

IUCN statements

Ad Hoc Open-ended Informal Working Group of the General Assembly to study issues related to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction

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Agenda Item 4: General remarks

IUCN – The International Union for Conservation of Nature welcomes this opportunity to continue discussion on the conservation a

Changes in the physical marine environment may also alter ecosystem resilience to invasions.

Marine biodiversity is also threatened

example, UNEP published a report in February 2008 “In Dead Water: Merging of Climate Change with Pollution, Over-harvest and Infestations in the World’s Fishing Grounds”¹ noting that the world’s oceans are under stress from overfishing, pollution and other causes and that climate change will exacerbate these stresses. The report cautions that the synergistic effects of these stressors risks an unprecedented, dramatic and wide-spread collapse of marine ecosystems and fisheries within the next decades unless we substantially increase our focus on building and strengthening the resilience of marine ecosystems.

In an article in *Current Biology* of 8 January 2008 Roberto Danovaro and others wrote on the “Exponential Decline of Deep-sea Ecosystem Functioning Linked to Benthic

A looming threat to healthy oceans comes from the build-up of greenhouse gases in the

(b) Coordination and cooperation among States as well as relevant intergovernmental organizations and bodies for the conservation and management of marine biological diversity beyond areas of national jurisdiction.

As an intergovernmental body whose mission is to influence, encourage and assist societies to conserve the integrity and diversity of nature and to ensure that any use of natural resources is equitable and ecologically sustainable, IUCN seeks to promote such coordination and cooperation. Working through the IUCN Species Survival Commission with scientists from around the world, IUCN publishes the IUCN Red List of Threatened Species⁹. The 2007 publication noted that biodiversity is under increasing threat with one in four mammals, one in eight birds, one in three amphibians and seven in ten of assessed plants in jeopardy. For the first time, coral species were assessed and added to the Red List.

As part of this work, the Global Marine Species Assessment (GMSA) was launched jointly with Conservation International in 2005 to review on a global level the conservation status of every marine vertebrate species and of selected invertebrates and plants. It is expected that the status of approximately twenty thousand species will be assessed and determinations made of the risk of extinctions of individual species according to the IUCN Red List Categories and Criteria. The purpose is and

“...the establishment of marine protected areas consistent with international law and based on scientific information, including representative networks by 2012 and time/area closures for the protection of nursery grounds and periods...”¹⁰

We need to make progress now to meet this goal agreed in 2002. Currently, less than one per cent of the high seas are under some type of significant protection. States working through Regional Fisheries Management Organizations (RFMOs) and Regional Seas Programs should establish Marine Protected Areas (MPAs) now in areas beyond national jurisdiction to protect vulnerable species and nursery grounds. States working through the International Maritime Organization (IMO) should establish Particularly Sensitive Sea Areas (PSSAs) now in areas beyond national jurisdiction to protect the identified areas from specific threats related to shipping. States working through the International Seabed Authority could begin by designating Preservation Reference Areas with respect to seabed mining.

To complement these efforts, my delegation notes the important work conducted by States with respect to the development of scientific criteria for identifying ecologically or biologically significant marine areas in need of protection and scientific guidance for selecting areas to establish a representative network of marine protected areas under the Convention on Biological Diversity (CBD). The report of the CBD Expert Workshop on Ecological Criteria and Biogeographic Classification Systems for Marine Areas in Need of Protection, held in the Azores in October 2007 and its annexes provide a sound scientific basis for the identification of areas warranting enhanced protection in areas beyond national jurisdiction¹¹. The criteria and guidance developed at this Workshop are based on decades of experience in coastal and regional waters but have been specifically adapted for application in open o

biogeographic classification systems for the open ocean and deep sea reflected in the Draft Report of the Global Ocean and Deep Sea Habitats Biogeographic Classification System submitted to this meeting. This work builds on the results of the “Scientific Experts Workshop on Biogeographic Classification Systems in Open Ocean and Deep Seabed Areas Beyond National Jurisdiction”, held in Mexico City, Mexico, from 22 to 24 January 2007, which was prompted by the observations during the first UN Working Group on the need for further information with respect to biogeographical classification systems.

chairpersons provided a very useful summary of the discussion¹⁵, in which it was noted that the representative of the Intergovernmental Oceanographic Commission remarked *inter alia* that two-thirds of the ocean's area is beyond national jurisdiction and that recent advances in technology have permitted documentation of the rich biodiversity and the influence of human activities in the deep-sea area.

At UNICPOLOS 8 a panelist explained that marine micro-organisms are superabundant and as they play a central role in the global cycling of matter and energy they function as gatekeepers of the world's biogeochemical cycles.¹⁶ Another panelist provided information on services provided by marine genetic resources, for example by regulating the world's carbon cycle and oxygen production and as potential sources for new pharmaceutical and industrial applications.¹⁷

My delegation notes with concern that human activities continue to threaten and degrade the rich diversity of marine genetic resources. We may lose forms of life even before we have an opportunity to discover that they exist. We need to promote science to learn more about marine biodiversity and genetic resources, but most immediately we need to adopt commonsense rules and procedures to protect that biodiversity beyond national jurisdiction.

Some specific concerns with respect of the collection of marine genetic resources include potential impacts that may occur in the collection of biological samples for genetic research or if the collection rate of species collected for biological samples for genetic research is unsustainable and the extent to which there should be sharing of benefits arising from the utilisation of marine genetic resources.

