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Third Meeting of National Correspondents of the Strategic
Action Programme for the Conservation of Biological
Diversity in the Mediterranean Region (SAP BIO) /
MedMPAnet Project Mid-term Workshop

Malaga, 4 - 6 July 2012

**“Joint Management between the Mediterranean Action Plan and
the European Commission on the identification of potential sites
for creating SPAMIs in the open seas, including the deep seas”
(Results of the second phase project – Objectives and outlines of
the third phase project)**

Delegates are kindly requested to bring their documents to the meeting

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1. Summary and context of the Joint Management Project between the Mediterranean Action Plan and the European Commission on the identification of potential sites for creating SPAMIs in the open seas, including the deep seas

The Contracting Parties to the Barcelona Convention, at their 15th meeting held in January 2008, Almeria, Spain, decided that UNEP/MAP should gradually implement the ecosystem approach in view of an ecological vision for the Mediterranean as “a healthy Mediterranean with marine and coastal ecosystems that are productive and biologically diverse for the benefit of present and future generations’ (Decision IG 17/6). For this purpose, the Contracting Parties at the same meeting adopted the ecosystem approach roadmap, the vision and strategic goals and established a governmental designated expert group (GDE) with the mandate to guide the work of UNEP/MAP in this respect.

The 2008 Almeria Environmental Ministerial Declaration urged the Contracting Parties to the Barcelona Convention and the SPA and Biodiversity Protocol to undertake measures for establishing a comprehensive and coherent Mediterranean network of coastal and marine protected areas by 2012. The 2009 Marrakesh Ministerial Declaration of the 16th Meeting of the Contracting Parties called on Mediterranean Coastal States to continue the establishment of marine protected areas and to pursue the protection of biodiversity with a view to the establishment by 2012 of a network of marine protected areas, including on the high seas, in accordance with the relevant international legal framework and the objectives of the World Summit on Sustainable Development.

The project that facilitated this progress was based on political and legal considerations. In this context and in accordance with UNEP/MAP programme of work adopted by the Contracting Parties in 2008, the European Commission funded the project “Support to the Barcelona Convention for the Implementation of the Ecosystem Approach, including the establishment of MPAs in open sea areas, including deep sea”. The objectives of the project are to:

- *Promote and enhance the implementation of the ecosystem approach road map to the management of human activities in the Mediterranean;*
- *Facilitate the establishment, by the Contracting Parties to the Barcelona Convention of Specially Protected Areas of Mediterranean Importance to protect habitats of conservation interest located in protected areas in open seas and deep sea habitats; and,*
- *Ensure coherence to the extent possible with EU Marine Strategy Framework Directive.*

The project contained two components:

1. *Further implementing the Ecosystem Approach within the Barcelona Convention through the following key actions:*

- a) Identification of important ecosystem properties and assessment of ecological status and pressures;
 - b) Undertaking a socio-economic analysis of ecosystem goods and services;
 - c) Developing a set of ecological and operational objectives with indicators and target levels; and,
 - d) Organizing a regional meeting of Government Designated Experts to consider and review the results of the project.
2. Identifying and preparing the nomination of Specially Protected Areas of Mediterranean Importance (SPAMI) by the meeting of the Contracting Parties the Barcelona Convention/Mediterranean Action Plan, through the following key actions:
- a) Undertaking legal analysis about the status of each of the selected areas and data collection including field survey;
 - b) Elaborating the draft SPAMI presentation reports; and,
 - c) Holding consultation meetings to review and finalize the presentation reports.

This document makes reference to the progress of the second component, focused on conservation of the open seas, including the deep seas

2. Activities carried out during the project component on the identification of potential sites for creating SPAMIs in the open seas, including the deep seas

The component on Identification and preparation for nomination of Specially protected areas of Mediterranean Importance (SPAMIs) by the CoP of the Convention continues the work engaged during a previous project funded by the European Commission, entitled "Identification of possible SPAMI in the Mediterranean areas beyond national jurisdiction" (Grant contract n°21.0401/2007/485420/SUB/D2). This first phase of the initiative consisted in identifying, on the basis of sound science, priority conservation areas in the open seas, including the deep sea that could contain sites that could be candidates for the SPAMI List.

The first phase was completed in 2009 and included an assessment based on the available scientific knowledge to identify priority conservation areas in the open seas, including the deep seas, likely to contain sites that could be candidates for the SPAMI List. As per the decision IG 20/7 of the COP 17 of the Barcelona Convention the study "Synthesis report on the work carried out regarding EBSAs identification in the Mediterranean" has been presented to the CBD.

The second phase completed in 2011 aimed to facilitate the process of designating as SPAMIs certain sites in areas beyond national jurisdiction included in the priority conservation areas identified during the first phase, by supporting the establishment of agreed procedures among Parties and catalyzing working groups between neighboring countries concerned.

