

MARINE BIODIVERSITY WORKING GROUP HIGHLIGHTS: THURSDAY, 10 MAY 2012

On Thursday morning, the Working Group heard a report of the work of the Open-ended Friends of the Co-Chairs group, which reconvened throughout the day to discuss a Co-Chairs' non-paper on the Working Group's recommendations. In the evening, Co-Chair Lijnzaad reported that the Friends of the Co-Chairs group had nearly finished a first reading of the draft recommendations and would continue its work into the evening.

GREENPEACE, WWF, PEW ENVIRONMENT GROUP, the DEEP SEA CONSERVATION COALITION, the NATURAL RESOURCES DEFENSE COUNCIL, the MARINE CONSERVATION INSTITUTE and the INTERNATIONAL OCEAN NOISE COALITION urged states favoring an implementing agreement to stand their ground while the closed-door deliberations continue, and ensure this meeting's outcome does not undermine efforts that will be made at Rio+20.

IN THE CORRIDORS

National delegations spent most of the fourth day of the Working Group's meeting in a state-only informal setting to consider the initial draft of the recommendations in the form of a Co-Chairs' non-paper. Participants from civil society organizations were left wondering about the need for such secrecy, in this age of transparent environmental multilateralism, especially in view of the fact that most of the draft text appeared to focus on the organization of intersessional workshops. Others questioned the informal setting, noting that the Friends of the Co-Chairs group had already allowed certain countries to take "surprising" positions that appeared to diverge from their initial statements in plenary, thereby blocking progress. Certain participants suspended judgment on the format of negotiations, hoping that in all events, progress could be found towards a decision on starting "real" negotiations against a clear deadline, which appears to many as the only acceptable outcome in the face of the urgency of the threats to BBNJ.

By midday, it appeared the work in the informal setting had mostly focused on the format of the Co-Chairs' non-paper rather than its substance, although delegates had broached the issue of workshops. The non-paper made reference to two two-day workshops, to address: MGRs including benefit-sharing; tools for conservation and sustainable use of BBNJ, including area-based management tools such as MPAs and EIA; and capacity building and technology transfer as cross-cutting issues. Some participants

observed with interest that IPRs were included in the list of issues to be addressed in relation to MGRs. Others noted with concern the limited language on impact assessment, and the conspicuous absence of strategic environmental assessments in reference to "options for achieving enhanced implementation of UNCLOS provisions on impact assessment taking into account cumulative impacts across different sectors." Yet another question concerned the funding for the workshops, given that the non-paper included bracketed references to a voluntary trust fund. With much to be discussed, and with delegates wanting the workshops to be as participatory as possible, "this is not an issue to be passed over lightly," remarked one observer.

Several states calling for the official launch of intergovernmental negotiations towards an UNCLOS implementing agreement were ready to seize the opportunity to reflect in the Working Group's outcome what they felt is the position of the vast majority. In particular, they did not want to lose the ground that was hard fought-for and that finally yielded the consensual language adopted a year ago. This was seen as particularly urgent given that the non-paper made reference to reconvening the Working Group in the second half of 2013 to: consider the effectiveness of existing instruments to address the conservation and sustainable use of marine biodiversity; identify gaps in existing instruments; and identify ways forward including through enhanced implementation of existing instruments and the "possible development of additional instruments" – rather than a "possible multilateral agreement under UNCLOS."

Meanwhile, several delegates and NGOs meeting in a lunch-time side event tackled other underlying issues in the negotiations, namely: the interactions between MPAs and fishing activities, the economics of establishing a global MPA network, the possibility for "companion" measures in other fora complementing the likely long-term negotiations in the Working Group, such as fisheries subsidies currently being discussed under the WTO; and the negative impacts of bottom-fishing on BBNJ. Several participants pondered about the pros and cons of the "package" approach adopted at last year's Working Group meeting in achieving a coherent and widely supported deal in time to prevent the deep seas from turning into blue deserts.

ENB SUMMARY AND ANALYSIS: The *Earth Negotiations Bulletin* summary and analysis of the meeting will be available on Monday, 14 May 2012 online at: <http://www.iisd.ca/oceans/marinebiodiv5/>



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