

## MARINE BIODIVERSITY WORKING GROUP HIGHLIGHTS: THURSDAY, 16 FEBRUARY 2006

On Thursday, 16 February, the *Ad Hoc* Open-ended Informal Working Group of the General Assembly to study issues relating to the conservation and sustainable use of marine biodiversity beyond areas of national jurisdiction (the Working Group) completed discussions on key issues and questions requiring more detailed background studies. Throughout the day, the Working Group considered possible options and approaches to promote international cooperation and coordination. A draft Co-Chairs' summary of trends was circulated in the evening, for discussion on Friday. The Co-Chairs' summary of trends is to be read in conjunction with the summary of discussions of the Working Group, which will be circulated after the end of the meeting.

### ISSUES AND QUESTIONS REQUIRING MORE DETAILED BACKGROUND STUDIES

NEW ZEALAND reported on a meeting convening in Wellington, New Zealand, concurrently with the Working Group, to establish a new regional fisheries management organization (RFMO) in the South Pacific. Austria, for the EU, identified as trends emerging from the Working Group: improved implementation of existing instruments; integrated oceans management; application of the precautionary and ecosystem approaches; recognition of multiple and multifaceted threats to marine biodiversity, including climate change and deep seabed mining; defining criteria for marine protected areas (MPAs) and establishing a global representative network of MPAs by 2012; addressing genetic resources, taking into account legitimate interests of all States; further marine scientific research (MSR), including the full implementation of relevant provisions of the UN Convention on the Law of the Sea (UNCLOS); and negotiating a new UNCLOS implementation agreement.

The RUSSIAN FEDERATION favored an additional protocol to the Convention on Biological Diversity (CBD) on the protection and conservation of marine biodiversity instead of a new UNCLOS implementation agreement, while NORWAY stressed that marine biodiversity in the high seas falls beyond the mandate of CBD. NORWAY prioritized: prompt action to address the most urgent threats to marine biodiversity; promotion of MSR, information sharing and capacity building; and continuing discussions under the auspices of the General Assembly.

NEW ZEALAND highlighted the need to achieve the goal of establishing a global representative network of MPAs, and to advance discussions on this matter in the Working Group. She suggested assessing the practicability, enforceability and consistency with the existing legal framework of proposals put forward during the Working Group meeting.

MEXICO detailed further studies on marine science and socioeconomic issues related to deep seabed biodiversity, and legal studies on trends in national implementation of intellectual property rights and on principles in the existing legal instruments on the conservation and sustainable use of biodiversity, including genetic resources. CHINA, with BRAZIL, emphasized the close relationship between genetic and mineral resources in the Area, and between genetic resources in the Area and in the high seas, and called for further studies. BRAZIL highlighted the need to mobilize financial resources for undertaking these studies and taking into account work done by the International Seabed Authority (ISA). CHINA also encouraged increased information sharing and participation of developing countries, and, with COLOMBIA, further technology transfer.

ARGENTINA said that MSR on the continental shelf falls under national jurisdictions and outside the mandate of this Working Group. CUBA prioritized technology transfer related to marine biodiversity, and said access to genetic resources should not be a privilege of developed countries. He suggested developing research programmes based on cooperation and participation, and training of developing country experts.

### OPTIONS AND APPROACHES TO PROMOTE INTERNATIONAL COOPERATION AND COORDINATION

CANADA suggested: elaborating a plan of action to reduce illegal, unregulated and unreported (IUU) fishing and its impact on biodiversity; implementing integrated protection in high seas; motivating government-supported scientific groups to compile available information; elaborating an action plan for non-compliance with international regulations, particularly on flag-State responsibility; and elaborating a code of conduct for responsible MSR in compliance with UNCLOS.

ICELAND proposed focusing on: implementing existing instruments such as the CBD, the Fish Stock Agreement and UNCLOS; promoting specific and multipurpose scientific research and the sharing of available data; and promoting capacity building, particularly for scientists and resource managers in developing countries.

The UN EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION (UNESCO) reported on its activities to promote the development and implementation of cooperative programmes on marine science and capacity building. IUCN called for further work on MPAs, stronger international cooperation and capacity building on MSR, and building upon existing principles and approaches. SEA TURTLE RESTORATION PROJECT highlighted the adverse impact of longline fishing on leatherback turtles, and urged States to comply with the General Assembly resolution on destructive fishing practices. UNDOALOS Director Golitsyn reiterated the importance of raising public awareness on marine biodiversity, through information campaigns for both policy-makers and the general public.

CHILE prioritized: further research on deep sea vulnerable marine ecosystems, particularly in regions where such research has not taken place yet; better management of vulnerable ecosystems; the establishment of a standardized central data base on vulnerable marine ecosystems; transfer of marine technology in accordance with UNCLOS Part XIV; enhanced reporting by States on measures adopted against destructive fishing practices; and adoption of guidelines on the identification and management of MPAs in deep sea vulnerable ecosystems.

