

NON-PAPER FOR INFORMAL CONSULTATIONS ONLY

**MARINE AND COASTAL BIODIVERSITY: ECOLOGICALLY OR BIOLOGICALLY
SIGNIFICANT MARINE AREAS**

A. The Subsidiary Body on Scientific, Technical and Technological Advice may wish to recommend that the Conference of the Parties adopts a decision along the following lines:

The Conference of the Parties

Description of areas meeting the scientific criteria for ecologically or biologically significant marine areas (EBSAs)

Recalling General Assembly resolution 66/231 on Oceans and Law of the Sea which reaffirms the United Nations General Assembly's central role in addressing issues relating to the conservation and sustainable use of biodiversity in marine areas beyond national jurisdiction;

Recalling also paragraph 167 of resolution 66/231 in which the United Nations General Assembly decided to initiate a process looking forward to, among other things, the possible development of a multilateral agreement under UNCLOS for the conservation and sustainable use of marine biodiversity in areas beyond national jurisdiction, which addresses together and as a whole marine genetic resources, including questions on the sharing of benefits, measures such as area-based management tools, including marine protected areas, and environmental impact assessments, capacity-building and the transfer of marine technology;

Recognizing that the description of EBSAs is considered to provide scientific and technical information to Parties, other Governments and competent intergovernmental organizations to support their efforts in establishing representative networks of MPAs consistent with international law by 2012 and achieving the Aichi Biodiversity Targets 6 and 11;

Reiterating the United Nations General Assembly's central role in addressing issues relating to the conservation and sustainable use of biodiversity in marine areas beyond national jurisdiction, and in this regard, recalling General Assembly resolution 66/231 on Oceans and Law of the Sea;

Recognizing the key role of the Convention on Biological Diversity in supporting the work of the General Assembly with regard to marine protected areas beyond national jurisdiction, by focusing on provision of scientific and, as appropriate, technical information and advice relating to marine biological diversity, the application of the ecosystem approach and the precautionary approach.

1. *Expresses its gratitude* to the Government of Japan for funding, to the South Pacific Regional Environment Programme (SPREP) for hosting and co-organizing, and to the Government of Australia for providing technical support through the Commonwealth Scientific and Industrial Research Organisation (CSIRO) to, the Western South Pacific Regional Workshop to Facilitate the Description of EBSA, held in Nadi, Fiji, from 22-25 November 2011; to the European Commission for funding, the Government of Brazil for hosting, and the Caribbean Environment Programme for co-organizing, the Wider Caribbean and Western Mid-Atlantic Regional Workshop on EBSAs, held in Recife, Brazil, from 28 February to 2 March 2012; **and to the French Government for hosting**, OSPAR and NEAFC for convening in collaboration with the Secretariat of the Convention on Biological Diversity, the Joint OSPAR/NEAFC/CBD Scientific Workshop on **the identification of EBSAs in the North-East Atlantic**, held in Hyeres, France, on 8-9 September 2011);

2. *[Welcomes* the reports of the regional workshops referred to in paragraph 1 above (UNEP/CBD/SBSTTA/16/INF/5, UNEP/CBD/SBSTTA/16/INF/6, and UNEP/CBD/SBSTTA/16/INF/7) which provide scientific and technical evaluation of information on the application of scientific criteria for **describing** ecologically or biologically significant marine areas (EBSAs) **as set out** in annex I of decision IX/20 **as well as** other relevant compatible and complementary nationally and intergovernmentally agreed scientific criteria];

3. *[Notes with appreciation* the transparent manner by which these regional workshops were convened, and the use of the best available scientific and technical information, which has provided a basis for the reports on the description of **areas which meet the criteria for** ecologically or biologically significant marine areas prepared by the Subsidiary Body at its sixteenth meeting as contained in the draft summary report on ecologically or biologically significant marine areas (UNEP/CBD/SBSTTA/16/5/Add.1) **and supplemented by the annexes to** UNEP/CBD/SBSTTA/16/INF/5, UNEP/CBD/SBSTTA/16/INF/6, UNEP/CBD/SBSTTA/16/INF/7];

