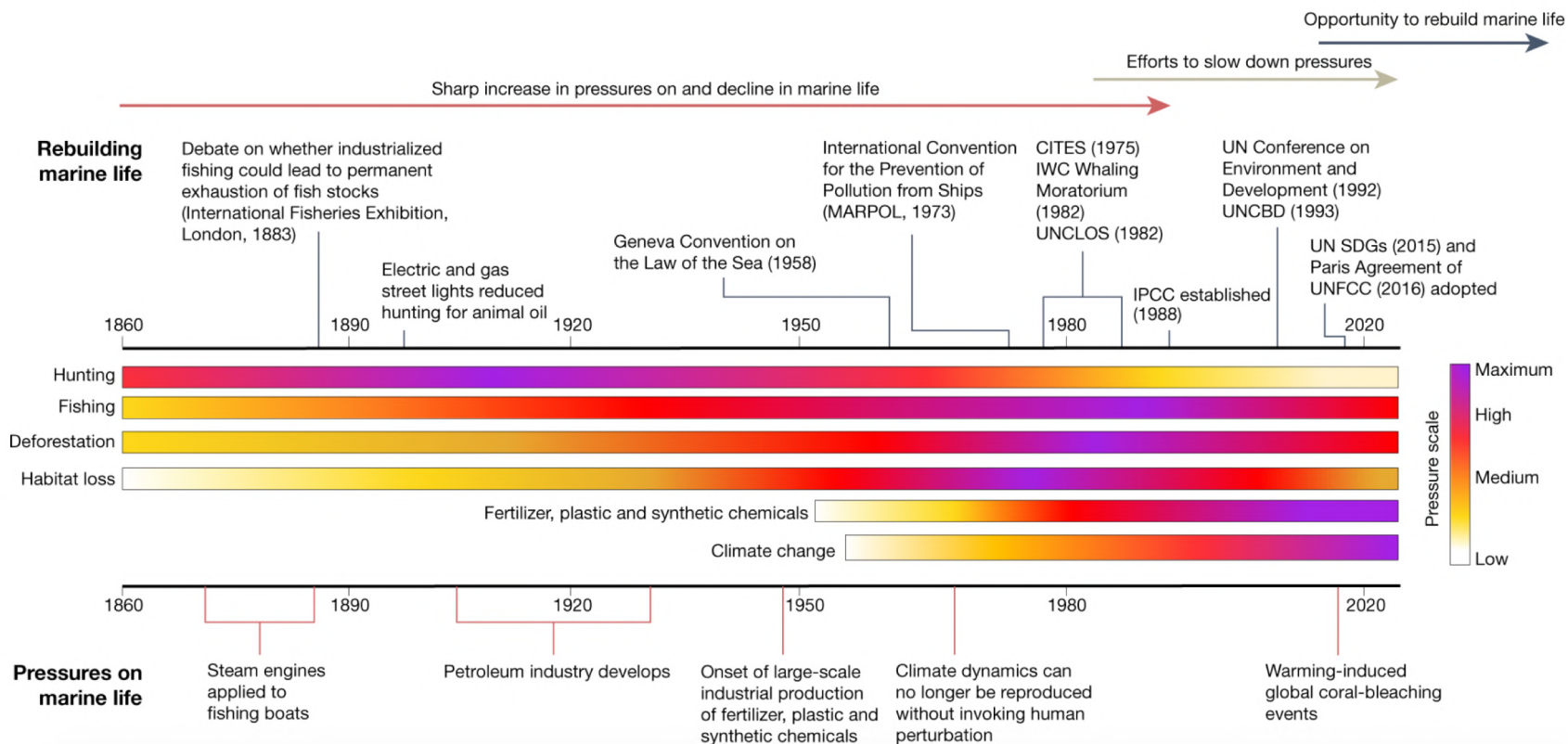


# REBUILDING MARINE BIODIVERSITY: OPPORTUNITIES IN THE OCEANS GOVERNANCE SPHERE

Daniela Diz, University of Strathclyde  
IDDRI Webinar  
2 June 2020

## From: Rebuilding marine life





# THE LAW OF THE SEA

A legal order for the seas and oceans to facilitate international communication, and promote the peaceful uses of the seas and oceans, the equitable and efficient utilization of their resources, the conservation of their living resources, and the study, protection and preservation of the marine environment



# PROTECTION OF THE MARINE ENVIRONMENT

States have the obligation to protect and preserve the marine environment.

