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Agenda item 6.4. Draft Joint Cooperation Strategy on Spatial-based Protection and Management Measures for Marine Biodiversity

Draft Joint Cooperation Strategy on Spatial-based Protection and Management Measures for Marine Biodiversity. Explanatory Note

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UNEP/MAP
SPA/RAC - Tunis, 2019

Note:

The designations employed and the presentation of the material in this document do not imply the expression of any opinion whatsoever on the part of Specially Protected Areas Regional Activity Centre (SPA/RAC) and UN Environment concerning the legal status of any State, Territory, city or area, or of its authorities, or concerning the delimitation of their frontiers or boundaries.

Overall background

The development of the Joint Strategy aimed first and foremost to better harmonise the activities of five organizations, regarding marine spatial management, building on their mandate and existing structures and work.

Developments of this process have been presented in the course of 2016 in various meetings of the respective bodies of the partner organizations. As such, the 40th Meeting of the General Fisheries Commission for the Mediterranean welcomed the process leading up to a Joint Strategy on the highest level in June 2016. Furthermore, ACCOBAMS welcomed the draft Joint Strategy through Resolution 6.11 of their Sixth Meeting of the Parties (Monaco, 22-25 November 2016).

The Meeting of the MAP Focal Points (Athens, Greece, 12-15 September 2017) considered that the draft Joint Cooperation Strategy merits further attention and asked the Secretariat to share it with the Contracting Parties and to continue consultations with the partners under the guidance of the Bureau.

At COP 20, the Contracting Parties to the Barcelona Convention and its Protocols, through Decision IG.23/3 “invited the Secretariat to continue discussions on the Draft Joint Cooperation Strategy on Spatial-based Protection Management Measures for Marine Biodiversity with the Contracting Parties and relevant partners for submission of the conclusions of these discussions at COP 21 for its consideration”. Decision IG.23/3 as quoted above, reaffirmed the importance to continue discussions on the Joint Strategy and asked the Secretariat to submit the conclusions of these discussions to COP 21 for its consideration.

In line with the above, the Secretariat asked the guidance of the Bureau at its 85th Meeting (Athens Greece, 17-18 April 2018) in relation to the Joint Cooperation Strategy. The Bureau asked the Secretariat “to launch a formal written consultation of the SPA/BD Thematic Focal Points on the draft text of the Joint Cooperation Strategy to collect the comments and proposals for amendments and to prepare an advanced draft text accompanied by an explanatory note for submission to the 86th Bureau meeting.”.

The Secretariat launched this formal written consultation of the SPA/BD Thematic Focal Points and received comments and questions; being the explanatory note finally presented to the 87th Meeting of the Bureau of the Contracting Parties (Athens Greece, 6-7 November 2018). The text provided specific explanations on comments received and questions raised by Contracting Parties during this consultation, together with recommendations on the way forward.

The Bureau members noted that a lighter mechanism/strategy involving international/intergovernmental organizations, and an action plan could be created to operationally implement the strategy, with reference also to the other actors to be involved and advised accordingly.

The members of the Bureau confirmed that they are convinced on the need to strengthen coordination between these secretariats/organizations on area-based management.

In relation to that, the Bureau requested that a revised version of the draft Strategy be prepared to reflect the comments received through the consultations with the Thematic Focal Points for SPA/BD and during the 87th Bureau Meeting. A resulting version from that consultation, together with explanatory notes requested, was prepared for the Bureau 88th Meeting of 22-23 May 2019, Roma, Italy.

The 88th Bureau Meeting clarified a number of points regarding deletions/changes done to the text of the version reviewed at that Bureau meeting.

The latest draft, resulting from the above process at the date of the present WG.461/19.rev1 document elaboration is presented in the attached Annex 1. Additional information related to spatial management and conservation measures on the existing MOUs with involved organisations is provided hereinbelow:

Existing MOUs with Partner organisations related to spatial based management and conservation measures

Regarding existing MOUs with Partner organisations related to spatial based management and conservation measures, these are all described, and their interrelations detailed, in the document: UNEP(DEPI)/MED WG.431/Inf.7. *Enhancing UNEP/MAP Cooperation on Spatial-based Protection and Management Measures for Marine Biodiversity with regional partners through SPA/RAC.* (http://www.rac-spa.org/nfp13/documents/02_information_documents/wg_431_inf_7_enhancing_cooperation_with_partners.pdf). The Annex 2 to this explanatory note summarizes the references to area-based management measures within signed MOUs between UNEP (acting as Secretariat to the Barcelona Convention and its Protocols), and the Strategy partners.

