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CONVENTION ON BIOLOGICAL DIVERSITY
CONFERENCE OF THE PARTIES TO THE
CONVENTION ON BIOLOGICAL DIVERSITY

Tenth meeting
Nagoya, Japan, 18-29 October 2010
Agenda item 5.2

MARINE AND COASTAL BIODIVERSITY

Decision as adopted (Advance unedited version)*

The Conference of the Parties to the Convention on Biological Diversity

In-depth review of the progress made in the implementation of the elaborated programme of work on marine and coastal biological diversity, as contained in annex I to decision VII/5

1. *Expresses its appreciation* to Parties, other Governments and relevant organizations for submitting relevant information, such as third and fourth national reports, voluntary reports and other relevant reports;

2. *Takes note* of progress made in the implementation of the elaborated programme of work on marine and coastal biological diversity, as contained in the annex I to decision VII/5, at national, regional and global levels and that implementation has been facilitated by the Executive Secretary as well as relevant United Nations agencies and international organizations, but *notes with concern* that these efforts have not been able to prevent the serious decline in marine and coastal biodiversity and ecosystem services;

3. *Recognizes and supports* the establishment, under the United Nations and accountable to the General Assembly, of the Regular Process for Global Reporting and Assessment of the State of the Marine Environment including Socioeconomic Aspects and the work of United Nations Environment Programme (UNEP), United Nations Educational, Scientific and Cultural Organization (UNESCO) - Intergovernmental Oceanographic Commission (IOC) and the United Nations Division for Ocean Affairs and the Law of the Sea (UNDOALOS);

4. *Notes with concern* the slow progress towards achieving the 2012 target of establishment of marine protected areas, consistent with international law and based on the best scientific information available, including representative networks, and that despite efforts in the last few years, just over 1 per cent of the ocean surface is designated as protected areas, compared to nearly 15 per cent of protected-area coverage on land;

5. *Emphasizes* the need for a balanced approach to all elements of the programme of work on marine and coastal biodiversity, as contained in annex I to decision VII/5;

*** This is an advanced unedited text reflecting the decision as adopted on the basis of document UNEP/CBD/COP/10/L.42 and any amendments made during the closing Plenary session. It has not been formally edited. The final official version of the decision will be issued as part of the report of the meeting in due course.**

6. *Requests* Parties to implement actions at the national level and collaborate with activities related to the Global Programme of Action for the Protection of the Marine Environment from Land-Based Activities (GPA), taking into account national capacity and circumstances;

7. *Notes with concern* the adverse impact of climate change on marine and coastal biodiversity (e.g., sea level rise, ocean acidification, coral bleaching) and *recognizing* that the ocean is one of the largest natural reservoirs of carbon, which can significantly affect the rate and scale of global climate change, *invites* Parties, other Governments and relevant organizations to further integrate climate change-related aspects of marine and coastal biodiversity into relevant national strategies, action plans and programmes, including, *inter alia*, national biodiversity strategies and action plans (NBSAPs), national adaptation programmes of action (NAPAs), national integrated marine and coastal management programmes, the design and management of marine and coastal protected areas, including the selection of areas in need of protection to ensure maximum adaptive capacity of biodiversity, and other marine environment and resource management-related strategies;

8. *Stressing* the importance of marine and coastal biodiversity to the mitigation of and adaptation to climate change, *invites* Parties, other Governments, relevant organizations, and indigenous and local communities, to address climate-change adaptation and mitigation issues, in line with the decisions on the in-depth review of work on biodiversity and climate change (see decision X/xx on biodiversity and climate change) by:

(a) Highlighting the role and potential of marine and coastal ecosystems, such as coral reefs and estuaries, and habitats such as tidal salt marshes, mangroves and seagrasses;

(b) Extending their efforts in identifying current scientific and policy gaps in order to promote sustainable management, conservation and enhancement of natural carbon sequestration services of marine and coastal biodiversity;

(c) Identifying and addressing the underlying drivers of marine and coastal ecosystem loss and destruction, and improving the sustainable management of coastal and marine areas; and

(d) Enhancing their efforts to increase the resilience of coastal and marine ecosystems, through, *inter alia*, improved implementation, towards achieving the 2012 target of establishing marine protected areas, consistent with international law and based on best scientific information available, including representative networks;

9. In accordance with decision X/xx on biodiversity and climate change, requests the Executive Secretary to include the interaction between oceans and climate change and alternatives for mitigation and adaptation strategies when conveying the proposal to develop joint activities to the secretariats of the United Nations Framework Convention on Climate Change and the United Nations Convention on Combating Desertification;

10. *Emphasizing* that the world's oceans host most of the known phyla on Earth and contain between 500,000 and 10 million species, and that new oceanic species are continuously being discovered, particularly in the deep sea, *encourages* Parties, other Governments and organizations to further enhance globally networked scientific efforts, such as the Census of Marine Life (CoML) and the Ocean Biogeographic Information System (OBIS), to continue to update a comprehensive and accessible global database of all forms of life in the sea, and further assess and map the distribution and abundance of species in the sea, and *encourages* Parties and other Governments to foster further research activities, in accordance with international law, including the United Nations Convention on the Law of the Sea, to explore marine communities where the current level of knowledge is scarce or inexistent;

