

Opening Remarks of the International Union for Conservation of Nature at the Third Session of the Intergovernmental Conference convened by General Assembly resolution 72/249: 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 5: General exchange of views

19 August 2019

Thank you, Madam President. The International Union for Conservation of Nature would first like to express sincere gratitude to you for your dedicated, responsive and inclusive leadership in this process. We appreciate the significant progress that has been made so far, and particularly welcome the draft text, which has provided opportunities for more concrete and detailed thinking.

Over the past weeks, IUCN has worked with legal experts, scientists and stakeholders from around the world to develop a legal commentary on the draft, which is available together with other resources at www.iucn.org/bbnj. This commentary attempts to bring in legal precedent and best practices in conservation and scientific research to inform the further development of this agreement.

In our view, incorporation of this type of expertise is indispensable to developing a workable, effective and science-based instrument. The ocean and its biodiversity are a matter of universal concern. Therefore, we request that civil society, the scientific community, indigenous peoples and local communities, and the broader public have every opportunity to participate and contribute to this process.

With regards to the substance of the agreement, we would like to emphasize six key points.

First: an explicit obligation to protect and preserve marine biodiversity would strengthen and focus the agreement. This could develop article 192 of UNCLOS.

Second: the agreement would benefit from including an explicit obligation and responsibility to cooperate on a global or regional basis for the purpose of protecting and preserving marine biodiversity and ensuring that its use is sustainable, building on article 197 of UNCLOS.

Third: provisions on responsibility, liability and compensation, reflecting obligations that already exist in international law, can be clarified and strengthened.

Fourth: consideration of connectivity, the physical oceanographic, habitat, evolutionary and ecological continuity that exists in the ocean, will be necessary for effective conservation of

marine biodiversity. IUCN is developing new resources on connectivity conservation, also available on www.iucn.org/bbnj.

Fifth: strategic environment assessment is an important mechanism for addressing cumulative impacts across space and time, but there is a need to flesh out what this means and how it can work within the agreement. IUCN will be cohosting with the Swedish Agency for Marine and Water Management and WWF a side event on Tuesday at 1:15 in Conference Room 4 to develop these ideas.

Sixth: the provisions on marine genetic resources should be informed by understanding of current scientific practice and existing governance frameworks. IUCN together with DOSI and the University of Aberdeen will hold a side event on Thursday, 22 August at 1:15pm to discuss practical approaches to addressing MGR in the agreement. There will also be an event on Saturday, 24 August at 10am at the Permanent Mission of the Republic of Singapore to the United Nations on sound policy through sound science.

As always, we look forward to a productive meeting and stand by to support in any way we can.

Thank you.