Considering that the first phase of the initiative ended on December 2009, after one extension of the project period agreed by the European Commission, the project began at the beginning of 2010.

The beginning of this component implementation was characterized by the recruitment of the new backstopping project officer on May 2010, after the departure on February 2010 of the backstopping project officer who had also worked during the previous high seas project recruitment. The interim period between them was covered by a consultancy.

i. Appointment of the Steering Committee

A Steering Committee was set up during the project's first phase. As it was decided at the last meeting of the Steering Committee of that phase on 18-19 November 2009 at Genoa, Italy, the same organizations attended the Steering Committee of the project's second phase, that is:

- UNEP's Division for Implementing Environmental Policies and Division for Environmental Law and Conventions;
- Mediterranean Action Plan's Coordinating Unit (CU, UNEP/MAP)
- European Commission;
- United Nations Food and Agriculture Organisation (UN-FAO);
- General Fisheries Commission for the Mediterranean (GFCM);
- Secretariat of the OSPAR Convention;
- International Maritime Organization (IMO);
- Mediterranean Regional Centre for Emergency Action against Accidental Marine Pollution (REMPEC);
- Secretariat of the Agreement on the Conservation of Cetaceans of the Black Sea, the Mediterranean Sea and the Contiguous Atlantic Area (ACCOBAMS);
- Secretariat of the Pelagos Sanctuary;
- International Union for the Conservation of Nature – Cooperation Centre for the Mediterranean (IUCN-Med); and,
- WWF Mediterranean Programme (WWF MedPO).

ii. Legal analysis about the status of each selected area and preliminary delimitation of the shortlisted area

These two activities were initiated and engaged during the first project funded by the European Commission ("Identification of possible SPAMI in the Mediterranean areas beyond national jurisdiction") project's first phase, through different studies revised by the Steering Committee such as an overview of the scientific findings relevant to identify SPAMI in areas beyond national jurisdiction and an analysis of the Mediterranean fisheries in the Mediterranean open seas, including deep seas and their impacts on vulnerable ecosystems.

The main output of this work was the identification of thirteen priority conservation areas in the Mediterranean open seas, including the deep sea, that could contain

sites that could be candidates for the Specially Protected Areas of Mediterranean Interest (SPAMI) List.

This work was finalized and presented for the Extraordinary Meeting of the Focal Points for Specially Protected Areas held on 1 June 2010 in Istanbul, Turkey. The list of priority conservation areas located in the open seas, including in the deep seas that could become part of the Mediterranean protected areas network was revised and 12 priority conservation areas were retained by the SPA Focal Points.

In addition, a study on legal issues, 'Jurisdictional issues of the Mediterranean Sea', as well as a GIS depicting the current known jurisdictional status of Mediterranean waters, by country, were carried out during the project's first phase. Both led to an appraisal of the maritime areas under national jurisdiction that have been declared in the Mediterranean and their impact on the setting up of Marine Protected Areas in Areas wholly or partly Beyond National Jurisdiction.

This work has been a practical tool for the exchanges of views among countries during the current phase regarding the legal status of each area. It was pursued in greater depth in the Project's second phase via the preparation of an approach for facilitating the preparation of joint proposals for inclusion in the SPAMI List in accordance with Article 9 of the SPA/BD Protocol, as requested by the Bureau of the Contracting Parties during its meeting held on the 5th and the 6th May 2010.

As stated in the report of the Meeting (UNEP/BUR/70/5): *"In particular, the Bureau addressed ways and means for elaborating a sound legal and institutional approach for establishing SPAMIs in areas beyond national jurisdiction for further discussion by the Bureau and SPA/RAC Focal Points. This approach would help creating a clear vision with regard to SPAMI management and the need to enhance cooperation with other component international organizations for this purpose, in line with MAP Programme of work and Marrakesh Declaration."*

For this purpose, a working group meeting with experts from international organizations and Mediterranean independent experts was convened upon MAP Coordinating Unit's initiative in Athens, on the 3rd and the 4th March 2011, to discuss and elaborate this approach.

The meeting was attended by representatives of the following international and regional organizations: Division for Ocean Affairs and the Law of the Sea of the United Nations (UN DOALOS), Food and Agriculture Organization of the United Nations (UN FAO), International Maritime Organization (IMO), Secretariat of the Convention on Biological Diversity (CBD), Secretariat of the Agreement on the Conservation of Cetaceans in the Black Sea Mediterranean Sea and Contiguous Atlantic Area (ACCOBAMS), Secretariat of the General Fisheries Commission for the Mediterranean (GFCM), Secretariat of the OSPAR Convention, International Union for Conservation of Nature (IUCN), WWF Mediterranean Programme (WWF-MedPO), Greenpeace, *Institut du Développement Durable et des Relations Internationales* (IDDRI), as well as by independent experts.

