

29 March
ABMT Processes
Greenpeace International

Madam Facilitator, thank you for giving us the floor again, and good afternoon delegates.

We have heard some really interesting ideas and there is a lot of common ground.

Greenpeace has submitted a proposal identifying options for legal text on a process for the identification, designation and management of a representative network of MPAs, including marine reserves, in ABNJ.

Our “ten steps” process presents many similarities with what suggested by EU, Costa Rica and Monaco, PSIDS, CARICOM, among others, so we will refer you to our full submission for further details and only focus our intervention on the critical point of management. Our submission can be found in the supplement to the Chair’s compilation. We also draw your attention to the Pew paper, Towards a Global Solution for High Seas Conservation.

Clearly regional and sectoral organizations, including RFMOs, have mandates that must be respected. Our work must proceed in close consultation and collaboration with these organizations, drawing on their expertise, their science and ensuring that their mandate is not undermined. However, as Argentina as Costa Rica mentioned, the issue it is not one of not trusting existing organisations, but one of acknowledging that they have different functions, and one of complementing them.

Very few RFMOs have a legal mandate to establish MPAs to protect wider biodiversity beyond their limited sectoral approaches. Even the South Pacific RFMO rejected suggestions for such a competence, and limited its competence to closing fishing areas in space and time. Similarly, the North Pacific RFMO Convention merely provides for measures that specify locations in which fishing activities shall not occur.

These bodies were established, most recently under the Fish Stocks Agreement, to manage fisheries, and for the most part their competence and expertise is on fisheries management. Certainly, some regional seas conventions, like OSPAR and the Barcelona Convention, as well as CCAMLR, have a broader biodiversity protection mandate, but they are limited to their specific geographical regions. Also their own

mandates have limitations: OSPAR, for instance, does very important work, but it cannot directly regulate fishing, shipping or mining, and lacks enforcement mechanisms.

Putting it bluntly: leaving the decision on MPAs to existing regional bodies, and limiting the instrument's role to coordinating and reviewing their activities, would not improve the current situation. Little or nothing would change. Most RFMOs just do not have the mandate, competence or resources for cross-sectoral biodiversity management.

Even regular reporting and review requirements would not guarantee effective action by existing bodies. While the Instrument cannot order other organizations to act within their competence, it can and it needs to adopt the necessary functions to fill the gaps. The bottom fishing measures are an interesting example of vertical coordination, and certainly show the need for UN-level involvement, but there is one crucial difference: the bottom fishing resolutions are still about fishing, whereas the MPAs in question are far, far broader and encompass many sectors. We also observe that the implementation of the resolutions by the RFMOs has been slow, inadequate and incomplete.

This is why Greenpeace believes that to be effective, the new Instrument must have the authority, through a Conference of the Parties, supported by a Scientific Committee, to designate MPAs and reserves in ABNJ, and to adopt specific management measures for the areas, to be developed in close consultation with the competent bodies. Such consultation should take place as early as possible in the process to make sure competent bodies are fully involved in the development of the measures and their expertise and interests are taken into account so not to undermine their mandate. Then it will be for Parties of the Instrument as flag States and Port States to implement those measures and to promote the adoption of similar measures by e.g., the RFMO to which they are members.

Thank you Madam Facilitator

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