

4th International Congress on Biodiversity
“Man, Natural Habitats and Euro-Mediterranean
Biodiversity”, Malta, 17-19th November 2017

Marine biodiversity in Areas Beyond National Jurisdiction (ABNJ)

Carmen MIFSUD¹

It is a known fact that 50 to 80% of biodiversity is found in the marine environment. Thus safeguarding marine ecosystems is of critical importance for the sustainable development of present and future generations. The conservation and sustainable use of marine biodiversity in ABNJ is becoming increasingly enticing internationally, as more scientific information is discovered on the productivity of such biodiversity and as we are realising that such biodiversity is also highly susceptible to increasing anthropogenic threats particularly in seamounts, hydrothermal vents and cold-water coral reefs.

ABNJ representing 40% of the surface of our planet and comprising 64% of the surface of the oceans are facing increasing threats from climate change, ocean acidification, pollution, destructive and unsustainable fishing practices, irresponsible scientific research and bioprospecting, adverse impacts of shipping, the introduction of invasive species, as well as other new and emerging activities, such as deep seabed mining, and their side effects, amongst a myriad of other, often cumulative, anthropogenic environmental stressors. While the United Nations Convention on the Law of the Sea (UNCLOS) sets forth the rights and obligations of States regarding the use of the oceans, their resources and the protection of the marine and coastal environments, it does not refer expressly to the issues of how to tackle marine biodiversity in ABNJ. The Convention on Biological Diversity (CBD) aims to promote conservation, the sustainable use of biodiversity and the fair and equitable sharing of the benefits arising from the use of genetic resources. The latter however, only applies to processes and activities carried out under the jurisdiction or control of its parties.

In 2004, the UNGA (United Nations General Assembly) established the *Ad Hoc* Open-ended Informal Working Group to study issues relating to the conservation and sustainable use of marine biodiversity in ABNJ (BBNJ WG). The aims of this working group were: to check activities with regards to biodiversity in ABNJ; examine scientific, technical, legal and socio-economic aspects and identify issues for further

¹ Ministry for Foreign Affairs and Trade Promotion, Palazzo Parisio, Triq Il-Merkanti, Valletta, Malta

studies facilitating consideration by States; and to indicate options and approaches to promote international cooperation and coordination for this issue.

In 2015, the resolution on the ‘Development of an international legally-binding instrument under the UNCLOS on the conservation and sustainable use of marine biodiversity of ABNJ’ was adopted. In this resolution it was decided to hold four preparatory committees open to all parties and members of the specialised agencies, to make substantive recommendations on the elements of a draft text of an international legally-binding instrument under UNCLOS.

Following the last PrepCom IV held in July 2017, a decision was taken on the convening of an intergovernmental conference to elaborate on the actual text of an international legally binding instrument (ILBI) under the Convention. Negotiations on this ILBI were to address the topics identified in the package agreed in 2011. These included the conservation and sustainable use of BBNJ and marine genetic resources, including questions on the sharing of benefits, measures such as area-based management tools, including marine protected areas, environmental impact assessments and capacity-building and the transfer of marine technology.

A number of written position were submitted by EU members states to the UN BBNJ Process on (i) marine genetic resources, including questions on the sharing of benefits, (ii) environmental impact assessments, and (iii) area-based management tools, including marine protected areas (iv) capacity-building and the transfer of marine technology and a general one on cross cutting issues.