Taking into account the recommendations of this meeting, the approach document was presented at the Tenth Meeting of SPA Focal Points. The final version of this

approach document, including the comments made by SPA Focal Points was presented in the information document UNEP(DEPI)/MED WG.368/Inf.3 (*Draft approach to facilitate the preparation of joint proposals for inclusion in the SPAMI list in accordance with article 9 of the SPA/BD Protocol*).

This approach aims to provide indications and suggestions to facilitate proposals for inclusion in the SPAMI List for areas situated partly or wholly beyond national jurisdiction in the Mediterranean Sea. . It also includes elements on the management of SPAMIs beyond national jurisdiction, in accordance with the relevant international legal framework.

The legal aspects of the issues considered in the approach document were detailed in the report "*Note on the establishment of marine protected areas beyond national jurisdiction or in areas where the limits of national sovereignty or jurisdiction have not yet been defined in the Mediterranean Sea*" (UNEP(DEPI)/MED WG.368./Inf.4).

iii. First meeting of the Steering Committee

The members of the Steering Committee attended the Extraordinary Meeting of Focal Points and contributed to the consultation with the Focal Points concerning the activities to be undertaken in the Second Phase of the Project. The Extraordinary Meeting of Focal Points also offered the opportunity to SPA/RAC and the members of the Steering Committee to consult and exchange their opinions about the work plan of the Project's Second Phase.

In addition, a Meeting of the Steering Committee was held on 16 December 2011 in Tunis to present the activities carried out since the last meeting of the Steering Committee (Genoa, November 2009) and to discuss with the Committee Members the orientations of the new phase of the project for 2012-2013.

As recorded in the meeting working documents UNEP(DEPI)/MED WG.368/3 and UNEP(DEPI)/MED WG.368/4, the meeting validated the activities proposed for the next phase of the project to be developed around the following strategic orientations:

- Contributing to improve the state of knowledge on open sea and deep sea ecosystems and their uses
- Contributing to build a framework with the countries and competent organizations to facilitate the joint establishment of SPAMIs in open seas, including the deep seas.

During this meeting, the representative of Oceana, international marine conservation organization, expressed Oceana's wish to pursue her participation to the next meetings of the Steering Committee. Considering the convergence of Oceana's activities with the objectives of the project, it was proposed that Oceana would be considered as member of the Steering Committee if the other members of the Steering Committee who were not represented during this meeting have no objection with this proposal.

iv. Consultation meetings

Following the approval of the Bureau of the Contracting Parties, SPA/RAC convened an Extraordinary Meeting of the Focal Points in June 2010 at Istanbul, Turkey, to present the priority conservation areas identified during the First Phase of the Project and to consult with the Focal Points as for the next steps to be undertaken. For budgetary reasons, the meeting was organized back-to-back with a meeting of the SAP BIO National Correspondents, as the SAP BIO National Correspondents and the Focal Points for SPA were the same expert for many Contracting Parties.

This meeting was a step to consult the countries and to encourage their involvement in the process of the project's second phase. The Meeting examined the results of the project's first phase validated by the Steering Committee. The list of priority conservation areas located in the open seas, including the deep seas, was revised and 12 priority conservation areas were retained.

On the occasion of this meeting, some countries expressed their interest to work jointly:

- the representatives of France and Spain expressed their intention to pursue their cooperation with regard to the Gulf of Lions and to consider the possibility of preparing a proposal for the declaration of a SPAMI in this open-sea area, including deep seas
- the representative of Spain also referred to the wish of his country to pursue the process of cooperation with Morocco and Algeria concerning the Alboran Sea
- The representative of Slovenia invited the countries bordering the Adriatic Sea to take advantage of a forum to be held in October 2010 ("Towards a representative MPA network in the Adriatic") to progress towards coordinated measures for establishing a SPAMI in this high seas region.

At the same time, and in accordance with the recommendation of the Extraordinary Meeting of the SPA/RAC Focal Points, the UNEP/MAP Coordinating Unit sent an official letter to Ministers of the Environment of the Contracting Parties inviting them to express their interest to consider the preparation of SPAMI proposals for the priority conservation areas identified by SPA/RAC with the project support and discussed at the Extraordinary Meeting of SPA/RAC Focal Points which were located in areas partly or wholly beyond national jurisdiction in accordance to article 9 of the Protocol. Some responses were received:

- Croatia requested SPA/RAC for additional information on the second phase of the project and the process to be implemented, in order to prepare their official response to UNEP/MAP-Barcelona Convention.
- Libya requested also more information on the process.
- Through informal contacts, the French Focal Point explained that the preparation of the French official response is on-going, at a stage of inter-ministerial consultation. Moreover, the French Focal Point has repeated the

interest of France to be engaged in the second phase of the project for the Gulf of the Lions area.

- The Ministry of Environment of Turkey explained their position after internal consultations with their Ministry of Foreign Affairs.

