

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

United Nations, New York
28 April – 2 May 2008

Agenda Item 4: General remarks

IUCN – The International Union for Conservation of Nature welcomes this opportunity to continue discussion on the conservation and sustainable and equitable use of marine biological diversity beyond areas of national jurisdiction. We join others in thanking the Secretary-General and his colleagues within the Division of Oceans and Law of the Sea for the excellent report that they have prepared to help us guide our work. My delegation notes that much new and useful information about marine biodiversity has been developed at meetings here in the United Nations in recent years. It is time now to focus on – and agree to – steps that we can take collectively to ensure the conservation and sustainable and equitable use of this biodiversity, these resources, for all peoples today and for future generations.

IUCN has prepared interventions with respect of the five areas identified in accordance with paragraph 92 of General Assembly resolution 61/122. Highlights include:

A series of recent scientific reports have shown that the environmental impact of anthropogenic activities on marine biodiversity is real, is growing and is severe.

Unsustainable fishing practices, including Illegal, Unregulated and Unreported (IUU) fishing, overfishing and other destructive fishing practices have diminished marine biodiversity. We have taken too many of the ocean's top predators, and thus unbalancing ocean ecosystems. We have taken too many of species that filter ocean water, for example oysters, clams, menhaden, thus increasing water turbidity and unbalancing ocean ecosystems.

Oceans and marine biodiversity may soon be harmed by the increasing concentrations of greenhouse gases in the atmosphere, thus causing atmospheric and ocean temperatures to rise and changing pH levels of ocean waters, known as ocean acidification. These changes to the oceans affect the world's climate, weather patterns and ocean currents. They will affect marine biodiversity. Already, certain fish stocks appear to be migrating to avoid warming seas. The ability of microorganisms, corals and shellfish to fix calcium and other minerals, which they need to flourish, is being hindered. It is projected that climate change will seriously affect food sources, both on land and in water. In addition, climate-induced changes in the oceans are contributing to increasing rates of species invasions by altering the physical environment in ways that favor non native species.

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

Marine biodiversity is also threatened by new, emerging or intensifying use of the oceans, including those involving iron and urea fertilization; other geoengineering schemes; seabed mining; the introduction of invasive alien species, marine debris and anthropogenic under-water noise that can disrupt marine mammal behavior and may also affect fish behavior.

At UNICPOLOS last year a panelist explained that marine micro-organisms are abundant and play a central role in the global cycling of matter and energy they function as gatekeepers of the world's biogeochemical cycles. We need to protect the ocean processes that support them.

We risk losing 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, and we need to develop and adopt commonsense rules and procedures to protect marine biodiversity.

It is time to focus on solutions to protect marine biodiversity beyond national jurisdiction. While the oceans have been managed sectorally, for example through fishing, shipping and so on, we need to move towards an integrated approach to management based on precautionary and ecosystem approaches.

We need to promote science to help us to understand and respond in a timely fashion to the compounding affects of human activities on the marine environment. The IUCN Red List of Threatened Species published in 2007 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 several were added to the Red List.

Marine protected areas, including marine reserves, represent another tool to help better conserve and manage the oceans and their biodiversity. Such area-based management tools already exist for areas beyond national jurisdiction. These include areas subject to special restrictions for shipping under International Maritime Organization (IMO) rules, areas closed or restricted by Regional Fisheries Management Organizations (RFMOs) to fishing on a spatial or temporal basis, and areas where entry is restricted to protect scientific study or values.

We need to better integrate and implement these tools and to make progress towards the establishment of representative networks of marine protected areas based on the best available scientific information. In this regard, we urge States to endorse in appropriate fora the scientific criteria for identifying ecologically or biologically significant marine areas in need of protection and scientific guidance for establishing representative networks of marine protected areas developed at a workshop in the Azores under the auspices of the Convention on Biological Diversity. We also hope States will welcome

and encourage further work in developing biogeographic classification systems and bioregionalizations, identifying potential sites for consideration as protected areas and establishing pilot MPAs.

IUCN through the World Commission on Protected Areas – Marine is also working to identify sites that should serve as a basis for networks of marine protected areas working with scientists and through coordinators for eighteen WCPA regions, most of which incorporate areas beyond national jurisdiction.

My delegation urges all States, individually and jointly, as appropriate, to put into practice decisive steps to improve our understanding of the oceans, their health, their value and vulnerability. States should take immediate measures to regulate the actions of their nationals on the high seas and to monitor their compliance with applicable laws and regulations. Indeed, States have a duty to do so in order to ensure that the actions of those subject to their jurisdiction respect the rights of other legitimate uses of the sea.

Drawing from regional and national practice, 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 the application of a prior environmental impact assessment procedure for all major activities, and all emerging and intensifying uses, of the oceans. Such assessments should be made publicly available to all on national web sites and should require follow-up monitoring, as appropriate.

