

## Convention on Biological Diversity

Distr.  
GENERAL

CBD/EBSA/EM/2017/1/3  
3 January 2018

ENGLISH ONLY

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### REPORT OF THE EXPERT WORKSHOP TO DEVELOP OPTIONS FOR MODIFYING THE DESCRIPTION OF ECOLOGICALLY OR BIOLOGICALLY SIGNIFICANT MARINE AREAS, FOR DESCRIBING NEW AREAS, AND FOR STRENGTHENING THE SCIENTIFIC CREDIBILITY AND TRANSPARENCY OF THIS PROCESS

Berlin, 5-8 December 2017

#### INTRODUCTION

1. The Conference of the Parties to the Convention on Biological Diversity, at its tenth meeting, established a global process, based on the organization of a series of regional workshops (decision X/29, para. 36), for describing ecologically or biologically significant marine areas (EBSAs) through the application of the scientific criteria in annex I to decision IX/20 as well as other relevant compatible and complementary nationally and intergovernmentally agreed scientific criteria.
2. At its tenth meeting, the Conference of the Parties noted that the application of the scientific criteria in annex I to decision IX/20 for the identification of ecologically or biologically significant marine areas (the “EBSA criteria”) presents a tool which Parties and competent intergovernmental organizations may choose to use to progress towards the implementation of ecosystem approaches in relation to areas both within and beyond national jurisdiction, through the identification of areas and features of the marine environment that are important for conservation and sustainable use of marine and coastal biodiversity (decision X/29, para. 25).
3. In paragraph 26 of the same decision, the Conference of the Parties noted that the application of the EBSA 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, and emphasizes that the identification of ecologically or biologically significant marine 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 United Nations Convention on the Law of the Sea.
4. Pursuant to requests by the Conference of the Parties, CBD regional workshops to describe areas meeting the EBSA criteria have been held for most of the world’s ocean areas (nearly 74 per cent global ocean coverage, or nearly 82 per cent global ocean coverage without including the area under the Convention on the Conservation of Antarctic Marine Living Resources). The workshops have addressed areas within national jurisdiction when so decided by the countries concerned. It should be noted that there is an ongoing process, led by the Convention for the Protection of the Marine Environment of the North-East Atlantic (OSPAR Commission) and the North-East Atlantic Fisheries Commission for the description of areas meeting the EBSA criteria in the North-East Atlantic.
5. At its tenth meeting, the Conference of the Parties requested the Executive Secretary to work with Parties, other Governments, the Food and Agriculture Organization (FAO) of the United Nations, the United Nations Educational, Scientific and Cultural Organization (UNESCO) - Intergovernmental Oceanographic Commission (IOC), in particular the Ocean Biogeographic Information System (OBIS), the Central Data Repository run by the International Seabed Authority (ISA), and other relevant international scientific partnerships producing credible, quality-controlled scientific information, such as the World

Conservation Monitoring Centre of the United Nations Environment Programme (UNEP-WCMC), and the Global Ocean Biodiversity Initiative (GOBI), to facilitate availability and inter-operability of the best available marine and coastal biodiversity data sets and information across global, regional and national scales.

6. Recalling paragraph 24 of decision XI/17, the Conference of the Parties, at its twelfth meeting, recognized the importance of traditional knowledge as a source of information for describing areas meeting the EBSA criteria, encouraged Parties to promote, as appropriate and in accordance with national legislation, the use of the traditional, scientific, technical and technological knowledge of indigenous and local communities at the national level, with their full and effective participation, in support of the description of areas meeting the EBSA criteria.

7. Pursuant to decisions X/29, XI/17 and XII/22, the Conference of the Parties, at its eleventh, twelfth and thirteenth meetings, considered the summary reports on the description of areas that meet the EBSA criteria, prepared by the Subsidiary Body on Scientific, Technical and Technological Advice at its sixteenth meeting (the first two workshops), eighteenth meeting (the next seven workshops), and twentieth meeting (the next three workshops), respectively. Pursuant to decisions XI/17, XII/22 and XIII/12, the summary reports were included in the EBSA repository and submitted to the United Nations General Assembly and its relevant working groups, by means of a letter from the Executive Secretary of the Convention on Biological Diversity addressed to the Secretary-General of the United Nations,<sup>1</sup> as well as 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.

8. At its eleventh meeting, the Conference of the Parties affirmed that scientific description of areas meeting the EBSA criteria and other relevant criteria is an open and evolving process that should be continued to allow ongoing improvement and updating as improved scientific and technical information becomes available in each region (decision XI/17, para. 9).

9. At its thirteenth meeting, the Conference of the Parties welcomed voluntary practical options for further enhancing scientific methodologies and approaches of the scientific and technical exercises, including collaborative arrangements, for the description of areas meeting the criteria for ecologically or biologically significant marine areas, as contained in annex II to decision XIII/12, which can help ensure that the best available scientific and technical information and traditional knowledge of various users of marine resources, including fishers, are used for the EBSA process and that its products are scientifically sound and up-to-date.

10. Pursuant to the request by the Conference of the Parties at its thirteenth meeting (decision XIII/12, para. 10) and with financial support from the Governments of Germany and Sweden, the Secretariat of the Convention on Biological Diversity organized the Expert Workshop to Develop Options for Modifying the Description of Ecologically or Biologically Significant Marine Areas, for Describing New Areas, and for Strengthening the Scientific Credibility and Transparency of this Process, from 5 to 8 December 2017. The workshop was hosted by the Government of Germany and took place in Berlin.

11. Pursuant to the same decision, this expert workshop had the following objectives:

(a) To develop options, for cases both within and beyond national jurisdiction, regarding procedures within the Convention to modify the description<sup>2</sup> of areas meeting the EBSA criteria and to

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<sup>1</sup> See A/67/838, [http://www.un.org/ga/search/view\\_doc.asp?symbol=A/67/838](http://www.un.org/ga/search/view_doc.asp?symbol=A/67/838), A/69/794, [http://www.un.org/ga/search/view\\_doc.asp?symbol=A/69/794](http://www.un.org/ga/search/view_doc.asp?symbol=A/69/794), and A/72/491, [http://www.un.org/ga/search/view\\_doc.asp?symbol=A%2F72%2F491&Submit=Search&Lang=E](http://www.un.org/ga/search/view_doc.asp?symbol=A%2F72%2F491&Submit=Search&Lang=E)

<sup>2</sup> 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](http://www.cbd.int/ebsa). Modification of an existing 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.

describe new areas, while fully respecting the sovereignty, sovereign rights and jurisdiction of coastal States reaffirmed in paragraph 3 of decision XIII/12; and

(b) To develop options for strengthening the scientific credibility and transparency of the EBSA process, including by enhancing the scientific peer review by Parties, other Governments and relevant organizations.

12. With the financial support of the Government of Sweden, the Secretariat of the Convention on Biological Diversity commissioned the Strathclyde Centre for Environmental Law and Governance to prepare a background document (CBD/EBSA/EM/2017/1/INF/1), in support of the Secretariat, in its preparation for the workshop.

13. The workshop was attended by experts from Argentina, Australia, Azerbaijan, Brazil, Benin, Canada, Colombia, Cuba, Ecuador, Egypt, European Union, Germany, Greece, India, Malaysia, Mexico, Micronesia (Federated States of), Morocco, Mozambique, Namibia, Republic of Korea, Russian Federation, Senegal, Slovenia, Solomon Islands, South Africa, Sudan, Sweden, Vanuatu, BirdLife International, Fisheries Expert Group of the IUCN Commission of Ecosystem Management (IUCN-CEM-FEG), Food and Agriculture Organization of the United Nations, Global Ocean Biodiversity Initiative, Global Ocean Observing System, Intergovernmental Oceanographic Commission (IOC-UNESCO), International Maritime Organization, IUCN Marine Mammal Protected Areas Task Force, UNEP Mediterranean Action Plan - Regional Activity Centre for Specially Protected Areas, and International Indigenous Forum on Biodiversity as well as resource persons from the Strathclyde University Law School. The full list of participants is provided in annex I.

## **ITEM 1. OPENING OF THE WORKSHOP**

14. Ms. Elsa Nickel, Director General, Division of Nature Conservation, Federal Ministry for the Environment, Nature Conservation, Building and Nuclear Safety, delivered an opening statement. On behalf of the Ministry, she welcomed workshop participants to Berlin and thanked the CBD Secretariat for organizing the workshop, as well as the Government of Sweden for co-financing it. She noted that although oceans were central to human well-being, they remained the least protected areas on Earth and were facing tremendous pressure from human activity. She noted that awareness was growing globally of the need to protect marine biodiversity, particularly in 2017, with many global events bringing oceans into the spotlight. She highlighted that most of the workshop participants had been deeply involved in the very successful EBSA process, from its start in 2007, with the development of the EBSA criteria at an expert workshop in the Azores, and the adoption of the seven EBSA criteria in 2008 at the ninth meeting of the Conference of the Parties to the Convention on Biological Diversity in Bonn. Ten years later, the EBSA process had resulted in the identification of 279 EBSAs described at 12 regional workshops, encompassing both areas within and beyond national jurisdiction, with the results of the thirteenth regional workshop (Black and Caspian Seas) awaiting review by a forthcoming meeting of the Subsidiary Body on Scientific, Technical and Technological Advice, and the fourteenth regional workshop for the Baltic Sea set for February 2018. She explained that once these two regional workshops had been included, most of the global ocean would have undergone the internationally recognized EBSA process and be described for those areas where protection was most desirable. Noting that this great achievement would not have been possible without the involvement of numerous scientists from around the world, she said that all those present at this workshop should be very proud of these achievements. She concluded by saying that Germany would continue to support the EBSA process, including through the work of the Global Ocean Biodiversity Initiative, which was being supported by the Government of Germany through its International Climate Initiative. She expressed her wishes for a fruitful workshop.

15. Ms. Jihyun Lee delivered opening remarks on behalf of the Executive Secretary of the Convention on Biological Diversity, Ms. Cristiana Paşca Palmer. She welcomed participants to the workshop, and acknowledged, with great appreciation, the financial contribution of the Governments of Germany and Sweden, which supported the organization of the workshop as well as its technical preparation. She expressed her appreciation to the numerous donors and partner organizations that had supported the work

of the Convention on Biological Diversity on EBSAs since 2011. She recalled the incredible journey that the EBSA process had taken since the adoption of the EBSA criteria at the ninth meeting of the Conference of the Parties to the Convention, held in Bonn in 2008. She pointed out that thus far, 13 regional workshops had been held, covering more than 74 per cent of the ocean and involving experts from more than 150 countries and 140 organizations, with some attending more than one workshop. She noted that the work on EBSAs had significantly advanced our understanding of the special places in the ocean and had provided a sound basis for actions by Parties and competent organizations to focus their conservation and management efforts in accelerating their achievement of the Aichi Biodiversity Targets. The regional workshops facilitated regional-scale collaboration and information-sharing, and identified key knowledge gaps and capacity needs for conservation and management efforts. She noted that, as we approached the 10-year anniversary of the adoption of the EBSA criteria, it was a critical time to look to the future of the EBSA process. She noted that the workshop would provide an opportunity to further strengthen the EBSA process to ensure that it continued to be a critical part of our collective efforts to achieve the objectives of the Convention. In conclusion, she emphasized that EBSAs were more than just shapes on a map; they were reflections of living, breathing ecosystems. Likewise, the EBSA process also had to be a living, breathing process that can best reflect new knowledge that emerges in these areas. She asked participants to work together as a global EBSA community to chart a path forward to an even brighter future for the EBSA process. She wished participants a successful workshop.

