OceanCare Contribution to the report of the UN Secretary-General on oceans and the law of the sea, pursuant to General Assembly resolution 78/69 of 5 December 2023, entitled "Oceans and the law of the sea"

Theme for the twenty-sixth session of the United Nations Open-ended Informal Consultative Process on the Oceans and the Law of the Sea (ICP-26), which will be held in New York from 22 to 26 June 2026: "Marine Ecosystem Restoration."

Wädenswil/Switzerland, 16th January 2026

OceanCare welcomes the opportunity to contribute to the report of the UN Secretary-General on oceans and the law of the sea, pursuant to General Assembly resolution 78/69 of 5 December 2023, entitled "Oceans and the law of the sea". It also conveys its gratitude to UNDOALOS for encouraging the submission of a contribution on the topic of "Marine ecosystem restoration," which will be addressed at the 26th meeting of the UNICPOLOS in June 2026.

This contribution outlines how OceanCare continues to promote an ecosystem-based vision for the conservation and protection of marine ecosystems and marine life that prioritises the safeguarding of vulnerable marine habitats and the non-exploitation of the resources of the ocean for the pursuit of unsustainable short-term gains.

OceanCare strongly believes that marine ecosystem restoration must be premised on a meaningful implementation of the ecosystem-based approach, complemented with a protection principle[1], especially given the urgent need to meaningfully address the dire situation of marine ecosystems and marine life.

The objectives of the Kunming-Montreal Global Biodiversity Framework (GBF) Target 2 to restore 30% of all degraded ecosystems can only be successful if a) those ecosystems that are not yet degraded, are prevented from reaching a decreased status and b.) human pressures are addressed recognising their cumulative impacts. As such the approach to set policy objectives achieving a "Good Environmental Status" (GES) of the ocean, qualified and quantified by addressing the variety of human activities is essential for a long-term success in line with SDG 14.

This implies that existing strategies and measures for fisheries management, as well as for the management of other human activities exploiting the resources of ocean, must be guided by efforts aimed at rebuilding marine ecosystems and marine life, rather than merely increasing or maximising traditional exploitation patterns. Consequently, the establishment and effective monitoring of Area Based Management Tools (ABMTs), including Marine Protected Areas (MPAs), should be prioritised immediately to ensure thorough and effective protection of vulnerable marine ecosystems and essential fish habitats, supported by transparent participatory processes engaging civil society actors, as foreseen in Part III of the BBNJ Agreement.

Marine ecosystem restoration must also advance through decarbonisation and the regulation of all forms of pollution as part of a broader strategy to tackle the triple planetary crisis. Together, these actions demonstrate a comprehensive, forward-looking commitment by States and competent organisations to safeguarding the health and resiliency of the ocean. Without implying a ranking of priorities, OceanCare

[1] advancing-the-protection-principle-s-v14.pdf The protection principle is striving for a paradigm shift from the **precautionary principle**, which focuses on potential harm, to a proactive stance where new ocean activities must prove they are safe for the environment before authorization.

highlights below key issues it aims to address in the context of ICP26, hoping that they will guide discussions among participants:

- **ABMTs, including MPAs**: ABMTs and the establishment of fully protected MPAs in all marine waters are pivotal instruments. Part III of the BBNJ Agreement, for example, clearly affirms that these measures will play a critical role in advancing marine ecosystem restoration in ABNJ. While the adoption of ABMTs, including MPAs, in ABNJ is a crucial step towards a meaningful implementation of the BBNJ Agreement, the relevance of such measures within areas under national jurisdictions must not be overlooked. ABMTs, including MPAs, have long been adopted and serve different goals relating to marine ecosystems functioning. However, regarding those within national jurisdictions, there is a clear and alarming compliance gap: in many cases, and specifically when it comes to MPAs, there is a compelling evidence that States continue fishing, incl. destructive fisheries, and/or engaging in other human activities incompatible with the very objectives of these measures. Without compliance with existing ABMTs, including MPAs, within national jurisdictions, the prospects of establishing effective measures in ABNJs are not encouraging. Developing strong compliance mechanisms, both within and beyond national jurisdiction, is therefore essential to restoring and maintaining healthy, resilient marine ecosystems.

- **Ecosystem-based framework for fisheries**: conservation must become the driving principle of fisheries management, underpinned by rigorous scientific monitoring of biological and socioeconomic stocks indicators and continuously adjusted in response to environmental change. The effectiveness of this approach should be substantiated by a significant reduction in average fishing pressure and a clear commitment to phasing out destructive fisheries, as well as those causing harmful by-catch of non-target species. While some RFMOs have overseen stock recoveries in recent years, these remain the exception rather than the rule. Poor management, widespread IUU fishing, persistent overfishing, and weak compliance with measures in place continue to dominate. Furthermore, destructive fishing practices, including bottom trawling, are still routinely carried out by States. Marine ecosystems restoration is not possible without banning such fishing practices and re-orienting fisheries managements towards an ecosystem-based framework in which conservation, rather than exploitation, is the primary objective.