Relying on the declarations made during the Istanbul meeting and on exchanges with countries' representatives, the MAP-RAC/SPA organized the first consultation meetings for the Alboran Seamounts area and the Gulf of Lions shelf and slope area with the concerned neighbouring countries:

- the consultation meeting for the neighbouring countries of the Alboran Sea area was organized with representatives of Algeria, Morocco and Spain on the 15th and 16th March 2011 in Malaga, Spain
- the consultation meeting for the neighbouring countries of the Gulf of Lions area was organized with representatives of France and Spain on the 17th and 18th March 2011, in Malaga, Spain

RAC/SPA attempted to organize a consultation meeting for the Adriatic countries on 2011, but the meeting was postponed because of the lack of readiness at that time amongst the countries.

The main objective of these meetings was to present the proposed methodology and to discuss with the representatives of the concerned countries the feasibility of setting up sub-regional working groups to support the consultation process.

These meetings were an opportunity for the representatives of the countries to meet and to exchange on the issue. The countries' representatives presented the organization of their national administration, as well as their national projects and initiatives which contribute to improve environmental and scientific knowledge on both areas.

For each country, it was indicated that they are many stakeholders, involving several departments and ministries at the central level of the States (Ministry of Foreign Affairs, Ministry of Fisheries, Ministry of Environment and Ministry of Defence).

In this framework, the discussions of both meetings highlighted the necessity to consult at the national level the different departments concerned. So, before beginning sub-regional working group processes, it was stated that it is important for the countries to set up national consultation processes involving the different technical departments concerned by the issue.

These meetings confirmed that the process would be a very long and complex one involving important efforts for national consultation in each country.

A second meeting of the France – Spain working group was organized on the 19th and 20th December 2011 in Barcelona, Spain, to present to the countries representatives the work carried out by the experts on the preparation of the synthesis report on the description of the ecology of the Gulf of Lions and to discuss

the next step of the working group, in particular the possibility for the French and Spanish representatives to make a joint political statement at the 17th Meeting of the Contracting Parties to the Barcelona Convention.

v. Data collection including field surveys and elaboration of the draft presentation reports

These activities were developed to support the consultation processes launched between the neighbouring countries of the Gulf of Lions area and the Alboran Sea area.

Gulf of Lions area

The participants agreed during the Malaga meeting that a lot of biological and environmental data are available on the Gulf of Lions considering research and exploration efforts made by France and Spain in this area.

Considering that these data are probably scattered within the different national research institutes, it was proposed that RAC/SPA supports the working group to make an inventory, to collect and to compile these data with the goal of: i) establishing a state of knowledge on the ecology of the considered area by establishing an inventory, collecting and compiling biological and environmental data related to the ecology of the Gulf of Lyons and to its uses (mainly fishing activities); and, ii) facilitating the work of the countries to prepare when the time comes the presentation report for the site(s) of the 'Gulf of Lions shelf and slope' area likely to be candidate(s) for inclusion in the SPAMI List.

The information synthesized will be considered as a first contribution:

- to identify later the sites of the Gulf of Lions that deserve to be managed, with a view towards the conservation and sustainable uses of the resources
- to support a first reflection on the management measures that could be associated to these sites.

Campaigns carried out by France (Marine Protected Areas Agency) for acquiring data on the Gulf of Lions will also be taken into consideration. Some surveys are under processing (exploration of the canyons) and others are being launched (surveys for seabirds and marine mammals) in the Natura 2000 framework. Moreover, data obtained by Spain (Ministry of Environment and Rural and Marine Affairs) in the framework of the LIFE+ Project conducted on the Gulf of Lions "Inventory and designation of marine Natura 2000 areas in the Spanish sea" (INDEMARES Project) are just published, waiting for the implementation of the corresponding actions.

After receiving the comments on the draft Terms of reference from the French and Spanish representatives, RAC/SPA hired in September 2011 several experts:

- experts in Mediterranean marine ecology
- a fisheries expert
- an expert specialized in marine mammals
- an expert specialized in seabirds.

Data were collected on the basis of the published bibliography, the grey literature (institutional technical reports for example) and any eventual personal communications from experts contacted for the purpose of the mission.

In addition, for supporting the decision making process, a list of the relevant resource persons on the ecology of the Gulf of Lions (scientific or technical experts) was established through this work.

Each expert prepared a draft report that was presented to the countries representatives at the Barcelona meeting held on 19th and 20th December 2011. Taking into consideration the comments and recommendations expressed during the meeting, a synthesis report will be finalized during 2012.

At the end of the mission, the whole work produced by the different experts will be compiled in a report entitled *“Description of the ecology of the Gulf of Lions shelf and slope area and identification of the areas that may deserve to be protected”*. As far as possible, this report will establish a reference state of the area with a view of measuring the future evolution of the environmental data of the area.

