IIFB Secretariat Note:

Please review the document and insert your suggested new text in **CAPITAL LETTERS** highlighted in green, and mark the text to be deleted in red.

For each change, kindly provide a justification as a comment.

Item 20
Marine and coastal biodiversity, and island biodiversity

The following draft decision is taken from recommendation 26/8 of the Subsidiary Body on Scientific, Technical and Technological Advice

Further work on ecologically or biologically significant marine areas

The Conference of the Parties,

Reaffirming Articles 3, 4, 5 and 22 of the Convention on Biological Diversity,[1] as well as its decisions VIII/24 of 31 March 2006, IX/20 of 30 May 2008, X/29 of 29 October 2010, XI/17 of 19 October 2012, XII/22 of 17 October 2014, XIII/12 of 17 December 2016, in particular its paragraph 3, 14/9 of 29 November 2018 and 15/26 of 19 December 2022,

[*Recalling* resolution 78/69 of the General Assembly of the United Nations on oceans and the law of the sea of 5 December 2023 and its preambular paragraphs on the United Nations Convention on the Law of the Sea,[2,3,4]]

[*Recalling also* target 14.c of the Sustainable Development Goals, which is to enhance the conservation and sustainable use of oceans and their resources by implementing international law as reflected in the United Nations Convention on the Law of the Sea, which provides the legal framework for the conservation and sustainable use of oceans and their resources, as recalled in paragraph 158 of "The future we want",[228,229]]

Reiterating the central role of the General Assembly in addressing issues relating to the conservation and sustainable use of biodiversity in marine areas beyond national jurisdiction,

Recognizing that the description of ecologically or biologically significant marine areas is an important scientific and technical process that can make a crucial contribution to the implementation of the Kunming-Montreal Global Biodiversity Framework[5] and 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,[6]

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[1] United Nations, *Treaty Series*, vol. 1760, No. 30619.
[2] United Nations, *Treaty Series*, vol. 1833, No. 31363.
[3] Türkiye dissociates itself from the reference made to the United Nations Convention on the Law of the Sea, to which it is not a party. The participation of Türkiye in the discussions under the present agenda item during the present meeting cannot be construed as a change in the well-known legal position of Türkiye with regard to the said instrument.
[4] The Bolivarian Republic of Venezuela considers that the United Nations Convention on the Law of the Sea is not the only legal instrument that governs activities related to the seas and oceans. Therefore, it disassociates itself from the reference to said international instrument, and participation in the discussions under the present agenda item cannot be considered as a change in its national position regarding the United Nations Convention on the Law of the Sea.
[5] Decision 15/4.
[6] A/CONF.232/2023/4.

1. *Expresses its appreciation* to the Governments of Belgium, Canada, Germany, Norway and Sweden for their financial support for the organization of the technical and legal expert workshops to review modalities for modifying the descriptions of ecologically or biologically significant marine areas and describing new areas, and takes note of the reports of the workshops;[7]

2. *Decides* to extend the term of the Informal Advisory Group on Ecologically or Biologically Significant Marine Areas, and requests the Executive Secretary to revise its terms of reference, as contained in annex III to decision XIII/12 and amended in annex III to decision 14/9, to align them with the present decision and to facilitate the work of the Group, in line with its terms of reference;

3. *Stresses* that the modification of descriptions of ecologically or biologically significant marine areas and the description of new areas meeting the criteria for such areas is strictly a scientific and technical exercise, does not imply the expression of any opinion whatsoever concerning the legal status of any country, territory, city or area, including maritime zones, or of their authorities, or concerning the delimitation of its boundaries and does not have economic or legal implications [and that any action or activity carried out on the basis of the present decision shall be without prejudice to, and shall not be relied upon as a basis for asserting or denying any claims to, sovereignty, sovereign rights or jurisdiction, including in respect of any disputes relating thereto];

[4. *Requests* the Executive Secretary, subject to the availability of financial resources, in line with paragraph 36 of decision X/29, paragraph 12 of decision XI/17 and paragraph 6 of decision XII/22, to continue to facilitate the description of areas meeting the criteria for ecologically or biologically significant marine areas and to facilitate the modification of the descriptions of ecologically or biologically significant marine areas [when new information becomes available, as appropriate,] through the holding of additional workshops, where Parties and [other Governments] wish workshops to be held;]

[5. *Also requests* the Executive Secretary, subject to the availability of financial resources, in line with paragraph 36 of decision X/29, paragraph 12 of decision XI/17 and paragraph 6 of decision XII/22, to continue to facilitate the description of areas meeting the criteria for ecologically or biologically significant marine areas, and to facilitate the modification of the descriptions of ecologically or biologically significant marine areas, in areas beyond national jurisdiction;]

[6. *Further requests* the Executive Secretary to facilitate the participation in the workshops of experts from indigenous peoples and local communities, and women and youth organizations, and the use of traditional knowledge;]

[7. *Adopts* the modalities for the modification of descriptions of ecologically or biologically significant marine areas and the description of new areas contained in the annex, and requests the Executive Secretary to facilitate the implementation of the modalities;]