## **ITEM 2. ELECTION OF THE WORKSHOP CO-CHAIRS, ADOPTION OF THE AGENDA AND ORGANIZATION OF WORK**

16. After a brief explanation by the Secretariat on procedures for electing the workshop co-chairs, Ms. Nicola Breier (Germany) and Mr. Moustafa Fouda (Egypt), were elected as the workshop co-chairs, as offered by the hosting Government and proposed by the expert from Morocco, respectively, and seconded by experts from Senegal and Mexico.

17. Participants were then invited to consider the provisional agenda, as contained in document CBD/EBSA/EM/2017/1/1, and the proposed organization of work, as contained in annex II to document CBD/EBSA/EM/2017/1/1/Add.1, and adopted them without any amendments.

18. The co-chairs nominated the following rapporteurs for the plenary session to assist them in preparing the draft workshop report together with the Secretariat staff, taking into consideration their expertise and experience, in consultation with the Secretariat of the Convention on Biological Diversity:

(a) Agenda item 4 (Review of regional and national experience on, and lessons learned from, the description of areas meeting the scientific criteria for ecologically or biologically significant marine areas): Jake Rice (IUCN-CEM-FEG)/Nic Bax (GOOS);

(b) Agenda item 5 (Review of relevant global, regional and national experience on, and lessons learned from, the application of area-based management tools for significant and/or sensitive/vulnerable areas as useful examples and insights for the workshop deliberations): Daniela Diz (Resource Person)/Edward Kleverlaan (IMO);

(c) Agenda item 6 (Development of options regarding procedures within the Convention to modify the description of areas meeting the EBSA criteria and to describe new areas): Elisa Morgera (Resource Person)/Daniela Diz (Resource Person); and

(d) Agenda item 7 (Development of options for strengthening the scientific credibility and transparency of the EBSA process): Eduardo Klein (IOC-UNESCO)/Edward Kleverlaan (IMO).

19. Jihyun Lee (CBD Secretariat) informed the participants that the following background documents were made available by the Secretariat to facilitate the workshop deliberation:

- CBD/EBSA/EM/2017/1/2 (Compilation of Submissions of Information to in Support Objectives of the Workshop);

- CBD/EBSA/EM/2017/1/INF/1 (Information Document on International Trends and Distinctive Approaches of Relevance to the CBD Process on Ecologically or Biologically Significant Marine Areas);
- Reports from 12 CBD Regional Workshops on Facilitating the Description of Ecologically or Biologically Significant Marine Areas; and
- Other information materials related to EBSAs

### **ITEM 3. WORKSHOP BACKGROUND, SCOPE AND EXPECTED OUTPUT**

20. Ms. Jihyun Lee (CBD Secretariat) gave a presentation on the CBD process for describing areas meeting the scientific criteria for EBSAs.

21. Workshop participants noted that the EBSA process, *inter alia*:

- Provides a common framework for assessing the ecological and biological characteristics of marine areas;
- Facilitated scientific collaboration, networking and capacity-building at the regional scale, in particular through data assimilation and sharing processes;
- Has prompted consideration of the traditional knowledge of indigenous peoples and local communities;
- Needs to strengthen opportunities for, and the role of, the traditional knowledge of indigenous peoples and local communities;
- Contributes to existing regional and national efforts for conservation and sustainable use of marine biodiversity, particularly through enhanced knowledge on marine biodiversity in open-ocean and deep-sea habitats; and
- Provides an important baseline and focus for future research, long-term monitoring and systematic assessment

22. The Secretariat briefed the workshop with regard to the current status of the EBSA repository and the information-sharing mechanism:

- The EBSA portal website (<http://www.cbd.int/ebsa>) was developed as a gateway to the EBSA repository, which is hosted in the CBD Clearing-House Mechanism and currently contains the description (summary, introduction of the area, location, map, feature description, feature conditions and future outlook, and references) of EBSAs from the CBD regional workshops as considered by the Conference of the Parties at its eleventh, twelfth and thirteenth meetings (decisions XI/17, XII/22 and XIII/12).
- The EBSA portal website hosts an information-sharing mechanism on EBSAs, including a global map of EBSA polygons that provides links to the EBSA description in the repository; all the reports of the EBSA regional workshops and other EBSA-related meetings; resource materials, such as EBSA booklets, brochures, video, training materials or other publications; weblinks to relevant global processes (e.g., the work of the Food and Agriculture Organization on vulnerable marine ecosystems, the work of the International Maritime Organization on Particularly Sensitive Sea Areas); and schedule of EBSA meetings.
- The submissions on national exercises, submitted by Parties in response to notification ref. no. 2015-071, dated 22 June 2015, were made available as part of the progress report for the SBSTTA at its twentieth meeting, but could not be included in either the repository or information-sharing mechanism due to a range of technical difficulties faced by the Secretariat. These include the different format of reports on national exercises that are inconsistent with that of the repository and thereby do not meet the technical requirements for submissions to be incorporated into the

repository, lack of staff time/capacity within the Secretariat to review and validate the scientific and technical contents of submissions, and lack of clarity on how to include the reports on national exercises, together with the summary reports on the EBSA description included in the repository upon the request by Conference of Parties through its decisions X/29, XI/17 and XII/22.

23. Ms. Jihyun Lee (CBD Secretariat) briefed the meeting on the objectives, scope and expected outputs of the workshop, in line with paragraph 10 of decision XIII/12, highlighting key discussion points.

24. Summaries of the above presentations are provided in annex II.

**ITEM 4. REVIEW OF REGIONAL AND NATIONAL EXPERIENCE ON, AND LESSONS LEARNED FROM, THE DESCRIPTION OF AREAS MEETING THE SCIENTIFIC CRITERIA FOR ECOLOGICALLY OR BIOLOGICALLY SIGNIFICANT MARINE AREAS**

25. Under this item, participants had before them a note by the Executive Secretary (CBD/EBSA/EM/2017/1/2) transmitting a compilation of the submissions of information submitted by Parties, other Governments and relevant organizations to support the objectives of the workshop, in response to notification 2017-107, dated 20 October 2017.

26. The participants were provided with a series of presentations on experiences and lessons learned from the CBD regional workshops as well as national exercises on describing areas meeting the scientific criteria for EBSAs or relevant/compatible criteria. Each presentation focused on the following questions:

- o What are the key lessons learned from the description of areas meeting the EBSA criteria in your country/subregion/region?
- o How has the scientific information of the EBSA description in your country/subregion/region contributed to the conservation and sustainable use of marine and coastal biodiversity?
- o Are there scientific needs identified to update the existing EBSA description?
- o How does your country/programme prioritize its efforts for using EBSA scientific information for enhanced conservation and management versus the efforts for additional scientific research, compiling scientific information and updating the EBSA description?

27. Presentations were provided by:

- (a) Vaturaraga Molisa (Vanuatu) and Agnetha Zima Ann Vave-Karamui (Solomon Islands), who delivered a presentation on experiences in the Western South Pacific region;
- (b) José Angel Alvarez Perez (Brazil), who delivered a presentation on experiences in Brazil;
- (c) Mallé Diagana (Senegal), who delivered a presentation on experiences in West Africa;
- (d) Erich Maletsky (Namibia) and Steve Kirkman (South Africa), who delivered a presentation on experiences in the Benguela Current region.

28. The participants were also provided with the following presentations on experiences and lessons learned from national exercises on describing areas meeting the scientific criteria for EBSAs or other relevant compatible and complementary nationally and intergovernmentally agreed scientific criteria:

- (a) Piers Dunstan (Australia) delivered a presentation on experiences in Australia;
- (b) Nadine Wells (Canada) delivered a presentation on experiences in Canada.

29. The participants were then provided with the following presentations and briefings on approaches for ensuring scientific credibility and transparency, including scientific peer-review, of the existing EBSA process:

- (a) Nic Bax (GOOS) delivered a presentation on experiences from the EBSA regional workshops;

(b) Jake Rice (IUCN-FEG) and David Johnson (GOBI) briefed the meeting on experiences from the North-East Atlantic EBSA process.

30. Summaries of the above presentations are provided in annex II.

31. Through open discussion in the plenary, workshop participants then shared their insights on regional and national experiences in the description of areas meeting the scientific criteria for EBSAs. The participants noted the following lessons learned, among others:

- ♦ There is a mismatch of spatial scale between the large size of some EBSAs described by the CBD regional EBSA workshops, the finer scales of area-based considerations and the scales at which marine spatial planning is happening at the national and regional levels.
- ♦ There are mechanisms for input of traditional/local knowledge, but there is often limited input of these knowledge systems in the description of areas meeting the EBSA criteria.
- ♦ The regional workshops held since 2011 have covered almost the entire world oceans, and there is a need to revisit the regions both to update descriptions of existing EBSAs and to consider information regarding potential new areas that may meet the EBSA criteria.
- ♦ The preparatory meetings held at national and regional scales to prepare for the regional workshops have been very valuable, but there is scope to improve them (e.g., better technical support for geo-referencing information), and to use them more widely to prepare for regional workshops.
- ♦ There are many cases where the features meeting the EBSA criteria overlap either the exclusive economic zones (EEZs) of two or more countries, extend into marine areas beyond national jurisdiction, or both. In these cases, national EBSA processes within individual EEZs would not be sufficient to meet the needs for describing transboundary ecological features meeting the EBSA criteria or maintaining the EBSA description scientifically sound and up-to-date.
- ♦ The existing EBSA descriptions are already proving useful in policy and management, especially, but not limited to, planning marine protected area networks and other effective area-based conservation measures.
- ♦ There is a need for more organized capacity-building before and after regional workshops and awareness-building for other ministries and stakeholders that need to cooperate in marine spatial planning and adopting enhanced conservation and management measures for EBSAs.
- ♦ Better linkages need to be developed with other relevant global and regional initiatives.
- ♦ It is important to validate, on-the-ground, large-scale maps, data and monitoring interpolations provided to workshops.

32. Some national processes have gained experience in modifying EBSA descriptions, including their boundaries. Lessons learned are included in annex II.

**ITEM 5. REVIEW OF RELEVANT GLOBAL, REGIONAL AND NATIONAL EXPERIENCE ON, AND LESSONS LEARNED FROM, THE APPLICATION OF AREA-BASED MANAGEMENT TOOLS FOR SIGNIFICANT AND/OR SENSITIVE/VULNERABLE AREAS AS USEFUL EXAMPLES AND INSIGHTS FOR THE WORKSHOP DELIBERATIONS**

33. Under this item, participants had before them a note by the Executive Secretary (CBD/EBSA/WS/2017/1/INF/1) transmitting background information on international trends and distinctive approaches of relevance to the process on ecologically or biologically significant marine areas under the Convention, which compiled relevant global, regional and national experience on, and lessons learned from, the application of area-based management tools for significant and/or sensitive/vulnerable areas as useful examples and insights for the workshop deliberation. This background information was

compiled by resource persons commissioned by the Secretariat of the Convention, with financial resources from the Government of Sweden.

34. The participants heard the following presentations outlining experiences and lessons learned from relevant global, regional and national processes:

- (a) María Rivera (RAMSAR Secretariat) (*remote presentation*);
- (b) Robbert Casier (World Heritage Convention Secretariat) (*remote presentation*);
- (c) Merete Tandstad (FAO);
- (d) Edward Kleverlaan (IMO);
- (e) Daniel Cebrian (RAC/SPA-UNEP/MAP);
- (f) Giuseppe Notarbartolo di Sciara (IUCN Marine Mammal Protected Areas Task Force).

