

Annex

Information on developments within the Convention on Biological Diversity relating to ocean affairs and the law of the sea

Executive Summary

This note summarizes recent work under the Convention on Biological Diversity (CBD) relevant to ocean affairs and the law of the sea that have taken place, or will take place, between September 2022 and August 2023.

In December, during the second part of its fifteenth meeting, the Conference of the Parties to the CBD adopted the Kunming-Montreal Global Biodiversity Framework (KMGBF) as well as a number of other decisions focused on supporting its implementation, including decisions on marine and coastal biodiversity (ecologically or biologically significant marine areas and conservation and sustainable use). To provide a basis for future guidance to Parties to support their efforts to implement the KMGBF in their National Biodiversity Strategies and Action Plans (NBSAPs), the Secretariat, together with the United Nations Environment Programme World Conservation Monitoring Centre (UNEP-WCMC) produced a study analyzing content related to marine and coastal biodiversity in National Biodiversity Strategies and Action Plans (NBSAPs).

Regarding capacity-building, the COP adopted a long-term strategic framework for capacity-building and development for the implementation of the KMGBF, as well as a mechanism to strengthen technical and scientific cooperation. The Secretariat has also continued its capacity-building and partnership efforts under the Sustainable Ocean Initiative (SOI), by convening several workshops under this initiative, including for the development of the SOI Post-2020 Action Plan, for the identification and discussion of capacity needs for the implementation and monitoring of the Framework, as well as national and regional workshops.

In terms of regional cooperation, the Secretariat convened the third meeting of the SOI Global Dialogue with Regional Seas Organizations and Regional Fishery Bodies, an initiative that provides an opportunity for regional seas organizations and regional fishery bodies to share experiences and to identify opportunities for coordination and collaboration, including for facilitating the achievement of global goals and targets for the ocean.

Finally, the Secretariat also continued to engage in various intergovernmental processes throughout this period.

INTRODUCTION

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, in addition to outlining the major meetings and intersessional work carried out since the completion of the last report. The note is organized, where possible, along the same lines as General Assembly Resolution 77/248, and includes content on:

- Marine biodiversity (decisions relevant to marine biodiversity from the fifteenth meeting of the Conference of the Parties to the CBD; online discussion forums in preparation for this meeting, as well as a synopsis of a study that analyzes the marine and coastal content of existing National Biodiversity Strategies and Action Plans);
- Capacity-building (outcomes of COP 15 and activities of the Sustainable Ocean Initiative);
- Regional cooperation (activities of the Sustainable Ocean Initiative Global Dialogue); and
- Engagement in other intergovernmental processes.

MARINE BIODIVERSITY

Fifteenth meeting of the Conference of the Parties to the CBD (COP 15, 5 to 17 December 2022)

Decision 15/4: Kunming-Montreal Global Biodiversity Framework

1. The second part of the fifteenth meeting of the Conference of the Parties (COP 15) to the CBD was held in Montreal, Canada, from 5 to 17 December 2022 under the Presidency of China. In decision 15/4, the COP adopted the Kunming-Montreal Global Biodiversity Framework (KMGBF), containing a new set of global goals and targets for biodiversity. The framework sets out a pathway to achieve its 2030 Mission, to halt and reverse biodiversity loss to put nature on the path of recovery, while ensuring the fair and equitable sharing of benefits from the use of genetic resources, and providing means of implementation, in order to achieve the 2050 Vision whereby people live in harmony with nature. It includes four outcome-oriented goals to be achieved by 2050, 23 action-oriented targets to be achieved by 2030, a monitoring framework for tracking progress towards the goals and targets and several sections providing guidance on the implementation of the framework (e.g., section C noting the implementation of the GBF in accordance with relevant international obligations, and enhanced collaboration between the CBD and other relevant international processes).

2. The goals and targets of the KMGBF are crafted to be generic and applicable to all biomes. As such, nearly all of them are highly relevant to marine and coastal biodiversity. Nonetheless, there are some targets of heightened relevance for marine and coastal biodiversity, including targets 1-10.