MEXICO suggested: improving States' enforcement of measures to combat IUU fishing and destructive fishing practices in vulnerable marine ecosystems; sharing the benefits arising from MSR; establishing a network of ocean observatories; and developing rules on liability for harm to vulnerable ecosystem, especially in relation to seabed mining. AUSTRALIA prioritized: international cooperation and coordination among intergovernmental bodies and agencies addressing ocean-related issues, as well as cooperation between governments.

South Africa, on behalf of the G-77/CHINA, identified as core priorities: the application of the principle of the common heritage of mankind to all resources of the seabed beyond national jurisdiction, recognizing that norms could be developed to implement access to, and benefit-sharing from, genetic resources in areas beyond national jurisdictions; capacity building and access to, and transfer of, technology; compiling and making available studies on MSR; conducting studies on the socioeconomic and environmental impacts of human activities in areas beyond national jurisdiction; addressing the key threats to marine biodiversity, including IUU fishing, destructive fishing practices and perverse fisheries subsidies; and continuing the process started by the Working Group.

MONACO highlighted the need to coordinate international and regional regimes, including the Convention on Migratory Species and RFMOs. THE INTERNATIONAL COALITION OF FISHERIES ASSOCIATIONS urged governments and industries to balance interests related to fishing activities and marine biodiversity. The US favored the proposed codes of conduct on MSR, and, with NORWAY, reiterated that the General Assembly is the proper forum for addressing the conservation and sustainable use of marine biodiversity in areas beyond national jurisdiction.

**Marine protected areas:** MEXICO suggested promoting cooperation and coordination for the development of options and identification of criteria for the establishment of MPAs, under the leadership of the General Assembly and the scientific contribution of other relevant bodies. The EU stressed the importance of developing scientific criteria for the establishment, identification and management of MPAs, recognizing the existing role and mandate of FAO, CBD, the International Maritime Organization (IMO), and the Regional Seas Conventions.

The US clarified that the goal agreed at the World Summit on Sustainable Development refers to representative "networks," rather than to "a network," of MPAs, and supported existing mechanisms to create MPAs, such as RFMOs and IMO. She stressed that MPAs must have a clearly delineated impact area and opposed MPAs conceived as "no-go zones."

**New UNCLOS implementation agreement:** AUSTRALIA highlighted the need to further consider the proposal for a new implementation agreement to improve coordination and harmonization, clarify the duty to cooperate, and define an agreed basis for setting up MPAs beyond national jurisdiction. The EU proposed convening a second Working Group in 2007, mandated to develop the terms of reference of the implementation agreement. He suggested the agreement: be based on an integrated and precautionary approach; respect the mandates of existing bodies, such as RFMOs, ISA and IMO, and facilitate their cooperation and coordination; provide for the establishment of MPAs, using the best available scientific information; and be elaborated in the context of UNCLOS, without prejudice to the sovereign rights of coastal States.

Favoring an inclusive approach to international cooperation, ARGENTINA suggested focusing discussions on elements that ought to be included in the implementation agreement, on the basis of a "package deal" approach. He highlighted possible key elements, including: addressing access to, and benefit-sharing from, genetic resources; filling the implementation gap; addressing the legitimacy of measures adopted in areas beyond national jurisdiction, such as MPAs; strengthening flag State measures; and consolidating scientific information and data.

GREENPEACE listed necessary elements of a new UNCLOS implementation agreement, including: specific obligations to protect high seas biodiversity based on precaution, the ecosystem approach, sustainability and equity; the recognition of the high seas as an area of scientific value and a natural reserve, part of the common heritage of mankind; the prohibition of highly destructive fishing practices and sustainable fisheries management; definition of criteria and guidelines for MPAs; an obligation to establish regional environmental management organizations and a management plan for marine reserves, and to require prior environmental impact assessment; the creation of a centralised monitoring, control and surveillance agency, a secretariat and a scientific committee; and the provision for long-term funding and a timetable for review.

### **IN THE CORRIDORS**

With the end of the meeting fast approaching, the proposal for a new UNCLOS implementation agreement, put forward by the EU and supported by NGOs, apparently raised a few eyebrows among delegates who fiercely contested the existence of a governance gap. Others, however, kept an open mind about it, wishing to have more time to consider its possible content.

Left to sink or swim, delegates eagerly awaited the circulation of the Co-Chairs' draft summary of trends on Thursday evening, and speculated on its possible contents throughout the day. Highlighting the need to address IUU fishing and destructive fishing practices as a short-term measure, and to set in motion a long-term process for continuing discussions on issues related to deep sea biodiversity in an integrated way seemed to be perceived by many as the best result that could come out of the Working Group.

**ENB SUMMARY AND ANALYSIS:** The Earth Negotiations Bulletin summary and analysis of the Working Group on the conservation and sustainable use of marine biodiversity beyond areas of national jurisdiction will be available online on Monday, 20 February 2006 at: <http://www.iisd.ca/oceans/marinebiodiv/>