



Update on MPAs beyond National Jurisdiction

February 2004 -- February 2006

International

7th Conference of the Parties to the Convention on Biological Diversity (CBD COP 7): In February of 2004, the CBD COP7 called for comprehensive, effectively managed and ecologically representative marine protected areas (MPAs) that contribute to a global network (decision VII/28). It noted the urgent need for international cooperation and action to improve conservation and sustainable use of biodiversity in marine areas beyond the limits of national jurisdiction, including through the establishment of marine protected areas, consistent with international law and based on scientific information, in areas such as seamounts, hydrothermal vents, cold water corals and other vulnerable ecosystems (paragraphs 29 and 30 of decision VII/5). A CBD *Ad hoc* Open-ended Working Group on Protected Areas was charged with the task of exploring options for cooperation to establish MPAs beyond national jurisdiction.

CBD Protected Areas Working Group: At the first CBD Protected Areas Working Group in June 2005 in Montecatini, Italy, there was broad agreement that MPAs beyond national jurisdiction should be established in the context of international law, including UNCLOS, as well as in the context of the best available scientific information, the precautionary approach and the ecosystem approach. The government of Canada offered to host a scientific experts' workshop to review and assess existing ecological criteria and biogeographical classification systems and to initiate work on the development of a set of scientifically rigorous ecological criteria that could be used to identify potential MPAs beyond national jurisdiction. The Working Group also recommended that the COP encourage collaborative scientific research and urge Parties to improve cooperation and coordination among various forums for establishment of MPAs consistent with international law. The outcomes of the CBD Working Group are to be transmitted to the February 2006 UNGA *Ad Hoc* Open-ended Informal Working Group to study issues relating the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction and to the 8th Conference of Parties to the CBD.

FAO Committee on Fisheries (COFI): In March 2005, COFI acknowledged the important role that MPAs may play in fisheries management, and recommended that FAO develop technical guidelines on the design, implementation and testing of MPAs and assist members with meeting the WSSD goal of representative MPA networks by 2012. COFI further recognized the need to broaden the mandate of many RFMOs to include the biodiversity and ecosystem-based management provisions of the UN Fish Stocks Agreement (UNFSA) and other recent instruments.

Regional

Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR): In November 2005 CCAMLR launched work on an integrated system of MPAs throughout the Southern Ocean to maintain biological diversity and ecosystem processes. A joint workshop is proposed for 2007 in conjunction with the Antarctic Treaty Committee for Environmental Protection to develop a biogeographic classification system for the region. CCAMLR agreed that attention may need to be given to, *inter alia*, the protection of: 1) representative areas; 2) scientific areas to assist with distinguishing between the effects of harvesting and natural ecosystem changes, and to provide opportunities for understanding of the Antarctic marine ecosystem in areas not subject to human interference; and 3) areas potentially vulnerable to impacts by human activities, to mitigate those impacts and/or ensure sustainability of the rational use of marine living resources. Interim protection for candidate sites was seen as an essential step to enable information collection necessary to reach a final decision.

The OSPAR Commission for the Protection of the North-East Atlantic Marine Environment (OSPAR): OSPAR Parties and NGOs have been invited to submit proposals for areas beyond national jurisdiction to be included in the OSPAR network of MPAs. An area submitted by WWF, the Rainbow hydrothermal vent field on the Mid Atlantic Ridge, was found to be on the extended continental shelf of Portugal beyond 200 n.m. Portugal has agreed to take forward the proposal to designate an MPA on the seafloor area. An OSPAR MPA may also be considered to address the high seas water column above. In 2004 the OSPAR Commission requested the North-East Atlantic Fisheries Commission (NEAFC) to consider fisheries measures to protect cold-water reefs on the western slopes of the Rockall Bank. In November 2005 NEAFC considered a proposal based on additional information from the International Council for Exploration of the Seas, but did not reach a conclusion. NEAFC in November 2004 had requested additional information on the OSPAR proposal while agreeing to protect from bottom fishing four seamounts and part of the Reykjanes ridge for three years.

General Fisheries Commission for the Mediterranean (GFCM): In January 2006, the GFCM agreed to protect three ecologically-important deep sea areas in international waters off Italy, Cyprus and Egypt hosting a deep sea coral reef, an area with rare white corals, and a seamount. The decision requires all Mediterranean states to prevent bottom trawling fishing fleets from operating in the designated areas. This follows two important GFCM decisions in 2005 to ban throughout the Mediterranean Sea both bottom trawling at depths beyond 1000m and the use of driftnets.

Expert level

International Marine Protected Areas Conference (IMPAC1): In October 2005, more than 800 experts gathered in Geelong, Australia to share experiences and best practices regarding MPAs. The assembled panel of experts on MPAs and biodiversity conservation in areas beyond national jurisdiction provided a range of ideas on the way forward including: 1) a new framework for creating high seas MPAs, eg by adopting an Implementing Agreement under UNCLOS; 2) a Global Oceans Commission to enable a strategic approach to governance and oceans conservation with effective enforcement modalities; 3) “Marine Ecosystem and Resource Management Organisations” (“MERMOS”, similar to but broader than RFMOs) to balance fishing, shipping, and conservation under the same umbrella at the regional level; 4) create mechanisms to establish “moving” or “dynamic” high seas MPAs that protect breeding and feeding aggregations of endangered pelagic species; 5) promote national efforts to join all sectors, including the fishing industry, NGOs and government, in working together for responsible high seas management; and 6) a Global Commons Trust Fund that could be funded through royalties from successful patents based on genetic resources retrieved from seabed areas beyond national jurisdiction, and the use of some of the royalties to fund MPAs in areas beyond national jurisdiction. (www.impaccongress.org)

Scientific Experts’ Workshop on Criteria for identifying Ecologically or Biologically Significant Areas Beyond National Jurisdiction: In December 2005, Canada’s Department of Fisheries and Oceans, on behalf of Canada, hosted a workshop to develop a set of scientifically rigorous ecological criteria that could be used to identify potential sites for enhanced protection in areas beyond the limits of national jurisdiction. The workshop focused on criteria for identifying ecologically or biologically significant areas. The recommended science-based criteria include: representativity; uniqueness or rarity; critical life-history functions/habitats; vulnerability; productivity; biological diversity; and naturalness. The workshop discussed the rationale for each criteria, measurement and proxies recognizing the data-poor nature of the oceans and seabed beyond national jurisdiction, and considerations for use. Also discussed were other relevant criteria, including management feasibility and anthropogenic values, and considerations from a scientific perspective of key governance, policy and management aspects critical to the conservation and sustainable use of biodiversity in areas beyond national jurisdiction.

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