8. *Requests* the Executive Secretary to facilitate a review of the effectiveness of the implementation of the modalities contained in the annex 10 years after the adoption of the present decision and to submit the results of the review for consideration by the Subsidiary Body on Scientific, Technical and Technological Advice;

9. *Invites* Parties, other Governments, competent intergovernmental organizations, indigenous peoples and local communities and other relevant stakeholders to collaborate in the implementation of the modalities;

[10. [*Stresses*]/[*Notes*] the potential importance of synergies between the process to facilitate the description of areas meeting the criteria for ecologically or biologically

[7] CBD/EBSA/EM/2023/1/3 and CBD/EBSA/EM/2023/2/3.

significant marine areas using the modalities for areas beyond national jurisdiction outlined in the annex to the present decision and the implementation of 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, and invites [Parties to the Agreement and] intergovernmental organizations with competence in marine areas beyond national jurisdiction to actively engage in the development and review of submissions of modifications of descriptions of such areas and the description of new areas;]

[11. *Requests* the Executive Secretary to develop voluntary guidelines on peer-review processes for the description of areas meeting the criteria for ecologically or biologically significant marine areas and other relevant compatible and complementary scientific criteria for consideration by the Subsidiary Body on Scientific, Technical and Technological Advice.]

[Annex

Modalities for the modification of descriptions of ecologically or biologically significant marine areas and the description of new areas

I. Guidance in the implementation of the modalities

1. Nothing in the present modalities shall prejudice the rights, jurisdiction and duties of States under the United Nations Convention on the Law of the Sea, including in respect of the exclusive economic zone and the continental shelf within and beyond 200 nautical miles.[228]

2. The modification of a description of an ecologically or biologically significant marine area, which can entail a modification to the textual description of the area, a modification to the ranking of the area against the criteria for such areas or a change in the location, shape, depth or size of the area[, or a withdrawal of the description of the area,] may be proposed for any of the following reasons:[8]

(a) For areas beyond national jurisdiction:

(i) Newly available or accessible knowledge, including traditional knowledge, innovations and practices of indigenous peoples and local communities, on features associated with the area;

(ii) Change in the ecological or biological features of the area;

(iii) Scientific errors identified in the description;

(b) For areas within national jurisdiction, any of the reasons noted in paragraph 2 (a) [or any other reason] deemed valid by the State within whose jurisdiction the modification is proposed.

3. The modification of an existing description or the description of a new area may only be submitted by the following proponents:

(a) For areas beyond national jurisdiction, any States, individually or collectively, including through competent intergovernmental organizations;

(b) For areas within national jurisdiction, the State within whose jurisdiction the modification or description is proposed.

4. Proponents that develop submissions for the modification of an existing description or the description of a new area should consider the following at an early stage:

(a) Collaboration with competent intergovernmental organizations, other relevant organizations, experts, indigenous peoples and local communities, with their

[8] The reason or reasons for a modification must be provided in the submission.

free, prior and informed consent,[9] and women and youth organizations, in accordance with relevant national legislation, international instruments, including the United Nations Declaration on the Rights of Indigenous Peoples,[10] and human rights law;

(b) The need to avoid developing submissions that may raise concerns regarding sovereignty, sovereign rights or jurisdiction;

(c) The need for a strong scientific basis with sufficient information, as well as the importance of transparency;

(d) The need to take into account the regional dimensions of marine and coastal ecosystems and their ecological and biological features and processes, including regional differences in data availability, as well as collaboration across regions.

5. With respect to any submission for the modification of an existing description or the description of a new area, any State may formally communicate to the Executive Secretary, at any time, an objection to the inclusion of a description or a modification in the repository or the information-sharing mechanism for ecologically or biologically significant marine areas, owing to the existence of a claim or dispute relating to sovereignty, sovereign rights or jurisdiction involving an area included in the submission. In such a case, the submission will not be advanced any further and will not be included in the repository or information-sharing mechanism until the withdrawal of the objection is communicated to the Executive Secretary by the objecting State.[11]

II. Repository and information-sharing mechanism for ecologically or biologically significant marine areas

6. The repository for ecologically or biologically significant marine areas is to contain:

(a) The descriptions of areas meeting the criteria for ecologically or biologically significant marine areas that the Conference of the Parties has considered and requested the Executive Secretary to include in the repository and transmit to the General Assembly of the United Nations for its information and relevant processes, as well as to relevant international organizations;

[(b) For archival purposes, previous versions of descriptions of ecologically or biologically significant marine areas held in the repository, in cases where the descriptions have been modified, including information on the modalities by which the descriptions were initially included in the repository.]

7. The information-sharing mechanism for ecologically or biologically significant marine areas is to contain:

(a) The records of submissions of a modification or description of an area within national jurisdiction for inclusion in the repository for ecologically or biologically significant marine areas and the comments received on such submissions;

(b) Submissions of a modification or description of an area within national jurisdiction for inclusion in the information-sharing mechanism for ecologically or biologically significant marine areas, as well as any comments received on such submissions and any responses to those comments;

(c) The records of submissions of a modification or description of an area beyond national jurisdiction;

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[9] "Free, prior and informed consent" refers to the tripartite terminology of "prior and informed consent", "free, prior and informed consent" and "approval and involvement".