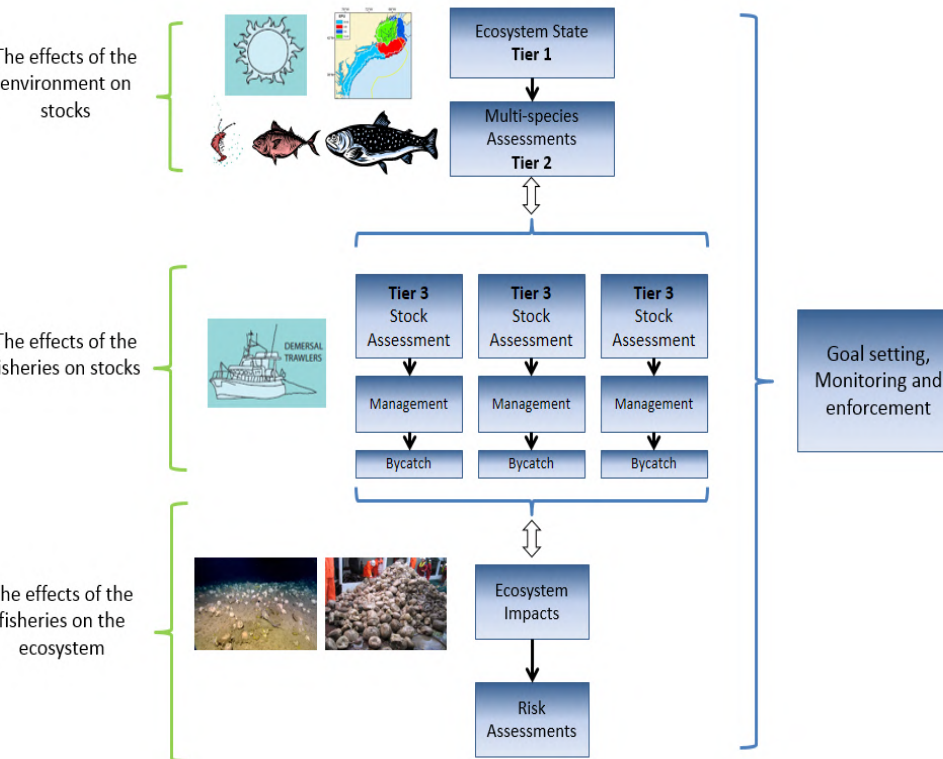
States shall take, individually or jointly as appropriate, all measures necessary to prevent, reduce and control pollution of the marine environment from any source

- Such measures shall include those necessary to **protect and preserve rare or fragile ecosystems as well as the habitat of depleted, threatened or endangered species and other forms of marine life.**



# UN FISH STOCKS AGREEMENT

## “Ecosystem Approach to Fisheries Management”



- Objective: long-term conservation and sustainable use of straddling and migratory fish stocks
- Ecosystem Approach to Fisheries
- Rebuilding plans and precautionary reference points for stock assessments and total allowable catch setting
- Obligations on catch data collection and reporting
- Obligation to conduct EIAs (relevant to this is the CBD biodiversity inclusive EIA guidelines)



# DEEP SEA FISHERIES

- Vulnerable Marine Ecosystems protection (corals, sponges, seamounts, hydrothermal vents, canyon heads): UNGA Res. 61/105; 64/72; 66/68; 71/123 & FAO Deep Sea Guidelines
- Encounter protocols
- VME closures
- EIA/Risk Assessment





## **ADDRESSING THE DECLINE OF KEY ECOSYSTEMS: THE ROLE OF THE CBD**

- Conservation of biodiversity
- Sustainable use of its components
- Fair and equitable access and benefit sharing regarding the utilization of genetic resources





## **CBD JURISDICTIONAL SCOPE**

The CBD provisions apply:

- (a) In the case of components of biological diversity, in areas within the limits of its national jurisdiction; and
- (b) In the case of processes and activities, regardless of where their effects occur, carried out under its jurisdiction or control, within the area of its national jurisdiction or beyond the limits of national jurisdiction.



# MAINSTREAMING BIODIVERSITY INTO THE SDGS

## Sustainable Development Goals



# AREA-BASED MANAGEMENT TOOLS



## SDG 14.5

By 2020, conserve at least 10 % of coastal and marine areas, ... based on the best available scientific information

