

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, 279 of these areas have been considered by COP and transmitted to the UN General Assembly. There are ongoing discussions under the CBD on options to enhance scientific methodologies and approaches for the description of EBSAs.

The Convention's work also addresses the impacts of multiple stressors on marine biodiversity. The Secretariat is continuing to compile information on experiences in avoiding, minimizing and mitigating the impacts of anthropogenic underwater noise on marine and coastal biodiversity. The Secretariat is preparing a CBD Technical Series report on anthropogenic underwater noise and marine and coastal biodiversity.

The Secretariat has also been collecting information on the status of the achievement of Aichi Biodiversity Target 11 in individual Parties and to work with Parties to outline priority actions to achieve Target 11. The Secretariat organized the Expert Workshop on Marine Protected Areas and Other Effective Area-based Conservation Measures for Achieving Aichi Biodiversity Target 11 in Marine and Coastal Areas, which produced draft guidance on the identification of other effective area-based conservation measures. The Secretariat has been compiling information on activities related to the application of marine spatial planning, and facilitating the application of marine spatial planning through capacity building. The Secretariat is also presently developing an online coral reef portal to facilitate collaboration and information-sharing on the management of coral reefs and related ecosystems.

The Secretariat has undertaken capacity building through the Sustainable Ocean Initiative (SOI), including training of trainers and regional and national capacity-building workshops. The second meeting of the SOI Global Dialogue with Regional Seas Organizations and Regional Fisheries Bodies was held in April 2018.

Regarding mainstreaming of biodiversity into sectors, the Secretariat has been working with FAO and the IUCN Fisheries Expert Group to compile experiences in mainstreaming biodiversity in fisheries, to identify opportunities for reporting on progress towards Aichi Biodiversity Target 6, and to assess progress towards the achievement of Target 6. The second meeting of the CBD Subsidiary Body on Implementation will discuss the mainstreaming of biodiversity across sectors, in particular energy and mining, infrastructure, manufacturing and processing, and health.

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) addressing threats to marine and coastal biodiversity; (iii) facilitating the application of tools and approaches for conservation and sustainable use of biodiversity; (iv) capacity development; and (v) supporting mainstreaming of biodiversity into various sectors, including fisheries.
2. This contribution includes a detailed description of the work carried out under the CBD, within the framework of the elaborated programme of work on marine and coastal biological diversity (annex I to decision VII/5) as well as the some areas of work under the Programme of Work on Protected Areas.

ECOLOGICALLY OR BIOLOGICALLY SIGNIFICANT MARINE AREAS

(further information available at <https://www.cbd.int/ebsa>)

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

3. In 2017 and 2018, the Secretariat convened regional EBSA workshops for the following regions:
 - (a) Black Sea and Caspian Sea (Baku, Azerbaijan, 23 to 28 April 2017);¹
 - (b) Baltic Sea (Helsinki, Finland, 18 to 22 February 2018);²
4. The summary reports on the outputs of the above-noted regional EBSA workshops will be considered by the CBD Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) at its twenty-second meeting in July 2018, and the Conference of the Parties (COP) at its fourteenth meeting in November 2018.
5. A total of 279 areas described as meeting the EBSA criteria have already been considered by COP, included in the CBD EBSA repository and submitted to the United Nations General Assembly. The outputs of the regional EBSA workshops, as considered by COP, are available online through the EBSA website (<http://www.cbd.int/ebsa>).
6. As recognized in CBD COP decision XI/17, additional workshops for the further description of areas already described may be held where new information becomes available, subject to the availability of financial resources.

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

7. Pursuant to CBD COP decision XIII/12, the Secretariat organized the Expert Workshop to Develop Options for Modifying the Description of Ecologically or Biologically Significant Marine Areas, for Describing New Areas, and for Strengthening the Scientific Credibility and Transparency of this Process (Berlin, Germany, 5-8 December 2017).³
8. Pursuant to the same decision, this expert workshop had the following objectives:
 - (a) To develop options, for cases both within and beyond national jurisdiction, regarding procedures within the Convention to modify the description⁴ of areas meeting the EBSA criteria and to describe new areas, while fully respecting the sovereignty, sovereign rights and jurisdiction of coastal States reaffirmed in CBD COP decision XIII/12, paragraph 3;
 - (b) To develop options for strengthening the scientific credibility and transparency of the EBSA process, including by enhancing the scientific peer review by Parties, other Governments and relevant organizations.
9. On the basis of the results of the above-noted workshop as well as peer-review comments on the workshop report, options for addressing the above two objectives will be considered by SBSTTA at its twenty-second meeting in July 2018.

