



OSPAR BDC 2011 (Biodiversity Committee) Oostende 11 – 15 April 2011

Excerpts from the Summary Records of the Meeting

A note by the NEAFC Secretariat

The NEAFC Secretariat participated in the meeting on 11 -12 April. The following excerpts are of interest to NEAFC.

1. Excerpts from the OSPAR report

3.7 NEAFC stated that there were no major initiatives underway to close further areas to fishing in ABNJ. A key reason for this was that, in addition to the large areas already closed by NEAFC, special authorisation to operate in 'new' fishing areas has made the need for closures less urgent. NEAFC suggested further dialogue between the competent authorities on the general objectives of spatial management measures would be useful. Such a dialogue was strongly supported by Germany.

3.15 A number of additional practical questions relating to the management of OSPAR MPAs in ABNJ were raised by the Secretariat in BDC 11/3/4. Following a general discussion about approaches and challenges for management in ABNJ, BDC agreed that it should be within the remit of ICG-MPA to facilitate development of a set of management plans in cooperation with other competent authorities. This would avoid ambiguity and unclear lines of responsibility. It was also an important task to ensure that management measures delivered against the conservation objectives. Contracting Parties expressed a wish to achieve this in partnership with other competent authorities.

3.16 As a way forward BDC concluded on revisions to the draft Collective Arrangement between competent authorities on the management of selected areas in ABNJ in the North-East Atlantic (as at Annex 14) and agreed to forward this to JL for scrutiny and to recommend it to OSPAR 2011 for adoption. Taking the draft Collective Arrangement as a point of departure and a framework for future cooperation, BDC agreed Terms of Reference for a 2nd Informal meeting of competent authorities (as at Annex 13). Preliminary input to these terms of reference was received from the Secretariats of the International Maritime Organisation, International Seabed Authority, and North-East Atlantic Fisheries Commission who confirmed their interest in participating. Consideration was given to the proposed organisers of the meeting within OSPAR and material needed. In this context BDC noted an approach to developing a pilot management plan suggested by the Secretariat (BDC 11/3/8). France kindly agreed to host the meeting subject to approval by OSPAR 2011.



3.17 BDC also noted a proposal from the Secretariat to give further consideration to a pilot Particularly Sensitive Sea Area (PSSA) study (BDC 11/3/7), together with conclusions reached by EIHA 2011. Such a proposal could be shared at the 2nd Informal meeting of competent authorities and BDC supported further work by the Secretariat.

3.18 BDC also noted that the International Atomic Energy Agency (IAEA) had provided the Secretariat with shape files showing the coordinates of historic dump sites for nuclear waste in North-East Atlantic ABNJ. This information was also considered to be relevant to the proposed meeting of competent authorities.

3.21 BDC gave detailed consideration to contributing to the process set out by the Convention on Biological Diversity (CBD) to collate information on Ecologically or Biologically Significant Marine Areas (EBSAs) in the open ocean and deep seas. Germany in their capacity as convenors of the ICG-MPA suggested a scientific workshop to identify EBSAs in the OSPAR Maritime Area (BDC 11/3/11). It was emphasised that this should be purely a scientific exercise and that CBD had established a repository for EBSAs and a timeline for submission in advance of CBD COP11 in October 2012. In discussion BDC noted strong support for this idea and agreement that it should be a joint OSPAR/NEAFC/CBD workshop.

3.22 BDC agreed draft Terms of Reference for the Workshop (as at Annex 15) to identify and describe marine areas in the high seas areas of the North-East Atlantic that are considered to meet the criteria for EBSAs. For practical purposes it was agreed to hold the workshop back to back with ICG-MPA in September subject to agreement by OSPAR 2011. France kindly offered to host the workshop and consideration was given to scope, timeframe and participation as reflected in the draft Terms of Reference.

