



BRIEFING

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Marine

Ecologically or Biologically Significant Marine Areas (EBSAs)



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At the 10th Conference of the Parties to the Convention on Biological Diversity (CBD COP 10), governments agreed to a process for describing marine areas that meet the EBSA criteria and then notifying the UNGA of these areas and their need for stewardship. This was a great first step, especially for ocean areas beyond national jurisdiction, and the culmination of seven years of work by the CBD.

WWF is keen to see this process developed all the way – from the CBD description of areas that meet the EBSA criteria, to seeing the values through to actually being protected as designated marine protected areas (MPAs) with management plans or other appropriate measures taken by competent bodies.

Regional scientific expert workshops identifying EBSAs have taken place in various regions, encouraged and supported by the CBD, and reports of suggested EBSAs have been forwarded to the CBD COP 11 for endorsement and inclusion into a Repository. This can be used as

the scientific basis for establishing a globally comprehensive, adequate and representative system of EBSAs under effective protection and management in accordance with international law, including the UN Convention on the Law of the Sea.

The next step is developing a UN General Assembly (UNGA) agreed process for shepherding the CBD's listed EBSAs in areas beyond national jurisdiction to the competent sectoral and/or regional organizations, for the application of appropriate conservation measures, such as such as setting licensing conditions, environmental impact assessments (EIA), establishment of high seas MPAs or other measures as necessary.

WHICH ORGANIZATIONS DO WHAT?

The role of the CBD is to maintain a Repository of endorsed reports describing areas that meet the EBSA criteria, and a complementary information sharing mechanism to pass these reports on to the UNGA and other relevant international bodies.

It is important that the roles of the UNGA and sectoral bodies in dealing with endorsed EBSA reports from the CBD are established and agreed.

What area gets the GO as an EBSA?

Seven scientific criteria are to be used when evaluating marine areas as having sufficient 'ecological or biological significance':

1. Uniqueness or rarity
2. Special importance for life history stages of species
3. Importance for threatened, endangered or declining species and/or habitats
4. Vulnerability, fragility, sensitivity, slow recovery
5. Biological productivity
6. Biological diversity
7. Naturalness

The actual designation of MPAs and the development of appropriate management plans or adoption of equally effective measures is the responsibility of those competent bodies. In the exclusive economic zones (EEZ) this is the role of the coastal state. In areas beyond national jurisdiction (the high seas and the Area of the seabed outside national jurisdiction), the relevant sectoral bodies have the mandate to control that use: the International Maritime Organization (IMO) for shipping; the International Seabed Authority (ISA) for seabed mining in the Area; regional fisheries management organizations (RFMOs) for fishing. In some high seas areas covered by Regional Seas Organizations (RSOs), the RSO may designate a MPA, but it still needs collaborative action by the relevant sectoral bodies to actually adopt management controls over the uses for which they have regulatory responsibility.

In order to ensure a coordinated approach on the high seas, the UNGA has the opportunity to facilitate cooperation to encourage effective application of appropriate conservation tools. But how the UNGA and these bodies should respond to the EBSA reports received from the CBD is yet to be elaborated.

WHAT'S NEXT?

UNGA

It is important to ensure that the roles of the UNGA and sectoral management bodies in dealing with endorsed EBSA reports received from the CBD are formally established and agreed by governments. This should be referred to the UNGA's Open-ended Working Group on Biodiversity Beyond National Jurisdiction (BBNJ).

Workshops

Some workshops have been held (viz. Wider Caribbean and Western Mid-Atlantic, North East Atlantic, Western South Pacific, Eastern Tropical and Temperate Pacific,

Southern Indian Ocean) and a similar process took place in the Mediterranean, but more regional workshops need to be organized to cover all marine and coastal areas, resulting in a comprehensive CBD Repository of areas that meet the EBSA criteria.

CBD COP 11

CBD COP 11 should endorse appropriate summary reports from the workshops, and from Parties, for inclusion in the Repository and then submit those to the UNGA, and to relevant Parties, international organizations and UN agencies, and make them publicly available.

COP 11 must also ensure sufficient resources are committed to allow the Secretariat to facilitate and support additional workshops and to support and train government experts to participate in these workshops. Resources need to be made available to coastal states to ensure that the EBSA networks are extended to adequately include waters both within national and beyond national jurisdiction.

WWF suggests that CBD COP 11 invite the UNGA to ask its BBNJ to formulate advice to the UNGA on how it can best facilitate appropriate management responses from relevant competent bodies in receipt of CBD EBSA reports and that these report back to the UNGA on relevant management actions taken in response to issues identified pursuant to that UNGA process (especially with respect to the application of EIAs and area-based tools such as MPAs).

It is also important that the CBD ensures that a standing process is established for review and revision of the EBSA reports as new scientific understanding becomes available. In this way, the EBSA Repository can help ensure that the designation of areas and adoption of management measures by competent bodies continues to reflect latest scientific knowledge and best practice.

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