35. These presentations were followed by a presentation on international trends and distinctive approaches of relevance to the CBD process on EBSAs by Daniela Diz and Elisa Morgera (Secretariat resource persons).

36. Through ensuing discussion in the plenary, workshop participants then shared their insights on information provided on other relevant global and regional experiences of relevance to the process on EBSAs under the Convention and noted the following from the experiences of other relevant instruments:

- ♦ Most, if not all, of the global and regional instruments presented include provisions for modification of designations, subject to their respective protocols/procedures.
- ♦ Grounds for modification of descriptions or designations of areas identified include: incorporation of new information or analysis, including the traditional knowledge of indigenous peoples and local communities; changes in the perceived status of threats; irremediable loss of the distinguishing features that led to the designation of the area, although some processes permit modification in cases where a site was listed, described or identified either wholly or partly by error; or exceptionally, for reasons relating to urgent national interests (e.g., Ramsar Convention).
- ♦ In most instances, the modification of an area of international importance is linked to monitoring and review processes.
- ♦ There is some experience with the modification of descriptions and designation of areas, which usually proceeds on the basis of technical guidelines to ensure scientific rigour and follow-up procedures.
- ♦ Certain processes provide for a temporary remedial regime for sites that have been found to be under threat or potential threat, or the condition of which appears to have deteriorated to, among others: raise awareness; catalyse cooperation towards their recovery or restoration; and allow the Party concerned to access financial or technical support available under the relevant process.
- ♦ Under the relevant instruments analyzed, coastal States do not generally wish to revoke the designation of areas within their jurisdiction, as designation is a matter of prestige.

37. Summaries of the above presentations are provided in annex II.

#### **ITEM 6. DEVELOPMENT OF OPTIONS REGARDING PROCEDURES WITHIN THE CONVENTION TO MODIFY THE DESCRIPTION OF AREAS MEETING THE EBSA CRITERIA AND TO DESCRIBE NEW AREAS**

38. Under this agenda item, participants heard the following presentations:

- (a) Identifying the scientific needs for updating EBSA descriptions at the regional scale, by Pat Halpin (GOBI);

(b) Scientific elements that can trigger the modification of existing EBSA descriptions, by David Johnson (GOBI);

(c) Possible elements for consideration, by Daniela Diz and Elisa Morgera (Secretariat resource persons).

39. Summaries of the above presentations are provided in annex II.

40. Based on the presentations and deliberations of the workshop in plenary session, participants then split into three breakout groups (organized by relevant expertise and with due regard to regional and gender balance) to discuss various issues and explore possible ways to move forward regarding procedures within the Convention related to the modification of the description<sup>3</sup> of areas meeting the EBSA criteria and the description of new areas.

41. The results of the breakout group discussions were reported to the plenary for consideration. In the plenary session, workshop participants discussed necessary steps and possible options regarding procedures within the Convention to modify the description of areas meeting the EBSA criteria and to describe new areas.

42. Results of the workshop discussion under this agenda item are contained in annex III.

43. Participants also noted a need to further clarify the distinction between the EBSA repository and information-sharing mechanism, and provided specific options and suggestions for further development, as described in annex IV.

#### **ITEM 7. DEVELOPMENT OF OPTIONS FOR STRENGTHENING THE SCIENTIFIC CREDIBILITY AND TRANSPARENCY OF THE EBSA PROCESS**

44. Participants split into three breakout groups to discuss various issues and to explore possible ways to strengthen the scientific credibility and transparency of the EBSA process, including ways to enhance scientific peer review by Parties, other Governments and relevant organizations.

45. The results of the breakout groups were reported to the plenary for consideration. In the plenary session, workshop participants identified necessary steps and discussed options for strengthening the scientific credibility and transparency of the EBSA process, including ways to enhance scientific peer review by Parties, other Governments and relevant organizations, and to enhance the incorporation of the traditional knowledge of indigenous peoples and local communities, and the full and effective participation of traditional knowledge holders and experts, in the EBSA process.

46. Results of the workshop discussion under this agenda item are contained in annex V.

#### **ITEM 8. OTHER MATTERS**

47. Participants exchanged their insights on the geographical scale of areas described to meet the EBSA criteria, which reflected the inherent variability of ecological functions as well as the availability of data and experts. Some participants suggested that CBD regional workshops could provide a forum, following the description of EBSAs, to facilitate discussions on the possible use of EBSA information for the enhanced conservation and management through national and local marine spatial planning and/or sectoral management at the finer scale.

48. Participants noted a need to explore the “*EBSAs at risk*” concept, drawing on the experience from other relevant instruments, such as the Ramsar Convention (i.e., Montreaux Record).

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<sup>3</sup> 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](http://www.cbd.int/ebsa). Modification of an existing 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.

49. Participants also noted the importance of providing incentives and enhanced capacity for Parties, in particular developing country Parties, to continue to participate in the CBD's EBSA process, by facilitating scientific and technical cooperation for monitoring of marine biodiversity and providing capacity-building opportunities on various aspects of the EBSA description and the use of EBSA information. Linking with relevant global initiatives (e.g., Global Ocean Observing System, World Ocean Assessment, Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services) and emerging global financing initiatives (e.g., Green Climate Fund) may provide such incentives and efficiencies of operation.

50. Participants noted the value of the background document made available by the Secretariat (CBD/EBSA/WS/2017/1/INF/1) and agreed to provide to the Secretariat, within the next month, their comments and suggestions to further refine the document.

#### **ITEM 9. ADOPTION OF THE REPORT**

51. Participants considered and adopted the workshop report, with some changes, on the basis of a draft report prepared and presented by the co-chairs.

#### **ITEM 10. CLOSURE OF THE WORKSHOP**

52. In closing the workshop, participants expressed their appreciation to the Government of Germany for its hospitality and thanked the workshop co-chairs for their leadership in steering the workshop deliberation in effective and efficient manner. They also thanked the rapporteurs, facilitators of the group discussion, and resource persons for their valuable contributions. They acknowledged with thanks the hard work and efficient servicing by the Secretariat staff for successfully organizing and concluding the workshop.

53. The meeting was closed at 7:30pm, on Friday, 8 December 2017.

*Annex I***LIST OF PARTICIPANTS****EXPERTS NOMINATED BY PARTIES****1. Argentina**

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*Annex II***A. SUMMARIES OF PRESENTATIONS UNDER AGENDA ITEM 3****CBD process for describing areas meeting the scientific criteria for ecologically or biologically significant marine areas (EBSAs) (*by Jihyun Lee, CBD Secretariat*)**

Ms. Lee described the relevant work conducted by the Convention on Biological Diversity on marine and coastal biodiversity, including the work on facilitating the description of EBSAs, addressing the impacts of threats on marine biodiversity, management tools and guidelines, and the capacity development activities of the Sustainable Ocean Initiative. She introduced the process for describing EBSAs, beginning with the adoption of the EBSA criteria at the ninth meeting of the Conference of the Parties to the Convention on Biological Diversity (COP 9) and the call by the tenth meeting of the Conference of the Parties (COP 10) to organize a series of regional EBSA workshops. Since 2011, the CBD Secretariat had convened 13 regional workshops to facilitate the description of areas meeting the EBSA criteria, pursuant to decisions X/29, XI/17, and XII/22. These workshops had covered more than 74 per cent of the world's oceans and involved 153 countries and about 140 organizations, with some attending more than one workshop. So far, a total of 279 areas had been described as meeting the EBSA criteria, and these areas had been considered by COP 11, COP 12 and COP 13, which then requested that the summary reports on the outputs of these regional EBSA workshops be submitted to the United Nations General Assembly and its relevant working groups. Ms. Lee went on to emphasize that the application of the EBSA criteria was a scientific and technical exercise and that areas found to meet the EBSA criteria may require enhanced conservation and management measures, which can be achieved through a variety of means, including marine protected areas and impact assessments. She also emphasized that the identification of EBSAs and the selection of conservation and management measures was a matter for States and competent intergovernmental organizations. She then pointed out that the EBSA process may lead to further strengthening of the region's existing efforts to meet its goals for marine biodiversity conservation, by facilitating scientific collaboration and increasing awareness. She also explained how the EBSA information can be used for cross-sectoral marine spatial planning.

**B. SUMMARIES OF PRESENTATIONS UNDER AGENDA ITEM 4****Country experiences: Vanuatu and Solomon Islands (*by Ms. Agnetha Zima Ann Vave-Karamui, Solomon Islands, and Mr. Vatumaraga Molisa, Vanuatu*)**

Mr. Molisa discussed experiences and challenges in Vanuatu and Solomon Islands in utilizing information emanating from the CBD regional EBSA workshop for the Western South Pacific, which took place in 2011. He noted the data gaps that were cited during the regional workshop and that new information had since become available, which can add to the previous EBSA descriptions. He described efforts in Vanuatu to identify Special and Unique Marine Areas (SUMA), which incorporated some of the EBSA information. However, he noted a specific challenge in using the information in Vanuatu, as the EBSA description was at a larger scale than some of the information required for national planning efforts. Noting the importance of the Special and Unique Marine Areas (SUMA) to marine resource management, Mr. Molisa pointed out that identifying these areas on their own often did not adequately take into account the connectivity among them and to other elements of the marine environment. He explained that, for this reason, the new marine spatial planning efforts of Vanuatu and the Solomon Islands were working together to delineate all parts of the deep-water and reef-associated marine environment into "bioregions". Mr. Molisa explained that in April 2017, the Government of Vanuatu launched its National Ocean Policy, which it was now in the process of implementation. This included a marine spatial plan, with a national network of marine protected areas, to be delivered by 2020. Solomon Islands was also following a similar path, and was currently developing a roadmap for the development of an ocean governance framework by 2020. The marine spatial planning approach in these countries aimed to address conflicting uses, optimize the location and management of development activities, and also offer protection to the range of marine plants and animals in their waters. With the support from the Marine and Coastal Biodiversity Management in Pacific Island Countries (MACBIO) project, which was funded by the German Federal Ministry for the

Environment, Nature Conservation, Building and Nuclear Safety's (BMUB) International Climate Initiative (IKI), both countries recently held their national workshops for identifying and mapping SUMAs, and collecting additional information to fill critical gaps. Vanuatu had used EBSAs described in the 2011 CBD workshop, as well as other existing marine sites deemed significant (e.g., ecologically, socio-culturally, historically) and/or sensitive/vulnerable, from its recent consultations/processes related to Vanuatu's National Biodiversity Strategy and Action Plan. Both countries will use the SUMA workshop outcomes to feed into the identification of the different bioregions in their EEZs.

