



High Seas

Ocean territory under threat

An estimated 64% of the oceans lie beyond the 200-nautical-mile limit of the Exclusive Economic Zones (EEZs) of coastal states. These areas, known as the High Seas, comprise 80% of the planet's biosphere and include vast open ocean and deep sea environments that are some of the least explored and researched areas on Earth.

Until recently, the open ocean has generally been regarded as a mystery. In the last few decades, however, it has come to be appreciated for its fisheries and mineral resources, and for the critical role it plays in the regulation of the global climate and general health of the planet.

Scientists are beginning to explore the ocean depths. They have identified areas of rich scientific, societal or economic importance. These habitats include hydrothermal vents, deep sea trenches, seamounts, deep sea coral reefs, and submarine canyons – areas of critical importance for a great number of fish and invertebrate species, many as yet undiscovered.

The High Seas are open-access common areas. As such, a growing number of

areas have become intensively exploited and heavily degraded. Threats to the High Seas include commercial fishing, oil and gas exploration, mining, shipping, bioprospecting, marine pollution, exploitation of deep sea bed resources and illegal fishing. Technological advances in two industries in particular, demersal fishing and oil production, now allow for operations at depths down to 2,000 metres, putting enormous pressure on deep sea habitats and species.

BIODIVERSITY AT RISK

Marine Protected Areas (MPAs) have been created around the world to conserve areas of high biological diversity and as a tool for the wise management of marine resources. Yet, less than 1% of the world's oceans have been protected, compared to roughly 10% of the planet's terrestrial environments. The High Seas are even less protected than coastal areas – nearly all of the existing MPAs lie within national jurisdictions. Governments need to act now to protect unique and representative examples of high seas biological communities and to prevent overexploitation of marine resources and further collapse of commercial fisheries.

VULNERABLE HABITATS AND BIOLOGICAL COMMUNITIES OF THE HIGH SEAS

- Deep-sea coral reefs
- Cetaceans
- Seamounts
- Hydrothermal vents
- Gas hydrates
- Deep-sea trenches
- Transboundary fish stocks
- Seabirds
- Submarine canyons
- Cold seeps and pockmarks
- Abyssal plains



INTERNATIONAL ATTENTION

Establishing Marine Protected Areas adjacent to and beyond national jurisdiction, known as High Seas Marine Protected Areas (HSMPAs), will present both a challenge and an opportunity to the international community. A legally strong and technically sound HSMPA regime would facilitate conservation, enforcement and management measures for the High Seas and their resources.

The 2002 World Summit on Sustainable Development (WSSD) set 2012 as the target date for completion of an effectively managed, ecologically representative network of Marine and Coastal Protected Areas (MCPAs) within and beyond areas of national jurisdiction.

The need for coordinated technical and legal efforts to conserve High Seas biodiversity received further international recognition at the Third UN Open-ended Informal Consultative Process (ICP) in May 2002, and was endorsed by the UN General Assembly Resolution on Ocean and Law of the Sea in December 2002.

In the light of this situation WWF, IUCN and IUCN's World Commission on Protected Areas (WCPA) have identified the High Seas as a gap in the global representative protected seas system and have developed an Action Plan framework to guide the establishment of HSMPAs.



MOBILIZING ACTION

In January 2003, a group of experts met to advance High Seas Marine Protected Area conservation at the international level. The workshop, hosted by the IUCN Centre for Mediterranean Co-operation in Malaga, Spain, was attended by 40 legal and technical experts from around the world, representing governments, multilateral organizations, the private sector and conservation groups.

The main objective of the Malaga Workshop on High Seas Marine Protected Areas was to develop an Action Plan framework to promote a system of High Seas protected areas that will ensure long term protection and wise use of ecosystem processes, biological diversity and productivity beyond natural jurisdiction.

The Malaga workshop also explored how various conservation tools – including HSMPAs, Particularly Sensitive Sea Areas, and fisheries replenishment zones – could be applied to achieve effective restoration and sustainable use of biodiversity and ecosystem processes on the High Seas.

These conservation tools are effective management measures that do not necessarily prohibit resource use but ensure sustainable use and enable conservation and protection of marine species and habitats.

The creation of High Seas Marine Protected Areas will require mobilizing governments, allocating resources and establishing legal frameworks at both the international and regional levels.



