

Ecology and Equity

The UN Biodiversity Conference in Sharm El-Sheikh, Egypt, showed that sustainable development of fishing communities and participatory conservation of marine biodiversity are compatible

The 14th meeting of the Conference of the Parties (COP14) to the United Nations Convention on Biological Diversity (CBD) was held on 17-29 November 2018 in Sharm El-Sheikh, Egypt. Being the penultimate conference before meeting the deadline of the Strategic Plan for Biodiversity 2011-2020, adopted in Japan a decade ago, there was a lot at stake: Could the parties be rallied to deliver on their commitments under the Aichi Targets? Could they start developing an ambitious Post-2020 Global Biodiversity Framework, which will not only meet the Convention's objectives of conservation, sustainable use and benefit-sharing, but also address the challenges presented by climate change to the health of our planet?

The Strategic Plan and the Aichi Targets had five broad goals: (i) to mainstream biodiversity across society and sectors; (ii) promote sustainable use; (iii) safeguard ecosystems, species and genetic diversity; (iv) enhance benefits to all from nature; and (v) promote participatory planning,

inland water, and 10 per cent of coastal and marine areas, through protected areas and other effective area-based conservation measures. The latter target has received more attention, presumably because it is quantifiable and because fisheries management is the mandate of other agencies of the United Nations (UN).

Protected areas currently cover 15 per cent of terrestrial and 7.6 per cent of the seas and oceans/marine areas. A total of 14,830 marine protected areas (MPAs) cover nearly 27.5 mn sq km of the world's seas and oceans, an area larger than the North American continent. But these areas are not evenly distributed, leaving out several important sites for biodiversity. For example, 20 of the largest MPAs cover over 60 per cent of the total protected area.

More importantly, as countries rush to meet percentages, effective or equitable management of these areas has often been lacking, as acknowledged by the recently released Global Assessment Report on Biodiversity and Ecosystem Services. Indigenous peoples' territories are estimated to coincide with 80 per cent of the world's biodiversity and yet, they govern less than 0.6 per cent of all reported protected areas (land and sea). Over time, a large body of research has emerged on protected-area management effectiveness and the need for outcome-oriented targets that ensure the active participation, and the free, prior and informed consent, of indigenous people and local communities (IPLC).

