

Observations on BBNJ

Study Group on Ocean Governance, 25 March 2016

Principle 1 : Arguments should be made to make full use of Japan's scientific expertise, especially its advanced environmental impact assessment technologies, as well as its neutrality.

Japan's achievements in ocean scientific surveys and analytical technologies as well as its environmental impact assessment technologies and systems can provide advanced examples indispensable to the discussions for balancing sustainable development and environmental conservation.

Principle 2 : Existing relevant legal instruments and frameworks, along with relevant global, regional, and sectorial bodies, should not be undermined.

A precondition for the new Implementing Agreement is that the principles and activities established by the existing framework of UNCLOS and other instruments and international organizations (regional fishery organizations, ISA, IMO, the Convention on Biological Diversity, etc.) and international customary law should not be negatively affected.

Point 1 : As BBNJ is an issue that has been regulated neither by the CBD nor UNCLOS, it should be recognized that a new comprehensive framework is necessary.

The focus of the new Implementing Agreement is BBNJ, an issue concerned with biological diversity (including MGR) in the ABNJ, in both the 'deep seabed and subsoil thereof' and 'the waters above the deep seabed' (high seas).

Point 2 : The conservation of biological diversity as well as sustainable use in the high seas and on the deep seabed should be based on scientific grounds.

In drafting the new Implementing Agreement, the concept of ‘conserving while sustainably using’ should make use of Japan’s experience, be appropriately applied, and made to contribute to the conservation of biological diversity as well as sustainable use in the high seas.

Point 3 : Frameworks that should be kept in consideration

The existing frameworks of regional fisheries management organizations (RFMO), the International Seabed Authority (ISA), International Maritime Organization (IMO), Food and Agriculture Organization (FAO), and Convention on Biological Diversity (CBD) should be given full consideration.

Point 4 : On creating an effective system for conservation of BBNJ and sustainable use

In drafting the new Implementing Agreement, discussion on a framework for comprehensive management of conservation and sustainable use is indispensable to ensure its effectiveness.

Point 5 : The question of a ‘legally binding’ international instrument

Securing the participation in the new Implementing Agreement of as many States as possible, especially primary User States of marine resources, is indispensable to increasing the effectiveness of the Agreement as a legally binding instrument.