



## Convention on Biological Diversity

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### **Legal expert workshop to review modalities for modifying the descriptions of ecologically or biologically significant marine areas and describing new areas**

Oslo, 23–27 November 2023

### **Annotated provisional agenda**

#### **Note by the Secretariat**

#### **Introduction**

1. Since 2010, the Secretariat of the Convention on Biological Diversity has been coordinating a process to facilitate the description of areas meeting the criteria of ecologically or biologically significant marine areas through regional workshops, on the basis of the scientific criteria for identifying ecologically or biologically significant marine areas in need of protection in open-ocean waters and deep-sea habitats adopted by the Conference of the Parties in 2008 (decision IX/20, annex I). Between 2011 and 2019, the Secretariat held 15 regional workshops to facilitate the description of ecologically or biologically significant marine areas. The workshops, convened in collaboration with Parties, other Governments, and international organizations, and with significant scientific input from various scientific experts from around the world, have facilitated the description of more than 300 areas meeting the criteria ([www.cbd.int/ebsa](http://www.cbd.int/ebsa)).<sup>1</sup>

2. While the description process has been successful, the Conference of the Parties has been discussing ways to improve it since 2014, and it requested the Executive Secretary in 2018 to develop practical options to further enhance scientific methodologies and approaches to describe areas meeting the scientific criteria (decision 14/9). Discussions on that issue, most recently held at the fifteenth meeting of the Conference of the Parties, have brought forth valuable insights, but the Conference of the Parties has unfortunately not yet been able to agree on modalities for modifying the descriptions of ecologically or biologically significant marine areas and for describing new areas through means other than regional workshops.

3. With a view to advancing discussions on those issues, the Conference of the Parties, in its decision [15/26](#), requested the Executive Secretary to convene two expert workshops to, respectively:

(a) Review the technical aspects of the modalities under consideration;

(b) Review the legal issues pertaining to those modalities, on the basis of the outcomes of the technical workshop.

4. Pursuant to those requests, the Executive Secretary is convening in Oslo legal expert workshop to review modalities for modifying the descriptions of ecologically or biologically significant marine areas and describing new areas from 23 to 27 November 2023 and the related technical expert workshop<sup>2</sup> from 20 to 24 November 2023, with financial support from the Governments of Belgium,

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<sup>1</sup> See [www.cbd.int/ebsa/](http://www.cbd.int/ebsa/).

<sup>2</sup> Documents for the technical expert workshop are available at [www.cbd.int/meetings/EBSA-EM-2023-01](http://www.cbd.int/meetings/EBSA-EM-2023-01).

Canada, Germany, Norway and Sweden. The workshops will be held back-to-back, with two overlapping days of joint sessions on 23 and 24 November 2023 to give participants in both workshops the opportunity to share views that relate to both technical and legal matters, and to ensure a common understanding across them.

5. The outcomes of the workshops will be submitted for consideration to the Subsidiary Body on Scientific, Technical and Technological Advice and/or to the Subsidiary Body on Implementation, with a view to adopting modalities for modifying the descriptions of ecologically or biologically significant marine areas and for describing new such areas at the sixteenth meeting of the Conference of the Parties.

6. The legal expert workshop will be divided into plenary sessions, which will include thematic presentations with question-and-answer sessions, and moderated discussions. The Secretariat will nominate co-chairs from participants, on the basis of their experience and expertise.

7. The organization of work for the legal expert workshop will be made available on the workshop page.<sup>3</sup>

8. A list of documents for the legal expert workshop is contained in annex II.

9. The meeting will be conducted in English.

### **Item 1**

#### **Opening of the meeting**

10. A representative of the Government of Norway and a representative of the Acting Executive Secretary of the Convention on Biological Diversity will open the meeting at 9 a.m. on 23 November.

### **Item 2**

#### **Workshop background, objectives, scope and expected outcomes**

11. A representative of the Secretariat will deliver a presentation to review the meeting background, objectives, scope and expected outcomes and to introduce the meeting documents, followed by a question-and-answer session and discussion.

