



**Joint CBD/ NEAFC/OSPAR Scientific Workshop on the Identification of
Ecologically or Biologically Significant Marine Areas, EBSAs
in the North-East Atlantic
Hyerres, France 8-9 September 2011**

A note by the NEAFC Secretariat

1. Introduction

In the first half of 2011 interest was shown in getting into the process of organising these workshops which were called for by CBD in Nagoya at the CBD COP 10 Meeting in October 2010 at which the NEAFC Secretariat participated. NEAFC was the first to express interest later joined by OSPAR. The November 2010 Annual Meeting meeting of NEAFC decided to take an active interest in a regional workshop and authorised the NEAFC President and Secretariat to take the necessary steps to establish such a workshop for the North East Atlantic in cooperation with OSPAR and CBD. CBD was positive and, under the MoU with OSPAR, it was an obvious field for cooperation.

In New York at the UN Ad Hoc Biodiversity Group meeting in May-June 2011, Yihun Lee, CBD, informed that there were several regional initiatives. However, there were questions about funding and they expected that the NEAFC/OSPAR meeting in September would be the first to get off the ground. In addition to regional initiatives, there are also initiatives from scientific organisations, universities, academics (mostly with funding from large funds or IUCN) to get a share of the action. So far those planned are a workshop on identifying pelagic EBSAs organised by GOBI, Census of Marine Life, IUCN, Marine Geospatial Lab, German Agency for Nature Conservation funded by JM Kaplan Fund and the Goldman Fund. Others planned are one in the South Pacific in November 2011, the Caribbean and Midatlantic in December 2011 and the Mediterranean January 2012.

Speaking with representatives from OSPAR in New York it was agreed that OSPAR should immediately send out the Terms of Reference and invitations to NEAFC and CBD to appoint members to a Steering Group (one from the Secretariats and one from a Contracting Party). The Steering Group was tasked to look for appropriate scientific experts. The NEAFC Secretariat contacted ICES and looked for possible candidates through PECMAS. OSPAR followed its own procedures. It was agreed there would be a maximum number of 40 participants. The OSPAR Secretariat agreed to organise the meeting with French hosts under the supervision of the Steering Committee. For some invitees there was a question of funding for participation.

2. The Workshop, preparation and participation

The Steering Committee (NEAFC: Odd Aksel Bergstad, Kjartan Hoydal. OSPAR: Henning von Nordbrand. CBD: Jihyun Lee) had several meetings, in person and via telephone



conferences and spent most time on the list of invitees. It was decided that the NEAFC and OSPAR Secretariats would co-chair the Workshop.

It was also agreed that the proposed EBSAs would go through the usual, internal procedures in the three organisations. NEAFC would ask ICES to peer review the proposals. The aim is to have finalised the internal procedures, so possible candidate EBSAs can be reported to CBD not later than March/April 2012 to be considered by the CBD Secretariat/CBD/SBSTTA prior to CBD COP 11.

The list of invitees, participants, and proposers can be found in Annex 1. The actual number of participants, 28, was somewhat lower than originally anticipated.

3. Outcome

The Workshop used most of the time to discuss the proposed EBSAs in the High Seas, described by proformas for the proposers. The proposals were grouped into 4 sub-groups.

- The Hatton Rockall area
- The Mid-Atlantic Ridge Area
- Important bird sites in the High Seas
- Two Arctic EBSAs, the High Arctic Basin and the Arctic domain in the Greenland and Norwegian Sea.

The discussion only looked at the scientific basis for evaluating the EBSA criteria and did not discuss any protective measures that could be considered by Competent Authorities. This led to the definition of large areas delineated by for example depth contours.

The meeting agreed to go forward with 10 proposed EBSAs, but it was not possible to finalise any of the proformas for the proposals. These will be finalised by written procedure before the end of September. A report from the Workshop will be available around the same time and will be presented to PECMAS.

The NEAFC Secretariat made the following opening remarks at the Workshop:

I think that this is an important and even historical event. A RFMO, a strong regional seas organisation and CBD joining forces to bring an international process forward. This reflects the growing trend to bring utilisation and conservation together, rather than seeing them as parallel and often adversarial processes. The trend is there, but we are still not far enough advanced into what can be termed cross-governance of the Oceans. Personally I am confident that we will get there someday.

We should however not underestimate the clash between different organisational cultures in our organisations. Things are done differently, the legal implications of decisions are different and there are other problems. Many seem to forget that when RFMOs decide on a management measure, for example on a MPA closed to fisheries, it is a legally binding



measure, in some countries instantaneously, in others after amended domestic law, with a direct impact on the activities of fishing vessels. In the case of the North East Atlantic all RFMO measures are strictly enforced...

Jack Rice made a remote presentation to the meeting, which was much appreciated. It is attached as Annex 2.