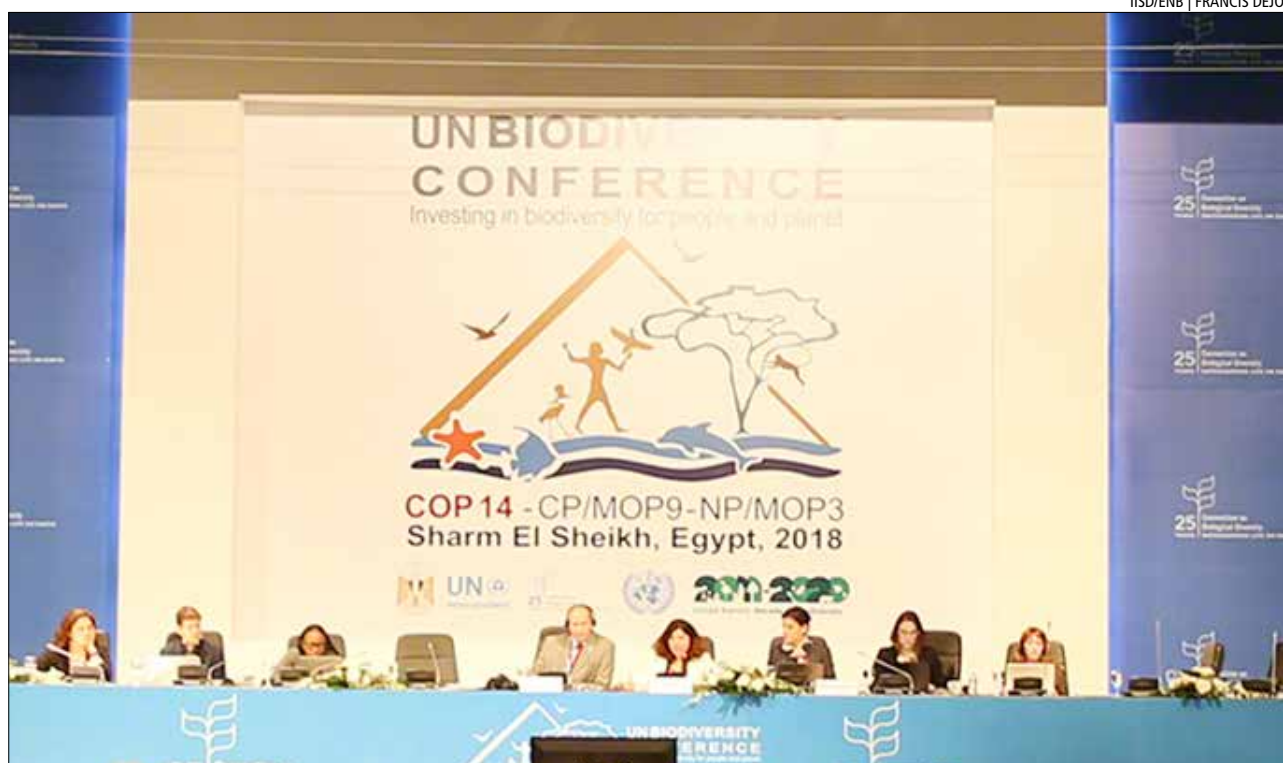
SSF Guidelines

The Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty

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knowledge management and capacity building. On aquatic biodiversity, there are two concrete conservation targets: Target 6 – to manage and sustainably harvest marine fauna and flora, to avoid overfishing and minimize impacts to species and ecosystems; and Target 11 – to conserve 17 per cent of terrestrial and

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Plenary of Convention on Biological Diversity of the United Nations, Egypt, 2018. In the agenda items on coastal and marine biodiversity, COP14 discussed protected areas and other effective area-based conservation measures, and ecologically or biologically significant marine areas

Eradication (the SSF Guidelines) recommend that communities be involved in the design and management of protected areas.

The gradual recognition of these principles was reflected in the agenda items on coastal and marine biodiversity at the Conference in Egypt: on protected areas and other effective area-based conservation measures (OECM); on Ecologically or Biologically Significant Marine Areas (EBSA); and on the impacts of marine litter, pollution and deep-seabed mining on coastal and marine biodiversity.

One of the big decisions at this conference was the adoption of the following definition of OECMs: “a geographically defined area other than a Protected Area, which is governed and managed in ways that achieve positive and sustained long-term outcomes for the in situ conservation of biodiversity, with associated ecosystem functions and services and, where applicable, cultural, spiritual, socioeconomic, and other locally relevant, values.”

In fact, the Convention already calls on parties to respect, preserve

and maintain the practices of IPLCs contributing to the conservation and sustainable use of biodiversity (Article 8j – in effect, an articulation of customary rights to resources). But States have been sluggish in implementing these provisions. To define OECMs – a term in use since 2010 – is thus to recognize IPLCs as rights holders and actors in the conservation and management of their territories. This can only bear fruit if States create an enabling environment, respect and protect the rights of IPLCs, and recognize and strengthen customary tenure systems. Such a commitment would make the Post-2020 Global Biodiversity Framework truly participatory.

Governance diversity

Thus, it is a positive sign that the decision on protected areas and OECMs contains some of the clearest assertion of tenure rights and equity in the governance of these areas. Criteria developed for the designation of OECMs clearly differentiate them from protected areas – the former can have a wide range of management objectives

so long as the area delivers the effective in situ conservation (in the natural habitat or ecosystem) of biodiversity. The recognition of governance diversity – including by governments, by private entities, co-management arrangements and indigenous territories – allows the designation of indigenous and community conserved areas (ICCA) and locally managed marine areas (LMMA), among others, as conserved areas. Specific guidance on effective and equitable governance models gives added recognition to traditional knowledge and its incorporation in conservation and sustainable use of biodiversity.

While this is a step forward, it is unclear how States will identify and designate areas with such social, cultural and managerial diversity. For instance, the recently published draft guidelines of the International Union for Conservation of Nature (IUCN) for recognizing and reporting OECMs recommend the inclusion of LMMAs but rule out other fisheries-management measures such as spatial closures and gear restrictions. Would a

...the International Seabed Authority, an intergovernmental organization established under UNCLOS, has released its proposals for a draft Mining Code that would allow for commercial exploitation of deep-sea minerals.

reserved zone for artisanal fishers using small-scale, non-towed gear count?

Second, should fishery-dependent IPLCs be worried that an OECM designation will add another bureaucratic entanglement in the management of their resources – how will fisheries and environment authorities co-ordinate?