This synthesis report will be then transmitted to the national representatives involved in the working group who can use the report to support the national consultation processes with other Departments concerned.

RAC/SPA developed in 2011 a project for carrying out an oceanographic survey for collecting data on the Alboran Sea, around Xauen and Tofino banks area, off Al Hoceima. The overall objective of this campaign is to strengthen the state of knowledge of the Alboran Sea which is singular in the Mediterranean considering its ecological and oceanographic features.

At the national scale, this project is supported by the Moroccan National Institute of Fishery Sciences (INRH).

For optimizing means and in a spirit of synergy, RAC/SPA developed this project jointly with the IUCN Centre for Mediterranean Cooperation and Oceana. A tripartite Memorandum of Understanding was signed in October 2011 in order to carry out the survey during the fall.

IUCN-Med carried out in 2009-2010 on the Alboran Sea the MedRAS initiative whose aim is to identify priority habitats and species to be managed and protected in the Mediterranean Sea. This project led to propose around ten priority conservation areas in the Alboran Sea, such as Xauen and Tofino banks area, representative of the diversity of the marine ecosystems of this sub-region and ensuring their biological connectivity.

In the same way, the project carried out by Oceana “Oceana MedNet – 100 reasons to reach 10% target” consists in a proposal for a network of marine protected areas in the Mediterranean, including in the Xauen and Tofino banks area. In addition, Oceana conducted in 2010 and 2011 through the Life + Indemares project an

expedition to study the Seco the Olivos seamount, also known as Banco de Chella, in the Alboran Sea.

As the agreement by the Moroccan competent authorities for carrying out the oceanographic campaign had not arrived at the period of the year when weather conditions are most favourable, it was decided to postpone the organization of this campaign to 2012.

A meeting was organised on 28 February 2012 in INRH premises with representatives of the different organizations in order to discuss about the project aimed to facilitate the acceleration of administrative procedures for the much delayed delivery of the authorizations.

vi. Information campaign

Some information materials were prepared on the occasion of meetings: a leaflet was distributed at the Tenth Conference of the Parties to the Convention on Biological Diversity (Nagoya, Japan, 18-29 October 2010) and a CD including the technical reports prepared in the project framework was distributed at the Tenth Meeting of the Focal Points for Specially Protected Areas (Marseilles, France, 17-20 May 2011).

An order form was issued in December 2011 in order to publish:

- the legal analysis report "*Note on the establishment of marine protected areas beyond national jurisdiction or in areas where the limits of national sovereignty or jurisdiction have not yet been defined in the Mediterranean Sea*" (in English and French versions)
- a leaflet presenting the main activities and results of the project second phase as well as the reflections for implementing the next phase.

Consultations, communications and advocacy activities were also carried out with national, regional and international partners.

3. Difficulties encountered and measures taken to overcome problems

- i. Contracting Parties interest in being involved in this part of the project was generally low, with only a few countries agreeing to participate to the activities. Different reasons could be identified such as the complex geopolitical context which limits the success of interventions based only on ecological considerations; significant and growing economic interests, particularly related to the potential of hydrocarbon exploitation, with conspicuous arise of interest in the Eastern Mediterranean just at the time of the project development and also legal concerns. Among these, the following two obstacles are particularly

important for countries that have considered the joint establishment of SPAMIs:

- several instances of maritime boundaries are still unsettled in the Mediterranean, and even if the SPA/BD Protocol provides for the establishment of SPAMIs in these situations, some countries don't want to be involved in consultation process with their neighbouring countries until jurisdictional issues are settled;
 - The establishment of management bodies and enforcement of regulatory measures in areas situated partly or wholly on areas beyond national jurisdiction offers particular challenges as there are legislative vacuums some of which could be filled through complex agreements with other regulatory systems (maritime, fisheries, etc.) For this reason some countries informed that they prefer to see progress in the process initiated by the United Nations General Assembly through the *Ad Hoc Open-ended Informal Working Group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction* before moving forward in the Mediterranean region. Current topics of that group to be treated on 2012 are Identification of gaps and ways forward with a view to ensuring an effective legal framework for the conservation and sustainable use of marine biodiversity in areas beyond national jurisdiction; and conservation and sustainable use of marine biodiversity in areas beyond national jurisdiction, including marine protected areas,
- ii. The project made an important contribution to setting up consultation processes in line with the mandate provided to UNEP/MAP – Barcelona Convention. However, its commitment to establish three Areas Beyond National Jurisdiction (ABNJ) was obviously beyond the realm of its mandate as this is a sovereign decision pertaining exclusively to the Parties. In addition, the consultation meetings between the neighbouring countries showed that the joint establishment of SPAMIs is a very long and complex process that requires sub-regional and national consultation processes involving several departments and ministries at the central level of each State (mainly Ministry of Foreign Affairs, Ministry of Fisheries, Ministry of Environment and Ministry of Defence).
 - iii. Two particular situations have slowed the implementation of the project: the fact that progress requires the concurrence of all countries neighbour to the area and delays by one affect progress in the whole area as illustrated by the situation in the Adriatic; and changes in Government and Ministerial organization in some Parties also made the project incur in delays.
 - iv. Progress in establishing joint management areas and enforcing regulatory measures requires working together with partners even beyond the originally envisaged Steering Committee so as to ensure a joint approach that seeks synergies between different regimes which are as simple as possible and avoid “overlapping” of competencies. In this spirit, two measures are being taken.

