

Conference of the Parties to the Convention on Biological Diversity
Eleventh meeting (COP11)

Hyderabad, India, 8-19 October 2012

Agenda item 10: Marine and Coastal Biodiversity

Recommendations

WWF calls on CBD COP 11 to endorse the SBSTTA 16 recommendations on marine and coastal biodiversity(XVI/4, XVI/5, XVI/6), and more specifically to :

10.1 Identification of ecologically and biologically significant marine and coastal areas;

- Congratulate the Executive Secretary for prompt action to implement COP 10 decision X/29 in setting up a prototype repository for Ecologically and Biologically Significant Marine Areas (EBSA) reports and convening the first regional expert workshops to generate such reports;
- Make the prototype repository of EBSA reports fully functional as a repository and information sharing mechanism and to convene more regional expert workshops with a view to achieving global coverage as soon as practicable;
- Endorse the summary reports from regional expert workshops, and Parties, contained in the annex to SBSTTA XVI/4, include the summary reports in the CBD EBSA Repository and submit those reports to the United Nations General Assembly and particularly its Ad Hoc Open-ended Informal Working Group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction (BBNJ), as well as to Parties, other Governments and relevant international organizations, 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 and other UN specialized agencies, and to make them publicly available.

- Invite the UNGA BBNJ to provide advice on establishing a UNGA process to ensure that EBSA reports forwarded to relevant international bodies are adequately addressed by those bodies according to their respective mandate and that these report back to the UNGA on management actions taken, especially with respect to the adoption of area-based tools such the designation and management of Marine Protected Areas; and impact assessment;

10.2 Other matters related to marine and coastal biodiversity;

- Endorse the revised guidelines for the consideration of biodiversity in environmental impact assessments and strategic environmental assessments in marine and coastal areas (contained in the annex to document UNEP/CBD/COP/11/23);
- Encourage Parties, other Governments and competent international organizations to implement the revised voluntary guidelines on EIAs and SEAs and to report on progress;
- Urge Parties, other Governments and relevant international organizations to develop a coherent legal and institutional framework, to ensure regional and global coordination and cooperation, including through the CBD and the BBNJ, for enabling the consistent implementation of EIAs and SEAs in areas beyond national jurisdiction, building on the CBD voluntary guidelines and other relevant measures;
- Encourage Parties and other Governments to support the development of a multinational agreement for the conservation and sustainable use of marine biodiversity beyond national jurisdiction, including EIAs and SEAs.

A full set of WWF position papers is available on www.panda.org/cop11

Rationale

Ecologically or Biologically Significant Marine Areas (EBSAs)

CBD COP 7 (Kuala Lumpur, February 2004) established an Open-Ended Working Group on Protected Areas (WG-PA) and its meeting in Montecatini in June 2006 had a focus on marine areas beyond the limits of national jurisdiction (ABNJ) which, among other things, initiated a process to develop 'ecological criteria' to identify areas warranting special management for biodiversity conservation based on 'best available scientific information'. This became the "EBSA process" adopted by CBD COP 10.

The initial idea was to identify areas warranting designation as MPAs (pursuant to the 2002 World Summit on Sustainable Development (WSSD) commitment to establish networks of representative MPAs by 2012). This was controversial, however, not only because there was no clear mechanism for establishing MPAs in ABNJ but also because sectoral interests wanted their sectoral bodies (e.g. Regional Fisheries Management Organisations (RFMOs) for fisheries management) to designate and manage MPAs and were uncomfortable with suggestions that a new, global framework might be set up to allow MPA designation in ABNJ.

It was eventually decided that the CBD's role would be limited to describing areas that meet the EBSA criteria, leaving it to bodies with the competency to do so to actually identify area-based tools for the conservation and sustainable use of marine biodiversity, such as impact assessments, the designation of MPAs, development of management plans and adopt measures (coastal and island states for areas within Exclusive Economic Zones, the International Maritime Organization (IMO) for shipping, RFMOs for fisheries, International Seabed Authority (ISA) for mining) with the UNGA having a residual responsibility to facilitate cooperation in ABNJ to encourage MPA establishment.

The CBD's role in maintaining a repository of reports describing areas that meet the EBSA criteria and an information sharing mechanism to pass them on to other bodies was formalised at COP 10, but the role of the UNGA and those other bodies in responding appropriately to receipt of an EBSA report from the CBD has yet to be elaborated.

Thus, it is now important that CBD COP 11 procedurally endorse the EBSA reports contained in the Annex to SBSTTA XVI/4 for inclusion in the CBD repository and referral to the UNGA, so that the 67th session of the UNGA (2012) has the opportunity to decide how to develop a global procedure to ensure that such CBD EBSA reports are appropriately forwarded to relevant competent bodies so that appropriate management responses, including impact assessments and MPA designation and management, can be taken in accordance with international law, including the UN Convention on the Law of the Sea (UNCLOS).

Meanwhile, it is important that COP 11 gives appropriate priority to ensuring sufficient resources are available to the Executive Secretary to ensure that additional regional workshops are held and adequate support, including training and capacity building, is given to Parties, so that additional EBSA reports covering all regions are included in the repository.

In addition, it will be important to ensure that a review process is developed to allow review and revision as new scientific information improves our understanding of biodiversity conservation needs and opportunities.

It is relevant to note that the declaration adopted at the United Nations Conference on Sustainable Development (UNCSD/“Rio+20”) includes a commitment by States to *address, on an urgent basis, the issue of the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction, including by taking a decision on the development of an international instrument under the United Nations Convention on the Law of the Sea*, that would, inter alia, create a global process for establishing MPAs, and that this matter is the principal matter on the agenda of the BBNJ.

Marine Spatial Planning, Environmental Impact Assessments and Strategic Environmental Assessments

The CBD Secretariat has developed a set of voluntary guidelines for *Consideration of Biodiversity in Environmental Impact Assessments (EIA) and Strategic Environmental Assessments (SEA) in Marine and Coastal Areas*.

The framework to implement these guidelines is weak or lacking on the high seas. Efforts from both the CBD and the United Nations Ad Hoc Open-Ended Informal Working Group on Marine Biodiversity beyond National Jurisdiction (WG BBNJ) will be needed to implement SEAs and EIAs effectively.

The WG BBNJ has been mandated to identify gaps and ways forward to ensure that the legal framework for the conservation and sustainable use of marine biodiversity beyond national jurisdiction effectively addresses these issues, including through the implementation of existing instruments and the possible development of a multilateral agreement under the UN Convention on the Law of the Sea.

With respect to marine spatial planning, WWF supports the recommendations in SBSTTA XVI/6.

A full set of WWF position papers is available [on www.panda.org](http://www.panda.org)

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