3bis. Noting that during their 17th Ordinary Meeting (Paris, from 8-10 February 2012), the Contracting Parties to the Barcelona Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean and its Protocols adopted decision IG.20/7 regarding the conservation of sites of particular interest in the Mediterranean and requested the Secretariat of the Barcelona Convention to contact the Secretariat of the Convention on Biological Diversity in order to present the work carried out regarding the identification of ecologically or biologically significant marine areas in the Mediterranean, welcomes the Synthesis Report (UNEP/CBD/SBSTTA/16/INF/8);

4. *Noting* that the application of the ecologically or biologically significant areas (EBSAs) criteria is a scientific and technical exercise **and emphasizing that the identification of ecologically or biologically significant areas and the selection of conservation and management measures in areas within national jurisdiction 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**, as stated in paragraph 26 of decision X/29, *[endorses][welcomes][takes note of][recognizes]* as a reference for States and competent intergovernmental organizations the reports¹ prepared by the Subsidiary Body, at its sixteenth meeting, based on scientific and technical evaluation of information from the workshops, setting out details of the areas that meet the criteria for EBSAs (annex I to decision IX/20), and *requests* the Executive Secretary to include these reports on the description of EBSAs in the repository described in paragraph 39 of decision X/29, and, in line with the procedures and purpose set out in paragraph 42 of decision X/29, to submit, **at its request**, the reports to the United Nations General Assembly and particularly its Ad Hoc Open-ended Informal Working Group

¹ These reports comprise document UNEP/CBD/SBSTTA/16/5/Add.1, supplemented by the annexes to UNEP/CBD/SBSTTA/16/INF/6, UNEP/CBD/SBSTTA/16/INF/7, and UNEP/CBD/SBSTTA/16/INF/8, and the finalized version of UNEP/CBD/SBSTTA/16/INF/5.

to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction (the Ad Hoc Open-ended Informal Working Group) **and the Ad Hoc Working Group of the Whole on the Regular Process for Global Reporting and Assessment of the State of the Marine Environment, including Socio-economic Aspects, as well as to provide them as a source of information to UN specialized Agencies;**

5. *Takes note* of the need to promote additional research and monitoring ***in accordance with international law, including the United Nations Convention of the Law of the Sea***, to improve the ecological or biological information in each region with a view to facilitating the **further description of the areas already described**, the future description of other areas meeting the scientific criteria for EBSAs in annex I of decision IX/20 as well as **other relevant criteria compatible and complementary nationally and intergovernmentally agreed scientific criteria;**

5bis. Reaffirms the need to facilitate the participation of developing countries, in particular the least developed countries and small island developing States in targeted research schemes called for in paragraphs 10, 20 (b) and 48 of decision X/29, including in oceanographic cruises as well as in those promoted by the International Seabed Authority;

6. *Notes* that scientific description of areas meeting scientific criteria for EBSAs and other relevant criteria is an open process that should be continued to allow ongoing improvement and updating as improved scientific and technical information becomes available in each region;

7. *Requests* the Executive Secretary to further collaborate with Parties, other Governments and competent organizations and **global and regional initiatives, such as the Ad Hoc Working Group of the Whole on the Regular Process for Global Reporting and Assessment of the State of the Marine Environment, including Socio-economic Aspects, International Maritime Organization (IMO) Particularly Sensitive Sea Areas, 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 facilitate the description of EBSAs, and the **further description of the areas already described**, through the organization of regional or subregional workshops as appropriate, and make the reports available for the consideration by the Subsidiary Body and subsequent endorsement by the Conference of the Parties, with a view to including the reports in the repository in line with the procedures and purpose set out in paragraph 42 of decision X/29;