Annex 1

Joint Cooperation Strategy between Secretariats

**Joint Cooperation Strategy on
Spatial-based Protection and Management Measures for Marine Biodiversity
Among the Secretariats of ACCOBAMS, GFCM, IUCN-Med and UNEP/MAP
(the draft Joint Strategy)**

Considering the need of facilitating effective conservation and sustainable use of the Mediterranean marine biodiversity, as required by their respective mandates and with special emphasis on areas beyond national jurisdiction;

Recognising that the challenges facing marine ecosystems in the Mediterranean including its areas beyond national jurisdiction, require effective monitoring and development of spatial-based protection and management measures;

Recalling the common vision, the Mediterranean Ecological Objectives and the Good Environmental Status descriptions and targets, as defined in the Decisions of the Contracting Parties to the Barcelona Convention on the Ecosystems Approach (Decisions IG. 17/6, IG. 20/4, IG. 21/3 and IG. 22/7);

Reaffirming that the UNCLOS sets out the legal framework within which all activities in the oceans and seas must be carried out;

Considering the on-going negotiations in the Intergovernmental Conference on an International Legally Binding Instrument under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction, following United Nations General Assembly resolution 72/249;

Considering the importance of the post-2020 global biodiversity framework, which is being prepared pursuant to CBD decision CBD/COP/DEC/14/34, and its subsequent implementation;

Building on, where available, the bilateral Memoranda of Understanding signed by the Partners, and in particular their topics addressing spatial-based management and conservation measures;

The Secretariats of the Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and contiguous Atlantic Area (ACCOBAMS), the General Fisheries Commission for the Mediterranean (GFCM), the International Union for Conservation of Nature Centre for Mediterranean Cooperation (IUCN-Med), and the United Nations Environment Programme Mediterranean Action Plan (UNEP/MAP), herein after referred to as “the Partners”, agree on the following Joint Cooperation Strategy:

1. Objectives

The overall aim of the Joint Cooperation Strategy is to contribute to the achievement in the Mediterranean of SDG 14, in particular Targets 14.2, 14.5, 14.7 and the CBD Aichi Target 11; and that the application of the precautionary principle and of the Ecosystem Approach is strengthened in a coordinated manner and a coordinated application of spatial-based protection.

In particular, the objectives of the Joint Cooperation Strategy are that:

- (1) the conservation and the sustainable use of the marine biodiversity in the Mediterranean including its areas beyond national jurisdiction are ensured through the application of the Ecosystem Approach, the use of the best available knowledge and technologies and the application of the precautionary principle;

- (2) the activities undertaken by the concerned Partners, following the respective mandates by their Parties, in relation to the spatial-based management and conservation in the Mediterranean, including its areas beyond national jurisdiction, are harmonised and complement each other, while respecting the role and jurisdiction of relevant coastal States and allowing for consultation of other States concerned in line with UNCLOS.

2. Areas of Cooperation

The Partners, in line with the individual mandates, strategies and Programmes of Work of their respective Organizations will cooperate to:

- (1) Collect and exchange information and identify and fulfil existing gaps in information, to identify potential priority areas that could be protected or managed, in close collaboration with the relevant coastal States;
- (2) Initiate the process of consultation of the relevant coastal States on the identified potential priority areas;
- (3) Assist interested countries in a coordinated manner in declaring intent/interest of protecting a specific area and on the process to do so, in consultation with relevant coastal States;
- (4) Assist interested countries, to:
 - (i) elaborate the designation files;
 - (ii) undertake national consultation processes in case need be;
 - (iii) finalize the designation files including the agreed area-based conservation and management measures;
 - (iv) undertake the official designation of SPAMI and/or FRA or other area-based conservation and/or management measures;
- (5) Address follow up actions, in consultation with relevant coastal States, in a coordinated manner.

