

3/30/2016

Preparatory Committee established by General Assembly resolution 69/292: Development of 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

Agenda Item 7: Area-based Management Measures, Including Marine Protected Areas

Thank you Mr. Chair,

Good afternoon Excellencies and Delegates,

This intervention is being given on behalf of The Pew Charitable Trust, Greenpeace and NRDC.

We are pleased to have seen so many delegations take the floor in support of the need for enhanced protection of the marine environment beyond national jurisdiction. The international community has committed many times to protect ocean areas, most recently with the adoption of the 2030 sustainable development agenda, but also previously at the World Summit on Sustainable Development, through the Aichi biodiversity target 11, and at the Rio+20 Conference. These negotiations are the best chance to honor these commitments in areas beyond national jurisdiction, as no mechanism yet exists to establish, manage and enforce cross-sectoral marine protected areas on the high seas and seabed Area, particularly the large-scale fully protected marine reserves that science has demonstrated are needed to safeguard biodiversity, rebuild fish stocks and build resilience to climate change and other environmental pressures.

The existing patchwork of regional and sectoral organizations and arrangements, including regional fisheries management organizations, have mandates that will need to be respected. The work under the implementing agreement will therefore need to proceed in consultation and collaboration with existing sectoral and regional organizations, drawing on their institutional expertise and ensuring that conflicts are avoided. But we must also recognize that almost none of these organizations have a legal mandate to establish MPAs or reserves to protect wider biodiversity beyond their limited sectoral approaches. As a result, no cross-sectoral marine protected areas have been designated in ABNJ since the adoption of the Aichi target in 2010. To task existing organizations with establishing ecosystem-based MPAs, even if they are better coordinated or encouraged by a set of universal principles as some have suggested, ignores the reminder from the representative of South Africa during our discussions on scope: that these instruments are confined by their own legal remit, their own specific

objectives, and their own constituency. And it ignores recent history. To date, less than 1% of the high seas are fully protected.

In order to respect the balance between the rights and obligations of States provided for under the Convention, the establishment of a new instrument is urgently needed, and should provide a global mechanism to 1) identify, 2) designate, 3) manage and 4) ensure compliance with high seas MPAs and marine reserves. This exercise should be, as several delegations have suggested, based on best available science.

New institutional mechanisms may be needed to implement this ambition. We must remember that, just as existing organizations are limited by their mandates, so too would be any instrument adopted without a clear institutional framework to ensure its implementation. We urge delegations to consider how a global framework could support and improve the work already carried out by regional and sectoral organizations to achieve the level of ambition that States have indicated is their aim and deliver on the protections that science tells us is needed.

Finally, Pew will be hosting a side event tomorrow on “The Importance of Marine Protected Areas and Opportunities in ABNJ” in conference room 12. We hope you will join us to have a more detailed conversation about marine protected areas.