

## Regional Seas programmes covering Areas Beyond National Jurisdiction

Regional Seas Reports and Studies No.202



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# **Regional Seas programmes covering Areas Beyond National Jurisdictions**

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**United Nations Environment Programme**

## Table of Contents

Introduction .....	1
Chapter 1: OSPAR Convention .....	2
1. Brief history .....	2
2. Participating Countries .....	3
4. Legal instruments relevant to BBNJ .....	3
5. Decision making body .....	6
6. Activities / measures implemented in ABNJ .....	7
7. Regulatory authority of the programme in relation to the activities in ABNJ .....	8
Chapter 2: CAMLR Convention .....	9
1. Brief introduction to and history of the CCAMLR .....	9
2. Legal and other policy instruments .....	10
3. Geographic Coverage .....	10
4. Activities/measures .....	10
5. Regulatory authority of the programme in relation to the activities .....	11
6. Other relevant issues .....	11
Chapter 3: UN Environment/Mediterranean Action Plan .....	12
1. Brief introduction to and history of the Regional Seas programme .....	12
2. Legal and other policy instruments that affect the ABNJ .....	13
3. Geographic Coverage and areas beyond national jurisdiction within the Geographic Coverage .....	16
4. Activities/measures implemented in ABNJ .....	16
5. Regulatory authority of the programme in relation to the activities in ABNJ .....	17
6. Other relevant issues .....	17
Chapter 4: Secretariat of the Pacific Regional Environment Programme (SPREP) .....	19
1. Geographic Coverage and areas beyond national jurisdiction within this geographic coverage .....	19
2. Activities/measures implemented in ABNJ .....	20
3. Other Key Issues and Considerations for SPREP as a Regional Sea Convention .....	21

## Introduction

Since 1974, the United Nations Environment Programme (UN Environment) Regional Seas Programme has brought together more than 143 countries to conserve and sustainably manage the shared marine and coastal environments. The 18 Regional Seas programmes across the world are an important part in the implementation of Part XII of the United Nations Convention on the Law of the Sea (UNCLOS), which provides the legal framework for the conservation and sustainable use of oceans and their resources, as recalled in paragraph 158 of “The future we want”.

Five Regional Seas Conventions currently includes Areas Beyond National Jurisdiction (ABNJ) within their geographical coverages: the Convention for the Protection of the Marine Environment of the North-East Atlantic (OSPAR Convention); the Convention on the Conservation of Antarctic Marine Living Resources (CAMLR Convention); the Barcelona Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean (Barcelona Convention); the Convention for the Protection of the Natural Resources and Environment of the South Pacific Region (Noumea Convention); and the Convention for the Protection of the Marine Environment and Coastal Area of the South-East Pacific (Lima Convention)<sup>1</sup>.

Under two other Regional Seas programmes namely the Abidjan Convention for Cooperation in the Protection, Management and Development of Marine and Coastal Environment of the Atlantic Coast of the West, Central and Southern Africa Region (Abidjan Convention) and the Nairobi Convention for the Protection, Management and Development of the Marine and Coastal Environment of the Western Indian Ocean (Nairobi Convention), member States started examining the issues related to marine biodiversity in Areas Beyond National Jurisdictions<sup>2</sup>.

This paper illustrates the roles, regulatory functions, and current activities related to the Areas Beyond National Jurisdictions under the OSPAR Convention, CAMLR Convention and Barcelona Convention. The three case studies aim to show overview of relevant decisions and the current actions taken under the framework of these Regional Seas programmes.

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<sup>1</sup> Lima Convention Article 1 defines the inclusion of the High Seas “up to a distance within which pollution of the high seas may affect that area” within its geographical coverage

<sup>2</sup> For further details, See: the Written Submission by the United Nations Environment Programme (UNEP), Available at: [http://www.un.org/depts/los/biodiversity/prepcom\\_files/UNEP\\_and\\_BBNJ\\_PrepCom2.pdf](http://www.un.org/depts/los/biodiversity/prepcom_files/UNEP_and_BBNJ_PrepCom2.pdf)

## Chapter 1: OSPAR Convention

### 1. Brief history

Under the OSPAR Convention is the mechanism by which 15 Governments and the European Union cooperate to protect the marine environment of the North-East Atlantic.

OSPAR started in 1972 with the Oslo Convention against dumping and was broadened to cover land-based sources and the offshore industry by the Paris Convention of 1974. These two conventions were unified, up-dated and extended by the 1992 OSPAR Convention. The new annex on biodiversity and ecosystems was adopted in 1998 to cover non-polluting human activities that can adversely affect the sea.

Under its Ministerial Strategy; The North-East Atlantic Environment Strategy, OSPAR is taking forward work related to the implementation of the Ecosystem Approach, with a suite of five thematic strategies to address the main threats that it has identified.

*Eutrophication* - The aim is to achieve and maintain a healthy marine environment where anthropogenic eutrophication does not occur.

*Biodiversity* - Halt and prevent loss of biodiversity. Protect and conserve ecosystems and restore adversely affected marine areas.

*Hazardous substances* - To prevent pollution by continuously reducing discharges, emissions and losses. To achieve concentrations in the marine environment near background values for naturally occurring substances and close to zero for synthetic substances.

*Offshore industry* - To reduce discharges into the sea to a level which will not harm the marine environment. To progressively develop Best Available Techniques and Best Environmental Practice to prevent and eliminate marine pollution.