3. Modalities of Cooperation

Regular meetings will be convened for the implementation of this Joint Cooperation Strategy, with the cost shared between all Partners, and with the participation of a representative of each Partner, and observers from the interested coastal States. These meetings will:

- (i) Steer the process and identify options for the Areas of Cooperation, as described in point 2 above;
- (ii) Propose to the Contracting Parties of the relevant Conventions a roadmap for implementing actions described under point 2 above, and propose role-sharing among the Partners, in line with their mandates and comparative advantages;
- (iii) Foster and promote coordinated outreach, public awareness and scientific research and observation, and liaise with other appropriate organisations (such as IMO);
- (iv) Facilitate the information among Partners on new areas registered, as well as on any change regarding the border or status of an area previously registered;
- (v) Advise the established regular evaluation processes of the status of the areas;
- (vi) Undertake, upon consultation with Contracting Parties, other tasks as may be deemed appropriate in line with the individual mandates, strategies and Programmes of Work of their respective Organizations;
- (vii) Publish the outcomes of the meetings and the information on the activities in the respective web sites of the Partners.

4. Implementation Aspects

The practical arrangements for the implementation of this Cooperation Strategy and the related activities, including defining financing of the modalities of the cooperation and the Areas of

Cooperation will be identified and discussed in the first meeting, in line with the Partners' mandates and financial rules and Programmes of Work. If necessary, upon the request of the respective governing bodies of the respective organizations, joint efforts will be undertaken to mobilize resources for activities foreseen under point 2 in a transparent manner, without additional financial burden to the respective Organizations of the Partners, nor to the Contracting Parties.

5. Reporting

Each Partner will inform its respective governing body on the implementation of this Joint Cooperation Strategy.

6. Participation

This Joint Cooperation Strategy is open for the participation of any other relevant and interested International or Regional Organization, provided its participation is approved by all the Partners and their Contracting Parties, in line with the rules of their respective governing bodies.

Annex 2
References to area-based management measures
within signed MOUs

MOU between the United Nations Environment Programme (UNEP) acting as Secretariat of the Mediterranean Action Plan (UNEP/MAP) and the Food and Agriculture Organization of the United Nations (FAO), acting on behalf of the General Fisheries Commission for the Mediterranean (GFCM) (14th May 2012)

Clause 2

Scope

... //...

2. The Parties shall work together, to the extent possible, within the remit of their respective mandates, for the implementation of the activities undertaken pursuant to this MoU. The areas of cooperation for this MOU are :
 - 1) Promotion of ecosystem based approaches for the conservation of marine and coastal environment and ecosystems and the sustainable use of marine living and other natural resources;
 - 2) ... //...
 - 3) Identification, protection and management of marine areas of particular importance in the Mediterranean (hot spots of biodiversity, areas with sensitive habitats, essential fish habitats, areas of importance for fisheries and/or for the conservation of endangered species, coastal wetlands);
 - 4) Integrated maritime policy with a special emphasis on marine and coastal spatial planning, and integrated coastal zone management, and other integrated zoning approaches, with a view to mitigate cumulative risks due to reduced access and availability of space affected by multiple and increasing conflictive uses;
 - 5) ... //...

