Towards a new international instrument on the conservation and sustainable use of marine biodiversity in ABNJ

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Canberra
20 November 2014

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71% of Earth is covered by ocean.

64% of the ocean is considered the High Seas/International Waters.

The High Seas cover 45% of the Earth's surface.
Why a new agreement?

• Significant gaps in legal framework for high seas
  – Legal gaps vs. implementation gaps

• Rapid development/intensification of activities

• Cumulative impacts
Timeline

• **2006** – Formation of the BBNJ Working Group

• **2011** – Agreement of the ‘Package Deal’

• **2012** – Rio+20 commitment

• **2014** (April & June) – BBNJ meetings

• **2015**
  - Final BBNJ meeting - January
  - UNGA – August/September
The 2011 ‘Package Deal’

1. **Marine genetic resources**, including questions on the sharing of benefits

2. Measures such as **area-based management** tools, including marine protected areas

3. Environmental **impact assessments**

4. **Capacity-building** and the transfer of marine technology.
BBNJ meeting June 2014

• A strong ‘coalition of the willing’ developing

• Involvement of developing states
  • Pacific nations
  • CARICOM
  • African Union

• Inclusion of civil society

• But, a number of States impeding consensus

• Australia’s role?
(Limited) points of agreement

- Maintain Rio+20 deadline
- Primacy of UNCLOS
- Package Deal

- Suspension of the ‘common heritage’ vs freedom debate

- Respect the mandates of existing organisations
Key issues

• Legal gaps vs. implementation gaps/broader vision

• Respect the mandates of existing organisations - what does this mean in practice?
  • Fisheries

• International vs. Regional

• Institutional structure
Interim regional approaches

- Plethora of existing regional organisations
  - North Atlantic: OSPAR/NEAFC
  - Antarctic: ATS/CCAMLR
  - Sargasso Sea Commission
Next steps

• BBNJ chairs to write a ‘Convergence Report’

• States to make further submissions

• BBNJ meeting in January
  • Expected to recommend to UNGA that negotiations be opened

• Consensus?

• Negotiations likely to commence in 2016

• A continued role for Australia
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