11. *Takes note* of the importance of collaboration and working jointly with relevant regional initiatives, organizations, and agreements in identifying ecologically or biologically significant marine areas (EBSAs), in accordance with international law, including the United Nations Convention on the Law of the Sea, in particular in enclosed or semi-enclosed seas, among riparian countries, such as the Caspian and Black Seas, the Regional Organization for the Protection of the Marine Environment (ROPME) region, Baltic Sea, Wider Caribbean Region, Mediterranean Sea, and other similar sea areas and to promote conservation and sustainable use of biodiversity in those areas;

12. *Understanding* that regional progress has been made in analysing the impacts of underwater noise on marine and coastal biodiversity, such as under the Convention on Migratory Species, the Convention for the Protection of the Marine Environment of the North-East Atlantic (OSPAR Convention), the Agreement on the Conservation of Cetaceans in the Black Sea, Mediterranean Sea and contiguous Atlantic area (ACCOBAMS), the International Whaling Commission (IWC), and International Maritime Organization (IMO), and recognizing the role of the Convention on Biological Diversity in supporting global cooperation, *requests* the Executive Secretary, in collaboration with Parties, other Governments, and relevant organizations, to compile and synthesize available scientific information on anthropogenic underwater noise and its impacts on marine and coastal biodiversity and habitats, subject to availability of financial resources, and make such information available for consideration at a future meeting of the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) as well as other relevant organizations prior to the eleventh meeting of the Conference of the Parties;

13. *Reaffirming* that the programme of work still corresponds to global priorities, has been further strengthened through decisions VIII/21, VIII/22, VIII/24, and IX/20, but is not fully implemented, therefore encourages Parties to continue to implement these programme elements, and *endorses* the following guidance, where applicable and in accordance with national capacity and circumstances, for enhanced implementation:

(a) Further efforts on improving the coverage, representativity and other network properties, as identified in annex II to decision IX/20, of the global system of marine and coastal protected areas, in particular identifying ways to accelerate progress in establishing ecologically representative and effectively managed marine and coastal protected areas under national jurisdiction or in areas subject to international regimes competent for the adoption of such measures, and achieving the commonly agreed 2012 target of establishing marine and coastal protected areas, in accordance with international law, including the UN Convention on the Law of the Sea, and based on the best scientific information available, including representative networks;

(b) Further efforts on promoting full and effective participation of indigenous and local communities, in line with programme element 2 of the programme of work on protected areas (decision VII/28), ensuring that the establishment and management of marine and coastal protected areas aims to make a direct contribution, where appropriate, to poverty alleviation (decision VII/5, annex I, paragraph 8);

(c) Cooperating with the United Nations General Assembly, in particular the Ad Hoc Open-ended Informal Working Group, to expedite its work on approaches to promote international cooperation and coordination for the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction and the Regular Process for Global Reporting and Assessment of the State of Marine Environment including Socioeconomic Aspects, and supporting Parties as well as competent international organizations on scientific and technical issues relating to the identification of ecologically or biologically significant marine areas (EBSAs), in accordance with international law, including the United Nations Convention on the Law of the Sea, and based on the best scientific

information available, considering, where appropriate, the indicative list of activities contained in annex I to this decision;

(d) Addressing climate-change-related aspects of marine and coastal biodiversity, including the potential adverse impacts on marine and coastal biodiversity of ocean acidification as a direct consequence of the increased concentration of carbon dioxide in the atmosphere;

(e) Ensuring that no ocean fertilization takes place unless in accordance with decision IX/16 C and *taking note* of the report (UNEP/CBD/SBSTTA/14/INF/7) and developments noted paragraphs 57 – 62;

(f) Avoiding to the extent possible potential adverse impacts on marine and coastal biodiversity of other human responses to climate change;

(g) Further efforts, in collaboration with the Food and Agriculture Organization of the United Nations (FAO), and relevant international and regional organizations, including regional fisheries management organizations (RFMOs), as appropriate, and in accordance with international law, including the UN Convention on the Law of the Sea, to ensure the sustainability of fisheries, by managing the impacts of fisheries on species and the wider ecosystem to achieve the outcomes of Target 6 of the Revised and Updated Strategic Plan 2011-2020, through implementing the ecosystem approach; eliminating illegal, unreported and unregulated (IUU) fishing; minimizing the detrimental impacts of fishing practices; mitigating and managing by-catches sustainably and reducing discards, in order to attain a sustainable exploitation level of marine fishery resources and thereby contributing to a good environmental status in marine and coastal waters;

(h) Further efforts to minimize the specific as well as cumulative detrimental impacts, where they occur, of human activities on marine and coastal biodiversity, e.g. shipping, extraction of living and non-living resources, biotechnology, scientific research, infrastructure, waste disposal, tourism and other human activities, and further emphasis on the contribution of environmental impact assessments (EIAs) and strategic environmental assessments (SEAs) to further strengthening sustainable use of living and non-living resources both in areas within and beyond national jurisdiction;

(i) The valuation of marine and coastal biodiversity and ecosystem services and its integration into national accounting systems in order to increase sectoral integration;

(j) Further efforts on sea areas that are affected by multiple direct and indirect anthropogenic influences originating from the watershed area, and where the biodiversity issues require an integrated holistic approach aiming to improve the water quality and restore the health and functioning of the whole ecosystem;

(k) Collaboration with the Regular Process for Global Reporting and Assessment of the State of the Marine Environment including Socioeconomic Aspects and the proposed new Intergovernmental Platform on Biodiversity and Ecosystem Services (IPBES), to advance the CBD programme of work on marine and coastal biodiversity (annex I to decision VII/5);

