



**Ad Hoc Biodiversity Group 4th Meeting.
New York 31 May – 3 June
A note by the NEAFC Secretariat**

1. Introduction

The Fourth meeting of the United Nations 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 was held from 31 May to 3 June 2011 UN HQ New York. It dealt with the topics:

“Examination of the scientific, technical, economic, legal, environmental, socio-economic and other aspects of the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction, including activities of the United Nations and other relevant international organizations”

“Indication, where appropriate, of possible options and approaches to promote international cooperation and coordination for the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction”

“Identification of key issues and questions where more detailed background studies would facilitate consideration by States of these issues”

The meeting had panel presentations and but mostly discussions of various issues between state parties.

The report is still not available at the UN-DOALOS website.

2. Presentations

"The work of the International Seabed Authority related to international cooperation and coordination for the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction"

Mr. Nii A. Odunton, Secretary-General, International Seabed Authority, Kingston - Jamaica

"Marine biodiversity in seabed area beyond national jurisdiction: Intellectual Property"

Mr. S. Rama Rao, Officer-in Charge, World Intellectual Property Organization, New York, NY

"The Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits arising from their Utilization"

Mr. Lyle Glowka, Senior Legal Advisor , Convention on Biological Diversity Secretariat, Montreal - Canada

"Reflections on Environmental Impact Assessment and Marine Protected Areas"

Mr. Harlan Cohen, Advisor, Ocean Governance and International Institutions, International Union for Conservation of Nature



3. Outcome

The most exciting outcome of the meeting was that some state parties seemed not anymore block a discussion of a possible Implementation Agreement to UNCLOS for the Conservation and Sustainable Use of Marine Biodiversity in Areas beyond National Jurisdiction. However, the same state parties did not indicate, if they would support such an agreement at the end of the day.

The NEAFC Secretariat had one intervention. It is found in Annex 1. The Secretariat also made a presentation at a side-event arranged by CBD. The presentation is found in Annex 2.

4. Annex 1

A. The NEAFC mandate in fisheries management and biodiversity conservation

The Contracting Parties of NEAFC updated the 1980 Convention in 2004 and 2006 (bringing the Convention into line with developments in international law since the 1980 Convention was negotiated). The revised provisions of the Convention give NEAFC a clear mandate to address the impacts of fisheries on marine ecosystems, as well as the need to conserve marine biological diversity, incrementally integrating environmental concerns into fisheries management as the necessary science to do so becomes available.

B. Science in the North East Atlantic

ICES, the International Council for the Exploration of the Sea, is the repository of scientific and technical data for the North East Atlantic, data which underpin scientific advice on fishery management and management of other human activities with an impact on the oceans. ICES maintains large databases, publishes and makes the data used in its assessments available in the public domain. ICES has established two special Expert Groups, the Working Group on Deep-water Ecology (WGDEC) and the Working Group on the Biology and Assessment of Deep Sea Fisheries Resources.

C. Monitoring, Control and Enforcement

Monitoring and control provisions, Control and Enforcement is crucial. Without this area regulations and do not make sense. The efficient control Contracting Party vessels has been in place since 1999. Additional port control measures and combating IUU fishing have been addressed efficiently.

D. Implementation in the short and medium term

NEAFC is of the opinion that a network of agreements of cooperation in the North East Atlantic - between existing organisations with a mandate to regulate human activities in the



ocean - will in the short and medium term offer the best opportunity to achieve the correct balance between optimum utilisation and conservation in the North East Atlantic.

E. Regional and global cooperation

There is too much duplication and repetition with respect to ocean matters in the UN family. I have, representing a small RFMO, had to participate in discussions in FAO (where the expertise on substance in fisheries and the ecosystem approach is firmly residing) in 3-4 meetings at UN, meetings at regional level with other RFMOs and RSOs and lately to some extent have had to follow developments in CBD and UNEP. This is very demanding and in effect means that many RFBs do not have a chance to cover all these processes.

A rethink of how to reorganise the sharing of scientific information and information with respect to best practices and examples of good governance is long overdue.

Contrary to what you read in the papers the list of examples, of successful handling of sustainable use and biodiversity protection by States and RFBs in national waters and areas beyond national jurisdiction, is growing.

5. Annex 2

(Presentation attached - To be inserted by the Secretariat)