Indicator: protected area coverage

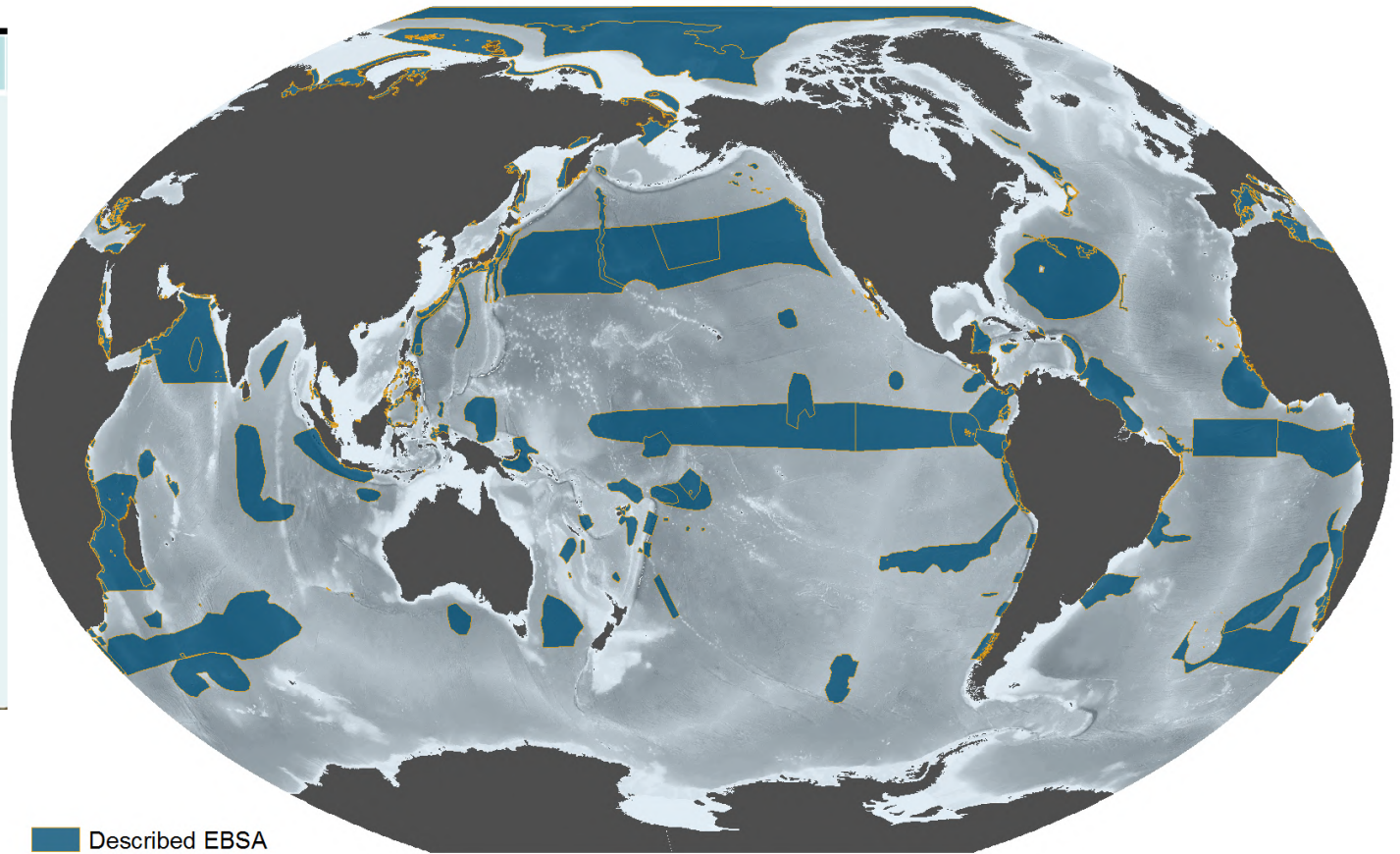
## CBD Aichi Target 11

By 2020, at least ... **10 %** 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 ... seascapes.**



