

Recommendations for the UN General Assembly

Oceans and the law of the sea – Item 76 (a) of the provisional agenda¹ 66th session of the UN General Assembly

We are at a critical point in time for the marine environment and for hundreds of millions of people around the world whose future is linked to healthy and productive oceans. Scientists warn that the combined effects of climate change, overexploitation, pollution and habitat loss, are at a high risk of causing the next globally significant extinction event in the oceans. Today, less than 0.5% of the high seas are protected. According to the FAO, a staggering 85% of the world's fisheries are now fully exploited, over-exploited or depleted. In 2005 it was 76%.

The current gaps in oceans governance jeopardize the conservation and sustainable use of marine biodiversity in areas beyond national jurisdiction, with governments and industries taking advantage of various loopholes to exploit marine resources at great cost to the marine environment. The outcome of the 4th meeting 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 (BBNJ) is encouraging in that it shows that States have recognized that the status quo cannot be sustained and that a new legal framework for biodiversity in areas beyond national jurisdiction is necessary to safeguard our common oceans. It is high time for the UN General Assembly (UNGA) to initiate a formal negotiating process towards a new implementing agreement that will protect biodiversity beyond national jurisdiction.

In June 2012, the United Nations Conference on Sustainable Development (Rio+20) will be held. Healthy oceans provide one of the crucial pillars underpinning sustainable development and so it is imperative that ocean considerations are included and decisions are taken in Rio under both themes of the Conference, i.e. the green economy in the context of sustainable development and poverty eradication and the institutional framework for sustainable development.

It is critical that States recognize that lack of progress on the protection of the marine environment translates into direct and significant losses in terms of biological diversity, food security and benefits for millions of people that depend on the oceans for their livelihoods.

Greenpeace urges the UN General Assembly to adopt a strong and action-oriented Oceans Resolution that will set in motion the recovery of the depleted oceans and fill the gaps in oceans governance. Specifically to:

¹ A/66/150

- **Act in response to the Recommendations of the 4th BBNJ. Initiate a formal negotiating process to fill the gaps in oceans governance by addressing the legal framework for the conservation and sustainable use of marine biodiversity in areas beyond national jurisdiction, including issues such as the establishment of MPAs and marine reserves, EIAs, access and benefit sharing of MGRs and an integrated framework to address existing and emerging uses and threats to the marine environment, and amend the mandate of the BBNJ to enable it to undertake these important tasks. Greenpeace is in strong support of an implementing agreement under UNCLOS as the most effective way to ensure coherent and integrated governance for the world's oceans.**
- **Call for the expeditious implementation of the establishment and effective management of a network of marine protected areas (MPAs) and marine reserves using existing mechanisms;**
- **Stress the central role of the oceans in regards to sustainable development and food security and call on States to ensure that oceans are given a prominent position at Rio+20. By initiating a formal negotiating process to address the governance gaps for biodiversity beyond national jurisdiction in 2012, the UN General Assembly would be sending a strong message on the collective responsibility and determination of States to advance improved global environmental governance.**

Filling the governance gaps for the oceans

The 4th BBNJ concluded its work on 3rd June 2011 with a set of action-oriented Recommendations to the UN General Assembly. The Recommendations, agreed by consensus, are a result of many years of dialogue, analysis and debate between States on the governance gaps, the implementation problems and the urgency of the threats facing our common oceans. The existence of governance gaps was also stressed in fora such as the 10th Conference of Parties to the Convention on Biological Diversity (CBD) where Parties acknowledged the absence of a global process to designate MPAs and highlighted the role of the UN General Assembly in this regard.

The recommended course of action by the BBNJ is clear in that it calls for the UN General Assembly to initiate a process to address the legal framework for the conservation and sustainable use of marine biodiversity in areas beyond national jurisdiction, including through the possible development of a multilateral agreement under UNCLOS.

