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Agenda item 20

Marine and coastal biodiversity, and island biodiversity
Working Group II

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

Draft decision submitted by the Chair of Working Group II

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 Framework¹ 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 Diversity² 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,

¹ Decision 15/4, annex.

² United Nations, *Treaty Series*, vol. 1760, No. 30619.

(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,^{3,4,5,6,7}

(PP5) *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”,^{4,5,6,7}

(PP6) *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,⁸ and using the best available science and traditional knowledge of indigenous peoples and local communities, with their free, prior and informed consent,⁹ in accordance with relevant national legislation, international instruments, including the United Nations Declaration on the Rights of Indigenous Peoples,¹⁰ and human rights law,

(PP7) *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,

(PP8) *Considering* that valuable guidance also emerges from the work of other competent intergovernmental organizations, which complements guidance provided by the Conference of the Parties,

(PP9) *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,

³ United Nations, *Treaty Series*, vol. 1833, No. 31363.

⁴ 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 agenda item 20 of the sixteenth meeting of the Conference of the Parties to the Convention on Biological Diversity cannot be construed as a change in the well-known legal position of Türkiye with regard to said instrument.

⁵ 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 its participation in the discussions under agenda item 20 cannot be considered as a change in its national position regarding the United Nations Convention on the Law of the Sea.

⁶ Colombia reaffirms that the United Nations Convention on the Law of the Sea is not the only legal instruments governing all of the legal activities carried out in the oceans and seas. The participation of Colombia in the discussions under agenda item 20 of the sixteenth meeting of the Conference of the Parties does not affect its status or rights, nor can it be interpreted as a tacit or express acceptance of the provisions of the United Nations Convention on the Law of the Sea, an instrument to which Colombia is not a party.

⁷ El Salvador is not a State Party to the United Nations Convention on the Law of the Sea, it therefore reiterates – as it has done in other international forums – that its participation in addressing some issues raised during the sixteenth meeting of the Conference of the Parties does not, under any circumstances, affect in any way its legal status in relation to said international instrument or the rights or obligations that may arise from it. In the same sense, El Salvador avails itself of this opportunity to state that the aforementioned Convention does not have a universal character, as there are other international instruments that also govern the various activities that take place in the seas and oceans

⁸ Principle 15 of the Rio Declaration on Environment and Development.

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.

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,

(PP10) *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 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,¹¹ including through the Sustainable Ocean Initiative Global Dialogue with Regional Seas Organizations and Regional Fishery Bodies,

(PP11) *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,

(PP12) *Deeply concerned* about the increased frequency of 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* 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,¹² as well as General Assembly resolution 78/272 of 24 April 2024, and urges Parties, and invites other Governments, to sign and pursue the ratification, approval or acceptance of, or accession to, the Agreement as 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 biodiversity¹³ and on island biodiversity,¹⁴ 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, in cooperation and collaboration with competent intergovernmental organizations, avoiding duplication and making use of existing tools and guidance developed by

¹¹ General Assembly resolution 70/1.

¹² A/CONF.232/2023/4.

¹³ Decisions IV/5, annex, and VII/5, annex I.

¹⁴ Decision VIII/1, annex.

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, especially least developed countries and small island developing States, is needed;

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 and bodies, within the jurisdictional scope of their mandates, as well as 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 are conducting work on issues relevant to the implementation of the Framework;

[9. *[Welcomes][Notes [with appreciation]]* the ongoing work conducted by the [scientific groups under the] Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matters¹⁵ and its Protocol¹⁶ on better understanding marine geoengineering techniques that could have 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,¹⁷ and encourages Parties, and invites other Governments, to ratify, approve, accept or accede to that Convention;

11. *Requests* that, subject to the availability of resources, the Executive Secretary enhance cooperation and collaboration with competent international organizations, including regional or subregional 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,

¹⁵ United Nations, *Treaty Series*, vol. 1046, No. 15749.

¹⁶ International Maritime Organization, document IMO/LC.2/Circ.380.

¹⁷ International Maritime Organization, document BWM/CONF/36, annex.

and with relevant global and regional organizations, on opportunities for specific areas of scientific and technical work, including cross-sectoral areas of work, conducted under the Convention on Biological Diversity to contribute to the objectives 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;]

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,¹⁸ 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 and global and regional organizations, within the jurisdictional scope of their mandates, as well as global and regional initiatives, indigenous peoples and local communities women and youth representatives and other relevant stakeholders, in accordance with relevant national legislation, international instruments, including the United Nations Declaration on the Rights of Indigenous Peoples, and human rights law with regard to various thematic issues related to marine and coastal biodiversity and island 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, in accordance with national priorities and circumstances, as follows:

(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 to 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 marine protected areas and other effective area-based conservation measures in various sectors active in marine and coastal areas, in line with decision 14/8 of 29 November 2018, ensuring that such measures deliver tangible outcomes beneficial for biodiversity (most relevant to Target 3);

¹⁸ Decision 15/5, annex I.