#### **Experience in Brazil (by Mr. José Angel Alvarez Perez, Brazil)**

Mr. Perez outlined the experience of Brazil with the application of the EBSA criteria in their waters. Brazil hosted and participated in the CBD Wider Caribbean and Western Mid-Atlantic regional EBSA workshop, which took place in Recife in 2012. One month prior to this workshop, a national preparatory meeting was held in Brasília, gathering 29 specialists, 14 research institutions and four conservation organizations. The workshop applied the EBSA criteria to marine areas both within and beyond the national jurisdiction (ABNJ) of Brazil. Seven areas were described at this workshop, all of them including regions under national jurisdiction and some extending to the ABNJ or the jurisdiction of neighbouring countries. Some of these areas, and their criteria application process, supported the identification of priority marine areas for conservation in Brazil, which resulted from a similar expert consultation process conducted by Ministry of the Environment five years before. One of them, however, was fully focused on the description of an ecologically and biologically significant area in the Atlantic, referred to as the "Atlantic Equatorial Fracture Zone and high productivity system". The description of this area had been useful in other spatial management processes in ABNJ of the Atlantic, including the definition of a vulnerable marine ecosystem (VME) no-fishing area by the Western Central Atlantic Fishery Commission (WECAFC) and the development of a Regional Environmental Management Plan in the Atlantic, as requested by the International Seabed Authority. The latter had been based on a network of Areas of Particular Environmental Interest (APEIs), placed along the Mid-Atlantic Ridge, which should be excluded from mining exploration and exploitation. The use of a national consultation process to apply the EBSA criteria was found to be of great value, working also as a peer-review system. EBSAs proposed for the ABNJ were also shown to be useful for international management/conservation initiatives in the deep areas of the Atlantic. In these areas, however, most evidence had come from proxies, surrogates and habitat modelling, which did not eliminate the need for comprehensive *in situ* biodiversity sampling. Therefore, additional scientific research must be a priority for updating the EBSA description in the region.

#### **Experience in West Africa (by Mr. Mallé Diagana, Regional Partnership for Coastal and Marine Conservation in West Africa)**

Mr. Diagana explained that West Africa was an important hotspot of marine and coastal biodiversity, which was facing many pressures, including overfishing, illegal, unregulated and unreported fishing, pollution and climate change. Some of the countries in this region, supported by various institutions and international organizations, were continuing the EBSA process initiated by the CBD Secretariat. Many projects had been implemented to identify and describe EBSAs, in particular through the Regional Partnership for the Conservation of the Coastal and Marine Zone of West Africa (PRCM), Réseau Régional d'Aires Marines Protégées en Afrique de l'Ouest (RAMPAO), Network of Protected Areas of Central Africa (RAPAC) and the Abidjan Convention. These exercises enhanced the legal context for the conservation of marine and coastal biodiversity, and had increased the awareness of political leaders and the involvement of local communities. They had also reinforced synergies among countries for resource conservation in areas of common interest. Mr. Diagana noted the importance of continuing these processes, both at national and regional levels, and stressed that capacity-building on targeted tools was needed to support this progress, in particular on geographic information systems, remote sensing and taxonomy. He touched on the importance of technology transfer as a critical need for the countries to enhance the description of EBSAs and for the EBSAs to contribute to the development and implementation of marine spatial planning.

**EBSAs in the Benguela Current Large Marine Ecosystem (BCLME): Status quo, lessons learned, next steps (by Mr. Erich Maletzky, Namibia, and Mr. Stephen Kirkman, South Africa)**

Mr. Kirkman explained that fourteen EBSAs were described in the Benguela Current Large Marine Ecosystem (BCLME) region (Angola, Namibia and South Africa) at the South-Eastern Atlantic Regional Workshop to Facilitate the Description of EBSAs in 2013. A key lesson learned from the description of areas meeting the EBSA criteria was the need for wider engagement in the process. Work on EBSAs in this region had developed further since then, and there were efforts to review and update the existing EBSAs described and to describe potential new EBSAs. These efforts were providing for a more robust and cross-sectorally inclusive EBSA process at the national level in all three of the countries and at the regional scale. The initial process produced some EBSA descriptions that were not always practical in informing national management measures, for example due to mismatch of scale between an EBSA and national management objectives. The need for detailed, evidence-based EBSA descriptions to inform marine spatial planning (which was being institutionalized by the member States of the BCLME) or other spatial management tools, had been emphasized. The EBSA process had provided the motivation for additional research, at least in one of the countries of the region. Furthermore, a proposed network of approximately 20 new proposed MPAs in South Africa largely coincided with the existing EBSAs, and the EBSA status of these areas was among the motivating factors for the designation of these MPAs (however, the designation of these MPAs had not yet been finalized).

**Experience and lessons learned in Australia (by Mr. Piers Dunstan, Australia)**

Mr. Dunstan presented a summary of the Australian national process focused on “Matters of National Environmental Significance”, and Australia’s work in describing Key Ecological Features (KEF) and Biologically Important Areas (BIA). Australia submitted the KEFs to the CBD Secretariat as an example of a national process that was compatible with the description of EBSAs. Mr. Dunstan described the links between the CBD EBSA criteria and the criteria that were used to define the KEFs and BIAs within Australia. He described the process to assess the potential interactions between the conservation values described in the KEFs and BIAs and pressures that were acting on them in the Australia EEZ. The overlay of pressures on the conservation values was used to develop management priorities, and simple qualitative models were used to describe the relevant subsystem for management within each KEF. These efforts allowed the information in KEFs and BIAs to be used for environmental impact assessment. Mr. Dunstan demonstrated the use of KEFs to support the monitoring of ecosystem health. He demonstrated the case of the Bonney Coast Upwelling KEF, where predictions using simple ecosystem models of the area were supported by satellite observations of change in Chlorophyll A. Finally, Mr. Dunstan detailed the scientific process for updating BIAs.

**Experience and lessons learned in Canada when describing and updating information on areas meeting the scientific criteria for EBSAs (by Ms. Nadine Wells, Canada)**

Ms. Wells discussed the national process of Canada for identifying EBSAs within its waters. She explained that there had been many lessons learned from the experience of Canada with the description of EBSAs. First, the scale of data or the area being assessed often affected the size of EBSAs identified. Second, the use of thresholds had been useful, both in the identification of EBSAs and in determining which features were of central importance to an EBSA. Third, oceans managers and other groups wanted EBSA features to be well-defined/described in terms of location, timing, persistence and extent. Finally, Fisheries and Oceans Canada’s (DFO) peer review process under the Canadian Science Advisory Secretariat (CSAS) had been critical in reaching consensus on the identification and description of EBSAs across Canada. She also noted that the scientific information contained in EBSA descriptions in Canada had made a significant contribution to the conservation and sustainable use of marine and coastal biodiversity. EBSAs were a core component of DFO’s Oceans Management programme. Most importantly, EBSAs were included in processes for the development of the marine protected area network of Canada. In DFO’s Resource

Management programme, EBSAs had been used in applying the Sensitive Benthic Area policy, and several of these areas had been protected under the *Fisheries Act* using fisheries closures. As part of the Fisheries Protection Program, EBSAs were identified as “special areas” during environmental assessment/project review. EBSAs were also used by regulatory organizations for the purposes of environmental emergency response. Finally, EBSA data layers and processes were being used to identify areas for new research. She went on to point out that there was a scientific need to update existing EBSA descriptions in Canada. Most important was the need for spatial information on EBSA ecological features. For some individual EBSAs, boundaries needed to be reviewed or ecological features needed to be updated based on new research. Also, there was a need to provide information on function of EBSA components. Several DFO bioregions had recently undertaken re-evaluations/re-assessments of their respective areas to update/refine existing EBSAs or identify new EBSAs. Generally, these processes were conducted in areas where evaluations were done 10-12 years prior. In each case, a formal CSAS peer-review process had been used, resulting in the production of publicly available advisory documents. Finally, she noted that Canada continued to make efforts to use EBSA scientific information for enhanced conservation and management (as described above) and had also continued efforts to conduct additional scientific research, compile scientific information and update EBSA descriptions. The Government of Canada had invested almost \$CAD 200 million in ocean and freshwater sciences and \$CAD 1.5 billion under the Oceans Protection Plan. Ms. Wells noted that DFO had begun hiring new science staff across the country to restore and protect marine ecosystems and habitat, as well as to study new and effective methods of cleaning up oil spills, and that the EBSA work had directly benefitted from this hiring process.

**Approaches for ensuring credibility and transparency, including scientific peer review, of the existing EBSA process: experience at the CBD regional workshops (by Mr. Nic Bax, Mr. Jesse Cleary, Mr. Ben Donnelly, Mr. Daniel Dunn, Mr. Piers Dunstan, Mr. Mike Fuller and Mr. Pat Halpin)**

Mr. Bax presented a summary of the experiences of the two technical teams, respectively from Duke University, United States of America, and the Commonwealth Scientific, Industrial and Research Organisation (CSIRO) or Australia, which had provided data support for all of the CBD regional EBSA workshops. The regional workshops were designed to synthesize the best available scientific and technical information to support expert scientific judgment on the description of areas meeting the EBSA criteria. Between 90-200 GIS data layers (including modelled interpretations) were generated for each of the 13 workshops held thus far, including for elements such as: physical oceanography, seafloor geology, deep sea coral, fisheries data, species diversity, and distributions from birds, turtles and whales. Data originated in open literature and databases, including the Ocean Biogeographic Information System (OBIS). All of the data were made available to participants after the workshops either online or through other modalities. The technical teams noted that the seven EBSA criteria had much in common with criteria used to define other marine spatial features, including vulnerable marine ecosystems (VMEs), Particularly Sensitive Sea Areas (PSSAs), World Heritage Sites and Ramsar sites, providing some confidence that the criteria were well-chosen. Preparatory workshops were seen as important in increasing the scientific knowledge of regional participants to further improve scientific rigour of the EBSA workshops. Sufficient information was available to assess 93% of the seven criteria for the 279 EBSAs identified to date, and all criteria were assessed for at least 89% of the EBSAs, indicating that no criterion was consistently lacking in information for assessment. The EBSA process and results had been reviewed and published in international peer-reviewed scientific literature in multiple papers. Capacity development was also seen as an important component of the regional workshops, including through work under the Sustainable Ocean Initiative.

**North-East Atlantic EBSA process: Peer-review by the International Council for the Exploration of the Sea (ICES) (by Mr. Jake Rice, IUCN-FEG, and Mr. David Johnson, GOBI)**

Mr. Rice and Mr. Johnson discussed the NEAFC/OSPAR North-East Atlantic Regional EBSA Workshop. They explained that this initiative, taken by the Secretariats of the OSPAR Commission and North-East Atlantic Fisheries Commission, and involving the CBD Secretariat as an observer, was very different from the subsequent CBD regional EBSA workshops. The workshop was restricted to ABNJ, and scientists

participated by invitation. The North-East Atlantic was a relatively data-rich area – data resources were compiled and templates submitted, but no independent technical team was appointed. A workshop report summarized ten areas meeting the EBSA criteria. NEAFC and OSPAR submitted the report to the International Council for the Exploration of the Sea (ICES) for peer review before presenting it to their respective Contracting Parties. The ICES review consolidated the workshop results to four areas but the Parties had yet to reach a consensus regarding the submission of the outputs of this workshop to the CBD. It was highlighted that in the North-East Atlantic, predominantly EU Parties had a well-established culture to seek peer-review advice from ICES. ICES advice was trusted to be objective, but also relied on scientific capacity levels and the goodwill of individual experts. While such a system remained an option for the CBD EBSA process, no similar system or organization existed at this time at a global level.

