

# Recommendations to the 10<sup>th</sup> Meeting of the Conference of the Parties (COP10) to the Convention on Biological Diversity (CBD)

## MARINE ISSUES



### ABOUT THE PEW ENVIRONMENT GROUP

The Pew Environment Group is the conservation arm of The Pew Charitable Trusts, a non-governmental organization that applies a rigorous, analytical approach to improving public policy, informing the public and stimulating civic life. See [www.pewenvironment.org](http://www.pewenvironment.org)

# 1 Introduction

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COP-10 in Nagoya is a key opportunity for the Parties to the Convention on Biological Diversity (CBD) to reverse the loss of marine biodiversity across the planet. 2010 should not only be considered the International Year of Biodiversity, or the target date to significantly reduce biodiversity loss as established in the 2005 Strategic Plan,<sup>1</sup> it should be the year in which the CBD takes crucial steps to reverse the current decline and loss of marine biodiversity. Specifically, the Pew Environment Group calls upon the Parties to the Convention on Biological Diversity to incorporate stronger conservation measures into the revised targets of the Strategic Plan and to adopt biodiversity strategies in line with SBSTTA's in-depth review of the implementation of the programme of work on marine and coastal biological diversity.

## 2 Strategic Plan and Revised Targets

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Because CBD Parties are reviewing the Strategic Plan, now is the time to adopt new measures for identifying whether countries are achieving the agreed goal to significantly reduce biodiversity loss. The review of the current Strategic Plan shows progress in incorporating biodiversity into national and regional planning,<sup>2</sup> but progress has been very slow towards meeting the 2010 goal of actually significantly reducing biodiversity loss. It is therefore critical that the Targets are bold and strong enough to reduce biodiversity loss. The Pew Environment Group recommends Parties incorporate the following language into the Targets of the Strategic Plan:

**Target 5:** By 2020, the rate of loss and degradation, and fragmentation of natural habitats, including forests, is brought close to zero.

**Target 6:** By 2020, overfishing is ended, destructive fishing practices are eliminated, and all fisheries are managed sustainably. It is also important that the impact of fisheries on biodiversity, including on all species and ecosystems, are within safe ecological limits, taking into account the precautionary principle and the ecosystem approach.

**Target 10:** By 2015, have minimized the multiple pressures on coral reefs, and other vulnerable ecosystems impacted by climate change or ocean acidification, so as to maintain their integrity and functioning, and so as to increase the resilience of biodiversity and ecosystem services.

**Target 11:** By 2020, at least 25% of terrestrial, inland-water and 20% of coastal and marine areas, especially areas of particular importance for biodiversity and ecosystem services, are conserved through comprehensive, ecologically representative and well-connected systems of

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<sup>1</sup> In the 2005 strategic plan, the Parties committed to:

Parties commit themselves to a more effective and coherent implementation of the three objectives of the Convention, to achieve by 2010 a significant reduction of the current rate of biodiversity loss at the global, regional and national level as a contribution to poverty alleviation and to the benefit of all life on earth.

Decision VI/26, para. 11 (2002).

<sup>2</sup> UNEP/CBD/COP/10/8, "Implementation of the Convention and the Strategic Plan and Progress Towards the 2010 Biodiversity Target" (July 31, 2010), available at <http://www.cbd.int/doc/?meeting=COP-10>.

effectively managed protected areas and other means, and integrated into the wider land and seascape.<sup>3</sup>

Beyond the targets themselves, the Parties plan to adopt new “Possible Means, Milestones, and Indicators for the Goals and Targets of the Strategic Plan 2011-20.” These indicators are key issues for negotiation at COP10. The “indicators” for Targets 6 and 11<sup>4</sup> are helpful, but it is crucial that fisheries targets are adopted as well as others. Enforcement should also be added as a key element to the milestones and indicators.

### 3 Marine Protected Areas

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The most recent recommendations from SBSTTA note with concern the slow progress towards achieving the 2012 target of establishing ecologically representative and effectively managed networks of marine protected areas.<sup>5</sup> As a result of this slow progress, SBSTTA recommended that the Parties revise their national biodiversity strategies and action plans to integrate a long-term action plan on protected areas. It further recommended that the Executive Secretary continue to hold regional and subregional capacity workshops and provide technical support through guidelines, best practices and other documents on protected areas.

