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SUBSIDIARY BODY ON SCIENTIFIC,
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Sixteenth meeting

Montreal, 30 April-5 May 2012

Item 6.1 of the provisional agenda*

REVIEW OF THE REPORT OF THE JOINT OSPAR/NEAFC/CBD SCIENTIFIC WORKSHOP ON EBSAs IN THE NORTHEAST ATLANTIC**

Addendum

Information note by the Executive Secretary

1. In paragraph 36 of decision X/29, the Conference of the Parties requested the Executive Secretary to work with Parties and other Governments as well as competent organizations and regional initiatives, such as the Food and Agriculture Organization of the United Nations (FAO), regional seas conventions and action plans, and, where appropriate, regional fisheries management organizations (RFMOs), with regards to fisheries management, to organize, including the setting of terms of references, a series of regional workshops, before a future meeting of the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) prior to the eleventh meeting of the Conference of the Parties to the Convention, with a primary objective to facilitate the description of ecologically or biologically significant marine areas (EBSAs) through application of scientific criteria in annex I of decision IX/20 as well as other relevant compatible and complementary nationally and intergovernmentally agreed scientific criteria, as well as the scientific guidance on the identification of marine areas beyond national jurisdiction, which meet the scientific criteria in annex I to decision IX/20.

2. Pursuant to this request, a Joint Scientific Workshop was convened by the OSPAR Commission and the North-East Atlantic Fisheries Commission (NEAFC) in collaboration with the Secretariat of the Convention on Biological Diversity to describe areas meeting scientific criteria for EBSAs and other relevant criteria, in Hyères, France, from 8 to 9 September 2011.

3. The workshop report was peer-reviewed by the International Council for Exploration of the Sea (ICES).

4. Upon the request by the Executive Secretaries of OSPAR Commission and NEAFC, the ICES peer-review document is being circulated, together with the cover letter, in the form and language in which it was received by the Secretariat of the Convention on Biological Diversity.

* UNEP/CBD/SBSTTA/16/1.

** "The designations employed and the presentation of material in this note do not imply the expression of any opinion whatsoever on the part of the Secretariat concerning the legal status of any country, territory, city or area or of its authorities, or concerning the delimitation of its frontiers or boundaries."



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26 March 2012

Dear Dr Dias

Regional EBSA Workshop for the North-East Atlantic: Peer review of the Workshop Report

Reference is made to our letter of 14 December 2011 regarding the North-East Atlantic Regional EBSA Workshop, convened by the North-East Atlantic Fisheries Commission (NEAFC), the OSPAR Commission (OSPAR) and the CBD Secretariat, which was held in Hyeres, France, on 8-9 September 2011. A copy of this was sent at the time to Ms Jihyun Lee and we have copied her in to this letter.

In that letter we submitted the Workshop's final report to SBSTTA 16, making it clear that the North-East Atlantic Workshop was a scientific exercise that did not address policy issues.

In the letter we also informed the Executive Secretary of the CBD that the Workshop Report had been sent to the International Council for Exploration of the Sea (ICES) with a request for peer review and stated our intention to forward the ICES review to you even if it did not meet the 22 January 2012 document deadline. We respectfully requested a provisional place holder for this review within the SBSTTA document list and stated that we would make every effort to send it to you as soon as possible.

The ICES peer review has now been completed, and is made publicly available today. We are submitting it in accordance with our previously stated intention and we would be grateful if the peer review document can be included as a document for SBSTTA. Those considering the Workshop Report would be well served to have the peer review by ICES to hand.

In conclusion, we would like to reiterate that the Workshop Report and the ICES peer review have not been endorsed by either of our Commissions as they are now the subject of further scrutiny and

political process. Neither Commission has finalised its work or made decisions in this regard. On the basis of such work, both NEAFC and OSPAR will consider nominating EBSAs to the CBD Repository as appropriate.