### **C. SUMMARIES OF PRESENTATIONS UNDER AGENDA ITEM 5**

#### **Experiences under the Ramsar Convention (by Ms. Maria Rivera, Ramsar Convention Secretariat) (remote presentation)**

Via a remote presentation, Ms. Rivera introduced the Ramsar Convention on Wetlands, to which 169 States were Parties, as a global legal framework for the conservation and sustainable use of all wetlands. These wetlands included marine and coastal ecosystems, such as mangroves, tidal flats, coral reefs and seagrass meadows, as well as inland wetland types, such as lakes and rivers. She explained that a key obligation of Contracting Parties to the Convention was the designation of wetlands of exceptional value in their territory as “Wetlands of International Importance”, also called “Ramsar Sites”. By doing so, they commit to the long-term conservation and sustainable use of these sites. So far, Parties had designated more than 2,287 Ramsar Sites worldwide, covering an area of 225,399,512 ha. Article 3.2 of the Ramsar Convention required Parties to inform the Secretariat if the ecological character of a site had changed, was changing or was likely to change as the result of technological developments, pollution or other human interference. Such sites were registered on the Montreux Record, which was maintained as part of the Ramsar List, and was established by Recommendation 4.8 of the Conference of the Contracting Parties (1990). Resolution 5.4 of the Conference (1993) determined that the Montreux Record should be employed to identify priority sites for positive national and international conservation attention. As indicated in Resolution VIII.8 (2002), the Parties believed that “the voluntary inclusion of a particular site on the Montreux Record was a useful tool available to Contracting Parties in circumstances: 1) demonstrating national commitment to resolve the adverse changes would assist in their resolution; 2) highlighting particularly serious cases would be beneficial at national and/or international level; 3) positive national and international conservation attention would benefit the site; and/or 4) inclusion on the Record would provide guidance in the allocation of resources available under financial mechanisms.” Resolution VI.1 (1996) established more precise procedures for the use of the Montreux Record mechanism, with guidelines on the steps to be taken for including Ramsar sites on the Record and removing sites from it. Sites may be added to and removed from the Record only with the approval of the Contracting Parties in which they lie. These sites may benefit from the application of the Ramsar Advisory Mission mechanism, by which the Ramsar Secretariat organizes technical missions to seek solutions and provide advice to the relevant authorities. As of June 2017, 47 sites had been added to the record. Ms. Rivera noted that, exceptionally, a Contracting Party may, because of “urgent national interests”, delete or restrict the boundaries of a wetland already included in the List (Article 2.5). The Convention provides, however, that such deletions or restrictions should be compensated for by the designation as a Ramsar site of another wetland with similar habitat values, either in the same area or elsewhere (Article 4.2). Resolutions VIII.20 (2002) and IX.6 (2005) offer guidance on interpretation of these issues. Over the years, the Conference of the Contracting Parties had adopted a considerable body of scientific, technical, and policy guidance to assist the Parties in addressing the issues embodied in the Convention’s “three pillars”: the wise use of all wetlands, Wetlands of International Importance, and international cooperation. All of the guidance is gathered into a series of handbooks that blend the official guidelines themselves with illustrative materials and case studies meant to provide additional practical help to implementation. Officially entitled *The*

*Ramsar Handbooks for the Wise Use of Wetlands*, the set was known as the “Ramsar Toolkit”. The Ramsar Secretariat presented annually a report to the Standing Committee and triennially to the Conference of the Parties on the status of the sites included in the List of Wetlands of International Importance. As of June 2017, there were For Standing Committee 53 in June 2017 139 Ramsar Sites (6.18 % of all sites) presented 3.2 open files.

**Experiences from the 1972 World Heritage Convention (by Mr. Robbert Casier, UNESCO World Heritage Marine Programme) (remote presentation)**

Via a remote presentation, Mr. Casier provided an overview of the process for nominating and modifying World Heritage sites. The Operational Guidelines for the implementation of the 1972 World Heritage Convention specify the steps in the nomination process of new World Heritage sites. These steps included: inclusion on the State Party’s Tentative List, submission by the State Party of a Nomination File, evaluation by the Advisory Bodies mandated by the World Heritage Convention (IUCN for natural sites) and final decision by the World Heritage Committee. To be included on the World Heritage list, a site must meet at least one of the 10 criteria of Outstanding Universal Value (OUV), meet the conditions of integrity and/or authenticity, demonstrate legal protection and have an effective management system in place to ensure the OUV can be protected for future generations. The World Heritage List currently counts 1073 properties, including 49 marine sites, in 167 States Parties. In 2016 UNESCO and IUCN launched the report “*World Heritage in the High Seas: An Idea Whose Time Has Come*”. Each year the state of conservation of about 150 properties was examined by the World Heritage Committee, making the Convention one of the most comprehensive monitoring systems of any international conventions. This monitoring allowed the World Heritage Committee to assess the conditions at the sites and, eventually, to decide on the necessity of adopting specific measures to resolve recurrent problems. If the OUV for which the site was originally inscribed was in danger of being lost, the World Heritage Committee can decide to inscribe it on the List of World Heritage in Danger. The Operational Guidelines also specified the modifications to the boundaries, the criteria or the name of existing World Heritage properties. Any modification to the boundaries had to be submitted to and approved by the World Heritage Committee, after evaluation by the Advisory Bodies. In case the proposed change was significant and could affect the OUV of the site, the proposed modification would be examined in the same way as a new nomination. The same was true for changes to the criteria under which the site was inscribed. Most modifications related to the addition of a buffer zone, an update of old cartographic information, a realignment between the World Heritage property’s boundaries and, for example, National Park boundaries, an extension of the property, the addition of new natural/cultural criteria, and were proposed following requests from the World Heritage Committee. Proposals for significant reductions in the size of a property, or for removal of some of the criteria for which a site was inscribed on the World Heritage List, were rare.

**Vulnerable Marine Ecosystems in Marine Areas beyond National Jurisdiction (Ms. Merete Tandstad, Food and Agriculture Organization)**

Ms. Tandstad provided an explanation of vulnerable marine ecosystems (VMEs), the global and regional policy frameworks relevant for them, a generalized description of how VMEs were identified and how conservation and management measures for VMEs were decided upon, as well as examples of how the scientific descriptions of VMEs or their management measures were modified, based on new information. VMEs were classified as potentially vulnerable species groups, communities, and habitats with the following characteristics: uniqueness or rarity, functional significance of the habitat, fragility, life-history traits that make recovery difficult, and structural complexity. VMEs were embedded in a fisheries management process that involved several steps, including the identification of potential VMEs using best available scientific information. Of the eight regional fisheries management organizations or arrangements (RFMO/As) with mandates to manage deep-sea fisheries, most had developed VME indicator species taxonomic lists and guides for use by onboard crew and observers. The call for action to improve information on VMEs and enact measures to protect them from significant adverse impacts was documented in global processes and instruments such as through the United Nations General Assembly

resolutions (e.g., UNGA resolution 61/105), and the FAO Guidelines on the Management of Deep-sea Fisheries in the High Seas. The latter contained the five criteria mentioned above for the identification of VMEs (paragraph 42). The global guidance was implemented by regional management bodies (the RFMO/As and other multi-lateral bodies). RFMO/As had a responsibility for the sustainable use of fishery resources in the ABNJ, including minimizing risks of impacts. Ms. Tandstad explained the different types of measures of relevance to VMEs, including elements of guidance for the protection of VMEs, such as identifying VMEs and adopting appropriate management measures (including area closures). VME identification was achieved via a few science-based pathways: habitat surveys and/or predictive modelling can be used to identify where VMEs did or were likely to occur, and the resulting scientific analysis would be discussed or reviewed by the Scientific Committee, which provided a recommendation to the Commission for final decision on appropriate management measures. She highlighted the role of the scientists from the State Parties in addressing priorities and conducting scientific research, and explained that most deep-sea RFMO/As also had processes in place for reviewing the scientific information used for VME identification, as well as for modifying the measures associated with them. New information may result in modification of certain spatially designated areas (e.g., existing fishing footprints, VME closures). It was important to note that in these cases, impact assessments were a requirement before any action was taken with respect to modifications in fishing areas. Ms. Tandstad concluded with some examples of modifications over time.

**The International Maritime Organization and Area Based Management Tools – Experiences in Application and Some Examples/Insights (by Mr. Edward Kleverlaan, International Maritime Organization)**

Mr. Kleverlaan explained frameworks under the International Maritime Organization (IMO) to protect the marine environment from the impacts of international shipping, in particular, through area-based management tools. He provided a brief overview of Special Areas under the International Convention on the Prevention of Pollution from Ships (MARPOL) and its Guidelines (2013 Guidelines A 28/Res.1087), as well as some measures available under the International Convention for the Safety of Life at Sea (SOLAS), such as routing, reporting and traffic services. Finally, he provided an overview of the Particularly Sensitive Sea Areas (PSSAs) concept, in terms of its definition, the Revised PSSA Guidelines (2005, as amended in 2015) and experiences in implementation that may assist in the EBSA process. He noted that PSSAs had been used by IMO to protect marine areas for more than 25 years. The Revised PSSA Guidelines had been modified to ensure a strict transparent process was followed to ensure assessment of proposals to be conducted by the Marine Environment Protection Committee through an ad-hoc Technical Group. He noted that the PSSA criteria were very similar to the EBSA criteria, and thus EBSAs may contain areas that could be protected from shipping impacts through PSSA designations, provided they meet conditions set out by the Revised PSSA Guidelines. Finally, he noted that IMO expects PSSA ‘States’, through the Guidelines, to provide evaluations of their effectiveness and also that Flag States bring any concerns in or near the PSSA to the attention of the Marine Environment Protection Committee (MEPC). No such issues had been raised to date, but many concerns had already been addressed through the assessment process.

**Experience on Collaboration between a Regional Seas Convention, a Regional Fisheries Management Organisation and Other Institutions and Initiatives Providing Relevant Scientific Knowledge with Reinforced Credibility and Transparency to Area-Based Management (by Mr. Daniel Cebrian, UNEP-Mediterranean Action Plan–Regional Activity Centre for Specially Protected Areas)**

Mr. Cebrian explained that the 2030 Agenda for Sustainable Development recognizes multilateral environmental agreements as one of the implementation means for achieving the Agenda, which included the Sustainable Development Goals. He stressed that UN Environment, multilateral environmental agreements and RFMOs had much to offer for global marine conservation, including institutional frameworks for international cooperation for area-based management to strengthen environmental

governance. In order to support the achievement of Sustainable Development Goal 14 and Aichi Biodiversity Target 11, an increase in the complementarity and representativeness of marine protected areas and other effective area-based conservation measures could be aided by fostering co-management practices with stakeholders, as a mean to achieve effective and sustainable management and good governance of areas already described as EBSAs. In addition, boosting MPA coverage throughout the Mediterranean would be aided by habitat identification and mapping within priority conservation areas to declare Specially Protected Areas of Mediterranean Importance (SPAMIs), which significantly overlapped with EBSAs in the Mediterranean. Mr. Cebrian explained how, through the use of an operational criteria methodological tool, it was possible to involve, in addition to the Parties to the Barcelona Convention, the GFCM Secretariat and other regional multilateral actors in a collaborative CBD Mediterranean Regional Workshop to Facilitate the Description of EBSAs, resulting in the description of 17 areas meeting the EBSA criteria, of which 15 were considered by COP and included the CBD repository. Mr. Cebrian discussed progress made since the workshop, with coordination among key Mediterranean regional partners on spatial-based protection and management measures for marine biodiversity. Cooperation since 2015 had focused on the development of a joint strategy, specifically between the Mediterranean Action Plan (UNEP\MAP), Agreement on the Conservation of Cetaceans in the Black Sea, Mediterranean Sea and contiguous Atlantic area (ACCOBAMS), IUCN and the General Fisheries Commission for the Mediterranean (GFCM) in coordination with the network of Marine Protected Areas managers in the Mediterranean (MedPAN), recently including an exchange of letters of intent between relevant Secretariats, agreeing on the aim “to address the common challenges and goals and ensure the sustainable ocean governance of the Mediterranean Sea, noting the different mandates, but close interlinkages between the work of GFCM, ACCOBAMS, IUCN and UNEP/MAP”. Ongoing work had been presented to meetings of the respective bodies, which had officially welcomed the progress, including at the 40th Session of GFCM and Sixth Meeting of Parties to ACCOBAMS and the Meeting of the MAP Focal Points in September 2017. Cooperation in the Mediterranean among the CBD Secretariat, the GFCM, UNEP\MAP, SPA\RAC and other relevant partners for the Mediterranean had so far proved to provide an efficient framework for synergy and scientific multidisciplinary work, supporting the mutual scientific credibility and transparency and strengthening underlying related institutional decisions, such as the EBSAs described within the Mediterranean.

