

## **Annex. Information on other relevant developments within the Convention on Biological Diversity relating to ocean affairs and the law of the sea**

### ***Executive Summary***

This note summarizes the work under the Convention on Biological Diversity (CBD) relevant to ocean affairs and the law of the sea.

The CBD Secretariat has undertaken regional workshops to facilitate the description of ecologically or biologically significant marine areas (EBSAs). Through fourteen regional workshops convened since 2011, the EBSA process has described many areas meeting the EBSA criteria. Thus far, 321 EBSAs have been considered by COP and transmitted to the UN General Assembly and its related processes, as well as other relevant international processes. The Secretariat is also coordinating different activities to review work under the CBD on EBSAs thus far.

The Conference of the Parties to the CBD took a number of important steps regarding Aichi Biodiversity Target 11 at its fourteenth meeting in 2018, including through the adoption of the definition of other effective area-based conservation measures (OECMs), and the welcoming of scientific and technical advice on OECMs, among other developments.

Since June 2017, global coverage of marine protected areas has increased from 5.7% to 7.66% in July 2019, requiring only 2.34% to reach Target SDG 14.5. The Secretariat is continuing to support CBD Parties to achieve Aichi Target 11 and SDG 14.5, including through the launching of the Global Partnership on Aichi Target 11.

In 2018, the Secretariat also launched the CBD Global Coral Portal, an online web platform to facilitate collaboration and information-sharing on the management of coral reefs and related ecosystems.

The Convention's work also continues to address the impacts of multiple stressors on marine biodiversity, including in particular through a forthcoming CBD Technical Series report on anthropogenic underwater noise.

The Secretariat has also continued capacity building efforts under the Sustainable Ocean Initiative (SOI), including regional capacity-building workshops for the Coral Triangle and for Northern Africa and the Mediterranean, as well as a national capacity-building workshop for the Maldives.

The Secretariat has been working with FAO and the IUCN Fisheries Expert Group to identify opportunities to improve reporting on progress towards Aichi Biodiversity Target 6, and to assess progress towards the achievement of Target 6, including through a forthcoming CBD Technical Series report.

The Secretariat has also continued to facilitate multi-stakeholder engagement in the context of SDG 14, in particular through the Community of Ocean Action on Marine and Coastal Ecosystems Management.

Discussions are underway under the CBD on the development of the post-2020 global biodiversity framework. In this regard, a thematic consultation specifically on the issue of marine and coastal biodiversity will be convened in conjunction with the 2020 Ocean Pathways Week (4-8 November 2019, Montreal, Canada), with a view to identifying key ocean elements to inform the ongoing deliberations on the post-2020 global biodiversity framework.

## **INTRODUCTION**

1. This note consists of brief descriptions of the work carried out under the CBD in the following areas related to ocean affairs and the law of the sea: (i) ecologically or biologically significant marine areas; (ii) facilitating the application of tools and approaches for conservation and sustainable use of biodiversity, (iii) addressing threats to marine and coastal biodiversity; (iv) capacity building; (v) supporting mainstreaming of biodiversity into various sectors, including fisheries; (vi) facilitating dialogue

and multi-stakeholder engagement in the context of SDG 14; and (vii) the post-2020 global biodiversity framework..

## **ECOLOGICALLY OR BIOLOGICALLY SIGNIFICANT MARINE AREAS<sup>1</sup>**

### ***Regional workshops to facilitate the description of ecologically or biologically significant marine areas (EBSAs)***

2. Since 2011, the CBD Secretariat has been coordinating and process of regional workshops to facilitate the description of areas meeting the scientific criteria for ecologically or biologically significant marine areas (EBSAs). A total of 321 areas described as meeting the EBSA criteria during these regional workshops have already been considered by COP, included in the CBD EBSA repository and submitted to the United Nations General Assembly and other relevant processes. The outputs of the regional EBSA workshops, as considered by COP, are available online at the EBSA website (<http://www.cbd.int/ebsa>).