Greenpeace therefore urges the UN General Assembly to act in response to the Recommendations of the 4th BBNJ and mark 2012 as the year that collective action was initiated to provide the governance structure for the conservation and sustainable use of marine biodiversity in areas beyond national jurisdiction. Greenpeace urges the UNGA to:

- ❖ **Initiate a negotiating process to address the legal framework for the conservation and sustainable use of marine biodiversity in areas beyond national jurisdiction;**

- ❖ **Ensure that, in this process, key issues are addressed such as the establishment and effective management of marine protected areas (MPAs), environmental impact assessments (EIAs) and strategic environmental assessments (SEAs), access and benefit sharing of marine genetic resources (MGRs), transfer of technology, capacity building, as well as, an integrated framework for existing, new and emerging uses of marine biodiversity beyond national jurisdiction.**
- ❖ **Agree that the negotiating process be undertaken within the Working Group and supported by intersessional workshops;**
- ❖ **Ensure that the mandate of the BBNJ Working Group is amended so that it undertakes the important tasks entrusted to the negotiating process;**
- ❖ **Initiate the negotiating process in 2012 by requesting that the Secretary-General convenes a meeting of the Working Group to provide recommendations to the General Assembly at its sixty-seventh session;**

Greenpeace believes that a new implementing agreement under UNCLOS is the most effective way forward to ensure a coherent and integrated approach for all areas beyond national jurisdiction. Such a new agreement would facilitate the effective implementation of all the relevant UNCLOS provisions in regards to biodiversity and be founded on the principles of good environmental governance such as the precautionary principle and ecosystem approach, access to information, transparency, public participation and the use of the best available scientific information. Its overarching aim would be to ensure the long-term conservation and sustainable management of marine life, ecosystems and biological diversity, the protection and preservation of the marine environment, the fair and equitable sharing of the benefits arising out of the utilization of marine genetic resources in areas beyond national jurisdiction. It would also provide an integrated framework for existing, new, emerging and intensifying uses and activities in areas beyond national jurisdiction including through the implementation of EIAs and SEAs and establish the necessary institutional arrangements to implement an effective international monitoring, control, surveillance, compliance and enforcement regime. Regular reporting and accountability to the UN, and review and oversight by the UN of sectoral bodies such as Regional Fisheries Management Organizations (**RFMOs**), are critical and must be addressed under a new integrated framework for biodiversity protection in areas beyond national jurisdiction.

A network of marine protected areas and marine reserves as required by existing international commitments

Pledges taken by governments at the World Summit on Sustainable Development (WSSD) and the CBD to establish a global network of marine protected areas by 2012 to conserve and restore the health of the oceans are far from being honoured with only 5.9% of territorial seas and 0.5% of the high seas is being protected.

At the CBD COP10 last October, the governments agreed a 10 year Strategic Plan and 20 new targets to save life on earth. A number of these targets, in particular targets 3, 6 and 11, have a direct bearing on marine biodiversity. Specifically target 11 commits States to, by 2020 conserve

10% of coastal and marine areas through systems of protected areas. Additionally, in the Marine and Coastal Programme of Work substantial progress was made on the process to identify ecologically or biologically significant areas (EBSAs) and EIAs.

Greenpeace urges the UN General Assembly to call on States and regional organizations to advance their work towards identifying EBSAs in areas beyond national jurisdiction within the CBD processes, and expedite the establishment of marine protected areas and marine reserves using existing mechanisms, take up the invitation by the CBD for the BBNJ to use the scientific guidance and to advance work in the BBNJ, and put into place mechanisms in to receive reports on the regional workshops from the CBD SBSTTA on the EBSA processes (CBD Decision X/29 para. 42, 33).

Oceans on the Road to Rio

Until now oceans issues have been under-represented in discussions around the green economy, in the context of sustainable development and poverty eradication and the institutional framework for sustainable development, despite the overwhelming importance of healthy and productive oceans to the economies of States and their people across the world. Progress on the implementation of the outcomes of previous Summits on Sustainable Development has been gravely inadequate, threatening the ability of the oceans to maintain vital ecosystem services and food security for hundreds of millions of people.

The planet and its people cannot afford the incessant loss of marine biodiversity caused by the plunder and the increasingly irreversible impacts of unregulated use and exploitation. For example, scientists estimate that conserving 20-30% of global oceans through a network of Marine Protected Areas could create a million jobs and sustain a marine fish catch worth US\$70-80 billion/year. According to the FAO, fish provides 20% of their protein intake for 1.5 billion people in the world.

In view of the UNCSD in Rio in June 2012, Greenpeace urges the UN General Assembly to stress the importance of oceans to sustainable development and poverty eradication and to call on States to seize the opportunity of Rio+20 to ensure that oceans milestones are achieved and implemented.

With discussions within the Rio + 20 process focusing on the institutional framework for sustainable development, the initiation by the UN General Assembly of a formal negotiating process in 2012 to fill the governance gaps that hinder conservation and sustainable use of marine biodiversity beyond national jurisdiction would send a clear and strong message of the determination of States to collectively advance more effective global, environmental governance.

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