PRECONDITIONS FOR HIGH SEAS PROTECTION

A significant gap exists between existing ocean management regimes for the High Seas and what is needed to enable successful and effectively managed and enforced High Seas Marine Protected Areas. To fill that gap, the Malaga Workshop determined priority needs to increase global capacity for High Seas protection:

- 1 ESTABLISHMENT OF A CORE EXPERT TEAM TO PROMOTE THE HSMPA AGENDA AT THE INTERNATIONAL LEVEL**
- 2 COOPERATION AND ENGAGEMENT OF MULTIPLE STAKEHOLDERS, INCLUDING GOVERNMENTS, FISHING INDUSTRY, INTERNATIONAL ORGANIZATIONS, SCIENTISTS, AND THE MARITIME INDUSTRY**
- 3 SCIENTIFIC WORK TO IDENTIFY MARINE AREAS FOR SUCCESSFUL HSMPA DESIGNATION**
- 4 MOBILIZATION OF KEY RESOURCES AND ACTIVITIES TO PRESS FOR URGENT ACTION WITHIN THE UN SYSTEM, OTHER INTERNATIONAL FORA AND THE INTERNATIONAL COMMUNITY**
- 5 ESTABLISHMENT OF AN EFFECTIVE LEGAL FRAMEWORK RECOGNIZED BY THE INTERNATIONAL COMMUNITY AS A WHOLE**
- 6 DEVELOPMENT OF A PILOT PROJECT TO TEST THE EFFECTIVENESS OF THE HSMPA CONCEPT**
- 7 IDENTIFICATION OF THREATS TO HSMPAS AND MEANS TO MITIGATE THEM**
- 8 INTERNATIONAL COOPERATION TO DETERMINE EFFECTIVE ENFORCEMENT MECHANISMS FOR HSMPAS**
- 9 EDUCATION, TRAINING AND CAPACITY BUILDING TO ENABLE MULTIPLE ACTORS TO WORK ON HSMPA ESTABLISHMENT**

LEGAL FRAMEWORK

Without an appropriate legal framework, High Seas Marine Protected Areas cannot be successfully created. As an open-access common resource, the High Seas will require innovative legal thinking to ensure proper MPA designation, management and enforcement. Key legal actions needed to establish HSMPAs include:

- Undertaking a comprehensive review and analysis of the existing legal frameworks and policies to identify gaps that must be filled to enable protection of High Seas areas
- International attention to achieve harmonization among existing national, regional and international legal frameworks
- Assessment at the international level as to whether existing legal instruments can be modified and expanded to facilitate HSMPA establishment or if new legal regimes must be developed.



MARITIME BOUNDARY DELIMITATION

A HSMPA regime may assist in the delimitation of disputed maritime boundaries or overlapping claims. In particular, where commercially valuable marine living or non-living resources are being explored, exploited or likely to be exploited, sustainable resource management is essential. A HSMPA, combined with an operational agreement used in Joint Development Zones or Joint Management Zones, will be a useful tool to enforce management measures, ensure sustainable resource use, and provide a means to alleviate boundary disputes.



DIETER PIEPENBURG

BIODIVERSITY/SCIENTIFIC CRITERIA FOR IDENTIFYING SITES FOR HSMMPA DESIGNATION

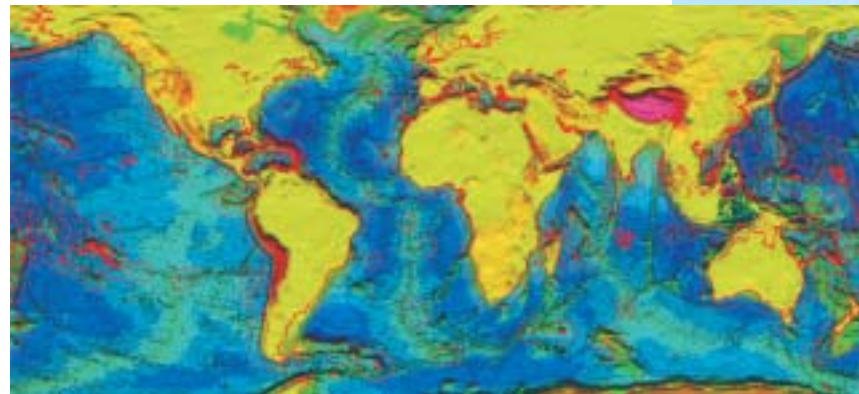
- Sensitive marine ecosystems vulnerable to damage from human activities
- Key migratory corridors and breeding areas for cetaceans and commercial fish species
- Priority areas for scientific research
- Functionally critical areas (e.g. nursery grounds, spawning sites)
- Areas that support rare species/habitats or areas exhibiting high endemism
- Areas that support a high diversity of species and range of habitats
- Locations that will guarantee food security

Note: Proper demarcation must be undertaken to establish the boundaries of the HSMMPA and facilitate appropriate management and enforcement of the area.