3. At its fourteenth meeting in 2018, the COP considered the outputs of regional workshops to facilitate the description of EBSAs in (i) the Black Sea and the Caspian Sea and (ii) the Baltic Sea. Pursuant to COP decision 14/9, the outputs of these EBSA workshops were included in the EBSA repository. This information was also transmitted to the seventy-third session of the United Nations General Assembly, the second session of the Intergovernmental Conference on an international legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction, and other relevant international organizations and processes.

4. In September 2019, the Secretariat will convene a regional workshop to facilitate the description of EBSAs in the North-East Atlantic Ocean in Stockholm, Sweden, from 22 to 27 September<sup>2</sup>. The outputs of this workshop will be considered by a forthcoming meeting of the CBD Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) and by the Conference of the Parties (COP) at its fifteenth meeting in 2020.

### ***Enhancing scientific methodologies and approaches for the description of areas meeting the EBSA criteria***

5. Pursuant to CBD COP decision XIII/12, the Secretariat organized the first meeting of the Informal Advisory Group on EBSAs (Montreal, Canada, 30 June - 1 July 2018).<sup>3</sup>The meeting objectives were developed in line with the terms of reference for the Informal Advisory Group, as follows:

(a) Provide scientific and technical advice on matters relating to revising and further developing existing scientific guidance, particularly regarding information collection, protocol for data quality control and sharing, gap analysis, systematic assessment against the EBSA criteria, and improvement of the functionality of the EBSA repository;

(b) Provide scientific and technical advice regarding the need for additional workshops at the appropriate scale, based on the analysis of new information and a representativeness analysis with regard to the geographic coverage beyond national jurisdiction as well as coverage of ecological and biological features of existing areas meeting the EBSA criteria in areas beyond national jurisdiction.<sup>4</sup>

6. At its fourteenth meeting, the COP also considered modalities for modifying the description of EBSAs, for describing new areas, and for strengthening the scientific credibility and transparency of this process. The COP was unable to come to a decision on this matter, and requested the Secretariat, subject to the availability of financial resources, to identify options for modifying the description of EBSAs, for

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<sup>1</sup> More information on EBSAs available at <https://www.cbd.int/ebsa>.

<sup>2</sup> Report and documentation will be made available at <https://www.cbd.int/meetings/EBSA-WS-2019-01>.

<sup>3</sup> Report and documentation available at <https://www.cbd.int/meetings/EBSA-OM-2018-01>.

<sup>4</sup> The activities described in this subparagraph only relate to the areas meeting the EBSA criteria in areas beyond national jurisdiction. In cases where the EBSA is located both within and beyond national jurisdiction, the activities only relate to the portion of the EBSA that is beyond national jurisdiction.

describing new areas, and for strengthening the scientific credibility and transparency of this process, noting annex II of decision 14/9, for consideration by a future meeting of the Subsidiary Body on Scientific, Technical and Technological Advice and the Conference of the Parties.

### ***Reviewing Progress in EBSAs***

7. The Secretariat is currently conducting, in collaboration with the Global Ocean Biodiversity Initiative, a study to review the impacts of the work under the CBD on EBSAs on strengthening the scientific basis for measures to conserve and sustainably use marine and coastal biodiversity. The study will primarily include an analysis of selected cases that have used EBSA information in various ways around the world.

8. The Secretariat is also currently finalizing an analysis prepared by Marine Geospatial Ecology Lab of Duke University which reviews EBSAs described thus far under the CBD with respect to scientific factors such as types of EBSA described, primary taxonomic features described, role of endemic species and the role of connectivity used in the individual EBSA description, and other scientific facets of the EBSA descriptions.

## **FACILITATING THE APPLICATION OF VARIOUS TOOLS AND APPROACHES FOR THE CONSERVATION AND SUSTAINABLE USE OF BIODIVERSITY**

### ***Facilitating the achievement of Aichi Biodiversity Target 11<sup>5</sup> in marine and coastal areas***

9. Since May 2015, the Secretariat, in collaboration with partner organizations, has undertaken efforts to reach out to Parties, including through a series of regional workshops, to collect information on the status of each element of Aichi Biodiversity Target 11 and priority actions that Parties would undertake in the next five years to contribute to facilitating the achievement of the target at the global level.