Protected areas and marine protected areas are part of the standing agenda of the COP and SBSTTA. The Pew Environment Group is currently working to help governments establish several large, world-class, “no-take” marine reserves in different parts of the world over the next decade. This will help enhance the well-being and resilience of large-scale ocean ecosystems, and will go a long way towards helping to achieve the 2012 target of the World Summit on Sustainable Development to establish representative networks of marine protected areas (MPAs).”<sup>6</sup>

Recommendation XIV/5, para. 8(d) calls on Parties to strengthen protected area networks through the creation of corridors and ecological networks. This recommendation further strengthens the need for large, integrated marine protected areas. We recommend the addition of explicit language concerning MPAs and climate change, noting the importance of MPAs for resilience as species adapt to climate change. It would also be helpful in paragraph 24 of draft Decision 5.2 to urge the United Nations General Assembly to establish a process to enable the establishment and management of marine protected areas in areas beyond national jurisdiction. This should also be carried through in paragraph 20 of the draft Decision 5.4. We recommend specific language supporting the establishment of no-take zones on the spawning grounds, for commercially valuable fish of conservation concern. This, at a minimum, would help ensure the recovery of the species in question, and would be meaningful in the context of the development of protected area networks.

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<sup>3</sup> UNEP/CBD/COP/10/9, Revised and Updated Strategic Plan: Technical Rationale and Suggested Milestones and Indicators (July 18, 2010), available at <http://www.cbd.int/doc/?meeting=COP-10>.

<sup>4</sup> UNEP/CBD/COP/10/9, Revised and Updated Strategic Plan: Technical Rationale and Suggested Milestones and Indicators, page 13, 15 (July 18, 2010), available at <http://www.cbd.int/doc/?meeting=COP-10>.

<sup>5</sup> In Depth Review of the Implementation of the Programme of Work on Marine and Coastal Biological Diversity, UNEP/CBD/SBSTTA/14/4, para. 4 (Jan. 28, 2010).

<sup>6</sup> Recommendation XIV/3, para. 22.

### **In summary, the Pew Environment Group:**

- 1. Recommends the addition of explicit language concerning MPAs and climate change**
- 2. Urges the United Nations General Assembly to institute a process to enable the establishment and management of marine reserves and marine protected areas in areas beyond national jurisdiction**
- 3. Recommends specific language supporting the establishment of sanctuaries on the spawning grounds of commercially valuable fish species of conservation concern**

## **4 Areas Beyond National Jurisdiction: EBSAs and EIAs**

The CBD has been investigating a number of issues concerning marine areas beyond the jurisdiction of any State. This includes developing marine protected areas and scientific and technical guidance on environmental impact assessments in marine areas beyond national jurisdiction. The work of the United Nations *Ad Hoc* Open-ended Informal Working Group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction<sup>7</sup> has been highlighted.<sup>8</sup> However, the CBD also has an

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<sup>7</sup> The terms of reference for this Ad hoc group are as follows:

The General Assembly ...

73. *Decides* to establish an Ad Hoc Open-ended Informal Working Group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction:

(a) To survey the past and present activities of the United Nations and other relevant international organizations with regard to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction;

(b) To examine the scientific, technical, economic, legal, environmental, socio-economic and other aspects of these issues;

(c) To identify key issues and questions where more detailed background studies would facilitate consideration by States of these issues;

(d) To indicate, where appropriate, possible options and approaches to promote international cooperation and coordination for the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction;

74. *Requests* the Secretary-General to report on the issues referred to in paragraph 73 above in the context of his report on oceans and the law of the sea to the General Assembly at its sixtieth session, in order to assist the Ad Hoc Open-ended Informal Working Group in preparing its agenda, in consultation with all relevant international bodies; to convene the meeting of the Working Group in New York not later than six months after the release of the report; and to arrange support for the performance of its work to be provided by the Division for Ocean Affairs and the Law of the Sea;

75. *Encourages* States to include relevant experts in their delegations attending the meeting of the Working Group;

76. *Recognizes* the importance of making the outcomes of the Working Group widely available[.]