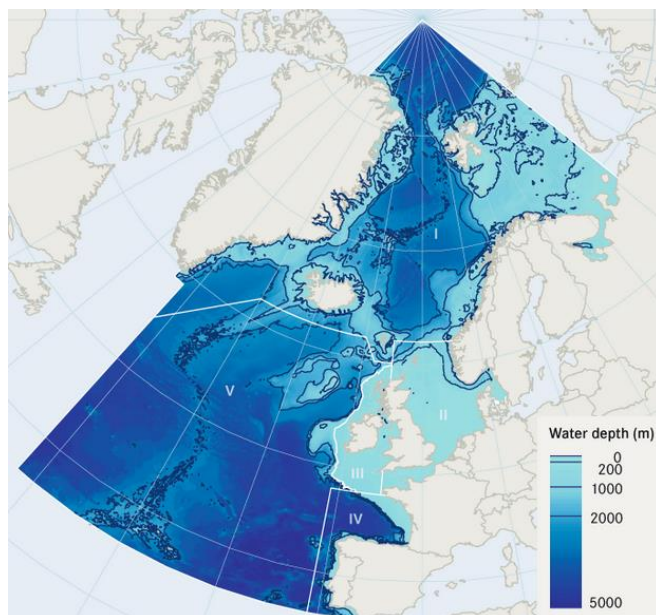
*Radioactive substances* - To ensure discharges, emissions and losses of radioactive substances are reduced to levels close to zero.

## 2. Participating Countries

Belgium, Denmark, Finland, France, Germany, Iceland, Ireland, Luxembourg, the Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, United Kingdom

## 3. Geographical Coverage

OSPAR Convention Article 1 (a) defines that “ ‘Maritime area’ means the internal waters and the territorial seas of the Contracting Parties, the sea beyond and adjacent to the territorial sea under the jurisdiction of the coastal state to the extent recognised by international law, and the high seas, including the bed of all those waters and its sub-soil, situated within the following limits: (i) those parts of the Atlantic and Arctic Oceans and their dependent seas which lie north of 36° north latitude and between 42° west longitude and 51° east longitude, but excluding: (1) the Baltic Sea and the Belts lying to the south and east of lines drawn from Hasenore Head to Gniben Point, from Korshage to Spodsbjerg and from Gilbjerg Head to Kullen, (2) the Mediterranean Sea and its dependent seas as far as the point of intersection of the parallel of 36° north latitude and the meridian of 5° 36' west longitude; (ii) that part of the Atlantic Ocean north of 59° north latitude and between 44° west longitude and 42° west longitude. ”



## 4. Legal instruments relevant to BBNJ

### 1992 OSPAR Convention (in particular Annex V agreed in 1998)

### OSPAR Decision 2012/1 on the establishment of the Charlie-Gibbs North High Seas Marine Protected Area

Adopted: 2012, Bonn

Reference Number: OSPAR Decision 2012/01

Type: Decision  
Work Area(s): Biodiversity  
Language:English  
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**OSPAR Recommendation 2010/17 on the Management of the Mid-Atlantic Ridge North of the Azores High Seas Marine Protected Area**

Adopted: 2010, Bergen  
Reference Number: Recommendation 2010/17  
Type: Recommendation  
Work Area(s): Biodiversity  
Language:English  
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**OSPAR Recommendation 2010/16 on the Management of the Josephine Seamount High Seas Marine Protected Area**

Adopted:  
2010, Bergen  
Reference Number: Recommendation 2010/16  
Type: Recommendation  
Work Area(s): Biodiversity  
Language:English  
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**OSPAR Recommendation 2010/15 on the Management of the Antialtair Seamount High Seas Marine Protected Area**

Adopted: 2010, Bergen  
Reference Number: Recommendation 2010/15  
Type: Recommendation  
Work Area(s): Biodiversity  
Language:English  
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**OSPAR Recommendation 2010/14 on the Management of the Altair Seamount High Seas Marine Protected Area**

Adopted: 2010, Bergen  
Reference Number: Recommendation 2010/14  
Type: Recommendation  
Work Area(s): Biodiversity  
Language: English  
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**OSPAR Decision 2010/6 on the Establishment of the Mid Atlantic Ridge North of the Azores High Seas Marine Protected Area**

Adopted: 2010, Bergen  
Reference Number: OSPAR Decision 2010/6  
Type: Decision  
Work Area(s): Biodiversity



Language: English

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**OSPAR Decision 2010/5 on the Establishment of the Josephine Seamount High Seas Marine Protected Area**

Adopted: 2010, Bergen

Reference Number: OSPAR Decision 2010/5

Type: Decision

Work Area(s): Biodiversity

Language: English

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**OSPAR Decision 2010/4 on the Establishment of the Antialtair Seamount High Seas Marine Protected Area**

Adopted: 2010, Bergen

Reference Number: OSPAR Decision 2010/4

Type: Decision

Work Area(s): Biodiversity

Language: English

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**OSPAR Decision 2010/3 on the Establishment of the Altair Seamount High Seas Marine Protected Area**

Adopted: 2010, Bergen

Reference Number: OSPAR Decision 2010/3

Type: Decision

Work Area(s): Biodiversity

Language: English

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**OSPAR Code of conduct for responsible marine research in the deep seas and high seas of the OSPAR maritime area**

Adopted: 2008, Brest

Reference Number: Agreement 2008-01

Type: Agreement

Work Area(s): Biodiversity

Language: English

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**OSPAR Code of conduct for responsible marine research in the deep seas and high seas of the OSPAR maritime area**

This code of conduct is based on the InterRidge Statement of Commitment to Responsible Research Practices at Deep-Sea Hydrothermal Vents, and an unofficial translation of the German Senatskommission für Ozeanographie / German Marine Consortium KDM, Commitment to Responsible Marine Research. It has been

developed within the work programme of the OSPAR Biodiversity Committee by an intersessional correspondence group on marine protected areas working in consultation with a number of deep sea scientists and experts.

OSPAR also has a series of recommendations on threatened and/or declining species and habitats, adopted from 2012 onwards. Many of these are found in high seas areas. The two links below provide information on the lists of these species and habitats.

**Descriptions of habitats on the OSPAR list of threatened and/or declining species and habitats (Replaces agreement 2004-07)**

Adopted: 2008, Brest

Reference Number: Agreement 2008-07

Type: Agreement

Work Area(s): Biodiversity

Language: English

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**OSPAR List of Threatened and/or Declining Species and Habitats (Replaces agreement 2004-6)**

Adopted: 2008, Brest

Reference Number: Agreement 2008-06

Type: Agreement

Work Area(s): Biodiversity

Language: English

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## **5. Decision making body**

**OSPAR Commission** meets every year to decide on various aspects of the programme of work under the North East Atlantic Environment Strategy. This is supported by the annual work programme of the 5 thematic committees.

