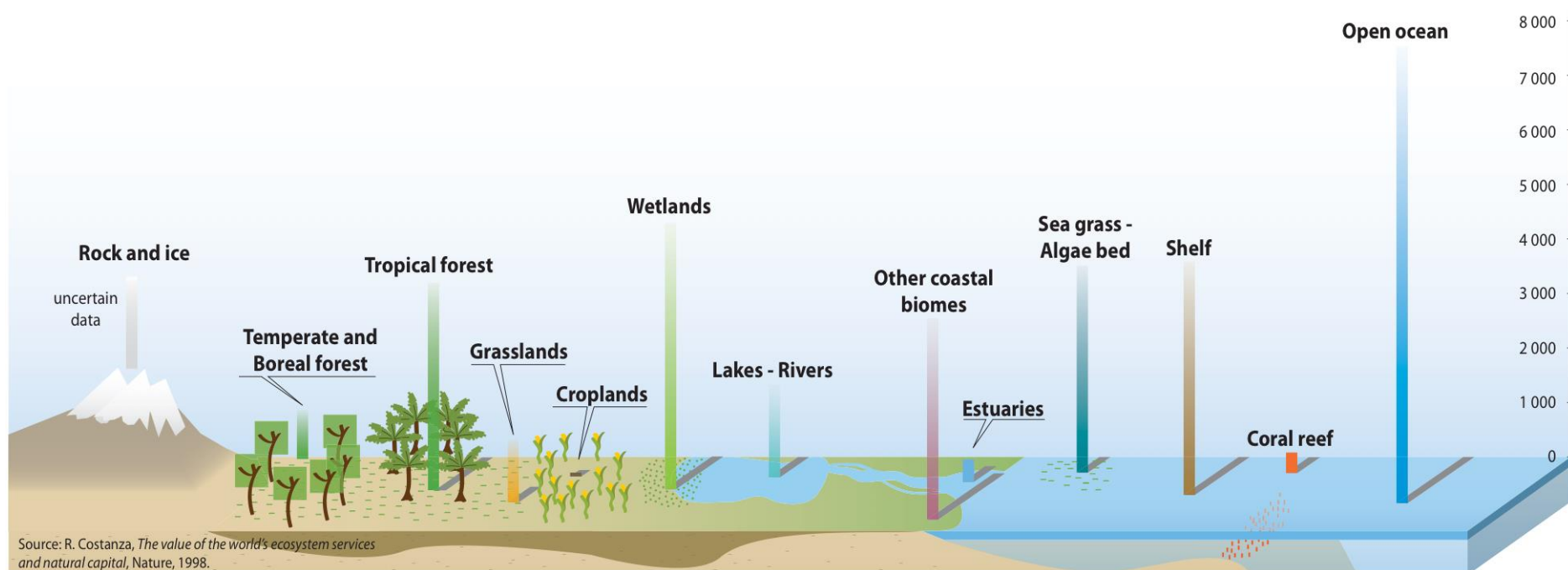
OF THE EARTH'S  
SURFACE



 NATIONAL  
GEOGRAPHIC

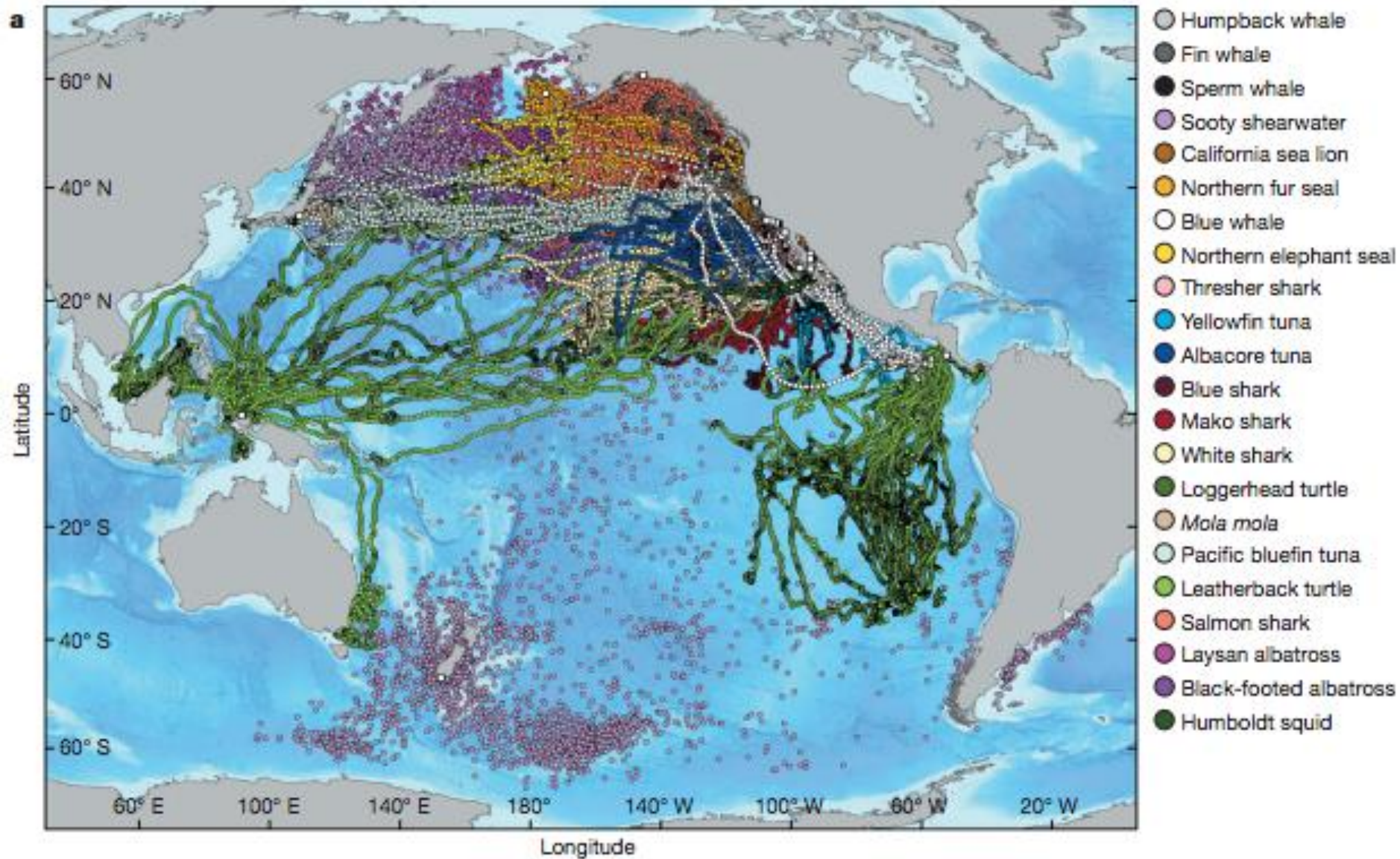


## Estimated value of ecosystem services (US\$ billions per year)



GRID-Arendal graphics library  
[http://www.grida.no/graphicslib/detail/estimated-ecosystem-services-value\\_4f0c](http://www.grida.no/graphicslib/detail/estimated-ecosystem-services-value_4f0c)





