

IUCN statement on Institutional arrangements

Agenda Item 6

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Need for an enabling environment for cooperation, coordination and ecosystem-based management

While the existing sectoral and regional competent authorities in ABNJ have a critical role to play in managing activities, including through constant cooperation for biodiversity conservation, IUCN would like to join others in observing that the current institutional architecture or structure for ocean governance at present are not conducive to reinforcing that cooperation.

As described in a recent study of governance architecture in ABNJ published by the GEF, (building on an extensive literature), long term cooperation, coordination, or ecosystem-based management will not be achieved absent the enabling conditions necessary for effective interplay, i.e. non-hierarchical organizations operating in sync based on a common purpose and set of principles. Such conditions are necessary to improve vertical as well as regional horizontal cooperation and interplay for the key issue of biodiversity (Mahon et al, 2015; Fanning et al. (2007) Young, 2002). As noted in Mahon et al, “questions about limited mandates, rigid hierarchies and varying priorities (a lack of a common purpose and shared set of principles) leave the future of constructive interplay **unsure absent a strong call for enabling mechanisms for cooperation from the UNGA or via a new international agreement.**” Mahon, R., L. Fanning, K. M. Gjerde, O. Young, M. Reid, S. Douglas, (2015). Transboundary Waters Assessment Programme (TWAP) Assessment of Governance Arrangements for the Ocean, Volume 2: Areas Beyond National Jurisdiction. IOC-UNESCO, Paris. IOC Technical Series, 119: 91 pp, at 29

What could be the role for a global mechanism for area-based management tools, including marine protected areas, in areas beyond national jurisdiction?

The most important functions for a global mechanism could be to:

- **Provide a global level perspective on priorities for area-based conservation and management,**
- **Facilitate and implement a network of representative and well-connected marine protected areas**
- Define, review and update criteria to identify areas for area-based management,
- **Assess proposals for MPAs and other area-based management measures, ensuring expert review, public participation and global recognition;**
- With respect to proposal submission, IUCN would like to suggest a somewhat wider process that would enable any State, competent international organization or accredited observer to submit a proposal. A scientific advisory body established

pursuant to an implementing agreement could also be entitled to submit a proposal. A consultation process could also be used to develop a proposal and proposed management measures.

- **Designate (review and revise) MPAs, through a conference of parties;**
- Administer relevant capacity building and technology transfer activities and an access and benefit sharing Clearing House, if one is created
- **Provide a global mechanism for reporting, monitoring, assessment of progress, and a framework for responsibility and accountability; and other necessary functions**

What might be the role of existing global sectoral bodies and regional mechanisms?

Existing organizations could have many roles in, under and complementary to an implementing agreement in which both a top-down and horizontal approaches are integrated. Specifically, in addition to continuing their role at regulating the sector under their competence, **the following steps could be considered with respect to sectoral ABMTs.**

The new instrument could build on the duty to cooperate to that Contracting Parties:

- Support through ABMTs the establishment of a system of ecologically representative and well-connected marine protected areas, including marine reserves,
- Adopt other area-based management measures where special measures need to be taken to conserve marine biological diversity in ABNJ;
- Apply and implement internationally agreed scientific criteria and guidelines for this purpose
- Adopt measures to avoid or minimize adverse impacts on marine biological diversity in ABNJ
- Regularly report on progress to the global mechanism,

IUCN could provide a much longer list, but what IUCN would like to suggest for consideration here would be a new implementing agreement could call for the **development of regional and sectoral biodiversity strategies and action plans.** Such plans, as envisaged in CBD Article 6 with respect to areas within national jurisdiction, could enable existing organizations to better integrate the conservation and sustainable use of marine biodiversity in ABNJ into all levels of planning and decision-making by identifying key issues and emerging threats, craft proactive management responses in light of foreseeable cumulative impacts.

What could be the relationship between the various arrangements?

An implementing agreement could provide an overarching framework and unifying global vision, objectives, principles and approaches to drive progress in pursuit of long term conservation and sustainable use of marine biodiversity for the benefit of present and future generations.

With respect to MPAs, it could be the direct responsibility of the Parties to an implementing agreement to implement the required management measures with respect to processes and activities under their jurisdiction or control, including their nationals and flagged vessels. Parties to an implementing agreement could be required to cooperate in good faith to pursue the complementary measures through the relevant organizations.

For written version:

With respect to an institutional framework, a regular meeting of Parties or other institutional framework could serve to review progress, facilitate ecosystem-based management, and promote integration of biodiversity conservation and sustainable use into the decision-making processes of other organizations. Through new sources of sustained finance, dedicated programs for marine scientific research, monitoring, spatial planning, capacity building and technology transfer could secure effective implementation by all arrangements.

With respect to the balance of conservation and sustainable use inside MPAs, IUCN suggests that it could be helpful to recall that conservation is an essential insurance policy for sustainable use. Scientific experts advise us that a significant amount of ocean space should be dedicated to conservation through MPAs and other effective sectoral ABMTs. The proposed secondary objectives for designating MPAs in ABNJ, such as protecting commercial species during critical life stages, will help ensure the stability of certain sectors that depend on the resources of the high seas, like fishing.

With respect to sectoral ABMTs, the competent international organization could be expected to directly implement, through its members, the necessary management measures.

At the same time, the Conference of the Parties could urge or invite the competent international organizations to adopt complementary measures within a specific amount of time (e.g. 2 years). The consultation process prior to designation of MPAs could provide an opportunity for members of these other organizations to share their views and concerns. A COP could also request reporting as well as coordination