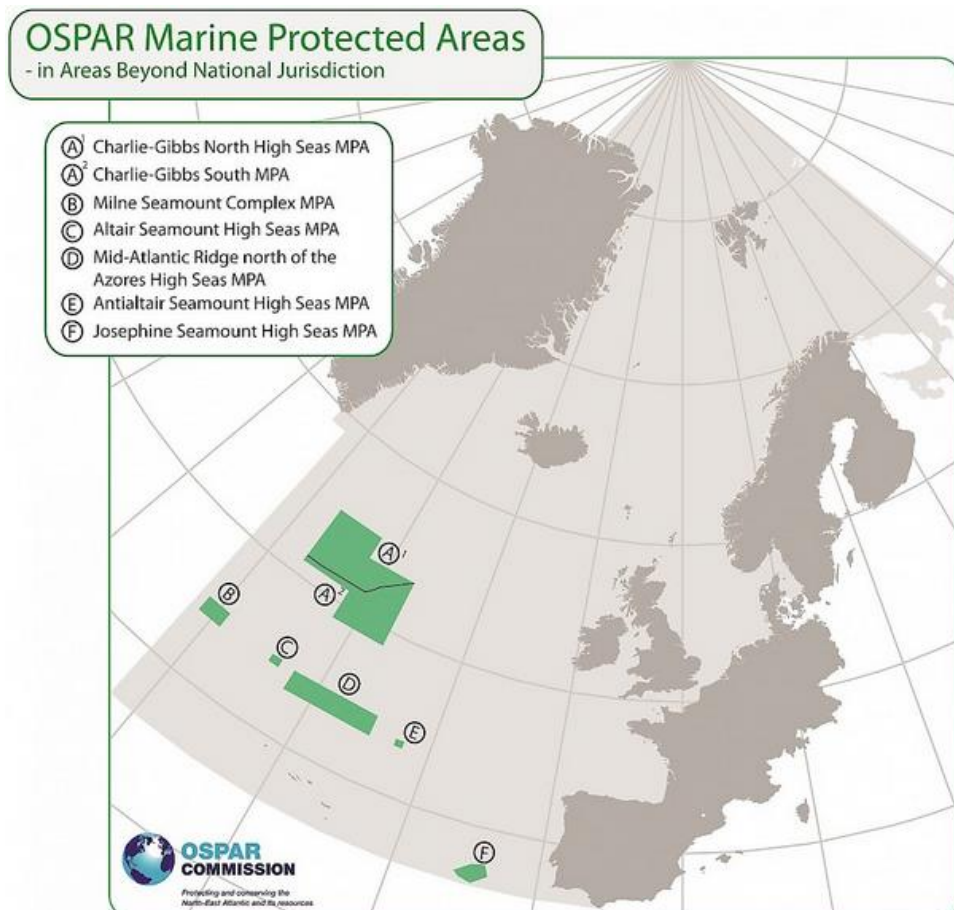
Work to implement the OSPAR Convention and its strategies is taken forward through the adoption of decisions, which are legally binding on the Contracting Parties, recommendations and other agreements. Decisions and recommendations set out actions to be taken by the Contracting Parties. These measures are complemented by other agreements setting out:

- issues of importance;
- agreed programmes of monitoring, information collection or other work which the Contracting Parties commit to carry out;
- guidelines or guidance setting out the way that any programme or measure should be implemented;

- actions to be taken by the OSPAR Commission on behalf of the Contracting Parties.

## 6. Activities / measures implemented in ABNJ

- Collective Arrangement with the North East Atlantic Fisheries Commission. The two organisations include respective objectives to protect the marine environment, in the same geographic area, which includes the protection of vulnerable marine ecosystems through fisheries measures and of conservation of biodiversity via Marine Protected Areas. However, while the two organisations have to some extent overlapping objectives regarding what issues to address, they do not have overlapping mandates regarding the types of measures that they have a legal competence to adopt. NEAFC is managing fishing activities, whereas any question relating to the management of fisheries is explicitly excluded from OSPAR's legal competence.
- Seven MPAs established



- Code of conduct for responsible marine research in the deep seas and high seas of the OSPAR maritime area

- Coordination with other competent bodies such as the International Seabed Authority and the International Maritime Organisation.

## **7. Regulatory authority of the programme in relation to the activities in ABNJ**

The OSPAR Convention allows for regulation of all relevant activities under the authority of its Contracting Parties. However OSPAR does not have competence for fisheries management. Therefore issues of concern related to fisheries are brought to the attention of the relevant fisheries management body. For shipping the preferred route is to work through the International Maritime Organisation. For other matters OSPAR recognizes it can only bind its own contracting parties to actions in ABNJ, and relies on cooperation and coordination with other governments and bodies to achieve its aims with regard to measures, such as Marine Protected Areas.

Annex V to the OSPAR Convention states that Contracting Parties are to take necessary measures to protect and conserve the ecosystems and biological diversity of the maritime area, and co-operate in adopting programmes and measures. The OSPAR Commission is under a duty to draw up programmes and measures for the control of the human activities identified by the application of the criteria in Appendix 3. In fulfilling that duty, the OSPAR Commission is to, inter alia, “develop means, consistent with international law, for instituting protective, conservation, restorative or precautionary measures related to specific areas or sites or related to particular species or habitats”. OSPAR has a wide mandate when it comes to identifying and assessing specific areas within the OSPAR Maritime Area in need of protection. The role of OSPAR is important, since few other international organisations have the mandate for setting in place an integrated process for the protection of an area in ABNJ having regard to human activities and their cumulative impacts on the basis of the ecosystem approach (including i.a. the assessment of the status of the environment, the identification of features to be protected, the establishment of objectives and monitoring measures).