UNGA A/Res/59/24 (Feb. 4, 2005). For more information on the United Nations Ad Hoc Open-ended Informal Working Group to study issues relating to the conservation and sustainable use of marine biological diversity

important role to play in protecting biodiversity in areas beyond national jurisdiction<sup>9</sup>, and as such the CBD needs to take seriously its mandate and obligation to protect biodiversity on the high seas.

The identification of ecologically or biologically significant marine areas (EBSAs) beyond the limits of national jurisdiction is one such important activity. SBSTTA's recommendations, suggested for implementation in draft Decision 5.2 on marine and coastal biodiversity,<sup>10</sup> puts the CBD on course to identify EBSAs. We strongly support this recommendation. SBSTTA has recommended that the Executive Secretary outline a process for creating, maintaining, and provisionally populating a CBD global inventory of EBSAs.<sup>11</sup> The inventory is an important outcome that should be agreed at COP10.

SBSTTA has recommended that the Executive Secretary submit a proposed process to the SBSTTA for review prior to COP11.<sup>12</sup> We support the recommendation that the Executive Secretary organize a series of regional workshops to facilitate the identification of ecologically or biologically significant marine areas using the criteria established in Decision IX/20<sup>13</sup> in paragraph 31 of the draft Decision 5.2 and urge it be adopted and well funded.

SBSTTA has recommended that the Executive Secretary bring the CBD's work on EBSAs "to the attention" of relevant organizations, including FAO and RFMOs.<sup>14</sup> However, the text relating to RFMOs is bracketed in paragraph 35 of the draft Decision 5.2. We recommend that text be unbracketed, and adopted. The CBD's work on EBSAs could play a critical and positive role in pursuing more conservation-oriented policies within Regional Fisheries Management Organizations (RFMOs). A stronger link between the CBD and RFMOs would greatly help facilitate that goal. Not only should the Executive Secretary bring the CBD's work on EBSAs to the attention of RFMOs, but stronger language requesting the Executive Secretary to present such information at meetings of RFMOs, and requesting RFMOs to report back on actions taken to the CBD, could strengthen the role of biodiversity protection within RFMOs. Each RFMO, which includes both developing coastal countries and, distant water fishing countries, is a subset of the global community. Only the CBD, and the United Nations itself, include virtually all States. Therefore, it is essential to integrate the work of the CBD on biodiversity conservation into the work of RFMOs.

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beyond areas of national jurisdiction, see  
<http://www.un.org/Depts/los/biodiversityworkinggroup/biodiversityworkinggroup.htm>.

<sup>8</sup> Recommendation XIV/3, para. 19, Option 1 (emphasis added).

<sup>9</sup> Article 5 of the Convention confers on CBD Parties the authority to cooperate on such matters through the CBD itself, in providing that each Contracting party "shall ... cooperate with other Contracting Parties ... in respect of areas beyond national jurisdiction and on other matters of mutual interest, for the conservation and sustainable use of biological diversity."

<sup>10</sup> UNEP/CBD/COP/10/1/ADD2, Draft Decisions for the Tenth Meeting of the Conference of the Parties to the Convention on Biological Diversity, para. 19 at page 106 (July 2010), available at <http://www.cbd.int/doc/?meeting=COP-10>.

<sup>11</sup> Recommendation XIV/3, para. 26.

<sup>12</sup> Recommendation XIV/3, para. 27.

<sup>13</sup> Recommendation XIV/3, para. 31.

<sup>14</sup> Recommendation XIV/3, para. 35.



It would similarly be helpful for the CBD to urge Parties to cooperate through regional organizations and agreements, such as regional seas conventions and regional fisheries management organizations and arrangements, to establish regional targets, indicators and timelines for the implementation of the programme of work on marine and coastal biodiversity.

*EIAs.* The Parties have also been working on guidance for the preparation of environmental impact assessments (EIA) for activities beyond national jurisdiction. This process is valuable in its own right but also as a way to obtain information concerning the impacts of high seas fisheries on biodiversity. Information regarding these impacts can then be used to help form recommendations for more specific actions, such as gear restrictions and other conservation and management measures to protect biodiversity within RFMOs. The recommendations in General Assembly resolution 64/72 for impact assessments prior to bottom fishing activities show the key role of prior assessments before fishing activities are commenced. Thus, following paragraph 39 of draft Decision 5.2 Parties should agree to the development of a set of strong guidelines for EIAs and strategic environmental assessments (SEAs) in marine and coastal areas, which take into account biodiversity considerations.

