

OSPAR Decision 2010/1 on the Establishment of the Milne Seamount Complex Marine Protected Area

Preamble

RECALLING Article 2(1) of the Convention for the Protection of the Marine Environment of the North-East Atlantic (“the OSPAR Convention”),

RECALLING Annex V to the OSPAR Convention on the protection and conservation of the ecosystems and biological diversity of the maritime area, and in particular its Article 3(1)(b)(ii), which makes it a duty of the OSPAR Commission to develop means, consistent with international law, for instituting protective, conservation, restorative or precautionary measures related to specific areas or sites or related to specific species or habitats,

RECALLING the adoption of OSPAR Recommendation 2003/3 at the joint OSPAR/HELCOM Ministerial Meeting 2003 in Bremen, which calls upon Contracting Parties to establish the OSPAR Network of Marine Protected Areas and to ensure that by 2010 it is an ecologically coherent network of well-managed marine protected areas,

RECALLING that the need for protection of the biodiversity and ecosystems in the maritime area beyond national jurisdiction of the Contracting Parties is further recognised in the OSPAR Biodiversity and Ecosystems Strategy,

RECALLING that the OSPAR Commission agreed in 2009 that the Milne Seamount Complex is approved in principle as a potential Marine Protected Area in Areas Beyond National Jurisdiction (ABNJ) as a component of the OSPAR Network of Marine Protected Areas,

RECOGNISING that the OSPAR Commission endorsed in 2009 conservation objectives for the Milne Seamount Complex, as set out in OSPAR Recommendation 2010/12 on the Management of the Milne Seamount Complex Marine Protected Area,

RECALLING the commitment of the World Summit on Sustainable Development (WSSD, Johannesburg, September 2002) to promote the conservation and management of the oceans through actions at all levels, giving due regard to the relevant international instruments to develop and facilitate the use of diverse approaches and tools, including the ecosystem approach, the elimination of destructive fishing practices, the establishment of marine protected areas consistent with international law and based on scientific information, including representative networks by 2012 and time/area closures for the protection of nursery grounds and periods, proper coastal land use and watershed planning and the integration of marine and coastal areas management into key sectors,

RECALLING the United Nations General Assembly (UNGA) resolution *A/RES/63/111 of February 2009* reaffirming the need for States to continue and intensify their efforts, directly and through competent international organizations, to develop and facilitate the use of diverse approaches and tools for conserving and managing vulnerable marine ecosystems, including the possible establishment of marine protected areas, consistent with international law, as reflected in the Convention (UNCLOS), and based on the best

scientific information available, and the development of representative networks of any such marine protected areas by 2012,¹

RECOGNISING further that the establishment of this MPA does not prejudice the sovereign rights and obligations of coastal States to the continental shelf, including their inherent right to delineate outer limits of the continental shelf in accordance with UNCLOS,

RECOGNISING further that a range of human activities occurring, or potentially occurring, in the Milne Seamount Complex area are regulated in the respective frameworks of other competent authorities. These include, in particular, fishing (North-East Atlantic Fisheries Commission (NEAFC), International Commission for the Conservation of Atlantic Tunas (ICCAT), North Atlantic Salmon Conservation Organization (NASCO), North Atlantic Marine Mammal Commission (NAMMCO), and International Whaling Commission (IWC)), shipping (International Maritime Organization (IMO)), and extraction of mineral resources (International Seabed Authority (ISA)).

The Contracting Parties to the Convention for the Protection of the Marine Environment of the North-East Atlantic DECIDE:

1. Definitions

1.1 For the purpose of this Decision:

“*Marine Protected Area (MPA)*” means an area within the maritime area for which protective, conservation, restorative or precautionary measures, consistent with international law, have been instituted for the purpose of protecting and conserving species, habitats, ecosystems or ecological processes of the marine environment.

“*OSPAR Network of Marine Protected Areas*” means those areas which have been, and remain, reported by Contracting Parties, together with any other area in the maritime area beyond the national jurisdiction of the Contracting Parties which has been included as a component of the network by the OSPAR Commission.

“*Milne Seamount Complex*” refers to an area beyond national jurisdiction situated to the west of the Mid-Atlantic Ridge including the Milne Seamount, that rises to within 1000m of the surface and that is associated with several other seamounts, e.g. the Williams peak.

“*UNCLOS*” means the United Nations Convention on the Law of the Sea, 1982.

2. Purpose and Scope

2.1 The purpose of this Decision is to establish the Milne Seamount Complex Marine Protected Area with the goal of protecting and conserving the biodiversity and ecosystems of the seabed and the superjacent waters of the site in accordance with the conservation objectives set out in OSPAR Recommendation 2010/12 on the Management of the Milne Seamount Complex Marine Protected Area.

2.2 This Decision shall apply without prejudice to the rights and obligations of coastal States, other States and international organisations in accordance with UNCLOS and customary international law.

¹ UNGA Resolution A/RES/63/111 Oceans and the law of the sea adopted on 5 December 2008 (A/RES/63/111 of 12 February 2009), Para 134.

3. Establishment of the Milne Seamount Complex Marine Protected Area

3.1 The Milne Seamount Complex Marine Protected Area in an area of approximately 21 000 km² bounded by the following coordinates is established as a component of the OSPAR Network of Marine Protected Areas:

| Latitude N | Longitude W |
|-------------------|--------------------|
| 45,30 ° | 41,22 ° |
| 45,30 ° | 39,10 ° |
| 44,18 ° | 39,10 ° |
| 44,19 ° | 41,22 ° |

3.2. The boundaries of the Marine Protected Area in this Decision may be reviewed by the OSPAR Commission.

4. Entry into Force

4.1 This Decision enters into force on 12 April 2011.