3. At its fifteenth meeting, the COP also adopted a number of other decisions focused on supporting the implementation of the KMGBF. In fact, the framework was adopted as a package together with the following decisions:

- Decision 15/5: Monitoring framework for the KMGBF
- Decision 15/7: Resource mobilization
- Decision 15/8: Capacity-building and development and technical and scientific cooperation
- Decision 15/9: Digital sequence information on genetic resources

4. The monitoring framework (COP decision 15/5), for monitoring and reporting on progress in the implementation of the framework includes a package of headline, component and complementary indicators, which can be supplemented by additional national/subnational indicators. COP 15 also decided to establish an Ad Hoc Technical Expert Group to advise on the further operationalization of the monitoring framework, the outputs of which will be considered by COP 16.

Decision 15/24: Conservation and sustainable use of marine and coastal biodiversity

5. In decision 15/24, the COP addressed a wide range of issues, including those related to the implementation of the Global Biodiversity Framework. Among the topics addressed in the decision, the COP:

- Welcomed work by the Secretariat on the compilation and synthesis of information and experiences on various thematic issues and requested the Secretariat to continue to facilitate the compilation, synthesis and sharing of information and guidance on efforts to implement the KMGBF with respect to various thematic issues related to marine and coastal biodiversity;
- Requested the Secretariat to facilitate the review and update of the programme of work on marine and coastal biodiversity and the programme of work on island biodiversity in the context of supporting the implementation of the KMGBF;
- Urged Parties and invited other Governments to acknowledge the critical importance of marine and coastal biodiversity in the implementation of the KMGBF, and invited various relevant global and regional bodies and initiatives support the implementation of the Framework with respect to marine

and coastal biodiversity and to contribute to monitoring and reporting on the implementation of the Framework;

- Requested the Secretariat, upon the adoption of an international legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biodiversity of areas beyond national jurisdiction, to identify potential options for modalities for collaboration and cooperation with relevant global and regional organizations in the context of this instrument;
- Invited relevant global and regional bodies and initiatives to support the implementation of the KMGBF with respect to marine and coastal biodiversity and to contribute to monitoring and reporting on the implementation of the Framework, as appropriate, and requested the Secretariat to enhance cooperation and synergies with other global and regional organizations with respect to various thematic issues related to marine and coastal biodiversity in support of the implementation of the 2030 Agenda for Sustainable Development and the achievement of the Sustainable Development Goals;
- Welcomed the work of the Sustainable Ocean Initiative on capacity building and on improving collaboration and coordination among regional seas organizations and regional fishery bodies, and requested this work to continue.

Decision 15/25: Ecologically or biologically significant marine areas in the North-East Atlantic Ocean and adjacent areas

6. The CBD Secretariat coordinates the global process for the description of ecologically or biologically significant marine areas (EBSAs). Since 2011, the Secretariat has coordinated a series of regional workshops to facilitate the description of EBSAs. As a result of these 15 workshops, descriptions of 338 areas meeting the EBSA criteria have thus far been entered into the EBSA repository and transmitted to the UN General Assembly and its relevant processes. The most recent entries concern the North-East Atlantic Ocean and are reported on in the paragraphs below.

7. In decision 15/25, the COP requested the Executive Secretary to include the summary reports prepared by the Subsidiary Body on Scientific, Technical and Technological Advice at its twenty-third meeting, annexed to that decision and based on the report of the Regional Workshop to Facilitate the Description of Ecologically or Biologically Significant Marine Areas in the North-East Atlantic Ocean, in the EBSA repository, and to submit them to the United Nations General Assembly and its relevant processes, as well as to relevant international organizations.

8. In response to that request, the summary descriptions of the 17 areas in the North-East Atlantic Ocean that meet the EBSA criteria were transmitted to the Secretary-General of the United Nations General Assembly and the Secretary-General of the Intergovernmental Conference on Marine Biodiversity of Areas beyond National Jurisdiction in March and made available to the Member States of the General Assembly through document A/77/834. The Secretariat also entered the descriptions and shapefiles into the EBSA repository (www.cbd.int/ebsa). In April, the CBD Secretariat communicated this information by means of a letter to relevant international organizations.

9. Decision 15/25, including its addendum containing the summary report, is available in all official languages of the United Nations on the official website of the Convention at <https://www.cbd.int/decisions/cop/?m=cop-15>.

Decision 15/26: Ecologically or biologically significant marine areas: further work

10. Despite the success of the CBD EBSA process, the COP has been considering ways to improve it since 2014 (COP XII), when the COP requested the Executive Secretary to develop practical options to further enhance scientific methodologies and approaches to describe areas meeting the EBSA criteria,

ensuring that the best available scientific and technical information and traditional knowledge of various users of marine resources are used and that the products are scientifically sound and up-to-date.