[10] General Assembly resolution 61/295, annex.

[11] A record of the fact that a submission was received and objected to will be included in the information-sharing mechanism, regardless of whether the objection is withdrawn or not.

(d) Links to national processes and their related scientific information pertaining to areas meeting the criteria for ecologically or biologically significant marine areas, and other relevant compatible and complementary nationally agreed scientific criteria in national jurisdiction that were provided by the State concerned as information for the Subsidiary Body on Scientific, Technical and Technological Advice and the Conference of the Parties;

(e) Reports of the regional workshops convened by the Secretariat of the Convention on Biological Diversity to facilitate the description of ecologically or biologically significant marine areas;

[(f) For archival purposes, previous versions of descriptions of ecologically or biologically significant marine areas held in the [information-sharing mechanism]/[repository], in cases where the descriptions have been modified, including information on the modalities by which the descriptions were initially included in the [information-sharing mechanism]/[repository];]

(g) Guidance related to the application of the criteria for ecologically or biologically significant marine areas and the use of information contained in the descriptions of such areas;

(h) Other relevant scientific and technical information and other forms of knowledge, including, where [appropriate]/[available], the traditional knowledge of indigenous peoples and local communities, with their free, prior and informed consent, related to areas described as meeting the criteria for ecologically or biologically significant marine areas;

(i) Information and experience relating to the application of other relevant and complementary intergovernmentally agreed scientific criteria.

III. Modalities for the modification of descriptions of ecologically or biologically significant marine areas and description of new areas meeting the criteria for ecologically or biologically significant marine areas

A. Modification of the description of ecologically or biologically significant marine areas or description of new areas meeting the criteria for ecologically or biologically significant marine areas within national jurisdiction

Inclusion in the repository for ecologically or biologically significant marine areas[12]

8. The submission[13] of a modification or a description of an area within national jurisdiction for inclusion in the repository for ecologically or biologically significant marine areas must be provided to the Secretariat together with information on the process by which the submission was developed, including any scientific peer-review process, and, in cases where information based on traditional knowledge is included, any information on consultations with indigenous peoples and local communities conducted with their free, prior and informed consent, in accordance with relevant national legislation, international instruments, including the United Nations Declaration on the Rights of Indigenous Peoples, human rights law and, where appropriate, the Mo' otz Kuxtal Voluntary Guidelines.[14] The proponent may also use the following options with respect to the development of the submission:

[12] An inclusion under the present section entails consideration of the submission by the Conference of the Parties and the Subsidiary Body on Scientific, Technical and Technological Advice.
[13] To be included in the repository, the submission must be prepared in the template for ecologically or biologically significant marine areas and include a map clearly indicating the area that is being modified or described.
[14] Decision XIII/18, annex.

(a) The proponent may request the Secretariat to issue a notification, for information purposes, regarding its intent to submit a description or a modification before the submission is developed;

[(b) The proponent may also choose to develop or refine a draft submission at a workshop on ecologically or biologically significant marine areas held pursuant to a decision of the Conference of the Parties before submitting it to the Secretariat.]

9. Upon receipt, the Secretariat shall make the submission available through the information-sharing mechanism for ecologically or biologically significant marine areas and issue a notification to provide information on the submission and communicate its inclusion in the mechanism. The submission shall be open for comments by Parties, other Governments and relevant organizations for a period of six months, and the Secretariat shall transmit any comments received to the proponent.

10. Upon receipt of such comments, which will be posted in the information-sharing mechanism, the proponent may do one of the following:

(a) Address the comments, if any, and, if necessary, provide a revised version of the submission to the Secretariat;

(b) Not address the comments and not proceed further, in which case the information-sharing mechanism will show a record of the submission and the comments, and the actual submission and comments will be available from the Secretariat upon request;

(c) Request the Secretariat to remove its original submission from the information-sharing mechanism, in which case the submission and the comments will be removed.

11. If comments are received and the proponent decides to address them and, if necessary, provide a revised version of the submission to the Secretariat, the Secretariat shall transmit the submission to the Subsidiary Body on Scientific, Technical and Technological Advice and the Conference of the Parties for their consideration. [The proponent may also request that the submission be discussed at a workshop on ecologically or biologically significant marine areas held pursuant to a decision of the Conference of the Parties before it is submitted to the Subsidiary Body.]

12. The submission shall be provided to the Conference of the Parties for consideration on the basis of a recommendation of the Subsidiary Body. The Conference of the Parties shall decide whether the submission is to be included in the repository for ecologically or biologically significant marine areas. A record of the submission shall remain in the information-sharing mechanism, regardless of whether it is included in the repository or not.

