Identifying Marine Sensitive Areas in the SCS under International



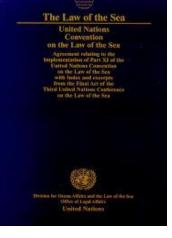






Convention on Biological Diversity













MARINE MAMMAL PROTECTED AREAS TASK FORCE

IUCN SSC WCPA



The 3rd Int'l Workshop on Maritime Cooperation and Policy Harmonisation

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Outline

The central question

Part 1: The global legal landscape

Part 2: The regional legal landscape

Part 3: Scientific and technical criteria developed under international law to

identify sensitive marine areas (at international and regional levels)

Part 4: Application in the SCS

Part 5: What does this mean?

A proposal

The central question

To what extent does <u>international law guide and can further guide</u> the <u>identification of sensitive marine areas</u> in the SCS, and therefore also guide the protection of these areas?

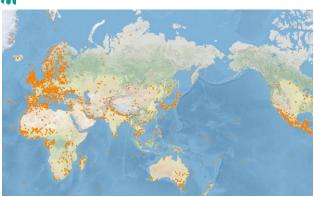
How are <u>technical and scientific criteria</u> and/or guidance developed in this context to bridge the gap between law and science and implement international law?

What is the status of these criteria?

Part 1 – The Global Legal Landscape 1/2



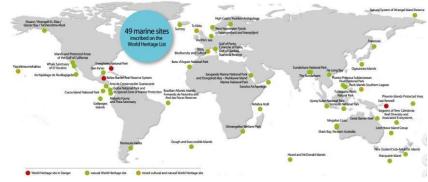
1971 Wetlands of International Importance



- **169** State Parties
- 2,289 sites globally, 40%+ are marine and coastal
- 319 sites in Asia; 44 are coastal and marine



1972 World Heritage Convention



- 193 State Parties
- 1,073 sites globally, 49 are marine and coastal
- 22 marine and coastal sites in APAC



1979 Convention on Migratory Species

- 126 State Parties to the main instruments
- Other parties to speciesspecific instruments
- 647 species listed
- 55 marine migratory species in SCS

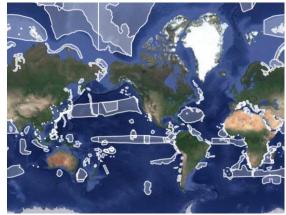








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- 196 State Parties
- 279 Ecologically or Biologically Significant Areas

[* Not exhaustive]

Special areas under MARPOL

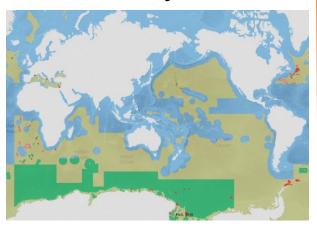


- **140/155** State Parties
- Restriction/prohibition of discharge of oil/noxious
 *liquid substances/sewage/garbage

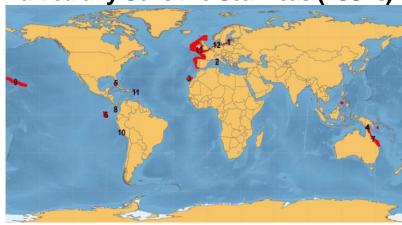


Vulnerable Marine Ecosystems

- UNGA resolution
- <u>194</u> Member States (FAO)
- COFI (Committee on Fisheries)
- Coordination w RFMO/As



Particularly Sensitive Sea Areas (PSSAs)

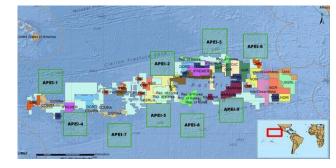


- Adopted by MEPC IMO has <u>173</u> member States
- 15 PSSAs; 7 in Indo-Pacific
- Areas to be avoided, no-anchoring, reporting, etc.

NITERIAL DESCRIPTION OF SHAREST

ORGANIZATION

Areas of Particular Environmental Interest



- 157 Members States to UNCLOS Part XI IA
- Clarion-Clipperton Zone
- On-going study of possible APEIs in Mid-Atlantic

Part 2 – The Regional Legal Landscape









2003 Declaration on Heritage Parks 2002 Criteria for National MPAs 1997 MoU for the Conservation and Protection of Sea Turtles



















Part 3 – Scientific and technical ecological criteria developed under these instruments to identify sensitive marine areas

- C1 Uniqueness or rarity
- C2 Special importance for life history of species
- C3 Threatened or endangered or declining species or habitats
- C4 Vulnerability, fragility, sensitivity, slow recovery
- C5 Biological productivity
- C6 Biological diversity
- C7 Naturalness
- **C8** Representativity
- C9 Connectivity
- C10 Refugia or site resistance or resilience

