

# MPA NEWS



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## At World Parks Congress, Target Is Set for High-Seas MPAs: Five to Be Designated by 2008

At least five ecologically significant MPAs should be designated on the high seas by 2008, according to delegates to the World Parks Congress, a once-a-decade meeting of government officials, scientists, and conservationists held last month in Durban, South Africa. Delegates also called on the United Nations General Assembly to consider placing a moratorium on bottom trawling in certain high-seas areas - seamounts and cold-water coral reefs - until longer-term measures are in place to protect these sites. The IUCN-sponsored Congress traditionally sets an agenda for global protected area management.

The above recommendations, agreed to by participants in marine-theme workshops at the Congress, are nonbinding on governments. However, the attention paid at the Congress to high-seas MPAs seemed to signal a gain in momentum, at least in the conservation community, in favor of protecting ocean areas outside of national jurisdiction. The high-seas MPA target was the only specific recommendation cited by IUCN Director General Achim Steiner in his Congress-closing press conference. And several recent reports and conferences have focused on the need, and potential mechanisms, for protection of high-seas ecosystems impacted by unregulated fishing and other human activities (see box "[Interest in high-seas MPAs](#)" at end of article).

Cases exist of MPAs that include areas beyond national jurisdiction. For example, more than half of the Pelagos Sanctuary for Mediterranean Marine Mammals - formally recognized by the 17 contracting parties to the Barcelona Convention - lies in international waters ([MPA News 5.3](#)). Nonetheless, there are no formally adopted, high-seas MPAs recognized by the broad international community: in other words, a ship under the flag of a non-party to the Barcelona Convention is not required to abide by Pelagos Sanctuary regulations. Although several international legal regimes exist that could help to establish a system of high-seas MPAs, there is no proven framework yet for moving forward.

Those in favor of high-seas MPAs are working to change that. This month, *MPA News* asks three experts about the high-seas recommendations they helped draft at the Congress, the obstacles to designating and managing high-seas MPAs, and how to meet those challenges. The experts are:

- **Kristina Gjerde**, high seas policy advisor to IUCN's Global Marine Program and 2003 recipient of a Pew Marine Conservation Fellowship (<http://www.pewmarine.org>) for her high-seas research and conservation work;
- **Graeme Kelleher**, leader of the High Seas Working Group for the IUCN World Commission on Protected Areas and co-editor of *A Global Representative System of Marine Protected Areas* (IUCN 1995); and
- **Carl Gustaf Lundin**, head of the IUCN Global Marine Program.

### Question: Can the target of five high-seas MPAs by 2008 be met?

This was a compromise, says Kristina Gjerde. "Some suggested a target of 25 high-seas MPAs by 2008; others thought we would be lucky to get two that were effectively managed," she says. "In the end we chose something that was both ambitious and doable." The target is ambitious, she says, because it will take time to raise awareness, engage stakeholders, develop management plans, and seek the endorsement of the international community. It is doable because regional legal regimes already exist - including the Barcelona Convention, the OSPAR Convention for the North East Atlantic, and some regional fisheries agreements - that authorize establishment of MPAs beyond national jurisdiction. Furthermore, nations are capable of establishing new agreements (binding or nonbinding) if necessary, she says. "Steps can be taken today to start the process of creating high-seas MPAs without having to await development of a new legal framework that could be years in the making," she says.

"I must admit that I believe it will be a miracle if we attain the goal by 2008," says Graeme Kelleher. However, he adds, growing scientific and governmental appreciation for deep-sea ecosystems and their protection has produced a groundswell of support for the idea of high-seas MPAs. He cites a line from Shakespeare's Julius Caesar: There is a tide in the affairs of men, which taken at the flood leads on to fortune. "The flood is occurring regarding the high seas," says Kelleher.

### Question: In what ways would a UN moratorium on deep-sea trawling on seamounts and cold-water coral reefs be similar to the 1989 UN moratorium on high-seas large-scale driftnets?