7 bis. Requests the Executive Secretary to further collaborate with Parties, other Governments and competent organizations to **build capacity within countries to address regional priorities of developing country Parties, in particular the least developed countries and small island developing States, as well as countries with economies in transition as called for in paragraph 37 of decision X/29**, through the organization of regional or subregional capacity building workshops as appropriate;

EBSAs repository and information sharing mechanism

8. **Expresses its gratitude to the Government of Germany for funding and welcomes** the EBSA [prototype] repository and information sharing mechanism **for scientific and technical information and experience related to the application of the scientific criteria on the identification of EBSAs in annex I of decision IX/20 as well as other relevant compatible and complementary nationally and intergovernmentally agreed scientific criteria** which serves mainly as a web-based input tool and database to assist Parties, other Governments and competent organizations **in sharing scientific and technical information and experience related to the application of the scientific criteria on the identification of EBSAs in annex I of decision IX/20, as well as other relevant compatible and complementary nationally and intergovernmentally agreed scientific criteria**, and providing scientific information and data to the regional workshops convened by the Executive Secretary,

as called for in paragraph 36 of decision X/29, to describe areas meeting the scientific criteria for EBSAs and other relevant criteria;

8. bis. Requests the Executive Secretary to collaborate further with Parties, other Governments, agencies and regional initiatives for financial assistance, and to establish mechanisms for the systematization and publication of information on marine and coastal biodiversity, standards and protocols in different formats (print, electronic, CD, etc.);

9. *[Requests the Executive Secretary to further develop, subject to availability of financial resources, the prototype repository into a fully functional repository and information sharing mechanism so that it can fully serve the purpose called for in paragraph 39 of decision X/29, in collaboration with Parties, other Governments, the Food and Agriculture Organization of the United Nations (FAO), the United Nations Division for Ocean Affairs and the Law of the Sea (UNDOALOS), the United Nations Educational, Scientific and Cultural Organization – Intergovernmental Oceanographic Commission (UNESCO-IOC), in particular the Ocean Biogeographic Information System (OBIS), the World Conservation Monitoring Centre of the United Nations Environment Programme (UNEP-WCMC), Global Ocean Biodiversity Initiative, and other competent organizations, and report the progress of development to the future meetings of the Subsidiary Body prior to twelfth meeting of the Conference of the Parties to the Convention];*

10. *[Encourages Parties, other Governments and intergovernmental agencies to **develop** regional data inventories that are linked to the global EBSA repository (paragraph 39 of decision X/29) and other relevant data sources, in order to track the location of datasets used in the description of **areas which meet the criteria for EBSAs** by the regional workshops, **including workshops to be undertaken in the remaining regions**, and, **recalling paragraph 41 of decision X/29, requests the Executive Secretary** to make the scientific information and data sets compiled for EBSAs by the regional workshops available to Parties, other Governments and intergovernmental agencies for their use according to their competencies, and report the progress of such collaboration to the future meetings of the Subsidiary Body prior to twelfth meeting of the Conference of the Parties to the Convention];*

11. *Recalling paragraph 18 of decision IX/20 and paragraph 43 of decision X/29, requests Parties and other Governments to further provide for inclusion in the repository, scientific and technical information and experience relating to the application of the criteria in annex I to decision IX/20 or other relevant compatible and complementary nationally and intergovernmentally agreed scientific criteria to areas within national jurisdiction before the twelfth meeting of the Conference of the Parties;*

EBSAs capacity-building

12. *Welcomes the EBSA training manual and modules, as contained in an information document for the meeting (UNEP/CBD/SBSTTA/16/INF/9), invites Parties, other Governments and **UN Specialized Agencies** to use these training materials, as appropriate, and, **as far as possible**, make necessary resources available for this purpose, in order to enhance the scientific and technical capacity within respective countries and regions with regard to **describing areas which meet the criteria for EBSAs** ecologically or biologically significant marine areas (EBSAs);*

12bis. Requests the Executive Secretary to translate the EBSA training manual and modules as contained in document UNEP/CBD/SBSTTA/16/INF/9 into the official UN languages;

