

BBNJ WORKSHOP HELD AT IMLI

IMLI, in collaboration with the Ministry for Foreign Affairs and Trade Promotion of Malta (MFTP), held a workshop on Marine Biological Diversity of Areas Beyond National Jurisdiction (BBNJ) on 29 May 2018 at the IMLI premises.



Professor David Attard (Director, IMLI) delivering the Welcome Address

Professor David Attard, Director of IMLI and Vice President of the International Tribunal for the Law of the Sea, welcomed the participants who included IMLI students and a number of crucial maritime stakeholders.

In his Opening Address, Honourable Carmelo Abela (Minister for Foreign Affairs and Trade Promotion of Malta) stated that *“We all know that international negotiations involve, more often than not, a careful balancing exercise between the different interests of States. Reaching a much-needed agreement while addressing the regulatory gaps is a challenging process, but something which can be achieved. Nevertheless, it is necessary to maintain the momentum for addressing ocean issues with a sense of urgency. A successful outcome is vitally important for our future and for the years to come.”*



From L-R: Ms. Dawn Constanzi (The Pew Charitable Trusts), Mr. Carl Grainger (Legal Division, Department of Foreign Affairs and Trade of Ireland), Dr. John Brincat (International Relations Officer, European Commission Directorate-General for Maritime Affairs and Fisheries), Ms. Anca Leroy (Lawyer - Policy Advisor, Ministry of Environment, Energy and the Sea, Directorate of European and International Affairs), Professor David Attard (Director, IMLI), Honourable Minister Jose Herrera (Minister for the Environment, Sustainable Development and Climate Change of Malta, Ambassador Simone Borg (Malta Ambassador on Climate Change Issues) and Ms. Carmen Mifsud (Senior Environment Protection Officer, Environment & Resources Authority (ERA) of the Government of Malta)

Speakers of reputable standing and experience in the matter at hand graced the Workshop. Ms. Carmen Mifsud (Senior Environment Protection Officer, Environment & Resources Authority (ERA) of the Government of Malta) moderated the workshop and made an introductory presentation on why we need a new legally binding instrument for BBNJ. Other notable speakers included Dr. John Brincat (International Policy Officer, European Commission Directorate-General for Maritime Affairs and Fisheries), who provided a short history of the UN Process on BBNJ and Area Based Management Tools (ABMT) including Marine Protection Areas (MPAs) and Ms. Anca Leroy (Lawyer - Policy Advisor, Ministry of Environment, Energy and the Sea, Directorate of European and International Affairs), who gave an elucidating lecture on Marine Genetic Resources (MGRs) and the challenges and perspectives of addressing the same in the proposed BBNJ treaty. Mr. Carl Grainger (Legal Division, Department of Foreign Affairs and Trade of Ireland) presented on the topic of designing a practical framework for capacity building and transfer of marine technology under the future BBNJ agreement. Ms. Dawn Constanzi (The Pew Charitable Trusts) provided an overview of IUU fishing in ABNJ, and Ambassador Simone Borg (Malta Ambassador on Climate Change Issues) explored how this new MEA on BBNJ will be pushing the boundaries of International maritime law as we know it

Mr. Carl Grainger (Legal Division, Department of Foreign Affairs and Trade of Ireland) provided the following thoughts on the Workshop:

“Many of the most profound challenges facing the oceans will in fact not be addressed in any significant way by the BBNJ agreement, in particular, ocean warming, ocean acidification and pollution from land-based sources. What the future agreement can do is to address a serious gap in international ocean governance, by facilitating the management of human activities in the high seas in a more holistic manner. Presently, there is considerable fragmentation across a range of regional and sectoral bodies and a lack of joined-up thinking. This “silo” approach is not meeting the demands of protecting what are highly interconnected components of marine biodiversity. Creating a global mechanism for the establishment of marine protected areas is particularly important. The value of MPAs in contributing to the conservation and sustainable use of marine biodiversity is well established as a matter of science, and yet only a tiny fraction of the high seas are currently protected.”



Honourable Jose Herrera (Minister for the Environment, Sustainable Development and Climate Change of Malta) delivering his Concluding Address and the Panel of Speakers

Concluding the Workshop, Honourable Jose Herrera (Minister for the Environment, Sustainable Development and Climate Change of Malta) declared that *“today’s event has been a testimony of the active collaboration and commitment towards the conservation of our marine environment”*.

The workshop resulted from the combined ideas and efforts of Professor David Attard (Director, IMLI) and Ms. Carmen Mifsud (a Senior Environment Protection Officer and visiting lecturer on marine issues and Ocean Governance at the University of Malta). Its purpose was to generate a stronger understanding of the upcoming internationally legally binding instrument on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdictions (BBNJ) under UNCLOS. It focused on the various legal and scientific elements of BBNJ treaty that are still currently under negotiation, including the various positions already put forward by the different stakeholders.

It is interesting to note that countries have already participated in 4 preparatory committees held between 2015 and 2017 and which helped to develop recommendations to the UN General

Assembly on the treaty on BBNJ. The negotiations which will now culminate in the upcoming Intergovernmental Conferences planned between 2018 and 2020. At the conclusion of such conferences, the elements of a draft text for the new treaty is expected to be formulated.

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