- The Memorandum of Understanding between the GFCM and UNEP/MAP that addresses these issues and signed between the MAP Coordinating Unit and the Secretariat of the GFCM at the GFCM 37th Session in May 2012.
 - The Contracting Parties have recognized the need to facilitate the consultation and coordination processes for the joint preparation of proposals for inclusion in the SPAMI List in accordance with Article 9 of the Protocol before launching formal processes. Therefore they have decided to add to the Annotated Format for the presentation reports for the areas proposed for inclusion in the SPAMI List a new section that could be used for the preliminary declaration of SPAMI proposals. The new section to be added to the Annotated Format appears as Annex I to the Decision IG.20/7 adopted at the 17th Conference of the Parties to the Barcelona Convention (Paris, France, 8-10 February 2012).
- v. Additionally, it is clear that the lack of environmental data and biological evidences on the main part of these offshore areas and deep sea ecosystems is often another major constraint for the countries to develop strategies and policies for managing in a sustainable way these areas and protecting the most sensitive ecosystems. That is the reason for an urgent need of further oceanographic surveys of deep sea ecosystems in the Mediterranean.
- vi. Lastly, the reactive creation of this joint activity by the EC and UNEP MAP, upon the increasing worldwide interest in the conservation of the open ocean had as a consequence the delivery outputs such as the Mediterranean EBSAs list before the time that a prototype worldwide repository process to register EBSAs was to be prepared by the CBD. As a consequence, the pilot process of submitting data to that repository commenced just in February 2012. Hence, it was fundamental that the Mediterranean process is included, so as to grant it worldwide dimension and further recognition and support to the future SPAMI to be declared within them, since the SPAMIs aim to allow the conservation of important parts of each EBSAs. The follow up on that is explained herein below

4. International follow up

The Sixteenth meeting of the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA 16. 30 April – 5 May 2012, Montreal) included on the description of areas, the following advice on EBSAs as a preambular paragraph relating to the Mediterranean work:

“Noting that during their 17th Ordinary Meeting held in Paris, from 8 to 10 February 2012, the Contracting Parties to the Barcelona Convention for the Protection of the Marine Environment and the Coastal Region of the

Mediterranean and its Protocols adopted decision IG.20/7 regarding the conservation of sites of particular interest in the Mediterranean and requested the Secretariat of the Barcelona Convention to contact the Secretariat of the Convention on Biological Diversity in order to present the work carried out regarding the identification of areas that meet the criteria for ecologically or biologically significant marine areas in the Mediterranean, takes note of the Synthesis Report, as contained in document UNEP/CBD/SBSTTA/16/INF/8;”

SBSTTA 16 prepared three recommendations on marine and coastal biodiversity, namely on:

- ecologically and biologically significant areas (EBSAs);
- sustainable fisheries and addressing adverse impacts of human activities on the marine environment; and
- marine spatial planning and voluntary guidelines for the consideration of biodiversity in environmental assessments in marine areas.

These recommendations will be presented for adoption as decision at the next CBD COP to be held from 8-19 October 2012 in Hyderabad, India (COP 11).

The recommendation on EBSA is divided into four sections and includes an annex that incorporates the summary report prepared by SBSTTA on the description of areas meeting the scientific criteria for EBSAs. The four sections are:

- On description of areas meeting the scientific criteria for EBSAs
- On the repository and information-sharing mechanism
- On capacity-building
- On social and cultural criteria for describing EBSAs

The description of the areas that could meet EBSA criteria in the Mediterranean region is included in Table 3 of the summary report (contained in the annex of the recommendation). That Table 3 presents the detail of the polygons that were assessed using EBSA criteria and used to describe the areas. With regard to polygons description, a reference is made to the Synthesis report UNEP/CBD/SBSTTA/16/INF/8.