12. ter. Recognizing the need to train scientific staff in taxonomy of marine organisms, as well as population genetics, genetic characterization of species, including the bar code (Barcode), biogeographic analysis, among other fields of knowledge, which must support the identification of areas of biological and ecological significance;

12. *quat.* Requests the Executive Secretary to collaborate with Parties, other Governments and relevant organizations to strengthen the capacities of countries in scientific staff training in taxonomy of marine organisms, as well as population genetics, genetic characterization of species, including the bar code (Barcode), biogeographic analysis, among other fields of knowledge, and report the progress for consideration at the next meeting of the Subsidiary Body prior to the 12th meeting of the COP;

13. [*Requests the Executive Secretary to facilitate the organization of training workshops using these training materials in support of future scientific description of EBSAs at national and regional levels as well as identification of EBSAs by States and competent organizations*];

13.bis Requests the Executive Secretary, to the extent possible, and in coordination with the Parties, to identify financial mechanisms for training scientific staff, data generation and information management;

Social and cultural criteria for the description of EBSAs

14. *Welcomes* the study (UNEP/CBD/SBSTTA/16/INF/10) identifying specific elements for integrating the traditional, scientific, technical and technological knowledge of indigenous and local communities and social and cultural criteria **and other aspects for the application of scientific criteria for the** identification of EBSAs and the establishment and management of marine protected areas, **noting that the best available scientific and technical knowledge, including relevant traditional knowledge, should be drawn upon in the description of areas that meet the criteria for EBSAs, and that additional socio-economic criteria may be relevant in any subsequent step of establishing marine protected areas or applying other area-based management tools;**

15. *Invites* Parties, other Governments and competent intergovernmental organizations, **together with relevant indigenous and local communities to make use of the above-mentioned study, as applicable, in any future description and management of in accordance with Section V of the UNEP/CBD/SBSTTA/16/5, EBSAs, and report the progress in this regard to the twelfth meeting of the Conference of the Parties to the Convention.**

B. [The Subsidiary Body on Scientific, Technical and Technological Advice further *requests* the Executive Secretary to include the results of the regional workshops on describing **areas which meet the criteria for** ecologically or biologically significant areas convened by Executive Secretary after the completion of sixteenth meeting of the Subsidiary Body and before the eleventh meeting of the Conference of the Parties to the Convention on Biological Diversity, in the reports, in the same format and details, prepared by the Subsidiary Body at its sixteenth meeting for its submission to eleventh meeting of the Conference of the Parties to the Convention on Biological Diversity, pursuant to paragraph 42 of decision X/29].

C. The Subsidiary Body on Scientific, Technical and Technological Advice may wish to *invite* the Ad Hoc Open-ended Working Group on Review of Implementation of the Convention (WG-RI) to discuss, at the 4th meeting, how the proposed work programme for the clearing-house mechanism in support of the Strategic Plan for Biodiversity 2011-2020 could contribute to development of regional data inventories with linkage to the global EBSA repository and to assist Parties and other Governments in provide for inclusion in the repository as envisaged in paragraphs 10 and 11 of the suggested recommendations and to *request* the Executive Secretary, in consultation with the SBSTTA Bureau, to integrate outcomes of the discussion in finalizing SBSTTA recommendations on EBSAs for submission to the 11th meeting of the Conference of the Parties.

CHANGES suggested to the UNEP/CBD/SBSTTA/16/5/Add.1

Add under the Background

“7. The description of marine areas meeting the scientific criteria for ecologically or biologically significant areas (EBSAs) does not imply the expression of any opinion whatsoever concerning the legal status of any country, territory, city or area or of its authorities, or concerning the delimitation of its frontiers or boundaries. Nor does it have economic or legal implications, and is strictly a scientific and technical exercise.”

Add as a footnote to the table 1

“Pending finalization of the ongoing scientific review process conducted by NEAFC and OSPAR”