**In summary, the Pew Environment Group:**

- 1. Strongly supports SBSTTA's recommendation in draft Decision 5.2 on marine and coastal biodiversity emphasizing the CBD's role in identifying EBSAs**
- 2. Endorses SBSTTA's recommendation requesting the Executive Secretary to outline a process for maintaining and provisionally populating a global inventory of EBSAs**
- 3. Encourages the Executive Secretary to convene and oversee the funding of a series of regional workshops to identify EBSAs using the criteria established in Decision IX/20 in paragraph 31 of the draft Decision 5.2, as recommended by SBSTTA**
- 4. Recommends that language is unbracketed and adopted in paragraph 35 of the draft Decision 5.2 calling on the Executive Secretary to bring the CBD's work on EBSAs "to the attention" of relevant organizations including the FAO and RFMOs**
- 5. Encourages Parties to the CBD to request that RFMOs report to the CBD on EBSA activities**
- 6. Recommends that Parties to the CBD cooperate through regional organizations and agreements to establish regional targets, indicators and timelines for the implementation of the programme of work on marine and coastal biodiversity**
- 7. Urges Parties to agree to the development of guidelines for EIAs and SEAs that take into account biodiversity considerations in marine and coastal areas elaborated in paragraph 39 or draft Decision 5.2**

## 5 Destructive Fishing Practices, Unsustainable Fishing, and IUU Fishing

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SBSTTA recommended that the Executive Secretary, in collaboration with FAO, UNEP, IUCN and other relevant organizations, develop “a regular mechanism of joint expert processes to effectively address biodiversity concerns in sustainable fishery management” and to report on the progress of such collaboration at future SBSTTA meetings prior to COP11.<sup>15</sup> We strongly endorse this concept, and the major role of the CBD and its subsidiary bodies in the conservation of marine species, including those subject to commercial fisheries. The recommendation submitted to COP10, on the other hand, requests the Executive Secretary simply for an *ad hoc* organization of a joint expert meeting to review the extent to which biodiversity concerns are addressed in existing assessments and propose options to address biodiversity concerns and report the progress to SBSTTA prior to COP11.<sup>16</sup>

The underlying idea—to have the CBD Executive Secretary collaborate with Regional Fisheries Management Organizations—is a worthwhile and critical step towards bringing more conservation-oriented policies to RFMOs and indeed in promoting biodiversity conservation on the high seas, in areas outside of national jurisdiction. However, more than one joint expert meeting is required. Pew strongly supports bringing biodiversity protection concerns to the attention of RFMOs and ensuring that RFMOs implement conservation and management measures to protect biodiversity of both targeted species, as well as all other species fished in the course of RFMO-authorized fishing operations. United Nations General Assembly Resolution 64/72 is an important step in this process as well, particularly in its recommendations in paragraphs 119 and 120 about bottom fishing. A process to harmonise the activities of the CBD and RFMOs should be implemented, as a matter of urgency, and Parties should not wait a further two years to adopt recommendations encouraging RFMOs to incorporate policies with stronger conservation measures. The draft decision should be clear and concise to ensure that tangible results are forthcoming, while retaining a focus on eliminating destructive and unsustainable fishing practices and IUU fishing.

We also note a recommendation from SBSTTA that requests the Executive Secretary compile and synthesize information concerning the impacts of krill exploitation on marine biodiversity and make the information available to SBSTTA prior to COP11. This text is bracketed, and we strongly recommend its adoption without modification.

Most high seas areas remain open to continued bottom fishing with few constraints and vulnerable marine ecosystems continue to be destroyed.<sup>17</sup> The bracketed text in paragraph 43 of draft Decision 5.2 should therefore be agreed: “in particular paragraphs 119 and 120 of the resolution calling on States to prevent bottom fishing on the high seas unless impact assessments consistent with the UN FAO International Guidelines for the Management of Deep-Sea Fisheries in the High Seas have been conducted, areas where vulnerable marine ecosystems are known or

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<sup>15</sup> UNEP/CBD/SBSTTA/14/4, at para. 26.

