



## ***Conservation and Sustainable Use of Marine Biodiversity***

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### ***OVERVIEW***

- Introduction
  - What is marine biodiversity?
  - Why is it important?
  - What are the main anthropogenic stresses to marine biodiversity?
- International legal framework for the conservation and sustainable use of marine biodiversity
  - UNCLOS
  - Other instruments
  - Recent developments within the United Nations [AHWG]
- Examples of key issues in recent years:
  - Area-based management tools
  - Marine genetic resources
- Conclusions

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## INTRODUCTION

- **What is marine biodiversity?**
  - Variability among living organisms and the ecological complexes of which they are part
  - Includes diversity within species, between species and of ecosystems
  - Status of knowledge
- **Why is marine biodiversity important?**
  - Direct value
  - Indirect value



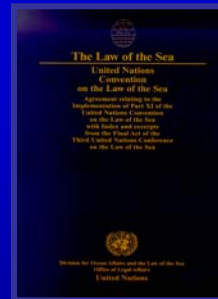
## INTRODUCTION (cont.)

- **What are the main anthropogenic stresses on marine biodiversity?**
  - Destructive fishing practices (IUU fishing, over-fishing, by-catch, use of destructive gear in VMEs, etc.)
  - Climate change
  - Pollution from all sources
  - Introduction of invasive alien species
  - Anthropogenic underwater noise
  - Mineral exploitation
  - Marine scientific research and bioprospecting



## INTERNATIONAL LEGAL FRAMEWORK

- **How does UNCLOS address it?**
  - UNCLOS' framework and principles
  - General obligation to protect and preserve the marine environment (Part XII, etc.)
  - Conservation and management of marine living resources within (art. 61-68) and beyond (art. 116-120) national jurisdiction



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## INTERNATIONAL LEGAL FRAMEWORK (cont.)

### • Other relevant international instruments

#### *Johannesburg Plan of Implementation*

(World Summit on Sustainable Development, 2002)

#### *Biodiversity*

- Convention on Biological Diversity (CBD)
- Convention on Migratory Species of Wild Animals (CMS)
- Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)
- Ramsar Convention on Wetlands of International Importance Especially as Waterfowl Habitats (Ramsar Convention)

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## *INTERNATIONAL LEGAL FRAMEWORK (cont.)*

### *Fisheries*

- UN Fish Stocks Agreement
- FAO Compliance Agreement
- FAO Code of Conduct on Responsible Fisheries
- FAO International Plans of Action

### *Shipping*

- International Convention for the Prevention of Pollution from Ships 1973, as modified by the Protocol of 1978 relating thereto (MARPOL 73/78)
- IMO Guidelines for the designation of Special Areas (Res. A.927(22))
- IMO Guidelines for the Identification and Designation of Particularly Sensitive Sea Areas (Res. A.982(24))
- International Convention on the Control of Harmful Anti-fouling Systems on Ships
- International Convention for the Control and Management of Ships' Ballast Water and Sediments

## *INTERNATIONAL LEGAL FRAMEWORK (cont.)*

### *Regional instruments*

- UNEP Regional Seas Conventions and Action Plans
- Other regional conventions (e.g., North-East Atlantic, Baltic Sea, Antarctic, etc.)
- Regional Fisheries Management Conventions and Arrangements
- Regional MoUs on port State control (shipping)

## *RECENT DEVELOPMENTS*

- **Ad Hoc Open-ended Informal Working Group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction (New York, February 2006)**

- Mandate  
(*resolution 59/24*)
- Outcome  
(*report A/61/65*)
- What's next?  
(*resolution 61/222*)



## *KEY ISSUES IN RECENT YEARS: AREA-BASED MANAGEMENT TOOLS*

- **Policy developments**
  - World Summit on Sustainable Development
  - General Assembly:
    - Resolutions
    - Open-ended Informal Ad Hoc Working Group
  - Convention on Biological Diversity
    - COP-7 and COP-8
    - Preparatory work for COP-9
  - FAO
    - Expert Workshop on MPAs and Fisheries Management

***KEY ISSUES IN RECENT YEARS:  
AREA-BASED MANAGEMENT TOOLS (ABMTs)***

- **Examples of ABMTs and regulatory framework**
  - Marine protected areas (MPAs)
  - Area-based management of fisheries
  - Area-based management of other marine species and ecosystems
  - Area-based management of the impacts of shipping activities
  - Other ABMTs and approaches

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***KEY ISSUES IN RECENT YEARS:  
AREA-BASED MANAGEMENT TOOLS (ABMTs)***

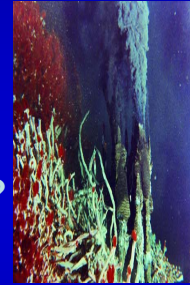
- **Implementation of ABMTs**
  - Identification of areas
  - Management
  - Compliance and enforcement
  - Research monitoring and assessment

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## **KEY ISSUES IN RECENT YEARS: MARINE GENETIC RESOURCES**

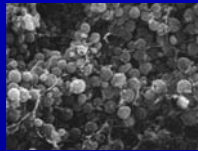
- **What are marine genetic resources?**

- Nature
- Organisms and areas of interest



- **Why are they important and interesting?**

- Supporting and regulating services
- Provisioning services
- Issues of economic valuation



## **KEY ISSUES IN RECENT YEARS: MARINE GENETIC RESOURCES**

- **Relevant international instruments**

- UNCLOS
- Biodiversity-related conventions (CBD, CITES, etc.)
- role of intellectual property rights tools and instruments

- **Some legal and policy issues**

- **Recent developments within the United Nations**

- First meeting of the Open-ended Informal Ad Hoc Working Group (February 2006, document A/61/65)
- Eighth meeting of the Consultative Process (June 2007, document A/62/169)
- Second meeting of the Open-ended Informal Ad Hoc Working Group (2008, document A/62/66/Add.2)

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## *CONCLUSIONS*

- The need for implementation of existing instruments
- Are existing instruments and principles adequate to address emerging issues as well as the cumulative impacts of current activities?
- Are there any legal or institutional gaps? If so, how should those gaps be addressed?

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***THANK YOU***

***For more information:  
<http://www.un.org/Depts/los>***