

HIGH SEAS BRIEFING

A landmark ocean biodiversity treaty to protect the high seas now and for the future

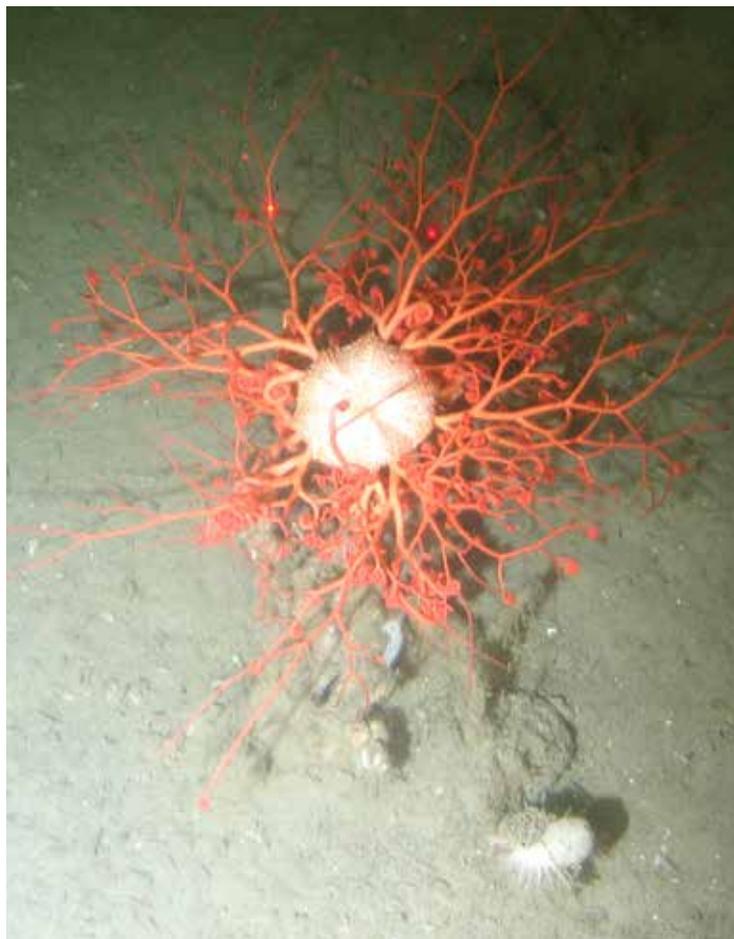
The high seas, comprising 64 percent of the global ocean and covering nearly half the planet, contain some of the most biologically important, least protected, and most critically threatened ecosystems in the world. These international waters face increasing impacts from fishing, shipping, plastic, chemical and noise pollution, as well as significant threats related to climate change and ocean acidification.

As the high seas are a global common, only a global treaty negotiated under the auspices of the United Nations can sufficiently address the inadequate, highly fragmented and poorly implemented legal and institutional framework that is currently failing to protect the high seas – and therefore the entire global ocean – from the multiple threats they face in the 21st century.

The path to a treaty

The United Nations Convention on the Law of the Sea (UNCLOS) is recognized as ‘the constitution’ for global ocean governance. But UNCLOS, negotiated in the 1970s, has not kept up with the rapid technological, scientific and legal developments of the last 40 years. Its provisions are weak or nonexistent with respect to many aspects of biodiversity, and lacks basic conservation and management tools, leaving many human activities in the high seas inadequately addressed. Currently, for these areas beyond national jurisdiction (ABNJ), there is (i) no legal mechanism with which to establish fully protected or multi-sectoral marine protected areas, (ii) a lack of uniform environmental impact assessment (EIA) requirements for all activities undertaken, and (iii) no agreement for access and benefit sharing of marine genetic resources.

Given the mounting anthropogenic threats to the ocean, it is essential to modernize high seas governance to ensure the health and resilience of the ocean for future generations. The international community recognizes that the lack of protection of high seas biodiversity is a huge and urgent problem and that the forthcoming treaty negotiations are critical. At the Rio+20 Earth Summit in June 2012, governments



Basket Star at the Darwin Mounds, Northeast Atlantic. © National Oceanography Centre (NOC), NERC

committed to “address, on an urgent basis, the issue of the conservation and sustainable use of marine biological diversity of ABNJ including by taking a decision on the development of an international instrument under UNCLOS” (para. 162, The Future We Want). Since then, the High Seas Alliance (HSA), on behalf of its 36 member organizations, has advocated for a new international legally binding treaty under UNCLOS to protect marine biological diversity in the high seas and seabed.

The UN process

In June 2015, after a decade of discussion and negotiations within a UN Open-Ended Working Group on how to address these ocean governance gaps, the UN General Assembly (UNGA) adopted Resolution 69/292, which established a two-year Preparatory Committee (PrepCom) process from 2016–17, to further elaborate elements that could comprise this new legally binding

instrument. The PrepCom addressed four agreed issues: area-based management tools including MPAs; environmental impact assessments; marine genetic resources, including access and benefit sharing; and capacity building and marine technology transfer. In July 2017, the PrepCom concluded with a recommendation to the UNGA to convene an intergovernmental treaty conference as soon as possible. This is the first global treaty process related to the ocean in over two decades and the only one targeted specifically for the protection and management of marine biodiversity in ABNJ.

UN Member States are currently negotiating a resolution that will establish the modalities of the intergovernmental conference. **It is critically important to begin these negotiations without delay, in 2018.** This new treaty provides a once-in-a-generation opportunity to transform the way nearly half the planet is protected and managed and its importance cannot be overstated.



High Seas Alliance: Who we are

The High Seas Alliance (HSA) is a partnership¹ of organizations and groups aimed at building a strong common voice and constituency for the conservation of the high seas in order to strengthen high seas governance, and protect the almost 50 percent of the planet that is beyond national jurisdiction.

The HSA is committed to continue its work to ensure that the forthcoming intergovernmental conference results in the adoption and ratification of a legally binding treaty as soon as possible that contains robust conservation provisions and a framework for the establishment of fully protected MPAs in the high seas. Developing a treaty for the conservation and sustainable use of high seas marine life is a vital step towards filling the gaps in ocean governance and ensuring that the life-giving wonders and precious biodiversity of the high seas are conserved now and for the future.

¹ Current High Seas Alliance members: Aida, Antarctic and Southern Ocean Coalition, Bird Life International, Blue Climate Solutions, Ecology Action Centre, Eco, Environmental Justice Foundation, Global Ocean Trust, Greenpeace International, Iceland Nature Conservation Society, International Ocean Institute, International Programme on the State of the Ocean, International Union for Conservation of Nature (IUCN), Marine Conservation Institute, Morigenos, Marine Watch, MarViva, Migratory Wildlife Network, Mission Blue, Natural Resources Defense Council, Oceana, Ocean Care, Oceanus, Pretoma, Sailors for the Sea, Sargasso Sea Alliance, Tara Expeditions, Tethys Research Institute, The Nature Conservancy, The Pew Charitable Trusts, The TerraMar Project, Turtle Island Restoration Network, Whale and Dolphin Conservation, Wildlife Conservation Society, World Commission on Protected Areas, World Wide Fund for Nature, Zoological Society of London.

