



Discussion Document on the Marine and Coastal Biodiversity Issues for CBD COP16¹

Introduction

The adoption of the Kunming-Montreal Global Biodiversity Framework (GBF) at COP15 provided a historic opportunity to advance the conservation and sustainable use of marine and coastal biodiversity through a whole-of-society approach by governments and the public and private sectors.

Discussions at COP16 will focus on advancing the successful implementation of the GBF, including through its monitoring framework. As a cross-cutting issue, the centrality of the ocean to the delivery of the GBF and related instruments, including the Agreement 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 (BBNJ Agreement), should be highlighted.

COP15 set in motion important processes with a view to support the implementation of the GBF, including the update of the CBD marine and coastal biodiversity Programme of Work (POW)² so that the current POW is fully aligned with the GBF. It was furthermore agreed that a viable process for modification of existing or description of new Ecologically or Biologically Significant Marine Areas (EBSAs) should be agreed by COP 16. These two issues were addressed in the preparatory CBD SBSTTA-26 held in May in Nairobi and there are now two recommendations for Parties to take forward under a Marine and Coastal Biodiversity Agenda item at COP 16:

1) Further work on Ecologically or Biologically Significant Marine Areas ([Recommendation 26/7](#))

The EBSA process under the CBD is a true realisation of scientific cooperation under a multilateral environmental agreement with a view to describe areas important for marine and coastal biodiversity through inclusive, robust and credible scientific and technical exercises. The description of such areas under the Convention is purely scientific and technical by nature, and has been recognized under several COP decisions as a means to inform meaningful conservation and sustainable management measures to be taken by Parties and other competent organisations (e.g. Regional Fisheries Management Organisations, Regional Seas Organisations, etc.). The continuation of this process, including through the adoption of these new modalities for modification and description of EBSAs, is essential to ensure that the scientific information contained in these descriptions is up-to-date to inform the timely implementation of several GBF targets and the BBNJ Agreement. This is why agreement on this recommendation at COP16 is critical.

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² The CBD will host an information webinar on the results of the strategic reviews and analyses of the programme of work on marine and coastal biodiversity and the programme of work on island biodiversity on 12 September. More details [here](#).

2) Conservation and Sustainable Use of Marine and Coastal Biodiversity ([Recommendation 26/8](#))

Marine and coastal biodiversity decisions under the CBD³ have been instrumental to the implementation of the objectives of the Convention. There is an urgent need for Parties to adopt this recommendation to ensure that the programme of work for marine, coastal and island biodiversity can be reinforced and actioned and thereby support the implementation of the GBF. It is also important to underscore the importance of Parties addressing all threats and pressures on marine and coastal ecosystems (and their cumulative impacts), and by implementing relevant CBD guidance on several important issues, such as underwater noise, marine debris, marine spatial planning, coral reefs priority actions, the workplan on cold-water areas, and biodiversity-inclusive environmental impact assessments. All of this existing guidance complements the marine and coastal programme of work as a package.

Of course, as a cross-cutting theme, there are a number of other topics of relevance to marine and coastal biodiversity at COP16. The discussions therefore provide an important opportunity to urge parties and stakeholders to accelerate the implementation of the GBF and support the financial, technical and capacity needs of countries to deliver action and impact.

A few key cross-cutting messages and themes to be underscored with respect to marine and coastal biodiversity include the urgent need to advance and accelerate:

- efforts to strengthen and fill gaps on marine-related indicators in the monitoring framework for the GBF.
- as noted in the [recommendation on Biodiversity and Climate Change](#), integrated biodiversity and climate action is critical, including through the conservation, restoration and effective management of coastal and marine ecosystems, blue carbon ecosystems, and nature-based solutions (NbS).
- the implementation of the GBF through national processes, as well as through global, regional, and local processes and collaboration (e.g. through synergies and linkages with the UNFCCC, International Seabed Authority, International Maritime Organization, the BBNJ Agreement Preparatory Commission, Regional Seas Organisations, Regional Fisheries Management Organisations), in accordance with Article 5 of the Convention, which calls for international cooperation for biodiversity conservation, including with respect to areas beyond national jurisdiction.

