



**Convention on
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CONFERENCE OF THE PARTIES TO THE
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Item 15 of the provisional agenda*

**OPTIONS REGARDING PROCEDURES FOR MODIFYING THE DESCRIPTION OF
ECOLOGICALLY OR BIOLOGICALLY SIGNIFICANT MARINE AREAS OR FACILITATING
THE PROCESS OF MAKING DESCRIPTIONS OF NEW AREAS**

Note by the Executive Secretary

1. The Subsidiary Body on Scientific, Technical and Technological Advice, in its recommendation XX/3, adopted a draft decision on marine and coastal biodiversity — ecologically or biologically significant marine areas for consideration by the Conference of the Parties at its thirteenth meeting. The draft decision, which is reproduced in document UNEP/CBD/COP/13/2, contains, in paragraphs 7 and 8, a reference to “practical options for enhancing scientific methodologies and approaches, including collaborative arrangements, for the description of ecologically or biologically significant marine areas as contained in annex I to the draft decision”.
2. In that recommendation, the Subsidiary Body requested the Executive Secretary to develop: (a) options regarding procedures within the Convention to modify the description of areas, both within and beyond national jurisdiction, decided by the Conference of the Parties for inclusion in the repository, based on new information that has become available since the previous regional workshops on ecologically or biologically significant marine areas; and (b) options to facilitate the process of description of new areas against the criteria for ecologically or biologically significant marine areas. It is envisaged that these options, once agreed, would be appended to annex I to the draft decision.
3. In the same recommendation, the Subsidiary Body requested the Executive Secretary to make a draft report on options available for peer review by Parties for further refinement, and to submit the final report to the Conference of the Parties for its consideration at its thirteenth meeting, building on the work of the Subsidiary Body on Scientific, Technical and Technological Advice at its twentieth meeting.
4. Pursuant to the above requests, the Executive Secretary prepared a draft report on options regarding procedures to modify the description of ecologically or biologically significant areas or to facilitate the process of description of new areas and made it available for peer review by Parties from

* UNEP/CBD/COP/13/1.

2 to 26 September 2016 through a notification issued on 2 September (Ref No. SCBD/SPS/CG/JL/JG/85951). Peer-review comments were submitted by Argentina, Australia, Brazil, European Union, Finland, India, Mauritius, Mexico, New Zealand, Norway, Sudan, BirdLife International, and the United Nations Environment Programme-World Conservation Monitoring Center, and are reflected in the revised draft report, annexed to the present note, in a balanced manner and in line with decisions X/29, XI/17 and XII/22. Original copies of submissions are available at <https://www.cbd.int/marine/submissions/2016-104/>.

5. Pursuant to the same requests, a revised draft report on options (see annex) as noted above is being submitted to the Conference of the Parties for consideration at its thirteenth meeting, building on the work of the Subsidiary Body on Scientific, Technical and Technological Advice at its twentieth meeting (see UNEP/CBD/COP/13/5).

Annex

I. OPTIONS REGARDING PROCEDURES WITHIN THE CONVENTION TO MODIFY THE DESCRIPTION¹ OF AREAS MEETING THE EBSA CRITERIA, BOTH WITHIN AND BEYOND NATIONAL JURISDICTION, DECIDED BY THE CONFERENCE OF THE PARTIES FOR INCLUSION IN THE REPOSITORY

Explanatory note: These options apply to proposed revisions of the descriptions of areas meeting the EBSA criteria that have been previously developed through regional/subregional workshops under the Convention on Biological Diversity and included in the repository following review by the Subsidiary Body on Scientific, Technical and Technological Advice and a decision of the Conference of the Parties (Summary reports containing descriptions of areas meeting the EBSA criteria are annexed to the relevant decisions of the Conference of the Parties, including decision XI/17 and XII/22). They concern revisions of descriptions that are based on new scientific and technical information, including traditional knowledge, that has become available since the previous regional workshops. They do not apply to descriptions of areas meeting the EBSA criteria that have been developed through national processes, for which the procedures in decision XII/22 (para. 7) apply.

Case 1. To modify the description of an EBSA within the national jurisdiction of a single Party, which was developed by a regional or subregional workshop under the Convention on Biological Diversity and included in the annex to a decision of the Conference of the Parties and in the EBSA repository, as decided by the Conference of the Parties.