10. Currently, 17.6% of marine areas under national jurisdiction are protected, indicating the achievement of the quantitative element of Aichi Biodiversity Target 11 in these areas. However, only 1.2% of areas beyond national jurisdiction are currently protected, while 7.66% of the ocean as a whole is under protection.<sup>6</sup> Moreover, further efforts are needed to ensure that the other aspects of the Target are achieved, in particular effective management, equity, connectivity and representativity. Regarding marine key biodiversity areas, less than one-quarter of the areas are fully protected, while 36% have no protection. As for ecological representation, 47% of marine ecoregions and 11% of pelagic provinces have reached the 10% coverage target.

11. The Secretariat has also analyzed additional commitments for marine protected areas, including national priority actions, projects approved for funding by the Global Environment Facility, voluntary commitments announced during the UN Ocean Conference in June 2017, the Micronesia and Caribbean Challenges, and targets in national biodiversity strategies and action plans (NBSAPs). Considering these additional commitments, 24.4% of marine areas under national jurisdiction, 2.5% of areas beyond national jurisdiction, and 11.0% of the ocean as a whole are projected to be under protection by 2020, if these commitments are implemented as planned.

12. At its fourteenth meeting, COP adopted [decision 14/8](#), which addressed a number of important elements of Aichi Target 11. In the decision, the COP welcomed voluntary guidance on integration of protected areas and other effective area-based conservation measures into the wider land- and seascapes and on mainstreaming these into sectors, as well as the voluntary guidance on governance and equity. The COP encouraged Parties and invites other Governments, relevant organizations, in collaboration with

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<sup>5</sup> Aichi Biodiversity Target 11: “By 2020, at least 17 per cent of terrestrial and inland water areas and 10 per cent of coastal and marine areas, especially areas of particular importance for biodiversity and ecosystem services, are conserved through effectively and equitably managed, ecologically representative and well-connected systems of protected areas and other effective area-based conservation measures, and integrated into the wider landscape and seascape.”

<sup>6</sup> <https://www.protectedplanet.net/marine>

indigenous peoples and local communities, to apply this voluntary guidance, as appropriate, in accordance with national circumstances and legislation, and consistent and in harmony with the Convention and other international obligations. The COP also encouraged Parties and invites other Governments, relevant organizations and indigenous peoples and local communities to take into account the considerations in achieving Aichi Biodiversity Target 11 in marine and coastal areas, as contained in annex IV of the decision, in their efforts to achieve all elements of Aichi Biodiversity Target 11 in marine and coastal areas.

13. In decision 14/8, the COP also adopted the following definition of “other effective area-based conservation measures” : “*a geographically defined area other than a Protected Area, which is governed and managed in ways that achieve positive and sustained long-term outcomes for the in situ conservation of biodiversity,<sup>7</sup> with associated ecosystem functions and services and where applicable, cultural, spiritual, socio-economic, and other locally relevant values*”, and welcomed scientific and technical advice on other effective area-based conservation measures. As well, the COP encouraged Parties and invited other Governments, relevant organizations, in collaboration with indigenous peoples and local communities, to apply the scientific and technical advice on other effective area-based conservation measures contained, also taking into account, where appropriate, the 2016 report of the United Nations Special Rapporteur on the rights of indigenous peoples on the theme “indigenous peoples and conservation” and the 2017 report of the United Nations Special Rapporteur on human rights and the environment, including by:

- (a) Identifying other effective area-based conservation measures and their diverse options within their jurisdiction;
- (b) Submitting data on other effective area-based conservation measures to the United Nations Environment Programme’s World Conservation Monitoring Centre for inclusion in the World Database on Protected Areas.