4. Annex 1 Draf Overview of WS Invitees 18 August
DRAFT Overview of WS Invitees and participants finally

Green = accepted invitation
 Orange = would like to attend but needing to confirm
 Red = unable to attend
 Black = no response received so far

WS Steering Committee and support staff (9)			
1	OSPAR Secretariat	David Johnson	SG Member
2	OSPAR Secretariat	Emily Corcoran	Support staff
3	OSPAR Secretariat	Midori Akamine	Support Staff
4	OSPAR	Henning von Nordheim	SG Member
5	OSPAR	Tim Packeiser	Support staff
6	NEAFC Secretariat	Kjartan Hoydal/ Stefán Ásmundsson	SG Member
7	NEAFC	Odd Aksel Bergstad	SG Member
8	CBD Secretariat	Jihyun Lee (FR)	SG Member
9	France	Laurent Germain	Host
Workshop Facilitators (2 confirmed)			
10	CBD- EBSA Repository	Jeff Adron	Facilitator
11	OBIS	Patrick Halpin	Facilitator
12	UNEP/GRID-Arendal	Christian Neumann OR Jean Nicolas Poussart	Facilitator
OSPAR Nominees (6 confirmed; 3 pending)			
13		Expert to be nominated	France



14		Ingo Schewe	Germany
15		Juan Pablo Pertierra	European Commission
16		Alex Rogers	University of Oxford, UK
17		Philip Weaver	HERMIONE
18		Callum Roberts	University of York, UK
19		Jake Rice	Canada
20		Ricardo Serrao Santos	University of the Azores
21		Brian Bett/Kerry Howell	University of Plymouth, UK
22		Antony Grehan	National University of Ireland
		David Billett	NOC
	Expert in habitat suitability mapping in OSPAR area V; + octocorals	Chris Yesson (Proposed by Ireland; not yet invited)	IOZ
NEAFC Nominees (2 confirmed)			
23	PECMAS	Jáкуп Reinert	DFG Faroes
24	PECMAS	Jesper Boje (Gr)	DFG Greenland
25	PECMAS	Enrique de Cardenas	European Union
26	PECMAS	Þorsteinn Sigurðsson	Iceland
27		Jan Helge Fosså	Norway
28	PECMAS	Vladimir Vinnichenko	Russian Federation
29	PP Shirshov Institute of Oceanology, Russian Academy of Sciences, Moscow	Andrey Gebruk	
Scientific Experts (No – 3)			
29	ICES WGDEC	Henn Ojaveer, Estonian SCICOM [Francis Neat]	
30	ICES WGDEEP	Tom Blasdale, or Phil Large	



	Contributions coming forwards		
EBSA Proposal	WWF	Sabine Christensen/ Stephan Lutter	Expected 1 st Sept
EBSA Proposal	Birdlife International	Ben Lascelles	Life history EBSA proposal for 8 species of seabird
EBSA Proposal	HERMIONE	Phil Weaver/ David Billette	Sponge aggregations
EBSA Proposal	Norway	Jan Helge Fossa	TBC
Data	Aquamaps	Kristin Karschner	biodiversity layers
Information		Odd Aksel Bergstad	
EBSA Proposal	Ireland/Univ of Galway	Anthony Grahan	

5. Annex 2

VME' s and EBSA' s: Protection and Use of Special Marine Places

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VME's and EBSA's:
Protection and Use of Special Marine Places

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CBD Criteria Annex 1 Cop XI/20

- **Uniqueness or rarity**
 - Area contains either (i) unique (*“the only one of its kind”*), rare (*occurs only in few locations*) or endemic species, populations or communities, and/or (ii) unique, rare or distinct, habitats or ecosystems; and/or (iii) unique or unusual geomorphological or oceanographic feature
- **Special importance for life-history stages of species**
 - Areas that are required for a population to survive and thrive.

CBD Criteria Annex 1 Cop XI/20

- **Importance for threatened, endangered or declining species and/or habitats**
 - Area containing habitat for the survival and recovery of endangered, threatened, declining species or area with significant assemblages of such species.
- **Vulnerability, fragility, sensitivity, or slow recovery**
 - Areas that contain a relatively high proportion of sensitive habitats, biotopes or species that are functionally fragile (*highly susceptible to degradation or depletion by human activity or by natural events*) or with slow recovery.

CBD Criteria Annex 1 Cop XI/20

- **Biological productivity**
 - Area containing species, populations or communities with comparatively higher natural biological productivity.
- **Biological diversity**
 - Area contains comparatively higher diversity of ecosystems, habitats, communities, or species, or has higher genetic diversity.
- **Naturalness**
 - Area with a comparatively higher degree of naturalness as a result of the lack of or low level of human-induced disturbance or degradation.

