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The Pacific environment, sustaining our livelihoods and natural heritage in harmony with our cultures.

Twenty Fifth SPREP Meeting of Officials

Majuro, Marshall Islands
30 September – 2 October 20014

Agenda Item 11.2: Items Proposed by Members:

Biodiversity Beyond National Jurisdiction

(Paper presented by the Australia)



Australian Government

Background Paper

Purpose of paper

1. To update members about the United Nations led discussions on biodiversity beyond national jurisdiction (BBNJ) which relates to the Island and Oceanic Ecosystems goal of the Biodiversity Ecosystem Management section of the Pacific Environment Programme Strategic Plan 2011-2015; and
2. To follow up on agreed recommendations from the 2013 meeting whereby SPREP members:
 - **noted** the update on the United Nations led discussions on biodiversity beyond national jurisdiction and the forward process; and
 - **requested** the Secretariat to facilitate further information sharing amongst SPREP Members, over the next year, within existing resources and coupled where appropriate with existing programmes.

Background

3. At the June 2012 United Nations (UN) Conference on Sustainable Development (Rio+20) Member States agreed to address gaps in the conservation of biodiversity beyond national jurisdiction (BBNJ) by agreeing to make a decision on the development of a multilateral instrument under the UN Convention on the Law of the Sea (UNCLOS) by the end of the 69th session of the UN General Assembly (UNGA69) – September 2015.
4. The primary forum for discussion of BBNJ issues is the UN's *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 UN Working Group)* established in 2006.
5. In 2013, UNGA requested the UN Working Group to prepare for this decision, including by making recommendations to the UNGA on the scope, parameters and feasibility of an international instrument under UNCLOS. To assist in the preparation of recommendations for the 69th session of UNGA (September 2015), the Working Group has met in April and June 2014 with the final meeting scheduled in January next year, 2015.
6. The discussions gained momentum at the recent meetings of the UN Working Group considering the issue (April and June 2014), where there was a detailed dialogue about the full suite of issues that could be addressed by an instrument focusing on elements of the 'Package'.

The 'Package'

7. At its fourth meeting in 2011, the UN Working Group adopted by consensus a set of recommendations, endorsed by UNGA66, to initiate a process on the legal framework for the conservation and sustainable use of marine BBNJ. The recommendations included a "package" of issues to be addressed as a whole in this process, namely: marine genetic resources, including questions on benefit-sharing; measures such as area-based management tools, including marine protected areas and environmental impact assessments; capacity building and the transfer of marine technology.
8. Details of these UN meetings are available on the Division for Ocean Affairs and Law of the Sea website <http://www.un.org/depts/los/biodiversityworkinggroup/biodiversityworkinggroup.htm>.

9. The two 2014 UN Working Group meetings were productive in advancing the discussions and agreeing some common ground. There remains a small block of States that are not supportive of commencing negotiations on an international instrument.

10. The large majority of States agree that '*the package*' would form the foundation of the scope on an international instrument. There is broad agreement that if a new instrument is made, it should operate as an implementing agreement to UNCLOS and must not amend or diminish UNCLOS or existing implementing agreements (such as the UN Fish Stocks agreement).

Next steps

11. In preparation for the 20-23 January 2015 meeting of the UN Working Group, the co-Chairs have invited States to submit suggestions on elements of draft recommendations to the General Assembly – input is due by 31 October 2014.

12. The co-Chairs have also invited States to resubmit their views on scope, parameters and feasibility for the purposes of updating the informal working document which will be circulated no later than three weeks before the January 2015 meeting.

Marine Sector Working Group

13. At the 24th meeting of SPREP in 2013, Australia tabled an informing paper about the UN led process, including providing background information (refer 24SM/Officials/WP.10.2). After this meeting SPREP undertook to raise BBNJ at the Council of Regional Organisations in the Pacific (CROP) agencies Marine Sector Working Group (MSWG) meeting which now features regularly on the agenda.

14. The 12th meeting of the MSWG agreed that it would be helpful for a BBNJ brief to be drafted compiling views and contributions from a number of MSWG members and observers and CROP partners to help inform Pacific States on the issues. In order to complete this brief, the MSWG are seeking external assistance by way of a consultant. For further information, the current Chair of the MSWG is the Secretariat of the Pacific Community represented by Mr Moses Amos, Director, Division of Fisheries, Aquaculture and Marine Ecosystems.

Recommendations

15. The meeting is invited to:

- **Note** the update on the UN led discussions on BBNJ and the forward process;
- **Note** the BBNJ brief being developed through the MSWG; and
- **Request** the Secretariat to submit its views relevant to its work on BBNJ for incorporation in the MSWG brief.