The marine-theme recommendation that the UN consider an immediate moratorium on deep-sea bottom trawling was largely inspired by the driftnet moratorium. Gjerde says there are two main similarities. "First, it is calling for a global moratorium on a practice that causes widespread destruction of unique ecosystems, communities, and species," she says. "Second, it is seeking to fill a gap in international law and regional fisheries management, because many areas of the world's oceans lack effective regulations to ensure deep-sea fisheries are conducted on a sustainable and precautionary basis."

She points out that the deep-sea bottom-trawling moratorium would be intended only as a temporary measure. It would not be a permanent ban, as the driftnet moratorium eventually became in 1992. While the deep-sea trawling moratorium is in place, says Gjerde, governments can work to install effective and accountable regional fisheries management organizations; determine sustainable catch levels; and develop mechanisms to ensure that best management practices and gear requirements are applied. "We also need to have a system of marine protected area networks developed that can provide insurance in case we still don't get it right," she says.

### Question: What are the obstacles to designating high-seas MPAs?

Adding to the challenge of there being no established framework for designating broadly recognized high-seas MPAs, other obstacles also exist. "The main obstacle will be subtle or overt opposition from governments, driven mainly by two factors," says Kelleher. "One is the high-seas fishing industry's refusal to adopt sustainable harvesting techniques, based on the beliefs that the resources of the seas are virtually infinite and that fishers have, and should have, absolute freedom." The second factor, he says, is that some governments want unrestricted access to the high seas for navigational and defense purposes, or to high-seas resources for economic purposes. He says the US government is foremost in this opinion, and carries the threat of rejecting attempts to inhibit such freedoms.

Gjerde says it will be key to build global awareness and support for high-seas biodiversity conservation, including through addressing objections of recalcitrant governments and engaging stakeholders, including the fishing industry. "Once key players understand the need for immediate and urgent action to redress current threats to high-seas biodiversity and productivity, and understand the benefits of MPAs as a tool for these purposes, most opposition will evaporate," she says.

### Question: How will high-seas MPAs be enforced?

Effective enforcement of MPAs on the high seas will be a challenge. Existing coastal and nearshore MPAs chronically suffer from inadequate enforcement in many parts of the world, despite their closeness to land and potential supervision. Enforcing regulations for high-seas MPAs that are hundreds of miles from the nearest coastline could be exponentially more difficult. "I think that management will, at least initially, have to be built on international agreement rather than 'conventional' enforcement," says Kelleher. In other words, the system will have to rely on compliance in the early years. He says a major impediment to this largely voluntary compliance will be the use of flags of convenience by fishing vessels looking to skirt international agreement. "Abolition of this [flags of convenience] system would be enormously beneficial," he says.

Gjerde agrees. "As long as some states, companies, and vessels are willing and able to ignore their obligations to protect and preserve the marine environment and conserve resources, it will be difficult to

secure effective compliance," she says. She adds that public, economic, and diplomatic pressure may need to be brought to bear, as well as new compliance mechanisms to implement the UN Convention on the Law of the Sea and the UN Fish Stocks Agreement. Negotiating such mechanisms "may take more than five years," she says.

Carl Lundin, however, says that enforcement of high-seas MPAs over the long term may be quite feasible. He envisions a combination of naval involvement and satellite technology as providing the keys to effective management. "A lot of navies in the world are underutilized and are willing to look at environmental issues as a way to justify their existence," he says. In at least two instances earlier this year, South African and Australian militaries teamed in pursuit of fishing vessels accused of harvesting toothfish illegally. Lundin, who has worked with the Uruguayan and Argentine navies on environmental enforcement issues, sees this as the beginning of a positive trend. "It is clear that in countries like Indonesia, Costa Rica, and South Africa, there is an interest in using naval resources for fisheries enforcement, including closed areas and pirate fishing," he says. "The willingness of these navies and other countries' to take on this assignment on the high seas would obviously be dependent on the development of legal and financing mechanisms to make it possible."

