

Marine and coastal protected areas

The following is the draft decision on marine and coastal biological diversity taken at the recent CBD meet

Draft Decision Submitted by the Chair of the Working Group I on Marine and Coastal Biological Diversity

Review of the programme of work on marine and coastal biodiversity

The Conference of the Parties

1. *Takes note* that progress has been made in the implementation of the programme of work at the national, regional and global levels and that facilitation of implementation has been undertaken by the Secretariat;

2. *Recognizes* that the programme of work on marine and coastal biological diversity must incorporate a diverse range of tools and approaches and address the three objectives of the Convention, and notes the need to ensure integration between the programmes of work on protected areas and on marine and coastal biological diversity, and in particular the programme element on MCPAS, to ensure effective coordination in their implementation;

3. *Agrees* that the programme of work on marine and coastal biological diversity should be applied and interpreted consistently with national law, and where applicable, international law, including the United Nations Convention on the Law of the Sea;

4. *Decides* that the programme elements of the programme of work still correspond to global priorities, which are not fully implemented, and therefore *extends* the time period of the programme of work by an additional six years, taking into account the multi-year programme of work of the Conference of the Parties up to 2010;

5. *Notes* that the programme of work has been refined to take into account recent developments and new priorities and *endorses* for the guidance of Parties and any other relevant organizations or bodies the elaborated programme of work as presented in annex I to the present decision and its appendices 1-5, noting that Parties will implement those suggested activities that are consistent with their national priorities.;

6. *Welcomes* the entry into force of the Agreement on the Conservation of Albatrosses and Petrels, and *notes* the adoption of the International Convention for the control and management of ships' ballast water and sediments under IMO and *encourages* Parties to the CBD and other governments to consider ratifying these conventions.

7. *Agrees* that further technical advice is required to support the implementation of the programme elements related to sustainable use and to support the work of developing countries in achieving sustainable use of their marine and coastal areas, including in relation to tourism and fishing, and *requests* the Executive Secretary to work with the Food and Agriculture Organization of the United Nations (FAO) and other relevant organizations to develop that advice and support;

8. *Taking into account* the AHTEG report on biodiversity and climate change and the recommendations of SBSTTA at its ninth meeting and the decision of the Conference of the Parties at its seventh meeting on biodiversity and climate change, agrees that the programme of work on marine and coastal biodiversity should address issues related to biodiversity and climate change, and

further encourages Parties to make use of it as relevant source of useful information and take measures to manage coastal and marine ecosystems, including mangroves, seagrass beds and coral reefs so as to maintain their resilience to extreme climatic events;

9. Recognizing the particular significance of this programme of work to small island developing States, *invites* the Global Environment Facility, other funding institutions, and development agencies to provide financial support for the implementation of the elaborated programme of work on marine and coastal biodiversity; and its annexes and appendices

Marine and coastal protected areas

10. *Welcomes* the report of the Ad Hoc Technical Expert Group on Marine and Coastal Protected Areas (UNEP/CBD/SBSTTA/8/INF/7), / *expresses its gratitude* to the Governments of New Zealand and the United States of America, and the World Conservation Union (IUCN), for their financial, organizational and technical support for this work, and *expresses its gratitude* to the Chair and members of the Ad Hoc Technical Expert Group for their work;

11. *Notes* that marine and coastal biodiversity is under rapidly increasing and locally acute human pressure, such that globally, regionally and nationally marine and coastal biodiversity is

declining or being lost. One of the reasons for this level of threat is the very low level of development of marine and coastal protected areas;

12. *Notes* that marine and coastal protected areas have been proven to contribute to:

- (a) Protecting biodiversity;
- (b) Sustainable use of components of biodiversity; and
- (c) Managing conflict, enhancing economic well-being and improving the quality of life;

13. *Notes* that there are increasing numbers of marine and coastal protected areas, but in many cases they have not been effective because of problems related to their management (including as a result of lack of resources), size and habitat coverage;

14. *Notes also* that according to available data, marine and coastal ecosystems are severely underrepresented as protected areas, and these protected areas probably protect a very small proportion of marine and coastal environments globally and consequently make a relatively small contribution to sustainable management of marine and coastal biodiversity;

15. *Takes note with appreciation* of the joint note of the International Coral Reef Initiative and the Convention on