11. While discussions on this issue, most recently at COP 15, have brought forth valuable insights on ways to improve the EBSA process and the use of EBSA information, the COP has unfortunately not yet been able to find consensus on all elements of this issue. Important elements of these discussions include: (a) Modalities to modify the description of areas described as meeting the EBSA criteria, considered by the Conference of the Parties and included into the repository; (b) Modalities to describe new areas meeting the EBSA criteria; and (c) Actors who can propose the modification of EBSAs and the description of new EBSAs.

Online discussion forums on marine and coastal biodiversity in preparation for the fifteenth meeting of the Conference of the Parties

12. The Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) of the CBD was unable to complete discussions on marine and coastal biodiversity at its twenty-fourth meeting. Therefore, in its recommendations 24/9 and 24/10, it requested the Executive Secretary to facilitate consultations with a view to advance discussions, prior to the fifteenth meeting of the Conference of the Parties, respectively, on: i) Conservation and sustainable use of marine and coastal biodiversity and ii) EBSAs. In response to these requests, the Secretariat organized an online discussion forum on each of these two issues. The first was held in June 2022 and was summarized in last year's report; the second was held from 14 to 21 September 2022 and is summarized below. Each forum was preceded and followed by an opening and a closing webinar.

13. The online discussion forum on EBSAs (<https://www.cbd.int/marine/forum/sept-2022>) was organized according to the following thematic threads, based on the annexes to recommendation 24/10: i) Preambular paragraphs and paragraphs 1-5 of the introduction to the annex; ii) Annexes 1-2; iii) Modification of EBSA descriptions (Annexes 3-8); iv) Description of new EBSAs (Annexes 9-12). The forum had 53 participants from across all regions, selected from among nominations provided by governments and relevant organizations. The report of the forum (made available as an information document to COP 15), recordings of the webinars and other forum materials are available at: <https://www.cbd.int/meetings/006267>.

Strengthening Marine and Coastal Biodiversity Elements of National Biodiversity Strategies and Action Plans (NBSAPs)

14. Together with the United Nations Environment Programme World Conservation Monitoring Centre (UNEP-WCMC) and with funding support from the Government of Germany, the Secretariat produced a study that analyzes the marine and coastal content of existing National Biodiversity Strategies and Action Plans (NBSAPs) to provide a basis for the future development of guidance to Parties in support of their forthcoming efforts to reflect the Kunming-Montreal Global Biodiversity Framework in their NBSAPs with adequate and robust reflection of marine issues. NBSAPs, the main mechanism that Parties to the Convention use to set their plans and guide their actions towards the implementation of the Convention within their domestic circumstances, have often failed to reflect the policy elements needed to achieve global biodiversity targets at the national level and to include highly relevant marine work ongoing within the countries that are directly relevant to global biodiversity targets. As Parties are expected to revise and/or update their NBSAPs after COP 15 in light of the Global Biodiversity Framework, this study provides information and advice on means to reflect or reinforce marine and coastal biodiversity issues in their NBSAPs. The study is available here: https://resources.unep-wcmc.org/products/WCMC_RT492.

CAPACITY-BUILDING

Long-term strategic framework for capacity-building and development

15. In [decision 15/8](#), the Parties, adopted a long-term strategic framework for capacity-building and development (annex I) to support nationally determined priorities for the implementation of the Kunming-Montreal Global Biodiversity Framework. The framework outlines the expected high-level capacity results; provides a menu of guiding principles and key strategies and approaches for improving the design, implementation, monitoring and evaluation of capacity-building and development initiatives and programmes; and describes mechanisms to facilitate and support its implementation at the global, regional and country level.

Mechanism to Strengthen Technical and Scientific Cooperation

16. COP 15 also established a technical and scientific cooperation mechanism comprising a network of regional and/or subregional support centres to be coordinated at the global level by a coordination entity (annex II). It also established an informal advisory group on technical and scientific cooperation to provide strategic advice on practical measures, tools and opportunities to promote and facilitate technical and scientific cooperation, technology transfer, capacity-building and development, knowledge management, and the clearing-house mechanism in support of the Kunming-Montreal Global Biodiversity Framework (annex III).

