

Protecting marine biodiversity in Areas Beyond National Jurisdiction

An Example of Regional Cooperation in the North-East Atlantic

The Convention for the Protection of the Marine Environment of the North- East Atlantic (the 'OSPAR Convention') was established to protect the North-East Atlantic from pollution and from the adverse effects of human activities. The OSPAR maritime area, as defined in Article 1(a) of the Convention, includes areas beyond the national jurisdiction (ABNJ) of the Contracting Parties.

In 1998, OSPAR Ministers agreed to establish of a network of marine protected areas (MPAs) and, in 2003, recommended the establishment of an ecologically coherent network of well-managed MPAs in the North-East Atlantic by 2010.

The aims of the OSPAR network of MPAs are:

- to protect, conserve and restore species, habitats and ecological processes which have been adversely affected by human activities;
- to prevent degradation of, and damage to, species, habitats and ecological processes, following the precautionary principle;
- to protect and conserve areas that best represent the range of species, habitats and ecological processes in the maritime area.

By the end of 2012, the OSPAR MPA network covered an area of just over 700 000 km² (the size of Germany, Portugal and Ireland combined), or just over 5% of the OSPAR maritime area and more than 10 % in the Greater North Sea. In 2013 OSPAR evaluated the 2012 target for the OSPAR network of MPAs to be ecologically coherent. The assessment showed that whilst progress is being made in some OSPAR Regions (e.g. the Greater North Sea) the network cannot yet be considered ecologically coherent and that further work is required. An evaluation as to whether or not the network is well managed will be undertaken in 2016.

In 2010, OSPAR designated six MPAs in ABNJ, including adopting initial management measures. A seventh MPA in ABNJ was designated in 2012. These MPAs contribute to the OSPAR MPA Network, which aimed to achieve ecological coherence by 2012 and to be well managed by 2016.

However, effective management of MPAs, especially in ABNJ, could only be achieved with the cooperation of all regional bodies acting with a mandate in the North-Atlantic in international waters. These include amongst others:

- North East Atlantic Fisheries Commission (NEAFC)
- International Commission on the Conservation of Atlantic Tuna (ICCAT)
- North Atlantic Salmon Conservation Organization (NASCO)
- the hunting of marine mammals by the North Atlantic Marine Mammals Commission (NAMMCO)
- Agreement on the Conservation of Small Cetaceans of the Baltic, North East Atlantic, Irish and North Seas (ASCOBANS)
- The International Maritime Organisation (IMO)
- The International Seabed Authority (ISA)

The International Council for the Exploration of the Seas (ICES) provides scientific advice to many of these bodies.

In 2008, OSPAR and NEAFC entered into a memorandum of understanding to cooperate in the conservation and sustainable use of marine biological diversity, including the protection of marine ecosystems in the North-East Atlantic. In April 2009, NEAFC, following the recommendation of ICES, closed to bottom fisheries five areas of the high seas identified as

Vulnerable Marine Ecosystems (VMEs) that substantially overlap with the MPAs that were subsequently designated as part of the OSPAR Network of MPAs. NEAFC's current extensive bottom fishing closures will be in place until 31 December 2015. OSPAR also continues informal dialogue with other authorities operating in the northeast Atlantic, such as ISA and IMO.

In September 2011, a workshop involving OSPAR, NEAFC and CBD secretariats described ten areas that were considered as meeting one or more of the EBSA scientific criteria in the North East Atlantic beyond 200nm. Further revision of the identified areas was carried out through an independent scientific review of the evidence by the International Council for the Exploration of the Sea (ICES) resulting in proformas being developed for four areas considered as meeting the criteria. This was provided to the CBD's subsidiary scientific and technical body in 2014 for information, but no formal submission was made at that time. [Contracting Parties of both NEAFC and OSPAR were continuing their consultations at the time of publication]

OSPAR has initiated evaluation of the potential impact of shipping on marine protected areas in order to understand any potential benefit of appropriate protection measures. This work is ongoing.

In 2014 OSPAR and the North East Atlantic Fisheries Organisation (NEAFC) adopted a "collective arrangement" on cooperation, regarding selected areas beyond national jurisdiction that are subject to specific management. This is an arrangement that allows for OSPAR and NEAFC to cooperate and exchange information on objectives and measures with regard to their respective area based management activities. The aim is that an adapted Arrangement can facilitate cooperation between competent organisations in areas beyond national jurisdiction by sequentially enlarging a version of the Arrangement to take in other partners such as other relevant Regional Fisheries Management Organisations, the International Maritime Organization (IMO), and the International Seabed Authority (ISA).

This case study was prepared for the UNEP-DELC Training Manual in International Environmental Law and kindly reviewed by the OSPAR Secretariat.