To ensure that marine biodiversity beyond national jurisdiction is conserved and sustainably and equitably used, consideration should be given to ways to protect the interests of all States, including those that do not as yet have the full capacity to conduct research and to benefit from marine biodiversity beyond national jurisdiction.

It will also be necessary to continue discussion on how to better protect marine biodiversity beyond national jurisdiction and 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 to this end.

Agenda Item 5: Consideration of issues identified in General Assembly resolution 61/122, paragraph 91

(a) The environmental impacts of anthropogenic activities on marine biological diversity beyond areas of national jurisdiction:

A series of recent scientific reports have shown that the environmental impact of anthropogenic activities on marine biodiversity is real, is growing and is severe. For

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 widespread 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 Biodiversity Loss”², noting that the accelerating loss of deep sea biodiversity presents serious concerns as this may affect the functioning of important global ecosystem functions such as the recycling of nutrients.

In an article published in *Science Magazine* on 15 February 2008 Benjamin Halpern and others presented “A Global Map of Human Impact on Marine Ecosystems”³. They found that 41% of the world’s oceans have a medium high to very high cumulative impact score, with many areas beyond national jurisdiction already having a medium-high score.

In recent years, the greatest threat to the maintenance of healthy marine ecosystems and biodiversity has been unsustainable fishing, including Illegal, Unregulated and Unreported (IUU) fishing, overfishing and other destructive fishing practices. In the pelagic realm, we have taken too many of the ocean’s top predators, such as sharks and tuna, in some other fisheries we have taken too much of the species at the basis of the food chain.⁴ In both cases, we have altered the balance of the ocean systems and we are only starting to realize the full impacts on the food chain. We need to adopt rigorous scientifically-based management of all interrelated fish stocks and we need to ensure robust enforcement of those management decisions through flag state, port state and trade enforcement mechanisms. In this regard, work within the Food and Agriculture Organization (FAO) to draft a legally-binding instrument on Port State measures to prevent, deter and eliminate illegal, unreported and unregulated fishing is welcomed. Also welcomed are steps by Regional Fisheries Management Organizations (RFMOs) to conduct self-assessments based on a set of criteria that were developed following a joint meeting of the five tuna RFMOs early in 2007 and hope to see States working on effectively addressing the results of these evaluations. We also welcome the report of an independent panel of “Recommended Best Practices for Regional Fisheries Management Organizations” published last year.⁵

1 Nelleman, C., Hain, S., and Alder, J. (eds.) February 2008, see http://www.unep.org/pdf/InDeadWater_LR.pdf

2 Donovaro, Roberto et al. (8 January 2008), see <http://www.current-biology.com/content/article/abstract?uid=PIIS0960982207023421>

3 Halpern, Benjamin S. et al. (15 February 2008), see <http://www.sciencemag.org/cgi/content/abstract/319/5865/948>

4 For example menhaden a planktivorous fish of the herring family that reduce water turbidity by consuming algae and thereby effectively filtering ocean waters, see Franklin, H. Bruce: *The Most Important Fish in the Sea*, Island Press, 20007

5 Lodge, Michael W. et al: *Recommended Best Practices for Regional Fisheries Management Organizations*, The Royal Institute for International Affairs (Chatham House), 2007

A looming threat to healthy oceans comes from the build-up of greenhouse gases in the atmosphere. The oceans are thought to have absorbed some fifty per cent of all carbon emissions since the beginning of the industrial revolution. The oceans are warming and acidifying. These changes may likely affect the world's climate, weather patterns and ocean currents. They will certainly affect marine biodiversity. Already, fish stocks are migrating to avoid warming seas. Corals and shellfish and some forms of phytoplankton will likely not be as able to fix calcium, which they need to build their external structures (shells). If this trend continues, we will lose a vital basis of marine productivity and biodiversity.

Other emerging threats include those from iron and urea fertilization; other geoengineering schemes, for example to include pumps to bring colder and deeper waters to the surface, noise which can disrupt marine mammal cycles and may also effect fish behavior disrupting vibration patterns in the water column⁶.

