Ocean governance

The High Seas and international seabed “Area” support vital biological resources, yet because they are beyond the remit of any single government to protect, they are subject to overexploitation, pollution and habitat degradation, which together are undermining vital Earth support systems. Known also as Areas Beyond National Jurisdiction (ABNJ), these areas are notoriously difficult to manage as they are addressed activity by activity with few laws to promote their protection. The laws that are in place are often weak and poorly enforced. These remote areas of the ocean are, however, rich in biodiversity and resources and play a critical role in ecosystem services such as oxygen production and carbon storage. Since ABNJ make up nearly two thirds of the global ocean (that’s 45% of the Earth’s surface), this is of particular significance to the health of the planet.

The existing gap in the conservation and protection of biodiversity and ecosystems in ABNJ and weaknesses in governance that undermine their sustainable use pose major threats to marine species and their habitats. The existing system lacks the common goals, principles or standards, multi-sectoral coordination, geographic coverage and accountability frameworks needed to ensure comprehensive conservation, enforcement or broad stakeholder participation (Gjerde et al., 2008; Ban et al., 2013a). These gaps can allow unregulated and unreported activities, overexploitation of marine resources and destruction of benthic ecosystems.

Globally, the conservation and sustainable management of ABNJ biodiversity has gained momentum in recent years. In June 2015 member States of the UN General Assembly (UNGA) formally agreed to develop a legally-binding instrument under UNCLOS for the conservation and sustainable use of marine biological diversity in ABNJ (A/RES/69/292). This decision builds on more than a decade of global discussions and debates at the UN, CBD Conferences of the Parties, UN Food and Agriculture Organisation (FAO), IUCN Congresses and other international fora.

IUCN and ABNJ

Since 2003, IUCN has been one of the key players bringing the issue of rising risks and threats to marine biodiversity in ABNJ to international attention and promoting the need for better use of existing instruments as well as a possible new instrument under UNCLOS. IUCN has passed multiple resolutions on these issues, with additional motions submitted for consideration at the next IUCN World Conservation Congress in Hawaii. Adopted resolutions include WCC-2000-RES-020 (Conservation of marine biodiversity); WCC-2004-RES-064 (Conservation and sustainable management of high-seas biodiversity); WCC-2008-RES-031 (Achieving conservation of marine biodiversity in areas beyond national jurisdiction); and WCC-2012-Res-074 which:

1. Calls on States Individually and as IUCN Members to address ocean governance gaps in the protection and conservation of biodiversity in areas beyond national jurisdiction through the negotiation of a new implementing agreement under UNCLOS for the protection and conservation of high seas biodiversity

IUCN has also produced many guidance documents and resources on marine biodiversity in areas beyond national jurisdiction through the work of the Global Marine and Polar Programme, the Environmental Law Programme, the World Commission on Protected Areas and other partners. This has included provision of policy and scientific information to
governments and other organizations, and most recently the development of various policy papers on this topic, and a matrix of suggestions designed as a tool for negotiators. These resources are available via the IUCN GMPP website and other means (see below).

IUCN experts have presented on the scientific and policy measures at numerous events and workshops around the world and are well known as leading experts in the field.

IUCN also seeks to engage with industry players to adopt legally-binding measures for fishing, scientific exploration and other forms of exploitation in ABNJ.

IUCN and its partners are currently implementing a project on seamount conservation in the South West Indian Ocean (SWIO) covering both science and governance angles. This project seeks to promote the sustainable use of marine resources living around seamounts in the SWIO, which are known hotspots of biological richness.

To address these issues, appropriate mechanisms that bridge science and policy making must be established. However for this to happen, the scientific study of these fascinating ecosystems is essential along with a better understanding of the current governance structure and the potential to close the legal gaps.

Other on-going global ocean governance work involves the Sargasso Sea, an amendment to UNCLOS and work in the polar regions.