Option. The relevant Party would prepare a revised EBSA description and submit it to the Executive Secretary. The Party or the Executive Secretary would make this submission available for peer review by Parties, other Governments and relevant organizations, including those that had been invited to the respective regional/subregional workshop under the Convention on Biological Diversity, which produced the original EBSA description. The relevant Party would consider the peer-review comments and prepare a final version of the revised EBSA for inclusion in the EBSA information-sharing mechanism together with a compilation of the peer-review comments and an explanation of how these comments were addressed. The Executive Secretary would submit a summary report on the revised description to the Subsidiary Body on Scientific, Technical and Technological Advice and subsequently to the Conference of the Parties for information and for inclusion in the EBSA repository. The previous EBSA description could be kept in an archive within the EBSA repository or information-sharing mechanism.²

Case 2. To modify the description of an EBSA wholly within the national jurisdictions of two or more country Parties, which was developed by a regional or subregional workshop under the Convention on Biological Diversity and included in the annex to a decision of the Conference of the Parties and in the EBSA repository, as decided by the Conference of the Parties.

Option. The relevant Parties would jointly prepare a revised EBSA description and submit it to the Executive Secretary. The Executive Secretary would make this submission available for peer review by

¹ The description of areas meeting the EBSA criteria constitutes both a textual description and a polygon of the area, as contained in the relevant decisions of the Conference of the Parties to the Convention, including decisions XI/17 (annex) and XII/22 (annex), and presented in the EBSA repository and the map available at www.cbd.int/ebsa. Modification of an EBSA description in this note constitutes a modification affecting the textual description of areas meeting the EBSA criteria, as contained in the relevant decisions, including decisions XI/17 (annex) and XII/22 (annex), and/or the polygon of the area, as presented in the EBSA repository.

² The EBSA repository and information-sharing mechanism are part of the clearing-house mechanism of the Convention.

Parties, other Governments and relevant organizations, including those that had been invited to the respective regional/subregional workshop under the Convention on Biological Diversity which produced the original EBSA description. The relevant Parties would consider the peer-review comments and prepare the final version of a revised EBSA description for inclusion in the EBSA repository or information-sharing mechanism, together with the compilation of peer-review comments and an explanation of how these comments were addressed. The Executive Secretary would submit a summary report on the revised description to the Subsidiary Body on Scientific, Technical and Technological Advice and subsequently to the Conference of the Parties for information and for inclusion in the EBSA repository. The previous EBSA description could be kept in an archive within the EBSA repository or information-sharing mechanism.

Case 3. To modify the description of an EBSA wholly or partly in marine areas beyond national jurisdiction, which was developed by a regional or subregional workshop under the Convention on Biological Diversity and included in the annex to a decision of the Conference of the Parties and in the EBSA repository, as decided by the Conference of the Parties.

Option. The interested Party/Parties³ would prepare/jointly prepare a revised EBSA description and submit it to the Executive Secretary. The Executive Secretary would make this submission available for peer review by Parties, other Governments and relevant organizations, including those that had been invited to the respective regional/subregional workshop under the Convention on Biological Diversity, which produced the original EBSA description. The interested Party/Parties would consider the peer-review comments and prepare a final draft of a revised EBSA description together with an explanation of how these comments were addressed. The Executive Secretary would work with Parties, other Governments and relevant organizations to organize global/regional workshops, as appropriate, subject to the availability of resources, when there are at least 10 submissions⁴ of revised EBSA descriptions available for deliberation. The full draft of the revised description as well as the compilation of peer-review comments and the response of the submitters to the peer-review comments would be made available as information documents for participants in the workshop. Based on the results of the workshop, the Executive Secretary would submit a summary report on the revised descriptions to the Subsidiary Body on Scientific, Technical and Technological Advice and subsequently to the Conference of the Parties for consideration. The summary report would be considered by the Subsidiary Body and the Conference of the Parties along with other summary reports on EBSA descriptions prepared by regional or subregional workshops under the Convention on Biological Diversity, with a view to including them in the EBSA repository and submitting them to the General Assembly of the United Nations and its relevant processes, Parties, other Governments and relevant international organizations, in line with the purpose and procedures set out in decisions X/29, XI/17 and XII/22. The previous EBSA description could be kept in an archive within the EBSA repository or information-sharing mechanism.