(l) The new Strategic Plan of the Convention 2011- 2020;

(m) Carrying out assessments on the status and trends of cold-water coral reef ecosystems, seamounts, and hydrothermal vents;

14. *Requests* the Executive Secretary to work together with other relevant bodies in order to better understand the management of invasive alien species in the marine and coastal environment and to make the results of the collaboration available to Parties;

15. *Urges* Parties and other Governments to achieve long-term conservation, management and sustainable use of marine resources and coastal habitats, and to effectively manage marine protected areas, in accordance with international law, including the United Nations Convention on the Law of the Sea, in order to safeguard marine and coastal biodiversity and marine ecosystem services, sustainable livelihoods, and to adapt to climate change, through appropriate application of the precautionary approach and ecosystem approaches, including the use of available tools such as integrated river basin and integrated coastal zone management, marine spatial planning, and impact assessments;

16. *Decides* to align the targets of the programme of work on marine and coastal biodiversity with specific indicators and timelines, included in the revised Strategic Plan 2011 – 2020 of the Convention on Biological Diversity and the agreed post-2010 targets;

17. *Invites* Parties to link these indicators and timelines to national targets and indicators, and use this framework to focus monitoring;

18. *Urges* Parties and other Governments, as appropriate, to strengthen and establish, where necessary, targets at the national level for the implementation of the programme of work on marine and coastal biodiversity and to incorporate these into revised national biodiversity strategies and action plans with specific timelines, responsibilities and budgets, and means for implementation, as a contribution to the revised Strategic Plan of the Convention for the period 2011- 2020;

19. *Requests* the Executive Secretary, in collaboration with the Ramsar Secretariat and the Scientific and Technical Review Panel, to review opportunities for strengthening implementation of the coastal components of the programme of the work on marine and coastal biodiversity, in relation to the actions requested in paragraph 16 of decision X/xx (UNEP/CBD/COP/10/WG.1/CRP.2);

20. *Invites* the Global Environment Facility and other donors and funding agencies, as appropriate, to consider extending support for capacity-building to developing countries, small island developing States, least developed countries, and countries with economies in transition, in order to implement the present decision, and in particular:

- (a) With respect to the invitation in paragraph 38 of this decision
- (b) To facilitate the participation in targeted research schemes called for in paragraphs 10 and 48 of the present decision, and including those promoted by the International Seabed Authority; and
- (c) To support initiatives identified in paragraphs 74 and 76 of the present decision.

Identification of ecologically or biologically significant areas (EBSAs) and scientific and technical aspects relevant to environmental impact assessment in marine areas

21. *Reiterating* the United Nations General Assembly's central role in addressing issues relating to the conservation and sustainable use of biodiversity in marine areas beyond national jurisdiction;

22. *Recalling* that General Assembly resolution 64/71 emphasized the universal and unified character of the United Nations Convention on the Law of the Sea and reaffirmed that the United Nations Convention on the Law of the Sea sets out the legal framework within which all activities in the oceans

and seas must be carried out, and that its integrity needs to be maintained, as recognized also by the United Nations Conference on Environment and Development in chapter 17 of Agenda 21;

23. *Recalling* the General Assembly resolution 64/71 on oceans and the law of the sea;

24. *Recognizes* that the Convention on Biological Diversity has a key role in supporting the work of the General Assembly with regard to marine protected areas beyond national jurisdiction, by focusing on provision of scientific and, as appropriate, technical information and advice relating to marine biological diversity, the application of the ecosystem approach and the precautionary approach;

25. *Notes* that the application of the scientific criteria in annex I of decision IX/20 for the identification of ecologically and biologically significant areas presents a tool which Parties and competent intergovernmental organizations may choose to use to progress towards the implementation of ecosystem approaches in relation to areas both within and beyond national jurisdiction, through the identification of areas and features of the marine environment that are important for conservation and sustainable use of marine and coastal biodiversity;

26. *Notes* that the application of the ecologically or biologically significant areas (EBSAs) criteria is a scientific and technical exercise, that areas found to meet the criteria may require enhanced conservation and management measures, and that this can be achieved through a variety of means, including marine protected areas and impact assessments, and *emphasizes* that the identification of ecologically or biologically significant areas and the selection of conservation and management measures is a matter for States and competent intergovernmental organizations, in accordance with international law, including the UN Convention on the Law of the Sea;

27. *Acknowledges* the report on Global Open Oceans and Deep Seabed (GOODs) Biogeographic Classification published by the United Nations Educational, Cultural and Scientific Organization (UNESCO)-Intergovernmental Oceanographic Commission (IOC) and IUCN, which was submitted pursuant to paragraph 6 of decision IX/20, as a source of scientific and technical information that may assist States and competent intergovernmental organizations with the identification of representative networks of marine protected areas (MPAs);

28. *Invites* Parties, other Governments and relevant organizations to use the scientific guidance on the use and further development of biogeographic classification systems, contained in annex V to the report of the Ottawa Expert Workshop (UNEP/CBD/SBSTTA/14/INF/4), in their efforts to conserve and sustainably use marine and coastal biodiversity, and to enhance ocean management at a large ecosystem scale, in particular to achieve the 2012 target of the World Summit on Sustainable Development to establish marine protected areas, in accordance with international law and based on best scientific information available, including representative networks;