Inclusion in the information-sharing mechanism for ecologically or biologically significant marine areas[15]

13. The submission[16] of a modification or description of an area within national jurisdiction for inclusion in the information-sharing mechanism for ecologically or biologically significant marine areas must be provided to the Secretariat together with information on the process by which the submission was developed, including any scientific peer-review process, and, in cases where information based on traditional knowledge is included, any information on consultations with indigenous peoples and local communities conducted

[15] An inclusion under the present section does not entail consideration by the Conference of the Parties or the Subsidiary Body on Scientific, Technical and Technological Advice and cannot apply to the descriptions of ecologically or biologically significant marine areas considered and endorsed by the Conference of the Parties held in the repository.

[16] To be included in the information-sharing mechanism, the submission must contain geographical coordinates and a map clearly indicating the area that is being modified or described.

with their free, prior and informed consent, in in accordance with relevant national legislation, international instruments, including the United Nations Declaration on the Rights of Indigenous Peoples, human rights law and, where appropriate, the Mo' otz Kuxtal Voluntary Guidelines. The proponent may also use the following options with respect to the development of the submission:

(a) The proponent may request the Secretariat to issue a notification, for information purposes, regarding its intent to submit a description or modification before the submission is provided to the Secretariat;

[(b) The proponent may also choose to develop or refine a draft submission at a workshop on ecologically or biologically significant marine areas held pursuant to a decision of the Conference of the Parties before submitting it to the Secretariat.]

[14. Upon receipt, the Secretariat shall make the submission available through the information-sharing mechanism and issue a notification to provide information on its availability in the information-sharing mechanism. [The proponent may request that the submission]/[The submission shall] be open for comments by Parties, other Governments and relevant organizations for a period of six months, and the Secretariat shall transmit any comments received to the proponent.]

[15. Upon receipt of such comments, which will be posted in the information-sharing mechanism, the proponent may do one of the following:

(a) Maintain the submission as provided to the Secretariat;

(b) Address the comments and provide a revised submission to the Secretariat for inclusion in the information-sharing mechanism;

(c) Request the Secretariat to remove its original submission from the information-sharing mechanism.]

B. Modification of descriptions of ecologically or biologically significant marine areas or description of new areas meeting the criteria for ecologically or biologically significant marine areas beyond national jurisdiction

16. The submission[17] of a modification or a description of an area beyond national jurisdiction must be provided to the Secretariat together with information on the process by which the submission was developed, including any scientific peer-review process, and, in cases where information based on traditional knowledge is included, any information on consultations with indigenous peoples and local communities conducted with their free, prior and informed consent, in accordance with relevant national legislation, international instruments, including the United Nations Declaration on the Rights of Indigenous Peoples, human rights law and, where appropriate, the Mo' otz Kuxtal Voluntary Guidelines.

17. Before providing a submission, the proponent may request the Secretariat to issue, for information purposes, a notification regarding its intent to submit a description or modification.

18. The Secretariat shall include a record of the submission, as received, in the information-sharing mechanism of ecologically or biologically significant marine areas and disseminate information about the submission through a notification. The submission shall be open for comments by Parties, other Governments, competent intergovernmental bodies and relevant organizations for a period of six months.

19. The submission, as well as any comments received in response to the notification, shall be provided for discussion at a workshop on ecologically or biologically significant

[17] To be included in the repository, the submission must be prepared in the template for ecologically or biologically significant marine areas and include geographical coordinates and a map clearly indicating the area that is being modified or described.

marine areas held pursuant to a decision of the Conference of the Parties, the outputs of which shall be submitted to the Subsidiary Body and the Conference of the Parties for their consideration.

20. The Conference of the Parties shall decide whether to request the Executive Secretary to include the submission in the repository of ecologically or biologically significant marine areas. A record of the submission shall remain in the information-sharing mechanism, regardless of whether it is included in the repository or not.

IV. Correction of editorial errors

21. In the case of editorial errors in a description of an ecologically or biologically significant marine area, the Secretariat, after being informed by a State, shall issue a notification to provide information regarding the editorial error and the requested correction and shall implement the correction three months after the issuance of the notification.[18] A footnote is to be added to the corrected description to indicate that an editorial correction was made, and when. A report on corrections made to address editorial errors shall be submitted by the Secretariat to the Subsidiary Body on Scientific, Technical and Technological Advice and the Conference of the Parties, for information.]

The following draft decision is taken from recommendation 26/7 of the Subsidiary Body on Scientific, Technical and Technological Advice

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Conservation and sustainable use of marine and coastal biodiversity and of island biodiversity

The Conference of the Parties,

(PP1) *Recognizing* the importance of marine and coastal biodiversity and of island biodiversity as one of the key cross-cutting elements of the Kunming-Montreal Global Biodiversity Framework[19] and as critical to achieving the 2050 vision for biodiversity,

(PP2) *Recalling* paragraph 8 of its decision 15/4 of 19 December 2022, in which it decided that the Framework should be used as a strategic plan for the implementation of the Convention on Biological Diversity[20] and its Protocols, its bodies and its Secretariat over the period 2022–2030,