14. In decision 14/8, the COP also invited the International Union for Conservation of Nature, the Food and Agriculture Organization of the United Nations, and other expert bodies to continue to assist Parties in identifying other effective area-based conservation measures and in applying the scientific and technical advice. Pursuant to this, the IUCN World Commission on Protected Areas is revising its Guidelines for Recognising and Reporting Other Effective Area-Based Conservation Measures. In addition, FAO and the Fisheries Expert Group of the IUCN Commission on Ecosystem Management (IUCN-CEM-FEG), in collaboration with the CBD Secretariat, convened an expert meeting on effective area-based conservation measures in the marine fishery sector on 7-10 May 2019 in Rome, Italy in order to advance discussions on means to apply the advice on effective area-based conservation measures as contained in decision 14/8 in the marine fishery sector.

15. In addition, the [Global Partnership on Aichi Target 11](#) was launched at the fourteenth meeting of the COP. This partnership, which is coordinated by the CBD Secretariat, aims to facilitate the achievement of Aichi Biodiversity Target 11 with its attendant multiple benefits through decentralized implementation of focused actions, in a concerted manner, with comprehensive coordination among all relevant partners.

***Information-sharing related to coral reefs and the implementation of the Priority Actions to Achieve Aichi Biodiversity Target 10 for Coral Reefs and Closely Associated Ecosystems***

16. Pursuant to CBD COP decision XII/23, the Secretariat launched the CBD Global Coral Portal<sup>8</sup>, to facilitate technical collaboration and information-sharing on sustainable management of coral reefs and related ecosystems, including the implementation of the Priority Actions to Achieve Aichi Biodiversity Target 10 for Coral Reefs and Closely Associated Ecosystems<sup>9</sup>. The Portal aims to:

17. In notification [2018-093](#), Parties, other Governments and relevant organizations were invited to submit information on the implementation of the to Achieve Aichi Biodiversity Target 10 for Coral Reefs and Closely Associated Ecosystems, or activities that are in line with them, for sharing through the Portal.

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<sup>7</sup> As defined by Article 2 of the Convention on Biological Diversity and in line with the provisions of the Convention.

<sup>8</sup> The CBD Global Coral Portal is available at [www.cbd.int/coral-reefs](http://www.cbd.int/coral-reefs).

<sup>9</sup> See <https://www.cbd.int/doc/publications/cbd-aichi-target-10-en.pdf>

## ***Synthesizing scientific and technical information on various issues related to marine and coastal biodiversity***

18. In notification [2018-093](#), dated 27 September 2018, Parties, other Governments and relevant organizations were invited to submit information and experiences with regard to the following areas of work addressed by COP-12 and 13:

- (a) Implementation of the Priority Actions to Achieve Aichi Biodiversity Target 10 for Coral Reefs and Closely Associated Ecosystems;
- (b) Implementation of the Voluntary Specific Workplan on Biodiversity in Cold-water Areas within the Jurisdictional Scope of the Convention<sup>10</sup>; and
- (c) Implementation of the Voluntary Practical Guidance on Preventing and Mitigating the Impacts of Marine Debris on Marine and Coastal Biodiversity and Habitats.

19. Submissions included information on activities at the global, regional, national and/or local levels, as well as relevant scientific and technical information, relevant management plans at sub-national, national or regional levels, descriptions of specific measures taken, tools and guidance applied, case studies and lessons learned. Based on the above-mentioned submissions received to date, the Secretariat is currently preparing a synthesis and compilation report for each area of work, which will be submitted to the twenty-fourth meeting of SBSTTA for its consideration.

## **ADDRESSING THREATS TO MARINE AND COASTAL BIODIVERSITY**

### ***Addressing impacts of anthropogenic underwater noise on marine and coastal biodiversity***

20. Pursuant to CBD COP decisions XI/18, XII/23, XIII/10, and 14/10 the Secretariat will continue to compile and synthesize scientific and technical information on measures, and experiences with the application of these measures, to minimize and mitigate the impacts of anthropogenic underwater noise on marine and coastal biodiversity.

21. Building on the “scientific synthesis of the impacts of underwater noise on marine and coastal biodiversity and habitats”<sup>11</sup> and background materials prepared for the Expert Workshop on Underwater Noise and its Impacts on Marine and Coastal Biodiversity (London, 25-27 February 2014), the Secretariat is currently finalizing a CBD Technical Series report on the impacts of underwater noise on marine and coastal biodiversity and habitats and tools and approaches to minimize and mitigate these impacts.

