Towards a New International Agreement on High Seas Biodiversity

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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?

- 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 turning point

• A strong ‘coalition of the willing’ developing

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

• Inclusion of civil society

• Lots of World Cup banter
The holdouts
(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
Battle Lines

• Legal gaps vs. broader vision

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

• International vs. Regional

• Institutional structure

• Basically everything…
While we wait...

- Plethora of existing regional organisations
  - North Atlantic: OSPAR/NEAFC
  - Antarctic: ATS/CCAMLR
  - Sargasso Sea Commission
What’s next?

• BBNJ chairs to write a ‘Convergence Report’
• States to make further submissions
• Working Group in January
  • Expected to recommend to UNGA that negotiations be opened

• And for the rest of us: a long hard think…
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