(PP3) *Recalling also* its decisions IX/20 of 30 May 2008, X/29 and X/33 of 29 October 2010, XI/16, XI/18 and XI/20 of 19 October 2012, XII/23 of 14 October 2014, XIII/9 of 17 December 2016, XIII/10 and XIII/11 of 13 December 2016, XIII/12 of 17 December 2016, 14/8 of 29 November 2018, 14/10 and 14/30 of 29 December 2018 and 15/24 of 19 December 2022 in relation to cooperation and collaboration with relevant global and regional organizations and initiatives,

(PP4) [*Recalling further* General Assembly resolution 78/69 of 5 December 2023 on oceans and the law of the sea and its preambular paragraphs on the United Nations Convention on the Law of the Sea,[21,22]]

(PP5) [*Recalling* target 14.c of the Sustainable Development Goals, which is to enhance the conservation and sustainable use of oceans and their resources by

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[18] In the case of corrections of editorial errors of descriptions within national jurisdiction, the Secretariat shall consult with the State within whose jurisdiction the correction is proposed.

[19] Decision 15/4, annex.

[20] United Nations, *Treaty Series*, vol. 1760, No. 30619.

[21] United Nations, *Treaty Series*, vol. 1833, No. 31363.

[22] Türkiye dissociates itself from the reference made to the United Nations Convention on the Law of the Sea, to which it is not a Party. The participation of Türkiye in the discussions held under the present agenda item during the present meeting cannot be construed as a change in the well-known legal position of Türkiye with regard to said instrument.

implementing international law as reflected in the United Nations Convention on the Law of the Sea, as recalled in paragraph 158 of "The future we want",[4]]

(Alt PP4 and PP5) [*Recalling further* General Assembly resolution 66/288 of27 July 2012, entitled "The future we want", and the commitments contained therein to protecting, and restoring, the health, productivity and resilience of oceans and marine ecosystems and to maintaining their biodiversity, enabling their conservation and sustainable use for present and future generations,[4]]

(PP6) [*Recalling* United Nations Environment Assembly resolution 6/15 of 1 March 2024, entitled "Strengthening ocean efforts to tackle climate change, marine biodiversity loss and pollution",[4]]

(PP7) *Recognizing* the need to strengthen cooperation and collaboration with competent intergovernmental organizations, including on processes under regional seas conventions and action plans and regional fishery bodies, including through the Sustainable Ocean Initiative, as well as other organizations with competence in areas beyond national jurisdiction, in support of the conservation and sustainable use of marine and coastal biodiversity and island biodiversity, applying the ecosystem approach and the precautionary approach,[23] and using the best available science and traditional knowledge of indigenous peoples and local communities, with their free, prior and informed consent,[24] in accordance with relevant national legislation, international instruments, including the United Nations Declaration on the Rights of Indigenous Peoples,[25] and human rights law,

(PP8) *Acknowledging* the importance of best available science, information and technology for decision-making, as well as the traditional knowledge of indigenous peoples and local communities, and welcoming the work undertaken under the United Nations Decade of Ocean Science for Sustainable Development and the United Nations Decade on Ecosystem Restoration, as well as the work of the Regular Process for Global Reporting and Assessment of the State of the Marine Environment, including Socioeconomic Aspects and of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services,

(PP9) *Considering* that valuable guidance also emerges from the work of other competent intergovernmental organizations, which complements guidance provided by the Conference of the Parties,

(PP10) *Welcoming* the capacity-building, experience-sharing and partnership activities facilitated by the Secretariat to support the implementation of the Framework, including through the Sustainable Ocean Initiative, at the national, regional and global levels, in collaboration with Parties, other Governments, subnational governments, indigenous peoples and local communities, women, youth, economic sectors and relevant organizations, and expressing its gratitude to donor countries and many other partners for providing financial and technical support for the implementation of activities under the Initiative,

(PP11) *Welcoming also* the collaborative efforts carried out under the Secretariat of the Convention on Biological Diversity, the Food and Agriculture Organization of the United Nations, the United Nations Environment Programme, the Division for Ocean Affairs and the Law of the Sea of the United Nations Secretariat, the International Maritime Organization, the International Seabed Authority, regional seas conventions and action plans, regional fishery bodies, large marine ecosystem projects and programmes and other relevant United Nations bodies, international organizations

[23] Principle 15 of the Rio Declaration on Environment and Development.
[24] "Free, prior and informed consent" refers to the tripartite terminology of "prior and informed consent", "free, prior and informed consent" and "approval and involvement".
[25] General Assembly resolution 61/295, annex.

and regional organizations and initiatives to strengthen cross-sectoral cooperation on a regional and global scale in order to accelerate progress towards the Framework and the 2030 Agenda for Sustainable Development[26], including through the Sustainable Ocean Initiative Global Dialogue with Regional Seas Organizations and Regional Fishery Bodies,

(PP12) *Acknowledging* that, through the programmes of work on marine and coastal biodiversity and on island biodiversity, the Conference of the Parties has provided valuable guidance on a wide range of issues that is essential to the implementation of the Convention and the achievement of the 2050 vision for biodiversity and that the guidance should continue to be referred to in efforts to implement the Framework,