## Chapter 2: CAMLR Convention

### 1. Brief introduction to and history of the CCAMLR

The CAMLR Convention is an integral component of the Antarctic Treaty system<sup>3</sup>. The 1959 Antarctic Treaty led to two instruments which were initially adopted to deal with *'the preservation and conservation of living resources in Antarctica'*. Confined to the Antarctic Treaty Area (south of 60°S), the first of these took the form of the 1964 Agreed Measures for the Conservation of Antarctic Fauna and Flora which entered into force in 1982. The Agreed Measures were followed by the 1972 Convention for the Conservation of Antarctic Seals (CCAS), which aimed to *'promote and achieve the objectives of protection, scientific study and rational use of Antarctic seals, and to maintain a satisfactory balance within the ecological system'*. CCAS, which was also limited to the Antarctic Treaty Area, entered into force on 11 March 1978.

Extensive harvesting of fish in the Sub-Antarctic during the late 1960s and mid-1970s, along with the emergence of interest in the large-scale exploitation of Antarctic krill, raised serious concerns about the sustainability of these fisheries. In 1975, the Antarctic Treaty Consultative Parties (ATCPs) adopted a recommendation which noted the need to *'promote and achieve within the framework of the Antarctic Treaty, the objectives of protection, scientific study and rational use of [Antarctic] marine living resources'*. The Recommendation went on to focus attention on scientific study as an essential basis for protection and rational use of Antarctic marine living resources.

In 1977 Antarctic Treaty Parties were encouraged to contribute to scientific research on Antarctic marine living resources, observe interim guidelines on their conservation, and hold consultations to set up a definitive conservation regime for these resources. Formal consultations began in 1978 and concluded with the signing of the CAMLR Convention in Canberra on 20 May 1980. The CAMLR Convention entered into force on 7 April 1982. To implement the Convention, the parties established the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR), comprising the original signatories and acceding parties. The Convention establishes a Commission and a Scientific Committee both of which may establish subsidiary bodies. It also establishes a Secretariat which is based in Hobart, Australia.

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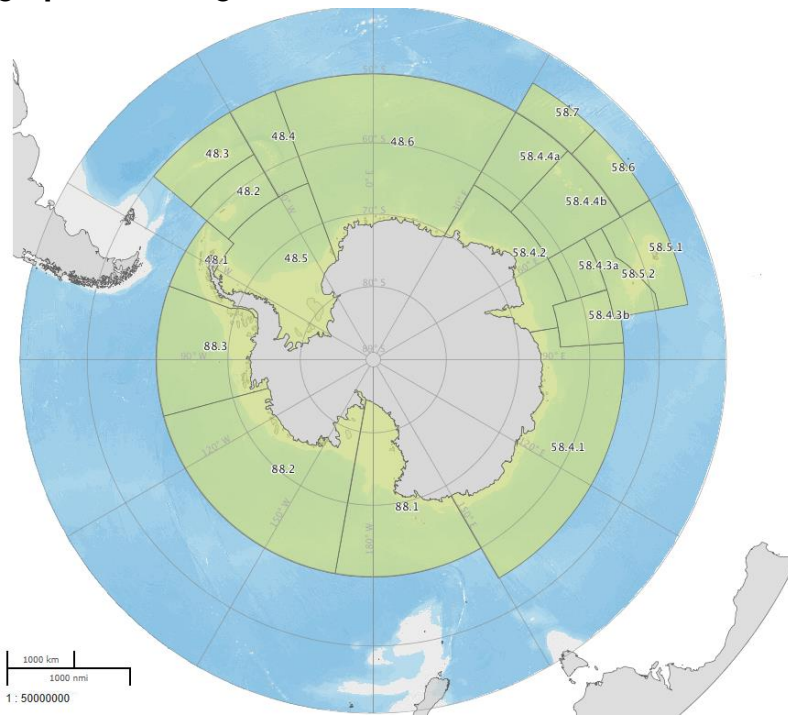
<sup>3</sup> Note that not all Parties to the Antarctic Treaty, or the CAMLR Convention, consider all of the maritime area south of 60°S to be necessarily beyond national jurisdiction. See, for example, Article IV of the Antarctic Treaty and the Statement by the Chairman of the Conference on the Conservation of Antarctic Marine Living Resources in relation to the application of decisions of CCAMLR to the waters adjacent to Kerguelen and Crozet over which France has jurisdiction and to waters adjacent to other islands within the area to which the CAMLR Convention applies over which the existence of State sovereignty is recognised by all Contracting Parties.

## 2. Legal and other policy instruments

1959 Antarctic Treaty which entered into force in 1961.

The CAMLR Convention was adopted on 20 May 1980 and entered into force on 7 April 1982.

## 3. Geographic Coverage



(Image source: <https://www.ccamlr.org/en/organisation/convention-area>)

## 4. Activities/measures

The functions of the Commission are defined in Article IX of the CAMLR Convention (<https://www.ccamlr.org/en/organisation/camlr-convention-text>).

The activities of the Commission and the Scientific Committee are summarised in the Reports of the 2016 meetings of the Commission and Scientific Committee (<https://www.ccamlr.org/node/72763>)

The decisions of the Commission are published in CCAMLR's Schedule of Conservation Measures in Force (<https://www.ccamlr.org/node/57043>) and include:

- Marine Protected Areas
  - Ross Sea region Marine Protected Area (Conservation Measure 91-05)
  - Establishing Special Areas for Scientific Study in newly exposed marine areas following ice-shelf retreat or collapse (CM 24-04)

- General Framework for the establishment of CCAMLR MPAs (CM 91-04)
- Protection of the South Orkney Islands Southern Shelf (CM 91-02)
- Environmental Protection
  - General environmental protection during fishing (CM 26-01)
- Gear Regulations
  - Bottom fishing in the Convention Area (CM 22-06)
  - Restrictions on the use of bottom trawling gear in the high-seas areas of the Convention Area (CM 22-05)
  - Interim measure for bottom fishing activities subject to CM 22-06 encountering potential vulnerable marine ecosystems in the Convention Area (CM 22-07)
  - Protection of registered vulnerable marine ecosystems in subareas, divisions, small-scale research units, or management areas open to bottom fishing (CM 22-09)

### **5. Regulatory authority of the programme in relation to the activities**

The regulatory authority is the Commission established by the CAMLR Convention (Art. VII). The Commission's decisions are described in Conservation Measures (<https://www.ccamlr.org/en/conservation-and-management/conservation-measures>). Members have 180 days to opt out of a decision adopted at an annual Meeting of the Commission; a situation that has occurred once in CCAMLR's 36 year history. Compliance with Conservation Measures and the provisions of the CAML Convention is monitored annually by the Commission drawing on a Compliance Evaluation Procedure described in Conservation Measure 10-10 adopted in 2012.

