



Marine Biodiversity in Areas Beyond National Jurisdiction

Resolutions of the IUCN World Conservation Congress

September 2016



Resolution 47 - Advancing conservation and sustainable use of biological diversity in areas beyond national jurisdiction

NOTING that nearly two-thirds of the world's ocean is beyond national jurisdiction, and that this area provides valuable ecological, economic, social and cultural benefits;

CONCERNED that marine biodiversity in areas beyond national jurisdiction (ABNJ) is being significantly reduced by certain human activities, and noting the need to protect biodiversity in areas beyond national jurisdiction (ABNJ), such as by establishing marine reserves or other types of marine protected areas;

RECALLING the recommendation in the marine crosscutting theme at the IUCN World Parks Congress (Sydney, 2014) to urgently increase the ocean area that is effectively and equitably managed in ecologically representative and well-connected systems of MPAs or other effective conservation measures. This network should target protection of both biodiversity and ecosystem services and should include at least 30% of each marine habitat. The ultimate aim is to create a fully sustainable ocean, at least 30% of which has no-extractive activities;

FURTHER RECALLING that the outcome document from the IUCN World Parks Congress (Sydney, 2014): (a) expressed support for Aichi Biodiversity Target 11 – at least 10% of coastal and marine areas are conserved by 2020 and (b) recommended development and adoption of an international instrument under the United Nations Convention on the Law of the Sea (UNCLOS) to protect and manage biodiversity in the high seas;

NOTING that greater effort will be needed to establish MPAs in ABNJ to meet the adopted targets;

RECOGNISING that international law as reflected in UNCLOS provides the legal framework within which all activities in the oceans and seas must be carried out;

NOTING that marine reserves play an important role in and are tools for safeguarding biodiversity;

AWARE that the Convention on Biological Diversity process to identify ecologically or biologically significant marine areas in ABNJ is useful for describing areas that need enhanced protection, but that establishing protective measures is a matter for States and competent intergovernmental organisations, in accordance with international law, including the UN Convention on the Law of the Sea;

RECALLING that Resolution 5.074 *Implementing conservation and sustainable management of marine biodiversity in areas beyond national jurisdiction* (Jeju, 2012) supported the conservation and sustainable management of marine biodiversity in ABNJ; and

WELCOMING United Nations General Assembly Resolution 69/292, adopted by consensus in June 2015, in which the General Assembly decided to develop an international legally-binding instrument under UNCLOS for the conservation and sustainable use of marine biological diversity of ABNJ and to that end decided to establish a Preparatory Committee;

The World Conservation Congress, at its session in Hawai'i, United States of America, 1-10 September 2016:

1. Asks states to continue to contribute to the work of the Preparatory Committee established pursuant to the UNGA Resolution 69/292 to make recommendations to the general assembly on the elements of the draft text of an international legally binding instrument for the conservation and sustainable use of biodiversity in areas beyond national jurisdiction and further URGES Member States to include the following measures in their recommendations to the General Assembly:
 - a. the rapid identification, designation and effective management of an ecologically representative and well-connected system of MPAs,^[1] including reserves, in ABNJ;
 - b. the assessment of the impacts of human activities, including cumulative impacts, on ABNJ;
 - c. the regulation of activities to prevent significant adverse impacts on the marine environment;
 - d. effective monitoring, compliance and enforcement;
 - e. capacity building and the transfer of marine technology; and
 - f. the fair and equitable sharing of benefits from marine genetic resources from ABNJ;
2. ENCOURAGES Members to support science-based processes that allow for the establishment of an ecologically representative and well-connected system of MPAs including reserves as an element of the new agreement;
3. URGES States to call on the UNGA to decide to convene an intergovernmental conference that will take place in 2018 on the elements and to elaborate the text of an international legally binding instrument under the Convention; and
4. CALLS ON the Director General, the Commissions and Secretariat to provide technical support and to promote and support the actions described above.

[1] MPAs include the IUCN Protected Area Categories I-VI

The IUCN World Conservation Congress meets every four years to define the general policy of the Union. Resolutions and recommendations adopted by the Congress dictate IUCN's positions on global issues and set a common agenda for IUCN and its Members. Throughout history, IUCN resolutions have influenced global processes and contributed to environmental treaties, including CITES, Ramsar, World Heritage, and the Convention on Biological Diversity.¹



The 2016 World Conservation Congress was held in Honolulu, United States, from 1-10 September. The largest meeting of environmentalists in the US in history, the Congress brought together several thousand leaders and decision-makers from government, civil society, indigenous peoples, business and academia to discuss the future of conservation. A priority issue was the topic of oceans.

Many resolutions directly address marine biodiversity and ecosystem. Others address activities and mechanisms that are relevant to marine conservation. This factsheet summarizes selected outcomes of the World Conservation Congress that are significant for the ongoing discussions of conservation and sustainable use of marine biodiversity in areas beyond national jurisdiction.

