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Giving greater attention to the ocean in the development and implementation of the Post-2020 Global Biodiversity Framework

Romain Schumm, Julien Rochette, Aleksandar Rankovic (IDDRI)

The 15th Conference of the Parties (COP15) to the Convention on Biological Diversity (CBD) is a key moment for the international governance of biodiversity. The Post-2020 Global Biodiversity Framework (post-2020 framework, GBF) to be adopted there must propose a response to the continued loss of biodiversity and renew the framework for multilateral cooperation.

More attention must be given to ocean-related issues in the negotiations and to the participation of the many stakeholders involved in ocean governance. The ocean covers more than 70% of the Earth's surface and make up more than 90% of the living space on our planet. The pressures faced by marine biodiversity are multiplying and intensifying, as highlighted in the latest IPBES Global Assessment Report and the 2019 IPCC Special Report on the Ocean and Cryosphere. The overexploitation of fisheries resources, habitat destruction, pollution, and ocean warming and acidification all contribute to the loss of marine biodiversity and must be tackled without delay.

This *Study* takes stock of the place of the ocean in the zero draft of the post-2020 framework (zero draft), presents recommendations to strengthen the provisions concerned, and highlights points that need attention to ensure effective implementation of the post-2020 framework in relation to marine and coastal ecosystems. It is based on an analysis of the zero draft and of its potential indicators, a literature review, and a series of interviews.

KEY MESSAGES

One of the key targets of the zero draft concerns the creation of a protected area system covering 30% of the planet by 2030. To be operational, this target needs more precision on the distribution between land and sea and the part of the ocean which should be covered, on the level of protection and quality standards for management and on the scientific designation process of marine protected areas (MPAs).

Greater consideration of significant pressures on the ocean, such as overfishing, offshore drilling, mining and underwater noise should not necessarily to be sought in the post-2020 goals and targets, but rather at the level of the implementation monitoring framework and its indicator.

As regard to the monitoring table and its implementation, existing tools and processes (e.g. UN forum on the law of the sea, regional organisations, processes linked to SDG 14, etc.) should be mobilised, especially to bring together the different reporting exercises, to avoid overlapping, and to identify capacity needs that vary according to the region and the process.

"Mainstreaming" biodiversity within sectoral and regional intergovernmental organisations, as well as at the national level, is a fundamental challenge for the successful implementation of the post-2020 framework. Where relevant, the post-2020 framework needs to better reflect the ocean in its targets and indicators, but also in the sections concerning synergies with other international instruments, and the cooperation mechanisms to be set up with the existing organisations.

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1. INTRODUCTION

While the mandate of the CBD covers all life on Earth,[1] ocean-related issues have not yet received the attention that their importance and scope demand within the negotiations on the road to COP15. In October 2019, the Secretariat of the CBD organised a consultation on the inclusion of ocean issues in the draft post-2020 framework, then the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) virtually met in February 2021 to discuss marine and coastal biodiversity issues. Aside from these ad-hoc events and other more informal workshops, few official initiatives have sought to more closely incorporate marine issues into the post-2020 framework.

This *Study* proposes a reading of the zero draft from the perspective of ocean-related issues and identifies three priority proposals for strengthening the treatment of the ocean in the negotiations.

2. THE OCEAN IN THE POST-2020 GOALS AND TARGETS

Although some actors are calling for the inclusion of ocean-specific goals and targets,[2] the choice has so far been to keep the text as concise as possible in order to ensure its comprehensibility.[3] This approach is in line with the mandate of the CBD, which covers all of the Earth's biodiversity, with no distinction between land and marine ecosystems. Although marine ecosystems are not explicitly mentioned, like other ecosystems such as forests, this means they are implicitly included in the provisions of the zero draft. Since the post-2020 framework is intended as a framework for all, it will be used as a reference and mobilised in the various environmental arenas, according to different modalities specific to each process (for example, recognition in decision-making within the COPs of other conventions).

The goals and targets are therefore formulated in a general, comprehensive manner, such that the ocean is included implicitly. The goal (a) for 2050[4] is, for example, to increase "*the area, connectivity and integrity of natural ecosystems*", thereby fostering the resilience of "*all species*". Similarly, the intermediate goal (A) for 2030[5] concerns the integrity of "*natural systems*" and the number of "*species that are threatened*", with no distinction between land and sea.

Marine issues are nevertheless specifically mentioned in three of the 2030 action targets. Target 1 refers to "*land and sea areas*" and calls for the use of spatial planning to ensure "*land/sea use*

1 The three objectives of the convention are: the conservation of biological diversity, the sustainable use of its components, and the fair and equitable sharing of the benefits arising out of the utilization of genetic resources

2 https://www.cbd.int/doc/strategic-plan/Post2020/postsbi/pew.pdf

3 See Rankovic, A. *et al.* (2020). A good working basis in the making. How to handle the zero draft of the Post-2020 Global Biodiversity Framework. IDDRI, *Policy Brief* N°01/20

4 (a): "*The area, connectivity and integrity of natural ecosystems increased by at least [X%] supporting healthy and resilient populations of all species while reducing the number of species that are threatened by [X%] and maintaining genetic diversity*".