<sup>16</sup> Recommendation XIV/3, para. 42.

<sup>17</sup> Alex Rogers and Matt Gianni, Deep Sea Conservation Coalition, *The Implementation of UNGA Resolutions 61/105 and 64/72 in the Management of Deep-Sea Fisheries on the High Seas* (May 2010), at <http://www.savethehighseas.org/publicdocs/61105-Implementation-ExecSummary.pdf>.

likely to occur have been closed, and the long term sustainability of deep-sea fish stocks (both target- and non-target stocks) can be ensured."

The conclusions of the UN Fish Stocks Agreement (FSA) Review Conference in May 2010 in New York<sup>18</sup> are important to protect biodiversity. In particular, the implementation of recommendations made by independent review and the conduct of five annual reviews should take into account biodiversity concerns and take necessary steps to protect biodiversity accordingly.

**In summary, the Pew Environment Group:**

- 1. Strongly supports SBSTTA's recommendation that the Executive Secretary work with FAO, UNEP, IUCN and other relevant organizations to develop "a regular mechanism of joint expert processes to effectively address biodiversity concerns in sustainable fishery management" and report on relevant progress at future SBSTTA meetings prior to COP11.**
- 2. Strongly agrees with the need to bring biodiversity protection concerns to the attention of RFMOs and to ensure that RFMOs implement conservation and management measures to protect biodiversity of both targeted species, as well as all other species fished in the course of RFMO-authorized fishing operations**
- 3. Calls for the activities of the CBD and RFMOs to be harmonized, as a matter of urgency, and that recommendations be adopted immediately to encourage RFMOs to incorporate stronger conservation policies into their conventions or agreements**
- 4. Supports SBSTTA's recommendation requesting the Executive Secretary to gather and examine information regarding the impacts of krill exploitation on marine biodiversity and to present this information to SBSTTA prior to COP11. Pew urges that this language be unbracketed and adopted without modification.**
- 5. Recommends that bracketed text in paragraph 43 of the draft Decision 5.2 be adopted, in particular paragraphs 119 and 120, urging States to utilize a precautionary approach to avoid the destruction of vulnerable marine ecosystems and to ensure the long-term sustainability of deep-sea fish stocks (both target and non-target stocks).**

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<sup>18</sup> Report of the resumed Review Conference on the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks A/Conf.2010/2010/?, August 2010. [http://www.un.org/Depts/los/convention\\_agreements/review\\_conf\\_fish\\_stocks.htm](http://www.un.org/Depts/los/convention_agreements/review_conf_fish_stocks.htm) and [http://www.un.org/Depts/los/convention\\_agreements/fishstocksmeetings/review\\_conference\\_english.pdf](http://www.un.org/Depts/los/convention_agreements/fishstocksmeetings/review_conference_english.pdf).

See also the 2006 report, at Report of the Review Conference on the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, A/CONF.210/2006/15, 5 July 2006. It was covered by ENB, whose report is found at <http://www.iisd.ca/vol07/enb0765e.html>.



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## Annex 1 — A Brief History of Marine Issues at the CBD

At its first meeting of the Conference of the Parties (COP) in 1994, Parties requested advice from the CBD's Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) on the scientific, technical and technological aspects of the conservation and sustainable use of marine and coastal biological diversity.<sup>19</sup> Based on SBSTTA's recommendations, Parties adopted Decision II/10, which became known as the "Jakarta Mandate." The Jakarta Mandate "encourage[d]" Parties to recognize the use of integrated marine and coastal area management as the most suitable framework for addressing human impacts on marine and coastal biological diversity and for promoting conservation and sustainable use of this biodiversity.<sup>20</sup> Some recommendations encouraged Parties to ratify the UN Fish Stocks Agreement<sup>21</sup> and asked the UN Food and Agriculture Organization (FAO), or other appropriate bodies, to collate information on the availability of selective fishing gear and methods.<sup>22</sup> Following Decision II/10, the Executive Secretary convened the first meeting of the Group of Experts on Marine and Coastal Biological Diversity. The establishment of expert groups or expert workshops has been a key strength of developing policy within the CBD on marine issues.