(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, taking into account decision X/33 of 29 October 2010 (most relevant to Target 8);]

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

(f) To improve understanding of marine biodiversity across pelagic[, including mesopelagic,] and benthic[, including deep-sea,] ecosystems and of linkages between them, in support of the conservation and sustainable use of marine and coastal biodiversity (most relevant to Targets 3, 4, 5 and 9);

(f alt.1) To improve understanding of marine biodiversity across mesopelagic, deep-sea, and benthic ecosystems, and [explore] linkages between them, in support of the conservation and sustainable use of marine and coastal biodiversity (most relevant to Targets 3, 4, 5 and 9);

(f alt.2) To improve understanding of marine biodiversity from nearshore to deep-sea environments and of linkages between them, in support of conservation and sustainable use (most relevant to Targets 3, 4, 5 and 9);

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

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

(i) To map, [monitor], restore and effectively manage marine and coastal ecosystems that contribute to climate change mitigation and adaptation, including mangroves and seagrasses (most relevant to Target 8 and 11);

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

(k) 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);

(l) To improve understanding of the contribution of marine and coastal blue spaces in urban and densely populated areas to healthy functioning ecosystems and to human health and well-being (most relevant to Target 12);

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

[(n) 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, in accordance with applicable international access and benefit-sharing instruments (most relevant to Target 13);]

(o) To enhance measures to respect, preserve and maintain traditional knowledge associated with marine and coastal biodiversity and to ensure that traditional knowledge is only accessed and

used with the free, prior and informed consent¹⁹ of its holders, in accordance with national legislation (most relevant to Goal C and Targets 13 and 21);

(p) To mainstream marine and coastal biodiversity into 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);

[(q) To identify, understand and avoid the negative impacts of harmful subsidies to fisheries and other sectors on marine and coastal ecosystems, and to eliminate, phase out or reform such subsidies in accordance with agreements under the World Trade Organization, including the Agreement on Fisheries Subsidies (most relevant to Target 18);]

[(q alt.1) To identify all types of harmful subsidies to fisheries and eliminate, phase out or reform such subsidies in line with relevant international obligations (most relevant to Target 18);]

[(q alt.2) To identify, understand and avoid the negative impacts of incentives, including subsidies to fisheries and other sectors harmful for biodiversity in marine and coastal ecosystems, and to eliminate, phase out or reform such subsidies in line with relevant international obligations, while scaling up positive incentives for the conservation and sustainable use of marine and coastal biodiversity (most relevant to Target 18);]

[(r) 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 in decision-making and access to justice and information, as well as the full protection of environmental human rights defenders, including through gender-responsiveness and the human rights-based approach in the context of marine and coastal biodiversity (most relevant to Target 22);]

[(s) To [ensure][promote] the mobilization of funds to improve knowledge of marine and coastal biodiversity and its values, in particular in areas with significant knowledge gaps.]

2. With regard to island biodiversity, further efforts are needed, in accordance with national circumstances, priorities and capabilities, as follows:

(a) 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);

(b) 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);

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

(d) 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, mangroves and rhodolith beds, and to enhance the resilience of ecosystems vulnerable to those impacts (most relevant to Target 8);

¹⁹ “Free, prior and informed consent” refers to the tripartite terminology of “prior and informed consent”, “free, prior and informed consent” and “approval and involvement”.

(e) To enhance the coordination and integrated implementation of action on inland water systems and groundwater and wastewater management, considering the impacts of climate change and its corresponding effects on island ecosystems and biodiversity;

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

(g) To enhance understanding of [biodiversity-friendly practices, such as] sustainable intensification, agroecological and other innovative approaches in the agriculture sector, and of how they contribute to the resilience and long-term efficiency and productivity of those production systems, to food security and to conserving and restoring biodiversity and maintaining nature's contributions to people, including ecosystem functions and services, while avoiding negative impacts, such as eutrophication, on marine and coastal ecosystems (most relevant to Target 10);

(h) 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);

[(i) 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);]

[(j) To improve 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 in decision-making and access to justice and information, as well as the full protection of environmental human rights defenders, including through gender responsiveness and human rights-based approach in the context of island biodiversity (most relevant to Target 22);]

[(k) To [ensure][promote] the mobilization of funds to improve knowledge of island biodiversity and its diverse values in those parts of the world where it is still poorly understood.]