Block et al. 2014

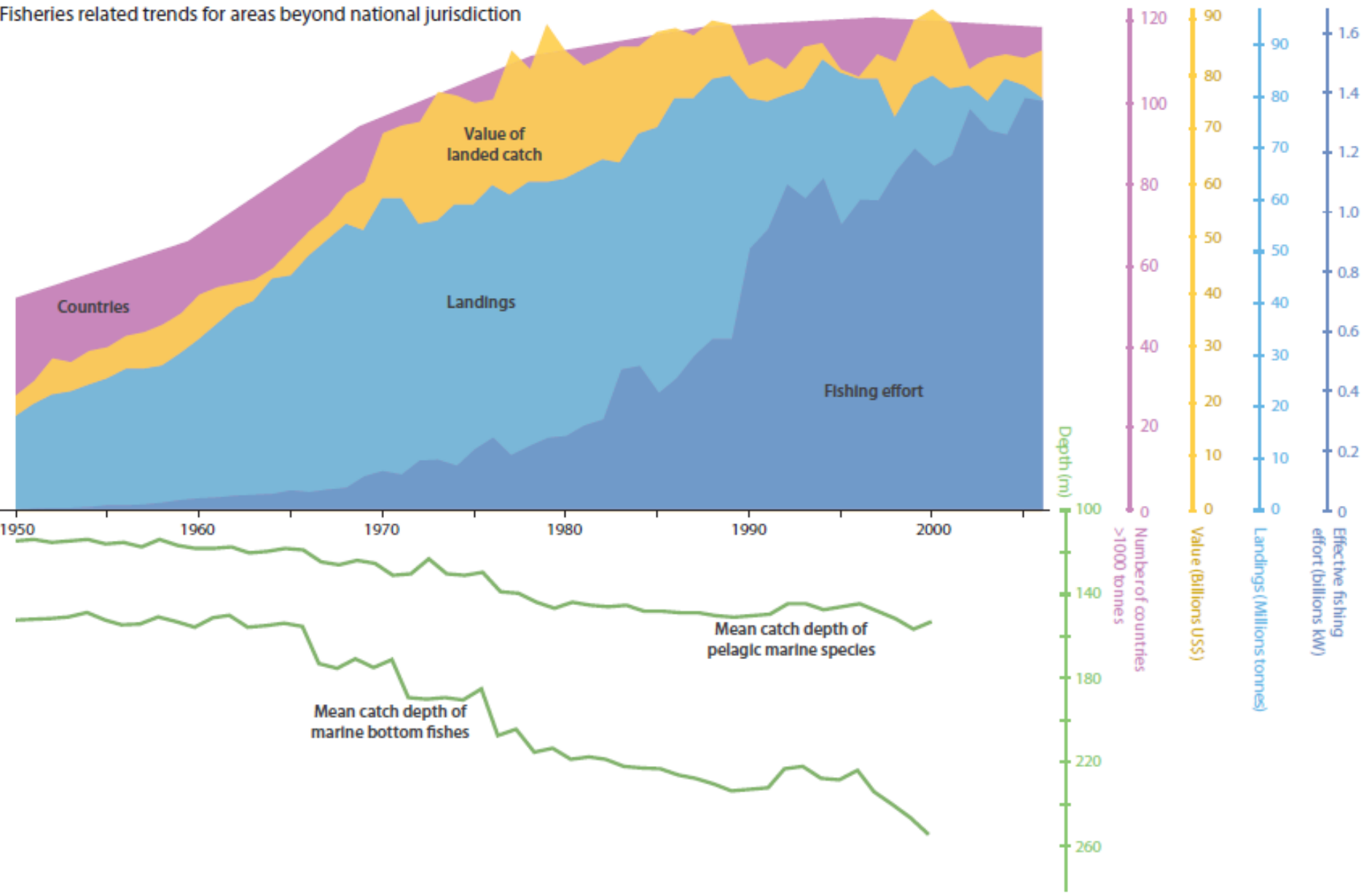
# Existing, planned and possible future activities in ABNJ

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- **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