All resolutions and recommendations adopted at the Congress are available here:

<https://portals.iucn.org/congress/assembly/motions>

Areas beyond national jurisdiction

Resolution 47 directly addresses conservation and sustainable use of biological diversity in areas beyond national jurisdiction (Box 1). This resolution urges States to work through the UN Preparatory Committee process to develop a new international legally binding instrument that includes measures on the rapid identification, designation and effective management of an ecologically representative and well-connected system of MPAs, including reserves; the assessment and regulation of impacts – including cumulative impacts – of human activities; effective monitoring, compliance and enforcement; capacity

building and technology transfer; and the fair and equitable sharing of benefits from marine genetic resources.

Area-based management tools including marine protected areas

Many of the resolutions adopted at the World Conservation Congress address issues related to area-based management and marine protected areas.

Resolution 96 proposes “an ambitious post-2020 strategy” including science-based targets for “protected areas and other effective area-based conservation measures within wider, sustainably managed, ecologically functional landscapes and seascapes,” as well as strengthening of “transparent, sustainable, landscape-scale planning” for potentially harmful industrial activities, including recognition that key areas such as World Heritage Sites and other protected areas should be off-limits to such activities entirely.

Resolution 50 encourages States “to designate and implement at least 30% of each marine habitat in a network of highly protected MPAs and other effective area-based conservation measures, with the ultimate aim of creating a fully sustainable ocean at least 30% of which has no extractive activities” including by “engaging constructively in establishing MPAs in areas beyond national jurisdiction” through “the development of a new instrument under the United Nations Convention on the Law of the Sea for the conservation and sustainable use of marine biological diversity in areas beyond national jurisdiction” that contains “a robust mechanism for establishing effectively and equitably managed, ecologically representative and well connected systems of marine protected areas, including reserves.”

Multiple resolutions promote international area-based management in specific regions: Resolution 32 promotes representative systems of protected areas in Antarctica and the Southern Ocean, while Resolution 91 supports the establishment of a South Atlantic Whale Sanctuary under the auspices of the IWC.



Resolution 39 “calls on all State Members and other players to integrate protected area networks into climate change adaptation strategies,” while Resolution 57 encourages recognition of “the role that marine protected areas play in both climate

¹ IUCN, *A Review of the Impact of IUCN Resolutions on International Conservation Efforts* (Jeju 2012), available at <https://www.iucn.org/content/review-impact-iucn-resolutions-international-conservation-efforts>

change mitigation and adaptation, and the importance of preserving marine and coastal ecosystems from climate change by promoting the establishment of coherent, resilient, ecologically connected, and efficiently managed networks of protected marine areas.”



Environmental impact assessments and strategic environmental assessments

The World Conservation Congress reaffirmed the importance of environmental impact assessments, and the role of the business community in assessing and regulating impacts.

Recommendation 102 calls on governments to ensure that all activities are compatible with the conservation objectives of protected areas, “through appropriate, transparent and rigorous pre-emptive appraisal processes, such as international best practice environmental and social impact assessments, strategic environmental assessments, and appropriate regulation.”

Resolution 66 encourages businesses to “strengthen measurement, valuation and reporting on impacts on biodiversity” and to provide information on both “direct and indirect impacts of their activities on biodiversity conservation and ecosystem services” and encourages governments to establish legal frameworks requiring such reporting.

In Recommendation 110, the WCC calls on businesses to “reduce direct and indirect impacts on biodiversity, taking into account entire production and supply chains, including using the appropriate efficient certification systems, product life cycles and the publication of georeferenced maps of their supply sites and the conservation values associated with their supply chains” and to undertake “robust, transparent reporting of their actions for biodiversity.” The recommendation goes on to invite “governments to establish incentive and binding technical, political and tax frameworks of measures in order to get businesses to embark upon this path.”

Marine genetic resources and sharing of benefits

At the World Conservation Congress, IUCN Members came to their first agreement on an issue highly relevant to marine genetic resources: synthetic biology. Resolution 86 directs the IUCN Director General and Commissions to undertake an assessment and develop recommendations on “the

organisms, components and products resulting from synthetic biology techniques and the impacts of their production and use” and starts a process for the development of an IUCN policy on biodiversity and nature conservation in relation to synthetic biology.

Capacity building and technology transfer

Recognizing the importance of scientific research in biodiversity conservation, Recommendation 111 encourages national governments to establish or strengthen “public policies and incentives that enable and stimulate scientific research on biodiversity and natural resource conservation, highlighting their benefits to society.” Additional resources for scientific research is strongly related to capacity building and technology transfer.



Other oceans-related resolutions

Many other resolutions adopted at the World Conservation Congress directly or indirectly address issues related to oceans, from fisheries (Res. 21) to whaling (Res. 55) to marine litter (Res. 49) to mining waste (Res. 53) to offshore energy (Rec. 112) to conservation of species that spend all or part of their lifecycles in oceans, such as Anguillid eels (Rec. 99), vaquita porpoises (Res. 17), and species of sharks and rays (Rec. 101). Others address business practices and policies relevant to ocean conservation, such as Resolution 59, which adopts the IUCN Policy on Biodiversity Offsets, requiring use of the mitigation hierarchy in biodiversity offsetting.