**Emerging set of scientific information that can complement existing EBSA descriptions: An example of important marine mammal areas (IMMAs) in the Mediterranean (Mr. Giuseppe Notarbartolo di Sciara, *Tethys Research Institute* and *IUCN Joint SSC/WCPA Marine Mammal Protected Areas Task Force*)**

Mr. Notarbartolo di Sciara introduced the concept of Important Marine Mammal Areas (IMMAs), which were discrete portions of habitat, important for one or more marine mammal species that have the potential to be delineated and managed for conservation.” He illustrated their usefulness to support the identification of marine areas that could qualify as EBSAs. IMMAs were not marine protected areas and were not identified on the basis of management or other practical considerations. They were an evidence-driven, biocentric process based on the application of scientific criteria and on the best available science and were acknowledged by the CMS. Candidate IMMAs proposed at the conclusion of regional expert workshops were submitted for independent review, and accepted IMMAs were available for online public consultation ([www.marinemammalhabitat.org/imma-eatlas/](http://www.marinemammalhabitat.org/imma-eatlas/)). A comparison between EBSAs and IMMAs identified in the Mediterranean, respectively in 2014 and 2016, revealed that IMMAs had the potential to significantly strengthen the EBSA process by increasing EBSA coverage in any particular region and by further enriching the description of EBSAs already identified in that region.

**International trends and distinctive approaches of relevance to the CBD process on EBSAs (by Ms. Daniela Diz and Ms. Elisa Morgera, *Strathclyde Centre for Environmental Law and Governance*, and *CBD Secretariat Resource Persons*)**

Ms. Diz presented an analysis of relevant international instruments and processes that could inform the workshop discussions on options for describing new areas and modifying existing EBSAs, while highlighting the uniqueness of the EBSA process. The processes analysed included Ramsar sites, World Heritage Sites, Particularly Sensitive Sea Areas (PSSAs), Vulnerable Marine Ecosystems (VMEs), Specially Protected Areas of Mediterranean Importance (SPAMIs), Specially Protected Areas and Wildlife (SPAW), Areas of Particular Environmental Interest (APEIs), marine protected areas under the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR), Antarctic Specially Managed Areas, Antarctic Specially Protected Areas, and Biosphere Reserves. She noted that most processes required that nominations be scrutinized by a specialized scientific and technical body (within or external to the process) with balanced representation of experts. Proposals were often submitted by individual States or by two or more in cases where a common interest in the area concerned exists. Certain regimes allowed for intergovernmental and non-governmental organizations to submit nominations. Ms. Diz explained that most processes highlighted that their provisions were without prejudice to the sovereignty and sovereign rights of Parties and that the designation of an area shall not prejudice the outcome of any dispute relating to the territory in which it was situated. The most common ground for modification of descriptions included irremediable loss of the distinguishing features that led to the designation of the area (although some processes permit modification in cases where a site was listed either wholly or partly by error), or exceptionally, for reasons relating to urgent national interests (e.g., Ramsar Convention). In most instances, the modification of an area of international importance was linked to monitoring and review processes. There was limited experience with the modification of descriptions, which usually proceeded on the basis of guidelines to ensure scientific rigour and follow-up procedures. Some processes provided for a temporary remedial regime for sites that had been found to be under threat, or the condition of which appeared to have deteriorated, to raise awareness, catalyse cooperation towards their recovery or restoration, and allowed the Party concerned to access financial or technical support available under the relevant process. She also noted that under the relevant instruments analyzed, coastal States generally did not wish to revoke designated areas within their jurisdiction, as designation was a matter of prestige.

#### **D. SUMMARIES OF PRESENTATIONS UNDER AGENDA ITEM 6**

##### **Identifying the scientific needs for updating EBSA descriptions at the regional scale (*by Mr. Pat Halpin, Global Ocean Biodiversity Initiative*)**

Mr. Halpin outlined several key topics underlying the development of scientific needs for updating EBSA descriptions at the regional scale. He noted that the original definition of EBSAs, as contained in CBD COP decision IX/20, included a focus on the consideration of future scientific needs. He explained that the scientific justification for describing individual EBSAs may need to be updated for a number of different reasons, which he briefly outlined. He pointed out that new data needed to be both made available to the EBSA process as well as made publicly available. The Ocean Biogeographic Information System (OBIS), a programme of UNESCO-IOC/IODE, was presented as an example of an international, open-access information system that was available to support the EBSA process. A new tool developed for the OBIS information system web interface now allowed for data queries to be conducted for all biological data contained within existing EBSA areas. This type of specialized data tool will be important for continued review and assessment of EBSA areas. In addition to new data coming online, new three-dimensional biogeographic frameworks had also recently become available. Mr. Halpin presented the new Ecological Marine Units approach and the new mesopelagic biogeography approach as examples. The presentation also described issues of uneven spatial coverage of the EBSA workshops, including (1) areas that were excluded from consideration because Parties were conducting a national EBSA process, (2) regions that had not had a workshop conducted to date; and (3) areas that had a workshop scheduled for the future. The presentation also reviewed the potential for fewer EBSAs to be described in regions of sparse data. The issue of overlapping EBSA regional descriptions was presented, showing cases where regional workshops intentionally connected EBSA descriptions across regions and where overlapping areas were revisited by a

subsequent regional workshop. Mr. Halpin then presented the issue of potential review by thematic topics (e.g., migratory connectivity, deep-sea ecosystems). Mr. Halpin also raised the issue that a number of the regional EBSA workshop reports were five years old, and that some of the information contained in them could be outdated. It had been suggested that EBSAs should be reviewed periodically to ensure that the data and descriptions were up-to-date and reflected the current understanding of the regions. It was also noted that some ecosystems, such as the Arctic ice EBSAs, could require more frequent review due to rapid change in those regions. Finally, Mr. Halpin referred to annex II of decision IX/20, which defined five types of analysis and scientific needs (ecologically or biologically significant marine areas; representativity; connectivity; representation of ecological features; and adequacy), which provided a well-defined existing outline of future science needs. He noted that these suggested levels of analysis did not need to be tied to specific management implementations but could be useful for directing general reviews of the gaps and coverage of the EBSA network. The presentation concluded on the need to develop an objective, repeatable and transparent process to update the science supporting EBSA descriptions, and by outlining some possible next steps for the EBSA process.

**Scientific elements that can trigger the modification of existing EBSA descriptions (*by Mr. David Johnson, Global Ocean Biodiversity Initiative*)**

Mr. Johnson explained that his presentation drew on a forthcoming peer-reviewed paper (Johnson et al., 2018, Reviewing the EBSA process: Improving on success, *Marine Policy*, 88, 75-85), provided to the workshop as a background document, which analysed the EBSA process in terms of information gaps, descriptions that did not make it through the CBD EBSA process, representation of taxa and features of interest, and expertise present at CBD regional EBSA workshops as well as opinion canvassed from GOBI Partners. He set out scientific reasons why a modification mechanism to add new and updated information to EBSA descriptions was needed. He pointed out that new information would become available, particularly for deep-sea areas that were currently poorly surveyed. He stressed that the marine environment was dynamic and that some biophysical properties would change over time, including those influenced by impacts of climate change. A distinction was drawn between changes that could affect ranking against the EBSA criteria and additional information serving to increase the evidence base and consolidate EBSA criteria ranking. Specific examples were given to illustrate factors that could trigger changes to criteria ranking. Circumstances where an EBSA description might change significantly could be envisaged, either in terms of criteria ranking or boundary delimitation. He noted that, while it would be the exception rather than the rule, it could be possible to remove an EBSA description from the repository on scientific and technical grounds if the basis of an EBSA description changed fundamentally and values could not be restored. He advocated for a scientific process to evaluate such instances on a case-by-case basis. He also noted that, in time, another round of EBSA regional workshops may be appropriate. He also suggested a number of scientific and technical activities to help fill gaps and build awareness of the utility of EBSAs.

**Development of options regarding procedures within the Convention to modify the description of areas meeting the EBSA criteria and to describe new areas: Possible elements for consideration (*by Daniela Diz and Elisa Morgera, Strathclyde Centre for Environmental Law and Governance, and CBD Secretariat Resource Persons*)**

Ms. Diz highlighted common approaches and trends concerning scientific credibility and transparency in relevant international processes, which included: recruitment of external, or utilization of internal, organizations/groups as advisory scientific bodies; carefully prepared documentation; thorough and consistent procedures for evaluation by qualified experts and, where necessary, expert referees; clear channels of communication between technical and/or scientific bodies and decision-making bodies, with all views being reflected in the outcome document; and best practices on the incorporation of traditional knowledge (e.g., IPBES, PSSAs). With respect to scientific credibility and transparency of the EBSA process, she suggested that the process could benefit from further procedural clarification concerning the

distinction of the EBSA information-sharing mechanism and the global EBSA repository regarding the submission of national exercises. This clarification could include procedures for (a) submitting information from national processes to the information-sharing mechanism through individual, or joint submissions in case of areas under overlapping jurisdictional claims, or transboundary areas between two or more States; and (b) if a Party chooses to have their respective national exercises considered by SBSTTA and/or COP for inclusion of the respective areas in the global repository, this would require a CBD peer-review process, including the one currently utilized through the CBD regional EBSA workshops; and an alternative peer-review procedure (for instance a group of scientific experts could review the proposal prior to consideration by SBSTTA and COP). On the role of CBD regional EBSA workshops, she noted that regional or subregional workshops continued to be a transparent and scientifically robust procedural mechanism for describing new areas and/or potentially modifying existing areas. She further suggested that elements for consideration by the workshop participants could include: the frequency of workshops and the possibility of having thematic (global) workshops in addition to regional and subregional workshops. She also noted alternative routes for description of new areas and modification of existing areas, which could involve a group of experts reviewing Parties' submissions prior to consideration by SBSTTA and COP. She underscored that the modification of EBSA descriptions should be based on a scientific, transparent and peer-reviewed process, based on a developed set of scientific criteria, and that the rationale should be provided and made publically available (in the global repository and information-sharing mechanism). She recommended that, in cases where an EBSA description was modified, the original description be archived in the repository for baseline information and monitoring.