Yours sincerely



David Johnson
Executive Secretary
OSPAR Commission



Stefán Ásmundsson
Executive Secretary
NEAFC

Cc Ms Jihyun Lee

SUBJECT **Review of the report of the Joint OSPAR/NEAFC/CBD Scientific Workshop on the identification of Ecologically or Biologically Significant Marine Areas (EBSAs) in the Northeast Atlantic****Request**

ICES has been requested by NEAFC to conduct a peer review of the report from the EBSA workshop which was held jointly with OSPAR and CBD in September 2011.

The review has been conducted by two experienced experts. The reviewers' comments to the general part of the report are summarized below. This summary relates to the scientific quality of the material reviewed and may not be considered policy advice. The summary has been presented to and approved by ICES Advisory Committee (ACOM).

Review summary

The reviewers raise some critical issues. The main point is the lack of a clear methodology with regards to how the criteria were applied. In addition, the assessment results should be reported criterion by criterion for each "proforma". Furthermore, it is noted that the "proformas" are very large areas which should only be interpreted as a starting point for conservation planning based on more detailed studies, i.e. the EBSAs are likely to be identified within these areas. The report is an important first step toward a more fine-scaled evaluation inside these large areas. The next step should be a data-intensive scientific process involving scientists with a broad range of expertise.

Comments to the general part of the report

1. It is very encouraging that three organizations concerned with different aspects of the conservation of biodiversity in the Northeast Atlantic have pooled resources and are working together. This should ensure that the limited scientific resources available are used effectively and efficiently. However, the attendance list at this workshop was relatively limited compared with the scientific expertise available.
2. Paragraph 4 is important as it correctly states the task as "The objective of this scientific workshop was to identify and describe marine areas in the high seas ... which fulfilled the scientific criteria set out by the CBD." The task of this workshop was not to identify EBSAs; labelling an area as an EBSA in the CBD sense can only be done by a body with competence (in the legal sense) to create such a "duty of care". In that sense the report is not consistent when using terms as "candidate EBSAs" (probably safe) and "proposed EBSAs".
3. Paragraph 11. Dividing the work geographically might be a perfectly reasonable approach. However, within each of the 10 "proformas", it is still absolutely necessary to report results criterion by criterion. Results cannot be spread across criteria into areas that are proposed as or termed candidate "EBSAs". These are areas that only meet one or more EBSA criteria. Similarly the wording in the column labelled "Disposition" in Table 1 of the report is confusing and possibly inappropriate. Table 2 is problematic as the linkage between EBSA criterion and properties in column 2 is not clear. Some Table 2 entries are obviously just information sources or ancillary information. But some of the entries seem to be the property link to a specific criterion (implied by the column heading "selected justification arguments"). The table should be clearer on what is what; for the entries that are property-criterion justifications, it should list exactly which criteria are considered to be met.
4. Paragraph 14 indicates that the workshop had some difficulty in applying and prioritizing the EBSA criteria, yet there is no description as to how the criteria were eventually applied. If criteria are to be used to identify areas, then there needs to be a protocol that makes it clear at what point a feature/site meets a criterion, and when it does not. As used in this document, "criteria" appear to be used as rather vague reasons as to why something might be important. If criteria are not used in a repeatable and clear way, then in effect everywhere and everything could be judged to meet a criterion. It is recommended that the workshop is more clear in its use of the term criteria.
5. Paragraph 20. Commonly the term "gap analysis" is used when evaluating whether a policy or management target has been met and if not, determining what remains to be done. (A "gap analysis" of MPA network coverage, for example, might ask whether the 10% target has been reached, and whether all the properties in Annex II of CBD COP IX/20 were captured in the network, *as well as* asking whether all of the marine area under the jurisdiction of the country in question had been considered.) In this case, the analysis is asking only the latter half of that question: what areas of the OSPAR / NEAFC areas have not yet been looked at. The text should seek language that makes the nature of the question clearer. There is no "target" number of EBSAs or a finite percentage of an area that may be considered an EBSA.

In the list of consideration in this version of a gap analysis, type b) is inappropriate. No EBSA criterion applies to types of species, only to the places where they occur. EBSA criteria can be used to identify places needed for specific life history traits of mobile species if the area is *required* for a species to survive or thrive, but an area is not eligible for consideration as an EBSA just because of the presence of specific species. Simply demonstrating that an area is used is not sufficient to meet the criterion.