5 *A.1: "The area, connectivity and integrity of natural systems increased by at least [5%]". A.2 : The number of species that are threatened is reduced by [X%] and the abundance of species has increased on average by [X%].*

change" and to restore "*degraded freshwater, marine and terrestrial natural ecosystems*". Target 2 concerns the protection and conservation, through a protected area (PA) system and other effective area-based conservation measures (OECMs), of at least 30% of the planet by 2030. MPAs will have a key role to play in achieving this target. Finally, Target 6 calls for a reduction in "*pollution from all sources, including […] plastic waste*" and thus aims to tackle one of the major sources of ocean degradation.[6]

Concerning the post-2020 goals and targets, we identify two main recommendations for the next part of the process leading up to COP15.

2.1. The need to collectively answer a set of key questions about Target 2

Target 2 of the zero draft proposes extending conserved areas to cover 30% of the Earth's surface by 2030, in particular through protected areas. In this context, four key questions need to be answered:

- ***How will this 30% target be distributed between land and sea?*** As currently formulated, Target 2 mentions a percentage (30% in the zero draft) of the planet. However, it remains to be determined whether this will be interpreted as 30% of land and 30% of ocean (and which part of the ocean, see following point), or whether the distribution between land and sea will be left to the discretion of the Parties. It would probably be preferable for the negotiations to set a clear direction at COP15, in order to clarify the ambition of the goals and to facilitate implementation and monitoring. Due to the importance of marine ecosystems, they should be directly targeted by this target. The question will then be how much of the ocean is concerned by this target.
- ***What level of protection and management quality standards is required?*** Problems linked to "paper parks" still frequently arise all over the world. Such areas are theoretically protected but are not accompanied by any real protection measures, or the protection measures are not applied. Further detail is therefore needed regarding the level of protection and the quality of management in these protected areas. The issue of the degree of protection could be directly addressed by the draft itself which, in its first version, mentioned a goal of 10% of areas under strict protection. The part of the text concerning targets could, for example, specify the level of protection envisaged for these protected areas, referring to international standards.[7] The issue of the quality of management in these areas could then be covered by the provisions regarding the transparency mechanism.
- ***How can the designation of marine protected areas (MPAs) be scientifically grounded?*** In this respect, Ecologically or Biologically Significant Areas (EBSAs) could be mobilised to identify the areas to be protected. This would could be reinforced following the finalisation of ongoing efforts to update the mechanisms to revise EBSAs and to designate new ones.[8] The issue of OECMs is also concerned here. Data on the area and global distribution of marine OECMs[9] is currently lacking, as is a global vision of successful experiments[10] and the limitations of this approach.

Parties may also wish to clarify the application of the post-2020 framework, and Target 2 in particular, to marine areas beyond national jurisdiction.

2.2. The importance of integrating the major pressures on the ocean

Although the inclusive approach is necessary and consistent with the mandate of the CBD, it should not overshadow some important issues specifically linked to marine ecosystems. Some targets tend to resonate strongly with land-based activities. The risk is therefore that attention will not be given to the ocean (fisheries and aquaculture production are in this respect particularly concerned by the 2030 objective on food security), or that some sources of pollution will not be considered. For example, although the explicit inclusion of plastic pollution in the zero draft is to be welcomed, care should be taken to ensure that other drivers of marine biodiversity loss are not overlooked (e.g. overfishing, offshore drilling, mining, underwater noise).

Similarly, the risk of the inclusive approach is that it will fail to develop targets, or at least indicators, that are precise enough for some specific and complex marine ecosystems. Examples include the protection of the deep seabed,[11] overfishing or ocean noise pollution, which could be mentioned explicitly in the monitoring framework. Some targets could also mention more explicitly ocean-related issues because of their importance. For example, Target 7 on climate change could mention the protection of certain marine ecosystems vulnerable to climate change, such as corals, and refer to ocean-based solutions

6 Rochette, J., Schumm, R., Wright, G., Cremers, K. (2020). Combatting marine plastic litter: state of play and perspectives. IDDRI, *Study* N°03/20.

7 IUCN's global conservation standards, for example, which can apply to MPAs: https://www.iucn.org/commissions/world-commission-protected-areas/our-work/marine/marine-protected-areas-global-standards-success

8 CBD/SBSTTA/24/6.

9 *Area-based Conservation Measures*, Biodiversity Science, Policy and Governance Unit - Secretariat of the Convention on Biological Diversity (p 56).