## CBD EBSA

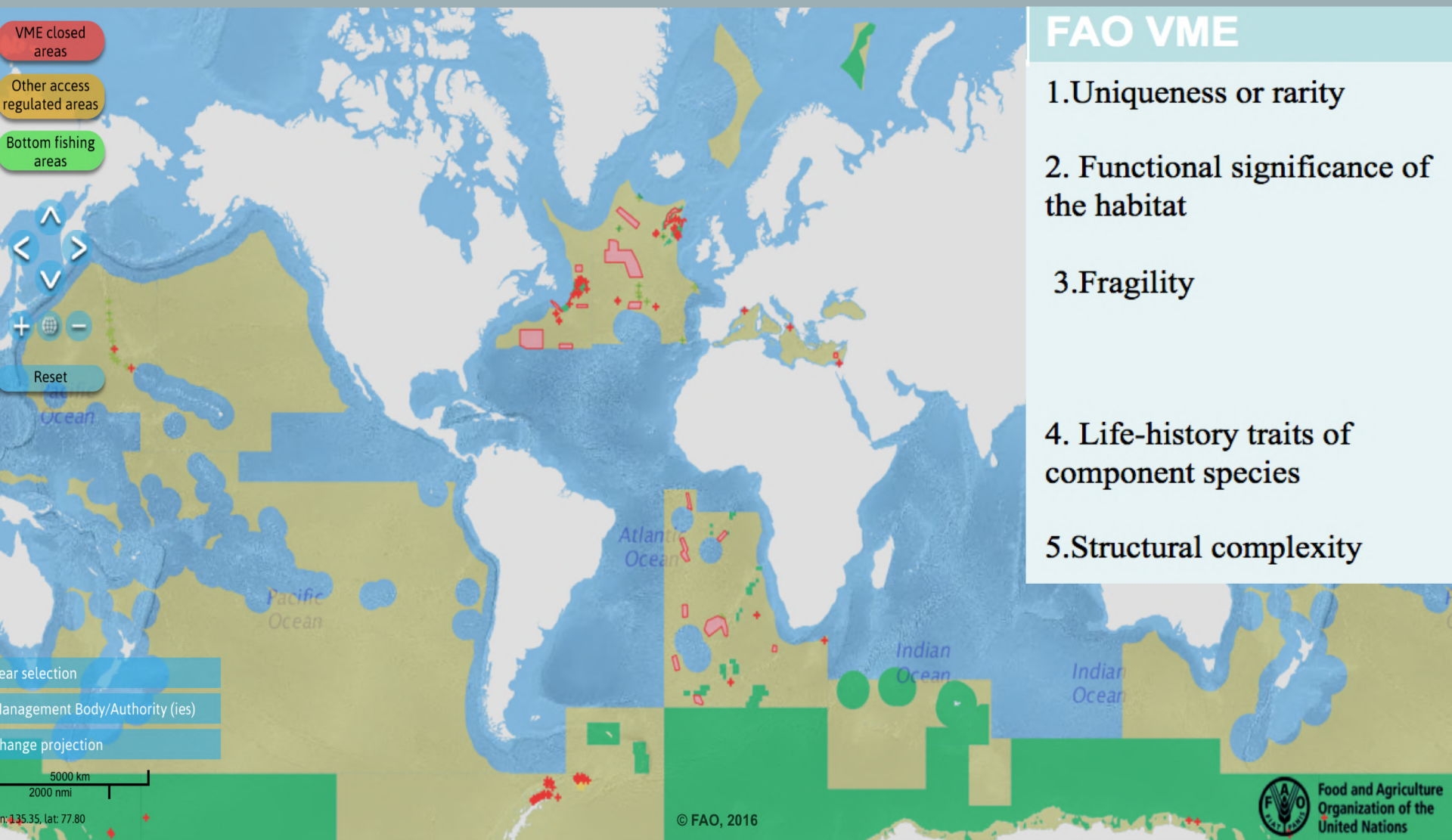
1. Uniqueness or Rarity
2. Special importance for life history stages of species
3. Importance for threatened, endangered or declining species and/or habitats
4. Vulnerability, Fragility, Sensitivity, or Slow recovery
5. Biological Productivity
6. Biological Diversity
7. Naturalness



Marine Geospatial Ecology Lab, Duke University (2017)

