CBD'S WORKS ON IDENTIFYING ECOLOGICALLY OR BIOLOGICALLY SIGNIFICANT MARINE AREAS (EBSAS) IN NEED OF PROTECTION

Development of Scientific Criteria and Scientific Guidance for Identifying EBSAs

1. ***Threats to marine biodiversity in areas beyond national jurisdiction.*** The Conference of the Parties to the Convention on Biological Diversity in its eighth meeting (COP 8) noted a range of threats to marine biodiversity beyond national jurisdiction, in particular to seamounts, cold water coral reefs and hydrothermal vents, and expressed its deep concern over the range of threats, among these the impact of destructive fishing practices, including bottom trawling that has adverse impacts on vulnerable marine ecosystems, beyond national jurisdiction, and illegal, unreported and unregulated (IUU) fishing, which is a significant threat to marine ecosystems and biodiversity.

2. ***CBD's supporting role to UNGA.*** COP 8 then recognized that the Convention 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. Such recognition was reiterated by COP 10.

3. ***Scientific criteria for EBSAs.*** COP 9 adopted, in decision IX/20, scientific criteria for identifying ecologically or biologically significant marine areas in need of protection in open-ocean waters and deep-sea habitats. The criteria include uniqueness or rarity; special importance for life-history stages of species; importance for threatened, endangered or declining species and/or habitats; vulnerability, fragility, sensitivity or slow recovery; biological productivity; biological diversity; and naturalness (see appendix 1 to this note). In addition, the Parties adopted scientific guidance for selecting areas to establish a representative network of marine protected areas, including in open-ocean waters and deep-sea habitats. The required network properties and components include ecologically and biologically significant areas; representativity; connectivity; replicated ecological features; and adequate and viable sites (see appendix 2 to this note).

4. ***Scientific guidance for EBSAs.*** Further progress in regards to identifying ecologically or biologically significant marine areas (EBSAs) was made in the context of 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 (Ottawa, Canada, 29 September - 2 October, 2009). The workshop reviewed progress made in identification of areas beyond national jurisdiction that meet the scientific criteria (appendix 1), as well as national and regional experiences in applying similar criteria. The workshop then developed scientific guidance (see appendix 3 to this note) on the identification of marine areas beyond national jurisdiction, which meet the scientific criteria (appendix 1). This guidance was consolidated from the experience reported by Parties, various UN organizations such as FAO, ISA, and IMO, IGOs, NGOs, and experts who have used these or similar criteria in the identification of EBSAs in marine ecosystems. Guidance was provided for the application of each individual criterion, and available methods and tools were reviewed. The workshop also provided advice on more general issues related to scale; relative importance/significance; spatial and temporal

variability; accuracy, precision and uncertainty; and taxonomic accuracy and uncertainty. Issues related to capacity-building and data and analysis for identifying EBSAs and biogeographic classification systems were also considered.

5. ***Scientific guidance on biogeographic classification system.*** The workshop also provided guidance for the further development of biogeographic classification systems in general, and put forward specific considerations relating to the use of the Global Open Oceans and Deep Seabed (GOODS) biogeographic classification. In this regards, the workshop noted that while the GOODS biogeographic classification in its present format provides a reasonable basis for management, its refinement in the future with new data could make it even more useful. Guidance regarding this refinement was provided. Further details can be found in document UNEP/CBD/EW-BCS&IMA/1/2 (available at http://www.cbd.int/doc/?meeting=EWBCSIMA-01).

Mechanism of Identifying EBSAs through the Application of Scientific Criteria

6. ***Application of scientific criteria.*** COP 10 noted 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.

7. ***Who identifies EBSAs.*** COP 10 emphasized 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.

8. ***Dataset for identifying EBSAs***. COP 10 emphasized that identification of ecologically or biologically significant areas (EBSAs) should use the best available scientific and technical information and integrate the traditional scientific, technical, and technological knowledge of indigenous and local communities, and requested the Executive Secretary to facilitate availability and inter-operability of the best available marine and coastal biodiversity data sets and information across global, regional and national scales.

9. ***Description of EBSAs at regional level.*** COP 10 requested the Executive Secretary to organize a series of regional workshops with a primary objective to facilitate the description of ecologically or biologically significant marine areas through application of scientific criteria (appendix 1) as well as other relevant compatible and complementary nationally and intergovernmentally agreed scientific criteria, as well as the scientific guidance (appendix 3) on the identification of marine areas beyond national jurisdiction.

10. ***Repository of scientific and technical information and experiences on EBSAs.*** COP 10 requested 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, and to develop an information-sharing mechanism with similar initiatives, such as FAO's work on vulnerable marine ecosystems (VMEs).

11. ***Endorsement by COP of the report on identification of EBSAs and submission of the report to UNGA***. COP 10 requested the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) to prepare reports based on scientific and technical evaluation of information from the regional workshops, setting out details of areas that meet the scientific criteria for consideration and endorsement in a transparent manner by the Conference of the Parties to the Convention, and requested the Conference of the Parties to include the endorsed report in the repository 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.

12. ***Cooperation on managing EBSAs.*** COP 10 encouraged Parties, other Governments and competent intergovernmental organizations to cooperate collectively or on a regional or subregional basis, to identify and adopt appropriate measures for conservation and sustainable use in relation to ecologically or biologically significant areas, 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.