29. *Expresses its gratitude* to the Governments of Canada and Germany for co-funding, and Canada for hosting, the Expert Workshop on Scientific and Technical Guidance on the Use of Biogeographic Classification Systems and Identification of Marine Areas Beyond National Jurisdiction in Need of Protection, held in Ottawa, from 29 September to 2 October 2009, to other Governments and organizations for sponsoring the participation of their representatives, and to the Global Ocean Biodiversity Initiative (GOBI) for its technical assistance and support; and *takes note of* the report of this Expert Workshop (UNEP/CBD/SBSTTA/14/INF/4);

30. *Recalling* decision IX/20 and the outcome from the Ottawa Workshop, *invites* the Ad Hoc Open-ended Informal Working Group of the United Nations General Assembly to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction, Parties, other Governments, and competent intergovernmental organizations to consider the

use of, as appropriate, the scientific guidance on the identification of marine areas beyond national jurisdiction, which meet the scientific criteria in annex I to decision IX/20, as contained in annex 6 to this Expert Workshop Report (UNEP/CBD/SBSTTA/14/INF/4) ;

31. *Notes* that the Ottawa workshop (UNEP/CBD/SBSTTA/14/INF/4) identified a number of opportunities for collaboration between the Convention on Biological Diversity, in its work on ecologically or biologically significant marine areas (EBSAs) (decision IX/20, annex I), and the Food and Agriculture Organization of the United Nations (FAO), in its work on vulnerable marine ecosystems (VMEs);

32. *Encourages* Parties, other Governments and competent intergovernmental organizations to cooperate, as appropriate, collectively or on a regional or subregional basis, to identify and adopt, according to their competence, appropriate measures for conservation and sustainable use in relation to ecologically or biologically significant areas, and in accordance with international law, including the United Nations Convention on the Law of the Sea, including by establishing representative networks of marine protected areas in accordance with international law, including the United Nations Convention on the Law of the Sea, and based on best scientific information available, and to inform the relevant processes within the United Nations General Assembly;

33. *Noting* the slow progress in establishing MPAs in areas beyond national jurisdiction, and the absence of a global process for designation of such areas, *emphasizes* the need to enhance efforts towards achieving the 2012 target of establishment of representative network of MPAs, in accordance with international law, including the United Nations Convention on the Law of the Sea, and, *recalling* the role of United Nations General Assembly in this respect, *invites* the United Nations General Assembly to request the Secretary-General to convene during 2011 a meeting of the Ad Hoc Open-ended Informal Working Group to expedite its work on approaches to promote international cooperation and coordination for the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction, and consideration of issues of MPAs, and *urges* Parties to take action as necessary to advance the work in that group;

34. *Recalling* decision IX/20, identification of ecologically or biologically significant areas (EBSAs) should use the best available scientific and technical information and, as appropriate, integrate the traditional scientific, technical, and technological knowledge of indigenous and local communities, consistent with Article 8(j) of the Convention;

35. *Requests* the Executive Secretary to work with Parties, other Governments, the Food and Agriculture Organization (FAO) of the United Nations, UNESCO/IOC, in particular the Ocean Biogeographic Information System, the Central Data Repository run by International Seabed Authority (ISA), and other relevant international scientific partnerships producing credible, quality-controlled scientific information (OBIS), such as the World Conservation Monitoring Centre of the United Nations Environment Programme (UNEP-WCMC), the Global Ocean Biodiversity Initiative (GOBI), to facilitate availability and inter-operability of the best available marine and coastal biodiversity data sets and information across global, regional and national scales;

36. *Requests* the Executive Secretary to work with Parties and other Governments as well as competent organizations and regional initiatives, such as the Food and Agriculture Organization of the United Nations (FAO), regional seas conventions and action plans, and, where appropriate, regional fisheries management organizations, with regards to fisheries management, to organize, including the setting of terms of references, subject to the availability of financial resources, a series of regional workshops, before a future meeting of the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) prior to the eleventh meeting of the Conference of the Parties to the Convention, with

a primary objective to facilitate the description of ecologically or biologically significant marine areas through application of scientific criteria in annex I of decision IX/20 as well as other relevant compatible and complementary nationally and intergovernmentally agreed scientific criteria, as well as the scientific guidance on the identification of marine areas beyond national jurisdiction, which meet the scientific criteria in annex I to decision IX/20;

37. *Emphasizes* that additional workshops are likely to be necessary for training and capacity-building of developing country Parties, in particular the least developed countries and small island developing States among them, as well as countries with economies in transition, as well as through relevant regional initiatives, and that these workshops should contribute to sharing experiences related to integrated management of marine resources and the implementation of marine and coastal spatial planning instruments, facilitate the conservation and sustainable use of marine and coastal biodiversity, and may address other regional priorities that are brought forward as these workshops are planned;

38. *Invites* the Global Environment Facility and other donors and funding agencies, as appropriate, to extend support for capacity-building to developing countries, small island developing States, least developed countries, and countries with economies in transition, in order to identify ecologically or biologically significant and/or vulnerable marine areas in need of protection, as called for in paragraph 18 of decision IX/20 and develop appropriate protection measures in these areas, within the context of paragraphs 36 and 37;