- **Marine plastic pollution**: there cannot be any marine ecosystem restoration without stopping the influx of marine plastic pollution at source. Therefore, the adoption of an ambitious international legally binding instrument to address marine plastic pollution along the full life-cycle. The failure of the international community to adopt such an instrument in Augst 2025 in Geneva is deeply concerning and unacceptable, as it effectively signals a willingness to tolerate the status quo. Scientific evidence on the level and extent of marine plastic pollution is staggering and compels a resumption of negotiations towards the adoption of an ambitious international legally binding instrument on marine plastic pollution capable of addressing the whole life cycle of plastics, rather than relying on fragmented, sectoral programmes or isolated areas of work and voluntary measures. While tailored approaches may be needed for specific sources of marine plastic pollution, such as lost, abandoned and otherwise discarded fishing gear (ALDFG), neglecting to regulate primary plastic polymers and others major sources of plastic pollution is simply indefensible and raises serious doubts as to whether marine ecosystems restoration can be achieved without such comprehensive action.

- **Managing climate change disruptions, such as invasions of alien species**: marine ecosystems restoration must also address the challenges posed by climate change, including specifically the increasing spread of alien invasive species through biofouling and ballast waters. This cannot be achieved without science-based monitoring, regional cooperation, and targeted management measures to prevent and contain biofouling. States must emphasise the need for reliable data on species distribution and impacts, prioritise early warning systems, and develop standardised reporting to support timely responses. The ecological risks posed by invasive

species represents a serious threat to marine ecosystems conservation, and the current absence of mandatory IMO rules on biofouling must be addressed urgently by States. Similar, the ecological footprint of maritime transport can be significantly reduced by promoting measures generating multi-environmental benefits, such as vessel speed reduction which would contribute significantly to lower acoustic disturbance and emissions.

- **Decarbonisation**: scientific evidence presents a deeply alarming outlook for ocean as a result of climate change. Yet, despite overwhelming evidence of disproportionate impacts, global, decarbonisation efforts remain inadequate. Committing to limiting warming to 2 °C limit is an obligation under the Paris Agreement, and States must act consistent with this commitments by transitioning away from fossil fuels in a fair, orderly, and equitable manner. Climate procrastination is incompatible with marine ecosystem restoration. States must consequently accelerate emission reductions by 2030, halt emissions as early as 2031 where their fair share of carbon budgets has already been exceeded, implement steeply declining per capita emissions pathways towards 2050. Delays in taking such actions will make climate mitigation far more abrupt and costly. In parallel, States must realize that activities such as deep-sea mining and offshore fossil fuel extraction pose irreversible threats to marine ecosystem restoration comparable to delayed climate action and must be addressed accordingly. a

OceanCare looks forward to meaningful discussions on the ICP2026 theme and hopes that the considerations put forth in its contributions will be duly taken into consideration and accounted for during the meeting.

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About OceanCare

OceanCare was founded in Switzerland in 1989 and is an international marine conservation non-governmental organisation. The organisation pursues the protection and restoration of the marine environment and marine wildlife with a strong policy focus, combining research, conservation projects and education. OceanCare's remit includes marine pollution, climate change, marine mammal hunting and the environmental consequences of fisheries. Its work is supported by a team of scientific, legal and policy experts, and involves strategic collaboration with a number of partner organisations and affiliation with many international bodies.

OceanCare holds Special Consultative Status with the Economic and Social Council of the United Nations (ECOSOC) and Observer Status at the United National Framework Convention on Climate Change (UNFCCC). OceanCare has also been accredited as part of the Major Group 'Science & Technology' to the United Nations Environment Assembly (UNEA), which is the governing body of UNEP and is a part of the UNEP Global Partnership on Marine Litter.

OceanCare is an accredited Observer to the Convention on Biological Diversity (CBD), the International Whaling Commission (IWC), the International Seabed Authority (ISA), and the London Convention/London Protocol (LC/LP). Moreover, the organisation is a Partner of the Convention on Migratory Species (CMS), and the UNEP/CMS Agreement on the Conservation of Cetaceans in the Black Sea, Mediterranean Sea and Contiguous Atlantic Area (ACCOBAMS), the Barcelona Convention (UNEP/MAP), as well as the General Fisheries Commission for the Mediterranean (GFCM).
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