Conservation in areas beyond national jurisdiction
- the role of regional seas organisations

At the OSPAR Commission Meeting in Malahide, Ireland (June 2005), WWF invited delegates to attend an expert panel session addressing options for conservation measures in areas beyond national jurisdiction in the OSPAR Maritime Area; and the development of international co-operation to discuss the aspects of establishing Marine Protected Areas on the High Seas. This side event was chaired by Dr Sian Pullen, Head of WWF’s European Marine Programme.

Background: Following up on the commitments given at the World Summit on Sustainable Development (WSSD) in Johannesburg 2002, the Environment Ministers of OSPAR Contracting Parties agreed in Bremen in June 2003 to establish, by 2010, an ecologically coherent network of well-managed Marine Protected Areas (OSPAR Recommendation 2003/3 on a Network of Marine Protected Areas MPAs), including in areas beyond national jurisdiction. A large portion (appr. 60%) of the OSPAR Maritime Area is beyond national jurisdiction according to the provisions of the UN Law of the Sea (UNCLOS), being located either beyond the Exclusive Economic Zones’ or claimed continental shelf’s delimitations. In 2005, WWF prepared the first ever comprehensive proposal for a marine protected area in areas beyond national jurisdiction within the OSPAR Maritime Area (ICG-MPA 05/3/1 & MASH 05/5/11): the Rainbow Vent Field was proposed for nomination to the OSPAR network to provide a concrete example of a „High Seas MPA“ (HSMPA) for which to develop the necessary steps towards conservation action at regional and global level.

The panel speakers introduced different aspects of conservation in areas beyond national jurisdiction:

Dr Alex Rogers, Principal Investigator on biodiversity with the British Antarctic Survey, highlighted important deep-water habitats, represented in areas beyond national jurisdiction, including
- abyssal plains, sedimentary environments which show a high diversity of small organisms;
- cold-water coral reefs, occurring on continental slopes, offshore banks and seamounts, probably associated with high surface production and strong bottom currents. In Europe, so far 1,300 species have been identified associated to cold-water corals;
- chemosynthetic environments such as hydrothermal vents, usually with a low species diversity (hundreds of species), but very high endemism rates;
- canyons, which ecologically connect the continental shelf to the deep sea, characterised by high abundances of i.a. fish and squid and serve as feeding grounds for large marine mammals; and
- seamounts, which often provide hard substrate habitat to an associated fauna, like cold-water corals, otherwise rare in the deep sea. Biogeographically they can be stepping stones across ocean basins though neighbouring seamounts may also be very different. Still, many of the species are new to science.

Dr. Rogers also pointed out the importance of seamounts for commercially exploited deep-water fish stocks and the vulnerability of these stocks to exploitation, especially considering the “boom & bust“-example of the orange roughy fishery. He reported the widespread, devastating effect bottom trawling has on cold-water coral reefs: “In every set of observations of where bottom-trawling and deep-sea coral ecosystems coincide severe damage has been recorded.”.

Dr. Rogers identified various threats to the deep-sea environment, such as mining, bioprospection and CO2-sequestration. Climate change may have a serious impact through changes in the quality of the phytoplankton supporting deep-sea life. He considered fishing to be the main threat to species and habitats dwelling in ocean areas.
integrated precautionary management of other human activities. Management through OSPAR could provide a useful example of regional co-operation on which other regions could build.

Dr. Charlotte Johnston, Marine Strategy and Sites Coordinator for UK’s Joint Nature Conservation Committee, saw a clear remit of OSPAR to identify HSMPAs through the 2003 Ministerial Commitment to establish an ecologically coherent network of well managed MPAs by 2010. Criteria and guidelines for the management developed by BDC and MASH would serve as the basis. The main problems for the creation of HSMPAs were the need for an agreement by all Contracting Parties and the mixed competences for management of human activities (ISA for mining, IMO for shipping, NEAFC for fishing, etc.). Any agreement would only bind the respective Contracting Parties. Therefore, there was a need to extend the regulations to a global level and to address all activities. Ms. Gjerde and Dr. Johnson saw three steps to promote HSMPA establishment in the North-East Atlantic:

1. support a time-out on destructive fishing practices within the Maritime Area until NEAFC has the legal mandate to regulate for biodiversity conservation purposes. Such a moratorium would be a first step towards implementation of the ecosystem approach to fisheries management
2. establish MPAs such as the Rainbow Vent Field where the information and willingness to cooperate exist.
3. promote the development of the UNCLOS framework that would install a common mandate for conservation and sustainable use of biodiversity in all sectoral bodies, and could provide enhanced capacity to effectively monitor and control activities on the High Seas, including in MPAs.

In the following discussion it was pointed out that OSPAR, unique in having a clear mandate, was playing a leadership role and was seen as an example by other countries and global regions. For the establishment of HSMPAs, the identification of pilot areas was considered an important first step, which could be followed by a Ministerial level meeting later on.

**WWF documents to assist OSPAR and NEAFC in their efforts to promote and establish conservation measures in areas beyond national jurisdiction, e.g.**

a. presenting candidate sites for designation as High Seas MPAs – e.g. Josefine Bank (seamount) see [http://www.nego.grida.no/wwfneap/Publication/Submissions/OSPAR2005/WWF-MASH%5B_Rainbow_annex.pdf](http://www.nego.grida.no/wwfneap/Publication/Submissions/OSPAR2005/WWF-MASH%5B_Rainbow_annex.pdf)

b. preparing a comprehensive nomination for the first potential OSPAR MPA in areas beyond national jurisdiction under the provisions and criteria of OSPAR Recommendation 2003/3 – Rainbow Vent Field see [http://www.nego.grida.no/wwfneap/Publication/Submissions/OSPAR2005/WWF-MASH%5B_Rainbow_annex.pdf](http://www.nego.grida.no/wwfneap/Publication/Submissions/OSPAR2005/WWF-MASH%5B_Rainbow_annex.pdf)

c. providing proposals and data evidence with regard to vulnerable deep-water habitats (coral reefs, seamounts) and scenarios for their protection from fishing impacts – see document BDC 05/05/03/E+ Protection of cold-water coral reefs in the OSPAR Maritime Area- Review of progress and proposal for additional measures, including on Rockall and Hatton Bank: [http://www.nego.grida.no/wwfneap/Publication/briefings/Rockall_Hatton.pdf](http://www.nego.grida.no/wwfneap/Publication/briefings/Rockall_Hatton.pdf)