KEY SOCIAL AND ECONOMIC ISSUES

As High Seas Marine Protected Areas are a relatively new conservation tool, international coordination and cooperation will be critical to their success. To successfully designate a High Seas Marine Protected Area, we must first:

1. Evaluate the political and institutional climate for creating a HSMMPA.
2. Involve all stakeholders in the process from the outset.
3. Conduct a cost projection prior to establishing the HSMMPA to gauge what it will take to be successful and ensure long-term management and enforcement of the area.
4. Evaluate the potential for securing appropriate funding.
5. Determine the ability of key actors to share resources, costs and technical and legal data.
6. Identify and analyze enforcement options for the HSMMPA before considering designation.



High Seas are those areas (blue and green) beyond Exclusive Economic Zone limits (marked in red).

MALAGA ACTION PLANS

The Malaga Workshop developed Action Plans within four different streams in order to advance the establishment of HSMMPAs. The four streams are:

- **International Agreements and Conventions** (e.g. United Nations Convention on the Law of the Sea, Convention on Biological Diversity)
- **Global Fisheries Instruments** (e.g. UN Fish Stocks Agreement)
- **Regional Arrangements** (e.g. regional fisheries management organizations, regional seas agreements)
- **Potential Priority Sites/ Opportunities** (e.g. Canada's Grand Banks, Tasman Sea seamounts, Logatchev vent field)

The Action Plans are designed to serve as flexible frameworks for the establishment and implementation of HSMMPAs, and will continue to be further modified by legal and technical experts. Each Action Plan will need to be tailor-made to fit the particular objectives, circumstances, resources and requirements of the High Seas or Deep Seas area it addresses.

The Action Plans will need to be implemented by a wide range of stakeholders, including scientists, governments, international organizations and industry. They must also take into account the geographical location and available legal mechanisms for marine protected areas beyond national jurisdiction.

THE WWF AND IUCN AND WCPA ACTION PLAN FRAMEWORK FOR DESIGNATING HSMPAS

The Action Plan framework lists the following steps for designating a High Seas Marine Protected Area once a candidate area has been identified:

1. Identify relevant authorities and interested stakeholders, including those with customary rights
2. Gather relevant technical, scientific and legal background information
3. Prepare a draft proposal for discussion among stakeholders
4. Examine available legal mechanisms
5. Actively promote the project to build broad support among stakeholders
6. Consider the political realities that exist for achieving success
7. Develop and finalize the proposal for HSMPA designation
8. Prepare a management plan for the protected area
9. Mobilize resources to commence designation
10. Designate the MPA, implement management and enforcement activities
11. Monitor and evaluate the success of the project

A full report on the Malaga Workshop and action plans for each of the four streams is available from IUCN and WWF.



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ROAD MAP

The Malaga Workshop outlined the essential steps for establishing High Seas Marine Protected Areas, from using and building on existing legal regimes – such as the UN Convention on the Law of the Sea, Convention on Biological Diversity and related agreements – to drafting and creating new agreements to supplement this framework if necessary.

The meeting of experts agreed that an Action Plan framework was necessary to enable governments and other stakeholders to successfully designate HSMPAs. The workshop was also important in highlighting some of the issues to be taken into account when setting up a HSMPA, determining the global needs to enable HSMPA work and addressing the technical issues that need to be resolved.

Urgent action and an interdisciplinary approach are necessary to draft and implement an international framework to protect the High Seas that is recognised by the international community. Interested parties worldwide must work together to promote the establishment of a global network of HSMPAs.

In light of the successful outcomes of MPAs in coastal areas and in Exclusive Economic Zones, taking MPAs beyond national jurisdiction will be an effective way to promote sustainable resource management and ensuring formal protection of the High Seas.





CALL TO ACTION

WWF, IUCN and WCPA call on the leaders of industry, governments of the world, donors and the international conservation community to work together to designate HSMPAs that are effectively implemented, managed and enforced. High Seas Marine Protected Areas will be essential in the coming years if we hope to conserve the planet's rich marine biodiversity and bring about long-term food security for the rapidly growing world population. Overfishing, illegal activities, resource exploitation and climate change all have significant impacts on the High Seas environment. HSMPAs can help protect the marine environment from these threats and thereby secure a sustainable future for people and the diversity of species that inhabit our oceans.

RECOMMENDATIONS OF THE MALAGA WORKING GROUP

1. Commence work to establish a HSMPA area within three years
2. Identify globally important High Seas areas for protection
3. Consolidate interest and participation from stakeholders and interested parties such as industry, governments and intergovernmental trade organizations
4. Further develop the Action Plan as a sound legal and technical framework for stakeholders to use in establishing HSMPAs, making sure it is a flexible instrument that can be tailored to the particular needs and requirements of designated areas and resources
5. Promote utilization of existing international legal regimes (which may include the negotiation of additional codes of conduct and voluntary agreements, or the use of existing regional arrangements), as well as the development of new and supplemental agreements.



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