AREAS IMPORTANT FOR BIODIVERSITY &  
ECOSYSTEM SERVICES: EBSAS

# AREAS IMPORTANT FOR BIODIVERSITY & ECOSYSTEM SERVICES: VMES





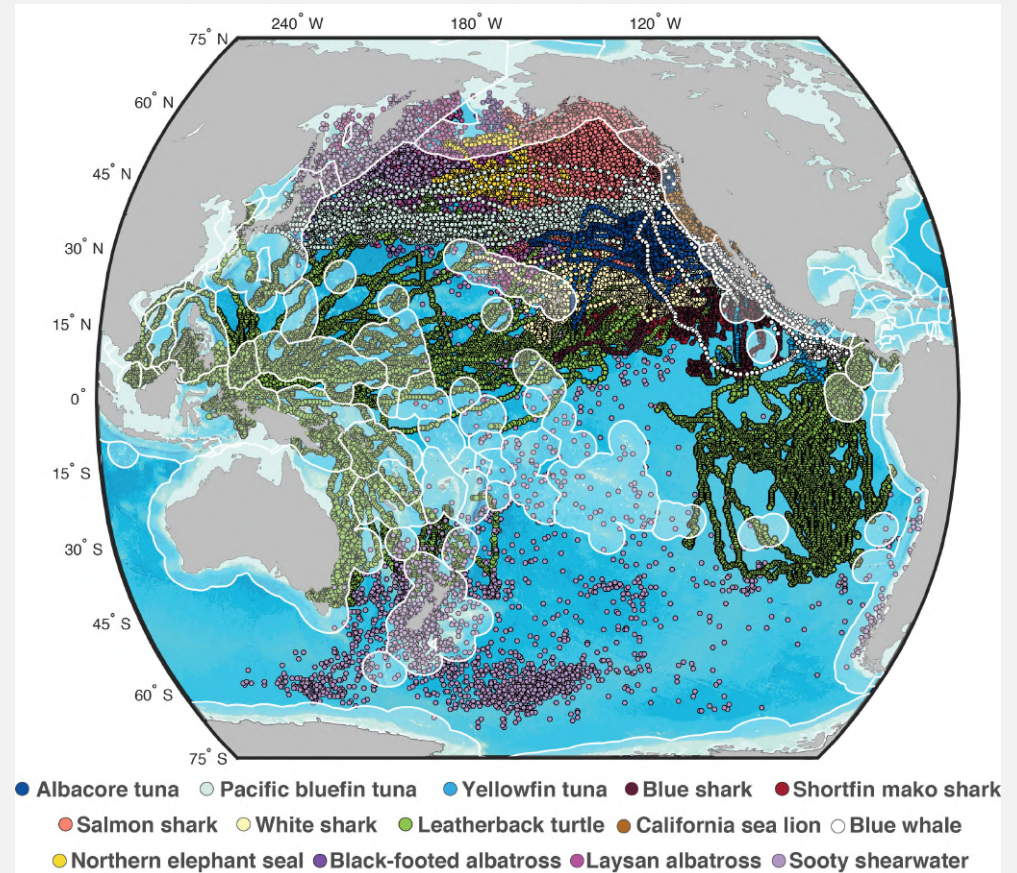


## MARINE PROTECTED AREAS

“Any defined area within or adjacent to the marine environment, together with its overlaying waters and associated flora, fauna and historical and cultural features, which has been reserved by legislation or other effective means, including custom, with the effect that its marine and/or coastal biodiversity enjoys a higher level of protection than its surroundings”

## ECOLOGICALLY REPRESENTATIVE MPA NETWORKS:

- EBSAs
- Representativity  
(biogeographical  
classification)
- Connectivity (of relevance  
is the CMS work on  
ecological networks)
- Replication
- Adequate & viable sites



