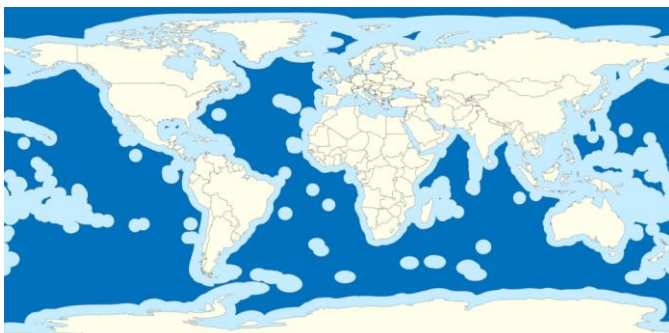


## GOVERNING AREAS BEYOND NATIONAL JURISDICTION

- Nearly two-thirds of the ocean is in areas beyond national jurisdiction (ABNJ) which are home to unique species and ecosystems, and key to marine biodiversity.
- Fragmented legal frameworks leave biodiversity in ABNJ vulnerable to growing threats.
- The degradation of biodiversity in ABNJ affects the ocean’s resilience to climate change and its capacity to provide resources necessary for human survival.
- Negotiations are underway to create a new international instrument under the UN Convention on the Law of the Sea, which would help strengthen ABNJ governance.
- A new international instrument can provide a global framework for protecting marine areas and species, assessing impacts of human activities, capacity building and transfer of technologies, and the equitable sharing of benefits from marine genetic resources.

### What is the issue?

Nearly two-thirds of the world’s ocean is beyond national jurisdiction: where no single state has authority. This area reaches depths of over 10km and represents 95% of the Earth’s total habitat by volume. Areas beyond national jurisdiction (ABNJ) are home to significant biodiversity, including unique species that have evolved to survive extreme heat, cold, salinity, pressure and darkness.



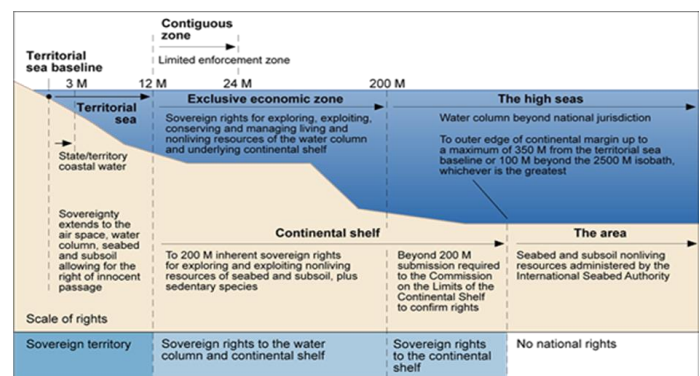
The dark blue areas of the map represent areas beyond national jurisdiction © Wikimedia Commons

Just over 20% of the seafloor has been mapped to a 100m or higher resolution, and there is evidence that ecosystems and species in ABNJ have become seriously degraded because of human activities.

The UN Convention on the Law of the Sea (UNCLOS) provides the overarching international legal framework for the ocean. It creates obligations to protect and preserve the marine environment and to conserve marine resources, but it does not specify mechanisms or processes for conserving marine biodiversity in ABNJ. Other legal instruments may address parts of the problem, such as unsustainable fishing or pollution from ships, or specific geographical areas, such as the Antarctic.

However, a sectoral approach cannot address multiple pressures on the ocean and the different ways they interact. Regional approaches will also be insufficient given the connectivity of marine ecosystems, including long migratory pathways for species such as sharks, sea turtles, whales and salmon, as well as large-scale ocean currents.

Through the UN, states have an opportunity to establish a comprehensive global framework for the conservation and sustainable use of ABNJ to prevent further degradation from human activities.