### **Item 3**

#### **Understanding the process under the Convention to facilitate the description of ecologically or biologically significant marine areas**

12. Representatives of the Secretariat will deliver a presentation providing an overview of the process under the Convention to facilitate the description of ecologically or biologically significant marine areas and another presentation on the criteria for describing ecologically or biologically significant marine areas, followed by a question-and-answer session.

### **Item 4**

#### **Ecologically or biologically significant marine areas in the context of the international ocean framework**

13. Participants will hear from a representative of the Secretariat on the role of ecologically or biologically significant marine areas in supporting the implementation and monitoring of the Kunming-Montreal Global Biodiversity Framework.

14. A representative of the Division for Ocean Affairs and the Law of the Sea will then deliver a presentation on the Agreement under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction.

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<sup>3</sup> See [www.cbd.int/meetings/EBSA-EM-2023-02](http://www.cbd.int/meetings/EBSA-EM-2023-02).

15. A representative of the International Seabed Authority will follow with a presentation on the process for regional environmental management plans.
16. Then, a representative of the International Maritime Organization will deliver a presentation on the process for Particularly Sensitive Sea Areas, followed by a question-and-answer session and a plenary discussion.

#### **Item 5**

##### **Experiences from other processes to describe marine areas of significance**

17. A representative of the World Commission on Environmental Law and Heriot-Watt University will deliver a presentation on selected experiences from other international processes regarding approaches for modifying previously identified areas.
18. Participants will then hear presentations from representatives on other selected processes, followed by a question-and-answer session and a plenary discussion.

#### **Item 6**

##### **Modification of descriptions of ecologically or biologically significant marine areas and the description of new areas**

19. A representative of the Secretariat will provide an overview and explanation of the draft modalities, a review of areas of agreement and disagreement and how those are reflected in the draft modalities, followed by a discussion.
20. Participants will then be introduced to the draft modalities in detail and invited to review and discuss them, under each of the following subitems:
  - (a) General considerations in the modification of descriptions of ecologically or biologically significant marine areas and the description of new areas;
  - (b) Repository and information-sharing mechanism;
  - (c) Reasons for the modification of descriptions of ecologically or biologically significant marine areas;
  - (d) Proponents for the description and modification of ecologically or biologically significant marine areas;
  - (e) Modalities modification and description.

#### **Item 7**

##### **Other documents related to the modalities**

21. A representative of the Secretariat will introduce the draft terms of reference for the relevant expert advisory body, followed by a review and discussion by participants.

#### **Item 8**

##### **Next steps**

22. To conclude the meeting, participants will have the opportunity to identify and discuss the next steps in support of their work.

#### **Item 9**

##### **Closure of the meeting**

23. The meeting is expected to close at 4 p.m. on 27 November 2023.

## Annex I

### List of documents

#### Official documents

<i>Symbol or hyperlink</i>	<i>Title</i>
CBD/EBSA/EM/2023/2/1	Provisional agenda
CBD/EBSA/EM/2023/2/1/Add.1	Annotated provisional agenda
CBD/EBSA/EM/2023/1/2	Draft modalities for the modification of descriptions of ecologically or biologically significant marine areas and the description of new areas

#### Information documents

CBD/EBSA/EM/2023/2/INF/1	Briefing note to inform the deliberations of the workshops
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#### Reference material

CBD/EBSA/OM/2022/2/1	Report of the online discussion forum on ecologically or biologically significant marine areas in preparation for the fifteenth meeting of the Conference of the Parties
CBD/SBSTTA/24/INF/41	Proposals submitted by Parties and observers on ecologically or biologically significant marine areas under agenda item 6 of the twenty-fourth meeting of the Subsidiary Body on Scientific, Technical and Technological Advice
CBD/EBSA/2020/1/INF/3	Selected experiences from other international processes regarding approaches for the modification of previously identified areas
CBD/EBSA/WS/2020/1/INF/2	A gap analysis review of ecologically or biologically significant marine areas
<a href="http://www.cbd.int/marine/ebsa/booklet-ebsa-impact-en.pdf">www.cbd.int/marine/ebsa/booklet-ebsa-impact-en.pdf</a>	<i>Special Places in the Ocean: A Decade of Describing Ecologically or Biologically Significant Marine Areas</i>