Decision II/10 also recognized the importance of the ecosystem approach, instead of the single-species approach.<sup>23</sup> At its third meeting in 1997, SBSTTA developed a three-year programme of work based on these broad themes,<sup>24</sup> focused on compiling and analyzing information, developing collaborations with other relevant organizations, and identifying sources of relevant information.

Parties adopted this programme of work at COP4 in 1998 under Decision IV/5, adding coral bleaching and related biodiversity loss as issues of concern, acknowledging that the precautionary approach should be used as guidance for all activities affecting marine and coastal biological diversity.<sup>25</sup> COP5 in 2000 added coral reefs to the work programme, with a special focus on coral bleaching.<sup>26</sup> While recognizing that climate change is the principal cause of coral bleaching, Decision V/3 called on Parties to respond to coral bleaching by instituting alternative measures to secure the livelihoods of people who directly depend on coral-reef services and to develop appropriate policy frameworks to address coral bleaching. COP5 also adopted the results of the Expert Consultation on Coral Bleaching (1999), which included detailed recommendations for addressing coral bleaching through information-gathering, capacity-building, policy development/implementation, and financing.

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<sup>19</sup> Decision I/7 (1994).

<sup>20</sup> Decision II/10 (1995).

<sup>21</sup> Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, New York, 4 August 1995. In force 11 December 2001, 34 International Legal Materials 1542 (1995). At [www.un.org/Depts/los](http://www.un.org/Depts/los).

<sup>22</sup> SBSTTA 1 Recommendation I/8, para. 14, in UNEP/CBD/COP/2/5, at pages 36–47.

<sup>23</sup> Decision II/10, Annex I, para. (v).

<sup>24</sup> Recommendation III/2 (1997).

<sup>25</sup> Decision IV/5, Annex, para. 4.

<sup>26</sup> Decision V/3 (2000).

At COP6 in 2002, the Parties in Decision VI/3 noted the progress made on the work programme of marine and coastal biodiversity and invited the Executive Secretary to continue developing a work plan on physical degradation and destruction of coral reefs. Decision VI/3 further invited the Executive Secretary to strengthen collaboration with regional seas conventions and action plans.

Based on the recommendations of SBSTTA, COP7 in 2004 adopted Decision VII/5, which eliminated activities completed and added new activities concerning marine and coastal protected areas, mariculture, high seas biodiversity, and coral bleaching, including an update to the specific work plan on coral bleaching. Decision VII/5 also agreed on goals for<sup>27</sup> and types of<sup>28</sup> marine protected areas. Furthermore, Parties sought financial support for networks of marine protected areas and the elimination of perverse incentives for unsustainable activities in the marine and coastal environment. Parties noted their concern about the need for rapid action to address threats to these areas, particularly areas with seamounts, hydrothermal vents, cold-water corals, as well as other vulnerable ecosystems and underwater features.<sup>29</sup>

The elaborated Programme of Work on Marine and Coastal Biological Diversity included in Decision VII/5 contains exhortations to promote adequate protection of spawning and nursery areas and to take measures to reduce by-catch.<sup>30</sup> Other recommendations urged Parties to implement the 1995 Code of Conduct for Responsible Fisheries, to eliminate destructive fishing practices, and restore and maintain fish stocks to sustainable levels by the year 2015, and to maintain the productivity and biodiversity of important and vulnerable marine and coastal areas, including areas within and beyond national jurisdiction.

At COP8 in 2006, Parties took up three different Decisions related to marine conservation. First, Parties began consideration of the conservation and sustainable use of deep seabed genetic

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<sup>27</sup> The Parties agreed that the goal of marine protected areas should be:

The establishment and maintenance of marine and coastal protected areas that are effectively managed, ecologically based and contribute to a global network of marine and coastal protected areas, building upon national and regional systems, including a range of levels of protection, where human activities are managed, particularly through national legislation, regional programmes and policies, traditional and cultural practices and international agreements, to maintain the structure and functioning of the full range of marine and coastal ecosystems, in order to provide benefits to both present and future generations.

Decision VII/5, para. 18 (2004).