*Annex III*

**SUMMARY OF THE WORKSHOP DISCUSSION ON THE DEVELOPMENT OF OPTIONS  
REGARDING PROCEDURES WITHIN THE CONVENTION TO MODIFY THE DESCRIPTION  
OF AREAS MEETING THE EBSA CRITERIA AND TO DESCRIBE NEW AREAS**

**A. Modification of existing EBSAs**

1. The workshop noted, as described in footnote 1 of decision XIII/12, that the description of areas meeting the EBSA criteria comprised 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), XII/22 (annex), and XIII/12 (annex I), and presented in the EBSA repository and the map available at [www.cbd.int/ebsa](http://www.cbd.int/ebsa). Modification of an existing EBSA description constituted a modification affecting the textual description of areas meeting the EBSA criteria, as contained in the decisions noted above and/or the polygon of the area, as presented in the EBSA repository. The workshop noted that the EBSA descriptions contained in the EBSA repository, as requested by the Conference of the Parties in decisions XI/17, XII/22 and XIII/12, currently could be modified through the decisions by the Conference of the Parties at its future meetings.

2. The workshop identified possible reasons for the potential modification of existing EBSAs, including the following:

- There has been newly available/accessible scientific and technical information, including traditional knowledge, on existing features or on new features associated with an existing area;
- There have been changes in the information being provided by other intergovernmental processes (e.g., CMS Appendices, IUCN Red List of Threatened Species), which were used in the application of the EBSA criteria;
- New and/or newly available expertise, methodological approaches or analytical methods that have emerged;
- There has been a change in the ecological or biological feature(s) of an EBSA, which may lead to the change in the ranking of the area against the EBSA criteria or the change in the polygon of the area;
- Scientific errors in existing descriptions;
- Modifications or additions to the format and categories of information in the EBSA template, as agreed to by COP.

3. The workshop identified the following actors who can propose a modification of existing EBSAs:

- For EBSAs within national jurisdiction: Relevant State
- For EBSAs within the national jurisdiction of multiple States: One or more relevant States or all relevant States concerned by the modification
- For EBSAs in ABNJ: Any State and/or competent intergovernmental organization(s)
- For EBSAs with features in areas both within and beyond national jurisdiction: Relevant State(s) and/or competent intergovernmental organizations
- Knowledge holders, including scientific research organizations, non-governmental organizations and holders of and experts in traditional knowledge, should be encouraged to draw the attention of States and the Secretariat to any of the above reasons to facilitate the preparation of modification proposals, if appropriate, and provide suggestions for modification.

4. The workshop identified options for the differentiation between a significant modification and a minor modification to existing EBSAs, as follows:

*Option 1.* All modifications must go through the current CBD process

*Option 2.* Proposals for modification will be sorted into two classes, one of which will go through a simpler process. Modifications that will go through a simpler process can be determined by:

1. Pre-identified criteria
2. An expert advisory group of the CBD
3. A regional group mandated to do this task

*Option 3.* Clear definition is necessary to determine what is deemed a significant vs. minor change that may trigger modification or that may require different CBD processes

5. The workshop discussed the following options, which could be complementary, for the procedure to initiate the modification process:

*Option 1.* Submission of specific modification proposals (case-by-case basis) to the Secretariat at any time

*Option 2.* Periodic regional workshops (timeframe agreed upon by COP)

*Option 3.* Submission of modification proposals to the Secretariat until a defined number of proposals have been received or a specific time period has elapsed since the submission of the proposal, at which time the Secretariat would convene a workshop, in consultation with the informal advisory group

*Option 4.* A regional advisory group (once established) would determine when a workshop would be convened to consider possible modifications

6. The workshop noted that Parties and Other Governments, as well as relevant organizations, should be informed of any submission of proposals for the modification of existing EBSA descriptions through a CBD notification, the CBD website, the EBSA information-sharing mechanism, and the websites of CBD partner organizations and/or other means.

7. The workshop noted the value and contributions (e.g., scientific networking, capacity-building, sharing of experiences at the regional scale) of the CBD regional EBSA workshops, and support was expressed by many participants for the regional workshops to continue to be held, unless decided otherwise by COP, taking into account the options discussed in the present workshop, with a view to submitting the outputs of this workshop to SBSTTA and COP for consideration, also notwithstanding the potential value of other types of workshops (thematic, global, cross-regional).

8. Participants suggested that the following could complement regional workshops:

(a) Submission(s), by States or competent organizations, of proposals for modification of existing EBSA descriptions to, and collation by, the CBD Secretariat;

(b) Regular (e.g., annual or biennial for the cycle of SBSTTA/COP) progress report on submissions made available through the information-sharing mechanism or other means; and

(c) Proposals for modifications to be reviewed by a regional network of experts and other advisers, as appropriate, (to be established through relevant regional organizations and/or facilitated by CBD's Sustainable Ocean Initiative) or CBD informal advisory group on EBSAs, which may recommend that a regional or other type of workshop be convened sooner than the periodic regional workshops. Regional networks should engage various stakeholders, including regional and sectoral intergovernmental bodies, non-governmental organizations, private sector and indigenous peoples and local communities.

9. The workshop emphasized the importance of incorporating traditional knowledge in the process of modification of existing EBSA descriptions and ensuring the full and effective participation of indigenous peoples and local communities. Options for enhancing the incorporation of traditional knowledge may also include revision of the EBSA description template to include a section with a list of all consulted organizations and specifically a sub-section on consultations regarding traditional knowledge.

10. Participants also highlighted: the need for a strong scientific and technical basis for any proposed modification; the importance of transparency in the modification process; the opportunity to use cost-effective modalities, including web-based communication; and the need to accompany modifications caused by changes to the ecological or biological features of EBSA(s) with guidelines for monitoring the concerned EBSA(s) and implications for threats and effectiveness of management measures currently or potentially in use to support national efforts to restore the original ecological or biological value of the areas that had met the EBSA criteria. Participants mentioned the opportunity to introduce the category of “EBSA at Risk”. Participants also stressed the need to keep information about any previously described EBSA within the repository in case of modification/deletion of the EBSA from the list.

11. The participants noted the following capacity-building needs with regard to the modification of existing EBSAs:

- Peer review of modification proposals on the basis of the EBSA criteria;
- Use of scientific and technical information, including traditional knowledge, to modify an EBSA description;
- Awareness and understanding of the EBSA process.

## **B. Description of New Areas meeting the EBSA criteria**

12. Workshop participants discussed the following options for actors that can decide on the need for the description of new areas meeting the EBSA criteria:

- Areas beyond national jurisdiction: State(s), including land-locked States, competent intergovernmental organizations, also taking into account future developments in the United Nations General Assembly process on biodiversity in areas beyond national jurisdiction
- Areas within national jurisdiction: relevant States
- Regional-scale: a regional network of experts can decide if newly available information is sufficient to justify organization of another regional workshop, based on regular periodic review
- Hybrid of time-based and new information-based trigger: regional experts decide if newly available information would warrant a regional workshop to be held sooner
- Informal advisory group on EBSAs (as described in annex III of decision XIII/12) can advise the CBD Secretariat when a new workshop is needed
- Knowledge holders, including scientific research organizations, non-governmental organizations and holders of / experts in traditional knowledge, should be encouraged to draw the attention of States and the Secretariat to any of the needs/reasons to facilitate the preparation of proposals for the description of a new EBSA, if appropriate.

13. Some of the other options identified in paragraphs 3 to 5 of the present annex are also likely to be valuable, but did not receive full consideration at this workshop.

14. Participants also identified the following options for the description of new areas:

- Regional workshops can continue, complemented by a virtual workshop, and supported by a continuous ongoing process of submission to the Secretariat of proposals on potential new areas meeting the EBSA criteria.
- New information can be submitted (using the template format) and reviewed by a regional network of experts, and/or by the informal advisory group on EBSAs, to decide if a new review or workshop is needed. Such review can focus on a specific element (such as specific species), and multiple sources of new submitted information can be combined to describe new areas meeting the EBSA criteria.
- Any information to be included on the CBD website should be fully reviewed by the informal advisory group on EBSAs, in view of potential sensitivities associated with public visibility.

- Workshops can be regional, sub-regional or inter-regional (global), or thematic.
- Workshops can both modify existing areas and describe new areas on the basis of submissions.
- Scientific gap analysis should be undertaken to support the prioritization for new regional/sub-regional/inter-regional workshops and/or thematic workshops, which can be reviewed and considered by SBSTTA.

15. Participants also discussed the need to ensure full and effective participation of indigenous peoples and local communities to incorporate traditional knowledge in the description of new EBSAs, and that traditional knowledge holders and experts should be engaged in the formation and functions of the regional network of experts on EBSAs (once decided to be established).

16. Participants agreed that any information submitted for potential description of new areas should be transmitted to CBD Parties, other Governments and relevant organizations. The new description process, through regional workshops or thematic workshops, should follow the existing process of submission to SBSTTA/COP for consideration before inclusion in the EBSA repository.

17. Capacity-building needs identified for the modification of existing EBSAs also apply to the description of new areas meeting the EBSA criteria, as follows:

- Understanding of what constitutes an EBSA
- How to develop a proposal
- How to conduct a peer review
- How to evaluate changes
- How holders of and experts in traditional knowledge can participate in these processes and how scientists can engage with them
- How to fill gaps in scientific data, data collection, etc.
- How to use of EBSA information for management
- Understanding of different types of processes, including the links between the EBSA process and other processes, sectors, activities and stakeholders.

*Annex IV*

**POSSIBLE WAYS TO FURTHER DEVELOP A DISTINCTIVE STRUCTURE AND FUNCTION  
OF THE EBSA REPOSITORY AND INFORMATION-SHARING MECHANISM**

1. Participants agreed that only areas meeting the EBSA criteria or comparable national criteria that have passed processes agreed to by SBSTTA and COP would appear in the EBSA repository. A range of options for such processes are outlined in annex V, paragraph 11.

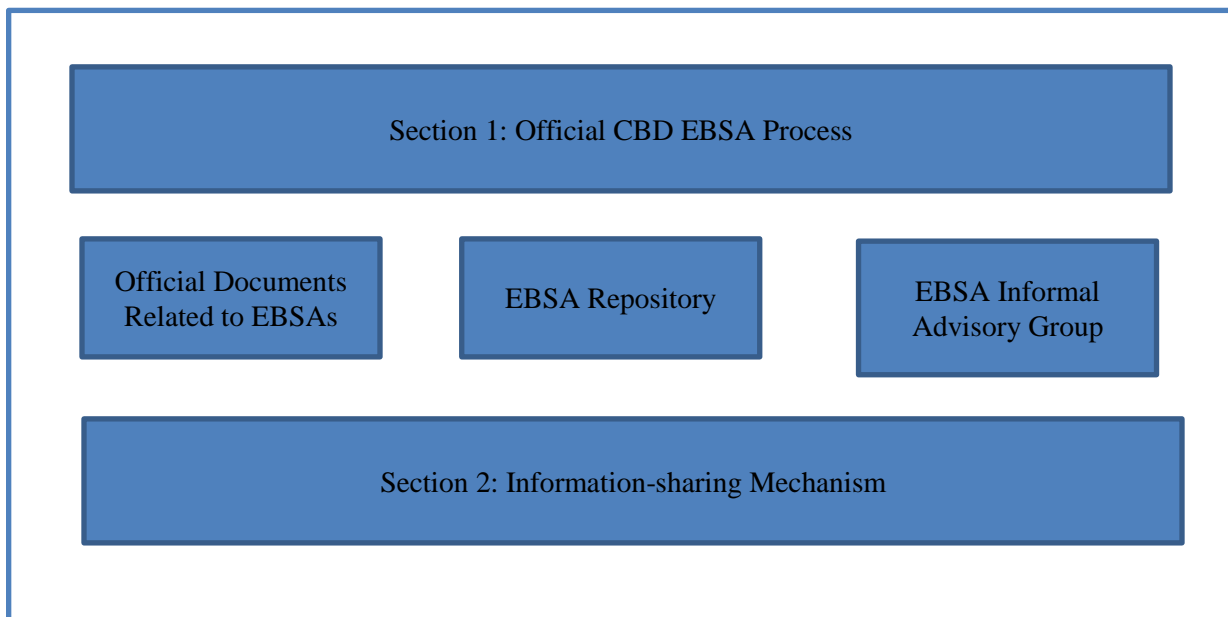
**EBSA Website**

2. The existing EBSA website should be restructured to include the EBSA repository and information-sharing mechanism in a more distinctive manner, as well as to include official documents related to work under the CBD on EBSAs and information from the EBSA informal advisory group.

