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The Legal and Ecological Complexities in Establishing the NACES MPA in the North-East Atlantic Region

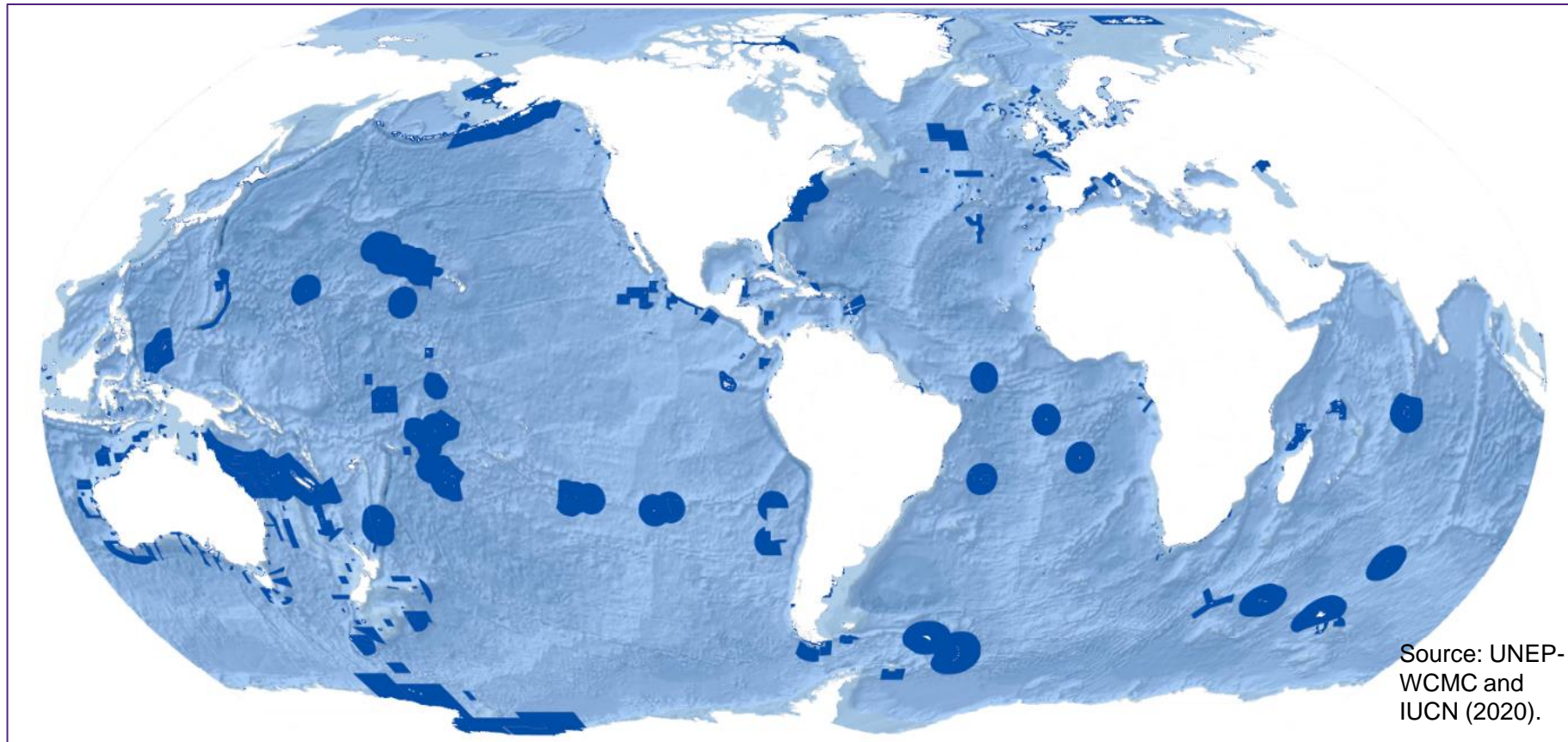
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30x30 MPA Targets





- 1) Charlie-Gibbs South MPA
- 2) Milne Seamount Complex MPA
- 3) NACES MPA



Entirely within ABNJ. The seabed, subsoil and water column are protected by the OSPAR Commission.