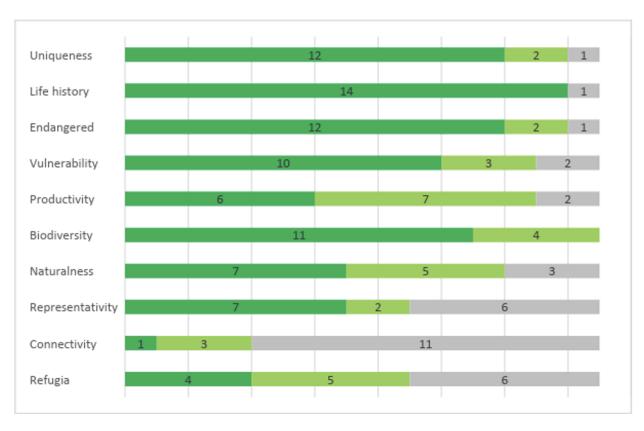


Figure 3.1: Use of the ecological criteria in different instruments

Part 4 – Application in the SCS

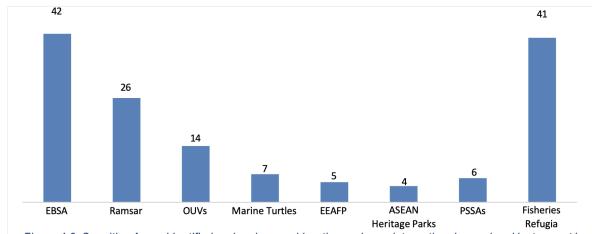
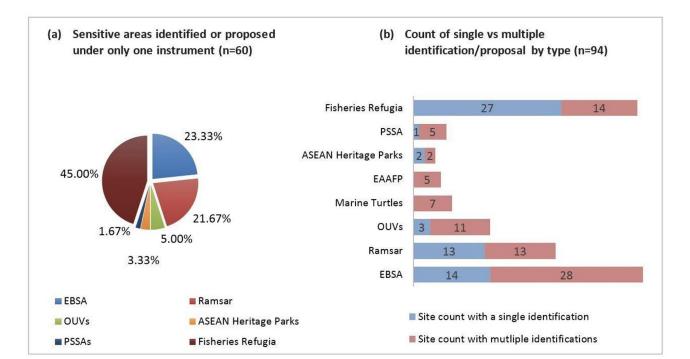


Figure 4.2: Sensitive Areas identified and under consideration under an international or regional instrument in Southeast Asia. [Some areas are identified under several instruments and can therefore be included several times.]



Part 4 – Application in the SCS

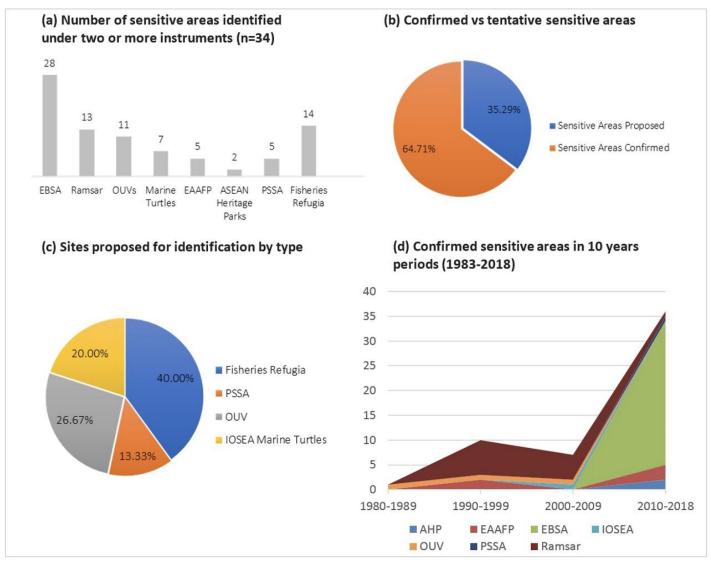
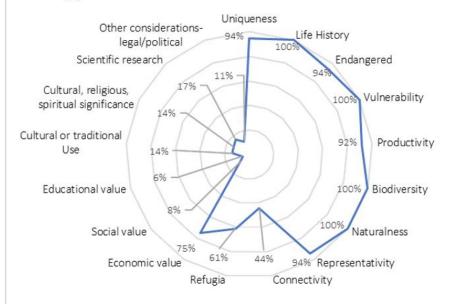
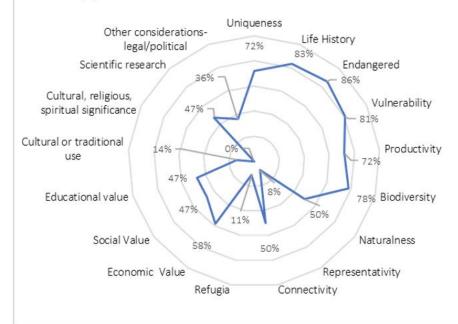


Figure 4.5: (a) Sensitive areas subject to two or more identifications under international instruments, (b) Tentative and confirmed identifications of sensitive areas, (c) Tentative identifications of sensitive areas subject to overlapping identifications by type, and (d) Confirmed sensitive areas by date.





(b) Criteria met in Sensitive Areas Identified in Southeast Asia



Part 5 – What does this mean?

- 1. The scientific criteria have been legally adopted and their application endorsed
- 2. They are comprehensive, mutually-reinforcing and self-supporting
- 3. They show consistent State practice
- 4. They provided a basis for the implementation of Article 192 and 194.5 in the SCS
- 5. The criteria operate as a screening tool for sensitive marine areas, they do not direct which management measures should be adopted
- 6. A joint effort towards the identification of such areas could progress the discussion and provide useful information for the code of conduct

A proposal: Start with the low-hanging fruits: identifying critical habitats for endangered species

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Higher Taxa category	Common Family Name	Common Name	Scientific Name	App	CI Ap	
Whales / Cetacean	Cetacea	Cetacea	Cetacea spp		X	
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	Baleen Whale	Bryde's whale	Balaenoptera edeni	х		
	Baleen Whale	Blue Whale	Balaenoptera musculus	х		
	Baleen Whale	Omura's whale	Balaenoptera omurai	х		
	Baleen Whale	Fin Whale	Balaenoptera physalus	х		
	Toothed Whale	Humpback Whale ^c	Megaptera novaeangliae	х		
	Toothed Whale	Killer whale	Orcinus orca		X	:
	Toothed Whale	Sperm Whale ^a	Physeter macrocephalus	x		
	Dolphins	Irrawaddy Dolphin ^b	Orcaella brevirostris	х		
	Dolphin	Indo-Pacific humpback dolphin	Sousa chinensis	х		
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