Annex 1

ACTIVITIES RELATING TO THE AREAS OF COOPERATION OF THIS MoU

1. Promoting ecosystem based approaches for the conservation of the marine and coastal environment and ecosystems and the sustainable use of its living and natural resources
 - Contribute to the formulation/implementation of a regional framework strategy based on the ecosystem approach and on agreed indicators and reference points (ecological, biological, etc.) to monitor the status of the marine environment and coastal ecosystems and that of marine living natural resources;
 - Cooperate in undertaking assessments of the state of marine environment and ecosystems and that of marine living resources, including socio economic aspects relating to the impact of the exploitation of fisheries on marine environment and ecosystems, the impact of the establishment of marine protected areas on marine living resources, and the impact of coastal and marine aquaculture;
 - ...//...
2. Mitigating the impact of fisheries and aquaculture activities on the marine habitats and species
 - Collaborate in the elaboration, including extra-budgetary fundraising, of a joint regional project on the evaluation and mitigation of by-catch of endangered and non-target species and of the impact of fishing gears on marine habitats;
 - Consider initiatives to develop the concept of marine spatial planning in a manner that takes into account fisheries and aquaculture activities, activities for the preservation of marine habitats and associated species, and possible conflicts between these activities and other uses of the sea (e.g. shipping, marine renewable energies, etc.);
 - Exchange data and information on deep sea habitats in order to further the knowledge of these habitats, their biodiversity and their living resources for the purpose of better management;
 - ...//...
3. Identification, protection and management of ecologically or biologically significant marine areas (EBSAs), marine areas of particular importance (hot spots of biodiversity, areas with sensitive habitats, essential fish habitats, areas of importance for fisheries and/or for the conservation of endangered species, coastal wetlands)
 - Enhance collaboration with other relevant organizations as appropriate, including those whereby other MoUs have been signed, to create a common regional database of sites of particular importance for biodiversity conservation and for fisheries management, complementary and coherent to the MAP database on pollution and biodiversity monitoring;
 - With regard respectively to the Specially Protected Areas of Mediterranean Importance (SPAMIs) and the Fisheries Restricted Areas (FRAs) in particular those located partially or wholly on the Areas Beyond National Jurisdiction (ABNJ), the Parties will collaborate to harmonize existing respective criteria to identify those areas, for the cases where their location may be coincident and in the selection of mechanisms needed for their establishment;
 - The Parties will cooperate to promote respective Parties adoption of eventual Management Schemes developed within SPAMIs and FRAs to ensure that measures are consistent with the objectives pursued and respectful with the Mandates of both

organisations. Measures with potential impact on fisheries in SPAMIs will be discussed by the Parties with the spirit of optimizing common goals.

- ...//...
- Cooperate in undertaking assessments of the state of coastal lagoons and other relevant coastal wetlands to be used for the formulation and dissemination of sustainable management measures and sustainable use of its living resources.

4. Integrated Maritime Policy

- Study the impacts of climate change on the marine environment and ecosystems and their marine living resources;
- ...//...
- Strengthening scientific advice on issues of common interest, including the negative effects of pollution of the marine environment and ecosystems on marine living resources and ways to better address cumulative impacts;
- Explore new fields of investigation applied to the conservation of marine environment and marine ecosystems and the sustainable use of marine living resources to promote an integrated approach to environmental and fisheries related issues;
- Collaborate in initiatives related to the implementation and monitoring of the Integrated Coastal Zone Management (ICZM) approach and marine spatial planning as well as other zoning approaches; and,
- ...//...

5. Legal, institutional and policy related cooperation

- ...//...
- Participate (as permanent member in the case of the GFCM) to the Mediterranean Commission on Sustainable Development so to formulate sustainable development frameworks and guidelines for coastal areas management;
- Exchange views regarding the governance of the Mediterranean, with particular regard to those areas located beyond national jurisdiction and take part, where possible, to ongoing initiatives aimed at improving the said governance;
- ...//...

MOU between the Permanent Secretariat of the Agreement on Conservation of Cetaceans of the Black Sea, the Mediterranean Sea and the contiguous Atlantic area and the Regional Activity Centre for Specially Protected Areas of the UNEP Mediterranean Action Plan concerning the Sub-regional Coordinating Unit for the Mediterranean Sea (1st January 2017; renewed every 3 years since 2005)

...//...

3. ROLE OF THE PARTIES

Roles and functions of the RAC/SPA:

- a) to facilitate implementation in the Mediterranean of the activities provided for in Annex 2 to the ACCOBAMS Agreement;

...//...

- d) to facilitate, in consultation with the ACCOBAMS Scientific Committee and Secretariat, the preparation of a series of international reviews or publications, to be updated regularly, including:

- ...//...

- a subregional directory of important areas for cetaceans;

...//...

ANNEX - ACCOBAMS – RAC/SPA JOINT WORKING PROGRAM FOR 2017-2019

(English version)

1. ...//...

11. To enhance the effective conservation of **Cetaceans Critical Habitats**, especially by continuing the ongoing threat based management approach.

...//...

