



Ten Governance Principles for an International Legally Binding Instrument on Marine Biodiversity in Areas Beyond National Jurisdiction

The principles set out in this document reflect States' existing international obligations under the United Nations Convention on the Law of the Sea (UNCLOS) and other international instruments as well as global norms relevant to the conservation and sustainable use of marine biodiversity in areas beyond national jurisdiction (ABNJ). They are submitted for consideration by States as integral elements of a new international instrument under UNCLOS pursuant to UNGA Resolution 69/292.



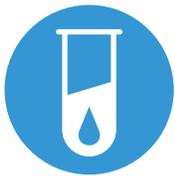
1. Protection and preservation of the marine environment

Protection and preservation of the marine environment is recognized under UNCLOS as an obligation of all States. The new instrument should seek to operationalize this provision under the Convention, including by containing obligations to maintain and restore ecosystem integrity, protect habitats, and conserve species and genetic diversity. This could be framed as 'Protection and preservation of biodiversity and the marine environment and the maintenance and restoration of ecosystem integrity in areas beyond national jurisdiction'.



2. Cooperation

UNCLOS provides that all States have the duty to cooperate with other States in conserving the living resources of the high seas and in developing rules for the protection and preservation of the marine environment. Cooperation *between* States for the conservation of biodiversity, *by* States in their work in international organizations, and *between* those international organizations, should be enhanced by the new instrument.



3. Science

Using the best available science is important for decision-making in all aspects of the new international instrument, including ensuring the conservation and sustainability of use of marine resources, including genetic resources. It is closely related to the transfer of technology and capacity building, to ensure that the best science is available when needed.



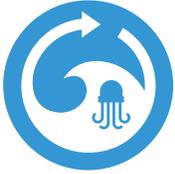
4. Stewardship

The conservation of marine biodiversity and the integrity of ecosystems in ABNJ are the common concern and shared responsibility of all States. This goes beyond the concept of State responsibility, towards one of stewardship. States should be responsible for acting as stewards on behalf of present and future generations in their management of marine resources and activities affecting biodiversity in ABNJ.



5. Precautionary principle

The ecosystems of the high seas and seabed Area need to be further studied and better understood. The precautionary principle makes it clear that the absence of information cannot be an excuse for failing to protect them. States and international organizations should apply the precautionary principle widely in order to conserve and protect living marine resources and preserve marine biodiversity and environment in ABNJ.



6. Ecosystem-based management

States and international organizations should cooperate to apply ecosystem-based management in ABNJ through an integrated approach in which decision-making within and across sectors safeguards wider marine ecosystems to ensure their long-term conservation and sustainable use. Large-scale marine spatial planning and networks of marine protected areas and reserves and other area-based management measures for biodiversity conservation purposes, should be integral parts.



7. Sustainability and equity

Sustainability recognizes the intrinsic value of the natural world's continued existence and its ability to regenerate itself. In the context of the new instrument, sustainable development that meets the needs of the present without compromising the ability of future generations to meet their own needs, should be incorporated in a way that reflects the notion of fairness or equity for present and future generations while maintaining ecosystem integrity. Particular attention should be given to benefits to and the interests of developing countries.



8. Good governance (transparency, public participation, access to review)

Public participation is a fundamental legal principle in environmental management and decision-making, allowing for transparent decision-making that incorporates an array of knowledge and values. Access to information is a prerequisite for meaningful public participation in decision-making. Transparency, stakeholder participation and access to review procedures should be included in the new instrument as these are essential for informed and responsive decision-making that considers all three pillars of sustainable development.



9. Polluter pays

The OECD embraced the polluter pays principle in 1972 and the Rio Declaration endorsed the approach that the polluter should, in principle, bear the cost of pollution. The principle can be the basis for costs of environmental impact assessments, pollution prevention and control in ABNJ, liability and redress, or clean-up costs.



10. Respect for the Law of the Sea

This principle is sometimes referred to as conditional freedom of the seas. UNCLOS provides a list of the freedoms of the seas but also requires this freedom to be exercised under the conditions laid down by this Convention and the other rules of international law. An explicit reference, which gives equal weight to the rights and responsibilities of States in undertaking activities in the high seas, would provide an important legal basis for future mechanisms, including those related to monitoring, compliance and enforcement.

You can find out more about these principles and the High Seas Alliance at www.highseasalliance.org/resources