<sup>28</sup> The Parties agreed that

an effective marine and coastal biodiversity management framework as set out in appendix 3 to annex I to the present decision would comprise sustainable management practices and actions to protect biodiversity over the wider marine and coastal environment, including integrated networks of marine and coastal protected areas consisting of:

- (a) Marine and coastal protected areas, where threats are managed for the purpose of biodiversity conservation and/or sustainable use and where extractive uses may be allowed; and
- (b) Representative marine and coastal protected areas where extractive uses are excluded, and other significant human pressures are removed or minimized, to enable the integrity, structure and functioning of ecosystems to be maintained or recovered[.]

Decision VII/5, para. 21 (2004).

<sup>29</sup> Decision VII/5, para. 60 (2004)

<sup>30</sup> Decision VII/5, Annex I, Operational Objective 1.2 (2004).

resources beyond the limits of national jurisdiction in Decision VIII/21. That decision specifically recognizes that hydrothermal vents, cold seeps, seamounts, coldwater corals and sponge reef ecosystems contain genetic resources of great interest for their biodiversity, scientific, and commercial values. Integrated marine and coastal area management (IMCAM) was again emphasized in Decision VIII/22, which recognized the importance of meeting the 2010 target to significantly reduce biodiversity loss established in the 2005 Strategic Plan.<sup>31</sup> Parties refined the indicators to determine whether the 2010 target was being met in Decision VIII/15. Parties established a goal to “effectively conserve” “[a]t least 10% of each of the world’s ecological regions”, including marine ecosystems.<sup>32</sup> Clearly we are far from reaching that goal.

In Decision VIII/24, Parties voiced their “deep concern” over threats to marine ecosystems and biodiversity beyond national jurisdiction, including bottom trawling and illegal, unregulated, and unreported (IUU) fishing, and recognized that marine protected areas are an essential tool to help achieve conservation and sustainable use of biodiversity in these areas. The COP recognized the central role of the United Nations General Assembly in addressing conservation and sustainable use in marine areas beyond national jurisdiction, and the key role of the CBD in supporting the General Assembly’s work, particularly by providing scientific and technical information and advice relating to marine protected areas, application of the ecosystem approach and the precautionary approach, and in delivering the 2010 target. The Executive Secretary was asked to undertake a number of activities, such as providing information on ecological criteria for the identification of marine areas in need of protection and biogeographical and other ecological classification systems. The Executive Secretary was also asked to collaborate in the further development of spatial databases containing information on marine areas beyond the limits of national jurisdiction.

At COP9 in 2008, the Parties in Decision IX/20 adopted scientific criteria for identifying ecologically or biologically significant marine areas in need of protection and scientific guidance for designing representative networks of marine protected areas.<sup>33</sup><sup>34</sup> COP9 also decided to convene an expert workshop to provide scientific and technical guidance on biogeographic classification systems and on the identification of marine areas beyond national jurisdiction in need of protection.

In Decision IX/20, COP9 also took up the issue of climate change by requesting the Executive Secretary to compile and synthesize scientific information on the potential impacts on marine biodiversity of both direct human-induced ocean fertilization to sequester CO<sub>2</sub> and ocean acidification. In a separate decision, Decision IX/16, COP9 requested the Executive Secretary to bring the issue of ocean fertilization to the attention of the Joint Liaison Group—an informal

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<sup>31</sup> In the 2005 strategic plan, the Parties committed to:

Parties commit themselves to a more effective and coherent implementation of the three objectives of the Convention, to achieve by 2010 a significant reduction of the current rate of biodiversity loss at the global, regional and national level as a contribution to poverty alleviation and to the benefit of all life on earth.

Decision VI/26, para. 11 (2002).

<sup>32</sup> Decision VIII/15, Annex II, Target 1.1.

<sup>33</sup> Decision IX/20, para. 14, Annex I (2008).

<sup>34</sup> Decision IX/20, para. 16 (2008).

forum for exchanging information, exploring opportunities for synergistic activities, and increasing coordination among the three Rio Conventions (CBD, UNFCCC, and the Convention on Desertification).



## Annex 2 — Documents on Marine Issues Relevant to COP10

### Strategic Plan

1. Draft Decisions for the Tenth Meeting of the Conference of the Parties to the Convention on Biological Diversity, UNEP/CBD/COP/10/1/Add.2, Item 4.2, pages 15–29 (Aug. 30, 2010), available at <http://www.cbd.int/doc/?meeting=COP-10>.

