



## WPC Recommendation 23

# Protecting Marine Biodiversity and Ecosystem Processes through Marine Protected Areas beyond National Jurisdiction

The past 30 years of ocean exploration have revealed an incredible diversity of life inhabiting our oceans, including deep ocean ecosystems and communities with a wealth of endemic species; however, much of the oceans biology and ecology remains poorly explored and understood. The common assumption that living marine resources are inexhaustible has been proven incorrect.

Recent technological advances and expanding human uses in the high seas are sequentially depleting fish stocks, destroying ocean biodiversity, productivity and ecosystem processes. The oceans are in a state of crisis and must be given an opportunity to recover. Therefore urgent legally binding actions are necessary at international, regional and national levels to conserve this vital biodiversity.

Resolution 2.20 (*Conservation of Marine Biodiversity*) adopted at the 2<sup>nd</sup> World Conservation Congress (Amman, 2000) calls on IUCN, member governments and relevant organizations to explore an appropriate range of tools, including high seas MPAs, to implement effective protection and sustainable use of biodiversity, species and ecosystem processes on the high seas and calls on national governments, international agencies and the non-governmental community to better integrate established multilateral agencies and existing legal mechanisms to identify areas of the high seas suitable for collaborative management action.

The World Summit on Sustainable Development (WSSD) (Johannesburg, 2002) highlighted the need to promote oceans conservation, including:

1. Maintaining the productivity and biodiversity of important and vulnerable marine and coastal areas (MCPAs), including in areas within and beyond national jurisdiction;
2. Encouraging the application of the ecosystem approach by 2010 to ocean and fisheries management; and
3. Developing and facilitating the use of diverse approaches and tools, including the establishment of MPAs consistent with international law and based on scientific information, including representative networks by 2012.

The 8<sup>th</sup> meeting of the Subsidiary Body for Scientific, Technical and Technological Advice (March, 2003) of the CBD has forwarded a recommendation which will be considered at the 7<sup>th</sup> Conference of the Parties to Convention (February, 2004) that specifically recognized “an

urgent need to establish in areas beyond national jurisdiction further marine protected areas consistent with international law and based on scientific information, including in relation to areas of seamounts, hydrothermal vents, cold-water corals and open ocean” and requested the Secretariat, working in conjunction with other international and regional bodies “to identify appropriate mechanisms for their establishment and effective management.”

In addition, the 4th Meeting of the United Nations Informal Consultative Process (UN ICP, June, 2003) has recommended to the United Nations General Assembly, that it, inter alia, reiterate its call for urgent consideration of ways to improve the management of risks to seamounts and cold water coral reefs, and invite relevant international bodies at all levels to urgently consider how to better address, on a scientific and precautionary basis, threats and risks to vulnerable and threatened marine ecosystems and biodiversity beyond national jurisdiction consistent with international law and the principles of integrated ecosystem-based management.

The *United Nations Convention on the Law of the Sea* (UNCLOS) provides the global framework for ocean conservation and management of human activities. In areas beyond national jurisdiction, it obliges parties to protect and preserve the marine environment and to cooperate in conserving and managing marine living resources.

Heightened global cooperation is required to implement and build on the obligations in UNCLOS and other international legal agreements.

In light of the unique characteristics of deep ocean and high seas biodiversity, the growing urgency of the problems, and the nature of high seas jurisdiction, global coordinated action is essential to adopt a precautionary and ecosystems-based approach to management that includes a representative system of high seas marine protected area networks, and maintain thereby biodiversity, species, productivity and ecosystem processes for the generations to come.

*Therefore, PARTICIPANTS in the Marine Cross-cutting Theme at the V<sup>th</sup> World Parks Congress, in Durban, South Africa (8-17 September 2003):*

STRONGLY RECOMMEND the international community as a whole to:

1. ENDORSE AND PROMOTE the WSSD Joint Plan of Implementation together with the goal of establishing a global system of effectively managed, representative networks of marine protected areas by 2012 that includes within its scope the world’s oceans and seas beyond national jurisdiction, consistent with international law;
2. UTILIZE available mechanisms and authorities to establish and effectively manage by 2008 at least five ecologically significant and globally representative HSMPAs incorporating strictly protected areas consistent with international law and based on sound science to enhance the conservation of marine biodiversity, species, productivity and ecosystems;

3. DEVELOP and make available scientific, legal, socio-economic, and policy research relevant to the development of a global representative system of high seas MPA networks and the protection and sustainable use of biodiversity, species and ecosystem processes on the high seas;
4. ESTABLISH a global system of effectively managed, representative networks of marine protected areas, including through:
  - a. Taking immediate and urgent action to protect the biodiversity and productivity of seamounts, cold-water coral communities and other vulnerable high seas features and ecosystems and especially to safeguard species and habitats at immediate risk of irrevocable damage or loss;
  - b. Taking immediate and urgent action to protect the biodiversity and productivity dependent on large-scale, persistent oceanographic features, such as currents and frontal systems, known to support marine life and contain critical habitat for species such as those listed in the IUCN Red List and the appendices of CITES, CMS and related Agreements; and
  - c. Developing mechanisms to enable urgent and long-lasting protection of non-target species threatened by high seas fishing activities, particularly by ensuring that measures to mitigate by-catch and incidental catch are developed for and implemented in all relevant fisheries;
5. INITIATE action to identify marine ecosystems, habitats, areas, processes and biodiversity hotspots for priority attention, develop agreed criteria and guidelines for the identification, establishment, management and enforcement of HSMPAs, develop guidance for a representative system of HSMPA networks, establish sustainable financing strategies and determine future research needs and priorities;
6. COOPERATE to develop and promote a global framework or approach, building on UNCLOS, the CBD, the UN Fish Stocks Agreement, CMS and other relevant agreements, to facilitate the creation of a global representative system of high seas MPA networks, consistent with international law, to ensure its effective management and enforcement, and coordinate and harmonize applicable international agreements, mechanisms and authorities in accordance with modern principles of precautionary, ecosystem-based and integrated management and sound governance as defined in the UN principles;
7. NOTE that WCPA High Seas Working Group is developing a *Ten Year Strategy to Promote Development of a Global Representative System of High Seas Marine Protected Area Networks* (Ten-Year HSMPA Strategy) as introduced at the World Park Congress; and

8. JOIN TOGETHER through formal and informal networks to promote the development of a global representative system of high seas MPA networks within their own governments and organizations and in broader international forum to achieve protection of the biological diversity, species, productivity and sustainable use of the high seas, with the global representative system of MPA networks being a principal tool, reporting back on progress at the International Marine Protected Area Congress, Australia 2005, as well as at other relevant forums.