Maritime zones and rights under UNCLOS © Protection of the Arctic Marine Environment (PAME) and the Arctic Council

### Why is this important?

Failure to take swift and effective action to address threats to marine life and biodiversity in ABNJ could compromise the ocean’s resilience to climate change and its capacity to provide resources and services necessary for human survival. Ecosystems and species in ABNJ are affected by the cumulative effects of climate change (ocean warming, acidification, deoxygenation), pollution, fishing, shipping and other sectors.

[Two-thirds](#) of fish stocks in ABNJ are being fished beyond sustainable limits. Overfishing disrupts marine communities and creates an imbalance between species, with commercially important fishes unable to replenish their stocks. Bycatch and underregulated fishing further threaten marine species and the stability of ecosystems. Biodiversity in ABNJ is also impacted by noise and other pollution from ships. Noise can disrupt animals' communication and displace them from breeding or feeding grounds. [Marine debris](#) entangles marine animals, causing severe injuries and death. Emerging activities such as [deep-sea mining](#) can destroy habitats, degrade water quality, contaminate seafood and wipe out species.

Existing stressors are made worse by [climate change](#); the ocean is disproportionately affected by increasing amounts of [carbon dioxide](#), limiting its ability to regulate the climate and sustain marine life. [Increasing temperatures](#) for instance are causing species to move in search of more favourable environmental conditions.

[Billions of people depend](#) on the ocean for food and income; marine fisheries directly or indirectly employ over 200 million people. This vast pool of marine genetic resources provides medicines and other products to the medical and pharmaceutical sectors. Phytoplankton, kelp and algal plankton produce more than half of the oxygen we breathe.



The ocean provides many benefits to humans © [National Oceanic and Atmospheric Administration](#)

## What can be done?

A new agreement under UNCLOS can provide the tools and capacity needed to conserve marine biodiversity in ABNJ by providing for:

### **A network of marine protected areas (MPAs)**

The agreement could provide a means of creating a global network of marine protected areas (areas set aside for long-term conservation) and other types of

area-based management tools (ABMTs) to support ecological connectivity and climate change resilience, and help preserve species and ecosystems. MPAs that are 'fully and highly' protected offer the most certain benefits, but a broad range of ABMTs are needed to follow shifting patterns of species, ecosystems and human use.

### **Fair and equitable sharing of benefits from marine genetic resources**

Benefit sharing may include monetary and non-monetary benefits. The agreement could guide research collaborations between scientists, industry and states involving marine genetic resources, by providing procedures for access and sharing of benefits from these resources. Facilitation of developing countries' involvement in marine genetic research can enhance results and lead to technical advances that benefit all.

### **Standards for environmental impact assessments**

The agreement should improve consistency, legal certainty and the implementation of measures to protect the marine environment by: setting minimum global standards for screening, scoping, conducting and monitoring Environmental Impact Assessments (EIAs) and Strategic Environment Assessments; developing best practice guidelines for assessments and how to prohibit or manage activities that risk harm to ABNJ.

### **Capacity building and technology transfer**

Effective conservation of the world's biodiversity requires significant administrative, legal, scientific, technical and technological capacity. The agreement can create mechanisms and requirements for capacity building and technology transfer that will enable its implementation and protect biodiversity in ABNJ.

Implementation of the agreement will require appropriate institutional arrangements. A well-resourced clearing house mechanism could support coordination of and information exchange for sharing the benefits of marine resources, as well as EIA and MPA processes. Additionally, a scientific and technical body could independently advise and evaluate EIA and MPA processes. A global funding mechanism should also support the implementation of the agreement, including capacity building programmes.

### **Where can I get more information?**

IUCN Marine Biodiversity in ABNJ: [iucn.org/bbnj](https://iucn.org/bbnj)

IUCN Resolutions:

WCC 2020 Res 128 [portals.iucn.org/library/node/49800](https://portals.iucn.org/library/node/49800)

WCC 2016 Res 047 [portals.iucn.org/library/node/46464](https://portals.iucn.org/library/node/46464)

WCC 2016 Res 050 [portals.iucn.org/library/node/46467](https://portals.iucn.org/library/node/46467)