To support and advance these and other marine and coastal biodiversity priorities at COP16, we would like to provide some reflections and recommendations as well as highlight some risks to consider as we prepare our collective outreach to Parties in advance of COP16.

³ See CBD/SBSTTA/REC/24/9 (2022) (on conservation and sustainable use of marine and coastal biodiversity); CBD/SBSTTA/REC/23/4 (2019) (NE Atlantic EBSAs); and CBD/SBSTTA/REC/24/10 (2022) (on EBSAs and the EBSA process).

Reflections on CBD SBSTTA and SBI

Important progress was made with respect to marine and coastal biodiversity issues at the CBD SBSTTA-26 in Nairobi. Parties and observers underscored the importance of marine, coastal and island biodiversity issues as a cross-cutting issue throughout the Global Biodiversity Framework (GBF), where they highlighted the centrality of the ocean to the GBF and its delivery in their interventions. The majority also highlighted the importance of the Ecologically and Biologically Significant Marine Areas (EBSAs) process to the delivery of the GBF and the BBNJ agreement and recommended that the COP adopt new modalities for the modification and description of new EBSAs. The SBSTTA devoted significant time to the Marine and Coastal Biodiversity agenda via four, three-hour contact group meetings (more than in previous SBSTTA and COP meetings). This was extremely positive as it allowed negotiations on these agenda items to progress much further than in previous meetings, especially on the EBSA recommendation. However, it is important to note that several important issues in these recommendations will still need to be negotiated in more depth at COP 16, and that the packed agenda of the COP can constitute a challenge in resolving these points. Hence the need to have a targeted approach at COP 16.

Building on the CBD SBSTTA discussions to COP16, there is important work ahead to help ensure that the two Marine and Coastal Biodiversity recommendations agreed at SBSTTA-26 on 1) Further work on Ecologically or Biologically Significant Marine Areas ([Recommendation 26/7](#)) and 2) Conservation and Sustainable Use of Marine and Coastal Biodiversity ([Recommendation 26/8](#)) will be adopted at COP16. It is also important that the ocean is clearly represented in the Monitoring Framework ([CBD/SBSTTA/26/L.10](#)).

- Significant progress on EBSAs was achieved at SBSTTA, in fact, more progress than previously achieved in the past eight years where modalities for modification or description of new areas have been addressed. The legal and technical experts workshops organised in November 2023, between COP 15 and SBSTTA-26, contributed to advancing convergence among delegates. There are, however, some remaining issues that will need focus and preparation in advance of COP16. As the EBSA discussions have evolved over decades, we expect the discussions will continue to be targeted, technical and well served by key experts and quiet diplomacy. It is therefore important to note that it would not be productive or helpful for Parties to bring in new text or ideas at this late stage given that the proposed modalities have already gone through significant discussion and negotiations throughout the years. The focus should be on resolving key issues in the current text.
- The discussions about item 8B, Conservation and Sustainable Use of Marine and Coastal Biodiversity ended up being more challenging than expected. Given time limits, the Co-Chairs decided not to open a discussion in the contact groups on the annex on the 'gaps and areas in need of additional focus under the Convention to support the implementation of the GBF' which means this entire section remains in brackets for COP16. The final SBSTTA document doubled in size from the pre-session document following Parties' additions, which included references to previous decisions and recommendations and therefore did not constitute a gap per se.
- The discussions on the Monitoring Framework – and countries' engagement with this item – suggests that only very limited changes to the framework are likely to be taken up at this point. Nevertheless, some critical gaps remain with regard to marine and coastal biodiversity. For example, there is no mention of aquaculture in the monitoring framework and the ocean is not considered in the headline indicator for Target 10 (sustainable management of areas under agriculture, forestry, fishing and aquaculture).

Strategic considerations on the road to COP16

Given the above reflections and the reality that the negotiation time will be under extreme pressure in October, we wanted to share some strategic considerations on the road to COP16 that we hope can serve as an important foundation for aligned messages from civil society to government decision-makers on the negotiated outcomes of the COP.

