



World Commission  
on Environmental Law

Commission Mondiale de  
Droit de l'Environnement | Comisión Mundial  
de Derecho Ambiental

## IUCN WCEL Specialist Group Update

### Ocean, Coasts and Coral Reefs Specialist Group

**Update: October 2018**

#### **Introduction**

The IUCN WCEL Ocean, Coasts and Coral Reefs Specialist Group (OSG) mandate is to work toward a healthy ocean, recognizing the special needs of coastal areas, coral reefs, and the high seas. OSG priorities, consistent with WCEL priority legal thematic areas are: recovery and conservation of biodiversity; ecosystem protection; and sustainable coastal and marine management. Priority cross-cutting themes are: climate change, protected areas, Arctic and Antarctic polar governance; compliance and enforcement of environmental laws.

OSG advances the goals of IUCN by promoting, developing and implementing international environmental law through a variety of activities. These include reports, convenings, participation in international meetings and negotiations including preparation of international draft agreement texts, representation in international courts and tribunals, support to the IUCN Environmental Law Programme, collaboration with other IUCN Commissions, and supporting capacity building and the development of knowledge through the IUCN Academy and other scholarly activities.

To support the OSG community and collaboration between legal and scientific experts, the OSG Chair has entered into an agreement with the Rutgers University Institute of Earth, Ocean and Atmospheric Science (EOAS), with the approval of the WCEL Chair and Steering Committee. EOAS acts as the secretariat for OSG, and together they may undertake research, policy and teaching collaborations, consistent with IUCN policies, resolutions and recommendations and with the EOAS Strategic Plan. EOAS fosters and enhances research, education, and public policy engagement that advances scientific understanding of the past, present and future of the Earth system and builds the knowledge and perspective needed for equitable state, national and global stewardship of a healthy, sustainable and resilient planetary environment, a mission consistent with IUCN, WCEL and OSG's mission.

#### **Priority Areas, Subject Matter Focus**

Highlights of work in which the OSG is engaged include:

- Participation of OSG members in the Intergovernmental Conference on an international legally binding instrument under the United Nations Convention on the Law of the Sea

on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction (General Assembly resolution 72/249);

- Contributions to the American Journal of International Law's Unbound Symposium *Governing the High Seas* by OSG members David Freestone, Andrew Friedman, Stephen Minas, and OSG Chair Cymie Payne (also editor of the symposium);
- Book project edited by co-chairs emeriti Nilufer Oral and David VanderZwaag, and OSG member Timothy Stephens, *Research Handbook on Ocean Acidity* (Edward Elgar, anticipated publication 2020);
- Book project edited by OSG member Robert Makgill and Virginie Tassin, *Deep Sea Mining & the Law of the Sea* (Routledge, London & New York, anticipated publication 2020); and
- Numerous publications and reports by OSG members, several of which are available on the OSG web page.

Through these activities, OSG is doing its part to “Contribute to strengthening international governance mechanisms for marine areas beyond national jurisdiction, and Antarctica and the Arctic, including the establishment of marine protected areas” [IUCN 2017-2020 Programme Area 2.3].

### **Biodiversity Beyond National Jurisdiction (BBNJ)**

OSG members have contributed to drafting and delivering IUCN interventions during the BBNJ PrepCom, preparing reports and organizing side events and workshops to inform PrepCom delegations, and collaborating with sister and member organizations, including the High Seas Alliance, Pew, American Society of International Law, and DOSI.

For the first meeting of the UN Intergovernmental Conference (IGC) in September 2018, OSG members have participated in drafting IUCN recommendations, giving workshops, working with the IUCN Environmental Law Centre and the Global Marine and Polar Programme, drafting and delivering IUCN interventions during the IGC, coordinating and collaborating with sister and member organizations. WCEL-OSG members participate in the IGC on a variety of state, IGO, and NGO delegations, providing a diversity of perspectives, expertise and insights to the IUCN team. As part of its network- and capacity-building role, OSG provided links to resources to its members to enabled them to follow the IGC from afar.

OSG proposes to engage more of its members in research on specific topics to assist the BBNJ negotiation, crowd sourcing the 200+ WCEL members interested in Ocean, Coasts and Coral Reefs regarding their national laws and best practices, resources permitting.

## **Other Activities**

Members participated in:

- United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea - Nineteenth meeting: "Anthropogenic underwater noise" 18 to 22 June 2018 (United Nations Headquarters);
- Ad Hoc Working Group of the Whole on the Regular Process for Global Reporting and Assessment of the State of the Marine Environment, including Socioeconomic Aspects;
- Activities related to Sustainable Development Goal (SDG) 14, Life below Water: Conserve and Sustainably Use the Oceans, Seas and Marine Resources for Sustainable Development;
- Thirteenth round of Informal Consultations of States Parties to the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks;
- Nilufer Oral, in her UN Library Talk (downloadable from OSG web page), highlighted the gaps in UNCLOS and the climate regime;
- Participation in International Seabed Authority (ISA) workshops on environmental assessment and management of deep seabed mining and the promulgation of ISA mining regulations, and comments by OSG members on the draft mining code.

These activities were particularly valuable in contributing to “Effective implementation and enforcement of laws and policies for valuing and conserving biodiversity and nature is accelerated” [IUCN Programme Area 1.2].

## **Support for OSG**

OSG will expand its participation in international governance mechanisms, resources permitting. Active engagement of OSG members from regions that are often under-represented is particularly desired, and such participation is especially dependent on new resources to support their expenses.

## **Ocean, Coasts and Coral Reefs Specialist Group Role within IUCN**

The OSG has contributed to IUCN activities, in particular through its members’ support of and contributions to the work of:

- Environmental Law Centre – review of Matrix, Recommendations to BBNJ IGC, IUCN BBNJ delegation support; and
- IUCN Academy – many OSG members participated in the IUCN Academy of Environmental Law’s 16th Colloquium, *The Transformation of Environmental Law and Governance: Innovation, Risk and Resilience*, in Glasgow, Scotland, 4-6 July 2018. Members presented papers on ocean law and policy-related topics; titles of presentations

by specialist group members may be found in the Colloquium Program, available on the Academy's website

### **Membership Engagement**

The OSG has a large membership representing 57 countries. Members engage in research, diplomacy, teaching and outreach through IUCN; members are leaders in the field, nationally, regionally and internationally.

The goal for the OSG is to engage all of its members, to take advantage of their individual international expertise and vision, as well as the extraordinary geographic coverage of their knowledge of their national law. Our vision is that members will mutually build capacity through this work.

We welcome new ideas, new partnerships, project leadership and support. If you are interested in OSG membership, or would like to propose a project or partnership, please contact: [iucn-ocean@cymiepayne.org](mailto:iucn-ocean@cymiepayne.org).