10 In Canada, for example, the use of marine OECMs has resulted in a fivefold increase in marine coverage since 2015. Environment and Climate Change Canada (2018), Canada's conserved areas, https://www.canada.ca/en/environment-climate-change/services/environmental-indicators/conserved-areas.html

11 UN Environment (2021). Regional Seas Biodiversity under the post-2020 Global Biodiversity Framework.

3. THE OCEAN IN THE POST-2020 MONITORING FRAMEWORK AND INDICATORS

Alongside the goals and targets, greater precision is needed in the monitoring framework and its indicators. This document reveals in detail how marine ecosystems are considered in the zero draft. The ongoing discussions provide for "headline indicators",[12] which can then be supplemented by more specific indicators according to the component of the goal (or target) to be assessed. Some indicators focus on assessing the results obtained, while others are more specific about the types of actions to be undertaken. For example, indicator A.0.3 is limited to monitoring the evolution of the red list of threatened species, whereas indicator 1.0.1 concerns the "*percentage of land covered by landscape scale land-use plans for terrestrial, freshwater and marine ecosystems*", thereby giving more detail on the type of actions to be undertaken.

Addressing the need to increase the "ocean focus" for indicators. An initial analysis concludes that the indicators envisaged for the post-2020 framework apply to a large extent to marine biodiversity.[13] It will be important to ensure that, where possible, the indicators provide for a marine dimension. For example, the elements in the monitoring framework concerning ecosystem services (GA6) must also apply to marine ecosystem services. Likewise, the indicator concerning noise pollution levels must also cover underwater noise. Beyond this general observation, the monitoring framework needs to be further clarified in order to become fully operational.

Fostering synergies with existing processes on ocean and capitalising on experience. The monitoring framework for the Global Biodiversity Framework complements other reporting exercises that exist in the context of conventions or multilateral forums concerning the ocean. These include the sustainable development goals (SDG14), regional seas conventions, regional fisheries management organisations, and sectoral tools adopted by the International Maritime Organization (IMO) or the Food and Agriculture Organization of the United Nations (FAO). These different bodies all provide reporting mechanisms and a list of indicators to monitor the state of marine biodiversity. The negotiations should seek synergies between these different processes and the "collect once use many times"[14] approach could be adopted to compile all existing data on monitoring of the evolution of marine biodiversity, while not overburdening the actors in charge of reporting.

The issue is the same for relations between the CBD and the other conventions on biodiversity (Ramsar and CITES [Convention on International Trade in Endangered Species of Wild Fauna and Flora] for example), as well as the United Nations Framework Convention on Climate Change (UNFCCC) and the United Nations Convention to Combat Desertification (UNCCD). A range of actors (European Union, JUSCANZ Group [Japan, United States, Canada, Australie, New Zealand], etc.) are increasingly calling for better use of the DaRT tool,[15] which is specifically aimed at creating such synergies. Similarly, the SBSTTA recommends that preference should be given to "*indicators that are already being used by some national Governments*" during the adoption of the monitoring framework for the Global Biodiversity Framework.[16]

These issues have long been a subject of discussion and various tools and approaches are already available. In addition to the mobilisation of the secretariats of the different conventions, for example, States now need to be far more proactive and resources must be prioritised with a view to ensuring the comprehensive monitoring of the implementation of the different goals on biodiversity.

Assessing regional differences in capacities in order to prioritise capacity building efforts. There are disparities between the different regions of the world, and between States, in terms of their capacity to report under the monitoring framework. Some marine regions are currently better equipped to undertake this reporting (North East Atlantic, through the OSPAR Convention, for example). For other regions, this data collection and analysis will require technical and financial capacity building. Collaborative efforts between regions and between States within the same region could be helpful, to ensure that all of the parties to the CBD are able to take ownership of these indicators and to provide information on the evolution of marine biodiversity in their jurisdiction, and to maximise synergies in capacity building as well as ownership of the global objectives.

12 CBD/SBSTTA/24/3Add.1.

13 UN Environment (2021). Regional Seas Biodiversity under the post-2020 Global Biodiversity Framework.

14 *2020 Ocean Pathways – Monitoring and Indicators (p70),* Chris McOwen, Helen Klimmek and Lauren Weatherdon, UN Environment Programme World Conservation Monitoring Centre.

15 The Data Reporting Tool for MEAs (DaRT), developed by the United Nations Environment Programme (UNEP), aims to "*effectively use synergies in the field of knowledge and information management for national reporting to biodiversity-related conventions*". See https://dart.informea.org/.

