Draft Voluntary Guidelines on Peer-Review Processes for the Description of Areas Meeting the Criteria for Ecologically or Biologically Significant Marine Areas (EBSAs) and Other Relevant Compatible and Complementary Scientific Criteria

[Document for Peer-review]

1. Introduction

Various processes exist at different scales and in different contexts focused on identifying and describing areas of significance in marine and coastal areas, including the description and mapping of areas meeting the criteria for ecologically or biologically significant marine areas (EBSAs). These processes take different approaches that reflect a range of objectives, contexts and priorities. Such processes can be coordinated by intergovernmental or governmental entities or by non-governmental organizations or initiatives. They can focus on specific types of habitats, species or processes in the ocean, or they might be broader. They can also be linked with management measures, with certain designations requiring specific management actions or they can be used as a source of information to inform decisions for such action.

In decision 16/16, the Conference of the Parties (COP) to the Convention on Biological Diversity (CBD) emphasized that, in developing submissions of EBSA descriptions or modifications to EBSA descriptions, proponents should consider "the need for a strong scientific basis with sufficient information, as well as the importance of transparency." The importance of a strong information basis and robust review is a common factor among such processes. In this regard, peer-review is also a common factor of success. Peer-review can take different forms but is always focused on the same objective—providing an opportunity for experts in a field to evaluate work in order to ensure its quality and validity.

In decision 16/16, the COP requested the CBD Secretariat to develop voluntary guidelines on peer-review processes for the description of areas meeting the EBSA criteria and other relevant compatible and complementary scientific criteria. There are certain elements of the process under the Convention to describe EBSAs that are aimed at providing opportunities for peer-review, including a six-month open comment period and the convening of regional workshops, in addition to the requirement that submissions are considered by the Subsidiary Body on Scientific, Technical and Technological Advice and COP before they are included in the EBSA repository. However, submissions for EBSA descriptions or modifications can also undergo peer-review before being provided to the CBD Secretariat and undergoing the formal steps of the CBD EBSA process to strengthen their scientific quality.

2. Purpose of the Voluntary Guidelines

The purpose of these voluntary guidelines is to identify and characterize elements that can contribute to effective, robust, equitable and transparent expert review of areas that are being proposed for recognition as significant for some reason. This may include areas proposed as meeting the EBSA criteria, but it can also be applicable to other similar processes that use criteria that may be compatible with and complementary to the EBSA criteria.

These voluntary guidelines focus strictly on expert peer-review as a quality assurance exercise that engages relevant experts and stakeholders in their expert capacity. These guidelines are not intended to address broader rightsholder and stakeholder consultation, for which expert peer-review is not a substitute.

As there are different types of processes for identifying and describing marine areas of significance, and many different contexts in which these operate, these guidelines are not intended to be applicable to all different circumstances, nor are they meant to dictate specific requirements for such processes. As such, the absence of the elements discussed in these guidelines does not imply that a given process may be inadequate.

3. Voluntary Guidelines

Information regarding the designation status for which the area is being proposed

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There should be sufficient information regarding the designation for which the area is being proposed provided to those involved in the peer-review process. This should include the following types of information:

- A full overview of the steps of the process for seeking the designation in question, including the steps of the process that have been completed thus far;
- The nature of the designation status that is being sought and all requirements, criteria and/or thresholds that the area(s) in question must meet to be given this status;
- Whether the area(s) in question is associated with any other designation, including any previous recognitions that it no longer has, and whether any designation has been sought in the past but not accorded;
- Whether any specific actions (e.g., specific management measures) are expected to be taken after the designation is accorded.

Clear justification for why the area(s) meets the criteria for the designation being proposed

As the expert review process is focused on ensuring that the proposal is of high quality, there should be sufficient information provided to those involved in the expert review that explains why the area(s) in question meet the criteria for the designation status being sought. This should include the following types of information:

- Clear geographic delineation of the area(s) in question;
- Geographic scope of the exercise/analysis that led to the proposal to describe the area(s) in question as significant;
- Whether the process that led to the proposal was limited to and/or specifically focused on certain types of features, habitats, processes or species;
- Clear explanation of the features of the area(s) relevant to the designation being sought and justification as to how these features contribute to the area meeting the relevant designation criteria, using the best available information and knowledge;
- Any gaps or uncertainties that may exist in the information/knowledge being used;
- Full references/citations for all information/knowledge being used;
- Applicable permissions for all information/knowledge being used, including the best available science and traditional knowledge of indigenous peoples and local communities respecting their free, prior and informed consent.

Experts engaged in the peer-review process

The peer-review process, being a quality assurance exercise, should address the following elements with respect to the experts engaged in the process:

- Engagement of the appropriate level and number of experts (which includes experts from various, rightsholder and stakeholder groups), with a clear rationale for their engagement, including (but not limited to):
    - Individuals with sufficient knowledge in the types of features, habitats, processes or species being discussed;
    - Individuals with sufficient expertise in the methodological approaches used in the analysis;
    - Representatives from indigenous peoples and local communities in relation to their traditional knowledge subject to their free, prior and informed consent;
- Understanding and disclosure of actual or potential conflicts of interest and motivating factors that experts may have in engaging in the process;
- Clear explanation of the types of input expected from those involved, which may vary for different types of experts.

Setting-up and carrying out the peer-review process

The peer-review process should be carefully crafted and carried out with the following considerations:

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- The use of effective and equitable modalities that are appropriate to facilitate robust review of the proposal, which may include a combination of different approaches;
- Clear steps and expected timelines that are adhered to, and clear explanations of any deviations;
- Clear rules of procedure and code of conduct set out, explained to all involved and adhered to throughout the process, including rules for issues such as:
    - How the discussions and information provided during the process are to be captured in any public documentation (e.g., Chatham House Rule);
    - When consensus is expected/required and steps to be taken when consensus is not possible;
- Clear plans for how the input received through the process will be incorporated and reflected;
- Ensuring adherence to any rules, procedures, timelines and expectations articulated at the outset of the process.

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