**This document includes all draft decisions submitted by SBSTTA and other subsidiary bodies.**

2. Implementation of the Convention and the Strategic Plan and Progress Towards the 2010 Biodiversity Target, UNEP/CBD/COP/10/1/8 (July 31, 2010), available at <http://www.cbd.int/doc/?meeting=COP-10>.
3. Revised and Updated Strategic Plan: Technical Rational and Suggested Milestones and Indicators, UNEP/CBD/COP/10/1/9 (July 18, 2010), available at <http://www.cbd.int/doc/?meeting=COP-10>.

**This document includes the suggested milestones and indicators, which are not included in the draft decision. If the draft decision is adopted, the suggested milestones and indicators would be attached as an annex to the decision.**

4. Decision VII Strategic Plan: Future Evaluation of Progress, available at <http://www.cbd.int/decisions/cop/?m=cop-07>.

**This document includes updated goals, targets, and indicators for assessing progress towards the 2010 biodiversity target.**

### All Other Marine Issues

5. Draft Decisions for the Tenth Meeting of the Conference of the Parties to the Convention on Biological Diversity, UNEP/CBD/COP/10/1/Add.2, Item 5.2, pages 102–116 (Aug. 30, 2010), available at <http://www.cbd.int/doc/?meeting=COP-10>.
6. SBSTTA Recommendation XIV/3 on the In-Depth Review of the Implementation of the Programme of Work on Marine and Coastal Biodiversity, in Report of the Fourteenth Meeting of the Subsidiary Body on Scientific, Technical and Technological Advice, UNEP/COP/10/3, pages 43–57, (June 30, 2010), available at <http://www.cbd.int/doc/?meeting=COP-10>.
7. Report on Implementation of the Programme of Work on Marine and Coastal Biological Diversity, UNEP/CBD/SBSTTA/14/INF/2 (Apr. 14, 2010).

**This document details the status of various marine and coastal habitats. It also includes a status review of the 2010 sub-targets on marine and coastal biodiversity.**

### Protected Areas, Including Marine Protected Areas

8. Draft Decisions for the Tenth Meeting of the Conference of the Parties to the Convention on Biological Diversity, UNEP/CBD/COP/10/1/Add.2, Item 5.4, pages 120–134 (Aug. 30, 2010), available at <http://www.cbd.int/doc/?meeting=COP-10>.
9. SBSTTA Recommendation XIV/4 on the In-Depth Review of the Implementation of the Programme of Work on Protected Areas, in Report of the Fourteenth Meeting of the

Subsidiary Body on Scientific, Technical and Technological Advice, UNEP/COP/10/3, pages 57–65, (June 30, 2010), available at <http://www.cbd.int/doc/?meeting=COP-10>.

### **Biodiversity and Climate Change**

10. Draft Decisions for the Tenth Meeting of the Conference of the Parties to the Convention on Biological Diversity, UNEP/CBD/COP/10/1/Add.2, Item 5.2, pages 110–112 (Aug. 30, 2010), available at <http://www.cbd.int/doc/?meeting=COP-10>.

**This Draft Decision includes the language on ocean fertilization and ocean acidification.**

11. Draft Decisions for the Tenth Meeting of the Conference of the Parties to the Convention on Biological Diversity, UNEP/CBD/COP/10/1/Add.2, Item 5.6, pages 141–149 (Aug. 30, 2010), available at <http://www.cbd.int/doc/?meeting=COP-10>

**This Draft Decision includes the language from SBSTTA Recommendation XIV/5 and lays out a more comprehensive plan for assessing and reducing the impacts of climate change on biodiversity, among other things.**

12. SBSTTA Recommendation XIV/5 on the In-Depth Review of the Implementation of the Programme of Work on Marine and Coastal Biodiversity, in Report of the Fourteenth Meeting of the Subsidiary Body on Scientific, Technical and Technological Advice, UNEP/COP/10/3, pages 66–73, (June 30, 2010), available at <http://www.cbd.int/doc/?meeting=COP-10>.

13. Climate change is also covered in SBSTTA Recommendation XIV/4 relating to protected areas, pages 60–61, paras. 13–16. *See* Document 9 above.