16 CBD/SBSTTA/24/3 add1.

4. INCORPORATING THE OCEAN INTO INTERNATIONAL PROCESSES AND SECTORAL AND REGIONAL ORGANISATIONS

The success of the post-2020 framework will largely depend on the capacity of the different multilateral institutions to work together. Where marine biodiversity is concerned, there are several institutions that could be better integrated into the development and implementation of the framework. The Bern 1 (2019) and Bern 2 (2021) workshops[17] were important steps in mobilising the other international conventions and institutions; the ocean-related issues that could be further developed will need to be identified based on these efforts.

Mentioning the other ocean conventions in section G of the post-2020 framework. Section G of the post-2020 framework concerns enabling conditions and could explicitly mention the synergies to be created with other multilateral processes on ocean. The COP15 decision that will adopt the post-2020 framework could also contain process objectives to establish the milestones for joint work.

Clarifying the potential role of the regional seas conventions in implementation., The role of the regional seas conventions will also need to be clarified, again in section G of the zero draft, which could provide for a specific mechanism giving them a role in monitoring and implementation. The regional level is a key element in ensuring the effective implementation of the post-2020 framework. Marine ecosystems and resources do not recognise state boundaries. Similarly, the threats to marine biodiversity are often transboundary (effects of dumping of oil at sea, for example). Moreover, the regional seas conventions have an explicit mandate for the conservation of marine biodiversity. They can therefore be an effective tool to mobilise States and to coordinate their actions with a view to achieving the goals and targets of the post-2020 framework. These conventions also have the capacity to adapt the targets and indicators of the post-2020 framework according to the specificities of the ecosystems in the regions concerned. They can thus conduct rigorous monitoring and assessment of the implementation of the framework and bridge the gap between the objectives of the CBD and the national level.[18]

Integration and coordination at the national level. The parties to the CBD are the main actors responsible for implementing the framework. In addition to these multilateral institutions, special attention must therefore be given to the national level:

- The implementation of the framework in its ocean-related dimensions will require harmonisation of the environmental actions of the Parties to the CBD and integration of the CBD objectives into all competent ministries. It should be noted that this issue was already mentioned in the CBD text of 1992, which in its article 6(b) calls on Parties to "*integrate, as far as possible and as appropriate, the conservation and sustainable use of biological diversity into relevant sectoral or cross-sectoral plans, programmes and policies*". In the absence of such implementation efforts, the framework risks being ineffective. In China for example, marine issues fall under the jurisdiction of both the Ministry of the Environment and the State Oceanic Administration (SOA). These two authorities will need to adopt a common understanding of the goals of the post-2020 framework and to harmonise their efforts to protect marine biodiversity. France recently created a Ministry of the Sea, which will in turn need to coordinate with the many other ministries that have a mandate for marine issues at national level (e.g. the Ministries of Ecology, Foreign Affairs, and Industry) in order to ensure the joint implementation of the post-2020 framework.
- To facilitate exchanges between the different levels of implementation (global, regional and national), States should ensure better coordination between the focal points of the CBD and those of the marine organisations (regional seas conventions, regional fisheries organisations, etc.).
- Finally, mechanisms should also be put in place to better involve the economic sectors concerned (fishing, mining, maritime transport) in the development and implementation of the framework. For example, national reports on transparency mechanisms could include elements concerning sectoral issues.[19] In turn, such an approach would help to make these sectors more accountable for their own (in)action.[20] More generally, these mechanisms would contribute, in the field, to redirecting development models (the blue economy, for example), in line with the environmental goals of the CBD.

These different national level issues could be addressed in section G of the zero draft, but will also need to be further developed within the National Biodiversity Strategies and Action Plans (NBSAPs). Through these national documents, each Parties to the CBD would thus report on how the ocean-related issues of the post-2020 framework inform national processes, and how the economic sectors are involved in implementing the post-2020 framework at the national level.

17 https://www.cbd.int/conferences/post2020/brc-ws

18 For more details on the role the regional seas conventions can play in the implementation of the post-2020 framework, see: UN Environment (2021). Regional Seas Biodiversity under the post-2020 Global Biodiversity Framework.

19 See Rankovic, A., Landry, J. (2021). A responsibility and transparency mechanism for biodiversity: assessing operational options. Towards Post-2020 #25, Post 2020 — EU Support Project, Expertise France.

20 Billé, R. *et al.* (2010). Global biodiversity targets: Vain wishes or significant opportunities for biodiversity governance? In Billé *et al.* (2010). *Global Governance of Biodiversity: New Perspectives on a Shared Challenge.* Health and Environment Reports, n° 6, December 2010, IFRI.

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CONTACT
romain.schumm@iddri.org
juilien.rochette@iddri.org
aleksandar.rankovic@iddri.org

Institut du développement durable et des relations internationales 41, rue du Four – 75006 Paris – France

www.iddri.org
@IDDRI_English