

GOVERNANCE CHALLENGES, GAPS AND MANAGEMENT OPPORTUNITIES IN AREAS BEYOND NATIONAL JURISDICTION (ABNJ): *Summary and key messages*

Objective

The objective of this study is to provide a comprehensive review of the current regulatory landscape of the ocean areas beyond national jurisdiction (ABNJ). Outcomes of the study will support the GEF partnership and states to consider new programs and develop activities that provide an overall net benefit to the global environment in ABNJ in the upcoming GEF 7 program.

What Do We Mean by ABNJ?

The term 'areas beyond national jurisdiction' refers to areas which are beyond the boundaries of any single state. Areas beyond national jurisdiction comprise 64% of the oceans' surface and represent a global commons which contain ecosystems rich with marine resources and biodiversity of significant ecological, socioeconomic, and cultural importance.

Why is a GEF Response Necessary on ABNJ?

Examples of increased human activities negatively impacting ABNJ include: unsustainable and destructive fishing practices, illegal and unreported fishing, multiple impacts from

maritime transport, and pollution including marine debris. Mineral mining is on the horizon too. In addition to human impacts, global impacts from ocean acidification, ocean warming, reduced mixing and decreasing oxygen levels are also expected. Cumulative effects will have serious implications for the health, productivity and resilience of the global oceans, affecting all life on the planet.¹

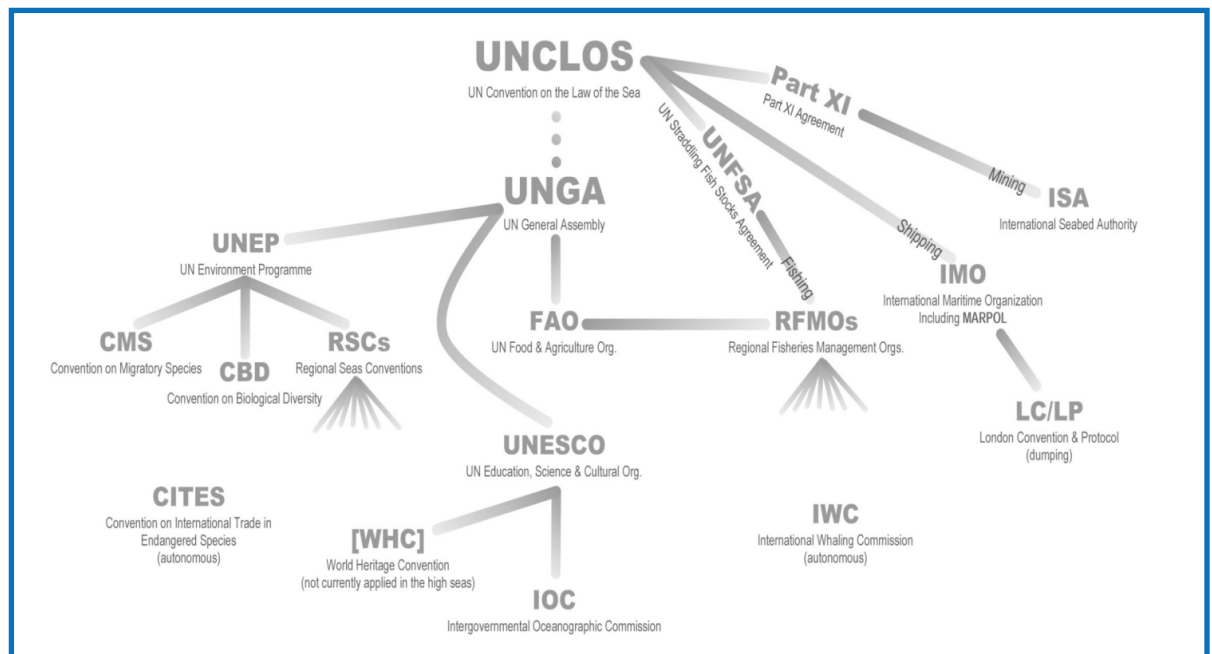
What is the Role of Governance in ABNJ?

From a governance point of view, no state, organization or other institution bears overall management responsibility for ABNJ (see Figure 1). Recently the UN General Assembly initiated a process to develop an international legally binding instrument under the UN Convention on the Law of the Sea (UNCLOS) on the conservation and sustainable use of marine biological diversity in areas beyond national jurisdiction (BBNJ)². This will require additional capacity building in order for countries to participate in marine scientific research and to manage activities affecting marine ecosystems in ABNJ.

1 The First Global Integrated Marine Assessment (First World Ocean Assessment) (2016)
2 UN General Assembly A/69/780 (2015)

Figure 1. International institutions involved regulating/governing ABNJ (from Ardron & Warner, 2015*)

* J. Ardron and R. Warner, 'International Marine Governance and Protection of Biodiversity' in H.D. Smith, J.L. Suarez de Vivero and T.S. Agardy (eds.), Routledge Handbook of Ocean Resources and Management, Routledge Publishing, UK, 2015





Key Regulatory, Management and Implementation Gaps

This study has identified six types of regulatory ‘gaps’ in the ABNJ regime, particularly with regard to imperfections in regulation and/or enforcement or in institutional competences. As follows:

1. Absence of clear jurisdictional rules and geographic gaps in coverage.
2. Inadequate rules and jurisdictional inadequacies especially for activities that do not fall within any of the defined activities in UNCLOS.
3. Legal measures are either not in force or not widely ratified, and existing regulation is inadequate.
4. Rules are not implemented or enforced, resulting in regulatory gaps.
5. Institutional governance gaps exist in regulating multi-sectoral and emerging issues.
6. Inconsistent application of existing regulations in sectoral management in ABNJ.

Key Messages to the GEF Partnership

This study points toward a number of key activities that the GEF partnership could consider in the context of

conservation and management of areas beyond national jurisdiction (ABNJ). In light of recent developments with the Paris Agreement on Climate Change, the UN 2030 Agenda for Sustainable Development and negotiations underway for a new BBNJ Instrument under UNCLOS, the timing for the GEF to make a substantive contribution in this field is opportune. The GEF Partnership could consider:

1. Enhancing knowledge about ABNJ.
2. Supporting the collective identification of key environmental projects in ABNJ.
3. Supporting further development of innovative area-based tools for integrated ecosystem protection and management and a blue economy in ABNJ.
4. Building technical capacity amongst Small Island Developing States (SIDS) and other GEF recipient countries to participate in ABNJ management.
5. Enhancing the ability of flag and port states to implement their existing rights and obligations under UNCLOS.

For access to the full study, please contact stap.secretariat@unep.org.



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