Harrison et al 2018

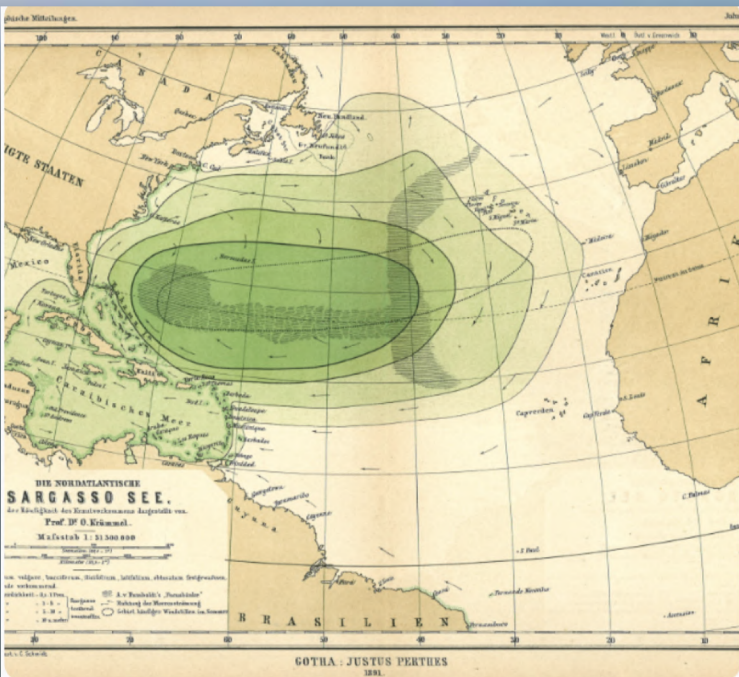


# OTHER EFFECTIVE AREA-BASED CONSERVATION MEASURES (OECMS)

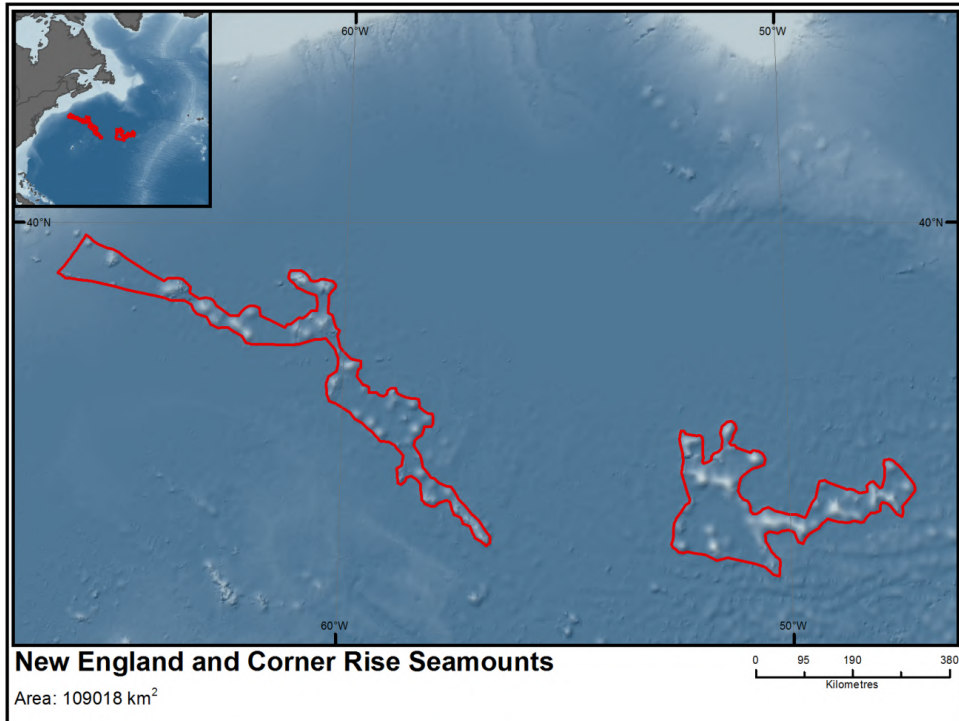
“A **geographically defined area** other than a Protected Area, which is governed and managed in ways that **achieve positive and sustained long-term outcomes** for the **in situ conservation of biodiversity**, with associated **ecosystem functions and services** and where applicable, **cultural, spiritual, socio-economic, and other locally relevant values**” (CBD decision 14/8, para 2)



# THE SARGASSO SEA SEAMOUNTS: THE CBD CONTRIBUTION TO NAFO

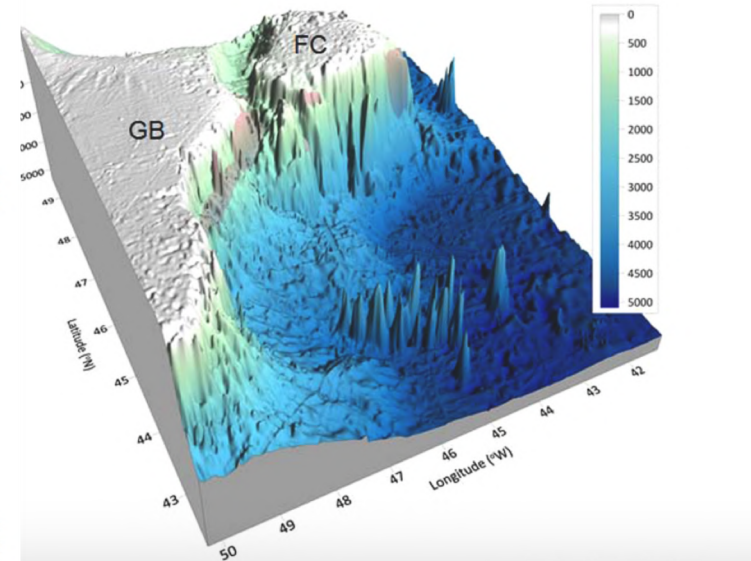
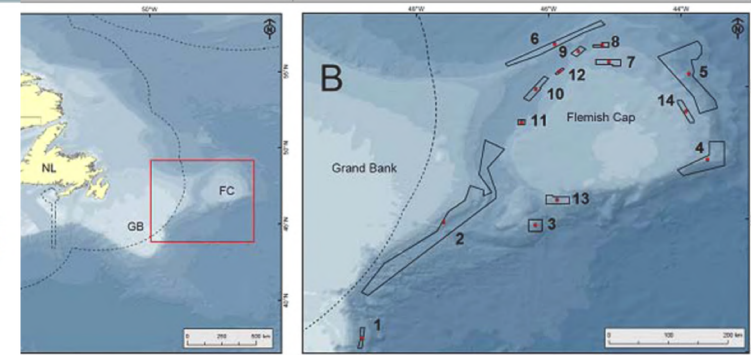
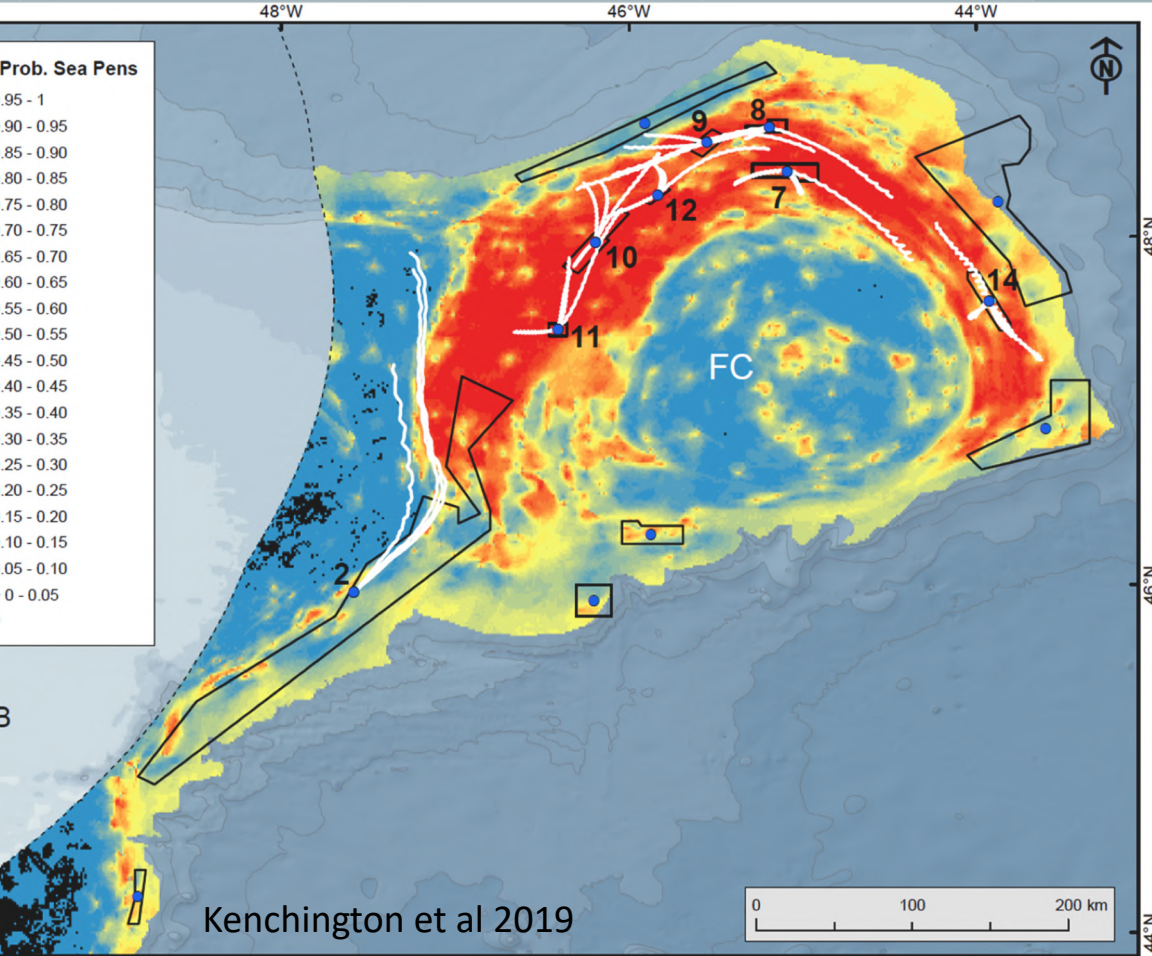






