

# KELLEHERS

## AUSTRALIA

---

### In-House Memorandum

~

### **Global Oceans Commission**

Management of global oceans and the high seas constitutes a significant and developing area of environmental concern. Global oceans make up half of the world's surface. They represent an abundant and large resource for sea-bed mining, fish-stocks, biodiversity and energy. More and more the area of global oceans, outside defined national jurisdictions, is facing serious environment threats.

The Global Oceans Commission was established in 2013. Its mandate is to formulate politically and technically feasible short, medium and long-term recommendations to address overfishing, large-scale habitat and biodiversity loss as well as lack of effective management, enforcement and high seas governance. It works towards reversing degradation of global oceans and restoring them to full health and productivity. The commission presently is made up of 17 commissioners. Their focus lies in high seas governance, particularly of areas outside national government jurisdictions or existing agreements. At present only 1/30,000<sup>th</sup> of the ocean is protected.

Professor Robert Hill, former Australian Senator, is one of the Global Ocean Commission's newly appointed Commissioners. He recently delivered a talk to the Law Council of Australia's *Future of Environmental Law Conference* in Sydney. In that address, he presented two ideas for governance of these global high sea zones:

*"The question is whether to continue to find **specific sectoral responses** to particular threats as they emerge [a 'patchwork' response], or to encourage development of an **overall high seas governance regime**."*

These two regimes of governance are being firmly considered by the Commission. Various mining and fishing agreements exist, along with the Nagoya Protocol, concerning access to genetic resources and fair sharing of their benefits. Major issues remain as to chemical and noise pollution, dead zones, plastic, sea bottom trawling, water column and seabed considerations. Formation of a global policy and strategy is required for deep sea mining, species protection and the environment.

Professor Hill noted the role of alternative solutions, primarily political and negotiation-based, which do not resort to international litigation. He recognises the place of the International Ocean Conventions, evolved over consecutive UN Conferences on the Law of the Sea (UNCLOS 1, 1956; UNCLOS 2, 1960; and UNCLOS 3, 1973). Work is now underway to explore the possibility of an Implementing Agreement under UNCLOS, to initiate a legal framework for the conservation and sustainable use of biodiversity in areas beyond national jurisdictions. A decision whether or not to commence such a negotiation is expected to be taken by approximately September 2015.

The call for stronger Global Oceans Governance has strong support and representation from prominent political and environment figures. It is an emerging area of global environmental responsibility.

To read Professor Hill's paper follow the link [here](#).

Copyright © Kellehers Australia 2013

This fact sheet is intended only to provide a summary and general overview on matters of interest. It does not constitute legal advice. You should always seek legal and other professional advice which takes account of your individual circumstances.

KELLEHERS AUSTRALIA: [www.kellehers.com.au](http://www.kellehers.com.au) / e: [kellelegal@kellehers.com.au](mailto:kellelegal@kellehers.com.au)

497 Swan Street, Burnley, 3121, Victoria, Australia