¹ Report and documentation available at <https://www.cbd.int/doc/?meeting=EBSAWS-2017-01>.

² Report and documentation available at <https://www.cbd.int/meetings/EBSAWS-2018-01>.

³ Report and documentation available at <https://www.cbd.int/meetings/EBSAEM-2017-01>.

⁴ The description of areas meeting the EBSA criteria constitutes both a textual description and a polygon of the area, as contained in the relevant decisions of the Conference of the Parties to the Convention, including decisions XI/17 (annex) and XII/22 (annex), and presented in the EBSA repository and the map available at www.cbd.int/ebsa. Modification of an existing EBSA description in this note constitutes a modification affecting the textual description of areas meeting the EBSA criteria, as contained in the relevant decisions, including decisions XI/17 (annex) and XII/22 (annex), and/or the polygon of the area, as presented in the EBSA repository.

ADDRESSING THREATS TO MARINE AND COASTAL BIODIVERSITY

Addressing impacts of anthropogenic underwater noise on marine and coastal biodiversity

10. Pursuant to CBD COP decision XIII/10, the Secretariat has compiled information on experiences in the use of measures to avoid, minimize and mitigate the significant adverse impacts of anthropogenic underwater noise on marine and coastal biodiversity, in particular with regard to activities listed in paragraph 3 of CBD COP decision XII/23. This information was provided to the Secretariat in response a notification⁵ issued in August 2017.

11. The information compiled describes various activities undertaken related to anthropogenic underwater noise, including:

- (a) Monitoring of sound-sensitive species (e.g., acoustic monitoring, satellite tagging, surveying) as part of larger environmental monitoring programmes;
- (b) Requirements for noise reduction measures as a condition for the issuance of licences for petroleum exploration and exploitation;
- (c) Education on underwater noise for employees involved in the noise-producing industries;
- (d) Restricting development projects near especially biodiverse and sensitive marine sites;
- (e) Incorporating noise issues into national action plans for marine mammal conservation;
- (f) Providing financial incentives for vessels that install certain quieting technologies;
- (g) Voluntary speed reduction measures for maritime transportation; and
- (h) Assessing the effectiveness of hull cleaning to reduce a vessel's underwater noise profile.

12. Pursuant to CBD COP decisions XI/18, XII/23 and XIII/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.

13. Building on the “scientific synthesis of the impacts of underwater noise on marine and coastal biodiversity and habitats”⁶ 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 preparing 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.

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

Facilitating the achievement of Aichi Biodiversity Target 11⁷ in marine and coastal areas

14. 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.

15. Currently, 16.77% 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

⁵ Ref No. 2017-082, dated 31 August 2017.

⁶ UNEP/CBD/SBSTTA/20/INF/8.

⁷ 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.”

1.18% of areas beyond national jurisdiction are currently protected, while 7.26% of the ocean as a whole is under protection. Moreover, further efforts are needed to ensure that the other aspects of the Target are achieved, in particular effective management, equity, connectivity and representativity.

16. 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% of marine areas under national jurisdiction, 2% of areas beyond national jurisdiction, and 10.6% of the ocean as a whole are projected to be under protection by 2020, if these commitments are implemented as planned.

17. In line with CBD COP decision XIII/9, the Secretariat organized the Expert Workshop on Marine Protected Areas and Other Effective Area-based Conservation Measures for Achieving Aichi Biodiversity Target 11 in Marine and Coastal Areas in Montreal, Canada, from 6 to 9 February 2018. This workshop was convened in parallel with the Technical Expert Workshop on Other Effective Area-based Conservation Measures for Achieving Aichi Biodiversity Target 11, with joint sessions on relevant topics. The conclusions of these workshops, including guidance on the identification of other effective area-based conservation measures, will be considered at SBSTTA at its twenty-second meeting in July 2018.