ACCOBAMS AGREEMENT

ANNEX 2 CONSERVATION PLAN

...//...

3. **Habitat protection**
Parties shall endeavour to establish and manage specially protected areas for cetaceans corresponding to the areas which serve as habitats of cetaceans and/or which provide important food resources for them. Such specially protected areas should be established within the framework of the Regional Seas Conventions (OSPAR, Barcelona and Bucharest Conventions), or within the framework of other appropriate instruments.
4. **Research and monitoring**

Parties shall undertake co-ordinated, concerted research on cetaceans and facilitate the development of new techniques to enhance their conservation. Parties shall, in particular:

a) ...//...

b) co-operate to determine the migration routes and the breeding and feeding areas of the species covered by the Agreement in order to define areas where human activities may need to be regulated as a consequence;

...//...

5. Capacity building, collection and dissemination of information, training and education

...//...

c) prepare a directory of existing protected or managed areas which could benefit the conservation of cetaceans and of marine areas of potential importance for the conservation of cetaceans;

d) ...//...

MOU between the United Nations Environment Programme (UNEP) acting as Secretariat of the Mediterranean Action Plan (UNEP/MAP) and the International Union for Conservation of Nature and Natural Resources (IUCN) (3rd December 2013)

**Article 4
Areas of Cooperation**

1. .../...
2. The Parties have agreed to the following preliminary and overarching areas of cooperation under this MOU, which form part of UNEP/MAP's mandate and programme of work. The items listed below are also priorities or ongoing activities of IUCN, in accordance with its mandate. The detailed areas of cooperation are listed in Annex 1.
 - a. Promotion of ecosystem based approaches for the conservation of coastal and marine environment and ecosystems and the sustainable management and use of coastal and marine living and other natural resources;
 - b. Identification, protection and management of coastal and marine areas of particular importance in the Mediterranean; .
 - c. ...//...
 - d. ...//...
3. ...//...

Appendix 1

UNEP/MAP and IUCN have agreed to cooperate under this agreement on the following areas:

1. **ECOSYSTEM APPROACH** - Species and ecosystems conservation processes, assessments and monitoring
 - a. Ecosystem Approach for the Mediterranean - setting of indicators and targets, Integrated Assessment and Monitoring Programme, assessments (Biodiversity section of the State of the Mediterranean Environment biodiversity report), framework programme of measures
 - b. ICZM— Integrated Coastal Zone Management and the Marine Spatial Planning and Management;
 - c. Ecosystem Red List - its potential role in the Mediterranean;
 - d. ...//...
 - e. ...//...
 - f. ...//...
 - g. Mediterranean Atlas of seagrasses — supporting national processes
 - h. ...//...
 - i. ...//...
2. **MPAs AND SPAMIs** - Marine protected areas and marine area of ecological interest
 - a. Technical, legal and scientific cooperation — utilizing IUCN's technical expertise regarding MPAs beyond national jurisdictions

- b. SPAMI external evaluation — High Quality assessments to ensure maintenance on the list as per Article 9 of the SPA and Biodiversity Protocol and corresponding Decision by Contracting Parties
 - c. SPAMI declaration - Position papers on sites and management measures
 - d. SPAMI Elaboration of the management Plans - based on ecosystem approach and on good practice examples and exchange of experience
 - e. Identification of new MPAs -national strategies and Action Plans for MPAs and exploration of new concepts such as MPAs for fisheries (MPA-F) in collaboration with GFCM
 - f. Provision of the information needed for inclusion of SPAMIs in the World Database of Protected Areas (WDPA) (and in particular in its web interface Protected Planet)
 - g. Advancing knowledge on and disseminating it to Promote Open Seas and Deep Seas Protected Areas in the Mediterranean
3. ECOSYSTEMS GOODS AND SERVICES - Evaluations, studies, pilot programmes and promotion activities to better understand and enhance valuation of Mediterranean ecosystems goods and services
- a. Economics of conservation in particular MPAs, Protected Areas, marine area of ecological interests of conservation and species
 - b. Joint socio-economic evaluation with GFCM of the fishing activities carried out in pelagic ecosystems and deep benthic habitats (open seas, including deep seas);
 - c. ...//...
 - d. ...//...