39. *Requests* the Executive Secretary, in collaboration with Parties and other Governments, the Food and Agriculture Organization of the United Nations (FAO), UNDOALOS, UNESCO/IOC, in particular OBIS, and other competent organizations, the World Conservation Monitoring Centre of the United Nations Environment Programme (UNEP-WCMC) and the Global Ocean Biodiversity Initiative (GOBI), to establish a repository for scientific and technical information and experience related to the application of the scientific criteria on the identification of EBSAs in annex I of decision IX/20, as well as other relevant compatible and complementary nationally and intergovernmentally agreed scientific criteria that shares information and harmonizes with similar initiatives, and to develop an information-sharing mechanism with similar initiatives, such as FAO's work on vulnerable marine ecosystems (VMEs);

40. *Requests* the Executive Secretary to prepare, in collaboration with the relevant international organizations, a training manual and modules in UN working languages, subject to the availability of financial resources, which can be used to meet the capacity-building needs for identifying ecologically or biologically significant marine areas using the scientific criteria in annex I to decision IX/20 having regard to other relevant compatible and complementary intergovernmentally agreed scientific criteria as well as the scientific guidance on the identification of marine areas beyond national jurisdiction, which meet the scientific criteria in annex I to decision IX/20, taking into account the results of the Ottawa workshop;

41. *Requests* that the Executive Secretary make available the scientific and technical data and information and results collated through the workshops referred to in paragraph 36 to participating Parties, other Governments, intergovernmental agencies and the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) for their use according to their competencies;

42. *Requests* the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) to prepare reports based on scientific and technical evaluation of information from the workshops, setting out details of areas that meet the criteria in annex I to decision IX/20 for consideration and endorsement in a transparent manner by the Conference of the Parties to the Convention, and *requests* the Conference of the Parties to include the endorsed report in the repository referred to in paragraph 39

and submit the endorsed report to UNGA, particularly the Ad Hoc Open-ended Informal Working Group, as well as relevant international organizations, Parties and other Governments;

43. *Recalling* paragraph 18 of decision IX/20, *invites* Parties and other Governments to provide for inclusion in the repository, scientific and technical information and experience relating to the application of the criteria in annex I to decision IX/20 or other relevant compatible and complementary nationally and intergovernmentally agreed scientific criteria to areas within national jurisdiction before the eleventh meeting of the Conference of the Parties;

44. *Further requests* the Executive Secretary to report on the status of this collaboration, as referred to in paragraph 39, to a future meeting of the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) for consideration by the eleventh meeting of the Conference of the Parties, and to inform the United Nations General Assembly as well as competent international organizations, such as International Seabed Authority (ISA) and the International Maritime Organization (IMO), of progress in this regard;

45. *Decides* to review the status and outcomes of application of the criteria for ecologically or biologically significant marine areas as part of its consideration of the work contributing to the implementation of the 2012 target related to marine protected areas;

46. *Requests* the Executive Secretary to explore, together with secretariats of regional initiatives, regional seas organizations and agreements mandated to promote conservation and sustainable use of biodiversity in enclosed or semi-enclosed seas, the possibility for cooperation, including the identification, development and implementation of targeted joint activities to support biodiversity conservation and sustainable use in those regions;¹

47. *Recalling* decision IX/20, paragraph 27, *requests* the Executive Secretary to undertake, subject to availability of financial resources, a study, within a context of Article 8(j) and related provisions, to identify specific elements for integrating the traditional, scientific, technical and technological knowledge of indigenous and local communities, consistent with Article 8(j) of the Convention, and social and cultural criteria and other aspects for the application of scientific criteria in annex I to decision IX/20 for the identification of ecologically or biologically significant areas as well as the establishment and management of marine protected areas, and make the report available at the eleventh meeting of the Conference of the Parties to the Convention and transmit the findings to the relevant United Nations General Assembly processes, including the Ad Hoc Open-ended Informal Working Group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction;

48. *Invites* Parties and other Governments to foster research and monitoring activities, in accordance with international law, including the United Nations Convention on the Law of the Sea, to improve information on key processes and influences on the marine and coastal ecosystems which are critical for structure, function and productivity of biological diversity in areas where knowledge is scarce and to facilitate the systematic collection of relevant information in order to continue proper monitoring of these areas;

49. *Expresses* its gratitude to the Government of the Philippines and the GEF/UNDP/UNOPS Partnerships in Environmental Management for the Seas of East Asia (PEMSEA) for co-hosting, and the European Commission for providing financial support for, the Expert Workshop

¹ In this respect the Secretariat of the Convention on Biological Diversity has been encouraged to initiate collaboration with regional initiatives, organizations and agreements, such as the Economic Cooperation Organization (ECO), Caspian Environment Programme (CEP) and Regional Organization on the Protection of the Marine Environment (ROPME).

on Scientific and Technical Aspects relevant to Environmental Impact Assessment in Marine Areas Beyond National Jurisdiction, held in Manila from 18 to 20 November 2009, and to other Governments and organizations for sponsoring the participation of their representatives, and *welcomes* the report of this Expert Workshop (UNEP/CBD/SBSTTA/14/INF/5);

50. *Requests* the Executive Secretary to facilitate the development of voluntary guidelines for the consideration of biodiversity in environmental impact assessments (EIAs) and strategic environmental assessments (SEAs) in marine and coastal areas using the guidance in annexes II, III and IV to the Manila workshop report (UNEP/CBD/SBSTTA/14/INF/5), provide for technical peer review of those guidelines, and submit them for consideration to a future meeting of the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) prior to the eleventh meeting of the Conference of the Parties, *recognizing* that these guidelines would be most useful for activities that are currently unregulated with no process of assessing impacts;