- 4) Mid-Atlantic Ridge north of the Azores High Seas MPA
- 5) Altair Seamount High Seas MPA
- 6) Antialtair Seamount Complex High Seas MPA
- 7) Josephine Seamount Complex High Seas MPA
- 8) Rainbow Hydrothermal Vent Field MPA



Situated within an area subject to submission by Portugal to the CLCS for an ECS. The seabed and subsoil are protected by Portugal. The water column is protected by the OSPAR Commission (except for the the Rainbow MPA).

- 9) Charlie-Gibbs North High Seas MPA



Partly situated in an area subject to a submission by Iceland to the CLCS for an ECS. The water column is protected by the OSPAR Commission. The seabed and subsoil remain unprotected.

- 10) Hatton Bank SAC
- 11) Hatton-Rockall Basin
- 12) North West Rockall SAC

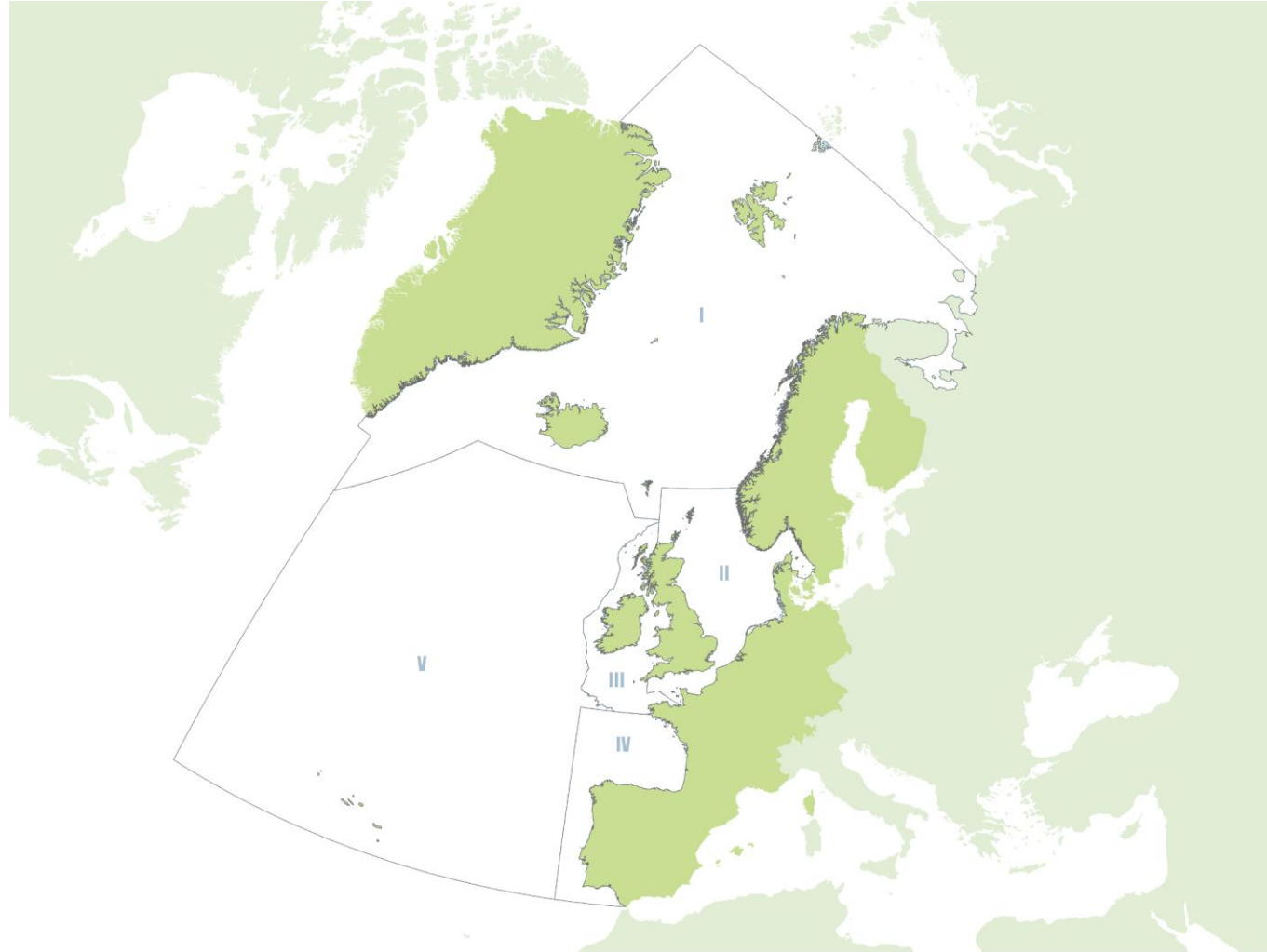


Situated within areas subject to a submission by the UK to the CLCS for an ECS. The seabed and subsoil of these sites are protected by the UK. The water column remains unprotected. This area also falls within the ECS submitted to CLCS by Denmark in relation to the Faroe-Rockall Plateau.

The OSPAR Convention 1992

- The Contracting Parties are:
 - Belgium, Denmark, Finland, France, Germany, Iceland, Ireland, Luxembourg, The Netherlands, Norway, Portugal, Spain, Sweden, Switzerland and United Kingdom
- The objective:
 - the prevention and elimination of pollution; and
 - The protection and conservation of the marine environment of the North-East Atlantic.
 - Consensus-based decision making - Art 13 (1).
 - Decisions are legally binding and recommendations are non-binding.