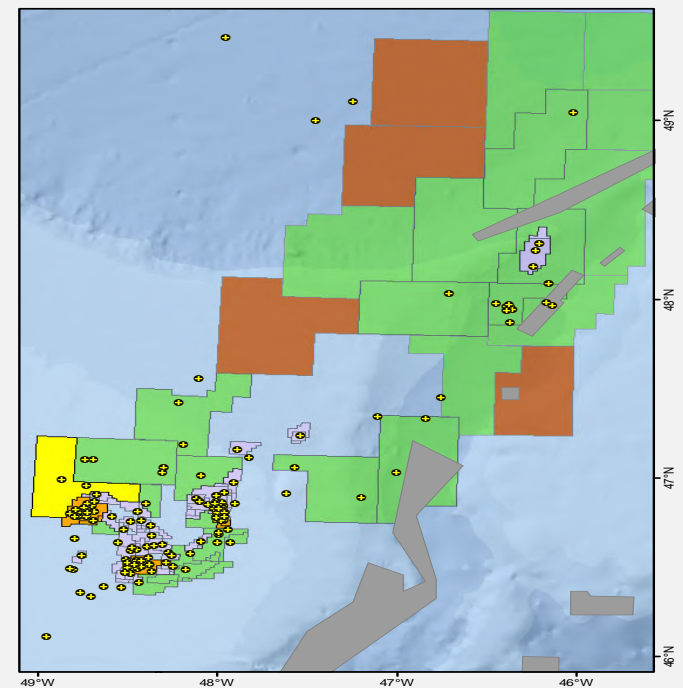
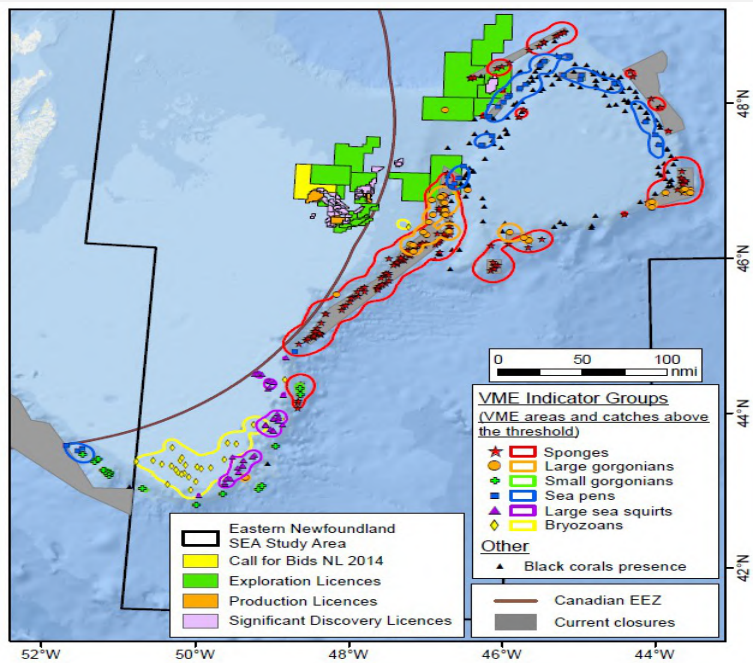
### **Measures Adopted:**