VME Criteria – FAO text

- Uniqueness or rarity – ... loss could not be compensated for by other similar areas. These include:
 - Habitats that contain endemic species.
 - Habitats of rare, threatened, or endangered species that occur only in discrete areas.
 - Nurseries or discrete feeding, breeding, or spawning areas.
- Structural Complexity ... complex physical structures created by **significant concentration of biotic [and abiotic]** features. ... processes are usually highly dependent on these structured systems... high diversity,... dependent on the structuring organisms.

VME Criteria – FAO text (2)

- Functional significance of the habitat – discrete areas or habitats that are necessary for the survival, function, spawning/reproduction or recovery of fish stocks, particular life-history stages (e.g. nursery grounds or rearing areas), or of rare, threatened or endangered marine species.
- Fragility – an ecosystem that is highly susceptible to degradation by anthropogenic activities.
- Life-history traits of component species that make recovery difficult – ecosystems that are characterized by populations or assemblages of species with one or more of the following characteristics:
 - slow growth rates;
 - late age of maturity;
 - low or unpredictable recruitment; or • long-lived..

Comparison of Criteria

CBD EBSMAs	FAO VME
Uniqueness or rarity	Uniqueness / rarity
Special importance for life history stages of species	Functional significance of habitat
Importance for threatened, endangered or declining species and/or habitats	Fragility
Vulnerability, fragility, sensitivity or slow recovery	Life history attributes of species
Naturalness	
Biological productivity	Structural Complexity
Biological diversity	

How do they perform?

It is also concluded that **there are no inherent incompatibilities between the various sets of criteria** that have been applied nationally and by various IGOs (FAO, IMO, ISA) and NGOs (for example, BirdLife International and Conservation International). Consequently, most of the scientific and technical lessons learned about applications of the various sets of criteria can be generalized. Moreover, some of the sets of criteria can act in complementary ways, because unlike the CBD criteria some of the criteria applied by other UN agencies include considerations of vulnerability to specific activities. (CBD "Ottawa workshop" 2009)

Why TWO systems?

- Why do we have OSPAR & NEAFC? CBD & FAO?
- Separate histories but parallel histories
- Different pathways to international policy frameworks from roots in WSSD
 - (Probably even earlier roots but a decade long enough to understand current context)

Roots in WSSD – Plan of Implementation 2002

- 32. In accordance with chapter 17 of Agenda 21, promote the conservation and management of the oceans through actions at all levels, ... to:
- (a) Maintain the productivity and biodiversity of important and vulnerable marine and coastal areas, including in areas within and beyond national jurisdiction; [...]
- (c) Develop and facilitate the use of diverse approaches and tools, including the ecosystem approach, the elimination of destructive fishing practices, the establishment of marine protected areas consistent with international law and based on scientific information, including representative networks by 2012 and time/area closures for the protection of nursery grounds and periods, proper coastal land use and watershed planning and the integration of marine and coastal areas management into key sectors;

UN Resolutions to entrench commitments further

58/240 (2003) Oceans & Law of the Sea

- 54. *Reaffirms* the efforts of States to develop and facilitate the use of diverse approaches and tools for conserving and managing **vulnerable marine ecosystems, including the establishment of marine protected areas**, consistent with international law and based on the best scientific information available, and the development of representative networks of such marine protected areas by 2012;

UNGA Resolution 58/14: Sustainable Fisheries

46. *Requests* the Secretary-General, in close cooperation with the Food and Agriculture Organization of the United Nations, and in consultation with States, regional and subregional fisheries management organizations and arrangements and other relevant organizations, in his **next report concerning fisheries** to include a section outlining current risks to the marine biodiversity of **vulnerable marine ecosystems** including, but not limited to, seamounts, coral reefs, including cold water reefs and certain other sensitive underwater features, related to fishing activities, as well as detailing any conservation and management measures in place at the global, regional, subregional or national levels addressing these issues;

CBD Pathway – Ancient History

Ad Hoc Open-Ended Working Group on Protected Areas: Montecatini, Italy 2005

- Calls for action to “consider ecological criteria for the identification of potential areas for protection in marine areas beyond the limits of national jurisdiction.”

Ottawa Workshop 2006 – The phrase “EBSA” and initial criteria emerged

Azores Workshop 2007 – Completed criteria and initial guidance on application

CBD Pathway – Modern History

COP IX/20 – ADOPTS criteria and notes properties of networks. “*decides* to convene an expert workshop, in order to provide scientific and technical guidance ... the identification of areas beyond the national jurisdiction, which meet the scientific criteria in annex I to the present decision [also biogeographic classification] Ottawa Workshop 2009 – Did it.