Item d) on the list is also confusing. How can these aggregations of benthic communities be known to be “important” if they are just becoming known to science at all? With existing knowledge they may be termed unique and rare, or relatively high in diversity compared to other areas, but “important” is a label for the entire class of types of areas which meet one or more of the criteria. It is recommended that what is needed primarily is a full analysis of deep-water benthic communities and a proper categorization agreed among deep-water scientists, rather than the use of loose, ill-defined descriptions (such as “coral gardens”) in a rather *ad hoc* fashion. Such categorization is needed before candidate EBSAs are identified.

6. Figure 1: Most of the areas in the report’s Figure 1, particularly areas 1, 2, 3, 4, 9, and 10, are very large. Considering the quantity and quality of data on deep-sea habitats and species, that may be the scale at which the work must be done. But it must be clear from the report that each large area is only a starting point for conservation planning. This is important because much of the language associated with EBSAs might give the impression that *all* of an EBSA needs enhanced protection because of its ecological properties. Whether the criteria apply to the whole area or only to specific parts of it must be investigated. It would be very hard to argue that *all* of areas 1, 2, 3, or 4 are unique and rare, as each of these patches is larger than most countries in Europe. That would give “rare” quite a strange new meaning. In its present form the report might be misinterpreted as stating that there is a biological basis, derived from application of the EBSA criteria, for making all of these large areas into stringently protected MPAs. The proper message is that inside these large areas, planning for conservation and sustainable use needs to be more risk averse than in other areas. That is different than saying the whole of each large area needs a high degree of protection.

7. Workshop conclusions

Paragraph 22 a) This wording is valuable – the workshop achievements are an important first step. However, the list of conclusion needs to be clear on what the next important steps are.

Paragraph 22 b) Yes, peer review is needed. However, suggesting that OSPAR and NEAFC are only going to apply “political scrutiny” is misleading. There may be some degree of political realism applied by these organizations, but their more important function is to consider how to commence with appropriate planning for conservation and sustainable use of these areas. So, missing from this list is the crucial step of carrying out fine-scaled evaluation inside these large areas, to delineate the relative “strength” with which the various criteria are met before the competent agencies can commence a discussion of where and which conservation measures should be applied.

8. Lessons learned

Paragraph 23 a) This is the only place in the whole report where it is suggested that the large areas in Figure 1 do not all meet the criteria, and that conservation planning and actions should be at finer scales within these areas (see point 6 above). This message is important but is not mentioned or even implied in the body of the meeting report. Referring to the “scientific values” of scientists participating in the discussion may weaken the credibility; “different scientific disciplines” or “expertise” are preferable terms.

Paragraph 23 h) states: “(We) ...will need further iterations of expert consultation to address the gaps identified”. It is recommended that several further iterations with appropriate experts of the candidate EBSAs selected are made before any “gap analysis” is carried out. It is worth noting that the current candidate EBSAs already occupy a large proportion of the high seas of the Northeast Atlantic; finding areas to fill gaps is likely to further increase this proportion. Continuing along this route it might at some point be worth considering whether the good management of all high seas areas might actually provide better results than the declaration of a large proportion of the area as an EBSA.

Comments regarding the 10 proformas

The reviewers have not conducted a detailed assessment of Annexes 8–17 in the report but provide some general comments. First, it should be made clear that the large areas (polygons) on the maps indicate large regions in which EBSAs are likely to be concentrated, but only certain areas will meet the EBSA criteria, not the entire polygons. Before any specific management actions are considered, each large polygon needs to be subjected to a detailed examination on a much finer spatial scale, to find with greater resolution which parts of each large polygon really do meet one or more

of the criteria and thus warrant more risk averse management, and which kind of management is needed. That needs to be done in a more rigorous science peer-review type of process. Based on the workshop report the next step should therefore be a more data-intensive scientific process. The reviewers state that they are not able to do this alone and that a broad range of experts, with access to the data layers used in the analyses reported in these Annexes, should be involved in that process.