(PP13) [*Deeply concerned* about mass coral bleaching and the increasing risk [of passing irreversible tipping points] for coral reefs, [recalling decision 14/5 of 29 November 2018], [reaffirming decision X/33 on biodiversity and climate change] and stressing the urgent need to implement the targets of the Kunming-Montreal Global Biodiversity Framework that pertain to marine and coastal biodiversity and to island biodiversity[, in particular Target 8],]

[1. [*Welcomes*][*Notes*] the adoption of 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[,[27] and encourages Parties, and invites other Governments, to sign and ratify the Agreement at soon as possible];]

2. *Encourages* Parties, and invites other Governments participating in the intergovernmental negotiating committee to develop an international legally binding instrument on plastic pollution, including in the marine environment, to take into consideration the Kunming-Montreal Global Biodiversity Framework in its negotiations, as appropriate;

3. *Urges* Parties, and invites other Governments and relevant organizations and stakeholders, to accelerate the implementation of priority actions for coral reefs and closely associated ecosystems, as contained in the annex to decision XII/23, in the context of the Framework;

4. *Recognizes* that the programmes of work on marine and coastal biodiversity[28] and on island biodiversity,[29] together with relevant decisions of the Conference of the Parties, still correspond to global priorities and contain guidance that provide essential support for the implementation of the Framework;

[5. *Notes* that there are certain elements of the targets of the Framework for which there is limited guidance or tools available under the programmes of work on marine and coastal biodiversity and on island biodiversity and that may require enhanced action and attention to implement the Framework, [as listed in the annex to the present decision,] and that such work may take the form of new guidance, where needed, avoiding duplication and making use of existing tools and guidance developed by other organizations and frameworks, the synthesis of best practices and experiences, and capacity-building and development on the areas concerned;]

6. *Stresses* that there are many areas of the programmes of work on marine and coastal biodiversity and on island biodiversity that have not been fully implemented and for which the enhanced provision of financial resources, capacity-building and development, technical and scientific cooperation and access to and transfer of technology, in particular for developing countries, including least developed countries and small island developing States, is needed;

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[26] General Assembly resolution 70/1.
[27] A/CONF.232/2023/4.
[28] Decisions IV/5, annex, and VII/5, annex I.
[29] Decision VIII/1, annex.

7. *Also stresses* that a substantial and progressive increase in the level of financial resources, in an effective, timely and easily accessible manner and including national, international, public and private resources, is needed for the implementation of the Framework and of Sustainable Development Goals 14 and 15 with regard to marine, coastal and island ecosystems;

[8. *Invites* relevant global and regional organizations, bodies and initiatives, and related networks, to enhance their work on the issues listed in the annex to the present decision, in support of the implementation of the Framework, recognizing that many other organizations have mandates and are conducting work on issues relevant to the implementation of the Framework;]

[9. [*Welcomes*][*Notes*[*with appreciation*]] the ongoing work conducted under the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matters[30] and its Protocol[31] on marine geoengineering techniques that could have deleterious impacts on marine biodiversity;]

[10. *Notes* the ongoing work conducted under the International Convention for the Control and Management of Ships' Ballast Water and Sediments,[32] and encourages Parties, and invites other Governments, to sign and ratify that Convention;]

[11. *Requests* that, subject to the availability of resources, the Executive Secretary enhance cooperation and collaboration with competent international organizations with regard to the issues listed in the annex to the present decision, in line with their respective mandates, for:

[(a) Implementing the United Nations system-wide strategy for water and sanitation;]

(b) Compiling and making available, including through the clearing-house mechanism, relevant experiences on those issues from Parties, other Governments, competent intergovernmental organizations, indigenous peoples and local communities, and other relevant organizations and stakeholders;

(c) Integrating those issues, as appropriate, into relevant capacity-building and development, technical and scientific cooperation efforts undertaken under the Convention, including through the Sustainable Ocean Initiative;]

12. *Also requests* that the Executive Secretary continue the cooperation with the Division for Ocean Affairs and the Law of the Sea of the United Nations Secretariat and organizations with competence in marine areas beyond national jurisdiction, as appropriate and subject the availability of resources[, including in the context of 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;]

[13. *Further requests* that the Executive Secretary, subject to the availability of resources, convene an expert workshop, in collaboration with the secretariat established under that Agreement or, if it has yet to commence its functions, the Division for Ocean Affairs and the Law of the Sea, and with relevant global and regional organizations, on opportunities for specific areas of scientific and technical work conducted under the Convention on Biological Diversity to inform the implementation of the Agreement, and provide the results of the workshop for consideration by Subsidiary Body on Scientific, Technical and Technological Advice before the seventeenth meeting of the Conference of the Parties;]

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[30] United Nations, *Treaty Series*, vol. 1046, No. 15749.
[31] International Maritime Organization, document IMO/LC.2/Circ.380.
[32] International Maritime Organization, document BWM/CONF/36, annex.