Marine spatial planning

18. Pursuant to CBD COP decision XIII/9, the Secretariat compiled information on national, subregional or regional experiences in the implementation of marine spatial planning. This information was provided to the Secretariat in response a notification issued in August 2017.⁸ The submissions received are compiled in an information document on the subject⁹ and describe various activities related to marine spatial planning, including:

- (a) Creating interministerial working groups to propose marine spatial planning guidelines, tools and methodologies for implementation at the national level;
- (b) Implementing legislation for national marine spatial planning;
- (c) Using integrated coastal and marine biodiversity protection and management to ensure coherent territorial environmental planning and integrated management of the coastal and marine zone;
- (d) Enhancing coordination of transboundary planning on issues such as environment, shipping, commercial fishing, energy extraction and electricity transmission;
- (e) Using the concept of green infrastructure (or similar approaches) to integrate environmental and ecological considerations into broader spatial planning; and
- (f) Working through regional platforms for cooperation to facilitate coherent regional marine spatial planning among countries in a region.

19. Pursuant to CBD COP decisions XIII/9, XII/23 and XI/18, the Secretariat convened a number of capacity-building workshops within the framework of the Sustainable Ocean Initiative (SOI) focused on sharing experiences and expertise on, and enhancing capacity for, marine spatial planning. These efforts are referred to in paragraphs 21-25 below.

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

20. Pursuant to CBD COP decision XII/23, the Secretariat is presently developing a global coral reef portal, in collaboration with existing global (e.g., the International Coral Reef Initiative) and regional initiatives (e.g., the Coral Triangle Initiative on Coral Reefs and Fisheries and Food Security), to facilitate technical collaboration and voluntary information-sharing on all aspects of sustainable management of

⁸ Ref No. 2017-083, dated 31 August 2017.

⁹ CBD/SBSTTA/22/INF/14

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.

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

Sustainable Ocean Initiative

21. The Sustainable Ocean Initiative (SOI)¹⁰ 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 by (a) facilitating the exchange of knowledge, experience and best practices, (b) creating partnerships that can provide targeted capacity-building, (c) enhancing communication among global policy, science and local stakeholders and (d) enhancing dialogue and coordination among various sectors to achieve a balance between the conservation and sustainable use of marine biodiversity. 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.

22. From February 2013 to February 2018, SOI provided training opportunities for 627 participants from more than 100 country Parties, some of which benefited from multiple training activities, and numerous regional and national organizations/initiatives.

23. In 2017 and 2018, the Secretariat has continued the work under SOI at the global, regional and national levels, including:

(a) 2nd Meeting of the SOI Global Dialogue with Regional Seas Organizations and Regional Fisheries Bodies on Accelerating Progress towards the Aichi Biodiversity Targets and Sustainable Development Goals;

(b) Regional Capacity-Building Workshop for the Wider Caribbean and Central America (Costa Rica, February 2017);¹¹

(c) Training of Trainers Workshop (Seocheon, Republic of Korea, September 2017);¹²

(d) National Capacity Development Workshop for Cameroon (January 2018).¹³

24. Regarding (a) above, in September 2016, the Secretariat, in collaboration with the United Nations Environment Programme (UNEP) and FAO initiated a global process to facilitate dialogue and cooperation among regional seas organizations and regional fishery bodies around the world by convening the first meeting of the SOI Global Dialogue with Regional Seas Organizations and Regional Fisheries Bodies on Accelerating Progress towards the Aichi Biodiversity Targets and Sustainable Development Goals, hosted by the Government of Republic of Korea. This meeting, the first of its kind at the global level, aimed at facilitating the exchange of experiences and discussing specific tools and guidelines in order to enhance science-based, cross-sectoral and ecosystem-based approaches for addressing biodiversity and fisheries issues, and identifying options and opportunities to enhance cross-sectoral collaboration among regional seas organizations and regional fishery bodies, with a view to further strengthening their complementary roles in supporting national implementation of the Strategic Plan for Biodiversity 2011-2020 towards achieving the Aichi Biodiversity Targets and the relevant Sustainable Development Goals. The results of the first meeting¹⁴ were presented at various United Nations/global meetings/conferences, including the

¹⁰ See www.cbd.int/soi

¹¹ Report and documentation available at <https://www.cbd.int/meetings/SOIWS-2017-01>.

¹² Report and documentation available at <https://www.cbd.int/meetings/SOIWS-2017-02>.