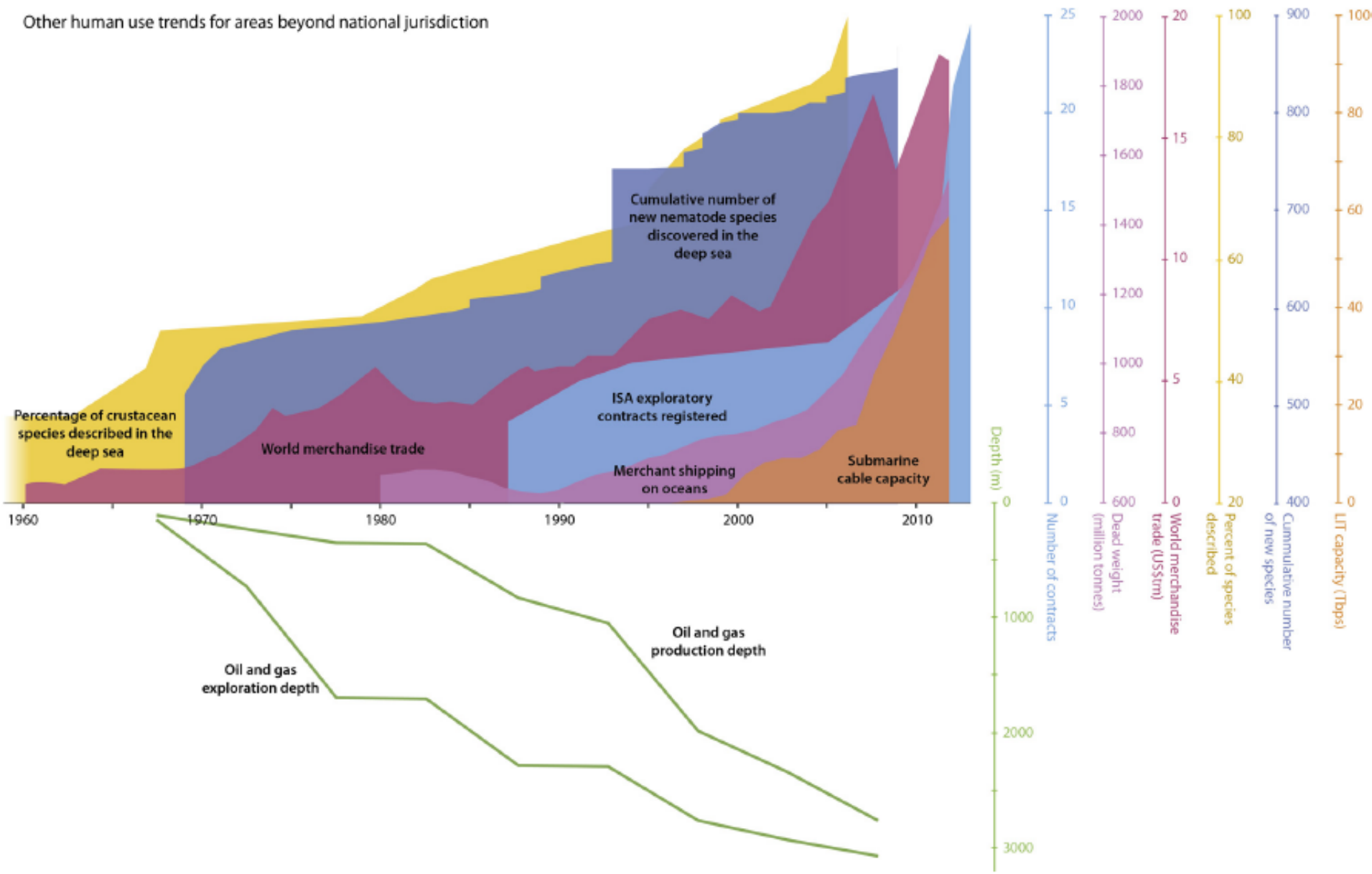
Fisheries related trends for areas beyond national jurisdiction



Merrie et al., 2014



Other human use trends for areas beyond national jurisdiction



Merrie et al., 2014

# Timeline

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- **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'

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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

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- 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 :(

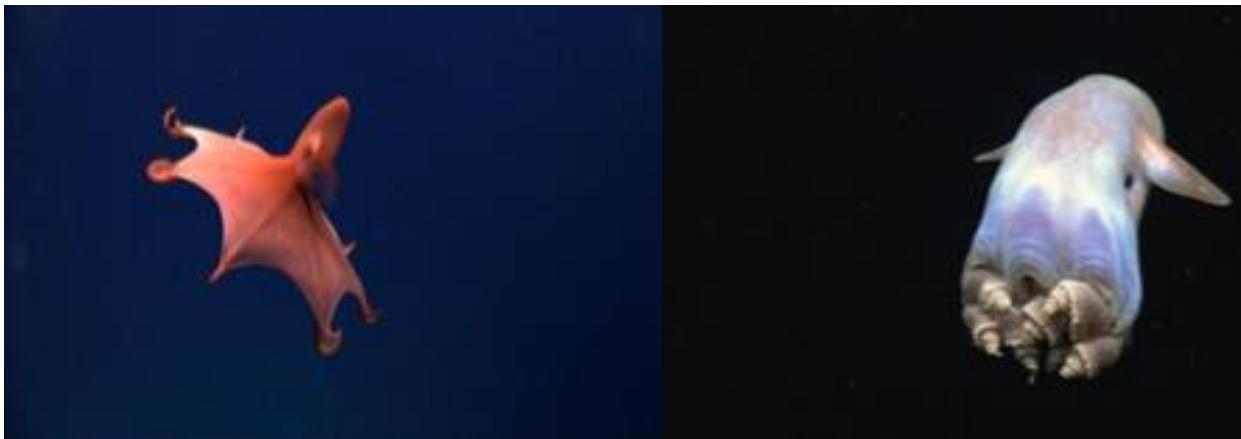




## BBNJ meeting – January 2015

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- 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

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- **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

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- **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

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- **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

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- 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-explore>

## Overarching issues

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- 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

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- 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>