Third, will OECM designations be maintained and the capacities of IPLCs strengthened, or will they eventually be changed to more narrowly defined protected areas? The CBD Secretariat and the parties will have to reassure communities that their tenure rights and practices will be protected as they determine how to move forward.

In COP9 of the CBD, held in Bonn, Germany in 2008, the parties

adopted the scientific criteria for the identification of ecologically and biologically significant areas, defined as “geographically or oceanographically discrete areas that provide important services to one or more species/populations of an ecosystem or to the ecosystem as a whole, compared to other surrounding areas or areas of similar ecological characteristics.” It identified several quantitative and qualitative criteria for selecting such areas and since then, 14 regional workshops convened by the CBD Secretariat have described 279 areas (19 per cent of oceanic area) as meeting these criteria.

Although subsequent COPs have emphasized that the identification of EBSAs is a matter for States and competent intergovernmental organizations, and that this is strictly a scientific exercise, the fraught discussions in Egypt on this agenda item highlight the limitations of the CBD in marine environments, particularly in the high seas and areas beyond national jurisdiction. Given that several parties to the CBD are not signatories to the 1982 United Nations Convention on the Law of the Sea (UNCLOS), there was some reluctance to accept UNCLOS as the legal framework for all activities in the sea. At the same time, delegates also debated who can modify EBSA descriptions or describe new areas, particularly when these areas spill over the national jurisdiction of multiple states or the high seas. Despite four meetings of a contact group, informal consultations and long session of a Friends of the Chair group, no consensus could be reached in Egypt.

Although the identification of EBSAs is in the hands of governments, who were exclusively focused on issues of sovereignty at this COP, the final decision did highlight the importance of incorporating traditional knowledge in the process of identification and modification of such areas. At COP11 in Hyderabad, India, parties had welcomed a report by the CBD’s Subsidiary Body on Scientific, Technical and Technological Advice detailing how traditional knowledge of



Joe Appiott, Co-ordinator, Sustainable Ocean Initiative at Ocean Voices. ICSF and Coopesolidatr, Costa Rica, jointly organized a segment on coastal fishing communities as a Side Event

IPLCs, and social and cultural criteria can be applied to the identification of EBSAs.

Marine debris

A third and final agenda item saw Parties discuss the impacts of marine debris and plastic pollution on marine and coastal biodiversity. It was decided to increase efforts to avoid, minimize and mitigate the impacts of marine debris. As the Global Assessment Report notes, plastic pollution in the oceans has grown ten-fold since the 1980s. After the Egypt conference, this March, the UN Environment Assembly in Nairobi, Kenya, adopted a non-binding resolution on marine litter and microplastics, and on single-use plastics. Sadly, an initial proposal to phase out single-use plastic by 2025 was opposed by several nations.

In this session, Parties also addressed the potential impacts of deep-seabed mining on marine biodiversity, and urged Parties to address the potential impacts of deep-sea bed mining on biodiversity. Since then, the International Seabed Authority, an intergovernmental organization established under UNCLOS, has released its proposals for a draft Mining Code that would allow for commercial exploitation of deep-sea minerals.

Major sections of the Code – on environment impact assessments, fee and royalty payments, and benefit sharing – are yet to be negotiated. Moreover, the full impact of seabed mining on marine biodiversity is still to be studied, considering that only a fraction of the world's deep-seabed has been explored. 3

For more

https://www.icsf.net/images/resources/statements/statements_icsf/171_Joint_Statement_CBD_COP14_2018.pdf

Joint statement by the ICCA Consortium, Global Forest Coalition, ICSF, Friends of the Earth International, Pro Natura (Friends of the Earth Switzerland), Natural Justice, CoopeSoliDar R.L., and Ecoropa on Agenda Item 24 (Spatial planning, protected areas and other effective area-based conservation measures)

<http://enb.iisd.org/biodiv/cop14/sustainable-ocean-day/>

For information on the 'Ocean Voices' side event, convened by the CBD Sustainable Ocean Initiative and the CBD Secretariat, on 23 November, 2019 in Sharm El-Sheikh, Egypt

<https://youtu.be/MIG-qY6HSRQ>

<https://www.youtube.com/watch?v=T-xny2hrd4M&feature=youtu.be>

ICSF and CoopeSoliDar R.L. videos for the 'Ocean Voices' side event

<https://www.icsf.net/en/samudra/article/EN/75-4253-Mainstreaming-B.html>

Mainstreaming Biodiversity: CBD COP 13