Sustainable Ocean Initiative

17. The Executive Secretary has continued the capacity-building work under the Sustainable Ocean Initiative (SOI) that began with its creation on the margins of the tenth meeting of the Conference of the Parties in 2010, convening a series of capacity-building workshops at the regional, subregional and national levels, in addition to a global-level initiative. SOI is a global platform that aims to build partnerships and enhance capacity to achieve global goals and targets on marine and coastal biodiversity. Its implementation is coordinated by the CBD Secretariat in collaboration with various partners. SOI was created on the margins of the tenth meeting of the Conference of the Parties to the Convention to respond to the need for capacity-building of developing country Parties with regard to the conservation and sustainable use of marine and coastal biodiversity, and its implementation is being further enhanced within the context of the Kunming-Montreal Global Biodiversity Framework, which was adopted by the Conference of the Parties to the Convention at its fifteenth meeting in December 2022.

- *Sustainable Ocean Initiative (SOI) Global Partnership Meeting (1 - 2 December 2022, Montreal, Canada) and SOI Post-2020 Action Plan*

18. The SOI Global Partnership meeting was convened at the offices of the Secretariat in Montreal, Canada, on 1-2 December 2022. This meeting gathered a group of key SOI partners to develop and discuss elements of the SOI Post-2020 Action Plan, which will include identifying approaches to effectively deliver the capacity-building support needed to achieve the goals and targets of the Post-2020 Framework. Previously, in 2015, SOI partners developed the 2015-2020 SOI Action Plan, outlining a framework for SOI activities for the 5-year period. In light of the Post-2020 Framework, a new SOI action plan is needed to guide SOI activities in the future.

19. On the basis of discussions at the SOI Global Partnership Meeting, the SOI Post-2020 Action Plan was produced in early 2023 as a framework to guide the activities of SOI, with a focus on supporting the implementation of the Kunming-Montreal Global Biodiversity Framework. The SOI Post-2020 Action Plan is available here: <https://www.cbd.int/marine/soi/Post-2020-SOI-ActionPlan-en.pdf>.

- *Sustainable Ocean Initiative Workshop on Ocean-related Capacity-building Needs for the Kunming-Montreal Global Biodiversity Framework (5-9 June 2023)*

20. With a view to supporting the implementation of the Kunming-Montreal Global Biodiversity Framework, the Acting Executive Secretary convened the Sustainable Ocean Initiative Workshop on Ocean-related Capacity-building Needs for the Kunming-Montreal Global Biodiversity Framework, with financial support from the Government of the Republic of Korea, through the Ministry of Oceans and Fisheries.

21. The aim of the workshop is to identify and discuss various capacity needs related to the implementation and monitoring of the Framework in marine and coastal areas, including with respect to its goals, targets and indicators. It is expected that participants in the workshop will produce a priority list of capacity needs that will be useful in guiding future capacity-building activities, including those under the Sustainable Ocean Initiative. The workshop will include thematic presentations with question-and-answer sessions, plenary sessions and moderated discussions, breakout group exercises and discussions.

- *Sustainable Ocean Initiative national capacity-building workshop for Thailand (24-25 November 2022, Bangkok, Thailand)*

22. The SOI national workshop for Thailand was convened by the Global Ocean Biodiversity Initiative (GOBI) together with the Thailand Office of Natural Resources and Environmental Policy and Planning and the Faculty of Sciences at Ramkhamhaeng University, and with funding support from the Government of the Republic of Korea (through the Ministry of Oceans and Fisheries) and the International Climate Initiative (through the GOBI project and the Climate Coastal and Marine Biodiversity project). The workshop gathered key stakeholders in Thailand to build technical capacity, disseminate knowledge, and enhance understanding on the topic of EBSAs, other effective conservation measures (OECMs), and marine spatial planning.

- *Sustainable Ocean Initiative national workshop for Jamaica on other effective area-based conservation measures (OECMs) in the marine fishery sector (17 - 19 May 2023, Kingston, Jamaica)*

23. The SOI national workshop for Jamaica on OECMs in the marine fishery sector was convened by the CBD Secretariat, the National Fisheries Authority of Jamaica, the National Environment and Planning Agency of Jamaica, FAO and the IUCN-Fisheries Expert Group. The workshop was financially supported by Government of the Republic of Korea (through the Ministry of Oceans and Fisheries). The workshop gathered relevant stakeholders in Jamaica in order to: (i) enhance understanding of the OECM concept and approach among stakeholders in Jamaica and discuss why Jamaica may wish to address this issue; (ii) identify key opportunities, issues, and challenges in Jamaica for identifying, designating and managing OECMs in the marine fishery sector; and (iii) discuss existing tools and approaches in Jamaica that may be future candidates for OECMs, should Jamaica wish to take this forward.