3.23 BDC reflected upon approaches developed so far by OSPAR to assess the ecological coherence of the OSPAR network of MPAs and the requirement to assess ecological coherence in 2012 (BDC 11/3/2). Germany as convenor of the ICG-MPA recalled elements of the targets to be assessed by 2012, details of the three initial spatial tests (Publication Number 360/2008 together with a complementary matrix approach, and a possible way forward. It was stressed that coherence testing methodologies are still under development and more comprehensive assessment of coherence requires additional data on species and habitats subject to protection by OSPAR MPAs. The proposed way forward envisaged additional screening of MPAs by Contracting Parties to provide additional data in advance of a meeting of ICG-MPA.

6.1 The Secretariat introduced a summary of ongoing collaboration with international organisations of interest and relevance to the work of BDC (BDC 11/6/1). These details complemented discussions earlier in the meeting and BDC noted:

- a. the meeting report of the North-East Atlantic Fisheries Commission (NEAFC) Permanent Committee on Management and Science (PECMAS) held on 21-22 February 2011;



- b. a letter from the Secretary General of the International Seabed Authority dated 25 March 2011 (BDC 11/6/Info.2) explaining one of the key the outcomes of a workshop held in November 2010 (a draft Environmental Management Plan for the Clarion Clipperton Fracture Zone in the Pacific) and a recent application by the Russian Federation to the International Seabed Authority for approval of a plan of work for exploration for polymetallic sulphides in the Area in the general location of the Mid-Atlantic Ridge;
- c. consideration being given to a draft Assembly Resolution to be submitted to the International Maritime Organisation concerning the efficacy of Particularly Sensitive Sea Areas in appropriate ABNJ that might merit the support of OSPAR; and
- d. interaction with other Regional Conventions, specifically concerning work on determining prospective Marine Protected Areas (collaboration with both the Abidjan Convention and the Barcelona Convention (UNEP-MAP)); and
- e. a series of inputs to forthcoming international meetings including a Nordic Oceans Conference, 7-8 June 2011, in the Faroe Islands.

6.2 In discussion BDC:

- a. welcomed the continued interest of NEAFC in the joint OSPAR/NEAFC/CBD scientific workshop on the identification of EBSAs (as at Annex 15);
- b. noted the intentions of NEAFC to contribute to various forthcoming UN meetings and recognised the advantage of joint representation where appropriate under the Memorandum of Understanding between OSPAR and NEAFC;
- c. considered that reciprocal arrangements for Observer attendance at BDC and PECMAS were appropriate;
- d. encouraged presentation of work being undertaken to develop marine protected areas within the Arctic circle of the OSPAR Maritime Area to be presented at ICG-MPA;
- e. expressed appreciation to the International Seabed Authority for the information provided in line with the Memorandum of Understanding between OSPAR and the Authority.

6.3 BDC agreed that the Secretariat should prepare a document to inform the International Seabed Authority General Assembly of the progress achieved by OSPAR in the protection of biodiversity in ABNJ.

6.4 BDC also noted the first Ministerial Meeting of the Bonn Agreement held in November 2010, particularly the Bonn Agreement Action Plan and the political commitment of the Dublin Declaration (BDC 11/6/Info.3). These agreements encouraged close cooperation with OSPAR. In furthering work towards a region-wide risk assessment for shipping and oil and gas the Bonn Agreement had organised a Risk Assessment Workshop in Belgium on 27-29 April 2011 to which representatives of BDC were welcome. In addition to considering different approaches to environmental risk, such as the HELCOM BRISK project, the workshop would consider environmental sensitivity mapping.



6.5. Finally BDC noted the report of a Workshop on Marine Biodiversity (WKMARBIO), furthering ICES engagement in biodiversity issues, part of the ICES Strategic Initiative on Biodiversity Advice and Science.

7.5 BDC noted the following scheduled and proposed workshops and ICG meetings relevant to its work:

- b. the next meeting of ICG MPA will be held from 5-7 September 2011, hosted by France. A joint OSPAR/NEAFC/CBD scientific workshop on the identification of ecologically and biologically significant marine areas in the North East Atlantic will be held back to back from the 9-11 September 2011;
- c. an OSPAR workshop on the improvement of the definitions of habitats on the OSPAR List will be held in Bergen, Norway from the 27-28 October 2011;
- d. the 2nd informal meeting of competent authorities on the management of selected areas in ABNJ in the North-East Atlantic, proposed for late January 2012, subject to consultation with relevant competent authorities;
- e. advance notice of the 3rd Conference on Progress in Marine Conservation in Europe which will be held in Stralsund, Germany from 18-22 June 2012.