A range of possibilities exist for addressing the concerns highlighted above. As we have said before, a sensible first step would be for all States to require of their nationals and their vessels that they provide advance notification of all activities in the high seas that may harm biodiversity. These include, but are not limited to, fishing; collection of species; marine scientific research; dumping or placement of matter; fertilization with iron, urea or other substances and other geoengineering schemes.

States should require and implement procedures for prior environmental impact assessments, which need not be onerous. For activities whose impacts are likely to be minor or transitory or less the assessment could be a short and simple statement of the proposed activity, location, duration and likely impact or impacts. If marine genetic materials are to be collected, information could be included on likely impact of collection, purpose of collection (commercial or not), proposed means to collect and

label materials, information on proposed disposition including transfer of materials, and information on plans to share data and scientific information through publication or full and open exchange of information. States should require, where appropriate, monitoring and data collected should be made publicly available. Such public availability of data and sharing of information and research results and assistance to build capacity for scientists and experts in developing countries is consistent with obligations under article 143, 200 and 242-244 of UNCLOS.

We see these actions as commonsense steps that can be taken now while States consider and debate a more formal approach to genetic resources beyond national jurisdiction.

In any framework for the equitable use of marine resources from areas beyond national jurisdiction, including of marine genetic resources, the interests of developing countries regarding the sharing of benefits arising from the exploitation and utilisation of such resources should be considered, while recognizing the need to also stimulate investment and innovation in scientific research.

Under a financial benefit sharing system, consideration should be given to financial or profit-sharing arrangements should commercial products be developed as a result of the collection of marine genetic resources from areas beyond national jurisdiction. In this context, the International Treaty on Plant Genetic Resources for Food and Agriculture, in particular through its Standard Material Transfer Agreement, may provide an example of a benefit sharing system that *inter alia* provides for payment into an international fund to help farmers to conserve and sustainably use the source material. However, discussion of various modalities to share benefits should not hinder urgent discussions to promote conservation of such resources.

(e) Whether there is a governance or regulatory gap, and if so, how it should be addressed.

IUCN has proposed a side event on Thursday 1 May 2008 to present for reflection and consideration some ideas that have been developed by experts with respect of governance or regulatory gaps, based on a gap analysis and case study on the Mid Atlantic Ridge, together with studies on options for addressing such gaps through a variety of short and medium term options, including possible elements that States could consider within the framework provided by UNCLOS for new international instruments and/or additional mechanisms, tools and approaches for the effective governance, protection, restoration and sustainable management of marine biological diversity and productivity.

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delegation remains of the view that more can and must be done to implement fully its provisions to better protect and preserve the marine environment.

There are weaknesses with respect of the governance of oceans beyond national jurisdiction. Though other instruments and agreements provide complementary rules, they do not cover all regions of the world's oceans and they do not necessarily cover all human activities in or affecting the oceans. Thus, there are regulatory gaps. Even where there are regulatory regimes in place, there remain difficulties with implementation. There are also gaps with respect of enforcement.

There is a discrepancy with respect to the application of modern conservation and governance norms within international, sectoral and regional organizations. At the first Working Group meeting in February 2006, IUCN introduced an initial list of principles and approaches applicable to human activities in marine areas beyond national jurisdiction. The paper noted that the international community has agreed to a number of important legal principles and norms that have not as yet been applied consistently to marine areas beyond national jurisdiction.¹⁸

In our 2006 Statement we noted

issue and the best way forward, my delegation would welcome a full discussion of how to best promote integrated management and governance for areas beyond national jurisdiction consistent with precautionary and ecosystem approaches, using the best available science, and the application of tools such as prior environmental impact assessments and networks of protected areas.

In order that biodiversity be protected now, we urge all States to participate fully in appropriate global and regional bodies, programs and arrangements, to include the International Seabed Authority (ISA), the International Maritime Organization, (IMO) the Intergovernmental Oceanographic Commission (IOC), the United Nations Environment Program (UNEP), the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), the Convention on Biological Diversity (CBD), the uh/via/P /SPa

transport, communications and other services and values. The oceans cycle a significant amount of oxygen into the atmosphere and absorb carbon out of it. Clearly, this is important also to terrestrial life and links our future to that of the seas.

Thus, in the longer term, we need to move from the current sectoral approach to management of human activities with respect of the oceans to a better integrated cross-sectoral approach, one that incorporates the precautionary and ecosystem approaches, uses the best available science in transparent processes, and applies tools such as prior environmental impact assessments and marine protected areas, including marine reserves, to maintain, restore and protect ecosystem health and biodiversity for the benefit of present and future generations.

In the short term, my delegation urges that all States, individually and jointly as appropriate, put into practice decisive steps to improve our understanding of the oceans, their health, their value and vulnerability.

As all States have rights and obligations under the Convention on the Law of the Sea, no State should allow potentially harmful activities by its vessels or its citizens without first considering the potential effects of such activities on the ocean and how they might impinge on the rights of others to pursue their legitimate uses of the sea, consistent with the precautionary approach.

Drawing from regional and national practice, States should require that their nationals provide them with prior notification of all activities planned in the high seas, followed by the application of a prior environmental impact assessment procedure, then for monitoring and reporting on activities in the high seas and capacity-building to assist researchers and students from developing countries.

To provide an integrated approach to the protection of marine biodiversity beyond national jurisdiction, discussion on how to better protect marine biodiversity beyond national jurisdiction will need to continue. It will be necessary to consider ways to address and close governance, regulatory, implementation and enforcement weaknesses and gaps. My delegation urges a continuation of this United Nations General Assembly Working Group for this purpose.