Biological Diversity (UNEP/CBD/COP/7/INF/26) on the ICRI resolution on small island States (see annex 1) and on cold water coral reefs (see annex 2) of the document. This is proposed pursuant to decision VI/3 of the Convention on Biological Diversity;

Goals of marine and coastal protected areas

16. *Agrees* that marine and coastal protected areas are one of the essential tools and approaches in the conservation and sustainable use of marine and coastal biodiversity

17. *Notes* that there is an international body of evidence demonstrating that those marine and coastal protected areas where extractive uses are excluded have benefits for fisheries in surrounding areas, and in many cases for communities, and for sustainable tourism and other economic activities within and outside the marine and coastal protected area;

18. *Agrees* that the goal for work under the Convention relating to marine and coastal protected areas should be:

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

19. *Notes* that the World Summit on Sustainable Development Plan of Implementation promotes the conservation and management of the oceans, and agreed to develop and facilitate the use of diverse approaches and tools, including the ecosystem approach, the elimination of destructive

fishing practices, the establishment of marine protected areas consistent with international law and based on scientific information, including representative networks, by 2012, and time/area closures for the protection of nursery grounds and periods, proper coastal land use; and watershed planning, and the integration of marine and coastal areas management into key sectors; and *agrees* to adopt this approach for the work of the Convention on marine and coastal protected areas, and to develop a strategy to meet this goal, including indicators of progress;

20. *Aware* that MCPAS should be part of a wider marine and coastal management framework, urges Parties and other governments, as appropriate, to make efforts to adopt, as a matter of high priority (while taking into account the resource limitations of small island developing States), such a framework, taking into account Appendix 3 of Annex I.

National framework of marine and coastal protected areas

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

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

22. *Agrees* that the balance between category (a) and (b) MCPAS in paragraph 21 above would be selected by the country concerned.

23. *Notes* that the Ad Hoc Technical Expert Group on MCPAs advised that certain objectives of MCPAs, such as scientific reference areas can only be accomplished through the establishment of category (b) MCPAs, and encourages Parties to take this advice into account when determining an appropriate balance between categories (a) and (b);

24. *Notes* that there are some benefits of the framework that can be provided with any degree of certainty only by including highly protected areas, and that to achieve the full benefits a network needs to include representative and distinctive areas and contain a sufficient area of the coastal and marine environment to be effective and ecologically viable;

25. *Agrees* that key factors for achieving effective management of marine and coastal protected areas include effective governance, clear national legal or customary frameworks to prevent damaging activities, effective compliance and enforcement, ability to control external activities that affect the marine and coastal protected area, strategic planning, capacity-building and having a sustainable financing for management;

26. *Urges* Parties to urgently address, through appropriate integrated marine and coastal management approaches, all threats, including those arising from the land (e.g. water quality, sedimentation)

and shipping/transport, in order to maximize the effectiveness of marine and coastal protected areas and networks in achieving their marine and coastal biodiversity objectives taking into account possible effects of climate change such as rising sea levels;

27. *Agrees* that the full participation of indigenous and local communities and relevant stakeholders is important for achieving the global goal, and for the establishment and maintenance of individual marine and coastal protected areas and national and regional networks in line with decision VII/—on protected areas;

28. *Notes* the technical advice provided by the Ad Hoc Technical Expert Group, contained in annex II to the present decision and in its report, relating to marine and coastal protected areas within national jurisdiction, and *urges* Parties and Governments to utilize that advice in their work to establish marine and coastal protected areas networks;

Marine protected areas in areas beyond national jurisdiction

29. *Notes* that there are increasing risks to biodiversity in marine areas beyond national jurisdiction and that marine and coastal protected areas are extremely deficient in purpose, numbers and coverage in these areas;

30. *Agrees* that there is an urgent need for international cooperation and action to improve conservation and sustainable use of biodiversity in marine areas beyond the limits of national jurisdiction, including the establishment of further marine protected areas consistent with international law, and based on scientific information, including areas such as seamounts, hydrothermal vents, cold-water corals and other vulnerable ecosystems;

31. *Recognizes* that the law of the sea provides a legal framework for regulating activities in marine areas beyond national jurisdiction and *requests* the Executive Secretary to urgently collaborate with the Secretary-General of the UN and relevant international and regional bodies in accordance with their mandates and their rules of procedure on the report called for in UNGA resolution 58/240 paragraph 52 and to support any work of UNGA in identifying appropriate mechanisms for the future establishment and effective management of marine protected areas beyond national jurisdiction.

