High Seas Alliance

POSITION PAPER

Marine and coastal biodiversity issues related to biodiversity beyond national jurisdiction at CBD CoP16, 21 October - 2 November 2024, Cali, Colombia

Summary

The High Seas Alliance, and its growing network of 60+ NGO member organizations, including the International Union for Conservation of Nature (IUCN), is excited by the political attention that the new Agreement under the United Nations Convention on the Law of the Sea (UNCLOS) on the conservation and sustainable use of marine biodiversity of areas beyond national jurisdiction (also known as the BBNJ Agreement or High Seas Treaty) has received globally since its adoption in June 2023. This new addition to international ocean governance, seen as a feat for multilateralism, will play an important role in addressing the global biodiversity crisis once it enters into force and will be a key contribution to achieving the Convention on Biological Diversity's (CBD) Global Biodiversity Framework (GBF).

Recognizing the interconnectedness of the ocean within and outside national jurisdiction, the CBD's process for countries to develop National Biodiversity Strategies and Action Plans (NBSAPs) to address the biodiversity crisis could include a commitment to strengthen contributions to international biodiversity initiatives and governance processes. Prior to the High Seas Treaty's entry into force, this could include a commitment by CBD Parties to ratify the Agreement, allocate resources to prepare for its implementation, and highlight related capacity and technology needs.

High Seas Alliance appreciates the work undertaken by the CBD Secretariat to identify the synergies between the CBD and the new High Seas Treaty in its comprehensive paper on this issue. Not only could the High Seas Treaty benefit from the CBD's wealth of knowledge and scientific guidance collated and agreed over many years - such as the Ecologically or Biologically Significant Marine Areas (EBSAs) process, marine protected areas (MPAs), environmental impact assessments (EIAs) and its Clearing-House Mechanisms- it will also be politically sensible and resource-efficient to cooperate. This cooperation, along with CBD's insights, guidance, and data will be invaluable to the effective set-up of the institutions for the High Seas Treaty, and its implementation.

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For more detailed information please see the High Seas Alliance briefing paper, Synergies between the Convention on Biological Diversity and the High Seas Treaty.

Key recommendations to promote synergies between CBD and High Seas Treaty

1. **Adopt the recommendation for further work on Ecologically and Biologically Significant Marine Areas (26/8)**

Since 2010, the CBD has described 338 EBSAs within and beyond national jurisdiction. The EBSA criteria are similar to those outlined in Annex I of the High Seas Treaty and will be helpful in advancing the scientific underpinning for future candidate High Seas MPA proposals and the data needed for EIAs. This will be an important contribution to achieving the GBF targets, in particular Target 3 on 30x30. It is, therefore, important to further scientific work on describing EBSAs and for Parties to the CBD to support evolving the process to update EBSAs regularly based on new data, including in areas beyond national jurisdiction (ABNJ), and including traditional knowledge.

HSA welcomes the progress made during the Oslo workshops to develop modalities to modify and describe new EBSAS and recommends Parties to the CBD to resolve key issues in the current text to ensure a decision can be adopted at CBD CoP16. This includes:

- Support the **adoption of the modalities to modify the description of EBSAs and to describe new areas**, including in ABNJ, as contained in Annex 1 (20/5).

- Support the continuation and evolution based on new data of this important process to describe EBSAs under the CBD, including in ABNJ and including traditional knowledge, by supporting the Executive Secretary to **continue facilitating this process by holding additional workshops** (20/4).

- **Request the Secretariat to actively facilitate the wide participation of key stakeholders in the workshops**, in particular experts from Indigenous Peoples and Local Communities, women and youth organizations, and the use of traditional knowledge to foster greater collaboration in implementing the modalities (20/6).

- **Underscore** the potential **importance of synergies between the process to facilitate the description of EBSAs for achieving the GBF and the objectives of the new High Seas Treaty**, and to urge governments, relevant organizations, and stakeholders to continue to feed into this process, and to continue the scientific robustness, including the modification of existing areas and the description of new areas (20/7).

2. Adopt the Conservation and Sustainable Use of Marine and Coastal Biodiversity Recommendation (26/7)

- Recommend Parties to the CBD to retain **"*Welcome*"** the adoption of the High Seas Treaty (31/1), in line with many other relevant fora[1]. This should include encouragement for Parties **"*to sign and ratify the Agreement as soon as possible*"** to harness the synergies between the CBD and the new Agreement on the High Seas.

- Given the valuable contributions that the CBD can make to support the work of the High Seas Treaty, it is important to **support the request and make resources available for cooperation between the CBD Secretariat and the Division for Ocean Affairs and Law of the Sea (DOALOS), BBNJ PrepCom, and other relevant regional and international organizations** (31/7).

- **Strongly recommend efforts to continue this coordination and synergies, and support the request for the CBD Secretariat to convene an expert workshop** that looks at the opportunities for specific areas of scientific and technical work, conducted under the CBD, to help inform the implementation of the High Seas Treaty Agreement, and for these results to be provided to SBSTTA and before COP17 (31/8).

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[1] See e.g., UNEP/CMS/Resolution 11.10 (Rev.COP14), paragraphs 15 and 31, G20 2023 Declaration: https://g20.utoronto.ca/2023/230728-environment.html, paragraph 5, 3rd South Summit 2024: https://www.g77.org/doc/3southsummit_outcome.htm, paragraph 149.