

POLICY BRIEF

Advancing Governance of the High Seas

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1. OUR GLOBAL OCEAN NEEDS BETTER GOVERNANCE

In marine areas beyond national jurisdiction (ABNJ)—the high seas and the deep seabed located beyond the limits of States' continental shelves covering almost two-thirds of the global ocean—biodiversity is at significant risk. Threats to biodiversity include the intensification and expansion of human activities into previously inaccessible locations as well as the growing impacts of climate change and ocean acidification. In light of this worrying situation, world leaders at the Rio+ Earth Summit committed themselves to better conservation and sustainable use of marine biological diversity in ABNJ.

To discuss concrete proposals on how to advance the governance of marine biodiversity in ABNJ the Institute for Advanced Sustainability Studies (IASS) and the Institute for Sustainable Development and International Relations (IDDRI) brought together more than 40 leading experts in the workshop "Oceans in the Anthropocene: Advancing governance of the high seas" held on 1-3 March 2015 in Potsdam, Germany. The following key messages emerged from these discussions and are further elaborated in this Policy Brief:

Recommendation 1: Start negotiating an international instrument under the United Nations Convention on the Law of the Sea (UNCLOS) as soon as possible. This new international instrument is, however, not an "either/or" with the use and reinforcement of existing instruments.

Recommendation 2: At the same time, strengthen existing regional and sectoral organisations by creating mechanisms for coordinated action.

Recommendation 3: Establish overarching principles of ocean governance, either as a chapeau to the new legal instrument or as a declaration of the United Nations General Assembly (UNGA).

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2. A NEW LEGAL INSTRUMENT UNDER UNCLOS

2.1. A Priority for International Action

Marine biodiversity in ABNJ will be at the heart of

tools, the meeting of the BBNJ Working Group on - August , and the consultations on the draft UNGA resolution on Oceans and the Law of the Sea in October and November . As scientists and civil society have an important role to play by generating knowledge and engaging the public on these issues, it will also be essential **to ensure this process is transparent and accessible.**

In order to bring on board a majority of States, it will be necessary for States proponents of the Implementing Agreement to **present a brief and simple negotiating mandate to the UNGA based on the elements of the “package deal” agreed by the BBNJ Working Group in** and, in the process, demonstrate that a large amount of the preparatory work for potential negotiations has already been carried out. Elements of the

. The decision to open the negotiations for the conclusion of an UNCLOS Implementing Agreement would be adopted through a UNGA resolution, either stemming from the recommendations of the BBNJ Working Group or presented by some co-sponsoring States.

weighing different conservation and use priorities against an overarching ethical framework and resolving conflicts, particularly between treaties. At the same time, principles provide an important integrative function between existing treaties