An immediate and simple step that states should adopt now is the requirement for an advance environmental impact assessment for all major activities, and emerging and intensifying uses, of the oceans. Building on obligations in UNCLOS⁷, States should start by adopting national procedures to require such environmental impact assessments of their nationals or vessels for activities known or likely to affect marine biodiversity also beyond national jurisdiction. These assessments should be made publicly available on an Internet web site when more serious potential impacts are identified. States should require monitoring of all activities that will likely have a significant impact. Guidelines could in the near term provide more specific guidance to inform the assessment process. We provided further ideas last year at UNICPOLOS and a fuller paper can be accessed on the IUCN web site⁸

IUCN stresses the importance of supporting and expanding scientific efforts to help us understand and respond in a timely fashion to the compounding impacts of human activities on the marine environment, particularly in the face of the potentially rapid yet unpredictable impacts of climate change. Ongoing efforts such as the Global Reporting and Assessment of the Marine Environment and its "Assessment of Assessments", the Census of Marine Life, the work of UNEP, the IOC and other bodies are vital. A larger scale effort, modeled on the Intergovernmental Panel on Climate Change (IPCC) to provide objective scientific, technical and socio-economic information on the state of the world's oceans, and focusing on anthropogenic and cumulative impacts, in a policy-relevant but policy neutral way through the synthesis of best available information may be helpful. Such a body could provide advice on adaptation and mitigation measures could reduce harmful human impacts on the oceans.

⁶ See Whitty, Julia: *The Fragile Edge: Diving and Other Adventures in the South Pacific*, Houghton Miller, 2007; also de la Peña, Nonny: *What's Making that Awful Racket? Surprisingly, It May Be Fish* in *New York Times*, 8 April 2008

⁷ Articles 206, 205, see also Annex 2 of the 1996 Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter and Annex III of the London Convention, Article 14 of the Convention on Biological Diversity, and Annex I of the Protocol on Environmental Protection to the Antarctic Treaty

⁸ http://www.iucn.org/en/news/archive/2007/06/28_paper.pdf, see also http://www.un.org/Depts/los/consultative_process/documents/8_abstract_cohen.pdf

(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 of this work is to enable species conservation plans and to provide information necessary for a global marine hotspot analysis and identification of key marine biodiversity areas including in marine areas beyond national jurisdiction.

The IUCN World Conservation Congress, to be held in October 2008 in Barcelona, will have safeguarding the diversity of life as one of the central themes, and we would like to extend an invitation to all of you to join us for those discussions, including for those that will focus on safeguarding marine biodiversity and improving ocean governance.

(c) The role of area-based management tools.

Area-based management tools already exist in areas beyond national jurisdiction. These include areas where shipping is subject to special restrictions under International Maritime Organization (IMO) rules, areas closed by Regional Fisheries Management Organizations (RFMOs) to fishing on a spatial or temporal basis or where there may be limitations with respect to gear that may be used, and areas where entry is restricted to protect scientific study or values. States recognized through the adoption at the World Summit on Sustainable Development at Johannesburg of the Plan of Implementation that to promote the conservation and management of oceans, diverse approaches and tools should be developed, including:

⁹ See <http://www.iucnredlist.org/>

“...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 to open ocean and deep sea environments.

The five columns of the scientific criteria for identifying ecologically or biologically significant marine areas in need of protection in open-ocean waters and deep-sea habitats in Annex II of this report provide criteria, definitions, rationale, examples of open ocean and deep sea habitats to which the criteria would apply, and “considerations in application”. These examples and considerations are intended to assist States in applying the criteria to remote and often information-poor areas. At the same time, the considerations indicate tools already in hand to increase knowledge and information

IUCN urges States to welcome and endorse the products of the Azores Expert workshop, and also urges States and relevant international and regional organizations to apply appropriately these criteria and guidelines to identify and protect ecologically and biologically significant areas and to commence building MPA networks for areas beyond national jurisdiction, consistent with international law.

Biogeography is a key contribution to building the knowledge base on which to implement area-based management, including representative networks of MPAs. IUCN urges States to welcome the outcomes and support further progress with respect to

¹⁰ See A/CONF.199/20 paragraph 32(c)

¹¹ UNEP/CBD/SBSTTA/13/INF/14 available at <http://www.cbd.int/sbstta13/doc/>

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.

In addition to this global scale effort, IUCN also welcomes the work on bioregionalization that has progressed within the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR)¹² as well as the development, within the OSPAR Convention in the Northeast Atlantic, of a growing list of proposals for consideration as MPAs in areas beyond national jurisdiction¹³. IUCN urges States to support progress at the regional level and to encourage the development of pilot MPAs from which to gain experience in institutional cooperation as well as for the management and protection of priority places and species while discussions continue at the global level.

IUCN through the World Commission on Protected Areas – Marine is also working with scientists and through Regional Coordinators for eighteen marine WCPA regions to identify initial sites that could serve as a basis for global networks of marine protected areas in areas beyond national jurisdiction.¹⁴

It should also be recognised that MPAs and other area-based measures require complementary management tools to address environmental impacts that are acting on the broader marine environment. Prior assessment and overall impact minimization from a precautionary perspective are a prerequisite to effective ecosystem-based management.

In closing, my delegation notes that current measures, while valuable, are limited by sector and are therefore not as effective as they should be. For this reason, we believe that a better-integrated approach is necessary and we urge States to consider better further ways to enhance global and regional integrated management of the oceans.

(d) Genetic resources beyond areas of national jurisdiction.