14. *Requests* that the Executive Secretary, subject to the availability of resources:

(a) Continue to facilitate capacity-building and partnership activities, including through the Sustainable Ocean Initiative, with the participation of indigenous peoples and local communities, women and youth, in order to support the implementation of the Framework, including its monitoring framework,[33] with regard to marine and coastal biodiversity and island biodiversity;

(b) Continue to collaborate on processes carried out under the Food and Agriculture Organization of the United Nations, the United Nations Environment Programme, the Division for Ocean Affairs and the Law of the Sea, the International Maritime Organization, the International Seabed Authority, regional seas conventions and action plans, regional fishery bodies, large marine ecosystem projects and programmes and other relevant United Nations bodies, international organizations and regional initiatives to strengthen cross-sectoral cooperation at the regional and global scales in support of the implementation of the Framework, including through the Sustainable Ocean Initiative Global Dialogue with Regional Seas Organizations and Regional Fishery Bodies, in line with their respective mandates;

[(c) Enhance cooperation, collaboration or synergies, as appropriate, with other multilateral environmental agreements, global and regional organizations, indigenous peoples and local communities women and youth representatives and other relevant stakeholders, in accordance with human rights law, including the United Nations Declaration on the Rights of Indigenous Peoples, with regard to various thematic issues related to marine and coastal biodiversity in support of the implementation of the 2030 Agenda for Sustainable Development and the achievement of the Sustainable Development Goals.]

[Annex
Gaps and areas in need of additional focus under the Convention on Biological Diversity to support the implementation of the Kunming-Montreal Global Biodiversity Framework with regard to marine and coastal biodiversity and to island biodiversity

1. With regard to marine and coastal biodiversity, further efforts are needed, within the jurisdictional scope of the Convention:

(a) To enhance understanding of the scope and extent of degraded marine and coastal areas and the complexities of marine and coastal ecological restoration and enhance the use of active and passive restoration, including ecological restoration, in marine and coastal areas, building on experiences across various ecosystems and sectors and on different scales (most relevant to Target 2 of the Kunming-Montreal Global Biodiversity Framework);

(b) To improve the understanding and promote the effective implementation of area-based conservation measures, in particular systems of ecologically representative, well-connected and equitably governed marine protected areas and other effective area-based conservation measures in various sectors active in marine and coastal areas, ensuring that such measures deliver tangible outcomes beneficial for biodiversity (most relevant to Target 3);

(c) To prevent, mitigate or minimize human-wildlife conflict in marine and coastal areas, in particular with regard to threatened, endangered and vulnerable species (most relevant to Target 4);

(d) To implement the precautionary approach on geoengineering activities that may have impacts on marine and coastal biodiversity;

[33] Decision 15/5, annex I.

(e) To gather information on the threat status of marine and coastal species at the population and subpopulation levels (most relevant to Target 4);

(f) To assess, monitor and conserve the genetic diversity of marine and coastal species in support of conservation (most relevant to Target 4);

(g) To improve understanding of marine biodiversity across pelagic and benthic ecosystems, including with regard to linkages between them, in support of the conservation and sustainable use of marine and coastal biodiversity in mesopelagic areas (most relevant to Targets 3, 4 and 5);

(h) To assess and prevent, mitigate or minimize the individual and cumulative impacts of various types of pollution, including transboundary pollution, when the various types of pollution co-occur in marine and coastal areas (most relevant to Target 7);

(i) To assess and prevent, mitigate or minimize the transfer of invasive alien species, organisms and pathogens, including through ships' ballast water and biofouling (most relevant to Targets 6 and 7);

(j) To enhance the use of nature-based solutions and/or ecosystem-based approaches across a variety of coastal and marine ecosystems;

(k) To map, monitor and effectively manage and restore blue carbon ecosystems in order to better understand and support their role in climate change mitigation and adaptation without undermining the range of other ecosystems services that they provide (most relevant to Target 8);

(l) To conserve and sustainably use biodiversity associated with sea ice, and to improve understanding of the impacts of rapidly decreasing sea ice on marine ecosystems (most relevant to Targets 2, 3, 4 and 8);

(m) To sustainably manage aquaculture in marine and coastal areas, with a focus on preventing, mitigating or minimizing negative impacts on habitats and ecologically important species, while supporting the application of biodiversity friendly practices, creating local livelihoods and improving food security (most relevant to Target 10);

(n) To improve understanding of the contribution of marine and coastal blue spaces to healthy functioning ecosystems and to human health and well-being (most relevant to Target 12);

(o) To improve understanding of the multiple values of biodiversity across marine and coastal areas, in particular with regard to indigenous peoples and local communities, and integrate those values into planning and decision-making (most relevant to Targets 14 and 21);

(p) To enhance the implementation of legal, policy, administrative and capacity-building measures to ensure the fair and equitable sharing of benefits that arise from the utilization of marine genetic resources and from digital sequence information on marine genetic resources (most relevant to Target 13);

(q) To enhance measures to ensure the protection of traditional knowledge associated with marine and coastal biodiversity;

