At the 2012 United Nations Conference on Sustainable Development (Rio+20), States committed themselves ‘

The Convention on Biological Diversity (CBD), currently with 193 Contracting Parties, contains an explicit reference to cooperation in ABNJ. Article 5 provides that each Contracting Party

The Agreement on the Implementation of the Provisions of the United Nations Convention on the Law of the Sea Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (UN Fish Stocks Agreement) also contains a complementary duty in Article 5 (g), requiring coastal States and States fishing on the high seas, in giving effect to their duty to cooperate, to amongst other actions for the conservation and sustainable use of straddling fish stocks and highly migratory fish stocks.

Goals and objectives for this cooperation have also evolved in more recent declarations, resolutions and commitments. At the 2002 World Summit on Sustainable Development (WSSD), governments committed to improving ocean conservation and management through actions at all levels, giving due regard to the relevant international instruments. Specifically, they committed to

Sectoral bodies may be reluctant to accept the results of scientific research and peer review originating outside their respective organizations. For example, the CBD has initiated a process to help States and competent organizations identify ecologically or biologically significant areas (EBSAs), but this status has so far had little impact on dealings with sectoral bodies.[13]

Specific mechanisms, policies or incentives to coordinate activities and impacts across sectors or even within sectors beyond national jurisdiction are currently lacking.[14] For example, bottom contacting gear used for deep sea bottom fishing in the high seas could interfere with seabed mining operations and damage areas closed to seabed mining (as impact reference areas or preservation reference areas). Pollution from ships in eddies, gyres or other areas of low circulation could impair the health of high seas fish stocks and other forms of marine life. Additionally, seabed mining and deep sea bottom gear could adversely impact areas of importance for spawning of commercially important fish stocks.

Similarly lacking are mechanisms, to coordinate activities affecting areas across national and international boundaries.[15] Activities such as seabed mining in the Area, for example, could have far reaching effects on water quality that might impact adjacent exclusive economic zones (EEZ). Similarly, deep seabed mining on the extended continental shelf could impact the high seas water column above. As well, the dumping of wastes from seabed mining is excluded from the London Convention[16] and the London Protocol[17] as disposal of

is not covered by their provisions. This is because it was envisaged that seabed mining waste would be addressed by the International Seabed Authority (ISA). However, the exclusions are not limited to the Area. The terms are very broad and leave little

sectoral organizations to date, a great deal of time and effort has been required to align external and internal processes and actors, attend the various meetings required and get new items onto agendas.[18] Very few ocean regions currently have such capacity or resources to extend their sphere of activity absent either added resources or a high-level global mandate.

While a potential future international instrument for ABNJ should build on existing regional and sectoral institutions, the above described challenges in ABNJ need to be overcome. A central feature of any new instrument would therefore be mechanisms for securing cooperation and coordination for integrated, ecosystem-based management, capacity-building and marine technology transfer as

impacts into account. However, this only works if the various bodies operate based on common goals, principles, criteria and objectives and benefit from a shared scientific basis. The criteria and guidance developed by the CBD for EBSAs, the design of representative MPA networks and the conduct of biodiversity-inclusive EIAs and SEAs could help create a shared science basis, but to date have not been accepted by any sectoral body. Thus a new instrument could establish a common science-based approach for EBSAs, MPAs, EIAs and SEAs as well as access to scientifically credible and independent information that takes into account the complex relationships between biodiversity, ecosystem services, and the various ongoing and emerging activities in ABNJ. A science-based decision-making approach, fostered for example by a global scientific body, could be an important means to minimize the potential influence of non-science-based interests promoted by individual States or stakeholder groups (see *Paper XII* on international procedures to ensure science-based decision-making).

Paper I: Introduction on Scope, Parameters and Feasibility

Paper II: Enhancing Cooperation and Coordination

Paper III: Options and Approaches for Access and Benefit-sharing

Paper IV: Governance Principles

Paper V: Understanding Area-based Management Tools and Marine Protected Areas

Paper VI: Options and Approaches for Establishing and Managing MPAs

Paper VII: Relation between Environmental Impact Assessments, Strategic Environmental Assessments and Marine Spatial Planning

Paper VIII: Options for Environmental Impact Assessment Elements

Paper IX: Technology Transfer and Capacity-building

Paper X: Existing Regulatory, Institutional and General Governance Gaps

Paper XI: Basic Ideas for a Possible Institutional Structure

Paper XII: International Procedures to Ensure Science-based Decision-making

Paper XIII: Compliance and Verification Mechanisms