### **6. Other relevant issues**

- Illegal, unreported and unregulated fishing
- Reducing seabird mortality
- Climate change
- Ocean acidification
- By-catch

## Chapter 3: UN Environment/Mediterranean Action Plan

### 1. Brief introduction to and history of the Regional Seas programme

In 1974, the United Nations Environment Programme (UN Environment) established its Regional Seas Programme with the scope of coordinating activities aimed at the protection of the marine environment through a regional approach. The Mediterranean Action Plan (MAP)<sup>4</sup> was adopted in 1975 and was the first UN Environment initiative to be developed under the Programme. MAP gathers all the 21 countries bordering the Mediterranean Sea and the European Union.

In the beginning, MAP centred its efforts to assist the Mediterranean countries to assess and control pollution, as well as to formulate their national marine environmental policies, while it allowed the setup of a framework of consultation and regional decision-making. In 1995, in the aftermath of the Rio Summit, the Contracting Parties decided to revise the MAP and the Barcelona Convention. MAP Phase II was designed, to reflect a better comprehension of the intimate links between conservation and development.

Since the adoption of MAP Phase II, work has evolved through the adoption of new policies, legal instruments and strategies, to address major emerging issues. Of major importance is the UNEP/MAP Mid-Term Strategy 2016-2021 (Decision IG.22/1). The ultimate objectives of the MAP Mid-Term Strategy are the achievement of Good Environmental Status of the Mediterranean and the contribution to Sustainable Development. By working towards achieving these objectives, the MAP Mid-Term Strategy contributes to the vision of: "A healthy Mediterranean with marine and coastal ecosystems that are productive and biologically diverse contributing to sustainable development for the benefit of present and future generations".

To achieve that vision, the MAP Mid-Term Strategy is structured around three core themes (Land and Sea-based Pollution, Biodiversity and Ecosystems, Land and Sea Interactions and Processes) and three cross-cutting themes (Integrated Coastal Zone Management, Sustainable Consumption and Production, and Climate Change Adaptation), all of them to be promoted under the overarching theme of Governance. These themes contribute to the objectives of the Mediterranean Strategy for Sustainable Development, UN Environment and the UN Sustainable Development Goals and reflect legal commitments of the Contracting Parties to the Barcelona Convention and their Decisions.

The legal system of the MAP rests on the Barcelona Convention, adopted in 1976 and amended in 1995. The Barcelona Convention is supplemented by seven Protocols approaching various aspects of the conservation of the Mediterranean.

<sup>4</sup> <http://web.unep.org/uneppmap/>



The Protocol concerning Specially Protected Areas and Biological Diversity (SPA/BD Protocol) is one of them. The SPA/BD Protocol was adopted in 1995 and replaced the 1982 SPA Protocol. At its title suggests, the new Protocol expanded the former one by considering the protection of Biological Diversity. The 1995 Protocol then adds a wider biodiversity dimension. Furthermore, in comparison to the 1982 Protocol, the 1995 Protocol envisages in particular dispositions relating to the establishment of Specially Protected Areas of Mediterranean Importance (SPAMIs), which can be declared in areas under the jurisdiction of more than a country, as well as, partly or wholly, on the high sea. By expressly paving the way to the possibility of establishing SPAMIs on the high sea, UN Environment/MAP was a pioneer in the Regional Seas family.

## **2. Legal and other policy instruments that affect the ABNJ**

### ***The Barcelona Convention***

UN Environment/MAP-Barcelona Convention has a wide mandate when it comes to identifying and assessing specific areas within the Mediterranean Sea Area, which encompasses ABNJ, in need of protection. This mandate derives from the Barcelona Convention and the SPA/BD Protocol.

The Mediterranean Sea Area is the area covered by the Barcelona Convention, which is defined in Article 1(1) of the Convention as follows:

*“For the purposes of this Convention, the Mediterranean Sea Area shall mean the maritime waters of the Mediterranean Sea proper, including its gulfs and seas, bounded to the west by the meridian passing through Cape Spartel lighthouse, at the entrance of the Straits of Gibraltar, and to the east by the southern limits of the Straits of the Dardanelles between Mehmetcik and Kumkale lighthouses”.*

General obligations of the Barcelona Convention are set out in Article 4(1) and include taking all appropriate measures to prevent, abate, combat and to the fullest possible extent eliminate pollution of the Mediterranean Sea Area and to protect and enhance the marine environment in that Area so as to contribute towards its sustainable development. A further elaboration of these obligations is found in Article 10, which reads:

*“The Contracting Parties shall, individually or jointly, take all appropriate measures to protect and preserve biological diversity, rare or fragile ecosystems, as well as species of wild fauna and flora which are rare, depleted, threatened or endangered and their habitats, in the area to which this Convention applies”.*

### ***The SPA/BD Protocol***

Article 2(1) of the SPA/BD Protocol states:

*“The area to which this Protocol applies shall be the area of the Mediterranean Sea as delimited in Article 1 of the Convention. It also includes:*

- the seabed and its subsoil;*
- the waters, the seabed and its subsoil on the landward side of the baseline from which the breadth of the territorial sea is measured and extending, in the case of watercourses, up to the freshwater limit;*
- the terrestrial coastal areas designated by each of the Parties, including wetlands”.*