SBSTTA 16 recommends that the COP:

“5. *Noting* that the application of the scientific criteria for EBSAs is a scientific and technical exercise and *emphasizing* that the identification of ecologically or biologically significant areas and the selection of conservation and management measures is a matter for States and competent intergovernmental organizations, in accordance with international law, including the United Nations Convention on the Law of the Sea, as stated in paragraph 26 of decision X/29, [*endorses*], as a reference for States and competent intergovernmental organizations, the summary reports as contained in the annex to the present decision,

prepared by the Subsidiary Body at its sixteenth meeting, based on scientific and technical evaluation of information from the workshops, setting out details of the areas that meet the criteria for EBSAs (decision IX/20, annex I), and *requests* the Executive Secretary to include the summary reports [endorsed by the Conference of the Parties] on the description of areas that meet the criteria for EBSAs in the repository, as referred to in paragraph 39 of decision X/29, and, in line with the procedures and purpose set out in paragraph 42 of decision X/29, to submit them to the United Nations General Assembly and particularly its Ad Hoc Open-ended Informal Working Group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction, as well as to submit them to Parties, other Governments and relevant international organizations, and *further requests* the Executive Secretary to submit them to the Ad Hoc Working Group of the Whole on the Regular Process for Global Reporting and Assessment of the State of the Marine Environment, including Socio-economic Aspects, as well as to provide them as a source of information to United Nations specialized agencies;”

Subject to the final decision of CBD COP11, the summary report could be endorsed by the COP and included in the repository.

The recommendation also includes these two following operative paragraphs on the description of areas meeting the scientific criteria for EBSAs that could be important for MAP consideration:

SBSTTA 16 recommends that the COP:

“8. Affirms that scientific description of areas meeting scientific criteria for EBSAs and other relevant criteria is an open process that should be continued to allow ongoing improvement and updating as improved scientific and technical information becomes available in each region;

9. Requests the Executive Secretary to further collaborate with Parties, other Governments and competent organizations and global and regional initiatives, such as the Ad Hoc Working Group of the Whole on the Regular Process for Global Reporting and Assessment of the State of the Marine Environment, including Socio-Economic Aspects, the International Maritime Organization (IMO), the Food and Agriculture Organization of the United Nations (FAO), regional seas conventions and action plans, and, where appropriate, regional fisheries management organizations (RFMOs), with regard to fisheries management, to facilitate the description of areas that meet the criteria for EBSAs, and the further description of the areas already described, through the organization of additional regional or subregional workshops for the remaining regions or regions where new information becomes available, as appropriate, subject to availability of financial resources, and make the reports available for consideration by future meetings of the Subsidiary Body. The summary reports from the SBSTTA will be made available for future meetings of the Conference of the Parties for endorsement with a view to

including the reports endorsed by the Conference of the Parties in the repository in line with the procedures and purpose set out in paragraph 42 of decision X/29;”

On the repository and information-sharing mechanism, it could be noted the following paragraph:

SBSTTA 16 recommends that the COP:

“13. Encourages Parties, other Governments and intergovernmental organizations to develop regional data inventories with metadata, taking into consideration their confidentiality, where applicable, which are linked to the information-sharing mechanism (paragraph 39 of decision X/29) and other relevant data sources, in order to track the location of datasets used in the description of areas that meet the criteria for EBSAs by the regional workshops, to be undertaken in the remaining regions,, as referred to in paragraph 36 of decision X/29 and paragraph 9 above, and, recalling paragraph 41 of decision X/29, requests the Executive Secretary to make the scientific information and data sets compiled by the regional workshops available to Parties, other Governments and intergovernmental organizations for their use according to their competencies, and report on progress of such collaboration to a meeting of the Subsidiary Body prior to twelfth meeting of the Conference of the Parties to the Convention;”

The other two sections (on capacity building and social and cultural criteria for describing EBSAs) are currently less relevant for the Mediterranean context.

The two other recommendations on marine and coastal biodiversity adopted by SBSTTA 16 could be also interesting for MAP consideration:

- sustainable fisheries and addressing adverse impacts of human activities on the marine environment (Recommendation XVI/5)
- marine spatial planning and voluntary guidelines for the consideration of biodiversity in environmental assessments in marine areas (Recommendation XVI/6)

In particular, Recommendation XVI/5 addresses the issues related to sustainable fisheries, impacts of anthropogenic underwater noise and impacts of marine debris.

Lastly, SBSTTA 16 adopted a recommendation on “*Ways and means to improve the effectiveness of the subsidiary body and options for collaboration with the intergovernmental science-policy platform on biodiversity and ecosystem services*” (Recommendation XVI/1). The Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) is an independent intergovernmental body established on 21 April 2012 at the Second Session of the Plenary Meeting on the IPBES (Panama City, 16-21 April 2012).

5. Objectives and outlines of the third phase project

“Preparing the grounds for adoption of measures in EBSAs in open seas, including the deep seas”

There are 32 SPAMIs already established in the Mediterranean in accordance with article 9 of the SPA and Biodiversity protocol of the Barcelona Convention, after the decision of COP17 in February 2012. However the representativeness is unbalanced, as only one of them (Pelagos Sanctuary) clearly embraces open seas, including deep seas.