¹³ Report and documentation available at <https://www.cbd.int/meetings/SOIWS-2018-01>.

¹⁴ See <https://www.cbd.int/doc/meetings/mar/soiom-2016-01/official/soiom-2016-01-outcome-en.pdf>

United Nations Ocean Conference (June 2017), and were recognized by the United Nations General Assembly at its seventy-first session, in 2016, in its [resolution 71/257](#) on oceans and the law of the sea.

25. Building the successful outcome of the first meeting, the SOI Global Dialogue became a regular biennial forum, and its second meeting was convened by the Secretariat in April 2018. The meeting brought together representatives of regional seas organizations, regional fishery bodies and relevant United Nations /international organizations/initiatives as well as experts from national governments and agencies, and non-governmental organizations. This second meeting aimed at advancing discussions on identifying tools, approaches and opportunities for enhanced cross-sectoral regional-scale cooperation, in particular on issues related to the application of the ecosystem approach, area-based management tools, means to address marine pollution, and monitoring, research and data sharing. The result of the 2nd meeting of the SOI Global Dialogue, the Seoul Outcome +2, will soon be made available on the SOI website (<https://www.cbd.int/soi/>).

SUPPORTING BIODIVERSITY MAINSTREAMING IN VARIOUS SECTORS

Addressing biodiversity considerations in fisheries

26. Pursuant to CBD COP decision XIII/3, paragraph 76, the Secretariat issued a notification¹⁵ requesting information on experiences in mainstreaming biodiversity in fisheries, including through the ecosystem approach to fisheries. The submissions received are synthesized and compiled in an information document on the subject (CBD/SBSTTA/22/INF/15) and describe various activities related to mainstreaming biodiversity in fisheries, including:

(e) Modification of, or development of new, legislation to better integrate the ecosystem approach and the precautionary approach into fisheries policy, and to outline policies focused on conserving marine and coastal ecosystems and minimizing and mitigating impacts on biodiversity;

(f) Application of trade regulations to control extraction and export of aquatic resources, making the environmental performance of the fishery a condition for exporting its products;

(g) Establishment and updating of plans to facilitate the implementation of the ecosystem approach to fisheries;

(h) Redefining fisheries management objectives regarding the bioeconomic and ecological performance of the fisheries, with due regard to target stocks but also to the collateral impact on non-target species and habitats; and

(i) Specific management measures to reduce collateral impact of fishing, such as identification and management of vulnerable marine ecosystems, marine protected areas, areas designated for sustainable fisheries and conservation, prohibitions of certain gears in specific areas to protect endangered species or vulnerable habitats, use of bycatch excluder devices, mandatory reporting of interactions of fisheries with species of concern and use of ecological risk assessment.

27. Pursuant to CBD COP decision XIII/28, paragraph 11, the Secretariat is 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 the identification of potential revisions and additions to the FAO Questionnaire for the Code of Conduct for Responsible Fisheries to better reflect issues and considerations related to Aichi Biodiversity Target 6, and the drafting of a scientific assessment of progress towards the achievement of Aichi Biodiversity Target 6 (made available as CBD/SBSTTA/20/INF/28).

¹⁵ Ref No. 2017-121, dated 16 November 2017.

Mainstreaming of biodiversity within and across sectors

28. At its thirteenth meeting the CBD COP adopted a comprehensive decision on mainstreaming and the integration of biodiversity within and across sectors (decision XIII/3), with a focus on the sectors of agriculture, forestry, fisheries and tourism. In addition, at the high-level segment of the United Nations Biodiversity Conference (Cancun, Mexico, 2016), Parties adopted the Cancun Declaration. The decision provided guidance to Parties on a number of matters, and also requested the Executive Secretary to continue collaboration with a number of partners.

29. Pursuant to CBD COP decision XIII/3, the 2nd meeting of the CBD Subsidiary Body on Implementation (to take place in Montreal in July 2018) will discuss the mainstreaming of biodiversity within and across sectors and other strategic actions to enhance implementation, in particular with regards to the sectors of energy and mining, infrastructure, manufacturing and processing, and health. These discussions will include, among other issues, institutional mechanisms at the national level to support biodiversity mainstreaming, and guidance for reporting by businesses on their actions related to biodiversity.