Under the SPA/BD Protocol, Contracting Parties are to take the necessary measures to “protect, preserve and manage in a sustainable and environmentally sound way areas of particular natural or cultural value, notably by the establishment of specially protected areas” (Article 3.1(a)); and “protect, preserve and manage threatened or endangered species of flora and fauna” (Article 3.1(b)). These obligations are further developed in Article 8 (1), which reads:

*“In order to promote cooperation in the management and conservation of natural areas, as well as in the protection of threatened species and their habitats, the Parties shall draw up a List of Specially Protected Areas of Mediterranean Importance, hereinafter referred to as the SPAMI List”.*

The SPAMI List may include sites which: (1) are of importance for conserving the components of biological diversity in the Mediterranean; (2) contain ecosystems specific to the Mediterranean area or the habitats of endangered species; (3) are of special interest at the scientific, aesthetic, cultural or educational levels (Article 8(2)).

The Protocol makes the distinction between the Specially Protected Areas and the Specially Protected Areas of Mediterranean Importance (SPAMI). Only SPAMIs can be established partly or wholly on the high seas. In its Article 9, the SPA/BD Protocol provides the procedure for the establishment and listing of SPAMIs.

Article 9.1(b) expressly states that SPAMIs may be established in “zones partly or wholly on the high seas”. If so, according to Article 9.2(b), proposals for inclusion in the List may be submitted: “by two or more neighbouring Parties concerned if the area is situated, partly or wholly, on the high sea”.

The procedure for the establishing and listing of SPAMIs is explained in detail in Article 9 (3) and (4) and includes consultation between the neighbouring Parties concerned and the submission of an introductory report containing information on the area’s geographical location, its physical and ecological characteristics, its legal status, its management plans and the means for their implementation, as well as a statement justifying its Mediterranean importance.

Annex I to the SPA/BD Protocol contains common criteria for the choice of protected marine and coastal areas that could be included in the SPAMI List. This includes criteria on protection, planning and management measures (Section D). Under Paragraph 7 of Section D, for an area to be included in the SPAMI List, a management plan has to be endowed and a detailed management plan must be presented within three years of the time of inclusion. Paragraph 8 of Section D also requires a monitoring programme to be endowed for an area to be included in the SPAMI List.

The SPAMI status creates two obligations: first, the Parties concerned must adopt protection and management measures related to the SPAMI; and second, the Parties as a whole shall respect these measures. For this reason the SPAMI system enables the development of a regional network of MPAs based on the principles of cooperation and mutual recognition.

#### *Conference of Parties Decisions*

Since the adoption of the SPA/BD Protocol, a comprehensive set of Decisions have been adopted for its implementation. Of particular relevance to ABNJ are:

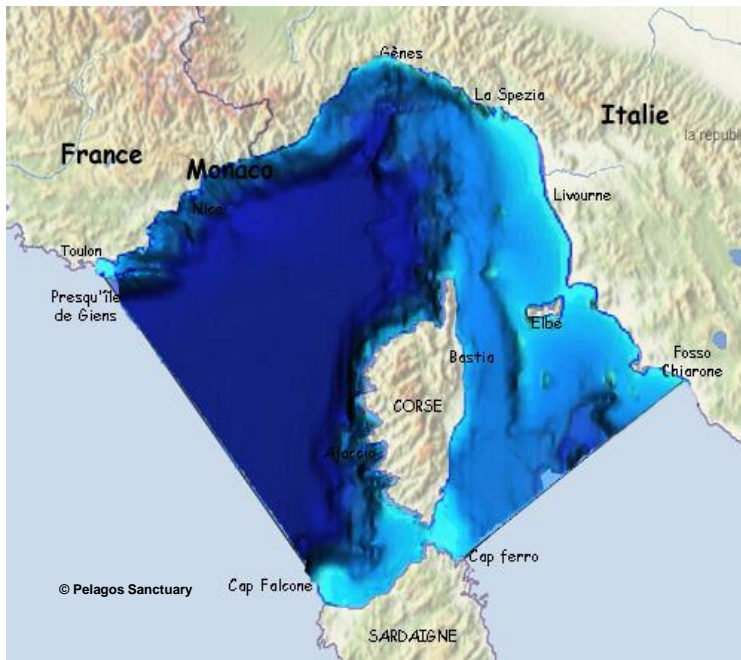
- (a) **Decision IG. 22/13:** “Roadmap for a Comprehensive Coherent Network of Well-Managed Marine Protected Areas (MPAs) to Achieve Aichi Target 11 in the Mediterranean” (2016); which provides guidance to update and implement the “Regional Working Programme for the Coastal and Marine Protected Areas in the Mediterranean including the High Sea” (2009);
- (b) **Decision IG. 21/5:** “Identification and Conservation of sites of particular ecological interest in the Mediterranean” (2013), which requests the Regional Activity Centre for Specially Protected Areas (RAC/SPA)<sup>5</sup> to work with the relevant national authorities to carry out during the 2014-2015 biennium the Ordinary Periodic Review of the areas in the SPAMI List, including the high-sea SPAMI area: Pelagos Sanctuary for the Conservation of Marine Mammals (France, Italy, Monaco);
- (c) **Decision IG. 20/7:** “Conservation of sites of particular ecological interest in the Mediterranean”, which revised the format for the presentation of reports for the areas proposed for inclusion in the SPAMI List, included SPAMIs in high seas;
- (d) **Decision IG. 19/13:** “Regional Working Programme for the Coastal and Marine Protected Areas in the Mediterranean including the High Sea” (2009).

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<sup>5</sup> <http://www.rac-spa.org/>

### 3. Geographic Coverage and areas beyond national jurisdiction within the Geographic Coverage

**The Pelagos Sanctuary** has been a SPAMI since 2001. It was set up by a Tripartite Agreement between the Governments of France, Italy and Monaco in 1999. The Sanctuary has a surface of 87.500 km<sup>2</sup> and is characterised by extremely rich pelagic life, marked by the presence of pelagics mammals such as the cetaceans *Balaenoptera physalus* and *Ziphius cavirostris*.



