



RECOMMENDATIONS

February 2004

Seventh meeting of the Conference of the Parties to the Convention on Biological Diversity (COP7)

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reduce the known risks from high seas bottom trawling and provide protection to important biodiversity areas.

At the same time, potential risks from ongoing and emerging activities that may affect high seas biodiversity and productivity must be assessed and negative impacts prevented on a precautionary basis. Such steps must be taken while stimulating scientific research to increase our understanding of oceanic processes, ecosystems and biodiversity.

The Convention on Biological Diversity can and should address the growing impact of human activities and the lack of effective international measures for the conservation and sustainable use of natural systems and biodiversity beyond national jurisdiction.

The recommendations concerning conservation of biodiversity beyond national jurisdiction from the World Summit on Sustainable Development (WSSD), the United Nations General Assembly (UNGA)³, the Eighth and Ninth meetings of the Subsidiary Body on Scientific, Technological and Technical Advice (SBSTTA), the Open-Ended Intersessional Meeting on the Multiyear Programme of Work (MYPOW) and the Fifth World Parks Congress (WPC) can help to chart a new course for the high seas.

IUCN and WWF urge the 7th Conference of Parties to:

- J Adopt SBSTTA recommendations VIII/3 and IX/4 and the elaborated programme of work on marine and coastal biodiversity as reflected in UNEP/CBD/COP/7/1/Add.2, and its outcome-oriented targets (UNEP/CBD/COP/7/20/Add.5) once finalized.

Additionally, in light of the significant risks to high seas biodiversity and sustainable fisheries posed by high seas bottom trawling, IUCN and WWF urge the Conference of Parties to:

- J Send a statement of concern to the UN General Assembly calling for immediate protection of seamounts, deep water corals and other biodiversity hotspots from high seas bottom trawling until these vulnerable areas can be identified and measures to protect them adopted

and enforced, including effective international management measures for bottom trawl fisheries

under the law of the sea.” The Jakarta Mandate on Coastal and Marine Biodiversity is an early example of the valuable role that the CBD can play in marine biodiversity conservation. It is appropriate to apply the Convention’s vision and objectives on a global basis.

Establishing Marine Protected Areas Beyond National Jurisdiction (Agenda Items 18.2 and 26)

IUCN and WWF welcome SBSTTA Recommendations VIII/3 and IX/4 for further action to develop a permanent representative network of marine and coastal protected areas (MCPAs), building upon national networks, consistent with international law, including in areas beyond national jurisdiction, as elaborated in the programme of work on marine and coastal biodiversity and the outcome-oriented targets for its implementation. This is a critical step towards implementing the call to action to protect high seas biodiversity and productivity and to establish a global system of representative MCPA networks agreed at both the World Summit on Sustainable Development (September 2002) and the United Nations General Assembly (December 2002).

As is recognized in the SBSTTA 8 recommendation to the COP7, the law of sea provides the jurisdictional framework for States’ rights and obligations with respect to high seas biodiversity conservation. The United Nations Convention on the Law of the Seas, 1982 (UNCLOS) establishes unqualified obligations to protect and preserve the marine environment and to cooperate in conserving living resources. The environmental obligations apply to all activities carried out by States, including the specific obligation to take necessary measures “to protect and preserve rare or fragile ecosystems as well as the habitat of depleted, threatened or endangered species and other prJiangereds

enhance the capacity to address the range of urgent and potential threats to high seas biodiversity and productivity.

At the World Parks Congress, technical experts from governmental agencies, non-governmental organizations and parks authorities developed a Ten Year High Seas Marine Protected Areas Strategy incorporating the high seas recommendations of the World Parks Congress Marine Theme. It further elaborates steps to develop and implement a global system of high seas MPA networks⁶. This joint IUCN, WCPA and WWF document may provide a useful starting point for the development of a long-lasting framework for high seas biodiversity conservation, management and sustainable use. It could be considered by the liaison gro

catch⁷, it is important to take the time now, before bottom trawling expands further on the high seas, to identify and protect important and vulnerable ecosystems such as seamounts and deep-water coral reefs. Application of the precautionary approach requires immediate and urgent action.

Marine theme participants at the World Parks Congress joined many leading scientific experts in calling for the United Nations General Assembly to consider a resolution for an "immediate moratorium on deep seas bottom trawling in high seas areas with seamounts, cold water coral reefs and other vulnerable areas until legally binding international conservation measures to protect these areas are in place and enforced"⁸.

In addition, protection of these areas is essential for the sustainable management of marine resources and the health of the oceans.

IUCN and WWF further welcome the recommendations of SBSTTA 8 on the conservation and sustainable use of deep seabed genetic resources beyond national jurisdiction (VIII/3.D). IUCN and WWF also welcome the recommendation from MYPOW (UNEP/CBD/COP/7/5/1A) on the initiation of a global partnership on biodiversity between the CBD and the major international biodiversity-related agreements to enhance synergies and improve implementation.