Assessment, monitoring and research priorities

32. *Notes* that the research priorities and pilot projects set out in appendix 4 to annex I to the present decision would provide important assistance to national and, where appropriate, regional efforts to establish and maintain marine and coastal protected areas and national and regional networks, and that research programmes on the conservation of marine and coastal biodiversity resources are needed while setting up national biodiversity research priorities;

33. *Agrees* to incorporate the research priorities and pilot projects contained in appendix 4 to annex I to the present decision into the programme of work in marine and coastal biodiversity, and *requests* the Executive Secretary to identify partners to adopt the research priorities and undertake these projects as a matter of urgency;

34. *Notes* that it is necessary to develop research programmes on the conservation of marine biological diversity resources beyond marine and coastal protected

areas, with a view to establishing protected-area networks;

International support for the creation of networks of marine and coastal protected areas

35. *Urges* Parties, other Governments and relevant organizations to provide active financial, technical and other support for the establishment of a global system of marine and coastal protected area networks and the implementation within it of relevant provisions contained in this decision, including identification and removal of barriers to the creation of marine and coastal protected areas, and removal of perverse incentives for unsustainable activities in the marine and coastal environment, pursuant to decision VI/15, on incentive measures, within the framework of relevant marine-related international law;

36. *Decides* to examine the need for support through the financial mechanism to developing country Parties, in particular the least developed and small island developing States among them, for country-driven activities aimed at enhancing capabilities for activities relating to the establishment and maintenance of marine and coastal protected areas and networks of marine and coastal protected areas and in particular to assist Parties to develop systems to make their marine and coastal protection area networks self-sustaining in the medium to long term;

37. *Notes* that further technical advice related to network design and in particular ecological coherence of networks may be needed to assist Parties in implementation work, and request the Executive Secretary, in consultation with the Bureau of Subsidiary Body on Scientific, Technical and Technological Advice, to identify appropriate mechanisms for developing this advice.

Monitoring progress toward the global goal

38. *Invites* the UNEP-WCMC (World Conservation Monitoring Centre of the United Nations Environment Programme), in collaboration with relevant organizations and authorities, to provide and maintain up-to-date information on marine and coastal

protected areas, in line with the proposed categories for inventory and contextual information set out in annex III below, to provide a basis for the assessment work under the Convention;

39. *Requests* the Executive Secretary to provide an assessment of progress toward the global goal, as part of reporting on the programme of work on marine and coastal biological diversity;

Mariculture

40. *Welcomes* the summary report of the Ad Hoc Technical Expert Group on Mariculture (UNEP/CBD/SBSTTA/8/9/Add. 2) and the full report of the Group as presented as an information document for the eighth meeting of the Subsidiary Body on Scientific, Technical and Technological Advice (UNEP/CBD/SBSTTA/8/INF/6);

41. *Expresses its appreciation* to the Food and Agriculture Organization of the United Nations (FAO) for the technical support and meeting facilities provided for the meeting of the ad hoc technical expert group on mariculture;

42. *Takes note* of the negative biodiversity effects of mariculture, as described in section II of the summary report of the Ad Hoc Technical Expert Group on Mariculture, and of the methods and techniques available for their mitigation,

as described in section III of that summary report;

43. *Notes also* that the AHTEG in section IV of the summary report identified some positive effects for biodiversity of some forms of mariculture with native species,;

44. *Urges* Parties and other Governments to adopt the use of relevant methods and techniques for avoiding the adverse effects of mariculture on marine and coastal biological diversity, and incorporate them into their national biodiversity strategies and action plans;

45. *Recognizes* the complexity of mariculture activities, the highly variable circumstances of different geographical areas, mariculture practices and cultured species, as well as social, cultural and economic conditions, which will influence mitigation options, and, accordingly, taking into account the special needs of and the difficulties faced by stakeholders in developing countries, *recommends* that Parties and other Governments adopt the use of the following specific methods, techniques or practices for avoiding the adverse biodiversity-related effects of mariculture:

- (a) The application of environmental impact assessments, or similar assessment and monitoring procedures, for mariculture