The OSPAR Maritime Area



NACES MPA Proposal

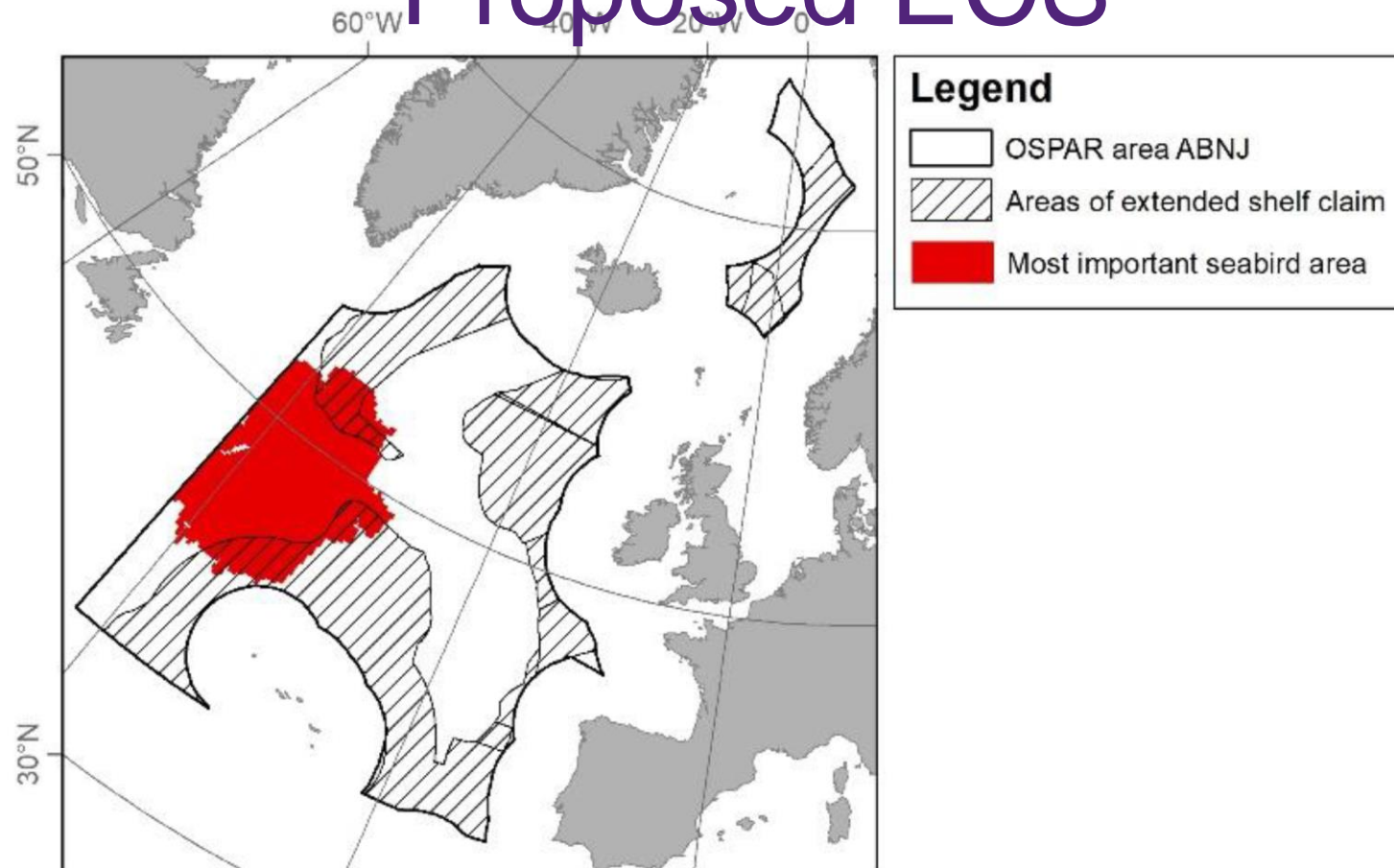
- BirdLife International presented a MPA proposal at the ICGMPA I 2016.
- MPA proposal area was derived from seabird tracking data, phenology, and population data.
- The abundance and diversity of 21 seabird species was mapped revealing a major hotspot area.
- This area was used annually by 2.9–5 million seabirds (Davies et al., 2021).
- The MPA area was defined following established and robust protocols to identify Important Bird and Biodiversity Areas (Lascelles et al., 2016)



