

A new governance body for the oceans?

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UN Working Group

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

“The Ad Hoc Open-ended Informal Working Group... recommends that:

1. A process be initiated, by the General Assembly, with a view to ensuring that the legal framework for the conservation and sustainable use of marine biodiversity in areas beyond national jurisdiction effectively addresses those issues **by identifying gaps and ways forward, including through the implementation of existing instruments and the possible development of a multilateral agreement under the United Nations Convention on the Law of the Sea;**
2. This process would address the conservation and sustainable use of marine biodiversity in areas beyond national jurisdiction, in particular, together and as a whole, marine genetic resources, including questions on the sharing of benefits, **measures such as area-based management tools, including marine protected areas**, and environmental impact assessments, capacity- building and the transfer of marine technology...”
(Recommendation, 3 June 2011).

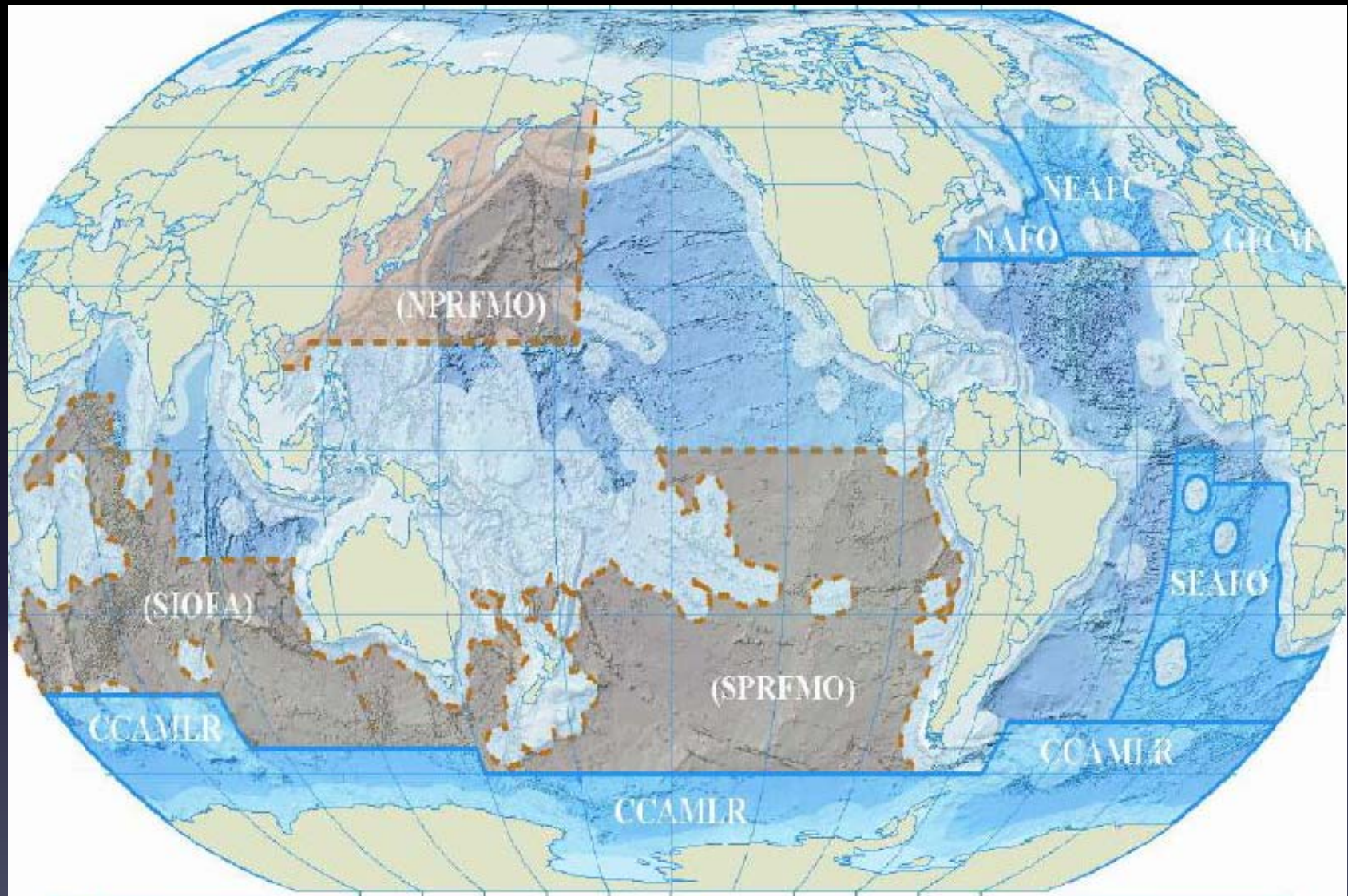
UN Working Group

- The General Assembly “Welcomes the work of the Ad-hoc Open Ended Informal Working Group... and endorses their recommendations.”
24 December 2011 (UN Doc. A/66/231 para.166)
- The fifth meeting of the Working Group will take place between 7-11 May 2012 in New York.
- Inter-sessional workshops, aimed at improving understanding of the issues and clarifying key questions for the Working Group.
- Recommendations will be provided to the General Assembly at their 67th session in September 2012.

What are the gaps in governance?

- Geographical gaps
- Political gaps
- Inadequate mandates
- Inadequate use of governance norms
(transparency and accountability)
- Lack of enforcement

Geographical and political gaps - RFMOs



□ Competence area of established RFMO/As

□ 200 nautical miles arcs

■ Competence area of (RFMO/As) in the process of being established

Map Projection: Robinson
FAO, 2003

What are the options for closing the gaps in governance?

- Working with existing organisations
- Developing new regional seas organisations
- Voluntary pilot projects
- A new global governance body for the oceans

What could be the role for a new global governance body?

- To ensure the consistent application of principles in the existing governance regime
- To ensure that these principles are applied where there are geographical and political gaps