51. *Takes note*, with appreciation, of the adoption by International Seabed Authority of the Regulations on Prospecting and Exploration for Polymetallic Sulphides in the Area, which requires the mandatory submission of an impact assessment of the potential effects on the marine environment, and *urges* Parties and *invites* other Governments and intergovernmental organizations to implement these Regulations;

Impacts of unsustainable fishing such as destructive fishing practices, overfishing, and illegal, unreported and unregulated (IUU) fishing on marine and coastal biodiversity

52. *Expresses its appreciation* to the Food and Agriculture Organization of the United Nations (FAO) and to the United Nations Environment Programme (UNEP) for the financial and technical support, and the Fisheries Expert Group (FEG) of the Commission on Ecosystem Management (CEM) of the International Union for the Conservation of Nature (IUCN) for the technical support provided for the FAO/UNEP Expert Meeting on Impacts of Destructive Fishing Practices, Unsustainable Fishing and Illegal, Unreported and Unregulated (IUU) Fishing on Marine Biodiversity and Habitats, which was organized in collaboration with the Secretariat of the Convention on Biological Diversity in pursuance of paragraph 2 of decision IX/20, at FAO, Rome, from 23 to 25 September 2009, and *takes note* of the report of this Expert Meeting, contained in document UNEP/CBD/SBSTTA/14/INF/6;

53. In view of the identified information gaps and constraints in undertaking the scientific review due to limited resources available for the initial collaboration efforts with the Food and Agriculture Organization of the United Nations (FAO) and the United Nations Environment Programme (UNEP), and *noting* an urgent need to further review, in accordance with international law, including the United Nations Convention on the Law of the Sea, the impacts of unsustainable fishing, such as destructive fishing practices, overfishing, and illegal, unreported and unregulated (IUU) fishing, on marine and coastal biodiversity and habitats, building upon the initial efforts, *requests* the Executive Secretary to collaborate with the Food and Agriculture Organization of the United Nations (FAO), the United Nations Environment Programme (UNEP), regional fisheries management organizations (RFMOs), as appropriate, and in accordance with international law, including the UN Convention on the Law of the Sea, IUCN-FEG (IUCN Fisheries Expert Group), and other relevant organizations, processes, and scientific groups, subject to the availability of financial resources, on *ad hoc* organization of a joint expert meeting, where possible through existing assessment mechanisms, to review the extent to which biodiversity concerns, including the impacts on marine and coastal biodiversity of pelagic fisheries of lower trophic levels, are addressed in existing assessments and propose options to address biodiversity concerns and report on the progress of such collaboration at a future meeting of the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) prior to the eleventh meeting of the Conference of the Parties;

54. *Encourages* Parties and other Governments to fully and effectively implement paragraphs 113 through 130 of the United Nations General Assembly resolution 64/72 on responsible fisheries in the marine ecosystem, addressing the impacts of bottom fishing on vulnerable marine ecosystems and the long-term sustainability of deep-sea fish stocks, in areas beyond national jurisdiction, in particular paragraphs 119 and 120 of the resolution, calling on States and/or regional fisheries management organizations (RFMOs), consistent with the Food and Agriculture Organization of the United Nations International Guidelines for the Management of Deep-Sea Fisheries in the High Seas and consistent with the precautionary approach, to conduct impact assessments, conduct further marine scientific research and use the best scientific and technical information available to identify areas where vulnerable marine ecosystems are known or likely to occur, either adopt conservation and management measures to prevent significant adverse impacts on such ecosystems or close such areas to fishing, and adopt measures to ensure the long-term sustainability of deep-sea fish stocks (both target- and non-target stocks), and not to authorize bottom-fishing activities until such measures have been adopted and implemented;

55. *Urges* Parties and other Governments to consider ratifying the Food and Agriculture Organization of the United Nations agreement on Port States measures to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing and to implement, where applicable, the United Nations Fish Stocks Agreement, particularly in relation to the application of the ecosystem and precautionary approaches and the elimination of overcapacity, as well as relevant FAO's international plan of action (IPOAs) and develop national or regional plans of action or equivalent in order to mitigate the impacts of overcapacity of fishing fleets, destructive fishing practices, unsustainable fishing and illegal, unreported and unregulated (IUU) fishing, including through their participation in regional fisheries management organizations (RFMOs), as appropriate;

56. *Encourages* Parties and other Governments to take appropriate measures, where necessary, to improve the sustainability of harvesting of coastal and inshore marine resources so that overfishing is avoided; such measures should be undertaken together with coastal communities dependent on these resources, and mindful of socio-economic constraints, with the aim to achieve Target 6 of the Revised and Updated Strategic Plan for the period 2011-2020; and *urges* Parties, other Governments, inter-governmental organizations and non-governmental organizations in a position to do so, to support capacity-building in this area, for developing countries, in particular the least-developed coastal and small island developing States;

Impacts of ocean fertilization on marine and coastal biodiversity

57. *Welcomes* the report on compilation and synthesis of available scientific information on potential impacts of direct human-induced ocean fertilization on marine biodiversity (UNEP/CBD/SBSTTA/14/INF/7), which was prepared in collaboration with United Nations Environment Programme - World Conservation Monitoring Centre (UNEP-WCMC) and the International Maritime Organization in pursuance of paragraph 3 of decision IX/20;