Challenges

- Jurisdictional
- Fisheries
- Scientific basis
- Ecosystem based approach

Important Seabird Area Overlapping Proposed ECS





Fisheries

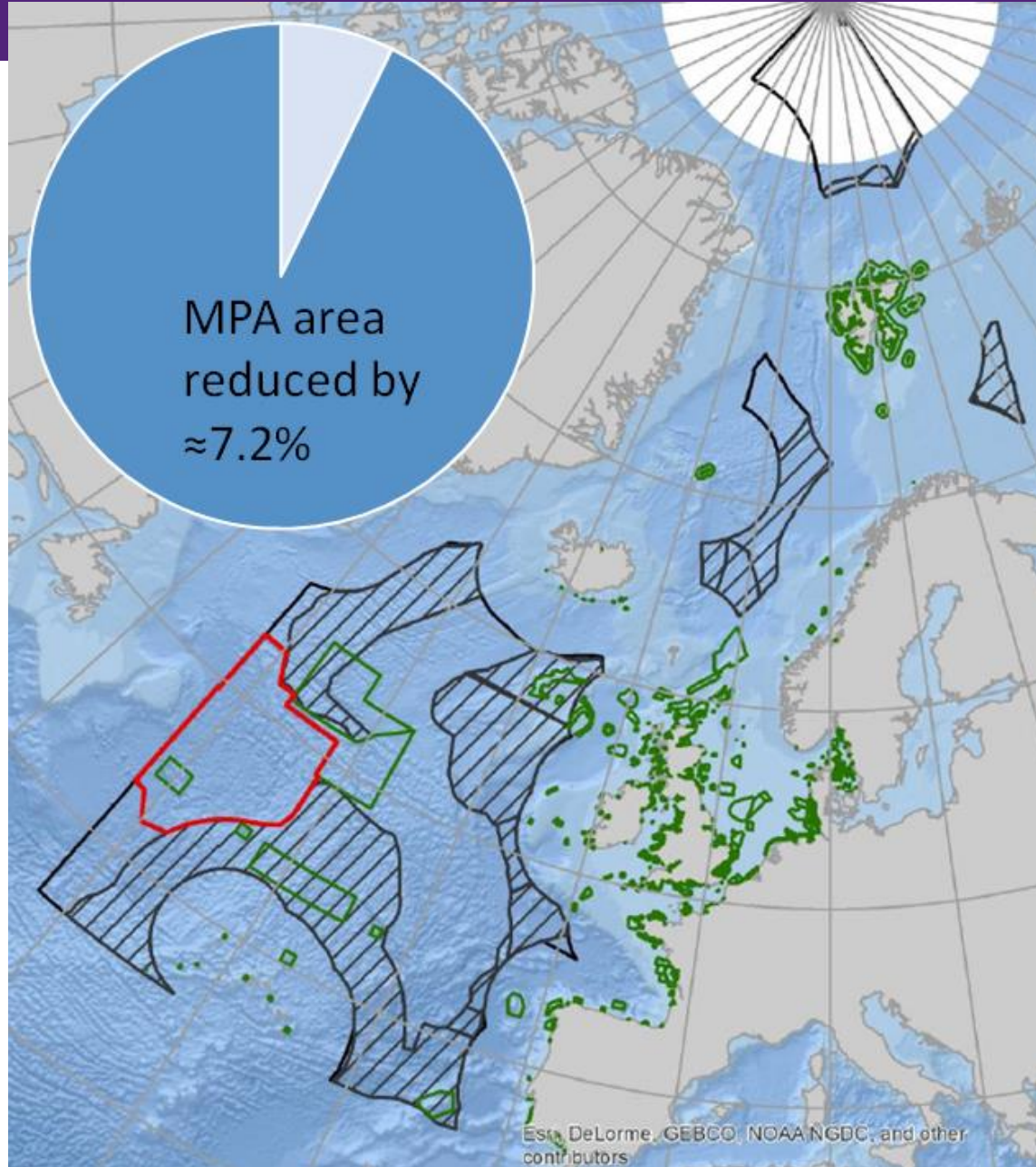
- Potential to impact on seabirds through declines in food source from overfishing and incidental by-catch from longline and gillnet fisheries.
- NEAFC - there was no bottom fisheries were allowed there, unless a request for exploratory fisheries were to be received.
- ICCAT noted that there is a spatial overlap of ICCAT regulated activities and the NACES MPA and did not agree that a complete closure of fisheries would be warranted

Scientific Basis – ICES Peer Review

- NEAFC representatives expressed the view that a scientific peer review of the proposal by ICES.
- The ICES peer review found issues with the scientific basis for the proposal and the objectives of the MPA proposal.
- BirdLife International argued that:
 - ICES had misunderstood some methodological aspects and
 - noted that some of the comments had been dealt with in the analysis and
 - that the important bird area (IBA) method applied in the NACES analyses, is a peer-review and globally accepted method.

Vertical Boundary Issues

- Concerns were also raised regarding the vertical jurisdiction of water column of the MPA.
- Some CPs suggest that the MPA should only cover the top portion of the water where the birds rested and not the entire water column nor the seabed.
- Some CPs were not willing to accept the change in the sense of taking a precautionary approach and an ecosystem-based approach to protecting the benthos that it is of relevance to the seabirds.



OSPAR Decision 2021/01 - NACES MPA

- OSPAR Decision 2021/01 on the establishment of the North Atlantic Current and Evlanov Sea basin Marine Protected Area
- OSPAR Recommendation 2021/01 on the Management of the North Atlantic Current and Evlanov Sea basin Marine Protected Area



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Thank you

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