(r) To mainstream biodiversity into marine economic activities and sectors that have not been referred to under previous decisions, while also promoting collaboration under relevant intergovernmental processes (most relevant to Target 14);

(s) To identify, understand and avoid the negative impacts of harmful subsidies in fisheries and other sectors on marine and coastal ecosystems, and to eliminate, phase out or reform such subsidies in line with relevant international obligations (most relevant to Target 18);

(t) To improve the robust engagement of a broader range of stakeholders in the conservation and sustainable use of marine and coastal biodiversity, in particular by ensuring the full and effective participation of indigenous peoples and local communities, women and girls, children and youth and persons with disabilities (most relevant to Target 22);

(u) To integrate gender-responsive policies in the conservation and sustainable use of marine and coastal biodiversity, including through the implementation of the Gender Plan of Action (2023–2030)[34] in the context of specific marine sectors and ecosystems (most relevant to Target 23);

(v) To strengthen the monitoring, control and surveillance of protected areas and threatened and vulnerable species;

(w) To ensure the mobilization of funds to improve knowledge of marine and coastal biodiversity, in particular in areas with significant knowledge gaps;

(x) To ensure participation in decision-making, access to justice and information, and the protection of environmental human rights defenders in the context of marine and coastal biodiversity, following a human rights-based approach;

(y) To improve understanding of marine biodiversity in deep-sea ecosystems, including with regard to linkages between benthic and pelagic ecosystems, and to avoid harmful activities.

2. With regard to island biodiversity, further efforts are needed:

(a) To increase the effort and focus on the rehabilitation of degraded terrestrial, inland water and marine and coastal ecosystems under effective restoration and the percentage of terrestrial, inland water, marine and coastal areas to be conserved by 2030, taking into account linkages between land and sea (most relevant to Targets 2 and 3);

(b) To promote ecological restoration in island ecosystems, focusing on ecosystems that can contribute to disaster risk reduction and resilience to various pressures (most relevant to Targets 2 and 11);

(c) To engage various sectors and stakeholders in area-based conservation, ensuring that any sustainable use is consistent with conservation objectives (most relevant to Target 3);

(d) To identify and monitor islands and certain sites within island ecosystems as priority sites and areas for eradicating or controlling invasive alien species, in line with national circumstances and priorities (most relevant to Target 6);

(e) To improve understanding of pollution risks on islands and levels of pollution, including transboundary pollution, that are harmful to island biodiversity and ecosystem functions and services, taking into account food security and livelihoods (most relevant to Target 7);

(f) To assess and prevent, mitigate or minimize the cumulative impacts of various types of pollution when they co-occur in island ecosystems (most relevant to Target 7);

(g) To continue to improve understanding of the impacts of ocean acidification and warming, particularly in combination with other stressors, on island ecosystems, especially coral reefs, seagrass and mangroves, and to enhance the resilience of ecosystems vulnerable to those impacts (most relevant to Target 8);

(h) To enhance the coordination and integrated implementation of action on inland water systems and groundwater and wastewater management, considering the

[34] Decision 15/11, annex.

impacts of climate change and its corresponding effects on marine ecosystems and biodiversity;

(i) To enhance the use of nature-based solutions and/or ecosystem-based approaches across various types of island ecosystem and consider the full range of potential impacts of climate change on biodiversity (most relevant to Target 8);

(j) To enhance the use of ocean accounting and marine spatial planning to conserve and manage coastal and marine biodiversity in islands;

(k) To enhance the sustainable use of biodiversity, including through agroecological and other innovative approaches in the agriculture and aquaculture sectors, thereby contributing to food and water security and avoiding negative impacts, such as eutrophication, on marine and coastal ecosystems (most relevant to Target 10);

(l) To enhance the use of sustainable intensification, agroecological and other innovative approaches in the agriculture sector, thereby contributing to the resilience and long-term efficiency and productivity of those production systems, and to food security, conserving and restoring biodiversity and maintaining nature's contributions to people, including ecosystem functions and services (most relevant to Target 10);

(m) To mainstream biodiversity into sectors that have not been explicitly referred to in the programme of work and decisions related to island biodiversity (most relevant to Target 14);

(n) To improve understanding of multiple values of biodiversity across islands, in particular with regard to indigenous peoples and local communities, and integrate those values into planning and decision-making (most relevant to Targets 14 and 21);

(o) To ensure the robust engagement of a broader range of stakeholders in the conservation and sustainable use of island biodiversity, in particular by ensuring the full and effective participation of indigenous peoples and local communities, women and girls, children and youth and persons with disabilities (most relevant to Target 22);

(p) To integrate gender-responsive policies in the conservation and sustainable use of island biodiversity, including through the implementation of the Gender Plan of Action (2023–2030) (most relevant to Target 23);

(q) To ensure the mobilization of funds to improve knowledge of island biodiversity in those parts of the world where it is still poorly understood;

(r) To ensure that the implementation of the Framework in the context of island biodiversity follows a human rights-based approach.]