**EBSA Website Introduction Page**

3. An introduction page can be developed to outline the structure of the EBSA website, to be accessible through <https://www.cbd.int/ebsa>. A link to the introduction page can also be provided at <https://www.cbd.int/marine>. A direct link to the EBSA repository can also be provided in a separate link accessible through <https://www.cbd.int/marine>.

Draft schematic structure of the introduction is shown below:



**4. Components of the EBSA Website**

Section 1: Official CBD EBSA Process

This section could contain a brief description of the process used to describe areas meeting the EBSA criteria through CBD regional EBSA workshops, as well as the following sub-pages:

- Official documents could contain all decisions by the CBD Conference of the Parties related to EBSAs, reports of the CBD regional EBSA workshops, recommendations of the Subsidiary Body on

Scientific, Technical and Technological Advice related to EBSAs, and the EBSA description template.

- EBSA Repository could contain a catalogue of areas meeting the EBSA criteria or comparable national criteria that have passed processes agreed to by SBSTTA and COP. It could show the map that is currently shown at <https://www.cbd.int/ebsa>. The repository could also include recommendations of the Subsidiary Body on Scientific, Technical and Technological Advice related to EBSAs, “EBSAs At Risk” (provided that this concept will be applied in the future), and a record of EBSAs that have been removed from the EBSA repository through the modification process.
- EBSA Informal Advisory Group could contain information on the EBSA informal advisory group, including the list of its members, documents it has produced, a calendar of its future meetings and reports of its past meetings.

## Section 2: Information-sharing Mechanism

The EBSA information-sharing mechanism could contain all information pertaining to EBSAs and EBSA-like processes that have not been considered by COP. This page would be kept separate from the EBSA repository. The non-exhaustive list of information that could be included in the information-sharing mechanism is as follows:

1. Information on national exercises submitted to the Secretariat that have not been considered by SBSTTA/COP. Information submitted to the Secretariat could be brought to the attention of CBD Parties for their information and review. A final review of this information could be conducted by SBSTTA, which could then decide whether to place the information in the information-sharing mechanism.
2. Roster of experts who have contributed to, and who may contribute in the future to, the EBSA process, including the participants of the CBD regional EBSA workshops.
3. Data and links to data related to EBSAs, which could include:
  - a. Link to references
  - b. Link to datasets (e.g., OBIS)
  - c. Methodologies
4. Link to information on other relevant international processes (i.e., Particularly Sensitive Sea Areas, Vulnerable Marine Ecosystems, Key Biodiversity Areas, Important Bird and Biodiversity Areas, Important Marine Mammal Areas and Important Marine Turtle Sites)
5. Information on status, threats to and management of areas meeting the EBSA criteria, provided that relevant information is submitted by respective Parties and/or competent organizations. The workshop recognized substantial value in additional information on these topics being provided to the information-sharing mechanism by relevant organizations.
6. Approaches to the use of traditional knowledge in describing areas meeting the EBSA criteria, with links to information on holders of and experts in traditional knowledge.
7. New submissions of descriptions of areas to be considered as possibly meeting the EBSA criteria (in template format), and potential modifications to existing descriptions of areas meeting the EBSA criteria.
8. Link to the Sustainable Ocean Initiative ([www.cbd.int/soi](http://www.cbd.int/soi)), which provides opportunities for capacity-building and partnerships.



*Annex V*

**SUMMARY OF THE WORKSHOP DISCUSSION ON THE DEVELOPMENT OF OPTIONS FOR STRENGTHENING THE SCIENTIFIC CREDIBILITY AND TRANSPARENCY OF THE EBSA PROCESS**

**A. Scientific credibility of the regional workshops on EBSAs**

1. With regard to strengthening the scientific credibility of regional workshops, workshop participants identified the following steps to ensure enough breadth of knowledge through a strengthened nomination process, fully utilizing the advice of the informal advisory group on EBSAs:

- Establishing “regional networks of experts on EBSAs”, building on available experts in different regions with experience in previous regional workshops, in collaboration with the relevant regional seas organizations, regional sectoral management bodies and other relevant regional initiatives, such as large marine ecosystem programmes/projects, industry and community organizations, as well as regional experts on traditional knowledge;
- Advanced planning of workshop participation in collaboration with “regional networks of experts on EBSAs” (once established), gathering scientific information at appropriate scales;
- Specifically addressing any imbalance across areas of expertise, including by exploring possible linkages with the CBD Global Taxonomy Initiative and synergies with other intergovernmental organizations (e.g., in the context of the newly announced UN Decade of Ocean Science for Sustainable Development and of the Global Ocean Observing System, or in order to draw on experts that were involved in the Census of Marine Life or in the World Ocean Assessment);

2. Workshop participants also considered:

- furthering cooperation with OBIS/IOC-UNESCO in accessing scientific information in support of regional workshops;
- strengthening the provision of guidance for preparations at national and regional levels prior to an EBSA regional workshop to ensure the timely gathering of scientific information; and
- offering pre-workshop training, including on-line training.

**B. Transparency of the regional workshops on EBSAs**

3. With regard to strengthening the transparency of regional workshops, workshop participants identified the following steps:

- including a list of experts who have contributed to describing new or reviewing existing descriptions, and other aspects of the CBD EBSA process, as appropriate;
- including information on free prior informed consent of indigenous peoples and local communities where traditional knowledge was used;
- allowing online submission of public comments on EBSA descriptions, and provision of opportunities for responses to those comments;
- training of science experts in the use of traditional knowledge prior to their participation in the regional workshops
- clarifying the geographic scope of regional workshops in the repository;
- ensuring open access to data (e.g., satellite images, links to referenced academic papers, documentation of traditional knowledge) from the regional workshops (access can be partial or subject to embargo periods, if necessary to respond to Parties’ concerns about data sensitivity) in the CBD information-sharing mechanism, and possibly also on OBIS or as links to primary data sources; and
- institutionalizing participatory data management systems, to avoid exclusion of traditional knowledge holders or stakeholders.

4. Workshop participants also underscored the need to enhance the understanding of the EBSA process with a view to contributing to its transparency, through the following steps:

- conveying the relevance of EBSA descriptions to different sectors and the broader scientific community in understandable language;
- increasing media engagement at national and regional levels during/at the end of regional workshops (on the basis of experience accrued by the CBD Secretariat in the context of other CBD expert meetings); and
- considering the prompt use of EBSA descriptions for national and regional marine spatial planning or other initiatives for achieving the Aichi Biodiversity Targets and Sustainable Development Goals (e.g., blue/ocean economy initiatives).

5. Workshop participants further considered the link between enhanced transparency and follow-up on the outcomes of EBSA regional workshops, through the following options, which are complementary:

*Option 1:* discussing towards the end of regional workshops possible follow-up action at national and other levels, including identifying “champions” to relate EBSA regional workshop outcomes to other international fora or in relation to other areas of work of the CBD; and

*Option 2:* requesting the Secretariat to provide an analysis of uptake of EBSA regional workshop outcomes.

### **C. Enhanced peer-review in the EBSA process**

6. It was noted that peer-review options should be implemented in a manner and timing that allows experts to respond to peer-review comments to potentially incorporate changes and strengthen the description. With regard to strengthening the peer-review process, workshop participants identified the following options:

*Option 1:* developing global and regional rosters of additional peer-reviewers (including traditional knowledge holders and experts), to be selected when needed by the informal advisory group on EBSAs, with the CBD Secretariat liaising with existing regional organizations to identify regional expertise in a geographically and thematically balanced way to be included in the rosters and requesting that reviewers included in the roster undergo formal training on the application of the EBSA criteria (to be developed by the Secretariat in collaboration with relevant partners, such as Global Ocean Biodiversity Initiative);

*Option 2:* including members of the informal advisory group among regional workshop participants to ensure consistency across workshops;

*Option 3:* adding an external review committee to review the reports after regional workshops, with a view to providing feedback for consideration at the next workshop; and

*Option 4:* involving competent international bodies for EBSAs that partly or entirely concern areas beyond national jurisdiction.

### **D. Thematic workshops**

7. Workshop participants noted the need for thematic workshops and considered the following options:

*Option 1:* the informal advisory group advises the Executive Secretary/SBSTTA on the need for thematic workshops.

*Option 2:* the regional networks of experts on EBSAs identify the need for specific thematic workshops;

*Option 3:* the Secretariat conducts/commissions a gap analysis, with a view to identifying the need for thematic workshops;

*Option 4:* The Secretariat arranges for an online public-input process for the identification of thematic workshops.

*Option 5:* Thematic workshops implemented to provide information for the regional workshops and other aspects of the Convention's work on EBSAs.

8. Workshop participants also underscored the need to ensure that participants in thematic workshops have the appropriate expertise, and identified the following steps for the CBD Secretariat to:

- Reach out to well-established international communities of thematic experts;
- Liaise with intergovernmental organizations comprising marine biodiversity experts for other purposes (e.g., Regular Process for Global Reporting and Assessment of the State of the Marine Environment, including Socioeconomic Aspects; Sustainable Development Goals process), as well as to invite these experts to participate; and
- Involve regional networks of experts on EBSAs (once established) in the identification of experts to participate.

9. Workshop participants noted the option to provide online an advance notice of thematic workshops, and to invite submissions from experts and stakeholders of proposed areas of interest to be considered at these workshops. They considered that the thematic workshops would provide data that could contribute to the preparation of regional workshops.

#### **E. National exercises**

10. Workshop participants discussed strengthening the scientific credibility and transparency of national exercises on the application of the EBSA criteria or similar criteria, including by referencing, as much as possible, peer-reviewed publications and incorporating traditional knowledge, where this is not currently done. Participants noted the need for capacity building in best practices for the application of the EBSA criteria at the national level in developing countries. The workshop also highlighted the need: to provide incentives to enhance accessibility of local/national information; to ensure inter-institutional coordination for effective national exercises; for funding for national exercises.

11. In the light of the need to clarify the distinction between including the results of national processes in the information-sharing mechanism or the global EBSA repository, participants identified the following options for submission of national exercises to the CBD Secretariat:

*Option 1:* Description of national processes and outputs submitted for inclusion in the information-sharing mechanism be made available to Parties for comment prior to inclusion in the information-sharing mechanism and those comments to be taken into account

*Option 3:* Inclusion in regional workshops, followed by consideration by SBSTTA and COP, before inclusion in the global EBSA repository;

*Option 4:* Peer-review process (rather than inclusion in the regional workshops), followed by consideration by SBSTTA and COP, prior to inclusion in the global EBSA repository;

*Option 5:* Submission to SBSTTA upon advice of the informal advisory group, for inclusion in the global EBSA repository;

*Option 6:* Informal advisory group reviews and advises the Executive Secretary of a national exercise, followed by consideration by SBSTTA and COP, rather than of individual EBSA descriptions arising from a national exercise, for inclusion in the global repository.

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