In addition to high seas bottom trawling, as noted above, and fishing generally, several human activities that have the potential to affect the biodiversity and productivity of the high seas and seabed beyond national jurisdiction are subject to sector-specific regulation. These include seabed mining under the International Seabed Authority and shipping under the International Maritime Organization. Others, at this stage (e.g. bioprospecting, cable-laying, open-ocean mariculture, energy projects), are subject only to the general framework of UNCLOS and the general obligations of the CBD. As human activities expand in the high seas, more detailed agreements and appropriate mechanisms may be needed to ensure that rights of access and use are consistent with obligations to protect and preserve the marine environment and conserve marine living resources under UNCLOS. Existing agreements may need updating to ensure ecosystem-based and precautionary approaches.

IUCN and WWF urge the 7th Conference of Parties to:

- J Reconfirm the importance of operational objectives 2.2 (marine and coastal genetic resources) and, 6.1 (database on integrated marine and coastal management initiatives) and endorse operational objectives 4.1 (mariculture), 5.2 (alien species and genotypes) and 6.2 (effective collaboration with relevant conventions, organizations and agencies) of the elaborated programme on marine and coastal biodiversity;
- J Invite sector-based organizations such as the International Maritime Organization, the International Seabed Authority, the FAO and regional fisheries organizations, together with

regional and other relevant bodies (e.g., CMS and CITES) to actively cooperate with the Executive Secretary to coordinate and develop mechanisms to enhance protection of specific areas and species and contribute to an ecosystem-based and precautionary approach to high seas biodiversity conservation, consistent with the Convention on Biological Diversity.

Adoption of the Outcome-oriented Targets for Marine and Coastal Biological Diversity (Agenda Item 26)

The draft outcome oriented targets for the implementation of the elaborated program of work on marine and coastal biodiversity, as reformulated in UNEP/CBD/COP/7/20/Add.5, provide a valuable tool for inspiring and measuring progress towards the 2010 biodiversity target. Increasing threats to marine and coastal biodiversity and productivity, and the importance of marine systems to life on the planet require urgent and immediate action. The recommended targets can encourage significant and sustained efforts to establish protected areas, halt unsustainable resource use, and provide a framework for ecosystem-based and precautionary management in areas both within and beyond national jurisdiction. As noted, some of the draft targets still require further elaboration or refinement, and indicators for monitoring progress still need to be developed. IUCN and WWF stand ready to assist as part of any liaison group that may be established to assist SBSTTA in further refinement of the targets and/or development of appropriate indicators.

IUCN and WWF urge the 7th Conference of Parties to:

- J Rapidly finalize and endorse outcome-oriented targets for marine and coastal biodiversity based on those presented in UNEP/CBD/COP/7/20/Add.5.

NOTES

¹ The average depth of the oceans beyond national jurisdiction is 4000 meters, thus volumetrically the high seas and deep oceans account for more than 90% of the biologically useable volume of the planet. Young, TR., 2003. "Developing a Legal Strategy for High Seas Marine Protected Areas", in *Towards a Strategy for High Seas Marine Protected Areas, Proceedings of the IUCN, WCPA and WWF Experts Workshop on High Seas Marine Protected Areas*, 15-17 January, 2003, Malaga, Spain, (eds. Gjerde, KM and C Breide) (available at www.iucn.org/themes/marine/pdf/GjerdeBreideHSMPA.pdf). It should be noted, however, than many areas of the high seas, particularly in the Mediterranean, may be quite shallow and that features of the deep seas, such as seamounts and cold water coral reefs, also occur in waters under national jurisdiction.

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www0005.Iucn.org/themes/marine/

⁶ *Ten-Year High Seas Marine Protected Areas Strategy: A ten-year strategy to promote the development of a global representative system of high seas marine protected area networks*, Summary version as agreed by Marine Theme Participants at the Fifth World Parks Congress, Durban, South Africa (8-17 September 2003) (IUCN, WWF and WCPA) (available at iucn.org/themes/marine/pubs/pubs.htm).

⁷ Gianni, M, 2003. *High Seas Bottom Fisheries And Their Impact On The Biodiversity Of Vulnerable Deep-Sea Ecosystems: Preliminary Findings*, Report prepared for WWF, NRDC, and IUCN.

⁸ See e.g., Fifth World Parks Congress “Emerging Issues” Durban, South Africa (September 2003) (iucn.org/themes/wcpa/wpc2003); *Statement of concern to the United Nations General Assembly regarding the risks to seamounts, cold-water corals and other vulnerable ecosystems of the deep-sea*, signed by over 140 of the world’s leading deep-sea biologists attending the 10th Deep-Sea Biology Symposium, Institute of Marine Biology, University of Oregon, Coos Bay, 25 - 29 August 2003 and the Second International Symposium on Deep Sea Corals, Erlangen, Germany, September 2003.

⁹ The 1995 UN Agreement on Straddling Fish Stocks and Highly Migratory Fish Stocks was developed to implement the provisions of UNCLOS with respect to fisheries crossing national and international waters. Articles 5 and 6 call for States to, *inter alia*: (1) minimise the impact of fishing on non-target, associated and dependent species and ecosystems, (2) protect habitats of special concern, (3) apply the precautionary approach, and (4) protect biodiversity in the marine environment.