From: Rebuilding marine life

Sharp increase in pressures on and decline in marine life

Rebuilding marine life
- Debate on whether industrialized fishing could lead to permanent exhaustion of fish stocks (International Fisheries Exhibition, London, 1883)
- Electric and gas street lights reduced hunting for animal oil
- International Convention for the Prevention of Pollution from Ships (MARPOL, 1973)
- IWC Whaling Moratorium (1982)
- UNCLOS (1982)
- CITES (1975)
- UN Conference on Environment and Development (1992)
- UNCBD (1993)
- UN SDGs (2015) and Paris Agreement of UNFCC (2016) adopted

Opportunities to rebuild marine life
- Efforts to slow down pressures

Pressures on marine life
- Steam engines applied to fishing boats
- Petroleum industry develops
- Onset of large-scale industrial production of fertilizer, plastic and synthetic chemicals
- Climate dynamics can no longer be reproduced without invoking human perturbation
- Warming-induced global coral-bleaching events

Hunting
Fishing
Deforestation
Habitat loss

Fertilizer, plastic and synthetic chemicals
Climate change

Pressure scale
- Maximum
- High
- Medium
- Low

Duarte et al 2020
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.
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

- 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)

Kenny et al 2018
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

1. NO POVERTY
2. ZERO HUNGER
3. GOOD HEALTH AND WELL-BEING
4. QUALITY EDUCATION
5. GENDER EQUALITY
6. CLEAN WATER AND SANITATION
11. SUSTAINABLE CITIES AND COMMUNITIES
12. RESPONSIBLE CONSUMPTION AND PRODUCTION
13. CLIMATE ACTION
14. LIFE BELOW WATER
15. LIFE ON LAND
16. PEACE, JUSTICE, AND STRONG INSTITUTIONS
17. PARTNERSHIPS FOR THE GOALS

COP13
COPMOP8
COPMOP2
CANCUN, MEXICO 2016

MAINSTREAMING BIODIVERSITY FOR WELL-BEING
CONVENTION ON BIOLOGICAL DIVERSITY
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.
AREAS IMPORTANT FOR BIODIVERSITY & ECOSYSTEM SERVICES: EBSAS
AREAS IMPORTANT FOR BIODIVERSITY & ECOSYSTEM SERVICES: VMES

1. Uniqueness or rarity
2. Functional significance of the habitat
3. Fragility
4. Life-history traits of component species
5. Structural complexity
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

CBD Decision IX/20, Annex II
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.)
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.
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.
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
- UN International Seabed Authority
- IUCN World Conservation Congress
- United Nations Climate Change
Thank you