The Eighth Meeting of the United Nations Open-ended Informal Consultative Process on Oceans and Law of the Sea (UNICPOLOS) last June provided an opportunity to explore issues related to genetic resources beyond areas of national jurisdiction. The Co-

¹² See CCAMLR Report of the Twenty-sixth Meeting of the Commission (2007) at http://www.ccamlr.org/pu/e/e_pubs/cr/07/i07.pdf and Grant, S. et al “Bioregionalisation of the Southern Ocean: Report of Experts Workshop (Hobart, September 2006) at <http://www.wwf.org.au/publications/bioregionalization-southern-ocean/>

¹³ See <http://www.ospar.org/eng/html/welcome.html>

¹⁴ See <http://www.iucn.org/themes/wcpa/biome/marine/marineprogramme.html>

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

¹⁵ A/62/169

¹⁶ See presentation by Glöckner, Frank, Head of the Microbial Genomics Group at the Max Planck Institute for Marine Microbiology and Jacobs University at http://www.un.org/Depts/los/consultative_process/documents/8_glockner.pdf and also http://www.un.org/Depts/los/consultative_process/documents/8_abstract_gloeckner.pdf

¹⁷ See presentation by Rowley, David, Assistant Professor of Pharmacognosy at the University of Rhode Island at http://www.un.org/Depts/los/consultative_process/documents/8_rowley.pdf and also http://www.un.org/Depts/los/consultative_process/documents/8_abstract_rowley.pdf

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.

As others have also noted, UNCLOS provides the overarching legal framework for ocean governance, including the conservation and management of living resources and the protection and preservation of the marine environment. While the Convention provides the framework, other instruments and agreements provide complementary global rules and standards for specific marine activities. Recognizing and appreciating the progress to date in implementing the rights and obligations as reflected in the Convention, my

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 that reaffirmation of these principles and approaches would reinforce the collective responsibility of all States to ensure the conservation and sustainable use of marine biodiversity beyond areas of national jurisdiction.

Reaffirmation would help to:

- ensure that all activities in areas beyond national jurisdiction are held to the same standard;
- ensure that principles, approaches and best practices are consistently applied across regions;
- guide the elaboration of specialized regimes; and
- advance a more coherent approach to the conservation and sustainable and equitable use of marine biodiversity beyond areas of national jurisdiction.

The Report of the 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 in 2006¹⁹ included a Summary of trends which were identified as the Co-Chairpersons general understanding of the issues, possible options and approaches that emerged from the meeting, including *inter alia* that:

“The conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction should be based on the precautionary and ecosystem approaches using the best available science, and prior environmental impact assessments.”

At that meeting a delegation called for the development of an Implementing Agreement consistent with UNCLOS to provide for the conservation and management of marine biodiversity beyond national jurisdiction, including through the establishment and regulation of marine protected areas. Recognizing that there is a range of views on this

¹⁸ http://www.iucn.org/en/news/archive/2006/02/unga_principles_list.pdf

¹⁹ A/61/65

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 Convention on Migratory Species (CMS), Regional Fisheries Management Organizations and Arrangements (RFMO/As) and Regional Seas Organizations, to ensure that firm rules are in place to ensure the conservation, robust management and sustainable and equitable use of marine biodiversity.

With respect of RFMOs, though traditionally these bodies were established to manage fish stocks for the benefit of their members, they should reflect modern best practices as incorporated in the United Nations Fish Stocks Agreement and with specific reference to the general principle of Article 5(d) that coastal States and States fishing on the high seas shall:

“...assess the impacts of fishing, other human activities and environmental factors on target stocks and species belonging to the same ecosystem or associated with or dependent upon the target stocks.”

Therefore, fisheries managers who participate in RFMOs and their decision making bodies should take into account the known or likely impacts of other human activities, including climate change, on fish stocks when making management decisions with respect of those stocks. Fisheries conservation and management measures should accordingly reflect the need to maintain, restore and protect ecosystem health and biodiversity in the face of these other stresses.

My delegation urges States to close gaps with respect of unregulated fisheries by expanding the geographic and species coverage of existing RFMOs and RFMAs or whose establishment is now under consideration. We note that through United Nations General Assembly Resolution 61/105 it was urged that RFMOs as a matter of priority and in accordance with international law should undertake efforts to strengthen and modernize their mandates and measures and to implement modern approaches to fisheries management relying on the best available scientific information, application of the precautionary approach, and incorporating an ecosystem approach to fisheries management and biodiversity considerations to ensure that they effectively contribute to the long-term conservation and management and sustainable use of marine living resources..

The oceans provide numerous benefits and services to us and to other organisms. Oceans play an important part in the regulation of the Earth's weather and climate; they cycle much of the Earth's carbon, oxygen and other elements. We rely on the oceans for fish,

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.