- To act as a global forum and coordinate the existing global, regional, sectoral and national regimes
- To assist in the creation of new competent organisations and the reform of the mandates of existing organisations
- To facilitate marine spatial planning in areas beyond national jurisdiction
- To identify and designate marine protected areas where no competent bodies exist
- To manage marine protected areas where no competent management regime exists
- To centrally designate marine protected areas to facilitate global enforcement
- To act as a focal point for funding

How could a new global governance body be structured?

- Assembly – of all member states
- Council – elected by member states to make decisions on their behalf
- Secretariat – to deal with administration
- Scientific 'gateway' organisation – to advise on developing representative networks of marine protected areas
- Funding body – to coordinate the collection and distribution of funds
- An enforcement/ compliance/ assistance body

What powers should an enforcement/compliance/assistance body have?

A compliance/assistance focus

- A primary reliance on existing organisations
- Capacity building and assistance
- Actions only taken for repeated breaches of rules
- Enforcement action only as a “last resort”

What powers should an enforcement/compliance/assistance body have?

An enforcement focus

- To procure information (subject to confidentiality)
- Instigate proceedings, impose sanctions and fines on States
- Remove flagging powers from Flag States
- Ability to reform and replace underperforming RFMOs

Is a new global governance body achievable?

- The need for political will
- Other areas of the Working Group's "package approach" will also need to be covered by a global governance body (including for example marine genetic resources). Are these additional issues too difficult to reconcile?
- Do we have time?

Questions that need to be answered

- (a) Is there a need for a new global governance body to assist with the identification, designation and management of MPAs in areas beyond national jurisdiction? What are its advantages and disadvantages?
- (b) Is there a need for a new 'scientific gateway' to assist in the identification and designation process for MPAs?
- (c) What should be the role of any enforcement/ compliance/ assistance body under the new governance regime?
- (d) Is a new global governance body achievable and, if so, do we need a multilateral agreement under UNCLOS to achieve this?

Thank you