### 4. Activities/measures implemented in ABNJ

The EcAp-MED Project (2012-2015): This project contributed to ensure that the Ecosystem Approach becomes MAP's core implementation strategy. Through the EcAP-MED Project:

- RAC/SPA, which is a regional centre of UN Environment/MAP, worked on identifying potential SPAMIs in areas of high seas. In this context, a number of "operational criteria for identifying SPAMIs in areas of open seas, including the deep sea" have been identified, with a list of twelve priority conservation areas lying in the high seas, including the deep sea defined by the Extraordinary Meeting of Focal Points for SPAs (Istanbul, Turkey, June 2010). This work was the basis for identification of Mediterranean Ecologically or Biologically Significant Marine Areas (EBSAs);
- UN Environment/MAP conducted some key consultation meetings on the establishment of SPAMIs in the following priority areas: Gulf of Lions, Alboran Sea, the Adriatic Sea and the Sicily Channel/Tunisian Plateau. For all areas draft

roadmaps were agreed, indicating the way forward in the process to identify, establish and declare SPAMIs in the high seas.

## **5. Regulatory authority of the programme in relation to the activities in ABNJ**

What makes the Pelagos Sanctuary for Mediterranean Marine Mammals unique is the fact that it is a site managed by three different authorities and includes coastal areas and international waters that form a large ecosystem of major scientific, socio-economic, cultural and educational interest. The entire Sanctuary can be broadly considered to be a biogeographically distinct sub-section of the Large Marine Ecosystem (LME) that is the Mediterranean.

The Permanent Secretariat receives administrative support from the Scientific Centre of Monaco (CSM), with offices in the Monte-Carlo provided by the Principality of Monaco.

The Scientific and Technical Committee (STC) is the part of the organization that works alongside the Permanent Secretariat and the National Focal Points (France, Italy and Monaco). It gives the parties its views and advice on implementing the Agreement. It helps the Permanent Secretariat to prepare resolutions, recommendations, strategy decisions, work programs and international priorities. The Meeting of the Contracting Parties formally approves the STC's scientific proposals with regard to the management plan and priority measures.

## **6. Other relevant issues**

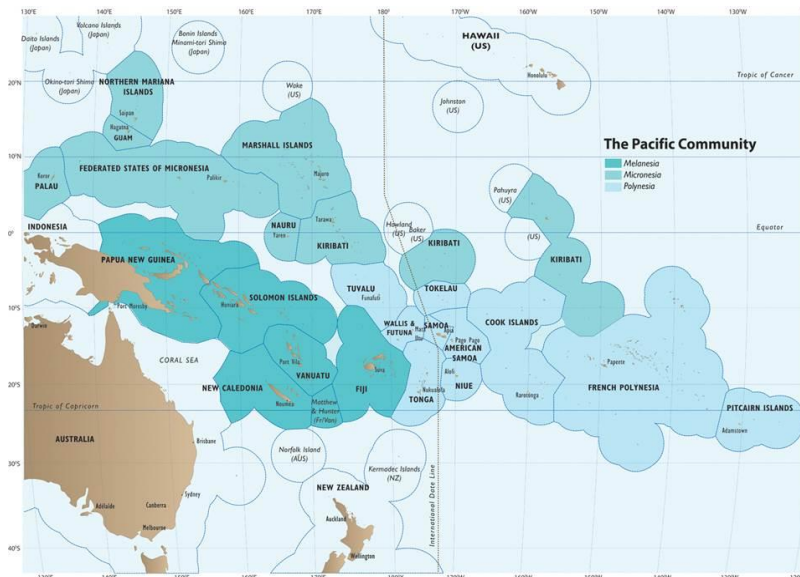
Work on identification and conservation of sites of particular ecological interest in the Mediterranean, has led to the identification of Ecologically or Biologically Significant Marine Areas (EBSAs). In cooperation with the CBD Secretariat, a joint CBD-UN Environment/MAP Mediterranean Regional Workshop on EBSAs was held (Malaga, Spain; April 2014), to facilitate a Mediterranean Regional input into the CBD discussions later on the same year. As an outcome, 15 Mediterranean EBSAs were agreed and listed in the CBD EBSAs repository by the CBD Conference of the Parties (Pyeongchang, Republic of Korea; October 2014), as defined by Contracting Parties. Areas labelled as EBSAs in the Mediterranean embrace mostly high seas, including deep seas.

The 15 Mediterranean EBSAs are listed below.

Ecologically or Biologically Significant Areas (EBSAs)	
1. North-western Mediterranean Pelagic Ecosystems	9. North-East Levantine Sea
2. North-western Mediterranean Benthic Ecosystems	10. North Aegean Sea
3. Gulf of Gabès	11. Central Aegean Sea
4. Sicilian Channel	12. Hellenic Trench
5. Gulf of Sirte	13. South Adriatic Ionian Strait
6. Nile Delta Fan	14. Jabuka / Pomo Pit
7. East Levantine Canyons (ELCA)	15. Northern Adriatic
8. Akamas and Chrysochou Bay	

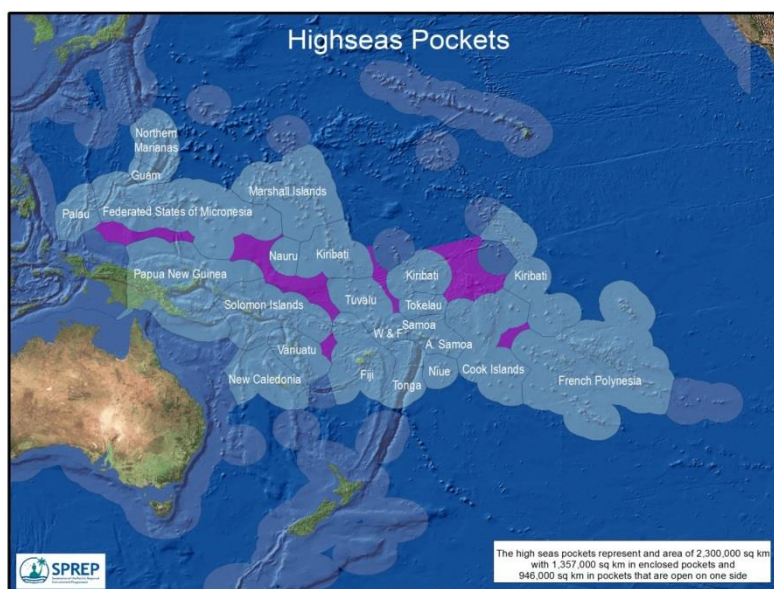
## Chapter 4: Secretariat of the Pacific Regional Environment Programme (SPREP)