## **CAPACITY BUILDING TO FACILITATE EFFORTS TO ACHIEVE THE AICHI BIODIVERSITY TARGETS IN MARINE AND COASTAL AREAS**

### ***Sustainable Ocean Initiative***

22. The Sustainable Ocean Initiative (SOI)<sup>12</sup> is a global platform for building partnerships and enhancing the capacity of developing country Parties to achieve the Aichi Biodiversity Targets in marine and coastal areas in a holistic manner. The execution of SOI activities is coordinated by the CBD Secretariat in collaboration with various international partners, and has been financially supported by the Governments of Japan (through the Japan Biodiversity Fund), France (through the French Biodiversity Agency), Republic of Korea (through the Ministry of Oceans and Fisheries), Sweden (through the Ministry of the Environment and Energy), and the European Union.

23. In 2018 and 2019, the Secretariat has continued work under SOI at the global, regional and national levels, including by convening the following, in collaboration with various partner organizations:

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<sup>10</sup> See <https://www.cbd.int/doc/decisions/cop-13/cop-13-dec-11-en.pdf>

<sup>11</sup> UNEP/CBD/SBSTTA/20/INF/8.

<sup>12</sup> See [www.cbd.int/soi](http://www.cbd.int/soi)

(a) Subregional Capacity-Building Workshop for the Coral Triangle (Jakarta, Indonesia; 31 July - 3 August 2018)<sup>13</sup>;

(a) Regional Capacity-Building Workshop for Northern Africa and the Mediterranean (Tangier, Morocco; 15-19 October 2018)<sup>14</sup>; and

(b) National Capacity-Building Workshop for Maldives (Island of Dhiffushi, Maldives; 17-19 June 2019)<sup>15</sup>.

24. Planning is underway for the third meeting of the Sustainable Ocean Initiative Global Dialogue with Regional Seas Organizations and Regional Fishery Bodies, to be convened in 2020 in the Republic of Korea.

## **SUPPORTING BIODIVERSITY MAINSTREAMING IN VARIOUS SECTORS**

### ***Addressing biodiversity considerations in fisheries***

25. Pursuant to CBD COP decision XIII/28, paragraph 11, the Secretariat has been working with FAO and the Fisheries Expert Group of the Commission on Ecosystem Management of the International Union for Conservation of Nature, in collaboration with the European Bureau on Conservation and Development, to identify opportunities for reporting mechanisms under to contribute to assessing progress towards Aichi Biodiversity Target 6. In particular, this ongoing work is focused on using information from the FAO Questionnaire for the Code of Conduct for Responsible Fisheries to inform the assessment of progress on Aichi Biodiversity Target 6 in the 5<sup>th</sup> Global Biodiversity Outlook.

26. The Secretariat has also circulated for peer review, through a notification [2019-047](#) issued on 17 May 2019, the draft of a technical document, *Assessing Progress towards Aichi Biodiversity Target 6 on Sustainable Fisheries*, which was prepared by the Fisheries Expert Group of the IUCN Commission of Ecosystem Management. An earlier version of this document was submitted to the twenty-second meeting of SBSTTA as an information document<sup>16</sup>. Following peer review, the draft will be revised and published in the CBD Technical Series, with a view to assisting Parties, other Governments and relevant organizations in accelerating and monitoring progress in the achievement of Target 6, as well as informing deliberations on the post-2020 global biodiversity framework.

### ***Mainstreaming of biodiversity within and across sectors***

27. At its fourteenth meeting, the CBD COP adopted a decision on mainstreaming and the integration of biodiversity within and across sectors (decision 14/3), with a focus on the sectors of energy, mining, infrastructure, manufacturing and processing sectors., forestry, fisheries and tourism. In addition, at the high-level segment of the United Nations Biodiversity Conference (Sharm El-Sheikh, Egypt, 2018), Parties adopted the Sharm El-Sheikh Declaration: Investing in Biodiversity for People and Planet, in which ministers and other heads of delegation reaffirmed commitments to enhance mainstreaming of biodiversity in various sectors and to develop an ambitious, transformational post-2020 global biodiversity framework.