- Seamounts closed to bottom trawling
- Mid-water trawling allowed, but gear modification was adopted to prevent impacts from eventual bottom contact
- Alfonsino is being subject to stock assessments to inform TAC



POSSIBLE OECMS: VMES, LMMAS, PSSAS





## THE NEED FOR CROSS-SECTORAL APPROACHES

“Notes with concern that vulnerable marine ecosystems may also be impacted by human activities other than bottom fishing, and encourages in this regard States and competent international organizations to consider taking action to address such impacts;” (UNGA Resolution 71/123 (2016): para 184.)

# OPPORTUNITIES FOR PROGRESS: POST-2020 GLOBAL BIODIVERSITY FRAMEWORK

## (a) **Reducing threats to biodiversity**

1. Retain and restore freshwater, marine and terrestrial ecosystems, increasing by at least [50%] the land and sea area under comprehensive spatial planning addressing land/sea use change, achieving by 2030 a net increase in area, connectivity and integrity and retaining existing intact areas and wilderness.
2. Protect sites of particular importance for biodiversity through protected areas and other effective area-based conservation measures, by 2030 covering at least [60%] of such sites and at least [30%] of land and sea areas with at least [10%] under strict protection.





# CMS

- Gandhinagar Declaration (COP 13, 2020) calls for migratory species and the concept of ecological connectivity to be integrated and prioritised in the Post-2020 Global Biodiversity Framework



**CMS**  
**COP 13**  
CONFERENCE OF THE PARTIES  
TO THE CONVENTION ON  
MIGRATORY SPECIES

17 - 22 FEBRUARY  
**2020**  
GANDHINAGAR  
**INDIA**



# BBNJ



United Nations

General Assembly

A/CONF.232/2020/3

Distr.: General  
18 November 2019

Original: English

**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**

**Fourth session**  
New York, 23 March–3 April 2020

## **Revised draft text of an 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**

**Note by the President**

### **Introduction**

1. The intergovernmental conference on an international legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction is being convened pursuant to General Assembly resolution [72/249](#) to consider the recommendations of the Preparatory Committee established pursuant to Assembly resolution [69/292](#) on the elements and to elaborate the text of such an instrument, with a view to developing the instrument as soon as possible (resolution [72/249](#), para. 1).
2. The negotiations shall address the topics identified in the package agreed in 2011, namely, the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction, in particular, together and as a whole, marine genetic resources, including questions on the sharing of benefits, measures such as area-based management tools, including marine protected areas, environmental impact assessments and capacity-building and the transfer of marine technology (*ibid.*, para. 2).
3. The work and results of the intergovernmental conference should be fully consistent with the provisions of the Convention, and the process and its result should not undermine existing relevant legal instruments and frameworks and relevant global, regional and sectoral bodies (*ibid.*, paras. 6 and 7).





# RELEVANT PROCESSES TO WATCH FOR IN 2020 - 2021



Convention on  
Biological Diversity

**Post-2020  
Biodiversity  
Framework**



**2020 UN Ocean Conference**



**General Assembly**



**2021  
2030** United Nations Decade  
of Ocean Science  
for Sustainable Development



**IUCN  
WORLD  
CONSERVATION  
CONGRESS**  
*Marseille  
2020*



**United Nations  
Climate Change**

Thank you