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OSPAR BCD 11 April 2011 Oostende

1. Points made by the NEAFC Secretariat with respect to the NEAFC mandate in fisheries management and biodiversity conservation

The Contracting Parties of NEAFC updated the 1980 Convention in 2004 (dispute settlement procedures) and 2006 (bringing the Convention into line with developments in international law since the 1980 Convention was negotiated). The preamble of the revised Convention lists the international instruments of importance and stresses that NEAFC has a double mandate: managing fisheries and conserving marine biological diversity, incrementally integrating environmental concerns into fisheries management as the necessary science to do so becomes available.

a) Cooperating with other organisations with a mandate to regulate human activity

In September 2008 NEAFC signed a Memorandum of Understanding with its environmental counterpart in the North East Atlantic, OSPAR.

NEAFC has signed terms of Agreement with the IMO and is considering a MoU with the ISA.

A network of agreements of cooperation and for the North East Atlantic for example MoUs, between existing organisations with a mandate to regulate human activities in the ocean will in the short and medium term offer the best opportunity to achieve the correct balance between optimum utilisation and conservation in the North East Atlantic.



NEAFC at its 29th Annual Meeting decided to play an active role in supporting and organising a regional workshop for the North East Atlantic, as foreseen in the CBD COP-10 decision on Marine and Coastal Biodiversity.

2. Excerpt from recent FAO guidelines on MPAs

MPAs may well be a compelling tool to use in fisheries and conservation management regimes but they are subject to the same pitfalls and difficulties as any other available tool. Blanket MPA targets with a 'one size fits all' approach will not suit all habitat types, objectives and must be treated with caution. Poorly-informed and over-optimistic implementation of MPAs will result in more failures arising from inappropriate use, faulty design, poor implementation or all three. Therefore, the establishment of MPAs must be seen as one of the tools to be considered in the overall goal of achieving sustainable use of oceans. A major risk of excessive emphasis on MPAs alone is that it will, and probably already has in some cases, diverted limited and already over-stretched international, national and local capacity and resources from other priorities and approaches that, in many cases, may have been more effective and appropriate for the problems being addressed (Cochrane, 2006).

In addition, there is a further risk that the designation of an MPA could be seen as goal in its own right, with proponents forgetting that they are just one tool, undoubtedly a potentially useful tool, amongst a number of possible options for achieving sustainable, equitable and optimal use of marine ecosystems. To avoid this, the promotion of careful planning, a basis in sound science, and a focus on management effectiveness must occur in tandem with increased interest in the establishment of MPAs.

MPAs impact both the biological environment and people. The process by which an MPA is planned and implemented greatly influences what benefits and costs it generates and hence its impact. If an MPA is planned and implemented without involving the coastal communities and resource users concerned, and without considering their situations and needs, there is a risk of failure.

This could involve several aspects, including a lack of acceptance of the MPA and hence enforcement difficulties, and hardship for those communities and resource users that it affects. With regard to the lack of acceptance, this could, in *MPA definition and context 17* an extreme case, lead the MPA becoming a 'paper park', that is, something that has been formally designated and exists on paper but not in practice, because the relevant provisions and regulations are not respected. Unfortunately, paper parks are common, with estimated rates reaching nearly 80–90 percent in some countries. Lack of community support is a major reason for management failure, but other factors such as lack of funding and ineffective management also play major roles.

Moreover, most MPAs are likely to have consequences for fisheries and fishery resources – even when established without explicit fisheries management objectives in mind. In the same way, it is probable that fisheries spatial management measures will have biodiversity conservation outcomes.



As fisheries management is increasingly moving towards EAF, fisheries MPAs with explicitly broader, combined objectives are likely to become more common (MPAs 'with multiple objectives'). The reasons for establishing MPAs with both fisheries management and biodiversity conservation objectives could be, for example, the protection of habitats, food web integrity and biodiversity, and the reduction of bycatch, discarding and other negative effects on harvested species, endangered species and other species society wants to protect.