58. *Recalling* the important decision IX/16 C on ocean fertilization, reaffirming the precautionary approach, *recognizes* that given the scientific uncertainty that exists, significant concern surrounds the potential intended and unintended impacts of large-scale ocean fertilization on marine ecosystem structure and function, including the sensitivity of species and habitats and the physiological changes induced by micro-nutrient and macro-nutrient additions to surface waters as well as the possibility of persistent alteration of an ecosystem, and *requests* Parties to implement decision IX/16 C;

59. *Notes* that the governing bodies under the London Convention and Protocol adopted in 2008 resolution LC-LP.1 (2008) on the regulation of ocean fertilization, in which Contracting Parties

declared, *inter alia*, that given the present state of knowledge, ocean fertilization activities other than legitimate scientific research should not be allowed;

60. *Recognizes* the work underway within the context of the London Convention and London Protocol to contribute to the development of a regulatory mechanism referred to in decision IX/16 C, and *invites* Parties and other Governments to act in accordance with the Resolution LC-LP.2(2010) of the London Convention and Protocol;

61. *Notes* that in order to provide reliable predictions on the potential adverse impacts on marine biodiversity of activities involving ocean fertilization, further work to enhance our knowledge and modelling of ocean biogeochemical processes is required, in accordance with decision IX/16 C and taking into account decision IX/20 and LC-LP.2 (2010);

62. *Notes* also that there is a pressing need for research to advance our understanding of marine ecosystem dynamics and the role of the ocean in the global carbon cycle;

Impacts of ocean acidification on marine and coastal biodiversity

63. *Welcomes* the compilation and synthesis of available scientific information on ocean acidification and its impacts on marine biodiversity and habitats (UNEP/CBD/SBSTTA/14/INF/8), which was prepared in collaboration with UNEP-WCMC in pursuance of paragraph 4 of decision IX/20;

64. *Expresses its serious concern* that increasing ocean acidification, as a direct consequence of increased carbon dioxide concentration in the atmosphere, reduces the availability of carbonate minerals in seawater, important building blocks for marine plants and animals; for example by 2100 it has been predicted that 70 per cent of cold-water corals, key refuges and feeding grounds for commercial fish species, will be exposed to corrosive waters, *noting* that under a business-as-usual scenario, given current emission rates, it is predicted that 10 per cent of the surface waters of the highly productive Arctic Ocean will become under-saturated with respect to essential carbonate minerals by the year 2032, and the Southern Ocean will begin to become under-saturated with respect to essential carbonate minerals by 2050, with potential disruptions to large components of the marine food web;

65. *Takes note* that many concerns exist regarding the biological and biogeochemical consequences of ocean acidification for marine and coastal biodiversity and ecosystems, and the impacts of these changes on oceanic ecosystems and the services they provide, for example, in fisheries, coastal protection, tourism, carbon sequestration and climate regulation, and that the ecological effects of ocean acidification must be considered in conjunction with the impacts of global climate change;

66. *Requests* the Executive Secretary to develop, in collaboration with the Intergovernmental Oceanographic Commission of the United Nations Educational, Scientific and Cultural Organization (IOC/UNESCO), the Food and Agriculture Organization of the United Nations (FAO), the Secretariat of the United Nations Framework Convention of Climate Change (UNFCCC), the World Conservation Monitoring Centre of the United Nations Environment Programme (UNEP-WCMC), the International Coral Reef Initiative (ICRI), Ramsar Convention, Antarctic Treaty, the Arctic Council, and other relevant organizations and scientific groups, subject to the availability of financial resources, a series of joint expert review processes to monitor and assess the impacts of ocean acidification on marine and coastal biodiversity and widely disseminate the results of this assessment in order to raise awareness of Parties, other Governments and organizations, and *also requests* the Executive Secretary, given the relationship between atmospheric carbon dioxide concentration and ocean acidification, to transmit the results of these assessments to the Secretariat of the United Nations Framework Convention on Climate Change (UNFCCC);

67. *Calls on* Parties, other Governments and organizations to take into account emerging knowledge on ocean acidification and to incorporate it into national biodiversity strategies and action plans (NBSAPs), national and local plans on integrated marine and coastal area management, and the design and management plans for marine and coastal protected areas;

Impacts of human activities on marine and coastal biodiversity

68. *Further notes* an urgent need to further assess and monitor the impacts and risks of human activities on marine and coastal biodiversity, building upon the existing knowledge;

69. *Requests* the Executive Secretary to work with competent organizations which conduct marine assessments, including the United Nations General Assembly Regular Process for Global Reporting and Assessment of the State of Marine Environment including Socioeconomic Aspects, the Food and Agriculture Organization of the United Nations, the United Nations Environment Programme, UNESCO/IOC, the International Maritime Organization (IMO) and International Seabed Authority (ISA), and other relevant organizations and scientific groups, to ensure their assessments adequately address biodiversity concerns in marine and coastal commercial activities and management; and, as necessary, where gaps are found, work with these agencies to improve the consideration of biodiversity in assessments; and report the progress of such collaboration at a future meeting of the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) prior to the eleventh meeting of the Conference of the Parties;

70. *Further requests* Parties, other Governments, and other relevant organizations, to mitigate the negative impacts and risk of human activities to the marine and coastal biodiversity;

71. *Requests* Parties, other Governments, and other relevant organizations to take into account the special characteristics of enclosed and semi-enclosed seas, which are affected by multiple direct and indirect anthropogenic influences originating from the watershed area, and where the biodiversity issues require an integrated holistic approach aiming to improve the water quality and restore the health and functioning of marine and coastal ecosystems to ensure the provision of ecosystem services that are provided by these ecosystems;