CBD Pathway - COP X/29

- 32. *Encourages [long list] ... to cooperate, on a regional or subregional basis, to identify and adopt, according to their competence, appropriate measures for conservation and sustainable use in relation to ecologically or biologically significant areas, ... including by establishing representative networks of marine protected areas ... based on best scientific information available, and to inform the relevant processes within the United Nations General Assembly;*
- 35. ... facilitate availability and inter-operability of the best available marine and coastal biodiversity data sets
- 36: ... to organize a series of regional workshops, ... with a primary objective to facilitate the description of ecologically or biologically significant marine areas through application of scientific criteria in annex I of decision IX/20 **as well as other relevant compatible and complementary nationally and inter governmentally 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;
- 39 ... to establish a repository for scientific and technical information and experience [with 32-36]

FAO Ancient History

- 2003-2005: Focus on guidelines for application of an ecosystem approach to fisheries
 - 2006 – UNGA 61/105
 - 80: to sustainably manage fish stocks and protect vulnerable marine ecosystems, including seamounts, hydrothermal vents and cold water corals, from destructive fishing practices
 - 83 (b) To identify vulnerable marine ecosystems and determine whether bottom fishing activities would cause significant adverse impacts to such ecosystems and the long-term sustainability of deep sea fish stocks, inter alia, by improving scientific research and data collection and sharing, and through new and exploratory fisheries;
 - [also important management subparagraphs]
- This changed focus from EAF to VMEs

FAO Modern History

- 5 Expert Consultations on aspects of implementing 61/105; Bangkok (2007)
 - 15 ... four categories of impacts relevant to the conservation and management of deep-sea fisheries:
 - impacts on target species;
 - impacts on bycatch species, both retained and discarded;
 - impacts on habitats such as cold-water corals and seamounts; and
 - broader food web/trophodynamic impacts on deep-sea ecosystems.
 - Discussed PROPERTIES of VMEs but did not proposed criteria for specific areas

FAO Deep-Sea Fishery Guidelines 2008

Two weeks of difficult negotiations:

15. The vulnerability of populations, communities and habitats **must be assessed relative to specific threats**. Some features, particularly those that are physically fragile or inherently rare, may be vulnerable to most forms of disturbance, but the vulnerability of some populations, communities and habitats may vary greatly depending on the type of fishing gear used or the kind of disturbance experienced.
- 42: A marine ecosystem should be classified as vulnerable based on the characteristics that it possesses. The following list of characteristics should be used as criteria in the identification of VMEs.

Pusan Progress Review 2010 Overall Conclusions - 1

- RFMOs/As have all taken actions to assess the presence of VMEs and protect them from SAIs.
- Almost all efforts have focused on identifying areas with "significant concentrations" of corals and sponges, and in a few cases seamounts. Very little work has been done with other VME criteria.
- In almost all cases RFMOs/As have noted that the absence of clear standards for how to interpret "significant concentrations" has impeded progress on identification of VMEs
- Incomplete information on distribution, abundance and species composition of corals and sponges specifically, but more generally of all the ecosystem features that may meet the VME criteria, also impedes progress
- In all cases the RFMOs/As have been able to assemble enough information to make at least partial progress
- Management measures used to protect VMEs have been almost exclusively closures of areas

Overall Conclusions - 2

- Management measures used to protect VMEs have been almost exclusively closures of areas considered to have significant concentrations of corals and sponges (and in a few cases, seamounts). There is some exploratory work with other mitigation measures, but such work is in early stages.
- There are numerous gaps remaining in the implementation of the International Guidelines, many arising from either the focus on corals and sponges at the expense of attention to other VME criteria and from the lack of operational guidance on how to interpret "significant concentrations".
- There are also numerous opportunities for activities to increase progress. Most of these involve collaborative efforts among RFMOs/As, and usually with FAO playing a major role in facilitating the collaborations. Development of a global database on known VMEs (and the criteria they meet), and sponsoring Expert meetings for provision of "best practice" guidance would be roles that should return particularly high benefits.

WHERE TO FROM HERE?

- Both RFMOs and CBD/Regional Seas are holding expert meetings to identify "special areas" (SW Pacific coming soon)
- FAO and CBD working together on a GEF proposal for high seas biodiversity.
 - Major focus on identification of special areas
 - Also interest in mitigation measures and what are sustainable uses of those areas
 - Geographic foci under discussion
 - Interest in common repository, but currently agencies working in parallel

OSPAR/NEACF is precedent setting cooperative effort

This is the path to a viable future. The world needs "Lessons Learned"

- Compatibility of the criteria *should* pose few problems, but experience is important
- Pay attention to degree to which threats to ecosystem features influence your discussions (not the same role in the two frameworks)
- Pay attention to how readily agreement reached on how results are stored, accessed, and used.
- Can the experts from different "roots" put personal risk tolerances aside and stick to information and criteria?