28. In decision 14/3, the COP decided to establish a long-term strategic approach for mainstreaming biodiversity. It also decided to establish an Informal Advisory Group on Mainstreaming of Biodiversity, to advise the Executive Secretary and the Bureau on further development of the proposal for a long-term approach to mainstreaming biodiversity, with the terms of reference contained in annex II of decision 14/3, for consideration of the Subsidiary Body on Implementation at its third meeting.

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<sup>13</sup> Report and documentation available at <https://www.cbd.int/meetings/SOI-WS-2018-02>.

<sup>14</sup> Report and documentation available at <https://www.cbd.int/meetings/SOI-WS-2018-03>.

<sup>15</sup> Report and documentation available at <https://www.cbd.int/meetings/SOI-WS-2019-01>. This workshop was executed by the Global Ocean Biodiversity Initiative.

<sup>16</sup> [CBD/SBSTTA/22/INF/28](#)

## **FACILITATING DIALOGUE AND MULTI-STAKEHOLDER ENGAGEMENT IN THE CONTEXT OF SUSTAINABLE DEVELOPMENT GOAL 14**

29. Since 2017, the Executive Secretary of the CBD and Maria Damanaki of The Nature Conservancy (TNC) have been coordinating the Community of Ocean Action on Marine and Coastal Ecosystems Management<sup>17</sup>. This community is one of nine Communities of Ocean Action formed immediately following the 2017 United Nations Ocean Conference as a means to follow-up on the implementation of these voluntary commitments, to catalyze and generate new voluntary commitments and to facilitate collaboration and networking among different actors in support of SDG 14. Activities of the Community include webinars among Community members and face-to-face dialogues and discussions on experiences and lessons learned from implementation of the voluntary commitments and opportunities to scale-up implementation.

30. The Secretariat, in collaboration with other focal points of the Communities of Ocean Action, will convene the “2020 Ocean Pathways Week: Charting the course for a sustainable future for the ocean”, from 4 to 8 November 2019 in Montreal, Canada. This meeting aims to provide a platform for the Communities of Ocean Action to exchange experiences and lessons learned to support the implementation of voluntary commitments, and to discuss key priorities for the 2020 UN Ocean Conference and discussions on the post-2020 global biodiversity framework under CBD. Background briefs on various topics related to ocean sustainability are also being prepared by the Secretariat and relevant partner organizations in support of this meeting.

### **POST-2020 GLOBAL BIODIVERSITY FRAMEWORK**

31. The Strategic Plan for Biodiversity 2011-2020 will conclude in 2020. Discussions are currently underway under the CBD on the development of this post-2020 global biodiversity framework<sup>18</sup>. The preparatory process for the development of the post-2020 global biodiversity framework has been adopted by the fourteenth meeting of COP in decision 14/34. On 22 May, the Secretariat issued notification [2019-049](#), which provides an information note on ways and means to contribute to the development of the post-2020 global biodiversity framework.

32. The process for the development of the post-2020 global biodiversity framework includes a number of opportunities for various stakeholders to provide input, which include global, regional and thematic consultations, as well as meetings of the Open-Ended Intersessional Working Group (OEWG) on the Preparation of the Post-2020 Global Biodiversity Framework. The first meeting of the Open-Ended Working Group on the Post-2020 Global Biodiversity Framework, will be convened 27-30 August 2019 in Nairobi, Kenya. Specifically with regards to marine and coastal biodiversity, a thematic consultation will be convened in conjunction with the 2020 Ocean Pathways Meeting (4-8 November 2019, Montreal, Canada) mentioned in paragraph 30 above. The consultation will provide a platform for a focused discussion with various ocean stakeholders with a view to identifying ocean elements for consideration in the discussion under the Convention on the post-2020 global biodiversity framework.

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<sup>17</sup> More information on the Communities of Ocean Action available at: <https://oceanconference.un.org/coa/MarineCoastal>

<sup>18</sup> More information on the post-2020 biodiversity framework available at <https://www.cbd.int/post2020/>.