72. *Urges* Parties to stop the degradation and loss of ecologically important ecosystems and habitats, such as estuaries, coastal sand dunes, mangroves forests, salt marshes, seagrass beds, and biogenic reefs, due to coastal development and other factors in coastal area, to facilitate their recovery through the management of human impacts and restoration, where appropriate;

73. *Urges* Parties, other Governments and relevant organizations to adopt, in accordance with international law, including the United Nations Convention on the Law of the Sea, complementary measures to prevent significant adverse effects by unsustainable human activities to marine and coastal areas, especially those identified as ecologically or biologically significant;

74. *Requests* the Executive Secretary to prepare, subject to availability of financial resources, a report on the progress made in the implementation of the specific work plan on coral bleaching, adopted in decision VII/5 (appendix 1 of annex I), and make it available for consideration at a future meeting of the Subsidiary Body on Scientific, Technical and Technological Advice prior to the eleventh meeting of the Conference of the Parties. The report should also identify barriers to implementation and ways to overcome them as well as identify specific actions to mobilize financial resources and provide guidance to relevant financial institutions, including the Global Environment Facility, to support the implementation of the specific work plan on coral bleaching;

75. *Requests* the Executive Secretary, subject to availability of financial resources, to compile and synthesize available information in collaboration with Parties, other Governments and relevant organizations on their experiences and use of marine spatial planning, in particular on ecological, economic, social, cultural and other principles used to guide such planning and the use of area-based management tools, and to make such information available for consideration at a future meeting of the Subsidiary Body on Scientific, Technical and Technological Advice prior to the eleventh meeting of the Conference of the Parties;

76. *Requests* the Executive Secretary to organize, subject to availability of financial resources, an expert workshop to identify practical and innovative ways to accelerate progress on the establishment and effective management of marine protected areas (MPAs) in under-represented areas of the marine environment, particularly areas with highly important and irreplaceable biodiversity under national jurisdiction, building on Parties' experiences and information on impediments and success factors, and involving all relevant stakeholders. This workshop should provide a review of the various tools such as marine spatial planning that might assist Parties in their efforts to establish and manage marine protected areas (MPAs) and integrate these areas with other human uses allocations;

77. *Recalling* the Manado Ocean Declaration adopted in Manado, Indonesia during the World Ocean Conference in May 2009, *invites* Parties, other Governments and donor agencies to promote ecosystem-based approaches to climate change mitigation and adaptation to improve resilience, resistance and recovery of marine and coastal ecosystems, and incorporate climate change impacts and ecosystem-based adaptation in development and disaster-reduction planning, particularly in coastal areas, and *requests* the Executive Secretary to convene, subject to availability of financial resources and inviting collaboration with the United Nations Framework Convention on Climate Change, an expert workshop on the role of marine and coastal biodiversity and ecosystems in adaptation to and mitigation of climate change impacts, with a view to share experiences and provide guidance for planning and implementing ecosystem-based approaches to climate change mitigation and adaptation, and their integration in broader adaptation, mitigation and disaster risk reduction strategies, and in support of the development of elements on the issues of marine biodiversity and climate change as inputs to the development of joint activities between the three Rio conventions;

78. *Invites* Parties and other Governments to increase efforts to apply marine spatial planning tools, as appropriate, in accordance with Parties' national planning and strategies, for better integration of conservation objectives in marine and other sectoral development programmes, and in overall plans for economic development;

*Annex***INDICATIVE LIST OF ACTIVITIES FOR OPERATIONAL OBJECTIVE 2.4 OF
PROGRAMME ELEMENT 2² ON MARINE AND COASTAL LIVING RESOURCES**

- (a) To further compile, synthesize and analyse available information relevant to identifying areas of ecological or biological significance in open-ocean waters and deep-sea habitats beyond national jurisdiction, based on the CBD scientific criteria in annex I of decision IX/20 and other relevant compatible and complementary nationally and intergovernmentally agreed scientific criteria, including through the UNEP-WCMC Interactive Map (IMAP), as in paragraph 5 of decision IX/20;
- (b) To further compile, synthesize and analyze available information relevant to the design of representative networks of marine protected areas (MPAs), building on annexes II and III of decision IX/20;
- (c) To identify and assess threats to biological diversity in marine areas beyond national jurisdiction, including in areas identified as likely to meet the criteria for ecologically or biologically significant areas (annex I of decision IX/20) and other relevant compatible and complementary nationally and intergovernmentally agreed scientific criteria, as appropriate;
- (d) In order to avoid degradation or destruction of ecologically or biologically significant marine areas (EBSAs), to encourage Parties and invite other Governments and intergovernmental organizations, within their respective jurisdiction and competence, to take measures to ensure conservation and sustainable use by implementing relevant tools, including area-based management tools such MPAs, environmental impact assessments (EIAs) and strategic environmental assessments (SEAs);
- (e) To encourage the application of environmental impact assessments (EIAs) and strategic environmental assessments (SEAs) in relation to activities that may cause substantial pollution or significant and harmful changes to the marine environment, as referred to in Article 206 of the United Nations Convention on the Law of the Sea, taking into account the special features of marine ecosystems, as identified in the Manila workshop report (UNEP/CBD/SBSTTA/14/INF/5);
- (f) To further research and investigate the role of the ocean and its ecosystems in the carbon cycle.

² As contained in annex I to decision VII/5.