The below list does not include non-negotiated outcomes linked to political statements, side events, media and communications. We suggest a further and separate piece of work to develop a set of umbrella talking points on the role of the ocean in the Kunming-Montreal Global Biodiversity Framework.

- **Priority 1:** Ensure the EBSA recommendation, [Further work on Ecologically or Biologically Significant Marine Areas](#) is adopted through a COP decision.
 - This is likely the last chance to get the EBSA recommendation over the line which would be necessary to ensure this valuable scientific database of areas important for biodiversity that inform decision-making regarding areas for protection, conservation and sustainable use measures by competent authorities.
 - This scientific information will be key for implementation of the GBF and can also support the delivery of the BBNJ Agreement.
 - Given that this is likely the last chance to have the EBSA process approved, we suggest that the overarching priority for civil society is to encourage countries to approve the recommendation in front of them. As the EBSA discussions have evolved over decades, it would not be productive or helpful for Parties to bring in new text or ideas at this late stage given that the proposed modalities have already gone through significant discussion. The focus should be on resolving key issues in the current text and we expect the discussions will continue to be targeted, technical and well served by key experts and quiet diplomacy.
 - The narrative about the importance of the EBSA process for the delivery of the GBF and the BBNJ Agreement, highlighted in Nairobi, should be further underscored.

- **Priority 2:** [Ensure the Conservation and Sustainable Use of Marine and Coastal Biodiversity](#) recommendation is adopted.
 - The marine and coastal biodiversity programme of work and other related marine and coastal biodiversity decisions/guidance adopted by COP in previous years are comprehensive and continue to provide relevant advice and guidance, especially in light of several complementary marine and coastal biodiversity decisions. There is, however, an **urgent need for these to be implemented** to support the delivery of the GBF.
 - Therefore, we would like to recommend that the Annex of the recommendation be **streamlined to focus on real gaps** (i.e., not covered by previous decisions or the programme of work).
 - Key examples of this include: marine ecological restoration in support of Target 2; ecosystem functioning and services of blue carbon ecosystems in support of GBF Target 8; additional guidance on aquaculture in support of Target 10; and contribution of coastal blue spaces in support of Target 12; among others. Without a targeted list, there is a risk that substantial negotiation time is spent on this item, risking that no decision is adopted on this important topic.
 - **If this decision is not adopted at COP16, the efforts to advance the marine and coastal biodiversity programme of work in support of the GBF will be delayed by at least 2 years until the next COP. This would undermine efforts to comprehensively implement the GBF in coastal and marine areas.**

- Parts of the marine and coastal programme of work (alongside with other specific marine and coastal biodiversity decisions and CBD guidance) also help support the implementation of other global frameworks such as the BBNJ Agreement. **It is important to have this decision adopted at COP 16 to foster increased synergies and mutual supportiveness across agreements. As with the EBSA decision, overall, we consider the risk of no decision to be greater for ocean outcomes, than a decision that has room for improvement.**
- **Priority 3:** Secure targeted improvements to ocean representation in the Monitoring Framework.
 - While the ocean is relatively well integrated in many parts of the Monitoring Framework, there is insufficient integration of measurements of some of the key industries currently driving poor ocean outcomes - fisheries and aquaculture.
 - Given the status of negotiations on the Monitoring Framework, we believe that only very limited and targeted amendments have a chance of succeeding.
 - With this in mind, we recommend that the headline indicator for T5 ‘Proportion of fish stocks within biologically sustainable levels’ is replicated in T10 so that the marine and coastal biodiversity aspects of this target are represented in the headline indicators for T10 without increasing the overall reporting burden on countries since they already need to gather the same data for T5.
 - We also suggest a complementary indicator is added to T10 for aquaculture as there is no representation of aquaculture in the monitoring framework at all. Some options to consider for this include:
 - Extent of land/ habitat conversion resulting from aquaculture
 - Proportion of total aquaculture production from low-trophic species (E.g. bivalves/seaweed) (FAO Fish Stat)
 - We also support efforts to advance the global review of progress (as discussed [here:](#)), which should provide an important mechanism to monitor progress made as well as identify where further actions are needed.

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