

Progress towards a legally-binding treaty to safeguard the ocean beyond national boundaries

Background information

The new treaty is to focus on a so-called package of five agreed elements: marine genetic resources, including questions on benefit sharing, area-based management tools including marine protected areas, environmental impact assessments, capacity building and transfer of marine technology.

Though the 'UN ad hoc open-ended informal working group on biodiversity beyond national jurisdiction' began its work in 2006, little progress was made until 2011 when the G77 and the European Union agreed to call for a comprehensive 'implementing agreement' under the United Nations Convention on the Law of the Sea (UNCLOS) based on these five elements.

In 2012, further progress was made, when Heads of States and Governments at the Rio+20 conference committed to take a decision on the development of a new treaty no later than September of 2015.

Since Rio+20, the UN Informal Working Group has been deliberating the scope, parameters and feasibility of a new international instrument under UNCLOS. Its January 2015 meeting was charged with developing recommendations to the General Assembly on whether to proceed to launch negotiations.

This positive decision at the UN meeting followed a suite of harsh news last week on the increasing impacts of humans on the ocean, including the remote ocean beyond national boundaries. According to a paper in the journal *Science*, humans have profoundly decreased the abundance of both large and small marine animals, from whales to anchovies. Such declines can generate waves of ecological change that travel both up and down marine food webs and can alter ocean ecosystem functioning.* This ecosystem simplification can further undermine animals' ability to respond and adapt to climate change.

To make matters worse, it was also revealed that in addition to 2014 being the hottest year on record on land, the oceans are heating much faster than expected. The oceans absorb over 90% of the heat generated from rising CO₂ emissions, and this is coming at a huge cost to ocean ecosystems and the marine resources upon which billions depend. Warming waters, rising sea levels and acidity, decreasing productivity, increasing dead zones and areas of decreased oxygen all erode ocean health and resilience.

The scientists writing in *McCauley et al.*, held out a hand of hope: that we can learn the lessons of the past. Rather than embarking on an era of large-scale marine habitat modification, we can come together to slow climate change, rebuild affected animal populations, establish marine protected areas, reduce overfishing, and end destructive fishing practices. We can integrate biodiversity and habitat protection into the planning and management of all human activities affecting coastal and marine environments.

A legally-binding agreement for our global ocean commons will not solve global climate change but it can create an important habit of global cooperation to achieve a common goal. It can also create a vital platform to implement the scientists' prescription for building a healthy, resilient and productive ocean.

*McCauley *et al.*, Marine defaunation: Animal loss in the global ocean, *Science*, 347 (2015); DOI: 10:1126/science.1255641.