- developments, with due consideration paid to the scale and nature of the operation, as well as carrying capacities of the environment, taking into account the guidelines on the integration of biodiversity considerations in environmental impact assessment legislation and/or processes and in strategic impact assessment, endorsed by the Conference of the Parties in its decision VI/7 A, as well as the recommendations endorsed in decision VI/10, annex II, on the conduct of cultural, environmental and social impact assessments regarding developments proposed to take place on, or which are likely to impact on, sacred sites and on lands and waters traditionally occupied or used by indigenous and local communities. There is a need to address the likely immediate, intermediate and long-term impacts on all levels of biodiversity;
- (b) Development of effective site-selection methods, in the framework of integrated marine and coastal area management, taking into account the special needs and difficulties encountered by stakeholders in developing countries;
- (c) Development of effective methods for effluent and waste control;
- (d) Development of appropriate genetic resource management plans at the hatchery level and in the breeding areas, including cryo-preservation techniques, aimed at biodiversity conservation;
- (e) Development of controlled low-cost hatchery and genetically sound reproduction methods, made available for widespread use, in order to avoid seed collection from nature, where appropriate. In cases where seed collection from nature cannot be avoided, environmentally sound practices for spat collecting operations should be employed;
- (f) Use of selective fishing gear in order to avoid or minimize by-catch in cases where seed are collected from nature;
- (g) Use of native species and subspecies in mariculture;
- (h) Implementation of effective measures to prevent the inadvertent release of mariculture species and fertile polyploids, including, in the framework of the Cartagena Protocol on Biosafety, living modified organisms (LMOs);
- (i) Use of proper methods of breeding and proper places of releasing in order to protect genetic diversity;
- (j) Minimizing the use of antibiotics through better husbandry techniques;
- (k) Ensure that fish stocks used for fishmeal and fish oil are managed in such a way as to be sustainable and to maintain the trophic web;
- (l) Use selective methods in industrial fisheries to avoid or minimize by-catch.
- (m) Considering traditional knowledge, where applicable, as a source to develop sustainable mariculture techniques;
46. *Urges* Parties and other Governments to adopt relevant best management practices and legal and institutional arrangements for sustainable mariculture, taking into account the special needs and difficulties encountered by stakeholders in developing countries, in particular through implementing Article 9 of Code of Conduct on Responsible Fisheries, as well as other provisions in the Code dealing with aquaculture, recognizing that it provides necessary guidance to develop legislative and policy frameworks at the national, regional and international levels;
47. *Requests* the Executive Secretary to undertake a comprehensive review of relevant documents on best practices

Annex I

Elaborated Programme of Work on Marine and Coastal Biological Diversity

Para 6,7 and 8 under Basic Principles are relevant to fishworkers.

6. The involvement of all relevant stakeholders in implementation of the programme of work should be promoted. The role of the Secretariat is to promote and facilitate the implementation of the programme of work.

7. The implementation of the programme of work should be carried out with the full and effective participation of indigenous and local communities as appropriate and respect of their rights under domestic and applicable international law. In this context, Article 6.18 of the FAO Code of Conduct for Responsible

Fisheries that highlights the need to protect the preferential access rights of fishers and fishworkers, particularly those engaged in subsistence, small scale and artisanal fisheries, to traditional fishing grounds and resources should be noted.

8. In accordance with the Millennium Development Goals, the implementation of the programme of work aims to make a direct contribution to poverty alleviation. Its successful implementation will require national and regional capacity-building and financial resources for developing country Parties, in particular the least developed and small island developing States among them.

relevant to mariculture, and to disseminate the results, as well as relevant case studies, through the clearing-house mechanism prior to the tenth meeting of the Subsidiary Body;

48. *Agrees* to incorporate the research and monitoring priorities identified by the Ad Hoc Technical Expert Group on Mariculture as outlined in appendix 5 to annex I to the present decision into the programme of work on marine and coastal biological diversity;

49. *Recommends* that the Executive Secretary, in collaboration with the Food and Agriculture Organization of the United Nations and other relevant organizations, explore ways and means for implementing these research and monitoring priorities, including an evaluation of means through which mariculture can be used to restore or maintain biodiversity;

50. *Recommends* that the Executive Secretary, in collaboration with the Food and Agriculture Organization of the United Nations and other relevant organizations, harmonize the use of terms in regards to mariculture by further developing and adopting the glossary of the Food and Agriculture Organization of the United Nations;

