



# TOWARDS A NEW REGIME ON THE CONSERVATION AND SUSTAINABLE USE OF MARINE BIOLOGICAL DIVERSITY OF ABNJ.

SPECIAL ATTENTION TO THE ROLE OF THE ISA

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I. INTRODUCTION

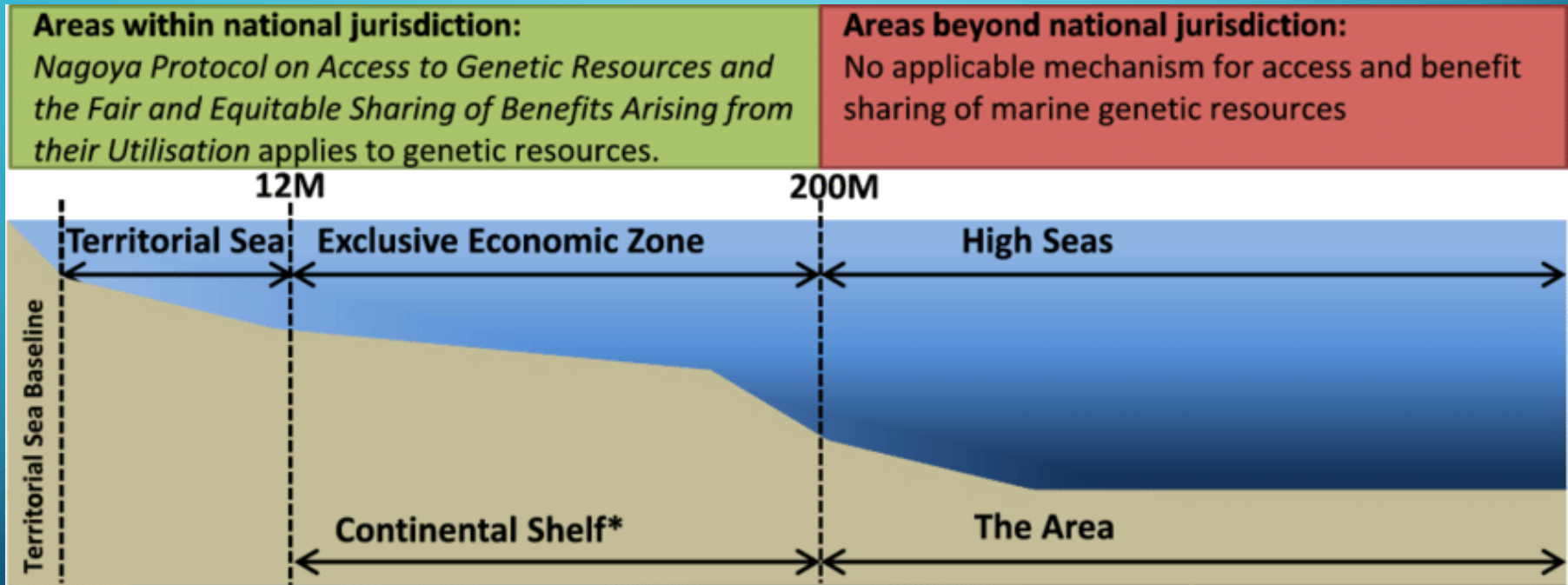
II. THE EXISTING NORMATIVE AND INSTITUTIONAL FRAMEWORKS IN ABNJ

III. THE NEGOTIATION OF A NEW CONVENTION

IV. THE GOVERNANCE IN ABNJ AND THE ISA'S POTENTIAL ROLE

V. FINAL REMARKS





Source: Vierros, Marjo & Suttle, Curtis & Harden-Davies, Harriet & Burton, Geoff. (2016). Who Owns the Ocean? Policy Issues Surrounding Marine Genetic Resources. *Limnology and Oceanography Bulletin*. 25. 10.1002/lob.10108.

## THE EXISTING FRAMEWORKS



- UNCLOS
- CBD
- MARPOL
- MEAs
- RSCs
- ...
- IMO
- RFMOs
- FAO
- ISA
- IOC/UNESCO
- WTO
- WIPO
- ...

Source: UNEP-WCMC, *A review of area-based planning tools. What is the potential for cross-sectoral planning in areas beyond national jurisdiction?* - Legal Atlas

- 2004. Establishment of an *Ad Hoc Open-ended Informal Working Group* to study issues relating BBNJ
- 2015. Decision to develop an international legally-binding instrument under the UNCLOS (A/RES/69/292)
- 2016-2017. Work of the Preparatory Committee
- 2017. Decision to convene an Intergovernmental Conference to elaborate the text of an international legally-binding instrument (A/RES/72/249)

## The package agreed:

- a) Marine Genetic Resources (inc. issues of benefit sharing);
  - b) Measures such as Area-Based Management Tools (inc. Marine Protected Areas);
  - c) Environmental Impact Assessments; and
  - d) Capacity building and the transfer of marine technology
- + Cross-cutting issues (inc. institutional arrangements)

# A global decision-making body (COPs) + Implementation and compliance governed by

- A. (CENTRALIZED) A global executive body, that could be the result of:
  - the creation of a new body or
  - the expansion of mandates of existing ones
- B. (DECENTRALIZED) Existing regional and sectoral bodies
- C. (HYBRID) Existing regional and sectoral bodies ± domestic bodies

## Reinforcing the ISA's role in this field:

- ✓ Respectful with the general spirit of the negotiation: not undermining, not complicating existent frameworks
- ✓ A cost-effective and efficient option (structure, expertise, experience, etc.)
- ✓ Good mechanism to ensure coordination between the regime of conservation and sustainable use of BBNJ and the regime of the Area and its resources (CHM)



# A question of governance model...

- Centralized or decentralized?
- Inclusions of modern governance principles
- An occasion to review limitations on structural design and powers of some existing bodies