- *Sustainable Ocean Initiative (SOI) regional capacity-building workshop for East, South and South-East Asia (5 - 8 September 2023, Seoul, Republic of Korea)*

24. The Sustainable Ocean Initiative (SOI) Capacity-building Workshop for East, South and South-East Asia, to be held from 5 to 8 September 2023 in Seoul, Republic of Korea is being convened by the Secretariat, in collaboration with relevant regional and international organizations and initiatives, and is hosted by the Government of the Republic of Korea, with financial support from the Ministry of Oceans and Fisheries of the Republic of Korea and technical support from the National Marine Biodiversity Institute of Korea (MABIK).

25. The workshop will focus on the capacity needs of developing countries in the region in the context of the goals and targets of the Kunming-Montreal Global Biodiversity Framework. It will address a range of thematic issues relevant to the goals and targets of the Framework, such as area-based conservation, restoration, fisheries management, and biodiversity mainstreaming, and will seek to facilitate cross-sectoral, multi-agency scientific, technical and financial partnerships to support the effective implementation of various management tools and approaches.

REGIONAL COOPERATION

Sustainable Ocean Initiative

- *Third meeting of the Sustainable Ocean Initiative (SOI) Global Dialogue with Regional Seas Organizations and Regional Fishery Bodies (25 - 28 October 2022, Busan, Republic of Korea)*

26. The Secretariat convened the Third Meeting of the Sustainable Ocean Initiative Global Dialogue with Regional Seas Organizations and Regional Fishery Bodies in Busan, Republic of Korea, from 25 to 28 October 2022, in collaboration with the United Nations Environment Programme and the Food and Agriculture Organization of the United Nations, with the organizational support of the National Marine Biodiversity Institute of Korea. Financial support was provided by the Government of the Republic of Korea (through the Ministry of Oceans and Fisheries), the Government of Japan (through the Japan Biodiversity Fund), and the Government of France (through the French Biodiversity Agency). Participants comprised representatives of regional seas organizations (RSOs), regional fishery bodies (RFBs), other global and regional organizations and initiatives, national governments and non-governmental organizations.

27. The meeting focused on the core objectives of the Sustainable Ocean Initiative Global Dialogue, namely (i) sharing experiences in the respective work of RSOs and RFBs, (ii) sharing experiences in coordination and collaboration between RSOs and RFBs in regions where this is occurring, (iii) identifying opportunities and approaches for coordination and collaboration between RSOs and RFBs, and (iv) identifying the roles of, and opportunities for, RSOs and RFBs in facilitating and monitoring progress towards global goals and targets for the ocean.

28. Discussions centered on relevant timely issues, including other effective area-based conservation measures, issues related to the post-2020 global biodiversity framework, an international legally binding instrument under the United Nations Convention on the Law of the Sea (UNCLOS) on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction, and an international legally binding instrument on plastic pollution, including in the marine environment, all of which were still under development in their respective processes and not yet finalized at the time of the meeting. The meeting also considered these issues in the context of the four thematic areas of focus of the SOI Global Dialogue: (i) ecosystem approach/ecosystem-based management, (ii) area-based management tools, (iii) reducing and mitigating the impacts of pollution, and (iv) monitoring, assessment and information-sharing. The “Busan Outcome” is available here: <https://www.cbd.int/doc/c/dcee/41b9/255ee54901e1c8ed2551f06d/soi-om-2022-outcomes-en.pdf>.

29. The fourth meeting of the SOI Global Dialogue is planned to take place in the first half of 2024. A virtual intersessional workshop is being held in August 2023 to take stock of progress in implementing the Busan Outcome as well as efforts to implement the KMGBF.

ENGAGEMENT IN OTHER INTERGOVERNMENTAL PROCESSES

30. The Secretariat engages in a range of intergovernmental processes with the main of facilitating the mainstreaming of biodiversity and to facilitate coherence and complementarity among various processes. In the period under focus, this included engagement in:

- FAO Committee on Fisheries and the annual meeting of the Regional Fishery Bodies Secretariats’ Network (RSN);
- 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;
- UN Framework Convention on Climate Change;
- 5th International Marine Protected Areas Congress (IMPAC5);
- 2022 UN Ocean Conference.