51. *Expresses its support* for regional and international collaboration to address transboundary impacts of mariculture on biodiversity, such as spread of disease and invasive alien species;

52. *Decides* to promote technical exchange and training programmes, and transfer of tools and technology;

53. *Decides* to examine the need for support through the financial mechanism to developing country Parties for country-driven activities aimed at enhancing capabilities to mitigate the adverse effects of mariculture on biological diversity;

Conservation and sustainable use of deep seabed genetic resources beyond national jurisdiction: arising from the study of the relationship between the Convention on Biological Diversity and the United Nations Convention on the Law of the Sea

54. *Requests* the Executive Secretary, in consultation with Parties and other Governments and the International Seabed Authority, and in collaboration with international organizations, such as the United Nations Division for Ocean Affairs and the Law of the Sea, the United Nations Environment Programme, and the Intergovernmental Oceanographic Commission of the United Nations

Educational, Cultural and Scientific Organization, if appropriate, to compile information on the methods for the identification, assessment and monitoring of genetic resources of the seabed and ocean floor and subsoil thereof, in areas beyond the limits of national jurisdiction; compile and synthesize information on their status and trends including identification of threats to such genetic resources and the technical options for their protection; and report on the progress made to the SBSTTA

55. Welcomes the United Nations General Assembly's resolution 58/240 and *invites* the Parties to raise their concerns regarding the issue of conservation and sustainable use of genetic resources of the deep seabed beyond limits of national jurisdiction at the next meeting of the General Assembly and further *invites* the General Assembly to further coordinate work relating to conservation and sustainable use of genetic resources of the deep seabed beyond the limits of national jurisdiction.

56. *Invites* Parties and other States to identify activities and processes under their jurisdiction or control which may have significant adverse impact on deep seabed ecosystems and species beyond the limits of national jurisdiction, in order to address Article 3 of the Convention.

Conservation and sustainable use of biological diversity in marine areas beyond the limits of national jurisdiction

57. *Recalling* paragraph 32(a) and (c) of the Johannesburg Plan of Implementation from the World Summit on Sustainable Development, that calls on the international community to "maintain the productivity and biodiversity of important and vulnerable marine and coastal areas, including in areas within and beyond national jurisdiction";

58. *Notes* that United Nations General Assembly in its resolution 58/240 of 23 December 2003, paragraph 51, has reiterated "its call for urgent consideration of ways to integrate and improve, on a scientific basis, the management of risks to the marine biodiversity of seamounts, cold water coral reefs and certain other underwater features";

59. *Recalls* paragraph 52 of the above-mentioned UNGA Resolution that "invites the relevant global and regional bodies, in accordance with their mandate, to investigate urgently how to better address, on a scientific basis, including the application of precaution, the threats and risks to vulnerable and threatened marine ecosystems and biodiversity beyond national jurisdiction; how existing treaties and other relevant instruments can be

used in this process consistent with international law, in particular with the Convention, and with the principles of an integrated ecosystem-based approach to management, including the identification of marine ecosystem types that warrant priority attention and to explore a range of potential approaches and tools for the protection and management”;

60. *Concerned about* the serious threats to the biological diversity, *stresses* the need for rapid action to address these threats on the basis of the precautionary approach and the ecosystem approach, in marine areas beyond the limits of national jurisdiction, in particular areas with seamounts, hydrothermal vents, and cold-water corals, other vulnerable ecosystems and certain other underwater features, resulting from processes and activities in such areas;

61. *Calls upon* the United Nations General Assembly and other relevant international and regional organizations, within their mandate, according to their rules of procedure, to urgently take the necessary short-term, medium-term and long-term measures to eliminate/avoid destructive practices, consistent with international law, on scientific basis, including the application of precaution, for example, on a case by case basis, interim prohibition of destructive practices adversely impacting the marine biological diversity associated with the areas identified in paragraph 60 above.

62. *Recommends* Parties to also urgently take the necessary short-term, medium-term and long-term measures to respond to the loss or reduction of marine biological diversity associated with the areas identified in paragraph 60 above. 3

This draft decision on the review of the programme of work on marine and coastal biological diversity (Agenda item 18.2) was submitted by the Chair of Working Group I of the Seventh Meeting of the Conference of the Parties to the Convention on Biological Diversity on 20 February 2004 at Kuala Lumpur