II. OPTIONS FOR FACILITATING THE PROCESS OF MAKING DESCRIPTIONS OF NEW AREAS AGAINST THE CRITERIA FOR ECOLOGICALLY OR BIOLOGICALLY SIGNIFICANT MARINE AREAS

Explanatory note: These options apply to the description of areas not previously described as meeting the EBSA criteria, based on new scientific and technical information, including traditional knowledge, that has become available since the previous regional workshops.

³ For an EBSA that includes areas beyond national jurisdiction, the term “interested Parties” refers to any Party that wishes to make a submission. For areas within national jurisdiction, the term “interested Parties” refers to the Party(ies) with jurisdiction.

⁴ The minimum of 10 submissions as a basis for organizing global/regional EBSA workshops can comprise both revised and new EBSA descriptions.

Case 1. To describe an area NOT previously described as meeting the EBSA criteria and wholly within the national jurisdiction of a single country Party.

Option. Pursuant to decision XII/22 (para. 7), the relevant Party could undertake a national process for preparing a description of new area/areas meeting the EBSA criteria and submit the description(s) to the Executive Secretary for inclusion in the EBSA repository or information-sharing mechanism. If the relevant Party so wishes, it could request the Executive Secretary to make this submission available for peer review by Parties, other Governments and relevant organizations. This option could be complemented by the description of new areas meeting the EBSA criteria within the national jurisdiction, through the regional/subregional workshops to be convened by the Secretariat, where Parties wish to do so, in line with decisions X/29 (para. 36), XI/17 (para. 12) and XII/22 (para. 6) and subject to the availability of financial resources.

Case 2. To describe an area NOT previously described as meeting the EBSA criteria and wholly within the national jurisdictions of two or more country Parties.

Option. Pursuant to decision XII/22 (para. 7), the relevant Parties could undertake joint national/subregional processes for preparing a description of a new area/areas meeting the EBSA criteria and submit the description(s) to the Executive Secretary for inclusion in the EBSA repository or information-sharing mechanism. If the relevant Parties so wish, they could request the Executive Secretary to make this submission available for peer review by Parties, other Governments and relevant organizations. This option could be complemented or replaced by a process of regional/subregional workshops to be convened by the Secretariat, where Parties wish to do so, in line with decisions X/29 (para. 36), XI/17 (para. 12) and XII/22 (para. 6) and subject to the availability of financial resources.

Case 3. To describe an area NOT previously described as meeting the EBSA criteria and wholly or partly in marine areas beyond national jurisdiction.

Option. The interested Party/Parties⁵ prepares/jointly prepare a new EBSA description, and submit it to the Executive Secretary. The Executive Secretary would make this submission available for peer review by Parties, other Governments and relevant organizations. The interested Party/Parties would consider any peer-review comments and prepare a final draft of a new EBSA description, together with an explanation of how these comments were addressed. The Executive Secretary would organize global or regional workshops, as appropriate and in line with decisions X/29 (para. 36), XI/17 (para. 12) and XII/22 (para. 6), subject to the availability of financial resources, when there are at least 10 submissions⁶ of new EBSA descriptions available for the deliberation by the workshop. The full draft of the new description as well as the compilation of peer-review comments and the response of the submitters to the peer-review comments would be made available as information documents for participants in the workshop. Based on the results of the workshop, the Executive Secretary would submit a summary report on the new description to the Subsidiary Body on Scientific, Technical and Technological Advice and subsequently to the Conference of the Parties for its consideration, with a view to including them in the EBSA repository and submitting them to the General Assembly of the United Nations and its relevant processes, Parties, other Governments and relevant international organizations, in line with the purpose and procedures set out in decisions X/29, XI/17 and XII/22.

⁵ For an EBSA that includes areas beyond national jurisdiction, the term “interested Parties” refers to any Party that wishes to make a submission. For areas within national jurisdiction, the term “interested Parties” refers to the Party(ies) with jurisdiction.

⁶ The minimum of 10 submissions as a basis for organizing global/regional EBSA workshops can comprise both revised and new EBSA descriptions.