Solving the second half of the enforcement puzzle, he says, will be the mass deployment of satellite transponders on the high-seas fishing fleet. Such transponders are already in use for many fisheries in national waters ([MPA News 2:5](#)). How the technology works: a small transmitter unit on each vessel sends a signal back to shore via satellite, notifying managers where the vessel is located and, indirectly, what its fishing activity is. When managers witness illegal activity, such as fishing in a closed area, they can send out an enforcement vessel. Citing evidence that transponders provide improved enforcement at lower cost compared to having an enforcement vessel stationed full-time in a closed area, Lundin foresees deployment of the technology on the world high-seas fishing fleet within the next 10 years. "Once this is in place, fishing fleets will change their behavior quickly," he says.

**For more information:**

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## BOX: Interest in high-seas MPAs

Relatively recent discoveries of cold-water coral reefs, seamounts, and other high-seas ecosystems have sparked interest among researchers and conservationists in protecting these sites. In the past two years, several reports and conferences have focused on high-seas ecosystems and their protection. Below are some of the reports:

*Towards a Strategy for High Seas Marine Protected Areas: Proceedings of the IUCN, WCPA and WWF Experts Workshop on High Seas Marine Protected Areas, 15-17 January 2003, Malaga, Spain.* (IUCN 2003) <http://www.iucn.org/themes/marine/pdf/GjerdeBreideHSMMPA.pdf>

*International Ocean Governance: Using International Law and Organizations to Manage Marine Resources Sustainably.* (IUCN 2001) <http://www.iucn.org/themes/marine/pdf/IUCN%20book.pdf> (An updated 2003 edition of this report is also available from IUCN; as of October 2003, however, it was not yet downloadable from the web.)

*The Status of Natural Resources on the High Seas: An Environmental Perspective.* (WWF/IUCN 2001) <http://www.iucn.org/themes/marine/pdf/highseas.pdf>

In addition, a strategy document on promoting the development of a global representative system of high-seas MPA is currently in revision. A summary version of the strategy, as agreed by marine-theme participants at the World Parks Congress, is available on the web at <http://www.iucn.org/themes/marine/pdf/10ystrat.pdf>

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## BOX: Legal regimes that could help establish a system of high-seas MPAs

A multitude of international agreements either offer some direct authority to manage resources outside national jurisdiction or provide elements that could otherwise be useful in helping establish a global, representative system of MPA networks. Among the agreements offering direct authority are the UN Convention on the Law of the Sea, the UN Fish Stocks Agreement, the International Seabed Authority Agreement, the Convention on Biological Diversity, and some regional fisheries management organizations. Agreements that may serve as useful resources in other ways include the Convention on Migratory Species, the World Heritage Convention, and the Convention on International Trade in Endangered Species of Fauna and Flora (CITES), among others.

Source: *Towards a Strategy for High Seas Marine Protected Areas: Proceedings of the IUCN, WCPA and WWF Experts Workshop on High Seas Marine Protected Areas, 15-17 January 2003, Malaga, Spain.* (IUCN 2003)

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## BOX: Other marine outcomes from the World Parks Congress

Targets for high-seas MPAs were among several MPA-related outcomes from the World Parks Congress, held September 8-17 in Durban, South Africa. The Congress's Durban Accord and Action Plan expressed concern that less than 1% of the world's oceans, seas, and coasts have protected status - in contrast to 12% of the world's land area - and reiterated the World Summit on Sustainable Development goal of a global system of MPA networks by 2012 ([MPA News 4:3](#)).

Delegates to the Congress's marine-theme workshops called for such MPA networks to include at least 20-30% of each marine and coastal habitat in "strictly protected areas".

There was also a proposal submitted to amend the IUCN definition of the term *marine protected area*, removing the current reference to intertidal terrain. If such a change were approved by IUCN, sites with intertidal terrain but no subtidal terrain would no longer be counted as MPAs.

For the full text of the recommendations on building a global system of marine and coastal protected area networks (Recommendation 5.22), visit <http://www.iucn.org/themes/wcpa/wpc2003/pdfs/outputs/recommendations/approved/english/html/r22.htm>

For the full text of the recommendations on high-seas MPAs (Recommendation 5.23), visit <http://www.iucn.org/themes/wcpa/wpc2003/pdfs/outputs/recommendations/approved/english/html/r23.htm>

Links to other outputs of the Congress, including the Durban Accord and Action Plan, are at <http://www.iucn.org/themes/wcpa/wpc2003/index.htm>

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