OSPAR High Seas MPAs: a first step towards MSP
priorities, challenges, recent and future developments

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A significant challenge in ABNJ is lack of data and poor understanding of the integrity of ecosystems and ecosystem processes

a. Data collection is too fragmented
b. Data gaps need to be filled
c. Data needs to be continuous across jurisdictional borders


74 % (or 82%) of global ocean covered by CBD Regional Workshops on EBSAs
OSPAR/NEAFC EBSA Workshop 2011
Subsequent ICES Review
On-going process
In ABNJ particularly
Case for a precautionary approach: reverse burden of proof, SEA/EIA

Different types and sizes of EBSAs: cannot be prescriptive, data driven (confidence levels)

Large areas:
Provide an opportunity for marine spatial planning

Footprint:
Recognise areas that should continue to be subject to existing uses albeit subject to review

Marine protected areas are key tools for conservation, but they have some serious short-comings. The Convention on Biological Diversity (CBD) has called for these areas to cover 10% of each of the world's marine and coastal ecoregions by the end of 2020. Even this modest target is proving challenging. So far, less than 2% of the ocean has been designated as protected, and nearly all of these areas are in coastal and continental shelf regions. This is partly the result of a lack of data from the open ocean, and partly because of pressures from various interest groups, which may resist the management of ocean areas with valuable resources.

There is now an additional option for protecting the marine environment. In 2010, the CBD created a process to identify Ecologically or Biologically Significant Areas (EBSAs) and to convey information to competent intergovernmental organizations, such as the United Nations General Assembly, for further action. The point of EBSAs is to identify areas that are particularly important to the function of marine ecosystems, without the requirement for an accompanying detailed management plan. This offers a flexible approach to the designation of EBSAs, as it allows for the designation of an area as an ecological or biological reserve.

An EBSA is defined by a set of criteria established by the CBD, and the area should contain unique, rare or endemic species and habitats. These criteria are designed to ensure that the area is representative of the marine ecosystem that it is intended to protect. Unfortunately, there are many areas of concern that do not meet these criteria. For example, some areas are too large to manage effectively, while others are too small to be representative of the entire marine ecosystem.

This approach should be widely adopted by the scientific community when planning protected areas. The scientific community has shown that this approach is effective and can be applied to a wide range of marine ecosystems.

Fortunately, the eventual consensus of this large meeting was to propose a large EBS that is slightly extrastate (covering 182,087 square kilometres each) and two smaller international full areas, one situated north of the Barents–Bollard, that are drawn to the scale that the entire area is protected, and the other, 10,000 square kilometres in each, is drawn to the scale that the entire area is protected. The latter areas are subject to further scrutiny. Marine protected areas should not be considered as a substitute for EBSAs, which provide protection to the most critical ecosystems. The main benefit of this system is that it allows for a more flexible approach to conservation, as it does not require the designation of large areas. Instead, it provides a framework for the designation of smaller areas, which can be more effectively managed.

As scientists are becoming increasingly aware of the importance of marine protected areas, they are becoming more focused on the need to identify areas that are representative of the entire marine ecosystem. This includes areas that are located in the open ocean and that are not currently covered by existing EBSAs.
High Seas Governance

Conservation Bodies & Agreements (Holistic approach)
- UNESCO
- WHC
- CBD
- CMS
- RSCs
- Aichi Targets; EBSAs

UNCLOS

IOC

UNGA

Science & Heritage Environment

FAO

IWC

Sanctuaries

RFMO/As

VMEs

IMO

Part XI Agreement

IMO

IMO

PSSAs, SAs, ATBAs

ISA

APEIs, PRZs

Notes
*While regional seas conventions can designate MPAs, they require other entities (States and other Agreements) for their management and regulation. Only two RSCs have designated MPAs in the high seas.

†The 1972 World Heritage Convention currently is not applied to Areas Beyond National Jurisdiction.

4 UNESCO-IOC promotes international scientific cooperation and coordination to aid decision making processes.

Legend
- Enabling law
- Uses mostly binding measures
- Uses mostly non-binding measures
- Uses mix of non- & binding measures
- Not active in protecting HS biodiversity
- Legal / organisational linkage
- Partial linkage

Customary International Law

Slide courtesy Jeff Ardron
The ‘package’ of Issues to be considered for protecting BBNJ (UNDOALOS, 2015)

- Legal status
- Benefit-sharing

- Marine genetic resources
- Area-based management tools, inc. MPAs
- Environmental impact assessments

- Governance
- Possible gaps (legal, regulatory, implementation)
- New instrument under UNCLOS or implem. of existing instruments
- Global/regional approach

- Capacity-building & transfer of marine technology
- Cooperation in MSR
- Implementation of UNCLOS Part XIV

Areas of Particular Environmental Interest (APEIs)

In 2012, the ISA Council approved an environmental management plan for the Clarion Clipperton Zone (CCZ), including a network of nine APEIs, in total covering an area of 1.5 Million km$^2$, noting the need for a ‘comprehensive environmental management plan at the regional level’.

Psychropotes longicauda (source Ifremer)
SEMPIA Data Report (Morato et al., 2015)
Selected data: ISA Resource Distribution and current Exploration Areas

ISA Resource Distribution
- Polymetallic Sulphides
- Cobalt-Rich Ferromanganese Crusts
- Polymetallic Nodules

Exploration Areas
- ISA: France
- ISA: Russian Federation
- ISA: Brazil
- Nautilus Minerals
A Trans-Atlantic Assessment and deep-water ecosystem-based spatial management plan for Europe

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