### 1. Geographic Coverage and areas beyond national jurisdiction within this geographic coverage



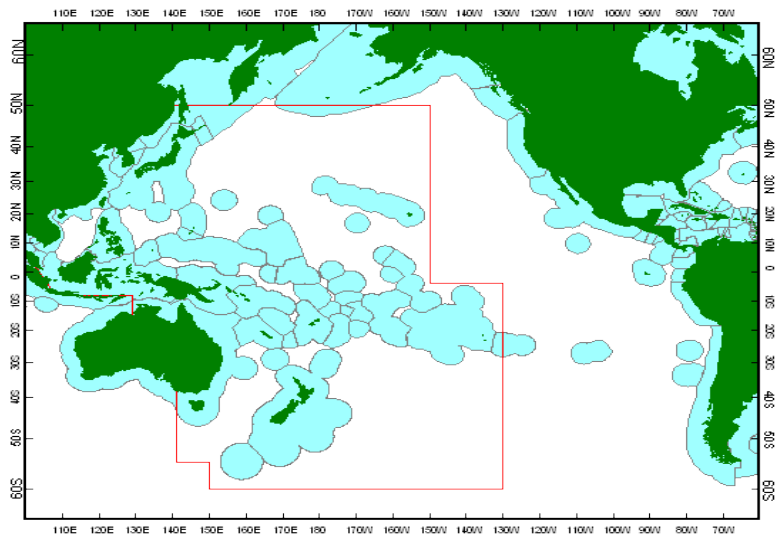
**The SPREP region (EEZ areas in blue)**

Unlike most other regional seas areas, the SPREP region (Fig 1 above) is largely (97%) contained within the EEZs of its members. There are, however, three fully-enclosed pockets of ABNJ, and one semi-enclosed pocket in the east (Fig 2 below). Additionally, much of the region is bounded by ABNJ.



**High seas pockets in the SPREP region (purple areas).**

The Western Central Pacific Fisheries Commission (WCPFC) is the Regional Fisheries Management Organization (RFMO) for the Western Central Pacific Ocean (WCPO), and its area of jurisdiction is shown below:



**The Western Central Pacific Ocean Tuna Fishery area.**

The SPREP region comprises less than half the total area of the WCPO, although it contains the majority of the region's tuna stocks, mainly within the EEZs of SPREP Members.

## **2. Activities/measures implemented in ABNJ**

As the Secretariat for the Noumea Convention, the Waigani Convention and the SPREP Agreement, SPREP is the intergovernmental organisation with the responsibility for environmental management in the Pacific islands region (the South-west Pacific Regional Sea). This includes mandates for i) marine pollution and ii) marine biodiversity, including the protection and conservation of threatened and migratory species.

- SPREP provides ongoing technical briefings and support on ABNJ and BBNJ to our Pacific island member states in each of the four elements of the BBNJ negotiation package via a) responses to direct country requests and b) participation on the regional technical advisory team assisting Pacific SIDS Missions at the UN Preparatory Committee on BBNJ and intersessionally. The technical advisory team has been coordinated through the Office of the Pacific Ocean Commissioner and includes advisers and experts from the regional CROP (intergovernmental) agencies plus others where required.
- Apart from the BBNJ Preparatory Committee process, SPREP's ongoing Regional Seas environment programmes assists members through specific capacity building activities at regional and national scales on:
  - i. Training and implementation on EIA
  - ii. Environmental Guidelines on Deep Sea Minerals exploration
  - iii. Regional and national level marine spatial planning



- iv. Marine managed area (MMA) and marine protected area management (coastal and EEZ-scale MMAs and MPAs)
- v. Access & benefit sharing; capacity building & technology transfer
- vi. Marine pollution legislation and guidelines (IMO conventions and protocols)

Most of these activities have direct and indirect impacts on SPREP region capacity to manage biodiversity in areas beyond national jurisdiction.

- SPREP's mandate does not include tuna fisheries, for which the key regional agencies are the Forum Fisheries Agency (FFA) and the Secretariat for the Pacific Community (SPC). However, SPREP has observer status at WCPFC, and has used this position for two significant activities:

a) Conservation of threatened and migratory species:

SPREP has consistently advocated for the conservation of sharks, rays and turtles, and has promoted initiatives by the Commission to reduce the take of sharks (e.g. Conservation Management Measure for Sharks 2010-07 and 2014-05). SPREP is working with Pacific island countries to implement the provisions of CITES, which has listed several species of sharks and rays on Appendix II in recent years.

b) Marine pollution from fishing vessels:

In 2015, SPREP released to the Commission the results of its analysis of over 10,000 reports filed by fisheries observers aboard purse-seine vessels, that were contained on the GEN-6 forms held by SPC. The analyses showed that despite the presence of observers, vessel crews wilfully dumped a range of non-degradable materials, including plastics, in contravention of the requirements of MARPOL Annex V. SPREP is collaborating with country representatives to promote appropriate measures to minimise the dumping of marine debris from fishing vessels.

### **3. Other Key Issues and Considerations for SPREP as a Regional Sea Convention**

- Legal mandate for management and implementation of an international Agreement in the high seas areas of the Pacific islands region.
- Capacity to undertake responsibilities for the above.
- Legal or other processes required to extend the geographical coverage of the SPREP Region.