The aim of a Joint Management Action of the European Community with the United Nations Environment Programme/Mediterranean Action Plan (UNEP/MAP) started in 2007 is to promote through the SPAMI system the establishment of a representative network of marine protected areas in the Mediterranean open seas, including the deep seas.

That strategy would allow to reach the Aichi 2020 target, where 10 per cent of coastal and marine areas, especially areas of particular importance for biodiversity and ecosystem services, are conserved through effectively and equitably managed, ecologically representative and well-connected systems of protected areas and other effective area-based conservation measures, and integrated into the wider landscapes and seascapes, and as stated in the decisions of COP 16 in Marrakesh and COP 17 in Paris regarding the Ecologically or Biologically Significant Areas (EBSAs) in the Mediterranean.

According to the SPA/BD Protocol, proposals for the SPAMI List may be submitted by *“(i) two or more neighboring Parties if the area lies wholly or partially in the high sea, and (ii) by the concerned neighboring Parties in areas where the boundaries of national jurisdiction or sovereignty have not yet been defined”*.

On the basis of the lessons learned from the implementation of the project’s second phase, and upon consultation with the project Steering Committee at its third meeting (December 16, 2011. Tunis, Tunisia), the next phase aims to:

- Contributing to improve the state of knowledge on open sea and deep sea ecosystems and their uses
- Contributing to build a framework with the countries and competent organizations to facilitate the joint establishment of SPAMIs in open seas, including the deep seas.

Several of the follow up activities agreed with the project Steering Committee are included in this proposal, having regard that: a) not all the actions envisaged for a third phase regarding open seas conservation might be financed through the available funds under this Project; b) several non EU countries have showed their willingness for transboundary cooperation for the creation of SPAMIs jointly with their European Union neighbours, notably in the areas of Alboran Sea, Adriatic Sea and Strait of Sicily.

These activities will add up to CBD target on marine protected areas, UNEP/MAP SAP BIO regional priorities and EU biodiversity strategy, Natura 2000 and other EU legal instruments as appropriate, through the improvement of the representativeness of the Mediterranean network of marine protected areas (which is currently mainly made of coastal MPAs).

They contribute to build a framework with countries neighbour to the EU and key competent organizations in the region to facilitate the joint establishment of SPAMIs in open seas, including the deep seas, through:

- National and sub-regional consultation processes facilitation to countries showing interest, both on-going (Alboran Sea) and starting (Adriatic Sea, Strait of Sicily), in order to support the preparation of joint SPAMI proposal in areas embracing open seas and engaging countries neighbour to EU in the process.

The countries surrounding the areas that are already involved in coordination processes have proved their involvement and favourable will for those areas conservation. The other two areas to be addressed in this new phase comprise several countries having already expressed to RAC/SPA their willingness for supporting the development of exchanges aimed to the same purpose.

Consultation processes will be set up through the organization of sub-regional meetings. If need be, depending on the national context, national meetings will be supported to inform the different departments and Ministries concerned, with the purpose of facilitating their participation to the sub-regional consultation meetings.

Relying on Decision IG.20/7 and the new section added to the Annotated Format for the presentation reports for the areas proposed for inclusion in the SPAMI List that could be used for the preliminary declaration of SPAMI proposals, the neighbouring countries involved in consultation processes will be strongly invited to use this possibility as a first politically committed step towards the preparation of joint SPAMI proposals.

- Identification of good practices for elaborating, adopting and implementing management plans in the case of those joint SPAMIs in the open seas

Pursuant to the reflections initiated with the “Approach to facilitate the preparation of joint proposals for inclusion in the SPAMI List in accordance with Article 9 of the SPA/BD Protocol”, this activity will be done through a study on best practices and case studies related to the management of wide trans-boundary areas, straddle marine resources as well as marine protected areas comprising notably large extensions of ocean. Through this study a particular attention will be given on the institutional aspects related to the elaboration and implementation of the management plans with a view towards the establishment of joint SPAMIs. This study will support the Contracting Parties to get clearer

ideas on the kind of existing structures and governance bodies of trans-boundary managed areas, and on their functioning related to the elaboration, adoption and implementation of their management plan.

- Development of a joint strategy with ACCOBAMS, IUCN and GFCM on how to address the issues of common interest in Alboran Sea, Adriatic Sea and Strait of Sicily

The short and medium term programmes and activities of the above institutions will be jointly analysed and discussed in order to search for commonalities and future synergies favouring the conservation of pelagic and deep seas ecosystems in those areas. In addition, a position paper on the issues related to the establishment and management of joint SPAMIs in open seas will be jointly elaborated by the four organizations (ACCOBAMS, IUCN, GFCM and MAP) and will be sent to their respective Focal Points with the purpose of initiating debates at the national levels between the different concerned Ministries.

The current project proposal is currently under discussion with the donor and answers regarding possibilities of financing might be available during the summer 2012

